

CITY COUNCIL AGENDA

SEPTEMBER 25, 2012

SYNOPSIS

PETE CONSTANT
ASH KALRA
SAM LICCARDO
KANSEN CHU
XAVIER E. CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

CHUCK REED MAYOR

PIERLUIGI OLIVERIO
MADISON NGUYEN, VICE MAYOR
ROSE HERRERA
DONALD ROCHA
NANCY PYLE

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.

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.

You may speak to the City Council about any discussion 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. 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 Tuesday at 7 p.m. as needed, 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 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**
9:29 a.m. - Closed Session, Call to Order in Council Chambers
Absent Council Members: Herrera, Kalra, Oliverio. (Excused)

1:31 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: None.

7:00 p.m. - Evening Session, Council Chambers, City Hall.
The evening session was canceled.
- **Invocation (District 8)**
Pastor Tim Wood, Evergreen Valley Church presented the Invocation.
- **Pledge of Allegiance**
Mayor Reed, accompanied by third grade students from Franklin Elementary School, led the Pledge of Allegiance.
- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved, with Ceremonial Item 1.2 heard and Item 2.2(d) deferred to October 02, 2012.
- **Closed Session Report**
No Report.

1. CEREMONIAL ITEMS

- 1.1 Presentation of a commendation to San José resident Robert Sotelo for his act of heroism in rescuing a woman from her East San José home. (Campos)
Deferred per Rules and Open Government Committee.
- 1.2 Presentation of a proclamation recognizing the Month of September 2012 as “Histiocytosis Awareness Month” in the City of San José. (Constant)
Heard per Orders of the Day.
Mayor Reed and Council Member Constant recognized the month of September 2012 as “Histiocytosis Awareness Month” in the City of San José.
- 1.3 Presentation of a proclamation declaring September 28, 2012 as “Native American Day” in the City of San José. (Herrera)
Mayor Reed and Council Member Herrera recognized September 28, 2012 as “Native American Day” in the City of San José.
- 1.4 Presentation of a commendation honoring Santana Row as it celebrates its 10th anniversary in San José. (Constant/Oliverio)
(Rules Committee referral 9/19/12)
Mayor Reed and Council Members Constant and Oliverio recognized Santana Row upon its 10th anniversary in San José.
- 1.5 Presentation of a commendation to the Blossom Valley All-Stars for representing San José and winning the 2012 Pony Baseball Mustang League World Series. (Pyle)
(Rules Committee referral 9/19/12)
Deferred per Rules and Open Government Committee.

2. CONSENT CALENDAR

- 2.1 **Approval of Minutes.**
There were none.
- 2.2 **Final Adoption of Ordinances.**

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 29141 – Rezoning certain real property situated on the south side of Montecito Vista Drive, approximately 800 feet westerly of Monterey Road, on a 1.73 gross-acre site, to the A(PD) Planned Development Zoning District. PDC12-011
Ordinance No. 29141 adopted.
- (b) ORD. NO. 29142 – Granting a Commercial Solid Waste and Recyclables Collection Franchise to Recycling & Waste Services, Inc.
Ordinance No. 29142 adopted.

2. CONSENT CALENDAR

2.2 Final Adoption of Ordinances. (Cont'd.)

Recommendation: Final adoption of ordinances.

- (c) ORD. NO. 29143 – Granting a Commercial Solid Waste and Recyclables Collection Franchise to Pacific Coast Recycling, Inc.

Ordinance No. 29143 adopted.

- (d) ORD. NO. 29139 – Amend Chapters 3.28, the 1975 Federated Employees Retirement Plan, and 3.36, the 1961 Police and Fire Department Retirement Plan, of the San José Municipal Code to add Sections 3.28.115 and 3.36.325, respectively, regarding the role of the boards of administration in personnel matters.

[Deferred from 9/11/12 – Item 2.2(f) and 9/18/12 – Item 2.2(a)]

Deferred to October 02, 2012 per Orders of the Day.

2.3 Approval of Council Committee Reports.

Recommendation: Approval of Council Committee Reports.

- (a) Rules and Open Government Committee Report of August 1, 2012. (Mayor)

Approved.

Item(g)(5), Adopt a resolution in support of freeway directional signage on U.S. 101 and Interstate 280 directing commuters to Little Saigon Business District on Story Road, was agendized to November 6, 2012.

- (b) Rules and Open Government Committee Report of August 8, 2012. (Mayor)
- (c) Rules and Open Government Committee Report of August 15, 2012. (Mayor)
- (d) Rules and Open Government Committee Report of August 22, 2012. (Mayor)
- (e) Rules and Open Government Committee Report of August 29, 2012. (Mayor)
- (f) Community and Economic Development Committee Report of August 27, 2012. (Herrera)

Approved.

2.4 Mayor and Council Excused Absence Requests.

Recommendation:

- (a) Request for an excused absence for Mayor Reed from the Regular Meeting of the Rules and Open Government Committee on September 19, 2012 due to Authorized City Business: Public Policy Institute of California Speaker Series in San Francisco, CA. (Mayor)

(Rules Committee referral 9/19/12)

Approved.

2. CONSENT CALENDAR

2.5 City Council Travel Reports. No Report.

2.6 Report from the Council Liaison to the Retirement Boards. No Report.

2.7 Ratification of Final Expenditures for 2011 – 2012.

Recommendation:

- (a) Adopt an ordinance ratifying the final 2011-2012 appropriation increases detailed in the staff memorandum.
- (b) Adopt the following 2011-2012 Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Central Fund:
 - (1) Increase the Earned Revenue estimate by \$2,803,231;
 - (2) Increase the Transfer to Council District 1 by \$162,736;
 - (3) Increase the Transfer to Council District 2 by \$135,416;
 - (4) Increase the Transfer to Council District 3 by \$135,457;
 - (5) Increase the Transfer to Council District 4 by \$126,867;
 - (6) Increase the Transfer to Council District 5 by \$214,886;
 - (7) Increase the Transfer to Council District 6 by \$247,082;
 - (8) Increase the Transfer to Council District 7 by \$217,600;
 - (9) Increase the Transfer to Council District 8 by \$132,518;
 - (10) Increase the Transfer to Council District 9 by \$122,378;
 - (11) Increase the Transfer to Council District 10 by \$94,405;
 - (12) Increase the Transfer to City-Wide by \$795,172; and
 - (13) Increase the Transfer to the General Fund – Parks Eligible Maintenance Costs by \$418,714.
- (c) Adopt the following 2011-2012 Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Maintenance Yards Purposes:
 - (1) Increase the Earned Revenue estimate by \$7,278.
 - (2) Increase the Transfer to the General Fund – Parks Eligible Maintenance Costs by \$7,278.
- (d) Adopt the following 2011-2012 Appropriation Ordinance amendments in the General Fund:
 - (1) Increase the Workers' Compensation Claim – Fire appropriation by \$183,745;
 - (2) Decrease the Workers' Compensation Claims – Transportation by \$85,000;
 - (3) Decrease the Workers' Compensation Claims – Public Works by \$75,000; and
 - (4) Decrease the Workers' Compensation Claims – Other Departments by \$23,745.

CEQA: Not a Project, File No. PP10-067(b), Appropriation Ordinance. (City Manager's Office)
Deferred to October 16, 2012 per Administration.

2. CONSENT CALENDAR

2.8 Agreement with Roy Buis Consulting for Construction Management Assistance on Affordable Housing Projects.

Recommendation: Approve a Sixth Amendment to the Agreement with Roy Buis Consulting for construction management assistance on affordable housing projects, increasing the amount of the agreement by \$120,000 from \$341,000 to \$461,000 and extending the term of the agreement to June 30, 2013. CEQA: Not a Project, File No. PP10-066(d), Consultant Services. (Housing)

Deferred to October 02, 2012 per Administration.

2.9 2012-2013 Team San José Performance Measures.

Recommendation:

(a) Approve the Team San Jose performance measures for 2012 – 2013.

Approved.

(b) Adopt a resolution authorizing the City Manager to:

- (1) Execute the Third Amendment to the Management Agreement between the City of San Jose and Team San Jose to reflect changes to calculations for Performance Measures related to Gross Operating Profit and Gross Operating Revenue, and to clarify which costs are the responsibility of the General Purpose Parking Fund and Convention and Cultural Affairs Fund; and
- (2) Negotiate and execute an amendment to the Memorandum of Understanding regarding parking operations at the Convention Center garage.

CEQA: Not a Project, File No. PP10-066 (e), Agreements/Contracts. Council District 3. (Economic Development)

(Deferred from 9/11/12 – Item 2.7 and 9/18/12 – Item 2.12)

Resolution No. 76440 adopted.

2.10 District 1 Shred-A-Thon and E-Waste Collection Day.

Recommendation: As recommended by the Rules and Open Government Committee on September 19, 2012:

- (a) Approve the District 1 Shred-A-Thon and E-Waste Collection Day as a City Council sponsored Special Event; and
- (b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

CEQA: Exempt, File No. PP12-080 (State CEQA Guidelines Section 15304e). (City Clerk)

[Rules Committee referral 9/19/12 – Item G(3)]

Approved.

3. STRATEGIC SUPPORT SERVICES

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

City Manager Debra Figone provided highlights related to the second tier retirement plan for new employees.

3.2 Labor Negotiations Update

Recommendation: Accept Labor Negotiations Update.

Heard at 9:30 a.m.

No Report.

3.3 Telecommunications Users Tax Cap Extension.

Recommendation:

- (a) Approve an ordinance amending Chapter 4.70 of Title 4 of the San José Municipal Code to extend the Cap Program for the Telecommunications Users Tax (TUT) through December 31, 2017; and

Ordinance No. 29151 passed for publication.

Abstained: Chu, Herrera, Liccardo, Oliverio.

- (b) Direct staff to conduct an outreach program for other business to apply for participation in the program under the same criteria established in 2009 with the threshold for participation in the TUT Cap Program set at approximately \$54,000. CEQA: Not a Project; File No. PP10-068, Municipal Code or Policy. (Finance)

Approved.

Abstained: Chu, Herrera, Liccardo, Oliverio.

Staff was further directed to incorporate into the analysis for a Special Study Session:

- (1) Exploration for extension or termination of the Cap Program relating to revenue generation.**
- (2) Should cap increases be based upon 2% per year or should a TOT Cap look at company growth, i.e. the number of employees, in order to take into consideration both the increase in the cost of purchasing telecommunications services and the growth of the size of the companies participating in the program.**
- (3) Include participation of members of the corporate community such as the San José/Silicon Valley Chamber of Commerce.**

3. STRATEGIC SUPPORT SERVICES

3.4 Structural Improvements; Potential Consolidation or Elimination of Boards and Commissions; and Status of the Neighborhoods Commission.

Recommendation:

- (a) Accept the proposed structural improvements to the City's Boards and Commissions program.
- (b) Accept the recommendations regarding the proposed elimination or consolidation of Commissions.
- (d) Direct the City Clerk and City Attorney to return to the Council by December 2012 with draft revisions to the Municipal Code and Council Policies.

(City Clerk)

[Referred from 8/14/12 – Item 3.6(b)]

Deferred to October 23, 2012 per Rules and Open Government Committee.

3.5 Neighborhoods Commission Pilot Program.

Recommendation: Accept the assessment of the Neighborhoods Commission Pilot presented in the memorandum, and provide direction to staff on a structure to encourage neighborhood participation in City decision making in the future. (City Manager's Office)

[Referred from 8/14/12 – Item 3.6(a)]

Deferred to October 23, 2012 per Rules and Open Government Committee.

3.6 Approval of Citywide Insurance Renewals.

Recommendation: Adopt a resolution authorizing the City Manager to select and purchase certain City property and liability insurance policies for the period October 1, 2012 to October 1, 2013, at a total cost not to exceed \$1,600,000 for all policies, with the following insurance carriers:

- (a) Lexington Insurance Company, (Boston, MA) - or other insurers that the City is currently in negotiations with - for Property Insurance, including Boiler and Machinery.
- (b) National Union Fire Insurance Company (New York, NY) to provide the following coverage:
 - (1) Airport Owners and Operators Liability including War Risks & Extended Perils Coverage (Primary and Excess).
 - (2) Police Aircraft Hull & Liability including War Risks & Extended Perils.
- (c) St Paul/Travelers Insurance Company, (Hartford, CT) - or other insurers that the City is currently in negotiations with - for Automobile Liability (Airport fleet vehicles including Shuttle Buses, and WPCP fleet vehicles) and Airport Shuttle Bus physical damage.
- (d) Indian Harbor Insurance Company, (Stamford, CT) for Secondary Employment Law Enforcement Professional Liability.

CEQA: Not a Project, File No.PP10-066(a), Agreements and Contracts for purchase of insurance. (Finance)

Resolution No.76441 adopted.

3. STRATEGIC SUPPORT SERVICES

3.7 Resolution Amending the Council's Rules of Conduct of Meetings.

Recommendation: As recommended by the Rules and Open Government Committee on September 12, 2012, adopt a resolution amending the Rules for the Conduct of City Council and City Council Committee Meetings and superseding Resolution No. 76184.

CEQA: Not a Project. (City Clerk)

Deferred to October 23, 2012 per Rules and Open Government Committee.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Actions Related to the Workforce Investment Act Fund.

Recommendation: Adopt the following 2012-2013 Appropriation Ordinance and Funding Sources Resolution amendments in the Workforce Investment Act (WIA) Fund:

- (a) Increase the estimate for Earned Revenue by \$2,025,000; and
- (b) Establish an appropriation to the Office of Economic Development for the Solyndra Project in the amount of \$2,025,000.

CEQA: Not a Project; File No. PP10-067(b), Appropriation Ordinance. (Economic Development/City Manager's Office)

Ordinance No. 29152 adopted.

Resolution No. 76442 adopted.

4.2 Ordinance Amending the Sign Code.

Recommendation: Approve an ordinance amending Title 23 (Sign Ordinance) of the San José Municipal Code to:

- (a) Amend Chapter 23.02 to:
 - (1) Revise Section 23.02.290 lightbox, lightbox sign, revise Section 23.02.940 location of attached signs, and add a new Section 23.02.101 to define service station canopy; canopy sign, and revise Section 23.02.1110 signage at gasoline service stations.
- (b) Amend Chapter 23.04 to:
 - (1) Amend Section 23.04.020 to revise regulations for signage at gasoline service stations;
 - (2) Amend Section 23.04.035 to increase the maximum allowable square footage of programmable electronic signs; and
 - (3) Amend Section 23.04.120 to revise regulations for signage at gasoline service stations.
- (c) Make other nonsubstantive, ministerial, technical, or typographical changes to said Chapters 23.02 and 23.04 of Title 23 of the San José Municipal Code.

CEQA: Negative Declaration, File No. PP11-099, Addendum thereto, PP12-073.

(Planning, Building and Code Enforcement)

(Action continued on the next page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 Ordinance Amending the Sign Code. (Action Cont'd.)

Recommendation: Approve an ordinance amending Title 23 (Sign Ordinance) of the San José Municipal Code to: (Cont'd.)

Ordinance No. 29153 passed for publication.

The memorandum from Mayor Reed, Vice Mayor Nguyen and Council Member Campos was approved, approving the Staff recommendation and, additionally, allow the retention of previously approved signage on gas station canopies along with the new signage allowed under the proposed ordinance.

4.3 Draft Santa Clara Valley Habitat Plan.

Recommendation: As referred by the Rules and Open Government Committee on September 19, 2012, review key concepts and issues associated with the Draft Santa Clara Valley Habitat Plan (Habitat Plan) and related documents to provide the Council an opportunity to evaluate and comment on the Plan's content in advance of final action:

- (a) Summary Overview of the Habitat Plan.
- (b) Key Issues for San José:
 - (1) Avoidance of Deferred Liability
 - (2) Regulatory Streamlining
 - (3) Nitrogen Deposition Fee
 - (4) Western Burrowing Owl
 - (5) Riparian Setbacks
 - (6) Case Studies
- (c) Habitat Plan Implementation
 - (1) Implementing Entity
 - (2) Legislative Priorities
 - (3) Fine-tuning the Structure Fee
- (d) Alternative to Habitat Plan Adoption

CEQA: EIR Resolution to be adopted when action on Habitat Plan is taken. (Planning, Building and Code Enforcement)

[Rules Committee referral 9/19/12 – Item D(1)]

Heard Last.

Staff presentations and public comments were heard.

Continued to October 16, 2012.

5. NEIGHBORHOOD SERVICES

5.1 Anti-Graffiti and Litter Program Semi-Annual Report.

Recommendation: As recommended by the Neighborhood Services and Education Committee, accept the Anti-Graffiti and Litter Program Semi-Annual Report. (Parks, Recreation and Neighborhood Services)

[Neighborhood Services and Education Committee referral 9/13/12 – Item (d)(2)]

The revised memorandum from Council Member Liccardo, dated September 25, 2012, was approved, the report was accepted, with the City Manager directed to:

- (1) Where large swaths of graffiti have lingered on freeway bridges have remained unabated for a period of two months or longer – such as the Union Pacific Bridge over 101 near Oakland Road – report to the Transportation and Environment Committee or other relevant committee:**
 - (a) What Code Enforcement citations, fines or other remedies have been sought against CalTrans, Union Pacific or other relevant parties (and if none, why no citations have been issued.**
 - (b) Whether the City can install signage on City Property at the closest off-ramp listing a CalTrans phone number for residents to call about graffiti abatement.**

Referral to the Mayor's Gang Prevention Task Force:

- (2) Convene a meeting with relevant officials of the County Office of Probation, the District Attorney's Office, and Honorable Patrick Trondreau, the Presiding Judge of the Juvenile Court and *the Office of the Public Defender*, to explore whether and how the juvenile probation system can employ more adjudicated juvenile taggers in cleaning graffiti throughout the City of San José. Report results of that meeting to the Mayor's Gang Prevention Task Force. Specific emphasis should be placed on:**
 - (a) Ensuring that every juvenile offender has a clear, implementable condition of probation to participate in a graffiti-cleaning program.**
 - (b) Where the County Probation office appears overstretched, explore with County Probation whether community partners could potentially assist in the supervision and employment of juvenile offenders in eradicating graffiti. Examples of such community partners might include the San José State University (SJSU) Criminal Justice Program (i.e. working through CommUniverCity), the Downtown Property-Based Improvement District (PBID) or youth-focused non-profits such as Catholic Charities.**

The following were also accepted:

- (1) Consolidate other services for reporting with other public agencies through the contractor or phone number/app and continue City efforts to find ways to feasibly build fences or barriers to help prevent future tagging.**
- (2) The City Attorney was directed to revisit the issue of imposing a fine for tagging/vandalism and holding parents accountable if a minor is involved.**

6. TRANSPORTATION & AVIATION SERVICES

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

9. REDEVELOPMENT – SUCCESSOR AGENCY

9.1 Recognized Obligation Payment Schedules.

Recommendation: Adopt resolutions by the City Council acting in its capacity as the Successor Agency to the Redevelopment Agency Board approving:

- (a) The Recognized Obligation Payment Schedule for July 1 - December 31, 2012 (ROPS 2); and
- (b) The Recognized Obligation Payment Schedule for January 1 – June 30, 2013 (ROPS 3).

(Deferred from 8/21/12 – Item 9.2, 8/28/12 – Item 9.1, 9/11/12 – Item 9.1, and 9/18/12 – Item 9.1)

Deferred to October 02, 2012 per Administration.

- **Open Forum**

- (1) **David Wall provided information for an event to be held by the Committee for Safe San José Neighborhoods on September 27, 2012, 5:00 p.m., at the San José Police Officers Association Hall.**
- (2) **Gerald Witters expressed concern about rules and laws regarding fireworks.**
- (3) **David Serrano voiced concerns about the homeless encampments, environmental contamination and continued community disruption.**

- **Adjournment**

The Council of City of San José was adjourned at 6:27 p.m. in memory of Norman Friberg, who passed away on July 22, 2012 after being inducted into the Piedmont Hills Athletics Hall of Fame having served as a high school basketball coach for 30 years. (Chu)

10. GENERAL PLAN PUBLIC HEARINGS

No General Plan Public Hearing at this time.

11. PUBLIC HEARINGS

11.1 Land Use Public Hearings on Consent Calendar.

No Land Use Public Hearings on Consent Calendar at this time.

11.2 Consideration of a Planned Development Permit and Determination of Public Convenience or Necessity Request to Allow for the Off-Sale and On-Sale of Alcohol and Late Night Use for a New Full Service Restaurant.

Recommendation: Consideration of a Planned Development Permit and Determination of Public Convenience or Necessity request to allow for the off-sale and on-sale of alcohol and late night use for a new full service restaurant in the A(PD) Planned Development Zoning District on a 38.52 gross acre site, located at the northeast corner of Zanker Road and Villagio Street (3350 Zanker Road) (Irvine Company, Owner/Patxi's Pizza, Applicant). CEQA: Use of a Final EIR and Addenda thereto (North San José Development Policies Update EIR).
PD12-020/ABC12-004 – District 4

Dropped.