

## PLANNING COMMISSION

February 25, 2009

Hearing Report

### ROLL CALL

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

ABSENT: Platten

### 1. DEFERRALS

- a. **CP09-002**. Conditional Use Permit to allow continued operation of an existing eating and drinking establishment with late night use until 2:00 a.m. on a 0.11 gross acre site in the DC Downtown Primary Commercial Zoning District, located on the west side of N. First Street approximately 50 feet north of Devine Street (Trials Pub at 263 N 1ST ST) (Thomas Robert D, Owner) Council District 3. SNI: None. CEQA: Exempt. *PROJECT MANAGER, L.McMORROW*

**WITHDRAWN AT APPLICANT REQUEST (6-0-1; PLATTEN ABSENT)**

- b. **PDC06-007**. Planned Development Rezoning from Unincorporated County to A(PD) Planned Development Zoning District to allow up to 6 single-family detached residences on a 1.25 gross acre site, located at the west terminus of Fleming Avenue and Nob Hill Drive (Constructive Investments, Owner). Council District 5. SNI: None. CEQA: Mitigated Negative Declaration. *PROJECT MANAGER, B.ROTH*

**DEFERRED TO 3/11/09 AT STAFF REQUEST (6-0-1; PLATTEN ABSENT)**

### 2. CONSENT CALENDAR

- a. **CP06-073**. Conditional Use Permit to allow an entertainment use, karaoke, and minor modifications to the front of the building on a 1.32 gross acre site in the CN Commercial Neighborhood Zoning District, located on the south side of Alum Rock Avenue, approximately 830 feet easterly of N. Capitol Avenue (2880 Alum Rock Avenue)(Cornelius P. and Sandra M. Callahan, owners). Council District 5. SNI: East Valley/680. CEQA: Exempt. Deferred from 2/11/09. *PROJECT MANAGER, B.ROTH*

**APPROVED (6-0-1; PLATTEN ABSENT)**

Access the video, agenda, and related reports for this meeting by visiting the City's website at:

<http://www.sanjoseca.gov/planning/hearings/>

- b. **CP07-093.** Conditional Use Permit to allow a religious assembly use a 0.42 gross acre site in the R-M-Multiple Residence Zoning District, located on the east side of N. First Street, approximately 550 feet north of Nortech Parkway (5004 N 1ST ST)(Balaji Matha Inc, Owner). Council District 4. SNI: None. CEQA: Exempt. *PROJECT MANAGER, S.SAHA*

**APPROVED (6-0-1; PLATTEN ABSENT)**

- c. **CP08-006.** Conditional Use Permit request to allow a 12,000 square foot expansion of an existing 4,515 square foot building for religious assembly uses and reconstruction of a parking lot on a 2.36 gross acres site in the R-1-8 Single-Family Residence Zoning District, located on the east side of South Capitol Avenue, approximately 250 feet south of Mervyn's Way (Templo Juan 3:16, Inc., Owner; John Lalaian, Developer). Council District 5. SNI: East Valley/680 Communities. CEQA: Exempt. *PROJECT MANAGER, E.SCHREINER*

**DEFERRED TO 3/25/09 AT APPLICANT REQUEST (6-0-1; PLATTEN ABSENT)**

- d. **CP08-087.** Conditional Use Permit to allow a take-out eating establishment within a portion of an existing gasoline service station/car wash on a 0.87 gross acre site in the HI Heavy Industrial Zoning District, located on the southwest corner of Montague Expressway and O'Toole Avenue (790 MONTAGUE EX)(Jarrett John P And Mary Trustee, Owner). Council District 4. SNI: None. CEQA: Exempt. *PROJECT MANAGER, E.SCHREINER*

**APPROVED (6-0-1; PLATTEN ABSENT)**

- e. **CP09-009.** Conditional Use Permit to allow dental office uses in an existing office building on a 3.5 gross acre site in the IP Industrial Park Zoning District, located on the north side of Piercy Road approximately 500 feet westerly of Hellyer Avenue (301 PIERCY RD)(US Bank As Trustee Of Lehman Brothers, Owner). Council District 2. SNI: None. CEQA: Exempt. *PROJECT MANAGER, J.DAVIDSON*

**APPROVED (6-0-1; PLATTEN ABSENT)**

- f. **CPA03-060-01.** Conditional Use Permit RENEWAL to allow a contractor's yard and a 200 square foot foreman's building on a 0.16 gross acre site in the LI Light Industrial Zoning District, located on the east side of South 24th Street approximately 250 feet northerly of William Street (374 S 24TH ST)(Carlos Uribe and Mariela Ramos, owners). Council District 3. SNI: Five Wounds/Brookwood Terrace. CEQA: Exempt. *PROJECT MANAGER, J.DAVIDSON*

**DROPPED AT STAFF REQUEST (6-0-1; PLATTEN ABSENT)**

- g. **CPA03-042-01.** Wireless - Conditional Use Permit Amendment to allow the continued operation of a 60-foot tall wireless communications monopole with ancillary equipment cabinets on a 6.55 gross acre site in the CP Pedestrian Commercial Zoning District, located at the northeast corner of Almaden Expressway and Via Valiente (6950 ALMADEN EX)(Delora Sanfilippo J. W. Trustee, Owner). Council District 10. SNI: None. CEQA: Exempt. *PROJECT MANAGER, S.SAHA*

**APPROVED (6-0-1; PLATTEN ABSENT)**

- h. **CP08-094.** Conditional Use Permit to allow continued operation of an existing pawnshop as a use incidental to a jewelry store on 0.4 gross acre site in the DC Downtown Primary Commercial Zoning District, located at 14A & 14B South 1st Street (southeast corner of South 1st Street and Santa Clara Street)(14 S 1ST ST)(Schneider John And Janis, Owner). Council District 3. SNI: None. CEQA: Exempt. *PROJECT MANAGER, E.SAMONSKY*

**APPROVED (6-0-1; PLATTEN ABSENT)**

- i. **PDC07-094.** Planned Development Rezoning from the R-M Multiple Residence Zoning District to the A(PD) Planned Development Zoning District to allow three single-family detached residences on a 0.2 gross acre site, located on the east side of S. 10th Street approximately 90 feet north of Margaret Street (684 S 10TH ST)(Rodriguez, Maritza, Owner). Council District 3. SNI: University. CEQA: Exempt. *PROJECT MANAGER, E.SAMONSKY*

**RECOMMENDED APPROVAL WITH RECOMMENDATION FOR STAFF TO WORK WITH APPLICANT AT THE PLANNING DEVELOPMENT PERMIT STAGE TO IMPROVE THE SITE LAYOUT (4-2-1; CAHAN & JENSEN OPPOSED; PLATTEN ABSENT)**

- j. **C09-001.** Conventional Rezoning from R-2 Two Family Residence Zoning District and R-M Multiple Residence Zoning District to LI Light Industrial Zoning District to allow industrial use on a 1.01 gross acre site, located on the northeast corner of Coleman Avenue and Taylor Street (702 Coleman Ave)(Taylor Coleman Props LLC, Owner). Council District 3. SNI: None. CEQA: Reuse of the San Jose 2020 General Plan Final EIR. *PROJECT MANAGER, E.SAMONSKY*

**DEFERRED TO 3/11/09 AT STAFF REQUEST (6-0-1; PLATTEN ABSENT)**

### 3. PUBLIC HEARING

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- a. **ORDINANCE AMENDMENT “PROCEDURES”**. Proposal to amend the Zoning Code of the City of San Jose – Amending part 2 of chapter 18.08 of Title 18 of the San Jose Municipal Code, entitled “Procedures” to add a new section allowing the withdrawal of, or deeming withdrawn, applications to amend the General Plan under certain specified circumstances, to add a new section to limit reapplications for amendments that have been denied by City Council, and to make other nonsubstantive technical clarifications to said part 2 of Chapter 18.08 of Title 18, Amending Section 20.100.390 of Chapter 20.100 and section 20.120.070 of chapter 20.120, all of Title 20 of the San Jose Municipal Code, to allow certain development permit or approval applications or circumstances of inactivity, and amending section 20.100.170 of chapter 20.100.170 of chapter 20.100 of Title 20 of the San Jose Municipal Code to clarify that applicants of development permits or approvals may withdraw applications. CEQA: Exempt, PP09-014. *PROJECT MANAGER, A.BATY*

**RECOMMENDED APPROVAL (6-0-1; PLATTEN ABSENT)**

- b. **PDC06-018**. Planned Development Rezoning from CN Commercial Neighborhood Zoning District to A(PD) Planned Development Zoning to allow up to 4 single-family detached residences on a 0.48 gross acre site, located on the north side of Michigan Avenue, approximately 350 feet easterly of North 1st Street (APN 015-05-082) Council District 4. SNI: None. CEQA: Mitigated Negative Declaration. *PROJECT MANAGER, L.BUTLER*

**RECOMMENDED APPROVAL WITH 1) NO INTERIOR PARTITIONS IN GARAGE GROUND LEVEL; 2) AND SUGGESTION OF WORKING TO REDUCE BUILDING FOOT PRINT AT PLANNED DEVELOPMENT PERMIT STAGE, AND INCORPORATE GREEN BUILDING PRINCIPLES AND NATIVE PLANTINGS; 3) AND SUGGESTION FOR CITY TO REVIEW FLOOD POLICY IN ALVISO TO TAKE INTO ACCOUNT POTENTIAL EFFECTS OF CLIMATE CHANGE (6-0-1; PLATTEN ABSENT)**

- c. **PDC08-005**. Planned Development Rezoning from R-M Multiple Residence Zoning District to A(PD) Planned Development Zoning District for a renovation and addition to (also relocation on-site for) an existing single-family residence, listed as a Structure of Merit on the Historic Resources Inventory, and construction of three (3) single-family attached residential units on a 0.19 gross acre site, located on the west side of North 11th Street approximately 300 feet north of East Santa Clara Street (55 N 11TH ST)(Boguess Brian C, Owner). Council District 3. SNI: 13th Street. CEQA: Exempt. *PROJECT MANAGER, L.BUTLER*

**RECOMMENDED APPROVAL FOR UP TO 3 UNITS (EXISTING PLUS 2 ADDITIONAL UNITS) TO PROVIDE MORE OPPORTUNITY FOR PARKING ON-SITE (6-0-1; PLATTEN ABSENT)**

### 4. PETITIONS AND COMMUNICATIONS

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*NONE*

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

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*NONE*

**6. GOOD AND WELFARE**

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a. Report from City Council

*NONE*

b. Commissioners' Report from Committees:

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

*No meeting yet.*

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

*Community Workshop – February 7, 2009*

*Task Force Meeting February 23, 2009 Began developing options for future growth*

*Additional Meeting set for March 7, 2009*

c. Review Synopsis from 2/11/09

*APPROVED (6-0-1; PLATTEN ABSENT)*

d. Consider Study Session dates and/or topics.

*Add Transit/BART Session*

e. Appoint Commissioners to participate with staff in a subcommittee to consider options for revisions to the off-sale of alcohol process for full-service grocery stores.

*Commissioners Campos and Jensen appointed.*

**ADJOURNMENT**