



PLANNING DIRECTOR'S HEARING AGENDA

Wednesday, January 14, 2009

**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 **January 14, 2009**. 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. **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 12/17/08.
DROP
Project Manager, Reena Mathew.
- b. **H07-052**. Site Development Permit to allow two 4000 square foot structures for vehicle maintenance and other site improvements on a 1.87 gross acre site in the HI Heavy Industrial Zoning District, located at/on the north side of Burke St, approximately 350 ft east of South 10th St. (505 BURKE ST). Council District 7. SNI: None. CEQA: Exempt.
RENOTICED
Project Manager, Suparna Saha
- c. **PD08-017**. Planned Development Permit to allow an approximately 4711 sq. ft. for mausoleum use on a 165 gross acre site in the A(PD) Planned Development Zoning District, located on the southwest corner of the Monterey Road and Curtner Avenue (300 CURTNER AV) (Sci California Funeral Servs Inc, Owner). Council District 7. SNI: None. CEQA: Re-use of a Negative Declaration.
Project Manager, John Davidson.
- d. **PD08-065**. Planned Development Permit to allow the demolition of five existing multi-family residences and the construction of four single-family residences on a 0.25 gross acre site in the A(PD) Planned Development Zoning District, located on the southwest corner of Berryessa Road and N. 15th Street (674 Berryessa Road) (Somot Properties LLC, Owner). Council District: 3. SNI: 13th Street. CEQA: Re-Use of Mitigated Negative Declaration.
Project Manager, Avril Baty.

- e. **PDA74-002-01**. Planned Development Permit Amendment to allow the removal of one Fig tree (with a trunk 35 inches in circumference), two Purple Plum trees (with trunks 36 and 49 inches in circumference), and five Eucalyptus trees (with trunks with ranging between 51 and 75 inches in circumference) located in the common area of a property zoned R-1-8(PD) Zoning District, located at/on the terminus of Delna Manor Lane (Jones & Forrest, owner). Council District: 6 CEQA: Exempt.
Project Manager, Reena Mathew.
- f. **PDA90-064-01**. Planned Development Amendment to permit the installation of 2 backup generators in a multi-family residential senior apartment complex on a 2.81 gross acre site in the A(PD) Planned Development Zoning District, located on the northwest side Rawls Court, 450 feet northeast of Downs Drive (Santa Clara Housing Authority, Owner). Council District 2 SNI: None. CEQA: Exempt.
Project Manager, Reena Mathew
- g. The projects being considered are located on southeast Corner of Zanker and River Oaks Pkwy (3300 ZANKER RD), on a 38.7 gross acre site.in the IP Industrial Park Zoning District (IRVINE COMPANY LLC, Owner; IRVINE APARTMENT COMMUNITIES, Developer). Council District 4. SNI: None. CEQA: Reuse of North San Jose Development Policy EIR.
 - 1. **PDA07-006-03**. Planned Development Permit Amendment to reduce the proposed number of dwelling units from 1900 to 1750.
 - 2. **PT08-057**. Tentative Map for 1750 residential condominium units on a 38.7 gross acre site.
Project Manager, Martina Davis.
- h. **SP08-032**. Special Use Permit to construct an addition to an existing 452 square-foot accessory building for a total of 629 square feet in the rear yard of an existing single-family residence, on a 0.17 gross acre site, located at 1465 Hervey Lane (William Bates, Owner). Council District: 6. SNI: None. CEQA: Exempt.
Project Manager, Avril Baty.
- i. **SP08-061**. Special Use Permit to allow retaining walls, at various locations, that are up to five feet in height and a new single-family residence up to 35 feet in height on a 5.7 gross acre site in the R-1-1 Single-Family Residence Zoning District, located on Cinnabar Hills Road, APN 742-04-014 (Karen and Glenn Schuster Trustee, Owner). Council District: 10. SNI: None. CEQA: Exempt.
Project Manager, Avril Baty.
- j. **SP08-068**. Special Use Permit to allow the construction of a 4-foot tall retaining wall in the rear yard of an existing single family residence on a 0.2 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at 6214 Valroy Drive (Ward Christopher M And Jennifer A, Owner). Council District 2. SNI: None. CEQA: Exempt.
Project Manager, Avril Baty.
- k. **SP08-077**. Special Use Permit to allow an electronics testing and certification facility (processing laboratory) on an existing 25,500 sq. ft. industrial space on a 2.6 gross acre site in the IP Industrial Park zoning district, located at 2191 Zanker Road (Silicon Valley Ca I Llc, Owner; Rreef Silicon Valley Llc, Developer). Council District 4. SNI: None. CEQA: Exempt.
Project Manager, John Davidson

- l. [TR08-296](#).** Tree Removal Permit to remove one live Pine Tree, 92 inches in circumference, from the side yard of an existing detached single family residence in the A(PD) Planned Development Zoning District, located at 1260 Pine Avenue (Fred & Cathleen Fortune, Owners). Council District: 6. CEQA: Exempt.
Project Manager, Avril Baty.
- m. [TR08-297](#).** Tree Removal Permit Request for the removal of one redwood tree measuring 75 inches in circumference in the R-1-8 Single-Family Residence Zoning District, located at the 801 Clintonia Avenue (Gerald and Nancy Ammirato, Owner). Council District 6. CEQA: Exempt.
Project Manager, Sylvia Do.
- n. [TR08-305](#).** Remove one 67-inch redwood and one 85-inch redwood from the side yard of a single-family residence in the R-1-8 Single-Family Residence Zoning District, located at 1753 Messina Drive (Li Jell H, Owner). Council District 4. CEQA: Exempt.
Project Manager, Reena Mathew.
- o. [TR08-314](#).** Tree Removal Permit Request for the removal of one Ash Tree, approximately 73 inches in circumference, from the sideyard of an existing single-family residence in the R-1-8 Single-Family Residence Zoning District, located on the north side of Harte Drive 150 feet easterly of Lodi Lane (1739 HARTE DRIVE) (Elma L. Smallwood, Owner). Council District 9. CEQA: Exempt.
Project Manager, Rachel Roberts.
- p. [TR08-317](#).** Live Tree Removal Permit for the removal of one stone pine tree, 116 inches in circumference, from the rear yard of a single family residence in the R-1-8 Single-Family Residence Zoning District, located on the east side of Meadowlark Avenue, 180 feet southerly of Boxwood Drive (1312 MEADOWLARK AV) (Arsenault Janet M, Owner). Council District 6. CEQA: Exempt.
Project Manager, Licinia McMorrow
- q. [TR08-328](#).** Tree Removal Permit to allow the removal of one Redwood tree measuring 88 inches in circumference in the R-1-5 Single-Family Residence Zoning District located at 6059 Duet Court. (Carolyn C. Edman, Owner). Council District 10. CEQA: Exempt.
Project Manager, Sylvia Do.
- r. [TR08-332](#).** Tree Removal Permit requesting the removal of one Mexican Fan Palm tree, 96 inches in circumference, from the front yard of an existing single-family property in the R-2 Two-Family Residence Zoning District located at 1166 Hester Avenue (Cuneo, Joseph F. and Barbara J. Trustee, Owner). Council District 6. CEQA: Exempt.
Project Manager, Ed Schreiner.
- s. [TR08-334](#).** Live tree removal for a Pine tree of approximately 156 inches in circumference located in the frontyard of a single-family house in the R-1-8 Residential Zoning District, located at the southwest corner of Prince Drive and Queen Anne Drive (6052 PRINCE DR) (Taranath Arvind R Trustee & Et Al, Owner). Council District 1. CEQA: Exempt.
Project Manager, Licinia McMorrow.

- t. **TR08-335**. LIVE TREE REMOVAL to remove one (1) Redwood tree, approximately 120 inches in circumference, located in the R-1-8 Single-Family Residence Zoning District, located on the south side of Sabina Way at the bend, 290 feet southerly of Marietta Drive (1564 SABINA WAY) (Tod R. and Sharon Overholser, Owner). Council District 9. CEQA: Exempt.

Project Manager, Rachel Roberts

3. PUBLIC HEARING

This concludes the Planning Director's Hearing for January 14, 2009, 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.