



**PLANNING DIRECTOR'S HEARING AGENDA**

**WEDNESDAY, September 19, 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 **September 19, 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:

- 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.**

**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.

**The matter of deferrals is now closed.**

**2. CONSENT CALENDAR**

- a. **SP07-052. Special Use Permit** to subdivide an existing industrial building into two industrial condominiums, 21,830 square feet and 24,169 square feet respectively, shared with common interest on a 2.68 gross acre site in the (HI) Heavy Industrial Zoning District, located on the north side of Dado Street, approximately 1,200 feet easterly of Junction Avenue (575 DADO ST) (Dado Properties LLC, Owner). **Council District 4. SNI:** None. **CEQA:** Categorically Exempt per the CEQA Guidelines, Section 15315, "Minor Land Divisions".  
**PROJECT MANAGER: RODRIGO ORDUNA**
- b. **PD07-029. Planned Development Permit** to construct two detached and two attached single-family residences on a 0.26 gross acre site in the A(PD) Planned Development Zoning District, located at/on the east side of Boynton Avenue, approximately 350 feet northerly of Williams Road (962 BOYNTON AV) (Ettfagh Farajollah Et Al, Owner). **Council District 1. SNI:** Blackford. **CEQA:** Exempt.  
**PROJECT MANAGER: MARTINA DAVIS**  
**Deferred From September 12, 2007**
- c. **PDA06-029-01. Planned Development Permit Amendment** to make exterior architectural modifications, parking ramp re-configuration, and private open-space changes to an existing permit (PD06-029 for construction of 110 residential units over a podium garage) on a 1.7 gross acres site in the A(PD) Planned Development Zoning District, located at/on the northeast corner of Baton Rouge Drive and Cedarville Lane (781 N CAPITOL AV) (Pinn Bros Const John Moniz, Owner). **Council District 4. SNI:** None. **CEQA:** Re-use of Mitigated Negative Declaration (PDC05-060).  
**PROJECT MANAGER: MARTINA DAVIS**
- d. **PT07-026. Tentative Map application** to subdivide one lot into five lots for two attached and two detached single-family residences in the A(PD) Planned Development Zoning District, located on the east side of Boynton Avenue, approximately 350 feet northerly of Williams Road (962 BOYNTON AV) (Ettfagh Farajollah Et Al, Owner). **Council District 1. SNI:** Blackford. **CEQA:** Exempt.  
**PROJECT MANAGER: MARTINA DAVIS**  
**Deferred From September 12, 2007**

- e. **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.**

**PROJECT MANAGER: MICHELLE STAHLHUT**

- f. The projects being considered are located at/on south side of East San Salvador Street, approximately 100 feet east of South 10th Street (456 E San Salvador St.), in the R-M Multiple Residence Zoning District (Alosi Joseph Trustee & et al., Owner). **Council District: 3. SNI: University. CEQA: Exempt.**

**PROJECT MANAGER: LICINIA MCMORROW**

1. **SF07-033: Single Family House Permit**, Type 2, for a 1,545 square-foot two story single-family residence with an attached single-car garage and removal of an existing one-story garage structure of 1,900 square feet on a 0.05 gross acre site.
2. **V07-008: Development Variance and Exception** to construct one single-family detached residence on a substandard lot containing 0.05 gross acres, and to reduce the driveway backup requirement to 20 feet, reduce the rear setback to 5 feet, and reduce the parking requirement to a single-car garage.

### **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.

### **PUBLIC HEARING**

- a. **TR07-167. Tree removal permit** to allow the removal two Liquid Amber trees 68 and 72 inches in circumference on a 0.25 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at 1223 Mayette Avenue (Khiem And Ami Ngo, Owners). **Council District 6. CEQA: Exempt**  
**PROJECT MANAGER: SUPARNA SAHA**
- b. **PD05-095 - Planned Development Permit** to construct 177,600 square feet for a private health care facility and associated medical office uses on a 9.89 gross acre site in the A(PD) Planned Development Zoning District, located at the southwest corner of Silver Creek Valley Road and Silver Creek Valley Place (5815 SILVER CREEK VALLEY PL) (Coyote Creek Business Park, Owner; The Cirrus Group Nathan Golik, Developer). **Council District 2. SNI: None. CEQA: Addendum to EI, Resolution No. 70021.**  
**PROJECT MANAGER: SUPARNA SAHA**

- c. **PD07-035. Planned Development Permit** request to allow late night (after midnight) entertainment and drinking establishment uses at an existing approximately 3,890 square-foot restaurant/bar (Rosie McCann's Irish Pub Restaurant) on a 1.40 gross acre site in the A(PD) Planned Development Zoning District, located on the northwest corner of Santana Row and Olin Avenue (Federal Realty, Owner). **Council District 6. SNI: None. CEQA: Exempt.**  
**PROJECT MANAGER: SANHITA MALLICK**  
**Deferred From September 12, 2007**
  
- d. **PD07-072 (Formerly PDA01-101-04). Planned Development Permit** request to allow entertainment use at an existing approximately 5,900 square-foot restaurant (Straits Cafe) on a 1.56 gross acre site in the A(PD) Planned Development Zoning District, located on the northwest corner of Santana Row and Tatum Lane (Federal Realty, Owner). **Council District 6. SNI: None. CEQA: Exempt.**  
**PROJECT MANAGER: SANHITA MALLICK**  
**Deferred From September 12, 2007**
  
- e. **SP07-053. Special Use Permit** for the demolition of a church, accessory buildings, and parking lot in preparation for the construction of single family detached residences on a 1.3 gross acre site, which will consist of nine individual lots in the R-1-8 Single-Family Residence Zoning District, located on the southeast corner of Coe Avenue and Riverside Drive, extending to Broadway Avenue (790 Coe Avenue). (1st Covenant Church, Owner). **Council District: 6. SNI: None. CEQA: Exempt.**  
**PROJECT MANAGER: AVRIL BATY**

This concludes the Planning Director's Hearing for September 19, 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