

PLANNING COMMISSION

May 2, 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

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. **PP18-024.** Adoption of an ordinance of the City of San José amending Section 20.100.1420 of Chapter 20.100 of Title 20 of the San José Municipal Code (The Zoning Code) to facilitate the

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

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

City's Parklet Program. Citywide. CEQA: Determination of Consistency with the Final Program Environmental Impact Report for the Envision San José 2040 General Plan (the "FEIR"), for which findings were adopted by City Council through its Resolution No. 76041 on November 1, 2011, and Supplemental EIR Resolution No. 77617, adopted by City Council on December 15, 2015, and Addenda thereto and does not involve new significant impacts beyond those analyzed in the FEIR or the Supplemental EIR. *Deferred from 4/11 and 4/25*

PROJECT MANAGER, LEA SIMVOULAKIS

DROP ITEM PER STAFF REQUEST. COMMISSIONER ABELITE MADE A MOTION TO DEFER. COMMISSIONER YESNEY SECONDED THE MOTION. MOTION TO DROP CARRIES UNANIMOUSLY. (7-0-0)

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. **CP17-020 (Administrative)**. Conditional Use Permit to allow an approximately 1,190-square foot drive-through car wash at an existing gas station, conversion of service bays to a 1,626-square foot 24-hour retail convenience store, and replacement of an existing fuel island canopy with a new 2,109-square foot canopy over four existing dual gas dispensers, and to allow the maximum noise level in decibels at the property line adjacent to a property used or zoned for commercial purposes to exceed 60 decibels, on a 0.85-gross acre site in the CN Commercial Neighborhood Zoning District located northwesterly of the intersection of Almaden Expressway and Redmond Avenue (16455 Almaden Expressway) (R. C. Petroleum, Owner). Council District 10. CEQA: Initial Study and Mitigated Negative Declaration for the 16455 Almaden Expressway Convenience Store, Gas Station, and Car Wash Project, dated January 2018. *Deferred from 4/25*.
PROJECT MANAGER, RINA SHAH
 1. **COMMISSIONER BIT-BADAL MADE A MOTION TO ADOPT A RESOLUTION APPROVING THE 16455 ALMADEN EXPRESSWAY CONVENIENCE STORE, GAS STATION, AND CAR WASH PROJECT MITIGATED NEGATIVE DECLARATION, FOR WHICH AN INITIAL STUDY WAS PREPARED, AND ADOPTING A RELATED MITIGATION MONITORING AND REPORTING PROGRAM, ALL IN ACCORDANCE WITH CEQA, AS AMENDED. COMMISSIONER ABELITE SECONDED THE MOTION. (7-0-0)**
 2. **ACTION: COMMISSIONER BIT-BADAL MADE A MOTION TO APPROVE A CONDITIONAL USE PERMIT RESOLUTION AS DESCRIBED ABOVE. COMMISSIONER ABELITE SECONDED THE MOTION. (7-0-0)**
- b. **CP17-033 (Administrative)**. Conditional Use Permit to allow the off-sale of a full range of alcoholic beverages (beer, wine, and distilled spirits) and exterior facade modifications for a proposed 16,800-square foot subdivided commercial tenant space (Cost Plus), located on the south side of Stevens Creek Boulevard, approximately 210 feet easterly of Lawrence Expressway (5164

Stevens Creek Boulevard) (Stevens Creek, Inc., Owner). Council District 1. CEQA: Exempt per CEQA Guidelines Section 15301(a) for Existing Facilities.

PROJECT MANAGER, STEFANIE FARMER

- 1. CONSIDERED THE EXEMPTION PER CEQA GUIDELINES SECTION 15301(A) FOR EXISTING FACILITIES IN ACCORDANCE WITH CEQA. (7-0-0)**
- 2. ACTION: COMMISSIONER BIT-BADAL MADE A MOTION TO APPROVE A CONDITIONAL USE PERMIT RESOLUTION AS DESCRIBED ABOVE. COMMISSIONER ABELITE SECONDED THE MOTION. (7-0-0)**

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.

No items

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

No items

7. GOOD AND WELFARE

- a. Report from City Council

April 17, 2018 City Council Hearing approved the following: 1) C17-053 – Conforming Rezoning for Real Property Located at 951 Saratoga Avenue, 2) PDC15-027 – Planned Development Rezoning for Real Property Located at 1705 Berryessa Road.

April 24, 2018 City Council Hearing approved the following: 1) C18-002 – Confirming Rezoning for Real Property Located at 0 Wabash Street.

May 1, 2018 City Council Hearing approved the following: 1) PP14-036 – Amendments to Title 5 (Housing) and Title 20 (The Zoning Ordinance) for California Government Code Section 65915 Et. Seq. (State Housing Density Bonuses and Incentive Law.

- b. Review and Approve Action Minutes from [4/11/18](#)

Commissioner Bit-Badal made a motion to approve the 4/11/18 minutes with recommended corrections. Commissioner Abelite seconded the motion. (6-0-1, Ballard Abstained)

- c. Subcommittee Formation, Reports, and Outstanding Business

None

- d. Commission Calendar and Study Sessions

Chair Pham confirmed Study Session for May 9, 2018

e. The Public Record

Commissioner Bit-Badal shared a recommendation to review the meeting ULI had with City Council highlighting the Development process in San Jose and the impacts to development.

8. ADJOURNMENT

Meeting adjourned at 6:41 p.m.