

PLANNING COMMISSION

January 23, 2013

Action Report

ROLL CALL

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

ABSENT: Commissioner Cahan

1. DEFERRALS

- a. **CP12-051 (Administrative Hearing)**. Conditional Use Permit (formerly Special Use Permit File No. SP12-014) to allow a metal recycling facility on a 7.9 acre site in the HI-Heavy Industrial Zoning District, located on the northwest corner of Pullman Way and Daylight Way (111 Pullman Way) (KKN SJP Props LLC, Owner). Council District 7. CEQA: Mitigated Negative Declaration (MND) to be adopted; public welcome to comment on MND through 1/21/13. *PROJECT MANAGER, JOHN BATY*

DEFERRED TO 2/13/13, PER STAFF'S REQUEST (6-0-1; CAHAN ABSENT)

2. CONSENT CALENDAR

- a. **CP12-034 (Administrative Hearing)**. Conditional Use Permit to allow construction of a 3,929 square foot classroom building at an existing 3.61 acre church site in the R-1-8 Single-Family Residence Zoning District located on the west side of Flint Avenue, approximately 450 feet northerly of Peanut Brittle Drive (2827 Flint Av) (East Valley Baptist Church, Owner). Council District 8. CEQA: Exempt. *PROJECT MANAGER, JOHN BATY*

HEARD UNDER PUBLIC HEARING; APPROVED – RESOLUTION NO. 13-004 (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. **CP11-026. (Administrative Hearing)** Conditional Use Permit to allow an approximately 3,911 square-foot restaurant with drive-through use on a 13.1-gross-acre parcel in in the CN-Commercial Neighborhood Zoning District located on the east side of Miller Avenue approximately 350 feet southerly of Bollinger Road (6148 BOLLINGER ROAD) (Christopher Marchese Trustee & Et Al, Owner/ McDonald's, Developer). Council District 1. CEQA: Mitigated Negative Declaration. *PROJECT MANAGER, JENNY NUSBAUM*

DENIED – RESOLUTION NO. 13-005 (6-0-1; CAHAN ABSENT)

- b. **PDC09-019.** A Planned Development Rezoning to allow for the development of a four-story, mixed use project with (1) up to 28 attached residential units, (2) 1,780 square feet of ground floor commercial space, (3) two levels of parking, and (4) the conversion of one single-family residence to a private community center, on a 0.57 gross acre site, located at the southwest corner of William Street and S. 8th Street (346 E. William Sreet) (Ho Year LLC, Owner; JPH Consulting Paulo Hernandez, Developer). Council District: 3. CEQA: Mitigated Negative Declaration (MND) to be adopted. Deferred from 1/9/13. *PROJECT MANAGER, LESLEY XAVIER*

RECOMMENDED APPROVAL (5-0-1-1; CAHAN ABSENT; BIT-BADAL ABSTAIN)

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

Upcoming items to City Council on 1/29/13 include the Santa Clara Valley Habitat Conservation Plan and the Clerk's Report on Boards and Commissions.

b. Commissioners' Report from Committees:

1. Norman Y. Mineta San José International Airport Noise Advisory Committee (Cahan)
None

c. Review and Approve Synopsis from [01-09-13](#).

Approved (5-0-1-1; Cahan Absent; Yob Abstain)

d. Subcommittee Formation, Reports, and Outstanding Business

1. Urban Design/Shopping Center Retrofit Subcommittee (Bit-Badal and Abelite)

Commissioners Bit-Badal and Abelite will attend community meeting on 2/4/13 for One South Market Street.

2. Riparian Subcommittee (Kamkar and Cahan)

Committee for Green Foothills, Audubon Society and Greenbelt Alliance met with the subcommittee and requested that the City strengthen the Riparian policy and have 100 feet as the minimum setback. The groups are requesting to be a part of the process. The Commission discussed a possible future study session on this topic after City Council's action on the Santa Clara Valley Habitat Conservation Plan.

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

Tentative meeting on 1/29/13 from 5:00p.m. to 6:00p.m.

e. Commission Calendar and Study Sessions

None