



CITY COUNCIL AGENDA

SEPTEMBER 9, 2008

SYNOPSIS

PETE CONSTANT
FORREST WILLIAMS
SAM LICCARDO
KANSEN CHU
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

CHUCK REED MAYOR

PIERLUIGI OLIVERIO
MADISON P. NGUYEN
JUDY CHIRCO
NANCY PYLE

DAVID D CORTESE, VICE MAYOR

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

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. Council Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Council Wing, 2nd Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body.

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**
9:32 a.m. - Closed Session, Call to Order in Council Chambers
Absent Council Members: Campos. (Excused)

1:31 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: Campos. (Excused)

7:00 p.m. - Public Hearings, Council Chambers, City Hall
Absent Council Members: Campos, Constant. (Excused)

- **Invocation (District 8)**
The San José Fire Department presented a special tribute to heroes, survivors and lives lost on September 11, 2001.

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

- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved, with Ceremonial Item 1.1 heard in the evening and Item 3.5 deferred to 9/16/08.

- **Closed Session Report**
City Attorney Doyle disclosed the following Closed Session actions of September 9, 2008:

A. Authority to Enter Litigation Case as Amicus Curiae:

Case Name: Oakwood South Apartments v. Carver

Adverse Party or Parties: Oakwood South Apartments; Sondra Carver.

Substance of Litigation: Unlawful detainer action where applicability of provisions of San José’s rental dispute mediation and arbitration ordinance are at issue.

Council Vote: Ayes: Chirco, Chu, Cortese, Liccardo, Nguyen, Pyle, Williams.

Noes: Constant, Oliverio; Reed.

Disqualified: None.

Absent: Campos. (Excused)

Vacant: None.

1. CEREMONIAL ITEMS

- 1.1** Presentation of a commendation to the Youth Academy for Leadership and Excellence (YALE) for serving as prime example of an organization dedicated to the training and education of our youth about the criminal justice system and public safety through creative and effective means. (Cortese)
- Heard in the evening per Orders of the Day.**
Mayor Reed and Vice Mayor Cortese recognized and commended the Youth Academy for Leadership and Excellence for their dedication to the training and education of youth about the criminal justice system and public safety.

2. CONSENT CALENDAR

2.1 Approval of Minutes.

Recommendation: Approval of minutes.

- (a) Regular Minutes of June 3, 2008
[Deferred from 8/19/08 – Item 2.1(d)]
- (b) Finance Authority Minutes of June 3, 2008
- (c) Parking Authority Minutes of June 3, 2008

Approved.

2. CONSENT CALENDAR

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 28391 – Rezoning certain real property situated at the southeast corner of North First Street and East Rosemary Street to the A(PD) Planned Development Zoning District. PDC07-101

Ordinance No. 28391 adopted.

- (b) ORD. NO. 28392 – Amending Section 7.20.020 of Chapter 7.20 of Title 7 of the San José Municipal Code to require both shade and shelter for animals that are maintained outdoors.

Ordinance No. 28392 adopted.

2.3 Accept Audit of City Funds for the Pune Sister City Committee.

Recommendation: Accept Audit of City Funds for the Pune Sister City Committee. (Economic Development)

[Community and Economic Development referral 8/25/08 – Item (k)]

Accepted.

2.4 Report on Open Purchase Orders for FY 2008-2009 #3.

Recommendation: Approve an award of open purchase orders for supplies, materials, equipment and services for FY 2008-2009 #3 and authorization for the Director of Finance to execute the purchase orders. CEQA: See Administration’s memo to Council for specific CEQA clearance determinations on each recommended action. (Finance)

Approved.

2.5 Application to Seek National Recreational Trail Designation.

Recommendation: Adopt a resolution authorizing the City Manager, or designee, to submit an application to the American Trails Organization in order to seek National Recreational Trail designation for San José’s 100 mile Trail Network and to execute all necessary documents to accept the designation. CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)

Resolution No. 74571 adopted.

2. CONSENT CALENDAR

2.6 Actions Related to Historic Landmark Initiation for the Ames House.

Recommendation: Adopt a resolution:

- (a) Initiating proceedings to consider the single-family house located at 186 N. Fifteenth Street as a landmark of special historic, architectural, cultural, aesthetic or engineering interest or value of a historic nature.
- (b) Referring the matter back to the Historic Landmarks Commission for its consideration at a public hearing, report and recommendation.
- (c) Setting a public hearing on Tuesday, October 28, 2009 at 1:30 p.m. for Council consideration of City Landmark designation of the structures noted above.

CEQA: Not a Project. Council District 3. SNI: 13th Street. (Planning, Building and Code Enforcement)

Resolution No. 74572 adopted.

2.7 Various Budget Actions for Services for City Side Redevelopment Capital Project Fund FY 2008-09.

Recommendation: Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for 2008-2009:

- (a) Increase the estimate for Earned Revenue by \$149,055.
- (b) Establish an appropriation to the Department of Public Works for the McLaughlin Park Project Phase II Environmental Site Assessment in the amount of \$75,000.
- (c) Increase the appropriation to the Department of Transportation for the Traffic Calming Improvements Project in the amount of \$74,055.

CEQA: McLaughlin Park Project – Phase II Environmental Site Assessment: Not a Project; Traffic Calming Improvements: Exempt, File No. PP05-155. Council Districts 5 and 7. SNI: Mayfair, Tully/Senter. (Public Works/Transportation/City Manager's Office)

Ordinance No. 28393 adopted.

Resolution No. 74573 adopted.

2.8 Council Member Chirco's Travel to Long Beach, California.

Recommendation: Approve travel by Council Member Chirco to Long Beach, California on September 23-27, 2008 to attend the League of California Cities Annual Conference. Source of Funds: Mayor/Council Travel Fund. (Chirco)

(Rules Committee referral 08/27/08)

Approved.

2. CONSENT CALENDAR

2.9 Council Member Pyle's Travel to Chicago, Illinois.

Recommendation: Approve travel by Council Member Pyle to Chicago, Illinois on October 1-3, 2008 to gather information on its success in downtown revitalization with the Millennium Park development, the "Green Roofs" demonstration project for Green building practices and the role of high design in the public realm as well as arts and culture. Source of Funds: Mayor/Council Travel Fund. (Pyle)
(Rules Committee referral 08/27/08)

Approved.

2.10 Council Member Williams' Travel to San Diego, California

Recommendation: Approve travel by Council Member Williams to San Diego, California on October 6-8, 2008 to attend the American Public Transportation Agency (APTA) Annual Meeting. Source of Funds: Santa Clara Valley Transportation Agency. (Williams)
(Rules Committee referral 08/27/08)

Approved.

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the City Manager, Debra Figone (Verbal Report)

City Manager Debra Figone presented a brief update about the damage to the Joyce Ellington Library when a car drove into the southeast corner of the library on 9/8/08. She added that the Library was closed at the time and no one was hurt.

3.2 Report of the Rules and Open Government Committee – August 6, 2008

Mayor Reed, Chair

Approved.

3.3 Report of the Rules and Open Government Committee – August 13, 2008

Mayor Reed, Chair

Approved.

3.4 Report of the Rules and Open Government Committee – August 20, 2008

Mayor Reed, Chair

Approved.

3.5 Report of the Rules and Open Government Committee – August 27, 2008

Mayor Reed, Chair

Deferred to 9/16/08 per Orders of the Day.

3.6 Report of the Public Safety, Finance and Strategic Support Committee – August 21, 2008 - Council Member Nguyen, Chair

Approved.

3. STRATEGIC SUPPORT SERVICES

3.7 Resolution Promoting Health Awareness.

Recommendation: As referred by the Rules and Open Government Committee of August 20, 2008, consider the adoption of a resolution promoting health awareness and recognizing that the City Council is empowered to encourage and be a role model for fitness, physical activity, nutrition and wellness to the residents and employees of the City of San José. (Williams)

[Rules Committee referral 8/20/08 – Item G(3)]

Deferred to 9/16/08 per Mayor’s Office.

3.8 City-Wide Policy for the Relocation/Closure and/or selling Fire Stations and Removal of Station 6 from the Budget.

Recommendation: As referred by the Rules and Open Government Committee of August 20, 2008, consider the following:

- (a) Direct the Administration to remove the postponed sale of Fire House 6 (in its entirety/including reallocation of staff) from the 2008-2009 Budget and from the 5-Year Capital Improvement Program (CIP 2009-2013) forecast.

Approved.

- (b) Adopt a budget principle that prohibits inclusion of the closure, sale or relocation of a fire station as part of the City Budget without prior assessment, community outreach, and City Council approval on the matter.

Approved.

- (c) Adopt a City-Wide Outreach Policy regarding the closure, sale and/or relocation of Fire Stations in San José that will include the following criteria:

- (1) Any proposed closure, sale, and/or relocation of a fire station will be shared with the Mayor and all Council Members via an information memorandum (regardless of within which Council District the fire station in question lies);
- (2) The information memorandum will be listed on the City website and the San José Fire Department website;
- (3) The City will have at least two public community evening meetings at least two weeks apart;
- (4) The City will mail notices of the community meetings to all businesses and residences located within the primary service area of the fire station in question;
- (5) Agendize the matter to be heard on the Public Safety Committee agenda;
- (6) Agendize the matter for Council consideration at an evening meeting prior to inclusion in any City Budget document.

Resolution No. 74580 adopted.

3. STRATEGIC SUPPORT SERVICES

3.8 City-Wide Policy for the Relocation/Closure and/or selling Fire Stations and Removal of Station 6 from the Budget (Cont'd.)

- (d) Direct the Administration to adopt a method of assessing the impact of proposed fire station closures, relocations, consolidations or new construction by comparing projected service level impacts relative to adopted performance objectives, which at a minimum should include the projected impacts to the assemble or “mustering” of an effective response force, as defined within the Fire Department Strategic Plan following its adoption by Council. The Council shall be provided the opportunity to review response times and other quantitative data used with the Standards of Response Cover Methodology to evaluate service level impacts both within the subject fire station service area and City-Wide. The City will follow this policy when considering changes to staffed and planned fire stations within the City of San José.

(Mayor/Oliverio/Chirco)

[Rules Committee referral 8/20/08 – Item G(4)]

Heard in the evening.

Approved.

3.9 Resolution amending the Council’s Rules of Conduct as it relates to Closed Sessions.

Recommendation: Adopt a resolution amending the Rules for the Conduct of City Council and City Council Committee meetings, superseding Resolution No. 74312, to add a provision that all who attend a closed session be required to sign a confidentiality notice. (Mayor)

[Rules Committee referral 8/27/08 – Item G(2)]

Resolution No. 74574 adopted.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Report of the Community & Economic Development Committee – August 25, 2008 Council Member Pyle, Chair

Approved.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 Historic Landmark Nomination and Mills Act Historical Property Contract for the Slettedahl House and Foster House.

Recommendation: The Historic Landmarks Commission voted (6-0-0-1, Commissioner Colombe abstained) to recommend that the City Council adopt resolutions designating each of the following properties as a Historic Landmark and approving an associated Historical Property Contract as follows:

- (a) The Slettedahl House as Historic Landmark No. 167 and associated Historical Property Contract File No. MA08-001.

Resolution No. 74575 adopted.

Resolution No. 74576 adopted.

- (b) The Foster House as Historic Landmark No. 168 and associated Historical Property Contract File No. MA08-002.

CEQA: Exempt, File Nos. HL08-167/MA08-001 and HL08-168/MA08-002. Council District 3. SNI: University. (Planning, Building and Code Enforcement)

Resolution No. 74577 adopted.

Resolution No. 74578 adopted.

5. NEIGHBORHOOD SERVICES

5.1 Report of the Neighborhood Services and Education Committee – August 14, 2008 Council Member Chirco, Chair

Approved.

5.2 Del Monte Park Master Plan.

Recommendation: Approve the Master Plan for the new Del Monte Park. CEQA: Exempt, File No. PP08-094. Council District 6. SNI: Burbank/Del Monte. (Parks, Recreation and Neighborhood Services)

Approved.

6. TRANSPORTATION & AVIATION SERVICES

6.1 Report of the Transportation and Environment Committee – August 18, 2008 Council Member Williams, Chair

Approved.

6. TRANSPORTATION & AVIATION SERVICES

6.2 Extending the Living Wage Policy at Mineta San José International Airport.

Recommendation: Receive verbal status report and provide direction to staff on extending the Living Wage at Mineta San Jose International Airport. CEQA: Not a Project. (Airport)

[Transportation and Environment Committee 8/18/08 – Item (d)]

Verbal Report Received.

Staff directed to include the actions contained in the memorandum from Council Member Williams, dated August 15, 2008, as revised (Staff directed to distribute a draft ordinance prior to September 15, 2008 for consideration by the Transportation & Environment (T&E) Committee on October 6, 2008). In addition, Staff was directed to provide the following information to T&E:

- (1) Breakdown of employees and costs per company;**
- (2) Costs to airlines under the San José, San Francisco and Oakland ordinances;**
- (3) The cost of turnover;**
- (4) More information on other airlines, nationwide, that offer a living wage.**

Noes: Oliverio.

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 Redesign of the Commercial Solid Waste Franchise.

Recommendations:

- (a) Direct staff to prepare a procurement strategy for Council consideration to solicit proposals for commercial solid waste collection with two or three haulers awarded exclusive franchise agreements for services within geographical districts.**
- (b) Approve the scope of the franchise system, with certain exemptions, to include collection of solid waste, recyclables, and organics in bags, carts, front-load bins, roll-off boxes, and compactors.**
- (c) Return to the Transportation and Environment Committee in December 2008 with a procurement strategy and final recommendation for the commercial solid waste system redesign, including an implementation plan, terms of an exclusive franchise, an implementation plan for securing processing and disposal capacity, and related policy issues for Council consideration.**

CEQA: Not a Project. (Environmental Services)

[Transportation and Environment Committee – Item (c)]

Deferred to 9/16/08 per District 4.

8. PUBLIC SAFETY SERVICES

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

The Joint Council/Redevelopment Agency convened at 3:35 p.m. to consider Item 9.2.

9.1 Design and Construction and Transfer of the Proposed Edenvale Community Center.

Recommendation:

- (a) Adopt a resolution by the City Council making determinations consistent with the Health and Safety Code Section 33445.
- (b) Approve a Cooperation Agreement by the City Council and Redevelopment Agency Board providing for the design, construction and transfer of the Edenvale Community Center, for the City's occupation and maintenance of the Center and for the transfer of all the Agency's rights, title and interest in the Center at the time of the City's occupation.
- (c) Adopt a resolution by the Redevelopment Agency Board approving a budget adjustment related to construction of the Edenvale Community Center.
- (d) Award a construction contract for the Edenvale Community Center by the Redevelopment Agency Board to the lowest responsive bidder and establishment of a 10% contingency.
- (e) Approve the second amendment to the agreement by the Redevelopment Agency Board with Carrier Johnson Architects, amending the terms to include construction administration and project closeout and extending the term of the agreement and schedule of performance through June 30, 2010.
- (f) Approve the second amendment to the agreement by the Redevelopment Agency Board with Gilbane Building Company for construction administration and project closeout, and extending the term of the agreement and schedule of performance through June 30, 2010.

CEQA: Mitigated Negative Declaration, File No PP08-003. (City Manager's Office/Redevelopment Agency)

Deferred to 9/23/08 per Redevelopment Agency.

9.2 Downtown Public Art Focus Plan.

Recommendation: Adopt the Downtown Public Art Focus Plan. CEQA: Exempt, File No. PP05-184. (City Manager's Office/Redevelopment Agency)

Accepted.

The Joint Council/Redevelopment Agency adjourned at 3:47 p.m.

- **Open Forum**
 - (1) **Gregory Ryan requested more funding for zero emission buses.**
 - (2) **Pat Puzzo stated that the Santa Clara County Fairgrounds property is an ideal site for a park.**
 - (3) **Jaime Alvarado reported about violence in the Mayfair community.**
 - (4) **Mark Trout expressed religious viewpoints.**

- **Adjournment**

The Council of the City of San José adjourned the afternoon session at 3:55 p.m.

10. GENERAL PLAN PUBLIC HEARINGS

No General Plan Public Hearing at this time.

11. PUBLIC HEARINGS ON CONSENT CALENDAR

11.1 Public Hearings on Consent Calendar.

Recommendation:

- (a) Consider an ordinance rezoning the real property located on the north side of Olsen Drive, approximately 100 feet west of Cypress Avenue from County to R-2(PD) Planned Development Zoning District to allow three single family detached residences on 0.24 acres (3315 Olsen Drive) (Tom Ronning, Owner). CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC08-008 – District 1

Ordinance No. 28394 passed for publication.

- (b) Consider an ordinance rezoning the real property located on the south east side of Montecito Vista Drive, 660 feet southwest of Monterey Road from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to amend development standards of previous zoning (File No. PDC06-034) to allow a reduction in required parking for senior housing, to modify setbacks to allow underground parking to extend to a minimum 5 foot setback at the southern and eastern property lines, and to allow a minimum retail square footage of 17,500 square feet on a 29.5 gross acre site (2745 Monterey Road) (Roem Development Corporation, Owner/Developer). CEQA: Resolution No. 72877. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC08-032 – District 7

Ordinance No. 28395 passed for publication.

END OF PUBLIC HEARINGS ON CONSENT CALENDAR

11. PUBLIC HEARINGS

11.2 **Prezoning real property located west of Winchester Boulevard between Stevens Creek Boulevard and Highway 280.**

Recommendation: Consider a Director Initiated prezoning from County of Santa Clara to R-1-8 Single-Family Residence Zoning as to approximately 82.4 gross acres, R-2 Two-Family Residence Zoning as to approximately 1.4 gross acres, and CO Commercial Office Zoning as to approximately 0.8 gross acres (all as more specifically set forth in the Staff Report) on an approximately 85 gross acre County island consisting of 319 parcels located west of Winchester Boulevard between Stevens Creek Boulevard and Highway 280 (Multiple Owners). CEQA: EIR Resolution No. 65459 (Related Annexation Winchester No. 42). Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

C08-019 – District 1

Ordinance Nos. 28396, 28397 and 28398 passed for publication.

11.3 **Administrative Hearing regarding an appeal of the Planning Commission’s decision to deny a Conditional Use Permit.**

Recommendation: Conduct an Administrative Hearing and consider an appeal of the Planning Commission’s decision to deny a Conditional Use Permit and Determination of Public Convenience or Necessity to allow off-sale of alcoholic beverages in an existing commercial use on a 1.33 gross acre site in the DC Downtown Primary Commercial Zoning District, located at the southeast corner of 2nd Street and San Fernando Street (100 S 2nd STREET) (Block 3 Development Partners, LLC, Owner; Wilson Meany Sullivan, LLC Seth Bland, Developer). Council District 3. SNI: None. CEQA: Exempt. Director of Planning, Building and Code Enforcement recommends adoption of a resolution making the appropriate findings to approve the subject Conditional Use Permit and make a Determination of Public Convenience or Necessity.

CP08-056 & ABC08-007 – District 3

The memorandum from Council Member Liccardo, dated September 4, 2008 was approved, supporting the Staff recommendation to approve the proposed Conditional Use Permit and adopting a resolution making a Determination of Public Convenience or Necessity that significant or overriding public benefits will be served by the proposed use, specifically:

- (1) **The proposed off-sale of alcoholic beverages would enhance or facilitate the vitality of an existing commercial area without presenting a significant impact on public health and safety.**
- (2) **The proposed off-sale of alcohol is incidental and appurtenant to a larger retail use and provides for a more complete and convenient shopping experience.**

Resolution No. 74579 adopted.

11. PUBLIC HEARINGS

11.4 Rezoning real property located on the south side of West San Carlos Street between Meridian Avenue and Page Street.

Recommendation: Consider an ordinance rezoning the real property located on the south side of West San Carlos Street between Meridian Avenue and Page Street from County and CP Commercial Pedestrian Zoning District Commercial Pedestrian Zoning to A(PD) Planned Development Zoning District to allow up to 218 attached single family residences and 22,600 square feet for commercial uses on a 3.59 gross acres site (Dubrovnik Properties, LLC & Nicholas Gera, Owner). SNI: Burbank/Del Monte. CEQA: Mitigated Negative Declaration.

PDC07-096 – District 6

Continued to 9/23/08.

11.5 Rezoning real property located on the west side of O'Brien Court.

Recommendation: Consider an ordinance rezoning the real property located on the west side of O'Brien Court approximately 120 feet southerly of Campbell Avenue from LI Industrial Zoning District to A(PD) Residential Zoning District to allow the construction of one new single family detached residence on a 0.22 gross acre site (1001-1015 O'Brien Ct.) (Patrick Hadnett, Owner). CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC06-126 – District 6

Ordinance No. 28399 passed for publication.

Staff requested to work with the applicant to ensure that the new residence blends with others in the neighborhood in terms of square footage and height.

11.6 Rezoning real property located on the southeast corner of The Alameda and Bush Street.

Recommendation: Consider an ordinance rezoning the real property located on the southeast corner of The Alameda and Bush Street from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District to allow 2,800 square feet of commercial uses and up to eight residential units in a mixed use configuration on a 0.24 gross acre site (746 The Alameda) (Klifo Family Investment LLC, Owner). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC07-009 – District 6

Ordinance No. 28400 passed for publication.

11. PUBLIC HEARINGS

11.7 Various actions regarding Tully-Senter SNI Neighborhood Improvement Plan Amendment.

Recommendation:

- (a) Accept the Strong Neighborhoods Initiative (SNI) *Tully-Senter Neighborhood Improvement Plan Amendment* as the renewed community vision for the future of the Tully-Senter SNI Planning Area.
- (b) Encourage Tully-Senter area residents, property owners and community members to continue to dedicate their time, energy, and resources towards the *Plan* and this *Amendment* while continuing with their community-building activities.

CEQA: Resolution No. 71045. Council District 7. SNI: Tully-Senter. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0). (City Manager's Office/Redevelopment Agency)

Accepted.

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

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

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
9994	S/S Hillsdale Ave, 600' E of Pearl Ave	6	Hamid Abtahi	7 Lots / 6 Units	SFA

- **Notice of City Engineer's Award of Construction Projects**
None.

- **Open Forum**

- (1) **Tita Nichols, California Youth Outreach, thanked the City Council for the youth programs and presented a collage of the various groups of children to Mayor Reed in appreciation.**

- **Adjournment**

The Council of the City of San José adjourned the meeting at 8:07 p.m.