



PLANNING COMMISSION AGENDA

Wednesday, September 24, 2025

Regular Hearing
Commencing at 6:30 p.m.
Council Chambers
First Floor, City Hall Wing
200 East Santa Clara Street
San José, California

Carlos Rosario, Chair
Melissa Bickford, Vice Chair
Louis Barocio Dilpreet Bhandal
Charles Cantrell Daniel Cao
Lawrence Casey Khoi Nguyen
Pierluigi Oliverio Michael Young

Christopher Burton, Director
Planning, Building & Code Enforcement

Public Comment in Person Only

For live translations in over 50 languages, please visit: <https://attend.wordly.ai/join/FLEC-0817>

How to observe the Meeting (no public comment)

1. Online at <https://sanjoseca.zoom.us/j/84325178536>; or
2. By Phone: (408) 638-0968. Webinar ID is 843 2517 8536. Alternative phone numbers are: US: +1 (213) 338-8477
3. <https://www.youtube.com/CityofSanJoseCalifornia>; or
4. https://sanjose.granicus.com/ViewPublisher.php?view_id=51; or
5. Cable Channel 26

How to submit written Public Comment before the Planning Commission meeting:

Send email to planningsupportstaff@sanjoseca.gov by 1:00 p.m. the day of the meeting. Those emails will be attached to the item on the Agenda. Please identify the Agenda Item Number in the subject line of your email. Public correspondence received after 1:00 p.m. may not be considered by the Commission due to time constraints. Public comments received after 1:00 p.m. should be presented during the hearing.

How to request ADA accommodations or interpretation services for the meeting:

To request an alternative format agenda under the Americans with Disabilities Act for City-sponsored meetings, events or printed materials, please call Support Staff at 408-535-8517 or 1-800-735-2992 (TTY), as soon as possible, but at least three business days before any meeting or event.

Accommodations: Any member of the public who needs accommodations should email the ADA Coordinator at ADA@sanjoseca.gov or by calling (408) 535-8430. Language interpretation services are available at no cost for community members. Please contact planningsupportstaff@sanjoseca.gov or call 408-535-8517 no less than one week prior to the meeting to request an interpreter for other languages.

Nhu cầu cho người khuyết tật được cung cấp theo yêu cầu. Email ADA@sanjoseca.gov. Gọi (408) 535-8430. Các dịch vụ thông dịch ngôn ngữ được cung cấp miễn phí cho các thành viên trong cộng đồng. Vui lòng liên lạc tới QuyHoach@sanjoseca.gov hoặc gọi số 408-793-4174 ít nhất một tuần trước cuộc họp để yêu cầu có thông dịch viên.

Adaptaciones para discapacitados serán proporcionadas a pedido. Mande correo electrónico ADA@sanjoseca.gov. Llame (408) 535-8430. Los miembros de la comunidad pueden recibir servicios de interpretación gratuitos. Comuníquese con OficinadePlanificacion@sanjoseca.gov o llame al 408-793-4100 para solicitar servicios de interpretación al menos una semana antes de la reunión.

應要求提供殘疾人便利設施。電子郵件 ADA@sanjoseca.gov。致電(408) 535-8430。社區成員可以獲得免費的口譯服務。請至少在會議前一周聯系 planningsupportstaff@sanjoseca.gov 或致電 408-793-4100 申請口譯服務。

THE LEVINE ACT

The Levine Act requires a Party in a Proceeding before the City of San José that involves any action related to their contract, license, permit, or use entitlement to disclose any campaign contributions to City elected or appointed officials totaling more than \$500 within the 12 months prior to the City decision. A Participant to a Proceeding may voluntarily report a campaign contribution on the form located on [the Levine Act webpage](#).

SUMMARY OF HEARING PROCEDURES

If you want to address the Commission, please fill out a speaker card located on the table near the Audio Visual Technician and deposit the completed card in the basket. There are also speaker cards in the back of the Chambers and at the side entrance.

The procedure for this hearing is as follows:

- After staff's presentation, applicants and/or appellants may make up to a 5-minute presentation.
- During the public comment period, the chair will call out names on the submitted speaker cards in the order received. As your name is called, line up in front of the microphone at the front of the Chamber.
- Generally, each speaker will be given up to two minutes for public testimony, and speakers using a translator will have up to four minutes. At the discretion of the Chair, the time allotted to each speaker may be changed depending on the number of items on the agenda, number of speakers, and other factors. Speakers using a translator will have double the time allotted.
- After the public testimony, the applicant and/or appellant may make closing remarks for up to an additional five minutes.
- Planning Commissioners may ask questions of the speakers. Response to Commissioner questions will not reduce the speaker's time allowance.
- The public hearing will then be closed, and the Planning Commission will take action on the item. The Planning Commission may request staff to respond to the public testimony, ask staff questions, and discuss the item.

If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.

The Planning Commission's action on re-zonings, pre-zonings, General Plan Amendments and Code Amendments is only advisory to the City Council. The City Council will hold public hearings on these items. Section 20.120.400 of the Municipal Code provides the procedures for legal protests to the City Council on re-zonings and pre-zonings. The Planning Commission's action on Conditional Use Permits is appealable to the City Council in accordance with Section 20.100.220 of the Municipal Code. Agendas and all staff reports for this meeting may be accessed 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

SUMMARY OF HEARING PROCEDURES

1. CALL TO ORDER & ORDERS OF THE DAY

2. PUBLIC COMMENT

Public comments to the Planning Commission on non-agendized 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 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.

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 or removal.

Staff will provide an update on the items for which deferral and removal is being requested. If you want to change any of the deferral dates recommended or speak to the question of deferring or removing these or any other items, you should say so at this time.

- CP22-011 & ER22-080 (Administrative Hearing):** Conditional Use Permit to allow the construction of an approximately 2,000-square-foot commercial building with a drive-through (proposed Starbucks) and late-night use (4:00 a.m. to midnight), the demolition of an approximately 1,780-square-foot vacant commercial building, and the removal of nine trees (two ordinance-size, seven non-ordinance-size, and nine replacement trees) on an approximately 1.12-gross-acre site located at 2102 McKee Road (VSK Group LLC, Owner). Council District: 5. **CEQA:** Exempt pursuant to CEQA Guidelines Section 15303 for New Construction or Conversion of Small Structures.

PROJECT MANAGER, CAMERON GEE

Staff Recommends:

1. Dropped to be re-noticed to a later date per Applicant Request.

4. CONSENT CALENDAR

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.

- a. [Review and Approve Action Minutes from August 27, 2025.](#)
- b. [CP25-004 & ER25-031 \(Administrative Hearing\):](#) Conditional Use Permit to allow the construction of an approximately 90-foot-high monopine consisting of 12 antennas, 12 remote radio units, and associated ground equipment surrounded by an approximately eight-foot-high chain-link fence, and the removal of four ordinance-size trees and four parking stalls on an approximately 0.99-gross-acre site located on the southwesterly side of North Capitol Avenue, approximately 250 feet northwesterly of the intersection of North Capitol Avenue and Autumnvale Drive (2021 North Capitol Avenue) (Espresso Investments, LLC, Owner). Council District: 4. **CEQA:** Exempt pursuant to CEQA Guidelines Section 15303 for New Construction or Conversion of Small Structures.

PROJECT MANAGER, CAMERON GEE

Staff Recommends the Planning Commission take the following actions:

1. Consider the exemption in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15303 for New Construction or Conversion of Small Structures; and
2. Adopt a Resolution approving, subject to conditions, a Conditional Use Permit to allow the construction of an approximately 90-foot-high monopine consisting of 12 antennas, 12 remote radio units, and associated ground equipment surrounded by an approximately eight-foot-high fence, and the removal of four ordinance-size trees and four parking stalls on an approximately 0.99-gross-acre site.

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. [PP25-004:](#) Adopt an ordinance of the City of San José amending various sections of Title 20, Part 16 of the San José Municipal Code (Zoning Ordinance or Zoning Code) related temporary uses of outdoor private property to: (1) Amend (a) 20.80.1450 to simplify and consolidate zoning considerations in subsequent sections; (b) 20.80.1450 Subsection 1, to increase days of operation to include Thursdays, as well as Fridays, Saturdays, and Sundays ; (c) 20.80.1450 Subsection 2, to increase the number of events that can occur in a private parking lot from two events in a six month period to twenty-six events in a twelve month period; (d) 20.80.1450 Subsection 3, to increase the frequency of event days from no more than three consecutive days and two consecutive weeks to no more than four consecutive days in a one week period; (e) 20.80.1450 to include a new subsection consolidating and outlining permitting limitations in relation to residential dwelling units; (2) Amend 20.80.1460 to remove section and consolidate residential dwelling unit considerations in relation to commercially zoned properties; (3) Amend 20.80.1470 to remove section and consolidate residential dwelling unit considerations in relation to industrial zoned properties; (4) Amend 20.80.1480 to remove limitations on event permitting related to the number of parking spaces used for the purpose of a special event within a private parking lot; and to make other technical, non-substantive, or formatting changes within those sections of Title 20 of the San José Municipal Code discussed. located Citywide (City of San Jose, Owner). Council District: Citywide. **CEQA:** Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) , and Addenda thereto., *Deferred from 8/27/25.*

PROJECT MANAGER, ZACHARIAS MENDEZ

Staff Recommends that the Planning Commission recommends the City Council take all the following actions:

1. Consider the Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report , and Addenda thereto, in accordance with CEQA; and
2. Adopt an ordinance of the City of San José amending various sections of Title 20, Part 16 of the San José Municipal Code (Zoning Ordinance or Zoning Code) related temporary uses of outdoor private property to: amend (a) 20.80.1450 to simplify and consolidate zoning considerations in subsequent sections; (b) amend 20.80.1450 Subsection 1, to increase days of operation to include Thursdays, as well as Fridays, Saturdays, and Sundays ; (c) amend 20.80.1450 Subsection 2, to increase the number of events that can occur in a private parking lot from two events in a six month period to twenty-six events in a twelve month period; (d) amend 20.80.1450 Subsection 3, to increase the frequency of event days from no more than three consecutive days and two consecutive weeks to no more than four consecutive days in a one week period; (e) amend 20.80.1450 to include a new subsection consolidating and outlining permitting limitations in relation to residential dwelling units; (2) Amend 20.80.1460 to remove section and consolidate residential dwelling unit considerations in relation to commercially zoned properties; (3) amend 20.80.1470 to remove section and consolidate residential dwelling unit considerations in relation to industrial zoned properties; (4) amend 20.80.1480 to remove limitations on event permitting related to the number of parking spaces used for the purpose of a special event within a private parking lot; and to make other technical, non-substantive, or formatting changes within those sections of Title 20 of the San José Municipal Code discussed.

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

7. GOOD AND WELFARE

- a. Report from City Council
- b. Subcommittee Formation, Reports, and Outstanding Business
- c. Commission Calendar and Study Sessions.
- d. The Public Record

ADJOURNMENT

COMMISSION MEETING SCHEDULE

<u>Date</u>	<u>Time</u>	<u>Type of Meeting</u>	<u>Location</u>
January 8	6:30 p.m.	Cancelled: Regular	
January 22	6:30 p.m.	Regular	Council Chambers
February 12	6:30 p.m.	Regular	Council Chambers
February 26	6:30 p.m.	Regular	Council Chambers
March 12	5:00 p.m.	<i>Special Meeting: Study Session</i> <i><u>Housing Catalyst Work Plan</u></i>	<i>Wing Rooms 118-119-120</i>
March 12	6:30 p.m.	Regular	Council Chambers
March 26	6:30 p.m.	Regular	Council Chambers
April 9	6:30 p.m.	Regular & General Plan	Council Chambers
April 23	6:30 p.m.	Regular & General Plan	Council Chambers
May 14	5:00 p.m.	<i>Special Meeting: Study Session</i> <i><u>City's Proposed 2025-2027 Capital Budget & 2026-2030 Capital Improvement Program</u></i>	<i>Wing Rooms 118-119-120</i>
May 14	6:30 p.m.	Regular & General Plan	Council Chambers
May 28	6:30 p.m.	Regular	Council Chambers
June 11	6:30 p.m.	Cancelled: Regular	
June 25	6:30 p.m.	Regular	Council Chambers
July 9	6:30 p.m.	Regular	Council Chambers
July 23	6:30 p.m.	Regular	Council Chambers
August 13	6:30 p.m.	<i>Special Meeting: Study Session</i> <i><u>Proposed Changes to Resolution and Staff Report Formatting</u></i>	Council Chambers
August 13	6:30 p.m.	Regular & General Plan	Council Chambers
August 27	6:30 p.m.	Regular & General Plan	Council Chambers
September 10	6:30 p.m.	Cancelled: Regular	
September 18	1:30 p.m.	<i>Special Meeting: Study Session</i> <i><u>Joint City Council and Planning Commission Study Session for the General Plan and Land Use Overview</u></i>	<i>Wiing Rom 118-119-120</i>
September 24	6:30 p.m.	Regular	Council Chambers
October 8	6:30 p.m.	Regular	Council Chambers
October 22	6:30 p.m.	Regular	Council Chambers
November 5	6:30 p.m.	Regular	Council Chambers
November 19	6:30 p.m.	Regular	Council Chambers
December 3	6:30 p.m.	Regular	Council Chambers
December 10	6:30 p.m.	Regular	Council Chambers

ABOUT THE PLANNING COMMISSION

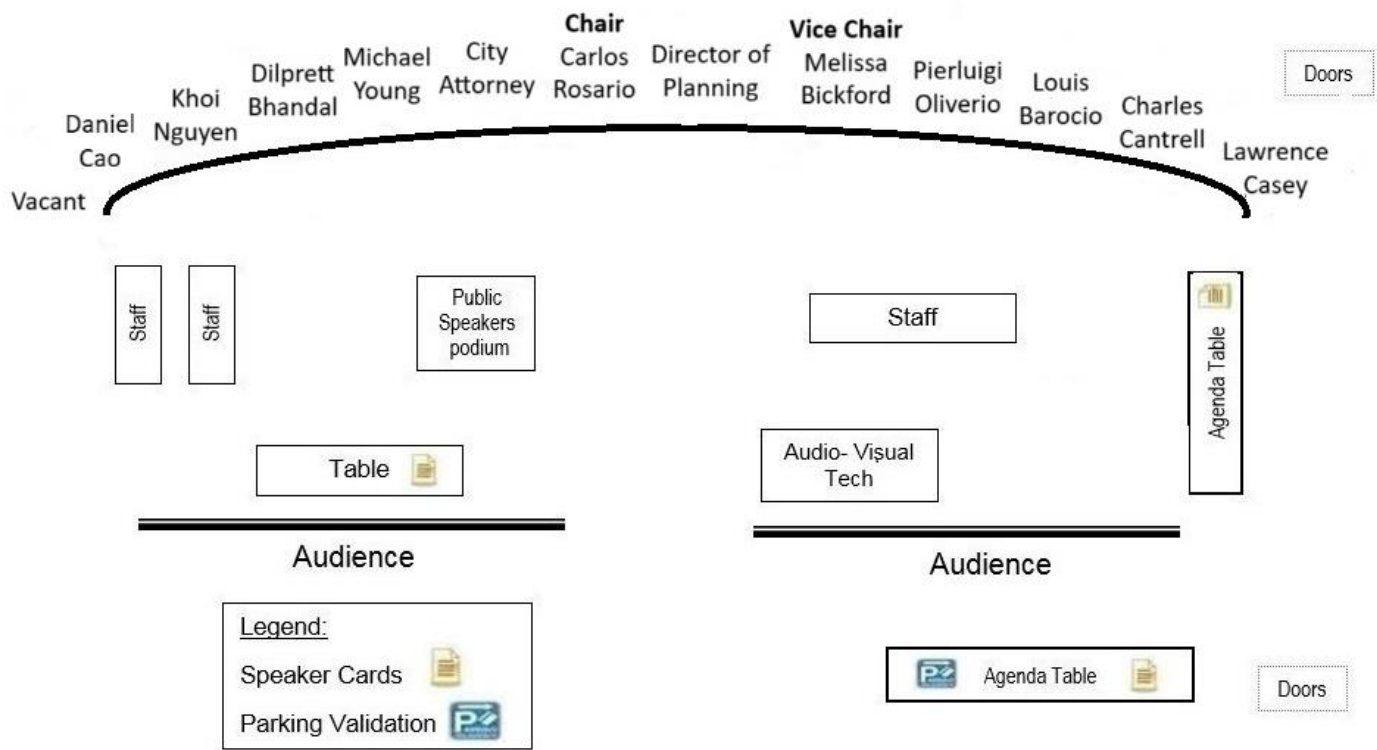
The Planning Commission is an eleven-member body, appointed by the City Council, which performs two types of actions:

- One type is “Quasi-Legislative” in nature in which the Planning Commission makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, Zoning Code provisions, or regulations related to the land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs.
- The second type of action is “Quasi-Judicial” in nature in which the Planning Commission applies previously adopted legislation to particular applications and acts as a decision-making or appellate body. Examples of these types of actions include Commission decisions on Conditional Use Permits, appeals of the Planning Director’s decisions on certain land use permits, and the certification of Environmental Impact Reports.

A notation of “Administrative Hearing” for an agenda item indicates that the item is a Quasi-Judicial action of the Commission in order to assist the public in understanding the role of the Planning Commission on a particular item.

To effectively manage the Planning Commission Agenda, and to be sensitive to concerns regarding the length of public hearing, the Planning Commission may determine to proceed with remaining agendized items past 11:00 p.m., or to continue this hearing to a later date, or to defer remaining items to the next regularly scheduled Planning Commission meeting date. The decision on how to proceed will be heard by the Planning Commission no later than 11:00 p.m.

Seating Chart within the City Council Chambers:



The San José Planning Commission generally meets every 2nd and 4th Wednesday at 6:30 p.m., unless otherwise noted. Agendas and Staff Reports for Planning Commission items may be viewed on the Internet at <https://www.sanjoseca.gov/your-government/departments/planning-building-code-enforcement/planning-division/commissions-and-hearings/planning-commission>

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. The City Code of Ethics may be viewed on-line at <https://www.sanjoseca.gov/home/showdocument?id=11915>

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 view by clicking the link associated specifically to documents on this agenda, at the same time that the public records are distributed or made available to the legislative body. Any draft resolutions posted on the Internet site or distributed in advance of the Planning Commission meeting, may not be final documents approved by the Planning Commission. Contact the Planning Support Staff at planningsupportstaff@sanjoseca.gov for the final document. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting, where those contracts, ordinances and resolutions will be considered, may not be the final documents approved by the City Council. Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for the final document.

Planning Commission hearings are video recorded and broadcasted live. To view the live broadcast or past hearing recordings go to the Internet website: https://sanjose.granicus.com/ViewPublisher.php?view_id=51

If you have any agenda questions, please contact Support Staff at (408) 535-3505 or email PlanningSupportStaff@sanjoseca.gov. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

FREQUENTLY USED ABBREVIATIONS

CEQA	California Environmental Quality Act
CUP	Conditional Use Permit
DA	Development Agreement
PD	Planned Development Permit
PDC	Planned Development Zoning

CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, Redevelopment Agency Board, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior, which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
 - No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D)**

3. Addressing the Council, Redevelopment Agency Board, Committee, Board or Commission:

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- b) Meeting attendees are usually given two (2) minutes to speak on any agenda item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
- c) Speakers should discuss topics related to City business on the agenda, unless they are speaking during open forum.
- d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners, or Staff in conversation will not be honored. Abusive language is inappropriate.
- e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
- f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
- g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.