



**PLANNING DIRECTOR'S HEARING AGENDA
AMENDED**

Wednesday, June 10, 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 **June 10, 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. **H09-007 and HP09-002** – Site Development Permit and Historic Preservation Permit to convert an existing single-family residence to a two-family residence, allow an addition to the rear of the building, additional windows and door to the side elevations, site improvements and demolition of an existing garage on a 0.145 gross acre site within the Hensley City Landmark Historic District, in the R-M Zoning District, located on the east side of North 3rd Street 120 feet southerly of East Empire Street (Marcos Constancia L. Trustee). Council District 3. SNI: 13th Street. CEQA: Exempt. Deferred to 8/19/09.
Project Manager, Hadasa Lev

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. **PD09-001**. Planned Development Permit to allow the construction of 84 multi-family attached residential units on a 1.92 gross acres site in the A(PD) Planned Development Zoning District, located on the south side of E. San Antonio Street approximately 950 feet easterly of S. 24th Street (1338 E. SAN ANTONIO STREET) (Neighborhood Housing Services Silicon Valley, Owner; Roem Development/Jim Rendler, Developer). Council District 3. SNI: Five Wounds/Brookwood Terrace. CEQA: Use of Mitigated Negative Declaration.
Project Manager, Sally Zarnowitz
- b. **PD09-013**. Planned Development Permit to allow 24 hour use for an existing pharmacy on a 2.64 gross acre site in the A(PD) Planned Development Zoning District, located on the east side of White Road, approximately 350 feet northerly of Aborn Road (3220 S WHITE RD) (Longs Drug Stores Inc, Owner). Council District 8. SNI: None. CEQA: Exempt.
Project Manager, Ed Schreiner
- c. **PDA77-069-01**. Tree Removal Permit to remove one pine tree measuring 56 inches in circumference in the R-2(PD) Planned Development Zoning District, located at the west corner of Educational Park Drive and McKee Road (301 Educational Park Drive) (Kim Ha Chiu, owner). Council District 3. CEQA: Exempt.
Project Manager, Sylvia Do.

- d. [SP08-055](#). Special Use Permit to allow the demolition of five buildings and one accessory structure for a total of six structures, located on the south side of Park Avenue between Sonoma Street and Delmas Avenue (203, 217, 253 and 255 Delmas Ave. and 283 Sonoma St.) not including the National Register eligible Church located at 217 Delmas Ave., on a 1.53 gross-acre site in the Light Industrial Zoning District (Park Delmas Investors, LLC, owner). Council District 3. SNI: Delmas Park. CEQA: Addendum to the Downtown Strategy 2000 EIR.
Project Manager, Sally Zarnowitz.
- e. [SP08-056 and HP09-001](#) - Special Use Permit and Historic Preservation Permit to legalize construction of an existing carport built without benefit of permits on a 0.21 gross acre site within the Lake House City Landmark Historic District, in the R-2 Zoning District, located on the south side of West San Fernando Street approximately 280 feet westerly of Delmas Avenue (Conrad J and Cynthia Zanotto, owners). Council District 3. SNI: Delmas Park. CEQA: Exempt.
Project Managers, Sally Zarnowitz and Hadasa Lev.
- f. [SP09-020](#). Special Use Permit to reinstate the legal non-conforming status of the off-sale of alcoholic beverages at an existing grocery store on a 0.13 gross acre site in the CP Pedestrian Commercial Zoning District, located at 500 North 17th Street (Costanzo Francesca Trustee, Owner). Council District 3. SNI: None. CEQA: Exempt.
Project Manager, Ed Schreiner.
- g. [SP09-022](#). Special Use Permit to legalize an existing storage shed in the rear yard of a single-family parcel on a 0.12 gross acre site in the R-2 Two-Family Residence Zoning District located at 859 N. 17th Street (Diana Chien Levalley, Owner). Council District: 3. SNI: 13th Street. CEQA: Exempt.
Project Manager, Avril Baty.
- h. [SP09-023](#). Special Use Permit to demolish an existing single-family residence on a 0.29 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at 15555 Woodard Road (Mike Paydar, Owner). Council District 9. SNI: None. CEQA: Exempt.
Project Manager, Avril Baty.
- i. [SP09-025](#). Special Use Permit to demolish an existing gasoline service station and remove existing pavement on a 0.36 gross acre site in the CP Pedestrian Commercial Zoning District, located on the southwest corner of Saratoga Avenue and Quito Road/Lawrence Expressway (1804 SARATOGA AV) (Geoffrey Farrar Trustee & Et Al, owners). Council District 1. SNI: None. CEQA: Exempt.
Project Manager, Helen Maddox.
- j. [SP09-027](#). Wireless - Special Use Permit to allow continued use of an existing slimline wireless communications monopole at a shopping center on an 11.6 gross acre site in the CG General Commercial Zoning District, located at/on the northeast corner of Almaden Expressway and Cherry Avenue (4950 ALMADEN EX) (Almaden Properties, Llc., Owner). Council District 9. SNI: None. CEQA: Exempt.
Project Manager, Avril Baty
- k. [SP09-028](#). Wireless - Special Use Permit to allow continued use of an existing slimline wireless communications monopole, 48 feet in height, at a high school premises on a 35.0 gross acres site in the R-1-1 Single-Family Residence Zoning District, located at/on the southwest corner of Gaundabert Lane and Chynoweth Avenue (620 GAUNDABERT LN) (San Jose Unified S D, Owner). Council District 10. SNI: None. CEQA: Exempt.
Project Manager, Helen Maddox.

- l. [SPA06-094-01](#). Special Use Permit Amendment to allow: 1) processing of 2,000 tons per day of any type of material; 2) 24 hour operations; and 3) increasing the holding time of materials from 24 hours to 48 hours, consistent with California Code of Regulations Title 14 on a 6.05 gross acre site in the HI Heavy Industrial Zoning District, located on the north side of Charles Street approximately 750 feet westerly of Oakland Road (625 Charles Street) (Green Waste Recovery Inc, owner). Council District 4. SNI: None. CEQA: Addendum to a Mitigated Negative Declaration.
Project Manager, Sylvia Do.
- m. [TR09-104](#). Tree Removal Permit to allow the removal of a multi-trunk Pine tree approximately 168 inches in circumference on a 0.13 gross acre site in the R-1-5 Single-Family Residence Zoning District, located at 6567 Bose Lane (Alexandre and Isabelle Aisinzon, Owner). Council District: 10. CEQA: Exempt.
Project Manager, Avril Baty.
- n. [TR09-111](#). LiveTree Removal Permit to allow the removal of one Palm Tree and one Camphor Tree, 83-inches and 62-inches in circumference from an existing single-family detached residential lot in the R-1-5 Single-Family Residence Zoning District, located on the northeast side of Mojave Drive 490 feet northwesterly of Pampas Drive (6302 MOJAVE DR) (Hooman Hashemi And Zhu Haixia Hashemi, Owner). Council District 10. CEQA: Exempt.
Project Manager, Ed Schreiner.
- o. [TR09-112](#). Tree Removal Permit to allow removal of one (1) Oak tree, approximately 88 inches in circumference, on a 6.0 acre site in the R-1-1 Single-Family Residence Zoning District, located on the east side of Cinnabar Hills Road (a.k.a. Alarm Road) at the northern terminus (8138 Cinnabar Hills Road) (Jonasson, Axel E., Trustee, Owner). Council District 10. CEQA: Exempt.
Project Manager, Lesley Xavier.
- p. [TR09-113](#). Tree Removal Permit to allow removal of one Redwood tree approximately 75 inches in circumference on a 0.14 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at 591 N. 19th Street (Garofolo, Salvatore Jr., Owner). Council District 3. CEQA: Exempt.
Project Manager, Martina Davis.
- q. [TR09-115](#). Tree Removal Permit to remove one Ash tree measuring 91 inches in circumference in the R-1-8 Single-Family Residence Zoning District, located at the northwest corner of Casa Verde and Casa View Drive (449 Casa View Drive) (Cora Mendez, trustee, owner). Council District 1. CEQA: Exempt.
Project Manager, Sylvia Do.
- r. [TR09-116](#). Tree Removal Permit to remove one (1) monterey pine tree measured at 86 inches in circumference in the R-1-8 Single-Family Residence Zoning District, located on the west side of Plumstead Way, 160 feet southerly of Pettigrew Drive (2967 PLUMSTEAD WY) (Harjit Singh, Owner). Council District 8. CEQA: Exempt.
Project Manager, Ed Schreiner.
- s. [TR09-120](#). Tree Removal Permit to remove one olive tree measuring 203 inches in circumference on a 0.14 gross acre site in the R-1-5(PD) Planned Development Zoning District, located on the Northeast side of Cape Trinity Place, 150 feet southeasterly of Cape Hatteras Way (826 Cape Trinity Place) (John, Jr. and Jeanne Rudy, owners). Council District 4. CEQA: Exempt.
Project Manager, Sylvia Do.

- t. **TR09-121**. Tree Removal Permit to remove one oak tree measuring 78 inches in circumference on a 0.15 gross acre site in the R-1-8 Single-Family Residence Zoning District, located on the west side of S. 15th Street, 140 feet northerly of E. San Fernando Street (93 S. 15th Street) (Dennis and Julieanne Suit, trustee, owner). Council District 3. CEQA: Exempt.
Project Manager, Sylvia Do.

3. PUBLIC HEARING

- a. **DA-Cisco Alviso Amendment #2 determination**. Determination by the Director of Planning, Building, and Code Enforcement, related to the number of employees of Cisco Technology, Inc. (“Cisco”), all as set forth in, and all in a manner consistent with, Section 3 of that certain Second Amendment to the Development Agreement between the City and Cisco, relative to development of real property under the Cisco Alviso Development Agreement (Cisco Technologies, Owner/Applicant). Council District: 4. CEQA: Re-Use of an EIR.
Project Manager, John Davidson.

This concludes the Planning Director’s Hearing for June 10, 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.