

PLANNING COMMISSION

October 10, 2012

Action Report

ROLL CALL

Meeting:

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

ABSENT: Commissioners Cahan and Kamkar

1. DEFERRALS

No items

2. CONSENT CALENDAR

- a. [CP11-028](#). Conditional Use Permit for a residential care facility (convalescent facility for seniors) with up to 26 clients in the CO Commercial Office Zoning District on a 0.044 gross acre site in the CO Commercial Office Zoning District, located on the northeast corner of Bellerose Drive and Clarmar Way (100 Bellerose Drive) (Cerezo Francisco Q And Luzviminda Q Trustee, Owner). Council District 6. SNI: Burbank/Del Monte. CEQA: Exempt. *PROJECT MANAGER, JOHN BATY*

APPROVED – RESOLUTION NO. 12-039 (5-0-2; CAHAN & KAMKAR ABSENT)

3. PUBLIC HEARING

- a. [CPA95-032-03](#). Conditional Use Permit Amendment to allow after-midnight use (to 1:00 a.m.) for an existing movie theater (AMC) on the 31.75 acre El Paseo de Saratoga shopping center in the CG General Commercial Zoning District, located at 756 El Paseo de Saratoga (Terramar Retail Centers, LLC, Owner). Council District 1. SNI: None. CEQA: Exempt. Deferred from 9/26/12. *PROJECT MANAGER, JOHN BATY*

DEFERRED TO 10/24/12 (5-0-2; CAHAN & KAMKAR 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. [CP10-049](#). Conditional Use Permit to allow the continued operation of a hazardous waste facility and allow the installation of two new 10,000 gallon tanks on a 2.9 gross acre site in the HI Heavy Industrial Zoning District, located on the west side of Berryessa Road, approximately 350 feet southwesterly of Commercial Street (1021 Berryessa Road) (Clean Harbors San Jose, LLC, owner). Council District 3. SNI: None. CEQA: Addendum to Solvent Services, Incorporated, Final EIR (Planning Commission Resolution No. 90-77).
PROJECT MANAGER, SYLVIA DO

APPROVED – RESOLUTION NO. 12-040 (5-0-2; CAHAN & KAMKAR ABSENT)

- c. [CP12-018 & ABC12-006](#). Conditional Use Permit and Determination of Public Convenience or Necessity to allow off-sale of alcohol for a full service grocery store in an existing commercial building (formerly SaveMart) on a 4.05 gross acre site in the CP Pedestrian Commercial Zoning District, located on the south side of Story Road, between McLaughlin Avenue and Clemence Avenue (1070 STORY ROAD) (EOL Properties VII, LP, Owner). Council District 7. SNI: Tully-Senter. CEQA: Exempt. *PROJECT MANAGER, LORI MONIZ*

RECOMMENDED APPROVAL (5-0-2; CAHAN & KAMKAR ABSENT)

- d. [CP12-029](#). Conditional Use Permit to allow religious assembly uses with associated minor site improvements in the IP Industrial Park Zoning District, on a 2.575 gross acre site located at northeast corner of Highway 280 and Lincoln Avenue. (670 LINCOLN AV)(Valley Credit Union, Owner). Council District 6. SNI: Burbank/Del Monte. CEQA: Exempt. *PROJECT MANAGER, APARNA ANKOLA*

APPROVED – RESOLUTION NO. 12-041 (5-0-2; CAHAN & KAMKAR ABSENT)

- e. [SANTA CLARA VALLEY HABITAT PLAN AND ASSOCIATED DOCUMENTS \(FILE No. PP 12-075\)](#). The proposed Santa Clara Valley Habitat Plan/Natural Community Conservation Plan (“HCP/NCCP” or “Habitat Plan”) is intended to satisfy the requirements for a habitat conservation plan under the Federal Endangered Species Act (“FESA”) (16 U.S.C. § 1531 *et seq.*) and a natural community conservation plan under the Natural Community Conservation Planning Act (“NCCPA”) (California Fish and Game Code §§ 2800-2835.). The Habitat Plan is intended to serve as the basis for the issuance of incidental take permits and authorizations pursuant to Sections 10(a) of FESA (16 U.S.C. § 1539) and Section 3835 of the California Fish and Game Code. The Habitat Plan was drafted cooperatively by the County of Santa Clara, the Cities of Gilroy, Morgan Hill and San Jose, the Santa Clara Valley Water District, and the Santa Clara Valley Transportation Authority (collectively the “Local Partners”) and the Wildlife Agencies. Citywide. CEQA: EIR Resolution to be adopted. Deferred from 9/26/12.
PROJECT MANAGER, ANDREW CRABTREE

1. **DRAFT ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT FOR THE SANTA CLARA VALLEY HABITAT PLAN.** Pursuant to Section 15051 of the CEQA Guidelines, the Local Partners agreed to be co-lead agencies for purposes of complying with the California Environmental Quality Act (“CEQA”) (California Public Resources Code §21000 *et seq.*) for the Project. This EIR/EIS describes Project elements, assesses impacts and proposes mitigation and other standard measures designed to reduce such impacts. Feasible alternatives and the scope of the Final EIR/EIS are based on input from environmental assessments, responsible agencies including the Wildlife Agencies, the public participation process, and resource agencies.

APPROVED – RESOLUTION NO. 12-042 (4-0-1-2; O’HALLORAN RECUSED; CAHAN & KAMKAR ABSENT)

2. **AN ORDINANCE ADOPTING AND INCORPORATING BY REFERENCE THE SANTA CLARA VALLEY HABITAT PLAN.** The Implementation Ordinance adds Chapter 18.40 to Title 18 of the San Jose Municipal Code, entitled “Habitat Conservation Plan” and adopts and incorporates by reference the Santa Clara Valley Habitat Plan, implements Habitat Plan requirements upon applications for land use permits in San Jose within the area covered by the Habitat Plan; and authorizes the collection of Habitat Plan mitigation fees on behalf of the Implementing Entity (the Santa Clara Valley Habitat Agency.

APPROVAL TO FORWARD PLAN AND PLANNING COMMISSION COMMENTS TO CITY COUNCIL WITHOUT A SPECIFIC RECOMMENDATION ON THE ORDINANCE. (4-0-1-2; O’HALLORAN RECUSED; CAHAN & KAMKAR ABSENT)

- f. **ORDINANCE AMENDMENT OF TITLE 17 AND TITLE 20** of the City of San José to amend Section 17.72.530 of Chapter 17.72 of Title 17 of the San José Municipal Code to require certain drainage into landscaped areas; to amend Section 20.95.020 of Chapter 20.95 of Title 20 of the San José Municipal Code to extend stormwater requirements to certain small projects and detached single-family home projects; and to make other clarifying or minor technical amendments to those sections. Citywide. All SNI areas. CEQA: Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that this activity is within the scope of the Envision San José 2040 General Plan Program approved previously. The Final Program Environmental Impact Report (EIR) for the Envision San José 2040 General Plan entitled, “Envision San José 2040 General Plan,” for which findings were adopted by City Council Resolution No. 76041 on November 1, 2011, adequately describes the activity for the purposes of CEQA. The project does not involve new significant effects beyond those analyzed in this Final EIR. Therefore, the City of San José may take action on the project as being within the scope of the Final EIR, File No. PP12-078. *PROJECT MANAGER, JUAN BORRELLI*

RECOMMENDED APPROVAL (5-0-2; CAHAN & KAMKAR 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

A summary was provided of Council's ordinance priorities from the 10-9-12 study session.

b. Commissioners' Report from Committees:

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

None

c. Review and Approve Synopsis from [9/26/12](#).

Approved with a modification to reflect Kamkar's absence for PDC11-012 (item 3.b.) (5-0-2; Cahan & Kamkar Absent)

d. Subcommittee Formation, Reports, and Outstanding Business

None

e. Commission Calendar and Study Sessions