

## **VESTING TENTATIVE MAP**

<b>FILE NO.</b>	<b>T16-026</b>
<b>LOCATION OF PROPERTY</b>	Located at 199 Bassett Street on the north side of Bassett between Terraine and North San Pedro Streets (APNs: 259-23-005, 259-23-006 and 259-23-007)
<b>ZONING DISTRICT</b>	DC Downtown Primary Commercial
<b>PURPOSE OF MAP</b>	Tentative Map to merge three (3) lots into one (1) lot and create 304 residential condominium units and up to ten (10) commercial condominium units on a .775 gross acre site.
<b>TITLE OF MAP</b>	Vesting Tentative Map for Condominium Purposes 199 Bassett Street, San Jose California
<b>DRAWN BY</b>	Daniel Schaeffer, License No.: C51158 BKF Engineers
<b>DATE OF MAP</b>	May 17, 2017
<b>ENVIRONMENTAL STATUS</b>	Addendum to "The Brandenburg Mixed Use Project/North San Pedro Housing Sites EIR," adopted by City Council Resolution No. 72170 on June 15, 2004; "The Downtown Strategy 2000 Final Environmental Impact Report," adopted by City Council Resolution No. 72767 on June 21, 2005; "Envision San José 2040 General Plan Final EIR," adopted by City Council Resolution No. 76041 on November 1, 2011; Supplemental Program EIR entitled, "Envision San José 2040 General Plan Supplemental EIR," adopted by City Council Resolution No. 77617 on December 15, 2015, and Addenda thereto.
<b>APPLICANT/ADDRESS</b>	KT Urban 21710 Steven Creek Cupertino, CA 95014
<b>OWNER/ADDRESS</b>	KT Urban 21710 Steven Creek Cupertino, CA 95014

## FACTS

The Director of Planning, Building, and Code Enforcement finds that the following are the relevant facts regarding this proposed project:

1. **Site Description and Surrounding Uses.** The project site is located at the north side of Bassett Street between Terraine and North San Pedro Streets. The project site is currently comprised of three parcels. The existing site contains two warehouse buildings.  
  
The project site is surrounded by DC (Downtown Commercial) District zoned property to the east, south and west and an A(PD) District (residential) zoned property to the north, with Southern Pacific Transportation rail line in between the subject site and the A(PD) site.
2. **Project Description.** This is a Vesting Tentative Map to merge three (3) lots into one (1) lot and create 304 residential condominium units and up to ten (10) commercial condominium units.
3. **General Plan Conformance.** The Project is consistent with the General Plan in that the Project is consistent with the site's Envision San Jose 2040 General Plan Land Use / Transportation Diagram designation of Downtown which allows residential and commercial uses that serve the community. The General Plan land use designation of Downtown allows a maximum density of 800 dwelling units per acre. The project is proposing 302 dwelling units on a .775 gross acre site. Furthermore, the General Plan encourages ground floor commercial uses for residential projects and the project incorporates approximately 9,000 square feet of ground floor commercial uses along the Bassett Street.
4. **Zoning Ordinance Conformance.** The site is located in the DC Downtown Zoning District. The subject Vesting Tentative Map is consistent with the zoning district in that there is not a minimum lot size requirement for properties with a DC Downtown zoning designation. The related Special Use Permit (File No. SP17-023) allows commercial condominiums greater than 750 square feet pursuant to Section 20.175.042(C).

## FINDINGS

The Director of Planning, Building, and Code Enforcement concludes and finds, based on the analysis of the above facts, that:

1. **Subdivision Map Act Findings.** In accordance with Section 66474 of the Government Code of the State of California, the Director of Planning of the City of San José, in consideration of the proposed subdivision shown on the Vesting Tentative Map with the imposed conditions, shall deny approval of a Vesting Tentative Map, if it makes any of the following findings:
  - a. That the proposed map is not consistent with applicable General and Specific Plans as specified in Section 65451.
  - b. That the design or improvement of the proposed subdivision is not consistent with applicable General and Specific Plans.
  - c. That the site is not physically suitable for the type of development.
  - d. That the site is not physically suitable for the proposed density of development.
  - e. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

- f. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
- g. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

*Based on review of the proposed subdivision, the Director of Planning of the City of San José does not make any such findings to deny the subject subdivision. The project is consistent with the General Plan goals, policies and land use designation. The project complies with the General Plan goals and policies related to Downtown design, retail/commercial uses in the downtown, growth areas among others. General Plan land use designation of Downtown allows for high-density residential projects with ground floor commercial uses. The project site is physically suitable for the project and proposed density in that it the development intensity is encouraged and expected within the Downtown. Furthermore, the project site does not contain any historic resources or sensitive habitats or wildlife. The project is required to improve the public sidewalks on East Santa Clara, North 4<sup>th</sup> Street and North 5<sup>th</sup> Street.*

2. **Subdivision Ordinance Findings.** In accordance with San Jose Municipal Code (SJMC) section 19.12.130, the Director may approve the Tentative Map if the Director cannot make any of the findings for denial in Government Code section 66474 and the Director has reviewed and considered the information relating to compliance of the project with the California Environmental Quality Act and determines the environmental review to be adequate. Additionally, the Director may approve the project if the Director does not make any of the findings for denial in San Jose Municipal Code Section 19.12.220.

Section 19.12.130 incorporates the findings for denial in Section 66474 of the Government Code specified in Findings Section 1 herein.

*Based on review of the proposed subdivision, the Director of Planning of the City of San José does not make any such findings to deny the subject subdivision. Additionally, the Addendum prepared for the project does not identify any significant environmental impacts.*

3. **Commercial and Industrial Common Interest Development Findings.**

- a. The proposed common interest development will not adversely impact the economic viability of large-scale commercial and industrial uses in the vicinity of the development, or in the city as a whole;

*The commercial uses located in the vicinity will not be adversely impacted by the project because the proposed mixed-use development will not prohibit or hinder the ability to create other common interest developments in the area.*

- b. The proposed common interest development includes sufficient provisions for governance, funding and capitalization, and enforcement mechanisms to insure that the common area continues to be adequately and safely maintained and repaired for the life of the common interest development; and

*Prior to issuance of the final map, the project will be required to provide sufficient evidence demonstrating the common area will be adequately and safely maintained and repaired for the life of the project. The project will also be required to provide information related to the creation of a Homeowner's Association and/or Maintenance District for the maintenance of the common area.*

- c. The proposed common interest development includes sufficient provisions for the retention of such common areas for the use of all owners of separate interests therein.

*Prior to issuance of the final map, the project will be required to demonstrate that the common area will be retained as common area and provide information related to the creation of a Homeowner's Association and/or Maintenance District for the maintenance of the common area.*

4. **Environmental Review.** The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, stormwater runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative affect on adjacent property or properties.

- a. The environmental impacts of this project were addressed by the following Final Environmental Impact Reports: "The Brandenburg Mixed Use Project/North San Pedro Housing Sites EIR," adopted by City Council Resolution No. 72170 on June 15, 2004; "The Downtown Strategy 2000 Final Environmental Impact Report," adopted by City Council Resolution No. 72767 on June 21, 2005; "Envision San José 2040 General Plan Final EIR," adopted by City Council Resolution No. 76041 on November 1, 2011; Supplemental Program EIR entitled, "Envision San José 2040 General Plan Supplemental EIR," adopted by City Council Resolution No. 77617 on December 15, 2015, and addenda thereto.

The proposed project is eligible for an addendum pursuant to CEQA Guidelines §15164, which states that "A lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in CEQA Guidelines §15162 calling for preparation of a subsequent EIR have occurred." Circumstances which would warrant a subsequent EIR include substantial changes in the project or new information of substantial importance which would require major revisions of the previous EIR due to the occurrence of new significant impacts and/or a substantial increase in the severity of previously identified significant effects."

In accordance with the findings set forth above, a Vesting Tentative Map for said purpose specified above and subject to each and all of the conditions hereinafter set forth is hereby **approved**. The Director of Planning, Building, and Code Enforcement expressly declares that it would not have granted this Vesting Tentative Map except upon and subject to each and all of said conditions, each and all of which conditions shall run with the land and be binding upon the owner and all subsequent owners of the subject property, and all persons who use the subject property for the use conditionally permitted hereby.

#### **APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. **Acceptance of Permit.** Per Section 20.100.290(B), should the applicant fail to file a timely and valid appeal of this Permit within the applicable appeal period, such inaction by the applicant shall be deemed to constitute all of the following on behalf of the applicant:
  - a. Acceptance of the Permit by the applicant; and
  - b. Agreement by the applicant to be bound by, to comply with, and to do all things required of or by the applicant pursuant to all of the terms, provisions, and conditions of this permit or other approval and the provisions of Title 20 applicable to such Permit.

2. **Conformance to Plans.** Development of the site shall conform to the approved Vesting Tentative Map No. T16-026 plans entitled "Vesting Tentative Map For Condominium Purposes 199 Bassett Street, San Jose California", dated received on May 17, 2017, on file with the Department of Planning, Building and Code Enforcement, and to the San José Building Code (San José Municipal Code, Title 17, Chapter 17.04), with the exception of any subsequently approved changes.
3. **Expiration of Map.** This Vesting Tentative Map shall automatically expire 48 months from and after the date of issuance hereof by the Director of Planning of the City of San Jose. The date of issuance is the date this Vesting Tentative Maps is approved by the Director of Planning.
4. **Development Rights - Vesting on Approval of Vesting Tentative Map.**
  - a. Per San Jose Municipal Code Section 19.13.070, the approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards described in Government Code Section 66474.2. However, if Section 66474.2 of the Government Code is repealed, the approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the vesting tentative map is approved or conditionally approved.
  - b. Notwithstanding subsection A, any permit, including a building permit, approval, extension, or entitlement may be made conditional or denied if any of the following are determined:
    - i. A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.
    - ii. The condition or denial is required, in order to comply with state or federal law.
  - c. The rights referred to herein shall expire if a final map is not approved prior to the expiration of the vesting tentative map as provided in Section 19.13.060. If the final map is approved, these rights shall last for the following periods of time:
    - i. An initial time period of one year. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this one-year initial time period shall begin for each phase when the final map for that phase is recorded. All of said final maps or parcel maps must be recorded within the time period set forth in Section 19.13.060 or the vesting tentative map approval shall expire for those parcels for which final maps or parcel maps are not timely recorded.
    - ii. The initial time period set forth in C 1 shall be automatically extended by any time used for processing a complete application for a grading permit if such processing exceeds thirty days from the date a complete application is filed.
    - iii. A subdivider may apply to the director for a one-year extension at any time before the initial time period set forth in C1 expires. If the extension is denied, the subdivider may appeal that denial to the city council within fifteen (15) days.
    - iv. If the subdivider submits a complete application for a building permit during the periods of time specified in 1 through 3 above, the rights referred to herein shall continue until the expiration of that permit, or any extension of that permit.
5. **Improvements.** Pursuant to the Subdivision Agreement (hereinafter referred to as "Agreement"), the Subdivider shall, before approval and recording of the Final Map, improve or agree to improve all land within the subdivision and all land outside, but appurtenant to,



the Subdivision shown on the Vesting Tentative Map for public or private streets, alleys, pedestrian ways and easements to the satisfaction of the Director of Public Works.

6. **Improvement Contract.** In the event subdivider has not completed the improvements required for his proposed subdivision at the time the final map is presented for approval, subdivider shall enter into an improvement contract pursuant to Agreement with the City of San José, in accordance with Section 19.32.130 of the San José Municipal Code, and provide the bonds and insurance mentioned therein.
7. **Public Use Easements.** Subdivider shall dedicate on the final map for public use easements for public utilities, streets, pedestrian ways, sanitary sewers, drainage, flood control channels, water systems and slope easements in and upon all areas within the subdivision shown on the Vesting Tentative Map for the subdivision to be devoted to such purposes.
8. **Distribution Facilities.** Subdivider shall, at no cost to the City, cause all new or replacement electricity distribution facilities (up to 40KV), telephone, community cable, and other distribution facilities located on the subject property to be placed underground.
9. **Sewage Treatment Demand.** Chapter 15.12 of Title 15 of the San José Municipal Code requires that all land development approvals and applications for such approvals in the City of San José shall provide notice to the applicant for, or recipient of, such approval that no vested right to a Building Permit shall accrue as the result of the granting of such approval when and if the City Manager makes a determination that the cumulative sewage treatment demand of the San José-Santa Clara Water Pollution Control Plant represented by approved land uses in the area served by said Plant will cause the total sewage treatment demand to meet or exceed the capacity of San José – Santa Clara Water Pollution Control Plant to treat such sewage adequately and within the discharge standards imposed on the City by the State of California Regional Water Control Board for the San Francisco Bay Region. Substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approval authority.
10. **Conformance with Local Law.** No part of this approval shall be construed to permit a violation of any part of the San José Municipal Code.
11. **Public Works Clearance for Building Permit(s) or Map Approval:** Prior to the approval of the Tract Map by the Director of Public Works, or the issuance of Building permits, whichever occurs first, the applicant will be required to have satisfied all of the following Public Works conditions. The applicant is strongly advised to apply for any necessary Public Works permits prior to applying for Building permits. Standard review timelines and submittal instructions for Public Works permits may be found at the following: <http://www.sanjoseca.gov/index.aspx?nid=2246>.
  - a. **Construction Agreement:** The public improvements conditioned as part of this permit require the execution of a Construction Agreement that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. This agreement includes privately engineered plans, bonds, insurance, a completion deposit, and engineering and inspection fees.
  - b. **Transportation:** This project is located in the expanded Downtown Core and is covered under the Brandenburg EIR; therefore, no further traffic Level of Service analysis is required.

- c. **Street Vacation:** A street vacation is required in order to accomplish the land use plan as shown. The street vacation process requires further discretionary approval by the City Council and the project will be subject to this process prior to Public Works Clearance. The applicant did not provide a preliminary title report for the street. As a result, the property may be subject to a sale and disposition process, which may involve public auction. Therefore, a title report must be submitted prior to any decisions regarding the possible vacation of the street.
- d. **Grading/Geology:**
- i. A grading permit is required prior to the issuance of a Public Works Clearance. The construction operation shall control the discharge of pollutants (sediments) to the storm drain system from the site. An erosion control plan may be required with the grading application.
  - ii. All on-site storm drainage conveyance facilities and earth retaining structures 4' foot in height or greater (top of wall to bottom of footing) or is being surcharged (slope of 3:1 or greater abutting the wall) shall be reviewed and approved under Public Works grading and drainage permit prior to the issuance of Public Works Clearance. The drainage plan should include all underground pipes, building drains, area drains and inlets. The project shall provide storm drainage calculations that adhere to the 2013 California Plumbing Code or submit a stamped and signed alternate engineered design for Public Works discretionary approval and should be designed to convey a 10 year storm event.
  - iii. The Project site is within the State of California Seismic Hazard Zone. A geotechnical investigation report addressing the potential hazard of liquefaction must be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. The report should also include, but not limited to: foundation, earthwork, utility trenching, retaining and drainage recommendations. The investigation should be consistent with the guidelines published by the State of California (CGS Special Publication 117A) and the Southern California Earthquake Center (SCEC, 1999). A recommended depth of 50 feet should be explored and evaluated in the investigation.
- e. **Shoring:**
- i. Shoring plans will be required for review and approval as part of the Grading Permit for this project.
  - ii. If tie-backs are proposed in the Public right-of-way as a part of the shoring operation, a separate Revocable Encroachment Permit must be obtained by the Developer or Contractor and must provide security, in the form of a CD or Letter of Credit, in the amount of \$100,000. All other shoring will not be allowed to encroach within the public right-of-way (i.e. soldier beams).
  - iii. If tie-backs are proposed for use along the adjacent Southern Pacific Transportation Company right-of-way (APN 259-51-005), agreements between the Applicant and Southern Pacific will need to be secured, executed and provided to the Public Works Project Engineer prior to approval of the Grading Permit for this project.

- f. **Stormwater Runoff Pollution Control Measures:** This project must comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29) which requires implementation of Best Management Practices (BMPs) which includes site design measures, source controls and numerically-sized Low Impact Development (LID) stormwater treatment measures to minimize stormwater pollutant discharges.
- i. A post construction Final Report is required by the Director of Public Works from a Civil Engineer retained by the owner to observe the installation of the BMPs and stating that all post construction storm water pollution control BMPs have been installed as indicated in the approved plans and all significant changes have been reviewed and approved in advance by the Department of Public Works.
  - ii. Media Filter Unit(s) located within building footprints must conform to Building Division Directive P-005 located at the following:  
<http://www.sanjoseca.gov/documentcenter/view/38835>
  - iii. A design of the pervious pavement by a Licensed Geotechnical Engineer shall be submitted prior to the issuance of a Public Works Clearance.
- g. **Stormwater Peak Flow Control Measures:** The project is located in a non-Hydromodification Management area and is not required to comply with the City's Post-Construction Hydromodification Management Policy (Council Policy 8-14).
- h. **Storm:** Storm drain improvements, including, but not limited to, a new manhole, new inlets, or upgraded inlets, may be required to the satisfaction of the Director of Public Works.
- i. **Flood: Zone X:** The project site is not within a designated Federal Emergency Management Agency (FEMA) 100-year floodplain. Flood Zone X is an area of moderate or minimal flood hazard. Zone X is used on new and revised maps in place of Zones B and C. There are no City floodplain requirements for Zone X.
- j. **Sewage Fees:** In accordance with City Ordinance all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable.
- k. **Parks:** This residential project is subject to either the requirements of the City's Park Impact Ordinance (Chapter 14.25 of Title 14 of the San Jose Municipal Code) or the Parkland Dedication Ordinance (Chapter 19.38 of Title 19 of the San Jose Municipal Code) for the dedication of land and/or payment of fees in-lieu of dedication of land for public park and/or recreational purposes under the formula contained within in the Subject Chapter and the Associated Fees and Credit Resolutions.
- l. **Undergrounding:** The In-Lieu Undergrounding Fee shall be paid to the City for all overhead utilities adjacent to the project frontage or across the street from project frontage prior to issuance of a Public Works Clearance. 100 percent of the base fee in place at the time of payment will be due. Currently, the 2017 base fee is \$469 per linear foot of frontage and is subject to change every January 31<sup>st</sup> based on the Engineering News Record's City Average Cost Index for the previous year. The project will be required to pay the current rate in effect at the time the Public Works Clearance is issued.
- m. **Private Improvements within Public Property:** The Developer's proposed encroachment of basements requires the issuance of an encroachment permit, which is subject to the discretionary approval of the City Council. Encroachment permits are authorized and issued in accordance with Chapter 13.37 of the Municipal Code. If the



City Council does not authorize an encroachment permit for this project, the Applicant shall apply for a Planning Permit Adjustment or Amendment, as applicable, to remove the encroachment. If the City Council authorizes an encroachment permit for this project that is not consistent with the encroachment proposed by this Permit, the Applicant shall apply for a Permit Adjustment or Amendment, as necessary, to remove the encroachment from the project or modify the encroachment to conform to the approved encroachment permit. If an encroachment permit is authorized, the property owner shall execute an Encroachment Agreement, which shall be recorded against title to the property, prior to the City issuing any permit that would allow the installation or construction of the encroachment.

n. **Street Improvements:**

- i. Applicant shall be responsible to remove and replace curb, gutter, and sidewalk damaged during construction of the proposed project.
- ii. Construct 26' City standard driveway for the underground parking and 16' City standard driveway for the loading area.
- iii. Construct City standard handicap ramps at the corner of Bassett Street and N. San Pedro Street and at the north side of Bassett Street across Terraine Street.
- iv. Vertical clearance between top of structure of garage and top of sidewalk shall be 2.0' minimum within the proposed sidewalk easement.
- v. Dedicate 2.0' street easement and 4.0' sidewalk easement along project frontage to accommodate the 52.5' street section on Bassett Street.
- vi. Developer shall be responsible for adjusting existing utility boxes/vaults to grade, locating and protecting the existing communication conduits (fiber optic and copper) along the project frontage.
- vii. Dedication and improvement of the public streets to the satisfaction of the Director of Public Works.
- viii. Reconstruct half street along N. San Pedro frontage including curb, gutter, and sidewalk. The existing street is cross-sloped. Reconstruction will change the cross-section of the street to crowned.
- ix. Repair, overlay, or reconstruction of asphalt pavement along project frontage on N. San Pedro Street may be required. The existing pavement will be evaluated with the street improvement plans and any necessary pavement restoration will be included as part of the final street improvement plans.
- x. Install empty conduits and pullboxes along project frontage on Bassett Street. Size and material will be determined at street improvement stage.

o. **Site Utilization Plan and Revocable Encroachment Permit (Street/Sidewalk Closures):** At the Implementation stage, Developer shall provide to the Public Works Project Engineer a Site Utilization Plan with the application of a Revocable Encroachment Permit for any proposed sidewalk and lane closures to support the onsite construction activities.

- i. The following should be included with the Site Utilization Plan and Revocable Permit application, but are not limited to:

- p. **Site Utilization Plan and Letter of Intent:** The site utilization plan should provide a detailed plan of the location of the temporary facilities within the boundary of the construction site. The Letter of Intent should provide a description operations of the site as well as the reasons for the sidewalk/lane closures and why the activities/uses that are proposed within the Public right-of-way can't occur within the construction site. These include the use of the right of way for temporary facilities and activities such as man lifts, baker tanks, staging area, concrete pumping activities, etc. This would also provide a discussion as to the reasons why covered pedestrian walkways will not be provided (ex. swinging loads over sidewalk not safe for pedestrians).
- q. **Multi-Phased Site Specific Sketches:** These sketches should show the phased closures during the course of construction with a provided timeframe estimate of when each phase would be implemented. These sketches should include the type and location of the work to be accomplished within the right-of-way. The exhibit should show in detail the vehicular and/or pedestrian diversion route that shows the appropriate safety equipment, such as barricades, cones, arrow boards, signage, etc.
- i. Developer shall minimize the potential impact to vehicular and pedestrian traffic by:
  - ii. Implementing the closures at the time the onsite activities dictate the need for the closure.
  - iii. Minimizing the closure timeframes to accomplish the onsite tasks and implement the next phase of the closure as outlined in condition a.ii above.
  - iv. If proposed lane and parking closures are a part of the Revocable Permit Application, Developer shall submit Downtown Lane Closure and Tow Away Permit Applications to DOT. These applications may be obtained at: <http://www.sanjoseca.gov/index.aspx?NID=3713>. Developer shall contact DOT at (408) 535-8350 for more information concerning the requirements of these applications.
- r. **Greater Downtown Area Master Plans:** This project is located within the Greater Downtown area. Public improvements shall conform to the Council approved San Jose Downtown Streetscape and Street and Pedestrian Lighting Master Plans.
- s. **Electrical:**
- i. Existing electroliers along the project frontage will be evaluated at the public improvement stage and any street lighting requirements will be included on the public improvement plans.
  - ii. Provide clearance for electrical equipment from driveways, and relocate driveway or electrolier. The minimum clearance from driveways is 10' in commercial areas and 5' in residential areas. The plan is showing streetlights that does not meet the minimum clearance. The final location of streetlights will be determined at street improvement stage and streetlights shall meet the minimum clearance.
- t. **Street Trees:** The locations of the street trees will be determined at the street improvement stage. Contact the City Arborist at (408) 794-1901 for the designated street tree. Install street trees within public right-of-way along entire project street frontage per City standards; refer to the current "Guidelines for Planning, Design, and Construction of City Streetscape Projects". Street trees shall be installed in cut-outs at the back of curb. Obtain a DOT street tree planting permit for any proposed street tree plantings. Street trees shown on this permit are conceptual only.

- u. **Referrals:** This project should be referred to the Union Pacific Railroad
- 12. **Revocation.** This Vesting Tentative Map is subject to revocation for violation of any of its provisions or conditions.

**APPROVED** and issued on this **15<sup>th</sup> day of November, 2017.**

Rosalynn Hughey, Interim Director  
Planning, Building and Code Enforcement

Deputy

DRAFT

## PLANNING DIRECTORS HEARING

November 15, 2017

Action Minutes

### WELCOME

#### 1. CALL TO ORDER

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Meeting called to order at 9:00 a.m.

#### 2. DEFERRALS AND REMOVALS FROM CALENDAR

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- 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.

**PROJECT MANAGER, JOHN TU**

**STAFF RECOMMENDATION:** Defer to the December 13, 2017 Planning Director's Hearing per Staff request

**ACTION: DROPPED FOR RENOTICING PER APPLICANT REQUEST**

- b. The project site is an approximately 0.48-gross acre site in the R-M Multiple Residence Zoning District, located on the south side of Carlton Avenue, approximately 290 feet westerly of National Avenue (15980 Carlton Avenue) (Calero Lot #2 Partners G.P., Owner). Council District 9. CEQA: Exempt per CEQA Guidelines Section 15332 for Infill Development Projects.

**PROJECT MANAGER, TRACY TAM**

**H16-046.** Site Development Permit to demolish three single-family residences totaling approximately 2,380 square feet and two accessory buildings totaling approximately 1,110 square feet, construct six single-family residences totaling approximately 14,310 square feet, remove 6 ordinance-size trees and one non-ordinance size tree and to utilize uniform-sized parking spaces.

**T17-032.** Tentative Map to allow six residential condominiums on one lot.

**STAFF RECOMMENDATION:** Dropped to be renoticed as a Planned Development Rezoning, Planned Development Permit and Tentative Map (File Nos. PDC17-049, PD17-023 & PT17-050) to be heard at Planning Commission and City Council Hearings

Access the video, agenda, and related reports for this meeting by visiting the City's website at:

<http://sanjoseca.gov/index.aspx?NID=1763>

**ACTION: STAFF RECOMMENDATION APPROVED**

- c. **SF17-030.** Single Family House Permit to allow the demolition of a 900-square foot one-story single-family residence and construction of a 3,494-square foot, two-story single-family residence with a 0.55 floor area ratio (FAR), in the R-1-8 Single-Family Residence Zoning District, located at 1428 Gerhardt Avenue (Alison Love, Owner). Council District 9. CEQA: Exempt per CEQA Guidelines 15303(a) for New Construction or Conversion of Small Structures. *Deferred from 10/25/17.*

**PROJECT MANAGER, STEFANIE FARMER**

**STAFF RECOMMENDATION:** Withdrawn per applicant request

**ACTION: STAFF RECOMMENDATION APPROVED**

- d. **TR17-597.** Live Tree Removal Permit to remove one (1) Pine tree, approximately 69 inches in circumference, located on the north side parking area of a commercial property on a 1.79-gross acre site in the CN Commercial Neighborhood Zoning District, located on the south side of Alum Rock Avenue, approximately 330 feet westerly of South White Road (3030 Alum Rock Avenue) (Family Health Foundation Alviso Inc, Owner). Council District 5. CEQA: Exempt per CEQA Guidelines Section 15301(h) for Existing Facilities. *Deferred from 10/25/17.*

**PROJECT MANAGER, JAMES MURPHY**

**STAFF RECOMMENDATION:** Dropped to be renoticed per Staff request

**ACTION: STAFF RECOMMENDATION APPROVED**

### **3. CONSENT CALENDAR**

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- a. **H17-047.** Site Development Permit to allow the demolition of a 309-square foot detached garage and construction of a new 650-square foot detached garage on a 0.15-gross acre site in the R-2 Two Family Residence Zoning District located at 1059 Hamline Street (David and Marilyn Evans, Owner). Council District 6. CEQA: Exempt per CEQA Guidelines Section 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](#) Site Development Permit as described above

**ACTION: APPROVED**

- b. **HA87-052-03.** Site Development Permit Amendment to allow façade renovations and modifications to landscape and hardscape in the common area of an existing office site on a 1.65-gross acre site, in the DC Downtown Primary Commercial Zoning District, located on the southwest corner of North Market Street and West Saint James Street (111 North Market Street) (111 North Market Street Investors LLC, Owner). Council District 3. CEQA: Exempt per CEQA Guidelines Section 15301(a) for Existing Facilities.

**PROJECT MANAGER, ROBERT RIVERA**

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

**ACTION: APPROVED**



- c. [HA94-013-04.](#) Site Development Permit Amendment to allow site changes (no change in total area), to including landscape modifications (transplanting of one non-ordinance size Jacaranda tree, approximately 10.5 inches in circumference) and façade modifications to an existing shopping center (Eastridge Mall) on a 95.8-gross acre site, in the General Commercial CG, located at 2200 Eastridge Loop (GS Pacific ER, LLC, Owner). Council District: 8. 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 Amendment as described above  
**ACTION: APPROVED**
- d. [PDA13-049-01.](#) Planned Development Permit Amendment to amend exterior architectural elevations for a proposed seven-story hotel (previously approved per Planned Development Permit File No. PD13-049) on 2.9-gross acre site in the A(PD) Planned Development Zoning District at 1770 North First Street. (S.J. Sweetwater Holdings, LLC, Owner) Council District 3. CEQA: Determination of Consistency with the Bay 101 Casino and Mixed Use Project Environmental Impact Report (Resolution No. 77165) and Addenda thereto.  
*PROJECT MANAGER, RHONDA BUSS*  
**STAFF RECOMMENDATION:** Consider the Determination of Consistency with the Bay 101 Casino and Mixed Use Project Environmental Impact Report (Resolution No. 77165) and Addenda thereto in accordance with CEQA. [Approve a](#) Planned Development Permit Amendment as described above  
**ACTION: APPROVED**
- e. [TR17-371.](#) Live Tree Removal Permit to remove one (1) Cedar Deodar tree approximately 88 inches circumference, located in the rear yard of a single-family residence on a 0.31 gross acre site located in the R-1-8 Single-Family Residence Zoning District, located at the west side of Miller Avenue, approximately 80 feet southerly of Tucker Drive (1335 Miller Avenue)(Kuan Wei Wu, Owner). Council District 1. CEQA: Exempt per CEQA Guidelines Section 15301(h) for Existing Facilities.  
*PROJECT MANAGER, ROBERT RIVERA*  
**STAFF RECOMMENDATION:** Consider the Exemption in accordance with CEQA. [Approve a](#) Live Tree Removal Permit as described above  
**ACTION: APPROVED**
- f. [TR17-620.](#) Live Tree Removal Permit to remove one (1) tree of an unknown species, approximately 88 inches in circumference, located in the rear yard of a single-family residence, on an approximately 0.12 gross acre site, in the R-1-8 Single-Family Residence Zoning District at 1016 Ramona Avenue. Owners: Debra A. Perry. Council District: 6. 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  
**ACTION: APPROVED**

## 4. PUBLIC HEARING

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Generally, the Public Hearing items are considered by the Planning Commission in the order in which they appear on the agenda. However, please be advised that the Commission may take items out of order to facilitate the agenda, such as to accommodate significant public testimony, or may defer discussion of items to later agendas for public hearing time management purposes.

- a. The projects being considered are located at the northeast corner of Bassett Street and Terraine Street (199 Basett Street) (Trenka LLC, Owner). Council District 3. CEQA: Addendum to the Brandenburg Mixed Use Project/North San Pedro Housing Sites Final Environmental Impact Report, Downtown Strategy 2000 Final Environmental Impact Report, Envision San José 2040 General Plan Final Environmental Impact Report, Envision San José 2040 General Plan Final Supplemental Program Environmental Impact Report, and Addenda thereto.

**PROJECT MANAGER, SHAUNN MENDRIN**

**T17-026.** Vesting Tentative Map to create 304 residential and common condominium spaces and up to 10 commercial condominiums on a 0.77-gross acre site in the DC Downtown Primary Commercial Zoning District.

**SP17-023.** Special Use Permit and Site Development Permit to demolish two buildings totaling approximately 28,000 square feet and to construct an 18-story building with 302 multi-family residences and approximately 9,300 square feet of ground-floor commercial space, and 10 commercial condominiums.

**STAFF RECOMMENDATION:** Consider the Addendum to the Brandenburg Mixed Use Project/North San Pedro Housing Sites Final Environmental Impact Report, Downtown Strategy 2000 Final Environmental Impact Report, Envision San José 2040 General Plan Final Environmental Impact Report, Envision San José 2040 General Plan Final Supplemental Program Environmental Impact Report, and Addenda thereto in accordance with CEQA. **Approve a** Vesting Tentative Map, Special Use Permit and Site Development Permit as described above.

**ACTION: APPROVED**

## 5. ADJOURNMENT

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Meeting adjourned at 9:27 a.m.