



## **PLANNING COMMISSION SYNOPSIS**

**Wednesday, February 28, 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              Lisa Jensen**

**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, February 28, 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 Audio-Visual 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:

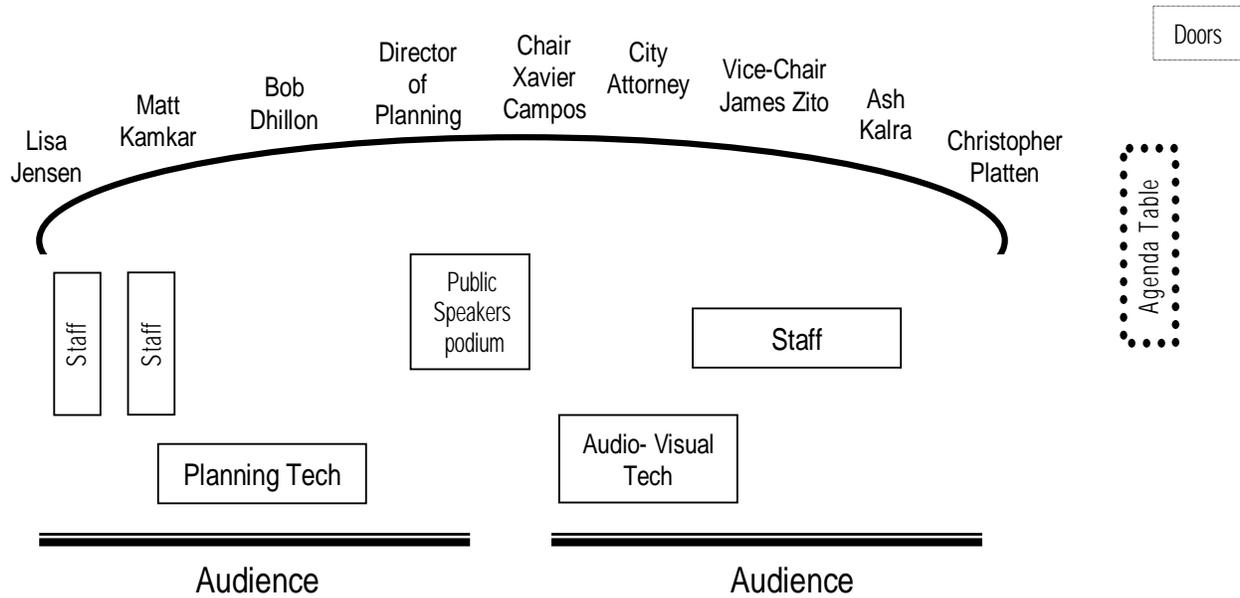
- After the staff report, applicants and appellants may make a 5-minute presentation.
- The chair will call out names on the submitted speaker cards in the order received.
- As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes.
- After 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](mailto: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 2<sup>nd</sup> and 4<sup>th</sup> Wednesday at 6:30 p.m., unless otherwise noted. Agendas and Staff Reports for Planning Commission items may be viewed on the Internet at [www.sanjoseca.gov/planning/hearings/planning\\_com.asp](http://www.sanjoseca.gov/planning/hearings/planning_com.asp).

Audio for the Planning Commission hearings are recorded and broadcast live. To listen to live audio broadcast or to listen to past hearing recordings go to the Internet website:

[http://sanjose.granicus.com/ViewPublisher.php?view\\_id=17#planningCommission](http://sanjose.granicus.com/ViewPublisher.php?view_id=17#planningCommission).

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. **CP06-034**. Conditional Use Permit to allow conversion of an existing single-family residence to a Residential Care Facility for up to 12 residents and 2 staff on a 0.20 gross acre site in the R-M Multiple Residence Zoning District, located on the east side of N 5th Street approximately 500 feet south of Washington Street (341 N 5th ST) (Okon and Ini Uboh, Owner). Council District: 3. SNI: 13th Street. CEQA: Exempt.

**DEFERRED TO 3-14-07 (7-0-0)**

- b. **PDC06-040**. Planned Development Rezoning from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District to allow up to 67 single-family attached and detached residences on a 3.48 gross acre site located on the south side of William Street , approximately 350 feet westerly of South 24th Street (1090 East William Street) (22nd & William Street, Owner). Council District 3. SNI: Five Wounds/Brookwood Terrace. CEQA: Mitigated Negative Declaration.

**DEFERRED TO 3-14-07 (7-0-0)**

### 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. [PDC06-095](#). Planned Development Rezoning from the IP – Industrial Park Zoning District to the A (PD) Planned Development Zoning District to allow approximately 24,000 square feet of commercial uses, located on the southerly side of Silver Creek Valley Road, at the southerly terminus of Fontanoso Way (RBR Silver Creek). Council District 2. SNI: None. CEQA: Edenvale Redevelopment Expansion Area EIR Resolution No. 70021.

#### RECOMMENDED APPROVAL (7-0-0)

*Pulled from Consent. Commissioner Kamkar commended applicant on site design and stressed need for filter and swale maintenance.*

The following items are considered individually.

### 4. PUBLIC HEARINGS

- a. [PDC06-022](#). Planned Development Rezoning from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District to allow up to 100 multi-family residences on a 0.75 gross acre site, located at/on the east side of North 4th Street, approximately 600 feet northerly of Gish Road (1470 N 4TH ST) (Owner/Developer; First Community Housing Inc). Council District 3. SNI: None. CEQA: North San Jose Area Development Policy EIR Resolution No. 72768.

#### RECOMMENDED APPROVAL (6-1-0; JENSEN OPPOSED)

*Brief staff report on City's affordable housing goals. One speaker in support of project as 100% affordable and will include VTA Ecopasses. Staff noted first housing project under new North San Jose Area Development Policy.*

*Commissioners Kalra and Jensen expressed concern regarding possible under-parking of project. Applicant provided information about parking needs at other similar developments, and noted 95 percent of developmentally-disabled residents don't drive.*

*Commissioners Kalra, Zito and Jensen stated concerns that housing project isolated in non-residential area, that amenities like parks not available yet, and that pedestrian ways to school and light rail need to be safe. Deputy Director Prevetti explained long range plan process in Rincon South and North San Jose and that Implementation strategy to guide parks and amenities for the NSJ Policy underway.*

- b. **PDC04-014**. Planned Development Rezoning from A Agriculture Zoning District to A(PD) Planned Development Zoning District to allow one single-family detached residence on an 8.3 gross acre site, located at the southeasterly terminus of Miracle Mountain Drive (Sanfilippo Trust Estate, Owner). Council District 10. SNI: None. CEQA: Draft Mitigated Negative Declaration.

**RECOMMENDED APPROVAL (6-1-0; DHILLON OPPOSED) WITH CONDITIONS:**

- 1) PLANTING TALL TREES AND OTHER LANDSCAPING TO SCREEN FUTURE HOME FROM VIEW,**
- 2) COUNCIL SHOULD SUPPORT PURCHASE OF ADJOINING SANCHEZ PROPERTY BY OPEN SPACE AUTHORITY**

*Brief staff report stating Zoning Protest filed was found to be invalid. Applicant stated project would put 90 percent of site into open space. Staff explained Urban Growth Boundary (UGB) and the Open Space Authority process for land acquisition. Neighborhood Association stated support as applicant moved house down slope, allowed trail access easement at top of ridge, and will place conservation easement on majority of site.*

*Approximately 20 speakers in areas nearby spoke in opposition to project believing house is too large and out of character, house could ruin viewshed, and could be catalyst for further development. Immediately adjacent homeowners stated long term issues with crime, gangs and graffiti, and indicated they supported project for more “eyes” on area, and acknowledged significant compromises by applicant.*

*Commissioner Kamkar stated landscaping, including large trees, would help screen new house from down slope areas. Commission Kalra expressed concern for long-term crime issues neighbors have dealt with, and confirmed developer did agree with 8 measures requested by Neighborhood Association.*

*Commissioners Zito and Campos asked to confirm location and size of house. Applicant stated 7800 sq. ft. limit on size, acknowledged location, but stated house elevation would not break ridgeline. Commissioner Platten stated GP designation didn't preclude development, and only one house proposed. Commissioner Dhillon noted home below 15% slope line, but some driveway in it, which staff explained was to keep drive below 20% slope for fire truck access.*

*Staff clarified erosion and hazards addressed by Public Works staff, that 7800 sq. ft. includes 600 sq. ft. garage, that house is last one on this long slope with rest outside UGB, that elevation only conceptual and design and landscaping at permit stage.*

*Commissioners Zito and Kamkar had further questions about what alternatives were considered, like 2 smaller houses and staff noted subdivision not preferred and only 1 house proposed. Staff clarified for Commissioner Jensen only public access to site along trail on ridgeline, other open space area private use with conservation easement.*

*Commissioners Zito, Kalra and Platten indicated good compromise project and understand will be last one on slope, and indicated City Council should support efforts of Open Space Authority. Commissioner Jensen commented trail easement might need to be larger.*

- c. [Certification of the Final Environmental Impact Report](#) for the Baseball Stadium in the Diridon Arena Area Project (City File No.PP05-214). The project analyzed by the Environmental Impact Report is an approximately 1.5 million square foot, 45,000 seat open-air major league baseball stadium, a parking structure and a future commercial development on an approximately 23.1 acre site. SCH. No. 2005112126. Council District 6.

**CERTIFIED EIR (4-2-0-1; KAMKAR AND ZITO OPPOSED, JENSEN ABSTAINED)**

*Staff reminded Commission that no project before them with EIR. Several people stated certification of EIR is premature, and that traffic, parking and noise levels will all be worsened. Pat Colombe, Vice Chair of Historic Landmarks Commission indicated that historic resources on ballpark site should not be demolished prematurely, and only with overriding considerations. Linda Callon, representing KNTV, stated unfair to show t.v. station as historically significant when architecture isn't, and Silicon Valley not famous for t.v., but for computer technology.*

*Staff clarified that worst case traffic and noise already analyzed, and is significant in EIR, and doesn't need more analysis. Staff explain I-880 traffic study using zip codes from Sharks fans to get distribution. In response to Commissioner Zito and others, staff explained need to certify EIR to keep good property information for future decisions and stated future projects would be reviewed case by case for any other analysis required or ability to use EIR, which was further explained by City Attorney. In response to Commissioner comments, staff explained possible time savings for future projects with "pre-certified" EIR, and Redevelopment staff expressed optimism a ballpark project could be forthcoming. Staff explained CEQA regulations for public input and that the City also has Downtown Strategy EIR which could be used for other projects. Commissioners Kamkar and Zito expressed concern about exact environmental review process, and stated would not support certification, although Commissioner Zito stated he did not have an issue with information. Commissioner Jensen stated since she just joined Planning Commission, she hadn't read the EIR and would abstain.*

- d. [SP02-006](#). APPEAL of the Planning Director's decision to deny a Special Use Permit to legalize the addition of an unpermitted 200 square foot storage room to an existing single-family detached garage on a 0.18 gross acre site, in the R-1-8 Single-Family Residence Zoning District, located on the east side of McLaughlin Avenue approximately 250 feet south of Appian Lane (730 MCLAUGHLIN AV) (SNYDER MARIA T, Owner). Council District 3. SNI: Five Wounds/Brookwood Terrace. CEQA: Exempt. Deferred from 11-15-06.

**UPHELD DIRECTOR'S DECISION TO DENY (7-0-0)**

*Staff explained that applicant's submitted information about construction time frame for storage building not conclusive on legality. City Attorney explained Planning Commission can't approve violation of the Zoning Code.*

*Commissioners Dhillon and Campos talked with applicant to see if contractor had worked on whether building met Building Code since last hearing, and explained Commission can't approved site coverage over allowance of Zoning Code.*

*Commissioner Zito expressed sympathy for applicant, but stated only possibility for approval had been demonstration of legal non-conforming, and that there are no other options, and moved denial of SUP.*

**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.

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

**7. GOOD AND WELFARE**

- a. Report from City Council  
*No report*
- b. Commissioners' reports from Committees:
- Norman Y. Mineta San Jose International Airport Noise Advisory Committee (Campos).  
*Meeting on Monday 2-26-07. Airport doing a study of where to relocate 4 noise monitors near runways. Noise abatement program nearing completion, only 500 of 2200 homes remaining. Grant proposal is being prepared for funds for last 500.*
  - Coyote Valley Specific Plan (Platten)  
*Missed last meeting, but highlighted the Commission's March 14 study session on Coyote will inform full Commission.*
  - Parks Funding Subcommittee (Zito)  
*Met on 2-28-07 to determine goals and objectives, and will be formulating draft work plan for work on park maintenance programs and priorities*
- c. Review of synopsis  
*With minor changes on items 4.a. and 4.b., synopsis approved (7-0-0)*
- d. Consider study session dates and/or topics  
*No discussion*

**8. ADJOURNMENT**

## 2007 PLANNING COMMISSION MEETING SCHEDULE

Date	Time	Type of Meeting	Location
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	5:00 p.m.	<i>Study Session Coyote Valley Specific Plan EIR</i>	T-332
March 14	6:30 p.m.	Regular Meeting	Council Chambers
March 28	5:00 p.m.	<i>Study Session Meeting Procedures and Commission Role</i>	T-332
March 28	6:30 p.m.	Regular Meeting	Council Chambers
April 11	6:30 p.m.	Regular Meeting	Council Chambers
April 25	5:00 p.m.	<i>Study Session Level of Service Policy</i>	T-332
April 25	6:30 p.m.	Regular Meeting	Council Chambers
May 2	5:00 p.m.	<i>Study Session 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	5:00 p.m.	<i>Study Session Economic Development/Retail Strategy</i>	T-332
May 30	6:30 p.m.	Regular Meeting	Council Chambers
June 13	6:30 p.m.	Regular Meeting	Council Chambers
June 27	5:00 p.m.	<i>Joint Study Session w/Parks Commission Riparian Corridor issues</i>	T-332
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