

## PLANNING COMMISSION

March 13, 2019

Action Minutes

### WELCOME

### SALUTE TO THE FLAG

### ROLL CALL

PRESENT: Commissioners Allen, Ballard, Griswold, Leyba, Yesney, Vora (arrived at 7:03 pm)

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.

- 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, increase in building height stepbacks, and reduction in the required first floor height; Waiver of the motorcycle parking standards; and the use of a 0.5 space per unit parking ratio), on

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

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.

*PROJECT MANAGER, RUTH CUETO*

**DEFER TO THE MARCH 27, 2019 PLANNING COMMISSION MEETING PER STAFF REQUEST. MOTION TO DEFER CARRIES UNANIMOUSLY (5-0-1, VORA ABSENT)**

#### **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. **CP18-015 (Administrative Hearing)**. Conditional Use Permit to allow an automotive service use (tire sales and installation) and the construction of an approximately 7,680-square foot building on an approximately 0.67-gross acre site located on the east side of Monterey Road, approximately 540 feet southerly of Tully Road (2288 Monterey Road) (RI – San Jose, LLC, Owner). Council District: 7. CEQA: Exempt pursuant to CEQA Guidelines Section 15303(c) for New Construction.  
*PROJECT MANAGER, MICHELLE FLORES*

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

- 1. CONSIDER THE EXEMPTION IN ACCORDANCE WITH CEQA; AND**
- 2. ADOPT A RESOLUTION APPROVING THE CONDITIONAL USE PERMIT FOR AN AUTOMOTIVE SERVICE USE (TIRE SALES AND INSTALLATION) AND THE CONSTRUCTION OF AN APPROXIMATELY 7,680-SQUARE FOOT BUILDING ON AN APPROXIMATELY 0.67-GROSS ACRE SITE.**

**COMMISSIONER GRISWOLD SECONDED THE MOTION. (5-0-1; VORA ABSENT)**

#### **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. **PDC18-009, PD18-037, & PT18-020**. Planned Development Rezoning from the CG Commercial General Zoning District to the CP(PD) Planned Development Zoning District, a Planned Development Permit to allow the demolition of an approximately 1,544-square foot single-family residence and 3,887-square foot commercial building, the removal of seven ordinance-size trees for the construction of a mixed-use project with no more than 48 residential condominium units and approximately 18,495 square feet of commercial office space, allow up to 15 commercial condominium units, and a Vesting Tentative Map to merge two parcels into one parcel with no more than 48 residential condominium units and no more than 15 commercial condominium units on an approximately 0.47-gross acre site located on the north side of Hemlock Avenue,

approximately 120 feet easterly of South Baywood Avenue (2881 Hemlock Avenue and 376 South Baywood Avenue) (Yisrael 26 LLC, Owner). Council District: 6. CEQA: Hemlock Mixed-Use Project Mitigated Negative Declaration.

*PROJECT MANAGER, CASSANDRA VAN DER ZWEEP*

**ACTION: COMMISSIONER YESNEY MADE A MOTION TO RECOMMEND THAT THE CITY COUNCIL TAKE THE FOLLOWING ACTIONS WITH AN ADDED CONDITION TO 9.C. FOR PT18-020 INCORPORATING THE TRANSPORTATION DEMAND MANAGEMENT PLAN MESURES INTO THE OWNERS ASSOCIATION AGREEMENT.**

- 1. ADOPT A RESOLUTION APPROVING THE MITIGATED NEGATIVE DECLARATION AND ASSOCIATED MITIGATION MONITORING AND REPORTING PLAN FOR THE HEMLOCK MIXED-USE PROJECT IN ACCORDANCE WITH CEQA; AND**
- 2. ADOPT AN ORDINANCE REZONING CERTAIN REAL PROPERTY APPROXIMATELY 0.47-GROSS ACRE SITE LOCATED ON THE NORTH SIDE OF HEMLOCK AVENUE, APPROXIMATELY 120 FEET EASTERLY OF SOUTH BAYWOOD AVENUE (2881 HEMLOCK AVENUE AND 376 BAYWOOD AVENUE) FROM THE CG COMMERCIAL GENERAL ZONING DISTRICT TO THE CP(PD) PLANNED DEVELOPMENT ZONING DISTRICT FOR A MIXED-USE DEVELOPMENT.**
- 3. ADOPT A RESOLUTION APPROVING THE VESTING TENTATIVE SUBDIVISION MAP TO MERGE TWO PARCELS INTO ONE PARCEL AND TO RESUBDIVIDE THE PARCEL INTO NO MORE THAN 48 RESIDENTIAL CONDOMINIUM UNITS AND NO MORE THAN 15 COMMERCIAL CONDOMINIUM UNITS.**
- 4. ADOPT A RESOLUTION APPROVING A PLANNED DEVELOPMENT PERMIT, SUBJECT TO CONDITIONS, TO EFFECTUATE THE PLANNED DEVELOPMENT ZONING DISTRICT AND ALLOW THE DEMOLITION OF THE 1,544-SQUARE FOOT SINGLE-FAMILY RESIDENCE AND APPROXIMATELY 3,887-SQUARE FOOT COMMERCIAL BUILDING, THE REMOVAL OF SEVEN ORDINANCE-SIZE TREES, AND THE CONSTRUCTION OF A MIXED-USE PROJECT WITH UP TO NO MORE THAN 48 RESIDENTIAL CONDOMINIUM UNITS AND APPROXIMATELY 18,495 SQUARE FEET OF COMMERCIAL OFFICE SPACE WITH NO MORE THAN 15 COMMERCIAL CONDOMINIUM UNITS ON AN APPROXIMATELY 0.47-GROSS ACRE SITE.**

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

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

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- a. **[Bylaws Amendments](#)**. Consideration of amendments to the Planning Commission Bylaws (Planning Commission Resolution No. 64-1) to address changes in state and local law regarding Commission voting requirements. CEQA: Not a project.

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

- 1. ADOPT THE PROPOSED AMENDMENTS TO PLANNING COMMISSION RESOLUTION NO. 64-1**

## **7. GOOD AND WELFARE**

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- a. Report from City Council
- b. Review and Approve Action Minutes from 2/27/19  
*Commissioner Ballard made a motion to approve the 2/27/19 minutes. 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**

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Meeting adjourned at 7:31 p.m.