

## PLANNING COMMISSION

August 25, 2010

Action Report

### **ROLL CALL**

PRESENT: Commissioners' Abelite, Bit-Badal, Cahan, Jensen, Kline, Platten

ABSENT: Commissioner Kamkar

### **1. DEFERRALS**

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There was a request from the public to defer Item 3.c. The Commission voted 5-0-1-1, Commissioner Kamkar absent, Commissioner Cahan abstained, to deny the request for deferral and hear the item as scheduled.

### **2. CONSENT CALENDAR**

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- a. **CP10-037.** Conditional Use Permit to add beer and wine service (drinking establishment) to a newly constructed small restaurant (chocolate cafe) on a 0.83 gross-acre site in the CG-Commercial General Zoning District, located at/on Westgate West Shopping Center 330 feet northerly of Prospect Road and 360 feet easterly of Lawrence Expressway (5325 PROSPECT RD)(CP622 LLC, Owner). Council District 1. SNI: None. CEQA: Exempt. *PROJECT MANAGER, J.NUSBAUM*

**APPROVED (6-0-1, COMMISSIONER KAMKAR ABSENT)**

### **3. PUBLIC HEARING**

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- a. **ORDINANCE AMENDMENT.** An Ordinance of the City of San Jose Amending Section 20.200.740 of Chapter 20.200 of Title 20 of the San Jose Municipal Code to clarify the definition of a massage parlor use to not include state-certified massage therapists or practitioners. CEQA: Use of San Jose 2020 General Plan Final Environmental Impact Report, Resolution 65459 (PP10-140). *PROJECT MANAGER, C.HAMILTON*

**RECOMMENDED APPROVAL (6-0-1, COMMISSIONER KAMKAR 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. **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 & Continued from 06-23-10. *PROJECT MANAGER, M.ENDERBY*

**APPROVED WITH 24-HOUR USE AND NO OFF-SALE OF ALCOHOL  
(6-0-1, COMMISSIONER KAMKAR ABSENT)**

- c. **C10-010. DIRECTOR INITIATED** Conforming Rezoning from County of Santa Clara to R-1-5 Single-Family Residence Zoning District as to approximately 94.75 acres and CN Commercial Neighborhood Zoning District as to approximately 8.24 acres for an approximately 103 gross acre unincorporated County of Santa Clara pocket consisting of approximately 330 parcels, generally bounded by Central Park Way, Union Avenue, and Camden Avenue. Owners: Multiple. Council District 9. SNI: None. CEQA: San José 2020 General Plan EIR, Resolution No. 65459. *PROJECT MANAGER, R.BUIKEMA*

**RECOMMENDED APPROVAL (5-0-1-1; KAMKAR ABSENT; CAHAN  
ABSTAINED)**

- d. **PDC09-033.** A Planned Development Rezoning to allow for the development of a 102-unit affordable multi-family apartment community on 3.46 gross acre site, located on the east side of Senter Road, approximately 610 feet southerly of Tully Road (2500 Senter Road) (County of Santa Clara, Owner/Charities Housing, Applicant). Council District 7. SNI: None. CEQA: Mitigated Negative Declaration. *PROJECT MANAGER, L.XAVIER*

**RECOMMENDED APPROVAL (6-0-1, COMMISSIONER KAMKAR  
ABSENT)**

#### **4. PETITIONS AND COMMUNICATIONS**

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

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## **6. GOOD AND WELFARE**

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- a. Report from City Council
  
- b. Commissioners' Report from Committees:
  - 1. Norman Y. Mineta San Jose International Airport Noise Advisory Committee (Cahan)
  
  - 2. Envision San José 2040 General Plan Update Process (Kamkar).  
*None*
  
- c. Review and Approve Synopsis from 08-11-10  
*Approved (6-0-1, Commissioner Kamkar absent))*
  
- d. Subcommittee Reports and Outstanding Business
  
- e. Commission Calendar and Study Session

**ADJOURNED**