

PLANNING COMMISSION

December 12, 2012

Action Report

ROLL CALL

PRESENT: Commissioners Bit-Badal, Abelite, Cahan, Kamkar, Kline, O'Halloran and Yob

ABSENT: NONE

1. DEFERRALS

- a. **PDC12-010.** Planned Development Rezoning from A Agricultural Zoning District to A(PD) Planned Development Zoning District to allow up to 20 single family detached homes on a 3.42 gross acre site, located at the southeast corner of Mabury Road and Educational Park Drive (12710 MABURY RD) (Sabatino Murphy A Jr Trustee & et al, Owner). Council District 4. SNI: None. CEQA: Mitigated Negative Declaration (MND). *PROJECT MANAGER, MIKE ENDERBY.*

DROPPED TO BE RENOTICED (7-0-0)

- b. **CP11-045. (Administrative Hearing)** Conditional Use Permit to allow a religious assembly use including a 1,737 square foot building addition on a .47 gross acre site in the R-1-8 Single-Family Residence Zoning District located on the west side of South White Road approximately 190 feet northerly of Westbranch Drive (2977 S. WHITE RD) (Dong Uy Thi Et Al, Owner). Council District 8. CEQA: Exempt.. *PROJECT MANAGER, APARNA ANKOLA.*

DEFERRED TO 1-9-13 (7-0-0)

2. CONSENT CALENDAR

No items

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. **CP12-036 and ABC12-010 (Administrative Hearing)**. Conditional Use Permit and Determination of Public Convenience to allow a new full-service grocery store with off-sale of alcohol use on a 4.62 gross acre site in the CN-Commercial Neighborhood Zoning District, located on the west side of McLaughlin Avenue, approximately 600 feet northerly of Story Road (955 McLaughlin Avenue) (Maxim Market) Council District 7. CEQA: Exempt. *PROJECT MANAGER, MEGAN SHRUBSOLE*

APPROVED WITH THE ADDITION OF COMMUNICATING THE POLICE DEPT'S RECOMMENDATIONS (NO MALT LIQUOR AND NO SINGLES) TO ABC – RESOLUTION NO. 12-052 (7-0-0)

- b. **CP12-041 (Administrative Hearing)**. Conditional Use Permit to allow after midnight use until 3 a.m. to an existing hookah lounge (Hookah Beats) in the CG Commercial General Zoning District on .44 gross acre site located at the northwest corner of N. 4th and E. St. John Streets (115 N 4TH ST) (MPM Corporation, Owner). Council District 3 SNI: None. CEQA: Exempt. *PROJECT MANAGER, APARNA ANKOLA*

APPROVED WITH HOURS TO 2A.M. – RESOLUTION NO. 12-053 (7-0-0)

- c. **PD12-014 (Administrative Hearing)**. APPEAL of the Planning Director's decision to **approve** a Planned Development Permit to effectuate the approved Planned Development Zoning (File No. PDC12-009) and allow specific improvements to replace existing parking lot with the construction of a 229,700 square foot building with below-grade parking for office and commercial uses on a 1.89 gross acre site, in the A(PD) Planned Development Zoning District, located at the southeast corner of Winchester Boulevard and Olsen Drive (3090 Olsen Drive) (FRIT SAN JOSE TOWN & COUNTRY VILLAGE LLC, Owner). Council District 6. SNI: N/A. CEQA: Mitigated Negative Declaration (File No. PDC12-009). *PROJECT MANAGER, LESLEY XAVIER*

DENY THE APPEAL AND UPHOLD THE DIRECTOR'S DECISION TO APPROVE THE PLANNED DEVELOPMENT PERMIT – RESOLUTION NO. 12-054 (5-0-0-2, KLINE AND YOB RECUSED)

- d. **PD12-041 and ABC12-011(Administrative Hearing)**. Planned Development Permit and Determination of Public Convenience or Necessity to allow demolition of an existing restaurant structure (Chevy's) and construction of a new 7,453 square foot restaurant with outdoor patio (BJ's) that includes the on-sale and off-sale of alcoholic beverages in the A(PD) Planned Development Zoning District on a .96 gross acre site located on the southwest corner of Coleman Avenue and Autumn Street. (511 COLEMAN AV)(CLPF San Jose Retail, Inc., Owner). Council District 3. CEQA: Exempt. *PROJECT MANAGER, APARNA ANKOLA*

RECOMMENDED APPROVAL – (7-0-0)

- e. **PDC07-077.** Planned Development Rezoning from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District to allow up to 12 single-family detached residential units on an approximately 6.4-acre portion of a 26.24 gross acre site, located northerly of the intersection of Springbrook Avenue and Canyon Ridge Drive (Red Horizon Invs II LLC, Owner; Tim Lewis Communities, Developer). Council District 8. CEQA: Mitigated Negative Declaration (MND) to be adopted; public welcome to comment on MND through 12/10/12. *PROJECT MANAGER, JOHN BATY.*

RECOMMENDED APPROVAL WITH 100-FOOT RIPARIAN SETBACK AND MINOR MODIFICATIONS TO DEVELOPMENT STANDARDS AS NEEDED (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
Overview of 12-11-12 Council discussion of Urban Villages in relation to the Hitachi site.
- b. Commissioners' Report from Committees:
1. Norman Y. Mineta San José International Airport Noise Advisory Committee (Cahan)
None
- c. Review and Approve Synopsis from [12-05-12](#)
Approved (5-0-0-2, KAMKAR AND O'HALLORAN ABSTAIN)
- d. Subcommittee Formation, Reports, and Outstanding Business
1. Urban Design/Shopping Center Retrofit Subcommittee (Bit-Badal and Abelite)
Bit-Badal will be attending the next Architectural Review Committee meeting.
 2. Riparian Subcommittee (Cahan and Kamkar)
Cahan and Kamkar met to discuss riparian issues. Cahan also talked to the Audubon Society and the Subcommittee will likely meet with other environmental groups.

3. By Laws Subcommittee (Yob and Bit-Badal)

Expects to meet in January

e. Commission Calendar and Study Sessions

Motion to set the following study sessions, Approved (7-0-0) (all to be held in 332 at 5pm unless otherwise noted)

- Review of Development Projects in the light of Title 20, General Plan and Council Policies: 1-23-13;
- Urban Villages: 2-13-13;
- NSJ: 3-13-13;
- Off-sale of alcoholic beverages/bars and nightclubs/late night hours: 4-10-13;
- Diridon: 5-8-13, to be held in CC Chambers