

PLANNING COMMISSION

July 24, 2019

Action Minutes

WELCOME

SALUTE TO THE FLAG

ROLL CALL

PRESENT: Commissioners Allen, Ballard, Griswold, Leyba, Oliverio (arrived at 6:50),
Yesney

ABSENT: None

1. CALL TO ORDER & ORDERS OF THE DAY

Meeting called to order at 6:33 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. **C19-010.** Conventional Rezoning to rezone a 0.04-acre portion of the subject parcel from the LI Light Industrial Zoning District to the R-M Multiple Residence Zoning District, for a 0.22-gross acre site located on the west side of North 5th Street, approximately 150 feet northerly of Washington Street (419 North 5th Street) (TTAI Investments LLC, Owner). Council District: 3. CEQA: Exempt pursuant to CEQA Guidelines Section 15331 for Historical Resource Restoration/Rehabilitation and Section 15303 for New Construction or Conversion of Small Structures.

PROJECT MANAGER, RINA SHAH

PULLED FROM CONSENT AND HEARD UNDER PUBLIC HEARING

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

- 1. CONSIDER THE CATEGORICAL EXEMPTIONS IN ACCORDANCE WITH CEQA; AND**
- 2. ADOPT AN ORDINANCE REZONING A 0.04-ACRE PORTION OF A 0.22-GROSS ACRE SITE LOCATED ON THE WEST SIDE OF NORTH 5TH STREET, APPROXIMATELY 150 FEET NORTHERLY OF WASHINGTON STREET (419 NORTH 5TH STREET), FROM THE LI LIGHT INDUSTRIAL ZONING DISTRICT TO THE R-M MULTIPLE RESIDENCE ZONING DISTRICT.**

COMMISSIONER ALLEN SECONDED THE MOTION. (5-0-1; OLIVERIO ABSENT)

- b. **PP17-008.** An ordinance of the City of San José deleting Section 21.07.080 of Chapter 21.07 of Title 21 of the Municipal Code (Environmental Review) relating to request for reconsideration of certification of Environmental Impact Reports. CEQA: Not a project. General Procedure & Policy Making resulting in no changes to the physical environment.

PROJECT MANAGER, MARTINA DAVIS

PULLED FROM CONSENT AND HEARD UNDER PUBLIC HEARING

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

- 1. ADOPT AN ORDINANCE TO DELETE SECTION 21.01.080 OF CHAPTER 21.07 OF TITLE 21 OF THE SAN JOSÉ MUNICIPAL CODE RELATING TO THE REQUEST FOR RECONSIDERATION OF CITY COUNCIL CERTIFICATION OF ENVIRONMENTAL IMPACT REPORTS.**

COMMISSIONER LEYBA SECONDED THE MOTION. (5-0-1; OLIVERIO 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. **H18-010.** Appeal of the Director's determination to approve a Site Development Permit to demolish an existing single-family house and commercial building, allow the construction of an approximately 5,650-square foot retail building, and allow the removal of three ordinance-size tree, ranging from approximately 38 to 56 inches in circumference, on a 0.38-gross acre site located on the southeast corner of Race Street and Garland Avenue (80 Race Street) (Fred Soltanzad, Owner). Council District: 6. CEQA: Exempt per CEQA Guidelines Section 15303 and 15332 for New Construction and In-Fill Development.

PROJECT MANAGER, MICHELLE FLORES

ACTION: COMMISSIONER ALLEN MADE A MOTION TO APPROVE STAFF RECOMMENDATION TO:

- 1. CONSIDER THE CATEGORICAL EXEMPTIONS IN ACCORDANCE WITH CEQA;**
- 2. ADOPT A RESOLUTION DENYING THE APPEAL AND UPHOLDING THE DIRECTOR'S DETERMINATION TO APPROVE THE SITE DEVELOPMENT PERMIT WITH AN ADDED PERMIT CONDITION TO MODIFY THE LANDSCAPE PLAN TO INCLUDE NATIVE VEGETATION, INCLUDING FINDINGS AND CONDITIONS THEREFORE, TO ALLOW THE DEMOLITION OF AN EXISTING SINGLE-FAMILY HOUSE AND COMMERCIAL BUILDING, ALLOW THE CONSTRUCTION OF AN APPROXIMATELY 5,650-SQUARE FOOT RETAIL BUILDING, AND ALLOW THE REMOVAL OF THREE ORDINANCE-SIZE TREES, RANGING FROM APPROXIMATELY 38 TO 56 INCHES IN CIRCUMFERENCE, ON AN APPROXIMATELY 0.38-GROSS ACRE SITE LOCATED ON THE SOUTHEAST CORNER OF RACE STREET AND GARLAND AVENUE (80 RACE STREET).**

COMMISSIONER YESNEY SECONDED THE MOTION. (4-2-0; LEYBA AND GRISWOLD OPPOSED)

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 [6/12/19](#)
Commissioner Oliverio made a motion to approve the 6/12/19 minutes, with a correction to the adjournment time from 8:06 pm to 7:56 pm. Commissioner Leyba seconded the motion. (5-0-1; Ballard abstained)
- c. Subcommittee Formation, Reports, and Outstanding Business
- d. Commission Calendar and Study Sessions

e. The Public Record

8. ADJOURNMENT

Meeting adjourned at 9:26 p.m.