

## PLANNING COMMISSION

December 5, 2012

Action Report

### ROLL CALL

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

ABSENT: Commissioner Kamkar, and O'Halloran

### 1. DEFERRALS

- a. **PDC12-010**. Planned Development Rezoning from A Agricultural Zoning District to A(PD) Planned Development Zoning District to allow up to 20 single family detached homes on a 3.42 gross acre site, located at the southeast corner of Mabury Road and Educational Park Drive (12710 MABURY RD) (Sabatino Murphy A Jr Trustee & et al, Owner). Council District 4. SNI: None. CEQA: Mitigated Negative Declaration (MND). *PROJECT MANAGER, MIKE ENDERBY*. Deferred to 12/12/12.

**DEFERRED TO 12/12/12 (5-0-2; KAMKAR & O'HALLORAN ABSENT)**

### 2. CONSENT CALENDAR

- a. **CP12-035 (Administrative Hearing)**. Conditional Use Permit to allow the replacement of a 83,500-gallon water tank with a 100,000-gallon water tank at an existing water supplier facility on a 2.5 gross acre site in the HI Heavy Industrial Zoning District, located 900 feet southerly of the northeast corner of Dado Street and Krause Drive (700 Dado Street) (San Jose Water Company, owner). Council District 4. SNI: None. CEQA: Exempt. *PROJECT MANAGER, SYLVIA DO*

**APPROVED – RESOLUTION NO. 12-049 (5-0-2; KAMKAR & O'HALLORAN 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

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- a. [CP12-017 \(Administrative Hearing\)](#). Conditional Use Permit to allow a sorority/fraternity use including 45 beds with a building remodel on an approximately 0.35 acre site in the R-M Multiple Residence Zoning District, located on east side of South 11th Street between East San Antonio and East San Carlos Street (234 S 11TH ST)(Alpha Xi Delta Fraternity, Owner). Council District 3. SNI: University. CEQA: Exempt.  
*PROJECT MANAGER, APARNA ANKOLA*

**APPROVED – RESOLUTION NO. 12-050 (5-0-2; KAMKAR & O’HALLORAN ABSENT)**

- b. [CP12-038 \(Administrative Hearing\)](#). Conditional Use Permit to allow the expansion of an existing cemetery site in the R-1-8 Residential Zoning District, on two parcels measuring 0.20 and 0.18 gross acres, located on east side of Alexander Avenue, approximately 260 feet southerly of Madden Avenue. (Roman Catholic Bishop Of San Jose, Owner). Council District 5. SNI: None. CEQA: Exempt. *PROJECT MANAGER, APARNA ANKOLA*

**APPROVED WITH MODIFICATION TO CONDITION #15 AS STATED BY STAFF – RESOLUTION NO. 12-051 (5-0-2; KAMKAR & O’HALLORAN ABSENT)**

- c. [DA12-003](#). Consideration of an ordinance to approve a Development Agreement with Riverview Apartment Development, LLC (Irvine Company) to reconfigure a previously approved residential project in the North San José Area Development Policy area subject to performance by IAC for payment of contributions, commencement of construction and subsequent occupancy per deadlines of performance to construct a modified design at the northwest corner of North First Street and River Oaks Place. (Wyse Technology Investments, Inc., Owner). Council District 4. CEQA: North San José Area Development Policy Update, EIR Resolution No. 72768 and Addendum thereto.  
*PROJECT MANAGER, SALIFU YAKUBU*

**RECOMMENDED APPROVAL (5-0-2; KAMKAR & O’HALLORAN ABSENT)**

- d. **ORDINANCE AMENDMENT OF TITLE 13 AND TITLE 20.** of the San Jose Municipal Code amending Chapter 13.32 (Tree Removal Controls) and Sections 20.100.140 and 20.100.220 of Chapter 20.100 (Administration and Permits) to amend the tree removal requirements for single-family residences in order to streamline permitting processes and to further implement the community forest goal and policies set forth within the Envision San Jose 2040 General Plan, to modify permit recordation requirements for tree removal and certain other permits, and to make other technical, non-substantive, or formatting changes within those chapters and sections of Title 13 and 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. PP12-098. *PROJECT MANAGER, JENNY NUSBAUM*  
**RECOMMENDED APPROVAL (5-0-2; KAMKAR & O’HALLORAN ABSENT)**

#### **4. PETITIONS AND COMMUNICATIONS**

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*None*

#### **5. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES**

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*None*

#### **6. GOOD AND WELFARE**

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- a. Report from City Council
- Council upheld the HCP EIR and staff expects HCP to come back to CC on 1-29-13. Council approved the PD Permit for Harker School.
- b. Commissioners’ Report from Committees:
1. Norman Y. Mineta San José International Airport Noise Advisory Committee (Cahan)  
*None*
- c. Review and Approve Synopsis from [11-14-12](#)  
*Approved (5-0-2; KAMKAR & O’HALLORAN ABSENT)*

d. Subcommittee Formation, Reports, and Outstanding Business

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

*One subcommittee member participated in the One South Market Prelim discussion with applicant and others in November.*

2. Riparian Subcommittee (Kamkar)

*Commissioner Cahan was added to this subcommittee.*

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

*Former Commissioner Platten agreed to join the subcommittee. It will meet in Jan.*

e. Commission Calendar and Study Sessions

*Request for staff to recommend the scheduling of the following study sessions:*

- North San Jose Development Activity
- Implementing and financing Urban Villages
- Diridon Plan