



PLANNING DIRECTOR'S HEARING AGENDA

WEDNESDAY, JUNE 27, 2007

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

200 East Santa Clara Street
San Jose, California 95113-1905

Hearing Officers

Susan Walton, Principal Planner

Mike Enderby, Acting Principal Planner

**Joseph Horwedel, Director
Planning, Building, and Code Enforcement**

NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 535-7800 (VOICE), 294-9337 (TTY) at least two days, (48 hours) before the meeting. If you requested such an accommodation and have not already identified yourself to the technician seated at the staff table, please do so now. 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 **June 27, 2007**. My name is _____ 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 all cell phones and pagers. A copy of the agenda is available on the table by the door for your convenience. A validation machine is available up 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:

- Hearing Officer will identify the project as described on the agenda
- Staff 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 Hearing Officer may ask questions of the speaker
- The public hearing will then be closed and the Hearing Officer 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.

Note: If you have any agenda changes, please contact Lisa Vlay (lisa.vlay@sanjoseca.gov).

AGENDA

ORDER OF BUSINESS

1. 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. **HA04-038-03. Site Development Permit Amendment** to modify the permit condition for construction hours (1) from 7:00 a.m. to 7:00 p.m. Monday through Friday, and 8:00 a.m. to 7:00 p.m. on Saturday for interior work, (2) to 7:00 a.m. to 9:00 p.m. Monday through Friday, and 8:00 a.m. to 9:00 p.m. on Saturday in the DC Downtown Primary Commercial Zoning District, located at/on the southeast corner of of South 2nd Street and East San Fernando Street (CIM PROJECT) APN: 467-22-156 & 157 (88 E SAN FERNANDO ST) (San Jose Redev Agcy, Owner). Council District 3. SNI: None. CEQA: CEQA not found. **Deferred to July 11, 2007.**
(Project Manager: Michelle Stahlhut)

The matter of deferrals is now closed.

2. CONSENT CALENDAR

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 Director of Planning, staff, or the public to have an item removed from the consent calendar and considered separately. If anyone in the audience wishes to speak on one of these items, please come to the podium at this time.

- a. **PD06-011. Planned Development Permit** to demolish an existing building and construct 100 multi-family residences on a 0.75 gross acre site in the LI Light Industrial Zoning District, located on the east side of North 4th Street, approximately 600 feet northerly of Gish Road (1470 N 4TH ST) (1st Community Housing Inc, Owner). Council District 3. SNI: None. CEQA: North San Jose Area Development Policy EIR Resolution No. 72768.
Deferred from June 13, 2007
(Project Manager: Christopher Burton)
- b. **TR07-111. Tree Removal Permit** for one live 62-inch Mulberry tree from the rear yard of an existing single family residence in the R-1-8 Single-Family Residence Zoning District, located at 1179 Lennon Way (on the north side of Lennon Way, 210 ft easterly of Newport Ave) (James Landess, Owner). Council District: 6. CEQA: Exempt.
(Project Manager: Avril Baty)

- c. **TR07-114. Tree Removal Permit** to remove one 130-inch poplar from the side yard of a single-family lot in the R-1-8 Single-Family Residence Zoning District, located at 6582 De Ville Way (Fan Shih-Jeun And Hsu-Jiuan, Owner). Council District 1. CEQA: Exempt.
(Project Manager: Martina Davis)
- d. **TR07-112. Tree Removal Permit** to remove one Deodar Cedar, approximately 102 inches in circumference and one Grevillea Robusta, approximately 70 inches in circumference in the R-1-8 Single-Family Residence Zoning District, located on the westside of Wagman Drive , approximately 470 feet north of Westdale Drive (507 Wagman Drive) (Moenes Iskarous and Nevine Elmasry, Owners). Council District 1. CEQA: Exempt
(Project Manager: Reena Mathew)
- e. **T07-033. Tentative Map** to subdivide one parcel into five lots for five single-family detached residential uses on a 0.73 gross acre site in the R-1-8 Single-Family Residence Zoning District, located on the north side of Phelan Avenue, approximately 200 feet easterly of Roberts Avenue (901 PHELAN AV) (Mai Thai And Pham Tien, Owner). Council District 7. SNI: Tully/Senter. CEQA: Exempt.
(Project Manager: Martina Davis)
- f. **PDA78-022-01. Tree Removal Permit** remove one pine tree, approximately 75 inches in circumference in the R-M(PD) Planned Development Zoning District, located at 924 Fruitdale Place which is a private street off of the north side of Fruitdale Avenue between Race Street and Delbert Way (Buzayene Kidane, Owner). Council District 6. CEQA: Exempt
(Project Manager: Reena Mathew)
- g. **HA78-218-01. Tree Removal Permit** to legalize the previous removal of an ordinance size pine tree, approximately 108 inches in circumference, in the HI Heavy Industrial Zoning District, located on the east side of Oakland Road, approximately 800 feet south of Bern Court (900 Golden Wheel Park Drive) Golden Wheel Mobile Home Park, Owner. Council District 4. CEQA: Exempt
(Project Manager: Reena Mathew)
- h. **SP07-014. Special Use Permit** to allow a corporation yard, including 2,400 square feet of tenant improvements on a 2.66 gross acre site in the HI Heavy Industrial Zoning District, located on the east side of Industrial Avenue approximately 550 feet north of E. Gish Road (1470 INDUSTRIAL AV) (Roadrunner Properties Llc, Owner). Council District 4. SNI: None. CEQA: Exemption.
(Project Manager: Chris Burton)
- i. **SP06-094. Special Use Permit** to construct a 43,200 square foot building at the Green Waste Recovery Facility on a 6.05 gross acre site in the HI Heavy Industrial Zoning District, located on the north side of Charles Street approximately 750 feet westerly of Oakland Road (625 CHARLES ST) (Green Waste Recovery Inc, Owner). Council District 4. SNI: None. CEQA: Addendum to Mitigated Negative Declaration.
(Project Manager: Chris Burton)

- j. **SP06-060. Special Use Permit** to allow continued use of a corporation yard and on a 6.99 gross acre site in the HI Heavy Industrial Zoning District, located on the south side of Berryessa Road at the eastern terminus of Commercial Street (1158 Berryessa Road) (Northern California Fertilizer Co, Owner). Council District 4. SNI: None. CEQA: Reuse of Mitigated Negative Declaration.
(Project Manager: Chris Burton)

The consent calendar is now closed.

3. PUBLIC HEARING

- a. The projects being considered are located on the north side of Willow Glen Way and the south side of Carmel Drive, approximately 450 feet west of Creek Drive (701 Willow Glen Way), in the A(PD) Planned Development Zoning District (Avril E. LaFountain, Owner). Council District 6. SNI: None. CEQA: Exempt.
(Project Manager: Rebekah Ross)
 1. **PD07-048. Planned Development Permit** to construct a two-story single-family detached residence that will front onto Carmel Drive and to allow the demolition of all existing accessory structures and buildings (except a small tool shed) located in the rear yard of the existing single family detached residence that fronts onto Willow Glen Way.
 2. **PT07-042. Tentative Map** to subdivide one parcel into two lots for single-family detached residential uses on a 0.24 gross acre site.
- b. **SP07-019. Special Use Permit** to legalize an existing 900 square foot garage previously built without benefit of permits in the R-1-8 Single-Family Residence Zoning District, located at 1330 Britton Ave. (on the south side of Britton Avenue approximately 250 feet west of Ridley Way) (Michael Pena, Owner). Council District: 6. SNI: None. CEQA: Exempt.
(Project Manager: Avril Baty)
- c. The projects being considered are located on the southwesterly side of Campbell Avenue, approximately 950 ft northwesterly of Newhall Street (1179 Campbell Avenue), in the A(PD) Planned Development Zoning District (Cobalt Associates, Owner). Council District 6. SNI: None. CEQA: Use of a Mitigated Negative Declaration.
(Project Manager: Reena Mathew)
 1. **PD07-027. Planned Development Permit** to allow demolition of an existing building and construction of 24 single-family detached residential units on a 2.67 gross acre site.
 2. **PT07-018. Tentative Map** to subdivide one parcel into approximately 28 lots for 24 single-family detached residences and 4 common-area lots on a 2.67 gross acre site.

- d. **TR07-119. Tree Removal Permit** to remove one Palm tree 78 inches in circumference from a single-family residence in the R-1-5 Single-Family Residence Zoning District, located at 1134 El Prado Court (Moggia Charles E And Maurine F Trustee & Et, Owner). Council District 10. CEQA: Exempt. (Project Manager: Michelle Stahlhut)
- e. **PD06-054. Planned Development Permit** to allow the construction of approximately 15,000 square feet of commercial uses on a 0.59 gross acre site in the A(PD) Planned Development Zoning District, located on the southwest corner of Alum Rock Avenue and McCreery Avenue (1898 ALUM ROCK AV) (Calderon'S New And Used Tires J.Ascencion Calderon, Owner). Council District 5. SNI: Mayfair. CEQA: Re-use of Negative Declaration. (Project Manager: Hadasa Lev)
- f. The projects being considered are located at/on Area generally bounded by Kentwood Avenue, Highway 85 and S. De Anza Blvd, in the CP Pedestrian Commercial and A(PD) Planned Development Zoning Districts (Braddock & Logan Group III LP, Owner and Developer). Council District 1. SNI: None. CEQA: Mitigated Negative Declaration. (Project Manager: Martina Davis)
 - 1. **PD07-042. Planned Development Permit** to construct 56 single-family attached residences, one detached residence and 8,000 square feet of retail space on a 4.2 gross acres site.
 - 2. **PT07-030. Tentative Map** to subdivide 6 parcels into 79 lots for 56 single-family attached and one detached residential units and 8,000 sq.ft. retail uses on a 4.2 gross acres site.

This concludes the Planning Director's Hearing for June 27, 2007. Thank you.

PLANNING DIRECTOR'S AGENDA ON THE WEB:
<http://www.sanjoseca.gov/planning/hearings/default.asp>
PUBLIC INFORMATION COUNTER
(408) 535-7800 CITY OF SAN JOSE