



# CITY COUNCIL AGENDA

**SEPTEMBER 20, 2016**

## **SYNOPSIS**

CHAPPIE JONES  
ASH KALRA  
RAUL PERALEZ  
MANH NGUYEN  
MAGDALENA CARRASCO

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

SAM LICCARDO MAYOR

PIERLUIGI OLIVERIO  
TAM NGUYEN  
ROSE HERRERA VICE MAYOR  
DONALD ROCHA  
JOHNNY KHAMIS

DISTRICT 6  
DISTRICT 7  
DISTRICT 8  
DISTRICT 9  
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 Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***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.
- ***Neighborhood Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***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.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

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:

- **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.
- 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.
- 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.
- 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 7 p.m. as needed, unless otherwise noted. 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 <http://www.sanjoseca.gov/index.aspx?NID=3549>. 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 14<sup>th</sup> 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. Contact the Office of the City Clerk at (408) 535-1260 or [CityClerk@sanjoseca.gov](mailto:CityClerk@sanjoseca.gov) for the final document.

To request an accommodation or alternative format under the Americans with Disabilities Act for City-sponsored meetings, events or printed materials, please call (408) 535-1260 or (408) 294-9337 as soon as possible, but at least three business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
  - 9:05 a.m.** - Closed Session, Call to Order in Council Chambers  
**Absent Council Members: Khamis. (Excused)**
  - 1:30 p.m.** - Regular Session, Council Chambers, City Hall  
**Absent Council Members: Khamis. (Excused)**
  - 7:02 p.m.** - Public Hearings, Council Chambers, City Hall  
**Absent Council Members: Khamis. (Excused)**
- **Invocation (District 8)**  
Rabbi Dana Magat, Temple Emanu-El offered the Invocation.
- **Pledge of Allegiance**  
Mayor Sam Liccardo, accompanied by Third Grade Students, John Muir Elementary School, led the Pledge of Allegiance.
- **Orders of the Day**  
*Heard after Ceremonial Items.*  
The Orders of the Day and the Amended Agenda were approved, with Item 11.1(b) deferred to October 18, 2016.

- **Closed Session Report**  
*Heard after Ceremonial Items.*  
**No Report.**

## **1. CEREMONIAL ITEMS**

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- 1.1** Presentation of a commendation to the members of the City of San José El Niño Preparedness Team and the Sanitary Sewer Maintenance Team in recognition of their efforts to protect the people and the environment of the community. (City Manager)  
**Mayor Sam Liccardo and City Manager Norberto Dueñas recognized and commended the members of the City of San José El Niño Preparedness Team and the Sanitary Sewer Maintenance Team for their efforts.**
- 1.2** Presentation of a proclamation declaring the month of September 2016 as “Hispanic Heritage Month” in the City of San José. (Carrasco)  
**Heard in the Evening**  
**Mayor Sam Liccardo, Vice Mayor Rose Herrera, Council Member Magdalena Carrasco, Council Member Ash Kalra, Council Member Chappie Jones, Council Member Tam Nguyen and Council Member Manh Nguyen recognized the month of September as “Hispanic Heritage Month” in San José.**
- 1.3** Presentation of a commendation to Jeremy Jones, past president of the Tuscany Hills Home Owners Association, for his leadership and dedication to improving the District 7 community in San José. (T. Nguyen)  
**Heard in the Evening**  
**Mayor Sam Liccardo and Council Member Tam Nguyen recognized and commended Jeremy Jones for his leadership and dedication.**
- 1.4** Presentation of a commendation to David, Taylor, and Mackenzie Thomas, and Andreas Zimmermann for their artistic restoration of the Hester School tunnel. (Oliverio)  
**Heard in the Evening**  
**Mayor Sam Liccardo and Council Member Pierluigi Oliverio recognized and commended David, Taylor, and Mackenzie Thomas, and Andreas Zimmermann for their restoration of the Hester School Tunnel.**
- 1.5** Presentation of a commendation recognizing the District 8 Faith Leaders who have been involved with the District 8 Interfaith Leaders’ Appreciation event. (Herrera)  
**Mayor Sam Liccardo and Vice Mayor Rose Herrera recognized and commended the District 8 Faith Leaders.**
- 1.6** Presentation of a proclamation recognizing, September 23, 2016, as a Native American Day in the City of San José. (Herrera)  
**Mayor Sam Liccardo, Vice Mayor Rose Herrera, Council Member Magdalena Carrasco, Council Member Ash Kalra and Council Member Raul Peralez recognized September 23, 2106 as “Native American Day’ in San José.**

## 2. CONSENT CALENDAR

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### 2.1 Approval of Minutes.

There were none.

### 2.2 Final Adoption of Ordinances.

There were none.

### 2.3 Approval of Council Committee Minutes.

**Recommendation:** Approval of Council Committee Minutes.

(a) Rules and Open Government Committee Minutes of August 31, 2016. (Mayor)  
CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities.

**Approved.**

### 2.4 Mayor and Council Excused Absence Requests.

There were none.

### 2.5 City Council Travel Reports.

There were none.

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

There were none.

### 2.7 Actions Related to the 2016 Adjustment to Parkland Fees.

**Recommendation:** Adopt a resolution to be effective December 1, 2016 to:

(a) Set forth the new Schedule of Parkland Fees charged pursuant to the San José Municipal Code Chapters 14.25 (Park Impact Ordinance) and 19.38 (Parkland Dedication Ordinance).

(b) Authorize the City Manager to determine the applicable parkland fees for any residential units in the City of San José that are not included in the Schedule of Parkland Fees based on the nearest Multiple Listing Service districts.

CEQA: Not a project, File No. PP10-067(a), Non-Project Specific Funding Mechanism, Adjustments to fees, rates, and charges. (Economic Development/Parks, Recreation and Neighborhood Services)

**Resolution No. 77926 adopted.**

### 2.8 Report on Bids and Award of Contract for the 8228 - Edenvale Reservoir Rehabilitation Project.

**Recommendation:** Report on bids and award of contract for the 8228 - Edenvale Reservoir Rehabilitation Project to the low bidder, West Coast Industrial Coatings, Inc., in the amount of \$946,158 and approve a ten percent contingency in the amount of \$94,616. CEQA: Exempt, File No. PP16-049. Council District 2. (Environmental Services)

**Approved.**

## 2. CONSENT CALENDAR

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### 2.9 Agreement with Williams, Adley & Company-CA, LLP for Audit Services.

**Recommendation:** Approve a Master Consultant Agreement with Williams, Adley & Company-CA, LLP to provide audit services for the Capital Improvement Program at the San José-Santa Clara Regional Wastewater Facility from the date of execution through December 31, 2021, in a total amount not to exceed \$1,000,000, subject to the appropriation of funds. CEQA: Exempt, File No. PP10-066(d), Agreements and Contracts, Consultant Services, CEQA Guidelines Section 15262 Feasibility and Planning Studies. (Environmental Services)

**Approved.**

### 2.10 Contract Change Order No. 12 for 7394 – Emergency Diesel Generator for Package 2A Project.

**Recommendation:** Approve a Contract Change Order for a credit to the City in the amount of \$718,100 and extend the construction completion date from January 11, 2017 to February 22, 2017 for the 7394 – Emergency Diesel Generator Package 2A Project. CEQA: Mitigated Negative Declaration, File No. PP13-049 and Addenda File No. PP14-076. (Environmental Services/Public Works)

**Approved.**

### 2.11 Agreements with the County of Santa Clara for Support Case Management, Transportation, and Information Services for Chronically Homeless Individuals.

**Recommendation:** Adopt a resolution authorizing the City Manager to execute:

- (a) A First Amendment to a Grant Agreement with the County of Santa Clara to increase funding by \$976,000, continue the term for an additional fiscal year, and amend the scope of services to support ongoing operations of the Care Coordination Program (CCP), including \$51,000 to provide UPLIFT Transit Passes, for a total grant award not to exceed \$2,016,000; and
- (b) A Grant Agreement with the County of Santa Clara to support operations of the Homeless Management Information System (HMIS) and to provide related training in an amount not to exceed \$120,000.

CEQA: Not a Project, File No. PP10-066(e), Agreements and Contracts for services that involve no physical changes to the environment. (Housing)

**The memorandum from Mayor Sam Liccardo, dated September 20, 2016, was approved, accepting the Staff Report. The City Manager was directed to work with the County to:**

- (1) **Share appropriate HMIS data for the City of San José on the City’s Open Data Portal.**
- (2) **Under the First Amendment to the Grant Agreement with the County of Santa Clara for the Care Coordination Program, explore the expansion of the Central County Community Reintegration Project, otherwise known as “Opportunity Court” for chronically homeless individuals for implementation in January of 2017.**

**Resolution No. 77927 adopted.**

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.1 Report of the City Manager, Norberto Dueñas (Verbal Report).

City Manager Norberto Dueñas announced that Valle Calle San José opened on Sunday, September 18, 2016 with more than 100,000 people participating in the event. City Manager Dueñas pointed out that it was an outstanding effort by City Staff to plan and manage.

Mayor Sam Liccardo concurred and thanked City Staff for their tremendous work.

#### 3.2 Labor Negotiations Update.

**Recommendation:** Accept Labor Negotiations Update.

*Heard at 9:05 a.m.*

No Report.

#### 3.3 Status of Open Audit Recommendations as of June 2016.

**Recommendation:** Accept the Status of Open Audit Recommendations as of June 2016. CEQA: Not a Project, File No. PP10-069(a), Staff Reports, Assessments, and Annual Reports that involve no approvals of any City Actions. (City Auditor)

**The amended memorandum from Mayor Sam Liccardo, dated September 19, 2016, was approved:**

- (1) **Accept the Status of Open Auditor Recommendations by the City Auditor as of June 2016.**
- (2) **Direct the City Auditor to return to City Council by November 15, 2016, with an analysis and update of the City Clerk’s Work Plan to implement recommendations outlined in the “Office of the City Clerk: Streamlining Processes and Clarifying Roles Can Better Ensure Compliance with Statutory Responsibilities” Audit. That update should review the September 14, 2016 supplemental memorandum from the City Clerk as part of that report.**
- (3) **Direct the City Manager to work in collaboration with the City Auditor and to return to City Council before the end of the calendar year with recommendations to:**
  - (a) **Drop and/or close specific recommendations no larger active or relevant, given the passage of time.**
  - (b) **Identify a category of pending recommendations which remain outstanding due to the need to resolve through meet and confer procedures with City Labor Representatives or due to regulatory or legal obstacles beyond the immediate control of City Staff.**
  - (c) **Develop a list of twenty five (25) highest priority recommendations that do not have target dates in FY 2016-2017 upon which City Staff should focus during the remainder of the Fiscal Year 2016-2017, focusing on recommendations that:**

*(Action Continued on the Next Page)*

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.3 Status of Open Audit Recommendations as of June 2016. (Action Cont'd.)

- (3) (c) (1) Provide the largest impact on improving services to residents and businesses.
- (2) Provide the greatest cost savings, particularly to the General Fund.
- (3) Reduce work load or otherwise provide operational efficiencies in the provision of services.
- (4) Constitute a critical path toward implementation of other recommendations, e.g. filling Staff vacancies (Audit of Employee Hiring 2015)
- (5) Increasing employee morale.
- (6) Reducing risk to the City.

#### 3.4 Approval of Citywide Insurance Renewals.

**Recommendation:** Adopt a resolution authorizing the Director of Finance to:

- (a) Select and purchase certain City property and liability insurance policies for the period October 1, 2016 to October 1, 2017, at a total cost not to exceed \$1,750,000, with the following insurance carriers:
  - (1) American Home Assurance Company for Property & Casualty Insurance, including Boiler & Machinery.
  - (2) Old Republic Aerospace, Phoenix Aviation Managers, for Airport Owners and Operators Liability including War Risks & Extended Perils Coverage (Primary and Excess) and Police Aircraft Hull & Liability including War Risks & Extended Perils.
  - (3) The Travelers Indemnity Company of CT for Automobile Liability, or other insurance carriers that the City is currently in negotiations with, (Airport fleet vehicles including Shuttle Buses, Regional Wastewater Facility fleet vehicles, and Airport Shuttle Bus physical damage).
  - (4) QBE Specialty Insurance Company for Secondary Employment Law Enforcement Professional Liability.
  - (5) National Union Fire Insurance Company of Pittsburg, PA for Life/Accidental Death and Dismemberment Policy for the Police Air Support Unit.
- (b) Select and purchase Government Fidelity/Crime Coverage for the period December 18, 2016 to December 18, 2017, at a cost not to exceed \$26,000.

CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts for Purchase of Insurance. (Finance)

**Resolution No. 77928 adopted.**

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.5 Report on Request for Proposal for Owner Controlled Insurance Program for the San José-Santa Clara Regional Wastewater Facility Capital Improvement Program.

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

- (a) Negotiate and execute an Agreement with Alliant Risk Insurance Services, Inc. to provide broker, claims, and administrative services to establish and maintain a multiline, rolling Owner Controlled Insurance Program for capital improvements at the San José-Santa Clara Regional Wastewater Facility for the term September 20, 2016 through September 19, 2021, with a maximum compensation amount of \$1,025,000 for the initial five year term, not to exceed \$245,000 per year.
- (b) Exercise up to two five-year options to extend the term of the Agreement after the initial term through September 2031, subject to the appropriation of funds, with maximum compensation not to exceed \$245,000 per year.

CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts.  
(Finance/Environmental Services)

**Council Rejected All Bids and Staff was Authorized to Re-Bid the Project.**

#### 3.6 Amendment to Title 12 of the San José Municipal Code Related to the Legal Defense Fund.

**Recommendation:** Approve an ordinance amending Chapter 12.06 of Title 12 of the San José Municipal Code to amend Section 12.06.810 and to add a new Part 11 related to the Legal Defense Fund. CEQA: Not a Project, File No. PP10-068(b), General Procedure & Policy Making Municipal Code or Policy. (City Attorney)

**The memorandum from Mayor Sam Liccardo, dated September 19, 2016, was approved:**

- (1) **Defer action to September 27, 2016, allowing this item to be heard in tandem with Recommendation #2 below.**
- (2) **Direct the City Attorney to draft an ordinance amending the San José Municipal Code to allow Council Members or candidates to raise funds and pay expenses solely for legal or administrative costs relating to the outcome of an election – initiating litigation, defending against litigation, funding a recount and paying for election observers. The funds must not be used for traditional campaign expenses but solely, post-election day activities relating directly to election disputes.**
- (3) **Direct the City Attorney to make contributions of \$1,100 equal to all.**

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.7 Actions Related to the Agreement with SmartWAVE Technologies LLC for WiFi Network Deployment for East Side Union High School District Communities.

**Recommendation:** Adopt a resolution authorizing the City Manager to:

- (a) Execute an agreement with SmartWAVE Technologies LLC (Suwanee, GA) for the purchase and installation of a WiFi Network Deployment for one East Side Union High School District attendance area, including hardware/materials/equipment, software, related professional services, maintenance and support, and applicable sales taxes, for an initial five-year term commencing on or about September 20, 2016, and ending on or about December 31, 2021, with an estimated maximum compensation not-to-exceed \$1,535,600;
- (b) Approve a contingency of \$120,000 for any unanticipated expenses incurred during system development and deployment; and
- (c) Execute five additional one-year options to extend the term of the Agreement after the initial five-year term, to provide ongoing maintenance and support, subject to the appropriation of funds.

CEQA: Exempt, Section 15303 New Construction or Conversion of Small Structure, File No. PP16-085. (Finance/City Manager)

**Resolution No. 77929 adopted.**

### 4. COMMUNITY & ECONOMIC DEVELOPMENT

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*No Items.*

### 5. NEIGHBORHOOD SERVICES

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#### 5.1 Approval of the Master Plan for a New Park Located at South 31<sup>st</sup> Street.

**Recommendation:** Approve the Master Plan for Phase 1 development of a new park located on South 31<sup>st</sup> Street. CEQA: Exempt, File No. PP16-073. Council District 5. (Parks, Recreation and Neighborhood Services)

**Dropped.**

## 5. NEIGHBORHOOD SERVICES

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### 5.2 Actions Related to the Del Monte Phase II Master Plan.

**Recommendation:**

- (a) Adopt a resolution approving the Mitigated Negative Declaration for the Del Monte Phase II Master Plan (File No. PP16-023) for which an Initial Study was prepared, all in accordance with the California Environmental Quality Act, as amended, and adopting a related Mitigation and Monitoring and Reporting Program.

**Resolution No. 77930 adopted.**

- (b) Approve the Del Monte Park Phase II Master Plan regarding a 3.99-acre expansion project to Del Monte Park on Auzerais Avenue, adjacent to Los Gatos Creek (APN 264-11-107 & 108).

CEQA: Mitigated Negative Declaration (MND) entitled, “Del Monte Park – Phase II”, File No. PP16-023. Council District 6. (Parks, Recreation and Neighborhood Service/Planning, Building and Code Enforcement)

**Approved.**

## 6. TRANSPORTATION & AVIATION SERVICES

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*No Items.*

## 7. ENVIRONMENTAL & UTILITY SERVICES

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### 7.1 Agreement with Kennedy/Jenks Consultants, Inc. for Engineering Services for the 7760 – Facility Wide Water Systems Improvements Project.

**Recommendation:** Approve a Master Consultant Agreement with Kennedy/Jenks Consultants, Inc. to provide engineering services for the 7760 - Facility Wide Water Systems Improvements Project at the San José-Santa Clara Regional Wastewater Facility from the date of execution through June 30, 2023, in a total amount not to exceed \$2,100,000, subject to the appropriation of funds. CEQA: Exempt, File No. PP10-066(d), Section 15262, Feasibility and Planning Studies with respect to the alternatives analysis and design work under the master agreement. (Environmental Services/Public Works)

**Approved.**

## **8. PUBLIC SAFETY SERVICES**

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*No Items.*

## **9. REDEVELOPMENT – SUCCESSOR AGENCY**

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*No Items.*

- **Open Forum**
  - (1) **James McDonald expressed his own points about societal issues.**
  - (2) **Christopher Stanton, California Native Garden Foundation, expressed his support for the Santana Row West Development Project.**
  
- **Adjournment**

**Mayor Sam Liccardo adjourned the afternoon session at 4:20 p.m.**

## 10. GENERAL PLAN PUBLIC HEARINGS

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*No General Plan Public Hearings at this time.*

## 11. PUBLIC HEARINGS ON CONSENT CALENDAR

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### 11.1 Public Hearings on Consent Calendar.

- (a) **Conventional Rezoning of the Real Property Located on the Northeast Side of San Felipe Road at the Northeastern Terminus of Silver Creek Road at 7010 San Felipe Road.**

**Recommendation:** Consideration of an ordinance rezoning an approximately 5.0-gross acre site, located on the northeast side of San Felipe Road at the northeastern terminus of Silver Creek Road (7010 San Felipe Road) from the A Agricultural District to the R-1-1 Single-Family Residence Zoning District (Villa Developers & Investments, LLC, Owner). CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental Environmental Impact Report (Resolution No. 77617). Director of Planning, Building and Code Enforcement recommends approval. (Planning, Building and Code Enforcement) **C16-023** – Council District 8  
**Ordinance No. 29788 passed for publication.**

- (b) **First Amendment to the Development Agreement with Jackson Taylor Partners, LLC, et al. Related to the Subject Property Located at 696 North 6<sup>th</sup> Street.**

**Recommendation:** Consideration of an ordinance to approve the First Amendment to the Development Agreement between Jackson Taylor Partners, LLC, et al. and the City of San José to vest previously approved Planned Development Zoning (File No. PDC15-018) and Planned Development Permit (File No. PD15-055) for the subject property located at 696 North 6<sup>th</sup> Street (City of San José, Owner). The First Amendment to the Development Agreement would vest the Zoning District designation of R-M(PD) Planned Development and the development standards set forth in the rezoning and also authorize the construction of 520 residential units and 19,191 square feet of commercial space as further set forth in the Planned Development Permit. CEQA: Determination of Consistency with the Japantown Corporation Yard Redevelopment Project Environmental Impact Report, adopted by City Council Resolution No. 74384, and addendum thereto. Planning Commission recommends approval (7-0). (Planning, Building and Code Enforcement) **DA16-001** – Council District 3  
**Renumbered from Item 11.4.**  
**Deferred to October 18, 2016 per Orders of the Day.**

# 11. PUBLIC HEARINGS

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## 11.2 Planned Development Conforming Rezoning for Real Property Located at the Northwesterly Corner of Olsen Drive and Winchester Boulevard.

### **Recommendation:**

- (a) Adopt a resolution certifying the Santana West Development Project and I-280 Winchester Boulevard Transportation Development Policy Environmental Impact Report, making certain findings concerning significant impacts, mitigation measures, and alternatives, and adopting a statement of overriding consideration and mitigation monitoring and reporting program, all in accordance with the California Environmental Quality Act of 1970.
- **The amended memorandum from Mayor Sam Liccardo, Vice Mayor Rose Herrera, Council Member Chappie Jones, Council Member Pierluigi Oliverio and Council Member Magdalena Carrasco, dated September 16, 2016, was approved, approving the recommendations outlined in the Staff Report including certifying the Santa West Development Project and I280 Winchester Boulevard Development Policy Environmental Impact Report, approving the I-280 Winchester Boulevard Transportation Policy and an Ordinance rezoning the property at 3161 Olsen Drive, with the following modifications to:**
  - (1) **Accept a contribution of \$1.0 Million from the developer to the VTA Voluntary Contribution Program for regional transportation improvements for impacts to 21 freeway segments, in addition to requiring the developer to other conditions of approval including:**
    - (a) **Constructing off-setting improvements in conformance with Council Policy 5-3, Protected Intersections at an estimated cost of \$1.7 Million.**
    - (b) **Conforming to the Transportation Development Policy for PM peak hour trips added to the new off-ramp as a result of the proposed project, estimated at \$1.0 Million.**
    - (c) **Constructing traffic control devices along Spar, Maplewood and Olin Avenues to address project traffic generated within neighborhood streets, at a value estimated at \$500,000.**
    - (d) **Modifying the traffic signals at both Olin Avenue and Olsen Drive along Winchester Boulevard to accommodate projected traffic to include construction of additional left turn storage and traffic signal modifications at a cost estimated at \$500,000.**
    - (e) **Contributing a fair share toward cumulative impacts along San Tomas Expressway estimated at \$400,000 during the Planned Development Permit stage of the entitlement process.**
  - (2) **Require a Transportation Demand Management (TDM) Program to implement measures such as commuter shuttle service, bike lockers, bike share, car share/van share parking areas, subsidized Eco passes, a dedicated transit center, etc. In addition, a vehicle trip reduction target and third party monitoring of the TDM Program are highly encouraged.**

*(Action Continued on the Next Page)*

## 11. PUBLIC HEARINGS

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### 11.2 Planned Development Conforming Rezoning for Real Property Located at the Northwesterly Corner of Olsen Drive and Winchester Boulevard. (Action Cont'd.)

- (3) Seek a voluntary Development Agreement that will allow developer contributions under the Transportation Development Policy to be reallocated to other congestion relief projects within a very clearly defined geographic area within the same Winchester-Stevens Creek Corridors through a public vote of the Council.
- (4) Maintain road access and points of connection as currently provided by Olsen Drive between Winchester Boulevard and Winchester Ranch Mobile Home Park Community *with allowance for potential adjustments* to the actual roadway geometry, provided that the adjustments to not reduce the current vehicle capacity.
- (5) Pursue in collaboration with the residents of the Winchester Orchard Neighborhood Association, any available opportunities to reduce speeding and to divert cut through traffic through development funded traffic controls and other measures along Maplewood, Hanson and Spar Avenues and Olin Drive.
- (6) Include a development standard requiring a 40 foot setback from the single family residences to the west, with a maximum height at the setback line of 40 feet. In addition, building facades adjacent to the western property line, if parking, shall be solid, so as to mitigate potential visual and acoustic effects of vehicles and in all instances incorporate living walls and/or green screens to the extent reasonably possible. Furthermore, the trees along the western property must be maintained where possible and new trees installed, where appropriate, to provide additional screening for neighbors.
- (7) Require the developer to implement best management practices to mitigate possible harmful impacts to nearby neighborhoods during construction.
- (8) Ensure that loading docks and mechanical equipment associated with the project are designed and eventually located a reasonable distance away from existing neighborhoods and that the City Standard of 55 dBA DNL is achieved for noise levels associated with the project.
- (9) Return to Council with analysis of the potential adaptive reuse of the Century 21 landmark for a community-enhancing amenity beyond mere mini-storage use, such as a public plaza, open air amphitheater, park or other recreational use. *Direct the administration when the applicant has a viable project for Century 21, return to Council for approval of proposed use and obtain Historic Permit, Planned Development Permit or Planned Development Amendment, whichever is applicable at the time. Direct Staff to work with the developer to accommodate mitigations along the western line bordering on Maplewood and incorporate that in the first Planned Development Permit Process.*

*(Action Continued on the Next Page)*

## 11. PUBLIC HEARINGS

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### 11.2 Planned Development Conforming Rezoning for Real Property Located at the Northwesterly Corner of Olsen Drive and Winchester Boulevard. (Action Cont'd.)

(10) *Adopt overriding statement of adoptive reuse for Century 21 as follows:  
The Statement of Overriding Considerations was read into the record by Mayor Sam Liccardo: "That the City Council would find that any of several overriding considerations constitute a separate and independent ground for finding benefits of the project outweigh significant adverse environmental impacts in as an overriding consideration warranting approval of the project, including, an opportunity to provide open space to the community, to provide a recreational community gathering amenity, the opportunity to provide an economic benefit to the City and to the community and opportunity to attract a financially viable adaptive reuse that serves the broader community."*

➤ **Item (3) from the memorandum from Council Member Donald Rocha, dated September 20, 2016, was approved:**

(3) **Given that there could potentially be an overlap between the Transportation Impact Policy that is before Council today and the Urban Village Financing Plans that are currently under development for the same area, Staff was directed to agendize an item for the Transportation and Environment Committee for the purpose of updating the Committee on Staff's efforts to fund transportation improvements through Urban Village Financing Plans and on the status of the Urban Village Planning process in general.**

**Resolution No. 77931 adopted.**

**Noes: Kalra, Rocha.**

(b) Interstate 280/Winchester Boulevard Transportation Policy:

(1) Adopt a resolution approving the Interstate 280/Winchester Boulevard Transportation Development Policy and accepting the related Nexus Study for the Interstate 280/Winchester Boulevard Transportation Development Policy to create a traffic impact fee program to assist in funding future modifications to the I-280/Winchester Boulevard interchange;

**Resolution No. 77932 adopted.**

**Noes: Kalra, Rocha.**

(2) Consideration of an ordinance to approve a new Traffic Impact Fee associated with implementation of the Interstate 280/Winchester Boulevard Transportation Development Policy.

**Ordinance No. 29789 passed for publication.**

**Noes: Kalra, Rocha.**

*(Action Continued on the Next Page)*

## 11. PUBLIC HEARINGS

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### 11.2 Planned Development Conforming Rezoning for Real Property Located at the Northwestern Corner of Olsen Drive and Winchester Boulevard. (Action Cont'd.)

- (c) Consideration of an ordinance rezoning the real property located northwesterly corner of Olsen Drive and Winchester Boulevard (3161, 3162, 6164 Olsen Drive and 449 South Winchester Boulevard) from the CG Commercial General Zoning District to the CP(PD) Planned Development Zoning District to allow up to approximately 1 million square feet of office and commercial/retail, including mini-storage, outdoor theater, and television/radio station uses on an approximately 12.99 gross acre site (Winchester Investment LLC, Owner).

CEQA: Environmental Impact Report for the Santana West Development Project and I-280-Winchester Transportation Development Policy. Planning Commission recommends approval (7-0). (Planning, Building and Code Enforcement/Transportation)

**PDC14-068** – District 1

**Ordinance No. 29790 passed for publication.**

**Noes: Kalra, Rocha.**

### 11.3 Rezoning and Planned Development Permit for Real Property Located at 525 E. Santa Clara Street.

#### **Recommendation:**

- (a) Adopt a resolution approving the North 11th Street and East Santa Clara Street Student Housing Project Mitigated Negative Declaration for which an Initial Study was prepared, all in accordance with the California Environmental Quality Act, as amended and adopting a related Mitigation Monitoring and Reporting Program.

**Resolution No. 77933 adopted.**

- (b) Consideration of an ordinance rezoning the real property located on an approximately 0.627 gross acre site, at the northeasterly corner of E. Santa Clara Street and N. 11th Street (525 E. Santa Clara Street), within the E. Santa Clara Urban Village Boundary (Horizon Real Properties Holding LLC, Owner).

**Ordinance No. 29791 passed for publication.**

- (c) Adopt a resolution approving a Planned Development Permit to allow demolition of three existing buildings, removal of three ordinance size trees, and the construction of a Signature Project under the Envision 2040 San José General Plan consisting of 86 multi-family attached residential units, with 271 bedrooms of student housing and 11,530 square feet of commercial space in a seven story building.

CEQA: North 11<sup>th</sup> Street and East Santa Clara Street Student Housing Project Mitigated Negative Declaration. Planning Commission recommends approval (7-0). (Planning, Building and Code Enforcement)

**PDC15-049/PD15-044** – Council District 3

**Resolution No. 77934 adopted.**

## 11. PUBLIC HEARINGS

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### 11.4 First Amendment to the Development Agreement with Jackson Taylor Partners, LLC, et al. Related to the Subject Property Located at 696 North 6<sup>th</sup> Street.

**Recommendation:** Consideration of an ordinance to approve the First Amendment to the Development Agreement between Jackson Taylor Partners, LLC, et. al. and the City of San José to vest previously approved Planned Development Zoning (File No. PDC15-018) and Planned Development Permit (File No. PD15-055) for the subject property located at 696 North 6<sup>th</sup> Street (City of San José, Owner). The First Amendment to the Development Agreement would vest the Zoning District designation of R-M(PD) Planned Development and the development standards set forth in the rezoning and also authorize the construction of 520 residential units and 19,191 square feet of commercial space as further set forth in the Planned Development Permit. CEQA: Determination of Consistency with the Japantown Corporation Yard Redevelopment Project Environmental Impact Report, adopted by City Council Resolution No. 74384, and addendum thereto. Planning Commission recommends approval (7-0). (Planning, Building and Code Enforcement)

**DA16-001** – Council District 3

*Item 11.4 was renumbered to 11.1(b) and deferred to October 18, 2016 per Orders of the Day.*

- **Open Forum**  
Provided information and expressing concern about their efforts to help stop forced live organ harvesting from Falun Gong and other Prisoners of Conscience in China were Mei Chen, Clare K. Lee, Grace Gao, Gigi Zhang, Lee, George Lee and Honf Zhang.
- **Adjournment**  
The Council of the City of San José was adjourned at 11:12 p.m. in memory of Gus Constantine Lease, a beloved music and SJSU professor of 66 years, husband to Lois and father to Jeffrey, Brian, and Vicky. Gus passed away at the age of 93 on September 4, 2016.