



PLANNING DIRECTOR'S HEARING AGENDA

Wednesday, March 1, 2017

**9:00 a.m.
Council Chambers
City Hall**

**200 East Santa Clara Street
San José, California 95113-1905**

Hearing Officer

**Steve McHarris, Planning Official
on behalf of**

**Harry Freitas, Director
Planning, Building, and Code Enforcement**

NOTICE

To request an accommodation for City-sponsored meetings or events or an alternative format for printed materials, please call Jennifer Provedor at 408-535-3505 or 408-294-9337 (TTY) as soon as possible, but at least three business days before any meeting or event. If you requested such an accommodation, please identify yourself to the technician seated at the staff table. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

Good morning and welcome to the Planning Director's Hearing of **March 1, 2017**. My name is *Steve McHarris* and I am the Hearing Officer for today's agenda on behalf of and delegated by the Director of Planning, Building and Code Enforcement Harry Freitas.

Please note the following:

- Please remember to turn off your cell phones.
- A copy of the agenda is available on the tables by the doors for your convenience.
- A parking validation machine for the garage under City Hall is located at the rear of the chambers.

The hearing procedure and order of input is as follows:

1. I will identify the project as described on the agenda
2. Staff will provide a brief report
3. The applicant and/or representative will have up to 5 minutes to speak and should make themselves known as their item comes up by approaching the microphone and identifying themselves and stating their name, or just wave from the audience if you do not wish to speak
4. The public provides testimony up to 2 minutes per speaker, either for or against the project. Please state your name for the record
5. Following the public testimony, the applicant may make closing remarks of up to 5 minutes
6. The public hearing will then be closed. I may request staff to respond to the public testimony, ask staff questions and/or discuss the item and then I will take action on the item.

If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.

The Planning Director's action on these agenda items is final when the permit is signed and mailed, unless the permit or the environmental clearance determination is appealed. The Planning Director's actions on the permits are appealable in accordance with the requirements of Title 20 (Zoning) of the Municipal Code. The Planning Director's actions on the environmental review for the permits under the California Environmental Quality Act (CEQA) are separately appealable in accordance with the requirements of Title 21 (Environmental Clearance) of the Municipal Code.

The City of San Jose is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public. The City Code of Ethics may be viewed on-line at <http://www.sanjoseca.gov/documentcenter/view/3818>

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Planning, Building and Code Enforcement at San José City Hall, 200 E. Santa Clara Street, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body.

AGENDA
ORDER OF BUSINESS

1. DEFERRALS

Any item scheduled for hearing this morning for which deferral is being requested will be taken out of order, to be heard first on the matter of deferral. A list of staff recommended deferrals is available on the table. I will identify the items to be deferred and then ask for comments from the audience. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time. I will now open the public hearing. The following items are proposed to be deferred.

No Items

The matter of Deferrals is now closed.

2. CONSENT CALENDAR

NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be considered in one action. There will be no separate discussion of these items unless a request is made by the staff or the public to have an item removed from the consent calendar and considered separately.

- a. [PDA81-071-01](#). Planned Development Permit Amendment to legalize a 968 square foot addition (constructed without benefit of permits) to an existing 1,853 square foot single-family attached residence on a 0.155-gross acre site in the A(PD) Planned Development Zoning District, located on the south side of Herald Avenue, approximately 800 feet east of McLaughlin Avenue (1196 Herald Avenue) (Tri Nguyen and Angelyn Tran, Owners). Council District: 3. CEQA: Exempt per CEQA Guidelines Section 15301(e)(2) for additions up to 10,000 square feet. *Continued from 3/1/17.*

PROJECT MANAGER, EDWARD SHREINER

Staff Recommendation: Consider the Exemption in accordance with CEQA. [Approve a](#) Planned Development Permit Amendment as described above.

- b. [SP16-012](#). Special Use Permit to allow the construction of three retaining walls with a maximum height of five feet on a 2.0 gross acre site in the R-1-5 Single-Family Residence Zoning District, located on the east side of Clayton Road, approximately 230 feet north of Hickerson Drive (10150 Clayton Road) (James Keeton Trustee Et Al, Owner). Council District: 5. CEQA: Exempt per CEQA Guidelines Section 15303(e) for Accessory Structures. *Continued from 3/1/17.*

PROJECT MANAGER, EDWARD SHREINER

Staff Recommendation: Consider the Exemption in accordance with CEQA. [Approve a](#) Special Use Permit as described above.

- c. [V16-002](#). Development Variance to allow a 27 foot, 6 inch front setback for a detached one-car garage for an existing single-family detached home on a 0.055 gross acre site in the R-M Multiple Residence Zoning District located at 1380 University Avenue. (Cao Mingsheng and Gong Jason Jiasheng, Owners). Council District 6. CEQA: Exempt pursuant to CEQA Guidelines Section 15303(e) for new Construction or Conversion of Small Structures. *Deferred from 2/8/17.*
PROJECT MANAGER, RHONDA BUSS
Staff Recommendation: Consider the Exemption in accordance with CEQA. [Approve a](#) Development Variance as described above.
- d. [PDA78-081-01](#). Planned Development Permit Amendment to allow for upgrades and replacement of an existing railcar ammonia tower and installation of a second tower for the unloading of ammonia on a 1.947 gross acre site, in the LI(PD) Planned Development Zoning District, located 410 Charcot Avenue (Hill Brothers Chemical Company, Inc., Owner). Council District: 4. CEQA: Exempt per CEQA Section 15301 for Existing Facilities.
PROJECT MANAGER, LEA SIMVOULAKIS
Staff Recommendation: Consider the Exemption in accordance with CEQA. [Approve a](#) Planned Development Permit Amendment as described above.
- e. [SP09-054](#). Special Use Permit to legalize a green waste recycling/transfer facility and to allow exceedance of Zoning Ordinance noise standards established for Industrial Zoning Districts on a 2.24 gross acre site, in the HI Heavy Industrial Zoning District, located on the southeast side of East Gish Road at the southern terminus of Industrial Avenue (560 East Gish Road) (Dino Tomassi, Sr. Trustee & Et Al, Owner). Council District: 3. CEQA: Exempt per CEQA Guidelines Section 15301 for Existing Facilities.
PROJECT MANAGER, EDWARD SHREINER
Staff Recommendation: Consider the Exemption in accordance with CEQA. [Approve a](#) Special Use Permit as described above.
- f. [PDA88-065-07](#). Live Tree Removal Permit to remove one (1) Alder tree, approximately 61 inches in circumference for a residential property, on a 0.09 gross acre site in the A(PD) Planned Development Zoning District, located at 5967 Post Oak Circle (Bond, John S and Diana D Trustee, Owners). Council District 10. CEQA: Exempt per CEQA Guidelines Exemption 15301(h) for Existing Facilities. *Continued from 3/1/17.*
PROJECT MANAGER, ELIA SORICE
Staff Recommendation: Consider the Exemption in accordance with CEQA. [Approve a](#) Live Tree Removal Permit as described above.
- g. [TR16-241](#). Live Tree Removal Permit to remove one (1) Cedar tree, approximately 109 inches in circumference, from the front yard of a single-family residence on a 0.2 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at 1016 Whiteoak Drive (Ethan Lian, Owner). Council District: 1. CEQA: Exempt under CEQA Guidelines Section 15301(h) for Existing Facilities. *Continued from 3/1/17.*
PROJECT MANAGER, RINA SHAH
Staff Recommendation: Consider the Exemption in accordance with CEQA. [Approve a](#) Live Tree Removal Permit as described above.

- h. [TR16-308](#). Live Tree Removal Permit to remove one (1) Walnut tree, approximately 132 inches in circumference, located in the side yard of a single-family residence in the R-1-8 Single Family Zoning District on a 0.22 gross acre site located at 1345 Burkette Drive (Robert and Joanne Schwartz, Owners). Council District: 1. CEQA: Exempt under CEQA Guidelines Section 15301(h) for Existing Facilities. *Continued from 3/1/17.*
PROJECT MANAGER, RINA SHAH
Staff Recommendation: Consider the Exemption in accordance with CEQA. [Approve a](#) Live Tree Removal Permit as described above.
- i. [TR16-469](#). Live Tree Removal Permit to remove one (1) Redwood tree, approximately 70 inches in circumference, located in the rear yard of a single-family residence on a 0.2 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at 5097 Yucatan Way (Sedigheh Montazem, Owner). Council District: 9. CEQA: Exempt under CEQA Guidelines Section 15301(h) for Existing Facilities. *Continued from 3/1/17.*
PROJECT MANAGER, RINA SHAH
Staff Recommendation: Consider the Exemption in accordance with CEQA. [Approve a](#) Live Tree Removal Permit as described above.
- j. [TR16-562](#). Live Tree Removal Permit to remove one (1) Avocado Tree, approximately 84 inches in circumference, located in the rear yard of a single-family residence in the R-1-8 Single-Family Residence Zoning District, located at 797 Harding Avenue (Oliver and Victoria Brouse, Owners). Council District: 6. CEQA: Exempt under CEQA Guidelines Section 15301(h) for Existing Facilities. *Continued from 3/1/17.*
PROJECT MANAGER, RINA SHAH
Staff Recommendation: Consider the Exemption in accordance with CEQA. [Approve a](#) Live Tree Removal Permit as described above.
- k. [TR16-595](#). Live Tree Removal Permit to remove one (1) multi-trunk Ash tree approximately 96 inches in circumference, from the rear yard of a single-family home on a 0.2 gross acre site, located within the R-1-5 Single-Family Residence Zoning District located at the 12747 Camrose Avenue (Pete & Tracy Falco, Owners). Council District 1. CEQA: Exempt per CEQA Guidelines Section 15301(h) for Existing Facilities. *Continued from 3/1/17.*
PROJECT MANAGER, ROBERT RIVERA
Staff Recommendation: Consider the Exemption in accordance with CEQA. [Approve a](#) Live Tree Removal Permit as described above.
- l. [TR17-013](#). Live Tree Removal Permit to remove two (2) Pine trees, approximately 79 and 102 circumference from the front landscaping area of a commercial building on a 0.42 gross acre site in the CP Commercial Pedestrian Zoning District, located at 999 Saratoga Avenue (Engdol Family LLC, Owner). Council District 1. CEQA: Exempt per CEQA Guidelines 15301(h) for Existing Facilities. *Continued from 3/1/17.*
PROJECT MANAGER, ELIA SORICE
Staff Recommendation: Consider the Exemption in accordance with CEQA. [Approve a](#) Live Tree Removal Permit as described above.

- m. [TR17-024](#). Live Tree Removal Permit to remove one (1) Maple Tree, approximately 144 inches in circumference, located in the front yard of a single-family lot, on an approximately 0.11 acre site in the A(PD) Planned Development Zoning District, located at 1900 Meridian Avenue (J. Christine Corrigan, Owner). Council District 6. CEQA: Exempt per CEQA Guidelines 15301(h) for Existing Facilities. *Continued from 3/1/17.*
PROJECT MANAGER, STEFANIE FARMER
- Staff Recommendation:** Consider the Exemption in accordance with CEQA. [Approve a Live Tree Removal Permit](#) as described above.
- n. [HA78-114-01](#). Live Tree Removal Permit to establish replacement tree requirements for seven trees that were removed from a commercial property without the benefit of permits on a 0.52 acre property located in the Pedestrian Commercial CP and R-1-8 Single-Family Residence Zoning Districts, located at 1072 Lincoln Avenue (Spilios and Vicki Boumis, Trustee & Et Al, Owner). Council District: 6. CEQA: Exempt per CEQA Guidelines Section 15301(h) for Existing Facilities.
PROJECT MANAGER, EDWARD SHREINER
- Staff Recommendation:** Consider the Exemption in accordance with CEQA. [Approve a Live Tree Removal Permit](#) as described above.
- o. [TR16-108](#). Live Tree Removal Permit to remove one (1) Camphor Tree, approximately 60 inches in circumference, located in the front yard of a single-family residence, in the R-1-8 Single-Family Residence Zoning District located at 2274 Wren Way (Shawn Bender and Melissa Bender, Owners). Council District: 1. CEQA: Exempt per CEQA Guidelines Section 15301(h) for Existing Facilities.
PROJECT MANAGER, RINA SHAH
- Staff Recommendation:** Consider the Exemption in accordance with CEQA. [Approve a Live Tree Removal Permit](#) as described above.
- p. [TR16-590](#). Live Tree Removal Permit to remove three (3) Shamel Ash trees, approximately 60, 58, and 53 inches in circumference, from the rear yard of an existing single-family detached home on a 0.16 gross acre site, within the R-1-8 Single-Family Residence Zoning District, located on the 583 Albion Court (Argirula Mylona, Owner). Council District 10. CEQA: Exempt per CEQA Guidelines Section 15301(h) for Existing Facilities.
PROJECT MANAGER, ROBERT RIVERA
- Staff Recommendation:** Consider the Exemption in accordance with CEQA. [Approve a Live Tree Removal Permit](#) as described above.
- q. [TR17-011](#). Live Tree Removal Permit to remove one (1) Oak Tree, approximately 68 inches in circumference from Oak Hill Cemetery, on an approximately 3.58 acres in the A(PD) Planned Development Zoning District (Gary Ferraro, Applicant; Dignity Memorial, Owner). Council District 7. CEQA: Exempt per CEQA Guidelines 15301(h) for Existing Facilities.
PROJECT MANAGER, STEFANIE FARMER
- Staff Recommendation:** Consider the Exemption in accordance with CEQA. [Approve a Live Tree Removal Permit](#) as described above.

- r. **TR17-039.** Live Tree Removal Permit to remove one (1) Redwood tree, approximately 148 inches in circumference, located on an approximately 0.3-acre multi-family residential site in the R-1-8 Single-Family Residence Zoning District, located at 99 S 14th Street (Joyce Berkowitz, Owner). Council District 3. CEQA: Exempt per CEQA Guidelines 15301(h) for Existing Facilities.

PROJECT MANAGER, STEFANIE FARMER

Staff Recommendation: Consider the Exemption in accordance with CEQA. [Approve a Live Tree Removal Permit as described above.](#)

- s. **TR17-040.** Live Tree Removal Permit to remove one (1) Ash tree, approximately 124 inches in circumference, located in the backyard of a single-family detached residence on a 0.32 gross acre lot in the R-1-5 Single-Family Residence Zoning District, located at 1685 McBain Avenue (Scadden Elaine M Trustee, Owner). Council District 6. CEQA: Exempt per CEQA Guidelines 15301(h) for Existing Facilities.

PROJECT MANAGER, EDWARD SHREINER

Staff Recommendation: Consider the Exemption in accordance with CEQA. [Approve a Live Tree Removal Permit as described above.](#)

The Consent Calendar is now closed.

3. PUBLIC HEARING

- a. **TR16-596.** Live Tree Removal Permit to remove one (1) Deodar Cedar tree, 131 inches in circumference, from the front yard of a single-family home, on a 0.2 gross acre parcel in the R-1-8 Single-Family Residence Zoning District, located at the 655 East William Street (Sheila Piramoon, Owner). Council District 3. CEQA: Exempt per CEQA Guidelines Section 15301(h) for Existing Facilities. *Continued from 3/1/17.*

PROJECT MANAGER, ROBERT RIVERA

Staff Recommendation: Consider the Exemption in accordance with CEQA. [Approve a Live Tree Removal Permit as described above.](#)

This concludes the Planning Director's Hearing for March 1, 2017. Thank you.

PLANNING DIRECTOR'S AGENDA ON THE WEB:

<http://www.sanjoseca.gov/index.aspx?nid=1765>

PUBLIC INFORMATION COUNTER

CITY OF SAN JOSÉ (408) 535-3555

CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, Redevelopment Agency Board, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
 - No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D)**

3. Addressing the Council, Redevelopment Agency Board, Committee, Board or Commission:
- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
 - b) Meeting attendees are usually given two (2) minutes to speak on any agenda item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
 - c) Speakers should discuss topics related to City business on the agenda, unless they are speaking during open forum.
 - d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
 - e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
 - f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
 - g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.