



PLANNING DIRECTOR'S HEARING AGENDA

Wednesday, December 19, 2012

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

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

Hearing Officer

**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 408-535-7868 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 19, 2012**. My name is ***Mike Enderby*** and I am the Hearing Officer for today's agenda. On behalf of and delegated by 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 408-535-7868

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. **PDA93-018-02**. Planned Development Permit Amendment to allow creek bank stabilization work in five areas along Guadalupe Creek, including 12,573 square feet of disturbed area and 16,100 square feet of temporary access roads in the A(PD) Planned Development Zoning District, located along the southwesterly edge of the Guadalupe Landfill property (15999 Guadalupe Mines Rd) (Guadalupe Rubbish Disposal Inc, Owner). Council District 10. CEQA: Mitigated Negative Declaration (MND) to be adopted; public welcome to comment on MND through 12/17/12. Deferred to 1/23/13.
Project Manager, John Baty

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. **H12-001 (formerly CP11-027)**. Site Development Permit for a new approximately 4,287-square-foot bank without a drive-through in an existing shopping center on an approximately 13.1-gross-acre parcel in the CN-Neighborhood Commercial Zoning District, located at the southeast corner of Bollinger Road and Miller Avenue (6148 BOLLINGER RD)(Christopher Marchese Trustee & Et Al, Owner, JP Morgan Chase, Developer). Council District 1. CEQA: Mitigated Negative Declaration. *Project Manager, Jenny Nusbaum*

Staff Recommendation: Consider the Mitigated Negative Declaration in accordance with CEQA. Approve a Site Development Permit for a new approximately 4,287-square-foot bank without a drive-through in an existing shopping center on an approximately 13.1-gross-acre parcel in the CN-Neighborhood Commercial Zoning District.

- b. **H12-018.** Site Development Permit to revert existing pedestrian courtyard to a driveway in an existing mixed use complex in the CG Commercial General and R-2 Two-Family Residence Zoning Districts, on a 0.39 gross acre site located north of Alum Rock Avenue between N. 33rd & 34th Streets (1621 ALUM ROCK AV) (Silveira Properties/ Goulart Property Mgmt Inc, Owner). Council District 5. CEQA: Exempt. *Project Manager, Aparna Ankola*

Staff Recommendation: Consider the exemption in accordance with CEQA. Approve a Site Development Permit to revert existing pedestrian courtyard to a driveway in an existing mixed use complex in the CG Commercial General and R-2 Two-Family Residence Zoning Districts, on a 0.39 gross acre site.

- c. **PD12-040.** Planned Development Permit to allow up to 106 multi-family attached residential units on 1.73 gross acre site in the A (PD) Planned Development Zoning District, located at the southwesterly corner of Montecito Vista Drive and Montecito Way. (ROEM Development Corporation). Council District 7. CEQA: Addendum to a Negative Declaration. *Project Manager, Mike Enderby*

Staff Recommendation: Consider the Addendum to a Negative Declaration in accordance with CEQA. Approve a Planned Development Permit to allow up to 106 multi-family attached residential units on 1.73 gross acre site in the A (PD) Planned Development Zoning District.

- d. **PD12-042.** Planned Development Permit to allow construction of a 7,700 square foot retail building (AutoZone) on a 0.53 gross acre site in the A(PD) Planned Development Zoning District, located on the west side of N 13th Street, approximately 260 feet southerly of E Mission Street (777 N 13th St) (Jesus and Virginia Fernandez, Owner). Council District 3. CEQA: Exempt. *Project Manager, John Baty*

Staff Recommendation: Consider the exemption in accordance with CEQA. Approve a Planned Development Permit to allow construction of a 7,700 square foot retail building (AutoZone) on a 0.53 gross acre site in the A(PD) Planned Development Zoning District.

- e. **PD12-043.** Planned Development Permit to allow an adult daycare facility within an existing commercial building in the A(PD) Planned Development Zoning District on 1.19 gross acre site located on the south side of Story Road, approximately 160 feet easterly of McGinness Ave (2842 STORY RD) (Story Road Center Llc, Et Al, Owner). Council District 5. CEQA: Exempt. *Project Manager, Kristinae Toomians*

Staff Recommendation: Consider the exemption in accordance with CEQA. Approve a Planned Development Permit to allow an adult daycare facility within an existing commercial building in the A(PD) Planned Development Zoning District on 1.19 gross acre site.

- f. **PDA77-042-02.** Tree Removal Permit to allow removal of one Italian Stone Pine tree with a circumference of 94 inches at 2751 Whispering Hills Drive and one Italian Stone Pine tree with a circumference of 113 inches at 2671 Whispering Hills Way located in a residential mobile home park on 21.5 acres in the A(PD) Planned Development, Zoning District, located at 2780 East Capitol Expressway (Whispering Hills Mobile Home Park Lp, Owner). Council District 8. CEQA: Exempt. *Project Manager, Emily Lipoma*

Staff Recommendation: Consider the exemption in accordance with CEQA. Approve a Tree Removal Permit to allow removal of one Italian Stone Pine tree with a circumference of 94 inches at 2751 Whispering Hills Drive and one Italian Stone Pine tree with a circumference of 113 inches at 2671 Whispering Hills Way located in a residential mobile home park on 21.5 acres in the A(PD) Planned Development, Zoning District.

- g. **PDA81-052-02.** Tree Removal Permit to remove one Redwood tree with a circumference of 69 inches in front of 2489 Jubilee Lane and one Redwood tree with a circumference of 62 inches located in the side yard of 2477 Jubilee Lane located in the common area of a condominium complex on 2.5 acres in the A(PD) Planned Development Zoning District, located at 2489 Jubilee Lane (Cherry Glen Condominium HOA, Owner). Council District 4. CEQA: Exempt. *Project Manager, Emily Lipoma*

Staff Recommendation: Consider the exemption in accordance with CEQA. Approve a Tree Removal Permit to remove one Redwood tree with a circumference of 69 inches in front of 2489 Jubilee Lane and one Redwood tree with a circumference of 62 inches located in the side yard of 2477 Jubilee Lane located in the common area of a condominium complex on 2.5 acres in the A(PD) Planned Development Zoning District.

- h. **SP10-001.** Special Use Permit to convert three (3) auto service bays to retail use and the addition of 343 square feet of retail space to an existing gasoline service station on a 0.49 gross acre site in the CG Commercial General Zoning District located on the southwest corner of Poughkeepsie Road and Cottle Road (102 POUGHKEEPSIE RD) (Singh Vikram And Kaur Baljinder, Owner). Council District 2. CEQA: Exempt. *Project Manager, Aparna Ankola*

Staff Recommendation: Consider the exemption in accordance with CEQA. Approve a Special Use Permit to convert three (3) auto service bays to retail use and the addition of 343 square feet of retail space to an existing gasoline service station on a 0.49 gross acre site in the CG Commercial General Zoning District.

- i. **SP12-018.** Special Use Permit to allow conversion of single family residence to commercial use in the CP Commercial Pedestrian Zoning District, located at/on the west side of Lincoln Avenue approx. 40 feet south of Glen Eyrie Avenue (1019 LINCOLN AV) (Sawaya Joyce Trustee, Owner). Council District 6. CEQA: Exempt. *Project Manager, Kristinae Toomians*

Staff Recommendation: Consider the exemption in accordance with CEQA. Approve a Special Use Permit to allow conversion of single family residence to commercial use in the CP Commercial Pedestrian Zoning District.

- j. **TR12-255.** Tree Removal Permit to allow removal of one Deodar Cedar tree with a circumference of 140 inches and to establish mitigation measures for a hazardous tree that has already been removed by the authority of the City Arborist located on 0.5 acres on a multi-family lot in the R-M Residential Neighborhood, Zoning District, located at 1507 Keesling Avenue, (Collison, Elizabeth, et al, Owners). Council District 6. CEQA: Exempt. *Project Manager, Emily Lipoma*

Staff Recommendation: Consider the exemption in accordance with CEQA. Approve a Tree Removal Permit to allow removal of one Deodar Cedar tree with a circumference of 140 inches and to establish mitigation measures for a hazardous tree that has already been removed by the authority of the City Arborist located on 0.5 acres on a multi-family lot in the R-M Residential Neighborhood, Zoning District.

- k. **TR12-256.** Tree Removal Permit to allow removal of a Podocarpus tree with a circumference of 65 inches and a Eucalyptus with a circumference of 77 inches located in the rear yard of a single-family lot on 0.21 acres in the A(PD) Planned Development Zoning District, located at 3244 Charlat Court (Haas, Dieter And Sabine, Owner). Council District 8. CEQA: Exempt. *Project Manager, Emily Lipoma*

Staff Recommendation: Consider the exemption in accordance with CEQA. Approve a Tree Removal Permit to allow removal of a Podocarpus tree with a circumference of 65 inches and a Eucalyptus with a circumference of 77 inches located in the rear yard of a single-family lot on 0.21 acres in the A(PD) Planned Development Zoning District.

- l. **TR12-257.** Tree Removal Permit to allow removal of one Silver Maple tree with a 80 inch circumference located on a single-family residential lot of 0.18 acres in the R-1-8 Single-Family Residence Zoning District, located at 4725 Clarendon Drive (Sinha Rajiv And Savita, Owner). Council District 1. CEQA: Exempt. *Project Manager, Emily Lipoma*

Staff Recommendation: Consider the exemption in accordance with CEQA. Approve a Tree Removal Permit to allow removal of one Silver Maple tree with a 80 inch circumference located on a single-family residential lot of 0.18 acres in the R-1-8 Single-Family Residence Zoning District.

The consent calendar is now closed.

3. PUBLIC HEARING

- a. **H11-009.** Site Development Permit to replace an existing parking lot with a new 11,620 square foot animal hospital building on a 0.74 gross acre site in the CP-Commercial Pedestrian Zoning District located at southeast corner of Moorpark Avenue and Lawrence Expressway (5188 MOORPARK AV)(Adam Pet Clinic, Owner). Council District 1. CEQA: Exempt. *Project Manager, Megan Shrubsole*

Staff Recommendation: Consider the exemption in accordance with CEQA. Approve a Site Development Permit to replace an existing parking lot with a new 11,620 square foot animal hospital building on a 0.74 gross acre site in the CP-Commercial Pedestrian Zoning District.

- b. **PD12-035**. Planned Development Permit to allow construction of up to 649 multi-family dwelling units on a 10.81 acre site in the IP(PD) Planned Development Zoning District, located on the southwest corner of Raleigh Road and Charlotte Drive (ICS Transit Village Property Owner, LLC, Owner). Council District 2. CEQA: Hitachi Campus and Mixed-Use Transit Village Project EIR Resolution No. 72772 File No. PDC04-031.
Project Manager, John Baty

Staff Recommendation: Consider the Hitachi Campus and Mixed-Use Transit Village Project EIR Resolution No. 72772 File No. PDC04-031 in accordance with CEQA. Approve a Planned Development Permit to allow construction of up to 649 multi-family dwelling units on a 10.81 acre site in the IP(PD) Planned Development Zoning District.

- c. **PD12-039**. Planned Development Permit to allow development of up to 836 residences (103 single family detached, 347 single family attached, and 386 multi-family attached) on a 40.5 gross acre site in the IP(PD) Planned Development Zoning District, located easterly of Charlotte Drive and Charlotte Commons Park between Raleigh Road and Highway 85 (Lennar Homes of California, Inc., Owner). Council District 2. CEQA: Hitachi Campus and Mixed-Use Transit Village Project EIR Resolution No. 72772 File No. PDC04-031. *Project Manager, John Baty*

Staff Recommendation: Consider the Hitachi Campus and Mixed-Use Transit Village Project EIR Resolution No. 72772 File No. PDC04-031 in accordance with CEQA. Approve a Planned Development Permit to allow development of up to 836 residences (103 single family detached, 347 single family attached, and 386 multi-family attached) on a 40.5 gross acre site in the IP(PD) Planned Development Zoning District.

- d. **SP12-028**. Special Use Permit to allow two retaining walls greater than two feet in height in the R-1-8 Residence Zoning District on 0.83 gross acre site, located on the east side of Lookout Bend, approximately 590 feet southerly of Leyland Park Drive (6728 LOOKOUT BEND) (Schweizer Earle III And Stephanie, Owner). Council District 10. SNI: None. CEQA: Exempt. Deferred from 11/28/12 *Project Manager, Kristinae Toomians*

Staff Recommendation: Consider the exemption in accordance with CEQA. Approve a Special Use Permit to allow two retaining walls greater than two feet in height in the R-1-8 Residence Zoning District.

This concludes the Planning Director's Hearing for December 19, 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.

**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.