

PLANNING COMMISSION

August 26, 2020

Action Minutes

WELCOME

ROLL CALL

PRESENT: Commissioners Bonilla, Casey, Garcia, Lardinois, Oliverio (arrived 6:36pm),
Torrens

ABSENT: Commissioners 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

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>

Mr. Beekman spoke about the importance of using technology and how it helps the community be involved in the decision making process. He also expressed the importance of having Vietnamese and Spanish interpretation options on Zoom. Lastly, Mr. Beekman added that the community should be more involved in energy projects.

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 THROUGH 4.D SPECIFIED BELOW.

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

- a. **[CP19-005 \(Administrative Hearing\)](#)**. A Conditional Use Permit to allow the demolition of an existing gas station for the construction of a new gas station consisting of a 3,167-square foot convenience store, five gas pump stations, and a fuel canopy on an approximately 0.9-acre site. Like the existing gas station, the new gas station and the convenience store will be open 24 hours, seven days per week ("late night use"). All the existing structures on site will be demolished. Two ordinance-sized trees and 17 non-ordinance size trees will be removed to facilitate the project, located on the north corner of McKee Road and North Capitol Avenue (2701 McKee Road) (Chevron USA Inc., Owner). Council District 5. **CEQA:** Exempt per CEQA Guidelines Section 15332 for in-fill development projects.

PROJECT MANAGER, ANGELA WANG

1. **CONSIDER THE EXEMPTION IN ACCORDANCE WITH CEQA GUIDELINES SECTION 15332 FOR IN-FILL DEVELOPMENT PROJECT; AND**
2. **ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, THE DEMOLITION OF AN EXISTING GAS STATION INCLUDING FOUR GAS PUMP STATIONS, AN APPROXIMATELY 1,782 -SQUARE FOOT AUTO-SERVICE BUILDING, A 108-SQUARE FOOT UNDER CANOPY PAY KIOSK, AND THE REMOVAL OF TWO ORDINANCE-SIZED TREES AND 17 NON-ORDINANCE SIZE TREES FOR THE CONSTRUCTION OF A NEW GAS STATION CONSISTING OF A 3,167 SQUARE-FOOT CONVENIENCE STORE, FIVE GAS PUMP STATIONS AND A FUEL CANOPY WITH 24-HOUR USE SEVEN DAYS PER WEEK ON AN APPROXIMATELY 0.9-ACRE SITE.**

- b. [CP19-035 \(Administrative Hearing\)](#). Conditional Use Permit to allow a six-foot increase to an existing 79-foot high wireless communications tower and the installation of 12 panel antennas, 24 remote radio units (RRUs), four surge suppressors, a new equipment shelter, and a back-up generator on an approximately 24.48-gross acre site located on the north side of Newhall Street, approximately 130 feet westerly of Newhall Drive (801 Newhall Street) (Santa Clara VTA, Owner). Council District 3. **CEQA:** Exempt pursuant to CEQA Guidelines Section 15301 for Existing Facilities.

PROJECT MANAGER, MICHELLE FLORES

1. **CONSIDER THE EXEMPTION IN ACCORDANCE WITH CEQA GUIDELINES SECTION 15301 FOR EXISTING FACILITIES; AND**
2. **ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, A CONDITIONAL USE PERMIT, AND SITE DEVELOPMENT PERMIT TO ALLOW A SIX-FOOT INCREASE TO AN EXISTING 79-FOOT HIGH WIRELESS COMMUNICATIONS TOWER AND THE INSTALLATION OF 12 PANEL ANTENNAS, 24 REMOTE RADIO UNITS (RRUS), FOUR SURGE SUPPRESSORS, A NEW EQUIPMENT SHELTER, AND A BACKUP GENERATOR ON AN APPROXIMATELY 24.48-GROSS ACRE SITE.**

- c. [CP19-022 \(Administrative Hearing\)](#). Conditional Use Permit to allow the continued use of a wireless communications facility and the removal and replacement of a wireless monopole and antennas with upgraded equipment on an approximately 4.19-gross acre site located on the southern side of Singletree Way, approximately 400'feet east of Camden Avenue (1552 Singletree Way) (Pacific Gas & Electric Company, Owner). Council District 10. **CEQA:** Exempt per CEQA Guidelines Section 15303(e) for New Construction or Conversion of Small Structures

PROJECT MANAGER, ALEC ATIENZA

1. **CONSIDER THE EXEMPTION IN ACCORDANCE WITH CEQA GUIDELINES SECTION 15303(D) FOR NEW CONSTRUCTION OR CONVERSION OF SMALL STRUCTURES; AND**
2. **ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, A CONDITIONAL USE PERMIT TO ALLOW FOR THE CONTINUED LAND USE OF A WIRELESS COMMUNICATIONS FACILITY IN ADDITION TO THE REMOVAL AND REPLACEMENT OF AN EXISTING WIRELESS WOOD POLE AND ANTENNAS WITH UPGRADED EQUIPMENT ON AN APPROXIMATELY 4.19-GROSS ACRE SITE.**

- d. [PP20-011](#). An ordinance of the City of San José amending various sections of Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code to: (a) amend Part 4.5, Accessory Dwelling Units, to make minor clarifying text alterations within Sections 20.30.460, ‘Single-Family Dwelling’ lot, 20.30.470, ‘Junior Accessory Dwelling Units —Single family dwelling lot,’ and 20.30.480, ‘Two-Family and Multi-Family Dwelling lots; (b) amend Part 2.5 - Transient Occupancy as an Incidental Use to a Residence, to make a minor clarifying text change to Section 20.80.150;(c) amend Part 9, Home Occupations Section 20.80.700, to include Accessory Dwelling Units; (d) amend Tables 20-50, 20-90, 20-110, and 20-150 within Sections 20.30.100, 20.40.100, 20.50.100, and 20.75.200 to change permitting requirements for day care center uses from a Conditional Use to a Special Use; and to make other technical, non-substantive, or formatting changes within those sections of Title 20 of the San José Municipal Code. **CEQA:** Determination of Consistency with the Envision San Jose 2040 General Plan Final Program Environmental Impact Report (FEIR), adopted through Resolution No. 76041, and Supplemental EIR Resolution No. 77617, adopted on December 15, 2015, and Addenda thereto.

PROJECT MANAGER, APARNA ANKOLA

1. **CONSIDER THE DETERMINATION OF CONSISTENCY WITH THE ENVISION SAN JOSÉ 2040 GENERAL PLAN FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (FEIR), FOR WHICH FINDINGS WERE ADOPTED BY CITY COUNCIL THROUGH RESOLUTION NO. 76041 ON NOVEMBER 1, 2011, AND SUPPLEMENTAL EIR RESOLUTION NO. 77617, ADOPTED BY CITY COUNCIL ON DECEMBER 15, 2015, AND ADDENDA THERETO; AND**
2. **ADOPT AN ORDINANCE OF THE CITY OF SAN JOSÉ AMENDING VARIOUS SECTIONS OF TITLE 20 (ZONING ORDINANCE OR ZONING CODE) OF THE SAN JOSÉ MUNICIPAL CODE TO: (A) AMEND PART 4.5, ACCESSORY DWELLING UNITS, TO MAKE MINOR CLARIFYING TEXT ALTERATIONS WITHIN SECTIONS 20.30.460, ‘SINGLE-FAMILY DWELLING’ LOT, 20.30.470, ‘JUNIOR ACCESSORY DWELLING UNITS —SINGLE FAMILY DWELLING LOT,’ AND 20.30.480, ‘TWO-FAMILY AND MULTI-FAMILY DWELLING LOTS; (B) AMEND PART 2.5 - TRANSIENT OCCUPANCY AS AN INCIDENTAL USE TO A RESIDENCE, TO MAKE A MINOR CLARIFYING TEXT CHANGE TO SECTION 20.80.150;(C) AMEND PART 9, HOME OCCUPATIONS SECTION 20.80.700, TO INCLUDE ACCESSORY DWELLING UNITS; (D) AMEND TABLES 20-50, 20-90, 20-110, AND 20-150 WITHIN SECTIONS 20.30.100, 20.40.100, 20.50.100, AND 20.75.200 TO CHANGE PERMITTING REQUIREMENTS FOR DAY CARE CENTER USES FROM A CONDITIONAL USE TO A SPECIAL USE; AND TO MAKE OTHER TECHNICAL, NON-SUBSTANTIVE, OR FORMATTING CHANGES WITHIN THOSE SECTIONS OF TITLE 20 OF THE SAN JOSÉ MUNICIPAL CODE.**

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

On August 25, 2020 City Council took action on the following projects:

- i. *Approved a Conforming Rezoning on certain real property located at 550-600- East Brokaw Road (CP19-050).*
- ii. *Approved a Planned Development Rezoning and Planned Development Permit on certain real property located at 1168 Brace Avenue with Condition #27 (permit condition for affordable housing) added to the resolution (PDC18-041 & PD18-047).*
- iii. *Approved a Conditional Use Permit Amendment for the Bascom Andoil Carwash Amendment Project (CPA16-035-01) on an appeal from the Planning Commission.*

b. Review and Approve Action Minutes from [8/12/20](#).

Commissioner Lardinois made a motion to approve the 8/12/20 minutes.

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

c. Subcommittee Formation, Reports, and Outstanding Business

No Reports

d. Commission Calendar and Study Sessions

- i. Commissioners discussed the upcoming Planning Commission retreat. Robert requested that the Commissioners submit topic requests.

- e. The Public Record
 - i. Commissioner Torrens questioned whether the 9/9 Planning Commission meeting would be held at City Hall because the schedule indicates that it will be there. Staff responded that it would not be held at City Hall. Vera Todorov explained that the meeting schedule is published and updated before the meeting because the return date to in-person meetings is still unknown.
 - ii. Commissioner Bonilla commented on the passing of City Attorney, Rick Doyle and eulogized him. Commissioner Oliverio and Vera Todorov made a statement in his memory. Ms. Todorov announced that there will be a memorial service for Rick Doyle on Friday, 8/28/20 at 10am with information available on the Mercury News site.

8. ADJOURNMENT

Meeting adjourned at 6:45 pm