

## PLANNING COMMISSION

June 9, 2010

Action Report

### ROLL CALL

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

ABSENT: None

### 1. DEFERRALS

- a. **CP09-064 & ABC10-001.** Conditional Use Permit and Determination of Public Convenience or Necessity to allow a drinking establishment (wine tasting) 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. *PROJECT MANAGER, S.ZARNOWITZ*

**DEFERRED TO 06-23-10, PER STAFF REQUEST (7-0-0)**

- b. **CP09-042.** Conditional Use Permit to demolish existing gas station buildings; construct a new 3,200 square foot pump canopy and 2,400 square foot retail building with 24-hour use and off-sale of alcohol on a 1.28 gross acre site in the CP Commercial Pedestrian Zoning District, located at 4610 Pearl Avenue (Aujla Gurvinder, Owner) Council District 9. SNI: None. CEQA: Exempt. *PROJECT MANAGER, A.BATY*

**DEFERRED TO 06-23-10, PER APPLICANT REQUEST (7-0-0)**

- c. **PDA91-006-83.** Appeal of the Planning Director's decision to approve a Planned Development Permit Amendment for Country View Custom Estates to install entry gates across private streets at three (3) separate locations, in the A(PD) Planned Development Zoning District, located at: a) the corner of Hollow Lake Drive and Quail Crest Way, b) the corner of Hollow Lake Way and Glen View Drive, and at c) the start of the private street at the cul-de-sac of Glenview Drive, approximately 550 feet southerly of Echo Valley Drive (8701 TRACT)(Rajkovich & Shahinian, owner). Council District 10. SNI: N/A. CEQA: Exempt. *PROJECT MANAGER, L.XAVIER*

**DEFERRED TO 06-23-10, PER APPLICANT & STAFF 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. 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, Owner). Council District 2. SNI: None. CEQA: Exempt.  
*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)

**DEFERRED TO 07-14-10, PER APPLICANT & STAFF REQUEST (7-0-0)**

## **2. CONSENT CALENDAR**

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- a. **PD09-023.** PREPARATION OF RESOLUTION. Appeal of the Director's decision to approve a Planned Development Permit to demolish an existing commercial building and construct a new 17,000 pad building for retail/commercial uses, reconfiguration of 13,090 square feet of previously approved in-line retail space, and allow the off-sale of alcohol, on a 8.96 gross acre site in the A(PD) Planned Development Zoning District, located on the northwest corner of Meridian Avenue and Hillsdale Avenue. This project also allows the relocation of a retail use that includes the off-sale of alcohol into an existing pad building (temporary location) while the proposed building is under construction (9647 TRACT)(Hacienda Gardens LLC, Owner; Hacienda Gardens, LLC Mark Tersini/Rite Aid, Developer). Council District 9. SNI: None. CEQA: Use of Mitigated Negative Declaration for PDC02-053. (4/22/10: Planning Commission conducted a public hearing, began deliberations, and continued the item to 5/5/10; on 5/5/10, the Commission deferred the item to 5/19/10.) *PROJECT MANAGER, M. ENDERBY*

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

## **3. PUBLIC HEARING**

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- a. **PLANNING COMMISSION BYLAWS.** Adoption of a resolution amending Planning Commission Resolution No. 64-1 to update and amend the Planning Commission By-Laws to amend the term for officers, to make the language of the By-Laws gender neutral, to provide for meeting procedures, and to make other nonsubstantive, technical clarifications and corrections.

**DEFERRED TO 06-21-10 (7-0-0)**

#### **4. OPEN JUNE 2010 GENERAL PLAN AMENDMENTS HEARING**

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*Approved (7-0-0)*

#### **5. GENERAL PLAN PUBLIC HEARING CALENDAR**

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- a. **GP08-08-03.** A General Plan Amendment request to change the San Jose 2020 General Plan Land Use/Transportation Diagram Land Use Designation from Non-Urban Hillside (Silver Creek Planned Residential Community) to Public/Quasi-Public (Silver Creek Planned Residential Community) on a 3-acre portion of a 21.1 acre site, located on the east side of Dove Hill Road, approximately 500 feet north of Hassler Parkway (4200 Dove Hill Road)(Kuehne Stanislaus & Eleanore Trustee & Et, Owner). Council District 8. SNI: None. CEQA: Draft Negative Declaration. *PROJECT MANAGER, L.XAVIER*

**RECOMMENDED APPROVAL (7-0-0)**

#### **6. CLOSE JUNE 2010 GENERAL PLAN AMENDMENTS HEARING**

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*Approved (7-0-0)*

#### **7. PETITIONS AND COMMUNICATIONS**

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NONE

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

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NONE

#### **9. GOOD AND WELFARE**

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- a. Report from City Council

*Director Horwedel informed the Commission that the City Council at their 6/8/10 meeting approved an update of the North San Jose Area Development Policy and accepted Urban Design Guidelines for North San Jose.*

- b. Commissioners' Report from Committees:

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

*Agendize appointment to the Airport Committee for a future June Planning Commission meeting to replace Commissioner Campos.*

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

- c. Review and Approve Synopsis from 05-26-10  
*Approved with two modifications (7-0-0)*  
*Item 3.a. Add requirement to design with a cross easement.*  
*Item 3.b. Clarify vote to recommend approval with a density of 12 units per acre.*
- d. Subcommittee Reports and Outstanding Business
- e. Election of Chair and Vice Chair for fiscal year 2010/2011  
*Chair Jensen elected to serve as Chair for Fiscal Year 2010/2011 (7-0-0)*  
*Commissioner Cahan elected to serve as Vice Chair for Fiscal Year 2010/2011 (5-0-2; Kamkar and Zito in favor for Kamkar)*
- f. Set Planning Commission public hearing for June 21, 2010.  
*Approved Public Hearing for June 21, 2010 (7-0-0); commencing at 6:00 p.m., located in Room T-332 of City Hall Tower*

**ADJOURNED**