



**PLANNING DIRECTOR'S HEARING AGENDA**

**Wednesday, February 20, 2008**

**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 **February 20, 2008**. 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. **HP07-006**. Historic Preservation Permit to allow replacement of existing nonhistoric windows that were previously modified without permits. The project location, a multi-family residential building on a 0.15-acre site at 167 E. Julian Avenue, is a Contributing Structure to the Hensley Historic District. Gilbert Marosi, owner/applicant. Council District: 3. S.N.I. Area: 13<sup>th</sup> Street. CEQA: Exempt.  
*Permit Coordinator, Darren McBain*
- b. **TR08-014**. Tree Removal Permit to allow the removal of one (1) Deodar Cedar tree approximately 108 inches in circumference on a 0.23 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at 1497 Gerhardt Avenue (Edmund and Malvina Rendler, owners). Council District 9. CEQA: Exempt.  
*Project Manager, Suparna Saha*
- c. **TR07-339**. Tree Removal Permit application for one Pine tree approximately 69 inches in circumference a 0.14 gross acre property in the R-1-8 Single-Family Residence Zoning District located at 3229 Desertwood Lane. (Yu Chang Qin And Wang Guo Ming, Owner). Council District 4. CEQA: Exempt.  
*Project Manager, Ed Schreiner*
- d. **SP05-027**. Special Use Permit to construct an addition of approximately 915 square feet to the rear of a legal non-conforming single-family detached residence and remodel of an existing detached garage on a 0.14 gross acre site in the CG General Commercial Zoning District, located at 229 East Saint John Street (Jose Sanchez, Owner). Council District: 3. SNI: 13th Street. CEQA: Exempt.  
*Project Manager, Avril Baty*

- e. **PDA88-065-01**. Planned Development Permit Amendment to allow tree removal of six diseased oak trees, 58 - 108 inches in circumference, and one dead oak tree, 65 inches in circumference, in the common area of a multi-family development in the A(PD) Planned Development Zoning District, located on the southeast corner of Colemand Road and Meridian Avenue (5941 DRY OAK PL) (Villas Of Almaden Hoa Mr Kurtis Shenefiel, Owner). Council District 10. CEQA: Exempt.  
*Project Manager, Martina Davis*
- f. **TR08-018**. Tree removal permit to legalize the prior removal of one Chinese Elm, approximately 63 inches in circumference, located in the front yard of a single-family residence located in the R-1-8 Single-Family Residence Zoning District on the west corner of Fairgrove Court and Fairlwan Avenue (2393 FAIRGROVE CT) (Fritze Markus And Keller Lisa, Owner). Council District 9. CEQA: Exempt.  
*Project Manager, Rachel Roberts*
- g. **TR08-012**. Request for a Tree Removal Permit to allow the removal of one live Mexican Fan Palm (*Washingtonia robusta*) tree, measuring approximately 96 inches in circumference, located at 5243 Englewood Drive within the R-1-8 Single Family Residence District (Michael L. and Lisa E. Ku, Owner). Council District 1. CEQA: Exempt.  
*Project Manager, Allen Tai*
- h. **PDA94-052-07**. Wireless - Planned Development Amendment to permit the replacement of an existing telemetry tower adjacent to an existing water tank on a 0.69 gross acre site located in the A(PD) Planned Development Zoning District, located approximately 700 feet southerly of the terminus of Promenade Court (Great Oaks Water Company, owner). Council District 2. SNI: None. CEQA: Exempt.  
*Project Manager, Suparna Saha*
- i. **TR07-387**. Tree Removal Permit request to remove one Redwood Tree, approximately 56 inches in circumference, from the side yard of a single-family detached residence in the R-M Multiple Residence Zoning District, located at 82 South 10th Street (Vi Vu, Owner). Council District 3. CEQA: Exempt.  
*Project Manager, Chris Burton*
- j. **TR07-362**. Tree Removal Permit to legalize the unpermitted removal of one live Mimosa tree, measuring 94.2 inches in circumference, located in the front yard of a Single Family Detached Residence in the R-1-8 Residential Zoning District, located at the 188 Burning Tree Drive (Aref Aldabashi, Owner). Council District 2. CEQA: Exempt.  
*Project Manager, Chris Burton*
- k. **TR08-022**. Tree Removal Permit to remove one Cedar tree, 74 inches in circumference, from the side yard of an existing a single family detached residence in the R-1-8 Single-Family Residence Zoning District, located at/on the 3115 Calzar Drive (Winkelman Rudolph J And Cherish E Trustee, Owner). Council District 9. CEQA: Exempt.  
*Project Manager, Licinia McMorrow*
- l. **H08-004**. Site Development Permit for tree removal of two live trees that were topped without permit on a 0.24 acre two-family lot in the R-2 Two-Family Residence Zoning District, located at 819 - 823 North 16th Street (Kim-Dinh Tran, Owner). Council District 3. SNI: 13th Street. CEQA: Exempt.  
*Project Manager, Martina Davis*

- m. **T07-107**. Tentative Map Permit to create a three-unit condominium map on one parcel for single family attached and detached uses on a 0.18 gross acre site in the R-M Multiple Residence Zoning District, located on the east side of south 21st Street approximately 200 feet north of E. San Fernando Street (52 S. 21st Street) (Phong Truong, Owner). Council District: 3. SNI: Five Wounds/Brookwood Terrace. CEQA: Exempt.  
*Project Manager, Avril Baty*
- n. The projects being considered are located at/on 866 Hillsdale Avenue on the south side of Hillsdale Avenue approximately 600 feet east of Pearl Avenue, in the A(PD)Planned Development Zoning District (PARIVAR SHERMIN, Owner). Council District 6. SNI: None. CEQA: Exempt.
- 1) **PD07-050**. Planned Development Permit to demolish 2 existing single-family houses and construct six single-family detached residences on a 0.45 gross acre site.  
Deferred from 02/13/2008.  
*Project Manager, Michelle Stahlhut*
- 2) **PT07-059**. Vesting Planned Development Tentative Map to subdivide 2 lots into 7 lots for 6 single family residential units and one common open space on a 0.45 gross acre site.  
Deferred from 02/13/2008.  
*Project Manager, Michelle Stahlhut*

The consent calendar is now closed.

### 3. **PUBLIC HEARING**

This concludes the Planning Director's Hearing for February 20, 2008. 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.