



PLANNING COMMISSION AGENDA

Wednesday, May 22, 2019

Regular Hearing

Commencing at 6:30 p.m.

Council Chambers

First Floor, City Hall Wing
200 East Santa Clara Street
San José, California

Peter Allen, Chair

Shiloh Ballard, Vice Chair

Melanie Griswold John Leyba

Michelle Yesney Namrata Vora

Pierluigi Oliverio

Rosalynn Hughey, Director

Planning, Building & Code Enforcement

NOTE

To request an accommodation for City-sponsored meetings or events or an alternative format for printed materials, please call Support Staff at 408-535-3505 or 408-294-9337 (TTY) as soon as possible, but at least three business days before any meeting or event. If you requested such an accommodation, please identify yourself to the technician seated at the staff table. If you did not call in advance and do now need assistance, please see the technician.

SUMMARY OF HEARING PROCEDURES

If you want to address the Commission, please fill out a speaker card located on the table near the Audio Visual Technician and deposit the completed card in the basket. There are also speaker cards in the back of the Chambers and at the side entrance.

The procedure for this hearing is as follows:

- After the staff report, applicants, and appellants may make a 5-minute presentation.
- The chair will call out names on the submitted speaker cards in the order received.
- As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes. Speakers using a translator will have four minutes.
- After the public testimony, the applicant and appellant may make closing remarks for an additional five minutes.
- Planning Commissioners may ask questions of the speakers. Response to Commissioner questions will not reduce the speaker's time allowance.
- The public hearing will then be closed and the Planning Commission will take action on the item. The Planning Commission may request staff to respond to the public testimony, ask staff questions, and discuss the item.

If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.

The Planning Commission's action on re-zonings, pre-zonings, General Plan Amendments and Code Amendments is only advisory to the City Council. The City Council will hold public hearings on these items. Section 20.120.400 of the Municipal Code provides the procedures for legal protests to the City Council on re-zonings and pre-zonings. The Planning Commission's action on Conditional Use Permits is appealable to the City Council in accordance with Section 20.100.220 of the Municipal Code. Agendas and a binder of all staff reports have been placed on the table near the door for your convenience.

AGENDA

ORDER OF BUSINESS

WELCOME

Welcome to the Planning Commission Meeting. Please remember to turn off your cell phones. The parking validation machine for the garage under City Hall is located at the rear of the Chambers.

SALUTE TO THE FLAG

ROLL CALL

SUMMARY OF HEARING PROCEDURES

1. CALL TO ORDER & ORDERS OF THE DAY

2. PUBLIC COMMENT

Public comments to the Planning Commission on non-agendized 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.

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 or removal. A list of staff-recommended deferrals is available on the Press Table.

Staff will provide an update on the items for which deferral and removal is being requested. If you want to change any of the deferral dates recommended, or speak to the question of deferring or removing 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. **CP18-043 (Administrative Hearing).** Conditional Use Permit to allow the conversion of the service bays of an existing building into a convenience store, exterior modifications to the façade, late night use (24-hour operation), and off-sale of alcohol (beer and wine only) on an approximately 0.68-gross acre site located on the northeast corner of Blossom Hill Road and Santa Teresa Boulevard (875 Blossom Hill Road) (Real Estate Beneficiary LLC ET AL, Owner). Council District: 10. CEQA: Exempt per CEQA Guidelines Section 15061(b)(3) Common Sense Exemption.
PROJECT MANAGER, MICHELLE FLORES

Staff Recommendation:

1. Consider the Exemption in accordance with CEQA; and
2. Adopt a resolution approving, subject to conditions, a Conditional Use Permit for the conversion of service bays of the existing building into a convenience store, exterior modification to the façade, late night use (24-hour operation), and off-sale of alcohol (beer and wine only) in an existing 1,756-square foot convenience store on an approximately 0.69-gross acre site.

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. **PDC17-056, PD17-027, PT18-049.** Signature Project for a Planned Development Rezoning from the R-M Multiple Residence and RM(PD) Planned Development Zoning District to the RM(PD) Planned Development Zoning District to facilitate a mixed use development with up to 307 new units on-site and 17,800 square feet of retail/commercial uses, a Planned Development Permit to allow the demolition of existing parking garages, sports courts, pool, and amenity building, removal of up to 133 ordinance size tree, and allow the construction of a mixed-used development including up to 302 residential units and 17,800 square feet of retail/commercial space and extended construction hours, and a Vesting Tentative Tract Map to merge 7 parcels and to subdivide the merged parcel into 2 parcels on an approximately 20.08-gross acre site located on the east side of Saratoga Avenue between Blackford Avenue and Manzanita Drive (700 Saratoga Avenue) (Tishman Speyer Archstone-Smith, Owner). Council District: 1. CEQA: Environmental Impact Report Avalon West Valley Expansion Project
PROJECT MANAGER, CASSANDRA VAN DER ZWEEP

Staff Recommendation:

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

1. Adopt a resolution certifying the Avalon West Valley Expansion Project Environmental Impact Report and making certain findings concerning significant impacts, mitigation measures, and alternatives, and adopting an associated Mitigation Monitoring and Reporting Plan, all in accordance with California Environmental Quality Act, as amended; and
2. Adopt an Ordinance rezoning an approximately 20.08-gross acre site located east of Saratoga Avenue between Blackford Avenue and Manzanita Drive (700 Saratoga Avenue) from the RM Multiple Residence and RM(PD) Planned Development Zoning District to the RM(PD) Planned Development Zoning District for a mixed-use development.
3. Adopt a Resolution approving, subject to conditions, the Vesting Tentative Tract Map to merge seven parcels and to subdivide the merged parcel into no more than two parcels.
4. Adopt a Resolution approving, subject to conditions, a Planned Development Permit to effectuate the Planned Development Zoning District and allow the demolition of existing parking garages, sports courts, pool, and amenity building, removal of up to 133 ordinance-size trees, and the construction of a mixed-used development including 302 residential units and 17,800 square feet of retail/commercial space and extended construction hours on an approximately 20.08-gross acre site.

- b. [PP18-092.](#) Amendments to Title 20 of the San Jose Municipal Code (the Zoning Code) to amend Section 20.80.1680 and Section 20.80.1690 of Part 17.5, Chapter 20.80 to revise the required setback in safe parking provisions to provide shelter to homeless people in vehicles parked on existing City-owned parcels, and sites consisting of legal assembly uses constructed and operating in compliance with the San Jose Municipal Code and to exempt Safe Parking from the 55 noise performance standards at the property line. Council District: City wide. CEQA: Addendum to Initial Study/Negative Declaration for the Incidental Safe Parking Municipal Code amendment.

PROJECT MANAGER, APARNA ANKOLA

Staff Recommendation:

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

1. Adopt a resolution approving the Addendum to the Negative Declaration in accordance with CEQA; and
 2. Approve an ordinance amending Title 20 of the San Jose Municipal Code with revised provisions for safe parking of homeless people in vehicles.
- c. [PP19-028.](#) An ordinance of the City of San José amending various sections of Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code to: amend section 20.30.150 to allow Secondary Units in low density residential cluster development; amend section 20.30.500 to add clarifying language to include corner setback requirement for Accessory Structures; amend section 20.50.125 to add clarifying language to permitted incidental office use in Light Industrial and Heavy Industrial zoning districts; amend section 20.100.500 to allow additions and accessory structures for low density cluster development; amend section 20.100.1300 for clarity to incorporate safety guardrails within the maximum height limitations for elevator shafts and stairwells; amend section 20.200.181 to replace definition of Catering Facility with Caterer; and to make other technical, non-substantive, or formatting changes within those sections of Title 20 of the San José Municipal Code. Council District: City wide. CEQA: Determination of Consistency with the Envision San Jose 2040 General Plan Final Program Environmental Impact Report (FEIR), adopted through Resolution No. 76041, and Supplemental EIR Resolution No. 77617, adopted 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, APARNA ANKOLA

Staff Recommendation:

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

1. Consider the Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (FEIR), for which findings were adopted by City Council 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; and
2. Adopt an ordinance amending San José Municipal Code for various sections of Title 20 (Zoning Code) which include but not limited to the following: amend section 20.30.150 to allow Secondary Units in low density residential cluster development; amend section 20.30.500 to add clarifying language to include corner setback requirement for Accessory Structures; amend section 20.50.125 to add clarifying language to permitted incidental office use in Light Industrial and Heavy Industrial zoning districts; amend section 20.100.500 to allow additions and accessory structures for low density cluster development; amend section 20.100.1300 for clarity to incorporate safety guardrails within the maximum height limitations for elevator shafts and stairwells; amend section 20.200.181 to replace definition of Catering Facility with Caterer; and to make other technical, non-substantive, or formatting changes within those sections of Title 20 of the San José Municipal Code.

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

No Items.

7. GOOD AND WELFARE

- a. Report from City Council
- b. Review and Approve Action Minutes from [5/1/19](#)
- c. Subcommittee Formation, Reports, and Outstanding Business
- d. Commission Calendar and Study Sessions
- e. The Public Record

8. ADJOURNMENT

2019 PLANNING COMMISSION MEETING SCHEDULE

| <u>Date</u> | <u>Time</u> | <u>Type of Meeting</u> | <u>Location</u> |
|---|--------------------|-------------------------------------|-------------------------|
| January 16 | 6:30 p.m. | Regular | Council Chambers |
| January 30 | 6:30 p.m. | Regular | Council Chambers |
| February 13 | 6:30 p.m. | Regular | Council Chambers |
| February 27 | 6:30 p.m. | Regular | Council Chambers |
| March 13 | 6:30 p.m. | Regular | Council Chambers |
| March 27 | 6:30 p.m. | Regular | Council Chambers |
| April 10 | 6:30 p.m. | Regular & General Plan | Council Chambers |
| April 24 | 6:30 p.m. | Regular | Council Chambers |
| May 1 | 5:00 p.m. | <i>Study Session/Public Hearing</i> | <i>Council Chambers</i> |
| <i>2019/2020 Capital Budget and 2020/2024 Capital Improvement Program</i> | | | |
| May 1 | 6:30 p.m. | Regular & General Plan | Council Chambers |
| May 8 | 6:30 p.m. | <u>Cancelled:</u> Regular | Council Chambers |
| May 22 | 6:30 p.m. | Regular | Council Chambers |
| June 12 | 6:30 p.m. | Regular | Council Chambers |
| June 26 | 6:30 p.m. | Regular | Council Chambers |
| July 10 | 6:30 p.m. | Regular | Council Chambers |
| July 24 | 6:30 p.m. | Regular | Council Chambers |
| August 14 | 6:30 p.m. | Regular | Council Chambers |
| August 28 | 6:30 p.m. | Regular | Council Chambers |
| September 11 | 6:30 p.m. | Regular | Council Chambers |
| September 25 | 6:30 p.m. | Regular | Council Chambers |
| October 9 | 6:30 p.m. | Regular | Council Chambers |
| October 23 | 6:30 p.m. | Regular | Council Chambers |
| November 6 | 6:30 p.m. | Regular | Council Chambers |
| November 13 | 6:30 p.m. | Regular | Council Chambers |
| December 4 | 6:30 p.m. | Regular | Council Chambers |
| December 11 | 6:30 p.m. | Regular | Council Chambers |

ABOUT THE PLANNING COMMISSION

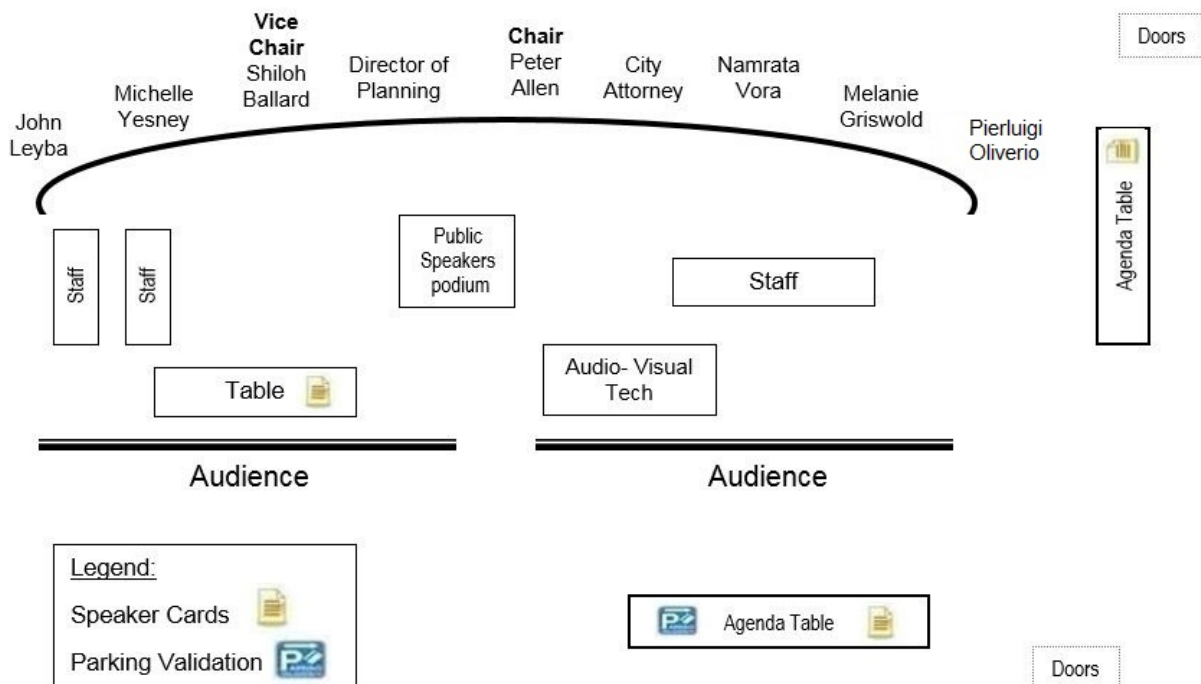
The Planning Commission is a seven-member body, appointed by the City Council, which performs two types of actions:

- One type is “Quasi-Legislative” in nature in which the Planning Commission makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, Zoning Code provisions, or regulations related to the land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs.
- The second type of action is “Quasi-Judicial” in nature in which the Planning Commission applies previously adopted legislation to particular applications and acts as a decision-making or appellate body. Examples of these types of actions include Commission decisions on Conditional Use Permits, appeals of the Planning Director’s decisions on certain land use permits, and the certification of Environmental Impact Reports.

A notation of “Administrative Hearing” for an agenda item indicates that the item is a Quasi-Judicial action of the Commission in order to assist the public in understanding the role of the Planning Commission on a particular item.

To effectively manage the Planning Commission Agenda, and to be sensitive to concerns regarding the length of public hearing, the Planning Commission may determine to proceed with remaining agendized items past 11:00 p.m., or to continue this hearing to a later date, or to defer remaining items to the next regularly scheduled Planning Commission meeting date. The decision on how to proceed will be heard by the Planning Commission no later than 11:00 p.m.

Seating Chart within the City Council Chambers:



The San José Planning Commission generally meets every 2nd and 4th Wednesday at 6:30 p.m., unless otherwise noted. Agendas and Staff Reports for Planning Commission items may be viewed on the Internet at <http://www.sanjoseca.gov/index.aspx?nid=1764>

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. The City Code of Ethics may be viewed on-line at <http://www.sanjoseca.gov/DocumentCenter/View/3818>

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 Planning, Building and Code Enforcement at San José City Hall, 200 E. Santa Clara Street, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body.

Planning Commission hearings are video recorded and broadcasted live. To view the live broadcast or past hearing recordings go to the Internet website: <http://www.sanjoseca.gov/index.aspx?nid=3431>

If you have any agenda questions, please contact Support Staff at (408) 535-7868 or email Danielle.buscher@sanjoseca.gov. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

FREQUENTLY USED ABBREVIATIONS

| | |
|-------------|--------------------------------------|
| CEQA | California Environmental Quality Act |
| CP | Conditional Use Permit |
| DA | Development Agreement |
| PD | Planned Development Permit |
| PDC | Planned Development Zoning |

CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, Redevelopment Agency Board, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior, which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
 - No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D)**

3. Addressing the Council, Redevelopment Agency Board, Committee, Board or Commission:
- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
 - b) Meeting attendees are usually given two (2) minutes to speak on any agenda item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
 - c) Speakers should discuss topics related to City business on the agenda, unless they are speaking during open forum.
 - d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners, or Staff in conversation will not be honored. Abusive language is inappropriate.
 - e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
 - f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
 - g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.