

## **PLANNING COMMISSION**

July 12, 2017

Action Minutes

### **WELCOME**

### **SALUTE TO THE FLAG**

### **ROLL CALL**

PRESENT: Commissioners Abelite, Pham, Allen, Bit-Badal (arrived at 6:35 p.m), and Yesney

ABSENT: Commissioners Ballard and Vora

## **1. CALL TO ORDER & ORDERS OF THE DAY**

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Meeting called to order at 6:32 p.m.

## **2. PUBLIC COMMENT**

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*Shani Kleinhaus, Santa Clara Audubon Society – Noted concern regarding Planning Application CP17-010, to construct a new single-family home on the vacant lot. The site is part of a very active wildlife corridor between Tulare Hill and Santa Teresa Park.*

*Mackenzie Mossing, Santa Clara Audubon Society – Noted the publication of the Coyote Valley Linkage Report which provides an overview of the importance of Coyote Valley and the wildlife connection it provides between the Santa Cruz Mountains and Diablo Mountains.*

## **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**

Access the video, agenda, and related reports for this meeting by visiting the City's website at:  
<http://sanjoseca.gov/index.aspx?NID=1763>

## 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. **CP15-018 (Administrative Hearing)**. Conditional Use Permit to allow the demolition of an existing gasoline service station with a snack shop and auto service facility; the construction of a new 24-hour gasoline service station with a 3,286-square foot convenience store, a 1,170-square foot drive-through carwash, and a new fuel island canopy with six fuel dispensers; and exceedance of the noise standards of the Commercial zoning districts by up to two decibels on a 0.78-gross acre site in the CN Commercial Neighborhood Zoning District located on the southwest corner of San Felipe Road and Aborn Road (3303 San Felipe Road) (A Gaviola Inc., Owner). Council District 8. CEQA: Exempt per CEQA Guidelines Section 15303(c) for New Construction or Conversion of Small Structures.

*PROJECT MANAGER, PATRICK KELLY*

**DEFERRED TO THE 8/9/17 PLANNING COMMISSION MEETING PER STAFF REQUEST TO ALLOW TIME TO ADDRESS CEQA ISSUES. MOTION TO DEFER CARRIES UNANIMOUSLY (5-0-2, BALLARD & VORA ABSENT)**

- b. **CP16-055 (Administrative Hearing)**. Conditional Use Permit to allow a drive-through hand car wash at an existing gas station with incidental service and repair (to be converted to retail use), and to remove and replace an existing fuel island canopy on a .42-gross acre site in the CG Commercial General Zoning District located at the northwest corner of Seacliff Way and Tully Road (1645 Tully Road) (RecoGas Ali Shan, Owner). Council District: 7. CEQA: Exempt per CEQA Guidelines Section 15303 for New Construction of Small Structures.

*PROJECT MANAGER, LEA SIMVOULAKIS*

1. **DETERMINED THE EXEMPTION IS IN ACCORDANCE WITH CEQA (5-0-2, BALLARD AND VORA ABSENT)**
2. **ACTION: THE COMMISSION APPROVED THE CONDITIONAL USE PERMIT RESOLUTION NO. 17-020 (5-0-2, BALLARD AND VORA ABSENT)**

- c. **CP16-066 (Administrative Hearing)**. A Conditional Use Permit to allow a drinking establishment (The Office) and an outdoor use on a 289-square foot outdoor patio with late-night use within an existing 9.39-gross acre shopping center in the CN Neighborhood Commercial Zoning District located at the southeast corner of Almaden Road and Curtner Avenue (2306 Almaden Road) (Willow Glen Plaza LLC Etal, Owner). Council District 6. CEQA: Exempt per CEQA Guidelines Section 15301(h) for Existing Facilities.

*PROJECT MANAGER, JOHN TU*

1. **DETERMINED THE EXEMPTION IS IN ACCORDANCE WITH CEQA (5-0-2, BALLARD AND VORA ABSENT))**
2. **ACTION: THE COMMISSION APPROVED THE CONDITIONAL USE PERMIT RESOLUTION NO. 17-021 (5-0-2, BALLARD AND VORA ABSENT)**

- d. [CP17-007 \(Administrative Hearing\)](#). Conditional Use Permit to allow a drinking establishment with late-night use (Haberdasher) located in the basement of an existing commercial building on a 0.08-gross acre site in the DC Downtown Primary Commercial Zoning District located at the Northwest corner of West San Salvador Street and South 1st Street (399 S 1ST ST) (DJV LLC, Owner). Council District 3. CEQA: Exempt per CEQA Guidelines Section 15301(h) for Existing Facilities.

*PROJECT MANAGER, JOHN TU*

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

1. **DETERMINED THE EXEMPTION IS IN ACCORDANCE WITH CEQA (5-0-2, BALLARD & VORA ABSENT)**
2. **ACTION: THE COMMISSION APPROVED THE CONDITIONAL USE PERMIT RESOLUTION NO. 17-022 (5-0-2, BALLARD & VORA ABSENT)**

## **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.

- a. [SP17-031 and T16-024](#). Site Development Permit to allow the demolition of Parkside Hall; the construction of a 24-story mixed-use development with approximately 19,000 square feet of ground floor retail, approximately 214,000 square feet of office, approximately 60,000 square feet of museum space, 184 hotel rooms, and 306 residential units; the removal of 20 ordinance-size trees; and a Special Use Permit and a Vesting Tentative Map to consolidate 25 parcels into three legal parcels, and to resubdivide one parcel (identified as Parcel 1 on the Vesting Tentative Map) into a maximum of up to 550 units consisting of approximately 306 residential condominium units and 244 commercial condominium units on an approximately 2.5 gross acre site, located on the northwest corner of West San Carlos Street and South Market Street (180 Park Avenue) (City of San Jose, Owner). Council District 3. CEQA: Supplemental Environmental Impact Report for the Museum Place Mixed-Use Project to the “The Downtown Strategy 2000 Final Program Environmental Impact Report,” adopted by City Council Resolution No. 72767 on June 21, 2005; “Envision San José 2040 General Plan Final Program Environmental Impact Report,” adopted by City Council Resolution No. 76041 on November 1, 2011; and “Supplemental Environmental Impact Report to the Envision San José 2040 General Plan Final Program Environmental Impact Report,” adopted by City Council Resolution No. 77617 on December 15, 2015. *Dropped and re-noticed from 6/28/17.*

*PROJECT MANAGER, LEA SIMVOULAKIS*

1. **RECOMMEND TO THE CITY COUNCIL CONSIDERATION OF THE SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR THE MUSEUM PLACE MIXED-USE PROJECT TO THE: “THE DOWNTOWN STRATEGY 2000 FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT,” ADOPTED BY CITY COUNCIL RESOLUTION NO. 72767 ON JUNE 21, 2005; “ENVISION SAN JOSÉ 2040 GENERAL PLAN FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT,” ADOPTED BY CITY COUNCIL RESOLUTION NO. 76041 ON NOVEMBER 1, 2011; AND “SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT TO THE ENVISION SAN JOSÉ 2040 GENERAL PLAN FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT,” ADOPTED BY CITY COUNCIL RESOLUTION NO. 77617 ON DECEMBER 15, 2015, IN ACCORDANCE TO CEQA, AS AMENDED (5-0-2, BALLARD & VORA ABSENT)**

2. **ACTION: RECOMMEND TO THE CITY COUNCIL TO: (I) ADOPT A RESOLUTION CERTIFYING THE SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR THE MUSEUM PLACE MIXED-USE PROJECT, MAKING CERTAIN FINDINGS RELATED TO SIGNIFICANT IMPACTS, MITIGATION MEASURES, AND ALTERNATIVES, AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATION AND MITIGATION MONITORING AND REPORTING PROGRAM, ALL IN ACCORDANCE TO CEQA AND; (II) APPROVE THE SITE DEVELOPMENT PERMIT AND SPECIAL USE PERMIT RESOLUTION AND THE VESTING TENTATIVE MAP RESOLUTION AS DESCRIBED ABOVE (5-0-2, BALLARD & VORA ABSENT)**

## **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  
*No Reports*
- b. Review and Approve Action Minutes from [6/28/17](#)  
*Action Minutes Approved (5-0-2, Ballard & Vora Absent)*
- c. Election of Chair and Vice Chair for Fiscal Year 2017-2018  
*Commissioner Bit-Badal nominated Commissioner Yesney as Vice Chair, Allen seconded, and Commissioner Yesney declined.*  
*Commissioner Bit-Badal nominated Commissioner Allen as Vice Chair, Pham seconded, and Commissioner Allen accepted (5-0-2, Ballard & Vora absent)*  
*Commissioner Bit-Badal nominated Commissioner Pham as Chair, Allen seconded, and Commissioner Pham accepted (5-0-2, Ballard & Vora absent)*
- d. Subcommittee Formation, Reports, and Outstanding Business  
*No Reports*
- e. Commission Calendar and Study Sessions  
*The 7/26/17 Planning Commission meeting is canceled, a Study Session on Vehicle Miles Traveled (VMT) will be held on 8/23/17 and the Annual Planning Commission Retreat will be held in September.*
- f. The Public Record
1. Response to June 14, 2017 Planning Commission Agenda Question from Lisa Warren

## **8. ADJOURNMENT**

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Meeting adjourned at 8:22 p.m.