



CITY COUNCIL AGENDA

MARCH 18, 2008

SYNOPSIS

PETE CONSTANT
FORREST WILLIAMS
SAM LICCARDO
KANSEN CHU
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

CHUCK REED MAYOR

PIERLUIGI OLIVERIO
MADISON P. NGUYEN
JUDY CHIRCO
NANCY PYLE

DISTRICT 6
DISTRICT 7
DAVID D CORTESE, VICE MAYOR DISTRICT 8
DISTRICT 9
DISTRICT 10

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

- **Call to Order and Roll Call**
9:30 a.m. - Closed Session, Call to Order in Council Chambers
Absent Council Members: None.

1:32 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: None.

7:00 p.m. - Public Hearings, Council Chambers, City Hall
Absent Council Members: None.

- **Invocation (District 3)**
Rinban K. Ken Fujimoto of the San José Buddhist Church Betsuin presented the Invocation.

- **Pledge of Allegiance**
Students of San José Village School and Mayor Reed led the Pledge of Allegiance.

- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved, with Items 2.1 and 3.7 deferred to 4/25/08 and Item 3.5 dropped.

- **Closed Session Report**
No Report.

Mayor Reed and City Attorney Doyle recognized Assistant City Attorney Bill Hughes for his many years of service with the City of San José.

1. CEREMONIAL ITEMS

- 1.1 Presentation of a commendation to the Parking and Traffic Committee, a group of volunteer residents, which met for six years as an oversight group for City Hall construction, and were instrumental in completing this large civic project with little disruption to the surrounding neighborhoods. (Liccardo)
(Deferred from 2/5/08 – Item 1.1)
Heard in the evening.
Mayor Reed and Council Member Liccardo recognized and commended members of the Parking and Traffic Committee for their dedication and commitment serving as an oversight group for City Hall construction, and for their part in completing this large civic project with little disruption to the surrounding neighborhoods.
- 1.2 Presentation of a commendation to Morrill Girl’s Varsity Basketball Team, winner of the 2008 San José Mayor’s Basketball Tournament. (Chu)
Mayor Reed and Council Member Chu commended the Morrill Girl’s Varsity Basketball Team, winner of the 2008 San José Mayor’s Basketball Tournament.
- 1.3 Presentation of a commendation to senior students from Harker and Lynbrook High School for being named semifinalists in the prestigious National Intel Science Talent Search contest. (Constant)
Heard in the evening.
Mayor Reed and Council Member Constant recognized and commended the senior students from Harker and Lynbrook High School for being named semifinalists in the prestigious National Intel Science Talent Search contest.
- 1.4 Presentation of a proclamation declaring the week of March 16 through March 22, 2008 as “Jade Ribbon Week” to unite against HBV and promote Liver Cancer Awareness in the City of San José. (Pyle/Nguyen/Chu)
(Rules Committee referral 3/12/08)
Heard in the evening.
Mayor Reed and Council Members Pyle, Nguyen and Chu recognized the week of March 16 through March 22, 2008 as “Jade Ribbon Week” to unite against HBV and promote Liver Cancer Awareness in the City of San José.

2. CONSENT CALENDAR

2.1 Approval of Minutes.

Recommendation: Approval of minutes.

- (a) Green Vision Study Session Minutes of February 1, 2008.
- (b) Regular Minutes of February 5, 2008.
- (c) Special San José Financing Authority Meeting Minutes of February 15, 2008.

Deferred to 3/25/08.

2. CONSENT CALENDAR

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 28260 – Amending Section 2.08.4830 of Chapter 2.08 of Title 2 of the San José Municipal Code to amend the term for members of the Youth Commission to two-year terms and to allow the Council to modify the term dates for Youth Commissioners in order to achieve continuity of membership on the Youth Commission.

Ordinance No. 28260 adopted.

- (b) ORD. NO. 28262 – Rezoning certain real property, approximately 0.63 acres bounded between San Felipe Road and Rachaella Lane and approximately 2.06 acres located north of Rachaella Lane at the terminus of Gayley Place, to A(PD) Planned Development Zoning District. PDC06-104

Ordinance No. 28262 adopted.

Recommendation: Final adoption of ordinances.

- (c) ORD. NO. 28263 – Rezoning certain real property situated at the south side of Tully Road 500 feet westerly of Capitol Expressway from the A-Agricultural and IP-Industrial Park Zoning Districts to A(PD) Planned Development Zoning District. PDC07-070

Ordinance No. 28263 adopted.

2.3 Report on bids and award of contract for a Valve Replacement Project.

Recommendation: Report on bids and award of construction contract for the project RAS & SS Valve Replacement Project Secondary – Tunnel Battery A (A-1 Thru A-6) to the low bidder, Anderson Pacific Engineering Construction, Inc. in the amount of \$729,000, and approval of a contingency in the amount of \$73,000. CEQA: Exempt, File No. PP07-178. (Environmental Services)

Approved.

2.4 Amendment to the Construction Services Agreement for the South Bay Water Recycling Program.

Recommendation: Approval of the fifth amendment to the construction service agreement with City of Santa Clara for the South Bay Water Recycling Program, revising the approved project list and extending the term of the agreement by two years, starting from the agreement execution date to June 30, 2010, at no additional cost to the City. CEQA: Resolution No. 64667, File No. PP91-090. Council District 4. (Environmental Services)

Approved.

2. CONSENT CALENDAR

2.5 Fiscal actions related to Second Mortgages in the Villa Almendra Housing Development.

Recommendation: Adoption of a resolution approving a funding commitment of up to \$900,000 to provide second mortgages of up to \$60,000 to each moderate-income household purchasing a townhome in the Villa Almendra development, located on the corner of Almaden Avenue and West Alma Avenue. CEQA: Not a Project. Council District 3. SNI: Washington. (Housing)

Resolution No. 74286 adopted.

2.6 Amendment to the Lease Agreement with Rosies and Posies Downtown Florist.

Recommendation: Approval of the first amendment to a lease agreement with Leyla Naderjah and Jon Hellesoe, owners of Rosies and Posies Downtown Florist for their use of City-owned property located at 98 Paseo de San Antonio amending said lease to provide for the terms, provisions, and conditions for installing and maintaining an exterior sign on the leased premises pursuant to a signage agreement with the Redevelopment Agency. CEQA: Not a Project. Council District 3. (Public Works)

Approved.

2.7 Actions related to the Urban Forestry Grant Program.

Recommendation: Adoption of a resolution authorizing the City Manager to:

(a) Submit a grant application to the California Department of Forestry and Fire Protection for up to \$105,000 in grant funding from the Urban Forestry Grant Program entitled, “An Urban Forest for Every Community,” to be used for the development of Best Management Practices for San José’s urban forest, with a total local match requirement of up to \$105,000.

Resolution No. 74287 adopted.

(b) Submit a grant application to the California Department of Forestry and Fire Protection for up to \$114,000 in grant funding from the Urban Forestry Grant Program entitled, “An Urban Forest for Every Community,” to assist in the development of an inventory of San José’s urban forest, with a total local match requirement of up to \$114,000.

Resolution No. 74288 adopted.

(c) Execute all documents necessary to effectuate the applications and the grants. CEQA: Not a Project. (Transportation)

Approved.

2. CONSENT CALENDAR

2.8 Councilmember Williams' Travel to Okayama, Japan.

Recommendation: Approval of travel by Councilmember Williams to Okayama, Japan on March 21 – 30, 2008 to lead the City of San José's delegation to attend the 50th anniversary events commemorating San José and Okayama, Japan's Sister City Relationship. Source of Funds: Mayor/Council Travel Fund. (Williams)
(Rules Committee referral 3/5/08)

Approved.

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the City Manager, Debra Figone (Verbal Report) Report Accepted.

3.2 Report of the Rules and Open Government Committee – March 5, 2008 Mayor Reed, Chair Deferred to 4/8/08 per City Clerk.

3.3 Report of the Public Safety, Finance and Strategic Support Committee Councilmember Nguyen, Chair No Report.

3.4 Ordinance regarding the Filing of Disclosure of Fundraising Reports.

Recommendation: Approval of an ordinance that amends Section 12.16.040 of Chapter 12.16 of Title 12 of the San José Municipal Code to require that disclosure reports for fundraising solicitations be filed by candidates in accordance with the deadlines for campaign statements. (City Attorney's Office/City Clerk)

Deferred to 3/25/08 per City Attorney and City Clerk.

3.5 Travel Expenditure Audit – Retirement Boards.

Recommendation: As referred by the Rules and Open Government Committee of March 5, 2008, consider the request of the City Auditor to direct the Boards of the Federated Retirement System and Police and Fire Retirement Plan to cooperate with an audit of the boards' travel expenditures. (City Auditor)

[Rules Committee referral 3/5/08 – Item (G)(1)]

Dropped per City Auditor.

3. STRATEGIC SUPPORT SERVICES

3.6 Actions related to the Mexican Heritage Plaza, including Mexican Heritage Corporation.

Recommendation: Acceptance of the following recommended actions regarding the Mexican Heritage Plaza (MHP), and Mexican Heritage Corporation (MHC), that include:

- (a) Actions related to developing a new management future for MHP:
 - (1) A non-governmental agency, in conjunction with other community, philanthropy and corporate leaders, will convene and coordinate with other community organizations regarding the formation of a steering committee(s) for the purpose of the development of a Business Plan to achieve the Community Cultural Center vision proposed by the City's consultants.
- (b) Actions related to stabilize and transition the management of MHP so the facility continues to be accessible to serve the community:
 - (1) The Maintenance, Utilities and Facility Leasing Event Services function for MHP will be transitioned from MHC to the City beginning on or about April 1, 2008. This transition period will extend through June 30, 2008, with the City assuming full responsibility July 1, 2008; and
 - (2) That the Administration include in the FY 2008-09 Proposed Budget for City Council consideration, funding in the amount \$450,000 for maintenance and utilities and \$360,000 for facility leasing and event services for a total of \$810,000 for General Services for the purposes of providing services at MHP, partially offset by estimated event revenues of \$300,000, for a net funding amount of \$510,000. \

Accepted.

- (c) Actions related to transitioning MHC into a new role while the non-profit stabilizes its financial situation:
 - (1) Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with MHC for a term not to exceed fifteen months and compensation not to exceed \$350,000 to provide transitional funding based on benchmarks to help defray a portion of the costs associated with MHC's operating costs;
Resolution No. 74295 adopted.
 - (2) Adoption of a resolution authorizing the City Manager to negotiate and execute an amendment to the loan agreement and promissory note with MHC in order to incorporate a challenge grant to give MHC the opportunity to reduce the outstanding balance owed on its loan with the City, which is currently \$500,000, by two dollars for each dollar raised by MHC between April 1 and December 1, 2008 and subsequently by one dollar for each dollar raised thereafter; and
Resolution No. 74296 adopted.

(Item continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.6 Actions related to the Mexican Heritage Plaza, including Mexican Heritage Corporation. (Cont'd.)

Recommendation:

- (c) (3) That an amount not to exceed \$50,000 for the purposes of Technical Assistance to MHC be provided including requirements for the use.
- (d) Actions that support the Mariachi Festival occurring in 2008:
 - (1) That an amount of \$100,000 for the marketing of the Mariachi Festival be provided to MHC for the September 2008 event, shared equally by the Redevelopment Agency and the City.

Approved.

- (e) Adoption of the following 2007-2008 Appropriation Ordinance Amendments in the General Fund:
 - (1) Establish the Mexican Heritage Plaza Maintenance and Operations appropriation in City-Wide Expenses to the General Services Department in the amount of \$215,000;
 - (2) Establish the Mexican Heritage Corporation Transition appropriation in City-Wide Expenses to the City Manager's Office in the amount of \$350,000;
 - (3) Establish the Mexican Heritage Corporation Technical Assistance appropriation in City-Wide Expenses to the City Manager's Office in the amount of \$50,000;
 - (4) Decrease the Contingency Reserve by \$665,000;
 - (5) Transfer to the Redevelopment Agency for the Mariachi Festival of \$50,000.

CEQA: Not a Project. (City Manager's Office)

[Rules and Open Government Committee referral 3/5/08 – Item (G)(2)]

Heard in the evening.

Ordinance No. 28276 was adopted and Staff's recommendations were approved with further direction as outlined in a joint memorandum from Mayor Reed and Council Member Campos dated March 14, 2008, as amended:

- (1) **Direction #5 amended to include the following sentence: "Staff should look for an independent convener with philanthropic experience."**
- (2) **Direction #11 amended to specify that the non-profit operator should be engaged in the larger vision of economic and cultural development of the Alum Rock business district along with the City and Redevelopment Agency.**
- (3) **Accelerate selection of the Steering Committee and the independent convener, with input from the public and the Community and Economic Development Committee, before a final decision is made.**

Noes: Oliverio

3. STRATEGIC SUPPORT SERVICES

3.7 Report on Request for Proposal for Security Guard Services for several City Departments.

Recommendation:

- (a) Report on Request for Proposal for Security Guard Services for the Departments of General Services, Transportation, Parks Recreation and Neighborhood Services, Aviation, Environmental Services (Water Pollution Control Plant), and Office of Economic Development (Work2Future) and
- (b) Adoption of a resolution authorizing the Director of Finance to:
 - (1) Execute an agreement with First Alarm Security & Patrol, Inc. for security guard services for a one year term and a not-to-exceed compensation of \$2,182,500.
 - (2) Execute amendments to the agreement to add and delete guard services as required subject to appropriation of funds.
 - (3) Exercise four one-year options to renew the agreement subject to annual appropriation of funds.

CEQA: Not a Project. (Finance)

Deferred to 3/25/08 per Orders of the Day.

3.8 Report of the Rules and Open Government Committee – February 27, 2008 Mayor Reed, Chair

(Deferred from 3/11/08 – Item 3.2)

Deferred to 4/8/08 per City Clerk.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Report of the Community & Economic Development Committee Councilmember Pyle, Chair No Report.

4.2 Actions related to the Belovida at Newbury Park Affordable Senior Rental Project.

Recommendation:

- (a) Adoption of a resolution:
 - (1) Approving a funding commitment of up to \$17,925,000 to CORE Affordable Housing, LLC, or its designee, of which \$9,010,400 will finance land acquisition for the development of the 180-unit Belovida at Newbury Park affordable senior rental project located northeasterly of the intersection of King Road and Dobbin Drive, to be made available to extremely low-income and very low-income households.

(Continued on next page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 Actions related to the Belovida at Newbury Park Affordable Senior Rental Project (Cont'd.)

- (2) Finding that the use of 20% Housing Funds for the Belovida at Newbury Park housing development is of benefit to the Redevelopment Project Areas in San José.

Resolution No. 74289 adopted.

- (b) Adoption of the following Appropriation Ordinance and Funding Sources Resolution amendments in the Low- and Moderate-Income Housing Fund (Fund 443) for 2007-2008:

- (1) Increase the Loans, Grants and Site Acquisition appropriation by \$17,925,000.
- (2) Increase the estimate for Earned Revenue in the amount of \$17,925,000.

CEQA: Resolution No. 74196, File No. PDC07-015. Council District 3. (Housing/City Manager's Office)

Ordinance No. 28273 adopted.

Resolution No. 74290 adopted.

4.3 Funding Commitment for the Kings Crossing Project.

Recommendation:

- (a) Adoption of a resolution:
 - (1) Approving a funding commitment of up to \$5,315,000 of 20% Housing Funds to Charities Housing Development Corporation (CHDC), or its designee, for a land acquisition/permanent loan for the 94-unit Kings Crossing affordable family rental project located at 686 North King Road, to be made available to extremely low-income (ELI) and very low-income (VLI) households.
 - (2) Approving a conditional funding commitment of up to \$5,250,700 of HOME Funds to CHDC, or its designee, for a predevelopment/construction/ permanent loan for the Kings Crossing project.
 - (3) Approving an exception to City policy to allow disbursement of funds which will create a combined loan-to-value ratio for the City loans in excess of 100%.
 - (4) Finding that the use of 20% Housing Funds for the Kings Crossing project is of benefit to the Redevelopment Project Areas in San José.

Resolution No. 74291 adopted.

- (b) Adoption of the following Appropriation Ordinance and Funding Sources Resolution amendments in the HOME Investment Partnership Program Fund (Fund 445) for 2007-2008:

- (1) Increase the Loans and Grants appropriation by \$5,250,700.
- (2) Increase the estimate for Grant Revenue in the amount of \$5,250,700.

Ordinance No. 28274 adopted.

Resolution No. 74292 adopted.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.3 Funding Commitment for the Kings Crossing Project (Cont'd.)

(c) Adoption of the following Appropriation Ordinance and Funding Sources Resolution amendments in the Low- and Moderate-Income Housing Fund (Fund 443) for 2007-2008:

(1) Increase the Loans, Grants and Site Acquisition appropriation by \$5,315,000.

(2) Increase the estimate for Earned Revenue in the amount of \$5,315,000.

CEQA: Resolution No. 74196, File No. PDC07-015. Council District 3. (Housing/City Manager's Office)

Ordinance No. 28275 adopted.

Resolution No. 74293 adopted.

5. NEIGHBORHOOD SERVICES

5.1 Report of the Neighborhood Services and Education Committee Councilmember Chirco, Chair

No Report.

6. TRANSPORTATION & AVIATION SERVICES

6.1 Report of the Transportation and Environment Committee – March 3, 2008 Councilmember Williams, Chair

Report Accepted.

6.2 Master Agreement for Architectural Consultant Services for the Airport and Airlines Tenant Improvements Project.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute a master agreement with M. Arthur Gensler, Jr. & Associates, Inc. for architectural consultant services for the Airport and Airlines Tenant Improvements Project at the Norman Y. Mineta San José International Airport from the date of execution through December 31, 2010 in an amount not to exceed \$3,000,000. CEQA: Resolution Nos. 67380 and 71451, File No. PP08-019. (Public Works/Airport)

Resolution No. 74294 adopted.

6. TRANSPORTATION & AVIATION SERVICES

6.3 Report on Traffic Calming Policy Update.

Recommendation: As recommended by the Transportation and Environment Committee City Council discussion of the recommendations by Council Member Oliverio as noted below, and upon Council consideration of the recommendations, take the following actions: item (a) be referred to the budget process for further Council consideration, and items (b) through (g) be referred back to the Transportation and Environment Committee for discussion at its May 5, 2008 meeting.

- (a) Direction to the Administration to bring forth to the City Council, as part of budget deliberations, the cost of one-time and on-going funding necessary to hire more police officers for enforcement of traffic calming regulations in the neighborhoods.
- (b) Direction to the Administration to research the feasibility of "red light running" (RLR) systems for the purpose of possible consideration of a "RLR" pilot program for the City of San José.
- (c) Direction to the Administration to research the viability of increasing fines for traffic violations.
- (d) Direction to the Administration to update the current traffic calming policy with the recommendations proposed from the attached report to include expanding the installation of physical and electronic devices and to update the policy to allow for cumulative impacts of speed, volume, crashes, pedestrian activity and proximity to schools and/or parks to be used when gathering information.
- (e) Direction to the Administration to bring recommendations back to the City Council that would allow for provisions for neighborhoods to self-fund physical traffic calming devices.
- (f) Direction to the Administration to investigate a partnership with the school districts in San José as a way of using bond monies for radar signs and other traffic calming devices near schools.
- (g) Direction to the Administration to implement Assembly Bill 321 which allows municipalities to lower speed limits to 15 mph in qualifying school zones after analysis by the City Attorney's Office is completed.

CEQA: Not a Project. (Transportation/Police)

[Transportation and Environment Committee referral 03/03/08 – Item (d)]

Report accepted.

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 Actions related to a Green Cities California Sustainability Resolution.

Recommendation: Adopt a “Green Cities California Sustainability Resolution” expressing San José’s commitment to work cooperatively with other California local governments to accelerate local, regional, national, and international efforts to achieve sustainability by:

- (a) Combining forces with other Green Cities California members to influence State and National sustainability policies and legislation.
- (b) Collaborating with other local governments throughout the state and the nation to adopt and implement sustainable policies and practices.
- (c) Working to achieve the following objectives for municipal operations:
 - (1) In 2007-08:
 - (a) Purchase of “100% post-consumer recycled” paper for all City operations.
 - (b) Eliminate the use of City funds for purchase of single serving bottled water.
 - (2) In 2008-09:
 - (a) A campaign for City purchase of local California foods.
 - (b) A carbon offset plan for City employee air travel.
 - (c) Emission reduction standards for City vehicle fleets.

CEQA: Not a Project. (Environmental Services)

Deferred per Administration.

7.2 Solar Summit Recommendations for CleanTech Policy Priorities.

Recommendation: As recommended by the Rules and Open Government Committee of March 12, 2008, accept the Solar Summit Recommendations for CleanTech Policy Priorities to serve as the City’s legislative priorities in the areas of solar and CleanTech for 2008-2009. (Mayor)

Accepted, as amended:

- (1) **Spur State government to expand and extend current State solar rebates.**
- (2) **Modify wording in #6 of the “2008-2009 Clean Tech Legislative Agenda Guiding Principles” in reference to jobs being “outsourced”; stress instead meaningful employment in occupations developed in San José.**

8. PUBLIC SAFETY SERVICES

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

9.1 Report out on actions related to the Former San José Medical Center Site.

Recommendation:

- (a) It is recommended that the City Council:
 - (1) Accept the final recommendations of the Former San José Medical Center Site Stakeholder Advisory Committee (SAC).
 - (2) Direct the City Manager to invite the County to participate in a joint City-County Taskforce as recommended by the Stakeholder Advisory Committee including all the major health care providers; Regional Medical Center of San José, O'Connor Hospital, Kaiser Permanente, Valley Medical and others, to work collaboratively on health care facilities and hospital services issues facing downtown and the City.
 - (3) Acknowledge that the scope of work for the Envision San José 2040 General Plan Update includes the development of goals and policies related to the provision of health care services and facilities to serve the existing community and projected future growth (These goals and policies would address the needs of current residents as well as the needs of projected population and employment growth through 2035).
 - (4) Direct the City Administration to use the SAC land use recommendations as guiding principles when evaluating a future development on the Former San José Medical Center site (these recommendations would supplement, but not replace, other applicable City policies and design guidelines related to development on the site).
 - (5) Direct the City Manager to begin negotiations with Hospital Corporation of America (HCA) regarding the development of the Former Medical Center Site and support for expanding access to primary and urgent care services downtown.
- (b) It is recommended that the Redevelopment Agency Board direct the Executive Director to explore sites within Redevelopment Project Areas for the potential expansion of primary and urgent care services downtown in line with the SAC recommendations and report back to the Agency Board on feasibility of any sites within 180 days and prior to approval of any land use changes on the Site.

CEQA: Not a Project. (City Manager's Office/Redevelopment Agency)

To be heard in the evening.

The joint memorandum from Mayor Reed and Council Member Liccardo dated March 14, 2008 was approved, as modified: Direction "f" revised to "...to facilitate the application to demolish those buildings..."

Noes: Constant.

(Item continued on the next page)

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

9.2 Public Hearing and approval of the FY 2008-2009 Mayor's March Budget Message.

Recommendation: Public Hearing and approval of the FY 2008-2009 Mayor's March Budget Message. (Mayor)

Heard in the evening.

Approved.

- **Open Forum**

- (1) **Ross Signorino supported the proposal to establish a medical center in downtown San José and suggested that there be tighter restrictions for public 'camping out' on San José's City Hall property.**

- **Adjournment**

- The Council of the City of San José adjourned the afternoon session at 3:10 p.m.**

10. GENERAL PLAN PUBLIC HEARINGS

No General Plan Public Hearing at this time.

11. PUBLIC HEARINGS ON CONSENT CALENDAR

11.1 Public Hearings on Consent Calendar.

Recommendation:

- (a) Consideration of an ordinance rezoning the real property located on the south side of Stevens Creek Boulevard, approximately 300 feet easterly of Loma Linda Drive (5000 Stevens Creek Boulevard) from CG Commercial General Zoning District to CN Commercial Neighborhood Zoning District to allow commercial use on a 0.96 gross acre site (Tronis Steven Cr Tully Props Fam Lp, Owner). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required. C08-007 – District 1

Ordinance No. 28277 passed for publication.

(Continued on next page)

11. PUBLIC HEARINGS ON CONSENT CALENDAR

11.1 Public Hearings on Consent Calendar (Cont'd.)

- (b) Consideration of an ordinance rezoning the real property located on the northwest corner of West San Carlos and Brooklyn Avenue (1915 W San Carlos Street) from County to CP-Commercial Pedestrian Zoning District and R-1-8 Single Family Residence District and to allow commercial uses on a 0.74 gross acre site (99 Centers Only Stores, Owner; RHL Design Group/ Martin Lakey, Developer). SNI: Burbank/Del Monte. CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

C07-065 – District 6

Ordinance No. 28278 passed for publication.

11.2 ADMINISTRATIVE HEARING regarding an appeal of the Planning Commission's decision to deny a Conditional Use Permit and Determination of Public Convenience or Necessity.

Recommendation: ADMINISTRATIVE HEARING and consideration of an appeal of the Planning Commission's decision to deny a Conditional Use Permit and Determination of Public Convenience or Necessity to allow demolition of 78,409 square feet of existing commercial building and allow construction of 80,800 square feet resulting in a total of 122,584 square feet for commercial uses including the off-sale of alcohol for a new grocery store (Whole Foods) on a 10.2 gross acres (Mandatory denial by the Planning Commission 12/10/07), in the CG General Commercial Zoning District, located in the area generally bound by Blossom Hill Road on the north, Gallup Drive to the west, Mesa drive to the south, and Almaden Expressway to the east (1110 Blossom Hill Road) (Pueblo Plaza Partnership, Owner). SNI: Hoffman/Via Monte. CEQA: Exempt. Director of Planning, Building and Code Enforcement recommends to uphold the appeal and approve the subject Conditional Use Permit and make a Determination of Public Convenience or Necessity by finding that the required findings for a Determination of Public Convenience or Necessity can be made and that there is a significant overriding public benefit served by the proposed off-sale of alcohol.

CP07-072/ABC07-006 – District 10

(Deferred from 1/29/08 – Item 11.3 and 2/26/08 – Item 11.3)

Continued to 4/8/08 per Applicant.

11.3 Rezoning real property located on the southwest corner between Keesling Avenue and Hamilton Way.

Recommendation: Consideration of an ordinance rezoning the real property located on the southwest corner between Keesling Avenue and Hamilton Way (1500 Keesling Avenue) from R-1-8 Single-Family Residence Zoning District to A(PD) Planned Development Zoning District to allow 3 single family, detached residences on a 0.4 gross acre site (Robert Cullen, Owner). CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommended approval (4-1-1-1).

PDC07-079 – District 6

Deferred to 4/8/08 per Administration.

11. PUBLIC HEARINGS ON CONSENT CALENDAR

11.4 Rezoning real property located on the southeast corner of Yerba Buena Road and Highway 101.

Recommendation: Consideration of an ordinance rezoning the real property located at the southeast corner of Yerba Buena Road and Highway 101 (3800 Dove Hill Road) from the A(PD) Residential Zoning District to the A(PD) Residential Zoning District to allow 29 single-family detached residences on a 7.24 gross acre site (Joey and Frances Lo, Owners). CEQA: Incomplete.

PDC07-097 – District 8

Deferred to 4/22/08 per Administration.

11.5 Rezoning and Tentative Map Permit for real property located on the northwest corner of Los Gatos-Almaden Road and Warwick Road.

Recommendation: Consideration of a Conforming Rezoning and Tentative Map Permit for the real property located on the northwest corner of Los Gatos-Almaden Road and Warwick Road (14861 & 14879 Los Gatos-Almaden Road), in the R-1-2 Single-Family Residence Zoning District (Abdy Mirzadegan and Farajollah Etefagh, Owners).

(a) Consideration of an ordinance rezoning the real property from R-1-2 Residence Zoning District to R-1-8 Residence Zoning District to allow residential uses on a 0.99 gross acre site. CEQA: Exempt. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.
C07-087 – District 9

(b) Consideration of a Tentative Map Permit to reconfigure two parcels into five lots for five single family detached residences on a 0.99 gross acre site. CEQA: Exempt. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

T07-087 – District 9

Continued to 4/22/08 per Administration.

END OF PUBLIC HEARINGS ON CONSENT CALENDAR

- **Notice of City Engineer’s Pending Decision on Final Maps**

* In accordance with Sec. 19.16.140d of the San José Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
9978	Northeast corner of East Taylor Street and North 6 th Street	3	Orchard City Construction	6 Lots / 5 Units	Single Family Attached
9979	Southeast corner of Almaden Expressway and Almaden Road	10	John and Jennifer Carson	15 Lots / 13 Units	Single Family Detached

- **Open Forum**

- (1) **Mark Trout expressed concerns about military veterans’ health.**
- (2) **Ed Rast expressed concern over difficulties obtaining records requested. Mayor Reed directed Staff to follow-up with Mr. Rast.**

- **Adjournment**

The Council of the City of San José adjourned at 11:02 p.m.