



AMENDED

PLANNING DIRECTOR'S HEARING AGENDA

Wednesday, September 13, 2017

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

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

Hearing Officer

**Ned Thomas, Division Manager
on behalf of**

**Rosalynn Hughey, Interim 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 **September 13, 2017**. My name is *Ned Thomas* and I am the Hearing Officer for today's agenda on behalf of and delegated by the Interim Director of Planning, Building and Code Enforcement Rosalynn Hughey.

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.

- a. **PD16-039.** Planned Development Permit to allow the construction of a 60,000-square foot, three-story, non-profit performing arts center (Creative Center for the Arts) on a 0.75-gross acre site, in the A(PD) Planned Development Zoning District located at 0 North 7th Street. (City of San Jose, Owner). Council District: 3. CEQA: Determination of Consistency with the Japantown Corporation Yard Redevelopment Project Environmental Impact Report, adopted by Resolution No. 74384, and Addenda thereto.

PROJECT MANAGER, LEA SIMVOULAKIS

Staff Recommendation: Defer to the September 20, 2017 Planning Director's Hearing per Staff request.

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. **H17-005.** Site Development Permit to allow the construction of a 166,740-square foot warehouse/distribution facility on a vacant 9.4-gross acre site, in the IP Industrial Park Zoning District, located at the southwest corner of Piercy Road and Hellyer Avenue (448 Piercy Road) (M. West Propco XXII., LLC., Owner). Council District 2. CEQA: Addendum to the 2000 Edenvale Redevelopment Project EIR (Resolution # 69699), 2000 Edenvale Redevelopment Project Supplemental EIR (Resolution # 67245), Envision San Jose 2040 General Plan EIR (Resolution # 76041), and Supplemental EIR (Resolution #77617), and Addenda thereto.

PROJECT MANAGER, LEA SIMVOULAKIS

Staff Recommendation: Consider the Addendum to the 2000 Edenvale Redevelopment Project EIR (Resolution # 69699), 2000 Edenvale Redevelopment Project Supplemental EIR (Resolution # 67245), Envision San Jose 2040 General Plan EIR (Resolution # 76041), and Supplemental EIR (Resolution #77617), and Addenda thereto in accordance with CEQA. [Approve a](#) Site Development Permit as described above

- b. [H17-026](#). Site Development Permit to allow the demolition of an existing garage and construction of a new 640-square foot garage for an existing triplex on an 0.11-gross acre site in the R-M Multiple Residence Zoning District, located at 32 South Seventh Street (Nicandro Barrita, Owner). Council District 3. CEQA: Exempt per CEQA Guidelines Section 15303(e) 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](#)

- c. [HA88-070-01](#). Site Development Permit Amendment to allow exterior modifications to an existing 12,565 square foot retail building in the Westgate West Shopping Center on a 19.8-gross acre site, located in the CG Commercial General Zoning District, located at 5289-5399 Prospect Road (DS Westgate West, LP., Owner). Council District: 1. CEQA: Exempt per CEQA Guidelines Section 15301(a) for Existing Facilities.

PROJECT MANAGER, LEA SIMVOULAKIS

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

- d. [PDA15-038-01](#). Planned Development Amendment to previously approved Planned Development Permit (File No. PD15-038) to modify the grading, to construct retaining walls greater than two feet in height, and to establish the architecture and landscape design for the previously approved lots in an A(PD) Planned Development Zoning District on a 2.84-gross acre site, located approximately 500 feet east of Quimby Road and Deedham Drive (3770 Quimby Road) (Quimby Road Holdings LLC, Owner). Council District 8. CEQA: Determination of Consistency to the Mitigated Negative Declaration titled, "Huang/Quimby Road," adopted by City Council Resolution No. 76134 and Addenda thereto.

PROJECT MANAGER, TRACY TAM

Staff Recommendation: Consider the Determination of Consistency to the Mitigated Negative Declaration titled, "Huang/Quimby Road," adopted by City Council Resolution No. 76134 on January 24, 2012 and Addenda thereto in accordance with CEQA. [Approve a Planned Development Amendment as described above](#)

- e. [HA83-131-01](#). Live Tree Removal Permit to remove one (1) Pine tree, approximately 58 inches in circumference, located on the corner of a commercial lot on a 0.21-gross acre site in the CN Commercial Neighborhood Zoning District, located at the northwest corner of North First Street and West Rosemary Street (1305 North First Street) (Y.M. Enterprise Inc, Owner). Council District 3. CEQA: Exempt per CEQA Guidelines Section 15301(h) for Existing Facilities.

PROJECT MANAGER, SHAUNN MENDRIN

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

- f. [PDA84-008-01](#). Live Tree Removal Permit to remove three (3) Elm trees approximately 68 to 112 inches in circumference and (3) non-ordinance sized trees, located in the front and rear parking lots of a commercial property on a 1.01-gross acre site in the A(PD) Planned Development Zoning District, located on the east side of Oakland Road approximately 900 feet southerly of Murphy Avenue at 1570 Oakland Road, (Wham LLC A California Limited Liability Co, Owner). Council District 3. 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. [TR17-448](#). Live Tree Removal Permit to remove one (1) Chinese Elm tree, approximately 200 inches in circumference, located in the front yard of a single-family residence on a 0.22-gross acre site in the R-1-8 Single-Family Residence Zoning District located at 4793 Elmhurst Drive. (Dave Van Sickle, Owner). 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

- h. [TR17-463](#). Live Tree Removal Permit to remove one (1) Redwood tree, approximately 198 inches in circumference, from the rear yard of a single-family residence on a 0.14-gross acre site in the R-1-8 Single-Family Residence Zoning District, located at 1429 Yosemite Avenue (Daniel and Marie Fang, Owners). Council District 6. 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

- i. [TR17-465](#). Live Tree Removal Permit to remove two (2) Pine trees, approximately 84 and 101 inches in circumference, located in the front parking area of a industrial property on a 2.73-gross acre site in the HI Heavy Industrial Zoning District, located at 675 Brennan Street (Neal F. Frost Jr.). Council District 4. CEQA: Exempt per CEQA Guidelines Section 15301(h) for Existing Facilities.

PROJECT MANAGER, MICHELLE FLORES

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

- j. [TR17-516](#). Live Tree Removal Permit to remove two (2) Oak trees, approximately 65 inches and 91 inches in circumference, and two non-ordinance size Oak trees, approximately 19 inches and 53 inches, located on a single-family lot on a 2.43-gross acre site in the A(PD) Planned Development Zoning District located at the south side of Tiffany Canyon Court, approximately 280 feet westerly of Almaden Oaks Lane at 1324 Tiffany Canyon Court. (Fong Dennis and Kam Polly Trustee, 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

The Consent Calendar is now closed.

4. PUBLIC HEARING

- a. [SF17-018](#). Single Family House Permit Type II to demolish an existing 1,114-square foot detached single family residence and build a new 2,878-square foot detached residence with a 55% FAR on a 0.12 gross acre lot zoned R-1-8 Single-Family Residence Zoning District, located at 1821 Harmil Way. (Owner: Alison Love). Council District: 6. CEQA: Exempt per CEQA Guidelines Section 15303(a) for New Construction or Conversion of Small Structures.

Deferred from 8/23/17 & 9/6/17.

PROJECT MANAGER, RHONDA BUSS

Staff Recommendation: Consider the Exemption in accordance with CEQA. [Approve a Single Family House Permit Type II](#) to demolish an existing 1,114-square foot detached single family house and build a new 2,546-square foot single family house with a 48.5% FAR on the subject lot.

- b. [PD17-013 and PT17-018](#). Planned Development Permit to allow the removal of one ordinance-sized tree and permit the demolition of a single-family home and the construction of six single-family attached residences, and a Tentative Map to subdivide one parcel into six on a 0.4-gross acre site in the R-M(PD) Planned Development Zoning District located on the west side of Sharon Drive, approximately 900 feet east of De Anza Boulevard (7169 Sharon Drive) (Seven Hills, LLC., Owner). Council District 1. CEQA: Exempt per CEQA Guidelines Section 15303(b) for New Construction.

PROJECT MANAGER, LEA SIMVOULAKIS

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

5. ADJOURNMENT

This concludes the Planning Director's Hearing for September 13, 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.