CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

PLANNING DIRECTOR HEARING AGENDA

Wednesday, December 9, 2020

The Director Hearing is meeting via teleconference from remote locations in accordance with state and local orders and measures taken as a result of the Covid-19 pandemic.

Members of the public may view and listen to the meeting by following the instructions listed on page 2. Additional instructions are provided on page 2 to those members of the Public who would like to comment on agendized items.

9:00 a.m.

Hearing Officer

Timothy Rood, Division Manager
on behalf of

Rosalynn Hughey, Director
Planning, Building and Code Enforcement

NOTICE

Electronic device instructions:

For participants who would like to join electronically from a PC, Mac, Ipad, iPhone or Android device, please click this URL: https://sanjoseca.zoom.us/j/97506088892. Please ensure your device has audio input and output capabilities. During the session, if you would like to comment, please use the 'raise hand' feature in Zoom conference call or click *9 to raise a hand to speak.

1. **Use a current, up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers including Internet Explorer. Mute all other audio before speaking. Using multiple devices can cause an audio feedback.**
2. **Enter an email address and name. The name will be visible online and will be used to notify you that it is your turn to speak.**
3. **When the Chair calls for the item on which you wish to speak, click on "raise hand." Speakers will be notified shortly before they are called to speak.**
4. **When called, please limit your remarks to the time limit allotted.**

Telephone device instructions:

For participants who would like to join telephonically please dial +1 408 638 0968, +1 213 338 8477, 888 475 4499 (Toll Free) or 877 853 5257 (Toll Free) and when prompted, enter meeting ID: 975 0608 8892. Before or during the meeting, email PlanningSupportStaff@sanjoseca.gov or call 408-535-3505 and provide your name, phone number and what item(s) you would like to speak on. You may also click *9 to raise a hand to speak.

Public Comments prior to meeting:

If you would like to submit your comments prior to the meeting, please e-mail planningsupportstaff@sanjoseca.gov or dial 408-535-3505. Comments submitted prior to the meeting will be considered as if you were present in the meeting.

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 1-800-735-2992 (TTY) at least three business days before any meeting or event.

NOTICE TO THE PUBLIC

1. CALL TO ORDER

Good morning, we are calling to order the Planning Director Hearing of **December 9, 2020**. My name is ***Timothy Rood*** and I am the Hearing Officer for today's agenda on behalf of and delegated by the Director of Planning, Building and Code Enforcement Rosalynn Hughey.

Please note the following:

The hearing procedure and order of input will be as follows:

1. I will identify each project as described on the agenda.
2. For those items on the Consent Calendar, I will ask if anyone wishes to speak on the item. If a separate discussion is warranted, I will move the item to the Public Hearing portion of the agenda. If a separate discussion is not needed, the item will remain on the Consent Calendar for approval.
3. For those items listed under Public Hearing, I will ask staff to provide a brief report.
4. The applicant or their representative who wishes to speak on the item will have up to five minutes to speak and should identify themselves by stating their name for the record.
5. After the applicant or their representative has spoken, any member of the public who wishes to speak on the item may provide testimony, up to two minutes per speaker, either for or against the project. All speakers are required to state their name for the record.
6. Following comments from the public, the applicant may make additional remarks for up to five minutes.
7. I will then close the public hearing, and I may ask staff to answer questions, respond to comments made by the applicant or the public, or further discuss the item. 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 actions on agenda items will be 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 of the Municipal Code (Zoning Ordinance). 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 of the Municipal Code (Environmental Clearance).

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 **https://www.sanjoseca.gov/home/showdocument?id=11915**

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 to a future meeting date is being requested will be moved to this portion of the agenda and considered on the matter of deferral. I will identify any items to be deferred and ask for comments from the audience. If you want to change any of the deferral dates or speak to the question of deferring these or any other items, you should request to speak in the manner specified on p. 2 of this agenda. I will now open the public hearing. The following items are proposed for deferral.

a. **SP20-039.** Special Use Permit to allow exterior façades and interior modifications for up to 25,000 square feet of retail/commercial or office space, and approximately 70,000 square feet of office on an existing building, and an off-site parking agreement on an approximately 0.71-gross acre site located on the west on South 2nd Street, approximately 470 feet northerly of West San Carlos Street (201 South 2nd Street) (U S 201 S 2nd Street Owner LLC, Owner) Council District 3. CEQA: Addendum to the Downtown Strategy 2040 Final Enviornmental Impact Report.
PROJECT MANAGER, *MICHELLE FLORES*

Staff Recommendation: Deferred to the December 16, 2020 Director Hearing meeting per Staff request.

The matter of Deferrals is now closed.

3. CONSENT CALENDAR

NOTICE TO THE PUBLIC
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. **H20-021.** Site Development Permit to allow the construction of a 20-story plus penthouse commercial office building, approximately 781,000 gross square feet in size, including 11,750 square feet of ground-floor active use with four stories of underground parking and four stories of above-grade parking, including the removal of eight ordinance-size trees located on the southerly side of Post Street between South Almaden Boulevard and Almaden Avenue (JP DiNapoli Companies, Owner) Council District 3. CEQA: Addendum to the Downtown Strategy 2040 Final Environmental Impact Report adopted by City Council Resolution No. 78942 on December 19, 2018, and addenda thereto.
PROJECT MANAGER, *LAURA MEINERS*

Staff Recommendation: Consider the Addendum to the Downtown Strategy 2040 Final Environmental Impact Report adopted by City Council Resolution No. 78942 on December 19, 2018, and addenda thereto in accordance with CEQA. **Approve** a Site Development Permit.

b. **PDA14-040-01.** Planned Development Permit Amendment to allow the construction of an approximately 2,656 square foot drive-through restaurant on an approximately 3.06-gross acre site located on the southwest corner of Silver Creek Valley Place and Silver Creek Valley Road, approximately 450 feet easterly of 101 exit (5815 Silver Creek Valley Place) (Silver Oak II, LLC, Owner) Council District 2. CEQA: Exempt pursuant to CEQA Guidelines Section 15332 for Infill Development Projects.
PROJECT MANAGER, *ALEC ATIENZA*

Staff Recommendation: Consider the Exemption in accordance with CEQA. **Approve** a Planned Development Permit Amendment.

The Consent Calendar is now closed.

4. PUBLIC HEARING

a. **PD20-003 & T20-017:** Planned Development Permit to allow the demolition of a 11,400 square foot building and construction of a mixed-use development consisting of 569 residential units (Option A) or 555 residential units (Option B) within three buildings, up to 3,000 square feet of child day care or commercial space and the removal of 64 ordinance-size trees and 58 non-rdinance size trees on an approximately 6.96-gross acre site and a Vesting Tentative Map to subdivide one parcel into five parcels for a proposed mixed-use project located on the westerly side of Lick Avenue, approximately 470 feet northerly of West Alma Avenue (1197 Lick Avenue) (Santa Clara Valley Transportation Authority, Owner) Council District 3. CEQA: Determination of Consistency to the Mitigated Negative Declaration for the Tamien Station Transit-Oriented Development Project.
PROJECT MANAGER, *JOE SORDI*

Staff Recommendation: Consider the Determination of Consistency to the Mitigated Negative Declaration for the Tamien Station Transit-Oriented Development Project in accordance with CEQA. **Approve** a Planned Development Permit and Vesting Tentative Map.

b. **PDA16-019-01.** Planned Development Permit Amendment to modify the permit expiration of a previously approved Planned Development Permit (File No. PD16-019) for a Medical Care Facility on an approximately 21-gross acre site located on the east side of Dove Hill Road, approximately 500 feet north of Hassler Parkway (4200 Dove Hill Road) (U S Dovehill Company Inc, Owner) Council District 8. CEQA: Determination of Consistency with the Mitigated Negative Declaration for the Dove Hill Medical Care Project.
PROJECT MANAGER, *MICHELLE FLORES*

Staff Recommendation: Consider the Determination of Consistency with the Mitigated Negative Declaration for the Dove Hill Medical Care Project in accordance with CEQA. **Approve** a Planned Development Permit Amendment.

c. **PDA18-045-01 & PT20-002:** Planned Development Permit Amendment to amend a previously approved Planned Development Permit (File No. PD18-045) to allow the construction of up to 376,250 square feet of commercial office space and a Vesting Tentative Map (PT20-002) to subdivide one lot into two lots on an approximately 4.77-gross acre site located on the northwest corner of Olsen Drive and South Winchester Boulevard (3161 Olsen Drive) (Winchester Imvestments LLC, Owner) Council District 1. CEQA: Determination of Consistency with Santana West Redevelopment Project Environmental Impact Report.
PROJECT MANAGER, *ALEC ATIENZA*

Staff Recommendation: Consider the Determination of Consistency with Santana West Redevelopment Project Environmental Impact Report in accordance with CEQA. **Approve** a Planned Development Permit Amendment and a Vesting Tentative Map.

5. ADJOURNMENT

This concludes the Planning Director Hearing for December 9, 2020. Thank you.

PLANNING DIRECTOR AGENDA ON THE WEB:
http://www.sanjoseca.gov/directorshearing
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.