



## **PLANNING COMMISSION**

### **Action Minutes**

**Wednesday, May 24, 2023**

**Regular & General Plan Hearing**

**6:30 p.m.**

**Hybrid Meeting**

**Council Chambers and Virtually at**

**<https://sanjoseca.zoom.us/j/84325178536>**

**Pierluigi Oliverio, Chair**

**Justin Lardinois, Vice Chair**

**Louis Barocio**

**Charles Cantrell**

**George Casey**

**Jorge A. Garcia**

**Sylvia Ornelas-Wise**

**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**

Welcome to the Planning Commission Meeting. Please remember to turn off your cell phones. The parking validation machine for the garage under City Hall is located at the rear of the Chambers.

### **SALUTE TO THE FLAG**

### **ROLL CALL**

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

ABSENT: None

### **SUMMARY OF HEARING PROCEDURES**

#### **1. CALL TO ORDER & ORDERS OF THE DAY**

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Meeting called to order at: 6:31 p.m.

#### **2. PUBLIC COMMENT**

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Public comments to the Planning Commission on non-agendized items. Please use the ‘raise hand’ feature in Zoom or click \*9 to raise a hand to speak. Each member of the public may address the Commission for up to two 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.

*Commissioner Lardinois met over Zoom with Sean Kelly Ray, regarding item 4.c., as well as met with Alli Sapirman on the Housing Element.*

*Commissioner Rosario and Commissioner Cantrell also met with Sean Kelly regarding item 4.c.*

### 3. DEFERRALS AND REMOVALS FROM CALENDAR

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No items

### 4. CONSENT CALENDAR

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- a. [Review and Approve Action Minutes from May 10, 2023](#)

**ACTION: COMMISSIONER LARDINOIS MADE A MOTION TO APPROVE THE MAY 10, 2023 ACTION MINUTES.**

**COMMISSIONER ROSARIO SECONDED THE MOTION (10-0).**

- b. [CP23-004 & ER23-017 \(Administrative Hearing\)](#). Conditional Use Permit to allow commercial truck sales, leasing, and repair in a 57,348-square-foot vacant building on an approximately 2.57-gross acre site located at 1015 Timothy Drive (C&G California Enterprises LLC, Owner). Council District: 3. **CEQA**: Exempt pursuant to CEQA Guidelines Section 15301(a) for Existing Facilities.  
*PROJECT MANAGER, KORA MCNAUGHTON*

**ACTION: COMMISSIONER LARDINOIS MADE A MOTION TO APPROVE THE STAFF RECOMMENDATION TO:**

- 1. CONSIDER THE EXEMPTION IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES SECTION 15301(A) FOR EXISTING FACILITIES.**
- 2. ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, A CONDITIONAL USE PERMIT TO ALLOW A COMMERCIAL TRUCK SALES, LEASING, AND REPAIR FACILITY IN A VACANT 57,348-SQUARE-FOOT BUILDING ON A 2.57-GROSS-ACRE SITE.**

**COMMISSIONER ROSARIO SECONDED THE MOTION (10-0).**

- c. [PP23-001](#): Adopt an ordinance of the City of San José to amend Sections 20.80.763, 20.80.770, 20.80.775 and 20.80.780 from Part 9.75 of Chapter 20.80 in Title 20 of the San José Municipal Code. The proposed amendments would modify distance requirements from Cannabis retail businesses to schools, daycare centers, youth centers, community and recreation centers, and parks; eliminate the distance requirement between storefronts and add a standard to address concentration of cannabis retail businesses; remove the police beat restriction; and make other technical, non-substantive, or formatting changes within those sections. (City of San Jose, Owner). Council District: Citywide. **CEQA**: In accordance with the California Environmental Quality Act, an Addendum to prior Initial Study/Negative Declaration (PP21-002), as addended to, and prepared in conformance with the California Environmental Quality Act of 1970 (CEQA), as amended for this Ordinance under File Number PP23-001 (the “Addendum to Initial Study/Negative Declaration”) and including State and local implementing regulations.  
*PROJECT MANAGER, APARNA ANKOLA*

## **PULLED FROM CONSENT AND HEARD UNDER PUBLIC HEARING**

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

- 1. ADOPT A RESOLUTION APPROVING THE CANNABIS BUSINESS ORDINANCE UPDATE ADDENDUM TO AN APPROVED INITIAL STUDY AND NEGATIVE DECLARATION, AS ADDENDED, IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).**
- 2. ADOPT AN ORDINANCE OF THE CITY OF SAN JOSÉ AMENDING THE FOLLOWING SECTIONS 20.80.763, 20.80.770, 20.80.775 AND 20.80.780 FROM PART 9.75 OF CHAPTER 20.80 IN TITLE 20 OF THE SAN JOSÉ MUNICIPAL CODE. THE PROPOSED AMENDMENTS WOULD MODIFY DISTANCE REQUIREMENTS FROM CANNABIS RETAIL BUSINESSES TO SCHOOLS, DAYCARE CENTERS, YOUTH CENTERS, COMMUNITY AND RECREATION CENTERS, AND PARKS; ELIMINATE THE DISTANCE REQUIREMENT BETWEEN STOREFRONTS AND ADD A STANDARD TO ADDRESS CONCENTRATION OF CANNABIS RETAIL BUSINESSES; REMOVE THE POLICE BEAT RESTRICTION; AND MAKE OTHER TECHNICAL, NON-SUBSTANTIVE, OR FORMATTING CHANGES WITHIN THOSE SECTIONS.**

**COMMISSIONER CASEY SECONDED THE MOTION (7-3; BAROCIO, GARCIA AND ORNELAS-WISE OPPOSED).**

## **5. PUBLIC HEARING**

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**No Items**

## **6. OPEN THE GENERAL PLAN HEARING (2023 CYCLE 2)**

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## **7. GENERAL PLAN CONSENT CALENDAR**

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Notice to the public: There will be no separate discussion of individual Consent Calendar items as they are considered to be routine and will be adopted by one motion. If a member of the Commission requests debate, separate vote or recusal on a particular item, that item may be removed from the Consent Calendar by the Chair and considered separately. The public may comment on the entire Consent Calendar and any items removed from the Consent Calendar by the Chair.

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. For members of the public who joined by teleconference and wish to speak on one of these items individually, please use the 'raise hand' feature in Zoom or press \*9 on your phone to raise a hand to speak.

- a. [\*\*GP21-015\*\*](#): City-initiated General Plan Amendment to modify the Envision San José 2040 Land Use /Transportation Diagram designation from Open Space, Parklands and Habitat to

Mixed Use Neighborhood to address a mapping error on a 0.54 gross-acre site located north easterly side of Classico Avenue, and westerly side of Evergreen Village Square and Classico Avenue intersection (APN: 659-57-015). Council District: 8. **CEQA:** Determination of Consistency with the 2040 General Plan Final Program Environmental Impact Report and the Supplemental EIR, and Addenda thereto.

*PROJECT MANAGER, SANHITA GHOSAL*

**ACTION: COMMISSIONER YOUNG 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) AND SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT TO THE ENVISION SAN JOSÉ GENERAL PLAN FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (RESOLUTION NO. 77617), AND ADDENDA THERETO, IN CONFORMANCE WITH CEQA; AND**
- 2. ADOPT A RESOLUTION APPROVING THE CITY-INITIATED GENERAL PLAN AMENDMENT TO MODIFY THE LAND USE/TRANSPORTATION DIAGRAM TO ADDRESS MAPPING ERROR AT THE SUBJECT LOCATION WITHIN THE EVERGREEN VILLAGE AREA.**

**COMMISSIONER TORDILLOS SECONDED THE MOTION (10-0).**

- a. **GP23-002 GPT23-002, & GPT23-003:** City-initiated General Plan Amendment and Text Amendment to modify the Envision San José 2040 General Plan for the following: 1) update the Transportation Network Diagram and Designations consistent with City Council Policy 5-8 and Multimodal Transportation Improvement Plans and 2) update Policy TR-1.4 to allow implementation of updated City Council Policy 5-1. (City of San Jose, Owner). Council District: Citywide. **CEQA:** Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.

*PROJECT MANAGER, WILSON TAM*

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

- 1. ADOPT THREE RESOLUTIONS APPROVING THE GENERAL PLAN TEXT AMENDMENTS TO AMEND THE ENVISION SAN JOSÉ 2040 GENERAL PLAN TO 1) UPDATE THE TRANSPORTATION NETWORK DIAGRAM AND DESIGNATIONS CONSISTENT WITH CITY COUNCIL POLICY 5-8 AND MULTIMODAL TRANSPORTATION IMPROVEMENT PLANS AND 2) UPDATE POLICY TR-1.4 UPDATED CITY COUNCIL POLICY 5-1.**

**COMMISSIONER TORDILLOS SECONDED THE MOTION (10-0).**

## **8. GENERAL PLAN PUBLIC HEARING**

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Chair.

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- a. **GPT22-001 & ER21-032:** City-initiated General Plan text amendment to revise the Envision San Jose 2040 General Plan Housing Element for the 2023-2031 Regional Housing Need Allocation (RHNA) cycle projection period pursuant to State law and related amendment to Chapter 7 of the General Plan. The update includes new demographic information and a needs assessment based, an evaluation of various governmental and non-governmental constraints and resources to help facilitate housing production, identification of categories/locations of planned housing supply to meet RHNA (including a parcel-based Adequate Sites Inventory and associated data/maps), an implementation work plan to address identified needs, other minor technical, clarifying and clerical revisions, as necessary, to comply with legal requirements. (City of San Jose, Owner). Council District: Citywide. **CEQA:** Supplemental Environmental Impact Report to 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.

*PROJECT MANAGER, RUTH CUETO*

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

- 1. CERTIFY THE SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT TO THE ENVISION SAN JOSÉ 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, IN ACCORDANCE WITH CEQA; AND**
- 2. ADOPT A RESOLUTION APPROVING THE GENERAL PLAN TEXT AMENDMENT TO AMEND THE ENVISION SAN JOSÉ 2040 GENERAL PLAN TO INCLUDE THE 2023-2031 HOUSING ELEMENT, REVISE CHAPTER 7 OF THE GENERAL PLAN, AND REPEAL THE 2014-2022 HOUSING ELEMENT.**

**COMMISSIONER ORNELAS-WISE SECONDED THE MOTION (8-2; LARDINOIS AND TORDILLOS OPPOSED)**

## **9. CLOSE THE GENERAL PLAN HEARING (2023 CYCLE 2)**

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## **10. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS, OR OTHER AGENCIES**

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No items

## **11. GOOD AND WELFARE**

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a. Report from City Council

*The Commission Secretary reported on City Council actions taken on May 16, 2023.*

b. Subcommittee Formation, Reports, and Outstanding Business

*No items*

c. Commission Calendar and Study Sessions

*No items*

d. The Public Record

*Commissioner Cantrell expressed concern that the term “equity” is used extensively and loosely by the City of San Jose; however, in reality, the City of San Jose does not truly apply an equity lens to the work that it does and does not understand the perspective or lived experience of people of color.*

## **12. ADJOURNMENT**

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Meeting adjourned at 10:26 p.m.