

PLANNING COMMISSION

May 27, 2020

Action Minutes

WELCOME

ROLL CALL

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

ABSENT: None

RECOGNITION OF MELANIE GRISWOLD'S SERVICE TO THE CITY OF SAN JOSE AND PLANNING COMMISSION

1. CALL TO ORDER & ORDERS OF THE DAY

Meeting called to order at: 6:34 pm

2. PUBLIC COMMENT

Public comments to the Planning Commission on non-agendized items. Please contact the Commission in the manner specified on p. 2 of the agenda to comment on any item that is not specified on the agenda. Please use the 'raise hand' feature in Zoom or click *9 to raise a hand to speak or contact 408-535-3505 to request to speak. Each member of the public may address the Commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:

- Responding to statements made or questions posed by members of the public; or
- Requesting staff to report back on a matter at a subsequent meeting; or
- Directing staff to place the item on a future agenda

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>

John Pastier a resident of San Jose talked about the urban design and architectural scale regarding the City View Plaza project (Item5.b). Mr. Pastier said that the 3.8 million square feet project is huge and that it should be scaled down.

Mike Sodergen from PAC SJ expressed that the city has continued to review and approve projects during the shelter in-place. Mr. Sodergren continued to say that continuing to review and approve these projects poses a burden on the people who don't view the projects as essential. He added that the Planning and Commission look at updating the 2040 plan to include the impact of global pandemic.

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 or removal.

Staff will provide an update on the items for which deferral and removal is being requested. If you want to change any of the deferral dates recommended, or speak to the question of deferring or removing these or any other items, you should request to speak in the manner specified on p. 2 of the Planning Commission agenda.

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, please use the 'raise hand' feature in Zoom or click *9 to raise a hand to speak or contact 408-535-3505 to request to speak.

- a. [CP18-004 \(Administrative Hearing\)](#). Conditional Use Permit to allow a late-night use for a restaurant with a legal nonconforming drive-through, from the hours of 5:00 a.m. to 10:00 p.m., seven days a week, on a 0.33-gross acre site located on east side of South Winchester Boulevard, approximately 100 feet northerly of Neal Avenue (844 S Winchester Boulevard) (Beck Lewis B & Julia A Trustee, Owner). Council District 1. **CEQA:** Exempt pursuant to CEQA Guidelines Section 15301(a) for Existing Facilities.

PROJECT MANAGER, RINA SHAH

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

- 1. CONSIDER THE EXEMPTION IN ACCORDANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES SECTION 15301(A); AND**
- 2. ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, THE CONDITIONAL USE PERMIT TO ALLOW A LATE-NIGHT USE FOR A RESTAURANT WITH A LEGAL NONCONFORMING DRIVE-THROUGH, FROM THE HOURS OF 5:00A.M. TO 10:00 P.M., SEVEN DAYS A WEEK, ON A 0.33-GROSS ACRE SITE.**

COMMISSIONER YESNEY SECONDED THE MOTION (6-0-0).

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. **PDC18-016 & PD19-011.** Planned Development Rezoning (**PDC18-016**) from the R-2 Two-Family Residence and CO Commercial Office Zoning Districts to a CP(PD) Planned Development Zoning District, and a Planned Development Permit (**PD19-011**) to allow the demolition of three existing buildings totaling approximately 19,000 square feet, and the construction of a four to seven-story mixed-use building with up to 226 residential units and approximately 1,400 square feet of ground-floor commercial on a 1.39 gross acre site located on the west side of Meridian Avenue, approximately 290 feet northerly of West San Carlos Street (259 Meridian Avenue) (Holmes Buisness LLC et al., Owner). Council District 6. **CEQA:** 259 Meridian Mixed Use Project Mitigated Negative Declaration.

PROJECT MANAGER, TRACY TAM

ACTION: COMMISSIONER OLIVERIO MADE A MOTION TO RECOMMEND THAT THE CITY COUNCIL TAKE THE FOLLOWING ACTIONS, WITH THE STAFF RECOMMENDATION OF REMOVING CONDITION OF APPROVAL NUMBER 36.M.IV FROM THE PLANNED DEVELOPMENT PERMIT RESOLUTION:

- 1. ADOPT A RESOLUTION ADOPTING THE 259 MERIDIAN AVENUE RESIDENTIAL MIXED-USE DEVELOPMENT MITIGATED NEGATIVE DECLARATION AND ASSOCIATED MITIGATION MONITORING AND REPORTING PLAN (MMRP), IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA); AND**
- 2. ADOPT AN ORDINANCE REZONING THE APPROXIMATELY 1.39-GROSS ACRE SITE LOCATED ON THE WEST SIDE OF MERIDIAN AVENUE, APPROXIMATELY 290 FEET NORTHERLY OF WEST SAN CARLOS STREET (259 MERIDIAN AVENUE), FROM THE R-2 TWO-FAMILY RESIDENCE DISTRICT AND THE CO COMMERCIAL OFFICE ZONING DISTRICTS TO THE CP(PD) PLANNED DEVELOPMENT ZONING DISTRICT; AND**

3. **ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, A PLANNED DEVELOPMENT PERMIT TO ALLOW THE DEMOLITION OF THREE EXISTING BUILDINGS TOTALING APPROXIMATELY 19,000 SQUARE FEET AND THE CONSTRUCTION OF A FOUR TO SEVEN-STORY MIXED-USE BUILDING WITH UP TO 226 RESIDENTIAL UNITS AND APPROXIMATELY 1,400 SQUARE FEET OF GROUND-FLOOR COMMERCIAL SQUARE FEET ON AN APPROXIMATELY 1.39 GROSS ACRE SITE WITH THE DELETION OF CONDITION OF APPROVAL NO. 36.N.4 RELATING TO THE NORTHEAST EMERGENCY ACCESS DRIVEWAY.**

COMMISSIONER CABALLERO SECONDED THE MOTION (6-0-0).

- b. [H19-016](#). Site Development Permit to allow the demolition of nine (9) existing on-site buildings (including candidate City Landmarks), the removal fourteen (14) ordinance size trees, and the construction of an approximately 3.79 million square feet development comprised of 24,000 square feet of ground floor retail and 3,640,033 square feet of office space and including a request for 24-hour construction and Downtown Design Guidelines exceptions on an approximately 8.1-gross acre site located at 150 South Almaden Boulevard located on northeast corner of Almaden Boulevard and Park Avenue (150 Almaden Boulevard) (SJ City View LLC., Owner). Council District 3. **CEQA:** City View Plaza Project Tower Supplemental Environmental Impact Report to the Downtown Strategy 2040 Environmental Impact Report (Resolution 78942). *Deferred from 5/13/2020.*

PROJECT MANAGER, CASSANDRA VAN DER ZWEEP

ACTION: COMMISSIONER YESNEY MADE A MOTION TO RECOMMEND THAT THE CITY COUNCIL TAKE ALL OF THE FOLLOWING ACTIONS, WITH THE ADDITIONAL RECOMMENDATION THAT THE COUNCIL EVALUATE THE PARKING FOR THE PROJECT AND THAT THE DEVELOPER SHOULD WORK WITH CITY STAFF REGARDING ANY POTENTIAL FURTHER PARKING REDUCTION:

1. **ADOPT A RESOLUTION CERTIFYING THE ENVIRONMENTAL IMPACT REPORT (SCH#2018022032) AND MAKING CERTAIN FINDINGS CONCERNING SIGNIFICANT IMPACTS, MITIGATION MEASURES, ALTERNATIVES, AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS AND A RELATED MITIGATION MONITORING AND REPORTING PROGRAM, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA); AND**

2. **ADOPT A RESOLUTION APPROVING A SITE DEVELOPMENT PERMIT, SUBJECT TO CONDITIONS, TO ALLOW THE DEMOLITION OF THE NINE (9) EXISTING ON-SITE BUILDINGS (INCLUDING CANDIDATE CITY LANDMARKS), THE REMOVAL OF FOURTEEN (14) ORDINANCE SIZE TREES, AND THE CONSTRUCTION OF AN APPROXIMATELY 3.79 MILLION SQUARE FEET DEVELOPMENT COMPRISED OF 24,000 SQUARE FEET OF GROUND FLOOR RETAIL AND 3,640,033 SQUARE FEET OF OFFICE SPACE AND INCLUDING A REQUEST FOR 24-HOUR CONSTRUCTION AND DOWNTOWN DESIGN GUIDELINES EXCEPTIONS ON AN APPROXIMATELY 8.1-GROSS ACRE SITE LOCATED AT THE NORTHEAST CORNER OF SOUTH ALMADEN BOULEVARD AND PARK AVENUE; AND**
3. **DIRECT STAFF TO FILE A NOTICE OF DETERMINATION PURSUANT TO SECTION 15094 OF THE STATE CEQA GUIDELINES.**

COMMISSIONER OLIVERIO SECONDED THE MOTION (6-0-0).

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

- a. **Planning Commission Amendment.** The amendment of Chapter 2.08, Title 2 of the San José Municipal Code will limit the number of members of the Planning Commission who reside in the same Council District to two (2) and adopt a two consecutive term limit for Commission membership. **CEQA:** Not a Project, File No. PP17-010, City Organization & Administrative Activities resulting in no change to the physical environment.

PROJECT MANAGER, ALEX POWELL

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

1. **APPROVE AN ORDINANCE AMENDING SECTION 2.08.4000 OF CHAPTER 2.08 OF TITLE 2 OF THE SAN JOSÉ MUNICIPAL CODE TO LIMIT THE NUMBER OF MEMBERS OF THE PLANNING COMMISSION WHO RESIDE IN THE SAME COUNCIL DISTRICT TO ONE WITH A SEVEN-MEMBER COMMISSION; AND**
2. **DIRECT STAFF TO EXPAND OUTREACH TO INCLUDE MEMBERS OF OTHER CITY COMMISSIONS AND BOARDS AS WELL AS THE GENERAL PUBLIC.**

COMMISSIONER BONILLA SECONDED THE MOTION (4-2-0; ALLEN AND BALLARD OPPOSED).

7. GOOD AND WELFARE

a. Report from City Council

On May 19, 2020 City Council took action on the following projects:

i. Approved an Amending Title 20 (Zoning Ordinance) (PP20-009).

b. Review and Approve Action Minutes from [5/13/20](#) and [5/20/20](#)

Commissioner Oliverio made a motion to approve the 5/13/20 and 5/20/20 minutes

Commissioner Caballero seconded the motion (6-0-0).

c. Subcommittee Formation, Reports, and Outstanding Business

No Reports

d. Commission Calendar and Study Sessions

e. The Public Record

No Reports

8. ADJOURNMENT

Meeting adjourned at 10:08 pm.