



PLANNING COMMISSION

Action Minutes

Wednesday, May 8, 2024

Special Meeting

5:00 p.m.

Conference Room T-332

Third Floor, City Hall Tower

200 East Santa Clara Street

San José, California

Regular & General Plan Hearing

6:30 p.m.

Council Chambers

First Floor, City Hall Wing

200 East Santa Clara Street

San José, California

Justin Lardinois, Chair

Sylvia Ornelas-Wise, Vice Chair

Louis Barocio

Melissa Bickford

Charles Cantrell

George Casey

Jorge A. Garcia

Pierluigi Oliverio

Carlos Rosario

Anthony Tordillos

Michael Young

Christopher Burton, Director

Planning, Building & Code Enforcement

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

SPECIAL MEETING AGENDA
TO BE HEARD AT 5:00 PM
ORDER OF BUSINESS

WELCOME

ROLL CALL

PRESENT: Commissioners Lardinois, Ornelas-Wise, Barocio, Bickford, Cantrell, Casey, Oliverio, Tordillos, and Young

ABSENT: Commissioners Garcia and Rosario

SUMMARY OF HEARING PROCEDURES

Meeting called to order at 5:05 p.m.

1. SPECIAL MEETING AND PUBLIC HEARING

a. **[City's Proposed 2024-2025 Proposed Capital Budget & 2025-2029 Proposed Capital Improvement Program:](#)**

PROJECT MANAGER, CLAUDIA CHANG AND SAL KUMAR

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

- 1. RECOMMEND TO THE CITY COUNCIL THE ADOPTION OF THE PROPOSED 2024/2025 CAPITAL BUDGET AND 2025-2029 CAPITAL IMPROVEMENT PROGRAM AND TRANSMIT A REPORT TO THE CITY COUNCIL PROVIDING COMMENTS AND INCLUDING A FINDING OF CONSISTENCY WITH THE ENVISION SAN JOSE 2040 GENERAL PLAN.**

COMMISSIONER TORDILLOS SECONDED THE MOTION (9-0-2, GARCIA & ROSARIO ABSENT).

ADJOURNMENT

The special meeting adjourned at 6:00 p.m.

REGULAR & GENERAL PLAN AGENDA
TO BE HEARD AT 6:30 PM
ORDER OF BUSINESS

WELCOME

SALUTE TO THE FLAG

ROLL CALL

PRESENT: Commissioners Lardinois, Ornelas-Wise, Barocio, Bickford, Cantrell, Casey, Oliverio, Rosario, Tordillos, and Young

ABSENT: Commissioners Garcia

SUMMARY OF HEARING PROCEDURES

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

No items.

5. CONSENT CALENDAR

- a. [Review and Approve Action Minutes from April 24, 2024](#)

ACTION: COMMISSIONER OLIVERIO MADE A MOTION TO APPROVE CONSENT CALENDAR ITEM 4.A.

COMMISSIONER CASEY SECONDED THE MOTION (10-0-1, GARCIA ABSENT).

- b. **CP24-004 & ER24-014 (Administrative Hearing)**: Conditional Use Permit to allow the construction of a new building-mounted wireless communication facility, including the installation of 15 antennas and 12 remote radio units within two new cupolas on the roof of an existing single-story commercial building on an approximately 1.42-gross-acre site located on the west side of Camden Avenue, approximately 600 feet southeast of the intersection of Merrill Drive and Camden Avenue (5371 Camden Avenue) (Avanti Center, LLC, Owner). Council District: 9. **CEQA**: Exempt pursuant to CEQA Guidelines Section 15301 for Existing Facilities.

PROJECT MANAGER, CAMERON GEE

ACTION: COMMISSIONER OLIVERIO MADE A MOTION TO APPROVE STAFF RECOMMENDATIONS TO:

- 1. CONSIDER THE EXEMPTION IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES SECTION 15301 FOR EXISTING FACILITIES; AND**
- 2. ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, A CONDITIONAL USE PERMIT TO ALLOW THE CONSTRUCTION OF A NEW BUILDING-MOUNTED WIRELESS COMMUNICATION FACILITY, INCLUDING THE INSTALLATION OF 15 ANTENNAS AND 12 REMOTE RADIO UNITS WITHIN TWO NEW CUPOLAS ON THE ROOF OF AN EXISTING SINGLE-STORY COMMERCIAL BUILDING ON AN APPROXIMATELY 1.42-GROSS-ACRE SITE.**

COMMISSIONER CASEY SECONDED THE MOTION (10-0-1, GARCIA ABSENT).

6. PUBLIC HEARING

- a. **PP24-001**: Adopt an ordinance of the City of San José amending various sections of Title 20 of the San José Municipal Code (Zoning Ordinance or Zoning Code) related to outdoor uses of private property to: (a) Incorporate requirements for outdoor dining and other outdoor activities associated with an on-site business and for those within one-hundred-fifty (150) feet of residentially zoned property within Part 10.5 of Chapter 20.80 of Title 20 of the San José Municipal Code; and (b) Delete current references to outdoor dining within Chapter 20.40, Chapter 20.50, Chapter 20.55, Chapter 20.75, and Chapter 20.100 in Title 20 of the San José Municipal Code to be addressed by regulations listed within revised Part 10.5 of Chapter 20.80, including hours of operation, separation criteria, permit processing and noise parameters; and to make other technical, non-substantive, or formatting changes within those sections of Title 20 of the San José Municipal Code. **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, RINA HORIE

ACTION: COMMISSIONER OLIVERIO 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; AND

2. **ADOPT AN ORDINANCE OF THE CITY OF SAN JOSÉ AMENDING VARIOUS SECTIONS OF TITLE 20 OF THE SAN JOSÉ MUNICIPAL CODE (ZONING ORDINANCE OR ZONING CODE) RELATED TO OUTDOOR USES OF PRIVATE PROPERTY TO: (A) INCORPORATE REQUIREMENTS FOR OUTDOOR DINING AND OTHER OUTDOOR ACTIVITIES ASSOCIATED WITH AN ON-SITE BUSINESS AND FOR THOSE WITHIN ONE-HUNDRED-FIFTY (150) FEET OF RESIDENTIALLY ZONED PROPERTY WITHIN PART 10.5, “CONVERSION OF PARKING TO OTHER OUTDOOR USES” OF CHAPTER 20.80, “SPECIFIC USE REGULATIONS,” OF TITLE 20 OF THE SAN JOSÉ MUNICIPAL CODE; AND (B) DELETE CURRENT REFERENCES TO OUTDOOR DINING WITHIN CHAPTER 20.40, “COMMERCIAL ZONING DISTRICT,” SECTION 20.40.520, OUTDOOR USES WITHIN 150 FEET OF RESIDENTIALLY ZONED PROPERTY;” CHAPTER 20.50, “INDUSTRIAL ZONING DISTRICT,” SECTION 20.50.210, “OUTDOOR USES – IP DISTRICT;” AND CHAPTER 20.55, “URBAN VILLAGE AND MIXED USE ZONING DISTRICTS,” PART 3, “USES ALLOWED,” SECTION 20.55.201, “GENERAL USE REGULATIONS;” AND CHAPTER 20.75, “PEDESTRIAN ORIENTED ZONING DISTRICTS,” PART 4, “GENERAL REGULATIONS,” SECTION 20.75.320, “OUTDOOR USES WITHIN 150 FEET OF RESIDENTIALLY ZONED PROPERTY; AND CHAPTER 20.100, “ADMINISTRATION AND PERMITS,” PART 4, “ADJUSTMENTS,” SECTION 20.100.500, “ADJUSTMENTS” TO BE ADDRESSED BY REGULATIONS LISTED WITHIN REVISED PART 10.5 OF CHAPTER 20.80, INCLUDING HOURS OF OPERATION, SEPARATION CRITERIA, PERMIT PROCESSING AND NOISE PARAMETERS; AND TO MAKE OTHER TECHNICAL, NON-SUBSTANTIVE, OR FORMATTING CHANGES WITHIN THOSE SECTIONS OF TITLE 20 OF THE SAN JOSÉ MUNICIPAL CODE.**

COMMISSIONER CASEY SECONDED THE MOTION (10-0-1, GARCIA ABSENT).

7. OPEN THE GENERAL PLAN HEARING (2024 CYCLE 1)

8. GENERAL PLAN CONSENT CALENDAR

- a. **GP24-006 & C24-041**: A City-Initiated General Plan Diagram Amendment and rezoning to apply the MIHO Mixed Income Housing Overlay on two sites in North San José to allow a local ministerial approval process for housing development projects where at least 25% of the units are affordable to lower income households located at assessors parcel numbers 101-30-005 and 101-30-007 (WH Silicon Valley II LP and BP North 1st LLC/North 1st Eat LLC, Owners). Council District: 4. **CEQA**: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (EIR) (Resolution No. 76041), Envision San José 2040 General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto, and the Envision San José 2040 General Plan Supplemental EIR for the City of San José 2023-2031 Housing Element Update (Resolution No. RES2023-262). The project does not involve new significant impacts beyond those analyzed in the above EIRs.

PROJECT MANAGER, KENNETH WEICHE CHOU

MOVED FROM GENERAL PLAN CONSENT TO GENERAL PLAN PUBLIC HEARING

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

- 1. DETERMINATION OF CONSISTENCY WITH THE ENVISION SAN JOSÉ 2040 GENERAL PLAN FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (EIR) (RESOLUTION NO. 76041), ENVISION SAN JOSÉ 2040 GENERAL PLAN SUPPLEMENTAL EIR (RESOLUTION NO. 77617), AND ADDENDA THERETO, AND THE ENVISION SAN JOSÉ 2040 GENERAL PLAN SUPPLEMENTAL EIR FOR THE CITY OF SAN JOSÉ 2023-2031 HOUSING ELEMENT UPDATE (RESOLUTION NO. RES2023-262). THE PROJECT DOES NOT INVOLVE NEW SIGNIFICANT IMPACTS BEYOND THOSE ANALYZED IN THE ABOVE EIRS; AND**
- 2. ADOPT A RESOLUTION AMENDING THE ENVISION SAN JOSÉ 2040 GENERAL PLAN LAND USE/TRANSPORTATION DIAGRAM TO APPLY THE MIHO MIXED INCOME HOUSING OVERLAY ON TWO PARCELS; AND**
- 3. ADOPT AN ORDINANCE AMENDING THE ZONING DISTRICT MAP TO APPLY THE MIHO MIXED INCOME ZONING OVERLAY TO TWO PARCELS.**

COMMISSIONER ROSARIO SECONDED THE MOTION (9-0-2, GARCIA & OLIVERIO ABSENT).

9. GENERAL PLAN 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. **GP24-005**: A City-Initiated General Plan Amendment to change the Envision San José 2040 General Plan Land Use designation for 30 mobilehome parks from the Residential Neighborhood General Plan Land Use designation to the Mobilehome Park General Plan Land Use Designation, five mobilehome parks from Heavy Industrial General Plan Land Use Designation to Mobilehome Park General Plan Land Use Designation, four mobilehome parks from Combined Industrial/Commercial General Plan Land Use designation to the Mobilehome Park General Plan Land Use designation, two mobilehome parks from Light Industrial General Plan Land Use designation to the Mobilehome Park General Plan Land Use designation and two mobilehome parks from the Neighborhood Community/Commercial General Plan Land Use designation to the Mobilehome Park General Plan Land Use designation. This project is located at 2800 Monterey Road, 1500 Virginia Place, 3637 Snell Ave, 5450 Monterey Road, 2151 Oakland Road, 3300 Narvaez Ave, 111 Barnard Ave, 270 Umbarger Road, 2580 Senter Road, 655 South 34th Street, 1309 Oakland Road, 900 Golden Wheel Park Drive, 241 South Jackson Ave, 661 Bonita Ave, 5770 Winfield Blvd, 165 Blossom Hill Road, 1840 South Seventh Street, 6130 Monterey Road, 2929 Aborn Square Road, 633 Shadow Creek Drive, 2135 Little Orchard St, 2150 Monterey Road, 510 Saddle Brook Drive, 2150 Almaden Road, 1358 Oakland Road, 540 Bonita Ave, 555 Umbarger Road, 4210 Monterey Road, 1350 Oakland Road, 2600 Senter

Road, 2052 Gold Street, 555 Mclaughlin Ave, 195 Blossom Hill Road, 1212 Oakland Road, 1410 North 10th Street, 5680 Santa Teresa Blvd, 200 Ford Road, 4320 Monterey Road, 2784 Monterey Hwy, 2780 East Capitol Expressway, 1850 Evans Lane, 3051 Towers Lane, 3010 Monterey Road. Council District: 2,3,4,5,6,7,8, and 10. (San Jose Parks LP, Owner). **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, JUSTIN DANIELS

ACTION: COMMISSIONER ROSARIO 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 (RESOLUTION NO. 76041), SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT TO THE ENVISION SAN JOSÉ GENERAL PLAN FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (RESOLUTION NO. 77617), AND ADDENDA THERETO IN ACCORDANCE WITH CEQA; AND**
- 2. ADOPT A RESOLUTION AMENDING THE ENVISION SAN JOSÉ 2040 GENERAL PLAN LAND USE DESIGNATION FOR 30 MOBILEHOME PARKS FROM THE RESIDENTIAL NEIGHBORHOOD GENERAL PLAN LAND USE DESIGNATION TO THE MOBILEHOME PARK GENERAL PLAN LAND USE DESIGNATION, FIVE MOBILEHOME PARKS FROM HEAVY INDUSTRIAL GENERAL PLAN LAND USE DESIGNATION TO MOBILEHOME PARK GENERAL PLAN LAND USE DESIGNATION, FOUR MOBILEHOME PARKS FROM COMBINED INDUSTRIAL/COMMERCIAL GENERAL PLAN LAND USE DESIGNATION TO THE MOBILEHOME PARK GENERAL PLAN LAND USE DESIGNATION, TWO MOBILEHOME PARKS FROM LIGHT INDUSTRIAL GENERAL PLAN LAND USE DESIGNATION TO THE MOBILEHOME PARK GENERAL PLAN LAND USE DESIGNATION AND TWO MOBILEHOME PARKS FROM THE NEIGHBORHOOD COMMUNITY/COMMERCIAL GENERAL PLAN LAND USE DESIGNATION TO THE MOBILEHOME PARK GENERAL PLAN LAND USE DESIGNATION (FILE NO. GP24-005).**

COMMISSIONER TORDILLOS SECONDED THE MOTION (9-0-2, GARCIA & OLIVERIO ABSENT).

10. CLOSE THE GENERAL PLAN HEARING (2024 CYCLE 1)

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

No items.

12. GOOD AND WELFARE

a. Report from City Council

The Commission Secretary reported on City Council action taken on April 30 and May 7, 2024.

b. Subcommittee Formation, Reports, and Outstanding Business

No items

c. Commission Calendar and Study Sessions

No items

d. The Public Record

No comments

ADJOURNMENT

The meeting adjourned at 7:16 p.m.