
RULES AND OPEN GOVERNMENT COMMITTEE

CHUCK REED, CHAIR
DAVID CORTESE, VICE CHAIR
PETE CONSTANT, MEMBER
JUDY CHIRCO, MEMBER
MADISON NGUYEN, ALTERNATE

STAFF: RICHARD DOYLE, CITY ATTORNEY
LEE PRICE, CITY CLERK
DEBRA FIGONE, CITY MANAGER
HARRY MAVROGENES, REDEVELOPMENT
AGENCY DIRECTOR

AGENDA

2:00 P.M.

September 10, 2008

Room W118-119

- A. City Council (City Clerk)
 - 1. Review September 16, 2008 Final Agenda
 - a. Add New Items to final agenda
 - b. Assign "Time Certain" to Agenda Items (if needed)
 - 2. Review September 23, 2008 Draft Agenda
 - a. Add New Items to draft agenda
 - b. Assign "Time Certain" to Agenda Items (if needed)
- B. Redevelopment Agency (Executive Director)
 - 1. Review September 16, 2008 Final Agenda
 - a. Add New Items to final agenda
 - b. Assign "Time Certain" to Agenda Items (if needed).
 - 2. Review September 23, 2008 Draft Agenda
 - a. Add New Items to draft agenda
 - b. Assign "Time Certain" to Agenda Items (if needed).
- C. Legislative Update
 - 1. State
 - a. Sacramento Update (verbal report). (Manager)
 - 2. Federal
None.

To request an accommodation or alternative format for City-sponsored meetings, events or printed materials, please call the Office of the City Clerk 408-535-1252 or 408-294-9337 (TTY) as soon as possible, but at least three business days before the meeting/event.
Access the video, the agenda and related reports for this meeting by visiting the City's website at <http://www.sanjoseca.gov/clerk/CommitteeAgenda/Rules.asp>

- D. Meeting Schedules
1. [Approve time change for the Council Study Session on the Three-Year General Fund Structural Deficit Elimination Plan on November 17, 2008 from 9:00 a.m. to 4:00 p.m. in Council Chambers.](#) (City Manager)
 2. [Approve to set a study session on Historic Preservation on Tuesday, October 23, 2008 from 9:00 a.m. to 12:00 p.m. in Council Chambers.](#) (Planning, Building and Code Enforcement)
- E. [The Public Record](#)
- F. Appointments to Boards, Commissions and Committee
1. [Approve appointments to Work2future Board of Directors.](#) (Mayor)
- G. Rules Committee Reviews, Recommendations and Approvals
1. [Traffic Signal Modification at Winchester Boulevard and Forest Avenue.](#) (Public Works)
 2. [Approve the Auditor's Office Monthly Report of Activities for July and August 2008.](#) (City Auditor)
- H. Review of additions to Council Committee Agendas
1. Community and Economic Development (CED) Committee
 2. Neighborhood Services and Education Committee
 3. Transportation and Environment Committee
 4. Public Safety, Finance and Strategic Support Committee
- None.
- I. Open Government Initiatives
1. Reed Reforms
 2. [Sunshine Reform Task Force](#) (SRTF)
Review of SRTF Phase II Report and Recommendations
 - a. [SRTF Phase II Report and Recommendations.](#)
 - b. [Staff's Response to Phase II Report and Recommendations of the SRTF.](#)
 - c. [SRTF Chair's Response to the Staff Report responding to Phase II Report](#) and Recommendations of the SRTF.
NOT TO BE HEARD EARLIER THAN 2:30 P.M.
CONTINUED FROM AUGUST 27, 2008
 3. Significant Public Records Act Requests
 4. Council Policy Manual Update
- None.
- J. Open Forum
- K. Adjournment

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 City Hall, 200 E. Santa Clara Street, Office of the City Clerk 2nd Floor Wing, San Jose, Ca 95112 at the same time that the public records are distributed or made available to the legislative body.

PUBLIC RECORD j

From: Kirk Vartan [redacted]
Sent: Friday, September 05, 2008 11:26 AM
To: 'Pimentel, Nora'
Subject: Rules Committee meeting Sept. 10 - Winchester/Forest (west) modifications

To Rules and Open Government Committee:

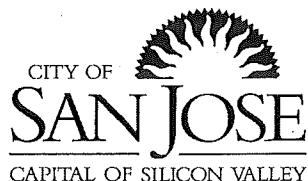
I want to make sure it is clear what the neighborhood is saying about the proposed modifications to the Winchester Blvd. and Forest Ave (west) intersection:

1. We do not support any modifications to the traffic signal at Winchester and Forest (west)
2. We do not support the removal of the traffic light
3. San Jose is not following the direction listed in the Public Record for the Santa Clara Gardens EIR
4. We want this issue brought before the City Council
5. Please put this on the City Council agenda

I hope you can help move this along to the next level.

Thank you,

Kirk Vartan
Current North of Forest neighborhood representative
<http://www.NorthOfForest.org>
info@NorthOfForest.org



Memorandum

TO: RULES AND OPEN GOVERNMENT COMMITTEE **FROM:** Katy Allen

SUBJECT: SEE BELOW

DATE: September 3, 2008

Approved

Christine J. Stuppig

Date

9/5/08

COUNCIL DISTRICT: #6

SUBJECT: TRAFFIC SIGNAL MODIFICATION AT WINCHESTER BOULEVARD AND FOREST AVENUE

RECOMMENDATION

It is Staff's recommendation that the Traffic Signal Modification at Winchester Boulevard and Forest Avenue not be agendized for Council action.

OUTCOME

The Rules Committee's acceptance of staff's recommendation to not forward this item to Council will result in the modification to the traffic signal at Winchester Blvd. and Forest Ave. as part of the BAREC project. Following the signal modification, if warranted, staff will respond with traffic calming measures consistent with City policy.

If this item were to be agendized, the Council could vote on an action to deny the permit necessary to construct the traffic signal modification at Winchester and Forest. Such an action would be inconsistent with the approved project EIR and contrary to the Traffic Report's Analysis for a safe and efficient intersection (see Attachment A).

BACKGROUND

The traffic signal modification under consideration is part of a proposed residential development located in the City of Santa Clara on a 17 acre site on the west side of Winchester Boulevard, north of Stevens Creek Boulevard. This site formerly contained an agricultural research facility named the Bay Area Research and Extension Center (BAREC).

Beginning in 2004, plans for this residential project were developed and an Environmental Impact Report was prepared. As part of the EIR process, a large number of community meetings, public hearings and open governmental processes took place that allowed for public comment. The San José neighborhood immediately north of the proposed development was noticed and invited to these meetings. In June 2007, the Santa Clara City Council approved the

insure that community comments and noticing were addressed and that technical requirements to address impacts were met. Public Works is satisfied that both requirements have been met. Mr. Vartan is not in agreement. Public Works has fulfilled all Public Records Act requests submitted by Mr. Vartan and has made every effort to openly communicate the process and efforts to date.

COORDINATION

This memorandum has been coordinated with the City Manager's and City Attorney's Offices. Council District 6 has been apprised of staff's evaluation and recommendation.

Katy Allen

KATY ALLEN
Director, Public Works Department

For questions, please contact TIMM BORDEN, DEPUTY DIRECTOR, at (408) 535-8300.

TB/KF/aa
Attachments



Based on these criteria, the proposed development will not have a significant impact on the five CMP intersections. The Stevens Creek Boulevard/San Tomas Expressway intersection is projected to operate at LOS F during both peak hours; however, the addition of project traffic to this intersection does not satisfy criterion Number 2 above. The remaining CMP intersections are projected to operate at LOS E or better during both peak hours.

Freeway Impacts

Freeway segment operations were analyzed according to VTA guidelines. Detailed level of service analysis is required for those segments to which the proposed project will add traffic equal to or greater than one percent of the segment's capacity. The study freeway segments were evaluated to determine if a significant amount of project traffic would be added during the AM and PM peak hours. A capacity of 2,300 vehicles per hour per lane (vphpl) was used in this analysis. Table 8 presents the capacities for each freeway segment, the estimated number of trips added to each segment by the project, and whether or not the freeway segment must be evaluated in greater detail.

The results presented in Table 8 show that the project is estimated to add traffic equivalent to less than one percent of each freeway segment's capacity and therefore, would not have a significant impact on any of the freeway segments.

Vehicular Site Access and On-Site Circulation

This section addresses vehicular site access and the on-site circulation system. The conceptual site plan for the development is shown on Figure 2.

Site Access

Access to the project site will be provided via two driveways on Winchester Boulevard. One proposed driveway would provide full-access to the site via the signalized intersection Winchester Boulevard and Forest Avenue. The site driveway would form the west leg of the southern portion of this offset intersection. The second driveway would be a right turn-in, right turn-out only driveway and would be located south of the full access driveway, primarily serving the senior housing development. The number of driveways is considered sufficient to serve project-generated traffic during the peak hour.

Winchester Boulevard has an offset intersection with Forest Avenue, with the west leg located approximately 80 feet north of the east leg. The main site driveway would be located at the southern intersection across from Forest Avenue (east). There is currently a driveway cut at this location that served the agricultural research center that is no longer being used. The main site driveway would need to be incorporated into the Winchester Boulevard/Forest Avenue intersection in order to provide full access (i.e. allow both left turns and right turns) for vehicles entering and exiting the site. Providing full access to the project site would require signal and striping modifications, including the conversion of the shared northbound through/left-turn lane on Winchester Boulevard at the site driveway to an exclusive northbound left-turn lane.

This intersection is projected to operate at an acceptable level of service using the adopted method for analyzing this offset intersection as a single intersection (obtained from the City of Santa Clara and the City of San Jose TRAFFIX databases). A SYNCHRO/SimTraffic analysis, which analyzes the combined operations of adjacent intersections, was also conducted and

showed that the intersection would operate acceptably at LOS B and C in the AM and PM peak hours, respectively (see Appendix for LOS worksheets). However, the addition of the project driveway as a new leg could cause potential safety problems at this intersection due to driver confusion with the shared left-turn/through lanes on Winchester Boulevard. The recommended solution is to remove the traffic signal control of the Forest Avenue (west) intersection with Winchester Boulevard and restrict that intersection to right-turns only (see Figure 10). The project driveway could then be accommodated at the Winchester Boulevard/Forest Avenue (east) intersection in a more typical configuration with fewer conflicting turning movements.

With this modification, all of the existing traffic that is currently turning left at the Winchester Boulevard/Forest Avenue (west) intersection (18 AM peak-hour and 19 PM peak-hour vehicles) will be redirected to other routes. These vehicles were reassigned to the intersections of Winchester Boulevard with Pruneridge Avenue/Hedding Street and Winchester Boulevard with Dorcich Avenue. Levels of service for Winchester Boulevard at Pruneridge Avenue, at Forest Avenue, and at Dorcich Avenue were recalculated with the revised traffic volumes and geometries. The results indicate that all three intersections would operate at acceptable levels. Similar to Project Conditions without the modification, the Winchester Boulevard intersection with Pruneridge Avenue/Hedding Street would continue to operate at LOS D. The intersections of Winchester Boulevard at Forest Avenue (east) and at Dorcich Avenue are projected to operate at LOS B and C.

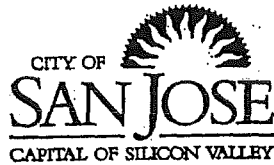
Emergency access to the site will be provided via both Winchester Boulevard driveways. In addition, a secondary emergency vehicle access will be provided through the park to the single-family homes. The design of this vehicular access pathway will be developed in consultation with City Fire Department staff. Based on the proposed plan, emergency vehicle access is considered adequate.

On-Site Circulation

The vehicular circulation within the single-family housing portion and the senior housing portion of the site was reviewed. The site plan shows a new street that begins at the main driveway and provides access around the perimeter of the rear portion of the site. The units within this perimeter are accessed by private alleys oriented in a north/south direction that connect to the perimeter street. This configuration is considered adequate to accommodate project generated traffic.

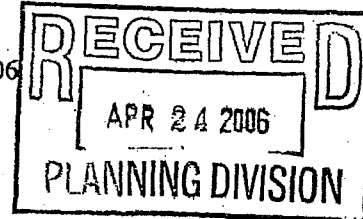
The circulation aisle provided for the senior housing portion also is located on the perimeter of the housing units. The aisle connects with the new street that serves the rear portion of the site at two locations. This circulation aisle provides access to the underground parking for the senior housing units. The proposed on-site circulation is adequate to serve the number and type of housing units.

Sidewalks and pedestrian paths are planned throughout the development providing pedestrian connections within the site, to Winchester Boulevard, and to the park. It is recommended that the crosswalk located at Lot 34 be raised to slow vehicular traffic along the main entry road.



Department of Planning, Building and Code Enforcement
STEPHEN M. HAASE, AICP, DIRECTOR

April 21, 2006



Gloria Sciara, Project Manager
City of Santa Clara, Planning Division
1500 Warburton Avenue
Santa Clara, CA 95050

**SUBJECT: DRAFT EIR FOR THE 90 N. WINCHESTER DEVELOPMENT PROJECT
(SANTA CLARA GARDENS)(File No. OA06-001)**

Dear Ms. Sciara:

The City of San Jose (CSJ) appreciates the opportunity to review and provide comments on the Draft Environmental Impact Report (EIR) prepared for the proposed Santa Clara Gardens project located at 90 N. Winchester Boulevard, adjacent to the CSJ. The project proposes to develop up to 110 single-family dwelling units, 165 senior housing units and one acre of park uses on the former 17-acre Bay Area Research Extension Center (BAREC) site.

The CSJ has reviewed the Draft EIR for the project, and has the following comments:

Traffic

Page 3-7, Section 3.5 Trustee and Responsible Agency Actions. Revise description of City of San Jose as follows:

The City of San Jose has jurisdiction over the public right-of-way along Forest Avenue and Winchester Blvd., and therefore, the project sponsor must obtain an encroachment permit from the City of San Jose Department of Public Works to allow improvements in the public right-of-way along Forest Avenue and Winchester Blvd. for emergency vehicle and pedestrian access, and any other traffic improvements in the City of San Jose jurisdiction required for the project, to the satisfaction of the Director of Public Works.

Page 4-112, Impact 4.10-9 Neighborhood Impacts, Mitigation for Impact 4.10-3.

The City of San Jose agrees with the EIR statement that a significant safety impact will occur with the addition of the project roadway as a new leg to the existing offset intersection, under City of San Jose jurisdiction, at Forest Ave. and Winchester Blvd. To address the impact, the EIR presents two options, both of which present concerns.

Gloria Sciara

RE: CSJ COMMENTS ON DRAFT EIR FOR SANTA CLARA GARDENS PROJECT (File No. OA06-001)

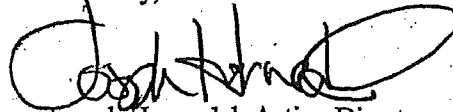
April 21, 2006

Page 3 of 3

Thank you for the opportunity to comment on the Draft EIR for this project. The CSJ looks forward to reviewing the Final EIR, as soon as it becomes available for public review. Please send a copy of the complete Final EIR, all future staff reports and notification of all public hearings for this project to my attention.

If you have specific questions concerning any of the transportation comments, please contact Karen Mack, City of San Jose Department of Public Works (408) 535-6816. For additional discussion on hazardous materials, please contact Napp Fukuda, City of San Jose Department of Environmental Services at (408) 975-2594. If you need to contact me, you may reach me directly at (408) 535-7815.

Sincerely,



Joseph Horwedel, Acting Director
Planning, Building and Code Enforcement

C: Karen Mack
Napp Fukuda
Janis Moore