



City Council Meeting Amended Agenda

Tuesday, August 9, 2022

1:30 PM

**Hybrid Meeting - Council Chambers and Virtually -
<https://sanjoseca.zoom.us/j/88957084529>**

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, 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 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 889 5708 4529. 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/88957084529>
 - 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

22-1124 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 7)**

Father Hugo Rojas - Our Lady of Refuge Parish.

- **Orders of the Day**

To be heard after Ceremonial Items

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

- **Closed Session Report**

To be heard after Ceremonial Items

1. CEREMONIAL ITEMS

1.1 Presentation of a commendation to Mario Gonzalez for being appointed as a coach for the International Futsal Alliance and his continued dedication to East San José youth as their futsal coach. (Carrasco)

1.2 Presentation of a proclamation recognizing August 2022 as Breastfeeding Awareness Month. (Arenas)

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.

22-1101 Final Adoption of Ordinances.

Recommendation: (a) Ordinance No. 30801 - An Ordinance of the City of San José Repealing Chapter 11.34 of Title 11 of the San José Municipal Code Relating to Regulation of Cruising.
[Passed for Publication on 6/28/2022 - Item 4.1 (22-1046)]
(b) Ordinance No. 30804 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.87 Gross Acre Situated on the Northwest Corner of the Intersection of Realm Drive and Bernal Road (APN: 706-01-016) from the IP(PD) Planned Development Zoning District to the CG Commercial General Zoning District.
[Passed for Publication on 6/28/2022 - Item 10.1(a) (22-1037)]

2.3 Approval of Council Committee Minutes.

22-1158 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 June 22, 2022.
(b) Regular Smart Cities and Service Improvements Committee Minutes of June 2, 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.

2.4 Mayor and Council Excused Absence Requests.

22-1102 Mayor and Council Excused Absence Requests.

Recommendation: Request for an excused absence for Councilmember Esparza from the Regular Meeting for the Community and Economic Development Committee on June 27, 2022 due to illness.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Esparza)

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.**2.7 22-1122 Implementation of AB 361 to Allow Teleconferenced Public Meetings and Modified COVID Sunshine Resolution and Procedures through September 8, 2022 during the Governor's Proclaimed COVID State of Emergency.**

Recommendation: Adopt a resolution finding the need to implement AB 361 and amend 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.

[REQUIRES A MAJORITY VOTE TO PASS. Cal. Govt. Code Section 54953(e)(1)].

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

2.8 22-1098 Boards and Commissions Appointment.

Recommendation: Approve the following Boards and Commissions appointments:

(a) Arts Commission:

(1) District 10 Seat: Appoint Shelby Taketa for a term ending June 30, 2026.

(b) Library Commission:

(1) District 4 Seat: Appoint Deniz Westphal for a term ending June 30, 2023.

(c) Youth Commission:

(1) District 4 Seat: Appoint Nuha Khan for a term ending May 31, 2023.

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

2.9 22-1123 Declaration and Recording a Statement of the Results of the June 7, 2022 Primary Municipal Election and Special Municipal Election.

Recommendation: Adopt a resolution declaring and recording a statement of the results of the June 7, 2022 Primary Municipal Election and Special Municipal Election per Elections Code Sections 10263, 10264, and 15400.
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.
(City Clerk)

2.10 22-1125 Amendment to the Agreement with SHI International Corporation for the Information Technology Infrastructure Refresh Project.

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Negotiate and execute the First Amendment to the Agreement for an Infrastructure Refresh Project with SHI International Corporation (Somerset, NJ) to add hardware, software, licensing, support, and associated professional services to the scope of work to complete disaster recovery and high availability functionality for the City's existing information technology infrastructure and deploy a similar hyper converged infrastructure for the Emergency Operations Center for an increase in compensation of \$687,329, inclusive of applicable sales tax, and a revised maximum compensation of \$3,164,381 for the initial five-year term ending December 31, 2023; and
- (b) Add \$200,000 in contingency for any additional unanticipated changes for the remainder of the initial term, subject to the appropriation of funds.

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

2.11 22-1126 Report on Request for Proposal for a Centralized Transit Signal Priority Solution.

Recommendation: Accept the report on the Request for Proposal and adopt a resolution authorizing the City Manager to:

- (a) Negotiate and execute an agreement with SinWaves, Inc. dba LYT (Santa Clara, CA) for a centralized transit signal priority solution, including related professional services such as implementation, testing, training, support, and maintenance, for a five-year term beginning on or about August 10, 2022 and ending on or about August 9, 2027 in alignment with the term of the software license and maximum compensation not to exceed \$500,000; and
- (b) Negotiate and execute amendments and change orders as required for any unanticipated changes for a contingency amount not to exceed \$62,500.

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

2.12 22-1127 Ordinance Regulating Taxicabs in San José. - RECOMMEND DEFERRAL

Recommendation: Maintain the permit fee schedule, increase the insurance requirements, and maintain the requirement for taxicabs to have distinguishing vehicle markings and colors but allow taxicab companies to select a new paint color if desired.

CEQA: Not a Project, File No. PP17-005, Adjustment to Fees, Rates and Fares without changes to or expansion of services. (Finance/Police)

RECOMMEND DEFERRAL TO 8/23/2022 PER ADMINISTRATION

2.13 22-1128 City Initiatives Roadmap - Soft Story Retrofit: Agreement with David Bonowitz S.E., for Consultant and Professional Engineering Services for Soft Story Seismic Retrofit Program Project (DR-4344-212-106).

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute an agreement and all related amendments with David Bonowitz S.E., a sole proprietor, for engineering consultant services for the Soft Story Seismic Retrofit Program from the date of execution to June 30, 2026 with a maximum total compensation amount up to \$1,325,825.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (new or amended) resulting in no physical changes to the environment. (Planning, Building and Code Enforcement)

2.14 22-1129 Amendment to Americans with Disabilities Act Transition Plan Update for Sidewalks.

Recommendation: Adopt a resolution approving the amendment to the Americans with Disabilities Act Transition Plan Update for sidewalks.
CEQA: Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. (Transportation)

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 22-1130 Summer Intergovernmental Relation Report.

Recommendation: (a) Accept the Summer Intergovernmental Relations Report.
(b) Reaffirm all City positions summarized in the 2022 Intergovernmental Relations Priority Legislation Log (Attachment A to staff memorandum).
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Manager)

3.4 22-1131 November 8, 2022 Ballot Measures.

Recommendation: Adopt a resolution taking the following positions on five State ballot measures that are qualified for the California general election on November 8, 2022, and authorizing the City Manager's Office of Administration, Policy and Intergovernmental Relations to issue letters of support or opposition in accordance with Council direction:
(a) Proposition 1: SCA 10 - Reproductive Freedom - SUPPORT
(b) Proposition 26: Authorizing New Types of Gambling - OPPOSE
(c) Proposition 27: Allowing Online and Mobile Sports Wagering - OPPOSE
(d) Proposition 28: Providing Additional Funding for Arts and Music Education in Public Schools - SUPPORT
(e) Proposition 31: Referendum Challenging a 2020 Law Prohibiting Retail Sale of Certain Flavored Tobacco - OPPOSE
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Manager)

3.5 22-1132 Fiscal Year 2022-23 Property Tax Levy for General Obligation Bonds.

Recommendation: Adopt a resolution establishing the Fiscal Year 2022-23 property tax levy on all taxable property within the City of San José for the purpose of funding the City's general obligation bonded indebtedness and to pay the respective administration fee to the County of Santa Clara.
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)

3.6 22-1133 Public Hearing for the Fiscal Year 2022-2023 Sanitary Sewer Service and Use Charge and Storm Sewer Services Charge Assessments to be Placed on the 2022-2023 Santa Clara County Secured Property Tax Roll.

Recommendation: Conduct a public hearing on the Fiscal Year 2022-2023 annual report prepared by the Director of Finance detailing the Sanitary Sewer Service and Use Charges and Storm Sewer Service Charges filed with the City Clerk's Office and adopt a resolution to confirm the approval of the report and the placement of the charges as set forth therein on the 2022-2023 Santa Clara County Secured Property Tax Roll, with such modifications the City Council may make based on public hearing testimony.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities. (Finance)

3.7 22-1134 Public Hearing for the Fiscal Year 2022-2023 Annual Residential Solid Waste Collection Service Charges to be Placed on the 2022-2023 Santa Clara County Secured Property Tax Roll.

Recommendation: Conduct a public hearing on the Fiscal Year 2022-2023 annual report prepared by the Director of Finance detailing the Residential Solid Waste Collection Service Charges filed with the City Clerk's Office and adopt a resolution to confirm the approval of the report and the placement of charges as set forth therein on the 2022-2023 Santa Clara County Secured Property Tax Roll, with such modifications the City Council may make based on public hearing testimony.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities. (Finance)

4. PUBLIC SAFETY SERVICES**5. TRANSPORTATION & AVIATION SERVICES**

5.1 22-1135 Move San José.

Recommendation: Adopt a resolution approving the Citywide transportation plan, Move San José, to focus City efforts on achieving the City's safety, equity, and climate goals.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (EIR) (Resolution No. 76041), Envision San José 2040 General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto; and does not involve new significant impacts beyond those analyzed in the above EIRs. (Transportation)

5.2 22-1136 Transit First Policy.

Recommendation: Adopt a resolution approving a new City Council Policy 5-8, entitled "Transit First Policy," to prioritize transit operations and access in plans and operational decision-making.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (EIR) (Resolution No. 76041), Envision San José 2040 General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto; and does not involve new significant impacts beyond those analyzed in the above EIRs. (Transportation)

6. ENVIRONMENTAL & UTILITY SERVICES**7. NEIGHBORHOOD SERVICES****8. COMMUNITY & ECONOMIC DEVELOPMENT****8.1 22-1137 Community Stabilization and Opportunity Pathways Fund Commission.**

Recommendation: Approve an ordinance amending Chapter 2.08 of Title 2 of the San José Municipal Code to:

- (a) Amend Section 2.08.080 authorizing the Community Stabilization and Opportunity Pathways Fund Commission to establish its own procedural rules and regulations; and
- (b) Add a new Part 50 establishing the Community Stabilization and Opportunity Pathways Fund Commission.

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

8.2 22-1140 Master Agreements for Community Engagement Consultants.

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

- (a) Negotiate and execute up to nine master agreements for on-call community engagement consultants for a total maximum compensation of up to \$4,000,000. The initial terms of the master agreements will be from July 1, 2022 to June 30, 2025 with City options to extend for two additional years for total contract terms of up to five years;
- (b) Exercise options to extend the master agreements for up to an additional two years under the same terms and conditions; and
- (c) Negotiate and execute amendments to the master agreements to shift funding between the master agreements provided the total maximum compensation does not exceed \$4,000,000, subject to appropriation of funds.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Economic Development and Cultural Affairs)
[Deferred from 6/28/2022 - Item 8.2 (22-1027)]

8.3 22-1141 Final Public Hearing on the Fiscal Year 2022-23 Annual Action Plan for the US Department of Housing and Urban Development.

Recommendation: (a) Adopt a resolution to:

- (1) Approve the Fiscal Year 2022-23 Annual Action Plan;
- (2) Authorize the Director of Housing to submit the Fiscal Year 2022-23 Annual Action Plan to US Department of Housing and Urban Development; and
- (3) Authorize the Director of Housing to negotiate and execute agreements with grantees for the activities identified in the Fiscal Year 2022-23 Annual Action Plan and all related contract amendments, extensions, and changes.

(b) Adopt the following Fiscal Year 2022-2023 Appropriation Ordinance Amendments in the Community Development Block Grant Fund:

- (1) Decrease Unrestricted Ending Fund Balance by \$42,754;
- (2) Decrease the Plaza Hotel Rehabilitation appropriation by \$1,000,000;
- (3) Decrease the Rental Support Case Management appropriation by \$211,224;
- (4) Decrease the Contractual Community Services appropriation by \$146,022; and
- (5) Establish a Haven Rehabilitation appropriation to the Housing Department in the amount of \$1,400,000.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Housing/City Manager)
[Deferred from 6/21/2022 - Item 8.5 (22-982)]

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) 22-1142 C22-032, C22-033, C22-034, C22-035, C22-036, C22-037, C22-038, C22-039 - Senate Bill 1333 Rezoning Certain Real Properties Throughout the Stevens Creek Boulevard and Saratoga Avenue Urban Villages.

Recommendation: Adopt an ordinance of the City of San José rezoning one property from the A(PD) Planned Development Zoning District to the UV Urban Village Zoning District, 23 properties from the CG Commercial General Zoning District to the UV Urban Village Zoning District, five properties from the CN Commercial Neighborhood Zoning District to the UV Urban Village Zoning District, ten properties from the CP Commercial Pedestrian Zoning District to the UV Urban Village Zoning District, one property from the R-1-2 Single-Family Residential Zoning District to the UV Urban Village Zoning District, 15 properties from the CG Commercial General Zoning District to the UVC Urban Village Commercial Zoning District, one property from the CN Commercial Neighborhood Zoning District to the UVC Urban Village Commercial Zoning District, one property from the CP Commercial Pedestrian Zoning District to the UVC Urban Village Commercial Zoning District, 85 properties from the R-M Multiple Residence Zoning District to the UR Urban Residential Zoning District, two properties from the CP Commercial Pedestrian Zoning District to the PQP Public/Quasi-Public Zoning District, one property from the R-1-2 Single-Family Residential Zoning District to the PQP Public/Quasi-Public Zoning District, two properties from the R-1-8 Single-Family Residential Zoning District to the PQP Public/Quasi-Public Zoning District, 14 properties from the R-M Multiple Residence Zoning District to the MUN Mixed Use Neighborhood Zoning District, 12 properties from the CG Commercial General District Zoning District to the MUC Mixed Use Commercial Zoning District, 14 properties from the CN Commercial Neighborhood Zoning District to the MUC Mixed Use Commercial Zoning District, three properties from the R-1-8 Single-Family Residential Zoning District to the MUC Mixed Use Commercial Zoning District, six properties from the R-1-5 Single-Family Residential Zoning District to the CP Commercial Pedestrian Zoning District, two properties from the R-1-8 Single-Family Residential Zoning District to the CP Commercial Pedestrian Zoning District, three properties from the R-2 Two-Family Residential Zoning District to the CP Commercial Pedestrian Zoning District, 15 properties from the R-M Multiple Residence Zoning District to the CP Commercial Pedestrian Zoning District, two properties from the split zoned CG Commercial General and CN Commercial Neighborhood Zoning Districts to the UV Urban Village Zoning District,

one property from the split zoned CN Commercial Neighborhood and R-1-8 Single-Family Residential to the UV Urban Village Zoning District, one property from the split zoned CG Commercial General and A(PD) Planned Development Zoning Districts to the MUC Mixed Use Commercial Zoning District, one property from CN Commercial Neighborhood Zoning District to the split zoned MUC Mixed Use Commercial and R-1-8 Single-Family Residential Zoning Districts, on those certain real properties located within the Stevens Creek Boulevard and Saratoga Avenue Urban Villages.

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, Building and Code Enforcement)

- (b) 22-1143 C19-027, T19-028, H19-031 - Conventional Rezoning, Vesting Tentative Map, and a Site Development Permit for Certain Real Property Located at 101 South Jackson Avenue.**

Recommendation: (1) Adopt a Resolution adopting the Mitigated Negative Declaration for the 101 South Jackson Avenue Townhomes Project, for which an Initial Study was prepared, and adopting an associated Mitigation Monitoring and Reporting Plan, all in accordance with the California Environmental Quality Act (CEQA), as amended;

(2) Approve an Ordinance rezoning certain real property from the R-1-8 Zoning District to the MUN Mixed Use Neighborhood Zoning District, located at 101 South Jackson Avenue on an approximately 0.86-gross acre site;

(3) Adopt a Resolution approving, subject to conditions, a Vesting Tentative Map to subdivide one parcel to up to 16 parcels (14 residential parcels, 2 common parcels), on an approximately 0.86-gross acre site; and

(4) Adopt a Resolution approving, subject to conditions, a Site Development Permit to allow the removal of two ordinance-size trees and the construction of 14 townhouses with State Density Bonus concessions for a reduction in the side setback and setback to the public right-of-way, and a waiver for a reduction in private open space on an approximately 0.86-gross acre site.

CEQA: 101 South Jackson Avenue Townhomes Project Initial Study/Mitigated Negative Declaration. Council District 5. Planning Commission recommends approval (8-0-3; Caballero, Garcia, and Ornelas-Wise absent). (Planning, Building and Code Enforcement)

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

10.2 22-1144 PD22-011 - Planned Development Permit and Determination of Public Convenience or Necessity for Certain Real Property Located at 350 Barack Obama Boulevard.

Recommendation: Adopt a resolution approving a Planned Development Permit and Determination of Public Convenience or Necessity, subject to conditions, to allow the off-sale of alcohol (Type 21 full range of alcoholic beverages) at an existing 1,265-square foot retail store on an approximately 0.8-gross acre site located on the southeast corner of Barack Obama Boulevard and West San Carlos Street (350 Barack Obama Boulevard, Suite 10).
CEQA: Exempt per CEQA Guidelines Section 15301(a) for Existing Facilities. Planning Commission recommends approval (10-0-1; Cantrell absent). Council District 6. (Planning, Building and Code Enforcement) [Deferred from 6/21/2022 and 6/28/2022 - Item 10.2 (22-1080)]

10.3 22-1145 SP20-012/ER20-082 & T20-012 - Special Use Permit and Vesting Tentative Map for a Project Site Located at 605 Blossom Hill Road.

Recommendation: (a) Adopt a resolution certifying the Blossom Hill Station Project Environmental Impact Report, and make certain findings concerning significant impacts, mitigation measures, and adopt a statement of overriding consideration and a related mitigation monitoring program, all in accordance with the California Environmental Quality Act, as amended.
(b) Adopt a resolution approving, subject to conditions, a Vesting Tentative Map to merge the existing two parcels on the approximately 7.42-gross acre Project Site to one parcel and subdivide the one parcel into five parcels.
(c) Adopt a resolution approving, subject to conditions, a Special Use Permit to allow the demolition of existing surface parking, the removal of 55 ordinance-size trees and 14 non-ordinance trees, and the construction of one six-story mixed use building with 13,590 square feet of commercial space and 239 market-rate multi-family residential units and one five-story multifamily residential building with 89 affordable housing units, with trail improvements to Canoas Creek, and extended construction hours to include Saturdays from 8:00 a.m. to 5:00 p.m. on a 5.39-gross acre portion of the Project Site.
CEQA: Blossom Hill Station Project Environmental Impact Report (EIR). Council District 10. Planning Commission recommends approval (8-0-1, Young absent). (Planning, Building and Code Enforcement)

10.4 22-1146 Cambrian No. 37 & PDC17-040 & ER20-189 - Annexation and Planned Development Zoning for Property Located at 14200 Union Avenue.

Recommendation: (a) Adopt a resolution certifying the Environmental Impact Report (EIR) for the Cambrian Park Mixed-Use Village Project, and making certain findings concerning mitigation measures and alternatives, and adopting a related mitigation monitoring and reporting program, all in accordance with the California Environmental Quality Act (CEQA), as amended.

(b) Approve an ordinance pre-zoning an approximately 18.13-gross acre site in Santa Clara County unincorporated territory designated as Cambrian No. 37 into the CP(PD) Planned Development Zoning District.

(c) Adopt a resolution initiating proceedings and scheduling September 13, 2022 for City Council consideration of the reorganization of territory designated as Cambrian No. 37, which involves the annexation to the City of San José of approximately 19.92-gross acres of land from Santa Clara County unincorporated territory and the detachment of the same from the appropriate special districts.

CEQA: Cambrian Park Mixed-Use Village Project Environmental Impact Report (PD20-007, PDC17-040, ER20-189) Council District 9. Planning Commission recommends approval (8-0-1, Young absent). (Planning, Building and Code Enforcement)

10.5 22-1147 Administrative Hearing on the Environmental Appeal of the Planning Director's Adoption of the Initial Study and Mitigated Negative Declaration for the Alviso Hotel Project (Planned Development Permit No. PD19-031).

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 Alviso Hotel Project in accordance with the California Environmental Quality Act (CEQA) for Planned Development Permit, File No. PD19-031, to allow the construction of an approximately 112,463-square-foot, 214-room hotel in a five-story building, including surface parking and a four-story parking garage on an approximately 6.23-acre project site located south of North First Street and north of Highway 237 in the Alviso area of San José.

(b) Adopt a resolution denying the environmental appeal and upholding the Planning Director's adoption of the Alviso Hotel Project Initial Study/Mitigated Negative Declaration, associated Mitigation Monitoring and Reporting Program, and Planned Development Permit, and finding that:

(1) The City Council has independently read and considered the Initial Study and Mitigated Negative Declaration (IS/MND) for the Alviso Hotel Project and related administrative record related to Planned Development Permit No. PD19-031; and

(2) The IS/MND for the Alviso Hotel 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) The 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 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.

CEQA: Initial Study/Mitigated Negative Declaration for the Alviso Hotel Project. Council District 4. (Planning, Building and Code Enforcement)

- **Open Forum**

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

- **Adjournment**

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

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

1. Public Meeting Decorum:

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

2. Signs, Objects or Symbolic Material:

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

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

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

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- b) Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the 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.