



PLANNING COMMISSION AGENDA

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:

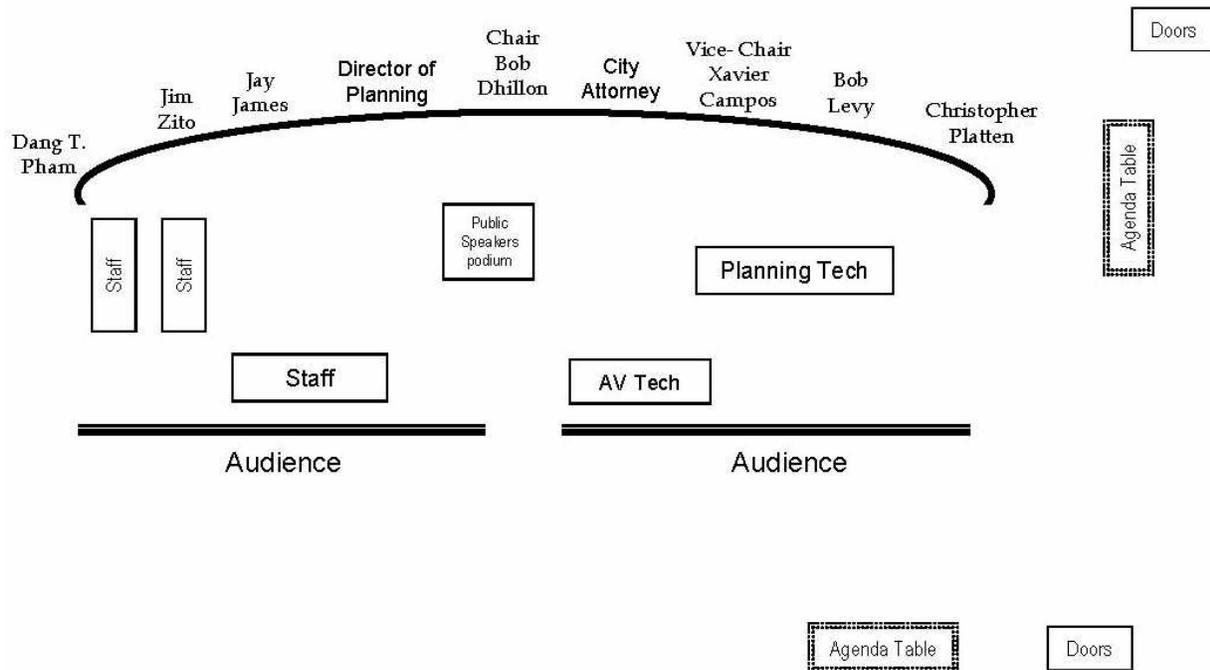
- After the staff report, applicants and appellants may make a 5-minute presentation.
- The chair will call out names on the submitted speaker cards in the order received.
- As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes.
- After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

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.

Staff Recommendation:

Approve a Conditional Use Permit to allow installation of a 20-foot wireless communications monopole next to an existing 38-foot water tank as recommended by Staff.

- 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.

Staff Recommendation:

Recommend to the City Council approval of a proposed 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 as recommended by Staff.

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.

Staff Recommendation:

Recommend to the City Council approval of the proposed ordinance amending Title 20 of the San Jose Municipal Code 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.

- b. **Status Report on the City's Industrial Lands**. CEQA: Exempt, PP05-191.

Staff Recommendation:

Accept the status report and forward a recommendation to the City Council to approve the proposed changes to the Framework, As A Guideline to Evaluate Proposed Conversions of Employment Lands to Other Uses.

- 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.

Staff Recommendation:

Recommend to the City Council approval of the proposed ordinance providing a limited exception to Ordinance No. 21663 of the San Jose Municipal Code to allow 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.

- 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.

Staff Recommendation:

Consider the Negative Declaration and find it in compliance with CEQA. Recommend to the City Council approval of a proposed Conforming Rezoning from A(PD) Planned Development Zoning District to CO Commercial Office Zoning District as recommended by Staff.

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.

Staff Recommendation:

Consider the Negative Declaration and find it in compliance with CEQA. Recommend to the City Council approval of a proposed 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 as recommended by Staff.

- 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.

Staff Recommendation:

Uphold 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 as recommended by Staff.

- 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.

Staff Recommendation:

Consider the Mitigated Negative Declaration and find it in compliance with CEQA. Recommend to the City Council approval of a proposed Planned Development Rezoning from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District to allow 44 single-family detached residences as recommended by Staff.

5. **OPEN PLANNING COMMISSION FALL HEARING ON GENERAL PLAN AMENDMENTS**

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.

Staff Recommendation:

Consider the Environmental Impact Report and find it in compliance with CEQA. Recommend to the City Council approval of a General Plan Text Amendment to make minor modifications to application of the Mixed Industrial Overlay land use designations and to the discretionary alternate use for policy for residential uses on commercially-designated parcels as recommended by Staff.

- 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.

Staff Recommendation:

Consider the Negative Declaration and find it in compliance with CEQA. Recommend to the City Council approval of a General Plan Amendment to change the Land Use/Transportation Diagram designation from Medium Low Density Residential (8 DU/AC) to Neighborhood/Community Commercial as recommended by Staff.

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.

Staff Recommendation:

Consider the Negative Declaration and find it in compliance with CEQA. Recommend to the City Council denial of the proposed General Plan Amendment request to change the Land Use/Transportation Diagram designation from Heavy Industrial to Heavy Industrial with Mixed Industrial Overlay as recommended by Staff.

- 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.

Staff Recommendation:

Consider the Negative Declaration and find it in compliance with CEQA. Recommend to the City Council approval of the staff-initiated alternative General Plan Amendment from Combined Industrial/Commercial to General Commercial on a 0.74-acre portion of a 2.89-acre site as recommended by Staff.

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

9. PETITIONS AND COMMUNICATIONS

- a. Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the Commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:
1. Responding to statements made or questions posed by members of the public; or
 2. Requesting staff to report back on a matter at a subsequent meeting; or
 3. Directing staff to place the item on a future agenda.

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

11. GOOD AND WELFARE

- a. Report from City Council
- b. Commissioners' reports from Committees:
- Norman Y. Mineta San Jose International Airport Noise Advisory Committee (James).
 - Coyote Valley Specific Plan (Platten)
 - Evergreen East Hills Vision Strategy Task Force (Levy)
- c. [Review of synopsis](#)
- d. Review of Agenda for Study Session with Parks Commission

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	6:30 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>	Room T-332
		<i>Joint Airport Land Use/Planning Commission</i>	
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>	Room T-332
		<i>Joint Planning/Parks Commission</i>	
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