

CITY COUNCIL AGENDA

AUGUST 21, 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 or Redevelopment Agency Board. If you wish to speak to the City Council, please refer to the following guidelines:

- **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- When the Council reaches your item on the agenda, Mayor Reed will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and 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**
9:03 a.m. - Closed Session, Call to Order in Council Chambers
Absent: Council Members: Chu, Liccardo, Nguyen, Oliverio. (Excused)

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

7:01 p.m. - Public Hearings, Council Chambers, City Hall
Absent: Council Members: Constant. (Excused)
- **Invocation (District 7)**
Venerable Soeur Sochin, Venerable Son Yeong Ratana, Venerable Kann Sophannrith and Venerable Pok Ngeth, San José Cambodian Buddhist Society, presented the Invocation.
- **Pledge of Allegiance**
Mayor Reed led the Pledge of Allegiance.
- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved, with Item 4.1 deferred to September 11, 2012.
- **Closed Session Report**
No Report

1. CEREMONIAL ITEMS

- 1.1 Presentation of a commendation to Morrill Middle School's Boys Basketball Team for their championship. (Chu)
Heard in the Evening.
Mayor Reed and Council Member Chu recognized and commended the Morrill Middle School's Boys Basketball Team.
- 1.2 Presentation of a commendation to the Silicon Valley Chiefs for winning the California State Lacrosse Club Cup Championship. (Pyle)
Heard in the Evening.
Mayor Reed and Council Member Pyle recognized and commended the Silicon Valley Chiefs.
- 1.3 Presentation of a commendation to District 8 resident, Nathan Ganeshan, for his outstanding notary work and his commitment to giving back to the community through his free notary services to senior citizens. (Herrera)
(Rules Committee referral 8/15/12)
Mayor Reed and Council Member Herrera recognized and commended Nathan Ganeshan for his exemplary work and commitment to the community.
- 1.4 Presentation of commendations to Steven Beitashour, Chris Wondolowski, Ramiro Corrales and Justin Morrow of the San José Earthquakes for being named to the 2012 Major League Soccer All-Star squad, and for their contributions and the continued commitment to serving our community through excellence both on and off the soccer pitch. (Pyle)
(Deferred from 8/7/12 – Item 1.4)
Mayor Reed and Council Member Pyle recognized and commended Steven Beitashour, Chris Wondolowski, Ramiro Corrales and Justin Morrow of the San José Earthquakes.
- 1.5 Administer Oaths of Office to Citywide Youth Commissioner Tara Pichumani, District 1 Youth Commissioner Kimberly Tan, District 2 Youth Commissioner Thuy Phuong, District 3 Youth Commissioner Christian Dale Sanchez, District 8 Youth Commissioner Francis Nguyen, and District 10 Youth Commissioner Alexander Polussa. (City Clerk)
Heard in the Evening.
City Clerk Dennis D. Hawkins, CMC administered the Oaths of Office to the Youth Commissioners. Mayor Reed and Council Members Liccardo, Pyle, Kalra and Herrera were also present.

2. CONSENT CALENDAR

- 2.1 **Approval of Minutes.**
There were none.

2. CONSENT CALENDAR

2.2 Final Adoption of Ordinances.

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 29118 – Rezoning certain real property situated at the southeast corner of Winchester and Stevens Creek Boulevards (commonly referred to as Santana Row), from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District. PDC12-009

Ordinance No. 29118 adopted.

2.3 Approval of Council Committee Reports.

There were none.

2.4 Mayor and Council Excused Absence Requests.

There were none.

2.5 City Council Travel Reports.

There were none.

2.6 Report from the Council Liaison to the Retirement Boards.

There were none.

2.7 Extension of Open Purchase Order with Essential Staffing.

Recommendation: Authorize the City Manager to amend the existing Open Purchase Order 46929 with Essential Staffing, (Walnut Creek, CA), to encumber an additional \$130,745 for a revised total amount not-to-exceed \$380,744 for continued temporary employment services of six Workers' Compensation Claim Adjusters for the term ending December 31, 2012. CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts. (Finance)

Approved.

2.8 Award of Purchase Order to Ascent Elevator Services, Inc. for Elevator Retrofit.

Recommendation: Report on bids for the retrofit of five passenger elevators with the following recommended actions:

- (a) Authorize the City Manager to execute a Purchase Order with the low bidder, Ascent Elevator Services, Inc. (San Francisco, CA) in the amount of \$622,245.
- (b) Approve a 10% contingency for a not-to-exceed amount of \$62,225 to execute change orders for any unforeseen changes or requirements that may arise prior to the completion of services.

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

Approved.

2. CONSENT CALENDAR

2.9 Second Amendment to the Agreement with Turbo Data Systems, Inc.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute the Second Amendment to the Agreement with Turbo Data Systems, Inc. to:

- (a) Provide an on-line appeal process and support new handheld citation writing equipment currently on order.
- (b) Revise the compensation rate to reduce fees for special collections and increase discounts for citation processing.
- (c) Extend the term of the Agreement by six months from December 31, 2013 to June 30, 2014 and add three additional one-year options to renew the agreement, subject to the appropriation of funds.

CEQA: Not a Project, File No.PP10-066(a), Agreements and Contracts for Professional Services. (Finance/Transportation)

Resolution No. 76394 adopted.

2.10 Actions Related to the Route 85/Cottle Road Interchange Improvement Project.

Recommendation:

- (a) Approval of the Freeway Agreement between the City of San José and the State of California for that portion of State Highway Route 85 from Miyuki Drive to 0.4 miles east of Route 87 and authorizing the construction or reconstruction of City streets as part of the highway project in accordance with California Streets and Highways Code Section 100.2.

Approved.

- (b) Adopt a resolution authorizing the City Manager to negotiate and execute all right-of-way certifications, utility agreements and related Caltrans-required documents associated with the implementation of the Route 85/Cottle Road Interchange Improvement Project.

CEQA: Resolution No. 72772. Council District 2. (Transportation)

Resolution No. 76395 adopted.

2.11 Council Member Campos' Travel to Fresno, CA.

Recommendation: Approve travel by Council Member Campos to Fresno, CA on August 15 – 17, 2012 to attend the League of California Cities “California Civic Leadership Institute.” Source of Funds: District 5 Funds and the League of California Cities. (Campos)

(Rules Committee referral 8/15/12)

Approved.

2. CONSENT CALENDAR

2.12 Youth Commission Appointments.

Recommendation: As recommended by the Rules and Open Government Committee on August 15, 2012, approve the following appointments to the Youth Commission all to two-year terms, expiring May 31, 2014:

- (a) Citywide Youth Commissioner Tara Pichumani. (Mayor)
- (b) District 1 Youth Commissioner Kimberly Tan. (Constant)
- (c) District 2 Youth Commissioner Thuy Phuong. (Kalra)
- (d) District 3 Youth Commissioner Christian Dale Sanchez. (Liccardo)
- (e) District 8 Youth Commissioner Francis Nguyen. (Herrera)
- (f) District 10 Youth Commissioner Alexander Polussa. (Pyle)

[Rules Committee referral 8/15/12 – Items F(1)(a) – F(1)(f)]

Approved.

3. STRATEGIC SUPPORT SERVICES

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

City Manager Debra Figone announced that All Nippon Airways will have a new nonstop flight between the San José International Airport and Narita International Airport in Tokyo beginning January 11, 2013. City Manager Figone reported that in response to recent gang violence the Mayor's Gang Prevention Task Force was activated and protocol initiated.

City Manager Debra Figone congratulated Gloria Schmanek in her new role as Agenda Services Manager.

3.2 Labor Negotiations Update

Recommendation: Accept Labor Negotiations Update.

Heard at 9:00 a.m.

There was no report.

3.3 Revisions to Council Policy 1-17, "Donation, Sponsorship and Fundraising Policy."

Recommendation: As recommended by the Rules and Open Government Committee on August 1, 2012, adopt a resolution approving revisions to Council Policy 1-17, "Donation, Sponsorship and Fundraising Policy." (City Manager's Office)

[Rules Committee referral 8/1/12 – Item G(8)]

(Deferred from 8/14/12 – Item 3.4)

Resolution No. 76396 adopted.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Outdoor Special Events Ordinance.

Recommendation: Approve an ordinance to add Chapter 13.14, repeal Chapters 13.12, 13.16, and 13.22, and amend Chapter 13.44 of Title 13 of the San José Municipal Code, in order to establish comprehensive regulations pertaining to outdoor special events on or at City streets, parks, paseos and plazas. CEQA: Not a Project, File No. PP10-068(c), Municipal Code amendments involving no changes to the physical environment. (City Attorney's Office)

Deferred to September 11, 2012 per Orders of the Day.

4.2 Actions Related to Special Event Permit Fees: Parque de los Pobladores.

Recommendation: Adopt a resolution amending the 2012-2013 Fees and Charges (Resolution No. 72737) to:

- (a) Establish a Paseo/Plaza Single-Use Permit fee of \$60 to partially recover the costs associated with the application review and coordination for a one to three day event at Parque de los Pobladores (also known as Gore Park);
- (b) Establish a Paseo/Plaza Series Permit fee of \$100 to partially recover the costs associated with the application review and coordination for a series of up to four events or activities held within a three month period at Parque de los Pobladores (also known as Gore Park); and
- (c) Establish a Paseo/Plaza Permit Amendment fee of \$30 to partially recover the costs associated with amending and coordinating a previously approved permit application for use of Parque de los Pobladores (also known as Gore Park).

CEQA: Categorically Exempt, File No. PP12-037. (Economic Development/City Manager's Office)

Resolution No. 76397 adopted, as amended, with a modification to the Staff report dated July 30, 2012, Paragraph 3, Page 3 to allow flexibility for series permits that occur at less than regular dates and times.

5. NEIGHBORHOOD SERVICES

5.1 Consultant Agreement with Tetra Design for Services Related to the Southeast Branch Library Project.

Recommendation: Approve a consultant agreement with Tetra Design / BFGC-IBI GROUP Joint Venture for project design, preparation of construction documents, and construction administration services for the Southeast Branch Library project from the date of execution to August 31, 2016, in an amount not to exceed \$1,098,900. CEQA: Addendum to the Evergreen Specific Plan EIR, Resolution No.63719, File No. PP10-008. Council District 8. (Public Works/Library)

The memorandum from Council Member Herrera, dated August 20, 2012 was approved, approving the consultant agreement as described, with the condition to explore design options for maximizing the square footage of the community room.

6. TRANSPORTATION & AVIATION SERVICES

6.1 Hedding and Ocala Bike Lane Projects. Heard in the Evening.

Recommendation: Approve the following actions to install two miles of new bike lanes in support of Envision 2040 transportation goals:

- (a) On Hedding Street, authorize the removal of vehicular travel lanes between the Guadalupe River Trail and Seventeenth Street and all on-street parking spaces between First and Fifteenth Street.
- (b) On Ocala Avenue, authorize the removal of vehicular travel lanes between Capitol Expressway and White Road.

Approved.

- (c) Adopt a resolution to repeal Resolution No. 76192 and authorize the installation of bicycle lanes on the following streets in accordance with California Vehicle Code section 21207:
 - (1) Hedding Street between the Guadalupe River Trail and Seventeenth Street.
 - (2) Ocala Avenue between Capitol Expressway and White Road.

CEQA: *Hedding Street* - Use of the North San José Development Policies Update EIR, File No. PDC05-114, Resolution No. 72768, and Use of the San José Flea Market General Plan Amendment & Planned Development Rezoning EIR, File Nos. GP06-04-01/GPT06-04-01, Resolution No. 73738, and an Addendum thereto, File No. 12-068.

Ocala Avenue - Categorically Exempt, File Number PP12-067. Council District: 3, 5 & 8 (Transportation)

Resolution No. 76403 adopted.

The memorandum from Council Members Liccardo, Herrera and Campos, dated August 17, 2012, was approved, approving the Staff recommendations to implement the Hedding and Ocala Bike Lanes Projects with the following amendments:

- (1) Utilize a green slurry seal for bike lanes on both westbound and eastbound lanes of Hedding Street, throughout the distance of the project, to provide a visual differentiation from auto traffic lanes.
- (2) Utilize a full buffer for lanes in the Hedding Street corridor, with the exception of specific blocks where existing street parking will be maintained for residents and businesses:
 - (a) Westbound Hedding (on the north side) between 2nd Street and 8th Street.
 - (b) Eastbound Hedding (on the south side) between 4th Street and 7th Street.
- (3) Upon the completion of BART construction in 2017, return to Council to evaluate the status of the existing primary bike facilities on Hedding Street and consider improvements in consultation with the community.

6. TRANSPORTATION & AVIATION SERVICES

6.2 Actions Related to the I-280/I-880/Stevens Creek Boulevard Interchange Improvement Project.

Recommendation: Approve actions to support the I-280/I-880/Stevens Creek Boulevard interchange improvement project:

- (a) Adopt a resolution, as a responsible agency for the project under CEQA, in accordance with the provisions of Section 15096(h) of the CEQA Guidelines, with the following findings:
 - (1) That the City Council has read and considered the Environmental Impact Report for the project and concurs with the Lead Agency's (Caltrans') analysis.
 - (2) That changes have been incorporated into the project that lessen the significant environmental effects of the project.
 - (3) That the changes required to lessen the effects of the project are the responsibility of Caltrans, and that Caltrans has adopted those changes.

CEQA Resolution No. 76398 adopted.

- (b) Approve the Freeway Agreement between the City of San José and the State of California for the Highway 17 (from Downing Ave. to Highway 280), Highway 280 (from South Bascom Avenue to South Winchester Avenue) and Highway 880 (Highway 280 to Forest Avenue) authorizing the construction or reconstruction of certain City streets as part of the highway interchange project in accordance with California Streets and Highways Code Section 100.2.

CEQA: Adopted under Item 6.2(a) above. Council Districts 1 and 6. (Transportation)

Approved.

6.3 Agreement with Mark Thomas & Company, Inc. for Engineering Consultant Services for the Route 101/Mabury Road Interchange Project.

Recommendation: Approve an agreement with Mark Thomas & Company, Inc. for engineering consultant services for the Route 101/Mabury Road interchange project for a term from date of full execution to June 30, 2014, with the City's option to extend for up to two additional one year periods, and in the amount not to exceed \$1,604,420. CEQA: Exempt, File No. PP10-066(d), Consultant Services. Council District 3 and 4. (Transportation)

The memorandum from Council Member Liccardo, dated August 21, 2012, was approved, approving Staff's proposed direction, with the amendment that between now and 2017, Staff report twice yearly to the Transportation and Environment Committee, through the already scheduled Regional Transportation Updates: (1) a funding strategy with clear deadlines to ensure that the regional, state and federal funds are secured to complete the \$57 Million project by the time that BART is operational in Berryessa; (2) the status of our efforts to secure that funding.

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

8.1 Agreement with Law Enforcement Psychological Services, Inc.

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Negotiate and execute an Agreement with Law Enforcement Psychological Services, Inc. related to providing psychological services to the San José Police Department for the period of July 1, 2012 to June 30, 2013 in an amount not to exceed \$231,875.
- (b) Negotiate and execute four additional annual renewal options with the total amount of compensation for the entire contract not to exceed \$1,159,375.

CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Police)

Resolution No. 76399 adopted.

8.2 Actions Related to Bay Area Urban Areas Security Initiative Grant.

Recommendation: Approve the following actions:

- (a) Adopt a resolution authorizing the City Manager to execute an Agreement between the City of San José and the City and County of San Francisco, acting as fiscal agent for the Bay Area Urban Areas Security Initiative Grant, to accept the 2011 UASI grant allocation in the amount of \$1,748,879 and to negotiate and execute additional amendments and related documents without further Council action.

Resolution No. 76400 adopted.

- (b) Adopt the following Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund in fiscal year 2012-2013:
 - (1) Establish a city-wide appropriation to the Police Department for the 2011 UASI Grant - Police in the amount of \$1,143,879.
 - (2) Establish a city-wide appropriation to the Fire Department for the 2011 UASI Grant - Fire in the amount of \$605,000.
 - (3) Increase the estimate for Revenue from the Federal Government by \$1,748,879.

CEQA: Not a Project, File No. PP10-066(a), Agreements and contracts. (Police/City Manager's Office)

Ordinance No. 29123 adopted.

Resolution No. 76401 adopted.

9. REDEVELOPMENT – SUCCESSOR AGENCY

9.1 Approval of the January-June 2013 Administrative Budget.

Recommendation: Adopt resolutions:

- (a) By the City Council, acting in its capacity as the Successor Agency of the Redevelopment Agency of the City of San José, approving the Administrative Budget for January-June 2013 and directing staff to present it to the Oversight Board for approval.

Successor Agency Resolution No. 7015 adopted.

- (b) By the City Council approving the January-June 2013 Administrative Budget. (Deferred from 8/7/12 – Item 9.1)

Resolution No. 76402 adopted.

The City Attorney directed to circulate an information memorandum to the full Council about the availability and/or use of the 20% tax increment funds.

9.2 Recognized Obligation Payment Schedules.

Recommendation: Adopt a resolution by the City Council acting in its capacity as the Successor Agency to the Redevelopment Agency Board approving the Recognized Obligation Payment Schedules (ROPS) for July 1 - December 31, 2012 (ROPS 2) and January 1 – June 31, 2013 (ROPS 3).

Deferred to August 28, 2012.

- **Open Forum**

- (1) **David Wall provided comments and suggestions regarding the Water Pollution Control Plant and the status of the engines.**
- (2) **Mark Trout presented his views on societal issues.**
- (3) **Ross Signorino congratulated the City on the addition of a nonstop flight to Tokyo from the San José International Airport and urged the Council to enforce strict rules for bicyclists and encourage the use of reflective clothing and helmets.**

- **Adjournment**

The Council of the City of San José adjourned the afternoon session at 3:09 p.m.

10. GENERAL PLAN PUBLIC HEARINGS ON CONSENT CALENDAR

No General Plan Public Hearing at this time.

11. PUBLIC HEARINGS

11.1 Public Hearings on Consent Calendar.

Recommendation:

- (a) Consideration of an ordinance rezoning the real property located on the northwest corner of Oakland Road and Atteberry Lane (2215 Oakland Road from the IP Industrial Park Zoning District to the CIC Combined Industrial/Commercial Zoning District to allow Combined Industrial/Commercial uses on an approximately 1.76 gross acre site (JJJ Properties LLC, Owner/Playing at Learning, Applicant). CEQA: Envision San José 2040 General Plan EIR Resolution No. 76041, File No. C12-013.
C12-013 – District 4
Ordinance No. 29124 passed for publication.
- (b) Consideration of an ordinance rezoning the real property located on the west side of North 13th Street, approximately 260 feet southerly of East Mission Street (761 North 13th Street) from the CP – Commercial Pedestrian Zoning District to the A(PD) Planned Development Zoning District to allow a 7,700 square foot retail use (AutoZone) on a 0.53 gross acre site (Fernandez Jesus and Virginia, Owner). SNI: 13th Street. CEQA: Exempt. Planning commission recommends approval (6-0-1).
PDC11-022 – District 3
Ordinance No. 29125 passed for publication.
- (c) Consideration of an ordinance rezoning the real property located at the southeast corner of Yerba Buena Road and Highway 101 (3800 Dove Hill Road) from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District to allow for the development of 16 single-family detached residential units and a religious assembly use with up to 200 seats on a 7.24 gross acre site (Lo, Joey and Frances, Owner). CEQA: Mitigated Negative Declaration Resolution to be Adopted. Planning commission recommends approval (7-0-0).
PDC11-003 – District 8
Ordinance No. 29126 passed for publication.
CEQA Resolution No. 76404 adopted.

END OF PUBLIC HEARINGS ON CONSENT CALENDAR

11. PUBLIC HEARINGS

11.2 Administrative Hearing and Consideration of an Appeal of the Planning Commission's Decision to Deny a Conditional Use Permit to Allow the Off-Sale of Alcohol and 24-Hour Use for an Existing Gas Station.

Recommendation: Conduct an Administrative Hearing and consider an Appeal of the Planning Commission's decision to deny a Conditional Use Permit to allow the off-sale of alcohol and 24-hour use for an existing gas station and approve the conversion of 938 square feet of vending use to a retail mini-market on a .39-gross-acre site, in the CP Commercial Pedestrian Zoning District. Located at the southwest corner of Woodard Road and Union Avenue (3707 Union Avenue) (BMZ Investment, Owner). CEQA: Exempt.

CP11-059 – District 9

(Continued from 6/19/12 – Item 11.5)

Item 11.2 was continued to August 28, 2012 with Staff directed to return to Council for approval of the 24-hour use. Resolution No. 76405 was not used.

11.3 Rezoning Real Property Located on the Southeast Corner of Airport Parkway and Matrix Boulevard.

Recommendation: Consideration of an ordinance rezoning the real property located on the southeast corner of Airport Parkway and Matrix Boulevard (1887 Matrix Boulevard) from IP(PD) to IP(PD) to allow banquet facilities and meeting rooms in conjunction with the cardrooms and tower in the existing Cardroom and Hotel development on an approximately 6.08 gross-acre site (Pete Lunardi, Eric Swallow, Owner; Trans Global Development Brian Turpin, Developer). CEQA: Envision San José 2040 EIR Resolution No. 76041.

PDC12-019 – District 3

Ordinance No. 29127 passed for publication, as amended, including:

- (1) **Staff directed to establish explicit, specific conditions which ensure that the banquet hall use is clearly limited to traditional uses for banquet halls.**
- (2) **Staff directed to require a parking and traffic management plan and consultation with the surrounding property owners.**

11.4 Rezoning Real Property Located on the South Side of Montecito Vista Drive.

Recommendation: Consideration of an ordinance rezoning the real property located on the south side of Montecito Vista Drive, approximately 800 feet westerly of Monterey Road (80 Montecito Vista Drive) from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District to amend previously approved development standards to allow 100 single-family attached units with an at grade parking configuration for the subject 1.73 gross acre site (City of San José Financing Authority, Owner). CEQA: Use of EIR.

PDC12-011 – District 7

Dropped, to be renoticed to September 11, 2012.

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

In accordance with Sec. 19.16.140d of the San José Municipal Code, this is notice of the City Engineer's 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>
10026	Easterly corner of Berryessa Road and Jackson Avenue	4	Pulte Home Corporation	50 Lots/ 162 Units	MFA	Approve

- **Open Forum**

There were none.

- **Adjournment**

The Council of the City of San José was adjourned at 8:58 p.m. in memory of Marybel and Pedro Jimenez, proud and loving parents, who passed away on Monday, July 23, 2012. (Liccardo)