

PLANNING COMMISSION

July 28, 2021

Action Minutes

WELCOME

ROLL CALL

PRESENT: Commissioners Bonilla, Casey, Caballero, Cantrell, Garcia, Lardinois, Montañez, Oliverio (arrived at 6:35), Ornelas-Wise Torrens, Young

ABSENT: Commissioner Torrens

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 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 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, 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. **SP20-005 & T21-015:** **SP20-005:** Special Use Permit to allow the construction of a 16-story office building with two towers totaling approximately 2.1 million square feet, including 37,603 gross square feet of ground floor retail and amenity space and 1,433,301 gross square feet of commercial office space with an alternative parking design (tandem and valet parking, parking stackers) and to allow up to 15 commercial condominium units and extended construction hours to include Saturday work from 7:00 AM to 7:00 PM and 24-hour concrete pours for up to 12 days per year over the course of construction (approximately 51 months), on a 3.57-gross acre site. **T21-015:** Vesting Tentative Map to merge all existing five lots to one lot for up to 15 commercial condominium units on a 3.57-acre site located on the northwest corner of Almaden Boulevard and Woz Way (BP Almaden Asscs LLC., Owner). Council District: 3. **CEQA:** Supplemental Environmental Impact Report (SEIR) to the Downtown Strategy 2040 EIR.

PROJECT MANAGER, ANGELA WANG

1. **DEFER TO THE AUGUST 11, 2021 PLANNING COMMISSION PER APPLICANT REQUEST. THE CITY COUNCIL WILL CONSIDER THE APPLICANT'S COUNCIL HEARING DEFERRAL DATE TO SEPTEMBER 14, 2021 AT THE AUGUST 24 CITY COUNCIL HEARING.**

ACTION: COMMISSIONER LARDINOIS MADE A MOTION TO DEFER TO THE REGULAR PLANNING COMMISSION HEARING ON AUGUST 25, 2021.

COMMISSIONER OLIVERIO SECONDED THE MOTION (10-0-1, TORRENS ABSENT).

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 CABALLERO MADE A MOTION TO APPROVE THE ACTION MINUTES FOR JULY 14, 2021.

COMMISSIONER OLIVERIO SECONDED THE MOTION (10-0-1, TORRENS ABSENT).

- a. Review and Approve Action Minutes from [July 14, 2021](#).

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. **CP11-041 Administrative Hearing**: A Conditional Use Permit to allow a gas station, the replacement of an existing fuel canopy with a new approximately 1,700-square foot canopy, the removal of four inactive fuel dispensers and the installation of three new dispensers, the installation of a 20,000-gallon underground fuel tank, permitting the conversion of a 2,210 square-foot building with three vehicle service bays to a convenience store converted without Planning permits, permitting the removal of one ordinance and seven non-ordinance trees without permit, the proposed removal of one ordinance sized palm tree, and site improvements on a 0.45-gross acre site located on the Northwest corner of Curtner Avenue and Lincoln Avenue (1103 Curtner Avenue) (1103 Curtner LLC., Owner). Council District: 6. **CEQA**: Mitigated Negative Declaration.

PROJECT MANAGER, SANHITA GHOSAL

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

1. **ADOPT A RESOLUTION ADOPTING THE 1103 CURTNER AVENUE PROJECT MITIGATED NEGATIVE DECLARATION AND ASSOCIATED MITIGATION MONITORING AND REPORTING PROGRAM, FOR WHICH AN INITIAL STUDY WAS PREPARED, IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), AS AMENDED; AND**

- 2. ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, A CONDITIONAL USE PERMIT TO ALLOW A GAS STATION, THE REPLACEMENT OF AN EXISTING FUEL CANOPY WITH A NEW APPROXIMATELY 1,700-SQUARE FOOT CANOPY, THE REMOVAL OF FOUR INACTIVE FUEL DISPENSERS AND THE INSTALLATION OF THREE NEW DISPENSERS (WITH SIX FUELING NOZZLES), THE INSTALLATION OF A 20,000-GALLON UNDERGROUND FUEL TANK, PERMITTING THE CONVERSION OF A 2,210 SQUARE-FOOT BUILDING WITH THREE VEHICLE SERVICE BAYS TO A CONVENIENCE STORE THAT WAS CONVERTED WITHOUT PLANNING PERMITS, PERMITTING THE REMOVAL OF SEVEN NON-ORDINANCE-SIZED AND ONE ORDINANCE-SIZED TREES REMOVED WITHOUT PLANNING PERMITS, THE REMOVAL OF ONE ORDINANCE-SIZED PALM TREE, AND ASSOCIATED SITE IMPROVEMENTS ON A 0.45-GROSS ACRE SITE.**

COMMISSIONER CASEY SECONDED THE MOTION (8-2-1, GARCIA & MONTAÑEZ OPPOSED; TORRENS 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 29, 2021.
- b. Subcommittee Formation, Reports, and Outstanding Business
No items
- c. Commission Calendar and Study Sessions
 - i. Study Session on Small Business Displacement on August 11, 2021.
- d. The Public Record
No items

8. ADJOURNMENT

Meeting adjourned at 7:25 p.m.