



**PLANNING DIRECTOR'S HEARING AGENDA**

**Wednesday, August 24, 2011**

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

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

**Hearing Officer**

**Jean Hamilton, Division Manager  
On Behalf of**

**Joseph Horwedel, 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 Cindy Clark at 408-535-7811 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, this is the Planning Director's Hearing of **August 24, 2011**. My name is **Jean Hamilton** and I am the Hearing Officer for today's agenda, on behalf of the Planning Director, I would like to welcome you to this Public Hearing. Please remember to turn off your cell phones and pagers as we are broadcasting and recording this meeting. A copy of the agenda is available on the tables by the doors for your convenience. A validation machine is available at the top of the stairs at the rear of these chambers for parking tickets for the garage underneath City Hall.

The procedure for this hearing is as follows:

- I will identify the project as described on the agenda
- Staff will provide a brief report
- After the staff report, 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 home address, or just wave from the audience if you do not wish to speak
- Public testimony of up to 2 minutes, either for or against the project. Please state name and home address for the record
- After the public testimony, the applicant may make closing remarks of up to 5 minutes
- The public hearing will then be closed and I will take action on the item. The Hearing Officer may request staff to respond to the public testimony, ask staff questions, and discuss 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 is appealed.** The Planning Director's actions are appealable in accordance with the requirements of Title 20 of the Municipal Zoning 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/clerk/cp\\_manual/CPM\\_0\\_15.pdf](http://www.sanjoseca.gov/clerk/cp_manual/CPM_0_15.pdf).

*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.*

Note: If you have any questions regarding the agenda, please contact Cindy Clark at 408-535-7811 or [cindy.clark@sanjoseca.gov](mailto:cindy.clark@sanjoseca.gov)

**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.

- a. The projects being considered are located on a 9.7 gross acre site at the northwest corner of Blossom Hill Road and Southcrest Way, in the A(PD) Planned Development Zoning District (Walter Lester, Owner). Council District 10. SNI: None. CEQA: Mitigated Negative Declaration. Staff recommendation: Deferred from 7/13/11. Scheduled to be heard on 9/7/11.

*Project Manager, Lesley Xavier*

1. **WBC10-001**. A Williamson Act Contract Cancellation to allow for the cancellation on the existing contract on the subject site
2. **PD11-008**. A Planned Development Permit to allow for the construction of 86 single-family detached residential units on the subject site.
3. **PT11-006**. A Tentative Map to subdivide 2 lots to 91 lots (86 buildable and 5 non-buildable) on the subject site

**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 together. 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. **PD11-025**. A Planned Development Permit to (1) re-entitle a project previously approved under File No. PD08-053, to allow for the construction of a 290 (106 senior and 184 multi-family) affordable residential units, (2) convert the design from podium parking to an above grade parking structure, (3) introduce an auto court opposite Kerley Drive, (4) make minor changes to the interior open courtyards, and (5) approve architectural changes, on the subject 4.045 gross acre site in the A(PD) Planned Development Zoning District, located on the south side of E. Rosemary Street between N. 1st and 4th Streets. (80 E Rosemary Street) (1st & Rosemary Fam Housing Lp, Owner). Council District 3. SNI: None. CEQA: San Jose Development Policy Update EIR, Resolution No. 72768, adopted June, 2005.

*Project Manager, Lesley Xavier*

- b. [PDA07-090-02](#). A Planned Development Permit Amendment to change the approved architecture and a reduction in the number of residential units in one phase from 297 to 271, for a previously approved permit for a mixed-use project on a 32.6 gross acre site in the A(PD) Planned Development Zoning District, located on the west side of North First Street, approximately 450 feet southerly of Rio Robles (3469 N 1st Street) (Wyse Technology Investments, Inc., Owner). Council District 4. SNI: None. CEQA: North San Jose Area Development Policy Final Environmental Impact Report (EIR).  
*Project Manager, Lesley Xavier*
- c. [PDA72-031-01](#). Planned Development Amendment Permit to allow traffic circulation and landscaping improvements, including removal of up to ten ordinance size trees, for an existing hospital in the A(PD) Planned Development Zoning District on a 38.54 gross-acre site located on the southeast corner of Santa Teresa Boulevard and Cottle Road and along Hospital Parkway and International Circle (250 Hospital Parkway) (Kaiser Permanente/Foundation Hospitals, Owner). Council District 2. SNI: None. CEQA: Exempt.  
*Project Manager, Jenny Nusbaum*
- d. [SP11-020](#). Special Use Permit to allow the construction of a 980 square foot accessory structure (detached garage) on a .45 gross acre site in the R-1-8 Single-Family Residence Zoning District, located on the east side of Lupton Avenue, approximately 520 feet southerly of Minnesota Avenue (1460 LUPTON AVENUE) (David Trustee Bartels, et al., Owner). Council District 6. SNI: None. CEQA: Exempt.  
*Project Manager, Lori Moniz*
- e. [TR11-140](#). Tree Removal Permit to allow the removal of one (1) Palm tree, approximately 120-inches in circumference, located the front yard of a two-family residence in the R-2 Two-Family Residence Zoning District, at the northwesterly corner of Sherwood Avenue and Newhall Street (1101 & 1105 SHERWOOD AVENUE) (Angelo Filippin Trustee, Owner). Council District 6. CEQA: Exempt.  
*Project Manager, Lori Moniz*
- f. [TR11-141](#). Tree Removal Permit to allow the removal of one (1) Coast Redwood tree, approximately 200 inches in circumference, located in the rear yard of a single-family residence in the R-1-8 Single-Family Residence Zoning District, at the southeasterly corner of Bongate Court and Latimer Avenue (1452 BONGATE COURT). (Alex Fishman, Owner). Council District 1. CEQA: Exempt.  
*Project Manager, Lori Moniz*
- g. [TR11-142](#). Tree removal permit to allow the removal of four (4) Pine trees, ranging in size from approximately 65-inches to 108-inches in circumference, located in front/side yard of a single-family residence in the R-1-8 Single-Family Residence Zoning District, located at the southerly terminus of Casita Court (412 CASITA COURT)( Samuel R. and Elaine L. Piarcy, Owner). Council District 1. CEQA: Exempt.  
*Project Manager, Lori Moniz*
- h. [TR11-143](#). Tree Removal Permit to allow the removal of one (1) Monterey Pine tree, approximately 160-inches in circumference, located in the rear yard of a single-family residence in the R-1-8 Single-Family Residence Zoning District, located at the westerly corner of Westgate Avenue and Whitegate Avenue (2999 WESTGATE AVENUE) (Carol Ann Anderson Trustee, et al., Owner). Council District 9. CEQA: Exempt.  
*Project Manager, Lori Moniz*

- i. [TR11-145](#). Tree Removal Permit to allow the removal of one (1) Palm tree, removed without benefit of permits, previously located in the front yard of a single-family residence in the R-M Multiple Residence Zoning District, located at the northeasterly corner of McKendrie Street and Park Avenue (1405 McKendrie Street) (Angelo Filippin, Trustee, Owner). Council District 6. CEQA: Exempt.  
*Project Manager, Lori Moniz*
  
- j. [TR11-179](#). Tree Removal Permit to allow the removal of one (1) Fig tree, approximately 81-inches in circumference, located in the rear yard of a single family in the R-1-8 Single-Family Residence Zoning District, located on the northerly side of Century Drive, approximately 200 feet westerly of Wren Avenue (Marcia L. Somers and Richard D. Ufheil, Trustee, Owner). Council District 1. CEQA: Exempt.  
*Project Manager, Lori Moniz*

**The consent calendar is now closed.**

### **3. PUBLIC HEARING**

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- a. [PDA04-085-01](#). Planned Development Permit Amendment to install a security fence around the residential parking lot and gate at the entrance off Bush Street, located on the east side of Bush Street approximately 150 feet southerly of The Alameda (88 BUSH ST) (Mike O’Hara, Plant 51, LLC). Council District 6. SNI: None. CEQA: Exempt.  
Continued from 8/3/11  
*Project Manager, Lori Moniz*

**This concludes the Planning Director’s Hearing for August 24, 2011. Thank you.**

PLANNING DIRECTOR’S AGENDA ON THE WEB:

<http://www.sanjoseca.gov/planning/hearings/DefaultDH.asp>

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.