

PLANNING COMMISSION

August 26, 2009

Hearing Report

ROLL CALL

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

ABSENT: Kamkar

1. DEFERRALS

- a. **CPA08-058-01**. Conditional Use Permit Amendment to allow an entertainment establishment in an existing public eating/drinking establishment with after midnight operation until 2:00 a.m. on a 0.22-gross acre site in the DC Downtown Primary Commercial Zoning District, located on the west side of N. San Pedro St, approximately 160 feet southerly of W. St. John St. (73 N SAN PEDRO ST)(Peralta-North San Pedro Llc, Owner). Council District 3. SNI: None. CEQA: Exempt. *PROJECT MANAGER, S. ZARNOWITZ*

APPROVED DEFERRAL TO 9-9-09 (6-0-1; KAMKAR ABSENT)

2. CONSENT CALENDAR

- a. **CP09-020**. Conditional Use Permit to allow operation after midnight until 3:00 a.m. Thursday through Saturday, and until 1:00 a.m. Sunday to Wednesday for an existing restaurant on a 0.05 gross acre site in the CG General Commercial Zoning District, located on the southeast corner of E Santa Clara and S 7th Street (304A E Santa Clara Street - SPICE Restaurant) (304 E SANTA CLARA ST)(Nguyen Family Llc Anne Marie Lang, Owner). Council District 3. SNI: 13th Street. CEQA: Exempt. Deferred from 8/12/09 *PROJECT MANAGER, S. ZARNOWITZ*

APPROVED (6-0-1; KAMKAR ABSENT)

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

- b. [CP07-070](#). Conditional Use Permit to construct three buildings, for a total of approximately 148,000 square feet, for a large format commercial establishment with associated commercial uses on a 14.1 gross acre site in the IP Industrial Park Zoning District, located on northeast corner of Holger Way and North 1st Street (Tsa at 1st, LLC, Owner). Council District: 4. SNI: None. CEQA: Re-Use of NSJ EIR, Reso. 72768. *PROJECT MANAGER, A.BATY*

APPROVED (6-0-1; KAMKAR ABSENT)

- c. [CP09-010](#). Conditional Use Permit to legalize a private school for up to 20 students at an existing 2,100 square foot building on a 0.22 gross acre site in the CP Pedestrian Commercial Zoning District, located on east side of Bascom Avenue approximately 150 feet southerly of Curtner Avenue (2720 S. Bascom Avenue) (James Gardner and Julie Larson, owner). Council District 9. SNI: None. CEQA: Exempt. *PROJECT MANAGER, S.DO*

APPROVED (6-0-1; KAMKAR ABSENT)

- d. [CPA08-011-01](#). Conditional Use Permit Amendment to re-pave and landscape a vacant lot for automobile sales use on a 0.96 gross acre site in the CN Neighborhood Commercial Zoning District, located on the south side of Stevens Creek Boulevard approximately 300 feet easterly of Loma Linda Drive (5000 STEVENS CREEK BL)(Tronis Stevens Creek Andrea Bollakis, Owner). Council District 1. SNI: None. CEQA: Exempt. *PROJECT MANAGER, E.SCHREINER*

APPROVED (6-0-1; KAMKAR ABSENT)

- e. [CP09-017](#). Conditional Use Permit to legalize 37,000 square feet of warehouse retail sales in an existing 50,300 square foot warehouse building on a 1.8 gross acre site in the HI Heavy Industrial Zoning District, located on the northwest corner of Senter Road and Burke Street (577 Burke Street) (577 Burke Street Associates, owner). Council District 7. SNI: None. CEQA: Exempt. *PROJECT MANAGER, S.DO*

APPROVED (6-0-1; KAMKAR ABSENT)

3. PUBLIC HEARING

- a. [PD08-051](#). APPEAL of the Planning Director's decision to approve a Planned Development Permit for the installation of a slimline monopole with ancillary outdoor equipment at an existing retail shopping center on a 0.75 gross acre site, in the A(PD) Planned Development Zoning District, located on the southeast corner of Ocala Avenue and King Road (1720 OCALA AV) (Edward Campbell, owner; AT+T, applicant). Council District 8. SNI: K.O.N.A. CEQA: Exempt. Deferred from 7/22/09. *PROJECT MANAGER, J.DAVIDSON*

APPEAL UPHELD (6-0-1; KAMKAR ABSENT), Revised resolution to be considered on 9/9.

- b. [H09-009](#). APPEAL of the Planning Director’s decision to approve a Site Development Permit to construct a canopy, approximately 10,000 square feet, to cover an existing outdoor storage area in a corporation yard on a 4.47 gross acre site, in the LI Light Industrial, HI Heavy Industrial, and CG General Commercial Zoning District, located on the west side of Little Orchard Street, approximately 300 feet northerly of San Jose Avenue (1601 Little Orchard Street) (Stucco Supply Company, owner). Council District 7. SNI: Washington. CEQA: Exempt. *PROJECT MANAGER, S.DO*

**UPHELD DIRECTORS DECISION (4-2-1;CAHAN, JENSEN OPPOSED;
KAMKAR ABSTAINED)**

- c. [CP07-100](#). Conditional Use Permit to replace an existing fast food restaurant with construction of a 5,374 square foot fast food restaurant including drive-through use and operation after midnight on a 0.88 gross acre site in the CP Pedestrian Commercial Zoning District, located on the northwest corner of Tully Road and Kenesta Way (1935 TULLY RD) (Franchise Realty Interstate Corporation, Owner: McDonalds Kate Arroyo-Gormley, Developer). Council District 8. SNI: K.O.N.A., West Evergreen. CEQA: Exempt. *PROJECT MANAGER, E.SCHREINER*

APPROVED (5-1-1; JENSEN OPPOSED; PLATTEN ABSENT)

- d. [PDC08-066](#). Planned Development Rezoning from A(PD) Planned Development Zoning district to A(PD) Planned Development Zoning district to allow up to 60 single-family attached and detached residential units on a 3.2 gross acre site, located on the southeast corner of East Mission Street and North 10th Street (Westmount Square Llc, Owner; Arcadia Homes, Inc Brad Durga, Developer). Council District 3. SNI: 13th Street. CEQA: Addendum to a Negative Declaration. *PROJECT MANAGER, S.ZARNOWITZ*

APPROVED DEFERRAL TO 9/9/09 (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
NONE

- b. Commissioners' Report from Committees:
 - 1. Norman Y. Mineta San Jose International Airport Noise Advisory Committee (Campos)
No report
 - 2. Envision San José 2040 General Plan Update Process (Kamkar).
Report given.

- c. Review Synopsis from 8/26/09
APPROVED (6-0-1; PLATTEN ABSENT)

- d. Consider Study Session dates and/or Annual Retreat Topics.

- e. Subcommittee Reports and Outstanding Business

ADJOURNMENT