



PLANNING DIRECTOR'S HEARING AGENDA

Wednesday, December 10, 2008

**9:00 a.m.
Council Chambers
City Hall**

**200 East Santa Clara Street
San José, California 95113-1905**

Hearing Officers

Darryl Boyd, 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 Laura Ciccarello at 408-535-7813 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 **December 10, 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 Laura Ciccarello at 408-535-7813 or laura.ciccarello@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. **H08-016**. Site Development Permit to allow a 4,545 square-foot addition and exterior modifications and remodeling to an existing 10,743 square foot retail building on a 1.16 gross acre site in the CN Neighborhood Commercial Zoning District located on the north side of Story Road approximately 310 feet southwesterly of Jackson Avenue (2239 STORY ROAD) (Story Road Llc, Owner). Council District 5. SNI: East Valley/680 Communities. CEQA: Exempt. Deferred from 12/03/08
Project Manager, Bill Roth
- b. **H07-047**. Site Development Permit to allow exterior modifications to an existing 14,981 square-foot commercial building, including demolition of a porte cochere and improvements to the parking area and landscaping on a 0.87 gross acre site in the CP Commercial Pedestrian Zoning District, located on the northwest corner of West San Carlos and Brooklyn Avenue (1915 W SAN CARLOS STREET) (99 Cent Only Stores, Owner). Council District 6. SNI: Burbank/Del Monte. CEQA: Exempt.
Project Manager, Bill Roth.
- c. **H08-009**. Site Development Permit to construct a 2,400 square foot metal building for industrial uses (auto repair) and new auto parking lifts on a 0.5 gross acre site in the LI Light Industrial Zoning District, located at the northeast corner of Taylor and Chestnut (597 W TAYLOR ST) (Jeff and Janie Ryan, Owners). Council District 3. SNI: None. CEQA: Exempt.
Project Manager, Suparna Saha
- d. **H08-024**. Site Development permit to allow a 2,887 square foot addition to an existing 3,305 square foot retail/office building and parking area and landscaping improvements on a 0.4 gross acre site in the CP Commercial Pedestrian Zoning District, located at the northwest corner between E. Santa Clara Street and 24th Street (1135 E. SANTA CLARA STREET) (Deanna L. Corpuz, Et Al, Owner). Council District 3. SNI: None. CEQA: Exempt.
Project Manager, Bill Roth

- e. **PD08-057.** Planned Development Permit to construct one single-family residence on a 0.71 gross acre site in the A(PD) Planned Development Zoning District, located 150 feet southwesterly from the terminus of Biarritz Place (2062 BIARRITZ PL) (Silver Creek Club Homes Llc, Owner). Council District 8. SNI: None. CEQA: Exempt
Project Manager, Reena Mathew.
- f. **PDA03-058-02.** Tree removal permit for a live Southern Magnolia of approximately 75.36 inches in circumference for a property located in the A(PD) Planned Development Zoning District, in the A(PD) Planned Development Zoning District, located at/on the Btwn Hyland Av & Alum Rock Av 240 ft SW of Maro Dr and 350 ft NE of Marian Ln (4600 HYLAND AV) (Roman Catholic Welfare Corp Of San Jose, Owner). Council District 5. CEQA: Exempt.
Project Manager, Rachel Roberts.
- g. **PDA77-027-02.** Live Tree Removal Permit for the removal of 20 ordinance size trees from The Villages golf course in the R-1-1(PD) Planned Development Zoning District, located at/on the Villages Golf & Country Club (The Villages Golf And Country Club, Owner). Council District 8. CEQA: Exempt.
Project Manager, Avril Baty.
- h. **PDA98-075-05.** Planned Development Permit Amendment to allow the operation of a child care service for up to 25 children on weekdays at an existing church, with no new construction, on a 21.5 gross acre site in the A(PD) Planned Development Zoning District, located on the northeast side of Rose Terrasse Circle, 550 feet northeast of Murillo Avenue (3695 ROSE TERRASSE CIRCLE) (First Church of The Nazarene of San Jose, Owner). Council District 8. SNI: None. CEQA: Exempt.
Project Manager, Bill Roth.
- i. **SP08-035.** Special Use Permit to allow the creation of up to 22 office condominiums in an existing office complex, with no new construction proposed, on a 1.94 gross acre site in the CO Office Commercial and CP Pedestrian Commercial Zoning Districts, located on the northeast corner of Willow Street and Westwood Drive (1685 WESTWOOD DR) (Chin-Hsiang Co. Ltd., Owner). Council District 6. SNI: None. CEQA: Exempt.
Project Manager, Suparna Saha.
- j. **SP08-054.** Special Use Permit to allow construction of a 450 square foot accessory building on a 0.19 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at 848 Willow Glen Way (Papadatos Tim And Paraskevi Trustee & Et Al, Owner). Council District 6. SNI: None. CEQA: Exempt.
Project Manager, Avril Baty.
- k. **SP08-060.** Special Use Permit to allow demolition of a single-family residence and a detached garage on a 2.25 gross acre site in the A Agricultural Zoning District, located at 3888 San Felipe Road (Evergreen School District, Owner). Council District 8. SNI: None. CEQA: Exempt.
Project Manager, Avril Baty.
- l. **T08-020.** Tentative Map Permit to subdivide 4 parcels into 5 lots for commercial uses on a 6.29 gross acres site in the CN Commercial Neighborhood Zoning District, located on the east side of Monterey Road between Tully Road and Old Tully Road (2300 MONTEREY RD) (Canned Foods Inc., Peter Read, Owner). Council District 7. SNI: None. CEQA: Exempt.
Project Manager, Bill Roth.

- m. **TR08-198.** Tree Removal Permit to allow the removal of one Magnolia tree, approximately 96 inches in circumference, from a single family home in the R-1-8 Single-Family Residence Zoning District, located at 3621 Manda Drive (Margie Sedillo, Owner). Council District 9. CEQA: Exempt.
Project Manager, Suparna Saha.
- n. **TR08-280.** Live Tree Removal Permit to allow the removal of one California Palm tree, approximately 103-inches in circumference, from a single-family home in the R-1-8 Single-Family Residence Zoning District, located at 1022 Harlan Court (William and Malinda Law, owners). Council District 1. CEQA: Exempt.
Project Manager, Suparna Saha
- o. **TR08-287.** Live Tree Removal Permit to allow removal of one Pine Tree, approximately 80 inches in circumference, from the backyard of a single family detached residence at 1102 Happy Valley Avenue, within the R-1-8 Single-Family Residence Zoning District, (Vipool and Kavita Prajapati, Owners). Council District 1. CEQA: Exempt.
Project Manager, Allen Tai.
- p. **TR08-293.** Tree Removal Permit to allow the removal of one Oak tree, approximately 82-inches in circumference, from the rear yard of an existing single-family residence in the R-1-8 Single-Family Residence Zoning District, located at 1495 Walbrook Drive (Jem Taysi, Owner). Council District 1. CEQA: Exempt.
Project Manager, Allen Tai.
- q. **TR08-300.** Tree Removal Permit Request to legalize the prior removal of one Walnut Tree, approximately 93 inches in circumference, from the front yard of a single family residence located at 3190 Gleneeden Way, within the R-1-5 Single-Family Residence Zoning District (Viola Chin, Owner). Council District 1. CEQA: Exempt.
Project Manager, Allen Tai.
- r. **TR08-303.** Live Tree Removal Permit for the removal of one pine tree, 74 inches in circumference, from the rear yard of a single family residence located in the R-1-8 Residential Zoning District in the R-1-8 Single-Family Residence Zoning District, located at/on the south side of Inglis Lane approximately 150 feet west of Carter Avenue (1614 INGLIS LN) (Khan Syed T, Owner). Council District 9. CEQA: Exempt.
Project Manager, Rachel Roberts.
- s. **TR08-311.** Live tree removal permit for a Monterey Pine, approximately 57 inches in circumference, from the side yard of a single-family residence in the R-1-8 Residential Zoning District, located on the south side of Malone Road, 175 feet west of Hatmil Way (1000 MALONE RD) (Oliver James T, wner). Council District 6. CEQA: Exempt.
Project Manager, Licinia McMorrow.
- t. **TR08-312.** Live tree removal permit for a Monterey Pine of approximately 60 inches in circumference in the A(PD) Planned Development Zoning District, located in the rear yard of 1768 Luxor Court (James Scholz, Owner). Council District 6. CEQA: Exempt.
Project Manager, Avril Baty.

3. PUBLIC HEARING

- a. **PD08-039**. Planned Development Permit to construct 248 single-family and multi-family attached residences over a podium garage on a 5.11 gross acre site in the PD Planned Development Zoning District, located at/on the east side of Campbell Avenue, approximately 2,000 feet northwesterly of Newhall Street (1270 Campbell Avenue) (Sobrato Development Co No 940, Owner; Sobrato Development Mr Tim Steele, Developer). Council District 3. SNI: None. CEQA: Mitigated Negative Declaration.
Project Manager, Ella Samonsky.
- b. **H08-002**. Site Development Permit to construct two buildings for a total of 533,000 square feet for research and development office uses and two free-standing garages on a 26 gross acre site in the IP Industrial Park Zoning District, located at the northeast corner of Zanker Road and Montague Expressway (3130 ZANKER RD) (Bp Zanker Rd Llc, Owner). Council District 4. SNI: None. CEQA: NSJ EIR Resolution No.72768, and Addenda thereto.
Project Manager, Chris Burton.

This concludes the Planning Director's Hearing for December 10, 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.