



PLANNING COMMISSION
Action Minutes

Wednesday, April 24, 2024

Regular 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>

AGENDA
ORDER OF BUSINESS

WELCOME

SALUTE TO THE FLAG

ROLL CALL

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

ABSENT: None

SUMMARY OF HEARING PROCEDURES

1. CALL TO ORDER & ORDERS OF THE DAY

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

2. PUBLIC COMMENT

No comments

3. DEFERRALS AND REMOVALS FROM CALENDAR

- a. **ER20-049**: Supplemental Environmental Impact Report (SEIR) for the Milligan Parking Lot Project. The SEIR analyzes the City of San Jose' proposal to demolish all building on site and construct an approximately 300-space interim surface parking lot. The public hearing will consider certification of the SEIR and proposed riparian setback reduction.(City of San Jose, Owner). Council District: Citywide. **CEQA**: Supplemental Environmental Impact Report to the Coleman Avenue/Autumn Street Improvement Project Final Focused Environmental Impact Report (Resolution 74870) and the Downtown Strategy 2040 Final Environmental Impact Report (Resolution 78942) for the Milligan Parking Lot Project
PROJECT MANAGER, CASSANDRA VAN DER ZWEEP

STAFF RECOMMENDATION: DROPPED PER STAFF REQUEST.

ACTION: THE COMMISSION ACCEPTED THE STAFF'S RECOMMENDATION WITHOUT A VOTE.

4. CONSENT CALENDAR

- a. [Review and Approve Action Minutes from April 10, 2024.](#)

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

COMMISSIONER CASEY SECONDED THE MOTION (11-0).

- b. [CP23-007 & ER23-043 \(Administrative Hearing\):](#) Conditional Use Permit to allow the removal of four trees (one ordinance-size, three non-ordinance-size, 32 replacement trees) for the construction of an approximately 3,215-square foot restaurant (Raising Cane's) with dual drive-through lanes and late-night hours until 3:30 a.m. on an approximately 0.79-gross acre site located at 340 North Capitol Avenue (Capitol Square Partners., Owner). Council District: 5 **CEQA:** Exempt pursuant to CEQA Guidelines Section 15303 New Construction or Conversion of Small Structures.

PROJECT MANAGER, LAURA MEINERS

MOVED FROM CONSENT AND HEARD UNDER PUBLIC HEARING

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

- 1. CONSIDER THE EXEMPTION IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES SECTION 15303 FOR NEW CONSTRUCTION OR CONVERSION OF SMALL STRUCTURES**
- 2. ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, A CONDITIONAL USE PERMIT TO ALLOW THE REMOVAL OF FOUR TREES (ONE ORDINANCE-SIZE AND THREE NON-ORDINANCE-SIZE WITH 32 REPLACEMENT TREES) FOR THE CONSTRUCTION OF AN APPROXIMATELY 3,215-SQUARE-FOOT RESTAURANT (RAISING CANE'S) WITH DUAL DRIVE-THROUGH LANES AND LATE-NIGHT HOURS UNTIL 3:30 A.M. ON AN APPROXIMATELY 0.79-GROSS ACRE SITE.**

COMMISSIONER OLIVERIO SECONDED THE MOTION (11-0).

5. PUBLIC HEARING

- a. [CPA19-036-01 & ER24-003 \(Administrative Hearing\):](#) Conditional Use Permit to amend permit conditions for a previously approved Conditional Use Permit (File No. CP19-036) to allow the playgrounds at an existing daycare (Primrose School) to operate from 8:30 a.m. to 5:30 p.m. Monday through Friday located at 1002 South De Anza Boulevard (Highway 9 Associates, Owner). Council District: 1. **CEQA:** Exempt pursuant to CEQA Guidelines Section 15301 for Existing Facilities.

PROJECT MANAGER, LAURA MEINERS

ACTION: COMMISSIONER OLIVERIO MADE A MOTION TO APPROVE STAFF RECOMMENDATION WITH AN AMENDMENT THAT EXTENDED THE PLAYGROUND HOURS FROM 7:30 P.M. TO 6:30 P.M.

- 1. CONSIDER AN EXEMPTION IN ACCORDANCE WITH CEQA GUIDELINES SECTION 15301 FOR EXISTING FACILITIES; AND**
- 2. ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, A CONDITIONAL USE PERMIT AMENDMENT TO AMEND PERMIT**

CONDITIONS OF A PREVIOUSLY APPROVED CONDITIONAL USE PERMIT (FILE NO. CP19-036) TO ALLOW THE PLAYGROUNDS AT AN EXISTING DAY CARE (PRIMROSE SCHOOL) TO OPERATE FROM 8:30 A.M. TO 5:30 A.M. MONDAY THROUGH FRIDAY ON AN APPROXIMATELY 0.72-GROSS ACRE SITE.

COMMISSIONER CASEY SECONDED THE MOTION (11-0).

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

No items

7. GOOD AND WELFARE

a. Report from City Council

The Commission Secretary reported on City Council action taken on April 16, 2024.

b. Subcommittee Formation, Reports, and Outstanding Business

No items

c. Commission Calendar and Study Sessions

- i. 2024-2025 Capital Budget & 2025-2029 Capital Improvement Program Special Meeting is scheduled for May 8, 2024.

d. The Public Record

Commissioner Tordillos requested an update on builders remedy and whether the City is accepting applications.

John Tu, Divison Manager, provided an update that the City has accepted and are processing all applications that were submitted. .

Commissioner Bickford had questions set of condos that were sold at a low proces because builing remained unoccupied and unpaid fees.

john, Tu, Divison Manager, asked Commissioner Bickford to reach out to Planning staff for additional information but that it a civil matter between the owners and HOA.

8. ADJOURNMENT

The meeting adjourned at 7:42 p.m.