

PLANNING COMMISSION

March 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 6:36 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.

4. CONSENT CALENDAR

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

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

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. **C18-029.** Conventional Rezoning from the IP Industrial Park to the CIC Combined Industrial/Commercial Zoning District on an approximately 5.08-gross acre site located on the northeastern side of Hellyer Avenue and Piercy Road intersection (459 and 469 Piercy Road) (LIP2 LLC, Owner). Council District: 2. CEQA: 459 and 469 Piercy Road Hotel Projects Mitigated Negative Declaration.

PROJECT MANAGER, STEFANIE FARMER

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

- 1. ADOPT A RESOLUTION ADOPTING THE 459 AND 469 PIERCY ROAD HOTEL MITIGATED NEGATIVE DECLARATION, FOR WHICH AN INITIAL STUDY WAS PREPARED, AND ASSOCIATED MITIGATION MONITORING AND REPORTING PROGRAM, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED; AND**
- 2. APPROVE AN ORDINANCE OF THE CITY OF SAN JOSÉ REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 5.08 GROSS ACRES, SITUATED ON THE NORTHEASTERN SIDE OF HELLYER AVENUE AND PIERCY ROAD INTERSECTION (459 AND 469 PIERCY ROAD), FROM THE IP INDUSTRIAL PARK ZONING DISTRICT TO THE CIC COMBINED INDUSTRIAL/COMMERCIAL ZONING DISTRICT.**

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

- b. **C18-042.** Conventional Rezoning from the IP(PD) Planned Development Zoning District to the CIC Combined Industrial/Commercial Zoning District on an approximately 59-gross acre site located on the southwest corner of West Trimble Road and Orchard Parkway (370 West Trimble Road) (LBA RVI-Company I LP, Owner). Council District: 4. CEQA: Determination of Consistency with the North San José Development Policies Updated Final Environmental Impact Report (Resolution No. 72768), Envision San José 2040 General Plan Final Environmental Impact Report (Resolution No. 76041), Envision San Jose 2040 General Plan Supplemental Final Environmental Impact Report (Resolution No. 77617) and Addenda thereto.

PROJECT MANAGER, CASSANDRA VAN DER ZWEEP

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

- 1. APPROVE AN ORDINANCE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 59 GROSS ACRES, SITUATED ON THE SOUTHWEST CORNER OF WEST TRIMBLE ROAD AND ORCHARD PARKWAY (350 AND 370 WEST TRIMBLE ROAD), FROM THE IP(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO THE CIC COMBINED INDUSTRIAL/COMMERCIAL ZONING DISTRICT.**

COMMISSIONER VORA 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. **CP17-052 (Administrative Hearing)**. Conditional Use Permit to allow a mixed-use project for a 39,000-square foot charter junior high school and 94 affordable, multi-family residential units with a State Density Bonus request (Concessions: reduction of residential recreation space requirements and increase in building height stepbacks; Waiver of the motorcycle parking standards; and the use of a 0.5 space per unit parking ratio), on an approximately 1.49-gross acre site located on the south side of Alum Rock Avenue, approximately 420 feet westerly of South Sunset Avenue (1936 Alum Rock Avenue) (1936 Alum Rock Avenue, Owner). Council District: 5. CEQA: Mitigated Negative Declaration for the Silver Creek Mixed-Use Project. *Deferred from 3/13/19.*

PROJECT MANAGER, RUTH CUETO

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

- 1. ADOPT A RESOLUTION ADOPTING THE SILVER CREEK MIXED-USE PROJECT MITIGATED NEGATIVE DECLARATION, FOR WHICH AN INITIAL STUDY WAS PREPARED, AND ASSOCIATED MITIGATION MONITORING AND REPORTING PLAN, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED; AND**
- 2. ADOPT A RESOLUTION APPROVING THE CONDITIONAL USE PERMIT TO ALLOW A MIXED-USE PROJECT FOR AN APPROXIMATELY 39,000 SQUARE FEET CHARTER JUNIOR HIGH SCHOOL AND 94 AFFORDABLE, MULTIFAMILY RESIDENTIAL UNITS WITH A STATE DENSITY BONUS REQUEST (CONCESSIONS: REDUCTION OF RESIDENTIAL RECREATION SPACE REQUIREMENTS AND INCREASE IN BUILDING HEIGHT STEPBACKS; WAIVER OF THE MOTORCYCLE PARKING STANDARDS; AND THE USE OF A 0.5 SPACE PER UNIT PARKING RATIO), ON AN APPROXIMATE 1.49-GROSS ACRE SITE, WITH STAFF’S MODIFICATION TO CONDITION 52 TO READ:
“CONSTRUCTION STAGING AND ACCESS: NO CONSTRUCTION STAGING SHALL BE ALLOWED ON TIERRA ENCANTADA WAY, EXCEPT TO COMPLETE REQUIRED PUBLIC IMPROVEMENTS. CONSTRUCTION ACCESS FROM TIERRA ENCANTADA WAY WILL BE LIMITED TO NON-PEAK HOURS, BETWEEN 9:00 AM AND 4:00 PM, MONDAY THROUGH FRIDAY.”**
- 3. ADOPT A RESOLUTION APPROVING A DENSITY BONUS REGULATORY AGREEMENT, PURSUANT TO CHAPTER 20.190 AFFORDABLE HOUSING DENSITY BONUSES AND INCENTIVES.**

COMMISSIONER ALLEN SECONDED THE MOTION. (5-0-1; BALLARD ABSTAINED)

- b. [GPT19-001 & PP19-018.](#) Replace the 2004 Downtown Design Guidelines with the proposed “San José Downtown Design Guidelines and Standards” and City-initiated General Plan Text Amendment to modify “Chapter 3. Final Plan Design Guidelines” of the Diridon Station Area Plan. Council District: 3 & 6. CEQA: Determination of Consistency to the Final Program Environmental Impact Report (EIR) for the Envision San José 2040 General Plan (Resolution No. 76041), the Supplemental EIR to Envision San José General Plan EIR (Resolution No. 77617), and Addenda thereto.

PROJECT MANAGER, LEILA HAKIMIZADEH

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

- 1. ADOPT A RESOLUTION APPROVING A CITY-INITIATED GENERAL PLAN TEXT AMENDMENT TO DELETE CERTAIN DESIGN GUIDELINES RELATING TO SITE PLANNING, ACCESS AND CIRCULATION, BUILDING FORM, AND OPEN SPACE FROM “CHAPTER 3. FINAL PLAN DESIGN GUIDELINES” OF THE 2014 DIRIDON STATION AREA PLAN AND AMEND THE INTRODUCTORY TEXT UNDER “SECTION 3.2, BUILT FORM, GUIDELINES FOR SITE PLANNING” OF THE 2014 DIRIDON STATION AREA PLAN.**
- 2. ADOPT A RESOLUTION (A) APPROVING A NEW “SAN JOSÉ DOWNTOWN DESIGN GUIDELINES AND STANDARDS” TO REPLACE THE EXISTING “2004 DOWNTOWN DESIGN GUIDELINES” FOR PROJECTS GENERALLY LOCATED IN THE DOWNTOWN AREA; AND (B) DELEGATING THE AUTHORITY TO THE DIRECTOR OF PLANNING, BUILDING, AND CODE ENFORCEMENT TO MAKE MINOR CLARIFICATIONS, CORRECTIONS, OR TECHNICAL CHANGES TO THE TEXT AND DIAGRAMS OF THE SAN JOSÉ DOWNTOWN DESIGN GUIDELINES TO BE PUBLISHED ON PLANNING, BUILDING, AND CODE ENFORCEMENT WEBPAGE, WITH THE FOLLOWING REVISIONS:**
 - **SECTION 1.1, MAP ON PAGE 3, CHANGE THE LABEL OF DOWNTOWN CORE (2011 GENERAL PLAN) ON THE MAP TO "GENERAL PLAN DOWNTOWN GROWTH AREA"**
 - **DEFINE "HISTORIC BUILDING" ON SECTION 2.3 1.C. PAGE 13 AND SECTION 4.2.4., APPLICABILITY. C. PAGE 38.**
 - **SECTION, 4.4.2.B, "CITY OF SAN JOSE VOLUNTARY BIRD-FRIENDLY BUILDING DESIGN FACT SHEET" SHOULD BE MANDATORY FOR PROJECTS LOCATED IN THE DESIGN GUIDELINES BOUNDARY.**

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

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

- a. [City Auditor’s Office Report on “Development Noticing: Ensuring Outreach Policies Meet Community Expectations.”](#)

CITY AUDITOR

James Rincon of the Buena Vista Neighborhood Association and District 6 Leadership Group stated he was not contacted regarding this Audit. He also stressed the importance of early public outreach for development proposals.

Ed Rast had concerns of outmigration in his neighborhood and many residents are not aware of Council Policy 6-30 or the City's "Notify Me" subscription service to be notified of development proposals. He suggested that the Planning Division have periodic meetings with community leaders again.

Richard Zappelli of the Willow Glen Neighborhood Association had concerns about the public outreach process for a recent wireless telecommunications proposal in his neighborhood.

The Commission stated they would like the opportunity to review any Council Policy 6-30 changes that will be considered by the City Council. They also suggested:

- 1. Creating a social media component to the public outreach process.*
- 2. Making the neighborhood association list publically available for developers to use for early public outreach.*
- 3. Effective outreach does not necessarily mean a lot of meetings or longer meetings; effective outreach is a partnership in which the community helps shape the outcome.*
- 4. Post-Planning entitlement on-site posting of development proposal information.*
- 5. Providing Planning staff trainings or specialized communications staff for community engagement.*
- 6. The City Council consider making public outreach a priority and put resources towards it.*

7. GOOD AND WELFARE

a. Report from City Council

b. Review and Approve Action Minutes from [3/13/19](#)

Commissioner Ballard made a motion to approve the 3/13/19 minutes, with a correction on 5.a. votes from 'Vora Excused' to 'Vora Abstained'. Commissioner Vora seconded the motion. (5-0-1; Commissioner Griswold abstained)

c. Subcommittee Formation, Reports, and Outstanding Business

d. Commission Calendar and Study Sessions

e. The Public Record

12. ADJOURNMENT

Meeting adjourned at 11:12 p.m.