

PLANNING COMMISSION

May 26, 2021

Action Minutes

WELCOME

ROLL CALL

PRESENT: Commissioners Caballero, Bonilla, Casey, Garcia, Lardinois, Oliverio (arrived at 6:35 p.m.), Torrens

ABSENT: None

1. CALL TO ORDER & ORDERS OF THE DAY

Meeting called to order at: 6:30 p.m.

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>

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

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.

COMMISSIONER GARCIA MADE A MOTION TO DEFER ITEMS 4.A. THROUGH 12 TO THE REGULAR PLANNING COMMISSION HEARING ON JUNE 9, 2021 AT 6:30 PM. COMMISSIONER BONILLA SECONDED THE MOTION (7-0).

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.

- a. Review and Approve Action Minutes from [May 12, 2021](#).

- b. **CPA89-053-01 (Administrative Hearing):** Conditional Use Permit Amendment is to allow the modification of existing well blow off conveyance piping, install an engineered sump for blow off water from existing on-site wells, a pre-treatment unit for well blow off water and discharge piping to the City of San Jose storm drain system at an existing water utility facility on an approximately 2.65-gross acre site located on the Southerly side of Willow Glen Way, approximately 285 feet Easterly of Creek Drive (500 Willow Glen Way) (San Jose Water Works, Owner) Council District: 6. **CEQA:** Exempt pursuant to CEQA Guidelines Section 15303 for New Construction or Conversion of Small Structures.

PROJECT MANAGER, RHONDA BUSS

1. **CONSIDER THE EXEMPTION IN ACCORDANCE WITH CEQA; AND**
2. **ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, A CONDITIONAL USE PERMIT AMENDMENT TO ALLOW THE INSTALLATION OF A WELL BLOW OFF SUMP (SAN JOSE WATER COMPANY) ON AN APPROXIMATELY 2.65-GROSS ACRE SITE LOCATED ON THE SOUTHERLY SIDE OF WILLOW GLEN WAY, APPROXIMATELY 285 FEET EASTERLY OF CREEK DRIVE (500 WILLOW GLEN WAY).**

- c. **CP19-033 (Administrative Hearing):** Conditional Use Permit to allow the operation of a hazardous materials storage facility in an existing 31,633-square foot warehouse and the construction of an approximately 448-square foot detached prefabricated storage container on an approximately 2.36-gross acre site located on the East side of Lenfest Road, approximately 540 feet southerly of Mabury Road (660 Lenfest Road) (Clean Harbors San Jose LLC., Owner). Council District 3. **CEQA:** Clean Harbors San José Facility High Pile Project Initial Study/Mitigated Negative Declaration.

PROJECT MANAGER, ALEC ATIENZA

1. **ADOPT A RESOLUTION ADOPTING THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION FOR THE CLEAN HARBORS SAN JOSÉ FACILITY HIGH PILE PROJECT AND THE ASSOCIATED MITIGATION MONITORING AND REPORTING PLAN, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).**
2. **ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, A CONDITIONAL USE PERMIT TO ALLOW THE OPERATION OF A HAZARDOUS MATERIALS STORAGE FACILITY IN AN EXISTING APPROXIMATELY 31,633-SQUARE FOOT WAREHOUSE AND THE CONSTRUCTION OF AN APPROXIMATELY 448-SQUARE FOOT DETACHED PREFABRICATED STORAGE CONTAINER ON AN APPROXIMATELY 2.36-GROSS ACRE SITE**

- d. **CP21-001 (Administrative Hearing):** Conditional Use Permit to allow the construction of an approximately 1,248-square foot canopy and allow additional site and landscaping improvements at an existing fuel service station on an approximately 0.35-gross acre site located on the Southeast corner of Union Avenue and Curtner Avenue (2708 Union Avenue) (AMG Reality LLC., Owner). Council District: 9. **CEQA:** Exempt pursuant to CEQA Guidelines Section 15303(c) for New Construction or Conversion of Small Structures.

PROJECT MANAGER, ALEC ATIENZA

1. **CONSIDER THE EXEMPTION UNDER THE PROVISIONS OF SECTION 15303(C) FOR THE NEW CONSTRUCTION OR CONVERSION OF SMALL STRUCTURES, PURSUANT TO THE STATE GUIDELINES FOR IMPLEMENTATION OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).**
2. **ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, A CONDITIONAL USE PERMIT TO ALLOW THE CONSTRUCTION OF AN APPROXIMATELY 1,248-SQUARE FOOT CANOPY AND ALLOW ADDITIONAL SITE AND LANDSCAPING IMPROVEMENTS AT AN EXISTING FUEL SERVICE STATION ON AN APPROXIMATELY 0.35-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. **PP21-005:** Adopt an ordinance of the City of San José amending sections of Title 20 (Zoning Ordinance or Zoning Code) to amend Chapter 20.80 Specific Use Regulations to add Part 11.5 to add criteria for issuing a Conditional Use Permit for pawnshops and pawnbrokers that meet certain distance criteria from sensitive uses, and to make other technical, non-substantive, or formatting changes within those sections of Title 20 of the San José Municipal Code. **CEQA:** Not a Project. General Procedure & Policy Making resulting in no changes to the physical environment. Public Project number PP17-008.

PROJECT MANAGER, ALEXANDRE HUGHES

ACTION: COMMISSIONER

1. **ADOPT AN ORDINANCE OF THE CITY OF SAN JOSÉ AMENDING SECTIONS OF TITLE 20 (ZONING ORDINANCE OR ZONING CODE) TO AMEND CHAPTER 20.80 SPECIFIC USE REGULATIONS TO ADD PART 11.5 TO ADD CRITERIA FOR ISSUING A CONDITIONAL USE PERMIT FOR PAWNSHOPS AND PAWNBROKERS THAT MEET CERTAIN DISTANCE CRITERIA FROM SENSITIVE USES, AND TO MAKE OTHER TECHNICAL, NON-SUBSTANTIVE, OR FORMATTING CHANGES WITHIN THOSE SECTIONS OF TITLE 20 OF THE SAN JOSÉ MUNICIPAL CODE.**

6. CONTINUED GENERAL PLAN HEARING (CYCLE 1 2021)

7. GENERAL PLAN CONSENT CALENDAR

No Items.

8. GENERAL PLAN PUBLIC HEARING

- a. [GP19-007](#): City-initiated General Plan Amendment to the Envision San José 2040 General Plan to change the land use designation from Mixed Use Neighborhood to Urban Residential on an approximately 5.93-gross-acre site, located at 2078 and 0 Evans Lane (City of San Jose, Owner). Council District: City wide. **CEQA**: Adoption of the Evans Lane General Plan Amendment Negative Declaration, for which an Initial Study was prepared, all in accordance with the California Environmental Quality Act.

PROJECT MANAGER, JOE SORDI

ACTION: COMMISSIONER

1. **CONSIDER THE NEGATIVE DECLARATION IN ACCORDANCE WITH CEQA;
AND**
2. **ADOPT A RESOLUTION TO APPROVE THE ENVISION SAN JOSÉ 2040
GENERAL PLAN LAND USE/TRANSPORTATION DIAGRAM AMENDMENT TO
CHANGE THE LAND USE DESIGNATION FROM MIXED USE NEIGHBORHOOD
TO URBAN RESIDENTIAL ON AN APPROXIMATELY 5.93-GROSS-ACRE SITE,
LOCATED AT 2078 AND 0 EVANS LANE (APNS 456-09-016 AND 456-09-017).**

9. CONTINUE THE GENERAL PLAN PUBLIC HEARING TO JUNE 9 2021

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

No Items

11. GOOD AND WELFARE

- a. Report from City Council
- b. Subcommittee Formation, Reports, and Outstanding Business
No Reports
- c. Commission Calendar and Study Sessions
- d. The Public Record

12. ADJOURNMENT

Meeting adjourned at 6:45 pm