



PLANNING COMMISSION SYNOPSIS

Wednesday, November 28, 2007

*5:00 p.m. to 6:30 p.m. STUDY SESSION
Santa Clara Valley Water District Capital Improvement Program
Tower Room # 332*

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

Council Chambers
First Floor, City Hall Wing

200 East Santa Clara Street
San José, California

Ash Kalra, Chair
Randi Kinman, Vice-Chair

Xavier Campos Lisa Jensen
Matt Kamkar Christopher Platten
Jim Zito

Joseph Horwedel, Director
Planning, Building and Code Enforcement

NOTE

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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 **Ash Kalra** 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, November 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:

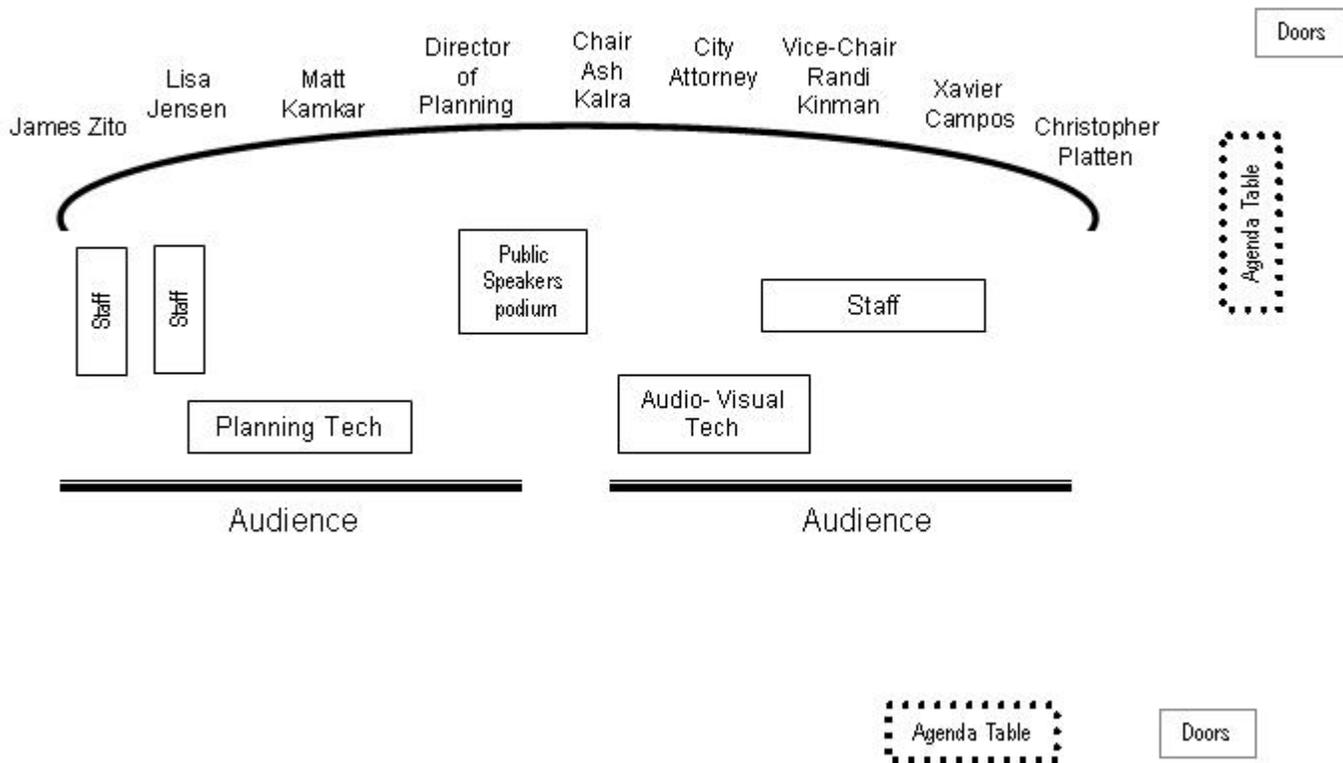
- After the staff report, applicants and appellants may make a 5-minute presentation.
- The chair will call out names on the submitted speaker cards in the order received.
- As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes.
- After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

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. **CP07-069.** Conditional Use Permit to allow a residential care facility for up to 42 residents on a 0.37 gross acre site in the R-M Multiple Residence Zoning District, located on the west side of South 11th Street approximately 90' north of East San Antonio Street (171 S 11TH ST)(Sabankaya Mustafa Trustee, Owner). Council District 3. SNI: University. CEQA: Exempt. *PROJECT MANAGER, M.STAHLHUT*

CONTINUED TO 12-5-07 (6-0-1; PLATTEN ABSENT)

Pulled from consent by public. Jeff Hare, the applicants' representative, responded to questions regarding improvements related to an adjacent lot for parking and landscaping by Commissioner Jensen. Applicant explained all improvements would be made, but that housing for mentally-challenged residents would proceed first and then landscape issues on other property.

In response to Commissioner Kinman, the applicant explained how staffing would be provided 24 hours a day, seven days a week, and the nature of the CUP request to allow the use to be a licensed facility to give services.

Student speakers from San José State University expressed concern about nature of use next to student housing and noted incidents with people visiting the facility. In response to Commissioner Kalra, one student explained his understanding of a "halfway house". In response to Commissioner Kamkar, speaker clarified incident 1½ years ago, and commented

this site not ideal location for facility. Another student indicated past issues of trespassing and noted incidents have decreased while construction is ongoing and house vacated. In response to Commissioner Kalra, speaker noted renovation of building would be an improvement in neighborhood.

One speaker commented that halfway houses are important, and that it could be our relatives needing help and that crime could be greater without support of facility. She elaborated about clients at the homeless shelter and stated they need support. Another speaker in support of project indicated no management or additional policing would stop every individual from anti-social behavior, and that such facilities need to be available for people with needs and no family available.

The applicant summarized his interest in providing these facilities, and explained other CUP's he had been the proponent for. He further explained resident screening procedures and "house rules" that would apply, and highlighted short housing supply for this group. He explained that only with a licensed facility could the strictest restrictions be put on residents in house rules. He stated transient issue is a Downtown issue, and goal is to provide housing for a population with no other options.

In response to Commissioner Campos, applicant clarified that future staffing levels would meet state licensing requirements and would exceed the minimum requirements and other volunteers who are at the facility on a regular basis.

In response to Commissioner Jensen regarding hours of operation, applicant commented this would be home for residents and, residents would not be "locked out" and stated he had a 24-hour contact number. Commissioner Jensen commented that with turnover of students in adjacent housing, outreach would need to happen several times a year to alert new area students to contact numbers. Commissioner Kalra commented that there should be an onsite contact and frequent meetings.

In response to Commissioner Kamkar, applicant explained difference in screening for licensed and unlicensed facilities and that with a license, more complete background check is allowed for safety of other residents. Applicant noted additional services like courses in hygiene and behavior can be offered in a licensed facility. In response to Commissioner Zito, applicant stated residents can be in facility 5 to 10 years, but ultimately can move into non-licensed housing. Applicant stated this facility is for long-term care for high functioning individuals. In response to Commissioner Kinman, applicant clarified access to bathrooms for residents are from hallway.

Staff summarized improvement to come from ability to license facility. In response to Commissioner Zito, staff explained why residents were moved out when siding/shear wall off the building so City had determined unsafe. Staff explained significant upgrade to building, commenting significant investment will result in good living environment for this clientele. Staff explained options City would have if situation worsened.

Commissioner Zito moved approval and explained that this facility does not seem to be part of the general "transient" situation, and he commented on willingness of operator to work with student population in the future. He commended the San José State students for their participation.

In response to Commissioner Kamkar about process for students needing resolution of issues, staff stated working with project Disturbance Coordinator, or with Code Enforcement. Commissioner Kamkar asked for an amendment to motion for addition to Management Plan to detail process for resolving issues.

Staff asked for clarification on nature of submittal to students requested by Commissioner Kamkar as additional condition. Commissioner Kalra restated request as “distribution of contact information for Disturbance Coordinator to immediately adjacent neighbors.” Staff commented change could be incorporated into Condition #14 on page 8 of the Draft Resolution.

Commissioner Jensen congratulated students on attendance at public meeting, commented that fraternities aren't always perfect neighbors, and that applicant doesn't always follow-up with conditions in CUP and can be lax in maintenance of building. Commissioner Jensen asked if the maker of motion would agree to a deferral of action on project until improvements completed, and Commissioner Jensen made motion to defer. The City Attorney confirmed motion for deferral takes precedence. Commissioner Kinman asked for more clarification on how staffing would be achieved for full-time supervision, on clarifying Disturbance Coordination information, for correction of floor plans, and stated that improvements on other site should be finished.

The City Attorney commented that not possible to condition this project to be required to complete items under a different land use permit and stated staff could only report back to Commission on non-compliance and steps for compliance at next meeting. Commission voted to continue the item for one week to address Commissioner Kinman's stated issue and receive a report from staff on status of other project.

- b. **CP07-009.** Conditional Use Permit to allow a social services agency (adult/training), a recycling transfer facility and a nutritional service (kitchen/cafeteria) in an existing two-story 25,730 square-foot industrial building on a 0.95 gross acre site in the HI Heavy Industrial Zoning District, located on southeast side of Berger Drive approximately 700 feet westerly of Oakland Road (1534 BERGER DR)(San José Conservation Corps, Owner). Council District: 4. SNI: None. CEQA: Mitigated Negative Declaration. *PROJECT MANAGER, S.SAHA*

APPROVED (6-0-1; PLATTEN ABSENT)

- c. **CP07-049.** Conditional Use Permit renewal to allow an existing restaurant (Lee Noodle House) to operate past midnight on a 3.18 gross acre in the CG General Commercial Zoning District, located on the west side of South King Road approximately 1000 feet southerly of Tully Road (2549 S. KING RD)(San Te Properties Llc, Owner). Council District 7. SNI: West Evergreen. CEQA: Exempt. *PROJECT MANAGER, E.SCHREINER*

APPROVED (6-0-1; PLATTEN ABSENT)

Pulled from consent by Commissioner Zito. Staff clarified proposal to “renew” prior CUP with hours to 3 a.m. Commissioner Zito asked for clarification on existing hours and applicant answered until 2 a.m. In response to Commissioner Zito, staff stated CUP is essentially a renewal of permit until 2 a.m. with a one-hour extension until 3 a.m but was a new CUP since application not considered “timely”. Commissioner Zito stated he had asked at prior hearing whether neighborhood would have a concern regarding late night uses, but noted no speaker cards.

Staff explained good track record to 2 a.m. for 5 years, and stated better adherence to Council policy for 24-hour uses than other noodle house, that major streets are noise buffer, and that SNI NAC's had supported late night use, and that this area is better maintained and managed.

Commissioner Zito moved approval of CUP to allow operation to 3:00 a.m.

4. CONTINUE THE PLANNING COMMISSION FALL 2007 HEARING ON GENERAL PLAN AMENDMENTS

CONTINUED THE HEARING (6-0-1; PLATTEN ABSENT)

5. GENERAL PLAN CONSENT CALENDAR

- a. **GP07-T-04.** GENERAL PLAN TEXT AMENDMENT request to amend the *San José 2020 General Plan* text to revise the definition of the Coyote Greenbelt overlay designation to align with the San José 2020 General Plan Land Use/Transportation Diagram to include the following additional existing base land-use designations: Public Park and Open Space, Public/Quasi Public, and Private Recreation. New land uses should only include Agriculture, Public Park and Open Space, and Private Recreation. Ancillary uses to Public Park and Open Space are also appropriate. Council District: 2. SNI: None. CEQA: Environmental Impact Report Resolution No. 65459. *PROJECT MANAGER, S.HOM*

RECOMMENDED APPROVAL (6-0-0; PLATTEN ABSENT)

Pulled from consent. Staff commented on a letter of opposition to the text amendment addressed to the Planning Commission that staff received the afternoon of November 28, 2007, from Peggy O'Laughlin, of Matteoni O'Laughlin & Hechtman Lawyers, representing Marchese Farms. Staff noted the Marcheses own several parcels in the Coyote Greenbelt and that Marchese Farms is concerned about the timing of the text amendment, and Ms. O'Laughlin suggested that it should be part of the Coyote Valley Specific Plan (CVSP) process. Staff commented the Marcheses are also concerned that the approval of the proposed text amendment would encourage development in the Coyote Greenbelt, which, Ms. O'Laughlin stated, is suggested in a letter to the Planning Commission and City Council from the Parks and Recreation Commission. Staff stated they had spoken with Ms. O'Laughlin and clarified that the text amendment is a revision to the General Plan text to align it with the existing General Plan Land Use/Transportation Diagram, and that the text amendment will not encourage development in the Coyote Greenbelt, and there is no land use change associated with the subject text amendment. Staff commented on original intention to include the text amendment with a larger group of General Plan text amendments for the CVSP, but due to the delay in timing of the CVSP, this text amendment was pursued separately. Staff noted the text amendment is not related to the CVSP Greenbelt Strategy. Ms. O'Laughlin indicated that she understood the issues discussed by staff, but her client, Marchese Farms, is still opposed to the proposed text amendment.

Joe Crosby, a Greenbelt property owner, indicated that he does not want the Coyote Greenbelt to be designated Agriculture or any other similar designation, stating he does not think recreation is an appropriate use in the Greenbelt. He stated that the proposed change in land uses is meaningless, since the City does not have jurisdiction over most of the Greenbelt, and since the City also has no plans to annex the Greenbelt.

Consuelo Crosby, also a Greenbelt property owner, indicated that agriculture and recreation are not good uses for the Greenbelt. She stated that she has been attending the CVSP meetings, but has not been updated on the status of the Greenbelt.

Commissioner Kamkar asked Ms. Crosby what she would suggest be done in the Greenbelt. Ms. Crosby responded that it is hard for a project in the Greenbelt to be approved. She stated that she has property in the Greenbelt for sale, but there is no interest since there are no plans for the Greenbelt.

Commissioner Kamkar asked if there is any policy for Greenbelt owners to be compensated for their land. Chairman Kalra stated that the issue is not related to the proposed text amendment, and is not the subject for discussion at this public hearing.

Commissioner Jensen asked why the text amendment will not specify rural private recreation as a base land use designation, since it is less intensive than Private Recreation. Staff explained that the text amendment will limit new base land uses to Agriculture, Public Park and Open Space, and Private Recreation. Staff clarified that Rural private recreation is a category within the Private Recreation land use designation that is characterized by uses that are low intensity and that are located outside of the City's Urban Service Area. Because the Coyote Greenbelt is located outside of the City's Urban Service Area, all the Private Recreation uses in the Greenbelt should be rural private recreation uses. Staff stated that specific uses on land designated Private Recreation in the Greenbelt are determined by the Zoning District in which a parcel is located, and that all of the Private Recreation-designated land is in unincorporated areas of Santa Clara County so the County determines the zoning district and permitted uses for these parcels.

Commissioner Jensen asked if the proposed text amendment is related to any land use changes. Staff responded that it is not related to any specific land use change proposal, and that any proposed land use change in the Coyote Greenbelt will require a separate General Plan amendment.

Commissioner Kamkar asked if this text amendment would impact Greenbelt property owners. Staff responded that there is no foreseeable impact to Greenbelt property owners.

Commissioner Jensen stated that it would be more appropriate to include this text change as part of the General Plan Update process. She stated that the text definition of the Coyote Greenbelt in the 2020 General Plan has remained unchanged for several years; there is no need to rush changes now. Commissioner Jensen made a motion to recommend denial of the proposed text amendment. The motion failed by a vote of 1-5-1 (Jensen in support and Platten absent).

Senior Deputy City Attorney Gurza clarified that the 2020 General Plan text and the Land Use/Transportation Diagram should be internally consistent and should acknowledge all of the existing base land use designations in the Greenbelt.

Chairman Kalra indicated that he supported the text amendment.

Commissioner Zito made a motion to approve the proposed text amendment and to clarify that Private Recreation uses should be rural private recreation uses. The motion was approved by a vote 6-0-1 (Platten absent).

- b. **GP07-T-05.** GENERAL PLAN TEXT AMENDMENT request to amend the *San José 2020 General Plan* text of the Discretionary Alternate Use Policies to allow implementation with a Planned Development Zoning, Use Permit, or Development Permit in conformance with the Zoning Ordinance. Council District: Citywide. SNI: All. CEQA: Environmental Impact Report Resolution No. 65459. *PROJECT MANAGER, J.NUSBAUM*

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

- c. **GP07-T-07.** GENERAL PLAN TEXT AMENDMENT request to amend the *San José 2020 General Plan* text to allow solar panels and other structures, where height is an intrinsic part of the structure's function, to have a maximum allowable height not to exceed 100 feet or the maximum allowable building height in the General Plan, whichever is greater. Council District: Citywide. SNI: All. CEQA: Environmental Impact Report Resolution No. 65459. *PROJECT MANAGER, R.ROBERTS*

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

6. GENERAL PLAN PUBLIC HEARING CALENDAR

- a. **GP07-03-02/GPT07-03-02.** GENERAL PLAN AMENDMENT AND TEXT AMENDMENT request to change the General Plan Land Use/Transportation Diagram and the Jackson Taylor Residential Strategy land use designation from High Density Residential (25-50 DU/AC) to Mixed Use #1, and change the text of the Jackson Taylor Residential Strategy to allow a maximum residential unit count of 172 units with no commercial use required on a 3.24-acre site on the west side of North 10th Street, between Vestal Street and East Mission Street (825 North 10th Street) (Hudson Industrial Equities, Applicant/825 North 10th St. LLC, Owner) Council District 3. SNI: 13th Street. CEQA: Mitigated Negative Declaration. *PROJECT MANAGER, L.MCMORROW*

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

Staff presented an update to the public outreach section of the staff report and noted that the applicant had independently appeared at the Japantown Neighborhood Association meeting on October 11 and at the 13th Street SNI NAC meeting on October 18, 2007. Staff commented that District 3 Council Office staff, who attended both meetings, reported to Planning staff that the community was generally supportive of the project overall, but was concerned about traffic, parking and the cumulative amount of development in their neighborhood.

The project applicant, Erik Schoennauer, representing Hudson Industrial Equities, presented the project to the Planning Commission and showed preliminary renderings of the associated development proposal. Commissioner Jensen disclosed to the public that she had been in contact with the applicant concerning neighborhood involvement and thanked staff for updating the public outreach section. Commissioner Zito asked the applicant if the maximum height of 65 feet would include architectural features or only the top of the roof. The applicant confirmed that the building height would not exceed 65 feet, inclusive of all architectural projections. Commissioner Zito then asked if commercial uses would be considered on site. The applicant responded that no commercial component is anticipated at this time.

Three members of the public spoke on this item, all three small business owners and employees at the Cannery Park warehouses located directly to the south of the project site. Sean Cahill commented that he was concerned about the impact of new residential units on the long-term viability of his small business. Stacy Fournier commented he was concerned

that the new residential units would bring with them a heavy concentration of new residents that would be unwelcoming to businesses as their neighbors. Commissioner Kamkar asked Ms. Fournier about her concerns regarding traffic. Ms. Fournier responded that the increase in traffic and parking for tenants and guests would be a problem because there is already a lot of traffic in the area. Eric Sanjuan, another small business tenant, commented that he thought it would only be a matter of time before all tenants of Cannery Park would be asked to leave, and he requested that staff make a greater effort to keep the tenants of Cannery Park informed about new developments.

The Planning Commission closed the public hearing. Commissioner Jensen asked staff about the trip generation rates presented in the traffic report for the General Plan land use amendment and associated Planned Development zoning. Department of Transportation staff commented that a near-term traffic impact analysis is associated with the proposed multi-family housing type for the zoning. At the General Plan level, a long-term traffic impact analysis (which assumes build-out of the General Plan Land Use/Transportation Diagram to a horizon year of 2020) assesses the net change of the housing and employment capacity between the existing and requested land use designations. Commissioner Zito commented that the proposed wording of the text amendment implies that this project site would not require a commercial component, and he asked about the purpose of this text. Staff responded that the project site was not envisioned in the original Jackson Taylor Residential Strategy (JTRS) to be a site for commercial uses because the commercial uses in the JTRS were intended to be clustered along Jackson Street and Taylor Street and stated the purpose of extending the boundary of Mixed Use #1 is to allow for an increase in height and unit count (density) requested by the applicant. Staff clarified the wording in the proposed text amendment says that no commercial component is required, but it does not preclude commercial uses from occurring on the site.

7. CLOSE THE PLANNING COMMISSION HEARING FOR THE FALL 2007 GENERAL PLAN AMENDMENTS

RECOMMENDED APPROVAL OF RECOMMENDATIONS ON FALL 2007 GENERAL PLAN AMENDMENTS (6-0-1; 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. FINAL ENVIRONMENTAL IMPACT REPORT FOR:

- 1) **King And Dobbin Transit Village Planned Development Zoning. File No PDC07-015** to allow development of up to 1,287 residential units, between 10,000 and 25,000 square feet of commercial space, and an approximately one-acre park.

- 2) **Transportation Development Policy. File No PP07-172** to manage the traffic congestion associated with near term “smart growth” development in the US 101 – Oakland/Mabury area including Transit Oriented Development near the planned BART Berryessa Station, Japantown Neighborhood Business District, Jackson-Taylor Specific Plan, and Luna Park/13th Street Neighborhood Business District.

CERTIFIED EIR (6-0-1; PLATTEN ABSENT)

Planning staff gave an overview of the EIR and staff from the Department of Transportation gave a brief presentation of the proposed transportation policy. Questions from the Commission covered the areas of funding, temporary impacts, and trip distribution. DOT staff responded to the questions from Commissioner Zito related to funding with information leading to the statement that the funding was very likely to happen. In response to Commissioner Zito’s question related to how long the interim impacts could be, staff responded with information clarifying that these impacts are based on a worst case scenario and if this were to occur an estimate of 5 years would be the time frame. In response to Commissioner Jensen, staff clarified which trip distributions were included in response to comments by the State Department of Transportation. Staff responded that the distribution included in the EIR is what is accepted by the City and is in the background for the transportation modeling. California Department of Transportation commented by stating the trip needed to be included and 880/First Street be included.

- b. **Transportation Development Policy. File No PP07-172** to manage the traffic congestion associated with near term “smart growth” development in the US 101 – Oakland/Mabury area including Transit Oriented Development near the planned BART Berryessa Station, Japantown Neighborhood Business District, Jackson-Taylor Specific Plan, and Luna Park/13th Street Neighborhood Business District. The Policy is proposed to identify required transportation improvements at the US-101/Oakland Road corridor and to manage near term traffic congestion associated with smart growth development in the vicinity. This Policy would create a fair share traffic impact fee to finance the construction of the required improvements, and allow the Level of Services (LOS) at intersections along the corridor to degrade temporarily below City’s LOS goals. (City of San José, Department of Transportation). Council District: None. SNI: None. CEQA: EIR resolution pending adoption. *PROJECT MANAGER, P.MA*

RECOMMENDED APPROVAL (5-1-1; KINMAN OPPOSED; PLATTEN ABSENT; SEE ITEM 8.a.2.)

- c. **King And Dobbin Transit Village Planned Development Zoning. File No PDC07-015** to allow development of up to 1,287 residential units, between 10,000 and 25,000 square feet of commercial space, and an approximately one-acre park. Planned Development Rezoning from the LI Light Industrial Zoning District to the A(PD) Planned Development Zoning District to allow between 800 to 1300 single-family attached residential units, up to 25,000 sq.ft. of commercial uses, and public parkland on a 24.77 gross acre site, located on the northeasterly side of North King Road, approximately 640 feet south of Mabury Road (Northeast corner of King Rd. & Dobbin Dr.). (San José Transit Village Partners, LLC, Owner). Council District: 3. SNI: None. CEQA: EIR resolution pending adoption. *PROJECT MANAGER, A.BATY*

RECOMMENDED APPROVAL (5-1-1; KINMAN OPPOSED; PLATTEN ABSENT)

On November 28, 2007, the Planning Commission held a public hearing to consider the proposed Planned Development Rezoning. The Director of Planning, Building and Code Enforcement recommend approval of the rezoning with a two-acre turnkey park.

Mark Hirth, of Core Development, gave a brief overview of the project. Trish Crowder, of Family Supportive Housing, gave a description of the emergency family shelter.

Steve Becerra, the Chair of Family Supportive Housing, requested support for the project.

Marian Duran, a resident of District 3, indicated he supports the project and requested that the project include a two-acre park unless an agreement is already in place for joint-use park and school location.

Mariam Velasquez, a resident of District 3, requested that bike lanes be incorporated into the project and that ample sidewalks be included to provide a pedestrian-friendly streetscape.

José Manzo, Assistant Superintendent of Alum Rock Unified School District, stated that there are potential options for a joint-use park and school. Commissioner Kalra asked what the status is for developing a joint-use facility. Mr. Manzo responded that conversations have been initiated, but his colleague, Rebecca Wright, could answer that question better.

Frank Chavez, of the Alum Rock Unified School District, requested to have the City of San José as a partner to develop a joint-use facility for a school and public park.

Rebecca Wright, Assistant Superintendent for the Division of Business Services of the Alum Rock Unified School District, stated that a policy such as the one created for the Mabury/101 Transportation Development Policy is needed for the development of schools. Ms. Wright requested that PDO/PIO fees go towards a joint-use facility since the School District cannot afford to purchase a 12 acre site for a new elementary school on its own. Commissioner Campos asked how the model of a school and park sharing amenities would work. Ms. Wright replied that the school buildings are on a smaller footprint with the park on the remaining property, which requires cooperation.

Chris Block, of Charities Housing, asked that the project be supported as proposed by the developer, since the developer and Alum Rock Unified School District are cooperating and are being creative to find a solution.

Elizabeth Alvarez, a member of the public, supports the project but does not support the idea of kids riding a bus to a school far away. Ms. Alvarez stated that without a school, there will be no community.

Mr. Hirth told Planning Commission that over 100 acres of public parks are located within a mile of the project site and nearly 200 acres are within 2 miles of the project site.

Commissioner Zito asked about the high schools in the area and what the impacts would be to those schools. Mr. Hirth answered that East Side Union High School District was pleased that the developer was talking with the Alum Rock Unified School District. Commissioner Zito then asked about what sites were being considered for a joint-use facility and what the distance a school would be from the subject property. Mr. Hirth replied that a school could potentially be within blocks of the project.

Commissioner Jensen asked about park density within the City. David Mitchell, Parks Planning Manager with the Department of Parks, Recreations and Neighborhood Services, explained that the project would need to dedicate 9 acres of raw land in order to avoid PDO/PIO fees. Since the project includes affordable housing units and will provide areas for private recreation, only two acres of developed parkland is requested by PRNS.

Commissioner Jensen also inquired about the pedestrian network, the details of the landscaping shown in the proposed plan set, and the amount of proposed “green” building within the project. Staff responded that the pedestrian network, on all the future private streets, will be to the widest City standard possible in order to create a pedestrian-friendly streetscape and encourage alternate modes of transportation. Staff stated that along with ample sidewalks, the buildings will have adequate setbacks from these right-of-ways to provide room for landscaping, and that the landscaping details shown on page 4-0.0 of the proposed plan set are conceptual and only refer to potential landscaping that would occur on the private streets. Staff noted that the future development of the individual lots would also be required to provide landscaping well exceeding what is shown on page 4-0.0. Staff informed the Commission that the developer has been informed of various “green” building site layout, storm water management, techniques, materials, and design alternatives from the initial submittal of the application. Staff commented that while such building details may not be applicable at the Zoning stage, staff wanted to ensure the developer was aware of these alternatives before designs of the future parcels was started.

Commissioner Zito asked about future student generation rates for the proposed project. The public hearing was reopened, and Ms. Wright informed the Commission that the project could have up to 500 students. Commissioner Zito then asked PRNS staff how a joint-use facility would work. Dave Mitchell told the Commission that the school would be located on the smallest amount of land possible to locate the buildings and the rest of the property would be open park space, and any use agreement would include what hours the park land would be accessible to the public and when it would be used exclusively by the school.

d. **Transportation Impact Policy:** (PROJECT MANAGER, S.KETCHUM)

- 1) Multi-Modal Transportation Improvement Inventory for the Jackson Taylor Community Improvement Zone. Council District 3. SNI: Thirteenth Street. CEQA: Not a project.
- 2) Multi-Modal Transportation Improvement Inventory for the Midtown South Community Improvement Zone. Council District 6. SNI: Burbank/Del Monte. CEQA: Not a project.
- 3) Addition of the Hedding/Oakland-13th intersection to the List of Protected Intersections in the Transportation Impact Policy. Council District 3. SNI: Thirteenth Street. CEQA: Use of “San José Flea Market General Plan Amendment & Planned Development Rezoning EIR”.

DEFERRED TO 12-5-07 (6-0-1; PLATTEN ABSENT)

- e. **PDC07-035.** Planned Development Zoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow approximately 18 residential units in townhouse structures along S. 6th Street and 240 residential units in a podium building on the remainder of a 3.9 gross acre site, located in the area bounded by E Virginia St, Martha St, S 5th St, and S 6th St (9750 TRACT) (Virginia Terrace 170 Lp David Small, Owner/Developer). Council District 3. SNI: Spartan/Keyes. CEQA: Addendum to Mitigated Negative Declaration (PDC05-029). PROJECT MANAGER, R.MATHEW

DEFERRED TO 12-5-07 (6-0-1; PLATTEN ABSENT)

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
- b. Commissioners' report from Committees:
 - 1) Norman Y. Mineta San José International Airport Noise Advisory Committee (Campos).
 - 2) Coyote Valley Specific Plan (Platten).
 - 3) Parks Funding Subcommittee (Zito).
 - 4) Envision San José 2040 General Plan Update Process (Kamkar).
- c. Review of synopsis for 11/07/07 and 11/14/07.
Approved synopses with changes to 11/14/2007 (6-0-1; Platten absent)
- d. Consider Study Session dates and/or topics.
Commissioner Kamkar suggested the Commission forward to City Council a suggestion that Council recognize Google, located in Mountain View, for their strategic initiative for renewable energy.

12. ADJOURNMENT

2007 PLANNING COMMISSION MEETING SCHEDULE

Date	Time	Type of Meeting	Location
January 31	6:30 p.m.	Regular Meeting	Council Chambers
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 / 120
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	5:00 p.m.	<i>Study Session</i>	T-332
<i>Street Vacations and Easements</i>			
August 8	6:30 p.m.	Regular Meeting	Council Chambers
August 22	6:30 p.m.	Regular Meeting	Council Chambers
September 12	5:00 p.m.	<i>Study Session</i>	T-332
<i>Process for Referring Development Projects to the SNI NACS</i>			
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	5:00 p.m.	<i>Study Session</i>	T-332
<i>North San José Policy – Transportation Planning</i>			
November 7	6:30 p.m.	Regular Meeting	Council Chambers
November 14	6:30 p.m.	Regular Meeting / General Plan	Council Chambers
November 16 (FRIDAY)		<i>Annual Retreat</i>	T-1572
November 28	5:00 p.m.	<i>Study Session</i>	T-332
<i>Santa Clara Valley Water District Capital Improvement Program</i>			
November 28	6:30 p.m.	Regular Meeting / General Plan	Council Chambers
December 5	5:00 p.m.	<i>Study Session</i>	T-332
<i>San José Medical Center</i>			
December 5	6:30 p.m.	Regular Meeting	Council Chambers
December 10(MONDAY)	6:30 p.m.	Regular Meeting	Council Chambers

2008 PLANNING COMMISSION MEETING SCHEDULE

Date	Time	Type of Meeting	Location
January 16	6:30 p.m.	Regular Meeting	Council Chambers
January 30	6:30 p.m.	Regular Meeting	Council Chambers
February 13	6:30 p.m.	Regular Meeting	Council Chambers
February 27	6:30 p.m.	Regular Meeting	Council Chambers
March 12	6:30 p.m.	Regular Meeting	Council Chambers
March 26	6:30 p.m.	Regular Meeting	Council Chambers
April 9	6:30 p.m.	Regular Meeting	Council Chambers
April 23	6:30 p.m.	Regular Meeting	Council Chambers
May 7	6:30 p.m.	Regular Meeting	Council Chambers
May 14	6:30 p.m.	Regular Meeting	Council Chambers
May 28	6:30 p.m.	Regular Meeting	Council Chambers
June 11	6:30 p.m.	Regular Meeting	Council Chambers
June 25	6:30 p.m.	Regular Meeting	Council Chambers
July 16	6:30 p.m.	Regular Meeting	Council Chambers
August 6	6:30 p.m.	Regular Meeting	Council Chambers
August 20	6:30 p.m.	Regular Meeting	Council Chambers
September 10	6:30 p.m.	Regular Meeting	Council Chambers
September 24	6:30 p.m.	Regular Meeting	Council Chambers
October 8	6:30 p.m.	Regular Meeting	Council Chambers
October 22	6:30 p.m.	Regular Meeting	Council Chambers
November 5	6:30 p.m.	Regular Meeting	Council Chambers
November 19	6:30 p.m.	Regular Meeting	Council Chambers
December 3	6:30 p.m.	Regular Meeting	Council Chambers
December 10	6:30 p.m.	Regular Meeting	Council Chambers

CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, Redevelopment Agency Board, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
 - No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D)**

3. Addressing the Council, Redevelopment Agency Board, Committee, Board or Commission:
- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
 - b) Meeting attendees are usually given two (2) minutes to speak on any agenda item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
 - c) Speakers should discuss topics related to City business on the agenda, unless they are speaking during open forum.
 - d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
 - e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
 - f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
 - g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.