



**PLANNING DIRECTOR'S HEARING AGENDA**

**Wednesday, April 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 **April 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**

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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. **PD15-046.** Planned Development Permit to allow the construction of a four-story, approximately 153,000-square foot medical office building with associated site and parking improvements on a 9.0-gross acre site, in the A(PD) Planned Development Zoning District, located on the southwest corner of Technology Drive and Skyport Drive (1717 Technology Drive) (Kaiser Foundation Health Plan Inc., Owner). Council District 3. CEQA: Determination of Consistency with the Final Environmental Impact Report entitled “Spieker Properties/Skyport Rezoning Project” (Resolution No. 69421). *Deferred from 03/30/16*  
**PROJECT MANAGER, LEA SIMVOULAKIS**

**Staff Recommendation:** Defer to 04/20/16 per staff.

**The matter of Deferrals is now closed.**

**2. CONSENT CALENDAR**

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**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. The projects being considered are located on an approximately 0.91 gross acre site, located 500 feet southeast of South Buena Vista Avenue at 388 South Buena Vista Avenue (BVista Properties Group LLC, Owner). Council District: 6. CEQA: Determination of Consistency Mitigated Negative Declaration for Buena Vista Townhomes (Resolution No. 77677).  
**PROJECT MANAGER, LEA SIMVOULAKIS**

1. **PD15-051.** Planned Development Permit to allow the construction of up to 18 single-family attached residences and the removal of 19 trees (nine ordinance sized trees and ten non-ordinance sized).
2. **PT15-059.** A Vesting Tentative Map to subdivide the land into 18 lots.

**Staff Recommendation:** Consider the Mitigated Negative Declaration Buena Vista Townhomes (Resolution No. 77677) in accordance with CEQA. **Approve a** Planned Development Permit and a Vesting Tentative Map as described above.

- b. The projects being considered are located on a 6.3 gross acre site in a A(PD) Planned Development Zoning District, located on the North Side of Berryessa Road on the southern portion of a parcel just west of Union Pacific Railroad tracks (KB Homes South Bay Inc., Owner). Council District 4. Determination of Consistency with Flea Market Final Environmental Impact Report (EIR):

*PROJECT MANAGER, JOHN TU*

1. [PDA12-031-01](#). Planned Development Permit Amendment to the approved, but not constructed multi-family housing development to increase the number of units to 551 units and up to 37,500 square feet of commercial space and update architecture for Blocks 9, 10 and 11; and
2. [PT15-068](#). Tentative Map for subdivision of one (1) lot into three (3) lots.  
*Dropped to be re-noticed*

**Staff Recommendation:** Consider the Flea Market Final Environmental Impact Report (EIR) in accordance with CEQA. [Approve a](#) Planned Development Permit Amendment as described above and Dropped to be re-noticed the Tentative Map.

- c. [PDA94-023-04](#). Planned Development Permit Amendment to allow a new balcony, and a gazebo and barbeque shed exceeding 650 square feet of cumulative accessory structures in the rear yard of an existing single-family residence, on a 0.53-gross acre site, in the A(PD) Planned Development Zoning District, located at 2216 Bentley Ridge Drive (Tran Hoa, Owner). Council District: 8. 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](#) Planned Development Permit Amendment as described above.

- d. [SF15-058](#). Single-Family House Permit to allow the demolition of an existing single-family residence and for the construction of an approximately 3,593 square foot single-family house with an FAR of 0.56 on an approximately 0.12 gross acre site, in the R-1-8 Single-Family Residence Zoning District, located at the 2252 Camrose Avenue (Evergreen Property Group, LLC, Owner). Council District 1. CEQA: Exempt per CEQA Guidelines Section 15303(a) for Construction or Conversion of Small Structures.

*PROJECT MANAGER, TRACY TAM*

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

- e. [SF15-062](#). Single-Family House Permit to allow an approximately 1,798 square foot addition (including a second story) to an approximately 1,344 square foot house for a proposed floor area ratio (FAR) of 0.52 on an approximately 0.14-gross acre site, in the R-1-8 Single-Family Residence Zoning District, located at 1511 Pyramid Court (Sweatt, Kevin and Dawn, Owners). Council District 1. CEQA: Exempt per CEQA Guidelines Section 15301(e)(2) for Existing Facilities.

*PROJECT MANAGER, PATRICK KELLY*

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

- f. [SP15-056](#). Special Use Permit to allow the construction of an up to five-foot tall retaining wall in the rear yard of an existing single-family residence, on 0.3-gross acre site, in the R-1-8 Single-Family Residence Zoning District, located at 1585 Cherry Glen Way (Sunil Patel, Owner). Council District: 6. CEQA: Exempt per CEQA Guidelines Section 15303(e) for New Construction or Conversion of Small Structures. *Deferred from 03/30/16*

*PROJECT MANAGER, RINA SHAH*

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

- g. [SP16-005](#). Special Use Permit to allow retaining walls ranging in height from 3 feet to 11 feet, and removal of two ordinance-sized trees, on a 0.28-gross acre site, in the R-1-8 Single-Family Residence Zoning District, located at 5170 Harwood Road (Sadasivudu Malladi and Sreelakshmi Sarva, Owners). Council District: 9. 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](#) Special Use Permit as described above.

- h. [SP16-008](#). Special Use Permit to allow an outdoor vending facility (coffee cart) with use of restroom, trash and recycling facilities from the existing commercial building and operation hours concurrent with building operation hours, on a 0.46 gross acre site, in the DC Downtown Primary Commercial Zoning District, located at the southeast corner of Market Street and E. Santa Clara Street (84 W. Santa Clara Street) (84 West LLC, Owner). Council District 3. CEQA: Exempt per CEQA Guidelines Section 15301 for Existing Facilities.

*PROJECT MANAGER, TRACY TAM*

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

- i. [TR15-485](#). Live Tree Removal Permit to allow the removal of one (1) Mulberry tree, approximately 80 inches in circumference, located in the front yard of a single-family residence on an approximately 0.14 gross acre site, in the R-1-8 Single-Family Residence Zoning District, located at 1822 Sumatra Avenue. (Miller, Maria E., Owner). Council District 7. 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.

*Continue on the next page*

- j. [V15-007](#). Development Variance to reduce the front setback from 9 feet (approved under a previous Variance Permit, File No. V07-006) to 5 feet for construction of a new detached garage on a 0.24 gross acre site, in the R-1-8 Single-Family Residence Zoning District, located at 1112 Nevada Avenue on the south side of Nevada Avenue approximately 300 feet east of Lincoln Avenue (1112 Nevada Avenue, Unit 1) (Rania M. and Koorosh Nehchiri Trustee, Owners). Council District 6. CEQA: Exempt per CEQA Guidelines Section 15303(e) for Accessory Structures.

*PROJECT MANAGER, TRACY TAM*

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

**The Consent Calendar is now closed.**

### **3. PUBLIC HEARING**

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No Items

**This concludes the Planning Director's Hearing for April 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.