



PLANNING COMMISSION

Action Minutes

Wednesday, April 26, 2023

Regular

6:30 p.m.

Hybrid Meeting

Council Chambers and Virtually at

<https://sanjoseca.zoom.us/j/84325178536>

Pierluigi Oliverio, Chair

Justin Lardinois, Vice Chair

Louis Barocio

Charles Cantrell

George Casey

Jorge A. Garcia

Sylvia Ornelas-Wise

Carlos Rosario

Anthony Tordillos

Michael Young

Christopher Burton, Director

Planning, Building & Code Enforcement

Access the video, agenda, and related reports for this meeting by visiting the City's website at:
<https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/commissions-hearings-and-developers-roundtable/planning-commission/planning-commission-agendas-minutes>

AGENDA

ORDER OF BUSINESS

WELCOME

Welcome to the Planning Commission Meeting. Please remember to turn off your cell phones. The parking validation machine for the garage under City Hall is located at the rear of the Chambers.

SALUTE TO THE FLAG

ROLL CALL

PRESENT: Commissioners Oliverio, Lardinois, Barocio, Cantrell, Casey, Garcia, Ornelas-Wise, Rosario, Tordillos and Young (joined by teleconference)

Pursuant to AB2449, Commissioner Young participated in the meeting using video teleconference under the just cause exemption of caregiving. The Commission voted unanimously to approve. This is his first of two allowed just cause exemptions.

ABSENT: None

SUMMARY OF HEARING PROCEDURES

1. CALL TO ORDER & ORDERS OF THE DAY

Meeting called to order at: 6:30 p.m.

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. 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.

Paul Soto expressed displeasure with last meeting and how he was not allowed to speak after applicant's presentation.

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3. DEFERRALS AND REMOVALS FROM CALENDAR

No items

4. CONSENT CALENDAR

- a. [Review and Approve Action Minutes from April 12, 2023.](#)

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

COMMISSIONER ROSARIO SECONDED THE MOTION (10-0).

- b. [CP22-025 \(Administrative Hearing\):](#) Conditional Use Permit to allow a change in ABC license type from Type 20 (Beer and Wine only) to a Type 21 (Full Range of Alcoholic Beverages) for off-sale alcohol at an existing approximately 23,670-square-foot grocery store (Grocery Outlet) on an approximately 1.48-gross-acre site located approximately 200 feet south of East Santa Clara Street and South 7th Street intersection (272 East Santa Clara Street) (Barbieri Vittore a Trustee & Et Al, Owner). Council District: **3 CEQA:** Exempt Pursuant to CEQA Guidelines Section 15301(a) for Existing Facilities.
PROJECT MANAGER, ALEC ATIENZA

ACTION: COMMISSIONER LARDINOIS MADE A MOTION TO APPROVE THE STAFF RECOMMENDATION TO:

- 1. CONSIDER THE EXEMPTION IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES SECTION 15301(A): CLASS 1, FOR EXISTING FACILITIES;**
- 2. ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, A CONDITIONAL USE PERMIT TO ALLOW THE OFF-SALE OF ALCOHOL (TYPE 21 – FULL RANGE OF ALCOHOLIC BEVERAGES) AT AN EXISTING APPROXIMATELY 23,670-SQUARE FOOT GROCERY STORE (GROCERY OUTLET) ON AN APPROXIMATELY 1.48-GROSS ACRE SITE.**

COMMISSIONER BAROCIO SECONDED THE MOTION (9-1; ORNELAS-WISE OPPOSED).

- c. [PDC22-001, PD22-001 & PT22-002 & ER22-002:](#) A Planned Development Zoning (PDC22-001) to rezone the approximately 9.78-gross-acre site from the IP Industrial Park Zoning District to a TEC(PD) Planned Development Zoning District. A Planned Development Permit (PD22-001) to allow the demolition of two existing buildings totaling approximately 135,000 square feet and the removal of 156 trees (101 ordinance-size, 55 non-ordinance-size) to allow the construction of two data centers totaling approximately 522,194 square feet, one 136,573-square-foot manufacturing building, an 150,000-square foot parking structure, an electrical substation, and 39 backup generators on an approximately 9.78-gross-acre site. A Vesting Tentative Map (PT22-002) to combine two lots into one lot and subdivide into up to 15 commercial condominiums on an approximately 9.78-gross-acre site located at 2400 Ringwood Avenue & 1849 Fortune Drive (SI SVYL1 LLC, Owner). Council District: **4 CEQA:** STACK Trade Zone Park Environmental Impact Report.
PROJECT MANAGER, ALEC ATIENZA

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

- 1. ADOPT A RESOLUTION MAKING CERTAIN FINDINGS REGARDING THE**

STACK TRADE ZONE PARK ENVIRONMENTAL IMPACT REPORT, MAKING CERTAIN FINDINGS IN CONNECTION WITH THE APPROVAL OF DISCRETIONARY ACTIONS BY THE CITY NECESSARY FOR THE CONSTRUCTION AND OPERATION OF THE STACK TRADE ZONE PARK PROJECT AND ADOPT THE RELATED MITIGATION MONITORING AND REPORTING PROGRAM, AS A RESPONSIBLE AGENCY, IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED; AND

- 2. APPROVE AN ORDINANCE REZONING AN APPROXIMATELY 9.78-GROSS-ACRE SITE FROM THE IP INDUSTRIAL PARK ZONING DISTRICT TO A TEC(PD) PLANNED DEVELOPMENT ZONING DISTRICT.**
- 3. ADOPT A RESOLUTION, APPROVING, SUBJECT TO CONDITIONS, A VESTING TENTATIVE MAP TO MERGE TWO PARCELS INTO ONE PARCEL AND SUBDIVIDE THE PARCEL INTO NO MORE THAN 15 COMMERCIAL CONDOMINIUMS ON AN APPROXIMATELY 9.78-GROSS-ACRE SITE.**
- 4. ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, A PLANNED DEVELOPMENT PERMIT TO ALLOW THE DEMOLITION OF TWO BUILDINGS TOTALING APPROXIMATELY 135,000 SQUARE FEET AND THE REMOVAL OF 156 TREES (101 ORDINANCE-SIZE, 55 NON-ORDINANCE-SIZE, AND 47 REPLACEMENT TREES) FOR THE CONSTRUCTION OF TWO DATA CENTERS TOTALING APPROXIMATELY 522,194 SQUARE FEET, ONE 136,573-SQUARE-FOOT MANUFACTURING BUILDING, A 150,000-SQUARE FOOT, 300-STALL PARKING STRUCTURE, AN ELECTRICAL SUBSTATION, 39 BACKUP GENERATORS, AND 15 COMMERCIAL CONDOMINIUMS ON AN APPROXIMATELY 9.78-GROSS-ACRE SITE.**

COMMISSIONER CASEY SECONDED THE MOTION (10-0).

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**

The Commission Secretary reported on City Council actions taken on April 25, 2023.

b. Subcommittee Formation, Reports, and Outstanding Business

No items

c. Commission Calendar and Study Sessions

Capitol Improvement Program Special Meeting scheduled for May 10, 2023 at 5:00 p.m. on the 3rd floor of City Hall Tower, room T-332.

d. The Public Record

City Attorney's Office provided updates on the new legislation relevant to the Commission.

8. ADJOURNMENT

Meeting adjourned at 8:01 p.m.