

PLANNING COMMISSION

July 13, 2011

Action Report

ROLL CALL

Meeting:

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

ABSENT: None

1. DEFERRALS

- a. **PLANNING COMMISSION BYLAWS AMENDMENT.** Adoption of a resolution amending the bylaws of the Planning Commission to amend Article III (Meetings) to provide for study sessions and other informational meetings of the Planning Commission and to provide that a quorum of the Commission is not required to be present to conduct such meetings. CEQA: Not a project. *PROJECT MANAGER, RENEE GURZA*

DEFERRED TO AUGUST 10, 2011 (7-0-0)

- b. **TR11-023.** An Appeal of the Director of Planning's Decision to approve a Tree Removal Permit to allow the removal of five (5) Monterey Pine trees measuring 110, 85, 96, 96, and 86 inches in circumference, located in the rear yard of a single family residence in the R-1-8 Single-Family Residence Zoning District, located on the east side of Hampton Drive, 290 feet southerly of Landerwood Lane (6766 HAMPTON DRIVE) (David K. and Karen M. Matsumoto, Owner). Council District 10. CEQA: Exempt. *PROJECT MANAGER, LAUREL PREVETTI*

DEFERRED TO JULY 27, 2011 (7-0-0)

2. CONSENT CALENDAR

No items.

3. PUBLIC HEARING

- a. **TR11-023.** See Item 1.b.

DEFERRED TO JULY 27, 2011 (7-0-0)

- b. **CP11-007 & ABC11-002.** Conditional Use Permit and Determination of Public Convenience or Necessity to allow off-sale use for an existing grocery store in the CP-Commercial Pedestrian Zoning District on an approximately .74 gross-acre site at the southeast corner of Story Road and McGinness Avenue (2806 Story Road)(AJLUNI ANDREW TRUSTEE & ET AL, Owner/Mi Rancho, Developer) Council District 5. SNI: East Valley/680 Communities. CEQA: Exempt. *PROJECT MANAGER, JENNY NUSBAUM*

DENIED (7-0-0)

- c. **CP11-035 & ABC11-007.** Conditional Use Permit and Determination of Public Convenience or Necessity to allow the off-sale of alcoholic beverages at a full-service grocery store at an existing building on an approximately 4.0 gross-acre site in the CG-Commercial General Zoning District, located on the west side of Capitol Avenue, approximately 500 feet northerly of McKee Road (331 N Capitol Ave. # B)(GROCERY OUTLET INC., Applicant/JT-ITC INVESTMENTS LP, Owner). Council District 5. SNI: None. CEQA: Exempt. *PROJECT MANAGER, BEN CORRALES*

APPROVED (7-0-0)

- d. **MEDICAL MARIJUANA COLLECTIVES.** Informational discussion related to the proposed San Jose Municipal Code Title 20 ordinance regarding land use and zoning regulations for Medical Marijuana Collectives in San Jose. An ordinance of the City of San Jose amending Title 1 of the Municipal Code by amending Section 1.13.050 of Chapter 1.13 to exempt a lawful Medical Marijuana Collective from the definition of a public nuisance and amending Title 20 of the San Jose Municipal Code by amending Section 20.10.040 of Chapter 20.10, amending Section 20.40.100 of Chapter 20.40; amending Section 20.50.100 of Chapter 20.50, amending Section 20.70.100 of Chapter 20.70, adding a new Part 9.5 to Chapter 20.80, adding a new Part 13 to Chapter 20.100, and amending Section 20.100.200 of Chapter 20.100, all to establish land use regulations pertaining to Medical Marijuana Collectives and to establish a related Zoning Verification Certificate process. CEQA: Negative Declaration, File No. PP11-039. Continued from 6/22/11 (6-1-0; Platten Opposed). *PROJECT MANAGER, L.PREVETTI*

CONTINUED TO JULY 27, 2011 (7-0-0)

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
Council on recess; next Council meeting in August.
- b. Commissioners' Report from Committees:
 1. Norman Y. Mineta San José International Airport Noise Advisory Committee (Cahan)
No report.
 2. Envision San José 2040 General Plan Update Process (Kamkar)
Next meeting in August.
- c. Review and Approve Synopsis from 6-22-11
Approved (7-0-0)
- d. Subcommittee Formation, Reports, and Outstanding Business
None.
- e. Commission Calendar and Study Sessions
 - Designation of Commissioner(s) to speak before or transmit correspondence to the Rules Committee on the proposed Planning Commission Bylaws Amendment.
Commissioner Kline will be the designated speaker to the Rules Committee on the proposed Planning Commission Bylaws Amendment.