

Item 10.3

Permit and Environmental Appeal on the Planning Director's Decision on the Race Street and San Carlos Street Chick-fil-A Project

File Nos. H24-046 & ER24-195

September 16, 2025

Presenter: Christopher Burton, Director, Planning, Code and Building Enforcement

Project Components

- Applicant is requesting a Site Development Permit to allow construction of a 5,139 SF quick-service restaurant with an outdoor patio through the demolition of a 3,817 SF commercial building and removal of 20 ordinance-size trees
- Site Development Permit approved at June 11, 2025, Director's Hearing with a condition ("Condition 6") to retain the existing commercial building, as the Hearing Officer stated the permit findings for demolition could not be made.
- Owner made timely appeals of both the permit (specifically Condition 6) and environmental decisions, including additional information rebutting the Hearing Officer's decision regarding demolition.



Project Review



Project Reviewed for Conformance with:

- Envision San José 2040 General Plan
- West San Carlos Urban Village Plan
- Municipal Code
- Citywide Design Guidelines and Standards
- City Council Policy 6-30: Public Outreach
- California Environmental Quality Act (CEQA)

Environmental Review

- **Class 32 Exemption for In-Fill Development Projects**
 - The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
 - The proposed development occurs within city limits on a project site of no more than five acres, substantially surrounded by urban uses.
 - The project site has no value as habitat for endangered, rare, or threatened species.
 - Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
 - The site can be adequately served by all required utilities and public service.

Public Outreach

- On-site sign posted on December 9, 2024
- Community Meeting held March 27, 2025
- 139 e-mails received over project review period (5 for, 134 against)
- Change.org petition with over 3,200 signatures opposing the project was included in public comment package

Staff Recommendation

Recommendation that the City Council:

- Conduct an Administrative Hearing to consider the appeal of the Planning Director’s approval of a Site Development Permit to allow the construction of a one-story, approximately 5,139-square-foot quick-service restaurant with an outdoor patio and the removal of 20 ordinance-size trees on an approximately 1.09-gross-acre site.
- Adopt a resolution denying the environmental appeal and upholding the Planning Director’s reliance on the Categorical Exemption under Section 15332 of the CEQA Guidelines for the 1301 West San Carlos Street Chick-fil-A Project in accordance with CEQA, as amended, and finding that the:
 - City Council has independently reviewed and analyzed the Categorical Exemption for the 1301 West San Carlos Street Chick-fil-A Project and related administrative records related to Site Development Permit No. H24-046;
 - Categorical Exemption for the 1301 West San Carlos Street Chick-fil-A Project was prepared and completed in full compliance with the CEQA, as amended, together with state and local implementation guidelines;
 - Reliance on the Categorical Exemption for the 1301 West San Carlos Street Chick-fil-A Project reflects the independent judgment and analysis of the City of San José, as the lead agency for the Project; and Preparation of an Environmental Impact Report or Mitigated Negative Declaration/Negative Declaration is not required because the appeal does not raise any issues that would disqualify the project from a Categorical Exemption under Section 15332 of the CEQA Guidelines.
- Adopt a resolution approving the permit appeal and approving, subject to conditions, a modified Site Development Permit removing Condition 6 and allowing the construction of a one-story, approximately 5,139-square-foot quick-service restaurant with an outdoor patio through the demolition of an approximately 3,817-square-foot commercial building and the removal of 20 ordinance-size trees on an approximately 1.09-gross-acre site.