

PLANNING COMMISSION

February 27, 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

Meeting called to order at 6:33 p.m.

2. PUBLIC COMMENT

No comments

3. DEFERRALS AND REMOVALS FROM CALENDAR

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

Access the video, agenda, and related reports for this meeting by visiting the City's website at:

<http://sanjoseca.gov/index.aspx?NID=1763>

4. CONSENT CALENDAR

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. **CP17-051 (Administrative Hearing).** Conditional Use Permit to allow the demolition of an approximately 4,624-square foot commercial building for the construction of a 2,300 square foot public eating establishment (Starbucks), a drive-through and late-night use (4:30 a.m. to midnight) and the removal of nine ordinance-size trees in the CG Commercial General Zoning District, on an approximately 0.97-gross acre site located on the south side of West Capitol Expressway, approximately 140 feet westerly of Snell Ave (222 West Capitol Expressway) (Barrous Demetrios J, Owner). Council District: 10. CEQA: Exempt per CEQA Guidelines Section 15303(c) for New Construction or Conversion of Small Structures

PROJECT MANAGER, STEFANIE FARMER

ACTION: COMMISSIONER VORA MADE A MOTION TO APPROVE THE STAFF RECOMMENDATION TO:

- 1. CONSIDER THE EXEMPTION IN ACCORDANCE WITH CEQA; AND**
- 2. ADOPT A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE DEMOLITION OF AN APPROXIMATELY 4,624-SQUARE FOOT BUILDING FOR THE CONSTRUCTION OF A 2,300 SQUARE FOOT PUBLIC EATING ESTABLISHMENT (STARBUCKS), A DRIVE-THROUGH AND LATE-NIGHT USE (4:30 A.M. TO MIDNIGHT) AND THE REMOVAL OF NINE ORDINANCE-SIZE TREES, ON AN APPROXIMATELY 0.97-GROSS ACRE SITE.**

COMMISSIONER LEYBA SECONDED THE MOTION. (6-0-0)

5. PUBLIC HEARING

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. **PP19-010.** An ordinance of the City of San José amending Title 20 (Zoning Ordinance) of the San José Municipal Code to amend Section 20.30.150 to remove average Height requirement for Secondary Units, and modify maximum Height for two-story Secondary Units; amend San José Municipal Code Section 20.50.100 to include Farmers' Market as an enumerated use in the Combined Industrial/Commercial (CIC) Zoning District; and to make other technical, non-substantive, or formatting changes to Chapters 20.30 and 20.50 of the Zoning Ordinance. CEQA: Determination of Consistency with the Envision San Jose 2040 General Plan Final Program Environmental Impact Report (FEIR), adopted by Resolution No. 76041, and Supplemental EIR, adopted by Resolution No. 77617, and Addenda thereto. Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that this activity is within the scope of the earlier approved programs and the Final Program EIRs adequately describe the activity for purposes of CEQA. The project does not involve new significant effects beyond those analyzed in the Final Program EIRs.

PROJECT MANAGER, APARNA ANKOLA

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

1. **CONSIDER THE DETERMINATION OF CONSISTENCY WITH THE ENVISION SAN JOSÉ 2040 GENERAL PLAN FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (FEIR), FOR WHICH FINDINGS WERE ADOPTED BY CITY COUNCIL IN RESOLUTION NO. 76041 ON NOVEMBER 1, 2011, AND SUPPLEMENTAL EIR RESOLUTION NO. 77617, ADOPTED BY CITY COUNCIL ON DECEMBER 15, 2015, AND ADDENDA THERETO. PURSUANT TO SECTION 15168 OF THE CEQA GUIDELINES, THE CITY OF SAN JOSÉ HAS DETERMINED THAT THIS ACTIVITY IS WITHIN THE SCOPE OF THE EARLIER APPROVED PROGRAMS AND THE FINAL PROGRAM EIRS ADEQUATELY DESCRIBE THE ACTIVITY FOR PURPOSES OF CEQA. THE PROJECT DOES NOT INVOLVE NEW SIGNIFICANT EFFECTS BEYOND THOSE ANALYZED IN THE FINAL PROGRAM EIRS; AND**
2. **ADOPT AN ORDINANCE AMENDING TITLE 20 (THE ZONING ORDINANCE) OF THE SAN JOSÉ MUNICIPAL CODE TO SECTION 20.30.150 OF CHAPTER 20.30 TO REMOVE AVERAGE HEIGHT REQUIREMENT FOR SECONDARY UNITS, AND MODIFY MAXIMUM HEIGHT FOR TWO-STORY SECONDARY UNITS; AMEND SECTION 20.50.100 OF CHAPTER 20.50 TO ALLOW FARMERS' MARKET AS AN ENUMERATED USE IN THE CIC COMBINED INDUSTRIAL/COMMERCIAL ZONING DISTRICT; AND TO MAKE OTHER TECHNICAL, NON-SUBSTANTIVE, OR FORMATTING CHANGES IN CHAPTERS 20.30 AND 20.50.**

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

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

None

7. GOOD AND WELFARE

a. Report from City Council

Commissioner Ballard commented that following the Planning Commission hearing, staff published a supplemental memo to the City Council modifying the bicycle parking ratio to reduce it in half, which was not consistent with the Planning Commission recommendation. Staff explained that sometimes, but not often, recommendations change between Planning Commission and Council hearings. Here, after the Commission's consideration, staff reviewed the bicycle parking requirements in other cities, including San Francisco and Portland, and determined that using requirements similar to San Francisco is appropriate in San Jose so that recommendation was made to the Council. Commissioner Ballard also requested clarification whether the City Council accepted the staff recommendation because the motion stated that Planning Commission's recommendation was accepted with modifications. Staff stated that the Council adopted staff's recommendation, but would review the adopted motion and report back to the Commission.

b. Review and Approve Action Minutes from 2/13/19

Commissioner Ballard made a motion to approve the 2/13/19 minutes with a correction to typo on 4.b. from 'Grisold' to 'Griswold'. Commissioner Vora seconded the motion. (5-0-1; Commissioner Griswold abstained)

- c. Subcommittee Formation, Reports, and Outstanding Business
- d. Commission Calendar and Study Sessions
 - i. City Auditor's Office Recommendation for “Development Noticing: Ensuring Outreach Policies Meet Community Expectations” is tentatively scheduled for 3/27/19 hearing.
- e. The Public Record

12. ADJOURNMENT

Meeting adjourned at 7:13 p.m.