

Peter Allen — Chair
Michelle Yesney
John Leyba

Shiloh Ballard —Vice Chair
Namrata Vora
Melanie Griswold

REGULAR HEARING AGENDA
MARCH 27, 2019

6:30 p.m.

San José City Hall
Council Chambers

I. Call to Order & Orders of the Day

II. Public Comment

Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the Commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:

- *Responding to statements made or questions posed by members of the public; or*
- *Requesting staff to report back on a matter at a subsequent meeting; or*
- *Directing staff to place the item on a future agenda.*

III. Deferrals

IV. Consent Calendar

- A. **C18-029.** Conventional Rezoning from the IP Industrial Park to the CIC Combined Industrial/Commercial Zoning District on an approximately 5.08-gross acre site located on the northeastern side of Hellyer Avenue and Piercy Road intersection (459 and 469 Piercy Road) (LIP2 LLC, Owner). Council District: 2. CEQA: 459 and 469 Piercy Road Hotel Projects Mitigated Negative Declaration.

PROJECT MANAGER, STEFANIE FARMER

Staff Recommendation:

That Planning Commission recommends that the City Council take all of the following actions:

1. Adopt a resolution adopting the 459 and 469 Piercy Road Hotel Mitigated Negative Declaration, for which an Initial Study was prepared, and associated Mitigation Monitoring and Reporting Program, all in accordance with the California Environmental Quality Act, as amended; and
2. Approve an ordinance of the City of San José rezoning certain real property of approximately 5.08 gross acres, situated on the northeastern side of Hellyer Avenue and Piercy Road intersection (459 and 469 Piercy Road), from the IP Industrial Park Zoning District to the CIC Combined Industrial/Commercial Zoning District.

- B. **C18-042.** Conventional Rezoning from the IP(PD) Planned Development Zoning District to the CIC Combined Industrial/Commercial Zoning District on an approximately 59-gross acre site located on the southwest corner of West Trimble Road and Orchard Parkway (370 West Trimble Road) (LBA RVI-Company I LP, Owner). Council District: 4. CEQA: Determination of Consistency with the North San José Development Policies Updated Final Environmental Impact Report (Resolution No. 72768), Envision San José 2040 General Plan Final Environmental Impact Report (Resolution No. 76041), Envision San Jose 2040 General Plan Supplemental Final Environmental Impact Report (Resolution No. 77617) and Addenda thereto.
PROJECT MANAGER, CASSANDRA VAN DER ZWEEP

Staff Recommendation:

That Planning Commission recommends that the City Council take all of the following actions:

1. Approve an ordinance rezoning certain real property of approximately 59-gross acres, situated on the southwest corner of West Trimble Road and Orchard Parkway (350 and 370 West Trimble Road), from the IP(PD) Planned Development Zoning District to the CIC Combined Industrial/Commercial Zoning District.

V. Public Hearing

- A. **CP17-052 (Administrative Hearing).** Conditional Use Permit to allow a mixed-use project for a 39,000-square foot charter junior high school and 94 affordable, multi-family residential units with a State Density Bonus request (Concessions: reduction of residential recreation space requirements and increase in building height setbacks; Waiver of the motorcycle parking standards; and the use of a 0.5 space per unit parking ratio), on an approximately 1.49-gross acre site located on the south side of Alum Rock Avenue, approximately 420 feet westerly of South Sunset Avenue (1936 Alum Rock Avenue) (1936 Alum Rock Avenue, Owner). Council District: 5. CEQA: Mitigated Negative Declaration for the Silver Creek Mixed-Use Project. *Deferred from 3/13/19.*
PROJECT MANAGER, RUTH CUETO

Staff Recommendation:

1. Adopt a Resolution adopting the Silver Creek Mixed-Use Project Mitigated Negative Declaration, for which an Initial Study was prepared, and associated Mitigation Monitoring and Reporting Plan, all in accordance with the California Environmental Quality Act, as amended; and
2. Adopt a Resolution approving the Conditional Use Permit to allow a mixed-use project for an approximately 39,000 square feet charter junior high school and 94 affordable, multifamily residential units with a State Density Bonus request (concessions: reduction of residential recreation space requirements and increase in building height setbacks; waiver of the motorcycle parking standards; and the use of a 0.5 space per unit parking ratio), on an approximate 1.49-gross acre site.

3. Adopt a Resolution approving a Density Bonus Regulatory Agreement, pursuant to Chapter 20.190 Affordable Housing Density Bonuses and Incentives.
- B. **GPT19-001 & PP19-018.** Replace the 2004 Downtown Design Guidelines with the proposed “San José Downtown Design Guidelines and Standards” and City-initiated General Plan Text Amendment to modify “Chapter 3. Final Plan Design Guidelines” of the Diridon Station Area Plan. Council District: 3 & 6. CEQA: Determination of Consistency to the Final Program Environmental Impact Report (EIR) for the Envision San José 2040 General Plan (Resolution No. 76041), the Supplemental EIR to Envision San José General Plan EIR (Resolution No. 77617), and Addenda thereto.

PROJECT MANAGER, LEILA HAKIMIZADEH

Staff Recommendation:

That Planning Commission recommends that the City Council take all of the following actions:

1. Adopt a resolution approving a City-initiated General Plan text amendment to delete certain design guidelines relating to site planning, access and circulation, building form, and open space from “Chapter 3. Final Plan Design Guidelines” of the 2014 Diridon Station Area Plan and amend the introductory text under “Section 3.2, Built Form, Guidelines for Site Planning” of the 2014 Diridon Station Area Plan.
2. Adopt a resolution (a) approving a new “San José Downtown Design Guidelines and Standards” to replace the existing “2004 Downtown Design Guidelines” for projects generally located in the Downtown area; and (b) delegating the authority to the Director of Planning, Building, and Code Enforcement to make minor clarifications, corrections, or technical changes to the text and diagrams of the San José Downtown Design Guidelines to be published on Planning, Building, and Code Enforcement webpage.

VI. Referrals from City Council, Boards, Commissions, or Other Agencies

- A. **City Auditor’s Office Report on “Development Noticing: Ensuring Outreach Policies Meet Community Expectations.”**

CITY AUDITOR

No action required.

VII. Good and Welfare

- a. Report from City Council
- b. Review and Approve Action Minutes from 3/13/19
- c. Subcommittee Formation, Reports, and Outstanding Business
- d. Commission Calendar and Study Sessions
- e. The Public Record

VIII. Adjournment

The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.

You may speak to the Commission about any discussion item that is on the agenda, and you may also speak during Public Comments on items that are not on the agenda and are within the subject matter jurisdiction of the Commission. Please be advised that, by law, the Commission is unable to discuss or take action on issues presented during Public Comments. Pursuant to Government Code Section 54954.2, no matter shall be acted upon by the Commission unless listed on the agenda, which has been posted not less than 72 hours prior to meeting.

Agendas, Staff Reports and some associated documents for the Commission items may be viewed on the Internet at <http://www.sanjoseca.gov/index.aspx?NID=5267>.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk, 200 East Santa Clara Street, 14th Floor, San José, California 95113, at the same time that the public records are distributed or made available to the legislative body. Any draft resolutions or other items posted on the Internet site or distributed in advance of the commission meeting may not be the final documents approved by the commission. Contact the Office of the City Clerk for the final document.

On occasion the Commission may consider agenda items out of order.

The Planning Commission meets every 2nd and 4th Wednesday of each month at 6:30 p.m., with special meetings as necessary. If you have any questions, please direct them to the Commission staff. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

To request an accommodation or alternative format under the Americans with Disabilities Act for City-sponsored meetings, events or printed materials, please call (408) 535-1260 as soon as possible, but at least three business days before the meeting.

Please direct correspondence and questions to:

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