



PLANNING COMMISSION SYNOPSIS

Wednesday, August 10, 2005

6:00 p.m. Regular Meeting
Council Chambers, Room 205, City Hall

801 North First Street
San Jose, California

Bob Levy, Chair
Bob Dhillon, Vice-Chair

Xavier Campos Jay James
Dang T. Pham
Christopher Platten James Zito

Stephen M. Haase, 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) 277-4576 (VOICE) or (408) 998-5299 (TTY) at least two business days before the meeting. If you requested such an accommodation and have not already identified yourself to the technician seated at the staff table, please do so now. 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 **Bob Levy** 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, August 10, 2005**. Please remember to turn off your cell phones and pagers.

If you want to address the Commission, **fill out a speaker card (located on the table by the door or at the technician's station), and give the completed card to the technician. Please include the agenda item number for reference.**

The procedure for this hearing is as follows:

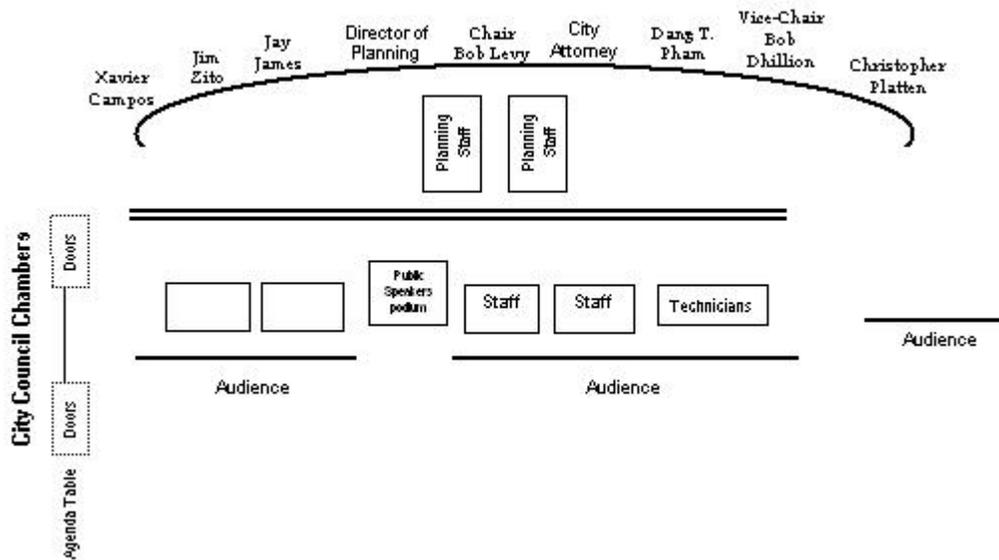
- After the staff report, applicants and appellants may make a 5-minute presentation.
- The chair will call out names on the submitted speaker cards in the order received.
- As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes.
- After 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 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) 277-4576. 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 WERE PRESENT EXCEPT COMMISSIONER PLATTEN. COMMISSIONER ZITO ARRIVED AT 6:40 P.M., AFTER CONSENT CALENDAR.

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. 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. **CP04-063**. Conditional Use Permit to allow a 45-foot tall wireless communications antenna and associated equipment on a 1.75 acre site (PG&E Substation) in the R-1-8 Single-Family Residence Zoning District, located on the northeast corner of Branham Lane and Jarvis Avenue (Pacific Gas & Electric Co, Owner; Verizon Wireless, Applicant). Council District 9. SNI: None. CEQA: Exempt.

DEFERRED TO 8-24-05 (5-0-2; ZITO AND PLATTEN ABSENT)

- b. **PDC04-109**. Planned Development Rezoning from IP Industrial Park Zoning District to A(PD) Planned Development Zoning District to allow up to 109 single-family attached residences and the demolition of existing industrial buildings on a 4.0 gross acres site, located on the northeast corner of Autumnvale Drive and Trade Zone Blvd (2450 AUTUMNVALE DR) (Autumnvale Associates Inc., Adams Capital Management Co. Edwin Kawamoto, Owner). Council District 4. SNI: None. CEQA: Mitigated Negative Declaration.

DEFERRED TO 8-24-05 (5-0-2; ZITO AND PLATTEN ABSENT)

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. If anyone in the audience wishes to speak on one of these items, please come to the podium at this time.

- a. **EASEMENT VACATION**. VACATION OF A PORTION OF A LIGHT AND AIR EASEMENT, an approximately 355 square foot area located on a property at the northwest corner of Emory Street and Bellerose Drive (2103 Emory Street) in the R-1-8 Single-Family Residence Zoning District. (Darrel Stambaugh, Owner/Applicant) Council District 6. SNI: None. CEQA: Exempt.

RECOMMEND APPROVAL (5-0-2; ZITO AND PLATTEN ABSENT)

- b. [CP04-113](#). Conditional Use Permit to allow a 1,739 square feet addition to an existing church on a 2.18 gross acre site in the R-1-5 Zoning District, located at the northeast corner of Leigh Avenue and Harris Avenue (Covenant Orthodox Presbyterian Church, Owner). Council District 6. SNI: None. CEQA: Exempt.

APPROVED (5-0-2; ZITO AND PLATTEN ABSENT)

- c. [CP04-114](#). Conditional Use Permit to allow the construction of a 15,000 square foot retail center, a drive-through restaurant use and the off-sale of alcoholic beverages on a 1.35 gross acre site in the CN Commercial Neighborhood Zoning District, located on the west side of Monterey Road, 250 feet southerly of Lewis Road (2955 Monterey Road) (Reppas & Sons, Owner). Council District 7. SNI: None. CEQA: Exempt.

APPROVED (5-0-2; ZITO AND PLATTEN ABSENT)

- d. [CP05-024](#). Conditional Use Permit to allow Adult Day Care in an existing commercial building on a 0.54 gross acre site in the CP Pedestrian Commercial Zoning District, located at/on northwest corner of intersection at Heatherdale Avenue and North Bascom Avenue (1305 N BASCOM AVE) (Atherton Appliance Serv Inc Etal, D & M Associates, Owner). Council District 6. SNI: None. CEQA: Exempt.

APPROVED (5-0-2; ZITO AND PLATTEN ABSENT)

- e. [PDC04-111](#). Planned Development Rezoning from IP Industrial Park to LI(PD) Planned Development Zoning District to allow up to 58,555 square feet of industrial and commercial uses on a 3.86 gross acre site located at the east side of Senter Road, approximately 200 feet northwesterly of Quinn Avenue (2266 Senter Road) (Lobue Victor J. Trustee, et al., Owner; Green Valley Corporation, dba Barry Swensen Builder, Developer). Council District 7. SNI: Tully/Senter. CEQA: Mitigated Negative Declaration.

RECOMMEND APPROVAL (5-0-2; ZITO AND PLATTEN ABSENT)

- f. [PDC05-025](#). Planned Development Rezoning from R-M Multiple Residence Zoning District to A(PD) Planned Development Zoning District to allow six multi-family attached residences in an existing building on a gross 0.17 acre site, located on the east side of 10th Street, approximately 150 feet south of San Salvador Street (422 S. 10th Street) (Amaya Jose And Patricia, Owner). Council District 3. SNI: University. CEQA: Exempt.

DEFERRED TO 9-14-05 (5-0-2; ZITO AND PLATTEN ABSENT)

THE COMMISSION EXPRESSED CONCERN THAT THE PROJECT EXCEEDS THE GENERAL PLAN DENSITY AND DOES NOT MEET THE CRITERIA WARRENTING USE OF THE 2-ACRE DISCRETIONARY ALTERNATE USE POLICY TO INCREASE THE DENSITY TO ALLOW THE SIX UNITS. STAFF RESPONDED THAT THE BUILDING, ALBEIT, WAS APPROVED IN THE 1970'S TO BE MOVED TO THE SITE AND REDUCED FROM 6 TO 4 UNITS. THE PROJECT IS CONDITIONED TO SECURE THE REQUIRED PARKING FOR 6 UNITS THROUGH AN OFF-SITE PARKING ARRANGEMENT AND CONDITIONAL USE PERMIT. ADDITIONALLY, THIS IS AN OPPORTUNITY TO GET SITE AND BUILDING UPGRADES THAT WERE NOT PART OF THE ORIGINAL SITE PERMIT ALLOWING THE MOVE-ON WITH 4 UNITS.

THE PLANNING COMMISSION DEFERRED THE PROJECT FOR 30 DAYS AND DIRECTED STAFF TO WORK WITH THE APPLICANT TO ENSURE UPGRADES TO THE PROJECT INCLUDING BUILDING AND SITE.

The following items are considered individually.

4. PUBLIC HEARINGS

- a. **PDC04-099**. Planned Development Rezoning from R-1-8 Residence District to A(PD) Planned Development Zoning District to allow 10 single-family detached residences on a 1.0 gross acre site, located at/on the west side of Delmas Avenue approximately 170 feet north of Dorothy Avenue (1203 DELMAS AV) (Greg Schatzel, Owner). Council District 6. SNI: None. CEQA: Mitigated Negative Declaration. Deferred from 7-27-05.

RECOMMEND APPROVAL (5-1-1, ZITO OPPOSED AND PLATTEN ABSENT)

STAFF INDICATED THAT SINCE THE DISTRIBUTION OF THE STAFF REPORT, 13 ADDITIONAL E-MAILS HAD BEEN RECEIVED FROM RESIDENTS OF THE NEIGHBORHOOD SURROUNDING THE PROJECT. OF THESE 13 E-MAILS, 12 WERE IN OPPOSITION TO THE PROPOSED PROJECT. STAFF ALSO MADE A BRIEF COMPARISON BETWEEN THE CURRENT PROJECT AND THE PREVIOUSLY APPROVED DELMAS AVENUE PROJECT, FILE NO. PDC04-092. STAFF NOTED THAT PDC04-092 PROVIDED GARAGES IN THE REAR, A STREET-LIKE PRIVATE DRIVE, SIMILAR LOT WIDTHS TO THE SURROUNDING NEIGHBORHOOD, A VIEW CORRIDOR TO THE TRAIL AND THE MAJORITY OF HOUSES FRONTING ON DELMAS AVENUE. THE CURRENT PROJECT, PDC04-099 IS DEFICIENT IN THESE CATEGORIES.

ERIK SCHOENNAUER, REPRESENTING THE APPLICANT, INDICATED THAT HE HAD PROVIDED THE PLANNING COMMISSION WITH A TOTAL OF 23 LETTERS IN SUPPORT OF THE PROJECT. HE COMMENTED THAT THE PROJECT WAS LOCATED IN A VERY ECLECTIC NEIGHBORHOOD THAT CONTAINED A MIX OF USES INCLUDING NON-RESIDENTIAL USES (A MORTUARY AND A CHURCH) AND A TOWNHOUSE DEVELOPMENT. HE NOTED THAT THE APPLICANT HAS BEEN WORKING WITH PLANNING STAFF FOR 16 MONTHS AND THAT THE PROJECT HAD COME DOWN FROM AN ORIGINAL DENSITY OF 16 UNITS TO ITS CURRENT DENSITY OF 10 UNITS. HE STATED THAT THE APPLICANT HAD RESPONDED TO COMMUNITY CONCERNS BY PROVIDING ADDITIONAL PARKING ON THE SITE AND ADDING DETACHED GARAGES TO SOME OF THE UNITS. MR. SCHOENNAUER NOTED THAT THE PROPOSED DEVELOPMENT WOULD PROVIDE ADDITIONAL SMALL HOUSES TO THE NEIGHBORHOOD THAT DISPLAY VINTAGE ARCHITECTURE. HE STATED THAT THE PROPOSED DEVELOPMENT IS UNDER 40 BEDROOMS (A FIGURE HE STATED THAT THE NEIGHBORHOOD ASSOCIATION HAD PROVIDED), PROVIDED A PATH TO THE SPUR TRAIL IN THE REAR AND HAD NARROWER DRIVEWAYS.

ROBERT SEVERIN, A RESIDENT OF 1155 DELMAS AVENUE, SPOKE IN OPPOSITION TO THE PROJECT. HE NOTED THAT THE DENSITY OF THE

PROJECT WOULD INCREASE TRAFFIC ON A STREET THAT WAS ALREADY IN POOR CONDITION. HE STATED THAT SINGLE-FAMILY RESIDENCES ON BIG LOTS IS THE WAY THE NEIGHBORHOOD IS CURRENTLY DEVELOPED AND NEW DEVELOPMENT SHOULD RESPECT THAT DEVELOPMENT PATTERN. MR. SEVERIN ALSO NOTED THAT A PARKING ISSUE CURRENTLY EXISTS ON DELMAS AVENUE.

COMMISSIONER JAMES QUESTIONED MR. SEVERIN ABOUT WHETHER IMPROVEMENTS TO THE STREET WOULD BE MADE WITH THE DEVELOPMENT OF THE PROPERTY. STAFF RESPONDED THAT, THE DEVELOPER WOULD BE RESPONSIBLE FOR FRONTAGE IMPROVEMENTS INCLUDING REPAIR OR REPLACEMENT OF CURB, GUTTER AND SIDEWALK AND PAVEMENT TO THE CENTER OF THE STREET.

ED RAST, A RESIDENT ON SPENCER AVENUE AND PRESIDENT OF THE WILLOW GLEN NEIGHBORHOOD ASSOCIATION STATED THAT HE AGREED WITH THE STAFF RECOMMENDATION FOR THE PROJECT. HE STATED THAT EIGHT UNITS PER ACRE SHOULD NOT BE EXCEEDED IN THE NEIGHBORHOOD. HE NOTED HIS CONCERN THAT THE PROJECT INCLUDED MOSTLY FRONT-LOADING ATTACHED GARAGES AND WAS NOT IN CONFORMANCE WITH THE SINGLE-FAMILY DESIGN GUIDELINES. HE ALSO NOTED THAT ALL THE EXISTING TREES ON THE SITE WOULD BE LOST WITH THE NEW DEVELOPMENT. MR. RAST REQUESTED A DENIAL OF THE PROPOSED REZONING OR FOR THE APPLICANT TO ASK FOR DEFERRAL IN ORDER TO WORK WITH THE NEIGHBORHOOD TO COME UP WITH A BETTER DESIGN.

BOB SZUTK, A RESIDENT OF 560 MINNESOTA AVENUE, SPOKE IN SUPPORT OF THE PROJECT STATING THAT ANY NEW DEVELOPMENT WOULD HELP THE AREA AND THAT THE PROJECT SHOULD MOVE FORWARD.

DAN MENNEL OF 1061 VERNON AVENUE ALSO SPOKE IN SUPPORT OF THE PROJECT STATING THAT ATTACHED GARAGES ARE FINE AND ARE COMMON THROUGHOUT THE CITY IN NEWER DEVELOPMENT. HE ALSO STATED THAT TREES CAN BE REMOVED AND NEW ONES CAN BE REPLANTED. COMMISSIONER ZITO QUESTIONED MR. MENNEL WHETHER HE SUPPORTED THE PROJECT BECAUSE IT WOULD REVITALIZE THE AREA. MR. MENNEL RESPONDED THAT THAT WAS ONE OF THE REASONS HE SUPPORTED IT.

JESSICA VOIGTLANDER, OF 1145 DELMAS AVENUE, SPOKE IN SUPPORT OF THE PROJECT, STATING THAT IT WOULD BE GOOD FOR THE NEIGHBORHOOD. SHE MENTIONED THAT TRAFFIC AND PARKING SHOULD BE MITIGATED AS A RESULT OF THE PROJECT AND THE EXISTING HOUSES ON THE PROJECT SITE DID NOT LOOK VERY VISUALLY APPEALING.

AMBER PIAZZA, A RESIDENT OF 1136 DELMAS AVENUE, ALSO SUPPORTED THE PROJECT, NOTING THAT THE EXISTING HOUSES ON THE PROJECT SITE WERE DILAPIDATED AND THAT THE STREET NEEDS TO BE IMPROVED.

EDDIE NEVAREZ NOTED THAT HE LIVED ACROSS THE STREET FROM THE PROJECT (AT 1188 DELMAS AVENUE) AND THE PROJECT WAS WHAT HE WANTED TO SEE WHEN HE LOOKED OUT HIS DOOR.

BRIAN ROSSMAN, A RESIDENT OF WILLOW GLEN, NOTED THAT DELMAS AVENUE IS NOT LIKE WILLOW GLEN. HE NOTED THAT THE TREES WERE MOSTLY LOCATED AT THE REAR OF THE LOTS AND THAT THE STREETS WERE NARROW. THE AREA HAD A LOT OF NON-RESIDENTIAL USES AND NON-SINGLE FAMILY DETACHED RESIDENCES. HE SUPPORTED THE PROJECT AND NOTED THAT BIGGER HOUSES IN THE PROJECT WOULD LOOK WORSE.

HARVEY DARNELL, A RESIDENT OF DELMAS AVENUE NORTH OF WILLOW STREET AND A MEMBER OF THE NORTH WILLOW GLEN NEIGHBORHOOD ASSOCIATION, SPOKE IN OPPOSITION TO THE PROJECT. HE NOTED THAT THE PREVIOUS PROJECT IN THE AREA, PDC04-092, HAD WORKED SIGNIFICANTLY WITH THE NEIGHBORHOOD TO PRODUCE A PRODUCT THAT WOULD FIT INTO THE NEIGHBORHOOD. MR. DARNELL NOTED THAT THE DENSITY OF THE CURRENT PROJECT WAS A CONCERN. HE STATED THAT WHILE THE EXISTING HOUSES WERE NOT IMPORTANT TO BE PRESERVED, THE MASSING OF WHAT REPLACED THEM SHOULD NOT OVERWHELM THE NEIGHBORHOOD. MR. DARNELL CITED THE SINGLE FAMILY DESIGN GUIDELINES AND NOTED THAT THE PROPOSED PROJECT HAD GARAGES THAT MADE UP MORE THAN 50% OF THE FRONT FAÇADE, DID NOT HAVE SPECIFIED ARCHITECTURAL STYLES AND DID NOT PROVIDE PORCHES ALONG THE PRIVATE STREET. HE NOTED THAT THE PROJECT SHOULD BE DEVELOPED AS A PART OF THE NEIGHBORHOOD, NOT A SEPARATE ENCLAVE. COMMISSIONER JAMES ASKED MR. DARNELL WHETHER HIS OPPOSITION TO THE PROJECT WAS BECAUSE OF AESTHETICS. MR. DARNELL RESPONDED AFFIRMATIVELY AND NOTED THAT THE DENSITY WAS ALSO A MAJOR CONCERN. COMMISSIONER JAMES THEN NOTED THAT THE GARAGES ON THE PRIVATE STREET WOULD NOT BE VISIBLE FROM DELMAS AVENUE.

LARRY SCHEAR, A RESIDENT OF 643 DOROTHY AVENUE, SPOKE IN OPPOSITION TO THE PROJECT AND NOTED THAT HE ALSO HAD SPOKEN WITH 10 OF HIS NEIGHBORS WHO HE WAS REPRESENTING. HE STATED THAT THE DENSITY OF THE PROJECT WAS TOO HIGH AND THAT THE PROJECT WOULD BE DIFFERENT FROM THE EXISTING NEIGHBORHOOD. HE MENTIONED THAT HE WOULD LIKE TO SEE OLDER HOUSES RENOVATED OR RESTORED RATHER THAN DEMOLISHED. MR. SCHEAR SUPPORTED THE RECOMMENDATION OF PLANNING STAFF.

CHRIS WAGNER, A RESIDENT OF 504 COE AVENUE, SPOKE IN OPPOSITION TO THE PROJECT. HE STATED THAT THE INCREASED DENSITY WOULD LEAD TO A CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD. HE NOTED THAT A NEW PROJECT SHOULD STAY WITH THE ECLECTIC TREND OF THE NEIGHBORHOOD AND SHOULD CONFORM WITH EXISTING THEMES THROUGHOUT THE AREA.

HEIDI LEVELL OF 494 COE AVENUE ALSO SPOKE IN OPPOSITION. SHE STATED THAT SHE AGREED WITH MR. DARNELL'S EARLIER STATEMENTS. SHE NOTED

THAT SHE WAS CONCERNED ABOUT THE DENSITY OF THE PROJECT AND THE PRECEDENT IT MAY SET IN THE AREA. MS. LEVELL NOTED THE DELMAS AVENUE NEIGHBORHOOD HAS SOME PROBLEMS, BUT THERE ARE MANY EXISTING FINE PROPERTIES IN THE AREA AS WELL. SHE ALSO NOTED THAT THE PROPOSED PROJECT WOULD ADD TO PARKING AND TRAFFIC PROBLEMS.

CLARK WILLIAMS OF SPENCER AVENUE SPOKE IN OPPOSITION TO THE PROJECT. HE STATED THAT THE PROJECT WAS INCONSISTENT WITH THE CITY'S SINGLE-FAMILY AND RESIDENTIAL GUIDELINES AND DID NOT CONFORM TO THE GENERAL PLAN. HE ALSO NOTED THAT RESIDENTIAL HOMES SHOULD PROVIDE FOR NEW RESIDENTS OF ALL TYPES. COMMISSIONER JAMES THEN QUESTIONED WHY HE OPPOSED THE CURRENT PROJECT, SINCE THE HOMES BUILT WOULD BE MORE AFFORDABLE AND MENTIONED THAT PDC04-092 PROPOSED MUCH LARGER HOMES. MR. WILLIAMS RESPONDED THAT HE OPPOSED THE PROJECT BECAUSE IT HAD NUMEROUS OTHER DEFICIENCIES.

KEVIN CHRISTMAN, A RESIDENT OF DELMAS AVENUE NORTH OF WILLOW STREET AND A MEMBER OF THE GREATER GARDNER SNI NEIGHBORHOOD ADVISORY COMMITTEE, OPPOSED THE PROJECT. HE NOTED THAT PRIOR APPLICANTS HAD WORKED SIGNIFICANTLY WITH THE NEIGHBORHOOD TO HELP ENSURE THAT THE PROJECTS WOULD BE COMPATIBLE. HE NOTED THAT DEVELOPMENT IN THE AREA SHOULD STAY UNDER 8 DU/AC. HE ALSO NOTED THAT THE PROJECT SHOULD PROVIDE FRONT PORCHES AND PROPER MASSING AS PER THE SINGLE FAMILY DESIGN GUIDELINES. MR. CHRISTMAN STATED THAT THE NEIGHBORHOOD WISHED TO WORK WITH THE APPLICANT TO IMPROVE THE PROJECT

MR. SCHOENNAUER RESPONDED TO THE PUBLIC TESTIMONY, NOTING THAT THE GARAGES ALONG THE PRIVATE STREET WOULD NOT BE VISIBLE FROM DELMAS AVENUE. HE NOTED THAT THIS NEIGHBORHOOD NEEDED TO DO ITS FAIR SHARE TO PROVIDE HOUSING FOR SAN JOSE. IN PARTICULAR, THIS AREA ALONG DELMAS AVENUE NEEDED NEW INVESTMENT. HE NOTED THAT THE PROJECT PROVIDED 10 SMALLER HOMES RATHER THAN FEWER LARGER HOMES. MR. SCHOENNAUER POINTED OUT THAT THERE WERE VERY FEW SIGNIFICANT TREES ON THE SITE. BECAUSE OF THE DIMENSION OF THE SITE, WHICH IS VERY DEEP, THE FRONT OF THE SITE WOULD NOT CHANGE WHETHER THERE WERE 10 UNITS OR SOME LESSER AMOUNT OF UNITS. HE NOTED THAT HE BELIEVED THAT STAFF USED AN INCONSISTENT APPLICATION OF THE DESIGN GUIDELINES IN RECOMMENDING APPROVAL OF PDC04-092 AND RECOMMENDING DENIAL OF THE CURRENT PROJECT.

COMMISSIONER LEVY ASKED WHAT WAS EXCEPTIONAL ABOUT THE PROJECT IN ORDER FOR IT TO BE APPROVED UNDER THE "TWO-ACRE RULE." MR. SCHOENNAUER STATED THAT THE SIZE OF THE HOMES AND THE PROVISION OF THE DETACHED GARAGES MADE THE PROJECT EXCEPTIONAL.

COMMISSIONER ZITO ASKED THE APPLICANT WHY HE BELIEVED STAFF SUPPORTED PDC04-092 AND NOT THE CURRENT PROJECT. MR. SCHOENNAUER RESPONDED THAT HE BELIEVED IT WAS BECAUSE OF THE DENSITY ISSUE.

STAFF WOULDN'T SUPPORT THIS PROJECT BECAUSE IT EXCEEDED THE GENERAL PLAN DENSITY. COMMISSIONER ZITO THEN ASKED WHETHER THE PROJECT WOULD PEN OUT WITH ONLY 8 UNITS AND MR. SCHOENNAUER RESPONDED THAT IT WOULDN'T – APPROXIMATELY 18,000 SQUARE FEET OF LIVING SPACE WOULD BE REQUIRED TO MAKE THE PROJECT PEN OUT.

COMMISSIONER JAMES NOTED THAT THE DEVELOPER OF THE PROJECT WAS ACTUALLY A NEARBY RESIDENT. HE THEN ASKED THE APPLICANT WHY STAFF DID NOT CONSIDER THE GARAGES PROPOSED ON THE PROJECT TO BE DETACHED. MR. SCHOENNAUER RESPONDED THAT BECAUSE THE GARAGES WERE ONLY SET BACK 35 FEET, STAFF STATED THAT THEY DID NOT CONFORM TO THE ZONING CODE REQUIREMENTS OF A 60-FOOT SETBACK. HE NOTED THAT THE DEVELOPER WOULD BE WILLING TO GET RID OF THE BREEZEWAYS IF THAT WAS A SIGNIFICANT ISSUE. COMMISSIONER JAMES QUESTIONED THE APPLICANT ABOUT THE PORCHES AND THE PARK STRIP AND MR. SCHOENNAUER RESPONDED THAT THE PROJECT HAD COME FORWARD WITH PROVIDING PORCHES AND A PARK STRIP, WHILE THE PREVIOUS PROJECT HAD NOT. HE STATED THAT THE PLANNING STAFF WAS NOT BEING CONSISTENT AND FAIR IN THEIR APPLICATION OF THE DESIGN GUIDELINES.

THE PLANNING COMMISSION THEN CLOSED THE PUBLIC HEARING.

PLANNING COMMISSION DISCUSSION

STAFF RESPONDED TO THE COMPARISONS BETWEEN PDC04-092 AND THE PRIOR PROJECT BY NOTING THAT THE DIAGRAM THAT MR. SCHOENNAUER HAD USED IN HIS ANALYSIS, DID NOT REFLECT THE CHANGES TO THE PROJECT RECOMMENDED BY STAFF AND APPROVED BY THE CITY COUNCIL THROUGH THE DEVELOPMENT STANDARDS. THESE DEVELOPMENT STANDARDS INCREASE SETBACKS AND PROVIDED FOR A STANDARD STREET-LIKE PRIVATE DRIVE. STAFF REITERATED THAT THE PRIOR PROJECT INCLUDED GARAGES AT THE REAR OF THE SITE FOR ALL BUT ONE OF THE UNITS, THAT THE 50-FOOT WIDE LOTS WITH HOUSES ORIENTED TO DELMAS AVENUE REFLECTED THE EXISTING PATTERN OF THE NEIGHBORHOOD, AND THAT THE DEVELOPMENT STANDARDS PROVIDED A PRIVATE DRIVE THAT INCLUDED THE STANDARD ELEMENTS OF A PUBLIC STREET. STAFF INDICATED THAT THE CURRENT PROPOSAL INCLUDED ATTACHED GARAGES FOR MOST OF THE UNITS WITH GARAGE DOORS THAT DOMINATED THE FACADES AND THAT THE DETACHED GARAGES FACING DELMAS AVENUE DID NOT REFLECT THE EXISTING PATTERN BECAUSE THESE GARAGES WERE SET BESIDE THE UNITS RATHER THAN AT THE REAR OF THE SITE.

COMMISSIONER ZITO ASKED STAFF WHETHER THE PRIOR APPLICANT'S WILLINGNESS TO WORK WITH STAFF AND THE NEIGHBORHOOD WAS WHY THE PREVIOUS PROJECT HAD BEEN RECOMMENDED FOR APPROVAL. STAFF NOTED THAT THE APPLICANT'S WILLINGNESS TO WORK WITH STAFF AND THE NEIGHBORHOOD HAD RESULTED IN SIGNIFICANT IMPROVEMENTS TO THE PROJECT AND THE EXPECTATION THAT REMAINING ISSUES COULD BE WORKED OUT AT THE PLANNED DEVELOPMENT PERMIT STAGE.

COMMISSIONER ZITO ASKED WHETHER IT WAS BECAUSE THE CURRENT PROJECT HAD TOO MANY INSUFFICIENCIES THAT IT HAD BEEN RECOMMENDED FOR DENIAL OR WHETHER THERE WERE ANALYSIS INEQUITIES. STAFF RESPONDED THAT STAFF'S STANDARD APPROACH IS TO ADDRESS PROJECT DEFICIENCIES THROUGH DEVELOPMENT STANDARDS THAT MODIFY THE PROJECT IN SPECIFIC AREAS, BUT THAT IN THIS CASE, THE DEFICIENCIES WERE MORE FUNDAMENTAL THAN COULD BE ADDRESSED BY TWEAKING THE PROJECT STANDARDS. COMMISSIONER ZITO THEN ASKED WHETHER DENSITY WAS THE ULTIMATE ISSUE. STAFF RESPONDED THAT THE NON-CONFORMANCE WITH THE SINGLE-FAMILY DESIGN GUIDELINES WAS THE MAJOR ISSUE AND THAT THE PROJECT WAS FUNDAMENTALLY INCOMPATIBLE WITH THE SURROUNDING NEIGHBORHOOD.

COMMISSIONER LEVY ASKED STAFF WHAT THE MOST BASIC ISSUES WERE IN TERMS OF LACK OF CONFORMANCE WITH THE GUIDELINES WERE. STAFF NOTED THAT THE GARAGE CONFIGURATION AND PRIVATE STREET DESIGN WERE THE MOST SIGNIFICANT FLAWS. THE PRIOR PROJECT (PDC04-092) DID NOT PROVIDE DETACHED GARAGES, BUT HAD PROVIDED GARAGES AT THE REAR OF THE SITE IN CONFORMANCE WITH THE RECOMMENDATIONS OF THE GUIDELINES. STAFF NOTED THAT PRIVATE STREET DID NOT INCLUDE PROVISION FOR STREET TREES ON BOTH SIDES, INCLUDED A SUBSTANDARD WIDTH SIDEWALK THAT WAS RENDERED DISCONTINUOUS BY THE INTERRUPTION OF 16-FOOT DRIVEWAYS AND A PARKING LOT.

COMMISSIONER DHILLON NOTED THAT SOME FLEXIBILITY IN THE DESIGN GUIDELINES OCCURS IN THE PD ZONING PROCESS AND QUESTIONED WHAT DESIGN GUIDELINES IN PARTICULAR HAS BEEN COMPROMISED. HE REFERRED IN PARTICULAR TO THE 20-FOOT BUILDING SETBACK TO ADJACENT REAR YARDS. STAFF RESPONDED THAT THERE IS ALWAYS SOME COMPROMISE IN THE PLANNING PROCESS; HOWEVER THE CURRENT PROJECT HAD FAIRLY MAJOR DEFICIENCIES. STAFF POINTED THE COMMISSION TO THE STAFF REPORT, WHICH INDICATED THAT, THE 17-FOOT BUILDING SETBACK FROM ADJACENT REAR YARDS WAS A MINOR DEFICIENCY.

COMMISSIONER JAMES NOTED THAT HE DID NOT BELIEVE THAT DETACHED GARAGES WERE NECESSARY ON THE SITE, POINTING TO THE TOWNHOUSE DEVELOPMENT AT THE CORNER OF WILLOW AND DELMAS. STAFF RESPONDED THAT TOWNHOUSES TRADITIONALLY HAVE ATTACHED GARAGES AND THAT THE TOWNHOUSE DEVELOPMENT WAS DEVELOPED ACCORDING TO THE DESIGN STANDARDS FOR TOWNHOUSE DEVELOPMENT. THE CURRENT PROPOSAL, HOWEVER, WAS FOR SINGLE-FAMILY DETACHED RESIDENCES. THE PATTERN IN THE NEIGHBORHOOD WAS FOR DETACHED GARAGES, DETACHED SIDEWALKS AND ECLECTIC ARCHITECTURE. DETACHED GARAGES SET BACK 60 FEET OR MORE RESULT IN CARS THAT ARE PARKED BEHIND OR BESIDE HOUSES RATHER THAN IN FRONT OF HOUSES, WHICH OCCURS WITH ATTACHED GARAGES AND WIDE DRIVEWAY APRONS. COMMISSIONER JAMES THEN NOTED THAT THE TOWNHOUSE DEVELOPMENT WAS STILL IN THE CONTEXT OF THE NEIGHBORHOOD AND THAT CURRENTLY ON DELMAS AVENUE THERE WERE DRIVEWAYS FULL OF CARS IN FRONT OF HOUSES.

COMMISSIONER ZITO MADE A MOTION TO RECOMMEND DENIAL OF THE PROPOSED REZONING. THE MOTION FAILED.

COMMISSIONER JAMES THEN MADE A MOTION TO APPROVE THE PROPOSED REZONING, WHICH WAS SECONDED BY COMMISSIONER PHAM.

COMMISSIONER ZITO STATED THAT HE WAS NOT SUPPORTING THE MOTION BECAUSE THE PROJECT DID NOT MEET THE REQUIREMENTS OF THE TWO-ACRE RULE AND THAT THE PROJECT DID NOT REACH AN EXCEPTIONAL LEVEL.

COMMISSIONER DHILLON STATED THAT IN MANY NEIGHBORHOODS THROUGHOUT THE CITY INFILL DEVELOPMENT WAS OCCURRING AT HIGHER DENSITIES. HE STATED THAT THE GARAGES WOULD NOT DOMINATE THE SITE AND WOULD NOT BE VISIBLE FROM THE PUBLIC STREET.

COMMISSIONER LEVY CONCURRED WITH COMMISSIONER DHILLON AND STATED THAT LARGER HOMES ON THE SITE WOULDN'T CONFORM TO THE NEIGHBORHOOD. THE FACT THAT THE HOMES ARE ONLY 1,800 SQUARE FEET MAKES THE PROJECT EXCEPTIONAL.

COMMISSIONER CAMPOS STATED THAT THE EXISTING PROJECT MET THE RESIDENTIAL DESIGN GUIDELINES BETTER THAN THE PREVIOUS PDC04-092. HE NOTED THAT THERE ARE NUMEROUS OTHER RESIDENCES IN THE NEIGHBORHOOD THAT HAD ATTACHED GARAGES AND THAT THE NEIGHBORHOOD WAS A HODGEPODGE OF DIFFERENT USES AND HOME TYPES. HE NOTED THAT THE RESIDENTS IMMEDIATELY AROUND THE PROJECT SUPPORT THE PROJECT.

COMMISSIONER ZITO THEN NOTED HIS CONCERN AS TO WHAT WOULD HAPPEN TO THE PROPERTY THAT WAS LOCATED IN BETWEEN THE TWO PROJECTS (PDC04-092 AND THE CURRENT PROJECT).

- b. [PDC05-019](#). Planned Development Rezoning from CP Commercial Pedestrian Zoning District and R-2 Two-Family Residence Zoning District to A(PD) Planned Development Zoning District to allow up to 17 single-family attached residences on a 0.75 gross acre site, located at/on the northeast corner of Almaden Avenue and W. Alma Avenue (1390 ALMADEN AV) (Neighborhood Housing Svcs Silicon Vly, Owner). Council District 3. SNI: Washington. CEQA: Exempt. Deferred from 7-27-05.

RECOMMEND APPROVAL WITH A REVISION TO THE PARKING CONDITION ALLOWING UP TO A 16 % REDUCTION IN THE REQUIRED ON-SITE PARKING, AS OPPOSED TO 10%, DUE TO THE PROXIMITY TO ALTERNATIVE MODES OF TRAVEL.

(5-0-1-1; PLATTEN ABSENT AND CAMPOS ABSTAINED)

ROD GEIMAN, THE APPLICANT, MADE A BRIEF PRESENTATION OF THE PROPOSED PROJECT. HE SAID THE PROJECT WOULD CONSIST OF 100% AFFORDABLE HOUSING. EUGENE SAKAI, THE ARCHITECT, DISCUSSED THE PROPOSED MASSING, SETBACKS, AND PARKING. HE FOCUSED ON THE PARKING ISSUE, AND PRESENTED SITE PLANS SHOWING THE DIFFICULTY OF PROVIDING THREE ADDITIONAL OFF-STREET PARKING SPACES ON SITE WHILE STILL MAINTAINING THE PROPOSED 17 UNITS. THE THREE SPACES REPRESENT THE NUMBER OF SPACES THAT WOULD NEED TO BE PROVIDED ON-SITE TO MEET THE RESIDENTIAL DESIGN GUIDELINES PARKING GUIDELINES WITH A 10 PERCENT REDUCTION EQUAL TO APPROXIMATELY 4.5 PARKING SPACES. EUGENE SAKAI ALSO PRESENTED PHOTOGRAPHS SHOWING THAT ON-STREET PARKING WAS REGULARLY AVAILABLE ADJACENT TO THE PROJECT.

NO ONE SPOKE IN SUPPORT OF, OR OPPOSITION TO, THE PROPOSED PROJECT. THE COMMISSION THEN CLOSED THE PUBLIC HEARING.

THE COMMISSIONERS THEN DISCUSSED THE PARKING AND SETBACK ISSUES. STAFF INDICATED THAT BECAUSE THE PROJECT IS A PLANNED DEVELOPMENT REZONING, THE COMMISSION COULD RECOMMEND THAT ON-STREET PARKING SPACES BE COUNTED TOWARDS REQUIRED OFF-STREET PARKING IN THE RESIDENTIAL DESIGN GUIDELINES. COMMISSIONER JAMES SAID HE FELT IT WAS APPROPRIATE TO ALLOW ON-STREET PARKING TO COUNT TOWARD THE REQUIRED PARKING. THE OTHER COMMISSIONERS AGREED AND THE DISCUSSION PROCEEDED TO SETBACKS.

THE COMMISSION ASKED EUGENE SAKAI, PROJECT ARCHITECT, IF HE WOULD BE ABLE TO ACCOMMODATE STAFF'S RECOMMENDATIONS. HE SAID THE SOUTHERN FIVE-FOOT SETBACK COULD BE MET BY REDUCING THE SIZE OF PRIVATE OPEN SPACE. EUGENE SAKAI TESTIFIED THAT THE BUILDING DESIGN WOULD NEED TO BE MODIFIED TO ELIMINATE OR RELOCATE THE THIRD FLOOR BEDROOM ON THE NORTH ELEVATION OF BUILDING 1A TO MAINTAIN A FIVE-FOOT SETBACK TO THE NORTH PROPERTY LINE NEXT TO THE ADJACENT SINGLE-FAMILY RESIDENCE.

STAFF EXPLAINED THAT THE HEIGHT OF THE STRUCTURES IS NOT WHAT IS IN QUESTION AS MUCH AS THE NUMBER OF OCCUPIED FLOORS ADJACENT TO THE SINGLE-FAMILY RESIDENCE TO THE NORTH. STAFF SAID THE APPLICANT COULD PROPOSE A 2½-STORY STRUCTURE AT A 5-FOOT SETBACK FROM THE NORTHERN PROPERTY LINE THAT WOULD NOT IMPACT THE TOTAL BEDROOM COUNT OF THE PROJECT. THE COMMISSION CONCLUDED THAT THE APPLICANT WOULD BE ABLE TO WORK WITHIN THE DEVELOPMENT STANDARDS PROPOSED BY STAFF TO IMPROVE THE INTERFACE WITH THE SINGLE-FAMILY RESIDENCE TO THE NORTH WHILE HAVING NO IMPACT TO THE TOTAL NUMBER OF BEDROOMS AND SQUARE FOOTAGE.

COMMISSIONER ZITO THEN MADE A MOTION TO SUPPORT STAFF'S RECOMMENDATIONS, AS OUTLINED ABOVE, WITH THE EXCEPTION THAT ON-STREET PARKING BE ALLOWED TO COUNT TOWARDS MEETING THE ON-SITE PARKING DEFICIENCY.

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 (Dhillon and James).

NONE

- Coyote Valley Specific Plan (Platten)

NONE

- c. [Review of synopsis](#)

CORRECT THE VOTES FOR CHAIR AND VICE CHAIR. THE NARATIVE FOR THE VOTES ARE CORRECT BUT THE NUMBERS DIDN'T MATCH.

- d. Change start time to 6:30 p.m.

APPROVAL (5-0-1; PLATTEN ABSENT)

- e. Add “study session” tour for Commissioners at 4:30 p.m. Dinner in upper floor conference room.

APPROVAL (5-0-1; PLATTEN ABSENT)

- f. Time for joint ALUC/Planning Commission study session. Proposed meeting date of October 26.

APPROVAL (5-0-1; PLATTEN ABSENT)

MEETING START TIME SHOULD BE AT 5:00 P.M. SINCE COMMISSION MEETING IS AT 6:30 P.M.

- g. Time for second Planning/Parks Commission Joint Meeting. Parks Commission staff requesting meeting on November 16th at 4:00 pm.

APPROVAL, 5-0-1 COMMISSIONER PLATTEN ABSENT

MEETING START TIME SHOULD BE AT 5:00 P.M. SINCE COMMISSION MEETING IS AT 6:30 P.M.

- h. Selection of new Planning Commission Chair and Vice Chair.

COMMISSIONER ZITO NOMINATED COMMISSIONER DHILLON FOR CHAIR AND HIMSELF FOR VICE CHAIR. THIS FAILED 3-3-1 COMMISSIONERS CAMPOS, JAMES AND PHAM OPPOSED, AND COMMISSIONER PLATTEN ABSENT.

COMMISSIONER CAMPOS NOMINATED COMMISSIONER JAMES FOR CHAIR. THIS FAILED 3-3-1, COMMISSIONERS ZITO, LEVY, AND DHILLON OPPOSED, AND COMMISSIONER PLATTEN ABSENT.

COMMISSIONER ZITO NOMINATED COMMISSIONER DHILLON FOR CHAIR. THIS FAILED 3-3-1, COMMISSIONER CAMPOS, JAMES, AND PHAM OPPOSED, AND COMMISSIONER PLATTEN ABSENT.

COMMISSIONER JAMES NOMINATED COMMISSIONER CAMPOS FOR VICE CHAIR. THIS FAILED 3-3-1, COMMISSIONERS ZITO, LEVY, AND DHILLON OPPOSED, AND COMMISSIONER PLATTEN ABSENT.

COMMISSIONER ZITO NOMINATED COMMISSIONER CAMPOS FOR CHAIR AND HIMSELF FOR VICE CHAIR. COMMISSIONER CAMPOS ACKNOWLEDGED THE NOMINATION BUT DID NOT ACCEPT DUE TO THE COMMITMENT REQUIRED; HOWEVER, HE WOULD BE ABLE TO COMMIT TO VICE CHAIR.

COMMISSIONER ZITO NOMINATED COMMISSIONER DHILLON FOR CHAIR AND COMMISSIONER CAMPOS FOR VICE CHAIR. THE MAKER OF THE NOMINATION DID NOT CONSENT TO SPLITTING THE NOMINATION. THIS PASSED 4-2-1, COMMISSIONERS CAMPOS AND JAMES OPPOSED, AND COMMISSIONER PLATTEN ABSENT.

- i. Last meeting in these chambers.

8. ADJOURNMENT

2005 PLANNING COMMISSION MEETING SCHEDULE

January 12	5:00 p.m. - 6:00 p.m.	<i>Study Session</i>	Room 400
		<i>Discussion of Meeting Logistics</i>	
January 12	6:00 p.m.	Regular Meeting	Council Chambers
January 26	6:00 p.m.	Regular Meeting	Council Chambers
Monday, February 7	4:45 p.m.	<i>Study Session</i>	Room 400
		<i>Discussion of Jobs/Housing Imbalance</i>	
Monday, February 7	6:00 p.m.	Regular Meeting	Council Chambers
February 23	6:00 p.m.	Regular Meeting	Council Chambers
March 9	4:45 p.m.	<i>Study Session</i>	Room 400
		<i>Discussion of General Plan Amendments/development projects</i>	
March 9	6:00 p.m.	General Plan/Regular Meeting	Council Chambers
March 23	6:00 p.m.	General Plan/Regular Meeting	Council Chambers
Monday, April 11	CANCELLED	<i>Study Session</i>	Room 400
		<i>Discussion of Alcohol sales</i>	
Monday, April 11	6:00 p.m.	Regular Meeting	Council Chambers
April 27	6:00 p.m.	Regular Meeting	Council Chambers
Monday, May 2	4:00 p.m.	<i>Study Session</i>	Room 216B
		<i>Review CIP</i>	
Monday, May 2	6:00 p.m.	Regular Meeting	Council Chambers
May 11	4:00 p.m.	<i>Study Session</i>	Room 400
		<i>Discussion of Parks planning strategy (Joint session with Parks Commission)</i>	
May 11	6:00 p.m.	General Plan/Regular Meeting	Council Chambers
May 25	6:00 p.m.	General Plan/Regular Meeting	Council Chambers
Thursday, June 2	5:00 p.m.	<i>Study Session</i>	Room 106E
		<i>Discussion of Jobs/Housing/Transportation Policy Update</i>	
Thursday, June 2	6:00 p.m.	General Plan/Regular Meeting	Council Chambers
Monday, June 6	6:00 p.m.	General Plan/Regular Meeting	Council Chambers
Tuesday, June 7	6:30 p.m.	General Plan/Regular Meeting	Health Bldg. Rm. 202A/B
June 8	CANCELLED	Regular Meeting	Council Chambers
Wednesday, June 15	6:00 p.m.	Regular Meeting	Council Chambers
June 22	6:00 p.m.	Regular Meeting	Council Chambers
July 13	CANCELLED	Regular Meeting	Council Chambers
July 27	6:00 p.m.	Regular Meeting	Council Chambers (801 N. 1 ST St.)
August 10	6:00 p.m.	Regular Meeting	Council Chambers (801 N. 1 ST St.)
Meetings August 24th and subsequent located in Council Chambers on 200 East Santa Clara St.			
August 24	6:00 p.m.	Regular Meeting	Council Chambers
September 14	6:00 p.m.	Regular Meeting	Council Chambers
September 28	6:00 p.m.	Regular Meeting	Council Chambers
October 12	6:00 p.m.	Regular Meeting	Council Chambers
October 26	6:00 p.m.	Regular Meeting	Council Chambers
November 9	6:00 p.m.	Regular Meeting	Council Chambers
November 16	6:00 p.m.	Regular Meeting	Council Chambers
December 7	6:00 p.m.	Regular Meeting	Council Chambers