



PLANNING COMMISSION
Action Minutes

Wednesday, September 13, 2023

Regular

6:30 p.m.

Hybrid Meeting

Council Chambers and Virtually at

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

Justin Lardinois, Chair

Sylvia Ornelas-Wise, Vice Chair

Louis Barocio Melissa Bickford

Charles Cantrell George Casey

Jorge A. Garcia Pierluigi Oliverio

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 Lardinois, Ornelas-Wise, Barocio, Bickford, Cantrell, Casey, Garcia, Oliverio (arrived at 6:35p.m.), Rosario, Tordillos and Young

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.

3. DEFERRALS AND REMOVALS FROM CALENDAR

No items

4. CONSENT CALENDAR

- a. [Review and Approve Action Minutes from August 9, 2023.](#)

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

COMMISSIONER TORDILLOS SECONDED THE MOTION (11-0).

- b. [CP23-011 & ER23-074 \(Administrative Hearing\):](#) Conditional Use Permit to allow late-night use (11:00 AM to 2:00 AM) for a drinking establishment at two existing tenant spaces totaling approximately 5,625 square feet on an approximately 0.30-gross-acre site located at 177 & 189 West Santa Clara Street (Lyndon Partners LLC., Owner). Council District: 3. **CEQA:** Exempt pursuant to CEQA Guidelines Section 15301(a) for Existing Facilities.

PROJECT MANAGER, CAMERON GEE

PULLED FROM CONSENT AND HEARD UNDER PUBLIC HEARING

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

- 1. CONSIDER THE EXEMPTION IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEA) GUIDELINES SECTION 15301(A) FOR EXISTING FACILITIES; AND**
- 2. ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, A CONDITIONAL USE PERMIT TO ALLOW LATE-NIGHT USE (11:00 AM TO 2:00 AM) FOR A DRINKING ESTABLISHMENT AT TWO EXISTING TENANT SPACES TOTALING APPROXIMATELY 5,625-SQUARE-FEET ON AN APPROXIMATELY 0.30-GROSS-ACRE SITE.**

COMMISSIONER TORDILLOS SECONDED THE MOTION (11-0).

- c. [PDA16-027-03 & ER23-124:](#) Planned Development Permit Amendment and Determination of Public Convenience or Necessity to allow the off-sale of alcohol (Type 20 – Beer & Wine Only) at an existing approximately 3,814-square-foot tenant space (ExtraMile) on an approximately 0.69-gross-acre site located at 657 Horning Street (Horning Street LLC, Owner). Council District: 3. **CEQA:** Exempt pursuant to CEQA Guidelines Section 15301(a) for Existing Facilities.

PROJECT MANAGER, CAMERON GEE

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

- 1. CONSIDER THE EXEMPTION IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEA) GUIDELINES SECTION 15301(A) FOR EXISTING FACILITIES; AND**

2. ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, A PLANNED DEVELOPMENT PERMIT AMENDMENT AND DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY TO ALLOW THE OFF-SALE OF ALCOHOL (TYPE 20 – BEER & WINE ONLY) AT AN EXISTING APPROXIMATELY 3,814-SQUARE-FOOT TENANT SPACE (EXTRAMILE) ON AN APPROXIMATELY 0.69-GROSS-ACRE SITE.

COMMISSIONER TORDILLOS SECONDED THE MOTION (11-0).

- d. **PDC22-099, PD22-030 & ER22-166:** Planned Development Zoning (File No. PDC22-099) to rezone the approximately 17.64-gross-acre project site to amend the existing PQP(PD) Planned Development Zoning District to increase the maximum building square footage from 347,561 square feet to 485,000 square feet, and Planned Development Permit (File No. PD22-030) to allow the on-site relocation and rehabilitation of an existing approximately 4,377-square foot historic building (Berchmans Hall), the demolition of an approximately 22,287-square foot academic building (Wade Hall), and the removal of 91 trees (21 ordinance-size, 70 non-ordinance-size) for the construction of an approximately 44,698-square foot two-story academic building and the reconfiguration of an existing parking area on an approximately 17.64-gross-acre site located on the north side of West Hedding Street, approximately 300 feet east of Elm Street. (960 West Heading Street) (Bellarmine College Preparatory, Owner). Council District: 6. **CEQA:** Bellarmine College Preparatory Master Plan Updated Project Initial Study/Mitigated Negative Declaration.

PROJECT MANAGER, ALEC ATIENZA

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

- 1. ADOPT A RESOLUTION ADOPTING THE BELLARMINE COLLEGE PREPARATORY MASTER PLAN UPDATE PROJECT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION AND ADOPTING THE RELATED MITIGATION MONITORING AND REPORTING PLAN, IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), AS AMENDED; AND**
- 2. APPROVE AN ORDINANCE REZONING AN APPROXIMATELY 17.64-GROSS-ACRE SITE FROM A PQP(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO A NEW PQP(PD) PLANNED DEVELOPMENT ZONING DISTRICT.**
- 3. ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, A PLANNED DEVELOPMENT PERMIT TO ALLOW THE ON-SITE RELOCATION OF AN EXISTING APPROXIMATELY 4,377-SQUARE-FOOT HISTORIC BUILDING (BERCHMANS HALL), THE DEMOLITION OF AN APPROXIMATELY 22,287-SQUARE FOOT ACADEMIC BUILDING (WADE HALL) AND THE REMOVAL OF 91 TREES (21 ORDINANCE-SIZE, 70 NON-ORDINANCE-SIZE) FOR THE CONSTRUCTION OF A NEW APPROXIMATELY 44,698-SQUARE FOOT TWO-STORY ACADEMIC BUILDING AND THE RECONFIGURATION OF AN EXISTING PARKING AREA ON AN APPROXIMATELY 17.64-GROSS ACRE SITE.**

COMMISSIONER TORDILLOS SECONDED THE MOTION (9-0-2; CASEY & ROSARIO ABSTAINED).

5. PUBLIC HEARING

- a. **CP20-020, T20-016 & ER20-146 (Administrative Hearing):** A Vesting Tentative Map to merge the existing seven parcels into one parcel and subdivide the one parcel for condominium purposes to include up to 61 residential condominium units, five commercial condominium units including a Residential Care Facility for the Elderly (RCFE) unit and four retail condominium units, and one basement parking garage condominium unit (for retail and residential parking) on an approximately 1.23-gross acre site; and a Conditional Use Permit to allow the demolition of four existing buildings totaling 32,847 square feet of commercial space, the construction of a seven-story, approximately 227,617-square-foot mixed-use development, consisting of a 246-bed, 125,262-square-foot RCFE, 61 multifamily residential units, and 6,000 square feet of ground floor retail space with an alternative parking design (stackers) on the ground floor and in the basement, and the construction of five commercial condominium units on an approximately 1.23-gross-acre site located on the north side of West San Carlos Street, between Boston Avenue and Brooklyn Avenue (17 Boston Avenue) (Oak Glen Ventures, LLC, Paul Dorsa & Linda Dorsa Trustees, James V. Thomason & Pat Thomas Trustees, Owner). Council District: 6. **CEQA:** Determination of Consistency with the Environmental Impact Report for the 1881 West San Carlos Project (Burbank 44/C20-011/ CP20-020/T20-016), State Clearinghouse No. 2020120059 Residential Care Facility for the Elderly.

PROJECT MANAGER, ANGELA WANG

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

- 1. ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, A VESTING TENTATIVE MAP TO MERGE THE EXISTING SEVEN PARCELS INTO ONE PARCEL AND SUBDIVIDE THE ONE PARCEL FOR CONDOMINIUM PURPOSES TO INCLUDE UP TO 61 RESIDENTIAL CONDOMINIUM UNITS, FIVE COMMERCIAL CONDOMINIUM UNITS INCLUDING A RESIDENTIAL CARE FACILITY FOR THE ELDERLY (RCFE) UNIT AND FOUR RETAIL CONDOMINIUM UNITS, AND ONE BASEMENT PARKING GARAGE CONDOMINIUM UNIT (FOR RETAIL AND RESIDENTIAL PARKING) ON AN APPROXIMATELY 1.23-GROSS ACRE SITE; AND**
- 2. ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, A CONDITIONAL USE PERMIT TO ALLOW THE DEMOLITION OF FOUR EXISTING BUILDINGS TOTALING 32,847 SQUARE FEET OF COMMERCIAL SPACE, THE CONSTRUCTION OF A SEVEN-STORY, APPROXIMATELY 227,617-SQUARE-FOOT MIXED-USE DEVELOPMENT, CONSISTING OF A 246-BED, 125,262-SQUARE-FOOT RCFE, 61 MULTIFAMILY RESIDENTIAL UNITS, AND 6,000 SQUARE FEET OF GROUND FLOOR RETAIL SPACE WITH AN ALTERNATIVE PARKING DESIGN (STACKERS) ON THE GROUND FLOOR AND IN THE BASEMENT, AND THE CONSTRUCTION OF FIVE COMMERCIAL CONDOMINIUM UNITS ON AN APPROXIMATELY 1.23-GROSS-ACRE SITE.**

COMMISSIONER OLIVERIO SECONDED THE MOTION (11-0).

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 August 15, 22, 29 and September 12, 2023.

- b. Subcommittee Formation, Reports, and Outstanding Business

No Items

- c. Commission Calendar and Study Sessions

Commissioner Lardinois made motion to agendize a report to the Planning Commission at the September 27, 2023 hearing to receive an update on the Housing Element comment letter from State Department of Housing and Community Development, and to discuss what staff are doing to address comments and the timeline to approve the third draft of the housing element. Direction was given to place the item at the end of the agenda after the regular Public Hearing. Commissioner Tordillos seconded the motion. Motion passed 10-1 with Commissioner Garcia voting no.

- d. The Public Record

No Items

8. ADJOURNMENT

Meeting adjourned at 7:52 p.m.