

Shiloh Ballard — Chair
Peter Allen
Mariel Caballero
Michelle Yesney

Melanie Griswold — Vice Chair
Rolando Bonilla
Pierluigi Oliverio

REGULAR HEARING AGENDA

6:30 p.m.

January 15, 2020

San José City Hall
Council Chambers

I. Call to Order & Orders of the Day

II. Public Comment

Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the Commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:

- *Responding to statements made or questions posed by members of the public; or*
- *Requesting staff to report back on a matter at a subsequent meeting; or*
- *Directing staff to place the item on a future agenda.*

III. Deferrals

IV. Consent Calendar

- a. [CP19-003 \(Administrative Hearing\)](#). Conditional Use Permit to allow the conversion of two existing 8,491-square foot, one-story vacant medical office buildings to a Day Care Center with a 58-square foot addition to connect these two buildings to accommodate up to 133 children and 20 staff, to exceed the noise criteria of the Zoning Ordinance at the residences to the west of the playground, and the removal of one ordinance-sized tree on an approximately 0.89-gross acre site North of Hamilton Avenue, approximately 670 feet westerly of Meridian Avenue (1711 Hamilton Avenue) (Verbicaro I LLC, Owner). Council District 6. CEQA: Exempt per CEQA Guidelines Section 15303(c) for New Construction or Conversion of Small Structures.

PROJECT MANAGER, ANGELA WANG

Staff Recommendation:

1. Consider the exemption in accordance with CEQA, and
2. Adopt a resolution approving, subject to conditions, a Conditional Use Permit to allow the removal of one ordinance-sized tree and the conversion of two existing 8,491-square foot, one-story vacant medical office buildings to a Day Care Center with a 58-square foot addition to connect these two buildings to accommodate up to 133 children and 20 staff, and to exceed the noise criteria of the Zoning Ordinance at the residences to the west of the playground on an approximately 0.89-gross acre site.

- b. [CP19-028](#). Conditional Use Permit and Determination of Public Convenience or Necessity for an ABC License to allow the off-sale of alcohol (full range of alcoholic beverages) at an existing 1,150-square foot retail store on an approximately 0.46-gross acre site located on the southeast corner of North King Road and Mabury Road (788 North King Road) (Rosado Letica and Carmelo G, Owner) Council District: 3. CEQA: Exempt pursuant to CEQA Section 15301(a) for Existing Facilities. *Dropped from 12/11/19.*

PROJECT MANAGER, ALEC ATIENZA

Staff Recommendation:

1. Consider the exemption in accordance with CEQA
2. Recommend that the City Council adopt a resolution approving a Conditional Use Permit and Determination of Public Convenience or Necessity to allow the off-sale of alcohol (Type 21 full range of alcoholic beverages) at an existing 1,150-square foot retail store on an approximately 0.46-gross acre site.

V. Public Hearing

VI. Referrals from City Council, Boards, Commissions, or Other Agencies

VII. Good and Welfare

- a. Report from City Council
- b. Review and Approve Action Minutes from 12/11/19
- c. Subcommittee Formation, Reports, and Outstanding Business
- d. Commission Calendar and Study Sessions
 - i. Study Session scheduled for 1/29/2020
- e. The Public Record

VIII. Adjournment

The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.

You may speak to the Commission about any discussion item that is on the agenda, and you may also speak during Public Comments on items that are not on the agenda and are within the subject matter jurisdiction of the Commission. Please be advised that, by law, the Commission is unable to discuss or take action on issues presented during Public Comments. Pursuant to Government Code Section 54954.2, no matter shall be acted upon by the Commission unless listed on the agenda, which has been posted not less than 72 hours prior to meeting.

Agendas, Staff Reports and some associated documents for the Commission items may be viewed on the Internet at <https://www.sanjoseca.gov/your-government/departments/planning-building-code-enforcement/planning-division/commissions-and-hearings/planning-commission>.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk, 200 East Santa Clara Street, 14th Floor, San José, California 95113, at the same time that the public records are distributed or made available to the legislative body. Any draft resolutions or other items posted on the Internet site or distributed in advance of the commission meeting may not be the final documents approved by the commission. Contact the Office of the City Clerk for the final document.

On occasion the Commission may consider agenda items out of order.

The Planning Commission meets every 2nd and 4th Wednesday of each month at 6:30 p.m., with special meetings as necessary. If you have any questions, please direct them to the Commission staff. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

To request an accommodation or alternative format under the Americans with Disabilities Act for City-sponsored meetings, events or printed materials, please call (408) 535-1260 as soon as possible, but at least three business days before the meeting.

Please direct correspondence and questions to:

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