

## Legislation Details (With Text)

**File #:** 19-994 **Version:** 1

**Type:** Community & Economic Development **Status:** Agenda Ready

**File created:** 10/21/2019 **In control:** City Council

**On agenda:** 11/5/2019 **Final action:**

**Title:** Ellis Act Ordinance Re-Control Provisions.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Memorandum, 2. Supplemental Memorandum, 3. Presentation, 4. Memorandum from Esparza, 10/31/2019, 5. Memorandum from Peralez, 11/4/2019, 6. Memorandum from Jones, 11/5/2019, 7. Letters from the Public

Date	Ver.	Action By	Action	Result
11/5/2019	1	City Council		

### Ellis Act Ordinance Re-Control Provisions.

- (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the base requirement of 50% re-control of newly-built units to require a cap of no more than seven times the number of withdrawn apartments; and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)