



CITY COUNCIL AGENDA

APRIL 18, 2006

AMENDED AGENDA

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

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

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

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

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

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

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

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

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

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

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

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

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

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

- **Call to Order and Roll Call**
9:30 a.m. - Closed Session, City Hall Tower, 18th Floor, City Hall
[See Separate Agenda](#)
1:30 p.m. - Regular Session, Council Chambers, City Hall
7:00 p.m. - General Plan Hearings, Council Chambers, City Hall
7:00 p.m. - Public Hearings, Council Chambers, City Hall
- **Invocation (District 4)**
Abraham Chacko, Hillview Bible Church
- **Pledge of Allegiance**
- **Orders of the Day**

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

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

**** SEE NEW CEREMONIAL ITEMS 1.10, 1.11, 1.12 AND 1.13.**

1. CEREMONIAL ITEMS

- 1.1** Presentation of a commendation to American Airlines for fifteen years of nonstop service from Mineta San José International Airport to Tokyo, Japan. (Airport)
- 1.2** Presentation of a commendation to the Homicide Unit for their exemplary dedication and invaluable contributions to the City organization. (City Manager/Mayor)

1. CEREMONIAL ITEMS

- 1.3 Presentation of commendations to Cupertino Electric, Coast Building Maintenance, Inc., Capitol Wholesale Nursery, Inc., Dickinson Cabinetry, Emerald Hills Insurance Services, Fourth Street Summit Center, Hitachi Global Storage Technologies, Inc., IBM Almaden Research Center, Santa Clara County Assessor's Office, Simply Organic Weddings, BOMA Silicon Valley and Tam Organics for achieving Green Business Certification in our community and for being committed to protecting our environment. (LeZotte)
- 1.4 Presentation of a commendation to the Evergreen Visioning Project Task Force for their exemplary dedication and invaluable contributions to the San José economy.
(Cortese/Mayor)
TO BE HEARD IN THE EVENING
- * **DEFERRED TO 5/16/06**
- 1.5 Presentation of a commendation to the Almaden Valley Women's Club for their exemplary dedication and invaluable contributions to the San José community.
(Pyle/Mayor)
TO BE HEARD IN THE EVENING
- 1.6 Presentation of a commendation to Judge Len Edwards for his dedication to helping children and families in San José. (Mayor/Campos/Williams)
TO BE HEARD IN THE EVENING
- 1.7 Presentation of commendations to Ginny Pyle and the Eden Neighborhood Association for collecting over 2500 pounds of fresh fruit and donating the neighborhood grown produce to local charities. (LeZotte)
TO BE HEARD IN THE EVENING
- 1.8 Presentation of a commendation to "Fit for Learning" for their revolutionary vision and innovative strategies to create school environments that promote healthy nutrition and physical activity for the children of Santa Clara County. (Yeager)
* (Rules Committee referral 4/12/06)
- 1.9 Presentation of donation checks by Capitol Honda to five San José School Districts as part of the "United Auto for Kids" public school donation program. (Mayor)
* (Rules Committee referral 4/12/06)
TO BE HEARD IN THE EVENING
- 1.10 Presentation of a commendation in honor of the "Month of the Young Child Outstanding Contributor Awards". (Chirco)
* (Orders of the Day)
TO BE HEARD IN THE EVENING
- 1.11 Presentation of a commendation declaring April 19, 2006 as "Wear Jeans to Work Day" in an effort to raise awareness about sexual assault. (Chavez)
* (Orders of the Day)

1. CEREMONIAL ITEMS

- 1.12 Presentation of a commendation commemorating the 100th Anniversary of the 1906 Earthquake. (Chavez)
* (Orders of the Day)

- 1.13 Presentation of a commendation to the Digitally Abled Producers Program for their demonstrated leadership in promoting volunteerism, civic engagement and their commitment to serve their community on this occasion of “National Youth Service Day” and “National Volunteer Week”. (Yeager)

* (Orders of the Day)
TO BE HEARD IN THE EVENING

2. CONSENT CALENDAR

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

2.1 Approval of Minutes.

Recommendation: Approval of minutes.

- (a) Regular minutes of August 9, 2005
- (b) Regular minutes of August 16, 2005
- (c) Regular minutes of August 23, 2005
- (d) Regular minutes of August 30, 2005
- (e) Regular minutes of September 13, 2005

- (f) Regular minutes of September 20, 2005
- (g) Regular minutes of September 27, 2005

* **DEFERRED TO 4/25/06**

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 27689 – Amends 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 Chapter 4.54 and 4.58 and to amend Chapters 4.54 and 4.58 and to amend Chapter 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.

- (b) ORD. NO. 27690 – Prezones certain real property situated east side of Ruby Avenue, approximately 400 feet south of Holderman Drive (2363 Ruby Avenue) to R-1-RR Residence Zoning District.

2. CONSENT CALENDAR

2.2 Final Adoption of Ordinances (Cont'd.)

Recommendation: Final adoption of ordinances:

- (c) ORD. NO. 27691 – Rezones certain real property situated on the west side of south Winchester Boulevard, approximately 420 feet south of Stevens Creek Boulevard (369 Winchester Boulevard) to A(PD) Planned Development Zoning District.
- (d) ORD. NO. 27692 – Rezones certain real property situated west side of McCreery Avenue approximately 230 feet southerly of Alum Rock Avenue (1884 Alum Rock Avenue) to A(PD) Planned Development Zoning District.
- (e) ORD. NO. 27693 – Rezones certain real property situated on the southwesterly corner of State and Essex Streets (1391 State Street) to A(PD) Planned Development Zoning District.

2.3 RENUMBERED TO ITEM 3.6

2.4 RENUMBERED TO ITEM 4.3

2.5 RENUMBERED TO ITEM 4.4

2.6 [Approval to award open purchase order for FY 2005-2006 # 14.](#)

Recommendation: Approval of award of open purchase orders for supplies, materials, equipment and services for FY 2005-2006 #14, and authorization for the Director of Finance to execute the purchase orders. CEQA: See memo for CEQA designations. (Finance)

2.7 [Approval of an agreement for security services at the Airport.](#)

Recommendation: Adoption of a resolution authorizing the Director of Finance to:

- (a) Execute a one-year agreement with two one-year options with Command Security Corporation, dba/Aviation Safeguards for terminal support services at the Norman Y. Mineta San Jose International Airport, for a period from May 1, 2006 through April 30, 2007 with the first year compensation not to exceed \$500,000.
- (b) Execute each of the options to renew with compensation adjustments based on the Consumer Price Index without further City Council action other than the appropriation of necessary funding.

CEQA: Resolution Nos. 67380 and 71451, PP 06-027. (Finance)

2. CONSENT CALENDAR

2.8 Approval of an agreement regarding formation of a Community Facilities District.

Recommendation:

- (a) Approval of an agreement with Coyote Valley Research Park, LLC, to fund all related activities necessary to form Community Facilities District No. 13 - North Coyote Valley Flood Control for the construction of flood control detention facilities and associated channel improvements for an area within the North Coyote Valley.
- (b) Adoption of the following Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Excise Tax Fund:
 - (1) Increase the Community Facilities District 13 appropriation in the amount of \$40,000.
 - (2) Increase the estimate for Earned Revenue by \$40,000.

CEQA: Resolution No. 69957 and addenda thereto, File No. PDC99-053 and PP05-190.
Council District: 2. (Public Works/City Manager's Office)

2.9 Approval of an agreement with San José State University for a traffic signal.

Recommendation:

- (a) Approval of a cooperative agreement with San José State University for a contribution in the amount of \$125,000 to the City of San José for the design and construction of a new traffic signal at the intersection of San Salvador Street and Seventh Street.
- (b) Adoption of the following Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Excise Tax Fund:
 - (1) Establish a Traffic Signal - San Salvador and Seventh project appropriation to the Department of Transportation in the amount of \$125,000.
 - (2) Increase the estimate for Earned Revenue in the amount by \$125,000.

CEQA: Exempt, PP05-224, November 22, 2005. Council District: 3. SNI: University.
(Transportation/City Manager's Office)

2.10 Approval of an appointment to fill a vacancy on the Coyote Valley Specific Plan Task force.

Recommendation: Approval to appoint Melissa Hippard, Director of the Sierra Club Loma Prieta Chapter, to fill a vacancy on the Coyote Valley Specific Plan Task force.
CEQA: Exempt, PP03-06-211. (Planning, Building and Code Enforcement)

* (Rules Committee referral 4/12/06)

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session Mayor Gonzales, Chair

3.2 Report of the Rules Committee – April 5, 2006 Vice Mayor Chavez, Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
 - (1) Review April 18, 2006 Council Draft Agenda
 - (a) Voter-Owned Campaigns. (Mayor)
(Continued from March 29, 2006)
 - (b) Add Council consideration of nominating a portion of the University Strong Neighborhoods Initiative Area for designation as a City Landmark Historic District. (Chavez)
 - (2) Add New Items to April 11, 2006 Agenda
 - (3) List of Reports Outstanding
- (c) Legislative Update
 - (1) State
 - (2) Federal
 - (a) Update on San José Federal Relations Activities
- (d) Meeting Schedules
 - (1) Approval of Revisions to the Budget Study Session Calendar (Mayor)
 - (2) Set date for an Informational Briefing on the Preliminary Gap Analysis
- (e) The Public Record
- (f) Appointments to Boards, Commissions and Committees
 - (1) Airport Commission
 - (a) Re-Appoint 2 Commissioners
 - (2) Arts Commission
 - (a) Re-Appoint 2 Commissioners
 - (3) Library Commission
 - (a) Re-Appoint 2 Commissioners
 - (4) Early Care and Education Commission
 - (a) Re-Appoint 2 Commissioners
 - (b) Appoint 1 Commissioner to fill unexpired term.
 - (5) Historic Landmarks Commission
 - (a) Re-Appoint 2 Commissioners
 - (6) Parks and Recreation Commission
 - (a) Re-Appoint 2 Commissioners
 - (7) Traffic Appeals Commission
 - (a) Re-Appoint 1 Commissioner
- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Sunshine Reforms Motion Clarification
- (h) Open Forum
- (i) Adjournment

* **DEFERRED TO 4/25/06**

3. STRATEGIC SUPPORT SERVICES

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

3.4 [Approval of the actions related to the Sunshine Reform Task Force.](#)

[Memo #2](#)

[Memo #3](#)

Recommendation: Approval of recommended framework for the formation of a Sunshine Reforms Task Force to review proposals forwarded by the City Council at its March 21, 2006 meeting, as well as any additional proposals that the Task Force deems worthy of consideration, and make recommendations to the City Council regarding their adoption and implementation. (City Manager's Office)

TO BE HEARD IN THE EVENING

3.5 Review and approval of follow-up items on the Council-Interaction Policy and City Council obligation to disclose facts.

* **Recommendation:**

- (a) 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).
- (b) Approval of a City Council Policy on the City Council obligation to disclose material facts.

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

[Continued from 4/4/06 – Item 3.5(b)]

RECOMMEND DEFERRAL TO 4/25/06

3.6 [Approval of direction to the San José Elections Commission regarding Voter-Owned Campaigns.](#)

Recommendation: Approval of direction the San José Elections Commission to:

- (a) Take public testimony, seek expert input, and explore the creation of a fully public-funded Voter-owned Campaign Ordinance for San José that would take effect in time to apply to the municipal primary elections in June 2008.
- (b) Provide the Council by August 2006 with an outline of specific recommendations to be included in a Voter-Owned Campaign Ordinance if the Commission recommends that such an ordinance is desirable, or with a report and rationale if it does not recommend such an ordinance.
- (c) Return to the Council with a specific budget request if the Commission determines that it needs additional resources to accomplish this task on schedule.

(Mayor)

(Rules Committee referral 4/5/06)

RENUMBERED FROM ITEM 2.3

TO BE HEARD IN THE EVENING

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 **Report of the Building Strong Neighborhoods Committee**
Council Member Chirco, Chair

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

4.3 **[Direction to Staff to initiate nominating a portion of the University Strong Neighborhoods Initiative Area for designation as a City Landmark Historic District.](#)**

Supplemental

- * **Recommendation:** Approval of nominating a portion of the University Strong Neighborhoods Initiative Area generally bounded by E. San Salvador Street, the east side of South Eighth Street at Margaret Street, Interstate 280, and the west side of South Fifth Street, together with properties on Carrie Street and along East Reed and William Streets between South Fourth and Fifth Streets for designation as a City Landmark Historic District and direction to the Department of Planning, Building and Code Enforcement to initiate the required process and proceedings to establish the City Landmark Historic District. CEQA: Not a Project. (Vice Mayor)
(Rules Committee referral 4/5/06)
RENUMBERED FROM ITEM 2.4

4.4 **[Direction to Staff to initiate a General Plan amendment to change the land use designation from Light Industrial to Medium Low Density Residential on Towers Lane north of Aborn Avenue.](#)**

- * **Recommendation:** Approval and direction to staff to move forward with a General Plan amendment to change the land use designation from Light Industrial to Medium Low Density Residential on Towers Lane north of Aborn Avenue and to initiate a rezoning of properties on Towers lane north of Aborn Avenue from R-1-2 Zoning District to R-1-8 Zoning District. (Nguyen)
RENUMBERED FROM ITEM 2.5

4.5 **[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, et al and 4/11/06 – Item 4.4)

RECOMMEND DEFERRAL TO 4/25/06

5. NEIGHBORHOOD SERVICES

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

5.2 Approval of actions related to the Park Trust Fund.

Recommendation: Approval of actions to:

- (a) Allocate unspent funds (\$9.089 Million) to projects that meet the nexus requirement in each Council District. These allocations will be incorporated into the 2006-2007 Proposed Capital Budget. (Attachment A)
- (b) Base the set-aside of administrative fees on actual and projected needs.
- (c) Establish a reserve in the amount of \$500,000 as an administrative set-aside in order to offset possible future revenue fluctuations as part of the FY 2006-07 Parks Capital Budget Process.
- (d) Submit, as part of the FY 2006-2007 Parks Capital Budget process, recommendations for the re-allocation of excess administrative set-aside (\$3.2 Million). These funds are recommended to be distributed back to the Council Districts based on the percentage of all fees collected since 1995-96 through 2004-05.
- (e) Adoption of the following appropriation ordinance amendments in the Park Trust Fund:
 - (1) Establish an appropriation to the Department of Parks, Recreation and Neighborhood Services in the amount not to exceed \$360,000 for the refund of unallocated PDO/PIO fees and interest to known property owners.
 - (2) Establish an appropriation to the Department of Parks, Recreation and Neighborhood Services in the amount of \$40,000 to support the hiring of a pool Analyst in PRNS for the remainder of the fiscal year to continue timely administration of the fund (\$30,000) and a review of the revised administrative policies and procedures for the administration of the Park Trust Fund by the City's external auditor Macias, Gini & Co. LLP (\$10,000).
 - (3) Decrease the appropriation for the Future PDO/PIO Reserve by \$400,000.
- (f) Submit, as part of the FY 2006-2007 Proposed Parks Capital Budget, recommended allocations in the amount of \$406,000, from funds that were not allocated within the five year window, to project(s) that benefit all City residents.
- (g) Referral of the addition of a 1.0 FTE Analyst position to maintain the reconciliation of the Park Trust Fund to the FY 2006-07 budget process.

CEQA: Not a Project. (Parks, Recreation and Neighborhood Services/ Finance/City Manager's Office)

(Deferred from 3/21/06 – Item 5.2)

* **RECOMMEND DEFERRAL TO 5/2/06, TO BE HEARD IN THE EVENING**

6. TRANSPORTATION & AVIATION SERVICES

6.1 Report of the Building Better Transportation Committee – [April 3, 2006](#) Council Member Campos, Chair

- (a) Expansion and Improvement of Transit and Transportation Services
- (b) Traffic Relief/Safe Streets
 - (1) Update on School Traffic Safety Program
- (c) Supporting Smart Growth
- (d) Regional Relationships/Funding/Policy
 - (1) Update on City Transportation Funding Needs and Potential City Transportation Bond Measure
- (e) Oral Petitions
- (f) Adjournment

6.2 Approval to continue and amend an agreement with Skywest Airlines.

- * **Recommendation:** Approval of a continuation agreement and first amendment to the Scheduled Airline Operating Agreement and License between the City of San José and Skywest Airlines, Inc., to extend the agreement from May 31, 2003 through November 30, 2007, and to amend the agreement to include provisions regarding compliance with the City's Airport Curfew Ordinance, with continuing annual revenue to the City of approximately \$360,000. CEQA: Resolution No. 67380, PP 03-02-065. (Airport) (Deferred from 4/11/06 – Item 6.3)
DROP

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

- Closed Session Report
- Notice of City Engineer's Pending Decision on Final Maps
None.

- Notice of City Engineer's Award of Construction Projects
None.
- Open Forum—To be heard jointly with Redevelopment Agency Public Discussion. Following Open Forum, Council will recess until 7:00 p.m.

10. GENERAL PLAN PUBLIC HEARINGS ON CONSENT CALENDAR

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

Notice to the public: There will be no separate discussion of General Plan Consent Calendar (Item 10.1) 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 General Plan Consent Calendar (Item 10.1) and considered separately.

10.1 Tentative approval of General Plan Consent Calendar items.

Recommendations:

- (a) Tentative approval of General Plan Amendment request to change the Land Use/Transportation Diagram designation from Medium High Density Residential (12-25 DU/AC) to High Density Residential (25-50 DU/AC) on a 0.69-acre site located on the south side of Balbach Street approximately 150 feet easterly of Almaden Avenue (150-180 Balbach Street). (Greg Gray, Owner; Anthony Ho/Patrick Sargent, Applicant). CEQA: Mitigated Negative Declaration. SNI: Market/Almaden. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval to change the existing General Plan Land Use/Transportation Diagram designation from Medium High Density Residential (12-25 DU/AC) to High Density Residential (25-50 DU/AC) on a 0.69-acre site located on the south side of Balbach Street approximately 150 feet easterly of Almaden Avenue (150-180 Balbach Street). (7-0-0).
GP05-03-03 – District 3

- (b) Tentative approval of General Plan Amendment request to change the Land Use/Transportation Diagram designation from Medium High Density Residential (12-25 DU/AC) to High Density Residential (25-50 DU/AC) on a 0.81-acre site located on the south side of Balbach Street approximately 300 feet easterly of Almaden Avenue (110-120 Balbach Street). (Des Nolan, Owner/Applicant). CEQA: Mitigated Negative Declaration. SNI: Market/Almaden. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval to change the existing General Plan Land Use/Transportation Diagram designation from Medium High Density Residential (12-25 DU/AC) to High Density Residential (25-50 DU/AC) on a 0.81-acre site located on the south side of Balbach Street approximately 300 feet easterly of Almaden Avenue (110-120 Balbach Street). (7-0-0).
GP05-03-04 – District 3

END OF CONSENT CALENDAR

10. GENERAL PLAN PUBLIC HEARINGS

10.2 [Amendments and Conforming Rezoning for property at 155 Ciro Avenue.](#)

Recommendation: The items being considered are for property located on the west side of Ciro Avenue, approximately 400 feet south of Forest Avenue (155 Ciro Avenue) on a 0.24-acre site. (Barry Swenson Builder, Applicant/Juan & Maritza Santos, Owner).

(a) Tentative approval of General Plan Text Amendment request to change the Land Use/Transportation Diagram designation from Medium Low Density Residential (8 DU/AC) to Office on a 0.24-acre site. SNI: None. CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval to change the existing General Plan Land Use/Transportation Diagram designation from Medium Low Density Residential (8 DU/AC) to Office on a 0.24-acre site are located on the west side of Ciro Avenue, approximately 400 feet south of Forest Avenue (155 Ciro Avenue). (7-0-0).

GP05-06-05 – District 6

* (b) Conforming Prezoning from County to CO Commercial Zoning District to allow commercial uses on a 0.24 gross-acre site.

C05-121 – District 6

CEQA: Mitigated Negative Declaration.

TO BE HEARD CONCURRENTLY WITH ITEM 11.7

10.3 [Amendment for property located at State Route 85 and South De Anza Boulevard.](#)

[Memo #2](#)

* **Recommendation:** Tentative approval of General Plan Amendment request to change the Land Use/Transportation Diagram designation from General Commercial to Medium High Density Residential (12-25 DU/AC) on an approximately 3.2-acre site located at 20585 Cleo Avenue, 1181 South De Anza Boulevard, et. al. at the northwesterly quadrant of State Route 85 and South De Anza Boulevard, and southerly of Kentwood Avenue. (Groner Family Trust, Owners, Braddock and Logan Group/Sue Dillon, Applicant). Council District: 1. CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval to change the Land Use/Transportation Diagram designation from General Commercial to Medium High Density Residential (12-25 DU/AC) on an approximately 3.2-acre site located at 20585 Cleo Avenue, 1181 South De Anza Boulevard, et al. at the northwesterly quadrant of State Route 85 and South De Anza Boulevard, and southerly of Kentwood Avenue. (5-0-1; Platten absent).

GP05-01-01 – District 1

10. GENERAL PLAN PUBLIC HEARINGS

10.4 Amendments and rezoning for property located at Monterey Highway and State Route 85.

Memo #2

- * **Recommendation:** The projects being considered are located on an approximately 74-acre site in an area generally bounded by Monterey Highway to the northeast, State Route 85 to the south, and Manassas Road to the northwest, otherwise known as the iStar property. (Jerry DeYoung, Applicant/ iStar San Jose, LLC, owner). CEQA: Resolution to be adopted.
 - (a) Tentative approval of General Plan Amendment Request to change the Land Use/Transportation Diagram designation from Industrial Park to Mixed Use with No Underlying Designation.
GP03-02-05 - District 2
 - (b) Tentative approval of General Plan Amendment Request to update the General Plan Mixed Use Inventory Appendix F, and a Text Amendment to increase the building height limit from 50 feet to 120 feet.
GPT03-02-05 – District 2
 - (c) Approval of the Edenvale Area Development Policy Modification to provide for inclusion of the site and development of up to one million square feet of industrial uses and up to 460,000 square feet of commercial uses on the iStar site.
 - * (d) Rezoning from the A (PD) Planned Development Zoning District to A (PD) Planned Development Zoning District to allow a commercial and mixed-use project consisting of up to one million square feet of industrial park land uses and up to 450,000 square feet of commercial land uses on an approximately 74-acre site.
PDC04-100 – District 2

TO BE HEARD CONCURRENTLY WITH ITEM 11.9

RECOMMEND CONTINUANCE TO SPRING 2006 GENERAL PLAN HEARING

10.5 **Amendment for property located north of Hedding Street between Seventh and Tenth Streets.**

Recommendation: Tentative denial of General Plan Amendment request to change the Land Use/Transportation Diagram designation from Light Industrial to High Density Residential (25-50 DU/AC) on an approximately 23-acre site located on several parcels on the westerly side of North 10th Street, and the easterly side of North 7th Street between Commercial and Hedding Streets approximately 900 feet northwesterly of Hedding Street (922 and 1080 North 7th Street and 999 and 1045 North 10th Street) the west side of Tenth Street, approximately 900 feet northwesterly of Hedding Street (1080 N Seventh Street) (Goodwill Industries, Owner/Ray R. Bold, Applicant). CEQA: Incomplete.

GP05-03-05 – District 3

DROP, TO BE RENOTICED

10. GENERAL PLAN PUBLIC HEARINGS

10.6 Hearing on negative declaration protest and amendment for property located at 2080 Oakland Road.

* **Recommendation:**

- (a) [Uphold the Mitigated Negative Declaration for a General Plan Amendment](#) request to change the San José 2020 Land Use/Transportation Diagram designation from Heavy Industrial with Mixed Industrial Overlay on a 2.66-acre site located on the east side of Oakland Road, approximately 400 feet North of Rock Avenue (2080 Oakland Road).

[Memo #2](#)

DROPPED

- (b) [Tentative denial of General Plan Amendment request to change the Land Use/Transportation Diagram designation from Heavy Industrial to Heavy Industrial with Mixed Industrial Overlay on a 2.66-acre site.](#) (Cilker William H Et Al, Owner/Bible Way Christian Center, Applicant). CEQA: Incomplete; Requires action on item 10.6a.

[Memo #2](#)

RECOMMEND CONTINUANCE TO SPRING 2006 GENERAL PLAN HEARING

10.7 Amendment and rezoning of the property located at 680 and 700 North Capitol Avenue.

- * **Recommendation:** The items being considered are for property located on an approximately two-acre site located on the northeast corner of North Capitol Avenue and Grandview Drive (680 & 700 N. Capitol Avenue). (Capitol Grandview, LLC., Owners; John Moniz, Pinn Brothers Construction, Inc., Applicant).

- (a) Tentative approval of General Plan Amendment request to change the Land Use/Transportation Diagram from Medium Low Density Residential (8 Dwelling Units/Acre) to Transit Corridor Residential (20+ Dwelling Units/Acre) Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval to change the existing General Plan Land Use/Transportation Diagram from Medium Low Density Residential (8 Dwelling Units/Acre) to Transit Corridor Residential (20+ Dwelling Units/Acre) on an approximately two-acre site located on the northeast corner of North Capitol Avenue and Grandview Drive (680 & 700 N. Capitol Avenue). (7-0-0).

[GP05-04-05](#) – District 4

- (b) Planned Development Rezoning request from unincorporated County to A (PD) Planned Development Zoning District to allow up to 46 multi-family attached residences on an approximately two gross-acre site.

[PDC05-064](#) – District 4

CEQA: Mitigated Negative Declaration.

TO BE HEARD CONCURRENTLY WITH ITEM 11.11

10. GENERAL PLAN PUBLIC HEARINGS

10.8 Amendment for property located at 1040 Rock Avenue.

- * **Recommendation:** Tentative approval of General Plan Amendment request to change the Land Use/Transportation Diagram designation from Industrial Park to Medium Density Residential (8-16 DU/AC) on an approximately 4.08-acre site located on the south side of Rock Avenue, approximately 800 feet westerly of Oakland Avenue (1040 Rock Avenue) (Aldo Scoffone, Owner/Lucy Armentrout, Applicant). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement recommends approval. Planning Commission action deemed a negative recommendation pursuant to SJMC 18.08.100.
GP05-04-06 – District 4

10.9 Amendment for property located at 2135 Oakland Road.

- * **Recommendation:** Tentative denial of General Plan Amendment request to change the Land Use/Transportation Diagram designation from Industrial Park with Mixed Industrial Overlay to Medium High Density Residential (12-25 DU/AC) on an approximately 2.82-acre site located on the west side of Oakland Road, approximately 550 feet north of Rock Avenue (2135 Oakland Road) (Dollinger Rock Assoc., Owner/Lucy Armentrout, Applicant). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement recommends denial. Planning Commission action deemed a negative recommendation pursuant to SJMC 18.08.100.
GP05-04-07 – District 4

10.10 Amendment for property located at 1633 Oakland Road.

Recommendation: Tentative denial of General Plan Amendment request to change the Land Use designation on an approximately 27.4-acre site from Industrial Park on 11.9 acres and Industrial Park with Mixed Industrial Overlay on 15.5 acres to Neighborhood/Community Commercial on 6 acres and High Density Residential (25-50 DU/AC) on 21.4 acres located on the southwest corner of East Brokaw Road and Old Oakland Road (1633 Old Oakland Road) (Markovits and Fox Inc., Owner/ Kendall Riding and The Riding Group, Applicant). Council District: 4. CEQA: Incomplete.
GP06-04-02 – District 4
DROP, TO BE RENOTICED

10. GENERAL PLAN PUBLIC HEARINGS

10.11 [Amendment for property located at 6411 Guadalupe Mines Road.](#)

[Memo #2](#)

[Memo #3](#)

- * **Recommendation:** Tentative approval of General Plan Amendment request to change the Land Use/Transportation Diagram designation from Administrative Office/Research and Development to Medium-Low Density Residential (8 DU/AC) on a 15.85-acre site located on the west side of Guadalupe Mines Road, approximately 1,800 feet southerly of Camden Avenue (6411 Guadalupe Mines Road) (SDC 941 and Brokaw Interests, Owner/Tim Steele and Sobrato Development, Applicant). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval to change the Land Use/Transportation Diagram designation from Administrative Office/Research and Development to Medium-Low Density Residential (8 DU/AC) on a 15.85-acre site located on the west side of Guadalupe Mines Road, approximately 1,800 feet southerly of Camden Avenue (6411 Guadalupe Mines Road). (5-0-1; Platten absent).
GP05-10-01 - District 10.

10.12 **Adoption of a resolution approving all General Plan amendment actions taken on April 18, 2006.**

Recommendation: Adoption of a resolution approving all General Plan amendment actions taken on April 18, 2006 and adoption of any related CEQA resolutions. (Planning, Building and Code Enforcement)

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.

- (a) Consideration of ordinances rezoning the real property located on the South side of Fleming Avenue, approximately 1,032 feet southeast of Alum Rock Avenue (139 and 145 Fleming Avenue) (San José The Lord's Baptist Church and Parmer Inderjit S. and Kathy L., Owners), as follows:
- (1) PDC05-061 – Planned Development Prezoning from Unincorporated County to the A (PD) Planned Development Zoning District to allow single-family detached residences on a 2.66 gross acres site.
 - (2) C05-079 – Staff Initiated Prezoning from County to R-1-5 Residence Zoning District to allow single-family detached residential use on a 0.22 gross acres site.

Director of Planning, Building and Code Enforcement recommended approval. Planning Commission recommended deferral for 90 days (7-0-0). CEQA: Mitigated Negative Declaration.

PDC05-061/C05-079 - District 5

[Continued from 12/13/05 – Item 11.1(a) and 1/24/06 – Item 11.1(a)]

RECOMMEND CONTINUANCE TO 5/16/06

- * (b) [Consideration of an ordinance rezoning the real property located at the southwest corner of Fortran Drive and Nortech Parkway \(4435 Fortran Drive\) \(Carlyle Fortran Trust, A Real Estate Inv. Tru., Owner\) from A\(PD\) Planned Development Zoning District to IP Industrial Park Zoning District on a 4.76 gross acre site.](#) Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required. CEQA: Incomplete; Requires action on 11.2a.
C06-006 - District 4
- (c) Consideration of an ordinance rezoning the real property located at the easterly terminus of Quinn Avenue, approximately 340 feet northerly of Tully Road (690 Quinn Avenue) (Juan Figueroa Trust, Owner) from A(PD) Planned Development Zoning District to LI Light Industrial Zoning District to allow industrial uses on a 1.49 gross acre site. SNI: Tully/Senter. CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.
C06-008 - District 7

11. PUBLIC HEARINGS ON CONSENT CALENDAR

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

- (d) [Consideration of an ordinance rezoning the real property located on the northwest corner of Hemlock Avenue and Clover Avenue \(2865 Hemlock Avenue\) \(Wu Windsor and Su Jenny, Owner/Developer\), from R-2 Two-Family Residence District to CN Commercial Neighborhood Zoning District to allow conversion of a residential duplex to commercial office use on a 0.47 gross acre site. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.](#)

[Memo #2](#)

[C06-017](#) - District 6

END OF CONSENT CALENDAR

11. PUBLIC HEARINGS

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

Recommendation: The items being considered are located on the east side of San Felipe Road, approximately 700 feet northerly of Silver Creek Road.

- (a) Uphold the Mitigated Negative Declaration adopted for a Planned Development Rezoning 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.
- (b) Consideration of an ordinance rezoning the real property 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 (Pan Clair General Partnership, Owner; Dal Properties LLC, Developer) CEQA: Mitigated Negative Declaration.

PDC05-035 - District 8

(Continued from 3/21/06 – Item 11.5 and 4/4/06 – Item 11.4)

RECOMMEND CONTINUANCE TO 5/2/06

11.3 [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. Director of Planning, Building and Code Enforcement and Planning Commission recommended approval (4-0-2). CEQA: Exempt.

PP06-012 - Citywide

(Continued from 3/7/06 – Item 11.12, et al., and 4/4/06 – Item 11.5)

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

- * **Recommendation:** Consideration of an ordinance rezoning the real property located at the southeast corner of Southwest Expressway and Fruitdale Avenue (John T. Vidovich, et al., Owner) from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to increase the number of attached residential units from 500 to 502, to eliminate 250,000 square feet of commercial (office and retail) to reduce the maximum amount of retail from 30,000 square feet to 29,225 square feet and to modify the development standards for a 12.7 acre site. Director of Planning, Building and Code Enforcement and Planning Commission recommended approval (7-0-0). CEQA: Resolution No. 69886 and Addendum thereto.

PDC05-095 - District 6

(Continued from 4/4/06 – Item 11.7)

RECOMMEND CONTINUANCE TO 5/2/06

11. PUBLIC HEARINGS

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

[Memo #2](#)

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

(Continued from 4/4/06 – Item 11.7)

11.6 **[Rezoning the real property located on the west side of South 34th Street across from Los Suenos Avenue.](#)**

* **Recommendation:** Consideration of an ordinance rezoning the real property located on the west side of South 34th Street, across from Los Suenos Avenue (321 S. 34th 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 recommended approval with the following conditions: (1) the private drive should be commonly-owned parcel maintained by a Homeowner's Association, and (2) the interior side setback of the proposed lots should be increased to five feet on one side of the units and Planning Commission recommended approval (7-0-0).

[PDC05-098](#) - District 5

(Continued from 4/4/06 – Item 11.8)

11.7 **Prezoning the real property located at 155 Ciro Avenue.**

Recommendation: Consideration of an ordinance prezoning the real property located on the west side of Ciro Avenue (155 Ciro Ave), approximately 400 feet south of Forest Avenue from Unincorporated County to CO Commercial Office Zoning District to allow commercial/office uses on a 0.24 gross acre site. SNI: Burbank/Del Monte. CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommends approval. (7-0-0)

[C05-121](#) - District 6

TO BE HEARD CONCURRENTLY WITH GENERAL PLAN ITEM 10.2

11. PUBLIC HEARINGS

11.8 [Rezoning the real property located at 765 Story Road.](#)

Recommendation: Consideration of an ordinance rezoning the real property located 900 feet northerly of Story Road, approximately 2,300 feet westerly of McLaughlin Avenue (765 Story Road) (The American G.I Forum, Owner) from A(PD) Planned Development to A(PD) Planned Development to allow entertainment uses at an existing assembly hall (G.I. Forum) on a 3.4 gross acre site. CEQA: Addendum to a Negative Declaration. Director of Planning, Building and Code Enforcement recommends approval.
PDC00-030 - District 7

11.9 **Rezoning the real property located in an area generally bounded by Monterey Highway to the northeast, State Route 85 to the south, and Manassas Road to the northeast, otherwise known as the iStar property.**

Recommendation: Consideration of an ordinance rezoning the real property from A (PD) Planned Development Zoning District to A (PD) Planned Development Zoning District to allow a commercial and mixed-use project consisting of up to one million square feet of industrial park land uses and up to 450,000 square feet of commercial land uses on an approximately 74-acre site. CEQA: Resolution to be adopted.
PDC04-100 – District 2

TO BE HEARD CONCURRENTLY WITH GENERAL PLAN ITEM 10.4(c)
* **RECOMMEND CONTINUANCE TO SPRING 2006 GENERAL PLAN HEARING**

11.10 **Rezoning the real property located at 1785 Lucretia Avenue.**

Recommendation: Consideration of an ordinance rezoning the real property located at the northwest corner of Lucretia Avenue and Phelan Avenue (1785 Lucretia Avenue) (Phi Truong & Hung Trieu, Owners; Myha Trieu, Lucretia Development LLC, Developer) from R-1-8 Residential District to A(PD) Planned Development Zoning District to allow up to 23 single family detached residences on a 1.8 gross acre site. SNI: Tully/Senter. CEQA: Mitigated Negative Declaration.
PDC05-063 – District 7

RECOMMEND CONTINUANCE TO 5/2/06

11. PUBLIC HEARINGS

11.11 Rezoning the real property located at 680 and 700 North Capitol Avenue.

Recommendation: Consideration of an ordinance rezoning the real property located on the northeast corner of North Capitol Avenue and Grandview Drive (680 and 700 North Capitol Avenue) (Joel Traina, Owner) from unincorporated County to A(PD) Planned Development Zoning District to allow up to 46 multi family attached residences on a 2.0 gross acre site. CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommends approval. (6-0-1)

PDC05-064 - District 4

TO BE HEARD CONCURRENTLY WITH GENERAL PLAN ITEM 10.7(b)

- Open Forum
- Adjournment