



# CITY COUNCIL AGENDA

**MAY 15, 2007**

**AMENDED AGENDA**

PETE CONSTANT  
FORREST WILLIAMS  
SAM LICCARDO  
VACANT  
NORA CAMPOS

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

CHUCK REED, MAYOR

PIERLUIGI OLIVERIO  
MADISON P. NGUYEN  
DAVID D CORTESE, VICE MAYOR  
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 Reed will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

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

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

Agendas and Staff Reports for City Council items may be viewed on the Internet at [www.sanjoseca.gov/clerk/agenda.asp](http://www.sanjoseca.gov/clerk/agenda.asp). Council Meetings are televised live and rebroadcast on Channel 26.

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

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

- **Call to Order and Roll Call**
- \* 9:00 a.m. - Closed Session, Call to Order in Council Chambers  
Adjourn to Closed Session in Council Chambers Conference Room, W133  
[See Separate Agenda](#)
- 1:30 p.m. - Regular Session, Council Chambers, City Hall
- 3:30 p.m. - Hear Open Forum and continue the RDA Board Meeting  
(no earlier than 3:30 p.m.)
- 7:00 p.m. - General Plan Hearings, Council Chambers, City Hall  
- Public Hearings, Council Chambers, City Hall
  
- **Invocation (District 5)**
- **Pledge of Allegiance**
- **Orders of the Day**

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

**ITEM 9.1 IS TO BE CONSIDERED IN A JOINT CITY COUNCIL/  
REDEVELOPMENT AGENCY BOARD SESSION.**

- \* **SEE NEW ITEMS 3.6: AB 763 (SALDANA); AND 3.7: AB 927 (SALDANA) -  
APPROVAL OF SUPPORT POSITIONS.**

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

- **Closed Session Report**

## **1. CEREMONIAL ITEMS**

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- 1.1 Presentation of commendations to recipients of the Outstanding Childcare Awards.  
(Chirco)  
**TO BE HEARD IN THE EVENING**

# 1. CEREMONIAL ITEMS

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- 1.2 Presentation of a commendation to the Citywide Events Team for their exemplary dedication and valuable contributions to the City organization. (City Manager's Office/Mayor)
- 1.3 Presentation of a proclamation declaring the month of May as Lion Clubs International's Eyeglasses Recycling Month. (Cortese)  
**TO BE HEARD IN THE EVENING**
- 1.4 Presentation of a proclamation declaring May 12th through May 20th as Affordable Housing Week. (Housing)
- 1.5 Presentation of commendations to the Santa Clara County Association of REALTORS® "HOMEWORDS" essay contest winners. (Constant/Cortese/Mayor/Nguyen/Williams)  
\* **TO BE HEARD IN THE EVENING**

# 2. CONSENT CALENDAR

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

- 2.1 **Approval of Minutes.**
- 2.2 **Final adoption of ordinances.**

**Recommendation:** Final adoption of ordinances.

- (a) ORD. NO. 28030 – Amending Chapter 3.36 of Title 3 of the San José Municipal Code to permit members of the Police and Fire Department Retirement Plan who are employed in the Police Department to redeposit previously withdrawn contributions, to purchase service credit for previous federated service at any time prior to retirement, and to purchase service credit in the plan for time on unpaid leave of absence.
- (b) ORD. NO. 28033 – Rezoning certain real property situated on the southeast corner of North Capitol Avenue and Grandview Drive (652 North Capitol Avenue) to R-1-8 Residence Zoning District. C04-106
- (c) ORD. NO. 28034 – Rezoning certain real property situated on the northwest corner of Willow Glen Way and Cross Way (425 Willow Glen Way) to A(PD) Planned Development Zoning District. PDC06-084

## 2. CONSENT CALENDAR

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### 2.3 [Approval of an addition to the City Auditor's travel calendar.](#)

**Recommendation:** Approval of an addition to the City Auditor's travel calendar through June 30, 2007 at no cost to the City. (City Auditor)

(Rules Committee referral 5/2/07)

**DROP PER CITY AUDITOR**

### 2.4 [Approval of fiscal actions related to the Mexican Heritage Corporation.](#)

**Recommendation:** Adoption of the following Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:

(a) Increase Transfers and Reimbursements in the amount of \$102,586.

(b) Increase the Contingency Reserve in the amount of \$102,586 as a partial repayment of the grant approved for the Mexican Heritage Corporation.

CEQA: Not a Project. Council District 5. (City Manager's Office)

### 2.5 **Request for excused absences for Council Member Constant.**

**Recommendation:** Request for excused absences for Council Member Constant.

(a) [Request for an excused absence from the Federated Employees Retirement Board Meeting of May 10, 2007 due to Authorized City Business: Budget Study Session in City Hall Council Chambers.](#)

(b) [Request for an excused absence from the Budget Study Session on May 11, 2007 due to Authorized City Business: Community Event and "Office Hours" at Cypress Senior Center.](#)

(c) [Request for an excused absence from the Budget Study Session on May 16, 2007 from 10:00-11:30 a.m. due to Authorized City Business: San José Police Department Memorial Service at the San José City Hall Rotunda.](#)

(Constant)

(Rules Committee referral 5/2/07)

### 2.6 [Approval of actions for the Public Art 360 Residences Development Project.](#)

**Recommendation:**

(a) Approval of an agreement between the City of San José and 360 Residences LLC, a Delaware Limited Liability Company, for the Office of Cultural Affairs to administer the public art projects for the 360 Residences development located in the Market Gateway Redevelopment Area, in a total amount not to exceed \$50,000.

(b) Adoption of the following Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:

(1) Increase the Public Art in Private Development Project appropriation by \$25,000.

(2) Increase the estimate for Other Revenue by \$25,000.

CEQA: Not a Project. Council District 3. (Economic Development/City Manager's Office)

## 2. CONSENT CALENDAR

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### 2.7 [Approval to an agreement to implement the Public Art Master Plan.](#)

- \* **Recommendation:** Approval of an amendment to the agreement between the City of San José and Brown & Keener Bressi to implement a portion of the Public Art Master Plan by developing Public Art Focus Plans for Downtown and increase the contract amount by \$47,500, for a total amount not to exceed \$137,500. CEQA: Not a Project. (Economic Development)

### 2.8 [Approval to award open purchase order #21 for FY 2006-2007.](#)

**Recommendation:** Approval of award of open purchase orders for supplies, materials, equipment and services for FY 2006-2007 #21 and authorization for the Director of Finance to execute the purchase orders. CEQA: See Administration's Memorandum to Council for specific CEQA clearance determinations on each recommended action. (Finance)

### 2.9 [Approval of an agreement to provide funding for a Smart Start San José Center at San Antonio Elementary School.](#)

- \* **Recommendation:** Approval of an agreement with Santa Clara County Office of Education, providing for a contribution of \$457,109 toward the purchase and installation of a modular building at San Antonio Elementary School to be used as a Smart Start San José Center. CEQA: Exempt, File No. PP06-115. Council District 5. SNI: Mayfair. (Library)

### 2.10 [Request for an excused absence for Council Member Nguyen.](#)

**Recommendation:** Request for an excused absence for Council Member Nguyen from the Closed Session of the City Council Meeting on May 1, 2007 due to illness. (Nguyen) (Rules Committee referral 5/2/07)

### 2.11 [Approval to summarily vacate a portion of a Sidewalk Easement along Woz Way.](#)

**Recommendation:** Adoption of a resolution summarily vacating the northerly portion of a 5.9-foot Sidewalk Easement along Woz Way, between Almaden Avenue and Almaden Boulevard, recorded March 8, 2001 as Document No. 15585612, Official Records, Office of the Recorder, County of Santa Clara. CEQA: Not a Project. Council District 3. (Public Works)

## 2. CONSENT CALENDAR

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### 2.12 [Approval to award the contract for the Curb Ramp Improvement in Low-to-Moderate Income Areas CDBG Project.](#)

- \* **Recommendation:** Report on bids and award of contract for the G78 06-07 Curb Ramp Improvement in Low-to-Moderate Income Areas CDBG Project to the low bidder, SpenCon Construction, in the amount of \$278,094; and, approval of a contingency in the amount of \$27,810 for a total contract amount of \$305,904. CEQA: Exempt, File No. PP05-212. Council District 3. SNI: 13<sup>th</sup> Street. (Transportation)

### 2.13 [Request for an excused absence for Council Member Williams.](#)

**Recommendation:** Request for an excused absence for Council Member Williams from the General Plan Update Study Session on May 3, 2007 due to Authorized City Business: CalTrain Board Meeting in San Carlos, CA. (Williams)  
(Rules Committee referral 5/2/07)

## 3. STRATEGIC SUPPORT SERVICES

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### 3.1 Report of the Rules and Open Government Committee – [April 25, 2007](#)

#### Mayor Reed, Chair

- (a) City Council
  - (1) Review New Add Items to May 1, 2007 Agenda
  - (2) Review May 8, 2007 Draft Agenda
- (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (c) Legislative Update
- (d) Meeting Schedules
- (e) The Public Record
- (f) Appointments to Boards, Commissions and Committees
  - (1) Re-appointments to the Historic Landmarks Commission and Housing and Community Development Advisory Commission. (Chirco/Campos)
- (g) Rules Committee Reviews, Recommendations and Approvals
  - (1) Council Expenditures and Reimbursements. (City Clerk/City Attorney)  
**Continued from January 31, 2007**
  - (2) Review the Independent Police Auditor's (IPA)/Human Rights Commission (HRC) Report and Recommendations from Community Forums Regarding the Police in San José. (IPA/HRC)  
**Deferred from April 11, 2007**
  - (3) Authorization to Travel. (Pyle)
- (h) Review of Council Committee Agendas  
*(Item continued on the next page)*

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.1 Report of the Rules and Open Government Committee – April 25, 2007 (Cont'd.) Mayor Reed, Chair

- (i) Open Government Initiatives
  - (1) Reed Reforms
    - (a) Acceptance of the proposed curriculum for a Council Assistant Certification Program per Reed Reform #25. (City Manager's Office/City Clerk/City Attorney)  
**Deferred from April 4, 2007**
    - (2) Sunshine Reform Task Force
    - (3) Significant Public Records Act Requests
    - (4) Council Policy Manual Update
- (j) Open Forum
- (k) Adjournment

#### 3.2 Report of the Public Safety, Finance and Strategic Support Committee Council Member Nguyen, Chair

#### 3.3 Approval of actions related to the Rule 20A and Rule 20B In-Lieu Fee Underground Utility Program.

**Recommendation:**

- \* (a) Approval of the proposed fiscal year 2006/07 - 2011/12 Fiscal Year Workplan for the Rule 20A and Rule 20B (In-Lieu Fee) Underground Utility Program.
- (b) Direction to staff to take collective action with other cities for advocacy for increased accountability and resource allocation for the delivery of Rule 20A projects.

CEQA: Not a Project. (Public Works)  
(Deferred from 5/1/07 – Item 3.4)

- \* **RECOMMEND DEFERRAL TO 5/22/07, PER ADMINISTRATION**

#### 3.4 [Approval of actions related to the Reallocation of Trustee-Held Commercial Paper Proceeds.](#)

**Recommendation:**

- (a) Adoption of the following Appropriation Ordinance amendments in the Civic Center Improvement Fund (Fund 473):
  - (1) Establish a Transfer to the Construction Tax and Property Conveyance Tax Fund: Service Yards Purposes in the amount of \$2,500,000; and
  - (2) Decrease the Technology, Furniture, and Equipment appropriation in the Public Works Department in the amount of \$2,500,000.
- (b) Adoption of the following Appropriation Ordinance amendments in the Interim City Facilities Improvement Fund (Fund 460):
  - (1) Establish a Transfer to the Construction Tax and Property Conveyance Tax Fund: Service Yards Purposes in the amount of \$4,000; and

*(Item continued on the next page)*

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.4 Approval of actions related to the Reallocation of Trustee-Held Commercial Paper Proceeds. (Cont'd.)

**Recommendation:**

- (b) (2) Decrease the Interim City Facilities Improvements appropriation in the Public Works Department in the amount of \$4,000.
  - (c) Adoption of the following Funding Sources Resolution amendments in the Construction Tax and Property Conveyance Tax Fund: Service Yards Purposes (Fund 395):
    - (1) Increase the estimate for Transfers in the amount of \$2,504,000; and
    - (2) Decrease the estimate for Earned Revenue in the amount of \$2,504,000.
- CEQA: Not a Project. (Finance/City Manager's Office)

#### 3.5 Public Hearing on the Proposed Operating and Capital Budgets for the Fiscal Year July 1, 2006 to June 30, 2007.

**Recommendation:** Public Hearing on the Proposed Operating and Capital Budgets for the Fiscal Year July 1, 2007 to June 30, 2008, the proposed Five-Year Capital Improvement Program for 2008-2012, the proposed Fees and Charges Report for the Fiscal Year 2007-2008, and the Mayor's June Budget Message for Fiscal Year 2007-2008. (City Manager's Office)

**TO BE HEARD IN THE EVENING**

\* (Rules Committee referral 5/9/07)

#### 3.6 [Approval of support for AB 763 \(Saldana\).](#)

\* **Recommendation:** As recommended by the Rule and Open Government Committee on May 9, 2007, approve the support position for AB 763 (Saldana) – Consistent and More Rigorous Notification Standards for Landlords Wishing to Convert Rental Units into Condominiums as outlined in the attached memorandum previously submitted to and approved by the Rules and Open Government Committee. (City Clerk)

#### 3.7 [Approval of support for AB 927 \(Saldana\).](#)

\* **Recommendation:** As recommended by the Rule and Open Government Committee on May 9, 2007, approve the support position for AB 927 (Saldana) – Required Senior Rental Housing in the Multifamily Housing Program as outlined in the attachment memorandum previously submitted to and approved by the Rules and Open Government Committee. (City Clerk)

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.1 Report of the Community & Economic Development Committee Council Member Pyle, Chair

### 4.2 [Approval of action related to the Secondary Residential Unit Pilot Program.](#)

- \* **Recommendation:** Approval of an ordinance amending Ordinance No. 27606 and repealing Ordinance No. 27932 to extend the expiration date of a limited pilot program to allow certain second residential units, from December 31, 2006 to October 31, 2007, which program automatically terminates if 100 permits are issued; and amending Ordinance No. 27675 to extend until October 31, 2007 the temporary suspension of Chapter 14.25 of Title 14 of the San José Municipal Code pertaining to park impact requirements otherwise applicable to second units, without modifying other parts of the second unit pilot program. CEQA: Exempt, File No. PP07-088. (Planning, Building and Code Enforcement/Housing)

#### **TO BE HEARD IN THE EVENING**

- \* **RECOMMEND DEFERRAL TO 5/22/07 IN THE EVENING, PER ADMINISTRATION**

### 4.3 [Direction related to updated evaluation of proposed employment land conversions.](#)

#### [Memo from Mayor Reed](#)

**Recommendation:** Acceptance of the staff recommended conceptual approach and provide direction to staff for preparation of an update to the City Council adopted “Framework, as a Guideline, to Evaluate Proposed Conversions of Employment Lands to Other Uses.” CEQA: Not a Project. (Planning, Building and Code Enforcement)

## 5. NEIGHBORHOOD SERVICES

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

### 5.2 Approval of actions related to the San José Municipal Rose Garden.

#### [Supplemental 2](#)

#### [Supplemental 1](#)

- \* **Recommendation:**
  - (a) (1) Establish and adopt a “pilot program” which will allow for a private entity to provide park maintenance for the San José Municipal Rose Garden Park for one calendar year. The maintenance would include; pruning the trees, cleaning and servicing the bathrooms, mowing the lawn, dumping the garbage, removing the weeds, clipping the rose bushes, removing crab grass from rose beds, opening and closing the park and planting roses among other maintenance needs the park requires.

*(Item continued on the next page)*

## 5. NEIGHBORHOOD SERVICES

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### 5.2 Approval of actions related to the San José Municipal Rose Garden (Cont'd.)

**Recommendation:**

- (a) (2) Direct city staff to follow the same bidding process as it does for other city wide projects in order to find a private landscaper/maintenance contractor to provide park maintenance for San José Municipal Rose Garden Park for one calendar year.
  - (3) The “pilot program” will be measured at the end of the year in two areas; service delivered and money saved.
- (Oliverio)
- (b) (1) Direction to the Administration to continue providing grounds maintenance activities at the Municipal Rose Garden, using in-house staff and associated resources;
  - (2) Evaluate pilot contracting-out of maintenance services concurrently with the development of guidelines regarding Public/Private Partnerships;
  - (3) Report back to the City Council with a work plan on Public/Private partnership opportunities during the month of June; and
  - (4) Report back to the City Council with a status report regarding the level of maintenance at the Municipal Rose Garden in October.

(Parks, Recreation and Neighborhood Services)

(Rules Committee referral 4/18/07)

**TO BE HEARD IN THE EVENING**

(Deferred from 5/1/07 – Item 5.3)

### 5.3 [Approval to name a new Soccer Bowl.](#)

[Memo from Councilmember Liccardo](#)

- \* **Recommendation:** As recommended by the Parks and Recreation Commission, name a new Soccer Bowl at Watson Park, corner of Jackson Avenue and 22<sup>nd</sup> Street, as the “Umberto Abronzino Soccer Bowl at Watson Park”. (City Clerk)  
(Rules Committee referral 5/2/07)

### 5.4 [Approval to name a new park.](#)

- \* **Recommendation:** As recommended by the Parks and Recreation Commission, name a new park at the intersection of Lenzen Avenue and Stockton Avenue as “Theodore Lenzen Park”. (City Clerk)  
(Rules Committee referral 5/2/07)

## 5. NEIGHBORHOOD SERVICES

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### 5.5 [Approval of an agreement for consultant services for the Watson Community Park Project.](#)

**Recommendation:** Approval of a master agreement with URS Corporation for civil engineering consultant services for the civil design improvements, preparation of construction and other supporting documents and bid and construction assistance services for the Watson Community Park Project from the date of execution through December 31, 2010, in an amount not to exceed \$500,000. CEQA: Exempt, File No. PP05-156. Council District 3. (Public Works/Parks, Recreation and Neighborhood Services/Environmental Services)

### 5.6 [Approval of fiscal actions for the Mayfair Community Center Project.](#)

**Recommendation:**

- (a) Report on bids and award of construction contract for the Mayfair Community Center Project in the amount of \$12,600,000, for the base bid and Add Alternate Nos. 1, 2, 3 and 4 to the low bidder, Zolman Construction Inc., for the total amount of \$13,545,000, and approval of a contingency in the amount of \$1,355,000.
- (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 estimate for Earned Revenue by \$2,348,000; and
  - (2) Increase the appropriation to the Department of Public Works for the Mayfair Community Center appropriation (PSM #436, Amendment 1) in the amount of \$2,348,000.
- (c) Adoption of the following appropriation Ordinance Amendments in the Subdivision Park Trust Fund:
  - (1) Increase the Mayfair Community Center Satellite appropriation by \$130,000; and
  - (2) Decrease the Reserve: Future PDO/PIFO Projects by \$130,000.
- (d) Adoption of the following Appropriation Ordinance amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District 5 (Fund 382):
  - (1) Decrease the Mayfair Community Center Satellite appropriation by \$679,000; and
  - (2) Increase the Ending Fund Balance by \$679,000.
- (e) Adoption of a resolution incorporating the environmental mitigation measures set forth in the Mitigation Monitoring and Reporting Program for the Mayfair Community Center and Park Master Plan into the Mayfair Community Center Project and all other projects implemented pursuant to the Master Plan.

CEQA: Mitigated Negative Declaration, File No. PP06-024. Council District 5. SNI: Mayfair. (Public Works/Parks, Recreation and Neighborhood Services/City Manager's Office)

## 6. TRANSPORTATION & AVIATION SERVICES

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6.1 Report of the Transportation and Environment Committee  
Council Member Williams, Chair

6.2 [Approval to amend an agreement for construction management related professional services at the Airport.](#)

**Recommendation:** Approval of the first amendment to the agreement with Gilbane Building Company for construction management related professional services for the Norman Y. Mineta San José International Airport increasing the compensation by \$6,600,000 for a total agreement amount not to exceed \$21,600,000 and extending the term of the agreement from January 31, 2008 to February 28, 2009. CEQA: Resolution Nos. 67380 and 71451, File No. PP03-08-266. (Public Works/Airport)

## 7. ENVIRONMENTAL & UTILITY SERVICES

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## 8. PUBLIC SAFETY SERVICES

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## 9. JOINT COUNCIL/REDEVELOPMENT AGENCY

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\* *See Item 8.1 “Adoption of an ordinance adopting the eminent domain plan of the Redevelopment Agency of the City of San José” on the Redevelopment Agency Agenda, which will be heard and action taken only during the Redevelopment Agency Meeting that follows the Council Meeting today.*

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

9.1 [Approval to amend the Inclusionary Housing Policy.](#)

**Recommendation:** Adoption of resolutions by the City Council and the Redevelopment Agency Board amending the joint City-Redevelopment Agency Inclusionary Housing Policy to allow a developer to dedicate land to the City for the construction of affordable housing in-lieu of that developer providing the required inclusionary units in the developer's housing project. CEQA: Not a Project. (City Manager's Office/Redevelopment Agency)

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

\* In accordance with Sec. 19.16.140d of the San José Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>	<u>Proposed Decision</u>
9862	Easterly of Hervey Lane, 230 feet south of Padres Drive	6	Alii Palms, LLC	25 Lots/ 19 Units	SFD	Approve

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

## 10. GENERAL PLAN PUBLIC HEARINGS ON CONSENT CALENDAR

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No General Plan Public Hearing at this time.

## 10. GENERAL PLAN PUBLIC HEARINGS

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- 10.2 [Public Hearing on tentative approval of the following items related to the Evergreen\\*East Hills Vision Strategy Project: \(1\) Funding Agreement; \(2\) Update to the Evergreen Development Policy; \(3\) General Plan Text Amendments; General Plan Land Use / Transportation Diagram Amendments on approximately 542 acres to allow up to 5,700 dwelling units, up to 500,000 square feet of retail, 75,000 square feet of office, and up to 4.66 million square feet of campus industrial. \[The EEHVS area coincides with the Evergreen Development Policy area, which is generally bounded by Story Road, Highway 101, Hellyer Avenue and within the Urban Service Area.\]](#)

[Memo from Mayor Reed, Councilmembers Pyle, Constant, and Chirco](#)

[Memo from Vice Mayor Cortese 1](#)

[Memo from Vice Mayor Cortese 2](#)

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**Recommendation:**

- (a) **Funding Agreement:** Public Hearing on the tentative approval of the proposed funding agreement by and between the City of San José and the Evergreen\*East Hills Vision Strategy Property Owners for the funding of certain improvements and amenities in the Evergreen Development Policy area. Director of Planning, Building and Code Enforcement recommendation pending. CEQA: Resolution to be adopted. SNI: K.O.N.A, West Evergreen and East Valley/680 Communities. Council Districts 5, 7 and 8.
- (b) **Update to the Evergreen Development Policy:** Public Hearing on the tentative approval of the proposed update to the Evergreen Development Policy for the Evergreen\*East Hills area of San José. Director of Planning, Building, and Code Enforcement recommendation pending. CEQA: Resolution to be adopted. The Planning Commission recommended approval of either the staff's or the developer's proposed land use alternatives for the Four Opportunity Sites or a reconciled alternative. The Planning Commission also recommended approval of the proposed revised Evergreen Development Policy with the following components:
- (1) Arcadia Community Center occurs in Phase II.
  - (2) Limit the size of a grocery store on the Evergreen Valley College Site to no more than 20,000 square feet.
  - (3) Incorporate the Task Force amenity prioritization "H" (in Planning Commission Attachment 4).
  - (4) Reserve 40 acres on the Campus Industrial Site for a future high school.
  - (5) The "residential pool" incorporates the following:
    - (a) Residential "pool" units be a minimum number (not a maximum).

- (b) Excess units from the Four Opportunity Sites be transferred to “pool”.
- (c) Residential “pool” units to be available immediately.

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

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**10.2 Public Hearing on the tentative approval of the following items related to the Evergreen\*East Hills Vision Strategy Project: (1) Funding Agreement; (2) Update to the Evergreen Development Policy; (3) General Plan Text Amendments; General Plan Land Use / Transportation Diagram Amendments on approximately 542 acres to allow up to 5,700 dwelling units, up to 500,000 square feet of retail, 75,000 square feet of office, and up to 4.66 million square feet of campus industrial. (Cont’d.)**

**Recommendation:**

- (b) (5) (d) Residential “pool” allocation criteria should be flexible enough to ensure participation of all potential infill parcels. (7-0-0). SNI: K.O.N.A, West Evergreen and East Valley/680 Communities.

Council Districts 5, 7 and 8.

- (c) **General Plan Text Amendments; General Plan Land Use/Transportation Diagram Amendments on approximately 542 acres to allow up to 5,700 dwelling units, up to 500,000 square feet of retail, 75,000 square feet of office, and up to 4.66 million square feet of campus industrial:** Public Hearing on General Plan Text and Land Use/Transportation Diagram Amendments:

- (1) Tentative approval of a General Plan amendment request to change the Land Use/Transportation Diagram designation from Mixed-Use Overlay with Public/Quasi-Public, Medium Low Density Residential (8.0 DU/AC), Industrial Park, Office and Public Park and Open Space underlying land use designations to Mixed-Use with No Underlying Land Use Designation on an 81-acre site, known as Arcadia, located on the south side of Quimby Road, 1,000 feet westerly of Capitol Expressway (Arcadia Homes, Inc. applicant/owner). Director of Planning, Building, and Code Enforcement recommendation pending. CEQA: Resolution to be adopted, GP05-08-01a. SNI: West Evergreen. See Item 10.2(b) for Planning Commission recommendation.
- (2) Tentative approval of a General Plan amendment request to change the Land Use/Transportation Diagram designation from Private Recreation to Medium Density Residential (8-16 DU/AC), and Public Park and Open Space on a 114-acre site, known as Pleasant Hills Golf Course, located on the north east corner of Tully and S. White Roads (KB Home, applicant/Duino Family Partners, owner). Director of Planning, Building, and Code Enforcement recommendation pending. CEQA: Resolution to be adopted, GP05-08-01b. See Item 10.2(b) for Planning Commission recommendation.

*(Item continued on the next page)*

## 10. GENERAL PLAN PUBLIC HEARINGS

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- 10.2 Public Hearing on the following items related to the Evergreen\*East Hills Vision Strategy Project: (1) Funding Agreement; (2) Update to the Evergreen Development Policy; (3) General Plan Text Amendments; General Plan Land Use / Transportation Diagram Amendments on approximately 542 acres to allow up to 5,700 dwelling units, up to 500,000 square feet of retail, 75,000 square feet of office, and up to 4.66 million square feet of campus industrial. (Cont'd.)**

**Recommendation:**

- (c) (3) Tentative approval of a General Plan amendment request to change the Land Use/Transportation Diagram designation from Campus Industrial to Medium Density Residential (8-16 DU/AC), and Public Park and Open Space on a 175-acre site, known as Campus Industrial - Berg, located on the north east corner of Fowler and Yerba Buena Roads and both sides of the future extension of Yerba Buena Road/Murillo Avenue, between Fowler and Aborn Roads (Berg & Berg Enterprises applicant/owner). Director of Planning, Building, and Code Enforcement recommendation pending. CEQA: Resolution to be adopted, GP05-08-01c. See Item 10.2(b) for Planning Commission recommendation.
- (4) Tentative approval of a General Plan amendment request to change the Land Use/Transportation Diagram designation from Campus Industrial to Medium Density Residential (8-16 DU/AC), and Public Park and Open Space on a 24-acre site, known as Campus Industrial - IDS, located on the east side of Yerba Buena Road opposite Verona Road (Investment Development Services, Inc. applicant/owner). Director of Planning, Building, and Code Enforcement recommendation pending. CEQA: Resolution to be adopted, GP05-08-01d. See Item 10.2(b) for Planning Commission recommendation.
- (5) Tentative approval of a General Plan amendment request to change the Land Use/Transportation Diagram designation from Campus Industrial to Medium Density Residential (8-16 DU/AC), and Public Park and Open Space on a 120-acre site, known as Campus Industrial - Legacy, located on the north east corner of Yerba Buena and Old Yerba Buena Roads (Yerba Buena OPCO applicant/owner). Director of Planning, Building, and Code Enforcement recommendation pending. CEQA: Resolution to be adopted, GP05-08-01e. See Item 10.2(b) for Planning Commission recommendation.
- (6) Tentative approval of a General Plan amendment request to change the Land Use/Transportation Diagram designation from Public/Quasi-Public to Mixed-Use with No Underlying Land Use Designation on a 27-acre portion of the Evergreen Valley College Campus, located on the north side of Yerba Buena Road approximately 350 feet easterly of San Felipe Road (San José/Evergreen Community College District applicant/owner). Director of Planning, Building, and Code Enforcement recommendation pending. CEQA: Resolution to be adopted, GP05-08-01f. See Item 10.2(b) for Planning Commission recommendation.

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## 10. GENERAL PLAN PUBLIC HEARINGS

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- 10.2 **Public Hearing on the following items related to the Evergreen\*East Hills Vision Strategy Project: (1) Funding Agreement; (2) Update to the Evergreen Development Policy; (3) General Plan Text Amendments; General Plan Land Use / Transportation Diagram Amendments on approximately 542 acres to allow up to 5,700 dwelling units, up to 500,000 square feet of retail, 75,000 square feet of office, and up to 4.66 million square feet of campus industrial. (Cont'd.)**

**Recommendation:**

- (c) (7) Tentative approval of a General Plan Text amendment to revise text based on actions related to the update of the Evergreen Development Policy and General Plan Land Use/Transportation Diagram amendments, amend Appendix E to reduce the number of planned lanes from four to two on the following Major Collectors: Delta Road, Murillo Avenue (from Tully Road to Aborn Road), Nieman Boulevard, Quimby Road (east of White Road), Ruby Avenue (between Kohler Avenue and Aborn Road, and between Fowler and Delta Roads), Yerba Buena Road (from Old Yerba Buena Road to Aborn Road), and amend Appendix F, the Mixed Use Inventory, in conjunction with General Plan Land Use/Transportation Diagram amendments GP05-08-01A and GP05-08-01F. SNI: K.O.N.A, West Evergreen and East Valley/680 Communities. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval of General Plan Text Amendments to revise the text based on actions related to the update of the Evergreen Development Policy and General Plan Land Use/Transportation Diagram amendments, amend Appendix E to reduce the number of planned lanes from four to two on the following Major Collectors: Delta Road, Murillo Avenue (from Tully Road to Aborn Road), Nieman Boulevard, Ruby Avenue (between Kohler Avenue and Aborn Road, and between Fowler and Delta Roads), Yerba Buena Road (from Old Yerba Buena Road to Aborn Road), and amend Appendix F, the Mixed Use Inventory, in conjunction with General Plan Land Use/Transportation Diagram amendments GP05-08-01A and GP05-08-01F (5-2-0; Campos and Platten oppose). CEQA: Resolution to be adopted. SNI: K.O.N.A, West Evergreen and East Valley/680 Communities. See Item 10.2(b) for Planning Commission recommendation.

(Deferred from 12/12/06 – Item 10.9)

- (d) **Amend the City's Transportation Impact Policy 5-3 to add Capitol Ex./Capitol Ave. to the "Protected Intersection" list:** Adoption of a resolution to approve the designation of the intersection of Capitol Expressway/Capitol Avenue to the "Protected Intersection" list under the City's Transportation Impact Policy 5-3. CEQA: Resolution to be adopted. Council District 5. SNI: East Valley/680. (Transportation)

(Deferred from 12/12/06 - Item 6.3)

*(Item continued on the next page)*

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

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- 10.2 Public Hearing on the following items related to the Evergreen\*East Hills Vision Strategy Project: (1) Funding Agreement; (2) Update to the Evergreen Development Policy; (3) General Plan Text Amendments; General Plan Land Use / Transportation Diagram Amendments on approximately 542 acres to allow up to 5,700 dwelling units, up to 500,000 square feet of retail, 75,000 square feet of office, and up to 4.66 million square feet of campus industrial. (Cont'd.)**

**Recommendation:**

- (e) (1) **Adopt an Evergreen Traffic Impact Fee:** Acceptance of the Traffic Impact Fee Study and approval of an ordinance establishing a traffic impact fee as part of the Evergreen Area Development Policy.
- (2) Approval of an ordinance adding Chapter 14.30 to Title 14 of the San José Municipal Code establishing a traffic impact fee on new residential pool unit development subject to the Evergreen Development Policy in order to implement the traffic improvements set forth in the Evergreen Development Policy and the Final Evergreen\*East Hills Vision Strategy Environmental Impact Report. CEQA: Resolution to be adopted.

(Transportation)

(Deferred from 12/12/06 - Item 6.4)

- 10.3 Continuance of all General Plan amendment actions to May 22, 2007.**

**Recommendation:** Continue all General Plan amendment actions to May 22, 2007.  
(Planning, Building and Code Enforcement)

## 11. PUBLIC HEARINGS ON CONSENT CALENDAR

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

**Notice to the public:** There will be no separate discussion of Public Hearings Consent Calendar (Item 11.1) as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Public Hearings Consent Calendar (Item 11.1) and considered separately.

### 11.1 Public Hearings on Consent Calendar.

**Recommendation:**

- \* (a) [Consideration of an ordinance rezoning the real property located at/on the east side of Senter Road, approximately 550 feet northerly of Quinn Avenue \(2222 Senter Road\) from LI Light Industrial Zoning District to A\(PD\) Planned Development Zoning District to allow construction of approximately 54,200 square feet in three, one- and two-story buildings for office and retail commercial uses as well as various industrial uses on a 3.62 gross acre site \(ELS Properties Corp, Owner; Green Valley Corporation/Barry Swensen Builder, Aaron Barger, Developer\). SNI: Tully/Senter. CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval \(5-0-2\). PDC06-119 – District 7](#)  
[Continued from 5/1/07 – Item 11.1(c)]

**END OF PUBLIC HEARINGS ON CONSENT CALENDAR**

## 11. PUBLIC HEARINGS

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### 11.2 Rezoning actions related to the real property located at the northeasterly corner of Cottle and Poughkeepsie Roads.

[Supplemental  
Request for Continuance from Lowe's](#)

\* **Recommendation:**

- (a) Adoption of a resolution rescinding City Council certification of the Final EIR for the Lowe's Home Improvement Warehouse, Cottle Road, South San José Planned Development Rezoning File No. PDC02-086, which certification occurred on December 2, 2003; and
- (b) Consideration of approval of an ordinance rescinding Ordinance No. 27032 adopted by the City Council on December 16, 2003 rezoning the real property located at the southeasterly corner of Blossom Hill and Cottle Roads (5600 Cottle Road) from IP Industrial Park Zoning District to IP(PD) Planned Development Zoning District to allow approximately 222,673 square feet of commercial uses on an 18.75 gross acre site, the demolition of the existing IBM/Hitachi Research Building 25, and the removal of approximately 136 ordinance size trees from the site (CEQA: Resolution No. 65469); and
- (c) Adoption of a resolution rescinding City Council Resolution No. 71860 adopted on December 2, 2003 making certain findings in connection with the Final EIR for the Lowe's Home Improvement Warehouse, Cottle Road, South San José Planned Development Rezoning File No. PDC02-086 as required by the California Environmental Quality Act of 1970, as amended, adopting a certain mitigation monitoring and reporting program, and setting for a statement of overriding considerations for identified significant environmental impacts; and
- (d) Consideration of approval of an ordinance rezoning the real property located at the northeasterly corner of Cottle and Poughkeepsie Roads from IP(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District to allow the demolition of the existing industrial park buildings (Buildings 025, and 024 and 030) and associated site improvements, the removal of up to 385 trees from the site, and the construction of a new, approximately 204,000 square foot commercial facility (including a retail/commercial use, with a single occupant greater than 100,000 square feet (with a garden center), and other retail/commercial uses) (IBM, Owner). CEQA: Resolution to be adopted. Director of Planning, Building and Code Enforcement recommends denial and Planning Commission recommends denial. (6-0-1).

PDC06-003 – District 2

(Continued from 4/17/07 – Item 11.3 and 5/1/07 – Item 11.2)

## 11. PUBLIC HEARINGS

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### 11.3 **Rezoning the real property located on a portion of block bounded by The Alameda, Emory Street, Naglee Avenue, and Morse Street.**

**Recommendation:** Consideration of an ordinance rezoning the real property located on a portion of block bounded by The Alameda, Emory Street, Naglee Avenue, and Morse Street; east side of Morse Street, approximately 150 feet northerly of Naglee Avenue (744 Morse St) from R-1-8 Single Family Residence Zoning District and A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow relocation and rehabilitation of one historic single-family residence (Structure of Merit), two new single-family detached residences, and parking lot reconfiguration for the Central YMCA on a 4.18 gross acre site (Metropolitan YMCA & LeBaron Family Trust, Owners; Mark DeMattei, Developer). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-0-2).

PDC06-100 - District 6

(Continued from 4/24/07 – Item 11.2 and 5/1/07 – Item 11.3)

\* **RECOMMEND CONTINUANCE TO 5/22/07, PER ADMINISTRATION**

### 11.4 **Rezoning the real property located on the east side of Almaden Expressway.**

**Recommendation:** Consideration of an ordinance rezoning the real property located on the east side of Almaden Expressway, approximately 200 feet north of Fleetwood Drive (16310 Almaden Road) from R-1-1 Residence Zoning District to A(PD) Planned Development Zoning District to allow six single-family detached residences on a 1.07 gross acre site (Rds Investments Chris Soukoulis, Owner/Developer). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-0-2).

PDC06-070 - District 10

(Continued from 5/1/07 – Item 11.4)

\* **RECOMMEND CONTINUANCE TO 6/5/07, PER COUNCIL DISTRICT 10**

### 11.5 **Prezoning the real property located at/on the southeast corner of Piercy Road and Tennant Avenue.**

#### Supplemental

\* **Recommendation:** Consideration of an ordinance prezoning the real property located at/on the southeast corner of Piercy Road and Tennant Avenue (715 Piercy Rd.) from Unincorporated to Planned Development Zoning District to allow up to 41 single-family detached residences on 8.3 gross acres site (Terramac, Inc., Detrick Corporation, The Tawfik's Trust, Sameha Tawfik, Trustee, Owner). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-0-2).

PDC06-102 – District 2

## 11. PUBLIC HEARINGS

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### 11.6 [Rezoning the real property located on the southwest corner of Archer Street and Kerley Drive.](#)

- \* **Recommendation:** Consideration of an ordinance rezoning the real property located on the southwest corner of Archer Street and Kerley Drive from CG Commercial General Zoning District to A(PD) Planned Development Zoning District to allow up to 42 single-family attached residences on a 0.66 gross acre site (Sam J. Zullo, Owner; Essex Property Trust, Developer). CEQA: Addendum to North San José Environmental Impact Report, Resolution No. 72768. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-0).  
[PDC06-085](#) - District 3

### 11.7 [Rezoning the real property located on the north side of Willow Glen Way.](#)

#### [Supplemental](#)

**Recommendation:** Consideration of an ordinance rezoning the real property located on the north side of Willow Glen Way, approximately 450 feet west of Padres Creek Drive (71 Willow Glen Way), from R-1-8 Single Family Residence Zoning District to A(PD) Planned Development Zoning District requesting to subdivide one lot with an existing single-family detached residence into two lots. The existing residence would remain and a new two-story single-family detached residence would be constructed on the new lot facing Carmel Drive on a 0.24 gross acre site (Lafountain Avril E, Owner). CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommended approval (5-0-2).  
[PDC06-118](#) - District 6

### 11.8 **Rezoning the real property generally bounded by industrial buildings on the south side of Auzerais Avenue to the north, Lincoln Avenue and Northrup Street to the east, Interstate 280 to the south, and Race Street to the west.**

#### [Memo from Councilmember Oliverio](#)

##### **Recommendation:**

- \* (a) [Consideration of two ordinances rezoning the real property generally bounded by industrial buildings on the south side of Auzerais Avenue to the north, Lincoln Avenue and Northrup Street to the east, Interstate 280 to the south, and Race Street to the west from the IP Industrial Zoning District to A\(PD\) Planned Development Zoning District to allow up to 975 multi-family residential units and 5,000 sq. ft. of retail space on two sites totaling 19.38 gross acres \(Sobrato Development Company; Owner and Developer\). Director of Planning, Building and Code Enforcement and Planning Commission recommend approval \(6-0-0\). \[PDC06-024\]\(#\) \(related to the portion of the site located south of the Santa Clara Valley Transportation Agency tracks 10.71 acres\) and \[PDC06-025\]\(#\) \(related to the portion of the site located north of the Santa Clara Valley Transportation Agency tracks, 8.7 acres\) - District 6.](#)

- (b) [Adoption of a resolution, based on findings in this report, authorizing the City Manager to negotiate and execute agreements necessary to accept from Sobrato Group, a California Limited Partnership:](#)
- (1) An upfront in-lieu payment of \$4,476,780 to the City to partially satisfy Sobrato Group's inclusionary housing obligation for the development of 627 rental apartment units on the east side of Race Street between Auzerais Avenue and Parkmoor Avenue proposed in pending Planned Development Permit application PD07-025 and PD07-026; and
  - (2) An agreement to dedicate to the City a 3.1-acre site at the southeast corner of Race Street and Parkmoor Avenue, to occur no later than May 15, 2013, which dedication will satisfy Sobrato Group's remaining inclusionary housing obligation for those 627 units.

CEQA: Resolution to be adopted. Council District 6. SNI: Burbank/Del Monte.  
(Housing)

#### 11.9 [Rezoning the real property located on the east side of Taft Drive.](#)

##### [Supplemental](#)

- \* **Recommendation:** Consideration of an ordinance rezoning the real property located on the east side of Taft Drive, approximately 200 feet northerly of Blossom Valley Drive (5410 Taft Drive) from R-1-8 Residence Zoning District to A(PD) Planned Development Zoning District to allow up to five single-family detached residences on a 1.15 gross acre site (Masoumi Brothers LLC, Owner; Masud Maesumi, Developer). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-0-2).  
[PDC06-027](#) - District 9

- Open Forum
- Adjournment