

## **PLANNING COMMISSION**

October 9, 2019

Action Minutes

### **WELCOME**

### **SALUTE TO THE FLAG**

### **ROLL CALL**

PRESENT: Commissioners Ballard, Allen, Bonilla, Caballero, Oliverio (arrived at 6:34),  
Yesney

ABSENT: Commissioner Griswold

## **1. CALL TO ORDER & ORDERS OF THE DAY**

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Meeting called to order at 6:30 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. **SP18-001 & T18-001.** Special Use Permit to allow the demolition of the existing on-site buildings, the removal one (1) non-ordinance size tree, and to allow the construction of a 27-story, high-rise tower including either (Option 1) up to 290 residential units and approximately 5,000 square feet of non-residential uses comprised of up to five (5) condominium spaces or (Option 2)

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

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

Co-Living Facility with up to 793 Bedrooms, approximately 5,422 square feet of non-residential uses comprised of up to (5) condominium spaces on an approximately 0.4-gross acre site located on the southeast corner of South 1st Street and East Reed Street (600 South 1st Street) (Salata James A and Suzanne M Trustee, Owner). Council District 3. CEQA: Garden Gate Tower Supplemental Environmental Impact Report.

*PROJECT MANAGER, CASSANDRA VAN DER ZWEEP*

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

**DROP TO BE RENOTICED FOR THE OCTOBER 23, 2019 PLANNING COMMISSION MEETING PER STAFF REQUEST.**

**COMMISSIONER OLIVERIO SECONDED THE MOTION. (6-0-1; GRISWOLD 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. **[CP19-015 \(Administrative Hearing\)](#)**. Conditional Use Permit to allow the sale of a full range of alcoholic beverages for off-site consumption at a full-service grocery store (Tropicana Food 2) on a 1.37 gross acre site within the CP Commercial Pedestrian Zoning District located at northeast corner of East William Street and McLaughlin Avenue intersection (480 McLaughlin Avenue) (Silicon Valley HP Property LLC, Owner). Council District 3. CEQA: Exempt pursuant to CEQA Guidelines Section 15301(a) for Existing Facilities.

*PROJECT MANAGER, MAIRA BLANCO*

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

- 1. CONSIDER THE EXEMPTION IN ACCORDANCE WITH CEQA GUIDELINES SECTION 15301(A) FOR EXISTING FACILITIES; AND**
- 2. ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, THE CONDITIONAL USE PERMIT FOR THE OFF-SALE OF A FULL-RANGE ALCOHOLIC BEVERAGES AT A NEW FULL SERVICE GROCERY STORE (TROPICANA FOOD 2, UNDER CONSTRUCTION) LOCATED ON THE NORTHEAST CORNER OF E. WILLIAM STREET AND THE MCLAUGHLIN AVENUE (480 MCLAUGHLIN AVENUE).**

**COMMISSIONER YESNEY SECONDED THE MOTION. (6-0-1; GRISWOLD 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. [PP19-056](#). 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: (a) amend Section 20.30.150 to modify and add clarifying language for current Secondary Unit (ADU) provisions to: omit the minimum unit limitation for two bedrooms and allow on any lot greater than 9,000 square feet, allow a new detached secondary unit at a minimum distance of 45 feet from the front property line, allow connecting opening between a secondary dwelling unit and attached garage, and to include requirements for unenclosed overhanging balconies, stair landings and porches; amend Section 20.30.280 to add clarifying language to allow rear setback exception for new construction; amend Section 20.40.230 to include maximum height exception limitations; amend Section 20.90.410 to add clarifying language to off-street loading provisions; amend Section 20.100.910 to modify requirements for lot sizes for exemption from a Planned Development Permit Amendment for single-family residences; amend Section 20.100.1300 to delete maximum height exception limitations; amend Section 20.200.1310 to add clarifying language to Utility Facility definition; and to make other technical, non-substantive, or formatting changes within those sections of Title 20 of the San José Municipal Code. CEQA: Determination of Consistency with the Envision San Jose 2040 General Plan Final Program Environmental Impact Report (FEIR), (Resolution No. 76041), and Supplemental EIR (Resolution No. 77617), and Addenda thereto (collectively “the EIRs”). 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 EIRs adequately describe the activity for purposes of CEQA. The project does not involve new significant effects beyond those analyzed in the 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 JOSE 2040 GENERAL PLAN FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (FEIR) (RESOLUTION NO. 76041) AND SUPPLEMENTAL EIR (RESOLUTION NO. 77617), AND ADDENDA THERETO (COLLECTIVELY “THE EIRS”). 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 EIRS ADEQUATELY DESCRIBE THE ACTIVITY FOR PURPOSES OF CEQA. THE PROJECT DOES NOT INVOLVE NEW SIGNIFICANT EFFECTS BEYOND THOSE ANALYZED IN THE EIRS IN ACCORDANCE WITH CEQA; AND**
- 2. 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: (A) AMEND SECTION 20.30.150 TO MODIFY AND ADD CLARIFYING LANGUAGE FOR CURRENT SECONDARY UNIT (ADU) PROVISIONS TO: OMIT THE MINIMUM UNIT LIMITATION FOR TWO BEDROOMS AND ALLOW ON ANY LOT GREATER THAN 9,000 SQUARE FEET, ALLOW A NEW DETACHED SECONDARY UNIT AT A MINIMUM DISTANCE OF 45 FEET FROM THE FRONT PROPERTY LINE, ALLOW CONNECTING OPENING BETWEEN A SECONDARY DWELLING UNIT AND ATTACHED GARAGE, AND TO INCLUDE REQUIREMENTS FOR UNENCLOSED OVERHANGING**

**BALCONIES, STAIR LANDINGS AND PORCHES; AMEND SECTION 20.30.280 TO ADD CLARIFYING LANGUAGE TO ALLOW REAR SETBACK EXCEPTION FOR NEW CONSTRUCTION; AMEND SECTION 20.40.230 TO INCLUDE MAXIMUM HEIGHT EXCEPTION LIMITATIONS; AMEND SECTION 20.90.410 TO ADD CLARIFYING LANGUAGE TO OFF-STREET LOADING PROVISIONS; AMEND SECTION 20.100.910 TO MODIFY REQUIREMENTS FOR LOT SIZES FOR EXEMPTION FROM A PLANNED DEVELOPMENT PERMIT AMENDMENT FOR SINGLE-FAMILY RESIDENCES; AMEND SECTION 20.100.1300 TO DELETE MAXIMUM HEIGHT EXCEPTION LIMITATIONS; AMEND SECTION 20.200.1310 TO ADD CLARIFYING LANGUAGE TO UTILITY FACILITY DEFINITION; AND TO MAKE OTHER TECHNICAL, NON-SUBSTANTIVE, OR FORMATTING CHANGES WITHIN THOSE SECTIONS OF TITLE 20 OF THE SAN JOSÉ MUNICIPAL CODE.**

**COMMISSIONER ALLEN SECONDED THE MOTION (6-0-1, GRISWOLD ABSENT)**

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

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## **7. GOOD AND WELFARE**

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a. Report from City Council

*On October 8, 2019, City Council approved Amendment to Title 20 of the San Jose Municipal Code for Sidewalk Café and Mino Encroachment Permits (PP17-081).*

b. Review and Approve Action Minutes from [9/11/19](#)

*Commissioner Oliverio made a motion to approve the 9/11/19 minutes. Commissioner Allen seconded the motion. (4-0-1-2, Griswold absent, Bonilla and Caballero abstained)*

c. Election of Vice Chair for Fiscal Year 2019-2020

*Commissioner Allen made a motion to nominate Commissioner Griswold as Vice Chair. Commissioner Yesney seconded the motion. (6-0-1, Griswold absent)*

d. Subcommittee Formation, Reports, and Outstanding Business

*No Reports*

e. Commission Calendar and Study Sessions

i. Adopt resolution approving the [2020 Planning Commission Meeting Schedule](#)

ii. *Commissioner Allen made a motion to adopt the resolution approving the 2020 Planning Commission Meeting Schedule. Commissioner Yesney seconded the motion. (6-0-1, Griswold absent)*

iii. Planning Commission retreat scheduled for 10/18/19 morning is rescheduled to 11/22/19

iv. General Plan Annual Review Study Session scheduled for 10/23/19

f. The Public Record

*No Items*

## **8. ADJOURNMENT**

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Meeting adjourned at 6:49 p.m.