



PLANNING DIRECTOR'S HEARING AGENDA

Wednesday, May 3, 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

1. CALL TO ORDER

Good morning, we are calling to order the Planning Director's Hearing of **May 3, 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

2. 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.

3. 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. **H16-034.** Site Development Permit to allow the conversion of a single-family residence to a duplex, including construction of a new two-story addition (1,321 square feet), for a total of 2,407 square feet, demolition of an existing two-car garage (418 square feet), and four new open parking spaces at the rear on a 0.15-gross acre site, in the R-M Multiple Residence Zoning District, located at North 7th Street (Jin Shan Li and Cecelia Zhao, Owners). Council District: 3. CEQA: Exempt under CEQA Guidelines Section 15303(b) for New Construction or Conversion of Small Structures.

PROJECT MANAGER, RINA SHAH

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

- b. **H16-035.** Site Development Permit to remove 39 ordinance sized trees for the construction of two, four-story self-storage facilities totaling 159,670 square feet on a 5.09 gross acre site, in the LI Light Industrial Zoning District, located at 5880 Hellyer Avenue (AG KEY LLC, Owner). Council District: 2. CEQA: Addendum to the Edenvale Redevelopment Project Final Environmental Impact Report, as supplemented (City Council Resolution Nos. 69699 and 70021), and the Envision San José 2040 General Plan Environmental Impact Report, as supplemented (City Council Resolution Nos. 76041 and 77617).

PROJECT MANAGER, LEA SIMVOULAKIS

Staff Recommendation: Consider the Addendum to the Edenvale Redevelopment Project Final Environmental Impact Report, as supplemented (City Council Resolution Nos. 69699 and 70021), and the Envision San José 2040 General Plan Environmental Impact Report, as supplemented (City Council Resolution Nos. 76041 and 77617) in accordance with CEQA. [Approve a](#) Site Development Permit as described above.

- c. **HP16-004.** Historic Preservation Permit to move the Smith House, a Historic City Landmark, and associated tank house, pump house, and aviary on a 4.90 gross acre site, located at 3550 San Felipe Road (Poston Shirley A Trustee, Owner). Council District 8. CEQA: Determination of Consistency with the Mitigated Negative Declaration for Oakmont of Evergreen Assisted Living Facility (City Council Resolution no. 78104). *Deferred from 3/29/17 Planning Commission.*
PROJECT MANAGER, EMILY LIPOMA

Staff Recommendation: Consider the Determination of Consistency with the Mitigated Negative Declaration for Oakmont of Evergreen Assisted Living Facility (City Council Resolution no. 78104) in accordance with CEQA. [Approve a](#) Historic Preservation Permit as described above.

- d. **PDA05-069-02.** Planned Development Permit Amendment to allow modifications to the approved landscape plan and the removal of two (2) Aleppo Pine trees. Tree one is approximately 57 inches in circumference. Tree two is approximately 42 inches in circumference. Both trees are located on a lot zoned A(PD) Planned Development District, being developed with six (6) single-family lots. (Clayton Creek LLC, Owner). Council District: 4. CEQA: Exempt per CEQA Guidelines Section 15301(h) for Existing Facilities.
PROJECT MANAGER, RHONDA BUSS

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

- e. **HA90-010-02.** Live Tree Removal Permit to remove four (4) Ash trees, approximately 61 - 114 inches in circumference, located in the parking lot of a 4.6 acre site in the IP Industrial Park Zoning District, located at 2240 Ringwood Ave. (Cabot IV – CA2W03, LLC, Owner). Council District: 4. CEQA: Exempt per CEQA Guidelines Section 15301(h) for Existing Facilities.
PROJECT MANAGER, RHONDA BUSS

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

- f. **TR15-566.** Live Tree Removal Permit to remove one (1) Southern Magnolia tree, 69 inches in circumference, from the front yard of a single family home, located in the R-1-5 Residential Zoning District, on a 0.26 gross acre site (Furniss William and Paula J Trustee, Owners). 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.

- g. **TR16-481.** Live Tree Removal Permit to remove one (1) Maple tree, approximately 70 inches in circumference, located in the backyard of a 0.18 acre single family lot in the R-1-8 Single-Family Residence Zoning District, located at 4933 Bel Estos Drive (Varghese Bivin J and Tharakan Annalisa, Owners). Council District 9. CEQA: Exempt per CEQA Guidelines 15301(h) for Existing Facilities.
PROJECT MANAGER, ELIA SORICE

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

- h. [TR17-276](#). Live Tree Removal Permit to remove one (1) Japanese Maple tree, approximately 60 inches in circumference, located in the backyard of a 0.3 acre single family lot in the R-1-8 Residential Zoning District, located at 1170 Mayette Avenue. (Joanna Orr and Charles S Trustee, Owners). Council District 6. 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.

- i. [TR17-310](#). Live Tree Removal Permit to remove two (2) Cedar trees, approximately 84 inches and 96 inches in circumference, from the front yard of a single-family residence located on a 0.16 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at 2251 Booksin Avenue (Gurmeet and Ruchika, Singh, Owners). Council District 9. CEQA: Exempt per CEQA Guidelines Section 15301(h) for Existing Facilities.

PROJECT MANAGER, NED THOMAS

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

The Consent Calendar is now closed.

4. PUBLIC HEARING

- a. [HA86-139-01](#). Live Tree Removal Permit to remove three (3) Redwood trees, with each tree approximately 80 inches in circumference, located in the parking lot of an approximately 2.3 gross acre site in the IP Industrial Park Zoning District, located at 675 N. King Road. (Bryan Miranda, Owner). Council District: 3. CEQA: Exempt per CEQA Guidelines Section 15301(h) for Existing Facilities.

PROJECT MANAGER, RHONDA BUSS

Staff Recommendation: Consider the Exemption in accordance with CEQA. [Approve a Live Tree Removal Permit](#) for two trees with conditions and Denial of the Live Tree Removal Permit for one tree.

5. ADJOURNMENT

This concludes the Planning Director's Hearing for May 3, 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.