

## **PLANNING COMMISSION**

February 07, 2018

Action Minutes

### **WELCOME**

### **SALUTE TO THE FLAG**

### **ROLL CALL**

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

ABSENT: Commissioner Vora

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

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Meeting called to order at 6:30 p.m.

## **2. PUBLIC COMMENT**

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*Brian Schmidt, Greenbelt Alliance, opposed to the Evergreen Senior Housing Initiative*

## **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. [C17-041](#). Conventional Rezoning from the LI Light Industrial Zoning District to the R-2 Two-Family Residence Zoning District for the western portion of a 0.46-gross acre site, located on the southeast corner of Lick Avenue and Goodyear Street (1102 Lick Avenue) (Garcia Enterprise LLC, Owner). Council District: 3. CEQA: Determination of Consistency with Envision San José 2040 General Plan EIR (Resolution No. 76041) and Supplemental EIR to the Envision San José 2040 General Plan Program EIR (Resolution No. 77517), and Addenda thereto.

*PROJECT MANAGER, EDWARD SCHREINER*

1. **RECOMMENDED TO THE CITY COUNCIL CONSIDERATION OF THE DETERMINATION OF CONSISTENCY WITH ENVISION SAN JOSÉ 2040 GENERAL PLAN EIR (RESOLUTION NO. 76041) AND SUPPLEMENTAL EIR TO THE ENVISION SAN JOSÉ 2040 GENERAL PLAN PROGRAM EIR (RESOLUTION NO. 77517), AND ADDENDA THERETO, IN ACCORDANCE WITH CEQA (6-0-1, VORA ABSENT)**
2. **ACTION: COMMISSIONER ABELITE MADE A MOTION TO RECOMMEND TO THE CITY COUNCIL THE APPROVAL OF A CONVENTIONAL REZONING ORDINANCE AS DESCRIBED ABOVE. COMMISSIONER BIT-BADAL SECONDED THE MOTION. (6-0-1, VORA ABSENT)**

- b. [CP16-063 \(Administrative Hearing\)](#). Conditional Use Permit to allow a daycare center with up to 18 children in an existing 3,766-square foot building with an approximately 2,741-square foot outdoor play area within 150 feet of residentially zoned properties and six foot tall sound barriers on the eastern and southern property lines, in the CP Commercial Pedestrian Zoning District, on an approximately 0.39-gross acre site located at the southeast corner of N. 17th Street and E. Julian Street (804 E. Julian St.) (Kingdom LLC, Owner). Council District 3. CEQA: Exempt per CEQA Guidelines Sections 15301 for Existing Facilities and 15332 for in-fill development projects.

*PROJECT MANAGER, LEILA HAKIMIZADEH*

1. **DETERMINED THE EXEMPTION IN ACCORDANCE WITH CEQA (6-0-1, VORA ABSENT)**
2. **ACTION: COMMISSIONER ABELITE MADE A MOTION TO APPROVE THE CONDITIONAL USE PERMIT RESOLUTION AS DESCRIBED ABOVE. COMMISSIONER BIT-BADAL SECONDED THE MOTION - RESOLUTION NO. 18-002. (6-0-1, VORA 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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No Items

## 8. GENERAL PLAN PUBLIC HEARING

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- a. [GPT17-009 & PP17-082](#). The City is updating its transportation analysis policy and related changes to conform with the State law (SB 743) and to further the goals and policies of the General Plan by removing the vehicular Level of Service (LOS) metric from transportation analysis under the California Environmental Quality Act (CEQA) and replacing it with a Vehicle Miles Traveled (VMT) metric. Proposed actions include recommending to the City Council:
- i. Adoption of a resolution amending the text of the General Plan to reflect the new City Council Transportation Analysis Policy 5-1;
  - ii. Adoption of a resolution approving a new City Council Policy 5-1 entitled “Transportation Analysis” using VMT, rather than LOS, as the CEQA transportation metric, and amending City Council Policy 5-3 entitled “Transportation Impact Analysis” providing a transition from LOS to VMT; and
  - iii. Adoption of a resolution designating Infill Opportunity Zones pursuant to SB 743 to align the City’s participation in the regional Congestion Management Program with the new City Council Transportation Analysis Policy 5-1.

Council District: Citywide. CEQA: Exempt pursuant to Public Resources Code Section 21080(b)(1) and CEQA Guidelines Section 15268(a), ministerial actions are exempt from the requirements of CEQA. *Deferred from 1/24/18.*

*PROJECT MANAGERS, JESSICA ZENK, KAREN MACK, MEENAXI PANAKKAL & JARED HART*

1. **RECOMMENDED TO THE CITY COUNCIL CONSIDERATION OF THE EXEMPTION PURSUANT TO PUBLIC RESOURCES CODE SECTION 21080(B)(1) AND CEQA GUIDELINES SECTION 15268(A), MINISTERIAL ACTIONS ARE EXEMPT FROM THE REQUIREMENTS OF CEQA (6-0-1, VORA ABSENT)**
2. **ACTION: COMMISSIONER ALLEN MADE A MOTION TO RECOMMEND TO THE CITY COUNCIL THE ADOPTION OF A RESOLUTION APPROVING THE GENERAL PLAN TEXT AMENDMENT AS DESCRIBED ABOVE. COMMISSIONER BIT-BADAL SECONDED THE MOTION. (6-0-1, VORA ABSENT)**
3. **ACTION: COMMISSIONER ALLEN MADE A MOTION TO RECOMMEND TO THE CITY COUNCIL THE ADOPTION OF A RESOLUTION APPROVING A NEW CITY COUNCIL POLICY 5-1 ENTITLED “TRANSPORTATION ANALYSIS POLICY” AND AMENDING CITY COUNCIL POLICY 5-3 ENTITLED “TRANSPORTATION IMPACT POLICY” AS DESCRIBED ABOVE. COMMISSIONER BIT-BADAL SECONDED THE MOTION. (6-0-1, VORA ABSENT)**

4. **ACTION: COMMISSIONER ALLEN MADE A MOTION TO RECOMMEND TO THE CITY COUNCIL THE ADOPTION OF A RESOLUTION DESIGNATING INFILL OPPORTUNITY ZONES (IOZs) PURSUANT TO SB 743 AS DESCRIBED ABOVE. COMMISSIONER BIT-BADAL SECONDED THE MOTION. (6-0-1, VORA ABSENT)**

## **9. CLOSE THE GENERAL PLAN HEARING**

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## **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

*No Items*

- b. Review and Approve Action Minutes from [1/24/18](#)

*Action Minutes Approved (6-0-1, Vora Absent) Commissioner Abelite made a motion to approve the 1/24/18 minutes. Commissioner Allen seconded the motion.*

- c. Subcommittee Formation, Reports, and Outstanding Business

*No Reports*

- d. Commission Calendar and Study Sessions

*No Reports*

- e. The Public Record

*No Items*

## **12. ADJOURNMENT**

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Meeting adjourned at 8:35 pm