



PLANNING DIRECTOR'S HEARING AGENDA

WEDNESDAY, November 14, 2007

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

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

Hearing Officers

Jean Hamilton, AICP, Principal Planner

Susan Walton, 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 **November 14, 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.

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 Maria Rodriguez (maria.rodriguez@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.

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 staff, or the public to have an item removed from the consent calendar and considered separately.

- a. [TR07-023](#). Tree Removal Permit to remove six Red Iron Bark Eucalyptus trees between 60 inches and 90 inches in circumference in the IP Industrial Park Zoning District, located on the northwest side of San Ignacio Avenue 650 feet southwesterly of Via Del Oro (6389 San Ignacio Avenue) (Robert W. and Elizabeth A. Higgins, Trustee -Owner). Council District 2. CEQA: Exempt.
Project Manager, Rachel Roberts
- b. [H06-003](#). Site Development Permit to convert an existing single-family residence into a two-family residence (duplex) on a 0.14 gross acre site in the R-M Multiple Residence Zoning District, located on the west side of North 2nd Street, approximately 380 feet northerly of Jackson Street (637 N. 2nd Street) (Nguyen Duke D C, Owner). Council District 3. SNI: None. CEQA: Exempt..
Project Manager, Lesley Xavier
- c. [H05-049](#). Site Development Permit to convert an existing single-family residence into a two-family residence (duplex) by constructing a 1,560 square foot addition on a 0.14 gross acre site in the R-M Multiple Residence Zoning District, located on the west side of N. 2nd Street, approximately 350 feet northerly of Jackson Street (639 N. 2nd Street) (Nguyen Sophie, Owner). Council District 3. SNI: None. CEQA: Exempt.
Project Manager, Lesley Xavier
- d. [TR07-322](#). Tree Removal Permit request to remove one Monterey Pine Tree, approximately 90 inches in circumference, from the rear yard of a detached single-family residence in the R-1-5 Single-Family Residence Zoning District, located at/on the 1439 Cerro Verde (Matthew and Euijean Lea, owners). Council District 10. CEQA: Exempt.
Project Manager, Chris Burton

- e. [TR07-214](#). Tree removal permit of four (4) live trees; one (1) Ponderosa Pine (double trunk) approximately 110" in circumference, two (2) unknown type (multi-trunk) approximately 78 " and 149" in circumferences, and one (1) Tree of Heaven (double trunk) approximately 109" in circumference in the R-2 Two-Family Residence Zoning District, located on the east side of North 18th Street, approximately 300 feet south of Julia Street. (260 N. 18th Street) (Robert A. Baylor and Mary E. Morris Trustee, Owner). Council District 3. CEQA: Exempt..
Project Manager, Rachel Roberts
- f. [PD07-033](#). Planned Development Permit for the construction of 704 residential dwelling units (206 condominiums and 498 apartments) and up to 25,000 square feet of retail on a 10.01 gross acre site in the A(PD) Planned Development Zoning District, located at/on the northwest corner of Zanker Road and Tasman Drive. (Zanker Road Invsr LLC, Owner; FF Development Dan Milich, Developer). Council District 4. SNI: None. CEQA: Addendum to EIR.
Project Manager, John Baty
- g. [PD07-036](#). Planned Development Permit to construct 182 single-family attached residences (condominiums) on a 3.16 gross acre site in the A(PD) Planned Development Zoning District, located at/on the west side of Baypointe Parkway approximately 370 feet northerly of Tasman Drive (First Realestate LLC, Owner; FF Development Dan Milich, Developer). Council District 4. SNI: None. CEQA: Addendum to EIR.
Project Manager, John Baty
- h. [TR07-277](#). Tree Removal Permit to allow the removal of one Liquid Amber tree, approximately 60-inches in circumference from the rear yard of an existing single-family residence in the R-1-8 Single-Family Residence Zoning District, located at 743 McAlister Drive (Paul and Patricia Robbins, Owner). Council District: 6. CEQA: Exempt.
Project Manager, Avril Baty
- i. [SP07-069](#). Special Use Permit to legalize the existing 200 sq. ft. trellis and install solar panel on top of the trellis on a 0.23 gross acre site. in the R-1-8 Single-Family Residence Zoning District, located at/on the south side of Davis St, approximately 420 feet west of Park Ave. (1480 DAVIS ST) (Bruner Richard S And Williams Penelope H, Owner). Council District 6. SNI: None. CEQA: Exempt.
Project Manager, Avril Baty
- j. [PDA77-034-03](#). Planned Development Amendment to allow the expansion by 178 sq ft of a single family detached residence on a 0.087 gross acre site in the R-M(PD) Planned Development Zoning District, located at 1526 Willowhaven Court) (Ann Walker, Owner). Council District: 6. SNI: None. CEQA: Exempt.
Project Manager, Avril Baty
- k. [PDA05-088-01](#). Planned Development Permit Amendment to construct seven single-family detached residential units (in addition to the previously approved 18 units) on a 11.6 gross acre site in the A(PD) Planned Development Zoning District, located at/on the west side of San Felipe Road approximately 300 feet southerly of Yerba Buena Road (4969 SAN FELIPE RD) (Pinn Brothers Properties, Owner). Council District 8. SNI: None. CEQA: Reuse of Negative Declaration.
Project Manager, Reena Mathew

- i. [PDA03-006-01](#). Planned Development Permit Amendment to allow the construction of a 201 units of affordable senior residential housing in a four-story structure over podium parking (50-feet in height) on a 1.66 gross acre site in the A(PD) Planned Development Zoning District, located at the south side of Tully Road approximately 400 feet easterly of South 10th Street (Fairgrounds Senior Housing LP, Developer). Council District 7. SNI: None. CEQA: Reuse of EIR.
Project Manager, Martina Davis
- m. [PDA03-079-01](#). Planned Development Amandment to permit construction activity between the hours of 8:00 AM to 5:00 PM on Saturdays within 500 feet of occupied residential units in the A(PD) Planned Development Zoning District, located on the north and south side of Auzerais Avenue between Sunol Street and Los Gatos Creek (9805 TRACT) (KB Home South Bay Inc, Owner). Council District 6. SNI: Burbank/Del Monte. CEQA: Reuse of EIR.
Project Manager, Martina Davis
- n. [TR07-303](#). Live Tree Removal Permit to allow the removal of one Eucalyptus tree, approximately 64-inches in circumference from the side yard of an existing single-family detached residential lot in the A(PD) Planned Development Zoning District, located at 1918 North Star Place (Gardner William J And Vera Trustee, Owner). Council District 4. CEQA: Exempt.
Project Manager, Lee Butler
- o. [TR07-310](#). Live Tree Removal Permit for the removal of one live ash tree measuring 107 inches in circumference from the rear yard of a single family detached residence located in the R-1-8 Single-Family Residence Zoning District, located at 1233 Arnold Avenue (Shatara Christopher Et Al, Owner). Council District 3. CEQA: Exempt.
Project Manager, Lee Butler
- p. [TR07-288](#). Tree Removal Permit request to remove one Monterey Pine Tree, 140 inches in circumference, from the front yard of a single-family residence in the R-1-8 Single-Family Residence Zoning District, located at 6436 Bollinger Road (6436 BOLLINGER RD) (Ray Rajkumar And Doyeli, Owner). Council District 1. CEQA: Exempt.
Project Manager, Martina Davis
- q. [TR07-311](#). Tree Removal Permit to remove three poplar trees, 91, 83, and 96 inches in circumference, from the front yard of an exisiting single family residence in the R-1-5 Single-Family Residence Zoning District, located at 2372 Westpark Drive (Pitek John And Elaine, Owner). Council District 6. CEQA: Exempt.
Project Manager, Ella Samonsky
- r. [TR07-275](#). Tree Removal Permit to remove one Deodar Cedar tree 96 inches in circumference on a 0.25 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at/on the 2253 Blossom Valley Drive (Martin Liese, Owner). Council District: 9. CEQA: Exempt.
Project Manager, Michelle Stahlhut
- s. [PDA02-058-01](#). Planned Development Permit Amendment to modify previously approved alternate parking arrangement to provide for additional handicapped accessible spot for a mixed use project on a 1.15 acres site in the A(PD) Planned Development Zoning District, located on the southwest corner of Loma Verde Drive and Winchester Boulevard (9671 TRACT) (Mahzoon, Russell Trustee & Et Al Russell Mazhoon, Owner). Council District 1. SNI: Winchester. CEQA: Exempt.
Project Manager, Edward Schreiner

The consent calendar is now closed.

3. PUBLIC HEARING

- a. The projects being considered is located on the east side of Radio Avenue, approximately 160 feet north of Lincoln Court, (2102 Radio Avenue), in the A(PD) Planned Development Zoning District (WILLOW VILLAGE SQUARE LLC, Owner). Council District 6. SNI: None. CEQA: Mitigated Negative Declaration.
- 1) **PD07-023**. Planned Development Permit to construct one single-family detached residence and 13-single-family attached residences on a 0.7 gross acre site.
 - 2) **PT07-017**. Planned Development Tentative Map to subdivide one parcel into 15 lots (one common lot and 14 residential lots) on a 0.374 gross acre site.
Project Manager, Rebekah Ross
- b. The projects being considered are located in the area bounded by Forest Avenue, Monroe Street, Stevens Creek Boulevard, and Winchester Boulevard (2855 Stevens Creek Blvd.), in the CG General Commercial Zoning District (VF MALL LLC, Owner). Council District: 6. SNI: None. CEQA: EIR Resolution to be adopted.
- 1) **H06-027**. Site Development Permit to construct 1,537,095 square feet for commercial uses and parking on a 71 gross acre site (Valley Fair Shopping Mall).
 - 2) **SP06-075**. Special Use Permit to allow valet parking at Valley Fair Shopping Center.
Project Manager, Avril Baty

This concludes the Planning Director's Hearing for November 14, 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 JOSÉ

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.