



**PLANNING DIRECTOR'S HEARING AGENDA**

**Wednesday, October 22, 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 22, 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, 3<sup>rd</sup> 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

---

- a. **TR08-264**. Live Tree Removal of a pine tree, approximately 60 inches in circumference, from the rear yard of a single-family residence on a 0.18 acre lot in the R-1-8 Single-Family Residence Zoning District, located at 686 Chatsworth Place (Suzuki Ryan Trustee, Owner). Council District 6. CEQA: Exempt. – Deferred to 10/29/08  
*Project Manager, Licinia McMorrow*

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. The projects being considered are located on the southeast corner of Vine Street and Floyd Street (1312 Vine St), in the A(PD) Planned Development Zoning District (Melvin and Margaret Keys G, Owner). Council District 3. SNI: Washington. CEQA: Exempt.
1. **PD07-074**. Planned Development Permit to construct three single family detached residences and to rehabilitate one existing single-family residence on a 0.34 gross acre site.
  2. **PT07-075**. Planned Tentative Map to subdivide one parcel into four lots for single-family detached residential uses on a 0.34 gross acre site.  
*Project Manager, Licinia McMorrow*
- b. **PD08-019**. Planned Development Permit to construct a full-service car wash containing two buildings totaling 4,461 square feet on a 0.36 gross acre site in the A(PD) Planned Development Zoning District, located on the north side of East Santa Clara Street, approximately 360 feet east of 21st Street (1051 E Santa Clara St) (Tang Helen, Owner). Council District 3. SNI: Five Wounds/Brookwood Terrace. CEQA: Mitigated Negative Declaration.  
*Project Manager, Licinia McMorrow*
- c. The projects being considered are located at the northwest corner of Palm Street and West Alma Avenue, in the A(PD) Planned Development Zoning District (Estate of Cottone Matteo, Enterprise State Inc, Owner). Council District 3. SNI: Washington. CEQA: Exempt.
1. **PD08-020**. Planned Development Permit to subdivide one parcel into three lots to construct three single family detached residences on a 0.2 gross acre site.

2. **PT08-034**. Planned Development Tentative Map Permit to subdivide one parcel into 3 lots for residential uses on a 0.2 gross acre site.  
Project Manager, *Licinia McMorrow*
- d. **PDA83-024-01**. Tree removal permit to allow the removal of 14 Tulip Trees (greater than 56" in circumference), and the removal of 5 other trees without the benefit of a permit from the common area of a multifamily development in the A(PD) Planned Development Zoning District, located on the west side of Northlake Drive, approximately 250 feet southerly of Kiely Boulevard (401 NORTHLAKE DR) (Northlake HOA, Applicant). Council District 1. CEQA: Exempt.  
*Project Manager, Christopher Burton*
- e. **SP08-047**. Special Use Permit to allow medium manufacturing and expansion of an outdoor equipment yard, at an existing 102,500 square foot industrial building on a 25.3 gross acre site in the IP Industrial Park Zoning District, located on the north side of San Ignacio Avenue, approximately 500 feet northerly of Las Colinas Lane (6321 San Ignacio Ave) (Berg & Berg Developers, L.P., Owner). Council District 2. SNI: None. CEQA: Exempt.  
*Project Manger, Christopher Burton*
- f. **TR08-225**. Tree Removal Permit to remove one Eucalyptus tree, approximately 70 inches in circumference, from the rear yard of an existing single-family residence on a 0.11 gross acre site in the R-1-8(PD) Planned Development Zoning District, located on the 5350 Mayten Grove Court (Mark & Brandi Ooka, Owners). Council District: 2. CEQA: Exempt.  
*Project Manager, Avril Baty*
- g. **H08-035**. Tree Removal Permit to remove one Eucalyptus 56 inches in circumference and one American Sycamore 108 inches in circumference located at the front yard of a two-family residence on a 0.14 gross acre site in the R-2 Two-Family Residence Zoning District, located at 1078-1084 PRINCESS ANNE DRIVE (Mlinarich Nicholas A And Lydia M Trustee, Owner). Council District 6. SNI: None. CEQA: Exempt.  
*Project Manager, Ella Samonsky*
- h. **HA98-001-02**. Site Development Permit Amendment to legalize the removal of one Silk Oak tree, approximately 98-inches in circumference, from an existing multi-family residential complex located at 1919 Fruitdale Avenue, within the R-M Multiple Residence Zoning District. (KW Fruitdale LLC., Owner). Council District 6. CEQA: Exempt.  
*Project Manager, Allen Tai*
- i. **TR08-234**. Tree Removal Permit to allow the removal of one multi-trunked Blue Atlas Cedar tree, approximately 107-inches in circumference, from the front yard of an existing single-family residential lot in the R-1-8 Single-Family Residence Zoning District, located at 1219 Whitehall Avenue (Cristina And Christopher Werdebaugh, owners). Council District 6. CEQA: Exempt.  
*project Manger, Suparna Saha*
- j. **TR08-238**. Live Tree Removal Permit to allow the removal of one Modesto Ash tree, approximately 120 inches in circumference, from the front yard of an existing single-family residence located at 327 Colville Drive, within the R-1-8 Single-Family Residence Zoning District (Rene A. Dwyer Trustee & Et Al, Ilene L. Florence Trustee & Et Al, Owners). Council District 2. CEQA: Exempt.  
*Project Manger, Allen Tai*

- k. **PD07-091**. Planned Development Permit to demolish existing buildings, construct four buildings consisting of 554 multi-family attached residences and a 1.02-acre park on an 8.68 gross acre site in the A(PD) Planned Development Zoning District, located on the northwesterly corner of Vista Montana and W. Tasman Drive (Equity-Tasman Apartments LLC). Council District 4. SNI: None. CEQA: Addendum to the Final Environmental Impact Report for the North San José Area Development Policies Update.  
*Project Manager, Ella Samonsky*

### 3. PUBLIC HEARING

---

- a. **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 – Deferred from 10/15/08  
*Project Manager, Edward Schreiner*
- b. **PDA07-006-01**. Planned Development Permit Amendment to allow construction of Phase I of the previously approved Master Planned Development (File No. PD07-006); Phase I consists of 699 residential units and 10,500 square feet of commercial use on a 9.98 acre portion of the 38.7 gross acre site in the A(PD) Planned Development Zoning District, located at the northeast corner of Zanker Road and Henry Ford II Drive (3300 Zanker Road) (Irvine Company LLC, Owner). Council District 4. SNI: None. CEQA: North San José EIR Reso. No. 72768, and Addenda thereto, File No. PDC06-038 and PD07-006. Dropped from 10/08/08, Renoticed  
*Project Manager, John Baty*
- c. **HA96-021-01**. Site Development Permit Amendment to allow a 7,514 square-foot addition and a loading area at an existing shopping center on a 30.7 gross acre site in the CG General Commercial Zoning District, located at the southeast corner of Saratoga Avenue and Quito Road (600 & 650 El Paseo De Saratoga) (Sunrise Penguin Saratoga Ltd Partnership, Owner). Council District 1. SNI: None. CEQA: Exempt.  
*Project Manager, Bill Roth*
- d. **TR07-315**. Tree Removal Permit request to allow for the removal of one magnolia tree, 116 inches in circumference, located in the front yard of a single-family residence in the R-1-8 Single-Family Residence Zoning District, located at 1461 Hamilton Way (Dalle Molle Frank A Trustee & Et Al, Owner). Council District 6. CEQA: Exempt.  
*Project Manager, Martina Davis*

This concludes the Planning Director's Hearing for October 22, 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.