



PLANNING COMMISSION SYNOPSIS

Wednesday, January 17, 2007

6:30 p.m. Regular Meeting

**Council Chambers
City Hall Wing**

200 East Santa Clara Street
San Jose, California

**Xavier Campos, Chair
James Zito, Vice-Chair**

**Christopher Platten Bob Dhillon
 Ash Kalra
Matt Kamkar VACANT**

**Joseph Horwedel, Director
Planning, Building and Code Enforcement**

NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 535-7800 (VOICE) or (408) 998-5299 (TTY) at least two business days before the meeting. If you requested such an accommodation please identify yourself to the technician seated at the staff table. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

Good evening, my name is **Xavier Campos** and I am the Chair of the Planning Commission. On behalf of the entire Planning Commission, I would like to welcome you to the Planning Commission Public Hearing of **Wednesday, January 17, 2007**. Please remember to turn off your cell phones and pagers. Parking ticket validation machines for the garage under City Hall are located at the rear of the Chambers. If you want to address the Commission, **fill out a speaker card (located on the table by the door, on the parking validation table at the back, and at the bottom of the stairs near the AV technician. Deposit the completed card in the basket near the Planning Technician. Please include the agenda item number (not the file number) for reference. Example: 4a, not PD06-023.**

The procedure for this hearing is as follows:

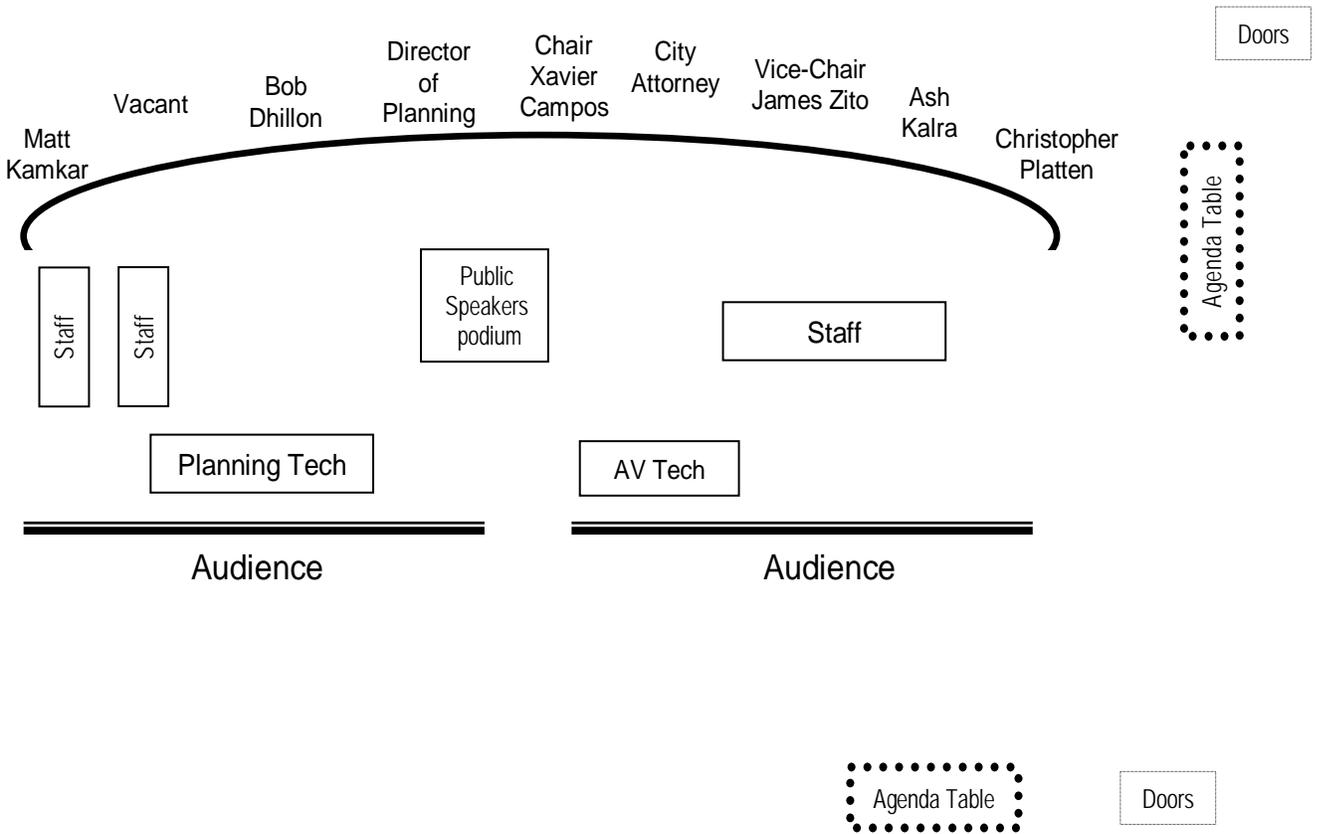
- After the staff report, applicants and appellants may make a 5-minute presentation.
- The chair will call out names on the submitted speaker cards in the order received.
- As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes.
- After the public testimony, the applicant and appellant may make closing remarks for an additional five minutes.
- Planning Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The public hearing will then be closed and the Planning Commission will take action on the item. The Planning Commission may request staff to respond to the public testimony, ask staff questions, and discuss the item.

If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.

The Planning Commission's action on rezoning, prezonings, General Plan Amendments and Code Amendments is advisory only to the City Council. The City Council will hold public hearings on these items. Section 20.120.400 of the Municipal Code provides the procedures for legal protests to the City Council on rezonings and prezonings. The Planning Commission's action on Conditional Use Permit's is appealable to the City Council in accordance with Section 20.100.220 of the Municipal Code. Agendas and a binder of all staff reports have been placed on the table near the door for your convenience.

Note: If you have any agenda questions, please contact Olga Guzman at olga.guzman@sanjoseca.gov

The Planning Commission is a seven member body, appointed by the City Council, which makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, and regulation of the future physical land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs. The recommendations to the Council regarding land use development regulations include, but are not limited to, zoning and subdivision recommendations. The Commission may make the ultimate decision on Conditional Use Permits, and acts as an appellate body for those persons dissatisfied with the Planning Director's decisions on land use and development matters. The Commission certifies the adequacy of Environmental Impact Reports.



The San Jose Planning Commission generally meets every 2nd and 4th Wednesday at 6:30 p.m., unless otherwise noted. The remaining meeting schedule is attached to this agenda and the annual schedule is posted on the web at <http://www.sanjoseca.gov/planning/hearings/index.htm> Staff reports, etc. are also available on-line. If you have any questions, please direct them to the Planning staff at (408) 535-7800. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

AGENDA
ORDER OF BUSINESS

1. ROLL CALL

All present.

2. DEFERRALS

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. A list of staff-recommended deferrals is available on the Press Table.

Staff will provide an update on the items for which deferral is being requested. If you want to change any of the deferral dates recommended, or speak to the question of deferring these or any other items, you should say so at this time.

- a. **CP06-038**. Conditional Use Permit to allow off-sale of alcoholic beverages at an existing grocery store (Manilla Market) on a 2.22 gross acre site in the CP Pedestrian Commercial Zoning District, located on the southeast corner of South White Road and Quimby Road (2812 S White Road)(Tj Kwan Family Associates LP, Owner). Council District 8. SNI: None. CEQA: Exempt.

DROPPED (6-0-0)

3. CONSENT CALENDAR

NOTICE TO THE PUBLIC

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 individually, please come to the podium at this time.

- a. The projects being considered are located on the southeast corner of Flanigan Drive and Fontaine Road (1480 Flanigan Drive), in the R-M Multiple Residence Zoning District (Ngoc Hua and Kim Lam et al, Owners). Council District 7. SNI: West Evergreen. CEQA: Exempt.
1. **CP06-022**. Conditional Use Permit to allow conversion of an existing apartment building to 16-unit condominium complex on a 0.93 gross acre site
2. **T06-028**. Tentative Condominium Map for 16 condominiums on a 0.93 gross acre site.

APPROVED (6-0-0)

APPROVED (6-0-0)

Commissioner Campos stated City Council should review policy for allowing condominium conversion of existing apartment buildings especially in SNI or other areas of lower income housing.

- b. [SP06-057](#). Adoption of a Resolution to approve a Special Use Permit for late night use until 3:00 a.m. daily at an existing restaurant on a 0.2 gross acre site, in the DC Downtown Primary Commercial Zoning District, located on the north side of W. Santa Clara Street approximately 60 feet east of San Pedro Street (131 W SANTA CLARA ST) (SAN PEDRO SQUARE, LLC, Owner). Council District 3. SNI: None. CEQA: Exempt. [Continued from 12-7-06](#).

APPROVED (6-0-0)

Staff provided a clarification to the Planning Commission resolution to approve late night operation to 3 a.m.

The following items are considered individually.

4. PUBLIC HEARINGS

- a. [PDC06-066](#). Planned Development Rezoning from the R-M Residential Zoning District to the A(PD) Residential Zoning District to allow construction of 20 single-family attached residences on a 0.97 gross acre site, located on the north side of Blackford Avenue approximately 200 feet east of Rebecca Way (3801 BLACKFORD AV) (Chui David K Trustee & Et Al, Owner; Leonard Hufton, Developer). Council District 1. SNI: None. CEQA: Mitigated Negative Declaration. [Deferred from 12-6-06](#).

RECOMMENDED APPROVAL (5-1-0)

The applicant made a brief statement. Commissioner Kamkar inquired what typical unit rent has been for last year, and applicant responded about \$1,000 for a one-bedroom and about \$1,200 for two-bedroom. Commissioner Zito asked staff for the rationale for approving the project even with some setbacks below guidelines, especially the building cantilever, and the minimal amount of open space. Staff responded that cantilever is appropriate design and architectural element, and that this product type is a mix of unit types, not solely garden townhomes, and that the small site made it hard to accommodate 300 sq. ft. of open space per unit. Commissioner Zito asked if consideration had been given to reduce the number of units to allow more open space. Staff responded that zoning would allow up to 20 units, but could be reduced at PD permit stage. Commissioner Zito asked if there are specific guidelines which allow cantilevers into 5-foot setback.

Commissioner Zito moved approval of up to 18 units, reducing applicant's request by 2 units, to allow more room for private open space and increasing some setbacks.

Commissioner Kamkar asked what the floor area ratio of the project is and staff explained that FAR isn't often used for multi family projects, and staff gave an estimate of 0.96 to 1.00 FAR given a site coverage of the five buildings of 39%.

Commissioner Kalra asked if staff felt that a reduction in the number of units was needed to get more open space. Staff indicated that leaving 20 units maximum is most flexible, and smaller units could provide options for more private open spaces.

Commissioner Kalra indicated the reduction to 18 units would reduce options and limit flexibility. Director Horwedel explained guidelines not zoning standards and 20 units appropriate since 20 were on the site before. Commissioner Dhillon stated he agreed with Commissioner Kalra and indicated no support for motion for 18 units.

Commissioner Zito stated he was concerned proposed units are already small and staff will be under pressure for maximum units.

Commissioner Kamkar asked if driveways were part of common open space and staff confirmed they are not, and stated project is not affordable. Commissioner Kamkar offered that perhaps 2 units should be made to be affordable, and Counsel indicated since project is not in redevelopment area, affordability requirements don't apply.

Commissioner Kalra commented that staff should understand Planning Commission direction to improve private open space and Commissioner Platten indicated he has faith in staff. Motion for limiting to 18 units failed with Commissioner Kamkar and Zito in favor, and Platten, Campos, Dhillon, and Kalra opposed.

Commissioner Kalra made the motion to approve up to 20 units but work at PD permit stage to increase amount of open space. Staff clarified for Commissioner Zito that given no public input at hearing, it would seem unlikely that PD permit would come before Commission on appeal.

- b. **PDC06-090**. Planned Development Rezoning request from R-1-8 Single-Family Residence and A(PD) Planned Development Zoning Districts to A(PD) Planned Development Zoning District to legalize an existing parking lot for commercial and medical office uses on a 0.893 gross acre site, located on the southwest corner of The Alameda and Taylor Street (1691 THE ALAMEDA) (Planned Parenthood Mar Monte Inc, Owner). Council District 6. SNI: None. CEQA: Exempt.

RECOMMENDED APPROVAL (6-0-0)

Commissioner Kalra asked about noise levels for the proposed generator given surrounding residences. The applicant explained that generator enclosure is being custom-designed to limit noise as required and is being located in the middle of site, away from residences.

In response to Commissioner Zito, staff explained that while the parking available is still about 3 spaces short, the proposed lot is a significant improvement to existing situation, and that employees will be parking off site as indicated by the applicant, and that any new use other than those allowed in CO Office district would require site to be rezoned.

- c. **C06-074**. Planning Director Initiated Prezoning for the real property located on the southeast corner of Capitol Avenue & Hostetter Road (1587 N CAPITOL AV), (Bianchi Clara Trustee and Valley Transportation Authority, Owners). Planning Director Initiated Prezoning from unincorporated county to RM Multiple Residence District on an approximately 15.3 gross acre area consisting of 2 parcels. CEQA: San Jose 2020 General Plan EIR Resolution No. 65459. Council District 4. SNI: None. **Deferred from 11-8-06.**

RECOMMENDED APPROVAL (5-0-0-1; DHILLON ABSTAINED)

Commissioner Kamkar expressed concern that the property owner wasn't in the audience and asked if the timeframe for rezoning after annexation could be reduced and staff indicated not since two years is mandated by State law. In response to Commissioner Zito, staff clarified that RM Multifamily Residential only possible standard zoning district but does not allow any mixed use. Director indicated that RM Zoning District could use revision to allow mixed use, and pressure from property owners unable to do mixed use transit residential or more units could help push changes to RM, and that other multi-family districts under development. Staff further commented that work on subsequent zoning could commence prior to 2 years window.

5. PETITIONS AND COMMUNICATIONS

- a. Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. 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:
 1. Responding to statements made or questions posed by members of the public; or
 2. Requesting staff to report back on a matter at a subsequent meeting; or
 3. Directing staff to place the item on a future agenda.

Comments regarding future disposition of Roberts Lane.

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

None

7. GOOD AND WELFARE

- a. Report from City Council

Director identified City Council study session dates set by Rules Committee which will be web cast, like Evergreen, General Plan update, heights in Downtown, and employment lands.

- b. Commissioners' reports from Committees:

- Norman Y. Mineta San Jose International Airport Noise Advisory Committee (Campos).
Haven't met in 2007
- Coyote Valley Specific Plan (Platten)
Monday, January 27 meeting
- Parks Funding Subcommittee (Zito)
Next meeting on January 31, 2007.

- c. Review of synopsis

Accepted November 29, 2007 Synopsis. Accepted December 6, 2006 Synopsis with changes to pages 9 to 20 to correct errors.

- d. Consider adding study session dates

*After discussion and suggestion by Commissioner Platten,
Added 3 Study sessions from 5:00 p.m. to 6:30 p.m.
Feb. 12 Meeting Procedures and Commission Role
March 28 Level of Service Policy
April 25 Economic Development/Retail Strategy.*

8. ADJOURNMENT

2007 PLANNING COMMISSION MEETING SCHEDULE

Date	Time	Type of Meeting	Location
January 17	6:30 p.m.	Regular Meeting	Council Chambers
January 31	6:30 p.m.	Regular Meeting	Council Chambers
Mon. February 12	6:30 p.m.	Regular Meeting	Council Chambers
February 28	6:30 p.m.	Regular Meeting	Council Chambers
March 14	6:30 p.m.	Regular Meeting	Council Chambers
March 28	6:30 p.m.	Regular Meeting	Council Chambers
April 11	6:30 p.m.	Regular Meeting	Council Chambers
April 25	6:30 p.m.	Regular Meeting	Council Chambers
May 2	5:00 p.m.	<i>Study Session</i> <i>Review Capital Improvement Program</i>	T-1654
May 2	6:30 p.m.	Regular Meeting	Council Chambers
May 16	6:30 p.m.	Regular Meeting	Council Chambers
May 30	6:30 p.m.	Regular Meeting	Council Chambers
June 13	6:30 p.m.	Regular Meeting	Council Chambers
June 27	6:30 p.m.	Regular Meeting	Council Chambers
July 18	6:30 p.m.	Regular Meeting	Council Chambers
August 8	6:30 p.m.	Regular Meeting	Council Chambers
August 22	6:30 p.m.	Regular Meeting	Council Chambers
September 12	6:30 p.m.	Regular Meeting	Council Chambers
September 26	6:30 p.m.	Regular Meeting	Council Chambers
October 10	6:30 p.m.	Regular Meeting	Council Chambers
October 24	6:30 p.m.	Regular Meeting	Council Chambers
November 7	6:30 p.m.	Regular Meeting	Council Chambers
November 14	6:30 p.m.	Regular Meeting	Council Chambers
November 28	6:30 p.m.	Regular Meeting	Council Chambers
December 5	6:30 p.m.	Regular Meeting	Council Chambers