

## PLANNING COMMISSION

September 13, 2017

Action Minutes

### WELCOME

### SALUTE TO THE FLAG

### ROLL CALL

PRESENT: Commissioners Pham, Allen, Abelite, Ballard, and Yesney

ABSENT: Commissioners Bit-Badal, 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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*None*

## 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.

- a. **DA17-001.** Consideration of an Ordinance to approve a Second Amendment to the Development Agreement By and Between the City of San Jose and Jackson-Taylor Partners, LLC for the Japantown Corporation Yard Redevelopment Project (Ordinance No. 29528), as amended, for the property located at 696 North 6<sup>th</sup> Street. The Second Amendment to the Development Agreement would incorporate a one-year extension of the terms of the Agreement; authorize the use of the site by the City on a temporary basis for a farmer's market and public parking; require a Developer's Community Liaison for the Project under specified circumstances; and revise remedies available in the event of any delay by the Developer in performance or default of 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>

Agreement. Council District: 3. CEQA: Determination of Consistency with the Japantown Corporation Yard Redevelopment Project Environmental Impact Report, adopted by City Council Resolution No. 74384, and Addendum thereto.

*PROJECT MANAGER, LEA SIMVOULAKIS*

**DEFER ITEM PER APPLICANT REQUEST. MOTION TO DEFER CARRIES UNANIMOUSLY (5-0-2, BIT-BADAL AND VORA ABSENT)**

#### **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. **CP11-041 (Administrative Hearing).** Conditional Use Permit and Site Development Permit to legalize an existing gas station, allow 24-hour use and to allow the removal of one ordinance-size Palm tree, and other site improvements on a 0.45-gross acre site in the CP Commercial Pedestrian Zoning District located on the northwest corner of Curtner Avenue and Lincoln Avenue (1103 Curtner Avenue) (Michael Franges Trustee & Et Al, Owner). Council District: 6. CEQA: Exempt per CEQA Guidelines Section 15301(a) for Minor Interior/Exterior Modifications to Existing Facilities.

*PROJECT MANAGER, EDWARD SCHREINER*

**DROPPED FOR RENOTICING PER STAFF REQUEST TO ALLOW TIME FOR ADDITIONAL ENVIRONMENTAL ANALYSIS. MOTION TO DROP CARRIES UNANIMOUSLY (5-0-2, BIT-BADAL AND VORA ABSENT)**

- b. **CP15-017 (Administrative Hearing).** Conditional Use Permit and Site Development Permit to allow the construction of an extension to an existing Recreational Vehicle Resort that includes adding 70 R.V. spaces, 132 parking stalls, the construction of a 2,500-square foot common facility with showers, laundry, and lounge, and to allow the installation of a photovoltaic system (solar panels) on the roof of the building, on a vacant 9.92-gross acre site in the R-MH Mobilehome Park Zoning District located on the east side of the intersection Monterey Road and Richmond Avenue (0 Monterey Road) (Coyote Valley Recreation Investment Properties, LLC., Owner). Council District: 2. CEQA: Mitigated Negative Declaration for the Coyote Valley RV Resort Expansion Project.

*PROJECT MANAGER, LEA SIMVOULAKIS*

**DEFERRED TO 10/11/17 PLANNING COMMISSION PER STAFF REQUEST TO ALLOW TIME TO RESPOND TO PUBLIC COMMENTS REGARDING THE MITIGATED NEGATIVE DECLARATION. MOTION TO DEFER CARRIES UNANIMOUSLY (5-0-2, BIT-BADAL AND VORA ABSENT)**

- c. **CP15-083 (Administrative Hearing).** Conditional Use Permit and Site Development Permit to require demolition of the existing unpermitted 360-square foot addition to an existing mixed-use building located in the Reed City Landmark District and allow the construction of a new 360-square feet addition on a 0.15-gross acre site in the General Commercial CG Zoning District located on the north side of East William Street, 60 feet east of South 6th Street (265 East William

Street) (TK Holding Inc., Owner). Council District 3. CEQA: Exempt per CEQA Guidelines Section 15301(e)(1) for Minor Additions.

*PROJECT MANAGER, EDWARD SCHREINER*

1. **DETERMINED THE EXEMPTION IS IN ACCORDANCE WITH CEQA (5-0-2, BIT-BADAL AND VORA ABSENT)**
2. **ACTION: COMMISSIONER ABELITE MADE A MOTION TO APPROVE THE CONDITIONAL USE PERMIT AND SITE DEVELOPMENT PERMIT. COMMISSIONER ALLEN SECONDED THE MOTION. THE COMMISSION APPROVED THE CONDITIONAL USE PERMIT AND SITE DEVELOPMENT PERMIT RESOLUTION NO. 17-026 (5-0-2, BIT-BADAL AND VORA ABSENT)**

- d. [CP17-003 \(Administrative Hearing\)](#). Conditional Use Permit to allow the conversion of the second floor of an existing 7,116-square foot office/restaurant commercial building from office use to two residential units and maintain the restaurant use on the ground floor of an approximately 0.11-gross acre site in the Neighborhood Commercial CN Zoning District located at the southeast corner of East William Street and South 9th Street (408 East William Street) (Lin & Tsai Investment, Owner). Council District 3. CEQA: Exempt per CEQA Guidelines Section 15303 for New Construction or Conversion of Small Structures.

*PROJECT MANAGER, JOHN TU*

1. **DETERMINED THE EXEMPTION IS IN ACCORDANCE WITH CEQA (5-0-2, BIT-BADAL AND VORA ABSENT)**
2. **ACTION: COMMISSIONER ABELITE MADE A MOTION TO APPROVE THE CONDITIONAL USE PERMIT. COMMISSIONER ALLEN SECONDED THE MOTION. THE COMMISSION APPROVED THE CONDITIONAL USE PERMIT RESOLUTION NO. 17-027 (5-0-2, BIT-BADAL AND VORA ABSENT)**

- e. [CP17-012 \(Administrative Hearing\)](#). Conditional Use Permit and Site Development Permit to allow the demolition of an existing 4,970 square foot commercial building with a drive-through and allow the construction of a new 6,926 square foot commercial building and with a drive-through use, and the removal of three ordinance-sized trees on a 0.9-gross acre site in the CG Commercial General Zoning District located on the north side of Prospect Road, approximately 270 feet easterly of Lawrence Expressway (5295 Prospect Road) (Donahue-Schriber Realty Group, Owner). Council District: 1. CEQA: Exempt per CEQA Section 15303(c) New Construction of Conversion of Small Structures.

*PROJECT MANAGER, LEA SIMVOULAKIS*

1. **DETERMINED THE EXEMPTION IS IN ACCORDANCE WITH CEQA (5-0-2, BIT-BADAL AND VORA ABSENT)**
2. **ACTION: COMMISSIONER ABELITE MADE A MOTION TO APPROVE THE CONDITIONAL USE PERMIT AND SITE DEVELOPMENT PERMIT. COMMISSIONER ALLEN SECONDED THE MOTION. THE COMMISSION APPROVED THE CONDITIONAL USE PERMIT AND SITE DEVELOPMENT PERMIT RESOLUTION NO. 17-028 (5-0-2, BIT-BADAL AND 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. **CP15-081 (Administrative Hearing)**. Conditional Use Permit and Site Development Permit to allow the demolition of an existing fourplex apartment building and the construction of a two-story, 16-unit Single Room Occupancy (SRO) living unit facility with one manager's unit for a total of 17 dwelling units, and reduced parking on an approximately 0.21-gross acre site in the R-M Multiple Residence Zoning District located on the southeastern corner of Mendenhall Drive and Hamilton Avenue (4094 Hamilton Avenue) (Dong Li, Owner). Council District 1. CEQA: Exempt per CEQA Guidelines Section 15332 for Infill Development Projects. *Dropped and renoticed from 6/14/17.*

*PROJECT MANAGER, PATRICK KELLY*

1. **DETERMINED THE EXEMPTION IS IN ACCORDANCE WITH CEQA (5-0-2, BIT-BADAL AND VORA ABSENT)**
2. **ACTION: COMMISSIONER ALLEN MADE A MOTION TO APPROVE THE CONDITIONAL USE PERMIT. COMMISSIONER YESNEY SECONDED THE MOTION. THE COMMISSION APPROVED THE CONDITIONAL USE PERMIT RESOLUTION NO. 17-029 (5-0-2, BIT-BADAL AND VORA ABSENT)**

- b. **PDC17-018 and PD17-011**. Planned Development Rezoning from the R-1-8 Single-Family Zoning District to the R-1-8(PD) Planned Development Zoning District, and a Planned Development Permit to allow the demolition of an existing residence and accessory structures for the construction of three single-family detached residences on a 0.42-gross acre site in the R-1-8 Single-Family Residential Zoning District, located on the east side of Curtiss Avenue, approximately 650 feet southerly of Willow Street (1220 Curtiss Avenue) (Goldsilverisland Properties LLC, Owner). Council District: 6. CEQA: Exempt per CEQA Guidelines 15270 for Projects Which Are Disapproved.

*PROJECT MANAGER, SHAUNN MENDRIN*

1. **RECOMMEND TO THE CITY COUNCIL CONSIDERATION OF THE EXEMPTION IN ACCORDANCE WITH CEQA (5-0-2, BIT-BADAL AND VORA ABSENT)**
2. **ACTION: COMMISSIONER ALLEN MADE A MOTION TO RECOMMEND DENIAL. COMMISSIONER YESNEY SECONDED THE MOTION. RECOMMEND TO THE CITY COUNCIL THE DENIAL OF A PLANNED DEVELOPMENT REZONING ORDINANCE AND A PLANNED DEVELOPMENT PERMIT RESOLUTION AS DESCRIBED ABOVE. (5-0-2, BIT-BADAL AND 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

*On September 12, the City Council approved a Conditional Use Permit and Determination of Public Convenience or Necessity (File Nos. CP17-005, ABC17-002) to allow 24-hour operation and the off-sale of a full range of alcohol at a proposed Smart & Final grocery store located at the southeast corner of Race and San Carlos Streets. The Planning Commission recommended approval on August 23<sup>rd</sup>.*

b. Review and Approve Action Minutes from [8/23/17](#)

*Action Minutes Approved (5-0-2, Bit-Badal & Vora Absent)*

c. Subcommittee Formation, Reports, and Outstanding Business

*No Reports*

d. Commission Calendar and Study Sessions

1. [Draft Planning Commission Retreat Agenda](#) scheduled for 9/22/17

*Commissioners reminded to arrive promptly at 8:00 AM. Light breakfast will be served.*

2. General Plan Performance Review scheduled for 10/11/17

*No comments*

e. The Public Record

*No Reports*

## 8. ADJOURNMENT

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Meeting adjourned at 8:20 p.m.