



City Council Meeting Amended Agenda

Tuesday, January 23, 2018

SAM LICCARDO, MAYOR
CHAPPIE JONES, DISTRICT 1
SERGIO JIMENEZ, DISTRICT 2
RAUL PERALEZ, DISTRICT 3
LAN DIEP, DISTRICT 4
MAGDALENA CARRASCO, VICE MAYOR, DISTRICT 5
DEV DAVIS, DISTRICT 6
TAM NGUYEN, DISTRICT 7
SYLVIA ARENAS, DISTRICT 8
DONALD ROCHA, DISTRICT 9
JOHNNY KHAMIS, 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.
- **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.
- **Neighborhood Services** - Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **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.
- **Public Safety** - Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

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 your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- 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 amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- 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. 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 <http://www.sanjoseca.gov/index.aspx?NID=3549>. 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. Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for the final document.

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

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

- 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

[18-131](#)

See Separate Agenda

Attachments [Closed Session Agenda](#)

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

6:00 p.m.- Public Hearings, Council Chambers, City Hall

- Invocation (District 1)

Rabbi Josh Berkenwald, Congregation Sinai

- Pledge of Allegiance

- Orders of the Day

This meeting is adjourned in memory of Leslie Diane Tanaka-Loza, beloved and admired librarian for the San José Public Library, who will be remembered for her warm spirit, enthusiasm, and love for libraries and her community.

Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.

- Closed Session Report

1. CEREMONIAL ITEMS

- 1.1 [17-392](#) Presentation of a proclamation recognizing January 26, 2018, as International Holocaust Remembrance Day in the City of San José. (Jones)
- 1.2 [18-011](#) Presentation of a proclamation recognizing January 2018 as Human Trafficking Prevention Month in the City of San José. (Arenas)
- 1.3 [18-009](#) Presentation of a commendation to the Cambrian Valley Youth Football League Longhorns Jr. Pee Wee Division for outstanding accomplishments and sportsmanship during the 2017 season. (Rocha)

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, staff, or public requests discussion on a particular item, that item may be removed from the Consent Calendar and considered separately.

2.1 Approval of City Council Minutes.

2.2 Final Adoption of Ordinances.

2.3 Approval of Council Committee Minutes.

2.4 Mayor and Council Excused Absence Requests.

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.

2.7 [18-063](#) **Boards and Commissions Appointments.****Recommendation:**

Approve the Clean Energy Community Advisory Commission appointments:

- (a) CAAC-Nominated Seat 1: Appoint Richard Zahner to a term expiring 12/31/19;
- (b) CAAC-Nominated Seat 2: Appoint Katy Nomura to a term expiring 12/31/19;
- (c) CAAC-Nominated Seat 3: Appoint Reza Sadeghian to a term expiring 12/31/19;
- (d) CAAC-Nominated Seat 4: Appoint Stephanie Gutowski to a term expiring 12/31/21;
- (e) CAAC-Nominated Seat 5: Appoint to Anthony Strawa to a term expiring 12/31/21;
- (f) CAAC-Nominated Seat 6: Appoint Matt Mahan to a term expiring 12/31/21;
- (g) At-Large Seat 1: Appoint Daniel Zazueta to a term expiring 12/31/19;
- (h) At-Large Seat 2: Appoint Ruth Merino to a term expiring 12/31/21; and
- (i) At-Large Seat 3: Appoint Benjamin Foster to a term expiring 12/31/21.

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

(Deferred from 12/19/17 - Item 2.7(b))

Attachments [Memorandum](#)
[Memorandum from the City Attorney](#)
[Code Review](#)
[Applications](#)

2.8 [18-008](#) **Actions Related to Councilmember Dev Davis's Travel to Atlanta, Georgia.****Recommendation:**

Retroactively approve travel by Councilmember Dev Davis to Atlanta, Georgia on January 5, 2018 to January 7, 2018, for the 2018 College Football Playoff National Championship. Source of Funds: San Jose Sports Authority. CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Davis)

Attachments [Memorandum](#)

2.9 [18-053](#) Actions Related to the Federal and State Workforce Development Fund for the National Dislocated Worker Grant-Storm Event (Storm Grant).

Recommendation: Adopt the following 2017-2018 Appropriation Ordinance and Funding Sources Resolution amendments to the Workforce Development Fund:
(a) Increase the estimate for Revenue from Federal Government by \$333,333; and
(b) Increase the National Dislocated Worker Grant - Storm Grant appropriation to the Office of Economic Development in the amount of \$333,333.
CEQA: Not a Project; File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant impact on the environment. (Economic Development/City Manager)

Attachments [Memorandum](#)

2.10 [18-038](#) Mitigated Negative Declaration for the San José-Santa Clara Regional Wastewater Facility Pond A18 South Gate Levee Repair Project.

Recommendation: Adopt a resolution adopting the Mitigated Negative Declaration and the corresponding Mitigation Monitoring and Reporting Program prepared for the San José-Santa Clara Regional Wastewater Facility Pond A18 South Gate Levee Repair project (File No. PP17-047) as having been completed in compliance with the California Environmental Quality Act reflecting the City of San José's independent judgment and analysis.
CEQA: Mitigated Negative Declaration, File No. PP17-046. Council District 4. (Environmental Services)

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

2.11 [18-039](#) Amendment to the Agreement with Signet Testing Laboratories, Inc. for Special Inspection and Materials Testing Services for the San José-Santa Clara Regional Wastewater Facility Capital Improvement Program.

Recommendation: Approve the First Amendment to the Master Agreement with Signet Testing Laboratories, Inc., for special inspection and materials testing services for various capital improvement projects at the San José-Santa Clara Regional Wastewater Facility to increase the amount of compensation by \$200,000, for a total agreement amount not to exceed \$700,000. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Environmental Services/Public Works)

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

2.12 [18-051](#) Actions Related to the Donation of City Surplus Vehicles.

Recommendation: Adopt a resolution approving the donation of eight City surplus vehicles with a cumulative value of \$42,500 to San José Police Historical Society, San José Fire Museum, Silicon Valley Career Technical Education, San Francisco Police Department, and the Spring Valley Volunteer Fire Department, including:

- (a) Six Fire Apparatus: one 1986 Pierce Pumper, one 1988 Pierce Snorkel and four 1994 Spartan Pumpers with an estimated cumulative value of \$34,500;
- (b) One 2007 Harley Davidson Police Motorcycle with an estimated value of \$4,000; and
- (c) One 2009 Chevrolet Traverse with an estimated value of \$4,000.

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

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

2.13 [18-055](#) Report on Bids and Award of Contract for the 8450 - General Engineering Construction for Transportation Projects.

Recommendation: Report on bids and award of an on-call contract for the “8450 - General Engineering Construction for Transportation Projects” to the low bidder, Grade Tech, Inc. in the total amount not to exceed \$980,000 or in effect for four years, subject to appropriation of funds, with no individual task order for the construction of a Public Works project to exceed \$100,000. CEQA: Exempt, File No. PP14-069, CEQA Guidelines Section 15301, Existing Facilities. (Transportation)

Attachments [Memorandum](#)

2.14 [18-061](#) Actions Related to the Sustainable Transportation Planning Grant Funding for the Senter Road Multimodal Safety Study.

Recommendation: (a) Adopt a resolution to receive grant funding from the California Department of Transportation out of the State Highway Sustainable Communities Account for the purpose of conducting the Senter Road Multimodal Safety Study. The resolution will accept the grant funding in the amount of \$480,063, including a local match of \$55,063, and authorize the City Manager or designee to execute all Restricted Grant Agreements and any amendments thereto with the California Department of Transportation.

 (b) Adopt the following Fiscal Year 2017-2018 Funding Sources Resolution and Appropriation Ordinance amendments in the Building and Structure Construction Tax Fund:

 (1) Increase the revenue estimate from the State of California to the Department of Transportation in the amount of \$425,000;

 (2) Establish the Senter Road Multimodal Safety Study appropriation to the Department of Transportation in the amount of \$480,063; and

 (3) Decrease the Transportation Grants Reserve to the Department of Transportation in the amount of \$55,063.

 CEQA: Exempt, File No. PP17-001, CEQA Guidelines Section 15262, Feasibility and Planning Studies. Council Districts 2, 3 & 7.

 (Transportation/City Manager)

Attachments [Memorandum](#)
 [Resolution](#)
 [Letter\(s\) from the Public](#)

2.15 [18-078](#) Approval of Day in the Park Festival Sponsored by Council District 8 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 January 10, 2018:
(a) Approve the Day in the Park Festival scheduled on October 13, 2018, 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 event.
CEQA: Not a Project, File No.PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Arenas)
[Rules Committee referral 1/10/18 - Item G.1.]

Attachments [Memorandum](#)

2.16 [18-118](#) Retroactive Approval of Faith Leaders Breakfast Event 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 January 17, 2018:
(a) Retroactively approve the Faith Leaders Breakfast scheduled on January 11, 2018 as a City Council sponsored Special Event and approve the expenditures 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 01/17/18 - Item G.1.a]

Attachments [Memorandum](#)

- 2.17** [18-119](#) **Retroactive Approval of the Sound the Alarm Smoke Detector Installation Event by Council District 10 as a City Council Sponsored Special Event to 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 January 17, 2018:
 (a) Retroactively approve the "Sound the Alarm" Smoke Detector Installation Event scheduled on December 16, 2017 as a City Council sponsored Special Event and approve the expenditure of funds; and
 (b) Retroactively 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. (Khamis)
 [Rules Committee referral 01/17/18 - Item G.1.b]

Attachments [Memorandum](#)

3. STRATEGIC SUPPORT

3.1 Report of the City Manager, David Sykes (Verbal Report)

3.2 Labor Negotiations Update.

Recommendation: Accept Labor Negotiations

TO BE HEARD AT 9:30 A.M.

3.3 [18-077](#) **Actions Related to the Petition Initiative Amending the Envision San Jose 2040 General Plan (Evergreen Senior Homes Initiatives).**

Recommendation:

(a) Accept the Certification of Sufficiency issued by the County of Santa Clara Registrar of Voters regarding the Petition Initiative Amending the Envision San Jose 2040 General Plan; and
(b) Adopt a resolution directing the City Manager to prepare a report on the effects of the proposed initiative consistent with California Elections Code Section 9212, on any and all of the following, to be presented to the Council no later than 30 days from this meeting (Thursday, February 22, 2018):

(1) Its fiscal impact.

(2) Its effect on the internal consistency of the City's General and Specific Plans, including the housing element, the consistency between planning and zoning, and the limitations on City actions under Section 65008 of the Government Code and Chapters 4.2 (commencing with Section 65913) and 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the Government Code.

(3) Its effect on the use of land, the impact on the availability and location of housing and the ability of the city to meet its regional housing needs.

(4) Its impact on funding for infrastructure of all types, including, but not limited to, transportation, schools, parks and open space. The report may also discuss whether the measure would be likely to result in increased infrastructure costs or savings, including the costs of infrastructure maintenance, to current residents and businesses.

(5) Its impact on the community's ability to attract and retain business and employment.

(6) Its impact on the uses of vacant parcels of land.

(7) Its impact on agricultural lands, open space, traffic congestion, existing business districts, and developed areas designated for revitalization.

(8) Its economic impact.

(9) Its environmental impact.

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

Attachments

[Memorandum](#)

[Memorandum from Mayor Liccardo, VM Carrasco, and CM Arellano](#)
[Resolution](#)

[Letter\(s\) from the Public](#)

3.4 [18-049](#) 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 the memorandum to Council, in compliance with City Charter Section 411.1. CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (City Manager)

Attachments [Memorandum](#)
[Replacement Memorandum from Mayor Liccardo](#)

3.5 [18-050](#) Actions Related to the Summary Vacation of Public Service Easement Located at 5018 Almaden Expressway.

Recommendation: Adopt a resolution:
(a) Approving the report of the Director of Public Works setting forth the facts justifying the summary vacation of a 997 square foot portion of a public service easement (“Subject Portion”) at the Almaden Ranch Retail Center, 5018 Almaden Expressway;
(b) Summarily vacating the Subject Portion which has been determined to be excess; and
(c) Directing the City Clerk to record a certified copy of the resolution of vacation with the Office of the Recorder, County of Santa Clara.
CEQA: Determination of Consistency with the Environmental Impact Report for the Almaden Ranch Retail Center Project (Resolution No. 76168) and addenda thereto, File Nos. PDC16-049, PD14-037, and PDA14-037-02. Council District 9. (Public Works)

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

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 [18-046](#) Public Hearing on the McKee Road Rule 20B Underground Utility District.

Recommendation: Conduct a Public Hearing and approve an ordinance to establish a Rule 20B Underground Utility District along McKee Road, between Jose Figueres Avenue to North Jackson Avenue. CEQA: Determination of Consistency to the Mitigated Negative Declaration for the Citywide Utility Undergrounding Program and City-Issued Excavation/Encroachment Permits Project (approved in January 22, 2009), File No. PP08-257. Council District 5. (Public Works)

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

5. NEIGHBORHOOD SERVICES**6. TRANSPORTATION & AVIATION SERVICES****6.1 [18-052](#) Report on the Current and Future State of Airport Terminal Growth Constraints.**

Recommendation: Accept the report on the current and future state of the Airport terminal operations and growth constraints. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Airport)

Attachments [Memorandum](#)
 [Presentation](#)

6.2 [18-062](#) Amendment to the Ad Hoc Advisory Committee on South Flow Arrivals Committee Operating Guidelines.

Recommendation:

(a) As recommended by the Ad Hoc Advisory Committee on South Flow Arrivals on November 17, 2017, consider the following motions and amend the operating principles adopted when establishing the Committee at the October 3, 2017 Council Meeting:

(1) Approve the Committee's request that no recommendation can be adopted that impacts a city not invited to participate on the Committee.

(2) Approve the Committee's recommendation to invite the cities of East Palo Alto, Newark, and Fremont to participate on the Committee as voting members.

(b) Direct staff to inform the Ad Hoc Advisory Committee of the current City of San José's Council policy directive to oppose changes in "legislation, policies, regulations, guidelines or procedures that would result in an increase of aircraft noise impacts on San José residents without an increased benefit to the community."

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

Attachments [Memorandum](#)
[Letter\(s\) from the Public](#)
[Memorandum from Mayor Liccardo VM Carrasco, CM Jones, an](#)

6.3 [18-054](#) Actions Related to the Amendment of Residential Permit Parking Ordinance.

Recommendation:

(a) Approve an ordinance amending Chapter 11.48 of Title 11 of the San José Municipal Code to establish a new residential permit parking zone in the Eden neighborhood.

(b) Adopt the following Fiscal Year 2017-2018 Appropriation Ordinance amendments in the General Purpose Parking Fund:

(1) Decrease Residential Parking Program Reserve by \$200,000.

(2) Increase the Non-Personal/Equipment appropriation for the Department of Transportation by \$200,000.

CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment.
(Transportation/City Manager)

Attachments [Memorandum](#)
[Ordinance](#)
[Presentation](#)
[Letter\(s\) from the Public](#)

7. ENVIRONMENTAL & UTILITY SERVICES**8. PUBLIC SAFETY****9. REDEVELOPMENT – SUCCESSOR AGENCY**

- 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, staff, or public requests discussion on a particular item, that item will be removed from the Land Use Consent Calendar (Item 10.1) and considered separately.

Land Use on Consent Calendar

10.1 [18-058](#) Conforming Rezoning and Conditional Use Permit for Real Property Located at 2525 Aborn Road.

Recommendation: (a) Consideration of an ordinance of the City of San José rezoning on a 0.47-gross acre site, located on the north side of Aborn Road approximately 100 feet westerly of Serpa Drive (2525 Aborn Road) from R-1-8 Single-Family Residence Zoning District to the PQP Public/Quasi-Public Zoning District (Rajdeep Singh, Owner).
 (b) Adopt a resolution approving a Conditional Use Permit, subject to conditions, to allow the conversion of an approximately 3,016-square foot fire station into a veterinary clinic on a 0.47-gross acre site (2525 Aborn Road).
 CEQA: Exempt per CEQA Guidelines Section 15303 for New Construction or Conversion of Small Structures. Director of Planning, Building and Code Enforcement recommends approval. (Planning, Building and Code Enforcement)
 C17-013 & CP17-027 - Council District 8

Attachments [Memorandum](#)
 [Ordinance](#)
 [Resolution](#)
 [Exhibit A](#)
 [Exhibit B](#)
 [Exhibit C](#)
 [Exhibit D](#)
 [Exhibit E](#)
 [Exhibit F](#)

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

10.2 [17-207](#)**Appeal Hearing on Conditional Use Permit and Site Development Permit for the Real Property Located at 3702 South Bascom Avenue.****Recommendation:**

(a) Conduct an Administrative Hearing and consider the Permit Appeal of the Planning Commission's approval of the Conditional Use Permit and Site Development Permit to allow the demolition of an existing 1,276-square foot gas station convenience store with incidental service and vehicle repair, and the construction of a new 5,754-square foot convenience store and fully automated car wash, and early morning use for the gas station and convenience store only (one hour extension between 5:00 a.m. and 6:00 a.m.), a temporary use trailer, and an exceedance of the Zoning Ordinance noise performance standards by two decibels.

(b) Adopt a resolution denying the permit appeal and approving the Conditional Use Permit and Site Development Permit, subject to conditions, to allow the demolition of an existing 1,276-square foot gas station convenience store with incidental service and vehicle repair, and the construction of a new 5,754-square foot convenience store and fully automated car wash, and early morning use for the gas station and convenience store only (one hour extension between 5:00 a.m. and 6:00 a.m.), a temporary use trailer, and an exceedance of the Zoning Ordinance noise performance standards by two decibels on an approximately on a 0.81-gross acre site located at 3702 South Bascom Avenue (southeast corner of South Bascom Avenue and Woodard Road).

CEQA: Exempt per CEQA Guidelines Section 15302 for Replacement or Reconstruction and 15332 for Infill Development Projects. Planning Commission approved the Conditional Use Permit and Site Development Permit (4-3-0; Phan, Bit-Badal opposed). (Planning, Building and Code Enforcement)

CP16-035 - Council District 9

(Deferred from 10/24/17 - Item 10.4 and 11/28/17 - Item 10.2)

(Continued from 12/12/17 - Item 10.2 and 12/19/17 - Item 10.1)

Attachments[Memorandum](#)[Dec 8 Supplemental Memorandum](#)[Jan 19 Supplemental Memorandum](#)[Oct 23 Memorandum from Councilmember Rocha](#)[Dec 12 Memorandum from Councilmember Rocha](#)[Jan 19 Memorandum from Councilmember Rocha](#)[Attachment A - Permit Appeal](#)[Attachment B - Project Petition](#)[Attachment C - Planning Commission Packet](#)[Attachment D - Signed Planning Commission Resolution](#)[Attachment E - Mitigation Management Plan](#)[Attachment F - Noise Study](#)[Attachment G - Plan Set](#)[Letters from the Public 1](#)[Letters from the Public 2](#)[Letters from the Public 3](#)[Illingworth & Rodkin, Inc's \(I&R\) Environmental Noise Assessn](#)[Letters from the Public 4](#)[Appellant-Onsite Traffic Report](#)[Appellant-Traffic images and video link](#)[Supplemental Memorandum](#)[Noise Report Rebuttal](#)[Letter from Law Office of Benjamin R. Levinson.pdf](#)[Letter from Smith Engineering & Management](#)[Letter from The Silicon Valley Organization](#)[Resolution - Part \(b\)](#)[Letter\(s\) from the Public 5](#)[Letters from the Office of Benjamin R. Levinson 2](#)[Letter\(s\) from the Public 6](#)[Letter from Smith Engineering & Management](#)[Letter from Andarys Enterprise](#)

10.3 [18-057](#)**Planned Development Rezoning and Planned Development Permit for Real Property Located at the Terminus of America Center Drive.****Recommendation:**

(a) Adopt a resolution certifying the Subsequent Environmental Impact Report to the Legacy Terrace Development Planned Development Rezoning and Prezoning Final EIR (Resolution No. 69392) and making certain findings concerning significant impacts, mitigation measures, alternatives, and adopting a Statement of Overriding Considerations and Mitigation, Monitoring and Reporting Program, all in accordance to the California Environmental Quality Act, as amended (CEQA).

(b) Consideration of an ordinance of the City of San José rezoning an approximately 63-gross acre site, located north of State Highway 237 at the terminus of America Center Drive (0 American Center Drive) from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District to allow an additional 190,000 square feet of commercial and office/research and development (Leslie Salt Co 77220, Owner).

(c) Adopt a resolution approving a Planned Development Permit, subject to conditions, to allow the construction of an approximately 192,350 square foot six-story office building, associated amenity space, expansion of the existing parking garage on the eastern portion of the site, and removal of 101 trees.

CEQA: Subsequent Environmental Impact Report to the Legacy Terrace Development Planned Development Rezoning and Prezoning Final EIR (Resolution No. 69392). Planning Commission recommends approval (5-0-1-1; Bid-Badal absent, Vora abstained). (Planning, Building and Code Enforcement)

PDC15-058 & PD15-053 - Council District 4

Attachments

[\(a\) Resolution](#)

[\(b\) Ordinance](#)

[\(c\) Resolution](#)

[Memorandum](#)

[Attachment 1](#)

[Attachment 2](#)

[Attachment 3](#)

[Letter\(s\) from the Public](#)

10.4 [18-059](#) Appeal Hearing on Tentative Map Approval for Real Property Located at 199 Bassett Street.

Recommendation:

(a) Conduct an Administrative Hearing and consider the appeal of the Planning Director's approval of a Vesting Tentative Map to consolidate three lots into one and to resubdivide into 304 residential and common condominiums and ten commercial condominiums in an 18-story mixed use high-rise building with approximately 10,000 square feet of commercial space located on a 0.77 gross acre site, in the DC Downtown Primary Commercial Zoning District, at the northeast corner of Bassett Street and Terraine Street (199 Bassett Street) (Trenka LLC, Owner).

(b) Adopt a resolution: (i) denying the vesting tentative map appeal; (ii) approving a Vesting Tentative Map, subject to conditions, to consolidate three lots into one and to resubdivide into 304 residential and common condominiums and ten commercial condominiums in an 18-story mixed use high-rise building with approximately 10,000 square feet of commercial space.

CEQA: Addendum to The Brandenburg Mixed Use Project/North San Pedro Housing Sites EIR, The Downtown Strategy 2000 Final Environmental Impact Report, Envision San José 2040 General Plan Final EIR, Envision San José 2040 General Plan Supplemental Program EIR, and Addenda thereto. Director of Planning, Building and Code Enforcement recommends denial of appeal and approval of the Vesting Tentative Map. (Planning, Building and Code Enforcement)
T17-026 - Council District 3

Attachments [Memorandum](#)

[Attachment A](#)

[Attachment B](#)

[Attachment C](#)

[Attachment D](#)

[Attachment D-1](#)

[Attachment D-2](#)

[Attachment D-3](#)

[Attachment E](#)

• **Open Forum**

Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the City Council.

- Adjournment

This meeting is adjourned in memory of Leslie Diane Tanaka-Loza, beloved and admired librarian for the San Jose Public Library, who will be remembered for her warm spirit, enthusiasm, and love for libraries and community.

[18-124](#)

Notice of City Engineer's Pending Decision on Final Maps

Recommendation:

In accordance with Sec. 19.16.140d of the San José Municipal Code, this is notice of the City Engineer's receipt of the following following Final Maps for review:

Tract	Location	Council District	Developer
Lots/Units	Type		
10438	Northerly side of	8	1291
INVESTORS, LLC	7/5	SFD	
	Gibson Way terminus		

This notice is to be posted with the City Council's regular agenda for 01/23/18

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 time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
- c) Speakers should discuss topics related to City business 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.