

PLANNING COMMISSION

November 15, 2017

Action Minutes

WELCOME

SALUTE TO THE FLAG

ROLL CALL

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

ABSENT: Commissioner Ballard

1. CALL TO ORDER & ORDERS OF THE DAY

Meeting called to order at 6:30 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. **CP17-006 (Administrative Hearing).** Conditional Use Permit and Site Development Permit to allow the demolition of an existing 7,148 square foot building and construction of a new 4,648-square foot drive-through restaurant with late night use on a 0.63-gross acre site in the General Commercial CG Zoning District located on the south side of Blossom Hill Road, approximately 190 feet easterly of Gallup Drive (1156 Blossom Hill Road) (Pueblo Plaza Partnership, Owner).

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

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

Council District 10. CEQA: Exempt per CEQA Guidelines Section 15332 for Infill Development Projects.

PROJECT MANAGER, ROBERT RIVERA

COMMISSIONER ABELITE MADE A MOTION TO DROP THE ITEM TO BE RENOTICED TO A FUTURE DATE PER STAFF REQUEST. COMMISSIONER ALLEN SECONDED THE MOTION. MOTION TO DROP CARRIES UNANIMOUSLY (6-0-1, BALLARD 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. The proposed project will occur on an approximately 0.41-gross acre site, located on the south side of West San Carlos Street, approximately 500 feet east of Sunol Street. (750 West San Carlos Street). (Cotton Stanley A Trustee, Owner). Council District 6. CEQA: Addendum to Diridon Station Area Plan Final Environmental Impact Report (Resolution No. 77096), Envision San José 2040 General Plan Final Environmental Impact Report (Resolution No. 76041), Envision San Jose 2040 General Plan Final Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto.

PDC16-045. Planned Development Rezoning from the HI Heavy Industrial Zoning District to the R-M(PD) Planned Development Zoning District.

PD16-031. Planned Development Permit to demolish an approximately 8,170 square foot structure and remove six non-ordinance sized trees, and to construct a 7-story, 56 unit multi-family building with two stories of parking.

PROJECT MANAGER, TRACY TAM

PULLED FROM CONSENT CALENDAR AND HEARD UNDER PUBLIC HEARING

1. **RECOMMEND THAT THE CITY COUNCIL CONSIDER THE ADDENDUM TO THE DIRIDON STATION AREA PLAN FINAL ENVIRONMENTAL IMPACT REPORT (RESOLUTION NO. 77096), ENVISION SAN JOSÉ 2040 GENERAL PLAN FINAL ENVIRONMENTAL IMPACT REPORT (RESOLUTION NO. 76041), ENVISION SAN JOSE 2040 GENERAL PLAN FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT (RESOLUTION NO. 77617), AND ADDENDA THERETO IN ACCORDANCE WITH CEQA (6-0-1, BALLARD ABSENT)**
2. **ACTION: COMMISSIONER VORA MADE A MOTION TO RECOMMEND TO CITY COUNCIL THE ADOPTION OF A PLANNED DEVELOPMENT REZONING ORDINANCE AND A PLANNED DEVELOPMENT PERMIT RESOLUTION WITH STAFF MODIFICATION TO REVISE SETBACK ON WEST SIDE OF THE PROPERTY TO 6'-8" AND CONDITION OF APPROVAL REQUIRING CAR SHARING. COMMISSIONER BIT-BADAL SECONDED THE MOTION. (6-0-1, BALLARD 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. [CP15-017 \(Administrative Hearing\)](#). Conditional Use Permit to allow an extension to an existing Recreational Vehicle Resort, including the addition of 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 photovoltaic 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. Dropped and renoticed from 10/11/17.*
PROJECT MANAGER, SHAUNN MENDRIN
1. **APPROVAL OF A RESOLUTION ADOPTING THE COYOTE VALLEY RV RESORT EXPANSION PROJECT MITIGATED NEGATIVE DECLARATION FOR WHICH AN INITIAL STUDY WAS PREPARED, AND ADOPT A RELATED MITIGATION MONITORING AND REPORTING PROGRAM, ALL IN ACCORDANCE TO CEQA. (6-0-1, BALLARD ABSENT)**
 2. **ACTION: COMMISSIONER BIT-BADAL MADE A MOTION TO APPROVE THE CONDITIONAL USE PERMIT RESOLUTION AS DESCRIBED ABOVE. COMMISSIONER VORA SECONDED THE MOTION. THE COMMISSION APPROVED THE CONDITIONAL USE PERMIT RESOLUTION NO. 17-032 (6-0-1, BALLARD ABSENT)**

6. CONTINUED GENERAL PLAN HEARING FROM NOVEMBER 8, 2017

7. GENERAL PLAN CONSENT CALENDAR

No items

8. GENERAL PLAN PUBLIC HEARING

- a. The proposed project will occur on an approximately 1.54-gross acre site, located on the northeast corner of Oakland Road and Commercial Street (1202 Oakland Road). (Robinson Oil Corporation, Owner). Council District: 3. CEQA: Mitigated Negative Declaration for the Rotten Robbie #67 Project.
- [GP16-011](#). General Plan Amendment to change the Land Use/Transportation Diagram land use designation from Heavy Industrial to Combined Industrial/Commercial.
- [C17-008](#). Conforming Rezoning from the HI Heavy Industrial Zoning District to the CIC

Combined Industrial/Commercial Zoning District.

CP17-015. Conditional Use Permit for the removal of existing building and fueling dispensers, and the construction of a 3,750 square foot convenience store, auto retail fueling dispensers, canopies, and card lock fueling dispensers with proposed off-sale of alcohol and 24-hour use.

PROJECT MANAGERS, KIMBERLY VACCA AND ROBERT RIVERA

1. **RECOMMEND THAT THE CITY COUNCIL CONSIDER THE MITIGATED NEGATIVE DECLARATION, IN ACCORDANCE WITH CEQA (6-0-1, BALLARD ABSENT)**
2. **ACTION: COMMISSIONER ALLEN MADE A MOTION TO RECOMMEND TO CITY COUNCIL THE DENIAL OF A GENERAL PLAN AMENDMENT RESOLUTION, CONFORMING REZONING ORDINANCE AND CONDITIONAL USE PERMIT RESOLUTION AS DESCRIBED ABOVE COMMISSIONER YESNEY SECONDED THE MOTION. (6-0-1, BALLARD ABSENT)**

- b. The proposed project will occur on an approximately 0.91-gross acre site, located on the northeast corner of North 4th Street and East St. John Street (120 N. 4th Street). (Brent Lee, Owner). Council District: 3. CEQA: Negative Declaration for the Fourth and St. John General Plan Amendment and Rezoning.

GP16-013. General Plan Amendment to change the Land Use/Transportation Diagram land use designation from Residential Neighborhood and Transit Residential to Downtown, and expand the Downtown Growth Area Boundary.

C17-032. Conventional Rezoning from the CG Commercial General Zoning District to the DC Downtown Primary Commercial Zoning District.

PROJECT MANAGER, KIMBERLY VACCA

PULLED FROM GENERAL PLAN PUBLIC HEARING AND HEARD UNDER DEFERRALS

1. **ERIK SCHOENNAUER, A REPRESENTATIVE ON BEHALF OF THE APPLICANT, REQUESTED FOR THE PLANNING COMMISSION TO PROCEED WITH HEARING THE ITEM PER THE AGENDA. LINDA SOBCZYNSKI, A REPRESENTATIVE ON BEHALF OF SAN JOSE RESIDENTS FOR RESPONSIBLE DEVELOPMENT, EXPRESSED SUPPORT TO DROP AND RENOTICE.**
2. **ACTION: COMMISSIONER ABELITE MADE A MOTION TO DEFER GP16-013 TO 12/6/17 PLANNING COMMISSION, AND DROP TO RENOTICE C17-032 TO NARROW ENVIRONMENTAL FOCUS AND ALLOW THE PLANNING COMMISSION TO READ PUBLIC LETTERS. COMMISSIONER YESNEY SECONDED THE MOTION. (6-0-1, BALLARD ABSENT)**

- c. **GPT17-007 and PP17-051.** City-initiated General Plan Text Amendment to revise the Industrial Park and Transit Employment Center land use designations to allow additional flexibility for retail and service commercial uses within the North San José Development Policy area; Amendment to the North San José Area Development Policy to establish criteria for commercial support uses in single-use buildings proposed on properties in the IP Industrial Park Zoning District; and Amendments to the Zoning Code to add provisions to allow commercial support uses in single-use buildings in the IP Industrial Park Zoning District within the North San José Development Policy area when consistent with the North San José Area Development Policy. Council Districts: 3 and 4 (within North San José Development Policy area). CEQA: Determination of Consistency with the North San José Development Policies Update Final Environmental Impact Report (Resolution No. 72768) and Addenda thereto; and the Envision San José 2040 General Plan Final

Environmental Impact Report (Resolution No. 76041), Envision San José 2040 General Plan Final Supplemental 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 NORTH SAN JOSÉ DEVELOPMENT POLICIES UPDATE FINAL ENVIRONMENTAL IMPACT REPORT (RESOLUTION NO. 72768) AND ADDENDA THERETO; AND THE ENVISION SAN JOSÉ 2040 GENERAL PLAN FINAL ENVIRONMENTAL IMPACT REPORT (RESOLUTION NO. 76041), ENVISION SAN JOSÉ 2040 GENERAL PLAN FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT (RESOLUTION NO. 77617), AND ADDENDA THERETO IN ACCORDANCE WITH CEQA (6-0-1, BALLARD ABSENT).**
2. **ACTION: COMMISSIONER BIT-BADAL MADE A MOTION TO RECOMMEND THAT THE CITY COUNCIL ADOPT A RESOLUTION. COMMISSIONER ALLEN SECONDED THE MOTION (6-0-1, BALLARD ABSENT). APPROVING ALL OF THE FOLLOWING ACTIONS:**
 - i. **CITY-INITIATED GENERAL PLAN TEXT AMENDMENT TO REVISE THE INDUSTRIAL PARK AND TRANSIT EMPLOYMENT CENTER LAND USE DESIGNATIONS TO ALLOW ADDITIONAL FLEXIBILITY FOR RETAIL AND SERVICE COMMERCIAL USES WITHIN THE NORTH SAN JOSÉ DEVELOPMENT POLICY AREA; AND**
 - ii. **AMENDMENTS TO THE NORTH SAN JOSÉ AREA DEVELOPMENT POLICY TO ESTABLISH CRITERIA FOR COMMERCIAL SUPPORT USES IN SINGLE-USE BUILDINGS PROPOSED ON PARCELS IN THE IP INDUSTRIAL PARK ZONING DISTRICT AS DEFINED IN THE CITY'S ZONING ORDINANCE.**
3. **ACTION: COMMISSIONER BIT-BADAL MADE A MOTION TO RECOMMEND THAT THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING SECTION 20.50.110 OF TITLE 20 OF THE SAN JOSÉ MUNICIPAL CODE (ZONING CODE) ADDING SPECIFIED CRITERIA TO ALLOW COMMERCIAL SUPPORT USES IN SINGLE-USE BUILDINGS IN THE IP INDUSTRIAL PARK ZONING DISTRICT WITHIN THE NORTH SAN JOSÉ DEVELOPMENT POLICY AREA WHEN CONSISTENT WITH THE NORTH SAN JOSÉ AREA DEVELOPMENT POLICY AS DESCRIBED ABOVE. COMMISSIONER ALLEN SECONDED THE MOTION (6-0-1, BALLARD ABSENT).**

9. CLOSE THE GENERAL PLAN HEARING

General Plan Hearing continued to 12/6/17 Planning Commission.

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

No Items

11. GOOD AND WELFARE

a. Report from City Council

On November 14, 2017, City Council approved regulations pertaining to Non-Medical Cannabis in San Jose.

b. Review and Approve Action Minutes from [11/8/17](#)

Commissioner Abelite made a motion to approve the 11/8/17 minutes Commissioner Allen seconded the motion. (6-0-1, Ballard Absent)

c. Subcommittee Formation, Reports, and Outstanding Business

No Items

d. Commission Calendar and Study Sessions

No Items

e. The Public Record

No Items

12. ADJOURNMENT

Meeting adjourned at 9:00 p.m.