

**PLANNING COMMISSION**

November 17, 2010

Action Report

**ROLL CALL**

PRESENT: Commissioners' Abelite, Bit-Badal, Cahan, Jensen, Kamkar, Kline, Platten

ABSENT: None

**1. DEFERRALS**

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- a. **CP10-015**. Wireless - Conditional Use Permit for the 10-foot extension of an existing PG&E tower to install three (3) panel antennae and three (3) microwave dishes, with associated equipment cabinet on a 0.67 gross acre site in the R-1-5 Single-Family Residence Zoning District, located on the northeast corner of Meridian Avenue and Oakglen Way (1291 Oakglen Way)(Pacific Gas And Electric Co, Owner; Clearwire Legacy LLC, Developer). Council District 10. SNI: None. CEQA: Exempt. *PROJECT MANAGER, J.CLARK* (Continued from October 13, 2010)

**DROPPED / WITHDRAWN (7-0-0)**

- b. **CPA00-009-01**. Conditional Use Permit Amendment for the timely renewal of an asphalt/concrete crushing and recycling facility, and the modification of Condition #31 in the original approval, relating to the required noise barrier, on a 2.7 gross acre site in the HI Heavy Industrial Zoning District, located approximately 500 feet northeast of Commercial Street and 1,000 feet northwest of Commercial Street (11711 Berryessa Road). (Granite Rock (Chris Mann), Applicant) Council District 4. SNI: None. CEQA: Addendum to a previously adopted Negative Declaration. *PROJECT MANAGER, J.DAVIDSON*

**DEFERRED TO 12-01-10 (7-0-0)**

**2. CONSENT CALENDAR**

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- a. **CP10-013**. Conditional Use Permit for continued use of a telecommunication facility including a 60 foot tall monopole and related equipment on 1.83 gross acres in the HI Heavy Industrial Zoning District, located on the east of North 15th Street, 240 feet south of Charles Street (1265 OAKLAND RD)(Storage Development SJ LLC, Owner). Council District 4. SNI: None. CEQA: Exempt. *PROJECT MANAGER, J.CLARK*

**APPROVED (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/>

- b. **CP10-040.** Conditional Use Permit to allow a drinking establishment and the addition of late night operating hours of 12:00 midnight to 2:00 a.m. at an existing pizza restaurant on .14 gross acre site in the DC Downtown Primary Commercial Zoning District, located on southwest corner of E. Santa Clara Street and S. Fourth Street (150 E. Santa Clara Street) (Anthony & Maria Caruso, Owner). Council District 3. SNI: None. CEQA: Exempt. *PROJECT MANAGER, L.MONIZ*

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

Notes: Pulled from Consent Calendar and heard under Public Hearings.)

- c. **CP10-048.** Conditional Use Permit to allow off-sale of alcohol at a full service grocery store in the CG-Commercial General Zoning District, located in an existing approximately 11,640 square-foot tenant space in a shopping center (Sunrise Plaza) on a 9.6 gross-acre site on the south side of Blossom Hill Road, 275 feet easterly of Cahalan Avenue (646 Blossom Hill Road) (E P & G Properties No. 7 LLC, Owner / Chavez Supermarket, Applicant) Council District 10. SNI: None. CEQA: Exempt. *PROJECT MANAGER, J.NUSBAUM.*

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

- d. **CP10-053.** Conditional Use Permit to allow a 6,050 square-foot medical office, in an existing industrial condominium office building (Building M) in a 98,000 square-foot industrial park office development on a 7.5 gross acre site in the IP Industrial Park Zoning District, located on north east corner of Piercy Road and Hellyer Avenue (6050 Hellyer Avenue)(Hellyer Commons LLC, Owner). Council District 2. SNI: None. CEQA: Exempt. *PROJECT MANAGER, J.CLARK.*

**APPROVED (6-0-1, COMMISSIONER ABELITE ABSTAINED)**

### **3. PUBLIC HEARING**

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- a. **ORDINANCE AMENDMENT.** An Ordinance of the City of San Jose Amending Title 20 of the San Jose Municipal Code to add a new Chapter 20.75 entitled Pedestrian Oriented Zoning Districts and establishing the Main Street Districts within that Chapter; to modify Chapter 20.90 to provide parking and loading requirements for the Main Street Districts; and to make other related modifications to Chapter 20.10, General Provisions and Zoning Districts; Chapter 20.40, Commercial Zoning Districts; Chapter 20.80, Specific Use Regulations; Chapter 20.175, Commercial and Industrial Common Interest Development Regulations; and 20.200, Definitions. Council District: Citywide. SNI: None. CEQA: Negative Declaration and Addenda (PP09-012). *PROJECT MANAGER, C.HAMILTON*

**RECOMMENDED APPROVAL (6-1-0, Commissioner Kline opposed)**

- b. **CERTIFICATION OF FINAL ENVIRONMENTAL IMPACT REPORT FOR PROPOSED SINGLE-USE CARRYOUT BAG ORDINANCE (PP09-193).** THE FEIR EVALUATES THE FOLLOWING PROPOSED PROJECT: The City of San José is proposing to adopt an ordinance that consists of revisions to Chapter 9.10 of Title 9 of the City’s Municipal Code to prohibit the free distribution of single-use carryout paper and plastic bags at the point of sale for all commercial retail businesses in San José except restaurants and nonprofit charitable reuse organizations. An exception is proposed for paper bags containing at least 40 percent recycled content, which can be provided to customers for a minimum store charge of \$0.10 upon adoption of the ordinance, with an automatic increase to \$0.25 two years after adoption of the ordinance. Council District: Citywide. CEQA: EIR pending certification. Deferred from 10-27-10. *PROJECT MANAGER, J.DAVIDSON*

*It should be noted that the Planning Commission’s action is limited to consideration of certification of the Final EIR which action does not constitute approval of the project for which it was prepared. The decision to approve or deny the project will be made separately by the City Council as required by the San Jose Municipal Code.*

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

- c. **PDC07-010.** A Planned Development Rezoning from the IP Industrial Park and HI Heavy Industrial Zoning Districts to the A(PD) Planned Development Zoning District to allow for the development of up to 650 multi-family residential units and up to 150,000 square feet of commercial uses or up to 300,000 square feet of office/R&D uses on a 29.9 gross acre site, located at the southwest corner of East Brokaw Road and Old Oakland Road (Fox Properties/Markovits & Fox, Inc., Owner). Council District 4. SNI: None. CEQA: Addendum to the Fox Property General Plan Amendment Environmental Impact Report (EIR). *PROJECT MANAGER, L.XAVIER.*

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

Notes: The Planning Commission recommended approval per the staff recommendation and including staffs response to the applicants requested changes without exception. The proposed development standards have been modified to reflect this.

**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

*None*

b. Commissioners' Report from Committees:

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

*Commissioner Cahan indicated she was the only one in attendance so received a lot of good background on the Committees work.*

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

*Commissioner Jensen indicated that the Task Force is continuing their final review of the Draft Plan.*

c. Review and Approve Synopsis from 10-13-10, 10-27-10, & 11-03-10

*Approved (October 13, 2010, 6-0-1, Commissioner Cahan abstained; October 27, 2010, 4-0-3, Commissioners Bit-Badal, Kamkar, and Platten abstained; and November 3, 2010, 6-0-1, Commissioner Platten abstained))*

d. Subcommittee Reports and Outstanding Business

*Deputy City Attorney Gurza provided the Commission with a brief on the directive from City Council to Boards and Commissions related to the formation of subcommittees and the need for the Council to review workplans.*

*The Best Practices Sub-Committee submitted a memo to the Commission with their workplan. The commission approved it 7-0-0*

e. Commission Calendar and Study Session

1. Review and Approve of 2011 Calendar

*Deferred (7-0-0) The Commission directed staff to revise the calendar to delete the May 4, 2011 date and look for an alternative of either May 2 or 3, 2011, to change the date for the Wireless Communication Study Session to either March 9 or 23, 2011, and to change the Study Session for the CIP to be consistent with the new May date identified above. Additionally, the Commission voted to add a Study Session for December 15, 2010.)*

**ADJOURNED**