

PLANNING COMMISSION

November 14, 2018

Action Minutes

WELCOME

SALUTE TO THE FLAG

ROLL CALL

PRESENT: Commissioners Allen, Griswold, Leyba (arrived at 7:05 p.m.), Vora, Yesney

ABSENT: Commissioners Ballard

1. CALL TO ORDER & ORDERS OF THE DAY

Meeting called to order at 6:35 p.m.

2. PUBLIC COMMENT

Three members of the public spoke in opposition to the affordable housing development proposal File No. CP18-022 located at 397 Blossom Hill Road currently under review by the Planning Division. No public hearing is scheduled at this time. One member of the public had a petition signed by the community which they shared with staff. City Attorney Todorov stated that if the member of the public wants the petition to be included in the administrative record for the project, they should submit it to Planning staff when the item is schedule for public hearing.

The public stated that the project:

- *Result in a loss of revenue*
- *Will affect the surrounding businesses*
- *Increase crime and vagrancy in the area*
- *This is not the right site for this plan*
- *The project is poorly developed*
- *Security risks are not adequately addressed*
- *Will cause traffic problems*

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

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

- *Is a safety threat to the community*
- *Feels disconnected and ignored by the City officials*

One member of the public spoke about the public outreach and notification process for an item on the agenda (File Nos. C16-003 and SP18-053 located at 500 West San Carlos Street) and in general. She felt that the project did not adequately notice the surrounding neighborhood and wants to City to reevaluate the public outreach and notification policy and process.

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. 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

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. The proposed project is on an approximately 0.18-gross acre site located on the southwest corner of W. San Carlos Street and Josefa Street (500 West San Carlos Street) (Haghshenas Abbas Et Al, Owner). Council District 3. CEQA: Addendum to the Diridon Station Area Plan Final Program Environmental Impact Report (Resolution No. 77096), San Jose Downtown Strategy 2000 Final Program Environmental Impact Report (Resolution No. 72767), Envision San Jose 2040 General Plan Program Environmental Impact Report (Resolution No. 76041) and Envision San Jose 2040 General Plan Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto.

PROJECT MANAGER, TRACY TAM

C16-003: A Conventional Rezoning from the CP Commercial Pedestrian Zoning District to the DC Downtown Primary Commercial Zoning District.

SP18-053: Special Use Permit to allow the demolition of an approximately 1,000 square foot building, the construction of a mixed-use project consisting of approximately 3,095 square feet of ground floor commercial, and up to 18 multi-family residential units, and to utilize an alternative parking arrangement (i.e. carlifts).

PULLED FROM CONSENT AND HEARD UNDER PUBLIC HEARING

1. ACTION: COMMISSIONER YESNEY MADE A MOTION TO RECOMMEND TO THE CITY COUNCIL THE FOLLOWING :

A. ADOPT A RESOLUTION APPROVING THE ADDENDUM TO THE DIRIDON STATION AREA PLAN ENVIRONMENTAL IMPACT REPORT (COUNCIL RESOLUTION NO. 77096), SAN JOSÉ DOWNTOWN STRATEGY 2000

ENVIRONMENTAL IMPACT REPORT (COUNCIL RESOLUTION NO. 72767), ENVISION SAN JOSÉ 2040 GENERAL PLAN ENVIRONMENTAL IMPACT REPORT (COUNCIL RESOLUTION NO. 76041), ENVISION SAN JOSÉ 2040 GENERAL PLAN SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT (COUNCIL RESOLUTION NO. 77617), AND ADDENDA THERETO, ALL IN ACCORDANCE TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), AS AMENDED;

- B. ADOPT AN ORDINANCE OF THE CITY OF SAN JOSÉ REZONING AN APPROXIMATELY 0.18-GROSS ACRE PARCEL SITE GENERALLY LOCATED AT THE SOUTHWEST CORNER OF WEST SAN CARLOS STREET AND JOSEFA STREET (500 WEST SAN CARLOS; APN: 264-20-064) FROM THE CP COMMERCIAL PEDESTRIAN ZONING DISTRICT TO THE DC DOWNTOWN PRIMARY COMMERCIAL ZONING DISTRICT;**
- C. ADOPT A RESOLUTION APPROVING SPECIAL USE PERMIT NO. SP18-053, SUBJECT TO CONDITIONS, TO ALLOW DEMOLITION OF AN APPROXIMATELY 1,000-SQUARE FOOT BUILDING, THE CONSTRUCTION OF A MIXED-USE PROJECT CONSISTING OF APPROXIMATELY 3,095 SQUARE FEET OF GROUND FLOOR COMMERCIAL, AND UP TO 18 MULTIFAMILY RESIDENTIAL UNITS, AND TO UTILIZE AN ALTERNATIVE PARKING ARRANGEMENT (I.E. CAR LIFTS), AND AS MODIFIED BY THE PLANNING COMMISSION TO ADD THE FOLLOWING CONDITION OF APPROVAL: PERMIT ADJUSTMENT REQUIRED: PRIOR TO THE ISSUANCE OF ANY BUILDING PERMIT, THE PERMITTEE SHALL COORDINATE AND WORK WITH PLANNING STAFF TO EXPLORE ADDING A ROOFTOP ELEMENT FOR ARCHITECTURAL INTEREST**

COMMISSIONER LEYBA SECONDED THE MOTION (3-2-1-0; ALLEN, GRISWOLD OPPOSED)

- b. [CP17-047 \(Administrative Hearing\)](#). Conditional Use Permit to allow the construction of a new two-story, 31,801 square foot, 60-bed Residential Care Facility, and the removal of one ordinance-size tree, approximately 66-inches in circumference, located on a 0.97-gross acre site located south of Williams Road, approximately 180 feet east of Oakmont Place. (3924 Williams Road LLC, Owner). Council District 1. CEQA: Exempt per CEQA Guidelines Section 15332 for Infill Development Projects.

PROJECT MANAGER, STEFANIE FARMER

- 1. DETERMINED THE EXEMPTION IN ACCORDANCE WITH CEQA (4-0-2; BALLARD & LEYBA ABSENT)**
- 2. ACTION: COMMISSONER VORA MADE A MOTION TO APPROVE THE CONDITIONAL USE PERMIT RESOLUTION AS DESCRIBED ABOVE WITH A CORRECTION THAT THE RESIDENTIAL CARE FACILITY CONTAINS 29 COMPANION ROOMS AND TWO SINGLE UNITS, FOR A TOTAL OF 60 BEDS. COMMISSIONER GRISWOLD SECONDED THE MOTION. THE COMMISSION APPROVED THE CONDITIONAL USE PERMIT RESOLUTION NO. 18-024 (4-0-2; BALLARD & LEYBA ABSENT**

- c. [CPA12-035-01 \(Administrative Hearing\)](#). Conditional Use Permit Amendment to allow the demolition of an existing sump and associated piping, and the installation of a new sump water treatment system that includes well blowoffs, a pre-treatment unit for well blowoff water, system

conveyance piping, and discharge piping at an existing water supplier facility on a 2.49-gross acre site located approximately 900 feet southerly of the northeast corner of Dado Street and Kruse Drive (700 Dado Street) (San Jose Water Works, Owner). CEQA: Exempt per CEQA Guidelines Section 15332 for In-fill Development Projects. *Deferred from 10/24/18.*

PROJECT MANAGER, STEFANIE FARMER

- 1. DETERMINED THE EXEMPTION IN ACCORDANCE WITH CEQA (4-0-2; BALLARD & LEYBA ABSENT)**
- 2. ACTION: COMMISSIONER VORA MADE A MOTION TO APPROVE THE CONDITIONAL USE PERMIT AMMENDMENT RESOLUTION ACKNOWLEDGING THAT PLANNING STAFF HAS PROVIDED A FULL COPY OF THE BIOLOGICAL REPORT. COMMISSIONER GRISWOLD SECONDED THE MOTION. THE COMMISSION APPROVED THE CONDITIONAL USE PERMIT RESOLUTION NO. 18-025 (4-0-2; BALLARD & LEYBA ABSENT)**

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.

No Items.

6. CONTINUED GENERAL PLAN HEARING FROM NOVEMBER 7, 2018

7. GENERAL PLAN CONSENT CALENDAR

- a. **GPT18-006** City-initiated amendment of Chapter 4. Policy H-2.9 of the Envision San Jose 2040 General Plan to revise Affordable Housing. CEQA: Determination of Consistency with the Final Program EIR for the North San José Development Policies Update (Resolution No. 72768) and Addenda thereto, and the Envision San José 2040 General Plan EIR (Resolution No. 76041) and Supplemental EIR to the Envision San José General Plan EIR (Resolution No. 77617), and Addenda thereto.

PROJECT MANAGER, BRENT CARVALHO

PULLED FROM CONSENT AND HEARD UNDER PUBLIC HEARING

- 1. ACTION: COMMISSIONER VORA MADE A MOTION TO RECOMMEND TO THE CITY COUNCIL THE FOLLOWING:**
 - A. 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 ACCORDANCE WITH CEQA; AND

- B. RECOMMEND THAT THE CITY COUNCIL ADOPT A RESOLUTION APPROVING THE GENERAL PLAN TEXT AMENDMENT AS DESCRIBE ABOVE.**

COMMISSIONER GRISWOLD SECONDED THE MOTION (5-0-1; BALLARD ABSENT)

- b. **GPT18-007.** City-initiated amendment to the Envision San Jose 2040 General Plan to amend the “Housing Growth Areas By Horizon” map in Chapter 7 and the (Planned Job Capacity and Housing Growth Areas by Horizon table) in Appendix 5 to shift specified Horizon 2 and 3 Urban Villages into Horizon 1 Growth Areas. 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, LEA SIMVOULAKIS

- 1. ACTION: COMMISSIONER VORA MADE A MOTION TO RECOMMEND TO THE CITY COUNCIL THE FOLLOWING:**

- A. 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 JOSÉ 2040 GENERAL PLAN FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (RESOLUTION NO. 77617), AND ADDENDA THERETO IN ACCORDANCE WITH CEQA; AND**
- B. RECOMMEND THAT THE CITY COUNCIL ADOPT A RESOLUTION APPROVING THE GENERAL PLAN TEXT AMENDMENT AS DESCRIBED ABOVE.**

COMMISSIONER YESNEY SECONDED THE MOTION (5-0-1; BALLARD ABSENT)

- c. **GPT18-008.** City-initiated General Plan Amendment to Chapter 5, entitled “Urban Design and Historic Preservation,” Building Mass and Architecture, Guidelines of the Alameda Urban Village Plan related to architectural projections and rooftop equipment. 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, ROBERT RIVERA

- 1. ACTION: COMMISSIONER VORA MADE A MOTION TO RECOMMEND TO THE CITY COUNCIL THE FOLLOWING:**

- A. 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 2040 GENERAL PLAN FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (RESOLUTION NO. 77617), AND ADDENDA THERETO IN CONFORMANCE WITH CEQA; AND**

B. RECOMMEND THAT THE CITY COUNCIL ADOPT A RESOLUTION APPROVING THE URBAN VILLAGE PLAN TEXT AMENDMENT AS DESCRIBED ABOVE.

COMMISSIONER YESNEY SECONDED THE MOTION (5-0-1; BALLARD ABSENT)

8. GENERAL PLAN PUBLIC HEARING

No items.

9. CONTINUE THE GENERAL PLAN HEARING TO NOVEMBER 28, 2018

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

11. GOOD AND WELFARE

- a. Report from City Council
- b. Review and Approve Action Minutes from 11/7/18
- c. Subcommittee Formation, Reports, and Outstanding Business
- d. Commission Calendar and Study Sessions
- e. The Public Record

Commissioner Leyba made a motion to approve the 11/7/18 minutes. Commissioner Yesney seconded the motion. (5-0-1 Commissioner Ballard absent)

Commissioner Leyba read a letter into the public record concerning public outreach, specifically outreach to Neighborhood Associations and Home Owners Associations. He asked if the City Council Policy 6-30 Public Outreach Policy should be updated or should they rely on staff to step-up their outreach efforts. City Attorney Todorov advised that if the Planning Commission would like to make a formal recommendation on updating the Public Outreach Policy or changing procedure, they should ask staff to place the item on a future agenda for discussion to allow the topic to be publicly noticed. Commissioner Leyba made a motion to agenize the topic for a future public hearing with a focus on outreach to Neighborhood Associations. Chairperson Allen seconded the motion. They clarified the motion to state that Neighborhood Associations include non-profits, non-registered organizations, organizations registered with United Neighborhoods of Santa Clara County, and homeowners associations. Commissioner Vora made a friendly amendment to the motion to add the exploration of adding language services for multilingual outreach. The Commission voted 5-0-1 (Ballard absent) to add this to a future Planning Commission agenda.

12. ADJOURNMENT

Meeting adjourned at 7:50 p.m.