

PLANNING COMMISSION

September 9, 2009

Hearing Report

ROLL CALL

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

ABSENT: None

1. DEFERRALS

- a. **PDC09-006.** Planned Development Rezoning from A(PD) Planned Development Zoning District (File No. PDC03-108) to A(PD) Planned Development Zoning District to allow modifications to the previously approved General Development Plan, which include the elimination of prohibited uses, such as "vehicle related uses" and "detached single-family and two-family dwellings", on a 120.4 gross acre site, located on the both sides of Berryessa Road just west of Union Pacific Railroad tracks (Flea Market - 1590 Berryessa Road) (Flea Market Inc., Owner/Developer). Council District 4. SNI: None. CEQA: Reuse of the Flea Market EIR. *PROJECT MANAGER, L.XAVIER*

APPROVED DEFERRAL TO 9-23-09 (7-0-0) at applicant's request to complete environmental review.

2. CONSENT CALENDAR

- a. **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. Deferred from 8/26/09 *PROJECT MANAGER, S. ZARNOWITZ*

APPROVED (7-0-0) with revisions to conditions No. 8 (identification checking) and 9 (security).

- b. [CP08-002](#). Conditional Use Permit to allow an alternating use parking arrangement for an existing 7,500 square foot office building and a 12,400 square foot worship center on a 0.57 acre site in the R-1-8 Single-Family Residence Zoning District, located on the east side of Francis Drive, approximately 450 feet southerly of Patt Avenue (448 Francis Drive) (South Bay Chinese Baptist Church, owner). Council District 5. SNI: None. CEQA: Exempt. *PROJECT MANAGER, S.DO*

APPROVED (7-0-0)

- c. [PD08-051](#). Adopt the revised resolution including facts and findings from the August 26, 2009 Planning Commission decision to uphold the appeal to deny the Planning Director's decision on 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. Continued from 8/26/09 *PROJECT MANAGER, J.DAVIDSON*

APPROVED DEFERRAL TO 9/23/09 (7-0-0)

- d. [PDC08-066](#). Planned Development Rezoning from A(PD) Planned Development Zoning district to A(PD) Planned Development Zoning district to allow up to 60 single-family attached and detached residential units on a 3.2 gross acre site, located on the southeast corner of East Mission Street and North 10th Street (Westmount Square Llc, Owner; Arcadia Homes, Inc Brad Durga, Developer). Council District 3. SNI: 13th Street. CEQA: Addendum to a Negative Declaration. Deferred from 8/26/09 *PROJECT MANAGER, S.ZARNOWITZ*

APPROVED (7-0-0)

3. PUBLIC HEARING

- a. [PDC08-034](#). Planned Development Prezoning from unincorporated Santa Clara County to A(PD) Planned Development Zoning District to allow up to 117 multi-family residential studio units above a podium garage, and up to 2,600 square feet of commercial on a 1.32 gross acre site located on the east side of Sunol Street, approximately 120 feet north of W. San Carlos Street. (James R Marcus Owner/Core Affordable Housing Applicant). Council District 6. SNI: Burbank/Del Monte. CEQA: Mitigated Negative Declaration. *(The proposed rezoning would not go into effect until annexation occurs of the existing unincorporated County island (Sunol No. 82) which will be considered at a separate City Council Hearing for which a separate hearing notice will be distributed.) PROJECT MANAGER, L.XAVIER*

APPROVED (6-1-0; KAMKAR OPPOSED) with significant discussion on access, parking, private open space, architecture, commercial square feet, and green building measures.

- b. **C08-023.** Planning Director Initiated Prezoning from unincorporated Santa Clara County to R-1-8 Single-Family Residence, R-M Multiple Residence, CP Commercial Pedestrian, CIC Combined Industrial Commercial, and Light Industrial, on an approximately 42 gross acre area (County Island) consisting of approximately 275 parcels, located between McEvoy Street and Meridian Avenue, south of Park Avenue (Multiple Owners). Council District 6. SNI: Burbank/Del Monte. CEQA: San Jose 2020 General Plan EIR. *(The proposed rezoning would not go into effect until annexation occurs of the existing unincorporated County island (Sunol No. 82) which will be considered at a separate City Council Hearing for which a separate hearing notice will be distributed.)* **PROJECT MANAGER, L.XAVIER**

APPROVED (6-0-1; CAHAN ABSENT)

- c. **CP08-080.** Conditional Use Permit to allow the demolition of an existing 1,472 square foot gasoline station building, the construction of a new 3,200 square foot convenience store/gas station building and other site improvements, and to allow off-sale of alcoholic beverages on a 0.51 gross acre site in the CN Neighborhood Commercial Zoning District, located on the southwest corner of S. De Anza Blvd. & Fallenleaf Lane (1051 S DE ANZA BL)(Robinson Oil Corp, Owner). Council District 1. SNI: None. CEQA: Exempt. **PROJECT MANAGER, E.SCHREINER**

APPROVED (5-2-0; CAHAN, CAMPOS OPPOSED)

- d. **CP08-089.** Conditional Use Permit to allow a public eating establishment, a billiard room and a drinking establishment, and to allow operation until 2 AM on a 2.0 gross acre site in the CG General Commercial Zoning District, located on the south side of Burdette Drive, 380 feet westerly of South King Road (1654 BURDETTE DR)(My Ngoc Le, Owner). Council District 7. SNI: West Evergreen. CEQA: Exempt. **PROJECT MANAGER, E.SCHREINER**

APPROVED (7-0-0) with revisions to hours of operation, security and compliance repair.

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.

- 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.

- c. Review Synopsis from 8/26/09
APPROVED (7-0-0)

- d. Consider Study Session dates and/or Annual Retreat Topics.
No Comment.

- e. Subcommittee Reports and Outstanding Business
NONE

ADJOURNMENT