



***AMENDED***

**PLANNING DIRECTOR'S HEARING AGENDA**

**Wednesday, May 25, 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 **May 25, 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. **H16-003.** Site Development Permit to allow the construction of one duplex (through an addition to the rear of the existing single-family residence on the lot), and one detached single-family residence at the rear of the lot, for a total of three dwelling units, on a 0.21-gross acre site, in the R-M Residence Multiple Zoning District, located on the south side of Villa Avenue, approximately 50 feet east of the southern terminus of Elm Street at Villa Avenue (890 Villa Avenue) (Willie F. and Hellen M. Cadiente, Owners). Council District 6. CEQA: Exempt per CEQA Guidelines Section 15303(b) for New Construction or Conversion of Small Structures.  
*PROJECT MANAGER, PATRICK KELLY*

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

- b. **HA09-004-01.** Site Development Permit Amendment to remove conditions 12 and 13 from a previously approved Site Development Permit (File No. H09-004), requiring an off-site parking agreement on an approximately 0.47-gross acre site in the DC Downtown Primary Commercial Zoning District, located on the southeast corner of East St. John Street and North 4th Street (158 East St. John Street) (MidPen Donner Associates LP, Owner). Council District 3. CEQA: Exempt per CEQA Guidelines Section 15305 Minor Alterations in Land Use Limitations.  
*PROJECT MANAGER, REBECCA BUSTOS*

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

- c. [HA13-001-05](#). Live Tree Removal Permit to allow the removal of three (3) Ash trees, approximately 60 to 82 inches in circumference on a 9.4 gross acre industrial site in the IP Industrial Park Zoning District, located at 3655 N 1<sup>st</sup> St. (Samsung Semiconductor Inc, Owner). Council District 4. CEQA: Exempt per CEQA Guidelines Section 15301(h) for Existing Facilities.  
*PROJECT MANAGER, EMILY LIPOMA*  
**Staff Recommendation:** Consider the Exemption in accordance with CEQA. [Approve a Live Tree Removal Permit as described above.](#)
- d. [HA78-237-01](#). Live Tree Removal Permit to allow the removal of five (5) Ash trees, approximately 60 to 82 inches in circumference on an 18.28 gross acre site, in the IP Industrial Park Zoning District, located at 1510 Montague Expressway. (PSB Northern CA Industrial Portfolio, LLC, Owner). Council District 4. CEQA: Exempt per CEQA Guidelines Section 15301(h) for Existing Facilities.  
*PROJECT MANAGER, EMILY LIPOMA*  
**Staff Recommendation:** Consider the Exemption in accordance with CEQA. [Approve a Live Tree Removal Permit as described above.](#)
- e. [HA78-261-02](#). Live Tree Removal Permit to allow the removal of one (1) Eucalyptus tree approximately 56 inches in circumference located on a 3.41 gross acre site, in the IP Industrial Park Zoning District, located at 2225 Ringwood Avenue. (Ian Davis, Owner). Council District 4. CEQA: Exempt per CEQA Guidelines Section 15301(h) for Existing Facilities.  
*PROJECT MANAGER, EMILY LIPOMA*  
**Staff Recommendation:** Consider the Exemption in accordance with CEQA. [Approve a Live Tree Removal Permit as described above.](#)
- f. [HA81-099-01](#). Live Tree Removal Permit to allow the removal of eight (8) Eucalyptus trees and four (4) Pine trees approximately 57 to 107 inches in circumference, located on a 2.96 gross acre site, in the IP Industrial Park Zoning District, located at 1960 Concourse Drive (Concourse Business Center, LLC, Owner). Council District 4. CEQA: Exempt per CEQA Guidelines Section 15301(h) for Existing Facilities.  
*PROJECT MANAGER, EMILY LIPOMA*  
**Staff Recommendation:** Consider the Exemption in accordance with CEQA. [Approve a Live Tree Removal Permit as described above.](#)
- g. [HA83-083-02](#). Live Tree Removal Permit to allow the removal of three (3) Ash trees approximately 66 to 85 inches in circumference on a 3.07 gross acre site, in the IP Industrial Park Zoning District, located at 1865 Lundy Avenue. (Church of Scientology Stevens CR, Owner). Council District 4. CEQA: Exempt per CEQA Guidelines Section 15301(h) for Existing Facilities.  
*PROJECT MANAGER, EMILY LIPOMA*  
**Staff Recommendation:** Consider the Exemption in accordance with CEQA. [Approve a Live Tree Removal Permit as described above.](#)

- h. **HA88-088-01**. Live Tree Removal Permit to allow the removal of six (6) Redwood trees approximately 56 to 79 inches in circumference on a 6.73 gross acre industrial site in the IP Industrial Park Zoning District, located at 1735 Lundy Avenue (The Sobrato Organization, Owner). Council District 4. CEQA: Exempt per CEQA Guidelines Section 15301(h) for Existing Facilities.

*PROJECT MANAGER, EMILY LIPOMA*

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

- i. **HA90-010-01**. Live Tree Removal Permit to allow the removal of two (2) Eucalyptus trees approximately 66 and 88 inches in circumference located on a 4.6 gross acre industrial site in the IP Industrial Park Zoning District, located at 2240 Ringwood Avenue (CABOT IV LLC, Owner). Council District 4. CEQA: Exempt per CEQA Guidelines Section 15301(h) for Existing Facilities.

*PROJECT MANAGER, EMILY LIPOMA*

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

- j. **PD15-055**. Planned Development Permit to allow the removal of five ordinance sized tree and the construction of 520 residential units and 19,191 square feet of commercial space on a 5.25-gross acre site in the A(PD) Planned Development Zoning District, bounded by North Sixth Street, East Taylor Street, North Seventh Street, and Jackson Street (696 North 6th Street) (San Jose City, Owner). Council District: 3. CEQA: Determination of Consistency with the Addendum to the Japantown Corporation Yard Redevelopment Project Environmental Impact Report (Resolution No. 74384).

*PROJECT MANAGER, LEA SIMVOULAKIS*

**Staff Recommendation:** Consider the Addendum to the Japantown Corporation Yard Redevelopment Project Environmental Impact Report (Resolution No. 74384) in accordance with CEQA. [Approve a Planned Development Permit](#) as described above.

- k. **PD16-006**. Planned Development Permit to allow the demolition of four existing commercial and storage buildings, removal of seven ordinance size trees, and allow the construction of a 7-story mixed-use development with 164 residential units and 37,500 square feet of commercial space on an approximately 1.72 gross acre site, located at the northeast side of Stockton Avenue, approximately 300 feet north of West Santa Clara Street (120 and 138 Stockton Avenue) (Moraga Rheem LLC, Owner). Council District 3. CEQA: Determination of Consistency with Addendum to the Downtown Strategy Plan Final Environmental Impact Report (Resolution No. 72767) and to the Diridon Station Area Plan Final Environmental Impact Report (Resolution No 77096).

*PROJECT MANAGER, JOHN TU*

**Staff Recommendation:** Consider the Addendum to the Downtown Strategy Plan Final Environmental Impact Report (Resolution No. 72767) and to the Diridon Station Area Plan Final Environmental Impact Report (Resolution No 77096) in accordance with CEQA. [Approve a Planned Development Permit](#) as described above.

- l. [PDA02-043-01](#). Live Tree Removal Permit to allow the removal of two (2) Eucalyptus trees approximately 91 and 116 inches in circumference located on a 0.71 gross acre site, in the A (PD) Planned Development Zoning District at 2390 Harris Way. (San Jose Harris Way Hotel LP, Owner). Council District 4. CEQA: Exempt per CEQA Guidelines Section 15301(h) for Existing Facilities.

*PROJECT MANAGER, EMILY LIPOMA*

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

- m. [PDA84-047-01](#). Live Tree Removal Permit to allow the removal of six trees ordinance-size trees [three Bottle Brush (#45, 50, & 58), one Palm (#39), one Redwood (#52), and one Juniper (#57)], 56 to 73 inches in circumference and 21 non-ordinance size trees (#38, 40, 41, 42, 48, 49, 51, 54, 55, 59-70) on a 1.22-gross acre site in the A(PD) Planned Development Zoning District, located at 295 East Virginia Street (AP Propane Inc., Owner). Council District: 3. CEQA: Exempt per CEQA Guidelines Section 15301(h) 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.](#)

- n. [PDA85-033-02](#). Live Tree Removal Permit to allow the removal of two (2) Olive trees approximately 60 and 131 inches in circumference and one (1) Eucalyptus tree approximately 75 inches in circumference located on a 35.6 gross acre mobile home site in the A (PD) Planned Development Zoning District at 4201 North 1<sup>st</sup> Street (Beaumont Investments LTD, Owner). Council District 4. CEQA: Exempt per CEQA Guidelines Section 15301(h) for Existing Facilities.

*PROJECT MANAGER, EMILY LIPOMA*

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

- o. [SP16-007](#). Special Use Permit to allow modifications to the building facades of existing buildings, the addition of two floors to an existing parking structure, off-site parking for commercial use, removal of four ordinance-sized trees, and modifications to landscape areas and ADA-accessible parking on an existing 4.8-gross acre site in the IP Industrial Park Zoning District, located at 550 Meridian Avenue (Bill Doyle, c/o Green Valley Corporation, Owner). Council District: 6. CEQA: Exempt per CEQA Guidelines Section 15301(a) for Existing Facilities and 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.](#)

- p. [TR16-138](#). Live Tree Removal Permit to allow the removal of one (1) Privot tree, approximately 100 inches in circumference, located in the front 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 1335 Montmorency Drive. (Woodstock, Dod and Patricia, Owners). Council District 9. 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.](#)
- q. [TR16-184](#). Live Tree Removal Permit to allow the removal of one (1) Walnut tree, approximately 79 inches in circumference on a 4.81 vacant lot in the Agricultural Zoning District, located at 1703 Lundy Avenue. (Fortune-Lundy Associates LLC, Owner). Council District 4. CEQA: Exempt per CEQA Guidelines Section 15301(h) for Existing Facilities.  
*PROJECT MANAGER, EMILY LIPOMA*
- Staff Recommendation:** Consider the Exemption in accordance with CEQA. [Approve a Live Tree Removal Permit as described above.](#)
- r. [TR16-186](#). Live Tree Removal Permit to allow the removal of one (1) Ash tree, approximately 66 inches in circumference on a 3.02 gross acre industrial lot in the IP Industrial Park Zoning District, located at 1885 Lundy Avenue. (Lundy Investments, LLC, Owner). Council District 4. CEQA: Exempt per CEQA Guidelines Section 15301(h) for Existing Facilities.  
*PROJECT MANAGER, EMILY LIPOMA*
- Staff Recommendation:** Consider the Exemption in accordance with CEQA. [Approve a Live Tree Removal Permit as described above.](#)
- s. [TR16-196](#). Live Tree Removal Permit to allow the removal of one (1) Eucalyptus tree approximately 63 inches in circumference on a 0.79 gross acre industrial site in the IP Industrial Park Zoning District, located at 2373 Oakland Road. (Landsbergen, Peter N. and Caroline D Trustees, Owners). Council District 4. CEQA: Exempt per CEQA Guidelines Section 15301(h) for Existing Facilities.  
*PROJECT MANAGER, EMILY LIPOMA*
- Staff Recommendation:** Consider the Exemption in accordance with CEQA. [Approve a Live Tree Removal Permit as described above.](#)
- t. [TR16-201](#). Live Tree Removal Permit to allow the removal of one (1) Redwood tree, approximately 66 inches in circumference and one (1) Eucalyptus tree, approximately 100 inches in circumference located on a 10.92 gross acre industrial site in IP Industrial Park Zoning District, located at 160 Rio Robles. (Maxim Integrated Products Inc., Owner). Council District 4. CEQA: Exempt per CEQA Guidelines Section 15301(h) for Existing Facilities.  
*PROJECT MANAGER, EMILY LIPOMA*
- 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. **PD15-068.** Planned Development Permit to allow for the demolition of an existing multi-family attached residential building and the construction of a 6½ -story 110 unit multi-family attached residential building on a 0.99 gross acre site, in the A(PD) Planned Development Zoning District, located at the northeast corner of Dudley Avenue and Tisch Way within the Santana Row development (544 Dudley Avenue) (FRIT San José Town & Country LLC, Owner). Council District 6. CEQA: Addendum Santana Row Planned Development Rezoning Environmental Impact Report (Resolution No. 77532) and Addenda thereto, File No. PDC13-050.

*PROJECT MANAGER, JOHN TU*

**Staff Recommendation:** Consider the Addendum to the Santana Row Planned Development Rezoning Environmental Impact Report (Resolution No. 77532) and Addenda thereto, File No. PDC13-050 in accordance with CEQA. **Approve a** Planned Development Permit as described above.

- b. **RA15-004.** Reasonable Accommodation to permit a second curb cut and additional front yard paving to allow a disabled tenant to park in an existing driveway in front of a converted garage on a single-family residence in the R-1-8 Single-Family Residence Zoning District, located at 5980 Tuscarora Court (Steven R. and Elena A. Gaffney, Owners). Council District: 2. CEQA: Exempt per CEQA Guidelines Section 15303(e) for New Construction or Conversion of Small Structures.

*PROJECT MANAGER, ED SCHREINER*

**Staff Recommendation:** Consider the Exemption in accordance with CEQA. **Deny a** Reasonable Accommodation as described above.

**This concludes the Planning Director's Hearing for May 25, 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.