

PLANNING COMMISSION

January 25, 2023

Action Minutes

*** COVID-19 NOTICE ***

Consistent with AB 361 and City of San Jose Resolution Number 80628, 80659, 80685, 80724, 80758, 80809 and 80853, 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: Commissioner Ahluwalia

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.

Mike Sodegren requested, as part of the District 8 election, that there were issues raised with process and Planning Commission. He stated that it will be good to have an early referral process like the Historic Landmarks Commission so that the Planning Commission can have a look at what is coming.

3. DEFERRALS AND REMOVALS FROM CALENDAR

ACTION: COMMISSIONER LARDINOIS MADE A MOTION TO APPROVE DEFERRAL ITEM 3.A.

COMMISSIONER CANTRELL SECONDED THE MOTION (9-0-1; AHLUWALIA ABSENT).

- 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).

PROJECT MANAGER, ALEC ATIENZA

- 1. DEFER TO THE FEBRUARY 22, 2023 PLANNING COMMISSION MEETING PER STAFF REQUEST.**

4. CONSENT CALENDAR

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

- a. [Review and Approve Action Minutes from January 11, 2023.](#)

COMMISSIONER GARCIA SECONDED THE MOTION (9-0-1; AHLUWALIA ABSENT).

- b. [CP22-009/ER22-066 \(Administrative Hearing\).](#) Conditional Use Permit to allow the demolition of an existing approximately 354-square foot storage structure for water treatment and the removal of two trees, one of which is an ordinance-size Oak tree approximately 75 inches in circumference, for the construction of an approximately 1,040-square foot storage structure for water treatment, as well as additional minor site improvements on an approximately 0.77-gross acre site located on the south side of East Gish Road, approximately 650 feet south of the intersection of Old Bayshore Highway and East Gish Road (354 East Gish Road) (San José Water Company, Owner). Council District: 3. **CEQA:** Exempt pursuant to CEQA Guidelines Section 15302(c) for Replacement or Reconstruction.

PROJECT MANAGER, CAMERON GEE

PULLED FROM CONSENT AND HEARD UNDER PUBLIC HEARING

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

- 1. CONSIDER A CATEGORICAL EXEMPTION IN ACCORDANCE WITH CEQA GUIDELINES SECTION 15302(C) FOR REPLACEMENT OR RECONSTRUCTION; AND**
- 2. ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, A CONDITIONAL USE PERMIT TO ALLOW THE DEMOLITION OF AN EXISTING APPROXIMATELY 354-SQUARE FOOT STORAGE STRUCTURE FOR WATER TREATMENT AND THE REMOVAL OF TWO TREES, ONE OF WHICH IS AN ORDINANCE-SIZE OAK TREE APPROXIMATELY 75 INCHES IN CIRCUMFERENCE, FOR THE CONSTRUCTION OF AN APPROXIMATELY 1,040-SQUARE FOOT STORAGE STRUCTURE FOR WATER TREATMENT, AS WELL AS ADDITIONAL MINOR SITE IMPROVEMENTS ON AN APPROXIMATELY 0.77-GROSS ACRE SITE.**

COMMISSIONER LARDINOIS SECONDED THE MOTION (9-0-1; AHLUWALIA ABSENT).

- c. [CP22-019 & ER22-145 \(Administrative Hearing\).](#) Conditional Use Permit to allow the construction of an approximately 1,456-square foot storage structure for the on-site production and storage of materials for potable drinking water and allow additional minor site improvements at an existing water utility facility on an approximately 3.63-gross acre site located on the Northeast corner of South 12th Street and Martha Street (900 South 12th Street) (San Jose Water Company, Owner). Council District 3. **CEQA:** Exempt Pursuant to CEQA Guidelines Section 15301(e) for Existing Facilities and Section 15303(e) for New Construction or Conversion of Small Structures.

PROJECT MANAGER, ALEC ATIENZA

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

- 1. CONSIDER A CATEGORICAL EXEMPTION IN ACCORDANCE WITH CEQA GUIDELINES SECTION 15301(E) FOR EXISTING FACILITIES AND SECTION 15303(E) FOR NEW CONSTRUCTION OF CONVERSION OF SMALL STRUCTURES; AND**
- 2. ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, A CONDITIONAL USE PERMIT TO ALLOW THE CONSTRUCTION OF AN APPROXIMATELY 1,456-SQUARE FOOT STORAGE STRUCTURE FOR THE ON-SITE PRODUCTION AND STORAGE OF MATERIALS FOR POTABLE DRINKING WATER AND ALLOW ADDITIONAL MINOR SITE IMPROVEMENTS AT AN EXISTING WATER UTILITY FACILITY ON AN APPROXIMATELY 3.63-GROSS ACRE SITE.**

COMMISSIONER ROSARIO SECONDED THE MOTION (9-0-1; AHLUWALIA ABSENT).

5. PUBLIC HEARING

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 Lardinois asked when will we have in-person meetings. Staff had no information. Commissioner Ornelas Wise asked where the in-lieu fees for trees goes to and how it is used. Staff responded that it goes to a general fund and that changes to the code requirements are anticipated (based on a recent audit) to improve use of funds equitably.

8. ADJOURNMENT

Meeting adjourned at 7:07 p.m.