



City Council Meeting Amended Agenda

Tuesday, May 9, 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.sanjose.legistar.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 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

[23-650](#) Closed Session Agenda

Attachments [Closed Session Agenda](#)

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

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

*The previously scheduled Evening Session has been cancelled.

- Pledge of Allegiance
- Invocation (District 5)
- 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 May 10, 2023 as World Lupus Day to spread awareness about lupus and its impact on millions of people from around the world and in the City of San José living with this chronic and debilitating disease. (Torres)

TO BE HEARD AT 1:30 P.M.

1.2 Presentation of a proclamation declaring May 2023 as Bike Month in the City of San José to encourage bicycling in our community, participation at local bicycling events, and urge all road users to share the road safely with bicyclists. (Foley)

TO BE HEARD AT 1:30 P.M.

1.3 Presentation of a commendation to 2023 Conservation Corps member of the Year Award Recipient and District 6 resident, Rosalina Lopez, for her outstanding community service, leadership, and tenacity to make our community a better place through her hard work with San Jose Conservation Corps. (Davis)

TO BE HEARD AT 1:30 P.M.

1.4 Presentation of a commendation recognizing the Overfelt High School Boys Soccer team, who won the Division 2 Central Coast Championship, marking Overfelt High School's 3rd CCS championship in the last 25 years. (Candelas & Ortiz)
TO BE HEARD AT 5:00 P.M.

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.

[23-699](#)

Approval of City Council Minutes.

Recommendation:

- (a) Regular City Council Meeting Minutes of May 11, 2021.
 - (b) Regular City Council Meeting Minutes of May 25, 2021.
 - (c) Regular City Council Meeting Minutes of June 15, 2021.
 - (d) Regular City Council Meeting Minutes of June 29, 2021.
 - (e) Regular City Council Meeting Minutes of August 3, 2021.
 - (f) Regular City Council Meeting Minutes of June 14, 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

- [\(a\) 5/11/2021 CC Minutes](#)
- [\(b\) 5/25/2021 CC Minutes](#)
- [\(c\) 6/15/2021 CC Minutes](#)
- [\(d\) 6/29/2021 CC Minutes](#)
- [\(e\) 8/3/2021 CC Minutes](#)
- [\(f\) 6/14/2022 CC Minutes](#)

2.2 Final Adoption of Ordinances.

2.3 Approval of Council Committee Minutes.

[23-683](#) **Approval of Council Committee Minutes.**

Recommendation: (a) Regular Joint Meeting for the Rules and Open Government Committee Minutes of March 29, 2023.
 (b) Regular Public Safety, Finance and Strategic Support Committee Minutes of April 20, 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 [\(a\) 3/29/2023 ROGC Minutes](#)
 [\(b\) 4/20/2023 PSFSS 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 [23-651](#) **Amendment to the Restated Agreement with Penske Truck Leasing Co., L.P. for Lease and Maintenance of Compressed Natural Gas Shuttle Buses at the Airport.**

Recommendation: Adopt a resolution authorizing the City Manager to:
 (a) Negotiate and execute the Fourth Amendment to the Restated Agreement for Lease and Maintenance of Compressed Natural Gas Shuttle Buses at the San José Mineta International Airport with Penske Truck Leasing Co., L.P. (Wilmington, DE) to extend services for one additional option term from June 1, 2023 to May 31, 2024 for a maximum compensation of \$700,000, subject to the appropriation of funds; and
 (b) Negotiate and execute additional amendments to the agreement as required, and associated options, to add up to two additional 12-month options for a total of seven options through May 31, 2026, 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.
 Council District 6. (Finance)

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

2.8 [23-652](#) **Amendment to Agreement with Kone, Inc. for Elevator Maintenance Services.**

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute the Sixth Amendment to the Agreement for Elevator Maintenance Services with Kone, Inc. (Moline, Illinois) to extend services for up to two additional one-year option terms, for a total of 17 options through May 20, 2025 under the same material terms and conditions as the original agreement, for a maximum compensation of \$360,000 for the option term beginning May 21, 2023 and ending May 20, 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/Public Works)

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

2.9 [23-654](#) **Amendment to the Master Agreement with CH2M Hill Engineers, Inc., for Engineering Consulting Services for Various City Trail Projects.**

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute a First Amendment to the Master Agreement for consultant services with CH2M Hill Engineers, Inc. (CPMS Contract No. 8772), extending the term from June 30, 2023 to June 30, 2026, for the sole purpose of allowing the consultant to continue providing engineering consulting services through completion of the Three Creeks Trail Extension (CPMS 9843) and Yerba Buena Creek Pedestrian Bridge Geotechnical Assessment (CPMS 10154) projects.

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](#)
 [Resolution](#)

2.10 [23-655](#) **Agreement with the City of Milpitas for Animal Care and Services Contract.**

Recommendation: Adopt a resolution authorizing the City Manager to execute an agreement between the City of Milpitas and the City of San José for animal care and services for an initial term beginning July 1, 2023 through June 30, 2026, for an initial total compensation to the City of \$1,655,697, with a mutual option to extend the agreement for two additional three-year terms, potentially through June 30, 2032, for a total compensation of \$5,613,115.

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](#)
[Resolution](#)

2.11 [23-656](#) **Report on Bids and Award of Contract for the 10066 - Monterey Road Guardrail Replacement-Rebid, Federal Project No. HSIPL-5005 (165).**

Recommendation: (a) Report on bids and award of contract for the 10066 - Monterey Road Guardrail Replacement Project, to the lowest responsible bidder, Midstate Barrier, Inc., in the amount of \$1,684,744; and
(b) Approve a 10% contingency in the amount of \$168,474.

CEQA: Categorically Exempt, File No. ER23-009, Exempt pursuant to CEQA Guidelines Section 15301(c), Existing Facilities. Council Districts 2 and 10. (Public Works/Transportation)

Attachments [Memorandum](#)

2.12 [23-657](#) **Amendment to the Cooperative Agreement with the Santa Clara Valley Transportation Authority for the US 101/Blossom Hill Road Interchange Improvement Project.**

Recommendation: Adopt a resolution authorizing the City Manager or designee to negotiate and execute a Second Amendment to the Cooperative Agreement between the City of San José and the Santa Clara Valley Transportation Authority as part of the US 101/Blossom Hill Road Interchange Improvement Project to increase the total contribution by \$225,000 from \$55,000 to \$280,000 to expand the scope of services, which include extending the visual screen panels on the bike path and upgrading the traffic signals at the Blossom Hill Road and Monterey Road Intersection.

CEQA: Categorically Exempt, File No. ER19-077, CEQA Guideline Section 15301 Existing Facilities. Council District 2. (Transportation)

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

2.13 [23-725](#) **Settlement of Timothy Harper v. City of San José, et al.**

Recommendation: Approve the settlement of a lawsuit brought by Plaintiff Timothy Harper in the total amount of \$75,000 and authorize the City Attorney to execute a settlement agreement.

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

[Rules Committee referral 5/3/2023- Item A.1.a]

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

2.14 [23-724](#) **Approval of District 4 Berryessa Art Festival Sponsored by Council District 4 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 May 3, 2023:

(a) Approve the District 4 Berryessa Art Festival scheduled on May 13, 2023 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event. 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. (Cohen)

[Rules Committee referral 5/3/2023- Item B.3]

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.

4. PUBLIC SAFETY SERVICES

4.1 [23-666](#) **Military Equipment Annual Report.**

Recommendation: As recommended by the Public Safety, Finance and Strategic Support Committee on April 20, 2023, accept the Annual Report on Military Equipment.
 CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Police)
 [Public Safety, Finance and Strategic Support Committee referral 4/20/2023 - Item (d)3]

Attachments [Memorandum](#)
[Attachment A](#)
[Attachment B](#)
[Presentation - est. 15 minutes](#)
[Letters from the Public](#)

5. TRANSPORTATION & AVIATION SERVICES

5.1 [23-667](#) **Report on Bids and Award of Contract for the 10271 - 2023 Local Streets Resurfacing South Project.**

Recommendation: (a) Report on bids and award of contract for the 10271 - 2023 Local Streets Resurfacing South Project, to the lowest responsive, responsible bidder, MCK Services, Inc., in the amount of \$13,489,289; and
 (b) Approve a 10% contingency in the amount of \$1,348,000.
 CEQA: Exempt, File No. ER23-009, CEQA Guidelines Section 15301(c), Existing Facilities. Council Districts 1, 6, 7 and 10.
 (Transportation/Public Works)

Attachments [Memorandum](#)

5.2 [23-669](#) **Report on Bids and Award of Contract for the 10256 - 2023 10256 - 2023 Major Streets Resurfacing Project #2.**

Recommendation: (a) Report on bids and award of contract for the 10256 - 2023 Major Streets Resurfacing Project #2, to the lowest responsive, responsible bidder, DeSilva Gates Construction, LLC., in the amount of \$12,719,719; and
 (b) Approve a 10% contingency in the amount of \$1,271,972.
 CEQA: Exempt, File No. ER23-009, CEQA Guidelines Section 15301(c), Existing Facilities. (Transportation/Public Works)

Attachments [Memorandum](#)

6. ENVIRONMENTAL & UTILITY SERVICES

- 6.1 [23-670](#) **Proposed Amendments to the San José Municipal Code and Adoption of City Council Policy 6-28 and Amendments to City Council Policies 6-29 and 8-14 all related to Stormwater and Compliance with the Municipal Regional Stormwater Permit.**

Recommendation:

- (a) Approve an ordinance amending section 5.09.500 of Chapter 5.09 of Title 5; sections 15.14.515 and 15.14.770 of Chapter 15.14 of Title 15; section 20.80.460 of Chapter 20.80, sections 20.95.020 and 20.95.110 of Chapter 20.95, and sections 20.100.465, 20.100.480, 20.100.910, 20.100.1030, and 20.100.1090 of Chapter 20.100, Title 20 of the San José Municipal Code to make amendments related to compliance with the Municipal Regional Stormwater Permit.
- (b) Adopt a resolution approving a new Council Policy 6-28, Management of Pollutants During Demolition of Applicable Projects.
- (c) Adopt a resolution amending Council Policy 6-29, Post-Construction Urban Runoff Management.
- (d) Adopt a resolution amending Council Policy 8-14, Post-Construction Hydromodification Management.
- (e) Adopt a resolution amending the Administrative Citation Schedule of Fines for violations of San José Municipal Code Chapter 20.95, Sections 20.95.110, and Chapter 20.100 Sections 20.100.465 to create new fines for violations pertaining to stormwater control measures, including site control, management of pollutants, and proper documentation, and repealing Resolution No. 80714.
- CEQA: Categorically Exempt, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. (Environmental Services/Planning, Building and Code Enforcement)

- Attachments** [Memorandum](#)
[\(a\) Ordinance](#)
[\(b\) Resolution](#)
[\(c\) Resolution](#)
[\(d\) Resolution](#)
[\(e\) Resolution](#)
[Presentation - est. 15 minutes](#)

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 [23-677](#) City Initiatives Roadmap: Ending Homelessness Annual Report.

Recommendation: As recommended by the Community and Economic Development Committee on April 24, 2023, accept the homelessness annual report for Fiscal Year 2021-2022.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Housing)
[Community and Economic Development Committee referral 4/24/2023 - Item (d)5]

Attachments [Memorandum](#)
[Attachment A](#)
[Attachment B](#)
[Attachment C](#)
[Presentation, CED, 4/24/2023](#)
[Presentation - est. 10 minutes](#)

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) [23-678](#) **C23-082, -083, -084, -085, -086, -087 & -088 - City-initiated Rezoning of Certain Real Properties to General Plan Land Use Designation in Response to Senate Bill 1333.**

Recommendation: Approve an ordinance of the City of San José rezoning 15 properties from the CP Commercial Pedestrian Zoning District to UR Urban Residential Zoning District, 12 properties from CP Commercial Pedestrian Zoning District to UV Urban Village Zoning District, eight properties from IP Industrial Park Zoning District to TEC Transit Employment Center Zoning District, six properties from R-1-8 Single-Family Residential Zoning District to CP Commercial Pedestrian Zoning District, six properties from HI Heavy Industrial Zoning District to UV Urban Village Zoning District, five properties from R-M Multifamily Residential Zoning District to MUN Mixed Use Neighborhood Zoning District, four properties from CG Commercial General Zoning District to UV Urban Village Zoning District, four properties from HI Heavy Industrial Zoning District to UR Urban Residential Zoning District, four properties from LI Light Industrial Zoning District to MUN Mixed Use Neighborhood Zoning District, three properties from CP Commercial Pedestrian Zoning District to MUC Mixed Use Commercial Zoning District, three properties from CP Commercial Pedestrian Zoning District to MUN Mixed Use Neighborhood Zoning District, two properties from CN Commercial Neighborhood Zoning District to UV Urban Village Zoning District, two properties from CO Commercial Office Zoning District to MUC Mixed Use Commercial Zoning District, two properties from R-1-8 Single-Family Residential Zoning District to UR Urban Residential Zoning District, two properties from R-2 Two-Family Residential Zoning District to UV Urban Village Zoning District, two properties from R-M Multifamily Residential Zoning District to CP Commercial Pedestrian Zoning District, two properties from R-M Multifamily Residential Zoning District to UR Urban Residential Zoning District, one property from A Agriculture Zoning District to TR Transit Residential Zoning District, one property from A Agriculture Zoning District to MUN Mixed Use Neighborhood Zoning District, one property from R-1-5 Single-Family Residential Zoning District to CP Commercial Pedestrian Zoning District, one property from R-1-8 Single-Family Residential Zoning District to MUN Mixed Use Neighborhood Zoning District, one property from R-2 Two-Family Residential Zoning District to MUN Mixed Use Neighborhood Zoning District, one property from R-2 Two-Family Residential Zoning District to CP Commercial Pedestrian Zoning District, one property from R-M Multifamily Residential Zoning District to TR Transit Residential Zoning District, one property from R-1-8 Single-Family Residential Zoning District to CN Commercial Neighborhood Zoning

District, and one property from R-M Multifamily Residential Zoning District to UV Urban Village Zoning District, located in various locations on those certain real properties within the City of San José. 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. (Planning, Building, and Code Enforcement)

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

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

10.2 [23-679](#) **PDC22-001, PT22-002, PD22-001, & ER22-002 - Planned Development Rezoning, a Vesting Tentative Map, and a Planned Development Permit on Certain Real Property Located at 2400 Ringwood Avenue and 1849 Fortune Drive.**

Recommendation:

(a) Adopt a resolution making certain findings as the responsible agency for purposes of and pursuant to the provisions of the California Environmental Quality Act, in connection with the approval of discretionary actions by the City necessary for the construction and operation of the STACK Trade Zone Park Project and adopting the related mitigation monitoring and reporting program.

(b) Approve an ordinance rezoning certain real property of an approximately 9.78-gross acre site from the IP Industrial Park Zoning District to a TEC(PD) Planned Development Zoning District, situated at the southeast corner of Trade Zone Boulevard and Ringwood Avenue (2400 Ringwood Avenue/1849 Fortune Drive).

(c) Adopt a resolution, approving, subject to conditions, a Vesting Tentative Map to merge two parcels into one parcel and allow up to 15 commercial condominiums on an approximately 9.78-gross acre site.

(d) Adopt a resolution approving, subject to conditions, a Planned Development Permit to allow the demolition of two buildings totaling approximately 135,000 square feet and the removal of 156 trees (101 ordinance-size, 55 non-ordinance-size, and 47 replacement trees) for the construction of two data centers totaling approximately 522,194 square feet, one approximately 136,573-square foot manufacturing building, an approximately 150,000-square foot, 300-stall parking structure, an electrical substation, and 39 backup generators on an approximately 9.78-gross acre site.

CEQA: STACK Trade Zone Park Environmental Impact Report, prepared by the California Energy Commission (CEC-700-2023-001-D; SCH No. 2022060141). Planning Commission recommends approval (10-0-0). (Item 4.c., Planning Commission Agenda 4/26/2023) Council District 7. (Planning, Building, and Code Enforcement)

Attachments

[Memorandum](#)

[\(a\) Resolution](#)

[\(b\) Ordinance](#)

[\(c\) Resolution](#)

[\(d\) Resolution](#)

[Memorandum from Mayor & Cohen, 5/5/2023](#)

[Presentation - est. 15 minutes](#)

- Notice of City Engineer's Pending Decision on Final Maps

FOR RECEIPT:

Tract: 10612

Location: South side of Glen Eyrie Avenue, approximately 570 feet westerly of Lincoln Ave

District: 6

Lots/Units: 1/18

Type: MFA

Developer: GEC Properties LLC

- 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.