

CITY COUNCIL AGENDA

JUNE 15, 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

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, Room 600, City Hall
Absent – Council Members: None.

1:34 p.m. - Regular Session, Council Chambers, City Hall
Absent – Council Members: None.

7:03 p.m. - Public Hearings, Council Chambers, City Hall
General Plan Hearings, Council Chambers, City Hall
Absent – Council Members: None.
- **Invocation (District 6)**
Jane McCloud from San José Friends conducted a moment of silent prayer.
- **Pledge of Allegiance**
Mayor Gonzales led the Pledge of Allegiance.
- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved.

1 CEREMONIAL ITEMS

- 1.1 Presentation of a commendation to Mike Gibeau for his long-time efforts and advocacy for safe schools for San José youth (Cortese)
HEARD IN THE EVENING
Mayor Gonzales and Council Member Cortese presented a commendation to Mike Gibeau for his long-time efforts and advocacy in promoting safe schools for San José youth.
- 1.2 Presentation of a commendation to San José Friends. (Yeager)
(Rules Committee referral 6/9/04)
Council Member Yeager and Mayor Gonzales presented a commendation to Jane McCloud and Vanessa Cooper of San José Friends.

2 CONSENT CALENDAR

2.1 Approval of Minutes.

None.

2.2 Final adoption of ordinances.

Recommendation: Final adoption of Ordinances:

- (a) ORD. NO. 27161 – Amends Chapter 7.08 of Title 7 of the San José Municipal Code by defining Animal Rescuer and Adult Dog or Cat, and regulating animal rescuer registration.

Ordinance No. 27161 adopted.

- (b) ORD. NO. 27162 – Amends Chapter 7.08 of Title 7 of the San José Municipal Code by modifying all provisions related to or referencing the vicious dog provisions.

Ordinance No. 27162 adopted.

- (c) ORD. NO. 27163 – Amends Chapter 7.08 of Title 7 of the San José Municipal Code by defining exhibition and service animal, and specifying requirements for use of posted off-leash areas.

Ordinance No. 27163 adopted.

- (d) ORD. NO. 27165 – Rezones certain real property situated on the southwest corner of Woodglen Drive and Campbell Avenue to a (PD) Planned Development Zoning District. PDC 03-076.

Ordinance No. 27165 adopted.

- (e) ORD. NO. 27166 – Rezones certain real property situated on the southwest corner of Almaden Road and Barnes Lane (19291 Almaden Road) to a (PD) Planned Development Zoning District. PDC 03-087.

Ordinance No. 27166 adopted.

- (f) ORD. NO. 27167 – Rezones certain real properties situated in the Delmas Park Strong Neighborhoods Initiative (SNI) Area and generally bounded by Park Avenue to the South, W. San Fernando Street to the North, Los Gatos Creek to the West, and Delmas Avenue and State Route 87 to the East from L1 Light Industrial Zoning District to R-2 Two-Family Residence Zoning District. C 04-019.

Ordinance No. 27167 adopted.

- (g) ORD. NO. 27168 – Rezones certain real properties situated in the Delmas Park SNI Area and generally bounded by Interstate 280 to the South, W. San Carlos Street to the North, Bird Avenue to the West, and Delmas Avenue and Highway 87 to the East from L1 Light Industrial Zoning District and R-2 Two-Family Residence Zoning District to R-2 Two-Family Residence Zoning District and CP Commercial Pedestrian Zoning District. C 04-020.

Ordinance No. 27168 adopted.

2 CONSENT CALENDAR

- (h) ORD. NO. 27169 – Rezones certain real properties situated in the 13th Street SNI Area and generally including properties on both sides of North 13th Street between Hedding and Jackson Streets from CN Commercial Neighborhood Zoning District to CP Commercial Pedestrian Zoning District. C 04-030.
Ordinance No. 27169 adopted.
- (i) ORD. NO. 27170 – Rezones certain real property located on the East side of South King Road, South of Silver Creek and approximately 300 feet northerly of Alum Rock Avenue to R-1-8 Single-Family Residence Zoning District. C 04-034.
Ordinance No. 27170 adopted.
- (j) ORD. NO. 27171 – Rezones certain real properties situated on both sides of South First Street, South of Highway 280 and North of Alma Avenue to CP Pedestrian Commercial Zoning District and certain other real properties to R-M Multi-Family Residence Zoning District. C 04-035.
Ordinance No. 27171 adopted.
- (k) ORD. NO. 27172 – Rezones certain real property located in the area bounded along both sides of Keyes Street, East of South 6th Street and West of South 12th Street to CP Pedestrian Commercial Zoning District. C 04-036.
Ordinance No. 27171 adopted.
- (l) ORD. NO. 27173 – Rezones certain real property bounded by El Dorado Street to the East, up to and including the Guadalupe River/Alviso Slough and a small part of the Cargill Salt Ponds to the South and West, and by the Alviso Marina County Park and Wetlands/Baylands beyond the County Park to the North to CP(PD) Planned Development Zoning District. PDC 04-037.
Ordinance No. 27173 adopted.

2 CONSENT CALENDAR

2.3 Approval of fiscal actions for Redevelopment Agency Capital Projects.

Recommendation:

- (a) (1) Adoption of appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for the Mayfair Streetlights Project (PSM 359) with a net impact to the fund of \$35,000.

Ordinance No. 27179 adopted.

Resolution No. 72137 adopted.

- (2) Adoption of a resolution making certain determinations regarding the related expenditures of Redevelopment Agency funds on certain public improvements in connection with the Mayfair Streetlights Project (PSM 359), as more specifically described in the memorandum from the Redevelopment Agency, dated May 19, 2004.

CEQA: Exempt, PP01-02-023. Council District 5. SNI: Mayfair. (City Manager's Office)

Resolution No. 72138 adopted.

- (b) (1) Adoption of appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for the Selma Olinder Park Project (PSM 361) with a net impact to the fund of \$1,000,000.

Ordinance No. 27180 adopted.

Resolution No. 72139 adopted.

- (2) Adoption of a resolution making certain determinations regarding the related expenditures of Redevelopment Agency funds on certain public improvements in connection with the Selma Olinder Park Project (PSM 361), as more specifically described in the memorandum from the Redevelopment Agency, dated May 3, 2004.

CEQA: Not a Project. Council District 3. SNI: Five Wounds/Brookwood Terrace. (City Manager's Office)

Resolution No. 72140 adopted.

2.4 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 #23 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

2.5 Approval of Deferred Annexation Agreements for several Assessor's Parcel Numbers.

Recommendation: Approval of Deferred Annexation Agreements for Assessor's Parcel Numbers 484-16-026; 612-21-065; 612-21-047; 612-22-002; 599-18-109; 612-06-015; 599-37-046; 601-21-007; 612-08-088; -089; 090; 612-18-019; 599-30-034; -035; -036; 599-35-021; 725-07-005; -014; 725-10-007; 288-26-029; 274-19-044; 261-40-079; 654-19-004; 654-19-015; 654-13-035; 696-10-069; -072, and forward it to Santa Clara County Development Services staff for recordation. CEQA: See memo for CEQA designation(s). Council Districts 5, 6, 8, and 10. (Planning, Building and Code Enforcement)

Approved.

2.6 Approval to award a contract for the Fire Station No. 7 Upgrade Project.

Recommendation: Report on bids and award of contract for the Fire Station No. 7 Upgrade Project to the low bidder, United Builders Corporation, in the amount of \$276,400, and approval of a contingency in an amount of \$41,460. CEQA: Exempt, PP04-05-160. Council District 3. (Public Works)

Approved.

2.7 Approval to amend an agreement for GIS Projects.

Recommendation: Approval of the first amendment to the agreement with MRF Geosystems Corporation for consultant services for a Spatial Adjustment of Street Centerline, Parcel, and Other Geographic Information Systems Layers Project, increasing compensation by \$331,400, from \$660,000 to \$991,400, and extending the term of the agreement to December 30, 2005. CEQA: Not a Project. (Public Works/Planning, Building and Code Enforcement)

Approved.

2.8 Approval to award a contract for the Suncrest Avenue Sanitary Sewer Replacement Project.

Recommendation: Report on bids and award of contract for the Suncrest Avenue Sanitary Sewer Replacement Project to the low bidder, Pacific Underground Construction, in the amount of \$237,980, and approval of a contingency in the amount of \$24,000. CEQA: Exempt, PP04-02-031. Council District 4. (Public Works)

Approved.

2 CONSENT CALENDAR

2.9 Approval to amend an agreement for the San José Animal Care Center Project.

Recommendation: Approval of a third amendment to the agreement with George Miers & Associates, for architectural services needed to continue construction administration services for the San José Animal Care Center Project, extending the term of the agreement to November 30, 2004, and increasing the compensation by \$79,000, from \$1,041,000 to \$1,120,000. CEQA: Negative Declaration, H01-01-003. (Public Works)

Approved.

2.10 Approval to purchase an easement for placement of bridge and park trail.

Recommendation: Approval of an agreement with Efren D. Ramos and Maria E. Ramos for the purchase of an easement for placement of a bridge and park trail over a portion of the property located at 2506 Dobern Avenue, together with an immediate right of entry thereon in the amount of \$14,700, and authorization for the Director of Public Works to execute any additional documents necessary to complete the transaction. CEQA: Negative Declaration and addenda thereto, PP03-11-352. Council District 5. SNI: East Valley/680. (Public Works)

Approved.

2.11 Approval to award a contract for the Alum Rock Park Quail Hollow Bridge Replacement Project.

Recommendation: Report on bids and take appropriate action based on the evaluation of bids for the Alum Rock Park Quail Hollow Bridge Replacement Project. CEQA: Negative Declaration, PP02-09-235. Council District 4. (Public Works)

Deferred to 6/29/04.

2.12 Approval to award a contract for the Hillstone Park Project.

Recommendation:

(a) Report on bids and award of contract for the Hillstone Park Project to the low bidder, Blossom Valley Construction, Inc., for the base bid and Add Alternate Nos. 1 and 2, in the amount of \$620,000, and approval of a contingency in the amount of \$31,000.

Approved.

(b) Adoption of the following appropriation ordinance amendments in the Council District 8 Construction and Conveyance Tax Fund:

(1) Establish an appropriation to the Department of Parks, Recreation and Neighborhood Services for the Hillstone Park Project in the amount of \$105,000; and

(2) Decrease the Ending Fund Balance by \$105,000.

CEQA: Negative Declaration, PP02-10-291. Council District 8. (Public Works/Parks, Recreation and Neighborhood Services/City Manager's Office)

Ordinance No. 27181 adopted.

2 CONSENT CALENDAR

2.13 Approval of an ordinance to establish On-Street Valet Parking Zones.

Recommendation:

- (a) Approval of an ordinance amending Chapter 11.51 and Chapter 11.54 of Title 11 of the San José Municipal Code to authorize the Director of Transportation to establish on-street valet parking zones, to designate the proper white curb marking for such zones, and to authorize the Director of Transportation to establish regulations to issue permits for the use of the zones.

Ordinance No. 27182 passed for publication.

- (b) Approval of an ordinance amending Section 1.08.025 of Chapter 1.08 of Title 1 of the San José Municipal Code to update the list of parking violations and to include on-street valet parking zone violations in the list of parking violations.

CEQA: Exempt, PP04-03-076. (Transportation)

Ordinance No. 27183 passed for publication.

2.14 Approval to award a contract for Curb Ramp Improvements.

Recommendation: Report of bids and award of contract for Curb Ramp Improvements in the Washington and Edenvale Strong Neighborhood Initiative (SNI) areas to the low bidder Sposeto Engineering Inc., in the amount of \$332,834.40, and approval of a contingency in the amount of \$33,283.44, for a total contract amount of \$366,117.84.

CEQA: Exempt, PP03-08-269, NEPA: File No. G57. Council Districts 2, 3, and 7. SNI: Washington and Edenvale. (Transportation)

Approved.

2.15 Approval of Independent Police Auditor's travel.

Recommendation: Approval of Independent Police Auditor Teresa Guerrero-Daley's travel to Belo Horizonte, Brazil, June 26-July 3, 2004, to attend as a presenter, the international conference "External Control: Transparency for Everyone". Funding: National Secretariat for Public Security in Brazil. (Independent Police Auditor)

Approved.

2.16 Approval of City Manager's Travel.

Recommendation: Approval of the City Manager's travel to Louisville, Kentucky to attend the Greater Louisville Project from June 16-18, 2004. Funding: City of Louisville, Kentucky. (City Manager's Office)

Approved.

2 CONSENT CALENDAR

2.17 Approval of a nomination to the San José Silicon Valley Workforce Investment Network Board of Directors.

Recommendation: Approval of a nomination to the San José Silicon Valley Workforce Investment Network Board of Directors. (Mayor)

(Rules Committee referral 6/9/04)

Approved.

3 STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session

Mayor Gonzales, Chair

No Report.

3.2 Report of the Rules Committee

Vice Mayor Dando, Chair

Meeting of June 2, 2004

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

(b) City Council

(1) Review June 15, 2004, 2004 Draft Agenda

The Committee recommended approval of the June 15, 2004 City Council agenda with three additions.

(2) Add New Items to June 8, 2004 Amended Agenda

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

The Committee recommended one addition and one deferral to the June 8, 2004 City Council agenda.

(3) List of Reports Outstanding

The Committee noted and filed the City Manager's report stating there are two staff reports outstanding for the June 8, 2004 Council agenda.

(c) Legislative Update

(1) State

(a) AB 2702 (Steinberg), secondary units

The Committee recommended "Oppose Unless Amended" for AB 2702 (Steinberg), relating to secondary residential units.

(2) Federal – **There was no report.**

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee (Cont'd.) Meeting of June 2, 2004

- (d) Meeting Schedules
Chair Dando asked the Committee to consider next week whether or not to cancel the August 3, 2004 Council meeting.
- (e) The Public Record – **There was no Public Record filed.**
- (f) Appointment to Boards, Commissions and Committees
 - (1) Arts Commission
 - (2) Library Commission
 - (3) Traffic Appeals Commission**HEARD BY COUNCIL ON 6/8/04**
- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) City Manager's report on Building Capacity to Maintain a Strong Leadership Team for the City of San José
The Committee recommended approval of the City Manager's report and the recommendation from Mayor Gonzales and Council Member Cortese that the Mayor's Office be asked to include in their responsibilities the development of new evaluation materials to measure diversity hiring as it pertains to the City Manager and other Council appointees.
 - (2) Written report from City Manager including a schedule of community meetings for the Public Art Process at the Norman Y. Mineta San José International Airport
The Committee accepted the memorandum and the list of Council Members' nominations to the Airport Public Art Steering Committee. The Committee directed staff to obtain nominations from District 1 and District 7 in an effort to have each Council District represented on the Steering Committee; and the Committee directed staff to return to Rules Committee with historic information regarding hiring the Rome Group for Airport art master planning services.
- (h) Oral communications – **None were presented.**
- (i) Adjournment– **The meeting adjourned at 3:05 P.M.**

The Rules Committee Report and actions of June 2, 2004 were accepted.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee (Cont'd.)
Vice Mayor Dando, Chair
Meeting of June 9, 2004

- (c) Legislative Update
 - (1) State
 - (a) SB 849 (Torlakson) – Regarding the Metropolitan Transportation Commission and the Association of Bay Area Governments
SEE ITEM 3.4 FOR COUNCIL ACTION TAKEN

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

3.4 City position on SB 849 (Torlakson).

Recommendation: Approval of staff recommendation that the City oppose SB 849 (Torlakson) regarding the Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG).

[Rules Committee referral 6/9/04 – Item 3.2(c)(1)(a)]

Approved.

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.

4.3 Approval of a Memorandum of Understanding related to Habitat Conservation Plan and Natural Community Conservation Plan.

Recommendation: Approval of the Memorandum of Understanding (MOU) with the County of Santa Clara, Santa Clara Valley Water District, and Valley Transportation Authority for the Santa Clara Valley Habitat Conservation Plan (HCP) and Natural Community Conservation Plan (NCCP). CEQA: Exempt, PP03-08-268. (Planning, Building and Code Enforcement)

[Driving a Strong Economy Committee referral 6/23/03 - Item 4.2(d)]

(Deferred from 9/9/03 – Item 4.6)

Deferred to 6/29/04.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.4 Approval of the Fiscal Year 2004-05 Annual Budget Reports for various Maintenance Districts.

Recommendation: Adoption of resolutions approving, confirming and adopting the Annual Budget Reports for Fiscal Year 2004-2005 for City of San José Maintenance Districts 1, 2, 5, 8, 9, 11, 13, 15, 18, 19, 20, 21, and 22 and levying the assessments therein. CEQA: Not a Project. Council Districts 2, 3, 4, and 8. (Public Works)

Resolution Nos. 72141 through 72153 were adopted.

4.5 Approval of actions related to acquisition of a property by eminent domain.

Recommendation: Adoption of a resolution:

- (a) Determining that public use and necessity require the acquisition of property owned by Union Pacific Railroad for:
 - (1) Roadway easements to portions of properties located on Oakland Road between Charles and Gish Road (APNs: 237-06-069 & 241-12-007) and located on Oakland Road between Fox and Wayne Avenues (APNs: 244-22-009 & 237-03-031).
- (b) Finding that:
 - (1) The property interests to be taken are necessary for the completion of the Oakland Road street widening project;
 - (2) The proposed project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury;
 - (3) City staff established an amount of just compensation not less than the full amount of the approved appraisal;
 - (4) City staff made an offer to the owners for the full appraised amount;
 - (5) As required by Code of Civil Procedure Section 1240.510, the proposed project will not unreasonably interfere with or impair the continued railroad use of the property as it now exists or may reasonably be expected to exist in the future; and
 - (6) The proposed taking and use are authorized by law.
- (c) Directing the City Attorney to file an eminent domain action to acquire these property interests.

CEQA: Negative Declaration, PP03-06-209. Council District 4. (Public Works/Transportation)

Resolution No. 72154 adopted.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.6 Approval of actions related to acquisition of a property by eminent domain.

Recommendation: Adoption of a resolution:

- (a) Determining that public use and necessity require the acquisition of a portion of the property located at 888 Story Road, owned by Dennis K. Nazloo and Tony A. Gevergiz.
- (b) Finding that:
 - (1) The property to be taken is necessary for the completion of the Story Road Widening Project (Senter Road to McLaughlin Avenue);
 - (2) The proposed project is planned and located in the manner which will be most compatible with the greatest public good and the least private injury;
 - (3) City staff established an amount of just compensation not less than the approved appraisal of the fair market value;
 - (4) City staff presented an offer to the owners for the full appraised amount; and
 - (5) The proposed taking and use are authorized by law.
- (c) Directing the City Attorney to file an eminent domain action to acquire the above property interests.

CEQA: Exempt, PP04-03-084. Council District 7. (Public Works)

Resolution No. 72155 adopted.

4.7 Approval to award a contract for the Bailey Avenue Extension Project (Segment C, Bailey Avenue Overhead at Monterey Road).

Recommendation:

- (a) Report on bids and award of contract for the Bailey Avenue Extension - Segment C (Bailey Avenue Overhead at Monterey Road) Project to the low bidder, Shasta Constructors Inc., in the amount of \$4,750,602.20, and approval of a contingency in the amount of \$238,000.

Approved.

- (b) Adoption of the following appropriation ordinance amendments in the Building and Structure Construction Tax Fund:
 - (1) Establish an appropriation to the Department of Transportation for the Bailey Avenue Extension - Segment C Project in the amount of \$4,700,000.
 - (2) Decrease the Ending Fund Balance by \$4,700,000.

CEQA: Resolution No. 68705. Council District 2. (Public Works/City Manager's Office/Transportation)

Ordinance No. 27184 adopted.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.8 Approval of actions for the implementation of the Workforce Investment Act Programs and Projects for 2004-05.

Recommendation: Adoption of a resolution authorizing the City Manager to:

- (a) Negotiate and execute all documents and amendments for the Workforce Investment Act Program for the period from July 1, 2004 to June 30, 2005, in accordance with the procurement procedures and requirements mandated by the State and Federal Governments for Workforce Investment Act grant recipients and with established City procurement procedures and requirements, that have been reviewed and approved by the SVWIN Executive Committee and/or the SVWIN Board, so long as moneys have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement.
- (b) Negotiate and execute all grants and sub grant agreements for discretionary funding applied for and approved by the SVWIN Board for the period from July 1, 2004 to June 30, 2005.

CEQA: Not a project. (Economic Development)

Resolution No. 72156 adopted.

5 RECREATION & CULTURAL SERVICES

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

5.2 Approval of the Guadalupe Creek Trail Master Plan.

Recommendation: Approval of the Guadalupe Creek Trail Master Plan. CEQA: Mitigated Negative Declaration, PP04-03-061. Council District 10. (Parks, Recreation and Neighborhood Services)

Approved.

5.3 Approval to award a contract for the Guadalupe Gardens Improvements Project. (Phase I)

Recommendation: Report on bids and award of contract for the Guadalupe Gardens Improvements Phase I Project to the low bidder, Cleary Bros. Landscape, Inc., for the base bid and Add Alternate Nos. 1 and 2 in the amount of \$996,951, and approval of a contingency in the amount of \$100,000. CEQA: Mitigated Negative Declaration, PP02-02-033. Council District 3. (Public Works/Parks, Recreation and Neighborhood Services)

Approved.

5 RECREATION & CULTURAL SERVICES

5.4 Approval to award a contract for the Almaden Lake Park Improvements Project (Phase I).

Recommendation: Report on bids and take appropriate action based on the evaluation of bids for the Almaden Lake Park Improvements Project Phase I. CEQA: Mitigated Negative Declaration, PP04-03-051. Council District 10 (Public Works)
Deferred to 6/29/04.

5.5 Approval of Fiscal Year 2004-05 San José Library Benefit Assessment District Annual Report.

Recommendation: Adoption of a resolution approving, confirming and adopting the City of San José Library Benefit Assessment District Annual Report for Fiscal Year 2004-2005 and levying the assessments. CEQA: Not a Project. (Public Works/Library)
Resolution No. 72157 adopted.

5.6 Approval of an animal services agreement with the Humane Society Silicon Valley.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with the Humane Society Silicon Valley and the City of San José for the Humane Society to provide the month-to-month City-specific animal shelter services for the period of July 1, 2004, through December 31, 2004, at a cost to the City not to exceed \$1,116,000, allowing the continuation of services until the City's animal shelter is operational. CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)
Resolution No. 72158 adopted.

5.7 Approval of a one-month animal license amnesty program.

Recommendation: Adoption of a resolution approving a one-month animal license amnesty program. CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)
Deferred to 8/17/04.

6 TRANSPORTATION SERVICES

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

6 TRANSPORTATION SERVICES

6.2 Approval of City recommendation on proposed Berryessa BART station configuration.

Recommendation: Approval of City recommendation on proposed Berryessa BART station configuration. CEQA: Not a Project. Council District 4.
(Transportation/Planning, Building and Code Enforcement)
(Referred from 5/18/04 – Item 6.3)

Deferred to 6/22/04.

6.3 Approval of changes to the Fee Schedule for Tow Service agreements.

Recommendation: Adoption of a resolution amending Resolution No. 71324 effective July 1, 2004 to:

- (a) Increase the flat rate per tow as consideration for the privilege of providing City-generated tows to \$50.95;
- (b) Increase the maximum rates that tow contractors may charge vehicle owners for basic tows to \$112.09 per tow.

CEQA: Not a Project. (Planning, Building and Code Enforcement).
(Deferred from 6/8/04 – Item 6.2)

Deferred to 8/17/04.

7 ENVIRONMENTAL & UTILITY SERVICES

7.1 Approval to award contracts for the University Area Sanitary Sewer Rehabilitation Project and for the Almaden-Vine Area Sanitary Sewer Rehabilitation Project.

Recommendation:

- (a) Report on bids and award of contract for the University Area Sanitary Sewer Rehabilitation Project to the lowest responsive bidder, Insituform Technologies Inc., in the amount of \$1,700,000. CEQA: Exempt, PP04-03-105. Council Districts 3 and 7. SNI: University, Spartan/Keyes, Tully/Center, and Rockspring.
- (b) Report on bids and award of contract for the Almaden-Vine Area Sanitary Sewer Rehabilitation Project to the lowest responsive bidder, Insituform Technologies Inc., in the amount of \$1,700,000. CEQA: Exempt, PP04-03-104. Council Districts 3, 6, and 7. SNI: Washington, Josefa/Auzerais.

(Public Works)

Approved.

8 AVIATION SERVICES

9 PUBLIC SAFETY SERVICES

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

The Redevelopment Agency Board convened at 2:19 P.M. to consider items 10.1, 10.2 and 10.3, 10.4, and 10.5 in a Joint Session.

10.1 Approval of the Downtown Design Review Process to Implement the Downtown Zoning Ordinance.

Recommendation: Adoption of a resolution establishing a Downtown Design Review Process. CEQA: Resolution No. 65459. Council District 3. (City Manager's Office/Redevelopment Agency)

(Council referral 3/16/04 – Item 10.1 and deferred from 6/1/04 – Item 10.1)

Deferred to 6/22/04.

10.2 Approval of a grant agreement with the Children’s Discovery Museum of San José.

Recommendation:

(a) Adoption of a resolution by the City Council making certain determinations required by Redevelopment Law regarding the expenditures of Redevelopment Agency funds on City public improvements;

Resolution No. 72159 adopted.

(b) Adoption of resolutions by the City Council and Redevelopment Agency Board authorizing the City Manager and Executive Director to negotiate and execute a grant agreement with the Children's Discovery Museum of San José, in a total amount not to exceed \$617,010, for the purpose of design and construction of facility enhancements; and

Resolution No. 72160 adopted.

Agency Resolution No. 5513 adopted.

(c) Adoption of resolutions by the City Council and Redevelopment Agency Board authorizing the City Manager and the Executive Director to negotiate and execute an assignment of the Agency's rights and obligations under the Operation and Management Agreement between the Agency and Children's Discovery Museum to the City.

CEQA: Exempt, File No. PP04-05-182. (City Manager’s Office/Redevelopment Agency)

Resolution No. 72161 adopted.

Agency Resolution No. 5514 adopted.

10.3 Approval of the Mayor’s June Budget Message.

Recommendation: Approval of the Mayor’s June Budget Message. (Mayor)

Heard concurrently with Item 10.5.

See Item 10.5 for Council Action Taken.

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

10.4 Approval of IWM/Recycle Plus Fees and Commercial Solid Waste and Recycling Collection franchise fees and Commercial AB 939 fees.

Recommendation:

- (a) Adopt a resolution revising Recycle Plus rates for integrated waste management services beginning August 1, 2004, increasing single-family and multi-family rates by 9% as approved in the FY 2003-04 Adopted Budget and as noticed to the public on April 11, 2003; and setting the optional yard trimmings cart subscription rate at \$2.50 per month effective August 1, 2004, to bring this service to cost recovery;

Resolution No. 72162 adopted.

- (b) Adopt a resolution revising the Commercial Solid Waste Collection Franchise Fee for services performed on or after August 1, 2004, as follows:
- (1) For each uncompacted cubic yard collected, increase the Franchise Fee from \$3.24 to \$3.34 per cubic yard.
 - (2) For each compacted cubic yard, increase the Franchise Fee from \$9.72 to \$10.02 per cubic yard.
 - (3) Revise the exemption from the Franchise Fee from the first 21,600 to the first 20,900 cubic yards of uncompacted solid waste (or the equivalent of compacted solid waste) collected in any fiscal year (July 1 through June 30) for haulers that do not provide front loader service.
 - (4) Eliminate the yearly exemption from the Franchise Fee of the first 21,600 cubic yards of uncompacted solid waste (or the equivalent of compacted solid waste) collected in any fiscal year (July 1-June 30) for haulers providing front loader service effective July 1, 2004.

Resolution No. 72163 adopted.

- (c) Approve revisions to the Commercial Solid Waste Source Reduction and Recycling (AB939) Fee (included in the Schedule of Fees and Charges) effective August 1, 2004, as follows:
- (1) For each uncompacted cubic yard collected, decrease the fee from \$0.60 to \$0.50 per cubic yard.
 - (2) For each compacted cubic yard collected, decrease the fee from \$1.80 to \$1.50 per cubic yard.

Approved.

- (d) Direct staff to return to Council during the FY 2005-06 budget process with recommendations for a revised five-year rate strategy for Recycle Plus.

CEQA: Not a Project. (Environmental Services)

Approved.

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

10.5 Approval of the FY 2004-2005 Operating and Capital Budgets for the City of San José and Redevelopment Agency and Schedule of Fees and Charges.

Recommendation:

- (a) Adoption of a resolution by the City Council approving the Operating Budget for Fiscal Year 2004-2005 for the City of San José, the Capital Budget for Fiscal Year 2004-2005 for the City of San José, and the Five Year Capital Improvement Program for Fiscal Year 2005-2009 for the City of San José as revised by the Mayor's Budget Message and directing the City Manager to prepare the final documents for adoption.

Resolution No. 72164 adopted.

- (b) Adoption of a resolution by the City Council establishing the Schedule of Fees and Charges for Fiscal Year 2004-2005.

Resolution No. 72165 adopted.

- (c) Adoption of a resolution by the City Council establishing fees and charges for recreational and park activities.

Resolution No. 72166 adopted.

- (d) Adoption of a resolution to:

- (1) Increase the wholesale recycled water basic rate from \$240 per acre-foot (AF) to \$405/AF;
- (2) Index the basic rate to the Santa Clara Valley Water District's wholesale untreated water costs;
- (3) Provide a \$165/AF discount for recycled water delivered to water retailers for landscape irrigation use; and
- (4) Provide a \$365/AF discount for recycled water delivered to water retailers for industrial and agricultural uses.

CEQA: Not a Project. (Environmental Services)

Resolution No. 72167 adopted.

- (e) Adoption of resolutions by the Agency Board approving:

- (1) Operating Budget for Fiscal Year 2004-2005 for the Redevelopment Agency of the City of San José.
- (2) Capital Budget for Fiscal Year 2004-2005 for the Redevelopment Agency of the City of San José.

(City Manager's Office/Redevelopment Agency)

Agency Resolution No. 5515 adopted.

Staff directed to include a management component within the audit of the City Grant Oversight to be conducted by the City Auditor.

Staff directed to include apprenticeship programs within the Youth Employment Opportunities section of the budget.

The Redevelopment Agency Board portion of the meeting adjourned at 3:49 P.M.

- **Closed Session Report**
None.

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

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>	<u>Proposed Decision</u>
9379	Renaissance Drive	1	Renaissance Townhomes	1 lot/10 units (condo)	Multi-family	Approve

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

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
9549	SW/C of Capitol Ave., Baton Rouge Drive	4	William Lyon Homes, Inc.	91 units	Single-family attached

- **Open Forum—**
None.

11 PUBLIC HEARINGS

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

11.1 Public Hearing on approval of an ordinance.

Recommendation: PUBLIC HEARING ON APPROVAL OF AN ORDINANCE amending Chapter 20.100 of Title 20 of the San José Municipal Code by modifying provisions related to acceptance of permits, and recordation of permits, as well as adding new sections related to abandonment of permits and actions associated with inactive applications, and other clarifying changes. CEQA: Mitigated Negative Declaration, PDC03-018, and addenda thereto, File No. PDC04-051. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).
Citywide

Ordinance No. 27185 was passed for publication.

11.2 Public Hearing on the proposed naming of a new street.

Recommendation: PUBLIC HEARING ON THE PROPOSED NAMING OF A NEW STREET, NEWHALL DRIVE, between Coleman Avenue and Newhall Street. (City of San José Department of Transportation, Applicant). CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

ST 04-001 - District 3

Resolution No. 72168 adopted.

11.3 Public Hearing on Director-initiated conventional rezoning of the area generally bounded by East Santa Clara Street to the north, 30th Avenue to the east, San Antonio Street and William Street to the south, and South 22nd Street to the west. (Five Wounds/Brookwood Terrace SNI Priority)

Recommendation: PUBLIC HEARING ON PLANNING DIRECTOR-INITIATED CONVENTIONAL REZONING of the area generally bounded by East Santa Clara Street to the north, 30th Avenue to the east, San Antonio Street and William Street to the south, and South 22nd Street to the west, from LI Light Industrial and CP Pedestrian Commercial Zoning Districts to R-2 Two-Family Residence District to reflect residential uses on a 31.34 gross acre site. CEQA: Resolution No. 65459. SNI: Five Wounds/Brookwood Terrace. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

C 04-039 - District 3

(Continued from 6/1/04 – Item 11.11)

Continued to 10/5/04.

11 PUBLIC HEARINGS

11.4 Public Hearing on planned development rezoning located at 2347 N. 1st Street.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the west side of North First Street on both sides of Component Drive (2347 N. 1st Street), from IP (PD) Planned Development District to IP (PD) Planned Development District, to allow up to 2.8 million square feet of development for Research and Development/Office uses, on a 41.0 acre site. (BEA Systems, Inc., Owner). CEQA: Resolution to be adopted. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-1-0). PDC 04-002 - District 4

HEARD WITH ITEM 11.5

- (1) Council Member Reed read the Statement of Overriding Considerations.
- (2) Ordinance No. 27186 was passed for publication.

11.5 Public Hearing on a development agreement between the City of San José and BEA Systems, Inc.

Recommendation: PUBLIC HEARING on approval of an ordinance to approve a development agreement between the City of San José and BEA Systems, Inc., to entitle up to 2.8 million square feet of Research and Development/Office uses, on a 41.0 acre site, through the allocation of existing and proposed floor area credits from the City's pool of transferable industrial floor area (2347 N. 1st Street). (BEA Systems, Inc., Owner). CEQA: Resolution to be adopted. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-1-0).

DA - BEA - District 4

HEARD WITH ITEM 11.4

- Ordinance No. 27187 passed for publication.**
Resolution No. 72169 adopted.

11.6 Public Hearing on planned development rezoning located at 1896 Senter Road.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the east side of Senter Road, approximately 600 feet southerly of Needles Drive (1896 Senter Road), from A Agriculture and LI Light Industrial Zoning Districts to A(PD) Planned Development Zoning District, to allow up to 218 multi-family attached housing units on a 7.2 gross acre site. (R L Carroll Trustee et al., City of San José, Owner). CEQA: Mitigated Negative Declaration. SNI: Tully/Senter. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC 03-057 - District 7

- Ordinance No. 27188 passed for publication.**
Staff directed to re-evaluate noise mitigation measure issues during the project's design process.

11 PUBLIC HEARINGS

11.7 Public Hearing on planned development rezoning located at 880 N. 8th Street.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the southeast corner of North 8th Street and Hedding Street (880 N. 8th Street), from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to allow up to 100 single-family attached residences on a 4.3 gross acre site. (880 North Eighth Street Associates, Howard Simmons, Owner). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement recommends denial and Planning Commission recommends approval (7-0-0).

PDC 04-007 - District 3

Ordinance No. 27189 passed for publication.

Council approved Council Member Chavez' memorandum, dated June 15, 2004, recommending approval of the Planning Commission recommendation with the following direction to staff: 1) Continue to work with community through PD Permit phase, increasing the articulation and variation in shapes, incorporating architectural themes consistent with its location in the Japantown Neighborhood, and improve the interface with Bernal Park, 2) Develop a traffic Calming Plan during the PD Permit phase for implementation during construction of the project; elements should include off-site improvements up to the \$100,000 identified by the Department of Public Works for the project and other elements contiguous with the site. Staff directed to further evaluate the Jackson/Taylor specific plan as it relates to density issues.

11.8 Public Hearing on conventional rezoning located at 195 Tully Road.

Recommendation: PUBLIC HEARING ON CONVENTIONAL REZONING of the property located at the south side of Tully Road, approximately 500 feet easterly of Monterey Highway (195 Tully Road), from IP Industrial Park Zoning District to CN Commercial Neighborhood Zoning District, to allow commercial uses on a 1.88 gross acre site. (Public Storage Pickup & Delivery LP, Owner). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

C 04-048 - District 7

Ordinance No. 27190 passed for publication.

11 PUBLIC HEARINGS

11.9 Public Hearing on conforming planned development rezoning located at 302 E. Taylor Street.

Recommendation: PUBLIC HEARING ON CONFORMING PLANNED DEVELOPMENT REZONING of the property located at the southeast corner of East Taylor Street and North 7th Street (302 E. Taylor Street), from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to allow up to 143 single-family attached residences and 12,000 square feet for commercial uses on a 2.0 gross acre site. (ROEM Development Corp., Owner). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.
PDC 03-056 - District 3

Ordinance No. 27191 passed for publication.

Council approved Council Member Chavez' memorandum, dated June 14, 2004, recommending approval of the proposed conforming planned development rezoning consistent with Staff recommendations, with the following direction to staff: (1) Continue to work with the community through the PD Permit Phase, incorporating the following elements as appropriate: Increase the roof and 7th Street elevation articulation, Construct the 12,000 feet of office/retail in such manner to allow easy conversion to traditional retail, food service, and/or restaurant use, Incorporate the 7th and Taylor bulbout treatment and continue street trees and angled parking along N. 7th consistent with the adjacent Mariani development, Develop the soundwall along the rail line consistent with the existing wall at Esplanade, the adjacent apartment development, and Increase the amount of on-site parking by enlarging the basement parking level. (2) Accept the developer's contribution to improve the adjacent auto/pedestrian crossing at Jackson and Taylor Streets.

Staff directed to continue working closely with the community and neighbors of the proposed rezoning.

11.10 Public Hearing on Director-initiated conforming planned development rezoning located at 960 Elm Street.

Recommendation: PUBLIC HEARING ON DIRECTOR-INITIATED CONFORMING PLANNED DEVELOPMENT REZONING of the property located at the northwesterly corner of Elm Street and McKendrie Street (960 Elm Street), from R-1-8 to A(PD) Planned Development Zoning District, to allow one existing and one new single-family detached residence on a 0.23 gross acre site. (Brenton J. Gregory & Jennifer A. Moore, Owner). CEQA: Exempt. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.
PDC 04-050 - District 6

Ordinance No. 27192 passed for publication.

11 PUBLIC HEARINGS

11.11 Public Hearing on conforming rezoning located at South 12th and Keyes Streets.

Recommendation: PUBLIC HEARING ON CONFORMING REZONING of the property located at the southeast corner of South 12th and Keyes Streets, from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to allow up to 88 multi-family attached affordable dwelling units and 2,500 square feet of ground floor commercial space on 1.64 gross acres. (ROEM Development Corp., Owner/Developer). CEQA: Exempt.

PDC 04-051 - District 3

Ordinance No. 27193 passed for publication.

12 GENERAL PLAN PUBLIC HEARINGS

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

12.1 Approval of General Plan Consent Calendar items.

None.

12.2 Public Hearing on the following items located between the Union Pacific Railroad tracks, Market Street, Julian Street, and Highway 87 on a 9-acre site.

Recommendation: The items being considered are located between the Union Pacific Railroad tracks, Market Street, Julian Street (195 West Julian Street), and Highway 87 on a 9-acre site. (Brandenburg Staedler & Moore, Owners/Redevelopment Agency, Applicant). CEQA: Resolution to be adopted.

District 3

- (a) Adoption of a resolution making certain findings in order to override the action of the Santa Clara County Airport Land Use Commission in regards to General Plan amendment GP03-03-01.

GP03-03-01a - District 3

Resolution No. 72171 adopted.

- (b) PUBLIC HEARING ON GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from General Commercial on 6.2 acres, Combined Industrial/Commercial on 1 acre, and Residential Support for the core area [25 + Dwelling Units per Acre (DU/AC)] on 1.8 acres to Core Area. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (4-0-2-1; Zamora & Platten Absent, Campos Abstained).

GP03-03-01a - District 3

[Continued from 12/16/03 - Item 12.1(d)(2) and 3/16/04 - Item 12.1(b)(2)]

12 GENERAL PLAN PUBLIC HEARINGS

12.2 Public Hearing on the following items located between the Union Pacific Railroad tracks, Market Street, Julian Street, and Highway 87 on a 9-acre site. (Cont'd.)

Recommendation: The items being considered are located between the Union Pacific Railroad tracks, Market Street, Julian Street (195 West Julian Street), and Highway 87 on a 9-acre site. (Brandenburg Staedler & Moore, Owners/Redevelopment Agency, Applicant). CEQA: Resolution to be adopted.

District 3

- (c) PUBLIC HEARING ON GENERAL PLAN TEXT AMENDMENT request to redefine the Downtown Core Area and Downtown Frame Area boundaries. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (4-0-2-1; Zamora & Platten Absent, Campos Abstained). GPT03-03-01a - District 3
[Continued from 2/16/03 - Item 12.1(d)(3) and 3/16/04 - Item 12.1(b)(3)]
- (d) PUBLIC HEARING ON GENERAL PLAN AMENDMENT request to realign Julian Street between Market and Saint James Streets. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (4-0-2-1; Zamora & Platten Absent, Campos Abstained). GP03-03-01b - District 3
[Continued from 12/16/03 - Item 12.1(d)(4) et al., and 6/1/04 – Item 12.2]

Resolution No. 72170 adopted.

12.3 Public Hearing on General Plan amendment for property located on the west side of Peregrino Way, approximately 400 feet northwest of Dry Creek on a 1.50-acre site.

Recommendation: PUBLIC HEARING ON GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Very Low Density Residential (2 DU/AC) to Low Density Residential (5 DU/AC) for property located on the west side of Peregrino Way, approximately 400 feet northwest of Dry Creek Road on a 1.50-acre site. (Goodenough, Owner/Kennon, Applicant). CEQA: Mitigated Negative Declaration, GP04-06-01. Director of Planning, Building and Code Enforcement recommends approval.

GP04-06-01 - District 6

(Continued from 6/1/04 – Item 12.5)

Continued to 9/7/04.

12 GENERAL PLAN PUBLIC HEARINGS

12.4 Public Hearing on the following items located at the southwest corner of Monterey Highway and Goble Lane on a 29.5-acre site.

Recommendation:

PUBLIC HEARING on the following items located at the southwest corner of Monterey Highway (2745 Monterey Road), and Goble Lane on a 29.5-acre site. (Goble Ernest L. et al., Owner/Roem Development, Anthony Ho, Applicant). CEQA: Resolution to be adopted.

District 7

- (a) PUBLIC HEARING ON GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Combined Industrial/Commercial, Single-Family Detached and Attached (8-16 Dwelling Units Per Acre) acres and Heavy Industrial (Communications Hill Planned Community) to High Density Residential (25-50 DU/AC) on 29.5-acre site. Director of Planning, Building and Code Enforcement recommends denial and Planning Commission recommends approval (5-2-0; Levy & Dhillon Opposed).
GP02-07-04 - District 7
- (b) PUBLIC HEARING ON GENERAL PLAN TEXT AMENDMENT to reflect the proposed changes in the Communications Hill Specific Plan. Director of Planning, Building and Code Enforcement recommends denial and Planning Commission recommends approval (5-2-0; Levy & Dhillon Opposed).
GPT02-07-04 - District 7

(Continued from 6/1/04 - Item 12.7)

- (1) Council approved Council Member Gregory, Chavez and Cortese' memorandum, dated June 15, 2004, recommending approval of the recommendation from the Planning Commission to change the San José 2020 General Plan Land Use/Transportation Diagram designation from Heavy Industrial, Combined Industrial/Commercial, Single-Family Detached and Attached Residential (8-16 DU/AC) to allow high density residential use (25-50 DU/AC) for property located at the southwest corner of Monterey Highway and Goble Lane on 29.5 acre site. Specifically create a new designation in the Communications Hill Specific Plan, "High Density Residential/Commercial Mix (25-50 DU/AC)" that would also allow up to 18,000 square feet of commercial/mixed use on the property. In addition, amend the text in the General Plan and the Communications Hill Specific Plan to reflect the proposed changes in Attachments A and B, and a request for City Staff to include guidelines contained therein.**
- (2) Council Member Gregory read the Statement of Overriding Considerations.**
- (3) Resolution No. 72172 adopted.**

12 GENERAL PLAN PUBLIC HEARINGS

12.5 Adoption of a resolution approving all General Plan amendment actions taken on June 1, 2004 and June 15, 2004.

Recommendation: Adoption of a resolution approving all General Plan Amendment actions taken on June 1, 2004 and June 15, 2004. (Planning, Building and Code Enforcement)

(1) Council Member Chavez read the Statement of Overriding Considerations. (2) Resolution No. 72173 adopted.

- **Open Forum**
None.

- **Adjournment**
The Council of City of San José adjourned at 9:13 P.M.