

PLANNING COMMISSION

September 23, 2009

Hearing Report

ROLL CALL

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

ABSENT: Platten

1. DEFERRALS

a.. NONE

2. CONSENT CALENDAR

a. **CPA06-044-01.** Conditional Use Permit Amendment to allow the expansion of an existing eating and drinking establishment (Morton's Steakhouse) and late night use until 2:00 a.m. in the form of the addition of 1,887 square feet of additional seating area, on a 0.5 gross acre site in the DC Downtown Commercial Zoning District, located on the north side of Park Avenue, approximately 180 feet west of S. Market Street (177 PARK CENTER PLAZA)(Park Center Plaza Investors LP, Owner). Council District 3. SNI: None. CEQA: Exempt. *PROJECT MANAGER, S.ZARNOWITZ*

APPROVED (6-0-1; PLATTEN ABSENT)

b. **CP09-030.** Conditional Use Permit to install one 960 square foot modular classroom building at an existing private elementary school on an 8.9 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at the southwest corner of Bucknall Road and San Tomas Aquino Road (4300 Bucknall Road)(Harker School, owner). Council District 1. SNI: None. CEQA: Exempt. *PROJECT MANAGER, S.DO*

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/>

- 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; Deferred from 9/9/09 *PROJECT MANAGER, J.DAVIDSON*

APPROVED (6-0-1; PLATTEN ABSENT)

3. PUBLIC HEARING

- a. **US-101/Oakland/Mabury Transportation Development Policy.** Modification of the US-101/Oakland/Mabury Transportation Development Policy to allow for the participation of the Flea Market site in the Policy, and to facilitate near term retail and residential development at the Flea Market site and establish a phasing plan for construction of the interchange improvements concurrent with development. Council District 3 & 4. SNI: 13th Street. CEQA: Reuse of the King and Dobbin Transit Village FEIR. *PROJECT MANAGER, M.PINEDA, DOT*

APPROVED (6-0-1; PLATTEN ABSENT)

- b. **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. Deferred from 9/9/09. *PROJECT MANAGER, L.XAVIER*

APPROVED INCLUDING APPLICANT'S REQUEST TO ALLOW SINGLE FAMILY DETACHED UNITS ON BLOCKS 5 & 6 (5-1-1; DO OPPOSED, PLATTEN ABSENT)

- c. **CPA88-056-01.** Conditional Use Permit Amendment to allow privately-run assembly and entertainment activities with occasional events until 1:00 a.m., an increase of capacity to 450 occupants, the demolition of an existing structure on an adjacent parcel to facilitate surface parking and to allow alternative parking arrangements (valet/off-site parking) at an existing religious assembly use on a 2.0 gross acre site in the CP Pedestrian Commercial Zoning District, located at 650 & 680 Minnesota Avenue (Holy Apostolic Catholic Assyrian, Owner). Council District 6. SNI: None. CEQA: Exempt. *PROJECT MANAGER, E.SCHREINER*

APPROVED & DEFERRED TO 10/28/09 FOR REVISIONS TO RESOLUTION INCLUDING CONDITIONS NO. 6 (HOURS OF OPERATION), # 9 (OFF-SITE PARKING), #11 (LIMITATION OF USE), #12 (PARKING MANAGEMENT PROGRAM), #13 (TOTAL

OCCUPANCY), #22(b) (ANTI-LITTER), #28 (COMPLIANCE REVIEW), AND ADDING TWO NEW CONDITIONS REQUIRING 1) ADVANCE NOTIFICATION OF PAST MIDNIGHT EVENTS TO NEIGHBORHOOD & DIRECTOR OF PLANNING AND 2) IDENTIFYING A COMMUNITY LIASISON (6-0-1; PLATTEN ABSENT)

- d. **CP09-015.** Conditional Use Permit to allow the demolition of an existing single-family detached residence and the expansion of an existing gas and service station (three additional gas pumps and a canopy for the new pumping facility will be constructed) in the CP Pedestrian Commercial Zoning District, located on the southeast corner of McKee Road and N. 33rd Street (280 N 33RD ST)(Amir Shirazi, Owner). Council District 3. SNI: Five Wounds/Brookwood Terrace. CEQA: Exempt. *PROJECT MANAGER, E.SCHREINER*

APPROVED DEFERRAL TO 10/28/09 PENDING COMPLETION OF REVISED ENVIRONMENTAL REVIEW AS PROJECT IS NOT EXEMPT (5-1-1; KAMKAR OPPOSED; 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 ON SUNOL/SAN CARLOS PROJECT DECISION.
- b. Commissioners' Report from Committees:
1. Norman Y. Mineta San Jose International Airport Noise Advisory Committee (Campos)
Meeting scheduled
 2. Envision San José 2040 General Plan Update Process (Kamkar).
Meeting Scheduled.
- c. Review Synopsis from 9/09/09
APPROVED (6-0-1; PLATTEN ABSENT)
- d. Subcommittee Reports and Outstanding Business
NONE

ADJOURNMENT