



PLANNING COMMISSION AGENDA

Wednesday, May 24, 2017

Regular & General Plan Hearing

Commencing at 6:30 p.m.

Council Chambers

First Floor, City Hall Wing
200 East Santa Clara Street
San Jose, California

Ed Abelite, Chair

Nick Pham, Vice Chair

Peter Allen

Edesa Bit-Badal

Shiloh Ballard

Namrata Vora

Michelle Yesney

Harry Freitas, Director

Planning, Building & Code Enforcement

NOTE

To request an accommodation for City-sponsored meetings or events or an alternative format for printed materials, please call Support Staff at 408-535-3505 or 408-294-9337 (TTY) as soon as possible, but at least three business days before any meeting or event. If you requested such an accommodation, please identify yourself to the technician seated at the staff table. If you did not call in advance and do now need assistance, please see the technician.

SUMMARY OF HEARING PROCEDURES

If you want to address the Commission, please fill out a speaker card located on the table near the Audio Visual Technician and deposit the completed card in the basket. There are also speaker cards in the back of the Chambers and at the side entrance.

The procedure for this hearing is as follows:

- After the staff report, applicants, and appellants may make a 5-minute presentation.
- The chair will call out names on the submitted speaker cards in the order received.
- As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes. Speakers using a translator will have four minutes.
- After the public testimony, the applicant and appellant may make closing remarks for an additional five minutes.
- Planning Commissioners may ask questions of the speakers. Response to Commissioner questions will not reduce the speaker's time allowance.
- The public hearing will then be closed and the Planning Commission will take action on the item. The Planning Commission may request staff to respond to the public testimony, ask staff questions, and discuss the item.

If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.

The Planning Commission's action on rezonings, prezonings, General Plan Amendments and Code Amendments is only advisory to the City Council. The City Council will hold public hearings on these items. Section 20.120.400 of the Municipal Code provides the procedures for legal protests to the City Council on rezonings and prezonings. The Planning Commission's action on Conditional Use Permits is appealable to the City Council in accordance with Section 20.100.220 of the Municipal Code. Agendas and a binder of all staff reports have been placed on the table near the door for your convenience.

AGENDA
ORDER OF BUSINESS

WELCOME

Welcome to the Planning Commission Meeting. Please remember to turn off your cell phones. The parking validation machine for the garage under City Hall is located at the rear of the Chambers.

SALUTE TO THE FLAG

ROLL CALL

SUMMARY OF HEARING PROCEDURES

1. CALL TO ORDER & ORDERS OF THE DAY

2. PUBLIC COMMENT

Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. 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.

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. **PDC17-003 & PD17-001.** Planned Development Zoning from A(PD) to A(PD) on approximately 17.1 gross acre site and a Planned Development Permit to allow a 3,867 square foot fast food restaurant with drive through use on a 2.4-gross acre site in the Lowe's Shopping Center, located at

the northeast corner of Cottle Road and Poughkeepsie Road (5550 Cottle Road) (Lowes Hiw Inc, Owner). Council District 2. CEQA: Addendum to the San Jose Lowe's Final Environmental Impact Report and Addenda thereto (Resolution No. 73814).

PROJECT MANAGER, ROBERT RIVERA

Staff Recommendation:

1. Defer to the June 14, 2017 Planning Commission meeting per Staff request.

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. **CP15-023 (Administrative Hearing)**. Conditional Use Permit to allow the demolition of an existing 3,368-square foot gas service station, fueling canopy and drive-through car wash, and the construction of a new 24-hour gas service station, including a 3,000-square foot fueling canopy over four new gas dispensers, 2,215-square foot convenience store with no off-sale of alcohol, 1,013-square foot utility and storage basement, 1,121-square foot drive-through carwash, and the removal of one ordinance-size tree, on a 0.5-gross acre site in the CN Commercial Neighborhood Zoning District located at 1610 Meridian Avenue (A.U. Energy LLC, Owner). Council District: 6. CEQA: Exempt per CEQA Guidelines Section 15303(c) for New Construction or Conversion of Small Structures.

PROJECT MANAGER, RINA SHAH

Staff Recommendation:

1. Consider the Exemption in accordance with CEQA.
2. Approve a Conditional Use Permit Resolution as described above.

- b. **CP16-010 & ABC17-003**. Conditional Use Permit and Determination of Public Convenience or Necessity to allow the off-sale of beer and wine (120-square feet dedicated to beer and wine; ABC Type 20 License) within the existing and approved full service grocery store on a 2.17-gross acre site located at the northeasterly corner of Rancho Drive and Monterey Road on 3840 Monterey Road (Jason Noghrey, Owner). Council District 7. CEQA: Exempt per CEQA Guidelines Section 15301(a) for Existing Facilities.

PROJECT MANAGER, ROBERT RIVERA

Staff Recommendation:

1. Consider the Exemption in accordance with CEQA.
2. Recommend to the City Council the approval of a Conditional Use Permit and Determination of Public Convenience or Necessity Resolution as described above.

- c. **CP16-045 (Administrative Hearing)**. Conditional Use Permit to allow the development of a new utility facility, including the construction of a 722-square foot building for a hypochlorite injection system, future construction of a 576-square foot building for a fluoridation system, standby generators, a treatment sump and other site improvements on a 4.82-gross acre site, in the R-1-8

Single-Family Residence Zoning District, located at the western terminus of Carnelian Court (1107 Carnelian Court) (San José Water Company, Owners). Council District 7. CEQA: Exempt per CEQA Guidelines Section 15303(c) for New Construction or Conversion of Small Structures.

PROJECT MANAGER, JOHN TU

Staff Recommendation:

1. Consider the Exemption in accordance with CEQA.
2. Approve a Conditional Use Permit Resolution as described above.

- d. [CP17-004 \(Administrative Hearing\)](#). Conditional Use Permit to allow a 24-hour use at a 40,105-square foot indoor recreation facility (24-Hour Fitness Center), within an existing shopping center, on a 9.1-gross acre site in the CG General Commercial Zoning District located on the northwest corner of McKee Road and North Jackson Avenue (2323 McKee Road) (Lisa Lo/Chi Chiu Lo Trust, Owner). Council District 5. CEQA: Exempt per CEQA Guidelines Section 15301 for Existing Facilities.

PROJECT MANAGER, STEFANIE FARMER

Staff Recommendation:

1. Consider the Exemption in accordance with CEQA.
2. Approve a Conditional Use Permit Resolution as described above.

- e. [PDC16-050 & PD16-035](#). Planned Development (PD) Rezoning from the CIC Combined Industrial/Commercial Zoning District to the CIC(PD) Planned Development Zoning District and a Planned Development Permit to approve an increase in student population at Downtown College Preparatory, a custom parking requirement for the existing school, a redesign of a previously approved parking lot, alteration of the existing driveway locations, outdoor recreation space, and an after school evening academic program until 8:00 p.m. for high school students on a 3.4-gross acre site located on the south east corner of Monterey Highway and East Alma Avenue (1402 Monterey Highway) (San Jose Unified School District, Owner). Council District 7. CEQA: Addendum to the Final Initial Study/Mitigated Negative Declaration for the Downtown College Prep Relocation Project.

PROJECT MANAGER, LEA SIMVOULAKIS

Staff Recommendation:

1. Consider the Addendum to the Final Initial Study/Mitigated Negative Declaration for the Downtown College Prep Relocation Project in accordance with CEQA.
2. Recommend to the City Council the approval of the Addendum, a Planned Development (PD) Rezoning and a Planned Development Permit as described above.

- f. [PD16-038 & ABC17-001 \(Administrative Hearing\)](#). Planned Development Permit and Determination of Public Convenience or Necessity to allow the off-sale of alcohol (ABC Type 21 License) of a full range of alcoholic beverages at a 42,640-square foot full-service grocery store (H-Mart) on a 7.5-gross acre site in the A(PD) Planned Development Zoning District located on northeast corner of Oakland Road and Murphy Avenue (1710 Oakland Road) (ROIC California LLC, Owner). Council District 4. CEQA: Exempt per CEQA Guidelines Section 15301 for Existing Facilities.

PROJECT MANAGER, TRACY TAM

Staff Recommendation:

1. Consider the Exemption in accordance with CEQA.
2. Recommend to the City Council approval of a Planned Development Permit and Determination of Public Convenience or Necessity Resolution as described above.

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. [PDC15-065, PD15-059 & PT15-069.](#) Planned Development Zoning, Planned Development Permit, and Tentative Map to rezone the property from the CG Commercial General Zoning District to the CG(PD) Planned Development Zoning District to allow the demolition of an existing building for the subdivision and construction of an 18-story (maximum 185 feet tall with 15 feet of architectural projections) mixed-use building, with up to 307 residential units, up to 10 commercial condominium units, approximately 52,167-square feet of commercial and office uses, four levels of below grade parking, and the removal of four ordinance-sized trees on a 0.89-gross acre site, located at 350 South Winchester Boulevard (Winchester Plaza on the Row, LLC, Owner). Council District 6. CEQA: 350 S. Winchester Mixed Use Project Environmental Impact Report.

PROJECT MANAGER, LEA SIMVOULAKIS

Staff Recommendation:

1. Consider the 350 S. Winchester Mixed Use Project Environmental Impact Report in accordance with CEQA.
2. Recommend to the City Council the certification of the Environmental Impact Report, approval of a Planned Development Zoning, Planned Development Permit, and Tentative Map Resolutions as described above.

6. GENERAL PLAN HEARING CONTINUED FROM MAY 10, 2017

- a. [GP17-005.](#) General Plan Amendment request to change the Land Use Designation from Neighborhood / Community Commercial to Urban Residential on a 0.28-gross acre site, located on the west side of Lincoln Avenue, approximately 82 feet northerly of Lincoln Court (2119 Lincoln Avenue) (Passaro Pasquale and Chaffin Sarah M Truste, Owner). Council District: 6. CEQA: Exempt, Section 15270 Projects which are disapproved.

PROJECT MANAGER, KIMBERLY VACCA

Staff Recommendation:

1. Consider the Exemption in accordance with CEQA.
 2. Recommend to the City Council to deny the General Plan Amendment as described above.
- b. [Stevens Creek Urban Village Plan / GP17-009.](#) The Stevens Creek Urban Village Plan guides new job and housing growth within the Urban Village boundary, and provides a framework for the characteristics of future development, including urban design, open space, public art/placemaking, streetscape and circulation, and implementation. General Plan Amendments associated with the adoption of the Stevens Creek Urban Village Plan include modifications to the Urban Village boundary, and changes to General Plan land use designations on properties within the boundary of the Urban Village Plan as shown on the proposed Urban Village land use plan. CEQA: Determination of

Consistency with the Final Program Environmental Impact Report for the Envision San Jose 2040 General Plan (Resolution No. 76041) and the Envision San Jose 2040 General Plan Supplemental Environmental Impact Report (Resolution No. 77617).

PROJECT MANAGER, LESLEY XAVIER

Staff Recommendation:

1. Consider the Determination of Consistency with the Final Program EIR for the Envision San Jose 2040 General Plan (Resolution No. 76041) and the Envision San Jose 2040 General Plan Supplemental EIR (Resolution No. 77617) in accordance with CEQA.
2. Recommend that the City Council adopt a resolution approving all of the following actions:
 - a. Adoption of General Plan Amendment (GP17-009) including modifications to the Stevens Creek Urban Village boundary and changes to General Plan land use designations on properties within the boundary of the Urban Village Plan as shown on the proposed land use plan; and
 - b. Adoption of the Stevens Creek Urban Village Plan as the guiding policy document for new development and identified public improvements within the Urban Village.

7. CLOSURE OF THE GENERAL PLAN HEARING

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

No Items

9. GOOD AND WELFARE

- a. Report from City Council
- b. Review and Approve Action Minutes from [5/10/17](#)
- c. Subcommittee Formation, Reports, and Outstanding Business
- d. Commission Calendar and Study Sessions
- e. The Public Record

10. ADJOURNMENT

2017 PLANNING COMMISSION MEETING SCHEDULE

<u>Date</u>	<u>Time</u>	<u>Type of Meeting</u>	<u>Location</u>
January 11	6:30 p.m.	<u>Cancelled:</u> Regular	Council Chambers
January 25	6:30 p.m.	<u>Cancelled:</u> Regular	Council Chambers
February 8	6:30 p.m.	Regular	Council Chambers
February 15	6:30 p.m.	Regular & General Plan	Council Chambers
March 8	6:30 p.m.	Regular	Council Chambers
March 22	6:30 p.m.	Regular	Council Chambers
April 12	6:30 p.m.	Regular	Council Chambers
April 26	6:30 p.m.	Regular	Council Chambers
May 3	6:30 p.m.	<u>Cancelled:</u> Regular	Council Chambers
<i>May 10</i>	<i>5:00 p.m.</i>	<i>Study Session/Public Hearing:</i>	<i>Council Chambers</i>
<i>2017/2018 Capital Budget & 2018/2022 Capital Improvement Program</i>			
May 10	6:30 p.m.	Regular & General Plan	Council Chambers
May 24	6:30 p.m.	Regular & General Plan	Council Chambers
June 14	6:30 p.m.	Regular	Council Chambers
June 28	6:30 p.m.	Regular	Council Chambers
July 12	6:30 p.m.	Regular	Council Chambers
July 26	6:30 p.m.	Regular	Council Chambers
August 9	6:30 p.m.	Regular	Council Chambers
August 23	6:30 p.m.	Regular	Council Chambers
September 13	6:30 p.m.	Regular	Council Chambers
September 27	6:30 p.m.	Regular	Council Chambers
October 11	6:30 p.m.	Regular	Council Chambers
October 25	6:30 p.m.	Regular	Council Chambers
November 8	6:30 p.m.	Regular	Council Chambers
November 15	6:30 p.m.	Regular	Council Chambers
December 6	6:30 p.m.	Regular	Council Chambers
December 13	6:30 p.m.	Regular	Council Chambers

ABOUT THE PLANNING COMMISSION

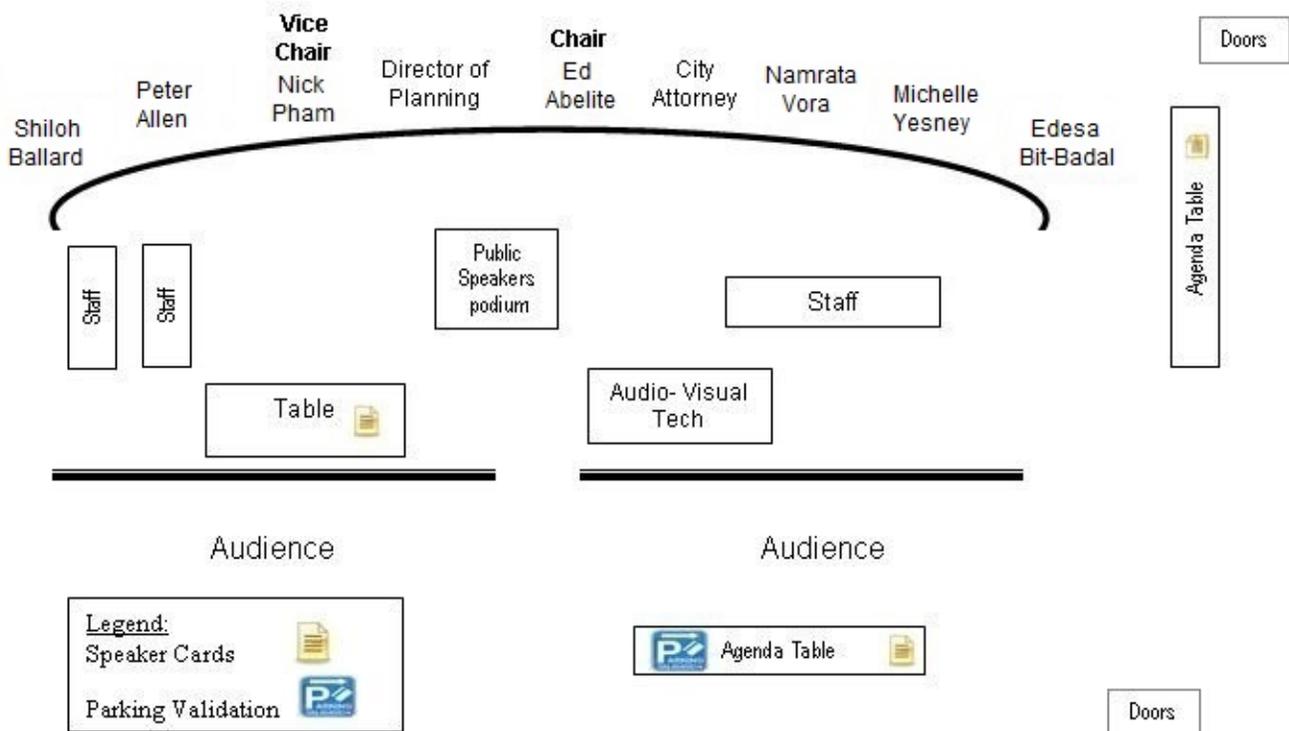
The Planning Commission is a seven-member body, appointed by the City Council, which performs two types of actions:

- One type is “Quasi-Legislative” in nature in which the Planning Commission makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, Zoning Code provisions, or regulations related to the land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs.
- The second type of action is “Quasi-Judicial” in nature in which the Planning Commission applies previously adopted legislation to particular applications and acts as a decision-making or appellate body. Examples of these types of actions include Commission decisions on Conditional Use Permits, appeals of the Planning Director’s decisions on certain land use permits, and the certification of Environmental Impact Reports.

A notation of “Administrative Hearing” for an agenda item indicates that the item is a Quasi-Judicial action of the Commission in order to assist the public in understanding the role of the Planning Commission on a particular item.

To effectively manage the Planning Commission Agenda, and to be sensitive to concerns regarding the length of public hearing, the Planning Commission may determine to proceed with remaining agendized items past 11:00 p.m., or to continue this hearing to a later date, or to defer remaining items to the next regularly scheduled Planning Commission meeting date. The decision on how to proceed will be heard by the Planning Commission no later than 11:00 p.m.

Seating Chart within the City Council Chambers:



The San José Planning Commission generally meets every 2nd and 4th Wednesday at 6:30 p.m., unless otherwise noted. Agendas and Staff Reports for Planning Commission items may be viewed on the Internet at <http://www.sanjoseca.gov/index.aspx?nid=1764>

The City of San Jose is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public. The City Code of Ethics may be viewed on-line at <http://www.sanjoseca.gov/DocumentCenter/View/3818>

All public records relating to an open session item on this agenda, which are not exempt from disclosure, pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Planning, Building and Code Enforcement at San José City Hall, 200 E. Santa Clara Street, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body.

Planning Commission hearings are video recorded and broadcasted live. To view the live broadcast or past hearing recordings go to the Internet website: <http://www.sanjoseca.gov/index.aspx?nid=3431>

If you have any agenda questions, please contact Support Staff at (408) 535-5695 or email. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

FREQUENTLY USED ABBREVIATIONS

CEQA	California Environmental Quality Act
CP	Conditional Use Permit
DA	Development Agreement
PD	Planned Development Permit
PDC	Planned Development Zoning

CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, Redevelopment Agency Board, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior, which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
 - No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D)**

3. Addressing the Council, Redevelopment Agency Board, Committee, Board or Commission:
- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
 - b) Meeting attendees are usually given two (2) minutes to speak on any agenda item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
 - c) Speakers should discuss topics related to City business on the agenda, unless they are speaking during open forum.
 - d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners, or Staff in conversation will not be honored. Abusive language is inappropriate.
 - e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
 - f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
 - g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.