

PLANNING COMMISSION

September 12, 2018

Action Minutes

WELCOME

SALUTE TO THE FLAG

ROLL CALL

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

ABSENT: None

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. **CP16-024 (Administrative Hearing)**. Conditional Use Permit to legalize and allow the conversion of a 3,969 square foot single-family residence to a Buddhist monastery and associated site improvements (parking/landscaping) on 0.71-gross acre site located northeasterly corner of Capitol Expressway and Mervyn's Way (2751 Mervyn's Way) (San Jose Cambodian Buddhist Society Inc, Owner). CEQA: Exempt per CEQA Guidelines Section 15301 for Existing Facilities.
PROJECT MANAGER, EDWARD SCHREINER
 1. **DETERMINED THE EXEMPTION IN ACCORDANCE WITH CEQA (7-0-0).**
 2. **ACTION: COMMISSIONER BALLARD MADE A MOTION TO APPROVE THE CONDITIONAL USE PERMIT RESOLUTION WITH A STAFF UPDATE TO THE FLOOR PLAN TO REPLACE SHEET A1 IN THE PROJECT'S PLAN SET. COMMISSIONER VORA SECONDED THE MOTION. THE COMMISSION APPROVED THE CONDITIONAL USE PERMIT RESOLUTION NO. 18-016 (7-0-0).**

- b. **PDA07-007-02 & ABC18-003**. Planned Development Permit Amendment and granting a Determination of Public Convenience or Necessity to allow the off-sale of a full-range of alcoholic beverages as incidental to a new 6,600 square foot grocery store (290 square feet dedicated to alcohol sales) in a vacant tenant space on a 2.25-gross acre site, located at the southeast corner of Southwest Expressway and Fruitdale Avenue (1520 Southwest Expressway) (Southwest Expressway Investors LTD, Owner). CEQA: Exempt per CEQA Guidelines Section 15301(a) for Existing Facilities.
PROJECT MANAGER, RHONDA BUSS
 1. **DETERMINED THE EXEMPTION IN ACCORDANCE WITH CEQA (7-0-0).**
 2. **ACTION: COMMISSIONER BALLARD MADE A MOTION TO RECOMMEND THAT THE CITY COUNCIL TO ADOPT A RESOLUTION APPROVING THE PLANNED DEVELOPMENT PERMIT AMENDMENT AND A DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY TO ALLOW THE OFF-SALE OF A FULL-RANGE OF ALCOHOLIC BEVERAGES AS DESCRIBED ABOVE. COMMISSIONER VORA SECONDED THE MOTION (7-0-0)**

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. [CP17-046 \(Administrative Hearing\)](#). Conditional Use Permit to allow the construction of a 6-story, 165-unit residential care facility with 5,079 square feet of ground floor commercial space and the removal of three trees on a 1.43 gross acre site located on the west side of South Bascom Avenue approximately 150 feet southerly of Lindaire Avenue (1015 South Bascom Avenue) (Bascom's Elbow LLC, Owner). CEQA: Mitigated Negative Declaration for Holden of San Jose Assisted Living on Bascom 1015 South Bascom Avenue.

PROJECT MANAGER, ROBERT RIVERA

1. **DETERMINED TO ADOPT A RESOLUTION ADOPTING THE HOLDEN OF SAN JOSÉ ASSISTED LIVING MITIGATED NEGATIVE DECLARATION, FOR WHICH AN INITIAL STUDY WAS PREPARED, AND ADOPTING A RELATED MITIGATION MONITORING AND REPORTING PROGRAM, ALL IN ACCORDANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED IN ACCORDANCE WITH CEQA (7-0-0).**
2. **ACTION: COMMISSIONER BALLARD MADE A MOTION TO APPROVE THE CONDITIONAL USE PERMIT RESOLUTION WITH A REVISION TO THE RESOLUTION CLARIFYING THAT THE 165-UNIT RESIDENTIAL CARE FACILITY CONSISTS OF 137 ASSISTED LIVING UNITS AND 28 MEMORY CARE UNITS. COMMISSIONER VORA SECONDED THE MOTION. THE COMMISSION APPROVED THE CONDITIONAL USE PERMIT RESOLUTION NO. 18-017 (7-0-0)**

6. OPEN THE GENERAL PLAN HEARING

7. GENERAL PLAN CONSENT CALENDAR

No Items

8. GENERAL PLAN PUBLIC HEARING

- a. [GP18-009](#). City-initiated General Plan Amendment for the adoption of the East Santa Clara Street (West of 17th Street) Urban Village Plan, including modifications to the boundary and changes to General Plan land use designations on properties within the boundary of the Urban Village Plan. CEQA: Determination of Consistency with 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, JENNIFER PIOZET

ACTION: COMMISSIONER YESNEY MADE A MOTION TO RECOMMEND TO THE CITY COUNCIL THE FOLLOWING RECOMMENDATIONS:

1. **INCLUDE THE ENTIRETY OF THE EAST SANTA CLARA STREET BRIDGE IN THE URBAN VILLAGE BOUNDARY; AND**
2. **ALLOW THE CITY ATTORNEY’S OFFICE TO REVIEW THE REVISED URBAN VILLAGE PLAN DOCUMENT (LAST REVISED SEPTEMBER 12, 2018) PRIOR TO THE CITY COUNCIL HEARING.**
3. **CONSIDERED THE DETERMINATION OF CONSISTENCY TO THE FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE ENVISION SAN JOSÉ 2040 GENERAL PLAN (RESOLUTION NO. 76041) AND THE SUPPLEMENTAL EIR TO ENVISION SAN JOSÉ GENERAL PLAN EIR, RESOLUTION NO. 77617, AND ADDENDUM THERETO, IN ACCORDANCE WITH CEQA.**
 - i. **GENERAL PLAN AMENDMENT TO INCLUDE THE MODIFICATIONS TO THE EAST SANTA CLARA STREET (WEST OF 17TH STREET) URBAN VILLAGE BOUNDARY AND CHANGES TO GENERAL PLAN LAND USE DESIGNATIONS ON PROPERTIES WITHIN THE BOUNDARY OF THE URBAN VILLAGE PLAN AREA AS SHOWN ON THE LAND USE DIAGRAM; AND**
 - ii. **EAST SANTA CLARA STREET (WEST OF 17TH STREET) URBAN VILLAGE PLAN AS THE GUIDING POLICY DOCUMENT FOR NEW DEVELOPMENT AND IDENTIFIED PUBLIC IMPROVEMENTS WITHIN THE URBAN VILLAGE AREA**

COMMISSIONER BALLARD SECONDED THE MOTION (5-2-0; LEYBA & MARQUEZ OPPOSED)

9. CONTINUE THE GENERAL PLAN PUBLIC HEARING TO SEPTEMBER 26, 2018

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

11. GOOD AND WELFARE

a. Report from City Council

The City Council considered the following notable items at the August 28, 2018 hearing:

- i. *PDC17-005 & PD17-003 – Approval of a Planned Development Rezoning and Planned Development Permit to allow three single-family attached residential units at 895 South Second Street*
- ii. *PDC14-051 & PD16-019 – Considered a Planned Development Rezoning and Planned Development Permit for a 248-bed medical care facility on a 3-gross acre portion of a 21-gross acre site located at 4200 Dove Hill Road. The item was continued to the September 11, 2018 City Council hearing to allow for a community meeting; the item was then deferred from the 9/11/18 City Council hearing to the 9/25/18 City Council afternoon session.*

- b. Review and Approve Action Minutes from [7/11/18](#), [7/25/18](#) & [8/22/18](#)
Commissioner Leyba made a motion to approve the 7/11/18, 7/25/18 & 8/22/18 minutes, with a correction to the 7/11/18 minutes to replace Assembly Bill No. 1000 with Senate Bill No. 1000 (Land Use: General Plans: Safety and Environmental Justice). Commissioner Vora seconded the motion (7-0-0)
- c. Subcommittee Formation, Reports, and Outstanding Business
No Reports
- d. Commission Calendar and Study Sessions
 - i. General Plan Annual Performance Review scheduled for 9/26/18
General Plan hearing for San Jose Downtown Strategy 2040 Plan Draft Environmental Impact Report is tentatively scheduled for 11/28/18
Study Session date for the Downtown/Diridon Design Guidelines is tentatively scheduled for 11/7/18
Planning Commission Retreat is scheduled for 10/12/18
- e. The Public Record
No Items

12. ADJOURNMENT

Meeting adjourned at 10:56 p.m.