



PLANNING DIRECTOR'S HEARING AGENDA

WEDNESDAY, JULY 11, 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 **July 11, 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 Olga Guzman (olga.guzman@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 on the southeast corner of South 2nd Street and East San Fernando Street (Central Place/Tower 88) (88 E SAN FERNANDO ST) (San Jose Redev Agcy, Owner; Wilson, Meany Sullivan, Developer). Council District 3. SNI: None. CEQA: Use of Mixed Use Project and Century Center Plan Amendment Final EIR. (Project Manager: Michelle Stahlhut)
DROPPED

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. **HA78-218-01.** 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. **Deferred from June 27, 2007** (Project Manager: Reena Mathew)
- b. **SP06-064 and V07-002. Special Use Permit and Development Variance** to construct a 740 square-foot accessory building (garage with storage) with a 19-foot long driveway for an existing legal non-conforming single-family residence on a 0.11 gross acre site in the LI Light Industrial Zoning District, located at/on the southwest corner of Auzerais Avenue and Royal Avenue (652 Auzerais Avenue) (Dariano John L Jr And Lisa A, Owner). Council District 6. SNI: Burbank/Del Monte. CEQA: Exempt.
(Project Manager: John Baty)

- c. **SP05-064. Special Use Permit** for an existing wireless communication facility for which the previously approved permit CP96-066 has expired, on a 9.4 gross acre school site (San Jose Job Corps) in the R-1-5 Single-Family Residence Zoning District, located on the north side of East Hills Drive, approximately 250 feet easterly of Gloria Avenue (3450 Viewmont Court) (United States Of America, Owner). Council District 5. SNI: None. CEQA: Exempt.
(Project Manager: Hadasa Lev)
- d. **SP07-012. Special Use Permit** to legalize an unpermitted 315 square foot addition and an approximately 200 square foot attached carport to an existing legal non-conforming single-family detached residence on a 0.14 gross acre site in the CO – Commercial Office Zoning District, located at the southwest corner of Story Road and Hopkins Drive (1990 Story Rd) (Vu Victor N, Owner). Council District 5. SNI: East Valley/680 Communities. CEQA: Exempt.
(Project Manager: John Baty)
- e. **TR07-116. Tree Removal Permit** application requesting to remove one 120-inch Pine tree from a rear yard of a single-family detached residence located on the south side of Stokes Street, approximately 410 feet west of South Bascom Avenue (2256 Stokes Street) in the R-1-8 Single-Family Residence Zoning District. (Olson Tad L And Terry R, Owner). Council District 6. CEQA: Exempt,
(Project Manager: Rebekah Ross)
- f. **TR07-125. Tree Removal Permit** requesting to remove eight ordinance size trees that are various species measuring approximately 63 inches to 139 inches in circumference from the rear yard of a single-family lot, located at the north side of University Way, approximately 180 feet west of Dana Avenue (1621 University Way) in the R-1-8 Single-Family Residence Zoning District (Rose Terrence J Trustee, Owner). Council District 6. CEQA: Exempt.
(Project Manager: Rebekah Ross)
- g. **PT07-036. Planned Tentative Map Permit** to reconfigure 6 parcels into 1 lot for mixed-use with 122 condominium units and approximately 2,500 square feet of commercial on a 2.20 gross acres site in the A(PD) Planned Development Zoning District, located on the north side of Park Avenue approximately 450 feet easterly of Sunol Street (777 Park Avenue) (Park Avenue Lofts LLC, owner; San Jose Lofts, LLC Theodore Cook, developer). Council District 6. SNI: Burbank/Del Monte. CEQA: Re-use of Negative Declaration.
(Project Manager: Hadasa Lev)
- h. **TR07-132. Tree Removal Permit** for a 68" circumference Lombardy Poplar in the rear yard of a single family residence on a 0.14 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at 757 Daffodil Way (Brown George B III And Sheryl A Trustee, Owner). Council District 1. CEQA: Exempt.
(Project Manager: Martina Davis)
- i. **SP07-044. Special Use Permit** to construct retaining walls, between two and five feet in height, to an existing single-family rear yard on a 0.23 gross acre site in the R-1-8 Single-Family Residence Zoning District, located on the south side of Foothill Drive, approximately 50 feet easterly of Allen Avenue (924 Foothill Drive) (Jeffrey and Cindy Faulkner, Owners). Council District 10. SNI: None. CEQA: Exempt.
(Project Manager: Reena Mathew)

- j. **SP07-039. Special Use Permit** to allow the construction of a 545 square foot accessory structure. The proposed accessory structure in combination with an existing 482 square foot detached garage would contribute to a total of 1027 square feet of accessory structures in the rear yard of an existing single family residential lot, approximately 0.21 gross acres in size in the R-1-8 Single-Family Residence Zoning District (located at 1300 Blewett Avenue, which is on the east side of Blewett Avenue, approximately 580 feet north of Minnesota Avenue) (William and Heather Cardoza, Owners). Council District 6. SNI: None. CEQA: Exempt.
(Project Manager: Reena Mathew)
- k. **V07-006. Development Variance** to to reduce the front setback from approximately 29 feet to 9 feet for construction of a new attached garage and the conversion of an existing attached garage to living space on a 0.24 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at 1112 A Nevada Avenue on the south side of Nevada Avenue, approximately 300 feet east of Lincoln Avenue (Nehchiri Koorosh And Rania M Trustee, Owner; Khoury Construction Elias Khoury, Developer). Council District 6. SNI: None. CEQA: Exempt.
(Project Manager: Lesley Xavier)
- l. **HA68-258-01. Tree Removal Permit** for the removal of six eucalyptus, of 60, 6, 73, 76, 76, and 78 inches in circumference, at a multi-family apartment complex in the R-M Multiple Residence Zoning District, located at 3200 Payne Avenue (Tishau Partners, Owner). Council District: 1. CEQA: Exempt.
(Project Manager: Avril Baty)
- m. **TR07-136. Tree Removal Permit** to allow removal of one Silver Maple tree 90-inches in circumference on a 0.14 acre site, in the R-1-8 Single-Family Residence Zoning District, located at the 2924 Rustic Drive (McCann Steven W And Hamrick Andrea Trustee, Owner). Council District 9. CEQA: Exempt.
(Project Manager: Suparna Saha)

The consent calendar is now closed.

3. PUBLIC HEARING

- a. The projects being considered are located on a rear portion of a block bound by The Alameda, Emory Street, Naglee Avenue, and Morse Street (YMCA) and on parcel located on the east side of Morse Street, approximately 150 feet northerly of Naglee Avenue (744 Morse Street), in the A(PD) Planned Development Zoning District (Clyde LeBaron Trustee & Et. Al, Owner). Council District 6. SNI: None. CEQA: Mitigated Negative Declaration.
(Project Manager: Rebekah Ross)
 - 1. **PD07-040. Planned Development Permit** for the relocation and restoration of one historic residence and parking lot improvements on the adjacent YMCA site. This permit does not consider the design or construction of two additional single-family detached residences that are allowed under Planned Development Rezoning File No. PDC06-100. Consideration of these two units will occur during a subsequent Planned Development Permit that has not yet been filed.

2. **PT07-039. Planned Tentative Map Permit** to reconfigure two parcels into four lots; one lot for the relocated historic residence, two lots for two future single-family residences, and one lot to expand an existing parking lot.

This concludes the Planning Director's Hearing for July 11, 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