



City Council Meeting Amended Agenda

Tuesday, November 5, 2019

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.
- **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.
- **Environmental and Utility Services** - Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Public Safety** - 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:

- 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

[19-679](#)

Closed Session Agenda

Attachments [Agenda](#)

11:00 a.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.

- Invocation (District 10)

Pastor Tim Lundy - Venture Christian Church

- Pledge of Allegiance

- Orders of the Day

To be heard after Ceremonial Items

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

- Closed Session Report

To be heard after Ceremonial Items

1. CEREMONIAL ITEMS

1.1 Presentation of a Proclamation recognizing National Adoption Month. (Davis)

TO BE HEARD AT 1:30 P.M.

1.2 Presentation of a Proclamation recognizing Saturday, November 30, 2019 as Small Business Saturday in the City of San José. (Khamis)

TO BE HEARD AT 1:30 P.M.

1.3 Presentation of a Proclamation recognizing November as the National Homeless Youth Awareness Month. (Perez)

TO BE HEARD AT 1:30 P.M.

1.4 Presentation of a Proclamation recognizing Sikh-American Awareness and Appreciation Month. (Arenas)

TO BE HEARD IN THE EVENING

1.5 Presentation of a Commendation to the 2019 District 9 Stars: Don Burger, Karen Adamski, and Michael Melillo. (Foley)

TO BE HEARD IN THE EVENING

1.6 Presentation of a Commendation to StandUp for Kids-Silicon Valley for five years of serving and empowering homeless youth toward lifelong personal growth. (Perez)

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.

[19-1047](#) **Approval of City Council Minutes.**

Recommendation: Special City Council Meeting Minutes of October 30, 2019.
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 [10-30-19 CC Special Minutes](#)

2.2 Final Adoption of Ordinances.

[19-1012](#)**Final Adoption of Ordinances.****Recommendation:**

- (a) Ordinance No. 30322 - An Ordinance of the City of San José amending Section 1.08.020 of Chapter 1.08 of Title 1 of the San José Municipal Code, which lists all infractions, to add violations of Section 13.44.130 of Chapter 13.44 of Title 13 to the list of infractions and to make technical and clerical corrections.
- (b) Ordinance No. 30323 - An Ordinance of the City of San José adding new sections and amending various existing sections of Part 3 of Chapter 25.01 and creating a new Chapter 25.09 of Title 25 of the San José Municipal Code to establish secured identification display area (SIDA) badge procedures at the Norman Y. Mineta San José International Airport.
- (c) Ordinance No. 30324 - An Ordinance of the City of San José amending Section 25.03.510 of Chapter 25.03 of Title 25 (Airport) of the San José Municipal Code to provide for sending notices electronically.
- (d) Ordinance No. 30326 - An Ordinance of the City of San José amending various sections of Title 24 (Technical Codes) of the San José Municipal Code to adopt the 2019 California Building, Residential, Plumbing, Mechanical, Electrical Codes, California existing Building Code, California Historical Building Code, California Green Building Standards Code, and California Building Energy Efficiency Standards with certain exceptions, modifications and additions.
- (e) Ordinance No. 30327 - An Ordinance of the City of San José amending Chapter 17.12 of Title 17 of the San José Municipal Code to adopt the 2019 California Fire Code with local amendments relating to fire flow; sprinkler and fire alarm systems and standards; lithium battery; 3D printing additive manufacturing; mobile fueling; plant production extraction processing systems; and highly toxic, toxic, and moderately toxic gases; and to maintain existing fire protection and regulatory authority; and repealing Chapter 17.78 of Title 17 of the San José Municipal Code.

2.3 Approval of Council Committee Minutes.**2.4 Mayor and Council Excused Absence Requests.**

19-1028**Mayor and Council Excused Absence Requests.****Recommendation:**

(a) Retroactive request for an excused absence for Councilmember Jimenez from the Regular Meeting of Public Safety, Finance and Strategic Support Committee on October 24, 2019 due to personal vacation.

(b) Retroactive request for an excused absence for Councilmember Khamis from the Regular Meeting of Rules and Open Government Committee on October 30, 2019 due to scheduling conflict.

CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Jimenez and Khamis)

Attachments [Memorandum from Jimenez](#)
[Memorandum from Khamis](#)

2.5 City Council Travel Reports.**2.6 Report from the Council Liaison to the Retirement Boards.****2.7 19-985****Actions Related to the Purchase Order for Replacement of Traffic Loop Detectors.****Recommendation:**

Adopt a resolution authorizing the City Manager to:

(a) Execute a purchase order with Loop Installation & Repair, Inc. (Granite Bay, CA) for the replacement of traffic loop detectors for the Department of Transportation for an initial twelve-month period, starting on or about November 6, 2019 and ending on or about November 5, 2020 for a total cumulative compensation not to exceed \$100,000; and

(b) Exercise up to four one-year options to extend the term of the purchase order after the initial term with the last option year ending on or about November 5, 2024, subject to the appropriation of funds.

CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301, Existing Facilities. (Finance)

Attachments [Memorandum](#)

2.8 [19-986](#) Actions Related to the Administrative Citation Schedule of Fines for False Alarms Fines.

Recommendation: Adopt a resolution amending the Administrative Citation Schedule of Fines to increase fines for violations of Section 10.42.140(B) of Title 10 of the San José Municipal Code relating to false alarms effective January 1, 2020 and repealing Resolution No. 79265.
CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no physical changes to the environment. (Police)

Attachments [Memorandum](#)
 [Resolution](#)

2.9 [19-987](#) Actions Related to the Car Break-In Prevention Program.

Recommendation: (a) Approve the proposed Spending Plan for the Car Break-in Prevention Program.
 (b) Adopt the following 2019-2020 Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:
 (1) Increase the estimate for Revenue from State of California by \$750,000; and
 (2) Establish a City-Wide Expenses appropriation to the Police Department for the Car Break-in Prevention Program in the amount of \$750,000.
CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (Police/City Manager)

Attachments [Memorandum](#)

2.10 [19-988](#) Downtown Residential High-Rise Incentive and Affordable Housing Impact Fee Downtown High-Rise Exemption Programs.

Recommendation: (a) Adopt a resolution extending the certificate of occupancy deadline for the Affordable Housing Impact Fee exemption to December 31, 2023.

 (b) Approve an ordinance creating a temporary 50% reduction of the Building and Structure Construction Tax and a 50% reduction of the Commercial-Residential-Mobilehome Park Building Tax for qualified residential high rise projects located within the Downtown Planned Growth Area that obtain a City certificate of occupancy on, or prior to, December 31, 2023.

 CEQA: Statutorily Exempt, File No. PP17-005, CEQA Guidelines Section 15273, Rates, Tolls, Fares, and Charges, Adjustment to Fees, Rates & Fares without changes to or expansion of services. (Economic Development/Housing)

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

2.11 [19-984](#) Request for Travel for Mayor's Staff.

Recommendation: (a) Authorize travel, accept travel payments to the City of San José, and designate Mayor's staff, Candace Le, as the City representative to attend the National League of City's Early Childhood Success Summit in San Antonio, Texas from November 18 - 19, 2019. Source of Funds: National League of Cities.

 (b) Authorize travel, accept travel payments to the City of San José, and designate Mayor's staff, Nicholas Almeida, Chief Service Officer, as the City representative to attend the Cities of Service Annual convening from November 13, 2019 to November 15, 2019 in Dallas, TX. Source of Funds: Cities of Service.

 CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Mayor)

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

2.12 [19-1027](#) Request for Travel for Mayor Liccardo.

Recommendation: Authorize travel, accept travel payments to the City of San José, designate Mayor Sam Liccardo as the City representative to attend the Aspen Institute-Rodel: All-Class Reunion and Local Officials meeting in Washington, DC from November 15, 2019 to November 18, 2019. Source of Funds: Personal funds combined with Aspen Institute-Rodel Fellowships.
CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Mayor)

Attachments [Memorandum](#)

2.13 [19-1030](#) H.R.763 (Deutch): Energy Innovation and Carbon Dividend Act of 2019.

Recommendation: As recommended by the Rules and Open Government Committee on October 30, 2019, adopt a position of support if amended for H.R. 763 (Deutch).
CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Environmental Services)
[Rules Committee referral 10/30/19 - Item G.2]

Attachments [Memorandum](#)
[Memorandum from Davis, 11/5/2019](#)

2.14 [19-1031](#) City Budget Calendar and Budget Study Session Schedule.

Recommendation: As recommended by the Rules and Open Government Committee on October 30, 2019, approve the proposed 2019-2020 / 2020-2021 City Budget Calendar as presented in Attachment A of the staff memorandum and the detailed schedule for City Council Budget Study Sessions for the 2020-2021 Operating Budget, 2020-2021 Capital Budget and 2021-2025 City Capital Improvement Program, and 2020-2021 Fees and Charges Report as presented in Attachment B and explained in the staff memorandum.
CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (City Manager)
[Rules Committee referral 10/30/19- Item D(a)]

Attachments [Memorandum](#)

2.15 [19-1034](#) Approval of Santa's Village Around the World Sponsored by Council District 3 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

Recommendation: As recommended by the Rules and Open Government Committee on October 30, 2019:
(a) Approve the Santa's Village Around the World event scheduled on December 7, 2019 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. (Perez)
[Rules Committee referral 10/30/19- Item G.1(a)]

Attachments [Memorandum](#)

2.16 [19-1038](#) Approval of the District 3 Night at Christmas in the Park Sponsored by Council District 3 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

Recommendation: As recommended by the Rules and Open Government Committee on October 30, 2019:
(a) Approve the District 3 Night at Christmas in the Park event scheduled on December 4, 2019 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. (Perez)
[Rules Committee referral 10/30/19- Item G.1(b)]

Attachments [Memorandum](#)

- 2.17** [19-1042](#) **Approval of the World AIDS Day Flag Raising Ceremony Sponsored by Council District 3 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

Recommendation: As recommended by the Rules and Open Government Committee on October 30, 2019:
(a) Approve the World AIDS Day Flag Raising Ceremony scheduled on December 3, 2019 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. (Perez)
[Rules Committee referral 10/30/19- Item G.1(c)]

Attachments [Memorandum](#)

- 2.18** [19-1043](#) **Retroactive Approval of the Safe and Green Halloween Sponsored by Council District 3 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

Recommendation: As recommended by the Rules and Open Government Committee on October 30, 2019:
(a) Retroactively approve the Safe and Green Halloween event scheduled on October 25, 2019 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. (Perez)
[Rules Committee referral 10/30/19- Item G.1(d)]

Attachments [Memorandum](#)

2.19 [19-1044](#) Approval of Vista Park Beautification Day Sponsored by Council District 10 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.

Recommendation: As recommended by the Rules and Open Government Committee on October 30, 2019:
(a) Approve the Vista Park Beautification Day scheduled on November 16, 2019 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. (Khamis)
[Rules Committee referral 10/30/19- Item G.1(e)]

Attachments [Memorandum](#)

- 2.20** [19-1045](#) **Approval of Oakridge Palmia Residents Neighborhood Association and Other Special Events Sponsored by Council District 2 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

Recommendation: As recommended by the Rules and Open Government Committee on October 30, 2019:

- (a) Approve the District 2 Holiday Community Appreciation Celebration scheduled on December 13, 2019 as a City Council sponsored Special Event, approve the expenditure of funds and approve the purchase of gift cards, and other items as raffle prizes.
- (b) Approve the Oakridge Palmia Residents Neighborhood Association Dumpster Day scheduled on November 9, 2019 as a City Council sponsored Special Event and approve the expenditure of funds.
- (c) Approve the Calero Neighborhood Association Dumpster Day scheduled on December 14, 2019 as a City Council sponsored Special Event and approve the expenditure of funds.
- (d) Approve the Station 121 Neighborhood Association Dumpster Day scheduled on December 14, 2019 as a City Council sponsored Special Event and approve the expenditure of funds.
- (e) Approve and accept donations from various individuals, businesses or community groups to support the events.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Jimenez)
[Rules Committee referral 10/30/19- Item G.1(f)]

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.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 [19-990](#) Status of the Lease Negotiations with Caltrans for a Bridge Housing Community.

Recommendation: (a) Accept the staff report on the status of the lease agreement with Caltrans for the proposed Bridge Housing Communities located at the South West Quadrant of State Highways 101 and 680 adjacent to Felipe Avenue.
 (b) Adopt a resolution documenting the City of San José's efforts to negotiate a lease agreement with Caltrans in good faith and Caltrans has not met the spirit of Senate Bill No. 519.
 CEQA: Not a Project, File No. PP17-007, Preliminary direction to staff, eventual action requires approval from decision making body and File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.
 (Housing)
 Deferred from 10/29/19 - Item 4.3 (19-975)

Attachments [Memorandum](#)
 [Presentation](#)
 [Resolution](#)
 [Memorandum from Jimenez, 11/4/2019](#)

4.2 [19-991](#) Report on the Cost of Residential Development.

Recommendation: Accept staff's report on the Cost of Residential Development in San José.
 CEQA: Not a Project, File No PP17-009, Staff Report, Assessment, Annual Reports, and Informational memos that involve no approval of City action. (Economic Development/Housing)

Attachments [Memorandum](#)
 [Presentation](#)
 [Memorandum from Jimenez, 11/1/2019](#)
 [Attachment-KMA COD For Sale](#)
 [Attachment-KMA COD Affordable](#)
 [Attachment-DRA Multifamily Land Price Analysis](#)
 [Attachment-KMA COD Rental](#)
 [Letters from the Public](#)

- 4.3 [19-992](#) **Council Policy Priority #12 (Universal Development Fee) and Council Policy Priority #21 (Impact Fee Deferred Payment Program for Housing): Development Fee Framework Update.**

Recommendation: Accept staff's report on the Development Fee Framework to address Council Priorities #12 (Universal Development Fee) and #21 (Impact Fee Deferred Payment Program for Housing).
CEQA: Not a Project, Statutorily Exempt, File No. PP17-005, CEQA Guidelines Section 15273, Rates, Tolls, Fares, and Charges, Adjustment to Fees, Rates & Fares without changes to or expansion of services, and File No PP17-009, Staff Report, Assessment, Annual Reports, and Informational memos that involve no approval of City action.
(Economic Development/Housing)

Attachments [Memorandum](#)
 [Presentation](#)
 [Memorandum from Jimenez, 11/1/2019](#)
 [Memorandum from Mayor, 11/4/2019](#)
 [Letters from the Public](#)

4.4 [19-993](#)**Inclusionary Housing Ordinance Proposed Revisions.****Recommendation:**

(a) Accept the staff report and direct the City Attorney to return with an ordinance amending Chapter 5.08 of the San José Municipal Code ("SJMC"), including the following changes as described in the staff memorandum:

(1) Apply the Inclusionary Housing Ordinance on developments with five units or more;

(2) Serve a wider range of incomes for rental housing to 5% at 100% of the Area Median Income (AMI), 5% at 60% of the AMI, and 5% at the 50% of the AMI;

(3) Restructure the in-lieu fee option to apply the fee on a square foot basis and change the amount to \$43 per square foot for rental development and \$25 per square foot for for-sale development;

(4) Encourage rental developments to choose on-site compliance option by setting the in-lieu fee to \$17.60 per square foot where at least 5% of the units are provided on-site and allowing affordable units to be located in a separate building on-site;

(5) Update the requirement to locate offsite units within the same redevelopment area to areas of opportunity;

(6) Ensure units remain affordable as long as practical by extending the period of affordability to 99 years;

(7) Adjust affordability requirements for co-living units to 90% of studio rents; and

(8) Update program administration to allow recertification every two years.

(b) Direct the Director of Parks, Recreation and Neighborhood Services to explore an amendment to the Park Fees Ordinance (SJMC 14.25) to clarify that on site deed restricted 100% AMI rental units qualify for a 50% per unit credit towards the payment of park impact in-lieu fees.

(c) Direct staff to develop geographic market areas to phase in the in-lieu fee adjustments over time.

CEQA: Not a Project. File Nos. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action; and PP17-002, Consultant Services for design, study, inspection, or other professional services with no commitment to future action. (Housing)

Attachments [Memorandum](#)
[Supplemental Memorandum](#)
[Presentation](#)
[Memorandum from Jones, 11/5/2019](#)
[Memorandum from Jimenez, 11/5/2019](#)
[Memorandum from Mayor, 11/4/2019](#)
[Memorandum from Arenas, 11/5/2019](#)
[Letters from the Public](#)
[Letters from the Public](#)

4.5 [19-994](#)**Ellis Act Ordinance Re-Control Provisions.****Recommendation:**

- (a) Accept the staff report on:
 - (1) Research on Ellis Act Ordinance's existing re-control provisions including interviews with developers, lenders and tenants; and
 - (2) Updated research from other communities regarding the re-control provisions in other Ellis Act ordinances to assess the extent they may make new residential projects more difficult to build.
 - (b) Direct the City Attorney to draft an Ordinance amending Part 11 of Chapter 17.23 of Title 17 of San José Municipal Code to:
 - (1) Modify the base requirement of 50% re-control of newly-built units to require a cap of no more than seven times the number of withdrawn apartments; and
 - (2) Modify the re-control waiver provision from 20% onsite to 15% of newly constructed rental units to be restricted affordable apartments and offer tenants displaced by the prior withdrawal and demolition of the rent stabilized units either:
 - (i) A right to return at the prior rent plus annual adjustments at the rate of the Consumer Price Index during the construction period and a maximum of 5% rent increases thereafter; or
 - (ii) An equivalent apartment immediately following displacement at the prior rent with annual rent adjustments no greater than 5% per year.
- CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment, and PP17-033, CEQA Guidelines Section 15061. (Economic Development/Housing)

Attachments

[Memorandum](#)
[Supplemental Memorandum](#)
[Presentation](#)
[Memorandum from Esparza, 10/31/2019](#)
[Memorandum from Peralez, 11/4/2019](#)
[Memorandum from Jones, 11/5/2019](#)
[Letters from the Public](#)

4.6 [19-995](#) Downtown Residential High-Rise Inclusionary Housing Ordinance Fee.

Recommendation: Accept the report on the Downtown High-Rise Feasibility Assessment and direct the Administration to return to Council with the appropriate resolutions to establish an in-lieu fee for Downtown High-Rise (Rental and For-Sale) under the Inclusionary Housing Ordinance in the amount of \$0, with annual increases to that in lieu fee, returning the Downtown High-Rise In lieu fee to the full amount by June 30, 2025; to make all of the required findings, and to amend the schedule of fees and charges accordingly.

CEQA: Not a Project, Statutorily Exempt, File No. PP17-005, CEQA Guidelines Section 15273, Rates, Tolls, Fares, and Charges, Adjustment to Fees, Rates & Fares without changes to or expansion of services, and, PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Housing)

Attachments [Memorandum](#)
 [Supplemental Memorandum](#)
 [Presentation](#)
 [Memorandum from Peralez 11/4/2019](#)
 [Letters from the Public](#)

5. NEIGHBORHOOD SERVICES**6. TRANSPORTATION & AVIATION SERVICES****7. ENVIRONMENTAL & UTILITY SERVICES****8. PUBLIC SAFETY****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) [19-996](#) **Historic Landmark Designation and Historical Property Contract for the "Winsor and Susie Goodenough House" Located at 1725 Dry Creek Road.**

Recommendation: (1) Adopt a resolution designating the "Winsor and Susie Goodenough House" located at 1725 Dry Creek Road as a City Landmark of special historic, architectural, aesthetic or engineering interest, or value of a historic nature; and
(2) Adopt a resolution approving a Historical Property Contract (California Mills Act Contract) between the City of San José and the property owner, Andrea Greene, for the "Winsor and Susie Goodenough House" located at 1725 Dry Creek Road (APN: 429-45-038), on a 0.53-gross acre site.
CEQA: Categorically Exempt, CEQA Guidelines Section 15331, Historical Resource Restoration/Rehabilitation. Council District 6. File No. HL19-002 & MA19-001. (Planning, Building and Code Enforcement)

Attachments [Memorandum](#)
 [\(1\) Resolution](#)
 [\(2\) Resolution](#)

- (b) [19-997](#) **Historic Landmark Designation and Historical Property Contract for the "Martin 5 Homes" Located at 1225, 1233, 1241, 1249 and 1257 Martin Avenue.**

Recommendation:

- (1) Adopt a resolution designating the “Martin 5 Homes” located at Martin Avenue as City Landmarks of special historic, architectural, aesthetic or engineering interest, or value of a historic nature; and
(2) Adopt resolutions approving four Historical Property Contracts (California Mills Act Contract) between the City of San José and property owners, for the “Martin 5 Homes” located at 1225, 1233, 1241, 1249 & 1257 Martin Avenue, each on an approximately 0.16 -gross acre site.

CEQA: Categorically Exempt, CEQA Guidelines Section 15331, Historical Resource Restoration/Rehabilitation. Council District 6. File No. HL19-003 & MA19-003. (Planning, Building and Code Enforcement)

Attachments

[Memorandum](#)

[\(1\) Resolution](#)

[\(2\) Resolution 1225](#)

[\(2\) Resolution 1233](#)

[\(2\) Resolution 1241](#)

[\(2\) Resolution 1249](#)

- (c) [19-998](#) **Conforming Rezoning and Conditional Use Permit for Property Located at 184 S. 11th Street.**

Recommendation:

(1) Approve an ordinance rezoning an approximately 0.37-gross acre site, on that certain real property located on the northeast corner of San Antonio and South 11th Street (184 S. 11th Street), from the A(PD) Planned Development Zoning District to the R-M Multiple Residence Zoning District.

(2) Adopt a resolution approving, subject to conditions, a Conditional Use Permit to allow a change to the existing use from Single-Room Occupancy to Residential Service Facility and to facilitate the increase of beds from 55 to 69 with no new construction on a 0.37 gross acre site located on the northeast corner of East San Antonio and South 11th Streets (184 S. 11th Street).

CEQA: Categorically Exempt, CEQA Guidelines Section 15301(a), Existing Facilities. Council District 3. File No. C19-024 & CP19-018. (Planning, Building and Code Enforcement)

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

(d) [19-999](#) **Amendment to Title 20 (Zoning Ordinance or Zoning Code) of the City of San José Municipal Code to Modify the Secondary Unit (ADU) Provisions.**

Recommendation:

(1) Consider the Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report, for which findings were adopted by City Council through Resolution No. 76041 on November 1, 2011, and Supplemental EIR Resolution No. 77617, adopted by City Council on December 15, 2015, and Addenda thereto. 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; and

(2) Approve an ordinance of the City of San José amending various sections of Title 20 (Zoning Ordinance or Zoning Code) to: amend Section 20.30.150 to modify and add clarifying language for current Secondary Unit (ADU) provisions to: omit the minimum unit size limitation for two bedrooms on any lot greater than 9,000 square feet, allow a new detached secondary unit at a minimum distance of 45 feet from the front property line, allow connecting opening between a secondary dwelling unit and attached garage, and include requirements for unenclosed overhanging balconies, stair landings and porches; amend Section 20.30.280 to add clarifying language to allow rear setback exception for new construction; amend Section 20.40.230 to include maximum height exception limitations; amend Section 20.90.410 to add clarifying language to off-street loading provisions; amend Section 20.100.910 to modify requirements for lot sizes for exemption from a Planned Development Permit Amendment for single-family residences; amend Section 20.100.1300 to delete maximum height exception limitations; amend Section 20.200.1310 to add clarifying language to Utility Facility definition; and to make other technical, non-substantive, or formatting changes within those sections of Title 20 of the San José Municipal Code.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041), and Envision San José 2040 General Plan Supplemental EIR (Resolution No. 77617) and Addenda thereto. File No. PP19-056. Planning Commission recommends approval (6-0-1, Griswold absent). (Planning, Building and Code Enforcement)

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

END OF CONSENT CALENDAR

10. Land Use - Regular Agenda

10.2 [19-1000](#) Conventional Rezoning and Conditional Use Permit for Property Located at 0 Union Avenue.

Recommendation: (a) Adopt a resolution adopting the Belmont Village Union Avenue Mitigated Negative Declaration, for which an Initial Study was prepared, and adopting an associated Mitigation Monitoring and Reporting Plan, all in accordance with the California Environmental Quality Act (CEQA), as amended.

 (b) Approve an ordinance rezoning an approximately 4.69-gross acre site (a portion of APN 421-20-010) on that certain real property generally located on the west side of Union Avenue, approximately 260 feet northerly of Los Gatos Almaden Road from the R-1-8 Single-Family Residence District to the CN Commercial Neighborhood Zoning District.

 (c) Adopt a resolution approving, subject to conditions, a Conditional Use Permit to allow the removal of twenty ordinance-size trees and the demolition of four one-story buildings totaling approximately 19,850-square feet, and to allow the construction of a four-story, 125,303-square foot, 152-unit assisted living and memory care facility on an approximately 3.79-gross acre site located on the west side of Union Avenue, approximately 360 feet northerly of Los Gatos Almaden Road.

CEQA: Mitigated Negative Declaration for Belmont Village Union Avenue. File Nos. C18-018 and CP18-025. Council District 9. Planning Commission recommends approval (6-0-1, Ballard absent). (Planning, Building and Code Enforcement)

Attachments [Memorandum](#)
[Presentation](#)
[\(a\) Resolution](#)
[\(b\) Ordinance](#)
[\(c\) Resolution](#)
[Memorandum from Foley, 11/5/2019](#)

- 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

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.