



PLANNING DIRECTOR'S HEARING AGENDA

Wednesday, August 12, 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 **August 12, 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.

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. **TR09-117**. Live Tree Removal Permit to allow the removal of two (2) Valley Oak trees, which are Heritage Trees, both approximately 150-inches in circumference from the front yard of an existing single-family detached residence in the R-1-8 Single-Family Residence Zoning District, located at the northwest corner of Dogaway Drive and Gallant Fox Avenue (195 Dogaway Drive) (Vargas Robert & Maria Et Al, Owner). Council District 2. CEQA: Exempt. Deferred from 7/29/09
Project Manager, Lesley Xavier

- b. **HA78-218-03**. Tree Removal for the removal of one Aleppo pine tree, 73 inches in circumference, and one Monterey Pine tree, 48 inches in circumference, from the common area of a mobile home park in the HI Heavy Industrial, LI Light Industrial Zoning District, located at the Golden Wheel Mobile Home Park (900 GOLDEN WHEEL PARK DR)(Golden Wheel Mhp LLC, Owner). Council District 4. CEQA: Exempt.
Project Manager, John Davidson

- c. **HA85-187-01**. Tree Removal Permit to allow removal of 22 trees of various species and sizes in an Industrial Park development on a 16 gross acre site in the IP Industrial Park Zoning District, located on the northeast corner of Junction Avenue and Trimble Road (2560 JUNCTION AV) (South Bay Development, Owner). Council District 4. CEQA: Exempt.
Project Manager, Sally Zarnowitz

- d. [PDA75-015-01](#). Planned Development Permit Amendment to allow one 6,000-gallon nitrogen tank on a 7.2 gross acre site in the A(PD) Planned Development Zoning District, located on the west side of Orchard Parkway approximately 200 feet southwesterly from Orchard Drive (3025 Orchard Parkway) (Equity Offices, Inc., owner). Council District 4. SNI: None. CEQA: Exempt.
Project Manager, Sylvia Do
- e. [PDA93-042-07](#). Planned Development Permit Amendment to allow for a 727 square foot, 1-story addition, to an existing 2-story single-family residence, resulting in a 51% floor area ratio, on a 0.14 gross acre site in the A(PD) Planned Development Zoning District, located at 3283 Palantino Way (Tseng Hung Yu, Owner). Council District 8. SNI: None. CEQA: Exempt.
Project Manager, Lesley Xavier
- f. [PDA94-045-01](#). Planned Development Permit Amendment to remove four redwood trees measuring 93, 96, 108, and 168 inches in circumference from the common area of a multi-family residential complex in the A(PD) Planned Development Zoning District, located in the region bounded by Cropley Avenue, west of Messina Drive and Berryessa Creek (near 2946 Lambeth Court & 2779 Countrywalk Circle) (Park Row Association 2, applicant). Council District 4. CEQA: Exempt.
Project Manager, Sylvia Do
- g. [SP09-033](#). Special Use Permit to reinstate the legal non-conforming grocery store on a 0.19 gross acre site (no new construction is proposed, off-sale of alcohol not included as part of proposed project) in the R-2 Two-Family Residence Zoning District, located at 798 Delmas Avenue (Humberto Guajardo Trustee, Owner). Council District 3. SNI: Greater Gardner. CEQA: Exempt.
Project Manager, Avril Baty
- h. [SP09-037](#). Special Use Permit to convert a single-family residence to an office use on a 0.1 gross acre site (no new construction is proposed) in the CP Pedestrian Commercial Zoning District, located at 525 Willow Street (Timothy Wheeler, Owner). Council District 6. SNI: Greater Gardner. CEQA: Exempt.
Project Manager, Avril Baty
- i. [SP09-044](#). Special Use Permit to construct a 1,505 square foot detached garage behind an existing single-family home on a 1.1 gross acre site in the R-1-8 Single-Family Residence Zoning District, located on the east side of Newport Avenue, 720 feet south of Minnesota Avenue (1508 NEWPORT AV) (Christopher Schumb, Owner/Developer). Council District 6. SNI: None. CEQA: Exempt.
Project Manager, Ed Schreiner
- j. [TR09-114](#). Tree removal application to remove one (1) Ash tree approximately 80 inches in circumference in the rear yard of a single family home in the A(PD) Planned Development Zoning District, located on the Southwest corner of Longfellow Court and Longfellow Way (1365 LONGFELLOW WY) (Fong Stephen And Andrea, Owner). Council District 1. CEQA: Exempt.
Project Manager, Sally Zarnowitz

- k. [TR09-119](#). Live Tree Removal Permit to allow the removal of one Redwood tree approximately 64-inches in circumference from the rear yard of an existing single-family detached residence in the A(PD) Planned Development Zoning District, located on the South side of Pam Lane 760 feet easterly of Capitancillos Drive (1570 PAM LN) (Worrell Fred & Cynthia C Trustee, Owner). Council District 10. CEQA: Exempt.
Project Manager, Sally Zarnowitz
- l. [TR09-147](#). Live Tree Removal Permit request to allow the removal of one (1) Cedar tree, approximately 83 inches in circumference, from the front yard of an existng single-family residence in the R-1-8 Single-Family Residence Zoning District, located on the northeast side of High Glen Drive, approximately 470 feet southeasterly of Mabury Road (670 High Glen Drive) (Fong Kevin K And Yan Ping, Owner). Council District 5. CEQA: Exempt.
Project Manager, Lesley Xavier
- m. [TR09-151](#). Tree Removal Permit to allow the removal of one Palm Tree, approximately 96-inches in circumference from the rear yard of an existing residential lot, in the R-1-8 Single-Family Residence Zoning District, located at 6425 Bose Lane (Benjamin Jones, Owner). Council District 10. CEQA: Exempt.
Project Manager, Avril Baty
- n. [TR09-158](#). Tree Removal Permit to allow removal of one maple tree measuring 67 inches in circumference in the R-1-5 Single-Family Residence Zoning District, located on the northwest side of Old Oak Drive 370 feet southwesterly of Lone Pine Lane (1189 Old Oak Drive) (Otis, Jr. and Sharon Bynum, trustee, owner). Council District 10. CEQA: Exempt.
Project Manager, Sylvia Do
- o. [TR09-159](#). Tree Removal Permit to allow removal of one Spruce tree approximately 165 inches in circumference on a 0.18 gross acre site in the R-1-5 Single-Family Residence Zoning District, located on the northeast side of Cedarwood Lane, 190 feet easterly of Gundersen Drive (2136 CEDARWOOD LN) (Dewain G And Doris R Azevedo, Owner). Council District 6. CEQA: Exempt.
Project Manager, Ed Schreiner
- p. [TR09-160](#). Tree Removal Permit request to remove one (1) Eucalyptus Tree, approximately 120 inches in circumference, from the backyard of an existing single family residence in the R-1-5 Single-Family Residence Zoning District, located on the north side of Outlook Court, approximately 425 feet easterly of Canyon View Drive (3459 Outlook Court) (Maurice Walcott Et Al, Owner). Council District 4. CEQA: Exempt.
Project Manager, Avril Baty
- q. [TR09-163](#). Tree Removal Permit to remove one palm tree measuring 76 inches in circumference and one Monterey pine tree measuring 129 inches in circumference in the R-1-8 Single-Family Residence Zoning District, located on the southeast side of Mandel Court, 170 feet southwesterly of Braebridge Road (1820 Mandel Court) (Cheng Wu, et al, trustees, owner). Council District 4. CEQA: Exempt.
Project Manager, Sylvia Do

3. PUBLIC HEARING

NONE

This concludes the Planning Director's Hearing for August 12, 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.