



## **PLANNING COMMISSION SYNOPSIS**

**Wednesday, April 25, 2007**

*5:00 p.m. STUDY SESSION*

*Level of Service Policy*

*Room # T-332*

**6:30 p.m. General Plan & Regular Meeting**

**Council Chambers**

City Hall Wing

200 East Santa Clara Street  
San Jose, California

**Xavier Campos, Chair**

**James Zito, Vice-Chair**

**Christopher Platten**

**Vacant**

**Matt Kamkar**

**Ash Kalra**

**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, April 25, 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:

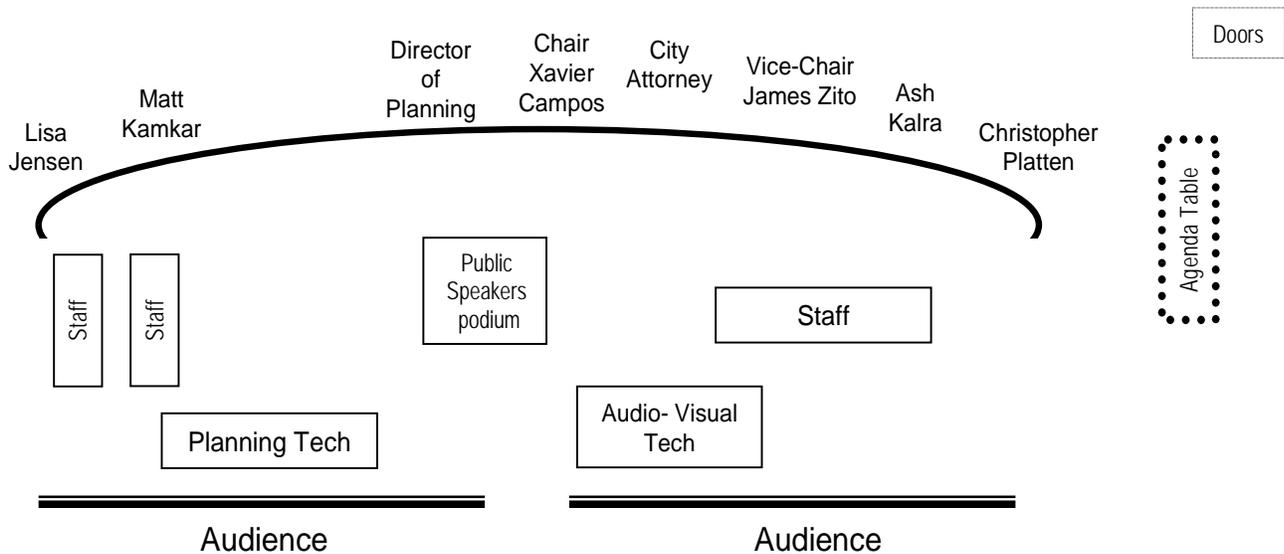
- After the staff report, applicants and appellants may make a 5-minute presentation.
- The chair will call out names on the submitted speaker cards in the order received.
- As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes.
- After 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 except Platten. Dhillon resigned.*

**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. The projects being considered are located on an approximately 53-acre site bounded by Forest Avenue to the north, Stevens Creek Boulevard to the south, Winchester Boulevard and City of Santa Clara to the east, and Interstate 880 to the west. Council District: 6. SNI: None. CEQA: EIR Resolution to be adopted.

1. **GP06-T-04**. GENERAL PLAN TEXT AMENDMENT request to amend the San Jose 2020 General Plan text to increase the maximum allowable building height from 50 feet to 65 feet at Valley Fair Shopping Mall (Valley Fair Mall, LLC, Applicant/Westfield Corporation, Owner). Council District: 6. SNI: None. CEQA: EIR Resolution to be adopted.

**DEFERRED TO 5-2-07 (5-0-1; PLATTEN ABSENT)**

- b. **GP06-T-01**. GENERAL PLAN TEXT AMENDMENT request to amend the *San Jose 2020 General Plan* text to increase the maximum allowable building height from 150 feet to 220 feet above ground level on an approximately 6.08-acre site located at the southeasterly corner of Airport Parkway and Old Bayshore Highway and amend the text of the Rincon South Specific Plan as it relates to the North San Jose Area Development Policy (Foster Enterprises, Owner/Applicant). Council District: 3. SNI: None. CEQA: Environmental Impact Report Resolution No. 72768, and Addenda hereto, File No. GP06-T-01.

**DEFERRED TO 5-2-07 (5-0-1; PLATTEN ABSENT)**

- c. Consideration of Planning Commission Agenda management and length of public hearing concerns and determination on whether to proceed with remaining agendized items past 11:00 p.m., continue this hearing to a later date certain, or defer remaining items to the next regularly scheduled Planning Commission meeting date.

**TO BE HEARD BY THE PLANNING COMMISSION NO LATER THAN 11:00 P.M.**

**HEARING CONTINUED (5-0-1; PLATTEN ABSENT)**

*Renee stated Commissioners should take action to continue hearing past 11 p.m. then reopen item 8.e. to hear testimony from four citizens*

### 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. **CP06-075.** Conditional Use Permit to allow off-sale of alcoholic beverages at an existing supermarket in the CN Commercial Neighborhood Zoning District, located 350 ft southeast of Tuers Rd and 550 ft Northwest of E Capitol Expressway (1031 E CAPITOL EX) (Namimatsu Kenneth T. Owner). Council District 7. SNI: None. CEQA: Exempt.

**APPROVED (5-0-1; PLATTEN ABSENT) WITH CONDITION TO LIMIT ALCOHOL DISPLAY TO 5% OF SHELF SPACE**

*Pulled from Consent by member of the public. Applicant stated amount of shelf space for liquor sales and indicated store requirements to check ID before purchase of alcohol. Area residents expressed concern about other off-sale establishments in vicinity and indicated two restaurants that sell alcohol were enough alcohol outlets and more could be detrimental to community, especially to young people.*

*In response to Commissioner Zito, the applicant indicated the grocery store opening hours are 9 to 9, and the store is full-sized and alcohol would not be displayed within 120 feet of entrance, and indicated would not be a quick place for alcohol sales.*

*Commissioner Kamkar asked about Rite Aid operating hours, and applicant said drug store would be open after the grocery store closed. Applicant stated that amount of liquor display area is same in his other stores and would be limited to 15 percent by Permit Condition.*

*Commissioner Jensen indicated her site visit showed this to be a quality market with good management and moved approval. Commissioner Kalra asked for two friendly amendments: 1) 5% shelf space instead of 15%, 2) no signage on exterior of store.*

*Accepted by Commissioner Jensen, but City Attorney indicated that amount of signage can be regulated but under 1<sup>st</sup> Amendment the City can't regulate content.*

- b **CP07-011.** Conditional Use Permit to allow a drinking establishment with late night use from 12:00 midnight until 2:00 a.m. at an existing commercial building on a 0.03 gross acre site in the DC Downtown Primary Commercial Zoning District, located on the north side of Post Street, approximately 160 feet westerly of South 1st Street (39 POST ST) (Chandler-Croll, Gail and Croll, John, Owners). Council District 3. SNI: None. CEQA: Exempt.

**APPROVED (5-0-1; PLATTEN ABSENT)**

- c. [PDC06-118](#). Planned Development Rezoning from R-1-8 Single Family Residence Zoning District to A(PD) Planned Development Zoning District requesting to subdivide one lot with an existing single-family detached residence into two lots. The existing residence would remain and a new two-story single-family detached residence would be constructed on the new lot facing Carmel Drive on a 0.24 gross acre site, located on the north side of Willow Glen Way, approximately 450 feet west of Padres Creek Drive (701 Willow Glen Way) (Lafountain Avril E, Owner). Council District 6. SNI: None. CEQA: Exempt.

**RECOMMENDED APPROVAL (5-0-1; PLATTEN ABSENT)**

*Item 3.c. pulled from Consent by member of public. The applicant clarified existing accessory structures on site and indicated permit status. One speaker from neighborhood expressed concern about accessory structures and whether people were living in them. The applicant clarified which structures would remain on site and which would be demolished.*

- d. [PDC06-119](#). Planned Development Rezoning from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District to allow construction of approximately 54,200 square feet in three, one- and two-story buildings for office and retail commercial uses as well as various industrial uses on a 3.62 gross acre site, located at/on the east side of Senter Road, approximately 550 feet northerly of Quinn Avenue (2222 SENTER RD) (ELS Properties Corp, Owner; Green Valley Corporation/Barry Swensen Builder, Aaron Barger, Developer). Council District 7. SNI: Tully/Senter. CEQA: Mitigated Negative Declaration. Deferred from 4-11-07.

**RECOMMENDED APPROVAL (5-0-1; PLATTEN ABSENT)**

- e. [PDC06-027](#). Planned Development Rezoning from R-1-8 Residence Zoning District to A(PD) Planned Development Zoning District to allow up to five single-family detached residences on a 1.15 gross acre site, located on the east side of Taft Drive, approximately 200 feet northerly of Blossom Valley Drive (5410 TAFT DR) (Masoumi Brothers Llc, Owner; Masud Maesumi, Developer). Council District 9. SNI: None. CEQA: Mitigated Negative Declaration.

**RECOMMENDED APPROVAL (5-0-1; PLATTEN ABSENT)**

- f. [CP06-043](#). Conditional Use Permit to allow an indoor recreation (cheerleading) use in a 10,775 sq ft facility on a 0.66 gross acre site in the IP Industrial Park Zoning District, located at the Southwest corner of Atteberry Ln & Seareel Ln (1460 ATTEBERRY LN)(Brix Harry G And Mariann Trustee, Owner). Council District 4. SNI: None. CEQA: Exempt.

**APPROVED (5-0-1; PLATTEN ABSENT)**

- g. [CP06-057](#). Conditional Use Permit to allow a 4,243 square foot of religious assembly use in an existing 43,500 square feet warehouse/office building on a 2.93 gross acres site, in the IP Industrial Park Zoning District, located at the southeast terminus of Harris Way (2340 HARRIS WY) (Jarrett San Jose Llc John Jarrett, Owner). Council District 4. SNI: None. CEQA: Exempt.

**APPROVED (5-0-1; PLATTEN ABSENT)**

4. **OPEN PLANNING COMMISSION MAY 2007 HEARING ON GENERAL PLAN AMENDMENTS**

**OPENED HEARING (5-0-1; PLATTEN ABSENT)**

5. **GENERAL PLAN 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. **GP06-06-02**. GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Medium Low Density Residential (8 DU/AC) to General Commercial on an approximately 0.4-acre site located on the northeast corner of Winchester Boulevard and Williams Road (960 and 990 Winchester Boulevard) (Ronnie Berry, Owner/Applicant). Council District: 6. SNI: Winchester. CEQA: Mitigated Negative Declaration.

**RECOMMENDED APPROVAL (5-0-1; PLATTEN ABSENT)**

6. **GENERAL PLAN PUBLIC HEARING CALENDAR**

NONE

7. **CONTINUE THE PLANNING COMMISSION HEARING FOR THE MAY 2007 GENERAL PLAN AMENDMENTS TO MAY 2, 2007**

**CONTINUED HEARING (5-0-1; PLATTEN ABSENT)**

The following items are considered individually.

8. **PUBLIC HEARINGS**

**NOTICE TO THE PUBLIC**

**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.**

- a. The projects being considered are located on an approximately 53-acre site bounded by Forest Avenue to the north, Stevens Creek Boulevard to the south, Winchester Boulevard and City of Santa Clara to the east, and Interstate 880 to the west. Council District: 6. SNI: None. CEQA: EIR Resolution to be adopted.
  1. **Certification of Final Environmental Impact Report**. (EIR) prepared for Valley Fair Shopping Center Expansion Project General Plan text amendment (File No. GP06-T-04) to increase the allowed building height on the site from 50 to 65 feet and Site Development Permit (File No. H06-027) to allow an approximately 650,000 gross square foot expansion of the existing Westfield Valley Fair Shopping Center to accommodate up to two new anchor stores and additional retail space, the demolition and reconstruction of two existing parking structures and three commercial buildings within the Cities of San José and Santa Clara, and access and circulation improvements (SCH # 2006052162). Council District: 6.

**CERTIFIED EIR (5-0-1; PLATTEN ABSENT)**

*Staff made a brief presentation on findings in the EIR and proposed traffic mitigations and roadway improvements included in the project.*

*Scott Valle, for Westfield, explained the project including process to date, and elements of green building strategy in new building design.*

*One speaker stated good application, but is concerned about timing and stated holiday traffic is a problem and stated expansion would worsen and suggested a pedestrian overcrossing from Valley Fair to Santana Row, and stated that the BAREC property should be preserved. Another speaker raised the pedestrian environment as a concern, not just crosswalks, but wider sidewalks, and for Commission to consider shops along front of garage.*

*Public Works staff clarified that project will dedicate 10 to 12 feet of Right-of-Way for pedestrians along Stevens Creek and garage will be set back from sidewalk.*

*Commissioner Zito asked for clarification on Caltrans comment on new right turn lane from freeway ramp, and DOT staff explained nature of Caltrans and VTA comments and stated that staff would meet, and a full Project Study Report was required and developer would meet with agencies. Staff noted no LOS, impact, so doesn't affect mitigation, and developer would pay same amount to help fund freeway interchange design in future.*

*DOT staff explained pedestrian overcrossing was not EIR issue, and volumes of pedestrians didn't warrant and overcrossing.*

*Commissioner Kalra moved certification and stated staff did good job on EIR to balance needs for more commercial with traffic, and project phasing could be possible, and also commended Cory neighborhood and Westfield for working together, and suggested creativity in design would be appropriate along Stevens Creek.*

*City Attorney clarified only action is Planning Commission to certify, not a recommendation to City Council.*

*Commissioner Jensen commended staff and commended applicant for looking for LEED certification and for \$100,000 contribution for neighborhood traffic calming which could possibly be increased.*

- b. **PDC06-100**. Planned Development Rezoning from R-1-8 Single Family Residence Zoning District and A(PD) Planned Development Zoning Districts to A(PD) Planned Development Zoning District to allow relocation and rehabilitation of one historic single-family residence (Structure of Merit), two new single-family detached residences, and parking lot reconfiguration for the Central YMCA on a 4.18 gross acre site, located on a portion of block bounded by The Alameda, Emory Street, Naglee Avenue, and Morse Street; east side of Morse Street, approximately 150 feet northerly of Naglee Avenue (744 MORSE ST) (Metropolitan YMCA & LeBaron Family Trust, Owners; Mark De Mattei, Developer). Council District 6. SNI: None. CEQA: Mitigated Negative Declaration. Deferred from 4-11-07.

**RECOMMENDED APPROVAL (5-0-1; PLATTEN ABSENT)**

*Discussion for possible deferral by member of public to allow time for preparation of a Zoning Protest, but the Commission decided to take testimony and consider deferral at that time.*

*The applicant's representative, Ray Hashimoto, referenced a letter sent to staff on April 20, 2007 and highlighted the main points of this letter. One of the applicants, David Le Baron, stated that the existing historic structure was evaluated by an independent consultant who verified the structure is in a severe state of decline. Mr. LeBaron stated that they intend to preserve and rehabilitate the historic structure and to create additional YMCA parking consistent with the comments received during the community meeting.*

*Twenty-two members of the community spoke with fourteen against the proposal, and eight in support. Those against expressed concern about the possible loss of the integrity of the historic structure as a result of relocating the building; the loss of a considerable number of mature trees on the lot; the additional parking spaces in the YMCA's parking lot not solving the problems associated with the YMCA; negative affects on existing character of the surrounding neighborhood with new homes; and the proposed architectural design of the future residences.*

*Those who supported the proposal acknowledged that the developer revised the plans to address neighborhood concerns, recognized the applicant's efforts rehabilitate the historic structure; appreciated the additional parking spaces on the site of the YMCA; appreciated the developers' prior work in the area; and understood need for loss of trees. Speakers noted that through this process the historic resource will be preserved, and that proposed development is consistent with existing neighborhood pattern of development.*

*In closing, the applicant reiterated that it is not possible to both preserve the historic structure and the trees on the site, that the trees have been negatively affecting the historic residence for years and are in such a state of decline that preservation is not feasible. Mr. LeBaron also highlighted that the recommended Development Standards of the proposed single-family residences and of the historic structure exceed the minimum requirements of the existing R-1-8 Single Family Residence zoning district.*

*Commissioner Zito asked the applicant if the investment needed to preserve and rehabilitate the historic resource could be recouped with the sale of the home. The applicant responded that the cost of rehabilitating the home exceeded the expected sale price, but that he would still work with the City's Historic Preservation Officer to rehabilitate the historic structure to meet or exceed the Secretary of the Interior Standards and requirements which would be an asset to the community.*

*After the public hearing was closed, Commissioner Campos asked staff for clarification on the conditions of the trees proposed to be removed inquired about the types of screening and other vegetation that could be planted to improve the interface between the proposed residences and the YMCA, and asked if the relocation of the historic structure would harm building. Commissioner Kamkar asked what regulations would apply to the property if it were sold in the future. Staff explained that the arborist report stated trees on the site are in decline to warrant removal, and that the large Redwood tree could not be saved if the historic structure were relocated as the roots are affecting the house foundation. Staff expressed work at the Planned Development Permit stage would determine landscaping to create positive interface on Morse Street and with the YMCA. Staff explained the regulations in the approved zoning would apply to the site, regardless of future individual ownership. The Historic Preservation Officer then explained the significance of the historic structure; and the criteria used to evaluate the rating of the building, and supported the recommendations of the historic consultant to relocate and modify the structure without a loss of integrity or rating of the structure.*

*Commissioner Zito asked staff if all replacement trees could be put on the site. Staff responded that trees will be planted on site to greatest degree feasible, and extra trees could be donated to school yards and/or to City Parks or in area park strips, or money to Our City Forest.*

*Commissioner Jensen recommended high quality architecture and a wall between the residences and the YMCA. Staff stated that during the PD Permit stage, architecture and other elements would be designed to be compatible with the neighborhood.*

*Commissioner Kalra made a motion to take action on the item. He commented that the restoration of the historic structure is a positive result he recommended approval of the proposal with the condition that staff work during the PD Permit stage to ensure no 'cookie-cutter' homes, and unique designs for new homes. He also asked that during the development stage, staff evaluate if a few of the proposed parking spaces on the YMCA site could be eliminated to allow for the preservation of some of the larger trees.*

*Commissioner Zito stated that the proposal included positive features, such as the additional on-site parking spaces for the YMCA. He asked that staff continue to strive to save as many trees as possible and stated his appreciation for the restoration of the historic structure.*

*Commissioner Kamkar expressed support for the proposal but also requested that the preservation of the historic residence occur as a priority during the first phase of development of the project and not lag behind the construction and sale of the new houses.*

*Commissioner Jensen thanked the community for their passion and commitment to their neighborhood. She encouraged them to continue to work together with this proposal. She said the relocation of the historic structure is consistent with the City's past action to preserve historic structures. She asked staff to work during the PD Permit stage to ensure that the massing and design of new homes is compatible with the surrounding area.*

*Commissioner Zito expressed there was adequate time for the community to prepare a Zoning Protest application and he did not support the request to defer the item. Director Horwedel clarified that the Zoning Protest, if valid, would require a super majority of 8 council members to adopt an ordinance to approve the zoning, but did not affect the Planning Commission's action.*

- c. **PDC06-070**. Planned Development Rezoning from R-1-1 Residence Zoning District to A(PD) Planned Development Zoning District to allow six single-family detached residences on a 1.07 gross acre site, located on the east side of Almaden Expressway, approximately 200 feet north of Fleetwood Drive (16310 ALMADEN RD) (Rds Investments Chris Soukoulis, Owner/Developer). Council District 10. SNI: None. CEQA: Draft Mitigated Negative Declaration. Continued from 4-11-07.

**RECOMMENDED APPROVAL (5-0-1; PLATTEN ABSENT)**

*At this continuation of the item, the Commission took public comment specifically on the issues of flooding and alternative site access plan.*

*Eleven residents spoke against the rezoning and commented that they were in favor of Alternative 3 and that the proposed project would increase the existing problems with flooding on Fleetwood Drive, which should be addressed before new development is permitted. One speaker, Ron Woodrum, stated that he was opposed to Alternative 3 and supported access from Almaden Road via Fleetwood Drive.*

*The Commission then closed the public hearing.*

*Commissioner Kamkar asked staff if the proposed project would block flood flows. Public Works staff responded that the subject site is at a lower elevation than the existing Fleetwood Drive neighborhood, and new units are padded up, but the new units would continue to be at a lower elevation than those units on Fleetwood Drive.*

*Commissioner Kamkar said that Alternative 3 provided for the near term goal of the developer by allowing for the development to occur and the long-term goal of the neighborhood to not have access through Fleetwood Drive.*

*Commissioner Kalra made a motion to approve the proposed rezoning as recommended by staff and stated that no particular alternative access plan needs to be selected now because Alternative 3 could be pursued when the adjacent properties apply for development, and noted approval of this project would not preclude an alternative access in the future. Commissioner Kalra also said he believed opening Fleetwood Drive to Almaden Expressway would be more dangerous than allowing the new residents to use Fleetwood Drive.*

*Commissioner Zito said that he agreed with Commissioner Kalra, and that signs should be posted at Cloverhill Drive and Redmond Avenue stating that Fleetwood Drive is not a through street, or “no outlet.” He said that Alternative 3 should be studied again when the other underutilized properties apply for development.*

*Commissioner Kamkar commented that the applicant should take all necessary steps to reduce the water runoff from the project.*

- d. **PDC06-102**. Planned Development Rezoning from Unincorporated to Planned Development Zoning District to allow up to 41 single-family detached residences on a 8.3 gross acres site., located at/on the southeast corner of Piercy Road and Tennant Avenue (715 PIERCY RD) (Terramac, Inc, Detrick Corporation, The Tawfik'S Trust, Sameha Tawfik, Trustee, Owner). Council District 2. SNI: None. CEQA: Mitigated Negative Declaration.

**RECOMMENDED APPROVAL (4-1-1; ZITO OPPOSED AND PLATTEN ABSENT)**

*Planning staff provided an oral staff report, indicating that additional correspondence had been received subsequent to distribution of the staff report from the Santa Clara Valley Water District commenting on the Initial Study.*

*Tom Armstrong, representing the applicant, spoke in support of the proposed rezoning stating that he was available for questions and had no further comments in addition to staff presentation.*

*Commissioner Kamkar asked how the fifteen percent slope was determined on the site, and staff clarified the technical process.*

*Commissioner Kalra stated concerns about the interface between the proposed residential area and the existing industrial area across the street from the subject site. Staff explained the interface of development under both land use designations could be appropriately designed as in other areas in the city. The applicant stated that the Redevelopment Agency did not oppose the proposed residential use.*

*Commissioner Kamkar asked the applicant about the significant grading proposed. Mr. Armstrong explained the need to remove large, unengineered fills from the subject site, and that the new development will come closer to the original topography.*

*Commissioner Zito asked for clarification on the small area of private open space located at the northeast corner of the site. The applicant clarified area would remain as open space. Commissioner Zito commended the project providing a public park on site, and stated it would be an asset to residents and employees in the area.*

*In response to Commissioner Kamkar, the applicant explained that the storm water system has been engineered, and that quality control treatment designs have been incorporated.*

*Chair Campos then closed the public hearing.*

*Commissioner Kalra asked if project density conformed to the General Plan, and staff clarified Medium Low Density Residential, 8 dwelling units per acre, and that the proposed rezoning, at 4.8 du/ac, is within the density range.*

*Commissioner Zito asked what average lot size is, and whether the lots would be similar to Basking Ridge neighborhood. Staff responded average square foot lots, but that lot sizes vary to conform to the terrain. Staff also explained that the topography is crucial in designing the lot configurations, and that at the PD permit stage, design of the new homes would be compatible with architecture on Basking Ridge Road.*

*Commissioner Kamkar moved approval of the project.*

*Commissioner Zito expressed he would not support the motion because approval of this project could create a domino effect for conversion of adjacent industrial lands, and intensification of residential use on adjacent parcels, and that lower densities would be more appropriate on site.*

- e. **CP07-020.** Conditional Use Permit to pave a driveway from Little Orchard Street to Almaden Expressway to allow a corporation yard with outdoor storage and truck circulation resulting in noise which exceeds Zoning Ordinance standards in the LI Light Industrial Zoning District, located at/on West side of Little Orchard Street, approximately 150 feet northerly of San Jose Avenue (1601 LITTLE ORCHARD ST)(Dsw Family Part, Owner; Stucco Supply Co Robert Amos, Developer). Council District 7. SNI: Washington. CEQA: Mitigated Negative Declaration. Deferred from 4-11-07.

**CONTINUED TO 5-16-07 (5-0-1; PLATTEN ABSENT)**

*Staff explained concerns of adjacent neighbor about noise and outdoor storage and explained proposed condition to keep height of outdoor storage below fence height.*

*Commissioner Jensen asked applicants about hours and number of trips to site. Applicant stated weekday operation and 28 trips/day near residential, and staff explained condition that future extra trips above 28 would need to use other access on Little Orchard. Staff explained goal to keep truck traffic from traveling north past single family residential.*

*Applicant clarified proposed right in-right out access off Almaden Expressway, and clarified no structures on site, but stated billboard at western edge of site. Director Horwedel stated concern about lack of billboard on diagram and whether a conflict could occur with proposed landscape strip with trees. Chair Campos expressed concern about site design issues, as did Commissioner Zito who moved continuance to May 16<sup>th</sup>. Commissioner Kamkar asked for clarification on use on east side of Little Orchard Street, and Commissioner Jensen highlighted that questions from neighborhood still needed to be better addressed with truck circulation clarified.*

*Hearing was reopened to allow four speakers to provide testimony regarding noise from new proposal, stating noise from other industrial users is all night. Several speakers asked for better information on truck circulation and turning, and suggested more signage would be appropriate for safety, and indicated trees create visibility issues.*

*Commissioner Kamkar asked speaker if Code Enforcement had been involved and resident explained Code Enforcement not responsive.*

*Commissioner Jensen asked for clarification about property ownership of Stucco facility and Seafood Company and expressed concern that access could be used for both facilities.*

*1) Chair Campos highlighted issues needing clarification on May 16<sup>th</sup> as possible stop sign at*

*Pomona/San Jose intersection, 2) hours of operations, 3) traffic flow in area, including on Pomona and San Jose, and Little Orchard, 4) limits on use of public streets for loading/unloading, and 5) billboard location.*

*Commissioner Zito moved continuance to May 16<sup>th</sup> and asked that item be at the front of Public Hearing agenda*

## **9. 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.

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

## **11. GOOD AND WELFARE**

- a. Report from City Council

*Explained actions from 4-24-07 City Council hearing, and stated Lowes at Cottle Road project discussion by City Council would be 5-1-07.*
- b. Commissioners' reports from Committees:
  - Norman Y. Mineta San Jose International Airport Noise Advisory Committee (Campos).  
*Retreat scheduled, no meeting*
  - Coyote Valley Specific Plan (Platten)  
*No discussion, Commissioner Platten out of town.*
  - Parks Funding Subcommittee (Zito)  
*Look for sources of alternate funding and that council members Oliverio and Liccardo have expressed support*
- c. Review of synopsis

*Synopsis for April 11, 2007 approved (5-0-1; Platten absent)*
- d. Consider study session dates and/or topics

*Added study session for Sunshine Task Force Recommendations on May 16<sup>th</sup>, 6:00 – 6:30 p.m. (5-0-1; Platten absent)*
- e. Discussion of moving Planning Commission from 06-13-07 to (Monday) 06-11-07.

*Moved Planning Commission from 6-13-07 to (Monday) 6-11-07 (5-0-1; Platten absent)*

**12. 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</i>	T-332
		<i>Coyote Valley Specific Plan EIR</i>	
March 14	6:30 p.m.	General Plan & Regular Meeting	Council Chambers
March 28	5:00 p.m.	<i>Study Session</i>	T-332
		<i>Meeting Procedures and Commission Role</i>	
March 28	6:30 p.m.	General Plan & Regular Meeting	Council Chambers
April 11	5:00 p.m.	<i>Study Session</i>	T-332
		<i>Early Public Outreach for General Plan Update</i>	
April 11	6:30 p.m.	Regular Meeting	Council Chambers
April 25	5:00 p.m.	<i>Study Session</i>	T-332
		<i>Level of Service Policy</i>	
April 25	6:30 p.m.	General Plan & Regular Meeting	Council Chambers
May 2	5:00 p.m.	<i>Study Session</i>	T-1654
		<i>Review Capital Improvement Program</i>	
May 2	6:30 p.m.	General Plan & Regular Meeting	Council Chambers
May 16	6:00 p.m.	<i>Study Session</i>	T-332
		<i>Sunshine Reform Task Force Recommendations</i>	
May 16	6:30 p.m.	Regular Meeting	Council Chambers
May 30	5:00 p.m.	<i>Study Session</i>	T-332
		<i>Economic Development/Retail Strategy</i>	
May 30	6:30 p.m.	Regular Meeting	Council Chambers
Mon., June 11	6:30 p.m.	Regular Meeting	Council Chambers
June 27	5:00 p.m.	<i>Joint Study Session w/Parks Commission</i>	T-332
		<i>Riparian Corridor issues</i>	
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