



**PLANNING DIRECTOR'S HEARING AGENDA**

**Wednesday, May 21, 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 **May 21, 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. **SP08-012**. Wireless - Special Use Permit to allow installation of a slimline wireless communications monopole and associated equipment shelter at a landscaping materials business on a 1.9 gross acre site in the HI Heavy Industrial Zoning District, located on the east side of Oakland Road, approximately 600 feet southerly of Rock Avenue, (1996 OAKLAND RD.) (Betty Shelton, owner). Council District 4. SNI: None. CEQA: Exempt.  
*Project Manager, Suparna Saha*
- b. **TR08-114**. Live Tree Removal Permit to allow the removal of one Pine tree, approximately 64-inches in circumference, from the front yard of an existing duplex in the R-2 Two-Family Residence Zoning District, located at 1297 North Bascom Avenue (1297 N BASCOM AV) (Arlene Pasetta Trustee, Owner). Council District 6. CEQA: Exempt.  
*Project Manager, Rachel Roberts*
- c. **PDA73-029-01**. Live Tree Removal Permit for the removal of five (5) diseased Tulip trees, ranging from 45 to 92 inches in circumference, from the common area of a multi-residential development in the A(PD) Planned Development Zoning District, located on the west side of Johnson Avenue, approximately 250 feet northerly of Friar Way (1079 JOHNSON AV) (Richard M. Hoag Jr. and Diane B. Hoag Trustee, Owner). Council District 1. CEQA: Exempt.  
*Project Manager, Rachel Roberts*
- d. **TR08-109**. Live Tree Removal Permit for the removal of one Palm tree, approximately 64 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 1676 Arbor Drive (Josh And Andrea Santaga, Owner). Council District 6. CEQA: Exempt.  
*Project Manager, Rachel Roberts*

- e. **PT08-017**. Planned Development Tentative Map to subdivide the one parcel to four lots on a 1.7 gross acre site in the R-1-5 Single-Family Residence Zoning District, located on the west side of Eberly Drive approximately 200 feet north of Branham Lane (376 Neilson Court) (Giani Smith, Owner). Council District: 2. SNI: None. CEQA: Re-Use of MND.  
*Project Manager, Avril Baty*
- f. **PD07-080**. Planned Development Permit to legalize existing retaining walls, completed without the benefit of permits, to an existing single-family residence on a 0.24 gross acre site in the A(PD) Planned Development Zoning District, located at 3646 San Minete Court (Nhut And Terry Tran Xuan, Owner). Council District: 8. SNI: None. CEQA: Exempt.  
*Project Manager, Avril Baty*
- g. **TR08-060**. Live Tree Removal Permit for the removal of one pepper tree, 75 inches in circumference, from the rear yard of a single family detached residence located in the R-2 Zoning District, located at 30 Cecil Avenue (Bali Singh, Owner). Council District: 6. CEQA: Exempt.  
*Project Manager, Avril Baty*
- h. **T08-013**. Tentative Map Permit to subdivide one parcel into one lots for condominium purposes for single family attached uses on a 0.2 gross acre in the R-M Multiple Residence Zoning District, located at 1959 Harris Avenue (Muhammad Mohsin Hussain, Owner). Council District: 9. SNI: None. CEQA: Exempt.  
*Project Manager, Avril Baty*
- i. **SP07-072**. Special Use Permit to expand the legal non-conforming use to allow a 960 sq. ft. addition of a modular classroom unit on a 1.5 gross acre site. in the R-M Multiple Residence Zoning District, located on the west side of N. Bascom Ave, approximately 150 ft. north of Bailey Ave (101 N BASCOM AV) (Santa Clara Co Recreation For The Blind Inc, Owner). Council District 6. SNI: Burbank/Del Monte. CEQA: Exempt.  
*Project Manager, Ed Schreiner*
- j. **TR08-100**. Tree Removal Permit to remove three (3) live Pine trees measuring 72 inches, 72 inches, and 103 inches in circumference, from the rear yard of a single family detached residence in the R-1-2 (PD) Planned Development Zoning District, located at 7032 Burnside Drive (Swope Richard And Contreras Jennifer, Owner). Council District 10. CEQA: Exempt.  
*Project Manager, Misty Mersich*
- k. **TR08-112**. Tree Removal Permit to remove one (1) live Pepper tree, approximately 131 inches in circumference, from the front yard of a single-family residence in the R-1-8 Single-Family Residence Zoning District, located at 5258 War Wagon Drive (Ancheta, Linda N, Owner). Council District 2. CEQA: Exempt.  
*Project Manager, Misty Mersich*
- l. **TR08-108**. Tree Removal Permit to remove one (1) live Podocarpus tree, 72 inches in circumference, from the rear yard of an existing single family residential lot in the R-1-8 Single-Family Residence Zoning District, located at 2498 Parquet Court (Schmidt Timothy F And Holl Susan M, Owner). Council District 6. CEQA: Exempt.  
*Project Manager, Misty Mersich*

- m. **TR08-070**. Live Tree Removal Permit to allow the removal of two (2) Pine trees, approximately 58 and 79 inches in circumference from the side yard; and one (1) Cedar tree, approximately 63.5 inches in circumference from the rear yard of an existing single-family detached residence in the R-1-5 Single-Family Residence Zoning District, located at 1601 Montellano Court (Raman & Ebe Thiara, Owner). Council District 10. CEQA Exempt. Deferred from 04/30/2008 and 05/07/2008.  
*Project Manager, Misty Mersich*

The consent calendar is now closed.

### 3. **PUBLIC HEARING**

- a. The project site is located on the approximately 1.8 gross acre block in the DC Downtown Primary Commercial Zoning District bound by St. James Street, North 1st Street, North 2nd Street, and Devine Street (252 N. 1<sup>st</sup> St.) (Redevelopment Agency of City of San Jose, Owner; Barry Swenson Builder & Green Valley Corp., Developer). Council District 3. SNI: None. CEQA: Park View Towers SEIR . The projects being considered are as follows:
- 1) **H05-029**. Site Development Permit to demolish the two adjacent structures at the northeast corner of N. 1<sup>st</sup> and St. James Streets and to construct up to 194 single-family attached residences (3 of which are live/work units) and approximately 14,000 square feet of ground floor commercial uses in two high-rise towers (~153 feet tall along N. 1st St. and ~198 feet tall along Devine St.)  
Deferred from 05/07/2008 and 05/14/2008.  
*Project Manager, Lee Butler*
  - 2) **HP05-002**. Historic Preservation Permit (1) to allow demolition of the Letcher's Garage (Oasis) building, listed as a National Register Historic Site/Structure and as a Contributing Structure to the St. James Square City Landmark District, at the northeast corner of N. 1<sup>st</sup> and St. James Streets and (2) to allow construction within the same City Landmark District per the project described above with file number H05-029.  
Deferred from 05/07/2008 and 05/14/2008.  
*Project Manager, Lee Butler*
  - 3) **HP05-003**. Historic Preservation Permit to allow the rehabilitation of the First Church of Christ Scientist (located on the north side of St. James Street, centered between N. 1<sup>st</sup> & 2<sup>nd</sup> Streets), including exterior modifications and structural upgrades, to the structure listed as a National Register Historic Site/Structure and as a Contributing Structure to the St. James Square City Landmark District.  
Deferred from 05/07/2008 and 05/14/2008.  
*Project Manager, Lee Butler*

This concludes the Planning Director's Hearing for May 21, 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.