



# **CITY COUNCIL AGENDA**

**MAY 12, 2015**

**AMENDED AGENDA**

CHAPPIE JONES  
ASH KALRA  
RAUL PERALEZ  
MARJORIE MATTHEWS  
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, Council Wing, 2<sup>nd</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**
  - 9:30 a.m. - Closed Session, Call to Order in Council Chambers
  - Open Session, Labor Negotiations Update (See Item 3.2)
  - Adjourn to Closed Session in Council Chambers Conference Room, W133
  - See [Separate Agenda](#)
  - 1:30 p.m. - Regular Session, Council Chambers, City Hall
  - 7:00 p.m. - Public Hearings, Council Chambers, City Hall

- **Invocation (District 5)**
  - Reverend York Hayes, Saint Paul Missionary Baptist Church

- **Pledge of Allegiance**

- **Orders of the Day**

\* Items marked with an asterisk denote changes or additions to the previously published Agenda for this meeting.

\* **ADJOURNMENT:** This meeting will be adjourned in memory of Eloy Campos, a community leader, activist and father of former councilmembers Xavier Campos and Nora Campos. (Mayor)

- Orders of the Day (Cont'd.)

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

- Closed Session Report

## **1. CEREMONIAL ITEMS**

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- 1.1** Administer Oath of Office to Youth Commissioners. (City Clerk)  
**TO BE HEARD IN THE EVENING**
- 1.2** Presentation of a proclamation recognizing the month of May 2015 as Jewish American Heritage Month in the City of San José. (Herrera)
- 1.3** Presentation of a commendation to Andrew Hill High School Robotics Team, FRC Team 5027 Event Horizon, for their exemplary achievements at the FIRST Robotics World Championship. (Nguyen)  
**TO BE HEARD IN THE EVENING**
- 1.4** Presentation of a commendation to Ricardo Barajas for raising \$14,000 for the family of Francisco Hernandez Juarez, an East San José street vendor killed in a fatal hit and run accident. (Carrasco)  
(Rules Committee referral 5/6/15)  
\* **TO BE HEARD IN THE EVENING**
- 1.5** Presentation of a commendation to the Sikh Coalition in honor of the Vaisakhi celebration. (Kalra)  
\* (Rules Committee referral 5/6/15)
- 1.6** Presentation of a commendation to Reverend Paul G. Sheridan for his leadership and for the successful transformation of Bellarmine Preparatory School. (Oliverio)  
\* (Rules Committee referral 5/6/15)

## **2. CONSENT CALENDAR**

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**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 Minutes.**

## 2. CONSENT CALENDAR

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### 2.2 Final Adoption of Ordinances.

\* **Recommendation:** Final adoption of ordinances.

- (a) [ORD. NO. 29558](#) – Amending Title 23 of the San José Municipal Code as follows: to amend Section 23.02.010 of Chapter 23.02 to clarify relationship between definitions in Title 23 and Title 20 of the code; to add Sections 23.02.232, 23.02.465 and 23.02.517 to Chapter 23.02 to define freeway frontage, riparian corridor, and special sign zone; to amend Section 23.02.860 of Chapter 23.02 to add a description of the north San José signage area; to amend Section 23.04.010 of Chapter 23.04 to add the north San José signage area to the zones governed by Part 1 of Chapter 23.04; to amend Section 23.04.035 of Chapter 23.04 to authorize permits to be issued for freeway signs in the north San José signage area and to add regulations for freeway signs in the north San José signage area; to amend the Title of Part 4 of Chapter 23.04 and amend Section 23.04.300 to revise the list of zones governed by part 4 of chapter 23.04; to amend Section 23.04.320 of Chapter 23.04 to increase the maximum allowable height of free-standing signs on residential parcels in the north San José signage area; and to make other nonsubstantive, ministerial, technical, or typographical changes to Chapters 23.02 and 23.04 of Title 23 of the San José Municipal Code. CEQA: Final Program Environmental Impact Report entitled, “North San José Area Development Policies Update Final Environmental Impact Report (SCH# 2004102067)” and Addendum thereto, File No. PP15-007. (Planning, Building and Code Enforcement)

### 2.3 Approval of Council Committee Reports.

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

- (a) [Rules and Open Government Committee Report of April 22, 2015](#). (Mayor)  
CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities.

### 2.4 [Mayor and Council Excused Absence Requests](#).

**Recommendation:**

- (a) Request for an excused absence for Vice Mayor Herrera from the Regular Meeting of the Rules and Open Government Committee on April 29, 2015 due to Authorized City Business: California League of Cities Legislative Action Day. (Herrera)
- (b) Request for an excused absence for Mayor Liccardo from the Closed Session and Regular Meeting of the City Council on April 28, 2015 due to Authorized Business: Meeting with Governor Jerry Brown. (Mayor)
- CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities.

### 2.5 City Council Travel Reports.

[Report from Councilmember Peralez](#)

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

## 2. CONSENT CALENDAR

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### 2.7 [Youth Commission Appointments.](#)

#### [Supplemental](#)

**Recommendation:** Approve appointments to the Youth Commission. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (City Clerk)

### 2.8 [District 8 Day in the Park 2015.](#)

**Recommendation:** As recommended by the Rules and Open Government Committee on April 29, 2015:

- (a) Approve the Day in the Park 2015 festival scheduled on October 3, 2015 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.

CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (Herrera)  
[Rules Committee referral 4/29/15 – Item G(1)(a)]

### 2.9 [District 3 Puerto Rican Flag Raising.](#)

**Recommendation:** As recommended by the Rules and Open Government Committee on April 29, 2015:

- (a) Approve the Puerto Rican Flag Raising 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.

CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (Perez)  
[Rules Committee referral 4/29/15 – Item G(1)(b)]

### 2.10 [Actions Related to the Traffic Signal Modification at Miller Avenue and Rainbow Drive Project.](#)

**Recommendation:** Increase contingency funds for the Traffic Signal Modification at Miller Avenue and Rainbow Drive Project with Bear Electrical Solutions, Inc. from \$19,962 to \$24,832. CEQA: Exempt, File No. PP12-066. Council District 1. (Public Works)

### 2.11 [SB 377\(Beall\) Sale of State Low Income Housing Tax Credits.](#)

**Recommendation:** As recommended by the Rules and Open Government Committee on May 6, 2015, approve a support position for SB 377(Beall) Sale of State Low Income Housing Tax Credits. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (Housing)

\* [Rules Committee referral 5/6/15 – Item G(5)]

## 2. CONSENT CALENDAR

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### 2.12 [AB 702 \(Maienschein\) CALWORKs: Temporary Housing Assistance.](#)

**Recommendation:** As recommended by the Rules and Open Government Committee on May 6, 2015, approve a support position for AB 702(Maienschein) CALWORKs: Temporary Housing Assistance. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (Housing)

\* [Rules Committee referral 5/6/15 – Item G(6)]

### 2.13 [AB 35 \(Chiu and Atkins\) Low Income Housing Tax Credit.](#)

**Recommendation:** As recommended by the Rules and Open Government Committee on May 6, 2015, approve a support position for AB 35 (Chiu and Atkins) Low Income Housing Tax Credit. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (Housing)

\* [Rules Committee referral 5/6/15 – Item G(7)]

## 3. STRATEGIC SUPPORT SERVICES

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

### 3.2 Labor Negotiations Update.

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

### 3.3 [2015 Council Prioritization Process Revisions.](#)

[Memo from Mayor Liccardo, Vice Mayor Herrera, Councilmembers Kalra, Oliverio, and Jones](#)

**Recommendation:** Accept the staff report, approve proposed Council Priority Setting Process, and set the next Council Priority Setting Session for June 16, 2015. CEQA: Not a Project, File No. PP10-069(a), Staff Reports. (City Manager)  
(Deferred from 5/5/15 – Item 3.3)

### 3.4 [Employee Hiring Audit.](#)

**Recommendation:** As recommended by the Public Safety, Finance, and Strategic Support Committee on April 16, 2015, accept the audit on Employee Hiring. CEQA: Not a Project, File No. PP10-069(a), Staff Reports, Assessments and Annual Reports. (Auditor)

[Public Safety, Finance, and Strategic Support Committee referral 4/16/15 – Item D(4)]

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.5 [Implementation of Changes to Retiree Healthcare Funding for the Bargaining Units Representing Employees in the Federated City Employees' Retirement System and Modifications for Employees in Unit 99.](#)

- \* **Recommendation:** Adopt a [resolution](#) to provide as follows:
- (a) Approve the terms of agreements with the bargaining units listed below that would modify retiree healthcare funding effective June 21, 2015, by extending the current retiree healthcare contribution rates through December 20, 2015, and authorize the City Manager to execute said agreements, pending ratification by their memberships:
    - (1) Association of Building, Mechanical and Electrical Inspectors (ABMEI);
    - (2) Association of Engineers and Architects, IFPTE Local 21 (AEA Units 41/42 and 43);
    - (3) Association of Legal Professionals (ALP);
    - (4) Association of Maintenance Supervisory Personnel, IFPTE Local 21 (AMSP);
    - (5) City Association of Management Personnel, IFPTE Local 21 (CAMP);
    - (6) Confidential Employees' Organization, AFSCME Local 101 (CEO);
    - (7) International Brotherhood of Electrical Workers, Local No. 332 (IBEW);
    - (8) Municipal Employees' Federation, AFSCME Local 101 (MEF); and
    - (9) International Union of Operating Engineers, Local 3 (OE#3).
  - (b) Approve modifications to the retiree healthcare funding phase-in for Executive Management and Professional Employees (Unit 99) effective June 21, 2015, to extend the current retiree healthcare contribution rates through December 20, 2015.

CEQA: Not a Project, File No. PP10-069(b), Personnel Related Decisions. (City Manager)

#### 3.6 **Public Hearing on the Proposed Operating and Capital Budgets for Fiscal Year 2015-2016 Including the Proposed Departmental Fees and Charges Report.**

**Recommendation:** Conduct a Public Hearing on the City's [Proposed Operating and Capital Budgets for the Fiscal Year 2015-2016](#), the [Proposed Five-Year Capital Improvement Program for 2016-2020](#), and the [Proposed Fees and Charges Report](#) for the Fiscal Year 2015-2016. CEQA: Not a Project, File No. PP10-067(b), Appropriation Ordinance. (City Manager)

#### 3.7 [Information Technology Project Status and Future Technology Investment Strategies Semi-Annual Report.](#)

**Recommendation:** As recommended by the Public Safety, Finance, and Strategic Support Committee on April 16, 2015, accept the semi-annual report on the status of City-wide technology projects and future information technology investment strategies. CEQA: Not a Project, File No. PP10-069(a), Staff Reports, Assessments and Annual Reports. (Information Technology)

[Public Safety, Finance, and Strategic Support Committee referral 4/16/15 – Item D(5)]



## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.1 [Status Report on General Plan and Urban Village Implementation.](#)

**Recommendation:** As recommended by the Community and Economic Development Committee on April 27, 2015, accept the report on General Plan and Urban Village Implementation and discuss the proposed approach to the Four-Year Review of the General Plan. CEQA: Not a Project, File No. PP10-069(a), Staff Reports, Assessments and Annual Reports. (Planning, Building and Code Enforcement)

[Community and Economic Development Committee referral 4/27/15 – Item D(2)]

**TO BE HEARD JOINTLY WITH ITEM 11.2 IN THE EVENING**

## 5. NEIGHBORHOOD SERVICES

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## 6. TRANSPORTATION & AVIATION SERVICES

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### 6.1 [Actions Related to the Resolution Establishing Speed Limits.](#)

**Recommendation:** Adopt a [resolution](#) to repeal Resolution No. 76347 and set forth speed limits in the City of San José in compliance with State law to:

- (a) Re-establish speed limits with changes to four roadways; including portions of First Street, Second Street, St. John Street, and San Salvador Street;
- (b) Establish a 15 mph school zone speed limit on Hadley Avenue;
- (c) Adopt the speed limit established by the County of Santa Clara for Thornton Way for the segment within the jurisdiction of San José; and
- (d) Make an administrative correction to the speed limit resolution as described in this memorandum.

CEQA: Exempt, File No. PP10-113. Council Districts 3 and 6. (Transportation)

### 6.2 [Annual Transportation Safety Report – Vision Zero San José.](#) [Memo from Councilmember Oliverio](#)

**Recommendation:** As recommended by the Transportation and Environment Committee on May 4, 2015, accept the report and presentation on various transportation system safety perspectives programs and projects, and refocusing of the City’s traffic safety program as *Vision Zero San José*. CEQA: Not a Project, File No. PP10-069(a), Staff Reports, Assessments and Annual Reports. (Transportation/Police)

\* [Transportation and Environment Committee referral 5/4/15 – Item D(1)]

## **7. ENVIRONMENTAL & UTILITY SERVICES**

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### **7.1 Actions Related to the Amendment to the Resolution to Increase Recycle Plus Rates. - DEFERRED**

**Recommendation:** Adopt a resolution to amend the current Recycle Plus rate resolution effective July 1, 2015, as follows:

- (a) Increase rates for single-family households by three percent;
- (b) Increase rates for multi-family households by five percent;
- (c) Increase the rates for large item collection services by 1.35 percent;
- (d) Increase the rates for subscription yard trimmings cart services by 1.49 percent.

CEQA: Not a Project, File No. PP10-067(a), Increase or Adjustment to Fees, Rates & Fares. (Environmental Services)

**DEFERRED TO 5/19/15 PER THE RULES AND OPEN GOVERNMENT  
COMMITTEE**

## **8. PUBLIC SAFETY SERVICES**

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

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- **Open Forum**  
*Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the City Council.*
- **Council will recess until 7:00 p.m.**

## 10. GENERAL PLAN PUBLIC HEARINGS ON CONSENT CALENDAR

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No General Plan Public Hearing at this time.

## 11. PUBLIC HEARINGS ON CONSENT CALENDAR

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(To be heard by the City Council at 7:00 p.m.)

**Notice to the public:** There will be no separate discussion of Public Hearings Consent Calendar (Item 11.1) 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 Public Hearings Consent Calendar (Item 11.1) and considered separately.

### 11.1 Public Hearings on Consent Calendar.

**Recommendation:**

- (a) [Rezoning the Real Property Located at the Northeast Corner of Faulstich Court and Oakland Road.](#)

**Recommendation:**

- (1) Adopt a [resolution](#) adopting the Negative Declaration for the Oakland Road & Faulstich Court Rezoning Project;
- (2) Consider an [ordinance](#) rezoning the real property located at the northeast corner of Faulstich Court & Oakland Road (1332 Oakland Road) from the LI Light Industrial Zoning District to the CIC Combined Industrial/Commercial Zoning District on an approximately 0.27 gross acre site.

CEQA: Negative Declaration to be adopted. Director of Planning, Building and Code Enforcement recommends approval. (Planning, Building and Code Enforcement)

C14-062 – District 3

*(Item continued on the next page)*

# 11. PUBLIC HEARINGS

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## 11.1 Public Hearings on Consent Calendar. (Cont'd.)

### Recommendation:

- (b) [Rezoning the Real Property Located on the Easterly Side of Monterey Road, Approximately 969 Feet Northeasterly of Lewis Road.](#)

### Recommendation:

- (1) Adopt a [resolution](#) adopting the Negative Declaration for the 2828 Monterey Road Conforming Rezoning Project;
- (2) Consider an [ordinance](#) rezoning the real property located on the easterly side of Monterey Road, approximately 969 feet northeasterly of Lewis Road from the A(PD) Planned Development Zoning District to the CIC Combined Industrial/Commercial Zoning District, to allow industrial and supporting commercial uses, on a two parcel site with 2.93 gross acres (John and Jane Sun, Owners).

CEQA: Negative Declaration to be adopted. Director of Planning, Building and Code Enforcement recommends approval. (Planning, Building and Code Enforcement)

[C14-063](#) – District 7

- (c) [Rezoning the Real Property Located at 1610 Meridian Avenue.](#)

### Recommendation:

- (1) Adopt a [resolution](#) adopting the Negative Declaration for the 1610 Meridian Avenue Conforming Rezoning Project;
- (2) Consider an [ordinance](#) rezoning the real property located at 1610 Meridian Avenue from the A(PD) Planned Development Zoning District to the CN Commercial Neighborhood Zoning District on an approximately 0.50 gross acre site (A.U. Energy LLC, Owner).

CEQA: Negative Declaration to be adopted. Director of Planning, Building and Code Enforcement recommends approval. (Planning, Building and Code Enforcement)

[C14-067](#) – District 6

- (d) [Rezoning the Real Property Located on the Northwest Corner of Story Road and Olinder Court at 1299 Story Road.](#)

### Recommendation:

- (1) Adopt a [resolution](#) adopting the Negative Declaration for the 1299 Story Road Conforming Rezoning Project;

*(Item continued on the next page)*

# 11. PUBLIC HEARINGS

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## 11.1 Public Hearings on Consent Calendar. (Cont'd.)

### Recommendation:

- (d) (2) Consider an [ordinance](#) rezoning the real property located on the northwest corner of Story Road and Olinder Court at 1299 Story Road from the IP Industrial Park Zoning District to the CIC Combined Industrial/Commercial Zoning District on a 0.47 gross acre site.

CEQA: Negative Declaration to be adopted for File No. C14-069. (Planning, Building and Code Enforcement)

C14-069 – District 7

- (e) [Rezoning the Real Property Located on the Northwest Corner of Parrot Street and Senter Road at 2201 Senter Road.](#)

**Recommendation:** Consideration of an [ordinance](#) rezoning the real property located on the northwest corner of Parrot Street and Senter Road at 2201 Senter Road from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District and a Planned Development Permit to construct a 1,569 square foot addition to an existing gasoline service station as part of a large format commercial establishment (Costco) on a 14.42 gross acre site (Price Company, Owner). CEQA: Determination of Consistency with a Negative Declaration adopted for Project File No. PDC98-004. Ordinance No. 25700. Planning Commission recommends approval (5-0-2). (Planning, Building and Code Enforcement)

PDC14-059/PD14-050 – District 7

### END OF PUBLIC HEARINGS ON CONSENT CALENDAR

## 11.2 [STUDY SESSION PRESENTATION: Land Use and General Plan Annual Review. \(Envision 2040, Land Use Conversion Review, Fiscal Impacts\)](#)

[Memo from Councilmembers Rocha and Peralez](#)

[Memo from Mayor Liccardo and Councilmembers Jones and Carrasco](#)

[Memo from Councilmember Rocha](#)

[Presentation](#)

[Letter\(s\) from the Public](#)

**Recommendation:** Accept the staff presentation on the history of employment land conversions to residential uses in San José, the fiscal impact of different land uses, and an overview of the purpose and process for the General Plan Annual Review and Four-Year Major Review. CEQA: Not a Project. (Economic Development/Planning, Building and Code Enforcement)

(Continued from 4/14/15 - Item 11.3)

**TO BE HEARD JOINTLY WITH ITEM 4.1**

## 11. PUBLIC HEARINGS

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### 11.3 **General Plan Text Amendment Related to the Real Property at 1150 Campbell Avenue.**

**Recommendation:** Denial of a General Plan Amendment to change the Land Use/Transportation Diagram land use designation from Light Industrial to Mixed Use Neighborhood on an approximately 1.6 gross acre site, located on the north side of Campbell Avenue, approximately 830 feet west of Newhall Street (1150 Campbell Avenue) (Campbell Avenue Associates Inc, Owner). In the alternative, refer to staff to complete CEQA review and include the proposed amendments for consideration as part of the annual General Plan Amendment cycle for 2015. CEQA: Categorical Exemption, CEQA Guidelines section 15270 (Projects which are disapproved). Planning Commission recommends (6-0-1) that the City Council direct staff to continue processing the subject General Plan Amendment, including CEQA review, for consideration during the annual General Plan hearing for privately-initiated General Plan amendments. (Planning, Building and Code Enforcement)

GP15-007 – District 3

\* **DROP**

### 11.4 **General Plan Text Amendment Related to the Real Properties on the South Side of West San Carlos Street Between Race Street and Lincoln Avenue.**

Memo from Councilmember Rocha  
Supplemental

Memo from Mayor Liccardo, Councilmembers Oliverio, Carrasco and Jones  
Letter(s) from the Public

\* **Recommendation:** Denial of a General Plan Amendment to change the Land Use/Transportation Diagram Land Use designation from Combined Industrial/Commercial to Transit Residential on an approximately 4.10 gross acre site located on the south side of West San Carlos Street between Race Street and Lincoln Avenue (Stanley A Cotton Trustee and Jim and Bill McDonald, Owners). In the alternative, refer to staff to complete CEQA review and include the proposed amendments for consideration as part of the annual General Plan Amendment cycle for 2015. CEQA: Categorical Exemption, CEQA Guidelines section 15270 (Projects which are disapproved). Planning Commission recommends (6-0-1) that the City Council direct staff to continue processing the subject General Plan Amendment, including CEQA review, for consideration during the annual General Plan hearing for privately-initiated General Plan amendments. (Planning, Building and Code Enforcement)

GP15-008 – District 6

### 11.5 **Rezoning of the Real Property Located at the Southwest Corner of Saratoga Avenue and Williams Road.**

Letter(s) from the Public

\* **Recommendation:**

- (a) Adopt a resolution adopting the Negative Declaration for the Rotten Robbie #2 Replacement Project;

*(Item continued on the next page)*

## 11. PUBLIC HEARINGS

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### 11.5 Rezoning of the Real Property Located at the Southwest Corner of Saratoga Avenue and Williams Road. (Cont'd.)

**Recommendation:**

- (b) Consider an [ordinance](#) rezoning the real property located at the southwest corner of Saratoga Avenue and Williams Road (1005 Saratoga Avenue) from the CP-Commercial Pedestrian Zoning district to the CP(PD) Planned Development Zoning District to allow for a gas station and convenience store use; and a Planned Development Permit, to allow the demolition of an existing gas station, including the removal and replacement of existing underground gas tanks, and the construction of a new gas station with a 3,200 square foot convenience store with the off-sale of alcohol; and a determination of a Public Convenience or Necessity on a 0.64 gross acre site (Robinson Oil Corporation, Owner). [Resolution](#)

CEQA: Negative Declaration to be adopted. Planning Commission recommends approval (5-0-2). (Planning, Building and Code Enforcement)

[PDC14-009/PD14-039/ABC14-008](#) – District 1

### 11.6 [Consideration of a Planned Development Permit and Determination of Public Convenience or Necessity to Allow the Off-Sale of Alcohol at an Existing Retail Store.](#)

[Letter\(s\) from the Public](#)

**Recommendation:** Consider a Planned Development Permit and Determination of Public Convenience or Necessity to allow the off-sale of alcohol at an existing 107,338 square foot retail store (Walmart) on an approximately 9.15 gross acre site, located on the southeasterly corner of Monterey Road and Blossom Hill Road (5502 Monterey Road) (Pan Pacific Realty Corporation, Owner). CEQA: Exempt. Planning Commission recommends approval (6-0-1). (Planning, Building and Code Enforcement) [Resolution](#) [PD14-033/ABC14-007](#) - District 2

### 11.7 [Rezoning of the Real Property Located on the West Side of Almaden Road, Approximately 660 Feet South of Willow Glen Way.](#)

[Letter\(s\) from the Public](#)

**Recommendation:**

- (a) Adopt a [resolution](#) adopting the Mitigated Negative Declaration for the 1821 Almaden Road Residential Project;
- (b) Consider an [ordinance](#) rezoning the real property located on the west side of Almaden Road, approximately 660 feet south of Willow Glen Way (1807, 1821, 1833, 1849, 1863, and 1873 Almaden Road) from the R-1-5 Single Family Residence Zoning District to the RM(PD) Planned Development Zoning District to allow development of up to 96 residential units in a 5-story building on an approximately 1.73 gross acre site (1821 Almaden LLC, Owner).

CEQA: Mitigated Negative Declaration to be adopted. Planning Commission recommends approval (4-0-1-2). (Planning, Building and Code Enforcement)

[PDC13-034](#) – District 6

(Deferred from 3/24/15 – Item 11.5)

- **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**  
\* This meeting will be adjourned in memory of Eloy Campos, a community leader, activist and father of former councilmembers Xavier Campos and Nora Campos. (Mayor)



## **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.
- 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.