



PLANNING COMMISSION

Action Minutes

Wednesday, May 22, 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 (arrived at 6:35 p.m.), 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

No items

4. CONSENT CALENDAR

- a. [Review and Approve Action Minutes from May 8, 2024.](#)

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

COMMISSIONER TORDILLOS SECONDED THE MOTION (10-0-1, OLIVERIO ABSENT)

- b. **Vacation of a Portion of Hillsdale Avenue Right-of-Way**: Request for the street easement vacation of approximately 27 feet to 53 feet of excess right-of-way from the existing 106 foot to 182 foot right-of-way along Hillsdale Avenue for one parcel across from Charter Park Drive (Public Works Street Vacation File No. 23-110305). (City of San Jose, Owner). Council District: 7. **CEQA**: Determination of Consistency with the Communications Hill 2 Final Environmental Impact Report (EIR) (Resolution No. 77172), and Addenda thereto. The project does not involve new significant impacts beyond those analyzed in the above EIR.

PROJECT MANAGER, JOHN TU AND JOSHUA KENTON

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

1. **CONSIDER THE DETERMINATION OF CONSISTENCY WITH THE COMMUNICATIONS HILL 2 FINAL ENVIRONMENTAL IMPACT REPORT (EIR) (RESOLUTION NO. 77172), AND ADDENDA THERETO. THE PROJECT DOES NOT INVOLVE NEW SIGNIFICANT IMPACTS BEYOND THOSE ANALYZED IN THE ABOVE EIR; AND**
2. **FIND THE PROPOSED HILLSDALE AVENUE STREET EASEMENT VACATION IN CONFORMANCE WITH THE GENERAL PLAN AS REQUIRED BY CALIFORNIA STREETS AND HIGHWAYS CODE SECTION 8313 AND SECTION 65402 OF THE GOVERNMENT CODE, AND RECOMMEND THAT THE CITY COUNCIL APPROVE THE VACATION AS DESCRIBED ABOVE.**

COMMISSIONER TORDILLOS SECONDED THE MOTION (10-0-1, OLIVERIO ABSENT).

5. PUBLIC HEARING

- a. **PP23-007**: An ordinance of the City of San José amending various sections of Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code to:
- (1) Amend Chapter 20.30 and include changes to (a) Section 20.30.400(h), to clarify pedestrian access; (b) Amend Section 20.30.500, Table 20-70, Note 2, to exclude fence and retaining walls from accessory structures along corner lot setback; (c) Amend Section 20.30.510 to clarify rear yard coverage; and
 - (2) Amend Chapter 20.70, Section 20.70.100, Table 20-140 to allow indoor sales of zero emission vehicles; and
 - (3) Amend Chapter 20.80, Sections 20.80.175, 20.80.176, and add Section 20.80.177 to allow the sale and conveyance of accessory dwelling unit condominiums; and
 - (4) Amend Chapter 20.90, Section 20.90.060.b.5 to clarify ratios for long-term and short-term bicycle spaces; and
 - (5) Amend Sections 20.195.010 and 20.195.020 to include recent references to government code sections for housing; and
 - (6) Amend Section to amend existing definition of 20.200.1265, 'Permanent Supportive Housing'; 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), Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto.

PROJECT MANAGER, DAVID FONG

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 (RESOLUTION NO. 77617), AND ADDENDA THERETO; IN ACCORDANCE WITH CEQA, 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) TO:**
 - A. **AMEND CHAPTER 20.30 AND INCLUDE CHANGES TO (A) SECTION 20.30.400(H), TO CLARIFY PEDESTRIAN ACCESS; (B) AMEND SECTION 20.30.500, TABLE 20-70, NOTE 2, TO EXCLUDE FENCE AND RETAINING WALLS FROM ACCESSORY STRUCTURES ALONG CORNER LOT SETBACK; (C) AMEND SECTION 20.30.510 TO CLARIFY REAR YARD COVERAGE; AND**
 - B. **AMEND CHAPTER 20.70, SECTION 20.70.100, TABLE 20-140 TO ALLOW INDOOR SALES OF ZERO EMISSION VEHICLES; AND**
 - C. **AMEND CHAPTER 20.80, SECTIONS 20.80.175, 20.80.176, AND ADD SECTION 20.80.177 TO ALLOW THE SALE AND CONVEYANCE OF ACCESSORY DWELLING UNIT CONDOMINIUMS; AND**
 - D. **AMEND CHAPTER 20.90, SECTION 20.90.060.B.5 TO CLARIFY RATIOS FOR LONG-TERM AND SHORT-TERM BICYCLE SPACES; AND**
 - E. **AMEND SECTIONS 20.195.010 AND 20.195.020 TO INCLUDE RECENT REFERENCES TO GOVERNMENT CODE SECTIONS FOR HOUSING; AND**
 - F. **AMEND SECTION TO AMEND EXISTING DEFINITION OF 20.200.1265, 'PERMANENT SUPPORTIVE HOUSING'; AND TO MAKE OTHER TECHNICAL, NON-SUBSTANTIVE, OR FORMATTING CHANGES WITHIN THOSE SECTIONS OF TITLE 20 OF THE SAN JOSÉ MUNICIPAL CODE.**

ACTION: COMMISSIONER OLIVERIO MADE A MOTION TO RECOMMEND THAT THE CITY COUNCIL APPROVE STAFF RECOMMENDATION WITH THE INTENT FOR STAFF TO ENGAGE IN DISCUSSIONS WITH LUCID MOTORS BEFOREHAND, AHEAD OF THE CITY COUNCIL MEETING.

COMMISSIONER CASEY SECONDED THE MOTION.

COMMISSIONER YOUNG MADE A SUBSTITUTE MOTION TO APPROVE STAFF RECOMMENDATION AS DESCRIBED ABOVE.

COMMISSIONER TORDILLOS SECONDED THE MOTION.

COMMISSIONER YOUNG WITHDREW HIS SUBSTITUTE MOTION.

COMMISSIONER YOUNG MADE A SUBSTITUTE MOTION TO RECOMMEND THAT THE CITY COUNCIL APPROVE STAFF RECOMMENDATION, EXCLUDING ITEM 2.B.

COMMISSIONER TODILLOS SECONDED THE MOTION (10-1, GACRIA OPPOSED)

COMMISSIONER OLIVERIO MADE A MOTION TO RECOMMEND THAT THE CITY COUNCIL APPROVE STAFF RECOMMENDATION ITEM 2.B. WITH THE

INTENT FOR STAFF TO ENGAGE IN DISCUSSIONS WITH LUCID MOTORS BEFOREHAND, AHEAD OF THE CITY COUNCIL MEETING.

COMMISSIONER CASEY SECONDED THE MOTION (9-2, TORDILLOS & YOUNG OPPOSED)

- b. **PP23-008**: An ordinance of the City of San José amending Section 5.09.500 of Chapter 5.09 of Title 5; amending Chapter 15.14 of Title 15 to add Sections 15.14.337, 15.14.377, 15.14.426, 15.14.443, 15.14.771, 15.14.772, AND 15.14.773; amending Section 20.95.020 of Chapter 20.95 and Section 20.100.470 of Chapter 20.100 of Title 20 of the San Jose Municipal Code related to compliance with the Municipal Regional Stormwater Permit. **CEQA**: Categorically Exempt, File No. ER24-105, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment.
PROJECT MANAGER, RAJANI NAIR AND CORT HITCHENS

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

- 1. CONSIDER THE EXEMPTION IN ACCORDANCE WITH CEQA, AS AMENDED;**
- 2. WITH RESPECT TO THE TITLE 20 REVISIONS, APPROVE AN ORDINANCE OF THE CITY OF SAN JOSE OF AMENDING SECTION 20.95.020 OF CHAPTER 20.95 AND SECTION 20.100.470 OF CHAPTER 20.100 OF TITLE 20 OF THE SAN JOSE MUNICIPAL CODE RELATED TO COMPLIANCE WITH THE MUNICIPAL REGIONAL STORMWATER PERMIT, AND;**
- 3. WITH RESPECT TO THE POLICIES WITHIN THE PLANNING COMMISSION’S PURVIEW, ADOPT A RESOLUTION:**
 - A. AMENDING CITY COUNCIL POLICY NO. 6-29, POST CONSTRUCTION URBAN RUNOFF MANAGEMENT**
 - B. ADOPTING CITY COUNCIL POLICY NO. 6-37, PROJECTS DISTURBING LESS THAN ONE ACRE: BEST MANAGEMENT PRACTICES**

COMMISSIONER OLIVERIO SECONDED THE MOTION (11-0).

- c. **PP24-004**: An ordinance of the City of San José amending Title 20 of the San José Municipal Code to amend the definition of emergency residential shelter in Chapter 20.200, amend the emergency residential shelter use within Table 20-90 of Section 20.40.100 of Chapter 20.40, ‘Commercial Zoning Districts and Public/Quasi-Public Zoning District,’ Table 20-110 of Section 20.50.100 of Chapter 20.50, ‘Industrial Zoning Districts,’ and Table 20-138 of Section 20.55.203 of Chapter 20.50, ‘Urban Village and Mixed Use Zoning Districts,’ and amend the ministerial approval process to include emergency residential shelters in Chapter 20.195, ‘Ministerial Approvals.’ **CEQA**: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment.

PROJECT MANAGER, KRISTINE DO

ACTION: COMMISSIONER ORNELAS-WISE MADE A MOTION TO RECOMMEND THAT THE CITY COUNCIL TAKE THE FOLLOWING ACTION:

1. **ADOPT AN ORDINANCE AMENDING VARIOUS SECTIONS OF TITLE 20 (ZONING ORDINANCE OR ZONING CODE) OF THE SAN JOSÉ MUNICIPAL CODE TO AMEND THE DEFINITION OF EMERGENCY RESIDENTIAL SHELTERS, AMEND THE ALLOWED USE OF EMERGENCY RESIDENTIAL SHELTERS, THROUGH USE PERMIT AND BY RIGHT, IN THE COMMERCIAL PEDESTRIAN ZONING DISTRICT, COMMERCIAL NEIGHBORHOOD ZONING DISTRICT, COMMERCIAL GENERAL ZONING DISTRICT, PUBLIC/QUASI PUBLIC ZONING DISTRICT, AND URBAN VILLAGE AND MIXED USE ZONING DISTRICTS, AND AMEND THE MINISTERIAL APPROVAL PROCESS TO INCLUDE EMERGENCY RESIDENTIAL SHELTERS.**

COMMISSIONER CANTRELL SECONDED THE MOTION (6-5, BAROCIO, BICKFORD, CASEY, GARCIA & OLIVERIO OPPOSED).

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 May 21, 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 8:50 p.m.