

PLANNING COMMISSION

July 14, 2010

Action Report

ROLL CALL

PRESENT: Abelite, Bit-Badal, Cahan, Jensen, Kamkar, Kline

ABSENT: Platten

1. DEFERRALS

- a. **ZONING CODE AMENDMENT**. An ordinance of the City of San Jose amending Title 20 of the San Jose Municipal Code to include amendments to: (1) Section 20.70.010 of Chapter 20.70 to expand the applicability of the Downtown zoning districts to the area bounded by Julian Street, the Guadalupe River, Santa Clara Street, and Route 87 and modify the geographic description accordingly; (2) Section 20.30.100 of Chapter 20.30 to amend Table 20-50, Residential Districts Land Use Regulations, to allow with a Conditional Use Permit any use not set forth in table 20-50 for designated City of San Jose Historic Landmark Structures; (3) Section 20.40.100 of Chapter 20.40 to amend Table 20-90, Commercial Districts Land Use Regulations, to allow with a Special Use Permit any use not set forth in Table 20-90 for designated City of San Jose Historic Landmark Structures; (4) Section 20.50.100 of Chapter 20.50 to amend Table 20-110, Industrial Districts Land Use Regulations, to allow with a Special Use Permit any use not set forth in Table 20-110 for designated City of San Jose Historic Landmark Structures; (5) Section 20.70.100 of Chapter 20.70 to amend Table 20-140, Downtown Districts Land Use Regulations, to allow with a Special Use Permit any use not set forth in Table 20-140 for designated City of San Jose Historic Landmark Structures; (6) Chapter 20.80, Specific Use Regulations, to add a new part to establish regulations for uses of designated City of San Jose Historic Landmark Structures; (7) Section 20.90.220 of Chapter 20.90 to allow a reduction in the required parking for a designated City of San Jose Historic Landmark Structure; and (8) Chapter 20.200, definitions, to add a definition of historic landmark structure. Citywide . SNI: All. CEQA: Use of San Jose 2020 EIR.
PROJECT MANAGER, L. PREVETTI

DEFERRED TO 07-28-10 PER STAFF REQUEST (6-0-1, COMMISSIONER PLATTEN 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. **C10-008.** Conventional Rezoning from LI Light Industrial to DC Downtown Primary Commercial on a 0.81 gross acre site, located on the southwest corner of W. Julian Street and Pleasant Street (350 W. Julian Street (City Of San Jose, Owner). Council District 3. SNI: None. CEQA: Use of San Jose Downtown Strategy 2000 EIR. *PROJECT MANAGER, A.BATY*

DEFERRED TO 07-28-10 PER STAFF REQUEST (6-0-1, COMMISSIONER PLATTEN ABSENT)

2. CONSENT CALENDAR

- a. **CP09-064 & ABC10-001.** Conditional Use Permit and Determination of Public Convenience or Necessity to allow a drinking establishment (wine tasting) and the off-sale of alcohol 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 & 06-23-10. *PROJECT MANAGER, M.ENDERBY*

APPROVED (6-0-1, COMMISSIONER PLATTEN ABSENT)

- b. **CP10-007.** Conditional Use Permit to demolish an existing commercial building and construct a new commercial building with a drive-through and late-night use until 1:00 a.m., at an existing shopping center on a .94 gross acre site, in the CG General Commercial Zoning District, located at 5393 Prospect Road (Grosvenor International, Owner; Taco Bell Corp., Developer). Council District 1. SNI: None. CEQA: Exempt. *PROJECT MANAGER, A.BATY*

APPROVED (6-0-1, COMMISSIONER PLATTEN ABSENT)

- c. **CP10-009.** Conditional Use Permit to allow the conversion of an existing commercial building to a religious assembly use on a 0.42 gross acre site in the CG General Commercial Zoning District, located at 345 Northlake Drive (Islamic Community of Bay Area Bosniaks Inc, Owner). Council District 1. SNI: None. CEQA: Exempt. *PROJECT MANAGER, A.BATY*

APPROVED (6-0-1, COMMISSIONER PLATTEN ABSENT)

- d. **CP10-012.** A Conditional Use Permit to allow for the installation of new water pump equipment at an existing water distribution facility on a 0.15 gross acre site in the R-1-8 Single-Family Residence Zoning District, located on the north side of Chablis Circle, approximately 980 feet northerly from Colonial Lane (3553 CHABLIS CL)(San Jose Water Company Craig Giordano, Owner). Council District 4. SNI: None. CEQA: Exempt. *PROJECT MANAGER, L.XAVIER*

DEFERRED (6-0-1, COMMISSIONER PLATTEN ABSENT)

3. PUBLIC HEARING

a. The projects being considered are within a 98,000 square foot industrial park development, located on the northeast corner of Piercy Road and Hellyer Avenue in the IP Industrial Park Zoning District (various owners). Council District 2. SNI: None. CEQA: Exempt. Deferred from 06-09-10. *PROJECT MANAGER, J.CLARK*

1. **CP09-057.** Conditional Use Permit to allow a 6,093 square foot medical office, in an existing 6,093 square-foot industrial condominium office building (Building L)
2. **CP09-058.** Conditional Use Permit to allow a 6,093 square foot medical office, in an existing 6,093 square-foot industrial condominium office building (Building E)
3. **CP09-059.** Conditional Use Permit to allow a 4,493 square foot medical office, in an existing 6,093 square-foot industrial condominium office building (Building D)
4. **CP09-061.** Conditional Use Permit to allow a 5,100 square foot medical office, in an existing 5,100 square-foot industrial condominium office building (Building G)

APPROVED (5-0-1-1, COMMISSIONER PLATTEN ABSENT, COMMISSIONER ABELITE ABSTAINED)

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 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. Deferred from 06-23-10. *PROJECT MANAGER, J.CLARK*

APPROVED (6-0-1, COMMISSIONER PLATTEN 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

None

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).

Commissioner Kamkar reported on the last Task Force meeting. The Task Force will be on recess until mid-September.

c. Review and Approve Synopsis from 06-21-10 & 06-23-10

Approved (6-23-10, 4-0-1-2, Commissioner Platten absent, Commissioners Bit-Bidal, Abelite abstain) (Defer 6-21-10 to July 23, 10 meeting)

d. Subcommittee Reports and Outstanding Business

None

e. Commission Calendar and Study Sessions – Cancel 9/15 regular meeting and add additional meeting on either 9/8 or 9/22

Approved cancelation of 9/15 meeting and approved adding 9/22 as a regular meeting.

f. Appointment of representative from the Planning Commission to the Norman Y. Mineta San José International Airport Noise Advisory Committee (deferred from 06-23)

Approved Commissioner Cahan as representative to Committee.

ADJOURNED