



PLANNING DIRECTOR'S HEARING AGENDA

Wednesday, August 13, 2008

**9:00 a.m.
Council Chambers
Wing Room, W-118
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**

NOTICE

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 requested such an accommodation, please identify yourself to the technician seated at the staff table. 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 **August 13, 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 questions regarding the agenda, 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.

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. **H08-029**. Tree removal permit to allow the removal of one willow tree, with multiple trunks in total greater than 56 inches in circumference, located in the front yard, and two palm trees, approximately 58 inches and 65 inches in circumference, located in the interior courtyard, of a 0.81 gross-acre multi-family residential complex in the R-M Multiple Residence Zoning District, located on the northeast side of Atherton Avenue 520 feet northwest of Hamilton Avenue (4775 ATHERTON AVENUE) (John C And Elizabeth L Wurr Trustee & Et Al, Owner). Council District 1. CEQA: Exempt.
Project Manager, Bill Roth
- b. **HA69-130-01**. Live Tree Removal Permit request to remove one Canary Island Date Palm, approximately 158 inches in circumference, from an existing church property in the R-M Multiple Residence Zoning District, located at the northeast corner Payne Ave & Boynton Ave (3675 Payne Ave) (The Presbytery of San Jose, Owner). Council District 1. CEQA: Exempt.
Project Manager, Licinia McMorrow
- c. **HA82-050-01**. Site Development Permit Amendment to add a driveway and a pedestrian walkway to connect the properties 2222 Qume Drive and 2350 Qume Drive, and allow landscaping improvements between the two lots on a 5.32 gross acre site in the IP Industrial Park Zoning District, located on the east side of Qume Drive and Commerce Drive (2222 QUME DR) (Becton Dickinson & Co, Owner). Council District 4. SNI: None. CEQA: Exempt
Project Manager, Chris Burton
- d. **PD07-103**. Planned Development Permit to allow a drinking establishment as a part of a restaurant in a previously approved building (No. 20) on a 55.4 gross acre site in the A(PD) Planned Development Zoning District, located on the north side of Curtner Avenue, approximately 1,000 feet westerly of Monterey Road (PAD #20, APN 455-05-012) (2199 Monterey Road) (Wpvc San Jose Llc, Owner). Council District 7. SNI: None. CEQA: Exempt.
Project Manager, Bill Roth

- e. **PDA81-052-01**. To remove one Monterey Pine, approximately 108 inches in circumference, in the A(PD) Planned Development Zoning District, located on the northwest corner of Capitol Avenue and Croperly Avenue (2536 ALVESWOOD CIRCLE) (Miao Chun-Shen, Owner). Council District 4. CEQA: Exempt.
Project Manager, Rachel Roberts
- f. **PT08-036**. Planned Development Tentative Map Permit to subdivide one parcel into 3 lots for residential uses on 0.30-gross acre site (no new construction is proposed) in the R-2 Two-Family Residence Zoning District, located on the southeast corner of East Hedding Street and North 17th Street (890 North 17th Street) (Louis Bini, Owner). Council District 3. SNI: 13th Street. CEQA: Exempt.
Project Manager, Reena Mathew
- g. **SP08-025**. Special Use Permit to allow construction of a retaining wall approximate 50 feet in length and 5 feet in height on the east side of the property on a 0.23 gross acre site in the R-1-5 Single-Family Residence Zoning District, located at 3462 Rancho View Court (Khoi Ha, Owner). Council District: 4. SNI: None. CEQA: Exempt.
Project Manager, Avril Baty
- h. **SP08-030**. Special Use Permit to permit a rear storage room addition of 177 square feet to a legal non-conforming duplex in the R-1-8 Single Family Residential Zoning District, with no other exterior modifications included, on a 0.2 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at 107 Pierce Avenue (Silvino Orozco, Owner). Council District: 3. SNI: Market/Almaden. CEQA: Exempt..
Project Manager, Avril Baty
- i. **SP08-031**. Special Use Permit to allow medium manufacturing in an existing 51,000 sq. ft. industrial building, and the addition of two 1,625 gallon tanks in an enclosure at the rear of the facility on a 15.45 gross acre site in the IP Industrial Park Zoning District, located on the northeast corner of Daggett Drive and North 1st Street (41 DAGGETT DR) (702/703 Investors Llc, Owner). Council District 4. SNI: None. CEQA: Exempt..
Project Manager, Chris Burton
- j. **SP08-033**. Special Use Permit to allow the construction of retaining walls 2 to 8 feet in height, an 8-foot debris catcher, and 5,000 gallon water tank, on a single family residential lot of 1.87 gross acres in the A Agricultural Zoning District, located at/on the South side of Dove Hill Road, approximately 500 feet easterly of Highway 101 (3820 DOVE HILL RD) (Gerald Folmer, Owner). Council District 8. SNI: None. CEQA: Exempt.
Project Manager, John Kim
- k. **SP08-034**. Special Use Permit to demolish a one-car detached garage and construct a new one-car garage with attached trellis-covered patio for an existing single-family residence on a 0.18 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at 1323 Yosemite Avenue in the Hester/Hanchett Conservation Area. (John Kovaleski, Owner). Council District: 6. SNI: None. CEQA: Exempt.
Project Manager, Avril Baty
- l. **TR07-231**. Tree Removal Permit to remove one Redwood tree, approximately 100 inches in circumference, on a 0.16 gross-acre site in the A(PD) Planned Development Zoning District, located at 990 Nantucket Court (Constance L. Giles Et Al, Owner). Council District 6. CEQA: Exempt
Project Manager, Rachel Roberts

- m. TR08-153.** Live Tree Removal Permit request for the removal of one Modesto Ash tree, approximately 85 inches in circumference, from the rear yard of a single family residence in the R-1-8 Zoning District located at 1755 Balsa Avenue. (Kim Foster, Owner). Council District 9. CEQA: Exempt
Project Manager, Licinia McMorrow
- n. TR08-174.** Live Tree Removal Permit for the removal of one American Elm tree, approximately 115 inches in circumference, from the rear yard of a single family detached residence in the R-1-8 Single-Family Residence Zoning District, located on the south side of McKendrie St, approximately 180 feet east of Chapman Street (1270 McKendrie St.) (Vickers Linda and Beja Eliot, Owner). Council District: 6 CEQA: Exempt.
Project Manager, Licinia McMorrow
- o. TR08-184.** Tree removal permit to allow the removal of one walnut tree, approximately 72 inches in circumference, located in the left side yard of a 0.19 gross-acre single-family residence parcel in the R-1-8 Residential Zoning District, located at 1680 Arbor Drive (Don V Elledge, Owner). Council District 6. CEQA: Exempt.
Project Manager, Bill Roth
- p. TR08-187.** Live Tree Removal Permit request to remove one Palm Tree, approximately 68 inches in circumference, from the front yard of a single-family residence in the R-1-8 Single-Family Residence Zoning District, located at the 5691 Lilac Blossom Lane (Sweetapple, Richard C And Carol M Trustee, Owner). Council District 9. CEQA: Exempt.
Project Manager, Licinia McMorrow
- q. TR08-189.** Live Tree Removal Permit to allow the removal of one Cedar Tree, approximately 102-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 476 Tovar Drive (James A. and Lynette M. Gentleman, Owner). Council District 2. CEQA: Exempt.
Project Manager, Rachel Roberts
- r. TR08-190.** Tree Removal Permit request to remove one Redwood tree approximately 66 inches in circumference on a 0.15 gross acre lot located in the R-M Multiple Residence Zoning District on the east side of North 3rd Street, approximately 350 feet south of East Empire Street (466 N 3rd Street) (Johnny G Martin, Owner). Council District 3. CEQA: Exempt.
Project Manager, John Baty
- s. TR08-199.** Live Tree Removal Permit to allow the removal of one Silver Maple tree, approximately 58-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/on the 2057 Redbush Terrace (2057 REDBUSH TR) (Rehder John H and Donna H Trustee, Owner). Council District 6. CEQA: Exempt.
Project Manager, Ella Samonsky
- t. TR08-200.** Tree Removal Application to remove three (3) Redwood Trees measuring approximately 151", 170", and 226" in circumference on a single family residential lot. in the R-1-8 Single-Family Residence Zoning District, located on the 4528 Piper Drive (Haruko Nakano, Owner). Council District 1. CEQA: Exempt.
Project Manager, Reena Mathew

3. PUBLIC HEARING

- a. **SP08-009**. Special Use Permit to allow demolition of a four-unit, circa-1919 residential building (158-160 E. St. John Street) on a 0.4-acre site in the CG General Commercial Zoning District, located at/on the southeast corner of E. St. John Street and N. 4th Street (156 E ST JOHN ST) (Baig Niaz Et Al, Owner). Council District 3. SNI: 13th Street. CEQA: Exempt
Deferred from 7/30/08
Recommend Denial
Project Manager, Ella Samonsky
- b. **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.
Deferred from 7/23/08, 7/30/08
Project Manager, Martina Davis
- c. **PD08-035**. Planned Development Permit for a parking structure on a 0.28 gross acre site for a previously approved office building at Santana Row in the A(PD) Planned Development Zoning District, located on the west side of South Redwood Avenue, approximately 200 feet southerly of Stevens Creek Boulevard (FRIT San Jose Town & Country Village, LLC Randy Paul, Owner). Council District 6. SNI: None. CEQA: EIR Resolution No. 6810.
Project Manager, Ed Schreiner

This concludes the Planning Director's Hearing for August 13, 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.