



# **City Council Meeting Agenda**

**Tuesday, October 22, 2024**

**1:30 PM**

**Council Chambers**

MATT MAHAN, MAYOR  
ROSEMARY KAMEI, DISTRICT 1  
SERGIO JIMENEZ, DISTRICT 2  
OMAR TORRES, DISTRICT 3  
DAVID COHEN, DISTRICT 4  
PETER ORTIZ, DISTRICT 5  
DEV DAVIS, DISTRICT 6  
BIEN DOAN, DISTRICT 7  
DOMINGO CANDELAS, DISTRICT 8  
PAM FOLEY, DISTRICT 9  
ARJUN BATRA, DISTRICT 10

*Please scroll to the end for information about the City Council Agenda and for the Rules of Conduct of the meeting.*

### **Public Comment in Person Only**

**For live translations in over 50 languages, please go to <https://attend.wordly.ai/join/FAYU-7105>**

### **American Disability Act**

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- Adaptaciones para discapacitados serán proporcionadas a pedido. Mande correo electrónico [ADA@sanjoseca.gov](mailto:ADA@sanjoseca.gov); Llame (408) 535-8430
- Nhu cầu cho người khuyết tật được cung cấp theo yêu cầu. Email [ADA@sanjoseca.gov](mailto:ADA@sanjoseca.gov); Gọi (408) 535-8430

### **THE LEVINE ACT**

The Levine Act requires a Party in a Proceeding before the City of San José that involves any action related to their contract, license, permit, or use entitlement to disclose any campaign contributions to City elected or appointed officials totaling more than \$250 within the 12 months prior to the City decision. A Participant to a Proceeding may voluntarily report a campaign contribution.

### **How to observe the Meeting (no public comment):**

- 1) Cable Channel 26.
- 2) <https://sanjoseca.gov/news-stories/watch-a-meeting>
- 3) <https://youtube.com/CityofSanJoseCalifornia>
- 4) By Phone: (888) 475 4499. Webinar ID is 943 0203 7655. Alternative phone numbers are: US: +1 (213) 338-8477 or +1 (408) 638-0968 or (877) 853-5257 (Toll Free).
- 5) Online at: <https://sanjoseca.zoom.us/j/94302037655>

Use a current, up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers including Internet Explorer.

**How to submit written Public Comment before the City Council Meeting:**

By email to [city.clerk@sanjoseca.gov](mailto:city.clerk@sanjoseca.gov) by 8:00 a.m. the day of the meeting. Those emails will be attached to the Council Item under “Letters from the Public.” Please identify the Agenda Item Number in the subject line of your email.

**How to provide spoken Public Comment during the City Council Meeting:**

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. 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.

Each speaker generally has two minutes to speak per item. The total amount of time allocated for public testimony for each public speakers or for an agenda item may be limited at the Mayor’s discretion, depending on the number of speakers or the length of the agenda. (California Government Code Section 54954.3; Council Policy 0-37)

Fill out a Yellow Speaker’s Card and submit it to boxes at the bottom of the Chambers. Do this before the meeting or before the item is heard. This will ensure that the name on the card is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants by calling speakers in an orderly manner. You may remain anonymous, but please fill out a card so we may call you. You can put “anonymous speaker” or “no name” on the card. When the Council reaches your item on the agenda, the Mayor 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. 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.

- **Call to Order and Roll Call**

9:30 a.m.- Closed Session, Call to Order in Council Chambers

Open Session, Labor Negotiations Update (See Item 3.2)

Adjourn to Closed Session in Council Chambers Conference Room, W133

See Separate Agenda

1:30 p.m.- Regular Session, Council Chambers, City Hall

6:00 p.m.- Evening Session, Council Chambers, City Hall - **RECOMMEND ADDING AN EVENING SESSION**

\*Will not begin until 6pm or until after all afternoon items are heard, whichever is later.

- Pledge of Allegiance
- Invocation (District 9)

San José - Okayama Sister City Students

- Orders of the Day

To be heard after Ceremonial Items

**Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.**

- Adjournment Recognition
- Closed Session Report

To be heard after Ceremonial Items

## **1. CEREMONIAL ITEMS**

1.1 Presentation of a proclamation recognizing October 2024 as Hindu American Heritage Month for the contributions of the Hindu American community to the cultural, social and economic fabric of the City of San José. (Batra)

1.2 Presentation of a commendation to Luis Valdez Leadership Academy for their significant investment in their students, which has earned them the prestigious designation of a California Distinguished School. (Doan)

## **2. CONSENT CALENDAR**

**Notice to the public: There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council requests discussion on a particular item, that item may be removed from the Consent Calendar and considered separately.**

### **2.1 Approval of City Council Minutes.**

## 2.2 Final Adoption of Ordinances.

[24-2072](#)

### Final Adoption of Ordinances.

#### **Recommendation:**

(a) Ordinance No. 31127 - An Ordinance of the City of San José Amending Chapter 4.76 of Title 4 of the San José Municipal Code to Add a New Section 4.76.749 to Temporarily Exempt from the City's Business Tax New Tenants Executing Leases for Office Space or New Property Owners Engaged in Business in Owner-Occupied Office Space in the Downtown Business Improvement District when Certain Requirements are Satisfied.

[Passed for Publication on 10/1/2024 - Item 8.2(a) (24-197293)]

## 2.3 Approval of Council Committee Minutes.

## 2.4 Mayor and Council Excused Absence Requests.

[24-2073](#)

### Mayor and Council Excused Absence Requests.

#### **Recommendation:**

Request for excused absences for:

(a) Councilmember Torres from the regular meeting of City Council on October 8, 2024 due to illness.

(b) Vice Mayor Kamei from the regular meeting of Rules and Open Government Committee and Committee of the Whole on October 9, 2024 due to being out of town for a death of a family member.

(c) Councilmember Cohen from the regular meeting of Rules and Open Government Committee and Committee of the Whole on October 16, 2024 due to the attendance at the League of California Cities Annual Conference in Long Beach, California for authorized City business.

(d) Councilmember Jimenez from the regular meeting of Public Safety, Finance and Strategic Support Committee (PSFSS) on October 17, 2024 due to the attendance at the League of California Cities Annual Conference in Long Beach, California for authorized City business.

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Torres, Kamei, Cohen & Jimenez)

## 2.5 City Council Travel Reports.

## 2.6 Report from the Council Liaison to the Retirement Boards.

**2.7     [24-2081](#)     **Approval of the Terms of a Side Letter Agreement with the San José Police Officers' Association Relating to the City-Paid Parental Leave Program.****

**Recommendation:**     Adopt a resolution approving the terms of a Side Letter Agreement between the City and the San José Police Officers' Association to amend the City-Paid Parental Leave Program and authorizing the City Manager or her designee to execute an agreement with those terms.  
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.  
(City Manager)

**2.8     [24-2082](#)     **Approval of the Terms of a Side Letter Agreement with the City Association of Management Personnel, IFPTE, Local 21 Relating to a Hiring Incentive Program.****

**Recommendation:**     Adopt a resolution approving the terms of a Side Letter Agreement between the City and the City Association of Management Personnel, IFPTE, Local 21 for a Hiring Incentive Pilot Program for the Animal Shelter Veterinarian (FT) classification effective October 27, 2024 through June 30, 2025, and authorizing the City Manager or her designee to execute an agreement with those terms.  
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.  
(City Manager)

**2.9**     [24-2083](#)

**Terms of a Side Letter Agreements Between the City of San José and the Municipal Employees' Federation, Terms of a Side Letter Agreement Between the City of San José and the Association of Maintenance Supervisory Personnel, Terms of a Side Letter Agreement Between the City of San José and the City Association of Management Personnel, and Amending the Pay Plan.**

**Recommendation:**

- (a) Adopt a resolution approving the terms of a Side Letter Agreement with the Municipal Employees' Federation, AFSCME, Local 101 to provide the following effective October 27, 2024:
- (1) Provide the Crime and Intelligence Analyst FT/PT classifications with an approximate 10.00% pensionable pay increase consistent with the Side Letter Agreement that has been signed by all parties;
  - (2) Provide the Senior Crime and Intelligence Analyst classification with an approximate 7.75% pensionable pay increase consistent with the Side Letter Agreement that has been signed by all parties;
  - (3) Provide the Crime Prevention Specialist FT/PT classifications with an approximate 6.00% pensionable pay increase consistent with the Side Letter Agreement that has been signed by all parties;
  - (4) Provide the Crime Prevention Supervisor classification with an approximate 1.25% pensionable pay increase consistent with the Side Letter Agreement that has been signed by all parties;
  - (5) Provide the Hazardous Materials Inspector I classification with an approximate 1.60% pensionable pay increase consistent with the Side Letter Agreement that has been signed by all parties;
  - (6) Provide the Hazardous Materials Inspector II classification with an approximate 1.60% pensionable pay increase consistent with the Side Letter Agreement that has been signed by all parties;
  - (7) Provide the Police Property Specialist I classification with an approximate 4.25% pensionable pay increase consistent with the Side Letter Agreement that has been signed by all parties;
  - (8) Provide the Police Property Specialist II classification with an approximate 16.00% pensionable pay increase consistent with the Side Letter Agreement that has been signed by all parties; and
  - (9) Provide the Urban Forestry Inspector I classification with an approximate 16.00% pensionable pay increase consistent with the Side Letter Agreement that has been signed by all parties; and
  - (10) Provide the Urban Forestry Inspector II classification with an approximate 10% pensionable pay increase consistent with the Side Letter Agreement that has been signed by all parties.

(b) Approve the terms of a Side Letter Agreement with the Association of Maintenance Supervisory Personnel to provide the following effective October 27, 2024:

(1) Provide the Senior Urban Forestry Inspector classification with an approximate 1.0% pensionable pay increase consistent with the Side Letter Agreement that has been signed by all parties.

(c) Approve the terms of a Side Letter Agreement with the City Association of Management Personnel to provide the following effective October 27, 2024:

(1) Provide the Senior Hazardous Materials Inspector classification with an approximate 15.75% pensionable pay increase consistent with the Side Letter Agreement that has been signed by all parties.

(d) Amend the City of San José Pay Plan as follows:

(1) Retitle the following classifications:

- (i) Urban Forestry Inspector I (formerly Arborist Technician);
- (ii) Senior Urban Forestry Inspector (formerly Assistant Arborist); and
- (iii) Urban Forestry Supervisor (formerly Arborist).

(2) Create the following classifications:

(i) Urban Forestry Inspector II with a salary range of \$90,084.80 - \$109,366.40.

(3) Increase the annual salary range of the classification of Crime and Intelligence Analyst FT/PT (1187 / 1188) to \$88,816.00 - \$108,014.40, effective October 27, 2024;

(4) Increase the annual salary range of the classification of Senior Crime and Intelligence Analyst (1186) to \$102,294.40 - \$124,217.60, effective October 27, 2024;

(5) Increase the annual salary range of the classification of Crime Prevention Specialist FT/PT (2231 / 2232) to \$81,411.20 - \$98,924.80, effective October 27, 2024;

(6) Increase the annual salary range of the classification of Crime Prevention Supervisor (2234) to \$93,620.80 - \$113,776.00, effective October 27, 2024;

(7) Increase the annual salary range of the classification of Police Property Specialist I (1521) to \$61,193.60 - \$74,464.00, effective October 27, 2024;

(8) Increase the annual salary range of the classification of Police Property Specialist II (1522) to \$71,156.80 - \$86,424.00, effective October 27, 2024;

(9) Increase the annual salary range of the classification of Urban Forestry Inspector I (3406) to \$81,785.60 - \$99,320.00, effective October 27, 2024;



(10) Increase the annual salary range of the classification of Senior Urban Forestry Inspector (3422) to \$98,820.80 - \$120,369.60, effective October 27, 2024;

(11) Increase the annual salary range of the classification of Hazardous Materials Inspector I (2321) to \$103,480.00 - \$125,715.20, effective October 27, 2024;

(12) Increase the annual salary range of the classification of Hazardous Materials Inspector II (2322) to \$114,088.00 - \$138,611.20, effective October 27, 2024; and

(13) Increase the annual salary range of the classification of Senior Hazardous Materials Inspector (2323) to \$130,998.40 - \$159,681.60, effective October 27, 2024.

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (City Manager)

**2.10     [24-2084](#)     Electric Vehicle Charger Assistance Pilot Program for Multifamily Housing.**

**Recommendation:**     Adopt a resolution approving the establishment of the Energy Department's Multifamily Electric Vehicle Charger Assistance Pilot from October 2024 through December 2025 with a total expected cost of approximately \$300,000.  
CEQA: Categorically Exempt, File No. ER24-249, CEQA Guidelines Section 15301, Existing Facilities. (Energy)

**2.11     [24-2085](#)     Actions Related to the Purchase Order with Pape' Machinery, Inc. for Off-Road Equipment Repairs and Services.**

**Recommendation:**     Adopt a resolution authorizing the City Manager or her designee to:  
(a) Amend purchase order OP 65152 with Pape' Machinery, Inc. (Eugene, OR), for off-road equipment repairs and services to increase the total compensation by \$100,000, for a maximum compensation not-to-exceed \$450,000 for the period ending June 2, 2025; and  
(b) Exercise up to six one-year options to extend the term of the purchase order with the last option ending on or about June 2, 2031, subject to the appropriation of funds.  
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Finance)

**2.12**   [24-2086](#)

**Annual Evaluation Report for Fiscal Year 2024 (Year 3) for the 2021 Santa Clara County Multi-Jurisdictional Program for Public Information Related to Messaging on Flood Risks.**

**Recommendation:**

Accept the Fiscal Year 2024 Annual Evaluation Report on the Santa Clara County Multi-Jurisdictional Program for Public Information.  
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.  
(Public Works)

**2.13**   [24-2087](#)

**Third Amendment to the Santa Clara County Imagery and LiDAR Data Acquisition.**

**Recommendation:**

Adopt a resolution authorizing the City Manager or her designee to execute the Third Amendment to the City Contract 666794 with the County of Santa Clara extending cost sharing arrangement for imagery and LiDAR data acquisition to cover the 2024 capture.  
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.  
(Public Works)

**2.14**   [24-2088](#)**Bus Accelerated Infrastructure Delivery Program Grant Funding Agreements 2024-2025.****Recommendation:**

Approve the following actions to accept and receive 2024-2025 Bus Accelerated Infrastructure Delivery (BusAID) grant funds:

(a) Adopt a resolution authorizing the City Manager or her designee to negotiate and execute grant agreements for reimbursement of work, including all documents necessary to effectuate the grant agreements, with the Metropolitan Transportation Commission in an amount not to exceed \$5,000,000 for the following projects:

(1) For the Cloud-Based Central Transit Signal Priority along Santa Clara Valley Transportation Authority's Frequent Network Project, in an amount not to exceed \$972,113 in non-federal State Transit Assistance funding, with a local match of \$125,947; and

(2) For the Bus Bulb-Out Installations along Senter Road Project, in an amount not to exceed \$4,027,887 in federal One Bay Area Grant Cycle 3 funding, with a local match of \$521,855.

(b) Adopt a Resolution of Local Support that provides the necessary assurances that the City will comply with the Metropolitan Transportation Commission's implementation policies, includes the project scope of work, schedule, and budget as attachments, and acknowledges the requirement to prepare and implement a Project Evaluation Plan.

(c) Adopt the following 2024-2025 Funding Sources Resolution and Appropriation Ordinance amendments in the Building and Structure Construction Tax Fund:

(1) Increase the estimate for Revenue from Local Agencies by \$1,243,028;

(2) Establish the BusAID 2024-2025 Cloud-Based Central TSP appropriation to the Department of Transportation in the amount of \$486,056;

(3) Establish the BusAID 2024-2025 Senter Road Bulb-Outs appropriation to the Department of Transportation in the amount of \$1,000,000; and

(4) Decrease the Ending Fund Balance appropriation by \$243,028.

CEQA: Categorically Exempt, File No. ER23-009, CEQA Guideline Section 15301(c) Existing Facilities. (Transportation/City Manager)

**3. STRATEGIC SUPPORT****3.1 Report of the City Manager, Jennifer Maguire (Verbal Report)**

### 3.2 Labor Negotiations Update.

Accept Labor Negotiations Update.  
TO BE HEARD AT 9:30 A.M.

### 3.3 [24-2089](#) 2023-2024 City Manager's Annual Report.

#### **Recommendation:**

- (a) Accept the 2023-2024 City Manager's Annual Report in compliance with City Charter Section 701 (F).
  - (b) Adopt the Appropriation Ordinance and Funding Sources Resolution amendments in various operating and capital funds to implement the 2023-2024 Annual Report recommendations, as detailed in Section IV (Recommended Budget Adjustments and Clean-Up/Rebudget Actions).
  - (c) Approve the following position changes in the Information Technology Department:
    - (1) Delete 1.0 Enterprise Supervising Technology Analyst; and
    - (2) Delete 1.0 Enterprise Technology Manager.
  - (d) Approve the following position changes in the Library Department:
    - (1) Add 1.0 Program Manager; and
    - (2) Add 1.0 Senior Analyst.
  - (e) Approve the following position changes in the Public Works Department:
    - (1) Add 4.0 Animal Health Technician
- CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approval of any City actions, and File No. PP17-004, Government Funding Mechanism of Fiscal Activity with no commitment to a specific project which may result in a potentially physical impact on the environment. (City Manager)

### 3.4 [24-2094](#) Encumbrances Audit Report.

#### **Recommendation:**

As recommended by the Public Safety, Finance and Strategic Support Committee on September 19, 2024, accept the report on an audit of compliance with the City's Encumbrance Policy.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (City Auditor)

[Public Safety, Finance and Strategic Support Committee referral 9/19/24 - Item (d)1]

**3.5     [24-2098](#)     **Proposed City Council Policy for Seamless Transition of City Elected Official Offices.****

**Recommendation:**     Adopt a resolution approving a new Council Policy No. 0-47, Transition of Elected Officials for an effective transition between incoming and outgoing Mayor and Councilmembers, including the standard use and ownership of digital marketing and communications assets, software access and administration, use of City-based accounts, asset inventories, physical equipment, and other transition activities.  
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.  
(City Clerk)

**3.6     [24-2099](#)     **Actions Related to the 8813 - West San Carlos Street Urban Village Streetscape Improvements Project.****

**Recommendation:**     Adopt a resolution authorizing the Director of Public Works to:  
(a) Award and execute a contract for the construction of the 8813 - West San Carlos Street Urban Village Streetscape Improvements Project to the lowest responsive, responsible bidder in an amount not to exceed \$7,800,000;  
(b) Decide any timely bid protest(s) and make the City's final determination as to the lowest responsive bidder that is responsible as needed to award the contract; and  
(c) Approve a contingency in the amount of 10% of the contract amount.  
CEQA: Categorically Exempt, File No. ER23-009, CEQA Guidelines Section 15301, Existing Facilities. Council District 6. (Public Works)

**4. PUBLIC SAFETY SERVICES**

**5. TRANSPORTATION & AVIATION SERVICES**

**6. ENVIRONMENTAL & UTILITY SERVICES**

**7. NEIGHBORHOOD SERVICES**

**7.1     [24-2101](#)     Blue Zones Readiness Assessment Readiness, and Feasibility Report. - NOT TO BE HEARD BEFORE 6:00 P.M.**

**Recommendation:**     Accept the Blue Zones Assessment, Readiness, and Feasibility Report. CEQA: Not a Project, File No. PP17-001, Feasibility and Planning Studies with no commitment to future actions. (City Manager)  
[Neighborhood Services and Education Committee referral - 9/16/2024 - Item 1]  
**NOT TO BE HEARD BEFORE 6:00 P.M**

## **8. COMMUNITY & ECONOMIC DEVELOPMENT**

**8.1     [24-2111](#)     Citywide Planning Activities Semi-Annual Status Report.**

**Recommendation:**     As recommended by the Community and Economic Development Committee on September 23, 2024, accept the semi-annual status report on Citywide planning activities, including Urban Village planning and aligning zoning with the General Plan.  
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Planning, Building and Code Enforcement)  
[Community and Economic Development Committee referral 9/23/2024 - Item (d)2]

## **9. REDEVELOPMENT – SUCCESSOR AGENCY**

## **10. LAND USE**

**Notice to the public:** There will be no separate discussion of Land Use Consent Calendar (Item 10.1) as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council requests discussion on a particular item, that item will be removed from the Land Use Consent Calendar (Item 10.1) and considered separately.

### **10.1 Land Use on Consent Calendar**

No Land Use items on Consent Calendar.

**END OF CONSENT CALENDAR**

### **10 Land Use - Regular Agenda**

### **OPEN THE GENERAL PLAN HEARING (2024 CYCLE 2)**

**10.2    [24-2112](#)            GPT24-001 - City-Initiated General Plan Text Amendment to Update Text and Maps in the Envision San José 2040 General Plan and the Diridon Station Area Plan to Align with the Recently Adopted San José Mineta International Airport Land Use Compatibility Plan.**

**Recommendation:** (a) Adopt a resolution by two-third majority making certain findings required by California Public Utilities Code Section 21676 that the proposed Amendment is consistent with the purposes set forth in California Public Utilities Code Section 21670 and partially overrule the Santa Clara County Airport Land Use Commission's adopted Airport Land Use Compatibility Plan for the San José Mineta International Airport.

(b) Adopt a resolution approving the General Plan Text Amendment to update text and maps in the Envision San José 2040 General Plan and the Diridon Station Area Plan to align with the recently adopted San José Mineta International Airport Land Use Compatibility Plan and incorporating the City-approved modified Airport Influence Area overlay for San José Mineta International Airport adopted by Council overrule of the Airport Land Use Commission adopted Airport Influence Area for San José Mineta International Airport.

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. Planning Commission recommends approval (7-0-2, Cantrell and Young absent) (Item 8.a. on the 9/25/2024 Planning Commission agenda). (Planning, Building and Code Enforcement)

**CLOSE THE GENERAL PLAN HEARING (2024 CYCLE 2)**

**10.3**    [24-2113](#)

**PDC22-008, T22-034, PD22-021 & ER22-237 - Planned Development Rezoning, Vesting Tentative Map, and Planned Development Permit for the Property Located at 3464 Ambum Avenue. - NOT TO BE HEARD BEFORE 6:00 P.M.**

**Recommendation:**

(a) Adopt a resolution adopting the 3464 Ambum Avenue Residential Subdivision Project Mitigated Negative Declaration, for which an initial study was prepared, all in accordance with the California Environmental Quality Act, as amended, and adopting a related Mitigation Monitoring and Reporting Program.

(b) Approve an ordinance rezoning that certain real property of an approximately 2.59-gross acre site located on the south side of Ambum Avenue, approximately 250 feet westerly from Mitton Drive (3464 Ambum Avenue), from the R-1-5 Single Family Residence Zoning District to the R-1-5(PD) Planned Development Zoning District.

(c) Adopt a resolution approving, subject to conditions, a Vesting Tentative Map to merge two existing parcels into one parcel and subdivide that parcel into four single-family residential parcels on an approximately 2.59-gross-acre site.

(d) Adopt a resolution approving, subject to conditions, a Planned Development Permit to allow the demolition of one single-family residence, one accessory dwelling unit, and five accessory buildings, the removal of 23 ordinance-size and 16 non-ordinance-size trees, and the construction of four detached-single-family residences on an approximately 2.59-gross-acre site.

CEQA: Mitigated Negative Declaration for 3464 Ambum Avenue Residential Project, File No. ER22-237. Planning Commission recommends approval (9-0) (Item 5.a on the 9/11/2024 Planning Commission agenda.) Council District 8. (Planning, Building and Code Enforcement)

[Deferred from 10/8/2024 - Item 10.2 (24-197307)]

**NOT TO BE HEARD BEFORE 6:00 P.M**



**10.4**    [24-2114](#)

**CP21-022 & ER21-280: Conditional Use Permit to Allow Construction of a New Approximately 165,148 - Square Foot Commercial Retail Building at 5287 Prospect Road. - NOT TO BE HEARD BEFORE 6:00 P.M.**

**Recommendation:**

(a) Adopt a resolution certifying the Westgate West Costco Warehouse Project Environmental Impact Report, make certain findings concerning mitigation measures and alternatives, and adopt a Mitigation Monitoring and Reporting Program, in accordance with the California Environmental Quality Act (CEQA), as amended.

(b) Adopt a resolution approving, subject to conditions, Conditional Use Permit to allow the demolition of three single-story buildings within an existing shopping center totaling approximately 188,265 square feet, the removal of 115 trees (73 ordinance-size, 42 non-ordinance-size, 198 replacement) for the construction of an approximately 165,148-square foot commercial retail building (Costco), off-sale alcohol (Type 21 ABC License) with a Determination of Public Convenience or Necessity, and extended construction hours (Saturdays 7:00 a.m. to 7:00 p.m.) with up to five 24-hour concrete pours on an approximately 19.80-gross acre site.

CEQA: Environmental Impact Report for the Westgate West Costco Warehouse Project (File No. CP21-022; ER21-280). Planning Commission recommends approval (7-0-2, Cantrell and Young absent) (Item 5.a on the 9/25/2024 Planning Commission agenda). Council District 1. (Planning, Building and Code Enforcement)

**NOT TO BE HEARD BEFORE 6:00 P.M.**

- **Open Forum**

**Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the City Council. Members of the public may only speak at Open Forum once.**

- **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 online at <https://sanjoseca.primegov.com/public/portal?fromiframe=1> or at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Tower 14th 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. Please go to the Clerk's Records Database <https://records.sanjoseca.gov/Pages/Search.aspx> for the final document, or you may also contact the Office of the City Clerk at (408) 535-1260 or [CityClerk@sanjoseca.gov](mailto:CityClerk@sanjoseca.gov).

## ABOUT THE AGENDA

*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** - The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- **Public Safety** - Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.
- **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.
- **Environmental and Utility Services** - Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Neighborhood Services** - Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **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.

The San José City Council meets every Tuesday at 1:30 p.m. and Tuesday at 6 p.m. as needed, unless otherwise noted. The City Council, or less than a quorum, may adjourn any regular, special or adjourned meeting to a later date, time and place specified in the order of adjournment. If all members are absent, the City Clerk may declare the meeting adjourned to a stated date, time and place. 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 <https://sanjoseca.primegov.com/public/portal?fromiframe=1>. Council Meetings are televised live and rebroadcast on Channel 26.

**CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN  
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS**

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- (a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- (b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- (c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- (d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- (e) Persons in the audience will not place their feet on the seats in front of them.
- (f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- (g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- (a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions: § No objects will be larger than 2 feet by 3 feet.
  - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
  - The items cannot create a building maintenance problem or a fire or safety hazard.
- (b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- (c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

3. Addressing the Council, Committee, Board or Commission:
- (a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
  - (b) Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the total amount of time allocated for public testimony for each public speaker or for an agenda item is in the discretion of the Chair of the meeting and may be limited when appropriate. (California Government Code Section 54954.3; Council Policy 0-37) Applicants and appellants in land use matters are usually given more time to speak. Speakers using a translator will be given twice the time allotted to ensure non-English speakers receive the same opportunity to directly address the Council, Committee, Board or Commission.
  - (c) Speakers should discuss only the agenda item when called to speak for that item, and only topics related to City business when called to speak during open forum on the agenda.
  - (d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
  - (e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.'
  - (f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
  - (g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.