



CITY COUNCIL AGENDA

SEPTEMBER 15, 2009

SYNOPSIS

PETE CONSTANT
ASH KALRA
SAM LICCARDO
KANSEN CHU
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

CHUCK REED MAYOR

PIERLUIGI OLIVERIO
MADISON P. NGUYEN
ROSE HERRERA
JUDY CHIRCO, VICE MAYOR
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 during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council or Redevelopment Agency Board. 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, Staff Reports and some associated documents 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. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanJoseca.gov for the final document.

To request an accommodation or alternative format under the Americans with Disabilities Act for City-sponsored meetings, events or printed materials, please call (408) 535-1260 or (408) 294-9337 (TTY) as soon as possible, but at least three 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, Call to Order in Council Chambers
Absent Council Members: Constant. (Excused)
 - 1:30 p.m.** - Regular Session, Council Chambers, City Hall
Absent Council Members: None.
 - 7:03 p.m.** - Public Hearings, Council Chambers, City Hall
Absent Council Members: Constant. (Excused)
- **Invocation (District 8)**
San José Police Chaplain Dave Bridgen presented a remembrance to those who perished 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 Items 3.2 and 3.3 deferred to 9/22/09.
- **Closed Session Report**
No Report.

1. CEREMONIAL ITEMS

- 1.1 Presentation of a commendation to recipients of Council District 9 D9 Stars: Friends of the Cambrian Library, Susan Abele, President, Lou McKellar, Misti Navarro and Kerry Boomsliter. (Chirco)
Heard in the evening.
Mayor Reed and Vice Mayor Chirco recognized and commended the D9 Stars, Friends of the Cambrian Library, Susan Abele, President, Lou McKellar, Misti Navarro and Kerry Boomsliter.
- 1.2 Presentation of a commendation to Beshoff Motorcars Mercedes-Benz for their leadership in the automobile industry. (Herrera/Economic Development)
Mayor Reed, Council Member Herrera and Chief Development Officer Paul Krutko recognized and commended Beshoff Motorcars Mercedes-Benz for their leadership in the automobile industry.
- 1.3 Presentation of a commendation to Nothing But Nets for their grassroots campaign to prevent malaria worldwide. (Liccardo)
Mayor Reed and Council Member Liccardo recognized and commended Nothing But Nets for their grassroots campaign to prevent malaria worldwide.

2. CONSENT CALENDAR

2.1 Approval of Minutes.

Recommendation: Approval of minutes.

- (a) Regular Minutes of June 2, 2009
- (b) Regular Minutes of June 9, 2009
- (c) Special Minutes on the Budget Public Hearing of June 15, 2009
- (d) Regular Minutes of June 16, 2009
- (e) Regular Minutes of June 23, 2009
- (f) Joint/San José Financing Authority Minutes of June 23, 2009

Approved.

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 28640 – Amending Title 4 of the San José Municipal Code to add a new Chapter 4.86 to create a Use Tax Incentive Program.

Ordinance No. 28640 adopted.

- (b) ORD. NO. 28642 – Rezoning certain real property situated on the west side of San Felipe Road, approximately 600 feet south of Delta Road from R-1-5 Single Family Residence Zoning District to A(PD) Planned Development Zoning District. PDC09-003

Ordinance No. 28642 adopted.

2. CONSENT CALENDAR

2.3 Mayor and Council Excused Absence Requests.

Recommendation:

- (a) Request for an excused absence for Council Member Constant from the Regular Meeting of the City Council on September 1, 2009, due to illness. (Constant)
- (b) Request for an excused absence for Council Member Pyle from the Regular Meeting of the Rules & Open Government Committee Meeting on September 2, 2009, due to the death of a close family member. (Pyle)

(Rules Committee referral 09/02/09)

Excused.

2.4 Voluntary Expenditure Limits for the 2010 Election Cycle.

Recommendation: Adopt a resolution setting population figures and calculating the Voluntary Expenditure Limits for the 2010 Municipal Election Cycle. (City Clerk)

Resolution No. 75163 adopted.

2.5 Rebudget of Funds to 2009-2010 to Complete Projects.

Recommendation:

- (a) Adopt the following Appropriation Ordinance and Funding Sources Resolution Amendments in the Construction Excise Tax Fund (Fund 465):

- (1) Increase the Beginning Fund Balance by \$65,000; and
- (2) Increase the Public Art appropriation to the Office of Economic Development by \$65,000.

Ordinance No. 28700 adopted.

Resolution No. 75164 adopted.

- (b) Adopt the following Appropriation Ordinance and Funding Sources Resolution Amendments in the San José-Santa Clara Treatment Plant Capital Fund (Fund 512):

- (1) Increase the Beginning Fund Balance by \$507,000; and
- (2) Increase the Public Art appropriation to the Office of Economic Development by \$507,000.

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

Ordinance No. 28701 adopted.

Resolution No. 75165 adopted.

2. CONSENT CALENDAR

2.6 Amendments to Create and Delete Various Classifications.

Recommendation: Adopt a resolution to:

- (a) Amend the City of San José Pay Plan effective September 15, 2009 to create the following classifications:
 - (1) Retirement Actuarial Analyst I/II (7502/7503).
 - (2) Public Safety Radio Dispatcher Trainee (8532).
- (b) Delete job classifications no longer in use:
 - (1) Insurance Analyst (1261).
 - (2) Director Equality Assurance U (1426).
 - (3) Central Services Supervisor (1516).
 - (4) Senior Police Property Specialist (1523).
 - (5) Mechanical Parts Worker (1532).
 - (6) Senior Buyer (1543).
 - (7) Yard Master (1552).
 - (8) Legal Services Manager (2124).
 - (9) Sign Painter (3125).
 - (10) Equipment Maintenance Machinist (3174).
 - (11) Assistant Fire Master Mechanic (3332).
 - (12) Fire Master Mechanic (3333).
 - (13) Plant General Operations Supervisor (3615).
 - (14) Engineer, Maintenance Services, WPC (3893).
 - (15) Code Enforcement Administrator (3943).
 - (16) Sales Representative (4236).
 - (17) Sales Representative PT (4237).
 - (18) Senior Airport Noise Specialist (5244).
 - (19) Supervising Librarian (6241).
 - (20) Director Convention Arts & Entertainment U (6344).
 - (21) Division Manager, Public Safety (8510).
 - (22) Administrative Manager (1610).

CEQA: Not a Project. (Human Resources)

Resolution No. 75166 adopted.

2.7 Executive Director's request for travel.

Recommendation: Approve travel by Redevelopment Agency Executive Director Harry Mavrogenes to Boston, MA on October 21 through October 23, 2009, to attend the San José Silicon Valley Chamber of Commerce's City-to-City Trip. Source of Funds: Redevelopment Agency. (Redevelopment Agency)
(Rules Committee referral 09/02/09)

Approved.

2. CONSENT CALENDAR

2.8 Agreement with Caltrans for Route 85/Cottle Road Project.

Recommendation: Approve the Cooperative Agreement with Caltrans for the construction of Route 85/Cottle Road interchange improvement project at no cost to the City. CEQA: Resolution No. 72772, Hitachi Final EIR, File No. PDC04-031. Council District 2. (Transportation)

Approved.

2.9 Actions Related to Redevelopment Capital Projects.

Recommendation: Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for 2009-2010:

- (a) Increase the estimate for Earned Revenue by \$325,765;
- (b) Increase the Beginning Fund Balance by \$105,463;
- (c) Increase the appropriation to the Department of Transportation for Additional Contingency Services (PSM 592) in the amount of \$30,000;
- (e) Increase the appropriation to the Department of Public Works for the Transit Mall Paving Restoration Project (PSM 550 Amendment #1) in the amount of \$295,765;
- (h) Increase the appropriation to the Office of Economic Development for the Public Art - One East Julian Housing Project in the amount of \$23,397; and
- (i) Increase the appropriation to the Office of Economic Development for the Public Art - Keystone Place Housing Project in the amount of \$82,066.

CEQA: Additional Blight Contingency Services: Not a Project; Transit Mall Paving Restoration Project: Resolution 72767 use of Final EIR, "San José Downtown Strategy 2000," File No. PP09-021 and addenda thereto; Public Art - One East Julian Housing Project: Resolution No. 68839, File No. PP05-032; and Public Art - Keystone Place Housing Project: Resolution No. 68839, File No. PP02-084. (Transportation/Public Works/Economic Development/City Manager's Office)

Ordinance No. 28702 adopted.

Resolution No. 75167 adopted.

- (d) Increase the appropriation to the Department of Public Works for the McLaughlin Neighborhood Park – Third Party Real Estate Services Project (PSM 571 Amendment #1) in the amount of \$31,905;
- (f) Establish an appropriation to the Department of Public Works for Project Facilitation Services (PSM 595) in the amount of \$100,000;
- (g) Decrease the appropriation to the Department of Public Works for Non-Project Specific DPW Services project in the amount of \$69,000;

Items 2.9(d)(f) and (g) were dropped.

2. CONSENT CALENDAR

2.10 District 8 Senior Fair and Day in the Park.

Recommendation: As recommended by the Rules & Open Government Committee on September 2, 2009:

- (a) Approve the District 8 Senior Fair as a City Council sponsored Special Events.
- (b) Approve the District 8 Day in the Park as a City Council sponsored Special Events.
- (c) Approve and accept donations from various individuals, businesses or community groups to support the events.

(City Clerk)

(Rules Committee referral 09/02/09)

Approved.

2.11 Silicon Valley Workforce Investment Network Board Appointments.

Recommendation: As recommended by the Rules & Open Government Committee on September 9, 2009, approve the Public Sector Appointments of Bill Guthrie and David Baer to the Silicon Valley Workforce Investment Network Board. (Mayor)

[Rules Committee referral 09/09/09 – Item G(1)]

Approved.

3. STRATEGIC SUPPORT SERVICES

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

Deputy City Manager Norberto Dueñas provided an update on the Retirement Boards governance review process and recommendations outlined in the report provided by the Consultant, Cortex Applied Research. He noted that an information memorandum will be distributed later in the week.

3.2 Report of the Rules and Open Government Committee – August 19, 2009

Mayor Reed, Chair

Deferred to 9/22/09 per Orders of the Day.

3.3 Report of the Rules and Open Government Committee – August 26, 2009

Mayor Reed, Chair

Deferred to 9/22/09 per Orders of the Day.

3.4 Report of the Public Safety, Finance and Strategic Support Committee

Council Member Nguyen, Chair

No Report.

3. STRATEGIC SUPPORT SERVICES

3.5 District 8 Senior Fair and Day in the Park.

Recommendation: As recommended by the Rules & Open Government Committee on September 2, 2009:

- (a) Approve the District 8 Senior Fair as a City Council sponsored Special Events.
- (b) Approve the District 8 Day in the Park as a City Council sponsored Special Events.
- (c) Approve and accept donations from various individuals, businesses or community groups to support the events.

(City Clerk)

(Rules Committee referral 09/02/09)

Item 3.5 was renumbered to Item 2.10.

3.6 2009 League of California Cities Resolutions.

Recommendation: As recommended by the Rules and Open Government Committee on September 9, 2009, adopt positions for two (2) resolutions to be considered at the Annual League of California Cities (LOCC) Conference to be held in San José, September 16-18:

- (a) Approve the Resolution Relating to Social Host Liability.
- (b) Disapprove the Resolution Urging City Governments and Others to Divest From Banks That Fail to Cooperate With Foreclosure Prevention Efforts.

(City Manager's Office)

[Rules Committee referral 09/09/09 – Item H(1)]

Approved.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Report of the Community & Economic Development Committee – August 24, 2009 Council Member Pyle, Chair Accepted.

4.2 Ordinance extending a temporary moratorium on new Bail Bonds Establishments.

Recommendation: Consideration of an ordinance of the City of San José extending a temporary moratorium on the establishment of new Bail Bonds Establishments for a period of twenty-two (22) months and fifteen (15) days, pending the review and possible amendment of land use regulations applicable to such establishments, and setting forth the findings to support such extension of the temporary moratorium, and making the effectiveness and applicability of the provisions of the ordinance retroactive to October 9, 2009. CEQA: Exempt, File No. PP09-102.

Citywide

(Continued from 08/25/09 – Item 4.5 and 09/01/09 – Item 4.4)

(Action continued on the next page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 Ordinance extending a temporary moratorium on new Bail Bonds Establishments (Cont'd.)

The memorandum from Mayor Reed and Council Members Liccardo, Nguyen and Pyle, dated September 11, 2009, was approved, with the following amendments:

- (1) **Revise Section 2 of the proposed ordinance to allow an existing bail bonds business in San José, whether currently operating in an appropriately zoned parcel or not, to move to a parcel where that business may lawfully operate under the current Code.**
- (2) **Clearly articulate Council's intention that any superseding ordinance relating to the land use regulation of bail bonds businesses will not become effective prior to the expiration of this 22 month and 15 day moratorium.**

Ordinance No. 28718 passed for publication, as amended.

4.3 New Construction Second Mortgage Loan Program Funding Increase.

Recommendation: Adopt the following amendments to the FY 2009-2010

Appropriation Ordinance in the Low- and Moderate-Income Housing Fund (Fund 443):

- (a) **Increase the Second Mortgage Loan Commitment Appropriation by \$2,700,000.**
- (b) **Decrease the Unrestricted Fund Balance by \$2,700,000.**

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

Ordinance No. 28703 adopted.

4.4 Neighborhood Stabilization Program Contract.

Recommendation: Adopt a resolution by the Council to negotiate and execute an agreement with Community Rehabilitation Partners in an amount not to exceed \$3,800,000 to implement the federally-funded Neighborhood Stabilization Program Single-Family Acquisition/Rehabilitation/Resale Opportunity. CEQA: Exempt, File No. PP09-166. Council Districts 2, 3, 5, 7 and 8. SNI: K.O.N.A., Mayfair, Tully Senter, Gateway East, West Evergreen, Spartan Keys, Five Wounds/Brookwood Terrace, East Valley/680 Communities, Edenvale/Great Oaks. (Housing)

Resolution No. 75168 adopted.

4.5 Administration of the Homeless Prevention and Rapid Re-Housing Program.

Recommendation: Adopt a resolution:

- (a) Approving the following grants for the implementation of the City's Homeless Prevention and Rapid Re-Housing Program from October 1, 2009 through June 30, 2012:
 - (1) \$307,500 to the Community Technology Alliance;
 - (2) \$1,088,281 to Sacred Heart Community Services; and
 - (3) \$2,626,994 to Emergency Housing Consortium.
- (b) Authorizing the Director of Housing to negotiate and execute all necessary grant agreements and related documents.

CEQA: Not a Project. (Housing)

Resolution No. 75169 adopted.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.6 Acceptance of BEGIN Program Grants for New Developments.

Recommendation: Adopt a resolution authorizing the Director of Housing to:

- (a) Accept Building Equity and Growth in Neighborhoods (BEGIN) housing program grants from the California Department of Housing and Community Development to fund the following down payment assistance loan programs:
 - (1) An additional \$6,000,000 grant to first-time homebuyers purchasing in the Monte Vista development for a total amount of \$8,280,000.
 - (2) An additional \$1,550,000 grant to first-time homebuyers purchasing in the Modern Ice development for a total amount of \$2,750,000.
 - (3) An additional \$600,000 grant to first-time homebuyers purchasing in the Tierra Encantada development for a total amount of \$960,000.
- (b) To negotiate and execute all necessary grant agreements and any amendments or other documents necessary to implement the programs funded by the BEGIN grants.

Resolution No. 75170 adopted.

- (c) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Multi-Source Housing Fund (448) for 2009-2010:
 - (1) Increase the CalHOME (BEGIN) Program appropriation in the Multi-Source Housing Fund (448) by \$8,150,000.
 - (2) Increase the estimate for Earned Revenue in the Multi-Source Housing Fund (448) by \$8,150,000.

CEQA: Not a Project. Council Districts 3, 5 and 6. SNI: Burbank/Del Monte, 13th Street, Mayfair. (Housing/City Manager's Office)

Ordinance No. 28704 adopted.

Resolution No. 75171 adopted.

4.7 Public Hearing on the Consolidated Annual Performance Evaluation Report (CAPER).

Recommendation: Conduct a Public Hearing and approve the 2008-2009 Consolidated Annual Performance Evaluation Report. CEQA: Not a Project. (Housing)

The Public Hearing was held.

Approved.

5. NEIGHBORHOOD SERVICES

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

No Report.

6. TRANSPORTATION & AVIATION SERVICES

- 6.1 Report of the Transportation and Environment Committee
Council Member Liccardo, Chair
No Report.**

- 6.2 Agreement with Chevron for Actions at the Airport Fuel Facility.**

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute an Agreement with Chevron U.S.A. Inc. for coordinated corrective actions at the existing Norman Y. Mineta San José International Airport Jet Fuel Facility commingled plume site at a cost to the City not to exceed \$1,800,000 and authorizing the Director of Aviation to approve additional expenditures in excess of \$1,800,000, subject to appropriation of funds by Council. CEQA: Resolution Nos. 67380 and 71451, File No. PP 09-145. (Airport)

Deferred to 9/22/09 per Administration.

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

- **Open Forum**
 - (1) **Gary Lopiccolo voiced frustration about the process for licensing a dog. He was referred to the Deputy City Manager.**
 - (2) **Kathy Brandhorst shared personal observations.**
 - (3) **Ross Signorino commented on the bond rating at the Norman Y. Mineta San José International Airport.**

- **Adjournment**

The Council of the City of San José adjourned the afternoon session at 4:35 p.m.

10. GENERAL PLAN PUBLIC HEARINGS

No General Plan Public Hearings at this time.

11. PUBLIC HEARINGS ON CONSENT CALENDAR

11.1 Public Hearings on Consent Calendar.

Recommendation:

- (a) Consideration of an ordinance rezoning the real property located on the southwest side of Campbell Avenue, 340 feet northwesterly of O'Brien Court from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District (PDC06-071) to allow more than 500 square feet on the 3rd Floor of living space in previously approved 3-story residences within a 40 dwelling unit complex on a 2.67 gross acre site (Robson Homes, LLC/Mark Robson, Owner)(Santa Clara Development Company/ Preston Gaines, Developer). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required. PDC08-068 – District 6

Ordinance No. 28705 passed for publication.

- (b) Consideration of an ordinance rezoning the real property located at the northwest corner of N. 6th Street and Jackson Street (6.1-621 N. 6th Street and 223-231 Jackson Street) from LI Light Industrial Zoning District to CP Commercial Pedestrian Zoning District to allow commercial uses on a 0.43 gross acre site (Albert and Janice Kogura, Wright and Grace Kawakami, James and Toshiko Kogura, owners). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required. C09-024 – District 3

Ordinance No. 28706 passed for publication.

11. PUBLIC HEARINGS ON CONSENT CALENDAR

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

- (c) Consideration of an ordinance rezoning the real property located on the southeast corner of East Saint John Street and North Fourth Street (156 East Saint John Street) from the CG Commercial General Zoning District to the DC Downtown Primary Commercial Zoning District on a 0.43 gross acre site (Sameena Baig, Niaz Baig, Owner; Affirmed Housing Group Anna Scott, Developer). SNI: 13th Street. CEQA: Addendum to the Downtown Strategy EIR. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-0-2). C09-009 – District 3

The memorandum from Council Member Liccardo, dated September 15, 2009, was approved with the following conditions, to which the applicant, Affirmed Housing, has already indicated its agreement:

- (1) Applicant shall implement, at a minimum, the “On-Site Car Sharing”, “Parking Management” and Eco Pass programs proposed and described in Pages 6-7 of the Applicant’s draft Parking Management Plan, dated July 29, 2009.**
- (2) Developer shall lease from the City or other entity at least 20 additional parking spaces at nearby garages, for duration to be determined by City Staff as a condition for the site development permit.**

Ordinance No. 28707 passed for publication, as amended.

END OF PUBLIC HEARINGS ON CONSENT CALENDAR

11. PUBLIC HEARINGS

11.2 Rezoning real property located at/on the southeast corner of East Mission Street and North 10th Street.

Recommendation: Consideration of an ordinance rezoning the real property located at/on the southeast corner of East Mission Street and North 10th Street from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow up to 60 single-family attached and detached residential units on a 3.2 gross acre site (Westmount Square LLC, Owner; Arcadia Homes, Inc Brad Druga, Developer). SNI: 13th Street. CEQA: Addendum to a Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC08-066 – District 3

Ordinance No. 28708 passed for publication.

11.3 Prezoning real property located between McEvoy Street and Meridian Avenue, and south of Park Avenue.

Recommendation: Consideration of an ordinance prezoning the real property located between McEvoy Street and Meridian Avenue, and south of Park Avenue from unincorporated Santa Clara County to R-1-8 Single-Family Residence, R-M Multiple Residence, CP Commercial Pedestrian, CIC Combined Industrial Commercial, and Light Industrial, on an approximately 56 gross acre area (County Island) consisting of approximately 282 parcels (Multiple Owners). SNI: Burbank/Del Monte. CEQA: Resolution No. 65459. (The proposed rezoning would not go into effect until annexation occurs of the existing unincorporated County Island (Sunol No. 82) which will be considered at a separate City Council Hearing for which a separate hearing notice will be distributed). Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

C08-023 – District 6

Continued to 9/22/09.

11.4 Prezoning real property located on the east side of Sunol Street.

Recommendation: Consideration of an ordinance prezoning the real property located on the east side of Sunol Street, approximately 120 feet north of W. San Carlos Street from Unincorporated Santa Clara County to A(PD) Planned Development Zoning District to allow up to 117 multi-family residential studio units above a podium garage, and up to 2,000 square feet of commercial on a 1.32 gross acre site (James R Marcus Owner/Core Affordable Housing Applicant). SNI: Burbank/Del Monte. CEQA: Mitigated Negative Declaration. (The propose rezoning would not go into effect until annexation occurs of the existing unincorporated County Island (Sunol No. 82) which will be considered at a separate City Council Hearing for which a separate hearing notice will be distributed). Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-1-0).

PDC08-034 – District 6

Continued to 9/22/09.

Noes: Oliverio; Reed.

11. PUBLIC HEARINGS

11.5 **Prezoning real property generally bounded by Lewis Road to the north, Monterey Road to the west, Singleton Road to the south and Sunburst Drive to the east.**

Recommendation: Consideration of an ordinance prezoning the real property generally bounded by Lewis Road to the north, Monterey Road to the west, Singleton Road to the south and Sunburst Drive to the east from County of Santa Clara to R-1-8 Single-Family Residence Zoning District (approx. 27.5 acres), R-2 Two-Family Residence Zoning District (approx. 4.7 acres), R-M Multi-Family Residence Zoning District (approx. 4 acres), and CG Commercial General Zoning District (approx. 3 acres), on an approximately 39 gross acre County island consisting of approx. 103 parcels (Multiple Owners). CEQA: Resolution No. 65459. (The proposed rezoning would not go into effect until annexation of the existing unincorporated County island (Franklin No. 54) which will be considered at a separate City Council Hearing for which a separate hearing notice will be distributed). Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

C09-013 – District 7

Ordinance Nos. 28709, 28710, 28711, 28712, 28713, 28714, 28715 passed for publication.

11.6 **Prezoning real property generally located west of East Capitol Expressway, east of Monterey Road, south of Southside Drive and north of Rancho Drive.**

Recommendation: Consideration of an ordinance prezoning the real property generally located west of East Capitol Expressway, East of Monterey Road, south of Southside Drive and north of Rancho Drive from County of Santa Clara to R-1-8 Single-Family Residence Zoning District for an approximately 73 gross acre County island consisting of approx. 202 parcels (Multiple Owners). CEQA: Resolution No. 65459. (The proposed zoning would not go into effect until the annexation of the existing unincorporated County island (Franklin No. 55) which will be considered at a separate City Council hearing for which a separate hearing notice will be provided). Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

C09-014 – District 7

Ordinance No. 28716 passed for publication.

11. PUBLIC HEARINGS

- 11.7** **Prezoning real property located south of Samaritan Drive, west of Union Avenue, north of Carlton Avenue, on both sides of Dickens Avenue, Cooper Avenue, Charlotte Avenue, Clydelle Avenue, south of Carlton Avenue, and Winton Way, and south of Carlton Avenue.**

Recommendation: Consideration of an ordinance prezoning real property located south of Samaritan Drive, west of Union Avenue, north of Carlton Avenue, on both sides of Dickens Avenue, Cooper Avenue, Charlotte Avenue, Clydelle Avenue, south of Carlton Avenue, and Winton Way, and south of Carlton Avenue from County of Santa Clara to R-1-8 Single-Family Residence Zoning District for an approximately 78 gross acre County island consisting of approx. 280 parcels (Multiple Owners) (Related Annexation Parker No. 27). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

C09-026 – District 9

Ordinance No. 28717 passed for publication.

- **Notice of City Engineer’s Pending Decision on Final Maps**
None.
- **Notice of City Engineer’s Award of Construction Projects**
None.
- **Open Forum**
(1) **Kathy Brandhorst shared personal observations.**
- **Adjournment**
The Council of the City of San José was adjourned at 9:19 p.m.

8. JOINT REDEVELOPMENT AGENCY ITEMS

The Joint Redevelopment Agency Board convened at 1:44 p.m. to consider Item 8.1 in a Joint Session.

8.1 City Council and the Redevelopment Agency Board acceptance of the “Economic Impact Analysis: Proposed Major League Ballpark” Report.

Recommendation: Acceptance by the City Council and the Redevelopment Agency Board of the “Economic Impact Analysis: Proposed Major League Ballpark” Report.
CEQA: Not a Project. [SNI]

Accepted.

The Council of the City of San José and Redevelopment Agency Board was adjourned at 2:24 p.m.