

## PLANNING COMMISSION

March 23, 2011

Action Report

### **ROLL CALL**

#### Study Session:

PRESENT: Commissioners Abelite, Bit-Badal, Jensen, and Kline

ABSENT: Commissioners Cahan, Kamkar, and Platten

#### Meeting:

PRESENT: Commissioners Abelite, Bit-Badal, Cahan, Jensen, and Kline

ABSENT: Commissioners Kamkar and Platten

### **1. DEFERRALS**

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*No items.*

### **2. CONSENT CALENDAR**

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### **3. PUBLIC HEARING**

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- a. **CPA10-040-01**. Conditional Use Permit Amendment to allow a 1,900-square foot expansion of an existing public eating and drinking establishment with late night operating hours of 12:00 midnight to 2:00 a.m. 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. Deferred from 3-9-11. *PROJECT MANAGER, L.MONIZ*

**APPROVED (5-0-2; KAMKAR AND 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. [CP10-016 & ABC10-003](#). Conditional Use Permit and Determination of Public Convenience or Necessity to allow off-sale of alcohol for a pharmacy/convenience store in an existing approximately 20,317 square-foot tenant space in a shopping center on an approximately 13.2 gross-acre site in the CG-General Commercial Zoning District, located 100 feet westerly of the northwest corner of Morrill Avenue and Amberwood Lane (2105 MORRILL AVE)(Chiu Gabriel H Trustee & Et Al, Owner; Walgreens, Applicant). Council District 4. SNI: None. CEQA: Exempt. *PROJECT MANAGER, J.NUSBAUM*

**DENIED (5-0-2; KAMKAR AND PLATTEN ABSENT)**

- c. [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 on 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. Deferred from 3-9-11. *PROJECT MANAGER, J.NUSBAUM*

**APPROVED WITH ALLOWED HOURS OF OPERATION AFTER HOURS UNTIL 1:00 A.M. ON FRIDAY AND SATURDAY ONLY, AND A REQUIRMENT THAT AFTER ONE YEAR, STAFF PROACTIVELY EXAMINE, IN COORDINATION WITH POLICE, THE USE TO SEE IF THERE IS A PROBLEM; CONTINUED TO 4-6-11 FOR PREPERATION AND THE FINAL ADOPTION OF RESOLUTION. (5-0-2; KAMKAR AND PLATTEN ABSENT)**

- d. [PENDING LAND USE ORDINANCES](#).

*Commission supported the priority for the sign code and requested some attention to pedestrian friendly (visible) signs (especially downtown). The Commission requested the Riparian Policy be added to the list. Other priorities included Green Building Retrofit and Main Street Zoning. Although not ordinances or policies per se, the Commission also identified the need to examine and seismically retrofit buildings, encourage green roofs, and improve development customer service delivery.*

#### **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)

*None*

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

*None*

c. Review and Approve Synopsis from 2-23-11 and 3-9-11

*Deferred to 4-6-11 (5-0-2; Kamkar and Platten Absent)*

d. Subcommittee Formation, Reports, and Outstanding Business

1. Continued discussion on Report related to "Hiring Outside Consultants for Environmental Reports"

- *Subcommittee recommended that the full PC forward this recommendation to staff and to the City Council. The discussion focused on the appearance of conflict of interest. Commission also wanted to make sure that a new process would not add more staff workload. Item continued to 4-6-11.*

- *Subcommittee on Riparian: Next meeting on 3-28-11.*

e. Commission Calendar and Study Sessions

*None*