



PLANNING DIRECTOR'S HEARING AGENDA

Wednesday, October 14, 2009

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

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

Hearing Officer

**Darryl Boyd, Principal Planner
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 Carmen Stanley 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 **October 14, 2009**. My name is *Darryl Boyd* 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.

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 Carmen Stanley at 408-535-7856 or carmen.stanley@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.

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. [H08-007](#). Site Development Permit to demolish existing structures and to construct a 5,950 square foot building for retail commercial uses on a 0.38 gross acre site in the CN Neighborhood Commercial Zoning District, located on the southeast corner of Race Street and Garland Avenue (78 RACE ST) (Farhang Soltanzad & Fahry Najmi Trustee, Owner). Council District 6. SNI: None. CEQA: Exempt.
Project Manager, Ed Schreiner

- b. The projects being considered are located at the west side of North 11th Street approximately 275 feet north of E. Santa Clara Street (55 N. Eleventh Street), on a 0.19 gross acre site in the A(PD) Planned Development Zoning District (Brian C. Bogue, Owner/Developer). Council District 3. SNI: 13th Street. CEQA: Exempt.
Historic Landmarks Commission recommends approval (10/7/09)
Project Manager, Lori Moniz
 1. [HP09-005](#). Historic Preservation Permit to allow the on-site relocation of and addition to the "Tommie Smith House" (City Landmark Structure) and the construction of three (3) additional multi-family residences.

 2. [PD09-017](#). Planned Development Permit to allow the on-site relocation of and addition to the "Tommie Smith House" (City Landmark Structure) and the construction of three (3) additional multi-family residences

- c. [PD09-016](#). Planned Development Permit to allow a 161,000 square foot hospital expansion, the demolition of a 7,700 square foot administrative office building, 90 additional parking spaces, and other site improvements for an existing hospital on a 34.4 gross acre site in the A(PD) Planned Development Zoning District, located on the southwest corner of McKee Road and North Jackson Avenue (225 N. Jackson Avenue)(Hercules Holding II, LLC, owner). Council District 5. SNI: None. CEQA: Reuse of the Regional Medical Center EIR, Resolution No. 72506.
Project Manager, Sylvia Do
- d. [PD09-022](#). Planned Development Permit to allow 24-hour drive-thru operation for an existing restaurant with existing drive-thru operation on a 7.24 gross acre site, located 3457 McKee Road (Country Club Villa Et Al, Owner; Bill Hsia, Developer). Council District 5. SNI: None. CEQA: Exempt.
Project Manager, Avril Baty
- e. The projects being considered are located on south side of Kentwood Avenue, approximately 200 feet west of S. De Anza Blvd, in the A(PD) Planned Development Zoning District (Kentwood Development, LLC, Owner). Council District 1. SNI: None. CEQA: Reuse of MND.
Project Manager, Avril Baty
1. [PD09-026](#). Planned Development Permit to create eight commercial condominiums on a 0.37 gross acre site.
 2. [PT09-028](#). Vesting Tentative Map to subdivide one parcel into eight lots for common and commercial condominium uses on a 0.37 gross acre site.
- f. [PDA06-001-01](#). Tree Removal Permit to allow the removal of nine ordinance-sized trees from the common area with an existing multi-family development on a 0.43 gross acre site in the A(PD) Planned Development Zoning District, located at 345 East Julian Street (Housing Authority of Santa Clara County, Owner). Council District 3. CEQA: Exempt.
Project Manager, Ed Schreiner
- g. [PDA70-018-01](#). Planned Development Permit Amendment to allow the removal of one Pine tree, approximately 63-inches in circumference from the common area of an attached residential project. in the A(PD) Planned Development Zoning District, located on the northeast side of Vinci Park Way 50 feet southeasterly of Hikido Drive (Woodlands POA, Owner). Council District 4. CEQA: Exempt.
Project Manager, Ed Schreiner
- h. [PDA78-017-02](#). Planned Development Permit Amendment to remove three pine trees measuring 65, 90, and 126 inches in circumference located in the common area of a single-family attached residential development on a 10.0 gross acre site in the R-M(PD) Planned Development Zoning District, located on the east side of Aborn Court, 650 feet northerly of Aborn Road (2877 & 2972 Truett Court)(Creekwood Villas Homeowners Association, owner). Council District 8. CEQA: Exempt.
Project Manager, Sylvia Do

- i. [PDA82-032-02](#). Live tree removal permit to allow for the removal of seven (7) non-ordinance size trees from the common area of an existing multi-family residential development on a 1.82 gross acre site in the A(PD) Planned Development Zoning District, located on the northwest side of Lenzen Avenue, approximately 720 feet northeasterly of The Alameda (893 Lenzen Avenue)(Housing Authority of the County of Santa Clara, Owner). Council District 6. CEQA: Exempt.
Project Manager, Lesley Xavier

- j. [SP09-052](#). Special Use Permit to allow the installation of an emergency standby generator on a 6.8 acre site in the A Agricultural Zoning District, located on the southwest side of Mt. Pleasant Road 400 feet southeasterly of Westview Drive (2188 MT PLEASANT RD) (John J & Nina M Zoria, Owner). Council District 8. SNI: None. CEQA: Exempt.
Project Manager, Ed Schreiner

- k. [TR09-148](#). Tree Removal Permit request for removing two Palm trees, 84 and 86 inches in circumference, from the front yard of an existing single Family Residence in the R-1-8 Residence Zoning District, located on the north side of Tiffany Way 160 feet westerly of Fairglen Drive (1611 TIFFANY WY)(Werle Hugo & Hildegard Trustee, Owner). Council District 9. CEQA: Exempt.
Project Manager, Sally Zarnowitz

- l. [TR09-157](#). Tree Removal Permit for a Pine tree located in the front yard of a single family residential lot removed without permit in the R-1-8(PD) Planned Development Zoning District, located on the southeast corner of Cashew Blossom Drive and Lean Avenue (112 CASHEW BLOSSOM DR)(Gallegos David & Grace, Owner). Council District 2. CEQA: Exempt
Project Manager, Sally Zarnowitz

- m. [TR09-167](#). Tree Removal Permit to allow the removal of one Willow 82-inches in circumference, one Pine tree 97- inches in circumference, and one Pine tree 80-inches in circumference on an existing single family lot in the R-1-8 Residence Zoning District, located on the southeast side of Amaryl Drive 400 feet southwesterly of Lodestone Drive (2562 AMARYL DR)(Ma Nancy, Owner). Council District 4. CEQA: Exempt.
Project Manager, Sally Zarnowitz

- n. [TR09-192](#). Tree Removal Permit to allow the removal of a Monterey Pine Tree, 66 inches in circumference located in the rear yard of an existing single family detached residential lot in the R-1-8(PD) Planned Development Zoning District, located on the west side of Wellington Park Drive 250 feet southerly of Branham Lane (4817 WELLINGTON PARK DR)(Richard M & Barbara K Peekema Trustee, Owner). Council District 10. CEQA: Exempt.
Project Manager, Sally Zarnowitz

- o. [TR09-199](#). Tree Removal Permit to allow removal of a Camphor tree approximately 100 inches in circumference on a 0.14 gross acre site in the R-1-8 Single-Family Residence Zoning District, located on the west side of Corvette Drive 225 feet northerly of Imperial Way (1041 CORVETTE DR)(Wong Allen T And Wing Y, Owner). Council District 1. CEQA: Exempt.
Project Manager, Sally Zarnowitz

- p. [TR09-209](#). Tree Removal Permit to remove a 62-inch circumference Oak tree at the rear yard of a single-family residence in the R-1-8 Single-Family Residence Zoning District, located at 5634 W. Walbrook Drive)(Raul and Monica Medina, Owner). Council District 1. CEQA: Exempt.
Project Manager, Avril Baty

- q. [TR09-211](#). Live Tree Removal Permit request to allow for the removal of one (1) Lombardy Poplar tree, approximately 90 inches in circumference, from the rear yard of an existing single-family detached residence on a 0.16 gross acre site in the R-1-8 Single-Family Residence Zoning District, located on the north side of Acapulco Drive 290 feet westerly of Middletown Drive (3953 ACAPULCO DR)(David E & Susan M Marsland, Owner). Council District 1. CEQA: Exempt.
Project Manager, Lesley Xavier
- r. [TR09-212](#). Tree Removal Permit to remove one Podocarpus tree measuring 57 inches in circumference located in the rear yard of a single-family residence on a 0.19 gross acre site in the R-1-8 Single-Family Residence Zoning District, located on the east side of Terrace Drive, 140 feet northerly of Washington Street (414 Terrace Drive)(Leslie Masunaga, owner). Council District 3. CEQA: Exempt.
Project Manager, Sylvia Do
- s. [TR09-214](#). Live Tree Removal Permit to allow for the removal of two (2) Mexican Fan Palm trees from the front yard of an existing single-family detached residence in the R-1-8 Single-Family Residence Zoning District, located on the south side of Via Salice 150 feet easterly of Via Napoli (3882 VIA SALICE)(Nakamatsu Jon Y Et Al, Owner). Council District 1. CEQA: Exempt.
Project Manager, Lesley Xavier
- t. [TR09-217](#). Tree Removal Permit to remove one Monterey pine tree measuring 70 inches in circumference located in the rear yard of an existing single-family detached residence on a 0.14 gross acre site in the R-1-8 Single-Family Residence Zoning District, located on the northeast side of Heaton Moor Drive, 170 feet northwesterly of Blairbeth Drive (6842 Heaton Moor Drive)(Ursula Gardiner, owner). Council District 2. CEQA: Exempt.
Project Manager, Sylvia Do

The Consent Calendar is now closed.

3. PUBLIC HEARING

NO ITEMS

This concludes the Planning Director's Hearing for October 14, 2009. Thank you.

PLANNING DIRECTOR'S AGENDA ON THE WEB:

<http://www.sanjoseca.gov/planning/hearings/default.asp>

PUBLIC INFORMATION COUNTER
CITY OF SAN JOSÉ (408) 535-7800

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.