



# CITY COUNCIL AGENDA

**AUGUST 8, 2017**

## SYNOPSIS

CHAPPIE JONES  
SERGIO JIMENEZ  
RAUL PERALEZ  
LAN DIEP  
MAGDALENA CARRASCO  
VICE MAYOR

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

SAM LICCARDO MAYOR

DEV DAVIS  
TAM NGUYEN  
SYLVIA ARENAS  
DONALD ROCHA  
JOHNNY KHAMIS

DISTRICT 6  
DISTRICT 7  
DISTRICT 8  
DISTRICT 9  
DISTRICT 10

The San José City Council meets every Tuesday at 1:30 p.m. and Tuesday at 6 p.m. as needed, unless otherwise noted. On May 2, 2017, the City Council authorized combining two sections of the Council agenda, Section 10 – General Plan Amendments and Section 11 – Land Use, into a single section labeled Section 10 – Land Use. Section 10 – Land Use indicates whether an item will be heard at 1:30 p.m. or 6:00 p.m. 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=5322>. 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 14<sup>th</sup> Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Contact the Office of the City Clerk at (408) 535-1260 or [City.Clerk@sanjoseca.gov](mailto:City.Clerk@sanjoseca.gov) for the final document.

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On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
  - 9:15 a.m.** - Closed Session, Call to Order in Council Chambers  
**Absent Councilmembers: Diep. (Excused)**
  
  - 1:32 p.m.** - Regular Session, Council Chambers, City Hall  
**Absent Councilmembers: Diep. (Excused)**
  
  - 7:39 p.m.** - Public Hearings, Council Chambers, City Hall  
**Absent Councilmembers: None.**
  
- **Invocation (District 7)**  
*“Warm the World, Chinese Cultural Dancers” performed a cultural dance for the Invocation.*
  
- **Pledge of Allegiance**  
Mayor Sam Liccardo led the Pledge of Allegiance.

- **Orders of the Day**  
The Orders of the Day and the Amended Agenda were approved.
- **Closed Session Report** — *Heard after Ceremonial Items*  
None provided.

## 1. CEREMONIAL ITEMS

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- 1.1 Presentation of a certificate to the City of San José from AARP acknowledging the City’s acceptance as a member of the AARP Network of Age-Friendly Communities.  
(Mayor/Parks, Recreation and Neighborhood Services)  
**On behalf of the City of San José, Mayor Sam Liccardo received a certificate from AARP State Director, Rafi Nazarians, acknowledging the City’s acceptance as a member of the AARP Network of Age-Friendly Communities.**
- 1.2 Presentation of a commendation to Miller Middle School’s team, “The Einstein Erasers”.  
(Jones)  
**Mayor Sam Liccardo and Councilmember Chappie Jones presented a commendation to Miller Middle School’s team, “The Einstein Erasers” for taking Best Overall 2<sup>nd</sup> place for the 6<sup>th</sup> grade Division at the 30<sup>th</sup> Annual Tech Challenge amidst thousands of students from across Northern California.**

## 2. CONSENT CALENDAR

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### 2.1 Approval of City Council Minutes.

**Recommendation:** Approval of City Council Minutes:

- (a) Special Council Minutes of January 27, 2017, Civic Innovation & Digital Strategy Study Session.
- (b) Special Council Minutes of January 30, 2017, Environmental Sustainability Study Session.
- (c) Special Council Minutes of February 13, 2017, Clean Energy Business Plan.
- (d) Special Council Minutes of March 9, 2017, Coyote Creek Flood Plan.
- (e) Special Council Minutes of March 30, 2017, Diridon Station & Regional Rail Projects Study Session.

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

**Approved.**

## 2. CONSENT CALENDAR

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### 2.2 Final Adoption of Ordinances.

**Recommendation:** Final Adoption of Ordinances:

- (a) ORD. NO. 29966 – An ordinance of the City of San José amending Part 1 of Chapter 13.36 of Title 13 of the San José Municipal Code to govern right-of-way work permits and adding a new chapter to Title 13 to govern encroachments. CEQA: Determination of Consistency with the Envision San José 2040 General Plan Environmental Impact Report (Resolution No. 76041) and the Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No. 77617), File No. PP17-045.  
**Ordinance No. 29966 adopted.**
- (b) ORD. NO. 29967 – An ordinance of the City of San José amending Section 25.08.700 of Chapter 25.08 of Title 25 of the San José Municipal Code to require ground transportation providers to pay fees and charges to be set by City Council, including fees, if any, for discharging passengers of packages at the Norman Y. Mineta San José International Airport and to allow registration in lieu of permits for limited operators. CEQA: Not a Project, File No. PP10-068(c), General Procedure & Policy Making, Code or Policy that involves no changes in the physical environment.  
**Ordinance No. 29967 adopted.**
- (c) ORD. NO. 29969 – An ordinance of the City of San José amending Chapter 11.48 of Title 11 of the San José Municipal Code to establish a new residential permit parking zone in the Hoffman Neighborhood. CEQA: Exempt, File No. PP14-069, CEQA Guidelines Section 15301, Existing Facilities. Council District 10.  
**Ordinance No. 29969 adopted.**
- (d) ORD. NO. 29973 – An ordinance of the City of San José adopting salaries and other compensation for the Mayor and Councilmembers pursuant to City Charter Section 407. CEQA: Not a Project, File No. PP10-067(b), Non-Project Specific Funding Mechanism, Appropriation Ordinance.  
**Ordinance No. 29973 adopted.**
- (e) ORD. NO. 29974 – An ordinance of the City of San José rezoning certain real property of approximately 8.79 acres situated on the East Side of Booksin Avenue approximately 550 feet southerly of Curtner Avenue (2281 Plummer Avenue) from the R-1-8 Single-Family Residence Zoning District to the PQP Public/Quasi-Public Zoning District. CEQA: Determination of Consistency with Final Program Environmental Impact Report for the Envision San José 2040 General Plan (Resolution No. 76041) and the Supplemental Environmental Impact Report for the Envision San José 2040 General Plan Final Program EIR (Resolution 77617).  
C17-016 – Council District 6  
**Ordinance No. 29974 adopted.**

## 2. CONSENT CALENDAR

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### 2.2 Final Adoption of Ordinances. (Cont'd.)

**Recommendation:**

- (f) ORD. NO. 29975 – An ordinance of the City of San José rezoning certain real property of approximately 17.4 acres situated at the Northeast corner of Cottle Road and Great Oaks Parkway, from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District. CEQA: Initial Study/Addendum to the San José Lowe's Final Environmental Impact Report (Resolution No. 73814) and Addenda thereto.  
PDC17-003 & PD17-001 – Council District 2  
**Ordinance No. 29975 adopted.**

### 2.3 Approval of Council Committee Minutes. None provided.

### 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 Agreement FUSE Corps for Placement Services.

**Recommendation:** Adopt a resolution to authorize the City Manager to negotiate and execute a Second Amendment to the Agreement for Placement Services between the City of San José and FUSE Corps to:

- (a) Extend the term of Agreement from December 31, 2017 to November 30, 2018;
- (b) Modify the scope of services to add two fellows for 2017-18; and
- (c) Increase the amount of total compensation by \$220,000, from \$270,000 to \$490,000.

CEQA: Not a Project, File No. PP10-066, Agreements and Contracts. (City Manager)  
**Resolution No. 78281 adopted.**

### 2.8 Amendment to the City Pay Plan for Various Classifications.

**Recommendation:** Adopt a resolution to amend the City of San José Pay Plan effective August 8, 2017, to create the classification Director, Community Energy U (3460).  
CEQA: Not a Project, File No. PP10-068(b), General Procedure & Policy Making, Municipal Code, Title 3. (Human Resources)  
**Resolution No. 78282 adopted.**

## 2. CONSENT CALENDAR

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### 2.9 **Amendment to the Agreement with Unique Management Services Inc. for Recovery of Fines and Fees for Overdue Materials at City Libraries.**

**Recommendation:** Approve a Continuation and Second Amendment to the Agreement between the City of San José and Unique Management Services Inc., for consulting services related to the recovery of fines and fees for overdue materials at City libraries, to extend the contract term of the Agreement through June 30, 2018, and to increase the maximum compensation by \$60,000, from \$244,755 to \$304,755. CEQA: Not a Project, File No. PP10-066(e), Agreements & Contracts, Services that involve no physical change to the environment. (Library)

**Approved.**

### 2.10 **Vacation of a Portion of Old West Julian Street Between North Autumn Street and Autumn Parkway with the Reservation of Public Service Easements.**

**Recommendation:** Adopt a resolution of intention to conditionally vacate a portion of Old West Julian Street between North Autumn Street and Autumn Parkway with the reservation of public service easements over the entire area being conditionally vacated and set a Public Hearing on August 29, 2017 at 1:30 p.m. CEQA: Exempt, File No. PP17-032, CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitation. Council District 3. (Public Works)

**Resolution No. 78285 adopted.**

### 2.11 **Change to Council Meeting Schedule. DEFERRED**

**Recommendation:** As recommended by the Rules and Open Government Committee on June 21, 2017, change the City Council's meeting schedule for August-December 2017 where Council Meetings, especially evening sessions, shall have a 12:00 a.m. curfew with a continuance to be determined.

CEQA: Not a Project, File No. PP10-069, City Organizational & Administrative Activities. (Jones/Davis)

[Rules Committee referral 6/21/17 – Item D(3)]

**Deferred to 8/15/17 per Rules Committee.**

### 2.12 **Evergreen Community Center Preschool Graduation.**

**Recommendation:** As recommended by the Rules and Open Government Committee on August 2, 2017:

- (a) Retroactively approve the Evergreen Community Center Preschool Graduation scheduled on Friday, June 2, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.
- (b) Retroactively approve and accept donations from various individuals, businesses or community groups to support these events.

CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Arenas)

[Rules Committee referral 8/2/17 – Item G.1.b.]

**Approved.**

## 2. CONSENT CALENDAR

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### 2.13 Day in the Park Festival.

**Recommendation:** As recommended by the Rules and Open Government Committee on August 2, 2017:

- (a) Approve the Day in the Park Festival scheduled on Saturday, October 7, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.
- (b) Approve and accept donations from various individuals, businesses or community groups to support these events.

CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Arenas)  
[Rules Committee referral 8/2/17 – Item G.1.c.]

**Approved.**

### 2.14 Coffee and Conversation.

**Recommendation:** As recommended by the Rules and Open Government Committee on August 2, 2017:

- (a) Retroactively approve Coffee & Conversation scheduled on Monday, August 7, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.
- (b) Retroactively approve and accept donations from various individuals, businesses or community groups to support these events.

CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Jones)  
[Rules Committee referral 8/2/17 – Item G.1.d.]

**Approved.**

## 3. STRATEGIC SUPPORT

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### 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.

### 3.3 Action Related to Board of Fair Campaign and Political Practices Recommendations for Changes to the City's Gift Ordinance. *DEFERRED*

**Recommendation:**

- (a) Consider the recommended revisions of the Board of Fair Campaign and Political Practices to the City's Gift Ordinance.

*(Item Continued on the Next Page)*

### 3. STRATEGIC SUPPORT

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#### 3.3 Action Related to Board of Fair Campaign and Political Practices Recommendations for Changes to the City’s Gift Ordinance. *DEFERRED*

- (b) Provide direction to the City Attorney to draft an ordinance amending Title 12 of the San José Municipal Code to align the City's Gift Ordinance with the gift regulations under the California Political Reform Act.

CEQA: Not a Project, File No. PP10-068(b), General Procedure & Policy Making, Municipal Code or Policy. (City Attorney)

**Deferred to 8/15/17 per Rules Committee.**

#### 3.4 Statement of Policy and Questions for the Prospective Director of Human Resources.

**Recommendation:** Adopt a Statement of Policy and City Council Questions related to the selection of a prospective Director of Human Resources as described in the memorandum to Council, in compliance with City Charter Section 411.1. CEQA: Not a Project, File No. PP10-069, City Organizational & Administrative Activities. (CMO) **Adopted, with questions for the prospective Director of Human Resources to include:** "Address the opportunities and challenges the City has to rebuild its workforce in filling more than 700 vacancies"; "What short and long-term strategies would you use to attract, retain and grow this workforce?"; "What is a realistic timeline to fill 700 vacancies?"; "What should a normal vacancy rate be for an organization such as ours?"; Our former Airport Director was hired within two weeks of the City of San Diego receiving her application. Using this as an example, what measures would you implement as Human Resources Director to achieve those kinds of results? "What do you love about San José that makes you want to serve this City?"; "Have you used San José’s clunky online application process, and how would you propose to improve this process?"; and "We began a plan for soliciting the best ideas created by our employees, which will save money, generate revenue and improve services to our residents. How would you go about ensuring this program is successful and employees receive appropriate monetary awards for their ideas?". Also, "How long would you expect to be with the City of San José?"

#### 3.5 Continuation of the Proclamation of the Existence of a Local Emergency and Discussion of Current Flood Recovery Efforts.

*Note: Item heard concurrently with Items 3.6 and 3.7.*

**Recommendation:**

- (a) Adopt a resolution continuing the proclamation of the existence of a local emergency as a result of flooding.
- (b) Discussion of current flood recovery efforts.

CEQA: Statutory Exempt, Section 15269, Emergency Projects, Specific actions necessary to prevent or mitigate an emergency. (City Manager)

**Resolution No. 78292 adopted.**

*See Item 3.6 for additional direction.*



### 3. STRATEGIC SUPPORT

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#### 3.6 2017 Coyote Creek Flood After Action Review & Improvement Recommendations Report.

*Note: Item heard concurrently with Items 3.6 and 3.7.*

**Recommendation:** Accept the 2017 Coyote Creek Flood After Action Review & Improvement Recommendations Report and direct the City Manager to restructure the City organization and take appropriate action to implement the top six recommendations:

- (a) Strengthen Organizational Structure and Staffing for Emergency Management
- (b) Improve Emergency Planning
- (c) Complete Flood Recovery
- (d) Prepare for Next Rainy Season
- (e) Enhance Key Capabilities
- (f) Increase Coordination

CEQA: Not a Project, File No. PP10-069(a), City Organizational & Administrative Activities, Staff Report. (City Manager)

**Accepted, including the joint memorandum from Mayor Sam Liccardo, Vice Mayor Magdalena Carrasco and Councilmembers Peralez, Diep and Nguyen, dated August 4, 2017, to:**

- (1) Accept the 2017 Coyote Creek Flood After Action Review and staff recommendation to implement the Emergency Management Roadmap and its six focus areas.
  - (a) Direct the City Manager to remove recommendation 6.11.1, "Develop A Comprehensive Post-Disaster Housing Plan," from "backlog" to "priority."
- (2) Provide Council with a verbal update at the August 8th Council discussion on the status of:
  - (a) The joint stream channel maintenance program with the Santa Clara Valley Water District, particularly with regard to the status of any City-conducted maintenance scheduled prior to this winter's rains;
  - (b) The City's strategy to obtain third-party expert evaluation of the Water District's assessments of hydrological risk and flood projections;
  - (c) The use of disaster warning technology, including (a) *status of employee training* (b) *on both Alert-SCC and IPA WS*; (b) *acquisition of LRAD's/mobile loudspeakers*; and (c) *any new technologies contemplated by staff*;
  - (d) Whether and how pre-disaster notification protocols are being revised to leverage the capacity and linguistic abilities of volunteers and non-profits
  - (e) The development of the Emergency Communications Plan, including the development of contingency plans for a 24 x 7 call center for fielding questions from the public;

*(Item continued on the next page)*

### 3. STRATEGIC SUPPORT

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#### 3.6 2017 Coyote Creek Flood After Action Review & Improvement Recommendations Report (Cont'd.)

- (2) Provide Council with a verbal update at the August 8th Council discussion on the status of (Cont'd.)
  - (f) Registry of non-English fluent speakers at City Hall;
  - (g) The development of the Mass Evacuation Plan
- (3) Direct the City Manager to work with the Santa Clara Valley Water District on scheduling a joint meeting in October 2017 or prior to this year's rains. The agenda should include updates on the following:
  - (a) Flood Emergency Operations Plan & Joint Emergency Action Plan;
  - (b) Stream channel maintenance; and
  - (c) Increased coordination with the District, particularly on data and information sharing.
- (4) Regular reporting on the plan progress should go before the entire City Council through that October meeting, and through subsequent Council meetings prior to and after this winter's rains.

#### 3.7 Office of Emergency Services Assessment and Recommendations Report.

*Note: Item heard concurrently with Items 3.5 and 3.6.*

##### **Recommendation:**

- (a) Accept the City of San José Office of Emergency Services (OES) Assessment and Recommendations Report.
- (b) Direct the City Manager to implement Option Three of the OES Assessment Report as follows:
  - (1) Move OES from the Fire Department to the City Manager's Office;
  - (2) Elevate the OES Director position from its current classification of Deputy Director to Director, Emergency Management;
  - (3) Change the name of OES to the Office of Emergency Management; and
  - (4) Make it a priority to phase-in additional emergency management positions in future annual budgets, as appropriate, within the context of the General Fund budgetary outlook and other city-wide priorities.
- (c) Direct the City Manager to return to Council no later than September 2017 with implementation actions for Items 1, 2, and 3 (above) and to bring recommendations for Item 4 in the 2018-2019 Proposed Budget, as appropriate.

CEQA: Not a Project, File No. PP10-069(a), City Organizational & Administrative Activities, Staff Report. (Fire)

**The Staff recommendations were accepted, including the joint memorandum from Mayor Sam Liccardo, Vice Mayor Magdalena Carrasco, and Councilmembers Peralez, Diep and Nguyen, dated August 4, 2017, to:**

*(Item continued on the next page)*

### 3. STRATEGIC SUPPORT

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#### 3.7 Office of Emergency Services Assessment and Recommendations Report (Cont'd.)

1. **Accept the Office of Emergency Services Assessment and Recommendations Report and the staff recommendation to implement option three of the report.**
2. **Return at Mid-year budget as well as through the annual budget processes with updates on funding the Priority One hires in the consultant report:**
  - a. **Deputy Director**
  - b. **Emergency Operations Manager**
  - c. **Resilience Coordinator**
  - d. **Response & Recovery Coordinator**
  - e. **CERT Program Coordinator**
3. **Direct the City Manager to consider the priority two hires during future fiscal years alongside other citywide priorities and future general fund needs.**
4. **Direct the City Manager to return through the mid-year budget process with options to expand the scope of work of the City's existing contracted grant writer to include a focus on resource- building for the Office of Emergency Services. Additionally, the City Manager should explore;**
  - a. **Partnerships to pursue regional funding; and**
  - b. **Private funding sources for work such as resiliency planning and capacity building.**

#### 3.8 Actions Related to the Fiscal Year 2017-2018 Property Tax Levy for General Obligation Bonds.

**Recommendation:** Adopt a resolution establishing the FY 2017-2018 property tax levy on all taxable property within the City of San José for the purpose of funding the City's general obligation bonded indebtedness and pay the related administration fee to the County. CEQA: Not a Project, File No. PP10-067, Non-Project Specific Funding Mechanism. (Finance)

**Resolution No. 78293 adopted.**

#### 3.9 Actions Related to the Fiscal Year 2017-2018 Annual Residential Solid Waste Collection Service Charges Report.

**Recommendation:** Conduct a Public Hearing on the Fiscal Year 2017-2018 annual report prepared by the Director of Finance detailing the Residential Solid Waste Collection Service Charges filed with the City Clerk's Office; and adopt a resolution to confirm the approval of the report and the placement of charges as set forth therein on the 2017-2018 Santa Clara County Secured Property Tax Roll, with such modifications the City Council may make based on public hearing testimony. CEQA: Not a Project, File No. PP10-069, City Organizational & Administrative Activities. (Finance)

**Public hearing held.**

**Resolution No. 78294 adopted.**

### 3. STRATEGIC SUPPORT

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#### 3.10 Actions Related to the Fiscal Year 2017-2018 Sanitary Sewer Service and Use Charges and Storm Sewer Service Charges Report.

**Recommendation:** Conduct a Public Hearing on the Fiscal Year 2017-2018 annual report prepared by the Director of Finance detailing the Sanitary Sewer Service and Use Charges and Storm Sewer Service Charges filed with the City Clerk's Office; and adopt a resolution to confirm the approval of the report and the placement of the charges as set forth therein on the 2017-2018 Santa Clara County Secured Property Tax Roll, with such modifications the City Council may make based on public hearing testimony. CEQA: Not a Project, File No. PP10-069, City Organizational & Administrative Activities. (Finance) **Public hearing held.**  
**Resolution No. 78295 adopted.**

#### 3.11 Resolution in Support of Paris Agreement on Climate Change.

**Recommendation:** As recommended by the Rules and Open Government Committee on June 21, 2017:

- (a) Adopt a resolution supporting the principles of the Paris Agreement on Climate Change.
- (b) As directed by Council in December 2015, staff should return with a GHG-reduction target for San José, as part of the Environmental Sustainability Plan, that is in alignment with the 2 degrees Celsius goal of the Paris Agreement.

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

[Rules Committee referral 6/21/17 – Item G(3)]

*Heard concurrently with Item 7.2.*

**Resolution No. 78296 adopted.**

### 4. COMMUNITY & ECONOMIC DEVELOPMENT

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#### 4.1 Purchase and Sale Agreement with Del Grande Properties for Real Property Located at Almaden Blvd. and Carlisle St. *DEFERRED*

**Recommendation:** Adopt a resolution:

- (a) Approving the use of a Purchase and Sale Agreement between the City and Del Grande Properties for the sale of the City's 6,708 square feet of vacant surplus land at the corner of Almaden Blvd. and Carlisle St., Assessor's Parcel Number 259-35-029, in the amount of \$1,341,600; and
- (b) Authorizing the City Manager or his designee to negotiate and execute the Purchase and Sale Agreement, the deed, all other documents necessary to complete the transaction, and any amendments or modifications.

CEQA: Not a Project, File No. PP10-066, Agreements & Contracts. Council District 3. (Economic Development) (Deferred from 6/27/17 – Item 4.1)

**Deferred to 8/29/17 per Administration.**

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.2 Public Hearing on the Reorganization of McKee 137. *DROP*

**Recommendation:** Conduct a Public Hearing and adopt a resolution ordering the reorganization of territory designated as McKee 137 which involves the annexation to the City of San José of approximately 0.46 gross acres of land generally located on the north side of McKee Road, approximately 400 feet east of N. White Road, and the detachment of the same from the appropriate special districts including Santa Clara County Central Fire Protection District, County Sanitation District 2-3, Santa Clara County Lighting Service Area, and Santa Clara County Library Services (Area No. 1). CEQA: Determination of Consistency with 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), and addenda thereto. Council District 5. (Planning, Building and Code Enforcement)  
(Deferred from 6/27/17 – Item 4.3)

**Dropped – to be Renoticed.**

### 4.3 Amendment to Title 20 – Zoning Code for Assembly Use Temporary and Incidental Shelter for the Homeless.

**Recommendation:**

- (a) Consider and adopt a resolution approving the revised Initial Study/Negative Declaration for the Temporary and Incidental Homeless Shelter Ordinance described in (b).

**Resolution No. 78298 adopted.**

- (b) Approve an ordinance amending Title 20 of the San José Municipal Code (the Zoning Code), to revise land use provisions for temporary and incidental shelter of homeless people, including: 1) Amending Sections 20.80.1600, 20.80.1610 and 20.80.1620, and adding Sections 20.80.1630, 20.80.1640 and 20.80.1650 to Part 17, Chapter 20.80, adding definitions of “Assembly Use,” “Incidental Shelter,” and “Places of Assembly,” creating standards for temporary and incidental shelter of homeless individuals and families, allowing the incidental shelter as an incidental permitted use to an existing legal assembly use where the shelter is provided inside existing buildings that are constructed and operating in compliance with the San José Municipal Code; and 2) Making other technical, formatting or non-substantive changes in the Zoning Code.

CEQA: Initial Study/Negative Declaration for the Temporary and Incidental Homeless Shelter Municipal Code Amendment. (Planning, Building and Code Enforcement)

**PP17-015** – Citywide (Continued from 6/27/17 – Item 4.4)

**Ordinance No. 29976 passed for publication, including the memorandum from Councilmember Tam Nguyen, as amended, dated August 7, 2017, recommending approval of staffs’ recommendations with additional direction to staff to work in conjunction with council offices *and non-profit partners* to promote temporary and incidental shelter uses city-wide, including media ads, press releases, council and other newsletters, social media, and other means of providing awareness, education, and outreach.**

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.4 Approval of a Predevelopment Loan for the Quetzal Gardens Apartments Located at 1695 Alum Rock Avenue.

**Recommendation:** Adopt a resolution approving a Predevelopment Loan of up to \$1,000,000 in Low and Moderate Income Housing Asset Funds to Quetzal Gardens, L.P., an affiliate development entity of Resources for Community Development, for the Quetzal Gardens Apartments, a new affordable development to be located at and secured by 1695 Alum Rock Avenue in order to offer rent- and income-restricted apartments for 70 extremely low-income and very low-income households. CEQA: Exempt, File No. CP17-009, per CEQA Section 15332 In-Fill Development Projects. Council District 5. (Housing)

**Resolution No. 78299 adopted.**

### 4.5 County of Santa Clara Measure A (Affordable Housing Bond) Implementation.

**Recommendation:** Adopt a resolution authorizing the Director of Housing to submit a letter to the County of Santa Clara reflecting the City's recommendations regarding Measure A implementation. CEQA: Not a Project, File No. PP10-069(a), City Organizational & Administrative Activities, Staff Reports that involve no approvals of any City Actions. (Housing)

**Resolution No. 78300 adopted.**

### 4.6 Amendment to the Agreement with County of Santa Clara for Support Case Management, Transportation, and Data Services for Chronically Homeless Individuals.

**Recommendation:** Adopt a resolution authorizing the City Manager to negotiate and execute a Second Amendment to a grant Agreement with the County of Santa Clara for case management, transportation, and data services to:

- (a) Extend the term of the grant Agreement for an additional fiscal year through June 30, 2018;
- (b) Amend the scope of services to support ongoing operations of the Care Coordination Program case management, the UPLIFT Transit Pass Program, and the Homeless Management Information System; and
- (c) Increase funding by \$1,096,000 for a total grant award not to exceed \$3,112,000. CEQA: Not a Project, File No. PP10-066, Agreements & Contracts. (Housing)

**Resolution No. 78301 adopted.**

### 4.7 Actions Related to the Award of Contracts for the Rapid Rehousing Program.

**Recommendation:**

- (a) A Grant Agreement with The Health Trust in the amount of \$1,901,000 for Fiscal Year 2017-2018 with (2) two, one-year options to extend the Agreement in the amount of \$2,250,000 annually, to include:

*(Item Continued on the Next Page)*

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.7 Actions Related to the Award of Contracts for the Rapid Rehousing Program. (Cont'd.)

**Recommendation:**

- (a) (1) \$750,000 in Fiscal Year 2017-2018 to serve as a Supportive Services Administrator with funding from the Multi-Source Housing Fund for the Rapid Rehousing Program;
- (2) \$1,151,000 in Fiscal Year 2017-2018 to serve as the Rental Subsidy Administrator with funding from the Multi-Source Housing Fund (\$1,125,000) and with funding from the General Fund (\$26,000);
- (b) A Grant Agreement with The Health Trust in the amount of \$1,800,000 for Fiscal Year 2017-2018 with (2) two, one-year options to extend the Agreement in the amount of \$2,400,000 annually (Fiscal Year 2018-2019 & Fiscal Year 2019-2020) to serve as the Rental Subsidy Administrator with funding from the HOME Investment Partnerships Program Trust Fund (HOME);
- (c) A Grant Agreement with Bill Wilson Center in the amount of \$560,000 as a Supportive Services Administrator with funding from the Multi-Source Housing Fund with (2) two, one-year options to extend the agreement in the amount of \$560,000 annually;
- (d) A Grant Agreement with People Assisting the Homeless (PATH) in the amount of \$200,000 as a Supportive Services Administrator with funding from the Multi-Source Housing Fund with two (2), one-year options to extend the agreement in the amount of \$200,000 annually;

**Approved.**

- (e) Adopt the following Fiscal Year 2017-2018 Appropriation Ordinance amendments in the HOME Investment Partnerships Program Trust Fund:
  - (1) Decrease Unrestricted Ending Fund Balance by \$500,000; and,
  - (2) Increase the Tenant Based Rental Assistance appropriation to the Housing Department by \$500,000.

CEQA: Not a Project, File No. PP10-066, Agreements & Contracts; and File No. PP10-067(b), Non-Project Specific Funding Mechanism, Appropriation Ordinance.

(Housing/City Manager)

**Ordinance No. 29977 adopted.**

### 4.8 Update on Homelessness Response Initiatives. *DEFERRED*

**Recommendation:**

- (a) Accept the report on City homelessness response initiatives and discuss ongoing efforts to create a range of interventions and solutions for homeless individuals and families.

[Neighborhood Services and Education Committee referral 6/8/17 – Item (d)(5)]

- (b) Accept the report to:

*(Item continued on the next page)*

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.8 Update on Homelessness Response Initiatives. *DEFERRED*

**Recommendation:**

- (1) Provide the current number, type, and location of temporary and permanent homes for formerly homeless residents in San José, as well as other deed-restricted affordable housing; and
- (2) Temporarily pause implementation of the City’s current Dispersion Policy applying to individual residential developments, pending update of the Dispersion Policy to align with the General Plan and with Federal and State guidance on fair housing.

[Community and Economic Development Committee referral 6/26/17– Item (d)(2)]  
CEQA: Not a Project, File No. PP10-069(a), City Organizational & Administrative Activities, Staff reports that involve no approvals of any City Actions. (Housing)  
**Deferred to 8/29/17 per Administration.**

### 4.9 Public Hearing on the Vacation of a 25-Foot Setback Easement Located at 4886 Kingwood Way.

**Recommendation:** Conduct a Public Hearing and adopt a resolution:

- (a) Approving the report of the Director of Public Works setting forth the facts justifying the vacation of a 25-foot light and air easement (“setback easement”) located at 4886 Kingwood Way;
- (b) Vacating the 25-foot setback easement located at 4886 Kingwood Way; and
- (c) Directing the City Clerk to record a certified copy of the resolution of vacation with the Office of the Recorder, County of Santa Clara.

CEQA: Exempt, File No. PP17-036, CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitation. Council District 9. (Public Works)

**Public hearing held.**

**Resolution No. 78302 adopted.**

### 4.10 Public Hearing on the Vacation of a Portion of Old West Julian Street between North Autumn Street and Autumn Parkway. *DROP*

**Recommendation:** Conduct a Public Hearing and adopt a resolution to conditionally vacate a portion of Old West Julian Street between North Autumn Street and Autumn Parkway with the reservation of a public service easement over the entire area being conditionally vacated. CEQA: Exempt, File No. PP17-032, CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitation. Council District 3. (Public Works)  
**Dropped – to be Renoticed.**

## 5. NEIGHBORHOOD SERVICES

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## 6. TRANSPORTATION & AVIATION SERVICES

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### 6.1 Actions Related to the Metropolitan Transportation Commission Grant Funding for the One Bay Area Grant Cycle 2 Program and the Vehicle Emissions Reductions Based at Schools Program. *DEFERRED*

#### **Recommendation:**

- (a) Approve the following actions to receive grant funding from the Metropolitan Transportation Commission (MTC) for the One Bay Area Grant Cycle 2 (OBAG 2) Program for one Road Rehabilitation and Complete Streets Project and three Safety and Complete Streets Projects. In addition, approve the MTC locally programmed Vehicle Emissions Reductions Based at Schools (VERBS) Program for Pedestrian and Bicycle Traffic Safety Improvements in the Mount Pleasant Schools Area.
- (b) Adopt a resolution to:
  - (1) Accept grant funding from the MTC for each of the submitted applications and authorize the City Manager or designee to negotiate and execute any documents to accept the grant funds, including the authority to negotiate and execute any documents that increase the amount of the grant award or require an increase of local matching funds, subject to the appropriation of such funds;
  - (2) Commit the City to provide the required local match and to pay for any additional cost to complete each of the projects listed below:
    - (a) OBAG - Road Rehabilitation and Complete Streets "Guarantee" Program:
      - (1) \$14,597,000 for the Pavement Maintenance – Federal (OBAG2) Project. The local match in the amount of \$1,891,000 is included in the Pavement Maintenance – City appropriation;
    - (b) OBAG - Complete Streets Competitive Program:
      - (1) \$11,952,000 for the McKee Road - San Jose Vision Zero Safety Improvement Project, which is inclusive of the required local match and other non-grant reimbursable project cost elements of \$3,329,000;
      - (2) \$11,919,000 for the Tully Road - San Jose Vision Zero Safety Improvement Project which is inclusive of the required local match and other non-grant reimbursable project cost elements of \$3,320,000; and
      - (3) \$10,994,000 for the West San Carlos - A Corridor Safety Improvement Project which is inclusive of the required local match and other non-grant reimbursable project cost elements of \$3,062,000.
- (c) Make the necessary assurances that each of the projects will be completed in compliance with the submitted applications, MTC's Regional Funding Delivery Policy, and the grant program requirements.

*(Item Continued on the Next Page)*

## 6. TRANSPORTATION & AVIATION SERVICES

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### 6.1 Actions Related to the Metropolitan Transportation Commission Grant Funding for the One Bay Area Grant Cycle 2 Program and the Vehicle Emissions Reductions Based at Schools Program. (Cont'd.)

**Recommendation:**

(d) Adopt the following 2017-2018 Funding Sources Resolution and Appropriation Ordinance amendments in the Construction Excise Tax Fund:

- (1) Increase the revenue estimate for Federal Government in the amount of \$1000,000;
- (2) Establish the Mount Pleasant Schools Area Bike/Ped Safety Improvements appropriation to the Department of Transportation in the amount of \$1,210,000; and
- (3) Decrease the Transportation Grants Reserve in the amount of \$210,000.

CEQA: Exempt, File No. PP13-037, Section 15301(c) Citywide Bicycle and Pedestrian Public Right-of-Way Improvements; Exempt, File No. PP14-069, Section 15301(c) Citywide Street Maintenance, Repair and Improvement; Exempt, File No. PP14-017, Section 15301 Citywide Exemption for Traffic Flow Management and Operations. Council Districts 5, 6, 7, & 8. (Transportation/City Manager)

**Deferred to 8/15/17 per Administration.**

## 7. ENVIRONMENTAL & UTILITY SERVICES

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### 7.1 Amendment to the Agreement with Allied Waste Services for the Commercial Solid Waste and Recyclables Collection Franchises. *DEFERRED*

**Recommendation:**

- (a) Approve the Cooperative Agreement and Fourth Amendment to the Franchises Agreement with Allied Waste Services of North America, LLC to resolve a dispute about the living wage requirements in the Commercial Solid Waste and Recyclables Collection Franchises Agreement for sorters and housekeepers at the Newby Island Recyclery.
- (b) Adopt a resolution setting Maximum Commercial Solid Waste Services Rates in the City of San José pursuant to the Cooperative Agreement and Fourth Amendment to the Commercial Solid Waste and Recyclable Materials Collection Franchises Agreement between the City of San José and Allied Waste Services of North America, LLC, dba Republic Services, including the total costs for organic processing services.

CEQA: Not a Project, File No. PP10-067(a), Non-Specific Funding Mechanism, Increase or Adjustment to Fees, Rates & Fares. (Environmental Services/Public Works/City Attorney)

(Deferred from 6/27/17 – Item 7.1(a))

**Deferred to 8/15/17 per Administration.**

## 7. ENVIRONMENTAL & UTILITY SERVICES

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### 7.2 San José Clean Energy.

#### **Recommendation:**

(a) Approve of an ordinance establishing San José Clean Energy and amending Title 2 of the San José Municipal Code to add a new department within the City of San José, the Community Energy Department;  
**Ordinance No. 29978 passed for publication.**

(b) Review draft San José Clean Energy Implementation Plan and Statement of Intent;

(c) Review draft of the San José Clean Energy staffing plan;

(d) Review draft of the San José Clean Energy funding strategy; and

(e) Review draft Community Advisory Committee framework.

CEQA: Not a Project, File No. PP10-069, City Administrative Activities and File No. PP10-068, General Procedure and Policy Making. (City Manager)

*Heard concurrently with Item 3.11*

**Approved.**

## 8. PUBLIC SAFETY

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## 9. REDEVELOPMENT – SUCCESSOR AGENCY

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### • Open Forum

(1) Amy Gazulez stated that she was wrongly cited and fined \$500 for the use of illegal fireworks. Mayor Liccardo indicated that someone from the City Manager's team would be reaching out to her to settle the matter.

(2) Lubow, a landlord and property owner, indicated that rental property owners are not being treated fairly.

(3) John Worthing claimed that the rent control bill is working, so leave it alone.

(4) Tim Gildersleeve expressed concerns regarding the Google Village proposal.

(5) Michael Fitzgerald, a landlord/apartment owner, asked that no additional action be taken on rent control issue.

(6) Scott Largent asked that open forum/public comment be heard at the beginning of council meetings.

(7) Ken Schneebeli asked that Council take no additional action on the rent control issue.

(8) Van Le asserted that Councilmember Tam Nguyen has published a misleading flyer and has caused her distress by its inference that she supports the communist flag.

## 10. LAND USE

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### 10.1 Public Hearing on Consent Calendar.

No Consent Calendar items.

### 10.2 Administrative Hearing of the Appeal of the Planning Director's Reliance on a Categorical Exemption for CEQA Clearance for the Approval of a Site Development Permit and Vesting Tentative Map for a Site Located at the Southeast Corner of Race Street and West San Carlos Street (1266 and 1270 West San Carlos Street, and 1298, 310 and 320 Race Street).

#### **Recommendation:**

- (a) Conduct an appeal hearing and consider the appeal of the Director of Planning, Building and Code Enforcement's reliance on a categorical exemption for in-fill development (CEQA Guidelines Section 15332) for Site Development Permit File No. H17-018, and Vesting Tentative Map File No. T16-050 to allow the demolition and removal of the existing buildings, billboard, and hardscape; removal of seven ordinance-size trees; and development of an approximately 29,580 square-foot one-story commercial building with associated surface parking and landscaping on an approximately 2.04-gross-acre site, at the southeast corner of Race Street and West San Carlos Street (1266 and 1270 West San Carlos Street, and 1298, 310 and 320 Race Street).

#### **Appeal hearing held.**

- (b) Adopt a resolution denying the appeal and upholding the Director of Planning, Building and Code Enforcement's reliance on an Initial Study/Exemption, and finding that:
  - (1) The City Council has read and considered the Initial Study/Exemption;
  - (2) The Initial Study/Exemption was prepared and completed in compliance with the California Environmental Quality Act of 1970 and state and local CEQA implementation guidelines;
  - (3) Reliance on the Initial Study/Exemption reflects the independent judgment and analysis of the City of San José;
  - (4) Preparation of additional or subsequent environmental clearance is not required because no new information is known since the preparation of the Initial Study/Exemption; and
  - (5) The Director of Planning, Building and Code Enforcement shall transmit copies of the Initial Study/Exemption to any other decision-making body of the City of San José for the project.

#### **Resolution No. 78303 adopted.**

*(Item continued on the next page)*

## 11. LAND USE

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### 10.2 **Administrative Hearing of the Appeal of the Planning Director's Reliance on a Categorical Exemption for CEQA Clearance for the Approval of a Site Development Permit and Vesting Tentative Map for a Site Located at the Southeast Corner of Race Street and West San Carlos Street (1266 and 1270 West San Carlos Street, and 1298, 310 and 320 Race Street). (Cont'd.)**

#### **Recommendation:**

- (c) Adopt a resolution approving the Site Development Permit File No. H17-018 to allow the demolition and removal of the existing buildings, billboard, and hardscape; removal of seven ordinance-size trees; development of an approximately 29,580 square-foot one-story commercial building with associated surface parking and landscaping on an approximately 2.04-gross-acre site at the southeast corner of Race Street and West San Carlos Street (1266 and 1270 West San Carlos Street, and 1298, 310 and 320 Race Street).

#### **Resolution No. 78304 adopted.**

- (d) Adopt a resolution approving Vesting Tentative Map File No. T16-050 combining three parcels into one on an approximately 2.04 gross-acre site at the southeast corner of Race Street and West San Carlos Street (1266 and 1270 West San Carlos Street, and 1298, 310 and 320 Race Street).

CEQA: Exempt, CEQA Guidelines Section 15332- In-Fill Development Projects. Director of Planning, Building and Code Enforcement recommends approval. (Planning, Building and Code Enforcement)

**H17-018 & T16-050** – Council District 6

#### **Resolution No. 78305 adopted.**

### 11.3 **Continue General Plan Hearing from May 16, 2017, June 13, 2017 and June 27, 2017.**

#### **General Hearing Plan Continued.**

### 11.4 **General Plan Amendment: Winchester and Santana Row/Valley Fair Urban Village Plans.**

#### **Recommendation:**

- (a) Consider the Final Program Environmental Impact Report for the Envision San José 2040 General Plan (Resolution No. 76041), the Supplemental Environmental Impact Report for the Envision San José 2040 General Plan Final Program EIR (Resolution 77617), and the November 1, 2016 Addendum thereto, in conformance with CEQA; and

#### **Accepted.**

*(Item continued on the next page)*

## 10. LAND USE

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### 10.4 General Plan Amendment: Winchester and Santana Row/Valley Fair Urban Village Plans (Cont'd.)

- (b) Adopt a resolution approving the Winchester and Santana Row/Valley Fair Urban Village Plans, and General Plan Amendments modifying each Plan's boundaries and General Plan land use designations.

CEQA: Final Program Environmental Impact Report for the Envision San José 2040 General Plan (Resolution No. 76041) and the Supplemental Environmental Impact Report for the Envision San José 2040 General Plan Final Program EIR (Resolution 77617), and addenda thereto. Planning Commission recommends approval (5-0-2; Abelite & Pham absent). (Planning, Building and Code Enforcement)

**GP17-008** – Council Districts 1 & 6

(Deferred from 6/27/17 – Item 10.5)

**Resolution No. 78306 adopted, including the two joint memoranda from Mayor Sam Liccardo, Councilmember Dev Davis and Councilmember Chappie Jones, dated June 23, 2017, recommending establishment of a multi-city group to discuss key regional issues affecting West San José, with a focus on transportation and circulation; and approving staff recommendations with the following changes to both Urban Village (UV) Plans unless otherwise noted:**

1. **Vision:** Add the following sentence to Chapter 2, Vision:

a. I-280/Winchester Overpass: Add the following to the end Guiding Principle 2 of the Winchester UV Plan:

i. *“As the I-280/Winchester overpass is an essential connection between the Winchester and Santana Row/Valley Fair Urban Villages, this Plan ensures that improvements to the pedestrian and bike overcrossing at this overpass are given a high-priority and every consideration is given to a cap or other treatment to this overpass.”*

b. Innovation Corridor: Designate Stevens Creek Blvd. as an Innovation Corridor.

i. Add a Guiding Principle to Chapter 2, Vision of the Santana Row/Valley Fair UV Plan to read as follows:

1. *“Establish the Stevens Creek Innovation Corridor by encouraging the integration and testing of technologies within the Urban Village boundaries”*

ii. Add the following “Innovation Corridor language to the Santana Row/Valley Fair Implementation Chapter:

1. *“Developers can support the Stevens Creek Innovation Corridor by testing and integrating new technologies that provide both innovative place-based experiences and improvements to the public and private realm within the Urban Village. Including, but not limited to, technologies that improve traffic flow and provide on-demand traffic counting, improved access to Wi-Fi and increased data speeds, innovative placemaking artwork, use of visualization technology within the public or private realm to show how both planned developments and public realm improvements will look in 3-D from multiple perspectives.”*

*(Item continued on the next page)*

#### 10.4 General Plan Amendment: Winchester and Santana Row/Valley Fair Urban Village Plans (Cont'd.)

2. **Land Use Map:** Modify the land use map in Chapter 3 of the Winchester UV Plan changing 660 S. Winchester Blvd. from “Urban Village Commercial” to “Urban Village.”

3. **Future Mixed Use Development:** Add the following action item to Chapter 3, Land Use: a. “Action Item: *When the entire commercial allocation for the Village is met, explore an Urban Village Plan update during the nearest 4-year review, and during the update, consider allowing residential in a mixed-use format on commercial-only land use designations within the Urban Village boundaries.*”

4. **Auto/Interim Uses:** Add the following policy to Chapter 3 of the Winchester UV Plan:

a. “*Building and site improvements for existing interim commercial uses, including auto uses, that require discretionary approvals, shall be designed to improve the pedestrian environment by increasing landscaping adjacent to the sidewalk, installing large canopy street trees, improving the sidewalk consistent with the policies and guidelines of this Plan, providing public art, or providing a publicly accessible plaza or pocket park. Improvements should also include those that enhance the pedestrian connection or access between the sidewalk and the existing commercial use.*”

5. **Private Recreation Space:** Add the following action item to Chapter 4, Parks, Plazas and

Placemaking:

a. “Action item: *As a part of the planned nexus study for San Jose’s PDO/PIO program, which is expected to follow the City’s 2018 Greenprint update, the City should reconsider its policies on private recreation areas; specifically, those which give credits for entirely private recreation space. Instead, the City should explore approaches that encourage privately maintained open space, which is also fully accessible to the public.*”

6. **Winchester UV Plan Transition Standards:** Remove the transition standards when new development is adjacent to the “Urban Residential” land use designation, located in Chapter 5, Urban Design of the Winchester UV Plan.

7. **Implementation Chapters:** Require that the Winchester Advisory Group, in conjunction with the Stevens Creek Advisory Group, reconvene on an as needed basis in order to provide feedback on the Implementation Chapters.

8. **Santana Row/Valley Fair UV Plan Implementation Chapter;** The Implementation Chapter for this village should allow for increased heights above the approved village heights if a project provides substantial additional urban village amenities.

9. **Onsite Affordable Housing:** Add the following action item to each of the UV Plans: a. “Action Item; *The City should aggressively pursue incentives for developers to include onsite affordable housing for new projects.*”

10. **New Project Visualizations:** Add the following requirement to Chapters 4, Urban Design:

a. Require that new projects proposed within the Urban Village Plan over 55 feet in height provide detailed visualizations of their proposed project that show what the project would like from the street-level from different perspectives and distances. Any illustration of included landscaping, e.g., trees, should show it as it will appear upon installation, and also within the context of the surrounding buildings.

(Item continued on the next page)

## 10. LAND USE

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### 10.4 General Plan Amendment: Winchester and Santana Row/Valley Fair Urban Village Plans (Cont'd.)

#### 11. Horizon 3 Urban Village

- a. Keep both villages within Horizon 3.
- b. Add the following policies to the UV Plans:
  - i. *“Residential mixed-use projects utilizing the residential pool must build the commercial and residential portions of the development concurrently.”*
  - ii. *“Residential projects utilizing the Envision San Jose 2040 General Plan “Residential Pool” policy (Policy IP-2.11), which can allow residential mixed use projects prior to the opening of an urban village’s designated horizon, shall replace any existing commercial square footage on the development site or provide a minimum commercial FAR of 0.9, whichever is greater.”*

### 10.5 General Plan Amendment: Stevens Creek Urban Village Plan.

#### Recommendation:

- (a) Consider the Final Program Environmental Impact Report for the Envision San José 2040 General Plan (Resolution No. 76041), the Supplemental Environmental Impact Report for the Envision San José 2040 General Plan Final Program EIR (Resolution 77617), and the November 1, 2016 Addendum thereto, in conformance with CEQA; and

#### Accepted.

- (b) Adopt a resolution approving the Stevens Creek Urban Village Plan, and General Plan amendment modifying the Plan boundary and General Plan land use designations.

CEQA: Final Program Environmental Impact Report for the Envision San José 2040 General Plan (Resolution No. 76041) and the Supplemental Environmental Impact Report for the Envision San José 2040 General Plan Final Program EIR (Resolution 77617), and addenda thereto. Planning Commission recommends approval (6-0-1; Allen absent). (Planning, Building and Code Enforcement)

#### **GP17-009** – Council District 1

(Deferred from 6/27/17 – Item 10.6)

**Resolution No. 78307 adopted, including the two joint memoranda from Mayor Sam Liccardo, Councilmember Dev Davis and Councilmember Chappie Jones, both dated June 23, 2017, recommending establishment of a multi-city group to discuss key regional issues affecting West San José, with a focus on transportation and circulation; and approve staff recommendations with the following changes to the Stevens Creek Urban Village (UV) Plans, unless otherwise noted:**

1. **Urban Residential (Cypress Ave to Bundy Avenue):** Change the land use designation on sites from Cypress Ave to Bundy Ave off Stevens Creek Blvd currently “Urban Residential” to “Mixed-Use Neighborhood.”

*(Item continued on the next page)*



## 10. LAND USE

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### 10.5 General Plan Amendment: Stevens Creek Urban Village Plan.

**2. Future Mixed-Use Development:** Add the following action item to Chapter 3, Land Use. a. *“Action Item: When the commercial allocation (4,500 new jobs) is met for the Stevens Creek Urban Village, explore an Urban Village Plan update during the nearest 4-year review, and during the update, consider allowing residential in a mixed-use format on commercial land use designations, outlined in the Plan.”*

**3. Auto/ Interim Uses:**

a. Amend Policy LU -1.5, Chapter 3, Land Use: *“Support the continued operation of motor vehicle uses, including auto repair, automobile sales and rental lots, and auto parts sales. However, over time, as the market changes, these uses are intended to be redeveloped as different commercial uses, more pedestrian and transit supportive, **or support the continued existence of auto uses in a more urban, pedestrian oriented format.**”* b. Add Policy LU-1.8 to Chapter 3, Land Use: *“Building and site improvements for existing interim commercial uses, including auto uses, that require discretionary approvals, shall be designed to improve the pedestrian environment by increasing landscaping adjacent to the sidewalk, installing large canopy street trees, improving the sidewalk consistent with the policies and guidelines of this Plan, providing public art, or providing a publicly accessible plaza or pocket park. Improvements should also include those that enhance the pedestrian connection or access between the sidewalk and the existing commercial use.”*

**4. Onsite Affordable Housing;** Add the following action item to Chapter 3, Land Use:

a. *“Action Item: The City should aggressively pursue incentives for developers to include onsite affordable housing for new projects.”*

**5. Setbacks/Transitions:** Amend the setback standard for new development:

a. *For new development greater than 45 feet, provide a minimum setback of 15-foot front, side, and rear setbacks for buildings next to single-family residences.*

b. *For new development greater than 45 feet, next to properties that are designated single-family residences, new buildings and structures shall not intercept a 45-degree daylight plane starting at the adjacent residential property line.*

**6. New Project Visualizations:** Add the following requirement to Chapter 4, Urban Design:

a. Require that new projects proposed within the Urban Village Plan over 55 feet in height must provide detailed visualizations of their proposed project that show what the project would look like from the street-level, from different perspectives and distances, within the context of the neighborhood including both current and proposed projects.

**7. Innovation Corridor:** Designate the Stevens Creek Blvd as an Innovation Corridor.

a. Add a Guiding Principle, “Principle 5: Innovation Corridor”

i. *“Establish the Stevens Creek Innovation Corridor by encouraging the integration and testing of technologies within the Urban Village boundaries”*

b. Add the following language to the “Innovation Corridor” language in the Implementation Chapter.

*(Item continued on the next page)*

## 10. LAND USE

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### 10.5 General Plan Amendment: Stevens Creek Urban Village Plan (Cont'd.)

i. *“Developers can support the Stevens Creek Innovation Corridor by testing and integrating new technologies that provide both innovative place-based experiences and improvements to the public and private realm within the Urban Village. Including, but not limited to, technologies that improve traffic flow and provide on-demand traffic counting, improved access to Wi-Fi and increased data speeds, innovative placemaking artwork, use of visualization technology within the public or private realm to show how both planned developments and public realm improvements will look in 3-D from multiple perspectives.”*

#### **8. Implementation Chapter:**

- a. Require that the Stevens Creek Advisory Group, in conjunction with the Winchester Advisory Group, reconvene on an as needed basis to provide feedback on the draft financing structure and the entire Implementation Chapter.
- b. Implementation Chapter for the Stevens Creek Urban Village must allow for increased heights above the approved village heights if a project provides substantial urban village amenities.

#### **9. Horizon 3 Urban Village**

- a. Keep Stevens Creek Urban Village within Horizon 3.
- b. Add the following policies to the Urban Village Plan:
  - i. *“Residential mixed-use projects utilizing the residential pool must build the commercial and residential portions of the development concurrently.”*
  - ii. *“Policy LU-2.4 Residential projects utilizing the Envision San Jose 2040 General Plan “Residential Pool” policy (Policy IP-2.11), which can allow residential mixed use projects prior to the opening of an urban village’s designated horizon, shall replace any existing commercial square footage on the development site or provide a minimum commercial FAR of 0.9, whichever is greater.”*

**Also, with a proposed height reduction for the site adjacent to single-family homes, from 85’ to 65’.**

### 10.6 General Plan Amendment: Early Consideration of a Privately-Initiated Land Use/Transportation Amendment from Neighborhood Community Commercial to Urban Residential on a site located approximately 82 feet northerly of Lincoln Court, on the east side of Lincoln Avenue (2119 Lincoln Avenue).

**Recommendation:** No recommendation on whether to deny or continue processing the General Plan Amendment request to change the land use designation from Neighborhood Community Commercial to Urban Residential on a .28 acre site located approximately 82 feet northerly of Lincoln Court on the east side of Lincoln Avenue, (2119 Lincoln Avenue). CEQA: Exempt per Section 15270 Projects which are disapproved. Director

*(Item continued on the next page)*

## 10. LAND USE

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### 10.6 **General Plan Amendment: Early Consideration of a Privately-Initiated Land Use/Transportation Amendment from Neighborhood Community Commercial to Urban Residential on a site located approximately 82 feet northerly of Lincoln Court, on the east side of Lincoln Avenue (2119 Lincoln Avenue) (Cont'd.)**

of Planning, Building and Code Enforcement recommends denial. Planning Commission voted to forward the proposed General Plan Amendment to City Council with no recommendation (6-1-0, Yesney opposed). (Planning, Building and Code Enforcement) **GP17-005** – Council District 6

**The joint memorandum from Mayor Sam Liccardo, Vice Mayor Magdalena Carrasco, Councilmember Dev Davis and Councilmember Chappie Jones, dated August 4 2017, recommending that the City Council deny the proposed General Plan Amendment (GPA) at 2119 Lincoln Avenue, in support of the staff recommendation for denial through the Early Consideration process provided for in the Envision San Jose 2040 General Plan, Chapter 7, Implementation Policy, Goal IP-3.3, was approved.**

**(8-3. Noes: Jimenez, Nguyen, Peralez.)**

### 10.7 **Close General Plan Hearing.**

### 10.8 **Planned Development Rezoning for Real Property Located at 1236 Minnesota Avenue. DEFERRED**

**Recommendation:** Consideration of an ordinance of the City of San José rezoning certain real property located on a 0.32-gross acre site, located at 1236 Minnesota Avenue, from the R-1-8 Single-Family Residence Zoning District to the R-1-8(PD) Planned Development Zoning District to allow the creation of a flag lot for the development of a new single-family residence behind an existing single-family residence (Cyrus and Rebecca Colburn, Owners). CEQA: Exempt per CEQA Guidelines Section 15303(a) for new Construction or Conversion of Small Structures. Planning Commission denied (3-2-2; Bit-Badal & Vora opposed; Abelite & Allen absent). (Planning, Building and Code Enforcement)

**PDC15-048** – Council District 6

**Deferred to 8/22/17 per Administration.**

## 10. LAND USE

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### 10.9 Disposition and Development Agreement, Lease Amendment, and Related Site Development Permit, Special Use Permit, and Vesting Tentative Map Located on the Northwest Corner of West San Carlos Street and South Market Street at 180 Park Avenue. *DEFERRED*

#### **Recommendation:**

- (a) Adopt a resolution certifying the Museum Place Mixed-Use Project Supplemental Environmental Impact Report and making certain findings concerning significant impacts, mitigation measures, alternatives, and adopting a statement of overriding considerations and mitigation monitoring and reporting program, all in accordance with the California Environmental Quality Act, as amended.
- (b) Adopt a resolution:
  - (1) Approving the Disposition and Development Agreement with Insight King Wah LLC for the development of a mixed-use office, hotel, residential, Tech Museum expansion, and garage project;
  - (2) Authorizing the City Manager to negotiate and execute all documents related to the transfer of the City property to Insight King Wah LLC for the mixed-use project; and
  - (3) Authorizing the City Manager to negotiate and execute a Lease Amendment with the Tech Museum of Innovation for the construction and operation of the expansion space for the Tech Museum.
- (c) Adopt a resolution approving Vesting Tentative Map No. T16-024 to consolidate 25 parcels into three parcels, and to subdivide one parcel into a mixed-use project consisting of approximately 306 residential condominium units and 244 commercial condominium units and the remaining two parcels will consist of the Tech Museum and Civic Auditorium, on an approximately 2.5 gross acre site, located on the northwest corner of West San Carlos Street and South Market Street (180 Park Avenue) (City of San José, Owner).
- (d) Adopt a resolution approving Site Development Permit and Special Use Permit No. SP17-031 to allow the demolition of Parkside Hall, and to allow the construction of a 24 story mixed-use development with approximately 19,000 square feet of ground floor retail, approximately 214,000 square feet of office, approximately 60,000 square feet of museum space, 184 hotel rooms, and 306 residential units, the removal of 20 ordinance-sized trees.

CEQA: Supplemental Environmental Impact Report for the Museum Place Mixed-Use Project to the: “The Downtown Strategy 2000 Final Program Environmental Impact Report,” adopted by City Council Resolution No. 72767 on June 21, 2005; “Envision San José 2040 General Plan Final Program Environmental Impact Report,” adopted by City Council Resolution No. 76041 on November 1, 2011; and “Supplemental Environmental Impact Report to the Envision San José 2040 General Plan Final Program Environmental Impact Report,” adopted by City Council Resolution No. 77617 on December 15, 2015, and addenda thereto. Planning Commission recommends approval (5-0-2; Ballard & Vora absent). (Planning, Building and Code Enforcement)

**SP17-031 & T16-024** – Council District 3  
**Deferred to 8/22/17 per Administration.**

- **Open Forum**

None provided.

- **Adjournment**

This meeting adjourned at 12:13 a.m. in memory of Corey Friccero, a dedicated Veteran who served his community as Veteran’s Outreach Coordinator with Goodwill and through his work to secure passage of Measure A, bringing lasting help for generations to come.” (Mayor)

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

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

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
10417	267 Delmas Avenue	3	Park Delmas Investors LLC	1 Lot/ 36 Units	Mixed Use