



**PLANNING DIRECTOR'S HEARING AGENDA**

**Wednesday, December 7, 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 **December 7, 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**

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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.

**No Items**

**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 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. **H16-010.** Site Development Permit to allow the demolition of an existing gas station and the construction a 10-story, 173,043-square foot hotel with 175 guest rooms, public eating establishment, and Transportation Demand Management (TDM) measures to reduce parking requirements on a 0.5-gross acre site, in the CN Neighborhood Commercial Zoning District, located on the southeast corner of Stevens Creek Boulevard and South Clover Avenue (2850 Stevens Creek Boulevard) (Villa Developers & Investments, LLC, Owner). Council District 6. CEQA: Stevens Creek and Clover Hotel Project Mitigated Negative Declaration.
- b. **H16-013.** Site Development Permit to allow the construction of a 6-story, 191,397 square foot commercial office building and new parking configuration, landscaping, and amenity space on a 12.34 gross acre site, in the IP Industrial Park Zoning District, located at 353 West Julian Street (SI 30 LLC, Owner). Council District: 3. CEQA: Addendum to the Final Program Environmental Impact Report for the San Jose Downtown Strategy (Resolution No. 72767), the Final Program Environmental Impact Report for the Envision San Jose 2040 General Plan (Resolution No. 76041), and the Supplemental Program Environmental Impact Report for the Envision San Jose 2040 General Plan (Resolution No. 77617).

**PROJECT MANAGER, REBECCA BUSTOS**

**Staff Recommendation:** Consider the Stevens Creek and Clover Hotel Project Mitigated Negative Declaration in accordance with CEQA. **Approve a** Site Development Permit as described above.

**PROJECT MANAGER, LEA SIMVOULAKIS**

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

- c. [H16-045](#). Site Development Permit to allow a 2,000 square foot modification for retail and public eating establishment uses in an existing City parking garage on a 2.21 gross acre site, in the DC Downtown Primary Commercial Zoning District, located at the southwest corner of North Market Street and West St. John Street (45 North Market Street) (City of San Jose, Owner). Council District 3. CEQA: Exempt per CEQA Guidelines Section 15301(a) for Existing Facilities.

*PROJECT MANAGER, EMILY LIPOMA*

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

- d. [HA12-013-01](#). Site Development Permit Amendment to allow for an approximately 25-foot, and 6-inch tall antenna mounted on an existing industrial building in the IP Industrial Park Zoning District, located at the easterly side of Orchard Parkway approximately 710 feet northerly of Trimble Road (2688 Orchard Parkway) (Lane Partners LLC, Owner). Council District 4. CEQA: Exempt per CEQA Guidelines Section 15303 for New Construction or Conversion of Small Structures.

*PROJECT MANAGER, TRACY TAM*

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

- e. [HA84-192-01](#). Site Development Permit Amendment to allow an approximately 5,000 square foot canopy for an existing fueling company located in the rear on 2.0 gross acre site, in the HI Heavy Industrial Zoning District, located at the northeast corner of South 10<sup>th</sup> Street and Needles Drive (1790 South 10<sup>th</sup> Street) (The 1790 Ten Corporation, Owner). Council District 7. CEQA: Exempt per CEQA Guidelines Section 15303 for New Construction or Conversion of Small Structures.

*PROJECT MANAGER, TRACY TAM*

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

- f. [PD15-062](#). Planned Development Permit to allow the construction of a nine-story, 234,192-square foot office building; seven-story parking garage; and the installation of a 49-foot, 6-inch tall freeway sign with a total 495-square foot sign area, 363 square feet of which is programmable electronic signage, on a 16.6-gross acre site, in the CG(PD) Planned Development Zoning District, located on the southeast corner of North 1<sup>st</sup> Street and Matrix Boulevard (1740 North 1<sup>st</sup> Street) (Bumb & Associates, Et Al, Owner). Council District 3. CEQA: Determination of Consistency with the Bay 101 Casino and Mixed Use Project Environmental Impact Report (Resolution No. 77165). *Continued from 11/16/16 and Deferred from 11/30/16*

*PROJECT MANAGER, REBECCA BUSTOS*

**Staff Recommendation:** Consider the Bay 101 Casino and Mixed Use Project Environmental Impact Report (Resolution No. 77165) in accordance with CEQA. [Approve a Planned Development Permit](#) as described above.

*Continue on the next page*

- g. [PDA72-033-06](#). Live Tree Removal Permit to allow the removal of three (3) Canary Island Pine trees, approximately 96, 87 & 63 inches in circumference, located in the common areas of a multi-family residential complex on an approximately 7.61 acre site in the R-1-5(PD) Planned Development Zoning District, located at 1713 Cherryhills Lane (McCabe, Tanya B., Owner). Council District 6. 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.

- h. [SF16-024](#). Single-Family House Permit to demolish an approximately 1,291 square foot single-family residence located in the Hanchett and Hester Park Conservation Area, an approximately 214 square foot detached garage and an approximately 70 square foot shed, and construct an approximately 2,277 square foot single-family residence and 438 square foot garage located in the R-1-8 Single-Family Residence Zoning District, located at 1250 Shasta Avenue (Rita and John Furlan, Owners). Council District 6. CEQA: Exempt per CEQA Guidelines Section 15303 for New 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.

- i. [SP16-054](#). Special Use Permit to allow the demolition of two buildings totaling approximately 21,570 square feet on a 1.46 gross acre site, in the DC Downtown Primary Commercial Zoning District, located at the southwest corner of South Second Street and East San Carlos Street (80 East San Carlos Street) (Amcal Swenson LLC, Owner). Council District 3. CEQA: Exempt per CEQA Guidelines Section 15301 for Existing Facilities.

*Project Manager, Justin Daniels*

**Staff Recommendation:** Consider the Exemption in accordance with CEQA. [Approve](#) the demolition of one approximately 4,663 square foot building located at the southwest corner of South Third Street and West San Carlos Street. [Deny](#) the demolition of one approximately 16,907 square foot building located at the southeast corner of South Second Street and West San Carlos Street.

- j. [TR16-285](#). Live Tree Removal Permit to allow the removal of two Pine trees, approximately 68 and 88 inches in circumference, and one Liquidambar tree, approximately 66 inches in circumference, from the common area of a multi-family residential development in the R-1-8(PD) Planned Development Zoning District, located at 2360 Bear Valley Lane and 808 North Jackson Avenue (Yeung Ming and Lau Yan Yi Grace, Owners). Council District 4. CEQA: Exempt per CEQA Guidelines Section 15301(h) for Existing Facilities.

*Deferred from 11/30/16*

*PROJECT MANAGER, TRACY TAM*

**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

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- a. 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).  
*Continued from 11/9/16*

**PROJECT MANAGER, TRACY TAM**

The projects being considered are:

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.  
*City Council considered on 12/6/16*
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.  
*City Council considered on 12/6/16*
4. **V16-005.** Development Variance Permit to allow for approximately 105 of uniform sized parking spaces and approximately 180 of small sized parking spaces.  
*City Council considered on 12/6/16*

**Staff Recommendation:** 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. [Approve a](#) Historic Preservation Permit as described above.

**This concludes the Planning Director’s Hearing for December 7, 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.