

## **PLANNING COMMISSION**

March 21, 2018

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**

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Meeting called to order at 6:30 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.

**No items**

## 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. [PP14-036](#). Adoption of an ordinance of the City of San Jose adding Chapter 20.190 to Title 20 of the San Jose Municipal Code to implement California Government Code Section 66915 (State Housing Density Bonus and Incentives Law) and provide affordable housing incentives and waivers consistent with the San Jose General Plan. Citywide. CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto.  
*PROJECT MANAGER, LEA SIMVOULAKIS*

**PULLED FROM CONSENT CALENDAR AND HEARD UNDER PUBLIC HEARING.**

- 1. RECOMMEND TO THE CITY COUNCIL CONSIDERATION OF THE DETERMINATION OF CONSISTENCY WITH THE ENVISION SAN JOSÉ 2040 GENERAL PLAN FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (RESOLUTION NO. 76041) AND ENVISION SAN JOSÉ 2040 GENERAL PLAN SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT (RESOLUTION NO. 77617), AND ADDENDA THERETO IN ACCORDANCE WITH CEQA. (7-0-0)**
- 2. ACTION: COMMISSIONER ALLEN MADE A MOTION TO RECOMMEND TO THE CITY COUNCIL THE ADOPTION OF AN ORDINANCE OF THE CITY OF SAN JOSÉ ADDING CHAPTER 20.190 TO TITLE 20 OF THE SAN JOSE MUNICIPAL CODE AS DESCRIBED ABOVE. COMMISSIONER VORA SECONDED THE MOTION. (7-0-0)**

- b. [PDC15-027](#). Planned Development Rezoning located on an approximately 1.04-gross acre site located at the northwest corner of Berryessa Road and Lundy Avenue (1705 Berryessa Road) from the A(PD) Planned Development Zoning District to the CP(PD) Planned Development Zoning District to facilitate the demolition of approximately 1,850 square feet of commercial buildings (a retail kiosk, carwash) and the development of an approximately 3,212-square foot convenience store, a 2,490-square foot retail building, and a 1,086-square foot-carwash tunnel. (AU Energy, LLC Nick Goyal, Owner). Council District 4. CEQA: Mitigated Negative Declaration for the 1705 Berryessa Gas Station Project.  
*PROJECT MANAGER, JOHN TU*

**STAFF READ UPDATE INTO THE RECORD WHICH INCLUDES MODIFICATIONS TO THE GENERAL DEVELOPMENT PLAN, TO INCLUDE THE ADDITION OF CARWASH CONDITIONS RELATED TO THE TYPE OF EQUIPMENT USED IN THE CARWASH, AND MITIGATION MEASURES TO ADDRESS OTHER IMPACTS, AND THE REMOVAL OF LANGUAGE INDICATING 24-USE OF THE CARWASH USE FROM THE COVER PAGE OF THE PLAN SET.**

- 1. RECOMMEND TO THE CITY COUNCIL CONSIDERATION OF THE MITIGATED NEGATIVE DECLARATION FOR THE 1705 BERRYESSA GAS STATION**

**PROJECT AND RELATED MITIGATION MONITORING AND REPORTING PROGRAM, IN ACCORDANCE WITH CEQA. (7-0-0)**

2. **ACTION: COMMISSIONER YESNEY MADE A MOTION TO RECOMMEND TO THE CITY COUNCIL INCLUDING STAFF'S AMENDMENTS:**
- a) **THE ADOPTION OF A RESOLUTION ADOPTING A MITIGATED NEGATIVE DECLARATION FOR THE 1705 BERRYESSA GAS STATION PROJECT, FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH CEQA, AS AMENDED, AND ADOPT THE RELATED MITIGATION MONITORING AND REPORTING PROGRAM; AND**
  - b) **THE CONSIDERATION OF AN ORDINANCE OF THE CITY OF SAN JOSÉ REZONING AN APPROXIMATELY 1.04-GROSS ACRE SITE LOCATED AT THE NORTHWEST CORNER OF BERRYESSA ROAD AND LUNDY AVENUE (1705 BERRYESSA ROAD) FROM THE A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO THE CP(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO FACILITATE THE DEMOLITION OF APPROXIMATELY 1,850 SQUARE FEET OF COMMERCIAL BUILDINGS (A RETAIL KIOSK, CARWASH) AND THE DEVELOPMENT OF AN APPROXIMATELY 3,212-SQUARE FOOT CONVENIENCE STORE, A 2,490-SQUARE FOOT RETAIL BUILDING, AND A 1,086-SQUARE FOOT-CARWASH TUNNEL AS DESCRIBED ABOVE.**

**COMMISSIONER ABELITE SECONDED THE MOTION. (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.

**No items**

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

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**No items**

## **7. GOOD AND WELFARE**

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- a. Report from City Council

*March 13<sup>th</sup> City Council Hearing approved the following: Conforming Rezoning on 86 North 17<sup>th</sup> Street (C17-037), Conforming Rezoning located at 1302 North Fourth Street(C18-004), Conforming*

*Rezoning located at 1102 Lick Avenue (C17-041) and upheld the Certification of the America Center Phase III Project Final Subsequent Environmental Impact Report.*

- b. Review and Approve Action Minutes from [2/28/18](#)

*Commissioner Abelite made a motion to approve the 2/28/18 minutes. Commissioner Bit-Badal seconded the motion. (6-0-1, Ballard Abstained)*

- c. Subcommittee Formation, Reports, and Outstanding Business

*None*

- d. Commission Calendar and Study Sessions

*Commissioner Allen requested for an upcoming refresher Study Session on Diridon Area Plan & Downtown Strategy and EIR Update. Commissioner Ballard will be absent on April 11 Planning Commission on City Business.*

- e. The Public Record

*None*

## **8. ADJOURNMENT**

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Meeting adjourned at 6:56 p.m.