



PLANNING DIRECTOR'S HEARING AGENDA

Wednesday, January 13, 2016

**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 Elizabeth Zepeda at 408-535-7868 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 **January 13, 2016**. 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:

- Turn off your cell phones and pagers as we are broadcasting and recording this meeting.
- A copy of the agenda is available on the tables by the doors for your convenience.
- A parking validation machine is available at the top of the stairs at the rear of these chambers for parking tickets for the garage underneath City Hall.

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 and home address, 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 and home address 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 together. 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. **H15-006.** A Site Development Permit to allow for the construction of two commercial buildings totaling approximately 16,595 gross square on an approximately 0.79 gross acre site, in the CP Commercial Pedestrian Zoning District, located at the northwesterly corner of South De Anza Boulevard and Highway 85 (1193 S. De Anza Boulevard) (Vigagold Inc., Owner). Council District 1. CEQA: Determination of Consistency with the Mitigated Negative Declaration for 1191-1195 De Anza Boulevard Retail (File Nos. C15-006 and H15-006).

PROJECT MANAGER, JOHN TU

Staff Recommendation: Consider the Mitigated Negative Declaration for 1191-1195 De Anza Boulevard Retail (File Nos. C15-006 and H15-006) in accordance with CEQA.

Approve a Site Development Permit as described above.

- b. **H15-035.** Site Development Permit to allow the construction of a new four-unit multi-family building behind an existing four-unit multi-family residence building, with minor site improvements and parking, on a 0.34-gross acre site, in the R-M Multiple Residence Zoning District, at 3109 Dakan Court (Shiv Pachori and Archana Panda, Owners). Council District: 6. CEQA: Exempt per CEQA Guidelines Section 15303(a) 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. [HA72-092-01](#). Live Tree Removal Permit to remove one Acacia tree, 84 inches in circumference, located in the front yard of a multi-family residence on an approximately 1.2-gross acre site, in the R-M Multiple Residence Zoning District, located at the 1085 Delna Manor Lane (Mike Sarvis, Metro Property Management, Owner). Council District: 6. CEQA: Exempt per CEQA Guidelines Section 15301 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.

- d. [PD15-049](#). Planned Development Permit to allow the demolition of approximately 1,811 square feet of existing buildings and construct an approximately 3,481 square foot convenience store, a 1,560 square foot self-serve carwash tunnel, and six new fuel dispensers on a 0.72 gross acre site, in the CN (PD) Planned Development Zoning District, located at the northwest corner of North Capitol Avenue and Hostetter Road (1601 North Capitol Avenue) (AU Energy LLC, Owner). Council District 4. CEQA: Exempt per CEQA Guidelines Section 15303(c) for New Construction of Small Structures.

PROJECT MANAGER, JOHN TU

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

- e. [PDA77-034-08](#). Planned Development Permit Amendment to allow the construction of an approximately 590 square foot second story addition to an existing 1,158 square foot single family detached residence on an approximately 0.07 gross acre site, in the R-M(PD) Planned Development Zoning District, located on the easterly side of De Rose Way, approximately 350 feet southerly of McKinley Avenue (1456 De Rose Way). (Lucatero, Sonia Et Al, Owner). Council District 6. CEQA: Exempt per CEQA Guidelines Section 15301(a) for Existing Facilities.

PROJECT MANAGER, DAVID FONG

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

- f. [PDA90-053-01](#). Live Tree Removal Permit to allow the removal of four (4) Pine trees, ranging from approximately 55 inches to 70 inches in circumference, located in the side landscaping area of a church, on an approximately 0.35 gross acre site, in the A(PD) Planned Development Zoning District, located at 1504 Meridian Avenue. (Congregation Am Echad, Owner). Council District 6. CEQA: Exempt per CEQA Guidelines Section 15301(h) for Existing Facilities.

PROJECT MANAGER, DAVID FONG

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

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- g. [PT15-011](#). Tentative Map to reconfigure two parcels into three parcels for residential uses on an approximately 0.66 gross acre site, in the R-1-8(PD) Planned Development Zoning District, located on the southeast side of Alum Rock Avenue, approximately 150 feet northeasterly of Sunnyslope Avenue (4700 Alum Rock Avenue) (Dolly S. House, Trustee; Nancy Le, Owners). Council District 5. CEQA: Exempt per CEQA Guidelines Section 15315 for Minor Land Divisions.

PROJECT MANAGER, ELIZABETH SCHULLER

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

- h. [SF15-045](#). Single-Family House Permit to allow the relocation of and a 324-square foot rear addition to a single-family residence, listed on the Historic Resources Inventory, on a 0.12-gross acre site, in the R-1-8 Single-Family Residence Zoning District, located at 1336 Magnolia Avenue (Pete and Victoria Pappanastos, Owners). Council District: 6. CEQA: Exempt per CEQA Guidelines Section 15301(a) for Existing Facilities.

PROJECT MANAGER, RINA SHAH

Staff Recommendation: Consider the Exemption in accordance with CEQA. [Approve](#) a Single-Family House Permit as described above.

- i. [SF15-046](#). Single Family House Permit to allow the construction of a new two-story, 2,495-square foot single-family residence, in the Hanchett and Hester Park City Conservation Area, with a Floor Area Ratio of 0.5 on a 0.11-gross acre site, in the R-1-8 Single-Family Residence Zoning District, located on the south side of Magnolia Avenue, 450 feet east of Park Avenue (Pete and Victoria Pappanastos, Owners). Council District: 6. CEQA: Exempt per CEQA Guidelines Section 15303(a) for New Construction or Conversion of Small Structures.

PROJECT MANAGER, RINA SHAH

Staff Recommendation: Consider the Exemption in accordance with CEQA. [Approve](#) a Single-Family House Permit as described above.

- j. [SP15-052](#). Special Use Permit to allow the construction of two Art Display Structures, one approximately 24 feet wide and 8 feet tall (192 square feet) and one 20 feet wide and 8 feet tall (160 square feet), elevated 10-feet above grade, located on an existing parking lot, on a 3.0-gross acre site, in the DC Downtown Primary Commercial Zoning District, located at 345 South 2nd Street (Maxxum Management Corporation, Owner). Council District: 3. CEQA: Exempt per CEQA Guidelines Section 15303 for New Construction or Conversion of Small Structures.

PROJECT MANAGER, JENNIFER PIOZET

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

- k. [TR15-439](#). Live Tree Removal Permit to allow the removal of one (1) Eucalyptus tree approximately 82 inches in circumference, located in the rear yard of a multi-family residence on an approximately 0.13 gross acre site, in the CO Commercial Office Zoning District, located at the 1831 Lido Way (John Bull, Owner). Council District 5. CEQA: Exempt per CEQA Guidelines Section 15301 for Existing Facilities.

PROJECT MANAGER, ROSCOE MATA

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

- l. [TR15-461](#). Live Tree Removal Permit to allow the removal of two (2) Redwood trees, approximately 150 to 168 inches in circumference, located in the rear yard of a single-family residence on an approximately 0.16 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at 4547 Mossbrook Circle (King, Richard H. and Karen S. Trustee, Owners). Council District 1. CEQA: Exempt per CEQA Guidelines Section 15301(h) for Existing Facilities.
PROJECT MANAGER, DAVID FONG

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

- m. [TR15-483](#). Live Tree Removal Permit to allow the removal of one Walnut tree, 138 inches in circumference, located in the rear yard of single-family detached residence on an approximately 0.4-gross acre site in the R-1-8 Single-Family Residence Zoning District, located at 2505 McLaughlin Avenue (Charles Nix and Gale Nix Trustee, Owners). Council District 7. CEQA: Exempt per CEQA Guidelines Section 15301 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.

- n. [TR15-512](#). Live Tree Removal Permit for the removal of one (1) Liquidambar tree, approximately 72 inches in circumference located in the front setback of an existing church property on a 0.6 gross acre site in the DC Downtown Primary Commercial Zoning District, located on 81 North 2nd Street (The Dean, Rector, Wardens of the Vestry of Trinity Cathedral, Owner). Council District 3. CEQA: Exempt per CEQA Guidelines Section 15301(h) for Existing Facilities.
PROJECT MANAGER, TRACY TAM

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

- o. [TR15-548](#). Live Tree Removal Permit to remove one (1) Gum tree, 128 inches in circumference on an 8 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at 121 Avenida Grande (Morgan Hill Unified School District, Owner). Council District 9. 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. [TR15-562](#). Live Tree Removal Permit to allow removal of one (1) Avocado tree approximately 60 inches in circumference from the side yard of a duplex located on a 0.14 acre property in the R-2 Two-Family Residence Zoning District, located on the 290 North 34th Street (Cheng, Winnie and Wong, Vincent S., Owners). Council District 3. CEQA: Exempt per CEQA Guidelines Section 15301(h) for Existing Facilities.
PROJECT MANAGER, TRACY TRAN

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. **PD15-041**. Planned Development Permit to allow the sale of a full range of alcoholic beverages for on-site consumption (public drinking establishment) at an existing restaurant on a 5.19 gross acre site in the A(PD) Planned Development Zoning District located approximately 500 feet northwest of Hillsdale Avenue and Meridian Avenue (3153 Meridian Avenue) (Hacienda Gardens LLC, Owner). Council District 9. CEQA: Determination of Consistency with the Mitigated Negative Declaration for the Hacienda Gardens Project (Ordinance No. 26778).

PROJECT MANAGER, ROSCOE MATA

Staff Recommendation: Consider the Determination of Consistency with the Mitigated Negative Declaration for the Hacienda Gardens Project (Ordinance No. 26778) in accordance with CEQA. **Approve** a Planned Development Permit as described above.

This concludes the Planning Director's Hearing for January 13, 2016. 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.