

## PLANNING COMMISSION

July 25, 2018

Action Minutes

### WELCOME

### SALUTE TO THE FLAG

### ROLL CALL

PRESENT: Commissioners Allen, Ballard, Leyba, Marquez, Yesney

ABSENT: Commissioners Griswold, Vora

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

---

Meeting called to order at 6:46 p.m.

## **2. PUBLIC COMMENT**

---

*None*

## **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. 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. **PP18-058.** To allow City Council consideration of signs on City-owned property, including Billboards, Programmable Electronic Signs, and Signs Displaying Off-site Commercial Speech, the following is being proposed: 1) Amend General Plan Land Use Policy CD-10.4; 2) Amend City Council Policy 6-4; 3) Amend Title 23 of the Municipal Code (the Sign Code), specifically

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

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

Sections 23.02.870, 23.02.1310 and 23.04.500; and 4) make other technical, formatting or non-substantive changes within the Sign Code. Council District: Citywide. CEQA: Initial Study/Negative Declaration for proposed amendments to the General Plan, Municipal Code and Council Policy that would allow the City Council to consider approving use of designated City-owned sites for Signs, including Billboards, Programmable Electronic Signs and Signs Displaying Off-Site Commercial Speech.

*PROJECT MANAGER, LEA SIMVOULAKIS*

**DEFER TO THE AUGUST 22, 2018 PLANNING COMMISSION MEETING PER STAFF REQUEST. COMMISSIONER LEYBA MADE A MOTION TO DEFER. COMMISSIONER BALLARD SECONDED THE MOTION. (5-0-2, GRISWOLD, VORA ABSENT)**

#### **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 individually, please come to the podium at this time.

- a. **CP17-021 (Administrative)**. Conditional Use Permit to allow the demolition of an approximately 2,400-square foot commercial building and the construction of a three story mixed-use building, with five residential units and approximately 1,250 square feet of office space on a 0.19-gross-acre site in the CP Commercial Pedestrian Zoning District located on the northeast corner Joseph Avenue and Shamrock Drive (2898 Joseph Avenue) (Ridgecrest Group, Owner). Council District 9. CEQA: Exempt in accordance with CEQA Guidelines Section 15332 for In-fill Development Projects.

*PROJECT MANAGER, RUTH CUETO*

1. **CONSIDERED THE EXEMPTION PER CEQA GUIDELINES SECTION 15332 FOR IN-FILL DEVELOPMENT PROJECTS IN ACCORDANCE WITH CEQA. (5-0-2, GRISWOLD, VORA ABSENT)**
2. **ACTION: COMMISSIONER BALLARD MADE A MOTION TO APPROVE A CONDITIONAL USE PERMIT RESOLUTION AS DESCRIBED ABOVE. COMMISSIONER MARQUEZ SECONDED THE MOTION. (5-0-2, GRISWOLD, VORA ABSENT)**

- b. **CPA15-074-01 (Administrative)**. Conditional Use Permit Amendment to modify the conditions of the previously approved Conditional Use Permit (File No. CP15-074) to allow noise-generating activities including live music and DJs, on the outdoor patio from 11:30 a.m. until 10:30 p.m. Sunday through Thursday and from 11:30 until midnight, Saturday and Sunday, at an existing full-service, late night restaurant (Sushi Confidential) on a 0.2-gross acre site in the DC Downtown Primary Commercial Zoning District located at 31 North Market Street (on the west side of Market Street approximately 190 feet northerly of West Santa Clara Street) (Besson Family LP II LP, Owner). Council District 3. CEQA: Exempt in accordance with CEQA Guidelines Section 15301 for Existing Facilities.

*PROJECT MANAGER, CASSANDRA VAN DER ZWEEP*

## **PULLED FROM CONSENT CALENDAR AND HEARD UNDER PUBLIC HEARING**

1. **CONSIDERED THE EXEMPTION PER CEQA GUIDELINES SECTION 15301 FOR EXISTING FACILITIES IN ACCORDANCE WITH CEQA. (5-0-2, GRISWOLD, VORA ABSENT)**
  2. **ACTION: COMMISSIONER LEYBA MADE A MOTION TO APPROVE A CONDITIONAL USE PERMIT RESOLUTION AS DESCRIBED ABOVE. COMMISSIONER BALLARD SECONDED THE MOTION. (5-0-2, GRISWOLD, VORA ABSENT)**
- c. The proposed projects being considered are located on an approximately 0.20-gross acre vacant site, on the northwest corner of South 2nd Street and Martha Street, at 895 South 2<sup>nd</sup> Street (Jia Yan Yuan, Owner). Council District 3. CEQA: Exempt in accordance with CEQA Guidelines Section 15303(a) for New Construction or Conversion of Small Structures.

**PDC17-005.** Planned Development Rezoning from the CN Commercial Neighborhood Zoning District to the R-M(PD) Planned Development Zoning District to allow up to three attached dwelling units.

**PD17-003.** Planned Development Permit to effectuate the Planned Development Zoning District and allow the construction of three single-family attached residential units (townhomes).

*PROJECT MANAGER, RINA SHAH*

## **PULLED FROM CONSENT CALENDAR AND HEARD UNDER PUBLIC HEARING**

1. **RECOMMEND CITY COUNCIL CONSIDERS THE EXEMPTION PER CEQA GUIDELINES SECTION 15301(E) FOR EXISTING FACILITIES IN ACCORDANCE WITH CEQA. (5-0-2, GRISWOLD, VORA ABSENT)**
2. **ACTION: COMMISSIONER YESNEY MADE A MOTION TO RECOMMEND THAT THE CITY COUNCIL ADOPT THE PLANNED DEVELOPMENT REZONING ORDINANCE AND PLANNED DEVELOPMENT PERMIT RESOLUTION AS DESCRIBED ABOVE WITH ADDED CONDITION PER PLANNING COMMISSION TO REQUIRE THAT THE PROJECT USE DIFFERENT VICTORIAN COLOR PALETTES FOR EACH RESIDENTIAL UNIT. COMMISSIONER LEYBA SECONDED THE MOTION. (5-0-2, GRISWOLD, VORA ABSENT)**

## **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. The proposed project would occur on an approximately three-acre portion of a 21-gross acre site, located on the east side of Dove Hill Rd, approximately 500 ft north of Hassler Pkwy (4200 Dove Hill Road) (Kuehne Stanislaus and Eleanore Trustee & Et, Owner). Council District 8. CEQA: Mitigated Negative Declaration for Dove Hill Medical Care Facility Project.

**PDC14-051.** Planned Development Rezoning from the A Agricultural Zoning District to the PQP(PD) Planned Development Zoning District to allow a Medical Care Facility with up to 248 beds on an approximately 3.0 acre site and the remaining 18.0 acre to be open space; and

[PD16-019](#). Planned Development Permit to allow the demolition of approximately 25 buildings/structures, the construction of a Medical Care Facility with up to 248 beds, and the removal of seven ordinance-size trees.

*PROJECT MANAGER, JOHN TU*

1. **RECOMMEND CITY COUNCIL CONSIDER THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION FOR DOVE HILL MEDICAL CARE FACILITY PROJECT IN ACCORDANCE WITH CEQA. (5-0-2, GRISWOLD, VORA ABSENT)**
2. **ACTION: COMMISSIONER YESNEY MADE A MOTION TO RECOMMEND THAT THE CITY COUNCIL ADOPT MITIGATED NEGATIVE DECLARATION RESOLUTION, THE PLANNED DEVELOPMENT REZONING ORDINANCE AND PLANNED DEVELOPMENT PERMIT RESOLUTION AS DESCRIBED ABOVE. COMMISSIONER MARQUEZ SECONDED THE MOTION. (5-0-2, GRISWOLD, VORA ABSENT)**

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

---

No items

## **7. GOOD AND WELFARE**

---

- a. Report from City Council  
*File No C16-041 & H16-032 — Conforming Rezoning and Site Development Permit for Real Property located at 1090 South De Anza Boulevard was dropped at the City Council meeting on June 26, 2018.*
- b. Review and Approve Action Minutes from [7/11/18](#)  
*Commissioner Leyba made a motion to approve the 7/11/18 minutes with an amendment to Item 7.d. to add City Council Policy 6-30: Public Outreach as a recommended Study Session or Planning Commission Retreat topic. Commissioner Yesney seconded the motion. (4-0-2-1, Griswold, Vora Absent, Ballard Abstained)*
- c. Subcommittee Formation, Reports, and Outstanding Business
- d. Commission Calendar and Study Sessions
  - i. September 26, 2018 – General Plan Annual Performance Review Study Session
- e. The Public Record

## **8. ADJOURNMENT**

---

Meeting adjourned at 9:27 p.m.