

PLANNING COMMISSION

June 23, 2010

Action Report

ROLL CALL

PRESENT: Commissioners Cahan, Campos, Jensen, Kamkar, Kline, Platten, Zito

ABSENT: None

1. DEFERRALS

- a. **CP09-064 & ABC10-001.** Conditional Use Permit and Determination of Public Convenience or Necessity to allow a drinking establishment (wine tasting) in an existing 462 square-foot retail facility in the DC Downtown Commercial Zoning District, located at/on South side of Post Street, 80 feet westerly of S. First Street (40 POST ST)(Sherman Cellars LLC, Owner). Council District 3. SNI: None. CEQA: Exempt. Deferred from 06-09-10. *PROJECT MANAGER, S.ZARNOWITZ*

DEFERRED TO 07-14-10, PER STAFF & APPLICANT REQUEST (7-0-0)

- b. **CPA97-044-01.** Conditional Use Permit Amendment to allow an expansion of a truck parking lot and a 10,000-gallon diesel fuel tank on a 10.9 gross acre site in the IP Industrial Park Zoning District, located at/on northwest corner of Rue Ferrari and Enzo Drive (5801 Rue Ferrari)(Marquez Investment Group LLC, Owner). Council District 2. SNI: None. CEQA: Mitigated Negative Declaration. *PROJECT MANAGER, J.CLARK*

DEFERRED TO 07-14-10, PER STAFF & APPLICANT REQUEST (7-0-0)

2. CONSENT CALENDAR

- a. **PDC08-015.** Planned Development Rezoning from A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District allow up to 24,250 square feet of commercial uses on a 2.17 acre site, located at the southwest corner of Foxworthy Avenue and Almaden Expressway (1175 Hillsdale Avenue)(Calvary Chapel San Jose, Owner). Council District 9. SNI: None. CEQA: Mitigated Negative Declaration. *PROJECT MANAGER, A.BATY*

RECOMMENDED APPROVAL (7-0-0)

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

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

- b. **PDC09-028**. Planned Development Rezoning from the A(PD) Planned Development Zoning which previously allowed a new religious assembly facility to the A(PD) Planned Development Zoning District to allow up to 10 single-family detached residences on a 2.51 gross acre site, located on the east side of Ruby Avenue 100 feet northerly of Murillo Avenue (2494 Ruby Avenue) (Ruby Estates, LLC/Mahmood Ghorri, Owner). Council District 8. SNI: None. CEQA: Mitigated Negative Declaration. *PROJECT MANAGER, L.XAVIER*

RECOMMENDED APPROVAL (7-0-0)

- c. **CP10-006**. Conditional Use Permit to allow the use of 4,586 square feet of industrial office space for a daycare facility for the assistance of developmentally disabled adults within an existing building on a 3.02 gross acre site in the IP Industrial Park Zoning District, located on the southeast side of Great Oaks Boulevard 380 feet northeasterly of Via Del Oro (90 Great Oaks Blvd LLC, Owner). Council District 2. SNI: None. CEQA: Exempt. *PROJECT MANAGER, J.CLARK*

APPROVED (7-0-0)

3. PUBLIC HEARING

- a. **CP09-042**. Conditional Use Permit to demolish existing gas station buildings; construct a new 3,200 square foot pump canopy and 2,400 square foot retail building with 24-hour use and off-sale of alcohol on a 1.28 gross acre site in the CP Commercial Pedestrian Zoning District, located at 4610 Pearl Avenue (Aujla Gurvinder, Owner) Council District 9. SNI: None. CEQA: Exempt. Deferred from 06-09-10. *PROJECT MANAGER, A.BATY.*

CONTINUED TO 08-11-10 (5-2-0; COMMISSIONERS CAMPOS & JENSEN OPPOSED)

- b. **PDA91-006-82**. Appeal of the Director's Decision to approve a Planned Development Permit Amendment to allow for Country View Custom Estates to install entry monuments without gates on private streets at three (3) separate locations: (a) the corner of Hollow Lake Drive and Quail Crest Way, (b) the corner of Hollow Lake Way and Glen View Drive, and (c) the entrance of the private street at the cul-de-sac terminus of Glenview Drive, approximately 550 feet southerly of Echo Valley Drive, in the A(PD) Planned Development Zoning District, (8701 TRACT) Council District 10. SNI: None. CEQA: Exempt. *PROJECT MANAGER, L.XAVIER*

UPHELD DIRECTOR'S DECISION (6-1-0 COMMISSIONER KAMKAR OPPOSED)

- c. **PDC08-065**. A Planned Development Rezoning to allow for the development of three (3) single-family detached residences in addition to an existing single-family residence on a 2.07 gross acre site, located at the northern terminus of Grand Oak Way, approximately 250 feet northwest of Hematite Court. (6776 San Felipe Road)(Kulwant S. Sidhu, Owner/Developer). Council District 8. SNI: None. CEQA: Exempt. *PROJECT MANAGER, L.XAVIER*

RECOMMENDED APPROVAL WITH A CONDITION TO INCLUDE A DEVELOPMENT STANDARD REQUIRING DRIVEWAY ACCESS TO LOTS 3 AND 4 BE PLACED ALONG THE NORTHERN PROPERTY LINE; (7-0-0)

- d. **CP09-012.** Conditional Use Permit to construct an approximately two mile pipeline to transport jet fuel in the HI Heavy Industrial Zoning District, located generally underground between 2500 Seaboard Ave and 2150 Kruse Dr (Various, Owner; Wickland Pipelines, LLC, Developer). Council District 4. SNI: None. CEQA: Mitigated Negative Declaration. *PROJECT MANAGER, J.CLARK*

APPROVED (7-0-0)

- e. **PLANNING COMMISSION BYLAWS.** Consideration of adoption of a resolution to amend the Planning Commission By-Laws to add certain disclosure and eligibility requirements for Planning Commissioners. (Deferred from 06-09-10; Continued from 06-21-10).

APPROVED FIRST PORTION OF THE PROPOSAL (ENDING WITH THE WORD “AGENDA”) AND DEFERRED THE REMAINDER UNTIL AFTER THE COUNCIL DECIDES ON THE ELECTIONS COMMISSION RECOMMENDATION REGARDING “PAY TO PLAY” (7-0-0)

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

Asst. Director Prevetti indicated the Council approved the Cisco DA, as well as approved the Dove Hill Rd. General Plan Amendment and put conditions on it to ensure development happens or else the land use can revert back through Council initiated action.

- b. Commissioners' Report from Committees:

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

None

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

None

- c. Review and Approve Synopsis from 06-09-10

Approved (7-0-0)

- d. Subcommittee Reports and Outstanding Business

None

- e. Appointment of a representative from the Commission to the Airport Committee effective July 1, 2010.

Defer to 7-14-10 to include new Commissioners in the pool of appointments.