

PLANNING COMMISSION

January 11, 2023

Action Minutes

*** COVID-19 NOTICE ***

Consistent with AB 361 and City of San Jose Resolution Number 80628, 80659, 80685, 80724, 80758 and 80809, 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 (arrived at 7:00 p.m.), and Ornelas-Wise

ABSENT: Commissioners Ahluwalia and Young

SUMMARY OF HEARING PROCEDURES

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.

No public comments

3. DEFERRALS AND REMOVALS FROM CALENDAR

No items

4. CONSENT CALENDAR

ITEM 4.B. WAS PULLED FROM CONSENT AND HEARD UNDER PUBLIC HEARING.

ACTION: COMMISSIONER LARDINOIS MADE A MOTION TO APPROVE CONSENT CALENDAR ITEMS 4.A. AND 4.C.

COMMISSIONER ORNELAS-WISE SECONDED THE MOTION (7-0-3; AHLUWALIA, ROSARIO AND YOUNG ABSENT).

- a. [Review and Approve Action Minutes from December 14, 2022.](#)
- b. [CP20-027/ER20-254 \(Administrative Hearing\).](#) Conditional Use Permit to allow the demolition of an existing residential structure for the construction of an approximately 3,938-square foot building which includes a new 460-square foot meditation hall area (assembly use), a reduction in the current residential floor area to 959 square feet, and the removal of three ordinance-size trees and four non-ordinance size trees on an approximately 0.4-gross acre site. located on the Northeast corner of Oakland Avenue and East San Antonio Street (1905 East San Antonio Street) (Tu Vien-Wisdom Garden, Owner). Council District: 5. **CEQA:** Exempt pursuant to CEQA Guidelines Section 15303 for New Construction or Conversion of Small Structures.
PROJECT MANAGER, RINA SHAH

PULLED FROM CONSENT AND HEARD UNDER PUBLIC HEARING

ACTION: COMMISSIONER ORNELAS-WISE MADE A MOTION TO APPROVE STAFF RECOMMENDATION TO:

- 1. CONSIDER THE EXEMPTION UNDER THE PROVISIONS OF SECTION 15303(A, B) FOR NEW CONSTRUCTION OR CONVERSION OF SMALL STRUCTURES, PURSUANT TO THE STATE GUIDELINES FOR IMPLEMENTATION OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).**
- 2. ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, A CONDITIONAL USE PERMIT TO ALLOW THE DEMOLITION OF AN EXISTING RESIDENTIAL STRUCTURE, THE CONSTRUCTION OF AN APPROXIMATELY 3,938-SQUARE FOOT BUILDING WHICH INCLUDES A NEW 460-SQUARE FOOT MEDITATION HALL AREA (ASSEMBLY USE), AND A REDUCTION IN THE CURRENT RESIDENTIAL FLOOR AREA TO 959 SQUARE FEET, AND THE REMOVAL OF THREE ORDINANCE-SIZE TREES AND FOUR NON-ORDINANCE SIZE TREES ON AN APPROXIMATELY 0.4-GROSS ACRE SITE.**

COMMISSIONER CANTRELL SECONDED THE MOTION (7-0-3; AHLUWALIA, ROSARIO AND YOUNG ABSENT).

- c. [CP21-021/ER22-011 \(Administrative Hearing\)](#). Conditional Use Permit to allow the operation of an existing 75-foot-high wireless communications monopole with existing associated equipment cabinet/shelter and a back-up power generator on an approximately 0.02-acre site; and to allow the existing generator noise level to exceed the Zoning Code Industrial noise standard of 70 decibels at shared industrial property lines (eastern property line) by 4.9 to 7.4 decibels located on the South of Union Pacific Railroad line, approximately 210 feet southeasterly from Newhall Street (1070 Elm Street) (Frank Ciari Plumbing & Heating Inc., Owner). Council District: 6. CEQA: Exempt pursuant to CEQA Guidelines Section 15301 for Existing Facilities.

PROJECT MANAGER, ANGELA WANG

- 1. CONSIDER AN 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 OPERATION OF AN EXISTING 75-FOOT-HIGH WIRELESS COMMUNICATIONS MONOPOLE WITH EXISTING ASSOCIATED EQUIPMENT CABINET/SHELTER/BACK-UP GENERATOR, AND TO ALLOW THE EXISTING BACK-UP GENERATOR NOISE LEVEL TO EXCEED THE ZONING CODE INDUSTRIAL NOISE STANDARD OF 70 DECIBELS AT SHARED INDUSTRIAL PROPERTY LINES (EASTERN PROPERTY LINE) BY 4.9 TO 7.4 DECIBELS ON AN APPROXIMATELY 0.026-ACRE SITE.**

5. PUBLIC HEARING

- a. [H21-005, T21-005 & ER21-018](#). Site Development Permit (H21-005) to allow the demolition of an existing approximately 213,626-square foot commercial building and the removal of 274 trees (210 ordinance-size, 64 non-ordinance-size) for the construction of seven office buildings totaling approximately 1,924,110 square feet and two parking structures totaling approximately 1,647,920 square feet. Vesting Tentative Map (T21-005) to subdivide one lot into four lots on an approximately 19.70-gross acre site. These projects are located on the southeast corner of East Brokaw Road and Junction Avenue (550 East Brokaw Road) (Caracol Property Owner, LLC, Owner). Council District: 3. **CEQA:** 550 E. Brokaw Project Environmental Impact Report (ER21-018).

PROJECT MANAGER, ALEC ATIENZA

ACTION: COMMISSIONER ORNELAS-WISE MADE A MOTION TO RECOMMEND TO THE CITY COUNCIL THE FOLLOWING:

- 1. ADOPT A RESOLUTION CERTIFYING THE 550 E. BROKAW PROJECT 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 VESTING TENTATIVE MAP TO SUBDIVIDE ONE LOT INTO FOUR LOTS ON AN APPROXIMATELY 19.70-GROSS ACRE SITE.**
- 3. ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, A SITE DEVELOPMENT PERMIT TO ALLOW THE DEMOLITION OF AN EXISTING APPROXIMATELY 213,626-SQUARE FOOT COMMERCIAL BUILDING AND THE REMOVAL OF 274 TREES (210 ORDINANCE-SIZE, 64 NON-ORDINANCE-SIZE) FOR THE CONSTRUCTION OF SEVEN OFFICE BUILDINGS TOTALING APPROXIMATELY 1,924,110 SQUARE FEET AND TWO PARKING STRUCTURES TOTALING APPROXIMATELY 1,647,920 SQUARE FEET ON AN APPROXIMATELY 19.70-GROSS ACRE SITE.**

COMMISSIONER LARDINOIS SECONDED THE MOTION (8-0-2; AHLUWALIA AND YOUNG ABSENT).

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

No items

7. GOOD AND WELFARE

a. Report from City Council

The Commission Secretary reported on City Council actions taken on January 10, 2023.

b. Subcommittee Formation, Reports, and Outstanding Business

No items

c. Commission Calendar and Study Sessions

No items

d. The Public Record

City Attorney's Office stated for the public record that Governor Newsom's Emergency Declaration for COVID-19 ends February 28, 2023.

8. ADJOURNMENT

Meeting adjourned at 7:13 p.m.