



City Council Meeting Amended Agenda

Tuesday, January 10, 2023

1:30 PM

Hybrid Meeting - Council Chambers and Virtually -

<https://sanjoseca.zoom.us/j/88957084529>

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
VACANT, DISTRICT 8
PAM FOLEY, DISTRICT 9
VACANT, DISTRICT 10



The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- **Strategic Support** - 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.

You may speak to the City Council about any discussion item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council or Successor Agency to the Redevelopment Agency Board. If you wish to speak to the City Council, please refer to the following guidelines:

- o **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that 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.
- o 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.

- o 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)
- o To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

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

The San José City Council meets every Tuesday at 1:30 p.m. and Tuesday at 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://www.sanjoselegistar.com/Calendar.aspx>. Council Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, 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.

American Disability Act: To request an alternative format agenda under the Americans with Disabilities Act for City-sponsored meetings, events or printer materials, please call (408) 535-1260 as soon as possible, but at least three business days before the meeting.

Accommodations: Any member of the public who needs accommodations should email the ADA Coordinator at 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.

On occasion the City Council may consider agenda items out of order.

*** COVID-19 NOTICE ***

Consistent with AB 361 and City of San José Resolution Nos. 80628, 80659, 80685, 80724, 80758 and 80809, Councilmembers may be teleconferencing from remote locations.

How to observe the Meeting (no public comment):

- 1) Cable Channel 26,
- 2) <https://www.sanjoseca.gov/news-stories/watch-a-meeting>, or
- 3) <https://www.youtube.com/CityofSanJoseCalifornia>

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

- 1) Use the eComment tab located on the City Council Agenda page. eComments are also directly sent to the legislate application used by City Council and staff.
- 2) By email to city.clerk@sanjoseca.gov by 10:00 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 submit written Public Comment during the City Council Meeting:

- 1) Email during the meeting to councilmeeting@sanjoseca.gov, identifying the Agenda Item Number in the email subject line. Comments received will be included as a part of the meeting record but will not be read aloud during the meeting.

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

- 1) By Phone: (888) 475 4499. Webinar ID is 889 5708 4529. Click *9 to raise a hand to speak. Click *6 to unmute when called.
Alternative phone numbers are: US: +1 (213) 338-8477 or +1 (408) 638-0968 or (877) 853-5257 (Toll Free)
- 2) Online at: <https://sanjoseca.zoom.us/j/88957084529>
 - a. 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. Mute all other audio before speaking. Using multiple devices can cause an audio feedback.
 - b. Enter an email address and name. The name will be visible online and will be used to notify you that it is your turn to speak.
 - c. When the Mayor calls for the item on which you wish to speak, click on “raise hand.” Speakers will be notified shortly before they are called to speak.
 - d. When called, please limit your remarks to the time limit allotted.

• 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

[23-006](#) Closed Session Agenda

Attachments [Closed Session Agenda](#)

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

6:00 p.m.- Evening Session - RECOMMEND CANCELLATION

- Pledge of Allegiance
- Invocation (District 1)

Rinban Gerald Sakamoto - the San José Buddhist Church Betsuin.

- 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.

SEE NEW ITEM 3.5, "Ratification of a Proclamation of Local Emergency" TO BE ADDED UNDER ORDERS OF THE DAY. REQUIRES A DETERMINATION BY A TWO-THIRDS (2/3) VOTE OF THE MEMBERS OF THE COUNCIL PRESENT AT THE MEETING, OR, IF LESS THAN TWO-THIRDS (2/3) OF THE MEMBERS OF THE COUNCIL ARE PRESENT AT THE MEETING, A UNANIMOUS VOTE OF THOSE MEMBERS PRESENT THAT THERE IS A NEED TO TAKE IMMEDIATE ACTION. Consolidated Open Government and Ethics Resolution No. 77135, Section 2.3.2.1.E.3; Council's Rules of Conduct, Resolution No. 79367, Rule 3(d); Council Agenda Items' Placement After Rules During Social Distancing Period Resolution No. 79485; Council AB 361 Implementation Resolution No. 80809, Section 8.

- Adjournment

This meeting is adjourned in honor and memory of Maria Marcelo, who was a District 3 resident and a tireless community activist. Maria fought for the health and safety of immigrant families in Washington-Guadalupe Neighborhood.

- Closed Session Report

To be heard after Ceremonial Items

1. CEREMONIAL ITEMS

1.1 Oaths of Office for newly elected Councilmembers. (City Clerk)

1.2 Presentation of a commendation recognizing South Bay Clean Creeks Coalition (SBCCC) for its dedication to reclaiming, restoring, and revitalizing the creeks and rivers in the Santa Clara County watershed. (Foley)

1.3 Presentation of a proclamation recognizing the 2023 United States Figure Skating Championships for bringing residents together through the love of sports and taking place at the SAP Center in San José. (Davis)

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.

[23-007](#)

Final Adoption of Ordinances.

Recommendation:

(a) Ordinance No. 30857 - An Ordinance of the City of San José Amending Title 20 (Zoning Ordinance) of the San José Municipal Code to Amend Title 20 to Add Part 9 Transportation Demand Management (TDM) to the Retitled Chapter 20.90 Parking, Loading and Transportation Demand Management; Revise Tables and Text in Chapter 20.90 to Remove Parking Minimums, Modify Parking Space Design Standards, and Modify Parking Requirements for Bicycle and Two Wheeled Motorized Vehicle Parking and Remove Parking Reduction Exceptions; Revise Tables and Text in 20.70 Downtown Zoning Regulations to Remove Requirements and References to Mandatory Minimum Off-Street Parking; Remove References to Parking Requirements in Chapters 20.55, 20.80, 20.150, 20.180, 20.190 and 20.195; Revise and Add Text to Expand/Modify Processes for Issuing Outdoor Event Permits, Outdoor Vending Permits and Conversion of Existing Parking to Outdoor Use in Chapter 20.80 Specific Use Regulations; and to Make Other Technical, Non-Substantive, or Formatting Changes within Those Sections of Title 20 of the San José Municipal Code.

[Passed for Publication on 12/6/2022 - Item 8.3(a) (22-1876)]

(b) Ordinance No. 30870 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 10.6 Gross Acres Situated on the West Side of Piercy Road, Approximately 2,070 Feet Northerly of Tennant Avenue (500 Piercy Road) (APN: 678-08-061) from the IP Industrial Park Zoning District to the IP(PD) Planned Development Zoning District.

[Passed for Publication on 12/13/2022 - Item 10.1(c)(1) (22-1871)]

(c) Ordinance No. 30871 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 1.0 Gross Acre Located on the East Side of Camden Avenue Between Malapas Drive and Canna Lane (APN: 567-26-014) from the R-2 Two-Family Residential Zoning District to the R-2(PD) Planned Development Zoning District.

[Passed for Publication on 12/13/2022 - Item 10.1(d)(2) (22-1872)]

(d) Ordinance No. 30872 - An Ordinance of the City of San José Rezoning One Property from the LI Light Industrial Zoning District to the CIC Combined Industrial/Commercial Zoning District; 67 Properties from the CG Commercial General Zoning District to the DC Downtown Primary Commercial Zoning District; Two Properties from the CN Commercial Neighborhood Zoning District to the DC Downtown Primary Commercial Zoning District; 16 Properties from the CO Commercial Office Zoning District to the DC Downtown Primary

Commercial Zoning District; One Property from the PQP Public/Quasi-Public Zoning District to the DC Downtown Primary Commercial Zoning District; 61 Properties from the R-M Multiple Residence Zoning District to the DC Downtown Primary Commercial Zoning District; Four Properties from the LI Light Industrial Zoning District to the MUC Mixed Use Commercial Zoning District; One Property from the R-M Multiple Residence Zoning District to the MUC Mixed Use Commercial Zoning District; Two Properties from the DC Downtown Primary Commercial Zoning District to the OS Open Space Zoning District; Two Properties from the LI Light Industrial Zoning District to the OS Open Space Zoning District; 12 Properties from the CG Commercial General Zoning District to the PQP Public/Quasi-Public Zoning District; One Property from the DC Downtown Primary Commercial Zoning District to the PQP Public/Quasi-Public Zoning District; One Property from the R-2 Two-Family Residential Zoning District to the PQP Public/Quasi-Public Zoning District; 16 Properties from the R-M Multiple Residence Zoning District to the PQP Public/Quasi-Public Zoning District; Six Properties from the CG Commercial General Zoning District to the R-1-8 Single-Family Residential Zoning District; One Property from the CP Commercial Pedestrian Zoning District to the R-1-8 Single-Family Residential Zoning District; One Property from the HI Heavy Industrial Zoning District to the TR Transit Residential Zoning District; 32 Properties from the R-M Multiple Residence Zoning District to the TR Transit Residential Zoning District; 16 Properties from the R-M Multiple Residence Zoning District to the UR Urban Residential Zoning District; One Property from the Split Zoned LI Light Industrial and HI Heavy Industrial Zoning Districts to the CIC Combined Industrial/Commercial Zoning District; One Property from the Split Zoned CG Commercial General and CO Commercial Office Zoning Districts to the DC Downtown Primary Commercial Zoning District; Three Properties from the Split Zoned CG Commercial General and R-M Multiple Residence Zoning Districts to the DC Downtown Primary Commercial Zoning District; One Property from the Split Zoned CG Commercial General and R-M Multiple Residence Zoning Districts to the PQP Public/Quasi-Public Zoning District; and One Property from the R-M Multiple Residence Zoning District to the Split Zoned TR Transit Residential and UR Urban Residential Zoning Districts, All Located on those Certain Real Properties throughout the Downtown and Diridon Station Area Plan Areas.

[Passed for Publication on 12/13/2022 - Item 10.1(e) (22-1873)]

2.3 Approval of Council Committee Minutes.

[23-024](#)**Approval of Council Committee Minutes.****Recommendation:**

- (a) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Minutes of September 21, 2022.
- (b) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Minutes of September 28, 2022.
- (c) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Minutes of October 5, 2022.
- (d) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Minutes of October 12, 2022.
- (e) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Minutes of October 19, 2022.
- (f) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Minutes of October 26, 2022.
- (g) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Minutes of November 2, 2022.
- (h) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Minutes of November 9, 2022.
- (i) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Minutes of November 16, 2022.
- (j) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Minutes of November 30, 2022.
- (k) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Minutes of December 7, 2022. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

- Attachments** [\(a\) 9/21/2022 ROGC Minutes](#)
[\(b\) 9/28/2022 ROGC Minutes](#)
[\(c\) 10/5/2022 ROGC Minutes](#)
[\(d\) 10/12/2022 ROGC Minutes](#)
[\(e\) 10/19/2022 ROGC Minutes](#)
[\(f\) 10/26/2022 ROGC Minutes](#)
[\(g\) 11/2/2022 ROGC Minutes](#)
[\(h\) 11/9/2022 ROGC Minutes](#)
[\(i\) 11/16/2022 ROGC Minutes](#)
[\(j\) 11/30/2022 ROGC Minutes](#)
[\(k\) 12/7/2022 ROGC 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 [23-008](#) **Extension of AB 361 Implementation to Allow Teleconferenced Public Meetings and Modified COVID Sunshine Resolution and Procedures to Continue through February 9, 2023 during the Governor's Proclaimed COVID State of Emergency.**

Recommendation: Adopt a resolution finding the continued existence of the need to extend AB 361 implementation and amending the City's Consolidated Open Government and Ethics (Sunshine) Resolution No. 77135 to incorporate the Governor's proclaimed COVID state of emergency to allow City legislative bodies and Joint Power Authority legislative bodies for which the City serves as lead staffing agency to hold public meetings solely by teleconference or otherwise electronically pursuant to AB 361; to modify agenda noticing and document posting; and to incorporate all future Governor's Executive Orders regarding the Brown Act into the City's open government procedures, as deemed appropriate by the City Clerk and City Manager, without further Council action.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Clerk)

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

2.8 [23-009](#) **Community Energy Department Staffing.****Recommendation:**

Approve the following staffing additions to the Community Energy Department in 2022-2023:

(a) Job Classification: Deputy Director U (Regulatory Compliance & Policy) (FTE: 1.0);

(b) Job Classification: Senior Power Resources Specialist (Programs) (FTE: 1.0);

(c) Job Classification: Power Resources Specialist I/II (Regulatory Compliance & Policy) (FTE: 1.0); and

(d) Job Classification: Power Resources Specialist I/II (Account Management, Marketing and Public Affairs) (FTE: 1.0).

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Community Energy/City Manager)

Attachments [Memorandum](#)

2.9 [23-010](#) **Lease Agreement for 5225 Hellyer Avenue, Suite 265 for San José Municipal Water Offices.****Recommendation:**

Adopt a resolution authorizing the City Manager, or their designee, to negotiate and execute a lease between SFIII Hellyer, LLC, SFIII FOS Hellyer Holding, LLC, and the City of San José for use of offices located at 5225 Hellyer Avenue, Suite 265 for an initial period of three years for a total cost of \$878,773.92.

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

Council District 2. (Economic Development and Cultural Affairs)

Attachments [Memorandum](#)

2.10 [23-011](#) **Amendment to the Agreement with Signature Technologies, Inc. for Public Address System.**

Recommendation: Adopt a resolution authorizing the City Manager or their designee to negotiate and execute the Seventh Amendment to the Agreement with Signature Technologies, Inc., dba Com-Net Software for the purchase and installation of a public address system, to extend maintenance and support services for up to two additional one-year options (for a total of 14) through January 14, 2025, with maximum compensation not to exceed \$131,275 for the option period beginning January 15, 2023 and ending January 14, 2024, 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/Airport)

Attachments [Memorandum](#)

2.11 [23-012](#) **Willow Glen Community Benefit Improvement District Financial Report for Fiscal Year 2021-2022.**

Recommendation: Accept the Willow Glen Community Benefit and Improvement District Financial Report for FY 2021-2022, which provides information to the public and the property owners in the district regarding the use of the assessments and the management and operations of the district.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. Council District 6. (Public Works)

Attachments [Memorandum](#)

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 [23-016](#) **Collection and Use of Tree-Related In-Lieu Fees, Enforcement of Tree-Planting Conditions on Development, and the Cost of Tree Planting Audit Report.**

Recommendation: As recommended by the Transportation and Environment Committee meeting on December 5, 2022, accept the report of the collection and use of tree-related in-lieu fees, enforcement of tree-planting conditions on development and the cost of tree planting 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)
[Transportation and Environment Committee referral 12/5/2022 - Item (d)1]

Attachments [Memorandum](#)
[Memorandum from Cohen, Davis & Jimenez, 1/5/2023](#)
[Memorandum from Torres, 1/9/2023](#)
[Presentation - est. 10 minutes](#)
[Letters from Public](#)

3.4 [23-023](#) **City Council Appointments of Standing Committees and Boards, Commissions and Committees and Assignments.**

Recommendation: (a) Discuss, amend and/or approve the Mayor’s Appointments for each of the Standing Committees, as described in Exhibit “A” of the Mayor’s Memorandum.
(b) Except for appointments which the Mayor has sole authority to appoint pursuant to statute, organization by laws, or other governing documents, discuss, amend and/or approve Councilmembers to each of the Boards, Commissions or Committees and assignments, as described in Exhibit “B” of the Mayor’s Memorandum.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Mayor)

Attachments [Replacement Memorandum, 1/10/2023](#)
[Memorandum from Ortiz, 1/10/2023](#)

3.5 [23-026](#) **Ratification of a Proclamation of Local Emergency.**

Recommendation: Adopt a resolution ratifying the Director of Emergency Services' proclamation of the existence of a local emergency.
CEQA: Statutory Exempt, Section 15269, Emergency Projects
Undertake specific actions necessary to prevent or mitigate an emergency. (City Manager)

Attachments [Memorandum](#)
[Resolution](#)
[Presentation - est. 5 minutes](#)

4. PUBLIC SAFETY SERVICES**5. TRANSPORTATION & AVIATION SERVICES****6. ENVIRONMENTAL & UTILITY SERVICES****6.1** [23-017](#) **Agreement with Santa Clara Valley Habitat Agency Establishing a Conservation Easement as Land-in-Lieu of Fees for the Burrowing Owl Habitat at the San José-Santa Clara Regional Wastewater Facility for Certain Projects in the Capital Improvement Program.**

Recommendation: Approve a Conservation Easement-In-Lieu of Fees agreement with Santa Clara Valley Habitat Agency that establishes an approximate 201-acre conservation easement over the Western Burrowing Owl Habitat at the San José-Santa Clara Regional Wastewater Facility as land-in-lieu of paying development fees for certain projects in the Capital Improvement Program and the corresponding Conservation Easement Agreement.
CEQA: Categorically Exempt, File No. 22-249, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services)

Attachments [Memorandum](#)
[Supplemental Memorandum, TPAC, 12/9/2022](#)
[Agreement - Conservation Easement](#)
[Agreement - In-Lieu](#)

7. NEIGHBORHOOD SERVICES**8. COMMUNITY & ECONOMIC DEVELOPMENT**

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

- (a) [23-018](#) C22-124 - **Conforming Rezoning for Certain Real Property Located at 151 Bernal Road.**

Recommendation: Approve an ordinance rezoning the certain real property of approximately 1.37-gross acre site located on the northwestern corner of Bernal Road and Realm Drive (151 Bernal Road) from the IP Industrial Park Zoning District to the CN Commercial Neighborhood Zoning District.
CEQA: Determination of Consistency with the Envision San José 2040 General Plan EIR (Resolution No. 76041) and the Envision San José General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto. Council District 10. (Planning, Building and Code Enforcement)

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

- (b) [23-019](#) SP22-023 & ER22-206 - **Special Use Permit and Determination of Public Convenience for Certain Real Property Located at 430 Blossom Hill Road.**

Recommendation: Adopt a resolution, subject to conditions, approving a Special Use Permit and Determination of Public Convenience or Necessity to allow the off-sale of alcohol (Type 21 ABC License - full range of alcoholic beverages) at an existing commercial building on an approximately 0.74-gross acre site at 430 Blossom Hill Road (Smart & Final).
CEQA: Exempt pursuant to CEQA Section 15301 Existing Facilities. Planning Commission recommended approval [12/7/2022 - Item 5.a (9-0-1; Garcia absent)]. Council District 2. (Planning, Building and Code Enforcement)

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

END OF CONSENT CALENDAR**10 Land Use - Regular Agenda**

- **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.

- **Adjournment**

This meeting is adjourned in honor and memory of Maria Marcelo, who was a District 3 resident and a tireless community activist. Maria fought for the health and safety of immigrant families in Washington-Guadalupe Neighborhood.

**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.

**CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D.)**

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.