



CITY COUNCIL AGENDA

MARCH 7, 2006

AMENDED AGENDA

LINDA J. LE ZOTTE
FORREST WILLIAMS
CINDY CHAVEZ, VICE MAYOR
CHUCK REED
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER
MADISON P. NGUYEN
DAVID D. CORTESE
JUDY CHIRCO
NANCY PYLE

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Community & Economic Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Neighborhood Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation & Aviation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 9 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

- **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- When the Council reaches your item on the agenda, Mayor Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas and Staff Reports for City Council items may be viewed on the Internet at www.sanjoseca.gov/clerk/agenda.asp

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call (408) 535-1260 or (408) 294-9337 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
9:30 a.m. - Closed Session, City Hall Tower, 18th Floor, City Hall
[See Separate Agenda](#)
1:30 p.m. - Regular Session, Council Chambers, City Hall
7:00 p.m. - Public Hearings, Council Chambers, City Hall

- **Invocation (District 3)**
Rev. Gerald Sakamoto from the San José Buddhist Church Betsuin

- **Pledge of Allegiance**
- **Orders of the Day**

Items marked with an asterisk denote changes or additions to the previously published Agenda for this meeting.

ITEM 9.1 AND 9.2 ARE TO BE CONSIDERED IN A JOINT CITY COUNCIL/REDEVELOPMENT AGENCY BOARD SESSION.

Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.

1. CEREMONIAL ITEMS

- 1.1** Presentation of a commendation to the San José Junior Sharks in recognition of their outstanding success. (Chavez)
(Deferred from 2/14/06 – Item 1.3)
TO BE HEARD IN THE EVENING
* **DROP**
- 1.2** Presentation of Neighborhood Improvement Awards. (Parks, Recreation and Neighborhood Services)
TO BE HEARD IN THE EVENING

1. CEREMONIAL ITEMS

- 1.3 Swearing in ceremony for District 10 Youth Commissioner. (City Clerk)
TO BE HEARD IN THE EVENING
- 1.4 Presentation of a commendation to InnVision Chief Operating Officer Christine Burroughs on the occasion of her retirement and for her meritorious service and devotion to supporting families and individuals to find their way home. (Cortese)
(Rules Committee referral 2/22/06)
TO BE HEARD IN THE EVENING
- 1.5 Presentation of a commendation to Ken Kelly for his exemplary dedication and invaluable contributions to the San José community. (LeZotte/Mayor)
* (Rules Committee referral 3/1/06)
- 1.6 Presentation of a commendation to Cathy Morrey for her exemplary dedication and invaluable contributions to the City organization. (City Manager/Mayor)
* (Rules Committee referral 3/1/06)
- 1.7 Presentation of a commendation to MAI Industries for its important contribution to the San José economy. (Mayor/Reed)
* (Rules Committee referral 3/1/06)
- 1.8 Presentation of commendations to the Willow Glen Neighborhood Association for their exemplary dedication and invaluable contributions to the San José community.
(Yeager/Mayor)
(Rules Committee referral 3/1/06)
* **TO BE HEARD IN THE EVENING**
- 1.9 Presentation of a commendation to the California Quake, for winning the Quake Shake & Bake 2006 Wheelchair Rugby Invitational. (LeZotte)
(Rules Committee referral 3/1/06)
* **TO BE HEARD IN THE EVENING**
- 1.10 Presentation of a commendation to Irene Dalis, founder and General Director of Opera San José, in recognition of her extraordinary and lasting contributions to the cultural vibrancy of the San José community. (Yeager)
(Rules Committee referral 3/1/06)
TO BE HEARD IN THE EVENING
* **DROP**
- 1.11 Presentation of a commendation to Felton Owens for his 34 years of service to the East Side Union High School District and for his dedication and effort toward community improvement. (Cortese)
* **TO BE HEARD IN THE EVENING**
- *1.12 Presentation of a commendation to Nancy Finkeldei, for her excellent work in her community and dedication with SNI, NAC, and the Weed and Seed Program. (Cortese)

2. CONSENT CALENDAR

Notice to the public: There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Consent Calendar and considered separately.

2.1 Approval of Minutes.

Recommendation: Approval of minutes.

- (a) [Regular minutes of June 7, 2005.](#)
- (b) [Special minutes of June 13, 2005.](#)
- (c) [Regular minutes of June 14, 2005.](#)
- (d) [Regular minutes of June 21, 2005.](#)
- (e) [Joint San José Financing Authority minutes of June 21, 2005.](#)
- (f) [Regular minutes of June 28, 2005.](#)

2.2 Final adoption of ordinances.

2.3 [Approval to amend an agreement related to the Airport's Acoustical Treatment Program.](#)

- * **Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute a third amendment to the agreement with Corlett, Skaer & DeVoto Architects, Inc. for consultant services related to noise attenuation of properties located within the Noise Impact Area, modifying the compensation provisions for reimbursable expenses and defining the consultant services to be provided to the Department of Public Works for acoustical treatment of homes impacted by Public Works road projects, increasing the maximum compensation by \$465,108 from \$7,330,066 to a not to exceed amount of \$7,795,174, and extending the term from June 30, 2007 to June 30, 2008. CEQA: Resolution Nos. 67380 and 71451, PP 05-283; PP03-06-209. (Airport)

2.4 [Rejection of bids for the purchase of Police Vehicles.](#)

Recommendation: Rejection of all bids for the purchase of Chevrolet Impala Police Vehicles for the General Services Department/Fleet Management Division and authorization to the Director of Finance to re-solicit the Request for Bid. CEQA: Not a Project. (Finance)

2.5 [Approval to vacate an alley located at 671 S. 11th Street.](#)

Recommendation: Adoption of a resolution summarily vacating a portion of the alley lying at the rear yard of 671 South 11th Street. CEQA: Exempt, PDC00-115. Council District: 3. (Public Works)

2. CONSENT CALENDAR

2.6 [Approval to set a Public Hearing to establish an Underground Utility District along Naglee Avenue.](#)

Recommendation: Adoption of a resolution to consider the establishment of a Rule 20A Underground Utility District along Naglee Avenue between Bascom Avenue and Park Avenue and along Park Avenue between Naglee Avenue and Hanchett Avenue, setting a public hearing on March 28, 2006, at 1:30 p.m. CEQA: Exempt, PP06-002. Council District: 6. (Public Works)

2.7 [Approval to submit a grant application for the 2006 Justice Assistance Grant.](#)

- * **Recommendation:** Adoption of a resolution to:
- (a) Join with the County of Santa Clara and five other cities in applying for the U.S. Department of Justice FY 2006 Edward Byrne Memorial Justice Assistance Grant (JAG); and,
 - (b) Accept the grant, if awarded; and authorize the City Manager to execute all related grant agreements with the County of Santa Clara including a Memorandum of Understanding with the other participating jurisdictions.
- (Police)

2.8 [Approval of Mayor Gonzales' travel.](#)

- * **Recommendation:** Approval of Mayor Gonzales' travel to Washington, D.C., March 8 through March 10, 2006 to attend an award presentation from Partnership for Livable Communities. Funding Source: Mayor's Office. (Mayor)

3. STRATEGIC SUPPORT SERVICES

3.1 **Report of the Study Session** **Mayor Gonzales, Chair**

- (a) 2005-2006 Proposed Operating Budget Study Sessions dated May 9-18, 2005.
RECOMMEND DEFERRAL TO 3/14/06
- (b) [Evergreen Visioning Plan Study Session dated June 8, 2005.](#)

3.2 **Report of the Rules Committee – February 22, 2006** **Vice Mayor Chavez, Chair**

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
 - (1) Review March 7, 2006 Draft Council Agenda
 - (2) Add New Items to February 28, 2006 Council Agenda
 - (3) List of Reports Outstanding

3. STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – February 22, 2006 (Cont'd.)

Vice Mayor Chavez, Chair

- (c) Legislative Update
 - (1) State
 - (a) Statewide Infrastructure Bonds: Transportation and Proposition 42
 - (b) Statewide Infrastructure Bonds: Affordable Housing
 - (2) Federal
- (d) Meeting Schedules
- (e) The Public Record
 - (1) There were no public record items this week
- (f) Appointments to Boards, Commissions and Committees
 - (1) Recommend four Council Member appointments to Project Diversity Screening Committee
- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Report on Cellular Communication Coverage at City Hall (Deferred from 2/15/06 Rules Committee)
 - (2) Addition of Redevelopment Agency Disposition and Development Agreements to the City Auditor's 2005-2006 Work Plan
- (h) Open Forum
- (i) Adjournment

3.3 Report of the Making Government Work Better Committee Council Member Reed, Chair

3.4 Acceptance of status report on discussions with AT&T (SBC) regarding Project Lightspeed.

Recommendation: Acceptance of status report on discussions with AT&T (SBC) regarding Project Lightspeed. CEQA: Not a Project. (City Manager's Office/Public Works)

(Deferred from 2/28/06 – Item 3.4)

RECOMMEND DEFERRAL TO 3/14/06

3.5 [Discussion of required additional disclosures with regard to lobbyist fundraising activities.](#)

[Memo from Councilmember Reed](#)

[Memo from Councilmember Cortese](#)

- * **Recommendation:** Discussion of required additional disclosures with regard to lobbyist fundraising activities, consideration of approval of an ordinance amending Chapter 12.12 of Title 12 of the San José Municipal Code (the Lobbying Ordinance) regarding fundraising and contributions, and direction to the City Attorney, as appropriate. (City Attorney)

(Rules Committee referral 2/15/06)

3. STRATEGIC SUPPORT SERVICES

3.6 [Status Report on the City's Gift Ordinance and discussion.](#)

Recommendation: Acceptance of the Status Report on the City's Gift Ordinance, discussion of changes to be consistent with State Law, and direction to the City Attorney, as appropriate. (City Attorney)

3.7 [Discussion of City Council Obligation to Disclose Material Facts and for Changing Closed Session Procedure.](#)

Recommendation: Discussion of City Council obligation to disclose material facts and for changing Closed Session procedure; and direction to the City Attorney, as appropriate. (City Attorney)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 **Report of the Building Strong Neighborhoods Committee – [February 23, 2006](#)
Council Member Chirco, Chair**

- (a) Parkland Dedication Ordinance and Park Impact Ordinance Follow Up Discussion
Deferred to March 2006
- (b) Strong Neighborhoods Initiative 5-Year Summit Update
- (c) Public Outreach Policy Report
- (d) Downtown Clean Up Efforts
- (e) Anti-Graffiti/Anti-Litter Update Report
- (f) Oral Petitions
- (g) Adjournment

4.2 **Report of the Driving a Strong Economy Committee
Council Member Williams, Chair**

4.3 [Acceptance of report and discussion related to the Small Business Ambassador Program.](#)
[Attachment A](#)
[Attachment B](#)

Recommendation: Acceptance of report and discussion on the accomplishments and activities for the Small Business Ambassador Program, the City's recently initiated program to assist small businesses through the development review and permitting process. CEQA: Not a Project. (Planning, Building and Code Enforcement)
[Driving a Strong Economy Committee, 1/30/06 – Item 4.2a]

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.4 [Approval to appoint individuals to the San José Medical Center Stakeholder Advisory Committee recommending guidelines.](#)

- * **Recommendation:** City Council appointment of specific individuals to the Stakeholder Advisory Committee for the San José Medical Center Land Use-Healthcare Study using recommended guidelines in order to maintain manageability and ensure diverse representation. CEQA: Not a Project. SNI: 13th Street. Council District 3. (Planning, Building and Code Enforcement)

(Deferred from 2/7/06 – Item 4.3 and 2/14/06 – Item 4.3 and 2/28/06 – Item 4.3)

TO BE HEARD IN THE EVENING

RECOMMEND DEFERRAL TO 3/21/06

5. NEIGHBORHOOD SERVICES

5.1 Report of the All Children Achieve Committee Council Member Yeager, Chair

5.2 [Approval of actions related to the Boys and Girls Club of Silicon Valley.](#)

[Supplemental](#)

- * **Recommendation:** Approval of the following recommendations as an option to assist the Boys & Girls Club in gaining financial stability:

- (a) That the Boys and Girls Club initiate restructuring efforts consistent with United Way strategies that will increase the agency's ability to reduce its operating deficit by closing the Japantown clubhouse.
- (b) Authorization to the Director of Parks, Recreation and Neighborhood Services to negotiate with Boys and Girls Club to assume the operation of the afterschool and summer programming at Empire Gardens Elementary School in an amount not to exceed \$100,000.

CEQA: Not a Project. Council Districts 2, 3, and 8. (Parks, Recreation and Neighborhood Services)

(Deferred from 2/14/06 – Item 5.2 and 2/28/06 – Item 5.3)

6. TRANSPORTATION & AVIATION SERVICES

6.1 Report of the Building Better Transportation Committee Council Member Campos, Chair

6. TRANSPORTATION & AVIATION SERVICES

6.2 [Approval of various actions related to the Airport Terminal Area Improvement Program.](#)

* **Recommendation:**

- (a) Approval of Request for Proposals and the criteria and process by which the City shall select a design-build entity for the Norman Y. Mineta San José International Airport Terminal Area Improvement Program.
- (b) Adoption of a Resolution:
 - (1) Finding that the cost of the proposed design-build contract for the Terminal Area Improvement Program is likely to exceed \$5,000,000, and that the design-build procurement process is likely to save money or result in faster project completion than if the City used a procurement process involving its normal competitive bidding process.
 - (2) Authorizing the Public Works Director to issue addenda during the Request for Proposals process to make revisions to the Request for Proposals that are consistent with the scope and selection criteria as approved by Council.

CEQA: Resolutions No. 67380 and 71451, PP 06-022. (Airport/Public Works/City Manager's Office)

<u>Design-Build RFP</u>	
Att A: <u>Notice of Intent</u>	Att D: <u>Acknowledgement of Addenda</u>
Att B: <u>Proposer Form</u>	Att E: <u>Local and Small Business Preference</u>
Att C: <u>MOA</u>	Att F: <u>Exemplar Agreement</u>

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 [Approval of actions related to the Commercial Solid Waste Collection System Program Redesign.](#)

Recommendation:

- (a) Acceptance of staff report regarding the status and issues concerning the City's Commercial Solid Waste Collection System.
- (b) Approval of Phase I policy direction regarding minor improvements to the system and direct staff to return with recommended actions for implementation.
- (c) Direction to staff to investigate Phase II concepts regarding the creation of an exclusive "Clean & Green Downtown" collection district, and return with information and recommendations regarding actions for implementation.

CEQA: Negative Declaration, PP92-11-308. (Environmental Services)

7.2 [Approval to amend agreements related to transferring one million gallons of waste water capacity.](#)

- * **Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute amendments to agreements among cities of San Jose, Santa Clara, Milpitas and West Valley Sanitation District to reflect the transfer of one million gallons of wastewater capacity in the San Jose/Santa Clara Water Pollution Plant from West Valley Sanitation District to the City Of Milpitas. CEQA: Not a Project. (Environmental Services)
(Deferred from 2/28/06 – Item 7.2)

8. PUBLIC SAFETY SERVICES

8.1 [Acceptance of the Annual Review of the impact of Card Room Gambling on Crime.](#)

Recommendation: Acceptance of the report related to the impact of card room gambling on crime in the City of San José for the period July 1, 2004 to June 30, 2005. CEQA: Not a Project. (Police)
RECOMMEND DEFERRAL TO 3/14/06

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

CONVENE REDEVELOPMENT AGENCY BOARD TO CONSIDER ITEMS 9.1 AND 9.2 IN A JOINT SESSION

9.1 [Approval of the Quarterly Status Report on the CIP and SNI Projects.](#)

Recommendation: Acceptance of the Quarterly Report on the Citywide Capital Improvement Program (CIP) including Parks, Library, and Public Safety Bond Projects, Strong Neighborhoods Initiative (SNI) Projects, and Redevelopment Agency funded projects. CEQA: Not a Project. (City Manager's Office/Redevelopment Agency)
(Deferred from 2/28/06 – Item 9.1)

9.2 [Initial discussion of the Mayor's March Budget Message.](#)

Recommendation: Initial discussion of the Mayor's March Budget Message. (Mayor)
(Rules Committee referral 2/22/06)

ADJOURN REDEVELOPMENT AGENCY BOARD PORTION OF THE MEETING

- Closed Session Report

- Notice of City Engineer's Pending Decision on Final Maps

- Notice of City Engineer’s Award of Construction Projects**
 On October 25, 2005, City Council approved a one year pilot program that delegated authority to the Director of Public Works to award or reject bids on construction projects where the base contract amount is below \$1,000,000. In accordance with this policy, the following is a list of projects that were awarded or rejected by the Director of Public Works in February 2006

AWARD:

<u>Project Name</u>	<u>Council District</u>	<u>Contractor</u>	<u>Contract Award Amount</u>	<u>Award Date</u>
Traffic Signal Modification at Booksin Avenue and Curtner Avenue	6	Beltramo Electric Inc.	\$179,320	2/27/06

- Open Forum—To be heard jointly with Redevelopment Agency Public Discussion. Following Open Forum, Council will recess until 7:00 p.m.**

10. GENERAL PLAN PUBLIC HEARINGS ON CONSENT CALENDAR

No General Plan Public Hearing at this time.

11. PUBLIC HEARINGS ON CONSENT CALENDAR

(To be heard by the City Council at 7:00 p.m.)

Notice to the public: There will be no separate discussion of Public Hearings Consent Calendar (Item 11.1) as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Public Hearings Consent Calendar (Item 11.1) and considered separately.

11.1 Public Hearings on Consent Calendar.

None.

11. PUBLIC HEARINGS

11.2 Rezoning the real property located at/on the west side of South Winchester Boulevard.

Recommendation: Consideration of an ordinance rezoning the real property located at/on the west side of South Winchester Boulevard, approximately 550 feet southerly of Stevens Creek Boulevard (369 Winchester Boulevard) (Dennee Glenford V Jr., Trustee, Owner; John Mackay, Developer) from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow up to 4,681 square feet for retail commercial uses and a public eating establishment with drive-thru uses on a 0.64 gross acre site. CEQA: Exempt.

PDC05-077 - District 1

(Deferred from 2/7/06 – Item 11.4)

RECOMMEND CONTINUANCE TO 4/4/06

11. PUBLIC HEARINGS

11.3 **Rezoning the real property located on the southwest corner of Capitol Avenue and Mabury Road.**

Recommendation: Consideration of an ordinance rezoning the real property located on the southwest corner of Capitol Avenue and Mabury Road (781 N. Capitol Ave) (Messina Richard V. Messina Richard V Trustee & et al., Owner) from Unincorporated County to A(PD) Planned Development Zoning District to allow up to 199 single-family attached residential units and two existing single-family detached residence on a 10.5 gross acre site. CEQA: Mitigated Negative Declaration.

PDC05-060 - District 4

(Deferred from 2/7/06 – Item 11.7)

RECOMMEND CONTINUANCE TO 3/21/06

11.4 **Rezoning the real property located on the north side of Villa Avenue.**

Recommendation: Consideration of an ordinance rezoning the real property located on the north side of Villa Avenue, 150 feet easterly of Myrtle Street (969 Villa Avenue) (Helweh Sahel, et al., Owner; LG Developers, LP, Developer) from R-M Multiple Family Residence District to A(PD) Planned Development Zoning District to allow the demolition of an existing single-family detached residence and construction of up to four single-family detached residences on a 0.37 gross acre site. CEQA: Mitigated Negative Declaration.

PDC05-026 - District 6

(Deferred from 2/7/06 – Item 11.9)

11.5 **Rezoning the real property located on the west side of McCreery Avenue.**

- * **Recommendation:** Consideration of an ordinance rezoning the real property located on the west side of McCreery Avenue approximately 230 feet southerly of Alum Rock Avenue (1884 Alum Rock Avenue) (Dry Heron Development LLC, Owner) from A(PD) Planned Development to A(PD) Planned Development to increase the allowed number of single-family attached residences from 75 to 78 and modify development standards on a 1.44 gross acre site. CEQA: Negative Declaration.

PDC04-088 - District 5

11.6 **Rezoning the real property located on the south side of Taylor Street.**

- * **Recommendation:** Consideration of an ordinance rezoning the real property located on the south side of Taylor Street approximately 230 feet easterly of Elm Street (846 W. Taylor Street) (Kim Chong Kil et al., Owner/Developer) from R-2 Two Family Residential Zoning District to A(PD) Planned Development Zoning District to allow four single-family detached residences on a 0.37 gross acre site. CEQA: Mitigated Negative Declaration.

PDC05-073 - District 6

11. PUBLIC HEARINGS

11.7 Rezoning the real property located at the southeast corner of Southwest Expressway and Fruitdale Avenue.

Recommendation: Consideration of an ordinance rezoning the real property located at the southeast corner of Southwest Expressway and Fruitdale Avenue (John T. Vidovich, et al., Owner) from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to increase the number of attached residential units from 500 to 502, to eliminate 250,000 square feet of commercial (office and retail) to reduce the maximum amount of retail from 30,000 square feet to 29,225 square feet and to modify the development standards for a 12.7 acre site.

PDC05-095 - District 6

* **RECOMMEND CONTINANCE TO 4/18/06**

11.8 Rezoning the real property located on the west side of Pomona Avenue.

Recommendation: Consideration of an ordinance rezoning the real property located on the west side of Pomona Avenue, approximately 140 feet southerly of Alma Avenue from CP Commercial Pedestrian Zoning District to R-1-8 Single-Family Residential Zoning District to allow one single-family detached residence use on a 0.16 gross acre site (1425 Pomona Avenue) (Armando T. and Cristina L. Silva, Owners). No Planning Commission Required. SNI: Washington. CEQA: EIR Resolution 65459.

C05-119 - District 7

11.9 Rezoning the real property located at/on the west side of Flint Avenue.

* **Recommendation:** Consideration of an ordinance rezoning the real property located at/on the west side of Flint Avenue, approximately 130 feet northerly of Peanut Brittle Drive (2827 Flint Avenue) (East Valley Baptist Church, Owner; Cell Site Associates, LLC, Jay Thomas, Developer) from A Agriculture Zoning District to R-1-8 Residential Zoning District on a 3.61 gross acre site. No Planning Commission Required. CEQA: Resolution No. 65459.

C05-087 - District 8

11.10 Rezoning the real property located on the southeast corner of New Jersey Avenue and Harris Avenue.

Recommendation: Consideration of an ordinance rezoning the real property located on the southeast corner of New Jersey Avenue and Harris Avenue (2412 New Jersey Avenue) (Zaknich, Anthony J. Trustee, & et al., Owner: The Cullen Group, Developer) from R-1-8 Residence District to the A(PD) Planned Development Zoning District to allow six single-family detached residences on a 0.74 gross acre site. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1). CEQA: Mitigated Negative Declaration.

PDC05-093 - District 9

11. PUBLIC HEARINGS

11.11 Development on the real property located on the northwest corner of Broadacres and Skyfarm Drives.

* **Recommendation:** Consideration of the following development proposals in connection with the real property located on the northwest corner of Broadacres and Skyfarm Drives (6664 Broadacres Drive) on a 0.82 gross acre site (SummerHill Homes, Elaine Breeze, Owner). CEQA: Exempt.

- (a) PDC05-118 – Consideration of an ordinance rezoning the property from Planned Development Conforming Rezoning to A(PD) Planned Development Zoning District to allow 5 single-family detached residential units on five existing lots, and a reduction in the minimum front setback from 20 feet to 18 feet.
- (b) PD05-091 – Adoption of a resolution approving a Planned Development Permit to allow construction of up to 5 single-family detached residential units. No Planning Commission required.

District 10

RECOMMEND CONTINUANCE TO 3/21/06

11.12 Amending Title 20 of the San José Municipal Code, the Zoning Code.

Recommendation: Consideration of an ordinance amending Title 20 of the San José Municipal Code, the Zoning Code, to further define and differentiate types of office uses, to set minimum sizes for industrial and commercial condominiums and to make other clarifying changes, including changes to Section 20.40.100 of Chapter 20.40, Section 20.50.100 of Chapter 20.50, Section 20.70.100 of Chapter 20.70 and Chapters 20.175 and 20.200 of the Zoning Code; and to make non-substantive clarifying changes to Section 20.30.100 of Chapter 20.30 of the Zoning Code.

PP06-012 - Citywide

* **RECOMMEND CONTINUANCE TO 3/21/06**

- Open Forum

- Adjournment