



# City Council Meeting Minutes

**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



## SYNOPSIS OF THE CITY COUNCIL

**SAN JOSÉ, CALIFORNIA**

**TUESDAY, NOVEMBER 5, 2019**

The Council of the City of San José convened in Regular Session at 11: 04 a.m. in the Council Chambers at City Hall.

Present: Councilmembers - Liccardo, Jones, Khamis, Davis, Diep, Jimenez, Esparza, Peralez, Carrasco, Arenas, Foley.

Absent: Councilmembers - All present.

### STRATEGIC SUPPORT SERVICES

#### 3.2 Accept Labor Negotiations Update.

There was no Update.

### CLOSED SESSION

Upon motion unanimously adopted, Council recessed at 9:45 a.m. to a Closed Session in Room W133; to A discuss Public Employment/Public Employee evaluation pursuant to Government Code section 54957 with respect to City Attorney Rick Doyle; B confer with Legal Counsel-Existing Litigation Pursuant to Government Code Section 54956.9(d)(1): (1) Case Name: Guerrero, et al. v. City; Name(s) of Parties(s) Involved: Frank Guerrero, III; Anthony G. Belcher; City of San Jose; Court: Superior Court of California, County of Santa Clara; **Case No.:** 18-CV-324413; Amount of Money or Other Relief Sought: Damages according to proof; (C) confer with Labor Negotiator Pursuant to Government Code Section 54957.6: City Negotiator: Jennifer Schembri, Director of Employee Relations; Employee Organizations: (1). Association of Building, Mechanical and Electrical Inspectors (ABMEI). Nature of negotiations: wages/salaries, hours, working conditions, etc. Name of Existing Contract or MOA: Memorandum of Agreement - City of San Jose and Association of Building, Mechanical and Electrical Inspectors (ABMEI). (2). Association of Engineers & Architects (AEA). Nature of negotiations: wages/salaries, hours, working conditions, etc. Name of Existing Contract or MOA: Memorandum of Agreement — City of San Jose and Association of Engineers & Architects (AEA). (3) City of San Jose - Association of Maintenance Supervisory Personnel (AMSP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: City of San Jose - Association of Maintenance Supervisory Personnel (AMSP) Benefit & Compensation Summary. (4) City Association of Management Personnel Agreement (CAMP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc. Name of Existing Contract or MOA: Benefit & Compensation Summary-City of San Jose and City Association of Management Personnel Agreement. (5) International Association of Firefighters, Local 230 (IAFF0); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and International Association of Firefighters, (IAFF), Local 230. (6) International Brotherhood of Electrical

Access the video, the agenda, and related reports for this meeting by visiting the City's website at <http://www.sanjoseca.gov/civiccentertv>. For information on any ordinance that is not hyperlinked to this document, please contact the Office of the City Clerk at (408) 535-1266.

**CLOSED SESSION (Cont'd.)**

Workers, Local 332 (IBEW); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and Local 332 (IBEW). (7) Municipal Employees' Federation, AFSCME Local 101, AFL-CIO (MEF); Nature of negotiations: wages/salaries, hours, working conditions, etc. Name of Existing Contract or MOA: Memorandum of Agreement — City of San José and Municipal Employees' Federation, AFSCME Local 101, AFL-CIO. (8) International Union of Operating Engineers, Local No. 3 (OE#3); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and International Union of Operating Engineers, Local No. 3 (OE#3). (9) San José Police Officers' Association (SJPOA). Nature of Negotiations: wages/salaries, hours, working conditions, etc. Name of Existing Contract or MOA: Memorandum of Agreement — City of San José and San José Polices' Association. (10. Association of Legal Professionals of San José (ALP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc.; Name of Existing Contract or MOA: Memorandum of Agreement -- City of San Jose and ALP.

By unanimous consent, Council recessed from the Closed Session at 9:45 a.m. and reconvened to Regular Session at 11:04 a.m. in the Council Chambers.

Present: Councilmembers - Liccardo, Jones, Jimenez, Peralez, Davis, Esparza, Arenas, Foley, Khamis

Absent: Councilmembers - Diep, Carrasco.

**INVOCATION**

Pastor Tim Lundy of Venture Christian Church provided the Invocation.

**PLEDGE OF ALLEGIANCE**

Mayor Sam Liccardo, led the Pledge of Allegiance and acknowledged the presence of bright, young students from Queen of Apostles Elementary School.

**ORDERS OF THE DAY**

Upon motion by Vice Mayor Chappie Jones, seconded by Councilmember Pam Foley, and carried unanimously, the Orders of the Day and the Amended Agenda were approved with Item 10.1, 10.2. and 4.6 heard in the evening, and not before 7p.m. time certain.  
(10-1. Absent: Jimenez)

**1. CEREMONIAL ITEMS**

- 1.1 Mayor Sam Liccardo and Councilmember Dev Davis presented a Proclamation recognizing November as National Adoption Month.
- 1.2 Mayor Sam Liccardo and Councilmember Johnny Khamis presented a Proclamation to Work2Future recognizing Small Business Saturday

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- 1.3** Mayor Sam Liccardo and Councilmember Raul Peralez presented a Proclamation recognizing November as the National Homeless Youth Awareness Month.
- 1.4** Mayor Sam Liccardo and Councilmember Sylvia Arenas presented a Proclamation recognizing November as Sikh American Awareness and Appreciation Month.  
**Heard in the Evening.**
- 1.5** Mayor Sam Liccardo and Councilmember Pam Foley presented a Commendation to the 2019 District 9 Stars: Don Burger, Karen Adamski, and Michael Melillo.  
**Heard in the Evening.**
- 1.6** Mayor Sam Liccardo and Councilmember Raul Peralez presented a Commendation to StandUp for Kids Silicon Valley for five years of serving and empowering homeless youth toward lifelong personal growth.  
**Heard in the Evening.**

## CONSENT CALENDAR

Public Comments: Blair Beekman offered comments on the Consent Calendar.

Upon motion by Councilmember Sylvia Arenas, seconded by Councilmember Maya Esparza and carried unanimously, the Consent Calendar was approved, with Items 2.5, 2.9, 2.10 and 2.13 pulled and the below listed actions taken as indicated. (11-0.)

### **2.1 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.

Action: The Special City Council Meeting Minutes were approved. (11-0.)

### **2.2 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.

Action: Ordinance No. 30322 was adopted. (11-0)

(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.

Action: Ordinance No. 30323 was adopted. (11-0)

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**2.2 Final Adoption of Ordinances (Cont'd.)**

(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.

Action: Ordinance No. 30324 was adopted. (11-0)

(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.

Action: Ordinance No. 30326 was adopted. (11-0)

(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.

Action: Ordinance No. 30327 was adopted. (11-0)

**2.3 Approval of Council Committee Minutes.**

None provided.

**2.4 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)

Action: 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, and Retroactive request for an excused absence for Councilmember Khamis from the Regular Meeting of Rules and Open Government Committee on October 30, 2019 were approved as recommended. (11-0.)

## 2.5 City Council Travel Reports.

Mayor Liccardo provided update on his trip to Washington D.C. last week to testify in front of a House Oversight Committee relating to the Trump Administrations efforts to undermine the California Rule on auto emissions, and the waiver that has been traditionally given to California for 50 years by Federal Authorities. Mayor Liccardo testified along with former Governor Jerry Brown and US Senators, Economists and Environmentalists and as well as several experts far more knowledgeable than himself.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Vice Mayor Chappie Jones and carried unanimously, City Council Travel Report was approved. (11-0.)

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

None provided.

## 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)

Action: Resolution No. 79291 was adopted, and staff recommendation was approved (11-0.)

## 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)

Action: Resolution No. 79292 was adopted, and staff recommendation, accepted. (11-0.)

**2.9 19-987****Actions Related to the Car Break-In Prevention Program.**

(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)

Councilmember Maya Esparza posed questions for the P.D. concerning Actions Related to The Car Break and Prevention Program in appropriation adjustments.

PD Field Operations Deputy Chief, David Tindall responded to the questions and gave a brief presentation.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Vice Mayor Chappie Jones and carried unanimously, staff recommendation was approved. Ordinance No. 30333 was adopted, and Resolution No. 79293 was adopted. (11-0.)

**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)

Action: Resolution No. 79294 was adopted, and Ordinance No. 30334, was adopted.

**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.

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**2.11 19-984 Request for Travel for Mayor's Staff. (Cont'd)**

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

Action: Authorized travels, and acceptance of travel payments to the City of San José, and the designated Mayor's staff[s] were approved as recommended.  
(11-0)

**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)

Action: Authorized travel, and acceptance of travel payments to the City of San José, Designate, Mayor Liccardo, were approved as recommended.  
(11-0)

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

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]

Councilmember Dev Davis clarified her Blue Memo because the motion made at the recent Rules Meeting was not reflected in Item 2.13 in today's Council Meeting, which is intended to support H.R. 763. Climate Smart Deputy Director Ken Davies, read a statement into the record, and noted that the recommendation by Rules and Open Government Committee on October 30, 2019 was to adopt a support position if amended for HR 763, the Deutch Bill.

Action: Upon motion by Councilmember Dev Davis to move approval of her memo, seconded by Councilmember Pam Foley and carried unanimously, a support position was adopted for H.R. 763 (Deutch).  
(11-0.)



**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)]

Action: City Budget Calendar and Budget Study Session Schedule, were approved as recommended.

(11-0.)

**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. (Peralez)

[Rules Committee referral 10/30/19- Item G.1(a)]

Action: The Santa's Village Around the World Special Event was approved, expenditure of funds, and acceptance of donations from various individuals, businesses, or community groups to support the event were approved as recommended.

(11-0.)

**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. (Peralez)

[Rules Committee referral 10/30/19- Item G.1(b)]

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**2.16 19-1038 Approval of the District 3 Night at Christmas in the Park Sponsored by (Cont'd)**

Action: The District 3 Night at Christmas in the Park Special Event was approved, expenditure of funds, and acceptance of donations from various individuals, businesses, or community groups to support the even were approved as recommended.  
(11-0.)

**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)]

Action: The World AIDS Day Flag Raising Ceremony Special Event was approved, expenditure of funds, and acceptance of donations from various individuals, businesses, or community groups to support the even were approved as recommended.  
(11-0.)

**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)]

Action: The Safe and Green Halloween Special Event was approved, expenditure of funds, and acceptance of donations from various individuals, businesses, or community groups to support the even were approved as recommended.  
(11-0.)

**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)]

Action: The Vista Park Beautification Day Special Event was approved, expenditure of funds, and acceptance of donations from various individuals, businesses, or community groups to support the even were approved as recommended.

(11-0.)

**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 an 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)]

Action: The District 2 Holiday Community Appreciation Celebration Special Event was approved, expenditure of funds, and acceptance of donations from various individuals, businesses, or community groups to support the even were approved as recommended.

(11-0.)

### **3. STRATEGIC SUPPORT**

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

None provided.

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

None provided.

### **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)**

Housing Director, Jackie Morales-Ferrand; City Manager's Chief of Staff, Lee Wilcox, and Housing Policy and Plan Administrator, James Stagi gave a presentation and responded to questions.

Council had a productive and extensive debate.

On a call of the question, the motion by Councilmember Maya Esparza, seconded by Councilmember Johnny Khamis and carried unanimously, was approved.

(9-2. Noes: Jimenez, Foley)

Action: Upon motion by Councilmember Maya Esparza to move approval of the resolution currently before the Council, seconded by Councilmember Sylvia Arenas, and carried unanimously, Resolution No. 79295 was adopted, and staff recommendation was accepted, with direction to come back to Rules Committee for discussion.

(11-0)

**Council recessed at 12:10 p.m.**

**Council resumed at 1:30 p.m.**

**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)

**Heard jointly with Item 4.3**

Economic Development Director, Kim Walesh; Housing Director, Jackie Morales-Ferrand, Economic Development Deputy Director, Chris Burton; and Housing Development Deputy Director, Rachel VanderVeen gave a presentation and responded to questions.

Public Comments: Offering comments on the Report on the Cost of Residential Development were: Matt Mason, Oliver Baviere, Huesca Castro, (Silicon Valley@Home); Dominic Torreano, (Local 104, Steel Union); Larry Ames, Vince Rocha, Huy Tran, Jeffrey Buchannan, (Working Partnership USA); Pat Sausedo, Brenda Rodriguez, Kathryn Hedges, (from PACT); Matthew Reid, (SiliconValley@Home); Bill Rankin, Erich Schoennauer, (Altera International); Alex Caraballo, Louise Audubon (Working Partnership); Alex Shoor, (Catalyze Fee); Tessa Woodmanssee and Blair Beekman.

Action: The motion by Councilmember Raul Peralez to move Councilmember Sergio Jimenez' memo, seconded by Councilmember Sergio Jimenez did not garner unanimous support. Upon supplemental motion by Councilmember Lan Diep, seconded by Councilmember Dev Davis, and carried unanimously, the Staff Report was accepted as recommended, including approval of Memorandum from Councilmember Jimenez to:

1. Direct staff to analyze the impact of development standards and zoning restrictions on the cost of residential development in San Jose. Staff should study the following:
  - a. Parking requirements, including savings on development costs from reduced or eliminated parking requirements.
  - b. Height maximums, including profit potential with each additional story added to prototype developments (across all construction types).
  - c. Density limitations, including profit potential and impact on feasibility with density bonuses or elimination of density restrictions altogether.
  - d. Commercial/retail requirements, including impact on financial feasibility with reduction or elimination of such requirements.
  - e. Any other development standard or zoning restriction within the control of the City that has a material impact on the cost of residential development.
2. Direct staff to analyze the impact of development review, including the length of time taken to entitle and construct residential projects, on the cost of development. Include within this analysis:
  - a. Cost comparisons between discretionary projects and by-right developments.
  - b. Cost savings by reducing discretionary review. (For example, allowing approval at a Planning Director Hearing instead of Council approval.)
3. Direct staff to provide an analysis of land values, measured in dollars per acre, in other cities in Santa Clara County, and compare with land values in sub-areas within San Jose. With an addition to direct staff to perform a workload analysis (red, yellow, green--Early Consideration Process) and report back through the standard workflow. (10-1. Noes: Peralez)

**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)

**Heard jointly with Item 4.2**

Action: Upon motion by Councilmember Raul Peralez to move Councilmember Sergio Jimenez' memo, seconded by Councilmember Sergio Jimenez, and carried unanimously, the Staff Report was accepted as recommended, including approval of Memorandum from Councilmember Jimenez to:

Accept the report and, as work on the Development Fee Framework continues, direct staff to incorporate the following principles:

- A. The development related fees within the Framework must continue to mitigate the impacts of new development on the demand for parks, affordable housing, transportation infrastructure, and other amenities and services, as intended at the adoption of each fee.
- B. The outcome of this work, including adoption of any Development Fee Framework, must be revenue neutral for each fee and tax within the Framework.
- C. Any fee and tax reductions (or increases) should be evaluated and considered separately from this work.

Also approved was the Memorandum from Mayor Liccardo with language change on 2a (shown in all caps) to:

- 1. Accept staffs report on the Development Fee Framework.
  - 2. As the Framework is built out, direct City staff to:
    - a. EXPLORE that the annual adjustment of Inclusionary Housing Ordinance (IHO) in-lieu fee is tied to an index I that is based on cost of residential construction (e.g., Engineering News Record Building Cost Index). Direct City staff to outreach to residential developers for input into indices that are already utilized in their pro formas.
    - b. Explore modifying the basis of square footage to which development fees apply to net rentable space, in a manner that is net revenue-neutral to the City.
- (11-0.)

**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;

## 4.4 19-993

**Inclusionary Housing Ordinance Proposed Revisions.( Cont'd)**

(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)

Housing Director, Jackie Morales-Ferrand; Senior Development Officer Amy Chen, Senior City Attorney Shasta Greene, Keyser Marston Associates Consultant, David Doezema; and Housing Development Deputy Director, Rachel VanderVeen gave a presentation and responded to questions.

Public Comments: Offering comments on Inclusionary Housing Ordinance Proposed Revisions were: 1.Dominic Boitano (Robson Homes), Eddie Truong (Silicon Valley Organization), Matthew Reed (Silicon Valley@Home), Jeffrey Buchannan (Working Partnership USA), Michelle Huttenhoff (SPUR), Jeff Cristina ( ), Larry Ames ( ), Kathryn Hedges (PACT), Robert Aguirre ( ), Salvatore Caruso (Caruso Designs), Mark Lazzarini (DAL Properties), \_\_\_\_\_ ( ), Nassim Nouri, (Green Party of Santa Clara County); Jaime Alvarado ( ), Marci Gerston, (PACT); \_\_\_\_\_ ( )

**Council recessed at 5:42 p.m.**

**Council resumed at 6:06 p.m.**

*(Item Continued on the Next Page)*

## 4.4 19-993

**Inclusionary Housing Ordinance Proposed Revisions. ( Cont'd)**

Mayor Liccardo declared public hearing closed on this session.

A productive and extensive debate ensued among Council.

Action: Upon motion by Councilmember Pam Foley to move approval of the memorandums by Mayor Liccardo, Vice Mayor Chappie Jones and Councilmember Sylvia Arenas, seconded by Councilmember Arenas and carried unanimously, staff's analysis was accepted as recommended, including approval of Memorandum from Mayor Liccardo, dated November 4, 2019, with recommendations to:

1. Accept Vice Mayor Jones' recommendations in his memorandum dated Nov. 5, 2019.
2. Accept staff recommendation for proposed revisions to the Inclusionary Housing Ordinance (IHO). Return to Council by the end of March 2020 with analysis and recommendations for the following:
  - a. Study how to incentivize density where appropriate for small projects between 1 - 4 units' and between 5-20 units." Return to Council after outreach to small-project builders about the viability of those projects, and offer recommendations to incentivize densifying these projects including, but not limited to, considering bonuses to small projects that are substantially densifying infill sites.
  - b. Report back with the specific outreach to, and resulting responses from, market rate and affordable housing developers and financiers regarding impact on financing by extending period of affordability to 99 years". Study and consider "life of the project" as San Francisco applies to their affordable projects.
  - c. Include explicit flexibility for the City Manager/Housing Director to approve offsite (unintegrated) affordable housing plans that do not meet the minimum standard for contributions (currently proposed at 75% of in-lieu fee value) if the project incorporates innovative or unique partnerships with affordable housing developers that better accomplish City goals. Explore lowering percentage threshold in order to encourage innovative partnerships to maximize affordable housing as part of a project.

Also approved was Memorandum by Vice Mayor Chappie Jones, dated: Nov 5, 2019, with recommendation to:

Accept staff recommendation and direct Staff to explore an option for developers to meet their Inclusionary Housing Ordinance (IHO) obligation through the following three measures:

- o Purchasing land that meets the requirements to utilize Senate Bill 35(SB 35) and land requirements for the IHO
- o Entitling the land with the City of San Jose
- o Giving the entitled land to the City of San Jose (which the City will then solicit to developers to build 100% affordable projects)

*(Item Continued on the Next Page)*



**4.4 19-993****Inclusionary Housing Ordinance Proposed Revisions.( Cont'd)**

This includes approval of the Memorandum from Councilmember Sylvia Arenas, dated November, 5, 2019, with recommendation and emphasis to explore all three options as follows:

Remove staff's recommendation (a) 1. from any motion on the Inclusionary Housing Ordinance revisions; resulting in the IHO continuing to apply to projects of 20 units or more, not the suggested 5 or more.

OR

Replace staff's recommendation (a) 1. with language to make the ordinance apply on developments of 15 or more

OR

Add to staff's language "except in infill developments that have been identified in the planning process to have special circumstances, such as significant environmental mitigation required, additional substantial environmental or traffic fee requirements, significant exceptional site infrastructure needs, or other significant development obstacles.

(10-1. Noes: Esparza)

**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)

*(Item Continued on the Next Page)*

## 4.5 19-994

**Ellis Act Ordinance Re-Control Provisions. (Cont'd)**

Housing Director, Jackie Morales-Ferrand; Deputy City Attorney, Christopher Alexander; and Housing Development Deputy Director, Rachel VanderVeen gave a presentation and responded to questions.

Public Comments: Offering comments on Ellis Act Ordinance Re-Control Provisions were: Laura Diaz: Debra St. Julian, Kathryn Hedges, Shelley Leiser, Gabriella Gabrian, Milt Krantz, Sandy Perry, (AHN); Bob Brownstein, Jeffrey Buchannan, (Working Partnership USA); Megan Swift, ((Cory Neighborhood); Robert Aguirre, Maria Jimenez, (LUNA); Yolanda Chavez, (LUNA); Delmar Hernandez, Kim Guptill, and Anna Koski; Michelle Coleman, (SURJ); Andrew Bigelow, Liz Soehngen, (SURJ); Jennifer Myrhe. Sal Caruso, (PACT); Danielle Hochstetter, Maria Martinez, (Somos Mayfair); Lani Ballard, Elizabeth Agramont-Justiniano, (Sacred Heart); Sarah Nichols, Erin Stanton, Emily Hendon, (SURJ); Carter Welker, Julia Boss, Amy Lueck, Bryan Parkman, Paulo Orozco, Jazmin Avigdor-Lopez, Christian Ollano, Beatrice Piceno, Isaac, Nicole Evans, Cindy Bautista Kathleen Trowbridge, Michael Trujillo, (Law Foundation of Silicon Valley); Mark Tersini, (KT Urban); Jeff Cristina, (Business San Jos Chambers PAC); Liz Gonzalez, Lauren Renaud, (SURJ); Jessica Morales, Ruben Navarro, Socorro Montano, Malik Moncrieff, Blair Beekman, Dominic Torreano, Dennis Randal, Eddie Truong, (representing Silicon Valley Organization); Daniel Fernandez, and Jackie Rivera.

Action: The motion by Councilmember Maya Esparza to move approval of her memo, dated, 10/31/20 19, seconded by Councilmember Sergio Jimenez did not garner unanimous support. Upon supplemental motion by Vice Mayor Chappie Jones, to move approval of his memo, dated, November 5, 2019, seconded by Councilmember Pam Foley, and carried unanimously, the Staff Report was accepted as recommended, including approval of Memorandum from Vice Mayor Jones to:

Accept the Staff Report and modify the re-control waiver provision to provide more rent-restricted affordable units in the new project than rent controlled units in the existing site:

- a) Using the 15% Inclusionary Housing Ordinance (IHO) minimum requirement; or
- b) At least 20% affordable units off-site within the three linear miles of the proposed project site, consistent with the offsite requirements for the IHO.

**and;**

Allow all displaced tenants the right to placement in an equivalent unit or to return after a new construction:

*(Item Continued on the Next Page)*

**4.5 19-994****Ellis Act Ordinance Re-Control Provisions. (Cont'd)**

a) If the property owner holds property within San Jose, the tenants have first right of refusal to equivalent units that may become vacant paying their prior rent and an annual rent increase of no more than 5%. Priority for these units shall be placed on displaced tenants with school aged children. No tenant screening shall be done for these displaced individuals.

b) Otherwise, tenants shall have the right to return paying their prior rent plus Consumer Price Index (CPI) for each year the building is under construction, followed by an annual rent increase not to exceed 5%. No tenant screening shall be done for these returning individuals.

**or**

A written, signed agreement is reached with at least 2/3rds of the tenants who are removed due to an Ellis Act Ordinance eviction. Displaced tenants would have the option to form a tenant group and seek to negotiate with the owner through a written, signed agreement by a 2/3 majority. An agreement may include such topics as additional relocation assistance, phased development, or financial incentives. Tenants shall be notified of their right to refuse an agreement and their right to seek legal counsel.

(6-5. Noes: Jimenez, Peralez, Carrasco, Esparza, Arenas)

**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)

Economic Development Deputy Director, Chris Burton; and Housing Development Deputy Director, Rachel VanderVeen gave a presentation and responded to questions.

Public Comments: Offering comments on Downtown Residential High Rise Inclusionary Housing Ordinance Fee were: Eli Sokol, (representing Starcity); Vince Rocha, Eddie Truong, (representing Silicon Valley Organization); Daniel Fernandez, Mark Tersini, (KT Urban); Louise Audubon (Working Partnership); Dominic Torreano, Paul Ring, Kathryn Hedges, (from PACT); Dennis Randle, Robert Aguirre, Carolyn Bauer, Scott Knies and Blair Beekman:

Council had extensive and robust debate on Downtown Residential High Rise  
Inclusionary Housing Ordinance Fee.

*(Item Continued on the Next Page)*

#### 4.6 19-995 **Downtown Residential High-Rise Inclusionary Housing Ordinance Fee. (Cont'd)**

Action: The motion by Councilmember Raul Peralez to move approval of recommendation 1c and 2 of his memo, seconded by Councilmember Sylvia Arenas did not garner unanimous support. Upon supplemental motion by Councilmember Johnny Khamis to move approval, seconded by Councilmember Dev Davis, and carried unanimously, the Staff Report was accepted as recommended. (6-5. Noes: Arenas, Esparza, Carrasco, Peralez, Jimenez)

### **5. NEIGHBORHOOD SERVICES**

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

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

### **8. PUBLIC SAFETY**

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

#### **• Open Forum**

### **10. LAND USE**

#### **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)

There was no presentation for this item.

Action: Upon motion by Councilmember Johnny Khamis to move approval, seconded by Councilmember Dev Davis, and carried unanimously, Resolution No. 79296, and Resolution No. 79297 were adopted. (11-0)

(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;

Action: Resolution No. 79298, was adopted. (11-0.)

(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)

Action: Resolution Nos. 79299, 79300, 79301, and 792302 were adopted. (11-0.)

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

(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.

Action: Ordinance No. 30335 was passed for publication. (11-0.)

(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.

Resolution No. 792303 was adopted. (11-0.)

(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.**

(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;

(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)

Ordinance 30336 was passed for publication. (11-0.)

## 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)

Planning, Building, and Code Enforcement Director, Rosalyn Hughey; Planning, Building and Code gave a presentation and responded to questions.

Andy Gerber, Applicant, and Belmont Village representative addressed the Council.

Public Comments: Offering comments on Conventional Rezoning and Conditional Use Permit for Property Located at 0Union Avenue were: Jennifer Petroff, (representing Union School District); Michael Schumarcher Greg Vollmer, Vickie Brown, (Union School District); Rex George, Jen Fosco, Laurie, Mike Hennessey, Stevan Kalvoperovic Kathryn Hedges, (from PACT); Vince Cantore, Greg Larkins, Cole Cameron, Brian and Hema.

Action: Upon motion by Councilmember Pam Foley to move approval, seconded by Councilmember Dev Davis, and carried unanimously, staff s analysis was accepted as recommended. Resolution No. 79304, was adopted; Ordinance No. 30337 was passed for publication, and Resolution No. 79305, was adopted, including approval of Memorandum from Councilmember Pam Foley to:

Approve the resolutions and ordinance as proposed by the applicant, and as recommended for approval by Planning Commission. (11-0.)



• **Open Forum**

1. Carolyn Bauer commented on TSA officers at the airport, and noted that they should only have 200 parking spaces at Terminal A.

• **ADJOURNMENT**

Mayor Liccardo adjourned the Council Meeting session at 11:54 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,

Toni J. Taber, CMC  
City Clerk

10/11-05-19 MIN

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