

PLANNING COMMISSION

April 22, 2009

Hearing Report

ROLL CALL

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

ABSENT: Cahan

1. DEFERRALS

- a. **CP07-081.** Conditional Use Permit to allow a 4,500 square foot addition to an existing private school gymnasium on a 4.6 gross acre site in the R-1-8 Single-Family Residence Zoning District, located on east side of South King Road, approximately 840 feet south of Enesco Avenue (2790 S. King Road)(Liberty Baptist Church, owner). Council District 8. SNI: West Evergreen. CEQA: Exempt. Deferred from 4/8/09. *PROJECT MANAGER, S.DO*

DEFERRED TO 5/6/09 AT APPLICANTS REQUEST (6-0-1; CAHAN ABSENT)

2. CONSENT CALENDAR

- a. **CP08-043.** Conditional Use Permit to allow continued operation of an existing entertainment business with on-sale of alcoholic beverages and late night use until 2:00 a.m. in the DC Downtown Primary Commercial Zoning District, located on the north side of W. Santa Clara Street approximately 100 feet east of N. Market Street (The Vault, 81 W SANTA CLARA ST)(Hoefer, Walt S. and Mary R. Trustee, Owner). Council District 3. SNI: None. CEQA: Exempt. *PROJECT MANAGER, S.ZARNOWITZ*

APPROVED WITH REVISED CONDITION NO. 16 TO BE COMPLIANCE "REVIEW" AND RECOMMENDATION TO STAFF TO CONSIDER CHANGING "DISTURBANCE COORDINATOR" TO MORE POSITIVE TITLE(6-0-1; CAHAN 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. **CP09-003.** Conditional Use Permit to allow the continued use of an existing tow yard facility with lien sale auctions on a 2.16 gross acre site in the LI Light Industrial Zoning District, located at the southeast corner of South 24th Street and San Antonio Street (208 South 24th Street)(Kenneth Carvalho, owner). Council District 3. SNI: Five Wounds/Brookwood Terrace. CEQA: Exempt. *PROJECT MANAGER, S.DO*

DEFERRED TO 5/13/09 AT APPLICANT'S REQUEST (6-0-1; CAHAN ABSENT)

- c. **CP08-077.** Conditional Use Permit to allow religious assembly use in a portion of an existing industrial office building, from 6:30 p.m. to 11:00 p.m., on weekdays (Monday-Friday), and from 8:00 a.m. to 11:00 p.m. on Saturday and Sunday on a 1.6 gross acre site. No new construction is being proposed. The proposed church is located in the IP Industrial Park Zoning District, at 175 Bernal Road (Lafayette Auto Ctr LLC, owner). Council District 2. SNI: None. CEQA: Exempt. Deferred from 4/8/09. *PROJECT MANAGER, H.MADDOX*

APPROVED (6-0-1; CAHAN ABSENT)

- d. **CPA03-064-01.** Wireless - Conditional Use Permit renewal for the continued use of an existing 50 foot monopine located on a 1.75 gross acres site in the R-1-5 Single-Family Residence Zoning District, located on the north side of Yerba Buena Road, approximately 1,800 feet easterly of San Felipe Road (2995 YERBA BUENA RD)(Crown Castle, Usa, San José Filipino-American Sda Church Daniel Botabara, Owner). Council District 8. SNI: None. CEQA: Exempt. *PROJECT MANAGER, H.MADDOX*

APPROVED (6-0-1; CAHAN ABSENT)

- e. **CP07-084.** Conditional Use Permit to allow demolition and reconstruction of a gasoline service station with existing 24-hour operation and off-sale of alcoholic beverages on a 0.55 gross acre site in the CP Pedestrian Commercial Zoning District, located on the northwesterly corner of E. Capitol Expressway and Senter Road (3147 SENTER RD)(BP West Coast Products, LLC Michael Hager, Owner). Council District 7. SNI: None. CEQA: Mitigated Negative Declaration. *PROJECT MANAGER, E.SCHREINER*

APPROVED (6-0-1; CAHAN ABSENT)

3. PUBLIC HEARING

- a. Review and Recommendation of the **Strong Neighborhoods Initiative Hoffman/Via Monte Neighborhood Improvement Plan Amendment** to the City Council. Council District 10. SNI: Hoffman/Via Monte. CEQA: Strong Neighborhoods Initiative Program EIR, Resolution No. 71045. *PROJECT MANAGER, J.BORRELLI*

APPROVED (6-0-1; CAHAN ABSENT)

- b. **ORDINANCE AMENDMENT.** An Ordinance of the City of San José Amending Title 20 of the San José Municipal Code, the Zoning Code to Amend Section 20.40.100 of Chapter 20.40, Section 20.50.100 of Chapter 20.50, and Section 20.90.060 of Chapter 20.90, and to add a new Part 13.5 to Chapter 20.80 and a new Section 20.200.995 to Chapter 20.200, to provide for the appropriate relocation of existing cardrooms. CEQA: Exempt, PP09-041. *PROJECT MANAGER, N.FRIMANN, City Attorney's Office*

APPROVED (5-0-2; CAHAN & JENSEN ABSENT)

- c. **ORDINANCE AMENDMENT.** An Ordinance of the City of San José Amending Title 20 of the San José Municipal Code, the Zoning Code to Amend Section 20.100.500 of Chapter 20.100 [Part 4] to allow the Director of Planning to reactivate certain expired development permits and to extend certain development permits for a discrete period of time and to make other related clarifying changes. CEQA: Exempt, PP09-070. *PROJECT MANAGER, P.SHAFFER*

APPROVED (6-0-1; CAHAN ABSENT)

- d. **CP08-085.** Conditional Use Permit to allow an entertainment establishment (karaoke only) with after mid-night operation until 2:00 a.m. Fridays and Saturdays and an alternating parking arrangement in a portion of a commercial building on a 2.4 gross acre site. No exterior construction proposed. The site is located in the CP Pedestrian Commercial Zoning District, on the southeast corner of South De Anza Boulevard and Via Vico (1132 S DE ANZA BL)(Ping S Chow, Trustee, Owner). Council District 1. SNI: None. CEQA: Exempt. *PROJECT MANAGER, E.SCHREINER*

APPROVED WITH ADDED CONDITIONS: 1) COMMUNITY RELATIONS COORDINATOR, AND 2) SECURITY MONITORING TO INCLUDE OUTSIDE (6-0-1; CAHAN ABSENT)

- e. **PDC07-017.** Planned Development Rezoning to allow the demolition of existing structures and the construction of up to 41 single-family attached residential units and up to 1,500 square feet of commercial uses on a 1.16 gross acre site, located on the west side of Lincoln Avenue extending from West San Carlos Street on the south to Pacific Avenue on the north, excluding the northwest corner of West San Carlos and Lincoln Avenue. Council District 6. SNI: Burbank/Del Monte. CEQA: Mitigated Negative Declaration. *PROJECT MANAGER, M.DAVIS*

RECOMMENDED APPROVAL (6-0-1; CAHAN 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

Director gave report on General Plan Update 2040 status report to City Council on 4/21/09 regarding scenarios and ABAG projections.

b. Commissioners' Report from Committees:

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

None

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

See 6.a.

c. Review Synopsis from 4/8/09

Approved (6-0-1; Cahan Absent)

d. Consider Study Session dates and/or topics.

1. Confirm start time for CIP Study Session 5 p.m. in Room 1654.

Add "Neighborhoods of Distinction" (Historic Preservation Part II) study session to 5/13/09 commencing at 5:30 p.m.

e. Set May 13, 2009 for Election of Chair and Vice Chair to be effective July 1, 2009.

Approved (6-0-1; Cahan Absent)

f. Set May 13, 2009 at 5:00 p.m. for meeting of Subcommittee for development of Planning Commission Criteria and Procedures for deferral of agenda items. (Commissioners Kamkar and Zito, Platten alternate)

Note: There will be a 5:30 p.m. study session

ADJOURNMENT