

## PLANNING COMMISSION

April 7, 2010

Action Report

### ROLL CALL

PRESENT: CAHAN, CAMPOS, DO, JENSEN, KAMKAR

ABSENT: PLATTEN & ZITO (ARRIVED AFTER CONSENT CALENDAR)

### 1. DEFERRALS

- a. **CP09-050.** Conditional Use Permit for the operation of a private school for special needs children on a 2.89 gross acre site in the CO Office Commercial Zoning District, located on the east side of McGinness Avenue 700 feet southerly of Story Road (1212 McGinness Avenue) (Achieve, Calf Non Profit Corp, Owner). Council District 5. SNI: East Valley/680 Communities. CEQA: Exempt. *PROJECT MANAGER, J.CLARK*

**DEFERRED TO 04-21-10; (5-0-2, COMMISSIONERS PLATTEN AND ZITO ABSENT)**

- b. **ORDINANCE AMENDMENT PP10-059.** An Ordinance of the City of San Jose amending Title 20 of the San Jose Municipal Code to amend: Table 20-190 (parking spaces required by land use) in Section 20.90.60 and Section 20.90.220, both of Chapter 20.90, to specify a parking requirement for business destination areas; and Chapter 20.200 to add a definition of business destination areas. Citywide. CEQA: Negative Declaration. *PROJECT MANAGER, L.PREVETTI*

**DEFERRED TO 04-21-10; (5-0-2, COMMISSIONERS PLATTEN AND ZITO ABSENT)**

### 2. CONSENT CALENDAR

- a. **CP09-051 & ABC09-003.** Conditional Use Permit and Determination of Public Convenience or Necessity to allow the construction of a 4,640 square foot retail/commercial building with 24-hour operation and off-sale of alcoholic beverages on a 0.34 gross acre site, located at 4156 Monterey Road, in the CP Pedestrian Commercial Zoning District (Penoiel Oshido, Owner). Council District 2. SNI: None. CEQA: Exempt. Continued from 03-10-10. *PROJECT MANAGER, A.BATY*

**APPROVED (5-0-2, COMMISSIONERS PLATTEN AND ZITO ABSENT)**

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

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

- b. **CPA02-052-01**. Conditional Use Permit Amendment to convert a portion of an existing social service agency to child daycare use on a 1.0 gross acre site in the LI Light Industrial Zoning District, located on the northwest corner of Commercial Street and North 7th Street (297 Commercial Street)(Inn Vision The Way Home, Owner; Innvision The Way Home (Matt Osment), Developer). Council District 3. SNI: None. CEQA: Exempt. *PROJECT MANAGER, J.CLARK*

**APPROVED (5-0-2, COMMISSIONERS PLATTEN AND ZITO ABSENT)**

- c. **CPA08-071-01**. Conditional Use Permit Amendment to allow the off-sale of alcohol at a hotel currently under construction on a 0.875 gross acre site in the CG General Commercial Zoning District, located on the northwest side of Headquarters Drive, 520 feet northeasterly of North 1st Street (75 Headquarters Drive)(TSA AT 1st LLC, Owner; Hunter/Storm, LLC Deke Hunter, Developer). Council District 4. SNI: None. CEQA: Exempt. *PROJECT MANAGER, J.CLARK*

**APPROVED (5-0-2, COMMISSIONERS PLATTEN AND ZITO ABSENT)**

- d. **CP10-002**. Conditional Use Permit to convert a 400 square feet storage room to a dance studio at an existing daycare center on a 2.80 gross acre in the CO Commercial Office Zoning District located at 3030 Moorpark Avenue, (John & Carol Freitas LLC, Owner). Council District 1. SNI: Winchester. CEQA: Exempt. *PROJECT MANAGER, A.BATY*

**APPROVED (5-0-2, COMMISSIONERS PLATTEN AND ZITO ABSENT)**

### **3. PUBLIC HEARING**

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- a. **PDC08-033**. Planned Development Rezoning from the R-M Multiple Residence Zoning District to the A(PD) Planned Development Zoning District to allow up to six residential units within the existing structure(s) on a 0.17 gross acre site, located on the west side of N. Third Street, 340 ft south of Hensley Street (405 N 3RD ST) in the Hensley Historic District (Layne Sharon J, Owner; Mr Bill Priest, Developer). Council District 3. SNI: 13th Street. CEQA: Exempt. *PROJECT MANAGER, S.ZARNOWITZ*

**RECOMMENDED APPROVAL (5-2-0, COMMISSIONERS DO & JENSEN OPPOSED)**

Notes: Commissioner Kamkar moved (with friendly amendments) a recommendation to allow up to 3 units in main building and 1 unit in carriage house; if the carriage house could not be a unit then only 3 units in main building; remove “patio” to create a 4th parking space; and removal of front tandem parking and returned to landscaping. Commissioner Jensen concerned about lack of open space and the high number of units. Chair Do concerned with reduction of parking for the number of units. Motion passed 5-2, Do and Jensen opposed.

### **4. OPEN 2010 SPRING GENERAL PLAN AMENDMENTS HEARING**

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*Approved (7-0-0)*

## 5. GENERAL PLAN CONSENT CALENDAR

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- a. **GP08-08-03.** General Plan Amendment request to change the San Jose 2020 General Plan Land Use/Transportation Diagram land use designation from Non-Urban Hillside (Silver Creek Planned Residential Community) to Public/Quasi-Public (Silver Creek Planned Residential Community) on a 3-acre portion of a 21.1-acre site, located on the east side of Dove Hill Road, approximately 500 feet north of Hassler Parkway (4200 Dove Hill Road)(Kuehne Stanislaus & Eleanore Trustee & Et, Owner). Council District 8. SNI: None. CEQA: Draft Negative Declaration. *PROJECT MANAGER, L.XAVIER*

**RECOMMENDED APPROVAL (7-0-0)**

- b. **GP10-01-01.** General Plan Amendment request to amend the San Jose 2020 General Plan Land Use/Transportation Diagram to add a Neighborhood Business District (NBD) overlay to the Winchester Boulevard, generally from Stevens Creek Boulevard to Impala Drive. CEQA: Negative Declaration. *PROJECT MANAGER, L.PREVETTI*

**RECOMMENDED APPROVAL (7-0-0)**

## 6. GENERAL PLAN PUBLIC HEARING

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- a. **GP07-10-01.** General Plan Amendment request to change the San Jose 2020 General Plan, Land Use/Transportation Diagram designation from Very Low Density Residential (2 DU/AC) to Medium Low Density Residential (5 DU/AC) on a 1.82-acre site, located on the east side of Almaden Expressway, approximately 300 feet northerly of Fleetwood Drive (6082 Almaden Expressway)(Mazzone Benjamin W Trustee & Et Al, Owner). Council District 10. SNI: None. CEQA: Draft Negative Declaration. *PROJECT MANAGER, L.XAVIER*

**RECOMMENDED APPROVAL (7-0-0)**

- b. **GP09-08-01.** General Plan Amendment request to change the San Jose 2020 General Plan, Land Use/Transportation Diagram designation from Public/Quasi-Public to Medium Low Density Residential (8 DU/AC) on a 3.2 acre site, located at the southeast corner of Yerba Buena Road and Highway 101 (3800 Dove Hill Road)(Joey & Frances Lo, Owner). Council District 8. SNI: None. CEQA: Draft Negative Declaration. *PROJECT MANAGER, L.XAVIER*

**RECOMMENDED APPROVAL (5-2-0, COMMISSIONERS CAHAN & JENSEN OPPOSED)**

Notes: Campos made a motion to recommend that the City Council approve the proposed amendment per the applicant's request with the provision to not allow piecemeal development.

- c. **GP09-08-03.** General Plan Amendment request to change the San Jose 2020 General Plan, Land Use/Transportation Diagram designation from Very Low Density Residential (2 DU/AC) to Low Density Residential (5 DU/AC) on a 2.61 gross acre site, located at the northeast corner of Ruby Avenue and Murillo Avenue (2494 Ruby Ave)(Mahmood Ghorri, Owner). Council District 8. SNI: None. CEQA: Draft Negative Declaration. *PROJECT MANAGER, L.XAVIER*

**RECOMMENDED APPROVAL (7-0-0)**

**7. CLOSE 2010 SPRING GENERAL PLAN AMENDMENT HEARING**

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*Approved (7-0-0)*

**8. PETITIONS AND COMMUNICATIONS**

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*NONE*

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

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*NONE*

**10. GOOD AND WELFARE**

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- a. Report from City Council  
*Asst. Director Prevetti informed the Commission of the action by City Council directing staff to develop and ordinance regulating Medical Marijuana establishments.*
- b. Commissioners' Report from Committees:
  - 1. Norman Y. Mineta San Jose International Airport Noise Advisory Committee (Campos)  
*No Meeting.*
  - 2. Envision San José 2040 General Plan Update Process (Kamkar).  
*Zito reported out on last Task Force meetings.*
- c. Review Synopsis from 03-10-10  
*Approved (7-0-0) with correction to item 6.d.*
- d. Subcommittee Reports and Outstanding Business
- e. Appoint Vice Chair  
*Approved (7-0-0)*

Notes: Commission Kamkar voted in as Vice Chair through the end of June.

**ADJOURNED**