

PLANNING COMMISSION

December 1, 2010

Action Report

ROLL CALL

PRESENT: Commissioners' Abelite, Bit-Badal, Cahan, Jensen, Kamkar, Kline, Platten

ABSENT:

1. DEFERRALS

- a. **CPA00-009-01**. Conditional Use Permit Amendment for the timely renewal of an asphalt/concrete crushing and recycling facility, and the modification of Condition #31 in the original approval, relating to the required noise barrier, on a 2.7 gross acre site in the HI Heavy Industrial Zoning District, located approximately 500 feet northeast of Commercial Street and 1,000 feet northwest of Commercial Street (11711 Berryessa Road) (Granite Rock (Chris Mann), Applicant) Council District 4. SNI: None. CEQA: Addendum to a previously adopted Negative Declaration. Deferred from 11-17-10.
PROJECT MANAGER, J.DAVIDSON

DEFERRED (6-0-1; KAMKAR ABSENT)

2. CONSENT CALENDAR

No Items.

3. PUBLIC HEARING

- a. **CP10-022 & ABC10-011**. Conditional Use Permit and Determination of Public Convenience or Necessity to allow off-sale of alcohol at a general retail store/pharmacy(Walgreens) in an existing 15,465 square-foot tenant space in a shopping center on an approximately 7.2 gross-acre site in the CN Commercial Neighborhood Zoning District, located on the southwest corner of Meridian Avenue and Hamilton Avenue (1601, 1613, and 1615 Meridian Avenue) (Filice Lansford Development Corp, Owner). Council District 6. SNI: None. CEQA: Exempt. *PROJECT MANAGER, J.NUSBAUM*

DENIED (5-0-1-1, KAMKAR ABSENT & PLATTEN ABSTAINED)

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

- b. **PD10-016 & ABC10-012**. Planned Development Permit and Determination of Public Convenience or Necessity to allow off-sale of alcohol at a general retail store/pharmacy(Walgreens) in an existing approximately 14,000 square-foot tenant space in a shopping center on an approximately 4.2 gross-acre site in the A(PD) Planned Development Zoning District, located on the southeast corner of Bird Avenue and Willow Street (1130 BIRD AV)(Mistry Investment Co., LLC, Owner). Council District 6. SNI: None. CEQA: Exempt. *PROJECT MANAGER, J.NUSBAUM*

DENIED (6-0-1, KAMKAR ABSENT)

4. CONTINUE 2010 FALL GENERAL PLAN AMENDMENTS HEARING

5. GENERAL PLAN CONSENT CALENDAR

No Items.

6. GENERAL PLAN PUBLIC HEARING

- a. **GPT05-08-01**. General Plan Test Amendment for various text revisions to address changes proposed through the Evergreen*East Hills Vision Strategy (EEHVS) process, including associated changes to the Evergreen Development Policy and General Plan Amendment applications (File Nos. GP05-08-01A through F).

RECOMMENDED DENIAL (6-0-1, KAMKAR ABSENT)

- b. **GP05-08-01A** (Arcadia). Application to change the Land Use/Transportation Diagram designation from Medium Low Density Residential (8.0 DU/AC), Industrial Park, Office, Public/Quasi-Public, and Public Park and Open Space with Mixed Use Overlay to Mixed Use with No Underlying Land Use Designation (up to 1,875 dwelling units, up to 150,000 square feet of commercial, and 12 to 18 acres of Public Park and Open Space on an 81-acre site, located on the south side of Quimby Road, 1,000-feet westerly of Capitol Expressway. (Arcadia Homes, Inc., & Pepper Land-Quimby LLC, Owner/Applicant). Council District 8. *PROJECT MANAGER, L.PREVETTI*

RECOMMENDED DENIAL (6-0-1, KAMKAR ABSENT)

- c. **GP05-08-01B** (Pleasant Hills G.C.) Application to change the LandUse/Transportation Diagram designation from Private Recreation to Medium Density Residential (8-16 DU/AC), Public Park & Open Space, and Public/Quasi-Public on a 114-acre site at the northeast corner of Tully and South White Roads. (Duino Family Partners, Owner / KB Home South Bay, Inc., Applicant). Council District 8. *PROJECT MANAGER, L.PREVETTI*

RECOMMENDED DENIAL (6-0-1, KAMKAR ABSENT)

- d. **GP05-08-01C/ESJ2040-006** (Campus Industrial - Berg) Application to change the LandUse/Transportation Diagram designation from Private Recreation to Medium Density Residential (8-16 DU/AC), Medium Low Density Residential (8 DU/AC) or low Density Residential (5DU/AC) and Public Park & Open Space on 175-acre site at the southeast corner of Fowler & Yerba Buena Roads. (Mission West Props, Owner / Berg & Berg Developers, Applicant). Council District 8. *PROJECT MANAGER, L.PREVETTI*

RECOMMENDED DENIAL (6-0-1, KAMKAR ABSENT)

- e. **GP05-08-01D/ESJ2040-006** (Campus Industrial - IDS) Application to change the Land Use/Transportation Diagram designation from Campus Industrial to Medium Density Residential (8-16 DU/AC) or Medium Low Density Residential (8 DU/AC) and Public Park/Open Space on a 24 acre site on the east side of Yerba Buena Road opposite Verona Road. Council District 8. *PROJECT MANAGER, L.PREVETTI*

RECOMMENDED DENIAL (6-0-1, KAMKAR ABSENT)

- f. **GP05-08-01E** (Campus Industrial - Legacy) Application to change the Land Use/Transportation Diagram designation from Campus Industrial to Medium Density Residential (8-16 DU/AC) or Medium Low Density Residential and Public Park/Open Space on a 120 acre site located at the northeast corner of Yerba Buena and Old Yerba Buena Roads. *PROJECT MANAGER, L.PREVETTI*

RECOMMENDED DENIAL (6-0-1, KAMKAR ABSENT)

- g. **GP05-08-01F** (Evergreen College) Application to change the Land Use/Transportation Diagram designation from Public/Quasi-Public to Mixed Use with No Underlying Land Use Designation (up to 500 dwelling units, up to 100,000 square feet of commercial, up to 95,000 square feet of office, and 0-2 acres for Public/Quasi-Public use) on a 27-acre site located at the north side of Yerba Buena Road, 350 feet easterly of San Felipe Road. (San José Evergreen Comn College Dist – Owner/Applicant) – District 8. *PROJECT MANAGER, L.PREVETTI*

RECOMMENDED DENIAL (6-0-1, KAMKAR ABSENT)

- h. The following projects being considered are generally located on the west side of S. Monroe Street, approximately 400 feet north from Tisch Way & between Dudley and S. Baywood Avenues north of Tisch Way (485 S. Monroe Street) (Pacific Bell, Owner) Council District 6. SNI: None. CEQA: Mitigated Negative Declaration. *PROJECT MANAGER, L.XAVIER*

1. **GP10-06-01**. A General Plan Amendment request to change the San Jose 2020 General Plan Land Use/Transportation Diagram designation from Office to Medium High Density Residential (12-25 DU/AC) on 5.3 acres of a 7.8 gross acre site.

RECOMMENDED APPROVAL (6-0-1, KAMKAR ABSENT)

2. **PDC10-018**. A Planned Development Rezoning from R-M Multiple Residence District and CG Commercial General District to A(PD) Planned Development Zoning District to allow for the development if up to 104 single-family attached residential units and 90,000 square feet of office on 7.8 gross acre site.

RECOMMENDED APPROVAL (6-0-1, KAMKAR ABSENT)

- i. The following projects being considered are located on the south side of Aborn Road between Allessandro Drive and Ruby Avenue, (3000 Aborn Road) (Lambie Richard H Trustee, Owner). Council District 8. SNI: None. CEQA: Mirassou Mixed Use Project Environmental Impact Report (EIR). *PROJECT MANAGER, L.XAVIER*

1. **CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT** for Mirassou Mixed-Use Development for a General Plan Amendment (GP09-08-05/GPT09-08-05) and Planned Development Zoning (PDC10-001).

CERTIFIED THE ENVIRONMENTAL IMPACT REPORT (7-0-0)

2. **GP09-08-05/GPT09-08-05.** A General Plan Amendment request to change the San Jose 2020 General Plan Land Use/Transportation Diagram designation from Village Center on 8.0 acres and Public Park and Open Space on 7.0 acres to Village Center on 15.0 acres and associated text changes to the Evergreen Specific Plan.

RECOMMENDED APPROVAL (7-0-0)

3. **PDC10-001.** A Planned Development Rezoning from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District to allow for a mixed use development; (1) Up to 107 residential units, (2) Up to 7,500 square feet of commercial retail uses, the preservation of the historic Mirassou Winery building, and (3) Up to 25,000 square feet of office uses.

RECOMMENDED APPROVAL WITH PRIORITIZATION OF ABORN/CAPITOL IMPROVEMENTS (7-0-0)

7. CLOSE 2010 FALL GENERAL PLAN AMENDMENT HEARING

Approved (7-0-0)

8. PETITIONS AND COMMUNICATIONS

Mr. Moto expressed concern that the process is not open and public since the Mirassou developer had private meetings with Councilwoman; the radius map is inadequate since the entire school attendance boundary was not noticed; and disenfranchised neighborhood.

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

None

10. GOOD AND WELFARE

- a. Report from City Council

None

- b. Commissioners' Report from Committees:

1. Norman Y. Mineta San Jose International Airport Noise Advisory Committee (Campos)

None

2. Envision San José 2040 General Plan Update Process (Kamkar).

None

- c. Review and Approve Synopsis from 11-17-10.

Approved (7-0-0)

- d. Subcommittee Reports and Outstanding Business

City Attorney's Office is looking into Subcommittee Reports and will report back to the Planning Commission

- e. Commission Calendar and Study Session

1. Consider and set a Joint Study Session with the Parks Commission on the Habitat Conservation Plan, for February 23, 2011 at 5:00 p.m.

Approved (7-0-0)