



# **City Council Meeting Amended Agenda**

**Tuesday, August 23, 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](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 No. 80628, 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 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

**22-1251** Closed Session Agenda

1:30 p.m.- Regular Session

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

\*to be heard immediately following the Regular City Council Meeting, but not before 6:00 p.m.

- **Pledge of Allegiance**

- **Invocation (District 7)**

Pastor Bill McCorquodale - Chaplain for the United Veterans Council of Santa Clara County.

- **Orders of the Day**

To be heard after Ceremonial Items

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

- **Closed Session Report**

To be heard after Ceremonial Items

## **1. CEREMONIAL ITEMS**

1.1 Presentation of a proclamation declaring August 26, 2022 as National Women's Equality Day to celebrate the importance of the women's suffrage movement and the work to secure and expand equal rights today. (Arenas)

1.2 Presentation of a proclamation declaring Silicon Valley Pride Week, August 22-28, 2022 to recognize the City of San Jose's vibrant and diverse LGBTQ+ community. (Foley)

## **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.**

**22-1292      Approval of City Council Minutes.**

**Recommendation:** (a) City Council Meeting Minutes of January 12, 2021.  
(b) City Council Study Session Meeting Minutes of December 4, 2020.  
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, and Annual Reports, and Informational Memos that involve no approvals of any City action.

## 2.2 Final Adoption of Ordinances.

### 22-1268 Final Adoption of Ordinances.

**Recommendation:** (a) Ordinance No. 30806 - 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, All Located on those Certain Real Properties throughout the Stevens Creek Boulevard and Saratoga Avenue Urban Villages.

[Passed for Publication on 8/9/2022 - Item 10.1(a) (22-1142)]

(b) Ordinance No. 30807 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.86 Gross Acre Situated on the West Side of South Jackson Avenue between Woodset Lane and Portico Court (101 South Jackson Avenue) (APN: 481-22-067) from the R-1-8 Single-Family Residence Zoning District to the MUN Mixed Use Neighborhood Zoning District.

[Passed for Publication on 8/9/2022 - Item 10.1(b) (22-1143)]

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

### **22-1291 Approval of Council Committee Minutes.**

**Recommendation:** (a) Regular Joint Meeting of the Rules and Open Government Committee and Committee of the Whole Minutes of August 10, 2022.  
(b) Regular Smart Cities and Service Improvement Committee Minutes of August 4, 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.**

## **2.5 City Council Travel Reports.**

## **2.6 Report from the Council Liaison to the Retirement Boards.**

- 2.7     22-1267     Terms of a Side Letter Agreement Between the City of San José and the City Association of Management Personnel, Amending the Pay Plan, Increasing the Hiring Incentive for the Division Manager Overseeing the Veterinarians, Expanding the Hiring Incentive to the Non-Medical Division Manager Position in Animal Care and Services, and Establishing a Retention Bonus for Division Managers Overseeing Animal Care and Services.**

**Recommendation:** Adopt a resolution to:

(a) Approve the terms of a Side Letter Agreement with the City Association of Management Personnel, IFPTE, Local 21 (CAMP) to provide the following effective September 4, 2022:

(1) Provide employees in the Animal Shelter Veterinarian FT (3255) classification with an approximate 12.36% pensionable pay increase consistent with the Side Letter Agreement that has been signed by all parties;

(2) Provide employees in the Animal Shelter Veterinarian PT (3256) classification with an approximate 4.50% pensionable pay increase consistent with the Side Letter Agreement that has been signed by all parties; and

(3) Increase the hiring incentive for new hires in the Animal Shelter Veterinarian FT (3255) classification to be paid consistent with the Side Letter.

(b) Amend the City of San Jose Pay Plan as follows:

(1) Increase the annual salary range of the classification of Animal Shelter Veterinarian FT (3255) to \$139,235.20 - \$169,624.00, effective September 4, 2022; and

(2) Increase the annual salary range of the classification Animal Shelter Veterinarian PT (3256) to \$122,491.20 - \$169,624.00, effective September 4, 2022.

(c) Approve an increase to the hiring incentive for new hires in the Division Manager classification in Animal Care and Services effective for employees hired into this position between September 4, 2022, through June 30, 2024.

(d) Approve expansion of the hiring incentive to include the non-medical Division Manager position in Animal Care and Services.

(e) Approve a retention bonus for the Division Manager classification in Animal Care and Services effective for employees hired into this position prior to September 4, 2022.

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



**2.8 22-1254 Amendment to the Master Consultant Agreement with BSI America Professional Services, Inc. for Safety Professional Services.**

**Recommendation:** Approve the Second Amendment to the Master Consultant Agreement with BSI America Professional Services for safety professional services, increasing the amount of compensation by \$250,000 for a total agreement not to exceed \$540,000, and extending the term of the agreement from August 31, 2022, to February 28, 2023.  
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.  
(Environmental Services)

**2.9 22-1255 Amendment to the Agreement with Turbo Data Systems, Inc. for Parking Citation Management and Permit Management Systems (Including Subsystems) for the Department of Transportation.**

**Recommendation:** Adopt a resolution authorizing the City Manager to negotiate and execute the First Amendment to the Agreement with Turbo Data Systems, Inc. (Santa Ana, CA) for Parking Citation Management and Permit Management Systems (Including Subsystems) and Processing Services to retroactively extend the initial term for an additional 12 months through June 30, 2023, under the same material terms and conditions as the original Agreement, increase initial term compensation by \$1,090,530 for a revised maximum compensation of \$2,476,260 for the initial term, and negotiate and execute up to nine one-year options to extend the Agreement for ongoing support, maintenance, and related professional services through June 30, 2032 or as may be adjusted to align with the software renewal 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)

**2.10 22-1253 Ordinance Regulating Taxicabs in San José.**

**Recommendation:** Maintain the permit fee schedule, increase the insurance requirements, and direct staff to only apply color scheme requirements to the trade name and vehicle markings on the taxicab.  
CEQA: Not a Project, File No. PP17-005, Adjustment to Fees, Rates and Fares without changes to or expansion of services. (Finance/Police)  
[Deferred from 8/9/2022 - Item 2.12 (22-1127)]

**2.11 22-1256 Cost-Sharing Funding Agreement with Santa Clara Valley Transportation Authority for Downtown Transit Mall Station Platform Railing Extensions.**

**Recommendation:** Adopt a resolution authorizing the City Manager, or designee, to negotiate and execute the Cost-Sharing Agreement between the City of San José and the Santa Clara Valley Transportation Authority to fund the installation of pedestrian railings at six light rail stations along the Downtown Transit Mall, in an amount not to exceed \$350,000.  
CEQA: Categorically Exempt, File No. ER22-193, CEQA Guidelines Section 15301, Existing Facilities. Council District 3. (Transportation)

**2.12 22-1240 Approval of Flag Raisings, Lighting, and Proclamation Recognizing Silicon Valley Pride Sponsored by Council Districts 9 and 6 as a City Council Sponsored Special Event to Expend City Funds, Light City Hall, and Accept Donations of Materials and Services for the Event.**

**Recommendation:** As recommended by the Rules and Open Government Committee on August 3, 2022:  
(a) Approve the Progressive Pride and Transgender Flag Raisings scheduled on August 25 - August 31, 2022 as a City Council sponsored Special Event and approve the expenditure of funds;  
(b) Retroactively approve the 2022 Silicon Valley Pride Lighting Ceremony scheduled on August 22 - August 28, 2022 as a City Council sponsored Special Event and approve the expenditure of funds;  
(c) Approve the Proclamation Event scheduled on August 23, 2022 as a City Council sponsored Special Event and approve the expenditure of funds; and  
(d) 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. (Foley and Davis)  
[Rules Committee referral 8/3/2022 - Item B.6]

### **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.

### **4. PUBLIC SAFETY SERVICES**

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

## **6. ENVIRONMENTAL & UTILITY SERVICES**

- 6.1 22-1257 Construction Contingency Increase for the 7382-Digester and Thickener Facilities Upgrade Project at the San José-Santa Clara Regional Wastewater Facility.**

**Recommendation:** Approve a \$3,107,049 increase to the construction contingency amount of \$67,490,625 for a revised total contingency amount of \$70,597,674, to provide funding for the City's negotiated settlement of a loss of productivity claim and changes to the Project control system increasing the not-to-exceed amount from \$175,415,625 to a total revised contract amount not-to-exceed \$178,522,674 for the 7382 - Digester and Thickener Facilities Upgrade Project.

CEQA: The San José-Santa Clara Regional Wastewater Facility Digester and Thickener Facilities Upgrade Project Mitigated Negative Declaration, File No. PP15-055. (Environmental Services/Public Works)

- 6.2 22-1258 Report on Bids and Award of Construction Contract for 8781 - Fire Life Safety Upgrades Project at the San José-Santa Clara Regional Wastewater Facility.**

**Recommendation:** Report on bids and award of construction contract for the 8781 - Fire Life Safety Upgrades Project Re-Bid to the lowest responsive bidder, Blocka Construction, Inc., in the amount of \$2,839,000, and approve a 15 percent construction contingency in the amount of \$425,850.

CEQA: Exempt, File No. ER22-161, CEQA Guidelines Section 15061(b)(3). (Environmental Services/Public Works)

## **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. Study Session Begins.

## **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) **22-1259** C22-065, C22-066, C22-067, C22-068, C22-069, C22-070, C22-071, C22-072, C22-073 - City-initiated Conforming Rezoning to Rezone a Total of 286 Certain Real Properties in Various Locations Within the City of San José. - TO BE HEARD IMMEDIATELY AFTER CONSENT

**Recommendation:** Approve an ordinance rezoning 69 properties from the R-M Multifamily Residential Zoning District to the UR Urban Residential Zoning District, 48 properties from the R-2 Two-family Residential Zoning District to the MUN Mixed Use Neighborhood Zoning District, 37 properties from the CP Commercial Pedestrian Zoning District to the MUC Mixed Use Commercial Zoning District, 20 properties from the R-2 Two-family Residential Zoning District to the OS Open Space Zoning District, 16 properties from the R-2 Two-family Residential Zoning District to the MUC Mixed Use Commercial Zoning District, 12 properties from the CN Commercial Neighborhood Zoning District to the R-1-8 Single-family Residential Zoning District, eight properties from the R-M Multifamily Residential Zoning District to the MUN Mixed Use Neighborhood Zoning District, seven properties from the R-1-8 Single-family Residential Zoning District to the OS Open Space Zoning District, six properties from the CN Commercial Neighborhood Zoning District to the MUC Mixed Use Commercial Zoning District, six properties from the CP Commercial Pedestrian Zoning District to the MUN Mixed Use Neighborhood Zoning District, six properties from the LI Light Industrial Zoning District to the R-1-8 Single-family Residential Zoning District, five properties from the R-2 Two-family Residential Zoning District to the CP Commercial Pedestrian Zoning District, five properties from the R-1-8 Single-family Residential Zoning District to the PQP Public/Quasi-Public Zoning District, five properties from the R-2 Two-family Residential Zoning District to the PQP Public/Quasi-Public Zoning District, five properties from the CG Commercial General Zoning District to the UR Urban Residential Zoning District, five properties from the R-1-8 Single-family Residential Zoning District to the LI Light Industrial Zoning District, four properties from the LI Light Industrial Zoning District to the OS Open Space Zoning District, four properties from the CP Commercial Pedestrian Zoning District to the R-1-8 Single-family Residential Zoning District, three properties from the R-M Multifamily Residential Zoning District to the PQP Public/Quasi-Public Zoning District, two properties from the LI Light Industrial Zoning District to the CIC Combined Industrial/Commercial Zoning District, two properties from the R-M Multifamily Residential Zoning District to the MUC Mixed Use

Commercial Zoning District, two properties from the LI Light Industrial Zoning District to the PQP Public/Quasi-Public Zoning District, two properties from the CG Commercial General Zoning District to the R-1-8 Single-family Residential Zoning District, one property from the R-2 Two-family Residential Zoning District to the LI Light Industrial Zoning District, one property from the CO Commercial Office Zoning District to the MUC Mixed Use Commercial Zoning District, one property from the LI Light Industrial Zoning District to the MUC Mixed Use Commercial Zoning District, one property from the R-M Multifamily Residential Zoning District to the CP Commercial Pedestrian Zoning District, one property from the A Agriculture Zoning District to the OS Open Space Zoning District, one property from the CN Commercial Neighborhood Zoning District to the OS Open Space Zoning District, and one property from the R-M Multifamily Residential Zoning District to the OS Open Space Zoning District, located in various locations on those certain real properties within the City of San José.

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)

**TO BE HEARD IMMEDIATELY AFTER CONSENT**

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

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

**10.2 22-1260 PDC21-011, PD21-012/ER21-135, PT21-034 - Planned Development Rezoning, Planned Development Permit, and Vesting Tentative Map on Certain Real Property Located at 1975 Cambrianna Drive. - DROP - RENOTICED TO 8/30/2022**

**Recommendation: DROP - RENOTICED TO 8/30/2022**

**10.3 22-1261 PDC20-021, PD20-012/ER21-006, PT21-001 - Planned Development Rezoning, Planned Development Permit, Vesting Tentative Map on Certain Real Property Located at 4300 Stevens Creek Boulevard. - DROP - RENOTICED TO 8/30/2022**

**Recommendation: DROP - RENOTICED TO 8/30/2022**

**10.4 22-1262 Administrative Hearing on the Environmental Appeal of the Planning Director's Determination of Consistency with the 2000 Cisco Systems Site 6 Final Environmental Impact Report for the Second Harvest Foodbank Project (Planned Development Permit No. PD21-016). - TO BE HEARD AFTER ITEM 10.1(a)**

**Recommendation:** (a) Conduct an Administrative Hearing to consider the environmental appeal of the Planning Director's Determination of Consistency with the 2000 Cisco Systems Site 6 Final Environmental Impact Report for the Second Harvest Foodbank Project in accordance with the California Environmental Quality Act (CEQA) for a Planned Development Permit (File No. PD21-016), to allow the construction of an approximately 249,230-square foot warehouse/distribution office building and maintenance an existing previously approved Planned Development Permit, File No. PD13-012, on an approximately 10.47-gross acre site located at 4553 and 4653 North First Street.

(b) Adopt a resolution denying the environmental appeal and upholding the Planning Director's Determination of Consistency with the 2000 Cisco Systems Site 6 Final Environmental Impact Report in accordance with the California Environmental Quality Act, as amended and approval of the Planned Development Permit, and finding that:

(1) The City Council has independently reviewed and analyzed the Determination of Consistency with the 2000 Cisco Systems Site 6 Final Environmental Impact Report, the previously certified 2000 Cisco Systems Site 6 Final Environmental Impact Report, related Mitigation Monitoring and Report Program for the Project, other information in the record and has considered the information contained therein, prior to acting upon or denying the appeal and upholding the Planning Director's Determination of Consistency with the Cisco Systems Site 6 Final Environmental Impact Report and the Planned Development Permit File No. PD21-016;

(2) The Determination of Consistency with the Cisco Systems Site 6 Final Environmental Impact Report prepared for the Project has been completed in compliance with CEQA and is consistent with state and local guidelines implementing CEQA;

(3) The Determination of Consistency with the Cisco Systems Site 6 Final Environmental Impact Report represents the independent judgment and analysis of the City of San José, as the lead agency for the Project; and

(4) Preparation of a new environmental document is not required because the Determination of Consistency with the Cisco Systems Site 6 Final Environmental Impact Report 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 Determination of Consistency and the Cisco Systems Site 6 Final Environmental Impact Report in accordance with Public Resources Code (PRC) Section 21083 or CEQA Guidelines Sections 15162 and 15185.

CEQA: Determination of Consistency with the 2000 Cisco Systems Site 6 Final Environmental Impact Report (Resolution No. 69636). Council District 4. (Planning, Building and Code Enforcement)

**TO BE HEARD AFTER ITEM 10.1(a)**



**10.5 22-1263 Administrative Hearing on the Appeal of Planning Director's Determination of Consistency with the Initial Study and Mitigated Negative Declaration for the 1212-1224 South Winchester Boulevard Hotel Project and Approval of Special Use Permit (File No. SP20-016). - TO BE HEARD AFTER ITEM 10.4**

- Recommendation:** (a) Conduct an Administrative Hearing to consider an Appeal of the Decision of the Planning Director to:
- (1) Consider the Determination of Consistency with the Initial Study/Mitigated Negative Declaration for the 1212-1224 South Winchester Boulevard Hotel Project in accordance with CEQA; and
  - (2) Approve a Special Use Permit File No. SP20-016 for the 1212-1224 South Winchester Boulevard Hotel Project to allow the demolition of two existing commercial buildings and the removal of nine trees (four ordinance-size, five non-ordinance size) for the construction of an approximately 107,079-square foot, six-story, 119-room hotel with an approximately 49 percent parking reduction and an alternative parking arrangement on an approximately 0.69-gross acre site.
- (b) Adopt a resolution denying the environmental appeal and upholding the Planning Director's reliance on the Determination of Consistency with the 1212-1224 South Winchester Boulevard Hotel Project Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program, and finding that:
- (1) The City Council has read and considered the Determination of Consistency with the Initial Study/Mitigated Negative Declaration for the 1212-1224 South Winchester Boulevard Hotel Project and related administrative record in connection with Special Use Permit File No. SP20-016;
  - (2) The Determination of Consistency with the 1212-1224 South Winchester Boulevard Hotel Project Initial Study Mitigated Negative Declaration 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 Determination of Consistency with the 1212-1224 South Winchester Boulevard Hotel Project Initial Study/Mitigated Negative Declaration 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 Determination of Consistency with the 1212-1224 South Winchester Boulevard Hotel Project Initial Study/Mitigated Negative Declaration is based on 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 Initial Study/Mitigated Negative Declaration in accordance with Public Resources Code Section 21083 or CEQA Guidelines Sections 15073 and 15185.

(c) Adopt a resolution denying the permit appeal and approving, subject to conditions, a Special Use Permit to allow the demolition of two existing commercial buildings and the removal of nine trees (four ordinance-size, five non-ordinance size) for the construction of an approximately 107,079-square foot, six-story, 119-room hotel with an approximately 49 percent parking reduction and an alternative parking arrangement on an approximately 0.69-gross acre site located on the east side of South Winchester Boulevard, approximately 270 feet south of Fireside Drive (1212-1224 South Winchester Boulevard; APNs: 279-17-020 & 279-17-021).

CEQA: Determination of Consistency with the 1212-1224 South Winchester Boulevard Hotel Project Initial Study/Mitigated Negative Declaration. Council District 1. (Planning, Building and Code Enforcement)

**TO BE HEARD AFTER ITEM 10.4**

- 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.