

PLANNING COMMISSION

May 27, 2009

Hearing Report

ROLL CALL

PRESENT: Commissioners Cahan, Campos, Do, Jensen, Kamkar, Platten, Zito

ABSENT: None

1. DEFERRALS

- a. **GP08-08-04**. A General Plan Amendment request to change the Land Use/Transportation Diagram designation from Rural Residential (0.2 DU/AC) to Low Density Residential (5 DU/AC) on an 9.76-acre site, located on the west side of Cadwallader Avenue, approximately 150 feet southerly of Prunetree Lane (3905 Cadwallader Avenue)(Robert Cirelli - Trustee & Laura and Michael Pianka, Owners). Council District 8. SNI: None. CEQA: Mitigated Negative Declaration. *PROJECT MANAGER, L.XAVIER-04*.

DEFERRED TO FALL 2009 GENERAL PLAN HEARINGS (7-0-0)

- b. **CP07-081**. Conditional Use Permit to allow a 4,500 square foot addition to an existing private school gymnasium on a 4.6 gross acre site in the R-1-8 Single-Family Residence Zoning District, located on the east side of South King Road, approximately 840 feet south of Enesco Avenue (2790 S. King Road)(Liberty Baptist Church, owner). Council District 8. SNI: West Evergreen. CEQA: Exempt. Deferred from 4/8/09 & 5/6/09. *PROJECT MANAGER, S.DO*

DROPPED PER APPLICANT'S REQUEST (7-0-0)

2. CONSENT CALENDAR

- a. **PDC08-042**. Planned Development Rezoning from an A(PD) Planned Development Zoning District to an A(PD) Planned Development Zoning District to allow continued use of resource materials recovery after the closure of the existing landfill on a 70.3 gross acre site, located approximately 1,200 feet northwesterly of the intersection of Los Esteros Road and Zanker Road (705 Los Esteros Road)(Zanker Road Resource Management, Ltd., owner). Council District 4. SNI: None. CEQA: Mitigated Negative Declaration. *PROJECT MANAGER, S.DO*

APPROVED (7-0-0)

Access the video, agenda, and related reports for this meeting by visiting the City's website at:
<http://www.sanjoseca.gov/planning/hearings/>

- b. **CP08-091.** Conditional Use Permit for the operation of social services agency in an existing office building on a 1.93 gross acre site, in the LI(PD) Planned Development Zoning District, located on the east side of Oakland Road between Corie Court and Bern Court (1530 Oakland Rd)(Double Oak Development Company, owner; Better Horizons Development, Inc. Bienvenido Castaneda, developer). Council District 4. SNI: None. CEQA: Exempt. *PROJECT MANAGER, E.SCHREINER*

APPROVED (7-0-0)

3. PUBLIC HEARINGS

- a. **Preliminary Alum Rock Form Based Zoning Design Standards and Guidelines.** Consideration of Alum Rock Form Based Zoning Standards and Guidelines providing preliminary development standards (including setback, height and use provisions) intended to form the basis for a future zoning district for the area generally located on both sides of Alum Rock Avenue between King Road and Interstate 680. CEQA: Mitigated Negative Declaration, File No. PP09-012. *PROJECT MANAGER, C.HAMILTON*

CONTINUED TO 6/10/09 (4-2-1; JENSEN, KAMKAR OPPOSED; PLATTEN ABSENT)

- b. **North San José Area Development Policy.** UPDATE TO THE NORTH SAN JOSÉ AREA DEVELOPMENT POLICY. Public Hearing on the following items related to the North San José Area Development Policy update. The North San José Area Development Policy area consists of 4,987 acres located south of State Route 237, east of the Guadalupe River and generally north and west of Interstate 880, but also including land along both sides of Murphy Avenue as far east as Lundy Avenue. SNI: None. Council Districts 3 & 4. CEQA: Addendum to the North San José Policy Update EIR certified June 21, 2005 per City Council Resolution No 72768. *PROJECT MANAGER, M.DAVIS*

RECOMMENDED APPROVAL (5-2-0; CAHAN, PLATTEN OPPOSED)

- 1) PUBLIC HEARING ON THE PROPOSED UPDATE TO THE NORTH SAN JOSÉ AREA DEVELOPMENT POLICY including the consideration of: a resolution updating the North San José Area Development Policy to a) add capacity within the Policy to allow for up to one million square feet of regional commercial uses and up to 2,000 hotel rooms outside of the Core Area, and to decrease the capacity for new industrial uses by two million square feet; b) amend the Policy to facilitate the delivery of affordable residential units within North San José consistent with City goals for affordable housing; c) numerous other clarifying changes to facilitate implementation of the Policy; and d) allow the Director of Planning discretion to grant permit time extensions.

RECOMMENDED APPROVAL (5-2-0; CAHAN, PLATTEN OPPOSED)

- 2) The approval of an ordinance amending the North San José Area Traffic Impact Fee.

RECOMMENDED APPROVAL (5-2-0; CAHAN, PLATTEN OPPOSED)

- 3) Accept the North San José Neighborhoods Plan.

ACCEPTED (5-2-0; CAHAN, PLATTEN OPPOSED)

- c. **PDC08-035**. Planned Development Rezoning from LI Light Industrial and R-M Multiple Family Residence Zoning Districts to A(PD) Planned Development Zoning District to allow relocation of one National Register eligible house, demolition of five structures and construction of up to 50 residential units and approximately 4,000 square feet of commercial/retail space on a 1.08 gross acre site, located at the southwest corner of Edwards Avenue and South 1st Street (Barriga Emilio Et Al, Jose Montero, Owner). Council District 3. SNI: Washington. CEQA: Mitigated Negative Declaration. Deferred from 5/13/09. *PROJECT MANAGER, S.ZARNOWITZ*

RECOMMENDED APPROVAL (6-1-0; CAHAN OPPOSED)

4. CONTINUE THE PLANNING COMMISSION SPRING 2009 HEARING ON GENERAL PLAN AMENDMENTS

APROVED (7-0-0)

5. GENERAL PLAN CONSENT CALENDAR

- a. **GP08-07-01**. Proposal to amend the General Plan land use designation on a 0.72 acre parcel on the southwest corner of Tully Road and McLaughlin Avenue (1100 Tully Road) from Medium Low Density Residential (8 dwelling units per acre) to General Commercial. Approval of this General Plan amendment would allow the City Council to consider the related rezoning application, File No. C08-047, for a Conventional Rezoning from A Agricultural Zoning District to CN Commercial Neighborhood Zoning District to allow uses on a 0.72 gross acre site. SNI: None. CEQA: Mitigated Negative Declaration. *PROJECT MANAGER, E.SCHREINER*

RECOMMENDED APPROVAL (7-0-0)

- 1) **C08-047**. Conventional Rezoning from the A Agricultural District to the CN Neighborhood Commercial District to permit the demolition of a gasoline service station and convenience store and the construction of a new gasoline service station and convenience store on a 0.72 gross acre site, located on the southwest corner Tully Rd and McLaughlin Av (1100 TULLY RD)(Borello John L And Anita C Trustee & Et Al, Owner). Council District 7. SNI: None. CEQA: Mitigated Negative Declaration.

RECOMMENDED APPROVAL (7-0-0)

- b. **GP08-T-09.** General Plan text amendment request to incorporate into the text of the *San José 2020 General Plan* the Evergreen-East Hills Development Policy as adopted by City Council Resolution No. 74741. (Land within San José's Urban Service Area Boundary, south of Story Road, east of U.S. Highway 101, and the area generally north of the intersection of U.S. Highway 101 and Hellyer Avenue)(City of San José Initiated). Council Districts 8, 7, & 5. SNI: West Evergreen, K.O.N.A., & East Valley/680. CEQA: Evergreen-East Hills Development Policy Final Supplemental Environmental Impact Report certified by the City Council on December 16, 2008, Resolution No. 74742. *PROJECT MANAGER, R.MATHEW*

RECOMMENDED APPROVAL (7-0-0)

- c. **GP08-08-02.** General Plan Amendment to change the Land Use/Transportation Diagram designation from Very Low Density Residential (2 DU/AC) to Low Density Residential (5 DU/AC) on an 9.1 acre site located on the northeast side of San Felipe Rd, approximately 800 feet north of Silver Creek Road and at the terminus of Grand Oak Way (DAL Properties, LLC, applicant and owner). Council District 8. SNI: None. CEQA: Mitigated Negative Declaration. *PROJECT MANAGER, L.XAVIER*

RECOMMENDED APPROVAL (6-1-0; CAHAN OPPOSED)

6. GENERAL PLAN PUBLIC HEARING

- a. **GP08-10-01.** General Plan Amendment to change the Land Use/Transportation Diagram land use designation from Medium Low Density Residential (8 DU/AC) to Medium Density Residential (8 - 16 DU/AC) on a 0.85-acre site located on the east side of Almaden Road, approximately 300 feet north of Redmond Avenue (16430 Almaden Road) (Woodrum Ronnie L And Phyllis R Trustee, Owner). Council District 10. SNI: None. CEQA: Mitigated Negative Declaration. *PROJECT MANAGER, L.XAVIER*

RECOMMENDED DENIAL (4-3-0; CAHAN, CAMPOS, PLATTEN OPPOSED)

- b. **GP09-04-01.** Proposal to amend the General Plan land use designation for property located at the southeast corner of Ridder Park Drive and Fox Lane to add the Mixed Industrial Overlay to a 3.5 acre site designated Industrial Park on the San José General Plan 2020 Land Use/ Transportation diagram. The General Plan amendment request is for a land use change only. No new development is being proposed at this time. CEQA: Negative Declaration. *PROJECT MANAGER, J.DAVIDSON*

RECOMMENDED DENIAL (6-1-0; ZITO OPPOSED)

- c. **GP08-05-01a, b, c, d, & e, and GPT08-05-01.** City-initiated General Plan land use and text amendment requests to change various residential and commercial land use designations to Transit Corridor Commercial and modify the Alum Rock Neighborhood Business District boundary to include various portions of parcels fronting on, or within 1000 feet, of Alum Rock Avenue between King Road and Interstate 680. The associated text amendment request is to revise the definition of the Alum Rock Neighborhood Business District to reflect the proposed land use changes. (Various Owners / City of San José, Applicant)(APNs: Various). Council District 5. SNI: Mayfair and Gateway East. CEQA: Negative Declaration. *PROJECT MANAGER, J.NUSBAUM*

RECOMMENDED APPROVAL (7-0-0)

**7. APPROVAL OF PLANNING COMMISSION RECOMMENDATIONS OF
SPRING 2009 GENERAL PLAN AMENDMENTS FROM MAY 13, 2009
THROUGH MAY 27, 2009**

APPROVED (7-0-0)

8. PETITIONS AND COMMUNICATIONS

NONE

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

NONE

10. GOOD AND WELFARE

- a. Report from City Council
Considered many recent land use
- b. Commissioners' Report from Committees:
 - 1. Norman Y. Mineta San José International Airport Noise Advisory Committee (Campos).
No report
 - 2. Envision San José 2040 General Plan Update Process (Kamkar).
Commissioner Campos reported on meeting
- c. Review Synopsis from 5/13/09
Approved (5-0-2); Campos and Platten absent
- d. Consider Study Session dates and/or topics.
Defer to 6/10/09 meeting
- e. Subcommittee Reports and Outstanding Business
Continued to 6/10/09 meeting
 - i. Discuss formation of a subcommittee on 'Environmental Issues'.
 - ii. Off-sale of Alcohol Process (full-service grocery stores).
 - iii. Planning Commission Deferral Protocol Criteria.

ADJOURNMENT