

AMENDED

PLANNING COMMISSION

February 9, 2022

Action Minutes

WELCOME

ROLL CALL

PRESENT: Commissioners Bonilla, Casey, Caballero, Cantrell, Garcia (arrived at 6:56 p.m.),
Lardinois, Montañez, Oliverio, Ornelas-Wise, Torrens, Young
ABSENT: None

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.

COMMISSIONER OLIVERIO MENTIONED THAT NONE OF THE DOCUMENTS, ON TONIGHT’S AGENDA, WERE NOT ACCESSIBLE FOR PEOPLE WITH DISABILITIES AND THAT THIS SHOULD BE CORRECTED GOING FORWARD.

TOD W. STATED WITH THE CURRENT ZOOM MEETING FORMAT YOU CANNOT TELL WHO IS ATTENDING THE HEARING. THIS IS A FORM OF CENSORSHIP. SHOULD FIX THIS ISSUE.

3. DEFERRALS AND REMOVALS FROM CALENDAR

No Items

4. CONSENT CALENDAR

ACTION: COMMISSIONER TORRENS MADE A MOTION TO APPROVE THE CONSENT CALENDAR ITEMS 4.A., 4.C., AND 4.D.

COMMISSIONER CABALLERO SECONDED THE MOTION (9-0-1-1; GARCIA ABSENT, CANTRELL ABSTAINED)

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

COMMISSIONER LARDINOIS SECONDED THE MOTION (9-0-1-1; GARCIA ABSENT, MONTAÑEZ ABSTAINED)

- a. Review and Approve Action Minutes from [January 12, 2022](#). *Deferred from 1/26/2022.*
- b. Review and Approve Action Minutes from [January 26, 2022](#).

- c. **CP21-020 (Administrative Hearing)**, Conditional Use Permit to allow the removal and replacement of an approximately 60-foot-high wireless monopole on an approximately 2.6-gross acre site located at 500 Willow Glen Way (San Jose Water Company, Owner). Council District: 6. **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 TO ALLOW THE REMOVAL AND REPLACEMENT OF AN APPROXIMATELY 60-FOOT-HIGH WIRELESS MONOPOLE ON AN APPROXIMATELY 2.6-GROSS ACRE SITE.**

- d. **CP18-019 and T18-024 (Administrative Hearing)**, Vesting Tentative Map to subdivide one parcel into four residential condominium units and a Conditional Use Permit to allow the conversion of four existing residential apartment units into four residential condominium units on an approximately 0.29-gross acre site located on the northside of Hillsdale Avenue approximately 430 feet easterly of Pearl Avenue (829 Hillsdale Avenue) (Tran Victor ET AL, Owner). Council District: 6. **CEQA:** Exempt pursuant to CEQA Guidelines Section 15303(b) for New Construction or Conversion of Small Structures.

PROJECT MANAGER, MAIRA BLANCO

- 1. CONSIDER THE EXEMPTION IN ACCORDANCE WITH CEQA;**
- 2. ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, A VESTING TENTATIVE MAP TO SUBDIVIDE ONE PARCEL INTO FOUR CONDOMINIUM UNITS; AND**
- 3. ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, A CONDITIONAL USE PERMIT TO ALLOW THE CONVERSION OF FOUR EXISTING RESIDENTIAL APARTMENT UNITS INTO FOUR RESIDENTIAL CONDOMINIUM UNITS.**

5. PUBLIC HEARING

- 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. *Deferred from 1/26/2022*

PROJECT MANAGER, ALEXANDRE HUGHES

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

- 1. ADOPT A RESOLUTION APPROVING THE CANNABIS BUSINESS ORDINANCE**

UPDATE INITIAL STUDY AND NEGATIVE DECLARATION IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

2. **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, AND 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 NEW CANNABIS DISPENSARIES 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 CODE 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 AND MAKE THE FOLLOWING MODIFICATIONS;**
 - A. **CHANGE "NON-MEDICAL CANNABIS DISPENSARY" TO "CANNABIS STOREFRONT RETAIL"; AND**
 - B. **CHANGE "MEDICAL CANNABIS REGULATION AND SAFETY ACT AND THE ADULT USE OF MARIJUANA ACT" TO "MEDICINAL AND ADULT USE CANNABIS REGULATION AND SAFETY ACT".**

COMMISSIONER BONILLA SECONDED THE MOTION (8-3; GARCIA, ORNELAS-WISE, AND TORRENS OPPOSED)

6. OPEN THE GENERAL PLAN HEARING (2022 CYCLE 1)

7. GENERAL PLAN CONSENT CALENDAR

No Items

8. GENERAL PLAN PUBLIC HEARING

a. **[GP21-016, GP21-017, C21-041, C21-042 & PP21-014.](#)**

GP21-016: General Plan Amendment to include the modifications to the North 1st Street Local Transit Village boundary and changes to General Plan land use designations on properties within the boundary of the Village Plan area as shown on the Land Use/Transportation Diagram.

GP21-017: General Plan Amendment changing the land use designation in the Land Use/Transportation Diagram for 103 properties adjacent to the North 1st Street Local Transit Village.

C21-041: Rezoning the zoning map for 24 properties from the CO Commercial Office, CN Commercial Neighborhood zoning districts to the CP Commercial Pedestrian zoning district; one property from the CN Commercial Neighborhood Zoning District to the R-1-8 Single-Family Residence Zoning District; 34 properties from the CO Commercial Office, CP Commercial Pedestrian, R-2 Two-Family Residence, and R-M Multiple Residence Zoning Districts to the TR Transit Residential Zoning District, 12 properties from the CO Commercial Office, CP Commercial Pedestrian, and R-2 Two-Family Residence Zoning Districts to the UR Urban Residential Zoning District; and nine properties from the CO Commercial Office, CG Commercial General, and CN Commercial Neighborhood Zoning Districts to the UVC Urban Village Commercial Zoning District, all located within the North 1st Street Local Transit Village boundary.

C21-042: Rezoning the zoning map for 42 properties from the CO Commercial Office, CN Commercial Neighborhood, R-2 Two-Family Residence, R-M Multiple Residence, and A(PD) Planned Development Zoning Districts to the CP Commercial Pedestrian Zoning District; two properties from the R-1-8 Single-Family Residence Zoning District to the MUC Mixed-Use Commercial Zoning District; three properties from the R-1-8 Single-Family residence and CO Commercial Office Zoning Districts to the OS Open Space Zoning District; four properties from CO Commercial Office, R-1-8 Single-Family Residence, and LI Light Industrial Zoning Districts to the PQP Public/Quasi-Public Zoning District, 43 properties from the R-2 Two-Family Residence, R-M Multiple Residence, CO Commercial Office, CP Commercial Pedestrian, and A(PD) Planned Development Zoning Districts to the R-1-8 Single-Family Residence Zoning District; six properties from the CO Commercial Office, LI Light Industrial, and R-1-8 Single-Family Residence Zoning Districts to the TR Transit Residential Zoning District; and 11 properties from the CO Commercial Office and LI Light Industrial Zoning Districts to the UR Urban Residential Zoning District, all located adjacent to the North 1st Street Village.

PP21-014: Adopt an ordinance approving changes to the San Jose Municipal Code Section 20.85.020 to make the height requirements reflect the height requirements of the North 1st Street Local Transit Village.

(Citywide). Council District Citywide. **CEQA:** Consider the Determination of Consistency with the Envision San José 2040 General Plan EIR (Resolution No. 76041) and the Envision San José General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto.

PROJECT MANAGER, JENNIFER PIOZET

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

- 1. CONSIDER THE DETERMINATION OF CONSISTENCY TO THE FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE ENVISION SAN JOSÉ 2040 GENERAL PLAN (RESOLUTION NO. 76041) AND THE SUPPLEMENTAL EIR TO ENVISION SAN JOSÉ GENERAL PLAN EIR, RESOLUTION NO. 77617, AND ADDENDUM THERETO, IN ACCORDANCE WITH CEQA.**
- 2. ADOPT A RESOLUTION APPROVING THE FOLLOWING:**
 - A. GENERAL PLAN AMENDMENT TO MODIFY THE NORTH 1ST STREET LOCAL TRANSIT VILLAGE BOUNDARY AND CHANGE THE GENERAL**

PLAN LAND USE DESIGNATIONS ON THE LAND USE/TRANSPORTATION DIAGRAM ON SPECIFIED PROPERTIES WITHIN THE BOUNDARY OF THE URBAN VILLAGE PLAN AREA;

- B. ADOPTION OF THE NORTH 1ST STREET LOCAL TRANSIT VILLAGE PLAN AS THE GUIDING POLICY DOCUMENT FOR NEW DEVELOPMENT AND IDENTIFIED PUBLIC IMPROVEMENTS WITHIN THE URBAN VILLAGE AREA; AND**
- C. ADOPT A RESOLUTION APPROVING A GENERAL PLAN AMENDMENT CHANGING THE GENERAL PLAN LAND USE DESIGNATION ON THE LAND USE/TRANSPORTATION DIAGRAM ON SPECIFIED PROPERTIES LOCATED ADJACENT TO THE NORTH 1ST STREET LOCAL TRANSIT VILLAGE BOUNDARY;**
- 3. APPROVE AN ORDINANCE AMENDING THE REGULATION OF MAXIMUM HEIGHT LIMITATIONS IN SAN JOSE MUNICIPAL CODE SECTION 20.85.020;**
- 4. APPROVE AN ORDINANCE REZONING SPECIFIED PROPERTIES WITHIN THE NORTH 1ST STREET LOCAL TRANSIT VILLAGE AS FOLLOWS:**
 - A. 24 PROPERTIES FROM THE CO COMMERCIAL OFFICE AND CN COMMERCIAL NEIGHBORHOOD ZONING DISTRICTS TO THE CP COMMERCIAL PEDESTRIAN ZONING DISTRICT;**
 - B. ONE PROPERTY FROM THE CN COMMERCIAL NEIGHBORHOOD ZONING DISTRICT TO THE R-1- 8 SINGLE-FAMILY RESIDENCE ZONING DISTRICT;**
 - C. 32 PROPERTIES FROM THE CO COMMERCIAL OFFICE, CP COMMERCIAL PEDESTRIAN, R-2 TWO-FAMILY RESIDENCE, AND R-M MULTIPLE RESIDENCE ZONING DISTRICTS TO THE TR TRANSIT RESIDENTIAL ZONING DISTRICT;**
 - D. 12 PROPERTIES FROM THE CO COMMERCIAL OFFICE, CP COMMERCIAL PEDESTRIAN, AND R-2 TWO-FAMILY RESIDENCE ZONING DISTRICTS TO THE UR URBAN RESIDENTIAL ZONING DISTRICT; AND**
 - E. NINE PROPERTIES FROM THE CO COMMERCIAL OFFICE, CG COMMERCIAL GENERAL, AND CN COMMERCIAL NEIGHBORHOOD ZONING DISTRICTS TO THE UVC URBAN VILLAGE COMMERCIAL ZONING DISTRICT; AND**
- 5. APPROVE AN ORDINANCE REZONING SPECIFIED PROPERTIES IN THE VICINITY OF THE NORTH 1ST STREET LOCAL TRANSIT VILLAGE AS FOLLOWS:**
 - A. 44 PROPERTIES FROM THE CO COMMERCIAL OFFICE, CN COMMERCIAL NEIGHBORHOOD, R-2 TWO-FAMILY RESIDENCE, R-M MULTIPLE RESIDENCE, AND A(PD) PLANNED DEVELOPMENT ZONING DISTRICTS TO THE CP COMMERCIAL PEDESTRIAN ZONING DISTRICT;**
 - B. TWO PROPERTIES FROM THE R-1-8 SINGLE-FAMILY RESIDENCE ZONING DISTRICT TO THE MUC MIXED-USE COMMERCIAL ZONING DISTRICT;**
 - C. THREE PROPERTIES FROM THE R-1-8 SINGLE-FAMILY RESIDENCE AND CO COMMERCIAL OFFICE ZONING DISTRICT TO THE OS OPEN SPACE ZONING DISTRICT;**

- D. FOUR PROPERTIES FROM THE CO COMMERCIAL OFFICE, R-1-8 SINGLE-FAMILY RESIDENCE, AND LI LIGHT INDUSTRIAL ZONING DISTRICTS TO THE PQP PUBLIC/QUASI PUBLIC ZONING DISTRICT;
 - E. 43 PROPERTIES FROM R-2 TWO-FAMILY, R-M MULTIPLE RESIDENCE, CO COMMERCIAL OFFICE, CP COMMERCIAL PEDESTRIAN, AND A(PD) PLANNED DEVELOPMENT ZONING DISTRICTS TO THE R-1-8 SINGLE-FAMILY RESIDENCE ZONING DISTRICT;
 - F. SIX PROPERTIES FROM CO COMMERCIAL OFFICE, LI LIGHT INDUSTRIAL, AND R-1-8 SINGLE-FAMILY RESIDENCE ZONING DISTRICTS TO THE TR TRANSIT RESIDENTIAL ZONING DISTRICTS; AND
 - G. 11 PROPERTIES FROM THE CO COMMERCIAL OFFICE AND LI LIGHT INDUSTRIAL ZONING DISTRICTS TO THE UR URBAN RESIDENTIAL ZONING DISTRICT.
6. ADD THE NORTH 1ST STREET LOCAL TRANSIT VILLAGE TO THE SAME PILOT PROGRAM FOR SMALL BUSINESS DISPLACEMENT AS THE ALUM ROCK AND FIVE WOUNDS URBAN VILLAGES.

COMMISSIONER CABALLERO SECONDED THE MOTION (9-2; GARCIA AND OLIVERIO OPPOSED)

9. CLOSE THE GENERAL PLAN HEARING (2022 CYCLE 1)

ACTION: COMMISSIONER OLIVERIO MADE A MOTION TO CLOSE THE GENERAL PLAN HEARING.

COMMISSIONER LARDINOIS SECONDED THE MOTION (11-0)

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 actions taken on February 8, 2022

- b. Subcommittee Formation, Reports, and Outstanding Business

No items

- c. Commission Calendar and Study Sessions

No items

- d. The Public Record

None

12. ADJOURNMENT

Meeting adjourned at 9:09 p.m.