

PLANNING COMMISSION

August 22, 2018

Action Minutes

WELCOME

SALUTE TO THE FLAG

ROLL CALL

PRESENT: Commissioners Allen, Ballard, Griswold, Leyba, Márquez, Yesney

ABSENT: Commissioner Vora

1. CALL TO ORDER & ORDERS OF THE DAY

Meeting called to order at 6:33 p.m.

2. PUBLIC COMMENT

None

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:
<http://sanjoseca.gov/index.aspx?NID=1763>

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. **C17-014.** Conventional Rezoning from the R-2 Two-Family Residence Zoning District to R-M Multiple Residence Zoning District on an approximately 0.15-gross acre site located at 735 South Second Street. (Andranik. and Victorina Karam, Trustees, Owners). CEQA: Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and the Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto.

PROJECT MANAGER, RINA SHAH

1. ACTION: COMMISSIONER BALLARD MADE A MOTION TO RECOMMEND THE THE CITY COUNCIL THE FOLLOWING:

- a. **RECOMMEND THAT THE CITY COUNCIL ADOPT A RESOLUTION APPROVING AN ADDENDUM TO THE ENVISION SAN JOSÉ 2040 GENERAL PLAN FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (RESOLUTION NO. 76041), THE ENVISION SAN JOSÉ GENERAL PLAN SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT (RESOLUTION NO. 77617), AND ADDENDA THERETO; AND**
- b. **RECOMMEND THAT THE CITY COUNCIL ADOPT AN ORDINANCE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 0.15-GROSS ACRE SITE LOCATED ON THE WEST SIDE OF SOUTH SECOND STREET, APPROXIMATELY 175 FEET SOUTHERLY OF MARGARET STREET (735 SOUTH SECOND STREET), FROM THE R-2 TWO-FAMILY RESIDENCE ZONING DISTRICT TO THE R-M MULTIPLE RESIDENCE ZONING DISTRICT.**

COMMISSIONER LEYBA SECONDED THE MOTION (6-0-1, VORA ABSENT)

- b. **C18-010.** Conventional Rezoning from the A(PD) Planned Development Zoning District (File No. PDC06-019) to LI Light Industrial Zoning District located at 231 West Capitol Expressway and 3911 Snell Avenue approximately 6.4-gross acre site. (Public Storage Properties VI, Inc., Owner). Council District: 10. CEQA: Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and the Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto.

PROJECT MANAGER, MICHELLE FLORES

1. ACTION: COMMISSIONER BALLARD MADE A MOTION TO RECOMMEND THE THE CITY COUNCIL THE FOLLOWING:

- a. **ADOPT A RESOLUTION APPROVING AN ADDENDUM TO THE ENVISION SAN JOSÉ 2040 GENERAL PLAN FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (RESOLUTION NO. 76041), THE ENVISION SAN JOSÉ GENERAL PLAN SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT (RESOLUTION NO. 77617), AND ADDENDA THERETO; AND**
- b. **RECOMMEND THAT THE CITY COUNCIL ADOPT AN ORDINANCE OF THE CITY OF SAN JOSÉ REZONING CERTAIN REAL PROPERTY OF**

APPROXIMATELY 6.4-GROSS ACRES, SITUATED ON THE NORTH SIDE OF WEST CAPITOL EXPRESSWAY, APPROXIMATELY 200 FEET WESTERLY OF SNELL AVENUE (231 WEST CAPITOL EXPRESSWAY AND 3911 SNELL AVENUE), FROM THE A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO THE LI LIGHT INDUSTRIAL ZONING DISTRICT.

COMMISSIONER LEYBA SECONDED THE MOTION (6-0-1, VORA ABSENT)

- c. **CP18-009 (Administrative Hearing).** Conditional Use Permit to allow the off-sale of alcohol (full range of alcoholic beverages) and the on-sale of alcohol for instructional tasting and samples (Beverages and More) in an existing 11,252-square foot tenant space on a 3.39-gross acre site in the CP Commercial Pedestrian Zoning District located at 1830 Hillsdale Avenue (south side of Hillsdale Avenue, approximately 400 feet easterly of Camden Avenue. (Mardesich Company Camden LLC, Owner). Council District 9. CEQA: Exempt per CEQA Guidelines Section 15301 for Existing Facilities.
PROJECT MANAGER, CASSANDRA VAN DER ZWEEP
1. **DETERMINED THE EXEMPTION IN ACCORDANCE WITH CEQA (6-0-1, VORA ABSENT)**
 2. **ACTION: COMMISSIONER BALLARD MADE A MOTION TO APPROVE THE CONDITIONAL USE PERMIT RESOLUTION WITH A STAFF RECOMMENDED MODIFICATION TO THE RESOLUTION'S GENERAL PLAN COMPLIANCE SECTION, CLARIFYING THAT THE PROPOSED USE IS UNIQUE IN THAT INSTRUCTION TESTING IS A RETAIL SERVICE EXPERIENCE NOT COMMINGLY FOUND INCONJUSCTION WITH TYPICAL OFF-SALE OF ALCOHOL ESTABLISHMENTS. COMMISSIONER LEYBA SECONDED THE MOTION. THE COMMISSION APPROVED THE CONDITIONAL USE PERMIT RESOLUTION NO. 18-015 (6-0-1, VORA ABSENT)**
- d. The proposed project is located on an approximately 0.45-gross acre site at the southeast corner of Murphy Avenue and Ringwood Avenue (1508 Murphy Avenue) (Villa Developers and Investment LLC, Owner). Council District: 4. CEQA: Mitigated Negative Declaration for the Murphy Villas Subdivision Project. *Dropped re-noticed from 8/8/18.*
PROJECT MANAGER, JOHN TU
- PDC17-050.** Planned Development Rezoning from the A Agricultural Zoning District to the R-M(PD) Planned Development Zoning District to allow up to five single-family detached residential condominiums; and
- PT17-054.** Vesting Tentative Map to subdivide one parcel into five residential condominium units and one common area parcel; and
- PD17-024.** Planned Development Permit to allow the demolition of a single-family residence, removal of four ordinance-size trees, and the construction of up to five single-family detached residential condominiums.
1. **ACTION: COMMISSIONER BALLARD MADE A MOTION TO RECOMMEND THAT THE CITY COUNCIL ADOPT A RESOLUTION ADOPTING THE MURPHY VILLAS SUBDIVISION PROJECT MITIGATED NEGATIVE DECLARATION, FOR WHICH AN INITIAL STUDY WAS PREPARED, AND THE RELATED MITIGATION MONITORING AND REPORTING PROGRAM, IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), AS AMENDED. COMMISSIONER LEYBA SECONDED THE MOTION. (6-0-1, VORA ABSENT)**

2. **ACTION: COMMISSIONER BALLARD MADE A MOTION TO RECOMMEND THAT THE CITY COUNCIL ADOPT AN ORDINANCE OF THE CITY OF SAN JOSÉ REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 0.45-GROSS ACRE LOCATED AT THE SOUTHEAST CORNER OF MURPHY AVENUE AND RINGWOOD AVENUE (1508 MURPHY AVENUE) FROM THE A AGRICULTURAL ZONING DISTRICT TO THE R-M(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO ALLOW UP TO FIVE SINGLE-FAMILY DETACHED RESIDENTIAL CONDOMINIUMS AND ONE COMMON AREA PARCEL. COMMISSIONER LEYBA SECONDED THE MOTION. (6-0-1, VORA ABSENT)**
3. **ACTION: COMMISSIONER BALLARD MADE A MOTION TO RECOMMEND THAT THE CITY COUNCIL ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, A VESTING TENTATIVE MAP TO SUBDIVIDE ONE PARCEL INTO FIVE RESIDENTIAL CONDOMINIUM UNITS AND ONE COMMON AREA PARCEL. COMMISSIONER LEYBA SECONDED THE MOTION. (6-0-1, VORA ABSENT)**
4. **ACTION: COMMISSIONER BALLARD MADE A MOTION TO RECOMMEND THAT THE CITY COUNCIL ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, THE PLANNED DEVELOPMENT PERMIT RESOLUTION TO ALLOW THE DEMOLITION OF A SINGLE-FAMILY RESIDENCE, REMOVAL OF FOUR ORDINANCE-SIZE TREES, AND THE CONSTRUCTION OF UP TO FIVE SINGLE-FAMILY DETACHED RESIDENTIAL CONDOMINIUMS AND THE IMPROVEMENT OF ONE COMMON AREA PARCEL. COMMISSIONER LEYBA SECONDED THE MOTION. (6-0-1, VORA ABSENT)**

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. **PP18-058.** To allow City Council consideration of signs on City-owned property, including Billboards, Programmable Electronic Signs, and Signs Displaying Off-site Commercial Speech, the following is being proposed: 1) Amend General Plan Land Use Policy CD-10.4; 2) Amend City Council Policy 6-4; 3) Amend Title 23 of the Municipal Code (the Sign Code), specifically Sections 23.02.870, 23.02.1310 and 23.04.500; and 4) make other technical, formatting or non-substantive changes within the Sign Code. Council District: Citywide. CEQA: Initial Study/Negative Declaration for proposed amendments to the General Plan, Municipal Code and Council Policy that would allow the City Council to consider approving use of designated City-owned sites for Signs, including Billboards, Programmable Electronic Signs and Signs Displaying Off-Site Commercial Speech. *Deferred from 7/25.*

PROJECT MANAGER, APARNA ANKOLA

1. **ACTION: COMMISSIONER YESNEY MADE A MOTION TO RECOMMEND THAT THE CITY COUNCIL APPROVE THE INITIAL STUDY/NEGATIVE DECLARATION FOR AMENDMENT OF THE ENVISION SAN JOSE 2040 GENERAL PLAN TO DELETE GENERAL PLAN LAND USE POLICY CD 10.4, REVISION OF CITY COUNCIL POLICY 6-4, AND AN ORDINANCE AMENDING SECTIONS 23.02.870 AND 23.02.1310 OF TITLE 23 OF THE SAN JOSÉ MUNICIPAL CODE TO ALLOW CONSIDERATION OF SIGNS ON CITY-OWNED PROPERTY, INCLUDING BILLBOARDS, PROGRAMMABLE ELECTRONIC SIGNS, AND SIGNS**

DISPLAYING OFF-SITE COMMERCIAL SPEECH, AND TO MAKE UPDATES OR OTHER TECHNICAL, NON-SUBSTANTIVE CHANGES, OR FORMATTING CHANGES WITHIN THOSE SECTIONS OF TITLE 23, FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH CEQA. COMMISSIONER LEYBA SECONDED THE MOTION. (4-2-1, VORA ABSENT)

2. **ACTION: COMMISSIONER YESNEY MADE A MOTION TO RECOMMEND THAT THE CITY COUNCIL ADOPT A RESOLUTION APPROVING AN AMENDMENT TO THE ENVISION SAN JOSE 2040 GENERAL PLAN TO DELETE LAND USE POLICY CD-10.4 TO CONTINUE PROHIBITION OF BILLBOARDS ON FREEWAYS, GRAND BOULEVARDS AND GATEWAY LOCATIONS EXCEPT FOR CITY OWNED SITES. COMMISSIONER LEYBA SECONDED THE MOTION. (4-2-1, VORA ABSENT)**
3. **ACTION: COMMISSIONER YESNEY MADE A MOTION TO RECOMMEND THAT THE CITY COUNCIL ADOPT A RESOLUTION APPROVING A NEW CITY COUNCIL POLICY 6-4 ENTITLED “SIGNS ON CITY-OWNED LAND, INCLUDING BILLBOARDS, PROGRAMMABLE ELECTRONIC SIGNS AND SIGNS DISPLAYING OFF-SITE COMMERCIAL SPEECH,” AND SUPERSEDING EXISTING CITY COUNCIL POLICY 6-4. COMMISSIONER LEYBA SECONDED THE MOTION. (4-2-1, VORA ABSENT)**
4. **ACTION: COMMISSIONER YESNEY MADE A MOTION TO RECOMMEND THAT THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING TITLE 23 OF THE MUNICIPAL CODE (THE SIGN CODE), SPECIFICALLY SECTIONS 23.02.870, 23.02.1310, AND 23.04.55, AND MAKE OTHER TECHNICAL, FORMATTING OR NON-SUBSTANTIVE CHANGES WITHIN THE SIGN CODE, AS DESCRIBED ABOVE. COMMISSIONER LEYBA SECONDED THE MOTION. (4-2-1, VORA ABSENT)**

6. OPEN THE GENERAL PLAN HEARING

7. GENERAL PLAN CONSENT CALENDAR

No Items

8. GENERAL PLAN PUBLIC HEARING

No Items

9. CONTINUE THE GENERAL PLAN PUBLIC HEARING TO SEPTEMBER 12, 2018

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

11. GOOD AND WELFARE

a. Report from City Council

City Council approved Hampton Hotel project located on South Deanza Boulevard

b. Review and Approve Action Minutes from [7/25/18](#)

Commissioner Leyba made a motion to approve the 7/11/18 and 7/25/18 minutes with an amendment to Item 7.d. to add City Council Policy 6-30: Public Outreach as a recommended Study Session or Planning Commission Retreat topic, specifically outreach to Latinos and multi-languages. Commissioner Griswold seconded the motion. (6-0-1, Vora Absent)

c. Subcommittee Formation, Reports, and Outstanding Business

d. Commission Calendar and Study Sessions

i. Planning Commission Retreat tentatively scheduled for 9/28/18 morning

e. The Public Record

12. ADJOURNMENT

Meeting adjourned at 9:18 p.m.