

PLANNING COMMISSION

April 28, 2021

Action Minutes

WELCOME

ROLL CALL

PRESENT: Commissioners Caballero, Casey, Garcia (arrived at 6:50 pm), Lardinois (left at 6:48 pm), Oliverio, Torrens

ABSENT: Commissioner Bonilla

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

Tessa Woodmanse made a comment on 615 Stockton Avenue. She asked that this street be fixed and to make it a livable street. This neighborhood area shouldn't be changed to a commercial area and instead create a community garden area.

Roland made a comment that any agency receiving federal funding is required by the federal government to provide closed captioning for those with hearing deficiencies during video conferencing. Commissioner Caballero then instructed staff to look into turning on the closed captioning option during the meeting and for future meetings. Staff was able to turn on the closed captioning for the remainder of the meeting.

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.

- a. **C20-014 & CP20-012**: Conforming rezoning from the A Agricultural Zoning District to the to PQP Public/Quasi Public Zoning District on an approximately 3.49-gross acre site. Conditional Use Permit to allow the re-permitting of an existing 63-foot high monopole with nine (9) panel antennas, (9) radios, an equipment enclosure, and associated equipment, and the continuation of the assembly (church) use on an approximately 3.49-gross acre site located on the East side of Senter Road approximately 415 feet southerly of East Capital Expressway (3195 Senter Road) (Seven Trees Baptist Church, Owner). Council District: 7. **CEQA**: Exempt pursuant to CEQA Guidelines 15301 for Existing Facilities.

PROJECT MANAGER, RHONDA BUSS

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

- 1. CONSIDER THE EXEMPTION IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES SECTION 15301 FOR EXISTING FACILITIES; AND**
- 2. ADOPT AN ORDINANCE OF THE CITY OF SAN JOSÉ REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 3.49 ACRES ON THE EAST SIDE OF SENTER ROAD APPROXIMATELY 415 FEET SOUTHERLY OF EAST CAPITAL EXPRESSWAY (3195 SENTER ROAD) FROM THE A AGRICULTURE ZONING DISTRICT (A) TO THE PQP PUBLIC/QUASI-PUBLIC ZONING DISTRICT (PQP).**
- 3. ADOPT A RESOLUTION APPROVING A CONDITIONAL USE PERMIT, SUBJECT TO CONDITIONS, TO ALLOW THE RE-PERMITTING OF AN EXPIRED PERMIT FOR AN EXISTING 63-FOOT HIGH MONOPOLE WITH NINE (9) PANEL ANTENNAS, (9) RADIOS, AN EQUIPMENT ENCLOSURE, AND ASSOCIATED EQUIPMENT, AND THE CONTINUATION OF THE ASSEMBLY (CHURCH) USE ON AN APPROXIMATELY 3.49-GROSS ACRE SITE.**

COMMISSIONER LARDINOIS SECONDED THE MOTION (5-1-1; BONILLA ABSENT AND GARCIA ABSTAINED).

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. CONTINUED GENERAL PLAN HEARING (CYCLE 1 2021)

7. GENERAL PLAN CONSENT CALENDAR

No Items.

8. GENERAL PLAN PUBLIC HEARING

COMMISSIONER LARDINOIS STATED HIS CONFLICT OF INTEREST IN PARTICIPATING IN DECISION-MAKING ON ITEMS 8.A AND 8.B AND LEFT THE HEARING.

COMMISSISONER GARCIA JOINED THE MEETING AFTER ITEM 4.A AND BEFORE ITEM 8.A WAS HEARD, AND STATED HIS CONFLICT OF INTEREST IN PARTICIPATING IN DECISION-MAKING ON ITEM 4. A.

- a. **GP19-009, PDC19-039, PD19-029, HP20-002 & PT20-027:** The project includes a development program with the following uses: up to 7.3 million gross square feet (gsf) of commercial office space; up to 5,900 residential units; up to 500,000 gsf of active uses (commercial retail/restaurant, arts, cultural, live entertainment, community spaces, institutional, childcare and education, maker spaces, non-profit, and small-format office space); up to 300 hotel rooms; up to 800 limited-term corporate accommodations; up to two event and conference centers totaling up to 100,000 gsf; up to 4,800 publicly accessible commercial parking spaces and up to 2,360 unbundled parking spaces for residential use; demolition of up to 7 residential units and approximately 755,000 gsf of nonresidential structures; removal and replacement of up to 254 ordinance-sized trees; realignment of lots and allow up to 38 lots, 19 common lots, and up to 5,900 residential condominiums and 20 commercial condominiums; a "District Systems" approach to delivery of on-site utilities, including designated infrastructure zones with up to two (2) on-site centralized utility plants totaling up to 130,000 gsf; one or more on-site logistics centers to serve the commercial on-site uses that would occupy a total of about 100,000 gsf; a total of approximately 15 acres of parks, plazas and open space, including areas for outdoor seating and commercial activity (such as retail, cafes, and restaurants), green spaces, landscaping, mid-block passages, riparian setbacks, and trails; and various other improvements to the public realm to improve transit access and pedestrian and bicycle circulation and facilitate connectivity, both within the site and to and from surrounding neighborhoods located on an 84-gross acre site generally bounded by Lenzen Avenue to the North, Cahill Street and the Caltrain rail tracks to the West, Auzerais Avenue to the South, and Los Gatos Creek and Highway 87 to the East (450 West Santa Clara Street) (Google, Owner). Council District: 3 & 6. **CEQA:** Downtown West Mixed-Use Plan Environmental Impact Report (including adoption of the Mitigation Monitoring and Reporting Program, CEQA Findings, and Statement of Overriding Considerations).

PROJECT MANAGER, JOHN TU

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

- 1. ADOPT A RESOLUTION CERTIFYING THE DOWNTOWN WEST MIXED-USE PLAN ENVIRONMENTAL IMPACT REPORT AND MAKE CERTAIN FINDINGS CONCERNING SIGNIFICANT IMPACTS, MITIGATION MEASURES AND ALTERNATIVES, AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS AND A MITIGATION MONITORING AND REPORTING PROGRAM, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED; AND**

- 2. ADOPT A RESOLUTION BY 2/3 MAJORITY MAKING CERTAIN FINDINGS REQUIRED BY CALIFORNIA PUBLIC UTILITIES CODE SECTION 21676 THAT PROPOSED GENERAL PLAN AMENDMENT FILE NO. GP19-009 AND PLANNED DEVELOPMENT REZONING FILE NO. PDC19-039 ARE CONSISTENT WITH THE PURPOSES SET FORTH IN CALIFORNIA PUBLIC UTILITIES CODE SECTION 21670 AND OVERRULING THE SANTA CLARA COUNTY AIRPORT LAND USE COMMISSION'S (ALUC) DETERMINATION THAT THE PROPOSED PROJECT IS INCONSISTENT WITH THE ALUC NOISE AND HEIGHT POLICIES AS DEFINED BY THE COMPREHENSIVE LAND USE PLAN FOR THE SAN JOSÉ INTERNATIONAL AIRPORT (CLUP); AND**
- 3. ADOPT A RESOLUTION AMENDING THE ENVISION SAN JOSÉ 2040 GENERAL PLAN TO REVISE THE LAND USE DESIGNATION OF THE PROJECT SITE, AMEND GENERAL PLAN POLICIES LU-6.1 AND LU-1.9, AND IMPLEMENT OTHER TEXT AMENDMENTS AND AMENDMENTS TO GENERAL PLAN DIAGRAMS RELATED TO THE DOWNTOWN WEST MIXED-USE PLAN; AND**
- 4. ADOPT A RESOLUTION AMENDING THE 2014 DIRIDON STATION AREA PLAN, A COMPONENT OF THE GENERAL PLAN, TO REVISE THE LAND USE DESIGNATION FOR THE PROJECT SITE, EXPAND THE DIRIDON STATION AREA PLAN BOUNDARY, AND IMPLEMENT OTHER TEXT AMENDMENTS AND AMENDMENTS TO DIAGRAMS RELATED TO THE DOWNTOWN WEST MIXED-USE PLAN; AND**
- 5. APPROVE AN ORDINANCE AMENDING TITLE 20 OF THE SAN JOSÉ MUNICIPAL CODE (ZONING ORDINANCE) TO ADD SECTION 20.70.700 TO CLARIFY THAT PROJECT-SPECIFIC ORDINANCES FOR THE DOWNTOWN WEST MIXED-USE PLAN SHALL GOVERN DEVELOPMENT WITHIN THE DOWNTOWN WEST PLANNED DEVELOPMENT ZONING DISTRICT AND SUPERSEDE ANY CONFLICTING PROVISIONS IN TITLE 20; AND**
- 6. APPROVE AN ORDINANCE REZONING AN APPROXIMATELY 80-GROSS ACRE SITE ON CERTAIN REAL PROPERTIES EXTENDING APPROXIMATELY ONE MILE FROM NORTH TO SOUTH, AND GENERALLY BOUNDED BY: LENZEN AVENUE AND THE UNION PACIFIC RAILROAD TRACKS TO THE NORTH; NORTH MONTGOMERY STREET, LOS GATOS CREEK, THE GUADALUPE RIVER, STATE ROUTE 87, BARACK OBAMA BOULEVARD, AND ROYAL AVENUE TO THE EAST; AUZERAIS AVENUE TO THE SOUTH; AND THE CALTRAIN RAIL CORRIDOR AND CAHILL STREET TO THE WEST FROM THE HI HEAVY INDUSTRIAL, LI LIGHT INDUSTRIAL, A(PD) PLANNED DEVELOPMENT, PQP PUBLIC/QUASI-PUBLIC, COMMERCIAL NEIGHBORHOOD, DC DOWNTOWN PRIMARILY COMMERCIAL, CG COMMERCIAL GENERAL, CIC COMBINED INDUSTRIAL/COMMERCIAL TO THE DC(PD) PLANNED DEVELOPMENT ZONING DISTRICT, TO ALLOW DEVELOPING UP TO 5,900 RESIDENTIAL UNITS; UP TO 7,300,000 GROSS SQUARE FEET (GSF) OF OFFICE SPACE; UP TO 500,000 GSF OF ACTIVE USES SUCH AS RETAIL, CULTURAL, ARTS, CIVIC ETC.; UP TO 300 HOTEL ROOMS; UP TO 800 LIMITED-TERM CORPORATE ACCOMMODATIONS; UP TO TWO EVENT AND CONFERENCE CENTERS TOTALING UP TO 100,000 GSF; UP TO TWO CENTRAL UTILITY PLANTS TOTALING APPROXIMATELY 130,000 GSF; LOGISTIC/WAREHOUSE(S) TOTALING APPROXIMATELY 100,000 GSF AND APPROXIMATELY 15 ACRES OF OPEN SPACE; AND**

- 7. ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, A PLANNED DEVELOPMENT PERMIT, INCLUDING THE DOWNTOWN WEST DESIGN STANDARDS AND GUIDELINES (DWDSG), THE DOWNTOWN WEST IMPROVEMENT STANDARDS, THE CONCEPTUAL INFRASTRUCTURE PLAN SHEETS, AND CONFORMANCE REVIEW IMPLEMENTATION GUIDE, TO ALLOW UP TO 5,900 RESIDENTIAL UNITS; UP TO 7,300,000 GROSS SQUARE FEET (GSF) OF OFFICE SPACE; UP TO 500,000 GSF OF ACTIVE USES SUCH AS RETAIL, CULTURAL, ARTS, CIVIC ETC.; UP TO 300 HOTEL ROOMS; UP TO 800 LIMITED-TERM CORPORATE ACCOMMODATIONS; UP TO TWO EVENT AND CONFERENCE CENTERS TOTALING UP TO 100,000 GSF; UP TO TWO CENTRAL UTILITY PLANTS TOTALING APPROXIMATELY 130,000 GSF; LOGISTIC/WAREHOUSE(S) TOTALING APPROXIMATELY 100,000 GSF AND APPROXIMATELY 15 ACRES OF OPEN SPACE ON AN APPROXIMATELY 78-GROSS ACRE SITE EXTENDING APPROXIMATELY ONE MILE FROM NORTH TO SOUTH, AND GENERALLY BOUNDED BY LENZEN AVENUE AND THE UNION PACIFIC RAILROAD TRACKS TO THE NORTH; NORTH MONTGOMERY STREET, LOS GATOS CREEK, THE GUADALUPE RIVER, STATE ROUTE 87, BARACK OBAMA BOULEVARD, AND ROYAL AVENUE TO THE EAST; AUZERAIS AVENUE TO THE SOUTH; AND THE CALTRAIN RAIL CORRIDOR AND CAHILL STREET TO THE WEST; AND**
- 8. ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, A VESTING TENTATIVE MAP TO SUBDIVIDE 136 LOTS INTO NO MORE THAN 178 LOTS AND ALLOW UP TO 5,900 RESIDENTIAL CONDOMINIUMS AND UP TO 20 COMMERCIAL CONDOMINIUMS ON AN APPROXIMATELY 84-GROSS ACRE SITE; AND**
- 9. APPROVE AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF SAN JOSÉ AND GOOGLE LLC FOR THE DOWNTOWN WEST MIXED-USE PLAN (78- GROSS ACRE); AND**
- 10. ADOPT A RESOLUTION AUTHORIZING MAJOR ENCROACHMENT PERMITS FOR DISTRICT SYSTEMS AT VARIOUS LOCATIONS WITHIN THE DOWNTOWN WEST DEVELOPMENT AREA; AND**
- 11. ADOPT A RESOLUTION APPROVING THE CONSTRUCTION IMPACT MITIGATION PLAN; AND**
- 12. ADOPT A RESOLUTION AMENDING THE HISTORIC PRESERVATION PERMIT HP16-002 (FILE NO. HP20-002) TO REVISE THE TERMS OF THE PERMIT TO BE CONSISTENT WITH THE DOWNTOWN WEST MIXED-USE PROJECT, WHICH INCLUDES THE SAN JOSÉ WATER WORKS CITY LANDMARK AT 374 WEST SANTA CLARA STREET**

COMMISSIONER OLIVERIO SECONDED THE MOTION (5-1-1; BONILLA ABSENT, LARDINOIS ABSTAINED)

- b. **GP20-007 & C20-002**: City-initiated General Plan Amendment amending the Diridon Station Area Plan to add development capacity and update sections on land use, design, transportation, and public spaces, and a Conforming Rezoning in response to Senate Bill (SB) 1333 to bring existing Zoning Districts into conformance with the existing and amended Diridon Station Area Plan and to support the amended Diridon Station Area Plan’s vision. Council District 3 & 6. **CEQA**: Addendum to the Downtown Strategy 2040 Final Environmental Impact Report (Resolution No. 78942), and Addenda thereto.

PROJECT MANAGER, JOSE RUANO

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

- 1. ADOPT A RESOLUTION ADOPTING AN ADDENDUM TO THE DOWNTOWN STRATEGY 2040 FINAL ENVIRONMENTAL IMPACT REPORT (RESOLUTION NO. 78942) AND ADDENDA THERETO, IN ACCORDANCE WITH CEQA; AND**
- 2. ADOPT A RESOLUTION BY 2/3 MAJORITY MAKING CERTAIN FINDINGS REQUIRED BY CALIFORNIA PUBLIC UTILITIES CODE SECTION 21676 THAT THE PROPOSED CITY-INITIATED GENERAL PLAN AMENDMENT (FILE NO. GP20-007) AND CONFORMING REZONING (FILE NO. C20-002) ARE CONSISTENT WITH THE PURPOSES SET FORTH IN CALIFORNIA PUBLIC UTILITIES CODE SECTION 21670 AND OVERRULING THE SANTA CLARA COUNTY AIRPORT LAND USE COMMISSION’S (ALUC) DETERMINATION THAT THE PROPOSED CITY-INITIATED GENERAL PLAN AMENDMENT AND CONFORMING REZONING ARE INCONSISTENT WITH THE ALUC NOISE AND HEIGHT POLICIES AS DEFINED BY THE COMPREHENSIVE LAND USE PLAN FOR THE SAN JOSÉ INTERNATIONAL AIRPORT (CLUP); AND**
- 3. ADOPT A RESOLUTION APPROVING THE GENERAL PLAN AMENDMENT (FILE NO. GP20-007) AMENDING THE ENVISION SAN JOSÉ 2040 GENERAL PLAN PURSUANT TO TITLE 18 OF THE SAN JOSÉ MUNICIPAL CODE TO AMEND THE “PLANNED JOB CAPACITY AND HOUSING GROWTH AREAS BY HORIZON” TABLE 5 IN APPENDIX 5, AND AMENDING THE DIRIDON STATION AREA PLAN, A COMPONENT OF THE ENVISION SAN JOSÉ 2040 GENERAL PLAN, TO MODIFY THE ENVISION SAN JOSÉ 2040 GENERAL PLAN LAND USE/TRANSPORTATION DIAGRAM FOR PROPERTIES WITHIN THE BOUNDARIES OF DIRIDON STATION AREA PLAN AND TRANSPORTATION STREET TYPOLOGY DESIGNATIONS, EXPAND THE DIRIDON STATION AREA PLAN BOUNDARY, AND IMPLEMENT OTHER TEXT AMENDMENTS AND AMENDMENTS TO DIAGRAMS FOR THE DIRIDON STATION AREA PLAN.**

4. **APPROVE AN ORDINANCE REZONING CERTAIN REAL PROPERTY TOTALING 97 ACRES WITHIN APPROXIMATELY 262 GROSS ACRES LOCATED WITHIN THE BOUNDARIES OF THE DIRIDON STATION AREA PLAN GENERALLY BOUNDED BY LENZEN AVENUE AND THE UNION PACIFIC RAILROAD TRACKS TO THE NORTH; THE GUADALUPE RIVER AND STATE ROUTE 87 TO THE EAST; INTERSTATE 280 TO THE SOUTH; AND SUNOL STREET AND THE DIRIDON STATION COMMUTER RAIL TO THE WEST FROM ZONING DISTRICTS THAT INCLUDE COMBINED INDUSTRIAL/COMMERCIAL, COMMERCIAL GENERAL, COMMERCIAL NEIGHBORHOOD, COMMERCIAL PEDESTRIAN, HEAVY INDUSTRIAL, INDUSTRIAL PARK, LIGHT INDUSTRIAL, TWO-FAMILY RESIDENTIAL, AND TRANSIT EMPLOYMENT CENTER TO ZONING DISTRICTS THAT INCLUDE DOWNTOWN PRIMARY COMMERCIAL, OPEN SPACE, AND R-M RESIDENCE DISTRICT (MULTIPLE UNIT/LOT).**

COMMISSIONER TORRENS SECONDED THE MOTION (5-1-1; BONILLA ABSENT; LARDINOIS ABSTAINED).

9. CONTINUE THE GENERAL PLAN PUBLIC HEARING (CYCLE 1 2021) TO MAY 12, 2021

COMMISSIONER TORRENS MADE A MOTION TO DEFER ITEMS 10 AND 11 ON THE AGENDA TO THE MAY 12, 2021 PLANNING COMMISSION MEETING. COMMISSIONER OLIVERIO SECONDED THE MOTION (5-0-2; BONILLA AND LARDINOIS ABSENT).

10. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS, OR OTHER AGENCIES (CONTINUED TO MAY 12, 2021)

No Items

11. GOOD AND WELFARE (ITEMS 11.A THROUGH 11.E. CONTINUED TO MAY 12, 2021)

- a. Report from City Council
- b. Review and Approve Action Minutes from [April 14, 2021](#)
- c. Subcommittee Formation, Reports, and Outstanding Business
No Reports
- d. Commission Calendar and Study Sessions
 - i. The 2021/2022 Capital Budget & 2021/2025 Capital Improvement Program Study Session is scheduled for May 12, 2021
- e. The Public Record

12. ADJOURNMENT

Meeting adjourned at 11:26 pm