

## **PLANNING COMMISSION**

November 6, 2019

Action Minutes

### **WELCOME**

### **SALUTE TO THE FLAG**

### **ROLL CALL**

PRESENT: Commissioners Ballard, Griswold, Allen (arrived 6:37pm), Bonilla, Caballero, Oliverio (arrived 6:38pm), Yesney

ABSENT: None

### **1. CALL TO ORDER & ORDERS OF THE DAY**

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

### **2. PUBLIC COMMENT**

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*No comments*

### **3. DEFERRALS AND REMOVALS FROM CALENDAR**

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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.**

Access the video, agenda, and related reports for this meeting by visiting the City's website at:

<http://sanjoseca.gov/index.aspx?NID=1763>

## 4. CONSENT CALENDAR

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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. **CP18-010 (Administrative Hearing)**. Conditional Use Permit to allow the demolition of an approximately 5,151-square foot single-family house with a detached garage for the construction of a 13,587-square foot Day Care Center with an administrative office, classrooms, an outdoor playground on an approximately 0.84-gross acre site located on the southwest corner of Saratoga Avenue and Borina Drive (951 Saratoga Avenue) (Morningstar Education Group LLC, Owner). Council District 1. CEQA: Exempt pursuant to CEQA Guidelines Section 15332 for In-fill Development.

*PROJECT MANAGER, STEFANIE FARMER*

**ACTION: COMMISSIONER CABALLERO MADE A MOTION TO APPROVE THE STAFF RECOMMENDATION TO:**

- 1. CONSIDER THE EXEMPTION IN ACCORDANCE WITH CEQA; AND**
- 2. APPROVE A RESOLUTION OF A CONDITIONAL USE PERMIT TO ALLOW THE DEMOLITION OF AN APPROXIMATELY 5,151-SQUARE FOOT SINGLE-FAMILY HOUSE WITH A DETACHED GARAGE FOR THE CONSTRUCTION OF A 13,587-SQUARE FOOT DAY CARE CENTER WITH AN ADMINISTRATIVE OFFICE, CLASSROOMS, AN OUTDOOR PLAYGROUND ON AN APPROXIMATELY 0.84-GROSS ACRE SITE**

**COMMISSIONER YESNEY SECONDED THE MOTION (6-0-1, OLIVERIO ABSENT)**

## 5. PUBLIC HEARING

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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.

**No Items.**

## 6. OPEN GENERAL PLAN HEARING

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## 7. GENERAL PLAN CONSENT CALENDAR

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- a. [GP18-010](#). General Plan Amendment to change the Land Use Designation from Rural Residential to Residential Neighborhood for three properties on Diamond Heights Drive on a 2.6-gross acre site located on the west side of Diamond Heights Drive, approximately 200' southerly of Senter Road (Ambra Mario and Elizabeth ET AL, Owner). Council District 2. CEQA: Initial Study/Negative Declaration for Valley Christian Schools Residential General Plan Amendment Project.

*PROJECT MANAGER, KIEULAN PHAM*

**PULLED FROM GENERAL PLAN CONSENT AND HEARD UNDER GENERAL PLAN PUBLIC HEARING**

**ACTION: COMMISSIONER ALLEN MADE A MOTION TO DENY THE PROJECT, SECOND BY CHAIR BALLARD. MOTION FAILED 2-5 (GRISWOLD, BONILLA, CABALLERO, OLIVERIO, AND YESNEY OPPOSED)**

**ACTION: COMMISSIONER OLIVERIO MADE A MOTION TO RECOMMEND THAT THE CITY COUNCIL TAKE THE FOLLOWING ACTIONS:**

- 1. CONSIDER THE NEGATIVE DECLARATION IN ACCORDANCE WITH CEQA; AND**
- 2. ADOPT A RESOLUTION (ATTACHMENT A) APPROVING THE ENVISION SAN JOSÉ 2040 GENERAL PLAN LAND USE/TRANSPORTATION DIAGRAM AMENDMENT TO CHANGE THE LAND USE DESIGNATION FROM RURAL RESIDENTIAL TO RESIDENTIAL NEIGHBORHOOD ON AN APPROXIMATELY 2.6-GROSS ACRE SITE, LOCATED ON THE WEST SIDE OF DIAMOND HEIGHTS DRIVE, APPROXIMATELY 200 FEET SOUTH OF SENTER ROAD INCLUDING A CHANGE TO EXHIBIT A OF THE RESOLUTION TO CHANGE THE WORD “WEST” TO “EAST”.**

**COMMISSIONER BONILLA SECONDED THE MOTION (5-2, BALLARD AND ALLEN OPPOSED)**

- b. [GP19-001](#). General Plan Amendment to change the Land Use Designation from Residential Neighborhood to Urban Residential on a 0.20-gross acre site located on the southwest corner of Williams Road and Rancho Way (4070 Williams Road) (4070 Williams Road LLC, Owner). Council District 1. CEQA: Negative Declaration for 4070 Williams Road General Plan Amendment.

*PROJECT MANAGER, KIEULAN PHAM*

**ACTION: COMMISSIONER GRISWOLD MADE A MOTION TO RECOMMEND THAT THE CITY COUNCIL TAKE THE FOLLOWING ACTIONS:**

- 1. CONSIDER THE NEGATIVE DECLARATION IN ACCORDANCE WITH CEQA; AND**

**2. ADOPT A RESOLUTION (ATTACHMENT A) APPROVING THE ENVISION SAN JOSÉ 2040 GENERAL PLAN LAND USE/TRANSPORTATION DIAGRAM AMENDMENT TO CHANGE THE LAND USE DESIGNATION FROM RESIDENTIAL NEIGHBORHOOD TO URBAN RESIDENTIAL ON AN APPROXIMATELY 0.20-GROSS ACRE SITE, LOCATED AT 4070 WILLIAMS ROAD.**

**COMMISSIONER ALLEN SECONDED THE MOTION (7-0)**

- c. [GP19-004](#). General Plan Amendment to change the 2040 General Plan land use designation from Neighborhood Community Commercial (NCC) to Mixed Use Neighborhood (MUN) on an approximately 0.44-gross acre site located on the east side of N. Capitol Avenue, approximately 250 feet northerly of Alum Rock Avenue (Intelli LLC, Owner). Council District 5. CEQA: Initial Study/Negative Declaration for Capitol Avenue General Plan Amendment.

*PROJECT MANAGER, KIEULAN PHAM*

**PULLED FROM GENERAL PLAN CONSENT AND HEARD UNDER GENERAL PLAN PUBLIC HEARING**

**ACTION: COMMISSIONER ALLEN MADE A MOTION TO RECOMMEND THAT THE CITY COUNCIL TAKE THE FOLLOWING ACTIONS:**

- 1. CONSIDER THE NEGATIVE DECLARATION IN ACCORDANCE WITH CEQA;**
- 2. ADOPT A RESOLUTION (ATTACHMENT EXHIBIT A) APPROVING THE ENVISION SAN JOSÉ 2040 GENERAL PLAN LAND USE/TRANSPORTATION DIAGRAM AMENDMENT TO CHANGE THE LAND USE DESIGNATION FROM NEIGHBORHOOD COMMUNITY COMMERCIAL TO MIXED USE NEIGHBORHOOD ON AN APPROXIMATELY 0.44-GROSS ACRE SITE, LOCATED ON THE EAST SIDE OF N. CAPITOL AVENUE, APPROXIMATELY 250 FEET NORTH OF ALUM ROCK AVENUE; AND**
- 3. CONSIDER THE SITE FOR PURCHASE AS A PARK.**

**COMMISSIONER GRISWOLD SECONDED THE MOTION (5-2, BALLARD AND BONILLA OPPOSED)**

- d. [GPT19-005/GP19-011](#). City-initiated General Plan Text Amendment to make minor revisions to the Envision San Jose 2040 General Plan, including revisions to the Public/Quasi-Public land use designation to allow supportive housing for the homeless, Urban Village IP-2.9 to reflect Plan Horizon changes made as part of the approved GPT18-007, Action H-2.13 to update the terminology of affordable housing project siting policy, updates to Appendix 5, and a city-initiated General Plan Land Use Designation correction from Light Industrial to Rural Residential for 7000 Silver Creek Road. Council District 6. CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and the Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto.

*PROJECT MANAGER, JESSICA SETIAWAN*

**ACTION: COMMISSIONER GRISWOLD MADE A MOTION TO RECOMMEND THAT THE CITY COUNCIL TAKE THE FOLLOWING ACTIONS:**

1. Consider the Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental Environmental Impact Report to the Envision San Jose General Plan Final Program Environmental Impact Report (Resolution No. 77617), and Addenda thereto in conformance with CEQA; and
2. Adopt a resolution (Attachment D) approving the General Plan Text Amendment to make minor modifications and clarifying revisions to the Envision San José 2040 General Plan.

**COMMISSIONER ALLEN SECONDED THE MOTION (7-0)**

## **8. GENERAL PLAN PUBLIC HEARING**

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No Items

## **9. CONTINUE THE GENERAL PLAN HEARING TO DECEMBER 4, 2019**

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**STAFF ASKED THE COMMISSION TO CONTINUE THE GENERAL PLAN HEARING CYCLE TO DECEMBER 4, 2019 RATHER THAN CLOSE THE GENERAL PLAN PUBLIC HEARING.**

**ACTION: COMMISSIONER BONILLA MADE A MOTION TO CONTINUE THE GENERAL PLAN HEARING TO DECEMBER 4, 2019.**

**COMMISSIONER YESNEY SECONDED THE MOTION (7-0)**

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

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No Items

## **11. GOOD AND WELFARE**

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a. Report from City Council

*On November 5, 2019, City Council took action on the following projects:*

- i. *Approved Historic Landmark Designation and Historical Property Contract for the “Winsor and Susie Goodenough House” Located at 1725 Cry Creek Road*
- ii. *Approved Historic Landmark Designation and Historical Property Contract for the “Martin 5 Homes” Located at 1225, 1233, 1241, 1249 and 1257 Martin Avenue*
- iii. *Approved the Conforming Rezoning and Conditional Use Permit for Property Located at 184 S. 11th Street*
- iv. *Approved Amendment to Title 20 of the City of San Jose Municipal Code to Modify the Secondary Unit Provisions*
- v. *Approved the Conventional Rezoning and Conditional Use Permit for Property Located at 0 Union avenue.*

- b. Review and Approve Action Minutes from [10/23/19](#)

*Commissioner Allen made a motion to approve the 10/23/19 minutes with the following language to Section 7.b (SP18-001 & T18-001) ACTION Section 2 on page 5:*

*“OPTION 1: ONE (1) PARCEL RE-SUBDIVIDED INTO NO MORE THAN 295  
CONDOMINIUM UNITS INCLUDING A MAXIMUM OF 290 RESIDENTIAL  
CONDOMINIUM UNITS AND A MAXIMUM OF FIVE (5) COMMERCIAL  
CONDOMINIUM UNITS; OR”*

*Commissioner Oliverio seconded the motion. (7-0)*

- c. Subcommittee Formation, Reports, and Outstanding Business

*No Reports*

- d. Commission Calendar and Study Sessions

*Planning Commission Retreat scheduled for [11/22/19](#).*

- e. The Public Record

*No Reports*

## **10. ADJOURNMENT**

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Meeting adjourned at 8:16 p.m.