

## **PLANNING COMMISSION**

October 11, 2017

Action Minutes

### **WELCOME**

### **SALUTE TO THE FLAG**

### **ROLL CALL**

PRESENT: Commissioners Pham, Allen, Abelite, Ballard, Bit-Badal, Vora and Yesney

ABSENT: None

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

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

## **2. PUBLIC COMMENT**

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*None*

## **3. DEFERRALS AND REMOVALS FROM CALENDAR**

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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. **CP15-017 (Administrative Hearing).** Conditional Use Permit and Site Development Permit to allow the construction of an extension to an existing Recreational Vehicle Resort that includes adding 70 R.V. spaces, 132 parking stalls, the construction of a 2,500-square foot common facility with showers, laundry, and lounge, and to allow the installation of a photovoltaic system (solar panels) on the roof of the building, on a vacant 9.92-gross acre site in the R-MH Mobilehome Park Zoning District located on the east side of the intersection Monterey Road and Richmond Avenue (0 Monterey Road) (Coyote Valley Recreation Investment Properties, LLC., Owner). Council District: 2. CEQA: Mitigated Negative Declaration for the Coyote Valley RV Resort Expansion Project. *Deferred from 9/13/17.*

Access the video, agenda, and related reports for this meeting by visiting the City's website at:  
<http://sanjoseca.gov/index.aspx?NID=1763>

**DROP TO RE-NOTICE FOR NOVEMBER 15, 2017 PLANNING COMMISSION MEETING PER STAFF REQUEST TO ALLOW TIME TO RESPOND TO PUBLIC COMMENTS REGARDING THE MITIGATED NEGATIVE DECLARATION. COMMISSIONER ABELITE MADE A MOTION TO DEFER. COMMISSIONER ALLEN SECONDED THE MOTION. MOTION TO DEFER CARRIES UNANIMOUSLY (7-0-0)**

#### **4. CONSENT CALENDAR**

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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. **CP16-039 (Administrative Hearing)**. Conditional Use Permit and Site Development Permit to allow a new two-story, 50,760-square foot social services building with associated parking and landscaping improvements on 2.69-gross acre site in the HI Heavy Industrial Zoning District located on west side of Senter Road, approximately 1,200 feet northerly of Burke Street (1975 Senter Road) (D&D Ranch, Owner). Council District 7. CEQA: Mitigated Negative Declaration for the Senter Road Office Project.

*PROJECT MANAGER, RHONDA BUSS*

- 1. CONSIDERED THE DETERMINATION OF CONSISTENCY WITH MITIGATED NEGATIVE DECLARATION FOR THE SENTER ROAD OFFICE PROJECT, (RESOLUTION NO. 78354) IN ACCORDANCE WITH CEQA (7-0-0)**
- 2. ACTION : COMMISSIONER ABELITE MADE A MOTION TO APPROVE THE CONDITIONAL USE PERMIT AND SITE DEVELOPMENT PERMIT RESOLUTION AS DESCRIBED ABOVE. COMMISSIONER YESNEY SECONDED THE MOTION. THE COMMISSION APPROVED THE CONDITIONAL USE PERMIT AND SITE DEVELOPMENT RESOLUTION NO. 17-031 (7-0-0)**

#### **5. PUBLIC HEARING**

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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 northwest of Highway 237 and McCarthy Boulevard. (1657 Alviso-Milpitas Road) (Cilker Carl A And Kathleen C Trustee, Owners). Council District 4. CEQA: 237 Industrial Center Environmental Impact Report. *Deferred from 9/27/17.*

*PROJECT MANAGER, TRACY TAM*

**C15-054.** Conforming Rezoning from the A(PD) Planned Development Zoning District to the LI Light Industrial Zoning District on an approximately 64.59-gross acre site.

**SP16-053.** Special Use Permit to remove eight ordinance-size and 14 non-ordinance size trees and to allow 14 generators and the construction of six buildings for a data center use totaling approximately 376,519 square feet and site improvements on an approximately 64.59-gross acre site. This project also includes the off-site extension of water, sanitary sewer, stormwater, electrical, natural gas and fiber optics utilities, and up to three public streets from Zanker Road to the project site.

**V17-004.** Development Exception to allow an exception to the off-street parking requirements on an approximately 64.59-gross acre site.

- 1. RECOMMEND THAT THE CITY COUNCIL ADOPT A RESOLUTION CERTIFYING THE 237 INDUSTRIAL CENTER ENVIRONMENTAL IMPACT REPORT AND MAKING CERTAIN FINDINGS CONCERNING SIGNIFICANT IMPACTS, MITIGATION MEASURES, ALTERNATIVES, AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATION AND MITIGATION, MONITORING AND REPORTING PROGRAM, ALL IN ACCORDANCE TO THE CALIFORNIA ENVIRONMENTAL QUALITY, ACT, AS AMENDED (CEQA). (7-0-0)**
- 2. ACTION: COMMISSIONER BIT-BADAL MADE A MOTION TO RECOMMEND TO THE CITY COUNCIL THE APPROVAL OF A CONFORMING REZONING ORDINANCE, SPECIAL USE PERMIT AND DEVELOPMENT EXCEPTION RESOLUTION AS DESCRIBED ABOVE, INCORPORATING THE FOLLOWING STAFF RECOMMENDED PERMIT CONDITIONS. COMMISSIONER VORA SECONDED THE MOTION. (7-0-0):**
  - i. PERMIT ADJUSTMENT. THE PERMITTEE SHALL BE REQUIRED TO OBTAIN A PERMIT ADJUSTMENT TO THE SATISFACTION OF THE DIRECTOR OF PLANNING, BUILDING, AND CODE ENFORCEMENT FOR THE FOLLOWING:**
    - a) A SOLID SCREENING WALL FOR THE LOADING DOCK AREA (GENERALLY LOCATED BETWEEN THE PAVING AND PEDESTRIAN PATH, PARALLEL TO THE RIPARIAN CORRIDOR). THIS SCREENING WALL SHALL FULLY SHIELD THE LOADING DOCK AREA FROM THE RIPARIAN CORRIDOR. ADDITIONALLY, THE LANDSCAPE PLANTING SHALL BE ADJUSTED TO INCLUDE ONLY NATIVE SPECIES PLANT MATERIAL BETWEEN THE CREEK AND PROJECT PAVING ON THE EAST SIDE OF PROJECT SITE. THE BIOLOGIST SHALL BE RETAINED TO EVALUATE THE HEIGHT AND PLANTING MATERIAL IN THIS IMMEDIATE AREA AND PROVIDE A LETTER INDICATING THAT THE WALL AND PLANTING MATERIALS MEET THE INTENT OF CONDITION.**
  - ii. THE PROJECT APPLICANT SHALL COMPLETE AN EVALUATION OF OPERATIONAL ENERGY EFFICIENCY AND DESIGN MEASURES CONSISTENT WITH CRITERIA 5 OF THE CITY'S GREENHOUSE GAS REDUCTION STRATEGY AND GENERAL PLAN POLICY MS-2.8. THE EVALUATION SHALL BE COMPLETED AND SUBMITTED TO THE DIRECTOR OF PBCE FOR REVIEW AND APPROVAL PRIOR TO ISSUANCE OF BUILDING PERMITS FOR THE DATA CENTER AND SUBSTATION.**
  - iii. PRIOR TO ISSUANCE OF A BUILDING PERMIT, PERMITTEE SHALL: 1) RECORD A GRANT DEED, IN A FORM ACCEPTABLE TO THE CITY, TO TRANSFER AN APPROXIMATELY 2,500 SQUARE FOOT PROPERTY (OF A SIZE, CHARACTER, AND GEOLOGICAL CONDITIONS ACCEPTABLE TO SJMW), AT NO COST TO THE CITY, WHICH PROPERTY IS WITHIN SJMWS'S NORTH SAN JOSÉ/ALVISO SERVICE AREA FOR THE FUTURE**

**INSTALLATION OF A NEW GROUNDWATER WELL TO MEET THE 14.5 ACRE FEET PER YEAR BACKUP COOLING SUPPLY REQUIREMENTS IDENTIFIED IN THE PROJECT ENVIRONMENTAL IMPACT REPORT AND WATER SUPPLY ASSESSMENT (WSA); OR (2) IN LIEU OF A GRANT DEED, IF THE CITY DETERMINES THAT THE WELL FOR THE BACKUP COOLING SUPPLY REQUIREMENT MAY BE LOCATED ON PROPERTY ALREADY OWNED BY THE CITY, THE PERMITTEE MAY ELECT TO PAY AN AMOUNT AS APPROVED BY CITY COUNCIL.**

## **6. OPEN THE GENERAL PLAN HEARING**

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## **7. GENERAL PLAN CONSENT CALENDAR**

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- a. **GP17-014.** City-initiated General Plan Amendment to address Land Use/Transportation Diagram errors at locations within the boundaries of the Rincon South, Jackson-Taylor, and Martha Gardens General Plans Growth Areas. Council Districts: 3. CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental Environmental Impact Report to the Envision San José General Plan Final Program Environmental Impact Report (Resolution No. 77617), and Addenda thereto.

*PROJECT MANAGER, JARED HART*

1. **RECOMMEND THAT THE CITY COUNCIL CONSIDER THE DETERMINATION OF CONSISTENCY WITH THE ENVISION SAN JOSÉ 2040 GENERAL PLAN FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (RESOLUTION NO. 76041) AND SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT TO THE ENVISION SAN JOSÉ GENERAL PLAN FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (RESOLUTION NO. 77617), AND ADDENDA THERETO, IN ACCORDANCE WITH CEQA (7-0-0).**
2. **ACTION: COMMISSIONER ABELITE MADE A MOTION TO RECOMMEND TO THE CITY COUNCIL THE APPROVAL OF A GENERAL PLAN AMENDMENT RESOLUTION AS DESCRIBED ABOVE. COMMISSIONER BIT-BADAL SECONDED THE MOTION. (7-0-0).**

- b. **GPT17-003.** City-initiated General Plan Text Amendment to make minor revisions to the Envision San José 2040 General Plan and The Alameda (East) Urban Village Plan, including clarifying revisions to General Plan Policy IP-2.11 and The Alameda (East) Urban Village Plan Policy LU-2.1, updates to Appendix 5 of the General Plan, and other minor grammatical clarifying revisions. Council District: Citywide. CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental Environmental Impact Report to the Envision San José General Plan Final Program Environmental Impact Report (Resolution No. 77617), and Addenda thereto.

*PROJECT MANAGER, KIMBERLY VACCA*

1. **RECOMMEND THAT THE CITY COUNCIL CONSIDER THE DETERMINATION OF CONSISTENCY WITH THE ENVISION SAN JOSÉ 2040 GENERAL PLAN FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (RESOLUTION NO.**

**76041) AND SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT TO THE ENVISION SAN JOSÉ GENERAL PLAN FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (RESOLUTION NO. 77617), AND ADDENDA THERETO IN ACCORDANCE WITH CEQA. (7-0-0).**

- 2. ACTION: COMMISSIONER ABELITE MADE A MOTION TO RECOMMEND TO THE CITY COUNCIL THE APPROVAL OF A GENERAL PLAN TEXT AMENDMENT RESOLUTION AS DESCRIBED ABOVE. COMMISSIONER BIT-BADAL SECONDED THE MOTION. (7-0-0).**

- c. [GPT17-004](#). City-initiated General Plan Text Amendment to clarify General Plan Land Use designations associated with the vacation, sale or relocation of City right-of-way and State freeways and transportation corridors. Council District: Citywide. CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental Environmental Impact Report to the Envision San José General Plan Final Program Environmental Impact Report (Resolution No. 77617), and Addenda thereto.

*PROJECT MANAGER, JARED HART*

- 1. RECOMMEND THAT THE CITY COUNCIL CONSIDER THE DETERMINATION OF CONSISTENCY WITH THE ENVISION SAN JOSÉ 2040 GENERAL PLAN FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (RESOLUTION NO. 76041) AND SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT TO THE ENVISION SAN JOSÉ GENERAL PLAN FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (RESOLUTION NO. 77617), AND ADDENDA THERETO IN ACCORDANCE WITH CEQA. (7-0-0).**
- 2. ACTION: COMMISSIONER ABELITE MADE A MOTION TO RECOMMEND TO THE CITY COUNCIL THE APPROVAL OF A GENERAL PLAN TEXT AMENDMENT RESOLUTION AS DESCRIBED ABOVE. COMMISSIONER BIT-BADAL SECONDED THE MOTION (7-0-0)..**

- d. [GP17-011/GPT17-005](#). General Plan Text Amendment to add text from the adopted Diridon Station Area Plan Final Program Environmental Impact Report to the General Plan, and associated General Plan Amendment to reinstate the Downtown Core and modify the boundaries of the Midtown Specific Plan and the Downtown Growth Area. Council District: 3. CEQA: Determination of Consistency with the Diridon Station Area Plan Final Program Environmental Impact Report (Resolution No. 77096); the Downtown Strategy 2000 Final Program Environmental Impact Report (Resolution No. 72767); the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental Environmental Impact Report to the Envision San Jose General Plan Final Program Environmental Impact Report (Resolution No. 77617); and Addenda thereto.

*PROJECT MANAGER, KIMBERLY VACCA*

- 1. RECOMMEND THE CITY COUNCIL CONSIDER THE DETERMINATION OF CONSISTENCY WITH THE DIRIDON STATION AREA PLAN FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (RESOLUTION NO. 77096); THE DOWNTOWN STRATEGY 2000 FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (RESOLUTION NO. 72767); THE ENVISION SAN JOSÉ 2040 GENERAL PLAN FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (RESOLUTION NO. 76041) AND SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT TO THE ENVISION SAN JOSÉ GENERAL PLAN FINAL PROGRAM ENVIRONMENTAL**

**IMPACT REPORT (RESOLUTION NO. 77617); AND ADDENDA THERETO., IN ACCORDANCE WITH CEQA (7-0-0).**

- 2. ACTION: COMMISSIONER ABELITE MADE A MOTION TO RECOMMEND TO THE CITY COUNCIL THE APPROVAL OF A GENERAL PLAN TEXT AMENDMENT RESOLUTION AS DESCRIBED ABOVE. COMMISSIONER BIT-BADAL SECONDED THE MOTION. (7-0-0).**

- e. **GPT17-006.** City-initiated General Plan Text Amendment to revise Policy IP-5.10 to clarify that the commercial component of a Signature Project must be constructed before or concurrently with residential uses. Council District: Citywide. CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental Environmental Impact Report to the Envision San José General Plan Final Program Environmental Impact Report (Resolution No. 77617), and Addenda thereto. *PROJECT MANAGER, KIMBERLY VACCA*

- 1. RECOMMEND THE CITY COUNCIL CONSIDER THE DETERMINATION OF CONSISTENCY WITH THE ENVISION SAN JOSÉ 2040 GENERAL PLAN FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (RESOLUTION NO. 76041) AND SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT TO THE ENVISION SAN JOSÉ GENERAL PLAN FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (RESOLUTION NO. 77617), AND ADDENDA THERETO, IN ACCORDANCE WITH CEQA (7-0-0).**
- 2. ACTION: COMMISSIONER ABELITE MADE A MOTION TO RECOMMEND TO THE CITY COUNCIL THE APPROVAL OF A GENERAL PLAN TEXT AMENDMENT RESOLUTION AS DESCRIBED ABOVE. COMMISSIONER BIT-BADAL SECONDED THE MOTION. (7-0-0).**

## **8. GENERAL PLAN PUBLIC HEARING**

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No Items

## **9. CONTINUE THE GENERAL PLAN HEARING TO OCTOBER 25, 2017**

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*Commissioner Abelite made a motion to continue the General Plan Hearing to October 25, 2017 Planning Commission. Commissioner Yesney seconded the motion. (7-0-0).*

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

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## **11. GOOD AND WELFARE**

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- a. Report from City Council

*None*

- b. Review and Approve Action Minutes from [9/27/17](#)

*Commissioner Allen made a motion to approve the minutes. Commissioner Ballard seconded the motion. (6-0-1, Pham - Abstained)*

- c. Subcommittee Formation, Reports, and Outstanding Business

- d. Commission Calendar and Study Sessions

- e. The Public Record

*Commissioners Abelite, Bit-Badal and Vora will be absent at the October 25, 2017 Planning Commission Hearing. City Attorney Vera Todorov mentioned all other Commissioners must be present to meet quorum.*

## **8. ADJOURNMENT**

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Meeting adjourned at 8:35 p.m.