



CITY COUNCIL AGENDA

SEPTEMBER 23, 2014

SYNOPSIS

PETE CONSTANT
ASH KALRA
SAM LICCARDO
KANSEN CHU
XAVIER E. CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

CHUCK REED MAYOR

MADISON NGUYEN, VICE MAYOR
ROSE HERRERA
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. 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, Mayor Reed 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**
 - 9:35 a.m.** - Closed Session, Call to Order in Council Chambers
Absent Council Members: Herrera, Kalra, Nguyen. (Excused)
 - 1:32 p.m.** - Regular Session, Council Chambers, City Hall
Absent Council Members: Nguyen. (Excused)
 - 7:03 p.m.** - General Plan / Public Hearings, Council Chambers, City Hall
Absent Council Members: Nguyen. (Excused)
- **Invocation (District 8)**
Father Bob Fambrini, Most Holy Trinity Catholic Church offered the Invocation.
- **Pledge of Allegiance**
Mayor Reed, accompanied by third graders from Rosemary Elementary School, led the Pledge of Allegiance.
- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved, with Item 4.1 deferred to September 30, 2014.

- **Closed Session Report**
No Report.

1. CEREMONIAL ITEMS

- 1.1** Presentation of a commendation to the three six grade classes at Renaissance Academy at Fischer for their beautification of the community through their artwork. (Campos)
Heard in the Evening.
Mayor Reed and Council Members Campos, Khamis, Herrera and Rocha recognized and commended three Six Grade Classes at Renaissance Academy at Fischer for their beautiful artwork.
- 1.2** Presentation of a commendation to Legends Futsal Alevin team for their first place finish at the 2014 World Futsal Championships in Kissimmee, Florida. (Campos)
(Rules Committee referral 9/17/14)
Heard in the Evening.
Mayor Reed and Council Member Campos recognized and commended Legends Futsal Alevin team for their first place finish at the 2014 World Futsal Championships in Kissimmee, Florida.
- 1.3** Presentation of a commendation to the League of Women Voters for their voter service activities and active participation in government. (Chu)
(Rules Committee referral 9/17/17)
Heard in the Evening.
Mayor Reed and Council Members Chu, Herrera and Kalra recognized and commended the League of Women Voters for their service.
- 1.4** Presentation of a Proclamation declaring the week of September 21-27, 2014 as Falls Prevention and Active Aging Week. (Constant)
(Rules Committee referral 9/17/14)
Mayor Reed and Council Member Constant recognized the week of September 21, 2014 through September 27, 2014 as “Falls Prevention and Active Aging Week” in the City of San José.
- 1.5** Presentation of a proclamation declaring the week of September 21 – 28, 2014 as Bollywood Week in the City of San José in celebration of the Indian entertainment industry and the arrival of Shah Rukh Khan's "SLAM! The Tour" at the SAP Center. (Herrera)
(Rules Committee referral 9/17/14)
Mayor Reed and Council Members Herrera, Kalra and Campos recognized the week of September 21, 2014 through September 28, 2014 as “Bollywood Week” in the City of San José.

2. CONSENT CALENDAR

2.1 Approval of Minutes.

Recommendation: Approval of minutes.

- (a) Regular Minutes of June 3, 2014.
- (b) Special Minutes of June 9, 2014 of the Final Public Hearing on the Proposed FY 2014-2015 Budget.
- (c) Regular Minutes of June 10, 2014.
- (d) Minutes of the Joint / San José Financing Authority of June 10, 2014.
- (e) Regular Minutes of June 17, 2014.
- (f) Minutes of the Joint / San José Financing Authority of June 17, 2014.
- (g) Special Closed Session Minutes of June 27, 2014.

Approved.

2.2 Final Adoption of Ordinances.

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 29484 – Amending Sections 20.100.180, 20.100.220, 20.100.630, 20.100.800, 20.100.820, 20.100.830, 20.100.920, 20.100.940 and 20.100.950 of Chapter 20.100 of Title 20 and Section 21.04.140 of Chapter 21.04 of Title 21 and Sections 21.07.040, 21.07.050, 21.07.060 and 21.07.080 of Chapter 21.07 of Title 21 of the San José Municipal Code to streamline the City's Environmental Clearance and Permitting Processes.

Ordinance No. 29484 adopted.

2.3 Approval of Council Committee Reports.

Recommendation: Approval of Council Committee Reports.

- (a) Rules and Open Government Committee Report of September 3, 2014. (Mayor)

Approved.

The motion to counter the memorandum from Council Member Kalra, dated September 19, 2014, recommending agendaing Item (g)(4) from the September 3, 2014 Rules and Open Government Committee Meeting : “Resolution in Support of an Amendment to the United States Constitution” on the October 21, 2014 Council Agenda for full Council discussion, failed.

Vote: (5-5-0. Noes: Constant, Herrera, Khamis, Oliverio; Reed. Absent: Nguyen.)

2.4 Mayor and Council Excused Absence Requests.

There were none.

2. CONSENT CALENDAR

2.5 City Council Travel Reports.

Mayor Reed and Council Member Constant attended the 2014 Silicon Valley Chamber of Commerce Study Mission Trip to New York, New York to meet with business, community and civic leaders and learn more about their best practices for disaster readiness, urban revitalization and economic development. Mayor Reed and Council Member Constant concurred that Bryant Park was the highlight of their trip.

Council Member Constant shared that he attended the League of California Cities Public Safety Committee Meeting and Annual Conference on September 3, 2014.

Council Member Campos reported that he attended the National Association of Latino Elected and Appointed Officials' National Policy Institute on Infrastructure in Dallas, Texas on September 12, 2014 through September 13, 2014.

2.6 Report from the Council Liaison to the Retirement Boards.

There were none.

2.7 Council Member Kalra's Travel to Houston, TX.

Recommendation: Approve travel by Council Member Kalra to Houston, TX on October 12 – 14, 2014 to attend the annual meeting and expo of the American Public Transportation Association. Source of Funds: Santa Clara Valley Transportation Authority. (Kalra)

Approved.

2.8 Use of the Design-Build Project Delivery Method for the Cogeneration Facility Project at the San José - Santa Clara Regional Wastewater Facility.

Recommendation: Adopt a resolution approving the use of the design-build project delivery method in accordance with California Public Contract Code Section 20193 for the construction of the Cogeneration Facility Project, which is estimated to cost in excess of \$2,500,000. CEQA: Mitigated Negative Declaration, File No. PP14-005. (Public Works/ Environmental Services)

Deferred to September 30, 2014 per Administration.

2. CONSENT CALENDAR

2.9 Actions Related to Council Member Campos' Travel to Guadalajara, Mexico.

Recommendation:

- (a) Approve travel by Council Member Campos to Guadalajara, Mexico on September 29, 2014 – October 1, 2014 to attend the World Conference on Information Technology (WCIT) Conference. Source of Funds: District 5 Council Funds, the WCIT and the City of Guadalajara. (Any personal travel or activities will be paid for using personal funds.)
- (b) Request for an excused absence for Council Member Campos from the Regular Meeting of the City Council on September 30, 2014 due to Authorized City Business: WCIT Conference.

(Campos)

(Rules Committee referral 9/17/14)

Approved.

2.10 Mayor Reed's Travel to New York, NY.

Recommendation: Approve travel by Mayor Reed to New York, NY on September 17 – 19, 2014 to attend the 2014 Silicon Valley Chamber of Commerce Study Mission Trip. Source of Funds: Mayor's Office Fund. (Mayor)

(Rules Committee referral 9/17/14)

Approved.

2.11 Job Description and Qualifications of the Independent Police Auditor.

Recommendation: As recommended by the Rules and Open Government Committee on September 17, 2014, consider a draft Council Policy establishing a job descriptions and qualifications required for the position of Independent Police Auditor. (Mayor)

[Rules Committee referral 9/17/14 – Item G(2)]

The following were approved by the Council for additional clarifications to the job description and qualifications of the Independent Police Auditor:

- (1) **Job Description: Participates as a member of the In-Custody Death Training Review Panel.**
- (2) **Qualifications: A member in good standing with a state bar, not necessarily the California bar.**
- (3) **Qualifications: Include "domestic partner" to the definition of immediate family members.**
- (4) **Qualifications: keep the word "shall" in lieu of "should" throughout the policy.**
- (5) **Qualifications: referring to Item (7) "Does not have any immediate family members, defined as a spouse, parent, sibling, child, grandparent or domestic partners who are sworn law enforcement officers with any law enforcement agency", i.e. a grandparent that retired 15 years earlier would not necessarily be held against them.**

Resolution No. 77161 adopted, as amended.

Noes: Constant, Khamis, Liccardo, Oliverio.

3. STRATEGIC SUPPORT SERVICES

**3.1 Report of the City Manager, Edward Shikada (Verbal Report).
No Report.**

3.2 Labor Negotiations Update.

Recommendation: Accept Labor Negotiations Update.
Heard at 9:35 a.m.
No Report.

3.3 Actions Related to the Citywide Insurance Renewals and Related Appropriation Ordinance Amendments in the Convention and Cultural Affairs Fund.

Recommendation:

- (a) Adopt a resolution authorizing the City Manager to select and purchase certain City property and liability insurance policies for the period October 1, 2014 to October 1, 2015, at a total cost not to exceed \$1,700,000 for all policies, with the following insurance carriers, subject to the appropriation of funds:
- (1) Lexington Insurance Company, Boston, MA for Property Insurance, including Boiler & Machinery.
 - (2) QBE Insurance 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) Travelers - or other insurers that the City is currently in negotiations with - for Automobile Liability (Airport fleet vehicles including Shuttle Buses, Regional Wastewater Facility fleet vehicles, and Airport Shuttle Bus physical damage.
 - (4) Indian Harbor Insurance Company for Secondary Employment Law Enforcement Professional Liability.

Resolution No. 77162 adopted.

- (b) Adopt the following 2014-2015 Appropriation Ordinance amendments in the Convention and Cultural Affairs Fund:
- (1) Increase the Insurance Expenses appropriation to the Finance Department for Insurance Expenses by \$11,000.
 - (2) Decrease the Ending Fund Balance by \$11,000.

CEQA: Not a Project, File No. PP 10-066(a), Agreements and Contracts for purchase of insurance. (Finance/City Manager)

Ordinance No. 29487 adopted.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Initiation of the Annexation/Reorganization of Communications Hill No. 1.

Recommendation: Adopt a resolution initiating proceedings and setting November 18, 2014 at 1:30 p.m. for Council consideration on the reorganization of the territory designated as Communications Hill No. 1 which involves the annexation to the City of San José of an approximately 310.20 gross-acre portion of County territory consisting of twenty (20) lots and public right-of-way generally located on the south side of the Union Pacific Railroad tracks, west side of Hillsdale Ave., northerly of Adeline Ave. and Altino Blvd., and easterly of Highway 87 at the terminus of Carol Drive; and the detachment of the same area from the appropriate special districts, including Central Fire Protection and Area No. 01 (Library Services) County Service. (Multiple Property Owners). CEQA: Not a Project, File No. PP10-069, City Organizational and Administrative Activities. Council Districts 6 and 7. (Planning, Building and Code Enforcement)

Deferred to September 30, 2014 per Orders of the Day.

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

8.1 Use of Police Reserves.

Recommendation:

- (a) As recommended by the Public Safety, Finance, and Strategic Support Committee on May 15, 2014, accept the report on the Use of Police Reserves.
- (b) Accept the Police Department's work plan for revisions to San José Municipal Code Chapter 8.12 – San José Police Reserve.

CEQA: Not a Project, File No. PP10-069(A), Staff Reports. (Police)

[Public Safety, Finance, and Strategic Support Committee 5/15/14 – Item D(2)]

(Deferred from 6/17/14 – Item 8.1, et al 9/16/14 – Item 8.1)

Accepted.

9. REDEVELOPMENT – SUCCESSOR AGENCY

9.1 Compensation and Benefit Changes for Successor Agency to the Redevelopment Agency Employees.

Recommendation: Adopt a resolution approving compensation changes for Successor Agency to the Redevelopment Agency of the City of San José (Successor Agency) employees reflecting a 5.0% salary increase for Fiscal Year 2014-2015, effective retroactively to June 22, 2014. CEQA: Not for Project, File No. PP10-069(b), Personnel Related Decisions. (Successor Agency)

The memorandum from Mayor Reed, dated September 17, 2014, was approved, adopting the Staff recommendations as indicated in the memorandum dated September 3, 2014, with the following addition:

- (1) Award each Successor Agency employee a one-time, non-pensionable cash payment equal to 12 months of the 2% pay increase that they would have enjoyed had they been included in the increase granted to other City employees in FY 2013-2014.**

SARA Resolution No. 7033 adopted, as amended.

- **Open Forum**

David Wall complained about a “junk” vehicle that has been parked on his neighborhood street for two weeks creating blight and unsanitary conditions.

- **Adjournment**

The Council of the City of San José adjourned the afternoon session at 3:00 p.m.

10. GENERAL PLAN PUBLIC HEARINGS ON CONSENT CALENDAR

10.1 Tentative approval of General Plan Consent Calendar items.

Recommendation:

- (a) **Amendment on Approximately 0.91 Gross Acre Site, Located on the East Side of San Thomas Expressway Between the Southerly Terminus of Coakley Drive and Northern Terminus of Vicar Lane.**

Recommendation: Tentative approval of a General Plan Amendment to change the Land Use/Transportation Diagram designation from Public/Quasi-Public to Residential Neighborhood to reflect the existing residential use of three parcels totaling approximately 0.91 gross acres, located on the east side of San Tomas Expressway between the southern terminus of Coakley Drive and northern terminus of Vicar Lane (855 Coakley Drive; 925 Vicar Lane; 929 Vicar Lane) (Multiple Owners). CEQA: Envision San José 2040 General Plan EIR, Resolution No. 76041 and Addenda thereto. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1). (Planning, Building and Code Enforcement)

GP13-010 – District 1

The City Council tentatively approved the proposed General Plan Amendment.

- (b) **Amendment on a 3.05 Gross Acre Site, Located at 1452 and 1460 Cote de Rosa and 1472, 1477, 1478, 1483, 1486 and 1489 Corte de Maria.**

Recommendation: Tentative approval of a General Plan Amendment to change the Land Use/Transportation Land Use designation from Open Space, Parklands and Habitat to Residential Neighborhood to align with the existing residential use on a 3.05 gross acre site, located at 1452 & 1460 Cote de Rosa and 1472, 1477, 1478, 1483, 1486, 1489 Corte de Maria (Edenbridge Capital Parts LP, Owner). CEQA: Envision San José 2040 General Plan EIR, Resolution No. 76041 and Addenda thereto. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1). (Planning, Building and Code Enforcement)

GP13-011- District 10

The City Council tentatively approved the proposed General Plan Amendment.

10. GENERAL PLAN PUBLIC HEARINGS

10.1 Tentative approval of General Plan Consent Calendar items. (Cont'd.)

Recommendation:

- (c) **Amendment on an Approximately 1.7 Gross Acre Site, Located at the Northeast Corner of Clayton Road and Hickerson Drive.**

Recommendation: Tentative approval of a General Plan Amendment to change the Land Use/Transportation Diagram designation from Lower Hillside to Public/Quasi-Public to reflect the existing religious assembly use on an approximately 1.7 gross acre site, located at the northeast corner of Clayton Road and Hickerson Drive (10160 Clayton Road) (Hillhouse Construction Company Inc, Owner). CEQA: Envision San José 2040 General Plan EIR, Resolution No. 76041 and Addenda thereto. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1). (Planning, Building and Code Enforcement)

GP13-012 – District 5

The City Council tentatively approved the proposed General Plan Amendment.

- (d) **Amendment on a 1.4 Acre Portion of Approximately 6.4 Gross Acre Site, Located at the Southwest Terminus of Trinity Place.**

Recommendation: Tentative approval of a General Plan Amendment to change the Land Use/Transportation Diagram designation from Residential Neighborhood to Public/Quasi-Public to reflect the existing education-related use on a 1.4 acre portion of an approximately 6.4 gross acre site, located at the southwest terminus of Trinity Place (3235 Union Avenue) (Campbell Union HSD, Owner). CEQA: Envision San José 2040 General Plan EIR, Resolution No. 76041 and Addenda thereto. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1). (Planning, Building and Code Enforcement)

GP13-013 – District 9

The City Council tentatively approved the proposed General Plan Amendment.

10. GENERAL PLAN PUBLIC HEARINGS

10.1 Tentative approval of General Plan Consent Calendar items. (Cont'd.)

Recommendation:

- (e) **Amendment on a 10.5 Gross Acre Site Located at the Southwesterly Corner of Great Oaks Parkway and Perimeter Road.**

Recommendation: Tentative approval of a General Plan Amendment to change the Land Use/Transportation Diagram designation from Industrial Park to Public/Quasi-Public to reflect the existing public use (Police Substation) on a 10.5 gross acre site located at the southwesterly corner of Great Oaks Parkway and Perimeter Road (6087 Great Oaks Parkway) (City Of San José, Owner). CEQA: Envision San José 2040 General Plan EIR, Resolution No. 76041 and Addenda thereto. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1). (Planning, Building and Code Enforcement)

GP13-014 – District 2

The City Council tentatively approved the proposed General Plan Amendment.

- (f) **Amendment on an Approximately 0.76 Gross Acre Site Located on the East Side of Ruby Avenue, Approximately 375 Feet South of Aborn Road.**

Recommendation: Tentative approval of a General Plan to change the Land Use/Transportation Diagram designation from Open Space, Parklands and Habitat to Public/Quasi-Public to reflect the existing use on an approximately 0.76 gross acre site, located on the east site of Ruby Avenue, approximately 375 feet south of Aborn Road (3100 Ruby Avenue) (City Of San José, Owner). CEQA: Envision San José 2040 General Plan EIR, Resolution No. 76041 and Addenda thereto. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1). (Planning, Building and Code Enforcement)

GP13-015 – District 8

The City Council tentatively approved the proposed General Plan Amendment.

10. GENERAL PLAN PUBLIC HEARINGS

10.1 Tentative approval of General Plan Consent Calendar items. (Cont'd.)

Recommendation:

- (g) **Amendment on an Approximately 0.38 Gross Acre Site Located on the Northwest Corner of Gallup Drive and Mesa Drive.**

Recommendation: Tentative approval of a General Plan Amendment to change the Land Use/Transportation Diagram designation from Public/Quasi-Public to Urban Residential on an approximately 0.38 gross acre site located on the northwest corner of Gallup Drive and Mesa Drive (5647 Gallup Drive & 1171 Mesa Drive) (Successor Agency to the San José Redevelopment Agency, Owner). CEQA: Envision San José 2040 General Plan EIR Resolution No. 76041 and Addenda thereto. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1). (Planning, Building and Code Enforcement)

GP13-016 – District 10

The City Council tentatively approved the proposed General Plan Amendment.

- (h) **Amendment on an Approximately 3.92 Gross Acre Site, Located on the South Side of Aborn Road, Approximately 300 Feet East of Silver Creek Road.**

Recommendation: Tentative approval of a General Plan Amendment to change the Land Use/Transportation Diagram designation from Mixed Use Neighborhood to Neighborhood/Community Commercial to reflect to existing retail use on an approximately 3.92 gross acre site, located on the south side of Aborn Road, approximately 300 feet east of Silver Creek Road (1900 Aborn Road) (Evergreen Valley Estates LLC, Owner). CEQA: Envision San José 2040 General Plan EIR, Resolution No. 76041 and Addenda thereto. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1). (Planning, Building and Code Enforcement)

GP13-008 – District 8

The City Council tentatively approved the proposed General Plan Amendment.

10. GENERAL PLAN PUBLIC HEARINGS

10.1 Tentative approval of General Plan Consent Calendar items. (Cont'd.)

Recommendation:

- (i) **Amendment on a 1.35 Gross Acre Site, Located Easterly of North Capitol Avenue, Approximately 470 Feet South of Sierra Road.**

Recommendation: Adopt a Negative Declaration and tentative approval of a General Plan Amendment to change the Land Use/Transportation Diagram designation from Neighborhood/Community Commercial to Residential Neighborhood on a 1.35 gross acre site, located easterly of North Capitol Avenue, approximately 470 feet south of Sierra Road (1280, 1284, and 1288 North Capitol Avenue) (Lena E Scimeca, Owner). CEQA: Negative Declaration to be adopted. Planning Commission recommends approval (6-0-1). (Planning, Building and Code Enforcement)

GP14-004 – District 4

The City Council tentatively approved the proposed General Plan Amendment.

- (j) **Amendment on a 0.13 Gross Acre Site, Located on the Southwest Corner of West Julian Street and North Almaden Boulevard, Approximately 125 Feet Westerly of North Almaden Boulevard, 150 Feet Northerly of West Saint John Street, and 200 Feet Southerly of West Julian Street.**

Recommendation: Tentative approval of General Plan Amendment to change the Land Use/Transportation Diagram designation from Open Space/Parklands/Habitat to Downtown on a 0.13 gross acre site, located on the southwest corner of West Julian Street and North Almaden Boulevard, approximately 125 feet westerly of North Almaden Boulevard, 150 feet northerly of West St. John Street, and 200 feet southerly of West Julian Street (APNs: 259-30-105 & 259-30-106) (Silicon Valley Homes LLC, Owner). CEQA: Envision San José 2040 General Plan EIR, Resolution No. 76041 and Addenda thereto. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1). (Planning, Building and Code Enforcement)

GP14-006- District 3

The City Council tentatively approved the proposed General Plan Amendment.

10. GENERAL PLAN PUBLIC HEARINGS

10.1 Tentative approval of General Plan Consent Calendar items. (Cont'd.)

Recommendation:

- (k) **Amendment on a 2.9 Acre Site, Located on the East Side Sunol Street Approximately 100 Feet North of West San Carlos Street.**

Recommendation: Tentative approval of General Plan Amendment to change the Land Use/Transportation diagram designation from Mixed Use Commercial to Urban Residential on an approximately 0.6 acre portion of two adjoining parcels with a combined area of 2.9 acres, located on the east side Sunol Street approximately 100 feet north of West San Carlos Street (258 and 270 Sunol Street) (Santa Clara County Board Of Education and James R Marcus Trustee, Owners). CEQA: Envision San José 2040 General Plan EIR, Resolution No. 76041 and Addenda thereto. Planning Commission recommends approval (5-0-1-1). (Planning, Building and Code Enforcement)

GP14-007 – District 6

The City Council tentatively approved the proposed General Plan Amendment.

- (l) **Amendment on a 0.72 Acres and 0.72 Acres, Located on the East Side of North 4th Street Between East Saint James and East Julian.**

Recommendation: Tentative approval of a General Plan Amendment request to change the Land-Use/Transportation Diagram land use designation from Residential Neighborhood on three parcels totaling 0.70 acres and Neighborhood Community Commercial on four parcels totaling 0.72 acres to Downtown Core, located on the east side of North 4th Street between East Saint James and East Julian Streets (210, 222, 234, 246, 250, 260, and 298 North 4th Street) (Green Valley Corporation, Owner). CEQA: Envision San José 2040 General Plan EIR, Resolution No. 76041 and Addenda thereto. (Planning, Building and Code Enforcement)

GP14-003 – District 3

Item 10.1(l) was dropped.

END OF GENERAL PLAN PUBLIC HEARING ON CONSENT CALENDAR

10. GENERAL PLAN PUBLIC HEARINGS

10.2 General Plan Text Amendment: GPT14-001.

Recommendation: Tentative approval of a General Plan text amendment request to revise the Envision San José 2040 General Plan Text to incorporate the Housing Element for 2014-2023, which text amendments include but are not limited to: revising Chapter 7 “Implementation”; adding new Appendices including but not limited to Appendix 11 “Housing Element for 2014-2023”; and revising or deleting references to Appendix C “Housing Element Update 2007-2014,” of the San José 2020 General Plan, all to update demographic and housing data, goals, policies, and implementation actions and to make other minor technical, clarifying and clerical revisions, as necessary, to comply with State Housing Element Law (Government Code Section 65580-65589.8). CEQA: Envision San José 2040 General Plan EIR, Resolution No. 76041, and Addenda thereto; Downtown Strategy 2000 EIR, Resolution No. 72767, and Addenda thereto; North San José Development Policies EIR, Resolution No. 72768, and Addenda thereto; and Diridon Station Area Plan EIR, Resolution No. 77096 and Addenda thereto (collectively, the “Final Program EIRs”). Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that this activity is within the scope of the earlier approved programs and the Final Program EIRs adequately describe the activity for purposes of CEQA. The project does not involve new significant effects beyond those analyzed in the Final Program EIRs. Planning Commission recommends approval (6-0-1). (Planning, Building and Code Enforcement)

GPT14-001 – District: Citywide

The City Council tentatively approved the proposed General Plan Amendment. Staff was directed to incorporate the comments from Council and return September 30, 2014.

The Housing Element for 2014-2023 was continued to September 30, 2014.

10. GENERAL PLAN PUBLIC HEARINGS

10.3 General Plan Text Amendment: GPT14-002.

Recommendation: Tentative approval of a General Plan Text Amendment request to modify policies in the Environmental Leadership chapter of the Envision San José 2040 General Plan to require that pre-construction surveys for migratory birds be conducted for certain projects that propose to disturb trees. CEQA: Envision San José 2040 General Plan EIR, Resolution No. 76041 and Addenda thereto. (Planning, Building and Code Enforcement)

GPT14-002 – District: Citywide

Deferred to September 30, 2014 per Administration.

10.4 Adopt a Resolution Approving All General Plan Amendment Actions on September 23, 2014.

Recommendation: Adopt a resolution approving all of the General Plan amendment actions taken on September 23, 2014. (Planning, Building and Code Enforcement)

Continued to September 30, 2014 per Administration.

11. PUBLIC HEARINGS

11.1 Public Hearings on Consent Calendar.

No Public Hearings on Consent Calendar at this time

11.2 Administrative Hearing and Consideration of an Appeal of the Planning Commission's Decision to Approve a Conditional Use Permit to Allow Installation of a 65-Foot Tall Monopine and Associated Ground Mounted Equipment Facility.

Recommendation: Conduct an Administrative Hearing and consider an Appeal of the Planning Commission's decision to approve a Conditional Use Permit to allow installation of a 65-foot tall monopine and associated ground mounted equipment facility on an approximately 0.32 gross acre site, in the CP Commercial Pedestrian Zoning District, located at 3649 Union Avenue (David G Roberts Trustee & Et Al, Owner). CEQA: Exempt, File No. CP14-030. (Planning, Building and Code Enforcement) CP14-030 – District 9

The Administrative Hearing was held.

The revised memorandum from Council Member Rocha, dated September 23, 2014, was approved, approving the Staff recommendations with the following amendments:

- (1) **Provide that the permit shall expire ten years from the date on which it is issued. The use would be able to continue on the site after the expiration of this permit, if a new permit is obtained.**
- (2) **Make the following amendments to the provision concerning co-location:**
 - (a) **Delete Permit Condition 12, which requires that the Applicant allow co-location of antennas for other providers at the proposed monopole facility, as well as allow additional at-grade equipment to facilitate co-location.**
 - (b) **Replace the deleted condition with a new condition that prohibits co-location on the site.**
- (3) **Revise condition around the monopole and not the monopine.**

Resolution No. 77164 adopted, as amended.

Noes: Liccardo.

Abstain: Khamis.

11. PUBLIC HEARINGS

11.3 Rezoning the Real Property Located at 1365 North Tenth Street.

Recommendation: Consideration of ordinance rezoning the real property located at 1365 North Tenth Street from LI Light Industrial Zoning District to HI Heavy Industrial Zoning District on a 0.90 gross acre site. CEQA: Envision San José 2040 General Plan EIR, Resolution No. 76041 and Addenda thereto. (Planning, Building and Code Enforcement)

C14-041 – District 3

Ordinance No. 29488 passed for publication.

11.4 Actions Related to Rezoning of the Real Property Located at the Northeast Corner of Park Avenue and Laurel Grove Lane.

Recommendation:

- (a) Adopt a resolution adopting the Mitigated Negative Declaration for the Park Avenue Senior and Multi-Family Housing Project and a related Mitigation Monitoring and Reporting Program.
- (b) Consideration of an ordinance rezoning the real property located at the northeast corner of Park Avenue and Laurel Grove Lane (777 Park Avenue) from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District to allow up to 182 multi-family attached units on 2.14 gross acres site (County of Santa Clara Housing Authority, Owner).

CEQA: Mitigated Negative Declaration to be considered for adoption. Planning Commission recommends approval (5-0-2). (Planning, Building and Code Enforcement)

PDC13-012 – District 6

Deferred to September 30, 2014 per Rules And Open Government Committee.

11.5 Actions Related to Rezoning the Real Property Located on the Northeast Corner of North First Street and Matrix Boulevard.

Recommendation:

- (a) Certify the Environmental Impact Report for the Bay 101 Casino and Mixed Use 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.

Resolution No. 77165 adopted.

Noes: Liccardo.

11. PUBLIC HEARINGS

11.5 Actions Related to Rezoning the Real Property Located on the Northeast Corner of North First Street and Matrix Boulevard. (Cont'd.)

Recommendation:

- (b) Consideration of an ordinance rezoning the real property located on the northeast corner of North First Street and Matrix Boulevard (1740 North First Street) from the CG Commercial Zoning District to the CG(PD) Planned Development Zoning District to allow the uses of the CG Commercial General Zoning District, including a relocated cardroom (Bay 101) on a 19.4 gross acre site (Bumb & Associates et al, Owner).

CEQA: Bay 101 Casino and Mixed Use Project Environmental Impact Report (EIR) to be considered for certification and adoption. Planning Commission recommends approval (6-0-1). (Planning, Building and Code Enforcement)

PDC13-017 – District 3

The memorandum from Council Member Rocha, dated September 23, 2014, was approved, accepting the recommendation of the Planning Commission and the proposed planned development rezoning was approved.

Ordinance No. 29489 passed for publication.

Noes: Liccardo.

11.6 Rezoning the Real Property Located on the Southwest side of the Terminus of Technology Drive.

Recommendation: Consideration of ordinance rezoning the real property located on the southwest side of the terminus of Technology Drive (1601 Technology Drive) from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow 350,000 square feet of office use on a 5.29 gross acre site (Blackhawk Parent, LLC, Owner). CEQA: Addendum to the Final Program EIR for the North San José Development Policies Update, Resolution No. 72768; the Final Program EIR for the Spieker/Skyport Project, Resolution No. 69421; and the Final Program EIR for the Envision San José 2040 General Plan, Resolution No. 76041. Planning Commission recommends approval (6-0-1). (Planning, Building and Code Enforcement)

PDC13-041 – District 3

The following conditions were approved:

- (1) **No encroachment in terms of height or reduction in setback from that seven boundary as indicated on the Conceptual Site Plan 1.2 submitted by the Applicant.**
- (2) **The Applicant was directed to contribute to lighting improvements along Sonora Drive to accommodate lightrail riders walking to and from the development.**
- (3) **The Applicant was directed to continue to work with Staff and the community to protect the reasonable privacy and interest of residents who live nearby.**

Ordinance No. 29490 passed for publication, as amended.

11. PUBLIC HEARINGS

11.7 Administrative Hearing and Consideration of an Appeal of the Planning Director’s Adoption of an Addendum to the Chaboya Ranch Mitigated Negative Declaration and Richmond Ranch Final Environmental Impact Report.

Recommendation: Conduct an Administrative Hearing and consideration of an Appeal of the Planning Director’s adoption of addendum to the Chaboya Ranch Mitigated Negative Declaration and Richmond Ranch Final Environmental Impact Report which will increase the area of site disturbance due to the construction of the Chaboya Ranch project from about 3.03 acres to 4.3 (with a total of 72,200 cubic yards of cut and 10,200 cubic yards of fill, expand grading onto an adjacent undeveloped property to the northwest of the project site (APN 660-58-002), and alter grading with a 100 feet riparian corridor setback. Location: East side of San Felipe Road and west side of Livery Lane, approximately 650 feet southerly of Running Springs Road (7500 San Felipe Road).

(Planning, Building and Code Enforcement)
PDA94-021-01/PDA13-008-01 – District 8

Dropped; To Be Renoticed.

- **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 pending decision on the following Final Maps:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/ Units</u>	<u>Type</u>	<u>Proposed Decision</u>
10154	W/S of N. 1 st Street, 450’ S/O Rio Robles	4	Irvine Company	4 Lots/ 0 Units	None (Land only)	Approve

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>
10262	1590 Berryessa Rd	4	Flea Market Inc	6 / 45	MFA

- **Open Forum**

There was no public testimony from the floor.

- **Adjournment**

The Council of the City of San José was adjourned at 11:11 p.m. in memory of Haylie Lynn Jackson. At the age of nine, Haylie’s courageous fight against bone cancer inspired and educated many, especially in the Sartorette Elementary School community. Her courage and joy were virtues we should all aspire to. (Rocha)