

PLANNING COMMISSION

June 22, 2022

Action Minutes

WELCOME

ROLL CALL

PRESENT: Commissioners Bonilla, Casey, Cantrell, Garcia (arrived 7:24 p.m.),
Lardinois, Montañez, Oliverio, Torrens, Young

ABSENT: Commissioners Caballero, Ornelas-Wise

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 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 items

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>

3. DEFERRALS AND REMOVALS FROM CALENDAR

No items

4. CONSENT CALENDAR

ACTION: COMMISSIONER CANTRELL MENTIONED TO AMEND THE MINUTES AND TO UPDATE HIS VOTE, ON ITEM 5.A, ON THE JUNE 8, 2022 ACTION MINUTES. COMMISSIONER LARDINOIS MADE A MOTION TO APPROVE CONSENT CALENDAR ITEM 4.A.

COMMISSIONER OLIVERIO SECONDED THE MOTION (6-0-3-2; CABALLERO, GARCIA AND ORNELAS-WISE ABSENT; CASEY AND MONTAÑEZ ABSTAINED)

ACTION: COMMISSIONER LARDINOIS MADE A MOTION TO APPROVE CONSENT CALENDAR ITEMS 4.B. THROUGH 4.F.

COMMISSIONER OLIVERIO SECONDED THE MOTION (8-0-3; CABALLERO, GARCIA AND ORNELAS-WISE ABSENT)

- a. Review and Approve Action Minutes from [June 8, 2022](#).

- b. [CP21-005/ER21-049 \(Administrative Hearing\)](#). Conditional Use Permit and Site Development Permit to allow a 60-bed residential care facility in an existing 9,283 vacant building, with a 50 percent reduction in required parking spaces and three tandem parking spaces, on an approximately 0.21-gross acre site located on the northeast side of North 5th Street, approximately 225 feet north of Saint John Street (144 North 5th Street). (Heritage Vila LLC, Owner). Council District 3. CEQA: Exempt pursuant to CEQA Guidelines Section 15301 for Existing Facilities.
PROJECT MANAGER, RINA SHAH
 1. **CONSIDER THE EXEMPTION IN ACCORDANCE WITH SECTION 15301 (EXISTING FACILITIES) OF THE STATE CEQA GUIDELINES; AND**
 2. **ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, A CONDITIONAL USE PERMIT AND A SITE DEVELOPMENT PERMIT TO ALLOW A 60-BED RESIDENTIAL CARE FACILITY IN AN EXISTING 9,283-SQUARE FOOT VACANT BUILDING, WITH A 50 PERCENT REDUCTION IN REQUIRED PARKING SPACES AND THREE TANDEM PARKING SPACES, ON AN APPROXIMATELY 0.21-GROSS ACRE SITE.**

- c. [CP22-014/ER22-108 \(Administrative Hearing\)](#). Conditional Use Permit and Site Development Permit to allow the installation of a 44-foot-high wireless monopole designed as a light pole, in the parking lot of an approximately 2.35-gross acre site located on the south side of Berryessa Road directly east of Lundy Avenue (964 Lundy Avenue). (Kingberry Center/Coates & Sowards Inc, Owner). Council District 3. CEQA: Exempt pursuant to CEQA Guidelines Section 15303 for New Construction.
PROJECT MANAGER, JONATHAN FOX
1. **CONSIDER A CATEGORICAL EXEMPTION IN ACCORDANCE WITH CEQA GUIDELINES SECTION 15303 FOR EXISTING FACILITIES; AND**
 2. **ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, A CONDITIONAL USE PERMIT AND SITE DEVELOPMENT PERMIT TO ALLOW THE INSTALLATION OF A NEW 44-FOOT-HIGH WIRELESS MONOPOLE, DESIGNED AS A LIGHT POLE, IN THE PARKING LOT OF THE KINGBERRY CENTER ON AN APPROXIMATELY 2.35-GROSS ACRE SITE.**
- d. [CP22-016/ER22-119 \(Administrative Hearing\)](#). Conditional Use Permit to allow the removal of the existing building-mounted, stealth wireless facility, concealed in the cross of a church, for the construction of a new 60-foot-high wireless communication facility on an approximately 4.05-gross acre site located on the northeast corner of Williams Road and Nazarene Way (3275 Williams Road). (San Jose Central Church of Nazarene, Owner). Council District 1. CEQA: Exempt pursuant to CEQA Guidelines Section 15303 for New Construction.
PROJECT MANAGER, MICHELLE FLORES
1. **CONSIDER THE CATEGORICAL EXEMPTION IN ACCORDANCE WITH CEQA GUIDELINES SECTION 15303 FOR NEW CONSTRUCTION; AND**
 2. **ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, A CONDITIONAL USE PERMIT ALLOW THE REMOVAL OF THE EXISTING BUILDING-MOUNTED, STEALTH WIRELESS FACILITY FOR THE CONSTRUCTION OF A NEW 60-FOOT-HIGH WIRELESS COMMUNICATION FACILITY ON AN APPROXIMATELY 4.05-GROSS ACRE SITE.**
- e. [ET22-001 \(Administrative Hearing\)](#). Release of the Covenant of Easement which consists of a “No Build Easement” of approximately 0.097 acres (4,241 square feet) on Parcel B (APN: 259-35-062) and Parcel C (APN: 259-35-063), located on the east side of North Almaden Avenue, approximately 120 feet north of West Santa Clara Street (169 West Santa Clara Street). (Lyndon Partners LLC, Owner). Council District 3. CEQA: Exempt pursuant to CEQA Guidelines Section 15305 for Minor Alterations in Land Use Limitations.
PROJECT MANAGER, RINA SHAH
1. **CONSIDER THE EXEMPTION IN ACCORDANCE WITH SECTION 15305 (MINOR ALTERATIONS IN LAND USE LIMITATIONS) OF THE STATE CEQA GUIDELINES; AND**

2. ADOPT A RESOLUTION PURSUANT TO SAN JOSÉ MUNICIPAL CODE SECTION 20.110.150 GRANTING THE PETITION RELEASING THE COVENANT OF EASEMENT, RECORDED IN THE SANTA CLARA COUNTY RECORDER'S OFFICE AS DOCUMENT NUMBER 13974998 ON DECEMBER 12, 1997, ON PARCEL B (APN:259-35-062) AND PARCEL C (APN: 259-35-063).

- f. **C19-027, T19-028 & H19-031.** **C19-027:** Conventional Rezoning from the R-1-8 Zoning District to the MUN Mixed Use Neighborhood Zoning District. **T19-028:** Vesting Tentative Map to subdivide one lot into 16 lots (14 residential lots, 2 common lots). **H19-031:** Site Development Permit to allow the removal of two ordinance-size trees for the construction of 14 townhouses with State Density Bonus concessions for a reduction in the side setback and setback to the public right-of-way, and a waiver for a reduction in required private open space on an approximately 0.86-gross acre site, located on the west side of Jackson Avenue between Alum Rock Avenue and San Antonio Street (101 South Jackson Avenue). (Wissmath Carolyn Trustee, Owner). Council District 5. CEQA: 101 South Jackson Avenue Townhomes Project Initial Study/Mitigated Negative Declaration.

PROJECT MANAGER, ALEC ATIENZA

- 1. ADOPT A RESOLUTION ADOPTING THE MITIGATED NEGATIVE DECLARATION FOR THE PROPOSED 101 SOUTH JACKSON AVENUE TOWNHOMES PROJECT, FOR WHICH AN INITIAL STUDY WAS PREPARED, AND ADOPTING AN ASSOCIATED MITIGATION MONITORING AND REPORTING PLAN, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), AS AMENDED; AND**
- 2. APPROVE AN ORDINANCE REZONING AN APPROXIMATELY 0.86-GROSS ACRE SITE FROM THE R-1-8 ZONING DISTRICT TO THE MUN MIXED USE NEIGHBORHOOD ZONING DISTRICT; AND**
- 3. ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, A VESTING TENTATIVE MAP TO SUBDIVIDE ONE LOT TO UP TO 16 LOTS (14 RESIDENTIAL LOTS, 2 COMMON LOTS), ON AN APPROXIMATELY 0.86-GROSS ACRE SITE; AND**
- 4. ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, A SITE DEVELOPMENT PERMIT TO ALLOW THE REMOVAL OF TWO ORDINANCE-SIZE TREES FOR THE CONSTRUCTION OF 14 TOWNHOUSES WITH STATE DENSITY BONUS CONCESSIONS FOR A REDUCTION IN THE SIDE SETBACK AND SETBACK TO THE PUBLIC RIGHT-OF-WAY, AND A WAIVER FOR A REDUCTION IN PRIVATE OPEN SPACE ON AN APPROXIMATELY 0.86-GROSS ACRE SITE.**

5. PUBLIC HEARING

- a. [H21-017/ER21-066 \(Administrative Hearing\)](#). An appeal of the Director's approval of a Site Development Permit to allow the addition of two hydrogen fueling dispensers, an air compressor, an approximately 400-square foot hydrogen equipment, hydrogen storage tubes, a trash enclosure and a seven-foot-high concrete masonry unit (CMU) wall along the adjacent residential property, to relocate an existing storage container, and to legalize an unpermitted parking lot to the east of the existing building on an existing gas and service station property located on a 0.44-acre site located at 510 East Santa Clara Street (KPA Inc, Owner). Council District 3. CEQA: Initial Study/Mitigated Negative Declaration for the proposed hydrogen fueling station at 510 East Santa Clara Street.

PROJECT MANAGER, ANGELA WANG

ACTION: COMMISSIONER YOUNG MADE A MOTION TO APPROVE THE FOLLOWING ACTIONS:

- 1. CONDUCT AN ADMINISTRATIVE HEARING TO CONSIDER THE APPEAL OF THE PLANNING DIRECTOR'S APPROVAL OF SITE DEVELOPMENT PERMIT NO. H21-017 FOR THE PROPOSED HYDROGEN FUELING STATION PROJECT LOCATED AT 510 EAST SANTA CLARA STREET, WHICH ALLOWS THE ADDITION OF TWO HYDROGEN FUELING DISPENSERS, AN AIR COMPRESSOR, AN APPROXIMATELY 400-SQUARE FOOT HYDROGEN EQUIPMENT, HYDROGEN STORAGE TUBES, A TRASH ENCLOSURE AND A SEVEN-FOOT-HIGH CMU WALL ALONG THE ADJACENT RESIDENTIAL PROPERTY, TO RELOCATE AN EXISTING STORAGE CONTAINER, AND TO LEGALIZE AN UNPERMITTED PARKING LOT TO THE EAST OF THE EXISTING BUILDING ON AN EXISTING GAS AND SERVICE STATION PROPERTY LOCATED ON A 0.44-ACRE SITE; AND**
- 2. ADOPT A RESOLUTION DENYING THE PERMIT APPEAL AND APPROVING, SUBJECT TO CONDITIONS, SITE DEVELOPMENT PERMIT NO. H21-017 FOR THE PROPOSED HYDROGEN FUELING STATION PROJECT LOCATED AT 510 EAST SANTA CLARA STREET, WHICH ALLOWS THE ADDITION OF TWO HYDROGEN FUELING DISPENSERS, AN AIR COMPRESSOR, AN APPROXIMATELY 400-SQUARE FOOT HYDROGEN EQUIPMENT, HYDROGEN STORAGE TUBES, A TRASH ENCLOSURE AND A SEVEN-FOOT-HIGH CMU WALL ALONG THE ADJACENT RESIDENTIAL PROPERTY, TO RELOCATE AN EXISTING STORAGE CONTAINER, AND TO LEGALIZE AN UNPERMITTED PARKING LOT TO THE EAST OF THE EXISTING BUILDING ON AN EXISTING GAS AND SERVICE STATION PROPERTY LOCATED ON A 0.44-ACRE SITE.**

COMMISSIONER LARDINOIS SECONDED THE MOTION (8-0-3; CABALLERO, GARCIA AND ORNELAS-WISE ABSENT)

- b. [PDA96-065-07 \(Administrative Hearing\)](#). An appeal of the Planning Director’s approval of a Planned Development Permit Amendment to allow a second story addition to two existing religious assembly function halls totaling approximately 13,220 square feet, new bioretention areas, installation of a manual swing gate, landscaping, irrigation, repaving and restriping of an existing parking lot, and a Development Exception to allow an increase in height of 10 feet for non-occupiable architectural features (domes) on an approximately 34.98-gross acre site located on the northeast corner of Gurdwara Avenue and Chaboya Road (3636 Gurdwara Avenue). (Sikh Gurdwara-San Jose, Owner). Council District 8. CEQA: Sikh Gurdwara Expansion Project Initial Study/Negative Declaration.

PROJECT MANAGER, ALEC ATIENZA

ACTION: COMMISSIONER CASEY MADE A MOTION TO APPROVE THE FOLLOWING ACTIONS:

1. **CONDUCT AN ADMINISTRATIVE HEARING TO CONSIDER THE APPEAL OF THE PLANNING DIRECTOR’S APPROVAL OF PLANNED DEVELOPMENT PERMIT AMENDMENT FILE NO. PDA96-065-07 FOR A SECOND STORY ADDITION TO TWO EXISTING RELIGIOUS ASSEMBLY FUNCTION HALLS TOTALING APPROXIMATELY 13,220 SQUARE FEET, NEW BIORETENTION AREAS, INSTALLATION OF A MANUAL SWING GATE, LANDSCAPING, IRRIGATION, REPAVING AND RESTRIPIING OF AN EXISTING PARKING LOT, AND A DEVELOPMENT EXCEPTION TO ALLOW AN INCREASE IN HEIGHT OF 10 FEET FOR NON-OCCUPIABLE ARCHITECTURAL FEATURES (DOMES) ON AN APPROXIMATELY 34.98-GROSS ACRE SITE, LOCATED ON THE EAST SIDE OF GURDWARA AVENUE BETWEEN QUIMBY ROAD AND CHABOYA ROAD (3636 GURDWARA AVENUE); AND**
2. **ADOPT A RESOLUTION DENYING THE PERMIT APPEAL AND APPROVING, SUBJECT TO CONDITIONS, THE PLANNED DEVELOPMENT PERMIT AMENDMENT TO ALLOW A SECOND STORY ADDITION TO TWO EXISTING RELIGIOUS ASSEMBLY FUNCTION HALLS TOTALING APPROXIMATELY 13,220 SQUARE FEET, NEW BIORETENTION AREAS, INSTALLATION OF A MANUAL SWING GATE, LANDSCAPING, IRRIGATION, REPAVING AND RESTRIPIING OF AN EXISTING PARKING LOT, AND A DEVELOPMENT EXCEPTION TO ALLOW AN INCREASE IN HEIGHT OF 10 FEET FOR NON-OCCUPIABLE ARCHITECTURAL FEATURES (DOMES) ON AN APPROXIMATELY 34.98-GROSS ACRE SITE.**

COMMISSIONER TORRENS SECONDED THE MOTION (8-0-3; CABALLERO, GARCIA AND ORNELAS-WISE 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 June 7 and June 21.

b. Subcommittee Formation, Reports, and Outstanding Business

No items

c. Commission Calendar and Study Sessions

No items

d. Recognition of Maribel Montañez's Service to the City of San Jose and Planning Commission

Staff read resolution into record and indicated that it would be signed by PBCE Director and mailed to the Commissioner.

e. Recognition of Rolando Bonilla's Service to the City of San Jose and Planning Commission

Staff read resolution into record and indicated that it would be signed by PBCE Director and mailed to the Commissioner.

f. The Public Record

Commissioners Cantrell, Torrens, Lardinois, Oliverio and Casey thanked Commissioners Bonilla and Montañez for their services. The commissioners exchange pleasantries amongst each other.

Commissioner Lardinois reminded staff, as per Vera Todorov's request, at her last Planning Commission meeting, is to invite Vera to the next in-person Planning Commission meeting.

8. ADJOURNMENT

Meeting adjourned at 7:36 p.m.