

PLANNING COMMISSION

February 13, 2013

Action Report

ROLL CALL

PRESENT: Commissioners Bit-Badal, Abelite, Cahan, Kamkar, Kline, O'Halloran and Yob

ABSENT: None

1. DEFERRALS

- a. **CP12-016. (Administrative Hearing)** Conditional Use Permit to amend the ratio of K-8 students and daycare children at a previously approved private elementary school/daycare (Appleseed Montessori School) on 10.77 gross acre site in the R-1-1 Single-Family Residence Zoning District located on east side of Dent Avenue, immediately south of State Route 85 (5200 DENT AV)(Los Gatos Unified School District, Owner). Council District 9. CEQA: Exempt. *PROJECT MANAGER, KRISTINAE TOOMIANS*

DEFERRED TO 3/13/13, PER STAFF REQUEST (7-0-0)

2. CONSENT CALENDAR

- a. **CP12-045. (Administrative Hearing)** Conditional Use Permit to demolish an existing restaurant building and construct a new 7,660 square foot full-service restaurant in the CG Commercial General Zoning District on a .58 gross acre site located on the north side of Eastridge Loop 800 feet westerly of Capitol Expressway (2226 Eastridge Loop) (General Growth Properties, Owner/Olive Garden, Developer). Council District 8. CEQA: Exempt. *PROJECT MANAGER, MEGAN SHRUBSOLE*

HEARD UNDER PUBLIC HEARING; CONTINUED TO 2/27/13, PER APPLICANT REQUEST (7-0-0)

Access the video, agenda, and related reports for this meeting by visiting the City's website at:
<http://www.sanjoseca.gov/planning/hearings/>

- b. [CP12-048. \(Administrative Hearing\)](#) Conditional Use Permit to allow a 2,954 square feet addition to an existing church in the R-1-8 Residential Zoning District, on a 5.53 gross acre site located on the west side of McLaughlin Avenue, approximately 110 feet northerly of Algiers Avenue (1523 McLaughlin Avenue)(The Roman Catholic Bishop of San Jose, Owner). Council District 7. CEQA: Exempt. *PROJECT MANAGER, APARNA ANKOLA*

APPROVED – RESOLUTION NO. 13-006 (7-0-0)

- c. [CP12-051 \(Administrative Hearing\)](#). Conditional Use Permit (formerly Special Use Permit File No. SP12-014) to allow a metal recycling facility on a 7.9 acre site in the HI-Heavy Industrial Zoning District, located on the northwest corner of Pullman Way and Daylight Way (111 Pullman Way) (KKN SJP Props LLC, Owner). Council District 7. CEQA: Mitigated Negative Declaration (MND) to be adopted; public welcome to comment on MND through 1/21/13. *Deferred from 1/23/13. PROJECT MANAGER, JOHN BATY*

**ADOPTED MITIGATED NEGATIVE DECLARATION
RESOLUTION NO. 13-007 (7-0-0)**

APPROVED – RESOLUTION NO. 13-008 (7-0-0)

- d. [PDC13-002.](#) Planned Development Rezoning from R-1-8 to the R-1-8(PD) Planned Development Zoning District to allow up to two single-family residential units on a .21 gross arce site located at the northwest corner of Margaret Street and S. 13th Street (681 S. 13 Street) (Firoz Pradhan & Mohammad Ibrahim, Owners). Council District 3. CEQA: Exempt. *PROJECT MANAGER, KRISTINAE TOOMIANS*

**HEARD UNDER PUBLIC HEARING; RECOMMENDED APPROVAL
(7-0-0)**

3. PUBLIC HEARING

- a. [CP12-025. \(Administrative Hearing\)](#) Conditional Use Permit to allow the remodeling and expansion of an existing gasoline service station/convenience store including the installation of two fuel dispensers, canopy enlargement and a 75 square foot building addition in the CP Pedestrian Commercial Zoning District, located at the Northeast corner of Piedmont Road and Sierra Road (1304 PIEDMONT RD) (Robinson Oil Company, Owner). Council District 4. CEQA: Mitigated Negative Declaration. *PROJECT MANAGER, MATTHEW VAN OOSTEN*

**ADOPTED MITIGATED NEGATIVE DECLARATION
RESOLUTION NO. 13-009 (7-0-0)**

APPROVED – RESOLUTION NO. 13-010 (7-0-0)

- b. **PD12-017 and ABC13-001.** Planned Development Permit and Determination of Public Convenience or Necessity to allow construction of an approximately 32,900 square foot grocery store (Whole Foods) with off-site sales of alcohol (full range of alcoholic beverages) and an on-site brewery on a 2.19 acre site, located on the northwest corner of The Alameda and Stockton Avenue (155 Stockton Ave) (Alameda/Stockton LLC, Owner). Council District 6. CEQA: Re-Use of Mitigated Negative Declaration (File No. PDC06-064). *PROJECT MANAGER, JOHN BATY*

RECOMMENDED APPROVAL (7-0-0)

- c. **PDC11-021.** Planned Development Rezoning from A(PD) to A(PD) to allow for up to seven (7) new single-family detached dwellings and preservation of an existing historic house/complex and ranch buildings on approximately 7.48 gross acres, located on the east side of San Felipe Road and west side of Livery Lane, approximately 650 feet southerly of Running Springs Road (E.N. Richmond Trust, Owner). Council District 8. CEQA: Mitigated Negative Declaration. *PROJECT MANAGER, JEFF ROCHE*

RECOMMENDED APPROVAL (7-0-0)

- d. **ORDINANCE AMENDMENTS TO SECTIONS & CHAPTERS OF TITLE 20 OF THE SAN JOSE MUNICIPAL CODE (THE ZONING CODE).** CEQA: Final Program Environmental Impact Report (EIR) for the Envision San José 2040 General Plan, EIR Resolution No. 76041 (File Nos. PP13-007 and PP13-008). Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that this activity is within the scope of the Envision San José 2040 General Plan Program approved previously. The Final Program Environmental Impact Report (EIR) for the Envision San José 2040 General Plan entitled, “Envision San José 2040 General Plan,” for which findings were adopted by City Council Resolution No. 76041 on November 1, 2011, adequately describes the activity for the purposes of CEQA. The project does not involve new significant effects beyond those analyzed in this Final EIR. Therefore, the City of San José may take action on the project as being within the scope of the Final EIR, File Nos. PP13-007 and PP13-008. *PROJECT MANAGER, JENNY NUSBAUM*

1. **Parking Ordinance:** An Ordinance of the City of San José amending Title 20 of the San José Municipal Code (the Zoning Ordinance) to amend: Section 20.70.330 of Chapter 20.70 (Downtown Zoning Regulations); numerous sections of Chapter 20.90 (Parking and Loading); Sections 20.100.1300 and 20.100.1320 of Chapter 20.100 (Administration and Permits); and to add new sections to Chapter 20.200 (Definitions) to add definitions for “Area Development Policy,” “Car-Share,” “Charge Station,” and “Urban Village,” all to modify parking requirements for certain enumerated uses to further implement the Economic Development, Land Use, and Transportation Policies set forth within the Envision San José 2040 General Plan, and to make other technical, formatting or other nonsubstantive changes within those Chapters of Title 20 (File No. PP13-007).

RECOMMENDED APPROVAL (7-0-0)

2. **Economic Development Ordinance:** An Ordinance of the City of San José amending Title 20 of the San José Municipal Code (the Zoning Ordinance) to amend: Section 20.10.060 of Chapter 20. 10 (General Provisions and Zoning Districts) to add the CIC-Combined Industrial Commercial and the TEC-Transit Employment Center Zoning Districts; Section 20.20.100 of Chapter 20.20 (Open Space & Agricultural Zoning Districts) to allow Certified Farmers’ Markets in the A-Agriculture and OS-Open Space Zoning Districts; Sections 20.40.100, 20.40.200, 20.40.230 and 20.40.400 of Chapter 20.40 (Commercial Zoning Districts) to allow Wholesale Auto Dealers with no on-site storage as a Permitted Use in Commercial Zoning Districts, to reduce minimum required setbacks for Commercial Zoning Districts, and to clarify Incidental Auto-Repair uses; Section 20.50.010 of Chapter 20.50 to create the TEC-Transit Employment Center Zoning District category, Sections 20.50.100 and 20.50.200 of Chapter 20.50 to add more flexibility for the development of specific Commercial and Industrial uses in the Industrial Zoning Districts including, but not limited to creating the TEC-Transit Employment Center Zoning District enumerated uses and development standards, adding Off-site Sale of Alcohol as a Conditional Use incidental to a Winery/Brewery or Distillery and clarifying Incidental Auto-Repair uses; Sections 20.80.710 and 20.80.720 of Chapter 20.80 to allow Cottage Food Operations and Wholesale Auto Dealer uses with no display or storage as Home Occupations within Residential Zoning Districts and Section 20.80.1400 of Chapter 20.80 to amend provisions for outdoor private property special events; Section 20.120.110 of Chapter 20.120 (Zoning Changes and Amendments) to add the TEC Zoning District as a Conforming District; Chapter 20.150 by deleting Section 20.150.330 (Amortization – Incidental Dancing and Music); and Chapter 20.200 to add new sections to add definitions of “Banquet Facility” and “Cottage Food Operation,” and Section 20.200.700 of Chapter 20.200 to amend the definition of “Lot Line”; all to further implement the Economic Development, Land Use, and Transportation Policies set forth within the Envision San José 2040 General Plan and to make other technical, formatting or other nonsubstantive changes within those sections of Title 20 (File No. PP13-008)

RECOMMENDED APPROVAL (7-0-0)

4. PETITIONS AND COMMUNICATIONS

None

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

None

6. GOOD AND WELFARE

a. Report from City Council

City Council approved the Santa Clara Valley Habitat Conservation Plan and also an extension of North San Jose incentives.

b. Commissioners' Report from Committees:

1. Norman Y. Mineta San José International Airport Noise Advisory Committee (Cahan)
None

c. Review and Approve Synopsis from [01-23-13](#).

Approved (6-0-1; Cahan Abstain)

d. Subcommittee Formation, Reports, and Outstanding Business

1. Urban Design/Shopping Center Retrofit Subcommittee (Bit-Badal and Abelite)
None

2. Riparian Subcommittee (Kamkar and Cahan)
None

3. By-Laws Subcommittee (Yob and Bit-Badal)

A meeting is being set up for the committee and outreach will occur after that meeting.

e. Commission Calendar and Study Sessions

Additional Urban Village Study Session scheduled for 3/13/13, North San Jose Study Session rescheduled to 7/10/13, Santa Clara Valley Habitat Conservation Plan Study Session to be scheduled at the next meeting, and, Riparian Study Session scheduled for 6/12/13.