

## **PLANNING COMMISSION**

February 22, 2023

Action Minutes

### **\* COVID-19 NOTICE \***

Consistent with AB 361 and City of San Jose Resolution Numbers 80628, 80659, 80685, 80724, 80758, 80809, 80853, RES2023-1 and RES2023-22, this meeting will not be physically open to the public and the Planning Commission Members will be teleconferencing from remote locations.

### **WELCOME**

### **ROLL CALL**

PRESENT: Commissioners Oliverio, Lardinois, Barocio, Cantrell, Casey, Garcia, Rosario, Ornelas-Wise, and Young

ABSENT: None

### **SUMMARY OF HEARING PROCEDURES**

#### **1. CALL TO ORDER & ORDERS OF THE DAY**

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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

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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. 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.

*No Comments*

## 3. DEFERRALS AND REMOVALS FROM CALENDAR

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**No items**

## 4. CONSENT CALENDAR

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

**COMMISSIONER ROSARIO SECONDED THE MOTION (9-0).**

- a. [Review and Approve Action Minutes from February 8, 2023.](#)

## 5. PUBLIC HEARING

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- a. [HP21-001 & SP21-044/ER20-249.](#) Historic Preservation Permit (HP21-001) to allow the demolition of the majority of the roof and interior (except for stairway core) of a City Landmark for the construction of a 22-story, 240-foot-high new building within the walls of the City Landmark that would integrate and restore the historic street-facing façade and a portion of the existing roof, on an approximately 0.22-gross acre site. Special Use Permit (SP21-044) to allow the partial demolition of an existing 15,000-square foot, two-story building, the retention and integration of the building walls, street facing façade and a portion of the existing roof, for the construction of a 22-story, 240-foot-high mixed-use 100% affordable senior housing project with 220 residential units and approximately 18,643 square feet of commercial space on an approximately 0.22-gross acre site, located on the west side of North 2nd Street approximately 70 feet north of East Santa Clara Street (19 North 2nd Street) (Roygbiv Real Estate Development LLC, Owner). Council District: 3. **CEQA:** Supplemental Environmental Impact Report (SEIR) to the Downtown Strategy 2040 Final EIR for the 19 North Second Street Mixed-Use Project (ER20-249). *Deferred from 1/25/23.*  
**PROJECT MANAGER, ALEC ATIENZA**

**ACTION: COMMISSIONER LARDINOIS MADE A MOTION TO RECOMMEND TO THE CITY COUNCIL THE FOLLOWING:**

- 1. ADOPT A RESOLUTION CERTIFYING THE 19 NORTH SECOND STREET MIXED-USE PROJECT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT, AND MAKING CERTAIN FINDINGS CONCERNING SIGNIFICANT IMPACTS, MITIGATION MEASURES, ALTERNATIVES, AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS AND A RELATED MITIGATION MONITORING AND REPORTING PLAN, IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).**
- 2. ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, A SPECIAL USE PERMIT TO ALLOW THE REMOVAL OF THE MAJORITY OF THE ROOF AND INTERIOR (EXCEPT FOR STAIRWAY CORE) OF AN EXISTING 15,000-SQUARE FOOT, TWO-STORY BUILDING, THE RETENTION AND INTEGRATION OF THE BUILDING WALLS, STREET FACING FAÇADE AND A PORTION OF THE EXISTING ROOF AND THE CONSTRUCTION OF A 22-STORY, 240-FOOT-HIGH MIXED USE 100% AFFORDABLE SENIOR HOUSING PROJECT WITH 220 MULTIFAMILY RESIDENTIAL UNITS AND APPROXIMATELY 18,643 SQUARE FEET OF COMMERCIAL SPACE WITH UP TO FOUR COMMERCIAL CONDOMINIUMS ON AN APPROXIMATELY 0.22-GROSS ACRE SITE**
- 3. CONSIDER THE STAFF RECOMMENDATION REGARDING THE ADOPTION OF A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, A HISTORIC PRESERVATION PERMIT TO ALLOW THE REMOVAL OF THE MAJORITY OF THE ROOF AND INTERIOR (EXCEPT FOR STAIRWAY CORE) OF A CITY LANDMARK AND THE CONSTRUCTION OF A 22-STORY, 240-FOOT-HIGH BUILDING WITHIN THE WALLS OF THE CITY LANDMARK THAT WOULD INTEGRATE AND RESTORE THE STREET-FACING FAÇADE AND A PORTION OF THE EXISTING ROOF ON AN APPROXIMATELY 0.22-GROSS ACRE SITE**

**COMMISSIONER CASEY SECONDED THE MOTION (9-0).**

- b. [\*\*C20-012, SP20-024 & ER20-047.\*\*](#) Conventional Rezoning (C20-012) to rezone from the R-1-5 Single-Family Residence Zoning District to the PQP Public/Quasi-Public Zoning District on an approximately 1.86-gross acre site. Special Use Permit (SP20-024) to allow the removal of 20 ordinance-size trees for the construction of an approximately 13,902-square foot church/religious assembly use (Wat Khmer Buddhist Temple) with an alternative parking arrangement on an approximately 1.86-gross acre site located on the Northeast corner of Ruby Avenue and Norwood Avenue (2740 Ruby Avenue). (A Khmer Buddhist Foundation, Owner). Council District: 8. **CEQA:** Wat Khmer Kampuchea Krom Temple Project Environmental Impact Report (ER20-147)

**PROJECT MANAGER, ALEC ATIENZA**

**ACTION: COMMISSIONER LARDINOIS MADE A MOTION TO RECOMMEND TO THE CITY COUNCIL THE FOLLOWING:**

- 1. ADOPT A RESOLUTION CERTIFYING THE WAT KHMER KAMPUCHEA KROM TEMPLE PROJECT ENVIRONMENTAL IMPACT REPORT, AND ADOPTING A RELATED MITIGATION MONITORING AND REPORTING PLAN, IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA); AND**

2. **ADOPT AN ORDINANCE REZONING AN APPROXIMATELY 1.86-GROSS-ACRE SITE, LOCATED ON THE NORTHEAST CORNER OF RUBY AVENUE AND NORWOOD AVENUE, FROM THE R-1-5 SINGLE-FAMILY RESIDENCE ZONING DISTRICT TO THE PQP PUBLIC/QUASI-PUBLIC ZONING DISTRICT; AND**
3. **ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, A SPECIAL USE PERMIT TO ALLOW THE REMOVAL OF 21 TREES (20 ORDINANCE-SIZE, ONE NON-ORDINANCE-SIZE, WITH 75 REPLACEMENT TREES) FOR THE CONSTRUCTION OF AN APPROXIMATELY 13,902-SQUARE FOOT PRIVATE GATHERING FACILITY (WAT KHMER BUDDHIST TEMPLE) WITH AN ALTERNATIVE PARKING ARRANGEMENT ON AN APPROXIMATELY 1.86-GROSS-ACRE SITE.**

**COMMISSIONER YOUNG SECONDED THE MOTION (8-1; GARCIA OPPOSED).**

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

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No items

## **7. GOOD AND WELFARE**

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- a. Report from City Council  
*The Commission Secretary reported on City Council actions taken on February 14, 2023.*
- b. Subcommittee Formation, Reports, and Outstanding Business  
*No items*
- c. Commission Calendar and Study Sessions  
*No items*
- d. The Public Record  
*No Comments*

## **8. ADJOURNMENT**

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Meeting adjourned at 9:47 p.m.