

PLANNING COMMISSION

March 9, 2011

Action Report

ROLL CALL

PRESENT: Commissioners Cahan, Kamkar, Kline, and Platten

ABSENT: Commissioners Abelite, Bit-Badal, and Jensen

1. DEFERRALS

- a. **CPA10-040-01.** Conditional Use Permit Amendment to allow a 1,900-square foot expansion of a drinking establishment with late night operating hours of 12:00 midnight to 2:00 a.m. to an existing restaurant in the DC Downtown Primary Commercial Zoning District on 0.14 gross acre site, located on the southwest corner of E. Santa Clara Street and S. Fourth Street (150 E. Santa Clara Street)(Anthony and Maria Caruso, Owner). Council District 3. SNI: None. CEQA: Exempt.

PROJECT MANAGER, L.MONIZ

DEFERRED TO 3-23-11 (4-0-3; ABELITE, BIT-BADAL, AND JENSEN ABSENT)

- b. **CP10-064.** Conditional Use Permit to allow a drinking establishment, late night operating hours until 2:00 a.m., and to allow an alternate parking arrangement in conjunction with an existing public eating establishment on an approximately 1.6 gross-acre site in the CN Neighborhood Commercial Zoning District, located at the southeast corner of Tully Road and Monterey Road (2260 MONTEREY RD)(Agave, Applicant / Ends In E Inc., Owner). Council District 7. SNI: None. CEQA: Exempt. *PROJECT*

MANAGER, J.NUSBAUM

DEFERRED TO 3-23-11 (4-0-3; ABELITE, BIT-BADAL, AND JENSEN ABSENT)

2. CONSENT CALENDAR

- a. **CP09-046.** Conditional Use Permit to allow a daycare facility within an existing a neighborhood shopping center on a 6.64 gross acre site in the CN Commercial Neighborhood Zoning District, located on the east side of Miller Avenue 550 feet southerly of Bollinger Road (Ann Woo, Owner). Council District 1. SNI: None. CEQA: Exempt. *PROJECT MANAGER, J.CLARK*

APPROVED (4-0-3; ABELITE, BIT-BADAL, AND JENSEN 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. [CP10-061](#). Conditional Use Permit to allow the continued operation of an existing vehicle wrecking yard facility, approved under previous Conditional Use Permits, in the HI Heavy Industrial Zoning District on a 1.1 gross acre site, located on the east side of Smith Avenue, approximately 310 feet southerly of Phelan Avenue (1726 SMITH AV)(Vuu Truc, Owner). Council District 7. SNI: None. CEQA: Exempt. *PROJECT MANAGER, M.ENDERBY*

APPROVED (4-0-3; ABELITE, BIT-BADAL, AND JENSEN ABSENT)

3. PUBLIC HEARING

- a. [CPA07-036-01](#). Conditional Use Permit Amendment to allow for the construction of a 3,500-square foot music building at an existing private high school (Archbishop Mitty High School) on 17.56 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at the southeast corner of Mitty Way and Doyle Road (5000 Mitty Way)(Roman Catholic Welfare Corp Of San Jose, Owner). Council District 1. SNI: None. CEQA: Exempt. *PROJECT MANAGER, L.XAVIER*

APPROVED (4-0-3; ABELITE, BIT-BADAL, AND JENSEN ABSENT)

- b. [PDC10-020](#). Planned Development Rezoning from the CP Commercial Pedestrian Zoning District to the CP(PD) Planned Development Zoning District to allow the demolition and reconstruction of an existing gas station including the relocation of the fuel pumps, canopy and the construction of a new convenience store and automatic car wash on a 0.5 gross acre site, located on the southwest corner of Tully Road and S. King Road (1698 TULLY ROAD)(Au Energy LLC, Owner/Developer). Council District 7. SNI: West Evergreen. CEQA: Exempt. *PROJECT MANAGER, L.MONIZ*

RECOMMENDED APPROVAL (4-0-3; ABELITE, BIT-BADAL, AND JENSEN 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

Director Horwedel discussed the City Council Priority Setting Study Session with the Commission

b. Commissioners' Report from Committees:

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

None

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

None

c. Review and Approve Synopsis from 2-23-11

Deferred to March 23, 2011 (4-0-3; Abelite, Bit-Badal, and Jensen Absent)

d. Distribution of information on availability of the "Annual Status Report on the Citywide Capital Improvement Program" for Fiscal Year 2010/11

e. Subcommittee Formation, Reports, and Outstanding Business

1. Best Practices Subcommittee Report

Commissioner Kline presented report to Commission. Vote 4-0-3 to defer any action of report to March 23, 2011 for full Commission participation.

One member of the public present to support Committee's findings.

f. Commission Calendar and Study Sessions