



# **City Council Meeting Amended Agenda**

**Tuesday, March 9, 2021**

**1:30 PM**

**Virtual Meeting - <https://sanjoseca.zoom.us/j/91325378626>**

SAM LICCARDO, MAYOR  
CHAPPIE JONES, VICE MAYOR, DISTRICT 1  
SERGIO JIMENEZ, DISTRICT 2  
RAUL PERALEZ, DISTRICT 3  
DAVID COHEN, DISTRICT 4  
MAGDALENA CARRASCO, DISTRICT 5  
DEV DAVIS, DISTRICT 6  
MAYA ESPARZA, DISTRICT 7  
SYLVIA ARENAS, DISTRICT 8  
PAM FOLEY, DISTRICT 9  
MATT MAHAN, 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 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 <https://www.sanjose.legistar.com/Calendar.aspx>. Council Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Tower 14th Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Please go to the Clerk's Records Database <https://records.sanjoseca.gov/Pages/Search.aspx> for the final document, or you may also contact the Office of the City Clerk at (408) 535-1260 or [CityClerk@sanjoseca.gov](mailto: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](mailto: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.

**\* COVID-19 NOTICE \***

Consistent with the California Governor's Executive Order No. N-29-20, Resolution No. 79485 from the City of San José and the Santa Clara County Health Officer's March 16, 2020 Shelter in Place Order, the City Council meeting will not be physically open to the public and the City Council will be teleconferencing from remote locations.

**How to observe the Meeting (no public comment):**

- 1) Cable Channel 26,
- 2) <https://www.sanjoseca.gov/news-stories/watch-a-meeting>, 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 ilegislate application used by City Council and staff.
- 2) By email to [city.clerk@sanjoseca.gov](mailto: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](mailto: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 913 2537 8626. 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/91325378626>
  - 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.

**For Closed Captions, please visit the City's YouTube channel:**

**<https://www.youtube.com/CityofSanJoseCalifornia>, or website livestream**

**<https://www.sanjoseca.gov/news-stories/watch-a-meeting>.**

- **Call to Order and Roll Call**

9:00 a.m. - Closed Session

[21-408](#)

Closed Session Agenda

**Attachments** [Closed Session Agenda](#)

1:30 p.m. - Regular Session

6:00 p.m. - Evening Session - Cancelled

The previously scheduled Evening Session has been cancelled.

- **Pledge of Allegiance**

- **Invocation (District 3)**

Jessica Paz-Cedillos, the School of Arts and Culture

- **Adjournment**

In memory of our beloved Angel Rios Sr., a loving husband, father, and grandfather, and champion of the Civil Rights movement.

- **Orders of the Day**

**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**

## **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.**

[21-430](#)

### **Final Adoption of Ordinances.**

#### **Recommendation:**

- (a) Ordinance No. 30535 - An Ordinance of the City of San José Amending Chapter 3.48 of Title 3 of the San José Municipal Code. [Passed for Publication on 2/23/2021- Item 2.14(a) (21-315)]
- (b) Ordinance No. 30536 - An Ordinance of the City of San José Amending Chapter 3.50 of Title 3 of the San José Municipal Code. [Passed for Publication on 2/23/2021- Item 2.14(c) (21-315)]
- (c) Ordinance No. 30538 - An Ordinance of the City of San José Amending Chapter 5.08 of Title 5 of the San José Municipal Code to Update and Add Definitions, Compliance Options, and Affordable Housing Requirements for the Citywide Inclusionary Housing Program. [Passed for Publication on 2/23/2021- Item 8.2(b) (21-324)]
- (d) Ordinance No. 30539 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 1.2 Gross Acres Situated on South E. Virginia Street between South 2nd Street and South 1st Street (802 S. 1st Street), from the CN Commercial Neighborhood and CP Commercial Pedestrian Zoning District to the A(PD) Planned Development Zoning District. [Passed for Publication on 2/23/2021- Item 10.4(d) (21-329)]

## **2.3 Approval of Council Committee Minutes.**

## **2.4 Mayor and Council Excused Absence Requests.**

[21-472](#)**Mayor and Council Excused Absence Requests.****Recommendation:**

Request for an excused absence for Councilmember Cohen, from the Neighborhood Services and Education Committee on March 11, 2021, due to long standing community service commitment to be a judge at the Synopsis Science Fair.

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

[Rules Committee referral 3/3/2021 - Item A.1.a]

**Attachments**    [Memorandum](#)

**2.5 City Council Travel Reports.****2.6 Report from the Council Liaison to the Retirement Boards.****2.7**    [21-428](#)**Amendment to the Mount Chual Antenna Site Lease Schedule. - DROP****Recommendation:**

Adopt a resolution authorizing the City Manager, or his designee, to negotiate and execute a First Amendment to the Antenna Site Lease Schedule dated August 29, 2001 between the City of San José and Pinnacle Towers LLC, a Delaware limited liability company, to extend the lease term from March 1, 2021 to February 29, 2036, for a total of 15 years, for a total cost of approximately \$540,000, with two additional five-year options to renew for a total cost of approximately \$759,000 if one option term is exercised and \$1,000,000 if both option terms are exercised, 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. (Economic Development)

[Deferred from 2/23/2021 Item 2.9 (21-310)]

DROP

**2.8     [21-409](#)     Amendment to the Agreement with enfoTech & Consulting, Inc. for Environmental Enforcement Data Management System.**

**Recommendation:**     Adopt a resolution authorizing the City Manager to negotiate and execute the Ninth Amendment to the Agreement with enfoTech & Consulting, Inc. (Lawrenceville, NJ) for an Environmental Enforcement Data Management System to add 10 one-year options for a total of 18 to extend the agreement through June 30, 2031 for ongoing maintenance, support, and related services with maximum compensation not to exceed \$1,970,218 through June 30, 2021, 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](#)

**2.9     [21-410](#)     Actions Related to the Purchase Orders for SAP Center Exterior Stainless Steel Cleaning Services.**

**Recommendation:**     Adopt a resolution authorizing the City Manager to:  
(a) Execute purchase orders with TheWindowWasher.com (Pleasanton, CA) and with CRE Group (Campbell, CA) for SAP Center exterior stainless steel cleaning services for an initial twelve-month period starting on or about March 10, 2021 and ending on or about March 9, 2022, for an amount not-to exceed \$160,000; and  
(b) Exercise up to four additional one-year options to extend the initial term of the purchase orders with the last option year ending on or about March 9, 2026, subject to the annual 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](#)



**2.10    [21-411](#)                    Amendment to the Agreement with Sherwood Design Engineers, Ltd. for the Alum Rock Park Visitor Center and Service Road Slide Repair.**

**Recommendation:**    Approve a Third Amendment to Agreement for Consultant Services with Sherwood Design Engineers, Ltd. for design and construction support for the Alum Rock Park Visitor Center and Service Road Slide Repair, retroactively extending the term of the Agreement from February 1, 2021 to January 31, 2022, with no change in maximum compensation.

CEQA: Exempt, File No. PP18-003, CEQA Guidelines Section 15269  
Emergency Projects. Council Districts 4 and 5. (Public Works)

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

**2.11    [21-473](#)                    Boards and Commissions Appointments.**

**Recommendation:**    Approve the following Boards and Commissions appointments:  
(a) Human Services Commission:  
      (1) District 6 Seat: Michellé Jonesroberts to a term ending December 31, 2024.  
(b) Neighborhoods Commission:  
      (1) District 3 Seat: Jacqueline Vasquez to a term ending June 30, 2021.  
CEQA: Not a Project, File No. PP17-010, City Organization and Administrative Activities resulting in no changes to the physical environment. (City Clerk)  
[Rules Committee referral 3/3/2021 - Item A.1.a]

**Attachments**    [Memorandum](#)  
[Application - Human Services Commission](#)  
[Application - Neighborhoods Commission](#)  
[Conflicts of Interest - HSC](#)  
[Conflicts of Interest - NC](#)

### **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     [21-414](#)             Second Quarter Financial Reports for Fiscal Year 2020-2021.****Recommendation:**

As recommended by the Public Safety, Finance and Strategic Support Committee on February 18, 2021, accept the Second Quarter (period ended December 31, 2020) Financial Reports for Fiscal Year 2020-2021 for the following programs:

- (a) Debt Management;
- (b) Investment Management; and
- (c) Revenue Management.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Finance)

[Public Safety, Finance and Strategic Support Committee referral 2/18/2021 - Item (d)4]

**Attachments**     [Memorandum](#)  
[Attachment A](#)  
[Investment Management Report](#)  
[Investment Management Report Attachment](#)

**3.4     [21-417](#)             City of San José Investment Policy Annual Review.****Recommendation:**

As recommended by the Public Safety, Finance and Strategic Support Committee on February 18, 2021, adopt a resolution approving revisions to Council Policy 1-12, “City of San José Investment Policy.” CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Finance)

[Public Safety, Finance and Strategic Support Committee referral 2/18/2021 - Item (d)5]

**Attachments**     [Memorandum](#)  
[Attachment](#)  
[Presentation](#)  
[PSFSS Presentation, 2/18/2021](#)  
[Resolution](#)  
[Letters from the Public](#)

**3.5     [21-418](#)****Approval of the Sale and Issuance of Bonds and Related Bond Documents for the City of San José Airport Revenue Refunding Bonds, Series 2021.****Recommendation:**

(a) Hold a TEFRA (“Tax Equity and Fiscal Responsibility Act”) hearing with respect to the proposed issuance by the City of one or more series of airport revenue refunding qualified private activity bonds in an aggregate principal amount not to exceed \$117 million pursuant to a plan of finance in order to provide proceeds or refinance all or a portion of the costs of acquisition, construction, equipping, financing, reconstruction, development, and modification of airport facilities that are included in, or are consistent with, the Airport Master Plan.

(b) Adopt the Twenty-First Supplemental Resolution (the “Resolution”) of the City Council:

(1) Authorizing the issuance of City of San José Airport Revenue Refunding Bonds, Series 2021 in three series, including the City of San José Airport Revenue Refunding Bonds, Series 2021A (AMT) (the “Series 2021A Bonds”), the City of San José Airport Revenue Refunding Bonds, Series 2021B (Non-AMT) (the “Series 2021B Bonds”), and the City of San José Airport Revenue Refunding Bonds, 2021C (Taxable) (the “Series 2021C Bonds” and, together with the Series 2021A Bonds and the Series 2021B Bonds, the “Series 2021 Bonds”) in an aggregate principal amount of not to exceed \$521 million to be sold through negotiated sale;

(2) Approving substantially final forms of Twelfth Supplemental Trust Agreement, Preliminary Official Statement, Final Official Statement, Bond Purchase Agreement, and Continuing Disclosure Certificate; authorizing the distribution of one or more Preliminary Official Statements and Final Official Statements; and

(3) Authorizing the City’s Authorized Representative to take other necessary actions in connection therewith.

CEQA: Determination of Consistency with the Final Environmental Impact Report for the San José International Airport (Resolution Nos. 79497), File No. PP18-103. (Finance/Airport)

**Attachments**

[Memorandum](#)

[\(b\) Resolution](#)

[\(b\) Twelfth Supplemental Trust Agreement](#)

[\(b\) Preliminary Official Statement](#)

[\(b\) C Bond Purchase Agreement](#)

[\(b\) AB Bond Purchase Agreement](#)

[Presentation](#)

## **4. PUBLIC SAFETY SERVICES**

### **4.1     [21-419](#)             Police Reforms: Independent Investigation of Police Misconduct Work Plan. - DEFERRED**

**Recommendation:**     Approve the proposed workplan for independent investigation of police misconduct.  
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (City Manager)  
[Deferred from 2/23/2021 - Item 4.1 (21-321)]  
DEFERRED TO 3/16/2021 PER ADMINISTRATION

### **4.2     [21-420](#)             Response to the Santa Clara County Civil Grand Jury Report Entitled “*Why Aren’t There More Female Firefighters in Santa Clara County?*”**

**Recommendation:**     Approve the San José Fire Department’s response to the December 17, 2020, Santa Clara County Civil Grand Jury report entitled, “Why Aren’t There More Female Firefighters in Santa Clara County?”  
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, and Annual Reports, and Informational Memos that involve no approvals of any City action. (Fire)

**Attachments**     [Memorandum](#)  
                              [Attachment](#)

## **5. TRANSPORTATION & AVIATION SERVICES**

**5.1     [21-424](#)             Construction Crane Height Guidance Study Findings and Recommendation.****Recommendation:**

As recommended by the Community and Economic Development Committee on February 22, 2021:

(a) Accept the findings from a completed Construction Crane Height Guidance Study, which would affirm the City's development commitment for the Federal Aviation Administration (FAA) to protect the primary Terminal Instrument Procedures (TERPS) utilized by Mineta San José Airport's Air Carriers to determine the maximum crane heights in the Downtown Core and Diridon Station Area.

(b) Direct the Administration to:

(1) Prepare a Construction Crane Guidance Document to be included in all development permits for projects in the Downtown Core and Diridon Station Area requiring temporary construction cranes.

(2) Include in the Construction Crane Guidance Document, the following three methods for developers to minimize impacts on air service:

(i) Utilize crane jumps to minimize duration cranes are at maximum height.

(ii) Limit maximum crane heights to a 6-month window.

(iii) Schedule maximum crane heights during non-South flow months of April through September (i.e., departures towards downtown).

(3) Explore a construction crane permit fee to support a Landing Fee Reduction Program for air carriers that incur either cargo or passenger weight impacts on account of construction cranes in the Downtown Core and Diridon Station Area.

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

Council Districts 3 and 6. (Airport/Economic Development/Planning, Building and Code Enforcement)

[Community and Economic Development Committee referral 2/22/2021 - Item (d)2]

**Attachments**    [Memorandum](#)  
[Presentation](#)  
[CED Presentation, 2/22/2021](#)  
[Letters from the Public](#)

**6. ENVIRONMENTAL & UTILITY SERVICES**

**6.1     [21-425](#)     San José Clean Energy Programs Roadmap and Energy Efficiency Programs Advice Letter.**

**Recommendation:**

(a) Adopt a resolution:

(1) Authorizing the Director of the Community Energy Department or, her designee, to prepare and submit an Advice Letter to the California Public Utilities Commission to administer Elect to Administer Energy Efficiency programs; and

(2) Authorizing the City Manager, or his designee, to accept and administer California Public Utilities Commission funds if the Advice Letter is approved by that agency.

(b) Accept report on San José Clean Energy programs roadmap.

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

(Community Energy)

**Attachments**     [Memorandum](#)

[Attachment](#)

[Resolution](#)

[Presentation](#)

## **7. NEIGHBORHOOD SERVICES**

## **8. COMMUNITY & ECONOMIC DEVELOPMENT**

**8.1     [21-475](#)     City's COVID-19 Response: Emergency Rental Assistance Program. -  
RECOMMEND DEFERRAL**

**Recommendation:**

- (a) Accept the staff report on the Emergency Rental Assistance program.
- (b) Adopt a resolution:
- (1) Accepting \$30,379,739.90 in Emergency Rental Assistance funds from the U.S. Department of the Treasury and ratifying the City Manager's signing of the award terms;
- (2) Authorizing the City Manager to negotiate and execute the following agreements, including any amendments and revisions to said agreements and any necessary documents to effectuate the grant, to use Emergency Rental Assistance Funds to provide assistance to San José tenants and landlords who have been negatively impacted by the COVID-19 pandemic:
- (i) With Destination: Home SV, a supporting organization of Silicon Valley Community Foundation, a grant agreement in an amount not to exceed \$30,379,739.90 to provide rental assistance, utility relief, and other eligible housing assistance to San José residents, as well as to fund case management and outreach efforts to connect San José residents with rental assistance, utility relief, and other housing assistance.
- (ii) With the State of California Department of Housing and Community Development, a Memorandum of Understanding to enable San José tenants and landlords to access federal rental relief funds that will be disbursed through the state program.
- (c) Adopt the following Funding Sources Resolution and Appropriation Ordinance amendments in the Emergency Reserve Fund:
- (1) Increase the estimate for Revenue from Federal Government by \$30,379,740; and
- (2) Establish the Emergency Rental Assistance appropriation to the City Manager's Office in the amount of \$30,379,740.
- CEQA: Not a Project, File No. PP17 009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Housing/City Manager)
- [Deferred from 2/23/2021 - Item 8.3 (21-332) and 3/2/2021 - Item 8.2 (21-394)]
- RECOMMEND DEFERRAL TO 3/23/2021 PER  
ADMINISTRATION

**Attachments**     [Information Memorandum, 3/5/2021](#)

## **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, 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**

No Land Use items on Consent Calendar.

#### **END OF CONSENT CALENDAR**

#### **10 Land Use - Regular Agenda**

- 10.2**    [21-426](#)            **PP21-001 - Amendment to Title 13 (Sidewalks, Streets, and Public Spaces) Title 20 (Zoning Ordinance) of the City of San José Municipal Code.**

**Recommendation:**    Approve an ordinance amending Chapter 13.48 (Historic Preservation) of Title 13 and Section 20.100.140 of Chapter 20.100 (Administration) of Title 20 to allow for concurrent review of Historic Preservation Permits and to make other technical, non-substantive or formatting changes within those Chapters and Sections of the San José Municipal Code.

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. Planning Commission recommends approval (5-0-2; Bonilla and Oliverio absent). (Planning, Building and Code Enforcement)

[Deferred from 2/23/2021 - Item 10.3 (21-328)]

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



**10.3**    [21-427](#)

**C19-020, CP19-031 & T19-038 - Conforming Rezoning, Conditional Use Permit and a Vesting Tentative Map on Real Property Located at 3896 Stevens Creek Boulevard.**

**Recommendation:**

- (a) Adopt a resolution certifying the 3896 Stevens Creek Commercial Project Environmental Impact Report, and making certain findings concerning significant impacts, mitigation measures, alternatives, and adopting a related Mitigation Monitoring and Reporting Plan, in accordance with the California Environmental Quality Act (CEQA).
- (b) Approve an ordinance rezoning an approximately 4.84-gross acre site, located at the southeast corner of Stevens Creek Boulevard and Saratoga Avenue, from the CG Commercial General and CN Commercial Neighborhood Zoning Districts to the CP Commercial Pedestrian Zoning District.
- (c) Adopt a resolution approving, subject to conditions, a Vesting Tentative Map to resubdivide five parcels into two parcels on an approximately 4.84-gross acre site.
- (d) Adopt a resolution approving, subject to conditions, a Conditional Use Permit and Site Development Permit to allow the demolition of all existing commercial buildings on site, totaling approximately 47,631 square feet, the removal of 65 trees (41 ordinance-size, 24 non-ordinance-size) and the construction of an approximately 791,000-square foot commercial mixed-use office building and an approximately 122,700-square foot health club with late-night use (4am to 12am) and an approximately 39 percent parking reduction on an approximately 4.84-gross acre site.
- CEQA: 3896 Stevens Creek Commercial Project Environmental Impact Report. Planning Commission recommends approval (7-0). Council District 1. (Planning, Building and Code Enforcement)

**Attachments**

[Memorandum](#)  
[Memorandum from Jones, 3/8/2021](#)  
[Ordinance](#)  
[\(a\) Resolution](#)  
[\(c\) Resolution](#)  
[\(d\) Resolution](#)  
[Presentation](#)  
[Letter from City of Santa Clara](#)

- 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**

In memory of our beloved Angel Rios Sr., a loving husband, father, and grandfather, and champion of the Civil Rights movement.

**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.