

CITY COUNCIL AGENDA

NOVEMBER 15, 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**
 - 9:33 a.m.** - Closed Session, Call to Order in Council Chambers
Absent Councilmembers: Herrera, Kalra. (Excused)

 - 11:00 a.m.** - Regular Session, Council Chambers, City Hall
Absent Councilmembers: Herrera, Kalra. (Excused)

 - 1:36 p.m.** - Regular Session, Council Chambers, City Hall
Absent Councilmembers: All Present.

 - 7:13 p.m.** - General Plan Hearings, Council Chambers, City Hall
Public Hearings, Council Chambers, City Hall
Absent Councilmembers: Kalra. (Excused)

- **Invocation (District 10)**
Dr. Ed Silviso, Harvest Evangelism, and International Transformation Network provided the Invocation.

- **Pledge of Allegiance**
Mayor Sam Liccardo led the Pledge of Allegiance accompanied by students from Glider and De Vargas Elementary Schools.

- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved, with Item 10.3 deferred to December 13, 2016.
- **Closed Session Report**
None provided

1. CEREMONIAL ITEMS

- 1.1 Presentation of a proclamation recognizing November 26, 2016 as Small Business Saturday in the City of San José. (Khamis)**
Mayor Sam Liccardo and Councilmember Johnny Khamis recognized November 26, 2016 as Small Business Saturday in the City of San José.
- 1.2 Presentation of a proclamation declaring November 17, 2016 as World Pancreatic Cancer Day. (Oliverio)**
Mayor Sam Liccardo and Councilmember Pierluigi Oliverio recognized November 17, 2016 as World Pancreatic Cancer Day.
- 1.3 Presentation of commendations to the San José Police Department Crime Prevention Unit and the District 8 Neighborhood Watch Leaders. (Herrera)**
Mayor Sam Liccardo and Vice Mayor Rose Herrera commended the San José Police Department Crime Prevention Unit and the District 8 Neighborhood Watch Leaders for their continued commitment in keeping our community safe.
- 1.4 Presentation of a commendation to Jim Zito for his outstanding leadership and community service. (Herrera)**
Mayor Sam Liccardo, Vice Mayor Rose Herrera and Councilmember Johnny Khamis commended Jim Zito for his outstanding leadership and community service.
Heard in the Evening.
- 1.5 Presentation of a proclamation for Sikh American Awareness & Appreciation Month in the City of San José. (Kalra)**
Mayor Sam Liccardo, Vice Mayor Rose Herrera and Councilmember Ash Kalra presented a proclamation for Sikh American Awareness & Appreciation Month in the City of San José.
Heard in the Evening.
- 1.6 Presentation of a commendation to the Cambrian Valley Youth Football League Longhorns Mitey Mites Division. (Rocha)**
Mayor Sam Liccardo and Councilmember Donald Rocha presented a commendation to the Cambrian Valley Youth Football League Longhorns Mitey Mites Division for outstanding accomplishments and sportsmanship during the 2016 season.
Heard in the Evening.

2. CONSENT CALENDAR

2.1 Approval of City Council Minutes.

Recommendation: Approval of City Council Minutes.

(a) Regular Minutes of October 4, 2016.

(b) Regular Minutes of October 18, 2016.

CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities.

Approved.

2.2 Final Adoption of Ordinances.

Recommendation: Final adoption of ordinances.

(a) ORD. NO. 29812 – An ordinance of the City of San José amending Title 12 of the San José Municipal Code to add Section 12.12.165 and amend Sections 12.12.400, 12.12.420, 12.12.430, 12.12.440, 12.12.600 and 12.12.800 to revise lobbyist reporting disclosures and to clarify calculation of fines. CEQA: Not a Project, File No. PP10-068(c) Municipal Code or Policy Change that involves no changes to the physical environment. (City Clerk)

Ordinance No. 29812 adopted.

(b) ORD. NO. 29814 – An ordinance of the City San José amending Section 11.04.031 of Title 11 of the San José Municipal Code to identify “Lincoln Avenue between Coe Avenue and Minnesota Avenue” as a designated area where bicycling on the sidewalk is prohibited. CEQA: Exempt, Section 15301(c), Existing Facilities, File No. PP16-111. Council District 6. (Transportation)

Ordinance No. 29814 adopted.

(c) ORD. NO. 29815 – An ordinance of the City of San José rezoning certain real property of approximately 78.4 acres situated on the east side of Perimeter Road, between Great Oaks Boulevard and Miyuki Drive, from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District. CEQA: Determination of Consistency with the Great Oaks Mixed Use Project Final Environmental Impact Report (Resolution No. 77219), and the Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041) and the Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No. 77617). (Planning, Building and Code Enforcement)

Ordinance No. 29815 adopted.

(d) ORD. NO. 29816 – An ordinance of the City of San José amending Sections 4.80.2010 and 4.80.2020 of Chapter 4.80 of Title 4 of the San José Municipal Code to establish a fund for the City-funded medical program. CEQA: Not a Project, File No. PP10-068(c), Municipal Code or Policy Making that involves not changes to the physical environment; and Not a Project, File No. PP10-067(b), Non-Project Specific Funding Mechanism, Appropriation Ordinance. (Human Resources/City Manager)

Ordinance No. 29816 adopted.

2. CONSENT CALENDAR

1.2 Final Adoption of Ordinances.

- (e) ORD. NO. 29820 – An ordinance amending Title 4 of the San José Municipal Code to add a new Chapter 4.88 to create an Urban Agriculture Tax Incentive Zone consisting of vacant, unimproved, and minimally improved blighted property parcels that are at least 0.10 acre and less than 1.0 acre in size, located in incorporated areas of the City of San José, and meeting other specified eligibility criteria consistent with State law governing the adoption of Urban Agriculture Incentive Zone ordinances. CEQA: Not a Project, Section 15378 Definition of Project and Exempt, Section 15061(b)(3), No potential for causing a significant effect on the environment, File No. PP16-119. (Planning, Building and Code Enforcement)

Ordinance No. 29820 adopted.

2.3 Approval of Council Committee Minutes.

Recommendation: Approval of Council Committee Minutes.

- (a) Community and Economic Development Committee Minutes of October 24, 2016. (Khamis)
 - (b) Rules and Open Government Committee Minutes of October 26, 2016. (Mayor)
- CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities.

Approved.

2.4 Mayor and Council Excused Absence Requests.

None provided.

2.5 City Council Travel Reports.

None provided.

2.6 Report from the Council Liaison to the Retirement Boards.

None provided.

2.7 Amendment to the Lease of Airport Premises with Jett Pro Line Maintenance, Inc. for Aircraft Line Maintenance Services to Various Airlines at the Airport.

Recommendation: Approve the Fifth Amendment to Lease of Airport Premises between the City of San José and Jett Pro Line Maintenance, Inc. to extend the term for three years to expire on November 30, 2019, with total revenue to the City in the amount of \$400,000. CEQA: Not a Project, File No. PP10-066(f), Lease of existing space for the same use. (Airport)

Approved.

2. CONSENT CALENDAR

2.8 Amendment to the Lease of Airport Premises with G2 Secure Staff, LLC for Ground Handling Services for Various Air Carriers at the Airport.

Recommendation: Approve a Fifth Amendment to Lease of Airport Premises with G2 Secure Staff, LLC to extend the term for three years, from January 1, 2017 through December 31, 2019, with annual revenue to the City of approximately \$64,352. CEQA: Not a Project, File No. PP10-066(f), Lease of existing space for the same use. (Airport) **Approved.**

2.9 Amend Special Grant to San Jose Jazz for “The Musical Swings.”

Recommendation: Approve an Amendment to the special Grant Agreement with San Jose Jazz, relating to “The Musical Swings” at Plaza de Cesar Chavez, to increase the grant award by \$23,936, from \$50,000 to \$73,936. CEQA: Not a Project, File No. PP10-066(e), Agreements and Contracts for Services that involve no physical changes to the environment. Council District 3. (Economic Development) **Approved.**

2.10 Amendment to the Agreement with Langham Consulting Services, LLC for the Business Tax System.

Recommendation: Approve the Second Amendment to the Master Service Agreement between the City of San José and Langham Consulting Services, LLC (Langham) dated May 21, 2014, both extending the term from December 13, 2016 to July 31, 2017, and increasing the maximum total compensation by \$160,000 from \$1,100,000 to \$1,260,000. CEQA: Not a Project, File No. PP10-066, Agreements and Contracts. (Finance/Environmental Services) **Approved.**

2.11 Amendment to the City Pay Plan for Various Classifications.

Recommendation: Adopt a resolution to:

- (a) Amend the City of San José Pay Plan effective November 20, 2016, to change the title and salary ranges for following classifications:
 - (1) Council Assistant U (7648) (formerly Council Assistant II U) with a new salary range of \$47,476.00 - \$70,140.20 annually; and
 - (2) Council Assistant U PT (7653) (formerly Council Assistant II U PT) with a new salary range of \$47,476.00 - \$70,140.20 annually.
- (b) Amend the City of San José Pay Plan effective November 20, 2016, to change the salary ranges for following classifications:
 - (1) Council Community Relations Aide U (7672) with a new salary range of \$47,476.00 - \$51,448.37 annually;
 - (2) Council Community Relations Aide U PT (7682) with a new salary range of \$47,476.00 - \$51,448.37 annually;

(Item Continued on the Next Page)

2.11 Amendment to the City Pay Plan for Various Classifications (Cont'd.)

- (b)
 - (3) Council Policy & Legislative Aide U (7671) with a new salary range of \$47,476.00 - \$51,448.37 annually;
 - (4) Council Community Relations Representative U (7674) with a new salary range of \$47,476.00 - \$61,738.04 annually;
 - (5) Council Community Relations Representative U PT (7684) with a new salary range of \$47,476.00 - \$61,738.04 annually;
 - (6) Council Policy & Legislative Analyst U (7673) \$47,476.00 - \$61,738.04 annually;
 - (7) Council Community Relations Coordinator (7676) with a new salary range of \$47,476.00 - \$74,085.65 annually;
 - (8) Council Community Relations Coordinator PT (7676) with a new salary range of \$47,476.00 - \$74,085.65 annually;
 - (9) Temporary Employee U Mb (9988) with a new salary range of \$47,476.00 - \$238,366.11 annually; and
 - (10) Temporary Employee U Mgt Unben (9989) with a new salary range of \$47,476.00 - \$238,366.11 annually.
- (c) Amend the City of San José Pay Plan effective November 20, 2016, to delete the following classifications:
 - (1) Council Assistant I (7647); and
 - (2) Council Assistant I PT (7652).

CEQA: Not a Project, File No. PP10-068, General Procedure & Policy Making. (Human Resources)

Resolution No. 77973 adopted.

2.12 Downtown San José Property-Based Improvement District Annual Financial Report.

Recommendation: Approve the Downtown San José Property-Based Improvement District Annual Financial Report for FY 2015-16. CEQA: Exempt, File No. PP10-069(a), City Organizational & Administrative Activities, Annual Reports. Council District 3. (Transportation)

Approved.

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the City Manager, Norberto Dueñas (Verbal Report). None provided

3.2 Labor Negotiations Update.

Recommendation: Accept Labor Negotiations Update.
None provided

3. STRATEGIC SUPPORT SERVICES

3.3 Status of City Clerk Audit Recommendations.

Recommendation: Accept the report on the status of City Clerk audit recommendations. CEQA: Not a Project, File No. PP10-069(a), Staff Reports, Assessments, and Annual Reports that involve no approvals of any City Actions. (City Auditor)
Accepted.

3.4 Actions Related to the Minimum Wage Increase.

Recommendation:

- (a) Council discussion and consideration of staff's recommendations related to a countywide effort to increase the citywide minimum wage to \$15 per hour ahead of the state schedule. Staff recommends:
- (1) Delaying the implementation of the studied schedule by one year, starting with an increase to \$12 in January 2018, an increase to \$13.50 in January 2019, reaching \$15 per hour in January 2020 (one year later than the Cities Association recommendation);
 - (2) Increasing San Jose's minimum wage to \$10.50 in January 2017, for consistency with the state schedule across employers of all sizes;
 - (3) Adding an exemption for employees in transitional jobs programs;
 - (4) Changing the CPI index used for annual increases from the U.S. All Cities CPI-W to the San Francisco-Oakland-San Jose Consolidated Metropolitan Statistical Area (CMSA) CPI-W to more accurately account for the cost of living adjustments in this area; and
 - (5) Including an 'off ramp' provision with two economic triggers similar to the State of California, providing option to delay scheduled increase to the minimum wage if a severe recession occurs during the ramp up to \$15.
- (b) Direct staff to return on November 29, 2016 with an ordinance to modify the existing minimum wage ordinance according to Council direction.

CEQA: Not a Project, File No. PP10-068, General Procedure & Policy Making. (Economic Development)

Accepted, including the memorandum cosigned by Mayor Sam Liccardo, Vice Mayor Rose Herrera, Councilmember Chappie Jones and Councilmember Manh Nguyen, dated November 10, 2016, to (a) Move the implementation of \$12 to July 1, 2017, \$13.50 to January 1, 2018 and \$15 to January 1, 2019; (b) Include an exemption for youth (below 18 years of age) in training/education employment programs, limited to 120 days annually per position and per trainee. (2) Direct the City Manager to incorporate changes into community outreach previously directed by Council regarding the business tax modernization to the business and nonprofit community. Also, amending the staff recommendation regarding Measure D Local Minimum Wage Ordinance as follows: Based on annual CPI increases, San José's current minimum wage is \$10.30. San José's minimum wage is set to increase to \$10.50 on January 1, 2017. (10-0-1. Absent: Oliverio.)

The Council of the City of San José recessed at 6:37 p.m. and reconvened at 7:13 p.m.

3. STRATEGIC SUPPORT SERVICES

3.5 Actions Related to the Agreements for a Service Request Management/Customer Relationship Management Software System Solution.

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Negotiate and execute an Agreement with AST Corporation (Naperville, IL) for the implementation of a Service Request Management/Customer Relationship Management (SRM/CRM) Software System including mobile application development, configuration, testing, training, and related professional services, for an initial five-year term commencing on or about December 1, 2016, and ending on or about November 30, 2021, with maximum compensation amount not-to-exceed \$374,483, subject to the appropriation of funds;
- (b) Negotiate and execute an Agreement with Oracle America, Inc. (Redwood City, CA) for the purchase of a SRM/CRM Software System including software and hosting services, for an initial five-year term commencing on or about December 1, 2016, and ending on or about November 30, 2021, with maximum compensation amount not-to-exceed \$546,590, subject to the appropriation of funds;
- (c) Execute change orders to cover any additional requirements including but not limited to additional mobile application development, CRM products and services, and enhanced integration/automation, not-to-exceed \$100,000 for the initial five-year term, subject to the appropriation of funds; and
- (d) Execute up to five one-year options to extend the term of the Agreements through November 30, 2026, to provide ongoing services, subject to the appropriation of funds.

CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts, Purchase of Supplies, Equipment & Professional Services that involve no changes to the physical environment. (Finance/Information Technology)

Resolution No. 77974 adopted.

Noes: Oliverio.

3.6 Retirement Plan Report and Briefing.

Recommendation: As recommended by the Rules and Open Government Committee on October 26, 2016, discuss the “Fiscal Year 2015-2016 Retirement Plan Investments Annual Report” and an analysis for FY 2013-2014 and FY 2014-2015 and information regarding the timing of projections for future rates focusing on assumed rates of return and impacts to the City’s contribution rate for next five years. CEQA: Not a Project, File No. PP10-069(a), City Organizational & Administrative Activities, Annual Reports that involve no approvals of any City Actions. (Retirement Services)

[Rules Committee referral 10/26/16 – Item G.2.]

Accepted.

3. STRATEGIC SUPPORT SERVICES

3.7 Settlement of Sharks Sports & Entertainment LLC v. City of San José, et al.

Recommendation: Approve a global settlement in Sharks Sports & Entertainment LLC v. City of San José, et al., Santa Clara County Superior Court case no. 16CV296834, and authorize the City Attorney to execute a Settlement Agreement and Mutual Release relating to the Sharks Sports & Entertainment LLC’s claim against City of San José, San José City Council, Trammel Crow Company, LLC, and Diridon Station Joint Venture, LLC challenging the City’s approval of the Delmas Avenue Mixed-Use Development Project and addendum to the Environmental Impact Reports. CEQA: Not a Project; File No. PP10-066(h), Settlement Agreements. (City Attorney)

Approved.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Approval of Industrial Project Completion Agreement with CMK, LLC (DBA BAPC, LLC).

Recommendation:

- (a) Conduct a Public Hearing regarding an economic subsidy in connection with an Industrial Project Completion Agreement with CMK, LLC (Broadcom Limited), pursuant to California Government Code Section 53083; and

Public hearing held.

- (b) Approve the Industrial Project Completion Agreement with CMK, LLC, in which the City will provide a traffic impact fee reduction from \$14.44 per square foot to \$5 per square foot for the equivalent of a net gain of 100,200 square feet in industrial development at 3200 Zanker Road in North San José pursuant to the North San José Area Development Policy.

CEQA: North San José Development Policies EIR, Resolution No. 72768, and Addenda thereto. Council District 4. (Economic Development)

Approved.

4.2 Approval of the Issuance of a Tax-Exempt Multifamily Housing Revenue Note and Loan of Note Proceeds and Related Documents for the Don De Dios Apartments, and Approval of Amended City Loan Terms for the Don De Dios Apartments.

Recommendation: Adopt a resolution:

- (a) Authorizing the issuance of a tax-exempt multifamily housing revenue note designated as “City of San José Multifamily Housing Revenue Note (Don de Dios Apartments), Series 2016A (the “Series 2016A Note”) in a principal amount not to exceed \$20,000,000;

(Item continued on the next page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 Approval of the Issuance of a Tax-Exempt Multifamily Housing Revenue Note and Loan of Note Proceeds and Related Documents for the Don De Dios Apartments, and Approval of Amended City Loan Terms for the Don De Dios Apartments. (Cont'd.)

Recommendation:

- (b) Approving a loan of Series 2016A Note proceeds to Don de Dios L.P., a California limited partnership created by EAH, Inc., a California nonprofit public benefit corporation, to finance the acquisition and rehabilitation of the Don de Dios Apartments located at 987 Fair Avenue, in San José (the “Property”);
- (c) Approving in substantially final form the Funding Loan Agreement, Borrower Loan Agreement and Regulatory Agreement and Declaration of Restrictive Covenants (the “Series 2016A Documents”);
- (d) Authorizing and directing the City Manager, Director of Finance and Director of Housing, or their designees, to execute and, deliver the Series 2016A Documents and related Series 2016A Documents as necessary; and
- (e) Authorizing the Director of Housing to negotiate and execute amendments to existing City loan documents relating to the Don de Dios Apartments consistent with the terms described below.

CEQA: Exempt, File No. PP16-120, Section 15301 (d) Existing Facilities. Council District 7. (Housing/Finance)

Deferred to 11/29/16 per Administration.

4.3 Amendment to Title 20 (The Zoning Ordinance) for Mixed Residential-Commercial Use for Residential Zoning Districts.

Recommendation: Consideration of an Ordinance of the City of San José amending Title 20 of the San José Municipal Code (Zoning Ordinance or Zoning Code) to amend various sections of Chapter 20.30 “Residential Zoning Districts” all to add mixed residential-commercial use as an allowable use, to allow secondary dwellings in the R-2 Two Family Residence District, to modify development standards for residential uses including reducing minimum required setbacks, to delete maximum number of stories in the R-M Multiple Residence Zoning District while maintaining maximum allowable height, to modify the permit type for exceedance of decibel levels indicated in Table 20-85, and to amend Section 20.30.150 “Secondary Units” in compliance with newly adopted State law; to amend Section 20.90.220 “Reduction in Required Off-Street Parking Spaces” in Chapter 20.90, “Parking and Loading” to allow reductions in parking spaces for residential uses in compliance with newly adopted State law; to amend Section 20.200.325 - Dwelling, Secondary in compliance with newly adopted State law; to re-number various sections within Chapter 20.200 so that the sections are listed in alphabetical order; and to make other technical, non-substantive, or formatting changes within those sections of Title 20. CEQA: Determination of Consistency with Envision San José 2040 General Plan EIR, Resolution No. 76041, and Supplemental EIR to

(Item continued on the next page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.3 Amendment to Title 20 (The Zoning Ordinance) for Mixed Residential-Commercial Use for Residential Zoning Districts. (Cont'd.)

Envision San José General Plan EIR, Resolution No. 77617, and Addenda thereto; Downtown Strategy 2000 EIR, Resolution No. 72767, and Addenda thereto; North San José Development Policies EIR, Resolution No. 72768, and Addenda thereto; and Diridon Station Area Plan EIR, Resolution No. 77096 and Addenda thereto (collectively, the “Final Program EIRs”).

Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that this activity is within the scope of the earlier approved programs and the Final Program EIRs adequately describe the activity for purposes of CEQA. The project does not involve new significant effects beyond those analyzed in the Final Program EIRs.

File No. PP16-115. Planning Commission recommends approval (5-0-2) (Abelita and Pham absent). (Planning, Building and Code Enforcement)

Title 20 – Citywide

Ordinance No. 29821 passed for publication, with direction as indicated in Vice Mayor Rose Herrera’s memorandum dated November 14, 2016, as amended, to: (1) Support the Planning Department's recommendations to revise the Zoning Code to ensure that the City's Second Unit Ordinance is in conformance with the provisions of Senate Bill 1069 (Wieckowski), which requires jurisdictions to relax some requirements for second units, also called accessory dwelling units; (2) Direct the Administration to: (a) Eliminate any impediments to the conversion of detached garages or other accessory units to residential use; (b) Consider changes that would increase the number of potential lots in R-2 zones; (c) ~~Implement~~ Study an amnesty program that would legalize illegal non-conforming accessory dwellings as long as they are brought up to the standards included in the City's ordinance; (d) ~~Develop~~ Encourage a robust public information effort to help residents understand the potential for second units, and the process for development. Additionally, to “Not require for the secondary dwelling a minimum area of 80 s.f. of private open space with a minimum width of 8 feet.” And to review the potential for attached garages for future consideration.

4.4 Envision San José 2040 General Plan Annual Performance Review.

Recommendation: Accept the Envision San José 2040 General Plan Annual Performance Review 2016 report. CEQA: Not a Project, File No. PP10-069, City Organizational and Administrative Activities. (Planning, Building and Code Enforcement)

Accepted.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.5 Amendment to Title 4 - Downtown Commercial Highrise Incentive.

Recommendation:

- (a) Approve an ordinance amending Chapter 4.46 of Title 4 of the San Jose Municipal Code and Chapter 4.47 of Title 4 of the San Jose Municipal Code to amend sections 4.46.039.11 and 4.47.089.6 to specify the tax rate that would be in effect for the collection of the Building and Structure Construction Tax and the Commercial Residential Mobile home Park Construction Tax (also referred to as the Construction Excise Tax) for the first commercial, non-hotel, high rise development project that secures its first building permit prior to May 31, 2017 if the project timeline extends beyond the December 31, 2019 timeframe.

Ordinance No. 29822 passed for publication.

- (b) Adopt a resolution authorizing the City Manager or designee to negotiate and execute a Project Completion Agreement with Trammell Crow Company in which the City will suspend the collection of the Building and Structure Construction Tax and the Commercial Residential Mobile home Park Construction Tax (also referred to as the Construction Excise Tax) for the construction of one million square feet of office/retail development in Downtown San Jose subject to Trammel Crow Company being eligible for the tax suspension; and identifying the possibility that a portion of the project may extend beyond the 2019 timeframe.

CEQA: Not a Project, File No. PP10-067(a), Increase or Adjustment to Rates, Tolls, Fares, and Charges. (Economic Development)

Resolution No. 77975 adopted.

5. NEIGHBORHOOD SERVICES

5.1 Actions Related to the Arcadia Softball Facility Project.

Recommendation:

- (a) Adopt a resolution authorizing the Director of Public Works to:
- (1) Award the construction contract for the Arcadia Softball Facility Project to the low bidder in an amount not to exceed \$15,000,000 and approve a five percent of the contract amount construction contingency;
 - (2) Decide any timely bid protest(s), make the City's final determination as to the lowest responsive bidder that is responsible, or reject all bids and re-bid the project; and
 - (3) Negotiate and execute any single and/or multiple change orders in excess of \$100,000 within the contingency amount.

Resolution No. 77976 adopted.

5. NEIGHBORHOOD SERVICES

5.1 Actions Related to the Arcadia Softball Facility Project (Cont'd.)

- (b) Adopt the following Appropriation Ordinance amendments in the Parks and Recreation Bond Projects Fund:
- (1) Increase the Arcadia Softball Facility project by \$11,645,000;
 - (2) Decrease the Arcadia Softball Facility Reserve by \$9,005,000,
 - (3) Establish a new appropriation to the Parks, Recreation and Neighborhood Services Department for the Guadalupe Gardens Soccer Facility in the amount of \$2,000,000;
 - (4) Establish a new appropriation to the Parks, Recreation and Neighborhood Services Department for the Guadalupe Gardens Soccer Facility Reserve in the amount of \$14,616,000; and
 - (5) Decrease the Parks and Recreation Bond Projects Contingency Reserve by \$19,256,000.

Ordinance No. 29823 adopted.

- (c) Adopt the following Appropriation Ordinance amendments in the Construction and Conveyance Tax Fund: City-wide Parks Purposes:
- (1) Establish a new appropriation to Parks, Recreation and Neighborhood Services Department for the Arcadia Softball Facility in the amount of \$5,100,000;
 - (2) Decrease the Arcadia Softball Facility Reserve by \$5,100,000;
 - (3) Establish a new appropriation to the Parks, Recreation and Neighborhood Services Department for the Guadalupe Gardens Soccer Facility Reserve in the amount of \$4,184,000;
 - (4) Establish a new appropriation to the Parks, Recreation and Neighborhood Services Department for the Guadalupe Gardens Soccer Facility Fixtures, Furnishings and Equipment Reserve for \$91,000;
 - (5) Decrease the Soccer Complex Fixtures, Furnishings and Equipment by \$91,000;
 - (6) Decrease the Airport West (Coleman) Debt Payment Service Reserve by \$2,339,000; and
 - (7) Decrease the Infrastructure Backlog Reserve by \$1,845,000.

Ordinance No. 29824 adopted.

- (d) Adopt the following Appropriation Ordinance amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Maintenance Yards Purposes:
- (1) Establish a new appropriation to the Parks, Recreation and Neighborhood Services Department for the Arcadia Softball Facility Maintenance Yard in the amount of \$1,097,000; and
 - (2) Decrease the Park Yards Future Projects Reserve by \$1,097,000.

CEQA: Addendum to the Evergreen East Hills Vision Strategy and Supplemental EIR (Resolution No. 74742), File No. PP14-088; and Not a Project, File No. PP10-067(b), Appropriation Ordinance. (Parks, Recreation and Neighborhood Services/City Manager)

Ordinance No. 29825 adopted.

5. NEIGHBORHOOD SERVICES

Note: Item 5.2 heard jointly with Item 10.4 in the Evening.

5.2 Actions Related to the 8135 – South 31st Street and Alum Rock Avenue Park Project.

Recommendation:

- (a) Report on bids and award of contract for the 8135 – South 31st Street and Alum Rock Avenue Park Project to the low bidder, Suarez & Munoz Construction, Inc. for the base bid and Bid Alternates No. 1 and No. 2 in the amount of \$1,391,500 and approval of a five percent contingency in the amount of \$70,000.

Accepted.

- (b) Adopt the following Appropriation Ordinance and Funding Sources Resolution Amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District 5:
- (1) Increase the estimate for Revenue from the State of California by \$852,000;
 - (2) Establish an appropriation to the Parks, Recreation and Neighborhood Services Department for the South 31st Street and Alum Rock Avenue Park Project in the amount of \$1,532,000;
 - (3) Decrease the Alum Rock Avenue and 31st Street Park Reserve by \$615,000; and
 - (4) Decrease the Unrestricted Ending Fund Balance by \$65,000.

CEQA: S. 31st Street & Alum Rock Avenue Park Mitigated Negative Declaration, File Nos. GP16-008 and PP16-073. Council District 5. (Public Works/Parks, Recreation and Neighborhood Services/City Manager)

Ordinance No. 29826 adopted.

Resolution No. 77977 adopted.

6. TRANSPORTATION & AVIATION SERVICES

6.1 Actions Related to the 8231 - Mineta San José International Airport - Terminal Roadway Safety Improvements.

Recommendation: Report on bids and award of contract for the 8231 - Mineta San José International Airport - Terminal Roadway Safety Improvements project to the low bidder, Granite Rock Company, for the base bid in the amount of \$1,106,714, and approve a contingency in the amount of \$110,671. CEQA: Determination of Consistency with the San José International Airport Master Plan Update Final EIR as Supplemented (Resolution Nos. 67380 and 71451), File No. PP16-005. (Public Works/Airport)

Accepted.

6. TRANSPORTATION & AVIATION SERVICES

6.2 Actions Related to the 8255 - Mineta San José International Airport - Terminal B Exit Lane Technology - Rebid II.

Recommendation:

- (a) Reject all bids received and opened on August 11, 2016 for the 8255 – Mineta San José International Airport – Terminal B Exit Lane Technology - Rebid project.
- (b) Report on bids and take appropriate action based on the evaluation of bids for the 8255 – Mineta San José International Airport – Terminal B Exit Lane Technology - Rebid II Project.

CEQA: Determination of Consistency with the San José International Airport Master Plan Update Final EIR as Supplemented (Resolution Nos. 67380 and 71451), File No. PP16-047. (Public Works/Airport)

Deferred to 11/29/16 per Administration.

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 Actions Related to the 7029 – Nordale Pump Station Replacement Project Rebid.

Recommendation: Report on bids and award of contract for the 7029 - Nordale Pump Station Replacement Rebid project to the low bidder, JMB Construction, Inc., in the amount of \$1,723,358, and approve a 15 percent contingency in the amount of \$258,504. CEQA: Exempt, Section 15302 (c) Replacement or Reconstruction, File No. PP14-038. Council District 7. (Public Works)
Accepted.

8. PUBLIC SAFETY SERVICES

8.1 Review and Discuss Independent Police Auditor’s 2014 Annual Report Recommendation #2(b). DEFERRED

Recommendation: Review and discuss the Independent Police Auditor’s 2014 Annual Report Recommendation #2(b) that would require independent civilian oversight of all Police Department-Initiated Investigations. CEQA: Not a Project, File No. PP10-069(a), City Organizational & Administrative Activities, Annual Reports. (Independent Police Auditor/Police)

(Deferred from 10/25/16 – Item 8.1)

Deferred to 12/6/16 per Mayor.

9. REDEVELOPMENT – SUCCESSOR AGENCY

The meeting of the Council of the City of San José was recessed, and the meeting of the Successor Agency to the Redevelopment Agency was convened at 7:56 p.m.

9.1 Actions Related to the Purchase and Sale Agreements for the Properties Located at 501 Vine Street and 551 West Julian Street.

Recommendation:

- (a) 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 J3 Inc., a California Corporation as buyer to allow the sale of 501 Vine Street for a purchase price of \$876,000.

Approved.

- (b) Successor Agency Board reject all three bids received related to the sale of real property located at 551 West Julian Street and authorize the Successor Agency staff to solicit the property within the next three months.

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

Staff recommendation approved.

9.2 Fourth Amendment to the Amended and Restated Lease with the Comedy Club of San Jose, LLC for the Jose Theatre.

Recommendation: Approve the Fourth Amendment to the Amended and Restated Lease with the Comedy Club of San Jose, LLC for the use of the Jose Theater located at 62 South Second Street. CEQA: Not a Project, File No. PP10-066(f), Agreements and Contracts for lease of existing space for the same use. (Successor Agency)

Approved.

The meeting of the Successor Agency to the Redevelopment Agency of the City of San José was adjourned, and the meeting of the City Council was reconvened at 7:57 p.m.

- **Open Forum**

Marilyn Randolph spoke on abuse among children and women and discussed the organization she founded “Women Rising Above Abuse”.

10. GENERAL PLAN PUBLIC HEARINGS

10.1 Tentative Approval of General Plan Consent Calendar Items.

- (a) **General Plan Text Amendment: Make Minor Modifications and Clarifying Revisions to the Envision San José 2040 General Plan.**

Recommendation:

- (1) Consideration of determination of consistency with Envision San José 2040 General Plan EIR, Resolution No. 76041, and Supplemental General Plan EIR, Resolution No. 77617.
- (2) Tentative approval of the City-initiated General Plan Text Amendment to make minor modifications and clarifying revisions to the Envision San José 2040 General Plan.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041) and Supplemental EIR to the Envision San José 2040 General Plan Final Program EIR (Resolution No. 77617). Planning Commission recommends approval (7-0-0). (Planning, Building and Code Enforcement)

GPT16-004 – Citywide

Tentatively approved.

- (b) **General Plan Text Amendment: Include Text Clarifying how an Adopted Urban Village Plan's Text, Goals and Policies can be Amended.**

Recommendation:

- (1) Consideration of determination of consistency with Envision San José 2040 General Plan EIR, Resolution No. 76041, and Supplemental General Plan EIR, Resolution No. 77617.
- (2) Tentative approval of the City-initiated General Plan Text Amendment to include text clarifying how an adopted Urban Village Plan's text, goals and policies can be amended.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041) and Supplemental EIR to the Envision San José 2040 General Plan Final Program EIR (Resolution No. 77617). Planning Commission recommends approval (7-0-0). (Planning, Building and Code Enforcement)

GPT16-005 – Citywide

Tentatively approved.

10. GENERAL PLAN PUBLIC HEARINGS

10.1 Tentative Approval of General Plan Consent Calendar Items. (Cont'd.)

- (c) **General Plan Text Amendment: Update to the Growth Areas Planned Capacity by Horizon Table in Appendix 5.**

Recommendation:

- (1) Consideration of determination of consistency with Envision San José 2040 General Plan EIR, Resolution No. 76041, and Supplemental General Plan EIR, Resolution No. 77617.
- (2) Tentative approval of the City-initiated General Plan Text Amendment to update the Growth Areas Planned Capacity by Horizon table in Appendix 5 to reflect approved residential unit entitlements since adoption of the General Plan and to make minor formatting revisions.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041) and Supplemental EIR to the Envision San José 2040 General Plan Final Program EIR (Resolution No. 77617). Planning Commission recommends approval (7-0-0). (Planning, Building and Code Enforcement)

GPT16-006 – Citywide

Tentatively approved.

- (d) **General Plan Text Amendment: Revisions to Urban Villages Design Policy CD-7.9.**

Recommendation:

- (1) Consideration of determination of consistency with Envision San José 2040 General Plan EIR, Resolution No. 76041, and Supplemental General Plan EIR, Resolution No. 77617.
- (2) Tentative approval of the City-initiated General Plan Text Amendment to revise Urban Villages Design Policy CD-7.9 to allow more flexibility in building height step down in Urban Villages adjacent to single-family residential sites.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041) and Supplemental EIR to the Envision San José 2040 General Plan Final Program EIR (Resolution No. 77617). Planning Commission recommends approval (7-0-0). (Planning, Building and Code Enforcement)

GPT16-007 – Citywide

Continued to 12/6/16.

10. GENERAL PLAN PUBLIC HEARINGS

10.1 Tentative Approval of General Plan Consent Calendar Items. (Cont'd.)

- (e) **General Plan Text Amendment: Modifications in Floor Area Ratio (FAR) for the Mixed Use Commercial Land Use Designation.**

Recommendation:

- (1) Consideration of determination of consistency with Envision San José 2040 General Plan EIR, Resolution No. 76041, and Supplemental General Plan EIR, Resolution No. 77617.
- (2) Tentative approval of the City-initiated General Plan Text Amendment to modify the Mixed Use Commercial land use designation to establish a minimum and maximum Floor Area Ratio (FAR) range from 0.5 to up to 4.5 FAR for mixed-use projects, and from 0.25 to up to 4.5 FAR for stand-alone commercial projects.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041) and Supplemental EIR to the Envision San José 2040 General Plan Final Program EIR (Resolution No. 77617). Planning Commission recommends approval (7-0-0). (Planning, Building and Code Enforcement)

GPT16-008 – Citywide

Tentatively approved.

- (f) **General Plan Amendment: Modify the Transportation Network Diagram.**

Recommendation:

- (1) Consideration of determination of consistency with Envision San José 2040 General Plan EIR, Resolution No. 76041, and Supplemental General Plan EIR, Resolution No. 77617.
- (2) Tentative approval of the City-initiated General Plan Amendment to modify the Transportation Network Diagram to be consistent with the North San Pedro Streetscape Project improvements on West Julian Street between North San Pedro Street and Notre Dame Avenue, located at/on West Julian Street between North San Pedro Street and Notre Dame Avenue (City of San José City, Owner).

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041) and Supplemental EIR to the Envision San José 2040 General Plan Final Program EIR (Resolution No. 77617). Planning Commission recommends approval (7-0-0). (Planning, Building and Code Enforcement)

GP16-009 – Council District 3

Tentatively approved.

END OF CONSENT CALENDAR

10. GENERAL PLAN PUBLIC HEARINGS

Note: Item 10.2 Heard Jointly with Item 11.2.

10.2 General Plan Amendment: Land Use/Transportation Diagram Amendment at the Southeast Corner of Almaden Road and Burnside Drive.

Recommendation:

- (a) Adopt a resolution approving the Bertelsen Property General Plan Amendment and Rezoning Negative Declaration (File Nos. GP16-002 and C16-007).

Resolution No. 77978 tentatively adopted.

Recommendation:

- (b) Tentative approval of a General Plan Land Use/Transportation Diagram Amendment from (RR) Rural Residential to (RN) Residential Neighborhood designation for residential uses on a 1.33 gross acre site, located at/on the southeast corner of Almaden Road and Burnside Drive (18590 Almaden Road) (David Bertelsen, Owner).

CEQA: Bertelsen Property General Plan Amendment and Rezoning Project Negative Declaration (File Nos. GP16-002 and C16-007), to be adopted. Director of Planning, Building and Code Enforcement and Planning Commission (7-0-0) recommend approval. (Planning, Building and Code Enforcement)

GP16-002 – Council District 10

Tentatively approved.

10.3 General Plan Amendment: Land Use/Transportation Diagram Amendment at the Northeasterly Corner of Yerba Buena Road and San Felipe Road.

Recommendation:

- (a) Adopt a resolution approving the Evergreen Valley Community College General Plan Amendment Negative Declaration (File No. GP16-007).
- (b) Tentative approval of the General Plan Land Use/Transportation Diagram Amendment from the Public-Quasi-Public designation to the Neighborhood Community Commercial designation on a 27 gross acre site, located at/on the northeasterly corner of Yerba Buena Road and San Felipe Road (San Jose Evergreen Community College District, Owner).

CEQA: Evergreen Valley Community College General Plan Amendment Negative Declaration (File No. GP16-007), to be adopted. Planning Commission recommends approval (5-2-0) (Pham and Yesney opposed). (Planning, Building and Code Enforcement)

GP16-007 – Council District 8

Deferred to 12/13/16 per Orders of the Day.

10. GENERAL PLAN PUBLIC HEARINGS

10.4 General Plan Amendment: General Plan Amendment along the western side of South 31st Street Between Alum Rock Avenue and East San Antonio Street.

Recommendation:

- (a) Adopt a resolution approving the S. 31st Street & Alum Rock Avenue Park Mitigated Negative Declaration (File No. GP16-009 and PP16-073).

Resolution No. 77979 tentatively adopted.

- (b) Tentative approval of the City-initiated General Plan Amendment to change the Land Use/ Transportation Diagram to Open Space, Parklands and Habitat land use designation on a 1.66 gross acre site, located along the western side of South 31st Street between Alum Rock Avenue and East San Antonio Street (City of San José, Owner).

CEQA: S. 31st Street & Alum Rock Avenue Park Mitigated Negative Declaration (File No. GP16-009 and PP16-073), to be adopted. Planning Commission recommends approval (7-0-0). (Planning, Building and Code Enforcement)

GP16-008 – Council District 5

Note: Heard jointly with Item 10.2.

Tentatively approved.

10.5 General Plan Amendment and Rezoning: Land Use/Transportation Diagram Amendment on the North Side of Samaritan Drive, Approximately 700 feet east of South Bascom Avenue and Samaritan Drive. *DEFERRED*

Recommendation:

- (a) Adopt a resolution approving the Samaritan Medical Center Master Plan Project Environmental Impact Report making certain findings concerning significant impacts, mitigation measures, and alternatives, and adopting a statement of overriding consideration and mitigation monitoring and reporting program, all in accordance with the California Environmental Quality Act of 1970, as amended. (File No. GP15-014, PDC15-028, and PDC15-029).

- (b) Tentative approval of the General Plan Amendment to change the Land Use/Transportation Diagram designation from Neighborhood/Community Commercial to Regional Commercial on a 9.3 gross acre site located on the north side of Samaritan Drive, approximately 700 feet east of the intersection of South Bascom Avenue and Samaritan Drive (2505-2577 Samaritan Drive) (Samaritan Properties LLC, Owner).

CEQA: Samaritan Medical Center Master Plan Project Environmental Impact Report (File No. GP15-014, PDC15-028, and PDC15-029) to be adopted. Director of Planning, Building and Code Enforcement and Planning Commission (5-0-2) (Allen and Yesney absent) recommend approval. (Planning, Building and Code Enforcement)

GP15-014 & PDC15-028 – Council District 9

Deferred to 12/6/16 per Administration

10.6 Continue General Plan Hearing to December 6, 2016 and December 13, 2016 for Final Adoption.

11. PUBLIC HEARINGS ON CONSENT CALENDAR

11.1 Public Hearings on Consent Calendar.

- (a) **Conventional Rezoning for Real Property Located on the East Side of North 5th Street between Jackson Street & East Empire Street.**

Recommendation:

- (1) Adopt a resolution adopting the Fifth Street Japantown Rezoning Project Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental Environmental Impact Report (Resolution No. 77617), all in accordance with the California Environmental Quality Act, as amended.

Resolution No. 77980 adopted.

- (2) Consideration of an ordinance of the City of San José rezoning certain real property on three parcels totaling approximately 1.45 gross acres, located on the east side of North 5th Street between Jackson Street & East Empire Street from the R-M Multiple Residence Zoning District and LI Light Industrial Zoning District to the PQP Public/Quasi-Public Zoning District on five parcels (APNs: 249-38-008, 249-38-024, 249-38-025, 249-38-026, 249-35-050) (Wesley United Methodist Church, Owner).

CEQA: Addendum to the Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041) and Supplemental EIR to the Envision San José 2040 General Plan Final Program EIR (Resolution No. 77617). Planning Commission recommends approval (7-0-0). (Planning, Building and Code Enforcement)

C16-027 – Council District 3

Ordinance No. 29827 passed for publication.

END OF CONSENT CALENDAR

11.2 Conventional Rezoning of the Real Property Located at the Southeast Corner of Almaden Road and Burnside Drive (18590 Almaden Road).

Recommendation: Consideration of an ordinance of the City of San José rezoning certain real property on a 1.3-gross acre site located at the southeast corner of Almaden Road and Burnside Drive (18590 Almaden Road) from the R-1-2 Single-Family Residence Zoning District to the R-1-5 Single-family Residence Zoning District (David Bertelsen, Owner). CEQA: Bertelsen Property General Plan Amendment and Rezoning Project Negative Declaration (File Nos. GP16-002 and C16-007). (Planning, Building and Code Enforcement)

C16-007 – Council District 10

Item 11.2 heard jointly with Item 10.2.

Ordinance No. 29828 passed for publication.

11. PUBLIC HEARINGS

11.3 **Planned Development Conforming Rezoning of Real Property Located at Located on the South Side of the Terminus of Samaritan Court (2506-2515 Samaritan Court). *DEFERRED***

Recommendation: Consideration of an ordinance of the City of San José rezoning certain real property on an 3.7 acres site located on the south side of the terminus of Samaritan Court (2506-2515 Samaritan Court) from the CP Commercial Pedestrian Zoning District to the CO(PD) Planned Development Zoning District to allow up to 115,250 square feet of commercial space with a 141,040 square foot parking structure (Samaritan Medical LLC, Owner). CEQA: Samaritan Medical Center Master Plan Project EIR. (File No. GP15-014, PDC15-028, and PDC15-029). Planning Commission recommends approval (5-0-2, Allen & Yesney absent). (Planning, Building and Code Enforcement)

PDC15-029 – Council District 9

Deferred to 12/6/16 per Administration.

11.4 **Planned Development Permit and Determination of Public Convenience or Necessity for the Real Property Located at 5140 Cherry Avenue in the A(PD) Planned Development Zoning District.**

Recommendation: Adopt a resolution approving a Planned Development Permit and making the required findings for Determination of Public Convenience or Necessity to allow the off-sale of a full-range of alcoholic beverages and an incidental public drinking establishment (tasting of beer, wine and spirits) in a 19,500-square foot commercial tenant space on 43.2-gross acre site, located at 5140 Cherry Avenue in the A(PD) Planned Development Zoning District (Almaden Ranch, LLC, Owner). CEQA: Determination of Consistency with the Almaden Ranch Subsequent Environmental Impact Report, certified by City Council Resolution No. 76168 on March 20, 2012. Planning Commission recommends approval (7-0-0). (Planning, Building and Code Enforcement)

PD16-020 & ABC16-003 – Council District 9

Resolution No. 77981 adopted.

11. PUBLIC HEARINGS

11.5 Planned Development Zoning and Planned Development Permit for the Real Property Located East Side of Dove Hill Road, Approximately 500 feet north of Hassler Parkway (4200 Dove Hill Road).

Recommendation: Adopt a resolution denying:

- (a) A rezoning of certain real property located on an approximately 3.2 gross acre portion of a 23 gross acre site, at the east side of Dove Hill Road, approximately 500 feet north of Hassler Parkway (4200 Dove Hill Road) from A Agricultural to the A(PD) Planned Development Zoning District (Kuehne Stanislaus (TE) & Eleanora (TE), Owner) to allow up to 290 units of assisted senior housing.
- (b) A Planned Development Permit to allow the construction of an assisted senior housing with approximately 290 units (approximately 244,000 total building square feet).

CEQA: Exempt, per Section 15270 which is intended to allow a screening of projects on the merits for disapprovals prior to the additional CEQA process where the agency can determine that the project cannot be approved. Planning Commission recommended denial (3-2-2, Ballard and Vora opposed; Allen and Yesney absent). (Planning, Building and Code Enforcement)

PDC14-051 & PD16-019 – Council District 8

Staff's recommendation for early denial of applications was rejected.

- **Adjournment**

The Council of the City of San José was adjourned at 10:32 p.m.