



City Council Meeting Agenda

Tuesday, November 29, 2022

11:00 AM

**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 and City of San José Resolution Nos. 80628, 80659, 80685, 80724 and 80758, 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

See Separate Agenda

22-1734 Closed Session Agenda

11:00 a.m. - Regular Session

6:00 p.m. - Evening Session

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

- **Pledge of Allegiance**

- Invocation (District 10)

- 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 November 2022 as Native American Heritage Month to celebrate the history, contributions and diverse cultures of the Native American Community. (Carrasco)

1.2 Presentation of a proclamation declaring December 1, 2022 as World AIDS Day to show support for people living with and affected by HIV and to remember those who lost their lives to AIDS. (Foley)

1.3 Presentation of a commendation to Mario and Emma Ramirez recognizing their outstanding dedication and commitment to keeping District 2 clean, safe, and litter free. (Jimenez)

1.4 Presentation of a commendation recognizing Chris Simmons. (Perez)

2. CONSENT CALENDAR

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

2.1 Approval of City Council Minutes.

2.2 Final Adoption of Ordinances.

22-1771 Final Adoption of Ordinances.

Recommendation: (a) Ordinance No. 30846 - An Ordinance of the City of San José Amending Section 4.46.036 of Chapter 4.46 and Section 4.47.089 of Chapter 4.47 of Title 4 of the San José Municipal Code to Expand the Suspension Program for the Collection of a Portion of Construction Taxes on Downtown High Rise Developments.
[Passed for Publication on 11/15/2022 - Item 8.1(d) (22-1666)]
(b) Ordinance No. 30847 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.24 Gross Acre, Situated on the West Side of Di Salvo Avenue, Approximately 80 Feet North of Bailey Avenue (179 Di Salvo Avenue) (APN: 274-59-054) from the CO Commercial Office Zoning District to the R-1-8 Single-Family Residence Zoning District.
[Passed for Publication on 11/15/2022 - Item 10.1(a) (22-1669)]

2.3 Approval of Council Committee Minutes.

22-1756 Approval of Council Committee Minutes.

Recommendation: (a) Regular Transportation and Environment Committee Minutes of October 3, 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.

22-1725 Mayor and Council Excused Absence Requests.

Recommendation: Request for an excused absence for Councilmember Peralez from the Regular City Council Meeting on November 8, 2022 due to family member illness.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Peralez)

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.

2.7 22-1735 Appointment to the Fire Retiree Seat on the Board of Administration for the Police and Fire Retirement Plan.

Recommendation: (a) Appoint Richard Santos as the Fire Retiree Representative to the Board of Administration for the Police and Fire Department Retirement Plan to a fourth term ending November 30, 2026.

(b) If a vacancy remains, direct the City Clerk to continue recruitment efforts.

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

[Deferred from 11/15/2022 - Item 2.9 (22-1693)]

2.8 22-1736 Amendment to the San José Municipal Code Section 4.04.020 of Chapter 4.04, Title 4 and Council Policy 7-13 to Conform with California Surplus Land Act.

Recommendation: (a) Approve an ordinance amending the San José Municipal Code Section 4.04.020 of Chapter 4.04, Title 4 streamlining current City disposition processes for surplus property or exempt surplus property, and Chapter 4.20 of Title 4 changing the City's procedures for noticing for public sales, the definition of "surplus real property," and other related procedures for the disposition of real property.

(b) Adopt a resolution approving amendments to Council Policy 7-13 "Policy for the Sale of Surplus Property with Provisions Relating to Affordable Housing," as adopted April 26, 2016.

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 and File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Economic Development and Cultural Affairs)

2.9 22-1745 Construction Contingency Increase for the 7731 - Nitrification Clarifier Rehabilitation - Phase 1 Project at the San José-Santa Clara Regional Wastewater Facility.

Recommendation: Approve a \$5,200,000 increase to the original construction contingency amount of \$5,237,000 for a revised total contingency amount of \$10,437,000, increasing the not-to-exceed amount of the contract from \$31,421,000 to a total revised contract amount not-to-exceed of \$36,621,000, and a 218 workday time extension to the project substantial completion date for the 7731 - Nitrification Clarifier Rehabilitation - Phase 1 Project.

CEQA: Categorically Exempt, File No. PP17-049, CEQA Guidelines Section 15301, Existing Facilities. (Environmental Services/Public Works)

2.10 22-1737 Amendment to the Purchase Order with Owen Equipment Sales for Sewage Cleaning Machine Rentals.

Recommendation: Adopt a resolution authorizing the City Manager to amend purchase order OP 60479 with Owen Equipment Sales (Vancouver, WA) for sewage cleaning machine rentals to increase the total compensation by \$150,000, for a maximum compensation not-to-exceed \$500,000 for the period ending November 30, 2022.

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

2.11 22-1738 Amendment to the Agreement with Ubicquia LLC for a Smart Outdoor Light Management Solution and Purchase Orders with AT&T Mobility for Associated Cellular Services.

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Negotiate and execute the First Amendment to the Agreement with Ubicquia LLC (Fort Lauderdale, FL) for the purchase of a Smart Outdoor Lighting Management Solution, including hardware, software, and related services such as implementation, training, warranty, maintenance, and support, to extend the initial term through December 31, 2023, with no change in initial term maximum compensation, and negotiate and execute up to nine one-year options for additional hardware, software subscriptions, and related services through December 31, 2032 or as may be adjusted to align with the software renewal term, subject to the appropriation of funds; and
- (b) Negotiate and execute up to 10 annual open purchase orders for cellular services with AT&T Mobility (Atlanta, GA), including any documentation required to leverage AT&T's cooperative agreement through the National Association of State Procurement Officials, for a maximum compensation not to exceed \$40,000 for the initial term purchase order ending December 31, 2023, 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/Public Works/Information Technology)

2.12 22-1739 2020 State Homeland Security Grant Program Training and Exercise Funding to the Fire Department.

Recommendation: Adopt the following Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund:

(a) Increase the estimate for Revenue from Federal Government by \$67,516; and

(b) Establish the State Homeland Security Grant - Fire 2020 City-Wide Expenses appropriations for personal services and non-personal to the Fire Department in the amount of \$67,516.

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

2.13 22-1740 Master Agreements for Temporary Staffing Services for Planning, Building Plan Check, Building Inspections and Related Services.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute Master Agreements and up to four one-year options thereafter with the agencies named in the staff memorandum to provide temporary staffing and to execute amendments and to increase or decrease the maximum compensation of each agreement, not to exceed the aggregate compensation amount of \$4,000,000 annually for all the agreements, and \$2,000,000 annually for any one agency, 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. (Planning, Building and Code Enforcement)

2.14 22-1741 2022-2023 Schedule of Fees and Charges Amendment.

Recommendation: Adopt a resolution amending the 2022-2023 Schedule of Fees and Charges (Resolution No. 72737, as amended) to update certain Police Department Fees and Charges and make certain changes thereto, including those covered in the Attachment to the staff memorandum, and superseding Resolution No. 80571.

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

2.15 22-1742 Amendment to the San José Municipal Code Title 7 Part 7.10.120 Grooming Business.

Recommendation: Approve an ordinance amending the San José Municipal Code Title 7 Part 7.10.120 to amend the Grooming Business definition and requirements to include in-home grooming services.
CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Public Works)

2.16 22-1743 Funding Agreement for Construction of Safety Enhancements along Vasona Rail Corridor.

Recommendation: Adopt a resolution authorizing the City Manager or designee to negotiate and execute the Funding Agreement between the City of San José and Santa Clara Valley Transportation Authority to fund safety enhancements at rail-street crossings on the Vasona Rail Corridor, with the City contribution amount not to exceed \$3,302,612.
CEQA: Categorically Exempt, File No. ER20-204, CEQA Guidelines Section 15301, Existing Facilities. Council District 6. (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 22-1744 Retirement Board Public Member Interviews.

Recommendation: (a) Interview applicants for appointment to the Public Member Seats of both Retirement Boards;
(b) Appoint two applicants as a Public Member of the Board of Administration for the Federated Retirement Plan Board to a term ending November 30, 2026;
(c) Appoint three applicants as a Public Member of the Board of Administration for the for the Police and Fire Retirement Plan Board to a term ending November 30, 2026; and
(d) If a vacancy remains, direct the City Clerk to continue recruitment for any vacant positions.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Clerk)

4. PUBLIC SAFETY SERVICES**5. TRANSPORTATION & AVIATION SERVICES****6. ENVIRONMENTAL & UTILITY SERVICES****7. NEIGHBORHOOD SERVICES****8. COMMUNITY & ECONOMIC DEVELOPMENT****8.1 22-1746 Public Hearing on the Homeless Housing, Assistance and Prevention Program Application.**

Recommendation: Conduct a public hearing on the Homeless Housing, Assistance and Prevention Program Round 4 grant application to the State of California's Interagency Council on Homelessness.
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)

8.2 22-1747 City Initiatives Roadmap - Emergency Housing System Expansion: Recreational Vehicle Parking Program Analysis.

Recommendation: (a) Accept the staff report on Recreational Vehicle Parking Program Analysis.
(b) Adopt a resolution authorizing the Director of Housing, or their designee, to negotiate and execute an amendment to an existing agreement with Destination: Home, in an amount not to exceed \$200,000, so that their Lived Experience Advisory Board of Santa Clara County can complete a survey of people experiencing homelessness living in Recreational Vehicles.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action, and File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Housing/City Manager)

**8.3 22-1748 City Initiatives Roadmap - Emergency Housing System Expansion:
Quick-Build Emergency Interim Housing.**

- Recommendation:** (a) Accept the staff report on Site Identification and Operational Considerations for Quick-Build Emergency Interim Housing (EIH) and approve the following actions:
- (1) Remove the Noble site from consideration for Emergency Interim Housing;
 - (2) Pursue the Santa Clara Valley Transportation Authority Cerone and Cottle sites while continuing to pursue other identified sites;
 - (3) Implement a subpopulation focus at Emergency Interim Housing sites by level of care needed; and
 - (4) Explore partnerships with healthcare providers, both public and private, to provide onsite medical and other resources for residents at the Emergency Interim Housing sites.
- (b) As part of the 2023-2024 Proposed Budget development process, in context of the City's budgetary position and other critical City Council priorities, consider the following approaches to maintain quality of life in neighborhoods surrounding current and future Emergency Interim Housing and Bridge Housing Community sites through the provision of dedicated monitoring, reporting, blight reduction, community engagement and housing resources to communities within a half-mile of existing Emergency Interim Housing/Bridge Housing Community sites, including:
- (1) Housing outreach vendors to ensure weekly case management style homelessness outreach and associated housing resources for individuals experiencing homelessness;
 - (2) Illegal dumping, graffiti, and vehicle abatement programs to ensure 48-hour removal of illegal dumping and graffiti, and ensure a 2-3 day response time for the vehicle abatement program;
 - (3) Dedicated encampment services to maintain rights of way, provide trash service twice per week, and ensure encampments maintain a 12x12 or smaller footprint;
 - (4) Dedicated staff liaison between neighborhoods, City Council Offices and City program staff, including regular attendance at community advisory committees or neighborhood meetings in proximity to emergency interim housing locations;
 - (5) Regularly visit surrounding neighborhoods to monitor and report any illegal dumping, graffiti, vehicle parking issues, and encampment counts; and

(6) Create a dashboard reporting on illegal dumping, graffiti, occupied vehicles, police calls for service, and fire (medical, fire, and other) incidents that is updated monthly and available to members of the public, City Council Offices, and City staff.

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/Parks, Recreation and Neighborhood Services)

8.4 22-1749 PP22-015 - Amendment to Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code for the Parking & Transportation Demand Management Policy Ordinance. - TO BE HEARD CONCURRENTLY WITH ITEM 8.5

Recommendation: Approve an ordinance of the City of San José amending Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code to:
(1) Add Part 9 Transportation Demand Management (TDM) to the retitled Chapter 20.90 Parking, Loading and Transportation Demand Management;

(2) Revise tables and text for in Chapter 20.90 to remove parking minimums, modify parking space design standards, and modify parking requirements for bicycle and two-wheeled motorized vehicle parking and remove parking reduction exceptions;

(3) Revise tables and text in 20.70 Downtown Zoning Regulations to remove requirements and references to mandatory minimum off-street parking;

(4) Remove references to parking requirements in Chapters 20.55, 20.80, 20.150, 20.180, 20.190 and 20.195;

(5) Revise and add text to expand/modify processes for issuing outdoor event permits, outdoor vending permits and conversion of existing parking to outdoor use in Chapter 20.80 Specific Use Regulations; and

(6) Make other technical, non-substantive, or formatting changes within those section of Title 20 of the San José Municipal Code.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (FEIR), adopted through Resolution No. 76041, and Supplemental EIR Resolution No. 77617, adopted on December 15, 2015, and Addenda thereto. Planning Commission recommended [*pending*] 11/16/2022 Item 5.b. (X-X-X). (Planning, Building and Code Enforcement)

TO BE HEARD CONCURRENTLY WITH ITEM 8.5

8.5 22-1750 GPT22-006 - Amendment to the City Council Transportation Analysis Policy 5-1 for Affordable Housing Projects. - TO BE HEARD CONCURRENTLY WITH ITEM 8.4

Recommendation: City Council to:

(a) Adopt a resolution amending City Council Policy 5-1 entitled “Transportation Analysis Policy” to streamline environmental review under Vehicle Miles Traveled (VMT) for affordable housing projects and market rate projects in designated City Planed Growth Areas, and to provide a process for City Council to consider adopting a Statement of Overriding Consideration under the California Environmental Quality Act (CEQA) for housing projects meeting the land use policies of the General Plan with Significant and Unavoidable Impacts in high VMT areas. (Staff recommendations)

OR

(b) Adopt a resolution amending City Council Policy 5-1 entitled “Transportation Analysis Policy” to streamline environmental review under Vehicle Miles Traveled (VMT) for affordable housing projects and market rate projects in designated City Planed Growth Areas, and to provide a process for City Council to consider adopting a Statement of Overriding Consideration under the California Environmental Quality Act (CEQA) for housing projects meeting the land use policies of the General Plan with Significant and Unavoidable Impacts in high VMT areas. (Transportation and Environment Committee recommendations with additional staff edits.

CEQA: General Procedure & Policy Making resulting in no changes to the physical environment. Public Project number PP17-008. Planning Commission recommended [*pending*] 11/16/2022 Item 5.c. (X-X-X). (Planning, Building and Code Enforcement)

TO BE HEARD CONCURRENTLY WITH ITEM 8.4

9. REDEVELOPMENT – SUCCESSOR AGENCY

- Open Forum

If the Regular Session agenda items end after 6:00 p.m., this Open Forum will be held at the end of the full meeting concurrently with the Evening Session 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) **22-1751** **HL22-001 & MA22-001 -Designation of City Landmark and Historical Property for Certain Real Property Located at 485 South 16th Street (Mark and Hazel Hopkins House).**

Recommendation: (1) Adopt a resolution designating 485 S. 16th Street (Mark and Hazel Hopkins House) (HL22-001) as a City Landmark of special historical, architectural, cultural, aesthetic or engineering interest or value of an historic nature in the Naglee Park Conservation Area.
(2) Adopt a resolution approving the proposed Historical Property (Mills Act) (MA22-001) Contract for 485 S. 16th Street between the City of San José and the property owner.
CEQA: Exempt pursuant to CEQA Guidelines Section 15331 for Historical Resources and Rehabilitation. Council District 3. (Planning, Building and Code Enforcement)

- (b) **22-1752** **HL22-002 & MA22-002 -Designation of City Landmark and Historical Property for Certain Real Property Located at 777 East William Street (George and Mary Friend House).**

Recommendation: (1) Adopt a resolution to designate 777 East William Street (George and Mary Friend House) as a City Landmark of special historical, architectural, cultural, aesthetic or engineering interest or value of an historic nature.
(2) Adopt a resolution to approve the Historical Property (Mills Act) Contract between the City of San José and property owners Alfred and Erin Linke for the property located at 777 East William Street.
CEQA: Exempt per CEQA Guidelines Section 15331 for Historical Resources and Rehabilitation. Council District 3. (Planning, Building and Code Enforcement)

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

10.2 22-1753 SP21-031, T21-033, ER21-134 & HP21-007 - Special Use Permit, Vesting Tentative Map, and a Historical Preservation Permit for Certain Real Property Located at 147 East Santa Clara Street, 49-95 North Fourth Street and 128 East St. John Street.

Recommendation: (a) Adopt a resolution certifying the Icon-Echo Mixed-Use Project Supplemental Environmental Impact Report, and making certain findings concerning significant impacts, mitigation measures, alternatives, and adopting a statement of overriding considerations and a related Mitigation Monitoring and Reporting Plan, in accordance with the California Environmental Quality Act (CEQA), as amended.

(b) Adopt a resolution approving, subject to conditions, a Special Use Permit to allow the demolition of all existing buildings on site totaling 22,527 square feet and the removal of 39 trees (four ordinance-size and 35 non-ordinance-size with 64 replacement trees) for the construction of a mixed-use project consisting of up to 415 multifamily residential units, 525,000 square feet of commercial space, 8,500 square feet of retail space, and up to ten commercial condominiums with extended construction hours from 7:00 am to 7:00 pm Monday through Saturday on an approximately 2.10-gross acre site

(c) Adopt a resolution approving, subject to conditions, a Vesting Tentative Map to reconfigure four parcels into two parcels and allow up to ten commercial condominiums and 415 residential condominiums on an approximately 2.10-gross acre site.

(d) Adopt a resolution approving, subject to conditions, a Historic Preservation Permit to allow the demolition of three non-contributing buildings and the construction of a 267-foot-high tower (the Echo) consisting of 415 multifamily residential units within the St. James Square City Landmark District on an approximately 0.44-gross acre site. CEQA: Supplemental Environmental Impact Report (SEIR) for the Icon/Echo Project (ER21-134).

Historic Landmarks Commission recommended denial 10/5/2022 - Item 3.a (5-0-2; Ayala and Camuso absent) of a Historic Preservation Permit on the grounds that: (a) The findings required under Section 13.48.240 to grant a Historic Preservation Permit cannot be made for the proposed design of the Echo residential tower; and (b) The denial of the Historic Preservation permit would not cause immediate and substantial hardship on the applicant because the new construction in accordance with Chapter 13.48 would be economically infeasible and unreasonable in light of the feasible uses of such property. Planning Commission recommended approval 10/26/2022 Item 5.c (9-0-1, Young absent). Council District 3. (Planning, Building and Code Enforcement)

10.3 22-1754 H20-038 & ER20-043 - Site Development Permit for Certain Real Property Located on 409 and 425 South Second Street.

Recommendation: (a) Adopt a resolution certifying the Bo Town Mixed Use Project Final Supplemental Environmental Impact Report (SCH No. 2003042127) to the Downtown Strategy 2040 Environmental Impact Report (Resolution No. 78942), and making certain findings concerning significant impacts, mitigation measures, alternatives, Statement of Overriding Considerations, and adopting a related Mitigation Monitoring and Reporting Plan, in accordance with the California Environmental Quality Act (CEQA).

(b) Adopt a resolution approving, subject to conditions, a Site Development Permit, to allow the demolition of the existing Bo Town Restaurant building, and three accessory buildings totaling approximately 5,283 square feet, and the removal of one ordinance-size tree and one non-ordinance-size tree for the construction of a 30-story mixed residential and commercial building with a total of approximately 606,526 square feet, including 7,430 gross square feet of ground floor commercial space, 540 residential units with 7,497 square feet of co-working space, 6,141 square feet of residential amenity space, and four levels of below-grade parking, with extended construction hours from 7 a.m. to 10 p.m., Monday to Saturday over a period of approximately 33 months on an approximately 0.75-gross acre site. CEQA: Supplemental Environmental Impact Report to the Downtown Strategy 2040 Environmental Impact Report (Resolution No. 78942). Planning Commission recommended approval 10/26/2022 - Item 5.a. (7-2-1, Barocio and Cantrell opposed, Young absent). (Planning, Building and Code Enforcement)

10.4 22-1755 H21-026, HP21-005 & ER21-085 - Site Development Permit (H21-026) and Historic Preservation Permit (HP21-005) for Certain Real Property Located at 142-150 and 130-134 East Santa Clara Street and 17 South Fourth Street APN: 467-23-034, -035, -037).

Recommendation: (a) Adopt a resolution certifying the SuZaCo Mixed-Use Project Supplemental Environmental Impact Report, and making certain findings concerning significant impacts, mitigation measures, alternatives, and adopting a statement of overriding considerations and a related Mitigation Monitoring and Reporting Plan, in accordance with the California Environmental Quality Act (CEQA), as amended.

(b) Adopt a resolution approving, subject to conditions, a Site Development Permit (H21-026/ER21-085) to allow the construction of an approximately 75,251-square foot four-and-six story retail and office building, with an off-site parking arrangement, the partial demolition of 142-150 East Santa Clara Street (City Landmark) building, and the demolition of two buildings within the proposed building footprint, at 130-134 E. Santa Clara Street and 17 S. 4th Street, on an approximately 0.34-gross acre site.

(c) Adopt a resolution approving, subject to conditions, a Historic Preservation Permit (HP21-005) to allow the demolition of the roof, two walls and building interior (street-fronting facades to remain) and the removal of the exterior plaster cladding of a City Landmark building at 142-150 East Santa Clara Street and the infill construction of a six-story building on the property.

CEQA: Supplemental Environmental Impact Report (SEIR) to the Downtown Strategy 2040 Final EIR for the SuZaCo Mixed-Use Project (ER21-085). Planning Commission recommended approval 10/26/2022 - Item 5.b. (7-2-1, Aluwalia and Garcia opposed, Young absent). Council District 3. (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.