



# **City Council Meeting Amended Agenda**

**Tuesday, January 11, 2022**

**1:30 PM**

**\* UPDATED\***

**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 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 AB 361 and City of San Jose Resolution Nos. 79485, 80237, 80266, 80290 and 80323, 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 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 99346843938. 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.

- **Call to Order and Roll Call**

9:30 a.m.- Closed Session

**21-2637** Closed Session Agenda

1:30 p.m.- Regular Session

6:00 p.m.- Evening Session

- **Pledge of Allegiance**
- **Invocation (District 1)**

- **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.**

- **Adjournment**

This meeting is adjourned in memory of Sotera Castillo Solis, who passed away on November 30, 2021 at the age of 101. Sotera was a beloved matriarch for the Solis family, and is survived by her six children, eighteen grandchildren, twenty-five great grandchildren, and eight great-great grand children.

- **Closed Session Report**

To be heard after Ceremonial Items

## **1. CEREMONIAL ITEMS**

1.1 Presentation of a Proclamation recognizing Human Trafficking Awareness Month. (Carrasco)

1.2 Presentation of a Commendation to the Evergreen School District and Superintendent Emy Flores in recognition of their outstanding efforts to keep the Evergreen community safe and healthy during this pandemic. (Arenas and Esparza)

## **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.

### 21-2655 Final Adoption of Ordinances.

**Recommendation:** (a) Ordinance No. 30702 - An Ordinance of the City of San José Establishing and Declaring the Boundaries of the City Council Districts Using 2020 Federal Census Data.[Redistricting]  
[Passed for Publication on 12/14/2021 - Item 3.4(b) (21-2545)]  
(b) Ordinance No. 30703 - An Ordinance of the City of San José Granting a Commercial Solid Waste and Recyclables Collection Franchise to Hayward Transfer Station.  
[Passed for Publication on 12/14/2021 - Item 6.1(b) (21-2568)]  
(c) Ordinance No. 30707 - An Ordinance of the City of San José Adding a New Part 8 to Chapter 20.30 of Title 20 of the San José Municipal Code to Implement Senate Bill 9 to Allow for Additional Density in Single-Family Neighborhoods.  
[Passed for Publication on 12/14/2021 - Item 10.5(b) (21-2570)]

## 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 21-2638 Action Related to the Knight Foundation Data Capacity Expansion Grant.

**Recommendation:** (a) Adopt a resolution authorizing the City Manager or designee to:  
(1) Accept grant funds from the John S. and James L. Knight Foundation (Knight Foundation) in an amount not to exceed \$750,000 to expand the City's data leadership and capacity to use data to help make decisions, measure outcomes, and drive results that incorporate equity into the planning and delivery of City services; and  
(2) Negotiate and execute any documents necessary to accept the grant funds.  
(b) Adopt the following 2021-2022 Appropriation Ordinance and Funding Source Resolution Amendments in the General Fund:  
(1) Increase the estimate for Other Revenue by \$750,000; and  
(2) Establish the Data Capacity Expansion Project City-Wide Expenses appropriation to the City Manager's Office in the amount of \$750,000.  
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Manager)

**2.8 21-2639 Actions Related to the Memorandum of Understanding with the Urban Areas Security Initiative.**

**Recommendation:** Adopt a resolution authorizing the City Manager or designee to:

- (a) Execute an updated Memorandum of Understanding (MOU) with the Bay Area Urban Areas Security Initiative; and
- (b) Execute amendments to the MOU to extend the term of the agreement up to four years and to make minor amendments to the MOU for governance, operational efficiencies, and transfer of funds within the established City Manager authority.

CEQA: Not a Project, File No. PP17-006, Grant Application with no commitment or obligation to enter into an agreement at the time of application. (City Manager)

**2.9 21-2640 Amendment to Lease of City-Owned Property in the Vicinity of 5285 Doyle Road.**

**Recommendation:** Adopt a resolution authorizing the City Manager, or her designee, to negotiate and execute a Fourth Amendment to the Lease of City-owned property near 5285 Doyle Road dated June 24, 1997 between the City of San José and Pacific Bell Telephone Company, a California corporation, to extend the lease term retroactive from November 15, 2021 to November 14, 2026, for a total of five years, for a total cost of approximately \$722,842.69.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Economic Development and Cultural Affairs)

**2.10 21-2641 Actions Related to the Purchase Order for Advanced Transportation Controller Cabinets.**

**Recommendation:** Adopt a resolution authorizing the City Manager to:

- (a) Execute a purchase order with McCain Manufacturing, Inc (Vista, CA) for Advanced Transportation Controller cabinets for a twelve-month period, starting on or about January 12, 2022 and ending on January 11, 2023, for an amount not to exceed \$750,000; and
- (b) Exercise up to four (4) additional one-year options to extend the initial term of the purchase order with the last option year ending on or about January 11, 2027, subject to the appropriation of funds.

CEQA: Not a Project, PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Finance)

**2.11 21-2642 Agreement with the City and County of San Francisco for 2021 Urban Areas Security Initiative (UASI) Grant Funds.**

**Recommendation:** (a) Adopt a resolution authorizing the City Manager to execute an Agreement between the City of San José and the City and County of San Francisco, acting as fiscal agent for the Bay Area Urban Areas Security Initiative, to accept the 2021 UASI grant allocation in the amount of \$1,681,608 and to negotiate and execute additional amendments and related documents without further City Council action. (b) Adopt the following Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund:

- (1) Establish a City-Wide Expenses appropriation to the Police Department for the Urban Areas Security Initiative Grant - Police 2021 in the amount of \$753,483;
- (2) Establish a City-Wide Expenses appropriation to the Fire Department for the Urban Areas Security Initiative Grant - Fire 2021 in the amount of \$679,375; and
- (3) Increase the estimate for Revenue from Federal Government by \$1,432,858.

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. (Fire/Police/City Manager)

**2.12 21-2643 Amendment to Master Consultant Agreement with Brown and Caldwell to Provide Engineering Analysis, Design, Construction Management, and Environmental Consulting Services for Various Storm and Sanitary Sewer System Improvement Projects.**

**Recommendation:** Approve the First Amendment to the Master Consultant Agreement with Brown and Caldwell for engineering analysis, design, construction management and environmental consulting services for various storm and sanitary sewer system improvement projects, extending the term of the agreement from January 31, 2022 to January 31, 2025, with no increase to the maximum compensation.

CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action; and File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Public Works)



**2.13 21-2644      Amendment to Master Consultant Agreement with David J. Powers & Associates, Inc. and for Environmental Consulting Services for City Improvement Projects.**

**Recommendation:** Approve the First Amendment to the Master Consultant Agreement with David J. Powers & Associates, Inc. for environmental consulting services for various infrastructure improvement projects, extending the term of the agreement from January 31, 2022 to January 31, 2029, with no increase to the maximum compensation.

CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action; and File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Public Works)

**2.14 21-2645      Actions Related to the Construction Contract for the Andrew P. Hill Community Wi-fi Infrastructure and Digital Inclusion Program.**

**Recommendation:** Adopt a resolution authorizing the Director of Public Works to:

- (a) Award and execute a contract for the construction of 9766 Andrew P. Hill Project, to the lowest responsive, responsible bidder in an amount not to exceed \$1,500,000;

- (b) 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

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

CEQA: Statutorily Exempt, File No. PP10-066 (d), CEQA Guidelines Section 15262, Feasibility and Planning Studies. Council Districts 2, 7. (Library/Public Works)

**2.15 21-2654 Extension of AB 361 Implementation to Allow Teleconferenced Public Meetings to Continue through February 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)

**2.16 21-2661 Boards and Commissions Appointment.**

**Recommendation:** Approve the following Boards and Commissions appointment:  
(a) Federated Retirement Board:  
(1) Appoint Mark Linder as the Retiree Representative to the Federated Retirement Board to a term ending November 30, 2024.  
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Clerk)

### **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 21-2646 Team San José and the Convention and Visitors Bureau Performance Report Annual Review.**

**Recommendation:** As recommended by the Community and Economic Development Committee on November 11, 2021, accept the report on Team San José and the Convention and Visitors Bureau's performance for FY 2020-21.

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 Auditor)

[Community and Economic Development Committee referral 11/11/2021 - Item (d)1]

[Deferred from 12/14/2021 - Item 3.3 (21-2585)]

**3.4 21-2647 Charter Review Commission Report and Recommendations.**

**Recommendation:** (a) Accept the Report of the Charter Review Commission.  
(b) Provide direction to staff to develop any accepted recommendations for one or more ballot measures for the June 2022 statewide primary election, November 2022 statewide general election, or beyond, as appropriate.

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

[Deferred from 12/14/2021 - Item 3.5 (21-2546)]

**3.5 21-2652 Actions Related to the California Water and Wastewater Arrearage Payment Program.**

**Recommendation:** (a) Accept the staff report regarding the California Water and Wastewater Arrearage Payment Program (“Program”).

(b) Adopt a resolution:

(1) Ratifying the City of San José application for the Program, and authorizing the City Manager, Director of Finance or their designees to negotiate and execute the necessary agreements, including any amendments or revisions, and other actions, to execute the grant and fulfill the Program requirements;

(2) Accepting up to \$663,000, or the amount awarded, in Program funding;

(3) Authorizing the Director of Finance to waive late fees for any arrearage accounts whose approval exceeds the Director of Finance signature authority, for an estimated total of \$37,601, in compliance with Program requirements; and

(4) Authorizing the City Manager, Director of Finance or their designees to apply for, negotiate and execute any documents, and take other actions necessary to receive Program funds for wastewater arrearages if future funding becomes available, including the waiver of interest or late and other fees.

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. Council Districts 2, 4, 7 and 8. (Finance/Environmental Services)

**3.6 21-2653 Actions Related to the California Arrearage Payment Program.**

**Recommendation:** (a) Accept the staff report regarding the California Arrearage Payment Program (“CAPP Program”).

(b) Adopt a resolution:

(1) Ratifying the City of San José application for the CAPP, and authorizing the City Manager, Director of Finance or their designees to negotiate and execute the necessary documents, including any amendments or revisions to the application, and take all other actions to accept the grant and fulfill the CAPP terms and conditions;

(2) Accepting up to \$4,348,501, or the amount awarded, in CAPP funding;

(3) Authorizing the Director of Finance or her designee to waive any late or other fees and accrued interest for customers that are awarded benefits in compliance with CAPP requirements; and

(4) Authorizing the City Manager, Director of Finance or their designee to apply for, negotiate and execute any documents, and take other actions necessary to receive CAPP funds for electric arrearage, including the waiver of interest or late and other fees, if additional funding becomes available.

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. (Finance/Community Energy)

**3.7 21-2660 Update on Negotiations with Valley Water on the Purified Water Project.**

**Recommendation:** Accept the report regarding negotiation status for Santa Clara Valley Water District’s Purified Water Project in Santa Clara County.

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

[Deferred from 12/14/2021 - Item 3.8 (21-2636)]

**4. PUBLIC SAFETY SERVICES****5. TRANSPORTATION & AVIATION SERVICES****6. ENVIRONMENTAL & UTILITY SERVICES****7. NEIGHBORHOOD SERVICES**

## **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**

- (a) **21-2648** PDC18-032 & PD18-042 - Planned Development Rezoning and a Planned Development Permit on an approximately 0.25-gross acre site located northeast corner of Oakland Road and Faulstich Court (Ngo Nghi, Owner). - **RECOMMEND DEFERRAL**

**Recommendation:** (1) Adopt a resolution adopting the Oakland Road Comfort Suites Project Mitigated Negative Declaration, for which an Initial Study was prepared, and associated Mitigation Monitoring and Reporting Program, in accordance with the California Environmental Quality Act, as amended.

(2) Approve an ordinance of the City of San José rezoning certain real property of approximately 0.25 acres on the northeast corner of Oakland Road and Faulstich Court from the CIC Combined Industrial/Commercial Zoning District to the CIC(PD) Planned Development Zoning District.

(3) Adopt a resolution, approving subject to conditions, a Planned Development Permit to allow the construction of a five-story hotel with up to 48 rooms, an alternative parking arrangement (mechanical lifts), valet parking, an 8-foot masonry wall, and the removal of one non-ordinance sized tree on an approximately 0.25-gross acre site.

CEQA: Oakland Road Comfort Suites Project Mitigated Negative Declaration. Planning Commission recommends approval (10-0-1; Bonilla absent). Council District 3. (Planning, Building and Code Enforcement)

**RECOMMEND DEFERRAL TO 3/1/2022 PER ADMINISTRATION**

**END OF CONSENT CALENDAR**

**10 Land Use - Regular Agenda**

**10.2 21-2649 PDC15-067 - Planned Development Rezoning for a Mixed-Use Development on a 2.77 gross-acre site located at 1260 E. Santa Clara Street.**

**Recommendation:** (a) Adopt a resolution adopting the Empire Lumber Mixed Use Mitigated Negative Declaration, for which an Initial Study was prepared, and associated Mitigation Monitoring and Reporting Plan, all in accordance with the California Environmental Quality Act (CEQA), as amended.

(b) Approve an ordinance of the City of San José rezoning certain real properties situated on the south side of East Santa Clara Street, east of South 26th Street and north of Shortridge Avenue (1260 East Santa Clara Street) (APNs 467-33-001, 467-33-002, 467-33-003, 467-33-004, 467-33-006, 467-33-007, and 467-33-008) from CG Commercial General Zoning District and LI Light Industrial Zoning District to CP(PD) Planned Development Zoning District on a 2.77 gross-acre site.

CEQA: Mitigated Negative Declaration for the Empire Lumber Mixed Use Project. Planning Commission recommends approval (8-0-3; Bonilla, Ornelas-Wise and Torrens absent). Council District 3. (Planning, Building and Code Enforcement)  
[Deferred from 12/14/2021 - Item 10.2 (21-2569)]

**10.3 21-2650 C19-031 & SP20-016 - Conforming Rezoning and Special Use Permit for Property Located at 1212 South Winchester Boulevard.**

**Recommendation:** (a) Adopt a resolution adopting the 1212-1224 South Winchester Boulevard Hotel Project Mitigated Negative Declaration, for which an Initial Study was prepared, and the associated Mitigation Monitoring and Reporting Plan, all in accordance with the California Environmental Quality Act (CEQA).

(b) Approve an ordinance rezoning certain real property located on the east side of South Winchester Boulevard approximately 270 feet south of Fireside Drive from the R-1-8 Single-Family Residence Zoning to the CP Commercial Pedestrian Zoning District on an approximately 0.69 -gross acre site.

(c) Adopt a resolution approving, subject to conditions, a Special Use Permit and Site Development Permit to allow the demolition of two existing commercial buildings and the removal of nine trees (four ordinance-size, five non-ordinance-size) and to allow the construction of an approximately 107,079-square foot, six-story, 119-room hotel with an approximately 49% parking reduction and an alternative parking arrangement on an approximately 0.69-gross acre site.

CEQA: Initial Study/Mitigated Negative Declaration for the 1212-1224 South Winchester Boulevard Hotel Project. Council District 1.  
(Planning, Building, and Code Enforcement)  
[Deferred from 10/26/2021 - Item 10.2 (21-2569); and 11/16/2021 - Item 10.2 (21-2386)]

- **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 Sotera Castillo Solis, who passed away on November 30, 2021 at the age of 101. Sotera was a beloved matriarch for the Solis family, and is survived by her six children, eighteen grandchildren, twenty-five great grandchildren, and eight great-great grandchildren.



## **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.