

## PLANNING COMMISSION

November 16, 2016

Action Minutes

### WELCOME

### SALUTE TO THE FLAG

### ROLL CALL

PRESENT: Commissioners Abelite, Pham, Allen, Ballard (absent after 11:30 pm), Vora (absent after 8:00 pm), and Yesney

ABSENT: Commissioner Bit-Badal

### SUMMARY OF HEARING PROCEDURES

#### 1. PUBLIC COMMENT

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*None*

#### 2. DEFERRALS AND REMOVALS FROM CALENDAR

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- a. The projects being considered are located on an approximately 10.6 gross acre site, at the southwest corner of North Capitol Avenue and Gimelli Way (641 N. Capitol Avenue), within the North Capitol/McKee Road Urban Village, (Krass Deborah Trustee, Owner). Council District 5. CEQA: 641 North Capitol Avenue Mixed-Use Project Mitigated Negative Declaration.

**PROJECT MANAGER, JOHN TU**

**PDC16-002.** Planned Development Rezoning from the R-M Multiple Residence Zoning District to the CP(PD) Planned Development Zoning District to allow two development scenarios: (1) up to 188 residential units, a minimum of 108,000 square feet of commercial space, and approximately 43,583 square feet of publicly accessible park or (2) should the planned amount of jobs be reduced in the Urban Village for which the site is located then allow up to 493 residential units, a minimum of 38,360 square feet of commercial space, and approximately 43,583 square feet of publically accessible park.

Access the video, agenda, and related reports for this meeting by visiting the City's website at:

<http://sanjoseca.gov/index.aspx?NID=1763>

[PT16-035](#). Tentative Condominium Map to subdivide 1 parcel to 6 lots and create 188 residential condominium units.

[PD16-025](#). Planned Development Permit to allow up to 188 residential units and a minimum of 108,000 square feet of commercial space.

**Staff Recommendation:**

- 1. DEFERRED TO THE 12/14/16 PLANNING COMMISSION MEETING PER APPLICANT REQUEST (6-0-1, BIT-BADAL ABSENT)**

- b. [GP14-008](#). City-initiated General Plan Amendment to change the Envision San José 2040 General Plan Land Use/Transportation Diagram land use designation from Public/Quasi-Public to Lower Hillside of a 3.2 acre site, located at the east side of Dove Hill Road, approximately 500 feet north of Hassler Parkway (4200 Dove Hill Road) (Kuehne Stanislaus and Eleanore Trustee & Et, Owner). Council District 8. CEQA: Dovehill Lower Hillside Negative Declaration.

*PROJECT MANAGER, JOHN TU*

**Staff Recommendation:**

- 1. DROPPED ITEM AS A RESULT OF THE CITY COUNCIL'S ACTION ON 11/15/16, WHICH DIRECTED STAFF TO CONTINUE PROCESSING THE ASSOCIATED PLANNED DEVELOPMENT ZONING AND PLANNED DEVELOPMENT PERMIT APPLICATIONS (FILE NOS. PDC14-051 AND PD16-019) (6-0-1, BIT-BADAL ABSENT)**

### **3. CONSENT CALENDAR**

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- a. [CP16-002 \(Administrative Hearing\)](#). Conditional Use Permit to allow a three-story mixed-use development with 2,396 square feet of commercial space and four residential units with an alternative parking arrangement on an approximately 0.11 gross acre site in the CP Commercial Pedestrian Zoning District located at the southwest corner of Willow Street and Palm Avenue (328 Willow Street) (Nazaradeh Edward Et Al, Owner). Council District 3. CEQA: Exempt per CEQA Guidelines Section 15303(c) for New Construction or Conversion of Small Structures. *PROJECT MANAGER, JOHN TU*

**Staff Recommendation:**

- 1. DETERMINED THE EXEMPTION IS IN ACCORDANCE WITH CEQA (6-0-1, BIT-BADAL ABSENT)**
- 2. APPROVED THE CONDITIONAL USE PERMIT – RESOLUTION NO. 16-049 (6-0-1, BIT-BADAL ABSENT)**

- b. [CPA93-017-01 \(Administrative Hearing\)](#). Conditional Use Permit Amendment to allow a 491-square foot building addition to an existing 1,634 square foot daycare center, to increase the student capacity from 32 children (previously approved with Conditional Use Permit File No. CP93-017) to 50 children, and outdoor uses within 150 feet of a residentially zoned property on a 0.23-gross acre site in the R-1-5 Single-Family Residence Zoning District, located at 1468 Saratoga Avenue (My Preschool Property LLC, Owner). Council District: 1. CEQA: Exempt per CEQA Guidelines Section 15332 for In-fill Development Projects. *PROJECT MANAGER, JENNIFER PIOZET*

**Staff Recommendation:**

- 1. DETERMINED THE EXEMPTION IS IN ACCORDANCE WITH CEQA (6-0-1, BIT-BADAL ABSENT)**
- 2. APPROVED THE CONDITIONAL USE PERMIT AMENDMENT – RESOLUTION NO. 16-050 (6-0-1, BIT-BADAL ABSENT)**

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

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- a. **H16-015 (Appeal Hearing).** APPEAL by the project applicant of the Planning Director’s denial of a 10-foot electric fence and approval of a Site Development Permit to allow the construction of a 7 foot, wrought iron-like fence on a 1.86 gross acre site, in the HI Heavy Industrial Zoning District, located on the southwesterly corner of Rogers Avenue and Junction Avenue at 1705 Rogers Avenue (1705 Rogers LP, Owner). Council District: 3. CEQA: Exempt per CEQA Guidelines Section 15303(e) for New Construction or Conversion of Small Structures. *Continued from 10/12/16.*

*PROJECT MANAGER, LEA SIMVOULAKIS*

**Staff Recommendation:**

- 1. DETERMINED THE EXEMPTION IS IN ACCORDANCE WITH CEQA (6-0-1, BIT-BADAL ABSENT)**
- 2. UPHELD THE PLANNING DIRECTOR’S DECISION AND DENIED THE APPEAL AND APPROVED THE SITE DEVELOPMENT PERMIT – RESOLUTION NO. 16-051 (6-0-1, BIT-BADAL ABSENT)**

- b. The projects being considered are located on a 0.35 gross acre site at 278 North 2<sup>nd</sup> Street in the CG Commercial General Zoning District (Mcmanis, James and Sara W., Owners). Council District 3. CEQA: Addendum to the Downtown Strategy 2000 Final Program Environmental Impact Report (Resolution No. 72767), Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041), and Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No. 77617). *PROJECT MANAGER, JUSTIN DANIELS*

**C16-020.** Rezoning from the CG Commercial General Zoning District to the DC Downtown Primary Commercial Zoning District.

**CP16-014.** Conditional Use Permit to allow the demolition of an existing building, the construction of a six story, 78-unit residential care facility, and the removal of six ordinance size trees.

**Staff Recommendation:**

- 1. RECOMMEND TO THE CITY COUNCIL CONSIDERATION OF THE ADDENDUM TO THE DOWNTOWN STRATEGY 2000 FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (RESOLUTION NO. 72767), ENVISION SAN JOSÉ 2040 GENERAL PLAN FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (RESOLUTION NO. 76041), AND ENVISION SAN JOSÉ 2040 GENERAL PLAN SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT (RESOLUTION NO. 77617) IN ACCORDANCE WITH CEQA (6-0-1, BIT-BADAL ABSENT)**
- 2. RECOMMEND TO THE CITY COUNCIL TO ADOPT A RESOLUTION TO APPROVE THE ADDENDUM; AND TO APPROVE A REZONING ORDINANCE AND A CONDITIONAL USE PERMIT RESOLUTION (6-0-1, BIT-BADAL ABSENT)**

- c. The projects being considered are located on three parcels totaling approximately 0.5 gross acres, located on the northeast corner of South Market Street and East William Street in the DC Downtown Primary Commercial Zoning District (APNs: 264-30-089, 264-30-090, and 264-30-114) (Core Gateway II LLC, Owner). Council District 3. CEQA: “Gateway Towers Mixed-Use Project” Supplemental Environmental Impact Report to the Final Program Environmental Impact Report for the Downtown Strategy 2000 (Resolution No. 72767). *PROJECT MANAGER, TRACY TAM*

**H15-047.** Site Development Permit to partially demolish Structure of Merit “Hegerich & Kemling Auto Sales” and fully demolish one non-historic building to construct a new 25-story mixed use building with up to 300 residential units and approximately 5,000 square feet of commercial space and the removal of one ordinance sized tree.

**T15-052.** Tentative Map to merge three parcels into one parcel and to create up to 300 residential condominiums.

**V16-005.** Development Variance Permit to allow a combination of 105 uniform sized parking spaces and 180 small sized parking spaces.

**Staff Recommendation:**

- 1. RECOMMEND TO THE CITY COUNCIL CONSIDERATION OF THE “GATEWAY TOWERS MIXED-USE PROJECT” SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT TO THE FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE DOWNTOWN STRATEGY 2000 (RESOLUTION NO. 72767) IN ACCORDANCE WITH CEQA (6-0-1, BIT-BADAL ABSENT)**
- 2. RECOMMEND ADOPTION OF A RESOLUTION MAKING CERTAIN FINDINGS CONCERNING SIGNIFICANT IMPACTS, MITIGATION MEASURES, AND ALTERNATIVES RELATED TO THE SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT AND CERTIFY THE SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT, AND TO APPROVE THE SITE DEVELOPMENT PERMIT RESOLUTION, TENTATIVE MAP RESOLUTION AND A DEVELOPMENT VARIANCE PERMIT RESOLUTION (6-0-1, BIT-BADAL ABSENT)**

- d. The project being considered is on an approximately 0.64 gross acre site, located at the southwesterly corner of Stevens Creek Boulevard and South Bascom Avenue (2202 Stevens Creek Boulevard) (SKW San José LLC, Owner). Council District 6. CEQA: Exempt per CEQA Guidelines Section 15303(c) for New Construction or Conversion of Small Structures. *PROJECT MANAGER, JOHN TU*

**PDC15-009.** Planned Development Rezoning from the CP Commercial Pedestrian Zoning District to CP(PD) Planned Development Zoning District to allow up to 10,000 square feet of commercial use.

**PD15-009.** Planned Development Permit to allow the demolition of an existing commercial building, construction of an 8,300 square foot, single-story commercial building with the off-sale of beer and wine, and late night use.

**ABC16-005.** Determination of Public Convenience or Necessity for the off-sale of beer and wine in a 2,500 square foot tenant space of an 8,300 square foot commercial building.

**Staff Recommendation:**

- 1. DETERMINED THE EXEMPTION IS IN ACCORDANCE WITH CEQA (4-0-2-1, BIT-BADAL & VORA ABSENT; BALLARD OPPOSED)**

**2. RECOMMEND TO THE CITY COUNCIL THE APPROVAL OF A PLANNED DEVELOPMENT REZONING ORDINANCE, A PLANNED DEVELOPMENT PERMIT RESOLUTION, AND A DETERMINATION OF CONVENIENCE OR NECESSITY (4-0-2-1, BIT-BADAL & VORA ABSENT; BALLARD OPPOSED)**

- e. **PDC16-013.** Planned Development Rezoning from the CN Commercial Neighborhood and R-M Multi-Family Residence Zoning Districts to the CIC(PD) Planned Development Zoning District, to allow up to 72,000 square feet indoor/outdoor recreation and entertainment use (Topgolf), a 200-room hotel, and up to 110,000 square feet of commercial/retail space. The project being considered is located on an approximately 39.9 gross acre site, at the southeasterly corner of North First Street and Liberty Street (4701 North First Street and 1561 & 1537 Liberty Street) (Sainte Claire Corp., Owner). Council District 4. CEQA: Mitigated Negative Declaration for the “Topgolf at Terra Project”.  
*Deferred from 10/26/16. PROJECT MANAGER, JOHN TU*

**THIS ITEM TO BE HEARD TOGETHER WITH ITEM 7.B.**

**Staff Recommendation:**

- 1. RECOMMEND TO THE CITY COUNCIL CONSIDERATION OF THE MITIGATED NEGATIVE DECLARATION FOR THE “TOPGOLF AT TERRA PROJECT” IN ACCORDANCE WITH CEQA (5-0-2, BIT-BADAL & VORA ABSENT)**
- 2. RECOMMEND ADOPTION OF A RESOLUTION TO APPROVE THE MITIGATED NEGATIVE DECLARATION; AND TO APPROVE A PLANNED DEVELOPMENT REZONING ORDINANCE (3-2-2, BIT-BADAL & VORA ABSENT; BALLARD & YESNEY OPPOSED)**

**5. OPEN THE GENERAL PLAN HEARING  
(CONTINUED FROM OCTOBER 26, 2016)**

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**6. GENERAL PLAN PUBLIC HEARING**

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- a. **GPT16-010.** A Director initiated General Plan Text Amendment to include an Implementation Chapter into both the Roosevelt Park and Little Portugal City Council adopted Urban Village Plans. CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental Environmental Impact Report to the Envision San José General Plan Final Program Environmental Impact Report (Resolution No. 77517). *PROJECT MANAGER, LESLEY XAVIER*

**Staff Recommendation:**

- 1. RECOMMEND TO THE CITY COUNCIL CONSIDERATION OF THE ENVISION SAN JOSÉ 2040 GENERAL PLAN FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (RESOLUTION NO. 76041) AND SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT TO THE ENVISION SAN JOSÉ GENERAL PLAN FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (RESOLUTION NO. 77517) IN ACCORDANCE WITH CEQA (5-0-2, BIT-BADAL & VORA ABSENT)**

2. **RECOMMEND THE CITY COUNCIL FIND THE PROJECT IN CONFORMANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND ADOPT A RESOLUTION FOR THE APPROVAL OF A DIRECTOR INITIATED GENERAL PLAN TEXT AMENDMENT TO INCLUDE AN IMPLEMENTATION CHAPTER, WITH THE STAFF RECOMMENDED TEXT CHANGE, INTO BOTH THE ROOSEVELT PARK AND LITTLE PORTUGAL CITY COUNCIL ADOPTED URBAN VILLAGE PLANS (5-0-2, BIT-BADAL & VORA ABSENT)**

## **7. GENERAL PLAN PUBLIC HEARING**

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- a. **GP16-003**. General Plan Amendment to the Land Use/Transportation Diagram from the Open Space, Parklands, and Habitat designation to the Residential Neighborhood designation on a 2.28 gross acre site located at 6100 Winfield Boulevard (Valley Christian Schools, Owner). *Continued from 11/2/16.* Council District: 10. CEQA: Negative Declaration. **PROJECT MANAGER, JUSTIN DANIELS**

### **Staff Recommendation:**

1. **DETERMINED THE EXEMPTION IS IN ACCORDANCE WITH CEQA (5-0-2, BIT-BADAL & VORA ABSENT)**
2. **RECOMMEND ADOPTION OF A RESOLUTION TO APPROVE NEGATIVE DECLARATION; AND TO DENY THE GENERAL PLAN TEXT AMENDMENT RESOLUTION (5-0-2, BIT-BADAL & VORA ABSENT)**

- b. **GPT16-001**. General Plan Amendment to the text of the Alviso Master Plan to modify the height restriction for a portion of area within the “Village Area” from 40 feet to 65 feet for buildings and allow non-structural uses such as energy saving devices, wireless communication antennae, net poles, and other associated structures to a maximum height of 170 feet. The project being considered is located on an approximately 39.9 gross acre site, at the southeasterly corner of North First Street and Liberty Street (4701 North First Street and 1561 & 1537 Liberty Street) (Sainte Claire Corp., Owner). Council District 4. CEQA: Mitigated Negative Declaration for the “Topgolf at Terra Project”. *Deferred from 10/26/16.* **PROJECT MANAGER, JOHN TU**

### **THIS ITEM TO BE HEARD TOGETHER WITH ITEM 4.F.**

### **Staff Recommendation:**

1. **RECOMMEND TO THE CITY COUNCIL CONSIDERATION OF THE MITIGATED NEGATIVE DECLARATION FOR THE “TOPGOLF AT TERRA PROJECT” IN ACCORDANCE WITH CEQA (5-0-2, BIT-BADAL & VORA ABSENT)**
2. **RECOMMEND ADOPTION OF A RESOLUTION TO APPROVE THE MITIGATED NEGATIVE DECLARATION; AND TO APPROVE A GENERAL PLAN AMENDMENT TO THE TEXT OF THE ALVISO MASTER PLAN RESOLUTION (3-2-2, BIT-BADAL & VORA ABSENT; BALLARD & YESNEY OPPOSED)**

- c. [The Alameda Urban Village Plan](#) is prepared by the City and community to provide a Policy framework to guide new job and housing growth within the Urban Village boundary and guide the preservation of existing neighborhoods and historic buildings. The Plan will also guide the characteristics of the future developments, including buildings, parks, plazas and public art, streetscape and circulation, and financing within this area. This Plan supports the identified growth capacity for this Urban Village in the Envision San José 2040 General Plan, providing the capacity for development of approximately 411 new dwelling units and 1,610 new jobs (483,000 square feet of commercial space). CEQA: Determination of Consistency with the Envision San Jose 2040 General Plan (Resolution No. 76041, November 1, 2011). *Deferred from 10/26/16.*  
**PROJECT MANAGER, LEILA HAKIMIZADEH**

**Staff Recommendation:**

- 1. RECOMMEND TO THE CITY COUNCIL CONSIDERATION OF THE ENVISION SAN JOSÉ 2040 GENERAL PLAN FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT AND ITS SUPPLEMENTAL REPORT IN CONFORMANCE WITH CEQA, RECOMMEND TO THE CITY COUNCIL ADOPTION OF A RESOLUTION APPROVING THE ALAMEDA URBAN VILLAGE PLAN AS DESCRIBED AND TO CHANGE THE GENERAL PLAN LAND USE DESIGNATIONS ON PROPERTIES WITHIN THE BOUNDARY OF THIS PLAN AS SHOWN ON THE LAND USE MAP AND WILL ADD A “URBAN VILLAGE COMMERCIAL” LAND USE DESIGNATION TO THE GENERAL PLAN IN ACCORDANCE WITH CEQA (4-0-3, BALLARD, BIT-BADAL & VORA ABSENT)**
- 2. RECOMMEND ADOPTION OF A RESOLUTION APPROVING THE ALAMEDA URBAN VILLAGE PLAN AS DESCRIBED ABOVE (4-0-3, BALLARD, BIT-BADAL & VORA ABSENT)**

- d. [GPT16-009](#). City-initiated General Plan Text Amendments associated with the General Plan Four-Year Review. Council District: Citywide. CEQA: Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental Environmental Impact Report to the Envision San José General Plan Final Program Environmental Impact Report (Resolution No. 77517). **PROJECT MANAGER, JARED HART**

**Staff Recommendation:**

- 1. RECOMMEND TO THE CITY COUNCIL CONSIDERATION OF THE ADDENDUM TO THE ENVISION SAN JOSÉ 2040 GENERAL PLAN FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (RESOLUTION NO. 76041) AND SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT TO THE ENVISION SAN JOSÉ GENERAL PLAN FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (RESOLUTION NO. 77517) IN ACCORDANCE WITH CEQA (4-0-3, BALLARD, BIT-BADAL & VORA ABSENT)**
- 2. RECOMMEND ADOPTION OF A RESOLUTION TO APPROVE THE ADDENDUM; AND THE APPROVAL OF A CITY-INITIATED GENERAL PLAN TEXT AMENDMENT RESOLUTION AS DESCRIBED ABOVE (4-0-3, BALLARD, BIT-BADAL & VORA ABSENT)**

## **8. CONTINUE THE GENERAL PLAN HEARING TO NOVEMBER 2, 2016**

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

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*No Items*

## **10. GOOD AND WELFARE**

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- a. Report from City Council

*No Reports*

- b. Review and Approve Action Minutes from [11-2-16](#)

*Action Minutes Approved (4-0-3, Ballard, Bit-Badal & Vora absent)*

- c. Subcommittee Formation, Reports, and Outstanding Business

*No Reports*

- d. Commission Calendar and Study Sessions

*No Reports*

- e. The Public Record

*No Items*

## **ADJOURNMENT**