



PLANNING DIRECTOR'S HEARING AGENDA

Wednesday, June 24, 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

**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 24, 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.

NONE

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. **H09-009**. Site Development Permit to construct a 10,000 square foot canopy over an existing outdoor storage area on a 4.47 gross acre site in the LI Light Industrial, HI Heavy Industrial, and CG General Commercial Zoning Districts, located on the west side of Little Orchard Street, approximately 300 feet northerly of San Jose Avenue (1601 LITTLE ORCHARD ST) (Stucco Supply Co., Owner). Council District 7. SNI: Washington. CEQA: CEQA Exempt.
Project Manager, Martina Davis.
- b. **PD08-059**. Planned Development Permit to construct three single-family detached residences on a 0.79 gross acre lot in the A(PD) Planned Development Zoning District, located on the northwest corner of Carla Drive and Almaden Expressway (6339 Almaden Road) (Robert Bagheri, Owner). Council District: 10. SNI: None. CEQA: Exempt.
Project Manager, Avril Baty.
- c. **PDA02-082-01**. Planned Development Permit Amendment to allow social service agency uses and a reduced parking requirement at an existing industrial office building on a 1.6 gross acre site in the A(PD) Planned Development Zoning District, located on the northeast corner of Remillard Court and Story Road (749 Story Road) (Center for Training and Careers, Inc., owner). Council District 7. SNI: None. CEQA: Exempt.
Project Manager, Sylvia Do.
- d. **PDA66-001-01**. Live Tree Removal Permit to allow the removal of four ordinance size trees, including a Fig, a Cedar and two Palm trees, ranging from 62 to 94 inches in circumference from the common area of a residential project in the R-1-1(PD) Planned Development Zoning District, located on the West side of Cribari Lane between Cribari Green and Cribari Glen (The Villages Golf & Country Club, Owner). Council District 8. CEQA: Exempt.
Project Manager, John Davidson.

- e. [PDA73-048-01](#). Live Tree Removal Permit to allow the removal of two ordinance size Monterey Pine Trees from the common area of an attached residential project in the R-1-1(PD) Planned Development Zoning District, located on the West of Montgomery Lane 210 feet southerly of Blauer Lane (The Villages Golf & Country Club, Owner). Council District 8. CEQA: Exempt.
Project Manager, John Davidson.
- f. [PDA79-011-01](#). Planned Development Amendment to construct retaining walls in the backyard of a single-family residence located on a 0.27 gross acre site in the R-1-2(PD) Planned Development Zoning District, located at 1045 Woodview Place (Jonathan and Gretchen Skoglund, Owners). Council District: 10. SNI: None. CEQA: Exempt.
Project Manager, Avril Baty.
- g. [SP07-043](#). Special Use Permit for the construction of an 1118 sq ft storage building at an existing textile print shop, a legal non-conforming use, on a 0.25 gross acre site in the CP Pedestrian Commercial Zoning District, located at 2878 S. Bascom Avenue (Roman And Norma Malik, owners). Council District 9. SNI: None. CEQA: Exempt.
Project Manager, John Davidson.
- h. [TR09-067](#). Tree Removal Permit to remove three trees, one Sycamore and two Black Walnut trees, ranging in size from 78" to 97" in circumference located at the rear yard of an existing single family residence in the R-1-8 Single-Family Residence Zoning District, located at 1460 Newport Avenue (Mary Ritchie, Owner). Council District: 6. CEQA: Exempt.
Project Manager, Avril Baty.
- i. [TR09-103](#). Tree Removal Permit to remove one pine tree measuring 72 inches in circumference on a 0.13 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at the northeast corner of Woodard Road and Nova Scotia Avenue (2257 Woodard Road) (Anthony and Tracy Falcocchia, et al, owners). Council District 9. CEQA: Exempt.
Project Manager, Sylvia Do.
- j. [TR09-118](#). To legalize the removal of one tree of unknown species, approximately 60 inches in circumference, located at the southeast corner of a commercial lot in the CP Pedestrian Commercial, R-1-8 Single-Family Residence Zoning District, located on the east side of Lincoln Avenue 490 feet northerly of Broadway Avenue (1014 LINCOLN AV) (Eckold, M A, Owner). Council District 6. CEQA: Exempt.
Project Manager, Martina Davis.
- k. [TR09-129](#). Tree Removal Permit to allow removal of one Sycamore tree, approximately 72 inches in circumference, in the R-1-8 Single-Family Residence Zoning District, located at 6605 Hampton Drive (Mahmood Rafsanjani and Mansoureh Dadallah, Owners). Council District: 10. CEQA: Exempt.
Project Manager, Avril Baty.

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. Deferred from 6/17/09.
Project Manager, John Davidson
- b. **PDA70-031-01.** Planned Development Permit Amendment for the removal of five (5) Oak trees in the common open space area behind the below referenced address on a 24.8 acre lot 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 Court) (Montego HOA, Owner). Council District 10. CEQA: Exempt.
Project Manager, Ed Schreiner.

This concludes the Planning Director’s Hearing for June 24, 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.