

PLANNING COMMISSION

September 28, 2016

Action Minutes

WELCOME

SALUTE TO THE FLAG

ROLL CALL

PRESENT: Commissioners Abelite, Pham, Allen, and Vora

ABSENT: Commissioners Ballard, Bit-Badal, and Yesney

SUMMARY OF HEARING PROCEDURES

1. PUBLIC COMMENT

None

2. DEFERRALS AND REMOVALS FROM CALENDAR

- a. **C16-007.** Conforming Rezoning from the R-1-2 Single-Family Residence Zoning District to the R-1-5 Single-Family Residence Zoning District on a 1.3-gross acre site located at the southeast corner of Almaden Road and Burnside Drive (18590 Almaden Road) (David Bertelsen, Owner). Council District: 10. CEQA: Negative Declaration for File No. GP16-002. **PROJECT MANAGER, PATRICK KELLY**

PULLED FROM DEFERRALS AND HEARD UNDER PUBLIC HEARING

1. DEFERRED TO THE 10/12/16 PLANNING COMMISSION MEETING PER APPLICANT REQUEST (4-0-3, BALLARD, BIT-BADAL, & YESNEY ABSENT)

- b. **GP16-002.** General Plan Land Use/Transportation Diagram Amendment from Rural Residential to Residential Neighborhood designation for residential uses on a 1.33 gross acre site, located at/on the southeast corner of Almaden Road and Burnside Drive (18590 Almaden Road) (David Bertelsen, Owner). Council District: 10. CEQA: Negative Declaration for File No. GP16-002.

PROJECT MANAGER, KIMBERLY VACCA

1. DEFERRED TO THE 10/12/16 PLANNING COMMISSION MEETING PER APPLICANT REQUEST (4-0-3, BALLARD, BIT-BADAL, & YESNEY ABSENT)

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

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

- c. The projects being considered are located on a 0.13-gross acre site in the R-M Multiple Residence Zoning District located on the west side of North 13th Street, approximately 200 feet north of Washington Street (421 North 13th Street) (John and Betty Licking, Owners). Council District 3. CEQA: Exempt per CEQA Guidelines Section 15301(a) for Existing Facilities.

PROJECT MANAGER, PATRICK KELLY

CP15-073 (Administrative Hearing). Conditional Use Permit to allow a 25-bed Residential Care Facility (23 client beds and two resident manager beds) within an existing 3,089-square foot single-family residence.

RA16-002 (Administrative Hearing). Request for Reasonable Accommodation to allow reduced parking for a 25-bed Residential Care Facility (23 client beds and two resident manager beds) located within an existing 3,089-square foot single-family residence.

PULLED FROM DEFERRALS AND HEARD UNDER PUBLIC HEARING

1. DEFERRED TO THE 10/12/16 PLANNING COMMISSION MEETING PER STAFF REQUEST (4-0-3, BALLARD, BIT-BADAL, & YESNEY ABSENT)

- d. **PDC15-028.** Planned Development Zoning to rezone from the CP Commercial Pedestrian Zoning District to the CG(PD) Planned Development Zoning District to allow up to 360,000 square feet of commercial space with 353,700 square feet of parking structures on 9.3-gross acre site. The project site is located on the north side of Samaritan Drive, approximately 700 feet east of the intersection of South Bascom Avenue and Samaritan Drive (2505-2577 Samaritan Drive) (Samaritan Properties LLC, Owner). Council District: 9. CEQA: Samaritan Medical Center Master Plan Project Environmental Impact Report. *PROJECT MANAGER, LEA SIMVOULAKIS*

1. DEFERRED TO THE 10/12/16 PLANNING COMMISSION MEETING PER APPLICANT REQUEST (4-0-3, BALLARD, BIT-BADAL, & YESNEY ABSENT)

- e. **PDC15-029.** Planned Development Zoning to rezone from the CP Commercial Pedestrian Zoning District to the CO(PD) Planned Development Zoning District to allow up to 115,250 square feet of commercial space with a 141,040 square foot parking structure on a 3.7-gross acre site, located on the south side of the terminus of Samaritan Court (2506-2515 Samaritan Court) (Samaritan Medical LLC, Owner). Council District: 9. CEQA: Samaritan Medical Center Master Plan Project Environmental Impact Report. *PROJECT MANAGER, LEA SIMVOULAKIS*

1. DEFERRED TO THE 10/12/16 PLANNING COMMISSION MEETING PER APPLICANT REQUEST (4-0-3, BALLARD, BIT-BADAL, & YESNEY ABSENT)

- f. **GP15-014.** General Plan Amendment to change the Land Use/Transportation Diagram designation from Neighborhood/Community Commercial to Regional Commercial on a 9.3 gross acre site. The project site is located on the north side of Samaritan Drive, approximately 700 feet east of the intersection of South Bascom Avenue and Samaritan Drive (2505-2577 Samaritan Drive) (Samaritan Properties LLC, Owner). Council District: 9. CEQA: Samaritan Medical Center Master Plan Project Environmental Impact Report. *PROJECT MANAGER, LEA SIMVOULAKIS*

1. DEFERRED TO THE 10/12/16 PLANNING COMMISSION MEETING PER APPLICANT REQUEST (4-0-3, BALLARD, BIT-BADAL, & YESNEY ABSENT)

- g. **GPT16-009.** City-initiated General Plan Amendment to modify the Transportation Network Diagram to be consistent with the North San Pedro Streetscape Project improvements on West Julian Street between North San Pedro Street and Notre Dame Avenue, located on West Julian Street between North San Pedro Street and Notre Dame Avenue (City Of San Jose, Owner). Council District: 3. CEQA: Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that this activity is within the scope of the approved Envision San José 2040 General Plan and the Final Program Environmental Impact Report for the Envision San José 2040 General Plan and amendments thereto, for which findings were adopted by Resolution No. 76041 and 77517 respectively, that adequately described the activity for the purposes of CEQA. *PROJECT MANAGER, JARED HART*
- 1. DEFERRED TO THE 10/12/16 PLANNING COMMISSION MEETING PER STAFF REQUEST (4-0-3, BALLARD, BIT-BADAL, & YESNEY ABSENT)**
- h. **GPT16-004.** City-initiated General Plan Text Amendment to make minor modifications and clarifying revisions to the Envision San José 2040 General Plan. Council District: Citywide. CEQA: Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that this activity is within the scope of the approved Envision San José 2040 General Plan and the Final Program Environmental Impact Report for the Envision San José 2040 General Plan and amendments thereto, for which findings were adopted by Resolution No. 76041 and 77517 respectively, that adequately described the activity for the purposes of CEQA. *PROJECT MANAGER, KIMBERLY VACCA*
- 1. DEFERRED TO THE 10/12/16 PLANNING COMMISSION MEETING PER STAFF REQUEST (4-0-3, BALLARD, BIT-BADAL, & YESNEY ABSENT)**
- i. **GPT16-005.** City-initiated General Plan Text Amendment to include text clarifying how an adopted Urban Village Plan's text, goals and policies can be amended. Council District: Citywide. CEQA: Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that this activity is within the scope of the approved Envision San José 2040 General Plan and the Final Program Environmental Impact Report for the Envision San José 2040 General Plan and amendments thereto, for which findings were adopted by Resolution No. 76041 and 77517 respectively, that adequately described the activity for the purposes of CEQA. *PROJECT MANAGER, KIMBERLY VACCA*
- 1. DEFERRED TO THE 10/12/16 PLANNING COMMISSION MEETING PER STAFF REQUEST (4-0-3, BALLARD, BIT-BADAL, & YESNEY ABSENT)**
- j. **GPT16-006.** City-initiated General Plan Text Amendment to update the Growth Areas Planned Capacity by Horizon table in Appendix 5 to reflect approved residential unit entitlements since adoption of the General Plan and to make minor formatting revisions. Council District: Citywide. CEQA: Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that this activity is within the scope of the approved Envision San José 2040 General Plan and the Final Program Environmental Impact Report for the Envision San José 2040 General Plan and amendments thereto, for which findings were adopted by Resolution No. 76041 and 77517 respectively, that adequately described the activity for the purposes of CEQA. *PROJECT MANAGER, KIMBERLY VACCA*
- 1. DEFERRED TO THE 10/12/16 PLANNING COMMISSION MEETING PER STAFF REQUEST (4-0-3, BALLARD, BIT-BADAL, & YESNEY ABSENT)**

- k. **GPT16-007.** City-initiated General Plan Text Amendment to revise Urban Villages Design Policy CD-7.9 to allow more flexibility in building height step down in Urban Villages adjacent to single-family residential sites. Council District: Citywide. CEQA: Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that this activity is within the scope of the approved Envision San José 2040 General Plan and the Final Program Environmental Impact Report for the Envision San José 2040 General Plan and amendments thereto, for which findings were adopted by Resolution No. 76041 and 77517 respectively, that adequately described the activity for the purposes of CEQA. *PROJECT MANAGER, KIMBERLY VACCA*

PULLED FROM DEFERRALS AND HEARD UNDER PUBLIC HEARING

1. DEFERRED TO THE 10/12/16 PLANNING COMMISSION MEETING PER STAFF REQUEST (4-0-3, BALLARD, BIT-BADAL, & YESNEY ABSENT)

1. **GPT16-008.** City-initiated General Plan Text Amendment to modify the Mixed Use Commercial land use designation to establish a minimum and maximum Floor Area Ratio (FAR) range from 0.5 to up to 4.5 FAR for mixed-use projects, and from 0.25 to up to 4.5 FAR for stand-alone commercial projects. Council District: Citywide. CEQA: Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that this activity is within the scope of the approved Envision San José 2040 General Plan and the Final Program Environmental Impact Report for the Envision San José 2040 General Plan and amendments thereto, for which findings were adopted by Resolution No. 76041 and 77517 respectively, that adequately described the activity for the purposes of CEQA. *PROJECT MANAGER, KIMBERLY VACCA*

1. DEFERRED TO THE 10/12/16 PLANNING COMMISSION MEETING PER STAFF REQUEST (4-0-3, BALLARD, BIT-BADAL, & YESNEY ABSENT)

3. CONSENT CALENDAR

No Items

4. PUBLIC HEARING

- a. **CP15-040 (Administrative Hearing).** Conditional Use Permit to allow a new 10,625-square foot daycare facility with up to 168 students, with outdoor uses within 150 feet of residences, to allow the maximum allowable noise level at a residential property line to be exceeded by up to 1 decibel, and the removal of three ordinance sized trees in the CP Commercial Pedestrian Zoning District on an approximately 0.8-gross acre site, located at 16601 Almaden Expressway (Mancuso Thomas Trustee & Et Al, Owner). Council District: 10. CEQA: Mitigated Negative Declaration for “Kiddie Academy Preschool.” *PROJECT MANAGER, JENNIFER PIOZET*

1. DETERMINED THE MITIGATED NEGATIVE DECLARATION AND ASSOCIATED MITIGATION, MONITORING, AND REPORTING PROGRAM FOR “KIDDIE ACADEMY PRESCHOOL” IS IN ACCORDANCE WITH CEQA (4-0-3, BALLARD, BIT-BADAL, & YESNEY ABSENT)

2. APPROVED THE CONDITIONAL USE PERMIT – RESOLUTION NO. 16-043 (4-0-3, BALLARD, BIT-BADAL, & YESNEY ABSENT)

- b. [An Ordinance of the City of San José](#) amending Title 20 (the Zoning Code) by amending: Section 20.50.100 of Chapter 20.50; Section 20.70.100 of Chapter 20.70; Section 20.80.775 of Chapter 20.80; and Section 20.100.1530 of Chapter 20.100 to add “Medical Marijuana Collective, Dispensary Site Only” as a newly enumerated Restricted Use in specified Industrial Zoning Districts and the Downtown Primary Commercial Zoning District, and to remove the fifty (50) foot minimum required distance between Medical Marijuana Collectives, Cultivation Sites, and making other technical, non-substantive, or formatting changes within those Sections of Title 6 and Title 20 all to add and amend land use regulations pertaining to Medical Marijuana Collectives. CEQA: Negative Declaration (File No. PP11-039, Resolution No. 75984), as addended by File Nos. PP11-076, PP14-030, and PP16-076. File No. PP16-076. *PROJECT MANAGER, JENNY NUSBAUM*

1. **RECOMMENDED TO THE CITY COUNCIL CONSIDERATION OF THE NEGATIVE DECLARATION (FILE NO. PP11-039, RESOLUTION NO. 75984), AS ADDENDED BY FILE NOS. PP11-076, PP14-030, AND PP16-076 (4-0-3, BALLARD, BIT-BADAL, & YESNEY ABSENT)**
2. **RECOMMENDED TO THE CITY COUNCIL THE APPROVAL OF AN ORDINANCE AMENDING TITLE 20 OF THE MUNICIPAL CODE (4-0-3, BALLARD, BIT-BADAL, & YESNEY ABSENT)**

5. OPEN THE GENERAL PLAN PUBLIC HEARING

6. GENERAL PLAN PUBLIC HEARING

- a. [GP16-007](#). General Plan Amendment to the Land Use/Transportation Diagram from the Public Quasi-Public designation to the Neighborhood Community Commercial designation on a 27 gross acre site, located on the northeasterly corner of Yerba Buena Road and San Felipe Road (San Jose Evergreen Community College District, Owner). Council District: 8. CEQA: Negative Declaration for the Evergreen Valley Community College General Plan Amendment. *PROJECT MANAGER, KIMBERLY VACCA*

1. **OPENED THE PUBLIC HEARING TO PUBLIC TESTIMONY PER STAFF (4-0-3, BALLARD, BIT-BADAL, & YESNEY ABSENT)**
2. **MOTION TO CONTINUE THE ITEM TO THE 10/12/16 PLANNING COMMISSION MEETING PER STAFF AND APPLICANT (4-0-3, BALLARD, BIT-BADAL, & YESNEY ABSENT)**

7. CONTINUE THE GENERAL PLAN HEARING TO OCTOBER 12, 2016

MOTION TO CONTINUE THE GENERAL PLAN HEARING TO THE OCTOBER 12, 2016 PLANNING COMMISSION MEETING (4-0-3, BALLARD, BIT-BADAL, & YESNEY ABSENT)

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

No Items

9. GOOD AND WELFARE

a. Report from City Council

8/23/16 City Council:

1) Amendment to the San Jose Municipal Code Chapter 2.08 updating and clarifying voting and appointment processes for various Boards and Commissions approved.

9/20/16 City Council:

1) Santana West conforming rezoning approved.

2) East Santa Clara/11th Street signature project rezoning approved.

b. Review and Approve Action Minutes from [09-14-16](#)

Action Minutes Approved (4-0-3, Ballard, Bit-Badal, & Yesney Absent)

c. Subcommittee Formation, Reports, and Outstanding Business

No Reports

d. Commission Calendar and Study Sessions

1. [Draft Planning Commission Retreat Agenda](#)

e. The Public Record

No Items

ADJOURNMENT