



PLANNING DIRECTOR'S HEARING AGENDA

Wednesday, April 8, 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 **April 8, 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. **H08-038**. Site Development Permit to convert a single-family residence to a two-family residence with 2-story, 1,240 square foot addition on a 0.14 gross acre site in the R-2 Two-Family Residence Zoning District, located at/on the east side of 7th Street, approximately 200 feet northerly of Humboldt Street (1170 S 7TH ST) (Velazquez Martin, Owner). Council District 3. SNI: Spartan/Keyes. CEQA: Exempt.
Project Manager, Sally Zarnowitz.
- b. **PDA05-058-02**. Planned Development Amendment to extend the hours of operation of an existing fast-food restaurant to 24 hours on a 0.87 gross acre site in the A(PD) Planned Development Zoning District located on the west side of Monterey Road, 570 feet northerly of Curtner Avenue (125 CURTNER AV) (Wpv San Jose Llc, Owner; Mcdonald's - Ms Margaret Trujillo, Developer). Council District 7. SNI: None. CEQA: Exempt.
Project Manager, Ed Schreiner.
- c. **PDA79-013-01**. Planned Development Permit Amendment to allow a drive-through pharmacy at an existing retail commercial building on a 2.7 gross acre site in the A(PD) Planned Development Zoning District, located at/on the south side of Blossom Hill Road approximately 750 feet west of Snell Avenue (470 Blossom Hill Road) (Rose J. Bloom, trustee, owner; Longs Drugs Stores, Inc., developer). Council District 10. SNI: None. CEQA: Exempt.
Project Manager, Sylvia Do.

- d. **PDA88-047-03**. Tree Removal Permit proposing the removal of twelve (12) live Fremont Cottonwood trees from the common area of a multi-family development in the A(PD) Planned Development Zoning District, located at/on the west corner of Ringwood Avenue and Murphy Avenue Willow Lake Apartment Homes. Ten (10) of the twelve subject trees are located on the east side of Lake Park Drive, and the other two trees are located on inside of Lakeshore Circle, generally between the units at 1321 Lakeshore Circle and the units at 1314/1320 Aspen Lake Court (Murphy Road Apartments-San Jose, Owner). Council District 4. CEQA: Exempt.
Project Manager, Lee Butler.
- e. **PDA96-016-03**. Planned Development Permit Amendment for various retaining walls up to three feet in height for a single-family residence on a 0.62 gross acre site in the A(PD) Planned Development Zoning District, located at 2118 Chisin Street (Son & Hanh Nguyen, Owners). Council District: 8. SNI: None. CEQA: Exempt.
Project Manager, Avril Baty.
- f. **PDA98-063-03**. Planned Development Permit Amendment to authorize the removal of a diseased tree previously removed without benefit of permit within a senior housing development in the A(PD) Planned Development Zoning District, located at 1496 Almaden Road (Italian Gardens Associates, LP, Owner). Council District: 7. CEQA: Exempt.
Project Manager, Avril Baty.
- g. **SF09-006**. Single Family House Permit to allow the demolition of an existing 1,394 square foot residence and allow the construction of a new, two-story 3,342 square foot single-family residence on a .15 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at 1417 Sturgeon Way (Sudhakar and Radhika Patibandla, Owner). Council District: 1. SNI: None. CEQA: Exempt.
Project Manager, Avril Baty.
- h. **SP09-004**. Wireless - Special Use Permit to allow installation of a 60-foot tall slimline monopole with associated equipment cabinets and a 60-kW backup generator on a 12.3 gross acre site in the R-1-8 Single-Family Residence Zoning District, located on the west side of San Tomas Expressway 500 feet southerly of Lindenwood Drive (3601 WILLIAMS RD) (San Jose Water Works, Owner). Council District 1. SNI: None. CEQA: Exempt.
Project Manager, John Davidson.
- i. **TR09-018**. Tree removal permit to remove one ash tree, 73 inches in circumference, that was previously removed without benefit of permits in the R-MH Mobilehome Park Zoning District, located on the East corner of Bonita Avenue and Sunny Court (540 BONITA AV) (Matsuda Enterprises, Owner). Council District 3. CEQA: Exempt.
Project Manager, Ed Schreiner.

- j. TR09-020.** Tree Removal Permit to remove two Redwood Trees, 114 inches and 118 inches in circumference, from the backyard of an existing single-family residence in the R-1-8 Single-Family Residence Zoning District, located on the North side of Fairwood Avenue, 480 feet easterly of Briarwood Drive (1665 FAIRWOOD AV) (Steven A. Thatcher, Owner). Council District 9. CEQA: Exempt.
Project Manager, Ed Schreiner.
- k. TR09-022.** Tree Removal Permit to allow removal of one Monterey Pine tree, approximately 61 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 North side of Willow Street 80 feet westerly of Phantom Avenue (1899 WILLOW ST). Council District 3. CEQA: Exempt.
Project Manager, Martina Davis.
- l. TR09-033.** Live Tree Removal Permit to allow the removal of one Palm Tree (approximately 57-inches in circumference) and one Pine Tree (approximately 84-inches in circumference) from an existing single-family detached residential lot in the R-1-8 Single-Family Residence Zoning District, located on the northwest corner of Limewood Drive and Cropley Avenue (1903 LIMWOOD DR) (Javed A. Ansari, Owner). Council District 4. CEQA: Exempt.
Project Manager, Ed Schreiner.
- m. TR09-036.** Tree Removal Permit to remove an Oak tree, 104-inches in circumference located in the front yard of an existing detached single family residential lot in the R-1-8 Single-Family Residence Zoning District, located at 2715 Cardinal Lane (Thomas Gamberg, Owner). Council District: 9. CEQA: Exempt.
Project Manager, Avril Baty.
- n. TR09-043.** Tree Removal Permit to legalize the removal of an approximately 66-inch in circumference Acacia tree from the rear yard of an existing single-family residential lot in the R-1-8 Single-Family Residence Zoning District, located at 1434 McKendrie Street (Patricia Jaime, Owner). Council District: 6. CEQA: Exempt.
Project Manager, Avril Baty.
- o. TR09-046.** Tree removal permit request to remove one Eucalyptus/Silver Dollar tree, 130 inches in circumference, from the rear yard of a single family residence in the R-1-8(PD) Planned Development Zoning District, located at/on the eastern terminus of Calumet Court (1052 CALUMET CT) (Hagenmaier Chuck, Owner). Council District 3. CEQA: Exempt.
Project Manager, Martina Davis.
- p. TR09-048.** Tree Removal Permit to remove one Magnolia tree, 150 inches in circumference, on a 0.18 gross acre site in the DC Downtown Primary Commercial Zoning District, located at 195 Devine Street (City of San Jose Redevelopment Agency, Owner). Council District: 3. CEQA: Exempt.
Project Manager, Sally Zarnowitz.

3. PUBLIC HEARING

- a. **TR09-060.** Tree Removal to allow removal of an Oak tree, 60 inches in circumference from the rear yard of a single family residence on a 0.25 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at 1039 LOVOI WY (Repetti, Antonino And Jacqueline R Trustee, Owner). Council District 6. CEQA: Exempt
Project Manager, Martina Davis.

This concludes the Planning Director's Hearing for April 8, 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.