

PLANNING COMMISSION

August 12, 2009

Hearing Report

ROLL CALL

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

ABSENT: Cahan, Platten

1. DEFERRALS

- a. **CP09-020**. Conditional Use Permit to allow operation after midnight until 3:00 a.m. Thursday to Saturday, and until 1:00 a.m. Sunday to Wednesday for the on-site consumption of food and alcoholic beverage in an existing restaurant on a 0.05 gross acre site in the CG General Commercial Zoning District, located on the southeast corner of E Santa Clara and S 7th Street (304A E Santa Clara Street - SPICE Restaurant) (304 E SANTA CLARA ST)(Nguyen Family Llc Anne Marie Lang, Owner). Council District 3. SNI: 13th Street. CEQA: Exempt. *PROJECT MANAGER, S. ZARNOWITZ*

**APPROVED DEFERRAL TO 8-26-09 (5-0-2; CAHAN, PLATTEN
ABSENT)**

- b. **CPA08-058-01**. Conditional Use Permit Amendment to allow an entertainment establishment in an existing public eating/drinking establishment with after midnight operation until 2:00 a.m. on a 0.22-gross acre site in the DC Downtown Primary Commercial Zoning District, located on the west side of N. San Pedro St, approximately 160 feet southerly of W. St. John St. (73 N SAN PEDRO ST)(Peralta-North San Pedro Llc, Owner). Council District 3. SNI: None. CEQA: Exempt. *PROJECT MANAGER, S. ZARNOWITZ*

**APPROVED DEFERRAL TO 8-26-09 (5-0-2; CAHAN, PLATTEN
ABSENT)**

2. CONSENT CALENDAR

- a. **CP09-006.** Conditional Use Permit to legalize the conversion of a portion of a former 9,350 square feet private school building to religious assembly uses on an 8.49 gross acre site, with new construction in the R-1-8 Single-Family Residence Zoning District, located on south side of Allegan Circle approximately 200 feet easterly of Lean Avenue (420 Allegan Circle, Oak Grove School District, Owner). Council District 2. SNI: None. CEQA: Exempt. Deferred from 7/22/09. *PROJECT MANAGER, J.CLARK*

APPROVED (5-0-2: CAHAN, PLATTEN ABSENT)

- b. **C09-009.** Conventional Rezoning from the CG Commercial General Zoning District to the DC Downtown Primary Commercial Zoning District on a 0.43 gross acre site, located on the southeast corner of E. St. John and N. Fourth Streets (156 E ST JOHN ST) (Sameena Baig, Niaz Baig, Owner; Affirmed Housing Group Anna Scott, Developer). Council District 3. SNI: 13th Street. CEQA: Addendum to the Downtown Strategy EIR. *PROJECT MANAGER, S. ZARNOWITZ*

APPROVED (5-0-2: CAHAN, PLATTEN ABSENT)

3. PUBLIC HEARING

- a. **ORDINANCE AMENDMENT.** An ordinance of the City of San Jose extending a temporary moratorium on the establishment of new bail bonds establishments for a period up to twenty-two (22) months and fifteen (15) days, pending the review and possible amendment of land use regulations applicable to such establishments, and setting forth the findings to support such extension of the temporary moratorium. CEQA: Exempt, PP09-102. *PROJECT MANAGER, P.SHAFFER*

RECOMMENDED APPROVAL (4-0-2-1; CAHAN, PLATTEN ABSENT, CAMPOS ABSTAINED)

- b. **PDC09-003.** Planned Development Rezoning to allow up to eight (8) single-family detached residences and one (1) 12,000 square foot office building on a 2.98 gross-acre site, located on the west side of San Felipe Road, approximately 600 feet south of Delta Road (4203 San Felipe Road)(Hawkstone San Felipe LLC, Owner/Developer). Council District 8. SNI: None. CEQA: Mitigated Negative Declaration. **Continued from 7/22/09** *PROJECT MANAGER, L.XAVIER*

NO RECOMMENDATION TO CITY COUNCIL (5-0-2; CAHAN, PLATTEN ABSENT) TWO DIFFERENT MOTIONS FAILED TO GARNER A QUORUM, IN ADDITION TO TWO DIFFERENT MOTIONS ON 7/22 THAT DID NOT RECEIVE A QUORUM.

- c. **PDC09-025**. Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow changes to the setback and open space development standards affecting the project currently under construction, which was previously approved under Planned Development Rezoning file reference no. PDC05-122, located on the east side of Radio Avenue, approximately 160 feet northerly of Lincoln Court (2104 RADIO AV) (Radio Homes Llc, Owner). Council District 6. SNI: None. CEQA: Mitigated Negative Declaration. *PROJECT MANAGER, E.SCHREINER*

RECOMMEND APPROVAL (5-0-2; CAHAN, PLATTEN ABSENT)

4. PETITIONS AND COMMUNICATIONS

NONE

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

NONE

6. GOOD AND WELFARE

- a. Report from City Council
Report given by Director
- 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).
No Report. It was noted that the Notice of Preparation for EIR has been publicly distributed.
- c. Review Synopsis from 7/08/09
APPROVED (4-0-2-1; CAHAN, PLATTEN ABSENT; ZITO ABSTAINED)
- d. Consider Study Session dates and/or Annual Retreat Topics.
Two general retreat topics were suggested, Review of the SJ 2020 General Plan two(2) acre rule and sustainable city design policies.

e. Subcommittee Reports and Outstanding Business

1. *Report distributed*

f. Planning Commission Meeting Schedule Revision to cancel 10/14/09 meeting.

APPROVED (5-0-2; CAHAN, PLATTEN ABSENT)

ADJOURNMENT