



CITY COUNCIL AGENDA

FEBRUARY 23, 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 14th Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Contact the Office of the City Clerk at (408) 535-1260 or 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**
 - 9:37 a.m.** - Closed Session, Call to Order in Council Chambers
Absent Council Members: All Present.
 - 1:33 p.m.** - Regular Session/General Plan Hearings Council Chambers, City Hall
Absent Council Members: All Present.
 - 7:26 p.m.** - Public Hearings, Council Chambers, City Hall
Absent Council Members: All Present.
- **Invocation (District 2)**
Oak Grove High School Jazz Band in San José offered the Invocation.
- **Pledge of Allegiance**
Mayor Sam Liccardo, accompanied by Rosemary Elementary School Third Grade Students, led the Pledge of Allegiance.
- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved, with Item 10.2 dropped, to be renoticed.

- Closed Session Report
No Report.

1. CEREMONIAL ITEMS

There were no Ceremonials presented.

2. CONSENT CALENDAR

- 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 January 13, 2016. (Mayor)
- (b) Community and Economic Development Committee Minutes of January 25, 2016. (Khamis)
- (c) Transportation and Environment Committee Minutes of February 1, 2016. (Kalra)
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 Personnel Investigation Structure Audit.

Recommendation: As recommended by the Public Safety, Finance, and Strategic Support Committee on November 19, 2015, accept the audit report on the Personnel Investigation Structure. CEQA: Not a Project, File No. PP10-069(a), Staff Reports that involve no approval of City Actions. (City Auditor)
[Public Safety, Finance, and Strategic Support Committee referral 11/19/15 – Item (d)(3)]
(Deferred from 1/12/16 – Item 3.5 and 2/9/16 – Item 3.3)
Accepted.

2. CONSENT CALENDAR

2.8 Report on Bids and Award of Construction Contract for the 6970 – Fiber Optic Connection Project.

Recommendation: Report on bids and award a construction contract for the 6970 – Fiber Optic Connection Project to the low bidder, All Phase Excavating and Construction, Inc., in the amount of \$240,000 and approval of a fifteen percent contingency in the amount of \$36,000. CEQA: Addendum to the San José/Santa Clara Water Pollution Control Plant Master Plan Final EIR, File No. PP15-040. (Environmental Services/Public Works)

Approved.

2.9 Amendment to the Agreement with Stanley Convergent Security Solutions, Inc. for the Airport Automated Access Control System Services.

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Execute the First Amendment to the Airport Automated Access Control System Services Agreement with Stanley Convergent Security Solutions, Inc. (San Diego, CA) to upgrade the system to the latest version and provide for unscheduled work as may be required, and to increase the maximum compensation by \$426,634 from \$720,270 to \$1,266,904 for the initial five-year term of July 1, 2013 to June 30, 2018.
- (b) Execute change orders to cover unanticipated changes in requirements or for future enhancements for a not-to-exceed contingency amount of \$120,000 for the initial five-year term, subject to the appropriation of funds.

CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts for professional services with no changes in the physical environment. (Finance)

Resolution No. 77665 adopted.

2.10 Partial Reconveyance of a Deed of Trust by the Center for Employment and Training.

Recommendation: Adopt a resolution authorizing the Director of Housing to execute a partial reconveyance of the Deed of Trust recorded by the Center for Employment and Training (CET) from a 1.55 acre portion of the CET property located at 701 Vine Street in San José to accommodate the sale of such property to Rocketship Charter School, provided that such Deed of Trust will remain as security against the 4.64 acre portion of the property owned and occupied by CET. CEQA: Exempt, Section 15061(b) (3), No potential for causing a significant effect on the environment, File No. PP16-013. Council District 3. (Housing)

Resolution No. 77666 adopted.

2. CONSENT CALENDAR

2.11 Actions Related to the Agreement with Habitat for Humanity East Bay/Silicon Valley for the 868 Delmas Avenue Development.

Recommendation:

- (a) Adopt a resolution:
 - (1) Approving an Amended and Restated Disposition and Development Agreement for the 868 Delmas Avenue development with Habitat for Humanity East Bay/Silicon Valley (“Habitat” or “Developer”), the resulting entity from a merger of Habitat for Humanity Silicon Valley and Habitat for Humanity East Bay.
 - (2) Approving a funding commitment for a conditional grant of up to \$258,000 of Low and Moderate Income Housing Asset Funds to Habitat for the 868 Delmas Avenue development.

Resolution No. 77667 adopted.

- (b) Adopt the following 2015-2016 Appropriation Ordinance amendments in the Low and Moderate Income Housing Asset Fund:
 - (1) Increase the Housing Loans and Grants appropriation to the Housing Department in the amount of \$258,000.
 - (2) Decrease the Housing Project Reserve appropriation in the amount of \$258,000.

CEQA: Exempt, Section 15303(a) New Construction or Conversion of Small Structures, File No. PP06-144. Council District 3. (Housing/City Manager)

Ordinance No. 29689 adopted.

2.12 Metropolitan Transportation Commission and Valley Transportation Authority Grant for Urban Village Planning.

Recommendation: Adopt a resolution authorizing the City Manager or designee to accept grant funding from the Metropolitan Transportation Commission and the Valley Transportation Authority for urban village planning for the North First Street and Berryessa/BART Urban Villages, and negotiate and execute all documents required to accept the grant funds, including the authority to negotiate and execute any local matching funds, subject to the appropriation of such funds. CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041. Council Districts 3 and 4. (Planning, Building and Code Enforcement)

Resolution No. 77668 adopted.

2. CONSENT CALENDAR

2.13 Report on Bids and Award of Contract for the 5512 – 30 Inch Old Bayshore Sanitary Sewer Supplement Project.

Recommendation: Report on bids and award of contract for the 5512 – 30 Inch Old Bayshore Sanitary Sewer Supplement project to the low bidder, K.J. Woods Construction Inc., in the amount of \$2,888,486, and approve a fifteen percent contingency in the amount of \$433,273. CEQA: Exempt, Section 15301 Existing Facilities, File No. PP12-027; Addendum to the Envision San José 2040 General Plan Final EIR and addenda thereto, File No. PP12-076; and Determination of Consistency with the Envision San José 2040 General Plan Final EIR and addenda thereto, File No. PP15-045. Council District 3. (Public Works)

Approved.

2.14 City Hall Facility Use for Citywide Career Fair and Coyote Howl Conference.

Recommendation: Adopt a resolution authorizing the City Manager to authorize “Free Use” for events and activities held at City Hall on Saturday, February 27, 2016 for the Citywide Career Fair and Saturday, April 9, 2016 for the Coyote Howl Conference. CEQA: Not a Project, File No. PP15-077, Temporary Special Events resulting in no changes to the physical environment. Council District 3. (Public Works)

Resolution No. 77669 adopted.

2.15 Citywide Capital Improvement Program Annual Status Report.

Recommendation: Accept the Annual Status Report on the Citywide Capital Improvement Program. CEQA: Not a Project, File No PP10-069(a), Annual Reports that involve no approvals of any City Actions. (Public Works)

Accepted.

2.16 Actions Related to the Airport Federal Inspection Services Improvement Project at the Airport.

Recommendation:

- (a) Adopt a resolution authorizing the Director of Public Works to:
 - (1) Determine the lowest responsive and responsible bidder, decide any bid protests, and award the construction contract for the Airport Federal Inspection Services (FIS) Curbside Improvements, FIS Baggage Handling System Improvements, Ground Transportation Island and Roadway Improvements Project in an amount not to exceed \$9,600,000 and an additional fifteen percent of construction contingency; and
 - (2) Issue any single and/or multiple change orders up to the amount of the Project contingency.

Staff directed to return to Council for final authorization on March 8, 2016.

2. CONSENT CALENDAR

2.16 Actions Related to the Airport Federal Inspection Services Improvement Project at the Airport. (Cont'd.)

- (b) Adopt a resolution making findings that specifying specific companies and product by brand or trade name in the bid specifications for this project is necessary for the following specific elements of this project to match other products in use at the Airport: (i) Fire Alarm and Sprinkler Controls; (ii) Door Security Access Controls; (iii) Information Technology; (iv) Intercom/Public Address/Paging; (v) Security Cameras; (vi) Low Voltage/Data Cabling; and (vii) Building Management System.

CEQA: Determination of Consistency with the City of San José International Airport Master Plan Final EIR and Addenda thereto (Resolution Nos. 67380 and 71451), File Nos. PP15-053, PP15-122, and PP16-005. (Public Works/Airport)

Resolution No. 77670 adopted.

2.17 Summary Vacation of Pedestrian Access Easement for the Existing Communications Hill Grand Staircase.

Recommendation: Adopt a resolution:

- (a) Approving the report of the Director of Public Works and the Director of Parks, Recreation and Neighborhood Services setting forth the facts justifying the summary vacation of the existing Pedestrian Access Easement with the reservation of a Public Trail Easement for the existing Communications Hill Grand Staircase located between Casselino Drive and Mullinix Way;
- (b) Vacating the Pedestrian Access Easement with the reservation of a Public Trail Easement to protect the public safety and to serve the public interest and convenience; and
- (c) Directing the City Clerk, to record a certified copy of the resolution of vacation with the Office of the Recorder, County of Santa Clara.

CEQA: Exempt, Section 15301 Existing Facilities, File No. PP16-008. Council District 7. (Public Works/Parks, Recreation and Neighborhood Services)

Resolution No. 77671 adopted.

Abstain: Khamis.

2.18 Master Parking Rate Schedule Update for a Car Share Parking Program.

Recommendation: Adopt a resolution to repeal Resolution No. 77286 and set forth the Master Parking Rate Schedule to implement a permanent Car Share Parking Program, including rates for the use of public parking spaces for car share vehicles. CEQA: Not a Project, File No. PP10-067(a), Adjustments in Fees, Rates, and Fares without changes or expansion to the existing use. (Transportation)

Resolution No. 77672 adopted.

2. CONSENT CALENDAR

2.19 Community Events Sponsored by District 7.

Recommendation: As recommended by the Rules and Open Government Committee on February 10, 2016:

- (a) Retroactively approve the Lunar New Year celebration scheduled on February 12, 2016 as a City Council sponsored Special Event and approve the expenditure of funds.
- (b) Approve the Asian Pacific Islander Heritage Month Festival scheduled on May 21, 2016 at Seven Trees Library and Community Center as a City Council sponsored Special Event and approve the expenditure of funds.
- (c) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (T. Nguyen)
[Rules Committee referral 2/10/16 – Item G(1)(a)]

Approved.

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the City Manager, Norberto Dueñas (Verbal Report). No Report.

3.2 Labor Negotiations Update.

Recommendation: Accept Labor Negotiations Update.

Heard at 9:37 a.m.

No Report.

3.3 Potential Sales and Use Taxes Ballot Measures.

Recommendation:

- (a) Council discussion of community survey results for a potential revenue measure for the June 7, 2016, ballot including consideration of a general purpose one-quarter percent retail transactions and use (“sales tax”) measure.
- (b) Adopt a resolution of the City Council calling and giving notice, on its own motion, for a Special Municipal Election to be held on June 7, 2016, to submit to the electors of the City of San José the following measure:

3. STRATEGIC SUPPORT SERVICES

3.3 Potential Sales and Use Taxes Ballot Measures. (Cont'd.)

Recommendation:

(b) San José Local City Services

To fund city services such as: improving police response to violent crimes, burglaries, and other safety needs; improving 911/emergency medical/fire response times; repairing potholes and streets; maintaining parks; expanding gang prevention; and creating jobs through economic development, shall the City of San José enact a ¼ percent sales tax for 9 years , providing about \$40 million annually, requiring Independent Citizens Oversight with public review of spending, and all revenues controlled locally?	YES	
	NO	

- (1) Council discussion and consideration of whether the full text of the proposed ordinance should be printed in the June 7, 2016, Voter’s Sample Ballot, pursuant to Elections Code 12111, to be incorporated in the resolution calling the election.
- (2) Council discussion and consideration of whether to permit rebuttal arguments in the June 7, 2016, Voter's Sample Ballot, pursuant to Elections Code Section 9285, to be incorporated in the resolution calling the election.
- (3) Council discussion and consideration of whether to authorize the City Council or any member or members of the City Council to submit an argument in favor of the City measure on the June 7, 2016, Voter's Sample Ballot, pursuant to Elections Code Section 9282, to be incorporated in the resolution calling the election.
- (4) Direct the City Clerk to take all actions necessary to place this measure for a June 7, 2016, Special Municipal Election, if needed.
- (c) Adopt an ordinance amending Title 4 of the San José Municipal Code to add Chapter 4.60 to enact a transactions and use tax at the rate of 0.25% administered by the California Board of Equalization, subject to approval of a majority of the electors voting at the Special Municipal Election to be held on June 7, 2016.

CEQA: Not a Project, CEQA Guidelines Section 15378(b)(4). (City Manager)

(Deferred from 2/9/16 – Item 3.5)

Deferred to March 08, 2016 Per Administration.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Response to the Santa Clara County Housing Task Force Resolution.

Recommendation:

- (a) Adopt a resolution formally endorsing the October 9, 2015 resolution of the Santa Clara County Housing Task Force pertaining to the crisis of homelessness in Santa Clara County.

Resolution No. 77674 adopted.

- (b) Accept the staff report on actions that the City has taken or will take to implement the various recommended actions in the Santa Clara County Housing Task Force's resolution.

CEQA: Not a Project, File No. PP10-068, General Procedure and Policy Making that involves no changes in the physical environment; and Not a Project, File No. PP10-069(a), Staff Reports that involve no approvals of any City Actions. (Housing)

Accepted.

4.2 Amendment to Title 20 Mobilehome Park Protection.

Recommendation:

- (a) Adopt an ordinance amending Chapter 20.100 of the Municipal Code to: make technical, formatting or other non-substantive changes; make the City Council the initial decision-making body for consideration of all proposed mobilehome park conversions to another use after the Planning Commission considers these proposals for recommendations to Council; add provisions for making findings of consistency with the Envision San José 2040 General Plan for Conditional Use Permits.

PP15-130 – Citywide

- (b) Adopt a resolution approving a new City Council Policy providing guidance for consideration of mobilehome park conversions to other uses. The proposed Council Policy is intended to facilitate implementation of the requirements in the San José Municipal Code Chapter 20.180 regarding mobilehome park conversions to another use including but not limited to:
 - (1) Clarifying that the intent of Council direction is to encourage the preservation of mobilehomes.
 - (2) Providing guidelines for good faith negotiations between mobilehome park residents (including mobilehome owners and mobilehome tenants) and mobilehome park owners.
 - (3) Providing guidelines regarding a satisfactory program of relocation and purchase assistance, including but not limited to compensation to residents, purchase price for the existing mobilehomes, relocation impact reports, and relocation benefits.

(Action Continued on the Next Page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 Amendment to Title 20 Mobilehome Park Protection. (Cont'd.)

- (4) Providing guidelines and clarification regarding the implementation and interpretation of the existing mobilehome park conversion ordinance in the Zoning Code.

CEQA: Not a Project, File No. PP10-068, General Procedure and Policy Making that involves no changes in the physical environment. Director of Planning, Building and Code Enforcement recommends approval. Planning Commission recommends approval (5-1-0-1) (Abelite opposed, Yob abstain). (Planning, Building and Code Enforcement/Housing)

(Deferred from 2/9/16 – Item 4.2)

Heard Immediately Following the Consent Calendar.

The memorandum from Mayor Sam Liccardo, Vice Mayor Rose Herrera, Council Member Chappie Jones and Council Member Tam Nguyen, dated February 19, 2016, was approved:

- (1) Adopt the Staff recommendations with the following modifications:
 - (a) In Section 2.h of the Council Policy amend language so that the first sentence incorporated the underline word to read: *A program of relocation and purchase assistance should provide sufficient subsidies and other measures to allow residents to find other adequate, safe housing priced at a level that does not create a greater housing burden.*
- (2) Direct Staff to return with proposed revisions that address the following:
 - (a) Define what “sufficient information” means in Section 1.d. to ensure that Designated Resident Organizations (DRO) can make a well informed assessment of the mobilehome park’s value and/or what procedures can be established for a DRO to get access to that information.
 - (b) Provide clarifying language on Section 1.e.
 - (c) Provide other scenarios for selecting appraisers and consultants under Section 2a and 2c.
- (3) Staff was further directed to return to Council with an extension of a temporary six month moratorium on closure or a conversion of Mobilehome Parks.

Ordinance No. 29690 passed for publication and Resolution No. 77673 adopted, as amended.

4.3 Mobilehome “Opt-in/Stay in Business” Concept.

Recommendation: As recommended by the Community and Economic Development Committee on January 25, 2016, accept the report on the Opt-In/Stay in Business concept for mobilehome parks and provide input as to whether the Housing Department should continue to work with stakeholders to further refine and analyze this concept or if the Department should cease work on this item. CEQA: Not a Project, File No. PP10-069(a), Staff Reports that involve no approvals of any City Actions. (Housing)

[Community and Economic Development Committee referral 1/25/16 – Item (d)(6)]

(Deferred from 2/9/16 – Item 4.1)

Heard Immediately Following the Consent Calendar and Item 4.2.

(Action Continued on the Next Page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.3 Mobilehome “Opt-in/Stay in Business” Concept. (Action Cont’d.)

The amended memorandum from Vice Mayor Rose Herrera, dated February 22, 2016, was approved:

- (1) Accept the report on the Opt-In/Stay In Business concept for mobilehome parks.
- (2) Direct the Housing Department to continue to work with *a small number of representatives from* the stakeholders, including mobilehome owners and mobilehome park owners, to identify and seek compromise on resolving economic issues that will further the Council direction to further the protection of mobilehome parks in the City of San José.
- (3) If needed, bring in an outside mediator paid for by the mobilehome park owners.

Mayor Sam Liccardo’s direction was included:

- (1) Capital improvements to be passed through to a CPI utilizing an IRS definition.
 - (2) Vacancy decontrol should be the way to compensate the mobilehome owner for the loss in equity.
 - (3) For those whose mortgages extend beyond the twenty year commitment timeframe, recommend mobilehome park owners buy those mortgages out.
 - (4) Explore elements of a consent buy-in for the mobilehome residents
- (7-4. Noes: Kalra, T. Nguyen, Peralez, Rocha.)

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

9. REDEVELOPMENT – SUCCESSOR AGENCY

- **Notice of City Engineer’s Pending Decision on Final Maps**

In accordance with Sec. 19.16.140d of the San José Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
10353	NW Corner San Pedro Street and Post Street	3	Post Street Tower, LLC	1/202	MFA

10. GENERAL PLAN PUBLIC HEARINGS

10.1 Tentative approval of General Plan Consent Calendar items.

No General Plan Consent Calendar items at this time.

END OF CONSENT CALENDAR

10. GENERAL PLAN PUBLIC HEARINGS

10.2 General Plan Text Amendment: Mobilehome Park Protection.

Recommendation: Adopt a resolution approving various General Plan Text Amendments relating to protection of existing mobilehome parks to: 1) strengthen goals and policies to protect existing mobilehome parks in the City of San José as a component of housing choice, and a source of existing affordably-priced housing in established neighborhoods and to improve protection from conversion to other uses; and 2) add General Plan goals, policies, and actions to preserve mobilehome parks and other housing in each Urban Village until the preservation of affordable housing can be comprehensively addressed by adoption of an Urban Village Plan specific to that Urban Village. CEQA: Not a Project, File No. PP10-068, General Procedure and Policy Making that involves no changes in the physical environment. Planning Commission recommends approval (6-0-0-1) (Yob abstain). (Planning, Building and Code Enforcement/Housing)

GPT15-006; District – Citywide
(Deferred from 2/9/16 – Item 10.2)

Dropped to be renoticed, per Orders of the Day.

- **Open Forum**
 - (1) **Brian Darby reminded Council that on February 12, 2016 bicyclist Toedoro Arrendando-Diaz on his way home from work when he was killed at South Winchester Boulevard and Loma Verde Drive by a hit and run driver.**
 - (2) **Blair Beekman commented that the State Democratic Convention will be in San José and urged the Council to speak on its National Security Technology plans, e.g. openness and transparency.**

- **Adjournment**

Mayor Sam Liccardo adjourned the Afternoon Council Session at 7:01 p.m.

11. PUBLIC HEARINGS ON CONSENT CALENDAR

11.1 Public Hearings on Consent Calendar.

- (a) **Conventional Rezoning of the Real Property Located on the East Side of Almaden Avenue, Approximately 80 Feet North of Oak Street at 890 Almaden Avenue.**

Recommendation: Consideration of an ordinance rezoning the real property located on the east side of Almaden Avenue, approximately 80 feet north of Oak Street (890 Almaden Avenue) from the CN Commercial Neighborhood Zoning District to the R-2 Two-Family Residence Zoning District (Lin Connie, Owner). CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041), and Supplemental EIR (Resolution No. 77617). Director of Planning, Building and Code Enforcement recommends approval. Planning Commission recommends approval (5-0-1-1) (Bit-Badal absent, Yesney abstain). (Planning, Building and Code Enforcement) **C15-005** – Council District 3
Ordinance No. 29691 passed for publication.

- (b) **Conventional Rezoning of the Real Property Located on the Easterly Side of S. Capitol Avenue, Approximately 400 Feet Southerly of Alum Rock Avenue, at 56 S. Capitol Avenue.**

Recommendation: Consideration of an ordinance rezoning the real property located on the easterly side of S. Capitol Avenue, approximately 400 feet southerly of Alum Rock Avenue, at 56 S. Capitol Avenue from the CP Commercial Pedestrian Zoning District to the R-1-8 Single Family Residence Zoning District on a 0.17 gross acre site (Gurgot Pawar, Owner). CEQA: Determination of Consistency with Envision San José 2040 General Plan EIR (Resolution No. 76041) and Supplemental EIR (Resolution No. 77617). Director of Planning, Building and Code Enforcement recommends approval. (Planning, Building and Code Enforcement) **C15-050** – Council District 5
Ordinance No. 29692 passed for publication.

11. PUBLIC HEARINGS ON CONSENT CALENDAR

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

- (c) **Conventional Rezoning of the Real Property Located on the West Side of North 4th Street Between East St. John and East Santa Clara Streets at 49 North 4th Street.**

Recommendation: Consideration of an ordinance rezoning the real property located on the west side of North 4th Street between East St. John and East Santa Clara Streets at 49 North 4th Street from the CG Commercial General Zoning District to the DC Downtown Primary Commercial Zoning District on a 0.72 gross acre site (First Presbyterian Church of San José, Owner). CEQA: Addendum to the Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041). Director of Planning, Building and Code Enforcement recommends approval. Planning Commission recommends approval 5-0-1-1 (Bit-Badal, Yesney abstain). (Planning, Building and Code Enforcement)
C15-052 – Council District 3
Ordinance No. 29693 passed for publication.

- (d) **Conventional Rezoning of the Real Property Located at 80 Great Oaks Boulevard.**

Recommendation: Consideration of an ordinance rezoning the real property located at 80 Great Oaks Boulevard from the A(PD) Planned Development Zoning District to the CIC Combined Industrial/Commercial Zoning District on a 5.4 gross acre site (VA Venture, San José, Owner). CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final EIR, (Resolution No. 76041) and Supplemental EIR (Resolution No. 77617). Director of Planning, Building and Code Enforcement recommends approval. (Planning, Building and Code Enforcement)
C15-061 – Council District 2
Ordinance No. 29694 passed for publication.

11. PUBLIC HEARINGS ON CONSENT CALENDAR

- (e) **Conventional Rezoning of the Real Property Located on the East Side of Sunol Street, Approximately 120 Feet North of West San Carlos Street at 270 Sunol Street.**

Recommendation:

- (1) Consider the Addendum to the Diridon Station Area Plan Final EIR and adopt a related Mitigated Monitoring and Reporting Program.

Approved.

- (2) Consideration of an ordinance to rezone an approximately 1.30 gross acre site from CIC Combined Industrial/Commercial and CP Commercial Pedestrian Zoning Districts to RM(PD) Planned Development Zoning District to allow an approximately 7-story mixed use development with up to 110 multi-family residential units and approximately 2,990 square feet of commercial space, located on the east side of Sunol Street, approximately 120 feet north of West San Carlos Street (270 Sunol Street also known as 777 West San Carlos Street). (Marcus James R. Trustee, Owner).

CEQA: Addendum to the Diridon Station Area Plan EIR (Resolution No. 77096). Director of Planning, Building and Code Enforcement recommends approval. Planning Commission recommends approval (5-0-1-1) (Bit-Badal absent, Yesney abstain). (Planning, Building and Code Enforcement).

PDC14-033 – Council District 6

Ordinance No. 29695 passed for publication.

- (f) **Conventional Rezoning of the Real Property Located on the West Side of Great Oaks Boulevard Approximately 1,000 Feet Northwesternly of Highway 85.**

Recommendation: Consideration of an ordinance rezoning the real property located on the west side of Great Oaks Boulevard approximately 1,000 feet northwesterly of Highway 85 from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District to include data center as a permitted use, increase the allowable square footage for data centers from 260,000 square feet to 400,000 square feet, reduce the required parking for data center use, and remove the setback requirements for Area 2 on a 78.4-gross acre site. CEQA: Addendum to the Great Oaks Mixed Use Project Final Environmental Impact Report (Resolution No. 77219), the Envision San José 2040 General Plan Final Program EIR (Resolution No. 7641), and the Envision San José 2040 General Plan Supplemental EIR (Resolution No. 77617). Director of Planning, Building and Code Enforcement recommends approval. (Planning, Building and Code Enforcement)

PDC15-059 – Council District 2

Ordinance No. 29696 passed for publication.

END OF CONSENT CALENDAR

11. PUBLIC HEARINGS

11.2 Conditional Use Permit and Determination of Public Convenience or Necessity to Allow the Off-Sale of Alcohol at an Establishment Located on the Southwest Corner of West San Carlos and Royal Avenue at 720 West San Carlos Street.

Recommendation: Consideration of a Conditional Use Permit and Determination of a Public Convenience or Necessity to allow the off-sale of alcohol of a full range of alcoholic beverages at a 30,455 square foot full service grocery store (Smart & Final) on a 2.78 gross acre site located on the southwest corner of west San Carlos and Royal Avenue (720 West San Carlos Street) (National Retail Properties LP, Owner). CEQA: Exempt per Section 15301 (a) for Existing Facilities. Director of Planning, Building and Code Enforcement recommends approval. Planning Commission recommends approval (6-0-1) (Bit-Badal absent). (Planning, Building and Code Enforcement)

CP15-050/ABC15-015 – Council District 6

Resolution No. 77675 adopted to allow the off-sale of alcohol of a full range of alcoholic beverages at a 30,455 square foot full service grocery store, Smart & Final, on a 2.78 gross acre site located on the southwest corner of west San Carlos and Royal Avenue, 720 West San Carlos Street.

11.3 Conditional Use Permit and Determination of Public Convenience or Necessity to Allow the Off-Sale of Alcohol at an Establishment Located at 1093 Minnesota Avenue.

Recommendation: Consideration of a Conditional Use Permit and Determination of Public Convenience or Necessity to allow the off-sale of alcohol at a small retail establishment of approximately 2,100 square feet, on a 0.15 gross acre site, located at 1093 Minnesota Avenue (Jasvir Kaur, Owner). CEQA: Exempt, Section 15301, Existing Facilities. Director of Planning, Building and Code Enforcement recommends approval. Planning Commission recommends approval (5-0-2) (Yob and Pham absent). (Planning, Building and Code Enforcement)

CP15-007/ABC15-002 – District 6

(Deferred from 12/8/15 – Item 11.2)

Item 11.3 was withdrawn by the Applicant.

11.4 Rezoning the Real Property Located at the Northwest Corner of South Winchester Boulevard and Williams Road.

Recommendation:

- (a) Certify the Environmental Impact Report for The Reserve Apartments Mixed Use Project and adopt a resolution making certain findings concerning significant environmental impacts, mitigation measures and alternatives, adopting a mitigation monitoring and reporting program, and adopting a statement of overriding considerations, all in accordance with the California Environmental Quality Act (CEQA).

(Action Continued on the Next Page)

11. PUBLIC HEARINGS

11.4 Rezoning the Real Property Located at the Northwest Corner of South Winchester Boulevard and Williams Road. (Cont'd.)

Recommendation:

- (b) Consideration of an ordinance rezoning the real property located at the northwest corner of South Winchester Boulevard and Williams Road (881 South Winchester Boulevard) from R-M Residential Zoning District to the R-M (PD) Planned Development Zoning District to allow for the demolition of the existing 216 unit apartment complex and the development of up to 641 multi-family residential units and 8,000 square feet of commercial space on a 7.68 gross acre site (Reserve Reit, Owner).

CEQA: Reserve Residential Project EIR, File No. PDC14-040 to be considered for certification by City Council. Director Planning, Building and Code Enforcement recommends approval. Planning Commission recommends approval (7-0-0). (Planning, Building and Code Enforcement)

PDC14-040 – Council District 1

(Deferred from 1/26/16 – Item 11.5)

The memorandum from Mayor Sam Liccardo and Council Member Chappie Jones, dated February 19, 2016, was approved, recommending:

- (1) **Certify the Environmental Impact Report and adopt a Mitigation Monitoring and Reporting Program in accordance with California Environmental Quality Act (CEQA) and approve the proposed Planned Development Rezoning as recommended by Staff with the following modifications:**
 - (a) **Any structure within 72 feet of the westerly property line cannot exceed 40 feet (3 stories).**
 - (b) **At the Planned Development Stage of this project that the Applicant work with City Staff and the neighbors to screen residents from the new development with further enhancements such as a taller fence and trees of appropriate species and size to be planted in the rear setback.**
- (2) **Accept the voluntary contributions from the Applicant:**
 - (a) **\$2.24 Million contribution toward potential transportation projects identified in the Transportation Development Policy being developed for the Winchester and Santana Row/Valley Fair Urban Villages.**
 - (b) **\$50,000 contribution towards a parking permit program for the area adjacent to the proposed project as a part of the residential parking permit pilot program underway in District 1.**

Resolution No. 77676 adopted, as amended.

Ordinance No. 29697 passed for publication.

11. PUBLIC HEARINGS

11.5 Rezoning the Real Property Located on the Northeast Side of Stockton Avenue, Approximately 300 Feet North of West Santa Clara Street at 120 and 138 Stockton Avenue.

Recommendation:

- (a) Consider the Addendum to the Downtown Strategy 2000 and Diridon Station Area Plan Final EIR and Envision San José General Plan Supplemental EIR for the Stockton Avenue Mixed Use Development Project and adopt a related Mitigated Monitoring and Reporting Program.

Approved.

- (b) Consideration of an ordinance rezoning the real property located on the northeast side of Stockton Avenue, approximately 300 feet north of West Santa Clara Street (120 and 138 Stockton Avenue) from CG Commercial General Zoning District to A(PD) Planned Development Zoning District to allow the demolition of two existing on-site buildings designated as Structures of merit on the City's Historic Resources Inventory and the development of a 7-story building with up to 164 multi-family residential units and a minimum of 37,500 square feet of commercial space on a 1.72 gross acre site (Daniel Hudson Et Al, Owner).

CEQA: Addendum to the Downtown Strategy 2000 Final EIR (Resolution No. 72767) and Diridon Station Area Plan Final EIR (Resolution No. 77096). Director of Planning, Building and Code Enforcement recommends approval. Planning Commission recommends approval (5-0-1-1) (Bit-Badal absent, Yesney abstain). (Planning, Building and Code Enforcement)

PDC15-010 – Council District 3

The memorandum from Mayor Sam Liccardo, Council Member Raul Peralez and Council Member Pierluigi Oliverio, dated February 19, 2016, was approved, approving the proposed Planned Development Rezoning on Stockton Avenue as recommended by the Planning Commission and Staff, with the following modification:

- (1) **Direct the Administration to work with the Applicant to establish curbside loading and unloading zones for both the commercial and residential elements of the project.**

Ordinance No. 29698 passed for publication.

11. PUBLIC HEARINGS

11.6 Rezoning the Real Property Located at 368 and 388 South Buena Vista Avenue.

Recommendation:

- (a) Adopt a resolution approving the 368 and 388 South Buena Vista Avenue Mitigation Negative Declaration and related Mitigation Monitoring and Reporting Program.

Resolution No. 77677 adopted.

- (b) Consideration of an ordinance rezoning the real property located at 368 and 388 South Buena Vista Avenue from the R-M(PD) Planned Development Zoning District to the R-M(PD) Planned Development Zoning District to allow the demolition of 3 single-story multi-family buildings and 2 accessory structures, totaling 8,500 square feet; the construction of 18 attached residences; and removal of 9 ordinance sized trees and 10 non-ordinance sized trees on a 0.91 gross acre site (B. Vista Properties Group, LLC, Owner).

CEQA: 368 and 388 South Buena Vista Avenue Mitigated Negative Declaration to be considered for adoption by Council. Director of Planning, Building and Code Enforcement recommends approval. *Planning Commission recommends approval (5-1-1. Noes: O'Halloran. Absent: Bit-Badal.)* (Planning, Building and Code Enforcement)

PDC15-041 – Council District 6

Ordinance No. 29699 passed for publication.

- **Open Forum**

There was no public testimony from the floor.

- **Adjournment**

The Council of the City of San José adjourned the meeting at 9:43 p.m. in memory of San José resident and two-time National Baseball Association (NBA) All-Star John “J.J.” Johnson.