



## **PLANNING COMMISSION AGENDA**

**Wednesday, December 6, 2006**

*5:00 p.m. STUDY SESSION*  
*Discussion on Reasonable Accommodation*  
*Room # T-332*

**6:30 p.m. Regular Meeting**

**Council Chambers**  
City Hall Wing

200 East Santa Clara Street  
San Jose, California

**Xavier Campos, Chair**  
**James Zito, Vice-Chair**

**Christopher Platten**      **Bob Dhillon**  
   **Ash Kalra**  
**Matt Kamkar**              **VACANT**

**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, December 6, 2006**. 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 AV 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:

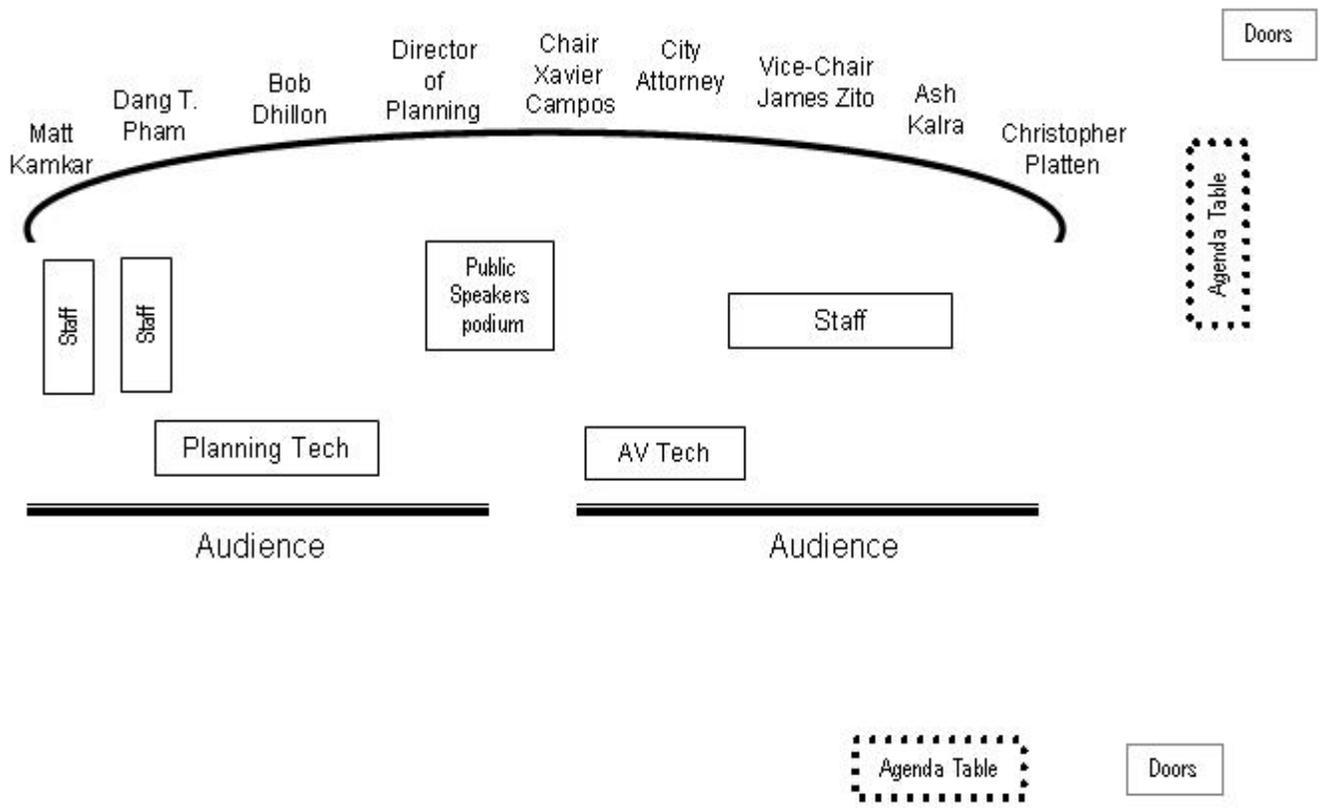
- After the staff report, applicants and appellants may make a 5-minute presentation.
- The chair will call out names on the submitted speaker cards in the order received.
- As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes.
- After 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. The remaining meeting schedule is attached to this agenda and the annual schedule is posted on the web at <http://www.sanjoseca.gov/planning/hearings/index.htm> Staff reports, etc. are also available on-line. 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. **CP06-013**. Conditional Use Permit to allow operation after midnight until 3:00 a.m. at an existing restaurant on a 0.33 gross acre site in the CP Commercial Pedestrian Zoning District, located on the west side of South 1st Street, approximately 200 feet northerly of Goodyear Street (1065 SOUTH FIRST STREET) (Panchal Kishore M and Aruna K, Owners). Council District: 3. SNI: Washington. CEQA: Exempt. Deferred from 10-25-06.

**DROP**

- b. **PDC06-066**. Planned Development Rezoning from the R-M Residential Zoning District to the A(PD) Residential Zoning District to allow construction of 20 single-family attached residences on a 0.97 gross acre site, located on the north side of Blackford Avenue approximately 200 feet east of Rebecca Way (3801 BLACKFORD AV) (Chui David K Trustee & Et Al, Owner; Leonard Hufton, Developer). Council District 1. SNI: None. CEQA: Mitigated Negative Declaration.

**DEFER TO 1-17-06**

**3. CONSENT CALENDAR**

**NOTICE TO THE PUBLIC**

**The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff, or the public to have an item removed from the consent calendar and considered separately.**

**Staff will provide an update on the consent calendar. If you wish to speak on one of these items individually, please come to the podium at this time.**

- a. **PDC06-041**. Planned Development Rezoning from R-2 Two-Family Residence Zoning District to A(PD) Planned Development Zoning District to allow the demolition of an existing single-family residence and construction of up to 3 new single-family detached residences on 0.23 gross acre site, located on the west side of 26<sup>th</sup> Street, approximately 40 feet north of E. Saint John Street (103 N 26TH ST) (Silva Anna Trustee, Owner). Council District 3. SNI: Five Wounds/Brookwood Terrace. CEQA: Exempt.

**Staff Recommendation:**

Recommend to the City Council approval of a Planned Development Rezoning from R-2 Two-Family Residence Zoning District to A(PD) Planned Development Zoning District as recommended by Staff.

- b. [CPA03-061-01](#). Conditional Use Permit Amendment to renew a previously approved permit CP03-061 for late night use at City Restaurant and Café until 3:00 am for an existing bakery and cafe and exterior modifications on a 0.22 gross acre site in the CG General Commercial Zoning District, located at/on northeast corner of East Santa Clara Street and 7th Street (301 E SANTA CLARA ST) (Huang Charles And Qian Lillian Z, Owner/Developer). Council District 3. SNI: 13th Street. CEQA: Exempt.

**Staff Recommendation:**

Approve a Conditional Use Permit Amendment for late night use as recommended by Staff.

- c. [PDC06-059](#). Planned Development Rezoning from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District to allow 104,234 square feet for storage uses and a reduction in the parking requirement listed in Title 20 of the Municipal Code on a 1.55 gross acre site, located on the northwest corner of Aborn Road and King Road (1685 Aborn Road ) (PSI Institutional Realty Inc, Owner). Council District 7. SNI: West Evergreen. CEQA: Mitigated Negative Declaration.

**Staff Recommendation:**

Consider the Mitigated Negative Declaration in accordance with CEQA. Recommend to the City Council approval of a Planned Development Rezoning from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District as recommended by Staff.

- d. [C06-037](#). Director-Initiated Prezoning from County of Santa Clara to R-1-5 Single-Family Residence Zoning District on an approximately 3.3 gross acres area consisting of 4 parcels on the east side of Noble Lane, 200 feet north of Noble Avenue (Chase, Katheryn and Steven; Medeiros, Jose; Viswanathan, Tenkasis and Vij; Mancias, Paul, owners), Council District 4, SNI: None. CEQA: GP EIR Resolution No.65459 (Related Annexation Penitencia No. 74).

**Staff Recommendation:**

Consider the Environmental Impact Report in accordance with CEQA. Recommend to the City Council approval of a Director-Initiated Prezoning from County of Santa Clara to R-1-5 Single-Family Residence Zoning District as recommended by Staff.

- e. [PDC06-012](#). Planned Development Rezoning from IP industrial Park Zoning District to A(PD) Planned Development Zoning District to allow up to 18 single-family attached residences on a 0.92 acre site, located on the north side of Rock Avenue, approximately 450 feet westerly of Oakland Road (1041 ROCK AV) (Klassen Johnny L And Judith M Et Al, Owner). Council District 4. SNI: None. CEQA: Mitigated Negative Declaration.

**Staff Recommendation:**

Consider the Mitigated Negative Declaration in accordance with CEQA. Recommend to the City Council approval of a Planned Development Rezoning from IP industrial Park Zoning District to A(PD) Planned Development Zoning District as

recommended by Staff.

- f. [CP06-040](#). Conditional Use Permit to convert an existing industrial building to a religious assembly use, including the construction of a 100 square foot addition, on a 2.66 gross acre site in the HI Heavy Industrial Zoning District, located at/on east side of Oakland Road, approximately 300 feet northerly of Rock Avenue (2080 OAKLAND RD)( William H Cilker Et Al, Owner). Council District 4. SNI: None. CEQA: Mitigated Negative Declaration.

**Staff Recommendation:**

Consider the Mitigated Negative Declaration in accordance with CEQA. Approve a Conditional Use Permit for religious assembly use as recommended by Staff.

**The following items are considered individually.**

**4. PUBLIC HEARINGS**

- a. [ABC06-002](#). Determination of Public Convenience or Necessity to allow off-sale of alcoholic beverages at a supermarket on a 2.3 gross acre site in the CP Pedestrian Commercial Zoning District, located on north side of McKee Road, approximately 320 feet westerly of White Road (3065 MCKEE RD) (Rohnert Marie C Trustee & Et Al, Eel Mckee Llc, Owner). Council District 5. SNI: None. CEQA: Exempt.

**Staff Recommendation:**

Deny a Determination of Public Convenience or Necessity as recommended by Staff.

- b. [SP06-056](#). APPEAL of the Planning Director's decision to deny a Special Use Permit for late night use until 3:00 a.m. daily at an existing restaurant on a 0.1 gross acre site, in the DC Downtown Primary Commercial Zoning District, located at/on the south side of East San Carlos Street approximately 150 feet west of South 4th Street (140 E SAN CARLOS ST) (ENS ASSOCIATES INVESTMENTS LLC, Owner). Council District 3. SNI: None. CEQA: Exempt.

**Staff Recommendation:**

Uphold the Director's decision to approve a Special Use Permit as recommended by Staff.

- c. [SP06-057](#). APPEAL of the Planning Director's decision to deny a Special Use Permit for late night use until 3:00 a.m. daily at an existing restaurant on a 0.2 gross acre site, in the DC Downtown Primary Commercial Zoning District, located on the north side of W. Santa Clara Street approximately 60 feet east of San Pedro Street (131 W SANTA CLARA ST) (SAN PEDRO SQUARE, LLC, Owner). Council District 3. SNI: None. CEQA: Exempt.

**Staff Recommendation:**

Uphold the Director's decision to deny a Special Use Permit as recommended by Staff.

- d. The following items concern an ordinance of the City of San Jose amending Chapter 20.90 of Title 20 of the San Jose Municipal Code, the Zoning Code, to reduce parking requirements for specific ground floor commercial uses within the Neighborhood Business Districts and to reduce parking requirements for mini-warehouse/mini-storage uses citywide. Council District: Citywide. CEQA: Negative Declaration, PP06-172. Deferred from 11-15-06.

1. **PROTEST OF A NEGATIVE DECLARATION adopted for the proposed ordinance amending Title 20 pursuant to the California Environmental Quality Act (CEQA).**

**Staff Recommendation:**

Uphold Negative Declaration as recommended by Staff.

2. **An Ordinance amending Chapter 20.90 of Title 20 of the San Jose Municipal Code.**

**Staff Recommendation:**

Recommend to the City Council approval of a proposed ordinance amending Title 20 of the San Jose Municipal Code as recommended by Staff.

- e. **PDC06-092.** Planned Development Rezoning from A Agriculture Zoning District to A(PD) Planned Development Zoning District to allow up to 22 single-family detached residences on a 17.98 gross acre site, located on the east side of San Felipe Road, approximately 700 feet northerly of Silver Creek Road (Pan Clair Gen Partnership, Owner; Dal Properties LLC/Mark Lazzarini, Developer). Council District 8. SNI: None. CEQA: Mitigated Negative Declaration.

**Staff Recommendation:**

Consider the Mitigated Negative Declaration in accordance with CEQA.  
Recommend to the City Council approval of a Planned Development Rezoning from A Agriculture Zoning District to A(PD) Planned Development Zoning District as recommended by Staff.

- f. **RA02-002.** Appeal of the Planning Director's decision to grant Reasonable Accommodation Request to allow an increase in the allowable number of occupants from (6) six to (9) nine residents including one resident staff member for a residential service facility on a 0.16 gross acre site in the R-1-8 Single-Family Residence Zoning District, located on the east side of Castillon Way approximately 100 feet northerly of Kaneko Drive (185 CASTILLON WY) (Sjoblom Paul, Owner). Council District 2. SNI: None. CEQA: Exempt.

**Staff Recommendation:**

Uphold the Director's decision to grant a Reasonable Accommodation Request as recommended by Staff.

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

**Staff Recommendation:**

Approve a Conditional Use Permit for a residential care facility as recommended by Staff.

- h. [PDC06-071](#). Planned Development Rezoning from LI-Light Industrial Zoning District to A(PD) Planned Development Zoning District to allow up to 40 single-family detached residences on a 2.67 gross acre site, located on the southwesterly side of Campbell Ave 950 ft northwesterly of Newhall St (1179 CAMPBELL AV) (Cobalt Associates, Owner). Council District 6. SNI: None. CEQA: Mitigated Negative Declaration.

**Staff Recommendation:**

Consider the Mitigated Negative Declaration in accordance with CEQA. Recommend to the City Council denial of a Planned Development Rezoning from LI-Light Industrial Zoning District to A(PD) Planned Development Zoning District as recommended by Staff.

- i. [PDC06-026](#). Planned Development Rezoning from R-1-1 Residence Zoning District to the A (PD) Planned Development Zoning District to allow up to seven single-family detached residences and subsequent subdivision on a 0.83 gross acre site, located on the southerly side of Shenado Place, approximately 500 feet easterly of Gerine Blossom Drive (Greg Mussallem, Owner). Council District 2. SNI: None. CEQA: Mitigated Negative Declaration.

**Staff Recommendation:**

Consider the Mitigated Negative Declaration in accordance with CEQA. Recommend to the City Council conditional approval of a Planned Development Rezoning from R-1-1 Residence Zoning District to the A (PD) Planned Development Zoning District as recommended by Staff.

- j. [CP06-053](#). Conditional Use Permit to allow late night use from 12:00 midnight to 6:00 a.m. at the outdoor loading dock for Goodwill Industries adjacent to the access gate at the northern terminus of N. 8th Street on a 1.48 gross acre site in the LI Light Industrial Zoning District, located at/on east side of North 7th Street, approximately 600 feet north of E. Hedding Street (Goodwill Industries). Council District 3. SNI: N/A. CEQA: Exempt.

**Staff Recommendation:**

Approve a Conditional Use Permit as recommended by Staff.

**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
- b. Commissioners' reports from Committees:
  - Norman Y. Mineta San Jose International Airport Noise Advisory Committee (Campos).
  - Coyote Valley Specific Plan (Platten)
  - Evergreen East Hills Vision Strategy Task Force (Zito)
  - Parks Funding Subcommittee (Zito)
- c. Review of synopsis

**8. ADJOURNMENT**

## 2006 PLANNING COMMISSION MEETING SCHEDULE

<b>Date</b>	<b>Time</b>	<b>Type of Meeting</b>	<b>Location</b>
January 11	6:30 p.m.	Regular Meeting	Council Chambers
January 25	6:30 p.m.	Regular Meeting	Council Chambers
February 8	CANCELLED	Regular Meeting	Council Chambers
Thurs. February 16	6:30 p.m.	Regular Meeting	Council Chambers
February 22	6:30 p.m.	Regular Meeting	Council Chambers
March 8	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
March 22	5:00-6:20 p.m.	<i>Study Session</i>	T-332
<i>Discussion of additional parkland and open space for the City (Joint session with Parks Commission)</i>			
March 22	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
April 12	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
April 26	6:30 p.m.	Regular Meeting	Council Chambers
May 3	5:00 p.m.	<i>Study Session</i>	T-1654
<i>Review Capital Improvement Program</i>			
May 3	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
May 24	CANCELLED	<i>Study Session</i>	T-332
<i>Joint study session with Parks Commission</i>			
May 24	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
May 31	CANCELLED	Regular Meeting	Council Chambers
June 5	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
June 14	6:30 p.m.	Regular Meeting	Council Chambers
June 28	6:30 p.m.	Regular Meeting	Council Chambers
July 12	6:30 p.m.	Regular Meeting	Council Chambers
July 26	6:30 p.m.	Regular Meeting	Council Chambers
August 9	5:00 p.m.	<i>Study Session</i>	T-1654
<i>Joint study session with Parks Commission</i>			
August 9	6:30 p.m.	Regular Meeting	Council Chambers
August 23	6:30 p.m.	Regular Meeting	Council Chambers
September 13	6:30 p.m.	Regular Meeting	Council Chambers
September 27	6:30 p.m.	Regular Meeting	Council Chambers
October 11	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
October 25	6:30 p.m.	Regular Meeting	Council Chambers
November 8	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
Mon. November 13	5:00 p.m.	<i>Study Session</i>	T-1654
<i>Discussion of City Retail Strategy</i>			
Mon. November 13	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
November 15	6:30 p.m.	Regular Meeting	Council Chambers
November 29	6:30 p.m.	Regular Meeting	W-118 / 119
December 6	5:00 p.m.	<i>Study Session</i>	T-332
<i>Discussion on Reasonable Accommodation</i>			
December 6	6:30 p.m.	Regular Meeting	Council Chambers