



City Council Meeting Amended Agenda

Tuesday, March 10, 2020

SAM LICCARDO, MAYOR
CHAPPIE JONES, VICE MAYOR, DISTRICT 1
SERGIO JIMENEZ, DISTRICT 2
RAUL PERALEZ, DISTRICT 3
LAN DIEP, DISTRICT 4
MAGDALENA CARRASCO, DISTRICT 5
DEV DAVIS, DISTRICT 6
MAYA ESPARZA, DISTRICT 7
SYLVIA ARENAS, DISTRICT 8
PAM FOLEY, DISTRICT 9
JOHNNY KHAMIS, 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** - The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- **Public Safety** - Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.
- **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.
- **Environmental and Utility Services** - Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Neighborhood Services** - Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **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.

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:

- o **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.
- o 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.

- o 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.
- o 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 6 p.m. as needed, unless otherwise noted. The City Council, or less than a quorum, may adjourn any regular, special or adjourned meeting to a later date, time and place specified in the order of adjournment. If all members are absent, the City Clerk may declare the meeting adjourned to a stated date, time and place. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at <http://www.sanjoseca.gov/index.aspx?NID=3549>. Council Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Tower 14th Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for the final document.

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

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

- Call to Order and Roll Call

9:30 a.m.- Closed Session, Call to Order in Council Chambers

Open Session, Labor Negotiations Update (See Item 3.2)

Adjourn to Closed Session in Council Chambers Conference Room, W133

See Separate Agenda

[20-018](#)

Closed Session Agenda

Attachments

[Closed Session Cancellation Agenda](#)

1:30 p.m.- Regular Session, Council Chambers, City Hall

6:00 p.m.- Evening Session, Council Chambers, City Hall

*Will not begin until 6pm or until after all afternoon items are heard, whichever is later.

- Invocation (District 3)

Mike McGee, Santa Clara County Poet Laureate, 2018-2019

- Pledge of Allegiance

- Orders of the Day

To be heard after Ceremonial Items

* SEE NEW ITEM 3.5, "Ratification and Extension of Proclamation of Local Emergency Due to Confirmation From the Santa Clara County Department of Public Health That Community Transmission of the 2019 Novel Coronavirus (COVID-19) is Happening at the Local Level" AND NEW ITEM 8.3 "Actions Related to Income Loss and Evictions Due to Novel Coronavirus" TO BE ADDED UNDER ORDERS OF THE DAY, REQUIRES A DETERMINATION BY A TWO-THIRDS (2/3) VOTE OF THE MEMBERS OF THE COUNCIL PRESENT AT THE MEETING, OR, IF LESS THAN TWO-THIRDS (2/3) OF THE MEMBERS OF THE COUNCIL ARE PRESENT AT THE MEETING, A UNANIMOUS VOTE OF THOSE MEMBERS PRESENT THAT THERE IS A NEED TO TAKE IMMEDIATE ACTION. Council's Rules of Conduct, Resolution No. 79367, Rule 3(d).

Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.

- Adjournment

This meeting will be adjourned in honor of Dr. Jerrold “Jerry” Hiura. Dr. Jerry was an important and spirited community leader, a tireless force in San José’s arts and cultural community and also a popular family dentist. Dr. Jerry was among the first appointees to City of San José’s Arts Commission, and a co-founder of the Contemporary Asian Theatre Scene (CATS). He spent his life passionately involved in bringing diversity to organizations at the local and state levels, with a particular interest in promoting the work and growth of Asian artists. At the time of his passing, he and his wife Lucia Cha were serving as trustees on the board of San Jose Museum of Art. Dr. Jerry’s memory is cherished by his wife Lucia Cha, mother Dorothy, sister Barbara Hiura, and also leaves behind step children, their spouses and grandchildren.

- **Closed Session Report**

To be heard after Ceremonial Items

1. CEREMONIAL ITEMS

1.1 Presentation of a Proclamation recognizing March as National Nutrition Month. (Davis)

1.2 Presentation of a Proclamation declaring March 11, 2020 as National 311 Day to recognize the significant contributions of our emergency and non-emergency contact representatives. (Mayor)

1.3 Presentation of a Proclamation recognizing March as American Red Cross Month. (Davis)

TO BE HEARD IN THE EVENING

2. CONSENT CALENDAR

Notice to the public: There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item may be removed from the Consent Calendar and considered separately.

2.1 Approval of City Council Minutes.

20-242**Approval of City Council Minutes.****Recommendation:**

- (a) Regular City Council Meeting Minutes of April 24, 2018.
 - (b) Regular City Council Meeting Minutes of May 8, 2018.
 - (c) City Council Special Meeting: San José Sexual Assault Response and Strategy Meeting Minutes of November 12, 2019.
 - (d) Regular City Council Meeting Minutes of February 25, 2020.
- CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

Attachments

- [\(a\) 4-24-2018 Council Minutes \(Draft\)](#)
- [\(b\) 5-8-2018 Council Minutes \(Draft\)](#)
- [\(c\) 11-12-2019 Special Meeting Minutes \(Draft\)](#)
- [\(d\) 2-25-2020 Council Minutes \(Draft\)](#)

2.2 Final Adoption of Ordinances.

[20-232](#)

Final Adoption of Ordinances.

Recommendation:

(a) Ord No. 30368 - An Ordinance of the City of San José Granting a Commercial Solid Waste and Recyclables Collection Franchise to Norm's Recycling LLC.

[Passed for Publication on 2/25/2020 - Item 6.5(b)(1) (20-180)]

(b) Ord No. 30369 - An Ordinance of the City of San José Granting a Commercial Solid Waste and Recyclables Collection Franchise to Garden of Eden Landscapes, Inc. DBA Ground Force Enterprises.

[Passed for Publication on 2/25/2020 - Item 6.5(b)(2) (20-180)]

(c) Ord No. 30371 - An Ordinance of the City of San José Amending Section 23.04.038 (North San José Signage Area) and Section 23.04.124 (Downtown Sign Zone) of Chapter 23.04 of Title 23 of the San José Municipal Code to Modify Permit Provisions for New Supergraphic Signs; Amending Section 23.04.156 of Part 2.5 (Urban Mixed-Use Sign Development Zone) of Chapter 23.04 of Title 23 to Allow Skyline Signs; and to Make Other Non-Substantive, Ministerial, Technical, or Typographical Changes to Chapter 23.04 of Title 23 of the San José Municipal Code.

[Passed for Publication on 2/25/2020 - Item 10.1(a) (20-186)]

(d) Ord No. 30372 - An Ordinance of the City of San José Amending Title 20 of the San José Municipal Code (Zoning Ordinance) to: Change Permit Requirements for Drinking Establishment in Conjunction with a Winery Brewery or Distillery an Off-Sale of Alcoholic Beverages as Incidental to a Winery Brewery or Distillery in the Commercial, Industrial, and Downtown Zoning Districts in Table 20-90 in Section 20.40.100 of Chapter 20.40, Table 20-110 in Section 20.50.100 of Chapter 20.50, and Table 20-140 in Section 20.70.100 of Chapter 20.70; Amend Table 20-90 in Section 20.40.100 of Chapter 20.40, and Table 20-140 in Section 20.70.100 of Chapter 20.70 to Include Taproom or Tasting Room with Off-Sale of Alcohol; Amend the Parking Requirement for Medical or Dental Clinic/Out-Patient Facility in Table 20-140 of Section 20.70.100; Amend Section 20.50.110 Commercial Support to Include the Administrative Permit for Off-Sale of Alcohol; Amend Section 20.80.900 to Include a Section for Off-Sale of Alcoholic Beverages in Conjunction with Wineries, Breweries, and Distilleries; Add Part 5.75 Taproom or Tasting Room with Off-Sale of Alcoholic Beverages to Chapter 20.80; Add a Parking Requirement for Taproom or Tasting Room Use in Table 20-190 in Chapter 20.90; Update the Definition for drinking Establishment in Section 20.200.1273 of Chapter 20.200; and Make Other Technical, Non-Substantive, or Formatting Changes Within those Sections of Title 20 of the San José Municipal Code.

[Passed for Publication on 2/25/2020 - Item 10.1 (b) (20-187)]

(e) Ord No. 30373 - An Ordinance of the City of San José Amending Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code to Amend Section 20.30.600 Table 20-80 to Add Clarifying Language to the Corner Lot Side Setback Area Definition and Standards; Amend Section 20.80.1410 to Clarify the Term “Director;” Amend Section 20.80.1440 to Add Lawful Non-Residential Uses into Residential Zoning Districts for the Outdoor Private Property Special Events Permit Process; Amend Section 20.80.1450 to Add Clarifying Language which Defines Setbacks for Lawful Non-Residential Uses; Amend Section 20.80.1460 to Include Downtown Zoning Districts and Reduce Setbacks for Outdoor Private Property Special Events in Commercially Zoned Districts within Designated Neighborhood Business Districts when in Compliance with Residential Standards under this Part; Amend Section 20.80.1460 and 20.80.1470 to Increase the Number of Outdoor Private Property Special Events which can Take Place in Commercial and Industrial Zoning Districts; Amend Section 20.80.1510 to Increase the Permit Acceptance or Denial Period from Thirty (30) to Forty-Five (45) Days; and to Make Other Technical, Non-Substantive, or Formatting Changes within Those Sections of Title 20 of the San José Municipal Code.

[Passed for Publication on 2/25/2020 - Item 10.1(c) (20-188)]

(f) Ord No. 30374 - An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.86-Gross Acre Situated on the Southeast Corner of Stockton Avenue and West Julian Street (292 Stockton Avenue) (APN 259-28-028), from the Hi Heavy Industrial Zoning District to the DC Downtown Primary Commercial Zoning District.

[Passed for Publication on 2/25/2020 - Item 10.2 (b)(2) (20-189)]

2.3 Approval of Council Committee Minutes.

20-254**Approval of Council Committee Minutes.****Recommendation:**

- (a) Regular AD-HOC Committee on Development Services Meeting Minutes of January 24, 2019.
 - (b) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of April 3, 2019.
 - (c) Regular Smart Cities and Service Improvements Committee Meeting Minutes of April 4, 2019.
 - (d) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of April 10, 2019.
 - (e) Regular Neighborhood Services and Education Committee Meeting Minutes of April 11, 2019.
 - (f) Regular Neighborhood Services and Education Committee Meeting Minutes of February 13, 2020.
 - (g) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of February 19, 2020.
 - (h) Regular Public Safety, Finance and Strategic Support Committee Meeting Minutes of February 20, 2020.
- CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

Attachments

- (a) 1-24-2019 AD-HOC Minutes
- (b) 4-3-2019 ROGC Minutes
- (c) 4-4-2019 SCSIC Minutes
- (d) 4-10-2019 ROGC Minutes
- (e) 4-11-2019 NSE Minutes
- (f) 2-13-2020 NSE Minutes (Draft)
- (g) 2-19-2020 ROGC Minutes
- (h) 2-20-2020 PSFSS Minutes

2.4 Mayor and Council Excused Absence Requests.

20-268**Mayor and Council Excused Absence Requests.****Recommendation:**

(a) Request for an excused absence for Sylvia Arenas, from the Regular Meeting of the Rules and Open Government Committee on March 4, 2020, due to illness.

(b) Request for an excused absence for Mayor Liccardo, from the Regular Meeting of the Rules and Open Government Committee on April 1, 2020, due to personal business.

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Arenas and Mayor)
[Rules Committee referral 3/4/2020 - Item A.1.a]

Attachments [\(a\) Memorandum](#)
 [\(b\) Memorandum](#)

2.5 City Council Travel Reports.**2.6 Report from the Council Liaison to the Retirement Boards.****2.7 20-213****Amendment to the Lease of Airport Premises Agreement with Smiths Detection, Inc.****Recommendation:**

Approve a Third Amendment to Lease of Airport Premises with Smiths Detection, Inc. to extend the term for three years, from March 16, 2020 to March 15, 2023, with annual revenue to the City of approximately \$47,070.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) a resulting in no physical changes to the environment.
(Airport)

Attachments [Memorandum](#)
 [Agreement](#)

2.8 [20-237](#) Approval of the Dumpster Day Event Sponsored by Council District 4 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

Recommendation: (a) Approve the Dumpster Day event scheduled on March 14, 2020 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. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Diep)
[Rules Committee referral 02/26/2020 - Item G.1(a)]

Attachments [Memorandum](#)

2.9 [20-278](#) Retroactive Approval of the Dumpster Day Event Sponsored by Council District 4 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

Recommendation: (a) Retroactively Approve the Dumpster Day Event scheduled on February 1, 2020 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. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Diep)
[Rules Committee referral 03/04/2020- Item G.1(d)]

Attachments [Memorandum](#)

- 2.10** [20-287](#) **Approval of the History of Inequity in San José Panel Discussion Sponsored by Council District 2,3,5,7 and 8 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

Recommendation: (a) Approve the History of Inequity in San José Panel Discussion scheduled on March 18, 2020 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. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Jimenez, Peralez, Carrasco, Esparza, and Arenas)
[Rules Committee referral 03/04/2020- Item G.1(e)]

Attachments [Memorandum](#)

- 2.11** [20-296](#) **Approval of the Berryessa Annual Art Festival Sponsored by Council District 4 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

Recommendation: (a) Approve the Berryessa Annual Art Festival scheduled on May 9, 2020 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. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Diep)
[Rules Committee referral 03/04/2020- Item G.1(f)]

Attachments [Memorandum](#)

2.12 [20-239](#) Request for Travel for Mayor and Council. - DROP

Recommendation: Authorize travel, accept travel payments to the City of San José, approve use of the Mayor/Council Travel Budget, and designate Vice Mayor Chappie Jones as the City representative to attend the National League of Cities Congressional City Conference event in Washington D.C. from March 8 - 11, 2020, and excuse absence from the Regular Meeting of the City Council on March 10, 2020 and the Rules Committee Meeting on March 11, 2020. Source of Fund: Mayor and Council Travel Budget and National League of Cities.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Jones)
[Rules Committee referral 3/4/2020 - Item A.1.a]
DROP

Attachments [Memorandum](#)

3. STRATEGIC SUPPORT**3.1 Report of the City Manager, David Sykes (Verbal Report)****3.2 Labor Negotiations Update.**

Accept Labor Negotiations Update.
TO BE HEARD AT 9:30 A.M.

3.3 [20-224](#) Second Quarter Financial Reports for Fiscal Year 2019-2020.**Recommendation:**

As recommended by the Public Safety, Finance and Strategic Support Committee on February 20, 2020, accept the Second Quarter (period ending December 31, 2019) Financial Reports for Fiscal Year 2019-2020 for the following programs:

- (a) Debt Management
- (b) Investment Management
- (c) Revenue Management; and

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Finance)

[Public Safety, Finance and Strategic Support Committee referral - 2/20/20 - Item (d)2]

Attachments [Memorandum](#)
[Attachment A](#)
[Investment Management](#)
[PSFSS Presentation 2/20/2020](#)
[Letter from the Public](#)

3.4 [20-228](#) City of San José Investment Policy Annual Review.**Recommendation:**

As recommended by the Public Safety, Finance and Strategic Support Committee on February 20, 2020, adopt a resolution to approve the proposed revisions to Council Policy 1-12, "City of San José Investment Policy."

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Finance)

[Public Safety, Finance and Strategic Support Committee referral - 2/20/20 - Item (d)3]

Attachments [Memorandum](#)
[Exhibit A](#)
[Resolution](#)
[Memorandum 3/6/2020 from Mayor, Jimenez, Peralez, and Davis](#)
[Letters from the Public](#)

- 3.5** [20-306](#) **Ratification and Extension of Proclamation of Local Emergency Due to Confirmation From the Santa Clara County Department of Public Health That Community Transmission of the 2019 Novel Coronavirus (COVID-19) is Happening at the Local Level.**

Recommendation: (a) Adopt a resolution ratifying and extending the Director of Emergency Services' Proclamation of March 6, 2020 of the existence of a local emergency resulting from community spread of the coronavirus, also known as COVID-19, in the City of San José.
 (b) Receive staff's update on the status of the spread of coronavirus, its impact on the City of San José, and response efforts.
 CEQA: Statutorily Exempt, CEQA Guidelines Section 15269, Emergency Projects Undertaken for Specific Actions Necessary to Prevent or Mitigate an Emergency. (City Manager)

Attachments [Memorandum](#)
 [Resolution](#)
 [Letters from Public](#)

4. PUBLIC SAFETY SERVICES

5. TRANSPORTATION & AVIATION SERVICES

6. ENVIRONMENTAL & UTILITY SERVICES

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 [20-214](#)**Hammer Theatre Center Operations and Maintenance Agreement.****Recommendation:**

As recommended by the Community and Economic Development Committee on February 24, 2020, accept the report and adopt a resolution authorizing the City Manager to negotiate and execute an agreement with San Jose State University for the operations and maintenance of the Hammer Theatre Center for a 15-year term with two additional 10 year options to renew starting July 1, 2020, for an annual amount of \$315,000 with adjustments according to the consumer price index, subject to the appropriation of funds by the City Council.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.

(Economic Development)

[Community and Economic Development Committee referral 2/24/20 - Item (d)2]

Attachments

[Memorandum](#)

[Attachment A](#)

[Attachment B](#)

[Presentation](#)

8.2 [20-215](#) TEFRA Hearing for California Statewide Communities Development Authority's Issuance of Tax-Exempt Multifamily Revenue Bonds to Acquire and Rehabilitate the Valley Palms Apartments. - TO BE HEARD IN THE EVENING

Recommendation: (a) Hold a Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") public hearing for the issuance not to exceed \$120,000,000 in tax-exempt private-activity bonds by the California Statewide Community Development Authority to finance the Project and to pay certain expenses incurred in connection with the issuance of the bonds.
(b) Adopt a resolution approving the issuance of Tax-Exempt Revenue Bonds by the California Statewide Community Development Authority in a principal amount not to exceed \$120,000,000 to be used to finance the Project and to pay certain expenses incurred in connection with the issuance of the tax-exempt private activity bonds.
CEQA: Categorically Exempt, CEQA Guidelines Section 15301, Existing Facilities, File No. PP20-010. Council District 7. (Housing)
TO BE HEARD IN THE EVENING

Attachments [Memorandum](#)
 [Attachment A](#)
 [Attachment B](#)
 [Resolution](#)
 [Supplemental Memorandum](#)
 [Memorandum 3/9/2020 from Esparza](#)
 [Presentation](#)

8.3 [20-307](#) Actions Related to Income Loss and Evictions Due to Novel Coronavirus

Recommendation:

(a) Direct the City Attorney to prepare a resolution, an ordinance, and a companion urgency ordinance providing for a temporary moratorium on evictions in the City of San Jose for renters on the basis of nonpayment of rent (“affected renters”) where that failure to pay rent results from wage loss resulting from the novel coronavirus (COVID-19) pandemic, under the following conditions:

(1) Ordinance will become effective upon Council adoption of a resolution declaring that the moratorium is effective due to the declaration of the County Public Health Officer, or other State or Federal Authority, of an emergency related to COVID-19;

(2) The temporary moratorium shall remain in effect for a period of thirty (30) days from the Council resolution, but the City Manager shall return to enable Council to consider an extension to a longer period as the circumstances dictate;

(3) The temporary moratorium must not extend beyond the duration of the City’s Resolution, but may be extended for a longer period by agreement of the Council;

(4) Affected renters must demonstrate substantial loss of income, through documentation or other objectively verifiable means, resulting from the COVID-19 pandemic or the declaration of the County Public Health Officer, or other State or Federal Authority e.g., from (a) job loss, (b) a reduction of compensated hours of work, (c) store, restaurant, or office closure, (d) the need to miss work to care for a home-bound school-age child, or (e) other similarly-caused loss of income that resulted since the City’s Resolution;

(5) Affected renters must notify their landlords on or before the day that rent is due that they have substantial loss of income as a result of the declared emergency related to COVID-19, resulting in business closure, substantial loss of compensable hours of work and wages, or layoffs.

(6) The legislation shall include findings of potential job loss, wage loss, or other impacts for specific industries-such as hotels, conventions-, or theaters--resulted from the COVID-19 pandemic.

(b) Direct the City Attorney to evaluate the potential for including in such legislation a 120-day period for affected tenants to become current on past due rent.

(c) Direct the City Manager to work with the Apartment Association in advocating with the relevant organizations for temporary relief for burdened, unpaid landlords from the burden of such costs as property taxes, utility charges, and foreclosure.

CEQA: Not a Project, PP17-004, Government Funding Mechanism or

Fiscal Activity with no commitment to a specific project which may result in a potentially significant impact on the environment, and PP17-007, Preliminary direction to staff and eventual action requires approval from decision-making body. (Mayor)

Attachments [Memorandum](#)
[Memorandum 3/9/2020 from Diep](#)
[Memorandum 3/9/2020 from Foley](#)
[Memorandum 3/9/2020 from Arenas](#)
[Memorandum 3/10/2020 from Carrasco](#)
[Letters from the Public](#)

9. REDEVELOPMENT – SUCCESSOR AGENCY

- Open Forum

Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the City Council.

- Council will recess until 6:00 p.m.

10. LAND USE

Notice to the public: There will be no separate discussion of Land Use Consent Calendar (Item 10.1) as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Land Use Consent Calendar (Item 10.1) and considered separately.

10.1 Land Use on Consent Calendar

- (a) [20-216](#) **C19-028 - Conforming Rezoning for Real Property located at 460 Lincoln Avenue.**

Recommendation: Approve an ordinance rezoning the approximately 2.49-acre site on that certain real property located on the southeast corner of Auzerais Avenue and Lincoln Avenue (460 Lincoln Avenue) from the HI Heavy Industrial Zoning District to the CIC Combined Industrial/Commercial Zoning District.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan EIR (Resolution No. 76041) and the Envision San José General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto. Planning Director recommends approval. Council District 6. (Planning, Building and Code Enforcement)

Attachments [Memorandum](#)
[Ordinance](#)

- (b) [20-217](#) **C19-037 - Conforming Rezoning for Real Property located at 332 North Second Street.**

Recommendation: Approve an ordinance rezoning two contiguous properties, each approximately 0.21-gross acres, on that certain real property located on the east side of North Second Street, approximately 330 feet north of West Julian Street, at 332 and 334 North Second Street, from the LI Light Industrial Zoning District to the CN Commercial Neighborhood Zoning District.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and the Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto. Planning Director recommends approval. Council District 3. (Planning, Building and Code Enforcement)

Attachments [Memorandum](#)
[Ordinance](#)

- (c) [20-218](#) C19-044 - Conforming Rezoning for Real Property located at 821 Coleman Avenue.

Recommendation: Approve an ordinance rezoning an approximately 0.23-gross acre site, on that certain real property located on the southwest side of Coleman Avenue, approximately 200 feet northwest of Emory Street, at 821 Coleman Avenue, from the R-2 Two Family Residence Zoning District to the LI Light Industrial Zoning District.
CEQA: Categorically Exempt, CEQA Guidelines Section 15303(c) for New Construction or Conversion of Small Structures. File No. C19-044. Planning Director recommends approval. Council District 3. (Planning, Building and Code Enforcement)

Attachments [Memorandum](#)
 [Ordinance](#)

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

OPEN GENERAL PLAN HEARING (2020 FIRST CYCLE).

10.2 [20-219](#)

GPT19-003/GP19-005/GP19-006 - General Plan Text Amendment, General Plan Amendment for Real Property Located at 625 Hillsdale Avenue, and General Plan Amendment for Real Property Located at 500 Nicholson Lane (Council Policy Priority #2 - Mobilehome Conversions).

Recommendation:

- (a) Adopt a resolution adopting the General Plan Text Amendment to add a new land use designation entitled “Mobilehome Park” to Chapter 5 (“Interconnected City”) of the Envision San José 2040 General Plan (File No. GPT19-003);
 - (b) Adopt a resolution amending the Envision San José 2040 General Plan Land Use/Transportation Diagram land use designation from Urban Residential and Residential Neighborhood to Mobilehome Park for 625 Hillsdale Avenue on a 21.71 gross acre site (File No. GP19-005); and
 - (c) Adopt a resolution amending the Envision San José 2040 General Plan Land Use/Transportation Diagram land use designation from Urban Residential to Mobilehome Park for 500 Nicholson Lane on an 83.43 gross acre site (File No. GP19-006).
 - (d) In addition to the above, the Planning Commission further recommended that the City Council:
 - (1) Consider a City-initiated General Plan amendment and direct staff to return to Council to consider applying the Mobilehome Park land use designation to the remaining 56 mobilehome parks in the City; and
 - (2) Consider amendments to the General Plan and/or City Council Policy 6-33 and direct staff to return to Council to consider additional amendments to better protect existing mobilehome residents by ensuring residents receive just compensation in the event of a conversion, with the criteria being, at a minimum, comparable to what was received by residents at the Winchester Ranch Mobilehome Park, and to include strategies to ensure mobilehome units lost are replaced with deed restricted on-site, affordable housing.
 - (e) Determine that the Council Policy Priority #2 is completed and will be removed from the 2020-2021 Council Policy Priority List.
- CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and the Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto. File No. GPT19-003/GP19-005/GP19-006. Council Districts 7 and 4. Planning Commission recommends approval (6-0-1, Oliviero absent). (Planning, Building and Code Enforcement)

Attachments [Memorandum](#)[Attachments](#)[\(a\) Resolution](#)[\(b\) Resolution](#)[\(c\) Resolution](#)[Memorandum 3/6/2020 from Jimenez, Peralez, Esparza, and Fole](#)[Memorandum 3/9/2020 from Diep](#)[Supplemental Memorandum](#)[Presentation](#)[Letters from the Public](#)

CLOSE GENERAL PLAN HEARING (2020 FIRST CYCLE).

10.3 [20-220](#)

PD18-040 - Administrative Hearing on the Appeals of the Planning Director's Consideration of the Harker Middle School Expansion Project Mitigated Negative Declaration in accordance with CEQA and approval of the Planned Development Permit No. PD18-040.

Recommendation:

(a) Conduct an Administrative Hearing to consider the Appeals of the Planning Director's (i) adoption of the Harker Middle School Expansion Project Mitigated Negative Declaration in accordance with CEQA and (ii) approval of the Planned Development Permit No. PD18-040 for the Harker Middle School Project, which permits the demolition of three existing academic building, and a portion of an auditorium/gym building totaling approximately 19,000 square feet and the construction of a 2-story classroom building, an addition to the existing auditorium/gym resulting in approximately 20,542 square foot building, and site improvements including the removal of fifteen ordinance size trees, circulation improvements including the installation of a traffic light on Union Avenue, landscaping and the addition of sports courts and a field for a private middle school with up to 600 students on an approximately 7.7-gross acres lot located at 4525 Union Avenue.

(b) Adopt a resolution denying the environmental appeal and upholding the Planning Director's adoption of the Harker Middle School Expansion Project Mitigated Negative Declaration, and finding that:

(1) The City Council has read and considered the Initial Study/Mitigated Negative Declaration (IS/MND) for the Harker Middle School Project and related administrative record in connection with Planned Development Permit No. PD 18-040;

(2) The Harker Middle School IS/MND was prepared in compliance with the California Environmental Quality Act (CEQA) of 1970, as amended, together with State and local implementation guidelines;

(3) Adoption of the Harker Middle School Project MND reflects the independent judgement and analysis of the City of San José; and

(4) Preparation of a new environmental document is not required because the IS/MND thoroughly and adequately analyzed the project and the environmental appeal does not raise any new significant impacts that have not already been analyzed in the IS/MND in accordance with Public Resources Code (PRC) Section 21166, or CEQA Guidelines Section 15162.

(c) Adopt a resolution denying the permit appeal and approving the Planned Development Permit No. PD18-040, for the Harker Middle School Project, to allow the demolition of three existing academic buildings and a portion of an auditorium/gym building totaling approximately 19,000 square feet and the construction of an approximately 39,000-square foot, 2-story classroom building, an addition to the existing auditorium/gym resulting in an approximately 20,542 square foot building, and site improvements including the removal of fifteen ordinance-size trees, circulation improvements

including installation of a traffic light on Union Avenue, landscaping, and the addition of sports courts and a field for a private middle school with up to 600 students on an approximately 7.7-gross acre site, on the West side of Union Avenue, 100 feet southerly of Barrett Avenue, (4525 Union Avenue).

CEQA: Harker Middle School Expansion Project Mitigated Negative Declaration, File No. PD18-040. Council District 9. (Planning, Building and Code Enforcement)

Attachments [Memorandum](#)

[Exhibit A](#)

[Exhibit B](#)

[Exhibit C](#)

[Exhibit D](#)

[Exhibit E](#)

[Exhibit F](#)

[Exhibit G](#)

[Exhibit H](#)

[Exhibit I](#)

[Exhibit J](#)

[Presentation](#)

[Memorandum 3/9/2020 from Foley](#)

- Notice of City Engineer's Pending Decision on Final Maps

FOR APPROVAL:

Tract: 10518

Location: Ringwood Ave/ Murphy Ave. (East Corner) 1508 Murphy Ave.

District: 4

Lots/Units: 1/5

Type: SFD

Proposed Decision: Approved

Developer: HD Family LLC

- Open Forum

Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the City Council.

- Adjournment

This meeting will be adjourned in honor of Dr. Jerrold “Jerry” Hiura. Dr. Jerry was an important and spirited community leader, a tireless force in San José's arts and cultural community and also a popular family dentist. Dr. Jerry was among the first appointees to City of San José's Arts Commission, and a co-founder of the Contemporary Asian Theatre Scene (CATS). He spent his life passionately involved in bringing diversity to organizations at the local and state levels, with a particular interest in promoting the work and growth of Asian artists. At the time of his passing, he and his wife Lucia Cha were serving as trustees on the board of San Jose Museum of Art. Dr. Jerry's memory is cherished by his wife Lucia Cha, mother Dorothy, sister Barbara Hiura, and also leaves behind step children, their spouses and grandchildren.

**CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS**

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions: § No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D.)**

3. Addressing the Council, Committee, Board or Commission:

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- b) Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak. Speakers using a translator will be given twice the time allotted to ensure non-English speakers receive the same opportunity to directly address the Council, Committee, Board or Commission.
- c) Speakers should discuss topics related to City business on the agenda.
- d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
- e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
- f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
- g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.