



PLANNING COMMISSION

Action Minutes

Wednesday, September 25, 2024

Regular & General Plan Hearing

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

**Anthony Tordillos, Chair
Charles Cantrell, Vice Chair
Louis Barocio Dilpreet Bhandal
Melissa Bickford Justin Lardinois
Pierluigi Oliverio Carlos Rosario
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 Tordillos, Barocio, Bhandal, Bickford, Lardinois, Oliverio (arrived at 7:21 p.m.) and Rosario

ABSENT: Commissioners Cantrell and Young

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 Items

3. DEFERRALS AND REMOVALS FROM CALENDAR

No Items

4. CONSENT CALENDAR

a. [Review and Approve Action Minutes from September 11, 2024.](#)

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

COMMISSIONER BICKFORD SECONDED THE MOTION (6-0-3; CANTRELL, OLIVERIO & YOUNG ABSENT)

b. [CP24-005 & ER24-042 \(Administrative Hearing\):](#) Conditional Use Permit to allow the conversion of an existing approximately 1,907-square-foot recreation building to an approximately 1,742-square-foot single-family residence located on an approximately 34.27-gross-acre mobile home park site located on approximately 160 feet southerly of Saddle Brook Drive and Marjohn Boulevard intersection (510 Saddle Brook Drive) (Worthing SB LLC ETAL, Owner). Council District: 2. **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(A): CLASS 1, FOR EXISTING FACILITIES**
- 2. ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, A CONDITIONAL USE PERMIT TO ALLOW THE CONVERSION OF AN EXISTING APPROXIMATELY 1,907-SQUARE-FOOT RECREATION BUILDING TO A APPROXIMATELY 1,742-SQUARE-FOOT SINGLE-FAMILY**

RESIDENCE LOCATED ON AN APPROXIMATELY 34.27-GROSS ACRE MOBILE HOME PARK SITE.

PULLED FROM CONSENT AND HEARD UNDER PUBLIC HEARING

ACTION: COMMISSIONER LARDINOIS MADE A MOTION TO DEFFER TO THE OCTOBER 9, 2024, PLANNING COMMSION MEETING.

COMMISSIONER BICKFORD SECONDED THE MOTION (6-0-3; CANTRELL, OLIVERIO & YOUNG ABSENT)

c. **CP24-011 & ER24-091(Administrative Hearing):** Conditional Use Permit for a drinking establishment (ABC License Type 40) in an existing approximately 1,100-square-foot shopping center tenant space with outdoor seating on an approximately 26.7-gross-acre site located at 1137 South King Road (Bui Thao and Thai Mai Tuyet Trustee, Owners). Council District: 7. **CEQA:** Exempt Pursuant to CEQA Guidelines Section 15301 for Existing Facilities.

PROJECT MANAGER, RINA SHAH

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

- 1. CONSIDER THE EXEMPTION IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES SECTION 15301(A): CLASS 1, FOR EXISTING FACILITIES.**
- 2. ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, A CONDITIONAL USE PERMIT TO ALLOW A DRINKING ESTABLISHMENT WITHIN AN APPROXIMATELY 1,100-SQUARE-FOOT TENANT SPACE WITH OUTDOOR SEATING WITHIN A SHOPPING CENTER ON AN APPROXIMATELY 26.7-GROSS ACRE SITE.**

COMMISSIONER BICKFORD SECONDED THE MOTION (6-0-3; CANTRELL, OLIVERIO & YOUNG ABSENT)

5. PUBLIC HEARING

a. **CP21-022 & ER21-280:** Conditional Use Permit to allow the demolition of three single-story buildings within an existing shopping center and the removal of 115 trees (73 ordinance-size, 42 non-ordinance-size, 198 replacement trees) for the construction of a new approximately 165,148-square foot commercial retail building (Costco), an application for off-sale alcohol (Type 21 ABC License) with a Determination of Public Convenience or Necessity, and a request for extended construction hours (Saturdays 7:00 AM to 7:00 PM) with up to five 24-hour concrete pours on an approximately 19.80-gross acre site located on the Northeast corner of Prospect Road and Lawrence Expressway (5287 Prospect Road) (DS Westgate West LP, Owner). Council District: 1. **CEQA:** Environmental Impact Report (SCH# 2022010135) for the Westgate West Costco Warehouse Project.

PROJECT MANAGER, ALEC ATIENZA

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

- 1. ADOPT A RESOLUTION CERTIFYING THE WESTGATE WEST COSTCO WAREHOUSE PROJECT ENVIRONMENTAL IMPACT REPORT, MAKE CERTAIN FINDINGS CONCERNING MITIGATION MEASURES AND ALTERNATIVES, AND ADOPT A MITIGATION MONITORING AND REPORTING PLAN, IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), AS AMENDED; AND**

2. ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, CONDITIONAL USE PERMIT TO ALLOW THE DEMOLITION OF THREE SINGLE-STORY BUILDINGS WITHIN AN EXISTING SHOPPING CENTER TOTALING APPROXIMATELY 188,265 SQUARE FEET, THE REMOVAL OF 115 TREES (73 ORDINANCE-SIZE, 42 NON-ORDINANCE-SIZE, 198 REPLACEMENT) FOR THE CONSTRUCTION OF AN APPROXIMATELY 165,148-SQUARE FOOT COMMERCIAL RETAIL BUILDING (COSTCO), OFF-SALE ALCOHOL (TYPE 21 ABC LICENSE) WITH A DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY, AND EXTENDED CONSTRUCTION HOURS (SATURDAYS 7:00 AM TO 7:00 PM) WITH UP TO FIVE 24-HOUR CONCRETE POURS ON AN APPROXIMATELY 19.80-GROSS ACRE SITE.

COMMISSIONER LARDINOIS SECONDED THE MOTION (7-0-2; CANTRELL & YOUNG ABSENT)

6. OPEN THE GENERAL PLAN HEARING (2024 CYCLE 2)

7. GENERAL PLAN CONSENT CALENDAR

No Items

8. GENERAL PLAN PUBLIC HEARING

- a. **GPT24-001:** City-initiated General Plan Text Amendment to update text and maps in the Envision San José 2040 General Plan and the Diridon Station Area Plan to align with the recently adopted San José Mineta International Airport Land Use Compatibility Plan and incorporating a modified Airport Influence Area (AIA) overlay for San José Mineta International Airport adopted by Council overrule of the Airport Land Use Commission (ALUC)-adopted AIA for San José Mineta International Airport located City Wide (City of San Jose, Owner). Council District: City Wide. **CEQA:** Not a project, Public Project File No. PP17-008, General procedure and policy making resulting in no changes to the physical environment.

PROJECT MANAGER, LAURA MAURER

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

- 1. ADOPT A RESOLUTION BY TWO-THIRD MAJORITY MAKING CERTAIN FINDINGS REQUIRED BY CALIFORNIA PUBLIC UTILITIES CODE SECTION 21676 THAT THE PROPOSED AMENDMENT IS CONSISTENT WITH THE PURPOSES SET FORTH IN CALIFORNIA PUBLIC UTILITIES CODE SECTION 21670 AND PARTIALLY OVERRULE THE SANTA CLARA COUNTY AIRPORT LAND USE COMMISSION'S ADOPTED AIRPORT LAND USE COMPATIBILITY PLAN FOR THE SAN JOSÉ MINETA INTERNATIONAL AIRPORT; AND**
- 2. ADOPT A RESOLUTION APPROVING THE GENERAL PLAN TEXT AMENDMENT TO UPDATE TEXT AND MAPS IN THE ENVISION SAN JOSÉ 2040 GENERAL PLAN AND THE DIRIDON STATION AREA PLAN TO ALIGN WITH THE RECENTLY ADOPTED SAN JOSÉ MINETA**

**INTERNATIONAL AIRPORT LAND USE COMPATIBILITY PLAN AND
INCORPORATING THE CITY-APPROVED MODIFIED AIRPORT
INFLUENCE AREA (AIA) OVERLAY FOR SAN JOSÉ MINETA
INTERNATIONAL AIRPORT ADOPTED BY COUNCIL OVERRULE OF THE
AIRPORT LAND USE COMMISSION (ALUC)-ADOPTED AIA FOR SAN JOSÉ
MINETA INTERNATIONAL AIRPORT.**

**COMMISSIONER OLIVERIO SECONDED THE MOTION (7-0-2; CANTRELL &
YOUNG ABSENT)**

9. CLOSE THE GENERAL PLAN HEARING (2024 CYCLE 2)

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

No items

11. GOOD AND WELFARE

- a. Report from City Council

The Commission Secretary reported on City Council action taken on September 24, 2024.

- b. Subcommittee Formation, Reports, and Outstanding Business

No items

- c. Commission Calendar and Study Sessions.

No Items

- d. The Public Record

No Items

12. ADJOURNMENT

The meeting adjourned at 9:30 p.m.