



**PLANNING DIRECTOR'S HEARING AGENDA**

**Wednesday, September 23, 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 **September 23, 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, 3<sup>rd</sup> 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](mailto:carmen.stanley@sanjoseca.gov)

**AGENDA**  
**ORDER OF BUSINESS**

**1. DEFERRALS**

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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.

NO ITEMS

**The matter of Deferrals is now closed.**

**2. CONSENT CALENDAR**

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**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. **H09-002**. Site Development Permit to allow an additional 200,000 square feet to a previously approved 220,000 square foot building for office uses, and to allow an additional 78,000 square feet to a previously approved 941,000 square foot parking structure on a 14.1 gross acre site in the IP Industrial Park Zoning District, located on the northwest corner of Headquarters Drive and Holger Way (140 Holger Way)(MFP/Hunter @First Office Developers, LLC, owner). Council District 4. SNI: None. CEQA: Reuse of the Final Environmental Impact Report for the North San Jose Area Development Policies Update, Resolution No. 72768.  
*Project Manager, Sylvia Do*
- b. **H09-004 & HP09-004**. The projects being considered are located on the southeast corner of E. St. John Street and N. 4th Street (156 E ST JOHN ST), in the DC Downtown Commercial Zoning District (Baig Niaz Et Al, Owner; Affirmed Housing Group, Developer). Council District 3. SNI: 13<sup>th</sup> St. CEQA: Addendum to EIR.  
*Project Manager, Sally Zarnowitz*
1. H09-004. Site Development Permit to allow the construction of a seven-story mixed use building, with two levels of below grade parking, ground floor retail spaces and 156 residential units above a podium on a 0.43 gross acre site.
  2. HP09-004. Historic Preservation Permit to incorporate educational elements into the proposed project from the Donner-Houghton house formerly located on this City Landmark site (No. HL01-125) on a 0.43 gross acre site.

- c. [H09-013](#). Site Development Permit to convert an existing triplex to a duplex on a 0.15 gross acre site in the R-M Multiple Residence Zoning District, located on the west side of S. Sixth Street approximately feet 180 north of Margaret Way (659 S 6TH ST)(Barrett Peter & Stacy, Owner). Council District 3. SNI: University. CEQA: Exempt.  
*Project Manager, Sally Zarnowitz*
  
- d. [HA74-209-01](#). Site Development Permit Amendment to remove five eucalyptus trees ranging from 81 to 106 inches in circumference and other landscape improvements for a commercial retail development on a 5.6 gross acre site in the CP Pedestrian Commercial Zoning District, located on the south side of Moorpark Avenue approximately 270 feet westerly Saratoga Avenue (685 Saratoga Avenue)(Strawberry Park, owner). Council District 1. CEQA: Exempt.  
*Project Manager, Sylvia Do*
  
- e. [HA05-005-01](#). Tree Removal Permit to allow the removal two Pepper trees, 76” and 62” in circumference, from existing fuel terminal, in the HI Heavy Industrial Zoning District, located at 1020 Berryessa Road (Chevron Usa Inc, Owner). Council District 4. CEQA: Exempt.  
*Project Manager, Avril Baty*
  
- f. [PT09-015 & PD09-015](#). The projects being considered are located on the north side of Camden Avenue, approximately 300 feet easterly of Paso Los Cerritos, in the A(PD) Planned Development Zoning District (Corte De Rose Homes, LLC, Owner). Council District 10. SNI: None. CEQA: Mitigated Negative Declaration.  
*Project Manager, Lesley Xavier*
  - 1. PD09-015. Planned Development Permit to allow for the construction of 8 single-family detached residences on a 3.68 gross acre site.
  - 2. PT09-015. Planned Tentative Map to subdivide one lot into 8 parcels for single-family detached residential uses on a 3.68 gross acre site.
  
- g. [SP08-046](#). Special Use Permit to construct a 168,000 square foot building for a data center use on a 12.75 gross acre site in the IP Industrial Park Zoning District, located on the northwesterly corner of Great Oaks Boulevard and Highway 85 (11 Great Oaks Boulevard)(SV1 LLC, owner). Council District 2. SNI: None. CEQA: Addendum to the Edenvale Redevelopment Project Environmental Impact Report.  
*Project Manager, Sylvia Do*
  
- h. [TR09-166](#). Tree Removal Permit request to remove one (1) Deodar Cedar tree, approximately 98 inches in circumference, from the front yard of an existing single-family residence in the R-1-8 Single-Family Residence Zoning District, located on the west side of Rudy Drive, approximately 270 feet northerly of Blossom Hill Road (5563 Rudy Drive)(Cunningham Paul M & Deborah A, Owner). Council District 9. CEQA: Exempt.  
*Project Manager, Lesley Xavier*
  
- i. [TR09-185](#). Tree Removal Permit to remove one Monterey pine measuring 70 inches in circumference located in the side yard of an existing single-family detached residence located on a 0.14 gross acre site in the R-1-8 Single-Family Residence Zoning District, located on the south corner of Bonaccorso Place and Baton Rouge Drive (647 Bonaccorso Place) (Hayes Rose ,trustee, owner). Council District 4. CEQA: Exempt.  
*Project Manager, Sylvia Do*

- j. [TR09-186](#). Live Tree Removal Permit to allow for the removal of one Tulip tree, approximately 100-inches in circumference from the front yard of an existing single-family residence in the R-1-8 Single-Family Residence Zoning District, located on the south side of Shady Avenue, approximately 100 feet easterly of Brenton Avenue (5080 Shady Avenue)(Igel Victoria & Boccone Norman, Owner). Council District 1. CEQA: Exempt.  
*Project Manager, Lesley Xavier*
- k. [TR09-187](#). Live Tree Removal Permit to allow for the removal of one (1) Silk Oak tree, approximately 88-inches in circumference from the front yard of an existing single-family residence in the CP Pedestrian Commercial, R-1-8 Single-Family Residence Zoning District, located on the west side of Delmas Avenue, 150 feet southerly of Snyder Avenue (1055 Delmas Avenue)(Yuji & Christina Yoshiie, Owner). Council District 6. CEQA: Exempt.  
*Project Manager, Lesley Xavier*
- l. [TR09-189](#). Tree Removal Permit to remove an unknown tree (69 inches in circumference) at the front left corner of the lot that has previously been removed without the benefit of permits in the R-1-8(PD) Planned Development Zoning District, located on the west side of Brandywine Drive 115 feet southerly of Thistlewood Court (3069 BRANDYWINE DR) (Emily And Wilfredo Garcia, Owner). Council District 7. CEQA: Exempt.  
*Project Manager, Ed Schreiner*
- m. [TR09-193](#). Tree Removal Permit to remove one Fir tree measuring 110 inches in circumference located in the front yard of an existing single-family detached residence on a 0.21 gross acre site in the R-1-8 Single-Family Residence Zoning District, located on the east side of Fenley Avenue 550 feet northerly of Olsen Drive (432 Fenley Avenue)(Oanh Nguyen, owner). Council District 1. CEQA: Exempt.  
*Project Manager, Sylvia Do*
- n. [TR09-200](#). Tree Removal Permit to remove one Deodora Cedar tree measuring 75 inches in circumference located in the front yard of an existing single-family detached residence on a 0.25 gross acre site in the R-1-8 Single-Family Residence Zoning District, located on the north side of Glenwood Avenue, approximately 600 feet west of Hicks Avenue (1481 Glenwood)(Steven Malik, trustee, et al, owner). Council District 6. CEQA: Exempt.  
*Project Manager, Sylvia Do*

**The Consent Calendar is now closed.**

### **3. PUBLIC HEARING**

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NO ITEMS

**This concludes the Planning Director's Hearing for September 23, 2009. Thank you.**

PLANNING DIRECTOR'S AGENDA ON THE WEB:

<http://www.sanjoseca.gov/planning/hearings/default.asp>

PUBLIC INFORMATION COUNTER  
CITY OF SAN JOSÉ (408) 535-7800

## 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.