

CITY COUNCIL AGENDA

SEPTEMBER 22, 2015

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, Council Wing, 2nd Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for the final document.

To request an accommodation or alternative format under the Americans with Disabilities Act for City-sponsored meetings, events or printed materials, please call (408) 535-1260 or (408) 294-9337 as soon as possible, but at least three business days before the meeting.

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

- **Call to Order and Roll Call**
9:10 a.m. - Closed Session, Call to Order in Council Chamber
Absent Council Members: All Present.

1:33 p.m. - Regular Session, Council Chamber, City Hall
Absent Council Members: All Present.

7:05 p.m. - Public Hearings, Council Chamber, City Hall
Absent Council Members: Herrera. (Excused)
- **Invocation (District 8)**
Pastor Tony Williams, Maranatha Christian Center offered the Invocation.
- **Pledge of Allegiance**
Mayor Sam Liccardo, accompanied by the Second Grade Students, Horace Mann Elementary School, led the Pledge of Allegiance.
- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved.

- **Closed Session Report**

City Manager Norberto Dueñas disclosed the following Closed Session actions of September 22, 2015:

A. Public Employment/Public Employee Recruitment/Appointment Pursuant to Government Code Section 54957:

Department/Agency: Fire Department

Title: Fire Chief

Name: Curtis Jacobson

Council Vote: Ayes: Carrasco, Herrera, Jones, Kalra, Khamis, M. Nguyen, T. Nguyen, Oliverio, Peralez, Rocha; Liccardo.

Noes: None.

Abstain: None.

Not Present: None.

1. CEREMONIAL ITEMS

1.1 Presentation of a proclamation recognizing September 25, 2015 as “Native American Day” in the City of San José. (Herrera)

Mayor Sam Liccardo and Vice Mayor Rose Herrera recognized September 25, 2015 as “Native American Day” in San José.

1.2 Presentation of a proclamation declaring September 23, 2015 as “Falls Prevention Awareness Day” in the City of San José. (Khamis)

Mayor Sam Liccardo, Vice Mayor Rose Herrera and Council Member Johnny Khamis recognized September 23, 2015 as “Falls Prevention Awareness Day” in San José.

1.3 Presentation of a commendation to the *Women’s International League for Peace and Justice Center* in San José in honor of their 50 year commitment to social justice. (Carrasco)

Mayor Sam Liccardo and Council Members Carrasco, Kalra and Peralez recognized and commended the Women’s International League for Peace and Justice Center.

1.4 Presentation of a commendation to Dr. Armand Sanchez for his contributions for a healthier East San José community. (Carrasco)

Heard in the Evening.

Mayor Sam Liccardo and Council Member Magdalena Carrasco recognized and commended Dr. Armand Sanchez.

1. CEREMONIAL ITEMS

- 1.5 Presentation of a commendation to Manos Accelerator for receiving a Small Business Administration Growth Accelerator Fund Competition award for their work to create an entrepreneurial ecosystem in the Latino Community. (Mayor)
Heard in the Evening.
Mayor Sam Liccardo and Council Member Raul Peralez recognized and commended Manos Accelerator.
- 1.6 Presentation of a commendation to Cambrian Park Little League 12-and-Under All-Stars for their extraordinary team work, honorable sportsmanship, and recognition as Northern California Division 2 Champions. (Rocha)
Heard in the Evening.
Mayor Sam Liccardo and Council Member Donald Rocha recognized Cambrian Park Little League 12-and-Under All-Stars.

2. CONSENT CALENDAR

2.1 Approval of Minutes.

Recommendation: Approval of minutes.

- (a) Regular Minutes of June 2, 2015.
- (b) Minutes of the Mayor's June Budget Message/Public Hearings of June 8, 2015.
- (c) Regular Minutes of June 9, 2015.
- (d) Special Minutes of June 12, 2015.
- (e) Regular Minutes of June 16, 2015.
- (f) Regular Minutes of June 23, 2015.
- (g) Special Minutes of June 26, 2015.
- (h) Special Minutes of July 2, 2015.
- (i) Special Minutes of July 8, 2015.
- (j) Special Minutes of July 15, 2015.

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

Approved.

2.2 Approval of Council Committee Reports.

Recommendation: Approval of Council Committee Minutes.

- (a) Rules and Open Government Committee Minutes of September 2, 2015. (Mayor)
CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities.
Deferred to October 6, 2015 per City Clerk.

2.3 Mayor and Council Excused Absence Requests.

There were none.

2. CONSENT CALENDAR

2.4 **City Council Travel Reports.**
No Report.

2.5 **Report from the Council Liaison to the Retirement Boards.**
No Report.

2.6 **Amendment to the City Pay Plan for Various Classifications.**

Recommendation: Adopt a resolution to amend the City of San José Pay Plan effective September 22, 2015, to change the salary range and title for the classification Retirement Investment Analyst I/II U (7502/7503) (formerly Retirement Actuarial Analyst I/II). CEQA: Not a Project, File No. PP10-068(b), Municipal Code, Title 3, Personnel. (Human Resources)
(Deferred from 9/1/15 – Item 2.10)
Resolution No. 77522 adopted.

2.7 **Amendment to the Purchase Orders for Citywide Tree Management and Maintenance Services.**

Recommendation: Adopt a resolution to authorize the City Manager to amend purchase orders for Citywide Tree Management and Maintenance Services with West Coast Arborists (San José, CA), Commercial Tree Care (Santa Clara, CA) and A Plus Tree (Concord, CA), to increase the amount of total cumulative compensation by \$760,000 from \$1,535,000 to \$2,295,000, for the remainder of the initial term of the purchase orders, ending on February 28, 2016. CEQA: Exempt, Guidelines Section 15304(b) Minor Alterations to Land. File No. PP13-064 Citywide Tree Planting and Removal on Public Property. (Finance)
Resolution No. 77523 adopted.

2.8 **Set a Public Hearing on the Cost of Sidewalk Repairs for November 17, 2015.**

Recommendation: Adopt a resolution to set a Public Hearing on Tuesday, November 17, 2015, at 1:30 p.m. for the approval of the report from the Director of Finance for the cost of sidewalk repairs. CEQA: Not a Project, File No. PP10-066(e), Services that involve no physical changes to the environment. (Finance)
Resolution No. 77524 adopted.

2. CONSENT CALENDAR

2.9 POW/MIA Flag Raising Ceremony.

Recommendation: As recommended by the Rules and Open Government Committee on September 9, 2015:

- (a) Approve the POW/MIA Flag Raising Ceremony scheduled on September 18, 2015 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 the event.

CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Herrera)
[Rules and Open Government referral 9/9/15 – Item G(1)(a)]

Approved.

2.10 Dinner with Consul General of Korea Event.

Recommendation: As recommended by the Rules and Open Government Committee on September 9, 2015, approve the receipt of gifts received in official capacity in accordance with Municipal Code section 12.08.040. CEQA: Guidelines Section 15061(b)(3) No Significant Impact on the Environment. (Jones)

[Rules and Open Government referral 9/9/15 – Item G(2)]

Approved.

2.11 Vietnamese American Resolution Reception.

Recommendation: As recommended by the Rules and Open Government Committee on September 9, 2015:

- (a) Approve the Vietnamese American Resolution Reception scheduled on October 20, 2015 as a City Council sponsored Event and approve the expenditure of funds.
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (M. Nguyen)
[Rules and Open Government referral 9/9/15 – Item G(1)(b)]

Approved.

2.12 Designation of Right-of-Way for Widening of King Road for the Bay Area Rapid Transit Station.

Recommendation: Adopt a resolution designating a 33-foot wide strip over two adjacent City-owned properties as additional public right-of-way to accommodate the widening of the east side of King Road, construction of a new traffic signal at the intersection of King Road and Salamoni Court, and the extension of the Upper Penitencia Creek Trail to the future Berryessa Bay Area Rapid Transit (BART) Station. CEQA: BART Extension to Berryessa Final and Supplemental EIRs, adopted on January 24, 2012 (Resolution No. 76126). Council District 4. (Public Works)

Resolution No. 77525 adopted.

2. CONSENT CALENDAR

2.13 2015 League of California Cities Voting Delegate and Alternate Voting Delegate.

Recommendation: As recommended by the Rules and Open Government Committee on September 16, 2015, approve the proposed designation of Vice Mayor Rose Herrera, as the voting delegate, and Council Member Magdalena Carrasco, as the alternate voting delegate at the October 2, 2015 Annual Business Meeting for the League of California Cities. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (City Manager)

[Rules and Open Government referral 9/16/15 – Item G(3)]

Approved.

3. STRATEGIC SUPPORT SERVICES

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

City Manager Norberto Dueñas reported that the City of San José, United States Citizenship and Immigration Services, San José Earthquakes and Citi Community Development hosted a naturalization ceremony at Avaya Stadium on Saturday, September 12, 2015. City Manager Dueñas added that on September 17, 2015, the City and nonprofit partners hosted a Citizenship Day Resource Fair for eligible citizenship applicants and on September 18, 2015 the first Immigrant Affairs Steering Committee was held.

3.2 Labor Negotiations Update.

Recommendation: Accept Labor Negotiations Update.

No Report.

3.3 Actions Related to the Agreement with State Board of Equalization for the Local Prepaid Telephony Services Collection Act.

Recommendation: Adopt resolutions:

- (a) Authorizing the City Manager to execute an agreement with the State Board of Equalization and any other related documents, as necessary, for implementation of the Local Prepaid Telephony Services Collection Act related to the City's Utility Users Tax.

Resolution No. 77526 adopted.

- (b) Authorizing the City Manager, the City Manager's designees, and MuniServices LLC to examine records of prepaid mobile telephony services and local charges (City's Utility Users Tax) collected by the State Board of Equalization.

CEQA: Not a Project, File No. PP10-066(a), Agreements for purchased of supplies, equipment, or services with no changes in the physical environment. (Finance)

Resolution No. 77527 adopted.

3. STRATEGIC SUPPORT SERVICES

3.4 Actions Related to the Citywide Insurance Renewals.

Recommendation: Adopt a resolution authorizing the City Manager or Director of Finance to:

- (a) Select and purchase certain City property and liability insurance policies for the period October 1, 2015 to October 1, 2016 at a total cost not to exceed \$1,700,000, with the following insurance carriers:
 - (1) American Home Assurance Company for Property & Casualty Insurance, including Boiler & Machinery.
 - (2) Old Republic Aerospace, Phoenix Aviation Managers, for Airport Owners and Operators Liability including War Risks & Extended Perils Coverage (Primary and Excess) and Police Aircraft Hull & Liability including War Risks & Extended Perils.
 - (3) The Travelers Indemnity Company of CT for Automobile Liability, or other insurance carriers that the City are currently in negotiations with, (Airport fleet vehicles including Shuttle Buses, Regional Wastewater Facility fleet vehicles, and Airport Shuttle Bus physical damage); and
 - (4) Indian Harbor Insurance Company for Secondary Employment Law Enforcement Professional Liability.
- (b) Select and purchase Government Fidelity/Crime Coverage for the period December 18, 2015 to December 18, 2016, at a cost not to exceed \$26,000.

CEQA: Not a Project, File No. PP10-066(a), Agreements for purchase of supplies, equipment, or services with no changes in the physical environment. (Finance)

Resolution No. 77528 adopted.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Lease Agreement with Camera 3 Entertainment, Inc.

Recommendation: Approve a five-year lease agreement with Camera 3 Entertainment, Inc. as tenant, for the use of approximately 7,850 square feet of retail space located at 288 S. Second Street in San José, at a rental rate of \$29,202 for the first year, \$29,640 for the second year, \$30,085 for the third year, \$30,536 for the fourth year, and \$30,994 for the fifth year. The total rental income for the five-year term of this lease is \$150,457. CEQA: Not a Project, File No. PP10-066(f) Agreements for the lease of equipment or space for the same use. Council District 3. (Economic Development)

Approved.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 Lease Agreement with FedEx Office and Print Services, Inc.

Recommendation: Approve a five-year lease agreement with FedEx Office and Print Services, Inc. as tenant, for the use of approximately 4,310 square feet of retail space located at 93 E. San Carlos Street in San José, at a rental rate of \$121,542 for the first year, \$121,542 for the second year, \$124,277 for the third year, \$127,384 for the fourth year, and \$127,384 for the fifth year. The total rental income for the five-year term of this lease is \$622,129. CEQA: Not a Project, File No. PP10-066(f) Agreements for the lease of equipment or space for the same use. Council District 3. (Economic Development)
Approved.

4.3 Agreement for Non-Exclusive Installation and Property Use of Telecommunications Facilities in the Right-of-Way and on City-Owned Property.

Recommendation: Adopt a resolution:

- (a) Approving a Master Agreement for the Non-Exclusive Installation and Property Use of Telecommunications Facilities in the Right-of-Way and on City-Owned Property (“Master Agreement”) for a 15 year term.
- (b) Approving a standard Site License Agreement for a five-year term with two additional five-year options to extend of up to five years each.
- (c) Approving a standard usage fee schedule based on a site’s location within the City, equipment space requirements, and effective radiated power output of the antenna facility.
- (d) Authorizing the City Manager to execute the Master Agreements and Site License Agreements and all other documents necessary to complete a transaction.

CEQA: Exempt, Guidelines Section 15303(d) Existing Facilities, File No. PP15-093.
(Economic Development)

Deferred to September 29, 2015.

Staff was directed to return with a supplemental memorandum describing outreach, providing further input and information.

4.4 Actions Related to the Acquisition or Lease of the Plaza Hotel from the Successor Agency to the Redevelopment Agency for Housing the Homeless.

Recommendation: Adopt a resolution directing the Interim Director of Housing to pursue steps necessary to investigate the potential utilization of the Plaza Hotel located in San José at 96 South Almaden Boulevard, currently owned by the Successor Agency to the Redevelopment Agency of the City of San José, for the purpose of housing the homeless. CEQA: Exempt, Section 15301 Existing Facilities, File No. PP15-078.

(Housing)

(Deferred from 6/16/15 – Item 4.2, et al, and 8/25/15 – Item 4.1)

(Action Continued on the Next Page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.4 Actions Related to the Acquisition or Lease of the Plaza Hotel from the Successor Agency to the Redevelopment Agency for Housing the Homeless. (Action Cont'd.)

The memorandum from Mayor Sam Liccardo, Vice Mayor Rose Herrera, Council Members Carrasco and Peralez, dated September 15, 2015, was approved, accepting the Staff report, with the City Manager directed to:

- (a) Pursue acquisition of the Plaza Hotel from the Successor Agency to the Redevelopment Agency and report back to Council on findings regarding costs and any obstacles to acquisition.**
- (b) Explore prioritizing the placement of homeless veterans in a portion of the units at the Plaza Hotel.**

Resolution No. 77529 adopted.

Noes: M. Nguyen.

4.5 Pilot Transitional Housing Communities for the Homeless.

Recommendation: Accept the staff report on the proposed pilot transitional housing program for the homeless. CEQA: Not a Project, File No. PP10-069 (a), Staff Reports or Annual Reports that involve no approvals of any City actions. (Housing)

Report Accepted.

Staff directed to return to Council in 30 days with evaluation of the County's Report.

4.6 Actions Related to the Acquisition of 226 Balbach for Future Affordable Housing Development.

Note: Item 4.6 was renumbered from Item 9.1.

Recommendation:

- (a) Adopt a resolution authorizing the Interim Director of Housing, on behalf of the City, to negotiate and execute a purchase and sale agreement to acquire that certain real property located at 226 Balbach Avenue from the Successor Agency to the Redevelopment Agency of the City of San José for \$2,410,000 from the Low and Moderate Income Housing Asset Fund for a future affordable housing development.**

The memorandum from Mayor Sam Liccardo and Council Member Raul Peralez, dated September 15, 2015, was approved, accepting the Staff recommendations, with Staff directed to undertake thorough community outreach to neighboring businesses and organizations, including the Market/Almaden Neighborhood Association, the San José Downtown Association, and specifically Oracle and PWC. Resolution No. 77530 adopted.

(Action Continued on the Next Page)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.6 Actions Related to the Acquisition of 226 Balbach for Future Affordable Housing Development. (Action Cont'd.)

- (b) Adopt the following Appropriation Ordinance amendments in the Low and Moderate Income Housing Asset Fund: (Cont'd.)
- (1) Increase the appropriation to the Housing Department for Housing Loans and Grants by \$2,410,000.
 - (2) Decrease the Housing Project Reserve appropriation by \$2,410,000.

CEQA: Determination of Consistency with the Downtown Strategy 2000 EIR

(Resolution No. 72767). (Housing/City Manager)

(Deferred from 8/25/15 – Item 9.1)

Ordinance No. 29615 adopted.

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

8.1 Actions Related to the Acceptance of the 2014 Staffing for Adequate Fire and Emergency Response Grant.

Recommendation: Adopt a resolution authorizing the City Manager or his designee to accept the 2014 Staffing for Adequate Fire and Emergency Response Grant in the amount of \$3,328,458 and to execute all documents necessary to effectuate the grant. CEQA: Not a Project, File No. PP10-067(c), Grant distribution that would not result in a physical change to the environment. (Fire)

Resolution No. 77531 adopted.

9. REDEVELOPMENT – SUCCESSOR AGENCY

9.1 Actions Related to the Acquisition of 226 Balbach for Future Affordable Housing Development.

Recommendation:

- (a) Adopt a resolution authorizing the Interim Director of Housing, on behalf of the City, to negotiate and execute a purchase and sale agreement to acquire that certain real property located at 226 Balbach Avenue from the Successor Agency to the Redevelopment Agency of the City of San José for \$2,410,000 from the Low and Moderate Income Housing Asset Fund for a future affordable housing development; and
- (b) Adopt the following Appropriation Ordinance amendments in the Low and Moderate Income Housing Asset Fund:
 - (1) Increase the appropriation to the Housing Department for Housing Loans and Grants by \$2,410,000; and
 - (2) Decrease the Housing Project Reserve appropriation by \$2,410,000.

CEQA: Determination of Consistency with the Downtown Strategy 2000 EIR

(Resolution No. 72767). (Housing/City Manager)

(Deferred from 8/25/15 – Item 9.1)

Note: Item 9.1 was renumbered to Item 4.6. See Item 4.6 for Action.

- **Open Forum**

There was no public testimony from the floor.

- **Adjournment**

Mayor Sam Liccardo adjourned the afternoon Council session at 6:34 p.m.

10. GENERAL PLAN PUBLIC HEARINGS

No General Plan Public Hearing at this time.

11. PUBLIC HEARINGS ON CONSENT CALENDAR

11.1 Public Hearings on Consent Calendar.

- (a) **Rezoning the Real Property Located at the Southern Terminus of Dove Hill Road and Southerly of Yerba Buena.**
Consideration of an ordinance rezoning the real property located at the southern Terminus of Dove Hill Road, approximately 1,890 feet southerly of Yerba Buena Road (3830 Dove Hill Road) from the A Agricultural Zoning District to the R-1-2 Single-Family Residence Zoning District on an approximately 3.34 gross acre site. CEQA: Addendum to the Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041). Director of Planning, Building, and Code Enforcement recommends approval. No Planning Commission action required. (Planning, Building, and Code Enforcement)
C14-065 – District 8
Ordinance No. 29616 passed for publication.
- (b) **Rezoning the Real Property Located on the Northeast Corner of Lincoln Avenue and Savaker Street.**
Consideration of an ordinance rezoning the real property located on the northeast corner of Lincoln Avenue and Savaker Street from the IP Industrial Park Coning District to the CIC Combined Industrial/Commercial Zoning on a 0.4-gross acre site. (Joseph and Nina Pavone Trustee, Owner). CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041). Director of Planning, Building, and Code Enforcement recommends approval. No Planning Commission action required. (Planning, Building, and Code Enforcement)
C15-031 – District 6
Ordinance No. 29617 passed for publication.
- (c) **Rezoning the Real Property Located on the Northwesterly Corner of McLaughlin Avenue and Carnelian Drive.**
Consideration of an ordinance rezoning the real property located on the northwesterly corner of McLaughlin Avenue and Cornelian Drive from the R-1-8 Single Family Residence Zoning to the PQP Public/Quasi Public Zoning District on 5.54-gross acre site. (Roman Catholic Bishop of San José, Owner). CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041). Director of Planning, Building, and Code Enforcement recommends approval. No Planning Commission action required. (Planning, Building, and Code Enforcement)
C15-035 – District 7
Ordinance No. 29618 passed for publication.

11. PUBLIC HEARINGS

11.2 Rezoning the Real Property Located on the Southeast Corner of Winchester Boulevard and Stevens Creek Boulevard.

Recommendation:

- (a) Certify the Environment Impact Report for the Santana Row Expansion Project, and adopt a resolution making certain findings concerning significant environmental impacts, mitigation measures and alternatives, adopting a mitigation monitoring and reporting program, and adopting a statement of overriding considerations, all in accordance with the California Environmental Quality Act (CEQA).
- (1) **The memorandum from Mayor Sam Liccardo and Council Members Oliverio, Jones, Rocha and Khamis, dated September 18, 2015, was approved, approving the recommendations as presented in the Staff Report dated September 8, 2015, with direction to the Administration that the \$3 Million protected intersection contribution from the developer be applied to improvements within the area affected by the Project's traffic impact consistent with the City's Protected Intersection Policy.**
- (2) **The Statement of Overriding Considerations was read into the Record.**
- (3) **Staff was further directed to circulate an information memorandum to the Council providing detailed history, background, opportunity for expansion and other information about the project.**

Resolution No. 77532 adopted.

- (b) Consideration of an ordinance rezoning the real property located on the southeast corner of Winchester Boulevard and Stevens Creek Boulevard from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District to expand the boundaries of a mixed-use development (Santana Row), increase the commercial square footage by 565, 641 square feet, allow an additional 47 residential units (for a total of 1, 229 units), with minor modifications to the existing use hours. (Federal Realty San Jose Town & Country Village LLC, Owner).

Ordinance No. 29619 passed for publication.

- (c) Adopt a resolution to approve the addition of Stevens Creek Boulevard and Monroe Street intersection to the protected intersection list pursuant to the provisions of the City's Transportation Impact Policy (City Policy 5-3).

CEQA: Santana Row Expansion Project Environmental Impact Report to be considered for adoption by City Council. Planning Commission recommends approval (7-0-0).

(Planning, Building, and Code Enforcement)

PDC13-050 – District 6

Resolution No. 77533 adopted.

11. PUBLIC HEARINGS

11.3 Rezoning the Real Property Located at the Northwest Corner of N. Capitol Avenue and Hostetter Road.

Recommendation: Consideration of an ordinance rezoning the real property located at the northwest corner of N. Capitol Avenue and Hostetter Road from the A(PD) Planned Development Zoning District to the CN(PD) Planned Development Zoning District to allow approximately 4,600 square feet of commercial uses that include: a convenience store, self-serve carwash tunnel and equipment room, and 6 fuel dispensers, on a a0.72 gross acre site (AU Energy LLC, Owner). CEQA: Exempt, Guidelines Section 15303(c) for New Construction of Small Structures. Planning Commission recommends approval (7-0-0). (Planning, Building, and Code Enforcement)

PDC14-065 – District 4

Ordinance No. 29620 passed for publication.

11.4 Planned Development Permit and Determination of Public Convenience or Necessity to Allow the Off-Sale of Alcohol in Conjunction with a Public Eating Establishment.

Recommendation: Consideration of a Planned Development Permit and Determination of Public Convenience or Necessity to allow the off-sale of alcohol in conjunction with a public eating establishment on 10.1-gross acre site, in the A(PD) Planned Development Zoning District Planned Development Zoning District, located at 181 East Tasman Drive. (Faz Oursohi, Owner). CEQA: Exempt, CEQA Guidelines Section 15301, Existing Facilities. Planning Commission recommends approval (7-0-0). (Planning, Building, and Code Enforcement)

PD15-016 & ABC15-006 – District 4

Resolution No. 77534 adopted.

- **Open Forum**

Bhinder Singh, Sikh Temple; Peter Fredrick, Jada Bernard and Ahmed Sayed expressed opposition to the visit by Indian Prime Minister Narendra Modi to the Silicon Valley and urged the Council not to endorse this event at the SAP Center in San José.

Allison Williams voiced her objection to the Bike and Pedestrian Plan for Branham Lane because of the reduced parking for residents and that due diligence was not performed.

- **Adjournment**

The Council of the City of San José was adjourned at 8:41 p.m. in memory of Mohan NS Kapoor, beloved community leader, entrepreneur and philanthropist. (Kalra)