

AMENDED

PLANNING COMMISSION

June 8, 2022

Action Minutes

WELCOME

ROLL CALL

PRESENT: Commissioners Bonilla, Cantrell, Garcia, Lardinois, Oliverio, Ornelas-Wise, Torrens, Young

ABSENT: Commissioners Casey, Caballero, Montañez

1. CALL TO ORDER & ORDERS OF THE DAY

Meeting called to order at: 6:30 p.m.

2. PUBLIC COMMENT

Public comments to the Planning Commission on non-agendized 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. Each member of the public may address the Commission for up to two 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 items

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>

3. DEFERRALS AND REMOVALS FROM CALENDAR

No items

4. CONSENT CALENDAR

ACTION: COMMISSIONER OLIVERIO MADE A MOTION TO APPROVE CONSENT CALENDAR ITEMS 4.A. AND 4.B.

COMMISSIONER LARDINOIS SECONDED THE MOTION (8-0-3; CASEY, CABALLERO, AND MONTAÑEZ ABSENT)

- a. Review and Approve Action Minutes from [May 25, 2022](#).

- b. [CP22-004/ER22-029 \(Administrative Hearing\)](#). Conditional Use Permit and Determination of Public Convenience or Necessity to allow the off-sale of a full-range of alcoholic beverages at a proposed retail/grocery store (Eataly) occupying an existing 47,322 square foot commercial tenant space at Valley Fair Mall located on an approximately 22.15-gross acre site located at 2855 Stevens Creek Boulevard (VF Mall LLC, Owner). Council District 6. CEQA: Exempt Pursuant to CEQA Guidelines Section 15301 for Existing Facilities.
PROJECT MANAGER, RINA SHAH
 1. **CONSIDER THE EXEMPTION IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES SECTION 15301(A) FOR EXISTING FACILITIES.**
 2. **ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, A CONDITIONAL USE PERMIT AND DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY TO ALLOW THE OFF-SALE OF ALCOHOL (TYPE 21 ABC LICENSE – FULL RANGE OF ALCOHOLIC BEVERAGES) FOR A PROPOSED RETAIL/GROCERY STORE (EATALY) OCCUPYING AN EXISTING 47,322 SQUARE FOOT COMMERCIAL TENANT SPACE AT VALLEY FAIR MALL ON AN APPROXIMATELY 22.15-GROSS ACRE SITE.**

5. PUBLIC HEARING

- a. [CP17-010/ER20-205 \(Administrative Hearing\)](#). Conditional Use Permit to allow the construction of an approximately 4,464-square foot single-family residence with attached approximately 1,441-square foot garage, driveway construction and improvements, and removal of one ordinance-size tree on a 16.87-gross acre site located on the south side of Santa Teresa Boulevard, approximately 1,100 feet easterly of Bayliss Drive (Gschwend

Marcus S and Chelsea J, Owner). Council District 10. CEQA: Gschwend Residence Project Initial Study and Mitigated Negative Declaration.

PROJECT MANAGER, PATRICK KELLY

ACTION: COMMISSIONER ORNELAS-WISE MADE A MOTION TO, IN ACCORDANCE WITH SAN JOSE MUNICIPAL CODE SECTION 21.06.010, CONTINUE THE MATTER, TO A DATE TO BE DETERMINED BY STAFF, TO REVISE THE MITIGATED NEGATIVE DECLARATION TO INCLUDE ADDITIONAL WILDLIFE CORRIDOR ANALYSIS, CONDUCT ADDITIONAL TRIBAL CONSULTATION, AND PROVIDE FOR ADDITIONAL COMMUNITY OUTREACH:

- 1. ADOPT A RESOLUTION ADOPTING THE GSCHWEND RESIDENCE PROJECT MITIGATED NEGATIVE DECLARATION (MND) AND ASSOCIATED MITIGATION MONITORING AND REPORTING PROGRAM IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).**
- 2. ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, A CONDITIONAL USE PERMIT, TO ALLOW THE CONSTRUCTION OF A TWO-STORY, 4,464-SQUARE FOOT SINGLE-FAMILY RESIDENCE WITH AN ATTACHED 1,441-SQUARE FOOT GARAGE, AND VEHICULAR DRIVEWAY AND REMOVAL OF ONE CALIFORNIA BUCKEYE TREE (112 INCHES IN CIRCUMFERENCE) ON A 16.87-GROSS ACRE SITE.**

COMMISSIONER OLIVERIO SECONDED THE MOTION (5-3-3; CANTRELL, GARCIA AND YOUNG OPPOSED; CASEY, CABALLERO, AND MONTAÑEZ ABSENT)

b. [**Parking/Transportation Demand Management \(TDM\) Ordinance Update Policy Direction.**](#)

PROJECT MANAGERS, EDWARD SCHREINER AND WILSON TAM

ACTION: COMMISSIONER YOUNG MADE A MOTION TO RECOMMEND TO THE CITY COUNCIL THE FOLLOWING ACTIONS:

- 1. REMOVES MANDATORY MINIMUM OFF-STREET PARKING REQUIREMENTS (EXCEPT IN AREAS WHERE THE CITY HAS DEFINED CONTRACTUAL AGREEMENTS REGARDING PARKING) AND IMPLEMENTS A MARKET-BASED PARKING APPROACH; AND**
- 2. REVISES THE CITY'S TRANSPORTATION DEMAND MANAGEMENT (TDM) REQUIREMENTS FOR NEW DEVELOPMENTS (EXCEPT FOR SMALL PROJECTS); AND**
- 3. DEVELOPS A TDM PROGRAM FOR ONGOING MONITORING AND COMPLIANCE OF NEW DEVELOPMENTS CITYWIDE.**

COMMISSIONER LARDINOIS SECONDED THE MOTION (6-2-3; BONILLA AND GARCIA OPPOSED; CASEY, CABALLERO, AND MONTAÑEZ ABSENT)

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

No items

7. GOOD AND WELFARE

a. Report from City Council

The Commission Secretary reported on City Council actions taken on June 7, 2022.

b. Subcommittee Formation, Reports, and Outstanding Business

No items

c. Election of Chair and Vice Chair for Fiscal Year 2022-2023

Commissioner Bonilla made a motion to nominate Commissioner Oliverio as new Chair. Commissioner Torrens seconded the motion (8-0-3; Casey, Caballero, and Montañez absent)

Commissioner Cantrell made a motion to nominate Commissioner Lardinois as new Vice Chair. Commissioner Torrens seconded the motion (8-0-3; Casey, Caballero, and Montañez absent)

d. Commission Calendar and Study Sessions

No items

e. The Public Record

No items

8. ADJOURNMENT

Meeting adjourned at 9:49 p.m.