



City Council Meeting Amended Agenda

Tuesday, December 17, 2019

SAM LICCARDO, MAYOR
CHAPPIE JONES, VICE MAYOR, DISTRICT 1
SERGIO JIMENEZ, DISTRICT 2
RAUL PERALEZ, DISTRICT 3
LAN DIEP, DISTRICT 4
MAGDALENA CARRASCO, DISTRICT 5
DEV DAVIS, DISTRICT 6
MAYA ESPARZA, DISTRICT 7
SYLVIA ARENAS, DISTRICT 8
PAM FOLEY, 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. 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 <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

[19-683](#)

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

Will not begin until 6pm or until after all afternoon items are heard.

- **Invocation (Mayor)**

Milan Balinton, Executive Director of the San Jose African American Community Service Agency.

- **Pledge of Allegiance**

- **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 to the Branham High School Football Team for their extraordinary football season. (Foley)

TO BE HEARD IN THE EVENING SESSION

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.

[19-1225](#)

Final Adoption of Ordinances.

Recommendation:

- (a) Ord No. 30347 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.10-Gross Acre Situated on the North Side of Park Avenue, Approximately 160 Feet West of the Intersection of Tillman Avenue and Park Avenue (1131 Park Avenue) from the Co Commercial Office Zoning District to the R-1-8 Single Family Residence Zoning District. [Passed for Publication on 12/03/19 - Item 10.1(a) (19-1131)]
- (b) Ord No. 30348 - An Ordinance of the City of San José Amending Section 3.36.1290 of Chapter 3.36 of Title 3 of the San José Municipal Code to Allow for Continuation of Survivorship Benefits for Active Police Members Killed in the Line of Duty. [Passed for Publication on 12/10/19 - Item 2.12 (19-1151)]
- (c) Ord No. 30349 - An Ordinance of the City of San José Designating as Public Right-Of-Way Approximately 775 Square Feet of City-Owned Property Located on the West Side of Mount Pleasant Road for the Purpose of Constructing Improvements as Part of the Mount Pleasant Pedestrian and Bike Traffic Safety Improvements Project. [Passed for Publication on 12/10/19 - Item 2.18 (19-1157)]

2.3 Approval of Council Committee Minutes.

[19-1238](#)**Approval of Council Committee Minutes.****Recommendation:**

(a) Public Safety, Finance and Strategic Support Committee Minutes of October 24, 2019.

(b) Public Safety, Finance and Strategic Support Committee Minutes of November 21, 2019.

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

[\(a\) 10-24-19 PSFSS MINUTES](#)

[\(b\) 11-21-19 PSFSS MINUTES](#)

2.4 Mayor and Council Excused Absence Requests.[19-1218](#)**Mayor and Council Excused Absence Requests.****Recommendation:**

(a) Request for an excused absence for Councilmember Jimenez, from the Regular Meeting of the Smart Cities and Service Improvements Committee on December 5, 2019, due to a medical appointment.

(b) Request for an excused absence for Councilmember Arenas, from the Regular Meeting of Rules and Open Government Committee on December 4, 2019 due to illness.

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

Attachments

[\(a\) Memorandum](#)

[\(b\) Memorandum](#)

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

2.7 [19-1199](#) **Actions Related to the Purchase Order with Econolite Control Products, Inc. for Traffic Signal Controllers.**

Recommendation:

Adopt a resolution authorizing the City Manager to:

(a) Execute a Purchase Order with Econolite Control Products, Inc. (Anaheim, CA) for the purchase of Traffic Signal Controllers, including hardware, software, and maintenance for the twelve-month period, starting on or about December 18, 2019 and ending on or about December 17, 2020, with maximum compensation not to exceed \$800,000; and

(b) Exercise up to four additional one-year options to extend the term of the purchase order after the initial term with the last option year ending on or about December 17, 2024, to purchase additional controllers and provide ongoing maintenance and support, 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)

Attachments [Memorandum](#)

2.8 [19-1200](#) **Amendment to the Master Agreement with CMG Landscape Architecture for the 8496 - St. James Park Phase 1 Design Project.**

Recommendation:

Adopt a resolution authorizing the City Manager or designee to negotiate and execute a Second Amendment to the agreement for consultant services with CMG Landscape Architecture for St. James Park Phase 1 Design Project to extend the agreement from December 30, 2019 to December 31, 2020.

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

Attachments [Memorandum](#)

2.9 [19-1201](#) Actions Related to the 2020-2021 Hazardous Vegetation Commencement Report.

Recommendation:

Adopt a resolution:

- (a) Accepting the 2020-2021 Hazardous Vegetation Commencement Report compiled by the Office of Santa Clara Environmental Resource Agency, Department of Agriculture and Resource Management, Division of Hazardous Vegetation;
 - (b) Declaring that those certain noxious or dangerous seasonal and recurrent weeds, growing or likely to be growing, and refuse, situated or likely to be situated, on those properties identified in the Report are a public nuisance; and
 - (c) Directing the Office of Santa Clara Environmental Resource Agency, Department of Agriculture and Resource Management, Division of Hazardous Vegetation to mail notices of a public hearing on January 28, 2020, at 1:30 p.m. before the City Council on the Report to property owners of affected real properties pursuant to Chapter 9.12 of Title 9 of the San José Municipal Code and the Weed Abatement Agreement between the City of San José and the County of Santa Clara.
- CEQA: Categorically Exempt, File No. PP18-094, CEQA Guidelines Section 15301(h) Existing Facilities. (Planning, Building and Code Enforcement)

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

2.10 [19-1202](#) Amendment to the Cost Reimbursement Agreement with Santa Clara Valley Water District for the Thompson Creek Outfall 258 Repair Project.

Recommendation: Approve an amendment to the Cost Reimbursement Agreement with Santa Clara Valley Water District for the Thompson Creek Outfall 258 Repair Project, that includes:

- (a) Increasing the City's cost share of the Agreement from a not-to-exceed amount of \$410,000 to a not-to-exceed amount of \$425,000; and
- (b) Extending the term of the Agreement to terminate on January 31, 2023.

CEQA: Final Environmental Impact Report for the Multi-Year Stream Maintenance Program, dated August 2001 (Resolution No. 2001-56 adopted 8/21/2001) by Santa Clara Valley Water District. (Public Works)

Attachments [Memorandum Agreement](#)

2.11 [19-1203](#) Agreement with JCDecaux San Francisco, LLC for Operation and Maintenance of Automatic Public Toilets.

Recommendation: Approve an agreement with JCDecaux San Francisco, LLC for the operation and maintenance of up to six automatic public toilets in Downtown San José for an amount not to exceed \$600,000 for an initial term commencing January 1, 2020.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts resulting in no physical changes to the environment. Council District 3. (Transportation)

Attachments [Memorandum Agreement](#)
[Memorandum from Peralez, 12/16/19](#)

2.12 [19-1141](#) Boards and Commissions Appointments.**Recommendation:**

Approve the following Boards and Commissions appointments:

(a) Arts Commission:

(1) District 3 Seat: Juan Carlos Araujo to an unexpired term ending June 30, 2020;

(b) Senior Citizens Commission:

(1) District 9 Seat: Gabrielle Antolovich to a term ending June 30, 2021;

(c) Youth Commission:

(1) District 7 Seat: Richard Ho to a term ending May 31, 2021;

(d) Human Services Commission:

(1) District 8 Seat: Evangeline Sangalang to a term ending December 31, 2022;

(2) District 10 Seat: Aslan Pishad to a term ending December 31, 2022;

(e) Clean Energy Commission: Defer to January 14, 2020;

(f) Measure T Oversight Committee:

(1) District 6 Seat: Nicholas Cochran.

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

ITEM 2.12(e) DEFERRED TO 1/14/20 PER RULES AND OPEN GOVERNMENT COMMITTEE

Attachments

[Replacement Memorandum](#)

[Conflict of Interest](#)

[Applications](#)

2.13 [19-1219](#) Approval of the 7th Annual Family Fun Festival and Firework Show Sponsored by Council District 10 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**Recommendation:**

(a) Approve the 7th Annual Family Fun Festival & Firework Show scheduled on July 4, 2020 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. (Khamis)

Attachments

[Memorandum](#)

- 2.14 [19-1234](#) Amendment to the Agreement with Cruz Strategies, LLC for State Legislative Advocacy Services. - DROP

Recommendation: DROP

- 2.15 [19-1257](#) Approval of Vietnamese Heritage and Freedom Flag Raising Ceremony and Reception 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: (a) Approve the Vietnamese Heritage and Freedom Flag Raising Ceremony scheduled on January 27, 2020 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. (Diep)

Attachments [Memorandum](#)

- 2.16 [19-1254](#) Settlement of Yanira Hernandez v. City of San José.

Recommendation: Approve a settlement in the amount of \$225,000, inclusive of attorney fees, and authorize the City Attorney to execute a Settlement Agreement to settle the case of Yanira Hernandez v. City of San José.
CEQA: Not a Project; File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Attorney)

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

3. STRATEGIC SUPPORT

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

3.2 Labor Negotiations Update.

Accept Labor Negotiations Update.
TO BE HEARD AT 9:30 A.M.

3.3 [19-1242](#) Civil Service Commission Interviews and Appointment.

Recommendation: Interview applicants and consider appointment to fill one (1) Member-at-Large Seat with a term ending November 30, 2023 on the Civil Service Commission.
CEQA: Not a Project, File No. PP17-010, City Organization & Administrative Activities resulting in no changes to the physical environment. (City Clerk)
[Continued from 12/10/19 - Item 3.4 (19-1139)]

Attachments [Memorandum](#)
 [Applications](#)
 [Conflict of Interest](#)
 [Letter from Applicant Joan Smith](#)

3.4 [19-1253](#) Annual Merit Increases and Additional Executive Leave for Council Appointees.

Recommendation: As recommended by the Rules and Open Government Committee on December 11, 2019:
Adopt a resolution approving a 2.5% merit increase for the City Manager, City Attorney, Independent Police Auditor, City Clerk, and City Auditor effective July 1, 2019, and granting an additional forty (40) hours of executive leave to each of these Council Appointees for the payroll calendar year 2020.
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 12/11/19 - Item G.4]

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

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 [19-1204](#) Amendment to the Agreement with HR&A Advisors, Inc., for Services Related to the Development Agreement Negotiations with Google.

Recommendation: Approve the First Amendment to the Agreement with HR&A Advisors, Inc., in the amount of \$135,000, for a total compensation of \$425,000, and extend the term of the Agreement from June 30, 2020, to June 30, 2021, for services related to the negotiation of a Development Agreement with Google.
CEQA: Not a Project, File No. PP17-001, Feasibility, and Planning Studies with no commitment to future actions and File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Economic Development)

Attachments [Memorandum Agreement](#)

4.2 [19-1205](#) Actions Related to the County of Santa Clara Option to Purchase Curtner Studio Apartments for Affordable Housing Project.

Recommendation: Adopt a resolution:
(a) Approving the County of Santa Clara Option to Purchase Curtner Studio Apartments, a 179 affordable unit housing project located at 701 Curtner Avenue, San José;
(b) Consenting to the subordination of the City's Deed of Trust to the County's Option to Purchase which includes City approval of removing the City's Deed of Trust from the fee title and placing City's Deed of Trust on the leasehold, should the County elect to exercise its Option to Purchase;
(c) Consenting to the request of Curtner Studios LP to refinance with the County of Santa Clara for a construction to permanent financing loan of up to \$14,950,000; and
(d) Authorizing and directing the City Manager or Director of Housing to negotiate and execute City documents to complete this transaction, and any amendments thereto.
CEQA: Mitigated Negative Declaration for the Curtner Gardens Inn. File No. PDCSH 91-05-043. (Housing)

Attachments [Memorandum](#)
 [Memorandum from Mayor and Davis, 12/13/19](#)
 [Resolution](#)
 [Presentation](#)

4.3 [19-1206](#) Public Purpose Bonds Issued by a Joint Powers Authority for Moderate-Income Rental Housing. - DEFERRED

Recommendation: Accept the staff report on the California Community Housing Agency, a California joint powers authority that issues public purpose bonds to support the creation and acquisition of housing for moderate-income households, and the potential for utilizing a financial product involving restricted moderate-income housing and direct staff to develop recommended product parameters and return to the City Council to obtain authorization to join the California Community Housing Agency and to take related actions.

CEQA: Not a Project, File No. PP17-007, Preliminary direction to staff and eventual action requires approval from decision-making body. (Housing)

DEFERRED TO 1/14/20 PER RULES AND OPEN GOVERNMENT COMMITTEE

4.4 [19-1207](#) City Council Priority #7: Accessory Dwelling Unit (ADU) Amnesty Program. - DEFERRED

Recommendation: Accept staff analysis and recommendation to establish an Amnesty Program for unpermitted accessory dwelling units as required by City Council Policy Priority #7 and as directed by the City Council at the September 24, 2019 meeting.

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

DEFERRED TO 1/7/20 PER ADMINISTRATION

4.5 [19-1208](#) Award of a Design-Build Contract for Tenant Improvements at the 4th Street and San Fernando Garage for Office Space for the Community Energy Department and Other City Operations Project.

Recommendation: Accept the staff report and award a Design-Build contract for the tenant improvement project at the 4th Street and San Fernando Garage for office space for the Community Energy Department and other City operations to the lowest responsive, responsible bidder, Solex Construction Inc. in the amount of \$2,342,563 and approve a contingency in the amount of 15 percent of the contract amount.

CEQA: Categorically Exempt, File No. PP19-030, CEQA Guidelines Section 15301 (a), Existing Facilities. (Public Works)

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

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

6.1 [19-1209](#) Agreement with ARUP for the Access & Mobility Plan.

Recommendation: Adopt a resolution authorizing the City Manager or designee to negotiate and execute an agreement with ARUP for planning and design consulting services to develop the Access & Mobility Plan in an amount not to exceed \$1,364,000.
CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. (Transportation)
[Deferred from 11/19/19 - Item 6.1 (19-1063)]

Attachments [Memorandum](#)

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 [19-1210](#) Report on Bids and Award of Construction Contract for 7759 - Switchgear M4 Replacement and G3 and G3a Removal Project at the San José -Santa Clara Regional Wastewater Facility.

Recommendation: Report on bids and award of construction contract for 7759 - Switchgear M4 Replacement and G3 & G3A Removal Project to the lowest responsive bidder, Blocka Construction, Inc., in the amount of \$5,519,000, and approve a 15 percent construction contingency in the amount of \$827,850.
CEQA: Categorically Exempt File No. PP18-107, CEQA Guidelines Section 15301 (b), Existing Facilities. (Environmental Services/Public Works)

Attachments [Replacement Memorandum](#)

8. PUBLIC SAFETY

9. REDEVELOPMENT – SUCCESSOR AGENCY

- 9.1 [19-1223](#) Amendment to the Agreement with Jones Hall, a Professional Law Corporation, for bond counsel services for the Successor Agency.

Recommendation: Adopt a resolution by the Successor Agency Board authorizing the General Counsel to negotiate and execute a first amendment to an agreement with Jones Hall, a Professional Law Corporation for bond counsel services for the Successor Agency on an as-needed basis to increase the compensation by \$70,000 to a total amount not to exceed \$110,000.
CEQA: Not a Project; File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(General Counsel)

Attachments [Memorandum](#)

- 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.

10.1 Land Use on Consent Calendar

CONTINUE GENERAL PLAN HEARING (SECOND CYCLE) FROM 12/3/19

- (a) [19-1211](#) **GP18-010 - General Plan Amendment of Certain Real Property Located at the East Side of Diamond Heights Drive, Approximately 200 Feet Southerly of Senter Road.**

Recommendation: (1) Adopt a resolution adopting the Valley Christian Schools Residential General Plan Amendment Negative Declaration in accordance with CEQA.
(2) Adopt a resolution amending the Envision San José 2040 General Plan Land Use/Transportation Diagram to change the land use designation from Rural Residential to Residential Neighborhood on an approximately 2.6-gross acre site, located on the west side of Diamond Heights Drive, approximately 200 feet south of Senter Road.
CEQA: Initial Study/Negative Declaration for Valley Christian Schools Residential General Plan Amendment Project. File No. GP18-010.
Planning Commission recommends approval (5-2, Ballard and Allen oppose). Council District 2. (Planning, Building, and Code Enforcement)
[Deferred from 12/3/19 - Item 10.1(b) (19-1132)]

Attachments [Memorandum](#)
[Attachment](#)
[\(1\) Resolution](#)
[\(2\) Resolution](#)

- (b) [19-1212](#) **C19-038 - Conforming Rezoning for Real Property Located at 1510 and 1530 Oakland Road.**

Recommendation: Approve an ordinance rezoning an approximately 3.71-gross acre site, located at the east side of Oakland Road on the north and south sides of Bern Court, from the LI(PD) Planned Development Zoning District to the CIC Combined Industrial/Commercial Zoning District.
CEQA: Determination of Consistency with the Envision San José 2040 General Plan EIR (Resolution No. 76041) and the Envision San José General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto. Council District 3. (Planning, Building and Code Enforcement)

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

- (c) [19-1213](#) **GP19-001 - General Plan Amendment to the Envision San José 2040 General Plan Land Use/Transportation Diagram Designation for Real Property Located at 4070 Williams Road.**

Recommendation: (1) Adopt a resolution adopting the 4070 Williams Road General Plan Amendment Negative Declaration in accordance with CEQA; and
(2) Adopt a resolution amending the Envision San José General Plan Land Use/Transportation Diagram to change the land use designation from Residential Neighborhood to Urban Residential on an approximately 0.20-gross acre site at 4070 Williams Road.
CEQA: Negative Declaration for 4070 Williams Road General Plan Amendment. Council District 1. Planning Commission recommends approval (7-0-0). (Planning, Building and Code Enforcement)

Attachments [Memorandum](#)
[Attachment](#)
[\(1\) Resolution](#)
[\(2\) Resolution](#)

- (d) [19-1214](#) **GP19-004 - General Plan Amendment for Real Property Located North of Alum Rock Avenue.**

Recommendation: (1) Adopt a resolution adopting the Capitol Avenue General Plan Amendment Negative Declaration in accordance with CEQA; and
(2) Adopt a resolution amending the Envision San José General Plan Land Use/Transportation Diagram to change the land use designation from Neighborhood Community Commercial to Mixed Use Neighborhood on an approximately 0.44-gross acre site on the east side of North Capitol Avenue, approximately 250 feet north of Alum Rock Avenue (Assessor Parcel No. 484-19-094).
CEQA: Negative Declaration for Capitol Avenue General Plan Amendment. Council District 5. Planning Commission recommends approval (5-2, Ballard and Bonilla opposed). (Planning, Building and Code Enforcement)

Attachments [Memorandum](#)
[Attachment](#)
[\(1\) Resolution](#)
[\(2\) Resolution](#)

- (e) [19-1215](#) **GPT19-005 & GP19-011 - City-Initiated General Plan Amendment to Make Minor Modifications and Clarifying Revisions to the Envision San José 2040 General Plan.**

Recommendation: Adopt a resolution making minor amendments to the Envision San José 2040 General Plan, including amendments to the Public/Quasi Public land use designation to allow supportive housing for the homeless, Urban Village IP-2.9 to reflect Plan Horizon changes made as part of the approved GPT18-007, Action H-2.13 to update the terminology of affordable housing project siting policy, updates to Appendix 5, and a City-initiated General Plan Land Use Designation correction from Light Industrial to Rural Residential for 7000 Silver Creek Road.
CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental Environmental Impact Report to the Envision San José General Plan Final Program Environmental Impact Report (Resolution No. 77617), and Addenda thereto. Council District: Citywide and District 6. Planning Commission recommends approval (7-0). (Planning, Building and Code Enforcement)

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

- (f) [19-1216](#) **PP19-080 - Amendment to Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code to Align with California State Law Requirements for Accessory Dwelling Units. - RENUMBERED TO ITEM 10.3**

Recommendation:

(1) Approve an ordinance of the City of San José amending various sections of Title 20 (Zoning Ordinance) of the San José Municipal Code to further align with California State Law requirements:

(a) add a new Part 4.5 “Accessory Dwelling Units,” including Sections 20.30.460 (Single-Family Dwelling Units), 20.30.470 (Junior Accessory Dwelling Units), 20.30.480 (Two-Family and Multi-Family Dwelling Units), and 20.30.490 (Amnesty Program); amend Section 20.30.310 (Minor One-story Addition); amend Section 20.80.160 (Incidental Transient Occupancy); and amend Section 20.90.220 (Reduction in required off-street parking spaces);

(b) delete Section 20.30.150 (Secondary Units) from Part 2 “Uses Allowed”; and (c) amend Section 20.200.325 to add clarifying language to Accessory Dwelling Unit definition, and add Section 20.200.342 to include new definition of Junior Accessory Dwelling Unit; and to make other technical, non-substantive, or formatting changes within those sections of Title 20 of the San José Municipal Code.

(2) Adopt an urgency ordinance of the City of San José amending various sections of Title 20 (Zoning Ordinance) of the San José Municipal Code to further align with California State Law requirements:

(a) add a new Part 4.5 “Accessory Dwelling Units,” including Sections 20.30.460 (Single-Family Dwelling Units), 20.30.470 (Junior Accessory Dwelling Units), 20.30.480 (Two-Family and Multi-Family Dwelling Units), and 20.30.490 (Amnesty Program); amend Section 20.30.310 (Minor One-story Addition); amend Section 20.80.160 (Incidental Transient Occupancy); and amend Section 20.90.220 (Reduction in required off-street parking spaces);

(b) delete Section 20.30.150 (Secondary Units) from Part 2 “Uses Allowed”; and (c) amend Section 20.200.325 to add clarifying language to Accessory Dwelling Unit definition, and add Section 20.200.342 to include new definition of Junior Accessory Dwelling Unit; and to make other technical, non-substantive, or formatting changes within those sections of Title 20 of the San José Municipal Code; and setting forth the facts constituting such urgency.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (FEIR), adopted through Resolution No. 76041, and Supplemental EIR Resolution No. 77617, adopted on December 15, 2015, and Addenda thereto. (Planning, Building and Code Enforcement)

Please note: Approval of this item 10.3 part (2) requires 8 or more affirmative votes (2/3).

Attachments [Replacement Memorandum](#)
[\(1\) Ordinance](#)
[\(2\) Ordinance](#)

END OF CONSENT CALENDAR

CONTINUE GENERAL PLAN HEARING (SECOND CYCLE) TO 1/14/20

10 Land Use - Regular Agenda

10.2 [19-1217](#) H18-038 - Site Development Permit and Parking Agreement with Almaden Corner, LLC for the Market/San Pedro Square Garage. - DEFERRED

Recommendation: (a) Adopt a resolution certifying the Almaden Corner Hotel Project Supplemental Environmental Impact Report, and adopting the associated Mitigation Monitoring and Reporting Plan, in accordance with the California Environmental Quality Act (CEQA), as amended.
 (b) Adopt a resolution approving, subject to conditions, a Site Development Permit to allow construction of a 19-story hotel with 272 guest rooms, and approximately 1,200 square feet of ancillary commercial space, with an off-site parking arrangement on the subject site.
 (c) Approve a Parking Agreement between the City of San José and Almaden Corner, LLC to allow the hotel to use up to forty-one (41) parking spaces in the Market/San Pedro Square Garage for ten years with up to two additional ten year options for a total of up to thirty years.
 CEQA: Almaden Corner Hotel Project Supplemental Environmental Impact Report. Council District 3. (Planning, Building and Code Enforcement)
 DEFERRED TO 1/7/20 AFTERNOON PER RULES AND OPEN GOVERNMENT COMMITTEE

10.3 [19-1258](#)

PP19-080 - Amendment to Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code to Align with California State Law Requirements for Accessory Dwelling Units.

Recommendation:

(1) Approve an ordinance of the City of San José amending various sections of Title 20 (Zoning Ordinance) of the San José Municipal Code to further align with California State Law requirements:

(a) add a new Part 4.5 “Accessory Dwelling Units,” including Sections 20.30.460 (Single-Family Dwelling Units), 20.30.470 (Junior Accessory Dwelling Units), 20.30.480 (Two-Family and Multi-Family Dwelling Units), and 20.30.490 (Amnesty Program); amend Section 20.30.310 (Minor One-story Addition); amend Section 20.80.160 (Incidental Transient Occupancy); and amend Section 20.90.220 (Reduction in required off-street parking spaces);

(b) delete Section 20.30.150 (Secondary Units) from Part 2 “Uses Allowed”; and (c) amend Section 20.200.325 to add clarifying language to Accessory Dwelling Unit definition, and add Section 20.200.342 to include new definition of Junior Accessory Dwelling Unit; and to make other technical, non-substantive, or formatting changes within those sections of Title 20 of the San José Municipal Code.

(2) Adopt an urgency ordinance of the City of San José amending various sections of Title 20 (Zoning Ordinance) of the San José Municipal Code to further align with California State Law requirements:

(a) add a new Part 4.5 “Accessory Dwelling Units,” including Sections 20.30.460 (Single-Family Dwelling Units), 20.30.470 (Junior Accessory Dwelling Units), 20.30.480 (Two-Family and Multi-Family Dwelling Units), and 20.30.490 (Amnesty Program); amend Section 20.30.310 (Minor One-story Addition); amend Section 20.80.160 (Incidental Transient Occupancy); and amend Section 20.90.220 (Reduction in required off-street parking spaces);

(b) delete Section 20.30.150 (Secondary Units) from Part 2 “Uses Allowed”; and (c) amend Section 20.200.325 to add clarifying language to Accessory Dwelling Unit definition, and add Section 20.200.342 to include new definition of Junior Accessory Dwelling Unit; and to make other technical, non-substantive, or formatting changes within those sections of Title 20 of the San José Municipal Code; and setting forth the facts constituting such urgency.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (FEIR), adopted through Resolution No. 76041, and Supplemental EIR Resolution No. 77617, adopted on December 15, 2015, and Addenda thereto. (Planning, Building and Code Enforcement)

Please note: Approval of this item 10.3 part (2) requires 8 or more affirmative votes (2/3).

RENUMBERED FROM ITEM 10.1(f) (19-1216)

Attachments [Memorandum](#)
[Supplemental Memorandum](#)
[Memorandum from Mayor, Foley, Carrasco & Arenas, 12/13/19](#)
[\(1\) Ordinance](#)
[\(2\) Ordinance](#)

- 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 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. 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 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.