



PLANNING DIRECTOR'S HEARING AGENDA

Wednesday, February 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 **February 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.

a.

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. [HA91-046-01](#). Site Development Permit Amendment to construct a two-level detached parking structure, and to allow removal of ordinance-sized trees at an existing research and development office facility on a 4.75 gross acre site in the IP Industrial Park Zoning District, located at 3100 N. First Street (North First Street Office Partners; Henry D Bullock, Owner). Council District 4. SNI: None. CEQA: North San Jose EIR Resolution No. 72768, and Addenda thereto. Deferred from 1/28/09
Project Manager, John Davidson.
- b. [H08-008](#). Site Development Permit to allow the construction of a new 4,137 square foot retail commercial building on a 0.3 gross acre site in the CP Pedestrian Commercial Zoning District, located on the southwest corner of Meridian Avenue and Foxworthy Avenue (1656 FOXWORTHY AV) (1656 Foxworthy Ave LLC, Owner). Council District 9. SNI: None. CEQA: Exempt.
Project Manager, Ed Schreiner.
- c. [H08-040](#). Site Development Permit for a two-family 2-story residence (Duplex) on a 0.14 gross acre site in the R-2 Two-Family Residence Zoning District, located at/on the southwest corner of North 4th Street and Younger Avenue (APN: 235-08-084) (997 N 4TH ST) (Wf Llc, Owner). Council District 3. SNI: None. CEQA: Exempt.
Project Manager, Avril Baty
- d. [H08-041](#). Site Development Permit to allow construction of a 2-story two-family residence (Duplex) on a 0.14 gross acre site in the R-2 Two-Family Residence Zoning District, located on the west side of 4th Street, approximately 50 feet southerly of Younger Avenue (APN: 235-08-085) (WF LLC, Owner). Council District: 3. SNI: None. CEQA: Exempt.
Project Manager, Avril Baty.

- e. [HA91-015-01](#). Tree Removal Permit to allow removal of six ordinance-size and two non-ordinance-size Palm trees at an apartment complex on a 32-acre site in the R-M Multiple Residence Zoning District, located on the South side of Albany Drive 750 feet westerly of South Kiely Boulevard (355 SOUTH KIELY BL) (Laramar San Jose Partners Llc, and Laramar San Jose CD-Invest Reit, Owner). Council District 1. CEQA: Exempt.
Project Manager, Rachel Roberts.
- f. [PD07-030](#). Planned Development Permit to allow commercial/retail uses in an existing 10,485 square-foot industrial building on a 0.30 gross acre site in the A(PD) Planned Development Zoning District, located on the southwest corner of The Alameda and Sunol Street (850 THE ALAMEDA) (Ham Real Est Inv Llc, Owner/Developer). Council District 6. SNI: None. CEQA: Mitigated Negative Declaration.
Project Manager, Bill Roth.
- g. [PD07-085](#). Planned Development Permit to allow the construction of a 60,000 sq ft indoor recreation and banquet facility building and associated outdoor recreation uses on a 6.7 gross acre site in the A(PD) Planned Development Zoning District, located at the southwest corner of Union Pacific RR right-of-way and the Guadalupe River, west of Gold St in Alviso (Silicon Valley Club Llc, Owner). Council District 4. SNI: None. CEQA: Mitigated Negative Declaration.
Project Manager, John Davidson.
- h. [PD08-038](#). Planned Development Permit to effectuate the Planned Development Rezoning file number PDC08-030 on a 6.7 gross acre site in the A(PD) Planned Development Zoning District, located at the northwest corner of Charcot Avenue and Junction Avenue (Club Auto Sport – Silicon Valley Llc, Owner). Council District 4. SNI: None. CEQA: NSJ EIR Resolution No.72768, and Addenda thereto.
Project Manager, John Davidson.
- i. [PDA72-015-01](#). Tree Removal Permit Request to allow the removal of three (3) trees including, two (2) Australian Willows, approximately 65 and 83 inches in circumference, and (1) Mayten, approximately 61 inches in circumference, located in the common area of a multi-family development. in the A(PD) Planned Development Zoning District, located on the east side of Greenmeadow Way, approximately 90 feet southerly of Junipero Serra Lane (510, 514, and 550 Greenmeadow Way) (Compass Management, Owner Representative). Council District 1. CEQA: Exempt.
Project Manager, Lesley Xavier.
- j. [SP08-013](#). Special Use Permit to allow corporation yard use, parking lot re-striping and to locate a temporary modular building on a 13 gross acre site in the LI Light Industrial Zoning District, located on the north side of Berryessa Road, approximately 1,300 feet westerly of Lundy Avenue (1655 BERRYESSA RD) (Maureen Stickler Trustee & Et Al, Owner). Council District 4. SNI: None. CEQA: Exempt.
Project Manager, John Davidson.
- k. [SP08-052](#). Special Use Permit to allow a the conversion of an existing office building to commercial condominiums in the CO Commercial Office Zoning District, located on the north side of Hamilton Avenue 820 feet westerly of Meridian Avenue (1723 Hamilton Avenue) (J Arthur Properties II, LLC. James Campagna, Owner/Developer). Council District 6. SNI: None. CEQA: Exempt.
Project Manager, Sylvia Do.

- l. [SP08-065](#). Special Use permit to allow a 376 square foot addition to a convenience store at an existing gasoline service station in the CP Pedestrian Commercial Zoning District, located at/on the northwest corner of Stevens Creek Blvd. and Bascom Avenue (2211 STEVENS CREEK BLVD.) (Olfat, Farhad and Parissa, Owner). Council District 6. SNI: Burbank/Del Monte. CEQA: Exempt.
Project Manager, Ed Schreiner.
- m. [SP08-070](#). Wireless - Special Use Permit to install a 60 feet tall slimline monopole at a shopping center on a 7.89 gross acre site in the CP Pedestrian Commercial Zoning District, located on the southwest corner of Winchester Boulevard and Payne Avenue (1347 S WINCHESTER BL) (Regency Centers Lp, Owner). Council District 1. SNI: Winchester. CEQA: Exempt.
Project Manager, Suparna Saha.
- n. [TR08-316](#). Tree Removal Permit for the removal of two Liquid Amber trees, 129 and 100 inches in circumference from the front yard of a parcel in the R-1-8 Single-Family Residence Zoning District, located on the East side of Marlyn Way 300 feet southerly of Pine Avenue (1738 MARLYN WY) (John Kennett, Owner). Council District 6. CEQA: Exempt.
Project Manager, Ed Schreiner.
- o. [TR08-331](#). Tree Removal Permit Request to allow the removal of one (1) Black Acacia Tree, 76 inches in circumference, from the side yard of an existing single family home in the R-1-8 Single-Family Residence Zoning District, located at 1009 Leona Court (Richard Andrakin, Owner). Council District: 6. CEQA: Exempt.
Project Manager, Avril Baty.
- p. [TR08-344](#). Tree Removal Permit request to remove one (1) English Walnut tree in the front yard (on the side property line) between 1153 and 1157 Creston Lane , (Hoa Nguyen, Owner). Council District: 7. CEQA: Exempt.
Project Manager, Avril Baty.
- q. [TR09-005](#). Tree Removal Permit request to remove one Monterey pine tree, 100 inches in circumference, from the rear yard of a single-family residence, in the R-1-8 Single-Family Residence Zoning District, located at 868 Broadleaf Lane (Lindy Haynes, Owner). Council District 6. CEQA: Exempt.
Project Manager, John Davidson.
- r. [TR09-007](#). Tree Removal Permit to allow removal of two Eucalyptus trees approximately 108 and 124 inches in circumference in the R-1-8 Single-Family Residence Zoning District, located on the West side of Elkhorn Court at southwestern terminus (2321 ELKHORN CT) (Dickinson Dana L, Owner). Council District 6. CEQA: Exempt.
Project Manager, Ed Schreiner.
- s. [TR09-008](#). Tree Removal Permit to allow removal of one Deodora cedar tree approx. 90 inches in circumference. in the R-1-8 Single-Family Residence Zoning District, located on the southeast corner of Jaqueline Way and West Riverside Way (1020 JACQUELINE WY) (Xue Song And Wei Lan, Owner). Council District 1. CEQA: Exempt.
Project Manager, Ella Samonsky.

- t. [TR09-011](#). Tree removal permit to remove one Deodar Cedar tree, 71 inches in circumference, from the backyard of an existing single family home in the R-1-5 Single-Family Residence Zoning District, located on the south side of Lismore Court 250 feet easterly of Ruby Avenue (3092 LISMORE CT) (Monsen Melvin D And Mary P Trustee, Owner). Council District 8. CEQA: Exempt.
Project Manager, Ed Schreiner.

3. PUBLIC HEARING

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