

PLANNING COMMISSION

December 5, 2018

Action Minutes

WELCOME

SALUTE TO THE FLAG

ROLL CALL

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

ABSENT: Commissioners Vora

1. CALL TO ORDER & ORDERS OF THE DAY

Meeting called to order at 6:42 p.m.

The Commission held a moment of silence in remembrance of President George H.W. Bush

2. PUBLIC COMMENT

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. **CP18-032 (Administrative Hearing)**. Conditional Use Permit to allow off-sale of beer and wine (within hotel convenience shop), including late night hours until 2:00 a.m. daily; and late night operation for a public eating establishment until 1:00 a.m. daily; and granting a Determination of Public Convenience or Necessity (PCN) for the off-sale of beer and wine at an existing (under construction) 107,153 square-foot, 165-room hotel on a 2.51-gross acre site located on the west side of North 1st Street, approximately 300 feet southerly of Karina Court (2105 North 1st Street) (San Jose Hotel Partners LLC, Owner). Council District: 4. CEQA: Exempt pursuant to CEQA Guidelines Section 15301(a) for Existing Facilities.

PROJECT MANAGER, ANGELA WANG

1. **DETERMINED THE EXEMPTION IN ACCORDANCE WITH CEQA GUIDELINES SECTION 15301 FOR EXISTING FACILITIES (5-0-1; COMMISSIONER VORA ABSENT)**
2. **ACTION: COMMISSIONER BALLARD MADE A MOTION TO APPROVE THE CONDITIONAL USE PERMIT AND DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY AS DESCRIBED ABOVE. COMMISSIONER GRISWOLD SECONDED THE MOTION. THE COMMISSION APPROVED THE CONDITIONAL USE PERMIT RESOLUTION NO. 18-026 (5-0-1; VORA ABSENT)**

- b. **PP18-014**. An Ordinance of the City of San Jose amending Title 20 of the San Jose Municipal Code (the Zoning Ordinance) by amending section 20.10.040 of Chapter 20.10 and Section 20.50.100 of Chapter 20.50, adding a new Part 9.76 of Chapter 20.80, and amending sections 20.100.1530, 20.100.1535, and 20.100.1540 of Chapter 20.100 of Title 20 of the San Jose Municipal Code to add Cannabis Manufacturing, Cannabis Testing, and Cannabis Distribution as newly enumerated restricted uses in specified industrial zoning districts, and making other technical, non-substantive or formatting changes. Council District: Citywide. CEQA: Addendum to the Envision San José 2040 General Plan EIR (Resolution No. 76041) and Supplemental Program Environmental Impact Report (Resolution No. 77617) and Addenda thereto.

PROJECT MANAGER, LEA SIMVOULAKIS

PULLED FROM CONSENT AND HEARD UNDER PUBLIC HEARING

1. **ACTION: COMMISSIONER YESNEY MADE A MOTION TO RECOMMEND TO THE CITY COUNCIL THE FOLLOWING:**
 - A. **CONSIDER THE ADDENDUM IN ACCORDANCE WITH CEQA; AND**

B. RECOMMEND THAT THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING TITLE 20 (THE ZONING CODE) OF THE SAN JOSÉ MUNICIPAL CODE AS DESCRIBED ABOVE WITH THE FOLLOWING CLARIFICATIONS BE INCLUDED IN THE STAFF REPORT;

- I. NO PERSON SHALL OWN, OPERATE OR PROFIT FROM;**
- II. ARE EFFECTIVE OR CURRENT**

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

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. The proposed projects are located on a 5.97-gross acre site on the east side of Evans Lane approximately 170 feet northerly of Canoas Garden Avenue to allow 61 residential Permanent Supportive Housing and Affordable Housing units in eight (8) prefabricated buildings, a residential community building/staff offices, community garden, and a public library (0 Evans Lane) (City of San Jose, Owner). Council District: 6. CEQA: Addendum to the Adopted Mitigated Negative Declaration for the Evans Lane Housing Project.

PROJECT MANAGER, RUTH CUETO

PDC16-007. Planned Development Rezoning from the A(PD) Planned Development Zoning District and the LI Light Industrial Zoning District to the R-M(PD) Planned Development Zoning District; and

PD18-007. Planned Development Permit to allow 61 residential Permanent Supportive Housing and Affordable Housing units in eight (8) prefabricated buildings, a residential community building/staff offices, community garden, and a satellite public library.

1. ACTION: COMMISSIONER LEYBA MADE A MOTION TO RECOMMEND TO THE CITY COUNCIL THE FOLLOWING:

A. RECOMMEND THAT THE CITY COUNCIL ADOPT A RESOLUTION ADOPTING THE ADDENDUM TO THE ADOPTED MITIGATED NEGATIVE DECLARATION FOR THE EVANS LANE HOUSING PROJECT; AND

B. RECOMMEND THAT THE CITY COUNCIL ADOPT AN ORDINANCE REZONING THE PROPERTY AS DESCRIBED ABOVE.; AND

C. ADOPT A RESOLUTION APPROVING A PLANNED DEVELOPMENT PERMIT AS DESCRIBED ABOVE.

COMMISSIONER GRISWOLD SECONDED THE MOTION (4-1-1-0; BALLARD OPPOSED, VORA ABSENT)

6. CLOSE THE GENERAL PLAN HEARING

7. GENERAL PLAN CONSENT CALENDAR

- a. [GP17-017](#). General Plan Amendment to change the Land Use/Transportation Diagram land use designation from Mixed Use Commercial to Transit Residential on a 4.25-gross acre site, located at 214, 214D, and 205 Dupont Street, and 226 and 275 McEvoy Street. (Autumn LLC, Owner). CEQA: Addendum to the Diridon Station Area Plan Final Program Environmental Impact Report (Resolution No. 77096); Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and the Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No. 77617); and Addenda thereto.

Deferred from 11/7/18.

PROJECT MANAGER, ROBERT RIVERA

1. ACTION: COMMISSIONER YESNEY MADE A MOTION TO RECOMMEND TO THE CITY COUNCIL THE FOLLOWING:

A. CONSIDER THE ADDENDUM TO THE DIRIDON STATION AREA PLAN FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT IN ACCORDANCE WITH CEQA; AND

B. RECOMMEND THAT THE CITY COUNCIL ADOPT A RESOLUTION APPROVING THE GENERAL PLAN AMENDMENT AS DESCRIBED ABOVE.

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

8. GENERAL PLAN PUBLIC HEARING

No Items.

9. CLOSE THE GENERAL PLAN HEARING

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 11/7/18 and 11/28/18

Commissioner Leyba made a motion to approve the 11/7/18 minutes. Commissioner Griswold seconded the motion. (4-0-1-1) Commissioner Vora absent, Commissioner Ballard abstained

Commissioner Leyba made a motion to approve the 11/28/18 minutes. Commissioner Griswold seconded the motion. (4-0-1-1) Commissioner Vora absent, Commissioner Ballard abstained

- c. Subcommittee Formation, Reports, and Outstanding Business
d. Commission Calendar and Study Sessions
e. The Public Record

12. ADJOURNMENT

Meeting adjourned at 8:34 p.m.