



AMENDED

PLANNING DIRECTOR'S HEARING AGENDA

Wednesday, April 20, 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 20, 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. **HA84-028-01.** Live Tree Removal Permit to remove (13) ordinance sized trees between 60 and 113 inches in circumference in the landscape area of an 8.66 gross acre office building site in the IP Industrial Park Zoning District, located at 160 East Tasman Drive (LBA RIV-Company XXC LLC, Owner). Council District 4. 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.
- b. **HA90-043-02.** Site Development Permit Amendment to allow three modular office buildings and an increase of on-site parking spaces on a 8.805 gross acre site, in the CN Commercial Neighborhood Zoning District, located at the easterly corner of Skyport Drive and North 1st Street (1720 North 1st Street) (California Water Service Co, Owner). Council District 3. CEQA: Exempt per CEQA Guidelines Section 15301(e)(1) for Existing Facilities.
PROJECT MANAGER, TRACY TAM
- Staff Recommendation:** Consider the Exemption in accordance with CEQA. [Approve a Site Development Permit Amendment](#) as described above.

- c. The projects being considered are located on a 0.40-gross acre site, located at 1199 Piedmont Road (Appletree Investment LLC, Owner), in the A(PD) Planned Development Zoning District. Council District: 4. CEQA: Exempt per CEQA Guidelines Section 15303(b) for New Construction or Conversion of Small Structures.

PROJECT MANAGER, RINA SHAH

1. [PD14-057](#). Planned Development Permit to allow construction of three single-family detached residences.
2. [PT14-002](#). Tentative Map to subdivide one lot into three lots.

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

- d. [PD15-028](#). Planned Development Permit to allow a 13,562-square foot child daycare center for up to 125 children in an existing building on a 1.68-gross acre site, in the A(PD) Planned Development Zoning District, located on the south side of Aborn Road, approximately 380 feet west of Ruby Avenue (3008 Aborn Road) (SCW Aborn, LLC, Owner). Council District 8. CEQA: Determination of Consistency with the Mirassou Mixed Use Development Final Environmental Impact Report (EIR) (File Nos. GP09-08-05 & PDC10-001).

PROJECT MANAGER, LEA SIMVOULAKIS

Staff Recommendation: Consider the Mirassou Mixed Use Development Final Environmental Impact Report (EIR) (File Nos. GP09-08-05 & PDC10-001) in accordance with CEQA. [Approve a](#) Planned Development Permit as described above.

- e. [PD15-063](#). Planned Development Permit to allow the demolition of one industrial building and associated accessory buildings, the removal of 14 ordinance sized trees, and the construction of a 3-story, 74,640-square foot self-storage facility with an office and care-taker apartment on a 1.2-gross acre site, in the IP(PD) Planned Development Zoning District, located at 1785 Oakland Road (Union Carbide Industrial Gases, Inc., Owner). Council District: 4. CEQA: Determination of Consistency to the North San José Development Policies Final Program Environmental Impact Report (Resolution No. 72768) and Addendum thereto.

PROJECT MANAGER, AVRIL BATY

Staff Recommendation: Consider the North San José Development Policies Final Program Environmental Impact Report and Addendum thereto in accordance with CEQA. [Approve a](#) Planned Development Permit as described above.

- f. [PD16-010](#). Planned Development Permit to allow the off-sale of beer and wine in an approved 29,986 square feet grocery store on a 13.9 gross acre site, in the A(PD) Planned Development Zoning District, located at the southwest corner of East Brokaw Road and Old Oakland Road (1028 East Brokaw Road) (Brokaw Ventures II, 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](#) Planned Development Permit as described above.

- g. The projects being considered are located on a 43.5-gross acre site on the southeast corner of Almaden Expressway and Chynoweth Avenue (5018 Almaden Expressway) in the A(PD) Planned Development Zoning District (Almaden Ranch LLC, Owner). Council District 9. CEQA: Addendum to the Almaden Ranch Environmental Impact Report (Resolution No. 76168).

PROJECT MANAGER, REBECCA BUSTOS

1. [PDA11-024-02](#). Planned Development Permit Amendment to remove a 12-foot wide strip of land (0.12 acres) along the southwestern portion of the overall 43.4-acre project site (identified as Lot 3 on the recorder Parcel Map) from the original approved Planned Development Permit (File No. PD11-024), in order to allow that land to be conveyed to Caltrans.
2. [PT16-004](#). Vesting Tentative Map to subdivide two lots into 17 lots at an existing commercial shopping center (Almaden Ranch).

Staff Recommendation: Consider the Addendum to the Almaden Ranch Environmental Impact Report (Resolution No. 76168) in accordance with CEQA. [Approve a](#) Planned Development Permit Amendment and a Vesting Tentative Map as described above.

- h. [PDA14-054-01](#). Live Tree Removal Permit to remove two Eucalyptus trees 106 and 179 inches in circumference and one ordinance-sized Palm tree approximately 15 feet in height, on a 4.73 gross acre site in the A(PD) Planned Development Zoning District, located at the northern side of Dobbin Drive approximately 800 feet easterly of North King Road (1893 Dobbin Drive) (Pulte Homes Corporation, Owner). Council District 3. CEQA: Exempt per CEQA Guidelines Section 15301(h) for Maintenance of Landscaping.

PROJECT MANAGER, TRACY TAM

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

- i. [PDA97-035-02](#). Planned Development Permit Amendment to allow a full service hand car wash at an existing gas station on a 0.9 gross acre site, in the A(PD) Planned Development Zoning District, located on the northwest corner of Snell Avenue and Capitol Expressway (3939 Snell Avenue) (Adion, Inc., Owner). Council District: 10. CEQA: Determination of Consistency with the Mitigated Negative Declaration prepared for Planned Development Zoning File No. PDC96-07-035.

PROJECT MANAGER, LEA SIMVOULAKIS

Staff Recommendation: Consider the Mitigated Negative Declaration prepared for Planned Development Zoning File No. PDC96-07-035 in accordance with CEQA. [Approve a](#) Planned Development Permit Amendment as described above.

- j. [PDA97-083-01](#). Planned Development Permit Amendment to allow the installation of a utility facility (communications services) and a generator on a 1.53 gross acre site, in the A(PD) Planned Development Zoning District, located at the southeast corner of Alum Rock Avenue and South King Road at 1700 Alum Rock Avenue. (City of San Jose, Owner). Council District 5. CEQA: Addendum to the Mitigated Negative Declaration for Google Fiber (Resolution No. 77591).

PROJECT MANAGER, EMILY LIPOMA

Staff Recommendation: Consider the Addendum Mitigated Negative Declaration for Google Fiber (Resolution No. 77591) in accordance with CEQA. [Approve a](#) Planned Development Permit Amendment as described above.

- k. [SP15-045](#). Special Use Permit to allow the conversion of a single-family residence to a two-family residence (duplex), with tandem parking, on a 0.16 gross acre site, in the R-2 Two-Family Residence Zoning District, located at 2010 Bird Avenue (Jennifer Kistner, Owner). Council District: 6. CEQA: Exempt per CEQA Guidelines Section 15303(b) for New Construction or Conversion of Structures.

PROJECT MANAGER, RINA SHAH

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

- l. [SP16-003](#). Special Use Permit to allow the removal of 14 ordinance-size trees and the demolition of an existing single-family detached residence and accessory structures on a 1.81 gross acre site, in the A(PD) Planned Development Zoning District, located on the northeast corner of Oak Forest Way and Almaden Expressway (6082 Almaden Expressway) (Benjamin Mazonne Trustee & Et Al, Owner). Council District 10. CEQA: Determination of Consistency with the Mazzone Rezoning Project Mitigated Negative Declaration (Resolution No. 77690).

PROJECT MANAGER, REBECCA BUSTOS

Staff Recommendation: Consider the Mazzone Rezoning Project Mitigated Negative Declaration (Resolution No. 77690) in accordance with CEQA. [Approve](#) Special Use Permit as described above.

- m. The projects being considered are located on a 1.52 gross acre site in the DC Downtown Primary Commercial Zoning District, located at the northeast corner of the intersection of 1st Street and St. James Street (Green Valley Enterprises, Owner). Council District 3. CEQA: Addendum to the Park View Towers Environmental Impact Report (Resolution No. 08-015) and Downtown Strategy 2000 Addendum.

PROJECT MANAGER, EMILY LIPOMA

1. [SP16-019](#). Special Use Permit to allow eleven (11) commercial condominiums.
2. [HA14-009-01](#). Site Development Permit Amendment to modify timing conditions of a previously approved permit.

Staff Recommendation: Consider the Addendum to the Park View Towers Environmental Impact Report (Resolution No. 08-015) and Downtown Strategy 2000 Addendum in accordance with CEQA. [Approve a](#) Special Use Permit and a Site Development Permit Amendment as described above.

- n. [TR15-426](#). Live Tree Removal Permit to allow the removal of one Elm tree, 76 inches in circumference, located in the rear yard of a single-family residence on an approximately 0.15-gross acre site, in the R-1-8 Single-Family Residence Zoning District, located at the 1547 San Andreas Avenue (James S. and Regina L. Koepf, Owners). Council District 9. CEQA: Exempt per CEQA Guidelines Section 15301 for Existing Facilities.

PROJECT MANAGER, REBECCA BUSTOS

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

- o. [TR16-016](#). Live Tree Removal Permit to allow the removal of one Oak Tree, 60 inches in circumference, located in the front yard of a single-family residence, in the R-1-5(PD) Planned Development Zoning District, located at 1543 Peregrino Way (Charles and Anita Davidson, 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.](#)

- p. [TR16-021](#). Live Tree Removal Permit to remove two Oak trees, 72 inches and 96 inches in circumference, both located in the rear yard of a single-family residence on a 0.15 gross acre site, in the R-1-8 Single Family Residence Zoning District, located at 751 Riverside Drive (Matthew and Lisa Aguiar, 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.](#)

- q. [TR16-073](#). Live Tree Removal Permit to allow the removal of one Cedar tree, 100 inches in circumference, located in the rear yard of a single-family residence, on an approximately 0.32-gross acre site, in the R-1-5 Single-Family Residence Zoning District, located at 1650 Saint Anthony Drive (Jon Condrey, Owner). 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.](#)

The Consent Calendar is now closed.

3. PUBLIC HEARING

- 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 and 04/13/16*
PROJECT MANAGER, LEA SIMVOULAKIS
Staff Recommendation: Consider the Final Environmental Impact Report entitled “Spieker Properties/Skyport Rezoning Project” (Resolution No. 69421) in accordance with CEQA. [Approve a Planned Development Permit as described above.](#)

This concludes the Planning Director’s Hearing for April 20, 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.