



# City Council Meeting Agenda

**Tuesday, December 10, 2024**

**1:30 PM**

**Council Chambers**

MATT MAHAN, MAYOR  
ROSEMARY KAMEI, DISTRICT 1  
SERGIO JIMENEZ, DISTRICT 2  
VACANT, 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  
GEORGE CASEY, 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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### **Accommodations**

Any member of the public who needs accommodations should email the ADA Coordinator at [ADA@sanjoseca.gov](mailto:ADA@sanjoseca.gov) or by calling (408) 535-8430. The ADA Coordinator will use their best efforts to provide reasonable accommodations to provide as much accessibility as possible while also maintaining public safety in accordance with the City procedure for resolving reasonable accommodation requests.

- 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. Election Certification, Call to Order in Council Chambers - To be heard first at 9:30 a.m.

EC [24-2278](#) **Declaration and Recording a Statement of the Results of the November 5, 2024 Primary Municipal Election and Appointments of District 8 and 10 Councilmembers.**

**Recommendation:** (a) Adopt a resolution declaring and recording a statement of the results of the November 5, 2024 Primary Municipal Election per Elections Code Sections 10263, 10264, and 15400.  
 (b) Appoint Domingo Candelas as the interim representative for the anticipated vacancy in Council District 8 to serve until the remaining term of office expires on December 31, 2024.  
 (c) Appoint George Casey as the interim representative for the anticipated vacancy in Council District 10 to serve until the remaining term of office expires on December 31, 2024.  
 CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.  
 (City Clerk)

**Attachments** [Memorandum](#)

9:30 a.m.- Closed Session

Open Session, Labor Negotiations Update (See Item 3.2)

Adjourn to Closed Session in Council Chambers Conference Room, W133

See Separate Agenda

[24-2309](#) Closed Session Agenda

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

6:00 p.m.- Evening Session, Council Chambers, City Hall

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

- Pledge of Allegiance
- Invocation (Mayor)

Cynthia Teniente-Matson, President, San José State University

- 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 commendation to Mary Pollett for her exceptional leadership, dedication to student success, and lasting impact to Yerba Buena High School and our entire community. (Doan)

1.2 Presentation of a proclamation declaring December 2024 as National Cat Lovers' Month in celebration of the bonds we have with our feline friends as well as bringing awareness to the many cats in shelters looking for their fur-ever homes in the City of San José. (Cohen)

1.3 Presentation of a proclamation declaring December 25, 2024 as the beginning of Hanukkah, a time for families to celebrate culture and heritage in the City of San José. (Candelas and Cohen)

## **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.**

**2.3 Approval of Council Committee Minutes.**

**2.4 Mayor and Council Excused Absence Requests.**

**2.5 City Council Travel Reports.**

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

2.7 [24-2285](#) **Actions Related to the Purchase Order with The BGR Group, LLC for Fire and Life Safety System Inspections, Testing, Maintenance, and Repair Services.**

**Recommendation:** Adopt a resolution authorizing the City Manager or her designee to exercise up to one additional one-year option to extend the term of the purchase order with The BGR Group, LLC (Santa Clara, CA) for fire and life safety systems inspections, testing, maintenance, and repair services with the last option ending on or about December 31, 2025, 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)

**Attachments** [Memorandum](#)

2.8 [24-2286](#) **Proposed Accounts Receivable Amnesty Program Ordinance.**

**Recommendation:** Approve an ordinance authorizing the Director of Finance or his designee to administer an accounts receivable amnesty program that forgives unpaid penalties, interest, and collection expenses accruing to the City's General Fund and other funds for certain specified accounts. CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (Finance)

**Attachments** [Memorandum](#)  
[Ordinance](#)

2.9 [24-2287](#) **Fiscal Year 2023-2024 Affordable Housing Impact Fee and Commercial Linkage Fee Annual Report.**

**Recommendation:** Accept the Fiscal Year 2023-2024 Affordable Housing Impact Fee and Commercial Linkage Fee Annual Report prepared in accordance with the California Mitigation Fee Act (Government Code section 66000 et seq.) on the status and expenditure plans for the City's Affordable Housing Impact Fee and Commercial Linkage Fee. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Housing)

**Attachments** [Memorandum](#)

**2.10**    [24-2288](#)            **First Amendment to the Master Consultant Agreement with Gravity Learning LLC.**

**Recommendation:**    Adopt a resolution authorizing the City Manager or her designee to negotiate and execute a First Amendment to the Master Consultant Agreement with Gravity Learning LLC, for training and organizational development services, increasing the amount of compensation by \$250,000 for a total compensation amount not to exceed \$570,000 with each service order, subject to appropriation of funds.  
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.  
(Human Resources)

**Attachments**    [Memorandum](#)

**2.11**    [24-2289](#)            **Actions Related to the 2025 Weed Abatement Program Commencement Report.**

**Recommendation:**    Adopt a resolution:  
(a) Accepting the 2025 Weed Abatement Program Commencement Report compiled by the County of Santa Clara’s Consumer and Environmental Protection Agency - Weed Abatement Program;  
(b) Declaring that those certain noxious or dangerous seasonal and recurrent weeds, growing or likely to be growing, and refuse, situated or likely to be situated, on those properties identified in the 2025 Weed Abatement Program Commencement Report are a public nuisance; and  
(c) Directing the County of Santa Clara’s Consumer and Environmental Protection Agency -Weed Abatement Program to mail a Notice of Public Hearing to be held on February 11, 2025, at 1:30 p.m. before the City Council to property owners of affected real properties on the 2025 Weed Abatement Program Commencement Report pursuant to Chapter 9.12 of Title 9 of the San José Municipal Code and the Weed Abatement Agreement between the City of San José and the County of Santa Clara  
CEQA: Categorically Exempt, CEQA Guidelines Section 15301(h) Existing Facilities, File No. PP18-094. (Planning, Building and Code Enforcement)

**Attachments**    [Memorandum](#)  
[Resolution](#)

**2.12**    [24-2290](#)            **Envision San José 2040 General Plan 2024 Annual Performance Review Report.**

**Recommendation:**    Accept the Envision San José 2040 General Plan 2024 Annual Performance Review report.  
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Planning, Building and Code Enforcement)

**Attachments**    [Memorandum](#)

**2.13**    [24-2291](#)            **Agreement with the City and County of San Francisco to Allocate 2024 Urban Areas Security Initiative Grant Funds.**

**Recommendation:**    (a) Adopt a resolution authorizing the City Manager or her designee to negotiate and execute an agreement between the City of San José and the City and County of San Francisco, acting as fiscal agent for the Bay Area Urban Areas Security Initiative, to accept the 2024 Urban Areas Security Initiative grant allocation in the amount of \$1,573,585 and to negotiate and execute additional amendments and related documents without further City Council action.  
(b) Adopt the following Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund:  
    (1) Establish the Urban Areas Security Initiative Grant - Police 2024 City-Wide Expenses appropriation to the Police Department in the amount of \$748,766;  
    (2) Establish the Urban Areas Security Initiative Grant - Fire 2024 City-Wide Expenses appropriation to the Fire Department in the amount of \$619,627;  
    (3) Increase the City Manager Office's Personal Service appropriation by \$104,000; and  
    (4) Increase the estimate for Revenue from Federal Government by \$1,472,393.  
CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (Police/Fire/City Manager)

**Attachments**    [Memorandum](#)



- 2.14 [24-2292](#) **Second Amendment to the Master Consultant Agreement with Schaaf & Wheeler Consultant Civil Engineers for Engineering Analysis, Design, Construction Management, and Environmental Consulting Services for Large Trash Capture Projects.**

**Recommendation:** Approve the second amendment to the master consultant agreement with Schaaf & Wheeler Consultant Civil Engineers to extend the term of the agreement from December 31, 2024 to December 31, 2027, with no change to the maximum compensation.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.  
(Public Works)

**Attachments** [Memorandum Agreement](#)

- 2.15 [24-2293](#) **Second Amendment to the Master Consultant Agreement with BKF Engineers for Engineering Analysis, Design, Construction Management, and Environmental Consulting Services for Large Trash Capture Projects.**

**Recommendation:** Approve the second amendment to the master consultant agreement with BKF Engineers to extend the term of the agreement from December 31, 2024 to December 31, 2027 with no change to the maximum compensation.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.  
(Public Works)

**Attachments** [Memorandum Agreement](#)

**2.16**    [24-2294](#)            **Master Agreements for Trail Development Consulting Services for the Coyote Creek and Guadalupe River Santa Clara Valley Transportation Authority Measure B Trail Projects.**

**Recommendation:**    Adopt a resolution authorizing the City Manager or her designee to negotiate and execute master consulting agreements with GHD, Inc. and RRM Design Group for trail development consulting services for Coyote Creek and Guadalupe River Santa Clara Valley Transportation Authority Measure B Trail Projects from the date of execution through December 31, 2026, and in amount not to exceed \$1,600,000 for each master consulting agreement, subject to the appropriation of funds. CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. Council Districts 3, 9. (Public Works)

**Attachments**    [Memorandum](#)

**2.17**    [24-2295](#)            **Second Amendment to Master Consultant Agreement with Woodard & Curran for Engineering Analysis, Design, Construction Management, and Environmental Consulting Services for Various Storm and Sanitary Sewer System Improvement Projects.**

**Recommendation:**    Approve the second amendment to the master consultant agreement with Woodard & Curran to extend the term of the agreement from January 31, 2025 to January 31, 2028, with no change to the maximum compensation. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Public Works)

**Attachments**    [Memorandum](#)  
[Agreement](#)

### **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**    [24-2300](#)    **Team San José and Convention and Visitors Annual Performance Audit.****Recommendation:**

As recommended by the Community and Economic Development Committee on November 18, 2024, accept the report on the annual performance of Team San José and Convention and Visitors audit. 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)  
[Community and Economic Development Committee referral 11/18/2024 - Item (d)1]

**Attachments**

[Memorandum](#)  
[Presentation, CED, 11/18/2024](#)

**3.4**    [24-2301](#)    **Annual Comprehensive Financial Report for Fiscal Year ended June 30, 2024.  
- TO BE HEARD CONCURRENTLY WITH ITEMS 3.5 AND 9.1****Recommendation:**

Accept the Fiscal Year 2023-2024 Annual Comprehensive Financial Report for the City of San José. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Finance)  
TO BE HEARD CONCURRENTLY WITH ITEMS 3.5 AND 9.1

**Attachments**

[Memorandum](#)  
[Attachment](#)

**3.5**    [24-2302](#)    **External Auditor's Report: Report to Those Charged with Governance for the Year Ended June 30, 2024. - TO BE HEARD CONCURRENTLY WITH ITEMS 3.4 AND 9.1****Recommendation:**

Accept the external auditor's report to those charged with Governance for the year ended June 30, 2024, as issued by Macias Gini & O'Connell LLP, the City's external auditor. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Finance)  
TO BE HEARD CONCURRENTLY WITH ITEMS 3.4 AND 9.1

**Attachments**

[Memorandum](#)  
[Attachment](#)

**3.6**    [24-2303](#)            **Comprehensive Annual Debt Report for Fiscal Year Ended June 30, 2024.**

**Recommendation:**    Accept the Comprehensive Annual Debt Report for the City of San José for Fiscal Year 2023-2024.

CEQA: Not a Project, File No. PP17-003, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Finance)

**Attachments**    [Memorandum](#)  
                          [Attachment](#)

**4. PUBLIC SAFETY SERVICES****5. TRANSPORTATION & AVIATION SERVICES****6. ENVIRONMENTAL & UTILITY SERVICES****7. NEIGHBORHOOD SERVICES****8. COMMUNITY & ECONOMIC DEVELOPMENT**

**8.1**     [24-2304](#)     **Establishment of the Monterey Corridor Business Improvement District and Approval to Levy Assessments in the Monterey Corridor Business Improvement District for the Remainder of Fiscal Year 2024-2025.**

**Recommendation:**

(a) Conduct a public hearing and approve an ordinance to establish the Monterey Corridor Business Improvement District.

(b) Conduct a public hearing and adopt a resolution approving the budget and the levy of assessments for the Monterey Corridor Business Improvement District for the remainder of Fiscal Year 2024-2025.

(c) Adopt a resolution authorizing the City Manager or her designee to negotiate and execute an agreement with Monterey Corridor Business Association for the administration of the Monterey Corridor Business Improvement District.

CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant impact on the environment. Council District 7. (Economic Development and Cultural Affairs)

**Attachments**

[Memorandum](#)

[\(a\) Ordinance](#)

[\(b\) Resolution](#)

[Letters from the Public](#)

**8.2**     [24-2305](#)     **Multifamily Housing Incentive Program and North San José Parks Fee Realignment.**

**Recommendation:**

(a) Accept the following recommendations to create a temporary Multifamily Housing Incentive Program to a specified set of development proposals:

(1) Adopt a resolution listing those projects eligible for the temporary Multifamily Housing Incentive Program as outlined in Attachment A of the staff memorandum.

(2) Adopt a resolution reducing the Inclusionary Housing Ordinance in-lieu fees to \$0 for projects eligible for the temporary Multifamily Housing Incentive Program that include at least 5% of units onsite at up to 100% area median income, and excluding projects otherwise eligible for the incentive that have an existing Affordable Housing Compliance Plan that includes onsite affordable units unless the Housing Director approves an alternative in accordance with the provisions of the temporary Multifamily Housing Incentive Program.

(3) Approve an ordinance adding Section 4.46.039.13 to Chapter 4.46 and adding Section 4.47.098 to Chapter 4.47 of Title 4 of the San José Municipal Code to provide:

(i) A 50% reduction of the Commercial, Residential, and Mobile Home Park Construction Tax and a 50% reduction of the Building and Structure Construction Tax to the first 1,500 units in projects eligible for the temporary Multifamily Housing Incentive that also obtain a City building permit by December 31, 2025; and

(ii) A 25% reduction of the Building and Structure Construction Tax for up to 8,539 additional units in projects eligible for the temporary Multifamily Housing Incentive Program.

(b) Adopt a resolution amending Exhibit A of Resolution No. 78733, adopted on August 7, 2018, which sets forth the Schedule of Parkland Fees charged pursuant to Chapters 14.25 and 19.38 of the San José Municipal Code, to establish a new permanent per unit Parkland In-Lieu Fee for multi-family residential projects that have five units (or more) in Multiple Listing Service District 7B (North San José - south of State Route 237) at \$22,600 per unit.

CEQA: Statutorily Exempt, File No. PP17-005, CEQA Guidelines Section 15273, Adjustment to Fees, Rates and Fares without changes to or expansion of services. (Economic Development and Cultural Affairs/Housing/Parks, Recreation, and Neighborhood Services/Planning, Building, and Code Enforcement/Transportation)

- Attachments**    [Memorandum](#)  
[\(a\)\(1\) Resolution](#)  
[\(a\)\(2\) Resolution](#)  
[\(a\)\(3\) Ordinance](#)  
[\(b\) Resolution](#)

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

### **CONVENE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SAN JOSE**

- 9.1**    [24-2306](#)            **Successor Agency to The Redevelopment Agency of the City of San José - Audited Financial Statements for Fiscal Year Ended June 30, 2024. - TO BE HEARD CONCURRENTLY WITH ITEMS 3.4 AND 3.5**

**Recommendation:**    Accept the Fiscal Year 2023-2024 Independent Auditor’s Reports and Basic Financial Statements for the Successor Agency to the Redevelopment Agency of the City of San José.  
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Finance)  
**TO BE HEARD CONCURRENTLY WITH ITEMS 3.4 AND 3.5**

- Attachments**    [Memorandum](#)  
[Attachment](#)

### **ADJOURN SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SAN JOSE**

## **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**

- (a) [24-2307](#) **C24-049 - Conforming Rezoning for Certain Real Property Located at 545 Hillsdale Avenue. - TO BE HEARD IMMEDIATELY AFTER CONSENT DURING THE 1:30 P.M. REGULAR SESSION**

**Recommendation:** Approve an ordinance rezoning certain real property of an approximately 5.1-gross-acre site situated on the northerly side of Hillsdale Avenue, approximately 127 feet west of Regency Avenue (545 Hillsdale Avenue) from the A(PD) Planned Development Zoning District to the PQP Public/Quasi-Public Zoning District.  
CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041), the Envision San José General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto. Council District 7. (Planning, Building and Code Enforcement)  
TO BE HEARD IMMEDIATELY AFTER CONSENT DURING THE 1:30 P.M. REGULAR SESSION

**Attachments** [Memorandum](#)  
[Ordinance](#)

**END OF CONSENT CALENDAR**

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



**10.2**    [24-2308](#)            **PDA20-006-02, T24-010 & ER23-267 - Planned Development Permit Amendment and Vesting Tentative Map for Mixed-Use Village Final Environmental Impact Report on Certain Real Property Located at 1312 El Paseo de Saratoga and 1777 Saratoga Avenue (El Paseo Property Owner LLC, Owner). - NOT TO BE HEARD BEFORE 6:00 P.M.**

**Recommendation:**

(a) Adopt a resolution adopting an Addendum to the 1312 El Paseo and 1777 Saratoga Avenue Mixed-Use Village Final Environmental Impact Report, in accordance with the California Environmental Quality Act, as amended.

(b) Adopt a resolution approving, subject to conditions, a Vesting Tentative Map to reconfigure six parcels into four parcels and to allow up to 20 commercial condominium units on an approximately 10.76-gross acre site located east of the intersection of Saratoga Avenue and Quito Road and north of the intersection of Saratoga Avenue and Lawrence Expressway (1312 El Paseo de Saratoga and 1777 Saratoga Avenue).

(c) Adopt a resolution approving, subject to conditions, a Planned Development Permit Amendment to amend the Affordable Housing Compliance Plan in accordance with the Inclusionary Housing Ordinance and allow modifications to Buildings 1, 2, and 4 within the previously approved El Paseo and 1777 Saratoga Avenue Mixed-Use Village Project, including the construction of two mixed-use buildings consisting of 772 multifamily residential units (39 affordable) and approximately 31,586 square feet of commercial retail space and the construction of a seven-story, approximately 230,305-square foot, 263-bed residential care facility with up to 20 commercial condominium units on an approximately 10.76-gross-acre site.

CEQA: Addendum to the 1312 El Paseo and 1777 Saratoga Avenue Mixed-Use Village Final Environmental Impact Report (Resolution No. 80605). Planning Commission recommends approval (8-0-1; Cantrell absent) (Item 5.a. on the 11/20/2024 Planning Commission agenda). Council District 1. (Planning, Building and Code Enforcement)  
NOT TO BE HEARD BEFORE 6:00 P.M.

**Attachments**    [Memorandum](#)  
                          [\(a\) Resolution](#)  
                          [\(b\) Resolution](#)  
                          [\(c\) Resolution](#)

• 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://sanjose.legistar.com/Calendar.aspx> 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.

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**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.