



PLANNING DIRECTOR'S HEARING AGENDA

Wednesday, February 27, 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 27, 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. **PDA02-073-01**. Planned Development Amendment to legalize the removal of three dead ordinance-sized trees in a cemetery on a 1.75 gross acre site in the A(PD) Planned Development Zoning District, located at/on the south side of Curtner Avenue approximately 250 feet east of the southern terminus of Little Orchard Street (300 CURTNER AV) (Sci California Funeral Servs Inc, Owner). Council District 7. CEQA: Exempt.
Project Manager, Ella Samonsky
- b. **SP07-049**. Special Use Permit to demolish one existing fire-damaged single-family residence and associate accessory structures, and to remove a swimming pool on a 0.46 gross acre site in the CP(PD) Planned Development Zoning District, located at/on the southwest corner of Catherine Street and Gold Street (1081 Catherine St.) (Liam Balfe, Owner/Developer). Council District 4. SNI: None. CEQA: Exempt.
Project Manager, Licinia McMorro
- c. **TR07-186**. Tree removal permit request for one Pine tree, 120 inches in circumference, from the rear yard of an existing single-family residence in the R-1-8 Single-Family Residence Zoning District, located on the 2792 Kring Drive (Brent R. Bell Owner). Council District 9. CEQA: Exempt.
Project Manager, Sanhita Mallick
- d. The projects being considered are located at 1336 Magnolia Avenue, in the R-1-8 Single-Family Residence Zoning District, within the Hester/Hanchett Historic Conservation Area (Robert Cullen, Owner). Council District: 6. SNI: None. CEQA: Exempt.
 - 1) **SF07-050**. Single Family House Permit for construction of one new single family detached residence with floor area ratio of 47%.
Project Manager, Avril Baty
 - 2) **SF07-074**. Single-Family House Permit request for a rear addition to an existing house listed on the Historic Resources Inventory.
Project Manager, Avril Baty

- e. [TR08-029](#). Live Tree Removal Permit to allow the removal of one (1) Monterey Pine Tree, approximately 115-inches in circumference, from the front yard of an existing single-family detached residence in the R-1-8 Single-Family Residence Zoning District, located at 1358 Curtiss Avenue (Soper Jacquelin M Trustee, Owner). Council District 6. CEQA: Exempt.
Project Manager, Martina Davis
- f. [PD07-102](#). Planned Development Permit (1) to renovate an existing building for senior medical outpatient facility uses on a 0.32 gross acre site and (2) to allow off-site parking arrangement on adjacent 0.32 gross acre site in the A(PD) Planned Development Zoning District, located on the (1) northwest corner of Clinton Place and Stockton Avenue and (2) south side of Clinton Place approximately 200 feet westerly of Stockton Avenue (Stockton Avenue Investors, Owner). Council District 6. SNI: None. CEQA: Exempt.
Project Manager, Sanhita Mallick
- g. [SP08-004](#). Special Use Permit to allow installation of a retaining wall between 4-8 feet in height and construction of a 336 square-foot accessory structure, which exceeds the 200 square feet allowed by right for a single-family residence on a 0.51 gross acre site in the R-1-5 Single-Family Residence Zoning District, located at/on the 3950 Sophist Drive (Gary Zollweg, Owner). Council District 4. SNI: None. CEQA: Exempt.
Project Manager, Reena Mathew
- h. [PD07-003](#) Planned Development Permit to allow construction of 37 multiple dwelling units on a 0.71 gross acre site in the A(PD) Planned Development Zoning District, located on the east side of South 3rd Street approximately 500 feet north of Keyes Street (1010 S 3RD ST) (Guevarra Fernando C And Marianna V Trustee, Owner). Council District 3. SNI: Spartan/Keyes. CEQA: Mitigated Negative Declaration, PDC07-002
Project Manager, Michelle Stahlhut
- i. [TR08-031](#). Tree removal permit request to legalize the prior removal of the following:(1) one Pepper tree measuring approximately 151-inches in circumference at grade and (1) one Palm tree measuring approximately 91-inches in circumference at grade without benefit of permit on a 0.14 gross acre site in the R-1-8 Single-Family Residence Zoning District, located on the 1265 Karie Ann Way (Rahbar Mehrdad, Owner). Council District 9. CEQA: Exempt.
Project Manager, Sanhita Mallick
- j. [TR08-036](#). Tree Removal Permit request to remove one Deodar Cedar (*Cedrus deodara*) tree, approximately 62 inches in circumference, from the front yard of a single-family residence located at 3052 Wetmore Drive, within the R-1-5 Single-Family Residence Zoning District. (Paul And Danielle Ewing, Owner) Council District 8. CEQA: Exempt.
Project Manager, Allen Tai
- k. [TR08-026](#). Tree Removal Permit to allow removal of one (1) Silver Maple Tree, approximately 75 inches in circumference, on a 0.19 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at 1678 Andover Lane. (Melinda L. Wilson Owner). Council District 9. CEQA: Exempt.
Project Manager, Suparna Saha
- l. [SP07-088](#). Special Use Permit to renovate and expand an existing multi-family residential use by a total of 700 square feet to convert it to affordable housing on a 1.83 gross acres site in the CO Office Commercial Zoning District, located on the southwest corner of Hillsdale Avenue and Meridian Avenue (1642 HILLSDALE AV) (Mid-Peninsula Tyrella Corporation, Inc., Owner). Council District 9. SNI: None. CEQA: Exempt.
Deferred from 01/30/2008.
Project Manager, Martina Davis

- m. **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: 13th Street. CEQA: Exempt.
Deferred from 02/20/2008.
Permit Coordinator, Darren McBain

The consent calendar is now closed.

3. **PUBLIC HEARING**

- a. **PD07-055**. Planned Development Permit to construct 6,570 square feet for religious assembly uses on a 2.18 gross acres site in the A(PD) Planned Development Zoning District, located on the east side of Ruby Avenue approximately 250 feet northerly of Murillo Avenue (2486 RUBY AV) (South Bay Islamic Assoc. Inc, Owner). Council District 8. SNI: None. CEQA: Mitigated Negative Declaration.
Project Manager, Ed Schreiner
- b. **H07-025**. Site Development Permit to construct two commercial buildings totaling approximately 194,486 square feet on a 17.38 gross acre site in the CG – Commercial General Zoning District, located on the north side of Ridder Park Drive at the southeast corner of Interstate 880 and Brokaw Road (San José Real Property Holdings, LLC, Owner; Sand Hill Property Company, Developer). Council District 4. SNI: None. CEQA: Addendum to North San José EIR.
Project Manager, John W. Baty
- c. The projects being considered are located between North First Street and Orchard Parkway on both sides of Component Drive, in the IP-Industrial Park Zoning District (The Campus @ North First, LP, Owner; Tishman Speyer, Developer). Council District 4. SNI: None. CEQA: Addendum to BEA and North San José EIRs.
- 1) **PD07-087**. Master Planned Development Permit for R&D office and retail uses, including the construction of 731,677 square feet of office and retail uses, and a freestanding parking structure on an 11.89 gross acre portion of the overall 39.8 gross acre site.
Project Manager, John W. Baty
- 2) **PT07-086**. Planned Tentative Map to subdivide one parcel into 4 lots for R&D office and retail uses, 1 lot for a private street, and a designated remainder on a 39.8 gross acre site.
Project Manager, John W. Baty

This concludes the Planning Director's Hearing for February 27, 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.