

## **PLANNING COMMISSION**

August 09, 2017

Action Minutes

### **WELCOME**

### **SALUTE TO THE FLAG**

### **ROLL CALL**

PRESENT: Commissioners Pham, Allen, Abelite, Ballard, Bit-Badal, Vora, and Yesney

ABSENT: None

## **1. CALL TO ORDER & ORDERS OF THE DAY**

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Meeting called to order at 6:30 p.m.

## **2. PUBLIC COMMENT**

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*None*

## **3. DEFERRALS AND REMOVALS FROM CALENDAR**

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Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the Press Table.

Staff will provide an update on the items for which deferral is being requested. If you want to change any of the deferral dates recommended, or speak to the question of deferring these or any other items, you should say so at this time.

**No Items**

## 4. CONSENT CALENDAR

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The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff, or the public to have an item removed from the consent calendar and considered separately.

Staff will provide an update on the consent calendar. If you wish to speak on one of these items individually, please come to the podium at this time.

- a. [CP09-043 & RA15-005 \(Administrative Hearing\)](#). Conditional Use Permit to legalize the expansion of a Residential Care Facility from 15 residents to 24 residents and Reasonable Accommodation to provide relief from the parking requirements for residents on a 0.33-gross acre site in the CN Commercial Neighborhood Zoning District located on the east side of North 21st Street, approximately 350 feet north of East Santa Clara Street (32-38 North 21<sup>st</sup> Street) (Amor Dironisio, Owner). Council District: 3. CEQA: Exempt per CEQA Guidelines Section 15303(b) for New Construction or Conversion of Small Structures. *Dropped and re-noticed from 7/26/17.*  
*PROJECT MANAGER, EDWARD SCHREINER*

1. **DETERMINED THE EXEMPTION IS IN ACCORDANCE WITH CEQA (7-0-0)**
2. **ACTION: COMMISSIONER ABELITE MOTIONED TO APPROVE THE CONDITIONAL USE PERMIT. COMMISSIONER BIT-BADAL SECONDED THE MOTION. THE COMMISSION APPROVED THE CONDITIONAL USE PERMIT RESOLUTION NO. 17-023 (7-0-0), MODIFYING THE LANGUAGE OF FINDING 7.A. TO READ AS FOLLOWS :**

- i. **SPECIAL NEED CREATED BY THE DISABILITY**

**CONSIDERATION: THE FACILITY PROVIDES ON-SITE CARE AND MONITORING PROVIDED BY PROFESSIONAL CARE GIVERS FOR RESIDENTS WITH DISABILITIES IN A COMMUNAL SETTING. THESE RESIDENTS ARE TYPICALLY UNABLE TO DRIVE DUE TO THEIR DISABILITIES, AND RESIDENTS DO NOT CURRENTLY MAINTAIN OR PARK VEHICLES ON OR NEAR THE SITE. CONSISTENT WITH THIS PRACTICE, AND TO ENSURE ON-STREET PARKING IS NOT IMPACTED BY THE PROJECT, THE APPLICANT HAS AGREED TO A CONDITION OF APPROVAL PROHIBITING RESIDENT CLIENTS FROM PARKING OR MAINTAINING AN AUTOMOBILE ON SITE OR WITHIN ONE HALF MILE OF THE PROPERTY. THIS CONDITION OF APPROVAL IS INCLUDED IN THE DRAFT RESOLUTION. PROVIDING THE REQUIRED AMOUNT OF PARKING WOULD PRECLUDE THE USE OF THE FACILITY, AS FIVE MORE SPACES WOULD BE REQUIRED FOR THE RESIDENTS WHICH COULD NOT BE PROVIDED FOR WITHOUT THE DEMOLITION OF PORTIONS OF THE EXISTING FACILITY. BECAUSE THE CLIENTS WOULD NOT BE PERMITTED TO PARK OR MAINTAIN AUTOMOBILES ON OR NEAR THE PROPERTY, THE ADDITIONAL SPACES THAT THE ZONING CODE WOULD REQUIRE WOULD NOT BE UTILIZED. REQUIRING THESE ADDITIONAL PARKING SPACES WOULD RESULT IN UNUSED PARKING CAPACITY AND NEEDLESSLY WITHHOLDING CARE FOR THE DISABLED RESIDENTS OF THIS FACILITY; AND**

- ii. **THE ADDITION OF CONDITION OF APPROVAL #10 AS FOLLOWS:  
PARKING. RESIDENT CLIENTS SHALL NOT PARK OR MAINTAIN VEHICLES ON THE PROPERTY OR ON-STREET WITHIN ONE HALF MILE OF THE SUBJECT SITE.**

- b. **CP15-018 (Administrative Hearing)**. Conditional Use Permit and Site Development Permit to allow the demolition of an existing gasoline service station with an approximately 1,787-square foot auto service center building incorporating a 300-square foot convenience store, allow the construction of a new gasoline service station with a 3,286-square foot convenience store, a 1,170-square foot drive-through carwash, a new fuel island canopy with six fuel dispensers (12 fueling nozzles), two underground fuel storage tanks, late night use (24-hour operation) for the gas station and convenience store in the CN Commercial Neighborhood Zoning District located at the southwest corner of San Felipe Road and Aborn Road (3303 San Felipe Road) (A. Gaviola Inc., Owner). Council District 8. CEQA: Exempt per CEQA Guidelines Section 15302 (Replacement or Reconstruction) and 15332 (In-fill Development Projects). *Deferred from 7/12/17.*  
**PROJECT MANAGER, PATRICK KELLY**

1. **DETERMINED THE EXEMPTION IS IN ACCORDANCE WITH CEQA (7-0-0)**
2. **ACTION: COMMISSIONER ABELITE MOTIONED TO APPROVE THE CONDITIONAL USE PERMIT. COMMISSIONER BIT-BADAL SECONDED THE MOTION. THE COMMISSION APPROVED THE CONDITIONAL USE PERMIT RESOLUTION NO. 17-024 (7-0-0), INCORPORATING THE FOLLOWING STAFF RECOMMENDED UPDATED:**
  - i **AMENDING CONDITION OF APPROVAL 26.I.V FROM A 26-FOOT WIDE DRIVEWAY TO A 32-FOOT WIDE DRIVEWAY**

- c. **CP16-035 (Administrative Hearing)**. Conditional Use Permit and Site Development Permit to allow the demolition of an existing 1,276-square foot gas station convenience store and the construction of a 5,754-square foot convenience store and carwash, and early morning use (one hour extension between 5:00 a.m. and 6:00 a.m.) on a 0.81-gross acre site in the CN Neighborhood Commercial Zoning District located on southeasterly corner of South Bascom Avenue and Woodard Road (3702 South Bascom Avenue) (Andarys Enterprise Inc, Owner). Council District 9. CEQA: Exempt per CEQA Guidelines Section 15302 for Replacement or Reconstruction and 15332 Infill Development Projects.  
**PROJECT MANAGER, ELIA SORICE**

**PULLED FROM CONSENT AND HEARD UNDER PUBLIC HEARING**

1. **DETERMINED THE EXEMPTION IS IN ACCORDANCE WITH CEQA (4-3-0; PHAM, BALLARD, BIT-BADAL OPPOSED)**
2. **ACTION: COMMISSIONER ABELITE MOTIONED TO APPROVE THE CONDITIONAL USE PERMIT. COMMISSIONER PHAM SECONDED THE MOTION. THE COMMISSION APPROVED THE CONDITIONAL USE PERMIT RESOLUTION NO. 17-025 (4-3-0; PHAM, BALLARD, BIT-BADAL OPPOSED )**

- d. **C17-010**. Conventional Rezoning from the LI Light Industrial Zoning District to the DC Downtown Primary Commercial Zoning District on a 0.16-gross acre site, located on the northwest corner of Park Avenue and Gifford Avenue at 461 Park Avenue (Paul and Jane Yin, Et Al, Owner). Council District 3. CEQA: Determination of Consistency with the Final Program Environmental Impact Report for the Diridon Station Area Plan (Resolution No. 77096), the Final Program Environmental Impact Report for the Envision San José 2040 General Plan (Resolution No. 76041) and the Envision San Jose 2040 General Plan Supplemental Environmental Impact Report (Resolution 77617) and Addenda thereto.  
**PROJECT MANAGER, LEA SIMVOULAKIS**

1. **RECOMMEND TO THE CITY COUNCIL CONSIDERATION OF THE DETERMINATION OF CONSISTENCY WITH THE FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE DIRIDON STATION AREA PLAN (RESOLUTION NO. 77096), THE FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE ENVISION SAN JOSÉ 2040 GENERAL PLAN (RESOLUTION NO. 76041) AND THE ENVISION SAN JOSE 2040 GENERAL PLAN SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT (RESOLUTION 77617) AND ADDENDA THERETO IN ACCORDANCE WITH CEQA (7-0-0)**
2. **ACTION: COMMISSIONER ABELITE MOTIONED TO APPROVE THE CONVENTIONAL REZONING. COMMISSIONER BIT-BADAL SECONDED THE MOTION. RECOMMEND TO THE CITY COUNCIL THE APPROVAL OF A CONVENTIONAL REZONING RESOLUTION NO. 17-XXX (7-0-0), INCORPORATING THE FOLLOWING STAFF-RECCOMENDED UPDATE:**
  - i. **AMENDING THE AGENDA LANGUAGE FOR THE STAFF RECOMMENDATION CLARIFYING THAT THE PLANNING COMMISSION IS RECOMMENDING THE CITY COUNCIL APPROVE A CONVENTIONAL REZONING.**

## **5. PUBLIC HEARING**

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Generally, the Public Hearing items are considered by the Planning Commission in the order in which they appear on the agenda. However, please be advised that the Commission may take items out of order to facilitate the agenda, such as to accommodate significant public testimony, or may defer discussion of items to later agendas for public hearing time management purposes.

**No Items**

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

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**No Items**

## **7. GOOD AND WELFARE**

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- a. Report from City Council

*On August 8, 2017, the City Council heard the following items:*

*An Appeal of the Planning Commission's approval of Categorical Exemption for a Site Development Permit (H17-018) and Vesting Tentative Map (T16-050) at 320 Race Street. The City Council voted to deny the appeal.*

*Urban Village Plans for the Winchester Urban Village and the Santana Row Urban Village (GP17-008). The City Council voted to approve the Urban Village Plans with modifications; and*

*The Steven Creek Urban Village Plan (GP17-009). The City Council voted to approve the Urban Village Plan with modifications.*

*Early consideration of a privately-initiated General Plan Amendment (GP17-005) request to change the land use from Neighborhood Community Commercial to Urban Residential located at 2119 Lincoln Avenue. The City Council voted to deny the request.*

- b. Review and Approve Action Minutes from [7/12/17](#)  
*Action Minutes Approved (7-0-0)*
- c. Subcommittee Formation, Reports, and Outstanding Business  
*No Reports*
- d. Commission Calendar and Study Sessions
  - 1. VMT Study Session on August 23, 2017  
*Staff confirmed the VMT Study Session on August 23, 2017*  
*Staff announced Planning Commission Retreat tentatively scheduled for September 22, 2017*
- e. The Public Record

## **8. ADJOURNMENT**

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Meeting adjourned at 8:22 p.m.