

**PLANNING COMMISSION**

June 24, 2009

Hearing Report

**ROLL CALL**

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

ABSENT: None

**1. DEFERRALS**

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*Staff had no recommendation for deferral of any items.*

**2. CONSENT CALENDAR**

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- a. **CP08-014**. Conditional Use Permit to allow the demolition of an existing restaurant building and the construction of a new 5,167 square foot restaurant building with a drive-through use (with 24-hour operation) on a 1.15 gross acres site in the CG General Commercial Zoning District, located on the northwest corner of McKee Road and Hwy 680 (2353 MCKEE RD)(Franchise Realty Interstate Corp/McDonald's/Kate Arroyo-Gormley, Owner). Council District 5. SNI: None. CEQA: Exempt. *PROJECT MANAGER, E.SCHREINER*

**APPROVED (7-0-0)**

- b. **CPA02-074-02**. Conditional Use Permit Amendment to replace 24 parking spaces with a new enclosed playground area for an existing child day-care center on a 5.23 gross acre site in the IP Industrial Park Zoning District, located on the south side of Eden Park Place approximately 1,100 feet westerly of Silicon Valley Boulevard (5886 EDEN PARK PL)(Church Of The Crossroads Sc Vly, Owner). Council District 2. SNI: None. CEQA: Exempt. *PROJECT MANAGER, H.MADDOX*

**APPROVED (6-0-1; 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/>

### 3. PUBLIC HEARING

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- a. **PD08-051.** APPEAL of the Planning Director's decision to approve a Planned Development Permit for the installation of a slimline monopole with ancillary outdoor equipment at an existing retail shopping center on a 0.75 gross acre site, in the A(PD) Planned Development Zoning District, located on the southeast corner of Ocala Avenue and King Road (1720 OCALA AV) (Edward Campbell, owner; AT+T, applicant). Council District 8. SNI: K.O.N.A. CEQA: Exempt. *PROJECT MANAGER, H.MADDOX*

**DEFERRAL TO 7/22/09 AS RECOMMENDED BY STAFF (7-0-0)**

- b. **CP09-025.** Conditional Use Permit to allow entertainment at an existing drinking establishment (A.P. Stumps) with late night use until 2:00 a.m. in the DC Downtown Primary Commercial Zoning District, located at/on the northside of W. Santa Clara Street 100 feet westerly of N. San Pedro Street (163 W. Santa Clara Street)(The Farmer's Union/A.P. Stumps, Owner). Council District 3. SNI: None. CEQA: Exempt. *PROJECT MANAGER, S.ZARNOWITZ*

**APPROVED (7-0-0)**

### 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  
*Form based, Green Building Ordinance*
- b. Commissioners' Report from Committees:
1. Norman Y. Mineta San Jose International Airport Noise Advisory Committee (Campos)  
*No report*
  2. Envision San José 2040 General Plan Update Process (Kamkar).  
*Report given.*
- c. Review Synopsis from 6/10/09

- d. Consider Study Session dates and/or topics.  
*8/26/09 "Environment Issues" Brainstorming Study Session; Commissioners to check their calendars for the weeks of 9/7/ or 9/21 for a possible retreat date.*
- e. Subcommittee Reports and Outstanding Business
1. Approve a protocol regarding the deferral and continuance of the Planning Commission agenda items.  
*APPROVED (7-0-0)*
  2. Off-sale of Alcohol Process (full-service grocery stores).  
*No Report*
- f. Election Of Chair Of Planning Commission For A One-Year Term Commencing On July 1, 2009  
*Chair Zito clarified and retracted portions of his 6/19 email on Robert's Rules and appropriate procedures for taking action on the following two agenda items*
1. Rescission of Planning Commission Vote Taken On May 13, 2009 For Election of Chair of Planning Commission; and  
*APPROVED (7-0-0)*
  2. Election of Chair of Planning Commission for a one-year term commencing on July 1, 2009.  
*Nominations for Chair were made for Kamkar and Do. A substitute motion to suspend election of the chair failed (3-4, Campos, Cahan, Do; Platten opposed). Do was elected Chair with 4 votes, Kamkar receiving 3 votes.*

## **ADJOURNMENT**