

# CITY COUNCIL AGENDA

**APRIL 4, 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](http://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**
  - \* 8:30 a.m. - Closed Session, City Hall Tower, 18<sup>th</sup> Floor, City Hall  
[See Separate Agenda](#)
  - 10:00 a.m. Joint Meeting, Santa Clara Valley Water District Headquarters Board Room
  - 1:30 p.m. - Regular Session, Council Chambers, City Hall
  - 7:00 p.m. - Public Hearings, Council Chambers, City Hall
  
- **Invocation (District 4)**  
Jazz slideshow in honor of Jazz Appreciation Month
  
- **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.**

**THERE WILL BE A JOINT CITY COUNCIL/SANTA CLARA VALLEY WATER DISTRICT MEETING AT 10:00 A.M. AT THE DISTRICT HEADQUARTERS BOARD ROOM, 5700 ALMADEN EXPRESSWAY, SAN JOSÉ, PRIOR TO THE REGULAR SESSION OF THE COUNCIL MEETING**

**THERE WILL BE A MEETING OF THE HOUSING AUTHORITY OF THE CITY OF SAN JOSÉ FOLLOWING THE AFTERNOON COUNCIL 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**

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- 1.1** Presentation of a proclamation designating April as National Fair Housing Month. (Housing)

# 1. CEREMONIAL ITEMS

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1.2 Presentation to Geoff Cady for his exemplary dedication and invaluable contributions to the City organization. (City Manager/Mayor)  
(Rules Committee referral 3/22/06)

1.3 Presentation of a commendation to Bill Levy for his outstanding work representing San José as an NFL referee. (Mayor)  
(Rules Committee referral 3/22/06)

1.4 Presentation of a commendation to the San José Public Library employees in honor of National Library Worker Day on April 4, 2006 and National Library Week for April 2-8, 2006. (Yeager)  
(Rules Committee referral 3/22/06)

1.5 Presentation of a commendation to the Megan's Law Task Force for their exemplary dedication and invaluable contributions to the San José community. (Chavez/Mayor)  
(Rules Committee referral 3/22/06)

**TO BE HEARD IN THE EVENING**

1.6 Presentation of a commendation to Louis Urbina for his exemplary dedication and invaluable contributions to the San José community. (Chirco/Mayor)  
(Rules Committee referral 3/22/06)

**TO BE HEARD IN THE EVENING**

1.7 Presentation of a proclamation declaring April 2006 as Child Abuse Awareness Month in San José. (Mayor/Campos/Williams)

\* (Rules Committee referral 3/29/06)

1.8 Presentation of a commendation to the California Line Dance Association of America (CLDAA) in recognition of the organization's community service focus and its promotion of a more active and healthy lifestyle. (Yeager)

\* (Rules Committee referral 3/29/06)

1.9 Presentation of a commendation to Brittany Welby for her service and efforts to protect fellow citizens of San José from health risks associated with nail salon services. (Pyle)  
(Rules Committee referral 3/29/06)

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

# 2. CONSENT CALENDAR

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**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.**

## 2. CONSENT CALENDAR

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### 2.2 Final adoption of ordinances.

**Recommendation:** Final adoption of ordinances:

- (a) ORD. NO. 27681 – Rezoning certain real property situated at the north side of Park Avenue approximately 450 feet east of Sunol Street (777 Park Avenue) to A(PD) Planned Development Zoning District. PDC05-037
- (b) ORD. NO. 27683 – Rezoning certain real property situated at the northwest corner of Broadacres and Skyfarm Drives (6664 Broadacres Drive) to A(PD) Planned Development Zoning District. PDC05-118/PD05-091
- \* (c) ORD. NO. 27682 – Prezones certain real property situated on the southwest corner of Capitol Avenue and Mabury Road (781 North Capital Avenue) to A(PD) Planned Development Zoning District.
- \* (d) ORD. NO. 27684- Rezones certain real property situated at the northeast corner of Towers Lane and Lexann Drive to A(PD) Planned Development Zoning District.

### 2.3 [Approval of actions related to the Forest Rosa Sanitary Sewer Rehabilitation Phase V Project.](#)

**Recommendation:** Report on bids and award of contract for the Forest-Rosa Sanitary Sewer Rehabilitation Phase V Project to the low bidder, Insituform Technology, Inc., in the amount of \$1,087,115, and approval of a contingency in the amount of \$109,000. CEQA: Exempt, File No. PP05-018. Council District: 6. (Public Works)

### 2.4 [Approval to annex territory designated as Sunol 68.](#)

**Recommendation:** Adoption of a resolution ordering the reorganization of territory designated as Sunol No. 68 which involves the annexation to the City of San José of 0.42 gross acres of land located at the west side of South Willard Avenue, approximately 180 feet southerly of Douglas Street and adjacent to the City of San José annexation Sunol No. 13 and the detachment of the same from Sunol Sanitary, County Lighting County Service, Central Fire Protection and Area No. 01 (Library Services) County Service Districts. CEQA: Mitigated Negative Declaration (File No. PDC04-095). Council District: 6. (Planning, Building and Code Enforcement)

### 2.5 [Approval of nominations to the San José Silicon Valley Workforce Investment Network Youth Council Committee.](#)

- \* **Recommendation:** Approval of nominations to the San José Silicon Valley Workforce Investment Network Youth Council Committee. (Mayor)  
(Rules Committee referral 3/29/06)

## 2. CONSENT CALENDAR

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

- \* **Recommendation:** Approval of Mayor Gonzales' travel to:
- (a) St. Petersburg, Florida, April 10-11, 2006 for the National League of Cities Mayors Strategy Session and Leadership Forum on Improving Public Schools. Funding Source: Mayor's Office.
  - (b) Washington, D.C., May 1-3, 2006, for the Silicon Valley Leadership Group Advocacy Trip. Funding Source: Mayor's Office.
- (Mayor)  
(Rules Committee referral 3/29/06)

## 3. STRATEGIC SUPPORT SERVICES

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

- Recommendation:** Acceptance of the Report of the Study Session:
- (a) 2005-2006 Proposed Operating Budget Study Sessions dated May 9-18, 2005.  
[Deferred from 3/7/06 et al and 3/28/06 – Item 3.1(a)]

### 3.2 Report of the Rules Committee – March 22, 2006 Vice Mayor Chavez, Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
  - (1) Review April 4, 2006 Draft City Council Agenda
  - (2) Add New Items to March 28, 2006 City Council Agenda
  - (3) List of Reports Outstanding
- (c) Legislative Update
  - (1) State
  - (2) Federal
    - (a) National League of Cities Congressional Conference Summary Report
- (d) Meeting Schedules
- (e) The Public Record
- (f) Appointments to Boards, Commissions and Committees
  - (1) Appointments to the Deferred Compensation Advisory Committee
  - (2) Advisory Commission on Rents Term Extensions
- (g) Rules Committee Reviews, Recommendations and Approvals
  - (1) Request to add reviews of high profile, complex RFP's/procurements as an ongoing assignment to the City Auditor's work plan
  - (2) Approval of an amended timeline for the Fire Department to research and develop an ordinance for Improved Fire Safety in Older Buildings
  - (3) Adoption of an opposition position on HR4437
  - (4) Approval of travel by Council Member Campos to attend the League of California Cities Transportation, Communication and Public Works Policy Committee Meeting in Los Angeles on March 30, 2006

### **3. STRATEGIC SUPPORT SERVICES**

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

##### **Vice Mayor Chavez, Chair**

- (h) Open Forum
- (i) Adjournment

#### **\* Report of the Rules Committee – [March 15, 2006](#)**

##### **Vice Mayor Chavez, Chair**

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
  - (b) City Council
    - (1) Review March 28, 2006 Draft City Council Agenda
    - (2) Add New Items to March 21, 2006 City Council Agenda
    - (3) List of Reports Outstanding
  - (c) Legislative Update
    - (1) State
      - (a) Redevelopment Agency Legislative Update: AB2922 (Jones); SB1206 (Kehoe) and AB2197 (DeVore)
    - (2) Federal
  - (d) Meeting Schedules
  - (e) The Public Record
  - (f) Appointments to Boards, Commissions and Committees
  - (g) Rules Committee Reviews, Recommendations and Approvals
  - (h) Open Forum
  - (i) Adjournment
- (Deferred from 3/28/06 – Item 3.2)

#### **\* Rules/Partial Rules Committee Report – [March 22, 2006](#)**

##### **Vice Mayor Chavez, Chair**

- (g) Rules Committee Reviews, Recommendation and Approvals
  - (3) Adoption of an opposition position on HR4437: Border Protection, Antiterrorism and Illegal Immigration Control Act of 2005  
(Deferred from 3/28/06 – Item 3.2)

#### **\* Rules/Partial Rules Committee Report – [March 29, 2006](#)**

##### **Vice Mayor Chavez, Chair**

- (b) City Council (City Clerk)
    - (2) Add New Items to April 4, 2006 Agenda
      - (a) Mayor and Councilmember Requests
        - (1) Reconsideration of the Mayor's participation on boards and committees on which he serves as the City's representative. (Yeager)
        - (2) Mayor's participation on boards and committees as a City of San José representative. (Mayor)
- SEE ITEM 3.10 FOR COUNCIL ACTION TO BE TAKEN**

### 3. STRATEGIC SUPPORT SERVICES

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

- \* (a) Northside Community Center Quarterly Update  
**SEE ITEM 3.7 FOR COUNCIL ACTION TO BE TAKEN**
- (b) Follow-up Discussion from May 2005 on Implementing Changes to the Public Arts Program
- (c) Oral Petitions
- (d) Adjournment  
(Deferred from 3/28/06 – Item 3.3)

#### 3.4 [Acceptance of the 2005 Community Survey Report.](#)

**Recommendation:** Acceptance of the 2005 Community Survey Report. CEQA: Not a Project. (City Manager’s Office)

#### 3.5 Approval of the Council-Staff Interaction Policy.

**Recommendation:**

- (a) Presentation on [Charter Section 411](#), entitled “The Council; Interference with Administrative Matters”. CEQA: Not a Project. (City Attorney)
- (b) [Approval of the Council-Staff Interaction Policy](#) (Council Policy 0-31), which would replace the Independent Judgment Policy (Council Policy 0-26) and the Interaction Policy (Council Policy 0-27). CEQA: Not a Project. (City Manager’s Office)

#### 3.6 [Approval of an ordinance clarifying permitted expenditures of the Construction Tax and the Conveyance Tax.](#)

**Recommendation:** Approval of [an ordinance](#) amending Title 4 of the San José Municipal Code to add a new Chapter 4.55 to consolidate and clarify the permitted expenditures of taxes collected pursuant to Chapters 4.54 and 4.58 of Title 4 of the San José Municipal Code and to amend Chapters 4.54 and 4.58 of Title 4 of the San José Municipal Code to add Sections 4.54.105 and 4.58.238 to make conforming changes. CEQA: Resolution No. 65459. (City Attorney’s Office)  
(Deferred from 3/28/06 – Item 3.4)

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.7 [Approval of action related to the Northside Community Center.](#)

\* **Recommendation:**

- (a) Provide direction to staff regarding the operations and services by the City and Filipino-American Social Opportunities Development Council (Fil-Am SODC) at the Center for the remainder of FY 2005-2006, including steps to ensure the orderly transition of the Center's operations in July 2006 to an operator selected through the pending Request for Proposal (RFP) process.
- (b) Adoption of a resolution:
  - (1) Authorizing the City Manager to negotiate and execute a reimbursement agreement with Fil-Am SODC in an amount not to exceed \$110,000 in Healthy Neighborhoods Venture Funds (HNVF) for eligible services provided at the Jacinto "Tony" Sequig Northside Community Center (Center) for the period July 1, 2005 through June 30, 2006, provided that the City has received requested information and materials no later than 12:00 pm (noon) on March 30, 2006, and that such information is acceptable to the City Manager.
  - (2) Authorizing the City Manager to extend offers of employment to key Fil-Am SODC employees involved in providing direct services at the Center as Temporary Unclassified employees with the City in the event that the March 30, 2006 deadline is not met or the information is unacceptable as submitted.

CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)  
(Deferred from 3/28/06 – Item 3.8)

#### 3.8 \*Item not used.

#### 3.9 [Approval of direction to the City Attorney regarding Parking Vehicles For-Sale on Public Right of Way](#)

\* **Recommendation:** Direct the City Attorney's Office to work with the appropriate Departments and return to the City Council by May 16th with the following information:

- (a) Alternative methods to regulate parking of vehicles displayed for sale on city roadways pursuant to San José Municipal Code Section 11.36.100 (1);
- (b) Information and analysis of on-street "Used Cars for Sale" vehicle counts, streets affected by "de facto used car lots," as well as any studies, anecdotal evidence, or legislative findings regarding the impacts of cars displayed for sale on public rights-of-way.

(Campos/Mayor)  
(Rules Committee referral 3/29/06)

#### 3.10 [Approval to nominate Council Member Madison Nguyen to the VTA Board to be the City of San José representative on the Silicon Valley Rapid Transit Policy Advisory Board.](#)

\* **Recommendation:** As recommended, by the Rules Committee on March 30, 2006, nominate Council Member Madison Nguyen to the VTA Board to be the City of San José representative on the Silicon Valley Rapid Transit Policy Advisory Board (BART-PAB). (City Clerk)

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.1 Report of the Building Strong Neighborhoods Committee – [March 20, 2006](#) Council Member Chirco, Chair

- (a) Airport Neighborhood Services Group Report Update
- (b) Animal Care and Services Update  
**Deferred to May 2006**
- (c) Strong Neighborhoods Initiative Report on new, non-Redevelopment Strong Neighborhood Areas and Action Agenda  
**Deferred to April 2006**
- (d) Discussion and Implementation on Facility Reuse
- (e) Oral Petitions
- (f) Adjournment

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

### 4.3 [Acceptance of the annual report related to the Small Business Opportunity Program.](#)

**Recommendation:** Acceptance of the annual report on the status of implementation of the Small Business Opportunity Program. CEQA: Not a Project. (City Manager's Office)  
[Driving a Strong Economy Committee, 1/30/06 - Item 4.2(e)]

### 4.4 Approval of actions related to the County Island Annexation Process.

- \* **Recommendation:** Provide direction to staff to proceed with the county island annexation process, beginning with a Pilot Program of sixteen such islands, and specifically:
- (a) Direction to staff to prepare initiation of island annexations under the provision of Government Code Section 56375.3 for those parcels identified islands; and
  - (b) Request that the County provide the necessary mapping, legal descriptions, Surveyor's and Assessor's Reports for the islands recommended in the staff report; and,
  - (c) Direction to staff to initiate the necessary pre-zonings and complete appropriate environmental review.

CEQA: Resolution No. 65459. (Planning, Building and Code Enforcement)  
(Deferred from 3/21/06 – Item 4.4 and 3/28/06 – Item 4.4)

**RECOMMENDED DEFERRAL TO 4/11/06**

## 5. NEIGHBORHOOD SERVICES

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

## 6. TRANSPORTATION & AVIATION SERVICES

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

## 7. ENVIRONMENTAL & UTILITY SERVICES

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## 8. PUBLIC SAFETY SERVICES

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- 8.1 [Acceptance of the 2005 Annex A update on the roles of elected officials during declared disaster.](#)

**Recommendation:** Acceptance of the 2005 Annex A update on the roles of elected officials during declared disasters as part of the City's Emergency Operations Plan. CEQA: Not a Project. (Emergency Services)  
(Deferred from 1/10/06 – Item 8.1 et al and 3/21/06 – Item 8.1)

## 9. JOINT COUNCIL/REDEVELOPMENT AGENCY

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

- 9.1 [Approval of actions related to the San José Medical Center.](#)

**Recommendation:**

- (a) Approval of recommended community engagement framework for the San José Medical Center site.
- (b) Approval of the recommended composition of the Stakeholder Advisory Committee.
- (c) Direction to the Administration to invite individuals from each of the named organizations to participate in the Stakeholder Advisory Committee.
- (d) Direction to the Administration to convene the initial meeting of the Stakeholder Advisory Committee within 30 days.
- (e) Direction to the Administration to begin implementation of the Council approved four phase work plan.
- (f) Direction to the San José Redevelopment Agency, in coordination with the Department of Planning, Building and Code Enforcement, to assume responsibility for implementing the recommended community engagement framework.

CEQA: Not a Project. SNI: 13<sup>th</sup> Street. Council District: 3. (Planning, Building and Code Enforcement)

(Deferred from 2/7/06 – Item 4.3, et al and 3/21/06 – Item 4.3)

**TO BE HEARD IN THE EVENING**

**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 March 2006:

AWARD:

| <u>Project Name</u>  | <u>Council District</u> | <u>Contractor</u>                           | <u>Contract Award Amount</u> | <u>Award Date</u> |
|--|-------------------------|---|------------------------------|-------------------|
| Street Lights SNI Gateway East and Burbank/Del Monte Project     | 3, 5, 6                 | San José Signal Electric Construction, Inc. | \$182,165                    | 3/1/06            |
| Traffic Signal Modifications at Hillsdale Avenue and Ross Avenue | 9                       | Beltramo Electric, Inc.                     | \$261,910                    | 3/14/06           |
| Wenlock Drive Pedestrian Corridor Project                        | 5                       | Suarez and Munoz Construction               | \$296,579                    | 3/27/06           |

- 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**

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No General Plan Public Hearing at this time.

## **11. PUBLIC HEARINGS ON CONSENT CALENDAR**

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(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 on the east side of Ruby Avenue, approximately 400 feet southerly of Holderman Drive (APN: 652-14-013, -014) (2363 Ruby Avenue) (Benson Chu, Owner; Legacy Holdings LLC, Developer) from County to R-1-RR Residence District to allow up to two single family residences on a 2.5 gross acre site. No Planning Commission action required. C05-066 - District 8

**END OF CONSENT CALENDAR**

## 11. PUBLIC HEARINGS

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### 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. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC05-077 - District 1

(Continued from 2/7/06 – Item 11.4 and 3/7/06 – Item 11.2)

### 11.3 Rezoning the real property located on the west side of McCreery Avenue.

#### Supplemental

- \* **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. Director of Planning, Building and Code Enforcement recommends approval. Planning Commission recommended approval (5-0-2) with modifications to remove 0.27-acre park and allow up to 15 additional units for a total of up to 93 residential units. Director of Planning, Building and Code Enforcement recommends approval with the following modifications for Area A: Minor changes to the side setbacks as proposed by the applicant, and a maximum height limit of 40 feet within 35 feet of the eastern property line and within 45 feet of the southern property line and a height limit of 55 feet for the remainder. Planning Commission recommends approval (5-0-2).

PDC04-088 - District 5

(Continued from 3/7/06 – Item 11.5 and 3/21/06 – Item 11.2)

### 11.4 Rezoning of the real property located on the east side of San Felipe Road.

**Recommendation:** Consideration of an ordinance rezoning the real property located on the east side of San Felipe Road, approximately 700 feet northerly of Silver Creek Road (Pan Clair General Partnership, Owner; Dal Properties LLC, Developer) from A Agriculture Zoning District to A(PD) Planned Development Zoning District to allow up to 22 single-family detached residences on a 17.98 acre site. CEQA: Mitigated Negative Declaration.

PDC05-035 - District 8

(Continued from 3/21/06 –Item 11.5)

**RECOMMEND CONTINUANCE TO 4/18/06**

# 11. PUBLIC HEARINGS

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## 11.5 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

(Continued from 3/7/06 – Item 11.12 and 3/21/06 – Item 11.8)

**RECOMMEND CONTINUANCE TO 4/18/06**

## 11.6 Rezoning the real property located on the southwesterly corner of State and Essex Streets.

**Recommendation:** Consideration of an ordinance rezoning the real property located on the southwesterly corner of State and Essex Streets (1391 State Street) (Victor J. Martina, Owner) from R-M Residential District to A(PD) Planned Development Zoning District to allow the demolition of an existing single-family residence and the construction of three single-family detached residential units on a 0.33 gross acre site. CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC05-002 - District 4

## 11.7 Rezoning the real property located on the southeast corner of Hostetter Road and Sierra Creek Way.

**Recommendation:** Consideration of an ordinance rezoning the real property located on the southeast corner of Hostetter Road and Sierra Creek Way (1495 Stone Creek Drive) (John R. Mattos, II, Trustee, Owner) from R-1-8 Residential Zoning District to A(PD) Planned Development Zoning District to allow 6 single-family detached residences on a 0.83 gross acre site. CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-1-0).

PDC05-086 - District 4

\* **RECOMMEND CONTINUANCE TO 4/18/06**

## 11. PUBLIC HEARINGS

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### 11.8 [Rezoning the real property located on the west side of South 34<sup>th</sup> Street across from Los Suenos Avenue.](#)

- \* **Recommendation:** Consideration of an ordinance rezoning the real property located on the west side of South 34<sup>th</sup> Street, across from Los Suenos Avenue (321 S. 34<sup>th</sup> St) (Innovative Housing Solutions, LLC, Owner) from A(PD) Residential Zoning District to the A(PD) Residential Zoning District to allow 11 single-family detached residential units on a 1.38 gross acre site. SNI: Gateway East. CEQA: Mitigated Negative Declaration (File No. PDC04-033) and Addendum thereto (File No. PDC05-098). Director of Planning, Building and Code Enforcement and Planning Commission recommended approval (7-0-0)

PDC05-098 - District 5

**RECOMMEND CONTINUANCE TO 4/18/06**

- Open Forum
- Adjournment

**HOUSING AUTHORITY OF  
THE CITY OF SAN JOSÉ  
AGENDA**

**1:30 P.M.**

**TUESDAY, APRIL 4, 2006**

**CHAMBERS**

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**1. Call to Order**

**2. [Approval of actions related to the Housing Authority of the City of San José.](#)**

**Recommendation:** Approval of the Board of Commissioners for the Housing Authority of the City of San José to submit a letter to the Housing Authority of the County of Santa Clara, requesting that 100, Section 8 vouchers per year, be allocated for the chronically homeless.  
CEQA: Not a Project. (Housing)

**3. Adjourn the Housing Authority of the City of San José.**