



City Council Meeting Amended Agenda

Tuesday, March 15, 2022

1:30 PM

Hybrid Meeting - Council Chambers and Virtually -

<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.

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

Accommodations: Any member of the public who needs accommodations should email the ADA Coordinator at ADA@sanjoseca.gov or by calling (408) 535-8430. The ADA Coordinator will use their best efforts to provide reasonable accommodations to provide as much accessibility as possible while also maintaining public safety in accordance with the City procedure for resolving reasonable accommodation requests.

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

*** COVID-19 NOTICE ***

Consistent with AB 361 and City of San José Resolution Nos. 79485, 80237, 80266, 80290, 80323, 80343, 80363 and 80400, 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 by 10:00 a.m. the day of the meeting. Those emails will be attached to the Council Item under “Letters from the Public.” Please identify the Agenda Item Number in the subject line of your email.

How to submit written Public Comment during the City Council Meeting:

- 1) Email during the meeting to councilmeeting@sanjoseca.gov, identifying the Agenda Item Number in the email subject line. Comments received will be included as a part of the meeting record but will not be read aloud during the meeting.

How to provide spoken Public Comment during the City Council Meeting:

- 1) By Phone: (888) 475 4499. Webinar ID is 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. In your webinar controls, select "Interpretation." Click the language you would like to hear.

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

- **Call to Order and Roll Call**

9:30 a.m.- Closed Session

[22-296](#)

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 3)**

Azariah Cole-Shephard, SJSU's Campus Committee of Diversity, Equity, and Inclusion.

- **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

- **Adjournment**

This meeting is adjourned in memory of Lawrence Fan, who spent 42 years as the beloved Sports Information Director at San José State University and was the first Chinese American enshrined in the CoSIDA Hall of Fame. Lawrence's dedication and passion for SJSU and his profession was unmatched as he celebrated his 500th consecutive Spartan Football game in attendance just last year. While Lawrence had an incredible impact on the world of sports information, he had a larger impact on the thousands of student athletes, colleagues, and friends who had the pleasure of knowing him.

1. CEREMONIAL ITEMS

1.1 Presentation of a commendation to Esther Mota in recognition of her 26 years of outstanding service with the City of San José. (Esparza)

1.2 Presentation of a commendation to the San José Public Library Foundation in celebration of their 35-year anniversary. (Perez)

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.

2.3 Approval of Council Committee Minutes.

[22-366](#)

Approval of Council Committee Minutes.

Recommendation:

(a) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of February 16, 2022.

(b) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of February 23, 2022.

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

Attachments

[\(a\) 2/16/2022 ROGC Minutes](#)

[\(b\) 2/23/2022 ROGC Amended Minutes](#)

2.4 Mayor and Council Excused Absence Requests.

[22-367](#)**Mayor and Council Excused Absence Requests.****Recommendation:**

Request for excused absence for:

- (a) Councilmember Esparza from the Regular Meeting for the City Council on March 8, 2022 due to illness; and
- (b) Councilmember Cohen from the Regular Meeting for the Neighborhood Services & Education Committee on March 10, 2022 due to authorized City Business.

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Esparza & Cohen)
[Rules Committee referral 3/9/2022 - 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** [22-297](#)**Amendment to Master Services Agreement with Logik Systems, Inc. for Hosted E-Discovery and Document Management.****Recommendation:**

Adopt a resolution authorizing the City Attorney to negotiate and execute a Seventh Amendment to the Master Services Agreement with Logik Systems, Inc. for hosted e-discovery and document management, increasing the maximum amount of compensation by \$22,812, for a total compensation amount of \$388,986, and extending the term beginning September 28, 2017 through June 27, 2022.

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](#)

2.8 [22-298](#) Actions Related to Purchase Order for Digester Cleaning and Equipment Services.

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Execute a purchase order with Pipe and Plant Solutions, Inc. (Oakland, CA) for digester cleaning and equipment services for an initial 12-month period, starting on or about March 9, 2022 and ending on or about March 8, 2023 for a not to exceed amount of \$937,500; and
- (b) Exercise up to four additional one-year options to extend the initial term of the purchase order with the last option year ending on or about March 8, 2027, subject to the annual appropriation of funds.

CEQA: Categorically Exempt, File No. PP16-020, CEQA Guidelines Section 15301, Existing Facilities. (Finance)

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

2.9 [22-302](#) Second Quarter Financial Reports for Fiscal Year 2021-2022.

Recommendation: As recommended by the Public Safety, Finance and Strategic Support Committee on February 17, 2022, accept the Second Quarter (period ending December 31, 2021) Financial Reports for Fiscal Year 2021-2022 for the following programs:

- (a) Debt Management;
- (b) Investment Management;
- (c) Revenue Management; and
- (d) Purchasing and Risk 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 2/17/2022 - Item (d)2]

Attachments [Memorandum](#)
[Investment Report](#)

2.10 [22-306](#) City of San José Investment Policy Annual Review.

Recommendation: As recommended by the Public Safety, Finance and Strategic Support Committee on February 17, 2022, 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
2/17/2022 - Item (d)3]

Attachments [Memorandum](#)
[Presentation - PSFSS](#)
[Resolution](#)

2.11 [22-307](#) Amendment to the Agreement with Off the Grid, LLC for Food and Necessities Services.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute amendments and extensions for food and necessities services with Off the Grid, LLC to increase maximum compensation by \$1,746,000 from April 1, 2022, through June 30, 2022, for aggregate compensation of \$21,956,716.
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](#)
[Supplemental Memorandum](#)

2.12 [22-308](#) Actions Related to the 2021 Bureau of Justice Assistance Fiscal Year 2021 National Sexual Assault Kit Initiative Grant.

Recommendation: (a) Adopt a resolution accepting the 2021 Bureau of Justice Assistance National Sexual Assault Kit Initiative Grant in the amount of \$1,425,000 and authorizing the City Manager to execute the Grant Agreement, additional amendments and all related documents, including online certifications at time of reimbursement requests, without further City Council action.

 (b) Adopt the following 2021-2022 Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund:

 (1) Establish a City-Wide Expenses appropriation to the Police Department for the Bureau of Justice FY 2021 National Sexual Assault Kit Initiative in the amount of \$462,947; and

 (2) Increase the estimate for Revenue from Federal Government by \$462,947.

 CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (Police/City Manager)

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

2.13 [22-309](#) Master Agreement with PGAdesign, Inc. for Landscape Architectural Design Services for Various City Facility Projects.

Recommendation: Approve the Third Amendment to the Master Agreement with PGAdesign, Inc. (CPMS Contract No. 8069) extending the term from June 30, 2022, to June 30, 2023, with no increase to the maximum compensation, for the sole purpose of allowing the consultant to continue providing consulting services through completion of Rotary PlayGarden Expansion Project.

 CEQA: Categorically Exempt, File No. PP19- 002, CEQA Guidelines Section 15301 Existing Facilities. (Public Works)

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

2.14 [22-370](#)**Actions Related to the Naming Rights of the Competition Arena at the Ice Centre of San José.****Recommendation:**

Adopt a resolution:

- (a) Approving the sale by Sharks Ice, LLC of the naming rights to the Competition Arena at the Ice Centre of San José, and consenting to the official naming of the Competition Arena as “Tech CU Arena at Sharks Ice at San José” and to the use of the shorter version of the name “Tech CU Arena” when use of the full official name is not reasonably practical for the term of the sponsorship agreement;
- (b) Authorizing the City Manager, or her designee, to approve the location, design, size, and appearance of new exterior signage at the Competition Arena at the Ice Centre of San José to portray the new name and logo;
- (c) Authorizing the City Manager to require “San José” be placed on exterior signage at the San José Ice Centre in any future naming rights agreements for the San José Ice Centre; and
- (d) Clarifying the Parties’ intent not to amend the existing lease or sponsorship agreements.

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. Council District 7. (Economic Development and Cultural Affairs)

[Deferred from 3/1/2022 - Item 2.7 (22-212) and 3/8/2022 - Item 2.15 (22-333)]

Attachments

[Memorandum](#)

[Supplemental Memorandum](#)

[Resolution](#)

2.15 [22-368](#) Retroactive Request for Travel Authorization for Vice Mayor Jones.

Recommendation: Retroactively authorize travel for Vice Mayor Jones to attend the National League of Cities Congressional Conference in Washington, D.C. from March 11-15, 2022. Source of Funds: Mayor/Council Travel Budget.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Jones)
[Rules Committee referral 3/9/2022 - Item A.1.a]

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

2.16 [22-375](#) Approval of Majestic Way Dumpster Day 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: As recommended by the Rules and Open Government Committee on March 9, 2022:
(a) Approve the Majestic Way Dumpster Day scheduled on March 19, 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. (Cohen)
[Rules Committee referral 3/9/2022 - Item B.3]

Attachments [Memorandum](#)

- 2.17** [22-379](#) **Retroactive Approval of Eastridge Lunar New Year Celebration Community Event Sponsored by Council District 8 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

Recommendation: As recommended by the Rules and Open Government Committee on March 9, 2022:
 (a) Retroactively approve the Eastridge Lunar New Year Celebration scheduled on February 12, 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. (Arenas)
 [Rules Committee referral 3/9/2022 - Item B.4]

Attachments [Memorandum](#)

- 2.18** [22-382](#) **Approval of Assyrian New Year Flag Raising 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: As recommended by the Rules and Open Government Committee on March 9, 2022:
 (a) Approve the Assyrian Flag Raising scheduled on April 1, 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. (Mahan)
 [Rules Committee referral 3/9/2022 - Item B.5]

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 [22-310](#) Approval of the Fiscal Year 2022-2023 Mayor's March Budget Message.

Recommendation: (a) Conduct a Public Hearing on the FY 2022-2023 Mayor's March Budget Message.
 (b) Approve the FY 2022-2023 Mayor's March Budget Message.
 CEQA: Not a Project, File No. PP17-010, City Organization and Administrative Activities resulting in no changes to the physical environment. (Mayor)

Attachments [Memorandum](#)
 [Memorandum from Arenas, Esparza & Carrasco, 3/11/2022](#)
 [Memorandum from Mahan, 3/14/2022](#)
 [Memorandum from Cohen, 3/14/2022](#)
 [Memorandum from Peralez, 3/14/2022](#)
 [Memorandum from Davis, 3/15/2022](#)
 [Letters from the Public - 1 of 3](#)
 [Letters from the public - 2 of 3](#)
 [Letters from the public - 3 of 3](#)

4. PUBLIC SAFETY SERVICES

5. TRANSPORTATION & AVIATION SERVICES

6. ENVIRONMENTAL & UTILITY SERVICES

**6.1 [22-313](#) Revisions to the City of San José's Water Efficient Landscape Ordinance. -
DEFERRED**

Recommendation: As recommended by the Transportation and Environment Committee on March 7, 2022:

(a) Accept the report on Water Efficient Landscape Ordinance.

(b) Approve an ordinance amending the San José Municipal Code, Sections 15.08.500, 15.10.030, 15.10.040, 15.10.290, 15.10.300, and Chapter 15.11 of Title 15 and Sections 17.72.535 and 17.72.560 of Chapter 17.72 of Title 17 to modify the Water Efficient Landscape Standards for New and Rehabilitated Landscaping and to clarify potable water conservation 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; and File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.
(Environmental Services/Planning, Building and Code Enforcement)
[Transportation and Environment Committee referral 3/7/2022 - Item (d)1]

DEFERRED TO 4/12/2022 PER ADMINISTRATION

Attachments [Memorandum](#)
[Presentation - T&E](#)
[Ordinance](#)

7. NEIGHBORHOOD SERVICES

7.1 [22-314](#) Municipal Golf Courses Update.**Recommendation:**

(a) Accept the report on the City's municipal golf courses, including plans to initiate a Request for Proposals (RFP) for long-term golf course lease agreements.

(b) Adopt a resolution authorizing the City Manager to negotiate, execute and amend any and all lease agreements for operations of the City's golf courses resulting from the upcoming 2022 RFP, subject to the appropriation of funds.

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

Attachments

[Memorandum](#)

[Memorandum from Peralez, Cohen, Carrasco & Esparza, 3/11/22](#)

[Presentation - est. 10 minutes](#)

[Letter from Parks and Recreation Commission](#)

[Letters from the Public](#)

8. COMMUNITY & ECONOMIC DEVELOPMENT**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.

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 [22-316](#)

H21-049 - Administrative Appeals Hearing on the Initial Study/Mitigated Negative Declaration and the Site Development Permit for the 1436 State Street Corporation Yard Project. - NOT TO BE HEARD BEFORE 4:00 P.M.

Recommendation:

(a) Conduct an Administrative Hearing to consider the following appeals of the Planning Director's:

(1) Adoption of the Mitigated Negative Declaration for the 1436 State Street Project in accordance with the California Environmental Quality Act (CEQA); and

(2) Approval of Site Development Permit File No. H21-049 for the State Street Corporation Yard Project to allow the reconfiguration of an existing vacant building to warehouse and incidental office use, the addition of an outdoor materials storage pad, a propane tank, and a utility building with staff locker rooms and a trash enclosure, for a new corporation yard on an approximately 0.97-gross acre site located at 1436 State Street.

(b) Adopt a resolution denying the environmental appeal and adopting the 1436 State Street Project Mitigated Negative Declaration, for which an Initial Study was prepared, and the associated Mitigation Monitoring and Reporting Program, in accordance with CEQA, as amended and finding that:

(1) The City Council has read and considered the Initial Study/Mitigated Negative Declaration (IS/MND) for the 1436 State Street Project and related administrative record in connection with Site Development Permit No. H21-049;

(2) The 1436 State Street Project IS/MND was prepared in full compliance with the California Environmental Quality Act (CEQA) of 1970, as amended, together with State and local implementation guidelines;

(3) Adoption of the 1436 State Street Project MND reflects the independent judgement and analysis of the City of San José; and

(4) Preparation of a new environmental document is not required because the IS/MND thoroughly and adequately analyzed the project, and the environmental appeal does not raise any new significant impacts that have not already been analyzed or addressed in the IS/MND in accordance with Public Resources Code (PRC) Section 21083 or CEQA Guidelines Sections 15073 and 15185.

(c) Adopt a resolution denying the permit appeal and approving, subject to conditions, a Site Development Permit to allow the reconfiguration of an existing vacant building to warehouse and incidental office use, the addition of an outdoor materials storage pad, a propane tank, and a utility building with staff locker rooms and a trash enclosure, for a corporation yard on an approximately 0.97-gross acre site located on the north side of State Street, approximately 290 feet easterly of Essex Street (1436 State Street; APNs: 015-11-056, 015-11-085, and

015-11-094).

CEQA: 1436 State Street Project Initial Study/Mitigated Negative Declaration. Council District 4. (Planning, Building and Code Enforcement)

NOT TO BE HEARD BEFORE 4:00 P.M.

Attachments [Memorandum](#)

[Attachment](#)

[Memorandum From Cohen, 3/15/22](#)

[Presentation - est. 5 minutes](#)

[Letters from the Public](#)

10.3 [22-317](#)**H20-041 - Administrative Appeal Hearing on the Initial Study/Mitigated Negative Declaration for the 1660 Old Bayshore Highway Industrial Project.****Recommendation:**

(a) Conduct an Administrative Hearing to consider the Appeal of the Planning Director's adoption of the Initial Study and Mitigated Negative Declaration for the 1660 Old Bayshore Highway Industrial Project in accordance with the California Environmental Quality Act (CEQA) prepared for the Site Development Permit File No. H20-041 to re-purpose the existing 24,486 square foot warehouse building as a "last mile" e-commerce distribution center, construct a new adjoining 3,000 square foot office addition and a new 17,700 square foot canopy-covered loading area on the south side of the building on 6.07-acre project site located at 1660, 1720, and 1736 Old Bayshore Highway.

(b) Adopt a resolution denying the environmental appeal and upholding the Planning Director's adoption of the 1660 Old Bayshore Highway Industrial Project Mitigated Negative Declaration, associated Mitigation Monitoring and Reporting Program, and Site Development Permit, and finding that:

(1) The City Council has read and considered the Initial Study and Mitigated Negative Declaration (IS/MND) for the 1660 Old Bayshore Highway Industrial Project and related administrative record related to Site Development Permit File No. H20-041; and

(2) The IS/MND for the 1660 Old Bayshore Highway Industrial Project was prepared and completed in full compliance with the California Environmental Quality Act of 1970, as amended, together with State and local implementation guidelines; and

(3) Adoption of the IS/MND reflects the independent judgment and analysis of the City of San José; and

(4) Preparation of a new environmental document is not required because IS/MND thoroughly and adequately analyzed the project, and the environmental appeal does not raise any new significant impacts that have not already been analyzed or addressed in the IS/MND in accordance with Public Resources Code Section 21083 and CEQA Guidelines sections 15073 and 15185.

CEQA: 1660 Old Bayshore Highway Industrial Project Focused Initial Study and Mitigated Negative Declaration. (Planning, Building and Code Enforcement)

Attachments[Memorandum](#)[Presentation - est. 5 minutes](#)

CONTINUE GENERAL PLAN (2022 CYCLE 1) HEARING

10.4 [22-318](#)

**GP21-016, GP21-017, C21-041, C21-042 & PP21-014 - General Plan
Amendments, Rezonings, and Municipal Code Changes for the North First
Street Local Transit Village. - DEFERRED**

Recommendation:

(a) Adopt a resolution approving the following:

- (1) General Plan Amendment to modify the North 1st Street Local Transit Village boundary and change the General Plan Land Use Designations on the Land Use/Transportation diagram on specified properties within the boundary of the Urban Village Plan area; and
- (2) Adoption of the North 1st Street Local Transit Village Plan as the guiding policy document for new development and identified public improvements within the urban village area.

(b) Adopt a resolution approving a General Plan Amendment changing the General Plan Land Use Designation on the land use/transportation diagram on specified properties located adjacent to the North 1st Street Local Transit Village boundary.

(c) Approve an ordinance amending the regulation of maximum height limitations in San José Municipal Code Section 20.85.020.

(d) Approve an ordinance rezoning specified properties within the North 1st Street Local Transit Village as follows:

- (1) Twenty-four properties from the CO Commercial Office and CN Commercial Neighborhood zoning districts to the CP Commercial Pedestrian zoning district;

- (2) One property from the CN Commercial Neighborhood zoning district to the R-1- 8 Single-Family Residence zoning district;

- (3) Thirty-two properties from the CO Commercial Office, CP Commercial Pedestrian, R-2 Two-Family Residence, and R-M Multiple Residence zoning districts to the TR Transit Residential zoning district;

- (4) Twelve properties from the CO Commercial Office, CP Commercial Pedestrian, and R-2 Two-Family Residence zoning districts to the UR Urban Residential zoning district; and

- (5) Nine properties from the CO Commercial Office, CG Commercial General, and CN Commercial Neighborhood zoning districts to the UVC Urban Village Commercial zoning district.

(e) Approve an ordinance rezoning specified properties in the vicinity of the North 1st Street Local Transit Village as follows:

- (1) Forty-four properties from the CO Commercial Office, CN Commercial Neighborhood, R-2 Two-Family Residence, R-M Multiple Residence, and A(PD) Planned Development zoning districts to the CP Commercial Pedestrian zoning district;

- (2) Two properties from the R-1-8 Single-Family Residence zoning district to the MUC Mixed-Use Commercial zoning district;

- (3) Three properties from the R-1-8 Single-Family Residence and CO Commercial Office Zoning District to the OS Open Space

Zoning District;

(4) Four properties from the CO Commercial Office, R-1-8 Single-Family Residence, and LI Light Industrial zoning districts to the PQP Public/Quasi Public zoning district;

(5) Forty-three properties from R-2 Two-Family, R-M Multiple Residence, CO Commercial Office, CP Commercial Pedestrian, and A(PD) Planned Development zoning districts to the R-1-8 Single-Family Residence zoning district;

(6) Six properties from CO Commercial Office, LI Light Industrial, and R-1-8 Single-Family Residence zoning districts to the TR Transit Residential zoning districts; and

(7) Eleven properties from the CO Commercial Office and LI Light Industrial zoning districts to the UR Urban Residential 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. Planning Commission recommends approval with the following addition: Add the North 1st Street Local Transit Village to the same pilot program for small business displacement as the Alum Rock and Five Wounds Urban Villages (9-2; Garcia and Oliverio opposed). (Planning, Building and Code Enforcement)
DEFERRED TO 3/22/2022 PER RULES AND OPEN
GOVERNMENT COMMITTEE

Attachments [Memorandum](#)
[\(a\) Resolution](#)
[\(b\) Resolution](#)
[\(c\) Ordinance](#)
[\(d\) Ordinance](#)
[\(e\) Ordinance](#)
[Letters from the Public](#)

CLOSE GENERAL PLAN (2022 CYCLE 1) HEARING

- **Open Forum**

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

- **Adjournment**

This meeting is adjourned in memory of Lawrence Fan, who spent 42 years as the beloved Sports Information Director at San José State University and was the first Chinese American enshrined in the CoSIDA Hall of Fame. Lawrence's dedication and passion for SJSU and his profession was unmatched as he celebrated his 500th consecutive Spartan Football game in attendance just last year. While Lawrence had an incredible impact on the world of sports information, he had a larger impact on the thousands of student athletes, colleagues, and friends who had the pleasure of knowing him.

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.