



# California Fair Political Practices Commission

January 28, 1986

Vern Deto  
Councilmember  
City of Santa Clara  
1500 Warburton Avenue  
Santa Clara, CA 95050

Re: Your Request for Advice  
Our File No. A-86-022

Dear Mr. Deto:

This is in response to your letter dated December 30, 1985, requesting advice regarding your duties under the Political Reform Act of 1974 (the "Act").<sup>1/</sup>

## FACTS

You are a member of the Santa Clara City Council. You are also a member of the City of Santa Clara Redevelopment Agency. These bodies will soon be required to make certain decisions regarding a proposed site development by Prometheus Development.

The proposed site consists of approximately seven (7) acres. Originally, the site was the downtown area of Santa Clara, but it was razed approximately 20 years ago when the downtown area was condemned for redevelopment. Except for development of a portion of the area in 1974-1976, the proposed site has remained undeveloped since 1963.

The project proposed by Prometheus Development is for a high density residential development. The pending concept is for 172 apartment units situated on approximately five acres. Prometheus Development has applied for mortgage revenue bond funding, which means that at least 20 percent of the

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<sup>1/</sup> Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated.

Vern Deto  
January 28, 1986  
Page 2

residential development must be available for rent to low income families. The balance of the seven acres is to be utilized for approximately 45,000 square feet of commercial space.

You and your wife own a one-third (1/3) interest in a single family residence situated at 1545 Lexington Street. Your one-third interest was originally acquired by your daughter on August 13, 1982, for the total purchase price of \$88,000 (1/3 of which is \$29,333.33). On September 9, 1983 your daughter quitclaimed her one-third interest in the property to you and your wife. The other two-thirds interest belongs to two Santa Clara police officers. The residence rents for approximately \$800 per month.

The closest point of your property to the proposed site is approximately 1,350 feet, if traveled in a straight line. Your property is located on a different street than the project, consequently if the distance is measured by traversing the streets, the distance is approximately 1,650 feet. The zoning currently is for residential usage and the decision on the project will not alter the zoning.

#### QUESTION

Are you precluded by the Political Reform Act from participating in decisions regarding the Prometheus Development project?

#### CONCLUSION

You may participate in decisions regarding the Prometheus Development Project.

#### ANALYSIS

Section 87100 requires that public officials disqualify themselves from making or in any way participating in any decision in which they have a financial interest. An official has a financial interest in a decision if the decision will have a reasonably foreseeable material financial effect, distinguishable from the effect on the public generally, on:

\* \* \*

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(b) Any real property in which the public official has a direct or indirect interest worth one thousand dollars (\$1,000) or more.

Section 87103(b).

You have a financial interest in real property located within 1,350 feet of the proposed development site. Commission regulation 2 Cal. Adm. Code Section 18702(b)(2) provides that the effect of a decision on an official's interest in real property will be considered material if it is reasonably foreseeable that the decision will increase or decrease:

(A) The income producing potential of the property by the lesser of:

1. One thousand dollars (\$1,000) per month;  
or
2. Five percent per month if the effect is fifty dollars (\$50) or more per month; or

(B) The fair market value of the property by the lesser of:

1. Ten thousand dollars (\$10,000); or
2. One half of one percent if the effect is one thousand dollars (\$1,000) or more.

2 Cal. Adm. Code Section  
18702(b)(2)(A) and (B).

Due to the distance of your property from the proposed development site, its zoning and surrounding uses, and its location on a different street, we conclude that it is not reasonably foreseeable that decisions regarding the approval or disapproval of the proposed development would materially affect the value of your real property interest. Accordingly you may participate in those decisions.

You should note, however, that the Commission has noticed a proposed regulation (2 Cal. Adm. Code Section 18702.4) which depending on which distance figure is chosen, could alter this

Vern Deto  
January 28, 1986  
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conclusion in future situations. A copy of the regulation is enclosed for your review.

If you have any further questions regarding this matter, please contact me at (916) 322-5901.

Very truly yours,



John G. McLean  
Counsel  
Legal Division

JGM:plh

cc: Michael R. Downey, Assistant City Attorney

# THE CITY OF SANTA CLARA

JAN 22 3 36 PM '86

## CALIFORNIA

CITY ATTORNEY  
CITY HALL  
1500 WARBURTON AVE.  
SANTA CLARA, CA. 95050  
(408) 984-3232

January 17, 1986

John G. McLean  
Fair Political Practices Commission  
428 J Street, Suite 800  
Sacramento, California 95814

Re: Request of Vern Deto December 30, 1985 [§ 86-022]

Dear John:

Enclosed please find the additional aerials that you requested pursuant to our telephone conversation on Tuesday, January 14, 1986. I have enclosed several additional documents which will be of assistance to you in your review of this matter. They are as follows:

1. Aerial Index Map

This is an aerial photograph index map which gives the location of the additional aerials that we are herein submitting to you: 58, 59, 72 and 73. The section comprised of 58 and 59 is the area west of the redevelopment area. 72 and 73 comprise the area east of the redevelopment area.

2. The two aerial photographs of the Redevelopment Area and vicinity

A) The redevelopment area and vicinity from Lafayette Street to the west. (Maps 58 & 59)

B) The area from Lafayette Street (which is the eastern boundary of the redevelopment area) to the east.

3. Zoning Map

This is the zoning map for the Old Quad area. We have drawn in 1,500 foot radii to give you a rough indication of what the surrounding area is like.

The green 1,500 foot radii is from the outer borders of the property under consideration now. The red radii are from the project limits (even though developed at this point of time).

January 17, 1986  
John G. McLean  
Fair Political Practices Commission  
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We have also indicated in red and brown the surrounding commercial areas in the vicinity of the redevelopment area. The CC, CT and CD zones are highlighted in red. These are basically small businesses situated around the project area. The main exception would be the high-rise Bank of America office building at the northwest corner of Homestead and Lafayette. The OG (brown shading) are homes currently still in use as residences but which are situated in an area zoned for potential office usage.

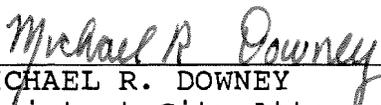
In the upper northeast quadrant there are several small parcels zoned ML (Planned Industrial). The B zoning districts (governments and churches) are cross-hatched. Consequently, with the exception of the buffer of commercial (red shading) and office (brown shading) zoning districts surrounding the redevelopment area, the area is primarily residential of varying densities.

4. Historical Survey

I have also enclosed a City of Santa Clara survey of significant historic properties. As you can see, there are many structures identified as having historical significance in the Old Quad area. Although surrounded by historically significant structures, Mr. Deto's rental house was not designated as one.

I hope this information will be of assistance to you.

Very truly yours,

  
\_\_\_\_\_  
MICHAEL R. DOWNEY  
Assistant City Attorney

bd

enclosures

F P P C

JAN 6 4 11 PM '86

# THE CITY OF SANTA CLARA

## CALIFORNIA

Office of City Council

December 30, 1985

CITY HALL  
500 WARBURTON AVE.  
SANTA CLARA, CA. 95050  
(408) 984-3250

Fair Political Practices Commission  
1100 "K" Street  
Sacramento, California 95814

Attention: Cathy Donovan, Esq.

Dear Ms. Donovan:

I understand that Michael R. Downey, Assistant City Attorney, has recently contacted you with regard to duties I have as an elected member of the City Council of the City of Santa Clara and the City of Santa Clara Redevelopment Agency under the "Political Reform Act of 1974" on issues which may appear before the Council and Redevelopment Agency for consideration in the near future.

### MATERIAL FACTS

#### Background

##### 1. Election Background

In November of this year I ran for Seat No. 2 of the City Council and lost by 3 votes. On December 10, 1985 I was appointed to Seat No. 3 by unanimous vote of the remaining members of the Council. I am one of seven members of the City Council of the City of Santa Clara.

##### 2. The Property

The subject property is situated at 1545 Lexington Street. My one-third (1/3) was originally acquired by my daughter August 13, 1982 for the total purchase price of \$88,000 (1/3 of which is \$29,333.33). On September 9, 1983 my daughter quitclaimed her 1/3 interest in the property to my wife and myself. The other 2/3 interest belongs to two Santa Clara police officers. There is a single family residence on the premises which rents for approximately \$800 per month.

Attached hereto is an aerial photograph which indicates my house at 1545 Lexington Street (indicated by the black box) and the proposed development site. As a crow flies, the closest

December 30, 1985  
Cathy Donovan, Esq.  
Fair Political Practices Commission  
Page 2

point of my property to the proposed site is approximately 1350 feet (indicated with the green line). If the distance is measured by traversing the streets, the distance is approximately 1650 feet.

The house is situated at the westerly extension of Lexington Avenue, before it merges with North Winchester Boulevard. There is a median strip in North Winchester Boulevard which prevents a left hand turning movement exiting Lexington westbound. The red arrows on the aerial photograph at the westerly extension of Lexington and North Winchester Boulevard indicate the controlled turning moves which must be made by traffic exiting from and entering onto North Winchester Boulevard.

#### The Proposed Site Development

The proposed site consists of approximately seven (7) acres. Originally, the site was the downtown area of Santa Clara, but it was razed approximately 20 years ago when the downtown area was condemned for redevelopment. Except for the development which is shown on the aerial map which basically occurred in 1974-1976, the proposed site has remained undeveloped since 1963.

The proposed development by Prometheus Development is for a high density residential development. The pending concept is for 172 apartment units situated on approximately 5 acres. Prometheus Development Company has applied for mortgage revenue bond funding, which means that at least 20% of the residential development must be available for rent to the low income families. The balance of the seven acres is to be utilized for approximately 45,000 square feet of commercial.

#### REQUESTED OPINION

In accordance with Government Code Section 83114(b) as implemented by your regulation 18320 in Title 2 of the California Administrative Code, I request the Fair Political Practices Commission issue an opinion with respect to my conflict of interest duties in connection with the proposed Redevelopment Agency action with respect to herein mentioned mixed residential/commercial development on the proposed site. The matters are or will be set for hearing by the Redevelopment Agency at the end of January. In light of the threats of litigation over my participation in the hearings and the close

December 30, 1985  
Cathy Donovan, Esq.  
Fair Political Practices Commission  
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vote anticipated, I submit this request for written opinion at this time.

If there is any additional information or other material you might desire, please contact me so I may make it available to you. Thank you for your interest and expeditiously handling of this request for use at the approaching hearings.

Very truly yours,

  
\_\_\_\_\_  
VERN DETO  
Councilman, City of Santa Clara

bd

enclosure: aerial

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JAN 14 9 29 AM '86

January 13, 1986

Old Quad Homeowners' Association, Inc.  
P. O. Box 331  
Santa Clara, California 95052

Mr. Mike Pruden  
Fair Political Practices Committee  
Suite 800  
428 J. Street  
Sacramento, CA 95014

Dear Mr. Pruden:

At your request, we are submitting documentation to support our contention that Vernon Deto, newly appointed City Councilman should abstain on issues before the Council relating to the seven acres at 1060 Benton, a part of the University Project under the redevelopment plan.

Development at this site will substantially affect the value of property in an area covering 10 square blocks and referenced in the Santa Clara General Plan as the Old Quad, an historically significant district. Some properties could be affected adversely while others, particularly rental and commercial property, would appreciate in value.

Mr. Deto owns rental property in the Old Quad, at 1545 Lexington Avenue, little more than three blocks from 1060 Benton. Councilman John Mahan, who also owns property in the area, has routinely abstained from voting on matters involving this site having been advised by the City Attorney that to do so would represent a conflict of interest.

We feel a precedent has been set in denying John Mahan's right to vote in this matter and that, should Vernon Deto be allowed to vote, the integrity of the City Council would be compromised and the legality of the decision would be brought into question.

The press clippings we have enclosed describe the present project proposed for this property by the Prometheus Development Corporation, decisions by the City Council in reference to this project, and the reaction of the residents. As noted in these articles, over 300 residents attended the public hearing and voiced their concern. It is evident, therefore, that the impact of this project is not limited to adjacent properties.

We feel strongly that the City Council cannot render a fair and impartial decision and protect the welfare of the residents if any member has a financial interest in the area.

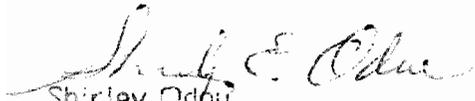
Also enclosed is a letter by Frank Russow which indicates that this matter is coming before the City Council within the next two weeks. As you can see, it requires your immediate attention.

Thank you for your prompt disposition of our request.

Sincerely,



Gregory Alan Lindell  
President



Shirley Odeu  
Vice-President

# Housing vs. park question before Santa Clara council

Continued from Page 1B

The site has been vacant since the early 1960s when the downtown area was razed to make way for a vast urban renewal scheme that never materialized. Viso bought the city land for \$600,000, or \$2.25 per square foot in 1978, promising to build a new commercial center for Santa Clara. But he now says economic studies show the site would no longer support a major commercial center.

The city council rejected a less dense condominium project offered by Viso last year, saying it wanted to see a proposal with more commercial space.

Council members say both sides are lobbying fiercely on the issue.

"Anything that comes up before November is complicated by the elections," said Councilman David Tobkin. "It makes squirrels out of council people."

A staff report on the feasibility of a historical park in the former downtown says that it would be a clear "citywide attraction," offering excellent exposure for the Triton and generating significantly less peak-hour traffic than a residential development. On the other hand, moving the Triton and two other historical houses to the site would cost more than \$3 million, the report states. The staff made no recommendation.

Shirley Odou, a leader of the residents' group, says she will present dollar figures for the swap that are much lower than those offered by the staff. Under the swap plan, Odou added, the commercial and retail portions of Viso's plan would be built on the old downtown site but the 204-unit apartment complex Prometheus proposes would be built on Warburton Drive near City Hall, where the Triton is currently located.

Triton Museum officials have formally rejected the swap proposal as too costly. The museum is currently in the midst of a multimillion-dollar expansion program, with construction scheduled to begin in February.

Both museum officials and proponents of the Prometheus development say the swap plan involves delays neither project can afford.

But members of Save The Old Plaza say the decision is too important for the entire community to be treated as "business as usual."

Residents envision a landscaped park setting with the Triton Museum, historical houses and possibly a bandstand pavilion and community theater at the site.

Councilman Everett "Eddie" Souza says the council's decision

will be a significant indicator of future council direction.

"I think (our decision) will begin to determine whether or not we are going to concentrate our city financial resources and our staff time and our council time on development within the interior of the city or if we are going to continue to concentrate on high-density development north of the Bayshore for tourists," Souza said.

## Santa Clara decision due on downtown

By Miranda Ewell  
Mercury News Staff Writer

Santa Clara City Council members face a major political decision tonight as they consider the latest proposal for the city's controversial former downtown.

Scores of residents from Santa Clara's Old Quad are expected at the council meeting to protest a high-density apartment complex proposed for the seven-acre site at Benton and Jackson streets. Residents are asking instead that the council approve a land swap that would put a rebuilt Triton Museum at the center of a historical and cultural park on the site.

On the other side, former Councilman James Viso, who owns the property, and former Mayor Gary Gillmor are pushing for approval of a mixed residential and commercial project to be built by Prometheus Development Co. Viso says it is time for the council to end years of stalemate and approve a much-needed housing project.

Continued

San Jose Mercury  
Sept. 18, 1985

# pleases neither side

more than 300 residents had turned out to protest the high-density apartment complex, pleading with city officials to save a historic part of town.

"Please, please don't close the door on old Santa Clara tonight," resident Shirley Odou said. "Please leave it for us."

Residents of the Old Quad, an area of old Victorians near the project site, said the proposed housing was inappropriate for the area and would clog the streets. Many complained that the city was spending more than \$200 million on projects north of the Bayshore Freeway and should

turn its attention instead to old Santa Clara.

Noreen Feuss said her husband and neighbors work in the high-tech industry of Silicon Valley.

"When they come home at night they are sick to death of high tech," Feuss said. "They want roots and history. Put the heart back in Santa Clara."

The city tore down the former downtown in the early 1960s as part of a grand urban renewal scheme, but the property

See SANTA CLARA, Page 10D

# OK of Santa Clara Clara condos pleases neither side

SANTA CLARA, from Page 1B has remained vacant. Viso is the latest of several developers who have tried to build a commercial center there.

Viso and former Mayor Gary Gillmor, who owns real estate offices next to the site, said the city should honor its promises to longtime merchants in the area by approving the complex. Nearly all

the merchants in the nearby Franklin Mall said the housing complex would provide needed customers for ailing businesses in the area.

Residents had proposed that the city swap five acres of city-owned land on Warburton Drive, across from City Hall, for five acres of Viso's downtown site. They urged that the city use the former down-

town site for a historical and tural park with Triton Museum and two historical homes as focus.

But council members brushed the idea aside after Triton Museum officials said they opposed it. The swap would deplete the museum's rebuilding schedule and add nearly \$3 million in costs, museum officials said.

Editorials ■ Obituaries ■ Crime

# City / State

# Approval of Santa Clara condos

By Miranda Ewell  
Mercury News Staff Writer

After six hours of public testimony from an angry, standing-room-only crowd, the Santa Clara City Council early today approved a scaled-down housing project at the site of the city's former downtown, in an area known as the Old Quad. The action appeared to satisfy neither the developer nor residents.

Spokesmen for Prometheus Development Co., which had proposed the project, said they were unsure that the housing could be built according to the council's

stipulations.

Some residents said after the vote that, in an effort to block the project, they would seek to require the city to prepare an environmental impact report on it.

The vote was 4-2, with council members Everett "Eddie" Souza and Auralee Street voting no. Councilman John Mahan abstained on the advice of the city attorney because he owns property near the project site.

Prometheus had proposed a 204-unit apartment complex, plus 50,000 square feet of commercial and retail space on the

seven-acre property at Benton and Jackson streets, just west of the University of Santa Clara. The council cut the number of units to 165 and insisted that the developer sell them as condominiums rather than renting them.

James Viso, a former city council member who owns the property, said he was skeptical that the project was economically feasible, because building condominiums would add nearly \$1 million to costs.

"I think maybe we won the battle but lost the war," Viso said after the vote.

# Dispute stalls Santa Clara project

By Miranda Ewell  
Mercury News Staff Writer

Development of Santa Clara's old downtown remains stalled, even though the city council has agreed to lift a key restriction on a project for that area.

The owner of the property says Prometheus Development Co. has pulled out of the project in what is called the Old Quad area, but Prometheus executives say they still want to talk it over.

"They're in a dispute right now," said Gary Gillmor, a former Santa Clara mayor who represented Pro-

metheus before the council. "It's a card game and both sides are negotiating. . . . The major issue is money."

Residents who opposed the project say they will continue their efforts to block it.

Shirley Odou said her group has hired an attorney and will force the city to prepare an environmental impact report on the project, assessing traffic effects.

Three weeks ago, over vigorous objections from hundreds of area residents, the city council approved a mixed housing and

commercial project for the vacant seven-acre parcel at Benton and Jackson Streets where the former downtown once stood.

But city officials cut the number of housing units from 204 to 165 and insisted they be built and sold as condominiums rather than rented as apartments.

One week later, the council agreed to increase the housing units to 173. And this week, the council agreed to remove the condition that the units be offered for sale, saying that was never their intention.

## Santa Clara OKs plan for old downtown

By Miranda Ewell  
Mercury News Staff Writer

The fate of Santa Clara's former downtown area — which has stood vacant for 25 years — remains uncertain after council members early Wednesday approved a mixed housing and commercial project over the protests of hundreds of downtown residents.

Spokesmen for Prometheus Development Co., which had proposed the project, said they were unsure Wednesday whether they would proceed with the scaled-down project under the conditions the council approved.

### Residents won't give up

Residents said they would not give up their fight to block the housing portion of the complex, promising to press the issue during city council and mayoral campaigns this fall.

"Until somebody gets at this political cronyism that goes on in this town, it's just hopeless," said Shirley Odou, who helped organize the residents' protest. "There's nothing to do until we get some new people in there who aren't tied to the old politics. The politics stink."

Residents had proposed that the city swap five acres of city-owned land on Warburton Drive, across from City Hall, for five acres of Viso's downtown site.

### Cultural park suggested

They urged that the city use the former downtown site for a historical and cultural park with Triton Museum and two historical homes as its focus.

But council members brushed the idea aside after Triton

Continued on Page 8B

San Jose Mercury  
Dec 5, 1985

## Santa Clara fills council seat

By Delia M. Rios  
Mercury News Staff Writer

The Santa Clara City Council appointed Planning Commissioner Vern Deto to a vacant city council seat Tuesday night.

Through the vote to appoint Deto was defeated. Councilwoman Judy Nadler had favored appointing either Aldyth Parle or Phil Raineri. Deto was the first choice of the five other council members.

Immediately after the vote, Deto was sworn in by the city clerk and took his seat on the council.

See SANTA CLARA, Page 7B



Vern Deto  
'I'm still stunned'

## Deto wins seat in Santa Clara

SANTA CLARA, from Page 1B

"I guess I'm still stunned," Deto said. And then, speaking directly to the other candidates, he urged them to remain involved in city politics.

"I meant it earlier when I said that I have run four times and by far this was the hardest time I have had to go through," he said, referring to the three hours of interviews the council conducted Tuesday night before the vote.

During questioning, Deto told the council that it is the city's responsibility to make Great America work but that he does not want to sacrifice the quality of surrounding neighborhoods. He also said that he would not support any moratorium on building north of the Bayshore Freeway, saying that he believes the solution is to make needed improvements as the land is developed.

Deto, 41, was most recently defeated Nov. 5 in his bid for a council seat. Nadler won that race by three votes. He is a member of the Lions Club and the former owner of the Santa Clara American, a weekly newspaper.

The council vacancy was created last month when Everett "Eddie" Souza was elected mayor.

In addition to Deto, the council interviewed insurance broker Dave DeLozier, who ran third behind Nadler and Deto in the council race; planning commissioner Raineri; free-lance editor and former elementary school teacher Shirley Odou; and Santa Clara County Health Department nurse supervisor Parle.

In fact, one of the city's other members informed me I would not be able to vote, even though I said I would voluntarily abstain.

1-13-86

Mr. Pruden

Ms. Berke and I were both under the impression that we would not be allowed to vote on the 1060 Benton Street site because of our proximity to the property. Ms. Berke owns a home approximately four blocks from the site & my home is over two blocks. Deto's property is approximately three blocks from ~~to~~ Benton ~~was not a candidate~~

San Jose Mercury  
Dec. 12, 1985

dard Road, Foxworthy Avenue.

## Financing plan approved for Santa Clara project

OLD QUAD, from Page 1B

voted against the financing along with Councilwoman Judy Nadler, said she opposes the project because the financing program requires the residential units to be rented and not sold.

Mayor Everett "Eddie" Souza and council members David Tobkin, Jim Ash and Vern Deto voted to approve the financing. But Souza said Tuesday night that he would not vote in favor of the project.

Souza said Wednesday that he supported the financing because he believes in providing low- to moderate-income housing. But Souza said that he will not support the current proposal because he hoped to see only commercial development in the downtown area.

Councilman John Mahan abstained from the vote because he owns property near the project site.

Lasher said she feared the Tuesday vote would lead Prometheus officials to believe the project would be approved. The city council is not likely to vote on the plan until early next year.

"It's going to cause Prometheus a lot of money if they go ahead and then we drop out of it," Lasher said. "I'm really concerned. I don't want them suing us because we're stopping a project that they think they're going to get."

Lasher said that she is concerned about traffic problems that would be created by the project. She said she also is worried that students from nearby Santa Clara University would make up the majority of tenants in the project.

"It seems like it'll be dormitories for the university," Lasher said. "I think it would make a lot more traffic headaches for the people who live down there."

The terms of the mortgage revenue bond program would require that the units remain as rental housing for as long as the loan is outstanding, or for a minimum of 10 years.

At least 20 percent of the units would have to be leased to low-income tenants.

The Prometheus proposal is the latest of several attempts to develop the old downtown, which was razed in the early 1980s as part of an urban renewal plan.

The Prometheus plan has met heated resistance from area residents who do not want rental housing built on a 7-acre parcel at Benton and Jackson streets.

In September, hundreds of residents protested at a city council meeting when council members approved a zoning change that would make the Prometheus project possible.

The protests are continuing, residents said.

"There has never been an outcry like this," resident Shirley Odou said Wednesday. "We're talking about 173 units all together, which changes the entire character of this area."

"This is the heart of downtown, which should be commemorated in some way without putting up housing."

## Financing plan OK'd for project in Santa Clara

By Delia M. Rios  
Mercury News Staff Writer

A plan to finance residential and commercial development in Santa Clara's old downtown has been approved by the city council, although the project itself hasn't been approved.

The council's 4-2 vote Tuesday night allows Prometheus Development Co. to pursue its proposal to build 172 condominium units and 44,000 square feet of office and retail space in the Old Quad area.

Councilwoman Sue Lasher, who

See OLD QUAD, Page 2B

FRANK H. RUSSOW

ATTORNEY AT LAW

1195 MAIN STREET  
POST OFFICE BOX 475

SANTA CLARA, CALIFORNIA 95050  
(408) 985-7700

January 10, 1986

City Clerk  
City of Santa Clara  
1500 Warburton Avenue  
Santa Clara, CA 95050

Re: File No. Z.1374  
1060 Benton Street (Prometheus  
Development Project)

Dear Sirs:

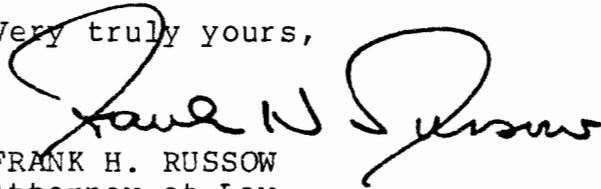
This office has been requested by the Old Quad Homeowners' Association, Inc. to appeal the decision of the City of Santa Clara Planning Commission on Wednesday, January 8, 1986 respecting the approval of the above file.

It is my understanding that City Council Member Susan Lasher will not be present at the next scheduled meeting on January 14, 1986, and we therefore request that this appeal be heard on January 20, 1986 and that the final architectural review of this project be continued to the same date.

The reason for this appeal is to address certain irregularities in the action of the City Council at the meeting held October 8, 1985, at which time the entire nature of this project was radically changed without notice to the public and without the opportunity for public input. That action was in contradiction to the City Council's ruling of September 17, 1985, and there appears to be no legal basis for this subsequent de facto rezoning without public notice.

Thank you for your anticipated cooperation.

Very truly yours,

  
FRANK H. RUSSOW  
Attorney at Law

FHR:dl



# California Fair Political Practices Commission

January 7, 1986

Vern Deto  
Santa Clara City Councilman  
City Hall  
1500 Warburton Avenue  
Santa Clara, CA 95050

Re: 86-022

Dear Mr. Deto:

Your letter requesting advice under the Political Reform Act has been received by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact me directly at (916) 322-5901.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or unless more information is needed to answer your request, you should expect a response within 21 working days.

Very truly yours,

A handwritten signature in cursive script that reads "John G. McLean".

John G. McLean  
Counsel  
Legal Division

JGM:plh

SENDER'S FEDERAL EXPRESS ACCOUNT NUMBER

DATE

957

1/13

From (Your Name)	Your Phone Number (Very Important)	To (Recipient's Name)	Recipient's Phone Number (Very Important)
Company			
Street Address			
City			

For attachments,  
see Extra file  
(located in file cabinet)

A-16-022

AIRBILL NO. **200682554** ZIP @ Zip Code

YOUR BILLING REFERENCE INFORMATION (FIRST 24 CHARACTER)

PAYMENT  Bill Shipper  Bill Recipient's FedEx Acct. No.  Bill 3rd Party  
 Cash  
 FedEx Acct. No. or Major Credit Card No.

4 SERVICES CHECK ONLY ONE BOX		DELIVERY AND SPECIAL CHECK SERVICES RE			
<input type="checkbox"/> <b>PRIORITY 1</b> Overnight Delivery (Uses your Package) <input checked="" type="checkbox"/> <b>OVERNIGHT LETTER</b> Overnight Delivery (Uses our Packaging)	<input type="checkbox"/> <b>OVERNIGHT DELIVERY USING OUR PACKAGING</b> <input type="checkbox"/> Courier-Pak Overnight Envelope (12" x 15") <input type="checkbox"/> Overnight Box (21 1/2" x 11 1/2" x 3") <input type="checkbox"/> Overnight Tube (36" x 6" x 6")	<input type="checkbox"/> <b>HOLD FOR PICK-UP</b> Give the address where you want packages delivered. (Extra charge applies.) <input checked="" type="checkbox"/> <b>DELIVER WEEKDAY</b> <input type="checkbox"/> <b>DELIVER SATURDAY</b> (Extra charge applies.)	<input type="checkbox"/> <b>RESTRICTED ARTICLES SERVICE</b> (Extra charge applies.) <input type="checkbox"/> <b>CONSTANT SURVEILLANCE SERVICE (CSS)</b> (Extra charge applies.) <input type="checkbox"/> <b>DRY ICE</b> _____ Lbs. <input type="checkbox"/> <b>OTHER SPECIAL SERVICE</b> _____		
<input type="checkbox"/> <b>STANDARD AIR</b> Delivery not later than second business day. <b>SERVICE COMMITMENT</b> <small>PRIORITY 1 - Delivery is scheduled early next business morning in most situations. It may take two to three business days if the destination is outside our primary service areas.          STANDARD AIR - Delivery is generally next business day or later than that, subject to business days. It may take more than one business day if the destination is outside our primary service areas.</small>		<table border="1"> <tr> <td>Total</td> <td></td> </tr> </table>		Total	
Total					

Handwritten notes and signatures, including a large '3cc' and '11a'.