



PLANNING DIRECTOR'S HEARING AGENDA

Wednesday, September 17, 2008

**9:00 a.m.
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**

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 **September 17, 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. **HA76-130-02.** Tree Removal Permit for the removal of six live trees, one dead tree and one previously removed tree, from the common area of condominium complex on a 6.4-gross acre site in the R-M Multiple Residence Zoning District, located at 3125 Kimber Ct. (Unite Tawni L, Owner). Council District 9. CEQA: Exempt.
Project Manager, Ella Samonsky
- b. The projects being considered are located at/on southeast corner of Piercy Road and Tennant Avenue (715 PIERCY RD), in the A(PD) Planned Development Zoning District (TERRAMAC, INC, DETRICK CORPORATION, THE TAWFIK'S TRUST SAMEHA TAWFIK, TRUSTEE, Owner). Council District 2. SNI: None. CEQA: Mitigated Negative Declaration.
 1. **PD07-054.** Planned Development Permit to allow the construction of 40 single family detached residences on a 14.27 gross acre site.
 2. **PT07-047.** Planned Development Tentative Map to subdivide 1 parcel into 42 lots for single family detached residential and park purposes on a 14.27 gross acre site.
Project Manager, Martina Davis
- c. **PD08-041.** Planned Development Permit to construct a detached, second residential unit containing 1,034 square feet on a single, 0.56 gross acre site that currently has one single-family residence in the A(PD) Planned Development Zoning District, located on the north side of Redmond Avenue, approximately 150 feet easterly of Moss Oak Way (11819 REDMOND AV) (Mancuso Albert S And Clara L Trustee, Owner). Council District 10. SNI: None. CEQA: Exempt.
Project Manager, Ella Samonsky

- d. **PD08-047**. Planned Development Permit to allow an approximately 60,000 square foot surface parking lot for new vehicle inventory and employee parking for an auto dealership on the adjacent site on a 5.5 gross acre site in the A(PD) Planned Development Zoning District, located on the south side of Tully Road, approximately 700 feet westerly of Capitol Expressway (2198 TULLY RD) (General Growth Properties, Eastridge Shopping Ctr Llc, Owner; Beshoff Infinity, Developer). Council District 8. SNI: None. CEQA: Mitigated Negative Declaration.
Project Manager, Edward Schreiner
- e. **PDA80-039-01**. Planned Development Permit Amendment to allow re-roofing of an existing building, replacing tiles with composition shingles, on a 9.0 gross acre site in the A(PD) Planned Development Zoning District, located at 1201 S. Winchester Boulevard (Bethel Church of San Jose, Owner). Council District 1. SNI: None. CEQA: Exempt.
Project Manager, Suparna Saha
- f. **TR08-056**. Live Tree Removal Permit for the removal of three ordinance-size trees (two Liquid Amber and one Dawn Redwood), varying between 69 and 126 inches in circumference, from a single-family detached residential lot located at 1585 Cherry Glen Way in the R-1-8 Single-Family Residence Zoning District (1585 CHERRY GLEN WY) (Jay R. Andre, Owner). Council District 6. CEQA: Exempt.
Project Manager, Rachel Roberts
- g. **TR08-157**. Tree Removal Permit to allow removal of one (1) Redwood Tree, approximately 82 inches in circumference on a 0.14 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at 2545 Fairdell Drive (Kevin J. Sullivan, owner). Council District 9. CEQA: Exempt.
Project Manager, Suparna Saha
- h. **TR08-159**. Tree Removal Permit to allow removal of two (2) Privet trees, 56 and 109 inches in circumference, on a 0.14 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at 3302 Jenkins Avenue (Nathan and Kelli Smith, owners). Council District 9. CEQA: Exempt
Project Manager, Suparna Saha
- i. **TR08-194**. Live Tree Removal Permit to allow removal of one Mulberry tree, approximately 66-inches in circumference at an existing single-family detached residence in the R-1-8 Single-Family Residence Zoning District, located at 1040 Cynthia Lane (Divita Ardath Trustee, Owner). Council District: 1. CEQA: Exempt.
Project Manager, Avril Baty
- j. **TR08-206**. Tree Removal Permit to allow the removal of one (1) Eucalyptus, approximately 71" in circumference, on a 0.13 gross acre site in the R-1-8 Single-Family Residence Zoning District, at 2278 Maroel Dr (Sheldon J Goodman & Trustee, Owner). Council District 1. CEQA: Exempt.
Project Manager, Suparna Saha
- k. **TR08-223**. Tree Removal Permit for one live pine tree, approximately 58 inches in circumference, from the rear yard of a single-family residence in the R-1-8 Single-Family Residence Zoning District, located at 689 Los Huecos Drive. (Stull William H And Lise K, Owner). Council District 10. CEQA: Exempt
Project Manager, Licinia McMorrow

- i. **TR08-235**. Live Tree Removal Permit for the removal one monterey pine tree, 128 inches in circumference, that is interfering with utilities in the rear yard of a single family detached residence in the R-1-8 Single-Family Residence Zoning District, located at 1680 Faraday Court (Joe Swan, Owner). Council District: 9. CEQA: Exempt.
Project Manager, Avril Baty

3. PUBLIC HEARING

- a. **PD08-042**. Planned Development Permit to allow an off-site parking establishment for an existing private secondary school and to temporarily vacate the portion of Emory Street between Stockton Avenue and Laurel Street in the LI Light Industrial Zoning District located on the southwest corner of Stockton Avenue and Emory Street (795 STOCKTON AV) (Do, Tron D, Owner; Bellarmine, Applicant). Council District 6. SNI: None. CEQA: Mitigated Negative Declaration.
Project Manager, Ed Schreiner
Deferred from 8/27/08 & 9/10/08
- b. **PD07-063**. Planned Development Permit to allow the construction of 201,000 square feet of commercial space in four buildings, including a garden center, on a 17.5 gross acre site in the IP(PD) Planned Development Zoning District, located on the northeast corner of Cottle Road and Poughkeepsie Road (5600 Cottle Road) (IBM, Owner; Lowes' HIW, Inc., Developer). Council District 2. SNI: None. CEQA: EIR Resolution No. 73814.
Project Manager, Suparna Saha
Deferred from 9/10/08

This concludes the Planning Director's Hearing for September 17, 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.