



# Council Policy Prioritization: Policy Nomination Form

Council Member Magdalena Carrasco District 5 Date 2 / 4 / 2019  
Council Member Lead Staff Frances Herbert Lead Staff Ext. 54948  
Policy Subject ADU Department Housing /Planning

## Policy Problem Statement (What problem is being addressed?)

We have a significant housing stock deficit. The City of San José has updated our policies to streamline the development of Accessory Dwelling Units (ADU's) and reduced costs to incentivize the development of ADU's. The cost of an ADU remains cost prohibitive for many homeowners. We have an ambitious new housing goal of 25,000 by 2022 which includes 200 new ADU's per year.

## Policy Proposal (What policy change is needed to solve the problem?)

The City of Santa Cruz wanted to make the construction of ADUs feasible, so they created an ADU Manual and ADU Plan Sets Book, which has model ADU layouts and design concepts created by local architects. If homeowners choose a plan from the book, they can receive a permit for ADU construction more quickly. I would encourage our local Planning Department to work with our construction firms that are specializing in ADU's to develop a plan book that works to facilitate the development of ADU's.

## Expected Outcome (Expected impact policy change will have on city services, San Jose residents, businesses, etc.)

Streamlined permits for ADU's would result in decreased timelines for homeowners and could incentivize additional construction allowing us to meet our annual 200-unit goal.

## Budget Implications (if known)

City funding required Yes or No Fund(s) Impacted (e.g. General Fund, C&C Tax Fund, etc.) \_\_\_\_\_

Return form to [CMOAgendaServices@sanjoseca.gov](mailto:CMOAgendaServices@sanjoseca.gov)  
Questions: Gloria Schmanek 408.535.8104



# Council Policy Prioritization: Policy Nomination Form

Council Member Pam Foley District 9 Date 02/08 / 2019

Council Member Lead Staff Scott Hughes Lead Staff Ext. 54972

Policy Subject ADU's: Reduce Permit Costs & Streamline the Process Department PBCE

## Policy Problem Statement (What problem is being addressed?)

Our region is in the midst of a severe housing crisis. This exacerbates economic inequality, depreciates our business competitiveness, reduces social mobility, and decreases everyone's quality of life. Previous San José land-use decisions made in the mid-20<sup>th</sup> century to develop large tracks of low-density, single-family housing developments have helped create today's ultra-unaffordable housing market. Accessory Dwelling Units (ADUs) are one tool we can use to increase density in these suburban areas, but the cost to-produce an ADU is still too high, and the efficiency by which the City of San José approves ADUs, is still too slow.

## Policy Proposal (What policy change is needed to solve the problem?)

Create an Accessory Dwelling "Unit" or *team* (AD-U) within Planning Building & Code Enforcement (PBCE). The "Unit" is to focus on facilitating the construction of more ADUs more rapidly by streamlining the permitting process, reducing permitting costs, and creating a consistent, seamless approval and development process. While we must double-down on adding density to our Downtown core, defined Urban Village areas, and more density near transit stations, suburban areas of San José must tackle the housing crisis too, and the City of San José must make it easier to do so by decreasing the cost of ADUs, and approving ADUs more efficiently.

## Expected Outcome (Expected impact policy change will have on city services, San Jose residents, businesses, etc.)

We expect an increase in the housing stock and therefore density in San José's suburban neighborhoods.

## Budget Implications (if known)

City funding required Yes or No Fund(s) Impacted (e.g. General Fund, C&C Tax Fund, etc.) \_\_\_\_\_

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# Council Policy Prioritization: Policy Nomination Form

Council Member Pam Foley District 9 Date 02/08 / 2019

Council Member Lead Staff Scott Hughes Lead Staff Ext. 54972

Policy Subject Explore & Compare CEQA Policies Across Municipalities Department Housing

## Policy Problem Statement (What problem is being addressed?)

Although the California Environmental Quality Act (CEQA) is a statewide law, neighboring cities such as Campbell and Santa Clara, are building more because of how they interpret CEQA. Evaluate whether the City of San José can adjust our interpretation of CEQA, which could result in an increase of the construction of both residential and commercial/retail space?

## Policy Proposal (What policy change is needed to solve the problem?)

Explore and compare policies and procedures around CEQA to other municipalities, and return to City Council with recommendation(s).

## Expected Outcome (Expected impact policy change will have on city services, San Jose residents, businesses, etc.)

With a change in our interpretation of CEQA, the City of San José could supplement our inventory of both residential and commercial space; increasing our tax base, and potentially adding more affordable housing.

## Budget Implications (if known)

City funding required Yes or No Fund(s) Impacted (e.g. General Fund, C&C Tax Fund, etc.) \_\_\_\_\_

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# Council Policy Prioritization: Policy Nomination Form

Council Member	<u>Sylvia Arenas</u>	District	<u>8</u>	Date	<u>2 / 8 / 2019</u>
Council Member Lead Staff	<u>Nancy Le &amp; Patrick McGarrity</u>	Lead Staff Ext.	<u>408-535-4908</u>		
Policy Subject	<u>Family Friendly City</u>	Department	<u>City Manager's Office</u>	<u>Powered by People enterprise - Diversity and gender equity</u>	

## Policy Problem Statement (What problem is being addressed?)

San Jose has recognized that there is housing crisis but we rarely address how we will support families while we increase our housing stock. The reality is that families are at the center of this crisis, dealing with low wage jobs, a high cost of living, cramped living arrangements and the need of a two-income household. In order to achieve home ownership, we have seen San Jose families move 1-3 hours away and then commute to work. Each of us have seen this exodus of San Jose families in our personal lives, as community leaders, in the low student enrollment throughout our schools, in our city's survey results, and in news coverage with headlines like "Life after the Bay Area: Fleeing residents feel heartbreak, joy"

The City Auditor's Annual Report on City Services FY 2017-2018 Resident Survey revealed a decrease in overall quality of life in San Jose and only 41% of residents considers San Jose as a good place to raise children. Nearly three in four respondents reported that they think it is very important for San Jose to focus on sense of community in the next two years and approximately 80% of San Jose residents rated the availability of affordable child care/preschool as poor/fair. San Jose families are essential to the fabric of our community and it is time for a city-wide and department-wide response to this crisis.

That's why I will be bringing forward to the Rules Committee a recommendation to change the name and clarify the scope of work for the "Age Friendly City Initiative" to the "Age and Family Friendly City Initiative". Along with that name change, the memo will include a package of existing efforts, legislative referrals, and this priority setting request. Each of these efforts should become elements of a plan to address the crisis we see in San Jose families. It's critical that we address this crisis with a coordinated effort. The proposal is modeled after the Family Friendly Initiatives implemented in other cities that have also seen a loss of families due to high cost of living such, as City of San Francisco and other large Bay Area cities.

San Jose families include the families of City of San Jose City employees. And our employees are as highly exposed to the crisis in our city. We are an employer, in addition to a government. The effect of this crisis is already negatively impacting recruitment and retention in our workforce. Our city facilities need to be friendly for parents and families – whether employees or the public. Addressing this will require a new priority setting item, as there is currently not an effort underway.

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## Policy Proposal (What policy change is needed to solve the problem?)

Many employees struggle with an impossible choice between the well-being of their family and their financial security. I urge the expansion to Age and Family Friendly City Initiatives as a critical component to addressing gender and social inequality in San Jose. Age and Family Friendly City Initiatives will allow for more effective retention of employees and improve quality of life for San Jose families by implementing the following:

### ***Facilities***

Review City Hall and all other City owned facilities, and implement standards for all facilities open to the public to 1) provide at least one diaper-changing table in all restrooms to encourage civic engagement and participation of San Jose families of all ages, and 2) ensure a safe space in City Hall and City owned facilities for newborn mothers who require private breastfeeding and lactation areas to include ventilation, electrical, lighting, and a sink with hot water, especially venues meant for families with small children.

### ***Child Care***

Pilot existing programs offered through the City's PRNS and Library Departments including San Jose Recreational Preschool, Kinderprep classes and Recreation of City Kids (R.O.C.K) program at or near City Hall for City employees for regular cost or a sliding fee scale. Childcare is a top expense and obligation for parents. Offering on site kinderprep classes or ROCK program will provide relief for City of San Jose employees and incentivize employee recruitment and retention. This pilot should incorporate the updated standards that are currently moving from planning to implementation as part of the Quality Standards for Early Education Programming.

We also must raise the quality of the early learning environment for exempt home childcare providers. Often families turn to offering home based childcare in an effort to stay at home with their own children and not have to work outside of the home. We know that it is essential to expose children to early learning as early as possible in order for children to achieve their highest potential. The Library's Education and Digital Strategy is the initiative that would be best suited to offer technical assistance and professional development opportunities to home child care providers.

### ***Paid Family Leave***

Review and bring back measures to clarify and expand Long-term Disability (LTD) insurance to provide at least six weeks of Paid Family Leave at 100% of salary, for the birth, adoption, foster placement of a child, or child-parent bonding regardless of the gender, marital status, or sexual orientation of the parent. Additionally, we must redouble our efforts to implement the flexible schedule and telecommuting policies that the city has adopted but not yet fully implemented.

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Additionally, I'll be bringing forward the following non-priority setting items which would be key components of the Age and Family Friendly City Initiative:

- 1) 3 items currently already agenized to NSE work plan 1) **Quality Standards for Early Education Programming**, 2) **City-Wide Expanded Learning Programs**, and 3) **Demand for Affordable Housing for Families with Children**
- 2) MBA requests to provide council budgetary information that can help address these issues
- 3) Requests to the City Manager's Office of Intergovernmental Relations to bring forward to Council a package of legislative efforts and priorities to support the Age and Family Friendly Initiative in Sacramento and DC. Legislative actions that draw from Governor Newsom's efforts to expand Paid Parental Leave and Universal Childcare should be included as Priority Level 1.

## Expected Outcome (Expected impact policy change will have on city services, San Jose residents, businesses, etc.)

While the larger Age and Family Friendly Initiative should create a robust dialogue and real solutions for San Jose families – the priority setting item would accomplish four distinct things:

- 1) Ensure that city government is accessible for families. A City Hall without changing tables isn't a City Hall that welcomes families.
- 2) Ensure that our employees and their families can thrive in San Jose.
- 3) Help the city recruit and retain a strong local workforce that can perform at the highest level.
- 4) Allow the city to provide credible leadership on the issue with other employers and governments.

## Budget Implications (if known)

City funding required Yes or No

Fund(s) Impacted (e.g. General Fund, C&C Tax Fund, etc.) \_\_\_\_\_



# Council Policy Prioritization: Policy Nomination Form

Council Member Sergio Jimenez

District 2 Date 02/08/2019

Council Member Lead Staff Lucas Ramirez

Lead Staff Ext. 54922

Policy Subject Traffic Calming

CSA Area Transportation

### Policy Problem Statement

Residents frequently contact Council District offices to express concerns about excessive speeding, reckless driving, and other traffic safety hazards. Existing City policy establishes high thresholds for roadways to qualify for traffic calming measures. Traffic enforcement provides temporary relief, but staffing is insufficient to satisfactorily address citywide concerns about traffic safety.

### Policy Proposal

Update Council Policy 5-6, Traffic Calming Policy For Residential Neighborhoods, to provide greater opportunities for streets and intersections to qualify for appropriate traffic calming measures, particularly in areas near parks, schools, libraries, and community centers.

### Additional Information (Background)

Council Policy 5-6 provides the procedure and threshold criteria for the evaluation of eligible roadways. The Policy was last revised in June 2008. Given the adoption of the 2040 General Plan and efforts to achieve the City's ambitious mode share goals (increasing travel by walking and biking), review of the Policy to better conform with the City's goals is appropriate and timely.

### Expected Outcome (Expected impact policy change will have on city services, San Jose residents, businesses, etc.)

Updating Council Policy 5-6 will provide greater opportunities for traffic calming measures in areas with higher concentrations of young and elderly pedestrians and bicycle riders, enhancing the safety of all users of the public right of way.

### Budget Implications (if known)

City funding required \_\_\_\_\_

Fund(s) Impacted (e.g. General Fund, C&C Tax Fund, etc.) \_\_\_\_\_

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Additional Space (if needed)

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# Council Policy Prioritization: Policy Nomination Form

Council Member Lan Diep

District 4 Date 02/08/2019

Council Member Lead Staff Jeff Janssen

Lead Staff Ext. 54936

Policy Subject Sidewalk gaps

CSA Area Transportation

### Policy Problem Statement

Throughout the city, there are gaps in our sidewalk network, for instance as when we annex county land that is undeveloped. These gaps may pose a hazard in some neighborhoods where children need connecting sidewalks to get to school. However, the city does not have an updated inventory of these gaps.

### Policy Proposal

Direct staff to 1) do an inventory of our sidewalks network to identify gaps; 2) identify gaps that should be a priority for the city to build out (near schools or where seniors and minors walk often); and 3) identify funding sources to help fund completion of our sidewalk network.

### Additional Information (Background)

### Expected Outcome (Expected impact policy change will have on city services, San Jose residents, businesses, etc.)

Safer neighborhoods and streets, bolstering our Vision Zero goal.

### Budget Implications (if known)

City funding required \_\_\_\_\_

Fund(s) Impacted (e.g. General Fund, C&C Tax Fund, etc.) \_\_\_\_\_

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# Council Policy Prioritization: Policy Nomination Form

Council Member \_\_\_\_\_

District \_\_\_\_\_ Date \_\_\_\_\_

Council Member Lead Staff \_\_\_\_\_

Lead Staff Ext. \_\_\_\_\_

Policy Subject \_\_\_\_\_

CSA Area \_\_\_\_\_

Policy Problem Statement

Policy Proposal

Additional Information (Background)

Expected Outcome (Expected impact policy change will have on city services, San Jose residents, businesses, etc.)

Budget Implications (if known)

City funding required \_\_\_\_\_

Fund(s) Impacted (e.g. General Fund, C&C Tax Fund, etc.) \_\_\_\_\_

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# Council Policy Prioritization: Policy Nomination Form

Council Member Maya Esparza

District 7 Date 02/08/2019

Council Member Lead Staff Andres Quintero

Lead Staff Ext. 54985

Policy Subject Diversion

CSA Area Community and Economic Development

## Policy Problem Statement

With over 4,300 people homeless on any given night in San Jose, there is a clear need to get people off the streets quickly. Diversion is a nationally-recognized, emerging service intervention that prevents homelessness for people seeking shelter by helping them identify immediate alternate housing arrangements and, if necessary, connecting them with services to help them return to permanent housing.

## Policy Proposal

Working with the Housing Department and the County Office of Supportive Housing, develop a pilot diversion program to serve at least 100 San Jose families who would have otherwise entered the shelter system. This pilot should leverage existing networks, such as the homelessness prevention system, and seek to create multiple access points with standardized assessment tools, reporting metrics, and a shared database.

## Additional Information (Background)

Diversion would add a new service intervention to the local supportive housing system. The main difference between diversion and other permanent housing-focused interventions centers on the point at which intervention occurs. Prevention targets people at imminent risk of homelessness, diversion targets people as they are applying for entry into shelter, and rapid re-housing targets people who are already homeless.

## Expected Outcome (Expected impact policy change will have on city services, San Jose residents, businesses, etc.)

Diversion programs help families obtain temporary housing outside of the homeless system while connecting them to the services and resources they need to secure stable permanent housing. A successful diversion program should improve the ability of a homeless system to target shelter resources effectively, perform well on HEARTH Act measures, and help families avoid a traumatic and stressful homeless episode.

## Budget Implications (if known)

City funding required \_\_\_\_\_

Fund(s) Impacted (e.g. General Fund, C&C Tax Fund, etc.) \_\_\_\_\_

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# Council Policy Prioritization: Policy Nomination Form

Council Member Sergio Jimenez

District 2 Date 02/07/2019

Council Member Lead Staff Helen Chapman

Lead Staff Ext. 54926

Policy Subject Storage Lockers for the Houseless

CSA Area Housing, Neighborhood Services

### Policy Problem Statement

Houseless individuals living in encampments or shelters do not have a permanent place to store their personal belongings. Belongings can be swept up during abatements, lost or are carried with them in shopping carts. Houseless individuals would prefer a storage locker rather than a shopping cart to store valuable items such as personal documents, blankets, and warm clothing.

### Policy Proposal

We propose to locate storage lockers at community centers, libraries and other accessible locations for houseless residents to use for personal storage. Outreach workers and advocates could approach those in need and offer them a locker. This would provide a more permanent solution rather than using a shopping cart to place belongings especially important documents, clothing and bedding.

### Additional Information (Background)

Just recently we proposed a policy update to the Abandoned Shopping Cart Ordinance. Feedback from homeless advocates suggested that alternatives such as storage solutions for houseless individuals be evaluated. Lockers would help keep items off our streets, protect valuables and other belongings from loss and theft, provide some stability for our most vulnerable residents.

### Expected Outcome (Expected impact policy change will have on city services, San Jose residents, businesses, etc.)

Working with our homeless outreach team and PRNS we can find ways to accommodate the immediate needs of vulnerable residents. We all know finding permanent housing is the best solution but that will take months if not years. We need to find interim solutions that move us forward and provide some dignity for those that are unhoused.

### Budget Implications (if known)

City funding required \_\_\_\_\_

Fund(s) Impacted (e.g. General Fund, C&C Tax Fund, etc.) \_\_\_\_\_

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## Council Policy Prioritization: Policy Nomination Form

### Additional Space (if needed)

Creating a manageable program that is effective and easy to regulate will be incumbent upon collaboration with houseless individuals, advocates, City departments and non-profits. This will definitely take innovation and thinking out of the box to implement and manage but it is the kind of resource we need to provide if we want to solve our housing crisis. Lockers can be an incentive to connect individuals to needed services and they might also reduce the increasing cost to the City caused by abatements. An individual can safely store their identity documents, a warm blanket, shoes and clothing items. I am confident that in Silicon Valley, the land of innovation and technology we as a City can create a temporary storage locker program that serves our houseless residents, reduces blights and creates stability.



# Council Policy Prioritization: Policy Nomination Form

Council Member Mayor Liccardo District Mayor Date 2 / 8 / 2019  
Council Member Lead Staff Ingrid Holguin Lead Staff Ext. x54861  
Policy Subject Childcare & Early Education Department Mayor

## Policy Problem Statement (What problem is being addressed?)

For families with children, accessible and affordable child care is one of the most significant factors in their ability to secure and maintain stable work. Today, the City has nearly 17K fewer child care slots than what is needed by families with infants, toddlers, and preschoolers. Fourteen areas (zip codes), particularly in the East Side, are designated as child care deserts, meaning that in each one, more than 300 children need child care, but none is available. Meanwhile, there are vacant retail spaces and City facilities that can potentially be used to meet this demand.

Two of the main challenges driving the deficit in child care services are:

1. insufficient facilities
2. shortages in a trained workforce

According to a recent Mercury New article, “You think Bay Area housing is expensive? Child care costs are rising, too,” high prices and long waiting lines are all too real for our parents. The average cost of child care for a child’s first five years is about \$18,500 annually in Santa Clara County—just about the cost of one year at San José State University. While among the most expensive places in the country for child care, San José’s high median income makes the high cost affordable for some—even so, the shortage remains a barrier. The lowest income households in the City (bottom 40%) that bring home an average of \$46K per year face a different reality given the City’s high housing costs. As indicated in the article, “Working-class parents must often piece together a patchwork quilt of child care options that includes family, friends and neighbors. Even if they can afford a licensed child care provider, that facility can’t always watch their children if they work nights or weekends.”

(<https://www.mercurynews.com/2019/02/03/you-think-bay-area-housing-is-expensive-child-care-costs-are-rising-too/>)

Recognizing the importance of access to quality child care as well as educational facilities and services, the Envision San José General Plan already identifies the need to “promote the operation of high-quality educational facilities throughout San José as a vital element to advance the City’s Vision and goals.” Child care is included in the land use plans that look toward economic development and job growth, yet there has been no implementation plan.

On May 7, 2018, City Council adopted the Education and Digital Literacy (EDL) Strategy and directed Library staff to establish quality standards for all City-funded, sponsored or endorsed education programs. The EDL Strategy is led by the Library and implemented in collaboration with PRNS and work2future. Access to child care and quality early education programs is key to this strategy because its priority outcome is kinder-readiness for all San José children. Today, over 70% of San José’s 27K preschoolers are not ready to learn when they enter kindergarten (2018 Santa Clara School Readiness Assessment, Data Summary: City of San Jose by Applied Survey Research). Kinder-readiness is highly predictive of 3rd grade academic success, more so than any demographic factor such as household income.

Students who are kinder-ready are 4 to 5 times more likely to pass 3rd grade standardized English literacy and mathematics tests—itsself a powerful predictor of academic and life success. Cities also benefit: participation in quality early learning programs correlates with improved graduation rates, reduced reliance on public assistance and reductions in arrests for violent crime and incarceration rates.

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Questions: Gloria Schmanek 408.535.8104

# Council Policy Prioritization: Policy Nomination Form

## Policy Proposal (What policy change is needed to solve the problem?)

Pursue and prioritize new polices or policy modifications to incentivize new child care facilities

1. Evaluate using underutilized City facilities, including through the City's reuse program, as space for licensed child care purposes
2. Find ways to encourage new development to include space for child care purposes including exploring the following:
  - a. Promote child care in ground-floor retail space of new mixed-use, especially in affordable housing projects that have historically had a harder time filling their required commercial space
  - b. Provide Urban Village Amenity credit for those projects in Urban Villages that provide new space for child care purposes
  - c. Offer private recreation credit to reduce parks fee obligations with space dedicated for child care purposes
3. Direct staff to evaluate the following:
  - a. Assess currently available underutilized facilities that could be used for child care purposes
  - b. Review and update business development materials that promote child care centers
  - c. Review current City process for permitting new child care facilities for any process improvements

## Expected Outcome (Expected impact policy change will have on city services, San Jose residents, businesses, etc.)

1. Annual increase of 1,000 childcare slots
2. Increase in the number of facilities suitable for and accessed by quality licensed and license-exempt child care providers
3. Improve access and affordability to child care and early education services
4. Improve kindergarten-readiness

## Budget Implications (if known)

City funding required Yes or No

Fund(s) Impacted (e.g. General Fund, C&C Tax Fund, etc.)

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Questions: Gloria Schmanek 408.535.8104



# Council Policy Prioritization: Policy Nomination Form

Council Member Mayor Sam Liccardo

District Mayor

Date 2/8/19

Council Member Lead Staff Jerad Ferguson

Lead Staff Ext. x54814

Policy Subject Universal Development Fee

CSA Area Community & Economic Development

## Policy Problem Statement

Residential development is subject to a myriad of impact fees and taxes that span over several city departments. Each fee is calculated differently, can have multiple onsite options to avoid, or reduce the fee, and can vary depending on the region of the City. Applicants must inquire with multiple departments and staff to fully estimate the fees for their project and this “bureaucratic pinball” creates unnecessary delay, confusion, and barriers to construction.

Additionally, since each fee exists in a silo, the total fee burden for builders is often masked, making it difficult for customers and staff to assess how changes to the project might affect fees and overall project funding viability.

## Policy Proposal

Create a universal development fee and structure that contains all current development tax and impacts fees. Developers and the public will have a transparent view into how those fees are calculated, and potential projects can easily estimate what their fees will be for a specific property and project. A universal development fee is not intended to reduce fees on development, but make fees easier to understand and estimate. A unified fee could easily be revisited annually based on an objective, third-party feasibility analysis, rather than the piecemeal, irregular basis we undertake today. As a result of this analysis, fee ratios could be adjusted between categories to reflect the city’s current goals, and be responsive to current market conditions.

An additional possibility may also be to create a single point of contact within the organization that builders can go to obtain fee estimates from all the various departments.

## Additional Information (Background)

Some examples of the current fees assessed on residential development include: Parks fees, inclusionary housing fees, urban village amenities. Each of these is assessed and calculated by a different method and by a different city department. Parks fees are calculated by the Parks, Recreation, and Neighborhood Services Department, based on a category of development, number of bedrooms, and what area of the city the project is located. The inclusionary housing fee is calculated by the Housing Department and assessed based on the number of units where unit is defined in a separate code section from the zoning code. The Urban Village Amenity Program is calculated by Planning, Building and Code Enforcement and based on the overall value of the project.

San Jose is not unique among other cities in California. A study conducted by the Turner Center for Housing Innovation at UC Berkeley analyzed development fees<sup>1</sup> in seven cities across California and found that; a) Development fees are extremely difficult to estimate; and b) Development fees are usually set without oversight or coordination between city departments, and the type and size of impact fees levied vary widely from city to city. It also noted that unpredictable development fees often delay and derail projects.

<sup>1</sup> [http://turnercenter.berkeley.edu/uploads/Development\\_Fees\\_Report\\_Final\\_2.pdf](http://turnercenter.berkeley.edu/uploads/Development_Fees_Report_Final_2.pdf)

# Council Policy Prioritization: Policy Nomination Form

Expected Outcome (Expected impact policy change will have on city services, San Jose residents, businesses, etc.)

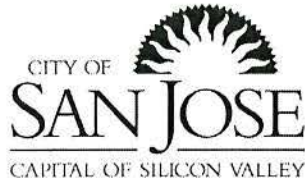
**Creation of a universal development fee for residential projects to increase simplicity and transparency for the public and developers.**

Budget Implications (if known)

City funding required \_\_\_\_\_

Fund(s) Impacted (e.g. General Fund, C&C Tax Fund, etc.) \_\_\_\_\_

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# Memorandum

**TO:** RULES AND OPEN  
GOVERNMENT COMMITTEE

**FROM:** Councilmember Johnny Khamis  
Councilmember Raul Peralez

**SUBJECT:** SEE BELOW

**DATE:** December 6, 2018

Approved

Date

12 / 6 / 18

**SUBJECT: PUBLIC WAYFINDING & INFORMATION KIOSKS WITHIN THE  
DOWNTOWN SIGN ZONE**

## RECOMMENDATIONS

1. Direct staff to bring to the Community and Economic Development Committee, for later cross-reference to the City Council, appropriate amendments to City code to allow the Downtown Association to place kiosks in the public right-of-way that operate as public wayfinding and information portals within the downtown sign zone, at no cost to the City and that ensure consistency of kiosks with the City's existing initiatives around wayfinding, including design standards and stakeholder access.
2. Add "Wayfinding & Information Kiosks Sign Code Changes" to the 2019 January-June work plan of the Community and Economic Development Committee.

## BACKGROUND

Staff has expended significant effort on developing a coherent wayfinding protocol for Bay Area cities and transit agencies. City staff has worked closely with the consultant City ID which services were secured in partnership with the cities of San Francisco and Oakland via the Metropolitan Transportation Commission. We are grateful for their work and submit this memo to support their efforts to pilot new wayfinding in the region. The actions proposed are intended to speed the San José pilot and are in no way intended to supplant or operate independently of these efforts. To date, the City's share of the cost of these efforts have come from the Transient Occupancy Tax (TOT) Fund – Fund 536 – and the General Purpose Parking Fund – Fund 533.

Our current municipal code allows the City and the (now defunct) Redevelopment Agency (RDA) to have wayfinding kiosks in the public right-of way in the downtown sign zone. The

RULES AND OPEN GOVERNMENT COMMITTEE

December 6, 2018

**Subject: PUBLIC WAYFINDING & INFORMATION KIOSKS WITHIN THE DOWNTOWN SIGN ZONE**

Page 2

RDA had, for many years, hoped to install wayfinding kiosks but never had the necessary resources to carry out the plans. The San José Downtown Association (SJDA) now wishes to implement a program for wayfinding kiosks that would be paid for by advertising revenues for ads integrated into these electronic wayfinding kiosks. The revenues would also provide a source of revenue for the SJDA or their designee to maintain the kiosks.

Authorizing the Downtown Association to implement the wayfinding kiosk program would require some minor changes in the municipal code to substitute the SJDA in place of the RDA for this limited purpose and to allow for limited commercial messaging on the kiosks. The benefits to the City of San José in exchange for granting limited access to the public right-of-way to the SJDA are substantial.

By allowing the SJDA this access, the SJDA and its partners would bear the significant infrastructure costs in rolling out a wayfinding and informational kiosk system and would be responsible for maintaining their investment. The City avoids having to fund this new wayfinding infrastructure while at the same time maintaining the standards of consistency and stakeholder access around public wayfinding and information in the Downtown. If the City were to fund wayfinding kiosks directly, it would likely require a re-prioritization of other City infrastructure projects, since the budget does not contain funds for such a significant investment. Such a project would also burden the General Fund with ongoing maintenance and repair expenses. These financial burdens are avoided by employing a partnership with the SJDA.

We are excited by the opportunity that lies before us to be a leader in the Bay Area in implementing the new, region-wide wayfinding initiative and to collaborate with the SJDA to bring public wayfinding and information to life on the streets of San José without burdening our residents with the costs of implementation.



# Council Policy Prioritization: Policy Nomination Form

Council Member Councilmember Dev Davis

District District 6 Date 02/08/2019

Council Member Lead Staff Philip Fernandez

Lead Staff Ext. 408 535 4954

Policy Subject Interactive Wayfinding Signage

CSA Area Economic Development

### Policy Problem Statement

Wayfinding in San Jose, especially within Downtown, is not a clear or intuitive process and current systems in place do not effectively direct residents, tourists, or service seekers to their desired locations.

### Policy Proposal

Recommend that an Interactive Wayfinding Signage Pilot Program be explored during the next Priority Setting Session to determine if a partnership can be formed to improve wayfinding, navigation, and service delivery in Downtown San Jose and other pedestrian dense areas.

### Additional Information (Background)

### Expected Outcome (Expected impact policy change will have on city services, San Jose residents, businesses, etc.)

Increasing the ease of wayfinding in dense or difficult to navigate areas and increasing pedestrian usage of businesses, services, and parks.

### Budget Implications (if known)

City funding required unknown

Fund(s) Impacted (e.g. General Fund, C&C Tax Fund, etc.) unknown

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## Council Policy Prioritization: Policy Nomination Form

Additional Space (if needed)

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# Council Policy Prioritization: Policy Nomination Form

Council Member Lan Diep

District 4 Date 02/08/2019

Council Member Lead Staff Thulien Dang

Lead Staff Ext. 54941

Policy Subject General Plan and Zoning Alignment

CSA Area PCBE

## Policy Problem Statement

The City has a general plan that lays out the idealized version of San José. However, the present zoning designation of parcels across our city does not conform with the general plan. Landowners at times must apply for conforming rezonings and ask permission to do what is already allowed under the General Plan. This is costly and time-consuming.

## Policy Proposal

Direct staff to examine parcels of land that have different designated uses under the General Plan and current zoning, prioritize the order in which parcels should be aligned, and begin unilaterally rezoning land to conform with the General Plan. As part of this process, new zoning designations may be identified.

## Additional Information (Background)

## Expected Outcome (Expected impact policy change will have on city services, San Jose residents, businesses, etc.)

A shorter timeline to get things built in San José, less financial burden on developers, less work for PCBE in the long run.

## Budget Implications (if known)

City funding required \_\_\_\_\_

Fund(s) Impacted (e.g. General Fund, C&C Tax Fund, etc.) \_\_\_\_\_

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## Council Policy Prioritization: Policy Nomination Form

### Additional Space (if needed)

The General Plan sets out a vision of an idealized San José. It maps out where and how we want our future growth to occur, designating urban villages, employment-growth areas, residential neighborhoods, and protected green space. Yet that idealized vision of San José conflicts with how our land is zoned at present. While it is natural for there to be dissonance between the present and future version of San José, in practice this difference in General Plan and zoning designations falsely advertises to potential developers what may be done on a parcel of land in San José, and increases the time and cost of development by burdening developers with the responsibility of applying to rezone a parcel of land to conform with the General Plan before they can build something that is desired under the General Plan.

During our previous Priority Setting process, the Council had the option of prioritizing this important work, but declined to do so. But recent study sessions on the cost of development have brought renewed urgency to doing whatever is in the Council's power to spark additional development to address our ever-growing housing crisis. Aligning our zoning designation to our general plan is something we can do, and we must act now.

This proposal would grant Planning Staff the resources to facilitate housing and commercial development by identifying properties designated in the General Plan for such uses but are not zoned as such, and unilaterally rezone these properties to a conforming zoning designation.

Staff estimates that there are a total of 2,921 parcels designated with a Residential Neighborhood, Mixed Use Neighborhood, Transit Residential, or Urban Residential land use designation in the General Plan that do not have a conforming residential zoning district.

This important work, done in tandem with efforts underway in the Office of Economic Development to amend our City's zoning codes, would facilitate higher density housing, reduce the need for Planned Development Zonings, and allow rezoning applications to go directly to the City Council. In the long run, it should make development easier and less confusing to do in San José.



# Council Policy Prioritization: Policy Nomination Form

Council Member Johnny Khamis

District CD 10 Date 02/08/2019

Council Member Lead Staff Michele Dexter

Lead Staff Ext. x54978 535-4978

Policy Subject Walls: Streamline repair process; address planning issues; develop vegetati

CSA Area Neighborhood Services

### Policy Problem Statement

All throughout our City, streets are lined with concrete walls. These walls are primarily made from poured concrete, reinforced with rebar. The lifespan of reinforced concrete is 50-100 years, if well maintained. Most were built 40-50 years ago, have not been well maintained, and have been damaged by inappropriately planted vegetation. Damaged and falling walls are a safety concern.

### Policy Proposal

1. Develop a clear and streamlined process for residents to determine what the requirements, options, and steps are for repairing or replacing their concrete perimeter or sound 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 that is immediately adjacent to privately owned walls and/or other private property.

### Additional Information (Background)

SEE ATTACHED

### Expected Outcome (Expected impact policy change will have on city services, San Jose residents, businesses, etc.)

Homeowners will easily determine steps to repair/replace damaged walls; Developers will use materials that are not burdensome to future generations; Staff will plant more appropriate vegetation; City and residents will work together to solve current and future problems.

### Budget Implications (if known)

City funding required \_\_\_\_\_

Fund(s) Impacted (e.g. General Fund, C&C Tax Fund, etc.) \_\_\_\_\_

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## Streamlined Wall Replacement Process

### BACKGROUND

All throughout our City, housing developments have been built with concrete walls surrounding them. These walls serve various purposes, such as protection from sound or speeding cars. These walls are primarily made from poured concrete, reinforced with steel rebar, and most were built in the 1960's or 1970's.

Take a drive down many of our major streets and it won't be long before you realize these walls are beginning to deteriorate. Wear such as that displayed in the photos below is common:



In the center photo, above, you can see the concrete panel on the left has fully separated from the steel connecting post. This is not uncommon and it is becoming more and more common to see entire panels missing. In some cases, residents have replaced the damaged panels with plywood. There are several examples of this around the City, but here is one example:



Then there are situations where residents are trying to prevent their walls from falling completely:



In the past we have heard many stories from homeowners about a program 20 years ago where “the City” planted climbing vines in the City-owned land next to private walls. The vines grew, then the recession hit and 5 years later “the City” went back out and removed all the vines to cut expenses. The vines, and their removal, caused damage to the surface of the walls.

We also see situations where the City planted trees in the City-owned dirt between the walls and the sidewalks. Over time, those trees have grown and have damaged, or completely destroyed, the homeowner’s walls:



The homeowner below has lost all of their wall panels due to trees planted by the City many years ago and now has no way to prevent strangers from walking through his yard into the surrounding neighborhood, causing tension with his neighbors. Several new trees were recently planted along this same wall.



This next photo shows a section of wall that was recently replaced. Several panels fell down one day and the homeowner contacted Code Enforcement to see what to do. They had trouble with the recommended contractor and it took over a year for this wall to get replaced. The process was frustrating and the delays added significant additional costs to the project. A permit was required due to the need for a retaining wall. The homeowner now has one wall, instead of multiple panels, and it is built of retaining wall blocks instead of reinforced concrete.



And this photo shows a section of wall where the homeowner didn't need a permit, and was allowed to simply replace the damaged panel with cinderblocks, reinforced with steel rods. Replacement time was about three weeks.



### ANALYSIS

The lifespan of reinforced concrete is 50-100 years. However, that is with the expectation that the concrete will be maintained well and minor issues will be repaired before they become major. The walls in San José have not been well maintained over the past 40-50 years. This is due, in part, to the perception by most homeowners that the City is either responsible for all the walls in the City, or, at a minimum, for the street-facing side of the walls. There are various historical actions and situations that have contributed to this perception, however, the position of the City is that all but a very few walls are owned by the homeowners whose property they abut. What can be done to reduce the time between when damage begins and when it is inspected and repaired?

The costs to replace poured, reinforced concrete walls ranges from approximately \$8,000 to \$10,000 per panel. The cinderblock panel, or section, pictured above cost about \$5,000 to \$6,000, a significant savings, especially for those homeowners who have multiple panels to replace. The wall pictured that was made of retaining wall blocks cost approximately \$150,000. Most homeowners might try to avoid the high cost option if they can avoid it, especially if their insurance coverage does not assist with the cost of wall replacement.

The two examples above of repaired walls highlight the fact that each situation is different. Residents are unsure what their options are and have many questions. Some we have heard include:

- Do I have to replace the panels with the same materials? If not, what are my options?
- The property plans are confusing - how do I tell if the wall is on my property or on City property?
- Do I need a permit?
- Can I do the work myself or must I hire a contractor?

A clearly laid out, step-by-step process for homeowners to follow would be very helpful. This problem is only going to increase over time as the walls continue to age. In addition, reviewing our City policy on planting large trees in narrow dirt strips that abut privately owned walls will minimize the negative impacts our urban forest has on our homeowners.

In addition, it may be possible to reduce or eliminate this problem in the future by evaluating our design standards for new developments. Can the City-owned land be eliminated or utilized in a way that will not damage the walls? Must walls be built with concrete or can wood or other materials be used that are less costly? How can PBCE, DOT, and PW, work together to modify our processes and policies to address the current problems and prevent future ones?



# Council Policy Prioritization: Policy Nomination Form

Council Member Dev Davis

District 6 Date 02/08/2019

Council Member Lead Staff Mary Anne Groen

Lead Staff Ext. 5-4952

Policy Subject Strengthening Code Enforcement on empty residential properties with blight

CSA Area PBCE

## Policy Problem Statement

Code Enforcement's ability to address empty residential properties around the city is very limited and has contributed to extended periods of time where blighted empty properties have affected neighborhoods.

## Policy Proposal

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.

## Additional Information (Background)

Some blighted empty properties in San Jose have been that way for many years and nothing that Code Enforcement can do moves the needle on rectifying the problem for neighborhoods who have to endure the blight and affect on their property values.

## Expected Outcome (Expected impact policy change will have on city services, San Jose residents, businesses, etc.)

With stronger enforcement, we expect blighted empty residential properties in San Jose to be reduced and neighborhoods can start experiencing relief.

## Budget Implications (if known)

City funding required unknown

Fund(s) Impacted (e.g. General Fund, C&C Tax Fund, etc.) unknown

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## Council Policy Prioritization: Policy Nomination Form

Additional Space (if needed)

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# Council Policy Prioritization: Policy Nomination Form

Council Member Dev Davis

District 6 Date 02/08/2019

Council Member Lead Staff Mary Anne Groen

Lead Staff Ext. 5-4952

Policy Subject Gas Powered Leaf Blowers

CSA Area \_\_\_\_\_

### Policy Problem Statement

Use of gas powered leaf blowers emit contaminants into our air comparable to large automobiles and cause significant noise pollution in neighborhoods.

### Policy Proposal

Recommend that a proposed Commercial Leaf Blower Ordinance be placed on the next Priority Setting Session with the following consideration:  
1) Amendment of current municipal code to regulate the use of leaf blowers with a consideration of a limitation on the use of gas powered leaf blowers for commercial

### Additional Information (Background)

### Expected Outcome (Expected impact policy change will have on city services, San Jose residents, businesses, etc.)

Lowering our emissions of unhealthy contaminants into our environment.

### Budget Implications (if known)

City funding required unknown

Fund(s) Impacted (e.g. General Fund, C&C Tax Fund, etc.) unknown

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## Council Policy Prioritization: Policy Nomination Form

Additional Space (if needed)

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# Council Policy Prioritization: Policy Nomination Form

Council Member Johnny Khamis

District 10

Date 02/07/2019

Council Member Lead Staff Shivani Basnet

Lead Staff Ext. x54982

Policy Subject Climate Smart San Jose Plan

CSA Area ESD

## Policy Problem Statement

San José Clean Energy aims to provide 95 percent carbon-free power with goals outlined in the Climate Smart plan to provide 100 percent renewable power to customers by 2050. To help us meet our goals, I recommend implementing a City-administered buy-back program for individuals and small businesses to exchange their gasoline-powered, carbon-emitting lawn equipment for clean, electric-powered equipment.

## Policy Proposal

Direct the City Manager to have the Environmental Services Department (ESD):

- 1) Seek funding opportunities via grants from the State’s Cap-and-Trade program or other programs to create a program with incentives for individuals and small businesses to exchange their gas-powered lawn equipment with electric-powered law equipment.
- 2) Using the funding identified, initiate & implement the buy-back program

## Additional Information (Background)

Electric lawn equipment generates zero exhaust emissions, compared with gas engines, which release carbon monoxide, carbon dioxide, nitrogen oxides, and unburned hydrocarbons into the atmosphere. Electric equipment is also quieter than gas-powered equipment, creates less noise pollution, and it’s also safer.

## Expected Outcome (Expected impact policy change will have on city services, San Jose residents, businesses, etc.)

Adding this initiative can have positive and significant effects on our City’s air quality and create further clean power demands that can be fulfilled by SJCE, with minimal impact on the City’s finances if we are successful in finding external grant funding for implementation of the buy-back program.

## Budget Implications (if known)

City funding required \_\_\_\_\_

Fund(s) Impacted (e.g. General Fund, C&C Tax Fund, etc.) \_\_\_\_\_

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## Council Policy Prioritization: Policy Nomination Form

Additional Space (if needed)

The State's 2018-2019 Cap & Trade budget spending plan includes \$1.4 billion in discretionary investments in climate adaptation, research, wildfire prevention, and several other programs. Other elements in the Cap & Trade funding plan target \$468 million for low-carbon transportation, including \$175 million for clean vehicle rebates. The City must take advantage of these funds, or others, on our path to become California's most sustainable, Climate Smart city.





# Council Policy Prioritization: Policy Nomination Form

Council Member Liccardo District Mayor Date 02 / 07 / 2019  
Council Member Lead Staff Chris Ratana/ Paul Pereira Lead Staff Ext. 5-4829  
Policy Subject Reducing Gun Violence Department CAO/ SJPD

## Policy Problem Statement (What problem is being addressed?)

Several studies demonstrate that increased access to and ubiquity of guns appears strongly correlated with more gun violence. We have not updated City Ordinances regulating the sale of guns since 1980. All guns—including black market firearms—ultimately come into a community through a retail store. Focusing efforts to modernize our current ordinances will help reduce the number of straw purchases, better regulate operations of gun shops within our jurisdiction, and respond to contemporary circumstances.

## Policy Proposal (What policy change is needed to solve the problem?)

1. Modernize Municipal Code Section 10.32.030—requiring a license for sale, transfer, or advertisement of concealable firearms—to include the regulation of sale of all firearms, ammunition, and within the city (including guns manufactured through 3D-printing technologies, if not adopted by the legislature in this session);
2. Revise Chapter 10.32, to include among the requirements of all licensees of vendor permits regarding video- and audio-recording of firearm and ammunition transfers;
3. Prohibit the sale of any firearms and ammunition within or from a residence.

## Expected Outcome (Expected impact policy change will have on city services, San Jose residents, businesses, etc.)

Reduction of gun violence, through better regulation of “straw purchasing” and other illicit means of acquiring firearms. Updating our four-decade-old gun sales transaction ordinances aligns with the Major Cities Chiefs of Police Policy Statement, the Mayor’ Gang Prevention Task Force Strategic Work Plan 2019-2020 Goal #1, and the East San José Peace Project Gun Safety & Violence Prevention Workgroup.

## Budget Implications (if known)

City funding required Yes or No Fund(s) Impacted (e.g. General Fund, C&C Tax Fund, etc.) Unlikely to require unique funding.

Return form to [CMOAgendaServices@sanjoseca.gov](mailto:CMOAgendaServices@sanjoseca.gov)  
Questions: Gloria Schmanek 408.535.8104



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Councilmember Esparza

**SUBJECT:** SEE BELOW

**DATE:** January, 15, 2019

Approved

Date

1/14/2019

**SUBJECT: City Council Priority #27: Cannabis Manufacturing, Distribution, and Testing.**

## RECOMMENDATION

1. Accept staff's recommendation relative to Council Priority #27: Cannabis Manufacturing, Distribution, and Testing, and;
2. Direct the City Manager to:
  - a. Evaluate the current zoning provisions of the San Jose Municipal Code that have led to the oversaturation of retail Cannabis Collectives/Businesses in Council District 7.
  - b. Provide a report back to Council clearly outlining why more than half of the total retail Cannabis Collectives/Businesses are located in Council District 7. and;
  - c. Present options for the implementation of a cap on the number of retail Cannabis Collectives/Businesses in Council District 7.

## BACKGROUND

I want to thank staff for their diligent work on this plan. The recommendation in the affirmative from planning and police clearly show that this has been a thorough and thoughtful process.

The regulatory framework for the legal marijuana industry in San Jose has yielded positive results that are clearly observed in the over 1,000 jobs that have been created and the \$13 million in revenue that was collected in 17-18 fiscal year. I am pleased to know that as those resources go in to the general fund, as it should be, they are equitably enjoyed by the city as a whole.

While the cannabis industry clearly has demand from every corner of the city, we unfortunately have a deeply inequitable distribution of retail Cannabis Collectives/Businesses in Council District 7. At present, 9 of the 16 registered Cannabis Collectives/Businesses operate in Council District 7. While District 7 comprises 1/10<sup>th</sup> of the City, it is host to 56% of registered retail Cannabis Collectives/Businesses in San Jose. This cannot continue.

Therefore, due to the previously mentioned, I find that the Municipal Code and previous council action must be revisited to address the disparity that exists in the distribution of Cannabis Collectives/Businesses in San Jose.





# Memorandum

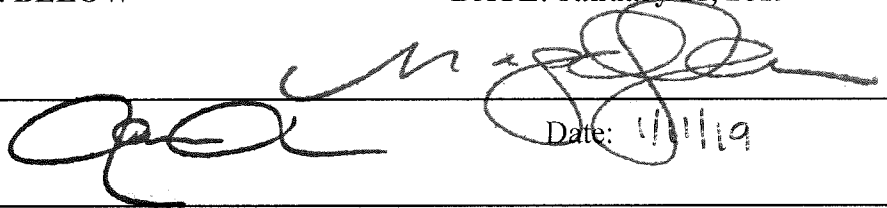
**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Councilmember Raul Peralez  
Councilmember Magdalena  
Carrasco

**SUBJECT:** SEE BELOW

**DATE:** January 11, 2019

Approved by:



Date: 1/11/19

**SUBJECT: CITY COUNCIL PRIORITY #27: CANNABIS MANUFACTURING,  
DISTRIBUTION, AND TESTING**

## RECOMMENDATION

1. Accept staff report and recommendations for City Council Priority #27; and
2. Direct the City Manager to assess the following considerations and return to Public Safety, Finance and Strategic Support Committee for discussion and recommendations for:
  - a. Monitoring of the retail tax rate to stay competitive and taking into consideration cannabis business growth and risk assessment,
  - b. Allowing the current 16 cannabis businesses to open a second location,
  - c. Sale of individual licenses and business',
  - d. Expanding "black out" areas in North and South San José for all cannabis uses, not only manufacturing, distribution and lab testing,
  - e. Changing the audit requirement from mandatory to random audits on varying years or as a punitive action,
  - f. Impact of cannabis waste and a revise for a more stringent cannabis disposal policy,
  - g. Allowing of private consumption events and,
  - h. Creating an equity applicant program as outlined by the State of California in SB 1294.

## BACKGROUND

As the City of San José continues to pave the path forward for how local cities regulate cannabis businesses, we look forward to the implementation of staff recommendations to

allow the current 16 cannabis businesses to include manufacturing, distribution and testing labs.

As cannabis retail revenue continues to add millions of dollars to fund much needed services for our residents and create hundreds of jobs, it is important that we understand the growth of the industry in order to best regulate it. Accordingly, we should continue to monitor the cannabis industry to evaluate if the City is taking the appropriate steps to ensure we are aware of all types of business related to cannabis. As a city we need to stay competitive ensuring we have the capacity to address the growth of this industry.

Additionally, as the industry continues to grow at rapid speed, many individuals have been left out due to prior marijuana convictions. The State has allotted resources in the California Cannabis Equity Act of 2018 to ensure that city policies reflect equity in the development of its regulations. As the last large city that has not implemented an equity policy, it is important that we formulate policies that will guarantee broader inclusion of those impacted by prior prohibitions into the industry.

We thank staff and their respective departments for their countless hours proactively researching and tackling this priority policy, and look forward to their continual work.



# Council Policy Prioritization: Policy Nomination Form

Council Member Pam Foley District 9 Date 02/08 / 2019

Council Member Lead Staff Scott Hughes Lead Staff Ext. 54972

Policy Subject Re-evaluate Title 20 Cannabis Policy Department PBCE & CMO

## Policy Problem Statement (What problem is being addressed?)

Due to current regulations, the City of San José only allows for 16 cannabis collectives to locate in highly-restricted areas. This minimizes San José's revenue potential, creates an over-saturation of cannabis businesses in small pockets of the City, and therefore an inequitable distribution throughout the entire City.

## Policy Proposal (What policy change is needed to solve the problem?)

Evaluate Title 20 as it pertains to the 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.

## Expected Outcome (Expected impact policy change will have on city services, San Jose residents, businesses, etc.)

We expect an increase in tax revenues, the potential for a more equitable distribution of cannabis dispensaries, and a more vibrant cannabis industry throughout the City of San José.

## Budget Implications (if known)

City funding required Yes or No Fund(s) Impacted (e.g. General Fund, C&C Tax Fund, etc.) \_\_\_\_\_

Return form to [CMOAgendaServices@sanjoseca.gov](mailto:CMOAgendaServices@sanjoseca.gov)  
Questions: Gloria Schmanek 408.535.8104



# Council Policy Prioritization: Policy Nomination Form

Council Member Lan Diep

District 4 Date 02/08/2019

Council Member Lead Staff Stephen Ngo

Lead Staff Ext. 54938

Policy Subject Privately-owned public open space (PoPos)

CSA Area Parks

### Policy Problem Statement

The City presently requires developers to dedicate land for parks so that we can meet our goal of three acres of parkland per 1,000 residents. There are presently no clear policies around privately-owned public open space, where the developer commits to provide space for public use but retains ownership and long-term maintenance obligations of the space.

### Policy Proposal

Develop a set of guidelines and proposed ordinance changes to address gaps in our rules regarding creation of parks. Explore methods to take advantage of a developer's ability rapidly respond to real estate opportunities and market conditions in underserved park-deficient areas, which may include modifying the 0.5 acre parkland dedication requirement when part of a large park acquisition plan.

### Additional Information (Background)

See below

### Expected Outcome (Expected impact policy change will have on city services, San Jose residents, businesses, etc.)

Developers will have more certainty about park fee credits; PBCE will be aware of PRNS guidelines as they give feedback to a developer. Institutional memory about credits and POPOS design will be transmitted more easily. Another tool will be available for parkland acquisition in park-deficient areas and urban villages where parcels may be small.

### Budget Implications (if known)

City funding required 1.25 FTE Planners in PRNS & PCBE

Fund(s) Impacted (e.g. General Fund, C&C Tax Fund, etc.) \_\_\_\_\_

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## Council Policy Prioritization: Policy Nomination Form

### Additional Space (if needed)

The PDO (SJMC Section 19.38.305) PIO (SJMC Section 14.25.320) are both primarily land dedication ordinances that allow the City to require dedication of land for future parks from developers. The intent is to offset the impact to park facilities that would result from increased population to the city. As you see in the ordinance, our goal is to provide three acres of parkland per 1,000 city residents. So, in simple terms, if a proposed development will result in a new population to the city of 1,000 people, that development would be asked to provide three acres of land for park purposes. (the population if a development is projected based on the type of housing unit and census data). The three acres can be translated into a dollar value using current land values in the area near the development.

In reality, developers can meet the obligation by providing land, building park improvements, paying in-lieu fees or some combination thereof. Also, if a development includes recreation amenities within the development (e.g., picnic tables, playgrounds etc.) there is opportunity to receive credit and reduce the park fee required. If the d

1. The 0.5 acre minimum can be a challenge for off-site dedications. For example, for one recent project the developer owned \$6M +/- in in-lieu fees in an area of the city that is “park poor” – meaning that most residents do not live within a ½ mile or 10-minute walk of a park. The developer expressed willingness to acquire off-site land for park dedication in an effort to reduce the deficit, but most property in the area is ¼ to 1/3 of an acre in size, suggesting that the developer would need to acquire two to three contiguous parcels to meet the 0.5 acre dedication requirements. In addition, the developer would buy the property at market rate, whereas park fees are often below current market rate. If the developer is going to pursue off-site acquisition we would want to be able to provide parkland credit for the full amount they paid for the project. The question of minimum park size sets forward a philosophical discussion about pocket parks. Are they beneficial? are there some areas of the city where we cannot accept pocket parks and others where we promote them based on existing development patterns?
2. There are no clear, written guidelines on what qualifies for private recreation credit. As a result the development community is left feeling great uncertainty as they enter the development process. Written guidelines and clear standards would help communicate PRNS’s expectations to the development community.
3. With no guidelines for POPOS the same uncertainty exists, resulting in marked inconsistency in the public benefit that the amenity provides. The development of POPOS is a crossover PBCE and PRNS issue since they are often approved during the entitlement process, but PRNS has vested interest in setting the stands for recreational and public space amenities.



# Memorandum

**TO:** RULES AND OPEN GOVERNMENT COMMITTEE      **FROM:** Councilmember Raul Peralez

**SUBJECT:** Suicide Prevention Strategic Plan      **DATE:** April 11, 2018

**Approved:**

**Date:**

4/11/2018

## RECOMMENDATION

I nominate for the next priority setting the development of a Suicide Prevention Strategic Plan, including but not limited to:

1. A review of all the City's public safety protocols in the event of a suicide attempt and make any necessary updates including internal procedures for suicide prevention awareness for city managers and supervisors.
2. Promoting suicide prevention awareness to city residents and employees through existing events and meetings as well as explore how the City could supplement the County's efforts to promote suicide prevention education.
3. Developing a communications approach and plan, including a distribution plan for city employees—especially any crisis response teams—and residents.
4. Directing City Staff to:
  - a. Collaborate with County personnel, to produce an annual review and report about the suicide prevention policy, the work done, and areas for improvement/expansion.
  - b. Coordinate and collaborate with ongoing county, regional and state efforts, like Each Mind Matters. This includes promoting and enrolling city employees in county-provided training programs (many of which are offered free-of-charge).
  - c. Ensure that the development of this policy includes community engagement.

## BACKGROUND

Last September, I nominated for priority setting the development of a Suicide Prevention Plan and while the item did not get prioritized, this somber and important topic deserves another opportunity for consideration.

San José has historically been an advocate for suicide prevention even though mental health services does not fall under the city's purview. In 2011, the City Council approved a resolution proposed by then-Councilmember Kansen Chu supporting the

Santa Clara County Suicide Prevention Strategy Plan. It remains a preventable tragedy that affects thousands of people a year.

### **ANALYSIS**

The Santa Clara County Suicide Prevention program has indicated that there have been 390 suicide fatalities in San José between 2011 to 2016 (Figure 1). It is troubling that during this period, the number of fatalities have not dipped below 50. While the city does not have mental health services, there are potential strategies that could be implemented within the city's purview to increase suicide prevention.

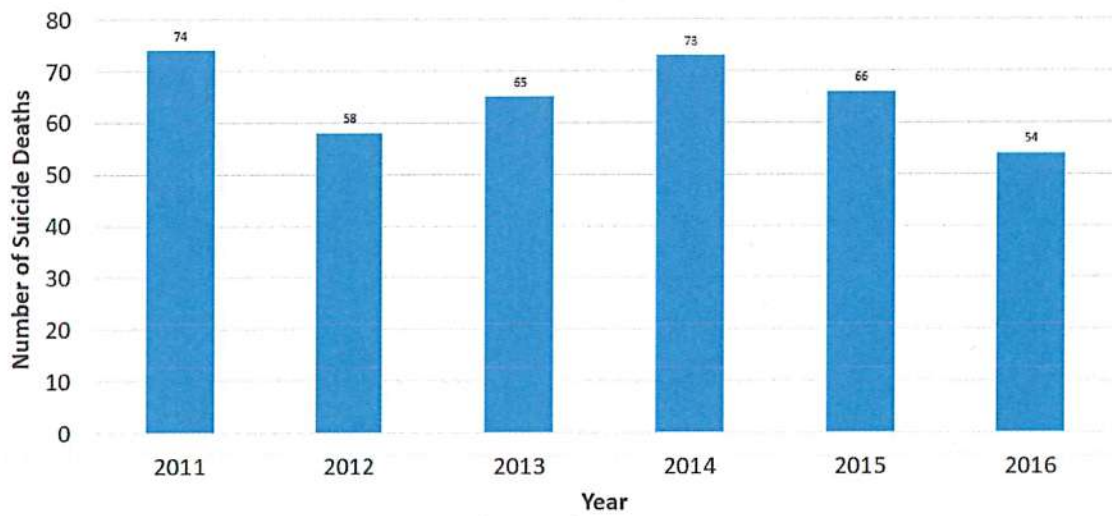
For example, the City Council had a robust discussion around firearm safety, ironically on the same evening of the last priority setting. Consequently, the City Council adopted a safe-storage policy to ensure that gun owners lock up their firearms when they're not home. This action was partially to address potential suicide attempts since in 2016 alone, 24% of suicides in San José was done so with a firearm. Another example was after several suicide attempts and fatalities in the Martin Luther King Library's vaulted atrium, the City and San José State University took upon itself to place infrastructure barriers to prevent further attempts. It has been instrumental in preventing suicide fatalities since then.

Many neighboring cities such as Palo Alto, Los Gatos and Mountain View have had suicide prevention policies in place as early as 2010. In fact, since the last priority setting session, the City of Morgan Hill adopted a policy to promote best practices for suicide prevention and early intervention (Attachment A).

### **CONCLUSION**

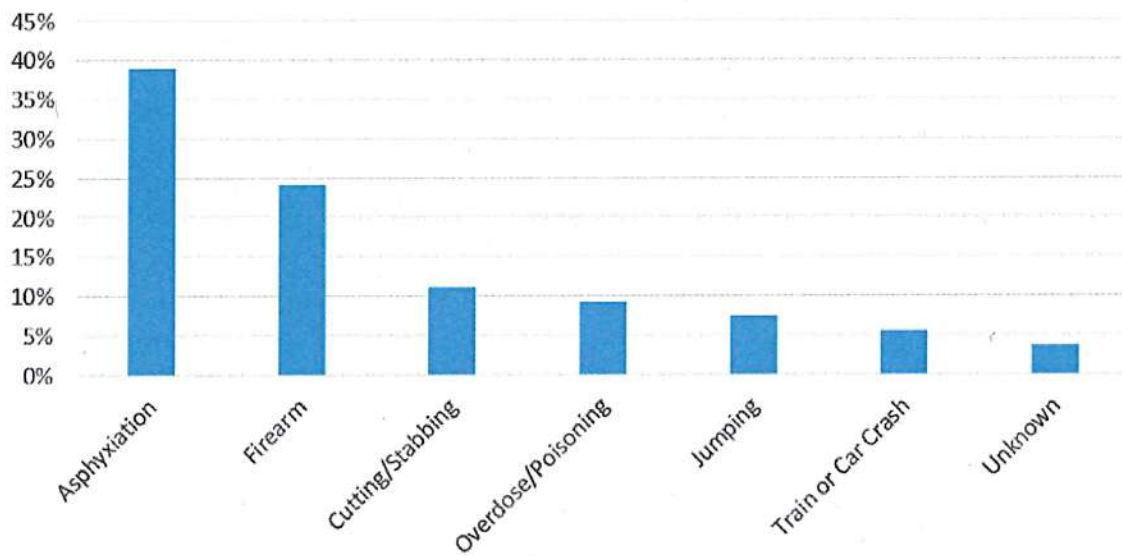
While mental health services may not fall under the jurisdiction of the City, there are still measures we can take to promote and put forth resources to prevent suicides. One suicide fatality is one too many and I hope for the day when we can bring that number down to zero.

Figure 1 - Number of Suicides in San Jose between 2011-2016



Source: Santa Clara County Behavioral Health Services/County Medical Examiner

Figure 2 - Percentages of Suicides by Means, San Jose, 2016



Source: Santa Clara County Behavioral Health Services/County Medical Examiner



**ATTACHMENT A**
**CITY OF MORGAN HILL  
CITY COUNCIL POLICIES AND PROCEDURES**
**CP-xx-xx****SUBJECT: SUICIDE PREVENTION POLICY****EFFECTIVE DATE: FEBRUARY 7, 2018****ORIGINATING DEPARTMENT: POLICE DEPARTMENT****BACKGROUND**

Suicide is the leading cause of death by fatal injury in Santa Clara County. These deaths are usually preventable. Within that framework, it is the policy of the City of Morgan Hill to adopt best practices for suicide prevention and early intervention. It is the policy of the City to implement the Santa Clara County Suicide Prevention Strategic Plan, adopted by the Santa Clara County Board of Supervisors on August 24, 2010. To meet these goals, the City will promote mental health care, wellness, and prevention, and will provide support for community members in need, as available.

**PURPOSE**

This policy encourages community collaboration; promotes planning, implementing, and evaluating strategies for suicide prevention, intervention, and postvention; and encourages mental health care.

**POLICY**

It is the policy of the City to implement current strategies and best practices as designed by the Suicide Prevention Resource Center, a national agency promoting the national suicide prevention plan, and the California Suicide Prevention Plan.

City staff will work with Morgan Hill Unified School District employees and residents to gain a better understanding about the causes of suicide and learning appropriate methods for identifying and preventing the loss of life. The policy and procedures will include training in identifying those at risk (gatekeeper training) and how to report suicide threats to the appropriate parental and professional authorities.

City staff will actively collaborate with prevention researchers, specialists in the field, the Morgan Hill Unified School District, and other local and regional authorities, including Santa Clara County government. This policy shall advance current, evidence-based strategies, including but not limited to, public education, community outreach, a continuum of mental health supports, means restriction, mental health screenings, grief support, safe messaging trainings with media, developing suicide crisis response plans, and periodic review of relevant data, amongst other actions.

The City supports initiatives and actions taken by the South County Suicide Prevention Workgroup, or any future similar committee. Collaborative activities will be agreed upon, implemented, and evaluated, as funding and resources are available.

A strong and effective educational program promotes the healthy mental, emotional, and social development of residents and employees/employers including, but not limited to, understanding of problem-solving skills, coping skills, and resilience. Additionally, an easily accessible list of mental health and suicide prevention resources shall be maintained.

The cities and school districts of Gilroy and Morgan Hill shall collaborate with Santa Clara County Behavioral Health and Community Solutions to establish a suicide review committee and crisis intervention plan and procedures, to ensure public safety and appropriate communications in the event that a suicide occurs, or an

attempt is made by an individual in the cities of Gilroy or Morgan Hill.

The City shall ensure that all staff members have been issued a copy of this suicide prevention policy.

Funds to implement this policy shall be provided, to participating agencies when available, and city staff will seek opportunities to supplement funds through private donations, grant applications, and other sources of outside funding. Additional funding will also be sought through partnership with the Morgan Hill Unified School District and other agencies with expertise in this area.

This policy shall be reviewed annually, as part of the South County Suicide Prevention Workgroup, to confirm compliance and to make any necessary revisions.

**This policy shall remain in effect until modified by the City Council.**

**APPROVED:**

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**STEVE TATE, MAYOR**



# Memorandum

**TO:** RULES AND OPEN GOVERNMENT COMMITTEE      **FROM:** Councilmember Donald Rocha

**SUBJECT:** DRIVE-THROUGH POLICY      **DATE:** August 15, 2018

Approved

*Don Rocha*

Date

*8/16/18*

## RECOMMENDATION

That the Rules Committee add the following proposal to the next workload priority setting session:

Direct staff to review the setback criteria contained in section VII of Council Policy 6-10 (entitled "Criteria for the Review of Drive-Through Uses"). Staff should evaluate whether it still makes sense to allow some drive-through projects to be built without any setback from residential, while requiring other drive-through projects to abide by a 200-foot setback requirement.

## ANALYSIS

Council Policy 6-10 establishes criteria for evaluating proposed drive-through uses, such as fast food drive-throughs or drive-through car washes. Special criteria for evaluating drive-throughs are useful because drive-throughs can cause problems. For example, cars waiting at a drive-through can back up onto the street, noise from fast food drive-through speakers or from carwash equipment can disturb surrounding residents, and fumes from idling vehicles can drift to neighboring properties.

I've dealt with three controversial drive-through proposals in my district over my eight years on the Council, and in each case the setback rules in Policy 6-10 were the source of confusion and controversy. The setback rules (found in Section VII of the policy) require that most drive-through uses be set back 200 feet from residential properties, but they also establish a narrow exception: car washes that are co-located with a gas station can be approved without any setback at all.

This discrepancy between setbacks for different projects has caused trouble on both sides. On projects where the car wash is not co-located with a gas station and does not qualify for the setback exception, I've had frustrated applicants ask why their project is any different from the many other car washes around the city that have been approved under the exception with setbacks of less than 200 feet. On projects that do meet the exception,

I've had frustrated community members ask why their neighborhood is any less worthy of protection than other neighborhoods where the 200 ft. setback applies. Both sides have a point: the impact of a car wash on an adjacent neighborhood is very similar whether or not it's co-located with a gas station.

My response to these controversies has been to try to chart a middle course. In some cases I've been comfortable with slightly less than a 200 foot setback even for projects that don't qualify for the exception if the applicant makes efforts to screen neighbors from any impact, and, on the other side, I've also recommended denial of projects that take advantage of the exception in ways that would harm neighboring residents. In all of these cases, the setback rules contained in the policy have been more of a hindrance than a help: they've caused confusion and have not provided a useful framework for making decisions on projects.

Policy 6-10 was first established in 1979 and last amended in 1990. Given that we've had twenty-eight years of implementation experience since this policy was last considered by the Council, I think it would be worthwhile for staff to take a look at the policy and consider whether the setback criteria still make sense. My intent here is not to predetermine if or how the policy should be amended, but to suggest that we should have staff look at this issue. I don't know what my colleagues' experience has been with drive-through projects, but if it's been anything like mine we all might be glad of a more thoughtfully written policy that can set appropriate expectations for applicants and community members. My recommendation is to send this issue to priority setting, so the Council would have an opportunity to decide whether staff should be asked to work on it.



# Memorandum

**TO:** RULES AND OPEN  
GOVERNMENT COMMITTEE

**FROM:** Councilmember Jimenez  
District 2

**SUBJECT:** Abandoned Shopping Cart Program

**DATE:** January 31, 2019

Approved

Date: January 31, 2019

## RECOMMENDATION

Direct staff to modify the Abandoned Shopping Cart Program to achieve the following objectives:

- Full cost recovery;
- Participation of all businesses in the program regardless of number of shopping carts provided;
- Escalating penalties and fees for egregious violations;
- Requirement for consistent, clear, and long-lasting cart signage and/or labeling to better identify cart ownership and location of origin;
- Feasibility of an impound fee for shopping carts that are collected by City staff and stored at City facilities.

## BACKGROUND

Illegal dumping and blight continue to negatively affect the quality of life for San José residents today. That being said, we have made significant progress in curbing blight by instituting free large item pick-ups, sponsoring neighborhood beautification projects, and launching the MySanJose App. Still, much work remains to accomplish the goal of a totally clean San José.

In San José, as is the case in other major cities, abandoned shopping carts are a big part of the problem. One only needs to walk a few blocks anywhere in San José to see abandoned shopping carts strewn across sidewalks, in ditches, waterways, and underpasses. Holding businesses accountable for keeping carts on their premises is necessary to curb the problem of abandoned carts along city streets.

RULES AND OPEN GOVERNMENT COMMITTEE

02/06/2019

**Subject:** Abandoned Shopping Cart Program

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The Abandoned Shopping Cart Program, found in San José Municipal Code 9.60, was developed “to ensure that the owners of carts are aware of their responsibility to prevent the abandonment of carts and to educate their customers not to take the carts and abandon them off-site.” The ordinance provides for one full-time code enforcement officer who is solely responsible for implementation and enforcement and also requires businesses with 26 carts or more to submit a site-specific Abandoned Cart Prevention Plan to the City. An Abandoned Cart Prevention Plan usually includes technology such as wheel locking mechanisms or poles to prevent carts from leaving the business premises. Ultimately, the cost to businesses associated with this ordinance is approximately \$345 annually. Faced with our current situation, I believe our City can do more to keep abandoned shopping carts from littering our neighborhoods.

The Abandoned Shopping Cart Ordinance has not been updated in many years, and the fees were last reviewed in 2014. One of the biggest issues with the ordinance is that the fees collected do not cover the full cost to implement and enforce the program - This ensures a net negative financial impact for the City. The City should not subsidize cart recovery for private businesses. Currently, City staff collect abandoned carts and take them to the Mabury yard where third-party recovery companies collect them at no charge. I recommend that staff evaluate the current fees and increase them to cover the true cost of the program.

Second, the ordinance exempts businesses with fewer than 26 carts provided for customer use or to the public. This means that many businesses are not participating in the program and do not have cart recovery and retention plans in place. As a result of this loophole, many businesses have intentionally kept their onsite cart inventory below 26 to evade the program. Furthermore, large chain retailers with multiple locations in San Jose are currently exempt from the program even though they have an aggregate of more than 26 carts total in the City. I believe our ordinance would be more effective if all retailers participated in this program. To be equitable to small mom and pop retailers, staff should consider a sliding scale of fees based on the number of carts provided to customers throughout the City.

Third, not all shopping carts are adequately tagged and labeled which makes it difficult to identify the owner of a cart. Our current ordinance does require cart signage, but there is no standard for the size, material, or location of the signage. Standardizing cart signage will allow the City to better identify who a cart belongs to and where it came from. The City then can better identify egregious violators and when appropriate apply stricter penalties and fees for their failure to comply with the ordinance.

I acknowledge that carts are often removed from the premises of a business by shoppers. However, it is the responsibility of businesses to educate patrons and otherwise prevent carts from being taken. I also understand that shopping carts play an important role for homeless individuals who often use them to hold and transport personal belonging. I am sensitive to these realities and understand that this ordinance is not the end-all solution to the issue of abandoned

RULES AND OPEN GOVERNMENT COMMITTEE

02/06/2019

**Subject:** Abandoned Shopping Cart Program

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shopping carts. As a City, we must aggressively implement permanent and interim housing solutions to house our most vulnerable residents.

Our ordinance currently states, "Abandoned Carts constitute a nuisance, create potential hazards to the health and safety of the public, and interfere with pedestrian and vehicular traffic. The accumulation of wrecked and dismantled Abandoned Carts on public property tends to create conditions that reduce property values, and promote blight and deterioration." It is time to update our ordinance and ensure that every business is playing a role in keeping our City safe and clean.

The following pictures were taken on January 31, 2019 near Edenvale Garden Park

Councilmember Jimenez, District 2

For questions please contact Vanessa Sandoval, Chief of Staff, 408-535-4925









# Memorandum

**TO:** RULES AND OPEN GOVERNMENT  
COMMITTEE

**FROM:** Councilmember Raul Peralez  
Vice-Mayor Charles "Chappie" Jones  
Councilmember Magdalena Carrasco  
Councilmember Sergio Jimenez

**SUBJECT:** SEE BELOW

**DATE:** 01-24-2019

Approved by:

Date: 01-24-2019

**SUBJECT:** Update to San José's Wage Theft Prevention Ordinance

## RECOMMENDATIONS:

1. Approve the attached ordinance (Attachment 1) updating San Jose's existing Wage Theft Prevention Ordinance to achieve the following goals:
  - a. Require Developers proposed major construction projects to disclose wage theft or other violations of labor and employment law committed in the past five years by their prime contractors and their subcontractors; and if any prime contractor or subcontractor has unpaid wage theft claims or other final unsatisfied judgments, citations, or final administrative decisions against them, disqualify that contractor from the project until they have complied with back wages owed or other final judgments, citations, or final administrative decisions.
  - b. If the City provides any economic development incentives to private construction projects, those incentives should be subject to penalties if illegal abuses of workers are committed on the project. And direct staff to return to City Council with recommendations for appropriate penalties for Developers, prime contractors, and subcontracts, such as a "clawback" mechanism allowing the City to revoke all or a portion of the incentive if illegal abuses of workers are committed on the project.
2. Adopt the attached amendments (Attachment 2) updating San Jose's existing Wage Theft Prevention Policy to achieve the following goals:
  - a. Remove the exclusion of public works contracts from the policy.
  - b. Clarify that the existing definition of "Final Judgments, Decisions, and Orders" also includes judgments resulting from a Civil Wage and Penalty Assessment (CWPA) or from a Bureau of Field Enforcement (BOFE)

citation, as well as citations for serious, willful, and repeat OSHA violations.

## **BACKGROUND**

In June 2015, The City Council ranked wage theft prevention as the City's number one policy priority in its annual Priority setting process. In 2016, the City Council unanimously approved the Wage Theft Prevention Policy to help address a pervasive problem affecting San José workers, families and businesses: wage theft. The Council's ordinance focused on using the City's available tools.

Noting that "83% of employees who receive a favorable judgement from the State Division of Labor Standards Enforcement receive zero payment from their employers"<sup>1</sup>, the Council established two avenues to help hold businesses accountable for wages owed: (1) amending the City's bidding and contracting policies and process to prevent wage theft by City contractors and (2) adding the authority to suspend revoke permits for designated businesses with unpaid final wage theft judgements or administrative actions.

The 2016 Wage Theft Prevention Policy was an important step towards protecting San José's workers and supporting the vast majority of law-abiding businesses. However, the initial policy excluded one of the industry's most negatively affected by wage theft: construction.

Wage theft in the construction industry is rampant. One in six California construction workers is a victim of wage theft; Latino and Asian immigrants are especially likely to be affected, and often face threats of retaliation if they speak out. In the Bay Area, since 2011, approximately 7,000 construction workers at over 500 companies have been victims of wage theft - and that includes only documented cases resulting in final federal administrative decisions and/or state judgements.<sup>2</sup> Contractors cheating workers out of their pay pushes more and more of these workers and their families into poverty and deprives them of the ability to work their way into the middle-class. It's an unfortunate reality of the underground and illegal economy that permeates the construction industry.

How does it happen? Unscrupulous contractors refuse to pay workers for overtime hours, for meal and rest breaks and/or misclassification of hourly workers as "independent contractors" to get around paying overtime and providing benefits. In worst case scenarios, this has tragically occurred in San José. Criminal contractors have held workers against their will and failed to pay them for work on construction projects. The most recent example, is the discovery of construction workers forced into human slavery to build the luxurious Silvery Towers. Due to developers and contractors have little, to no, oversight, the workers experienced wage theft and retaliation. The subcontractor was

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<sup>1</sup> May 26, 2016. City of San José Memorandum, Councilmembers Kalra, Peralez, Carrasco, and Rocha. Actions Related to Wage Theft Prevention. [http://sanjose.granicus.com/MetaViewer.php?meta\\_id=575454](http://sanjose.granicus.com/MetaViewer.php?meta_id=575454)

<sup>2</sup> "Construction in San Jose: Crisis & Opportunity" by Working Partnerships USA, pg. 19. March 2018

not licensed and owed \$650,000 in unpaid citations and judgements. We as the City have a responsibility to act.

We must act by expanding our existing Wage Theft Prevention policy and ordinance to cover all major construction projects, both public and private. For City-funded projects, this means adding public works to the other types of City contracts designated by the existing Wage Theft Prevention Policy. For major private developments, we must extend the current ordinance, which provides the authority to suspend or revoke Title 6 permits (police permits) for the worst offenders, to apply an equivalent standard to Title 24 permits (building permits). The expanded ordinance must also include a provision requiring contractors and developers that engage in wage theft who received any taxpayer subsidy to repay that subsidy, with interest.

The proposed provisions and amendments to the existing policy and ordinance will ensure that another Silvery Towers does not occur again and that the City is not blindsided by another atrocity.

*The signers of this memorandum have not had, and will not have, any private conversation with any other member of the City Council, or that member's staff, concerning any action discussed in the memorandum, and that each signer's staff members have not had, and have been instructed not to have any such conversation with any other member of the City Council or that member's staff.*

*Attachment 1*

Responsible Construction Ordinance

1. Definitions

For purposes of this ordinance:

A. "Building permit holder" means a person or entity that has received a permit to undertake a major construction project. A building permit holder does not include an owner self-performing work on the owner's residence.

B. "Building permit applicant" means a person or entity that has applied for a permit to undertake a major construction project. A building permit applicant does not include an owner self-performing work on the owner's residence.

C. "Covered party" means a developer, building permit holder, or building permit applicant.

D. "Developer" means an entity or person who owns or controls a major construction project. Developer does not include an owner self-performing work on the owner's residence.

E. "Final judgment, final administrative decision, or citation" means either of the following:

i. A judgment, decision, determination, order, or citation including but not limited to a California Division of Labor Standards Enforcement's Bureau of Field Enforcement's citation, a California Division of Labor Standards Enforcement's Public Works' CWPA, or an OSHA citation that was issued by a court of law, an investigatory government agency authorized by law to enforce an applicable law, an arbitrator, or an arbitration panel and for which all appeals have been exhausted or the time period to appeal has expired.

ii. An admission of guilt or finding of guilt in a criminal proceeding.

F. "Financial Assistance" means any financial incentive or investment provided by the city or a city-controlled entity or political subdivision to facilitate or support a Major Construction Project, including:

i. Taxes, fees, costs, rents, insurance or bond premiums, loans, interest rates, inclusionary housing obligations, inclusionary housing in-lieu fees, or other obligations that would normally be required in the execution of the contract, that are paid, reduced, charged at less than fair market value, waived, rebated or forgiven by the city, including those provided under the existing Downtown High-Rise Incentive Program, as well as

any other city tax or fee break programs available to new developments or to a particular sub-category of developments.

ii. The payment of money or the equivalent of money for the design, development, construction, financing or any other component related to development of the project, including, but not limited to, infrastructure costs, preconstruction costs, demolition costs, construction costs, financing costs, equipment costs, design costs, environmental review costs, and environmental mitigation costs; and

iii. Any loan or loan guarantee.

G. "Major construction project" means a project that will involve construction, alteration, and/or demolition work of greater than 5,000 square feet of floor area within the city.

H. "Unsatisfied final judgment, final administrative decision, or citation" means a final judgment or citation that requires the payment of money, and that has not been fully satisfied, except that an unsatisfied judgment, decision or citation shall not disqualify a contractor or subcontractor if its enforcement against the contractor or subcontractor is stayed by court order or operation of law.

## 2. Bidding and Contracting Requirements

A. A covered party shall require, in all solicitations or invitations for bids to perform work on a major construction project, and prior to awarding any contract to perform work on a major construction project, that every contractor and subcontractor performing work in excess of \$50,000 on the project must complete and return to the covered party the disclosure form required by this ordinance. The completed form shall be verified by a representative of the contractor or subcontractor under penalty of perjury.

B. A covered party shall disqualify a contractor or subcontractor from entering into a contract to perform work, and from performing such work, if the required disclosure form has not been submitted, if the disclosure form is materially false or incomplete, or if the disclosure form reports that the contractor or subcontractor has an unsatisfied final judgment, final administrative decision, or citation. Nothing in this ordinance shall preclude a covered party from disqualifying a contractor or subcontractor for additional reasons.

C. A developer or building permit holder subject to this ordinance shall file a copy of the completed disclosure forms required by this ordinance with the city prior to the contractor or subcontractor performing work on the project. The completed disclosure forms for a project shall be available from the city as public records.

D. A contractor or subcontractor performing work for which a disclosure form is required must complete the disclosure form prior to entering into a contract to perform the work.

E. Upon notification from the city to a covered party that a contractor or subcontractor performing work for which a disclosure form is required has not completed a disclosure form, or has submitted a disclosure form that is incomplete, the covered party shall remove the contractor or subcontractor from the project within 48 hours and bar the contractor or subcontractor from performing further work on the project until such time the contractor submits a complete disclosure form.

G. Upon notification from the city to a covered party that a contractor or subcontractor performing work for which a disclosure form is required has submitted a disclosure form that is materially false, or has submitted a disclosure form that reports an unsatisfied final judgment, final administrative decision, or citation, the covered party shall remove the contractor or subcontractor from the project within 48 hours and bar the contractor or subcontractor from performing further work on the project.

H. A contractor or subcontractor which has been ordered removed and/or barred from a project due to failure to submit a complete and accurate disclosure form, or due to failure to satisfy a final judgement, administrative decision, or citation may request an administrative hearing before the Appeals Hearing Board.

### 3. Access Requirements

A. A covered party shall provide investigators for the city with access to the project jobsite upon request, and with the right to inspect payroll records and interview workers upon request, for the purpose of verifying compliance with any labor standards laws applicable to workers on the project.

B. A covered party shall require its contractors and subcontractors to provide investigators for the city with access to the project jobsite upon request, and with the right to inspect payroll records and interview workers upon request, for the purpose of verifying compliance with any labor standards laws applicable to workers on the project.

C. A contractor or subcontractor performing work on a project subject to this ordinance shall provide investigators for the city with access to the project jobsite upon request, and with the right to inspect payroll records and interview workers upon request, for the purpose of verifying compliance with any labor standards laws applicable to workers on the project.

D. The city may contract with a non-profit organization to conduct investigations on behalf of the city for purposes of this ordinance and such investigators shall be provided with the jobsite access and right to inspect payroll records and interview workers that are provided this ordinance.

E. Upon notification from the city to a covered party that a contractor or subcontractor refuses to provide the city with the jobsite access and right to inspect payroll records and interview workers that are required by this ordinance, the covered

party shall remove the contractor or subcontractor from the project within 48 hours and bar the contractor or subcontractor from performing further work on the project.

#### 4. Prohibition on Retaliation

No covered party, contractor or subcontractor shall discriminate or retaliate against any person or entity for cooperating with an investigation under this ordinance or for making a complaint concerning an alleged violation of this ordinance.

#### 5. Guarantee Against Wage Theft

A. A covered party shall be jointly responsible for satisfying any unpaid final judgment, final administrative decision, or citation issued against a contractor or subcontractor on its project to the extent it awards wages, benefits, penalties, interest, and attorneys' fees to a worker on account of the worker's performance of work on the project.

B. Upon notice from the city of an unpaid final judgment, final administrative decision or citation subject to subdivision A, a covered party shall provide the city within 30 days with proof that the judgment, administrative decision or citation, or relevant portion thereof, has been satisfied. If the covered party fails to provide such proof, the city may, in addition to pursuing any other remedies, suspend any building permits or business license issued to the covered party until the covered party provides proof that the judgement, administrative decision or citation has been satisfied.

C. A covered party which has been subjected to a suspension of its building permit due to failure to satisfy a final judgement, administrative decision, or citation may request an administrative hearing before the Appeals Hearing Board.

#### 6. Compliance

A. A building permit applicant subject to this ordinance shall complete and submit with their building permit application a copy of the Disclosure Form for each contractor or subcontractor that has been awarded a contract on the project.

i. The City shall not issue the building permit until a complete Disclosure Form has been filed for each contractor and subcontractor. If no contracts have yet been awarded for the project, the applicant shall submit to the City an attestation to that effect with the building permit application.

ii. If additional contracts or subcontracts are awarded after issuance of the building permit, the permit holder shall submit a copy of the Disclosure Form for each contractor or subcontractor prior to commencing work on the project.



iii. As part of the application for a building permit, every applicant subject to this ordinance shall agree to comply with all applicable portions of this ordinance, including submittal of all required Disclosure Forms.

B. A covered party, contractor, or subcontractor shall be subject to a civil fine payable to the city of up to \$1,000 for each violation of this ordinance.

C. Any person injured by a violation of this ordinance may bring a civil action against a covered party, contractor, or subcontractor for damages in any court of competent jurisdiction.

D. Any person who contends that a contractor or subcontractor is performing work for which a disclosure form is required by this ordinance and that no such disclosure form was filed with the city may file a complaint with the city supported by evidence to show the violation. The city shall promptly provide a copy of the complaint to the contractor or subcontractor and to the covered party and request a response within seven days. Unless the contractor or subcontractor provides a completed disclosure form within seven days, or establishes to the satisfaction of the city that no violation occurred, the city shall give notice to the covered party that the contractor or subcontractor must be removed from the project within 48 hours and barred from performing further work on the project.

E. Any person who contends that a contractor or subcontractor performing work for which a disclosure form is required by this ordinance has provided a disclosure form that is materially false or incomplete may file a complaint with the city supported by evidence to show the violation. The city shall promptly provide a copy of the complaint to the contractor or subcontractor and to the covered party and request a response within seven days. Unless the contractor or subcontractor establishes to the satisfaction of the city that no violation occurred, the city shall give notice to the covered party that the contractor or subcontractor must be removed from the project within 48 hours and barred from performing further work on the project.

F. For any major construction project receiving Financial Assistance, if a covered party is found to have an unsatisfied final judgment, final administrative decision, or citation, then in addition to any other penalties, the City shall issue an assessment requiring the recipient to repay the full amount of the Financial Assistance provided for that project, including but not limited to the full amount of any tax and fees that were reduced, suspended, or waived as part of an economic incentive program. Any such repayments shall be deposited in the fund which was the source of the incentive, or in the case of tax and fee breaks, in the fund to which the tax or fee would have been directed.

## 7. Disclosure form.

The disclosure form required by this ordinance shall be the form contained in Appendix A to this ordinance and shall be completed under penalty of perjury.

*Appendix A*

## City Responsible Construction Ordinance Disclosure Form

To be completed by contractor or subcontractor. A separate form must be completed for each project.

1. Name of Contractor or Subcontractor:
2. Address:
3. Responsible managing officer:
4. State Contractor's License Number:
5. Project name:
6. Project location:
7. Project owner or developer:
8. Party who retained contractor/subcontractor to perform work on the project:
9. Approximate date work by contractor/subcontractor is scheduled to commence on project:
10. During the five years prior to completion of this form, has contractor/subcontractor been found liable by any court or administrative agency for failing to pay wages or benefits to an employee or for violating any wage and hour provisions of the California Labor Code or the Fair Labor Standards Act? If so, list all such judgments and administrative awards and attach copies to this form. Do not list or attach judgments or administrative awards that have been overturned.
11. During the five years prior to completion of this form, has contractor/subcontractor been subject to any citations or penalties imposed by the U.S. Department of Labor, California Department of Industrial Relations, California Labor Commissioner or California Division of Occupational Safety and Health? If so, list all such citations and penalty assessments and attach copies to this form. Do not list or attach citations or penalty assessments that have been overturned.
12. During the five years prior to completion of this form, has contractor/subcontractor been subject to any cause findings by the Department of Fair Employment and Housing or the Equal Employment Opportunity Commission for the laws enforced by those agencies? If so, list all such findings and attach copies to this form. Do not list cause findings that have been overturned.

13. During the five years prior to completion of this form, has contractor/subcontractor been found liable for failing to maintain worker's compensation insurance or for engaging in fraudulent activity related to worker's compensation insurance? If so, list and attach copies of all such determinations. Do not list or attach determinations that have been overturned.

14. During the five years prior to completion of this form, has contractor/subcontractor been found liable by any court or administrative agency for retaliating or discriminating against a worker for making a complaint about a violation of laws enforced by the Labor Commission, Department of Labor, the Department of Fair Employment and Housing, or the Equal Employment Opportunity Commission? If so, list all such judgments and administrative awards and attach copies to this form. Do not list or attach judgments or administrative awards that have been overturned.

15. During the five years prior to completion of this form, has contractor/subcontractor been found liable by any court or administrative agency for failing to pay any payroll taxes? If so, list all such judgments and administrative awards and attach copies to this form. Do not list or attach judgments or administrative awards that have been overturned.

16. During the five years prior to completion of this form, has contractor/subcontractor been found liable, admitted guilt, or been found guilty by any court or administrative agency for violating any laws relating to human trafficking? If so, list all such judgments and administrative awards and attach copies to this form. Do not list or attach judgments or administrative awards that have been overturned.

17. During the five years prior to completion of this form, has contractor/subcontractor been found by the Contractors State License Board to have performed covered work without a contractor's license or to have performed work without the appropriate license for the classification of work? If so, list all such citations and orders. Do not list citations or administrative awards that have been overturned.

18. Have any judgments, decisions, determinations, orders, or citations been issued against the contractor/subcontractor by a court of law, an investigatory government agency authorized by law to enforce an applicable law, an arbitrator, or an arbitration panel, that 1) require the payment of money by the contractor/subcontractor, and 2) have not been fully satisfied, and 3) are no longer subject to appeal? If so, list and attach copies of all such unsatisfied judgments, decisions, determinations, orders, or citations. Has enforcement of the unsatisfied judgment, decision, determination, order, or citation against the contractor/subcontractor been stayed by court order or operation of law? If so, attach proof of the stay.

Summary of recommended edits to Council Policy 0.44:

1. Under Bid or Proposal Disqualification Circumstances, which currently applies to bids or proposals submitted pursuant to San José Municipal Code Chapter 4.12 (Procurements of Goods and Services), add bids or proposals submitted pursuant to Chapter 14.04 (Public Works);
2. Replaced the sentence stating that “This Policy does not apply to any “public works” contracts as defined in City Charter Section 1217” with “This Policy also applies to any “public works” contracts as defined in City Charter Section 1217”;
3. Under “REVOCATION OF PERMITS, LICENSES AND REGISTRATIONS”, which adds an additional ground to deny, suspend or revoke a permit or license for permits issued under Title 6 (Business Licenses and Regulations), add “or Title 24” (Technical Codes); and
4. Make other minor or technical clarifications, including:
  - a. Replace “contractor with “contractor or business” where applicable.
  - b. Under the definition of “Final Judgments, Decisions, or Orders”, add: “Final judgment, decision, or order also refer to Civil Wage and Penalty Assessments (CWPA's) by the California Division of Labor Standards Enforcement Public Works and California Division of Labor Standards Bureau of Field Enforcement (BOFE) citations for which all appeals have been exhausted or the time period to appeal has expired.”



# Memorandum

**TO:** THE HONORABLE MAYOR &  
CITY COUNCIL

**FROM:** Councilmember Lan Diep

**SUBJECT:** CANNABIS MANUFACTURING,  
DISTRIBUTION, AND TESTING

**DATE:** 1/14/2019

Approved

Date

1/14/19

## RECOMMENDATION

Adopt the many strains of recommendations in the four staff memos with the following:

1. Report back to the Community and Economic Development Committee in winter 2020 on how many cannabis manufacturing, distribution, and testing business permits have been issued, any problems arising from the industry, and potential improvements to the policy recommendations made today; and
2. Conduct a study of how the uses on our 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.

## BACKGROUND

San José is America's 10th largest city and growing. To prevent unchecked, crazy weed-like urban sprawl, voters placed an imaginary dome around the city in the form of an urban growth boundary. This allows the city to concentrate its efforts on diffusing limited resources across a smaller geographical area. But it also makes developable land finite and forces different uses to compete with one another. Hybrid or joint uses of land would be most efficient, but typically, one kind of use will preclude another.

Industrial lands are a prime example. They support the employment uses that generate revenues to fund city services and are generally cheaper in value as they are located away from amenities. In part because of the lower price, there are continual attempts to rezone industrial land or site non-industrial uses on it: residential use, places of worship, medical offices, etc... As industrial land is rezoned or new purposes are allowed on them, there is less space available for our deeply seeded tech industry that makes San José the capitol of the Silicon Valley.

Now staff recommends introducing three new allowed uses on our industrial lands: cannabis manufacturing, distribution, and testing.

## ARGUMENT

There has been a lot of buzz about San José's climb as a leader in crafting standards to regulate medicinal and recreational cannabis. We should continue to blaze the path forward for ganjapreneurs. California's regulatory framework following the passage of Prop 64 has served to cure the anxiety stemming from the haziness of federal law enforcement of marijuana laws. Our city anticipated where the state was headed and prepared to extract maximum advantage from the legalization of this budding industry. By allowing the sale of recreational reefer at 16 retail sites within our city, San José has been able to stash away lots of greenbacks due to the green. Staff's recommendations to allow the new uses of manufacturing, distribution, and testing on industrial-zoned lands will surely light a fire under the industry and ensure that it continues to flower and bloom in San José. This is sound policy from an economic development perspective in terms of job creation and revenue generation. But switching our vantage point from the trees for the forest, it becomes apparent that planting our hopes on laughing-grass as a high revenue-generator may only make more potent our city's homegrown and chronic problem of increasing upward pressure on cheap real estate that fosters our tech industry.

Allowing cheeba to be manufactured, distributed, and tested locally on our industrial lands will crystalize an industry around edibles and topicals, rather than just blunts. As the industry booms, so will our tax revenues. But because this new use will increase competition on our already-limited industrial lands, the tech sector and other employment uses must eventually take a hit. It is true that at first, sativa-supporting businesses may only dab, but it is not hard to imagine a near-future where these new businesses mushroom due to their success, occupying an eighth, then a quarter, and eventually a half or more of our industrial employment lands. The city presently has a limit of 16 cannabis retailers but there will be no limit on the number of cannabis manufacturers, distributors, or testing labs. While these business will likely serve the 16 legal retailers, they may also serve other legal retailers elsewhere. Thus – while unlikely – permitted pot businesses could theoretically blossom from a handful to 420, to 710, or more.

The heightened competition would at least constrict, if not vaporize other employment uses on industrial land. Our valley has gone from orchards to tech. Change is inevitable, but it would be a shame to see our tech industry struggle to find space and go up in a puff of smoke, blowing off to other places such as Silicon Beach, Silicon Alley, or Silicon Hills.

The backrolling of tech may seem paranoid but we can dispense with the possibility by exercising an ounce of caution to ensure that safeguards are baked into our policy at the start to prevent too great an imbalance among the various employment uses on our limited industrial land. Tracking how these new businesses do and conducting a comprehensive study on current trends on our industrial lands will provide an access point through which we can ace these challenges and hash out better, smarter, and denser, growth policies.

## CONCLUSION

Staff should report back to CED a year from now on the state of these new businesses and conduct a comprehensive study on state of our industrial property market.



# Council Policy Prioritization: Policy Nomination Form

Council Member Sergio Jimenez

District 2 Date 02/08/2019

Council Member Lead Staff Maribel Villarreal

Lead Staff Ext. 54923

Policy Subject Blight Squad

CSA Area Environmental Services

### Policy Problem Statement

For far too long, our inability to efficiently and quickly address the simple yet intractable issue of illegal dumping and litter has eroded the trust and confidence the residents have in their city. In every corner of San Jose within every district, are locations in desperate need of attention. Not a day goes by that council offices do not receive complaints about dumping & blight. Residents demand action.

### Policy Proposal

Direct staff to develop and fund a pilot project to create a "Blight Squad" whose sole focus is to quickly identify and systematically remove illegal dumping and litter in hot spots across the City in coordination with council offices.

### Additional Information (Background)

Modeled after the Parks and Rec. Capital "Strike Team" comprised of 7 employees whose sole job is to identify, prioritize, and complete important projects that otherwise lack the attention, "Blight Squad" would identify, prioritize, and execute clean-ups of areas not fully or quickly addressed by the City's Anti-Litter efforts or by community clean-ups.

### Expected Outcome (Expected impact policy change will have on city services, San Jose residents, businesses, etc.)

The quick elimination of blight will elevate civic pride both in residents and businesses, promote a healthy community, and most importantly will restore trust and instill confidence in our residents that we are "brilliant at the small things"!

### Budget Implications (if known)

City funding required \_\_\_\_\_

Fund(s) Impacted (e.g. General Fund, C&C Tax Fund, etc.) \_\_\_\_\_

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## Council Policy Prioritization: Policy Nomination Form

Additional Space (if needed)

An idea to staff the blight the squad is to hire the contractors that provide support to our community dumpster days and other beautification projects.

Return form to [CMOAgendaServices@sanjoseca.gov](mailto:CMOAgendaServices@sanjoseca.gov)





# Council Policy Prioritization: Policy Nomination Form

Council Member Sergio Jimenez

District 2 Date 02/07/2019

Council Member Lead Staff Vanessa Sandoval

Lead Staff Ext. 54925

Policy Subject Illegal Dumping Education Campaign & Surveillance

CSA Area Environmental

### Policy Problem Statement

Some residents do not know how to report illegal dumping, those who do are frustrated when MySanJose app says case "closed" but litter remains, most have no idea which City department is responding to illegal dumping. When residents are uninformed about the resources available to dispose of unwanted items & negative safety & health impacts of illegal dumping, many find it easier to leave items on our streets.

### Policy Proposal

I propose we launch vast education campaigns/public service announcements to inform residents about: illegal dumping & the tremendous cost it has on our City/neighborhoods/quality of life, how to report it, City protocols/processes related to clearing illegal dumping, & Free Junk Pickup program. I also suggest installing City cameras at dumping hot spots as a deterrent.

### Additional Information (Background)

One of the most prominent & recurring issues my Council Office hears about from residents is how trash from illegal dumping has intensified & plagued our community over recent years. I agree with them that conditions are unacceptable. With my recommended proposals, the City can take further, more significant steps to educate the public & influence our society's behavior in regards to illegal dumping.

### Expected Outcome (Expected impact policy change will have on city services, San Jose residents, businesses, etc.)

I have faith that through City Departments' collaborative & vast education campaigns/public service announcements to inform residents about many aspects surrounding illegal dumping, the amount of illegal dumping will decrease in the near future & we will have greater public participation to effectively curb illegal dumping.

### Budget Implications (if known)

City funding required \_\_\_\_\_

Fund(s) Impacted (e.g. General Fund, C&C Tax Fund, etc.) \_\_\_\_\_

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## Council Policy Prioritization: Policy Nomination Form

### Additional Space (if needed)

We as a City must lead efforts in changing the culture around illegal dumping.

Some steps the City is currently taking to curb illegal dumping, along with evidence of the unfortunate reality that these steps aren't enough to make a positive impact on our City at the moment:

- the City promotes easy access to the MySanJose app / website to report illegal dumping, BUT some residents don't know that MySanJose exists, some residents are not able to use a computer/smart phone, & many residents who do report on the app are frustrated when the app responds to their submission and says their case is "closed" but the illegal dumping remains exactly on the street.
- the City and my Council Office provide the Free Junk Pick Up program, monthly Neighborhood Litter Pick Up days, Neighborhood Dumpster Days, Downtown Streets Team in District 2, BUT litter remains on our streets because 1. Even with hundreds of volunteers and staff, we do not have the manpower to clear illegal dumping 2. Many piles of trash are deemed unsafe for volunteers to pick up and dispose of. 3. A number of people find it culturally acceptable to leave their trash on the street. This is what we must change.

Reasons why the City should launch vast education campaigns, led by the Environmental Services Department & Department of Transportation, to change the culture & society's behavior around illegal dumping:

- many people are uninformed about the negative safety & health impacts illegal dumping has on our City/resources/neighborhoods/quality of life, and some people currently find it easier to leave or add trash to our streets
- not all residents understand City protocols/processes related to clearing illegal dumping

We can change this through:

- public education and pressure
- additional City staff on the team that deploys to pick up / respond to illegal dumping so that trash is cleared from our streets more effectively and efficiently
- surveillance cameras at dumping hot spots to hold as many people accountable as we can

The City and Residents can successfully address illegal dumping and beautify San Jose using these combined methods.



# Council Policy Prioritization: Policy Nomination Form

Council Member Maya Esparza

District 7 Date 02/08/2019

Council Member Lead Staff Andres Quintero

Lead Staff Ext. 54985

Policy Subject Temp Municipal Recreational Vehicle and Trailer Specific Storage Facility

CSA Area Public Safety

### Policy Problem Statement

The use of recreational vehicles (RV's) and trailers is proliferating. The large number of RV's and trailers on our city streets, leads to a higher number of abandoned RV's and trailers in addition to RV's where illegal activity is occurring. We therefore, are facing a problem relative to the high number of junk RV's and Trailers. (Continued)

### Policy Proposal

Establish an emergency Temporary Municipal Recreational Vehicle and Trailer Specific Storage Facility. The facility would only be used to provide overflow space to the contractors who would otherwise have to refuse a call for service. The yard would operate only while staff develops and implements a longterm solution to the RV and Trailer problem. As part of this proposal, staff would be authorized (Continued)

### Additional Information (Background)

As identified by staff in the audit of towing services, towing these large RV's and Trailers was resulting in a loss to the towing contractors. The steps taken by staff in the adjustment of the compensation structure has, in part, served to address the monetary hit that the contractors were facing. However, the refusal of calls for service for RV's and Trailers remains, due in large part to space (Continued)

### Expected Outcome (Expected impact policy change will have on city services, San Jose residents, businesses, etc.)

The introduction of a temporary Municipal Recreational Vehicle and Trailer Specific Storage Facility should result in less or no refusals of calls for service by our towing contractors. We should then expect to find less abandoned RV's throughout the city.

### Budget Implications (if known)

City funding required \_\_\_\_\_

Fund(s) Impacted (e.g. General Fund, C&C Tax Fund, etc.) \_\_\_\_\_

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## Council Policy Prioritization: Policy Nomination Form

### Additional Space (if needed)

**Policy Problem Statement:** At present, the large size of the RV's and trailers and space constraints in tow yards are leading some towing contractors to refuse to respond to the calls for service by city staff, citing lack of space in their yard.

**Policy Proposal:** to look for City land or identify land owned by other jurisdictions, within San Jose, that the City could rent or lease on a temporary basis.

**Additional Background:** issues. I want to acknowledge staff's diligence in working towards a long-term solution. While those efforts are underway, we should provide some support to them with a stopgap measure like the temporary municipal RV and Trailer yard.

These abandoned RV's and Trailers are unsightly and more importantly are a health and safety concern. One such trailer was abandoned in my district, it was ultimately determined that it was being used to manufacture drugs, all within feet of an elementary school.



# Council Policy Prioritization: Policy Nomination Form

Council Member Maya Esparza

District 7 Date 02/08/2019

Council Member Lead Staff Andres Quintero

Lead Staff Ext. 54985

Policy Subject Multi-Departmental/Disciplinary Quality of Life Task Force

CSA Area multiple CSA's

## Policy Problem Statement

Quality of life (QoL) issues, e.g. illegal dumping, encampments, abandoned vehicles etc..., have proliferated and unfortunately become common. Staff has regularly identified the primary issue surrounding various hot spots, areas that cannot be promptly abated, as primarily revolving around interdepartmental and jurisdictional coordination. As a result, staff and the community are (Continued)

## Policy Proposal

Establish a Multi-Departmental/Disciplinary Quality of Life (QoL) Task Force to address hot spots. Hot spots throughout the city are characterized as areas where complaints are routinely taking an inordinate amount of time to address. The task force will be comprised of representatives from relevant city departments that shall include ESD, PBCE, PRNS, SJP, DOT, Housing, CAO and would be . (Continued)

## Additional Information (Background)

I want to thank staff for the work they are doing as they address these quality of life issues, under current staffing and budget constraints. ESD, through the Removing and Preventing Illegal Dumping (RAPID) team, in last fiscal year, addressed over 14,000 illegal dumping sites. Their work accounted for 10 percent of illegal dumped mattresses that were submitted to the state program (Continued)

## Expected Outcome (Expected impact policy change will have on city services, San Jose residents, businesses, etc.)

As a result of the proposed organizational change, those QoL issues in hot spots e.g. illegal dumping, encampments, graffiti etc..., should be addressed on a more timely basis. We should be able to eliminate those interdepartmental and cross-jurisdictional silos that lead to a delay in response because responsibility and purview cannot easily be determined.

## Budget Implications (if known)

City funding required \_\_\_\_\_

Fund(s) Impacted (e.g. General Fund, C&C Tax Fund, etc.) \_\_\_\_\_

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## Council Policy Prioritization: Policy Nomination Form

### Additional Space (if needed)

Problem Statement: frustrated while jurisdiction or departmental purview is determined and the problem is addressed.

Policy Proposal: coordinated by CMO. The task force would seek participation, formal or informal, from surrounding jurisdictions e.g. County of Santa Clara, Santa Clara Valley Water District etc... The task force will be empowered to develop cross-jurisdictional MOU's, in order to carryout its work.

Staffing and resources have been identified as a concurrent problem as well. Through this proposal, I seek to establish a three year pilot program that includes the above mentioned organizational model and use of one time funds over a three year period. The pilot nature of this proposal will mitigate any issues around ongoing costs, and the length of the program would provide sufficient data to determine if it would be prudent to establish this model on a permanent basis. The one-time funds would be identified by the departments to bring on board support staff that would address the disruption in staffing caused by the implementation of the Multi-Departmental/Disciplinary QoL Task Force.

Additional Background: The RAPID team responded, on average, to calls for services within 5.4 days. Hot spots for illegal dumping, targeted by the Multi-Departmental/Disciplinary QoL Task Force, would be those areas where calls for service are routinely taking more than 5.4 days to address. The same model and benchmarks can be used for other QoL issues where abatement is being stymied, due to interdepartmental/jurisdictional issues.



# Council Policy Prioritization: Policy Nomination Form

Council Member Pam Foley District 9 Date 02/08 / 2019

Council Member Lead Staff Scott Hughes Lead Staff Ext. 54972

Policy Subject Reduce or Eliminate Parking Minimums Near Transit Department Transportation

## Policy Problem Statement (What problem is being addressed?)

The cost to build a unit of housing is increasing for a variety of reasons (tariffs, labor costs, interest rates, etc.). This is only intensifying the housing crisis. Adding parking spaces can add thousands of dollars to what are already high construction costs. Parking spaces also contribute to traffic, and with it, pollution, and congestion, and designate our scarce land for cars instead of land for people. The City of San José currently allows for developers to obtain parking minimum requirement exemptions, however, abolishing parking minimums may make it more cost effective and time efficient to build additional units.

## Policy Proposal (What policy change is needed to solve the problem?)

Explore the ability for parking minimums to be significantly reduced or abolished completely one-quarter mile and one-half mile radius around transit stations. This policy would not prevent developers from producing parking spaces, but instead, would provide developers more room to be creative, and to determine for themselves the market demand for parking.

## Expected Outcome (Expected impact policy change will have on city services, San Jose residents, businesses, etc.)

With parking requirements reduced or abolished near transit stations, we expect to see a decreased cost to develop more units, and more true, transit-oriented development.

## Budget Implications (if known)

City funding required Yes or No Fund(s) Impacted (e.g. General Fund, C&C Tax Fund, etc.) \_\_\_\_\_

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Questions: Gloria Schmanek 408.535.8104