

PLANNING COMMISSION

June 12, 2019

Action Minutes

WELCOME

SALUTE TO THE FLAG

ROLL CALL

PRESENT: Commissioners Allen, Leyba, Oliverio, Yesney

ABSENT: Commissioners Ballard, Griswold

1. CALL TO ORDER & ORDERS OF THE DAY

Meeting called to order at 6:35 p.m.

2. PUBLIC COMMENT

No comments.

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. [PDA78-011-02](#). Planned Development Permit Amendment and Determination of Public Convenience or Necessity to allow the off-sale of alcohol (full range of alcoholic beverages) in an existing 24,056-square foot tenant space in conjunction with a grocery store (Grocery Outlet) on an approximately 0.81-gross acre site located on the northeast corner of Santa Teresa Boulevard and Bernal Road (7076 Santa Teresa Boulevard) (Roic California LLC, Owner). Council District: 2. CEQA: Exempt per CEQA Guidelines Section 15301 for Existing Facilities.

PROJECT MANAGER, CASSANDRA VAN DER ZWEEP

PULLED FROM CONSENT AND HEARD UNDER PUBLIC HEARING

ACTION: COMMISSIONER OLIVERIO MADE A MOTION TO RECOMMEND THAT THE CITY COUNCIL TAKE THE FOLLOWING ACTIONS:

- 1. CONSIDER THE CATEGORICAL EXEMPTION IN ACCORDANCE WITH CEQA; AND**
- 2. ADOPT A RESOLUTION APPROVING THE PLANNED DEVELOPMENT PERMIT AMENDMENT, SUBJECT TO CONDITIONS AND THE GRANTING OF A DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY FOR THE OFF-SALE OF ALCOHOL (FULL RANGE OF ALCOHOLIC BEVERAGES) AT AN EXISTING 24,056-SQUARE FOOT TENANT SPACE IN CONJUNCTION WITH A GROCERY STORE ON AN APPROXIMATELY 0.81-GROSS ACRE SITE.**

COMMISSIONER YESNEY SECONDED THE MOTION. (4-0-2; BALLARD AND GRISWOLD 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. [PP19-038](#). An Ordinance of the City of San José amending Title 20 of the San José Municipal Code (ZONING ORDINANCE) to: add or remove uses and change permit requirements in the Open Space/Agriculture, Residential, Commercial, Industrial, and Downtown Zoning Districts in Tables: 20-30, 20-50, 20-90, 20-110, 20-140; amend Section 20.50.110 for Commercial Support in Industrial districts; repeal Section 20.50.115 for Large Format Commercial Establishment, Associated Commercial; repeal Section 20.70.140 on Art Display Structure; amend Section 20.70.520 the Downtown Ground-floor Space Overlay (DG Overlay) in its entirety to replace it with the Active Use Area overlay; clarify and consolidate uses in the Parking and Loading Chapter 20.90; update the Conformance with the General Plan Table 20-270 in Section 20.120.110; add, remove, or update various definitions in Chapter 20.200.100; and make other technical, non-substantive, or formatting changes within specified sections. Council District: Citywide. CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (FEIR), adopted through Resolution No. 76041 on November 1,

2011, and Supplemental EIR Resolution No. 77617, adopted by City Council on December 15, 2015, and Addenda thereto. Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that this activity is within the scope of the earlier approved programs and the Final Program EIRs adequately describe the activity for purposes of CEQA. The project does not involve new significant effects beyond those analyzed in the Final Program EIRs.

PROJECT MANAGER, BRENT CARVALHO

ACTION: COMMISSIONER OLIVERIO MADE A MOTION TO RECOMMEND THAT THE CITY COUNCIL TAKE THE FOLLOWING ACTIONS:

- 1. CONSIDER THE DETERMINATION OF CONSISTENCY WITH THE ENVISION SAN JOSÉ 2040 GENERAL PLAN FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (RESOLUTION NO. 76041) AND SUPPLEMENTAL EIR (RESOLUTION NO. 77617) AND ADDENDA THERETO, IN ACCORDANCE WITH CEQA.**
- 2. APPROVE AN ORDINANCE AMENDING TITLE 20 OF THE SAN JOSE MUNICIPAL CODE TO ADD OR REMOVE USES AND CHANGE PERMIT REQUIREMENTS IN OPEN SPACE/AGRICULTURE, RESIDENTIAL, COMMERCIAL, INDUSTRIAL, AND DOWNTOWN ZONING DISTRICTS IN TABLES: 20-30, 20-50, 20-90, 20-110, 20-140; AMEND SECTION 20.50.110 FOR COMMERCIAL SUPPORT IN INDUSTRIAL DISTRICTS; REPEAL SECTION 20.50.115 FOR LARGE FORMAT COMMERCIAL ESTABLISHMENT, ASSOCIATED COMMERCIAL; REPEAL SECTION 20.70.140 ON ART DISPLAY STRUCTURE; AMEND SECTION 20.70.520 THE DOWNTOWN GROUND-FLOOR SPACE OVERLAY (DG OVERLAY) IN ITS ENTIRETY TO REPLACE IT WITH THE ACTIVE USE AREA OVERLAY; CLARIFY AND CONSOLIDATE USES IN THE PARKING AND LOADING CHAPTER 20.90; UPDATE THE CONFORMANCE WITH THE GENERAL PLAN TABLE 20-270 IN SECTION 20.120.110; ADD, REMOVE, OR UPDATE DEFINITIONS IN CHAPTER 20.200.100; AND MAKE OTHER TECHNICAL, NON-SUBSTANTIVE, OR FORMATTING CHANGES WITHIN THESE SECTIONS.**

COMMISSIONER LEYBA SECONDED THE MOTION (4-0-2; BALLARD AND GRISWOLD ABSENT)

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

7. GOOD AND WELFARE

a. Report from City Council

b. Review and Approve Action Minutes from 5/22/19

Commissioner Oliverio made a motion to approve the 5/22/19. Commissioner Leyba seconded the motion. (4-0-2; Ballard and Griswold absent)

c. Election of Chair and Vice Chair for Fiscal Year 2019-2020

Commissioner Yesney made a motion to elect Commissioner Ballard as Chair for FY19-20. Commissioner Ballard was absent. Commissioner Leyba seconded the motion. (4-0-2; Ballard and Griswold absent)

Chair Allen made a motion to elect Commissioner Leyba as Vice Chair for FY19-20. Commissioner Leyba accepted the nomination. Commissioner Oliverio seconded the motion. (4-0-2; Ballard and Griswold absent)

- d. Subcommittee Formation, Reports, and Outstanding Business
- e. Commission Calendar and Study Sessions
- f. The Public Record
 - i. *Chair Allen presented former Planning Commissioner Namrata Vora with a commendation for her service on the Planning Commission.*

8. ADJOURNMENT

Meeting adjourned at 7:56 p.m.