

CITY COUNCIL AGENDA

APRIL 5, 2005

SYNOPSIS

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
VACANT
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.
- ***Economic and Neighborhood 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.
- ***Recreation and Cultural Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Aviation Services*** — Provide for the air transportation needs of the community and the region at levels that are acceptable to 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 10 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:

1. **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.
2. When the Council reaches your item on the agenda, Mayor Ron 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.
3. 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.
4. To assist you in tracking your speaking time, there are three lights located to the far right of 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.htm

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call 1 (408) 277-4424 or 1 (408) 998-5299 (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, Room 600, City Hall
Absent – Council Members: None.

1:30 p.m. - Regular Session, Council Chambers, City Hall
Absent – Council Members: None.

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

- **Invocation (District 4)**
Sherry Zhang presented the Principles of Falun Gong.

- **Pledge of Allegiance**
Mayor Gonzales led the Pledge of Allegiance.

- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved.

1 CEREMONIAL ITEMS

- 1.1 Presentation of a proclamation designating April 2005 as National Fair Housing Month. (Housing)
Mayor Gonzales and Director of Housing Leslye Corsiglia presented a proclamation designating April 2005 as National Fair Housing Month.

- 1.2 Presentation of a commendation to Hewlett Packard recognizing them as one of the Top 100 Most Sustainable Corporations. (LeZotte)
Deferred to 4/19/05.

1 CEREMONIAL ITEMS

- 1.3 Presentation of a commendation to CourseCo, Inc. for Los Lagos Golf Course and to Superintendent Alan Andreasen for being honored with the Environmental Leader in Golf Chapter Award. (LeZotte)
Deferred.
- 1.4 Presentation of a commendation to Edith Keep for her exemplary dedication and invaluable contributions to the San José Community. (Mayor/Pyle)
Heard in the evening
Mayor Gonzales was joined at the podium by Council Member Pyle to present a commendation to Edith Kemp for her exemplary dedication and invaluable contributions to the San José Community.
- 1.5 Presentation of plaques to Tim Callahan for six years of service on the Deferred Compensation Advisory Committee; Carol Martinez for two years and eight months of service on the Parks and Recreation Commission; Sandra Paim for three years and six months of service on the Historic Landmarks Commission; and to Anthony Zambataro for three years and eight months of service on the Early Care and Education Commission. (City Clerk)
Heard in the evening
Mayor Gonzales presented a plaque to Anthonoy Zambataro for service on the Early Care and Education Commission. The Mayor recognized Tim Callahan, Carol Martinez, and Sandra Paim who were not present.
- 1.6 Presentation of commendations to Rendee Doré and Cliff Monroe recognizing their excellent work in educating Silicon Valley students about electronic waste and encouraging them to find solutions to this problem, while also teaching students essential skills needed to compete in the Silicon Valley job market. (LeZotte)
(Orders of the Day)
Heard in the evening
Council Member LeZotte and Mayor Gonzales presented a commendation to Rendee Dore and Cliff Monroe.
- 1.7 Presentation of a commendation to Cecil Lawson for his exemplary dedication and invaluable contributions to the City organization. (Mayor/City Manager)
(Orders of the Day)
Mayor Gonzales was joined at the podium by Assistant City Manager Mark Linder to present a commendation to Cecil Lawson.

1 CEREMONIAL ITEMS

- 1.8 Presentation by Senior Class Students from Bellarmine College Preparatory regarding their findings of a study they conducted, titled, “Setting the Record Straight”.
(Orders of the Day)
Heard in the evening
Presentation received.

2 CONSENT CALENDAR

2.1 Approval of Minutes.

Recommendation: Approval of Minutes.

- (a) Regular Minutes of November 30, 2004
Approved.
- (b) Joint Council/San José Financing Authority Minutes of November 30, 2004
Approved.
- (c) Regular Minutes of December 7, 2004
Approved.
- (d) Joint Council/Redevelopment Agency Board Minutes of December 7, 2004
Approved.
- (e) Regular Minutes of December 14, 2004
Deferred .
City Clerk directed to include more discussion on Item 7.2. A discussion of the minutes format was referred to the Budget Study Session.
- (f) Joint Council/Redevelopment Agency Board Minutes of December 14, 2004
Approved.
- (g) Special Meeting Minutes of December 17, 2004
Approved.

2 CONSENT CALENDAR

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 27388 – Amending the time limitations extending by one year the effectiveness of the Redevelopment Plan and the last day to repay indebtedness or receive property taxes with respect to the Redevelopment Plans for The Alameda, Alum Rock Avenue, East Santa Clara Street, Park Center Plaza, San Antonio Plaza, Story Road and West San Carlos Street Redevelopment Project Areas.

Ordinance No. 27388 adopted.

- (b) ORD. NO. 27389 – Making certain findings and amending the time limitations extending by one year the effectiveness of the Redevelopment Plan and the last day to repay indebtedness or receive property taxes with respect to the Redevelopment Plans for the Century Center (original), Edenvale, Guadalupe-Auzerais, Japantown, Julian-Stockton, Market Gateway, Olinder, Pueblo Uno and Rincon de Los Esteros (except 3rd expansion) Redevelopment Project areas.

Ordinance No. 27389 adopted.

2.3 Approval to award a contract for the installation of cameras for curfew enforcement at the Airport.

Recommendation: Approval to award a contract for the installation and integration of two thermal cameras to the existing airport security camera system without soliciting informal bids to ADT Security Services Inc., in an amount not to exceed \$18,730.

CEQA: Resolution Nos. 67380 and 71451, PP 04-318. (Airport)

Approved.

2.4 Approval of Actions regarding Cirque de Soleil.

Recommendation:

- (a) Authorization to the City Manager to negotiate and execute a lease agreement with Cirque du Soleil for the purpose of leasing portions of the City's "E" Parking Lot (Taylor/San Pedro/Mission) to Cirque du Soleil from December 05, 2005 to March 10, 2006 to allow Cirque du Soleil to present to the public its touring show.
- (b) Direction to staff to begin the permitting process required to be able to authorize use of the "E" Parking Lot for Cirque du Soleil's touring show, which will include community outreach and City employee and public parking plans, and that the City hold a public hearing to consider the Conditional Use Permit for the use of this site by August 05, 2005.
- (c) Refer to the 2005-2006 Budget Process the appropriation of \$60,000 to be used by the City for its share of site preparation, utility connections and site restoration as needed.

CEQA: Exempt, File No. PP05-055. (City Manager's Office)

Deferred to 4/12/05.

2 CONSENT CALENDAR

2.5 Approval of an agreement for the San José Permits On-Line System.

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

- (a) Negotiate and execute an agreement with CSDC Systems Incorporated for technical services related to the San José Permits On-Line Project, for the term of April 1, 2005 to March 31, 2006, with the total first year compensation not to exceed \$220,000 for the following items:
 - (1) Programming services for efficiency and customer service enhancements to the San José Permits On-line (IDTS) Project in the amount of \$155,000;
 - (2) Programming services to create reports that will facilitate accurate accounting of the Construction Diversion Deposit Program (CDDD) in the amount of \$65,000.
- (b) Purchase additional software from CSDC in the amount of \$45,000 and execute all necessary documents.
- (c) Negotiate and execute an amendment to the Licensor Maintenance and Technical Services Agreement with CSDC to include the Licensor Maintenance and Technical Services Agreement with Synertech.

CEQA: Not a Project. (Information Technology/Planning, Building and Code Enforcement)

Resolution No. 72602 adopted.

2.6 Approval of actions related to the annexation of Franklin No. 53.

Recommendation: Adoption of a resolution initiating proceedings and setting April 19, 2005 at 1:30 p.m. as the date for Council consideration of the reorganization of territory designated as Franklin No. 53 which involves the annexation to the City of San José of 1.23 acres of land more or less, located on the east side of Monterey Road approximately 280 feet northwesterly of Fehren Drive and adjacent to the City of San José annexations Franklin Nos. 23 and 48, Monterey Park No 7 and the detachment of the same from the County Library Service, Central Fire Protection, Area No. 01 (Library Services) County Service and County Sanitation District 2-3. CEQA: Resolution No. 65459, C04-056. Council District 7. (Planning, Building and Code Enforcement)

Resolution No. 72603 adopted.

3 STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session

Mayor Gonzales, Chair

No Report.

3.2 Report of the Rules Committee – March 23, 2005

Vice Mayor Chavez, Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – March 23, 2005 (Cont'd.)

Vice Mayor Chavez, Chair

- (b) City Council
 - (1) Review April 5, 2005 Council Agenda
The Committee recommended approval of the April 5, 2005 City Council agenda with four additions.
 - (2) Add New Items to March 29, 2005 Amended Agenda
The Committee recommended two additions to the March 29, 2005 City Council Agenda.
 - (3) List of Reports Outstanding
The Committee noted and filed the City Manager's report.
- (c) Legislative Update
 - (1) State: Support and Sponsor of SB 527 and AB 1472
 - (a) Recommendation for Support and Sponsor of Senate Bill 527
The Committee recommended that the City Council support Senate Bill 527 by Senator Alquist.
 - (b) Recommendation for Support and Sponsor of Assembly Bill 1472
The Committee recommended that the City Council support Assembly Bill 1472 by Senator Coto.
 - (2) Federal
 - (a) National League of Cities Congressional City Conference Summary Report
The Committee recommended accepting the summary of the National League of Cities 2005 Congressional Conferences Summary Report.
- (d) Meeting Schedules
There were none.
- (e) The Public Record
The committee requested that Item A, request from the Tobacco Free Collaborative of San José to present their Strategic Plan to the City Council, be referred to the Healthy Neighborhood Venture Fund Committee. The Committee noted and filed the Public Record.
- (f) Appointments to Boards, Commissions and Committees
There were none.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – March 23, 2005 (Cont'd.)

Vice Mayor Chavez, Chair

(g) Rules Committee Reviews, Recommendations and Approvals

(1) Review of the Fraud and Audit Hotline Pilot Program

The Committee recommended approval of a one-year “Fraud and Audit Hotline” pilot project. The Committee requested that this item be cross-referenced on the April 5, 2005 City Council Agenda.

SEE ITEM 3.4 FOR COUNCIL ACTION TAKEN

(h) Oral Communications

There were none presented.

(i) Adjournment

The meeting adjourned at 2:30 p.m.

The Rules Committee report and actions of March 23, 2005 were accepted.

3.3 Report of the Making Government Work Better Committee

Council Member Reed, Chair

No Report.

3.4 Approval to begin a one-year “Fraud and Audit Hotline” pilot project.

Recommendation: As recommended by the Rules Committee, begin a one-year “Fraud and Audit Hotline” pilot project. (City Auditor/Employee Relations)

[Rules Committee referral 3/23/05 – Item 3.2(g)(1)]

Approved.

Staff directed to provide, via an informational memo, a communication plan, and to further provide regular updates.

3.5 Approval of an agreement for provision of pay-telephone equipment and services on City-owned property.

Recommendation: Approval of a five-year agreement and one five-year option with Pelican Communications, Incorporated for provision of pay-telephone equipment and services on City-owned property. (Public Works)

Approved.

Staff directed to coordinate installations with Police and Fire to provide Council with a list of locations, via an info memo, and to assure that the Council has the authority to remove any pay phones, as necessary.

3.6 Acceptance of Staff Report on Military Supplemental Salary calculation analysis.

Recommendation: Acceptance of Staff Report on Military Supplemental Salary calculation analysis. CEQA: Not a Project. (City Manager’s Office/Finance)

Deferred to 4/19/05.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.1 Report of the Building Strong Neighborhoods Committee – March 21, 2005

Council Member Chirco, Chair

- (a) Semi-Annual Airport Neighborhood Services Group
The Committee accepted the report.
- (b) Anti-Graffiti & Litter Program Update
The Committee accepted the report.
- (c) Parkland Dedication Ordinance and Park Impact Ordinance
The Committee accepted the report.
- (d) Discussion on Allowing Secondary Units in Neighborhoods
The Committee accepted the report.
- (e) Oral Petitions
None.
- (f) Adjournment
The meeting was adjourned at 3:06 p.m.

The Building Strong Neighborhoods Committee Report and Actions of March 21, 2005 were accepted.

4.2 Report of the Driving a Strong Economy Committee

Council Member Williams, Chair

No Report.

4.3 Public Hearing of the 2005-2010 Consolidated Plan and Annual Action Plan for FY 2005-2006.

Recommendation: Public Hearing on the draft 2005-2010 Consolidated Plan and 2005-2006 Annual Action Plan and announcement that the 30-day public comment period begins on April 1, 2005 and ends on May 1, 2005. CEQA: Not a Project. (Housing/Parks, Recreation and Neighborhood Services)

The Public Hearing was held. No Council action taken.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.4 Approval of actions related to acquisition of a property by eminent domain.

Recommendation: Adoption of a resolution determining that the public interest and necessity require the acquisition of a portion of a commercial parcel currently used as a gas station for purposes of improving and widening Senter Road to six vehicular lanes of traffic including construction of curb, gutter, sidewalk, driveways, bicycle lanes, pavement restoration, upgrade to the street light system, installation of street trees and modifications to the traffic signals at the intersection of Senter Road and Capitol Expressway, from the owner, World Oil Company, and located at 3148 Senter Road, San José, CA 95111 (APN No. 497-51-009) and authorizing the City Attorney to file suit in eminent domain to acquire such property interest, to apply for an order for possession before judgment, and to prosecute the action to final judgment, and authorizing the deposit of money in court for possession of the property from the funds lawfully available. CEQA: Resolution No. 57204. Council District 7. (Public Works)

Dropped.

4.5 Approval of actions related to the Coyote Valley Specific Plan.

Recommendation: Acceptance of the third progress report regarding the Coyote Specific Plan (CVSP), addressing the approach to the CVSP Environmental Impact Report (EIR), the potential impact of the CVSP on job growth in North San José and Downtown, and the community involvement process for the South Coyote Valley Greenbelt area. CEQA: Exempt, PP03-11-366. (Planning, Building and Code Enforcement)

Heard in the evening

Report accepted. Staff directed to forward to Council, via an info memo, alternatives to be studied in the EIR.

4.6 Acceptance of invitations from Champ Car World Series and the City of Long Beach.

Recommendation: Adoption of a resolution accepting invitations from Champ Car World Series and the City of Long Beach to attend the Long Beach Grand Prix and distribution to City Staff in their official capacity as representatives of the City of San José. CEQA: Not a Project. (City Manager)

Resolution No. 72604 adopted.

5 RECREATION & CULTURAL SERVICES

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

No Report.

5 RECREATION & CULTURAL SERVICES

5.2 Approval of *Reclaiming Our Youth*, the Mayor's Gang Prevention Task Force Strategic Work Plan 2005-2007.

Recommendation: Approval of *Reclaiming Our Youth*, the Mayor's Gang Prevention Task Force Strategic Work Plan 2005-2007. CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)
(Deferred from 3/22/05 – Item 5.5)

The Work Plan was approved

Staff directed to provide Council with more information on the Parental Workshops provided by the Task Force and to provide Council with a copy of the geomapping information.

5.3 Presentation on the City of San José's High School Initiative Report.

Recommendation: Acceptance of the City of San José's High School Initiative Report. (Mayor)
The Report was accepted.

Staff directed to track recent student reductions in the Fremont High School District and determine if any of the students reside in San José.

6 TRANSPORTATION SERVICES

6.1 Report of the Building Better Transportation Committee Council Member Campos, Chair No Report.

6.2 Approval to award a contract for the W. Virginia/Delmas Street Lighting and Crosswalk Improvements Project.

Recommendation:

(a) Report on bids and award of contract for the W. Virginia/Delmas Street Lighting and Crosswalk Improvements Project to the low bidder, Beltramo Electric, Inc., in the amount of \$436,000, and approval of a contingency in the amount of \$22,000.

Approved.

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

(1) Increase the appropriation to the Department of Public Works for the Greater Gardner Neighborhood Streetscape Improvement Project (PSM 374#1) in the amount of \$523,000.

(2) Increase the estimate for Earned Revenue by \$523,000.

CEQA: Exempt, PP05-20. Council Districts 3 and 6. SNI: Greater Gardner. (Public Works/City Manager's Office)

Ordinance No. 27390 adopted.

Resolution No. 72605 adopted.

7 ENVIRONMENTAL & UTILITY SERVICES

8 AVIATION SERVICES

8.1 Approval of actions related to a determination by the Santa Clara County Airport Land Use Commission.

Recommendation: Adoption of a resolution overriding a determination by the Santa Clara County Airport Land Use Commission that Planned Tentative Map file no. PT04-103, relating to the property located at 169 West St. James Street, is inconsistent with the height policies found in the *Land Use Plan for Areas Surrounding Santa Clara County Airports*. CEQA: Resolution No. 68839, PT04-103. (Planning, Building and Code Enforcement)

Resolution No. 72606 adopted.

9 PUBLIC SAFETY SERVICES

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

- Closed Session Report

None.

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

In accordance with Sec. 19.16.140d of the San Jose 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>
9652	Southwest corner of Kirk Road and Salisbury Drive	9	Rockwell Homes, Inc.	6 lots	SFD	Approve

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

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
9673	Northeast corner of Sonora and Technology Drive	3	Regency Skyport LLC	315 lots	Multi-Family

- **Open Forum—**
 - 1) **Ross Signorino shared personal views regarding the HP Pavilion.**
 - 2) **Deborah K. Grant expressed concerns about child welfare issues.**

11 PUBLIC HEARINGS

(Heard by the City Council at 7:07 p.m.)

11.1 Public Hearing on a Planned Development Rezoning from R-M Multi-Family Residence Zoning District to A(PD) Planned Development Zoning District.

Recommendation: Public Hearing on and consideration of approval of an ordinance on a Planned Development Rezoning from R-M Multi-Family Residence Zoning District to A(PD) Planned Development Zoning District to allow up to five (5) single-family detached/attached residences on a 0.46 gross acre site, located at the southeast terminus of Duckett Way (1584 Duckett Wy.) (Shwe Richard and Alma, Owner). Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0). SNI: None. CEQA: Addendum to Negative Declaration (File No. H86-09-162).

PDC04-062 - District 1

Ordinance No. 27391 passed for publication.

11.2 Public Hearing on a Planned Development Rezoning from IP District to IP (PD) District.

Recommendation: Public Hearing on and consideration of approval of an ordinance on a Planned Development Rezoning from IP District to IP (PD) District to allow indoor recreational uses in an existing 246,302 square foot industrial building on an approximately 16.4 gross acre site, located on the southwest corner of Hellyer Avenue and Embedded Way (Branham Way East) (800 Embedded Way) (Mission West Properties L.P., Owner). CEQA: Mitigated Negative Declaration.

PDC05-004 - District 2

Dropped.

11.3 Public Hearing on a City Council Initiated Conforming Rezoning from R-2 Two-Family Residence District to R-1-8 Single-Family Residence Zoning District.

Recommendation: Public Hearing on and consideration of approval of an ordinance on a City Council-Initiated Conforming Rezoning from R-2 Two-Family Residence District to R-1-8 Single Family Residence Zoning District on a 22 gross acre site, located on both sides of San Juan Avenue, from Sonora Avenue to the north and Ferrari Avenue to the south. (Owner: numerous). Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required. SNI: None. CEQA: Resolution No. 65459.

CC05-017 - District 3

Ordinance No. 27392 passed for publication.

11 PUBLIC HEARINGS

11.4 Public Hearing on a Planned Development Rezoning from HI Heavy Industrial Zoning District to A(PD) Planned Development Zoning District.

Recommendation: Public Hearing on and consideration of approval of an ordinance on a Planned Development Rezoning from HI Heavy Industrial Zoning District to A(PD) Planned Development Zoning District to allow up to 220 attached single-family residences and a new public park on a 10.1 gross acre site, located at/on the northeast corner of Newhall Street and Campbell Avenue (1120 Campbell Ave.) (Gahrahmat Family Limitdptnshp, Owner). Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1). SNI: None. CEQA: Mitigated Negative Declaration. PDC04-069 - District 3

Ordinance No. 27393 passed for publication.

Council approved a memorandum from Vice Mayor Chavez and Council Member Yeager, dated April 5, 2005, recommending following the Planning Commission recommendation to approve the proposed rezoning with the following additions: (1) Incorporation of the latest Design Guidelines outlined in the staff memo that: maintain Campbell Avenue closure at Newhall Street; limit access off of Newhall Street into the proposed project to Emergency Vehicles only; Increases the number off on-site parking spaces from 49 to 86 spaces; include the undergrounding of utilities along the Campbell Avenue frontage, (2) Direction to staff to pursue at the PD Permits Phase: Trees along the street frontages that provide a tall, large canopy when mature; Continued design refinement that seeks to incorporate architectural elements reflective of the neighborhood; Accept the developers offer to replace the current fencing and extend the 10-foot masonry wall currently proposed along the UP Rail Yard at the Newhall Street terminus, (3) Direction to staff to conduct a neighborhood meeting prior to the Director's Hearing for the PD Permit, (4) Initiation of a planning process for the 1.5+/- acre park provided by the development (consistent with the PDO/PIO obligations), (5) Pursuit of the acceptance of the developer's offer to donate \$18,750 to the City of San José to be used towards master planning efforts of the Campbell Avenue area.

11.5 Public Hearing on a Planned Development Rezoning from R-1-8 Residence and CN Commercial Neighborhood Zoning Districts to A(PD) Planned Development Zoning District.

Recommendation: Public Hearing on and consideration of approval of an ordinance on a Planned Development Rezoning from R-1-8 Residence and CN Commercial Neighborhood Zoning Districts to A(PD) Planned Development Zoning District to allow up to 57 single-family attached residences on a 3.23 gross acre site, located at the terminus of Marburg Way, approximately 550 feet west of North 33rd Street. (Petroni, Caroline M, Trustee & et al, Petroni Family Part LP, Owner). Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0). SNI: Five Wounds/Brookwood Terrace. CEQA: Mitigated Negative Declaration.

PDC04-104 - District 3

Heard after 12.1(c)(1). Action to be taken under 12.1(c)(2).

11 PUBLIC HEARINGS

11.6 Public Hearing on a Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District.

Recommendation: Public Hearing on and consideration of approval of an ordinance on a Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow a religious assembly use consisting of a child and youth family center in existing buildings on a 7.64 gross acre site, located at/on the north side of Nortech Parkway, approximately 310 feet easterly of Disk Drive (161 Nortech Parkway) (Nortech Ventures LLC, Owner). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC04-075 - District 4

Ordinance No. 27394 passed for publication.

11.7 Public Hearing on a Planned Development Rezoning from A Agriculture District to A(PD) Planned Development Zoning District located on the southside of Murphy Avenue.

Recommendation: Public Hearing on and consideration of approval of an ordinance on a Planned Development Rezoning from A Agriculture District to A(PD) Planned Development Zoning District to allow six single-family detached residential units, located on the south side of Murphy Avenue approximately 100 feet west of Deluca Drive, in the A Agriculture Zoning District on a 0.42-acre site. (Silicon Valley Habitat for Humanity, Inc., Owner/Developer). Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-0-1-1). SNI: None. CEQA: Exempt.

PDC04-085 - District 4

Ordinance No. 27395 passed for publication.

Staff/Planning recommendation approved with the following modification, as listed in the Supplemental memorandum from Director of Planning, Building & Code Enforcement Stephen Haase, dated March 28, 2005, modifying the Draft Development Standards that reduces the rear setback from 10 feet to 5 feet, for only the width of the tandem garage will result in one-site-guest parking space in front of each unit (6 new spaces). The end result will provide a total of nine guest parking spaces above the required two covered spaces for each unit and exceed the standard for similar projects.

11 PUBLIC HEARINGS

11.8 Public Hearing on a Planned Development Permit located on the southside of Murphy Avenue.

Recommendation: Public Hearing on and approval of a resolution on a Planned Development Permit for the construction of six single-family detached residential units, located on the south side of Murphy Avenue, approximately 100 feet west of Deluca Drive, in the A Agriculture Zoning District on a 0.42-acre site. (Silicon Valley Habitat for Humanity, Inc., Owner/Developer). Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-0-1-1). SNI: None. CEQA: Exempt.

PD04-069 - District 4

Resolution No. 72607 adopted.

11.9 Public Hearing on a Planned Tentative Map Permit located on the southside of Murphy Avenue.

Recommendation: Public Hearing on and approval of a resolution on a Planned Tentative Map Permit to reconfigure one parcel into six lots for single-family detached residential purposes, located on the south side of Murphy Avenue, approximately 100 feet west of Deluca Drive, in the A Agriculture Zoning District on a 0.42-acre site. (Silicon Valley Habitat for Humanity, Inc., Owner/Developer). Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-0-1-1). SNI: None. CEQA: Exempt.

PT04-089 - District 4

Continued to 4/19/05.

11.10 Public Hearing on a Planned Development Rezoning from HI Heavy Industrial Zoning District to A(PD) Planned Development Zoning District.

Recommendation: Public Hearing on and consideration of approval of an ordinance on a Planned Development Rezoning from HI Heavy Industrial Zoning District to A(PD) Planned Development Zoning District to allow up to 390 single-family attached residences and future public park on a 14.67 gross acre site, located on the north and south side of Auzerais Avenue between Sunol Street and Los Gatos Creek (Del Monte Corp, Owner/KB Homes, Applicant). SNI: Burbank/Del Monte. CEQA: Resolution to be adopted.

PDC03-071 – District 6

Continued to 04/19/05.

11 PUBLIC HEARINGS

11.11 Public Hearing on a Planned Development Zoning from R-1-8 Residence Zoning District to A(PD) Planned Development Zoning District.

Recommendation: Public Hearing on and consideration of approval of an ordinance on Planned Development Zoning from R-1-8 Residence Zoning District to A(PD) Planned Development Zoning District and subsequent subdivision to allow one existing and one new single-family detached residence on a 0.39 gross acre site, located on the west side of Clark Avenue approximately 390 feet southeasterly of Willow Street (1147 Clark Street) (Palacios Reyes et al, Owner). CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC04-082 - District 6

Ordinance No. 27396 passed for publication.

11.12 Public Hearing on a Planned Development Rezoning from A(PD) Planned Development Zoning District, R-2(PD), CN(PD), and LI(PD) to A(PD) Planned Development Zoning District.

Recommendation: Public Hearing on and consideration of approval of an ordinance on Planned Development Rezoning from A(PD) Planned Development Zoning District, R-2(PD), CN(PD), and LI(PD) to A(PD) Planned Development Zoning District to allow 2,000 square feet for office use in conjunction with an existing mini-storage facility on a 3.33 gross acre site, located on the north side of San Carlos Street approximately 340 Feet westerly of Meridian Avenue (1441 W. San Carlos Street) (Chaboya Ranch, Case de Mini Storage, Owner). SNI: Burbank/ Del Monte. CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC04-086 - District 6

Ordinance No. 27397 passed for publication.

11.13 Public Hearing on a Conventional Rezoning from IP Industrial Park Zoning District to CN Neighborhood Commercial Zoning District.

Recommendation: Public Hearing on and consideration of approval of an ordinance on a Conventional Rezoning from IP Industrial Park Zoning District to CN Neighborhood Commercial Zoning District to allow commercial uses on a 0.88 gross acre site, located at/on the northwest corner of Story Road and McLaughlin Avenue (1145 Story Road) (Story-McLaughlin Plaza Llc Nguyen Kim Hue, Owner). SNI: None. CEQA: Mitigated Negative Declaration.

C05-007 – District 7

Dropped.

11 PUBLIC HEARINGS

11.14 Public Hearing on a Conforming Rezoning for A Agriculture Zoning District to R-1-8 Residence Zoning District.

Recommendation: Public Hearing on and consideration of approval of an ordinance on Conforming Rezoning for A-Agriculture Zoning District to R-1-8 Residence Zoning District to allow single-family detached residential uses on a 0.38 gross acre site located on the northeast corner of Reno Drive and Antonacci Court (2370 Reno Drive) (Nguyen Nhe Nho and Phu Nu Kim, Owner). Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

CEQA: Resolution No. 65459.

C03-096 - District 8

Ordinance No. 27398 passed for publication.

12 GENERAL PLAN PUBLIC HEARINGS

12.1 Approval of General Plan Consent Calendar items.

Recommendation:

- (a) PUBLIC HEARING ON GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Industrial Park to Industrial Park with Mixed Industrial Overlay for property located on the southwest corner of Hellyer Avenue and Embedded Way on an approximately 16.66-acre site. (Carl Berg, Owner and Applicant). CEQA: Pending.

GP04-02-03 – District 2

Dropped, to be renoticed for Spring 2005 General Plan Hearing.

- (b) Public Hearing on the following items located on the east side of Senter Road, approximately 200 feet northwesterly of Quinn Avenue on a 3.86-acre site. (Victor J. LoBue, The LoBue Living Trust, Owner/Aaron Barger, Green Valley Corporation dba Barry Swensen Builder, Applicant).

- (1) PUBLIC HEARING ON GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Light Industrial to Light Industrial with Mixed Industrial Overlay on a 3.86-acre site. CEQA: Pending.

GP04-07-03 – District 7

Dropped, to be renoticed for Spring 2005 General Plan Hearing.

12 GENERAL PLAN PUBLIC HEARINGS

12.1 Approval of General Plan Consent Calendar items. (Cont'd.)

Recommendation:

(c) Public Hearing on the following items located at the south side of the terminus of Marburg Way, 550 feet westerly of North 33rd Street on a 3.24-acre site. (Petroni Family Partners, Owner/Scott Menard-Taylor Woodrow Homes, Applicant).
SNI: Five Wounds/Brookwood Terrace.

(1) PUBLIC HEARING ON GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Light Industrial with Mixed Industrial Overlay to Medium High Density Residential (12-25 dwelling units per acre). CEQA: Mitigated Negative Declaration, GP03-03-16. Planning Commission considered the Negative Declaration and found it in compliance with CEQA. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval of Medium High Density Residential (12-25 DU/AC) on 3.24 acres (7-0-0).

GP03-03-16 – District 3

Staff/Planning recommendation was approved.

(c) Public Hearing on the following items located at the south side of the terminus of Marburg Way, 550 feet westerly of North 33rd Street on a 3.24-acre site. (Petroni Family Partners, Owner/Scott Menard-Taylor Woodrow Homes, Applicant). SNI: Five Wounds/Brookwood Terrace.

(2) Public Hearing on consideration of approval of an ordinance on Planned Development Rezoning from R-1-8 Residence and CN Commercial Neighborhood Zoning Districts to A(PD) Planned Development Zoning District to allow up to 57 single-family attached residences on a 3.23 gross acre site. CEQA: Mitigated Negative Declaration, PDC04-104. Planning Commission considered the Negative Declaration and found it in compliance with CEQA. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval of a proposed Planned Development Rezoning from R-1-8 Residence and CN Commercial Neighborhood Zoning Districts to A(PD) Planned Development Zoning District to allow up to 57 single-family attached residences as recommended by Staff (7-0-0).

PDC04-104 – District 3

Ordinance No. 27399 passed for publication.

12 GENERAL PLAN PUBLIC HEARINGS

12.1 Approval of General Plan Consent Calendar items. (Cont'd.)

Recommendation:

- (d) PUBLIC HEARING ON GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Industrial Park with a Mixed Industrial Overlay to Combined Industrial/Commercial for property located at the south side of Murphy Avenue, approximately 550 feet easterly of the intersection of Murphy Avenue and Oakland Road (1172, 1180, and 1188 Murphy Avenue) on a 4.01-acre site. (Anthony Ho, Applicant/Bob Dhillon, Owner). Director of Planning, Building and Code Enforcement and Planning Commission recommend approval of Combined Industrial/Commercial on 4.01 acres (6-0-1; Dhillon abstaining). CEQA: Mitigated Negative Declaration. GP04-04-08 – District 4

Staff/Planning recommendation was approved.

- (e) Public Hearing on the following items located at the northwest corner of the intersection of Story Road and McLaughlin Avenue (1145 Story Road) on a 0.88-acre site. (Kim Nguyen, Owner/Miro Design Group, Applicant).
- (1) PUBLIC HEARING ON GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Industrial Park with Mixed Industrial Overlay to General Commercial. CEQA: Mitigated Negative Declaration, GP04-07-02. GP04-07-02 – District 7
- (2) Public Hearing on and consideration of approval of an ordinance on a Conventional Rezoning from IP Industrial Park Zoning District to CN Commercial Neighborhood Zoning District to allow commercial/retail uses. CEQA: Mitigated Negative Declaration, C05-007. C05-007 – District 7

Dropped, to be renoticed for Spring 2005 General Plan Hearing

- (f) PUBLIC HEARING ON GENERAL PLAN TEXT AMENDMENT request to revise and update Level of Service Goals and Policies for Library and Solid Waste Management services to align with the City Budget and City Service Area plans. (Staff initiated). Director of Planning, Building and Code Enforcement and Planning Commission recommend approval of revising and updating Level of Service Goals and Policies for Library and Solid Waste Management services to align with the City Budget and City Service Area plans (7-0-0). CEQA: San Jose 2020 General Plan Resolution No. 65459. GP05-T-01 – District Citywide

Staff/Planning recommendation was approved.

12 GENERAL PLAN PUBLIC HEARINGS

- 12.2 Public Hearing on General Plan amendment for property located on the northwesterly side of Lewis Road (265 Lewis Road) approximately 210 feet southwesterly of Garden Avenue on a 5.66-acre site. (Alfred and Carolyn Ferrari, Owners/Core Development Inc., Applicant).**

Recommendation: PUBLIC HEARING ON GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Light Industrial to Medium High Density Residential (12-25 dwelling units per acre). Director of Planning, Building and Code Enforcement recommends denial and Planning Commission recommends approval of Medium High Density Residential (12-25 dwelling units per acre) on 5.66 acres (6-1-0; Zito opposed).CEQA: Mitigated Negative Declaration.
GP03-07-06 – District 7

Council approved a memorandum from Mayor Gonzales, dated April 5, 2005, recommending Council approve General Plan Amendment GP03-07-06 to change the land use designation of the property located at 265 Lewis Road from light industrial to medium-high density residential (12 to 25 dwelling units per acre), and approval of the applicant's request for a land use amendment. Regarding his concerns he believes need to be adequately addressed in the planned development phase: (1) Specifically, the applicant must satisfactorily address the following issues: (2) Resident and emergency access to the property; (3) Interface between the proposed site development and the current adjacent residential areas; (4) Buffering and interfacing between the applicant's residential development and the existing adjacent industrial properties; (5) and, adequate disclosure to future homeowners that industrial businesses are neighboring the property.

- 12.3 Adoption of a resolution approving all General Plan amendment actions taken on April 5, 2005.**

Recommendation: Adoption of a resolution approving all General Plan amendment actions taken on April 5, 2005 and adoption of CEQA resolutions. (Planning, Building and Code Enforcement)

Resolution No. 72608 adopted.

- **Open Forum**
 - (1) Nancy Rutherford shared her interest in the San José Police Department's response to emergency 911 calls.
 - (2) Michelle Starkin spoke on child protection issues.
 - (3) Deborah K. Grant spoke on child safety concerns.
 - (4) Andrew Diaz urged the Council to take a stand against Gang violence.

- **Adjournment**

The Council of the City of San José adjourned at 9:20 p.m. in memory of Polly Gonzalez, the first Latino Anchor in Las Vegas, at Channel 8 KLAS TV.