

## **PLANNING COMMISSION**

January 30, 2019

Action Minutes

### **WELCOME**

### **SALUTE TO THE FLAG**

### **ROLL CALL**

PRESENT: Commissioners Allen, Ballard, Griswold, Leyba, Yesney, Vora

ABSENT: None

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

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Meeting called to order at 6:35 p.m.

## **2. PUBLIC COMMENT**

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No comments

## **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. **CP18-031 (Administrative Hearing).** Conditional Use Permit to allow a medical office in an existing 5,104 square feet office building in an existing office/industrial complex in the IP Industrial Park Zoning District on a 7.5-gross acre site located at the southwest corner of Piercy Rd and Hellyer Avenue (6130 Hellyer Avenue) (Tacinom LLC, Owner). Council District: 2. CEQA: Addendum to the 2000 Edenvale Redevelopment Project EIR (Resolution No. 69699), 2000 Edenvale Redevelopment Project Supplemental EIR (Resolution No. 70021), Envision San Jose 2040 General Plan EIR (Resolution No. 76041), Supplemental EIR (Resolution No. 77617), and Addenda thereto.

*PROJECT MANAGER, STEFANIE FARMER*

**ACTION: COMMISSIONER LEYBA MADE A MOTION TO APPROVE THE STAFF RECOMMENDATION TO:**

- 1. DETERMINE THAT THE ADDENDUM TO THE 2000 EDENVALE REDEVELOPMENT PROJECT EIR (RESOLUTION NO. 69699), 2000 EDENVALE REDEVELOPMENT PROJECT SUPPLEMENTAL EIR (RESOLUTION NO. 70021), ENVISION SAN JOSE 2040 GENERAL PLAN EIR (RESOLUTION NO. 76041), SUPPLEMENTAL EIR (RESOLUTION NO. 77617), AND ADDENDA THERETO, IS IN ACCORDANCE WITH CEQA; AND**
- 2. ADOPT THE RESOLUTION APPROVING THE CONDITIONAL USE PERMIT TO ALLOW A MEDICAL OFFICE IN AN EXISTING 5,104 SQUARE FEET OFFICE BUILDING IN AN EXISTING OFFICE/INDUSTRIAL COMPLEX IN THE IP INDUSTRIAL PARK ZONING DISTRICT ON A 7.5-GROSS ACRE SITE.**

**COMMISSIONER BALLARD SECONDED THE MOTION. (6-0-0)**

## 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.

- a. **PP18-092:** Adoption of an ordinance implementing Council direction related to shelter of homeless people in the City, by amending and adding sections to Part 17 in Chapter 20.80 of the San José Municipal Code (the Zoning Code) to allow Safe Parking as a new use to provide shelter to homeless people in vehicles on existing City-owned sites and sites consisting of legal assembly uses constructed and operating in compliance with the San José Municipal Code; adding the definitions of “Incidental Safe Parking” and “Safe Parking Area” to Chapter 20.80; and making other technical, formatting or non-substantive changes within the Zoning Code. Council District: Citywide. CEQA: Initial Study/Negative Declaration for the Incidental Safe Parking Municipal Code amendment.

*PROJECT MANAGER, APARNA ANKOLA*

**ACTION: COMMISSIONER BALLARD MADE A MOTION TO RECOMMEND THAT THE CITY COUNCIL TAKE THE FOLLOWING ACTIONS:**

1. **ADOPT A RESOLUTION ADOPTING THE INCIDENTAL SAFE PARKING USE AMENDMENTS TO TITLE 20 OF THE SAN JOSÉ MUNICIPAL CODE PROJECT NEGATIVE DECLARATION FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH CEQA; AND**
2. **ADOPT AN ORDINANCE AMENDING TITLE 20 OF THE SAN JOSÉ MUNICIPAL CODE TO CREATE STANDARDS THAT COULD ALLOW HOMELESS INDIVIDUALS AND FAMILIES TO SLEEP OVERNIGHT IN THEIR PERSONAL VEHICLES, BY ALLOWING “SAFE PARKING” AS AN INCIDENTAL PERMITTED USE TO AN EXISTING ASSEMBLY USE OR ON CITY PROPERTIES, WHERE THE SAFE PARKING IS PROVIDED ON EXISTING PAVED PARKING AREAS AND OPERATING IN COMPLIANCE WITH THE SAN JOSÉ MUNICIPAL CODE WITHIN THE CITY OF SAN JOSÉ, WITH THE FOLLOWING CHANGES TO SECTION 20.180.1675:**
  - A. **SUBSECTION 3 IS AMENDED TO READ AS FOLLOWS:**

**“3. ALL PERSONS RECEIVING INCIDENTAL SAFE PARKING SHALL SHELTER WITHIN THE VEHICLES. NO PERSON SHALL ~~EAT OR BE~~ HOUSED IN TENTS, LEAN-TOS, OR OTHER TEMPORARY FACILITIES.”**
  - B. **SUBSECTION 7 IS AMENDED TO READ AS FOLLOWS:**

**“7. DURING WEEKEDAYS, VEHICLES USING THE INCIDENTAL SAFE PARKING USE SHALL ARRIVE AFTER 7:00 P.M. AND DEPART BEFORE 7:00 A.M. 10:00 A.M.”**
  - C. **SUBSECTION 10 IS DELETED:**

**“10. ~~NOCOOKING OR FOOD PREPARATION SHALL BE PERFORMED OUTSIDE OF THE PARTICIPANTS’ VEHICLES.~~”**

**[NOTE: THIS ORDINANCE REQUIRES RENUMBERING AND FORMATTING PRIOR TO COUNCIL CONSIDERATION.]**

**COMMISSIONER GRISWOLD SECONDED THE MOTION (4-2-0; (Yesney and Vora opposed))**

- b. **PP18-101:** Adoption of an ordinance adding Part 3.75 to Chapter 20.80, Title 20 of the San José Municipal Code (the Zoning Code) to establish rules and regulations related to Co-Living Communities to add Co-Living Community as a new enumerated use in the Downtown; adding the definition of Co-Living Community to Chapter 20.200, adding related parking requirements to Section 20.90, and making other technical, non-substantive, or formatting changes related to this new use in Title 20. Council District: 3, specifically the area designated Downtown. CEQA: Determination of Consistency with the Envision San José 2040 General Plan EIR (Resolution No. 76041), Supplemental Program Environmental Impact Report (Resolution No. 77617), and Addenda thereto.

*PROJECT MANAGER, APARNA ANKOLA*

**ACTION: COMMISSIONER YESNEY MADE A MOTION TO RECOMMEND THAT THE CITY COUNCIL TAKE THE FOLLOWING ACTIONS:**

1. **CONSIDER THE DETERMINATION OF CONSISTENCY IN ACCORDANCE WITH CEQA; AND**

2. **ADOPT AN ORDINANCE AMENDING TITLE 20 OF THE SAN JOSÉ MUNICIPAL CODE TO ADD CO-LIVING FACILITIES AS AN ENUMERATED USE IN THE DOWNTOWN ZONING DISTRICTS, ADD NEW PART 3.75 TO CHAPTER 20.80 TO ESTABLISH THE RULES AND REGULATIONS RELATED TO CO-LIVING FACILITIES, ADD RELATED PARKING REQUIREMENTS, AND AMEND CHAPTER 20.200 TO ADD A DEFINITION FOR CO-LIVING FACILITY, WITH THE FOLLOWING CHANGE TO SECTION 20.80.290.B.5:**

**“5. COMMON FULL KITCHEN FACILITIES MUST BE PROVIDED TO ADEQUATELY SERVE THE RESIDENTS OF THE CO-LIVING COMMUNITY AND MUST SERVE ~~TEN~~SIX OR MORE BEDROOMS.”**

**COMMISSIONER VORA SECONDED THE MOTION (6-0-0)**

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

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*None \*

## **7. GOOD AND WELFARE**

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- a. Report from City Council
- b. Review and Approve Action Minutes from [1/16/19](#)  
*Commissioner Leyba made a motion to approve the 1/16/18 minutes. Commissioner Griswold seconded the motion. (5-0-1; Commissioner Ballard abstained)*
- c. Subcommittee Formation, Reports, and Outstanding Business
- d. Commission Calendar and Study Sessions

Adoption of the following resolutions:

[Resolution rescinding the November 8, 2017 and October 24, 2018 amendments to Resolution No. 64-1, and Resolution establishing the Commission’s regular meeting schedule for calendar year 2019](#)

*Commissioner Leyba made a motion to approve both the Resolution rescinding the November 8, 2017 and October 24, 2018 amendments to Resolution No. 64-1, and the Resolution establishing the Commission’s regular meeting schedule for calendar year 2019.*

*Commissioner Vora seconded the vote. (6-0-0)*

- e. The Public Record

*No Items*

## **12. ADJOURNMENT**

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Meeting adjourned at 9:25 p.m.