

PLANNING COMMISSION

March 10, 2010

Action Report

ROLL CALL

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

ABSENT: Platten

1. DEFERRALS

No items.

2. CONSENT CALENDAR

- a. **PDA88-068-04**. Adopt the revised resolution including facts and findings from the February 24, 2010 Planning Commission decision to uphold the Appeal; to deny the Planning Director's decision on a Planned Development Permit Amendment for an off-sale of alcoholic beverages at an existing retail store on a 1.72 gross acre site in the A(PD) Planned Development Zoning District, located on the northwest corner of Capitol Avenue and Capitol Expressway (459 S. Capitol Avenue #13) (DONS INVESTMENT & DEVEL INC, Owner). Council District 5. SNI: East Valley/680. CEQA: Exempt. Deferred from 01-27-10 & Continued from 02-10-10 & 02-24-10. PROJECT MANAGER, M.ENDERBY

APPROVED (6-0-1; PLATTEN ABSENT)

- b. **CP09-041**. Conditional Use Permit to convert an existing duplex residential structure to church office use and to allow an off-site alternating parking arrangement at the existing church on a 0.18 gross acre site in the R-2 residential zoning district in the R-2 Two-Family Residence Zoning District, located at/on Northeast corner of Williams Road and Zarick Drive (4291 WILLIAMS RD)(Chinese for Christ Church SJ, Owner). Council District 1. SNI: None. CEQA: Exempt. *PROJECT MANAGER, J.CLARK*

APPROVED (6-0-1; 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/>

3. PUBLIC HEARING

- a. **ORDINANCE AMENDMENT**. An Ordinance of the City of San Jose amending provisions of Chapter 20.70 and 20.100 of Title 20 of the San Jose Municipal Code to establish the City Council as the decision making body for Conditional Use Permits for drinking establishments that operate after midnight and have an occupancy greater than 250 persons within the DC Downtown Primary Commercial Zoning District. CEQA: *Use of an EIR, San Jose Downtown Strategy 2000, Resoluton No. 72767, PP10-049.*
PROJECT MANAGER, J.HAMILTON

RECOMMENDED APPROVAL (6-0-1; PLATTEN ABSENT)

- b. **CP09-051 & ABC09-003**. Conditional Use Permit and Determination of Public Convenience or Necessity to allow the construction of a 4,640 square foot retail/commercial building with 24-hour operation and off-sale of alcoholic beverages on a 0.34 gross acre site, located at 4156 Monterey Road, in the CP Pedestrian Commercial Zoning District (Penoel Oshido, Owner). Council District 2. SNI: None. CEQA: Exempt. *PROJECT MANAGER, A.BATY*

**APPROVED & CONTINUED TO 04-07-10 FOR ADOPTION OF
RESOLUTION (4-2-1; CAHAN & DO OPPOSED; 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
Asst. Director Prevetti briefed the Commission of the Council's action related to Parks fees for affordable housing projects, and their acceptance of the Habitat Conservation Plan status report.
- b. Commissioners' Report from Committees:
1. Norman Y. Mineta San Jose International Airport Noise Advisory Committee (Campos)
No meeting
 2. Envision San José 2040 General Plan Update Process (Kamkar).
Commissioner Zito reported out on meeting of March 8, 2010.
- c. Review Synopsis from 02-24-10
Approved (6-0-1; PLATTEN ABSENT)
- d. Subcommittee Reports and Outstanding Business
Commissioner Jensen requested to establish a subcommittee on Off-Sale of Alcohol. Asst. Director Prevetti suggested, given limited staff resources to support a subcommittee to be set for a later date.

ADJOURNED