

PLANNING COMMISSION

January 26, 2022

Action Minutes

WELCOME

ROLL CALL

PRESENT: Commissioners Bonilla, Casey, Caballero, Cantrell, Garcia, Lardinois, Oliverio
(arrived at 6:33 p.m.), Ornelas-Wise, Torrens, Young

ABSENT: Commissioner Montañez

1. CALL TO ORDER & ORDERS OF THE DAY

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

Access the video, agenda, and related reports for this meeting by visiting the City's website at:
<https://www.sanjoseca.gov/your-government/departments/planning-building-code-enforcement/planning-division/commissions-and-hearings/planning-commission>

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.

PAUL SOTO TALKED ABOUT GREED, MORAL AND ETHICAL ISSUES INVOLVED WITH CITY’S COPA (COMMUNITY OPPORTUNITY TO PURCHASE) PROGRAM. PROFITABLE TO PEOPLE FROM SAN DIEGO AND NOT SAN JOSE. 1939 REDLINING MAPS HAS SOMETHING TO DO WITH IT. A STUDY SESSION IS NEEDED.

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.

**ACTION: COMMISSIONER LARDINOIS MADE A MOTION TO DEFER ITEM 3.A.
COMMISSIONER CABALLERO SECONDED THE MOTION (10-0-1; MONTAÑEZ ABSENT).**

- a. **PP21-002.** Adopt an ordinance of the City of San José amending the following sections of Title 20: part 9.75 and 9.76 of Chapter 20.80; Table 20-90 of Chapter 20.40, Table 20-110 of Chapter 20.50, Table 20-138 of Chapter 20.55, Table 20-140 of Chapter 20.70, Table 20-156 of Chapter 20.75; Part 13 of Chapter 20.100. These amendments would allow Cannabis retail storefront (dispensary) in the Commercial Zoning districts, disallow a Cannabis dispensary in Industrial Zoning districts, change distance requirements from Cannabis businesses to sensitive uses with special consideration for the Downtown and Urban Village areas, allow a Zoning Verification Certificate Letter to expire, and make other technical, non-substantive, or formatting changes within those sections of title 20 of the San José municipal code (Citywide). Council District Citywide. **CEQA:** Initial Study/Negative Declaration for the San Jose Cannabis Business Ordinance Update.

PROJECT MANAGER, ALEXANDRE HUGHES

Staff Recommendation:

1. Defer to the February 9, 2022 Planning Commission 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.

ACTION: COMMISSIONER OLIVERIO MADE A MOTION TO DEFER CONSENT CALENDAR ITEM 4.A TO THE REGULAR COMMISSION MEETING OF FEBRUARY 9, 2022 SO THAT CORRECTIONS TO THE SYNOPSIS CAN BE MADE.

COMMISSIONER CABALLERO SECONDED THE MOTION (10-0-1; MONTAÑEZ ABSENT).

CORRECTIONS ON TIME OF START, VOTE AND NUMBER OF AFFIRMATIVE VOTES ON THE MOTION FOR ITEM NUMBER 8 WERE REQUESTED BY COMMISSIONER GARCIA. COMMISSIONER GARCIA AND COMMISSIONER OLIVERIO DID NOT OPPOSE. COMMISSIONER OLIVERIO MADE THE MOTION.

ACTION: COMMISSIONER LARDINOIS MADE A MOTION TO APPROVE THE CONSENT CALENDAR ITEM 4.B.

COMMISSIONER TORRENS SECONDED THE MOTION (10-0-1; MONTAÑEZ ABSENT).

- a. Review and Approve Action Minutes from [January 12, 2022](#).
- b. [CPA03-042-02 \(Administrative Hearing\)](#). Conditional Use Permit Amendment to allow the renewal of a previously approved permit for an existing wireless monopole on an approximately 6.57-gross acre site located on the northeast corner of Almaden Expressway and Via Valiente (6922 Almaden Expressway) (Joseph Sanfilippo Memorial Trust, Owner). Council District: 10. **CEQA:** Exempt Pursuant to CEQA Guidelines Section 15301 For Existing Facilities.
PROJECT MANAGER, ALEC ATIENZA
 1. **CONSIDER THE CATEGORICAL EXEMPTION IN ACCORDANCE WITH CEQA GUIDELINES SECTION 15301 FOR EXISTING FACILITIES; AND**
 2. **ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, A CONDITIONAL USE PERMIT AMENDMENT TO ALLOW THE RENEWAL OF A PREVIOUSLY APPROVED PERMIT (FILE NO. CPA03-042-01) FOR AN EXISTING WIRELESS MONOPOLE ON AN APPROXIMATELY 6.57-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.

No items.

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

No Items

7. GOOD AND WELFARE

a. Report from City Council

No items

b. Subcommittee Formation, Reports, and Outstanding Business

No items

c. Commission Calendar and Study Sessions

No items

d. The Public Record

Commissioner Ornelas-Wise wanted to know whether the deferred item will be on the consent calendar. Staff responded that it would be scheduled for public hearing, given the nature of the item.

8. ADJOURNMENT

Meeting adjourned at 6:44 p.m.