

Shiloh Ballard — Chair  
Peter Allen  
Mariel Caballero  
Michelle Yesney

Melanie Griswold — Vice Chair  
Rolando Bonilla  
Pierluigi Oliverio

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REGULAR & GENERAL PLAN HEARING AGENDA

6:30 p.m.

November 6, 2019

San José City Hall  
Council Chambers

**I. Call to Order & Orders of the Day**

**II. Public Comment**

*Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the Commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:*

- *Responding to statements made or questions posed by members of the public; or*
- *Requesting staff to report back on a matter at a subsequent meeting; or*
- *Directing staff to place the item on a future agenda.*

**III. Deferrals**

**IV. Consent Calendar**

- a. **CP18-010 (Administrative Hearing)**. Conditional Use Permit to allow the demolition of an approximately 5,151-square foot single-family house with a detached garage for the construction of a 13,587-square foot Day Care Center with an administrative office, classrooms, an outdoor playground on an approximately 0.84-gross acre site located on the southwest corner of Saratoga Avenue and Borina Drive (951 Saratoga Avenue) (Morningstar Education Group LLC, Owner). Council District 1. CEQA: Exempt pursuant to CEQA Guidelines Section 15332 for In-fill Development.

***PROJECT MANAGER, STEFANIE FARMER***

**Staff Recommendation:**

1. Consider the exemption in accordance with CEQA; and
2. Approve a resolution of a Conditional Use Permit to allow the demolition of an approximately 5,151-square foot single-family house with a detached garage for the construction of a 13,587-square foot Day Care Center with an administrative office, classrooms, an outdoor playground on an approximately 0.84-gross acre site.

**V. Public Hearing**

**VI. Open General Plan Hearing**

**VII. General Plan Consent Calender**

- a. **GP18-010.** General Plan Amendment to change the Land Use Designation from Rural Residential to Residential Neighborhood for three properties on Diamond Heights Drive on a 2.6-gross acre site located on the west side of Diamond Heights Drive, approximately 200' southerly of Senter Road (Ambra Mario and Elizabeth ET AL, Owner). Council District 2. CEQA: Initial Study/Negative Declaration for Valley Christian Schools Residential General Plan Amendment Project.

*PROJECT MANAGER, KIEULAN PHAM*

**Staff Recommendation:**

**That Planning Commission recommends that the City Council take all of the following actions:**

1. Consider the exemption in accordance with CEQA; and
2. Approve a resolution of a Conditional Use Permit to allow the demolition of an approximately 5,151-square foot single-family house with a detached garage for the construction of a 13,587-square foot Day Care Center with an administrative office, classrooms, an outdoor playground on an approximately 0.84-gross acre site.

- b. **GP19-001.** General Plan Amendment to change the Land Use Designation from Residential Neighborhood to Urban Residential on a 0.20-gross acre site located on the southwest corner of Williams Road and Rancho Way (4070 Williams Road) (4070 Williams Road LLC, Owner). Council District 1. CEQA: Negative Declaration for 4070 Williams Road General Plan Amendment.

*PROJECT MANAGER, KIEULAN PHAM*

**Staff Recommendation:**

**That Planning Commission recommends that the City Council take all of the following actions:**

1. Consider the Negative Declaration in accordance with CEQA; and
2. Adopt a resolution (Attachment A) approving the Envision San José 2040 General Plan Land Use/Transportation Diagram amendment to change the land use designation from Residential Neighborhood to Urban Residential on an approximately 0.20-gross acre site, located at 4070 Williams Road.

- c. **GP19-004.** General Plan Amendment to change the 2040 General Plan land use designation from Neighborhood Community Commercial (NCC) to Mixed Use Neighborhood (MUN) on an approximately 0.44-gross acre site located on the east side of N. Capitol Avenue, approximately 250 feet northerly of Alum Rock Avenue (Intelli LLC, Owner). Council District 5. CEQA: Initial Study/Negative Declaration for Capitol Avenue General Plan Amendment.

*PROJECT MANAGER, KIEULAN PHAM*

**Staff Recommendation:**

**That Planning Commission recommends that the City Council take all of the following actions:**

1. Consider the Negative Declaration in accordance with CEQA; and
  2. Adopt a resolution (Attachment Exhibit A) approving the Envision San José 2040 General Plan Land Use/Transportation Diagram amendment to change the land use designation from Neighborhood Community Commercial to Mixed Use Neighborhood on an approximately 0.44-gross acre site, located on the east side of N. Capitol Avenue, approximately 250 feet north of Alum Rock Avenue.
- d. **GPT19-005/GP19-011.** City-initiated General Plan Text Amendment to make minor revisions to the Envision San Jose 2040 General Plan, including revisions to the Public/Quasi-Public land use designation to allow supportive housing for the homeless, Urban Village IP-2.9 to reflect Plan Horizon changes made as part of the approved GPT18-007, Action H-2.13 to update the terminology of affordable housing project siting policy, updates to Appendix 5, and a city-initiated General Plan Land Use Designation correction from Light Industrial to Rural Residential for 7000 Silver Creek Road.Council District 6. 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, JESSICA SETIAWAN*

**Staff Recommendation:**

**That Planning Commission recommends that the City Council take all of the following actions:**

1. 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 conformance with CEQA; and
2. Adopt a resolution (Attachment D) approving the General Plan Text Amendment to make minor modifications and clarifying revisions to the Envision San José 2040 General Plan.

**VIII. General Plan Public Hearing**

**IX. Close the General Plan Hearing**

**X. Referrals from City Council, Boards, Commissions, or Other Agencies**

**XI. Good and Welfare**

- a. Report from City Council
- b. Review and Approve Action Minutes from 10/23/19
- c. Subcommittee Formation, Reports, and Outstanding Business
- d. Commission Calendar and Study Sessions
  - i. Planning Commission retreat scheduled for 11/22/19 morning
- e. The Public Record

**XII. Adjournment**

***The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.***

You may speak to the Commission about any discussion item that is on the agenda, and you may also speak during Public Comments on items that are not on the agenda and are within the subject matter jurisdiction of the Commission. Please be advised that, by law, the Commission is unable to discuss or take action on issues presented during Public Comments. Pursuant to Government Code Section 54954.2, no matter shall be acted upon by the Commission unless listed on the agenda, which has been posted not less than 72 hours prior to meeting.

Agendas, Staff Reports and some associated documents for the Commission items may be viewed on the Internet at <http://www.sanjoseca.gov/index.aspx?NID=5267>.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk, 200 East Santa Clara Street, 14<sup>th</sup> Floor, San José, California 95113, at the same time that the public records are distributed or made available to the legislative body. Any draft resolutions or other items posted on the Internet site or distributed in advance of the commission meeting may not be the final documents approved by the commission. Contact the Office of the City Clerk for the final document.

On occasion the Commission may consider agenda items out of order.

The Planning Commission meets every 2<sup>nd</sup> and 4<sup>th</sup> Wednesday of each month at 6:30 p.m., with special meetings as necessary. If you have any questions, please direct them to the Commission staff. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

**To request an accommodation or alternative format under the Americans with Disabilities Act for City-sponsored meetings, events or printed materials, please call (408) 535-1260 as soon as possible, but at least three business days before the meeting.**

**Please direct correspondence and questions to:**

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