

# CITY COUNCIL AGENDA

**APRIL 3, 2007**

**AMENDED AGENDA**

PETE CONSTANT  
FORREST WILLIAMS  
SAM LICCARDO  
VACANT  
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

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 Reed 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](http://www.sanjoseca.gov/clerk/agenda.asp). Council Meetings are televised live and rebroadcast on Channel 26.

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, Call to Order in Council Chambers  
Adjourn to Closed Session in Council Chambers Conference Room, W133  
[See Separate Agenda](#)
  - 1:30 p.m. - Regular Session, Council Chambers, City Hall
  - 3:30 p.m. - Hear Open Forum and continue the RDA Board Meeting  
(no earlier than 3:30 p.m.)
  - 7:00 p.m. - Public Hearings, Council Chambers, City Hall

- **Invocation (District 4)**
- **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 IS 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.**

- **Closed Session Report**

## **1. CEREMONIAL ITEMS**

---

- 1.1 Presentation of a commendation to the Employee Values Project Team for their exemplary dedication and valuable contributions to the City organization. (City Manager's Office/Mayor)

# 1. CEREMONIAL ITEMS

---

- 1.2 Presentation of a proclamation declaring the month of April as National Fair Housing Month. (Housing)
- 1.3 Presentation of the California and Nevada Festival and Event Awards and Commendation to the Parks, Recreation and Neighborhood Services San José Holiday Parade Team. (Parks, Recreation and Neighborhood Service)
- 1.4 Presentation of commendations to Ray Furuta, Lauren Gripenstraw and Theodore Chao, three members of the San Jose Youth Symphony from Districts 5, 9 and 10. (Campos/Chirco/Pyle)  
\* (Rules Committee referral 3/28/07)
- 1.5 Presentation of a commendation to Joevelyn Orasa for her dedication and passion to promote the teachings and wisdom of Dr. Martin Luther King and to encourage students to creatively find meaning in his words and interpret them for her generation through writing, art and multimedia expression. (Cortese)  
\* (Rules Committee referral 3/28/07)

# 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) Current Minutes
- (b) Past Minutes
  - (1) Regular minutes of October 3, 2006
  - (2) Special Council minutes of October 10, 2006
  - (3) Regular minutes of October 17, 2006
  - (4) Regular minutes of October 24, 2006
  - (5) Regular minutes of October 31, 2006

## 2. CONSENT CALENDAR

---

### 2.2 Final adoption of ordinances.

**Recommendation:** Final adoption of ordinances.

- (a) ORD. NO. 27992 – Amending Section 3.36.1555 of Chapter 3.36 of Title 3 of the San José Municipal Code to provide for payment of certain prior service costs by police members of the Police and Fire Department Retirement Plan.
- (b) ORD. NO. 27993 – Establishing a public way on the southern portion of Selma Olinder Park.
- (c) ORD. NO. 27998 – Rezoning certain real property situated on the southerly side of Silver Creek Valley Road, at the southerly terminus of Fontanoso Way to A(PD) Planned Development Zoning District. PDC06-095
- (d) ORD. NO. 27999 – Rezoning certain real property situated on the northwest corner of South Sunset Avenue and Shortridge Avenue (25 South Sunset Avenue) to CG Commercial General Zoning District. C07-013
- (e) ORD. NO. 28000 – Rezoning certain real property situated at the northeast corner of Elm Street and McKendrie Street (960 Elm Street) to R-1-8 Single Family Residence Zoning District. C07-016
- (f) ORD. NO. 28001 – Rezoning certain real property situated at the east side of Meridian Avenue approximately 200 feet northerly of Foxworthy Avenue (2988 Meridian Avenue) to CN Commercial Neighborhood Zoning District. C07-011
- (g) ORD. NO. 28002 – Rezoning certain real property situated on the west side of the Union Pacific right of way 1040 feet due west of the center of the intersection of Lundy Avenue and Berryessa Road (1655 Berryessa Road) to LI – Light Industrial Zoning District. C07-014
- (h) ORD. NO. 28003 – Rezoning certain real property situated at the southeast terminus of Miracle Mountain Drive to A(PD) Planned Development Zoning District. PDC04-014

### 2.3 [Request for an excused absence/late arrival for Councilmember Campos.](#)

**Recommendation:** Request for a late arrival for Councilmember Campos for the Study Session on March 22, 2007 due to a Personal Medical Appointment. (Campos)  
(Rules Committee referral 3/21/07)

## 2. CONSENT CALENDAR

---

### 2.4 [Request for an excused absence for Councilmember Chirco.](#)

**Recommendation:** Request for an excused absence for Councilmember Chirco from the Council Study Session on March 15, 2007 due to Illness. (Chirco)  
(Rules Committee referral 3/21/07)

### 2.5 [Request for an excused absence for Vice Mayor Cortese.](#)

**Recommendation:** Request for an excused absence for Vice Mayor Cortese from the Closed Session Meeting on March 20, 2007 due to Authorized City Business: Conference Call. (Cortese)  
(Rules Committee referral 3/21/07)

### 2.6 [Approval of report on bids and award of contract for the Forestwood Drive Main Replacement Project.](#)

**Recommendation:** Report on bids and award of contract for the Forestwood Drive Main Replacement to the low bidder, Pacific Underground Construction, in the amount of \$391,850 and approval of a contingency in the amount of \$40,000. CEQA: Exempt, File No. PP06-217. Council District 8. (Environmental Services)

### 2.7 [Approval of an ordinance related to solid waste, Construction and Demolition Diversion Deposit Services.](#)

#### [Draft Memo](#)

**Recommendation:** Approval of an ordinance amending Chapter 9.10 of Title 9 of the San José Municipal Code to implement modifications associated with residential solid waste and Construction and Demolition Diversion Deposit Services, and adoption of a resolution amending the Administrative Citation Schedule of Fines. CEQA: Not a Project. (Environmental Services)

### 2.8 [Approval of actions related to the Willow Glen Woods Affordable Rental Housing Project.](#)

#### \* **Recommendation:**

- (a) Adoption of an Appropriation Ordinance and Funding Sources Resolution to the Housing Trust Fund as follows:
  - (1) Decrease the Ending Fund Balance by \$63,000.
  - (2) Increase the Housing & Homeless Projects appropriation by \$63,000.
- (b) Adoption of a resolution approving a predevelopment loan of up to \$63,000 to Satellite Housing, Inc., for the Willow Glen Woods affordable rental housing project proposed on a portion of a City-owned property on the east side of the Almaden Expressway frontage road, northerly of Canoas Garden Avenue.  
CEQA: Not a Project. Council District 6. (Housing/City Manager's Office)

## 2. CONSENT CALENDAR

---

### 2.9 Approval of actions related to the Guadalupe River Park & Gardens.

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute a grant agreement with the Friends of Guadalupe River Park & Gardens to develop a proposed amendment to the Guadalupe Gardens Master Plan to include design guidelines and a preferred location for a dog park within the Gardens of an amount not to exceed \$75,000. CEQA: Not a Project. Council District 3. (Parks, Recreation and Neighborhood Services)

## 3. STRATEGIC SUPPORT SERVICES

---

### 3.1 Report of the Study Session Mayor Reed, Chair

**Recommendation:** Approval of City Council Study Session Minutes:

- (a) Evergreen – East Hills Vision Strategy of October 20, 2006
- (b) San José 2020 General Plan of October 27, 2006
- (c) Facility Re-use Strategy of December 8, 2006
- (d) Solar and Energy Issues of January 25, 2007

### 3.2 Report of the Rules and Open Government Committee – March 14, 2007 Mayor Reed, Chair

- (a) City Council
  - (1) Review New Add Items to March 20, 2007 Agenda
  - (2) Review March 27, 2007 Draft Agenda
- (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (c) Legislative Update
  - (1) State
  - (2) Federal
- (d) Meeting Schedules
  - (1) Setting Hearing for spring 2007 for General Plan Amendments and Initiating the Reestablishment of a fall Annual Review of the General Plan. (Planning, Building and Code Enforcement)  
**Recommend deferral to March 21, 2007**
- (e) The Public Record
- (f) Appointments to Boards, Commissions and Committees
- (g) Rules Committee Reviews, Recommendations and Approvals
  - (1) Request to consider waiving the closed session privilege and the release of all documents regarding recent negotiation with the San José Police Officer's Association and International Association of Fire Fighters Local 230. (Cortese)

**Deferred from March 7, 2007**

*(Item continued on the next page)*

### 3. STRATEGIC SUPPORT SERVICES

---

#### 3.2 Report of the Rules and Open Government Committee – March 14, 2007 (Cont'd.) Mayor Reed, Chair

- (g) (2) Response to the Report of the Government Reforms & Ethics Subcommittee of the Mayor's Transition Committee. (City Attorney)  
**Continued from March 7, 2007**  
**SEE ITEM 9.1 FOR COUNCIL ACTION TO BE TAKEN**
- (3) (a) Request to Add to City Auditor's 2006-07 Workplan: Review Fee payments by City's Franchised Haulers. (Environmental Services)
- (b) Response to Environmental Services request to add to City Auditor's 2006-07 Workplan. (City Auditor)
- (4) Address Councilmember Cortese's Concerns regarding Consolidated Water Utility Fund Audit. (City Auditor)
- (h) Review of Council Committee Agendas
- (i) Open Government Initiatives
  - (1) Reed Reforms
  - (2) Sunshine Reform Task Force
  - (3) Significant Public Records Act Requests
  - (4) Council Policy Manual Update
- (j) Open Forum
- (k) Adjournment

\* **RECOMMEND DEFERRAL TO 4/10/07 PER CITY CLERK**

#### Report of the Rules and Open Government Committee – [March 7, 2007](#) Mayor Reed, Chair

- (a) City Council
  - (1) Review March 13, 2007 Final Agenda
  - (2) Review March 20, 2007 Draft Agenda
    - (a) Review of items that meet exception rule
- (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (c) Legislative Update
  - (1) State
  - (2) Federal
- (d) Meeting Schedules
- (e) The Public Record
- (f) Appointments to Boards, Commissions and Committees
- (g) Rules Committee Reviews, Recommendations and Approvals
  - (1) Staff Analysis Conducted Regarding Proposed San José Human Rights Commission Resolution regarding "No-Match" Letters. (Manager's Office/Human Resources).  
**Continued from February 14, 2007**
  - (2) Response to the Report of the Government Reforms & Ethics Subcommittee of the Mayor's Transition Committee. (City Manager/City Attorney)  
**Deferred from February 28, 2007**

*(Item continued on the next page)*

### 3. STRATEGIC SUPPORT SERVICES

---

#### 3.2 Report of the Rules and Open Government Committee – March 7, 2007 (Cont'd.) Mayor Reed, Chair

- (g) (3) Request to consider waiving the closed session privilege and the release of all documents regarding recent negotiation with San José Police Officer's Association and International Association of Fire Fighters Local 230. (Cortese)
  - (4) Human Rights Commission Resolution on Social Security Administration "No-Match" Letters Proposed Department of Homeland Security Regulation.
  - (h) Review of Council Committee Agendas
  - (i) Open Government Initiatives
    - (1) Reed Reforms
    - (2) Sunshine Reform Task Force
    - (3) Significant Public Records Act Requests
    - (4) Council Policy Manual Update
  - (j) Open Forum
  - (k) Adjournment
- \* (Deferred from 3/27/07 – Item 3.2)

#### Report of the Rules and Open Government Committee – [February 28, 2007](#) Mayor Reed, Chair

- (a) City Council
    - (1) Review March 6, 2007 Final Agenda
    - (2) Review March 13, 2007 Draft Agenda
      - (a) Review of items that meet exception rule
        - (1) Resolution Supporting Public Safety and Immigrant Rights. (Cortese/Campos/Liccardo/Nguyen)
  - (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
  - (c) Legislative Update
    - (1) State
      - (a) City's Legislative Process and Suggested Methods for Taking Timely Action on Pending Issues. (Manager's Office)  
**Continued from February 7, 2007**
    - (2) Federal
  - (d) Meeting Schedules
    - (1) Setting a hearing for Spring 2007 for General Plan Amendments and Initiating the Reestablishment of a Fall Annual Review of the General Plan. (PBCE)  
**Continued from February 7, 2007**  
**Recommend Deferral to March 14, 2007**
  - (e) The Public Record
  - (f) Appointments to Boards, Commissions and Committees
    - (1) Project Diversity Screening Committee Nomination. (Cortese/Constant/Liccardo)  
**Deferred from February 7, 2007**
- (Item continued on the next page)*

### 3. STRATEGIC SUPPORT SERVICES

---

#### 3.2 Report of the Rules and Open Government Committee – February 28, 2007

(Cont'd.)

- (g) Rules Committee Reviews, Recommendations and Approvals
  - (1) Council Committee Procedures. (Mayor)
  - (2) United States Conference of Mayors January 24-26, 2007 Trip Report. (Williams)
  - (3) Response to the Report of the Government Reforms & Ethics Subcommittee of the Mayor's Transition Committee. (City Manger/City Attorney)  
**Continued from January 24, 2007**
  - (4) Public Safety, Finance and Strategic Support Committee. (Manager's Office)
  - (5) Disclosure of Ownership of Property Located within a Redevelopment Area. (Redevelopment Agency)
  - (6) Council Expenditures and Reimbursements. (City Clerk/City Attorney)  
**Continued from January 31, 2007**  
**Recommend Deferral to March 7, 2007**
- (h) Review of Council Committee Agendas
- (i) Open Government Initiatives
  - (1) Reed Reforms
  - (2) Sunshine Reform Task Force
  - (3) Significant Public Records Act Requests
  - (4) Council Policy Manual Update
- (j) Open Forum
- (k) Adjournment

\* (Deferred from 3/20/07 – Item 3.2 and 3/27/07 – Item 3.2)

#### 3.3 Report of the Public Safety, Finance and Strategic Support Committee Councilmember Nguyen, Chair

#### 3.4 [Approval of actions related to the Military Leave Program.](#)

**Recommendation:** Acceptance of staff report regarding:

- (a) New comprehensive orientation program for all employees applying for supplemental military leave benefits, including a method to obtain customer feedback.
- (b) Further improvements to the reconciliation process, including the overpayment and underpayment of supplemental military pay; and
- (c) Information on pays that are included by City Council action, as well as those that have been excluded as a result of past Council actions.

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

### 3. STRATEGIC SUPPORT SERVICES

---

#### 3.5 [Acceptance of report on the February 20, 2007 Priority Setting Session.](#)

\* **Recommendation:**

- (a) Acceptance of report on the February 20, 2007 Priority Setting Session.
- (b) Approval of the following as the City's mission statement: The Mission of the City of San José is to provide quality public services, facilities and opportunities that create, sustain and enhance a safe, livable and vibrant community for its diverse residents, businesses and visitors.
- (c) Approval of the following three year goals as discussed by Council at the February 20, 2007 session:
  - (1) Maintain our status as the safest big city in America.
  - (2) Eliminate the structural budget deficit.
  - (3) Reduce deferred maintenance and the infrastructure backlog and develop a strategy to improve the infrastructure.
  - (4) Increase economic vitality.
  - (5) Provide full funding for parks, pools, community centers and libraries, including maintenance, operation and development.
- (d) Approval of the six-month strategic objectives set as established at the February 20, 2007 Priority Setting Session.

(Mayor)

(Rules Committee referral 3/21/07)

### 4. COMMUNITY & ECONOMIC DEVELOPMENT

---

#### 4.1 [Report of the Community & Economic Development Committee – March 19, 2007](#) **Councilmember Pyle, Chair**

- (a) Planning, Building & Code Enforcement Survey Results. (Planning, Building & Code Enforcement)

**Deferred from February 26, 2007**

- (b) Team San José and Convention Center Update. (City Manager's Office)
- (c) North San José Vision 2030 Implementation. (Planning, Building & Code Enforcement)

**SEE ITEM 4.3 FOR COUNCIL ACTION TO BE TAKEN**

- (d) Economic Indicators. (Economic Development)

**Deferred from February 26, 2007**

- (e) Oral Petitions
- (f) Adjournment

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

---

### 4.2 [Public Hearing of the Consolidated Plan Annual Action Plan for FY 2007-2008.](#)

- \* **Recommendation:** Open Public Hearing on the draft Annual Action Plan for Fiscal Years 2007-2008, and announce that on April 3, 2007, the draft Action Plan will be made available to the public, officially beginning the thirty-day public comment period, which will end on May 3, 2007. CEQA: Not a Project. (Housing)

### 4.3 [Acceptance of the staff report on the implementation of the North San Jose Vision 2030 Plan.](#)

**Recommendation:** Acceptance of the staff report on the implementation of the North San Jose Vision 2030 Plan. CEQA: Not a Project. (Economic Development/Planning, Building & Code Enforcement)

[Community and Economic Committee 3/19/07 – Item 4.1(c)]

## 5. NEIGHBORHOOD SERVICES

---

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

### 5.2 [Approval of actions related to the Northside Community Center Request for Proposal.](#)

**Recommendation:**

- (a) Reject the only response submitted by Asian American Recovery Services, Inc. in response to the request for proposal to operate the Jacinto “Tony” Siquig Northside Community Center.
- (b) Add the NCC to the list of facilities to be considered in the Community Center Re-Use discussion, which will be addressed in the 2007-08 budget process in accordance with the Mayor’s 2007 Budget Message of March 9, 2007.

CEQA: Not a Project. Council District 3. SNI: Thirteenth Street. (Parks, Recreation and Neighborhood Services)

(Deferred from 3/13/07 – Item 5.3)

- \* **TO BE HEARD NO EARLIER THAN 3:00 P.M.**

## 6. TRANSPORTATION & AVIATION SERVICES

---

### 6.1 Report of the Transportation and Environment Committee Councilmember Williams, Chair

## 6. TRANSPORTATION & AVIATION SERVICES

---

### 6.2 [Approval of fiscal actions for Redevelopment Agency Capital Projects.](#)

**Recommendation:** Adoption of the following Appropriation Ordinance and Funding Sources Resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund):

- (a) Increase the estimate for Earned Revenue by \$2,507,654.
- (b) Establish an appropriation to the Department of Transportation for the North San José Transportation Infrastructure Design project (PSM #483) in the amount of \$1,107,654.
- (c) Establish an appropriation to the Department of Transportation for the Charcot Avenue Overcrossing/ US 101 / Trimble Road / De La Cruz Avenue Interchange project (PSM #484) in the amount of \$1,400,000.

CEQA: Not a Project. Council District 4. (City Manager's Office/Transportation)

## 7. ENVIRONMENTAL & UTILITY SERVICES

---

## 8. PUBLIC SAFETY SERVICES

---

### 8.1 [Acceptance of staff's response to the Civil Grand Jury Report entitled, "Inquiry Into Expenditures for the City of San José Mayor's Travel and Security."](#)

**Recommendation:** Acceptance of the San José Police Department's response to the 2006-2007 Santa Clara County Civil Grand Jury's report entitled "Inquiry Into Expenditures for the City of San José Mayor's Travel and Security." CEQA: Not a Project. (Police)

## 9. JOINT COUNCIL/REDEVELOPMENT AGENCY

### CONVENE REDEVELOPMENT AGENCY BOARD TO CONSIDER ITEM 9.1 IN A JOINT SESSION

#### 9.1 Approval of actions related to the Mayor’s Transition Subcommittee on Government Reforms and Ethics.

##### Recommendation:

- (a) [Approval of staff’s recommended methodology to implement a Pilot Program for a cost benefit analysis for City and Agency projects, activities and events seeking public funding.](#)

[Memo from Vice Mayor Cortese, Councilmember Liccardo, Pyle and Williams](#)

(Deferred from 3/27/07 – Item 9.1)

- (b) [Discussion and direction regarding amending Chapter 12.10 of the San José Municipal Code \(“the Revolving Door Ordinance”\) from 1 to 2 years; and amending Chapter 12.12 of the San José Municipal Code \(“the Lobbyist Ordinance”\) to require disclosure and/or ban of success fees, to reduce the number of hours required to register as a lobbyist from 20 hours within any three month period to 10 hours within any twelve month period, to aggregate the number of hours for individuals who lobby for the same organization, and to exempt tax exempt Internal Revenue Code Section 501\(c\) 3 organizations.](#)

CEQA: Not a Project. (City Manager’s Office/City Attorney’s Office)

(Rules Committee referral 3/7/07 and 3/14/07 – Item G2)

[Memo from Mayor Reed, Vice Mayor Cortese, and Councilmember Chirco](#)

\* **TO BE HEARD IN THE EVENING**

- **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 pending decision on the following Final Maps:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/ Units</u>	<u>Type</u>	<u>Proposed Decision</u>
9730	South side of Mount Pleasant Road, 250 feet north of Marten Ave.	5	J & J Land Development, LLC	6 Lots / 6 Units	SFD	Approve
9743	Northwest corner of Springbrook Ave. and Canyon Ridge Drive	8	Red Horizon II, LLC	7 Lots / 4 Units	SFD	Approve
9863	Northeast conrer of N. Capitol Ave and Grandview Drive	4	Blossom Valley Investors, Inc.	6 Lots / 45 Units	MFA	Approve

- **Notice of City Engineer’s Award of Construction Projects**

- Open Forum (To be heard no earlier than 3:30 p.m.)
- Continue RDA Board Meeting (immediately following Open Forum)
- Council will recess until 7:00 p.m.

## **10. GENERAL PLAN PUBLIC HEARINGS**

---

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.](#)**

**Recommendation:**

- (a) Consideration of an ordinance rezoning the real property located at/on the west side of Spar Avenue, approximately 130 feet northerly of Olin Avenue from unincorporated county to R-1-8 Single-Family Residence Zoning District to allow single family residential uses on a 0.21 gross acre site (383 Spar Avenue)(Mr Ali Zahabi, Owner). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.  
C06-114 – District 1

**END OF PUBLIC HEARINGS ON CONSENT CALENDAR**

## 11. PUBLIC HEARINGS

---

### 11.2 [ADMINISTRATIVE HEARING on consideration of an appeal of the Planning Commission's decision to deny a Planned Development Permit and Determination of Public Convenience or Necessity.](#)

- \* **Recommendation: ADMINISTRATIVE HEARING** on consideration of an appeal of the Planning Commission's decision to deny a Planned Development Permit and Determination of Public Convenience or Necessity to allow off-sale of alcoholic beverages and a new sign at an existing retail store (Taylor Street Market) on a 9.02 gross acre site, in the A(PD) Planned Development Zoning District, located at/on the southwest corner of East Taylor and North Ninth Streets (350 E Taylor St) (The Esplanade, Owner). CEQA: Exempt. Planning Commission denied; Director of Planning, Building and Code Enforcement and Planning Commission recommend City Council approval with finding of overriding public benefit.

[PD06-015/ABC06-014](#) – District 3

(Continued from 12/5/06 – Item 11.5 and 3/20/07 – Item 11.3)

### 11.3 [ADMINISTRATIVE HEARING on consideration of an appeal of the Planning Commission's decision to approve a Conditional Use Permit Amendment.](#)

**Recommendation: ADMINISTRATIVE HEARING** on consideration of an appeal of the Planning Commission's decision to approve a Conditional Use Permit Amendment for a timely renewal with reduced operating hours of an existing drinking and entertainment establishment, on a 0.64 gross acre site in the LI Light Industrial Zoning District, located on the west side of Oakland Road approximately 430 feet south of Horning Street. SNI: 13<sup>th</sup> Street. CEQA: Exempt. Director of Planning, Building and Code Enforcement recommends to uphold the decision of the Planning Commission to conditionally approve the renewal of a Conditional Use Permit Amendment.

[CPA00-051-01](#) – District 3

(Continued from 3/20/07 – Item 11.2)

### 11.4 [Rezoning the real property located on the south side of William Street.](#)

**Recommendation:** Consideration of an ordinance rezoning the real property located on the south side of William Street, approximately 350 feet westerly of South 24<sup>th</sup> Street from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District to allow up to 67 single-family attached and detached residences on a 3.48 gross acre site (1090 East William Street)(22<sup>nd</sup> & William Street, Owner). SNI: Five Wounds/Brookwood Terrace. CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommended approval (7-0-0).

[PDC06-040](#) – District 3

[Continued from 3/20/07 – Item 11.1(b)]

- Open Forum
- Adjournment