



# **City Council Meeting Amended Agenda**

**Tuesday, April 28, 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 <https://www.sanjose.legistar.com/Calendar.aspx>. 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](mailto:CityClerk@sanjoseca.gov) for the final document.

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

**Accommodations:** Any member of the public who needs accommodations should email the ADA Coordinator at [ADA@sanjoseca.gov](mailto:ADA@sanjoseca.gov) or by calling (408) 535-8430. The ADA Coordinator will use their best efforts to provide reasonable accommodations to provide as much accessibility as possible while also maintaining public safety in accordance with the City procedure for resolving reasonable accommodation requests.

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

**\*COVID-19 NOTICE \***

Consistent with the California Governor's Executive Order No. N-29-20, Resolution No. 79485 from the City of San José and the Santa Clara County Health Officer's March 16, 2020 Shelter in Place Order, the City Council meeting will not be physically open to the public and the City Council will be teleconferencing from remote locations.

**How to observe the Meeting (no public comment):**

- 1) Cable Channel 26,
- 2) <https://www.sanjoseca.gov/news-stories/watch-a-meeting>, or
- 3) <https://www.youtube.com/CityofSanJoseCalifornia>

**How to submit written Public Comment before the City Council Meeting:**

- 1) Use the eComment tab located on the City Council Agenda page. eComments are also directly sent to the iLegislate application used by City Council and staff.
- 2) By email to [city.clerk@sanjoseca.gov](mailto:city.clerk@sanjoseca.gov) by 12:00 p.m. the day of the meeting. Those emails will be attached to the Council Item under "Letters from the Public." Please identify the Agenda Item Number in the subject line of your email.

**How to submit written Public Comment during the City Council Meeting:**

- 1) Email during the meeting to [councilmeeting@sanjoseca.gov](mailto:councilmeeting@sanjoseca.gov), identifying the Agenda Item Number in the email subject line. Comments received will be included as a part of the meeting record but will not be read aloud during the meeting.

**How to provide spoken Public Comment during the City Council Meeting:**

- 1) By phone (888) 475-4499. Webinar ID: 91562053469. Click \*9 to raise a hand to speak.
- 2) By online <https://zoom.us/j/91562053469>.
  - a. Use a current, up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers including Internet Explorer. Mute all other audio before speaking. Using multiple devices can cause an audio feedback.
  - b. Enter an email address and name. The name will be visible online and will be used to notify you that it is your turn to speak.
  - c. When the Mayor calls for the item on which you wish to speak, click on "raise hand." Speakers will be notified shortly before they are called to speak.
  - d. When called, please limit your remarks to the time limit allotted.

**• Call to Order and Roll Call**

9:30 a.m. - Closed Session - CANCELLED

[20-024](#) Closed Session Agenda

**Attachments** [Cancelled Agenda](#)

11:00 a.m. - Regular Session

6:00 p.m. - Evening Session

The previously scheduled evening session has been cancelled.

- Invocation (District 4)
- Pledge of Allegiance
- Orders of the Day

To be heard after Ceremonial Items

\* Evening Session Cancelled.

**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**

## **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.**

**2.2 Final Adoption of Ordinances.**

[20-492](#)**Final Adoption of Ordinances.****Recommendation:**

(a) Ord No. 30395 - An Ordinance of the City of San José amending Part 4.5, Chapter 20.30 of Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code to add New Section 20.30.495 to make provisions for use of Tiny Home on Wheels as an accessory dwelling unit; amending Chapter 20.200 of Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code to add Section 20.200.327 to include a new definition of Tiny Home on Wheels; 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 4/14/2020 - Item 10.1(a) (20-430)]

(b) Ord No. 30396 - An Ordinance of the City of San José Amending Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code to amend Part 4.5 of Chapter 20.30, including Section 20.30.400 to clarify setback requirements; amend Section 20.30.460 to clarify maximum floor area tabulation; Sections 20.30.470 and 20.30.480 to clarify parking requirements; amend Chapter 20.40, Section 20.40.230 to delete height exception requirements, and amend and move to Chapter 20.85, Part 1 Section 20.85.010 and to add Part 4 Section 20.85.040 rooftop height exceptions; amend Section 20.50.010 to alter text for the industrial park zoning district; amend Section 20.90.220 of Chapter 20.90 to clarify replacement parking requirements; amend Section 20.90.060 of Chapter 20.90 to add new parking requirements for indoor recreation uses in Table 20-190, and include minor text alterations to Table 20-210, 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 4/14/2020 - Item 10.1(b) (20-431)]

**2.3 Approval of Council Committee Minutes.**

[20-473](#)**Approval of Council Committee Minutes.****Recommendation:**

- (a) Regular Transportation and Environment Committee Meeting Minutes of May 6, 2019.
  - (b) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of May 8, 2019.
  - (c) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of May 22, 2019.
  - (d) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of May 29, 2019.
  - (e) Regular Transportation and Environment Committee Meeting Minutes of June 3, 2019.
  - (f) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of June 5, 2019.
  - (g) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of June 19, 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**

- [\(a\) 5-6-2019 T&E Minutes](#)
- [\(b\) 5-8-2019 ROGC Minutes](#)
- [\(c\) 5-22-2019 ROGC Minutes](#)
- [\(d\) 5-29-2019 ROGC Minutes](#)
- [\(e\) 6-3-2019 T&E Minutes](#)
- [\(f\) 6-5-2019 ROGC Minutes](#)
- [\(g\) 6-19-2019 ROGC Minutes](#)

**2.4 Mayor and Council Excused Absence Requests.****2.5 City Council Travel Reports.****2.6 Report from the Council Liaison to the Retirement Boards.**

**2.7**    [20-474](#)                    **California Community Choice Association Membership.**

**Recommendation:**    Adopt a resolution authorizing the Director of the Community Energy Department to continue the City’s annual membership with the California Community Choice Association for fiscal year 2019-2020 at a cost of \$500,000.

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. (Community Energy)

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

**2.8**    [20-475](#)                    **Memorandum of Understanding with the City of Santa Clara for the proposed Coleman Highline Office Development Project.**

**Recommendation:**    Approve a Memorandum of Understanding between the City of San José and the City of Santa Clara regarding Responsibilities for Construction Permits and Inspection Activities for the Proposed Coleman Highline Office Development Project by Coleman Airport Partners Tranche 2, LLC.

CEQA: Determination of Consistency with the FMC/Coleman Avenue Environmental Impact Report (Resolution No. 71716), the Airport West Stadium and Great Oaks Place Project Environmental Impact Report (Resolution 75309), the Envision San José 2040 General Plan Final Environmental Impact Report (Resolution No. 76041), the Envision San José General Plan Final Supplemental Environmental Impact Report (Resolution No. 77617), and addenda thereto. Council District 3. (Planning, Building and Code Enforcement)

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



**2.9**     [20-470](#)     **Approval of the Child Abuse Prevention Month Sponsored by Council District 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 Child Abuse Prevention Month scheduled on April 28, 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. (Arenas)

**Attachments**     [Memorandum](#)

**2.10**     [20-472](#)     **Approval of the Sexual Assault Awareness Month Sponsored by Council District 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 Sexual Assault Awareness Month scheduled on April 28, 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. (Arenas)

**Attachments**     [Memorandum](#)

**2.11**     [20-483](#)     **Declaration and Recording a Statement of the Results of the March 3, 2020 Primary Municipal Election and Special Municipal Election.**

**Recommendation:**     Adopt a resolution declaring and recording a statement of the results of the March 3, 2020 Primary Municipal Election and Special Municipal Election per Elections Code Sections 10263, 10264, and 15400.  
   CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.  
   (City Clerk)

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

**2.12** [20-478](#)**Proposed Extension of Natural Gas Infrastructure Prohibition Ordinance and Amendments to the San José Municipal Code Related to Mixed Fuel Buildings. - DROP****Recommendation:**

- (a) Accept an update on staff analysis as to whether or not the City should require electrification for buildings over three stories.
- (b) Direct the City Manager to return to Council in August 2020 with a natural gas prohibition ordinance amendment to be implemented on January 1, 2021 and covering all building types:
  - (1) Including mid-rise and high-rise multifamily buildings, as supported by cost effectiveness studies; and
  - (2) Exempting restaurants, hospitals, industrial, and manufacturing facilities.
- (c) Approve an ordinance amending Section 24.12.300 of Chapter 24.12 of Title 24 of the San José Municipal Code related to the Reach Code Requirements for Mixed Fuel Buildings to make clerical edits.
- (d) Authorize the City Manager to submit an amended reach code submittal package to the California Energy Commission for its approval as required by law.

CEQA: Not a Project, File No. PP19-067, Actions by Regulatory Agencies for Protection of the Environment.

(Environmental Services/Planning, Building, and Code Enforcement)  
DROP

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

**2.13** [20-507](#) **Revised 2019-2020/2020-2021 City Budget Calendar.****Recommendation:**

As recommended by the Rules and Open Government Committee on April 22, 2020, approve the revised 2019-2020/2020-2021 City Budget Calendar as presented in Attachment A of the staff memorandum and the 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 4/22/2020 - Item D]

**Attachments** [Memorandum](#)

**2.14** [20-514](#) **Cancellation of City Council Committee, Board, and Commission Meetings, with a Few Exceptions, and Updates to the January - June 2020 City Council Committee Workplans.****Recommendation:**

As recommended by the Rules and Open Government Committee on April 22, 2020:

(a) Approve the cancellation of City Council Committee, Board, and Commission meetings, with the exception of the Rules and Open Government Committee, Deferred Compensation Advisory Committee, Treatment Plant Advisory Committee, Federated Employees Retirement System Board, Police and Fire Department Retirement Board, Work2Future Board, Planning Commission, and Historic Landmarks Commission, from May 1, 2020 through June 30, 2020.

(b) Approve updates to the January - June 2020 City Council Committee Workplans as shown in Attachment A of 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 4/22/2020 - Item G.2]

**Attachments** [Memorandum](#)

**3. STRATEGIC SUPPORT**

### 3.1 Report of the City Manager, David Sykes (Verbal Report)

- [20-476](#) (a) City Manager's Report on Other City Matters and a special recognition of Karolyn Kirchgessler. (Verbal Report)  
(b) City Manager's COVID-19 Update (Verbal Report)  
**TO BE HEARD BEFORE CONSENT**

**Attachments** [Memorandum from Mayor](#)  
[Supplemental Memorandum](#)  
[Presentation](#)  
[Memorandum from Carrasco, 4/28/2020](#)

### 3.2 Labor Negotiations Update.

Accept Labor Negotiations Update.

- 3.3 [20-482](#) **Approval of Various Budget Actions for Fiscal Year 2019-2020 to Address COVID-19 Impacts.**

**Recommendation:** Adopt 2019-2020 Appropriation Ordinance and Funding Sources Resolution amendments in various funds to address budgetary impacts due to COVID-19 as detailed in the General Fund and Special/Capital Fund attachments to 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)

**Attachments** [Memorandum](#)  
[Presentation](#)  
[Letters from the Public](#)

## **4. PUBLIC SAFETY SERVICES**

**4.1**    [20-484](#)            **San José Police Department Sexual Assault Workplan and Associated Priority Appropriation Amendments**

**Recommendation:**

(a) Accept the San José Police Department's priority spending plan for the Sexual Assaults Law Enforcement Training and Supportive Services Reserve.

(b) Adopt the following 2019-2020 Appropriation Ordinance Amendments in the General Fund:

(1) Decrease the Sexual Assaults Law Enforcement Training and Supportive Services Reserve appropriation by \$515,000;

(2) Increase the Police Department's Personal Services appropriation by \$150,000; and

(3) Increase the Police Department's Non-Personal/Equipment appropriation by \$365,000.

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](#)

[Memorandum from Arenas, 4/28/2020](#)

[Letters from the Public](#)

## **5. TRANSPORTATION & AVIATION SERVICES**

**5.1**    [20-477](#)            **Mineta San José International Airport Master Plan Amendment.****Recommendation:**

(a) Adopt a resolution certifying the Norman Y. Mineta San José International Airport Master Plan Amendment Environmental Impact Report and making certain findings concerning significant impacts, mitigation measures, alternatives, and adopting a Statement of Overriding Considerations and a related Mitigation Monitoring and Reporting Program, all in accordance with the California Environmental Quality Act.

(b) Adopt a resolution approving a Major Amendment to the Airport Master Plan for the Norman Y. Mineta San José International Airport.

(c) Approve an ordinance amending Section 25.04.300 of Chapter 25.04 of Title 25 of the San José Municipal Code to increase the maximum number of air carrier gates from 40 to 42.

CEQA: Norman Y. Mineta San José International Airport Master Plan Amendment Environmental Impact Report (SCH # 2018102020). File No. PP18-103. Planning Commission recommends approval (5-0-2; Caballero and Ballard absent). (Planning, Building and Code Enforcement/Airport)

[Deferred from 3/24/2020 - Item 5.1 (20-317)]

**Attachments**

[Memorandum \(a\)](#)

[Memorandum \(b\) \(c\)](#)

[\(a\) Resolution](#)

[\(b\) Resolution](#)

[Ordinance](#)

[Presentation PBCE](#)

[Presentation Airport](#)

[Letter from City of Santa Clara 4/28/2020](#)

[Letters from the Public](#)

**6. ENVIRONMENTAL & UTILITY SERVICES****7. NEIGHBORHOOD SERVICES****8. COMMUNITY & ECONOMIC DEVELOPMENT**

- 8.1**     [20-510](#)            **Actions Related to a Temporary Moratorium on Rent Increases for Rent Stabilized Apartments and Mobilehomes, Suspension of Late Fee Charges for Apartment Rent Ordinance Program Fees, Allow Landlords and Tenants to Enter Into Agreements to Reduce Rent, and Waiver of Building Fees for Apartment Buildings with 20 or Fewer Units.**

**Recommendation:**

- (a) Adopt an urgency ordinance that establishes a moratorium on rent increases for tenants residing in rent stabilized apartments and mobile home owners and mobile home residents residing in mobile homes subject to rent control. Specifically, the ordinance would:
- (1) Invoke the urgency provisions in the City Charter, as an emergency measure for immediate preservation of the public peace, health or safety, to temporarily prohibit the eviction of a tenant for nonpayment of rent, if that tenant meets the criteria listed in the ordinance regarding COVID-19;
  - (2) Prohibit rent increases through December 31, 2020;
  - (3) (a) For existing tenancies, set the monthly rent to the rent amount in effect as of March 31, 2020;
- OR, ALTERNATIVELY
- (3) (b) For existing tenancies, set the monthly rent to be no greater than the rent landlords charged at the time of Ordinance adoption.
  - (4) Provide that a landlord and tenant, mobile home resident, or mobile home owner can enter into a voluntary short-term agreement, without changing other terms of the rental contract, to temporarily reduce the rent through the term of the Ordinance, or shorter period as agreed-upon by the parties.
  - (5) Deny tenant service reduction claims related to temporary closure or elimination of recreational common area amenities to comply with County or State public health orders related to COVID-19;
  - (6) Suspension of late fees for unpaid Apartment Rent Ordinance Program fees; and
  - (7) Waive building/repair maintenance application permit fees for rental properties with 20 or fewer units.

PLEASE NOTE: APPROVAL OF THIS URGENCY ORDINANCE REQUIRES 8 OR MORE AFFIRMATIVE VOTES (2/3)

- (b) Approve an ordinance that establishes a moratorium on rent increases for tenants residing in rent stabilized apartments and mobile home owners and mobile home residents residing in mobile homes subject to rent control. Specifically, the ordinance would:
- (1) Prohibit rent increases through December 31, 2020;
  - (2) Apply the moratorium to rent increases that went into effect on or after April 1, 2020;
  - (3) (a) For existing tenancies, set the monthly rent to the rent amount in effect as of March 31, 2020;
- OR, ALTERNATIVELY
- (3) (b) For existing tenancies, set the monthly rent to be no greater than the rent landlords charged at the time of Ordinance adoption.



(4) Deny tenant service reduction claims related to temporary closure or elimination of recreational common area amenities to comply with County or State public health orders related to COVID-19;

(5) Suspension of late fees for unpaid Apartment Rent Ordinance Program fees; and

(6) Waive building/repair maintenance permit application fees for rental properties with 20 or fewer units.

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

(Housing)

[Rules Committee referral 4/15/20 - Item A.1.a]

[Deferred from 4/21/2020 - Item 8.1 (20-488)]

**Attachments**

[Memorandum](#)

[Supplemental Memorandum](#)

[Supplemental Memorandum, 4/24/2020](#)

[\(a\) Ordinance](#)

[\(a\) Alternate Ordinance](#)

[\(b\) Ordinance](#)

[\(b\) Alternate Ordinance](#)

[Presentation](#)

[Memorandum from Foley, Davis, & Khamis, 4/24/2020](#)

[Memorandum from Jones, 4/27/2020](#)

[Memorandum from Foley, 4/28/2020](#)

[Letters from the Public 1 of 3](#)

[Letters from the Public 2 of 3](#)

[Letters from the Public 3 of 3](#)

## **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.

## **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) [20-479](#) HPA16-004/MA19-004 - Historic Preservation Permit Amendment, Historic Landmark Designation Amendment and Historical Property Contract (California Mills Act). - DROP

**Recommendation:** DROPPED - TO BE RENOTICED

- (b) [20-480](#) PP20-009 - Amendment to Title 20 (The Zoning Ordinance). - RECOMMEND DEFERRAL

**Recommendation:** Approve an ordinance of the City of San José amending Chapter 20.190 of Title 20 of the San José Municipal Code to extend the applicability of City density bonus development incentives and to update the City's density bonus ordinance in conformance with state law; amending Chapter 20.30, Chapter 20.40, Chapter 20.70, Chapter 20.75 and Chapter 20.200 to enumerate and add a definition for Permanent Supportive Housing and Low Barrier Navigation Center; adding Chapter 20.195 to implement ministerial approvals required by California Government Code Section 65650 et. seq., 65660 et. seq., and 65913.4; 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 Jose 2040 General Plan Final Program Environmental Impact Report (FEIR), adopted through Resolution No. 76041, and Supplemental EIR Resolution No. 77617, adopted on December 15, 2015, and Addenda thereto. Planning Commission recommends approval (7-0). (Planning, Building and Code Enforcement)  
[Deferred from 4/14/2020 - Item 10.1(c) (20-432)]  
RECOMMEND DEFERRAL TO 5/12/2020 PER ADMINISTRATION

**Attachments** [Memorandum Ordinance](#)  
[Memorandum from Jimenez, 4/24/2020](#)

**END OF CONSENT CALENDAR**

## 10 Land Use - Regular Agenda

### 10.2 [20-481](#) **SP19-064 - Special Use Permit to Allow the Demolition of Existing Structures and Construction of a Mixed-Use Project Consisting of 100% Affordable Housing Along Meridian Avenue.**

#### **Recommendation:**

(a) Adopt a resolution certifying the Meridian Apartments Project Environmental Impact Report (SCH#2019050006) and making certain findings concerning significant impacts, mitigation measures, alternatives, and adopting a Statement of Overriding Considerations and a related Mitigation Monitoring and Reporting Program, all in accordance with the California Environmental Quality Act (CEQA).

(b) Adopt a resolution adopting, subject to conditions, the Special Use Permit and Incentives under State Density Bonus Law to allow the demolition of two residential buildings, accessory structures, a warehouse, and removal of 28 ordinance-sized trees and 13 non-ordinance-sized trees, for the construction of a 100% affordable housing (excluding two market rate manager's units) project with up to 233 multi-family residential apartment units with subterranean parking inclusive of an alternative parking design, and incentives to reduce the required front setback along Meridian Avenue, and reduce the amount of required vehicle parking, all on an approximately 2.09-gross acre site.

(c) Adopt a resolution adopting the Regulatory Agreement for 961-971 Meridian Avenue Density Bonus Rental Restriction pursuant to San José Municipal Code Chapter 20.190.100.

CEQA: Meridian Apartments Project Environmental Impact Report (SCH # 2019050006), File No. SP19-064. Planning Commission recommends approval (7-0) and that staff work with the applicant to develop a cost-effective TDM measure that should not jeopardize the financial feasibility of the project. Council District 6. (Planning, Building, and Code Enforcement)

TO BE HEARD IN THE AFTERNOON

**Attachments** [Memorandum](#)  
[\(a\) Resolution](#)  
[\(b\) Resolution](#)  
[\(c\) Resolution](#)  
[Presentation](#)  
[Letters from the Public](#)

## • 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.