



City Council Meeting SYNOPSIS

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



*** COVID-19 NOTICE ***

Consistent with AB 361 and City of San José Resolution No. 80628, Councilmembers may be teleconferencing from remote locations.

- **Call to Order and Roll Call**

9:00 a.m.- Closed Session. **22-1251**

Absent: Esparza, Arenas, Liccardo.

1:30 p.m.- Regular Session: All Present.

6:00 p.m.- Evening Session - Study Session. Absent: Jimenez, Cohen.

- **Pledge of Allegiance**

Mayor Sam Liccardo led the Pledge of Allegiance.

- **Invocation (District 7)**

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

- **Orders of the Day**

The Orders of the Day and the Amended Agenda were approved.

- **Closed Session Report - None provided.**

1. CEREMONIAL ITEMS

- 1.1 Councilmember Sylvia Arenas presented 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. She introduced Marjorie Clark, Women & Gender Studies Coordinator from Evergreen Community College, who offered additional words of inspiration. (Arenas)
- 1.2 Councilmember Pam Foley presented a proclamation declaring Silicon Valley Pride Week, August 22-28, 2022 recognizing the City of San José's vibrant and diverse LGBTQ+ community. Nicole Altamirano, CEO of Silicon Valley Pride, spoke on diversity and inclusion and pursuing our ability to live authentically. She extended an invitation for everyone to participate in on-going events during Silicon Valley Pride Week. (Foley)

2. CONSENT CALENDAR

The Consent Calendar was approved and the below listed actions were taken as indicated. (11-0.)

2.1 Approval of City Council Minutes.

22-1292 Approval of City Council Minutes.

(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.

Action: The Council Minutes were approved. (11-0.)

2.2 22-1268

Final Adoption of Ordinances.

(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

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2.2 (Cont'd.)

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)]

Action: (a) Ordinance No. 30806 and (b) Ordinance No. 30807 were adopted. (11-0.)

2.3 22-1291

Approval of Council Committee Minutes.

(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.

(c) Regular Community and Economic Development Committee Minutes of June 27, 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.

Action: The Council Committee Minutes were approved. (11-0.)

2.4 22-1277

Mayor and Council Excused Absence Requests.

Request for an excused absence for Councilmember Esparza from the City Council Study Session Meeting on August 15, 2022 due to illness. CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Esparza)
[Rules Committee referral 8/17/2022 - Item A.1.a]

Action: The excused absence request was approved. (11-0.)

2.5 City Council Travel Reports.

None provided.

2.6 Report from the Council Liaison to the Retirement Boards.

None provided.

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.

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 José 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.

2.7 (Cont'd.)

(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)

Action: **Resolution No. 80653** regarding terms of the Side Letter Agreement was adopted. (11-0.)

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

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)

Action: The Second Amendment to the Master Consultant Agreement was approved. (11-0.)

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.

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)

Action: **Resolution No. 80654** regarding an Amendment to the Agreement with Turbo Data Systems, Inc. was adopted. (11-0.)

2.10 22-1253 Ordinance Regulating Taxicabs in San José.

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)]

Action: Proposal of an ordinance regulating taxicabs in San José was approved, with Councilmember Raul Peralez motion approved, accepting Alternative #1 with modifications, increasing the minimum insurance requirements for auto liability insurance to \$500,000 as of June 30, 2023, rather than October 1, 2022, and to \$750,000 effective June 30, 2024; with staff to return with an information memorandum with a time task analysis considering potential permit fee reductions if they are warranted. Also including Mayor Sam Liccardo's request for fee reduction consideration mid-year (February), so it may be completed by summer for a potential adjustment of rates for the following fiscal year. (11-0.)

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

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)

Action: **Resolution No. 80655** regarding Cost-Sharing Agreement between the City of San José and the Santa Clara Valley Transportation Authority was adopted. (11-0.)

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.

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. (Foley and Davis)

[Rules Committee referral 8/3/2022 - Item B.6]

Action: The City Sponsored Special Event was approved. (11-0.)

2.13 22-1297 Approval of Ukrainian Independence Day Flag Raising Sponsored by the Mayor's Office as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

As recommended by the Rules and Open Government Committee on August 17, 2022:

- (a) Approve the Ukrainian Flag Raising Event scheduled on August 24, 2022 as a City Council sponsored Special Event and approve the expenditure of funds; and
 - (b) Approve and accept donations from various individuals, businesses, or community groups to support the event. (Liccardo)
- [Rules Committee referral 8/17/2022 - Item B.5]

Action: The City Sponsored Special Event was approved. (11-0.)

2.14 22-1293 Boards and Commissions Appointment.

Approve the following Measure T Community Oversight Committee appointment:

- (a) Citywide Business Seat: Appoint Joanna Rauh.
- CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Clerk)
- [Rules Committee referral 8/17/2022 - Item A.1.a]

Action: The Measure T Community Oversight appointment of Joanna Rauh was approved. (11-0.)

3. STRATEGIC SUPPORT

3.1 Report of the City Manager, Jennifer Maguire (Verbal Report)

City Manager Jennifer Maguire noted that San José has been honored by the U.S. Department of Treasury for its best practices in use of of American Rescue Plan Act funds by incorporating an equity framework and tools into its recovery initiative prioritization and resourcing. She applauded Council and staff for applying equity principles, community engagement, evidence-based interventions, and performance management strategies in delivering these recovery programs.

3.2 Labor Negotiations Update.

None

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.

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)

Action: The Construction Contingency Increase was approved. (9-0-2. Absent: Esparza, Foley.)

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.

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)

Action: The report on bids and award of a construction contract to Blocka Construction Inc. was accepted. (9-0-2. Absent: Esparza, Foley.)

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

9. REDEVELOPMENT – SUCCESSOR AGENCY

- Council recessed to 6:00 p.m. until Study Session Begins.

10. LAND USE - *HEARD IMMEDIATELY AFTER CONSENT*

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. -**
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

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10.1 Land Use on Consent Calendar

(a) (Cont'd.)

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)

Action: **Ordinance No. 30810** approving City-initiated Conforming Rezoning to Rezone a Total of 286 Certain Real Properties in Various Locations Within the City of San José was passed for publication. (11-0.)

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
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
DROP - RENOTICED TO 8/30/2022**

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).

(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.

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10.4 (Cont'd.)

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)

Action: (a) An Administrative Hearing was held. (b) **Resolution No. 80656** denying the environmental appeal and upholding the Planning Director's Determination of Consistency with the 2000 Cisco Systems Site 6 Final Environmental Impact Report was adopted. (11-0.)

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). - HEARD AFTER ITEM 10.4

(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

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10.5 (Cont'd.)

(b)(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)

Action: (a) An Administrative Hearing was held to consider an Appeal of the Decision of the Planning Director. (b) **Resolution No. 80657** 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 (c) **Resolution No. 80658** denying the permit appeal and approving, subject to conditions, a Special Use Permit were adopted. (11-0.)

• Notice of City Engineer's Pending Decision on Final Maps

FOR RECEIPT:

Tract: 10586

Location: South of Bret Harte Drive and north of McKean Road.

District: 10

Lots/Units: 17/224 - 15 Lots/15 Units

Type: Single-family Detached Homes

Developer: SummerHill Homes LLC

OPEN FORUM

Blair Beekman suggested that members of the unhoused community be considered for commission openings and the equity roundtable and urged bridging the digital divide.

ADJOURNMENT

The Council of the City of San José adjourned at 5:04 p.m. to a 6 p.m. Study Session to be continued in Council Chambers.