



## **PLANNING COMMISSION AGENDA**

### *Synopsis*

**Wednesday, June 23, 2004**

**6:00 p.m. Regular Meeting**

Council Chambers, Room 205, City Hall

801 North First Street  
San Jose, California

**Jay James, Chair**  
**Rob Levv, Vice-Chair**

## **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 **Jay James** 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 *June 23, 2004*. Please remember to turn off your cell phones and pagers.

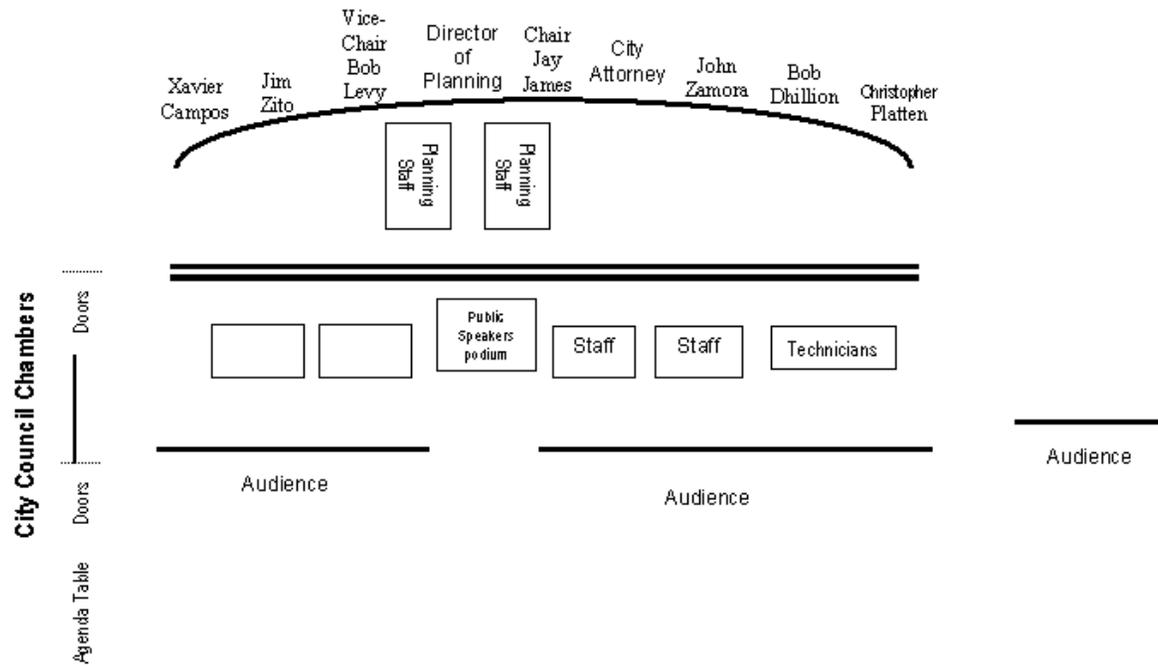
If you want to address the Commission, **fill out a speaker card (located on the table by the door or at the technician's station), and give the completed card to the technician. Please include the agenda item number for reference.**

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**

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.



## AGENDA

### ORDER OF BUSINESS

#### 1. ROLL CALL

*ALL WERE PRESENT, EXCEPT CAMPOS AND PLATTEN LEFT AFTER 4.B. AND DHILLON ARRIVED AFTER 4.A.*

*THE PLANNING DIRECTOR MADE A PRESENTATION TO OUTGOING COMMISSIONER ZAMORA ON BEHALF OF THE COMMISSION AND THE PLANNING DEPARTMENT. ALL COMMISSIONERS COMMENDED ZAMORA FOR HIS SERVICE ON THE COMMISSION. COMMISSIONER ZAMORA EXPRESSED THANKS TO AND APPRECIATION OF HIS FELLOW COMMISSIONERS.*

#### 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. SF03-036. RESOLUTION TO UPHOLD THE APPEAL OF THE PLANNING DIRECTOR'S DECISION TO DENY A SINGLE FAMILY HOUSE PERMIT to construct 1,555 square-foot first and 1,785 second story additions to an existing 1,008 square-foot one-story residence resulting in a 4,550 square-foot house with a 0.52 floor area ratio on a 0.2 gross acre site in the R-1-8 Single-Family Residence Zoning District,

Commercial Zoning District located at/on southeast corner of East Santa Clara Street and South 20th Street (960 E Santa Clara Street) (Alice & Santos Villalba Owners; Musical Entertainment, Inc, Developer). Council District 3. SNI: Five Wounds /Brookwood Terrace. CEQA: Exempt. Deferred from 5-26-04. Deferred from 6-9-04 for preparation of the resolution.

*APPROVED (6-0-1; DHILLON ABSENT).*

- c. CP04-018. CONDITIONAL USE PERMIT to allow a parking establishment and site improvements on a 0.11 gross-acre site in the CG General Commercial Zoning District located at/on southeast corner of The Alameda and South Keeble Avenue (1022 The Alameda) (Watergarden Corporation, Owner). Council District 6. SNI: None. CEQA: Exempt. Deferred from 5-12-04 and 6-9-04.

*DROPPED, TO BE RENOTICED.*

- d. CP04-012. CONDITIONAL USE PERMIT to allow three (3) additional wireless communication antennas (currently 6) on an existing 104 foot-tall PG&E utility structure and associated 300 square-foot equipment shelter on a 0.25 gross acre site in the R-1-8 Single-Family Residence Zoning District, located on the northwest corner of Potrero Avenue and Custer Drive (1833 Potrero Drive) (PG&E Co, Owner; AFL Telecommunications/Sprint PCS, Developers). Council District 9. SNI: None. CEQA: Exempt.

*APPROVED (6-0-1; DHILLON ABSENT).*

- e. ~~CPA93-012-01~~ CP04-056. CONDITIONAL USE PERMIT ~~AMENDMENT~~ to allow a 2,800 square-foot additions to an existing 19,400-square-foot convalescent care facility (Plum Tree Care Center) on a 1.3-acre site in the CO -Commercial Office Zoning District, located on southeast corner of Samaritan Drive and National Avenue (2580 Samaritan Drive) (Annine G. Untiedt et al, Owners; Life Generations Health Care, Tom Olds, Developer). Council District 9. SNI: None. CEQA: Exempt.

*APPROVED (6-0-1; DHILLON ABSENT).*

- f. CP04-034. CONDITIONAL USE PERMIT to allow a 36 foot-tall wireless communication antenna (existing monopole) and associated equipment on a 0.5-gross acre site in the CP Pedestrian Commercial Zoning District, located on the south side of

AMENDMENT to install wrought iron fencing along a property line within a surface parking area at an existing retail center on a 2.3 gross-acre site, in the CO Office Commercial and CG General Commercial Zoning Districts located on the northeasterly corner of The Alameda and West Julian Street (1065 The Alameda)(Bertram M. Berns Trustee, Owner). Council District 6. SNI: None. CEQA: Exempt. Deferred from 6-9-04 for preparation of the resolution.

*APPROVED (6-0-0-1; DHILLON ABSTAINED). CITY ATTORNEY PROVIDED COMMENT ON REVISED RESOLUTION PREPARED BY APPELLANT AND CLARIFIED NATURE OF "CLAIMS" WHICH COULD BE BROUGHT BY POSSIBLE TRESPASSERS ON THE SITE. COMMISSIONER ZITO EXPRESSED THAT THE LEGAL JUDGMENTS APPLIED SOLELY TO ACCESS BY NEIGHBORING PROPERTY OWNERS AND THOSE CLAIMING ACCESS THROUGH THEM, AND NOT OTHERS WHO MIGHT MEANDER ACROSS THE SITE. CITY ATTORNEY CONCURRED THAT THERE MAY BE INDIVIDUALS WHO WOULD NOT CLAIM ACCESS THROUGH ADJACENT PROPERTY OWNERS AND WERE NOT SPECIFICALLY COVERED UNDER THE COURT JUDGMENT. THE COMMISSION IDENTIFIED MODIFICATIONS TO DRAFT RESOLUTION PREPARED BY THE APPELLANT'S ATTORNEY WHICH WAS THEN APPROVED.*

*COMMISSIONERS ZITO AND CAMPOS INDICATED THEY SUPPORTED THE RESOLUTION, BUT WANTED TO ENCOURAGE DIALOGUE BETWEEN BUSINESSES AND NEIGHBORS IN AREA AND THOUGHT INSTALLATION OF THE FENCE WAS UNFORTUNATE.*

- b. PP03-03-088. FINAL RECIRCULATED SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT (EIR) for the Civic Plaza Parking Structure, a three-bay parking structure on a 1.22-acre site, which would contain between 1,128 and 1,250 parking spaces and up to 7,660 square feet of ground floor commercial uses located between North Fourth and Fifth Streets, 225 feet north of East Santa Clara Street. Council District 3.

*CERTIFIED EIR (7-0). PUBLIC TESTIMONY FROM PAC SJ REGARDING AVAILABLE PROJECT ALTERNATIVES REGARDING THE FOX THEATER BUILDING IN THE EIR, WHICH ARE "ENVIRONMENTALLY" SUPERIOR TO PROPOSED PROJECT. THE CITY ATTORNEY CLARIFIED WHERE THAT INFORMATION WAS CONTAINED IN THE EIR AND CLARIFIED THAT THE APPROVAL OF THE PROPOSED PROJECT WAS NOT BEFORE THE*

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.

*SPEAKERS, ALL REGARDING PARKLANDS AND OPEN SPACE IN SAN JOSE.*

1ST. *COMMENTS ON LACK OF GREEN SPACE AND PARKLANDS ADJACENT TO RESIDENTIAL AREAS IN NORTH SAN JOSE.*

2ND. *COMMENTS ON PARKS DEVELOPMENT IN NORTH SAN JOSE.*

3RD. *COMMENTS ON PROCESS FOR PROVISION OF PARKLAND FOR HIGH DENSITY HOUSING. DEPUTY DIRECTOR NOTED THAT COMMISSION ANNUAL REVIEW OF CITY CIP IS TIME FOR COMMISSION TO ADDRESS PARKS PLANNING, AND INDICATED STAFF WOULD COME BACK TO THE COMMISSION WITH REPORT ON HOW WE PLAN FOR PARKS. STAFF WILL AGENDIZE STUDY SESSION AND INVITE PARKS DEPARTMENT FOR A PRESENTATION.*

- b. Badging and expanded orientation for Planning Commission and Historic Landmarks commissioners 7-14-04: badging begins at 3:30 p.m. in the Health Building, Room 202c, orientation at 4:30 p.m. Room 205 (Council Chambers).
- c. Add *new* study session, Coyote Valley Specific Plan, Monday, 7-26-04, 4:30 p.m., Room 400.

*ADDED SESSION.*

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

*NONE.*

7. **GOOD AND WELFARE**

- a. Report from City Council

*NO REPORT GIVEN.*

- b. Commissioners' reports from Committees:

? Norman Y. Mineta San Jose International Airport Curfew Monitoring Committee (Dhillon and James).

*NOTHING TO REPORT*

## 2004 PLANNING COMMISSION MEETING SCHEDULE

July 14	4:30 p.m.	<b>Orientation with Historic Landmarks Commission</b>	Council Chambers
July 14	6:00 p.m.	Regular Meeting	Council Chambers
July 26	4:30 p.m.	Study Session	Room 400
		<b>Coyote Valley Specific Plan</b>	
July 26	6:00 p.m.	General Plan Hearing	Council Chambers
July 28	6:00 p.m.	Regular Meeting	Council Chambers
August 11	6:00 p.m.	General Plan/Regular Meeting	Council Chambers
August 25	6:00 p.m.	Regular Meeting	Council Chambers
September 8	6:00 p.m.	Regular Meeting	Council Chambers
September 22	6:00 p.m.	Regular Meeting	Council Chambers
<b>September 23</b>	<b>8:30 a.m./4:30 p.m.</b>	<b>Annual Retreat</b>	<b>Museum of Art, 110 S. Market</b>
October 13	6:00 p.m.	Regular Meeting	Council Chambers
October 27	6:00 p.m.	Regular Meeting	Council Chambers
November 1	6:00 p.m.	General Plan Hearing	Council Chambers
November 10	6:00 p.m.	Regular Meeting	Council Chambers
November 17	6:00 p.m.	Regular Meeting	Council Chambers
December 8	6:00 p.m.	Regular Meeting	Council Chambers

<http://www.ci.san-jose.ca.us/planning/sjplan/Hearings/index.htm>