# PLANNING DIRECTOR'S HEARING AGENDA

**Wednesday, September 12, 2012**

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

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

**<u>Hearing Officer</u>**

**Salifu Yakubu, Division Manager**
**On Behalf of**

**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 Support Staff at 408-535-7856 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 12, 2012**. My name is ***Salifu Yakubu*** 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 your cell phones and pagers as we are broadcasting and recording this meeting. A copy of the agenda is available on the tables by the doors for your convenience. A validation machine is available at the top of 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.

The City of San Jose is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public. The City Code of Ethics may be viewed on-line at http://www.sanjoseca.gov/clerk/cp_manual/CPM_0_15.pdf.

*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, 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 Support Staff at 408-535-7856

# 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.

*NO ITEMS*

**The matter of Deferrals is now closed.**

## 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. **PD12-022**. A Planned Development Permit to allow for the construction of a 9,400 square feet commercial building including a 3,891 square foot drive-through restaurant on a 1.34 gross acre site in the CN(PD) Planned Development Zoning District, located at the northwest corner of Curtner and Union Avenue (2073 Curtner Avenue) (Lamb Desert Rose II, LLC, Owner). Council District 9. SNI: None. CEQA: Mitigated Negative Declaration (File No. PDC12-001).
*Project Manager, Lesley Xavier*

b. **TR12-126.** Tree Removal Permit to allow the removal of one (1) California Black Pepper tree, approximately 68-inches in circumference, located in the backyard of a single-family residence in the A(PD) Planned Development Zoning District, at 225 FRAGRANT HARBOR COURT (Ching-Yuan and Joy Teng, Owner). Council District 2. CEQA: Exempt.
*Project Manager, Lori Moniz*

c. **TR12-127.** Tree Removal Permit to require a tree replacement plan for the removal of four (4) ordinance size trees of unknown species, removed without benefit of the permits, from a residential lot in the R-2 Two-Family Residence Zoning District, at 363 NORTH 20$^{TH}$ STREET (Joe S. Cota Owner). Council District 3. CEQA: Exempt.
*Project Manager, Lori Moniz*

d. **TR12-128**. Tree Removal Permit to allow the removal of two (2) Liquid Amber trees, approximately 61 and 91-inches in circumference, located in the front yard of residential lot in the R-1-8 Single-Family Residence Zoning District, at 6197 W. WALBROOK DRIVE (Jeffery T. Berg, Owner). Council District 1. CEQA: Exempt.
*Project Manager, Lori Moniz*

e. **TR12-129.** Tree Removal Permit to allow the removal of two (2) Redwood trees, approximately 54 and 64-inches in circumference, located in the backyard of a residential lot in the A(PD) Planned Development Zoning District, at 6529 STONEHILL DRIVE (Kenneth H and Barbara Wadors, Owner). Council District 10. CEQA: Exempt.
*Project Manager, Lori Moniz*

f. **TR12-130.** Tree Removal Permit to allow the removal of one (1) Redwood tree, approximately 128-inches in circumference, located in the front yard of residential lot in the R-M Multiple Residence Zoning District, at 297 E. HEDDING STREET (Floriberto Soriano, Owner). Council District 3. CEQA: Exempt.
*Project Manager, Lori Moniz*

g. **TR12-132.** Tree Removal Permit to allow the removal of one (1) Sycamore tree, approximately 67-inches in circumference, located in the backyard of a residential lot in the R-1-8 Single-Family Residence Zoning District 2236 ARLEEN WAY (Pascal Vienne and Wan Ju Chou, Owner). Council District 1. CEQA: Exempt.
*Project Manager, Lori Moniz*

**The consent calendar is now closed**.

## 3. PUBLIC HEARING

*NO ITEMS*

**This concludes the Planning Director's Hearing for September 12, 2012. Thank you.**

PLANNING DIRECTOR'S AGENDA ON THE WEB:

http://www.sanjoseca.gov/planning/hearings/DefaultDH.asp

PUBLIC INFORMATION COUNTER
CITY OF SAN JOSÉ (408) 535-3555

## 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.

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.