

**PLANNING COMMISSION**

April 8, 2009

Hearing Report

**ROLL CALL**

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

ABSENT: None

**1. DEFERRALS**

- a. **CP08-006**. Conditional Use Permit request to allow a 12,000 square foot expansion of an existing 4,515 square foot building for religious assembly uses and reconstruction of a parking lot on a 2.36 gross acres site, in the R-1-8 Single-Family Residence Zoning District, located on the east side of South Capitol Avenue, approximately 250 feet south of Mervyn's Way (Templo Juan 3:16, Inc., Owner; John Lalaian, Developer). Council District 5. SNI: East Valley/680 Communities. CEQA: Exempt. Deferred from 2/25/09 and 3/11/09. *PROJECT MANAGER, E.SCHREINER*

**DROPPED AT STAFF'S REQUEST (7-0-0)**

- b. **CP08-019 / ABC08-002**. Conditional Use Permit and Determination of Public Convenience or Necessity to allow off-sale of alcoholic beverages at a supermarket on a 0.74 gross acres site in the CP Pedestrian Commercial Zoning District, located on southeast corner of Story Road and McGinness Avenue (2806 STORY RD)(Bic D Pho, Owner). Council District 5. SNI: East Valley/680 Communities. CEQA: Exempt. *PROJECT MANAGER, E.SCHREINER*

**WITHDRAWN AT APPLICANT'S REQUEST (7-0-0)**

- c. **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. *PROJECT MANAGER, S.DO*

**DEFERRED TO 4/22/09 AT APPLICANT'S REQUEST (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/>

- d. **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 9:00 p.m., Wednesday, Friday, and Saturday, and from 10:30 a.m. to 1:00 p.m., 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. *PROJECT MANAGER, H.MADDOX*

**DEFERRED TO 4/22/09 AT APPLICANT'S REQUEST (7-0-0)**

## **2. CONSENT CALENDAR**

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- a. **PDC08-055.** Planned Development Rezoning from the R-1-5 Residential Zoning District to the A(PD) Residential Zoning District to allow three single-family detached residences on a 0.79 gross acre site, located on the northwest corner of Carla Drive and Almaden Expressway (Robert Bagheri, Owner). Council District 10. SNI: None. CEQA: Exempt. *PROJECT MANAGER, A.BATY*

**RECOMMEND APPROVAL (7-0-0)**

- b. **C09-005.** Conventional Rezoning from LI Light Industrial Zoning District to CP Commercial Pedestrian Zoning District to allow commercial uses on a 0.15 gross acre site, located on the northwest corner of Stockton Avenue and West Julian Street (715 W. JULIAN ST.) (Speno, Anthony A. Trustee & Et Al, Owner). Council District 6. SNI: None. CEQA: Mitigated Negative Declaration. *PROJECT MANAGER, E.SCHREINER*

**RECOMMEND APPROVAL (7-0-0)**

## **3. PUBLIC HEARING**

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- a. **AMENDMENT TO THE STRONG NEIGHBORHOODS INITIATIVE (SNI) PROJECT AREA.** Proposed amendment to the Strong Neighborhoods Initiative (SNI) Project Area authorizing the collection of tax increment from a portion of the area bounded by Santa Clara Street, the Union Pacific (UP) railroad, Park Avenue, and the Guadalupe/Los Gatos Creek. Council District: 6. SNI: Burbank/Del Monte. CEQA: See attached CEQA memorandum. *PROJECT MANAGER, EVA TERRAZAS*

- 1) Amendment to the Strong Neighborhoods Initiative (SNI) Project Area authorizing the collection of tax increment from a portion of the area generally bounded by Santa Clara Street to the North, the UP railroad to the West, San Carlos Street to the South, and the Guadalupe/Los Gatos Creek and Highway 97 to the East (Diridon/Arena Area); and,

**RECOMMEND APPROVAL (7-0-0)**

- 2) Revised Amendment to the Redevelopment Plans for the Merged Project Area to clarify the list of potential public improvements in each project area to specify sports and entertainment facilities.

**RECOMMEND APPROVAL (7-0-0)**

- b. **CP08-007 / ABC08-009**. Conditional Use Permit and Determination of Public Convenience or Necessity to allow off-sale of alcoholic beverages at an existing retail store on a 0.13 gross acre site in the CP Pedestrian Commercial Zoning District, located on the northeast corner of Bird Avenue and Auzerais Avenue (394 BIRD AV)(John L And Joyce L Oliver, Owner). Council District 3. SNI: Delmas Park. CEQA: Exempt. *PROJECT MANAGER, E. SCHREINER*

**DENIED (7-0-0)**

- c. **PDC09-008**. Planned Development Rezoning from the R-1-8 Residential Zoning District to the A(PD) Planned Development Zoning District to allow up to 19 single-family detached residences or up to 14 single-family detached residences adjacent to a possible future new fire station on a 3.21 gross acres site, located on the east side of S. White Road approximately 250 feet south of Cunningham Lake Court (Bishop of Church of Jesus Christ, Owner). (Note: This site is one of several locations being considered for a possible new fire station. Any potential new fire station will undergo a separate environmental review). Council District 8. SNI: None. CEQA: Mitigated Negative Declaration. *PROJECT MANAGER, A.BATY*

**RECOMMEND APPROVAL WITH MINOR MODIFICATIONS TO DEVELOPMENT STANDARDS AS RECOMMENDED BY STAFF AND TO CONSIDER THE CREATION OF THROUGH VEHICULAR AND PEDESTRIAN ACCESS CONNECTION FROM THE NEW STREET OF THE PROPOSED PROJECT TO FLINTCREST DRIVE.**

- d. **Status Report on the General Plan Housing Element Update process for the 2007-2014 Planning Period.**

**APPROVED (7-0-0)**

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

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*NONE*

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

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*NONE*

## **6. GOOD AND WELFARE**

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- a. Report from City Council  
*Report on Tommie Smith House Project given.*
- b. Report from 3/18/09 Rules Committee and discussion of Planning Commission Deferral Protocol (Zito).  
*Report given – Subcommittee to report back on 5/13/09 meeting.  
Subcommittee – Chair Zito and Commissioner Kamkar (Platten, alternate) – appointed (7-0-0) to meet with staff and develop draft criteria.*
- c. Commissioners' Report from Committees:
  - 1. Norman Y. Mineta San José International Airport Noise Advisory Committee (Campos).  
*No meeting to report. Staff to contact Airport staff regarding lack of contact with commissioner.*
  - 2. Envision San José 2040 General Plan Update Process (Kamkar).  
*Report Given - APPROVED (7-0-0)*
- d. Review Synopsis from 3/11/09  
*APPROVED (6-0-1; Zito Abstained)*
- e. Consider Study Session dates and/or topics.  
*No Comment*
- f. Set May 13, and May 27, 2009 as General Plan Hearing Dates  
*APPROVED (7-0-0)*
- g. Distribution of Fiesta Restaurant and Nightclub Management Plan (File No. CPA06-060-01).  
*No Comment*

## **ADJOURNMENT**