



PLANNING DIRECTOR'S HEARING AGENDA

Wednesday, December 13, 2017

**9:00 a.m.
Council Chambers
City Hall**

**200 East Santa Clara Street
San José, California 95113-1905**

Hearing Officer

**Ned Thomas, Division Manager
on behalf of**

**Rosalynn Hughey, Interim 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 Jennifer Provedor at 408-535-3505 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

1. CALL TO ORDER

Good morning, we are calling to order the Planning Director's Hearing of **December 13, 2017**. My name is *Ned Thomas* and I am the Hearing Officer for today's agenda on behalf of and delegated by the Interim Director of Planning, Building and Code Enforcement Rosalynn Hughey.

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

2. 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.

- a. **H15-014.** Site Development Permit to allow the construction of an approximately 31,744-square foot three-story retail and office building within the parking area of an existing shopping center on an approximately 3.39-gross acre site in the CN Commercial Neighborhood and CP Commercial Pedestrian Zoning Districts, located at the southwest corner of Story Road and South King Road (1664 Story Road) (DPJW Group II LP, Owner). Council District 7. CEQA: Tropicana Shopping Center Commercial Building Negative Declaration. *Deferred from 11/15/17.*

PROJECT MANAGER, JOHN TU

Staff Recommendation: Dropped to be renoticed per Staff request

- b. **PT15-029.** Vesting Tentative Map for up to 104 condominiums units on a 1.3-gross acre site in the R-M (PD) Planned Development Zoning District (File No. PDC16-018), located on the east side of Sunol Street and the north side of West San Carlos Street, approximately 90 feet from the northeast corner of Sunol Street and West San Carlos Street (Bay Area Property Developers, Owner). Council District 6. CEQA: Addendum to the Diridon Station Area Plan Final Environmental Impact Report (Resolution No. 77096), the Envision San Jose 2040 General Plan Final Environmental Impact Report (Resolution No. 76041), and Envision San Jose 2040 General Plan Final Supplemental Environmental Impact Report (Resolution No. 77617).

PROJECT MANAGER, PATRICK KELLY

Staff Recommendation: Dropped to be renoticed per Staff request

The matter of Deferrals is now closed.

3. 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. **H17-038.** Site Development Permit to allow the construction of front and side additions totaling 9,760 square feet to an existing 55,686-square foot building for an auto service use (tires, batteries, lube, oil change, smog check station, and air conditioning servicing of passenger vehicles and pick-up trucks), a 20 percent parking reduction due to the site's location in an Urban Village, and

the removal of five ordinance-size trees (labeled 7,20,22, 41 (street tree) and 42 (street tree) on the plan set and arborist report) on a 3.9-gross acre site, in the CG Commercial General Zoning District, located at 751 South Winchester Boulevard (SCS Sequoia Winchester Realty LLC, Owner). Council District: 1. CEQA: Exempt per CEQA Guidelines Section 15301(e) for Existing Facilities.

PROJECT MANAGER, JENNIFER PIOZET

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

- b. [HA78-268-02](#). Site Development Permit Amendment to allow façade upgrades and a 619-square foot addition to an existing 5,754-square foot vacant office building to be utilized as a veterinary hospital to include animal boarding wholly within the building, and associated site modifications, on a 0.31-gross acre site, in the CP Commercial Pedestrian Zoning District, located at 824 North Winchester Boulevard (Solomon Property Management LLC, Owner). Council District 6. CEQA: Exempt per CEQA Guidelines Section 15301(a) for Existing Facilities.

PROJECT MANAGER, RINA SHAH

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

- c. [SF17-034](#). Single-Family House Permit to allow the demolition of an existing 1,493-square foot single-family residence and a detached garage, and the construction of a 3,008-square foot two-story single-family residence with a 365-square foot detached garage and a Floor Area Ratio (FAR) of 0.47, on a 0.14-gross acre site in the R-1-8 Single-Family Residence Zoning District, located at 1215 Fairview Avenue (Alison Love, Owner). Council District 6. CEQA: Exempt under CEQA Guidelines Section 15303(a) for New Construction or Conversion of Small Structures.

PROJECT MANAGER, RINA SHAH

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

- d. [SP17-046](#). Special Use Permit to demolish a detached garage and construct a 209-square foot carport on a 0.15-gross acre site, in the CP Pedestrian Commercial Zoning District, located on the north side of East Julian Street, approximately 100 feet westerly of North 18th Street (825 East Julian Street) (Michael Huckbody, Owner). Council District: 3. CEQA: Exempt per CEQA Guidelines Section 15303(e) for Accessory Buildings.

PROJECT MANAGER, EDWARD SCHREINER

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

- e. The projects being considered are located at the northeast corner of East Santa Clara Street and North 4th Street (33 North 5th Street) (SJSC Properties LLC, Owner). Council District 3. CEQA: Addendum to the Downtown Strategy 2000 Environmental Impact Report (Resolution No. 727687), the Envision San Jose 2040 General Plan Environmental Impact Report (Resolution No. 76041), the Envision San Jose 2040 General Plan Supplemental Environmental Impact Report (Resolution No. 77617), and addenda thereto.

PROJECT MANAGER, EMILY LIPOMA

T17-052. Vesting Tentative Map to consolidate nine lots into one parcel for 630 residential condominiums and six commercial condominiums.

SPA17-009-01. Special Use Permit Amendment to increase the number of residential units from 610 to 630, allow Saturday construction hours between 8:00 a.m. and 5:00 p.m., and allow up to six 24-hour occurrences of construction staging and concrete pouring, and make minor revisions to the approved permit and site plan on a 1.41-gross acre site, in the DC Downtown Primary Commercial Zoning District.

Staff Recommendation: Consider the Addendum to the Downtown Strategy 2000 EIR, the Envision San Jose 2040 General Plan and the Envision San Jose 2040 General Plan Supplemental EIR and Addenda thereto in accordance with CEQA. [Approve a](#) Vesting Tentative Map and Special Use Permit Amendment as described above

- f. **HA00-062-02.** Live Tree Removal Permit to remove two (2) Pear trees, approximately 56 and 66 inches in circumference, located on a 12-gross acre industrial site in the IP Industrial Park Zoning District, located at the northwest corner of Montague Expressway and Zanker Road (3151 Zanker Road) (Conejo Valley Development Corp, 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. **TR17-602.** Live Tree Removal Permit to remove one (1) Walnut tree, approximately 85 inches in circumference, located in the side yard and one (1) Podocarpus tree, approximately 63 inches in circumference, located in the rear yard of a single-family residence on a 0.23-gross acre site in the R-2 Two-Family Residence Zoning District, located at 853 North 17th Street (Nuncio S and Michelle G Arioto Trustee, Owner). Council District: 3. CEQA: Exempt per CEQA Guidelines Section 15301(h) for Existing Facilities.

PROJECT MANAGER, JENNIFER PIOZET

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

- h. **TR17-624.** Live Tree Removal Permit to remove nine (9) trees of varying sizes and species, including four (4) Eucalyptus trees, approximately 56-103 inches in circumference, two (2) Pine trees, approximately 80 and 100 inches in circumference, and three (3) Pine trees, approximately 81, 81, and 97 inches in circumference, located on the front, side, and rear yards of a commercial property on a 0.93-gross acre site in the CO Commercial Office Zoning District located at 999 West Taylor Street (Margaux Properties LLC, Owner). Council District: 6. CEQA: Exempt per CEQA Guidelines Section 15301(h) for Existing Facilities.

PROJECT MANAGER, JENNIFER PIOZET

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

- i. **TR17-671.** Live Tree Removal Permit to remove one (1) Elm tree, approximately 61 inches in circumference, and two (2) non-ordinance- size Elm trees, located in the side yard of an existing commercial building in the CO Commercial Office Zoning District on an approximately 0.15-gross acre site, located on the east side of North 1st Street, approximately 330 feet southerly of

East Mission Street (760 North 1st Street) (Allied Telesis Inc., Owner). Council District 3.
CEQA: Exempt per CEQA Guidelines Section 15301(h) for Existing Facilities.

PROJECT MANAGER, CASSANDRA VAN DER ZWEEP

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

- j. [TR17-672](#). Live Tree Removal Permit to remove two (2) Ash trees, approximately 102 and 109 inches in circumference, located in the front yard of a single-family house on a 0.15-gross acre site in the R-1-8(PD) Planned Development Zoning District located at 896 Corte De Blanco. (Constantin Stefen and Liliana Stefen, Owners). Council District: 9. CEQA: Exempt per CEQA Guidelines Section 15301(h) for Existing Facilities.

PROJECT MANAGER, RHONDA BUSS

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

- k. [TR17-681](#). Live Tree Removal Permit to allow the removal of one (1) Sequoia tree, approximately 138 inches in circumference, located in the front yard of a single-family house on a 0.17-gross acre site in the R-1-5 Single-Family Residence Zoning District, located at 1486 Medallion Drive (Parmar Mital And Rachana Trustee, Owner). Council District 10. CEQA: Exempt per CEQA Guidelines Section 15301(h) for Existing Facilities.

PROJECT MANAGER, RUTH CUETO

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

The Consent Calendar is now closed.

4. PUBLIC HEARING

- a. The projects being considered are located at the southeasterly corner of North First Street and Liberty Street (4701 North 1st Street) (Sainte Claire Corp James Rees, Owners). Council District 4. CEQA: Determination of Consistency with the Topgolf @ Terra Project Mitigated Negative Declaration (Resolution No. 78046).

PROJECT MANAGER, JOHN TU

[PD16-034](#). Master Planned Development Permit to demolish existing commercial structures, remove of six (6) ordinance-size trees, and allow the construction of an approximately 72,000-square foot indoor/outdoor recreation facility (Topgolf) with a late-night use; entitle a future phase consisting of a 110,000-square foot commercial/retail building and a 200-room hotel.

[PT16-055](#). Tentative Map to merge six lots and re-subdivide into 12 lots on an approximately 39.9-gross acre site, in the CN (PD) Planned Development Zoning District

Staff Recommendation: Consider the Determination of Consistency with the Topgolf @ Terra Project Mitigated Negative Declaration (Resolution No. 78046) in accordance with CEQA. [Approve a Planned Development Permit and Tentative Map](#) as described above

5. ADJOURNMENT

This concludes the Planning Director's Hearing for December 13, 2017. 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.