



PLANNING COMMISSION SYNOPSIS

Wednesday, November 9, 2005

6:30 p.m. General Plan/Regular Meeting
Council Chambers, City Hall

200 East Santa Clara Street
San Jose, California

Bob Dhillon, Chair
Xavier Campos, Vice-Chair

Bob Levy 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) 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 **Bob Dhillon** 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 9, 2005**. 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 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:

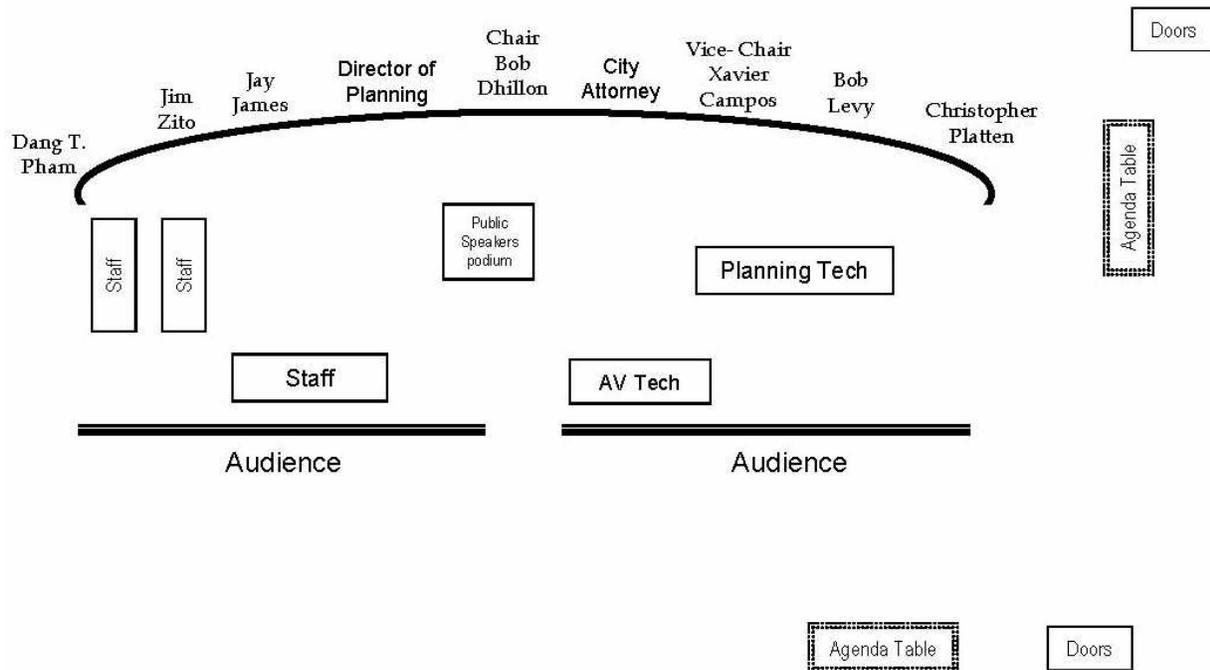
- After the staff report, applicants and appellants may make a 5-minute presentation.
- The chair will call out names on the submitted speaker cards in the order received.
- As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes.
- After 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 6:30 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

ALL PRESENT; PHAM ARRIVED DURING ITEMS 4a. & b.

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.

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. **CP05-040**. Conditional Use Permit to allow installation of a 20-foot wireless communications monopole next to an existing 38-foot water tank on a 3.62 gross acre site in the R-1-1 Single-Family Residence Zoning District, located uphill from Colleen Drive approximately 500 feet southwesterly from the terminus of Valley Glen Court (San Jose Water Works, Owner; Afl Telecommunications Rich Rolita, Developer). Council District 10. SNI: None. CEQA: Exempt.

APPROVED (6-0-1; PHAM ABSENT)

- b. **PDC05-009**. Planned Development Rezoning from R-M Multiple Residence Zoning District to A(PD) Planned Development Zoning District to allow up to four single-family attached residences on a 0.27 gross acre site, located on the west side of Boynton Avenue, approximately 520 feet northerly of Akron Way (489 BOYNTON AV) (Wang James X, Owner). Council District 1. SNI: None. CEQA: Exempt.

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

The following items are considered individually.

4. PUBLIC HEARINGS

- a. [An Ordinance amending the provisions of Sections 20.50.100 and 20.50.110 and adding Section 20.50.120 of Chapter 20.50, and modifying Sections 20.200.897 and 20.200.1065 of Chapter 20.200 of Title 20](#) of the San Jose Municipal Code, the Zoning Ordinance, to streamline the required permit process for certain uses and to allow for increased amounts of commercial support uses in Industrial Districts, and modifying the parking provisions in Sections 20.90.060, 20.90.210, and 20.90.220 of Chapter 20.90 of the Zoning Ordinance relating to uses in Industrial Districts. CEQA: Exempt, PP05-191.

RECOMMENDED APPROVAL (6-0-0-1; DHILLON ABSTAINED)

COMMISSIONER ZITO ASKED FOR CLARIFICATION AS TO WHY USE EXPANSION RATIO FOR INCREASE IN PARKING WAS PROPOSED TO GO FROM 15% TO 40%, COMMENTING THAT MIGHT ALLOW REUSE OF R & D BUILDINGS FOR MORE INTENSIVE USES. STAFF CLARIFIED CHANGES PRIMARILY GEARED TO GET NEW TENANTS INTO SMALL PRE-1965 BUILDINGS WITHIN COMMERCIAL STRIP CENTERS OR NBDS. STAFF FURTHER CLARIFIED, IN RESPONSE TO COMMISSIONER ZITO, THAT PARKING REQUIREMENTS WERE PROPOSED TO BE ALLOWED TO BE REDUCED WITH A DEVELOPMENT PERMIT FOR USES LIKE INDOOR SOCCER AND BATTING CAGES WITH LOWER PARKING NEED THAN HEALTH CLUBS.

- b. [Status Report on the City's Industrial Lands](#). CEQA: Exempt, PP05-191.

RECOMMENDED THE CITY COUNCIL ACCEPT THE STATUS REPORT ON INDUSTRIAL LANDS AND APPROVE THE PROPOSED MODIFICATIONS TO THE FRAMEWORK, AS A GUIDELINE TO EVALUATE PROPOSED CONVERSIONS OF EMPLOYMENT LANDS TO THEIR USES, INCLUDING DELETING THE PROPOSED CHANGE AT THE TOP OF PAGE 2, ADDING THE WORDS "WEST OF KING, AND NORTH OF MABURY." (6-0-0-1; DHILLON ABSTAINED)

STAFF PROVIDED BRIEF STATUS REPORT. COMMISSIONER JAMES ASKED FOR CLARIFICATION REGARDING THE PROPOSAL TO ALLOW CONVERSION OF INDUSTRIAL LAND NEAR THE BERRYESSA BART STATION AND PARTICULARLY WHY ONLY PORTIONS OF BART NODE WERE INCLUDED. STAFF EXPLAINED PROPOSAL WOULD BE TO PRIORITIZE WHICH AREAS SHOULD POTENTIALLY BE ENCOURAGED TO CONVERT TO RESIDENTIAL USES FIRST, AND THAT THE FRAMEWORK IS ONLY INTENDED TO APPLY TO AND GUIDE GENERAL PLAN AMENDMENTS, AND WOULDN'T LIMIT DEVELOPMENT PROJECTS. IN RESPONSE TO COMMISSIONER JAMES, STAFF FURTHER INDICATED FRAMEWORK IS A POLICY DOCUMENT WHICH COULD BE REVISITED FOR POSSIBLE REVISION ANNUALLY.

COMMISSIONER PLATTEN ASKED FOR CLARIFICATION ON INDUSTRIAL USE AND PARTICULARLY MONTEREY ROAD/OLINDER AREA WHERE VACANCY RATES ARE FALLING. STAFF RESPONDED THAT LAND FOR LIGHT AND HEAVY INDUSTRIAL

USES IS MORE SCARCE IN THE COUNTY, AND THAT R & D LANDS ARE MORE PLENTIFUL AND HAVE HIGHER VACANCY RATES.

COMMISSIONER ZITO COMMENTED THAT THE STATUS REPORT WAS COMPREHENSIVE AND GOOD WORK BY STAFF, AND COMMENTED THAT ABAG PROJECTIONS SHOWING 54% OF JOB GROWTH IN SAN JOSE WITH 68% OF POPULATION GROWTH IN NEXT 25 YEARS WAS DISPROPORTIONATE AND WOULD NOT IMPROVE JOBS/HOUSING BALANCE IN SAN JOSE.

COMMISSIONER ZITO COMMENTED IT WOULD BE USEFUL TO REQUIRE OFFSETS FOR CONVERTED INDUSTRIAL LANDS IN THE FUTURE, AND THE CITY ATTORNEY STATED THAT LEGAL ISSUES COULD ARISE IF FUTURE CITY COUNCILS WOULD BE BOUND BY SUCH A REQUIREMENT.

COMMISSIONER JAMES SUGGESTED ADDITIONAL LANGUAGE BE ADDED TO CLARIFY PRIORITIZATION OF BERRYESSA BART NODE CONVERSION AREAS

- c. [An Ordinance of the City of San Jose](#) providing a limited exception to Ordinance No. 21663 that precludes secondary units, and adopting a temporary secondary unit pilot program which authorizes the issuance of a maximum of 100 permits for new construction during a one-year evaluation period from January 1, 2006 through December 31, 2006, and which establishes specified requirements pertaining to minimum lot size, maximum unit size and number of bedrooms, parking, development standards, design standards, and applicable fees. CEQA: Exempt, PP05-196.

RECOMMENDED APPROVAL (7-0-0) WITH DIRECTION TO REFINE LIMIT ON TOTAL STORAGE AREA TO A LIMIT ON CONTIGUOUS STORAGE AREA

STAFF CLARIFIED THAT STATE LAW REQUIRES THAT SECONDARY UNIT PERMITS BE MINISTERIAL, SO THAT STAFF ARE PROPOSING DETAILED REQUIRMENTS AND DESIGN STANDARDS. THE PILOT PROGRAM WOULD ALSO ALLOW APPROVAL OF EXISTING, NON-PERMITTED UNITS.

COMMISSIONER DHILLON COMMENTED THAT PERHAPS COMMISSIONERS AND STAFF WHO WORKED ON THE SECONDARY UNITS ISSUE IN THE PAST SHOULD COMMENT ON WHETHER PROPOSED ORDINANCE ALIGNED WITH EARLY WORK.

CITY RESIDENTS SPOKE IN FAVOR OF THE PROPOSED PILOT PROGRAM AND STATED STAFF HAD DONE A GOOD JOB ON PUBLIC OUTREACH. PHYLLIS WARD, REPRESENTING AFFORDABLE HOUSING NETWORK, EXPRESSED THAT THIS IS A GOOD START TO PROVIDING HOUSING OPTIONS, ESPECIALLY FOR SENIORS.

COMMISSIONER ZITO ASKED FOR CLARIFICATION ON MOST RECENT CHANGES TO THE STAFF-PROPOSED ORDINANCE. STAFF EXPLAINED CHANGES RELATIVE TO PERCENTAGE OF SQUARE FOOTAGE ALLOWED AS STORAGE, MATERIALS THAT WOULD BE COMPATIBLE, ROOF FORMS, DOOR PLACEMENT THAT SHOULD RETAIN A SINGLE FAMILY LOOK, THAT SECOND UNIT WINDOWS SHOULD NOT BE ALLOWED TO LOOK ONTO ADJACENT PARCEL, AND THAT IF ANY EXISTING CODE VIOLATIONS ARE PRESENT ON THE SITE, AN APPLICATION WOULD NOT BE DEEMED COMPLETE. STAFF FURTHER CLARIFIED THAT PROPERTY OWNERS WITH

EXISTING UNITS COULD FILE AN APPLICATION TO LEGALIZE THEM AND THOSE WOULD NOT COUNT AGAINST THE 100 TOTAL NEW UNITS.

COMMISSIONER ZITO EXPRESSED THIS ORDINANCE WOULD PARTICULARLY ASSIST IN BEING ABLE TO PROVIDE ON-SITE LIVING ARRANGEMENT FOR OLDER FAMILY MEMBERS, IN ADDITION TO HELPING TO PROVIDE AFFORDABLE HOUSING.

COMMISSIONER LEVY NOTED THAT THERE IS A MAXIMUM SIZE BUT NO MINIMUM SIZE FOR SECOND UNITS, AND STAFF RESPONDED THAT ONLY HOUSING AND BUILDING CODE REQUIREMENTS WOULD APPLY FOR MINIMUMS. COMMISSIONER LEVY ASKED FOR CLARIFICATION ON SAFETY ISSUES WITHOUT GOOD VISIBILITY OF FRONT DOOR TO SECOND UNIT AND STAFF RESPONDED CRITERIA WERE TRYING TO BALANCE NEIGHBORHOOD COMPATIBILITY WITH SAFETY. COMMISSIONER LEVY SUGGESTED THAT LANGUAGE IN ORDINANCE REQUIRING IDENTICAL PAINT AND MATERIALS FOR SECOND UNITS SHOULD BE CHANGED TO "SIMILAR" AND STAFF RESPONDED THAT MINISTERIAL PROCESSES GENERALLY HAD TO HAVE YES/NO ANSWERS.

COMMISSIONER CAMPOS ASKED IF TOTAL NUMBER OF SECONDARY UNITS WOULD GO UP IF MORE CURRENTLY UNPERMITTED UNITS WERE PERMITTED AND STAFF CONCURRED. COMMISSIONER CAMPOS THEN ASKED IF DEVELOPERS COULD COME APPLY FOR A SERIES OF 2ND UNITS ON SEVERAL PARCELS, TO WHICH STAFF RESPONDED THAT CURRENT OWNER OF SINGLE-FAMILY HOUSE MUST ALSO RESIDE AT THE HOUSE TO BE ELIGIBLE TO APPLY FOR A SECOND UNIT.

- d. The projects being considered are located at/on S/E corner of Curci Drive and St. Elizabeth Drive (1460 CURCI DR), in the A(PD) Planned Development Zoning District (S L START & ASSOCS INC, Owner; S.L. START STEVE ANDERSON, Developer). Council District 6. SNI: None. CEQA: Negative Declaration.

1. [C05-102](#). Conforming Rezoning from A(PD) Planned Development Zoning District to CO Commercial Office Zoning District on a 1.17 gross acre site.

RECOMMENDED APPROVAL (7-0-0)

2. [PDC05-046](#). Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow up to 46 single-family detached residences on a 2.2 gross acre site.

RECOMMENDED APPROVAL (7-0-0)

COMMISSIONER JAMES ASKED APPLICANT FOR CLARIFICATION ON PROPOSED SIDE SETBACKS. APPLICANT INDICATED THAT CONCEPTUAL SITE PLAN INDICATED 17 FEET, WHICH CONFORMS TO REQUIRED 15 FOOT SETBACK IN DEVELOPMENT STANDARDS. COMMISSIONER JAMES STATED IT LOOKS LIKE A GOOD PROJECT AND THAT THE PROPOSED PARK WOULD SERVE AN UNDERSERVED AREA.

- e. [PDA98-033-01](#). Appeal of the Planning Director's decision to approve a Planned Development Permit Amendment to allow wireless communications antennas within a new 45-foot flagpole and an associated 252 square foot equipment and storage shelter at fire station No. 31 on a 0.76 gross acre site, in the A(PD) Planned Development Zoning District,

located at/on the east side of Ruby Avenue 200 feet southerly of Aborn Road (3100 Ruby Ave) (City of San Jose, Owner). Council District 8. SNI: None. CEQA: Exempt.

UPHELD DIRECTOR'S DECISION TO APPROVE (5-2-0; PHAM AND ZITO OPPOSED)

COMMISSIONER ZITO ASKED FOR CLARIFICATION AS TO WHETHER THERE WOULD BE HEALTH RISK FOR FIRE FIGHTERS "LIVING" ON THE SITE. THE APPLICANT AND THE ENGINEER EXPLAINED THE ANALYSIS RELATIVE TO CONTINUOUS EXPOSURE LEVELS ON DIFFERENT POPULATIONS AND STATED THAT RADIATION LEVELS WITHIN THE FIRE STATION WOULD BE 100 PERCENT BELOW THE FEDERAL CRITERIA. IN RESPONSE TO COMMISSIONER ZITO, THE APPLICANT EXPLAINED OTHER SITES REVIEWED FOR ANTENNA PLACEMENT, AND RATIONALE FOR SITE SELECTION OVER OTHER OPTIONS. IN RESPONSE TO COMMISSIONER ZITO, THE APPLICANT RESPONDED THAT FANS IN STORAGE/EQUIPMENT SHED ONLY OPERATE WITH A CERTAIN LEVEL OF HEAT, AND NO BACK-UP GENERATOR IS CONTAINED THEREIN.

COMMISSIONER JAMES STATED THAT THE COMMISSION HAD HEARD MANY ANTENNA PERMIT HEARINGS AND ASKED THE APPLICANTS' ENGINEER FOR COMPARISONS OF EQUIPMENT WITH HIGHER FREQUENCY RATIO RISK SUCH AS HAIR DRYERS, CELL PHONES, MICROWAVE OVENS IN THE HOME, THAT HAVE HIGHER RISKS THAN CELL TOWERS, TO WHICH THE ENGINEER CONCURRED.

IN RESPONSE TO COMMISSIONER JAMES, THE ENGINEER EXPLAINED THAT THE ENERGY RADIATION RATE FALLS OFF BY THE SQUARE OF THE DISTANCE, AND THAT THE ANTENNAS ARE DESIGNED TO TRANSMIT ENERGY OUT TOWARD THE HORIZON, NOT DOWNWARD, AND FURTHER THAT THE ANALYSIS WAS PREPARED TO BE CONSERVATIVE, WITH ACTUAL MEASUREMENTS LOWER IN THE FIELD.

SPEAKERS AND AREA RESIDENTS EXPRESSED CONCERN REGARDING POSSIBLE NOISE FROM FANS, INCREASE IN WIDTH OF FLAGPOLE, HAZARDOUS RADIATION, LOCATION OF EQUIPMENT ENCLOSURE RELATIVE TO FENCE ON PROPERTY LINE, AND SUGGESTED POSSIBILITY OF COLLOCATION OF THESE ANTENNAS ON OTHER EXISTING MONOPOLE.

THE APPLICANT EXPLAINED THAT REPLACEMENT STORAGE SHED WOULD BE IMPROVEMENT FROM EXISTING, THAT FAN WOULD ONLY BE ON WITH HEAT, THAT AN ACCOUSTICAL STUDY HAD BEEN SUBMITTED, AND THAT A PERMIT CONDITION REQUIRED AN ADDITIONAL REPORT AFTER INSTALLATION.

IN RESPONSE TO COMMISSIONER JAMES' QUESTIONS ABOUT NOISE LEVELS DURING THE DAY AND NIGHT, THE APPLICANT CLARIFIED HEAT LEVEL OF 77 DEGREES WOULD BE REQUIRED TO RUN FANS, AND THAT AMBIENT TEMPERATURES AT NIGHT, AND MOST OF THE YEAR, WOULD NOT EXCEED THAT. THE APPLICANT FURTHER COMMENTED THEY WERE AVAILABLE TO BRING TESTING EQUIPMENT TO INDIVIDUAL HOMEOWNERS' SITES, AND THAT ONGOING STUDY WAS OCCURRING ON MONITORING STANDARDS SINCE WORLD WAR 2. COMMISSIONER JAMES ASKED FOR WEB SITES WHERE RESIDENTS COULD GO TO READ ABOUT LONG TERM STUDIES WHICH THE ENGINEER IDENTIFIED FOR THE AUDIENCE.

IN RESPONSE TO COMMISSIONER LEVY, THE ENGINEER CLARIFIED THAT ONLY IN THE SUMMER WOULD THE FAN RUN CONTINUOUSLY FOR MANY HOURS, AND THAT PROPOSED MASONRY ENCLOSURE WOULD MITIGATE NOISE, AND THAT FURTHER ACCOUSTICAL ANALYSIS COULD BE DONE WITH MORE MITIGATION ADDED IF PROBLEMS OCCURRED.

CITY ATTORNEY CLARIFIED FCC CONTROL OVER THE CITY'S ABILITY TO CONSIDER THE HEALTH EFFECTS OF ANTENNA PLACEMENTS.

COMMISSIONER ZITO ASKED FOR CLARIFICATION ON THE ALTERNATIVES ANALYSIS AND WHETHER THE STORAGE SHED COULD BE MOVED. THE APPLICANT CLARIFIED THAT THEY HAVE WORKED WITH THE FIRE DEPARTMENT TO NOT CONSTRAIN THE ON-SITE ACTIVITY. STAFF EXPLAINED THAT SINCE THE VISUAL CRITERIA USING THE FLAGPOLE ON SITE WAS MET, THE ALTERNATIVES ANALYSIS WAS NOT DETERMINED TO BE NECESSARY, AND EXPLAINED CONFUSION REGARDING THE DEFINITION OF UTILITY STRUCTURES.

DEPUTY HAMILTON EXPLAINED CONDITIONS RELATED TO NOISE THAT WERE ADDED TO PERMIT IN CONDITION 6 THAT WERE NOT PREVIOUSLY INCLUDED IN THE ZONING.

IN RESPONSE TO THE APPELLANTS COMMENT'S, STAFF EXPLAINED THAT THE ACCESSORY STRUCTURE REQUIREMENTS HAD TO DO WITH SINGLE FAMILY SITES, NOT PUBLIC FACILITIES IN A PD ZONING DISTRICT.

IN RESPONSE TO COMMISSIONER ZITO, DEPUTY HAMILTON CLARIFIED COLOCATION ON SITE FURTHER UPHILL WOULD BE ON COUNTY LAND AND STAFF COULD NOT COMMENT ON COUNTY PERMIT REGULATIONS.

IN RESPONSE TO COMMISSIONER ZITO, STAFF CLARIFIED THAT THE ACCESSORY BUILDING WOULD ACTUALLY MEET THE CODE REQUIRED SETBACK FROM THE FRONT PROPERTY LINE.

COMMISSIONER PLATTEN COMMENTED THAT THIS IS A WELL-DESIGNED ANTENNA INSTALLATION, AND THAT THE COMMISSION HAD PREVIOUSLY APPROVED LESSER PROJECTS IN THE PAST, SOME IN LOWER INCOME AREAS.

COMMISSIONER ZITO STATED HE COULD NOT SUPPORT APPROVAL BECAUSE MORE DUE DILIGENCE COULD HAVE BEEN DONE BY APPLICANT AND STAFF TO FIND A LESS CONTENTIOUS SITE TO RESPOND TO NEIGHBORS' CONCERNS.

- f. [PDC05-059](#). Planned Development Rezoning from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District to allow 44 single-family detached residences on a 2.79 gross acres site, located at the east side of North Ninth Street between Taylor Street and Jackson Street (680 N 9TH ST) (Le Ba Van And Nguyen Hanh Thi Et Al, Bale Properties Huong Le, Martin and Nell Feldman Trustee, Owner). Council District 3. SNI: 13th Street. CEQA: Mitigated Negative Declaration. Deferred from 10-26-05.

**RECOMMENDED APPROVAL (5-2-0; LEVY AND ZITO OPPOSED)
WITH CONDITIONS:**

- 1. SETBACK FROM N. 9TH STREET SHALL BE 8 FEET**
- 2. SIDEWALK WIDTH ON 9TH STREET SHALL BE 5.5 FEET**
- 3. COMBINED COMMON AND PRIVATE OPEN SPACE SHALL BE 430 SQUARE FEET PER UNIT, WITH DIRECTION TO STAFF TO INCLUDE ALL PASEOS AND FRONT AND SIDE YARDS**

THE APPLICANT EXPLAINED RECENT EFFORTS TO WORK WITH STAFF AND NEIGHBORS. IN RESPONSE TO COMMISSIONER JAMES, THE APPLICANT INDICATED HE AND HIS TEAM HAD MET WITH NEIGHBORS 3-4 TIMES AND HAD NO NEGATIVE COMMENTS.

HE STATED THAT THE BUILDING SETBACK FROM N. 9TH STREET COULD BE INCREASED TO 8 FT IF THE SIDEWALK WIDTH WERE REDUCED TO 5.5 FT.

COMMISSIONER JAMES BEGAN THE DISCUSSION WITH A MOTION TO APPROVE THE REZONING WITH THE 8 FT SETBACK, 5.5 FT WIDE SIDEWALK AND A CHANGE TO ALLOW THE REQUIREMENT FOR PROJECT OPEN SPACE TO BE A COMBINED 430 SQUARE FEET OF BOTH COMMON AND PRIVATE OPEN SPACE PER UNIT, WITH FLEXIBILITY REGARDING WHICH SIDE SETBACK AREAS WOULD COUNT TOWARD THE TOTAL. COMMISSIONER JAMES ALSO SUPPORTED THE USE OF TRELLISES FOR THE GARAGES ON JACKSON AVENUE.

COMMISSIONER LEVY ASKED FOR STAFF CLARIFICATION ON THE PROPOSED MOTION, AND COMMENTED HE THOUGHT THE STAFF RECOMMENDATION WAS APPROPRIATE, AND THAT NOT ALL OPEN SPACES SHOULD COUNT AS “USEABLE” OPEN SPACE.

STAFF CLARIFIED THAT THE PROPOSED 280 SQ FT PER UNIT OF PRIVATE OPEN SPACE IN THE STAFF RECOMMENDATION COULD BE MET BY INTERIOR UNITS, BUT COULD NOT BE MET IN CURRENT ARRANGEMENT OF UNITS ON 9TH STREET.

COMMISSIONER PLATTEN INDICATED HE SUPPORTED THE MOTION WITH THE RECOMMENDED CHANGES SUGGESTED BY THE APPLICANT, AND STATED THE PROJECT WOULD BE A GOOD ADDITION TO THE JAPANTOWN AREA.

DEPUTY HAMILTON ASKED FOR FURTHER CLARIFICATION REGARDING THE MOTION, ESPECIALLY GIVEN RIGHT-OF-WAY ISSUES ON 9TH STREET, AND PUBLIC WORKS STAFF CLARIFIED THAT THE NARROWER SIDEWALK WOULD STILL MEET

ADA REQUIREMENTS, AND STREET TREES COULD BE ACCOMMODATED IN THE POCKETS CREATED BY THE DIAGONAL PARKING.

COMMISSIONER CAMPOS COMMENDED THE PROJECT, AND STATED THAT THE OPEN SPACE SEEMED ADEQUATE.

IN RESPONSE TO COMMISSIONER ZITO, STAFF CLARIFIED THE DIFFERENCES BETWEEN COMMISSIONER JAMES' MOTION, AND THE STAFF RECOMMENDATION. COMMISSIONER ZITO THEN INDICATED THAT THERE NEEDS TO BE A CLEAR DELINEATION BETWEEN COMMON AND PRIVATE OPEN SPACE, AND COULD NOT SUPPORT THE MOTION THAT COMBINED THE REQUIREMENT THAT WOULD LIKELY RESULT IN UNITS WITH MINIMAL PRIVATE OPEN SPACE.

5. OPEN PLANNING COMMISSION FALL HEARING ON GENERAL PLAN AMENDMENTS

OPEN HEARINGS

6. GENERAL PLAN CONSENT CALENDAR

- a. **GP05-T-03**: GENERAL PLAN TEXT AMENDMENT request to make minor modifications to application of the Mixed Industrial Overlay land use designation and to the discretionary alternate use policy for residential uses on commercially-designated parcels. CEQA: San Jose 2020 General Plan EIR Resolution No. 65459. Council District: Citywide. SNI: None.

RECOMMENDED APPROVAL (5-0-2; PLATTEN AND JAMES ABSENT)

COMMISSIONER ZITO ASKED PLANNING STAFF TO CLARIFY THE INTENT OF THE GENERAL PLAN TEXT AMENDMENT. STAFF CONFIRMED THAT GIVEN THE SCARCITY OF HEAVY INDUSTRIAL AND LIGHT INDUSTRIAL DESIGNATED LAND, AS DISCUSSED IN THE STATUS REPORT ON THE CITY'S INDUSTRIAL LANDS, THE INTENT OF THE STAFF-INITIATED GENERAL PLAN TEXT AMENDMENT REQUEST IS TO STRENGTHEN POLICY LANGUAGE FOR PRESERVATION OF THESE INDUSTRIAL LANDS FOR EXCLUSIVELY HEAVY INDUSTRIAL AND LIGHT INDUSTRIAL USES AND MINIMIZE THE POSSIBILITY OF USES THAT WOULD BE INCOMPATIBLE WITH THESE INDUSTRIAL USES.

- b. **GP05-02-01**: GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Medium Low Density Residential (8 DU/AC) to Neighborhood/Community Commercial for property located at the northeast corner of Coyote and Senter Roads (4298 Senter Road) on a 1.39-acre site. (Desmond Johnson & Kahn Ha Owners; Green Valley Corporation, Developer). CEQA: Mitigated Negative Declaration. Council District: 2. SNI: None.

RECOMMENDED APPROVAL (5-0-2; PLATTEN AND JAMES ABSENT)

COMMISSIONER JAMES QUESTIONED THE FIRE DEPARTMENT'S COMMENT ON THE LACK OF LEVEL OF DETAIL IN THE APPLICATION SUBMITTAL. STAFF RESPONDED BY STATING THAT THE TYPE OF DETAILS REQUIRED BY THE FIRE DEPARTMENT AND THE ISSUES RAISED BY THE RESIDENT SHOULD BE SUBMITTED AND

*ADDRESSED AT THE DEVELOPMENT PERMIT DESIGN REVIEW STAGE.
COMMISSIONER JAMES MADE A MOTION TO CONSIDER THE MITIGATED NEGATIVE
DECLARATION AND FIND IT IN COMPLIANCE WITH CEQA, AND RECOMMEND
APPROVAL OF THE GENERAL PLAN AMENDMENT.*

7. GENERAL PLAN PUBLIC HEARING CALENDAR

- a. **GP05-04-03:** GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Heavy Industrial to Heavy Industrial with Mixed Industrial Overlay for property located at east side of Oakland Road, approximately 700 feet south of Calle Artis (2080 and 2090 Oakland Road) on a 2.66-acre site (Cilker Revokable Trust, Owner; Bible Way Christian Center, Applicant). CEQA: Mitigated Negative Declaration. Council District 4. SNI: None.

**DEFERRED TO 11-16-05 (6-0-1; PHAM ABSENT) TO RESPOND TO
PROTEST OF THE NEGATIVE DECLARATION**

- b. **GP05-07-03:** GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Combined Industrial/Commercial and Medium High Density Residential (12 - 25 DU/AC) to High Density Residential (25-50 DU/AC) for property located on the east side of Monterey Highway, approximately 600 feet southerly of Umbarger Road (2774 Monterey Highway) on a 2.89-acre site (Aaron Yakligian, Applicant; Movassate Manoutchehr & Jaleh, Owner). CEQA: Mitigated Negative Declaration. Council District 7. SNI: None.

**RECOMMENDED APPROVAL (6-0-1; CAMPOS ABSENT) OF STAFF
RECOMMENDED ALTERNATIVE TO CHANGE THE SAN JOSE 2020
GENERAL PLAN LAND USE/TRANSPORTATION DIAGRAM
DESIGNATION FROM COMBINED INDUSTRIAL/COMMERCIAL TO
GENERAL COMMERCIAL ON 0.74 ACRES AND NO CHANGE TO THE
GENERAL PLAN ON THE REMAINING 2.15 ACRES OF THE SUBJECT
SITE.**

*THE APPLICANT'S REPRESENTATIVE, ERIC SCHOENNAUER, SPOKE
REGARDING THE PROPOSED GENERAL PLAN AMENDMENT. HE EXPRESSED
SUPPORT FOR THE STAFF RECOMMENDATION. IN RESPONSE TO A QUESTION
FROM COMMISSIONER ZITO, MR. SCHOENNAUER STATED THAT THE STAFF
RECOMMENDATION WAS CONSISTENT WITH HIS CLIENT'S PROJECT GOALS.
NO ONE FROM THE PUBLIC SPOKE ON THE PROPOSED GENERAL PLAN
AMENDMENT. THE PLANNING COMMISSION THEN REVIEWED AND
CONSIDERED THE MITIGATED NEGATIVE DECLARATION AND FOUND IT IN
CONFORMANCE WITH CEQA. COMMISSIONER LEVY MADE A MOTION TO
APPROVE THE STAFF-RECOMMENDED ALTERNATIVE.*

**8. APPROVAL OF PLANNING COMMISSION RECOMMENDATIONS ON FALL
HEARING ON GENERAL PLAN AMENDMENTS**

DEFERRED TO 11-16-05 (6-0-1; CAMPOS 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.

NONE

10. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES

NONE

11. GOOD AND WELFARE

- a. Report from City Council

NONE

- b. Commissioners' reports from Committees:

- Norman Y. Mineta San Jose International Airport Noise Advisory Committee (James).

NO MEETING

- Coyote Valley Specific Plan (Platten)

NO MEETING

- Evergreen East Hills Vision Strategy Task Force (Levy)

NO MEETING

- c. Review of synopsis

NO CHANGES

- d. Review of Agenda for Study Session with Parks Commission

NO COMMENTS

12. ADJOURNMENT

2005 PLANNING COMMISSION MEETING SCHEDULE

January 12	5:00 p.m. - 6:00 p.m.	<i>Study Session</i> <i>Discussion of Meeting Logistics</i>	Room 400
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> <i>Discussion of Jobs/Housing Imbalance</i>	Room 400
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> <i>Discussion of General Plan Amendments/development projects</i>	Room 400
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> <i>Discussion of Alcohol sales</i>	Room 400
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> <i>Review CIP</i>	Room 216B
Monday, May 2	6:00 p.m.	Regular Meeting	Council Chambers
May 11	4:00 p.m.	<i>Study Session</i> <i>Discussion of Parks planning strategy (Joint session with Parks Commission)</i>	Room 400
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> <i>Discussion of Jobs/Housing/Transportation Policy Update</i>	Room 106E
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	6:30 p.m.	Regular Meeting	Council Chambers
September 14	6:30 p.m.	Regular Meeting	Council Chambers
September 28	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
October 12	6:30 p.m.	Regular Meeting	Council Chambers
October 26	5:00 p.m.	<i>Study Session</i> Joint Airport Land Use/Planning Commission	Room T-332
October 26	6:30 p.m.	Regular Meeting	Council Chambers
November 9	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
November 16	5:00 p.m.	<i>Study Session</i> Joint Planning/Parks Commission	Room T-332
November 16	6:30 p.m.	Regular Meeting	Council Chambers
December 7	6:30 p.m.	Regular Meeting	Rooms W-118/W-119/W-120
December 8	8:00 a.m. - 5:00 p.m.	Annual Retreat	Room T-1572