

# CITY COUNCIL AGENDA

**FEBRUARY 3, 2004**

## **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  
TERRY O. GREGORY  
DAVID D. CORTESE  
JUDY CHIRCO  
PAT DANDO, 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.
- ***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.**

Agendas and Staff Reports for City Council items may be viewed on the Internet at [www.sanjoseca.gov/clerk/agenda.htm](http://www.sanjoseca.gov/clerk/agenda.htm)

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call 1 (408) 277-4424 or 1 (408) 998-5299 (TTY) at least two business days before the meeting.

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

- **Call to Order and Roll Call**  
9:30 a.m. - Closed Session, **CANCELLED**  
  
10:05 a.m. Joint Meeting, Water District Headquarters, 5750 Almaden Expressway  
**Absent: Council Members – Gonzales (excused).**  
  
1:36 p.m. - Regular Session, Council Chambers, City Hall  
**Absent: Council Members – Gonzales (excused).**  
  
7:03 p.m. - Public Hearings, Council Chambers, City Hall  
**Absent: Council Members – Gonzales (excused).**
- **Invocation (District 2)**  
**Reverend Robert Brocado, Pastor of Christ the King Church delivered the Invocation.**
- **Pledge of Allegiance**  
**Vice Mayor Dando led the Pledge of Allegiance.**
- **Orders of the Day**

## **1 CEREMONIAL ITEMS**

---

- 1.1** Presentation of a proclamation declaring Friday, February 6, 2004 as “Wear Red for Women Day.” (Dando)  
**Vice Mayor Dando presented a proclamation to Nancy Jones from the American Heart Association in declaration of Friday, February 6, 2004 as “Wear Red for Women Day” in recognition of cardiovascular disease prevention for women. Nancy Jones expressed her gratitude to the City Council and the City of San Jose for the proclamation and asked for support from the community in the wearing of the color red on February 6, 2004 to show support for the cause.**

# 1 CEREMONIAL ITEMS

---

- 1.2 Presentation of a commendation to Hari Mahesh for his creative accomplishments in local filmmaking. (Cortese)  
(Rules Committee referral 1/28/04)

**Heard in the evening.**

**Council Member Cortese joined Vice Mayor Dando at the podium to present Hari Mahesh with a commendation for his creative accomplishments in local filmmaking and congratulated him on his film release titled, “Love”. Hari Mahesh thanked the City Council for their commendation and for their support and encouragement towards his work and success in film.**

# 2 CONSENT CALENDAR

---

- 2.1 Approval of Minutes.

None.

- 2.2 Final adoption of ordinances.

**Recommendation:** Final adoption of ordinances:

- (a) ORD. NO. 27055 – Amends Chapter 11.24 of Title 11 of the San José Municipal Code to add a new Section to designate Emerson Court as a one-way street.

**Ordinance No. 27055 adopted.**

- (b) ORD. NO. 27057 – Rezones certain real property situated on the north side of West San Carlos Street (1523 W. San Carlos Street) between North Buena Vista and North Willard Avenues to A(PD) Planned Development Zoning District. PDC 02-102

**Ordinance No. 27057 adopted.**

- (c) ORD. NO. 27058 – Rezones certain real property situated on the east side of Senter Road (4030 Senter Road) approximately 280 feet southerly of Nokomis Drive to A(PD) Planned Development Zoning District. PDC 02-101

**Ordinance No. 27058 adopted.**

- (d) ORD. NO. 27059 – Rezones certain real property situated on the northeast corner of Branham Lane and Cherry Avenue. PDC 03-066

**Ordinance No. 27059 adopted.**

- 2.3 Approval of open purchase orders for the purchase of supplies, materials, equipment, and services.

**Recommendation:** Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2003-2004 #12, and authorization for the Director of General Services to execute the purchase orders. CEQA: See memo for CEQA designation(s). (General Services)

**Approved.**

## 2 CONSENT CALENDAR

---

### 2.4 Acceptance of a donation for Happy Hollow Park and Zoo.

**Recommendation:** Adoption of a resolution accepting the donation of a horse trailer from the Happy Hollow Corporation valued at \$6,000 to be used for the transport of Happy Hollow Park and Zoo miniature horses and large animal hoof stock. CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)

**Resolution No. 71947 adopted.**

### 2.5 Approval of various actions related to the annexations of Burbank No. 36 and Story No. 53.

**Recommendation:**

(a) Adoption of a resolution initiating proceedings and setting February 17, 2004 at 1:30 pm. for Council consideration on the reorganization of territory designated as Burbank No. 36, which involves the annexation to the City of San José of 0.13 acre of land more or less, located on the east side of Wabash Avenue, approximately 80 feet northerly of Olive Street and adjacent to the City of San José annexation Burbank No. 31, and the detachment of the same from Burbank Sanitary, County Lighting Services, Central Fire Protection, Area No.1 (Library Services) County Services. CEQA: Resolution No. 65459. Council District 6. (Planning, Building and Code Enforcement)

**Resolution No. 71948 adopted.**

(b) Adoption of a resolution initiating proceedings and setting February 17, 2004 at 1:30 p.m. for Council consideration on the reorganization of territory designated as Story No. 53, which involves the annexation to the City of San José of approximately 0.58 acre located at the southwest corner of Palomino Drive and Fleming Avenue which is adjacent to City of San José territory and the detachment of said territory from Central Fire Protection, Area No. 1 (Library Services) County Service and County Sanitation District 2-3. CEQA: Resolution No. 65459. Council District 5. (Planning, Building and Code Enforcement)

**Resolution No. 71949 adopted.**

### 2.6 Approval of an agreement for the Interstate 880/Coleman Avenue Interchange for Construction of Recycled Water Pipelines.

**Recommendation:** Adoption of a resolution authorizing the City Manager to execute the first amendment to the agreement between the City and the Santa Clara Valley Transportation Authority (VTA), upon concurrence of the Treatment Plant Advisory Committee, to increase the compensation payable by the City to the VTA from \$1,100,000 to a total amount not to exceed \$1,500,000, for design and construction of a recycled water pipeline at Coleman and Interstate 880 (I-880), including approval of a contingency in the amount of \$101,224. CEQA: Resolution No. 71448, PP03-02-071. Council District 6. (Environmental Services)

[Deferred from 1/27/04 – Item 2.12(b)]

**Resolution No. 71950 adopted.**

## 2 CONSENT CALENDAR

---

### 2.7 Approval of a Fiscal Year 2003-04 Mid-Year budget allocation for the HP Pavilion.

**Recommendation:** Approval of a Mid-Year budget allocation of \$350,000 for the installation of a dehumidification system at the HP Pavilion. (San José Arena Authority/Economic Development)  
(Deferred from 1/27/04 – Item 2.14)

**Approved.**

## 3 STRATEGIC SUPPORT SERVICES

---

### 3.1 Report of the Study Session

Mayor Gonzales, Chair

**No Report.**

### 3.2 Report of the Rules Committee – January 21, 2004

Vice Mayor Dando, Chair

(a) Redevelopment Agency items reported out at Redevelopment Agency meeting

(b) City Council

(1) Review February 3, 2004 Draft Agenda

**The committee recommended approval of the February 3, 2004 City Council agenda with two changes.**

(2) Add New Items to January 27, 2004 Amended Agenda

- Mayor and Council Member Requests
- City Manager Requests
- City Attorney Requests
- City Clerk Requests

**The Committee directed the Administration to provide a workload assessment during the February 4, 2004 Rules Committee meeting for a proposed addition requested by Council Member Cortese entitled, “Evergreen Specific Plan Construction Tax, Building and Structures Tax, and Residential Construction Tax, Building and Structures Tax, and Residential Construction Tax Fee Suspension/Exemption Renewal.” The Members expressed an interest in adding this item to the February 10, 2004 Council agenda based on the content of the workload assessment.**

(3) List of Reports Outstanding

**The Committee noted and filed the City Manager’s report listing three reports outstanding for the January 27, 2004 Council agenda.**

### 3 STRATEGIC SUPPORT SERVICES

---

#### 3.2 Report of the Rules Committee – January 21, 2004 (Cont'd.) Vice Mayor Dando, Chair

- (c) Legislative Update
  - (1) State – **There was no report.**
  - (2) Federal – **There was no report.**
- (d) Meeting Schedules – **There were none.**
- (e) The Public Record – **There was no Public Record filed.**
- (f) Appointment to Boards, Commissions and Committees
  - (1) Summary of Commission Vacancies  
**The Committee accepted the report listing board and commission vacancies from Interim City Clerk Deanna J. Santana.**
- (g) Rules Committee Reviews, Recommendations and Approvals
  - (1) Report back on Labor Code requirements for payment of workers' compensation benefits  
**The Committee deferred this item to next week's Rules Committee meeting.**
  - (2) Request from Council Member Gregory to use Council General funds to attend League of California Cities Policy Committee meeting in Los Angeles on January 16, 2004  
**The Committee approved Council Member Gregory's travel to attend the League of California Cities Policy Committee meeting in Los Angeles, CA on January 16, 2004 with the use of Council District 7 funds.**
  - (3) Request to remove *An Audit of the Youth Commission* from the City Auditor's 2003-04 Workplan  
**The Committee recommended approval to remove *An Audit of the Youth Commission* from the City Auditor's 2003-2004 Workplan.**
- (h) Oral communications  
**None were presented.**
- (i) Adjournment  
**The meeting adjourned at 2:10 P.M.**

**The Rules Report and Actions of January 21, 2004 were accepted.**

### **3 STRATEGIC SUPPORT SERVICES**

---

**3.3 Report of the Making Government Work Better Committee  
Council Member Campos, Chair  
No Report.**

**3.4 Council action on Labor Code requirements for payment of workers' compensation benefits.**

**Recommendation:**

- (a) Council action on Labor Code requirements for payment of workers' compensation benefits.
- (b) Amend the Council approved Legislative Action Plan by adding the matter of payment of workers' compensation benefits.

(Rules Committee referral 1/28/04)

**Memorandum from Council Member Cortese and Vice Mayor Dando , dated January 30, 2004, recommending an amendment to the 2004 Legislative Priorities to include the following; pursue legislation to amend the State Labor Code to grant Labor Code section 4850-type benefits to the City of San Jose fire fighters and police officers and direction for Staff to ensure priority remains with the City budget.**

### **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

---

**4.1 Report of the Building Strong Neighborhoods Committee  
Council Member Chavez, Chair  
No Report.**

**4.2 Report of the Driving a Strong Economy Committee  
Council Member Williams, Chair  
No Report.**

## 4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

---

### 4.3 Follow-up discussion on various actions related to technology, furniture, and equipment for the New Civic Center.

**Recommendation:** Adoption of a resolution of the City Council to proceed with non-construction operating start up plans for the New Civic Center (NCC) and delegating authority to the City Manager to enter into contracts for public works, the purchase of technology, furniture, equipment, and relocation services for the NCC in accordance with the provisions of the San José Municipal Code and the City's procurement policies and procedures in an amount not to exceed \$45,250,000 to facilitate the effective and efficient operation of the NCC. CEQA: New Civic Center Project: Resolution No. 68905; New Civic Center Parking Garage: Resolution No. 71743. (City Manager's Office/Public Works/Information Technology/Finance/General Services)  
(Deferred from 1/27/04 – Item 4.3)

**Resolution No. 71951 adopted.**

**Memorandum from Vice Mayor Dando and Council Member Chavez, dated February 3, 2004, recommending the City Manager move forward with the New Civic Center Technology, Furniture, Equipment and Relocation financing plan, with the following direction, with the goal to reduce or defer the current Technology, Furniture and Equipment procurement by approximately \$5.9 Million, providing a maximum for financing of \$39,349,000 million, through the following steps, with the potential for further reductions as result of the direction outlined within this memorandum. Direction to the City Manager to report back to the City Council for approval of any purchase or expenditure within the Furniture, Technology, Equipment and Relocation list that exceeds \$100,000. (1) Defer \$2.1 million of the following items until further evaluation of need following occupancy of the building, (a) Operational and Maintenance Equipment (\$1,277,875), excluding the moveable partitions for conference rooms within the Council Chambers wing (\$65,000), (b) City Clerk's Posting Area (\$50,000), (c) Recycling/Trash Compactors (\$410,500), (d) Public Use Space Program Furniture (\$427,000), (2) Eliminate the following items to realize a savings of \$801,000: (a) Facility Information System (\$250,000), (b) Audio Visual Equipment (\$551,000), (i) Reduce information kiosks in the tower from ten to three (\$175,000), (ii) Eliminate all rotunda video cubes (\$105,000), (iii) Eliminate all committee room vote tally systems (\$40,000), (iv) Eliminate the small committee room projectors from three to one (\$30,000), (v) Eliminate all committee room meeting cameras (\$50,000), (vi) Reduce level of technology equipment in conference rooms as follows: Basic level technology from 65 to 93 conference rooms; mid-level technology from 48 to 23 conference rooms; and high-level from 7 to 4 conference rooms (\$151,000), (c) Furniture Program Reductions: (\$1.5 million), (i) Reduce the Free Standing Furniture from \$4,999,052 to \$3,999,052, (ii) Reduce the Rehabilitation/Recovering of existing furniture item from \$860,000 to \$360,000, (3) Direct the City Manager to reduce contingency from \$2.3 million to \$804,000, resulting in savings of \$1.5 million, (4) Direct the City Manager to report back, as soon as possible, to the City Council with the following;**

## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

---

### **4.3 Follow-up discussion on various actions related to technology, furniture, and equipment for the New Civic Center. (Cont'd.)**

**The following was approved:**

**(a) A re-appraisal of the E Lot for potential residential development and an analysis of the phased sale of the E Lot to maximize revenue. This would provide offsetting revenue for the project while mitigating parking impacts over time, (b) A presentation of the City's historical and anticipated future expenditures for E-government technology and how these technological advances will be incorporated into the New Civic Center, (c) An Analysis that compares the existing City Hall window washing service with the option of buying new equipment for the New Civic Center and the differential in service costs, this evaluation shall be presented to the Council prior to any action to request bids for equipment or services, we further recommend that the City Manager explore other options for maintenance services for additional cost savings, (d) A public space program that responds to public interest and market demand while balancing existing resources, the program analysis should include the following options and associated costs; furniture rental; use of existing furniture; purchase of new event furniture, sponsorship and the feasibility of charging for services for events and festivals, (e) A Request for Proposals to purchase furniture that includes the alternative to purchase used furniture as a preferred option, this process should encourage competition and provide flexibility for a variety of alternatives, the RFP criteria would include a higher priority for cost savings and quality, while floor-to-floor uniformity would receive lower priority, this would allow proposers to price for the entire building and individual floors, or individual floors alone, (f) A plan to maximize the reuse of the City's current inventory of freestanding furniture from the staff recommendation of 50% reuse to a goal of 100% reuse, (g) Establish a policy related to the Civic Center project that any information distributed by City staff to the Mayor or individual City Council members will also be distributed to the whole Council. In addition, Staff was directed to use 15% as a goal in utilizing Items 1, 2 and 3 of the said memorandum authored by Vice Mayor Dando and Council Member Chavez, and all items should be considered in utilizing this 15% goal and for Staff to review the current construction cost policy and to bring forward to Council any recommendations that would create consistency regarding FF&E estimates as they relate to capitol projects and to clarify as to how they are reported citywide. Lastly, Staff was directed to ensure within all future reports that all technology expenditures in relation to City Hall clarify their infrastructure items including items that need to be installed immediately versus items that can be deferred to a later date based upon City budgetary conditions and considerations.**

**Noes: LeZotte, Reed.**

## **5 RECREATION & CULTURAL SERVICES**

---

- 5.1 Report of the All Children Achieve Committee  
Council Member Yeager, Chair  
No Report.**

## **6 TRANSPORTATION SERVICES**

---

- 6.1 Report of the Building Better Transportation Committee  
Council Member Cortese, Chair  
No Report.**

- 6.2 Approval to award a contract for the 3<sup>rd</sup> Street Garage Seismic Upgrade Project.**

**Recommendation:** Report on bids and award of contract for the construction of the 3<sup>rd</sup> Garage Seismic Upgrade Project to the low bidder, William P. Young Construction, Inc., to include the base bid and Add Alternate No. 1, in the amount of \$1,418,167, and approval of a contingency in the amount of \$212,725. CEQA: Negative Declaration, PP03-10-329. Council District 3. (Public Works/Transportation)  
(Deferred from 1/27/04 – Item 6.2)

**Approved.**

## **7 ENVIRONMENTAL & UTILITY SERVICES**

---

## **8 AVIATION SERVICES**

---

- 8.1 Presentation on the conceptual design progress for the Central Terminal Building and North Concourse Building at the Airport.**

**Recommendation:** Presentation on the conceptual design progress for the Central Terminal Building and North Concourse Building at the Norman Y. Mineta San José International Airport. CEQA: Resolution Nos. 67380 and 71451. (Airport)

**Deferred to 2/17/04.**

- 8.2 Approval to award a contract for the Norman Y. Mineta San José International Airport Runway 30L Extension - 2004 Project.**

**Recommendation:** Report on bids and award of contract for the Norman Y. Mineta San José International Airport Runway 30L Extension - 2004 Project to the low bidder, RGW Construction, Inc., in the amount of \$16,739,372, and approval of a contingency in the amount of \$2,511,000. CEQA: Resolution Nos. 67380 and 71451, PP 03-10-344.  
(Public Works/Airport)

(Rules Committee referral 1/28/04)

**Approved.**

## 9 PUBLIC SAFETY SERVICES

---

## 10 JOINT COUNCIL/REDEVELOPMENT AGENCY

---

- 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:  

**None.**

  
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:  

**None.**
  
- Open Forum—
  - 1) **Deborah Grant spoke on policing issues.**
  - 2) **Steve Cohen spoke on issues pertaining to City grant funding for the Fox Theatre.**

# 11 PUBLIC HEARINGS

---

(To be heard by the City Council at 7:03 p.m.)

## 11.1 Public Hearing on planned development rezoning of the property located at 1290 Tully Road.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the southwest corner of Tully Road and Highway 101 (1290 Tully Rd.), from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to allow commercial uses in a portion of an existing industrial complex on a 12.96 gross acre site. (Sfers Real Estate Corp. Cc, Owner). Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-0-1-1).

PDC 03-040 - District 7

(Continued from 1/20/04 – Item 11.1)

**Ordinance No. 27063 passed for publication.**

**Memorandum from Council Member Gregory, dated January 30, 2004, recommending adoption of the Planning Commission and Staff recommendation with the following modifications was approved; the median island at Tully Road and Zachary Way should remain open, with the directive to the Department of Transportation to improve traffic operations of the Tully/Zachary intersection through the use of pavement markings, signage and/or adjustment to signal timing at adjacent intersections; and for the developer to contribute up to \$5,000 toward the traffic improvements.**

## 11.2 Public Hearing on planned development rezoning of the property located at Ringwood Court and McKay Drive.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the north side of Ringwood Court, approximately 900 feet northerly of McKay Drive, from IP Industrial Park Zoning District to IP(PD) Planned Development Zoning District, on a 4.74 gross acre site. (Borelli Investment Company, Ralph Borelli, Owner). CEQA: Mitigated Negative Declaration. Director of Planning, Building, and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC 03-079 - District 4

**Ordinance No. 27064 passed for publication.**

# 11 PUBLIC HEARINGS

---

## 11.3 Public Hearing on planned development rezoning of the property located at 993 Meridian Avenue.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the southwest corner of Meridian Avenue and Curci Drive (993 Meridian Avenue), from CP Commercial Pedestrian Zoning District, R-M Multiple Residence Zoning District, and A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to allow demolition of three residential structures and construction of a residential care facility with 130 residential units for seniors on a 3.09 gross acre site. (Roy Family Partnership, Irene M. Romano Trustee & et al., Green Valley Corp., Owner; S.L. Start Steve Anderson, Developer). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDC 03-084 - District 6

**Ordinance No. 27065 passed for publication.**

## 11.4 Public Hearing on planned development rezoning of the property located at Delmas Avenue between Santa Clara and San Fernando Streets.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at both sides of Delmas Avenue between Santa Clara and San Fernando Streets, from CN Commercial District, LI Light Industrial, and HI Heavy Industrial to A(PD) Planned Development Zoning District, to allow a mixed use project consisting of up to 325 multi-family attached residences and 1.04 million square feet of office/commercial/retail uses on a 7.76 net acre site. The proposed project includes the preservation and reuse of an existing 15,000 square foot City Landmark building. Building heights would be up to 268 feet above grade. (SJW Land Company, Owner; Joe Ernst, Developer). CEQA: Resolution to be adopted. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1). SNI: Delmas Park.

PDC 02-046 - District 3

**Council took the following actions: (1) Ordinance No. 27066 passed for publication and CEQA Resolution No. 71952 adopted. (2) Approved Statement of Overriding Considerations, (3) Approved Staff recommendation in form of a memorandum from Council Member Chavez, dated February 2, 2004, recommending approval of the proposed rezoning consistent with the Planning Commission and Staff recommendation, with the following direction to staff; at the PD phases, (a) Insure the proposed development reflects the PD zoning design standards including creek and river setbacks, varied skylines, ground level interface, overall quality, etc, included in the PD Zoning, (b) Incorporate the view corridor language in the addendum, (c) Insure the PD Permit includes the zoning language permitting (but not requiring) public parking for events, (d) Incorporate community outreach during the PD Permit review period prior to the Director's Hearing, (e) Finalize a traffic operation plan, including Delmas Avenue, Santa Clara and San Fernando Streets, reflecting final development**

# 11 PUBLIC HEARINGS

---

## 11.4 Public Hearing on planned development rezoning of the property located at Delmas Avenue between Santa Clara and San Fernando Streets. (Cont'd.)

densities, (f) Research with the coordination of interested parties the appropriate fee structure as it relates to off-site improvement from a finalized Diridon-Arena Implementation Plan and report back to Council with a report and recommendation, and for Staff to pursue direction provided as part of Council approval of the Diridon-Arena Strategic Plan to develop an implementation plan for the improvements envisioned by the Strategy, including expanded open space opportunities, new roadways, and parking inventory, (a) Scope the Implementation Plan, explore additional funding opportunities and negotiate Funding Agreements as appropriate to be considered by Council and release an RFP/Q within 90 days of receiving an adequate level of funding commitments (consistent with City Council Policy regarding long-range planning efforts), (b) Accept a developer contribution offer of \$100,000 towards the Diridon-Arena Implementation Study, payable upon entering a contract with the selected consultant, and unrelated to this project, Staff should work with developers of future projects in the Midtown area to ensure that their traffic analyses address operational and traffic calming considerations, especially in key areas in the Delmas Park, Gardner, North Willow Glen and St. Leo and the Burbank Del Monte neighborhoods as appropriate.

## 11.5 Public Hearing on planned development rezoning of the property located at 890 Winchester Boulevard.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the southeast corner of South Winchester Boulevard and Neal Avenue (890 Winchester Blvd.), from CN Neighborhood Commercial District to A(PD) Planned Development Zoning District, to allow up to 8 attached and 12 detached single-family residential units (20 townhomes) on a 1.1 gross acre site. (Delta I LLC, Owner/Developer). CEQA: Resolution No. 65459. SNI: Winchester. Director of Planning, Building, and Code Enforcement recommends approval of revised project and Planning Commission recommends approval (6-0-1). PDC 02-071 - District 6

**Ordinance No. 27067 passed for publication.**

- **Open Forum**  
None.
- **Adjournment**  
The Council of the City of San José adjourned at 7:36 P.M.

