



## **PLANNING COMMISSION**

### **Action Minutes**

**Wednesday, March 11, 2026**

**Regular Hearing**

**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**

**Aimee Escobar**

**Khoi Nguyen**

**Pierluigi Oliverio**

**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>

## WELCOME

## SALUTE TO THE FLAG

## ROLL CALL

PRESENT: Commissioners Rosario, Bickford, Barocio, Bhandal (arrived at 6:35 p.m.), Cao, Casey, Escobar, Oliverio (attended by teleconference), Nguyen, and Young

ABSENT: Commissioner Cantrell

## SUMMARY OF HEARING PROCEDURES

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

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

#### **Notice of participation of Commissioner Pierluigi Oliverio by teleconference.**

Commissioner Oliverio intends to participate via teleconference from the following location:

Mountain Side Hotel  
4250 Village Stroll Whistler,  
British Columbia, Canada  
Meeting location will be in the lobby

### 2. PUBLIC COMMENT

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### 3. DEFERRALS AND REMOVALS FROM CALENDAR

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No Items

### 4. CONSENT CALENDAR

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**ACTION: COMMISSIONER OLIVERIO MADE A MOTION TO APPROVE CONSENT CALENDAR ITEMS 4.A. THROUGH 4.D.**

**COMMISSIONER CASEY SECONDED THE MOTION (10-0-1; CANTRELL ABSENT)**

- a. [Review and Approve Action Minutes from February 25, 2026.](#)
- b. [CP25-017 & ER25-158](#) : Conditional Use Permit and Determination of Public Convenience or Necessity to allow the off-sale of alcohol (Type 21 – full range of alcoholic beverages) at an existing approximately 23,255-square-foot grocery store (Grocery Outlet) on an approximately 3.18-gross-acre site located on the southerly side of Williams Road, approximately 350 feet southwest of the intersection of Williams Road and Winchester Boulevard (3140 Williams Road) (Caltex Equities, Owner). Council District: 1. **CEQA**: Exempt Pursuant to CEQA Guidelines Section 15301(a) for Existing Facilities.

*PROJECT MANAGER, ZACHARY JOHNSON*

1. **CONSIDER THE EXEMPTION IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES SECTION 15301(A) FOR EXISTING FACILITIES; AND**
  2. **ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, A CONDITIONAL USE PERMIT AND DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY TO ALLOW THE OFF-SALE OF ALCOHOL (TYPE 21 – FULL RANGE OF ALCOHOLIC BEVERAGES) AT AN EXISTING APPROXIMATELY 23,255-SQUARE-FOOT GROCERY STORE (GROCERY OUTLET) ON AN APPROXIMATELY 3.18-GROSS-ACRE SITE**
- c. **CP24-031 & ER24-232 (Administrative Hearing)**: Conditional Use Permit to allow a tow yard, associated site improvements, and a reduced parking setback on an approximately 0.58-gross-acre site located on the West side of Monterey Road, approximately 270 feet south of Southside Drive Avenue (3107 Monterey Road) (Morris and Sons Towing, Owner). Council District: 7. **CEQA**: Exempt Pursuant to CEQA Guidelines Section 15303(c) for the Construction or Conversion of Small Structures.  
*PROJECT MANAGER, ALEC ATIENZA*
1. **CONSIDER THE EXEMPTION IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES SECTION 15303(C) FOR NEW CONSTRUCTION OR CONVERSION OF SMALL STRUCTURES; AND**
  2. **ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, A CONDITIONAL USE PERMIT TO ALLOW A TOW YARD, ASSOCIATED SITE IMPROVEMENTS, AND A REDUCED PARKING SETBACK ON AN APPROXIMATELY 0.58-GROSS-ACRE site**
- d. **CP25-019 & ER25-169 (Administrative Hearing)**: Conditional Use Permit to allow the continued use of an existing wireless facility, consisting of an approximately 41-foot-high slimline monopole and associated ground equipment (including a standby/back-up generator) within a six-foot high enclosure on an approximately 0.80-gross-acre site located at 7144 Webb Canyon Drive (San Jose Water Company, Owner). Council District: 10. **CEQA**: Exempt Pursuant to CEQA Guidelines Section 15301 for Existing Facilities.  
*PROJECT MANAGER, RINA SHAH*
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 CONTINUED USE OF AN EXISTING WIRELESS FACILITY, CONSISTING OF AN APPROXIMATELY 41-FOOT-HIGH MONOPOLE AND ASSOCIATED GROUND EQUIPMENT (INCLUDING A STANDBY/BACK-UP GENERATOR) WITHIN A SIX-FOOT HIGH ENCLOSURE ON AN APPROXIMATELY 0.80-GROSS-ACRE SITE.**

## 5. PUBLIC HEARING

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- a. **H23-030 & ER23-233 (Administrative Hearing)**: An appeal of the Planning Director’s Approval of a Site Development Permit (File No. H23-030), submitted under the Housing Accountability Act (“Builder’s Remedy”), to allow the construction of a seven-story mixed-use building consisting of 126 multifamily residential units and approximately 1,626 square feet of commercial retail space, the demolition of an approximately 5,500-square-foot commercial building and the removal of six trees (five ordinance-size, one non-ordinance-size) on an approximately 0.80-gross-acre site with an application under State Density Bonus Law, including an approximately 97% density bonus, three incentives/concessions for a reduction in commercial space depth and reductions in common and private open space, and three waivers for an increase in maximum allowed floor area ratio, reduction in the front setback, and increase in maximum height located on the Southeast corner of Willow Street and Kottenberg Avenue (940 Willow Street) (940 Willow Owner LLC, Owner). Council District: 6. **CEQA**: Statutorily Exempt Pursuant to Public Resources Code Section 21080.66 (Assembly Bill 130).

**PROJECT MANAGER, ALEC ATIENZA**

**ACTION: COMMISSONER BICKFORD MADE A MOTION TO APPROVE STAFF RECOMMENDATIONS TO:**

- 1. CONDUCT AN ADMINISTRATIVE HEARING TO CONSIDER THE APPEAL OF THE PLANNING DIRECTOR’S APPROVAL OF A SITE DEVELOPMENT PERMIT (SUBMITTED UNDER THE HOUSING ACCOUNTABILITY ACT (“BUILDER’S REMEDY”) TO ALLOW THE CONSTRUCTION OF A SEVEN-STORY MIXED-USE BUILDING CONSISTING OF 126 MULTIFAMILY RESIDENTIAL UNITS AND APPROXIMATELY 1,626 SQUARE FEET OF COMMERCIAL RETAIL SPACE, THE DEMOLITION OF AN APPROXIMATELY 5,500-SQUARE-FOOT COMMERCIAL BUILDING AND THE REMOVAL OF SIX TREES (FIVE ORDINANCE-SIZE, ONE NON-ORDINANCE-SIZE) ON AN APPROXIMATELY 0.80-GROSS-ACRE SITE WITH AN APPLICATION UNDER STATE DENSITY BONUS LAW, INCLUDING AN APPROXIMATELY 97% DENSITY BONUS, THREE INCENTIVES/CONCESSIONS FOR A REDUCTION IN COMMERCIAL SPACE DEPTH AND REDUCTIONS IN COMMON AND PRIVATE OPEN SPACE, AND THREE WAIVERS FOR AN INCREASE IN MAXIMUM ALLOWED FLOOR AREA RATIO, REDUCTION IN THE FRONT SETBACK, AND INCREASE IN MAXIMUM HEIGHT; AND**
- 2. ADOPT A RESOLUTION DENYING THE PERMIT APPEAL AND UPHOLDING THE DIRECTOR’S DECISION TO APPROVE THE SITE DEVELOPMENT PERMIT TO ALLOW THE CONSTRUCTION OF A SEVEN-STORY MIXED-USE BUILDING CONSISTING OF 126 MULTIFAMILY RESIDENTIAL UNITS AND APPROXIMATELY 1,626 SQUARE FEET OF COMMERCIAL RETAIL SPACE, THE DEMOLITION OF AN APPROXIMATELY 5,500-SQUARE-FOOT COMMERCIAL BUILDING AND THE REMOVAL OF SIX TREES (FIVE ORDINANCE-SIZE, ONE NON-ORDINANCE-SIZE) ON AN APPROXIMATELY 0.80-GROSS-ACRE SITE WITH AN APPLICATION UNDER STATE DENSITY BONUS LAW, INCLUDING AN APPROXIMATELY 97% DENSITY BONUS, THREE INCENTIVES/CONCESSIONS FOR A REDUCTION IN COMMERCIAL SPACE DEPTH AND REDUCTIONS IN COMMON AND PRIVATE OPEN SPACE, AND THREE WAIVERS FOR AN INCREASE IN**

**MAXIMUM ALLOWED FLOOR AREA RATIO, REDUCTION IN THE FRONT SETBACK, AND INCREASE IN MAXIMUM HEIGHT.**

**COMMISSIONER YOUNG SECONDED THE MOTION (10-0-1; CANTRELL ABSENT)**

- b. **SP24-029 & ER24-198 (Administrative Hearing):** An appeal of the Planning Director's Approval of a Special Use Permit to increase an existing recycling/transfer facility's permitted maximum daily inflow capacity of construction, demolition, and inert (CDI) debris from 174.99 tons per day to 2,451 tons per day (for which the facility was designed and constructed), and increase operation hours to 24 hours per day, 7 days per week (except for holidays) on an approximately 4.37-gross-acre site located on the West side of South 7th Street approximately 720 feet from the intersection of Phelan Avenue and South 7th Street (1611 South 7th Street) (Environmental Resources Recovery, dba Valley Recycling II, Owner). Council District: 7. **CEQA:** Exempt pursuant to CEQA Guidelines Section 15301 for Existing Facilities.

*PROJECT MANAGER, ALEXANDRE HUGHES*

1. **CONDUCT AN ADMINISTRATIVE HEARING TO CONSIDER THE APPEAL OF THE PLANNING DIRECTOR'S APPROVAL OF A SPECIAL USE PERMIT (FILE NO. SP24-029) TO ALLOW AN EXISTING TRANSFER/RECYCLING FACILITY'S PERMITTED MAXIMUM DAILY INFLOW CAPACITY OF CONSTRUCTION, DEMOLITION, AND INERT (CDI) DEBRIS FROM 174.99 TONS PER DAY TO 2,451 TONS PER DAY (FOR WHICH THE FACILITY WAS DESIGNED AND CONSTRUCTED), AND INCREASE OPERATION HOURS TO 24 HOURS PER DAY, 7 DAYS PER WEEK (EXCEPT FOR HOLIDAYS) ON AN APPROXIMATELY 4.37-GROSS-ACRE SITE; AND**
2. **ADOPT A RESOLUTION DENYING THE PERMIT APPEAL AND UPHOLDING THE DIRECTOR'S DECISION TO APPROVE THE SPECIAL USE PERMIT, FILE NO. SP24-029, TO ALLOW AN EXISTING TRANSFER/RECYCLING FACILITY'S PERMITTED MAXIMUM DAILY INFLOW CAPACITY OF CONSTRUCTION, DEMOLITION, AND INERT (CDI) DEBRIS FROM 174.99 TONS PER DAY TO 2,451 TONS PER DAY (FOR WHICH THE FACILITY WAS DESIGNED AND CONSTRUCTED), AND INCREASE OPERATION HOURS TO 24 HOURS PER DAY, 7 DAYS PER WEEK (EXCEPT FOR HOLIDAYS) ON AN APPROXIMATELY 4.37-GROSS-ACRE SITE.**

**PULLED FROM PUBLIC HEARING AND HEARD UNDER DEFERRALS AND REMOVALS FROM CALENDAR.**

**ACTION: COMMISSIONER BICKFORD MADE A MOTION TO APPROVE STAFF RECOMMENDATIONS TO DEFER TO THE MARCH 25, 2026, PLANNING COMMISSION MEETING.**

**COMMISSIONER CASEY SECONDED THE MOTION (10-0-1; CANTRELL ABSENT)**

- c. **PP25-006:** An ordinance of the City of San José amending Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code to add new Chapter 20.197, 'Local Implementation of State law,' that includes Part 2, 'Senate Bill 79 (SB 79) Implementation' for implementation of SB 79 and exclusion of certain employment areas designated in the City's General Plan from SB 79 State law provisions, and to make other technical, non-substantive, or formatting changes within related sections of Title 20 of

the San José Municipal Code located Citywide (City of San Jose, Owner). Council District: Citywide. **CEQA:** Not a project under CEQA pursuant to Public Resources Code Section 21080(b)(1), CEQA Guidelines Section 15378(b)(5), and California Government Code Section 65912.160(c)(2)(SB 79).

*PROJECT MANAGER, RINA HORIE*

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

- 1. ADOPT AN ORDINANCE OF THE CITY OF SAN JOSÉ AMENDING TITLE 20 (ZONING ORDINANCE OR ZONING CODE) OF THE SAN JOSÉ MUNICIPAL CODE TO ADD NEW CHAPTER 20.197, ‘LOCAL IMPLEMENTATION OF STATE LAW,’ THAT INCLUDES PART 2, ‘SENATE BILL 79 (SB 79) IMPLEMENTATION’ FOR IMPLEMENTATION OF SB 79 AND EXCLUSION OF CERTAIN EMPLOYMENT AREAS DESIGNATED IN THE CITY’S GENERAL PLAN FROM SB 79 PROVISIONS, AND TO MAKE OTHER TECHNICAL, NON-SUBSTANTIVE, OR FORMATTING CHANGES WITHIN RELATED SECTIONS OF TITLE 20 OF THE SAN JOSÉ MUNICIPAL CODE.**

**COMMISSIONER CASEY SECONDED THE MOTION (10-0-1; CANTRELL ABSENT)**

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

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No items

**7. GOOD AND WELFARE**

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- a. Report from City Council

*The Commission Secretary reported on the upcoming City Council Meeting on March 17, 2026, regarding SB-79 Ordinance Amendments, as well as Historic Resource Protections under SB-79.*

*The Commission Secretary also reported on the upcoming City Council Meeting on March 24, 2026, regarding the Housing Element Annual Progress Report.*

- b. Subcommittee Formation, Reports, and Outstanding Business

- c. Commission Calendar and Study Sessions.

*The next Planning Commission Meeting will be on March 25, 2026, regarding the Camden Builder’s Remedy Project, EIR with significant unavoidable impacts and override considerations.*

*The next General Plan 4-Year Review Task Force Meeting 4 on April 1, 2026, will be regarding the Residential Capacity/Jobs-to-Employed Resident Ratio from 6:30 – 8:30 p.m. in Wing Room 118-119-120.*

- d. The Public Record

**ADJOURNMENT**

The meeting adjourned at 8:49 p.m.