



PLANNING DIRECTOR'S HEARING AGENDA

Wednesday, March 12, 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 **March 12, 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. **TR08-039**. Live Tree Removal Permit to remove a Monterey Pine, 116" in circumference, from the rear yard of a single family residential lot in the R-1-8 Single-Family Residence Zoning District, located at 1414 Willowtree Court (Valerie And Aleksey Yereimin, Owner). Council District: 9. CEQA: Exempt.
Project Manager, Avril Baty
- b. **TR08-009**. Tree removal permit to allow removal of a Pine tree, approximately 116 inches in circumference, on a 0.15 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at 5151 Camden Avenue (Michael and Kimberly Gladden, owners). Council District 9. CEQA: Exempt.
Project Manager, Suparna Saha
- c. **TR08-032**. Tree Removal Permit to allow removal of an Alder tree, approximately 75 inches in circumference, on a 0.30 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at 1117 Nevada Avenue (Tree was pruned excessively and deemed removed by the City Arborist). (Thomas And Cheryl Trombatore, owners). Council District 6. CEQA: Exempt.
Project Manager, Suparna Saha
- d. **TR08-001**. Tree Removal Permit to allow the removal of one Oak tree, approximately 192-inches in circumference from the front yard of an existing single-family residential lot in the R-1-8(PD) Planned Development Zoning District, located at the 1187 Windmill Court (Ngoc Xuan and My Lien Nguyen, Owner). Council District 7. CEQA: Exempt.
Project Manager, Ed Schreiner
- e. **H07-040**. Site Development Permit to allow facade improvements and construction of a parking lot on a 0.37 gross acre site in the CG General Commercial Zoning District, located on the southwest corner of The Alameda and Morrison Ave (956 THE ALAMEDA) (956 The Alameda Llc Dominic Giacalone, Owner). Council District 6. SNI: None. CEQA: Exempt.
Project Manager, Ed Schreiner

- f. [TR08-030](#). Tree Removal Permit to remove one Walnut Tree, approximately 80-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/on the 744 South Genevieve Lane (744 S GENEVIEVE LN) (Pettengill Roger W And Myrna K, Owner). Council District 6. CEQA: Exempt.
Project Manager, Licinia McMorrow
- g. [TR08-035](#). Tree Removal Permit to remove one Black Walnut tree, approximately 60 inches in circumference, from the rear yard of a single-family detached residence in the R-1-8 Single-Family Residence Zoning District, located at/on the 6409 Bose Lane (6409 BOSE LN) (Schneider Russell C, Owner). Council District 10. CEQA: Exempt.
Project Manager, Ella Samonsky
- h. [TR08-040](#). Tree Removal Permit for one previously removed Bluegum Eucalyptus tree, measuring approximately 96 inches in circumference, from the front yard of a single-family residence in the R-1-8 Single-Family Residence Zoning District, located at/on the 6260 Hopi Circle (6260 HOPI CL) (Barcarse Florencio Jr And Barbara E, Owner). Council District 2. CEQA: Exempt.
Project Manager, Ella Samonsky
- i. [TR07-373](#). Tree Removal Permit request to remove one ash tree, approximately 78 inches in circumference, from the rear yard of a single-family residence in the R-1-8 Single-Family Residence Zoning District, located at/on the 1462 Gerhardt Avenue (Rick A Vander Kam And Hastsumi T Nielsen, Owner). Council District 9. CEQA: Exempt.
Project Manager, Ed Schreiner
- j. [PD07-046](#). Planned Development Permit to allow demolition of an existing single-family residence and construction of one single-family residence in the CP(PD) Planned Development Zoning District, located at the southeast corner of Catherine and Gold Streets, Alviso. (1111 CATHERINE ST) (Laine Thomas A, Owner). Council District 4. SNI: None. CEQA: Exempt.
Project Manager, Licinia McMorrow
- k. [TR08-016](#). Tree Removal Permit to remove one live Redwood tree, approximately 88 inches in circumference, from the front yard of a single-family residence in the R-1-8 Single-Family Residence Zoning District, located at/on the east side of Corrales Drive, approximately 100 feet south of Oyster Bay Drive (4837 CORRALES DR) (Phan Khoi A And Gwendelyn G Trustee, Owner). Council District 9. CEQA: Exempt.
Project Manager, Ella Samonsky
- l. [H07-049](#). Site Development Permit request for exterior modification to an existing 28,475 square foot commercial building and development of a .12 acre new parking area on a 0.96 gross acre site in the CG General Commercial Zoning District located on the northwest side of Alum Rock Avenue and Eastgate Avenue (1751 Alum Rock Avenue) (Leung Yee Entpr Inc, Owner). Council District 5. SNI: Gateway East. CEQA: Exempt.
Project Manager, Sanhita Mallick
- m. [H07-053](#). Site Development Permit to allow the construction of a 73,000 square foot shopping center and a 66 room hotel on a 9.8 gross acre site in the IP Industrial Park Zoning District, located at/on the southeast corner of North First Street and Holger Way (Hunter/Storm, Owner). Council District 4. SNI: None. CEQA: NSJ EIR Resolution No.72768, and Addenda thereto.
Project Manager, Chris Burton

- n. [PDA80-084-01](#). Tree removal permit request for a California Pepper tree of approximately 93" in circumference located in the common area of a property in the A(PD) Planned Development Zoning District located on the northwest corner of Carpentier Way and Senter Road (589 Groth Drive) (Westside Manor, Owner). Council District 7. CEQA: Exempt.
Project Manager, Sanhita Mallick
- o. [PD07-041](#). Planned Development Permit to effectuate the PD Zoning File No. PDC92-022. This will facilitate the subdivision of one existing lot into two lots. No development of the site is being proposed at this time. The site is currently developed with 1 existing single-family residence on a 0.67 gross acre site in the A(PD) Planned Development Zoning District, located at/on the northwest corner of Kaylene Court and Kaylene Drive (1261 KAYLENE CT) (Zbigniew Matyskiewicz, Owner). Council District 5. SNI: None. CEQA: Exempt.
Project Manager, Martina Davis
- p. [SF07-063](#). Single Family House Permit, Historic Category 2, to allow a 926 square foot two-story addition to an existing 1,776 square foot two-story single-family residence and to construct a new 403 square foot attached garage, in the R-1-8 Single-Family Residence Zoning District, located at 730 Palm Haven Avenue (Curt Hansen, Owner). Council District: 6. SNI: None. CEQA: Exempt.
Project Manager, Avril Baty
- q. [SF08-004](#). Single-Family House Permit to allow a 335 square-foot two-story addition to an existing two-story single-family residence on a 0.16 gross acre site in the R-1-8 Single-Family Residence Zoning District, resulting in a Floor Area Ratio of 49%, located at 1675 Emory Street. (Mark Kenter, Owner). Council District: 6. SNI: None. CEQA: Exempt.
Project Manager, Avril Baty
- r. [SP08-002](#). Special Use Permit to allow demolition of existing office buildings and removal of three (3) ordinance sized trees adjacent to the structure on a 2.17 gross acre site in the IP Industrial Park Zoning District, located on the west side of Lincoln Avenue, approximately 500 feet southerly of Auzerais Avenue (505 LINCOLN AV) (505 Lincoln Ave LLC, Owner). Council District 6. SNI: Burbank/Del Monte. CEQA: Exempt.
Project Manager, Martina Davis
- s. [SP08-005](#). Special Use Permit to demolish a single-family residence and a detached garage on 0.34 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at/on the south side of Broadway Avenue, approximately 730 feet easterly of Lincoln Avenue (1064 BROADWAY AV) (Piekarski Christopher, Owner). Council District 6. SNI: None. CEQA: Exempt
Project Manager, Martina Davis
- t. [TR07-355](#). Live Tree Removal Permit to allow the removal of one Monterey Pine tree, approximately 103-inches in circumference from the rear yard of an existing single-family detached residence in the R-1-8 Single-Family Residence Zoning District, located at 3950 Springfield Drive (Dale Stark, Owner). Council District 1. CEQA: Exempt.
Project Manager, Chris Burton
- u. [TR08-033](#). Live Tree Removal Permit for the removal of one plum cherry tree, 67 inches in circumference, from the rear yard of a single family residence in the R-1-8 Single-Family Residence Zoning District, located at 1368 Shasta Avenue (Phillips Joseph C Trustee & Et Al, Owner). Council District 6. CEQA: Exempt.
Project Manager, Martina Davis

- v. **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
- w. 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%.
Deferred from 2/27/2008.
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.
Deferred from 2/27/2008.
Project Manager, Avril Baty

The consent calendar is now closed.

3. **PUBLIC HEARING**

- a. **TR00-087**. Tree Removal Permit to remove one (1) Redwood tree approximately 84 inches in circumference in the RM – Multiple Residence Zoning District, located at/on the easterly side of S. Tenth Street approximately 190 feet north of Margaret Street (662 S 10TH ST) (Meei-Ru & Philip Tai, Owner). Council District 03. CEQA: Exempt.
Project Manager, Jeannie Hamilton
- b. **TR05-046**. Tree Removal Permit to remove one (1) Maple tree approximately 113 inches in circumference on a 0.11 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at/on the east side of Mt. Palomar Drive, approximately 450 feet northerly of Mt. Hood Way (1482 MT PALOMAR DR) (Bosworth Phyllis, Owner). Council District 5. CEQA: Exempt.
Project Manager, Jeannie Hamilton
- c. The projects being considered are located on the west side of North First Street both sides of Vista Montana, in the A(PD) Planned Development Zoning District (Novellus Systems Inc, Owner; Vista Montana Park Homes, LLC, Applicant). Council District 4. SNI: None. CEQA: Addendum to North San José EIR.
 - 1) **PD07-082**. Planned Development Permit to construct 444 condominium units on a 12.07 gross acres site.
Project Manager, John W. Baty
 - 2) **PT07-084**. Vesting Planned Tentative Map to reconfigure 2 parcels in to 3 lots, 2 lots for 444 condominiums on 6.94 acres and 1 lot for park dedication on 5.13 acres.
Project Manager, John W. Baty

- d. The projects being considered are located on southeast corner of Fruitdale Avenue and Southwest Expressway in the A(PD) Planned Development Zoning District (Southwest Expressway Investors Ltd, Owner). Council District 6. SNI: None. CEQA: Reuse of EIR Resolutions 69886 and 70356.
- 1) **PD07-007**. Planned Development Permit to allow up to 256 single-family attached residences and 25,300 square feet of commercial uses on a 5.8 gross acres site.
Project Manager, Sanhita Mallick
 - 2) **PT08-008**. Planned Tentative Map Permit to reconfigure and subdivide 2 parcels into 6 lots for a single-family attached residential and commercial use on 12.71 gross acres.
Project Manager, Sanhita Mallick
- e. The projects being considered for denial are located on Sylvandale Avenue approximately 100 feet northerly of Faris Drive (880 SYLVANDALE AV), in the A(PD) Planned Development Zoning District . Council District 7. SNI: None. CEQA: Environmental Impact Report
- 1) **PD00-067**. Denial of a Planned Development Permit to allow the construction of 44 single family attached residences on a 6.0 gross acre site.
Project Manager, Martina Davis
 - 2) **PT00-112**. Denial of a Tentative Map Permit to subdivide a 6.0 gross acre parcel into 47 lots for single-family attached residences uses.
Project Manager, Martina Davis
- f. 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.
Deferred from 02/27/2008.
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.
Deferred from 02/27/2008.
Project Manager, John W. Baty

This concludes the Planning Director's Hearing for March 12, 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.