



PLANNING DIRECTOR'S HEARING AGENDA

WEDNESDAY, November 16, 2005

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

200 East Santa Clara Street
San Jose, California 95113-1905

Hearing Officers

Jean Hamilton, AICP, Principal Planner

Susan Walton, Principal Planner

**Plan Implementation Division
Joseph Horwedel, Deputy Director**

**Stephen M. Haase, AICP
Director Planning, Building, and Code Enforcement**

NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 535-7800 (VOICE), 294-9337 (TTY) at least two days, (48 hours) before the meeting. If you requested such an accommodation and have not already identified yourself to the technician seated at the staff table, please do so now. 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 **November 16, 2005**. 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.

The procedure for this hearing is as follows:

- Hearing Officer will identify the project as described on the agenda
- Staff 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 Hearing Officer may ask questions of the speaker
- The public hearing will then be closed and the Hearing Officer 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.

Note: If you have any agenda changes, please contact Gina Robles (gina.robles@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. **TR05-146. Tree Removal Permit** for the removal of one (1) remaining canary date palm (117" circumference), and two (2) previously relocated canary date palms (147" & 142" circumferences) in the R-M Multiple Residence Zoning District, located at/on the Northwest corner of South Third Street and East William Street (formerly 101 E. William St.) (496 S 3RD ST) (Redevelopment Agency Of The City Of San Jose, Owner). Council District 3. CEQA: Exempt. **Defer to 11/23/05.**

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 adopted by one motion. There will be no separate discussion of these items unless a request is made by the Director of Planning, staff, or the public to have an item removed from the consent calendar and considered separately. If anyone in the audience wishes to speak on one of these items, please come to the podium at this time.

- a. **TR05-145. Tree Removal Permit** to remove one Date Palm approximately 102-inches in circumference on a 0.06 acre site in the A(PD) Planned Development Zoning District, located at/on the 59 S. 17th Street (Denevan Kelly, Owner). Council District 3. CEQA: Exempt.
- b. **V05-008. Development Variance** to allow a reduction in the driveway length from 23 feet to 14 feet on a 0.10 gross acre site in the R-M Multiple Residence Zoning District, located on the southeast corner of Bascom Avenue and Davis Street (1938 DAVIS ST) (Huitron Gabriel/Bohacek Cortland, Owners). Council District 6. SNI: None. CEQA: Exempt. **Deferred from 11/2/05.**
- c. **TR05-119. Tree Removal Permit** request to remove a Maple tree ,71 inches in circumference on a 0.13 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at 1261 Willo Mar Drive (Sledge Stephen L And Laural A, Owner). Council District 9. CEQA: Exempt.
- d. **TR05-116. Tree Removal Permit** request to allow the removal of one Redwood tree approximately 60 inches in circumference (removed without the benefit of a permit) on a 0.15 gross acre in the R-1-8 Single-Family Residence Zoning District, located at 5477 Century Plaza Way (5477 CENTURY PLAZA WY) (Griley Kristine T, Owner). Council District 2. CEQA: Exempt.

- e. **TE02-110-01. Tentative Map Permit Extension** to allow a two-year time extension of previously approved subdivision in the IP Industrial Park Zoning District, located at the southwesterly corner of Montague Expressway and Trimble Road (2520 JUNCTION AV) (Bre/Pccp Orchard Llc, Owner). Council District 4. SNI: None. CEQA: Exempt.
- f. **TE 02-109-01. Tentative Map Permit Extension** to allow a two-year time extension of a previously approved subdivision in the IP Industrial Park Zoning District, located at the northeasterly corner of North First Street and Daggett Drive (81 DAGGETT DR) (Bre/Pccp Orchard Llc, Owner). Council District 4. SNI: None. CEQA: Exempt.
- g. **T05-063. Tentative Parcel Map Permit** to subdivide one parcel into two lots for single-family detached residential uses on a 0.32 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at the southeast corner of McLaughlin Avenue and Bacchus Drive (1780 McLaughlin Avenue) (Hoang, Peter and Anhhong, Owner). Council District 7. SNI: Tully/Senter. CEQA: Exempt.
- h. **TR05-149. Tree removal Permit** to remove one Eucalyptus tree 128 inches in circumference in the R-1-8(PD) Planned Development Zoning District, located at 1052 Calumet Court (1052 CALUMET CT) (Hagenmaier Chuck, Owner). Council District 3. CEQA: Exempt.
- i. **TR05-102. Tree Removal Permit** to allow the removal of one Palm tree, 96" in circumference, on a 0.14 gross acre site in the R-1-8 Residence Zoning District, located at 3118 Linkshead Court (Snider, David & Laura, Owner). Council District 8. CEQA: Exempt.
- j. **PD05-073. Planned Development Permit** to construct a wireless communications antenna and associated ground equipment for commercial uses on a 7.0 gross acres site in the A(PD) Planned Development Zoning District, located at/on the Easterly end of Kelly Court approximately 450 feet east of Bonita Court (9693 TRACT) (Kb Home S Bay Inc, Sorrento Lactalis, Inc. David Chambers, Owner). Council District 3. SNI: Five Wounds/Brookwood Terrace. CEQA: Exempt.
- k. **H05-047. Site Development Permit** to construct a clocktower for a wireless communications facility in a commercial shopping center on a 2.28 gross acres site in the CP Pedestrian Commercial Zoning District, located at/on the east side of Cahalan Avenue approximately 500 feet south of Blossom Hill Road (5706 CAHALAN AV) (United States Postal Service, Owner). Council District 10. SNI: None. CEQA: Exempt.
- l. **T05-062. Tentative Map** to subdivide one parcel into two lots for single-family detached residential uses on a 0.251 gross acre site in the R-2 Two-Family Residence Zoning District, located at/on the southwest corner of Locust Street and Floyd Street (1303 LOCUST ST) (Salas Nemesio, Owner). Council District 3. SNI: Washington. CEQA: Exempt.
- m. **TR05-153. Tree Removal Permit** for tree removal of 19 Poplar trees, 56-79 inches in circumference on a 15.59 gross acre site in the A(PD) Planned Development Zoning District, located on the north side of Story Road approximately 720 feet

southwesterly of McLaughlin Avenue (915 Story Road) (Lap T. Tang, 915 Story Road Investments, LLC, Owner). Council District 7. CEQA: Mitigated Negative Declaration (File No. PDC04-045).

- n. **TR05-136. Tree Removal Permit** to remove one Glossy Privet Tree, approximately 68 inches in circumference in the R-1-8 Single-Family Residence Zoning District, located at 4623 Blackford Avenue (Kesapradist, John & Tung, Sheree, Owners). Council District 1. CEQA: Exempt.
- o. **SP05-052. Special Use Permit** to allow a 375 square foot addition to an existing legal nonconforming single-family detached residence on a 0.18 gross acre site in the CN Commercial Neighborhood Zoning District, located on the south side of Riddle Road, approximately 60 feet westerly of South Winchester Boulevard (3110 Riddle Road) (Azar Malihe, Owner). Council District 1. SNI: Winchester. CEQA: Exempt.
- p. **TR05-151. Tree Removal Permit** to remove one Palm tree on a 0.11 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at 87 Cleaves Avenue (St John Noel, Owner). Council District 6. CEQA: Exempt.
- q. **PD05-055. Planned Development Permit** to construct one single-family detached residence on a 1.78 gross acre site in the A(PD) Planned Development Zoning District, located on the north side of the western terminus of Calco Creek Drive (1587 CALCO CREEK DR) (Cao Tin And Ngo Cuc Thu, Owner). Council District 5. SNI: None. CEQA: Mitigated Negative Declaration, addenda there to File No: PDC81-07-103.
- r. **PD05-053. Planned Development Permit** for two existing single-family residences on a 2.0 gross acres site in the A(PD) Zoning District, located on the north side of Fleming Avenue approximately 350 feet east of Fourier Drive (1238 FLEMING AV) (Gunnels Carl R And Helen M Trustee, Owner). Council District 5. SNI: None. CEQA: Mitigated Negative Declaration, File No: PDC05-015.
- s. **PD04-037. Planned Development Permit** to construct 12 single-family attached residences on a 0.5 gross acre site in the A(PD) Planned Development Zoning District, located on the southeast corner of Alum Rock Avenue and McCreery Avenue (Tierra Encantada Lp, Owner). Council District 5. SNI: Mayfair, CEQA: Mitigated Negative Declaration, File No: PDC05-056.
- t. **H05-020. Site Development Permit** to demolish existing single-family residence and accessory building and construct four multi-family attached residences on a 0.26 gross acre site in the R-M Multiple Residence Zoning District, located on the east side of Page Street, approximately 460 feet northerly of Chiechi Avenue (498 PAGE ST) (Mazen Arabi, Owner/Developer). Council District 6. SNI: Burbank/Del Monte. CEQA: Exempt.
- u. **TR05-018. Tree Removal Permit** to remove one Ash tree, approximately 130 inches in circumference, on a 0.14 gross acre site in the R-1-8 Single-Family Residence Zoning District, located on the east side of Wylie Way, approximately 350 feet southerly of Payne Avenue (1334 Wylie Way) (Xi De Ying And Chen Nelly N, Owner). Council District 1. CEQA: Exempt.

The consent calendar is now closed.

3. PUBLIC HEARING

- a. **PDA05-015-01. Planned Development Permit Amendment** to allow 91 single-family attached residential units on a 3.96 gross acre site in the A(PD) Planned Development Zoning District, located on the northwest corner of King and Mabury Roads (KB Home, Applicant). Council District 4. SNI: None. CEQA: Mitigated Negative Declaration.
- b. **TR05-039. Tree Removal Permit** to remove one (1) Fir tree approximately 75 inches in circumference, on a 0.20 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at/on the north side of Husted Avenue, approximately 700 feet westerly of Lincoln Avenue (1177 HUSTED AV) (Mayer Eric N, Owner). Council District 6. CEQA: Exempt.
- c. **SF05-030. Single Family House Permit** to allow the addition of a new half story through the finishing of the existing attic space and to allow exterior modifications to an existing two-story house listed on the Historic Resources Inventory as an Identified Structure in the Naglee Park Conservation Area and located in the R-1-8 Single-Family Residence Zoning District. Said house is located at/on the southwest corner of the intersection of San Antonio Street and 13th Street (201 S 13TH ST) (Smith Peter A, Owner). Council District 3. SNI: University. CEQA: Exempt.
- d. **H05-046. Site Development Permit** to construct a new approximately 3000 square foot restaurant building (KFC , A & W) and the demolition of the existing restaurant (KFC) on a 0.54 gross acres site in the CP Pedestrian Commercial Zoning District, located on the east side of South Bascom Avenue, approximately 350 feet north of Camden Avenue (3144 S BASCOM AV) (Haughn William E Trustee, Owner). Council District 9. SNI: None. CEQA: Exempt.
- e. **PDA72-033-02. Tree Removal permit** to remove a California Sycamore tree , 64.2 inches in circumference located on an HOA owned property in the R-1-5(PD) Planned Development Zoning District, located at/on the southeast, southwest, and northeast corners of Hamilton Avenue and Gaton Drive (1561 WHITEROCK CL) (Compass Management, Owner). Council District 6. CEQA: Exempt.
- f. The projects being considered are located on the west side of Clark Avenue approximately 390 feet southeasterly of Willow Street (1147 CLARK ST), in the A(PD) Planned Development Zoning District (PALACIOS REYES ET AL, Owner). Council District 6. SNI: None. CEQA: Exempt.
 1. **PD05-038. Planned Development Permit** to allow two single-family lots in a flag lot configuration and the expansion of an existing residence on a 0.39 gross acre site.
 2. **PT04-071. Planned Tentative Map Permit** to reconfigure 2 parcels into 2 lots for single-family detached residential use on a 0.39 gross acre site.
- g. The projects being considered are located on the south side of Neal Avenue, approximately 245 feet east of South Winchester Boulevard (3030-3040 NEAL AV), in the A(PD)Planned Development Zoning District (3030 Neal LLC, Owner). Council

District 6. SNI: None. CEQA: Mitigated Negative Declaration, PDC05-058.
Deferred from 11/2/05.

1. **PD05-034. Planned Development Permit** to allow demolition of existing structures and construction of 7 single-family detached residences on a 0.99 gross acre site.
 2. **PT05-042. Planned Development Tentative Map Permit** to reconfigure 2 parcels into 8 lots for single-family detached residential uses on a 0.99 gross acre site.
- h. The projects being considered are located at the westerly terminus of Delmas Avenue and Dorothy Avenue (1235 DELMAS AV), in the A(PD) Planned Development Zoning District (STONEBRIDGE LLC, Owner; STONEBRIDGE DEVELOPMENT BRANDON AU, Developer). Council District 6. SNI: None. CEQA: Negative Declaration.
1. **PD05-060. Planned Development Permit** to allow the demolition of three existing single-family residences and the construction of seven single-family detached residences on a 0.91 gross acre site.
 2. **PT05-076. Planned Tentative Map Permit** to reconfigure three parcels into eight lots for seven single-family detached residences on a 0.91 gross acre site.
- i. **H05-034. Site Development Permit** to construct a 9,789 square foot building for commercial uses on a 0.61 gross acre site in the CG General Commercial Zoning District, located at/on the northwest corner of The Alameda and North Morrison Avenue (955 THE ALAMEDA) (Lo Bue Victor J Trustee & Et Al, Owner). Council District 6. SNI: None. CEQA: Exempt.
- j. **SP05-045. Special Use Permit** to convert an existing single-family residence to a dental office in the CN Commercial Neighborhood Zoning District, located on the west side of Park Avenue, approximately 120 feet northerly of Emory Street (1819 PARK AV) (Mahmoodvandi Mehdi, Owner). Council District 6. SNI: None. CEQA: Exempt.

This concludes the Planning Director's Hearing for November 16, 2005. 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 JOSE