



PLANNING DIRECTOR'S HEARING AGENDA

Wednesday, July 23, 2008

9:00 a.m.

**City Hall 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 request an accommodation for City-sponsored meetings or events or an alternative format for printed materials, please call Dawn Lehman at 408-535-7811 or 408-294-9337 (TTY) as soon as possible, but at least three business days before any meeting or event. 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 **July 23, 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.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Planning, Building and Code Enforcement at San José City Hall, 200 E. Santa Clara Street, 3rd Floor Tower, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body.

Note: If you have any agenda changes, please contact Dawn Lehman at 408-535-7811 or dawn.lehman@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. **H07-044**. Site Development Permit to construct a jet fuel truck loading facility and remove 18 Redwood trees at San Jose International Airport in the HI Heavy Industrial Zoning District, located in the southwest elbow of Highway 101 and the Guadalupe River (2151 AIRPORT BL) (City Of San Jose, Owner; Underground Construction Company, Inc. Developer). Council District 3. SNI: None. **Deferred from 7/16/08.**
Project Manager, Chris Burton
- b. **PDA81-068-01**. Live Tree Removal Permit to allow the removal of one Ash tree, approximately 114 inches in circumference, from the rear yard of a residential unit in the A(PD) Planned Development Zoning District, located at 962 Silicon Drive (Sharon Babb, Owner). Council District: 6. CEQA: Exempt.
Project Manager, Avril Baty
- c. **H08-026**. Site Development Permit to allow a 181 square feet addition to an existing duplex on a 0.18 gross acre site in the R-2 Two-Family Residence Zoning District, located at 754 Bird Avenue (Domingo & Alicia Lopez, Owner). Council District: 6. SNI: Greater Gardner. CEQA: Exempt.
Project Manager, Avril Baty
- d. **SP08-028**. Special Use permit to allow a second floor addition to an existing detached single family residence, and the demolition of an existing legal nonconforming auxiliary structure, on a lot with an existing legal, nonconforming detached second residence unit on a 0.14 gross acre site in the R-2 Two-Family Residence Zoning District, located at 339 N. 9th Street (Eusebio And Alma Soltero, Owner). Council District: 3. SNI: 13th Street. CEQA: Exempt.
Project Manager, Avril Baty

- e. **SF08-017**. Single Family House Permit to allow a second story rear addition to an existing two-story residence that is not on the Historic Resources Inventory, resulting in a Floor Area Ratio of 53% in the R-1-8 Single-Family Residence Zoning District, located at 967 Jansen Avenue (David & Laura Anderson, OwnerS). Council District: 6. SNI: None. CEQA: Exempt.
Project Manager, Avril Baty
- f. The projects being considered are located at/on east side of Monterey Road approximately 700 feet northerly of Tully Road (2112 MONTEREY RD), in the A(PD) Planned Development Zoning District (EMERGENCY HOUSING CONSORTIUM, Owner). Council District 7. SNI: None. CEQA: Exempt.
 - 1) **PD08-031**. Planned Development Permit to effectuate the PD Zoning PDC08-012, to allow the redevelopment of a small parking lot, and landscape improvements on a 2.88 gross acre site currently developed with an existing eating establishment and a single-room occupancy (SRO) facility.
Project Manager, Ella Samonsky
 - 2) **PT08-031**. Vesting Planned Tentative Map to subdivide one parcel into two lots for an existing eating establishment and an existing single-room occupancy (SRO) living unit facility on a 2.88 gross acre site.
Project Manager, Ella Samonsky
- g. The projects being considered are located on the west side of North 4th Street, approximately 230 feet north of East St. James Street (237 N 4th St.), in the A(PD) Planned Development Zoning District (Zajonc Larry W and Smith-Zajonc Janice A TR, Owner). Council District 3. SNI: None. CEQA: Exempt
 - 1) **PD08-024**. Planned Development Permit to allow construction of two live/work units on a 0.08 gross acre site.
Project Manager, Licinia McMorrow
 - 2) **PT08-016**. Planned Development Tentative Map to subdivide one parcel into two lots for live/work purposes on a 0.08 gross acre site.
Project Manager, Licinia McMorrow
- h. **TR08-154**. Tree Removal Permit Application to allow the removal of one Cedar tree, 81 inches in circumference, located in the R-1-8 Single-Family Residence Zoning District, at 448 South 12th Street (Steven M and Tanya G. Burkey Trustee, Owners). Council District 3. CEQA: Exempt.
Project Manager, Suparna Saha

3. **PUBLIC HEARING**

- a. The projects being considered are located on the northeast corner of Baypointe Parkway and Tasman Drive (166 Baypointe Parkway), in the A(PD) Planned Development Zoning District (Cilker William H and Leila A Trustee, Owner; Trammell Crow Residential, Developer). Council District 4. SNI: None. CEQA: Addendum to North San José EIR.
 - 1) **PD08-023**. Planned Development Permit to construct 229 multi-family attached residences and 6,000 square feet of commercial on a 2.86 gross acre site.
Project Manager, John W. Baty

- 2) **PT08-030**. Planned Development Vesting Tentative Condominium Map to reconfigure 1 parcel into 229 residential units and 2 commercial units on a 2.86 gross acres.
Project Manager, John W. Baty
- b. The projects being considered are located at/on southwest corner of Cinnabar Street and Stockton Avenue (345 Stockton Ave), in the LI Light Industrial Zoning District (381 Stockton LLC, Owner; Morrison Park Homes, LLC, Developer). Council District 6. SNI: None. CEQA: Mitigated Negative Declaration
- 1) **PD07-088**. Planned Development Permit to demolish existing structures, relocate and rehabilitate a historic gas station building, and construct 250 single-family attached residences on a 4.43 gross acres site.
Project Manager, Licinia McMorrow
- 2) **PT07-080**. Planned Development Tentative Map to reconfigure one parcel into one lot for 250 single-family attached condominium residential units on a 4.43 gross acres site.
Project Manager, Licinia McMorrow
- c. **PD04-071**. Planned Development Permit to demolish three single-family detached residences and construct 93 single-family attached residences on a 1.44 gross acre site in the A(PD) Planned Development Zoning District, located on the west side of McCreery Avenue approximately 230 feet southerly of Alum Rock Avenue (1884 ALUM ROCK AV) (Dry Heron Development LLC, Owner). Council District 5. SNI: Mayfair. CEQA: Mitigated Negative Declaration.
Project Manager, Martina Davis
- d. **PD08-022**. Planned Development Permit to allow continued operation after midnight and to allow an entertainment and drinking establishment at an existing restaurant (Blowfish Sushi) on a 0.88 gross acre site in the A(PD) Planned Development Zoning District, located on the northwest corner of Santana Row and Olin Avenue (355 Santana Row, Suite 1010) (FRIT San Jose Town & Country Village Llc, Owner). Council District 6. SNI: None. CEQA: Exempt.
Project Manager, Ed Schreiner
- e. **CIS08-001**. Community Identification Sign Permit to allow banner signs stating, “Little Saigon” along Story Road, between Via Ferrari Road and Senter Road (City Of San Jose, Owners). Council District 7. SNI: None. CEQA: Exempt.
Project Manager, Reena Mathew

This concludes the Planning Director’s Hearing for July 23, 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.