



PLANNING COMMISSION AGENDA

Wednesday, November 17, 2004

6:00 p.m. General Plan & 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 **November 17, 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:

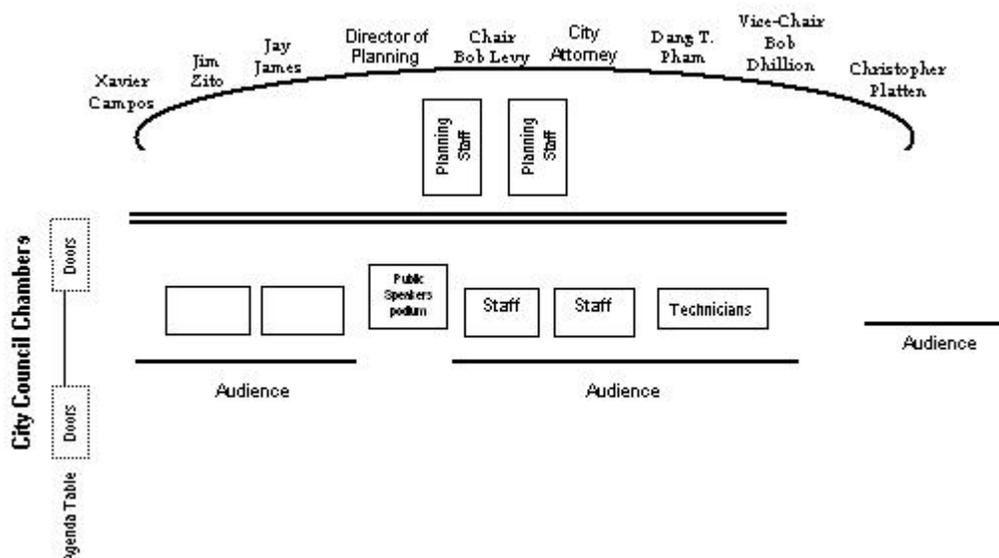
- After the staff report, applicants and appellants may make a 5-minute presentation.
- The chair will call out names on the submitted speaker cards in the order received.
- As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes.
- After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

The Planning Commission's action on rezoning, prezonings 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 questions regarding the agenda, please contact Debi Stollman at debi.stollman@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

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. **GP03-03-13: GENERAL PLAN AMENDMENT** request to change the Land Use/Transportation Diagram designation from Light Industrial to Medium Density Residential (8-16 DU/AC) on 3.4-acres and Medium High Density (12-25 DU/AC) on 3.5-acres for property bounded by Julian Street to the north, North 27th Street to the east, East Santa Clara Street to the south and North 26th Street to the west on a 6.9-acre site (City of San Jose, Applicant). Council District: 3. SNI: Five Wounds/Brookwood Terrace.

DROPPED

- b. **GP03-04-08: GENERAL PLAN AMENDMENT** request to change the Land Use/Transportation Diagram designation from Industrial Park to Transit Corridor Residential (20+ DU/AC) for property located on the north side of Berryessa Road, west of the Union Pacific Railroad Tracks on a 13.5-acre site (Facchino Robert B&B II, Owner/City of San Jose, Applicant). Council District 4. SNI: None.

DROP TO BE RENOTICED

- c. **GP03-10-02: GENERAL PLAN AMENDMENT** request to change the Land Use/Transportation Diagram designation from Medium Density Residential (8-16 DU/AC) to Medium High Density Residential (12-25 DU/AC) for property located on the northwest corner of Blossom Hill Road and Blossom Avenue on a 14.4-acre site (Santa Clara Valley Transit Authority & et al, Owner/City of San Jose, Applicant). Council District: 10. SNI: None.

DROP TO BE RENOTICED

- d. **GP04-10-02: GENERAL PLAN AMENDMENT** request to change the the Land Use/Transportation Diagram designation to remove the Minor Arterial (80-106 foot roadway) designation on Winfield Boulevard from Coleman Road to Almaden Expressway and change this segment of Winfield Boulevard to a local street, and change the Land Use/Transportation Diagram designation of McAbee Road, which forms the west leg of the Almaden Expressway/Winfield Boulevard intersection, from a four-lane Major Collector to a two-lane Major Collector between Almaden Expressway and Camden Avenue. (City of San Jose, Owner/Applicant). Council District 10. SNI: None.
- e. The items being considered are located on the north side of McKean Road, approximately 1,500 feet westerly of Fortini Road on a 35.4-acre site (City Council, Owner/Applicant). Council District: 10. SNI: None.
1. **FINAL ENVIRONMENTAL IMPACT REPORT (EIR)** for a General Plan Text Amendment (File No. GPT01-10-02) to allow certain limited, interim outdoor recreational uses on public properties that are consistent with the long-term character of the South Almaden Valley Urban Reserve (SAVUR) and for a City of San Jose public project (File No. PP03-02-057) to allow the development of a youth sports field complex including up to 12 baseball/softball/soccer fields on approx. 35.4 acres of an approx. 77-acre property owned by the San Jose Unified School District. The project site is located on the north side of McKean Road, approximately 1,500 feet westerly of Fortini Road, in the SAVUR in an unincorporated area of Santa Clara County (SCH No. 2002112035).
 2. **GPT01-10-02: GENERAL PLAN TEXT AMENDMENT** request to amend the text to allow certain limited interim outdoor recreational uses on public property that are consistent with the long-term character of the South Almaden Valley Urban Reserve.

DEFER TO 11-29-04

- f. **CP04-043. Conditional Use Permit** request to allow wireless communications antenna and associated equipment cabinets on the roof of an existing church on a 3.55 gross acre site enclosure in the R-1-8 Single-Family Residence Zoning District, located on the east side of South White Road, approximately 300 feet southerly of East Hills Drive (WHITE ROAD BAPTIST CHURCH, OWNER; METRO PCS, INC, DEVELOPER). Council District 5. SNI None. CEQA: Exempt. Deferred from 10/27/04.

DEFER TO 11-29-04

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. [CP04-085. Conditional Use Permit](#) to install a wireless communications antenna (monopole) and associated equipment shelter 180 square feet at an existing fire station on a 0.8 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at/on southwest corner of King Road and Cunningham Avenue (City Of San José, Owner; Afl Telecommunications Rich Rolita, Developer). Council District 7. SNI: K.O.N.A. CEQA: Exempt. Deferred from 11/10/04.

Recommendation:

Planning staff recommends that the Planning Commission approve a Conditional Use Permit to to install a wireless communications antenna (monopole) and associated equipment shelter 180 square feet at an existing fire station as recommended by Staff.

- b. [CP04-070. Conditional Use Permit](#) to allow a new 11,604 sq.ft. sanctuary building and a new 3,626 multi-purpose building for religious assembly use and the demolition of two existing buildings on a 1.12 gross acre site in the R-1-8 Single-Family Residence Zoning District, located on the east side of Francis Drive, approximately 450 feet southerly of Patt Avenue (454 FRANCIS DR) (Southbay Chinese Baptist Church, Owner). Council District 5. SNI: None. CEQA: Exempt.

Recommendation:

Planning staff recommends that the Planning Commission approve a Conditional Use Permit to allow a new 11,604 sq.ft. sanctuary building and a new 3,626 multi-purpose building for religious assembly use and the demolition of two existing buildings as recommended by Staff.

The following items are considered individually.

4. PUBLIC HEARINGS

- a. **CP04-052. Conditional Use Permit** to allow a 4,608 square foot expansion of an existing theater on a 9.7 gross-acre site in the CN Neighborhood Commercial Zoning District, located at/on southwest corner of Curtner Avenue and Almaden Expressway (2306 ALMADEN RD) (Joe Kovalik, Owner). Council District 6. SNI: None. CEQA: Exempt.

Recommendation:

Planning staff recommends that the Planning Commission approve a Conditional Use Permit to allow a 4,608 square foot expansion of an existing theater as recommended by Staff.

- b. **PDC04-052. Planned Development Rezoning** from R-2 Residential Zoning District to A(PD) Planned Development Zoning District to allow up to 24 single-family attached residences on a 1.10 gross acre site, located on the south side of San Antonio Road approximately 270 feet easterly of King Road (1716 E SAN ANTONIO ST) (Volunteers Of America Bay Area Inc, Owner; Core Development, Developer). Council District 5. SNI: Mayfair. CEQA: Mitigated Negative Declaration.

Recommendation:

Planning staff recommends that the Planning Commission recommend to the City Council approval of a proposed Planned Development Rezoning from R-2 Residential Zoning District to A(PD) Planned Development Zoning District to allow up to 24 single-family attached residences as recommended by Staff.

5. CONTINUATION OF PLANNING COMMISSION FALL HEARING ON GENERAL PLAN AMENDMENTS FROM NOVEMBER 1, 2004

- a. Overview of the Major Issues in the Fall 2004 Hearing of the General Plan

6. GENERAL PLAN CONSENT CALENDAR

7. GENERAL PLAN PUBLIC HEARING CALENDAR

- a. **FINAL ENVIRONMENTAL IMPACT REPORT (EIR)** for The Housing Opportunities Study Phase III, a series of amendments to the City of San José General Plan Land Use/Transportation Diagram. Amendments are proposed for 12 sites. The sites are located as follows: Site 1 is on the northwest corner of Blossom Hill Road and Blossom Avenue; Site 2 is on the north side of Berryessa Road, west of the Union Pacific Railroad Tracks; Site 3 is on the south side of Berryessa Road, east of Flickinger Avenue; Site 4 is on the southwest corner of Julian Street and North 27th Street and the south side of East St. John Street from the west side of North 27th Street to the west side of North 26th Street; Site 5 and 6 are located near the

intersection of Curtner Avenue and Canoas Garden Avenue; and Site 7-12 are separate but adjacent properties located between West San Carlos, I-280, Los Gatos Creek, and Race Street. The land use amendments are proposed in support of the Housing Opportunities Study III (HOS III), which is an ongoing effort by the City of San José to identify locations within the City that can reasonably accommodate additional housing and mixed-use development. These changes are intended to reinforce City policies regarding efficient use of land along designated Transit-Oriented Development Corridors, and to reduce the incompatibility of existing and planned industrial land uses near existing and planned residential land uses, while preserving economic development opportunities in the City. These sites are located in Council Districts 3, 4, 6, and 10.

Recommendation:

Planning staff recommends that the Planning Commission find that the Final EIR prepared for this project has been completed in compliance with and conforms to the requirements of CEQA and that the Final EIR reflects the City's independent judgment and analysis. The Planning Commission further directs staff to forward and present the certified Final EIR to the City Council for review and consideration.

- b. [GP03-04-07: GENERAL PLAN AMENDMENT](#) request to change the Land Use/Transportation Diagram designation from Medium Density Residential (8-16 DU/AC) to Medium High Density Residential (12-25 DU/AC) with a Floating Public Park/Open Space for property located at the south side of Berryessa Road, east of Jackson Avenue on a 2.5-acre site (Grace R Nola Trustee & et al, Owner/City of San Jose, Applicant). Council District: 4. SNI: None.

Recommendation:

Planning staff recommends that the Planning Commission recommend to the City Council approval of Medium High Density Residential (12-25 DU/AC) with a Floating Public Park/Open Space designation on 2.5-acres.

- c. [GP03-06-01: GENERAL PLAN AMENDMENT](#) request to change the Land Use/Transportation Diagram designation from Light Industrial with Mixed Industrial Overlay to High Density Residential (25-50 DU/AC) for property bounded by Highway 87, Curtner Avenue, and Canoas Garden Avenue on a 8.3-acre site (City of San Jose, Applicant). Council District: 6. SNI: None.

Recommendation:

Planning staff recommends that the Planning Commission recommend to the City Council approval of High Density Residential (25-50 DU/AC) on 8.3-acres as recommended by Staff.

- d. **GP03-06-02: GENERAL PLAN AMENDMENT** request to change the Land Use/Transportation Diagram designation from Public/Quasi-Public (2.8 acres) and Office (2.1 acres) to Transit Corridor Residential (20+ DU/AC) for property located on the southwest corner of Curtner Avenue and Canoas Garden Avenue on a 4.9-acre site (Santa Clara Valley Transportation Authority & et al, Owner/City of San Jose, Applicant). Council District: 6. SNI: None.

Recommendation:

Planning staff recommends that the Planning Commission recommend to the City Council approval of Transit Corridor Residential (20+ DU/AC) on 4.9-acres as recommended by Staff.

- e. **GP03-06-07: GENERAL PLAN AMENDMENT** request to change the Land Use/Transportation Diagram designation from Combined Industrial/Commercial to Public Park/Open Space for property bounded by Auzerais Avenue, Sunol Street, West Home Street and Los Gatos Creek on a 6.7-acre site (Owners, various/City of San Jose, Applicant). Council District: 6. SNI: None.

Recommendation:

Planning staff recommends that the Planning Commission recommend to the City Council approval of Public Park/Open Space on 6.7 acres as recommended by Staff.

- f. **GP03-06-08: GENERAL PLAN AMENDMENT** request to change the Land Use/Transportation Diagram designation from Heavy Industrial to Industrial Park for property located on the northwest corner of Savaker Street and Sunol Street on a 5.1-acre site (Owners, various/City of San Jose, Applicant). Council District: 6. SNI: None.

Recommendation:

Planning staff recommends that the Planning Commission recommend to the City Council approval of Industrial Park on 5.1 acres as recommended by Staff.

8. CONTINUE PLANNING COMMISSION HEARING ON THE 2004 FALL GENERAL PLAN AMENDMENTS FROM NOVEMBER 1 AND 17, 2004 TO NOVEMBER 29, 2004.

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 Curfew Monitoring Committee (Dhillon and James).
 - Coyote Valley Specific Plan (Platten)
- c. [Review of synopsis.](#)

12. ADJOURNMENT

2004 PLANNING COMMISSION MEETING SCHEDULE

November 29 Monday	6:00 p.m.	General Plan/Regular Meeting	Council Chambers
December 8	6:00 p.m.	Regular Meeting	Council Chambers