

PLANNING COMMISSION

December 6, 2017

Action Minutes

WELCOME

SALUTE TO THE FLAG

ROLL CALL

PRESENT: Commissioners Pham, Abelite, Allen, Ballard (arrived at 6:55 PM), Bit-Badal (arrived at 6:37 PM), Vora, Yesney

ABSENT: None

1. CALL TO ORDER & ORDERS OF THE DAY

Meeting called to order at 6:32 p.m.

This meeting will be adjourned in honor of Patricia Colombe, a former City of San Jose Planner of 30 years who passed away on October 21, 2017.

Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Commission directs otherwise.

2. PUBLIC COMMENT

McKenzie Mossing representing the Audubon Society discussed the environmental correction work they do, including bird habitat preservation. She expressed that the Evergreen Initiative is misleading to the public and removes the public process and city development criteria required of development projects in San Jose.

Access the video, agenda, and related reports for this meeting by visiting the City's website at:
<http://sanjoseca.gov/index.aspx?NID=1763>

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

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. [CP16-049 \(Administrative\)](#). Conditional Use Permit to allow the expansion of an existing church/religious assembly use in an existing industrial building from 38,378 square feet to 77,718 square feet in the IP Industrial Park Zoning District on a 4.47-gross acre site located on the west side of Fortran Drive, approximately 850 feet southerly of Nortech Parkway (4415 Fortran Drive) (Shia Association of Bay Area Inc., Owner). Council District 4. CEQA: Exempt per CEQA Guidelines Section 15301 for Existing Facilities.

PROJECT MANAGER, LEILA HAKIMIZADEH

1. **DETERMINED THE EXEMPTION IS IN ACCORDANCE WITH CEQA (6-0-1, BALLARD ABSENT)**
2. **ACTION: COMMISSIONER ABELITE MADE A MOTION TO APPROVE THE CONDITIONAL USE PERMIT AS DESCRIBED ABOVE. COMMISSIONER ALLEN SECONDED THE MOTION. THE COMMISSION APPROVED CONDITIONAL USE PERMIT RESOLUTION NO. 17-033 (6-0-1, BALLARD ABSENT)**

- b. The proposed project will occur on an approximately 0.48-gross acre site, located at 15980 Carlton Avenue (Calero Lot #2 Partners G.P., Owner). Council District 9. CEQA: 15980 Carlton Avenue Residential Project Mitigated Negative Declaration.

[PDC17-049](#). Planned Development Rezoning from the R-M Multiple Residence District to the R-M(PD) Planned Development Zoning District.

[PD17-023](#). Planned Development Permit to allow the demolition of an existing single-family residence and the construction of six residential units, and removal of five ordinance-size trees.

[PT17-050](#). Vesting Tentative Map for six condominium units.

PROJECT MANAGER, TRACY TAM

1. **STAFF MADE AN UPDATE ON TWO ITEMS:**
 - i. **CORRECTION REGARDING NUMBER OF TREES TO BE REMOVED (6 TREES INSTEAD OF 13 TREES)**
 - ii. **DEVELOPMENT STANDARD REVISED TO REMOVE R-1 AND R-2 RESIDENTIAL ZONING DISTRICT REFERENCES.**

2. **RECOMMEND THAT THE CITY COUNCIL CONSIDER THE MITIGATED NEGATIVE DECLARATION IN ACCORDANCE WITH CEQA (6-0-1, BALLARD ABSENT)**
3. **ACTION: COMMISSIONER ABELITE MADE A MOTION TO RECOMMEND TO CITY COUNCIL THE APPROVAL OF A PLANNED DEVELOPMENT REZONING ORDINANCE, PLANNED DEVELOPMENT PERMIT RESOLUTION AND TENTATIVE MAP RESOLUTION COMMISSIONER ALLEN SECONDED THE MOTION. (6-0-1, BALLARD 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. **[PP17-072](#)**. Adoption of an ordinance of the City of San José amending Chapter 13.32 of the San José Municipal Code to revise and add provisions pertaining to tree removal controls on private property, including amending Section 13.32.020 to add a definition of the term “Invasive Tree,” revise how height, tree diameter and circumference are measured to trigger application of tree removal controls, and expand the definition of “Unsuitable Tree” to include certain trees on land use types beyond single family dwellings, amending Sections 13.32.090 to and 13.32.120 to streamline the process for review of applications for removal of all trees that are not Unsuitable Trees, amending Sections 13.32.041, 13.32.110 and 13.32.130 to clarify tree removal permit requirements included as part of another Planning permit, requirements for tree replacement as a condition of approval for tree removal and provisions for safeguarding trees during construction, and making other technical, non-substantive, or formatting changes within Sections of Title 13 to add and amend regulations pertaining to Tree Removal Controls. Citywide. CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Environmental Impact Report (Resolution No. 76041), Envision San Jose 2040 General Plan Final Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto.

PROJECT MANAGER, ARTHUR HENRIQUES

1. **ACTION: COMMISSIONER YESNEY MADE A MOTION TO CONTINUE THE ITEM TO THE DECEMBER 13 PLANNING COMMISSION HEARING. COMMISSIONER ABELITE SECONDED THE MOTION. (6-0-1, BALLARD ABSENT)**

6. CONTINUED GENERAL PLAN HEARING FROM NOVEMBER 15, 2017

7. GENERAL PLAN CONSENT CALENDAR

- a. **GP16-013.** General Plan Amendment to change the Land Use/Transportation Diagram land use designation from Residential Neighborhood and Transit Residential to Downtown, and expand the Downtown Growth Area Boundary. The proposed project will occur on an approximately 0.91-gross acre site, located on the northeast corner of North 4th Street and East St. John Street (120 N. 4th Street). (Brent Lee, Owner). Council District: 3. CEQA: Negative Declaration for the Fourth and St. John General Plan Amendment and Rezoning. *Deferred from 11/15/17.*
PROJECT MANAGER, NED THOMAS

ITEM 7.A. GP16-013 MOVED TO GENERAL PLAN PUBLIC HEARING

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

8. GENERAL PLAN PUBLIC HEARING

ITEM 7.A. GP16-013 MOVED TO GENERAL PLAN PUBLIC HEARING

9. CLOSE THE GENERAL PLAN HEARING

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

No Items

11. GOOD AND WELFARE

- a. Report from City Council
1. *November 28th City Council Meeting*
 - i. *Item 4.1 – Approval of the Envision 2040 General Plan Annual Performance Review including the Mayor’s memo with additional direction to maintain existing retail.*
 - ii. *Item 10.3 – General Plan Amendment located at 100 South Capitol Avenue (GP17-001) was approved as recommended to change the Land Use/Transportation Diagram from Neighborhood/Community Commercial to Residential Neighborhood.*

iii. *Item 10.4 – General Plan Amendment located at 370 West Trimble Road (GP17-007) was approved as recommended to change the Land Use/Transportation Diagram from Industrial Park to Combined Industrial/Commercial.*

2. *December 5th City Council Meeting*

i. *Report on the Implementation of the Urban Village component of the City’s General Plan, from projects including an approach to obtaining amenities and area improvements.*

b. Review and Approve Action Minutes from [11/15/17](#)

Commissioner Abelite made a motion to approve the 11/15/17 minutes. Commissioner Yesney seconded the motion. (6-0-0-1, Ballard Abstained)

c. Subcommittee Formation, Reports, and Outstanding Business

No Items

d. Commission Calendar and Study Sessions

No Items

e. The Public Record

No Items

12. ADJOURNMENT

Meeting adjourned in honor of Patricia Colombe, a former City of San Jose Planner for 30 years. Commissioner Yesney described her experience working with her.

The meeting adjourned at 9:38 p.m.