

PLANNING COMMISSION

September 9, 2020

Action Minutes

WELCOME

ROLL CALL

PRESENT: Commissioners Bonilla, Casey, Garcia, Lardinois, Oliverio, Torrens

ABSENT: Commissioner Caballero

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

No Comments

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

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 OLIVERIO MADE A MOTION TO APPROVE THE STAFF RECOMMENDATIONS FOR THE CONSENT CALENDAR, ITEMS 4.A AND 4.B SPECIFIED BELOW.

COMMISSIONER LARDINOIS SECONDED THE MOTION (6-0-1; CABALLERO ABSENT).

- a. **[CP17-035 \(Administrative Hearing\)](#)**. Conditional Use Permit to allow the continued operation and maintenance of a 60-foot tall wireless communication antenna (monopole), with 12 panel antennas and associated ground equipment, within a 2,614-square foot enclosure on an approximately 3.89-gross acre site, located approximately 640 feet from the northwesterly terminus of Olinder Court (890 Olinder Court) (SHP Olinder LLP, Owner). Council District 7. **CEQA:** Exempt pursuant to CEQA Guidelines Section 15301 for Existing Facilities.

PROJECT MANAGER, RINA SHAH

- 1. CONSIDER AN ENVIRONMENTAL REVIEW EXEMPTION IN ACCORDANCE WITH CEQA GUIDELINES SECTION 15301 FOR EXISTING FACILITIES; AND**
- 2. ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, A CONDITIONAL USE PERMIT FOR THE CONTINUED OPERATION AND MAINTENANCE OF A 60-FOOT HIGH WIRELESS COMMUNICATION ANTENNA (MONOPOLE), WITH 12 PANEL ANTENNAS AND ASSOCIATED EQUIPMENT WITHIN A 2,614-SQUARE FOOT LEASE AREA, ON AN APPROXIMATELY 3.89-GROSS ACRE SITE.**

- b. [CP17-036 \(Administrative Hearing\)](#). Conditional Use Permit to allow the continued operation and maintenance of a 60-foot tall wireless communication antenna (monopole), with nine panel antennas and associated ground equipment, within an 840-square foot enclosure on an approximately 3.9-gross acre site, located on the easterly side of O'Toole Avenue approximately 200 feet southerly of Rincon Circle (2170 O'Toole Avenue) (DCG Investors 1993 LP, Owner). Council District 4. **CEQA:** Exempt pursuant to CEQA Guidelines Section 15301 for Existing Facilities.

PROJECT MANAGER, RINA SHAH

1. **CONSIDER AN ENVIRONMENTAL REVIEW EXEMPTION IN ACCORDANCE WITH CEQA GUIDELINES SECTION 15301 FOR EXISTING FACILITIES; 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 COMMUNICATION ANTENNA (MONOPOLE), WITH NINE PANEL ANTENNAS AND ASSOCIATED EQUIPMENT WITHIN AN 840-SQUARE FOOT LEASE AREA, ON AN APPROXIMATELY 3.9-ACRE SITE.**

- c. [CP19-036 \(Administrative Hearing\)](#). Conditional Use Permit to allow the removal of one ordinance-size tree, a day care center use within an existing 9,300-square foot commercial building , construction of an associated outdoor play area that would exceed the noise limits of the City's Zoning Code on an approximately 0.72-gross acre site locate on the east of South De Anza Boulevard, approximately 200 feet northerly of Ventana Drive (1002 South De Anza Boulevard) (Dan Hudson, Highway 9 Associates, Owner). Council District 1. **CEQA:** Exempt pursuant to CEQA Guidelines Section 15303 (c). New Construction or Conversion of Small Structures.

PROJECT MANAGER, ALEC ATIENZA

PULLED FROM CONSENT AND HEARD UNDER PUBLIC HEARING.

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

1. **CONSIDER AN EXEMPTION IN ACCORDANCE WITH CEQA GUIDELINES SECTION 15303(C) FOR NEW CONSTRUCTION OR CONVERSION OF SMALL STRUCTURES; AND**
2. **ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, A CONDITIONAL USE PERMIT AND SITE DEVELOPMENT PERMIT TO ALLOW THE REMOVAL OF ONE ORDINANCE-SIZE TREE AND TO ALLOW A DAY CARE CENTER WITHIN AN EXISTING 9,300 SQUARE-FOOT COMMERCIAL BUILDING, THE CONSTRUCTION OF AN ASSOCIATED OUTDOOR PLAY AREA, AND TO EXCEED THE NOISE CRITERIA OF THE ZONING ORDINANCE AT THE RESIDENCES TO THE EAST OF THE PLAYGROUND ON AN APPROXIMATELY 0.72-GROSS ACRE SITE.**

COMMISSIONER CASEY SECONDED THE MOTION (6-0-1; CABALLERO ABSENT).

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.

No Items

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

No Items

7. GOOD AND WELFARE

a. Report from City Council

No Reports

b. Review and Approve Action Minutes from [8/26/20](#).

Commissioner Oliverio made a motion to approve the 8/26/20 minutes.

Commissioner Torrens seconded the motion (6-0-1; Caballero absent).

c. Subcommittee Formation, Reports, and Outstanding Business

i. Robert Manford announced that the Planning Commission Annual Retreat will take place via Zoom on October 23, 2020 from 12-3pm.

d. Commission Calendar and Study Sessions

i. Study Session scheduled for 10/28/20 for the 2020 General Plan Annual Review.

e. The Public Record

8. ADJOURNMENT

Meeting adjourned at 6:58 pm