

PLANNING COMMISSION

September 26, 2012

Action Report

ROLL CALL

Meeting:

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

ABSENT: Commissioner Abelite

1. **DEFERRALS**

No items

2. **CONSENT CALENDAR**

- a. **CPA07-049-01.** Conditional Use Permit Amendment to allow continued late night operations until 3 a.m. for an existing restaurant on a 3.18 gross acre site in the CG General Commercial Zoning District, located on west side of South King Road, approximately 1,000 feet southerly of Tully Road (2569 S. King Road) (San Te Properties, LLC). Council District 7. SNI: West Evergreen. CEQA: Exempt. *PROJECT MANAGER, SYLVIA DO*

APPROVED – RESOLUTION NO. 12-038 (6-0-1; ABELITE 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. *PROJECT MANAGER, JOHN BATY*

DEFERRED TO 10/10/12 (6-0-1; ABELITE 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. **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. *PROJECT MANAGER, JOHN BATY*

DEFERRED TO 11/7/12 (5-0-2; ABELITE, KAMKAR ABSENT)

c. **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. *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.
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.

DEFERRED TO 10/10/12 (5-0-1-1; O’HALLORAN ABSTAIN & ABELITE ABSENT)

- d. **PLANNING COMMISSION BYLAWS AMENDMENT.** Adoption of a resolution amending the bylaws of the Planning Commission to amend Article III (Meetings) to provide for study sessions and other informational meetings of the Planning Commission and to provide that a quorum of the Commission is not required to be present to conduct such study sessions or informational meetings. CEQA: Not a project.

APPROVED (6-0-1; ABELITE 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

None

- b. Commissioners' Report from Committees:

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

None

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

Approved (6-0-1; Abelite Absent)

- d. Subcommittee Formation, Reports, and Outstanding Business

None

- e. Commission Calendar and Study Sessions