



CITY COUNCIL AGENDA

MAY 6, 2008

SYNOPSIS

PETE CONSTANT
FORREST WILLIAMS
SAM LICCARDO
KANSEN CHU
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

CHUCK REED MAYOR

PIERLUIGI OLIVERIO
MADISON P. NGUYEN
JUDY CHIRCO
NANCY PYLE

DAVID D CORTESE, VICE MAYOR

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

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

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

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

7:00 p.m. - General Plan Hearings, Council Chambers, City Hall
Absent Council Members: None.
- **Invocation (District 5)**
Yesenia Friaz from James Lick High School read her award-winning essay on “what it means to be a healthy community today”.
- **Pledge of Allegiance**
Mayor Reed led the Pledge of Allegiance.
- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved.
- **Closed Session Report**
There were no Closed Session actions to report.

1. CEREMONIAL ITEMS

- 1.1** Presentation of a Proclamation declaring the month of May as Older Americans’ Month in the City of San José. (Parks, Recreation and Neighborhood Services/Mayor/Constant)
Mayor Reed and Council Member Constant recognized the month of May as Older Americans’ Month in the City of San José.
- 1.2** Presentation of a proclamation declaring May 13 – 18 as “Affordable Housing Week” in the City of San José. (Housing/Liccardo)
Mayor Reed, Council Member Liccardo and Director of Housing Leslye Krutko recognized May 13 – 18 as “Affordable Housing Week” in the City of San José.

1. CEREMONIAL ITEMS

- 1.3 Presentation of a commendation to Doris Korn-Walker, Rei Estrada, and Kelly Du in honor of receiving the John Tuggle Humanitarian Award. (Chu)
Heard in the Evening.
Mayor Reed and Council Member Chu recognized and commended Doris Korn-Walker, Rei Estrada, and Kelly Du in honor of receiving the John Tuggle Humanitarian Award.
- 1.4 Presentation of a proclamation declaring the month of May as “Motorcycle Awareness Month” in the City of San José. (Constant)
(Rules Committee referral 4/23/08)
Heard in the Evening
Mayor Reed and Council Member Constant recognized the month of May as “Motorcycle Awareness Month” in the City of San José.
- 1.5 Presentation of a commendation to Lisette Abad, a junior at Notre Dame High School, for earning a Top 8 Qualification spot at the US Olympic Trials in June. (Liccardo)
Heard in the Evening.
Mayor Reed, Council Member Campos and Council Member Liccardo recognized and commended Lisette Abad, a junior at Notre Dame High School, for earning a Top 8 Qualification spot at the US Olympic Trials in June.
- 1.6 Presentation of a commendation to members of Our City Forest’s 2007-2008 AmeriCorps Team for their efforts as environmental stewards and promoting San José’s Green Vision. (Mayor/Chirco)
(Rules Committee referral 4/30/08)
Mayor Reed and Council Member Chirco recognized and commended members of Our City Forest’s 2007-2008 AmeriCorps Team for their efforts as environmental stewards and promoting San José’s Green Vision.
- 1.7 Presentation of a proclamation recognizing the week of May 4-10, 2008 as “Municipal Clerks Week” in the City of San José. (Mayor/City Clerk)
(Rules Committee referral 4/30/08)
Mayor Reed recognized the week of May 4-10, 2008 as “Municipal Clerks Week” in the City of San José and presented the commendation to City Clerk Lee Price and Staff.
- 1.8 Presentation of a commendation to Intacct for their groundbreaking technology and efforts to grow the local economy. (Mayor/Liccardo)
(Rules Committee referral 4/30/08)
Mayor Reed, Council Member Liccardo and Chief Development Officer Paul Krutko recognized and commended Intacct for their groundbreaking technology and efforts to grow the local economy.

2. CONSENT CALENDAR

2.1 Approval of Minutes.

Recommendation: Approval of minutes.

- (a) Regular Minutes of March 4, 2008
- (b) Regular Minutes of March 11, 2008
- (c) Joint City Council/San José Financing Authority Minutes of March 11, 2008
- (d) Mayor's March Budget Message Study Session Minutes of March 13, 2008
- (e) Regular Minutes of March 18, 2008
- (f) Regular Minutes of March 25, 2008

Deferred to 5/20/08 per City Clerk.

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 28291 – Rezoning certain real property situated at 370 North White Road (east side of White Road, approximately 400 feet northerly of McKee Avenue) from Unincorporated County to R-1-8 Single-Family Residential Zoning District. C08-013
Ordinance No. 28291 adopted.
- (b) ORD. NO. 28292 – Rezoning certain real property situated on the southeast corner of Race Street and Garland Avenue (78 Race Street) to CP Commercial Pedestrian Zoning District. C08-011
Ordinance No. 28292 adopted.
- (c) ORD. NO. 28293 – Rezoning certain real property situated on the north side of Redmond Avenue, approximately 150 feet east of Moss Oak Way (11819 Redmond Avenue) to A(PD) Planned Development Zoning District. PDC07-075
Ordinance No. 28293 adopted.
- (d) ORD. NO. 28294 – Rezoning certain real property situated at the northeast corner of Tasman Drive and Baypointe Parkway (166 Baypointe Parkway) to the A(PD) Planned Development Zoning District. PDC07-080
Ordinance No. 28294 adopted.
- (e) ORD. NO. 28295 – Amending Section 2.08.1630 of Chapter 2.08 of Title 2 of the San José Municipal Code to (1) change the special eligibility requirement that one member of the Elections Commission be an attorney-at-law; and (2) make other technical and clarifying changes.
Ordinance No. 28295 adopted.

2. CONSENT CALENDAR

2.3 Approval of a Settlement Agreement and Release with Tadco Supply, Inc. et al.

Recommendation: Adoption of a resolution authorizing the City Attorney to execute the Settlement Agreement and Release with Tadco Supply, Inc., considered by the City Council during the closed session held on April 8, 2008. (City Attorney's Office)
(Deferred from 4/29/08 – Item 2.4)

Resolution No. 74340 adopted.

2.4 Settlement Agreement related to Camden Multi-Service Community Center.

Recommendation:

(a) Approval to pay Arntz Builders \$425,000 in additional compensation – for a total construction contract amount of \$7,747,711.28 – as part of a settlement resolving all construction claims on the Camden Multi-Service Community Center Project, as considered by the City Council during the closed session held on April 8, 2008.

Approved.

(b) Adoption of a resolution authorizing the City Manager to negotiate and execute with Arntz Builders Contract Change Order No. 65 (CCO #65), which will contain all of the settlement terms, including the \$425,000 in additional compensation, necessary to finally resolve all construction claims related to the Camden Multi-Service Community Center Project.

Resolution No. 74341 adopted.

(c) Adoption of a resolution authorizing the City Manager to negotiate and execute a continuation agreement with Steinberg Architects in the amount of \$70,000 for additional services in LEED certification of the new facilities.

Resolution No. 74342 adopted.

(d) Adoption of the following Appropriation Ordinance amendments in the Parks and Recreation Bond Projects Fund (Fund 471):

(1) Increase the appropriation to the Parks, Recreation and Neighborhood Services Department for the Camden Multi-Service Community Center project by \$688,000; and

(2) Decrease the Ending Fund Balance by \$688,000.

Ordinance No. 28297 adopted.

(e) Adoption of the following Appropriation Ordinance amendments in the Subdivision Park Trust Fund (Fund 375):

(1) Establish an appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$121,000 for the Camden Multi-Service Community Center project; and

(2) Decrease the Reserve: Future PDI/PIIO Projects by \$121,000.

CEQA: Mitigated Negative Declaration, File No. PP01-11-208. Council District 9. (Public Works/City Manager's Office)

Ordinance No. 28298 adopted.

2. CONSENT CALENDAR

2.5 Findings report relating to the Bay 101 Conditional Approval of Stock Transfer.

Recommendation: Acceptance of the finding reports from Kafoury, Armstrong & Company, LLP relating to the Bay 101 Conditional Approval of Stock Transfer, quarter ending September 30, 2007. (City Auditor)

Reports Accepted.

2.6 Changes to the HP Pavilion at San José City and Community Events Program.

Recommendation: Approval of changes to the HP Pavilion at San José City and Community Events Policy and delegating authority for approval of eligible events to the City Manager. CEQA: Not a Project. (Economic Development)

Approved.

2.7 Fiscal actions for Redevelopment Agency Capital Projects.

Recommendation:

- (a) Adoption of the following Appropriation Ordinance and Funding Sources Resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for 2007-2008:
- (1) Increase the estimate for Earned Revenue by \$170,754.
 - (2) Decrease Ending Fund Balance by \$126,874.
 - (3) Establish the appropriation to the Office of Economic Development for the Public Art – One East Julian Housing Project (PSM 526) in the amount of \$110,754. CEQA: Not a Project.
 - (4) Establish the appropriation to the Office of Economic Development for the Public Art – Keystone Place Housing Project (PSM 443 Amendment 1) in the amount of \$126,874. CEQA: Not a Project.
 - (5) Establish the appropriation to the Department of Transportation for the Downtown Seasonal Banners Project (PSM 529) in the amount of \$60,000. CEQA: Exempt, File No. PP05-285.

Ordinance No. 28299 adopted.

Resolution No. 74353 adopted.

- (b) Adoption of a resolution making certain determinations regarding the related expenditure of Redevelopment Agency funds on certain public improvements in connection with the Downtown Seasonal Banners Project as more specifically described in the memorandum from the Redevelopment Agency, dated March 21, 2008.

CEQA: Exempt, File No. PP05-285. Council District 3. SNI: Julian/Stockton.
(Economic Development/Transportation/City Manager's Office)

Resolution No. 74343 adopted.

2. CONSENT CALENDAR

2.8 Open Purchase Order #9 for FY 2007-2008.

Recommendation: Approval of award of open purchase orders for supplies, materials, equipment and services for FY 2007-2008 #9 and authorization for the Director of Finance to execute the purchase orders. CEQA: See Administration's memo to Council for specific CEQA clearance determinations on each recommended action. (Finance)
Approved.

2.9 Initiation of the Annexation/Reorganization of Monterey Park No. 112.

Recommendation: Adoption of a resolution initiating proceedings and setting a public hearing on May 20, 2008 at 1:30 p.m. for the reorganization/annexation of the territory designated as Monterey Park No. 112, which involves the annexation to the City of San José of approximately 4.50 gross acres more or less of land located at the northeast corner of Monterey Road and Umbarger Road, and generally bounded by the City of San José Annexations Monterey No. 7, Monterey Park No. 101-A, Franklin No. 34 and detachment of the same from the appropriate special districts, including County Lighting County Service, Central Fire Protection, County Sanitation District 2-3 and Area No. 01 (Library Services) County Service. CEQA: EIR Resolution No. 65459. Council District 7. (Planning, Building and Code Enforcement)
Resolution No. 74344 adopted.

2.10 Initiation of the Annexation/Reorganization of McKee No. 134.

Recommendation: Adoption of a resolution initiating proceedings and setting a public hearing on June 3, 2008 at 7:00 p.m. for the reorganization/annexation of the territory designated as McKee No. 134, which involves the annexation to the City of San José of approximately 1.33 gross acres of land consisting of 2 parcels located on the east side of North White Road, approximately 100 feet southerly of Kentridge Drive, and detachment of the same from the appropriate special districts, including Central Fire Protection, Area No. 01 (Library Services) County Service, County Lighting County Service and County Sanitation District 2-3 (Timothy Chen and Bruno J. Zulpo, Owners) (Related Prezonings PDC07-041 and C08-013). CEQA: EIR Resolution No. 65459. Council District 5. (Planning, Building and Code Enforcement)
Resolution No. 74345 adopted as amended: the hearing to be held in the afternoon.

2. CONSENT CALENDAR

2.11 Amend an agreement for consultant services related to the Ryland Pool Rehabilitation Project.

Recommendation:

- (a) Approval of a first amendment to the master agreement with Arch Pac Aquatics for consultant services increasing the compensation by \$20,000, raising the maximum allowed compensation from \$100,000 to \$120,000.
- (b) Approval of an increase in the construction contingency funding for the Ryland Pool Rehabilitation Project in the amount of \$95,000, increasing the total contingency from \$134,716 to \$229,716.
- (c) Approval of an increase of project delivery funds in the amount of \$10,000 increasing the total project delivery allocation from \$375,000 to \$385,000.

Approved.

- (d) Adoption of the following Appropriation Ordinance amendments in the Subdivision Park Trust Fund (Fund 375):
 - (1) Increase the appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$124,000 for the Ryland Pool Repairs; and
 - (2) Decrease the Reserve: Ryland Pool by \$124,000.

CEQA: Exempt, File No. PP07-211. Council District 3. (Public Works/Parks, Recreation and Neighborhood Services/City Manager's Office)

Ordinance No. 28303 adopted.

2.12 Excused absence for Councilmember Constant.

Recommendation: Request for an excused absence for Councilmember Constant from the Budget Study Session of May 16, 2008, from 1 p.m. to 5 p.m. due to Authorized City Business: Santa Clara County LAFCO Meeting in the Santa Clara County Board of Supervisors' Chambers. (Constant)
(Rules Committee referral 4/23/08)

Excused.

2.13 Councilmember Williams' Travel to Sacramento, CA.

Recommendation: Approval of travel by Councilmember Williams to Sacramento, CA on February 20, 2008 regarding Intercity Rail Services. Source of Funds: Capital Corridor Joint Powers Authority. (Williams)
(Rules Committee referral 4/23/08)

Approved.

2. CONSENT CALENDAR

2.14 City Auditor Sharon Erickson's Travel Out of State.

Recommendation: Approval of travel by City Auditor Sharon Erickson to Philadelphia, PA on May 18-22, 2008 to attend the Association of Local Government Auditors Annual Conference (May 18-20, 2008) and the 17th Biennial Forum of Government Auditors (May 20-22, 2008). These conferences provide quality training and networking opportunities for local government auditors. Session include auditing grants, examining contracts, ethics and fraud, cost assessment, performance reporting, and accountability. Source of Funds: City Auditor's Office budget and Professional Development Program funds. (City Auditor)

(Rules Committee referral 4/30/08)

Approved.

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the City Manager, Debra Figone (Verbal Report) No Report.

3.2 Report of the Rules and Open Government Committee – April 23, 2008 Mayor Reed, Chair Report Accepted.

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

3.4 Purchase of Microsoft Software.

Recommendation: Report on bids and rejection of all bids for Microsoft products and adoption of a resolution authorizing the Director of Finance under SJMC Section 4.12.225 to execute any necessary documentation to make purchases from PC Mall Gov (Torrance, CA) for Microsoft software licensing, under the pricing, terms, and conditions obtained under the Microsoft Select License Agreement for State and Local Governments not to exceed \$500,000 for the first year, and for two additional years, as may be required, subject to annual appropriations. CEQA: Not a Project. (Finance)
(Deferred from 3/4/08 – Item 3.8)

Resolution No. 74346 adopted.

3. STRATEGIC SUPPORT SERVICES

3.5 Approval to implement a benefit enhancement for Fire Department members of the Police & Fire Department Retirement Plan.

Recommendation: Approval of an ordinance amending Chapter 3.36 of Title 3 of the San José Municipal Code to provide increased retirement benefits for members of the Police and Fire Department Retirement Plan who are employed in the Fire Department and retire on or after July 1, 2008. CEQA: Not a Project. (City Manager's Office)

Ordinance No. 28300 passed for publication.

Staff directed to:

- (1) **Return with an amended ordinance in June 2008 with a modified retirement formula for service-connected disability retirements for members of the Police and Fire Department Retirement Plan with 20 or more years of service who are employed in the Fire Department and retire on or after July 1, 2008, and**
- (2) **Return in June 2008 with an ordinance that would implement a retirement survivorship benefit change for members of the Police and Fire Department and retire on or after July 1, 2008.**

3.6 Report of the Rules and Open Government Committee – April 16, 2008

Mayor Reed, Chair

Report Accepted.

3.7 Support for Homeless Legislation.

Recommendation: As recommended by the Rules and Open Government Committee, adopt a position of support for AB 2929 (Hancock) – Department of Corrections and Rehabilitation Reentry Programs, SB 1651 (Steinberg) – Mentally Ill Offenders, and SB 1738 (Steinberg) – Medi-Cal Frequent Users Pilot Program, and adopt a position of support, if amended, for AB 2052 (Lieu) – Residential Tenancies: Domestic Violence. [Rules Committee referral 4/23/08 – Item C(1)(b)]

Position of support adopted.

3.8 AB 2494 (Caballero) – Housing Related Parks Program Under Prop 1C.

Recommendation: As recommended by the Rules and Open Government Committee, adopt a position of support , with amendments, for AB 2494 (Caballero) – Housing Related Parks Program Under Prop 1C.

[Rules Committee referral 4/23/08 – Item C(1)(c)]

Position of support adopted.

4. COMMUNITY & ECONOMIC DEVELOPMENT

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

4.2 **San José Japantown Historic Context and Intensive Survey Phase II.**

Recommendation: Acceptance of the *San José Japantown Historic Context and Intensive Survey, Phase II* as recommended by the Historic Landmarks Commission (4-0-0). CEQA: Exempt, File No. PP05-004. Council District 3. (Planning, Building and Code Enforcement)

Deferred to 6/3/08 per Applicant's request.

4.3 **Approval to set Public Hearings on the Business Improvement Districts.**

Recommendation:

- (a) Preliminary approval of the report as filed by the Japantown Business Improvement District Advisory Board or as modified by Council, and adoption of a resolution of intention to levy the annual assessment for 2008-2009, and setting May 20, 2008 at 1:30 p.m. as the date and time for the public hearing on the levy of the proposed assessments. CEQA: Exempt, PP03-05-165. Council District 3. SNI: 13th Street. (Economic Development)

Resolution No. 74347 adopted.

- (b) Preliminary approval of the report as filed by the Willow Glen Business Improvement District Advisory Board, or as modified by Council, and adoption of a resolution of intention to levy the annual assessment for 2008-2009, and setting May 20, 2008 at 1:30 p.m. as the date and time for the public hearing on the levy of the proposed assessments. CEQA: Exempt, PP03-05-165. Council

Resolution No. 74348 adopted.

- (c) Preliminary approval of the report as filed by the Hotel Business Improvement District Advisory Board or as modified by Council, and adoption of a resolution of intention to levy the annual assessment for 2008-2009, and setting May 20, 2008 at 1:30 p.m. as the date and time for the public hearing on the levy of the proposed assessments. CEQA: Exempt, PP03-05-165. Council District 3. SNI: 13th Street. (Economic Development)

Resolution No. 74349 adopted.

- (d) Preliminary approval of the report as filed by the Downtown Business Improvement District Advisory Board, or as modified by Council, and adoption of a resolution of intention to levy the annual assessment for 2008-2009, and setting May 20, 2008 at 1:30 p.m. meeting as the date and time for the public hearing on the levy of the proposed assessments. CEQA: Exempt, PP03-05-165. Council District 3. SNI: St. James Square, University, Josefa/Auzerais, Burbank/DelMonte. (Economic Development)

Resolution No. 74350 adopted.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.4 Approval of the 2008-2009 Annual Action Plan.

Recommendation:

- (a) Adoption of the 2008-2009 Annual Action Plan, including the FY 2008-2009 revised funding recommendations for the Community Development Block Grant (CDBG) Program, the HOME Investment Partnership Program (HOME), the Housing Opportunities for People with HIV/AIDS (HOPWA) Program, and the Emergency Shelter Grant (ESG) Program.

Annual Action Plan adopted.

- (b) Adoption of a resolution authorizing Director of Housing, as more specifically set forth in the Director of Housing's memo to Council dated April 16, 2008:
- (1) To negotiate and execute all non-capital agreements and contracts not requiring CEQA/NEPA review, and
 - (2) To negotiate all capital project agreements and contracts, including any amendments or modifications, and after CEQA/NEPA review and City Council project approval, to execute all contracts.

Resolution No. 74351 adopted.

- (c) The Housing Department to submit the FY 2008-2009 Annual Action Plan to the U.S. Department of Housing and Urban Development (HUD) by the May 15, 2008 deadline, making the city eligible to receive and distribute \$15,369,363 in entitlement funds.

CEQA: Not a Project. (Housing)

Approved.

4.5 Agreement for a feasibility study for the formation of a Community Facilities District.

Recommendation:

- (a) Approval of an agreement with Hitachi Global Storage Technologies, Inc., to fund a feasibility study for the formation of a Community Facilities District for the maintenance of landscaping within the public right-of-way, storm basins, and parks, at no cost to the City for a term from the date of execution to June 30, 2009.

Approved.

- (b) Adoption of the following Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Excise Tax Fund:
- (1) Increase the estimate for Earned Revenue by \$30,000.
 - (2) Establish an appropriation to the Department of Public Works for the Community Facilities District No. 14 Feasibility Study Project in the amount of \$30,000.

CEQA: EIR Resolution No. 72772, Hitachi Mixed Use Project Fund EIR. Council District 2. (Public Works/City Manager's Office)

Ordinance No. 28304 adopted.

Resolution No. 74352 adopted.

5. NEIGHBORHOOD SERVICES

- 5.1 Report of the Neighborhood Services and Education Committee
Councilmember Chirco, Chair
No Report.**

6. TRANSPORTATION & AVIATION SERVICES

- 6.1 Report of the Transportation and Environment Committee
Councilmember Williams, Chair
No Report.**

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

- 9.1 Acceptance of the Status Report on the Citywide Capital Improvement Program.**

Recommendation: Acceptance of the Status Report on the Citywide Capital Improvement Program, including Parks, Library, and Public Safety Bond projects, and Strong Neighborhoods Initiative projects funded by the City and Redevelopment Agency. CEQA: Not a Project. (City Manager's Office/Redevelopment Agency)
Accepted.

- **Open Forum**
 - (1) **Ross Signorino observed that copper caps are missing from fire apparatus at City Hall along Sixth Street. The matter was referred to the City Manager.**
 - (2) **William Garbett expressed concerns regarding police conduct.**
 - (3) **Kwok Yin Lam shared concerns about water quality.**

10. GENERAL PLAN PUBLIC HEARINGS

10.1 Tentative approval of General Plan Public Hearings on Consent Calendar.

None.

10.2 Acceptance of Overview of Spring 2008 General Plan Review and Status Report on the Framework for Preservation of Employment Lands.

Recommendation: Director of Planning, Building and Code Enforcement recommends the following actions:

- (a) Accept the Overview of the Spring 2008 General Plan Review.
- (b) Accept the Status Report on the *Framework for Preservation of Employment Lands* (Framework);

Tentatively Accepted.

- (c) Adopt a resolution to consolidate into one document: (1) the text of the Framework originally adopted by City Council on October 23, 2007, and (2) the further implementation direction for the Framework set forth by City Council on that same date, as memorialized in that certain memorandum dated October 19, 2007 from Mayor Reed and Councilmembers Nguyen, Pyle, and Williams, and also to change the term “Extraordinary Economic Benefit” to “Extraordinary Benefit” in order to make the Framework consistent with that certain memorandum dated October 19, 2007, which recognizes that extraordinary benefits should not only be limited to those that are economic in nature, none of which actions are intended to create any substantive changes to the Framework as approved by City Council on October 23, 2007.

Deferred to Fall 2008 per Administration.

- (d) Schedule a Study Session in September 2008 to discuss the Framework and implications for implementation.

Tentatively Approved.

10.3 Amendments for the following items located on two sites: GP07-04-04 is an approximately 13.68-acre site on the northeast corner of Junction Avenue and Dado Street (2256 Junction Avenue); and GP06-04-05 is an approximately 13.64-acre site on the southeasterly side of Berryessa Road, approximately 770 feet southwesterly of the intersection of Berryessa Road and North King Road (1610 Berryessa Road).

Recommendation:

- (a) Tentative approval of a General Plan amendment request to change the Land Use/Transportation Diagram designation from Industrial Park to Heavy Industrial on 13.68-acres (San José V Investors, Applicant/Univar Corporation, Owner). Director of Planning, Building and Code Enforcement and Planning Commission recommended approval of Heavy Industrial on approximately 13.68 acres (7-0-0). CEQA: EIR Resolution to be adopted. GP07-04-04 – District 4

The Staff/Planning recommendation was tentatively approved.

(Item continued on next page)

10. GENERAL PLAN PUBLIC HEARINGS

10.3 Amendments for the following items located on two sites: GP07-04-04 is an approximately 13.68-acre site on the northeast corner of Junction Avenue and Dado Street (2256 Junction Avenue); and GP06-04-05 is an approximately 13.64-acre site on the southeasterly side of Berryessa Road, approximately 770 feet southwesterly of the intersection of Berryessa Road and North King Road (1610 Berryessa Road). (Cont'd.)

- (b) Tentative approval of Staff Alternative of Combined Industrial/Commercial for General Plan amendment request to change the General Plan Land Use/Transportation Diagram designation from Light Industrial to Transit Corridor Residential (20+ DU/AC) on a 13.64-acre site and request for Affordability Restrictions Agreement by and between San José V Investors and the City of San José requiring that 5% of the units be affordable to those making 30% or less of the Area Median Income (ELI), 8% of the units be affordable to those making 50% of the Area Median Income (VLI), and 12% of the units be affordable to those making 60% of the Area Median Income (LI) within the residential development located at the southeasterly side of Berryessa Road, approximately 770 feet southwesterly of the intersection of Berryessa Road and North King Road, San José be offered and maintained thereafter as ELI, VLI, and LI housing units as described above and directing the City Clerk to cause these Restrictions to be recorded with the Recorder's Office of Santa Clara County after their full and complete notarization and execution (San José V Investors, Applicant/UBS Realty Investors, Owner). Director of Planning, Building and Code Enforcement and Planning Commission recommended approval of Combined Industrial/Commercial on 13.64 acres (7-0-0). CEQA: EIR Resolution to be adopted. GP06-04-05 – District 4

The Staff/Planning recommendation was tentatively approved.

10.4 Amendment for property located at the northwesterly corner of Coniston Way and Blossom Hill Road (1345-1349 Blossom Hill Road).

Recommendation: Tentative approval of a General Plan amendment request to change the General Plan Land Use/Transportation Diagram designation from Medium Density Residential (8-16 DU/AC) to General Commercial on a 4.5-acre site located on the northwesterly corner of Coniston Way and Blossom Hill Road (1345-1349 Blossom Hill Road)(Silverstone Communities, Applicant/Continental Centers, LLC. and Pamela S. and Randy A. Kelley, Owners) Director of Planning, Building and Code Enforcement and Planning Commission recommended approval of General Commercial on 4.5 acres (7-0-0). CEQA: Mitigated Negative Declaration. GP08-09-01 – District 9

Withdrawn by applicant.

10. GENERAL PLAN PUBLIC HEARINGS

- 10.5 Amendment for property located north of I-280 and Tisch Way, west of South Monroe Street and South Baywood Avenue, and east of Dudley Avenue (485 South Monroe Street).**

Recommendation: Tentative denial of a General Plan land use and text amendment request to change the General Plan Land Use/Transportation Diagram designation from Office to Medium High Density Residential (12-25 DU/AC) on 5.15 acres of a 7.4-acre site, and to increase the maximum allowable building height from 50 feet to 90 feet between Dudley Avenue and South Baywood Road. The site is located north of I-280 and Tisch Way, west of South Monroe Street and South Baywood Avenue, and east of Dudley Avenue (485 South Monroe Street) (Silverstone Communities, Applicant/Pacific Bell, Owner) Director of Planning, Building and Code Enforcement and Planning Commission recommended denial of Medium High Density Residential (12-25 DU/AC) on 5.15 acres and denial of the request to increase the maximum allowable building height from 50 to 90 feet (4-3-0; Jensen, Kalra, and Zito Opposed). CEQA: Mitigated Negative Declaration.

GP07-06-01/GPT07-06-01 – District 6

Staff's recommendation to deny the General Plan amendment request was tentatively accepted. Noes: Campos, Chu, Constant, Cortese, Williams.

- 10.6 Continuance of all General Plan amendment actions from April 22, 2008 and May 6, 2008 to May 20, 2008.**

Recommendation: Continuance of all General Plan amendment actions from April 22, 2008 and May 6, 2008 to May 20, 2008. (Planning, Building and Code Enforcement)
Continued to 5/20/08.

11. PUBLIC HEARINGS

11.1 Public Hearings on Consent Calendar.

None.

11.2 Rezoning real property located at/on the southwest corner of Berryessa and Jackson Avenue.

Recommendation: Consideration of an ordinance rezoning the real property located at/on the southeast corner of Berryessa and Jackson Avenue from R-1-5(PD) Planned Development Zoning District and A-Agriculture Zoning District to A(PD) Planned Development Zoning District to allow up to 379 single-family attached residences and 30,000 square feet for commercial uses, the demolition of one single-family residence and nine accessory structures, and the preservation/relocation of one single-family residence and one fruit stand on a 20.18 gross acres site (Pepper Lane Berryessa LLC, Myra Reinhard, Owners; Pulte Home Corporation, Developer). CEQA: Mitigated Negative Declaration.

PDC07-033 – District 4

(Deferred from 4/8/08 – Item 11.6)

Continued to 5/20/08 per Administration.

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

Recommendation: Consideration of an ordinance rezoning the real property located on the west side of Lincoln Avenue extending from West San Carlos Street to the south and Pacific Avenue to the north, excluding the northwest corner of West San Carlos and Lincoln Avenue to allow the demolition of existing structures and the construction of 39 single-family attached residential and 2 live/work lofts on a 0.91 gross acre site (James & Tina Jean, Owners). SNI: Burbank/Del Monte. CEQA: Mitigated Negative Declaration.

PDC07-017 – District 6

(Deferred from 4/8/08 – Item 11.7 and 4/22/08 – Item 11.3)

Continued to 5/20/08 per Administration.

11.4 Ordinance of the City of San José amending Chapter 20.95 and Chapter 20.100 of Title 20 of the San José Municipal Code, the Zoning Ordinance.

Recommendation: Consideration of an ordinance of the City of San José amending Chapter 20.95 and Chapter 20.100 of Title 20 of the San José Municipal Code, the Zoning Ordinance, to amend Sections 20.95.020, 20.95.110 and 20.100.480(f) to change and reflect the applicability and conformance threshold requirements for this chapter from the previous one gross acre threshold to the current 10,000 square foot threshold as required by City Council Policy 6-29, Post-Construction Urban Runoff Management. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).Citywide.

Ordinance No. 28301 passed for publication.

11. PUBLIC HEARINGS

11.5 Rezoning real property located at/on the southeast corner of Highway 280 and S. 11th Street.

Recommendation: Consideration of an ordinance rezoning the real property located at/on the southeast corner of Highway 280 and S. 11th Street (868 S. 11th Street) from R-2 Two-Family Residence Zoning District to R-M Multiple Residence District on a 0.2 gross acre site (Alabastro Tamara, Owner; Bruce Williams, Developer). SNI: Spartan/Keyes. CEQA: EIR Resolution No. 65459. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (4-2-1).

C07-005 – District 3

Ordinance No. 28302 passed for publication.

11.6 Rezoning real property located at the southwest corner of Cinnabar Street and Stockton Avenue.

Recommendation: Consideration of an ordinance rezoning the real property located at the southwest corner of Cinnabar Street and Stockton Avenue (345 Stockton Avenue) from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District to allow up to 250 single-family attached residences in three-story buildings constructed at-grade and on a podium on a 4.4 gross acre site (381 Stockton LLC, Owner; Morrison Park Homes LLC Bruce Fairty, Developer). CEQA: Draft Mitigated Negative Declaration.

PDC06-094 – District 6

Continued to 5/20/08 per Administration.

11.7 Rezoning real property located on the southeast corner of Stevens Creek and South Winchester Boulevard.

Recommendation: Consideration of an ordinance rezoning the real property located on the southeast corner of Stevens Creek and South Winchester Boulevard (Santana Row) from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to (1) modify perimeter setbacks and (2) change allowed uses, including the elimination of previously entitled 22,500 square feet of retail uses, a 190 room hotel and 229 residential dwelling units. This proposal would allow the addition of 160,000 square feet of office/commercial uses on a 40.78 gross acre site (FRIT San José Town & Country Village LLC, c/o Randy Paul, Developer). Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required. CEQA: EIR Resolution No. 68210 and Addendum thereto.

PDC07-095 – District 6

[Continued from 4/22/08 - Item 11.1(d) and 4/29/08 – Item 4.3]

Continued to 5/13/08 per Applicant's request.

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

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

| <u>Tract</u> | <u>Location</u> | <u>Council District</u> | <u>Developer</u> | <u>Lots/Units</u> | <u>Type</u> |
|--------------|---|-------------------------|------------------------------|-------------------|-------------------------------------|
| 9985 | East side of Boynton Avenue, 350 feet north of Williams Road | 1 | TEMB Development Corporation | 5 Lots / 4 Units | Single Family Attached and Detached |
| 9992 | Montecito Vista Way between Esfahan Drive and Montecito Vista Drive | 7 | ROEM Development Corporation | 4 Lots / 56 Units | Single Family Attached |
| 9993 | North side of Montecito Vista Drive, 400 feet west of Goble Lane | 7 | ROEM Development Corporation | 1 Lot / 180 Units | Multi-Family Attached |
| 9995 | Terminus of Duckett Way, 420 feet west of South De Anza Boulevard | 1 | Green Valley Corporation | 3 Lots / 19 Units | Single Family Attached and Detached |

- **Open Forum**

(1) **Mark Trout expressed religious viewpoints.**

- **Adjournment**

The Council of the City of San José adjourned at 9:57 p.m.