



PLANNING DIRECTOR'S HEARING AGENDA

Wednesday, December 17, 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 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 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.

- a. **TR08-245**. Tree Removal Permit to allow removal of one Deodora Cedar tree, 88 inches in circumference, on a 0.14 gross acre site, in the R-1-8 Single-Family Residence Zoning District, located at 427 Coakley Dr (Elizabeth Salvador, owner). Council District 1. CEQA: Exempt.
DROP.
Project Manager, Suparna Saha

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. **PDA79-011-01**. Planned Development Amendment to construct multiple retaining walls (heights up to approximately 3 feet) in the backyard of a single-family residence on a 0.27 gross acre site in the R-1-2(PD) Planned Development Zoning District, located on the north side of Woodview Place, approximately 250 feet from the western terminus of Woodview Place (1045 Woodview Place) (Skoglund Jonathan J And Gretchen G Trustee, Owner). Council District 10. SNI: None. CEQA: Exempt.
Deferred from 12/03/08.
Project Manager, Licinia McMorrow
- b. **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
Deferred from 12/10/08.
Project Manager, Reena Mathew.
- c. **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
Deferred from 12/10/08.
Project Manager, Rachel Roberts

- d. **H08-017**. Site Development Permit to construct three single-family detached residences on a 0.40 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at/on the northwest corner of Malone Road and Harmil Way (965 MALONE RD) (Dm Alberta Llc, Owner). Council District 6. SNI: None. CEQA: Exempt.
Project Manager, Avril Baty
- e. **PDA08-036-01**. Planned Development Permit Amendment to allow a reduction in residential units from 297 units to 293 units, to allow reconfiguration of an above- and below-grade parking garage and to allow minor architectural modifications to a previously approved mixed-use project on a 3.69 gross acre site in the A(PD) Planned Development Zoning District, located on the northeast corner of River Oaks Parkway and Zanker Road (199 RIVER OAKS PY) (Applejack 199 Lp, Owner). Council District 4. SNI: None. CEQA: Reuse of EIR.
Project Manager, Martina Davis
- f. **TR08-163**. Live Tree Removal permit request to remove one Pepper tree, approximately 142 inches in circumference, from the rear yard of a single-family residence located on a 0.119 gross acre site in the R-M Multiple Residence Zoning District, located on the southeast side of West Hedding Street 170 feet northeast of Park Avenue (1370 WEST HEDDING STREET) (Luis Torres and Guadalupe Villanueva, Owner). Council District 6. CEQA: Exempt.
Project Manager, Rachel Roberts.
- g. **TR08-265**. TREE REMOVAL PERMIT request to remove one Camphor Tree, approximately 104 inches in circumference, and one Modesto Ash Tree, approximately 58 inches in circumference, from the front yard of a single-family residence located in the R-1-8 Single-Family Residence Zoning District, located on the north side of Duvall Drive 530 feet west of Latimer Avenue (1611 DUVALL DRIVE) (Donald D. and Carol J. Reeves, Owner). Council District 1. CEQA: Exempt.
Project Manager, Rachel Roberts.
- h. **TR08-288**. Tree removal Permit to allow the removal of one Monterey Pine tree, 112 inches in circumference, from a 0.14 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at 2406 Shibley Avenue (Jason A And Sarah J Jellin, owners). Council District 6. CEQA: Exempt.
Project Manager, Suparna Saha.
- i. **TR08-294**. Tree Removal Permit to allow the removal of two Pine trees, 74 and 108 inches in circumference, on a 0.13 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at 554 Atlanta Avenue (Ann Larocco, owner). Council District 6. CEQA: Exempt.
Project Manager, Suparna Saha
- j. **TR08-315**. Tree Removal Permit to allow removal of one Pepper tree approximately 278 inches in circumference on a 0.15-acre site in the A(PD) Planned Development Zoning District, located at 3579 Townsquare Drive (Paul and Patricia Henneke, owners). Council District 5. CEQA: Exempt.
Project Manager, Suparna Saha.
- k. **TR08-318**. Live Tree Removal Permit for the removal of one modesto ash tree, approximately 73 inches in circumference, from the rear yard of a single family residence located at 4979 Page Mill Drive, within the R-1-8 Single-Family Residence Zoning District (Gloria E. Browne Trustee, Owner). Council District 2. CEQA: Exempt.
Project Manager, Allen Tai.

- l. [TR08-319](#).** Live Tree removal application for a Pine Tree of approximately 122 inches in circumference in the front yard of a property in the R-1-8 Single-Family Residence Zoning District, located at 1048 Belford Drive (Gossen Craig And Phyllis, Owner). Council District 4. CEQA: Exempt.
Project Manager, Avril Baty.
- m. [TR08-324](#).** Tree Removal Permit to allow the removal of one Black Walnut 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 4436 Hendrix Court (Tak Eng, Owner). Council District 9. CEQA: Exempt.
Project Manager, Suparna Saha.
- n. [TR08-327](#).** Tree removal permit to remove a live Cypress Tree, 104 inches in circumference, located in the front yard of a single family residential lot in the R-2 Two-Family Residence Zoning District, located at 196 S 22nd Street. (Dutra Frank Jr And Maria A, Owner). Council District 3. CEQA: Exempt.
Project Manager, Avril Baty.

3. PUBLIC HEARING

- a. [HP08-006](#)** Historic Preservation Permit to allow improvements to the west side of St. James Park and installaion of pedestrian lighting at the perimeter of the east side of the park on a 7.0 gross-acre site located in the St. James Square Historic Landmark District. City of San Jose, Owner. Council District: 3. S.N.I. Area: None. C.E.Q.A.: Exempt. – Deferred from 11/19/08
Project Manager, Hadasa Lev
- 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. Deferred from 12/10/08.
Project Manager, Chris Burton

This concludes the Planning Director's Hearing for December 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.