



# **CITY COUNCIL AGENDA**

**OCTOBER 16, 2001**

## **SYNOPSIS**

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

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER  
GEORGE SHIRAKAWA, JR.  
DAVID D. CORTESE  
JOHN DIQUISTO  
PAT DANDO

DISTRICT 6  
DISTRICT 7  
DISTRICT 8  
DISTRICT 9  
DISTRICT 10

Welcome to the San José City Council meeting!

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

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

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

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

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

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

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

- **Call to Order and Roll Call**  
**9:30 a.m. - Closed Session, Room 600, City Hall**  
**Absent: Council Member – Vice Mayor Shirakawa, Jr. (Excused)**  
  
**1:35 p.m. - Regular Session, Council Chambers, City Hall**  
**Absent: Council Member – Vice Mayor Shirakawa, Jr. (Excused)**  
  
**7:00 p.m. - Public Hearings, Council Chambers, City Hall**  
**Absent: Council Member – Vice Mayor Shirakawa, Jr. (Excused)**
- **Invocation (District 9)**  
**Rabbi Leslie Alexander, Jewish Community Chaplain, Jewish Federation of San José, delivered the Invocation.**
- **Pledge of Allegiance**  
**Mayor Gonzales led in the Pledge of Allegiance.**
- **Orders of the Day**  
**Approved.**

## **1 CEREMONIAL ITEMS**

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- 1.1 Presentation of the Client Achievement Award from the American Institute of Architects to Jane Light, City Librarian. (City Manager’s Office).  
**Joining Mayor Gonzales at the Podium was City Librarian Jane Light who accepted the award that was presented by Pamela Anderson Brule.**
- 1.2 Presentation of plaques to Alexandrina Esparza for 2 years 1 month service on the CDBG Steering Committee and to Gerald Grudzen, Jr. for 2 years 1 month service on the Disadvantaged Business Development Commission.  
**The plaques will be mailed, as the Commissioners were unable to attend the meeting.**

# 1 CEREMONIAL ITEMS

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- 1.3 Presentation of a commendation to Bret Harte Middle School for raising funds to send teddy bears to young children who attended San José Day Nursery in New York City. (Dando)

(Rules Committee referral 10/10/01)

**This item heard in the evening.**

**Council Member Dando joined Mayor Gonzales at the Podium and introduced Elaine Farace, Principal, Bonnie Kay Calder, Vice Principal, Erin Lee, Leadership Director, Ashley Chang, Student Body President, and Richard Wellington, Leadership 2K Director. Mayor Gonzales presented the commendation to Bret Harte and congratulated the students for their concern for the children affected by the September 11<sup>th</sup> tragedy.**

- 1.4 Presentation of a commendation from Council Member Dando and the Red Cross to the Federation of Vietnamese-Americans of Northern California for raising over \$100,000 for the Red Cross to assist the victims and families of the September 11, 2001 tragic event. (Dando)

(Rules Committee referral 10/10/01)

**This item heard in the evening.**

**Council Member Dando joined Mayor Gonzales at the Podium and introduced Hy Nguyen, Spokesperson for the Federation of Vietnamese-Americans of Northern California, and Scott Windor, CEO of The American Red Cross who thanked the Federation for their generous contribution.**

- 1.5 Presentation of a commendation to the Services for Brain Injury (SBI) for Brain Injury Month. (Dando)

(Rules Committee referral 10/10/01)

**This item heard in the evening.**

**Council Member Dando joined Mayor Gonzales at the Podium and introduced The Mayor of Monte Serreno, Barbara Nesbet, Maruice Webb, Past Chair of the Brain Injury Board, and Dr. David Messucci, who introduced two Touchstone participants Matt Whinfrey and Catherine Puckett.**

- 1.6 Presentation of a City of San José flag and gifts to Commander Scott W. Bailey of the U.S.N.S. San José. (Mayor)

(Orders of the Day)

**Joining Mayor Gonzales at the Podium were Commander Scott W. Bailey, EM1 Nelson Habon and MM2 Long Nguyen. Mayor Gonzales presented to Commander Bailey the flags of the City of San Jose and the San Jose Sharks.**

- 1.7 Council Member Dando was joined at the podium by Mayor Gonzalez to announce that October is Domestic Violence Awareness Month and that new signage will be placed on VTA Public Transportation, at Light Rail Stations, and all City Council Districts displaying the messages “Need a time out, Hurt a Loved one, Go to Jail” and “Hurt a Loved one, Go to Jail”.

## 2 CONSENT CALENDAR

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### 2.1 Approval of Minutes.

None.

### 2.2 Final adoption of ordinances.

**Recommendation:** Final adoption of ordinances:

- (a) ORD. NO. 26487 – Rezones certain real property situated on the north side of Balbach Street, 200 feet westerly of South Market Street. PDC 00-05-043

**Ordinance No. 26487 adopted.**

- (b) ORD. NO. 26488 - Rezones certain real property situated on the southwest side of North Capitol Avenue, approximately 240 feet northerly of Berryessa Road (1155 N. Capitol Avenue). C 01-01-003

**Ordinance No. 26488 adopted.**

### 2.3 Approval to provide for additional netting at the Rancho del Pueblo Golf Course.

**Recommendation:** Adoption of appropriation ordinance and funding sources resolution amendments in the General Fund to provide for additional netting at the Rancho del Pueblo Golf Course. (City Manager's Office)

**Dropped.**

### 2.4 Approval to amend an agreement for the preparation of the Water Utility Management Plan.

**Recommendation:** Approval of the first amendment to the consultant agreement with PSOMAS to increase compensation by \$65,000, from \$135,000 to a total contract amount not to exceed \$200,000, to provide assistance to San José Municipal Water System staff in the preparation of a Water Utility Management Plan. Council Districts 2, 4, 7, and 8. (Environmental Services)

**Approved.**

**END OF CONSENT CALENDAR**

## 3 STRATEGIC SUPPORT SERVICES

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### 3.1 Report of the Study Session

Mayor Gonzales, Chair

No report.

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules Committee – October 3, 2001

Vice Mayor Shirakawa, Jr., Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting  
**The Redevelopment Agency items to be reported out at Redevelopment Agency Board meeting.**
  
- (b) City Council
  - (1) Review October 16, 2001 Draft Agenda  
**The Committee approved the October 16, 2001 City Council Agenda with two additions.**
  
  - (2) Add New Items to October 9, 2001 Amended Agenda  
**The Committee recommended three additions to the October 9, 2001 City Council Agenda.**
  
- (c) City Council Committees
  - (1) Amendments to Council Committee Agendas
    - (a) Finance and Infrastructure Committee
    - (b) Economic Development and Environment Committee
    - (c) Education, Neighborhoods, Youth, and Seniors Committee**None Filed.**
  
- (d) Meeting Schedules  
**None Presented.**
  
- (e) The Public Record  
**The Committee noted and filed the Public Record for the period September 19-25, 2001.**
  
- (f) Boards, Commissions and Committees  
**None Presented.**
  
- (g) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee.
  - (1) Request to use Council General funds by Council Member Pat Dando to attend the National League of Cities Congress of Cities Exposition in Atlanta, GA, December 3-9, 2001  
**The Committee recommended approval for Council Member Dando to use Council General funds to attend the National League of Cities Congress of Cities and Exposition in Atlanta, GA, December 3-9, 2001.**

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules Committee – October 3, 2001 – (Cont'd)

**Vice Mayor Shirakawa, Jr., Chair**

- (g) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee. (Cont'd)

(2) Status Report on Council Referrals for the period April-June 2001  
**The Committee accepted the staff report on the status of Council Referrals for the period April-June 2001.**

- (h) Administrative Reviews and Approval  
**None Presented.**

- (i) Oral communications  
**William Garbett commented on fiscal actions relative to the Civic Center Plaza Project.**

- (j) Adjournment  
**The meeting adjourned at 2:05 P.M.**

**The Rules Committee Report and Actions of October 3, 2001 Accepted.**

#### 3.2 Report of the Rules Committee – October 10, 2001:(Partial)

**Vice Mayor Shirakawa, Jr., Chair**

- (h) Administrative Reviews and Approval  
(1) Approve voting delegate for 2001 National League of Cities Annual Business Meeting  
**The Committee recommended designation of Council Member Pat Dando as the voting delegate at the December 8, 2001 Annual Business Meeting for the National League of Cities.**

**The Rules Committee Report (Partial) and action of October 10, 2001 Accepted.**

#### 3.3 Report of the Finance and Infrastructure Committee

**Council Member Dando, Chair**

**No Report.**

#### 3.4 Approval of various operating and capital funds to implement 2000-2001 Annual Report recommendations and provide for appropriate technical adjustments.

- (a) Acceptance of the 2000-2001 City Manager's Annual Report of the Finances and Administrative Activities of the City of San José, pursuant to the City Charter Section 701(f).

**Council Accepted the Report with the exception of the \$800,000 for eGovernment, which will be considered at Mid-year Budget Review.**

*This item continued on next page.*

### 3 STRATEGIC SUPPORT SERVICES

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**3.4 Approval of various operating and capital funds to implement 2000-2001 Annual Report recommendations and provide for appropriate technical adjustments.**  
(Cont'd)

- (b) Adoption of appropriation ordinance and funding sources resolution amendments in various operating and capital funds to implement 2000-2001 Annual Report recommendations and provide for appropriate technical adjustments.

(City Manager's Office)

**Ordinance No. 26492 adopted.**

**Resolution No. 70664 adopted.**

**3.5 Approval of a Supplemental Retiree Benefit Reserve.**

**Recommendation:** Approval of proposed Supplemental Retiree Benefit Reserve and referral to City Administration for implementation. (Board of Administration for the Police & Fire Department Retirement Plan)

**Deferred to 10/30/01.**

**3.6 Approval of the City Council responses to the Grand Jury Reports.**

**Recommendation:** Approval of the City Council responses to the following Grand Jury Reports:

- (a) Inquiry into the City of San José Police Department "Use-of-Force" Training Procedures.
- (b) Inquiry into Alleged Improprieties by Mayor, Including Misuse of City of San José Funds.
- (c) Review of the City of San José's Use of Redevelopment Agency's 20% Low and Moderate Income Housing Fund.
- (d) Inquiry into the City of San José Fire Department Transfer and Assignment Policy.

(City Attorney's Office)

(Rules Committee referral 10/10/01)

**Council Approved the Responses to the Grand Jury Reports with the Directive to Staff to see that the Personnel and Nepotism policies be combined into the San Jose Municipal Code.**

## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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### **4.1 Report of the Economic Development & Environment Committee – October 1, 2001 Council Member Williams, Chair**

- (a) Workforce Investment Act Program Fourth Quarter Performance Report  
**The Committee Accepted the Staff Report.**
- (b) Status Report on the Mayor’s Housing Production Team Referrals  
**The Committee Accepted the Staff Report.**
- (c) Update on Rental Housing Action Item: Outreach, Mediation, and Evictions  
**The Committee Accepted the Staff Report.**
- (d) Monthly Report on Affordable Housing Production  
**The Committee Accepted the Staff Report.**
- (e) Oral petitions  
**Approximately 20 Individuals Spoke on Item 4.1(c).**
- (f) Adjournment  
**The Committee was adjourned at 3:36 P.M.**

**Council:** (1) Accepted The Economic Development and Environment Committee Report of October 1, 2001 with the correction that the Housing Task Force report will be brought back to Council through the Economic Development and Environment Committee; (2) Approved recommendation submitted by Mayor Gonzales and Council Members Chavez, Campos, Williams, and Yeager to refer the Issues of Just Cause Evictions to the Mayor’s Rental Issues Task Force for it’s Review of an Upcoming Consultant Report on this Subject, (3) Directed the Task Force to take up the Just Cause Issue early and get it back to Council with analysis and data regarding the scope of the problem; and (4) Public testimony presented by 21 individuals on Item 4.1(c).

### **4.2 Approval of the Chief Local Elected Official’s new appointments to the Workforce Investment Board and the Youth Council.**

**Recommendation:** Approval of the Chief Local Elected Official’s new appointments to the Workforce Investment Board and the Youth Council. (Economic Development)  
**Approved.**

### **4.3 TEFRA Hearing for the Betty Anne Gardens Apartments Housing Development.**

**Recommendation:** Adoption of a resolution acknowledging a TEFRA Hearing for the issuance of up to \$11,000,000 in tax-exempt multifamily housing revenue bonds for the Betty Anne Gardens Apartments Housing Development located at 945 & 955 North King Road. Council District 4. (Housing/Finance)  
**Resolution No. 70665 adopted.**

## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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### **4.4 TEFRA Hearing for the Valley Palms Apartments Housing Development.**

**Recommendation:** Adoption of a resolution acknowledging a TEFRA Hearing for the issuance of up to \$35,000,000 in tax-exempt multifamily housing revenue bonds by the California Statewide Community Development Authority for the acquisition and rehabilitation of a 354-unit Valley Palms Apartments Housing Development located at 2155 to 2245 Lanai Avenue. Council District 7. SNI: West Evergreen.  
(Housing/Finance)

**Resolution No. 70666 adopted.**

### **4.5 Acceptance of the CalHome Program grant to fund the rehabilitation of owner-occupied homes.**

**Recommendation:**

- (a) Adoption of a resolution accepting a \$500,000 CalHome Program grant from the California Department of Housing and Community Development for funding the rehabilitation of owner-occupied homes and authorizing the Director of Housing to execute the grant agreement and any amendments or other documents necessary to implement the Program.

**Resolution No. 70667 adopted.**

- (b) Adoption of appropriation ordinance and funding sources resolution amendments in the Home Investment Partnership Program Fund in the amount of \$500,000.  
(Housing/City Manager's Office)

**Ordinance No. 26493 adopted.**

**Resolution No. 70668 adopted.**

### **4.6 Approval of various actions related to the Shiraz Senior Apartments Development.**

**Recommendation:** Adoption of a resolution:

- (a) Approving business terms for a construction loan of up to \$2,012,347 and a permanent loan of up to \$1,910,823 to Shiraz Senior Housing, L. P., or its affiliate, for the development of the Shiraz Senior Housing Apartments, a 61-unit housing development affordable to very low-income senior households secured by a leasehold interest in a 1.55 acre site located at 1275 McLaughlin Avenue, south of Owsley Avenue.
- (b) Approving business terms for a permanent loan of up to \$1,882,653 to ROEM Development Corporation secured by the underlying fee title of the 1.55 acre site located at 1275 McLaughlin Avenue, south of Owsley Avenue.

Council District 7. SNI: Tully/Senter. (Housing)

**Resolution No. 70669 adopted.**

## **5 RECREATION & CULTURAL SERVICES**

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- 5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee  
Council Member Chavez, Chair  
No Report.**

- 5.2 Approval to award a contract for the West Valley Branch Library Project.**

**Recommendation:** Report on bids and award of contract for the construction of the West Valley Branch Library Project to the low bidder, in an amount not to exceed \$5,650,000. CEQA: Negative Declaration. Council District 1. (Public Works) (Deferred from 10/2/01 – Item 5.4)

**Deferred to 10/30/01.**

- 5.3 Naming of public facilities.**

**Recommendation:** Consideration of Parks and Recreation Commission recommendation to name a proposed plaza area between Oak and Edward Streets in District 3 the “Brenda Lopez Memorial Plaza.” (Parks and Recreation Commission/City Clerk)

**This item heard in the evening.**

**Council Approved Parks and Recreation Commission Recommendation.**

- 5.4 Approval to award a contract for the Brigadoon Park Renovation Project.**

**Recommendation:** Approval of the following actions:

- (a) Report on bids and award of contract for the Brigadoon Park Renovation Project to the low bidder, HRB Construction, Inc., in the amount of \$526,510 to include the base bid and Add Alternate No. 1, and approval of a contingency in the amount of \$50,000. CEQA: Exempt.

**Approved.**

- (b) Adoption of appropriation ordinance amendments in the Council District 8 Construction and Conveyance Tax Fund in the amount of \$70,000.

CEQA: Exempt. Council District 8. SNI: West Evergreen. (Public Works/City Manager’s Office)

**Ordinance No. 26494 adopted.**

## **6 TRANSPORTATION SERVICES**

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## 7 ENVIRONMENTAL & UTILITY SERVICES

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### 7.1 Approval of the Metcalf Energy Center Silver Creek Alignment Financing Plan.

**Recommendation:** Adoption of a resolution:

- (a) Approving an amendment to the Cooperation Agreement between the City of San José and Calpine/Bechtel to allow a 30" pipeline in the Silver Creek Alignment and appropriate financial responsibilities of the parties.
- (b) Approving the financing plan for the South Bay Water Recycling Silver Creek Alignment to provide recycled water to Metcalf Energy Center and other potential users along the new alignment; and authorizing the City Manager to negotiate and execute agreements with the City of Santa Clara, the Treatment Plant Tributary Agencies, Calpine/Bechtel and associated entities, and the Santa Clara Valley Water District to implement the financing plan.

CEQA: Resolution No. 64667. (Environmental Services)

**Resolution No. 70670 adopted.**

**Financing plan approved.**

**Noes: Dando, LeZotte.**

### 7.2 Acceptance of the report and approval to transmit comments related to the Tentative Order for the Stormwater NPDES Permit.

**Recommendation:** Acceptance of the report and authorization to transmit formal comments to the Regional Water Quality Control Board related to the third draft of the Tentative Order for the Stormwater NPDES Permit including the proposed New Development and Redevelopment provisions. (Environmental Services)

**Council Accepted the Report and authorized the transmittal of the formal comments to the Regional Water Quality Control Board.**

## 8 AVIATION SERVICES

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### 8.1 Approval of the proposed benchmark standards to be included in the on-demand Airport taxicab services concession agreements at San José International Airport.

**Recommendation:** Approval of standards for customer service, assurance of labor peace and driver due process for Yellow Checker Cab Co., Inc. and United Taxicab Corporation for the On-demand Taxicab Services Concession Agreements at the San José International Airport. (Airport)

[Deferred from 9/18/01 – Item 8.2 and 9/25/01 - Item 8.2(a)]

**Approved.**

## 8 AVIATION SERVICES

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### 8.2 Approval to award the purchase of covered walkways for the Airport.

**Recommendation:** Approval to award the sole-source purchase of Commute-a-Walk, Airport Covered Walkways, to Infra-Structures Inc., for a total cost of \$1,749,592, including tax, delivery, and installation, and authorization for the Director of General Services to execute the purchase order. CEQA: Resolution No. 67380. (General Services)

**Approved**

## 9 PUBLIC SAFETY SERVICES

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### 9.1 Approval to award a contract for the Police Administration Building Seismic Upgrade Project.

**Recommendation:** Report on bids and award of contract for the Police Administration Building Seismic Upgrade Project to the low bidder, CSB Construction, for the base bid and Add Alternate No. 1 in the amount of \$1,761,033, and approval of a contingency in the amount of \$150,000. CEQA: Exempt. (Public Works)

**Approved.**

### 9.2 Status report on emergency preparedness.

**Recommendation:** Status report on emergency preparedness. (Reed)

**Council Accepted the Status Report; (1) Directed the City Manger to coordinate with the appropriate departments, including the Auditor and Attorney's office, to conduct an immediate analysis of security issues with respect to the vulnerability of City facilities and systems; (2) Directed the Administration to return to Council on October 23, 2001 with a report containing additional immediate steps which can be taken (or have been taken) to reduce our vulnerability along with a plan with timelines for a long-term vulnerability assessment, which would address those issues requiring a more sustained effort to correct; and (3) Directed the Administration to create a City of San Jose Emergency Preparedness Task Force at the direction of the Mayor's Office that will continue to monitor, make recommendations, and refer issues pertinent to security to the Mayor and City Council for action and approval; and (4) Directed the Administration to explore ways to publicize emergency preparedness information to the general public.**

## 10 JOINT COUNCIL/REDEVELOPMENT AGENCY

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- Closed Session Report
- Notice of City Engineer’s Pending Decision on Final Maps  
In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>	<u>Proposed Decision</u>
9281	S/s of Yerba Buena Rd. E/o U.S. 101	8	Ponderosa Homes	38 lots	SFDR	Approve
9357	Silver Creek Valley Rd.	8	Pacific	14 lots	SFDR	Approve

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

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
9380	SE/C of Sunol St. & W. San Fernando St.	6	Summer Hill Homes	94 units	Multi-Family

- Open Forum
  - **Robert Fleckenstein, Operating Engineers Local 3, commented on BFI’s recycling campaign and the rights of employees to organize. City Manager’s Office to meet with speaker.**
- **Following Open Forum, Council recessed at 6:00 p.m. and reconvened 7:05 p.m. in Council Chambers, City Hall.**

# 11 PUBLIC HEARINGS

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## 11.1 Public Hearing and approval of an ordinance amending Title 20, the Zoning Code, modifying parking requirements and making other changes to the Zoning Code.

**Recommendation:** PUBLIC HEARING and approval of an ordinance amending several sections of Title 20 of the San Jose Municipal Code to do all the following: modify the parking requirements for certain industrial land uses; revise provisions pertaining to public eating establishments in industrial zoning districts; include provisions pertaining to setbacks for mechanical equipment in planned development districts; and modify provisions pertaining to social service uses. CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-0-2). Citywide

(Continued from 9/18/01 – Item 11.1)

**Ordinance No. 26495 passed for publication.**

## 11.2 Public Hearing on the naming of two streets.

**Recommendation:** PUBLIC HEARING ON STREET NAMING to allow the naming of two public streets at the northerly terminus of Great Oaks Boulevard, westerly of Monterey Highway and northerly of State Route 85 “Great Oaks Court” and “Exchange Way.” (1-Star San José, LLC, Owner/Developer). CEQA: Resolution No. 70021. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-0-2).

District 2

(Continued from 9/18/01 – Item 11.2)

**Resolution No. 70671 adopted.**

## 11.3 Public Hearing on planned development rezoning at Meridian Avenue and Branham Lane.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the southeast corner of Meridian Avenue and Branham Lane, from CP-Commercial Zoning District to A(PD) Planned Development Zoning District, to allow the addition of a carwash facility at an existing gas station site on 0.53 gross acre. (Mehdi Medhipour/Chevron, Owner/Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-0-2).

PDC 00-08-069 - District 9

(Continued from 8/14/01 – Item 11.10 et al., and 10/2/01 – Item 11.1)

**Ordinance No. 26496 passed for publication.**

# 11 PUBLIC HEARINGS

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## 11.4 Public Hearing on planned development rezoning at U.S. Highway 101 and Silver Creek Valley Road.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the southeastern corner of U.S. Highway 101 and Silver Creek Valley Road, from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to allow a hotel, athletic club, and office uses on 10.48 gross acres. (Steve Sund, McCandless Companies, Owner/Developer). CEQA: Resolution No. 67245. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (4-1-2).

PDC 00-10-109 - District 2

(Continued from 9/18/01 – Item 11.6)

**Ordinance No. 26497 passed for publication.**

## 11.5 Public Hearing on planned development rezoning of Bascom Avenue and Samaritan Drive.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at northeast corner of Bascom Avenue and Samaritan Drive, from CP Commercial Pedestrian Zoning District to A(PD) Planned Development Zoning District, to allow up to 70,500 square feet of medical offices and a five level, 525 space parking structure on 5.4 gross acres. (Samaritan Medical Center, c/o David Henderson, Owner/Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-1-0).

PDC 00-06-055 - District 9

(Continued from 10/2/01 – Item 11.6)

**Ordinance No. 26498 passed for publication.**

**Council approved the PD rezoning in concurrence with the staff recommendation with added condition that the land use plan be revised to reflect finalization of traffic/calming issues prior to the issuance of the PD permit.**

## 11.6 Public Hearing on planned development rezoning at South Bascom and Moorpark Avenues.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the southeast corner of South Bascom and Moorpark Avenues, from CP Commercial Pedestrian Zoning District to A(PD) Planned Development Zoning District, to allow an office/classroom building up to a maximum of 80,000 square feet on 1.55 gross acres. (The Rajkovich 1992 Revocable Trust, The Martin Rajkovich 1992 Revocable Trust, Owner; Green Valley Corporation, Developer). PDC 01-03-043 - District 6

**Continued to 11/6/01.**

# 11 PUBLIC HEARINGS

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## 11.7 Public Hearing on conforming prezoning at Curtner Avenue.

**Recommendation:** PUBLIC HEARING ON CONFORMING PREZONING of the property located on the south side of Curtner Avenue approximately 750 feet easterly of Highway 87, from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to allow up to 535 single-family and multi-family attached dwelling units on 60.2 gross acres. (MTA Properties, Owner; Summerhill Homes, Developer). CEQA: Negative Declaration.

PDC 01-01-001 - District 7

**Continued to 11/6/01.**

## 11.8 Public Hearing on conforming rezoning at Morrill Avenue.

**Recommendation:** PUBLIC HEARING ON CONFORMING REZONING of the property located at the east side of Morrill Avenue, approximately 112 feet northerly of Tobin Drive, from A Agricultural Zoning District to R-1-8 Residential Zoning District, to allow residential uses on 0.382 gross acre. (Yoshito and Aiko Ouchida, Owner/Developer). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval.

C 01-07-069 - District 4

**Ordinance No. 26499 passed for publication.**

## 11.9 Public Hearing on conforming prezoning at North Capitol Avenue and McKee Road.

**Recommendation:** PUBLIC HEARING ON CONFORMING REZONING of the property located at the northeast corner of North Capitol Avenue and McKee Road, from CP (PD) Planned Development Zoning District to CG General Commercial Zoning District, to allow commercial uses on 30.03 gross acres. (Capitol Square Partners, Owner/Developer). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval.

C 01-09-092 - District 5

**Ordinance No. 26500 passed for publication.**

- Open Forum
- Adjournment

**The Council of the City of San Jose adjourned at 8:55 p.m. to reconvene on Thursday, October 18, 2001, 8:00 a.m., Room 106, for a Council meeting on Input on Hiring of Director of Planning, Building, and Code Enforcement.**