

PLANNING COMMISSION

April 11, 2018

Action Minutes

WELCOME

SALUTE TO THE FLAG

ROLL CALL

PRESENT: Commissioners Pham, Abelite, Allen, Bit-Badal (left at 7:04PM), Vora, Yesney

ABSENT: Commissioner Ballard

1. CALL TO ORDER & ORDERS OF THE DAY

Meeting called to order at 6:31 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.

- a. **PP18-024.** Adoption of an ordinance of the City of San José amending Section 20.100.1420 of Chapter 20.100 of Title 20 of the San José Municipal Code (The Zoning Code) to facilitate the City's Parklet Program. Citywide. CEQA: Determination of Consistency with the Final Program Environmental Impact Report for the Envision San José 2040 General Plan (the "FEIR"), for

Access the video, agenda, and related reports for this meeting by visiting the City's website at:

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

which findings were adopted by City Council through its Resolution No. 76041 on November 1, 2011, and Supplemental EIR Resolution No. 77617, adopted by City Council on December 15, 2015, and Addenda thereto and does not involve new significant impacts beyond those analyzed in the FEIR or the Supplemental EIR.

PROJECT MANAGER, LEA SIMVOULAKIS

DEFER ITEM PER STAFF REQUEST. COMMISSIONER ABELITE MADE A MOTION TO DEFER. COMMISSIONER BIT-BADAL SECONDED THE MOTION. MOTION TO DEFER CARRIES UNANIMOUSLY. (6-0-1, BALLARD ABSENT)

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. [CP17-026 \(Administrative\)](#). Conditional Use Permit to allow the continued operation of an existing 60-foot tall wireless communication monopole and associated ancillary equipment, with no modifications to use or structure, on a 0.1-gross acre site in the CN Commercial Neighborhood Zoning District located at 1700 Moffat Street. (Terra Ventures LLC, Owner). Council District 4. CEQA: Exempt in accordance with CEQA Guidelines Section 15301 for Existing Facilities.

PROJECT MANAGER, RINA SHAH

1. ACTION: DEFER TO THE MAY 9, 2018 PLANNING COMMISSION MEETING PER STAFF REQUEST. COMMISSIONER ABELITE MADE A MOTION TO DEFER. COMMISSIONER BIT-BADAL SECONDED THE MOTION. MOTION TO DEFER CARRIES UNANIMOUSLY. (6-0-1, BALLARD 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. The proposed project will occur on an approximately 3.26-gross acre site located on the northwest corner of Horning Street and Oakland Road (645 Horning Street). (James E. Rubnitz, et al., Owner). Council District 3. CEQA: Mitigated Negative Declaration for the 645 Horning Street Gas Station, Food and Storage Project.

[PDC16-041](#). Planned Development Rezoning from the LI Light Industrial Zoning District to the CIC(PD) Planned Development Zoning District to allow ministorage, retail store, gasoline station with six fuel dispensers and canopy, drive-through carwash, and drive-through restaurant uses; and

[PD16-027](#). Planned Development Permit to allow the demolition of a warehouse and other structures (car repair shop) and allow the construction of a 3,814-square foot retail store, gasoline

station with six fuel dispensers and 3,870-square foot canopy, 1,086-square foot drive-through carwash, a 2,494-square foot drive-through restaurant with late-night use until 2:00 a.m., and mini-storage buildings totaling 92,116 square feet; and

PT16-037. Vesting Tentative Map to subdivide one lot into three lots.

PROJECT MANAGER, JOHN TU

- 1. ACTION: COMMISSIONER ABELITE MADE A MOTION TO RECOMMEND TO THE CITY COUNCIL THE FOLLOWING:**
 - a. ADOPTION OF A RESOLUTION APPROVING THE MITIGATED NEGATIVE DECLARATION FOR THE 645 HORNING STREET GAS STATION, FOOD AND STORAGE PROJECT IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND ASSOCIATED MITIGATION MONITORING AND REPORTING PLAN;**
 - b. ADOPTION OF AN ORDINANCE OF THE CITY OF SAN JOSÉ REZONING CERTAIN REAL PROPERTY LOCATED AT THE NORTHWEST CORNER OF HORNING STREET AND OAKLAND ROAD (645 HORNING STREET) FROM THE LI LIGHT INDUSTRIAL ZONING DISTRICT TO THE CIC(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO ALLOW A MINISTORAGE FACILITY, RETAIL STORE, GASOLINE SERVICE STATION WITH SIX FUEL DISPENSERS AND CANOPY, DRIVE-THROUGH CARWASH, AND A DRIVE-THROUGH RESTAURANT ON AN APPROXIMATELY 3.26-GROSS ACRE SITE;**
 - c. ADOPTION OF A RESOLUTION APPROVING THE TENTATIVE MAP TO SUBDIVIDE ONE PARCEL INTO THREE PARCELS ON AN APPROXIMATELY 3.26-GROSS ACRE SITE;**
 - d. ADOPTION OF A RESOLUTION APPROVING A PLANNED DEVELOPMENT PERMIT TO ALLOW THE DEMOLITION OF AN EXISTING WAREHOUSE STRUCTURE AND ALLOW THE CONSTRUCTION OF A NEW RETAIL STORE (3,814 SQUARE FEET), GASOLINE SERVICE STATION WITH SIX FUEL DISPENSERS AND CANOPY (3,870 SQUARE FEET), DRIVE-THROUGH CARWASH (1,086 SQUARE FEET), A RESTAURANT (2,494 SQUARE FEET) WITH DRIVE-THROUGH AND LATE-NIGHT USE TO 2:00 A.M., AND MINI-STORAGE BUILDINGS (TOTAL OF 92,116 SQUARE FEET) ON AN APPROXIMATELY 3.26-GROSS ACRE SITE.**

COMMISSIONER BIT-BADAL SECONDED THE MOTION. (6-0-1, BALLARD ABSENT)

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

NO ITEMS

7. GOOD AND WELFARE

a. Report from City Council

March 27th City Council Hearing approved the following: 1) Conforming Rezoning on 375 and 382 South Baywood Avenue, 2) Planned Development Zoning for 237-253 Race Street and 216-280 Grand Avenue.

b. Review and Approve Action Minutes from [3/21/18](#)

Commissioner Abelite made a motion to approve the 3/21/18 minutes. Commissioner Allen seconded the motion. (5-0-2, Ballard, Bit-Badal Absent,)

c. Subcommittee Formation, Reports, and Outstanding Business

None

d. Commission Calendar and Study Sessions

Planning Commission and City Staff coordinated for a Study Session regarding both the CIP Budget and Staff Report Format to be held at 5:00PM on May 9, 2018.

e. The Public Record

None

8. ADJOURNMENT

Meeting adjourned at 7:09 p.m.