

PLANNING COMMISSION

February 12, 2020

Action Minutes

WELCOME

SALUTE TO THE FLAG

ROLL CALL

PRESENT: Commissioners Ballard, Griswold, Bonilla, Caballero, Yesney (arrived 6:34 pm),
Allen (arrived 7:05 pm),

ABSENT: Commissioner Oliverio

1. CALL TO ORDER & ORDERS OF THE DAY

Meeting called to order at 6:32 p.m.

2. PUBLIC COMMENT

No Comments

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. A list of staff-recommended deferrals is available on the Press Table.

Staff will provide an update on the items for which deferral is being requested. If you want to change any of the deferral dates recommended, or speak to the question of deferring these or any other items, you should say so at this time.

No Items.

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>

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 individually, please come to the podium at this time.

- a. **CP18-033 (Administrative Hearing)**. Conditional Use Permit to allow the removal of an existing, non-permitted 92-foot monopole and associated ground equipment, and the installation of a new 71-foot tall mono-pine wireless communications antenna with 18 remote radio units and 6 antennas, and an approximately 64-square foot equipment shelter on a 0.08-gross acre site located on the northwest of Fontaine Road, approximately 600 feet southwesterly from Alvin Avenue (APN 670-01-005, Adway Inc, Owner). District 7. **CEQA**: Exempt pursuant to CEQA Guidelines Section 15303(e) for New Construction or Conversion of Small Structures.

PROJECT MANAGER, ANGELA WANG

ACTION: COMMISSIONER YESNEY MADE A MOTION TO APPROVE THE STAFF RECOMMENDATIONS TO:

- 1. CONSIDER AN EXEMPTION IN ACCORDANCE WITH CEQA GUIDELINES SECTION 15303(E) FOR NEW CONSTRUCTION OR CONVERSION OF SMALL STRUCTURES; AND**
- 2. ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, A CONDITIONAL USE PERMIT AND A SITE DEVELOPMENT PERMIT TO ALLOW THE REMOVAL OF AN EXISTING, NON-PERMITTED 92-FOOT MONOPOLE AND ASSOCIATED GROUND EQUIPMENT, AND THE INSTALLATION OF A NEW 71-FOOT TALL MONO-PINE WIRELESS COMMUNICATIONS ANTENNA WITH 18 REMOTE RADIO UNITS AND 6 ANTENNAS, AND AN APPROXIMATELY 64-SQUARE FOOT EQUIPMENT SHELTER ON A 0.08-GROSS ACRE SITE.**

COMMISSIONER CABALLERO SECONDED THE MOTION (5-0-2; ALLEN & OLIVERIO ABSENT).

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. **PP19-085**. An ordinance of the City of San José amending Title 20 (Zoning Ordinance or Zoning Code) of the San José municipal code to: amend Section 20.30.600 Table 20-80 to add clarifying language to the corner lot side setback area definition and standards; amend Section 20.80.1410 to clarify the term “Director;” Amend Section 20.80.1440 to add lawful non-residential uses into residential zoning districts for the outdoor private property special events process; amend Section 20.80.1450 to add clarifying language which defines setbacks for lawful non-residential uses; amend Section 20.80.1460 to include downtown zoning districts and reduce setbacks for outdoor private property special events in commercially zoned districts within designated neighborhood business districts when in compliance with residential standards under this part; amend Section

20.80.1460 and 20.80.170 to increase the number of outdoor private property special events which can take place in commercial and industrial zoning districts; amend Section 20.80.1510 to increase the permit acceptance or denial period from thirty (30) to forty-five (45) days; and to make other technical, non-substantive, or formatting changes within those sections of Title 20 of the San José municipal code. Council District Citywide. **CEQA:** Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Envision San José 2040 General Plan Final Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto.

PROJECT MANAGER, ALEXANDRE HUGHES

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

- 1. CONSIDER THE: DETERMINATION OF CONSISTENCY WITH THE ENVISION SAN JOSÉ 2040 GENERAL PLAN FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (RESOLUTION NO. 76041) AND ENVISION SAN JOSÉ 2040 GENERAL PLAN FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT (RESOLUTION NO. 77617), 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: AMEND SECTION 20.30.600 TABLE 20-80 TO ADD CLARIFYING LANGUAGE TO THE CORNER LOT SIDE SETBACK AREA DEFINITION AND STANDARDS; AMEND SECTION 20.80.1410 TO CLARIFY THE TERM “DIRECTOR;” AMEND SECTION 20.80.1440 TO ADD LAWFUL NON-RESIDENTIAL USES INTO RESIDENTIAL ZONING DISTRICTS FOR THE OUTDOOR PRIVATE PROPERTY SPECIAL EVENTS PROCESS; AMEND SECTION 20.80.1450 TO ADD CLARIFYING LANGUAGE WHICH DEFINES SETBACKS FOR LAWFUL NON-RESIDENTIAL USES; AMEND SECTION 20.80.1460 TO INCLUDE DOWNTOWN ZONING DISTRICTS AND REDUCE SETBACKS FOR OUTDOOR PRIVATE PROPERTY SPECIAL EVENTS IN COMMERCIAL ZONED DISTRICTS WITHIN DESIGNATED NEIGHBORHOOD BUSINESS DISTRICTS WHEN IN COMPLIANCE WITH RESIDENTIAL STANDARDS UNDER THIS PART; AMEND SECTION 20.80.1460 AND 20.80.170 TO INCREASE THE NUMBER OF OUTDOOR PRIVATE PROPERTY SPECIAL EVENTS WHICH CAN TAKE PLACE IN COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS; AMEND SECTION 20.80.1510 TO INCREASE THE PERMIT ACCEPTANCE OR DENIAL PERIOD FROM THIRTY (30) TO FORTY-FIVE (45) DAYS; AND TO MAKE OTHER TECHNICAL, NON-SUBSTANTIVE, OR FORMATTING CHANGES WITHIN THOSE SECTIONS OF TITLE 20 OF THE SAN JOSÉ MUNICIPAL CODE.**

COMMISSIONER CABALLERO SECONDED THE MOTION (5-0-2; ALLEN & OLIVERIO ABSENT)

- b. [PP19-084](#). An ordinance of the City of San José amending Title 20 of the San José Municipal Code (Zoning Ordinance) to: Change permit requirements for Drinking establishment in conjunction with a winery, brewery, or distillery and Off-sale of alcoholic beverages as incidental to a winery, brewery, or distillery in the Commercial, Industrial, and Downtown Zoning Districts in Table 20-90 in Section 20.40.100 of Chapter 20.40, Table 20-110 in Section 20.50.100 of Chapter 20.50, and Table 20-140 in Section 20.70.100 of Chapter 20.70; Amend Table 20-90 in Section 20.40.100 of Chapter 20.40 and Table 20-140 in Section 20.70.100 of Chapter 20.70 to

include Taproom or tasting room with off-sale of alcohol; Amend the parking requirement for Medical or dental clinic/out-patient facility in Table 20-140 of Section 20.70.100; Amend Section 20.50.110 Commercial Support to include the Administrative Permit for off-sale of alcohol; Amend Section 20.80.900 Alcoholic beverages in conjunction with wineries, breweries, or distilleries to include a section for off-sale of alcoholic beverages in conjunction with a winery, brewery, or distillery; Add Part 5.75 Taproom or tasting room and off-sale of alcoholic beverages to Chapter 20.80; Add a parking requirement for Taproom or tasting room use in Table 20-190 in Chapter 20.90; Add the definition for Taproom or tasting room in Section 20.200.1273 of Chapter 20.200; And make other technical, non-substantive, or formatting changes within those section of Title 20 of the San José Municipal Code. Council District Citywide. **CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Envision San José 2040 General Plan Final Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto.**

PROJECT MANAGER, BRENT CARVALHO

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

- 1. CONSIDER THE: DETERMINATION OF CONSISTENCY WITH THE ENVISION SAN JOSÉ 2040 GENERAL PLAN FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (RESOLUTION NO. 76041) AND ENVISION SAN JOSÉ 2040 GENERAL PLAN FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT (RESOLUTION NO. 77617), AND ADDENDA THERETO; AND**
- 2. ADOPT AN ORDINANCE OF THE CITY OF SAN JOSÉ AMENDING TITLE 20 OF THE SAN JOSÉ MUNICIPAL CODE (ZONING ORDINANCE) TO: CHANGE PERMIT REQUIREMENTS FOR DRINKING ESTABLISHMENT IN CONJUNCTION WITH A WINERY, BREWERY, OR DISTILLERY AND OFF-SALE OF ALCOHOLIC BEVERAGES AS INCIDENTAL TO A WINERY, BREWERY, OR DISTILLERY IN THE COMMERCIAL, INDUSTRIAL, AND DOWNTOWN ZONING DISTRICTS IN TABLE 20-90 IN SECTION 20.40.100 OF CHAPTER 20.40, TABLE 20-110 IN SECTION 20.50.100 OF CHAPTER 20.50, AND TABLE 20-140 IN SECTION 20.70.100 OF CHAPTER 20.70; AMEND TABLE 20-90 IN SECTION 20.40.100 OF CHAPTER 20.40 AND TABLE 20-140 IN SECTION 20.70.100 OF CHAPTER 20.70 TO INCLUDE TAPROOM OR TASTING ROOM WITH OFF-SALE OF ALCOHOL; AMEND THE PARKING REQUIREMENT FOR MEDICAL OR DENTAL CLINIC/OUT-PATIENT FACILITY IN TABLE 20-140 OF SECTION 20.70.100; AMEND SECTION 20.50.110 COMMERCIAL SUPPORT TO INCLUDE THE ADMINISTRATIVE PERMIT FOR OFF-SALE OF ALCOHOL; AMEND SECTION 20.80.900 ALCOHOLIC BEVERAGES IN CONJUNCTION WITH WINERIES, BREWERIES, OR DISTILLERIES TO INCLUDE A SECTION FOR OFF-SALE OF ALCOHOLIC BEVERAGES IN CONJUNCTION WITH A WINERY, BREWERY, OR DISTILLERY; ADD PART 5.75 TAPROOM OR TASTING ROOM AND OFF-SALE OF ALCOHOLIC BEVERAGES TO CHAPTER 20.80; ADD A PARKING REQUIREMENT FOR TAPROOM OR TASTING ROOM USE IN TABLE 20-190 IN CHAPTER 20.90; ADD THE DEFINITION FOR TAPROOM OR TASTING ROOM IN SECTION 20.200.1273 OF CHAPTER 20.200; AND MAKE OTHER TECHNICAL, NON-SUBSTANTIVE, OR FORMATTING CHANGES WITHIN THOSE SECTION OF TITLE 20 OF THE SAN JOSÉ MUNICIPAL CODE.**

COMMISSIONER YESNEY SECONDED THE MOTION (6-0-1; OLIVERIO ABSENT).

6. OPEN THE GENERAL PLAN HEARING

7. GENERAL PLAN CONSENT CALENDAR

No Items

8. GENERAL PLAN PUBLIC HEARING

- a. [GPT19-003, GP19-005, GP19-006.](#) City-initiated General Plan Text Amendment (GPT19-003) to add a new land use designation entitled “Mobilehome Park” to chapter 5 (“Interconnected City”) of the Envision San Jose 2040 General Plan; City-initiated General Plan Amendment (GP19-005) to change the land use designation from Urban Residential and Residential Neighborhood to Mobilehome Park on an approximately 21.71-gross acre site (625 Hillside Avenue); and City-initiated General Plan Amendment (GP19-006) to change the land use designation from Urban Residential to Mobilehome Park on an approximately 83.43-gross acre site (500 Nicholson Lane). Council District: Citywide (GPT19-003); 7 (GP19-005); and 4 (GP19-006). **CEQA:** Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and the Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto.

PROJECT MANAGER, ROBERT RIVERA

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

- 1. CONSIDER THE DETERMINATION OF CONSISTENCY WITH THE ENVISION SAN JOSÉ 2040 GENERAL PLAN FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (RESOLUTION NO. 76041) AND SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT TO THE ENVISION SAN JOSE GENERAL PLAN FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (RESOLUTION NO. 77617), AND ADDENDA THERETO IN CONFORMANCE WITH CEQA;**
- 2. ADOPT A RESOLUTION APPROVING THE GENERAL PLAN TEXT AMENDMENT AS DESCRIBED ABOVE (GPT19-003);**
- 3. ADOPT A RESOLUTION APPROVING THE GENERAL PLAN AMENDMENT FOR 625 HILLSDALE AVENUE (GP19-005) AS DESCRIBED ABOVE; AND**
- 4. ADOPT A RESOLUTION APPROVING THE GENERAL PLAN AMENDMENT FOR 500 NICHOLSON LANE (GP19-006) AS DESCRIBED ABOVE.**
- 5. CONSIDER INITIATED GENERAL PLAN AMENDMENT PROCESS AND RETURN TO COUNCIL TO APPLY THE MOBILEHOME PARK LAND USE DESIGNATION TO THE REMAINING 56 MOBILEHOME PARKS IN THE CITY.**
- 6. CONSIDER AMENDMENTS TO THE GENERAL PLAN AND/OR CITY COUNCIL POLICY 6-33 TO BETTER PROTECT EXISTING MOBILEHOME RESIDENTS BY ENSURING RESIDENTS RECEIVE JUST COMPENSATION IN THE EVENT OF A CONVERSION, WITH THE CRITERIA BEING, AT A MINIMUM, COMPARABLE TO WHAT WAS RECEIVED BY RESIDENTS AT THE WINCHESTER RANCH MOBILEHOME PARK, AND TO INCLUDE STRATEGIES TO ENSURE**

MOBILEHOME UNITS LOST ARE REPLACED WITH DEED RESTRICTED AFFORDABLE HOUSING

COMMISSIONER YESNEY SECONDED THE MOTION (6-0-1; OLIVERIO ABSENT).

9. CLOSE THE GENERAL PLAN PUBLIC HEARING

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

No Items

11. GOOD AND WELFARE

a. Report from City Council

On February 11, 2020, City Council took action on the following projects:

- i. Approved a Conditional Use Permit for Real Property located at 788 North King Road (CP19-028).*
- ii. Deny a General Plan Amendment, Conforming Rezoning, and Special Use Permit for Real Property Located at 615 and 623 Stockton Avenue (GP18-013, C18-039, & SP18-060).*
- iii. Approved a General Plan Amendment, Conforming Rezoning, Special Use Permit, and Tentative Map for Real Property Located at 699 West San Carlos Street (GP17-015, C18-034, SP18-059, & T19-017).*

b. Review and Approve Action Minutes from [1/29/2020](#)

Commissioner Allen made a motion to approve the 1/29/20 minutes, with the addition to the minutes of the failed motion on GP18-013, C18-039 & SP18-060.

Commissioner Caballero seconded the motion (6-0-1, Oliverio Absent).

c. Subcommittee Formation, Reports, and Outstanding Business

No Reports

d. Commission Calendar and Study Sessions

- i. Study Session scheduled for 2/26/2020.*

e. The Public Record

No Reports

12. ADJOURNMENT

Meeting adjourned at 8:28 p.m.