

PLANNING COMMISSION

March 11, 2020

Action Minutes

WELCOME

SALUTE TO THE FLAG

ROLL CALL

PRESENT: Commissioners Griswold, Allen, Bonilla, Oliverio (arrived 6:42 pm), Yesney

ABSENT: Commissioners Ballard and Caballero

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

1. CALL TO ORDER & ORDERS OF THE DAY

Meeting called to order at 6:33 p.m.

2. PUBLIC COMMENT

No Comments

Access the video, agenda, and related reports for this meeting by visiting the City's website at:
<https://www.sanjoseca.gov/your-government/departments/planning-building-code-enforcement/planning-division/commissions-and-hearings/planning-commission>

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.

- a. **PP20-009.** An ordinance of the City of San José amending Chapter 20.190 of Title 20 of the San José Municipal Code to extend the applicability of City density bonus development incentives and to update the City’s density bonus ordinance in conformance with state law; amending Chapter 20.30, Chapter 20.40, Chapter 20.70, Chapter 20.75 and Chapter 20.200 to enumerate and add a definition for Permanent Supportive Housing and Low Barrier Navigation Center, and adding Chapter 20.195 to implement ministerial approvals required by California Government Code Section 65650 et. seq., 65660 et. seq., and 65913.4; and making non-substantive code changes. Council District Citywide. **CEQA:** Determination of Consistency with the Envision San Jose 2040 General Plan Final Program Environmental Impact Report (FEIR), adopted through Resolution No. 76041, and Supplemental EIR Resolution No. 77617, adopted on December 15, 2015, and Addenda thereto. Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that this activity is within the scope of the earlier approved programs and the Final Program EIRs adequately describe the activity for purposes of CEQA. The project does not involve new significant effects beyond those analyzed in the Final Program EIRs.

PROJECT MANAGER, DAVID YING

ACTION: COMMISSIONER YESNEY MADE A MOTION TO APPROVE THE STAFF RECOMMENDATIONS TO:

1. **DEFER TO THE MARCH 25, 2020 PLANNING COMMISSION MEETING PER STAFF REQUEST.**

COMMISSIONER BONILLA SECONDED THE MOTION (4-0-3; OLIVERIO, CABALLERO AND BALLARD ABSENT).

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. **CP17-053 (Administrative Hearing).** Conditional Use Permit to allow the conversion of a single-family residence to child day care of up to 40 children and the demolition of a garage and shed on a 0.42-gross acre site located on south side of Williams Road, approximately 170 feet westerly of Keltner Avenue (3754 Williams Road) (Vladimir Jigounov and Maria Fomina, Owners). Council District 1. **CEQA:** Exempt pursuant to CEQA Guidelines Section 15303 for New Construction or Conversion of Small Structures.

PROJECT MANAGER, LAURA MEINERS

ACTION: COMMISSIONER YESNEY MADE A MOTION TO APPROVE THE STAFF RECOMMENDATIONS TO:

- 1. CONSIDER THE EXEMPTION IN ACCORDANCE WITH CEQA, AND**
- 2. ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, A CONDITIONAL USE PERMIT TO ALLOW THE DEMOLITION OF AN APPROXIMATELY 783-SQUARE FOOT DETACHED GARAGE AND 211-SQUARE FOOT SHED AND ALLOW THE CONVERSION OF A 2,265-SQUARE FOOT SINGLE-FAMILY HOME INTO A DAY CARE CENTER WITH AN OUTDOOR PLAYGROUND AND ASSOCIATED PARKING ON AN APPROXIMATELY 0.42-GROSS ACRE SITE.**

COMMISSIONER BONILLA SECONDED THE MOTION (4-0-3; OLIVERIO, CABALLERO AND BALLARD ABSENT).

- b. [CA19-001](#). Consideration of proposed North Willow Glen Conservation Area Historic Designation encompassing the area generally bounded on the north by the right-of-way of the Southern Pacific Rail Line, on the east by Delmas Avenue, on the south by Willow Street, and on the west by Bird Avenue. (City of San Jose, Applicant). Council District 6. **CEQA:** Exempt pursuant to CEQA Guidelines Section 15262 for Feasibility and Planning Studies and Section 15331 for Historical Resource Restoration/Rehabilitation, implementing the California Environmental Quality Act of 1970, as amended.

PROJECT MANAGER, RINA SHAH

ACTION: COMMISSIONER YESNEY MADE A MOTION TO RECOMMEND THAT THE CITY COUNCIL:

- 1. CONSIDER THE EXEMPTION IN ACCORDANCE WITH CEQA; AND**
- 2. ADOPT A RESOLUTION APPROVING THE DESIGNATION OF THE AREA GENERALLY BOUNDED ON THE NORTH BY THE RIGHT-OF-WAY OF THE SOUTHERN PACIFIC RAIL LINE, ON THE EAST BY DELMAS AVENUE, ON THE SOUTH BY WILLOW STREET, AND ON THE WEST BY BIRD AVENUE AS THE NORTH WILLOW GLEN CONSERVATION AREA.**

COMMISSIONER BONILLA SECONDED THE MOTION (4-0-3; OLIVERIO, CABALLERO AND BALLARD 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.

- a. [PP20-007](#). An ordinance of the City of San José amending various sections of Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code to: (a) amend Part 4.5, including Section 20.30.460 to clarify maximum floor area tabulation; Sections 20.30.470 and 20.30.480 to clarify parking requirements; (b) amend Chapter 20.40, Section 20.40.230 to delete height

exception requirements, and move the exception requirements to Chapter 20.85, Section 20.85.010; (c) amend Section 20.50.010 to alter text for Industrial Park district; (d) amend Section 20.90.220 of Chapter 20.90 to clarify replacement parking requirements; amend Section 20.90.060 of Chapter 20.90 to add new parking requirements for indoor recreation uses in Table 20-190, and include minor text alterations to Table 20-210, and to make other technical, non-substantive, or formatting changes within those sections of Title 20 of the San José Municipal Code. Council District Citywide. **CEQA:** Determination of Consistency with the Envision San Jose 2040 General Plan Final Program Environmental Impact Report (FEIR), adopted through Resolution No. 76041, and Supplemental EIR Resolution No. 77617, adopted on December 15, 2015, and Addenda thereto. Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that this activity is within the scope of the earlier approved programs and the Final Program EIRs adequately describe the activity for purposes of CEQA. The project does not involve new significant effects beyond those analyzed in the Final Program EIRs.

PROJECT MANAGER, APARNA ANKOLA

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

- 1. CONSIDER THE DETERMINATION OF CONSISTENCY WITH THE ENVISION SAN JOSÉ 2040 GENERAL PLAN FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (FEIR), FOR WHICH FINDINGS WERE ADOPTED BY CITY COUNCIL THROUGH RESOLUTION NO. 76041 ON NOVEMBER 1, 2011, AND SUPPLEMENTAL EIR RESOLUTION NO. 77617, ADOPTED BY CITY COUNCIL ON DECEMBER 15, 2015, AND ADDENDA THERETO. PURSUANT TO SECTION 15168 OF THE CEQA GUIDELINES, THE CITY OF SAN JOSÉ HAS DETERMINED THAT THIS ACTIVITY IS WITHIN THE SCOPE OF THE EARLIER APPROVED PROGRAMS AND THE FINAL PROGRAM EIRS ADEQUATELY DESCRIBE THE ACTIVITY FOR PURPOSES OF CEQA. THE PROJECT DOES NOT INVOLVE NEW SIGNIFICANT EFFECTS BEYOND THOSE ANALYZED IN THE FINAL PROGRAM EIRS; AND**
- 2. ADOPT AN ORDINANCE OF THE CITY OF SAN JOSÉ AMENDING VARIOUS SECTIONS OF TITLE 20 (ZONING ORDINANCE OR ZONING CODE) TO AMEND PART 4.5, INCLUDING SECTION 20.30.460 TO CLARIFY MAXIMUM FLOOR AREA TABULATION; SECTIONS 20.30.470 AND 20.30.480 TO CLARIFY PARKING REQUIREMENTS; AMEND CHAPTER 20.40, SECTION 20.40.230 TO DELETE HEIGHT EXCEPTION REQUIREMENTS, AND AMEND AND MOVE TO CHAPTER 20.85, SECTION 20.85.010 AND NEW SECTION 20.85.040; AMEND SECTION 20.50.010 TO ALTER TEXT FOR INDUSTRIAL PARK DISTRICT; AMEND SECTION 20.90.220 OF CHAPTER 20.90 TO CLARIFY REPLACEMENT PARKING REQUIREMENTS; AMEND SECTION 20.90.060 OF CHAPTER 20.90 TO ADD NEW PARKING REQUIREMENTS FOR INDOOR RECREATION USES IN TABLE 20-190, AND INCLUDE MINOR TEXT ALTERATIONS TO TABLE 20-210, AND TO MAKE OTHER TECHNICAL, NON-SUBSTANTIVE, OR FORMATTING CHANGES WITHIN THOSE SECTIONS OF TITLE 20 OF THE SAN JOSÉ MUNICIPAL CODE.**

COMMISSIONER OLIVERIO SECONDED THE MOTION (5,0, 2; CABALLERO AND BALLARD ABSENT).

- b. [PP18-103](#). A Major Amendment to the Airport Master Plan for the Norman Y. Mineta San José International Airport to extend the plan horizon year from 2027 to 2037; update the aviation demand projections; and modify the facility development program, including airfield configuration changes recommended in the Runway Incursion Mitigation/Design Standards Analysis Study and an update to the layout and sizing of various landside facilities to adequately serve the projected 2037 demand located on Mineta San José International Airport, generally bounded by U.S. 101 to the north, the Guadalupe River and State Route 87 to the east, Interstate 880 to the south, and Coleman Avenue and De la Cruz Boulevard to the west. Council District 3. **CEQA:** Environmental Impact Report for the Amendment to the Norman Y. Mineta San Jose International Airport Master Plan.

PROJECT MANAGER, DAVID KEYON

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

- 1. ADOPT A RESOLUTION CERTIFYING THE ENVIRONMENTAL IMPACT REPORT FOR THE AMENDMENT TO THE NORMAN Y. MINETA SAN JOSÉ INTERNATIONAL AIRPORT MASTER PLAN AND MAKING CERTAIN FINDINGS CONCERNING SIGNIFICANT IMPACTS, MITIGATION MEASURES, AND ALTERNATIVES, AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS AND A RELATED MITIGATION MONITORING AND REPORTING PROGRAM, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL, QUALITY ACT, AS AMENDED.**
- 2. ADOPT A RESOLUTION APPROVING A MAJOR AMENDMENT TO THE AIRPORT MASTER PLAN FOR THE NORMAN Y. MINETA SAN JOSÉ INTERNATIONAL AIRPORT.**
- 3. APPROVE AN ORDINANCE AMENDING TITLE 25.04.300(B)(1) OF THE SAN JOSÉ MUNICIPAL CODE TO INCREASE THE MAXIMUM NUMBER OF AIR CARRIER GATES FROM 40 TO 42.**

COMMISSIONER YESNEY SECONDED THE MOTION (5, 0, 2; CABALLERO AND BALLARD ABSENT).

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

No Items

7. GOOD AND WELFARE

- a. Report from City Council

On March 10, 2020, City Council took action on the following projects:

- i. Approved a Conforming Rezoning for Real Property located at 460 Lincoln Avenue (C19-028).*
- ii. Approved a Conforming Rezoning for Real Property located at 332 North Second Street (C19-037).*
- iii. Approved a Conforming Rezoning for Real Property located at 821 Coleman Avenue (C19-044).*

iv. *Approved General Plan Text Amendment, General Plan Amendment for Real Property Located at 625 Hillsdale Avenue, and General Plan Amendment for Real Property Located at 500 Nicholson Lane (Council Policy Priority #2- Mobilehome Conversions) (GPT19-003/GP19-005/GP19-006).*

v. *Approved Administrative Hearing on the Appeals of the Planning Director's Consideration of Harker Middle School Expansion Project Mitigated Negative Declaration in accordance with CEQA and approval of the Planned Development Permit (PD18-040).*

b. Review and Approve Action Minutes from [02/26/20](#).

Commissioner Oliverio made a motion to approve the 2/26/20 minutes.

Commissioner Allen seconded the motion (5, 0, 2; Caballero and Ballard absent)

c. Subcommittee Formation, Reports, and Outstanding Business

No Reports

d. Commission Calendar and Study Sessions

i. Study Session scheduled for 3/25/2020 Citywide Design Guidelines

e. The Public Record

No Reports

8. ADJOURNMENT

Meeting adjourned at 7:41pm.