

PLANNING COMMISSION

December 13, 2017

Action Minutes

WELCOME

SALUTE TO THE FLAG

ROLL CALL

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

ABSENT: None

1. CALL TO ORDER & ORDERS OF THE DAY

Meeting called to order at 6:31 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.

No items

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. **CP17-006 (Administrative)**. Conditional Use Permit to allow the demolition of the existing 7,148-square foot building, and construction of a new 4,648-square foot drive-through restaurant and removal of one Shamel Ash tree, 84 inches in circumference, on a 0.63-gross acre site in the CG Commercial General Zoning District located at south side of Blossom Hill Road, approximately 190 feet easterly of Gallup Drive (1156 Blossom Hill Road) (Pueblo Plaza Partnership, Owner). Council District 10. CEQA: Exempt per CEQA Guidelines Section 15303 (c) for New Construction or Conversion of Small Structures.

PROJECT MANAGER, ROBERT RIVERA

1. **DETERMINED THE EXEMPTION IS IN ACCORDANCE WITH CEQA (7-0-0)**
2. **ACTION: COMMISSIONER BIT-BADAL MADE A MOTION TO APPROVE THE CONDITIONAL USE PERMIT RESOLUTION. COMMISSIONER ABELITE SECONDED THE MOTION. THE COMMISSION APPROVED THE CONDITIONAL USE PERMIT RESOLUTION NO. 17-034 INCLUDING THE FOLLOWING STAFF RECOMMENDED MODIFICATIONS (7-0-0):**
 - i. **DELETE CONDITION 37(D)(I) AND (II) REGARDING STORMWATER RUNOFF POLLUTION CONTROL MEASURES;**
 - ii. **ADD CONDITION 37(I) REGARDING REIMBURSEMENT OF STREET IMPROVEMENTS;**
 - iii. **MODIFY CONDITION 37(I) REGARDING STREET IMPROVEMENTS; AND**
 - iv. **MODIFY CONDITION 37(K) REGARDING TRANSPORTATION.**

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. **PP17-072**. Adoption of an ordinance of the City of San José amending Chapter 13.32 of the San José Municipal Code to revise and add provisions pertaining to tree removal controls on private property, including amending Section 13.32.020 to add a definition of the term “Invasive Tree,” revise how height, tree diameter and circumference are measured to trigger application of tree removal controls, and expand the definition of “Unsuitable Tree” to include certain trees on land use types beyond single family dwellings, amending Sections 13.32.090 to and 13.32.120 to streamline the process for review of applications for removal of all trees that are not Unsuitable Trees, amending Sections 13.32.041, 13.32.110 and 13.32.130 to clarify tree removal permit requirements included as part of another Planning permit, requirements for tree replacement as a condition of approval for tree removal and provisions for safeguarding trees during construction, and making other technical, non-substantive, or formatting changes within Sections of Title 13 to add and amend regulations pertaining to Tree Removal Controls. Citywide. CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Environmental Impact Report (Resolution No.

PROJECT MANAGER, ARTHUR HENRIQUES

1. **ACTION: COMMISSIONER ABELITE MADE A MOTION TO RECOMMEND TO THAT THE CITY COUNCIL APPROVE AN ORDINANCE. COMMISSIONER YESNEY SECONDED THE MOTION (7-0-0). APPROVING THE ORDINANCE AS DESCRIBED INCLUDING THE FOLLOWING ADDITIONS;**
 - i. **FOR SINGLE-FAMILY AND DUPLEX RESIDENTIAL PROPERTIES, REQUIRE THAT THE APPLICANT OR PROPERTY OWNER OBTAIN SIGNED ACKNOWLEDGEMENTS OF THE PROPOSED TREE REMOVAL PERMIT REQUEST FROM OWNERS OF THE TWO ADJACENT PROPERTIES ON EACH SIDE OF THEIR HOUSE, THE THREE PROPERTIES ACROSS THE STREET AND ANY OTHER CONTIGUOUS PROPERTIES TO THE REAR. IF THE CONDITION IS A CORNER LOT, REQUIRE THAT THE APPLICANT OBTAIN ACKNOWLEDGMENTS FROM THE PROPERTY OWNERS OF THE OTHER THREE REMAINING CORNERS.**
 - ii. **FOR COMMERCIAL PROPERTIES, REQUIRE THAT THE APPLICANT OR PROPERTY OWNER OBTAIN SIGNED ACKNOWLEDGEMENTS OF THE PROPOSED TREE REMOVAL PERMIT REQUEST FROM OWNERS OF THE PROPERTY ON EACH SIDE OF THE COMMERCIAL PROPERTY ON THE SAME SIDE OF THE STREET, ANY PROPERTY OWNERS THAT ARE DIRECTLY ACROSS THE STREET, AND ANY PROPERTIES THAT ARE CONTIGUOUS TO THE BOUNDARIES OF THE PROPERTY.**

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

No Items

7. GOOD AND WELFARE

- a. Report from City Council
December 12th City Council Meeting:
 - i. *All Land Use items on Consent Calendar were approved.*
 - ii. *Gas Station/Car Wash on South Bascom Avenue was continued to December 19.*
 - iii. *Oakland Road Rotten Robbie: City Council approved the General Plan Amendment and rezoning to Combined Industrial/Commercial. City Council deferred the Conditional Use Permit for the gas station, off-sale of alcohol and late night uses, and requested staff to return with changes to allowable land uses in the Light Industrial Zoning District.*
 - iv. *Moorpark Avenue General Plan Amendment was approved.*
 - v. *General Plan Amendment on West Julian Street was approved.*
 - vi. *North San Jose Area Development Policy General Plan Amendment and General Plan Text Amendment were approved.*
 - vii. *Reconsideration of 237 Industrial Center Final Environmental Impact Report was approved.*

- b. Review and Approve Action Minutes from [12/6/17](#)
Commissioner Abelite made a motion to approve the 12/6/17 minutes. Commissioner Allen seconded the motion. (7-0-0)
- c. Subcommittee Formation, Reports, and Outstanding Business
- d. Commission Calendar and Study Sessions
- e. The Public Record

8. ADJOURNMENT

Meeting adjourned at 7:22 p.m.