



CITY COUNCIL AGENDA

OCTOBER 24, 2006

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

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES, MAYOR

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

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

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

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

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

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

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

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

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

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

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

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

- **Call to Order and Roll Call**
 - 9:30 a.m. - Closed Session, City Hall Tower, 18th Floor, City Hall
See Separate Agenda
 - 1:30 p.m. - Regular Session, Council Chambers, City Hall
 - 7:00 p.m. - General Plan Hearings, Council Chambers, City Hall
 - 7:00 p.m. - Public Hearings, Council Chambers, City Hall

- **Invocation (District 9)**
Nejad World Music Center

- **Pledge of Allegiance**
- **Orders of the Day**

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

1. CEREMONIAL ITEMS

- 1.1 Presentation of a commendation to the Parks, Recreation and Neighborhood Services Department for its tireless efforts in support of the success 2006 special event season. (Parks Recreation and Neighborhood Services)

- 1.2 Presentation of a commendation to Police Reserve Sergeant David D. Aguilar for his exemplary dedication and commitment to the City of San José. (Police)

- 1.3 Presentation of commendations to Adobe Systems Incorporated, Taylor Automotive, Forest City Commercial Management, Advanced Career Development, Money Mailer of South San José, San José City Hall and the San José Conservation Corps for achieving Green Business Certification in the community of San José and for their continuing commitment to protect the environment and enhance the quality for the residents of San José. (LeZotte)
(Rules Committee referral 10/11/06)

2. CONSENT CALENDAR

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

2.1 Approval of Minutes.

2.2 Final adoption of ordinances.

2.3 [Approval of an amendment to the agreement for San José Elections Commission Evaluator Services.](#)

Recommendation: Adoption of a resolution authorizing the City Attorney to negotiate and execute a first amendment to the agreement with Hanson, Bridgett, Marcus, Vlahos, Rudy LLP to provide legal and investigative services as the Evaluator to the San José Elections Commission, increasing compensation by \$100,000, to a total amount not to exceed \$200,000. CEQA: Not a Project. (City Attorney's Office/City Clerk)

2.4 [Approval of one Community Events Program Date at the HP Pavilion.](#)

Recommendation: Approval of use of the HP Pavilion at San José for one Community Event date for the San José Sports Hall of Fame induction ceremony on November 14, 2006. CEQA: Not a Project. (City Manager's Office)

2.5 [Approval of 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):
 - (1) Increase the estimate for Earned Revenue by \$547,000.
 - (2) Increase the appropriation to the Department of Public Works for the Greater Gardner Street Reconstruction Project (PSM #346, Amendment 6) in the amount of \$105,000.
 - (3) Establish an appropriation to the Department of Public Works for the Zanker Road Median Island Landscape Improvement Project (PSM #468) in the amount of \$442,000.
- (b) Adoption of resolutions making certain determinations regarding the related expenditure of Redevelopment Agency funds on certain public improvements in connection with the Zanker Road Median Island Landscape Improvement Project as more specifically described in the memorandum from the Redevelopment Agency, dated October 2, 2006.

CEQA: Exempt, File Nos. PP04-07-215 and PP06-167. Council Districts 3, 4 and 6.
SNI: Greater Gardner. (City Manager's Office)

2. CONSENT CALENDAR

2.6 [Approval to amend the annual appropriation ordinance and funding source for the Workforce Investment Act Fund.](#)

Recommendation: Adoption of the following amendments to the annual appropriation ordinance and funding sources resolution in the Workforce Investment Act Fund:

- (a) Increase earned revenue estimate by \$170,000.
 - (b) Establish an appropriation for Career Pathways in the amount of \$170,000.
- CEQA: Not a Project. (Economic Development/City Manager's Office)

2.7 [Approval to create a new job classification titled Principal Permit Specialist.](#)

Recommendation: Adoption of a resolution to create the job classification of Principal Permit Specialist (3901) with a pay range of \$28.03-\$34.07 per hour (\$58,302.40-\$70,865.60 annually). CEQA: Not a Project. (Human Resources)

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session Mayor Gonzales, Chair

3.2 Report of the Rules Committee – October 11, 2006 Vice Mayor Chavez, Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
 - (1) Review October 24, 2006 Draft City Council Agenda
 - (a) Adds to the October 24, 2006 Draft City Council Agenda
 - (2) Add New Items to the October 17, 2006 Agenda
 - (3) List of Reports Outstanding
- (c) Legislative Update
 - (1) State
 - (2) Federal
- (d) Meeting Schedules
 - (1) Approval to schedule a Study Session on Solar and Energy Issues on January 25, 2007. (Environmental Services)
 - (2) Approval to schedule Getting Families Back to Work Study Sessions on November 16 and 17, 2006. (Mayor)
- (e) The Public Record
- (f) Appointments to Boards, Commissions and Committees

3. STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – October 11, 2006 (Cont'd.)

Vice Mayor Chavez, Chair

- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) City Council Spending Policy. (Cortese)
 - (2) Approval of the Revised Building Strong Neighborhoods Committee Work Plan. (Mayor/Chirco)
 - (3) Request the City Manager to assess Code Enforcement-The General Code Compliant Handling Process and the Fee Based Multi Family Dwelling Program. (Planning, Building and Code Enforcement)
Deferred to 10/17/06
 - (4) Proposed Work Load Assessment for the Administration of HP Grants. (City Manager's Office/City Clerk)
Deferred to 10/17/06
 - (5) Discussion and possible action regarding the City's Military Reservist Policy. (Campos)
Dropped.
- (h) Review of Significant Public Records Act Requests
- (i) Review of Council Policy Updates per Sunshine Reforms
 - (1) Approve the proposed methodology and process to review and update the Council Policy manual. (City Manager's Office)
- (j) Open Forum
- (k) Adjournment

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

3.4 [Approval to amend the Bearing Point contract.](#)

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

- (a) Negotiate and execute a third amendment to the agreement for an Integrated CIS and Hauler Management System between the City of San José and BearingPoint, Inc. increasing the total maximum compensation (including previously approved contract amendments and contingencies) of \$7,306,574, by \$1,548,000 to implement Phases 1.1, 1.2, and 2.1 of the Integrated Billing Project, formally known as the C-UBS Project and fund \$110,574 in contingencies to be authorized by the Director of Finance for a total maximum compensation not to exceed \$8,965,148 and;
- (b) Execute change orders with respect to use of the contingency and modification of scope of services due to changes in proposed fit-gap analyses.

CEQA: Not a Project. (Finance)

3. STRATEGIC SUPPORT SERVICES

3.5 Approval of the staff report on events at City Hall and of revisions to Council Policy 7-2 related to the use of City Hall.

Recommendation:

- (a) Acceptance of the staff report on events at City Hall.
- (b) Adoption of a resolution setting forth a revised fee schedule related to use of City Hall and superseding Resolution No. 72940 and approving revisions to Council Policy 7-2 related to use of City Hall to provide for:
 - (1) Free events Sunday through Friday for Official City Business in the rotunda, Council Chambers, plaza and bamboo garden, subject to certain limitations.
 - (2) Weekday, daytime activation of the rotunda and plaza.
 - (3) Seasonal displays in lobbies.

CEQA: Resolution No. 68905. Council District 3. SNI: University. (General Services)

4. COMMUNITY & ECONOMIC DEVELOPMENT

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

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

[Approval to amend the San José Municipal Code as it relates to suspension of collection of Building and Structure Construction Taxes.](#)

Recommendation

- (a) Approval of [an ordinance](#) amending Section 4.46.039.8 of Chapter 4.46 of Title 4 of the San José Municipal Code (SJMC) to extend the period from November 1, 2006 to April 30, 2008, during which the City suspends the collection of Building and Structure Construction Taxes imposed for the construction of special industrial use Research and Development and Office tenant improvements.
- (b) Approval of [an ordinance](#) amending Section 4.46.039.9 of 4.46 of Chapter 4.46 of Title 4 of the San José Municipal Code (SJMC) to extend the period from November 1, 2006 to April 30, 2008, during which the City suspends the collection of Building and Structure Construction Taxes imposed for the construction of office use tenant improvements in the Downtown Core.
- (c) Direction to staff to extend the Coordinated Plan Check Review process from November 1, 2006 to April 30, 2008, allowing for plan-check fee collection deferral until permit issuance for tenant improvements in vacant office buildings within the Downtown Core and in vacant industrial and research buildings throughout San José.

CEQA: Exempt. (Economic Development)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.4 Public Hearing on the reorganization/annexation of Story No. 59.

Recommendation: Public Hearing and adoption of a resolution on the reorganization/annexation to the City of San José of territory designated as Story No. 59 an approximately 3.7 acre County Pocket containing four (4) parcels on the Southeasterly corner of Story Road and Machado Lane and the implementation of the annexation would result in the detachment of properties within the annexation area from Central Fire Protection, and Area No. 01 (Library Services) County Service (Numerous Owners). CEQA: Resolution No. 65459. Council District 5. (Planning, Building and Code Enforcement)

TO BE HEARD IN THE EVENING

RECOMMEND CONTINUANCE TO 11/14/06

4.5 Public Hearing on the reorganization/annexation of Sunol No. 74.

Recommendation: Public Hearing and adoption of a resolution on the reorganization/annexation to the City of San José of territory designated as Sunol No. 74 an approximately 1.7 acre County Pocket consisting of 13 parcels on the south side of Paula Street, west of Race Street. Implementation of the annexation would result in the detachment of properties within the annexation area from Sunol Sanitary, County Lighting County Service, Central Fire Protection, and Area No. 01 (Library Services) County Service. CEQA: Resolution No. 65459. Council District 6. (Planning, Building and Code Enforcement)

TO BE HEARD IN THE EVENING

RECOMMEND CONTINUANCE TO 11/14/06

4.6 Public Hearing on the reorganization/annexation of Sunol No. 75.

Recommendation: Public Hearing and adoption of a resolution on the reorganization/annexation to the City of San José of territory designated as Sunol No. 75 an approximately 3.6 acre County Pocket consisting of 13 parcels on the north side of Paula Street, east of Northrup Street, and the west side of Lincoln Avenue south of Interstate 280 and north of Paula Street. Implementation of the annexation would result in the detachment of properties within the annexation area from Sunol Sanitary, County Lighting County Service, Central Fire Protection, and Area No. 01 (Library Services) County Service. CEQA: Resolution No. 65459. Council District 6. (Planning, Building and Code Enforcement)

TO BE HEARD IN THE EVENING

RECOMMEND CONTINUANCE TO 11/14/06

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.7 Public hearing on the reorganization/annexation of Sunol No. 76.

Recommendation: Public Hearing and adoption of a resolution on the reorganization/annexation to the City of San José of territory designated as Sunol No. 76 an approximately 1.8 acre County Pocket consisting of 13 parcels on the north side of Paula Street, west of Northrup Street. Implementation of the annexation would result in the detachment of properties within the annexation area from Sunol Sanitary, County Lighting County Service, Central Fire Protection, and Area No. 01 (Library Services) County Service. CEQA: Resolution No. 65459. Council District 6. (Planning, Building and Code Enforcement)

TO BE HEARD IN THE EVENING

RECOMMEND CONTINUANCE TO 11/14/06

4.8 Public hearing on the reorganization/annexation of Cambrian No. 35.

Recommendation: Public Hearing and adoption of a resolution on the reorganization/annexation to the City of San José of territory designated as Cambrian No. 35 an approximately 2.55 acre County Pocket consisting of 9 parcels on the southwesterly corner of Bascom Avenue and Curtner Avenue. Implementation of the annexation would result in the detachment of properties within the annexation area from West valley Sanitation, County Lighting County Service, Central Fire Protection, and Area No. 01 (Library Services) County Service. CEQA: Resolution No. 65459. Council District 9. (Planning, Building and Code Enforcement)

TO BE HEARD IN THE EVENING

RECOMMEND CONTINUANCE TO 11/14/06

4.9 [Public Hearing on the reorganization/annexation of Sunol No. 72.](#)

Recommendation: Public Hearing and adoption of a resolution on the reorganization/annexation to the City of San José of the territory designated as Sunol No. 72 an approximately 0.88 gross acres of land located at the south side of Paula Street, approximately 160 feet easterly of Meridian Way, and the detachment of the same from the appropriate special districts including Sunol Sanitary, County Lighting County Service, Central Fire Protection and Area No. 01 (Library Services) County Service. CEQA: Mitigated Negative Declaration. Council District 6. (Planning, Building and Code Enforcement)

TO BE HEARD IN THE EVENING

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.10 [Public Hearing and consideration of a Historical Property Contract for The Hensley House.](#)

Recommendation: Public hearing and consideration of approval of a City Landmark Nomination for the Arguello Gosbey House also known as The Hensley House on a 0.14 gross acre site, located on the northeast corner of Hensley Street and N. Third Street (456 N. 3rd St.) (Angela Chumak, Owner). SNI: 13th Street. CEQA: Exempt.
HL06-156 - District 3

5. NEIGHBORHOOD SERVICES

5.1 **Report of the All Children Achieve Committee – October 12, 2006** **Council Member Yeager, Chair**

- (a) Annual Report on Library Usage
Request deferral to November 2006
- (b) Update on Early Care and Education Strategic Plan 2006
(Deferred from 9/14/06)
- (c) San José's High School Initiative Update
- (d) Discussion of City Anti-Truancy Efforts
- (e) Oral Petitions
- (f) Adjournment

5. NEIGHBORHOOD SERVICES

5.2 Approval of actions related to the American Musical Theatre of San José.

Recommendation:

- (a) Approval to consider the recommendation in (b-c) below pursuant to the Early Distribution Process Rules (2/3 vote required).
- (b) Discussion and possible action on a line of credit for the American Musical Theatre of San José (AMTSJ) in the amount not to exceed \$1 million and, if approved, adoption of a resolution authorizing the City Manager to negotiate and execute a line of credit agreement with AMTSJ in an amount not to exceed \$1 million for a five year term.
- (c) If action is taken to approve the line of credit for AMTSJ, either:
 - (1) Authorize utilization of the newly-created Arts Stabilization Fund, approved as part of the City Manager's 2005-2006 Annual Report and the associated appropriation ordinance, Item 3.4 on the October 17, 2006, City Council Agenda; or
 - (2) Adopt an amendment in to the annual appropriation ordinance in the General Fund to:
 - (a) Establish an appropriation in City Wide, City Manager's Office.
 - (b) Decrease the contingency reserve by \$ 1 million.

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

5.3 Approval of actions related to the Parkland Dedication and Park Impact Ordinances.

Recommendation:

- (a) Approval of adjustments of the in-lieu fees for the Parkland Dedication and Park Impact Ordinances to 100% of the 2005 land values as listed in Attachment A of the report.
- (b) For each item listed under the "Base Recommendations" in Attachment B of the report, accept staff's recommendation for amendments to the Parkland Dedication and Park Impact Ordinances and associated Fees and Credits Resolution.
- (c) Direction to staff to return to the City Council with a revised ordinance and associated fee resolution which reflects the Council's above recommendations.

CEQA: Resolution No. 65459. (Planning, Building and Code Enforcement/Parks, Recreation and Neighborhood Services)

TO BE HEARD IN THE EVENING

6. TRANSPORTATION & AVIATION SERVICES

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

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

- Closed Session Report
- Notice of City Engineer's Pending Decision on Final Maps
- Notice of City Engineer's Award of Construction Projects
- Council will recess until 7:00 p.m.

10. GENERAL PLAN PUBLIC HEARINGS ON CONSENT CALENDAR

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

Notice to the public: There will be no separate discussion of General Plan Consent Calendar (Item 10.1) as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the General Plan Consent Calendar (Item 10.1) and considered separately.

10.1 Tentative approval of General Plan Consent Calendar items.

Notice to the public: There will be no separate discussion of General Plan Consent Calendar (Item 10.1) as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the General Plan Consent Calendar (Item 10.1) and considered separately.

Recommendations:

- (a) [The items being considered are for property located located on the southwesterly quadrant of Alum Rock Avenue \(1898 Alum Rock Avenue and at the northerly portion of 1884 Alum Rock Avenue\) and McCreery Avenue \(57 McCreery Avenue\) on approximately 0.59-acre \(J.A. and Mabiela R. Calderon, Owner/Applicant\).](#)
- (1) Tentative approval of General Plan Text Amendment request to change the Land Use/Transportation Diagram designation from General Commercial on approximately 0.46 acres to Neighborhood/Community Commercial and maintain the existing Neighborhood Business District Overlay and from Medium Density Residential (8-16 DU/AC) to Neighborhood/Community Commercial with the addition of a Neighborhood Business District Overlay. SNI: Mayfair. CEQA: Mitigated Negative Declaration.
GP05-05-02 - District 5
- (2) PLANNED DEVELOPMENT REZONING from CG Commercial General and R-1-8 Single Family Residence Zoning Districts to A(PD) Planned Development Zoning District to allow 6,210 square feet for commercial uses on a 0.59 gross-acre site. SNI: Mayfair. CEQA: Mitigated Negative Declaration.
PDC05-112 - District 5
ITEM 11.1(e) TO BE HEARD UNDER 10.1(a)

END OF CONSENT CALENDAR

10. GENERAL PLAN PUBLIC HEARINGS

10.2 Adoption of a resolution approving all General Plan amendment actions taken on October 24, 2006.

Recommendation: Adoption of a resolution approving all General Plan amendment actions taken on October 24, 2006 and adoption of any related CEQA resolutions. (Planning, Building and Code Enforcement)

11. PUBLIC HEARINGS ON CONSENT CALENDAR

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

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

11.1 Public Hearings on Consent Calendar.

Recommendation:

- (a) Consideration of an ordinance rezoning the real property located on the east side of North 2nd Street, approximately 140 feet northerly of St. James Street from CG Commercial General Zoning District to DC Downtown Commercial Zoning District to allow commercial uses within a designated City Landmark building on a 0.43 gross acre site (240 N. 2nd St.) (Bel Aire Inv. Inc., Owner). Director of Planning, Building and Code Enforcement and Planning Commission recommended approval (6-0-1). CEQA: Resolution No. 65459.
C06-031 - District 3
[Continued from 10/3/06 – Item 11.1(c)]
- (b) Consideration of an ordinance rezoning the real property located at the southeast corner of Almaden Expressway and Almaden Road from A Agriculture Zoning District to A(PD) Planned Development Zoning District to allow up to 13 single family detached residences on a 1.24 gross acre site (18950 Almaden Road) (John D. and Jennifer R. Carson, Owner). CEQA: Mitigated Negative Declaration.
PDC05-109 - District 10
[Continued from 10/3/06 – Item 11.1(f)]
- (c) [Consideration of an ordinance rezoning the real property located on the south side of Story Road approximately 150 feet east of Adrian Way from CO Commercial Office Zoning District to CP Commercial Pedestrian Zoning District to allow commercial uses on a 0.24 gross acre site \(2250 Story Rd\) \(José and Ana Canales, Owner\). Director of Planning, Building and Code Enforcement recommended approval. No Planning Commission action required. SNI: East Valley/680 Communities. CEQA: Resolution No. 65459.](#)
C06-096 - District 5
- (d) [Consideration of an ordinance rezoning the real property located on the south side of University Avenue approximately 100 feet northerly of Myrtle Street from R-2 Two Family Residence District to A\(PD\) Planned Development Zoning District to allow a two single family detached residences on 0.33 gross acres \(970 University Ave.\) \(Sharon Dains, Owner\). CEQA: Exempt.](#)
PDC02-002 - District 6

11. PUBLIC HEARINGS ON CONSENT CALENDAR

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

Recommendation:

- (e) [The projects being considered are on an approximately 0.59-acre site located at](#) the southwesterly quadrant of Alum Rock Avenue and McCreery Avenue. (Calderon, Owner and Applicant) APNs: 487-18-013(part), -014 and -015. Council District 5. SNI: Mayfair. CEQA: Mitigated Negative Declaration.
- (1) [GP05-05-02](#) - General Plan amendment request to change the Land Use/Transportation Diagram designation from General Commercial on approximately 0.46 acres (1898 Alum Rock Avenue and at the northerly portion of 1884 Alum Rock Avenue), and from Medium Density Residential (8-16 DU/AC) on approximately 0.12 acres (57 McCreery Avenue) to Neighborhood/Community Commercial with a Neighborhood Business District Overlay on approximately 0.59 acres.
- (2) [PDC05-112](#) - Planned Development Rezoning from CG Commercial General and R-1-8 Single Family Residence Zoning Districts to A(PD) Planned Development Zoning District to allow 6,210 square feet for commercial uses on a 0.59 gross acre site.
- TO BE HEARD WITH GENERAL PLAN ITEM 10.1**
- (f) [Consideration of a director initiated prezonning ordinance prezonning an](#) approximately 14.84 gross acre area consisting of portions of 7 parcels on the south side of Manila and Curie Drives, west of San Ignacio Avenue from County of Santa Clara to OS Open Space (Santa Clara County, Owner). Director of Planning, Building and Code Enforcement recommended approval. No Planning Commission action required. CEQA: Resolution No. 65459.
[C06-072](#) - District 2
- (g) Consideration of a director initiated prezonning ordinance prezonning an approximately 15.3 gross acre area consisting of 2 parcels on the southeast corner of Capitol Avenue and Hostetter Road from County of Santa Clara to RM Multiple Residence Zoning District for multi family residential purposes (Clara Bianchi, Trustee; Santa Clara Valley Transit Authority, Owners). Director of Planning, Building and Code Enforcement recommended approval. No Planning Commission action required. CEQA: Resolution No. 65459.
[C06-074](#) - District 4
RECOMMEND CONTINUANCE TO 11/14/06
- (h) [Consideration of a director initiated prezonning ordinance prezonning an approximate](#) 3.7 gross acre site consisting of 5 parcels located on the north side of Story Road, 780 feet westerly of Machado Lane from County of Santa Clara to R-1-FF Single Family Residence District for single family residential purposes (Jesus & Maria Reyes, Dagmar McNelly, Lenora Jones, Ramon & Elizabeth Martinez, Owners). Director of Planning, Building and Code Enforcement recommended approval. No Planning Commission action required. CEQA: Resolution No. 65459.
[C06-075](#) - District 5

11. PUBLIC HEARINGS ON CONSENT CALENDAR

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

Recommendation:

- (i) [Consideration of a director initiated rezoning ordinance rezoning an](#) approximately 4.23 gross acre area consisting of 3 parcels located on the southeast side of Story Lane, 870 feet northeasterly of Clayton Road from County of Santa Clara to R-1-2 Single Family Residence District for single family residential purposes (Ben & Alice Nagashima, Trustee; Janet Nagashima, Mai Phuong Nguyen, Owners). Director of Planning, Building and Code Enforcement recommended approval. No Planning Commission action required. CEQA: Resolution No. 65459.
C06-076 - District 5

- (j) [Consideration of a director initiated rezoning ordinance rezoning an](#) approximately 33.6 gross acre area consisting of 3 parcels on the northerly side of Seely Avenue, west of Montague Expressway from County of Santa Clara to IP Industrial Park on 22.6 acres for Industrial Park and OS Open Space on 11 acres for open space purposes (Sakauye, Suzaye, Sakauye Partners, City of San José, Owners). Director of Planning, Building and Code Enforcement recommended approval. No Planning Commission action required. CEQA: Resolution No. 65459.
C06-083 - District 4

END OF PUBLIC HEARINGS ON CONSENT CALENDAR

11. PUBLIC HEARINGS

11.2 Amending Chapter 21.04 of Title 21 of the San José Municipal Code.

Recommendation: Consideration of an ordinance of the City of San José amending Chapter 21.04 of Title 21 of the San José Municipal Code to add a new section and amending Section 21.06.030 of Chapter 21.06 of Title 21, all related to providing for an additional appeal to the City Council of certain environmental clearance determinations. CEQA: Not a Project. (Planning, Building and Code Enforcement)
[Continued from 8/29/06 – Item 11.1(k) and 10/3/06 – Item 11.3]

11.3 [Rezoning the real property located on the southwest corner of Stevens Creek Boulevard and Palace Drive.](#)

Recommendation: Consideration of an ordinance rezoning the real property located on the southwest corner of Stevens Creek Boulevard and Palace Drive from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow an approximately 170,000 square foot, five story structure for a parking garage and automobile service center uses at an existing automobile dealership on a 5.77 gross acre site (4500 Stevens Creek Blvd.) CEQA: Mitigated Negative Declaration.
PDC04-043 - District 1

11.4 [Rezoning the real property located on the east side of Bird Avenue, approximately 200 feet north of Willow Street.](#)

Recommendation: Consideration of an ordinance rezoning the real property located on the east side of Bird Avenue, approximately 200 feet north of Willow Street from R-1-8 Single Family Residence Zoning District to A(PD) Planned Development Zoning District to allow up to three single family residences, two constructed without benefit of permits, on a 0.30 gross acre site (1070 Bird Avenue) (Norman P. Dreyer, Trustee, Owner). Director of Planning, Building and Code Enforcement and Planning Commission recommended conditional approval to allow up to two single-family residences (4-1-2). CEQA: Exempt.
PDC06-028 - District 6

- Open Forum
- Adjournment