

PLANNING COMMISSION

December 14, 2016

Action Minutes

WELCOME

SALUTE TO THE FLAG

ROLL CALL

PRESENT: Commissioners Abelite, Pham, Allen, Ballard, Vora (arrived at 6:36 pm), and Yesney

ABSENT: Commissioner Bit-Badal

SUMMARY OF HEARING PROCEDURES

1. PUBLIC COMMENT

None

2. DEFERRALS AND REMOVALS FROM CALENDAR

- a. **CP16-047.** Conditional Use Permit to allow a drinking establishment and after midnight uses at proposed restaurant on a 0.22 gross acre site, in the DC Downtown Primary Commercial Zoning District, located at 99 South 1st Street (Wilcox Block LLC, Owner). Council District 3. CEQA: Exempt per CEQA Guidelines Section 15301(h) for Existing Facilities.

PROJECT MANAGER, JUSTIN DANIEL

DROPPED ITEM PER STAFF REQUEST (5-0-2, BIT-BADAL & VORA ABSENT)

3. CONSENT CALENDAR

- a. **CP16-026 (Administrative Hearing)**. Conditional Use Permit to demolish an existing 5,000 square foot commercial building, the removal of seven ordinance size trees and 20 non-ordinance size trees, and construct a four-story, 200-unit residential care facility on an approximately 3.55 gross acre site in the CN Commercial Neighborhood Zoning District located on the northeast corner of Almaden Expressway and Branham Lane (4606 Almaden Expressway) (4606 RPP GVC, LLC, Owner). Council District 9. CEQA: Mitigated Negative Declaration for Holden of San Jose Assisted Living Facility. *Deferred from 12/7/16. PROJECT MANAGER, JUSTIN DANIELS*

PULLED FROM CONSENT CALENDAR AND HEARD UNDER PUBLIC HEARING

- 1. DETERMINED THE MITIGATED NEGATIVE DECLARATION FOR HOLDEN OF SAN JOSE ASSISTED LIVING FACILITY IS IN ACCORDANCE WITH CEQA (6-0-1, BIT-BADAL ABSENT)**
- 2. APPROVED A MODIFIED CONDITIONAL USE PERMIT – RESOLUTION NO. 16-057 (6-0-1, BIT-BADAL ABSENT), INCORPORATING THE FOLLOWING CHANGES:**
 - **SINCE THE CONCLUSION OF THE PUBLIC CIRCULATION PERIOD OF THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION (IS/MND), CLARIFICATIONS WERE MADE REGARDING THE LOCATION OF THE RIPARIAN EDGE. SPECIFICALLY, THE OUTER DRIP LINE OF RIPARIAN VEGETATION ALONG THE EDGE OF THE RIPARIAN CORRIDOR WAS CORRECTED PER THE ATTACHED BIOLOGIST REPORT AND SITE PLAN.**
 - **STAFF HAS ALSO CORRECTED THE FOLLOWING IN THE STAFF REPORT AND RESOLUTION:**
 - **SINCE THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION ANALYZED 240 BEDS AND 200 UNITS, THE PROJECT DESCRIPTION WAS UPDATED TO INCLUDE 240 BEDS INSTEAD OF 230 BEDS, WHICH WAS IDENTIFIED IN THE RESOLUTION. THE 240 BEDS STILL MEET THE PARKING REQUIREMENTS AS IDENTIFIED IN THE ATTACHED UPDATED RESOLUTION.**
 - **CONDITION 15 WAS UPDATED TO REMOVE THE FOLLOWING LANGUAGE: "FROSTED GLASS IS REQUIRED ON THE SOUTHERN ELEVATION AS NOTED ON THE APPROVED PLAN SET." THIS LANGUAGE WAS MISTAKENLY INCLUDED AND IS NOT APPLICABLE TO THE PROJECT.**
 - **CONDITION 5 WAS ADDED FOR AFFORDABLE HOUSING. "THE ABOVE REFERENCED DEVELOPMENT MAY BE SUBJECT TO THE CITY'S INCLUSIONARY HOUSING ORDINANCE OR AFFORDABLE HOUSING IMPACT FEE (AHIF). IF THE DEVELOPMENT IS SUBJECT TO THE REFERENCED ORDINANCE OR AHIF, THE PERMITTEE SHALL, AS PART OF THE APPLICATION FOR FIRST APPROVAL, SUBMIT AN AFFORDABLE HOUSING COMPLIANCE PLAN APPLICATION TO THE HOUSING DEPARTMENT. ADDITIONALLY, PRIOR TO THE ISSUANCE OF BUILDING PERMITS, OR ANY FINAL APPROVAL OF ANY FINAL OR PARCEL MAP, THE PERMITTEE MUST EXECUTE AND RECORD THEIR AFFORDABLE HOUSING AGREEMENT WITH THE CITY. THE INCLUSIONARY HOUSING ORDINANCE AND AHIF RESOLUTION EXEMPT CERTAIN DEVELOPMENTS FROM AFFORDABLE HOUSING OBLIGATIONS. HOWEVER, REGARDLESS OF WHETHER THE**

PERMITTEE EXEMPTION APPLIES TO THIS PROJECT, THE PERMITTEE MUST SUBMIT AN AFFORDABLE HOUSING COMPLIANCE PLAN APPLICATION AND THE APPLICATION PROCESSING FEE TO THE HOUSING DEPARTMENT AS PART OF THE APPLICATION FOR FIRST APPROVAL. NO TEMPORARY CERTIFICATE OF OCCUPANCY, CERTIFICATE OF OCCUPANCY, OR NOTICE OF COMPLETION FOR ANY UNITS WILL BE ISSUED UNTIL ALL APPLICABLE REQUIREMENTS OF THE INCLUSIONARY HOUSING ORDINANCE, AND/OR THE AHIF RESOLUTION ARE MET."

- b. [CP16-027 \(Administrative Hearing\)](#). Conditional Use Permit to allow the removal of existing rooftop radomes and associated wireless communication antennas and equipment and the construction of a new 52-foot wireless communication antenna with a monopine design and associated equipment on a 2.95-gross acre site in the HI Heavy Industrial Zoning District located at 1150 Mabury Road (Manuel P. Andrade Jr., Owner). Council District 4. CEQA: Exempt per CEQA Guidelines Section 15303 for New Construction or Conversion of Small Structures.

PROJECT MANAGER, REBECCA BUSTOS

1. **DETERMINED THE EXEMPTION IS IN ACCORDANCE WITH CEQA (5-0-2, BIT-BADAL & VORA ABSENT)**
2. **APPROVED THE CONDITIONAL USE PERMIT – RESOLUTION NO. 16-058 (5-0-2, BIT-BADAL & VORA ABSENT)**

4. PUBLIC HEARING

- a. [CP15-059 \(Administrative Hearing\)](#). Conditional Use Permit to allow the demolition of existing accessory structures and the conversion of two single-family residences totaling 3,167 square feet to a day care center, for up to 40 children, with associated site improvements and outdoor uses within 150 feet of residences on a 0.4-gross acre site, in the Pedestrian Commercial CP Zoning District located on the southeast corner of Lincoln Avenue and Lincoln Court (2154 and 2164 Lincoln Avenue) (Carol Freitas, Owner). Council District 6. CEQA: Exempt per CEQA Guidelines Section 15332 for In-Fill Development Projects. *PROJECT MANAGER, REBECCA BUSTOS*

1. **DETERMINED THE EXEMPTION IS IN ACCORDANCE WITH CEQA (6-0-1, BIT-BADAL ABSENT)**
2. **APPROVED THE CONDITIONAL USE PERMIT – RESOLUTION NO. 16-059 (6-0-1, BIT-BADAL ABSENT)**

- b. The projects being considered are located on a 0.13-gross acre site in the R-M Multiple Residence Zoning District located on the west side of North 13th Street, approximately 200 feet north of Washington Street (421 North 13th Street) (John and Betty Licking, Owners). Council District 3. CEQA: Exempt per CEQA Guidelines Section 15301(a) for Existing Facilities. *Deferred from 9/28/16; Dropped and re-noticed from 10/12/16. PROJECT MANAGER, PATRICK KELLY*

[CP15-073 \(Administrative Hearing\)](#). Conditional Use Permit to allow a 25-bed Residential Care Facility (23 client beds and two resident manager beds) within an existing 3,089-square foot single-family residence.

[RA16-002 \(Administrative Hearing\)](#). Request for Reasonable Accommodation to allow reduced parking for a 25-bed Residential Care Facility (23 client beds and two resident manager beds) located within an existing 3,089-square foot single-family residence.

1. CONTINUE TO THE 1/25/17 PLANNING COMMISSION MEETING (6-0-1, BIT-BADAL ABSENT)

DIRECT STAFF TO:

- **CLARIFYING THE NUMBER OF EMPLOYEES ON-SITE AND NUMBER OF PARKING SPACES THAT CAN BE ACCOMMODATED ON-SITE, AND MODIFYING THE CONDITIONAL USE PERMIT AND REASONABLE ACCOMMODATION ACCORDINGLY**
- **CLARIFY ANY STATE REQUIREMENT FOR THE RATIO OF RESIDENT STAFF TO RESIDENT CLIENTS, AND HOW THIS MAY LIMIT THE NUMBER OF RESIDENTS.**
- **FURTHER DEFINE WHAT CONSTITUTES OVERCONCENTRATION**
- **ADD CONDITIONS REQUIRING A COMMUNITY LIAISON/AMBASSADOR TO BUILD AND MAINTAIN COMMUNITY RELATIONS, AND PROVIDE A GOOD NEIGHBOR CONTACT PERSON AVAILABLE ON-SITE 24/7, SIMILAR TO 2500 SENTER ROAD PROJECT, AND INCLUDE THIS INFORMATION IN A PUBLICALLY-VISIBLE LOCATION.**
- **HISTORY OF THE LIFE CHOICES RESIDENTIAL FACILITY AT 1157 E. TAYLOR STREET AND POTENTIAL CONNECTION TO THE APPLICANT FOR THE SUBJECT FACILITY**

- c. 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. *Deferred from 11/16/16.*
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 City Council approve a reduction in the amount of required jobs in the North Capitol/McKee Road 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.

PT16-035. Vesting Tentative Map to subdivide one parcel into six parcels and then resubdivide 3 parcels into no more than 188 residential condominium units and allow commercial development on the remaining three parcels.

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

- 1. RECOMMEND TO THE CITY COUNCIL CONSIDERATION OF THE 641 NORTH CAPITOL AVENUE MIXED-USE PROJECT MITIGATED NEGATIVE DECLARATION IS IN ACCORDANCE WITH CEQA (6-0-1, BIT-BADAL ABSENT)**
- 2. RECOMMEND ADOPTION OF A RESOLUTION TO APPROVE THE MITIGATED NEGATIVE DECLARATION; AND TO APPROVE A PLANNED DEVELOPMENT REZONING ORDINANCE, VESTING TENTATIVE MAP RESOLUTION AND PLANNED DEVELOPMENT PERMIT RESOLUTION. PER STAFF'S RECOMMENDED PHASING PLAN, WHICH REQUIRES THE COMMERCIAL**

**LAND USES TO BE BUILT PRIOR TO OR AT THE SAME TIME AS THE
RESIDENTIAL LAND USES (6-0-1, BIT-BADAL ABSENT)**

**5. OPEN THE GENERAL PLAN HEARING
(CONTINUED FROM DECEMBER 7, 2016)**

6. CLOSE THE GENERAL PLAN HEARING

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

No Items

8. GOOD AND WELFARE

a. Report from City Council

December 13, 2016 City Council hearing:

- i. Approval of the General Plan Text Amendments associated with the General Plan Four-Year Review.*
- ii. Dropped the General Plan Text Amendment to the Roosevelt Park and Little Portugal Urban Village Plans to include an Implementation Chapter.*
- iii. Approval of the Alameda Urban Village Plan Policy Framework.*
- iv. Approval of a General Plan Land Use/Transportation Diagram Amendment from Public/Quasi-Public to Neighborhood/Community Commercial on a 27-acre site located at the northeasterly corner of Yerba Buena Road and San Felipe Road for Evergreen Valley Community College (File No. GP16-007).*
- v. Approval of a Conforming Rezoning from the CP Commercial Pedestrian Zoning District to the CN Commercial Neighborhood Zoning District for a 0.85 acre site located at 16455 Almaden Expressway.*
- vi. Approval of a General Plan Text Amendment to the Alviso Master Plan to increase the site's allowable height to 65 feet and allow up to 170 feet for net poles. Approval of a Planned Development Rezoning to allow up to 72,000 square feet of indoor/outdoor recreation, 200-room hotel, and up to 110,000 square feet of commercial/retail space for a site located at the Southeasterly corner of N. First Street and Liberty Street (File Nos. GPT16-001 and PDC16-013).*

- b. Review and Approve Action Minutes from [12-7-16](#)
Action Minutes approved (6-0-1, Bit-Badal absent))

- c. Subcommittee Formation, Reports, and Outstanding Business

No Reports

- d. Commission Calendar and Study Sessions

1/11/17 Planning Commission hearing cancelled.

- e. The Public Record

No Items

ADJOURNMENT