

PLANNING COMMISSION

October 12, 2016

Action Minutes

WELCOME

SALUTE TO THE FLAG

STUDY SESSION ROLL CALL

PRESENT: Commissioners Abelite, Pham, Ballard, Vora, and Yesney

ABSENT: Commissioners Allen and Bit-Badal

PLANNING COMMISSION ROLL CALL

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

ABSENT: None

SUMMARY OF HEARING PROCEDURES

1. PUBLIC COMMENT

None

2. DEFERRALS AND REMOVALS FROM CALENDAR

- a. 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.

1. DROPPED TO BE RE-NOTICED PER STAFF REQUEST (7-0-0)

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

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

3. CONSENT CALENDAR

- a. [CP15-049 \(Administrative Hearing\)](#). Conditional Use Permit to allow a 1,600-square-foot Social Service Agency (food distribution storage and voucher sales) in an existing building on an approximately 1.0 gross acre site in the LI Light Industrial Zoning District located on the north side of Virginia Street, 120 feet east of South 3rd Street (143 East Virginia Street) (Levan Group Inc., Owner). Council District: 3. CEQA: Exempt per CEQA Guidelines Section 15301 for Existing Facilities. *Deferred from 9/14/16. PROJECT MANAGER, EDWARD SCHREINER*
- 1. DETERMINED THE EXCEPTION IS IN ACCORDANCE WITH CEQA (7-0-0)**
 - 2. APPROVED THE CONDITIONAL USE PERMIT – RESOLUTION NO. 16-044 (7-0-0)**
- b. [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. *Deferred from 9/28/16. PROJECT MANAGER, PATRICK KELLY*
- THIS ITEM HEARD TOGETHER WITH ITEM 7.B.**
- 1. RECOMMENDED TO THE CITY COUNCIL CONSIDERATION OF THE NEGATIVE DECLARATION FOR FILE NO. GP16-002 (7-0-0)**
 - 2. RECOMMENDED TO THE CITY COUNCIL THE APPROVAL OF A CONFORMING REZONING ORDINANCE (7-0-0)**
- c. [C16-027](#). Conventional Rezoning for three parcels with an R-M Multiple Residence Zoning District and two parcels with the LI Light Industrial Zoning District to the PQP Public/Quasi-Public Zoning District on five parcels totaling 1.45 gross acres, located on the east side of North 5th Street between Jackson Street & East Empire Street (APNs: 249-38-008, 249-38-024, 249-38-025, 249-38-026, 249-35-050) (Wesley United Methodist Church, Owner). Council District 3. CEQA: Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental Environmental Impact Report to the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 77617). *PROJECT MANAGER, TRACY TAM*
- 1. RECOMMENDED TO THE CITY COUNCIL CONSIDERATION OF THE ADDENDUM TO THE ENVISION SAN JOSÉ 2040 GENERAL PLAN FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (RESOLUTION NO. 76041) AND SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT TO THE ENVISION SAN JOSÉ 2040 GENERAL PLAN FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (RESOLUTION NO. 77617) (7-0-0)**
 - 2. RECOMMENDED TO THE CITY COUNCIL THE APPROVAL OF A COVENTIONAL REZONING ORDINANCE (7-0-0)**
- d. [CP16-034 \(Administrative Hearing\)](#). Conditional Use Permit to allow a public drinking establishment in conjunction with a public eating establishment and late night use until 2:00 a.m. in an approximately 5,000 square foot portion of an existing approximately 9,143 square foot building on a 0.64 gross acre site in the DC Downtown Primary Commercial Zoning District located on the west side of North San Pedro Street, approximately 220 feet southerly of West St. John Street (65 North San Pedro Street) (Cucuzza Family Partnership, Owner). Council District 3. CEQA: Exempt per CEQA Guidelines Section 15301(a) for Existing Facilities. *PROJECT MANAGER, TRACY TAM*
- PULLED FROM CONSENT CALENDAR AND HEARD UNDER PUBLIC HEARING**
- 1. DETERMINED THE EXCEPTION IS IN ACCORDANCE WITH CEQA (7-0-0)**

2. APPROVED THE CONDITIONAL USE PERMIT – RESOLUTION NO. 16-045 (6-0-1, ALLEN ABSTAINED)

- e. **PD16-020 & ABC16-003.** Planned Development Permit and Determination of Public Convenience or Necessity to allow the off-sale of a full-range of alcoholic beverages and an incidental public drinking establishment (tasting of beer, wine and spirits) in a 19,500-square foot commercial tenant space on 43.2-gross acre site, located at 5140 Cherry Avenue in the A(PD) Planned Development Zoning District (Almaden Ranch, LLC, Owner). Council District: 9. CEQA: Determination of Consistency with the Almaden Ranch Subsequent Environmental Impact Report, (Resolution No. 76168).

PROJECT MANAGER, JENNIFER PIOZET

- 1. RECOMMENDED TO THE CITY COUNCIL CONSIDERATION OF THE ALMADEN RANCH SUBSEQUENT ENVIRONMENTAL IMPACT REPORT (7-0-0)**
- 2. RECOMMENDED TO THE CITY COUNCIL THE APPROVAL OF A PLANNED DEVELOPMENT PERMIT RESOLUTION AND DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY (7-0-0)**

4. PUBLIC HEARING

- a. **CP15-052 & ABC15-011 (Administrative Hearing).** Conditional Use Permit and Determination of Public Convenience or Necessity to allow the demolition of an existing gasoline service station and construct a 3,351-square foot retail building, including pump canopy, four fuel dispensers (eight gasoline fueling nozzles and four diesel fueling nozzles), three underground fuel tanks, off-sale of alcoholic beverages (beer and wine only in a 32-square foot area), and late night use (24-hour operation) on a 0.69-gross acre site, located at 875 Blossom Hill Road in the CP Commercial Pedestrian Zoning District (Chevron Products Company, Owner). Council District: 10. CEQA: Exempt per CEQA Guidelines Section 15302 for Replacement or Reconstruction.

PROJECT MANAGER, JENNIFER PIOZET

HEARD UNDER CONSENT CALENDAR PER STAFF RECOMMENDATION

- 1. DETERMINED THE EXCEPTION IS IN ACCORDANCE WITH CEQA (7-0-0)**
- 2. APPROVED A REVISED CONDITIONAL USE PERMIT RESOLUTION AND DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY - RESOLUTION NO. 16-046 (7-0-0), WITH THE BELOW MENTIONED:**

AS REFERENCED IN THE SUPPLEMENTAL MEMO, A MEMORANDUM FROM CITY ATTORNEY RICHARD DOYLE ENTITLED “SALE OF ALCOHOL AT GASOLINE STATION MINI-MARTS,” DATED JUNE 1, 2015 CLARIFIED THAT THE STATE DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL (ABC) HAS THE “EXCLUSIVE RIGHT AND POWER TO LICENSE AND REGULATE THE MANUFACTURE, SALE, PURCHASE, POSSESSION AND TRANSPORTATION OF ALCOHOLIC BEVERAGES WITHIN THE STATE” WHILE CHARTER CITIES SUCH AS SAN JOSE, MAY STILL RESTRICT THE TIME, MANNER, AND PLACE OF ALCOHOL SALES THROUGH THE EXERCISE OF THEIR POLICE POWERS. THIS MEANS THAT CITIES CANNOT OUTRIGHT PROHIBIT ALCOHOL SALES, BUT MAY REGULATE SUCH SALES FOR OFF-PREMISE CONSUMPTION (SOMETIMES REFERRED TO AS THE “OFF-SALE OF ALCOHOL”) TO PREVENT OR ABATE NUISANCES WITHIN AREAS OF HIGH CRIME OR OVERCONCENTRATION.

THEREFORE, THE CITY CANNOT USE GENERAL PLAN LAND USE POLICY LU-5.10, WHICH STATES THAT, “IN THE REVIEW OF NEW LOCATIONS FOR THE OFF-SALE OF ALCOHOL, GIVE PREFERENCE TO ESTABLISHMENTS THAT OFFER A FULL

RANGE OF FOOD CHOICES INCLUDING FRESH FRUIT, VEGETABLES, AND MEAT” TO DENY THE REQUEST IF THE PROJECT MEETS ALL OF THE REQUIREMENTS IMPOSED BY THE ABC DEPARTMENT AND LOCAL ZONING, IN THIS CASE THE FINDINGS OF THE CONDITIONAL USE PERMIT AND DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY.

- b. [H16-015 \(Appeal Hearing\)](#). APPEAL by the project applicant of the Planning Director’s denial of a 10-foot electric fence and approval of a Site Development Permit to allow the construction of a 7 foot, wrought iron-like fence on a 1.86 gross acre site, in the HI Heavy Industrial Zoning District, located on the southwesterly corner of Rogers Avenue and Junction Avenue at 1705 Rogers Avenue (1705 Rogers LP, Owner). Council District: 3. CEQA: Exempt per CEQA Guidelines Section 15303(e) for New Construction or Conversion of Small Structures. *PROJECT MANAGER, LEA SIMVOULAKIS*

MOTION TO CONTINUE THE ITEM TO THE 11/16/16 PLANNING COMMISSION MEETING TO ALLOW STAFF TO COORDINATE WITH THE PROPERTY OWNER ON FENCE ALTERNATIVES (7-0-0)

- c. 1. [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. *Deferred from 9/28/16. PROJECT MANAGER, LEA SIMVOULAKIS*

THIS ITEM HEARD TOGETHER WITH ITEM 7.A.

DEFERRED TO THE 10/26/16 PLANNING COMMISSION MEETING PER APPLICANT REQUEST (7-0-0)

2. [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. *Deferred from 9/28/16. PROJECT MANAGER, LEA SIMVOULAKIS*

THIS ITEM HEARD TOGETHER WITH ITEM 7.A.

DEFERRED TO THE 10/26/16 PLANNING COMMISSION MEETING PER APPLICANT REQUEST (7-0-0)

**5. OPEN THE GENERAL PLAN HEARING
(CONTINUED FROM SEPTEMBER 28, 2016)**

6. GENERAL PLAN PUBLIC HEARING

- a. [GP16-008](#). City-initiated General Plan Amendment to change the Land Use / Transportation Diagram to Open Space, Parklands and Habitat land use designation on a 1.66 gross acre site, located along the western side of South 31st Street between Alum Rock Avenue and East San Antonio Street (City of San Jose, Owner). Council District: 5. CEQA: Mitigated Negative Declaration for South 31st Street and Alum Rock Avenue Park. *PROJECT MANAGER, JARED HART*

1. **RECOMMENDED TO THE CITY COUNCIL CONSIDERATION OF THE MITIGATED NEGATIVE DECLARATION (7-0-0)**
2. **RECOMMENDED TO THE CITY COUNCIL THE APPROVAL OF A GENERAL PLAN AMENDMENT RESOLUTION (7-0-0)**

b. **GP16-009.** 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 Final Program Environmental Impact Report for the Envision San José 2040 General Plan and Supplemental Environmental Impact Report to the Envision San José 2040 General Plan Environmental Impact Report, for which findings were adopted by City Council Resolution Nos. 76041 and 77517 respectively, that adequately describe the activity for the purposes of CEQA. *Deferred from 9/28/16. PROJECT MANAGER, JARED HART*

1. **RECOMMENDED TO THE CITY COUNCIL CONSIDERATION OF THE DETERMINATION OF CONSISTENCY WITH THE FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE ENVISION SAN JOSÉ 2040 GENERAL PLAN AND SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT TO THE ENVISION SAN JOSÉ 2040 GENERAL PLAN ENVIRONMENTAL IMPACT REPORT, FOR WHICH FINDINGS WERE ADOPTED BY CITY COUNCIL RESOLUTION NOS. 76041 AND 77517 RESPECTIVELY (7-0-0)**
2. **RECOMMENDED TO THE CITY COUNCIL THE APPROVAL OF A GENERAL PLAN AMENDMENT RESOLUTION (7-0-0)**

c. **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 Final Program Environmental Impact Report for the Envision San José 2040 General Plan and Supplemental Environmental Impact Report to the Envision San José 2040 General Plan Environmental Impact Report, for which findings were adopted by City Council Resolution Nos. 76041 and 77517 respectively, that adequately describe the activity for the purposes of CEQA. *Deferred from 9/28/16. PROJECT MANAGER, KIMBERLY VACCA*

1. **RECOMMENDED TO THE CITY COUNCIL CONSIDERATION OF THE DETERMINATION OF CONSISTENCY WITH THE FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE ENVISION SAN JOSÉ 2040 GENERAL PLAN AND SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT TO THE ENVISION SAN JOSÉ 2040 GENERAL PLAN ENVIRONMENTAL IMPACT REPORT, FOR WHICH FINDINGS WERE ADOPTED BY CITY COUNCIL RESOLUTION NOS. 76041 AND 77517 RESPECTIVELY (7-0-0)**
2. **RECOMMENDED TO THE CITY COUNCIL THE APPROVAL OF A GENERAL PLAN TEXT AMENDMENT RESOLUTION (7-0-0)**

d. **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 Final Program Environmental Impact Report for the Envision San José 2040 General Plan and Supplemental Environmental Impact Report to the Envision San José 2040 General Plan Environmental Impact Report, for which findings were adopted by City Council

Resolution Nos. 76041 and 77517 respectively, that adequately describe the activity for the purposes of CEQA. *Deferred from 9/28/16 PROJECT MANAGER, KIMBERLY VACCA*

- 1. RECOMMENDED TO THE CITY COUNCIL CONSIDERATION OF THE DETERMINATION OF CONSISTENCY WITH THE FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE ENVISION SAN JOSÉ 2040 GENERAL PLAN AND SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT TO THE ENVISION SAN JOSÉ 2040 GENERAL PLAN ENVIRONMENTAL IMPACT REPORT, FOR WHICH FINDINGS WERE ADOPTED BY CITY COUNCIL RESOLUTION NOS. 76041 AND 77517 RESPECTIVELY (7-0-0)**
- 2. RECOMMENDED TO THE CITY COUNCIL THE APPROVAL OF A GENERAL PLAN TEXT AMENDMENT RESOLUTION (7-0-0)**

- e. **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 Final Program Environmental Impact Report for the Envision San José 2040 General Plan and Supplemental Environmental Impact Report to the Envision San José 2040 General Plan Environmental Impact Report, for which findings were adopted by City Council Resolution Nos. 76041 and 77517 respectively, that adequately describe the activity for the purposes of CEQA. *Deferred from 9/28/16 PROJECT MANAGER, KIMBERLY VACCA*

- 1. RECOMMENDED TO THE CITY COUNCIL CONSIDERATION OF THE DETERMINATION OF CONSISTENCY WITH THE FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE ENVISION SAN JOSÉ 2040 GENERAL PLAN AND SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT TO THE ENVISION SAN JOSÉ 2040 GENERAL PLAN ENVIRONMENTAL IMPACT REPORT, FOR WHICH FINDINGS WERE ADOPTED BY CITY COUNCIL RESOLUTION NOS. 76041 AND 77517 RESPECTIVELY (7-0-0)**
- 2. RECOMMENDED TO THE CITY COUNCIL THE APPROVAL OF A GENERAL PLAN TEXT AMENDMENT RESOLUTION (7-0-0)**

- f. **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 Final Program Environmental Impact Report for the Envision San José 2040 General Plan and Supplemental Environmental Impact Report to the Envision San José 2040 General Plan Environmental Impact Report, for which findings were adopted by City Council Resolution Nos. 76041 and 77517 respectively, that adequately describe the activity for the purposes of CEQA. *Deferred from 9/28/16 PROJECT MANAGER, KIMBERLY VACCA*

- 1. RECOMMENDED TO THE CITY COUNCIL CONSIDERATION OF THE DETERMINATION OF CONSISTENCY WITH THE FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE ENVISION SAN JOSÉ 2040 GENERAL PLAN AND SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT TO THE ENVISION SAN JOSÉ 2040 GENERAL PLAN ENVIRONMENTAL IMPACT REPORT, FOR WHICH FINDINGS WERE ADOPTED BY CITY COUNCIL RESOLUTION NOS. 76041 AND 77517 RESPECTIVELY (7-0-0)**
- 2. RECOMMENDED TO THE CITY COUNCIL THE APPROVAL OF A GENERAL PLAN TEXT AMENDMENT RESOLUTION (7-0-0)**

- g. **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 residential/commercial mixed-use projects, and from 0.25 to up to 4.5 FAR for 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 Final Program Environmental Impact Report for the Envision San José 2040 General Plan and Supplemental Environmental Impact Report to the Envision San José 2040 General Plan Environmental Impact Report, for which findings were adopted by City Council Resolution Nos. 76041 and 77517 respectively, that adequately describe the activity for the purposes of CEQA. *Deferred from 9/28/16 PROJECT MANAGER, KIMBERLY VACCA*

1. **RECOMMENDED TO THE CITY COUNCIL CONSIDERATION OF THE DETERMINATION OF CONSISTENCY WITH THE FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE ENVISION SAN JOSÉ 2040 GENERAL PLAN AND SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT TO THE ENVISION SAN JOSÉ 2040 GENERAL PLAN ENVIRONMENTAL IMPACT REPORT, FOR WHICH FINDINGS WERE ADOPTED BY CITY COUNCIL RESOLUTION NOS. 76041 AND 77517 RESPECTIVELY (7-0-0)**
2. **RECOMMENDED TO THE CITY COUNCIL THE APPROVAL OF A GENERAL PLAN TEXT AMENDMENT RESOLUTION (7-0-0)**

7. GENERAL PLAN PUBLIC HEARING

- a. **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. *Deferred from 9/28/16. PROJECT MANAGER, LEA SIMVOULAKIS*

THIS ITEM HEARD TOGETHER WITH ITEMS 4.C.1 & 4.C.2

DEFERRED TO THE 10/26/16 PLANNING COMMISSION MEETING PER APPLICANT REQUEST (7-0-0)

- 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 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. *Deferred from 9/28/16. PROJECT MANAGER, KIMBERLY VACCA*

THIS ITEM HEARD TOGETHER WITH ITEM 3.B.

1. **RECOMMENDED TO THE CITY COUNCIL CONSIDERATION OF THE NEGATIVE DECLARATION FOR FILE NO. GP16-002 (7-0-0)**
2. **RECOMMENDED TO THE CITY COUNCIL THE APPROVAL OF A GENERAL PLAN AMENDMENT RESOLUTION (7-0-0)**

- c. [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. *Continued from 9/28/16.*

PROJECT MANAGER, KIMBERLY VACCA

1. **RECOMMENDED TO THE CITY COUNCIL THE CONSIDERATION AND APPROVAL OF THE NEGATIVE DECLARATION FOR THE EVERGREEN VALLEY COMMUNITY COLLEGE GENERAL PLAN AMENDMENT (5-2-0, PHAM & YESNEY OPPOSED)**
2. **RECOMMENDED TO THE CITY COUNCIL THE DENIAL OF THE APPLICANT'S REQUEST TO AMEND THE ENVISION SAN JOSÉ 2040 GENERAL PLAN LAND USE/TRANSPORTATION DIAGRAM DESIGNATION FROM PUBLIC/QUASI-PUBLIC TO NEIGHBORHOOD/COMMUNITY COMMERCIAL FOR THE 27-ACRE (5-2-0, PHAM & YESNEY OPPOSED)**
3. **RECOMMENDED TO THE CITY COUNCIL THE APPROVAL OF THE RESOLUTION RECOMMENDED BY STAFF AMENDING THE ENVISION SAN JOSÉ 2040 GENERAL PLAN LAND USE/TRANSPORTATION DIAGRAM DESIGNATION OF PUBLIC/QUASI-PUBLIC TO NEIGHBORHOOD/COMMUNITY COMMERCIAL FOR 14 ACRES OF THE 27-ACRE SITE (5-2-0, PHAM & YESNEY OPPOSED)**

8. CONTINUE THE GENERAL PLAN HEARING TO OCTOBER 26, 2016

MOTION TO CONTINUE THE GENERAL PLAN HEARING TO THE OCTOBER 26, 2016 PLANNING COMMISSION MEETING (7-0-0)

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

No Items

10. GOOD AND WELFARE

- a. Report from City Council

No Reports

- b. Review and Approve Action Minutes from [09-28-16](#)

Action Minutes Approved (6-0-1, Allen Abstained)

- c. Subcommittee Formation, Reports, and Outstanding Business

No Reports

- d. Commission Calendar and Study Sessions

1. *Reminder of Annual PC Retreat on Friday, October 14, 2016, 8:45 am to 12:00 p.m., City Hall, T-550*

2. *Reminder of Newby Island item on 10/26/16 Planning Commission agenda. Odor Study and Staff Report will be posted on 10/14/16. Deputy City Attorney advised Commissioners that if they received an invitation to tour the Newby Island facility it is best not to attend, as if 4 or more Commissioners attend, it would be considered a public meeting and would have to be noticed.*

3. *Staff will provide clarification on Study Session potentially scheduled for November 16, 2016.*

e. The Public Record

No Items

ADJOURNMENT