



PLANNING DIRECTOR'S HEARING AGENDA

Wednesday, November 9, 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 **November 9, 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:

- 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

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 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. **H16-018**. Site Development Permit to allow the demolition of an existing 30,659-square foot building, the construction of a new 1,513,941-square foot 18-story building with up to 700,000 square feet of office and retail uses, and the removal of three ordinance-size trees and eleven street trees on a 2.50-gross acre site in the DC Downtown Primary Commercial Zoning District, located at 333 West San Fernando Street (W S D, Owner). Council District 3. CEQA: Addendum to the Final Program Environmental Impact Report for The Downtown Strategy 2000 (Resolution No. 72767), the Final Program Environmental Impact Report for the Envision San José 2040 General Plan (Resolution No. 76041), and the Supplemental Environmental Impact Report for the Envision San José 2040 General Plan (Resolution No. 77617).

PROJECT MANAGER, REBECCA BUSTOS

Staff Recommendation: Consider the Addendum to the Final Program Environmental Impact Report for The Downtown Strategy 2000 (Resolution No. 72767), the Final Program Environmental Impact Report for the Envision San José 2040 General Plan (Resolution No. 76041), and the Supplemental Environmental Impact Report for the Envision San José 2040 General Plan (Resolution No. 77617) in accordance with CEQA. **Approve a** Site Development Permit as described above.

- b. The projects being considered are located on a 2.7-gross acre site on the north side of E. Santa Clara Street, between N. 8th Street and N. 9th Street (389 East Santa Clara Street) (Roman Catholic Bishop of San Jose, Owner). Council District: 3. CEQA: “Our Lady La Vang Church and Multi-Purpose Building” Mitigated Negative Declaration.

PROJECT MANAGER, JENNIFER PIOZET

1. [HP15-001](#). Historic Preservation Permit to allow the demolition of a fire-damaged church and rectory, removal of six ordinance sized trees, and construction of an approximately 20,000-square foot church/religious assembly building, two-story parking structure, an approximately 15,000-square foot multi-purpose building.
2. [SP15-004](#). Special Use Permit to allow the demolition of a fire-damaged church and rectory and removal of six ordinance sized trees, and allow the construction of an approximately 20,000-square foot church/religious assembly building, two-story parking structure, an approximately 15,000-square foot multi-purpose building, expansion of an existing private school (St. Patrick School) without enrollment increase, an off-site parking arrangement for up to 75 spaces, and incidental uses including daycare, private instruction (night classes), caterer, church offices, and funeral services.

Staff Recommendation: Consider the Our Lady La Vang Church and Multi-Purpose Building” Mitigated Negative Declaration in accordance with CEQA. [Approve a](#) Historic Preservation Permit and Special Use Permit as described above.

- c. [PD15-015](#). Planned Development Permit to effectuate Planned Development Zoning File No. PDC05-039 and allow a three-story duplex in the CP(PD) Planned Development Zoning District on an approximately 0.15 gross acre site, located at the northeast corner of Catherine Street and El Dorado Street (O Catherine Street) (Alviso Inn LLC, Owner). Council District 4. CEQA: Exempt per CEQA Guidelines Section 15303 for New Construction or Conversion of Small Structures.

PROJECT MANAGER, JOHN TU

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

- d. [PD16-016](#). Planned Development Permit to allow the demolition of an existing restaurant, the construction of a four-story building with approximately 10,809 square feet of commercial/retail space, 84,000 square feet of mini-storage use and two on-site resident caretaker units, and the removal of ten (10) ordinance size trees on an approximately 1.17 gross acre site, in the CP(PD) Planned Development Zoning District, located at the east side of South Winchester Boulevard, approximately 180 feet north of Magliocco Drive (780 South Winchester Boulevard) (780 South Winchester LLC, Owner). Council District 1. CEQA: Determination of Consistency with the 780 Winchester Boulevard Mixed Use Mitigated Negative Declaration.

PROJECT MANAGER, JOHN TU

Staff Recommendation: Consider the 780 Winchester Boulevard Mixed Use Mitigated Negative Declaration in accordance with CEQA. [Approve a](#) Planned Development Permit as described above.

- e. [PD16-017](#). Planned Development Permit to allow the construction of an eight-story, 320,000 square foot commercial building consisting of 30,000 square feet of ground floor retail and 290,000 square feet of office, the construction a parking structure with 1,267 parking spaces, and the removal of 14 ordinance sized trees in the A(PD) Planned Development Zoning District, located at the south west corner of Olsen Drive (Federal Realty Investment Trust, Owner). Council District: 6. CEQA: Determination of Consistency with the Santana Row Planned Development Rezoning Environmental Impact Report (Resolution No. 77532) and Addenda thereto.

PROJECT MANAGER, LEA SIMVOULAKIS

Staff Recommendation: Consider the Santana Row Planned Development Rezoning Environmental Impact Report (Resolution No. 77532) and Addenda thereto, in accordance with CEQA. [Approve a](#) Planned Development Permit as described above.

- f. [PDA15-004-01](#). Planned Development Permit Amendment to allow up to 26 small outdoor special events per year and two large outdoor events per year at an existing brewery facility on a 2.7-gross acre in the CIC(PD) Planned Development Zoning District, located at 357 East Taylor Street (Libitzky Holdings, L.P., Owner). Council District: 3. CEQA: Exempt per CEQA Guidelines Section 15304(e) for Minor Alterations to Land.

PROJECT MANAGER, JENNIFER PIOZET

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

- g. [TR15-517](#). Live Tree Removal Permit to allow the removal of one Redwood tree, 105 inches in circumference, located in the rear yard of a single-family residence on an approximately 0.18-gross acre site in the R-1-8(PD) Planned Development Zoning District at 1338 Ringrose Court (Kent Yav and Irene Taing, Owners). Council District: 7. 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.

- h. [TR16-268](#). Live Tree Removal Permit to allow the removal of one (1) Modesto Ash tree approximately 91 inches in circumference, on a 0.14 gross acre single family lot in the R-1-8 Single-Family Residence Zoning District, located at 6179 Ute Drive (Darrold and Patricia Thomas, Owners). Council District: 10. CEQA: Exempt per CEQA Guidelines Section 15301(h) for Existing Facilities.

PROJECT MANAGER, LEA SIMVOULAKIS

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

- i. [TR16-272](#). Live Tree Removal Permit for the removal of one Ash tree, approximately 160 inches in circumference, located in the front yard of a single family lot, in the R-1-5 Single-Family Residence Zoning District, located at 6035 Castello Drive (Lafferty, Derek P. & Rachel, Owners). Council District 10. CEQA: Exempt per CEQA Guidelines Section 15301(h) for Existing Facilities.

PROJECT MANAGER, JUSTIN DANIELS

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

- j. [TR16-441](#). Live Tree Removal Permit to remove three (3) Redwood Trees, approximately 66, 104 and 112 inches in circumference, on a single family detached residential lot on a 0.18 acre lot in the A(PD) Planned Development Zoning District, located at 2078 Pleasant Crest Court (Jachetta, Gary J. and Barbara J., Owners). Council District 8. CEQA: Exempt per CEQA Guidelines Section 15301(h) for Existing Facilities.

PROJECT MANAGER, SHAUNN MENDRIN

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

- k. [TR16-452](#). Live Tree Removal Permit to allow the removal of one (1) California Pepper tree, approximately 64 inches in circumference, from the common area of an existing four-unit multi-family residential development on a 0.23 gross acre site located within the A(PD) Planned Development and R-M Multiple Residence Zoning District located at 307 West Alma Avenue (Smith, Tristan K. and Rebecca Lynn E., Owners). Council District 3. CEQA: Exempt per CEQA Guidelines Section 15301(h) for Existing Facilities.

PROJECT MANAGER, SHAUNN MENDRIN

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

The Consent Calendar is now closed.

Continue on the next page

3. PUBLIC HEARING

- a. The projects being considered are: The proposed project would occur on an three parcels totaling approximately 0.5 gross acres, located on the northeast corner of South Market Street and East William Street (APNs: 264-30-089, 264-30-090, and 264-30-114) (Core Gateway II LLC, Owner). Council District 3. CEQA: “Gateway Towers Mixed-Use Project” Supplemental Environmental Impact Report to the Final Program Environmental Impact Report for the Downtown Strategy 2000 (Resolution No. 72767).

PROJECT MANAGER, TRACY TAM

1. **H15-047.** Site Development Permit to allow the total demolition of two buildings, the removal of one ordinance-sized tree and the construction of a 25-story building with up to 300 residential units and approximately 5,000 square feet of commercial space.
2. **HP15-003.** Historic Preservation Permit to allow the partial demolition of City Landmark No. 74, “Herrold College”.
3. **T15-052.** Tentative Map Permit to merge three parcels into one parcel.
4. **V16-005.** Development Variance Permit to allow for approximately 105 of uniform sized parking spaces and approximately 180 of small sized parking spaces.

Staff Recommendation: Conduct a public hearing to consider the “Gateway Towers Mixed-Use Project” Supplemental Environmental Impact Report to the Final Program Environmental Impact Report for the Downtown Strategy 2000 (Resolution No. 72767), in accordance with CEQA and Historic Preservation Permit, and continue the public hearing until 12/7/16.

This concludes the Planning Director’s Hearing for November 9, 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.