



# **City Council Meeting SYNOPSIS**

**Tuesday, April 9, 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



- **Call to Order and Roll Call**

**9:35 a.m.-** Closed Session, Call to Order in Council Chambers

**Present: Carrasco (10:15), Davis, Diep, Esparza, Foley, Jimenez, Jones, Khamis, Peralez, Liccardo**

**Absent: Arenas**

**19-131** Closed Session Agenda

**1:33 p.m.-** Regular Session, Council Chambers, City Hall

**Absent Councilmembers: All Present.**

- **Invocation (District 4)**

Thu Vu, provided a Vietnamese Zither musical performance for the Invocation.

- **Pledge of Allegiance**

Mayor Sam Liccardo led the Pledge of Allegiance accompanied by third-grade students from Holy Cross Elementary School.

- **Orders of the Day**

The Orders of the Day and the Amended Agenda were approved.

- **Closed Session Report**

City Attorney Richard Doyle reported that Council has given the authority to file for appellate review in one matter. That matter will be disclosed upon the filing. The vote was unanimous.

## **1. CEREMONIAL ITEMS**

- 1.1** Mayor Sam Liccardo and Councilmember Raul Peralez presented a commendation to Yaretzi García the Winner of Este es mi Mexico drawing contest. (Peralez)
- 1.2** Mayor Sam Liccardo and Councilmembers Arenas, Carrasco, Davis and Foley presented a Proclamation recognizing April 2019 as Sexual Assault Awareness Month in the City of San José. (Arenas)
- 1.3** Mayor Sam Liccardo and Councilmember Johnny Khamis presented a Proclamation to recognize March 20, 2019 as Assyrian National Day. (Khamis)
- 1.4** Mayor Sam Liccardo and Councilmember Raul Peralez presented a Commendation to the Exhibition District for beautifying San José with color and art. (Mayor) *Heard in the Evening*

## CEREMONIAL ITEMS (Cont'd.)

1.5 Mayor Sam Liccardo and Councilmember Maya Esparza presented a Commendation to Services, Immigrant Rights and Education Network (SIREN) for their efforts in voter registration. (Esparza)

*Heard in the Evening*

## **2. CONSENT CALENDAR**

### 2.1 Approval of City Council Minutes.

None provided.

### 2.2 Final Adoption of Ordinances.

#### **19-169 Final Adoption of Ordinances.**

(a) Ord No. 30233 - An Ordinance of the City of San José Amending Section 26.40.020 Of Chapter 26.40 of Title 26 of the San José Municipal Code to Permit San José Clean Energy to Decrease Rates and Adjust Rates that are Fixed to Pacific Gas and Electric Company Rates Without Requiring Written Notice to Customers or a Finding of Extraordinary Circumstances by the City Council if the Rate is Decreased or Modified More than Twice a Year.

**Ordinance No. 30233 adopted.**

(b) Ord No. 30234 - An Ordinance of the City of San José Amending Part 2 and Adding Part 3.5 to Chapter 6.88 of Title 6 of the San José Municipal Code to add Definitions and Set Forth Criteria for a Cannabis Equity Assistance Program.

**Ordinance No. 30234 adopted.**

(c) Ord No. 30248 - An Ordinance of the City of San José Rezoning Certain Real Property of an Approximately 94.8-Gross Acre Site Generally Bounded by Coleman Avenue to the North; Union Pacific Right-Of-Way to the South; Newhall Street to the East and the City of Santa Clara Border, to the West, from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District.

**Ordinance No. 30248 adopted.**

(d) Ord No. 30249 - An Ordinance of the City of San José Rezoning Certain Real Property of an Approximately 6.9-Gross Acre Site Located on the Southwest Corner of Silicon Valley Road and Eden Park Place (455 Silicon Valley Road), from the A(PD) Planned Development Zoning District to the CIC Combined Industrial/Commercial Zoning District.

**Ordinance No. 30249 adopted.**

**(10-0-1. Absent: Arenas.)**

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(e) Ord No. 30250 - An Ordinance of the City of San José Amending Section 23.04.036 of Chapter 23.04 of Title 23 of the San José Municipal Code to Allow Freeway-Facing On-Site Signs for Sites, within the Alviso Master Plan Area, that are Developed with Office or Research and Development Uses; and to Make Other Nonsubstantive Changes to Chapter 23.04 of the Sign Code.

**Ordinance No. 30250 adopted.**

### **2.3 Approval of Council Committee Minutes.**

None provided.

### **2.4 Mayor and Council Excused Absence Requests.**

#### **19-191 Mayor and Council Excused Absence Requests.**

Request for an excused absence for Mayor Liccardo, from the Regular Meeting of the Rules and Open Government Committee on March 20, 2019, due to authorized City business at the Big City Mayors Lobby Day in Sacramento, CA.

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

**Accepted.**

### **2.5 City Council Travel Reports.**

None provided.

### **2.6 Report from the Council Liaison to the Retirement Boards.**

None provided.

#### **2.7 19-175 Amendment to the Agreement with Host International Inc. for Food and Beverage Concession at the Airport.**

Approve the Fifth Amendment to the Host International Inc. Food and Beverage Concession Agreement to extend the term of the agreement for two years, from June 30, 2026 to June 30, 2028, modify the Street Pricing Policy from 10% to 13% above street pricing, add a new concession into the Terminal B Interim Facility, refresh the Terminal B food court, reduce the Joint Marketing Fund Fee from .50% to .25% of gross revenues, and modify the use of the Joint Marketing Fund to include customer service initiatives. CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Airport)

**Staff report approved, but withholding the two-year extension from any operator that does not operate 7 days per week, with direction to the City Attorney to work on language for future contracts to reflect the City's values. Additionally, direct rainbow and transgender flags to be displayed at the airport. (11-0.)**

**2.8 19-176**

**Actions Related to the City Auditor Recruitment Costs.**

Adopt the following Fiscal Year 2018-2019 Appropriation Ordinance amendments in the General Fund:

- (a) Increase the City Auditor's Office Non-Personal/Equipment appropriation by \$28,500; and
- (b) Decrease the City Auditor's Personal Services appropriation by \$28,500.

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)

**Ordinance No. 30251 adopted.**

**(10-0-1. Absent: Arenas.)**

**2.9 19-177**

**Actions Related to the 2018 Emergency Management Performance Grant Program.**

Adopt the following 2018-2019 Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund:

- (a) Establish a City-Wide Expenses appropriation to the City Manager's Office for the Emergency Management Performance Grant - CMO 2018 in the amount of \$91,100; and
- (b) Increase the estimate for Revenue from Federal Government by \$91,100.

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)

**Ordinance No. 30252 adopted.**

**Resolution No. 79032 adopted.**

**(10-0-1. Absent: Arenas.)**

**2.10 19-178**

**Amendment to the Agreement with Christmas in the Park, Inc. for the Christmas in the Park at Plaza de Cesar Chavez. - DEFERRED**

Adopt a resolution authorizing the City Manager or his designee to negotiate and execute a Second Amendment to the Agreement with Christmas in the Park, Inc. to do the following:

- (a) Extend the term of the agreement for one of the two three-year extension periods for the period of May 1, 2019 through April 30, 2022 to manage and produce Christmas in the Park at Plaza de Cesar Chavez and to provide reimbursable fees for limited support staff, if needed, with an estimated \$414,600 of in-kind services, calculated on an annual basis;
- (b) Delegate authority to the City Manager or his designee to execute the second of the two three-year extension periods provided in the agreement; and

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**2.10 (Cont'd.)**

(c) Provide flexibility for use of the Central Service Yard or equivalent space in an alternative location for storage and maintenance of displays, decorations, equipment and office space.

CEQA: Categorically Exempt, CEQA Guidelines Section 15304(e)  
Minor Alterations to Land, File No. PP16-031. Council District 3.  
(Economic Development)

**Deferred to 4/16/19 per Administration**

**2.11 19-179**

**Actions Related to the Purchase Order with Prime Mechanical Service, Inc. for Refrigerators, Freezers, and Ice-Makers Maintenance and Repair Services.**

Adopt a resolution authorizing the City Manager to:

- (a) Execute a Purchase Order with Prime Mechanical Service, Inc. (Livermore, CA) for refrigerators, freezers, and ice-makers maintenance and repair services for the Public Works Department for an initial twelve-month period, starting on or about April 10, 2019 and ending on or about April 9, 2020 for an amount not to exceed \$270,000; and
- (b) Exercise up to four one-year options to extend the term of the Purchase Order with the last option year ending on or about April 9, 2024, subject to the appropriation of funds.

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

(Finance)

**Resolution No. 79033 adopted.**

**(10-0-1. Absent: Rocha.)**

**2.12 19-180**

**Set a Public Hearing for the Cost of Sidewalk Repairs for June 11, 2019.**

Adopt a resolution setting a Public Hearing on Tuesday, June 11, 2019 at 1:30 p.m. for the approval of the report from the Director of Finance for the cost of sidewalk repairs.

CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities. (Finance)

**Resolution No. 79034 adopted.**

**(11-0.)**

**2.13 19-161**

**Retroactive Approval of Beautification Day in the Tuers Neighborhood Sponsored by Council District 7 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

As recommended by the Rules and Open Government Committee on March 20, 2019:

- (a) Retroactively approve the Beautification Day in the Tuers Neighborhood scheduled on March 9, 2019 as a City Council sponsored Special Event and approve the expenditure of funds; and
- (b) Approve and accept donations from various individuals, businesses, or community groups to support the event.

**2.13 (Cont'd.)**

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Esparza)  
[Rules Committee referral 3/20/19 - Item G.1.a]

**Approved.**  
**(10-0-1. Absent: Arenas.)**

**2.14 19-196**

**Approval of Great American Litter Pick-Up Sponsored as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

As recommended by the Rules and Open Government Committee on March 27, 2019:

(a) Approve the Great American Litter Pick-Up scheduled on April 13, 2019 as a City Council sponsored Special Event and approve the expenditure of funds; and

(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. (City Clerk)  
[Rules Committee referral 3/27/19 - Item G.1.a]

**Approved.**  
**(10-0-1. Absent: Arenas.)**

**2.15 19-197**

**AB1210 (Low): Crimes: Package Theft.**

As recommended by the Rules and Open Government Committee on March 27, 2019, adopt a position of support for AB1210 (Low) on package theft.

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

[Rules Committee referral 3/27/19 - Item G.2]

**Position of Support adopted.**  
**(10-0-1. Absent: Arenas.)**

**2.16 19-198**

**Retroactive Request for Travel for Mayor and Council.**

Retroactively approve travel for Councilmember Carrasco to San Antonio, TX from March 27 - March 28, 2019, as an elected board member of the Sister Cities International to attend the 2019 Japan-Texas Leadership Symposium. Source of Funds: District 5 Office Budget.

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

**Approved.**  
**(10-0-1. Absent: Arenas.)**

**2.17 19-199 Retroactive Approval of Crime Prevention Series: Fraud/Identity Theft Prevention Meeting 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.**

(a) Retroactively approve the Crime Prevention Series: Fraud/Identity Theft Prevention Meeting scheduled on March 27, 2019 as a City Council sponsored Special Event and approve the expenditure of funds; and

(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)

**Approved.**

**(10-0-1. Absent: Arenas.)**

**2.18 19-228 Retroactive Approval of District 4 Office Hours 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.**

As recommended by the Rules and Open Government Committee on April 3, 2019:

(a) Retroactively approve the District 4 Office Hours scheduled on April 6, 2019 as a City Council sponsored Special Event and approve the expenditure of funds; and

(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 4/3/19 - Item G.1.a]

**Approved.**

**(10-0-1. Absent: Arenas.)**

**2.19 19-229 Approval of 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.**

As recommended by the Rules and Open Government Committee on April 3, 2019:

(a) Approve the Berryessa Annual Art Festival scheduled on May 11, 2019 as a City Council sponsored Special Event and approve the expenditure of funds; and

(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 4/3/19 - Item G.1.b]

**Approved.**

**(10-0-1. Absent: Arenas.)**



### **3. STRATEGIC SUPPORT**

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

None provided.

#### **3.2 Labor Negotiations Update.**

None provided.

#### **3.3 19-181 Employee Benefit Fund Administration Audit Report.**

As recommended by the Public Safety, Finance, & Strategic Support Committee on March 21, 2019, accept the Employee Benefit Fund Administration Audit.

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

[Public Safety, Finance, & Strategic Support Committee referral - 3/21/19 Item (d)6]

**Accepted.  
(11-0.)**

#### **3.4 19-165 Board of Fair Campaign and Political Practices Response and Proposed Recommendations to October 16, 2018 Council Referral Regarding Shifting Mayoral Elections from the Gubernatorial Election Cycle to the Presidential Election Cycle. - DEFERRED**

Accept the recommendation from the Board of Fair Campaign and Political Practices to shift the City's mayoral election from the gubernatorial cycle to the presidential cycle.

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

[Deferred from 10/16/2018 - Item 3.9 (18-1393) and 3/26/2019 - Item 3.7 (19-137)]

***Deferred to 4/16/2019 per Administration***

#### **3.5 19-194 Planning Commission Appointment.**

(a) Consideration of applicants for appointment to the Planning Commission;

(b) Appoint one (1) applicant to the Planning Commission for a term expiring June 30, 2022; and

(c) If any vacancy remains, direct the City Clerk to continue recruitment efforts and bring forward additional applicants for consideration within 90 days.

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3.5 (Cont'd.)

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

**Pierluigi Oliverio was appointed to the Planning Commission for a term expiring June 30, 2022.**

3.6 19-182

**Study Session Presentation: Council Training on Elected Officials Role in Municipal Bond Disclosure.**

Accept the presentation on Disclosure Obligations of Municipal Bond Issuers.

CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment. (Finance)  
***Heard Immediately Following Item 6.1 (19-186)***

**Accepted.**

**(11-0.)**

## **4. COMMUNITY & ECONOMIC DEVELOPMENT**

4.1 19-183

**Summary Vacation of a Public Utility Easement Located at 5696 Stevens Creek Boulevard.**

Conduct a Public Hearing and adopt a resolution:

- (a) Approving the report of the Director of Public Works setting forth the facts justifying the summary vacation of an approximately 1,149 square foot Public Utility Easement at 5696 Stevens Creek Boulevard;
- (b) Summarily vacating the Public Utility Easement, which has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation; and
- (c) Directing the City Clerk to record a certified copy of the resolution of vacation with the Office of the Recorder, County of Santa Clara.

CEQA: Mitigated Negative Declaration for the Stevens Creek and Stern Hotel, File No. H17-023. Council District 1. (Public Works)

**Public hearing held.**

**Resolution No. 79035 adopted.**

**(11-0.)**

4.2 19-184

**Ellis Act Ordinance Recontrol Provisions.**

Accept the verbal staff report on research on the Ellis Act Ordinance's recontrol provisions including conversations with developers and lenders, potential alternatives for meeting recontrol requirements and accept the ancillary staff report.

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

(Deferred from 3/26/19 - Item 4.2)

***Deferred to 4/23/19 per Administration.***

**4.3 19-185**

**Affordable Housing Investment Plan Update.**

As recommended by the Community and Economic Development Committee on March 25, 2019:

(a) Accept the staff report on the update of the Housing Investment Plan for expenditure of affordable housing funds; and

(b) Include two new priorities funding acquisition and/or rehabilitation of existing market rate housing and a minimum of 30% of funds be invested in extremely low-income housing over the life of the Housing Investment Plan.

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

[Community and Economic Development Committee referral 3/25/19 - Item (d)4]

**The staff report was accepted, including the joint memorandum from Councilmembers Esparza and Davis, dated April 9, 2019 to accept the staff report, including the new priorities of funding acquisition and/or rehabilitation of existing market rate housing, and to increase the minimum of 30% of funds invested in extremely low-income housing to 45% of funds over the life of the Housing Investment Plan; also including the following from the memorandum from Councilmember Jones, dated April 9, 2019: Request a follow-up from staff following the Notice of Funding Availability (NOFA) detailing how the \$ 10 million in funding will be allocated for the acquisition and/or rehabilitation of existing market rate housing. (11-0.)**

**4.4 19-230**

**AB 705 (Stone) Mobile Home Park Closures.**

As recommended by the Rules and Open Government Committee on April 3, 2019, adopt a position of support for AB 705 (Stone) on Mobile Home Park Closures.

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

[Rules Committee referral 4/3/19 - Item G.3]

**Position of support adopted if it is clarified or amended to comport with the Council's intent that there is some flexibility in the new housing provided. (11-0.)**

## **5. NEIGHBORHOOD SERVICES**

## **6. TRANSPORTATION & AVIATION SERVICES**

### **6.1 19-186 Award of Contract for the 2019 Major Streets Resurfacing Project #1.**

(a) Approve award of a construction contract for the 2019 Major Streets Resurfacing Project #1 to the low bidder, DeSilva Gates Construction LP in the amount of \$10,976,044.

(b) Approve a five percent contingency in the amount of \$548,802.

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

*Heard Immediately Following Consent*

**Approved.**

**(10-0-1. Absent: Jimenez.)**

## **7. ENVIRONMENTAL & UTILITY SERVICES**

## **8. PUBLIC SAFETY**

### **8.1 19-195 Valley Transportation Authority Request for Proposal for Supplemental Law Enforcement Services for the Berryessa/North San José BART Station Area.**

Adopt a resolution authorizing the City Manager to submit a proposal to the Valley Transportation Authority for Supplemental Law Enforcement Services for the Berryessa/North San José BART station area with costs for services to be charged competitively, including at or below full cost recovery.

CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. Council District 4. (Police)

**Resolution No. 79036 adopted, including the memorandum from Councilmember Diep, dated April 8, 2019, to accept recommendations from the Mayor and Chief Garcia along with additional direction to study the feasibility of staffing SJPd officers or CSOs at the Berryessa Transit Center security office so that residents may go directly there to report certain crimes in person.**

**Recommendations from Mayor Sam Liccardo, dated April 8, 2019, to adopt a resolution expressing the view of the San Jose City Council that local city police departments provide the most effective and accountable means of policing BART stations, parking lots, and surrounding areas. For that reason, the San Jose Police Department should have primary jurisdiction for the policing of the Berryessa/ North San Jose BART station, rather than any private security company, County Sheriff, or other public agency.**

**(11-0.)**

## **9. REDEVELOPMENT – SUCCESSOR AGENCY**

- Open Forum

Blair Beekman referenced the earlier Consent Calendar item on Emergency Planning grant money and commented on the future of emergency preparedness.

**Council recessed at 6:06 p.m. and resumed at 6:35 p.m. All Councilmembers were present.**

## **10. LAND USE**

### **10.1 Land Use on Consent Calendar**

No Land Use items on Consent Calendar.

### **10 Land Use - Regular Agenda**

#### **10.2 19-188 C18-031/CP18-036 - Conforming Rezoning and Conditional Use Permit for Real Property Located at 2222 Trade Zone Boulevard.**

(a) Adopt a resolution adopting the 2222 Trade Zone Boulevard Project Addendum to the Envision San José 2040 General Plan Final Environmental Impact Report, Envision San José 2040 General Plan Final Supplemental Environmental Impact Report, and Addenda thereto, all in accordance with the California Environmental Quality Act, as amended.

**Resolution No. 79037 adopted.**

**(8-3. Noes: Davis, Diep, Foley.)**

(b) Approve an ordinance of the City of San José rezoning an approximately 2.0 gross acre site located at 2222 Trade Zone Boulevard from the IP Industrial Park Zoning District to the TEC Transit Employment Center Zoning District.

**Ordinance No. 30253 passed for publication, including item #3 from Councilmember Lan Diep's memorandum dated April 8, 2019, directing staff to return to Council with proposed changes to the Zoning Ordinance to better align the Transit Employment Center (TEC) Zoning District with the TEC General Plan Designation.**

**(8-3. Noes: Davis, Diep, Foley.)**

(c) Adopt a resolution to approve, subject to conditions, a Conditional Use Permit to allow a church to occupy 18,480-square foot area of an existing 29,193-gross square foot office building with an alternating use parking arrangement.

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## 10.2 (Cont'd.)

CEQA: Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report (EIR) (Resolution No. 76041), Envision San José 2040 General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto, File Nos. C18-031 and CP18-036. Director of Planning, Building and Code Enforcement recommends approval. Council District 4. (Planning, Building and Code Enforcement)

**Resolution No. 79038 adopted.**  
**(8-3. Noes: Davis, Diep, Foley.)**

## 10.3 19-189

### **PP19-010 - Amendment to Title 20 (Zoning Ordinance or Zoning Code).**

Approve an ordinance amending Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code to amend Section 20.30.150 of Chapter 20.30 to remove average height requirement for secondary units, and modify maximum height requirement for two-story secondary units; amend Section 20.50.100 of Chapter 20.50 to allow Farmers' Market as an enumerated use in the CIC Zoning District; 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 (EIR) (Resolution No. 76041), Envision San José 2040 General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto. (Planning, Building, and Code Enforcement).

[Deferred from 3/26/19 - Item 10.2 (19-128)]

**Ordinance No. 30254 passed for publication.**  
**(11-0.)**

## 10.4 19-190

### **PDC18-009/PD18-037/PT18-020 - Planned Development Rezoning, Planned Development Permit and Vesting Tentative Map for Real Property Located at 2882 Hemlock Avenue and 376 Baywood Avenue.**

(a) Adopt a resolution adopting the Hemlock Avenue Mixed-Use Project Mitigated Negative Declaration for which an Initial Study was prepared, and a related Mitigation Monitoring and Reporting Program, all in accordance with the California Environmental Quality Act, as amended.

**Resolution No. 79039 adopted.**  
**(11-0.)**

(b) Approve an ordinance of the City of San José rezoning certain real property of an approximately 0.47-gross acre site located on the north side of Hemlock Avenue, approximately 120 feet easterly of South Baywood Avenue (2882 Hemlock Avenue and 376 Baywood Avenue)

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## 10.4 (Cont'd.)

from the CG General Commercial Zoning District to the CP(PD) Planned Development Zoning District.

**Ordinance No. 30255 passed for publication.**

**(11-0.)**

(c) Adopt a resolution approving, subject to conditions, a Vesting Tentative Map to merge two parcels into one parcel and to resubdivide the parcel into no more than 48 residential condominium units and no more than 15 commercial condominium units, and one common parcel, on an approximately 0.47 gross acre site.

**Resolution No. 79040 adopted.**

**(11-0.)**

(d) Adopt a resolution approving, subject to conditions, a Planned Development Permit to effectuate the Planned Development Zoning District and allow the demolition of the 1,544-square foot single-family residence and approximately 3,887-square foot commercial building, the removal of seven ordinance-size trees, and the construction of a mixed-use project with no more than 48 residential condominium units and approximately 18,495-square feet of commercial office space with no more than 15 commercial condominium units on an approximately 0.47-gross acre site.

CEQA: Mitigated Negative Declaration for the Hemlock Mixed-Use Project, File No. PDC18-009/PD18-037/PT18-020. Planning Commission recommends approval (5-0-1; Vora abstained). Council District 6. (Planning, Building, and Code Enforcement).

**Resolution No. 79041 adopted.**

**(11-0.)**

- Open Forum

None provided.

- Adjournment

**The meeting of the City Council of the City of San José adjourned at 9:06 p.m.**