

PLANNING COMMISSION

October 24, 2012

Action Report

ROLL CALL

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

ABSENT: Commissioner Kamkar

1. DEFERRALS

No items

2. CONSENT CALENDAR

No items

3. PUBLIC HEARING

- a. [CPA04-079-01](#). Conditional Use Permit Renewal to allow the continuation of a religious assembly use with up to 3,360 fixed seats in existing buildings on an 8.9 gross acre site and off-site, alternating parking arrangements in the IP Industrial Park Zoning District, located at the southerly side of Piercy Road, approximately 550 feet northerly of Hellyer Avenue (474 & 478 PIERCY ROAD) (Family Community Church, Owner). Council District 2. SNI: None. CEQA: Exempt. *PROJECT MANAGER, LORI MONIZ*

**APPROVED – RESOLUTION NO. 12-043 (5-0-1-1; KAMKAR ABSENT;
ABELITE RECUSED)**

Access the video, agenda, and related reports for this meeting by visiting the City's website at:

<http://www.sanjoseca.gov/planning/hearings/>

- b. [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. Continued from 9/26/12 & 10/10/12. *PROJECT MANAGER, JOHN BATY*

**APPROVED – RESOLUTION NO. 12-044 (5-1-1; CAHAN OPPOSED;
KAMKAR ABSENT)**

- c. [SP11-039](#). APPEAL of the Planning Director’s decision to approve a Special Use Permit for the installation of a new wireless communications antenna slimline monopole and associated equipment, in the A-Agricultural Zoning District, located on the east side of San Felipe Road, approximately 730 feet northerly of Delta Road (3880 San Felipe Road) (Pacific Bell, Owner). Council District 9. SNI: None. CEQA: Exempt. Deferred from 8/22/12. *PROJECT MANAGER, JOHN BATY*

CONTINUED TO MARCH 2013 (6-0-1; KAMKAR ABSENT)

- d. [Ordinance Amendment of Title 20](#) of the City of San Jose amending Title 20 of the San Jose Municipal Code by amending Section 20.20.200 of Chapter 20.20, Section 20.30.200 of Chapter 20.30, Section 20.40.200 of Chapter 20.40, Section 20.50.200 of Chapter 20.50, and Sections 20.85.010, 20.85.020, and 20.85.030 of Chapter 20.85. all to amend the height limitations in Airport Influence Areas, to further implement the height policies set forth within the Envision San Jose 2040 General Plan, and to make other technical, nonsubstantive, or formatting changes within those sections of Title 20. 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. PP09-011. *PROJECT MANAGER, ANDREW CRABTREE*

RECOMMENDED APPROVAL (6-0-1; 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
Updates on Habitat Plan schedule, Council's action on Board and Commission, and other items.
- b. Commissioners' Report from Committees:
 1. Norman Y. Mineta San José International Airport Noise Advisory Committee (Cahan)
Report from the 10-1-12 meeting.
- c. Review and Approve Synopsis from [10-10-12](#).
Approved (5-0-1-1; Kamkar Absent; Cahan abstain)
- d. Subcommittee Formation, Reports, and Outstanding Business
None
- e. Commission Calendar and Study Sessions
 1. Review and Approve [2013 Calendar](#)
Approved (6-0-1; Kamkar Absent)
- f. [Notice of 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
This is notice only. The item will be scheduled for action at the next meeting.