

## PLANNING COMMISSION

February 22, 2012

Action Report

### **ROLL CALL**

Meeting:

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

ABSENT: Commissioner Cahan

### **1. DEFERRALS**

---

*No items.*

### **2. CONSENT CALENDAR**

---

- a. **CP08-049.** Conditional Use Permit to allow operation of a drinking establishment and late night use until 2 a.m. daily on a 0.08-gross-acre site in the DC-Downtown Primary Commercial Zoning District, located on the east side of South First Street between Santa Clara Street and San Fernando Street (52 South 1st Street) (JB Carlson LLC, Owner). Council District 3. SNI: None. CEQA: Exempt. *PROJECT MANAGER, JENNY NUSBAUM*

**APPROVED – RESOLUTION # 12-007 (6-0-1; CAHAN ABSENT)**

- b. **C12-003.** Conventional Zoning to rezone from IP Industrial Park Zoning District to CIC Combined Industrial/Commercial Zoning District to allow commercial and industrial uses on a 2.12 gross acre site, located at the southwest corner of Monterey Road and Stauffer Boulevard (1901 Monterey Road) (Pepper Lane-Berryessa, LLC, owner). Council District 7. SNI: None. CEQA: Re-use of Envision San Jose 2040 Final EIR. *PROJECT MANAGER, SYLVIA DO*

**RECOMMENDED APPROVAL (6-0-1; CAHAN ABSENT)**

Access the video, agenda, and related reports for this meeting by visiting the City's website at:

<http://www.sanjoseca.gov/planning/hearings/>

### 3. PUBLIC HEARING

---

- a. AMENDMENTS TO CHAPTER 6.84 OF TITLE 6 of the San Jose Municipal Code to add a new Section 6.84.015 and to amend Section 6.84.030 and amendments to Chapters 20.80 and 20.100 of Title 20 of the San Jose Municipal Code to amend Sections 20.80.900 and 20.100.220, all to modify the general process for making a City-wide determination of public convenience and necessity and to modify the conditional use permit process in connection with the off-sale of alcoholic beverages. The proposed amendments have Citywide implications in all City Council Districts and in all Strong Neighborhoods Initiative areas. CEQA: Exempt. File No. PP12-016. *PROJECT MANAGER, ANDREW CRABTREE*

**DEFERRED TO 3/7/12 (6-0-1; CAHAN ABSENT)**

- b. AMENDMENTS TO SECTION 20.70.100 OF CHAPTER 20.70 (DOWNTOWN ZONING DISTRICTS) OF TITLE 20 of the San Jose Municipal Code (the Zoning Code) to streamline the permit process for the operation of office and financial services uses within the DG Overlay Area (Downtown Ground-Floor Space) of the DC (Downtown Core) and DC-NT1 (Downtown Code – Neighborhood Transition 1) Zoning Districts. The proposed amendments affect the Downtown Area of the City. CEQA: Reuse of the Envision San Jose 2040 General Plan Environmental Impact Report. *PROJECT MANAGER, ANDREW CRABTREE*

**DEFERRED TO 3/7/12 (6-0-1; CAHAN ABSENT)**

- c. AMENDMENTS TO SECTION 20.40.100 OF CHAPTER 20.40 (COMMERCIAL ZONING DISTRICTS) AND SECTION 20.50.100 OF CHAPTER 20.50 (INDUSTRIAL ZONING DISTRICTS), ALL OF TITLE 20 of the San José Municipal Code (the Zoning Code), in order to allow more flexibility for the development of specific commercial and industrial uses in the CIC, IP, LI and HI Zoning Districts, including: deletion of medical clinic/out-patient facility as an enumerated use and deletion of an outdated reference to Part 13.6 related to leasing of passenger vehicles in the CP, CP, CN and CG districts and addition of public elementary and secondary schools as a permitted use in the CIC, IP, LI and HI districts, addition of private elementary and secondary schools as a conditional use in the CIC district, addition of drinking establishments interior to a winery or brewery as a conditional use in the CIC, IP, LI and HI districts, the enumeration of wineries and breweries as a permitted use in the CIC, IP, LI and HI districts, the addition of Hospitals/in-patient facilities as a conditional use in the CIC and IP districts, the addition of vehicle sales as a conditional use in the CIC and LI districts, and the addition of sale of vehicle parts as a permitted use in the CIC district and as a permitted use or special use in the LI district depending upon the size of the retail sales area. All proposed amendments have Citywide implications in all City Council Districts and in all Strong Neighborhoods Initiative areas. CEQA: Reuse of the Envision San Jose 2040 General Plan Environmental Impact Report. *PROJECT MANAGER, ANDREW CRABTREE*

**RECOMMENDED APPROVAL (6-0-1; CAHAN ABSENT)**

- d. **PDC11-019.** Planned Development Zoning from R-M-Multiple Residence and CN-Commercial Neighborhood to R-M(PD) Planned Development Zoning District to allow a fraternity/sorority use with up to 8 bedrooms including an addition of approximately 1,500 square feet to the rear of the existing building and allowing a reduced parking requirement on an approximately .18-gross-acre site located on the east side of South 10th Street approximately 115 feet northerly of East San Carlos Street (284 South 10th Street) (Cowan Bell Scholastic Foundation Thomas, Owner). Council District 3. SNI: University. CEQA: Use of Envision San Jose 2040 EIR. *PROJECT MANAGER, JENNY NUSBAUM*

**RECOMMENDED APPROVAL WITH MODIFICATION TO PARKING DEVELOPMENT STANDARDS TO ALLOW ON-SITE PARKING IN A NON-CONFORMING CONFIGURATION BASED ON THE FACTS OF (1) THE FRATERNITY BEHAVING AS A SINGLE HOUSEKEEPING UNIT WITH STUDENTS MOVING CARS AS NEEDED, (2) THE PROJECT MAINTAINING THE HISTORIC CHARACTER OF THE BUILDING AND SITE, AND (3) THE PROJECT'S ADJACENCY TO SJSU REDUCES PARKING DEMAND. (6-0-1; CAHAN ABSENT)**

- e. **PDC05-101**. Planned Development Rezoning from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District to 1) add 100 units to the already approved 400 unit development for a total of 500 multi-family attached residential units, and 2) increase the building height from 150 to 200 feet on a 2.80 gross acre site located at the southeast corner of Miller Street and Asbury Street (Green Valley Corporation, Owner; Barry Swenson Builder, Developer). Council District 3. SNI: None. CEQA: Mitigated Negative Declaration. *PROJECT MANAGER, LESLEY XAVIER*

**RECOMMENDED APPROVAL (6-0-1; CAHAN ABSENT)**

- f. **PD11-002**. APPEAL of the Planning Director's decision to approve a Planned Development Permit to allow for the construction of an outdoor soccer stadium for the San Jose Earthquakes with a capacity of up to 18,000 people on a 24.9 gross acre site in the A(PD) Planned Development Zoning District, located at the southwest corner of Newhall Drive and Coleman Avenue. Council District 3. SNI: None. CEQA: Airport West Stadium and Great Oaks Place Project Final Environmental Impact Report (EIR). *PROJECT MANAGER, LESLEY XAVIER*

**UPHELD DIRECTOR'S DECISION TO APPROVE A PLANNED DEVELOPMENT PERMIT – RESOLUTION # 12-008 (6-0-1; CAHAN ABSENT)**

- g. The following requests to be considered are located at the southeast corner of Almaden Expressway and Chynoweth Avenue (14418 Almaden Road) (Arcadia Homes, Inc Brad Durga, Owner). Council District 9. SNI: None. CEQA: Almaden Ranch Environmental Impact Report (EIR). *PROJECT MANAGER, LESLEY XAVIER*

1. **ENVIRONMENTAL IMPACT REPORT ADOPTION**

**RECOMMENDED APPROVAL – RESOLUTION #12-006 (6-0-1; CAHAN ABSENT)**

2. **PDC10-006**. A Planned Development Rezoning to allow for the development of up to 400,000 square feet of commercial uses and modifications to a previously approved roadway network by extending Cherry Ave through the site to Sanchez Ave south of Highway 85 on a 43.5 gross acre site.

**RECOMMENDED APPROVAL (5-1-1; PLATTEN OPPOSED; CAHAN ABSENT)**

- h. **CONSIDERATION OF ADOPTION OF A RESOLUTION PURSUANT TO CALIFORNIA PUBLIC RESOURCES CODE SECTION 21151.2** approving a report of the investigation of the Planning Commission and making a recommendation to Santa Clara Unified School District on the proposed acquisition by the Santa Clara Unified School District of approximately 55 acres located on the east side of Zanker Road between Center Road and River Oaks Parkway for a 900 student elementary and secondary (kindergarten through eighth grade) school and a 1,600-student high school, together with associated community use playfields. CEQA: Santa Clara Unified School District East Agnews EIR.

**RECOMMENDED APPROVAL – RESOLUTION #12-009 & 12-010 (6-0-1;  
CAHAN ABSENT)**

**4. PETITIONS AND COMMUNICATIONS**

---

*Deferred to 3/7/12 (6-0-1; Cahan Absent)*

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

---

*Deferred to 3/7/12 (6-0-1; Cahan Absent)*

**6. GOOD AND WELFARE**

---

a. Report from City Council

*Deferred to 3/7/12 (6-0-1; Cahan Absent)*

b. Commissioners' Report from Committees:

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

*Deferred to 3/7/12 (6-0-1; Cahan Absent)*

c. Review and Approve Synopsis from 2/8/12

*(Deferred to 3/7/12 (6-0-1; Cahan Absent))*

d. Subcommittee Formation, Reports, and Outstanding Business

*Deferred to 3/7/12 (6-0-1; Cahan Absent)*

e. Commission Calendar and Study Sessions

*Deferred to 3/7/12 (6-0-1; Cahan Absent)*