

PLANNING COMMISSION

March 25, 2020

Action Minutes

WELCOME

SALUTE TO THE FLAG

ROLL CALL

PRESENT: Commissioners Ballard, Griswold, Allen, Bonilla, Caballero, Oliverio, Yesney

ABSENT: None

1. CALL TO ORDER & ORDERS OF THE DAY

Meeting called to order at 6:31 p.m.

2. PUBLIC COMMENT

No Comments

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.

Access the video, agenda, and related reports for this meeting by visiting the City's website at:
<https://www.sanjoseca.gov/your-government/departments/planning-building-code-enforcement/planning-division/commissions-and-hearings/planning-commission>

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. **CP18-006 (Administrative Hearing)**. Conditional Use Permit to allow the installation of conveyance piping for existing on-site wells, an engineered sump with a pre-treatment unit for well blow-off water, discharge piping to the City of San Jose storm drain system, an up to 5-foot exposed retaining wall, and the removal of three ordinance sized trees at an existing water facility on an approximately 1.86 gross acre site within an approximately 2.18-gross acre San Jose Water Company site located on northeast corner of North 17th Street and East Santa Clara Street (86 N. 17th Street) (San José Water Works, Owner). Council District 3. **CEQA:** Exempt pursuant to CEQA Guidelines Section 15332 for In-Fill Development Projects.

PROJECT MANAGER, RHONDA BUSS

ACTION: COMMISSIONER OLIVERIO MADE A MOTION TO APPROVE THE STAFF RECOMMENDATIONS TO:

- 1. CONSIDER THE EXEMPTION IN ACCORDANCE WITH CEQA GUIDELINES SECTION 15332 FOR THE IN-FILL DEVELOPMENT PROJECTS; AND**
- 2. ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, A CONDITIONAL USE PERMIT TO ALLOW THE INSTALLATION OF CONVEYANCE PIPING FOR EXISTING ON-SITE WELLS, AN ENGINEERED SUMP WITH A PRE-TREATMENT UNIT FOR WELL BLOW-OFF WATER, DISCHARGE PIPING TO THE CITY OF SAN JOSE STORM DRAIN SYSTEM, AN UP TO 5 FOOT RETAINING WALL, AND THE REMOVAL OF THREE ORDINANCE SIZED TREES AND TWO NON-ORDINANCE SIZED TREES AT AN EXISTING WATER UTILITY FACILITY ON AN APPROXIMATELY 1.86-GROSS ACRE SITE WITHIN AN APPROXIMATELY 2.18-GROSS ACRE SAN JOSE WATER COMPANY SITE LOCATED AT THE NORTHEAST CORNER OF 17TH STREET AND EAST SANTA CLARA STREET (86 NORTH 17TH STREET).**

COMMISSIONER ALLEN SECONDED THE MOTION (7-0-0).

- b. **CP19-001 (Administrative Hearing)**. Conditional Use Permit to allow an approximately 8,560-square foot addition to an existing commercial building, allow late-night use (24 hours) for a veterinary clinic, allow the removal of seven ordinance-size trees, and allow alternative parking arrangement utilizing Transportation Demand Measures to reduce parking requirements on an approximately 0.51-gross acre site located on northeast corner of Santa Teresa Boulevard and Realm Drive (6970 Santa Teresa Boulevard) (Moore Dhaliwal Properties LLC., Owner). Council District 2. **CEQA:** Exempt pursuant to CEQA Guidelines Section 15301 for Existing Facilities.

PROJECT MANAGER, MICHELLE FLORES

PULLED FROM CONSENT AND HEARD UNDER PUBLIC HEARING

ACTION: COMMISSIONER OLIVERIO MADE A MOTION TO APPROVE THE STAFF RECOMMENDATIONS TO:

- 1. CONSIDER THE EXEMPTION IN ACCORDANCE WITH CEQA GUIDELINES SECTION 15301(E)(2) FOR EXISTING FACILITIES; AND**
- 2. ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, AN APPROXIMATELY 8,559-SQUARE FOOT BUILDING EXPANSION TO AN EXISTING 6,721-SQUARE FOOT BUILDING, THE LATE-NIGHT USE (24 HOURS) OF A VETERINARY CLINIC, AND THE REMOVAL OF SEVEN ORDINANCE-SIZE TREES ON AN APPROXIMATELY 0.51-GROSS ACRE SITE.**

COMMISSIONER GRISWOLD SECONDED THE MOTION (7-0-0).

- c. [CPA87-061-01 \(Administrative Hearing\)](#). Conditional Use Permit Amendment subject to conditions to allow the demolition and replacement of an existing sump water treatment system and water tank, and demolition of portions of existing piping, and the installation of new conveyance piping and discharge pipe at an existing water facility on an approximately 3.63-gross acre site located on the northeast corner of 12th Street and Martha Street (900 S. 12th Street) (San José Water Works, Owner). Council District 3. **CEQA:** Exempt pursuant to CEQA Guidelines Section 15301(e)(2) for Existing Facilities.

PROJECT MANAGER, ALEC ATIENZA

ACTION: COMMISSIONER OLIVERIO MADE A MOTION TO APPROVE THE STAFF RECOMMENDATIONS TO:

- 1. CONSIDER THE EXEMPTION IN ACCORDANCE WITH CEQA GUIDELINES SECTION 15301(E)(2) FOR EXISTING FACILITIES; AND**
- 2. ADOPT A RESOLUTION APPROVING A CONDITIONAL USE PERMIT AMENDMENT SUBJECT TO CONDITIONS TO ALLOW THE DEMOLITION AND REPLACEMENT OF AN EXISTING SUMP WATER TREATMENT SYSTEM AND WATER TANK, DEMOLITION OF PORTIONS OF EXISTING PIPING, AND INSTALLATION OF NEW CONVEYANCE AND DISCHARGE PIPING AT AN EXISTING WATER FACILITY ON A 3.63-GROSS ACRE SITE.**

COMMISSIONER ALLEN SECONDED THE MOTION (7-0-0).

- d. [PP20-009](#). An ordinance of the City of San José amending Chapter 20.190 of Title 20 of the San José Municipal Code to extend the applicability of City density bonus development incentives and to update the City's density bonus ordinance in conformance with state law; amending Chapter 20.30, Chapter 20.40, Chapter 20.70, Chapter 20.75 and Chapter 20.200 to enumerate and add a definition for Permanent Supportive Housing and Low Barrier Navigation Center, and adding Chapter 20.195 to implement ministerial approvals required by California Government Code Section 65650 et. seq., 65660 et. seq., and 65913.4; and making non-substantive code changes. Council District Citywide. **CEQA:** Determination of Consistency with the Envision San Jose 2040 General Plan Final Program Environmental Impact Report (FEIR), adopted through Resolution No. 76041, and Supplemental EIR Resolution No. 77617, adopted on December 15, 2015, and Addenda thereto. Pursuant to Section 15168 of the CEQA Guidelines, the City of San

José has determined that this activity is within the scope of the earlier approved programs and the Final Program EIRs adequately describe the activity for purposes of CEQA. The project does not involve new significant effects beyond those analyzed in the Final Program EIRs. *Deferred from 03/11/2020.*

PROJECT MANAGER, DAVID YING

PULLED FROM CONSENT AND HEARD UNDER PUBLIC HEARING

ACTION: COMMISSIONER ALLEN MADE A MOTION TO RECOMMEND THAT THE CITY COUNCIL TAKE THE FOLLOWING ACTIONS:

- 1. CONSIDER THE DETERMINATION OF CONSISTENCY WITH THE ENVISION SAN JOSE 2040 GENERAL PLAN FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (FEIR), ADOPTED THROUGH RESOLUTION NO. 76041, AND SUPPLEMENTAL EIR RESOLUTION NO. 77617, ADOPTED ON DECEMBER 15, 2015, AND ADDENDA THERETO. PURSUANT TO SECTION 15168 OF THE CEQA GUIDELINES, THE CITY OF SAN JOSÉ HAS DETERMINED THAT THIS ACTIVITY IS WITHIN THE SCOPE OF THE EARLIER APPROVED PROGRAMS AND THE FINAL PROGRAM EIRS ADEQUATELY DESCRIBE THE ACTIVITY FOR PURPOSES OF CEQA. THE PROJECT DOES NOT INVOLVE NEW SIGNIFICANT EFFECTS BEYOND THOSE ANALYZED IN THE FINAL PROGRAM EIRS**
- 2. ADOPT AN ORDINANCE OF THE CITY OF SAN JOSÉ AMENDING CHAPTER 20.190 OF TITLE 20 OF THE SAN JOSÉ MUNICIPAL CODE TO EXTEND THE APPLICABILITY OF CITY DENSITY BONUS DEVELOPMENT INCENTIVES AND TO UPDATE THE CITY'S DENSITY BONUS ORDINANCE IN CONFORMANCE WITH STATE LAW; AMENDING CHAPTER 20.30, CHAPTER 20.40, CHAPTER 20.70, CHAPTER 20.75 AND CHAPTER 20.200 TO ENUMERATE AND ADD A DEFINITION FOR PERMANENT SUPPORTIVE HOUSING AND LOW BARRIER NAVIGATION CENTER, AND ADDING CHAPTER 20.195 TO IMPLEMENT MINISTERIAL APPROVALS REQUIRED BY CALIFORNIA GOVERNMENT CODE SECTION 65650 ET. SEQ., 65660 ET. SEQ., AND 65913.4; AND MAKING NON-SUBSTANTIVE CODE CHANGES.**

COMMISSIONER OLIVERIO SECONDED THE MOTION (7-0-0).

- e. [CP18-042 Administrative Hearing.](#) Conditional Use Permit to allow the conversion of the service bay portion of an existing 2,163-square foot gas station building to expand the existing convenience store from 717 square feet to 2,163 square feet, the off-sale of beer and wine, and exterior changes to the gas station building on a 0.71-gross acre site located on Southeast corner of Curtner Avenue and Lincoln Avenue (2252 Lincoln Avenue) (Chevron USA Inc., Owner). Council District 6. **CEQA:** Exempt pursuant to CEQA Guidelines Section 15061(b)(3).

PROJECT MANAGER, ANGELA WANG

PULLED FROM CONSENT AND HEARD UNDER PUBLIC HEARING

ACTION: COMMISSIONER ALLEN MADE A MOTION TO APPROVE THE STAFF RECOMMENDATIONS, WITH AN ADDED CONDITION THAT, PRIOR TO BUILDING PERMIT ISSUANCE, THE PERMITTEE SHALL OBTAIN A PERMIT ADJUSTMENT TO MODIFY EXISTING ON-SITE LIGHTING TO MINIMIZE SPILLOVER AND GLARE TO ADJACENT PROPERTIES.

1. **CONSIDER THE EXEMPTION IN ACCORDANCE WITH CEQA GUIDELINES SECTION 15061(B)(3); AND**
2. **ADOPT A RESOLUTION APPROVING THE CONVERSION OF THE 1,446-SQUARE FOOT SERVICE BAY PORTION OF AN EXISTING 2,163-SQUARE FOOT GAS STATION BUILDING TO EXPAND THE EXISTING CONVENIENCE STORE FROM 717 SQUARE FEET TO 2,163 SQUARE FEET, THE OFF-SALE OF BEER AND WINE, AND EXTERIOR CHANGES TO THE GAS STATION BUILDING ON A 0.71-GROSS ACRE SITE.**

COMMISSIONER CABALLERO 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.

- a. **[PP20-003](#)**. An ordinance of the City of San José amending Part 4.5, Chapter 20.30 of Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code to add a new Section 20.30.495 to make provisions for use of tiny home on wheels as Accessory Dwelling Unit; add Section 20.200.327 to include new definition of Tiny Home on Wheels; and to make other technical, non-substantive, or formatting changes within those sections of Title 20 of the San José Municipal Code. Council District Citywide. **CEQA:** Determination of Consistency with the Envision San Jose 2040 General Plan Final Program Environmental Impact Report (FEIR), adopted through Resolution No. 76041, and Supplemental EIR Resolution No. 77617, adopted on December 15, 2015, and Addenda thereto. Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that this activity is within the scope of the earlier approved programs and the Final Program EIRs adequately describe the activity for purposes of CEQA. The project does not involve new significant effects beyond those analyzed in the Final Program EIRs.

PROJECT MANAGER, APARNA ANKOLA

ACTION: COMMISSIONER OLIVERIO MADE A MOTION TO RECOMMEND THAT THE CITY COUNCIL TAKE THE FOLLOWING ACTIONS:

1. **CONSIDER THE DETERMINATION OF CONSISTENCY WITH THE ENVISION SAN JOSÉ 2040 GENERAL PLAN FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (FEIR), FOR WHICH FINDINGS WERE ADOPTED BY CITY COUNCIL THROUGH RESOLUTION NO. 76041 ON NOVEMBER 1, 2011, AND SUPPLEMENTAL EIR RESOLUTION NO. 77617, ADOPTED BY CITY COUNCIL ON DECEMBER 15, 2015, AND ADDENDA THERETO.**

2. **APPROVE AN ORDINANCE OF THE CITY OF SAN JOSÉ AMENDING SECTIONS OF TITLE 20 (ZONING ORDINANCE OR ZONING CODE) OF THE SAN JOSÉ MUNICIPAL CODE TO (A) AMEND PART 4.5, CHAPTER 20.30, TO ADD A NEW SECTION 20.30.495 TO MAKE PROVISIONS FOR USE OF TINY HOME ON WHEELS AS ACCESSORY DWELLING UNIT; (B) ADD SECTION 20.200.327 TO INCLUDE A NEW DEFINITION OF TINY HOME ON WHEELS; AND (C) TO MAKE TECHNICAL, FORMATTING, OR NON-SUBSTANTIVE CHANGES WITHIN THAT CHAPTER OF TITLE 20 OF THE SAN JOSÉ MUNICIPAL CODE.**

COMMISSIONER ALLEN SECONDED THE MOTION (7-0-0).

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

No Items

7. GOOD AND WELFARE

- a. Report from City Council

On March 24, 2020, City Council took action on the following projects:

- i. *Approved Consideration of a Proposed Conservation Area Historic Designation as North Willow Glen Conservation Area (CA19-001).*
- ii. *Approved a Conventional Rezoning for Real Property Located at 200 Hayes Avenue (C19-030).*
- iii. *Approved Conforming Conventional Rezoning for Real Property Located at 2150 North First Street (C19-047).*

- b. Review and Approve Action Minutes from [03/11/2020](#).

Commissioner Oliverio made a motion to approve the 3/11/20 minutes.

Commissioner Allen seconded the motion (7-0-0).

- c. Subcommittee Formation, Reports, and Outstanding Business

No Reports

- d. Commission Calendar and Study Sessions

- i. Study Session scheduled for 7/22/2020 Downtown West Mixed-Use Plan

- e. The Public Record

No Reports

8. ADJOURNMENT

Meeting adjourned at 8:04 p.m.