



AMENDED

PLANNING DIRECTOR'S HEARING AGENDA

Wednesday, November 08, 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 **November 08, 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. **TR17-597.** Live Tree Removal Permit to remove one (1) Pine tree, approximately 69 inches in circumference, located on the north side parking area of a commercial property on a 1.79-gross acre site in the CN Commercial Neighborhood Zoning District, located on the south side of Alum Rock Avenue, approximately 330 feet westerly of South White Road (3030 Alum Rock Avenue) (Family Health Foundation Alviso Inc, Owner). Council District 5. CEQA: Exempt per CEQA Guidelines Section 15301(h) for Existing Facilities.

PROJECT MANAGER, JAMES MURPHY

Staff Recommendation: Defer to the November 15, 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. **SP17-035.** Special Use Permit to allow an alternative parking arrangement, in the DC Downtown Primary Commercial Zoning District, on a 1.04-gross acre site, located on the east side of South 2nd Street, approximately 110 feet southerly of East Santa Clara Street (18 South 2nd Street) (Paseo Villas LP, Owner). Council District 3. CEQA: Exempt per CEQA Guidelines Section 15301 for Existing Facilities.

PROJECT MANAGER, STEFANIE FARMER

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

- b. **TR17-570.** Live Tree Removal Permit to remove one (1) Pepper Tree, approximately 106 inches in circumference, located in the rear yard of a single-family house, on a 0.14-gross acre site in the R-1-8 Single-Family Residence Zoning District, located on the south side of El Portal Way approximately 260 feet easterly of Camino Verde Drive (282 El Portal Way) (Hayes Jay G and Ngan Thi-Phuong, Owner). Council District 2. CEQA: Exempt per CEQA Guidelines Section 15301(h) for Existing Facilities.

PROJECT MANAGER, LEILA HAKIMIZADEH

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

- c. [TR17-578](#). Live Tree Removal Permit to remove one (1) Magnolia tree, approximately 90 inches in circumference, from the front yard of a single-family residence on an approximately 0.14-gross acre site in the R-M Multiple Residence Zoning District, located on the west side of Nevin Way, approximately 100 feet southerly of Kingman Avenue (765 Nevin Way)(Thrappas Alex Et Al, Owner). Council District 6. CEQA: Exempt per CEQA Guidelines Section 15301(h) for Existing Facilities.

PROJECT MANAGER, LEILA HAKIMIZADEH

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

- d. [TR17-601](#). Live Tree Removal Permit to remove one (1) Yucca tree, approximately 163 inches in circumference, located in the front yard of a multi-family residence on a 0.16-gross acre site in the R-M Multiple Residence Zoning District, located at 329 Auburn Way (Wong Roger W and Ann G Trustee, Owner). Council District: 1. CEQA: Exempt per CEQA Guidelines Section 15301(h) for Existing Facilities.

PROJECT MANAGER, JENNIFER PIOZET

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

- e. [TR17-609](#). Live Tree Removal Permit to remove forty-five (45) ordinance-size trees varying in sizes and species, including 18 Eucalyptus trees, approximately 91 - 234 inches in circumference; 12 Pepper trees approximately 62 - 195 inches in circumference; four Oak trees 67 - 104 inches in circumference, two Citrus trees approximately 66 and 83 in circumference; two Alder trees approximately 57 and 63 inches in circumference; two Goldenrain trees approximately 72 and 60 inches in circumference; one Magnolia tree approximately 59 inches in circumference; two Redwood trees approximately 63 inches in circumference; one Locust tree approximately 59 inches in circumference; one Palm tree approximately 151 inches in circumference and 30 non-ordinance size trees, located on a vacant commercial lot on a 4.45-gross acre site in the A Agriculture and R-1-5 Single-Family Residence Zoning Districts, located on the easterly side of San Felipe Road approximately 360 feet northerly of Fowler Road (0 San Felipe Road) (Oakmont Of San Jose LLC, Owner). Council District 8. CEQA: Mitigated Negative Declaration (MND) for the Oakmont of Evergreen Assisted Living Facility.

PROJECT MANAGER, EMILY LIPOMA

Staff Recommendation: Consider the Mitigated Negative Declaration (MND) for the Oakmont of Evergreen Assisted Living Facility in accordance with CEQA. [Approve a Live Tree Removal Permit as described above](#)

- f. [TR17-629](#). Live Tree Removal Permit to remove one (1) Elder tree, approximately 69 inches in circumference, located in 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 143 South 16th Street) (Strong, Robert N. and Anna C. Owners). Council District 3. CEQA: Exempt per CEQA Guidelines Section 15301(h) for Existing Facilities.

PROJECT MANAGER, PATRICK KELLY

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

- g. [TR17-630](#). Live Tree Removal Permit to remove one (1) Oak tree, approximately 138 inches in circumference, located in the front yard of a single-family residence on a 0.17-gross acre site in the R-1-8 Single-Family Residence Zoning District located at 1398 Miller Avenue (Paladugu, Sricharan and Korabatti Yamini, Owners). Council District 1. CEQA: Exempt per CEQA Guidelines Section 15301(h) for Existing Facilities.

PROJECT MANAGER, PATRICK KELLY

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

- h. [TR17-631](#). Live Tree Removal Permit to remove two (2) Palm trees, approximately 112 and 120 inches in circumference, located in the rear yard of a duplex on a 0.15-gross acre site in the R-2 Two-Family Residence Zoning District, located at 346 North 10th Street (Chu, Dennis and Grace, Owners). Council District 3. CEQA: Exempt per CEQA Guidelines Section 15301(h) for Existing Facilities.

PROJECT MANAGER, PATRICK KELLY

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

No Items

5. ADJOURNMENT

This concludes the Planning Director's Hearing for November 08, 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.