

PLANNING COMMISSION

October 24, 2018

Action Minutes

WELCOME

SALUTE TO THE FLAG

ROLL CALL

PRESENT: Commissioners Allen, Ballard (arrived at 6:42 p.m.), Griswold, Leyba, Márquez, Yesney, Vora

ABSENT: None

1. CALL TO ORDER & ORDERS OF THE DAY

Meeting called to order at 6:35 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.

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

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

- a. **CPA12-035-01 (Administrative Hearing).** Conditional Use Permit Amendment to allow the demolition of an existing sump associated piping for a new sump water treatment system that includes well blowoffs, a pre-treatment unit for well blowoff water, system conveyance piping, and discharge piping at an existing water supplier facility on 2.49-gross acre site located approximately 900 feet southerly of the northeast corner of Dado Street and Kruse Drive (700 Dado Street) (San Jose Water Works, Owner). CEQA: Exempt per CEQA Guidelines Section 15302 for Replacement or Reconstruction.

PROJECT MANAGER, STEFANIE FARMER

DEFER TO THE NOVEMBER 14, 2018 PLANNING COMMISSION MEETING PER STAFF REQUEST. COMMISSIONER VORA MADE A MOTION TO DEFER. COMMISSIONER LEYBA SECONDED THE MOTION (7-0-0)

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. **CP17-013 (Administrative Hearing).** Conditional Use Permit to allow conversion of a residence (formerly a sorority/dormitory) to a 17 room large guesthouse use on a 0.13-gross acre site located on the north side of East San Fernando Street approximately 100 feet easterly of South 8th Street (373 East San Fernando Street) (Villa Valetina Corp, Owner). CEQA: Exempt per CEQA Guidelines Section 15301 for Existing Facilities.

PROJECT MANAGER, EDWARD SCHREINER

- 1. DETERMINED THE EXEMPTION IN ACCORDANCE WITH CEQA (7-0-0).**
- 2. ACTION: COMMISSIONER VORA MADE A MOTION TO APPROVE THE CONDITIONAL USE PERMIT RESOLUTION AS DESCRIBED ABOVE. COMMISSIONER LEYBA SECONDED THE MOTION. THE COMMISSION APPROVED THE CONDITIONAL USE PERMIT RESOLUTION NO. 18-020 (7-0-0).**

- b. **CP18-017 (Administrative Hearing).** Conditional Use Permit to allow a vehicle tow yard on a 0.36-gross acre site located on the southwest side of Coleman Avenue, approximately 190 feet southeasterly of Emory Street (771 Coleman Avenue) (Dasco Properties, LLC, Owner). CEQA: Exempt per CEQA Guidelines Section 15301(a) for Existing Facilities.

PROJECT MANAGER, ANGELA WANG

- 1. DETERMINED THE EXEMPTION IN ACCORDANCE WITH CEQA (7-0-0).**
- 2. ACTION: COMMISSIONER VORA MADE A MOTION TO APPROVE THE CONDITIONAL USE PERMIT RESOLUTION AS DESCRIBED ABOVE. COMMISSIONER LEYBA SECONDED THE MOTION. THE COMMISSION APPROVED THE CONDITIONAL USE PERMIT RESOLUTION NO. 18-021 (7-0-0).**

- c. [CP18-030 \(Administrative Hearing\)](#). Conditional Use Permit and Determination of Public Convenience or Necessity request to allow the sale of the full range of alcoholic beverages (Type 21) for off-site consumption at a full-service grocery store (Lee's Supermarket) on a 4.75-gross acre site located on the west side of Senter Road approximately 150 feet north of Lewis Road (2889 Senter Road) (Stratton Real Estate and Management LLC, Owner). CEQA: Exempt per CEQA Guidelines Section 15301(a) for Existing Facilities. *Dropped and renoticed from 10/10/18.*
PROJECT MANAGER, ANGELA WANG

PULLED FROM CONSENT AND HEARD UNDER PUBLIC HEARING

1. **DETERMINED THE EXEMPTION IN ACCORDANCE WITH CEQA (7-0-0).**
2. **ACTION: COMMISSIONER VORA MADE A MOTION TO APPROVE THE CONDITIONAL USE PERMIT RESOLUTION AND DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY AS DESCRIBED ABOVE. COMMISSIONER LEYBA SECONDED THE MOTION. THE COMMISSION APPROVED THE CONDITIONAL USE PERMIT RESOLUTION NO. 18-022 (7-0-0).**

- d. [PP18-086](#). An ordinance of the City of San José amending Title 4 (Revenue, Finance, and Business Taxes) and Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code to amend Section 4.88.100 of Chapter 4.88 to extend the expiration date of the Urban Agriculture Incentive Zone to January 1, 2029; amend San José Municipal Code Section 20.30.100 to add Secondary Units as a permitted use in the R-M Multiple Residence Zone; amend San José Municipal Code Section 20.30.200 to add a new Note 6 to Table 20-60 to cross-reference the existing Code section for side setback exceptions; amend San José Municipal Code Section 20.40.100 to add Child Day Care incidental to an existing school site, or a permitted on-site church/religious assembly use, involving no Building additions or changes, as a permitted use in the PQP Zoning District, and to amend Note 6 for Table 20-90, to add certain 100% affordable housing projects as a permitted use; amend San José Municipal Code Section 20.50.100, to substitute catering facility for caterer and outdoor storage for storage in Table 20-110; add a new section, 20.50.125 establishing incidental office use as a permitted use, in the LI and HI Zoning Districts and defining such incidental office use and establishing parking criteria for such; amend San José Municipal Code Section 20.55.300 to include the CIC and TEC zoning districts; amend San José Municipal Code Section 20.70.510 to clarify types of establishments included as retail commercial establishments and change an incorrectly referenced code section; amend San José Municipal Code Section 20.90.130 to correct the required single-family driveway length to eighteen (18) feet; amend San José Municipal Code Section 20.90.210 for clarity as to required parking for structures or uses existing as of November 10, 1965; and amend San José Municipal Code Section 20.100.1300 to allow exceptions to be granted for an increase of up to ten (10) feet in the general zoning district maximum height limitations for elevator shafts and stairwells; and add new San José Municipal Code Sections 20.200.181 and 20.200.261 defining Catering Facility and Construction/Corporation Yard and to make other technical, non-substantive, or formatting changes within those sections. CEQA: Determination of Consistency with the Envision San Jose 2040 General Plan Final Program Environmental Impact Report (FEIR), (Resolution No. 76041), and the Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No. 77617), , and Addenda thereto.

PROJECT MANAGER, LEA SIMVOULAKIS

PULLED FROM CONSENT AND HEARD UNDER PUBLIC HEARING

1. **ACTION: COMMISSIONER GRISWOLD A MADE A MOTION TO RECOMMEND TO THE CITY COUNCIL THE FOLLOWING:**

- a. **CONSIDERATION OF THE DETERMINATION OF CONSISTENCY WITH THE ENVISION SAN JOSE 2040 GENERAL PLAN FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (FEIR), (RESOLUTION NO. 76041), AND THE ENVISION SAN JOSÉ 2040 GENERAL PLAN SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT (RESOLUTION NO. 77617), AND ADDENDA THERETO; AND**
- b. **ADOPT AN ORDINANCE AMENDING TITLE 4 (REVENUE, FINANCE, AND BUSINESS TAXES) AND TITLE 20 (THE ZONING CODE) OF THE SAN JOSÉ MUNICIPAL CODE TO EXTEND THE EXPIRATION DATE OF THE URBAN AGRICULTURE INCENTIVE ZONE TO JANUARY 1, 2029; AMEND SAN JOSÉ MUNICIPAL CODE SECTION 20.30.100 TO ADD SECONDARY UNITS AS A PERMITTED USE IN THE R-M MULTIPLE RESIDENCE ZONE; AMEND SAN JOSÉ MUNICIPAL CODE SECTION 20.30.200 TO ADD A NEW NOTE 6 TO TABLE 20-60 TO CROSS-REFERENCE THE EXISTING CODE SECTION FOR SIDE SETBACK EXCEPTIONS; AMEND SAN JOSÉ MUNICIPAL CODE SECTION 20.40.100 TO ADD CHILD DAY CARE INCIDENTAL TO AN EXISTING SCHOOL SITE, OR A PERMITTED ON-SITE CHURCH/RELIGIOUS ASSEMBLY USE, INVOLVING NO BUILDING ADDITIONS OR CHANGES, AS A PERMITTED USE IN THE PQP ZONING DISTRICT AND TO AMEND NOTE 6 FOR TABLE 20-90, TO ADD CERTAIN 100% AFFORDABLE HOUSING PROJECTS AS A PERMITTED USE IN URBAN VILLAGES; AMEND SAN JOSÉ MUNICIPAL CODE SECTION 20.50.100, TO SUBSTITUTE CATERING FACILITY FOR CATERER AND OUTDOOR STORAGE FOR STORAGE IN TABLE 20-110; ADD A NEW SECTION, 20.50.125 ESTABLISHING INCIDENTAL OFFICE USE AS A PERMITTED USE, IN THE LI AND HI ZONING DISTRICTS AND DEFINING SUCH INCIDENTAL OFFICE USE AND ESTABLISHING PARKING CRITERIA FOR SUCH USE; AMEND SAN JOSÉ MUNICIPAL CODE SECTION 20.55.300 TO INCLUDE THE CIC AND TEC ZONING DISTRICTS; AMEND SAN JOSÉ MUNICIPAL CODE SECTION 20.70.510 TO CLARIFY TYPES OF ESTABLISHMENTS INCLUDED AS RETAIL COMMERCIAL ESTABLISHMENTS AND CHANGE AN INCORRECTLY REFERENCED CODE SECTION; AMEND SAN JOSÉ MUNICIPAL CODE SECTION 20.90.130 TO CORRECT THE REQUIRED SINGLE-FAMILY DRIVEWAY LENGTH TO EIGHTEEN (18) FEET; AMEND SAN JOSÉ MUNICIPAL CODE SECTION 20.90.210 FOR CLARITY AS TO REQUIRED PARKING FOR STRUCTURES OR USES EXISTING AS OF NOVEMBER 10, 1965; AND AMEND SAN JOSÉ MUNICIPAL CODE SECTION 20.100.1300 TO ALLOW EXCEPTIONS TO BE GRANTED FOR AN INCREASE OF UP TO TEN (10) FEET IN THE GENERAL ZONING DISTRICT MAXIMUM HEIGHT LIMITATIONS FOR ELEVATOR SHAFTS AND STAIRWELLS; AND ADD NEW SAN JOSÉ MUNICIPAL CODE SECTIONS 20.200.181 AND 20.200.261 DEFINING CATERING FACILITY AND CONSTRUCTION/CORPORATION YARD AND TO MAKE OTHER TECHNICAL, NON-SUBSTANTIVE, OR FORMATTING CHANGES WITHIN THOSE SECTIONS.**

COMMISSIONER LEYBA SECONDED THE MOTION (7-0-0)

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.

No Items

6. OPEN THE GENERAL PLAN HEARING

7. GENERAL PLAN CONSENT CALENDAR

- a. **GP18-008.** General Plan Amendment to change the Land Use/Transportation Diagram land use designation from Neighborhood/Community Commercial to Residential Neighborhood for 1131 Park Avenue, and from Residential Neighborhood to Neighborhood/Community Commercial for 15 Tillman Avenue on a 0.25 gross-acre site, located on the north side of Park Avenue approximately 160 feet west of Tillman Avenue (1131 Park Avenue), and on the west side of Tillman Avenue, approximately 110 feet north of Park Avenue (15 Tillman Avenue) (Delisle Frank R and Rite C Trustee, Owner).

C18-019. Conforming Rezoning from CO Commercial Office Zoning District to R-1-8 Single-Family Residence Zoning District on a 0.10-acre site, located on the north side of Park Avenue, approximately 160 feet west of Tillman Avenue (1131 Park Avenue). (Delisle Frank R and Rite C Trustee, Owner).

CEQA: Exempt per CEQA Guidelines Section 15305 for Minor Alterations in Land Use Limitations.

PROJECT MANAGER, ROBERT RIVERA

PULLED FROM CONSENT AND HEARD UNDER PUBLIC HEARING

1. ACTION: COMMISSIONER YESNEY MADE A MOTION TO RECOMMEND TO THE CITY COUNCIL THE FOLLOWING:

- a. **CONSIDERATION OF THE EXEMPTION IN ACCORDANCE WITH CEQA.**
- b. **ADOPT A RESOLUTION APPROVING THE GENERAL PLAN AMENDMENT AS DESCRIBED ABOVE.**
- c. **ADOPT AN ORDINANCE APPROVING THE CONFORMING REZONING AS DESCRIBED ABOVE.**

COMMISSIONER BALLARD SECONDED THE MOTION (7-0-0)

- b. **GPT16-010.** City-initiated amendments to the Roosevelt Park, Little Portugal, Five Wounds and 24th and William Urban Village Plans amendments to include revised Implementation Chapters , and minor text modifications to each urban village plan. CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and the Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No.77617), and Addenda thereto.

PROJECT MANAGER, TRACY TAM

PULLED FROM CONSENT AND HEARD UNDER PUBLIC HEARING

1. ACTION: COMMISSIONER LEYBA MADE A MOTION TO RECOMMEND TO THE CITY COUNCIL THE FOLLOWING:

- a. **CONSIDERATION OF THE DETERMINATION OF CONSISTENCY WITH THE ENVISION SAN JOSÉ 2040 GENERAL PLAN FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (RESOLUTION NO. 76041) AND THE ENVISION SAN JOSÉ 2040 GENERAL PLAN SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT (RESOLUTION NO.77617), AND ADDENDA THERETO IN ACCORDANCE WITH CEQA FOR THE AMENDMENT OF EACH URBAN VILLAGE PLAN; AND**
- b. **ADOPT FOUR RESOLUTIONS, EACH AMENDING THE ROOSEVELT PARK, LITTLE PORTUGAL, FIVE WOUNDS AND 24TH AND WILLIAM URBAN VILLAGE PLANS RESPECTIVELY, AS DESCRIBED ABOVE.**

COMMISSIONER GRISWOLD SECONDED THE MOTION (7-0-0)

- c. [GPT18-003](#). City-initiated General Plan Text Amendment to make minor revisions to the Envision San Jose 2040 General Plan, including revisions to the Industrial Park land use designation to allow additional flexibility for commercial service uses within the Edenvale Development Policy area, clarifications related to design guidelines for Urban Villages, revisions to Policy IP-5.12 to update the parameters for qualifying affordable housing projects, updates to Appendix 5, and other minor grammatical and clarifying revisions. CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and the Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto.

PROJECT MANAGER, JARED HART

1. ACTION: COMMISSIONER BALLARD MADE A MOTION TO RECOMMEND TO THE CITY COUNCIL THE FOLLOWING:

- a. **CONSIDERATION OF THE DETERMINATION OF CONSISTENCY WITH THE ENVISION SAN JOSÉ 2040 GENERAL PLAN FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (RESOLUTION NO. 76041) AND THE ENVISION SAN JOSÉ 2040 GENERAL PLAN SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT (RESOLUTION NO. 77617), AND ADDENDA THERETO IN ACCORDANCE WITH CEQA.**
- b. **ADOPT A RESOLUTION APPROVING THE GENERAL PLAN TEXT AMENDMENT AS DESCRIBED ABOVE.**

COMMISSIONER VORA SECONDED THE MOTION (7-0-0)

- d. [GPT18-004](#). City-initiated General Plan Text Amendment to make minor revisions to the Envision San Jose 2040 General Plan related to housing preservation and rehabilitation. CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and the Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto.

PROJECT MANAGER, JARED HART

PULLED FROM CONSENT AND HEARD UNDER PUBLIC HEARING

1. **ACTION: COMMISSIONER YESNEY MADE A MOTION TO RECOMMEND TO THE CITY COUNCIL WITH STAFF'S RECCOMENDATION TO REVISE POLICY H-1.3 TO CLARIFY INTENT OF THE GPT PARTICULARLY RELATED TO USE OF THE WORD "OPPORTUNITIES" AND THE FOLLOWING:**
 - a. **CONSIDERATION OF THE DETERMINATION OF CONSISTENCY WITH THE ENVISION SAN JOSÉ 2040 GENERAL PLAN FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (RESOLUTION NO. 76041) AND THE ENVISION SAN JOSÉ 2040 GENERAL PLAN SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT (RESOLUTION NO. 77617), AND ADDENDA THERETO IN ACCORDANCE WITH CEQA.**
 - b. **ADOPT A RESOLUTION APPROVING THE GENERAL PLAN TEXT AMENDMENT AS DESCRIBED ABOVE.**

COMMISSIONER BALLARD SECONDED THE MOTION (6-1-0; GRISWOLD OPPOSED)

8. GENERAL PLAN PUBLIC HEARING

- a. **GP18-001.** General Plan Amendment request to change the Land Use/Transportation Diagram land use designation from Rural Residential to Neighborhood/Community Commercial, Rural Residential, and Open Space, Parklands and Habitat on a 1.0-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, Owner). CEQA: Initial Study/Negative Declaration for the 4349 San Felipe Road General Plan Amendment.

PROJECT MANAGER, ROBERT RIVERA

1. **ACTION: COMMISSIONER GRISWOLD MADE A MOTION TO RECOMMEND TO THE CITY COUNCIL THE FOLLOWING:**
 - a. **CONSIDERATION OF THE INITIAL STUDY/NEGATIVE DECLARATION FOR THE 4349 SAN FELIPE ROAD GENERAL PLAN AMENDMENT IN ACCORDANCE WITH CEQA.**
 - b. **ADOPT A RESOLUTION APPROVING THE GENERAL PLAN AMENDMENT AS DESCRIBED ABOVE.**

COMMISSIONER YESNEY SECONDED THE MOTION (4-3-0; MARQUEZ, BALLARD, LEYBA OPPOSED)

- b. **GP18-002.** General Plan Amendment request to change the Land Use/Transportation Diagram land use designation from Industrial Park to Combined Industrial Commercial on a 11.56-gross acre site located on the northeast corner of Meridian Avenue and Parkmoore Avenue (Green Valley Corporation, Owner). CEQA: Initial Study/Negative Declaration for the 550 Meridian Avenue General Plan Amendment.

PROJECT MANAGER, ROBERT RIVERA

1. **ACTION: COMMISSIONER LEYBA MADE A MOTION TO RECOMMEND TO THE CITY COUNCIL THE FOLLOWING:**
 - a. **CONSIDERATION OF THE INITIAL STUDY/NEGATIVE DECLARATION FOR THE 550 MERIDIAN AVENUE GENERAL PLAN AMENDMENT IN ACCORDANCE WITH CEQA.**

- b. **ADOPT A RESOLUTION APPROVING THE GENERAL PLAN AMENDMENT AS DESCRIBED ABOVE INCLUDING STAFF'S RECOMMENDED ADDITION OF AN ADDITIONAL 1.12 ACRES DIRECTLY NORTH.**

COMMISSIONER GRISWOLD SECONDED THE MOTION (6-1-0; MARQUEZ OPPOSED)

9. CONTINUE THE GENERAL PLAN HEARING TO NOVEMBER 7, 2018

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

11. GOOD AND WELFARE

- a. Report from City Council

Julian/Stockton: Planned Development Rezoning, Vesting Tentative Map, and Planned Development Permit for a mixed-use project with 249-residences and 26,585 square feet of commercial at 715 West Julian Street (PDC17-058, PT17-063, PD17-029)

Vote: Approved unanimously with two permit condition modifications:

- i. Add Ellis Act condition*
- ii. Modify the Diridon Station Area Financing Plan condition to exempt the project from any future fees if they submit a building permit application by 1/1/19 and receive their building permit by 1/1/20.*

East Santa Clara Street Urban Village Plan General Plan Amendment (GP18-009)

Vote: Approved (10-0-1, Rocha opposed)

Dove Hill: Planned Development Rezoning and Planned Development Permit for a 248-bed medical care facility at 4200 Dove Hill Road (PDC14-051/PD16-019)

Vote: Approved unanimously with added permit conditions per Councilmember Arena's memo:

- i. Construction management plan will:*
 - 1. Limit parking on Hassler Parkway*
 - 2. Maintain two lanes of traffic flow on existing roads, except PROW improvement work*
 - 3. Limit construction trips during AM and PM peak hour travels times*
- ii. Install on-site construction sites with construction manager's contact info.*
- iii. Application to extend the permit include a 2,000-foot public notification radius and The Ranch residences.*
- iv. Permittee voluntarily agreed to:*
 - 1. Construct a sidewalk on Dove Road, north of Hassler Parkway*

2. *Install edge lines on Dove Road between Hassler Parkway and Hellyer Avenue*
3. *Install an electronic speed sign on Hassler Parkway for downhill traffic*
4. *Permit public access to the project's outdoor space nearest to the Dove Road entrance*
5. *Establish the shift time for the night shift so that the shift ends and the following shift begins no later than 6:00 a.m. in order to remove employee trips from AM peak travel time.*

Memo also directed to staff to:

- i. *One year after construction completion, upon the request from the D8 office or community members, DOT will consider conducting an updated traffic safety study of Hassler Parkway and may suggest changes and improvements to be performed by the City subject to funding availability.*
 - ii. *Upon approval the Improvement Plan, DPW shall make the plans available online for public information.*
- b. Review and Approve Action Minutes from [9/26/18](#)
Commissioner Leyba made a motion to approve the 9/26/18 minutes. Commissioner Vora seconded the motion. (7-0-0)
- c. Subcommittee Formation, Reports, and Outstanding Business
None
- d. Commission Calendar and Study Sessions
i. [Review and Approve 2019 Planning Commission Meeting Schedule](#)
Commissioner Leyba made a motion to approve the 2019 Planning Commission Meeting Schedule. Commissioner Ballard seconded the motion. (7-0-0)
- e. The Public Record
None

12. ADJOURNMENT

Meeting adjourned at 10:30 p.m.