



PLANNING COMMISSION SYNOPSIS

Wednesday, June 27, 2007

5:00 p.m. STUDY SESSION
Joint Study Session w/Parks Commission
Riparian Corridor issues
Wing Room # W-120

6:30 p.m. Regular Meeting

Council Chambers

First Floor, City Hall Wing

200 East Santa Clara Street
San Jose, California

Xavier Campos, Chair
James Zito, Vice-Chair

Christopher Platten Ash Kalra
Randi Kinman
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, June 27, 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:

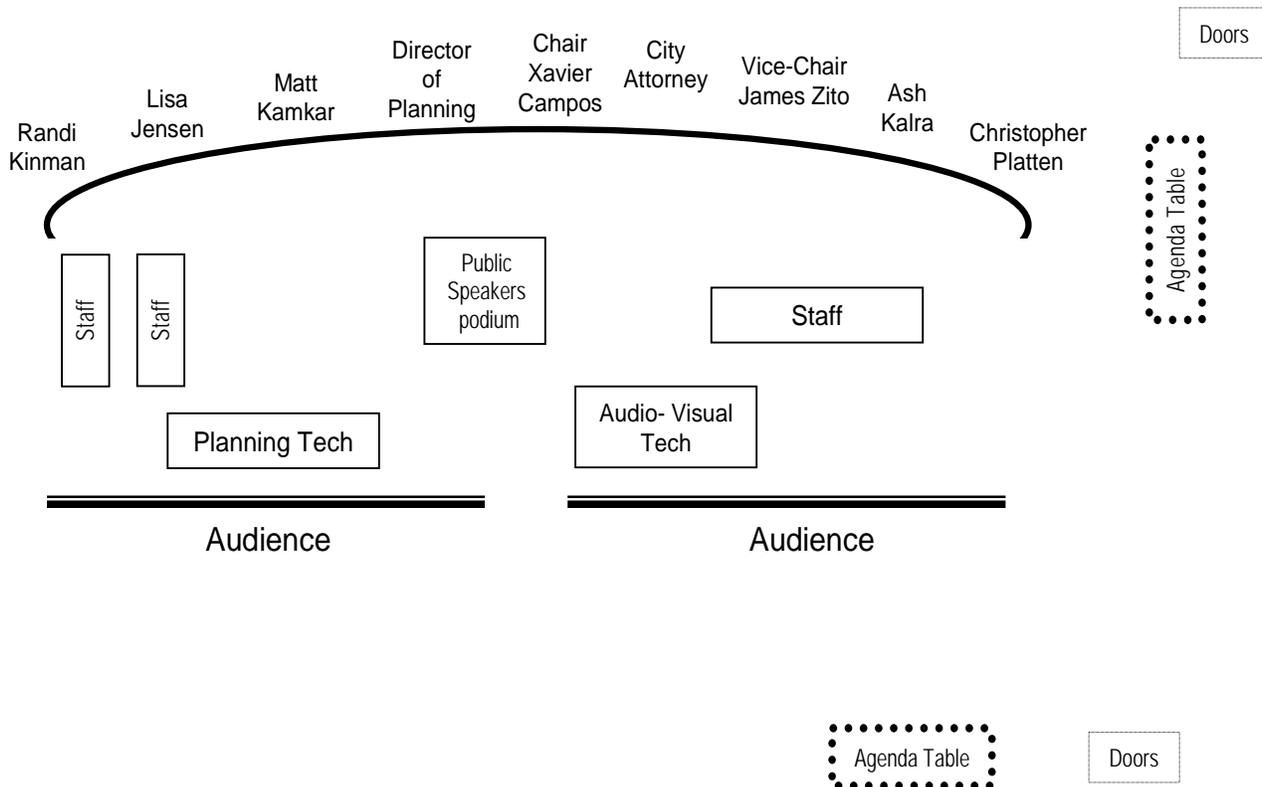
- After the staff report, applicants and appellants may make a 5-minute presentation.
- The chair will call out names on the submitted speaker cards in the order received.
- As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes.
- After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

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. Agendas and Staff Reports for Planning Commission items may be viewed on the Internet at 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.

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 Commissioner Jensen

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. Consideration of Planning Commission Agenda management and length of public hearing concerns and determination on whether to proceed with remaining agenda 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.

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. **PDC07-004**. Planned Development Rezoning from the R-2 Two Family Residence District to the R-2(PD) Planned Development Zoning District to allow 2 single family detached residences and 1 duplex that currently exist on the project site to facilitate future subdivision. No new construction is proposed, the project site located on the southeast corner of East Hedding Street and North 17th St. (890 North 17th Street) (Louis Bini, owner). Council District 3. SNI: 13th Street. CEQA: Exempt. Deferred from 6-11-07.

RECOMMENDED APPROVAL (6-0-1; JENSEN ABSENT)

- b. [CP07-025](#). Conditional Use Permit Renewal to allow an existing public eating, drinking, and entertainment establishment and late night use until 2:00 a.m. daily in the DC Downtown Primary Commercial Zoning District, located at/on 173 W. Santa Clara St. Council District 3. SNI: None. CEQA: Exempt.

DEFERRED TO 7-18-07 (6-0-1; JENSEN ABSENT)

The following items are considered individually.

4. **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. [C07-005](#). Conventional Rezoning from R-2 Two-Family Residence Zoning District to R-M Multiple Residence District on a 0.2 gross acre site, located on the southeast corner of Highway 280 and South 11th Street (868 South 11th Street) (Margarita O. Delgado et al, Tamara Alabastro, Owners; Bruce Williams, Developer). Council District 3. SNI: Spartan/Keyes. CEQA: San Jose 2020 General Plan EIR Resolution No. 65459. Continued from 6-11-07.

DEFERRED TO 8-8-07 (6-0-1; JENSEN ABSENT)

- b. [PDC06-038](#). Planned Development Rezoning from the IP-Industrial Park Zoning District to the A(PD) Planned Development Zoning District to allow up to 1,900 single-family attached residences and 31,360 square feet for retail commercial, leasing office, and clubhouse uses on a 38.2 gross acre site (3300 Zanker Road), located on the southeast corner of Zanker Road and River Oaks Drive (Irvine Apartment Communities, property owner and developer). Council District: 4. SNI: None. CEQA: Addendum to the Final Environmental Impact Report for the North San José Area Development Policies Update. Deferred from 5-30-07.

RECOMMEND CITY COUNCIL TO DEFER CONSIDERATION OF THE PROJECT UNTIL A MASTER PLAN FOR SCHOOLS, PARKS, POLICE, AND FIRE NEEDS IS COMPLETED. (5-1-1; KAMKAR OPPOSED AND JENSEN ABSENT)

Planning Staff made a presentation on the proposed project including information on the North San José Area Development Policy. Staff indicated that the primary intent of the Policy is to allow housing in support of future economic development in North San José because housing in close proximity to jobs has both regional and local traffic benefits by reducing commute lengths and internalizing trips. Staff emphasized that the project is in conformance with adopted City policy and that adequate public outreach had been conducted in order for the Planning Commission to consider the project at this time.

Richard Lamprecht, a representative of the applicant, Irvine Apartment Communities, discussed how the project was consistent with the North San José Area Development Policy

and stated that they were committed to the success of North San José. They indicated that they had done extensive community outreach and that the project had been modified to address neighborhood concerns, including reducing the height of a majority of the buildings on Technology Parkway from 4 to 3 stories, minimizing the number of access points to River Oaks Parkway, increasing set back areas in order to preserve existing mature trees on the project site, and relocating the proposed park to a more central location. He indicated their desire to be actively involved in future North San José planning efforts. He described the Neighborhood Park “Master” Plan that was developed with staff and shared with the community at two separate meetings.

Roger Barnes, Business Administrator for the Santa Clara Unified School District (SCUSD), asked that the Planning Commission not take action on the project until the City and the District reach agreement on the number of students (and resultant number of schools) that would be generated from all of the planned residential development in North San José. He indicated that the District was not opposed to this project or the development allowed under the North San José Policy but was concerned about the impact of not having completed the planning for schools in advance of the proposed new development projects. He cited the results of a new draft Student Generation Report that indicates that without build-out of the new North San Jose residential areas, there could eventually be 3,500 to 4,700 new students within the boundaries of the Santa Clara Unified School district, resulting in the need for the District to build 5 to 7 additional schools. He estimated that the proposed rezoning could be expected to yield up to 500 students (using the 0.25 student generation rate from the draft Student Generation Report) in spite of the fact that the approximately 2,300 units at Irvine’s nearby Northpark development currently generate only 18 school children. He indicated that the demand for higher income units (such as those at Northpark) would not continue and that the remaining units in North San José will consequently be developed as affordable and family-oriented units with higher student generation rates. He was concerned that if the City did not act now to provide for the funding of more schools, the District will have inadequate facilities to serve the number of students when these affordable units are eventually built. He also indicated that time was needed to coordinate with all potential developers to come up with a mutually agreed upon approach for the funding of schools.

Staff responded by reiterating that the City has adopted clear policy direction regarding the timing for development of a schools strategy, incorporating direction provided by the Council at the time of the policy’s adoption as well as the terms negotiated as part of the legal settlement entered into by the City with the City of Santa Clara, the County of Santa Clara, and the City of Milpitas. Staff noted that per the adopted North San José Area Development Policy, the City is obligated to plan for a school site (or pursue other strategies) prior to the addition of 50 students within North San José. Staff further stated that as it will be two years or more before any of the new residential units are complete in North San Jose, development of a school strategy any time during the next two years would clearly be consistent with the specific direction given in the policy, and that therefore it is not necessary for the City to delay rezoning requests deemed in compliance with the policy, as there is adequate time to meet the policy requirement on the school planning issues well in advance of the occupancy of the proposed units.

Numerous individuals, primarily residents of the adjoining River Oaks neighborhood, spoke in opposition to the proposed project. The most commonly cited concerns given during the public hearing from neighborhood residents were that the project should not proceed in advance of the “master planning” requirement specified in the North San José Area

Development Policy, that the proposed park should be larger and located closer to the existing River Oaks neighborhood at the eastern end of the subject site, that the neighborhood residents had not been sufficiently involved in the preparation of the proposed plan, and that the proposed project is too dense to be compatible with the adjacent neighborhood and will cause a significant impact upon existing traffic conditions.

A representative of the River Oaks Neighborhood Association indicated that if the Planning Commission were to recommend approval of the project, that it should include direction to the City Council that the maximum allowed density be reduced to 55 du/ac that the park be relocated to the corner of River Oaks Parkway and Technology Drive, and that staff be directed to prepare a Master Plan in conjunction with a neighborhood task force prior to the issuance of permits for the development.

Staff indicated, in response, that the City should not delay projects that are found to be substantially consistent with currently adopted City policies and stated staff recommended that the Planning Commission recommend approval of the project, because the applicant has worked with staff through the permit entitlement process to address all of the issues raised by the community in conformance with the adopted policy.

In response to the community request for deferral of the project to allow for preparation of a “master plan”, staff indicated that the intent was not to require that Specific Plans be developed for each of the north San José area neighborhoods, noting that the policy requires master planning to be done as a part of the review of individual development proposals, in coordination with the community through community meetings and other forms of public outreach included within the development review process.

Staff stated they had worked with the applicant to prepare a neighborhood master plan for the overlay area including the subject site to include the proposed 5-acre park and depict how it might be expanded to 6 to 7 acres in size through the relocation of River Oaks Parkway as additional residential projects move forward. Staff stated this proposal was presented at two community meetings specifically for the project, as well as at a community meeting to discuss the proposed North San José Area Design Guidelines. Staff has also concluded that the project includes an appropriate amount of retail space to provide services to local residents. Staff has determined based upon direction included within the policy that the project site is not viable for a school and that planning for other facilities is not “necessary” at this time.

Members of the Planning Commission expressed concern about the usability of a park with the proposed “half-moon” shape, and the difficulty of including sports fields in this configuration. Parks Planning staff indicated that the size of the proposed park would allow for the development of both active and passive uses consistent with the park uses requested by the local community.

In making their recommendation, members of the Planning Commission expressed agreement with the community members who advocated for a citizen-based (task force) master planning effort to be completed prior to approval of the proposed project. One member of the Commission, Commissioner Kamkar, suggested that deferral until completion of the school strategy or school needs assessment would be adequate, but overall the Commission recommended completion of the task force process prior to project approval. Members of the Planning Commission also advocated for use of “green building” techniques in the construction of this project, as well as all future projects within San Jose. While some Commissioners indicated a desire to reduce the project density or to change the park size and

configuration, no specific comments on the project design were included in the motion. The City Attorney explained that the Commission must take a final action to refer a recommendation to the Council within 60 days of its first hearing on the item on May 30, 2007, and could not effectively defer the item to allow more master planning. The City Attorney explained that the Commission could recommend that the Council defer its action on the item and state their reasons which staff would include in their memorandum to Council. The Commission recommended that the Council defer the item because the Commission was not able to defer it past the August City Council hearing date.

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
Report Given
- b. Commissioners' reports from Committees:
 - Norman Y. Mineta San Jose International Airport Noise Advisory Committee (Campos).
No meeting
 - Coyote Valley Specific Plan (Platten)
Update given
 - Parks Funding Subcommittee (Zito)
Update given
- c. Review of synopses from May 30 and June 11, 2007.
Synopses approved
- d. Consider study session dates and/or topics
None added

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</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	W-118 / 119
June 27	5:00 p.m.	<i>Joint Study Session w/Parks Commission</i>	W-120
		<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