



## **PLANNING COMMISSION AGENDA**

**Wednesday, September 12, 2007**

*5:00 p.m. STUDY SESSION*

*Process for Referring Development Projects to the SNI NACS*

***ROOM LOCATION T-332***

**6:30 p.m. Regular Meeting**

**Council Chambers**

First Floor, City Hall Wing

200 East Santa Clara Street  
San José, California

**Ash Kalra, Chair**

**Randi Kinman, Vice-Chair**

**Xavier Campos      Lisa Jensen**  
**Matt Kamkar      Christopher Platten**  
**Jim Zito**

**Joseph Horwedel, 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 **Ash Kalra** 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, September 12, 2007**. 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, on the parking validation table at the back, and at the bottom of the stairs near the Audio-Visual Technician. Deposit the completed card in the basket near the Planning Technician. Please include the agenda item number (not the file number) for reference. Example: 4a, not PD06-023.**

The procedure for this hearing is as follows:

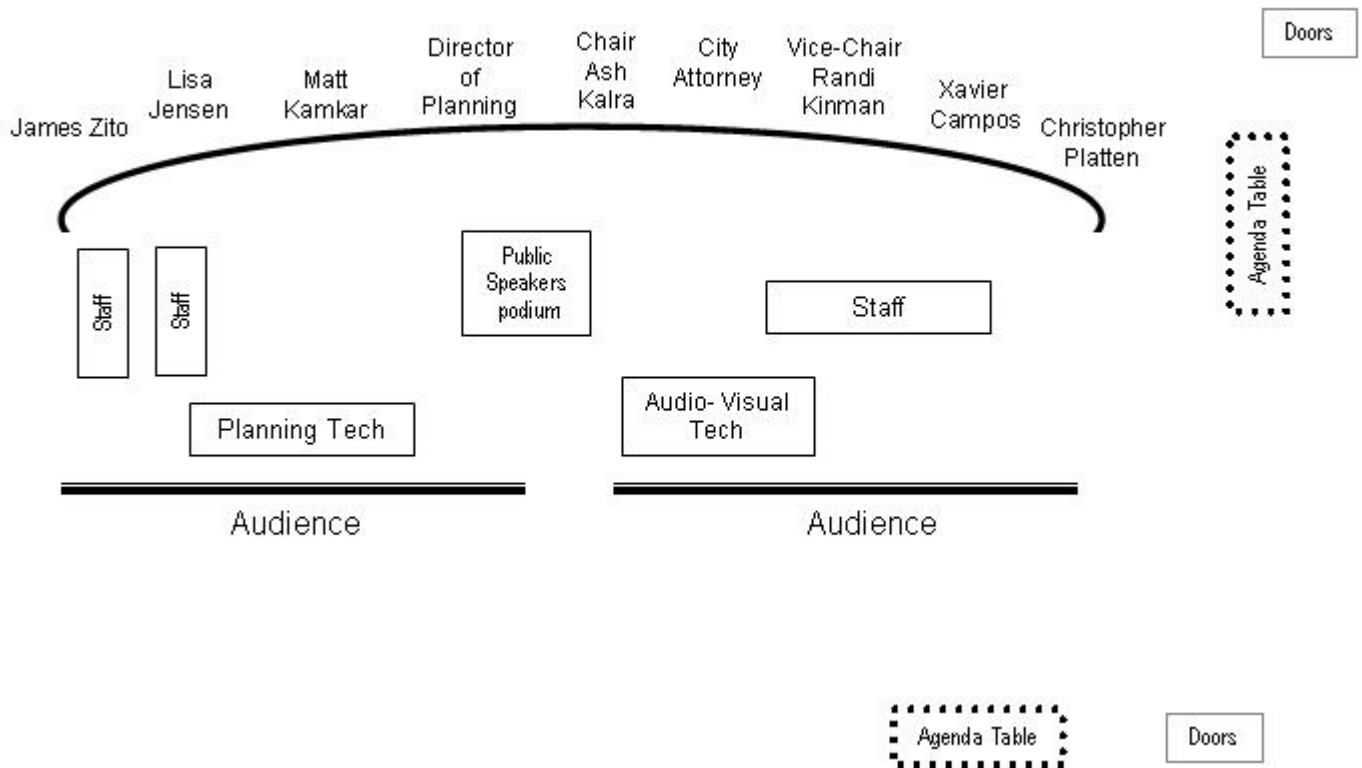
- After the staff report, applicants and appellants may make a 5-minute presentation.
- The chair will call out names on the submitted speaker cards in the order received.
- As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes.
- After 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 Carmen Stanley at [carmen.stanley@sanjoseca.gov](mailto:carmen.stanley@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 José Planning Commission generally meets every 2<sup>nd</sup> and 4<sup>th</sup> Wednesday at 6:30 p.m., unless otherwise noted. Agendas and Staff Reports for Planning Commission items may be viewed on the Internet at [www.sanjoseca.gov/planning/hearings/planning\\_com.asp](http://www.sanjoseca.gov/planning/hearings/planning_com.asp).

Audio for the Planning Commission hearings are recorded and broadcast live. To listen to live audio broadcast or to listen to past hearing recordings go to the Internet website: [http://sanjose.granicus.com/ViewPublisher.php?view\\_id=17#planningCommission](http://sanjose.granicus.com/ViewPublisher.php?view_id=17#planningCommission).

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.

Staff will provide an update on the items for which deferral is being requested. 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. Consideration of Planning Commission Agenda management and length of public hearing concerns and determination on whether to proceed with remaining agenda items past 11:00 p.m., continue this hearing to a later date certain, or defer remaining items to the next regularly scheduled Planning Commission meeting date. To be heard by the Planning Commission no later than 11:00 p.m.
- b. **CP06-060**. Conditional Use Permit to allow expansion of the previously approved permit conditions regarding business operation after midnight, construction of an interior wall to separate the restaurant from the nightclub to allow patrons under the age of 21 years, and to permit an off-site parking arrangement where patrons would utilize the VTA parking lot at 3390 Monterey Highway. The proposal is for the existing Fiesta Restaurant & Nightclub on a 2.16 gross acres site in the CN Neighborhood Commercial Zoning District, located on the northeast corner Monterey Road and Rancho Drive (3844 MONTEREY RD)(Noghrey Jamshid and Martha E, Owner). Council District 7. SNI: None. CEQA: Exempt.

**Staff Recommendation:**

DEFER to 09-26-07

- c. **PDC06-005**. Planned Development Rezoning from R-M Residential District to A(PD) Residential District to demolish the existing residential project and to allow 45 attached single-family units (four stories over a podium garage) on a 0.90 gross acre site, located on the north side of Bark Lane approximately 150 feet west of Weyburn Lane (7201 BARK LN) (Lee Lily Fu And Jason C, Owner). Council District 1. SNI: None. CEQA: Mitigated Negative Declaration.

**Staff Recommendation:**

DEFER to 09-26-07

- d. **PDC06-094**. Planned Development Rezoning from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District to allow up to 250 single-family attached residences in three-story buildings constructed on a podium on a 4.4 gross acre site, located at the southwest corner of Cinnabar Street and Stockton Avenue (345 Stockton Avenue) (381 Stockton LLC, Owner; Morrison Park Homes LLC, Developer). Council District: 6. SNI: None. CEQA: Draft Mitigated Negative Declaration. Deferred from 6/27/07, 7/18/07, 8/8/07, 8/22/07.

**Staff Recommendation:**

DROP

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.**

**Staff will provide an update on the consent calendar. If you wish to speak on one of these items individually, please come to the podium at this time.**

- a. **PDC06-060**. Planned Development Rezoning from CP Commercial Pedestrian Zoning District to the A(PD) Planned Development Zoning District to allow up to 10 single-family attached or detached residences and associated improvements on a 0.4 gross acre site, located on the southeast corner of McKee Road and La Pala Drive (3754 McKee Road) (MJ Core Holdings, LLC., Owner). Council District : 5. SNI: None. CEQA: Mitigated Negative Declaration.

**Staff Recommendation:**

Consider the Negative Declaration in accordance with CEQA. Recommend to the City Council approval of a Rezoning from the CP Commercial Pedestrian Zoning District to the A(PD) Planned Development Zoning District as recommended by Staff.

- b. **CP07-025**. Conditional Use Permit Renewal to allow an existing public eating, drinking, and entertainment establishment and late night use until 2:00 a.m. daily in the DC Downtown Primary Commercial Zoning District. Britannia Arms, located at 173 W. Santa Clara Street. (The Farmers Union, owner). Council District: 3. SNI: None. CEQA: Exempt. Deferred from 6/27/07, 8/8/07, 8/22/07.

**Staff Recommendation:**

Approve a Conditional Use Permit to allow drinking and entertainment establishment with late night use until 2:00 a.m. as recommended by Staff.

- c. [CP06-067](#). Conditional Use Permit to install one wireless monopole, approximately 56 feet in height, and an associated 350 square foot equipment area, on a 31.93 gross acre site in the R-1-8 Single-Family Residence Zoning District, located on the southeast corner of Marten Avenue and Flint Avenue (1966 Flint Avenue)(Mount Pleasant School District, George Perez, Owner). Council District: 8. SNI: None. CEQA: Exempt.

**Staff Recommendation:**

Approve a Conditional Use Permit for one wireless monopole as recommended by Staff.

- d. [CP07-034](#). Conditional Use Permit Renewal to allow an existing public eating and drinking establishment and late night use until 2:00 a.m. daily in the DC Downtown Primary Commercial Zoning District, located on the west side of San Pedro Street, approximately 420 feet north of Santa Clara Street (69 N SAN PEDRO ST)(Cucuzza Family Partnership, Owner). Council District: 3. SNI: None. CEQA: Exempt.

**Staff Recommendation:**

Approve a Conditional Use Permit to allow late night use until 2:00 a.m. daily as recommended by Staff.

- e. [CP07-052](#). Conditional Use Permit request to convert an existing 808 square-foot building (Roy's Gas Station) to a take-out and outdoor restaurant on a 0.06 gross acre site in the CN - Commercial Neighborhood Zoning District, located on northwest corner of North 5th Street and Jackson Street (197 Jackson St)(Rast Carole K Et Al, Owner). Council District 3. SNI: None. CEQA: Exempt.

**Staff Recommendation:**

Approve a Conditional Use Permit to convert a gas station to an outdoor restaurant as recommended by Staff.

- f. [CP07-019](#). Conditional Use Permit to allow off-sale of alcoholic beverages at an existing mini-mart located at a gasoline service station on a 0.63 gross acre site in the CN - Commercial Neighborhood Zoning District, located on the northwest corner of South White and Aborn Roads (3295 S White Road). (Singh Vikram and Kaur Baljinder, Owner). Council District 8. SNI: None. CEQA: Exempt.

**Staff Recommendation:**

Approve a Conditional Use Permit to allow off-sale of alcohol at a mini-mart as recommended by Staff.

- g. [CP07-035](#). Conditional Use Permit to allow a 12,000 square foot out-patient medical clinic in an existing building with minor modifications to the parking layout on a 5.1 acre site in the IP – Industrial Park Zoning District, located at the southeast corner of Santa Teresa and Great Oaks Boulevards (6850 Santa Teresa Blvd, Building B)(Berg & Berg Developers, LP, Owner). Council District: 2. SNI: Edenvale/Great Oaks. CEQA: Exempt.

**Staff Recommendation:**

Approve a Conditional Use Permit to allow a medical clinic in an existing building as recommended by Staff.

- h. [C07-027](#). Conventional Rezoning from R-1-8 Single-Family Residence Zoning District to R-M Multiple Residence District on a 0.26 gross acre site, located on the south side of Blossom Hill Road, approximately 70 feet westerly of Hoffman Court (1250 BLOSSOM HILL RD) (Joseph Guerra, Owner; Rockwell Homes, Inc. Joshua Lobue, Developer). Council District 10. SNI: Hoffman/Via Monte. CEQA: Exempt.

**Staff Recommendation:**

Recommend to the City Council approval of a rezoning from R-1-8 Residence District to R-M Multiple Residence District as recommended by Staff.

The following items are considered individually.

4. **PUBLIC HEARINGS**

**NOTICE TO THE PUBLIC**

Generally, the Public Hearing items are considered by the Planning Commission in the order in which they appear on the agenda. However, please be advised that the Commission may take items out of order to facilitate the agenda, such as to accommodate significant public testimony, or may defer discussion of items to later agendas for public hearing time management purposes.

- a. Review and Recommendation of the [Strong Neighborhoods Initiative Delmas Park Neighborhood Improvement Plan Amendment](#) to the City Council. Council District 3. SNI: Delmas Park. CEQA: Strong Neighborhoods Initiative Program EIR, Resolution No. 71045.

**Staff Recommendation:**

Consider the Environmental Impact Report in accordance with CEQA. Recommend that the Planning Commission forward to the City Council a recommendation to: (1) Accept the Strong Neighborhoods Initiative (SNI) *Delmas Park Neighborhood Improvement Plan Amendment* as the renewed community vision for the future of the Delmas Park SNI Planning Area; and (2) Encourage Delmas Park area residents, property owners and community members to continue to dedicate their time, energy and resources towards the *Plan* and this Amendment while continuing with their community-building activities.

- b. [PDC06-112](#). Planned Development Rezoning from CP Commercial Pedestrian Zoning District to A(PD) Planned Development Zoning District to allow up to five single-family detached residences on a 0.36 gross acre site, located on the south side of Olga Drive approximately 200 feet easterly of Saratoga Avenue (4170 OLGA DR) (Noel Avenue LLC, Owner). Council District: 1. SNI: Blackford. CEQA: Negative Declaration. Deferred from 8/22/07. ([supplemental memo](#))

**Staff Recommendation:**

Consider the Negative Declaration in accordance with CEQA. Recommend to the City Council approval of a Rezoning from CP Commercial Pedestrian Zoning District to A(PD) Planned Development Zoning District as recommended by Staff.

- c. [PDC06-004](#). Planned Development Rezoning from R-1-2 Residence and CP Commercial Pedestrian Zoning Districts to A(PD) Planned Development Zoning District to allow up to 38 single-family detached residences on a 4.5 gross acre site located on the east side of Monterey Highway, approximately 1,000 feet northerly of Skyway Drive (4280 MONTEREY RD) (Monterey Town Ctr LLC, Owner; Sabercat Holdings Michael Luu, Developer). Council District: 2. SNI: None. CEQA: Mitigated Negative Declaration. Deferred from 8/8/07, 8/22/07. ([plans](#))

**Staff Recommendation:**

Consider the Negative Declaration in accordance with CEQA. Recommend to the City Council approval of a Planned Development Rezoning from the R-1-2 Residence and CP Commercial Pedestrian Zoning District to the A(PD) Planned Development Zoning District as recommended by Staff.

- d. [PDC06-061](#). Planned Development Rezoning from the IP Industrial Park Zoning District to the A (PD) Planned Development Zoning District to allow up to 183 single-family attached residences on a 3.16 gross acre site, located on the Northwest side of Baypointe Parkway, approximately 370 feet northerly of Tasman Drive (163 Baypointe Parkway) (First Real Estate, LLC, First Real Estate, LLC Wayne Sun, Owner; FF Development Dan Milich, Developer). Council District: 4. SNI: None. CEQA: Addendum to EIR. Deferred from 8/22/07. ([plans](#))

**Staff Recommendation:**

Consider the Addendum to the EIR for the North San José Area Development Policies in accordance with CEQA. Recommend to the City Council approval of a Planned Development Rezoning from the IP-Industrial Park Zoning District to the A(PD) Planned Development Zoning District as recommended by Staff.

- e. [PDC06-093](#). Planned Development Rezoning from IP Industrial Park Zoning District to A(PD) Planned Development Zoning to allow up to 705 single-family and multi-family attached residences, 25,000 square foot retail space, and underground parking on a 10.01 gross acre site, located on the northwest corner of Zanker Road and Tasman Drive (3811 Zanker Road) (Zanker Road Invs LLC, Owner). Council District: 4. SNI: None. CEQA: Addendum to EIR. Deferred from 8/22/07. ([plans](#))

**Staff Recommendation:**

Consider the Addendum to the EIR for the North San José Area Development Policies. Recommend to the City Council approval of a Planned Development Rezoning from the IP – Industrial Park Zoning District to the A(PD) Planned Development Zoning District as recommended by Staff.

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' report from Committees:
  - 1) Norman Y. Mineta San José International Airport Noise Advisory Committee (Campos).
  - 2) Coyote Valley Specific Plan (Platten).
  - 3) Parks Funding Subcommittee (Zito).
  - 4) Envision San José 2040 General Plan Update Process (Kamkar).
- c. Review of synopsis for 8/22/07.
- d. Consider study session dates and/or topics.
  - 1) Confirm Annual Retreat for Thursday, October 25, 2007, from 8:30 a.m. to 5:00 p.m.

8. **ADJOURNMENT**

## 2007 PLANNING COMMISSION MEETING SCHEDULE

Date	Time	Type of Meeting	Location
January 31	6:30 p.m.	Regular Meeting	Council Chambers
Mon. February 12	6:30 p.m.	Regular Meeting	Council Chambers
February 28	6:30 p.m.	Regular Meeting	Council Chambers
March 14	5:00 p.m.	<i>Study Session</i>	T-332
		<i>Coyote Valley Specific Plan EIR</i>	
March 14	6:30 p.m.	General Plan & Regular Meeting	Council Chambers
March 28	5:00 p.m.	<i>Study Session</i>	T-332
		<i>Meeting Procedures and Commission Role</i>	
March 28	6:30 p.m.	General Plan & Regular Meeting	Council Chambers
April 11	5:00 p.m.	<i>Study Session</i>	T-332
		<i>Early Public Outreach for General Plan Update</i>	
April 11	6:30 p.m.	Regular Meeting	Council Chambers
April 25	5:00 p.m.	<i>Study Session</i>	T-332
		<i>Level of Service Policy</i>	
April 25	6:30 p.m.	General Plan & Regular Meeting	Council Chambers
May 2	5:00 p.m.	<i>Study Session</i>	T-1654
		<i>Review Capital Improvement Program</i>	
May 2	6:30 p.m.	General Plan & Regular Meeting	Council Chambers
May 16	6:00 p.m.	<i>Study Session</i>	T-332
		<i>Sunshine Reform Task Force Recommendations</i>	
May 16	6:30 p.m.	Regular Meeting	Council Chambers
May 30	5:00 p.m.	<i>Study Session</i>	T-332
		<i>Economic Development/Retail Strategy</i>	
May 30	6:30 p.m.	Regular Meeting	Council Chambers
Mon., June 11	6:30 p.m.	Regular Meeting	W-118 / 119 / 120
June 27	5:00 p.m.	<i>Joint Study Session w/Parks Commission</i>	W-120
		<i>Riparian Corridor issues</i>	
June 27	6:30 p.m.	Regular Meeting	Council Chambers
July 18	6:30 p.m.	Regular Meeting	Council Chambers
August 8	5:00 p.m.	<i>Study Session</i>	T-332
		<i>Street Vacations and Easements</i>	
August 8	6:30 p.m.	Regular Meeting	Council Chambers
August 22	6:30 p.m.	Regular Meeting	Council Chambers
September 12	5:00 p.m.	<i>Study Session</i>	T-332
		<i>Process for Referring Development Projects to the SNI NACS</i>	
September 12	6:30 p.m.	Regular Meeting	Council Chambers
September 26	6:30 p.m.	Regular Meeting	Council Chambers
October 10	6:30 p.m.	Regular Meeting	Council Chambers
October 24	6:30 p.m.	Regular Meeting	Council Chambers
November 7	6:30 p.m.	Regular Meeting	Council Chambers
November 14	6:30 p.m.	Regular Meeting	Council Chambers
November 28	6:30 p.m.	Regular Meeting	Council Chambers
December 5	6:30 p.m.	Regular Meeting	Council Chambers