

PLANNING COMMISSION

October 28, 2020

Action Minutes

WELCOME

ROLL CALL

PRESENT: Commissioners Caballero, Bonilla (arrived at 6:38 p.m.), Casey, Garcia, Lardinois (arrived at (6:38 p.m.), Oliverio, Torrens

ABSENT: None

1. CALL TO ORDER & ORDERS OF THE DAY

Meeting called to order at: 6:30 pm

2. PUBLIC COMMENT

Public comments to the Planning Commission on non-agendized items. Please contact the Commission in the manner specified on p. 2 of the agenda to comment on any item that is not specified on the agenda. 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 three 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

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>

Alex Sywak spoke about his project PT16-040. Commissioner Caballero asked Robert Manford if he can provide any additional information on this project. Robert confirmed that the Department has and will continue to provide verbal and written communication to Mr. Sywak regarding his project. Manjit Banwait from the Department of Public Works confirmed that the Department has and will continue to work with Mr. Sywak and his project.

3. DEFERRALS AND REMOVALS FROM CALENDAR

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral or removal.

Staff will provide an update on the items for which deferral and removal is being requested. If you want to change any of the deferral dates recommended, or speak to the question of deferring or removing these or any other items, you should request to speak in the manner specified on p. 2 of the Planning Commission agenda.

No Items

4. CONSENT CALENDAR

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff, or the public to have an item removed from the consent calendar and considered separately.

Staff will provide an update on the consent calendar. If you wish to speak on one of these 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.

ACTION: COMMISSIONER BONILLA MADE A MOTION TO APPROVE THE STAFF RECOMMENDATIONS FOR THE CONSENT CALENDAR, ITEMS 4.B. AND 4.C. SPECIFIED BELOW.

COMMISSIONER OLIVERIO SECONDED THE MOTION (7-0).

- a. **[CP20-006 \(Administrative Hearing\)](#)**. Conditional Use Permit to allow the re-permitting of an existing approximately 46-foot tall monopole with six (6) antennas, an equipment enclosure, and associated equipment on an approximately 0.58-gross acre site located on the South side of Sharon Drive approximately 200 feet easterly of South De Anza Boulevard (7246 Sharon Drive) (Wang Jen-Shyong and Li-Yen, Owner). Council District 1. **CEQA:** Exempt pursuant to CEQA Section 15301 for Existing Facilities.

PROJECT MANAGER, RHONDA BUSS

PULLED FROM CONSENT AND HEARD UNDER PUBLIC HEARING.

ACTION: COMMISSIONER OLIVERIO MADE A MOTION TO APPROVE THE STAFF RECOMMENDATIONS. STAFF CLARIFIED THAT THE PROJECT NOTICE SHOULD HAVE READ EXEMPT PURSUANT TO CEQA 15301 FOR EXISTING FACILITIES RATHER 15303 FOR NEW CONSTRUCTION OR CONVERSION OF SMALL STRUCTURES:

- 1. CONSIDER THE EXEMPTION IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES SECTION 15301 FOR EXISTING FACILITIES; AND**
- 2. ADOPT A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE RE-PERMITTING OF AN EXISTING 46-FOOT HIGH MONOPOLE WITH SIX (6) ANTENNAS, AN EQUIPMENT ENCLOSURE, AND ASSOCIATED EQUIPMENT ON AN APPROXIMATELY 0.58-GROSS ACRE SITE.**

CHAIR CABALLERO ACKNOWLEDGED THAT COMMISSIONER CASEY SECONDED THE MOTION. THERE WAS AN INCONSISTENCY IN THE VOTE DISPLAYED. THE VOTE DISPLAYED SHOWS THAT COMMISSIONER LARDINOIS SECONDED THE MOTION RATHER THAN COMMISSIONER CASEY SECONDING THE MOTION. THE MOTION PASSED (7-0).

- b. [CP17-026 \(Administrative Hearing\)](#). Conditional Use Permit to allow the continued operation and maintenance of a 60-foot high wireless communications antenna (monopole), with nine panel antennas and associated ground equipment, on an approximately 0.1-gross acre site located on south side of Moffat Street, approximately 920 feet easterly of Liberty Street (1700 Moffat Street) (Terra Ventures Xchange LLC et al., Owner). Council District 4. **CEQA:** Exempt pursuant to CEQA Guidelines Section 15301 For Existing Facilities.

PROJECT MANAGER, RINA SHAH

- 1. CONSIDER AN EXEMPTION IN ACCORDANCE WITH CEQA GUIDELINES SECTION 15301 FOR EXISTING FACILITY; AND**
- 2. ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, A CONDITIONAL USE PERMIT TO ALLOW THE CONTINUED OPERATION AND MAINTENANCE OF A 60-FOOT HIGH WIRELESS COMMUNICATIONS ANTENNA (MONOPOLE) WITH NINE PANEL ANTENNAS AND ASSOCIATED GROUND EQUIPMENT ON AN APPROXIMATELY 0.1-GROSS ACRE SITE.**

- c. **CP19-030 (Administrative Hearing)**. Conditional Use Permit to allow the continued operation, maintenance and modifications to an existing sixty-foot high wireless communications antenna (monopole), with 12 panel antennas, which include six new array design antennas, within a 970-square foot equipment shelter, on a 0.2-gross acre site (Caltrans right-of-way) located on AT&T cell site at Caltrans R.O.W N site of Grant Street at Palm Street adjacent to Highway 280/87 interchange (335 Grant Street) (State of California Department of Transportation, Owner). Council District 3. **CEQA:** Exempt pursuant to CEQA Guidelines Section 15301 For Existing Facilities.

PROJECT MANAGER, RINA SHAH

1. **CONSIDER AN EXEMPTION IN ACCORDANCE WITH CEQA GUIDELINES SECTION 15301 FOR EXISTING FACILITY; AND**
2. **ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, A CONDITIONAL USE PERMIT TO ALLOW THE CONTINUED OPERATION, MAINTENANCE, AND MODIFICATIONS TO AN EXISTING SIXTY-FOOT TALL WIRELESS COMMUNICATIONS ANTENNA (MONOPOLE), WITH 12 PANEL ANTENNAS, WHICH INCLUDE SIX NEW ARRAY DESIGN ANTENNAS, WITHIN A 970-SQUARE FOOT EQUIPMENT SHELTER, ON A 0.2-GROSS ACRE SITE.**

5. PUBLIC HEARING

Generally, the Public Hearing items are considered by the Planning Commission in the order in which they appear on the agenda. However, please be advised that the Commission may take items out of order to facilitate the agenda, such as to accommodate significant public testimony, or may defer discussion of items to later agendas for public hearing time management purposes.

- a. **PDC18-021 & PD18-016:** PD Planned Development Zoning from the CG General Commercial, CP Commercial Pedestrian, and R-2 Two-Family Residence Zoning Districts to a CP(PD) Commercial Pedestrian Planned Development Zoning District; Planned Development Permit to allow demolition of existing on-site residential buildings and construct a six-story, mixed-use development consisting of 123 apartment units and 13,650 square feet of ground-floor retail space with two underground parking levels on an approximately 0.9-gross acre site located on the North side of Alum Rock Avenue approximately 400 feet easterly of South King Road (1663 Alum Rock Avenue) (Jaswal Properties LLC., Owner). Council District 5. **CEQA:** Little Portugal Gateway Mixed-Use Project Mitigated Negative Declaration. *Dropped and re-noticed from 10/14/20.*

PROJECT MANAGER, MAIRA BLANCO

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

- 1. ADOPT A RESOLUTION APPROVING THE MITIGATED NEGATIVE DECLARATION: LITTLE PORTUGAL GATEWAY MIXED-USE PROJECT ASSOCIATED MITIGATION MONITORING AND REPORTING PLAN IN ACCORDANCE WITH CEQA; AND**
- 2. APPROVE AN ORDINANCE REZONING AN APPROXIMATELY 0.9-GROSS ACRE SITE ON THAT CERTAIN REAL PROPERTY LOCATED ON THE NORTH SIDE OF ALUM ROCK AVENUE FROM CG COMMERCIAL GENERAL, CP COMMERCIAL PEDESTRIAN, AND TWO-FAMILY RESIDENCE ZONING DISTRICTS TO THE CP(PD) PLANNED DEVELOPMENT ZONING DISTRICT FOR A MIXED-USE DEVELOPMENT; AND**
- 3. ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, A PLANNED DEVELOPMENT PERMIT TO ALLOW THE DEMOLITION OF EXISTING RESIDENTIAL AND COMMERCIAL BUILDINGS AND THE CONSTRUCTION OF A SIX-STORY, MIXED-USE BUILDING CONSISTING OF APPROXIMATELY 13,650 SQUARE FEET OF GROUND FLOOR RETAIL AND 123 RESIDENTIAL UNITS, AND TWO LEVELS OF UNDERGROUND PARKING. THE PROJECT WOULD INCLUDE THE REMOVAL OF 38 ON-SITE TREES, SIX OF WHICH ARE ORDINANCE-SIZE TREES ON AN APPROXIMATELY 0.9-GROSS ACRE SITE LOCATED ON THE NORTH SIDE OF ALUM ROCK AVENUE, APPROXIMATELY 300 FEET WEST OF KING ROAD (1661, 1663, 1665 ALUM ROCK AVENUE).**

COMMISSIONER LARDINOIS SECONDED THE MOTION (7-0).

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

No Items

7. GOOD AND WELFARE

a. Report from City Council

On September 29, 2020 City Council took action on the following projects:

- i. Deferred to City Council 10/6/20 the Conforming Rezoning and Special Use Permit on Certain Real Property Located at 796 Delmas Avenue (C20-013 and SP20-027).*
- ii. Approved the Administrative Hearing on the Appeal of the Planning Commission's Approval of Conditional Use Permit No. CP19-021 for the Bascom Residential Care Facility Project (CP19-021).*

On October 20, 2020 City Council took action on the following projects:

- i. Approved a Conforming Rezoning, Conditional Use Permit, and Tentative Map on Certain Real Property Located at 550-570 Meridian Avenue, 1401 Parkmoor Avenue and 529, 591, and 691 Race Street (C19-013, CP19-013, and T20-015).*
- ii. Approved the Administrative Hearing on the Appeal of the Planning Commission's Approval of Conditional Use Permit No. CP18-011 for the 6211 Santa Teresa Boulevard Fuel Station Project (CP18-011).*

On October 27, 2020 City Council took action on the following projects:

- i. Approved a Fireworks Ordinance Workplan Status Update.*
- ii. Approved Actions Related to the St. James Park Capital Vision Performing Arts Pavilion Project.*
- iii. Deferred to 11/10/20 City Council meeting the update on the 6th Cycle Regional Housing Needs Allocation.*

b. Review and Approve Action Minutes from [10/14/20](#).

Commissioner Oliverio made a motion to approve the 10/14/20 minutes.

Commissioner Casey seconded the motion (7-0).

c. Subcommittee Formation, Reports, and Outstanding Business

d. Commission Calendar and Study Sessions

Commissioner Caballero announced that the 11/4/20 Planning Commission meeting has been cancelled. She confirmed that the next meeting will be on 11/18/20.

e. The Public Record

Robert Manford reminded the Planning Commissioners to provide their required photographs to him.

8. ADJOURNMENT

Meeting adjourned at 7:45 pm