

PLANNING COMMISSION

July 22, 2020

Action Minutes

WELCOME

ROLL CALL

PRESENT: Commissioners Caballero, Bonilla, Casey, Garcia, Lardinois, Oliverio, Torrens

ABSENT: None

STUDY SESSION AND PUBLIC HEARING: TO BE HEARD AT 5:00 PM

a. **[San José Citywide Design Standards and Guidelines:](#)**

PROJECT MANAGER, LEILA HAKIMIZADEH

1. CALL TO ORDER & ORDERS OF THE DAY

Meeting called to order at: 6:30 pm

Access the video, agenda, and related reports for this meeting by visiting the City's website at:
<https://www.sanjoseca.gov/your-government/departments/planning-building-code-enforcement/planning-division/commissions-and-hearings/planning-commission>

2. PUBLIC COMMENT

Public comments to the Planning Commission on non-agendized items. Please contact the Commission in the manner specified on p. 2 of the agenda to comment on any item that is not specified on the agenda. Please use the 'raise hand' feature in Zoom or click *9 to raise a hand to speak or contact 408-535-3505 to request to speak. Each member of the public may address the Commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:

- Responding to statements made or questions posed by members of the public; or
- Requesting staff to report back on a matter at a subsequent meeting; or
- Directing staff to place the item on a future agenda

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 or removal.

Staff will provide an update on the items for which deferral and removal is being requested. If you want to change any of the deferral dates recommended, or speak to the question of deferring or removing these or any other items, you should request to speak in the manner specified on p. 2 of the Planning Commission agenda.

No Items

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, please use the 'raise hand' feature in Zoom or click *9 to raise a hand to speak or contact 408-535-3505 to request to speak.

- a. **PDC19-022, PD19-018 & PT19-022.** PD Planned Development Zoning to rezone from a R-1-5 Single-Family Residence Zoning District to a A(PD) Planned Development Zoning District; Planned Development Permit to demolish existing residential structure and allow construction of two single-family residences and a commercial parking lot, and allow the removal an ordinance-size tree approximately 55 inches in circumference; and a Tentative Map to subdivide one parcel into three lots on an approximately 1.01-gross acre site located on the west side of San Felipe Road, approximately 1,010 feet south of Delta Road (4349 San Felipe Road) (Vierra Douglas W and Nancy Douglas, Owners). Council District 8. **CEQA:** Exempt pursuant to CEQA Guidelines Section 15303 (a) for New Construction or Conversion of Small Structures. *Deferred from 7/8/2020.*

PROJECT MANAGER, MAIRA BLANCO

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

- 1. CONSIDER AN EXEMPTION IN ACCORDANCE WITH CEQA GUIDELINES SECTION 15303(A) FOR NEW CONSTRUCTION OR CONVERSION OF SMALL STRUCTURES;**
- 2. APPROVE AN ORDINANCE OF THE CITY OF SAN JOSÉ REZONING AN APPROXIMATELY 1.01-GROSS ACRE SITE ON THAT CERTAIN REAL PROPERTY LOCATED ON THE WEST SIDE OF SAN FELIPE ROAD APPROXIMATELY 2,000 FEET NORTH OF YERBA BUENA ROAD FROM THE R-1-5 SINGLE-FAMILY RESIDENCE ZONING DISTRICT TO A (PD) PLANNED DEVELOPMENT ZONING DISTRICT;**
- 3. ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, A TENTATIVE MAP TO SUBDIVIDE ONE LOT INTO THREE LOTS TO ALLOW RESIDENTIAL AND COMMERCIAL USES; AND**
- 4. ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS A PLANNED DEVELOPMENT PERMIT TO EFFECTUATE THE PLANNED DEVELOPMENT ZONING DISTRICT AND TO ALLOW DEMOLITION OF AN EXISTING RESIDENTIAL STRUCTURE, CONSTRUCTION OF TWO SINGLE-FAMILY RESIDENCES AND ASSOCIATED GRADING, AND PERMIT AN EXISTING UNPERMITTED COMMERCIAL PARKING LOT, AND ALLOW THE REMOVAL OF ONE ORDINANCE-SIZE TREE ON A 1.01-GROSS ACRE SITE.**

COMMISSIONER BONILLA SECONDED THE MOTION (7-0).

- b. **CP18-011 (Administrative Hearing).** Conditional Use Permit to allow the demolition of an existing approximately 1,820-square foot pump canopy, landscaping, monument sign, light, fueling system, and air and water pump, underground tanks, and the construction of a new approximately 1,800-square foot fueling canopy, an 817-square foot addition to an existing building for a total of an approximately 3,056 square feet for a convenience store with 24-hour use, the installation of two new underground tanks, site improvements including new paved surfaces, exterior lighting, revised landscaping, and the removal of 11 ordinance-sized trees on an approximately 0.47-gross acre site located on the Southeast corner of Santa Teresa Boulevard and

Cottle Road (6211 Santa Teresa Boulevard) (Karly Stephens, Owner). Council District 2. **CEQA:** 6211 Santa Teresa Boulevard Fuel Station Project Mitigated Negative Declaration.

PROJECT MANAGER, RHONDA BUSS

PULLED FROM CONSENT AND HEARD UNDER PUBLIC HEARING.

ACTION: COMMISSIONER OLIVERIO MADE A MOTION TO APPROVE THE STAFF RECOMMENDATIONS TO:

- 1. ADOPT A RESOLUTION ADOPTING THE 6211 SANTA TERESA BOULEVARD FUEL STATION PROJECT MITIGATED NEGATIVE DECLARATION AND ASSOCIATED MITIGATION MONITORING AND REPORTING PROGRAM, FOR WHICH AN INITIAL STUDY WAS PREPARED, IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED;**
- 2. ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, A CONDITIONAL USE PERMIT TO ALLOW THE DEMOLITION OF AN EXISTING APPROXIMATELY 2,100-SQUARE FOOT PUMP CANOPY AND ASSOCIATED FUELING STATION EQUIPMENT, THE REMOVAL OF 11 ORDINANCE-SIZED TREES AND 3 NON-ORDINANCE-SIZED TREES, AND THE CONSTRUCTION OF A NEW APPROXIMATELY 1,800-SQUARE FOOT FUELING CANOPY AND AN 817-SQUARE FOOT ADDITION TO THE EXISTING 2,239-SQUARE FOOT BUILDING FOR A TOTAL OF APPROXIMATELY 3,056 SQUARE FEET FOR A RETAIL STORE WITH 24-HOUR USE, FUELING STATION, A PATIO WITH A SEATING AREA, SITE IMPROVEMENTS AND DISCONTINUATION OF THE NON-CONFORMING AUTO REPAIR USE ON AN APPROXIMATELY 0.47-GROSS ACRE SITE; AND**
- 3. DIRECT STAFF TO FILE A NOTICE OF DETERMINATION PURSUANT TO SECTION 15094 OF THE STATE CEQA GUIDELINES.**

COMMISSIONER BONILLA SECONDED THE MOTION (7-0).

- c. [CP20-005 \(Administrative Hearing\)](#). Conditional Use Permit to allow the installation of a 65-foot high wireless monopole with 12 panel antennas and associated equipment located in a parking lot within Lake Cunningham Regional Park on an approximately 107.74-gross acre site located on the southeast corner of Capitol Expressway and Cunningham Avenue (2305 South White Road) (City of San José, Owner). Council District 8. **CEQA:** Exemption pursuant to CEQA Guidelines Section 15303(d) for New Construction or Conversion of Small Structures.

PROJECT MANAGER, ALEC ATIENZA

ACTION: COMMISSIONER OLIVERIO MADE A MOTION TO APPROVE THE STAFF RECOMMENDATIONS TO:

- 1. CONSIDER AN EXEMPTION IN ACCORDANCE WITH CEQA GUIDELINES SECTION 15303(D) FOR NEW CONSTRUCTION OR CONVERSION OF SMALL STRUCTURES; AND**

2. **ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, A CONDITIONAL USE PERMIT AND A SITE DEVELOPMENT PERMIT TO ALLOW THE INSTALLATION OF A 65-FOOT HIGH WIRELESS MONOPOLE WITH 12 PANEL ANTENNAS AND ASSOCIATED EQUIPMENT LOCATED IN A PARKING LOT WITHIN LAKE CUNNINGHAM REGIONAL PARK ON AN APPROXIMATELY 107.74-GROSS ACRE SITE.**

COMMISSIONER BONILLA SECONDED THE MOTION (7-0).

- d. **PDC18-041 & PD18-047.** Rezoning from the R-1-8 Single-Family Residence Zoning District to the R-M(PD) Planned Development Zoning District and Planned Development Permit to allow the addition of three residential units to the rear of an existing single-family residence and removal of three ordinance-size trees on an approximately 0.28-gross acre site located on the south of Brace Avenue, approximately 300 feet easterly of Newport Avenue (1168 Brace Avenue) (1168 Brace Ave Inc., Owner). Council District 6. **CEQA:** Exempt pursuant to CEQA Guidelines Section 15303(d) for New Construction. or Conversion of Small Structures.

PROJECT MANAGER, MICHELLE FLORES

PULLED FROM CONSENT AND HEARD UNDER PUBLIC HEARING.

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

1. **CONSIDER AN EXEMPTION IN ACCORDANCE WITH CEQA GUIDELINES SECTION 15303(D) FOR NEW CONSTRUCTION OR CONVERSION OF SMALL STRUCTURES;**
2. **APPROVE AN ORDINANCE OF THE CITY OF SAN JOSÉ REZONING CERTAIN REAL PROPERTY LOCATED AT THE SOUTH SIDE OF BRACE AVENUE APPROXIMATELY 280 FEET EASTERLY OF NEWPORT AVENUE (1168 BRACE AVENUE) FROM THE R-1-8 SINGLE-FAMILY RESIDENCE ZONING DISTRICT TO THE R-M(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO ALLOW UP TO FOUR SINGLE-FAMILY ATTACHED RESIDENCES ON AN APPROXIMATELY 0.28-GROSS ACRE SITE; AND**
3. **ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, THE PARTIAL DEMOLITION OF AN EXISTING SINGLE-FAMILY RESIDENCE AND THE REMOVAL OF FIVE ORDINANCE-SIZE TREES FOR THE CONSTRUCTION OF FOUR MULTI-FAMILY UNITS ON AN APPROXIMATELY 0.28-GROSS ACRE SITE.**

COMMISSIONER CASEY SEDONDED THE MOTION (7-0).

- e. [PP20-008](#). An uncodified Ordinance of the City of San José temporarily extending the term of certain land use permits and tentative subdivision maps by two years from the current expiration date, and certain Tree Removal permits by eight months from the set expiration date. **CEQA:** Exempt pursuant to CEQA Guidelines Section 15061(b)(3), which states that if it can be seen with certainty that there is no possibility that the proposal may have a significant effect on the environment, then the activity is not subject to CEQA.

PROJECT MANAGER, APARNA ANKOLA

PULLED FROM CONSENT AND HEARD UNDER PUBLIC HEARING.

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

- 1. CONSIDER AN EXEMPTION IN ACCORDANCE WITH CEQA GUIDELINES SECTION 15061(B)(3) FOR REVIEW FOR EXEMPTION; AND**
- 2. APPROVE AN ORDINANCE OF THE CITY OF SAN JOSÉ TEMPORARILY EXTENDING THE TERM OF SPECIFIED LAND USE PERMITS BY TWO YEARS FROM THE SET EXPIRATION DATE, AND TREE REMOVAL PERMITS BY EIGHT MONTHS FROM THE SET EXPIRATION DATE.**

COMMISSIONER TORRENS SECONDED THE MOTION (7-0).

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. [CP19-021 \(Administrative Hearing\)](#). Conditional Use Permit to allow the demolition of four commercial buildings totaling approximately 6,030 square feet, and the removal of two ordinance-size trees and four non-ordinance sized trees for the construction of a one to three-story, 83-unit state-licensed Residential Care Facility for the Elderly with approximately 72,380 square feet of above grade floor area and an approximately 30,240 square feet of basement containing 7,750 square feet of activity rooms, staff room, utility rooms, and 22,450 square feet of parking and circulation on an approximately 1.23-gross acre site located on west side of South Bascom Avenue, approximately 230 feet south of Dry Creek Road (2375 South Bascom Avenue) (Bob Bombaci, Owner). Council District 9. **CEQA:** Mitigated Negative Declaration for the Bascom Residential Care Facility Project.

PROJECT MANAGER, ANGELA WANG

ACTION: COMMISSIONER OLIVERIO MADE A MOTION TO APPROVE THE STAFF RECOMMENDATIONS TO:

- 1. ADOPT A RESOLUTION ADOPTING THE BASCOM RESIDENTIAL CARE FACILITY PROJECT MITIGATED NEGATIVE DECLARATION, FOR WHICH AN INITIAL STUDY WAS PREPARED, AND ADOPTING AN ASSOCIATED MITIGATION MONITORING AND REPORTING PLAN, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), AS AMENDED; AND**

2. **ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, A CONDITIONAL USE PERMIT TO ALLOW THE DEMOLITION OF FOUR COMMERCIAL BUILDINGS TOTALING APPROXIMATELY 6,030 SQUARE FEET, AND THE REMOVAL OF TWO ORDINANCE-SIZE TREES AND FOUR NON-ORDINANCE SIZED TREES FOR THE CONSTRUCTION OF A ONE TO THREE-STORY, 83-UNIT STATE-LICENSED RESIDENTIAL CARE FACILITY FOR THE ELDERLY WITH APPROXIMATELY 72,380 SQUARE FEET OF ABOVE GRADE FLOOR AREA AND AN APPROXIMATELY 30,240 SQUARE FEET OF BASEMENT CONTAINING SOME ACTIVITY ROOMS, UTILITY ROOMS, PARKING AND CIRCULATION ON AN APPROXIMATELY 1.23-GROSS ACRE SITE.**

COMMISSIONER BONILLA SECONDED THE MOTION (7-0).

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

No Items

7. GOOD AND WELFARE

- a. Report from City Council
No Reports
- b. Review and Approve Action Minutes from [7/8 Informational Workshop](#) and [7/8 Meeting](#).
Commissioner Oliverio made a motion to approve the 7/8 Informational Workshop and the 7/8 Minutes.
Commissioner Casey seconded the motion (7-0).
- c. Subcommittee Formation, Reports, and Outstanding Business
No Reports
- d. Commission Calendar and Study Sessions
 - i. The second San Jose Citywide Design Standards and Guidelines study session is scheduled for 8/12/20.
- e. The Public Record

8. ADJOURNMENT

Meeting adjourned at 8:04 pm