

## PLANNING COMMISSION

November 3, 2010

Action Report

### ROLL CALL

PRESENT: Commissioners' Abelite, Bit-Badal, Cahan, Jensen, Kamkar, Kline

ABSENT: Platten

### 1. DEFERRALS

No items.

### 2. CONSENT CALENDAR

- a. [CP10-032](#). Conditional Use Permit to allow a drive-through and 24-hour use for a new restaurant within an existing retail building on a 1.3 gross-acre site in the CG-Commercial General Zoning District, located on the northwest side of Berryessa Road, 250 feet southwesterly of N. Capitol Avenue, (2471 Berryessa Road) (2471-2481 Berryessa LLC, Owner). Council District 4. SNI: None. CEQA: Exempt. *PROJECT MANAGER, L.MONIZ*

**APPROVED (6-0-1; PLATTEN ABSENT)**

### 3. PUBLIC HEARING

- a. [PP09-193](#). **SINGLE-USE CARRYOUT BAG ORDINANCE**. The City of San José is proposing to adopt an ordinance that consists of revisions to Chapter 9.10 of Title 9 of the City's Municipal Code to prohibit the free distribution of single-use carryout paper and plastic bags at the point of sale for all commercial retail businesses in San José except restaurants and nonprofit charitable reuse organizations. An exception is made for paper bags containing at least 40 percent recycled content, which can be provided to customers for a minimum store charge of \$0.10 upon adoption of the ordinance, with an automatic increase to \$0.25 two years after the ordinance adoption. Council District: Citywide. CEQA: EIR. Deferred from 10-27-10. *PROJECT MANAGER, J.DAVIDSON*

**DEFERRED TO 11-17-10 (6-0-1; PLATTEN ABSENT)**

### 4. OPEN 2010 FALL GENERAL PLAN AMENDMENTS HEARING

Access the video, agenda, and related reports for this meeting by visiting the City's website at:

<http://www.sanjoseca.gov/planning/hearings/>

## 5. GENERAL PLAN CONSENT CALENDAR

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No Items.

## 6. GENERAL PLAN PUBLIC HEARING

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- a. [GP10-10-01](#). A General Plan Amendment request to change the San Jose 2020 General Plan Land-Use/Transportation Diagram land use designation from Public Park and Open Space to Medium Density Residential (8-16 dwelling units per acre) on the subject 9.8 gross acre site, located on the Northwest corner of Blossom Hill Road and Southcrest Way (Lester, Walter C., Owner). Council District 10. SNI: None. CEQA: Mitigated Negative Declaration. *PROJECT MANAGER, L.XAVIER*

**RECOMMENDED APPROVAL (5-1-1; CAHAN OPPOSED; PLATTEN ABSENT)**

- b. [GP10-04-01](#). A General Plan Amendment request to change the San Jose 2020 General Plan Land Use/Transportation Diagram land use designation from Neighborhood/Community Commercial and High Density Residential (25-50 DU/AC) to General Commercial on 13.7 acres and Medium High Density Residential (12-25 DU/AC) 13.7 acres of the 27.4 acre subject site located at the southwest corner of E. Brokaw Road and Old Oakland Road (1040, 1060, & 1080 E. Brokaw Road). (Fox Properties/Markovits & Fox, Inc. Owner). Council District 4. SNI: None. CEQA: Fox Property General Plan Amendment Environmental Impact Report (EIR) Addendum. *PROJECT MANAGER, L.XAVIER*

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

- c. [GP09-07-02](#). General Plan Amendment request to change the Land Use/Transportation Diagram designation to add Mixed Industrial Overlay to an existing Heavy Industrial land use designation on a 3.95 gross-acre site, located on the east side of South 10th Street approximately 350 feet north of Burke Street (2159 S. 10TH ST) (Provident Holdings & Investments LLC, Owner). Council District 7. SNI: None. CEQA: Incomplete. *PROJECT MANAGER, M.ENDERBY*

**RECOMMEND DENIAL (6-0-1; PLATTEN ABSENT)**

- d. [GP07-10-02](#). General Plan Amendment request to change the Land Use/Transportation Diagram designation from Very Low Density Residential (2 DU/AC) to Low Density Residential (5 DU/AC) on a 1.48-acre site, located on the north side of Grimley Lane, approximately 1,500 feet westerly of Almaden Road (1135 GRIMLEY LN) (Patel Amrat K & Kuverji Madhu C Trustee, Owner). Council District 10. SNI: None. CEQA: Incomplete. *PROJECT MANAGER, D.CHUNDUR*

**RECOMMEND DENIAL (6-0-1; PLATTEN ABSENT)**

- e. [GP05-06-03](#). General Plan Amendment request to change the Land Use/Transportation Diagram designation from Light Industrial to Transit Corridor Residential (30+ DU/AC) on a 7.08-acre site. (Green Valley Corp., Owner/Barry Swenson Builder, Applicant), located on the South side of Campbell Avenue, approximately 215 feet northwesterly of O'Brien Court (1185 Campbell Avenue) (GVC Owens LLC, Owner). Council District 6. SNI: None. CEQA: Incomplete. *PROJECT MANAGER, D.CHUNDUR*

**RECOMMEND DENIAL (6-0-1; PLATTEN ABSENT)**

- f. [GP05-03-07](#). General Plan Amendment change the Land Use/Transportation Diagram designation on a 14.23-acre site from Light Industrial to Medium High Density Residential (12-25 DU/AC) on 8.5 acres, High Density Residential (25-50 DU/AC) on 4.0 acres, and General Commercial on 0.5 acre. A portion of the former railroad spur consisting of approximately 1.23 acres would remain unchanged. (Allen Mirzaei, Owner/HMH Engineers, Applicant), located on the northeast corner of North King Road and Las Plumas Avenue (646-658 North King Road and 1805-1865 Las Plumas Avenue) (650 N KING RD) (Mirzaei Allen, Owner). Council District 3. SNI: None. CEQA: Incomplete. *PROJECT MANAGER, D.CHUNDUR*

**RECOMMEND DENIAL (6-0-1; PLATTEN ABSENT)**

**7. CONTINUE 2010 FALL GENERAL PLAN AMENDMENT HEARING**

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Continue 2010 Fall General Plan Amendment Hearing to December 1, 2010. Approved (6-0-1, Commissioner Platten absent)

**8. PETITIONS AND COMMUNICATIONS**

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*None*

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

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*None*

**10. GOOD AND WELFARE**

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a. Report from City Council

*Asst. Director Prevetti informed the Commission of Council actions on various proposals.*

b. Commissioners' Report from Committees:

1. Norman Y. Mineta San Jose International Airport Noise Advisory Committee (Campos)

*Next meeting the week of November 8, 2010.*

2. Envision San José 2040 General Plan Update Process (Kamkar).

*Asst. Prevetti reported out on the last meeting and feedback.*

c. Review and Approve Synopsis from [10-13-10](#) & [10-27-10](#)

*Deferred to 11-17-10 (6-0-1; Commissioner Platten absent)*

d. Subcommittee Reports and Outstanding Business

*The Commission identified three Subcommittees; Best Practices, Urban Design, and Riparian Issues. Two study sessions were identified; Green Building, and Wireless Communications Policy and Regulation*

e. Commission Calendar and Study Session

Adjourned