

CITY COUNCIL AGENDA

MAY 12, 2015

SYNOPSIS

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, 2nd 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 Councilmembers: Matthews. (Excused)
 - 1:30 p.m.** - Regular Session, Council Chambers, City Hall
Absent Councilmembers: All Present.
 - 7:00 p.m.** - Public Hearings, Council Chambers, City Hall
Absent Councilmembers: All Present.
- **Invocation (District 5)**
Reverend York Hayes of Saint Paul Missionary Baptist Church provided the Invocation.
- **Pledge of Allegiance**
Mayor Liccardo, accompanied by students from Yavneh Day School, led the Pledge of Allegiance.
- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved, with Item 3.7 deferred to 6/9/15.

- **Closed Session Report**
None provided.

1. CEREMONIAL ITEMS

- 1.1** Administer Oath of Office to Youth Commissioners. (City Clerk)
City Clerk Toni Taber administered the Oath of Office to Youth Commissioners. 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)
Mayor Liccardo and Vice Mayor Herrera recognized the month of May 2015 as Jewish American Heritage Month in the City of San José.
- 1.3** Presentation of a commendation to Andrew Hill High School Robotics Team. (Nguyen)
Mayor Liccardo and Councilmember Nguyen commended Andrew Hill High School Robotics Team, FRC Team 5027 Event Horizon, for their exemplary achievements at the FIRST Robotics World Championship. 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)
Mayor Liccardo and Councilmember Carrasco commended 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. Heard in the evening.
- 1.5** Presentation of a commendation to the Sikh Coalition in honor of the Vaisakhi celebration. (Kalra)
Mayor Liccardo and Councilmember Kalra offered a commendation to the Sikh Coalition in honor of the Vaisakhi celebration.
- 1.6** Presentation of a commendation to Reverend Paul G. Sheridan for his leadership and for the successful transformation of Bellarmine Preparatory School. (Oliverio)
Mayor Liccardo and Councilmember Oliverio commended Reverend Paul G. Sheridan for his leadership and for the successful transformation of Bellarmine Preparatory School.

2. CONSENT CALENDAR

2.1 Approval of Minutes.

None provided.

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)

Ordinance No. 29558 adopted.

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.

Approved.

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.

Approved.

2. CONSENT CALENDAR

2.5 City Council Travel Reports.

Councilmember Peralez reported on a study tour of Portland, Oregon he attended, engaging in the process of neighborhood change and the role local businesses play in stimulating place-making. Mayor Liccardo reported on a meeting he attended in Sacramento with other Mayors to discuss with the Governor the mounting water crisis the state of California is facing.

2.6 Report from the Council Liaison to the Retirement Boards.

None provided.

2.7 Youth Commission Appointments.

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

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)]

Approved.

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. (Peralez)
[Rules Committee referral 4/29/15 – Item G(1)(b)]

Approved.

2. CONSENT CALENDAR

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)

Approved.

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)]

Support position approved.

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)]

Support position approved.

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)]

Support position approved.

3. STRATEGIC SUPPORT SERVICES

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

City Manager Norberto Dueñas reported on his attendance at the Annual Silicon Valley Business Journal event, where honorees for this year’s “100 Most Influential Women in Silicon Valley” included Environmental Services Director Kerrie Romanow, Library Director Jill Bourne and Senior Executive Analyst for the Office of Economic Development Tina Kapoor.

3.2 Labor Negotiations Update.

Recommendation: Accept Labor Negotiations Update.
None provided.

3.3 2015 Council Prioritization Process Revisions.

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)
Accepted.

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)]
Accepted.

3. STRATEGIC SUPPORT SERVICES

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)

Resolution No. 77338 adopted.

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)

Public hearing held.

No Action Required. Mayor's June Budget Message - Public Hearings to be continued on June 8, 2015.

3. STRATEGIC SUPPORT SERVICES

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)]
Deferred to 6/9/15 per Orders of the Day.

4. COMMUNITY & ECONOMIC DEVELOPMENT

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)]

Note: Heard jointly with item 11.2 in the evening. See Item 11.2 for action.

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

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)

Resolution No. 77339 adopted.

6.2 Annual Transportation Safety Report – *Vision Zero San José.*

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)]

Item 6.2 was bifurcated into two separate motions as follows:

(A) Accepted, with recommendations as outlined in Councilmember Oliverio's memorandum, Items 1, 3 and 4, dated May 8, 2015, as follows: (1) Fix the identified, highest risk locations where people are being injured on City streets by delivering on-the-ground improvements (example: chokers, roundabouts, speed bumps, edge lines, radar speed signs, associated traffic studies, etc.). Implement a pilot/trial of red light running cameras at the highest crash prone intersections based on safety, not revenue. (Source of funding: Essential Services Reserve); (3) Participate in education programs for road users, with a focus on schools, by lowering the speed limit to 15 mph at ALL schools (where allowed by state law AB321). Educational outreach to include bus drivers, crossing guards, and the dangers of jaywalking, among other topics; and (4) Partner with the City of San Francisco in their effort to change state law allowing cities the autonomy to lower the speed limits where/when needed from 25 mph to 20 mph. Petition the California legislature to allow automated speed cameras (now legal in 15 other states. Additionally, include a recommendation to give priority to schools participating in the "Walk n' Roll San José" program. (11-0).

(B) Contracting with other agencies as outlined in Item (2) from Councilmember Oliverio's memorandum of May 8, 2015 was heard as a separate action, to: Contract with a qualified law enforcement agency such as the CHP and/or Santa Clara County Sheriff to issue traffic citations in San Jose through 2020. (Source of funding: Essential Services Reserve). The motion failed. (3-8. Noes: Carrasco, Herrera, Jones, Kalra, Matthews, Peralez, Rocha; Liccardo.)

7. ENVIRONMENTAL & UTILITY SERVICES

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

9. REDEVELOPMENT – SUCCESSOR AGENCY

- **Open Forum**
 - (1) **Juana Gomez representing San José Christ Fellowship announced a prayer event to be held 8/22/15 at Cesar Chavez Plaza and invited all to attend.**
 - (2) **Ray J. Perez, CEO of La Recontra Oferta Newspaper (LRON of San José) asked the City leaders to acknowledge the work of Cityteam International.**
 - (3) **Blair Beekman provided observations on the drone use program.**
 - (4) **Perry Mistry provided the “Drought 2015 Monthly Status Report” from the Santa Clara Valley Water District and asked for more involvement from the City leaders.**
 - (5) **Andrew Boone urged an increase to the City’s minimum wage.**

- **Adjournment**

The Council of the City of San José adjourned the afternoon session at 5:19 p.m.

10. GENERAL PLAN PUBLIC HEARINGS ON CONSENT CALENDAR

No General Plan Public Hearings held.

11. PUBLIC HEARINGS ON CONSENT CALENDAR

11.1 Public Hearings on Consent Calendar.

(a) **Rezoning the Real Property Located at the Northeast Corner of Faulstich Court and Oakland Road.**

- (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

Resolution No. 77340 adopted.

Ordinance No. 29563 passed for publication.

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

- (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

Resolution No. 77341 adopted.

Ordinance No. 29564 passed for publication.

(Item Continued on the next page)

11. PUBLIC HEARINGS

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

Recommendation:

(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

Resolution No. 77342 adopted.

Ordinance No. 29565 passed for publication.

(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;
- (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

Resolution No. 77343 adopted.

Ordinance No. 29566 passed for publication.

(Item Continued on the next page)

11. PUBLIC HEARINGS

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

Recommendation:

- (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

Ordinance No. 29567 passed for publication.

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)

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)

Note: Heard jointly with Item 4.1.

The Land Use and General Plan Annual Review and Urban Village Implementation was accepted, with recommendations as outlined in the joint memorandum from Mayor Liccardo and Councilmembers Jones and Carrasco dated April 10, 2015, to: (1) Return to City Council in December 2015 with the 4-year Major Review of the Envision San José 2040 General Plan; (2) Include findings for consideration by the City Council of a limited review conducted by staff and the General Plan Task Force, subject to the following constraints: (a) No proposed revisions to GP 2040 that would require a new Environmental Impact Report: The 4-year Major Review

(Item Continued on the next page)

11.3 STUDY SESSION PRESENTATION: Land Use and General Plan Annual Review. (Cont'd.)

is not intended to undertake any major revisions to the General Plan that would require environmental clearance, such as with any expansion of the Urban Growth Boundary, or with development in the Urban Reserves. (b) Ground-truthing goals: San Jose's jobs/housing imbalance indisputably has caused the City to provide services at less than satisfactory levels for many years. The Jobs First goal of the GP 2040 attempts to course correct and reflects a bold and aspirational goal of 1.3:1 J/ER ratio, albeit at a baseline that is low compared to other cities in the Silicon Valley. While we retain that jobs-first principle, in the near term 10-year period through 2025, we should set a more achievable goal that will focus our policies on cognizable, measurable steps to dramatically improve our current 0.7:1 J/ER; (c) Preservation of commercial and industrial lands: The preservation of employment lands must continue to be a priority if we intend to be serious about the restoration of City services, continued discipline against the many pleas from lobbyists and developers for conversions of those job-creating sites to housing; (d) City-initiated General Plan amendments and re-zonings for retail uses: there continues to be a significant sales tax revenue leakage out of San Jose. We should identify prime retail sites in retail-starved areas of the city, such as North San Jose, and proactively offer appropriate zoning-based incentives to property owners to support the re-designation of land uses; (e) Identify Urban Villages that are best timed to proceed based on current or imminent infrastructure investments: In the near-term, the City should focus its efforts on identifying and positioning prime sites for development along public transportation corridors where funding for transit improvements such as BART, BRT or LRT services are imminent, or where adequate transportation infrastructure already exists. Prioritizing those sites for mixed-use development can direct developers to those locations where development is appropriately congruous with the community's reasonable expectations. Merely allowing development "where the market drives us" is not planning; it's acquiescing; (f) Allowing flexibility, with explicit limits, in pursuit of larger goals: While staff and Council must continue to hold the line against employment land conversions that will undermine the City's fiscal condition, very limited and explicitly constrained exceptions would allow for critical public policy goals to be achieved, for example: (1) Transit-oriented development in Urban Villages: For those high-priority Urban Villages, above, staff should analyze the feasibility of maintaining a minimum FAR for employment uses (e.g., in the range of .35 - .4 of commercial and office development) for proposed conversion of industrial lands to commercial use or mixed use with residential, along transit corridors, in the near term; (2) Undesirable uses in neighborhoods: In many neighborhoods, existing and long-standing commercial uses, such as liquor stores and massage parlors, may tend to disrupt the quality of life of the people that live in and around them. Staff might consider development proposals that offer up to a .35 - .4 minimum FAR of mixed use with residential for approval; (3) Temporary housing for the homeless: The rehabilitation of vacant hotels/motels in certain commercial corridors of the city, for

(Item Continued on the next page)

**11.2 STUDY SESSION PRESENTATION: Land Use and General Plan Annual Review.
(Cont'd.)**

the sole purpose of temporary housing, has been presented as a solution for the homeless crisis we face. Other solutions, such as micro-housing on sites constrained by a five-year permit, are also worth exploration. Explicit and enforceable constraints must be imposed to ensure that these are merely temporary uses, not to be perceived as opportunities to convert employment lands to residential purposes in the future; (4) Commercial land inventory: Staff should evaluate lands that are not economically viable for commercial use, and present potential development opportunities.

And including items 2-8 in the joint memorandum from Councilmember Rocha and Peralez dated April 10, 2015, recommending:

(2) Consider whether adjustments should be made to the jobs and housing capacities contained in the plan, whether in the form of a change to the overall growth capacity contained in the plan or of a redistribution of capacity between different growth areas, to ensure that the City is planning for somewhat realistic growth scenarios and is not unduly burdened by planning for growth that cannot reasonably be expected to occur within the planning period; (3) Consider whether there may be additional General Plan mechanisms the City could use to facilitate production of affordable housing; (4) Consider whether it may be possible to move from using Level of Service (LOS) analysis to evaluate CEQA transportation impacts to using Vehicle Miles Traveled (VMT) analysis, consistent with revised CEQA guidelines as may be adopted by the State of California, and without losing the City's ability to require transportation mitigations of new development; (5) Assess the City's Urban Village outreach efforts to date for the purpose of determining whether there may be opportunities to change or improve our outreach procedure, whether additional resources may be needed to facilitate timely outreach, and whether the target of completing Urban Village plans in nine months, set out in General Plan policy IP-5.2 is a realistic goal; (6) Bring forward a mechanism for funding public amenities through new development, such as the mechanism that may be included in the Urban Village financing plans, along with any amendments to the General Plan that may be necessary to implement the proposal; (7) Consider whether General Plan amendments may be necessary to support any changes that may be made to the Mobile Home Conversion Ordinance, pursuant to the review of that ordinance directed by the City Council at the last priority setting session; (8) Explore the requirements for signature projects and the residential pool policy in order to determine their feasibility as it relates to the market and its potential for development.

(10-1. Noes: Rocha.)

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

Dropped per Administration.

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.

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

The Proposed General Plan Amendment was denied, with considerations as offered in the May 8, 2015 joint memorandum from Mayor Liccardo and Councilmembers Oliverio, Carrasco and Jones. (9-2. Noes: Peralez, Rocha.)

11. PUBLIC HEARINGS

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

Recommendation:

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

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

Continued to a future meeting of City Council.

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.

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)

PD14-033/ABC14-007 - District 2

Public hearing held.

Resolution No. 77344 adopted.

(7-4. Noes: Kalra, Matthews, Peralez, Rocha.)

11. PUBLIC HEARINGS

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

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)

Resolution No. 77345 adopted.

Ordinance No. 29568 passed for publication.

- **Open Forum**

Ed Rast spoke to an SAP Arena issue to be agendized for the Council meeting on May 19, 2015, asking that the accompanying studies and documents for this item be posted in sufficient time for public review.

- **Adjournment**

The Council of the City of San José adjourned at 5:58 p.m. in memory of Eloy Campos, a community leader, activist and father of former Councilmembers Xavier Campos and Nora Campos. (Mayor)