

## PLANNING COMMISSION

June 14, 2017

Action Minutes

### WELCOME

### SALUTE TO THE FLAG

### ROLL CALL

PRESENT: Chair Abelite (departed at 7:55 p.m.), Vice Chair Pham, Commissioners Ballard, Bit-Badal (arrived at 5:45 pm), Vora (arrived at 5:15 pm) and Yesney

ABSENT: Commissioner Allen

## **1. STUDY SESSION & CONTINUED PUBLIC HEARING TO BE HEARD AT 5:00 PM**

- a. [Stevens Creek Urban Village Plan / GP17-009](#). The Stevens Creek Urban Village Plan guides new job and housing growth within the Urban Village boundary, and provides a framework for the characteristics of future development, including urban design, open space, public art/placemaking, streetscape and circulation, and implementation. General Plan Amendments associated with the adoption of the Stevens Creek Urban Village Plan include modifications to the Urban Village boundary, and changes to General Plan land use designations on properties within the boundary of the Urban Village Plan as shown on the proposed Urban Village land use plan. CEQA: Determination of Consistency with the Final Program Environmental Impact Report for the Envision San Jose 2040 General Plan (Resolution No. 76041) and the Envision San Jose 2040 General Plan Supplemental Environmental Impact Report (Resolution No. 77617).

*PROJECT MANAGER, LESLEY XAVIER*

**THE COMMISSION CONCLUDED THE STUDY SESSION AT 6:20 PM, AND THE CONTINUED PUBLIC HEARING COMMENCED AT 6:42 PM IN COUNCIL CHAMBERS IMMEDIATELY FOLLOWING THE DEFFERALS (ITEM 4) AND THE CONSENT CALENDER (ITEM 5).**

**MOTION TO APPROVE WITH STAFF'S RECOMMENDED TEXT CHANGES: (1) REMOVAL OF POLICY LU1.7. – NO TIME LIMIT TO PROCESS THE APPLICATION, (2) MAXIMUM HEIGHT PROJECTIONS NEXT TO COMMERCIAL BUILDINGS IDENTIFIED, WHICH INCLUDED AN ADDITIONAL STANDARD TO ALLOW FOR ARCHITECTURAL PROJECTIONS 10 FEET ABOVE THE MAXIMUM HEIGHT LIMIT – BY COMMISSIONER YESNEY, SECONDED BY COMMISSIONER BALLARD (6-0-1, ALLEN ABSENT)**

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

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

## 2. CALL TO ORDER & ORDERS OF THE DAY

---

Meeting called to order at 6:32 p.m.

## 3. PUBLIC COMMENT

---

*None*

## 4. 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. **[CP15-081 \(Administrative Hearing\)](#)**. Conditional Use Permit to allow the demolition of an existing fourplex apartment building and the construction of a two-story, 16-unit Single Room Occupancy (SRO) living unit facility with one manager's unit for a total of 17 dwelling units, and reduced parking, on an approximately 0.21-gross acre site in the R-M Multiple Residence Zoning District located on the southeastern corner of Mendenhall Drive and Hamilton Avenue (4094 Hamilton Avenue) (Dong Li, Owner). Council District 1. CEQA: Exempt per CEQA Guidelines Section 15332 for Infill Development Projects. *Deferred from 4/12/17.*

*PROJECT MANAGER, PATRICK KELLY*

**DROPPED TO BE RENOTICED PER STAFF REQUEST. MOTIONED BY VICE CHAIR PHAM, SECONDED BY COMMISSIONER VORA (6-0-1, ALLEN ABSENT)**

- b. **[CP14-056 \(Administrative Hearing\)](#)**. Conditional Use Permit for the demolition of an approximately 1,600-square foot service station building including a small snack shop and three-bay auto repair facility, and construction of a new 2,600 square foot convenience store with off-sale of beer and wine, a new fuel island canopy, and site improvements on a 0.66-gross acre site in the CP Commercial Pedestrian Zoning District located at the southeast corner of South White Road and Mount Vista Drive (3010 Mt. Vista Drive) (Pawan Garg, Owner). Council District 5. CEQA: Mitigated Negative Declaration for the ARCO Gas Station Project.

*PROJECT MANAGER, PATRICK KELLY*

**DEFERRED TO THE 6/28/17 PLANNING COMMISSION MEETING PER STAFF REQUEST. MOTION TO DEFER CARRIES UNANIMOUSLY (6-0-1, ALLEN ABSENT)**

## 5. 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. **[CP16-043 \(Administrative Hearing\)](#)**. Conditional Use Permit to allow the demolition of existing water pump buildings, storage shed structure and removal, the removal of three ordinance-size trees, and the construction of a new one-story 2,000-square foot potable water pump station building with

associated site improvements on an 5.59-gross acre site, in the R-1-8 Single-Family Residence Zoning District located at the North side of South Bascom Avenue, approximately 150 feet southerly of Shamrock Drive (3033 South Bascom Avenue) (San Jose Water Works, Owner). Council District 9. CEQA: Exempt per CEQA Guidelines Section 15302 for Replacement or Reconstruction of Existing Structure and Facilities.

*PROJECT MANAGER, JOHN TU*

**DETERMINED THE EXEMPTION IS IN ACCORDANCE WITH CEQA. APPROVED THE CONDITIONAL USE PERMIT – RESOLUTION NO. 17-015. MOTIONED BY COMMISSIONER BIT-BADAL, SECONDED BY COMMISSIONER YESNEY(6-0-1, ALLEN ABSENT)**

- b. **PDC17-003 & PD17-001.** Planned Development Zoning from A(PD) to A(PD) on approximately 17.1-gross acre site and a Planned Development Permit to allow a 3,867 square foot fast food restaurant with drive through use on a 2.4-gross acre site in the Lowe's Shopping Center, located at the northeast corner of Cottle Road and Poughkeepsie Road (5550 Cottle Road) (Lowe's Hiw Inc, Owner). Council District 2. CEQA: An Addendum to The San José Lowe's Final Environmental Impact Report (City Council Resolution No. 73814); Envision San José 2040 General Plan Environmental Impact Report (City Council Resolution No. 76041); and Envision San José 2040 General Plan Supplemental Environmental Impact Report (City Council Resolution No. 77617). *Deferred from 5/24/17.*

*PROJECT MANAGER, ROBERT RIVERA*

**RECOMMENDED TO THE CITY COUNCIL THE ADDENDUM TO THE SAN JOSÉ LOWE'S FINAL ENVIRONMENTAL IMPACT REPORT (CITY COUNCIL RESOLUTION NO. 73814); ENVISION SAN JOSÉ 2040 GENERAL PLAN ENVIRONMENTAL IMPACT REPORT (CITY COUNCIL RESOLUTION NO. 76041); AND ENVISION SAN JOSÉ 2040 GENERAL PLAN SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT (CITY COUNCIL RESOLUTION NO. 77617) IN ACCORDANCE WITH CEQA. RECOMMENDED TO THE CITY COUNCIL THE APPROVAL OF THE ADDENDUM, A PLANNED DEVELOPMENT (PD) REZONING AND A PLANNED DEVELOPMENT PERMIT AS DESCRIBED ABOVE. PERMIT CONDITION OF APPROVAL ADDED TO THE PLANNED DEVELOPMENT REZONING; PERMANENT ADJUSTMENT REQUIRED PRIOR TO ISSUANCE OF BUILDING PERMIT. RECOMMENDATION TO REQUIRE A 6 INCH SOLID BARRIER CONSTRUCTED ALONG THE SOUTHERN BOUNDARY OF OUTDOOR SEATING AREA. A SIGN SHALL BE PLACED ADJACENT TO THE DRIVE-THROUGH DRIVEWAY TO MINIMIZE ENGINE EMISSIONS. THIS WILL BE ADDED TO THE FINAL RESOLUTION. MOTIONED BY COMMISSIONER BIT-BADAL, SECONDED BY COMMISSIONER VORA (6-0-1, ALLEN ABSENT)**

- c. **Stevens Creek Urban Village Plan / GP17-009.** The Stevens Creek Urban Village Plan guides new job and housing growth within the Urban Village boundary, and provides a framework for the characteristics of future development, including urban design, open space, public art/placemaking, streetscape and circulation, and implementation. General Plan Amendments associated with the adoption of the Stevens Creek Urban Village Plan include modifications to the Urban Village boundary, and changes to General Plan land use designations on properties within the boundary of the Urban Village Plan as shown on the proposed Urban Village land use plan. CEQA: Determination of Consistency with the Final Program Environmental Impact Report for the

**TEXT CHANGES TO BE IMPLEMENTED: (1) REMOVAL OF POLICY LU1.7.-NO TIME LIMIT TO PROCESS THE APPLICATION, (2) MAXIMUM HEIGHT PROJECTIONS NEXT TO COMMERCIAL BUILDINGS IDENTIFIED, WHICH INCLUDED AN ADDITIONAL STANDARD TO ALLOW FOR ARCHITECTURAL PROJECTIONS 10 FEET ABOVE THE MAXIMUM HEIGHT LIMIT. MOTIONED BY COMMISSIONER YESNEY, SECONDED BY COMMISSIONER BALLARD (6-0-1, ALLEN ABSENT)**

## **6. 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. **CP17-009 (Administrative Hearing)**. Conditional Use Permit and Site Development Permit to (i) legalize the demolition of the prior commercial office building; (ii) grant three concessions and waivers of development standards related to setback, parking, and on-site private space requirements under the State Density Bonus Laws; and (iii) allow construction of a mixed-use affordable housing project with approximately 12,200 square feet of commercial space and 71 affordable (very-low and low income) residential units, the construction of a photovoltaic system on the roof (solar panels), and an alternative parking arrangement with 2-level parking pit puzzle lifts on a 0.74-gross acre site located at 1695 Alum Rock Avenue (Marie Therese Eads Trustee, Owner). Council District 5. CEQA: Exempt per CEQA Section 15332 In-Fill Development Projects.

*PROJECT MANAGER, LEA SIMVOULAKIS*

**DETERMINED THE EXEMPTION IS IN ACCORDANCE WITH CEQA. APPROVED THE CONDITIONAL USE PERMIT – RESOLUTION NO. 17-016. MOTIONED BY COMMISSIONER BIT-BADAL, SECONDED BY COMMISSIONER VORA (5-0-2, ABELITE, ALLEN ABSENT)**

- b. **PDC15-048**. Planned Development Rezoning from the R-1-8 Single-Family Residence Zoning District to the R-1-8(PD) Planned Development Zoning District to allow a flag lot for the development of a new single-family residence behind an existing single-family residence on a 0.32-gross acre site located at 1236 Minnesota Avenue (Cyrus and Rebecca Colburn, Owners). Council District 6. CEQA: Exempt per CEQA Guidelines Section 15303(a) for new Construction or Conversion of Small Structures.

*PROJECT MANAGER, NED THOMAS*

**CONSIDERED THE EXEMPTION IN ACCORDANCE WITH CEQA. RECOMMENDED TO CITY COUNCIL THE DENIAL OF THE PLANNED DEVELOPMENT REZONING RESOLUTION PERMIT AS DESCRIBED ABOVE. MOTIONED BY COMMISSIONER BALLARD, SECONDED BY COMMISSIONER YESNEY (3-2-2, BIT-BADAL, VORA NOES-ABELITE, ALLEN ABSENT)**

- c. **PP17-015**. Amendments to Title 20 of the San José Municipal Code (the Zoning Code) for incidental shelter of homeless people including: 1) Amending Sections 20.80.1600, 20.80.1610 and 20.80.1620, and adding Sections 20.80.1630 and 20.80.1640 to Part 17, Chapter 20.80, adding definitions of “Assembly Use”, “Incidental Shelter”, and “Places of Assembly”, to create standards for incidental shelter of homeless individuals and families, by allowing the incidental shelter as an

incidental permitted use to an existing legal assembly use, and where the shelter is provided inside existing buildings that are constructed and operating in compliance with the San José Municipal Code; and 2) Making other technical, formatting or non-substantive changes in the Zoning Code. CEQA: Initial Study/Negative Declaration for the Incidental Homeless Shelter Municipal Code Amendment, and related documents can be accessed at this link:

<http://www.sanjoseca.gov/index.aspx?NID=5513&ART=13787&ADMIN=1>

*PROJECT MANAGER, APARNA ANKOLA*

**RECOMMENDED TO THE CITY COUNCIL TO CONSIDER AND ADOPT A RESOLUTION APPROVING THE INTIAL STUDY/NEGATIVE DECLARATION FOR THE INCIDENTAL HOMELESS SHELTER MUNICIPAL CODE AMENDMENT. RECOMMENDED TO THE CITY COUNCIL THE APPROVAL OF AN ORDINANCE, AMENDING TITLE 20 OF THE SAN JOSE MUNICIPAL CODE (THE ZONING CODE) TO REVISE LAND USE PROVISIONS FOR INCIDENTAL SHELTER OF HOMELESS PEOPLE AS DESCRIBED ABOVE. MOTIONED BY COMMISSIONER BIT-BADAL, SECONDED BY COMMISSIONER BALLARD (5-0-2, ABELITE, ALLEN ABSENT)**

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

---

*No Items*

## **8. GOOD AND WELFARE**

---

### **a. Report from City Council**

*On 6/13/17, City Council approved the following: GPT17-001, specifically to add Urban Village Commercial land use designation; C17-007; PDC15-059, PD15-059, and PT15-069 (“Volar” project); and lastly, PDC16-050, PD16-035 (Downtown College Prep).*

### **b. Review and Approve Action Minutes from [5/10/17](#) and [5/24/17](#)**

*The Commission approved the 5/10/17 and 5/24/17 Action Minutes, and the following corrections concerning 6.b. on the 5/24/17 Agenda: (i) Continuation of the Public Hearing for Stevens Creek Urban Village Plan/GP17-009 to the 6/14/17 Planning Commission Meeting with a Study Session scheduled directly beforehand. Action: Commissioner Yesney moved and Commissioner Bit-Badal seconded the motion (7-0-0)*

### **c. Subcommittee Formation, Reports, and Outstanding Business**

*Planning Commission Secretary announced that Steve McHarris, Planning Official, will serve as the Planning Commission Secretary beginning in July.*

### **d. Commission Calendar and Study Sessions**

*Vice Chair Pham announced that at the next meeting, the Planning Commission will elect a new Chair.*

### **e. The Public Record**

## **9. ADJOURNMENT**

---

Meeting adjourned at 10:30 p.m.