

PLANNING COMMISSION

May 9, 2018

Action Minutes

WELCOME

Meeting called to order at 5:00 p.m.

SALUTE TO THE FLAG

ROLL CALL

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

ABSENT: Commissioner Vora

1. STUDY SESSION AND PUBLIC HEARING: TO BE HEARD AT 5:00 PM

a. [City's Proposed 2019-2023 Capital Improvement Program.](#)

PROJECT MANAGER, ENRIQUE DE ANDA

1. **COMMISSIONER BIT-BADAL MADE A MOTION TO RECOMMEND TO THE CITY COUNCIL THE ADOPTION OF THE PROPOSED 2018-2019 CAPITAL BUDGET AND 2019-2023 CAPITAL IMPROVEMENT PROGRAM AND TRANSMIT A REPORT TO THE CITY COUNCIL PROVIDING COMMENTS INCLUDING A FINDING OF CONSISTENCY WITH THE ENVISION SAN JOSE 2040 GENERAL PLAN. COMMISSIONER BALLARD SECONDED THE MOTION. (6-0-1, VORA ABSENT)**

b. Planning Commission Staff Report Reformat.

PROJECT MANAGER, AVRIL BATY

1. **COMMISSIONER BIT-BADAL MADE A MOTION TO CONTINUE THE TOPIC TO THE 5/23 PLANNING COMMISSION STUDY SESSION TO BEGIN AT 5:30PM. COMMISSIONER YESNEY SECONDED THE MOTION. (6-0-1, VORA ABSENT)**

2. CALL TO ORDER & ORDERS OF THE DAY

3. PUBLIC COMMENT

None

4. 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. **CP16-053 (Administrative)**. Conditional Use Permit re-permitting of an existing 42-foot high monopine and equipment enclosure (previously approved pursuant to CP06-019) and to allow the installation of three (3) new antennas, three (3) new RRU's and associated equipment to be located within the existing enclosure on a 0.70-gross acre site located in the CN Commercial Neighborhood Zoning District located on the northerly side of Capitol Expressway approximately 440-feet westerly of McLaughlin Avenue (1033 East Capitol Expressway) (McDonalds Corporation, Owner). Council District 7. CEQA: Exempt per CEQA Guidelines Section 15301(b) for Existing Facilities.

PROJECT MANAGER, RHONDA BUSS

DROP ITEM TO BE RENOTICED TO A FUTURE PLANNING COMMISSION DATE PER APPLICANT REQUEST. COMMISSIONER ABELITE MADE A MOTION TO DEFER. COMMISSIONER BIT-BADAL SECONDED THE MOTION. MOTION TO DROP CARRIES UNANIMOUSLY. (6-0-1, VORA ABSENT)

- b. **CP17-026 (Administrative)**. Conditional Use Permit to allow the continued operation of an existing 60-foot tall wireless communication monopole and associated ancillary equipment, with no modifications to use or structure, on a 0.1-gross acre site in the CN Commercial Neighborhood Zoning District located at 1700 Moffat Street. (Terra Ventures LLC, Owner). Council District 4. CEQA: Exempt in accordance with CEQA Guidelines Section 15301 for Existing Facilities.

Deferred from 4/11.

PROJECT MANAGER, RINA SHAH

DROP ITEM TO BE RENOTICED TO A FUTURE PLANNING COMMISSION DATE PER APPLICANT REQUEST. COMMISSIONER ABELITE MADE A MOTION TO DEFER. COMMISSIONER BIT-BADAL SECONDED THE MOTION. MOTION TO DROP CARRIES UNANIMOUSLY. (6-0-1, VORA ABSENT)

5. 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

6. 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. [PP18-046](#). File No. PP18-046: An ordinance of the city of San José amending Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code to amend Sections 20.30.150 and 20.30.440 of Chapter 20.30 to modify development standards and requirements for secondary dwelling units (also known as accessory dwelling units), including lot size, unit area, unit type, setbacks and height; to amend sections 20.90.120 and 20.90.220 of Chapter 20.90 to modify parking requirements and development standards for secondary dwelling units; to amend Sections 20.30.100.300, 20.30.1030 and 20.30.1040 to make minor modifications to single family permitting and recordation provisions; and to make other technical, non-substantive, or formatting changes within those sections of Title 20. Council District: Citywide. CEQA: Determination of Consistency with the Envision San Jose 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; Downtown Strategy 2000 FEIR, Resolution No. 72767, and Addenda thereto; North San José Development Policies FEIR, Resolution No. 72768, and Addenda thereto; and Diridon Station Area Plan FEIR, Resolution No. 77096 and Addenda thereto (collectively, the “Final Program 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 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

1. ACTION: COMMISSIONER BIT-BADAL MADE A MOTION TO RECOMMEND TO THE CITY COUNCIL THE FOLLOWING:

- A. CONSIDER THE DETERMINATION OF CONSISTENCY WITH THE ENVISION SAN JOSE 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; DOWNTOWN STRATEGY 2000 FEIR, RESOLUTION NO. 72767, AND ADDENDA THERETO; NORTH SAN JOSÉ DEVELOPMENT POLICIES FEIR, RESOLUTION NO. 72768, AND ADDENDA THERETO; AND DIRIDON STATION AREA PLAN FEIR, RESOLUTION NO. 77096 AND ADDENDA THERETO (COLLECTIVELY,**

THE “FINAL PROGRAM 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 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, AS DESCRIBED ABOVE &;

- B. APPROVE AN ORDINANCE OF THE CITY OF SAN JOSÉ AMENDING TITLE 20 OF THE SAN JOSÉ MUNICIPAL CODE (ZONING ORDINANCE) TO AMEND SECTIONS OF CHAPTER 20.30 “RESIDENTIAL ZONING DISTRICTS” TO MODIFY DEVELOPMENT STANDARDS AND REQUIREMENTS FOR SECONDARY DWELLING UNITS (ALSO KNOWN AS ADUS), INCLUDING LOT SIZE, UNIT AREA, UNIT TYPE, SETBACKS AND HEIGHT, IN COMPLIANCE WITH NEWLY ADOPTED STATE LAW PROVISIONS; AND TO AMEND SECTIONS OF CHAPTER 20.90 AND TO “REDUCTION IN REQUIRED OFF-STREET PARKING SPACES” AND “SETBACKS” FOR REDUCTIONS IN PARKING SPACES FOR ONE-DWELLING RESIDENTIAL USES IN COMPLIANCE WITH ADOPTED STATE LAW PROVISIONS; TO ADD DEFINITION OF “CONVERSION” TO CHAPTER 20.200; AND TO MAKE OTHER TECHNICAL, NON-SUBSTANTIVE, OR FORMATTING CHANGES WITHIN THOSE SECTIONS OF TITLE 20, AS DESCRIBED ABOVE.**

COMMISSIONER BALLARD SECONDED THE MOTION. (6-0-1, VORA ABSENT)

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

No items

8. GOOD AND WELFARE

- a. Report from City Council

May 8, 2018 City Council Hearing approved the following: 1) C17-055 – Conforming Rezoning for Real Property Located at 12329 Mabury Road, 2) PDC16-041/PD16-027/PT16-037 – Planned Development Rezoning, Planned Development Permit, and Vesting Tentative Map for Real Property Located at 645 Horning Street, 3) GP17-012 - General Plan Amendment: South Bascom (North) Urban Village Plan and 4) GP17-013 - General Plan Amendment: West San Carlos Urban Village Plan .

- b. Review and Approve Action Minutes from [5/2/18](#)

Commissioner Abelite made a motion to approve the 5/2/18 minutes with recommended corrections to the votes for Item 7.b. reflecting Commissioner Ballard as abstained. Commissioner Allen seconded the motion. (6-0-1, Vora Absent)

- c. Subcommittee Formation, Reports, and Outstanding Business

Planning Official Steve McHarris wanted to remind the Planning Commission of an invitation sent out from Director Hughey for a ULI Public Official's workshop.

d. Commission Calendar and Study Sessions

e. The Public Record

Commissioner Abelite and Chair Pham will be absent at the 5/23 Planning Commission.

Commissioner Bit-Badal, Abelite and Chair Pham recognized Planning Official Steve McHarris' last Planning Commission meeting with the City of San Jose and thanked him for his service.

9. ADJOURNMENT

Meeting adjourned at 8:26 p.m.