



City Council Meeting Agenda

Tuesday, May 25, 2021

1:30 PM

Virtual Meeting - <https://sanjoseca.zoom.us/j/91325378626>

SAM LICCARDO, MAYOR
CHAPPIE JONES, VICE MAYOR, DISTRICT 1
SERGIO JIMENEZ, DISTRICT 2
RAUL PERALEZ, DISTRICT 3
DAVID COHEN, DISTRICT 4
MAGDALENA CARRASCO, DISTRICT 5
DEV DAVIS, DISTRICT 6
MAYA ESPARZA, DISTRICT 7
SYLVIA ARENAS, DISTRICT 8
PAM FOLEY, DISTRICT 9
MATT MAHAN, DISTRICT 10



The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- **Strategic Support** - The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- **Public Safety** - Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.
- **Transportation & Aviation Services** - A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- **Environmental and Utility Services** - Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Neighborhood Services** - Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **Community & Economic Development** - Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.

You may speak to the City Council about any discussion item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council or Successor Agency to the Redevelopment Agency Board. If you wish to speak to the City Council, please refer to the following guidelines:

- o **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- o When the Council reaches your item on the agenda, the Mayor will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.

- o Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- o To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and Tuesday at 6 p.m. as needed, unless otherwise noted. The City Council, or less than a quorum, may adjourn any regular, special or adjourned meeting to a later date, time and place specified in the order of adjournment. If all members are absent, the City Clerk may declare the meeting adjourned to a stated date, time and place. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at <https://www.sanjose.legistar.com/Calendar.aspx>. Council Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Tower 14th Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Please go to the Clerk's Records Database <https://records.sanjoseca.gov/Pages/Search.aspx> for the final document, or you may also contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov.

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 the California Governor's Executive Order No. N-29-20, Resolution No. 79485 from the City of San José and the Santa Clara County Health Officer's March 16, 2020 Shelter in Place Order, the City Council meeting will not be physically open to the public and the City Council will 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 913 2537 8626. 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/91325378626>
 - 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.

For Closed Captions, please visit the City’s YouTube channel:

<https://www.youtube.com/CityofSanJoseCalifornia>, or website livestream
<https://www.sanjoseca.gov/news-stories/watch-a-meeting>.

- **Call to Order and Roll Call**

9:30 a.m. - Closed Session

21-1175 Closed Session Agenda

1:30 p.m. - Regular Session

6:00 p.m. - Evening Session - Recommend Cancellation

- Pledge of Allegiance
- Invocation (District 5)
- Orders of the Day

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

- Adjournment

In memory of George Floyd's one year anniversary of his passing.

- Closed Session Report

1. CEREMONIAL ITEMS

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, staff, or public requests discussion on a particular item, that item may be removed from the Consent Calendar and considered separately.

- 2.1 Approval of City Council Minutes.**
- 2.2 Final Adoption of Ordinances.**
- 2.3 Approval of Council Committee Minutes.**
- 2.4 Mayor and Council Excused Absence Requests.**
- 2.5 City Council Travel Reports.**
- 2.6 Report from the Council Liaison to the Retirement Boards.**

2.7 21-1176 Amendment to Agreement with Richards, Watson & Gershon for Legal Services Related to Complex Real Estate Development and Planning.

Recommendation: Adopt a resolution authorizing the City Attorney to negotiate and execute a Fifth Amendment to the agreement with Richards, Watson & Gershon for legal services related to complex real estate development and planning, increasing the maximum amount of compensation by \$250,000 for a total amount not to exceed \$670,000.
CEQA: Not a Project; File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Attorney)

2.8 21-1177 Actions Related to the Agreements Between City of San José and Santa Clara County for AB939 Implementation Fee and Participation in the Household Hazardous Waste Collection Program.

Recommendation: Approve the following Agreements with the County of Santa Clara:
(a) Agreement for Household Hazardous Waste Collection Program for Fiscal Year 2021-2022 through 2023-2024, for \$200,000 each year, subject to the appropriation of funds; and
(b) Agreement for Countywide Assembly Bill (AB) 939 Implementation Fee for FY 2021-2022 through 2023-2024.
CEQA: Mitigated Negative Declaration for the San José Environmental Innovation Center, File No. PP09-138, adopted December 1, 2009. (Environmental Services)

2.9 21-1178 Appropriation Actions and Funding Sources Resolution Amendments Related to the Coyote Creek Trail (Singleton Road Interim Crossing) Project.

Recommendation: (a) Adopt the following 2020-2021 Appropriation Ordinance and Funding Sources Resolution Amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District #7 (Fund 385):
(1) Increase the Revenue from Local Agencies estimate by \$1,000,000;
(2) Establish the TRAIL: Coyote Creek Fish Passage Remediation and Pedestrian Bridge (Singleton Crossing) appropriation in the amount of \$1,140,000; and
(3) Decrease the Unrestricted Ending Fund Balance by \$140,000.
CEQA: Categorical Exempt, File No. ER20-105, CEQA Guideline Section 15333 Small Habitat Restoration Project. (Parks, Recreation and Neighborhood Services/City Manager)

2.10 21-1179 Cooperative Agreements for BART Extension to Berryessa.

Recommendation: (a) Approve the proposed Continuation and Fifth Amendment to Master Agreement with the Santa Clara Valley Transportation Authority to retroactively extend the term of the agreement from January 1, 2021 to December 31, 2021.
(b) Approve the proposed Cooperative Agreement No. 11 with the Santa Clara Valley Transportation Authority for the resolution of all outstanding issues relating to the Silicon Valley Berryessa Extension Project.
CEQA: Santa Clara Valley Transportation Authority's Final Supplemental Environmental Impact Statement/Subsequent Environmental Impact Report, ER21-065. (Public Works)

3. STRATEGIC SUPPORT**3.1 Report of the City Manager, David Sykes (Verbal Report)****3.2 Labor Negotiations Update.**

Accept Labor Negotiations Update.
TO BE HEARD AT 9:30 A.M.

3.3 21-1180 Approval of the Issuance of a Tax-Exempt Multifamily Housing Revenue Note and the Loan of the Proceeds Thereof and Approving Related Documents for the Immanuel-Sobrato Community Project.

Recommendation: (a) Adopt a resolution:

(1) Authorizing the issuance of a tax-exempt multifamily housing revenue note designated as “City of San José Multifamily Housing Revenue Note (Immanuel-Sobrato Community), Series 2021D” in a principal amount not to exceed \$34,980,000 (the “2021D Note”);

(2) Approving the loan of 2021D Note proceeds to MP Moorpark Associates, L.P. a California limited partnership created by MidPen Housing Corporation, a California not-for-profit corporation, to finance the construction and development of 108-unit multifamily development known as the Immanuel-Sobrato Community located at the corner of Leigh Avenue and Moorpark Avenue (f.k.a 1710 Moorpark Avenue) in San José (the “Development”);

(3) Approving in substantially final form the Funding Loan Agreement, the Project Loan Agreement, Regulatory Agreement and Declaration of Restrictive Covenants, and related documents (collectively, the “2021D Note Documents”); and

(4) Authorizing and directing the City Manager, Director of Housing, Director of Finance, Assistant Director of Finance, Deputy Director, Debt & Treasury Management or their designees, to execute and deliver the 2021D Note Documents together with any documents ancillary to the 2021D Note Documents.

(b) Adopt a resolution:

(1) Authorizing a change in City Loan terms to allow an increase in the Development’s rents and income up to 60% AMI (low income) for new tenants in subsidized units in the event of expiration or termination of Project Based Vouchers, and for all tenants in the event of foreclosure, to the extent the City has determined such increase is needed for feasibility of the Development and allowed by other funds;

(2) Authorizing the Director of Housing to negotiate and execute loan documents, amendments, and all other documents related to this action; and

(3) Approving the Relocation Plan for the Development, prepared by AutoTemp dated August 2020.

CEQA: Exempt per Public Resources Code Section 21080(b)(1) and CEQA Guidelines Section 15369, Ministerial Project pursuant to Government Code Section 65913.4, File No. ER20-109.

(Finance/Housing)

3.4 21-1181 Approval of the Issuance of Tax-Exempt Multifamily Housing Revenue Notes and the Loan of the Proceeds Thereof and Approving Related Documents for the Blossom Hill Senior Apartments Project.

Recommendation: (a) Adopt a resolution:

(1) Authorizing the issuance of a tax-exempt multifamily housing revenue note designated as “City of San José Multifamily Housing Revenue Note (Blossom Hill Senior Apartments), Series 2021B” (the “2021B Note”) in a principal amount not to exceed \$39,362,559;

(2) Approving the loan of 2021B Note proceeds to Blossom Hill, L.P. a California limited partnership created by Charities Housing Development Corporation of Santa Clara County, a California nonprofit public benefit corporation, to finance the construction and development of a 147-unit multifamily development known as Blossom Hill Senior Apartments located at 397 Blossom Hill Road in San José (the “Development”);

(3) Approving in substantially final form the Funding Loan Agreement, the Project Loan Agreement, Regulatory Agreement and Declaration of Restrictive Covenants, and related documents (collectively, the “2021B Note Documents”);

(4) Authorizing a reduction in the City’s issuance and annual monitoring fees in the approximate amount of \$165,978 during the term of the 2021B Note notwithstanding the City’s Policy for Issuance of Multifamily Housing Revenue Bonds, as provided below; and

(5) Authorizing and directing the City Manager, Director of Housing, Director of Finance, Assistant Director of Finance, Deputy Director, Debt & Treasury Management, or their designees, to execute and deliver the 2021B Note Documents together with any documents ancillary to the 2021 Note Documents.

(b) Adopt a resolution:

(1) Authorizing a change in City Loan terms to allow an increase in the Development’s rents and income up to 60% AMI (low income) for new tenants in subsidized units in the event of expiration or termination of Project Based Vouchers, and for all tenants in the event of foreclosure, to the extent the City has determined such increase is needed for feasibility of the Development and is allowed by other funds; and

(2) Authorizing the Director of Housing to negotiate and execute loan documents, amendments, and all other documents related to this action in 2(a) above.

CEQA: Mitigated Negative Declaration for the Blossom Hill Mixed-Use Project, File Nos. CP18-022 and T18-034. (Finance/Housing)

4. PUBLIC SAFETY SERVICES

4.1 21-1182 Ordinance Amending Title 16 (Gaming Control).

Recommendation: Approve an ordinance amending Title 16 of the San José Municipal Code, the Gaming Control Ordinance, to:

- (a) Repeal obsolete sections addressing pre-1999 stock ownership, licensing for pre-1999 landowners, provisional key employee licenses, and public telephone access for 911 and 311 calls;
- (b) Modify the process for the promulgation of gaming regulations;
- (c) Require that the Gaming Administrator issue a monthly notice, to the Chief of Police, with the expected date of completion of any investigations that are not concluded within 180 days;
- (d) Eliminate the requirement that the Chief of Police prepare two annual reports, one evaluating the impact of Cardroom Gambling on crime in the San José metropolitan area, and the other a compliance report addressing regulatory issues pertaining to cardroom gambling in San José;
- (e) Require the cardrooms to implement and comply with a system of internal controls for key employee licenses and work permits and require that the cardrooms comply with their approved internal controls document;
- (f) Update and add definitions for various terms; and
- (g) Make other technical, non-substantive, or formatting changes.

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

5. TRANSPORTATION & AVIATION SERVICES

6. ENVIRONMENTAL & UTILITY SERVICES

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

**8.1 21-1183 Diridon Affordable Housing Implementation Plan. - TO BE HEARD
CONCURRENTLY WITH ITEM 10.3**

Recommendation: Approve the Diridon Affordable Housing Implementation Plan.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments,
Annual Reports, and Informational Memos that involve no approvals of
any City action. Council Districts 3 and 6. (Housing)
TO BE HEARD CONCURRENTLY WITH ITEM 10.3

9. REDEVELOPMENT – SUCCESSOR AGENCY

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, staff, or public requests discussion on a particular item, that item will be removed from the Land Use Consent Calendar (Item 10.1) and considered separately.

10.1 Land Use on Consent Calendar

- (a) 21-1184 C20-014 & CP20-012 - Conforming Rezoning and Conditional Use Permit**
Located on the East Side of Senter Road Approximately 415 Feet Southerly of
East Capital Expressway (3195 Senter Road).

Recommendation: (1) Approve an ordinance of the City of San José rezoning certain real property of approximately 3.49 acres on the east side of Senter Road approximately 415 feet southerly of East Capital Expressway (3195 Senter Road) from the A Agriculture Zoning District (A) to the PQP Public/Quasi-Public Zoning District (PQP).
(2) Adopt a resolution approving, subject to conditions, a Conditional Use Permit to allow the re-permitting of an expired permit for an existing 63-foot high monopole with nine (9) panel antennas, (9) radios, an equipment enclosure, and associated equipment and the continuation of the assembly (church) use on an approximately 3.49-gross acre site.
CEQA: Exempt per CEQA Guidelines 15301 for Existing Facilities.
Planning Commission recommends approval (5-1-1) (Bonilla absent; Garcia abstained). Council District 7. (Planning, Building and Code Enforcement)

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

OPEN GENERAL PLAN HEARING (2021 FIRST CYCLE)

10.2 21-1186 GP19-009, PDC19-039, PD19-039, PT20-027, HL20-004, HL20-005 & HP20-002 - Downtown West Mixed-Use Plan.

- Recommendation:**
- (a) Adopt a resolution certifying the Downtown West Mixed-Use Plan Environmental Impact Report and make certain findings concerning significant impacts, mitigation measures and alternatives, and adopting a statement of overriding considerations and a mitigation monitoring and reporting program, all in accordance with the California Environmental Quality Act, as amended (CEQA).
 - (b) Adopt a resolution by 2/3 majority making certain findings required by California Public Utilities Code Section 21676 that Proposed General Plan Amendment File No. GP19-009 and Planned Development Rezoning File No. PDC19-039 are consistent with the purposes set forth in California Public Utilities Code Section 21670 and overruling the Santa Clara County Airport Land Use Commission's (ALUC) determination that the proposed project is inconsistent with the ALUC noise and height policies as defined by the Comprehensive Land Use Plan for the San José International Airport (CLUP).
 - (c) Adopt a resolution amending the Envision San José 2040 General Plan to revise the land use designation of the project site, amend General Plan policies LU-6.1 and LU-1.9, and implement other text amendments and amendments to General Plan diagrams related to the Downtown West Mixed-Use Plan.
 - (d) Adopt a resolution amending the 2014 Diridon Station Area Plan, a component of the General Plan, to revise the land use designation for the project site, expand the Diridon Station Area Plan boundary, and implement other text amendments and amendments to diagrams related to the Downtown West Mixed-Use Plan.
 - (e) Approve an ordinance amending Title 20 to add Section 20.70.700 to clarify that project specific ordinances for the Downtown West Mixed-Use Plan shall govern development within the Downtown West Planned Development Zoning District and supersede any conflicting provisions in Title 20.

(f) Approve an ordinance rezoning an approximately 80-gross acre site on certain real properties extending approximately one mile from north to south, and generally bounded by: Lenzen Avenue and the Union Pacific Railroad tracks to the north; North Montgomery Street, Los Gatos Creek, the Guadalupe River, State Route 87, Barack Obama Boulevard, and Royal Avenue to the east; Auzerais Avenue to the south; and the Caltrain rail corridor and Cahill Street to the west from the HI Heavy Industrial, LI Light Industrial, A(PD) Planned Development, PQP Public/Quasi-Public, Commercial Neighborhood, DC Downtown Primarily Commercial, CG Commercial General, CIC Combined Industrial/Commercial to the DC(PD) Planned Development Zoning District, to allow developing up to 5,900 residential units; up to 7,300,000 gross square feet (GSF) of office space; up to 500,000 GSF of active uses such as retail, cultural, arts, civic etc.; up to 300 hotel rooms; up to 800 limited-term corporate accommodations; up to two event and conference centers totaling up to 100,000 GSF; up to two central utility plants totaling File Nos. GP19-009, PDC19-039, PD19-029, HP20-002, and PT20-027 Page 3 of 59 approximately 130,000 GSF; logistic/warehouse(s) totaling approximately 100,000 GSF and approximately 15 acres of open space.

(g) Adopt a resolution approving, subject to conditions, a Planned Development Permit, including the Downtown West Design Standards and Guidelines (DWDSG), the Downtown West Improvement Standards, the Conceptual Infrastructure Plan Sheets, and Conformance Review Implementation Guide, to allow up to 5,900 residential units; up to 7,300,000 gross square feet (gsf) of office space; up to 500,000 GSF of active uses such as retail, cultural, arts, civic etc.; up to 300 hotel rooms; up to 800 limited-term corporate accommodations; up to two event and conference centers totaling up to 100,000 GSF; up to two central utility plants totaling approximately 130,000 GSF; logistic/warehouse(s) totaling approximately 100,000 GSF and approximately 15 acres of open space on an approximately 78-gross acre site extending approximately one mile from north to south, and generally bounded by Lenzen Avenue and the union pacific railroad tracks to the north; North Montgomery street, Los Gatos Creek, the Guadalupe River, State Route 87, Barack Obama Boulevard, and Royal Avenue to the east; Auzerais Avenue to the south; and the Caltrain rail corridor and Cahill street to the west.

- (h) Adopt a resolution approving, subject to conditions, the Vesting Tentative Map to subdivide 136 lots into no more than 178 lots and allow up to 5,900 residential condominiums and up to 20 commercial condominiums on an approximately 84-gross acre site.
 - (i) Approve an ordinance approving a Development Agreement between the City of San José and Google LLC for the Downtown West Mixed-Use Plan and delegating authority to the City Manager, or designee, to negotiate and execute (i) a Reimbursement Agreement and amendments thereto consistent with the term sheet attached to the Development Agreement; and (ii) Transfer Agreements related to the affordable sites to be transferred to the City or designated assignee under the Development Agreement.
 - (j) Adopt a resolution authorizing Major Encroachment Permits for District Systems at various locations within the Downtown West development area.
 - (k) Adopt a resolution authorizing Major Encroachment Permits for Streetscape improvements at various locations within the Downtown West development area.
 - (l) Adopt a resolution approving the Construction Impact Mitigation Plan.
 - (m) Adopt a resolution amending the Historic Preservation Permit HP16-002 (File No. HP20-002) to revise the terms of the Permit to be consistent with the Downtown West Mixed-Use Project, which includes the San José Water Works City Landmark at 374 West Santa Clara Street.
 - (n) Adopt a resolution approving a Landmark Designation Boundary Amendment for the Southern Pacific Depot (Diridon Station) (HL20-004) located at 65 Cahill Street, pursuant to the provisions of Chapter 13.48 of the San Jose Municipal Code.
 - (o) Adopt a resolution approving a Landmark Designation Boundary Amendment for the San Jose Water Works (HL20-005) located at 374 West Santa Clara Street, pursuant to the provisions of Chapter 13.48 of the San Jose Municipal Code.
 - (p) Adopt resolutions conditionally vacating portions of South Montgomery Street, Otterson Street, Park Avenue, Cinnabar Street with the reservation of public easements over the vacated area.
- CEQA: Downtown West Mixed-Use Plan Environmental Impact Report. Planning Commission recommends approval (5-1-1) (Bonilla absent; Lardinois abstained). Council Districts 3 and 6. (Planning, Building and Code Enforcement)

10.3 21-1185 GP20-007 & C20-002 - City-initiated General Plan Amendment amending the Diridon Station Area Plan and a Conforming Rezoning in response to Senate Bill (SB) 1333 to bring existing Zoning Districts into conformance with the existing and amended Diridon Station Area Plan and to support the amended Diridon Station Area Plan's vision. - TO BE HEARD CONCURRENTLY WITH ITEM 8.1

Recommendation: (a) Adopt a resolution adopting an Addendum to the Downtown Strategy 2040 Final Environmental Impact Report (Resolution No. 78942) and Addenda thereto, in accordance with CEQA; and
(b) Adopt a resolution by 2/3 majority making certain findings required by California Public Utilities Code Section 21676 that the proposed City-initiated General Plan Amendment (File No. GP20-007) and Conforming Rezoning (File No. C20-002) are consistent with the purposes set forth in California Public Utilities Code Section 21670 and overruling the Santa Clara County Airport Land Use Commission's (ALUC) determination that the proposed City-initiated General Plan Amendment and Conforming Rezoning are inconsistent with the ALUC noise and height policies as defined by the Comprehensive Land Use Plan for the San José International Airport (CLUP); and
(c) Adopt a resolution approving the General Plan Amendment (File No. GP20-007) amending the Envision San José 2040 General Plan pursuant to Title 18 of the San José Municipal Code to amend the "Planned Job Capacity and Housing Growth Areas by Horizon" Table 5 in Appendix 5, and amending the Diridon Station Area Plan, a component of the Envision San José 2040 General Plan, to modify the Envision San José 2040 General Plan Land Use/Transportation Diagram for properties within the boundaries of Diridon Station Area Plan and transportation street typology designations, expand the Diridon Station Area Plan boundary, and implement other text amendments and amendments to diagrams for the Diridon Station Area Plan; and

(d) Approve an ordinance rezoning certain real property totaling 97 acres within approximately 262 gross acres located within the boundaries of the Diridon Station Area Plan generally bounded by Lenzen Avenue and the Union Pacific Railroad tracks to the north; the Guadalupe River and State Route 87 to the east; Interstate 280 to the south; and Sunol Street and the Diridon Station Commuter Rail to the west from Zoning Districts that include Combined Industrial/Commercial, Commercial General, Commercial Neighborhood, Commercial Pedestrian, Heavy Industrial, Industrial Park, Light industrial, Two-Family Residential, and Transit Employment Center to Zoning Districts that include Downtown Primary Commercial, Open Space, and R-M Residence District (Multiple Unit/Lot).

CEQA: Addendum to the Downtown Strategy 2040 Final Environmental Impact Report (Resolution No. 78942), and Addenda thereto, in accordance with CEQA. Planning Commission recommends approval (5-1-1) (Bonilla absent; Lardinois abstained). Council Districts 3 and 6. (Planning, Building and Code Enforcement)

TO BE HEARD CONCURRENTLY WITH ITEM 8.1

CONTINUE THE GENERAL PLAN HEARING (2021 FIRST CYCLE) TO 6/8/2021

- **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**

In memory of George Floyd's one year anniversary of his passing.

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

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

1. Public Meeting Decorum:

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

2. Signs, Objects or Symbolic Material:

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

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

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

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- b) Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak. Speakers using a translator will be given twice the time allotted to ensure non-English speakers receive the same opportunity to directly address the Council, Committee, Board or Commission.
- c) Speakers should discuss topics related to City business on the agenda.
- d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
- e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
- f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
- g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.