



City Council Meeting Amended Agenda

Tuesday, March 28, 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
DOMINGO CANDELAS, DISTRICT 8
PAM FOLEY, DISTRICT 9
ARJUN BATRA, 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.

How to observe the Meeting (no public comment):

- 1) Cable Channel 26,
- 2) <https://www.sanjoseca.gov/your-government/appointees/city-clerk/council-agendas-minutes/participate-watch-public-meetings>, 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 ilegislare 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.

Se dispone de interpretación en español y vietnamita. En los controles de su seminario web, seleccione "Interpretation" (Interpretación). Interpretation is available in Spanish. In your webinar controls, select “Interpretation.” Click the language you would like to hear.

Interpretation is available in Khmer. In your webinar controls, select "Interpretation." Click the language you would like to hear.

ការបកប្រែផ្ទាល់មាត់គឺមានជាភាសាខ្មែរ។
នៅកន្លែងគ្រប់គ្រងសិក្ខាសាលាតាមវិបរបស់អ្នក សូមជ្រើសរើស
"ការបកប្រែផ្ទាល់មាត់។" ចុចលើភាសាដែលអ្នកចង់ស្តាប់។

Interpretation in person is available in Khmer for this meeting.

ការបកប្រែផ្ទាល់មាត់ដោយផ្ទាល់គឺមានជាភាសាខ្មែរសម្រាប់កិច្ចប្រជុំនេះ។

• 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

[23-415](#)

Closed Session Agenda

Attachments [Closed Session Agenda](#)

Pursuant to AB2449, Councilmember Cohen provided notice he will participate in the Closed Session and Open Session meetings using videoteleconference under the just cause exemption of illness. This is his first of two allowed just cause exemptions.

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

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

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

• Pledge of Allegiance

• Invocation (District 3)

San José Taiko - one of the U.S.'s most prominent taiko performance groups.

• 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.

- **Closed Session Report**

To be heard after Ceremonial Items

1. CEREMONIAL ITEMS

1.1 Presentation of a proclamation declaring March 31, 2023 as Cesar Chavez Day to celebrate the birth and legacy of the civil rights and labor movement activist who started the movement for equal rights and fair treatment of workers, especially farmworkers, in the City of San José. (Ortiz)

1.2 Presentation of a commendation recognizing Colter Cook for his service with Keep Coyote Creek Beautiful. (Kamei)

1.3 Presentation of a commendation to San José Taiko for their dedication to the development of the taiko art form and celebrating 50 years of service in North America. (Torres)

1.4 Presentation of a commendation recognizing Evergreen High School Girls' Basketball Team and celebrating these young women for making history on the team's CCS title win. (Candelas)

TO BE HEARD IN THE EVENING

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.

[23-487](#)

Approval of City Council Minutes.

Recommendation:

(a) City Council Meeting Minutes of March 21, 2023.
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 [\(a\) 3/21/2023 CC Minutes](#)

2.2 Final Adoption of Ordinances.

[23-445](#)**Final Adoption of Ordinances.****Recommendation:**

(a) Ordinance No. 30893 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 2.7-Gross-Acres Situated on the Southeast Corner of North Jackson Avenue and Berryessa Road (APNS 254-80-021, 022 and 023) from the A(PD) Planned Development Zoning District to the CP Commercial Pedestrian Zoning District.
[Passed for Publication on 3/14/2023 - Item 10.1(b)(b) (23-370)]

2.3 Approval of Council Committee Minutes.[23-468](#)**Approval of Council Committee Minutes.****Recommendation:**

(a) Regular Joint Meeting for the Rules and Open Government Committee Minutes of March 1, 2023.
(b) Regular Joint Meeting for the Rules and Open Government Committee Minutes of March 8, 2023.
(c) Regular Public Safety, Finance and Strategic Support Committee Minutes of March 16, 2023.
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

[\(a\) 3/1/2023 ROGC Minutes](#)
[\(b\) 3/8/2023 ROGC Minutes](#)
[\(c\) 3/16/2023 PSFSS Minutes](#)

2.4 Mayor and Council Excused Absence Requests.[23-469](#)**Mayor and Council Excused Absence Requests.****Recommendation:**

Request for excused absences for Councilmember Cohen from the following Regular Meetings due to authorized City Business:
(a) City Council on March 21, 2023; and
(b) Joint Meeting for the Rules and Open Government Committee on March 22, 2023.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Cohen)
[Rules Committee referral 3/22/2023 - Item A.1(a)]

Attachments

[Memorandum](#)

2.5 City Council Travel Reports.**2.6 Report from the Council Liaison to the Retirement Boards.****2.7 [23-446](#) Boards and Commissions Appointment.****Recommendation:**

Approve the following Boards and Commissions appointment:

(a) Planning Commission:

(1) District 3 Seat: Appoint Anthony Tordillos for a term ending June 30, 2024.

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, rev. 3/22/2023](#)
[Memorandum - Conflicts of Interest](#)
[Application](#)

2.8 [23-430](#) Setting a Public Hearing for the Cost of Sidewalk Repairs for June 13, 2023.**Recommendation:**

Adopt a resolution setting a public hearing on Tuesday, June 13, 2023, at 1:30 p.m. for the approval of the report from the Director of Finance for the cost of sidewalk repairs.

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities. (Finance)

Attachments [Replacement Memorandum, 3/22/2023](#)
[Resolution](#)

2.9 [23-431](#) Naming of a New Public Park Located at 1343 The Alameda.**Recommendation:**

Adopt “The Beautiful Way Park” as an official park name per City Council Policy 7-5, Naming of City-Owned Land and Facilities, as recommended by staff and as a result of a public outreach process.

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making results in no changes to the physical environment. Council District 6. (Parks, Recreation, and Neighborhood Services)

Attachments [Memorandum](#)

2.10 [23-432](#) Report on Bids and Award of Contract for the 9982 - Bascom, Mayfair, Roosevelt, and Seven Trees Community Centers Improvement Project.

Recommendation: (a) Accept a report on bids and award of contract for the 9982 - Bascom, Mayfair, Roosevelt, and Seven Trees Community Centers Improvement Project to the lowest responsive, responsible bidder, City Building, Inc., in the amount of \$1,938,436, and
(b) Approve a construction contingency in the amount of \$290,765.
CEQA: Categorically Exempt, File No. ER22-272. CEQA Guidelines Section 15301, Existing Facilities. Council Districts 3,5,6, 7. (Public Works)

Attachments [Memorandum](#)

2.11 [23-470](#) Retroactive Travel Authorization for Councilmember Jimenez.

Recommendation: (a) Retroactively authorize travel for Councilmember Jimenez to Washington, D.C. from March 24, 2023 to March 28, 2023 to attend the National League of Cities Congressional City Conference and the Sister Cities International Spring Leadership Meeting. (Source of Funds: District 2 Funds)
(b) Excuse Councilmember Jimenez from the regular meeting of the City Council on March 28, 2023.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Jimenez)
[Rules Committee referral 3/22/2023 - Item A.1(a)]

Attachments [Memorandum](#)

2.12 [23-471](#) Retroactive Authorization for the 2022 Staffing for Adequate Fire and Emergency Response (Safer) Grant Application.

Recommendation: Adopt a resolution retroactively authorizing the City Manager to apply for a grant from the Federal Emergency Management Agency/Department of Homeland Security for funding to add 14.0 Firefighter positions to the Fire Department.
CEQA: Not a Project, File No. P17-006, Grant Application with no commitment or obligation to enter into an agreement at the time of application. (Fire)
[Rules Committee referral 3/22/2023 - Item A.1(a)]

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

- 2.13** [23-474](#) **Approval of Music in the Valley Festival Sponsored by Council District 9 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

Recommendation: As recommended by the Rules and Open Government Committee on March 22, 2023:
(a) Approve the Music in the Valley Festival scheduled on April 30, 2023 as a City Council sponsored Special Event and approve the expenditure of funds; and
(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Foley)
[Rules Committee referral 3/22/2023 - Item B.4]

Attachments [Memorandum](#)

- 2.14** [23-477](#) **Approval of Cesar Chavez Day Flag Raising Ceremony Sponsored by Council District 2 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

Recommendation: As recommended by the Rules and Open Government Committee on March 22, 2023:
(a) Approve the Cesar Chavez Day Flag Raising Ceremony scheduled on March 30, 2023 as a City Council sponsored Special Event and approve the expenditure of funds; and
(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Jimenez)
[Rules Committee referral 3/22/2023 - Item B.5]

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 [23-433](#) Status of Open Audit Recommendations as of December 31, 2022.

Recommendation: Accept the Status of Open Audit recommendations as of December 31, 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. (City Auditor)

Attachments [Memorandum](#)
[Presentation - est. 15 minutes](#)

3.4 [23-425](#) Board of Fair Campaign and Political Practices Interview.

Recommendation: (a) Interview applicants for appointments to the Board of Fair Campaign and Political Practices.
 (b) Appoint up to two (2) applicants to a term ending March 1, 2027.
PLEASE NOTE: APPROVAL OF THIS ITEM REQUIRES AFFIRMATIVE VOTES OF EIGHT MEMBERS (2/3) OF THE CITY COUNCIL. San José Municipal Code Section 2.08.1610.
 (c) If any vacancies remain, direct the City Clerk to continue recruitment efforts and bring forward additional applicants for consideration.
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](#)
[Memorandum - Conflicts of Interest](#)
[Applications](#)

3.5 [23-434](#) Statement of Policy and City Council Questions for the Prospective Director of Public Works.

Recommendation: Adopt a Statement of Policy and City Council Questions related to the selection of a prospective Director of Public Works as described in this memorandum, in compliance with City Charter Section 411.1.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Manager)

Attachments [Memorandum](#)

3.6 [23-435](#) Wage Theft Prevention Policy Revision.

Recommendation: Adopt a resolution approving amendments to Council Policy 0-44, Wage Theft Prevention Policy, revising mandatory disqualification from procurement, removing the exemption for City of San José public works projects, evaluating wage theft history and impact in lieu of disqualification for certain services, and exempting from mandatory disqualification future procurements for janitorial services or security guard services if the proposer can demonstrate the ability to comply with certain labor requirements including wages, hours, working conditions, and a grievance process to address wage claims, and make other clarifying changes.

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

Attachments [Memorandum](#)
 [Supplemental Memorandum, 3/23/2023](#)
 [Memorandum from Jimenez, 3/27/2023](#)
 [Resolution](#)
 [Presentation - est. 10 minutes](#)
 [Letters from the Public](#)

4. PUBLIC SAFETY SERVICES**5. TRANSPORTATION & AVIATION SERVICES****6. ENVIRONMENTAL & UTILITY SERVICES**

6.1 [23-436](#) Reach Code Ordinance Update for Electric Vehicle Infrastructure in New Multifamily Developments.

Recommendation: (a) Adopt findings related to local modifications of the state codes based upon local geographical, topographical, and climatic conditions.
 (b) Approve an ordinance of the City of San José Amending Sections 24.10.110 and 24.10.200 of Chapter 24.10 of Title 24 (Technical Codes) of the San José Municipal Code as a Reach Code to Increase Requirements Related to Electric Vehicle Charging Stations for Multifamily Residential.
 CEQA: Categorically Exempt: (File No. PP19-067) CEQA Guidelines Section 15308, Actions by Regulatory Agencies for the Protection of the Environment. (Environmental Services/Planning, Building and Code Enforcement)

Attachments [Memorandum, rev. 3/27/2023](#)
 [Supplemental Memorandum, 3/27/2023](#)
 [Ordinance](#)
 [Letters from the Public](#)

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 [23-437](#) Berryessa Flea Market Advisory Group Status Report.

Recommendation: Accept the status report on the creation of the Flea Market Advisory Group.
 CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
 Council District 4. (Economic Development and Cultural Affairs)

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

8.2 [23-438](#) First Substantial Amendment to the Fiscal Year 2021-2022 Annual Action Plan to Report the Home Investment Partnerships American Rescue Plan Program Allocation Awarded by the United States Department of Housing and Urban Development.

Recommendation: (a) Hold a public hearing to allow for public comment.
(b) Adopt a resolution relating to the following actions regarding a first amendment to the existing Fiscal Year 2021-2022 Annual Action Plan to report on the HOME Investment Partnerships American Rescue Plan Program Allocation Plan using HOME Investment Partnerships American Rescue Plan Program funds awarded by the United States Department of Housing and Urban Development to the City of San José:

(1) Approve the changes relating to the Substantial Amendment to the Fiscal Year 2021-2022 Annual Action Plan to apply the HOME Investment Partnerships American Rescue Plan Program Allocation Plan; and

(2) Authorize the Housing Department to submit the Substantial Amendment to the United States Department of Housing and Urban Development.

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, and File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Housing)

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

8.3 [23-439](#) City Initiatives Roadmap: Emergency Housing System Expansion.

Recommendation: Accept the staff report on Site Identification and Operational Considerations for Emergency Interim Housing.
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/Public Works)

Attachments [Memorandum](#)
 [Presentation - est. 10 minutes](#)

8.4 [23-447](#) Grant Agreement with Jamboree Housing Corporation for Operation of SureStay Hotel Located at 1488 North First Street.

Recommendation:

(a) Adopt a resolution authorizing the Director of Housing, or designee, to negotiate and execute the following:

(1) A conditional construction grant agreement and related documents with Jamboree Housing Corporation in an amount of up to \$4,000,000 of Measure E funds for immediate capital repair needs for 72 interim housing units at the SureStay Hotel by Best Western, located at 1488 North First Street;

(2) An amendment to the current operations grant agreement with LifeMoves to increase the amount by \$367,100 of Measure E funds and extend the term of the subcontractor (Jamboree), for a total grant award not to exceed \$1,700,000 for property management and supportive services at the SureStay Hotel by Best Western, located at 1488 North First Street; and

(3) An operations grant agreement beginning in Fiscal Year 2023-2024 with three one-year options to extend, for a grand total not to exceed \$9,000,000 of Measure E funds with Jamboree Housing Corporation for the SureStay Hotel by Best Western, located at 1488 North First Street.

(b) Adopt the following 2022-2023 Appropriation Ordinance Amendments in the General Fund:

(1) Decrease the Measure E - 40% Extremely Low-Income Households Reserve by \$4,000,000; and

(2) Establish a Measure E - SureStay Hotel Repairs (40% ELI) appropriation to the Housing Department in the amount of \$4,000,000.

CEQA: Exempt per Public Resources Code 21083 and CEQA Guidelines Section 15301 Existing Facilities, File No. ER23-023.
Council District 6. (Housing/City Manager)

Attachments [Memorandum](#)

9. REDEVELOPMENT – SUCCESSOR AGENCY

- Open Forum

If the Regular Session agenda items end after 6:00 p.m., this Open Forum will be held at the end of the full meeting concurrently with the Evening Session 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.

- Council will recess until 6:00 p.m.

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) [23-440](#) **Burbank No. 47 - Ordering the Annexation of Certain Real Property Located at 560 Bascom Avenue.**

Recommendation: Adopt a resolution ordering the annexation of the territory designated as Burbank No. 47, which involves the annexation to the City of San José of approximately 1.31 gross acres from Santa Clara County unincorporated territory located on the east side of South Bascom Avenue between Basile Avenue and Parkmoor Avenue (APNs 277-29-044 and 277-29-044) and portions of Basile Avenue and South Bascom Avenue, and the detachment of the same from the appropriate special districts, including Central Fire Protection District, Valley Water, Santa Clara County Lighting District, Santa Clara County Library District, and Burbank Sanitary District.

CEQA: Determination of Consistency with Envision San José 2040 General Plan Final Program EIR, Resolution No. 76041, and Addendum thereto. Council District 6. (Planning, Building and Code Enforcement)

[Deferred from 3/14/2023 - Item 10.1(a) (23-369)]

Attachments [Memorandum](#)
 [Resolution](#)
 [Letters from the Public](#)

- (b) [23-441](#) **HL22-003 & MA22-003 - City Landmark Designation and Historical Property (Mills Act) Contract for Certain Real Property Located at 619 N First Street.**

Recommendation:

(1) Adopt a resolution designating 619 N. First Street (HL22-003) as a City Landmark of special historical, architectural, cultural, aesthetic or engineering interest or value of an historic nature.

(2) Adopt a resolution approving the Historical Property Contract (Mills Act) between the City of San José and the property owner, Jamila Stanford, for the property located at 619 N. First Street (APN: 259-18-055) on a 0.18-gross acre site.

CEQA: Exempt pursuant to CEQA Guidelines Section 15331 for Historical Resources and Rehabilitation. Historical Landmarks Commission recommends approval [Item 3.a., 3/1/2023 Historic Landmarks Commission Agenda] (5-0-2, Janke and Royer absent). Council District 3. (Planning, Building and Code Enforcement)

Attachments [Memorandum](#)
[\(1\) Resolution](#)
[\(2\) Resolution](#)
[Letters from the Public](#)

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

10.2 [23-442](#) Burbank No. 44, C20-011 & ER20-146 - Ordering the Annexation of Santa Clara County Territory Located at 1883-1887, 1891-1995, 1897-1899 West San Carlos Street and 13 Boston Avenue.

Recommendation: Adopt a resolution ordering the annexation of the territory designated as Burbank No. 44 which involves the annexation to the City of San José of approximately 0.895-gross acre of land located on the northeast corner of West San Carlos Street and Brooklyn Avenue (APNs: 274-16-050, 052, 053, 069 and 070), and the detachment of the same from the appropriate special districts including County Lighting District, Central Fire Protection District, Burbank Sanitary District, and Santa Clara County Library District.
CEQA: Determination of Consistency with the Environmental Impact Report for the 1881 West San Carlos Project (Burbank 44/C20-011/CP20- 020/T20-016), (Resolution No. RES2023-49). Council District 6. (Planning, Building and Code Enforcement)
[Renoticed from 3/7/2023 - Item 10.2 (23-320) and 3/14/2023 - 10.2 (23-371)]

Attachments [Memorandum](#)
 [Resolution](#)
 [Presentation - est. 5 minutes](#)
 [Letters from the Public](#)

10.3 [23-443](#)

**SP21-044 & HP21-001 - Special Use Permit and Historic Preservation Permit
for Certain Real Property Located at 19 North Second Street.**

Recommendation:

(a) Adopt a resolution certifying the 19 North Second Street Mixed-Use Project Supplemental Environmental Impact Report, make certain findings concerning significant impacts, mitigation measures, alternatives, and adopt a statement of overriding considerations and a related Mitigation Monitoring and Reporting Plan, in accordance with the California Environmental Quality Act (CEQA).

(b) Adopt a resolution approving, subject to conditions, a Special Use Permit to allow the removal of the majority of the roof and interior (except for stairway core) of an existing 15,000-square foot, two-story building, the retention and integration of the building walls, street-facing façade and a portion of the existing roof and the construction of a 22-story, 240-foot-high mixed use 100% affordable senior housing project with 220 multifamily residential units and approximately 18,643 square feet of commercial space with up to four commercial condominiums on an approximately 0.22-gross acre site.

(c) Adopt a resolution:

(1) Approving, subject to conditions, a Historic Preservation Permit to allow the removal of the majority of the roof and interior (except for stairway core) of a City Landmark and the construction of a 22-story within the walls of the City Landmark that would integrate and restore the street-facing façade and a portion of the existing roof on an approximately 0.22-gross acre site, and accepting the finding of the Historic Landmarks Commission, under Section 1348.240 of the Historic Preservation Ordinance that the project would not be detrimental to the City Landmark in the application of the Commission's recommendation to retain the Realty building sign above the central entry, fenestration, doors, existing windows, vestibule vaulted ceiling and bas relief, and 18-foot-11-inch setback of the new construction from the original building, as well as the retention of the front façade, the exterior walls, and a portion of the interior core including the central entry vestibule and corridor on the first floor, the stairs, and the second-floor central lobby in accordance with the project description; or

(2) Approving, subject to conditions, a Historic Preservation Permit to allow the removal of the majority of the roof and interior (except for stairway core) of a City Landmark and the construction of a 22-story within the walls of the City Landmark that would integrate and restore the street-facing façade and a portion of the existing roof on an approximately 0.22-gross acre site, accepting the findings of the Department of Planning, Building and Code Enforcement staff that under Section 1348.240 of the Historic Preservation Ordinance that the

project would be detrimental to the City Landmark, and accepting staff's recommendation of a hardship, pursuant to Section 13.48.260 of the Historic Preservation Ordinance in order to accept the Commission's recommendation.

CEQA: 19 North Second Street Mixed-Use Project Supplemental Environmental Impact Report. Planning Commission recommends approval of (a) and (b) [Item 5.a., 2/22/2023 Planning Commission Agenda] (9-0). Historic Landmarks Commission recommends approval of (c) [Item 3.a., 2/1/2023 Historic Landmarks Commission Agenda] (4-3-0; Janke, Arnold, Ayala opposed). Council District 3. (Planning, Building and Code Enforcement)
[Deferred from 2/28/2023 - Item 10.5 (23-279)]

Attachments

[Memorandum - PC](#)

[Memorandum - HLC](#)

[\(a\) Resolution](#)

[\(b\) Resolution](#)

[\(c\)\(1\) Resolution - HLC Recommendations](#)

[\(c\)\(2\) Resolution - Staff Recommendations](#)

[Presentation - est. 5 minutes](#)

[Letters from the Public](#)

10.4 [23-444](#)

C20-012 & SP20-024 - Conventional Rezoning and Special Use Permit on Certain Real Property Located at 2740 Ruby Avenue. - TO BE HEARD AT 6:00 P.M.

Recommendation:

(a) Adopt a resolution certifying the Wat Khmer Kampuchea Krom Temple Project Environmental Impact Report, making certain findings concerning significant impacts, mitigation measures and alternatives and adopt a related Mitigation Monitoring and Reporting Plan, in accordance with the California Environmental Quality Act (CEQA).

(b) Approve an ordinance rezoning an approximately 1.86-gross acre site, on certain real property located on the northeast corner of Ruby Avenue and Norwood Avenue from the R-1-5 Single-Family Residence Zoning District to the PQP Public/Quasi-Public Zoning District.

(c) Adopt a resolution approving, subject to conditions, a Special Use Permit to allow the removal of 21 trees (20 ordinance-size, one non-ordinance size, with 75 replacement trees) for the construction of an approximately 13, 902-square foot private gathering facility (Wat Khmer Buddhist Temple) with an alternative parking arrangement on an approximately 1.86-gross-acre site.

CEQA: Wat Khmer Kampuchea Krom Temple Project Environmental Impact Report. Planning Commission recommends approval [Item 5.b., 2/22/2023 Planning Commission Agenda] (8-1; Garcia opposed). Council District 8. (Planning, Building and Code Enforcement)
TO BE HEARD AT 6:00 P.M.

Attachments

[Memorandum](#)

[Memorandum from the Mayor, Kamei, Candelas, Jimenez & Folk](#)

[\(a\) Resolution](#)

[\(b\) Ordinance](#)

[\(c\) Resolution](#)

[Presentation - est. 5 minutes](#)

[Applicant Presentation](#)

[Letters from the Public - 1 of 3](#)

[Letters from the Public - 2 of 3](#)

[Letters from the Public - 3 of 3](#)

[Memorandum from Doan, 3/28/2023](#)

- 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

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.