



City Council Meeting Synopsis/Minutes

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



MINUTES OF THE CITY COUNCIL

Consistent with the California Governor’s Executive Order No. N-29-20, Resolution No. 79450 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 was not physically open to the public. Public comments were accepted via eComment, email, by phone and webinar.

The Council meeting was teleconferenced from remote locations.

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

The Council of the City of San José convened on Tuesday, April 28, 2020, at 11 a.m.

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

Absent: Councilmembers - All Present.

6:00 p.m. - Evening Session – Canceled under Orders of the Day.

- **Pledge of Allegiance**

Mayor Sam Liccardo led the Pledge of Allegiance.

- **Orders of the Day**

The Orders of the Day and the Amended Agenda were approved, with the evening Council meeting canceled.

1. CEREMONIAL ITEMS

None provided.

2. CONSENT CALENDAR

Upon motion by Councilmember Pam Foley, seconded by Councilmember Sylvia Arenas and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (11-0.)

Public Comment: Blair Beekman addressed VTA design studies and support to Items 2.9 and 2.10.

2.1 Approval of City Council Minutes.

None provided.

2.2 20-492 Final Adoption of Ordinances.

(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)]

Action: **Ordinance 30395** and **Ordinance No. 30396** were adopted. (11-0.)

2.3 20-473

Approval of Council Committee Minutes.

- (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.

Action: The Council Committee Minutes were approved. (11-0.)

2.4 Mayor and Council Excused Absence Requests.

None provided.

2.5 City Council Travel Reports.

None provided.

2.6 Report from the Council Liaison to the Retirement Boards.

None provided.

2.7 20-474

California Community Choice Association Membership.

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)

Action: **Resolution No. 79494** approving the Terms of an Agreement was adopted. (11-0.)

2.8 20-475 Memorandum of Understanding with the City of Santa Clara for the proposed Coleman Highline Office Development Project.

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)

Action: The Memorandum of Understanding was approved. (11-0.)

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.

(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.

Councilmember Sylvia Arenas pulled Items 2.9 and 2.10 to provide awareness to the prevalence of sexual assault and child abuse in our City and the fact that perpetrators have increased opportunities to act due to the virus, given social isolation, and medical and financial impacts.

Action: Upon motion by Councilmember Sylvia Arenas, seconded by Councilmember Maya Esparza and carried unanimously, the City's commitment to promote awareness of child abuse and sexual assault was emphasized, including production of a social media toolkit equipped with resources to reach those impacted. (11-0.)

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.

(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.

Heard concurrently with Item 2.9.

Action: See Item 2.9 for action taken. (11-0.)

2.11 20-483 Declaration and Recording a Statement of the Results of the March 3, 2020 Primary Municipal Election and Special Municipal Election.

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)

Action: **Resolution No. 79495** declaring the results of the Primary Municipal Election and Special Municipal Election was adopted. (11-0.)

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

(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)

Dropped per Administration

2.13 20-507 Revised 2019-2020/2020-2021 City Budget Calendar.

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]

Action: The revised 2019-2020/2020-2021 City Budget Calendar was approved. (11-0.)

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.

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]

Action: The cancellation of meetings and update of Workplans was approved. (11-0.)

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 Kirchgesler. (Verbal Report)
(b) City Manager's COVID-19 Update (Verbal Report)
Item Heard Before Consent

Special recognition was offered by Council and Staff to Karolyn Kirchgesler who has graced the City in her role as Chief Executive Officer Team San José and regrettably must resign due to a serious medical condition.

A thorough presentation was offered by City Manager, David Sykes; Chief of Staff, Office of the City Manager, Lee Wilcox; Rosalynn Hughey, Director, Planning, Building and Code Enforcement; Deputy City Manager, Kip Harkness; Deputy Director Chris Burton; Assistant Director of Finance, Luz Cofresi-Howe and Director of Intergovernmental Relations, Bena Chang.

Extensive discussion followed, and staff responded to questions.

3.2 Labor Negotiations Update.

None provided.

3.3 20-482 Approval of Various Budget Actions for Fiscal Year 2019-2020 to Address COVID-19 Impacts.

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)

City Manager, David Sykes and Budget Director, Jim Shannon, provided a presentation and responded to questions.

Public Comments: Nine members of the public, including labor representatives, members of the Labor Council and Working Partnerships USA addressed specific budget items, the drop in revenue and the need for paid health care.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Sylvia Arenas and carried unanimously, **Resolution No. 79496** and **Ordinance No. 30402** approving Various Budget Actions for Fiscal Year 2019-2020 to Address COVID-19 Impacts were adopted. (11-0.)

4. PUBLIC SAFETY SERVICES

4.1 20-484 San José Police Department Sexual Assault Workplan and Associated Priority Appropriation Amendments

(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)

Chief of Police Edgardo Garcia provided an update and responded to questions.

Public Comments: Sharon Dhanoa, representing South Bay Coalition to End Human Trafficking and Jennifer Lloyd, Law Foundation of Silicon Valley, voiced support for service providers and the need for continued funding.

4.1 (Cont'd.)

Motion: Councilmember Sylvia Arenas moved approval of staffs' recommendations, including her memorandum, dated April 28, 2020. The motion was seconded by Councilmember Maya Esparza.

Action: On a call for the question, the motion carried unanimously, and **Ordinance No. 30403** approving 2019-2020 Appropriation Ordinance Amendments in the General Fund was adopted, including Councilmember Sylvia Arenas' memorandum, dated April 28, 2020, approving staffs' recommendations with direction to: (1) Pursue the completion of the previously approved Sexual Assault Response and Strategy Workplan, despite challenges from COVID-19, including consultation of education and outreach plan with County and sexual assault service providers (2) Work with stakeholders, including key community service providers, to explore additional system improvements that elevate the Sexual Assault Workplan items (3) Explore collaborations with the County to leverage our efforts and maximize efficiency to create a regional response including aligning the Sexual Assault Workplan with the County's Child Advocacy Center. (4) Continue robust outreach for the Data-Informed Response RFP, as we always do, to ensure the application of multiple highly qualified applicants. (5) Seek consultation with our service provider partners and incorporate their suggestions into: 1) the implementation of the data informed response's RFP, 2) the training program's curriculum, and 3) best practices for sexual assault outreach and education. (11-0.)

5. TRANSPORTATION & AVIATION SERVICES

5.1 20-477 Mineta San José International Airport Master Plan Amendment.

(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)]

Rosalynn Hughey, Director, Planning, Building and Code Enforcement and Director of Aviation, John Aitken, A.A.E. offered a presentation.

(Item Continued on the Next Page)

5.1 (Cont'd.)

Public Comments: Robert Holbrook expressed concerns regarding projections as forecasted and perceived flaws with the EIR, and Blair Beekman spoke on funding sources and the need for practical thinking. Jennifer, representing Sunnyvale Airplane Noise Group, and Shani Kleinhaus, Santa Clara Valley Audubon Society, expressed environmental concerns.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Lan Diep and carried unanimously, **Resolution No. 79497** and **Resolution No. 79498** amending the Mineta San José International Airport Master Plan were adopted; and **Ordinance No. 30404** approving amending Section 25.04.300 of Chapter 25.04 of Title 25, was passed for publication. (11-0.)

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.**

(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;

(Item Continued on the Next Page)

8.1 (Cont'd.)

(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)]

Director of Housing Jacky Morales-Ferrand provided a presentation.

Public Comments: Fourteen members of the public spoke, offering opinions and suggestions regarding a temporary moratorium on rent increases for rent stabilized apartments and mobilehomes, suspension of late fee charges and waivers for building fees.

Motion: Councilmember Pam Foley moved approval of the three Council memoranda provided, as noted in “Action”. The motion was seconded by Councilmember Dev Davis.

The Mayor respectfully offered a friendly amendment to include additional verbiage that permit fees be waived on repairs and improvements. Councilmembers Foley and Davis accepted the amendment.

(Item Continued on the Next Page)

8.1 (Cont'd.)

On a call for the question, the motion carried. Due to technical issues, Councilmember Maya Esparza's vote was inaudible. Once her audio feature resumed, she asked that the motion be restated and requested a re-vote on this item.

Councilmember Magdalena Carrasco moved approval of a re-vote and reconsideration at Councilmember Esparza's request. The motion was seconded by Councilmember Jimenez.

Action: On a call for the question, the motion to reconsider this item failed by a 5-5 vote. (Noes: Foley, Khamis, Davis, Liccardo, Diep.)

Action: On a call for the question, the motion by Councilmember Pam Foley, seconded by Councilmember Dev Davis, carried, and the "Alternative" ordinances, **Urgency Ordinance No. 30405** was adopted, and **Ordinance No. 30406** was passed for publication, including the following:

Memorandum from Councilmember Pam Foley, Councilmember Dev Davis and Councilmember Johnny Khamis, dated April 24, 2020, to: (1) Adopt staff's alternate ordinance (a) and alternate ordinance (b) with the following recommendations: A. Suspend late fees on ARO home providers for FY 20/21. B. Waive permit fees for all apartment buildings regardless of unit count.

Memorandum from Vice Mayor Chappie Jones, as noted, dated April 27, 2020, to:

a) ~~Approve staff recommendation and adopt both Ordinances with the following change:~~ Section 8(A) shall be amended to extend the late fee forgiveness of ARO fees through the 2020-2021 fiscal year to provide the intended benefit to landlords. b) Direct Staff to adjust the City's Apartment Rent Ordinance (ARO) to temporarily allow permit owners who entered into reduced rent agreements under Section 7 of the proposed ordinance to increase their rent next year based upon their average 12 months' rent they would have charged under their rental contract and not based upon temporary reductions reached under a reduced rental agreement.

Memorandum from Councilmember Pam Foley, dated April 28, 2020, to:

1. Accept the following amendments to the set of ordinances Council approves by: a. Removing "take any action to" under 6A: "During the term of this Ordinance, a Landlord may not increase the rent upon any Rental Unit that is subject to the provisions of Chapter 17.22 or Parts 1-9 of Chapter 17.23 of the San Jose Municipal Code." b. Removing "shall hereby be without effect" and replacing with "shall not be collected" under 6B. Any pending increase in rent pursuant to a lawfully-served notice or fully executed lease renewal agreement, consistent with the requirements of Chapter 17.22 or Chapter 17.23 of the San Jose Municipal Code and occurring prior to adoption of this Ordinance, shall not be collected through December 31, 2020.

Also including language that building permit application fees be waived on repairs and improvements.

(9-1-1. Noes: Arenas. Absent: Esparza.)

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

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**
Item Dropped – to be Renoticed
- (b) **20-480** **PP20-009 - Amendment to Title 20 (The Zoning Ordinance). - RECOMMEND DEFERRAL**
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)]
Deferred to 5/12/2020 per Administration

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.**

(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)

Rosalynn Hughey, Director, Planning, Building and Code Enforcement offered a presentation.

Public Comments: Leanne Thomas and Alex expressed support to the affordable housing development, and Mike recommended some sort of financial mitigation for other historic property preservation that might result as a result of authorizing these kind of demolitions.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Johnny Khamis and carried unanimously, **Resolution No. 79499** certifying the Meridian Apartments Project Environmental Impact Report, **Resolution No. 79500** allowing the Special Use Permit and Incentives under State Density Bonus Law, and **Resolution No. 79501** adopting the Regulatory Agreement for 961-971 Meridian Avenue Density Bonus Rental Restriction were adopted. (9-0-2. Absent: Carrasco, Esparza.)

OPEN FORUM

Blair Beekman asked that the City work towards positive goals and reach out to the community, both tenants and owners.

ADJOURNMENT

The Council of the City of San José adjourned at 7:33 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,



Toni J. Taber, CMC
City Clerk

rnk/04-28-2020 MIN