

PLANNING COMMISSION

November 8, 2017

Action Minutes

WELCOME

SALUTE TO THE FLAG

ROLL CALL

PRESENT: Commissioners Pham, Abelite, Allen, Bit-Badal, Vora, Yesney

ABSENT: Commissioner Ballard

1. CALL TO ORDER & ORDERS OF THE DAY

Meeting called to order at 6:33 p.m.

2. PUBLIC COMMENT

None

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.

- a. **C17-020.** Conventional Rezoning from the A Agricultural Zoning District to the R-M Multiple Residence Zoning District on an approximately 0.45-gross acre site, located at the southeast corner of Murphy Avenue and Ringwood Avenue (1508 Murphy Avenue) (Long Ju Lin And Tsao Yu Chi, Owners). Council District 4. CEQA: Exempt per CEQA Guidelines Section 15303 for New Construction or Conversion of Small Structures.

PROJECT MANAGER, JOHN TU

DROP ITEM PER APPLICANT REQUEST. COMMISSIONER ABELITE MADE A MOTION TO DEFER. COMMISSIONER BIT-BADAL SECONDED THE MOTION. MOTION TO DEFER CARRIES UNANIMOUSLY (6-0-1, BALLARD ABSENT)

- b. **GP16-012.** General Plan Amendment request to change the Land Use/Transportation Diagram from Public/Quasi-Public to Residential Neighborhood to allow for residential uses on a 1.65-gross acre site, located on the easterly corner of Booksin Avenue and the terminus of Wawona Drive (2720 Booksin Avenue) (Lincoln Glen Church, Owner). Council District: 9. CEQA: 2700 Booksin Avenue General Plan Amendment Initial Study/Negative Declaration. *Continued from 10/25/17.*

PROJECT MANAGER, KIMBERLY VACCA

WITHDRAWN PER APPLICANT REQUEST. COMMISSIONER ABELITE MADE A MOTION TO DEFER. COMMISSIONER BIT-BADAL SECONDED THE MOTION. MOTION TO DEFER CARRIES UNANIMOUSLY (6-0-1, BALLARD ABSENT)

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.

No items

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. **PP17-070.** An Ordinance of the City of San Jose amending Sections 20.10.040, 20.50.100, 20.70.100, 20.80.760, 20.80.765, 20.80.775, 20.80.780, 20.80.790, 20.100.1530, 20.100.1535, and 20.100.1540 of Title 20 (Zoning) of the San Jose Municipal Code relating to medical and non-medical marijuana to change “Medical Marijuana Collective” to “Medical Cannabis Collective,” “Medical Marijuana Collective Cultivation Site Only” to “Medical Cannabis Collective Cultivation Site Only,” “Medical Marijuana Collective Dispensary Site Only” to “Medical Cannabis Collective Dispensary Site Only,” and to add “Medical Cannabis Business,” and “Non-Medical Cannabis Business” as newly enumerated restricted uses in specified Industrial Zoning Districts and the Downtown Primary Commercial Zoning District and to make other technical

formatting, non-substantive changes. Citywide CEQA: Negative Declaration (File No. PP11-039, Resolution No. 75984), as addended by File Nos. PP11-076, PP14-030, PP16-076 and PP17-070; and Statutory Exemption pursuant to Section 26055(h) of the California Business and Professions Code: Without limiting any other statutory exemption or categorical exemption, Division 13 (commencing with Section 21000) of the Public Resources Code does not apply to the adoption of an ordinance, rule, or regulation by a local jurisdiction that requires discretionary review and approval of permits, licenses, or other authorizations to engage in commercial cannabis activity.

PROJECT MANAGER, JENNY NUSBAUM

1. **RECOMMEND THAT THE CITY COUNCIL CONSIDER THE NEGATIVE DECLARATION IN ACCORDANCE WITH CEQA (6-0-1, BALLARD ABSENT)**
2. **ACTION: COMMISSIONER BIT-BADAL MADE A MOTION TO RECOMMEND TO CITY COUNCIL THE ADOPTION OF AN ORDINANCE AMENDING TITLE 20 AS DESCRIBED ABOVE. COMMISSIONER ABELITE SECONDED THE MOTION. (6-0-1, BALLARD ABSENT)**

6. CONTINUED GENERAL PLAN HEARING FROM OCTOBER 25, 2017

7. GENERAL PLAN CONSENT CALENDAR

- a. **GP17-001.** General Plan Amendment request to change the Land Use/Transportation Diagram from Neighborhood/Community Commercial to Residential Neighborhood on a 0.35-gross acre site located on the southeast corner of South Capitol Avenue and Rose Avenue (100 South Capitol Avenue) (Nguyen Hiep Van Trustee, Owner). Council District: 5. CEQA: Exempt per CEQA Guidelines Section 15303 for New Construction or Conversion of Small Structures. *Continued from 10/25/17.*

PROJECT MANAGER, KIMBERLY VACCA

1. **RECOMMEND THAT THE CITY COUNCIL CONSIDER THE EXEMPTION PER CEQA GUIDELINES SECTION 15303 FOR NEW CONSTRUCTION OR CONVERSION OF SMALL STRUCTURES, AND ADDENDA THERETO, IN ACCORDANCE WITH CEQA (6-0-1, BALLARD ABSENT).**
2. **ACTION: COMMISSIONER ABELITE MADE A MOTION TO RECOMMEND TO THE CITY COUNCIL THE APPROVAL OF A GENERAL PLAN AMENDMENT RESOLUTION AS DESCRIBED ABOVE. COMMISSIONER ALLEN SECONDED THE MOTION. (6-0-1, BALLARD ABSENT).**

8. GENERAL PLAN PUBLIC HEARING

- a. **GP17-002.** General Plan Amendment request to change the Land Use/Transportation Diagram land use designation from Residential Neighborhood to Mixed Use Neighborhood on an approximately 1.06-gross acre site, on the north side of Moorpark Avenue, approximately 125 feet westerly of Central Way (2323 Moorpark Avenue) (Bret Hoefler, Owner). Council District: 6. CEQA: Negative Declaration.

PROJECT MANAGER, KIMBERLY VACCA

1. **RECOMMEND THAT THE CITY COUNCIL CONSIDER THE NEGATIVE DECLARATION, IN ACCORDANCE WITH CEQA (6-0-1, BALLARD ABSENT).**
2. **ACTION: COMMISSIONER ALLEN MADE A MOTION TO RECOMMEND TO THE CITY COUNCIL THE APPROVAL OF A GENERAL PLAN AMENDMENT RESOLUTION AS DESCRIBED ABOVE. COMMISSIONER ABELITE SECONDED THE MOTION. (6-0-1, BALLARD ABSENT).**

- b. **GP17-006.** General Plan Amendment request to change the Land Use/Transportation Diagram land use designation from Mixed Use Commercial to Urban Village on an approximately 1.22-gross acre site, located at the northwest corner of W. Julian Street and Stockton Avenue (715 West Julian Street) (Speno Enterprises Lp, Owner).

GPT17-008. General Plan Text Amendment to the Diridon Station Area Plan to shift 305 dwelling units from Subarea F to Subarea C in order to facilitate residential development on an approximately 1.22-gross acre site located at the northwest corner of West Julian Street and Stockton Avenue (715 West Julian Street)(Speno Enterprises Lp, Owner).

C17-031. Conforming Rezoning from LI Light Industrial to CP Commercial Pedestrian on an approximately 1.07-gross acre site (715 West Julian Street) (Speno Enterprises Lp, Owner) Council District: 6. CEQA: Negative Declaration.

PROJECT MANAGER, KIMBERLY VACCA

1. **RECOMMEND THAT THE CITY COUNCIL ADOPT A RESOLUTION APPROVING THE NEGATIVE DECLARATION, IN ACCORDANCE WITH CEQA (6-0-1, BALLARD ABSENT).**
2. **ACTION: COMMISSIONER BIT-BADAL MADE A MOTION TO RECOMMEND TO THE CITY COUNCIL THE APPROVAL OF A GENERAL PLAN AMENDMENT RESOLUTION AND A GENERAL PLAN TEXT AMENDMENT RESOLUTION AS DESCRIBED ABOVE. COMMISSIONER YESNEY SECONDED THE MOTION. (6-0-1, BALLARD ABSENT).**
3. **ACTION: COMMISSIONER BIT-BADAL MADE A MOTION TO RECOMMEND TO THE CITY COUNCIL THE ADOPTION OF AN ORDINANCE APPROVING THE CONFORMING REZONING ORDINANCE AS DESCRIBED ABOVE. COMMISSIONER YESNEY SECONDED THE MOTION. (6-0-1, BALLARD ABSENT).**

- c. **GP17-007.** General Plan Amendment request to change the Land Use/Transportation Diagram from Industrial Park to Combined Industrial/Commercial on a 19.4 gross acre site, located on the southwest corner of West Trimble Road and Orchard Parkway (370 West Trimble Road) (370 West Trimble Rd Corp, Owner). Council District: 4. CEQA: 350/370 West Trimble Road General Plan Amendment Initial Study/Negative Declaration. *Continued from 10/25/17.*

PROJECT MANAGER, KIMBERLY VACCA

1. **RECOMMEND THAT THE CITY COUNCIL ADOPT A RESOLUTION APPROVING THE 350/370 WEST TRIMBLE ROAD GENERAL PLAN AMENDMENT INITIAL STUDY/NEGATIVE DECLARATION, IN ACCORDANCE WITH CEQA. (6-0-1, BALLARD ABSENT).**
2. **ACTION: COMMISSIONER ALLEN MADE A MOTION TO RECOMMEND TO THE CITY COUNCIL THE APPROVAL OF A GENERAL PLAN AMENDMENT RESOLUTION AS DESCRIBED ABOVE. COMMISSIONER YESNEY SECONDED THE MOTION. (6-0-1, BALLARD ABSENT).**

d. [**GP17-012**](#). City-initiated General Plan Amendment associated with the adoption of the South Bascom (North) Urban Village Plan, including modifications to the boundary and changes to General Plan land use designations on properties within the boundaries of the Urban Village Plan as shown on the proposed Urban Village Land Use Plan. CEQA: Determination of Consistency with the Envision San José 2040 General Plan EIR (Resolution No. 76041), Supplemental EIR to Envision San José General Plan EIR (Resolution No. 77617), and addenda thereto. *Dropped and renoticed from 8/23/17.*

PROJECT MANAGER, JENNIFER PIOZET

1. **RECOMMEND THAT THE CITY COUNCIL CONSIDER THE DETERMINATION OF CONSISTENCY WITH THE ENVISION SAN JOSÉ 2040 GENERAL PLAN EIR (RESOLUTION NO. 76041), SUPPLEMENTAL EIR TO ENVISION SAN JOSÉ GENERAL PLAN EIR (RESOLUTION NO. 77617), AND ADDENDA THERETO IN ACCORDANCE WITH CEQA. (6-0-1, BALLARD ABSENT).**
2. **ACTION: COMMISSIONER ABELITE MADE A MOTION TO RECOMMEND TO THE CITY COUNCIL THE APPROVAL OF A GENERAL PLAN AMENDMENT RESOLUTION AS DESCRIBED ABOVE. COMMISSIONER YESNEY SECONDED THE MOTION. (6-0-1, BALLARD ABSENT).**

e. [**GP17-013**](#). City-initiated General Plan Amendment associated with the adoption of the West San Carlos Urban Village Plan, including modifications to the boundary and changes to General Plan land use designations on properties within the boundaries of the Urban Village Plan as shown on the proposed Urban Village land use plan. CEQA: Determination of Consistency with the Envision San José 2040 General Plan EIR (Resolution No. 76041), Supplemental EIR to Envision San José General Plan EIR (Resolution No. 77617), and addenda thereto. *Dropped and renoticed from 8/23/17*

PROJECT MANAGER, JENNIFER PIOZET

1. **RECOMMEND THAT THE CITY COUNCIL CONSIDER THE DETERMINATION OF CONSISTENCY WITH THE ENVISION SAN JOSÉ 2040 GENERAL PLAN EIR (RESOLUTION NO. 76041), SUPPLEMENTAL EIR TO ENVISION SAN JOSÉ GENERAL PLAN EIR (RESOLUTION NO. 77617), AND ADDENDA THERETO IN ACCORDANCE WITH CEQA (6-0-1, BALLARD ABSENT).**
2. **ACTION: COMMISSIONER ALLEN MADE A MOTION TO RECOMMEND TO THE CITY COUNCIL THE APPROVAL OF A GENERAL PLAN AMENDMENT RESOLUTION AS DESCRIBED ABOVE. COMMISSIONER VORA SECONDED THE MOTION. (6-0-1, VORA SECONDED).**

9. CONTINUE THE GENERAL PLAN HEARING TO NOVEMBER 15, 2017

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

No Items

11. GOOD AND WELFARE

a. Report from City Council

No Items

b. Review and Approve Action Minutes from [10/11/17](#)(Continued from 10/25/17) & [10/25/17](#)

Discussion of minor change to 10/25/17 minutes to reflect continuation to November 8, 2017 hearing. Commissioner Abelite made a motion to approve the 10/11/17 minutes and the 10/25/17 minutes with minor changes. Commissioner Allen seconded the motion. (6-0-1, Ballard Absent)

c. Subcommittee Formation, Reports, and Outstanding Business

d. Commission Calendar and Study Sessions

1. Review and Approve [2018 Planning Commission Meeting Schedule](#)

Commissioner Abelite made a motion to approve the 2018 Planning Commission Meeting Schedule. Commissioner Allen seconded the motion. (6-0-1, Ballard Absent)

e. The Public Record

No Items

8. ADJOURNMENT

Meeting adjourned at 9:44 p.m.