

Shiloh Ballard — Chair
Michelle Yesney
Peter Allen

VACANT — Vice Chair
Pierluigi Oliverio
Melanie Griswold

REGULAR HEARING AGENDA

6:30 p.m.

October 9, 2019

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

- a. **SP18-001 & T18-001.** Special Use Permit to allow the demolition of the existing on-site buildings, the removal one (1) non-ordinance size tree, and to allow the construction of a 27-story, high-rise tower including either (Option 1) up to 290 residential units and approximately 5,000 square feet of non-residential uses comprised of up to five (5) condominium spaces or (Option 2) Co-Living Facility with up to 793 Bedrooms, approximately 5,422 square feet of non-residential uses comprised of up to (5) condominium spaces on an approximately 0.4-gross acre site located on the southeast corner of South 1st Street and East Reed Street (600 South 1st Street) (Salata James A and Suzanne M Ttustee, Owner). Council District 3. CEQA: Garden Gate Tower Supplemental Environmental Impact Report.

PROJECT MANAGER, CASSANDRA VAN DER ZWEEP

Staff Recommendation: Dropped to be renoticed for the October 23, 2019 Planning Commission meeting per Staff request.

IV. Consent Calendar

- a. **CP19-015 (Administrative Hearing).** Conditional Use Permit to allow the sale of a full range of alcoholic beverages for off-site consumption at a full-service grocery store (Tropicana Food 2) on a 1.37 gross acre site within the CP Commercial Pedestrian Zoning District located at northeast corner of East William Street and McLaughlin Avenue intersection (480 McLaughlin Avenue) (Silicon Valley HP Property LLC, Owner). Council District 3. CEQA: Exempt pursuant to CEQA Guidelines Section 15301(a) for Existing Facilities.

PROJECT MANAGER, MAIRA BLANCO

Staff Recommendation:

1. Consider the Exemption in accordance with CEQA Guidelines Section 15301(a) for Existing Facilities; and
2. Adopt a resolution approving, subject to conditions, the Conditional Use Permit for the off-sale of a full-range alcoholic beverages at a new full service grocery store (Tropicana Food 2, under construction) located on the northeast corner of E. William Street and the McLaughlin Avenue (480 McLaughlin Avenue).

V. Public Hearing

- a. **PP19-056.** 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: (a) amend Section 20.30.150 to modify and add clarifying language for current Secondary Unit (ADU) provisions to: omit the minimum unit limitation for two bedrooms and allow on any lot greater than 9,000 square feet, allow a new detached secondary unit at a minimum distance of 45 feet from the front property line, allow connecting opening between a secondary dwelling unit and attached garage, and to include requirements for unenclosed overhanging balconies, stair landings and porches; amend Section 20.30.280 to add clarifying language to allow rear setback exception for new construction; amend Section 20.40.230 to include maximum height exception limitations; amend Section 20.90.410 to add clarifying language to off-street loading provisions; amend Section 20.100.910 to modify requirements for lot sizes for exemption from a Planned Development Permit Amendment for single-family residences; amend Section 20.100.1300 to delete maximum height exception limitations; amend Section 20.200.1310 to add clarifying language to Utility Facility definition; and to make other technical, non-substantive, or formatting changes within those sections of Title 20 of the San José Municipal Code. CEQA: Determination of Consistency with the Envision San Jose 2040 General Plan Final Program Environmental Impact Report (FEIR), (Resolution No. 76041), and Supplemental EIR (Resolution No. 77617), and Addenda thereto (collectively “the EIRs”). 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 EIRs adequately describe the activity for purposes of CEQA. The project does not involve new significant effects beyond those analyzed in the 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 Jose 2040 General Plan Final Program Environmental Impact Report (FEIR) (Resolution No. 76041) and Supplemental EIR (Resolution No. 77617), and Addenda thereto (collectively “the EIRs”). 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 EIRs adequately describe the activity for purposes of CEQA. The project does not involve new significant effects beyond those analyzed in the EIRs in accordance with CEQA; and

2. 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: (a) amend Section 20.30.150 to modify and add clarifying language for current Secondary Unit (ADU) provisions to: omit the minimum unit limitation for two bedrooms and allow on any lot greater than 9,000 square feet, allow a new detached secondary unit at a minimum distance of 45 feet from the front property line, allow connecting opening between a secondary dwelling unit and attached garage, and to include requirements for unenclosed overhanging balconies, stair landings and porches; amend Section 20.30.280 to add clarifying language to allow rear setback exception for new construction; amend Section 20.40.230 to include maximum height exception limitations; amend Section 20.90.410 to add clarifying language to off-street loading provisions; amend Section 20.100.910 to modify requirements for lot sizes for exemption from a Planned Development Permit Amendment for single-family residences; amend Section 20.100.1300 to delete maximum height exception limitations; amend Section 20.200.1310 to add clarifying language to Utility Facility definition; and to make other technical, non-substantive, or formatting changes within those sections of Title 20 of the San José Municipal Code.

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

VII. Good and Welfare

- a. Report from City Council
- b. Review and Approve Action Minutes from 9/11/19
- c. Election of Vice Chair for Fiscal Year 2019-2020
- c. Subcommittee Formation, Reports, and Outstanding Business
- d. Commission Calendar and Study Sessions
 - i. Review and Approve 2020 Planning Commission Meeting Schedule
 - ii. Planning Commission retreat scheduled for 10/18/19 morning
 - iii. General Plan Annual Review Study Session scheduled for 10/23/19
- 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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