PLANNING COMMISSION AGENDA

Wednesday, March 11, 2020

Regular Hearing

Commencing at 6:30 p.m.

Council Chambers
First Floor, City Hall Wing
200 East Santa Clara Street
San José, California

Shiloh Ballard, Chair
Melanie Griswold, Vice Chair
Peter Allen **Rolando Bonilla**
Mariel Caballero **Pierluigi Oliverio**
Michelle Yesney

Rosalynn Hughey, Director
Planning, Building & Code Enforcement

NOTE

To request an accommodation for City-sponsored meetings or events or an alternative format for printed materials, please call Support Staff at 408-535-3505 or 408-294-9337 (TTY) as soon as possible, but at least three business days before any meeting or event. If you requested such an accommodation, please identify yourself to the technician seated at the staff table. If you did not call in advance and do now need assistance, please see the technician.

SUMMARY OF HEARING PROCEDURES

If you want to address the Commission, please fill out a speaker card located on the table near the Audio Visual Technician and deposit the completed card in the basket. There are also speaker cards in the back of the Chambers and at the side entrance.

The procedure for this hearing is as follows:

- After the staff report, applicants, and appellants may make a 5-minute presentation.
- The chair will call out names on the submitted speaker cards in the order received.
- As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes. Speakers using a translator will have four minutes.
- After the public testimony, the applicant and appellant may make closing remarks for an additional five minutes.
- Planning Commissioners may ask questions of the speakers. Response to Commissioner questions will not reduce the speaker's time allowance.
- The public hearing will then be closed and the Planning Commission will take action on the item. The Planning Commission may request staff to respond to the public testimony, ask staff questions, and discuss the item.

If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.

The Planning Commission's action on re-zonings, pre-zonings, General Plan Amendments and Code Amendments is only advisory to the City Council. The City Council will hold public hearings on these items. Section 20.120.400 of the Municipal Code provides the procedures for legal protests to the City Council on re-zonings and pre-zonings. The Planning Commission's action on Conditional Use Permits is appealable to the City Council in accordance with Section 20.100.220 of the Municipal Code. Agendas and a binder of all staff reports have been placed on the table near the door for your convenience.

AGENDA
ORDER OF BUSINESS

WELCOME

Welcome to the Planning Commission Meeting**.** Please remember to turn off your cell phones. The parking validation machine for the garage under City Hall is located at the rear of the Chambers.

SALUTE TO THE FLAG

ROLL CALL

SUMMARY OF HEARING PROCEDURES

1. CALL TO ORDER & ORDERS OF THE DAY

2. PUBLIC COMMENT

Public comments to the Planning Commission on non-agendized 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.

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 or removal. A list of staff-recommended deferrals is available on the Press Table.

Staff will provide an update on the items for which deferral and removal is being requested. If you want to change any of the deferral dates recommended, or speak to the question of deferring or removing these or any other items, you should say so at this time.

a. **PP20-009**. An ordinance of the City of San José amending Chapter 20.190 of Title 20 of the San José Municipal Code to extend the applicability of City density bonus development incentives and to update the City's density bonus ordinance in conformance with state law; amending Chapter 20.30, Chapter 20.40, Chapter 20.70, Chapter 20.75 and Chapter 20.200 to enumerate and add a definition for Permanent Supportive Housing and Low Barrier Navigation Center, and adding Chapter 20.195 to implement ministerial approvals required by California Government Code Section 65650 et. seq., 65660 et. seq., and 65913.4; and making non-substantive code changes. Council District Citywide. **CEQA**: Determination of Consistency with the Envision San Jose 2040 General Plan Final Program Environmental Impact Report (FEIR), adopted through Resolution No. 76041, and Supplemental EIR Resolution No. 77617, adopted on December 15, 2015, and Addenda thereto. 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, *DAVID YING*

Staff Recommendation:

1. Deferred to the March 25, 2020 Planning Commission meeting per Staff request.

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. **CP17-053 (Administrative Hearing).** Conditional Use Permit to allow the conversion of a single-family residence to child day care of up to 40 children and the demolition of a garage and shed on a 0.42-gross acre site located on south side of Williams Road, approximately 170 feet westerly of Keltner Avenue (3754 Williams Road) (Vladimir Jigounov and Maria Fomina, Owners). Council District 1. **CEQA:** Exempt pursuant to CEQA Guidelines Section 15303 for New Construction or Conversion of Small Structures.

PROJECT MANAGER, *LAURA MEINERS*

Staff Recommendation:

1. Consider the exemption in accordance with CEQA; and
2. Adopt a resolution approving, subject to conditions, a Conditional Use Permit to allow the demolition of an approximately 783-square foot detached garage and 211-square foot shed and allow the conversion of a 2,265-square foot single-family home into a day care center with an outdoor playground and associated parking on an approximately 0.42-gross acre site.

b. **CA19-001.** Consideration of proposed North Willow Glen Conservation Area Historic Designation encompassing the area generally bounded on the north by the right-of-way of the Southern Pacific Rail Line, on the east by Delmas Avenue, on the south by Willow Street, and on the west by Bird Avenue. (City of San Jose, Applicant). Council District 6. **CEQA**: Exempt pursuant to CEQA Guidelines Section 15262 for Feasibility and Planning Studies and Section 15331 for Historical Resource Restoration/Rehabilitation, implementing the California Environmental Quality Act of 1970, as amended.

PROJECT MANAGER, *RINA SHAH*

Staff Recommendation:

That Planning Commission recommends that the City Council take all of the following actions

1. Consider the Exemption in accordance with CEQA; and
2. Adopt a Resolution approving the designation of the area generally bounded on the North by the right-of-way of the Southern Pacific Rail Line, on the East by Delmas Avenue, on the South by Willow Street, and on the West by Bird Avenue as the North Willow Glen Conservation Area.

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. **PP20-007**. 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 Part 4.5, including Section 20.30.460 to clarify maximum floor area tabulation; Sections 20.30.470 and 20.30.480 to clarify parking requirements; (b) amend Chapter 20.40, Section 20.40.230 to delete height exception requirements, and move the exception requrements to Chapter 20.85, Section 20.85.010; (c) amend Section 20.50.010 to alter text for Industrial Park district; (d) amend Section 20.90.220 of Chapter 20.90 to clarify replacement parking requirements; amend Section 20.90.060 of Chapter 20.90 to add new parking requirements for indoor recreation uses in Table 20-190, and include minor text alterations to Table 20-210, and to make other technical, non-substantive, or formatting changes within those sections of Title 20 of the San José Municipal Code. Council District

Citywide. **CEQA**: Determination of Consistency with the Envision San Jose 2040 General Plan Final Program Environmental Impact Report (FEIR), adopted through Resolution No. 76041, and Supplemental EIR Resolution No. 77617, adopted on December 15, 2015, and Addenda thereto. 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*

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 José 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. 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; and
2. Adopt an ordinance of the City of San José amending various sections of Title 20 (Zoning Ordinance or Zoning Code) to amend part 4.5, including Section 20.30.460 to clarify maximum floor area tabulation; Sections 20.30.470 and 20.30.480 to clarify parking requirements; amend Chapter 20.40, Section 20.40.230 to delete height exception requirements, and amend and move to chapter 20.85, Section 20.85.010 and new Section 20.85.040; amend Section 20.50.010 to alter text for Industrial Park district; amend Section 20.90.220 of Chapter 20.90 to clarify replacement parking requirements; amend Section 20.90.060 of Chapter 20.90 to add new parking requirements for indoor recreation uses in Table 20-190, and include minor text alterations to Table 20-210, and to make other technical, non-substantive, or formatting changes within those sections of title 20 of the San José Municipal Code.

b. **PP18-103**. A Major Amendment to the Airport Master Plan for the Norman Y. Mineta San José International Airport to extend the plan horizon year from 2027 to 2037; update the aviation demand projections; and modify the facility development program, including airfield configuration changes recommended in the Runway Incursion Mitigation/Design Standards Analysis Study and an update to the layout and sizing of various landside facilities to adequately serve the projected 2037 demand located on Mineta San José International Airport, generally bounded by U.S. 101 to the north, the Guadalupe River and State Route 87 to the east, Interstate 880 to the south, and Coleman Avenue and De la Cruz Boulevard to the west. Council District 3. **CEQA:** Environmental Impact Report for the Amendment to the Norman Y. Mineta San Jose International Airport Master Plan.

PROJECT MANAGER, *DAVID KEYON*

Staff Recommendation:

That Planning Commission recommends that the City Council take all of the following actions:

1. Adopt a resolution certifying the Environmental Impact Report for the Amendment to the Norman Y. Mineta San José International Airport Master Plan and making

certain findings concerning significant impacts, mitigation measures, and alternatives, and adopting a Statement of Overriding Considerations and a related Mitigation Monitoring and Reporting Program, all in accordance with the California Environmental, Quality Act, as amended; and

2. Adopt a resolution approving a Major Amendment to the Airport Master Plan for the Norman Y. Mineta San José International Airport; and
3. Approve an ordinance amending Title 25.04.300(B)(1) of the San José Municipal Code to increase the maximum number of air carrier gates from 40 to 42.

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

No Items

7. GOOD AND WELFARE

a. Report from City Council

b. Review and Approve Action Minutes from 02/26/20.

c. Subcommittee Formation, Reports, and Outstanding Business

d. Commission Calendar and Study Sessions

   i. Study Session scheduled for 3/25/2020

e. The Public Record

8. ADJOURNMENT

2020 PLANNING COMMISSION MEETING SCHEDULE

Date	Time	Type of Meeting	Location
January 15	6:30 p.m.	Regular	Council Chambers
January 29	*5:00 p.m.*	*Study Session/Public Hearing*	*Wing Rooms 118-119*
Parking Management by the Urban Land Institute Technical Assistance Panel			
January 29	6:30 p.m.	Regular	Council Chambers
February 12	6:30 p.m.	Regular & General Plan	Council Chambers
February 26	*5:00 p.m.*	*Study Session/Public Hearing*	*Room T-332*
Planning Commission Composition			
February 26	6:30 p.m.	Regular	Council Chambers
March 11	6:30 p.m.	Regular	Council Chambers
March 25	*5:00 p.m.*	*Study Session/Public Hearing*	*Room T-332*
San José Citywide Design Guidelines and Standards			
March 25	6:30 p.m.	Regular	Council Chambers
April 8	6:30 p.m.	Regular	Council Chambers
April 22	6:30 p.m.	Regular	Council Chambers
May 6	*5:00 p.m.*	*Study Session/Public Hearing*	*Council Chambers*
2020/2021 Captial Budget & 2021/2025 Capital Improvement Program Study Session			
May 6	6:30 p.m.	Regular	Council Chambers
May 13	6:30 p.m.	Regular	Council Chambers
May 27	6:30 p.m.	Regular	Council Chambers
June 10	6:30 p.m.	Regular	Council Chambers
June 24	6:30 p.m.	Regular	Council Chambers
July 8	6:30 p.m.	Regular	Council Chambers
July 22	6:30 p.m.	Regular	Council Chambers
August 12	6:30 p.m.	Regular	Council Chambers
August 26	6:30 p.m.	Regular	Council Chambers
September 9	6:30 p.m.	Regular	Council Chambers
September 23	6:30 p.m.	Regular	Council Chambers
October 14	6:30 p.m.	Regular	Council Chambers
October 28	6:30 p.m.	Regular	Council Chambers
November 4	6:30 p.m.	Regular	Council Chambers
November 18	6:30 p.m.	Regular	Council Chambers
December 2	6:30 p.m.	Regular	Council Chambers
December 9	6:30 p.m.	Regular	Council Chambers

ABOUT THE PLANNING COMMISSION

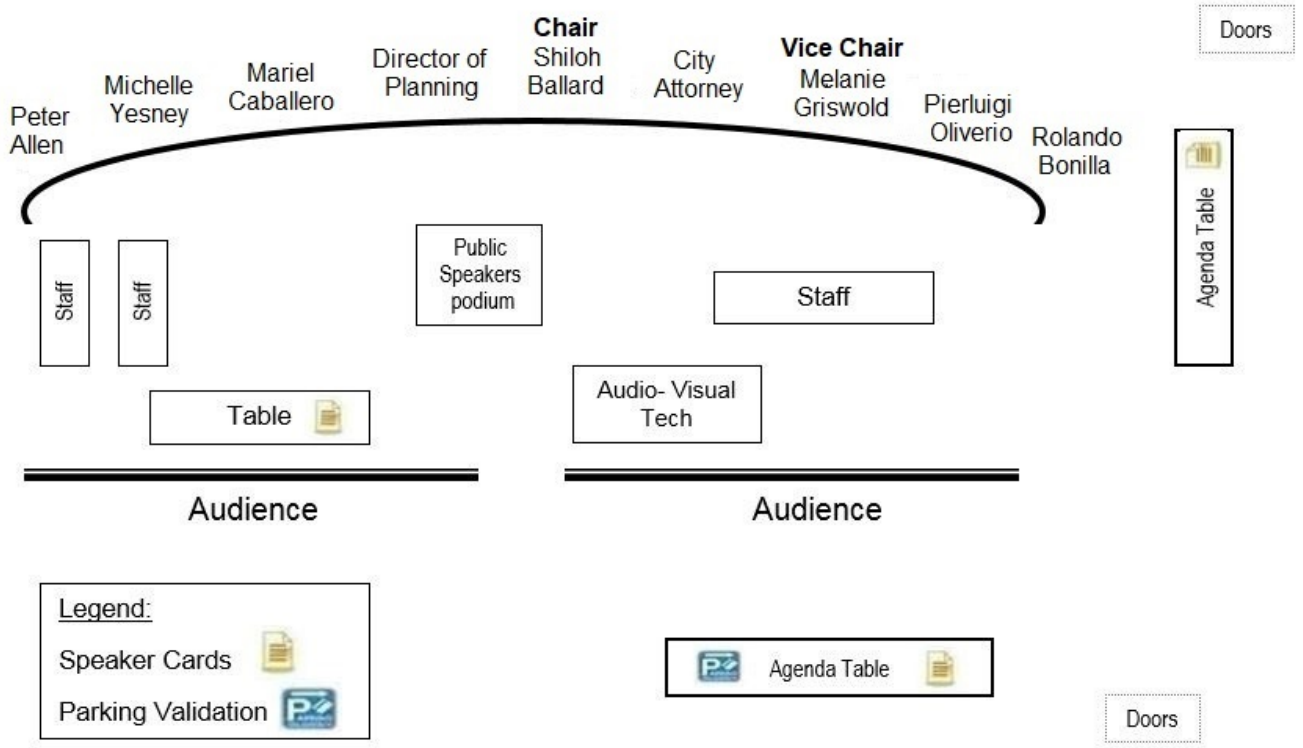
The Planning Commission is a seven-member body, appointed by the City Council, which performs two types of actions:

- One type is "Quasi-Legislative" in nature in which the Planning Commission makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, Zoning Code provisions, or regulations related to the land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs.
- The second type of action is "Quasi-Judicial" in nature in which the Planning Commission applies previously adopted legislation to particular applications and acts as a decision-making or appellate body. Examples of these types of actions include Commission decisions on Conditional Use Permits, appeals of the Planning Director's decisions on certain land use permits, and the certification of Environmental Impact Reports.

A notation of "Administrative Hearing" for an agenda item indicates that the item is a Quasi-Judicial action of the Commission in order to assist the public in understanding the role of the Planning Commission on a particular item.

To effectively manage the Planning Commission Agenda, and to be sensitive to concerns regarding the length of public hearing, the Planning Commission may determine to proceed with remaining agendized items past 11:00 p.m., or to continue this hearing to a later date, or to defer remaining items to the next regularly scheduled Planning Commission meeting date. The decision on how to proceed will be heard by the Planning Commission no later than 11:00 p.m.

Seating Chart within the City Council Chambers:



The San José Planning Commission generally meets every 2nd and 4th Wednesday at 6:30 p.m., unless otherwise noted. Agendas and Staff Reports for Planning Commission items may be viewed on the Internet at https://www.sanjoseca.gov/your-government/departments/planning-building-code-enforcement/planning-division/commissions-and-hearings/planning-commission

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. The City Code of Ethics may be viewed on-line at https://www.sanjoseca.gov/home/showdocument?id=11915

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 Planning, Building and Code Enforcement at San José City Hall, 200 E. Santa Clara Street, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body.

Planning Commission hearings are video recorded and broadcasted live. To view the live broadcast or past hearing recordings go to the Internet website: https://sanjose.granicus.com/ViewPublisher.php?view_id=51

If you have any agenda questions, please contact Support Staff at (408) 535-7868 or email Hannah.Galzote@sanjoseca.gov. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

FREQUENTLY USED ABBREVIATIONS

CEQA	California Environmental Quality Act
CP	Conditional Use Permit
DA	Development Agreement
PD	Planned Development Permit
PDC	Planned Development Zoning

CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, Redevelopment Agency Board, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

   a) Persons in the audience will refrain from behavior, which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.

   b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.

   c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.

   d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.

   e) Persons in the audience will not place their feet on the seats in front of them.

   f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.

   g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

   a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:

      - No objects will be larger than 2 feet by 3 feet.
      - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
      - The items cannot create a building maintenance problem or a fire or safety hazard.

   b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.

   c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

3. Addressing the Council, Redevelopment Agency Board, Committee, Board or Commission:

   a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.

   b) Meeting attendees are usually given two (2) minutes to speak on any agenda item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.

   c) Speakers should discuss topics related to City business on the agenda, unless they are speaking during open forum.

   d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners, or Staff in conversation will not be honored. Abusive language is inappropriate.

   e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.

   f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.

   g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.