



# **City Council Meeting Amended Agenda**

**Tuesday, February 8, 2022**

**1:30 PM**

**Virtual Meeting - <https://sanjoseca.zoom.us/j/99346843938>**

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 the name on the card is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants by calling speakers in an orderly manner.
- o When the Council reaches your item on the agenda, the Mayor will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.

- o Each speaker generally has two minutes to speak per item. The total amount of time allocated for public testimony for each public speakers or for an agenda item may be limited at the Mayor's discretion, depending on the number of speakers or the length of the agenda. (California Government Code Section 54954.3; Council Policy 0-37)
- o To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

**The San José City Council meets every Tuesday at 1:30 p.m. and Tuesday at 6 p.m. as needed, unless otherwise noted. The City Council, or less than a quorum, may adjourn any regular, special or adjourned meeting to a later date, time and place specified in the order of adjournment. If all members are absent, the City Clerk may declare the meeting adjourned to a stated date, time and place. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.**

**Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at <https://www.sanjoselegistar.com/Calendar.aspx>. Council Meetings are televised live and rebroadcast on Channel 26.**

**All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Tower 14th Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Please go to the Clerk's Records Database <https://records.sanjoseca.gov/Pages/Search.aspx> for the final document, or you may also contact the Office of the City Clerk at (408) 535-1260 or [CityClerk@sanjoseca.gov](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 AB 361 and City of San Jose Resolution Nos. 79485, 80237, 80266, 80290, 80323 and 80343, Councilmembers may 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 legislate 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 993 4684 3938. 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/99346843938>
  - a. Use a current, up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers including Internet Explorer. Mute all other audio before speaking. Using multiple devices can cause an audio feedback.
  - b. Enter an email address and name. The name will be visible online and will be used to notify you that it is your turn to speak.
  - c. When the Mayor calls for the item on which you wish to speak, click on “raise hand.” Speakers will be notified shortly before they are called to speak.
  - d. When called, please limit your remarks to the time limit allotted.

Interpretation is available in Spanish and Vietnamese. In your webinar controls, select “Interpretation.”

Click the language you would like to hear.

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

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

- **Call to Order and Roll Call**

9:30 a.m.- Closed Session

[22-106](#)

Closed Session Agenda

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

1:30 p.m.- Regular Session

6:00 p.m.- Evening Session

\*Will not begin until 6pm or until after all afternoon items are heard, whichever is later.

- **Pledge of Allegiance**

- **Invocation (District 2)**

Gabriela Sepulveda - local singer/song writer

- **Orders of the Day**

To be heard after Ceremonial Items

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

- **Closed Session Report**

To be heard after Ceremonial Items

## **1. CEREMONIAL ITEMS**

1.1 Presentation of a proclamation declaring Blood Donor Month. (Carrasco)

1.2 Presentation of a proclamation recognizing February 4, 2022 as Saka Nakodar Day. (Arenas)

1.3 Presentation of a commendation to Katia McClain in recognition of her exemplary service to downtown San José by making it a more vibrant community for all San José residents. (Perales)

## **2. CONSENT CALENDAR**

**Notice to the public:** There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council requests discussion on a particular item, that item may be removed from the Consent Calendar and considered separately.

### **2.1 Approval of City Council Minutes.**

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

[22-138](#)

**Final Adoption of Ordinances.**

**Recommendation:**

(a) Ordinance No. 30716 - An Ordinance of the City of San José Adding Part 6 to Chapter 10.32 of Title 10 of the San José Municipal Code to Reduce Gun Harm by Requiring Gun Owners to Obtain and Maintain Liability Insurance and Establishment of Annual Gun Harm Reduction Fee.

[Passed for Publication on 1/25/2022 - Item 4.1 (22-045)]

**Attachments**

[Ordinance](#)

[Letters from the Public - 1 of 2](#)

[Letters from the Public - 2 of 2](#)

### **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 [22-008](#) **Extension of AB 361 Implementation to Allow Teleconferenced Public Meetings to Continue through March 10, 2022 during the Governor's Proclaimed COVID State of Emergency.**

**Recommendation:**

Adopt a resolution of the Council of the City of San José finding the continued existence of the need to extend AB 361 implementation and amending the City's Consolidated Open Government and Ethics (Sunshine) Resolution No. 77135 to incorporate the Governor's proclaimed COVID state of emergency to allow City legislative bodies and Joint Power Authority legislative bodies for which the City serves as lead staffing agency to hold public meetings solely by teleconference or otherwise electronically pursuant to AB 361; to modify agenda noticing and document posting; and to incorporate all future Governor's Executive Orders regarding the Brown Act into the City's open government procedures, as deemed appropriate by the City Clerk and City Manager, without further Council action.

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

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

**2.8**    [22-107](#)

**Terms of Side Letter Agreements Between the City of San José, the Municipal Employees' Federation, and the City Association of Management Personnel and Amending the Pay Plan.**



**Recommendation:**

Adopt a resolution to:

(a) Approve the terms of a Side Letter Agreement with the Municipal Employees' Federation, AFSCME, Local 101 (MEF) to provide the following:

(1) Provide employees in the Permit Specialist (3954) classification with an approximate 5.64% pensionable pay increase effective the beginning of the first full pay period after the Side Letter Agreement has been signed by all parties and has been approved by the City Council;

(2) Provide employees in the Senior Permit Specialist (3955) classification with an approximate 7.06% pensionable pay increase effective the beginning of the first full pay period after the Side Letter Agreement has been signed by all parties and has been approved by the City Council; and

(3) Provide employees in the Principal Permit Specialist (3950) classification with an approximate 5.64% pensionable pay increase effective the beginning of the first full pay period after the Side Letter Agreement has been signed by all parties and has been approved by the City Council.

(b) Approve the terms of a Side Letter Agreement with the City Association of Management Personnel, IFPTE, Local 21 (CAMP) to provide the following:

(1) Provide employees in the Animal Shelter Veterinarian FT (3255) classification with an approximate 25.00% pensionable pay increase effective the beginning of the first full pay period after the Side Letter Agreement has been signed by all parties and has been approved by the City Council;

(2) Provide employees in the Animal Shelter Veterinarian PT (3256) classification with an approximate 18.22% pensionable pay increase effective the beginning of the first full pay period after the Side Letter Agreement has been signed by all parties and has been approved by the City Council;

(c) Amend the City of San José Pay Plan as follows:

(1) Amend the City of San José Pay Plan to increase the annual salary range of the classification of Permit Specialist (3954) to \$60,775.21 - \$73,980.52, effective February 20, 2022;

(2) Amend the City of San José Pay Plan to increase the annual salary range of the classification of Senior Permit Specialist (3955) to \$68,540.27 - \$83,437.42, effective February 20, 2022; and

(3) Amend the City of San José Pay Plan to increase the annual salary range of the classification of Principal Permit Specialist (3950) to \$74,443.14 - \$90,505.10, effective February 20, 2022.

(4) Amend the City of San José Pay Plan to increase the annual salary range of the classification of Animal Shelter Veterinarian FT (3255) to \$118,580.80 - \$144,456.00, effective February 20, 2022.

(5) Amend the City of San José Pay Plan to increase the annual salary range of the classification of Animal Shelter Veterinarian PT (3256) to \$112,153.60 - \$155,334.40, effective February 20, 2022.

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

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

**2.9** [22-108](#) **Acceptance of the Retirement Plans' Annual Comprehensive Financial Reports for Fiscal Years Ending June 30, 2021 and June 30, 2020.**

**Recommendation:** Accept the following annual reports:

(a) Police and Fire Department Retirement Plan Annual Comprehensive Financial Report for the Fiscal Years ended June 30, 2021 and June 30, 2020; and

(b) Federated City Employees' Retirement System Annual Comprehensive Financial Report for the Fiscal Years ended June 30, 2021 and June 30, 2020.

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

**Attachments** [Memorandum](#)

- 2.10** [22-168](#) **Retroactive Approval of the African American History Month Flag Raising Ceremony Sponsored by Council District 1 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 February 2, 2022:  
(a) Retroactively approve the African American History Month Flag Raising Ceremony scheduled on February 4, 2022 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. (Jones)  
[Rules Committee referral 2/2/2022- Item G.1.a]

**Attachments** [Memorandum](#)

### **3. STRATEGIC SUPPORT**

#### **3.1 Report of the City Manager, Jennifer Maguire (Verbal Report)**

#### **3.2 Labor Negotiations Update.**

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

**3.3**    [22-109](#)            **Approval of the 2021-2022 Mid-Year Budget Review Report.****Recommendation:**

(a) Approve the 2021-2022 Mid-Year Budget Review Report.  
(b) Adopt related Appropriation Ordinance and Funding Sources Resolution amendments in various funds as detailed in Section III (Recommended Budget Adjustments and Clean-Up Actions) of the 2021-2022 Mid-Year Budget Review Report.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action; and File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (City Manager)

**Attachments**

[Memorandum from Liccardo, 2/8/2022](#)  
[2021-2022 Mid Year Budget Review Report](#)  
[Presentation - est. 15 minutes](#)

**3.4**    [22-112](#)            **Office of Racial Equity Work Plan Status Report.****Recommendation:**

As recommended by the Neighborhood Services and Education Committee on January 13, 2022, accept the status report of the Office of Racial Equity from July to December 2021, and the roadmap for January to June 2022 which includes both immigrant affairs and racial equity work.

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)

[Neighborhood Services and Education Committee referral 1/13/2022 - Item (d)1]

**Attachments**

[Memorandum](#)  
[Attachment](#)  
[Presentation - est. 10 minutes](#)  
[Presentation, 1/13/2022, NSE](#)  
[Letters from the Public](#)

**3.5**    [22-116](#)            **Equity and Inclusion Service Report.****Recommendation:**

As recommended by the Neighborhood Services and Education Committee on January 13, 2022:

(a) Accept the report on the Library's equity and inclusion services, including efforts to strengthen departmental capacity to advance equity and inclusion services, understand the use and access to Library services, reach hard-to-reach populations through various efforts including a special focus on disability/adaptive ability access efforts, and the development of the Equity, Diversity and Inclusion Quality Standards for all City sponsored programs.

(b) Adopt a resolution approving the Equity, Diversity and Inclusion Quality Standards.

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

[Neighborhood Services and Education Committee referral 1/13/2022 - Item (d)3]

**Attachments**

[Memorandum](#)

[Attachments](#)

[Resolution](#)

[Presentation, 1/13/2022, NSE](#)

[Presentation - est. 10 minutes](#)

**3.6**    [22-117](#)            **Guadalupe Gardens Fencing Project and Activation Alternatives.****Recommendation:**

(a) Accept the report on Guadalupe Gardens Fencing and Activation Alternatives including protective and activation measures and authorize the City Manager to:

(1) Receive feedback on the Prototype Park Concept Plan and Vehicle Prevention Project; and

(2) Identify ongoing operating, programming and stewardship costs needed to implement the Prototype Park Concept Plan with the Guadalupe River Park Conservancy or through a Request for Proposals process.

(b) Adopt a resolution authorizing the Director of Public Works to:

(1) Award and execute a contract for the construction of the 9821 - Guadalupe Gardens Fencing Project, to the lowest responsive, responsible bidder in an amount not to exceed \$1,500,000;

(i) In the event that not all of the \$1,500,000 is utilized, reallocate any remaining funding for protecting the land and other mitigation solutions to secure the space;

(2) Decide any timely bid protest(s) and make the City's final determination as to the lowest responsive bidder that is responsible as needed to award the contract; and

(3) Establish a construction contingency of up to 10% of the amount of the construction contract for the Project.

CEQA: Categorically Exempt, File No. ER21-005, CEQA Guidelines 15303(e). New Construction or Conversion of Small Structures and File No. PP17-007, Preliminary direction to staff and eventual action requires approval from decision making body. Council Districts 3 and 6. (Airport/Parks, Recreation and Neighborhood Services/Public Works/Housing)

[Deferred from 1/25/2022 - Item 3.6 (22-038)]

**Attachments**

[Memorandum](#)

[Memorandum from Liccardo, Peralez, Cohen & Mahan, 2/4/2022](#)

[Memorandum from Cohen, 2/8/2022](#)

[Resolution](#)

[Presentation - est. 15 minutes](#)

[Letters from the Public - 1 of 2](#)

[Letters from the Public - 2 of 2](#)

**4. PUBLIC SAFETY SERVICES**

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

### **5.1 [22-118](#) 2022-2024 Local Streets Resurfacing (Multi-Year) Project.**

- Recommendation:**
- (a) Approve award of a construction contract for the 2022-2024 Local Streets Resurfacing (Multi-Year) Project, to the low bidder, MCK Services, Inc. in a total amount of \$9,794,415.45 during the initial term, establish a construction contingency of 10% in a total amount of \$979,000.
  - (b) Adopt a resolution authorizing the Director of Transportation to do the following:
    - (1) Exercise up to two one-year option periods, for a total amount not to exceed \$10,000,000 for each option year, contingent on the appropriation of funds; and
    - (2) Establish a construction contingency for any option year of up to 10% of the contract amount, not to exceed \$1,000,000 for each option year, contingent on the appropriation of funds.
- CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. Council Districts 3, 4, 7 and 8.  
(Transportation)

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

**5.2**    [22-133](#)            **Community Forest Management Plan.**

**Recommendation:**    Adopt a resolution approving the Community Forest Management Plan. 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 12/14/2021 - Item 5.1 (21-2567), 1/25/2022 - Item 5.2 (22-041) and 2/1/2022 - Item 5.3 (22-131)]

**Attachments**    [Memorandum](#)  
[Attachment A - Community Forest Management Plan](#)  
[Attachment B - Strategic Plan](#)  
[Memorandum from Liccardo, Carrasco, Davis, Esparza, Cohen, 1](#)  
[Memorandum from Mahan, 1/25/2022](#)  
[Supplemental Memorandum from Liccardo, Carrasco, Davis, Esp](#)  
[Resolution](#)  
[Presentation - est. 15 minutes](#)  
[Letters from the Public - 1 of 2](#)  
[Letters from the Public - 2 of 2](#)

**6. ENVIRONMENTAL & UTILITY SERVICES****7. NEIGHBORHOOD SERVICES****8. COMMUNITY & ECONOMIC DEVELOPMENT**



**8.1**     [22-119](#)            **Overruling Objections to the 2022-2023 Hazardous Vegetation Commencement Report and Directing the Removal of Weeds or Refuse.**

**Recommendation:**     Conduct a Public Hearing and adopt a resolution:  
(a) Overruling any and all objections to the 2022-2023 Hazardous Vegetation Commencement Report (Report); and  
(b) Directing the Santa Clara County Consumer and Environmental Protection Agency to abate the seasonal and/or recurrent public nuisances on those properties identified in the Report 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](#)

**8.2**     [22-120](#)            **Envision San José 2040 General Plan Annual Performance Review Report for FY 2020-2021.**

**Recommendation:**     Accept the Envision San José 2040 General Plan Annual Performance review report.  
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Planning, Building and Code Enforcement)

**Attachments**     [Memorandum](#)  
                          [Presentation - est. 10 minutes](#)

**8.3**     [22-156](#)            **Approval of a Downtown High-Rise Residential Tax and Fee Waiver for the Carlyle at 51 Notre Dame Street. - DEFERRED**

**Recommendation:**     Conduct a public hearing to approve an economic development tax and fee waiver in connection with a reduction in construction taxes and the Affordable Housing Impact Fee for a downtown residential high-rise at 51 Notre Dame Street in the amount of \$4,390,599 pursuant to California Government Code Section 53083 and Open Government Resolution No. 77135 Section 2.3.2.6.C.

CEQA: Addendum to the Downtown Strategy 2040 Final Environmental Impact Report and addenda thereto, Planning File No. SP20-020. Council District 3. (Economic Development and Cultural Affairs/Housing)

[Deferred from 1/25/2022 - Item 8.1 (22-042), 2/1/2022 - Item 8.1 (22-132)]

DEFERRED TO 2/15/2022 PER ADMINISTRATION

**Attachments**     [Memorandum](#)  
                           [Memorandum from Peralez, 1/24/2022](#)  
                           [Presentation - est. 5 minutes](#)  
                           [Letters from the Public](#)

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

**OPEN GENERAL PLAN (2022 CYCLE 1) HEARING**

### **10.1 Land Use on Consent Calendar**

- (a) [22-121](#) **GP21-009 and C21-008 - General Plan Amendment and Conforming Rezoning for Certain Real Property Located on 1500 Berger Drive.**

**Recommendation:**

(a) Adopt a resolution amending the Envision San Jose 2040 General Plan Land Use/Transportation Diagram Land Use Designation from Heavy Industrial to Light Industrial on an approximately 0.68-gross acre site located on 1500 Berger Drive.

(b) Approve an ordinance rezoning certain real property located on the east side of Berger Drive approximately 400 feet north of Gish Road (1500 Berger Drive) from the HI Heavy Industrial Zoning District to the LI Light Industrial Zoning District.

CEQA: Categorical Exemption under CEQA Guidelines section 15301 for Existing Facilities. Planning Commission recommends approval 10-0-1 (Cantrell absent). Council District 3. (Planning, Building and Code Enforcement)

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

**END OF CONSENT CALENDAR**

**10 Land Use - Regular Agenda**

**10.2** [22-122](#)**GP21-007 and C21-029 - General Plan Amendment and Conforming Rezoning for Certain Real Property Located on 2905 Senter Road.****Recommendation:**

(a) Planning Director recommends that the Council take the following actions:

(1) Adopt a resolution adopting the Initial Study/Negative Declaration for 2905 and 2911 Senter Road General Plan Amendment, for which an Initial Study was prepared, all in accordance with CEQA, as amended.

(2) Adopt a resolution denying the application to amend the Envision San Jose 2040 General Plan Land Use/Transportation Diagram land use designation from Neighborhood/Community Commercial to Mixed Use Commercial and denying the application for rezoning from the CN Commercial Neighborhood and CP Commercial Pedestrian Zoning District to the MUC Mixed Use Commercial Zoning District on an approximately 1.09-gross acre site located at 2905 and 2911 Senter Road.

(b) Alternatively, Planning Commission recommends that the City Council take the following actions:

(1) Adopt a resolution adopting the initial study/negative declaration for 2905 and 2911 Senter Road General Plan Amendment negative declaration, for which an initial study was prepared, in accordance with CEQA, as amended.

(2) Adopt a resolution amending the Envision San Jose 2040 General Plan Land Use/Transportation Diagram Land Use Designation from Neighborhood/Community Commercial to Mixed Use Commercial on an approximately 1.09-gross acre site located on 2905 and 2911 Senter Road.

(3) Approve an ordinance rezoning certain real property of approximately 1.09 gross acres located at the southwestern corner of the intersection of Senter Road and Lewis Road (2905 and 2911 Senter Road) from the CN Commercial Neighborhood and CP Commercial Pedestrian Zoning District to the MUC Mixed Use Commercial Zoning District.

CEQA: 2905 and 2911 Senter Road General Plan Amendment Initial Study / Negative Declaration. Planning Commission recommends approval (8-2-1; Oliverio and Young opposed. Cantrell absent). Council District 7. (Planning, Building and Code Enforcement)

**Attachments** [Memorandum](#)  
[Memorandum from Esparza, 2/4/2022](#)  
[\(a\)\(1\) & \(b\)\(1\) Resolution](#)  
[\(a\)\(2\) Resolution](#)  
[\(b\)\(2\) Resolution](#)  
[\(b\)\(3\) Ordinance](#)  
[Letters from the Public](#)

**10.3** [22-123](#) **GP21-006 and C21-030 - General Plan Amendment and Conforming Rezoning for Certain Real Property Located on 1271 & 1279 E. Julian Street.**

**Recommendation:** (a) Adopt a resolution adopting the Initial Study/Negative Declaration for 1271 and 1279 Julian Street General Plan Amendment, for which an Initial Study was prepared, all in accordance with CEQA, as amended.  
(b) Adopt a resolution amending the Envision San Jose 2040 General Plan Land Use/Transportation Diagram Land Use Designation from Mixed Use Neighborhood to Urban Residential on an approximately 0.97-gross acre site located on 1271 and 1279 E. Julian Street.  
(c) Approve an ordinance rezoning certain real property of approximately 0.97 gross acre located northwest of East Julian Street, approximately 150 feet southwesterly of Wooster Avenue (1271 and 1279 East Julian Street) from the R-1-8 Single-Family Residence Zoning District to the UR Urban Residential Zoning District.  
CEQA: 1271 and 1279 Julian Street General Plan Amendment Initial Study / Negative Declaration. Planning Commission recommends approval (10-0-1, Cantrell absent). Council District 3. (Planning, Building and Code Enforcement)

**Attachments** [Memorandum](#)  
[\(a\) Resolution](#)  
[\(b\) Resolution](#)  
[Ordinance](#)

**10.4** [22-124](#)**GP21-004 and C21-009 - General Plan Amendment and Conforming Rezoning for Certain Real Property Located on 7246 Sharon Drive.****Recommendation:**

(a) Planning Director recommends that the Council take the following actions:

(1) Adopt a resolution adopting the 7246 Sharon Drive General Plan Amendment and Conforming Rezoning Negative Declaration for which an initial study was prepared, in accordance with CEQA, as amended.

(2) Adopt a resolution denying the application for an amendment to the Envision San José 2040 General Plan Land Use/Transportation Diagram designation from Neighborhood Community Commercial to Mixed Use Neighborhood and the application for a conforming rezoning from the CP Commercial Pedestrian Zoning District to the MUN Mixed Use Neighborhood Zoning District on an approximately 0.6-gross acre site at 7246 Sharon Drive.

(b) Alternatively, Planning Commission recommends that the City Council take the following actions:

(1) Adopt a resolution adopting the 7246 Sharon Drive General Plan Amendment and Conforming Rezoning Negative Declaration for which an initial study was prepared, in accordance with CEQA, as amended.

(2) Adopt a resolution amending the Envision San José 2040 General Plan Land Use/Transportation Diagram Land Use Designation from Neighborhood Community Commercial to Mixed Use Neighborhood on an approximately 0.6-gross acre site on 7246 Sharon Drive.

(3) Approve an ordinance rezoning certain real property of approximately 0.6 gross acre located on the west side of Sharon Drive approximately 220 feet south of De Anza Boulevard (7246 Sharon Drive) from the CP Commercial Pedestrian Zoning District to the MUN Mixed Use Neighborhood Zoning District.

CEQA: Initial Study / Negative Declaration. Planning Commission recommends approval (7-3-1; Lardinois, Oliverio, and Young opposed; Cantrell absent). Council District 1. (Planning, Building and Code Enforcement)

**Attachments**

[Memorandum](#)

[Memorandum from Jones and Peralez, 2/4/2022](#)

[\(a\)\(1\) & \(b\)\(1\) Resolution](#)

[\(a\)\(2\) Resolution](#)

[\(b\)\(2\) Resolution](#)

[\(b\)\(3\) Ordinance](#)

[Letters from the Public](#)

**10.5** [22-125](#) **GP21-003 and C21-036 - General Plan Amendment and Conforming Rezoning for Certain Real Property Located on 3354 Keaton Loop.**

**Recommendation:**

- (a) Adopt a resolution adopting the 3354 Keaton Loop General Plan Amendment Project Negative Declaration or which an initial study was prepared, in accordance with CEQA, as amended.
- (b) Adopt a resolution amending the Envision San Jose 2040 General Plan Land Use/Transportation Diagram Land Use Designation from Residential Neighborhood to Neighborhood/Community Commercial on an approximately 0.665-gross acre site located on 3354 Keaton Loop.
- (c) Approve an ordinance rezoning certain real property of approximately 0.66 gross acre located at the southeast corner of Keaton Loop and San Felipe Road (3354 Keaton Loop) from the A Agriculture Zoning District to the CP Commercial Pedestrian Zoning District.
- CEQA: 3354 Keaton Loop General Plan Amendment Project Initial Study / Negative Declaration. Council District 8. (Planning, Building and Code Enforcement)

**Attachments** [Memorandum](#)  
[\(a\) Resolution](#)  
[\(b\) Resolution](#)  
[Ordinance](#)

**CONTINUE GENERAL PLAN (2022 CYCLE 1) HEARING TO MARCH 15, 2022 AT 6:00 PM**

- **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**

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## CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

### 1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

### 2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions: § No objects will be larger than 2 feet by 3 feet.
  - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
  - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.



**CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN  
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D.)**

3. Addressing the Council, Committee, Board or Commission:

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- b) Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the total amount of time allocated for public testimony for each public speaker or for an agenda item is in the discretion of the Chair of the meeting and may be limited when appropriate. (California Government Code Section 54954.3; Council Policy 0-37) Applicants and appellants in land use matters are usually given more time to speak. Speakers using a translator will be given twice the time allotted to ensure non-English speakers receive the same opportunity to directly address the Council, Committee, Board or Commission.
- c) Speakers should discuss only the agenda item when called to speak for that item, and only topics related to City business when called to speak during open forum on the agenda.
- d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
- e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
- f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
- g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.