

PLANNING COMMISSION

May 1, 2019

Action Minutes

WELCOME

SALUTE TO THE FLAG

ROLL CALL

PRESENT: Commissioners Allen, Ballard, Griswold, Leyba, Oliverio, Yesney

ABSENT: Commissioner Vora

1. STUDY SESSION AND PUBLIC HEARING: TO BE HEARD AT 5:00 PM

a. [City's Proposed 2020-2024 Capital Improvement Program.](#)

PROJECT MANAGER, ENRIQUE DE ANDA

ACTION: COMMISSIONER OLIVERIO MADE A MOTION TO RECOMMEND THE FOLLOWING ACTIONS:

- 1. TRANSMIT A REPORT TO THE CITY COUNCIL PROVIDING COMMENTS AND INCLUDING A FINDING OF CONSISTENCY WITH THE ENVISION SAN JOSE 2040 GENERAL PLAN; AND**
- 2. THAT COUNCIL ADOPT THE PROPOSED 2019-2020 CAPITAL BUDGET AND 2020-2024 CAPITAL IMPROVEMENT PROGRAM..**

COMMISSIONER LEYBA SECONDED THE MOTION. (5-0-1-1, VORA ABSENT; BALLARD ABSTAINED)

2. CALL TO ORDER & ORDERS OF THE DAY

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

3. PUBLIC COMMENT

No comments.

4. 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.

5. 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. **CP16-053 (Administrative Hearing).** Conditional Use Permit to re-permit an existing 42-foot high monopine and equipment enclosure (previously approved pursuant to Conditional Use Permit File No. CP06-019), and to allow the installation of six (6) new antennas, three (3) new Remote Radio Units (RRUs), and associated equipment to be located within the existing enclosure on an approximately 0.7-gross acre site on the northerly side of Capitol Expressway, approximately 440 feet westerly of McLaughlin Avenue (1033 East Capitol Expressway) (H K N IV LLC, Owner). Council District: 7. CEQA: Exempt pursuant to CEQA Guidelines 15301(b) Existing Facilities.
PROJECT MANAGER, RHONDA BUSS

ACTION: COMMISSIONER OLIVERIO MADE A MOTION TO APPROVE THE STAFF RECOMMENDATION TO:

- 1. CONSIDER THE EXEMPTION IN ACCORDANCE WITH CEQA; AND**
- 2. ADOPT A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO RE-PERMIT AN EXISTING 42-FOOT HIGH MONOPINE AND EQUIPMENT ENCLOSURE (PREVIOUSLY APPROVED PURSUANT TO CONDITIONAL USE PERMIT FILE NO. CP06-019), AND TO ALLOW THE INSTALLATION OF SIX (6) NEW ANTENNAS, THREE (3) NEW REMOTE RADIO UNITS (RRUS), AND ASSOCIATED EQUIPMENT TO BE LOCATED WITHIN THE EXISTING ENCLOSURE ON A 0.7-GROSS ACRE SITE.**

COMMISSIONER LEYBA SECONDED THE MOTION. (6-0-1; VORA ABSENT)

- b. **PDC17-054 & PD17-026.** Planned Development Rezoning from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District, and a Planned Development Permit to amend parking requirements for the multi-family portion of the project and to reflect current parking spaces required per Chapter 20.90 of the Municipal Code, on a 9.3-gross acre site located on the northwest corner of Nuestra Castillo Court and South Capitol Avenue (2601 Nuestra Castillo Court) (Monte Vista Community Partners LP, Owner). Council District: 5. CEQA: Exempt pursuant to CEQA Guidelines Section 15305 for Minor Land Alteration in Land Use Limitations.

PROJECT MANAGER, RUTH CUETO

ACTION: COMMISSIONER OLIVERIO MADE A MOTION TO RECOMMEND THAT THE CITY COUNCIL TAKE THE FOLLOWING ACTIONS:

- 1. CONSIDER THE EXEMPTION IN ACCORDANCE WITH CEQA; AND**
- 2. ADOPT AN ORDINANCE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 9.3-GROSS ACRES, SITUATED ON THE NORTHWEST CORNER OF NUESTRA CASTILLO COURT AND SOUTH CAPITOL AVENUE (2601 NUESTRA CASTILLO COURT), FROM THE A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO THE A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO REFLECT THE CURRENT PARKING SPACES REQUIRED PER CHAPTER 20.90 OF THE MUNICIPAL CODE FOR MULTI-FAMILY DEVELOPMENTS; AND**
- 3. ADOPT A RESOLUTION APPROVING A PLANNED DEVELOPMENT PERMIT TO EFFECTUATE THE PLANNED DEVELOPMENT ZONING DISTRICT TO AMEND THE PARKING REQUIREMENTS TO REFLECT THE CURRENT PARKING SPACES REQUIRED PER CHAPTER 20.90 OF THE MUNICIPAL CODE FOR MULTI-FAMILY DEVELOPMENTS**

COMMISSIONER LEYBA SECONDED THE MOTION. (6-0-1; VORA ABSENT)

6. 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.

7. OPEN THE GENERAL PLAN HEARING

8. GENERAL PLAN CONSENT CALENDAR

- a. [GPT19-002](#). City-initiated General Plan Text Amendment to the Envision San José 2040 General Plan to establish an additional General Plan Hearing cycle for non-City-initiated amendments for publicly funded 100% deed restricted affordable housing projects, and to create an Affordable Priority Planning Area Overlay. CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041), the Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto. *Deferred from 4/10.*

PROJECT MANAGER, ROBERT RIVERA

PULLED FROM GENERAL PLAN CONSENT CALENDAR AT THE REQUEST OF COMMISSIONER GRISWOLD .AND HEARD UNDER GENERAL PLAN PUBLIC HEARING

ACTION: COMMISSIONER OLIVERIO MADE A MOTION, INCLUDING THE FRIENDLY AMENDMENTS REQUESTED BY COMMISSIONER GRISWOLD, TO RECOMMEND THAT THE CITY COUNCIL TAKE THE FOLLOWING ACTIONS:

1. **CONSIDER THE DETERMINATION OF CONSISTENCY IN ACCORDANCE WITH CEQA; AND**
2. **RECOMMEND THAT THE CITY COUNCIL ADOPT A RESOLUTION APPROVING THE GENERAL PLAN TEXT AMENDMENT WITH REVISIONS TO THE TEXT TO REMOVE THE WORD “PUBLICLY FUNDED” AND ADD CLARIFYING LANGUAGE TO THE TERM “CONTINUED AFFORDABILITY” IN THE AFFORDABLE PRIORITY PLANNING AREA OVERLAY.**

COMMISSIONER BALLARD SECONDED THE MOTION INCLUDING THE AMENDMENTS REQUESTED BY COMMISSIONER GRISWOLD. (6-0-1; VORA ABSENT)

9. GENERAL PLAN PUBLIC HEARING

No Items

10. CLOSE THE GENERAL PLAN HEARING

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

8. GOOD AND WELFARE

- a. Report from City Council
- b. Review and Approve Action Minutes from 4/24/19
Staff distributed amended minutes to the Commission. Commissioner Griswold made a motion to approve the 4/24/19 amended minutes. Commissioner Oliverio seconded the motion. (6-0-1-1; Vora absent, Leyba abstained)
- c. Subcommittee Formation, Reports, and Outstanding Business
- d. Commission Calendar and Study Sessions
- e. The Public Record

9. ADJOURNMENT

Meeting adjourned at 7:37 p.m.