CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

AMENDED

PLANNING COMMISSION AGENDA

Regular Hearing
Wednesday, December 8, 2021
Commencing at 6:30 p.m.
Teleconferenced Meeting

*** COVID-19 NOTICE ***

Consistent with AB 361 and City of San Jose Resolution Nos. 79485, 80237, 80266 and 80290 this meeting will not be physically open to the public and the Planning Commission members will be teleconferencing from remote locations.

The Planning Commission is meeting via teleconference from remote locations in accordance with state and local orders and measures taken as a result of the Covid-19 pandemic.

Members of the public may view and listen to the meeting by following the instructions listed on page 2. Additional instructions are provided on page 2 to those members of the Public who would like to comment on agendized items.

Rolando Bonilla, Chair
George Casey, Vice Chair
Mariel Caballero Charles Cantrell
Jorge A. Garcia Justin Lardinois
Maribel Montañez Pierluigi Oliverio
Sylvia Ornelas-Wise Deborah Torrens
Michael Young

Christopher Burton, Director
Planning, Building & Code Enforcement

Note

Electronic device instructions:

For participants who would like to join electronically from a PC, Mac, iPad, iPhone, or Android device, please click this URL: https://sanjoseca.zoom.us/j/97243391925. Please ensure your device has audio input and output capabilities.

1. **Use a current, up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers including Internet Explorer. Mute all other audio. Using multiple devices can cause an audio feedback.**
2. **Enter an email address and name. The name will be visible online.**

Telephone device instructions:

For participants who would like to join telephonically please dial +1-213-338-8477, +1-408-638-0968, 888-475-4499, or 877-853-5257 and when prompted, enter meeting Web Id: 972 4339 1925.

Before or during the Commission meeting, if you have any agenda questions or trouble logging into the Zoom meeting please email PlanningSupportStaff@sanjoseca.gov or call 408-535-3505 for assistance.

How to submit written Public Comment:

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.

NOTE

To request an accommodation for City-sponsored meetings or events or an alternative format for printed materials, please call Support Staff at 408-535-3505 or 1-800-735-2992 (TTY) as soon as possible, but at least three business days before any meeting or event.

SUMMARY OF HEARING PROCEDURES

The procedure for this hearing is as follows:

- After the staff report, applicants, and appellants may make a 5-minute presentation.
- The meeting technician will connect persons who desire to speak to the commission to the meeting so they can be heard.
- Each speaker will have two minutes. Speakers using a translator will have four minutes.
- After the public testimony, the applicant and appellant may make closing remarks for 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-and-hearings/planning-commission/agendas-minutes-2020

AGENDA
ORDER OF BUSINESS

WELCOME

Welcome to the Planning Commission Meeting**.** This meeting is being held via Zoom Conference Call due to the COVID-19 crisis. Members of the public may participate by following the instructions listed on the Agenda. You may also view and listen to the meeting on live stream Cable TV, Granicus, and YouTube.

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 use the 'raise hand' feature in Zoom or click *9 to raise a hand to speak or contact 408-535-3505 to request 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.

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, please use the 'raise hand' feature in Zoom or click *9 to raise a hand to speak or contact 408-535-3505 to request to speak.

a. **GP21-003 and C21-036.** A General Plan Amendment to change the Land Use Designation from Residential Neighborhood to Neighborhood/Community Commercial as well as a Conforming Rezoning to rezone the project site from A Agriculture to CP Commercial Pedestrian on a 0.665-gross acre site located on the southeast corner of Keaton Loop and San Felipe Road intersection (3354 Keaton Loop). (Bracamontes Rigoberto and Delmina M, Owner). Council District 8. **CEQA:** 3354 Keaton Loop General Plan Amendment Project Negative Declaration.
***PROJECT MANAGER**, ROBERT RIVERA*

Staff Recommendation: Dropped to be re-noticed to the January 12, 2022 Planning Commission meeting per Staff request.

b. **GP21-004 and C21-009.** A General Plan Amendment to change the Land Use Designation from Neighborhood/Community Commercial to Mixed Use Neighborhood as well as a Conforming Rezoning to rezone the project site from CP Commercial Pedestrian to MUN Mixed Use Neighborhood Zoning District on a 0.6-gross acre site located at 7246 Sharon Drive (Wang Jen-Shyong and Li-Yen, Owner). Council District 1. **CEQA:** 7246 Sharon Drive and Conforming Rezoning Project Negative Declaration.
***PROJECT MANAGER**, ROBERT RIVERA*

Staff Recommendation: Dropped to be re-noticed to the January 12, 2022 Planning Commission meeting per Staff request.

c. **GP21-006 and C21-030.** A General Plan Amendment to change the Land Use Designation from Mixed Use Neighborhood to Urban Residential as well as a Conforming Rezoning to rezone the project site from R-1-8 Single-Family Residence District to UR Urban Residential Zoning District on a 0.97-gross acre site located on the northwest of East Julian Street, approximately 150 feet southwesterly of Wooster Avenue (1271 & 1279 E. Julian Street). (Wang Jen-Shyong and Li-Yen, Owner). Council District 3. **CEQA:** 1271-1279 East Julian Street General Plan Amendment Negative Declaration.
***PROJECT MANAGER**, ROBERT RIVERA*

Staff Recommendation: Dropped to be re-noticed to the January 12, 2022 Planning Commission meeting per Staff request.

d. **GP21-007 and C21-029.** A General Plan Amendment to change the Land Use Designation from Neighborhood/Community Commercial to Mixed Use Commercial as well as a Conforming Rezoning to rezone the project site from CP Commercial Pedestrian to MUC Mixed Use Commercial Zoning District on a 1.09 -gross acre site located at 2905 Senter Road. (Nguyen Hien C Trustee & ET AL, Owner). Council District 7. **CEQA:** 2905 & 2911 Senter Road General Plan Amendment Negative Declaration.
***PROJECT MANAGER**, ROBERT RIVERA*

Staff Recommendation: Dropped to be re-noticed to the January 12, 2022 Planning Commission meeting per Staff request.

e. **GP21-009 and C21-008.** A General Plan Amendment to change the Land Use Designation from Heavy Industrial to Light Industrial as well as a Conforming Rezoning to rezone the project site from HI Heavy Industrial to LI Light Industrial Zoning District on a 0.68-gross acre site located at 1500 Berger Drive. (Loaves & Fishes Family Kitchen, Owner). Council District 3. **CEQA:** Exempt under CEQA guidelines section 15301 Existing Facilities.
***PROJECT MANAGER**, ROBERT RIVERA*

Staff Recommendation: Dropped to be re-noticed to the January 12, 2022 Planning Commission meeting per Staff request.

4. CONSENT CALENDAR

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff, or the public to have an item removed from the consent calendar and considered separately.

Staff will provide an update on the consent calendar. If you wish to speak on one of these items, please use the 'raise hand' feature in Zoom or click *9 to raise a hand to speak or contact 408-535-3505 to request to speak.

a. Review and Approve Action Minutes from **December 1, 2021**.

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. **PP21-013.** An ordinance of the City of San José amending Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code to add provisions to implement Senate Bill 9 (Government Code Sections 65852.21, 66411.7, and 66452.6) (Citywide). Council District: Citywide. **CEQA:** Determination of Consistency with 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. Pursuant to

Section 15168 of the CEQA Guidelines, the City of San José has determined that this activity is within the scope of the earlier approved programs and the Final Program EIRs adequately describe the activity for purposes of CEQA. The project does not involve new significant effects beyond those analyzed in the Final Program EIRs.
***PROJECT MANAGER**, MARTINA DAVIS*

Staff Recommendation:

The Planning Commission recommends that the City Council take all of the following actions:

1. Consider the Determination of Consistency with 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; and
2. 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 provisions to implement Senate Bill 9 (Government Code Sections 65852.21, 66411.7, and 66452.6)

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

8. ADJOURNMENT

2021 PLANNING COMMISSION MEETING SCHEDULE

Date	Time	Type of Meeting	Location
January 13- Cancelled			
January 27	6:30 p.m.	Regular & General Plan	Teleconferenced Meeting
February 10	6:30 p.m.	Regular	Teleconferenced Meeting
February 24	6:30 p.m.	Regular	Teleconferenced Meeting
March 10	6:30 p.m.	Regular	Teleconferenced Meeting
March 24	6:30 p.m.	Regular & General Plan	Teleconferenced Meeting
April 14	6:30 p.m.	Regular	Teleconferenced Meeting
April 28	6:30 p.m.	Regular & General Plan	Teleconferenced Meeting
May 12	*5:00 p.m.*	*Study Session/Public Hearing*	*Teleconferenced Meeting*
2021/2022 Capital Budget & 2022/2026 Capital Improvement Program Study Session			
May 12	6:30 p.m.	Regular & General Plan	Teleconferenced Meeting
May 26	6:30 p.m.	Regular & General Plan	Teleconferenced Meeting
June 9	6:30 p.m.	Regular & General Plan	Teleconferenced Meeting
June 23- Cancelled			
July 14	6:30 p.m.	Regular	Teleconferenced Meeting
July 28	6:30 p.m.	Regular	Teleconferenced Meeting
August 11	*5:00 p.m.*	*Study Session/Public Hearing*	*Teleconferenced Meeting*
Small Business Displacement Study Session			
August 11	6:30 p.m.	Regular	Teleconferenced Meeting
August 25	6:30 p.m.	Regular	Teleconferenced Meeting
September 8 -Cancelled			
September 22	6:30 p.m.	Regular	Teleconferenced Meeting
October 13	6:30 p.m.	Regular	Teleconferenced Meeting
October 22	*12:30 p.m.*	*Annual Retreat*	*Teleconferenced Meeting*
Planning Commission Annual Retreat			
October 27	6:30 p.m.	Regular & General Plan	Teleconferenced Meeting
November 10	6:30 p.m.	Regular & General Plan	Teleconferenced Meeting
November 17	6:30 p.m.	Regular	Teleconferenced Meeting
December 1	*5:00 p.m.*	*Study Session/Public Hearing*	*Teleconferenced Meeting*
Overview of Senate Bill 9 Study Session			
December 1	6:30 p.m.	Regular & General Plan	Teleconferenced Meeting
December 8	6:30 p.m.	Regular	Teleconferenced Meeting

ABOUT THE PLANNING COMMISSION

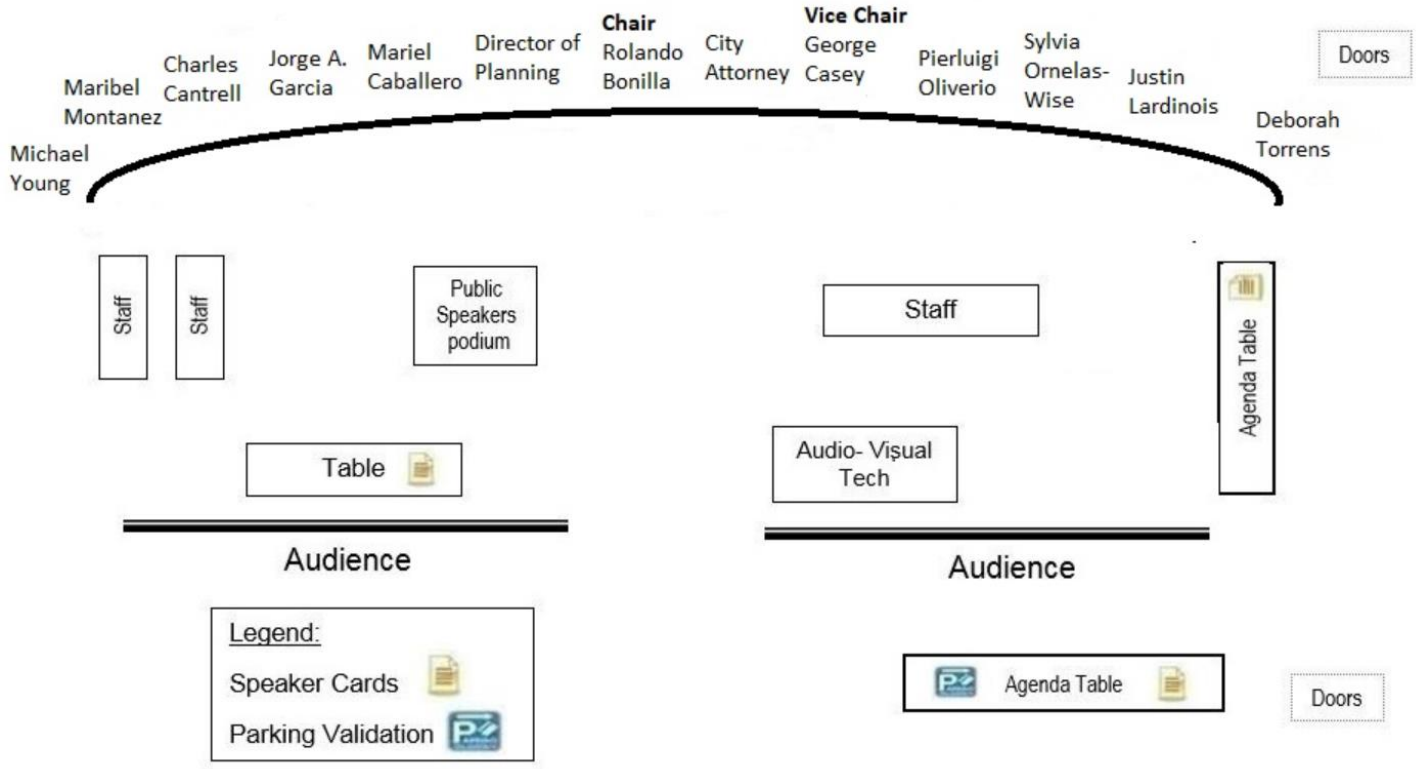
The Planning Commission is a eleven-member body, appointed by the City Council, which performs two types of actions:

- 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 contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting 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.City Hall is currently closed due to the COVID-19 shelter-in-place and records are not available for in-person inspection.

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
CP	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.