



# CITY COUNCIL AGENDA

**APRIL 19, 2016**

## **SYNOPSIS**

CHAPPIE JONES  
ASH KALRA  
RAUL PERALEZ  
MANH NGUYEN  
MAGDALENA CARRASCO

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

SAM LICCARDO MAYOR

PIERLUIGI OLIVERIO  
TAM NGUYEN  
ROSE HERRERA VICE MAYOR  
DONALD ROCHA  
JOHNNY KHAMIS

DISTRICT 6  
DISTRICT 7  
DISTRICT 8  
DISTRICT 9  
DISTRICT 10

*The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.*

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Community & Economic Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Neighborhood Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation & Aviation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

You may speak to the City Council about any discussion item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council or Successor Agency to the Redevelopment Agency Board. If you wish to speak to the City Council, please refer to the following guidelines:

- **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- When the Council reaches your item on the agenda, the Mayor will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and Tuesday at 7 p.m. as needed, unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at <http://www.sanjoseca.gov/index.aspx?NID=3549>. Council Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Tower 14<sup>th</sup> Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Contact the Office of the City Clerk at (408) 535-1260 or [CityClerk@sanjoseca.gov](mailto:CityClerk@sanjoseca.gov) for the final document.

To request an accommodation or alternative format under the Americans with Disabilities Act for City-sponsored meetings, events or printed materials, please call (408) 535-1260 or (408) 294-9337 as soon as possible, but at least three business days before the meeting.

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

- **Call to Order and Roll Call**  
**9:06 a.m.** - Closed Session, Call to Order in Council Chambers  
**Absent Council Members: All Present.**  
  
**1:33 p.m.** - Regular Session, Council Chambers, City Hall  
**Absent Council Members: All Present.**  
  
**7:00 p.m.** - Public Hearings, Council Chambers, City Hall  
**Absent Council Members: All Present.**
- **Invocation (District 4)**  
**California South Bay Area School for Chinese Opera offered the Invocation.**
- **Pledge of Allegiance**  
**Mayor Sam Liccardo led the Pledge of Allegiance.**
- **Orders of the Day**  
*Heard after Ceremonial Items.*  
**The Orders of the Day and the Amended Agenda were approved, with Item 11.2 deferred to May 10, 2016, to be heard last in the afternoon.**

- **Closed Session Report**  
*Heard after Ceremonial Items.*  
**No Report.**

## **1. CEREMONIAL ITEMS**

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- 1.1 Presentation of a proclamation for “Earth Day” to demonstrate support for environmental protection and sustainability in the City of San José. (Kalra)  
**Mayor Sam Liccardo and Council Member Ash Kalra recognized “Earth Day” in the City of San José. Mayor Sam Liccardo presented the commendation to Director of Environmental Services Kerrie Romanow.**
- 1.2 Presentation of a commendation to Latha Krishnamurthi for her dedication and commitment to Evergreen’s Annual Earth, People, International, Culture (E.P.I.C.) Festival. (Herrera)  
**Heard in the Evening.**  
**Mayor Sam Liccardo and Vice Mayor Rose Herrera recognized Latha Krishnamurthi for her dedication and commitment.**

## **2. CONSENT CALENDAR**

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- 2.1 **Approval of Minutes.**  
**There were none.**
- 2.2 **Final Adoption of Ordinances.**  
**There were none.**
- 2.3 **Approval of Council Committee Minutes.**  
**Recommendation:** Approval of Council Committee Minutes.  
(a) Rules and Open Government Committee Minutes of March 23, 2016. (Mayor)  
(b) Community and Economic Development Committee Minutes of March 28, 2016. (Khamis)  
CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities.  
**Approved.**
- 2.4 **Mayor and Council Excused Absence Requests.**  
**There were none.**
- 2.5 **City Council Travel Reports.**  
**No Report.**
- 2.6 **Report from the Council Liaison to the Retirement Boards.**  
**No Report.**

## 2. CONSENT CALENDAR

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### 2.7 Deaccession of Items in the City Collections.

**Recommendation:** Approve the proposed deaccession of items in the City's collections in accordance with the History San José Collections Management Policy. Historic Landmarks Commission recommends approval (7-0-0). CEQA: Exempt, Section 15061(b)(3) No potential for causing a significant effect on the environment, File No. PP16-039. (Economic Development)

**Approved.**

### 2.8 Request to Travel for Mayor's Staff: Ingrid Holguin.

**Recommendation:** Accept travel payments and authorize travel for Mayor's staff, Ingrid Holguin, Policy Advisor for Strategic Partnerships, to Phoenix, AZ, from May 4, 2016 to May 6, 2016 for the National League of Cities, Mayor's Education Policy Advisors Network (EPAN) Annual Convening. Source of Funds: National League of Cities. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (Mayor)

**Approved.**

### 2.9 Request to Travel for Mayor's Staff: Khanh Russo.

**Recommendation:** Accept travel payments and authorize travel for Mayor's staff, Khanh Russo, Director of Strategic Partnerships, to San Diego, CA, from May 9, 2016 to May 11, 2016 to attend the MetroLab Spring Conference. Source of Funds: MetroLab Network. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (Mayor)

**Approved.**

### 2.10 Independent Police Auditor's Travel to New York, New York.

**Recommendation:** Authorize Independent Police Auditor (IPA) Walter Katz's travel to New York, New York on April 21-22, 2016, to attend an event hosted by the Office of the Inspector General for the New York Police Department which will bring together the heads of oversight agencies and other leaders in civilian oversight to discuss emergent themes in the field of police oversight. Source of Funds: IPA Travel Funds. CEQA: Not a Project, File No PP10-069(c), City Administrative Activities. (Independent Police Auditor)

**Approved.**

## 3. STRATEGIC SUPPORT SERVICES

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### 3.1 Report of the City Manager, Norberto Dueñas (Verbal Report). No Report.

### 3. STRATEGIC SUPPORT SERVICES

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#### 3.2 Labor Negotiations Update.

**Recommendation:** Accept Labor Negotiations Update.

**Heard at 9:06 a.m.**

**No Report.**

#### 3.3 Actions Related to the Liquidated Damages for Late Payroll Records Policy for Housing Contracts.

**Recommendation:**

(a) Adopt a resolution:

- (1) Amending the current prevailing wage enforcement mechanism for late submission of certified payroll records on City's Housing projects to assess liquidated damages in the amount of \$250.00 per day provided that the liquidated damages assessed do not exceed the total contract amount of the developer's, general contractor's or subcontractor's contract who failed to submit timely certified payroll records, and provided further there was no actual wage violation discovered in the late records and the late records were submitted to the City within one year from when they were due.
- (2) Applying the amended prevailing wage enforcement mechanism for late submission of certified payroll records to all City's Housing project contracts entered into on or after January 1, 2013.
- (3) Authorizing City staff to refund, subject to the appropriation of funds, the difference in the amount of liquidated damages between the prior enforcement mechanism without a cap and the amended enforcement mechanism with a cap for all City's Housing project contracts entered into on or after January 1, 2013 where full payment of liquidated damages was made to the City within one year from when they were due.

**Resolution No. 77715 adopted, as amended:**

**Option (c) from the Staff replacement memorandum, dated April 7, 2016, was approved: Assess a flat penalty of \$500 for each week that payroll records are late provided there was no wage violation discovered in the late records. The penalty would be applied per week and not per payroll record.**

**Staff was directed to return to Council in two years with a status update.**

- (b) Adopt the following 2015-2016 Appropriation Ordinance amendments in the Low and Moderate Income Housing Asset Fund:
  - (1) Increase the appropriation to the Housing Department for Loan Management in the amount of \$100,680.
  - (2) Decrease the Unrestricted Ending Fund Balance appropriation in the amount of \$100,680.

CEQA: Not a Project, File No. PP10-068(c), Municipal Code or Policy Change that involve no changes in the physical environment. (Public Works/Housing/City Manager)  
**Ordinance No. 29720 adopted.**

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.1 Modifications to the Apartment Rent Ordinance.

#### **Recommendation:**

- (a) Accept staff's report and general recommendations.
- (b) Direct staff to return with an ordinance amending the City's Apartment Rent Ordinance (ARO), including the following changes:
  - (1) Replace the annual 8% allowable rent increase with an annual allowable rent increase of 100% of the San Francisco-Oakland-San José Consumer Price Index for All Urban Consumers (CPI-U), with a 2% floor and 8% ceiling for annual increases, and allowing banking.

**Staff directed to incorporate: 5% Fixed Rate annual allowable rent increase with banking capped at 10%, an annual maximum of 8% rent increase cap (including any banking and allowed capital improvement pass through), provide tenant notification of banking and eliminate the adjustment for historically low rents.**

**(6-5. Noes: Carrasco, Kalra, Oliverio, Peralez, Rocha.)**

- (2) Eliminate the existing debt-service pass-through provision.

**Approved.**

**(7-4. Noes: Herrera, Khamis, M. Nguyen, Oliverio.)**

- (3) Replace the existing capital improvement pass-through provisions with a fair return petition process based on maintenance of net operating income fair return standard.

**From the memorandum from Council Member Chappie Jones, dated April 8, 2016, the following was approved:**

#### **Item 3. Capital Improvement Program:**

- (a) **Establish a new Capital Improvement Program that allows owners to recover reasonable costs associated with major improvements to the property.**
  - (1) **Direct Staff to work with stakeholders to develop a comprehensive list of those improvements which would be allowed under the new Capital Improvement Program.**
- (b) **Create a simple and predicable process that allows owners to show receipts or other verifiable proof of payment associated with repairs/improvements and would not require a hearing, *unless a tenant files a petition.***
- (c) **The total capital improvements through this program, combined with the annual allowable rent increase (5%) and any available banked amount, shall not exceed 8% total.**
  - (1) **In years when the Capital Improvement Program is used, an owner cannot bank any portion of the annual allowable rent increase for that year.**

**Staff directed to include a unique amortization process based on the repair or upgrade.**

**(8-3. Noes: Oliverio, Peralez, Rocha.)**

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.1 Modifications to the Apartment Rent Ordinance. (Cont'd.)

#### Recommendation:

- (b) (4) Add a limited capital improvement incentive program.  
**Approved. Staff directed to incorporate limited capital improvements into the new Capital Improvement Program.**  
(9-2. Noes: Oliverio, Rocha.)
- (5) Include a provision to address historically low rents.  
**Not Approved.**  
(6-5. Noes: Carrasco, Kalra, Oliverio, Peralez, Rocha.)
- (6) Add a rent registry to facilitate the monitoring and enforcement of the ARO.  
**Approved.**  
(6-5. Noes: Herrera, Khamis, M. Nguyen, T. Nguyen, Oliverio.)
- (c) Direct staff to return with an Anti-Retaliation & Protection Ordinance:  
(1) Develop a voluntary mediation program to address landlord/tenant and tenant/tenant disputes.  
**Approved.**  
From the memorandum from Council Member Donald Rocha, dated April 14, 2016, the following was approved:  
(1)(d) **Outreach:** As part of implementation of the Anti-Retaliations and Protection Ordinance, direct Staff to conduct outreach in multiple languages to educate tenants about their rights under the ordinance, with particular attention to groups that may be most vulnerable to abuse, such as immigrant communities.  
(2) Direct Staff to return to Council in 18 months with an update on implementation of the Apartment Rent Ordinance. As part of this update, Staff should provide the Council with any data they may have collected on no-cause evictions through implementation of the Apartment Rent Ordinance and should assess whether the Rent Ordinance is effective in the absence of a good cause eviction ordinance.  
Staff was further directed to clarify that damage cannot be caused by the tenant.  
(10-0-1. Absent: Oliverio.)
- (g) Direct staff to return with an urgency ordinance that provides a temporary pause in annual rent increases for ARO apartments.  
**Approved.**  
(7-3-1. Noes: Herrera, Jones, Khamis. Absent: Oliverio.)

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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### 4.1 Modifications to the Apartment Rent Ordinance. (Cont'd.)

**Recommendation:**

- (d) Direct staff to return with an Ellis Act ordinance to address the process to be followed for owners of ARO apartments subject to the ARO (ARO apartments) seeking to remove their building from the rental business.
- (e) Direct staff to review the City's demolition provisions in the zoning code and to coordinate with PBCE as needed regarding updating those provisions in order to address the demolition of ARO apartments.
- (f) Direct staff to review the City's condominium conversion provisions in Chapter 20.170 to and coordinate with PBCE as needed regarding updating those provisions in order to address the conversion of ARO apartments.
- (h) Direct staff to return with a plan to increase staffing to sufficiently administer, monitor, and enforce requirements of ARO.

**Items 4.1(d), (e), (f) and (h) were continued to May 10, 2016.  
(8-2-1. Noes: Peralez, Rocha. Absent: Oliverio.)**

**Staff was directed to develop a Pilot Voluntary Mediation Program.  
(10-0-1. Absent: Oliverio.)**

CEQA: Not a Project, File No. PP10-069(a), Staff Reports that involve no approvals of any City Actions and Not a Project, File No. PP10-068(d), Preliminary direction to staff when eventual actions requires Council approval. (Housing)

*Item 4.1 Not To Be Heard Before 3:00 p.m.*

## 5. NEIGHBORHOOD SERVICES

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### 5.1 Actions Related to the 7882 - Coleman Soccer Field Complex Project.

**Recommendation:**

- (a) Accept the Council memorandum dated December 18, 2015, including the award of the project at the Airport West Site to Robert A. Bothman Construction as follows:
  - (1) Report on bids and award of contract for the 7882 – Coleman Soccer Field Complex to the low bidder, Robert A. Bothman, for the base bid of \$13,910,300 and approval of a ten percent contingency in the amount of \$1,391,030.
  - (2) Adopt the following 2015-2016 Appropriation Ordinance Amendments in the Parks and Recreation Bond Project Fund:
    - (a) Increase the Coleman Soccer Fields Appropriation to the Parks, Recreation and Neighborhood Services Department in the amount of \$5,818,000.
    - (b) Decrease the Parks and Recreation Bond Projects Contingency Reserve by \$5,818,000.

## **5. NEIGHBORHOOD SERVICES**

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### **5.1 Actions Related to the 7882 - Coleman Soccer Field Complex Project. (Cont'd.)**

#### **Recommendation:**

- (b) Deny the award and request that staff continue discussions with Capitol Airport Partners and the Guadalupe River Park Conservancy to potentially place a larger soccer complex within the Guadalupe Gardens.

CEQA: Coleman Soccer Fields Mitigated Negative Declaration, File No. PP10-155.

(Public Works/Parks, Recreation and Neighborhood Services/City Manager)

(Deferred from 1/12/16 - Item 5.1; 2/9/16 - Item 5.1; et al; and 3/15/16 – Item 5.1)

**The revised memorandum from Mayor Sam Liccardo, dated April 19, 2016, was approved, accepting the award of the bond-funded soccer complex at the Airport West Site to Robert A. Bothman on April 22, 2016, unless the City Manager can timely determine the terms to acquire the 26.7 acre site at the Guadalupe Gardens, utilizing none other than the potential sources of funds identified in Attachment F of the Staff Report dated April 19, 2016, with the conditions that:**

- (1) No entity other than the Airport or another City department may receive City dollars for the land purchase.
- (2) No new General Fund dollars (*\$3 Million cap for the next 72 hours*) may be expended in the land purchase that would not otherwise have been expended on the Airport, or as proposed previously on the fields at Airport West.
- (3) No Parkland Dedication Ordinance fees may be expended in the land purchase.
- (4) To the extent possible, the transaction shall minimize the expenditure of any park restricted Construction and Conveyance Tax dollars for the land purchase.
- (5) *This will not interfere with the completion of the Arcadia Project.*

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

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### **6.1 Actions Related to the Proposed New Air Service Support Program for Air China.**

#### **Recommendation:**

- (a) Conduct a Public Hearing pursuant to California Government Code Section 53083 regarding economic development subsidies to be provided to Air China pursuant to the City's Air Service Support Program.

**The Public Hearing was Held.**

*(Action Continued on the Next Page)*

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

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### **6.1 Actions Related to the Proposed New Air Service Support Program for Air China. (Cont'd.)**

#### **Recommendation:**

- (b) Adopt a resolution authorizing the City Manager or his designee to provide the following economic development subsidies pursuant to the City's Air Service Support Program:  
Air China:
- (1) Waive landing fees at 100% for 18 months after the initial operation and 50% for the next 12 months at an approximate value of \$263,830.
  - (2) Waive ticket counter fees at 100% for 18 months after the initial operation and 50% for the next 12 months at an approximate value of \$329,472.
  - (3) Waive gate fees at 100% for 18 months after the initial operation and 50% for the next 12 months at an approximate value of \$172,224.
  - (4) City will provide marketing funds of up to \$600,000.

CEQA: Determination of Consistency with the San José International Airport Master Plan Update (Resolutions Nos. 67380 and 71451), File No. PP09-192. (Airport)

**Resolution No. 77716 adopted.**

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

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## **8. PUBLIC SAFETY SERVICES**

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

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- **Open Forum**  
There was no public testimony from the floor.
  
- **Adjournment**  
Mayor Sam Liccardo adjourned the afternoon session at 6:35 p.m.

## 10. GENERAL PLAN PUBLIC HEARINGS

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## 11. PUBLIC HEARINGS ON CONSENT CALENDAR

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### 11.1 Public Hearings on Consent Calendar.

(a) **Rezoning the Real Property Located at 439 South 4<sup>th</sup> Street.**

**Recommendation:** Consideration of an ordinance rezoning the real property located at 439 South 4<sup>th</sup> Street from the CG Commercial General Zoning District to the DC Downtown Primary Commercial Zoning District to allow for mixed uses on a 0.5 gross acre site (439 S. 4<sup>th</sup> St. LLC, Owner). Planning Commission recommends approval (6-0-1, Yesney abstained). CEQA: Determination of Consistency to the Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041) and Supplemental EIR (Resolution No. 77617). (Planning, Building and Code Enforcement)

C15-026 – Council District 3

**Ordinance No. 29721 passed for publication.**

(b) **Rezoning the Real Property Located at 21 North 21st Street, On the West Side of North 21st Street, Approximately 250 Feet North of East Santa Clara Street.**

**Recommendation:** Consideration of an ordinance rezoning the real property located at 21 North 21<sup>st</sup> Street, on the west side of North 21<sup>st</sup> Street, approximately 250 feet north of East Santa Clara Street from the R-2 Two-Family Residence Zoning District to the CP Commercial Pedestrian Zoning District on a 0.48-gross acre site (AVG, LLC, Owner). Planning Commission recommends approval (5-0-2, Pham and Bit-Badal absent). CEQA: Determination of Consistency to the Envision San José 2040 General Plan Final Program EIR (Resolution No. 76041) and Supplemental EIR (Resolution No. 77617). (Planning, Building and Code Enforcement)

C15-053 – Council District 3

**Ordinance No. 29722 passed for publication.**

(c) **Street Renaming of Matrix Boulevard to Technology Place.**

**Recommendation:** Adopt a resolution for street renaming of an approximately 1,450 foot long portion of Matrix Boulevard between North 1<sup>st</sup> Street and North 4<sup>th</sup> Street, to Technology Place, located on the southeasterly corner of Matrix Boulevard and North 1<sup>st</sup> Street. CEQA: Exempt, Section 15301 Existing Facilities. (Planning, Building and Code Enforcement)

ST15-004 – Council District 3

**Resolution No. 77717 adopted.**

## 11. PUBLIC HEARINGS ON CONSENT CALENDAR

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### 11.1 Public Hearings on Consent Calendar. (Cont'd.)

- (d) **Rezoning the Real Property Located at the Northwest Corner of Monterey Road and Cottage Grove Avenue (1499 Monterey Road).**

**Recommendation:** Consideration of an ordinance rezoning the real property located at the northwest corner of Monterey Road and Cottage Grove Avenue (1499 Monterey Road) from the A Agricultural Zoning District to the CN Commercial Neighborhood Zoning District on a 0.29 gross acre site (The Glen Loma Group, Owner). Director of Planning, Building and Code Enforcement recommends approval of the Conforming Rezoning. CEQA: Exempt, Sections 15303(c) New Construction or Conversion of Small Structures. (Planning, Building and Code Enforcement)

C16-005– Council District 7

**Ordinance No. 29723 passed for publication.**

**END OF CONSENT CALENDAR**

## 11. PUBLIC HEARINGS

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### 11.2 Planned Development Conforming Rezoning Located on the North Side of Berryessa Road on the Northern Portion of the Parcel Just West of Union Pacific Railroad Tracks.

**Recommendation:** Consideration of an ordinance for a Planned Development Conforming Rezoning to redistribute the locations of the residential and public park land uses and eliminate the school land use on the northern portion of the previously approved Land Use Map (File No. PDC09-006), located on an approximately 9.0 gross acre site, on the North side of Berryessa Road on the northern portion of the parcel just west of Union Pacific Railroad tracks (Flea Market, Owner). Director of Planning, Building and Code Enforcement recommends approval of the Conforming Rezoning as proposed with the condition requiring the property owner to rezone the south side of Berryessa Road to include a minimum of 315,022 square feet and up to a maximum of 2.2 million square feet of commercial/retail/industrial space if no significant improvements have been constructed under the existing entitlements by November 1, 2016 consistent with the San José 2040 General Plan. CEQA: Determination of Consistency with the Flea Market Final EIR (Resolution No. 73956). (Planning, Building and Code Enforcement)

PDC16-001 – Council District 4

**Deferred to May 10, 2016 last in the Afternoon per Orders of the Day.**

- **Open Forum**  
**Blair Beekman opined his concerns pertaining to the radio frequency identification system.**
  
- **Adjournment**  
**The Council of the City of San José was adjourned at 2:00 a.m.**