

## PLANNING COMMISSION

November 7, 2012

Action Report

### ROLL CALL

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

ABSENT: None

### 1. DEFERRALS

---

*No items*

### 2. CONSENT CALENDAR

---

- a. [CP12-006.](#) Conditional Use Permit to re-approve an existing outdoor commercial recreation use (Pin High Golf Center) on a 24.9 gross acre site in the R-M Multiple Residence and CN Commercial Neighborhood Zoning Districts, located on the south side of North First Street, 400 feet easterly of Grand Boulevard (4701 N 1<sup>st</sup> St) (Sainte Claire Corp James Rees, Owner; Pin High Golf Center Donald Rumpf, Developer). Council District 4. SNI: None. CEQA: Exempt. *PROJECT MANAGER, JOHN BATY*

**APPROVED – RESOLUTION NO. 12-045 (6-0-1; KAMKAR ABSENT)**

- b. [CP12-024.](#) Conditional Use Permit to remodel an existing gasoline station and legalize an existing mini-market on a 0.45 acre site in the CP Commercial Pedestrian Zoning District, located on the northwest corner of Foxworthy Avenue and Meridian Avenue (1655 Foxworthy Av) (John E and Connie Hawkins, Owner). Council District 9. SNI: None. CEQA: Exempt. *PROJECT MANAGER, JOHN BATY*

**APPROVED – RESOLUTION NO. 12-046 (6-0-1; KAMKAR ABSENT)**

- c. [CP12-039.](#) A Conditional Use Permit for a timely renewal of the previously approved Conditional Use Permit (File No. CP07-054) for an existing drinking establishment with late night use on the 0.14 gross acre site within the Downtown Zoning District, located on east side of South First Street approximately 200 feet south of E. Santa Clara Street (30 S 1ST ST)(Lin & Lin LLC Et al, Owner). Council District 3. SNI: None. CEQA: Exempt. *PROJECT MANAGER, APARNA ANKOLA*

**APPROVED – RESOLUTION NO. 12-047 (6-0-1; 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/>

### **3. PUBLIC HEARING**

---

- a. **PDC11-012**. A Planned Development Rezoning from the R-1-1 Single-Family Residence District to the A(PD) Planned Development Zoning District to allow for the development of up to 4 single-family detached residential units on a 2.14 gross acre site, located at 6782 & 6790 San Felipe Road (DAL Properties LLC/Mark Lazzarini, Owner). Council District 8. SNI: N/A. CEQA: Mitigated Negative Declaration. Deferred from 9/26/12. *PROJECT MANAGER, LESLELY XAVIER*

**RECOMMENDED APPROVAL (7-0-0)**

- b. **Proposed Amendment to Planning Commission Bylaws** to amend Article IV Public Hearings, Section 5 Evidence, testimony, Statements and Arguments Submitted, Presented or Made at Hearing to clarify the Commission's protocol in connection with administrative or quasi-judicial hearings

**CONTINUED TO A DATE NO LATER THAN MARCH 2013 (5-2-0;  
CAHAN, KAMKAR OPPOSED)**

### **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
  - Report on the Draft Santa Clara Valley Habitat Plan from 10/16/12 Council meeting.
  - Report on the Appeal of the Planning Commission's decision to deny a Conditional Use Permit, CP10-010, regarding addition of a carwash to an existing smog check facility from 10/23/12 Council meeting.
  - Request by Commissioner Cahan for a report from the Director on the status of cross-access easements previously conditioned on a development in the Foxworthy Ave./Meridian Ave. area.
- b. Commissioners' Report from Committees:
  1. Norman Y. Mineta San José International Airport Noise Advisory Committee (Cahan)  
*None*
- c. Review and Approve Synopsis from [10-24-12](#).  
*Approved (6-0-0-1; Kamkar Abstain)*
- d. Subcommittee Formation, Reports, and Outstanding Business  
*Formed Bylaw Subcommittee: Bit-Badal, Yob and former Planning Commissioner yet to be named.*
- e. Commission Calendar and Study Sessions
  1. Set study session on Cellphone/Wireless Communication Facilities for December 5, 2012 in T-332 from 5:00 p.m. to 6:15 p.m.  
*Requested additional information on other cities practices regarding 3<sup>rd</sup> party review of cell towers.*