



PLANNING DIRECTOR'S HEARING AGENDA

Wednesday, March 11, 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 **March 11, 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. [PD08-068](#). WIRELESS - Planned Development Permit to allow the installation of a 60-foot tall slim line monopole, associated equipment cabinets and installation of a 30kW stand-by generator at an existing shopping center on a 4.26 acre site in the R-1-8(PD) Planned Development Zoning District, located at the northwest corner of Branham Lane and Snell Avenue (179 BRANHAM LN) (Regency Centers, L.P., Owner). Council District 10. SNI: None. CEQA: Exempt. Deferred from 2/25/09
Project Manager, Suparna Saha.

- b. [HA89-104-01](#). Tree Removal Permit request to remove three (3) Stone Pine Trees, approximately 24 to 32 inches in circumference, from the landscape area of a property located in the CP Pedestrian Commercial Zoning District, at the northeast corner of West Alma Avenue and Belmont Way (545 W. Alma Avenue) (Orkin Inc, Owner). Council District 6. CEQA: Exempt.
Project Manager, Lesley Xavier.

- c. [PDA79-035-02](#). Live Tree Removal Permit for removing one Deodar Cedar Tree, 75 inches in circumference, from the common area of a multi-family residential property (mobile home park) in the A(PD) Planned Development Zoning District, located on the southwest corner of 1st Street and Route 237 (4271 N 1ST ST) (Sylvia Charles J Trustee, Owner). Council District 4. CEQA: Exempt.
Project Manager, Sylvia Do.

- d. [PDA87-072-02](#). Planned Development Permit Amendment to allow removal of one Camphor Tree, 89 inches in circumference, from the common area of a single-family attached development on a 0.18 gross acre site in the A(PD) Planned Development Zoning District, located at the south side of Sierra Grande Way 230 feet westerly of South Capitol Avenue (Massingham Associates, applicant). Council District 5. CEQA: Exempt.
Project Manager, Suparna Saha.
- e. [SP08-072](#). WIRELESS - Special Use Permit to allow installation a 50 foot tall slimline monopole with associated ancillary equipment cabinets on a 0.51 gross acre site in the CP Pedestrian Commercial Zoning District, located at the south side of Story Road approximately 550 feet easterly of Hopkins Drive (2110 STORY RD) (Rigoberto Bracamontes Trustee, Owner). Council District 5. SNI: East Valley/680 Communities. CEQA: Exempt.
Project Manager, Suparna Saha.
- f. [SP09-008](#). Special Use Permit to allow an approximately 592 square foot addition (constructed without benefit of permits) to an existing legal non-conforming single-family home on a 0.12 gross acre site in the CP Commercial Pedestrian Zoning District, located at 331 East Court (Rita Barron, Owner). Council District: 3. SNI: Five Wounds/Brookwood Terrace. CEQA: Exempt.
Project Manager, Avril Baty.
- g. [TR09-013](#). Tree Removal Permit to allow removal of one ordinance-size Walnut tree, approximately 90 inches in circumference, from the rear yard of an existing single-family residence on a 0.15-acre site located in the R-1-8 Residence Zoning District, located on the west side of Springwood Drive 410 feet northerly of Borina Drive (791 SPRINGWOOD DRIVE) (Biju and Metty Albert, Owner). Council District 1. CEQA: Exempt.
Project Manager, Rachel Roberts.
- h. [TR09-021](#). To remove a Mexican fan palm 92 inches in circumference located in the front yard of a single family residential lot in the R-1-8(PD) Planned Development Zoning District, located at/on the North side of Marianelli Court 190 feet easterly of North 21st Street (1021 MARIANELLI CT) (Tran Quat T Et Al, Owner). Council District 3. CEQA: Exempt.
Project Manager, Lee Butler.
- i. [TR09-023](#). Tree Removal Permit to allow removal of a 72-inch Ash tree from a single-family residence in the R-1-8 Single-Family Residence Zoning District, located at the south side of Garfield Avenue 300 feet westerly of Lincoln Avenue (1126 GARFIELD AV) (Richard F Brodhead Et Al, Owner). Council District 6. CEQA: Exempt.
Project Manager, Suparna Saha.
- j. [TR09-025](#). Tree Removal Permit to remove a Coast Oak tree measuring 110 inches in circumference in the R-2 Two-Family Residence Zoning District, located on the west side of N. 11st Street, 380 feet southerly of East Empire Street (455 N. 11th Street) (Rosalind G. King, trustee, owner). Council District 3. CEQA: Exempt.
Project Manager, Sylvia Do.

- k. **TR09-026**. Tree Removal Permit to remove one Canary Island Date Palm tree, 141-inches in circumference, located in the side yard of an existing duplex in the R-1-8 Single-Family Residence Zoning District, located at/on the North side of Hawthorne Way 260 feet westerly of North 1st Street (41 HAWTHORNE WY) (Lopez Laurie N Et Al, Owner). Council District 3. CEQA: Exempt.
Project Manager, Lee Butler.
- l. **TR09-027**. Tree Removal Permit to remove one (1) 73-inch Deodora Cedar tree in the R-1-8 Single-Family Residence Zoning District, located on the south side of Peachtree Lane, 220 feet westerly of Broadleaf Lane (2220 PEACHTREE LN) (Hartley Steven E, Owner). Council District 6. CEQA: Exempt.
Project Manager, Ed Schreiner.
- m. **TR09-029**. Tree Removal Permit to remove one Monterey Pine tree measuring 78 inches in circumference in the R-1-8 Single-Family Residence Zoning District, located at the southeast corner of Indigo Drive and Edelweiss Drive (597 Edelweiss Drive) (Ardian J. LeGrand, et al, owner). Council District 10. CEQA: Exempt.
Project Manager, Sylvia Do.

3. PUBLIC HEARING

- a. **PDA70-031-01**. Planned Development Permit Amendment to allow the removal of five (5) Oak trees that have been previously removed without the benefit of permit in the common area behind the referenced address in the R-1-5(PD) Planned Development Zoning District located 240 feet southeasterly of Montego Court, 580 feet southerly of Montego Drive (6428 MONTEGO CT) (Amooi David, Owner). Council District 10. CEQA: Exempt. Continued from 2/25/09.
Project Manager, Ed Schreiner.
- b. **PD08-044**. Planned Development Permit to effectuate the approved Planned Development Rezoning to allow commercial uses including offices, retail, 50 seat restaurant, warehouse and a 40-child daycare facility on a 4.01 gross acre site in the A(PD) Planned Development Zoning District, located on the south side of Murphy Avenue approximately 400 feet easterly of Oakland Road (1180 MURPHY AV) (Dhillon, Bhupindar S. and Rajiner K., Trustee, Owner). Council District 4. SNI: None. CEQA: Exempt. Deferred from 2/25/09
Project Manager, Ed Schreiner.

This concludes the Planning Director's Hearing for March 11, 2009. 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.