



PLANNING DIRECTOR'S HEARING AGENDA

Wednesday, October 15, 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 **October 15, 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. [HA80-077-01](#). Tree Removal Permit for 12 trees, ranging in size from approximately 12 inches to 82 inches in circumference, from the common areas of a multi-family residential development in the R-M Multiple Residence Zoning District, located on the south side of Baroni Avenue and the west side of Snell Avenue (130 BARONI AVE) (Cora J. Jackson, Owner). Council District 10. CEQA: Exempt Deferred from 10/08/08
Project Manager, Bill Roth
- b. [TR08-248](#). Tree Removal Permit to remove one live Deodar Cedar, 131 inches in circumference, located in the front yard of a single family lot in the R-1-8 Single-Family Residence Zoning District, located on the southwest corner Coralee Dr & Rafton Dr (4907 Rafton Dr) (Mcneil Rupert and Mary, Owners). Council District 9. CEQA: Exempt. Deferred from 10/08/08
Project Manager, Licinia McMorrow
- c. [PDA77-046-01](#). Live Tree Removal Permit for the removal of three Red Ironbark Eucalyptus trees, 78 inches, 99 inches, and 117 inches in circumference, along Towers Lane, adjacent to a mobile home community in the R-1-8(PD) Planned Development Zoning District, located at 453 Aborn Road (Brandenburg Staedler & Moore, Owner). Council District: 7. CEQA: Exempt.
Project Manager, Avril Baty
- d. [SP07-070](#). Special Use Permit to allow outdoor storage with no building or structure proposed on a 0.23 gross acre site in the LI Light Industrial Zoning District, located on the southeasterly corner of Chestnut Street and Asbury Street (748 CHESTNUT ST) (Rostam And Minoo M Sotoodehkhoo Trustee, owners). Council District 3. SNI: None. CEQA: Exempt.
Project Manager, Suparna Saha
- e. [TR08-217](#). Tree Removal Permit to allow removal of one Coast Redwood (*Sequoia Sempervirens*) tree, approximately 72 inches in circumference, in the rear yard of a single-family residence at 6059 Montalvo Drive, within a R-1-8 Single-Family Residential Zoning

District. (Harvey Lau, Owner). Council District 10. CEQA: Exempt.
Project Manager, Allen Tai

- f. **SP07-073**. Special Use Permit to convert a legal non-conforming multiple dwelling containing six residential units to a two-family residence on a 0.14 gross acre site in the CG General Commercial Zoning District, located on the east side of South 6th Street, approximately 150 feet northerly of East William Street (480 S 6TH ST) (Lu Tan Sung And Du Anh Kim, Owner). Council District 3. SNI: University. CEQA: Exempt.
Project Manager, Ella Samonsky
- g. **TR08-259**. Live Tree Removal Permit for the removal of one ash tree (96 inches in circumference) from the side yard of a single family detached residence located in the A(PD) Zoning District, located on the northeast corner of Papyrus Lane and Naglee Avenue (1702 Papyrus Lane) (Charles and Jarris Moore, Owners). Council District 6. CEQA: Exempt.
Project Manager, Reena Mathew
- h. **SP08-049**. Special Use Permit to legalize an accessory structure of 420 square feet, in excess of the 200 square feet allowed by right, located in the backyard of a single-family detached residence on a 0.14 gross acre site in the R-1-8 Single-Family Residence Zoning District, at 3329 Dias Drive (Miguel Vallejo Lopez, Owner). Council District: 8. SNI: None. CEQA: Exempt. Deferred from 10/08/08
Project Manager, Avril Baty

3. PUBLIC HEARING

- a. **PD08-029**. Planned Development Permit to construct 220 single-family attached residences over a podium garage, and 18 single-family attached townhome units on a 3.9 gross acres site in the A(PD) Planned Development Zoning District, located on the area generally bounded by East Virginia, Martha, South 5th, and South 6th Streets (Virginia Terrace 170 LP, David Small, Owner/Developer). Council District 3. SNI: Spartan/Keyes. CEQA: Mitigated Negative Declaration and Addenda thereto
Project Manager, Reena Mathew
- b. **PD08-040**. Planned Development Permit to allow the demolition of existing buildings and construction of 25,300 square feet of commercial uses (including two drive through uses and late night operation) in five buildings on a 3.44-gross acres site in the A(PD) Planned Development Zoning District, located on the northwest corner of Coleman Avenue and Newhall Street (1115 COLEMAN AV) (Reinhard Eli Et Al, Owner). Council District 3. SNI: None. CEQA: FMC/Arcadia EIR Resolution No. 71716, File No. PDC98-104
Project Manager, Edward Schreiner
- c. **SP08-040** Special Use Permit for late night use to an existing restaurant on a 0.09 gross acre site in the DC Downtown Primary Commercial Zoning District, located on the southeast corner of South 3rd Street and San Carlos Street (304 S 3RD ST) (Shahidi Masoud, Owner). Council District 3. SNI: None. CEQA: EXEMPT.
Project Manager, Ella Samonsky

This concludes the Planning Director's Hearing for October 15, 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.