

PLANNING COMMISSION

May 22, 2019

Action Minutes

WELCOME

SALUTE TO THE FLAG

ROLL CALL

PRESENT: Commissioners Allen, Ballard, Griswold, Leyba, Oliverio (arrived at 6:39 p.m.),
Yesney

ABSENT: Commissioner Ballard

1. CALL TO ORDER & ORDERS OF THE DAY

Meeting called to order at 6:35 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. **CP18-043 (Administrative Hearing)**. Conditional Use Permit to allow the conversion of the service bays of an existing building into a convenience store, exterior modifications to the façade, late night use (24-hour operation), and off-sale of alcohol (beer and wine only) on an approximately 0.68-gross acre site located on the northeast corner of Blossom Hill Road and Santa Teresa Boulevard (875 Blossom Hill Road) (Real Estate Beneficiary LLC ET AL, Owner). Council District: 10. CEQA: Exempt per CEQA Guidelines Section 15061(b)(3) Common Sense Exemption.

PROJECT MANAGER, MICHELLE FLORES

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

- 1. CONSIDER THE EXEMPTION IN ACCORDANCE WITH CEQA; AND**
- 2. ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, A CONDITIONAL USE PERMIT FOR THE CONVERSION OF SERVICE BAYS OF THE EXISTING BUILDING INTO A CONVENIENCE STORE, EXTERIOR MODIFICATION TO THE FAÇADE, LATE NIGHT USE (24-HOUR OPERATION), AND OFF-SALE OF ALCOHOL (BEER AND WINE ONLY) IN AN EXISTING 1,756-SQUARE FOOT CONVENIENCE STORE ON AN APPROXIMATELY 0.69-GROSS ACRE SITE.**

COMMISSIONER GRISWOLD SECONDED THE MOTION. (4-0-1-1; BALLARD ABSENT, LEYBA ABSTAINED)

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. **PDC17-056, PD17-027, PT18-049**. Signature Project for a Planned Development Rezoning from the R-M Multiple Residence and RM(PD) Planned Development Zoning District to the RM(PD) Planned Development Zoning District to facilitate a mixed use development with up to 307 new units on-site and 17,800 square feet of retail/commercial uses, a Planned Development Permit to allow the demolition of existing parking garages, sports courts, pool, and amenity building, removal of up to 133 ordinance size tree, and allow the construction of a mixed-used development including up to 302 residential units and 17,800 square feet of retail/commercial space and extended construction hours, and a Vesting Tentative Tract Map to merge 7 parcels and to subdivide the merged parcel into 2 parcels on an approximately 20.08-gross acre site located on the east side of Saratoga Avenue between Blackford Avenue and Manzanita Drive (700 Saratoga Avenue) (Tishman Speyer Archstone-Smith, Owner). Council District: 1. CEQA: Environmental Impact Report Avalon West Valley Expansion Project

PROJECT MANAGER, CASSANDRA VAN DER ZWEEP

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

- 1. ADOPT A RESOLUTION CERTIFYING THE AVALON WEST VALLEY EXPANSION PROJECT ENVIRONMENTAL IMPACT REPORT AND MAKING CERTAIN FINDINGS CONCERNING SIGNIFICANT IMPACTS, MITIGATION MEASURES, AND ALTERNATIVES, AND ADOPTING AN ASSOCIATED MITIGATION MONITORING AND REPORTING PLAN, ALL IN ACCORDANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED; AND**
- 2. ADOPT AN ORDINANCE REZONING AN APPROXIMATELY 20.08-GROSS ACRE SITE LOCATED EAST OF SARATOGA AVENUE BETWEEN BLACKFORD AVENUE AND MANZANITA DRIVE (700 SARATOGA AVENUE) FROM THE RM MULTIPLE RESIDENCE AND RM(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO THE RM(PD) PLANNED DEVELOPMENT ZONING DISTRICT FOR A MIXED-USE DEVELOPMENT.**
- 3. ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, THE VESTING TENTATIVE TRACT MAP TO MERGE SEVEN PARCELS AND TO SUBDIVIDE THE MERGED PARCEL INTO NO MORE THAN TWO PARCELS.**
- 4. ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, A PLANNED DEVELOPMENT PERMIT TO EFFECTUATE THE PLANNED DEVELOPMENT ZONING DISTRICT AND ALLOW THE DEMOLITION OF EXISTING PARKING GARAGES, SPORTS COURTS, POOL, AND AMENITY BUILDING, REMOVAL OF UP TO 133 ORDINANCE-SIZE TREES, AND THE CONSTRUCTION OF A MIXED-USED DEVELOPMENT INCLUDING 302 RESIDENTIAL UNITS AND 17,800 SQUARE FEET OF RETAIL/COMMERCIAL SPACE AND EXTENDED CONSTRUCTION HOURS ON AN APPROXIMATELY 20.08-GROSS ACRE SITE.**

COMMISSIONER YESNEY SECONDED THE MOTION. (5-0-1; BALLARD ABSENT)

- b. [PP18-092](#). Amendments to Title 20 of the San Jose Municipal Code (the Zoning Code) to amend Section 20.80.1680 and Section 20.80.1690 of Part 17.5, Chapter 20.80 to revise the required setback in safe parking provisions to provide shelter to homeless people in vehicles parked on existing City-owned parcels, and sites consisting of legal assembly uses constructed and operating in compliance with the San Jose Municipal Code and to exempt Safe Parking from the 55 noise performance standards at the property line. Council District: City wide. CEQA: Addendum to Initial Study/Negative Declaration for the Incidental Safe Parking Municipal Code amendment.

PROJECT MANAGER, APARNA ANKOLA

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

- 1. ADOPT A RESOLUTION APPROVING THE ADDENDUM TO THE NEGATIVE DECLARATION IN ACCORDANCE WITH CEQA; AND**
- 2. APPROVE AN ORDINANCE AMENDING TITLE 20 OF THE SAN JOSE MUNICIPAL CODE WITH REVISED PROVISIONS FOR SAFE PARKING OF HOMELESS PEOPLE IN VEHICLES.**

COMMISSIONER LEYBA SECONDED THE MOTION. (5-0-1; BALLARD ABSENT)

- c. [PP19-028](#). An ordinance of the City of San José amending various sections of Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code to: amend section 20.30.150 to allow Secondary Units in low density residential cluster development; amend section 20.30.500 to add clarifying language to include corner setback requirement for Accessory Structures; amend section 20.50.125 to add clarifying language to permitted incidental office use in Light Industrial and Heavy Industrial zoning districts; amend section 20.100.500 to allow additions and accessory structures for low density cluster development; amend section 20.100.1300 for clarity to incorporate safety guardrails within the maximum height limitations for elevator shafts and stairwells; amend section 20.200.181 to replace definition of Catering Facility with Caterer; and to make other technical, non-substantive, or formatting changes within those sections of Title 20 of the San José Municipal Code. Council District: City wide. CEQA: Determination of Consistency with the Envision San Jose 2040 General Plan Final Program Environmental Impact Report (FEIR), adopted through Resolution No. 76041, and Supplemental EIR Resolution No. 77617, adopted 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.

PROJECT MANAGER, APARNA ANKOLA

ACTION: COMMISSIONER OLIVERIO 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 THROUGH 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 SAN JOSÉ MUNICIPAL CODE FOR VARIOUS SECTIONS OF TITLE 20 (ZONING CODE) WHICH INCLUDE BUT NOT LIMITED TO THE FOLLOWING: AMEND SECTION 20.30.150 TO ALLOW SECONDARY UNITS IN LOW DENSITY RESIDENTIAL CLUSTER DEVELOPMENT; AMEND SECTION 20.30.500 TO ADD CLARIFYING LANGUAGE TO INCLUDE CORNER SETBACK REQUIREMENT FOR ACCESSORY STRUCTURES; AMEND SECTION 20.50.125 TO ADD CLARIFYING LANGUAGE TO PERMITTED INCIDENTAL OFFICE USE IN LIGHT INDUSTRIAL AND HEAVY INDUSTRIAL ZONING DISTRICTS; AMEND SECTION 20.100.500 TO ALLOW ADDITIONS AND ACCESSORY STRUCTURES FOR LOW DENSITY CLUSTER DEVELOPMENT; AMEND SECTION 20.100.1300 FOR CLARITY TO INCORPORATE SAFETY GUARDRAILS WITHIN THE MAXIMUM HEIGHT LIMITATIONS FOR ELEVATOR SHAFTS AND STAIRWELLS; AMEND SECTION 20.200.181 TO REPLACE DEFINITION OF CATERING FACILITY WITH CATERER; AND TO MAKE OTHER TECHNICAL, NON-SUBSTANTIVE, OR FORMATTING CHANGES WITHIN THOSE SECTIONS OF TITLE 20 OF THE SAN JOSÉ MUNICIPAL CODE.**

COMMISSIONER YESNEY SECONDED THE MOTION. (5-0-1; BALLARD ABSENT)

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

11. GOOD AND WELFARE

- a. Report from City Council
- b. Review and Approve Action Minutes from 5/1/19
Commissioner Oliverio made a motion to approve the 5/1/19 amended minutes with corrections to the formatting and 12.b. votes. Commissioner Leyba seconded the motion. (5-0-1; Ballard absent)
- c. Subcommittee Formation, Reports, and Outstanding Business
- d. Commission Calendar and Study Sessions
- e. The Public Record

12. ADJOURNMENT

Meeting adjourned at 8:06 p.m.