

## PLANNING COMMISSION

September 14, 2016

Action Minutes

### WELCOME

### SALUTE TO THE FLAG

### ROLL CALL

PRESENT: Commissioners Abelite, Pham, Allen, Ballard, Bit-Badal, Vora, and Yesney

ABSENT: None

### SUMMARY OF HEARING PROCEDURES

#### 1. PUBLIC COMMENT

---

*A member of the public spoke on the mental and physical health effects of Urbanization, and a working group needs to be formed to discuss these matters.*

#### 2. DEFERRALS AND REMOVALS FROM CALENDAR

---

- a. **CP15-049 (Administrative Hearing).** Conditional Use Permit to allow a 1,600-square-foot Social Service Agency (food distribution storage and voucher sales) in an existing building on an approximately 1.0 gross acre site in the LI Light Industrial Zoning District located on the north side of Virginia Street, 120 feet east of South 3rd Street (143 East Virginia Street) (Levan Group Inc., Owner). Council District: 3. CEQA: Exempt per CEQA Guidelines Section 15301 for Existing Facilities. **PROJECT MANAGER, EDWARD SCHREINER**

**DEFERRED TO THE 10/12/16 PLANNING COMMISSION MEETING PER STAFF REQUEST (7-0-0)**

Access the video, agenda, and related reports for this meeting by visiting the City's website at:  
<http://sanjoseca.gov/index.aspx?NID=1763>

### 3. CONSENT CALENDAR

---

- a. **CP14-058 (Administrative Hearing)**. Conditional Use Permit to allow a Residential Service Facility for up to 14 people on an approximately 0.20 gross acre site in the R-M Multiple Residence Zoning District located on the east side of Page Street, approximately 800 feet south of Douglas Street (526 Page Street) (Julia Braun, Owner). Council District: 6. CEQA: Exempt per CEQA Guidelines Section 15301 for Existing Facilities. *Deferred from 8/10/16.*

*PROJECT MANAGER, EDWARD SCHREINER*

**1. DETERMINED THE EXEMPTION IS IN ACCORDANCE WITH CEQA (7-0-0)**

**2. APPROVED THE CONDITIONAL USE PERMIT – RESOLUTION NO. 16-039 (7-0-0)**

- b. **CP15-080 (Administrative Hearing)**. Conditional Use Permit to allow operation of a public drinking establishment and a billiards establishment on a 2.0 gross acre site in the CG Commercial General Zoning District located on south side of Burdette Drive 380 feet westerly of South King Road (1654 Burdette Drive) (My Ngoc Le, Lee's Sandwich Corporation, Owner). Council District 7. CEQA: Exempt per Section 15301(a) for Existing Facilities of the CEQA Guidelines. *Dropped and re-noticed from 7/27/16.* *PROJECT MANAGER, TRACY TAM*

**PULLED FROM CONSENT CALENDAR AND HEARD UNDER PUBLIC HEARING**

**1. DETERMINED THE EXEMPTION IS IN ACCORDANCE WITH CEQA (7-0-0)**

**2. APPROVED THE CONDITIONAL USE PERMIT – RESOLUTION NO. 16-040 (7-0-0), WITH THE FOLLOWING UPDATES TO THE RESOLUTION:**

- **ADDED NEW CONDITION: “#22. AGE OF PATRONS. IF A RESTAURANT USE IS INSTATED, PATRONS UNDER 21 YEARS OF AGE ARE PERMITTED WITHIN THE RESTAURANT AREA, WITH THE FOLLOWING EXCEPTIONS: NO PATRONS UNDER 21 SHALL BE ALLOWED WITHIN THE ESTABLISHMENT WHEN IT IS OPERATION AS A DRINKING AND ENTERTAINMENT ESTABLISHMENT. THE OPERATOR SHALL ENSURE THAT ALL PERSONS UNDER 21 YEARS OF AGE SHALL EXIT THE ESTABLISHMENT BEFORE 10:00 P.M. OR BEFORE THE DRINKING ESTABLISHMENT USES COMMENCE, WHICHEVER IS EARLIER.”**
- **UPDATED CONDITION #5 TO STATE THE FOLLOWING: “THIS CONDITIONAL USE PERMIT AUTHORIZES THE OPERATION OF A PUBLIC DRINKING ESTABLISHMENT AND A BILLIARD ROOM SOLELY IN THE AREA REFLECTED IN THE FLOOR PLAN (SHEET TI-2.1) OF THE PLANS ENTITLED, “M-CAFÉ BILLIARDS EXPANSION,” DATED RECEIVED ON DECEMBER 3, 2015 ON FILE WITH THE DEPARTMENT OF PLANNING, BUILDING, AND CODE ENFORCEMENT AS MAY BE AMENDED AND APPROVED BY THE DIRECTOR OF PLANNING, BUILDING, AND CODE ENFORCEMENT, AND TO THE SAN JOSE BUILDING CODE (SAN JOSE MUNICIPAL CODE, TITLE 24). THE APPROVED HOURS OF OPERATION ARE FROM 10:00 A.M. UNTIL 12:00 A.M., MONDAY THROUGH SUNDAY. ALL USE OF THE OUTDOOR DECK SHALL CEASE AT 10:00 P.M.”**

- c. [C16-031](#). Conventional Rezoning from LI Light Industrial Zoning District to the DC Downtown Primary Commercial Zoning District on a 0.16 gross acre site, located on the northeasterly corner of South Montgomery Street and West San Fernando Street (92 South Montgomery Street) (San Jose Redevelopment Agency, Owner). Council District 6. CEQA: Determination of Consistency with Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental Environmental Impact Report to the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 77617). *PROJECT MANAGER, TRACY TAM*
1. **RECOMMENDED TO THE CITY COUNCIL CONSIDERATION OF THE DETERMINATION OF CONSISTENCY WITH ENVISION SAN JOSÉ 2040 GENERAL PLAN FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (RESOLUTION NO. 76041) AND SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT TO THE ENVISION SAN JOSÉ 2040 GENERAL PLAN FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (RESOLUTION NO. 77617) (7-0-0)**
  2. **RECOMMENDED TO THE CITY COUNCIL THE APPROVAL OF A CONVENTIONAL REZONING ORDINANCE (7-0-0)**
- d. [CP15-067 \(Administrative Hearing\)](#). Conditional Use Permit and related permits to allow the demolition of two existing accessory structures totaling approximately 2,348 square feet, the expansion and conversion of an approximately 1,425 square foot non-conforming single-family dwelling structure to an approximately 2,465 square foot daycare center with up to 48 students and the removal of one ordinance-sized tree on a 0.37 gross acre site in the CP Commercial Pedestrian Zoning District located at the northwest corner of Curci Drive and Meridian Avenue, approximately 130 feet (979 Meridian Avenue) (Andrew Tse, Owner). Council District 6. CEQA: Exempt per CEQA Guidelines Section 15332 for In-Fill Development Projects.  
*PROJECT MANAGER, TRACY TAM*
1. **DETERMINED THE EXEMPTION IS IN ACCORDANCE WITH CEQA (7-0-0)**
  2. **APPROVED THE CONDITIONAL USE PERMIT AND RELATED PERMIT RESOLUTION – RESOLUTION NO. 16-041 (7-0-0), WITH THE FOLLOWING UPDATE TO THE RESOLUTION:**
    - **ADDED NEW CONDITION: “#6. REPLACEMENT TREES. IN ACCORDANCE WITH THE CITY’S STANDARD REPLACEMENT RATIO, TWO TREES ARE REQUIRED AS REPLACEMENTS FOR THE REMOVAL OF ONE (1) ORDINANCE SIZED TREE. THE REPLACEMENT TREES SHALL BE LOCATED ON THE PROJECT SITE. THE APPLICANT SHALL PROVIDE APPROPRIATE EVIDENCE SUCH AS, BUT NOT LIMITED TO, PHOTOGRAPHS AND/OR RECEIPTS TO THE PLANNING PROJECT MANAGER, TO VERIFY COMPLIANCE WITH SAID MITIGATION REQUIREMENTS. SUCH EVIDENCE SHALL BE LABELED “CP15-067” AND PROVIDED TO THE PLANNING PROJECT MANAGER, PRIOR TO THE ISSUANCE OF BUILDING PERMITS OR ANY PUBLIC WORKS CLEARANCES.”**
- e. [CP16-022 \(Administrative Hearing\)](#). Conditional Use Permit to allow the conversion of an existing 14,427 square foot office building to a private high school on a 0.84 gross acre site in the CO Commercial Office Zoning District located on the east side of Almaden Expressway, approximately 490 feet north of Branham Lane at 4340 Almaden Expressway (Hessling & Piper Investments, Owner). Council District: 9. CEQA: Exempt per CEQA Guidelines Section 15301(a) for Existing Facilities. *PROJECT MANAGER, LEA SIMVOULAKIS*

1. **DETERMINED THE EXEMPTION IS IN ACCORDANCE WITH CEQA (7-0-0)**
2. **APPROVED THE CONDITIONAL USE PERMIT – RESOLUTION NO. 16-042 (7-0-0)**

- f. [DA16-001](#). Consideration of an ordinance to approve the First Amendment to the Development Agreement between Jackson Taylor Partners, LLC, et.al. and the City of San José to vest previously approved Planned Development Zoning (File No. PDC15-018) and Planned Development Permit (File No. PD15-055) for the subject property located at 696 North 6th Street (City of San José, Owner). The First Amendment to the Development Agreement would vest the Zoning District designation of R-M(PD) Planned Development and the development standards set forth in the rezoning and also authorize the construction of 520 residential unit and 19,191 square feet of commercial space as further set forth in the Planned Development Permit. Council District: 3. CEQA: Determination of Consistency with the Japantown Corporation Yard Redevelopment Project Environmental Impact Report, and addendum thereto adopted by City Council (Resolution No. 74384).

*PROJECT MANAGER, LEA SIMVOULAKIS*

1. **RECOMMENDED TO THE CITY COUNCIL CONSIDERATION OF THE DETERMINATION OF CONSISTENCY WITH THE JAPANTOWN CORPORATION YARD REDEVELOPMENT PROJECT ENVIRONMENTAL IMPACT REPORT, AND ADDENDUM THERETO ADOPTED BY CITY COUNCIL (RESOLUTION NO. 74384) (7-0-0)**
2. **RECOMMENDED TO THE CITY COUNCIL THE APPROVAL OF A CONVENTIONAL REZONING ORDINANCE (7-0-0)**

#### **4. PUBLIC HEARING**

---

- a. [PDC14-068](#). Planned Development Rezoning from CG Commercial General Zoning District to the CP(PD) Planned Development Zoning District, to allow up to approximately 1 million square feet of office and commercial/retail, including mini-storage, outdoor theater, and television/radio station uses on an approximately 12.99 gross acre site, located at the northwesterly corner of Olsen Drive and Winchester Boulevard (Winchester Investment LLC, Owner). Council District 1. CEQA: Environmental Impact Report for the Santana West Development Project.

*PROJECT MANAGER, JOHN TU*

1. **RECOMMENDED TO THE CITY COUNCIL CONSIDERATION OF THE ENVIRONMENTAL IMPACT REPORT FOR THE SANTANA WEST DEVELOPMENT PROJECT (7-0-0)**
2. **RECOMMENDED ADOPTION OF A RESOLUTION MAKING CERTAIN FINDINGS CONCERNING SIGNIFICANT IMPACTS, MITIGATION MEASURES, AND ALTERNATIVES RELATING TO THE ENVIRONMENTAL IMPACT REPORT AND RECOMMENDED TO THE CITY COUNCIL THE APPROVAL OF A PLANNED DEVELOPMENT REZONING ORDINANCE (7-0-0)**

## **5. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS, OR OTHER AGENCIES**

---

*No Items*

## **6. GOOD AND WELFARE**

---

a. Report from City Council

*On September 13, 2016, City Council approved the Urban Agriculture Incentive Zone.*

b. Review and Approve Synopsis from [8-10-16](#)

*Action Minutes Approved (7-0-0), with amendment to reflect a “(5-0-2, Allen & Vora Abstained)” vote for review and approval of Action Minutes from 7-13-16.*

c. Subcommittee Formation, Reports, and Outstanding Business

*No Reports*

d. Commission Calendar and Study Sessions

*Planning Commission Retreat confirmed for the morning of October 14, 2016.*

e. The Public Record

*No Items*

## **ADJOURNMENT**