

PLANNING COMMISSION

January 10, 2018

Action Minutes

WELCOME

SALUTE TO THE FLAG

ROLL CALL

PRESENT: Commissioners Pham, Abelite, Allen, Ballard, Vora, Yesney

ABSENT: Bit-Badal

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. **CP17-039 (Administrative Permit)**. Conditional Use Permit to allow the late night use of an existing restaurant with a legal non-conforming drive-through and intensification of the legal non-conforming drive-through by allowing the late night use of the drive-through on 0.86-gross acre site in the CP Commercial Pedestrian Zoning District located on the southwest corner of Snell Avenue and Giuffrida Avenue (5519 Snell Ave) (Chao Jean H Trustee, Owner). Council District 10. CEQA: Exempt per CEQA Guidelines Section 15301(h) for Existing Facilities.
PROJECT MANAGER, ROBERT RIVERA
 1. **DETERMINED THE EXEMPTION IS IN ACCORDANCE WITH CEQA (6-0-1, BIT-BADAL ABSENT)**
 2. **ACTION: COMMISSIONER ABELITE MADE A MOTION TO APPROVE THE CONDITIONAL USE PERMIT AS DESCRIBED ABOVE. COMMISSIONER VORA SECONDED THE MOTION. THE COMMISSION APPROVED CONDITIONAL USE PERMIT RESOLUTION NO. 18-001 (6-0-1, BIT-BADAL ABSENT)**

- b. **PDC17-026**. Planned Development Rezoning from the Industrial Park Planned Development IP(PD) Zoning District to Commercial Neighborhood Planned Development CN(PD) Zoning District to allow up to approximately 100,000 square feet for commercial uses and up to 250-room hotel on an approximate 14.0-gross acre site, located at the southwest corner of West Trimble Road and Orchard Parkway (370 West Trimble Road) (370 West Trimble Rd Corp, Owner). Council District 4. CEQA: Addendum to North San José Development Policies Update Final Environmental Impact Report (Resolution No. 72768), 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.
PROJECT MANAGER, JOHN TU
 1. **CONSIDERED THE ADDENDUM TO NORTH SAN JOSÉ DEVELOPMENT POLICIES UPDATE FINAL ENVIRONMENTAL IMPACT REPORT (RESOLUTION NO. 72768), 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, BIT-BADAL ABSENT)**
 2. **ACTION: COMMISSIONER ABELITE MADE A MOTION TO RECOMMEND TO THE CITY COUNCIL THE ADOPTION OF A RESOLUTION APPROVING THE ADDENDUM AND ADOPTION OF THE PLANNED DEVELOPMENT REZONING ORDINANCE WITH UPDATED DRAFT DEVELOPMENT STANDARDS TO INCLUDE LANGUAGE THAT PERFORMANCE STANDARDS FOR COMMERCIAL AND INDUSTRIAL USES SHALL BE PER SAN JOSE MUNICIPAL CODE SECTION 20.40.600 AND 20.50.300, AS RECOMMENDED BY STAFF. COMMISSIONER VORA SECONDED THE MOTION. (6-0-1, BIT-BADAL 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. The proposed project will occur on an approximately 70.5-gross acre site, located north of State Highway 237 at the terminus of Great America Parkway (0 American Center Drive), (Leslie Salt Co 77220, Owner). Council District 4. CEQA: Subsequent Environmental Impact Report (EIR) to the Legacy Terrace Development Planned Development Rezoning and Prezoning Final EIR (Resolution No. 69392).
- PDC15-058.** Planned Development Rezoning to rezone from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District to allow an additional 190,000 square feet of commercial and Office/R&D space on site; and
- PD16-053.** Planned Development Permit to allow the construction of an approximately 192,350 square foot six-story office building, associated amenity space, expansion of the parking garage approved for the eastern portion of the site, and removal of a total of 101 trees located on the existing parking lot.

PROJECT MANAGER, SHAUNN MENDRIN

1. **CONSIDERED THE SUBSEQUENT ENVIRONMENTAL IMPACT REPORT (EIR) TO THE LEGACY TERRACE DEVELOPMENT PLANNED DEVELOPMENT REZONING AND PREZONING FINAL EIR (RESOLUTION NO. 69392), IN ACCORDANCE WITH CEQA. (5-0-1-1, BIT-BADAL ABSENT, VORA ABSTAINED)**
2. **ACTION: RECOMMEND TO THE CITY COUNCIL THE ADOPTION OF A RESOLUTION CERTIFYING THE SUBSEQUENT ENVIRONMENTAL IMPACT REPORT TO THE LEGACY TERRACE DEVELOPMENT PLANNED DEVELOPMENT REZONING AND PREZONING FINAL EIR (RESOLUTION NO. 69392) 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 WITH CEQA. (5-0-1-1, BIT-BADAL ABSENT, VORA ABSTAINED)**
3. **ACTION: COMMISSIONER ALLEN MADE A MOTION TO RECOMMEND TO THE CITY COUNCIL THE ADOPTION OF THE PLANNED DEVELOPMENT REZONING ORDINANCE AND APPROVAL OF A PLANNED DEVELOPMENT PERMIT RESOLUTION WITH UPDATED DRAFT DEVELOPMENT STANDARDS WHICH STATE THE ACTUAL PROPOSED OFFICE SQUARE FOOTAGE OF 1.09 MILLION AS COVERED BY STAFF. COMMISSIONER BALLARD SECONDED THE MOTION. (5-0-1-1, BIT-BADAL ABSENT, VORA ABSTAINED)**

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

No Items

7. GOOD AND WELFARE

a. Report from City Council

City Council approved the Ordinance Amendment streamlining the Tree Removal Permit Process, excluding the Planning Commission's recommendation regarding public notification. The ordinance will become effective on 2/8/18.

b. Review and Approve Action Minutes from [12/13/17](#)

Commissioner Abelite made a motion to approve the 12/13/17 minutes. Commissioner Yesney seconded the motion. (6-0-1, Bit-Badal Absent)

c. Subcommittee Formation, Reports, and Outstanding Business

None

d. Commission Calendar and Study Sessions

Planning Commission can email staff with Study Session topics. The 2018 Planning Commission Retreat is planned for September.

e. The Public Record

Commissioner Abelite will be absent at next Planning Commission meeting on 1/24/18.

8. ADJOURNMENT

Meeting adjourned at 7:24 p.m.