



CITY COUNCIL AGENDA

AUGUST 16, 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**
9:30 a.m. - Closed Session, Call to Order in Council Chambers
Absent Council Members: Kalra. (Excused)

1:31 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: All Present.

7:04 p.m. - Public Hearings, Council Chambers, City Hall
Absent Council Members: All Present.
- **Invocation (District 7)**
Akoma Arts offered the Invocation.
- **Pledge of Allegiance**
Mayor Sam Liccardo led the Pledge of Allegiance.
- **Orders of the Day**
Heard following the Ceremonial Items.
The Orders of the Day and the Amended Agenda were approved, with an adjournment in memory for Community Leader and Advocate Librado Chavez Jr. added to the Agenda and Item 9.1 deferred August 23, 2016.

- **Closed Session Report**
Heard following the Ceremonial Items.
No Report.

1. CEREMONIAL ITEMS

- 1.1** Presentation of commendation to Blanca Carbajal, East San José community leader, educator and a neighborhood advocate for parents and their students striving to positively impact their community. (Carrasco)
Heard in the Evening.
Mayor Sam Liccardo and Council Member Magdalena Carrasco recognized and commended Blanca Carbajal.
- 1.2** City of San José Youth Commission Ceremony. (City Clerk)
Heard in the Evening.
Mayor Sam Liccardo, Vice Mayor Rose Herrera. Council Member Raul Peralez, Council Member Ash Kalra, Council Member Chappie Jones and Council Member Manh Nguyen recognized the Youth Commissioners. City Clerk Toni J. Taber administered the Oath of Office to the Youth Commissioners.
- 1.3** Presentation of a commendation to Victoria McDowell, a young local performer who will be touring in Italy with Pasquale Esposito in September 2016. (Mayor)
Mayor Sam Liccardo and Council Member Ash Kalra recognized and commended Victoria McDowell.
- 1.4** Presentation of a proclamation for “Muslim American Appreciation Month” in the City of San José. (Kalra)
Heard in the Evening.
Mayor Sam Liccardo and Council Member Ash Kalra recognized “Muslim American Appreciation Month” in the City of San José.

2. CONSENT CALENDAR

- 2.1** **Approval of Minutes.**
There were none.
- 2.2** **Final Adoption of Ordinances.**
There were none.

2. CONSENT CALENDAR

2.3 Approval of Council Committee Minutes.

Recommendation: Approval of Council Committee Minutes.

- (a) Rules and Open Government Committee Minutes of June 22, 2016. (Mayor)
 - (b) Community and Economic Development Committee Minutes of June 27, 2016. (Khamis)
 - (c) Rules and Open Government Committee Minutes of July 27, 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.

No Report.

2.6 Report from the Council Liaison to the Retirement Boards.

No Report.

2.7 Airport Improvement Grant Program from Federal Aviation Administration for Perimeter Security Technology Infrastructure Upgrades.

Recommendation: Adopt a resolution authorizing the City Manager to apply for, execute, and accept upon receipt, grants from the Federal Aviation Administration (FAA) for the Perimeter Security Technology Infrastructure Upgrades project at the Norman Y. Mineta San José International Airport, increasing the total grant amount from \$6,400,000, as previously authorized under Resolution Nos. 77389 and 77641, to a total grant amount not to exceed \$15,400,000. CEQA: Resolution Nos. 67380 and 71451, File No. PP15-053 Perimeter Security Technology Infrastructure Upgrades. (Airport)

Resolution No. 77898 adopted.

2.8 Appropriation Ordinance and Funding Sources Resolution Amendments in Various Funds to Rebudget Funds to 2016-2017 for Completion of Projects.

Recommendation:

- (a) Adopt the following 2016-2017 Appropriation Ordinance and Funding Sources Resolution amendments in the Building and Structure Construction Tax Fund:
 - (1) Increase the Beginning Fund Balance by \$1,293,000.
 - (2) Increase the North First Street Bicycle Lane Improvements appropriation to the Transportation Department by \$834,000.
 - (3) Increase the Downing Avenue Pedestrian and Bicycle Improvements appropriation to the Transportation Department by \$459,000.

Ordinance No. 29773 adopted.

Resolution No. 77899 adopted.

2. CONSENT CALENDAR

2.8 Appropriation Ordinance and Funding Sources Resolution Amendments in Various Funds to Rebudget Funds to 2016-2017 for Completion of Projects. (Cont'd.)

Recommendation:

- (b) Adopt the following 2016-2017 Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Excise Tax Fund:
- (1) Increase the Beginning Fund Balance by \$1,290,000.
 - (2) Increase the Jackson Avenue Complete Streets (OBAG) appropriation to the Transportation Department by \$1,290,000.

Ordinance No. 29774 adopted.

Resolution No. 77900 adopted.

- (c) Adopt the following 2016-2017 Appropriation Ordinance and Funding Sources Resolution amendments in the Water Utility Capital Fund:
- (1) Increase the Beginning Fund Balance by \$731,000.
 - (2) Increase the North San José Water Well Evaluation and Rehabilitation appropriation to the Environmental Services Department by \$731,000.

Ordinance No. 29775 adopted.

Resolution No. 77901 adopted.

- (d) Adopt the following 2016-2017 Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:
- (1) Increase the Beginning Fund Balance by \$150,000.
 - (2) Increase the Plaza de Cesar Chavez Stage Canopy appropriation to the Parks, Recreation and Neighborhood Services Department by \$150,000.

Ordinance No. 29776 adopted.

Resolution No. 77902 adopted.

- (e) Adopt the following 2016-2017 Appropriation Ordinance and Funding Sources Resolution amendments in the Major Facilities Fund:
- (1) Increase the Beginning Fund Balance by \$125,000.
 - (2) Increase the North San José Water Well Evaluation and Rehabilitation appropriation to the Environmental Services Department by \$125,000.

CEQA: Not a Project, File No. PP10-067(b), Non-Project Specific Funding Mechanism, Appropriation Ordinance. (City Manager)

Ordinance No. 29777 adopted.

Resolution No. 77903 adopted.

2. CONSENT CALENDAR

2.9 Actions Related to the Purchase and Sale Agreement for Real Property Located at 836 West Home Street.

Recommendation:

- (a) Approve the Purchase and Sale Agreement with Louis and Guadalupe Nanez, in the amount of \$699,999 for the purchase of land located at 836 West Home Street, San José, CA, Assessor Parcel Number 264-11-025 for the future expansion of the Del Monte Park.

Approved.

- (b) Adopt a resolution authorizing the City Manager to execute the Purchase Agreement and all other documents necessary to complete the transaction, and to settle any relocation claims stemming from the City's purchase of the property up to a maximum of \$54,000.

CEQA: Exempt, File No. PP16-080, Section 15061(b)(3) – No potential for causing a significant effect on the environment. Council District 6. (Economic Development)

Resolution No. 77904 adopted.

2.10 Agreement with Santa Clara Valley Open Space Authority for Measure Q Grants for Various Park Projects.

Recommendation: Adopt a resolution authorizing the City Manager to submit, negotiate and execute grant agreements with the Santa Clara Valley Open Space Authority for an amount up to \$750,000 for the following projects:

- (a) Guadalupe Oak Grove Park Vegetation Management Project for \$250,000;
- (b) Plant Science Program (various city-wide parks) for \$250,000; and
- (c) Alum Rock Park Vegetation Management and Restoration Project for \$250,000.

CEQA: Not a Project, File No. PP10-068(a), Grant Application where Council is not obligated to enter into an agreement at the time of application. Council Districts 5 and 10. (Parks, Recreation and Neighborhood Services)

Resolution No. 77905 adopted.

2.11 Community Events Sponsored by Council District 10.

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

- (a) Retroactively approve the District 10 Faith Leader Luncheon on Monday, June 6, 2016, and the District 10 Leadership Coalition BBQ on Saturday, July 23, 2016, as City Council sponsored Special Events and approve the expenditure of funds.
- (b) 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. (Khamis)

[Rules Committee referral 8/10/16 – Item G.1.a.]

Approved.

3. STRATEGIC SUPPORT SERVICES

- 3.1 **Report of the City Manager, Norberto Dueñas (Verbal Report).**
City Manager Norberto Dueñas praised the San José Jazz Festival held August 12 through August 14, 2016 where residents and visitors had a wonderful time.

Mayor Sam Liccardo added that it was a very safe and successful event.

- 3.2 **Labor Negotiations Update.**

Recommendation: Accept Labor Negotiations Update.

Heard at 9:30 a.m.

No Report.

4. COMMUNITY & ECONOMIC DEVELOPMENT

- 4.1 **Actions Related to Leasing Property to Abode Services and Predevelopment Funding for the Evans Lane Interim Community Housing Project.**

Item 4.1 was heard in the Evening Following the Public Hearings Consent Calendar and Item 11.2.

Recommendation:

- (a) Conduct a Public Hearing.

The Public Hearing was held.

- (b) Accept the report and analysis of potential uses for the 5.93 acre City-owned property located on the east side of Evans Lane, north of Curtner Avenue between Almaden Expressway and Highway 87, (APNs 455-31-053 and 455-31-055), (the "Property").

Accepted.

Noes: Khamis, M. Nguyen, Oliverio.

- (c) Adopt a resolution:

- (1) Approving the Property as the site for an affordable interim housing community to house formerly homeless residents ("Project") subject to approval of necessary entitlements.
- (2) Accepting the summary of costs and findings prepared pursuant to the California Health and Safety Code Section 33433 for the groundleasing and development of the Property for an affordable interim housing community for the formerly homeless under the terms and conditions of the proposed ground lease.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Actions Related to Leasing Property to Abode Services and Predevelopment Funding for the Evans Lane Interim Community Housing Project. (Cont'd.)

Recommendation:

- (c) (3) Finding that the consideration that the City will receive for the Property is not less than the fair reuse value for the proposed use, given the deep affordability of the restriction on the Property, the short term of the ground lease, and the return of the Property to the City upon expiration of the ground lease.
- (4) Approving groundleasing of the Property consistent with material terms of the proposed ground lease between the City of San José and Abode Services, Inc., a nonprofit corporation or its affiliate (“Abode”), authorizing the Director of Housing to set final business terms, negotiate and execute the ground lease, and any other related documents and amendments.
- (5) Approving the selection of Abode as the developer (“Developer”) for the Project and Allied Housing, Inc., an affiliate of Abode, as the operator/service provider for onsite supportive services and management of the Project.
- (6) Approving a conditional grant commitment (“Grant”) for predevelopment funding of up to \$400,000 to Abode from the Low and Moderate Income Housing Asset Fund and authorizing the Director of Housing, or her designee, to set the specific business terms and to negotiate and execute any and all documents and amendments needed in connection with the Grant and funding of predevelopment activities for the Project.

Resolution No. 77909 adopted.

Noes: Khamis, M. Nguyen, Oliverio.

- (d) Adopt the following FY 2016-2017 Appropriation Ordinance amendments in the Low and Moderate Income Housing Asset Fund:
 - (1) Increase the appropriation to the Housing Department for Housing Loans and Grants in the amount of \$400,000.
 - (2) Decrease the Housing Project Reserve appropriation in the amount of \$400,000.

CEQA: File No. GP16-001, Evans Lane Transitional Housing Project Initial Study and Mitigated Negative Declaration (Resolution No. 77876 adopted on 6/28/2016). Council District 6. (Housing/City Manager)

Ordinance No. 29784 adopted.

The Staff recommendations were accepted, with Staff directed to:

- (1) **Include concurrent work to initiate planning for a permanent supportive project by Program Year 10 (2027), with the goal of developing a permanent supportive project at the site by Program Year 15 (2032).**
- (2) **Explore the feasibility of developing a permanent housing project at the site in a shorter timeframe and report back to Council with those findings.**

Noes: Khamis, M. Nguyen, Oliverio.

5. NEIGHBORHOOD SERVICES

5.1 Report on Bids and Award of Contract for the 7855 – Bramhall Restroom-Concession-Storage Building Project.

Recommendation:

- (a) Report on bids and award of a construction contract for 7855 – Bramhall Restroom-Concession-Storage Building Project to the sole bidder, Tucker Construction, Inc., for the base bid in the amount of \$1,116,524 and approval of a contingency in the amount of \$111,652.

Approved.

- (b) Adopt a resolution authorizing the Director of Public Works to negotiate and execute any single and/or multiple change orders up to the amount of the contingency.

Resolution No. 77906 adopted.

- (c) Adopt the following 2016-2017 Appropriation Ordinance Amendments in the Subdivision Park Trust Fund:
 - (1) Decrease the Bramhall Park Lawn Bowling Green Renovation project to the Parks, Recreation and Neighborhood Services Department Project by \$144,000.
 - (2) Increase the Bramhall Park Restroom and Concession Building project to the Parks, Recreation and Neighborhood Services Department by \$144,000.

CEQA: Exempt, File No. PP15-065. Council District 6. (Public Works / Parks, Recreation and Neighborhood Services / City Manager)

(Deferred from 8/9/16 – Item 5.1)

Ordinance No. 29778 adopted.

6. TRANSPORTATION & AVIATION SERVICES

6.1 Report on Bids and Award of Contract for the 7015 – Park Avenue Multimodal Streetscape Improvements Project – REBID Project.

Recommendation:

- (a) Report on bids and award of the contract for the 7015 – Park Avenue Multimodal Streetscape Improvements Project – REBID (between Hedding Street and Montgomery Street), Federal Project No. RPSTPLE-5005(130) to Redgwick Construction Company, the low bidder, in the amount of \$3,095,872.
- (b) Approve a 10% contingency in the amount of \$309,587.

Approved.

6. TRANSPORTATION & AVIATION SERVICES

6.1 Report on Bids and Award of Contract for the 7015 – Park Avenue Multimodal Streetscape Improvements Project – REBID Project. (Cont’d.)

Recommendation:

(c) Adopt the following 2016-2017 Appropriation Ordinance amendments in the Building and Structure Construction Tax Fund:

(1) Increase the appropriation to the Transportation Department for the Park Avenue Multimodal Improvements project (7015) in the amount of \$350,000.

(2) Decrease the Transportation Grants Reserve by \$350,000.

CEQA: Exempt, File No. PP11-094, Park Avenue. Council District 6. (Public Works/Transportation/City Manager)

Ordinance No. 29779 adopted.

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

9. REDEVELOPMENT – SUCCESSOR AGENCY

9.1 Purchase and Sale Agreement for Real Property Located at 300 South Almaden Boulevard.

Recommendation: Successor Agency Board approve the Purchase and Sale Agreement and Escrow Instructions between the Successor Agency to the Redevelopment Agency of the City of San José, as seller, and the County of Santa Clara, as buyer, to allow the sale of 300 South Almaden Boulevard to the County for the appraised value of \$96,000.

CEQA: Not a Project, File No. PP10-066, Agreements and Contracts. (Successor Agency)

(Deferred from 6/14/16 – Item 9.2 and 6/28/16 – Item 9.2)

Deferred to August 23, 2016 per Orders of the Day.

- **Open Forum**

- (1) **Tim Gildersleeve expressed his views about local societal issues.**

- (2) **Ray Perez commented that sports are good for children and deter them from using drugs.**

- **Adjournment**

- Mayor Sam Liccardo adjourned the afternoon Council Session at 2:39 p.m.**

10. GENERAL PLAN PUBLIC HEARINGS

No General Plan Public Hearing at this time.

11. PUBLIC HEARINGS ON CONSENT CALENDAR

11.1 Public Hearings on Consent Calendar.

(a) **Conforming Rezoning of the Real Property Located at 500-506 Phelan Avenue.**

Recommendation: Consideration of an ordinance rezoning a 2.88 gross acre site located on the southerly side of Phelan Avenue, approximately 650 feet westerly of Senter Road (500-506 Phelan Avenue) from the LI Light Industrial Zoning District to the HI Heavy Industrial Zoning District. (Phelan Partners LLC, Owner). Director of Planning, Building and Code Enforcement recommends approval. CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental EIR (Resolution No. 77617). (Planning, Building and Code Enforcement)

C16-025 – District 7

Ordinance No. 29780 passed for publication.

(b) **Conforming Rezoning of the Real Property Located at 14271 Story Road.**

Recommendation: Consideration of an ordinance rezoning a 10.53 gross acre site located on the northerly side of Story Road, approximately 1,250 feet easterly of South White Road (14271 Story Road) from the A(PD) Planned Development Zoning District to the PQP Public/Quasi-Public Zoning District on. (Foundation for Hispanic Education, Owner). Director of Planning, Building and Code Enforcement recommends approval. CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental EIR (Resolution No. 77617). (Planning, Building and Code Enforcement)

C16-026 – District 5

Ordinance No. 29781 passed for publication.

(c) **Conforming Rezoning of the Real Property Located at 389 East Santa Clara Street.**

(1) Adopt a resolution approving the Our Lady of La Vang Church and Multi-Purpose Building Mitigated Negative Declaration, for which an initial Study was prepared, all in accordance with the California Environmental Quality, as amended, and adopting a related Mitigation Monitoring and Reporting Program.

Resolution No. 77907 adopted.

11. PUBLIC HEARINGS ON CONSENT CALENDAR

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

- (c) (2) Consideration of an ordinance rezoning a 2.8-gross acre site located at 389 East Santa Clara Street from the R-M Multiple Residence and CG Commercial General Zoning Districts to PQP Public/Quasi-Public Zoning District to allow church, school, and incidental day care uses (Roman Catholic Bishop of San José, Owner). Director of Planning, Building and Code Enforcement recommends approval.

CEQA: Our Lady La Vang Church and Multi-Purpose Building Mitigated Negative Declaration (C14-061). (Planning, Building and Code Enforcement)
C14-061 – District 3

Ordinance No. 29782 passed for publication.

- (d) **Planned Development Conforming Rezoning for the Real Property Located at Notre Dame High School at 596 South Second Street.**

- (1) Adopt a resolution approving the Notre Dame High School Planned Development Rezoning Addendum to the Downtown Strategy 2000 Final Program Environmental Impact Report (Resolution No. 77267), and the Envision San Jose 2040 General Plan Final Environmental Impact Report (Resolution No. 77617) and the Envision San Jose 2040 General Plan Supplemental Environmental Impact Report (Resolution No. 72767), all in accordance with the California Environmental Quality Act, as amended, and adopting a Revised Mitigation Monitoring and Reporting program.

Resolution No. 77908 adopted.

- (2) Consideration of an ordinance rezoning a 3.5-gross acre site, at 596 South Second Street from the CG Commercial General Zoning District and R-M Multiple Residence Zoning District to the DC(PD) Planned Development Zoning District to allow the redevelopment and expansion of an existing private school (Notre Dame High School) with up to four new buildings and other site improvements to accommodate a total of 635 students (Sisters of Notre Dame De Namur California Province, Owner). Planning Commission recommends approval (5-0-0).

CEQA: Addendum to the Final Program Environmental Impact Report for The Downtown Strategy 2000 (Resolution No. 77267), and The Final Program Environmental Impact Report for the Envision San José 2040 General Plan (Resolution No. 76041) and the Envision San José 2040 Final Supplemental Environmental Impact Report (Resolution No. 77617).

PDC15-032 – District 3

Ordinance No. 29783 passed for publication.

END OF CONSENT CALENDAR

11. PUBLIC HEARINGS

11.2 Administrative Hearing for an Appeal of the Planning Commission's Approval of a Conditional Use Permit for a Real Property Located at the Southeast Corner of Bollinger Road and Miller Avenue (6164 Bollinger Road).

Recommendation:

- (a) Consideration of the Determination of Consistency with the Envision 2040 Final Environmental Impact Report, adopted by City Council Resolution 76041 on November 1, 2011; and, the Envision San José 2040 Final Supplemental Environmental Impact Report adopted by City Council Resolution No. 77617 on December 15, 2015.
- (b) Conduct an Administrative Hearing on and consider an Appeal of the Planning Commission's approval of Conditional Use Permit File No. CP15-085 to construct a 50-foot tall wireless communication facility (monopole), associated equipment enclosure, and emergency generator in the CN Commercial Neighborhood Zoning District, located at the southeast corner of Bollinger Road and Miller Avenue (6164 Bollinger Road) (Marchese Christopher Trustee & Et Al, Owner).
- (c) Adopt a resolution denying an appeal and approving a Conditional Use Permit to construct a 50-foot tall wireless communication facility (monopole), associated equipment enclosure, and emergency generator in the CN Commercial Neighborhood Zoning District, located at the southeast corner of Bollinger Road and Miller Avenue (6164 Bollinger Road) (Marchese Christopher Trustee & Et Al, Owner).

CEQA: Determination of Consistency with the Envision San José 2040 Final Environmental Impact Report, adopted by City Council Resolution No. 76041 on November 1, 2011; and, the Envision San José 2040 Final Supplemental Environmental Impact Report adopted by City Council Resolution No. 77617 on December 15, 2015. (Planning, Building and Code Enforcement)

CP15-085 – District 1

(Deferred from 6/28/16 – Item 11.2)

Continued for sixty days.

Staff requested to work with Verizon to explore other sites and alternatives.

11. PUBLIC HEARINGS

11.3 Administrative Hearing for Appeals of the Planning Director's Approval for a Real Property Located at the Northeast Corner of Hatton Street and Olsen Drive (358 Hatton Street) Within the Santana Row Development.

Recommendation:

- (a) Conduct an Administrative Hearing on and consider an Appeal of the Director of Planning, Building, and Code Enforcement's reliance on the Determination of Consistency with the Santana Row Expansion Project Final Environmental Impact Report (FEIR) adopted by City Council Resolution No. 77532 on September 22, 2015, as the environmental clearance for the Director's approval of Planned Development Permit File No. PD15-066, and consider an appeal of the Director's approval of Planned Development Permit File No. PD15-066 for the construction of a 5½ -story, 258 unit multi-family attached residential building, including above and below-grade parking, and the removal of seven (7) ordinance sized trees on a 2.94 gross acre site located at the northeast corner of Hatton Street and Olsen Drive (Santana Row Lot 12 - 358 Hatton Street).

The Administrative Hearing was Held.

- (b) Adopt a resolution denying the environmental appeal and upholding the Planning Director's reliance on the Determination of Consistency and finding that:
 - (1) The City Council has read and considered the Determination of Consistency with the Santana Row Expansion Project Final Environmental Impact Report.
 - (2) The Determination of Consistency, together with the FEIR, have been prepared and completed in compliance with the California Environmental Quality Act of 1970, together with state and local implementation guidelines.
 - (3) That the Determination of Consistency, together with the FEIR, reflect the independent judgment and analysis of the City of San José.
 - (4) Preparation of a subsequent or supplemental EIR is not required because no new environmental impacts have been identified and no new mitigation measures are required.
 - (5) The Director of Planning shall transmit copies of the FEIR and Determination of Consistency to any other decision-making body of the City of San José for the project.

Resolution No. 77910 adopted denying the environmental appeal and upholding the Planning Director's reliance on the Determination of Consistency.

11. PUBLIC HEARINGS

11.3 Administrative Hearing for Appeals of the Planning Director's Approval for a Real Property Located at the Northeast Corner of Hatton Street and Olsen Drive (358 Hatton Street) Within the Santana Row Development. (Cont'd.)

- (c) Adopt a resolution denying the permit appeal and approving Planned Development Permit File No. PD15-066 for the construction of a 5½ -story, 258 unit multi-family attached residential building, including above and below-grade parking, and the removal of seven (7) ordinance sized trees on a 2.94 gross acre site located at the northeast corner of Hatton Street and Olsen Drive (Santana Row Lot 12 - 358 Hatton Street).

CEQA: Determination of Consistency with the Santana Row Expansion Project Final EIR, adopted by City Council Resolution 77532 on September 22, 2015. (Planning, Building and Code Enforcement)

PD15-066 – District 6

(Deferred from 6/28/16 – Item 11.3)

Resolution No. 77911 adopted denying the permit appeal and approving Planned Development Permit File No. PD15-066.

Staff was requested to explore with the Architect and the Developer to find ways of improving aesthetic treatment of the streetscape/pedestrian experience on Hatton Street.

● Open Forum

- (1) **Brian Darby pointed out that if mobilehome parks are eliminated he will not have a home.**
- (2) **Blair Beekman reiterated his views about openness and transparency.**
- (3) **Jonathan Fleming expressed opposition for the overconcentration of homeless housing in District 7.**
- (4) **Patricia Ramos Anderson, Communities Working Together, requested that Council address the overconcentration of low income and homeless housing within the City of San José.**

● Adjournment

The Council of the City of San José was adjourned at 1:04 a.m. in memory of Community Leader and Advocate Librado “Lenny” Chavez, Jr., activist for workers’ civil rights.

Services will be held on Tuesday, August 23, 2016, 10:00 a.m. at Our Lady of Guadalupe Church, 2020 E. San Antonio Street, San José; Followed by a procession to Oak Hill Memorial Park, 300 Curtner Avenue, San José.