

**AMENDED**  
**PLANNING COMMISSION**

January 13, 2016  
Action Report

**WELCOME**

**SALUTE TO THE FLAG**

**ROLL CALL**

PRESENT: Commissioners Yob, Abelite, Ballard, Bit-Badal O'Halloran, Pham, and Yesney  
ABSENT: None

**SUMMARY OF HEARING PROCEDURES**

**ITEMS 5, 6.A., AND 7 HEARD BEFORE ITEM 4 - PUBLIC HEARING**

**1. PUBLIC COMMENT**

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*A member of the public expressed concern about the lack of transportation and transit infrastructure improvements to accommodate growth in the Winchester Boulevard Urban Village area.*

**2. DEFERRALS AND REMOVALS FROM CALENDAR**

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*No Items*

**3. CONSENT CALENDAR**

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- a. **CP15-058 (Administrative Hearing).** Conditional Use Permit to allow late-night operation of a public eating establishment on a 0.24 gross acre site in the CN Commercial Neighborhood Zoning District located on east side of South 10<sup>th</sup> Street, approximately 120 feet south of E. San Carlos Street (330 South 10<sup>th</sup> Street). Council District 3. CEQA: Exempt per CEQA Guidelines Section 15301(a) for Existing Facilities. *Deferred from 12/9/15. PROJECT MANAGER, ROSCOE MATA*
- 1. DETERMINED THAT THE EXEMPTION IS IN ACCORDANCE WITH CEQA (7-0-0)**
  - 2. APPROVED THE CONDITIONAL USE PERMIT – RESOLUTION NO. 16-001 (7-0-0)**

Access the video, agenda, and related reports for this meeting by visiting the City's website at:  
<http://www.sanjoseca.gov/planning/hearings/>

- b. [CP15-074 \(Administrative Hearing\)](#). Conditional Use Permit to allow after-midnight use until 2:00 a.m. daily for a drinking establishment with a 1,151-square foot addition at an existing full-service restaurant, Sushi Confidential, on a 0.2-gross acre site in the DC Downtown Primary Commercial Zoning District, located at 31 N. Market Street (Besson Family LP II LP, Owner). Council District 3. CEQA: Exempt per CEQA Guidelines Section 15301(e) for Existing Facilities.

*PROJECT MANAGER, JUSTIN DANIELS*

1. **DETERMINED THAT THE EXEMPTION IS IN ACCORDANCE WITH CEQA (7-0-0)**
2. **APPROVED THE CONDITIONAL USE PERMIT – RESOLUTION NO. 16-002 (7-0-0)**

#### **4. PUBLIC HEARING**

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- a. [TR15-353 \(Administrative Hearing\)](#). APPEAL of a Live Tree Removal Permit to remove one Camphor tree, 129 inches in circumference, on a 2.23 gross acre site in the R-MH Mobilehome Park Zoning District, located at 2600 Senter Road (Brandenburg Staedler & Moore, Owner). Council District 7. CEQA: Exempt per CEQA Guidelines Section 15301 for Existing Facilities. *Continued from 12/9/15. PROJECT MANAGER, REBECCA BUSTOS*

1. **DETERMINED THAT THE EXEMPTION IS IN ACCORDANCE WITH CEQA (7-0-0)**
2. **DENIED THE PLANNING DIRECTOR’S DECISION TO APPROVE THE LIVE TREE REMOVAL PERMIT – RESOLUTION NO. 16-003 (4-2-0-1, ABELITE & PHAM OPPOSED; YOB ABSTAINED)**

- b. 1. [DA15-002](#). Consideration of an ordinance to approve an Amended and Restated Development Agreement between Apple Inc. and the City of San Jose to amend and restate a Development Agreement previously entered into between BEA Systems, Inc. and the City of San Jose and to incorporate additional adjacent sites of approximately 43.35 acres within the scope of the Development Agreement. The Development Agreement will vest entitlements for 15 years to develop up to 4,151,350 square feet of industrial development, including office, research and development, manufacturing, and other related and supporting uses consistent with the North San Jose Area Development Policy, San Jose 2020 General Plan, and Envision San Jose 2040 General Plan on an approximately 86.35 gross acre site located west of Orchard Parkway on both sides of Atmel Way and east of Orchard Parkway on both sides of Component Drive (Apple Inc., owner). The Development Agreement includes findings to recognize that the extraordinary benefit to be provided by the project includes the creation of job opportunities for existing residents and a stronger municipal tax base, the expansion into North San Jose of a superior local business presence whose business is particularly suited to the area, improvement of the City’s jobs/housing balance, and the provision of a water well site to serve the North San Jose area.

*PROJECT MANAGER, SYLVIA DO*

2. [HA12-008-02](#). Site Development Permit Amendment to allow a permit extension for up to 15 years for Site Development Permit File No. H12-008, consistent with the term of Development Agreement File No. DA15-002, on an approximately 12.9 gross acre site located at the southwest terminus at Atmel Way, approximately 930 feet east of Orchard Parkway (Apple Inc., owner).

*PROJECT MANAGER, SYLVIA DO*

3. [PT15-066](#). Tentative Map to allow an extension for up to 15 years for Tentative Map File No. PT13-061, consistent with the term of Development Agreement File No. DA15-002, on an

approximately 43 gross acre site located on the west side of North First Street on both sides of Component Drive (Apple Inc., owner). *PROJECT MANAGER, SYLVIA DO*

4. **PDC15-056**. Planned Development Rezoning from the IP(PD) Planned Development Zoning District to the IP(PD) Planned Development Zoning District for the purposes of amending the development standards to eliminate the 105-foot minimum height requirement on North First Street, for up to 2.8 million square feet of industrial uses on a 43 gross acre site located on the west side of North First Street on both sides of Component Drive (Apple Inc., owner).  
*PROJECT MANAGER, REBECCA BUSTOS*
5. **PD15-052**. Master Planned Development Permit to effectuate the Planned Development Zoning (File No. PDC15-056) for up to 2.8 million square feet of industrial uses on a 43 gross acre site located on the west side of North First Street on both sides of Component Drive (Apple Inc., owner). *PROJECT MANAGER, REBECCA BUSTOS*

Council District 4. CEQA: Addendum to the North San Jose Development Policies Environmental Impact Report (Resolution No. 72768), Envision San Jose 2040 General Plan Environmental Impact Report (Resolution No. 76041), and BEA Development Project Environmental Impact Report (Resolution No. 72169).

### **DEVELOPMENT AGREEMENT ORDINANCE**

### **REVISED DRAFT RESOLUTION FOR PT15-066**

1. **RECOMMENDED THE CONSIDERATION AND ADOPTION TO CITY COUNCIL OF THE ADDENDUM TO THE NORTH SAN JOSE DEVELOPMENT POLICIES ENVIRONMENTAL IMPACT REPORT (RESOLUTION NO. 72768), ENVISION SAN JOSE 2040 GENERAL PLAN ENVIRONMENTAL IMPACT REPORT (RESOLUTION NO. 76041), AND BEA DEVELOPMENT PROJECT ENVIRONMENTAL IMPACT REPORT (RESOLUTION NO. 72169) (5-0-0-2, BALLARD & YESNEY ABSTAINED)**
2. **RECOMMENDED CONSIDERATION AND ADOPTION TO THE CITY COUNCIL OF THE REVISED MITIGATION MONITORING AND REPORTING PROGRAM (5-0-0-2, BALLARD & YESNEY ABSTAINED)**
3. **RECOMMENDED TO THE CITY COUNCIL THE APPROVAL OF:**
  - **AN AMENDED AND RESTATED DEVELOPMENT AGREEMENT (INCLUDING THE AMENDED RESTATED DEVELOPMENT AGREEMENT ORDINANCE) (5-0-0-2, BALLARD & YESNEY ABSTAINED)**
  - **A SITE DEVELOPMENT PERMIT AMENDMENT (5-0-0-2, BALLARD & YESNEY ABSTAINED)**
  - **A TENTATIVE MAP, INCLUDING THE REVISED RESOLUTION TO:  
1) CLARIFY THE RELATIONSHIP OF THE TENTATIVE MAP AND THE AMENDED AND RESTATED DEVELOPMENT AGREEMENT; AND  
2) MODIFY PUBLIC WORKS CONDITION 11 TO CLARIFY THAT ANY FURTHER SUBDIVISION OF PARCELS 1, 2, 3, OR 4 WOULD REQUIRE THE DEDICATION OF A 40 FOOT WIDE PUBLIC STREET EASEMENT FOR A GRID STREET (5-0-0-2, BALLARD & YESNEY ABSTAINED)**
  - **A PLANNED DEVELOPMENT REZONING (5-0-0-2, BALLARD & YESNEY ABSTAINED)**
  - **A PLANNED DEVELOPMENT PERMIT (5-0-0-2, BALLARD & YESNEY ABSTAINED)**

- c. [PP15-130](#). Mobilehome Park Conversions.

**THIS ITEM TO BE HEARD TOGETHER WITH ITEM 6.A.**

1. Amendments and additions to Chapter 20.100 and Chapter 20.180, and to make other technical, formatting or other non-substantive changes within those sections of the Zoning Code to: make the City Council the initial decision-making body for consideration of all proposed mobilehome park conversions to another use after the Planning Commission considers these proposals for recommendations to Council; add provisions for making findings of consistency with the Envision San José 2040 General Plan for Conditional Use Permits; and add a new section to Chapter 20.180 with provisions so that the City Council may adopt such additional rules and regulations as are needed to implement the intent of that Chapter to facilitate adoption of the Council Policy described below.
2. Incorporate into a new City Council Policy new provisions for consideration of mobilehome park conversions to other uses. The proposed Council Policy is intended to facilitate implementation of the requirements in the San José Municipal Code regarding mobilehome park conversions to another use including but not limited to:
  - a. Clarifying that the intent of Council direction is to encourage the preservation of mobilehomes;
  - b. Providing guidelines for good-faith negotiations between mobilehome park residents (including mobilehome owners and mobilehome tenants) and mobilehome park owners;
  - c. Providing guidelines regarding relocation impact reports;
  - d. Providing guidelines regarding a satisfactory program of relocation and purchase assistance , including but not limited to compensation to residents, purchase price for the existing mobilehome, and relocation benefits; and
  - e. Providing guidance and clarification regarding the implementation and interpretation of the existing mobilehome park conversion ordinance in the Zoning Code.

Council District: Citywide. CEQA: PP10-068. Not a Project. General Procedure and Policy-making: Code or Policy change that involves no changes in the physical environment.

*PROJECT MANAGER, JENNY NUSBAUM*

**SUPPLEMENTAL MEMO**

**REVISED DRAFT CITY COUNCIL POLICY**

1. **RECOMMENDED TO CITY COUNCIL THE APPROVAL OF AN ORDINANCE AMENDING TITLE 20 (5-1-0-1, ABELITE OPPOSED; YOB ABSTAINED)**
2. **RECOMMENDED TO THE CITY COUNCIL THE ADOPTION OF A NEW CITY COUNCIL POLICY (5-1-0-1, ABELITE OPPOSED; YOB ABSTAINED)**

**5. OPEN THE GENERAL PLAN HEARING**

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**ITEMS 5, 6.A., AND 7 HEARD BEFORE ITEM 4 - PUBLIC HEARING  
(6-0-0-1, YOB ABSTAINED)**

## 6. GENERAL PLAN PUBLIC HEARING

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- a. General Plan Text Amendment to protect existing mobilehome parks, amendments and additions to Title 20 of the San José Municipal Code (the Zoning Code or Zoning Ordinance), and a new City Council Policy to clarify and supplement the existing mobilehome park conversion ordinance in the City of San José, as itemized:

### **THIS ITEM TO BE HEARD TOGETHER WITH ITEM 4.C.**

1. [GPT15-006](#). General Plan Text Amendment to: 1) strengthen goals and policies to protect existing mobilehome parks in the City of San José as a component of housing choice, and a source of existing affordably-priced housing in established neighborhoods and to improve protection from conversion to other uses; and 2) add General Plan goals, policies, and actions to preserve mobilehome parks and other housing in each Urban Village until the preservation of affordable housing can be comprehensively addressed by adoption of an Urban Village Plan specific to that Urban Village. Council District: Citywide. CEQA: PP10-068. Not a Project. General Procedure and Policy-making: Code or Policy change that involves no changes in the physical environment. *PROJECT MANAGER, JENNY NUSBAUM*

### **ITEMS 5, 6.A., AND 7 HEARD BEFORE ITEM 4 - PUBLIC HEARING**

- 1. RECOMMENDED TO THE CITY COUNCIL THE ADOPTION OF THE PROPOSED GENERAL PLAN TEXT AMENDMENT (6-0-0-1, YOB ABSTAINED)**

## 7. CLOSE THE GENERAL PLAN HEARING

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### **ITEMS 5, 6.A., AND 7 HEARD BEFORE ITEM 4 - PUBLIC HEARING**

**(6-0-0-1, YOB ABSTAINED)**

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

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*No Items*

## 9. GOOD AND WELFARE

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- a. Report from City Council

*No Items*

- b. Review and Approve Synopsis from [12-09-15](#)

*Synopsis Approved (5-0-2-0, Ballard & Yesney Absent)*

- c. Subcommittee Formation, Reports, and Outstanding Business

*No Reports*

- d. Commission Calendar and Study Sessions

*The Planning Commission may contact staff with ideas for Study Session topics.*

- e. The Public Record

*No Items*

### **ADJOURNMENT**