

**PLANNING COMMISSION**

November 4, 2009

Hearing Report

**ROLL CALL**

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

ABSENT: Do & Kamkar (arrived during item no. 5.a.)

**1. DEFERRALS**

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No items

**2. CONSENT CALENDAR**

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- a. **CP09-033.** Conditional Use Permit to convert an existing office building to a child daycare center on a 0.53 gross acre site (no expansion of the existing building included) in the CP Pedestrian Commercial Zoning District, located at 486 W. San Carlos Street (Forbrich Falko Trustee, Owner; Kidsville Preschool, Developer). Council District 3. SNI: None. CEQA: Exempt. *PROJECT MANAGER, A.BATY*

**APPROVED (5-0-2; DO & KAMKAR ABSENT)**

- b. **CP09-029.** Conditional Use Permit Renewal for after-midnight and live entertainment uses at an existing nightclub in the DC Downtown Primary Commercial Zoning District, located at/on the southeast corner of Santa Clara Street and S. First Street (8 S. First Street)(Pham, Hong Thoa Thi/Diamond S.J. Ent. Inc., Property Owner/Applicant). Council District 3. SNI: None. CEQA: Exempt. *PROJECT MANAGER, S.ZARNOWITZ*

**APPROVED (5-0-2; DO & KAMKAR ABSENT)**

- c. **CPA03-021-01.** Conditional Use Permit Amendment to allow amplified entertainment at an existing restaurant, on a 1.2 gross acre site, in the CP Pedestrian Commercial Zoning District, located at 1733 Story Road (Hoady Family LLC, Owner; Tacos Al Carbon, Developer). Council District 5. SNI: None. CEQA: Exempt. *PROJECT MANAGER, A.BATY*

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

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

**DEFERRED TO 11/18/09 AT APPLICANT'S REQUEST AT  
APPLICANT'S REQUEST (5-0-2; DO & KAMKAR ABSENT)**

- d. **CPA05-015-02.** Conditional Use Permit Amendment for a performing circus with no animals to be held on an annual basis on a 4.85 gross acres site in the CO Office Commercial Zoning District, located on west side of N. San Pedro Street between W. Taylor Street and W. Mission Street (City of San Jose, Owner; Cirque Du Soleil, Developer). Council District 3. SNI: None. CEQA: Exempt. *PROJECT MANAGER, A.BATY*

**APPROVED (5-0-2; DO & KAMKAR ABSENT)**

- e. **PDC09-017.** Director-Initiated Planned Development Rezoning to establish development standards to facilitate site and architectural upgrades for 58 existing residential apartment buildings (236 individual apartment units) on a 11.75 gross acre site located in the area generally bounded by both sides of Underwood Drive, Temple Drive, Barker Drive, and Keltner Avenue north of Williams Road. Council District 1. SNI: Blackford. CEQA: Exempt. Deferred from 10/28/09. *PROJECT MANAGER, L.XAVIER*

**RECOMMENDED APPROVAL (5-0-2; DO & KAMKAR ABSENT)**

- f. **DA – Novellus:** Ordinance to approve the First Amendment to the Development Agreement with Novellus Systems, Inc and Vista Montana as approved by Ordinance No. 28154 and entered into on December 20, 2007 to extend the reservation of the residential unit capacity under the North San Jose Area Development Policy an additional two years relative to the development of certain real properties located in North San Jose. Council District 4. SNI: None. CEQA: Addendum to the North San Jose Area Development Policy Update Final Environmental Impact Report. *PROJECT MANAGER, D.BOYD*

**RECOMMENDED APPROVAL (5-0-2; DO & KAMKAR ABSENT)**

- g. **ORDINANCE AMENDMENT.** An Ordinance of the City of San Jose adding a new section to Chapter 20.200 of Title 20 of the San Jose Municipal Code to define transitional housing, and adding a new section to Chapter 20.200 to define supportive housing, and to provide that those uses are and shall be treated as residential uses, subject only to those restrictions on residential uses applicable to the type of residential structure or use involved. CEQA: San Jose 2020 General Plan EIR Resolution No. 65459 and addenda thereto, PP09-175. *PROJECT MANAGER, J.NUSBAUM.*

**RECOMMENDED APPROVAL (5-0-2; DO & KAMKAR ABSENT)**

- h. **CP07-083.** Conditional Use Permit to demolish an existing gasoline service station and construct a 2,900 square-foot convenience store/sales building, canopy, fuel dispensers, underground fuel tanks, and related site improvements; and to allow 24-hour operation and off-sale of alcohol on a 0.72 gross acre site in the CN Commercial Neighborhood Zoning District, located on the southwesterly corner of Tully Road and McLaughlin Avenue (1100 TULLY RD)(BP West Coast Products, LLC Michael Hager, Owner). Council District 7. SNI: None. CEQA: Mitigated Negative Declaration. Defer to 11/18/09. *PROJECT MANAGER, E.SCHREINER*

**APPROVED (5-0-2; DO & KAMKAR ABSENT)**

### 3. PUBLIC HEARING

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- a. **PDC06-069.** Planned Development Rezoning from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District to allow up to 166 single-family attached residences on a 3.28 gross acre site, located at/on the west side of North 10th Street, between Vestal Street and East Mission Street (825 N 10TH ST) (825 N. Tenth Street, LLC Don Kvingedal, Owner; Hudson Industrial Equities, Inc, Developer). Council District 3. SNI: None. CEQA: Mitigated Negative Declaration. Deferred from 10/28/09. *PROJECT MANAGER, S.ZARNOWITZ*

**RECOMMENDED APPROVAL (5-0-2; DO & KAMKAR ABSENT)**

- b. **PDC09-022.** Planned Development Rezoning from R-1-1 Residence Zoning District to A(PD) Planned Development Zoning District to allow up to 95 affordable multi-family attached residences on a 3.06 gross acre site, located on the north side of Ford Road, approximately 550 feet easterly of Monterey Road (Owner, State of California; Developer, Eden Housing). Council District 2. SNI: None. CEQA: Mitigated Negative Declaration. *PROJECT MANAGER, L.XAVIER.*

**RECOMMENDED APPROVAL (5-0-2; DO & KAMKAR ABSENT)**

### 4. OPEN PLANNING COMMISSION FALL 2009 HEARING ON GENERAL PLAN AMENDMENTS

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**APPROVED (5-0-2; DO & KAMKAR ABSENT)**

### 5. GENERAL PLAN CONSENT CALENDAR

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- a. **GP09-T-03.** General Plan text amendment request to add policy language to the San Jose 2020 General Plan to facilitate intensifying economic development areas including, but not limited to those areas located on transit corridors, Major Collectors, or Arterials. (City of San Jose, Applicant). Council District: Citywide. SNI: All. CEQA: San Jose 2020 General Plan EIR Resolution No. 65459. *PROJECT MANAGER, J. NUSBAUM*

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

### 6. GENERAL PLAN PUBLIC HEARING

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- a. **GP08-07-04.** General Plan Amendment request to change the San Jose 2020 General Plan Land Use/Transportation Diagram land use designation from Combined Industrial/Commercial to High Density Residential (25 - 50 DU/AC) on a 2.88-acre site, located on the east side of Monterey Road, approximately 700 feet northerly of Tully Road (Owner/Developer Emergency Housing Consortium). Council District 7. SNI: None. CEQA: Mitigated Negative Declaration. *PROJECT MANAGER, L.XAVIER*

**RECOMMENDED APPROVAL (5-0-1-1; DO ABSENT; JENSEN ABSTAINED)**

**7. CONTINUE THE PLANNING COMMISSION HEARING FOR FALL 2009  
GENERAL PLAN AMENDMENTS TO NOVEMBER 18, 2009**

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

**8. PETITIONS AND COMMUNICATIONS**

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No items.

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

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No items.

**10. GOOD AND WELFARE**

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a. Report from City Council

*No report.*

b. Commissioners' Report from Committees:

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

*Meeting next quarter.*

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

*No report.*

c. Review Synopsis from 10/28/09

DEFERRED TO 11/18/09 (6-0-1; DO ABSENT)

d. Subcommittee Reports and Outstanding Business

*No items.*

**ADJOURNMENT**