

PLANNING COMMISSION

December 9, 2020

Action Minutes

WELCOME

ROLL CALL

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

ABSENT: Commissioner Bonilla

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

Dan and Tami made a comment and expressed their concerns with the Opportunity Housing approach which was recommended by Staff and the Four Year Review General Plan Task force.

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.

No Items

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. CONTINUE GENERAL PLAN HEARING (THIRD CYCLE) FROM DECEMBER 2, 2020

7. GENERAL PLAN CONSENT CALENDAR

ACTION: COMMISSIONER OLIVERIO MADE A MOTION TO APPROVE THE STAFF RECOMMENDATIONS FOR GENERAL PLAN CONSENT CALENDAR, ITEMS 7.A. AND 7.B. SPECIFIED BELOW.

COMMISSIONER TORRENS SECONDED THE MOTION (6-0-1; BONILLA ABSENT).

- a. **GPT19-006:** City-initiated General Plan Text Amendment to make modifications to the Envision San Jose 2040 General Plan to reference Climate Smart San Jose and make updates to tracking of measures associated with the former Green Vision during the General Plan annual review process. **CEQA:** Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and the Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto.

PROJECT MANAGER, EDWARD SCHREINER

- 1. CONSIDER THE DETERMINATION OF CONSISTENCY WITH THE ENVISION SAN JOSÉ 2040 GENERAL PLAN FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (RESOLUTION NO. 76041) AND SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT TO THE ENVISION SAN JOSE GENERAL PLAN FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (RESOLUTION NO. 77617), AND ADDENDA THERETO IN CONFORMANCE WITH CEQA; AND**
- 2. ADOPT A RESOLUTION APPROVING THE GENERAL PLAN TEXT AMENDMENT TO MAKE MODIFICATIONS TO THE ENVISION SAN JOSÉ 2040 GENERAL PLAN TO REFERENCE CLIMATE SMART SAN JOSÉ AND MAKE UPDATES TO TRACKING OF MEASURES ASSOCIATED WITH THE FORMER GREEN VISION DURING THE GENERAL PLAN ANNUAL REVIEW PROCESS.**

- b. **GP20-002:** Privately initiated General Plan Amendment to change the land use/transportation diagram from Mixed Use Commercial to Urban Residential on an approximately 1.64-gross acre site located on the northwest corner of Lakewood Drive and Cropley Avenue intersection (1953 Via Reggio Court) (1953 Via Reggio CT LLC, Owner). Council District 4. **CEQA:** Initial Study/Negative Declaration for the 1953 Via Reggio Ct General Plan Amendment.

PROJECT MANAGER, JESSICA SETIAWAN

1. **CONSIDER THE NEGATIVE DECLARATION IN ACCORDANCE WITH CEQA;
AND**
2. **ADOPT A RESOLUTION APPROVING THE ENVISION SAN JOSÉ 2040 GENERAL PLAN LAND USE/TRANSPORTATION DIAGRAM AMENDMENT TO CHANGE THE LAND USE DESIGNATION FROM MIXED USE COMMERCIAL TO URBAN RESIDENTIAL ON AN APPROXIMATELY 1.64-GROSS ACRE SITE, LOCATED AT 1953 VIA REGGIO CT.**

8. GENERAL PLAN PUBLIC HEARING

- a. **GP19-012, C19-042, CP20-019 & T20-020:** General Plan Amendment from Residential Neighborhood to Downtown, a Conforming Rezone from LI Light Industrial and R-2 Two-Family Residence to DC Downtown Primary Commercial, a Conditional Use Permit to allow the demolition of existing structures and the construction of a mixed-use six-story building including a 190-bed commercial residential care facility with 116 assisted living guest rooms and 49 memory care guest rooms, four multi-family residential units, and a back-up generator, including a development exception to allow a reduced 12-foot height for the required on-site loading space, and a Vesting Tentative Map to merge seven parcels into one parcel on a 0.90-gross acre site located on the southwest corner of Gifford Avenue and West San Carlos street (470 West San Carlos Street) (Thang N Do Trustee & et al., Owner) Council District 3. **CEQA:** Addendum to Downtown Strategy 2040 Final Environmental Impact Report adopted by City Council Resolution No. 78942 on December 19, 2018, and addenda thereto.

PROJECT MANAGER, LAURA MEINERS

ACTION: COMMISSIONER OLIVERIO MADE A MOTION TO RECOMMEND THAT THE CITY COUNCIL TAKE THE FOLLOWING ACTIONS:

- 1. ADOPT A RESOLUTION ADOPTING THE ADDENDUM TO THE DOWNTOWN STRATEGY 2040 FINAL ENVIRONMENTAL IMPACT REPORT ADOPTED BY CITY COUNCIL RESOLUTION NO. 78942 ON DECEMBER 19, 2018, AND ADDENDA THERETO, IN ACCORDANCE WITH CEQA.**
- 2. ADOPT A RESOLUTION AMENDING THE ENVISION SAN JOSÉ 2040 GENERAL PLAN LAND USE/TRANSPORTATION DIAGRAM DESIGNATION (APN'S 264-20-086, 264-20-087, AND 264-20-088) FROM RESIDENTIAL NEIGHBORHOOD TO DOWNTOWN ON APPROXIMATELY 19,200-GROSS SQUARE FEET OF THE TOTAL 39,130-SQUARE FOOT PROJECT SITE.**
- 3. APPROVE AN ORDINANCE REZONING THE PROJECT SITE AS FOLLOWS:**
 - FROM THE LI LIGHT INDUSTRIAL ZONING DISTRICT TO THE DC DOWNTOWN PRIMARY COMMERCIAL ZONING DISTRICT ON APPROXIMATELY 13,179-GROSS SQUARE FEET (APN'S 264-20-082, 264-20-083, AND 264-20-084), AND**
 - FROM THE R-2 TWO-FAMILY RESIDENCE ZONING DISTRICT TO THE DC DOWNTOWN PRIMARY COMMERCIAL ZONING DISTRICT OVER APPROXIMATELY 25,951-GROSS SQUARE FEET (APNS 264-20-085, 264-20-086, 264-20-087, AND 264-20-088) OF THE TOTAL 39,130-SQUARE FOOT PROJECT SITE.**
- 4. ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, A VESTING TENTATIVE MAP TO MERGE THE SEVEN PARCELS ON THE PROJECT SITE INTO ONE PARCEL.**
- 5. ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, A CONDITIONAL USE PERMIT TO ALLOW THE DEMOLITION OF EXISTING STRUCTURES AND THE CONSTRUCTION OF A MIXED-USE PROJECT INCLUDING A 190-BED COMMERCIAL RESIDENTIAL CARE FACILITY WITH 116 ASSISTED LIVING RESIDENTIAL CARE GUEST ROOMS AND 49 MEMORY CARE GUEST ROOMS, FOUR MULTI-FAMILY RESIDENTIAL UNITS, AND A BACK-UP GENERATOR, INCLUDING A DEVELOPMENT EXCEPTION, ON THE PROJECT SITE.**

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

- b. **GP20-001 & C20-007:** Privately initiated General Plan Amendment to change the General Plan land use designation from Transportation and Utilities to Residential Neighborhood (GP20-001) and a Conforming Rezoning (C20-007) from A Agriculture and unzoned Zoning District to R-1-5 Single Family Residence Zoning District, on approximately an 8.6-gross acre site located on a portion generally bounded by Brooktree Way, Bret Harte Drive, Queenswood Way and Hampswood Way; a portion south of Hampswood Way, approximately 260-feet easterly of Hampswood Court; a portion northerly of Portswood Drive, approximately 380-feet easterly of Belder Drive; a portion generally bounded by the south of Portswood Drive and along the north of Raich Drive into the north terminus of Cahen Drive; a portion generally bounded by the south of Raich Drive, west of Cahen Drive and north of McKean Road (0 Bret Harte Drive) (Summer Hill Homes, Owner). Council District 10. **CEQA:** Initial Study/Negative Declaration for the Portswood Drive General Plan Amendment and Rezoning.

PROJECT MANAGER, ROBERT RIVERA

ACTION: COMMISSIONER LARDINOIS MADE A MOTION TO RECOMMEND THAT THE CITY COUNCIL TAKE THE FOLLOWING ACTIONS:

- 1. ADOPT A RESOLUTION ADOPTING THE PORTSWOOD DRIVE GENERAL PLAN AMENDMENT AND REZONING NEGATIVE DECLARATION, FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED.**
- 2. ADOPT A RESOLUTION AMENDING THE ENVISION SAN JOSÉ 2040 GENERAL PLAN LAND USE/TRANSPORTATION DIAGRAM LAND USE DESIGNATION FROM TRANSPORTATION UTILITIES TO RESIDENTIAL NEIGHBORHOOD FOR 790 PORTSWOOD DRIVE AND 0 BRET HART DRIVE ON AN 8.6-GROSS ACRE SITE (FILE NO. GP20-001).**
- 3. APPROVE AN ORDINANCE REZONING CERTAIN REAL PROPERTY LOCATED ON A PORTION GENERALLY BOUNDED BY BROOKTREE WAY, BRET HARTE DRIVE, QUEENSWOOD WAY, AND HAMPSWOOD WAY; A PORTION SOUTH OF HAMPSWOOD WAY, APPROXIMATELY 260-FEET EASTERLY OF HAMPSWOOD COURT; A PORTION NORTHERLY OF PORTSWOOD DRIVE, APPROXIMATELY 380-FEET EASTERLY OF BELDER DRIVE; A PORTION GENERALLY BOUNDED SOUTH OF PORTSWOOD DRIVE AND ALONG THE NORTH OF RAICH DRIVE INTO THE NORTH TERMINUS OF CAHEN DRIVE; A PORTION GENERALLY BOUNDED SOUTH OF RAICH DRIVE, WEST OF CAHEN DRIVE AND NORTH OF MCKEAN ROAD FROM THE A AGRICULTURAL ZONING DISTRICT AND PROPERTIES THAT DO NOT HAVE AN ESTABLISHED ZONING DISTRICT TO THE R-1-5 SINGLE FAMILY RESIDENCE ZONING DISTRICT ON APPROXIMATELY 8.6-GROSS ACRES**

COMMISSIONER OLIVERIO SECONDED THE MOTION (6-0-1; BONILLA ABSENT).

- c. **GP20-003:** Privately initiated General Plan Amendment to change the land use/transportation diagram from Public/Quasi-Public to Residential Neighborhood on an approximately 2.7-gross acre site located on the North of Cambrianna Drive, approximately 100 feet easterly of Taper Avenue (1975 Cambrianna Drive) (Cambrian School District, Owner). Council District 6. **CEQA:** Initial Study/Negative Declaration for the 1975 Cambrianna Drive General Plan Amendment.

PROJECT MANAGER, JESSICA SETIAWAN

ACTION: COMMISSIONER TORRENS MADE A MOTION TO RECOMMEND THAT THE CITY COUNCIL TAKE THE FOLLOWING ACTIONS:

- 1. CONSIDER THE NEGATIVE DECLARATION IN ACCORDANCE WITH CEQA; AND**
- 2. ADOPT A RESOLUTION TO DENY THE ENVISION SAN JOSÉ 2040 GENERAL PLAN LAND USE/TRANSPORTATION DIAGRAM AMENDMENT TO CHANGE THE LAND USE DESIGNATION FROM PUBLIC/QUASI-PUBLIC TO RESIDENTIAL NEIGHBORHOOD ON AN APPROXIMATELY 2.7-GROSS-ACRE SITE, LOCATED AT 1975 CAMBRIANNA DRIVE.**
- 3. ADD AN ITEM TO THE HOUSING CRISIS WORKPLAN TO EXPLORE POLICY CHANGES FOR PUBLIC SCHOOL LAND CONVERSIONS THAT COULD PROVIDE MORE OPPORTUNITIES FOR HOUSING AND REVENUE FOR PUBLIC SCHOOL DISTRICTS.**

COMMISSIONER CABALLERO SECONDED THE MOTION.

COMMISSIONER OLIVERIO REQUESTED AN AMENDMENT TO COMMISSIONER TORRENS' MOTION, WHICH AMENDMENT WAS ACCEPTED BY COMMISSIONERS TORRENS AND CABALLERO, TO ADD TO THE MOTION THE FOLLOWING: STAFF PROVIDE THE FOLLOWING INFORMATION TO THE CITY COUNCIL PIOR TO ITS HEARNING:

- 1. ADVISE COUNCIL OF THE LEGAL REQUIREMENTS, INCLUDING THE NAYLOR ACT AND THE SURPLUS LANDS ACT, ON THE SCHOOL DISTRICT TO OFFER THE SUBJECT PROPERTY TO OTHER PUBLIC AGENCIES PRIOR TO ANY TRANSFER OF THE SUBJECT PROPERTY, AND**
- 2. OBTAIN INFORMATION FROM THE SCHOOL DISTRICT ON HOW IT CONSIDERS THE TRANSFER OF THE SUBJECT PROPERTY TO BE CONSISTENT WITH SUCH STATE LAW REQUIREMENTS PRIOR TO THE COUNCIL HEARING. AMENDED MOTION APPROVED (6-0-1; BONILLA ABSENT).**

9. CONTINUE THE GENERAL PLAN HEARING TO JANUARY 13, 2021

ACTION: COMMISSIONER LARDINOIS MADE A MOTION TO CONTINUE THE GENERAL PLAN HEARING TO JANUARY 13, 2021.

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

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

No Items

11. GOOD AND WELFARE

a. Report from City Council

On December 8, 2020, City Council took action on the following projects:

- i. Accepted the Envision San Jose 2040 General Plan Annual Performance Review Report for FY 2019-2020.*

b. Review and Approve Action Minutes from [12/2/20](#).

Commissioner Torrens made a motion to approve the 12/2/20 minutes.

Commissioner Oliverio seconded the motion (6-0-1; Bonilla absent).

c. Subcommittee Formation, Reports, and Outstanding Business

No Reports

d. Commission Calendar and Study Sessions

e. The Public Record

12. ADJOURNMENT

Meeting adjourned at 8:58 pm