



City Council Meeting Amended Agenda

Tuesday, August 8, 2023

1:30 PM

Hybrid Meeting - Council Chambers and Virtually -

<https://sanjoseca.zoom.us/j/88471470054>

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 884 7147 0054. 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/88471470054>
 - 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.

Interpretation is available in Spanish and Vietnamese. In your webinar controls, select “Interpretation.” Click the language you would like to hear. (Zoom only)

Se dispone de interpretación en español y vietnamita. En los controles de su seminario web, seleccione "Interpretation" (Interpretación). (Zoom solo)

Thông dịch có sẵn bằng tiếng Tây Ban Nha và tiếng Việt. Trong các điều khiển hội thảo trên web của bạn, hãy chọn “Interpretation” (Phiên dịch). (Zoom chỉ một)

- **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

[23-985](#)

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 7)**

Father Andrew Nguyen - Holy Family Parish

- **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 commendation recognizing Our City Forest for the outstanding work and continuous dedication by enhancing the urban tree canopy in District 2 and throughout the City of San José. (Jimenez)

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.

[23-976](#)

Approval of City Council Minutes.

Recommendation:

- (a) Regular City Council Meeting Minutes of May 10, 2022.
 - (b) Regular City Council Meeting Minutes of May 24, 2022.
 - (c) Regular City Council Meeting Minutes of June 7, 2022.
 - (d) Regular City Council Meeting Minutes of June 21, 2022.
 - (e) Regular City Council Meeting Minutes of August 9, 2022.
 - (f) Regular City Council Meeting Minutes of August 23, 2022.
 - (g) Regular City Council Meeting Minutes of June 6, 2023.
 - (h) City Council Budget Study Session Meeting Minutes of May 11-13 and May 16, 2022.
 - (i) City Council Study Session Meeting Minutes of August 19, 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

- [\(a\) 5/10/2022 CC Minutes](#)
- [\(b\) 5/24/2022 CC Minutes](#)
- [\(c\) 6/7/2022 CC Minutes](#)
- [\(d\) 6/21/2022 CC Minutes](#)
- [\(e\) 8/9/2022 CC Minutes](#)
- [\(f\) 8/23/2022 CC Minutes](#)
- [\(g\) 6/6/2023 CC Minutes](#)
- [\(h\) 5/11-5/13 & 5/16/2022 SS Minutes](#)
- [\(i\) 8/19/2022 SS Minutes](#)

2.2 Final Adoption of Ordinances.

[23-978](#)**Final Adoption of Ordinances.****Recommendation:**

(a) Ordinance No. 30930 - An Ordinance of the City of San José Amending Section 3.28.1470 and Section 3.28.1480 of Chapter 3.28 of Title 3 of the San José Municipal Code to Clarify Tier 2 Member Survivor Benefits.

[Passed for Publication on 6/20/2023 - Item 2.12 (23-901)]

(b) Ordinance No. 30934 - An Ordinance of the City of San José Amending Section 4.59.230 to Chapter 4.59 of Title 4 of the San José Municipal Code to Extend the Term of the Measure E Real Property Transfer Tax Refund Pilot Program for One Additional Year through June 30, 2024.

[Passed for Publication on 6/20/2023 - Item 8.3(b) (23-931)]

(c) Ordinance No. 30935 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.21 Gross Acres, Situated on the Southeast Corner of the Intersection of South Winchester Boulevard and Fruitdale Avenue (950 South Winchester Boulevard) (APN: 279-09-017) from the R-1-5 Single-Family Residence Zoning District to the CP Commercial Pedestrian Zoning District.

[Passed for Publication on 6/20/2023 - Item 10.1(a) (23-935)]

2.3 Approval of Council Committee Minutes.**2.4 Mayor and Council Excused Absence Requests.**[23-991](#)**Mayor and Council Excused Absence Requests.****Recommendation:**

Request for an excused absence for Councilmember Batra from the Regular Public Safety, Finance and Strategic Support Committee on June 15, 2023 due to illness.

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

Attachments [Memorandum](#)

2.5 City Council Travel Reports.**2.6 Report from the Council Liaison to the Retirement Boards.**

2.7 [23-1005](#) **Boards and Commissions Appointment.****Recommendation:**

Approve the following Boards and Commissions appointments:

(a) Airport Commission:

(1) District 3 Seat: Appoint Greg Richardson for a term of August 8, 2023 to June 30, 2025.

(b) Measure T Community Oversight Committee:

(1) Labor Seat: Appoint Olivia Navarro for a term beginning on August 8, 2023.

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 - Revised 8/2/2023](#)

[Applications](#)

2.8 [23-992](#) **Amendment to the Agreement with Guidehouse, Inc. for Customer Service Vision and Standards Services.****Recommendation:**

Adopt a resolution authorizing the City Manager to negotiate and execute a Second Amendment to the Master Consulting Agreement with Guidehouse, Inc. (Falls Church, VA) for City service delivery and customer service to increase compensation by \$400,000 for a new maximum compensation not to exceed \$1,200,000.

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

Attachments

[Memorandum](#)

2.9 [23-993](#) **Appointment of Voting Delegate and Alternate for 2023 League of California Cities General Assembly.****Recommendation:**

Appoint Councilmember David Cohen as the voting delegate and Councilmember Pam Foley as the alternate voting delegate to the General Assembly at the September 20-22, 2023 League of California Cities Annual Meeting in Sacramento, CA.

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](#)

2.10 [23-989](#) Approval of Free Use for the USA Gymnastics National Championship Welcome Reception Event 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 June 21, 2023:
(a) Adopt a resolution authorizing “Free Use” for the private, invitation-only USA Gymnastics National Championship Welcome Reception held at City Hall Rotunda on Wednesday, August 23, 2023;
(b) Approve the USA Gymnastics National Championship Welcome Reception event scheduled on August 23, 2023 as a City Council Sponsored Special Event and approve the expenditure of funds; and
(c) 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 6/21/2023 - Item B.2]

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

2.11 [23-1047](#) Retroactive Travel Authorization for Councilmember Foley.

Recommendation: As recommended by the Rules and Open Government Committee on August 2, 2023, retroactively authorize travel for Councilmember Foley to Durham, North Carolina, from July 26-28, 2023 to attend the Sister Cities International 2023 Leadership and Annual Membership Meeting.
Source of Fund: Personal Funds.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Foley)
[Rules Committee referral 8/2/2023 - Item B.4]

Attachments [Memorandum](#)

2.12 [23-1050](#) **Retroactive Approval of Pride and Transgender Flag Raisings and Lighting for Pride Month Sponsored by Council District 6 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 August 2, 2023:
(a) Retroactively approve the Pride and Transgender Flag Raisings and Lighting for Pride Month scheduled on June 6, 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. (Davis, Foley, and Torres)
[Rules Committee referral 8/2/2023 - Item B.5]

Attachments [Memorandum](#)

2.13 [23-1040](#) **Retroactive Approval of Longevity Walks Sponsored by Council District 6 as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Events.**

Recommendation: As recommended by the Rules and Open Government Committee on August 2, 2023:
(a) Retroactively approve the Longevity Walks at Westfield Valley Fair Mall and the Billy DeFrank LGBTQ+ Center scheduled on April 26, 2023 and May 31, 2023 as City Council sponsored Special Events and approve the expenditure of funds; and
(b) Approve and accept donations from various individuals, businesses, or community groups to support the events.
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Davis)
[Rules Committee referral 8/2/2023 - Item B.9]

Attachments [Memorandum](#)

2.14 [23-1054](#) Approval of Indian Independence Day Flag Raising Event Celebration and Tower and Rotunda Lighting Sponsored by Council District 10 as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Events.

Recommendation: As recommended by the Rules and Open Government Committee on August 2, 2023:

- (a) Approve the Indian Independence Day Flag Raising Community Event scheduled on August 16, 2023 as a City Council sponsored Special Event and approve the expenditure of funds;
- (b) Approve the Indian Independence Day Tower and Rotunda Lighting scheduled from August 11, 2023 to August 16, 2023; and
- (c) Approve and accept donations from various individuals, businesses, or community groups to support the events.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Batra)
[Rules Committee referral - Item 8/2/2023 - Item B.6]

Attachments [Memorandum](#)

2.15 [23-1057](#) Retroactive Approval and Approval of Multiple Special Events Sponsored by Council District 4 as City Council Sponsored Special Events to Expend City Funds and Accept Donations of Materials and Services for the Events.

Recommendation: As recommended by the Rules and Open Government Committee on August 2, 2023:

- (a) Retroactively approve the District 4 Berryessa Courtyard Community Meeting scheduled on June 26, 2023 as a City Council sponsored Special Event and approve the expenditure of funds;
- (b) Retroactively approve the District 4 Creekside Station HOA Community Meeting scheduled on July 10, 2023 as a City Council sponsored Special Event and approve the expenditure of funds;
- (c) Approve the District 4 Moitozo Park Reactivation Day scheduled on August 16, 2023 as a City Council sponsored Special Event and approve the expenditure of funds;
- (d) Approve the District 4 Dumpster Day scheduled on August 19, 2023 as a City Council sponsored Special Event and approve the expenditure of funds;
- (e) Approve the District 4 Santos Family Car Show scheduled on September 2, 2023 as a City Council sponsored Special Event and approve the expenditure of funds; and
- (f) Approve and accept donations from various individuals, businesses, or community groups to support the events.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Cohen)
[Rules Committee referral 8/2/2023 - Item B.7]

Attachments [Memorandum](#)

2.16 [23-1044](#) Request for Travel Authorization for Mayor's Staff.

Recommendation: As recommended by the Rules and Open Government Committee on August 2, 2023, authorize travel, accept travel payments to the City of San José and designate Mayor's Staff, Michael Lomio, as the City representative to attend the Reimagining the Civic Commons event in Lexington, Kentucky from October 24-26, 2023. Source of Fund: the Guadalupe River Park Conservancy and The Knight Foundation, 501c3 nonprofits.

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

[Rules Committee referral 8/2/2023 - Item B.8]

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 [23-994](#) Summer Intergovernmental Relations Report.

Recommendation: (a) Accept the Summer Intergovernmental Relations Report.
(b) Reaffirm all City positions summarized in the 2023 Intergovernmental Relations Priority Federal Legislation Log.
(c) Reaffirm all City positions summarized in the 2023 Intergovernmental Relations Priority State Legislation Log.

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

3.4 [23-995](#) Public Hearing for the Fiscal Year 2023-2024 Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge Assessments.

Recommendation: (a) Conduct a public hearing on the Fiscal Year 2023-2024 annual report prepared by the Director of Finance detailing the Sanitary Sewer Service and Use Charges and Storm Sewer Service Charges filed with the City Clerk's Office.

(b) Adopt a resolution confirming the approval of the report and the placement of the charges as set forth therein on the 2023-2024 Santa Clara County Secured Property Tax Roll, with such modifications the City Council may make based on public hearing testimony.

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

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

3.5 [23-996](#) Public Hearing for the Fiscal Year 2023-2024 Annual Residential Solid Waste Collection Service Charges.

Recommendation: (a) Conduct a public hearing on the Fiscal Year 2023-2024 annual report prepared by the Director of Finance detailing the Residential Solid Waste Collection Service Charges filed with the City Clerk's Office.

(b) Adopt a resolution confirming the approval of the report and the placement of charges as set forth therein on the 2023-2024 Santa Clara County Secured Property Tax Roll, with such modifications the City Council may make based on public hearing testimony.

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

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

3.6 [23-997](#) Fiscal Year 2023-2024 Property Tax Levy for General Obligation Bonds.

Recommendation: Adopt a resolution establishing the Fiscal Year 2023-2024 property tax levy on all taxable property within the City of San José for the purpose of funding the City of San José general obligation bonded indebtedness and to pay the respective administration fee to the County of Santa Clara.

CEQA: Statutorily Exemption, File No. PP17-005, Adjustment to Fees, Rates and Fares without changes to or expansion of services. (Finance)

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

3.7 [23-1060](#) Waiver of Revolving Door Restrictions.

Recommendation: As recommended by the Rules and Open Government Committee on August 2, 2023, approve the request by Allie Hughes, the former Council Policy & Legislative Advisor for Councilmember David Cohen, for a Waiver of the Revolving Door Restrictions for the work described in the memorandum and in Ms. Hughes' June 5, 2023 Waiver Request Letter, and make findings as to whether such waiver is in the best interest of the City and consistent with the purpose of San José Municipal Code Chapter 12.10.

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment, Title 12 (Ethics Provisions). (City Attorney)

[Rules Committee referral 8/2/2023 - Item C.1]

Attachments [Memorandum](#)
[Hughes Request for Waiver of San Jose Revolving Door Ordinan](#)

4. PUBLIC SAFETY SERVICES**5. TRANSPORTATION & AVIATION SERVICES****6. ENVIRONMENTAL & UTILITY SERVICES****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) [23-998](#) CP23-002 & ER23-011 - Conditional Use Permit and Determination of Public Convenience or Necessity on that Certain Real Property Located at 1750 Story Road.

Recommendation: Adopt a resolution approving, subject to conditions, a Conditional 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 125,824-square foot retail store (Target) on an approximately 10.77-gross-acre site located at 1750 Story Road.
CEQA: Exempt Pursuant to CEQA Guidelines Section 15301(a): Class 1, for Existing Facilities. Planning Commission recommends approval (10-0-1, Casey absent) (Planning Commission agenda 7/12/2023, Item 4b.) Council District 5. (Planning, Building and Code Enforcement)

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

- (b) [23-999](#) ST23-001 - Minor Street Naming of a Private Driveway Located East of the Intersection of Oakland Road and Rock Avenue to Dace Way.

Recommendation: Adopt a resolution approving the naming of Dace Way, an approximately 1,350-foot-long private driveway located on the east side of Oakland Road at Rock Avenue (2060-2110 Oakland Road), extending 400 feet easterly from the intersection of Oakland Road and Rock Avenue, continuing 500 feet northerly, then 450 feet westerly, connecting back to Oakland Road.
CEQA: Exempt per Section 15061(b)(3) of the CEQA Guidelines.
Council District 4. (Planning, Building and Code Enforcement)

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

- (c) [23-1000](#) **Moorpark 24 & C20-001 - Annexation and Pre-Zoning on Certain Real Property Located at 2323-2391 Moorpark Avenue.**

Recommendation:

- (1) Adopt a resolution adopting the Initial Study/Mitigated Negative Declaration for the Moorpark Avenue Multifamily Residential Project and the associated Mitigation Monitoring and Reporting Program, in accordance with the California Environmental Quality Act, as amended.
- (2) Approve an ordinance pre-zoning certain real property of approximately 2.01 gross acres situated on the north side of Moorpark Avenue, approximately 130 feet westerly of Central Way (2323-2391 Moorpark Avenue, from unincorporated territory within the County of Santa Clara to the City of San José MUN Mixed Use Neighborhood Zoning District.
- (3) Adopt a resolution initiating proceedings and setting August 22, 2023 for City Council consideration of the reorganization of the territory designated as Moorpark No. 24, which involves the annexation to the City of San José of approximately 2.01 gross acres of land from Santa Clara County unincorporated territory and the detachment of the same from the appropriate special districts.
- CEQA: Moorpark Avenue Multifamily Residential Project Initial Study/Mitigated Negative Declaration. Council District 6. (Planning, Building and Code Enforcement)

Attachments

[Memorandum](#)
[\(1\) Resolution](#)
[\(2\) Ordinance](#)
[\(3\) Resolution](#)
[Letters from the Public](#)

- (d) [23-1001](#) **PDC22-005, PD22-010 & ER21-311 - Planned Development Rezoning and a Planned Development Permit on that Certain Real Property Located at 1669 Monterey Road.**

Recommendation:

- (1) Adopt a resolution adopting the Initial Study/Mitigated Negative Declaration for the Fairfield Inn and Suites Project and the associated Mitigation Monitoring and Reporting Program, in accordance with the California Environmental Quality Act.
- (2) Approve an ordinance rezoning certain real property of approximately 1.76 gross acres situated on the west side of Monterey Road, 150 feet southeasterly of the intersection of Monterey Road and San Jose Avenue (1669 Monterey Road) (APNs 456-02-019 & 456-02-020) from the HI Heavy Industrial Zoning District to the HI(PD) Planned Development Zoning District.
- (3) Adopt a resolution approving, subject to conditions, a Planned Development Permit to allow the demolition of five commercial structures (totaling approximately 20,500 square feet), the removal of eight ordinance-size and three non-ordinance-size trees, the construction of a five-story, 120-guestroom hotel, with a rooftop public eating establishment with outdoor dining, and the conversion of an existing motel building to incidental office use (staff room and storage facility) on an approximately 1.76-gross-acre site on the west side of Monterey Road, approximately 150 feet southeasterly of the intersection of Monterey Road and San Jose Avenue (1669 Monterey Road).
CEQA: Initial Study/Mitigated Negative Declaration for the Fairfield Inn and Suites Project. Planning Commission recommends approval (8-0-2, Garcia and Ornelas-Wise absent) (Planning Commission agenda 6/14/2023, Item 4c.) Council District 7. (Planning, Building and Code Enforcement)

Attachments

[Memorandum](#)
[Memorandum from Doan, 8/2/2023](#)
[\(1\) Resolution](#)
[\(2\) Ordinance](#)
[\(3\) Resolution](#)
[Letters from the Public](#)

- (e) [23-1002](#) **PDC22-009, PD22-028 & ER22-210 - Planned Development Rezoning and a Planned Development Permit on that Certain Real Property Located at 350 West Trimble Road.**

Recommendation:

- (1) Adopt a resolution adopting the Initial Study/Mitigated Negative Declaration for the 350 West Trimble Road Project and the associated Mitigation Monitoring and Reporting Program, in accordance with the California Environmental Quality Act (CEQA).
 - (2) Approve an ordinance rezoning certain real property of approximately 10.90-gross-acres site located at the southwest corner of West Trimble Road and Orchard Parkway (350 West Trimble Road) from the IP(PD) Planned Development Zoning District (File No. PDC17-026) to the IP(PD) Planned Development Zoning District.
 - (3) Adopt a resolution approving, subject to conditions, a Planned Development Permit to allow the removal of 57 trees (43 ordinance-size and 14 non-ordinance-size) with 128 replacement trees for the construction of an approximately 208,000-square-foot single-story manufacturing and assembly building and associated site modifications including surface parking, lighting, circulation, and landscaping improvements on an approximately 10.46-gross-acre site.
- CEQA: Initial Study/Mitigated Negative Declaration for the 350 West Trimble Road Project (Planning File No. PDC22-009). Planning Commission recommends approval (8-0-2, Garcia and Ornelas-Wise absent) (Planning Commission agenda 6/14/2023, Item 4d.) Council District 4. (Planning, Building and Code Enforcement)

Attachments

[Memorandum](#)
[\(1\) Resolution](#)
[\(2\) Ordinance](#)
[\(3\) Resolution](#)
[Supplemental Memorandum, 8/7/2023](#)

- (f) [23-1058](#) **PDC20-017, PD20-010 & PT20-031 - Planned Development Rezoning, Planned Development Permit, and a Vesting Tentative Map for a Residential Development on that Certain Real Property Located at 972 Elm Street. - RENUMBERED FROM ITEM 10.2**

Recommendation:

- (1) Adopt a resolution adopting the Initial Study/Mitigated Negative Declaration for the 972 Elm Street Villas Project, and the associated Mitigation Monitoring and Reporting Program, all in accordance with the California Environmental Quality Act, as amended.
 - (2) Approve an ordinance rezoning certain real property of approximately 0.443 acre located on the northeast side of Elm Street, approximately 105 feet northwesterly of McKendrie Street (972 Elm Street) from A(PD) Planned Development Zoning District to the MUN(PD) Planned Development Zoning District.
 - (3) Adopt a resolution approving, subject to conditions, a Vesting Tentative Map to subdivide an approximately 0.443-gross-acre site into nine lots, including eight single-family residential lots and one common lot.
 - (4) Adopt a resolution approving, subject to conditions, a Planned Development Permit to effectuate the Planned Development Zoning, File No. PDC20-017, and to allow the demolition of the existing 1,900-square-foot single-family residence, the removal of seven ordinance-size trees and four non-ordinance-size trees, and the construction of eight three-story single-family detached residences on an approximately 0.443-gross-acre site.
- CEQA: 972 Elm Street Villas Project Mitigated Negative Declaration (File Nos. PDC20-017, PD20-010 & PT20-031). Planning Commission recommends approval (8-0-2, Garcia and Ornelas-Wise absent) (Planning Commission agenda 6/14/2023, Item 5a.) Council District 6. (Planning, Building and Code Enforcement)
[RENUMBERED FROM ITEM 10.2 (23-1003)]

Attachments

[Memorandum](#)
[Supplemental Memorandum, 8/3/2023](#)
[\(1\) Resolution](#)
[\(2\) Ordinance](#)
[\(3\) Resolution](#)
[\(4\) Resolution](#)

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

- 10.2 [23-1003](#) PDC20-017, PD20-010 & PT20-031 - Planned Development Rezoning, Planned Development Permit, and a Vesting Tentative Map for a Residential Development on that Certain Real Property Located at 972 Elm Street. [RENUMBERED TO ITEM 10.1(f) (23-1058)]**

- **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.