

PLANNING COMMISSION

September 26, 2018

Action Minutes

WELCOME

SALUTE TO THE FLAG

ROLL CALL

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

ABSENT: Commissioner Yesney

1. CALL TO ORDER & ORDERS OF THE DAY

Meeting called to order at 6:39 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

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. **CPA01-105-02 (Administrative Hearing)**. Conditional Use Permit Amendment to allow up to 5,000 square feet of building additions and exterior façade upgrades, with associated site improvements, and removal of one ordinance-size tree, for an existing auto dealership (Mercedes-Benz) on an approximately 8.47-gross acre site, in the CP Commercial Pedestrian and A Agricultural Zoning Districts located at the northeast corner of East Capitol Expressway and Tully Road (3000 East Capitol Expressway) (Rayjer Properties LLC, Owner). Council District 8. CEQA: Exempt per CEQA Guidelines Section 15301 for Existing Facilities.
PROJECT MANAGER, RINA SHA
 1. **DETERMINED THE EXEMPTION IN ACCORDANCE WITH CEQA (6-0-1; YESNEY ABSENT).**
 2. **ACTION: COMMISSIONER BALLARD MADE A MOTION TO APPROVE THE CONDITIONAL USE PERMIT AMENDMENT RESOLUTION AS DESCRIBED ABOVE. COMMISSIONER VORA SECONDED THE MOTION. THE COMMISSION APPROVED THE CONDITIONAL USE PERMIT AMENDMENT RESOLUTION NO. 18-019 (6-0-1; YESNEY ABSENT).**

- b. **VACATION OF A PORTION OF NORTH 4TH STREET RIGHT-OF-WAY**. Request for the vacation of approximately 10 feet of excess right-of-way totaling 0.04-gross acres from the existing right-of-way along the east side of North 4th Street for one parcel located approximately 375 feet north of East Younger Avenue at 1040 and 1058 North 4th Street. CEQA: Exempt per CEQA Guidelines Section 15305 for Minor Alterations in Land Use Limitations.
PROJECT MANAGER, EDWARD SCHREINER
 1. **RECOMMENDED TO THE CITY COUNCIL CONSIDERATION OF THE EXEMPTION PER CEQA GUIDELINES SECTION 15035 FOR MINOR ALTERATIONS IN LAND USE LIMITATIONS IN ACCORDANCE WITH CEQA. (6-0-1; YESNEY ABSENT).**
 2. **ACTION: COMMISSIONER BALLARD MADE A MOTION TO RECOMMEND THAT THE CITY COUNCIL FIND THAT THE PROPOSED RIGHT-OF-WAY VACATION IS IN CONFORMANCE WITH THE GENERAL PLAN, AS REQUIRED BY THE CALIFORNIA STREET AND HIGHWAYS CODE SECTION 8313 AND SECTION 65402 OF THE GOVERNMENT CODE, AND RECOMMEND THAT THE CITY COUNCIL ADOPT A RESOLUTION VACATING THE RIGHT-OF-WAY AS DESCRIBED ABOVE. COMMISSIONER VORA SECONDED THE MOTION. (6-0-1; YESNEY ABSENT).**

- c. The proposed project is on an approximately 1.22-gross acre site located on the north west corner of West Julian Street and Stockton Avenue (715 West Julian Street) (Speno Enterprises, Owner). Council District: 6. CEQA: Addendum to the Diridon Station Area Plan Final Program EIR (Resolution No.77096), Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041), Supplemental EIR (Resolution No. 77617), and Addenda thereto.
PROJECT MANAGER, NIZAR SLIM

PDC17-058. Planned Development Rezoning from the CP Commercial Pedestrian Zoning District to the CP(PD) Planned Development Zoning District to allow up to 249 residences with a minimum 0.5 floor area ratio (FAR) of commercial uses (up to 26,585 square feet) on 1.22-gross acre.

PT17-063. Vesting Tentative Map to combine two parcels into one parcel

PD17-029. Planned Development Permit to allow the demolition of five existing buildings, removal of six ordinance size trees and the construction of a mixed use development containing 249 multi-family residential units and 26,585 square feet of ground level commercial space within a seven-story building and a two-level underground parking structure on a 1.22-gross acre site.

PULLED FROM CONSENT AND HEARD UNDER PUBLIC HEARING

- 1. ACTION: COMMISSIONER VORA MADE A MOTION TO RECOMMEND TO THE CITY COUNCIL WITH STAFF'S RECOMMENDED UPDATE TO CORRECT THAT THE PROJECT PROVIDES 250 BICYCLE PARKING SPACES, NOT 164 AND THE FOLLOWING:**
 - a. ADOPT A RESOLUTION APPROVING THE ADDENDUM TO THE DIRIDON STATION AREA PLAN FINAL PROGRAM EIR (RESOLUTION NO.77096), ENVISION SAN JOSÉ 2040 GENERAL PLAN FINAL PROGRAM EIR (RESOLUTION NO. 76041), SUPPLEMENTAL EIR (RESOLUTION NO. 77617), AND ADDENDA THERETO IN ACCORDANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED.**
 - b. ADOPT AN ORDINANCE OF THE CITY OF SAN JOSÉ REZONING CERTAIN REAL PROPERTY APPROXIMATELY 1.22-GROSS ACRES IN SIZE LOCATED AT 715 WEST JULIAN STREET FROM THE CP COMMERCIAL PEDESTRIAN ZONING DISTRICT TO THE CP(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO ALLOW UP TO 249 RESIDENCES AND A MINIMUM 0.5 FAR RATIO OF COMMERCIAL USES (26,585 SQUARE FEET).**
 - c. ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, A VESTING TENTATIVE MAP TO COMBINE TWO PARCELS INTO ONE ON A 1.22-GROSS ACRE.**
 - d. ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, A PLANNED DEVELOPMENT PERMIT, TO EFFECTUATE THE PLANNED DEVELOPMENT ZONING DISTRICT AND TO ALLOW THE DEMOLITION OF FIVE EXISTING BUILDINGS, REMOVAL OF SIX ORDINANCE SIZE TREES AND THE CONSTRUCTION OF A MIXED USE DEVELOPMENT CONTAINING 249 MULTI-FAMILY RESIDENTIAL UNITS AND 26,585 SQUARE FEET OF GROUND LEVEL COMMERCIAL SPACE WITHIN A SEVEN-STORY BUILDING AND A TWO-STORY UNDERGROUND PARKING STRUCTURE ON A 1.22 GROSS ACRE SITE.**

COMMISSIONER GRISWOLD SECONDED THE MOTION (6-0-1-1; YESNEY ABSENT; LEYBA ABSTAINED)

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.

No Items

6. OPEN THE GENERAL PLAN HEARING

7. GENERAL PLAN CONSENT CALENDAR

No Items

8. GENERAL PLAN PUBLIC HEARING

No Items

9. CLOSE THE GENERAL PLAN HEARING

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

11. GOOD AND WELFARE

a. Report from City Council

At the September 18, 2018 hearing, the City Council approved a Planned Development Permit Amendment and Determination of Public Convenience or Necessity for the off-sale of a full range of alcohol at a new grocery store (Zanotto's) located at 1520 Southwest Expressway.

The City Council approved the following notable items at the September 25, 2018 hearing:

- i. C17-014 – Conventional Rezoning from the R-2 Two Family Residence Zoning District to the R-M Multiple Residence Zoning District at 735 S. Second Street.*
- ii. PDC17-050, PD17-024 & PT17-054 – Planned Development Rezoning, Vesting Tentative Map and Planned Development Permit to allow five single-family detached condominium units and one common area at 1508 Murphy Avenue.*

- iii. *C18-010 – Conventional Rezoning from the A(PD) Planned Development Zoning District to the LI Light Industrial Zoning District at 231 W. Capitol Expressway and 3911 Snell Avenue.*
- iv. *Amendment to the General Plan Land Use Policy CD-10.4, City Council Policy 6-4 and the Sign Ordinance regarding off-site advertising – The City Council approved staff’s August 22, 2018 recommendation and added the following:*
 - 1.) *Allow staff discretion to add or substitute sites proposed by applicants through the competitive procurement process and ensure that no potentially viable sites are eliminated without first allowing public comment. The bidder may suggest alternative sites, but those would still need to go through the environmental review process and be paid by the applicant.*
 - 2.) *Modify the definition of City-owned land to include City right-of-way and remnant property (Phase 2).*
 - 3.) *Regarding sign illumination, modify the tilt requirement to allow an alternative use of technology for mitigation, if available (Phase 2). Also, to remove the restriction on white or bright backgrounds or change that from a restriction to a guidance (Phase 2). Additionally, to change to hours of non-operation to between 12:00 a.m. and 5:00 a.m.*
 - 4.) *Require applicants to ensure that all projects support the City’s Vision Zero Strategy and make adjustments, if needed, to maintain pedestrian safety.*
 - 5.) *Direct staff to immediately proceed to Phase 2 of the Work Plan, which would evaluate non-City owned sites citywide to potentially allow signs, including billboards, programmable electronic signs and signs displaying off-site commercial speech.*
- v. *PDC14-051 & PD16-019 – The Planned Development Rezoning and Planned Development Permit for a 248-bed medical care facility on a 3-acre portion of a 21-acre site at 4200 Dove Hill Road was continued to the October 23, 2018 City Council hearing.*
- b. Review and Approve Action Minutes from [7/11/18](#) & [9/12/18](#)
Commissioner Leyba made a motion to approve the 7/11/18 and 9/12/18 minutes. Commissioner Griswold seconded the motion. (6-0-1; Yesney Absent)
- c. Subcommittee Formation, Reports, and Outstanding Business
None
- d. Commission Calendar and Study Sessions
 - i. 10/10/18 Planning Commission Cancelled
 - ii. [Planning Commission retreat scheduled for 10/12/18 morning](#)
 - iii. Downtown/Diridon Design Guidelines Study Session is tentatively scheduled for 11/7/18 at 5:00pm
 - iv. General Plan hearing for the San Jose Downtown Strategy 2040 Plan Draft Environmental Impact Report is tentatively scheduled for 11/28/18
- e. The Public Record
None

12. ADJOURNMENT

Meeting adjourned at 7:25 p.m.