



PLANNING COMMISSION

Action Minutes

Wednesday, March 13, 2024

Regular Hearing

6:30 p.m.

Council Chambers

First Floor, City Hall Wing
200 East Santa Clara Street
San José, California

Justin Lardinois, Chair

Sylvia Ornelas-Wise, Vice Chair

Louis Barocio

Melissa Bickford

Charles Cantrell

George Casey

Jorge A. Garcia

Pierluigi Oliverio

Carlos Rosario

Anthony Tordillos

Michael Young

Christopher Burton, Director

Planning, Building & Code Enforcement

Access the video, agenda, and related reports for this meeting by visiting the City's website at:
<https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/commissions-hearings-and-developers-roundtable/planning-commission/planning-commission-agendas-minutes>

AGENDA
ORDER OF BUSINESS

WELCOME

SALUTE TO THE FLAG

ROLL CALL

PRESENT: Commissioners Lardinois, Ornelas-Wise, Barocio, Bickford, Cantrell, Casey, Oliverio, Rosario, Tordillos, and Young

ABSENT: Commissioner Garcia

SUMMARY OF HEARING PROCEDURES

1. CALL TO ORDER & ORDERS OF THE DAY

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

2. PUBLIC COMMENT

No comments

3. DEFERRALS AND REMOVALS FROM CALENDAR

No Items

4. CONSENT CALENDAR

- a. [Review and Approve Action Minutes from February 14, 2024.](#)

ACTION: COMMISSIONER OLIVERIO MADE A MOTION TO APPROVE CONSENT CALENDAR ITEM 4.A.

COMMISSIONER CASEY SECONDED THE MOTION (10-0-1; GARCIA ABSENT).

- b. [CPA19-005-01 & ER23-166:](#) Conditional Use Permit Amendment and Determination of Public Convenience or Necessity to allow the off-sale of alcohol (Type 20 License – Beer and Wine) at an approximately 3,167-square-foot fuel station convenience store on an approximately 0.91-gross-acre site located at 2701 McKee Road (Chevron USA Inc., Owner). Council District: 5. **CEQA:** Exempt Pursuant to CEQA Guidelines Section 15301(a) for Existing Facilities.

PROJECT MANAGER, KORA McNAUGHTON

MOVED FROM CONSENT AND HEARD UNDER PUBLIC HEARING

- 1. CONSIDER THE EXEMPTION IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES SECTION 15301(A): CLASS 1, FOR EXISTING FACILITIES; AND**
- 2. ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, A CONDITIONAL USE PERMIT AMENDMENT AND DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY TO ALLOW THE OFF-SALE OF BEER AND WINE (TYPE 20 LICENSE – BEER AND WINE ONLY) AT AN**

APPROXIMATELY 3,167-SQUARE FOOT FUEL STATION CONVENIENCE STORE ON AN APPROXIMATELY 0.91-GROSS-ACRE SITE.

ACTION: COMMISSIONER BAROCIO MADE A MOTION TO RECOMMEND THAT THE CITY COUNCIL DENY STAFF'S RECOMMENDATION.

COMMISSIONER ORNELAS-WISE SECONDED THE MOTION.

COMMISSIONER TORDILLOS MADE A SUBSTITUTE MOTION TO RECOMMEND THAT THE CITY COUNCIL APPROVE STAFF'S RECOMMENDATION.

COMMISSIONER CASEY SECONDED THE SUBSTITUTE MOTION (8-2-1; BAROCIO & ORNELAS-WISE OPPOSED; GARCIA ABSENT).

5. PUBLIC HEARING

- a. **AD24-035**: To accept public comment on a potential 78-dwelling unit workforce housing project, located in an approximately 5-acre area within the northeastern portion of real property owned by the Alum Rock School District. No project application is on file at this time, and no approvals are being considered at this hearing, however, the project sponsors have indicated intent to file an SB35 Streamlined Ministerial Project Application for the project. Pursuant to SB 423, cities are required to hold a public meeting to receive public comments for certain SB 35 projects. The proposal is located at 2050 Kammerer Avenue (Alum Rock Union School District, Asst. Sup. of Bus. Serv., Owner). Council District: 5. CEQA: Not applicable, no application submitted at this time.

PROJECT MANAGER, PATRICK KELLY

1. ACCEPT PUBLIC COMMENT UNDER SB 423 ON THE PROPOSED PROJECT.

THE PUBLIC WAS PROVIDED AN OPPORTUNITY TO COMMENT ON THE PROJECT. NO ACTION WAS TAKEN BY THE COMMISSION.

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 action taken on February 17, March 5 and March 12, 2024.

- b. Subcommittee Formation, Reports, and Outstanding Business

No items

- c. Commission Calendar and Study Sessions

No items

- d. The Public Record

No Items

8. ADJOURNMENT

The meeting adjourned at 7:38 p.m.