



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Lee Wilcox

SUBJECT: PRIORITY SETTING NOMINATION
LIST UPDATE

DATE: February 28, 2019

Approved

Date

3/1/19

SUPPLEMENTAL

REASON FOR SUPPLEMENTAL

This memorandum provides updates to the nomination list that will be used as part of the Council Priority-Setting Session.

ANALYSIS

Due to action by the Rules Committee and further refinement of the nomination list, the Administration is bringing forward a revised nomination list for use at the priority-setting session. The Administration recommends that four nominations, detailed below, be moved from the nomination list to the greenlight list, and that a portion of one of those nominations be moved to the list of budget issues. Revised versions of the nomination list, greenlight list, and budget item list are attached to this memo.

- **Reducing Gun Violence (Mayor):** As part of the priority-setting nomination process, Mayor Liccardo submitted a proposal entitled “Reducing Gun Violence.” At the February 27, 2019 Rules Committee meeting, the Mayor brought forward a memo that revised the direction in his original nomination. During discussion of the item at the Rules meeting, the Mayor further modified and reduced the scope of his proposal. In light of the changes to the proposal, the City Attorney determined that it could be greenlighted. The Administration thus recommends that the nomination be removed from the nomination list and that the revised nomination as detailed at the February 27, 2019 Rules Committee meeting be added to the greenlight list.
- **Reduce ADU Permit Costs and Streamline the Permit Process (Foley):** Councilmember Foley submitted a nomination that proposed streamlining the permit process and reducing fees for ADUs. During discussion of the March 5, 2019 Council agenda at the February 27, 2019 Rules Committee meeting, it was suggested that Councilmember Foley’s proposal could be referred to an upcoming item at the Community and Economic Development Committee (CED). The CED workplan for its May 20, 2019 meeting includes an item on ADUs that will “provide a report on the effectiveness of the new Accessory Dwelling Unit Ordinance.” The Administration

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agrees that this item would provide an opportunity to assess progress on streamlining the ADU process, and therefore recommends greenlighting Councilmember Foley's nomination and referring it to the CED item in May.

- **Accessory Dwelling Unit (ADU) Plan Book (Carrasco):** Councilmember Carrasco submitted a nomination entitled "ADU" which proposed that the city develop ADU plan sets for use by the public as a means of facilitating ADU construction. When changes to ADU regulations last came before the City Council on June 19, 2018, the Council directed staff to launch an educational and promotional campaign for ADUs. The Administration has confirmed that creation of plans or design templates for ADUs, consistent with Councilmember Carrasco's proposal, is encompassed within the Council's existing direction on the educational and promotional campaign. The Administration therefore recommends that this item be moved from the nomination list to the greenlight list.
- **General Plan and Zoning Alignment (Diep):** Councilmember Diep submitted a nomination proposing that, for parcels in San Jose where the zoning and General Plan designations do not agree, staff begin rezoning the parcels to bring the two designations into alignment. As detailed in the Housing Crisis Workplan Update that appeared before the Community and Economic Development Committee on February 11, 2019¹, staff has funding to make amendments to the Zoning Code to bring about consistency with the General Plan (work designated as "Phase 1") but is not currently funded to begin rezoning properties in alignment with the General Plan (work designated as "Phase 2"). Given the need for additional funding to undertake the rezoning work, the Administration initially proposed placing this item on the nomination list instead of greenlighting it, but after further consultation has concluded that the best approach would be to remove the item from the nomination list, greenlight the work encompassed by Phase I as described in the Housing Crisis Workplan, and refer the decision on funding of Phase II work to the budget process.

/s/

LEE WILCOX

Chief of Staff

Office of the City Manager

For questions, please contact Peter Hamilton, Senior Executive Analyst, at (408) 535-7998.

Attachments:

Attachment A: Council Nomination List

Attachment B: Budget and Green Light Items

Attachment C: Current Council Policy Prioritization List

Attachment D: Council Policy Priority List: Proposed Frozen Top Ten

¹ <https://sanjose.legistar.com/LegislationDetail.aspx?ID=3848476&GUID=B8E6B2C4-896A-407E-A4BE-B7FE6C5E2EB1&Options=&Search=>

Attachment A
Council Priority Setting Session 2019 - Council Nomination List

#	District	Proposal	Description	Source	Lead Dept.	Depts. Impacted	Policy Complexity	Est. Length of Development	Est. Staff Required
1	9	Explore & Compare CEQA Across Municipalities	Compare policies and procedures around CEQA to other municipalities and return to Council with recommendations.	Nomination Form	PBCE	PBCE CAO	Low	6-9mo	≤2 Staff
2	8	Family Friendly City- Paid Family Leave	Review measures to expand Long-term Disability (LTD) insurance to provide at least 6 weeks of Paid Family Leave at 100% of salary for birth, adoption, foster placement of a child, or child-parent bonding measures.	Nomination Form	OER	PW PRNS OER LIBRARY CAO	Medium	9-18mo	≤2 Staff
3	2	Traffic Calming	Update Council Policy 5-6 to provide greater opportunities for streets and intersections to qualify for traffic calming measures, particularly in areas near parks, schools, libraries and community centers.	Nomination Form	DOT	DOT CAO	Medium	9-18mo	≤2 Staff
4	4	Sidewalk Gaps	1. Inventory sidewalk networks to identify gaps. 2. Prioritize gaps that should be built out (near schools or where seniors and minors walk often). 3. Identify funding to fund completion of sidewalk network.	Nomination Form	DOT	DOT	High	9-18mo	≤2 Staff
5	1	Public Safety-Fire Fee	Explore options for 1) including % fee in every new development allocated for fire services and 2) increasing fire safety measures/resources in new development.	Nomination Form	FIRE	FIRE PBCE OED CAO	High	9-18mo	≤2 Staff
6	7	Homelessness Diversion	Create a pilot program for 100 families to divert them from entering shelter system.	Nomination Form	HOUSING	HOUSING CAO	High	>18 mo	≤2 Staff
7	2	Storage Lockers for the Houseless	Locate storage lockers at community centers, libraries and other accessible locations for houseless residents to use for personal storage.	Nomination Form	HOUSING	HOUSING	High	9-18mo	≤2 Staff

8	M	Childcare & Early Education	Pursue and prioritize new polices or policy modifications to incentivize new child care facilities, including 1) evaluating underutilized City facilities including through the City's reuse program, 2) find ways to encourage new developments to include space for child care purposes, 3) assess currently available underutilized facilities that could be used for child care purposes, review/update business development materials that promote child chare center and review current City processes for permitting new child care facilities for process improvements.	Nomination Form	PBCE	LIBRARY PBCE OED PW PRNS CAO	High	9-18mo	3-4 Staff
9	M	Universal Development Fee	Create a universal development fee and structure that contains all current development tax and impact fees.	Nomination Form	OED	OED PRNS DOT HOUSING PW PBCE CAO	High	>18 mo	3-4 Staff
10	6, 3, 10	Interactive Wayfinding Signage Downtown (Combined)	Explore an Interactive Wayfinding Signage Pilot Program to determine if a partnership can be formed to improve wayfinding, navigation, and service delivery in Downtown San Jose and other pedestrian dense areas.	Nomination Form	OED	OED CAO	High	>18 mo	>5 Staff
11	10	Walls: Streamline repair process; address planning issues; develop vegetation policy	1. Develop streamlined process for residents to determine requirements, options and steps for repairing or replacing concrete perimeters or sounds walls. 2. Evaluate design standards for walls and City owned land in future development. 3. Review and modify policy for planting vegetation in City-owned land adjacent to walls.	Nomination Form	PBCE	PBCE DOT CAO	High	9-18mo	3-4 Staff
12	6	Strengthening Code Enforcement on Empty Residential Properties with Blight	Give Code Enforcement more "teeth" to begin fining and taking a property owner to court when an empty residential property is blighted and affecting a neighborhood.	Nomination Form	PBCE	PBCE CAO	High	9-18mo	3-4 Staff

13	6, 10	Gas Powered Landscape Equipment (Combined)	(Davis) Create a Commercial Leaf Blower Ordinance (Khamis) 1. Seek funding opportunities to create a program with incentives to exchange gas-powered lawn equipment for electric-powered lawn equipment, 2. Use funding to implement buy-back program.	Nomination Form	PBCE	PBCE CAO	High	9-18mo	3-4 Staff
14	3, 5, 9	Review of Cannabis Land Use and Regulatory Provisions (Combined)	1. Evaluate Title 20 as it pertains to cannabis industry, and the feasibility of increasing the amount of available cannabis licenses to allow qualifying dispensary operators to expand or for entrepreneurs to open new businesses. 2. Explore allowing cannabis dispensaries in Edenvale, North San Jose, and International Business Park. 3. Explore allowing the sale of individual licenses and businesses. 4. Cap on number of cannabis businesses 5. Explore land use components of a cannabis equity program.	Nomination Form & Yellow Light	POLICE	POLICE CAO PBCE	High	9-18mo	3-4 Staff
15	4	Privately-Owned Public Open Space	Develop a set of guidelines and proposed ordinance changes to address gaps in city rules regarding park creation. (PDO/PIO Private Recreation Credit and Land Dedication Update)	Nomination Form	PRNS	PRNS PBCE OED CAO	High	9-18mo	3-4 Staff
16	3	Suicide Prevention Strategy	Update the City's public safety protocols for suicide attempts and internal procedures for suicide prevention; promote suicide prevention awareness; develop a communications approach and plan; and collaborate with the County to produce an annual report about suicide prevention policy. Create a suicide prevention policy.	Yellow Light	TBD	TBD	--	--	--
17	9 (Rocha)	Criteria for the Review of Drive-Through Uses	Review setback criteria contained in section VII of Council Policy 6-10.	Yellow Light	PBCE	PBCE CAO	--		--
18	3, 5	Cannabis: Private Consumption Events	Assess amending the Municipal Code to allow private events for cannabis consumption.	Yellow Light	POLICE	POLICE CAO PBCE	--	--	--

19	3, 5	Cannabis: Equity Applicant Program	Assess creating a cannabis equity program as outlined by the State of California in SB 1294.	Yellow Light	POLICE	POLICE CAO PBCE	--	--	--
20	2	Abandoned Shopping Cart Program	Modify Abandoned Shopping Cart Program to 1) Achieve full cost recovery, 2) Gain participation of all businesses, 3) Escalate penalties and fees for violations, 4) Require consistent, clear, and long-lasting cart signage and/or labeling to identify cart ownership and location of origin, 5) Explore feasibility of an impound fee for carts collected by City staff.	Yellow Light	PBCE	PBCE CAO	--	--	--
21	3, 1, 5, 2	Update the Council's Wage Theft Prevention Policy	Update the Wage Theft Prevention Policy by, 1) Mandating certain disclosures from developers on major construction projects, 2) Considering penalties for illegal abuses of workers if the City provides any economic incentives, 3) Removing exclusion of public works contracts, 4) Clarifying the existing definition of "Final Judgments, Decisions, and Orders."	Yellow Light	PW	PW Finance CAO	--	--	--
22	4	Study of Industrial Lands, Create Protections	Conduct a study on how the uses on San José industrial lands are changing and return to Council when appropriate with a report on the state of our industrial property market, identifying opportunities and strategies for revitalization, intensification, and creation of permanent protections of industrial lands.	Yellow Light	OED	OED CAO	--	--	--
23	--	Spurring High Density Development Along Transit Corridors	Development of an incentive plan to spur investment in high-density development within the General Plan land use designation "transit residential" by exploring a targeted decrease in the \$17/square foot Housing Impact Fee and other fees, to include looking at alternative payment schedules to the current up-front payment requirement.	Current List	PBCE	CAO	--	--	--

24	--	Riparian Corridors and Bird Safe Design	Develop a work plan to study the impacts of bird strikes in SJ, explore the implications of incorporating current voluntary bird-safe design measures as a City-wide requirement along riparian habitats, creek corridors and open spaces, and evaluate if additional environmental review may be needed to implement a citywide program.	Current List	PBCE	CAO	--	--	--
25	--	San Jose is Open for Business/ Legal Non-Conforming Uses	Clarify Title 20 to reduce the evidentiary burdens for businesses and property owners seeking to establish a longstanding, legal nonconforming use.	Current List	PBCE	CAO	--	--	--

Attachment B
Council Priority Setting Session 2019 - Budget and Green Light Items

Budget Items

#	District	Proposal	Description	List Type	Lead Dept.	Depts. Impacted	Policy Complexity	Est. Length of Development	Est. Staff Required
1	2	Blight Squad	Develop and fund a pilot to focus on illegal dumping and litter in hot spots across the City in coordination with Council offices.	Budget Item	ESD	ESD PRNS CAO	High	9-18mo	3-4 Staff
2	2	Illegal Dumping Education Campaign & Surveillance	Education campaign and PSAs on illegal dumping and costs to the city. Install city cameras in hot spots.	Budget Item	ESD	ESD PRNS HOUSING CAO	High	>18 mo	3-4 Staff
3	8	Family Friendly City- Facilities	Review city owned facilities and 1) provide at least 1 diaper changing table in all restrooms, 2) ensure space for private breastfeeding and lactation to include ventilation, electrical, lighting, and sink with hot water	Budget Item	PW	<u>PW</u> PRNS OER Library CAO	High	>18 mo	3-4 Staff
4	8	Family Friendly City- Childcare	Pilot existing programs offered through the City's PRNS and Library Departments at or near City Hall for City employees for regular cost or sliding fee scale.	Budget Item	PRNS	<u>PW</u> <u>PRNS</u> OER Library CAO	High	>18 mo	>5 Staff
5	4	General Plan and Zoning Alignment (<u>Phase 2</u>)	Examine parcels of land that have different designated uses under the GP and current zoning, prioritize which parcels should be aligned, and begin unilaterally rezoning land to conform with the GP. New zoning designations may be identified. <u>Phase 2</u> : Begin rezoning properties in alignment with the General Plan.	Nomination Form	PBCE	PBCE CAO	High	>18 mo	>5 Staff

Green Light Items

#	District	Proposal	Description	List Type	Lead Dept.	Depts. Impacted	Policy Complexity	Est. Length of Development	Est. Staff Required
1	7	Temporary Municipal Recreational Vehicle and Trailer Specific Storage Facility	Establish an emergency temporary storage facility for RVs and Trailers (on city land or other jurisdiction) to be used as overflow to towing contractors.	Green Light	PD	PBCE PD DOT CAO	--	--	--
2	7	Multi-Department/ Disciplinary Quality of Life Taskforce	Taskforce to address complaint hotspots in a coordinated interdepartmental manner.	Green Light	PRNS	PRNS DOT ESD CAO	--	--	--
3	9	Reduce or Eliminate Parking Minimums Near Transit	Explore ability to significantly reduce or abolish parking minimums 1/4 mile and 1/2 mile radius around transit stations.	Green Light	PBCE	PBCE CLIMATE SMART CAO	--	--	--
4	5	ADU Manual and Plan Sets Book	Create model ADU layouts and design concepts that homeowners can select from a plan book to expedite construction permit.	Nomination Form	PBCE	PBCE CAO	--	--	--
5	9	ADU's: Reduce Permit Costs & Streamline the Process	Streamline permitting process, reduce permitting costs and create a consistent, seamless approval and development process.	Nomination Form	PBCE	PBCE CAO	--	--	--
6	M	Reducing Gun Violence	<ol style="list-style-type: none"> 1. Modernize Municipal Code 10.32.030 to include regulation of sale of firearms, ammunition, and within the city. 2. Revise Chapter 10.32 to include among requirements of all licensees of vendor permits regarding video-and audio recording of firearm and ammunition transfers. 3. Prohibit sale of firearms and ammunition within or from a residence. 	Nomination Form	POLICE	POLICE CAO PBCE	--	--	--

7	4	General Plan and Zoning Alignment (Phase 1)	<p>Examine parcels of land that have different designated uses under the GP and current zoning, prioritize which parcels should be aligned, and begin unilaterally rezoning land to conform with the GP. New zoning designations may be identified.</p> <p>Phase 1: Make amendments to the Zoning Code to bring about consistency with the General Plan.</p>	Nomination Form	PBCE	PBCE CAO	--	--	--
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Attachment C

CURRENT COUNCIL POLICY PRIORITIZATION LIST

Priority Number	Policy/Ordinance Name	Lead Department	Project Status
1	Update the City's Rental Rights and Referrals Program	Housing	Complete
2	Local Hiring/Local Business/Apprentice Utilization Program	Public Works	In Progress
3	Mobile Home Conversions	PBCE	In Progress
4	Housing Rehabilitation Program (Homeless Veterans Vouchers)	Housing	Complete
5	Disadvantaged Business Enterprises	Public Works	In Progress
6	Electronic Billboards	PBCE/OED	In Progress
7	Downtown and/or Citywide Parks Operations and Maintenance Financing District	PRNS	In Progress
8	Development of a Soft-Story Retrofit Program	Housing	In Progress
9	Accessory Dwelling Units & Garage Conversion Ordinance	PBCE	In Progress
10	Personal Care Business Compliance Initiative	Police	Complete
11	North San José Policy Review	PBCE/OED	In Progress
12	Regional Commercial Linkage Fee for Affordable Housing	Housing	In Progress
13	Safe Parking Program	PBCE	In Progress
14	Private Property Graffiti Abatement Ordinance	PRNS	In Progress
15	Downtown Zoning Code Update	PBCE	Not Started
16	Impact Fee Deferred Payment Program for Housing	PBCE	Not Started
17	Develop Innovative Strategies to Hire Crossing Guards	Police	In Progress
18	Sanctioned Encampments	Housing	In Progress
19	Anti-Displacement Preference Ordinance	Housing	In Progress
20	Update Urban Design Guidelines	PBCE	In Progress
21	Food and Clothing Distribution at City Parks	PRNS	In Progress
22	Smoke-Free Housing	PBCE	In Progress
23	Spurring High Density Development Along Transit Corridors	PBCE	Not Started
24	Riparian Corridors and Bird Safe Design	PBCE	Not Started
25	Downtown Active Storefronts Initiative	OED	Complete
26	San José is Open for Business/Legal Non-Conforming Uses	PBCE	Not Started
27	Medical Marijuana	Police	Complete

Attachment D

**COUNCIL POLICY PRIORITIZATION LIST:
PROPOSED FROZEN TOP TEN**

Priority Number	Policy/Ordinance Name	Lead Department	Project Status
1	Local Hiring/Local Business/Apprentice Utilization Program	Public Works	In Progress
2	Mobile Home Conversions	PBCE	In Progress
3	Disadvantaged Business Enterprises	Public Works	In Progress
4	Electronic Billboards	PBCE/OED	In Progress
5	Downtown and/or Citywide Parks Operations and Maintenance Financing District	PRNS	In Progress
6	Development of a Soft-Story Retrofit Program	Housing	In Progress
7	Accessory Dwelling Units & Garage Conversion Ordinance	PBCE	In Progress
8	North San José Policy Review	PBCE/OED	In Progress
9	Regional Commercial Linkage Fee for Affordable Housing	Housing	In Progress
10	Safe Parking Program	PBCE	In Progress