



Council Policy Prioritization: Policy Nomination Form

Council Member:	Mayor Sam Liccardo	District:	Citywide	Date: February 14, 2020
Council Member Lead Staff:	Paul Pereira / Melissa Montenegro	Lead Staff Ext.:	54832 / 54862	
Policy Subject:	Gun Harm Reduction	CSA Area:	Public Safety	

Policy Problem Statement

Beyond the obvious human and emotional toll of accidental and intentional gun violence, the taxpaying public also bears a disproportionate share of the financial burden, effectively subsidizing gun ownership and its associated harms. If we cannot stop gun violence, we should stop paying for it, and utilize a combination of insurance and fees to promote gun safety and behavior modification. One in ten adult residents kept a firearm in and around the house in 2013-2014, and nationally, more than 4.6 million children live in a household where a gun is kept loaded and unlocked. Direct costs of gun violence to California tax payers—for ambulances, cops, and emergency rooms—exceeded \$1.4 billion last year, [according to one study](#). According to the 2018 Santa Clara County Firearms Fact Sheet, firearms accounted for 11% of the 2016 injury deaths countywide. Countywide, the public costs related to firearm-related emergency department visits averaged \$2,178,000 a year between 2007-2016. Insurance provides a proven mechanism for harm reduction. Insurers could use premium discounts to prod law-abiding gun owners to take gun-safety courses, purchase gun safes, and install child-safety locks, which, even if mandated, public agencies have no capacity to monitor or enforce.

Policy Proposal

1: Establish the public cost of gun harm in SC County sufficient to craft a lawful fee: **Evaluation:** Staff shall engage with an expert consultant to conduct a Gun Harm study to aggregate costs of gun harm in the City and suggest a funding mechanism for a public compensation pool. **Partnership:** Staff shall collaborate with Santa Clara County, State of California, and other relevant agencies to assess costs incurred and informs best practices for implementing a uniform funding mechanism regionally, to fund gun safety classes, violence prevention programs, probation checks for weapons in the homes of domestic abusers, and additional victim assistance services for survivors of gun violence not currently provided. **2: Introduce opportunities for behavior change** by requiring all residents of the City of San Jose (City)—other than sworn employees of law enforcement agencies—to have insurance for their ownership or possession of a gun, and in the alternative, to pay a fee. **No Registry / Licensing / Data Collection:** To ensure compliance with state law, such an insurance requirement must not contain any provision for a registry or licensing scheme, nor provide for the City's collection of any data regarding gun ownership beyond that data absolutely necessary to execute this policy's basic functions. **Provision of Insurance:** The insurance requirement may be provided by an existing homeowner's policy or renter's policy, or through a policy created through a separate insurer. **Coverage:** Insurance shall include coverage for accidental discharge of the gun. In future iterations of the policy and after additional consultation with the insurance industry, the Council may consider mandating coverage for intentional acts of third parties who steal, borrow, or otherwise acquire the gun. To comply with state law and with longstanding insurance principles designed to avoid moral hazard, the insurance shall not cover liability of the policyholder for his or her own intentional conduct. **Fee waiver:** Fee waivers will be made available to individuals who cannot afford insurance for their ownership or possession of a gun. **Enforcement:** Enforcement would remain the responsibility of any police officer or other designated city official lawfully present to identify the presence of a firearm, whether via plain view, a consent search, or pursuant to a search warrant or other lawful basis for search under the Fourth Amendment of the U.S. Constitution.

Council Policy Prioritization: Policy Nomination Form (Cont'd)

Additional Information (Background)

A fee requires a transparent calculation of the public cost of gun harm, so a study must be undertaken that complies with the letter of Proposition 26 and other applicable California law. Mayor Liccardo reached out to SC County Supervisors Chavez and Simitian in the Fall of 2019 to discuss interest in partnering to recoup costs related to the public subsidy for gun harm in SJ and SC County. SC County had independently been considering conducting a study on gun violence as part of the East San José Peace Project Gun Safety & Violence Prevention Program, and has met with the City to begin collaborative work on a study. On January 28, the SCC Board of Supervisors approved \$202,913 from the County General Fund Contingency Reserve to fund a staff analyst to provide gun harm costs and data, and a legal analyst to work with the City to conduct a study on the public cost of gun violence. Separately, the Mayor's Office submitted funding requests and received \$250,000 in funding from the Heising-Simons and Ron Conway Foundations. Those funds are currently held by Silicon Valley Community Foundation (SVCF) to embark on hiring a research institution to aggregate the data from the County, SJPd, SJFD, and other agencies and develop a clearer impact summary of the public cost of gun harm in San Jose and Santa Clara County relative to the number of guns in the City and County.

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

Completing a gun harm research study and introducing ideas for behavior change through funding mechanisms to reduce the public subsidy of gun harm aligns with the Major Cities Chiefs of Police Policy Statement, the Mayor's Gang Prevention Task Force Strategic Work Plan 2019-2020 Goal #1 (partnering with the County to introduce new ways to reduce the burden of gun harm), and the East San José Peace Project Gun Safety & Violence Prevention Workgroup. Requiring residents of San Jose to have insurance for their ownership or possession of a gun will reduce the financial burdens borne by the public for private usage and ownership of firearms that result in harm, including but not limited to:

- a. Emergency medical response and transport provided by the San Jose Fire Department, and public-funded transport by AMR;
- b. Hospitalization and treatment provided by VMC and other public hospitals, and funded by MediCal or other public sources;
- c. Rehabilitation and physical therapy funded by public sources;
- d. Expenditures by state-funded Victim-Witness Assistance Center programs for funeral services, counseling, and other expenses; and
- e. Any other expenses foreseeably borne by taxpayers for gun violence.

Budget Implications (if known)

If implemented, the proposal will result in a net gain to the General Fund. To minimize cost to the City in the preparation of the policy, the Mayor's office has endeavored to obtain resources from external partners, including the Giffords Law Center, Heising-Simons Foundation, Ron Conway, and the SVCF to undertake the study and legal research. Santa Clara County Board of Supervisors approved transferring \$202,913 from the General Fund Contingency Reserve to the Public Health Department budget relating to costs to conduct the study on the public cost of gun violence on January 28, 2020. SVCF has received \$250,000 in grant funding obtained by the Mayor's Office for research support this effort. The City Manager's Budget Office should work with the Office of the City Manager, the City Attorney's Office, and external partners to manage and execute the research, legal analysis and draft ordinance associated with this work.

City funding required (Yes/No)	No	Fund(s) Impacted (e.g. General Fund, C&C Tax Fund, etc.):	
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Questions contact [Michelle McGurk](#) at 408-535-8254



Council Policy Prioritization: Policy Nomination Form

Council Member:	Mayor Sam Liccardo	District:	Mayor	Date: 2/13/20
Council Member Lead Staff:	Scott Green & Ángel Ibañez	Lead Staff Ext.:	x54816	
Policy Subject:	Automated Speed Warning	CSA Area:	Transportation and Aviation Services	

Policy Problem Statement

Sixty people lost their lives on our streets in traffic collisions in 2019, a figure that has grown nearly 60 percent over the past ten years. Speed plays a critical role in outcomes: a pedestrian has a 10 percent chance of surviving a collision with a vehicle moving at 40 mph, but a 90 percent chance of doing so at 20 mph. More than 40 percent of the City's fatalities and 33 percent of severe injuries occur in part due to speeding on 17 Priority Safety Corridors (PSCs), which represent only 3 percent of the City's roadways. Finding a way to reduce speeds on these corridors will dramatically improve safety.

The state has long prohibited the use of automated speed enforcement cameras for the “enforcement” of speed laws, but the statute is silent as to the use of automated speed cameras to issue warnings to induce safer driving.

Policy Proposal

To reduce traffic fatalities and severe injuries from speeding as quickly as possible we must look to innovative solutions within our budget. Speed-recording cameras combined with license plate readers (LPR's) can provide a low-cost opportunity to change driver behavior. The City would install cameras on its 17 PSCs, similar to where the City had previously sought to install automated speed enforcement. When high-speed or repeat violators capture the attention of the cameras, the City would send a warning letter to the registered owner of the vehicle. The City could utilize behavioral insights from existing research and external partners that would help to craft messages most likely to encourage safer driving (e.g., (a) “The City and SJPd are aware that you have been recently driving above the speed limit on Capitol Expressway,” or (b) “SJPd is aware that you have been driving above the speed limit on 5 or more occasions on Santa Clara Ave., and we have heard frequent complaints from your neighbors about speeding,” or (c) “As a result of your speeding, SJPd will be increasing traffic enforcement along Story Road,” or even the scarlet-letter option: (d) “Additional driving at hazardous speeds will result in the City posting your name on your neighborhood’s Nextdoor platform as a frequent violator of the speed limit on Blossom Hill Rd,” etc.). Various options could be tested with camera data to ascertain and improve effectiveness.

The cost of maintaining and issuing the warning letter system would be recaptured through small fees paid by those receiving the letter, and fees would be collected by the Department of Finance.

Council Policy Prioritization: Policy Nomination Form (Cont'd)

Additional Information (Background)

Although California Vehicle Code Section 21455.6 (c) prohibits the use of automated enforcement systems for speed enforcement purposes, this proposal would be focused on providing warnings – not enforcement. An automated speed warning camera is also aligned with direction the City Council unanimously adopted through the Vision Zero Action plan to identify potential nudging tools to make drivers more aware near priority geographies. Similar technology is already in use in over 140 communities across the U.S.

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

Reduction in fatalities or severe injuries from speeding in key PSCs.

Budget Implications (if known)

To fund the program, the City can charge each recipient of a warning the proportionate cost of operating the system. The offender might pay a “warning fee,” but without any citation or “penalty.” The fee would be lower than a citation, but sufficient to offset the cost of operating the cameras and issuing the letter, compliant with Proposition 26.

City funding required (Yes/No)	Yes	Fund(s) Impacted (e.g. General Fund, C&C Tax Fund, etc.):	C&C/ Traffic Calming
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Council Policy Prioritization: Policy Nomination Form

Council Member:	Vice Mayor Jones	District:	1	Date: 02/15/20
Council Member Lead Staff:	Cassidy Kohl	Lead Staff Ext.:	54914	
Policy Subject:	Small and Local Businesses in New Development	CSA Area:	Community and Economic Development	

Policy Problem Statement

As San José grows and expands, we are seeing a host of new retail opportunities for small and local businesses. Unfortunately, small and local businesses are not always able to compete with large corporate chains for retail space. As a result, our new developments are often filled with familiar shops and restaurants that do not match the diverse, unique array of goods and services San José small businesses can provide. Additionally, studies increasingly show that consumers are more interested in supporting local and small businesses whenever possible.

Policy Proposal

Council Policy Prioritization: Policy Nomination Form (Cont'd)

To address the lack of small business / local business visibility in San José's new developments, Council should consider a small/local business preference requirement for all new retail developments. (Small or local business as defined on City website: <https://www.sanjoseca.gov/your-government/departments/finance/purchasing/local-and-small-business>)

This policy would require:

- 1) That all displaced or demolished small or local business(es) be replaced with at least that amount(1-1) of individual small or local business(es). For example, if a new development displaced a local coffee shop, the new development would need to have at least one local business in the new development.
- 2) For each additional retail unit, the property owner would need to demonstrate it has offered each new retail space to a minimum of 1 local and/or small businesses. This requirement would be in addition to any 1-1 replacement of displaced small or local business(es). This does not require property owners to select a small or local business for the space, rather demonstrates that the property owner has considered the tenant prior to committing the space. Retail spaces that are built to accommodate a specific tenant would be exempt from this requirement.

Additional Information (Background)

As the City of San José develops, it is critical to our identity to allow small and local businesses to continue to operate. As new development replaces existing small and local businesses, San José neighborhoods begin to lose their unique character in exchange for corporate chains.

The Mercury News reports, "While Silicon Valley's tech sector is thriving, cranking out IPOs and flooding the region with high-paying jobs, its retail industry is struggling to keep its boutiques and tiny mom and pop shops open. The number of retail businesses — particularly small retail businesses — has dropped significantly in the Bay Area between 2007 and 2017, according to data from the state Economic Development Department." (<https://www.mercurynews.com/2019/06/09/in-bay-area-small-retail-struggles-while-tech-booms/>). In an era where anything can be purchased online, retail shoppers are not interested in going to the same large chains, but rather, data suggests 93% of consumers prefer small and local shops. (<https://www.pressroom.ups.com/pressroom/ContentDetailsViewer.page?ConceptType=PressReleases&id=1433180166893-264>)

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

Council Policy Prioritization: Policy Nomination Form (Cont'd)

Requiring developers to first consider local and small businesses in new retail spaces will encourage a small and local businesses in a growing San José. Having more small and local businesses will contribute to the local economy, encourage character preservation of neighborhoods, and deliver a more desirable retail experience that consumers prefer over corporate chains.

Budget Implications (if known)

Staff time for review?

City funding required
(Yes/No)

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



Council Policy Prioritization: Policy Nomination Form

Council Member:	Vice Mayor Jones	District:	1	Date: 2.14.2020
Council Member Lead Staff:	Cassidy Kohl	Lead Staff Ext.:	54914	
Policy Subject:	Density Cap Removal for Affordable	CSA Area:	Community and Economic Development	

Policy Problem Statement

Density caps are a barrier to housing development in the City of San José. Maintaining a density cap when developers have the ability and willingness to build additional affordable units is a vast oversight in land use management for a City the size of San José, and serves counter to the City housing goals.

Policy Proposal

To address the density cap, which is currently a barrier to affordable housing, Council should consider allowing affordable housing to exceed the density cap on any housing project. Up until the density cap a project could proceed with market rate units (or affordable if an entirely affordable project), and anything past the density cap would need to be affordable housing. This would not impact the inclusionary housing ordinance, or any planning requirements, such as setbacks or building height limitations.

Additional Information (Background)

A density cap on affordable housing is counterproductive to the City's housing goals and many cities are beginning re-evaluate the density cap as housing needs increase. Oceanside lifted any density cap in the Downtown area (<https://www.oceansidechamber.com/oceanside-blog/october-28th-2019>), and New York (<https://archpaper.com/2018/03/new-york-state-assembly-vote-lifting-city-density-caps/>) considered removing a density cap entirely. This proposal would only allow affordable housing beyond the density cap, both aligning with the City's affordable housing goals and adding to the housing stock overall.

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

Removing the density cap on affordable units would make building these units more accessible at a City level, rather than applicants having to navigate utilizing the State density bonus, which has its own limitations. The expected outcome would be more abundant affordable housing in the City of San José.

Budget Implications (if known)

Council Policy Prioritization: Policy Nomination Form (Cont'd)

City funding required (Yes/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:	Chappie Jones	District:	1	Date: 02/14/20
Council Member Lead Staff:	Raania Mohsen	Lead Staff Ext.:	54913	
Policy Subject:	Procurement/Small Business	CSA Area:	Strategic Support	

Policy Problem Statement

I have had several instances at Council Meetings and outside of Council Meetings where businesses bring to our attention that they were not aware of an opportunity to do business with the City. In the course of my effort in working with the Small Business Advisory Task Force facilitated by District 1, I have been collaborating with various departments separately to shape policy, develop targeted outreach, promote procurement opportunities and provide resources and services for small and local businesses. There is an opportunity to improve efficiencies and outcome for the City and the small businesses that contribute to the economic vitality of our communities. OED provides a variety of commendable services for small businesses, e.g. Business Owner Space, Small Business Ally. In addition, PWD has recently implemented an educational seminar series, known as the Construction Academy, that effectively trains small construction companies on how to do business with the City. As a complement to these services, establishing one point of contact that can streamline processes and work with each of our departments to ensure we achieve equity in our outreach to small, local, and minority businesses that considers language and cultural competency barriers, marketing of procurement opportunities and the multitude of services our City offers.

Policy Proposal

Establish an Office of Small Business to manage a communication network between each of the contracting staff of various departments to ensure that the procurement opportunities across departments, e.g. Public Works, Environmental Services, Financial Services, Transportation, are marketed and communicated equitably to small, local and emerging businesses. In addition to coordinating between departments, this office would also be responsible for overseeing a mentor/matchmaking program between sub and prime contractors, certification of Small Business Enterprises (SBE) and Local Business Enterprises (LBE), and potentially providing resources or updates on compliance requirements for small businesses.

Additional Information (Background)

- Economic development is the key to continuous growth and prosperity; the City has committed to driving a vital and competitive economy that increases the quality of life for our residents and businesses.
- According to the Public Works Department's update on the City's Contracting with Local and Small Business in Fiscal Year 2018-2019, the City saw a five-year low in number of construction contracts (8.8%) and dollars (6%) awarded to small businesses. "The program acknowledges the decline in local and small business construction contract awards in FY18-19 and does not have the data to determine the reasoning for the decline. The program does know that the frequency of local and small business participation on construction bids increased from prior FY, however, the reasoning for not being the lowest bidder is undetermined."
- Based on the report, more follow-up is needed to understand what additional resources, information or education is needed to equip small businesses with the tools to win contracts with the City. An Office of Small Business will provide such assistance and help shape policy and programs for improved outcomes.

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

- 20% of city contracts and total dollars awarded to small businesses by 2024.
- Increase in quality of life for our residents and businesses.

Budget Implications (if known)

TBD

City funding required (Yes/No)		Fund(s) Impacted (e.g. General Fund, C&C Tax Fund, etc.):	
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Questions contact [Michelle McGurk](#) at 408-535-8254



Council Policy Prioritization: Policy Nomination Form

Council Member:	Vice Mayor Jones	District:	1	Date: 2.14.2020
Council Member Lead Staff:	Cassidy Kohl	Lead Staff Ext.:	54914	
Policy Subject:	Fire Permit for ADU	CSA Area:	Environmental and Utility Services	

Policy Problem Statement

There has been recent policy development to make ADU production more accessible in the City of San José. However, a major barrier we continue to see is the amount of time it takes to have a fire sprinkler permit to be processed. This results in projects being stalled out, resulting in financial burdens to the property owner as contractors often drop out, building materials are rained on or destroyed, etc.

Policy Proposal

Council Policy Prioritization: Policy Nomination Form (Cont'd)

To address the lag in fire sprinkler permit processing, Council should require placing a turnaround time on these applications of no more than 4-weeks from submittal.

Additional Information (Background)

Recently, the District 1 office has encountered a case where the fire sprinkler permit has been pending for almost 6 full months on an ADU project. Last year, we were told by one ADU applicant that the fire sprinkler permit approval was by far the longest, most stressful part of his ADU building experience.

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

Council Policy Prioritization: Policy Nomination Form (Cont'd)

Requiring ADU fire sprinkler permits to be approved or denied within a 4-week period would give some certainty to the ADU applicant which they could then rely on for the other facets of the project. Additionally, it would make the process more approachable and efficient as the City attempts to promote this valuable form of housing.

Budget Implications (if known)
Possible staff time for Fire/PBCE

City funding required (Yes/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:	Sergio Jimenez	District:	2	Date:	02/14/2020
Council Member Lead Staff:	Helen Chapman	Lead Staff Ext.:	5-4926		
Policy Subject:	Equity in Sports Fields Rentals	CSA Area:	Neighborhood Services		

Policy Problem Statement

In a City of over a million people it is challenging to find green space and sports-fields for athletics and recreational use. The City's limited sports fields are currently in high demand. The demand for playable turf has led to an inequitable system where large private leagues, often from outside of San Jose, with financial resources are dominating the use and access of our public sports fields. The City's current reservation system has made it difficult for non-profit sports clubs that serve local children and disabled adults to compete for space. Fields are rented on a first-come-first-serve basis with little to no consideration for leagues and clubs that serve low-income players, people with disabilities, San Jose residents, or not-for-profit organizations.

Policy Proposal

Direct the Parks Recreation and Neighborhood Services Department to reevaluate the Sports Field Reservation Process and implement a new set of rules and regulations that:

Prioritize rentals for leagues and organizations that;

- Serve adults and children with disabilities;
- Establish that a minimum requirement that 75% of players live in San Jose;
- Hold valid non-profit status with the State of California and the Federal Government;
- Serve low-income players from traditionally under-served areas of the City.

Other characteristics not limited to those mentioned should be considered if they contribute to an equitable rental system that serves our most needy populations.

Additional Information (Background)

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

The intended outcome is that non-profit groups, local leagues and those serving disabled and or low-income San Jose residents will have priority access to the City's public sports fields. This may be accomplished through a point system which ranks leagues and organizations based on the above mentioned criteria, or by simply opening the reservation system in advance to such groups. The ultimate goal is to do away with the current system because it unfairly benefits large leagues with the financial resources to rent multiple sports fields for entire seasons.

Budget Implications (if known)

Unknown

City funding required (Yes/No)	Yes	Fund(s) Impacted (e.g. General Fund, C&C Tax Fund, etc.):	Unknown
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Council Policy Prioritization: Policy Nomination Form

Council Member:	Sergio Jimenez	District:	2	Date:	02/14/2020
Council Member Lead Staff:	Vanessa Sandoval	Lead Staff Ext.:	5-4925		
Policy Subject:	Hospitality Service Charges	CSA Area:	Strategic Support		

Policy Problem Statement

It has become common practice in the hospitality industry for "service charges" to be collected and used to subsidize a worker's salary. This creates a convoluted pay system that leaves workers vulnerable to wage theft and often below minimum wage pay.

Policy Proposal

Direct the Office of Equality Assurance in collaboration with the City Attorney's Office to craft an ordinance that would require employers using service charges to abide by the City of San Jose's Minimum Wage Ordinance and pay the entirety of those service charges to the Hospitality Workers who performed the services for which the charge was collected, inform employees of service charge distribution, and keep records of service charge distribution.

Additional Information (Background)

The cities of Santa Monica and Emeryville have ordinances that address the concern of "service charges", the City of San Jose could easily adopt a similar ordinance.

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

The recommended ordinance would protect workers within the City of San Jose from predatory pay systems that short change workers and violate minimum wage requirements.

Budget Implications (if known)

City funding required (Yes/No)	Yes	Fund(s) Impacted (e.g. General Fund, C&C Tax Fund, etc.):	Unknown
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Council Policy Prioritization: Policy Nomination Form

Council Member:	Sergio Jimenez	District:	2	Date:	02/14/2020
Council Member Lead Staff:	Vanessa Sandoval	Lead Staff Ext.:	5-4925		
Policy Subject:	Surveillance Technology & Community Safety Ordinance	CSA Area:	Strategic Support		

Policy Problem Statement

Modern surveillance technologies collect sensitive information about our private lives often without our knowledge or consent. The deployment and misuse of these systems disproportionately harms immigrants, people of color, Muslim-Americans, political activists, and the LGBTQ community. New systems like facial recognition give the government the unprecedented power to automatically track who we are, where we go, and even our facial expressions with potentially biased software.

These surveillance technologies, which include drones, license plate readers, video cameras, and on-line monitoring software, have been used to discriminate, invade privacy, and chill First Amendment freedoms across the United States. Databases generated by these technologies are vulnerable to breach and other exploitation efforts, including by agencies like ICE. The result is reduced public safety.

Real public safety and the protection of all residents necessitates that the public and city council be in control of decisions about surveillance technology. That is why San Jose needs a Surveillance Technology & Community Safety Ordinance.

Policy Proposal

The Surveillance Technology & Community Safety Ordinance ensures that residents and the local democratic process are in control of local surveillance decisions made in the City. This legislation would:

- Create a transparent process for considering surveillance technology proposals, giving residents and the City Council a central role in decisions about whether to acquire or use.
- Ensure that there are strong rules to prevent misuse and harm for any surveillance technology acquired or used by City Departments.
- Protect civil rights, civil liberties, and public funds by creating a straightforward process to periodically address privacy issues and surveillance technology use.
- Prevent the acquisition or use of Facial Recognition Technology by City Departments in light of the threat it poses to civil liberties and civil rights, and research demonstrating its inaccuracy and bias against people of color.

This Ordinance is based on a workable model enacted in seven California communities (including San Francisco and Oakland) and thirteen localities nationwide.

Additional Information (Background)

The lack of surveillance oversight legislation in San Jose has allowed for the acquisition and use of surveillance technology without public input or consent, threatening civil rights.

In 2014, the San Jose Police Department used federal grant funds to acquire a drone, and embedded the purchase information deeply into a City Council agenda where no public discussion was scheduled. In 2015, police used social media surveillance software to monitor protesters of a visiting foreign head of state. In 2017, the city proposed camera and sensor-equipped "Smart" streetlights, potentially creating a massive surveillance network.

The above events harmed community trust and threatened civil rights. This Ordinance would prevent these harms by creating a standard, transparent process to determine whether such technology should be acquired in the first place, and to govern its use if it is acquired.

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

A Surveillance Technology & Community Safety Ordinance will:

- Protect the residents of San Jose from the secretive deployment and use of surveillance technology that can result in physical harm, violations of civil rights, and unnecessary entanglement with law enforcement or immigration authorities.
- Improve community trust in City Departments and Police Department by giving residents a voice in decisions about surveillance technologies.
- Increase public safety by ensuring that community residents, not surveillance vendors, are in control of decisions about surveillance.
- Prevent violations of civil rights that directly harm residents, wastes public funds, and diverts city resources away from real problems.
- Ensure dangerous, invasive, and biased facial recognition is not deployed against San Jose residents.

Budget Implications (if known)

Unknown

City funding required (Yes/No)	Yes	Fund(s) Impacted (e.g. General Fund, C&C Tax Fund, etc.):	Unknown
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Council Policy Prioritization: Policy Nomination Form

Council Member:	Sergio Jimenez	District:	2	Date: 2/14/2020
Council Member Lead Staff:	Lucas Ramirez	Lead Staff Ext.:	5-4922	
Policy Subject:	Traffic Calming	CSA Area:	Transportation and Aviation Services	

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.

Council Policy Prioritization: Policy Nomination Form (Cont'd)

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), and particularly given the Vision Zero goals, 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 (Yes/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:	Raul Peralez	District:	3	Date: 2/14/2020
Council Member Lead Staff:	Martha Medina	Lead Staff Ext.:	54928	
Policy Subject:	Prohibition of ICE-Affiliated Businesses on City Contracts	CSA Area:	Strategic Support	

Policy Problem Statement

The City of San José strives to protect the privacy and safety of all members of our community. Since the implementation of the Executive Order “Border Security and Immigration Enforcement” in 2017 under the Trump Administration, immigrant communities live in greater fear of persecution and discrimination. In supporting our “Welcome San Jose” policy, the City of San José should be doing businesses in alignment with its values, including refraining from contracting with companies that serve as data brokers, provide extreme vetting services, or detention facilities support to The United States Immigration and Customs Enforcement (ICE). It is recommended that the city prohibits companies doing business with ICE to be awarded City Contracts.

Policy Proposal

Adopt an ordinance that will prohibit the city from awarding public contracts to companies that act as information brokers, provide extreme vetting services and detention facilities support to the U.S. Immigration and Customs Enforcement (ICE).

Additional Information (Background)

In response to recent ICE activity, several Bay Area cities, including Richmond, Oakland, and Berkeley have adopted similar ordinances. In each of these ordinances, it is stated that the award of city contracts to companies who serve as data brokers and provide extreme vetting services to ICE is now prohibited.

On June 5th, 2018, the City of Richmond established the Sanctuary City and Investment Policy.¹

On May 22nd, 2019, the City of Oakland established the Sanctuary City Contracting and Investment Ordinance.²

On April 23rd, 2019, the City of Berkeley adopted the Sanctuary City Contracting Ordinance.³

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

This policy will only impact a small number of potential contractors as it is solely focused on companies who work with ICE. At present, the City of San José contracts with the following companies known to work with ICE and other federal agencies: West Publishing, PricewaterhouseCoopers, and Century Link. This policy will not terminate existing contracts, it will impact their extension or renewal and seek cost effective alternatives.

Budget Implications (if known)

There will be budget implications but exact amounts are currently unknown.

¹ <https://www.ci.richmond.ca.us/ArchiveCenter/ViewFile/Item/8835>

² <https://oakland.legistar.com/LegislationDetail.aspx?ID=3758031&GUID=41F9DE4D-3648-4260-8758-6F92BCAEE87F&Options=&Search=>

³ <https://www.codepublishing.com/CA/Berkeley/?Berkeley13/Berkeley13.html&?f>

Council Policy Prioritization: Policy Nomination Form (Cont'd)

City funding required (Yes/No)	NA	Fund(s) Impacted (e.g. General Fund, C&C Tax Fund, etc.):	NA
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Council Policy Prioritization: Policy Nomination Form

Council Member:	Raul Peralez	District:	3	Date: 2/14/2020
Council Member Lead Staff:	David Tran	Lead Staff Ext.:	54932	
Policy Subject:	City-Permitted Encampments	CSA Area:	Community & Economic Development	

Policy Problem Statement

The recent biannual point-in-time count of unhoused residents revealed that our housing crisis is exacerbating at a rapid rate, certainly faster than the housing solutions we have been working towards. Within two years, the number of homeless individuals increased by a staggering 2,000 individuals. It goes without saying that Permanent Supportive Housing is the real, long term solution to eradicate this humanitarian problem and the City should continue to devote resources in doing so. Furthermore, a recent County proposal indicated that there is a massive shortage in shelter beds. Learning over 5,000 of our residents on the streets every day, we must continue to be creative in finding short term solutions to help relieve and provide temporary housing.

Policy Proposal

An ordinance that amends the San Jose Municipal Code to allow City-Permitted Encampments on privately-owned property targeting specific zoned properties and includes mitigation and operational requirements. Refer to AB 932 for statewide allowances under the declaration of a housing crisis.

Additional Information (Background)

On June 27, 2017, the San Jose City Council approved an Incidental Homeless Shelter Ordinance, allowing churches and other religious assembly uses to provide temporary shelter to the homeless. The outcome has been successful programming by our faith-based community in providing a safe space for overnight dwelling for our vulnerable unhoused residents. In 2018, an unsanctioned independent pilot for an encampment known as Hope Village was created by a community organization seeking to provide immediate relief for a few individuals. While an interagency effort to sustain Hope Village on public property was unsuccessful, the experience did inform a larger discussion on the need for these immediate, short term housing solutions.

The City of Seattle has created a comprehensive sanctioned encampment program. The operators could either be the city or a private party with prior experiencing managing shelters, low-income housing or homeless encampments. Furthermore, sanctioned encampments in Seattle is allowed either on city-owned or private property in non-residential zoning district. There are stringent requirements from footprint size, to number of occupants, to requiring an approved encampment operations plan as well as an ongoing Community Advisory Committee. Among the listed nine of City-Permitted Villages in the City of Seattle, only two are city operated while the rest are owned and operated by a local non-profit.

Council Policy Prioritization: Policy Nomination Form (Cont'd)

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

Many privately owned properties have the capacity to allow additional shelter. The gathering of individuals in these villages would allow more centralized locations for service providers including the County to direct their efforts in triaging and ultimately permanently housing these individuals. The intent is not to allow for a mass encampment to proliferate but rather, allowing the community to expand their toolkit in providing quick and temporary relief for our unhoused residents, with minimal impact to the neighborhood.

Budget Implications (if known)

None as it would need to be added to PBCE work plan.

City funding required (Yes/No)	No	Fund(s) Impacted (e.g. General Fund, C&C Tax Fund, etc.):	No
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Council Policy Prioritization: Single-Use Plastic Ban

Council Member:	Raul Peralez	District:	3	Date: 2/14/2020
Council Member Lead Staff:	Mindy Nguyen	Lead Staff Ext.:	54933	
Policy Subject:	Environment	CSA Area:	Environment & Utility	

Policy Problem Statement

In 2012, San Jose served as a model by becoming the largest U.S. City to ban plastic bags. Since then, we have seen a 76% reduction in plastic bags found in our creeks and rivers, and a 69% reduction in storm drain inlets. This ban has been instrumental in protecting our waterways and has begun to reshape our community's perception on single-use plastic. Still single-use plastic's lack of biodegradable quality continues to be detrimental to our environment, adds to our landfill waste and destroys our ecosystems. Its usage in the City is counterintuitive to the environmental goals we set in the 2040 General Plan. Entering the new decade, we should again serve as a leader and look to ban all single-use plastic in the City of San Jose.

Policy Proposal

Develop an ordinance that will ban all single-use plastic in the City of San Jose. Refer to the 100+ cities in California that have adopted a version of a single-use plastic ban ordinance.

Council Policy Prioritization: Policy Nomination Form (Cont'd)

Additional Information (Background)

San Jose became the first major city in the Country to ban plastic bags in 2012, and two years later the entire state of California followed suit. The City of San José has been a leader in its commitment to the environment in the Bay Area, establishing Green Vision, now Climate Smart and the Zero Waste Plan. Moving towards banning single-use plastics is one positive step in achieving our goals and the larger Sustainable Development Goals set forth by the United Nations.

Cities across California have imposed single use plastic bans at varying degrees. Culver City banned the sale and use of Plastic #6 polystyrene, where Santa Monica has banned plastic #1-7 and require that all disposable food ware must be marine degradable. In Berkeley, food ware must be compostable and residents are charged 25 cents if they are to request a takeout cup. As potentially becoming the first large city to ban single-use plastics, we must look at a policy that is feasible and effective for a city of our size.

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

Single-use plastic has long been embedded into our everyday lives. From grocery and retail stores, coffee shops, to restaurants, it has served as a convenience for our fast paced, always moving community. Many cities have now been rethinking the convenience of single-use plastic and have pushed further to reduce waste and the impact of these products. Going beyond the plastic bag ban will contribute to our climate goals, reduce the amount of waste we put out, and push us to think sustainably for our future. A single-use plastic ban ordinance will allow both the City and its residents to move away from our reliance on plastic and turn to become the stewards of protecting our environment.

Budget Implications (if known)

Cost to be determined by staff

City funding required (Yes/No)	Unknown	Fund(s) Impacted (e.g. General Fund, C&C Tax Fund, etc.):	
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Questions contact [Michelle McGurk](#) at 408-535-8254



Council Policy Prioritization: Policy Nomination Form

Council Member:	Raul Peralez	District:	3	Date: 2/14/2020
Council Member Lead Staff:	David Tran	Lead Staff Ext.:	54932	
Policy Subject:	Short Term Rental (STR) Regulatory Framework	CSA Area:	Community & Economic Development	

Policy Problem Statement

For the past decade, Short Term Rentals (STR) such as AirBnB and VBRO have been a creative alternative for lodging accommodations in cities throughout the world. Unfortunately, a consequence to this temporary rental model has been the substantial loss of long-term rentals from the market. In San Jose where we are in the midst of a housing crisis, we should strongly consider putting in place a balanced framework that allows STRs to continue operating while supporting our housing goals.

Policy Proposal

Study and develop an STR regulatory framework that permits anyone wishing to rent a property on STR websites such Airbnb, VRBO and HomeAway. The framework should include the following:

1. Creation of a registry of all STRs with categorized owner-occupied and non-owner occupied properties.
2. In concert with our housing department, place limits on permits in specific areas of the city that would help increase potential long-term rental inventory,
3. Consideration of placing a prohibition period on new non-owner occupied properties in specific residential neighborhood (RN) zoning districts,
4. Implement a cost-recovery fee for dedicated code enforcement resources to monitor and enforce regulations to STRs.

Additional Information (Background)

The introduction of STRs is synonymous to the “disruptive technologies” that we have seen such as rideshare and shared micromobility (i.e. e-scooters, bikeshare, etc...) and San Jose has thoughtfully implemented policies related to those latter industries so that they can coexist within our city. If left unchecked, the growth of homesharing will continue to reduce potential housing stock and as study has shown, “increases in both rental rates and house prices”¹ Many cities throughout the country has recognized this and in turn responded through legislative action.

In 2015, the City of Nashville, TN implemented their Short Term Rental Property (STRP) framework in response to growing market for STRs. They later updated their policy in 2018 in response to the proliferation of STRs and the loss of their rental housing stock and contributed to the

¹ Barron, Kung & Proserpio (July 2017) *The Effect of Home-Sharing on House Prices and Rents: Evidence from Airbnb*. Retrieved at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3006832

Council Policy Prioritization: Policy Nomination Form (Cont'd)

increased housing prices². In Los Angeles, STRs have presented challenges for the City's neighborhoods, its zoning regulations and already limited housing stock. In response, the Los Angeles City Council adopted the Home-Sharing Ordinance on December 11, 2018 (CF 14-1635-S2) establishing a legal process whereby residents may be authorized to rent their primary residence to short-term visitors.³

This regulatory concept is not foreign and has supported cities in tracking, monitoring, and regulating this popular lodging model.

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

The development of an STR regulatory framework would allow San Jose STRs to continue operating while preventing further reduction of long-term rental properties.

Budget Implications (if known)

Unknown

City funding required (Yes/No)	NA	Fund(s) Impacted (e.g. General Fund, C&C Tax Fund, etc.):	N/A
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² City of Nashville, TN (2018) *Ordinance No. BL2017-608*. Retrieved at https://www.nashville.gov/mc/ordinances/term_2015_2019/bl2017_608.htm

³ City of Los Angeles, CA (2019) *Home-sharing Ordinance*. Retrieved at <https://planning.lacity.org/ordinances/docs/HomeSharing/adopted/FAQ.pdf>



Council Policy Prioritization: Policy Nomination Form

Council Member:	Raul Peralez	District:	3	Date: 02/14/20
Council Member Lead Staff:	David Tran	Lead Staff Ext.:	54932	
Policy Subject:	Universal Design Guidelines & Standards	CSA Area:	Community and Economic Developmnet	

Policy Problem Statement

Currently, all buildings in San Jose are required to be in compliance with the Americans Disability Act (ADA). However, ADA sets legal requirements in a building code without consideration on thoughtful design and personalization for people of all abilities. Instead, the City should integrate into its design guidelines and standards the principles of universal design which is "the design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design."¹

¹ Mace et al. (April 1997) *The Principles of Universal Design*. Retrieved at https://projects.ncsu.edu/www/ncsu/design/sod5/cud/about_ud/udprinciplestext.htm

Policy Proposal

Develop Citywide Universal Design Guidelines and Standards

Additional Information (Background)

Most buildings in San Jose strive to be ADA compliant, often to avoid future legal conflict. However, the City of San Jose should strive to adopt a culture of design that exceeds the minimal mandates in ADA, including in our public works projects. For context, the following principles of Universal Design should be considered:

1. **Equitable Use:** The design is useful and marketable to people with diverse abilities.
2. **Flexibility in Use:** The design accommodates a wide range of individual preferences and abilities.
3. **Simple and Intuitive Use:** Use of the design is easy to understand, regardless of the user's experience, knowledge, language skills, or current concentration level.
4. **Perceptible Information:** The design communicates necessary information effectively to the user, regardless of ambient conditions or the user's sensory abilities.
5. **Low Physical Effort:** The design can be used efficiently and comfortably and with a minimum of fatigue.
6. **Size and Space for Approach and Use:** Appropriate size and space is provided for approach, reach, manipulation, and use regardless of user's body size, posture, or mobility.

Council Policy Prioritization: Policy Nomination Form (Cont'd)

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

Creation and adoption of Universal Design Guidelines and Standards would allow for better buildings and public spaces that accommodate all people, and not just one classified population.

Budget Implications (if known)

Unknown

City funding required (Yes/No)	No	Fund(s) Impacted (e.g. General Fund, C&C Tax Fund, etc.):	N/A
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Questions contact [Michelle McGurk](#) at 408-535-8254



Council Policy Prioritization: Policy Nomination Form

Council Member:	Lan Diep	District:	4	Date: 02/14/2020
Council Member Lead Staff:	Zoe Gantner	Lead Staff Ext.:	54939	
Policy Subject:	Sidewalk Gaps	CSA Area:	Transportation/Public Works	

Policy Problem Statement

Throughout San Jose, there are dangerous gaps in the sidewalk network. The City has recently participated with the County in an annexation collaboration, effectively stepping up annexation proceedings throughout the last decade. In doing so, the City has incorporated undeveloped land that previously was not required to have sidewalks. These gaps prove hazardous in neighborhoods where children and adults need connecting sidewalks to move safely.

The City does not have an inventory of these gaps, posing a detriment to timely infrastructure improvements as well as the safety of residents.

Policy Proposal

Direct staff to:

- 1) Complete an inventory of the City's sidewalk network to identify gaps;
- 2) Identify priority gaps for the City to build out (for example: near schools, close to senior residences, etc.); and
- 3) Identify funding sources to help fund completion of the sidewalk network.

Council Policy Prioritization: Policy Nomination Form (Cont'd)

Additional Information (Background)

On February 11, 2020 City Council voted to allocate \$7 million toward reducing traffic fatalities through the Vision Zero program. Council additionally voted to form a task force to guide spending and focus on the “priority safety corridor.” The City’s investment in pedestrian safety is clear, and safe, reliable sidewalks are a key aspect that requires sufficient attention and funding.

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

Completing the City’s sidewalk network results in safer neighborhoods and streets, bolstering San Jose’s Vision Zero goals. Additionally, a sidewalk inventory can help identify underserved neighborhoods in San Jose, giving them needed infrastructure improvements.

Budget Implications (if known)

City funding required (Yes/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:	Lan Diep	District:	4	Date: 02/14/2020
Council Member Lead Staff:	Zoe Gantner	Lead Staff Ext.:	54939	
Policy Subject:	Pedestrian Signals	CSA Area:	Transportation	

Policy Problem Statement

San Jose's Vision Zero plan reflects the City's commitment to pedestrian safety. This vision must be inclusive to all residents of San Jose, including those with disabilities. Many of the City's pedestrian signals are outdated and not reflective of current state and federal regulations. It is necessary to update the City's Accessible Pedestrian Signals to the federal and state recommended guidelines, thus ensuring inclusivity and safety for disabled residents.

Federal and state guidelines recommend the rapid tick, an eight-tick-per second noise, which produces the fastest and most accurate response when crossing the street. The crosswalk button has a tactile arrow that points the way one is supposed to walk. When the signal goes off, the tactile arrow begins to vibrate additionally aiding those who are deaf-blind or hard of hearing.

Policy Proposal

Direct staff to

- 1) Create a list of intersections and crosswalks most used by pedestrians, identifying those near facilities and programs offering services for disabled residents; and
- 2) Create a program to update Accessible Pedestrian Signals throughout the City to reflect the state and federal recommended guidelines.

Additional Information (Background)

In the 1980 and 90s, the United States conducted research as to which Accessible Pedestrian Signals (APS) were most effective. The two-tone “cuckoo-chirp” system was meant to aid the blind and visually impaired, but deemed inadequate. “Cuckoos” sounded for north-south travel and “chirps” for east-west. The system was confusing as people often had difficulty remembering which tone was for which direction- a difficulty made more challenging when birds mimicked the chirp sound. For this reason, the chirp signal is no longer the US recommended standard, but still predominately used in San Jose.

Currently, San Francisco and Los Angeles have adopted the rapid tick. San Jose will follow in their footsteps.

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

Updating the City’s APS devices is a civil rights and access issue just as much as it is a safety issue. Not only will switching to the rapid tick system reflect the goals outlined in Vision Zero, it will also include San Jose’s disabled community in the discussion of making San Jose a safe, walkable City.

Budget Implications (if known)

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City funding required (Yes/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:	Lan Diep	District:	4	Date: 02/14/2020
Council Member Lead Staff:	Jessica Schaps	Lead Staff Ext.:	54939	
Policy Subject:	Privately-Owned Public Space	CSA Area:	PRNS	

Policy Problem Statement

The City currently 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)

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.

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.

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

Council Policy Prioritization: Policy Nomination Form (Cont'd)

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 (Yes/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:	Magdalena Carrasco	District:	5	Date: 2.14.20
Council Member Lead Staff:	Frances Herbert	Lead Staff Ext.:	54948	
Policy Subject:	Land Banking	CSA Area:	CED	

Policy Problem Statement

San José is facing significant displacement of low-income communities due the staggering cost of housing. One of the strategies to tackle the affordable housing crisis and the loss of our small businesses is to project current residents from displacement where neighborhoods are changing rapidly. San José has designated areas of growth near current and future transit hubs. San José worked as a cohort member with a community working group and developed an Anti-Displacement Strategy Plan. We have already seen available land disappearing near these areas of growth reducing the ability to maintain affordable housing, build affordable housing and maintain our small businesses.

Policy Proposal

One of the strategies outlined with the plan is for the City to support development and capacity-building for innovative housing and small business solutions including co-ops and community land trusts. The City could fund a study to assess the feasibility of different strategies such as Community Land Trusts and tenant co-ops in San José.

Additional Information (Background)

Pg 60 on the Community Strategy to End Displacement <https://www.sanjoseca.gov/your-government/departments-offices/housing/resource-library/housing-policy-plans-and-reports/citywide-anti-displacement-strategy>

Potential Impact: Medium. • Create affordable rental and low-income ownership options for San José’s 400K renters. • Conserve land for affordable housing in perpetuity. Cost: Low. The cost to fund an initial study and provide technical assistance on community ownership models may cost \$30,000 – \$100,000. Description As part of the 2018 Housing Crisis Workplan, the City Council approved the staff’s suggestion to explore community land trusts (CLTs) and cooperatives as options to address the need for affordable housing.

A community land trust is a nonprofit organization formed to hold title to land to preserve its long-term availability for affordable housing and other community uses. A land trust typically receives public or private donations of land or uses government subsidies to purchase land on which housing can be built. The homes are sold to lower-income families, but the CLT retains ownership of the land and provides long-term ground leases to the residences on the land, thereby keeping the homes or apartments affordable in perpetuity. Limited equity cooperatives, which are sometimes combined with CLTs, allow for group or community ownership of housing developments. Popular in New York City and San Francisco, these cooperatives can provide low-cost, stable housing options that can help residents with asset building and wealth generation. Similar to homeownership, limited-equity co-ops (LECOOPs) allow for some value creation while making sure homes can remain affordable in the long-term. For so many San José families, the dream of homeownership and asset building is out of reach. With CLT and LECOOPs, low-income working families in San José and young people can get a toehold in permanent ownership models and start building wealth for future generations. It also allows for the neighborhoods where these LECOOPs and CLTs are located to stay affordable overall.

community uses • Identify potential partnerships with other government agencies for utilizing public lands • Consider policy changes to affordable housing programs and development fees and taxes to support these alternative affordable housing models.

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

San José has an opportunity to build on the models being created in San Francisco and Oakland of successful community land trusts and limited equity co-ops that are helping tenants come together to acquire a property. These exciting models could also be an attractive way for the City of San José to partners with other local government agencies with access to surplus lands for housing production like the County of Santa Clara, VTA, or local school boards. The ADPN team recommends the City: • Seek or provide technical assistance funds to a third-party contractor to support the development of community land trust(s) and/or limited-equity co-ops to preserve long-term availability for affordable housing and other community uses • Identify potential partnerships with other government agencies for utilizing public lands • Consider policy changes to affordable housing programs and development fees and taxes to support these alternative affordable housing models.

Budget Implications (if known)

Council Policy Prioritization: Policy Nomination Form (Cont'd)

\$30-\$100K for initial study

City funding required (Yes/No)	Yes	Fund(s) Impacted (e.g. General Fund, C&C Tax Fund, etc.):	General Fund
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Council Policy Prioritization: Policy Nomination Form

Council Member:	Magdalena Carrasco	District:	5	Date:	2.14.20
Council Member Lead Staff:	Frances Herbert	Lead Staff Ext.:	54948		
Policy Subject:	Equity	CSA Area:	Strategic Support		

Policy Problem Statement

San José held two study sessions on Equity that developed a shared understanding of the problem and provided background information on the Government Alliance on Race and Equity tenants. Our departments in the second study session began to present brief tactics they are embarking on to develop a culture of equity within our employee's. We discussed using an equity screen on some targeted programs to develop funding that would address our lower-income communities. While the work on equity internally has made significant progress, what was not presented was an opportunity for our community to be engaged in the process and an effective tool for transparency, communication, and accountability.

Policy Proposal

San José Equity Task Force

This citywide incubator, comprised of internal and external collaborative partners, will create innovative strategies to promote race and social justice driven policies and practices, such as increasing the percentage of Latino children in preschool.

Task Force could invite the Government Alliance on Race and Equity (GARE) to first come and meet with the task force and then we will have a study session discussion and by developing a culturally responsive community engagement plan to build authentic partnerships within communities of color.

Council Policy Prioritization: Policy Nomination Form (Cont'd)

Task Force would provide a series of recommendations to City Council on ways in which the City can help the community become a more inclusive and responsive community when it comes to addressing racial inequities.

The San José Equity Task Force would be committed to building awareness, solutions, and leadership for racial justice by generating transformative ideas, information, and experiences. We define racial justice as the systematic fair treatment of people of all races, resulting in equitable opportunities and outcomes for all. We would achieve our mission by:

- o Community Engagement: Listening to the needs and concerns of our neighbors with compassion and sharing our knowledge.
- o Continuous Learning: Deepening our understanding of institutional racism and how it impacts racial equity in San José. Improving our skills in countering racism and organizing for racial justice by tapping the knowledge of experts and jurisdictions who have undergone similar work.
- o Advocacy and Activation: Creating opportunities for organizers, individuals, groups, organizations, institutions, and businesses to invest in interrupting racism, bigotry, and prejudice whenever encountered.

Additional Information (Background)

Many cities address equity issues have formed task forces to provide a comprehensive strategy. The plan would then be adopted by Council and each item prioritized and resourced.

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

The taskforce would develop a comprehensive plan with external facing strategies to address equity within the City of San José.

Budget Implications (if known)

City funding required (Yes/No)	Yes	Fund(s) Impacted (e.g. General Fund, C&C Tax Fund, etc.):	General Fund
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Council Policy Prioritization: Policy Nomination Form

Council Member:	Magdalena Carrasco	District:	5	Date: 2/14/2020
Council Member Lead Staff:	Maricela Lechuga	Lead Staff Ext.:	54946	
Policy Subject:	Private Percent for Art	CSA Area:	Community and Economic Development	

Policy Problem Statement

The following factors have placed our City at a historical crossroads-moment in time: recent measures passed by city council to incentivize private development, Google coming to downtown, and increased public transportation systems such as BART and VTA. As City leaders, we have the unique opportunity to ensure that new development visibly reflects and celebrates who we are in an aesthetically pleasing way to enhance civic pride, cohesiveness, and supports economic growth of local economy. The alternative road leaves our city's physical representation disjointed, inauthentic to who we are, and visibly lackluster, i.e. the status quo, in comparison to other Bay Area Cities such as San Francisco and Oakland.

Policy Proposal

Council Policy Prioritization: Policy Nomination Form (Cont'd)

The time is now to adopt a private percent for art to steer development into a direction that will anchor local businesses and local economy as well as celebrate who we are as a City: a colorful tapestry celebrating cohesion amongst diverse ethnic backgrounds and subcultures, authentically interwoven as one.

Alternatively, explore other funding sources to provide a sustainable source for public art in San José.

Additional Information (Background)

Throughout the 30-year history of the City of San José Public Art Program there have been recommendations to expand the public art ordinance to include a “private percent for art” (PPA). Enhancing our city through a 1% investment set aside for public art on new capital construction. PPA would require developers to develop publicly visible artwork at the project site or through contribution to an in-lieu fund that creates publicly accessible artwork within the city.

A PPA ordinance is recommended in several of key City Council-approved planning documents, which were drafted and adopted following significant community engagement including:

- *Envision San José 2040* – the City’s General Plan
- *Cultural Connection* – San José’s Cultural Plan
- *Public Art Next!* – San José’s Public Art Master Plan
- *Diridon Station Area Plan and High Speed Rail Design Guidelines for San José*

The recommendations listed in these documents frame the importance of a PPA as an important factor in creating a city that is visually dynamic and illustrates a story of our community by bridging arts and culture into areas where development and growth are occurring.

The City’s Economic Strategy prioritizes a distinctive set of sports, arts, and entertainment offerings aligned with San José’s diverse and growing population. It further recognizes the critical need to reinforce our visual and cultural connections between technology and creativity. Arts and culture are essential parts of San Jose’s quality of life that attracts talented workforce from across the globe.

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Questions contact [Michelle McGurk](#) at 408-535-8254

Cities throughout the U.S. that have instituted PPA programs have seen the benefits to their communities. There has been no documented significant, long-term negative impact to developers in cities that have passed the PPA, in fact, developers also stand to benefit from PPA as the value of developments with public art are more likely to appreciate in value and would themselves benefit from the increased perception of San José as the Capital of Silicon Valley, a city of diversity, innovation, and opportunity.

Sunnyvale, Palo Alto, San Mateo, Mountain View, and Cupertino; and other such as those in Walnut Creek, San Francisco, Oakland, Emeryville, Dublin, Albany, Livermore, and Union City. Currently Los Altos, Milpitas and Berkeley are considering adopting the PPA ordinances.

The City Manager should explore a PPA Ordinance for San José. This process should include: outreach to the developer community, a comparative analysis of program models in other cities in the region that have already established a similar ordinance; consideration of the impacts of PPA's and their impacts to development; consideration of how such a program could have maximum impact for areas of the city outside the core development areas; participation by the Arts Commission; and a recommendation for the City of San José.

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

A Private Percent for Art policy would also strengthen our sense of place, increase civic pride, make the city a more inviting place to walk or take street level public-transportation, make our city more interesting to tourists and engaging for residents, as well as infuse new development and anchor small businesses into neighborhoods that make patronizing such businesses a pleasant experience. PPA is necessary to overcome modern conveniences that allow us to shop online, while streaming movies from the internet, and eating dinner delivered to our door step after ordering from a smartphone. PPA would increase the public's desire to go out and patronize local businesses as part of an "experience."

Budget Implications (if known)

PPA is a win-win for the economy, not just for artists!

Benefits to city budget as a result of the adoption of a PPA policy is two-fold. The majority of PPA policies across the nation, give developers a lot of flexibility to decide how their allotted percent for art will be used. Developer may choose, for instance, to use their percent for art to commission actual art on sight, hire an artist to work with architect, or put percent for art money into a public art fund administered by the local municipality's arts entity, in our case, the Office of Cultural Affairs.

A PPA policy would also have a more attenuated benefit to the city budget as it would make patronizing local businesses a more attractive experience, increasing the city's general fund sourced by local sales tax.

Council Policy Prioritization: Policy Nomination Form (Cont'd)

City funding required (Yes/No)	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:	Dev Davis	District:	6	Date: 02/14/2020
Council Member Lead Staff:	Serena Desai	Lead Staff Ext.:	5-4984	
Policy Subject:	Gas Powered Tool Buyback Program	CSA Area:	Environmental & Utility Services	

Policy Problem Statement

Gas powered leaf blowers and tools are a concern for our area's air quality as a result of ozone pollution as well as added noise pollution. An all-out ban of gas powered landscape tools may inadvertently cause job loss in the landscape industry. Instead of punishing the landscape industry, I support an incentive in the City of San Jose such as a gas powered tool buyback program.

Policy Proposal

Develop a "buyback" program where gas powered tools would be turned into the city in exchange for a fee given back to the donor, similar to the gun buyback program run by the police department. Partnerships with private companies such as Home Depot or other hardware stores or tool manufacturers should be explored.

Additional Information (Background)

Each weekend, about 54 million Americans mow their lawns, using 800 million gallons of gas per year and producing tons of air pollutants. Garden equipment engines, which have had unregulated emissions until the late 1990's, emit high levels of carbon monoxide, volatile organic compounds and nitrogen oxides, producing up to 5% of the nation's air pollution and a good deal more in metropolitan areas.

According to the U.S. Environmental Protection Agency (EPA), a new gas powered lawn mower produces volatile organic compounds and nitrogen oxides emissions air pollution in in in one hour of operation as 11 new cars each being driven for one hour.

Many Bay Area cities have already instituted gas powered tool bans in all or parts of their jurisdictions. We believe a buyback program would be less punitive and allow landscape businesses a chance to recover some cost of converting to all electric tools. Small engines can emit more problematic gases than cars. Every bit we do to address climate change is one step closer to a cleaner, healthier environment.

A gas mower pollution fact sheet can be accessed here: <https://www.peoplepoweredmachines.com/faq-environment.htm>.

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

We expect that landscape businesses and residents who use gas powered tools will take advantage of the buyback program which will result in fewer gas powered tools being used. This will lead to a reduction in noise and emissions pollution.

Budget Implications (if known)

Depending on private partnerships, the program would vary greatly in budget expense.

Council Policy Prioritization: Policy Nomination Form (Cont'd)

City funding required (Yes/No)	Yes	Fund(s) Impacted (e.g. General Fund, C&C Tax Fund, etc.):	General Fund and/or private partnerships
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Council Policy Prioritization: Policy Nomination Form

Council Member:	Dev Davis	District:	6	Date: 02/14/2020
Council Member Lead Staff:	Nohely Izquierdo	Lead Staff Ext.:	5-4957	
Policy Subject:	Brick and Mortar and Mobile Pet Grooming Certification	CSA Area:	Neighborhood Services	

Policy Problem Statement

Currently, the State of California does not require people who run any type of pet grooming businesses (both mobile and non-mobile) to attend and complete a certification program or require a special license to operate. At this time in the City of San Jose, pet grooming businesses only need a business license and a facility permit through our San Jose Animal Care and Services department. This is outlined in San Jose municipal codes 7.10.030, 7.10.115, and 7.10.120.

Every year, animals die or get injured at the hands of pet groomers as a result of negligence and improper or lack of training. Death of a pet by strangulation is sometimes outcome of this unregulated industry when pets are left unattended and leashed on elevated bathtubs. There are currently no licensing or certification requirements in the State of California. States such as Connecticut and Colorado currently license pet groomers. Licensing often means groomers need to pass a written test, pass regular inspections, have training, and standards are set out in the law.

Policy Proposal

The City of San Jose has been a leader in so many policies that later become state regulations. I propose that the City of San Jose should set the standard in the State by requiring pet groomers who operate pet grooming businesses, both brick and mortar and mobile, to be licensed and certified - both the groomer and the grooming facility. Certification can be acquired through the National Dog Groomers Association of America (NDGAA) or other nationally recognized certification program.

Council Policy Prioritization: Policy Nomination Form (Cont'd)

Additional Information (Background)

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

By requiring pet groomers to be licensed and certified, consumers and their animals are better protected from tragic accidents, injuries and death.

Budget Implications (if known)

Unknown.

City funding required (Yes/No)	yes	Fund(s) Impacted (e.g. General Fund, C&C Tax Fund, etc.):	General Fund
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Council Policy Prioritization: Policy Nomination Form

Council Member:	Maya Esparza	District:	7	Date: 2/14/2020
Council Member Lead Staff:	Michael Pearce	Lead Staff Ext.:	-54962	
Policy Subject:	Equity Funding and Analysis	CSA Area:	Strategic Support	

Policy Problem Statement

The City Council has now dedicated two Study Sessions to addressing our City's approach to systemic issues of inequity in our communities. We have thoroughly examined how historically discriminatory practices such as redlining continue to impact our communities today, and how the decisions we make as a City can either mitigate or exacerbate these impacts. The need to address these challenges has been made clear, and will require a significant rethinking of how we prioritize equity as a central part of our decision-making processes, as well as a dedicated funding mechanism to implement lasting structural change. Addressing the underlying factors contributing to inequitable outcomes in our community requires durable, sustained investments and targeted interventions where the greatest need exists. Determining where the greatest need exists requires an organizational commitment around equity as well as data systems and policy development and analysis that is focused on the fair and just distribution of resources and opportunities.

Policy Proposal

Develop a framework for a dedicated Equity Fund to be allocated for 2020-2021 as part of the 2019-2020 Annual Report actions that will be brought forward later this year. Administration should develop proposed criteria for its use for Council consideration. The Administration should continue formalizing the work being done on equity through participation in the Government Alliance on Race and Equity, including internal governance, Council and policy engagement, and identifying needed resources. These resources may include necessary budget allocations, as well as identifying additional staffing needs to manage this work. Ultimately, Administration should bring forward a comprehensive, data-driven equity tool or framework that is systematically applied to policy development and resource allocation.

Additional Information (Background)

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

Developing a comprehensive set of policies and structural changes focused on equity, coupled with developing the necessary funding mechanisms, will ensure that the needs of our most under-served and disadvantaged communities are being addressed. Through focusing our resources in the communities where they are most needed, we ensure that all of our residents, communities, and businesses will be able to thrive for generations to come.

Budget Implications (if known)

This work may require additional city resources and personnel, as well as identifying funding sources for the Equity Fund.

City funding required (Yes/No)	Yes	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: 2/14/2020
Council Member Lead Staff:	Michael Pearce	Lead Staff Ext.:	-54962	
Policy Subject:	No Blight Zones	CSA Area:	Neighborhood Services	

Policy Problem Statement

Residents throughout our city are all too familiar with the scourge of illegal dumping and trash along many of our streets. While City Staff has acted commendably with the limited resources available to keep our streets clean, it is clear that a new approach is needed, particularly in areas with chronic blight. For example, City Staff cleaned up 818,000 pounds of trash along the Monterey Corridor in 2019, at a cost of approximately \$500,000-- half of that coming from the City, and half from Union Pacific. Clearly a proactive approach is needed to prevent blight in the first place.

Policy Proposal

Establish a Pilot Program for No Blight Zones in select areas with chronic blight and illegal dumping. This program will require a coordinated, interdepartmental approach, led by the BeautifySJ Initiative under Parks, Recreation, and Neighborhood Services working in concert with Code Enforcement, the Environmental Services Department, the San Jose Police Department, and additional departments and staff as deemed appropriate. The Pilot Program should contemplate using all of our available tools, including cameras, pursuing strategic partnerships with key stakeholders, and community outreach, to develop a proactive strategy for the creation and enforcement of No Blight Zones.

Additional Information (Background)

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

Implementation of a No Blight Zone pilot program will give relief to residents in some of the areas most impacted by blight and illegal dumping, and establish a model that can be used throughout the city to deter blight and illegal dumping on our streets and in our communities. This proactive approach will allow us to break the cycle of cleaning up illegal dumping in the same locations again and again through deterrence and proactive enforcement that will keep trash off of our streets in the first place.

Budget Implications (if known)

Given the high, ongoing costs associated with clean up of illegal dumping, a proactive approach that serves as a deterrent presents an opportunity to save on costs in the long run, despite one time funding for items such as signage and cameras, and associated operational and maintenance costs.

City funding required (Yes/No)	Yes	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: 2/14/2020
Council Member Lead Staff:	Michael Pearce	Lead Staff Ext.:	-54962	
Policy Subject:	Police Staffing	CSA Area:	Public Safety	

Policy Problem Statement

With 1132 Sworn Officers (“Sworn” includes recruits, those in Field Training, and those on disability), 904 of those Full Duty (“Full Duty” refers to those who are “street ready” and able to perform all peace officer duties), the San Jose Police Department remains one of the most thinly staffed police forces for a major city.

While increasing the number of Police Academies to three per year has driven a net increase in officers, we face several challenges resulting in high attrition rates that undercut our efforts. The Department loses approximately 32% of its hired recruits before they successfully complete their Field Training. The rate of resignations has increased from 22 in 2016 to 55 in 2019. Additionally, over the next three years, the City estimates that 166 officers will retire, and the past several years' data suggests that officers are now retiring slightly earlier than projected. Current staffing is budgeted for 1151 Sworn Officers, resulting in 19 current vacancies among sworn positions. Hiring more will not address the whole problem. The total time required for a recruit to complete the academy and Field Training necessary to become street ready is between 12-14 months. The data informs us that it is not possible to solve our staffing shortage through hiring alone--we need to do more to retain our experienced officers.

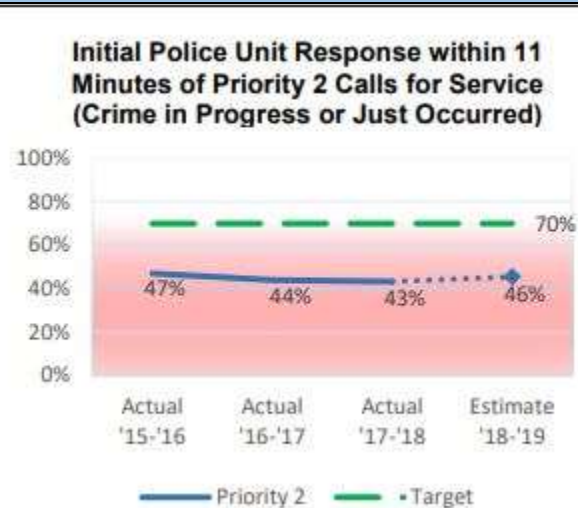
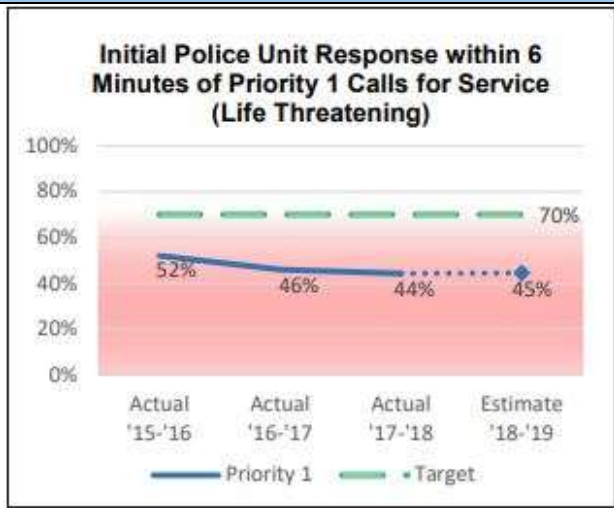
Policy Proposal

Firstly, the City should gather formal data around why officers are leaving the Department to better identify and develop potential incentives.

In order to retain experienced officers, the city should explore a number of potential incentives including:

- An annual retention bonus that officers can earn for remaining on the Department for an additional year. This can be an ongoing incentive.
- Longevity pay. This can be a percentage of base pay, graduated up to incent officers to remain with the Department. Most agencies graduate this pay so that an officer receives a percentage increase at given intervals. With the surge of new officers, staff may consider beginning this at Year 5, then add steps at five year intervals in order to retain more experienced officers.
- Housing Assistance/Homebuyer Program. Housing affordability remains a significant recruitment barrier and retention obstacle, particularly for those officers or prospective officers looking to start families.
- Maintain/increase competitive compensation. Nationally we are in a hiring market for police officers, and departments around the country are offering significant pay bonuses for new recruits and laterals. Some lateral bonuses in the area are as high as \$30,000. We must remain competitive in order to prevent resignations.

Additional Information (Background)



As residents from Almaden Valley to Alviso are asking for more police service, our call response times for both Priority 1 and Priority 2 Calls for Service remain dismally below our 70% target.

Council Policy Prioritization: Policy Nomination Form (Cont'd)

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

Retaining more of our experienced officers will not only increase overall staffing for the Department, but will also ensure that we have a healthy mix of experience levels in our Police force as we build our force to the levels needed for a city of one million residents. A fully staffed and experienced police force will ensure our law enforcement abilities, and provide the levels of service to our residents that they should be able to expect of their Police Department.

Budget Implications (if known)

While the above recommendations all have associated costs, we must acknowledge that having an understaffed Police Department results in myriad long term costs to our City, whether sexual assaults, traffic enforcement, damage to property, or other harm from violent crime. When our law enforcement is spread too thin, both the City and our residents pay the price.

City funding required (Yes/No)	Yes	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: 2/14/2020
Council Member Lead Staff:	Michael Pearce	Lead Staff Ext.:	-54962	
Policy Subject:	Staffing Analysis	CSA Area:	Strategic Support	

Policy Problem Statement

The City of San Jose is known for being one of the most thinly staffed major cities in the United States. According to the fiscal year 18-19 annual report on city services, San Jose budgets for 6.1 full time equivalent staff for every 1,000 residents- a lower per capita rate than any other major city in California. Every staff position included in our city's budget reflects our leadership's attempts to meet the service needs of our residents, and our city is already a lean operation in which every staff position counts. Despite our best efforts to increase staffing over pre-recession levels, today over 700 budgeted positions are vacant due to failure to recruit and retain employees. These vacancies have a profound impact on our ability to adequately provide resident-facing services such as Code Enforcement and Recreational workers. In addition, they have severe impacts on construction, thus on our ability to meet housing and job creation opportunities our residents need. For example, we have seven vacancies in Fire Inspection, and fourteen vacant recreation supervisor positions. Vacancies have been driven by large numbers of retirements, difficulties in recruitment once a vacancy is created, and turnover as qualified staff leave for employment in other cities. Our staffing shortage paradoxically impacts our ability to hire. Departments that handle recruitment and hiring are also struggling with staffing vacancies, creating further difficulties with filling city jobs. In a 2015 audit of hiring practices and retirement projections, the city found that 60% of staff would be retirement eligible by 2024, meaning this problem has the potential to grow in the coming years without preemptive action and effective planning to ensure that San Jose offers a competitive employment package for hard to fill positions.

Policy Proposal

In order to improve staffing levels, the city should perform market equity analyses of pay and benefits packages, to look at adjusting pay as necessary according to those findings, for classifications that fall into the following categories:

- An annual turnover rate exceeding 10%
- Repeat or continuous recruitments for the classification in the past two years
- A vacancy rate in excess of 10% in the classification citywide
- 25% or more of incumbents in the classification are currently retirement eligible

Additional Information (Background)

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

Council Policy Prioritization: Policy Nomination Form (Cont'd)

Reducing the staff churn by ensuring that salaries and benefits for hard-to-staff positions are competitive gives departments greater ability to follow through on the commitments to service delivery included in the adopted budget.

Budget Implications (if known)

The initial market analyses can be performed either by existing staff or an outside contractor and implementation of the analyses may have a budget impact depending on results.

City funding required (Yes/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:	Sylvia Arenas	District:	8	Date: 2/14/2020
Council Member Lead Staff:	Nancy Le	Lead Staff Ext.:	54964	
Policy Subject:	Bill of Rights for Children and Youth	CSA Area:		

Policy Problem Statement

Children and youth are among the most vulnerable people in our City because they depend on adults for their most basic needs. That is why it is up to adults to ensure that our children and youth have rights to protect them. Currently, the City of San José does not have a comprehensive framework that establishes goals for promoting the health and positive well-being of children and evaluating the City's progress towards achieving such goals. It is time for the City of San José to join the international, state, and county efforts to adopt a Bill of Rights for Children and Youth.

One of my priorities has been to shift the city service focus to San José's children and families and I want to ensure that the City will remain committed to the well-being of our children for years to come. The City must establish goals in addressing the needs of children and youth and integrate these goals into our existing policies, budgets, and practices by approving our own Bill of Rights for Children and Youth. We must protect the rights of children and youth at all times, especially during times of political change and fiscal decline, and ensure that budget cuts will not compromise their well-being. If we can safeguard a strong start for our youngest residents, we can build a better future for our entire city.

Policy Proposal

Develop, adopt, and implement a Bill of Rights for Children and Youth in the City of San José and utilize the Family Friendly City Initiative as a pathway to action that ensures the rights of children and youth. The Family Friendly City Initiative will lay out the guiding principles and goals for the development of a Bill of Rights for Children and Youth.

City Administration should work from the existing adopted International Children's Bill of Rights, Bill of Rights for the Children and Youth of California, and Santa Clara County's Bill of Rights for Children and Youth to develop a San José Bill of Rights for Children and Youth.

Implementation includes adopting a workplan that invests in the Family Friendly City Initiative towards implementing and making real enforcement of the Bill of Rights for Children and Youth through the Neighborhood Services City Service Area. Key pillars for consideration in San José's Bill of Rights for Children and Youth should include:

- A healthy mind, body, and spirit that enables them to maximize their potential.
- Develop a healthy attachment to a parent, guardian, or caregiver and an ongoing relationship with a caring and supportive adult.
- Ensure their essential needs are met – nutritious food, shelter, clothing, health care, and accessible transportation.
- A safe and healthy environment, including homes, schools, neighborhoods, and communities.
- Access to a 21st century education that promotes success in life, success in future careers, and a love of life-long learning.
- Training in life skills that will prepare them to live independently, be self-sufficient, and contribute to their community.

Council Policy Prioritization: Policy Nomination Form (Cont'd)

- Employment opportunities with protections from unfair labor practices.
- Freedom from mistreatment, abuse, and neglect.
- A voice in matters that affect them.
- A sense of hope for their future.

Additional Information (Background)

An International Children's Bill of Rights was proclaimed in 1990 by the United Nations. The State of California approved its own Bill of Rights for the Children and Youth of California in 2009, under Assembly Concurrent Resolution 80 modeled after the Bill of Rights for Children and Youth of San Mateo County. Santa Clara County approved the Bill of Rights for Children and Youth in 2010. Letters of support for the County's Bill of Rights for Children and Youth included a letter approved by the San José City Council. However, the Council took no action to incorporate the County's Bill of Rights for Children and Youth, nor did we establish our own at the city-level. Ten years later, it is time for the City of San José to do our part to ensure the safety and well-being of our children by approving our own Bill of Rights for Children and Youth.

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

The City of San José will adopt the Bill of Rights for Children and Youth as a guideline for the City to ensure that all children have the opportunities set forth in the Bill of Rights for Children and Youth. Using the Family Friendly City Initiative as the pathway to action, the adoption of the Bill of Rights for Children and Youth will be implemented under the Neighborhood Services City Service Area with primary partners including Library, Parks, Recreation and Neighborhood Services, Planning, Building, and Code Enforcement, and Public Works. The Bill of Rights for Children and Youth falls under the scope of the Neighborhood Service's mission to serve, foster, and strengthen the community by providing access to lifelong learning and opportunities to enjoy life, and by preserving healthy neighborhoods. The Bill of Rights for Children and Youth will also update the Neighborhood Services City Service Area's outcomes to include the development of our own Children's Agenda.

Budget Implications (if known)

City funding required (Yes/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:	Sylvia Arenas	District:	8	Date: 2/14/2020
Council Member Lead Staff:	Monica Rodriguez	Lead Staff Ext.:	54968	
Policy Subject:	Special Park Use Residential Exemption	CSA Area:		

Policy Problem Statement

The Special Park Use (SPU) application and permit is an important tool used by the Parks, Recreation, and Neighborhood Services (PRNS) Department to ensure the safety of the public and stewardship of our city parks during large events.

The District 8 office works with PRNS every year in submitting an SPU for our Fall Family Festival, which brings more than 3,000 residents to Lake Cunningham Park and features live music, food, zip-lines, and more. However, the same application for a 3,000-plus-person event – that includes submitting a park diagram, event narrative and detailed timeline, and liability insurance – is required of small scale neighborhood-led events, open to the public, that are meant to bring the community together and activate our parks.

Recently, we learned that a neighborhood group wanted to host an egg hunt for the neighborhood at one of our City parks but abandoned their plans after learning that they would need to submit an SPU application. They asked for a resident exemption but were denied. The residents did not have the time or resources to navigate the barriers to submitting an SPU application. There is no doubt that more neighborhood groups have been dissuaded from hosting community events at our parks because the process is intimidating and cumbersome.

Furthermore, the process can get muddled and can restrict creative use of our parks. For example, the San Jose Earthquakes wanted to host a soccer clinic at Welch Park, but the baseball field – in a different section of the park – was reserved for that time. They were told the park wouldn't be available. Our office stepped in and we were able to find a resolution, but if we hadn't directly intervened, a soccer clinic in an underserved neighborhood wouldn't have taken place.

Park permitting processes should be flexible enough that our community can get the full benefit of an active and thriving park, rather than creating more barriers for residents who simply want to create a stronger sense of community in their neighborhoods.

Policy Proposal

Create a more streamlined, easily accessible, and simplified Special Park Use process for residential use, so that neighborhood groups face fewer barriers when activating community parks. Though the Special Park Use application is a necessary tool to ensure the safety of our parks and residents, the process should be flexible enough to offer a residential exemption to encourage increased neighborhood use of our parks rather than dissuading residents from hosting small, public events that encourage a stronger sense of community.

Council Policy Prioritization: Policy Nomination Form (Cont'd)

Additional Information (Background)

The SPU application is currently required for special events at our City parks and involves the submission of an extensive checklist, event narrative and timeline, park diagram, and liability insurance. Currently, our parks can be reserved through an online portal or in person for picnic reservations at our city parks. However, if the event involves more than a picnic, such as a festival or a large-scale event, residents are urged to contact the Special Park Use office. Creating residential exemptions for use of parks for small and medium-scale events without requiring an SPU application would encourage neighbors and residents to activate and use our city parks while expanding safe space for families. The proposed change aligns with the guiding principles established in ActivateSJ, the 20-year strategic plan for the City of San José's PRNS Department, specifically Equity & Access and Public Life as well as the overall mission of PRNS, "Connecting People Through Parks, Recreation, Recreation and Services For An Active San José".

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

The City of San José's PRNS Department will create a simplified and accessible process for Special Park Use by residents and neighborhood groups that aim to host small and medium-sized events that encourage community-building. This change will further the ActivateSJ guiding principle of promoting community spaces for a safe, fun and healthy San Jose.

Budget Implications (if known)

City funding required
(Yes/No)

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



Council Policy Prioritization: Policy Nomination Form

Council Member:	Pam Foley	District:	9	Date: 02-14-2020
Council Member Lead Staff:	Kyle Laveroni	Lead Staff Ext.:	54974	
Policy Subject:	Survivorship Benefits for Firefighters	CSA Area:		

Policy Problem Statement

Currently, the spouses of firefighters who are killed in the line of duty receive survivorship benefits from their pension. However, if the spouse remarries they forfeit their benefits. This is different from Police retirement plan which allows spouses to continue receiving benefits after remarrying. San Jose's firefighters should be entitled to the same survivorship benefits for their spouse's as the Police Department.

Policy Proposal

Amend the Municipal code to allow spouses and domestic partners of active firefighters killed in the line of duty to continue their survivorship benefits in the event that they remarry or re-establish a domestic partnership.

Council Policy Prioritization: Policy Nomination Form (Cont'd)**Additional Information (Background)**

On December 10, 2019, City Council approved an ordinance amending Chapter 3.36 of Title 3 of the Municipal Code to extend survivorship benefits to spouses and domestic partners of Police members killed in the line of duty. It was determined by the Retirement Board's actuary, Cheiron, that such an amendment would not change current assumptions and therefore not affect valuation or contributions. The amendment to the Municipal Code to allow surviving spouses to remarry and retain the monthly survivorship allowances was therefore not an enhancement under City Charter Section 1503-A and did not require approval from voters.

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

Align both the Police Retirement Plan and the Fire Retirement Plan to provide the same survivorship benefits to members killed in the line of service.

Budget Implications (if known)

Cheiron's analysis regarding survivorship benefits for Police members killed in the line of duty determined that it would not increase the total aggregate costs of the benefit in terms of normal cost and unfunded liability. A similar amendment to the Municipal Code for firefighters would then similarly not result in any increased costs.

City funding required (Yes/No)	No	Fund(s) Impacted (e.g. General Fund, C&C Tax Fund, etc.):	N/A
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Return form to CMOAgendaServices@sanjoseca.gov

Questions contact [Michelle McGurk](#) at 408-535-8254



Council Policy Prioritization: Policy Nomination Form

Council Member:	Pam Foley	District:	9	Date: 2/12/2020
Council Member Lead Staff:	Adesuwa Obaizamomwan	Lead Staff Ext.:	54975	
Policy Subject:	Protecting Our Youth from the E-Cigarette Epidemic	CSA Area:	CED, Public Safety	

Policy Problem Statement

Our youth are being exposed to adverse health outcomes due to the rapid rise of e-cigarette products. E-cigarettes produce an aerosol by heating liquid that usually contains nicotine, flavorings, and other chemicals. Young people are particularly susceptible to the health consequences of inhaling this aerosol. The City of San Jose should do everything in our power to shield our youth from these harmful devices.

Policy Proposal

- Partner with state and federal agencies to implement effective ways of confirming a consumer's age during online purchases of e-cigarettes.
- Explore amending the City's zoning code and tobacco licensing process to stop manufacturers of e-cigarette products from selling to retail stores within a half-mile of middle and high schools.
- Explore amending the City's zoning code and tobacco licensing process to stop retailers from selling flavored products within a mile of elementary, middle, and high schools.

Council Policy Prioritization: Policy Nomination Form (Cont'd)

Additional Information (Background)

- In 2018, the Centers for Disease Control and Prevention reported a 78 percent increase in vaping among high school students and 48.5 percent for middle school students.
- Reports found in 2018, 4.9 million middle and high school students used tobacco products, with 3.6 million of those students using e-cigarettes.

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

Young people will not be able to easily obtain e-cigarettes with hazardous chemicals.

Budget Implications (if known)

City funding required (Yes/No)		Fund(s) Impacted (e.g. General Fund, C&C Tax Fund, etc.):	
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Return form to CMOAgendaServices@sanjoseca.gov

Questions contact [Michelle McGurk](#) at 408-535-8254



Council Policy Prioritization: Policy Nomination Form

Council Member:	Pam Foley	District:	9	Date: 02/14/2020
Council Member Lead Staff:	Michael Lomio	Lead Staff Ext.:	54976	
Policy Subject:	Develop a City-wide Transit First Policy Framework	CSA Area:	Transportation and Aviation Services	

Policy Problem Statement

The speed at which transit moves through San José and through Santa Clara County is slowing. At-grade light rail trains are stuck at red lights and road congestion stymies our bus speeds. It takes the average San José transit passenger longer to get from Point A to Point B today than it did thirty years ago. Speed is just one of the primary reasons why our residents choose cars over public transit. The congested transportation outcomes that San José is experiencing are a product of the city's auto-dependent urban form and its history of prioritizing street space for cars. As cities grow, the need to use streets more space-efficiently becomes increasingly important and that requires changing the balance of travel modes used. As San José grows, a policy that makes space-efficient travel modes like transit, bicycling, and walking more viable is needed to maintain our mobility.

Policy Proposal

Develop and adopt a city-wide transit first policy framework. The city should adopt a transit first policy that is applied in two ways. First, whenever a street where transit operates is part of a planning effort, the effort should incorporate how to make transit faster, more useful, and a more viable option. Secondly, any streets that operates large amounts of buses per hour or where speeds are below an ideal threshold should be considered for transit priority improvements. Within this policy framework, the city should set a minimum transit speed goal. To work toward implementation, staff should convene a working group consisting of various stakeholders. That working group should develop an action plan that includes corridor identification and it should review transit signal priority levels. Staff should include in this policy a framework that achieves our mobility goals, transit accessibility, efficiency, and affordability. These are all key to creating a more successful and more equitable transportation future. This transit first policy framework should consider, but not limit itself to bus-only lanes, queue jumpers, signal coordination, signal priority, and other efforts that aim to improve travel speeds on critical transit corridors. By developing a city-wide transit first policy, we can create a more efficient San José that runs fast buses and trains more frequently and on time.

Additional Information (Background)

San José and Silicon Valley's economy is booming, but transit travel speeds are decreasing — as is our region's transit ridership. Three decades ago, Valley Transportation Authority transit averaged 14.1 miles per hours. Today those speeds are at about 11.6 miles per hour. The Valley Transportation Authority estimates the slower speeds costs their agency \$70 million per year. This is because slower speeds make the agency operate more buses to maintain their lines' intended frequencies. People like fast transit. And fast transit causes more transit. It also improves affordability and equity. Increasing the speed of transit improves the freedom and opportunity afforded to its riders. This is especially important for vulnerable riders like those with low incomes, youth, seniors and the disabled. Making transit faster expands the number of jobs, schools, homes, child care locations, and other important destinations in reach, which expands economic opportunity and saves these travelers valuable time.

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

We expect San José residents to experience increased transit speeds and therefore faster trips, more San José residents choosing transit, decreased Valley Transportation Authority costs, and decreased greenhouse gas emissions relevant to the status quo.

Budget Implications (if known)

Decreased operating costs for the Valley Transportation Authority for which the City of San José is a partner and likely increased capital costs for the Valley Transportation Authority/City of San José.

City funding required (Yes/No)	Yes	Fund(s) Impacted (e.g. General Fund, C&C Tax Fund, etc.):	Unknown
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Council Policy Prioritization: Policy Nomination Form

Council Member:	Pam Foley	District:	9	Date: 2/12/2020
Council Member Lead Staff:	Adesuwa Obaizamomwan	Lead Staff Ext.:	54975	
Policy Subject:	Enhancing the Safety of Short Term Rentals	CSA Area:	CED, Public Safety	

Policy Problem Statement

On July 4th, 2019, four people were shot at an Airbnb rental located in San José, Council District 9. A few months later, on October 31st, 2019, five people were shot and killed during a Halloween party at an Airbnb rental in Orinda, California. These shootings demonstrate how poorly managed short term rentals can threaten the safety of our neighborhoods. Many residents have contacted the District 9 Office with concerns about short term rentals being rented as “party houses.” Properties that are rented as party houses alter the character of a neighborhood and jeopardize public safety. The City of San José can increase the safety of short term rental guests and the surrounding neighbors by employing accountability measures for short term rental hosts, and adding safeguards during the online booking process.

Policy Proposal

- Explore the potential cost and scope of implementing a licensing process for short term rental hosts with rentals in San José.
- Require short term rental hosts to inform neighbors within a 250 square foot radius of the property before listing it and provide contact information should any concerns arise.
- Require all San José short term rentals guests to have their government identification verified through the application or website before confirming a rental. Currently, only some companies provide the option to verify a guest’s identification, and hosts can choose whether to opt-in to the service. The requirement of ID verification would help prevent minors from having their stays approved, and discourage bad actors from using short term rental platforms.

Additional Information (Background)

Several large U.S. cities have set a precedent for requiring this type of license, including New York, Washington D.C., San Francisco, Los Angeles, Denver, Chicago, Boston, and Seattle.

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

- Requiring a short term rental license would help the City hold negligent short term rental hosts accountable, by levying license suspension or revocation.
- Neighbors residing within 250 square feet of a short term rental will be better informed about their community.
- Guests attempting to reserve short term rentals for insidious purposes will be deterred by the government identification process.

Budget Implications (if known)

City funding required (Yes/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:	Johnny Khamis	District:	10	Date: 02/14/2020
Council Member Lead Staff:	Enrique Navarro-Donnellan	Lead Staff Ext.:	54982	
Policy Subject:	Municipal Management Fellowship	CSA Area:	Strategic Support	

Policy Problem Statement

The City of San José lacks a formal Municipal Management Fellowship program akin to city and county governments nationwide. As the 10th largest city in the U.S., it is important to open paths to administrative leadership in the city for aspiring civil servants, and to do so in a way that is meritocratic and competitive, similar to what exists in San Francisco, Long Beach, Los Angeles County, and more.

As of now, internships offer seasonal experience opportunities, and are not always paid. The lesser length of time as well as the unpaid/low-paid nature of the internship don't offer recent graduates or the City the same opportunity and longevity needed to obtain meaningful experience in the former, and necessary talent for the latter.

The existing programs are limited to specific departments and seems tailored only for unique projects or specific universities.

Policy Proposal

The creation of a Municipal Management Fellowship program with the following general characteristics:

- An annual cohort of competitively selected applicants (size to be determined by City's needs and ability to fund).
- An application process ranking candidates by examination scores, recommendations, and interviews.
- A program lasting between one and two years (length to be determined by City's needs and ability to fund).
- Eligibility open to those with Master's-level education or greater completed
- Unclassified FTE status, benefitted, and paid at an area-adjusted wage competitive with similar programs offered in benchmark cities (exact compensation to be determined by City's needs and ability to fund)

Fellows will serve under the direction and guidance of the City Manager supporting essential City functions in departments where key needs for professional support are identified. The cohort will serve under the City Manager and rotate through a variety of City departments at the City Manager's discretion.

Additional Information (Background)

Per a discussion with City staff, we discovered that the program we seek to create used to exist until the 2001 recession. The City could use, as a framework, the program that existed at that time, making adjustments as necessary to modernize the program to create something like that offered in other cities and counties currently operating such fellowship programs.

Per the same discussion with staff, we also know that, as of today, departments such as PRNS and ITD, reach out to particular schools on a project-by-project basis to bring students aboard as fellows. However, this diffuse process benefits students of a specific school and specific discipline. This management fellowship program would provide exposure to broader City-wide perspectives and open the program to qualified individuals of all disciplines.

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

The creation and implementation of such a program will enable fellows to serve the needs of our complex and growing City, and ensure a steady pipeline of educated and experienced talent to succeed within this environment.

Budget Implications (if known)

Management Fellows are typically paid and benefitted as unclassified FTEs whose salaries vary by city. Cohort sizes are also variable and can be determined by the City as its needs dictate.

City funding required (Yes/No)	Yes	Fund(s) Impacted (e.g. General Fund, C&C Tax Fund, etc.):	General Fund
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Council Policy Prioritization: Policy Nomination Form

Council Member:	Johnny Khamis	District:	10	Date: 02/14/2020
Council Member Lead Staff:	Denelle Fedor	Lead Staff Ext.:	54993	
Policy Subject:	Update to Council Policy 6-30	CSA Area:	CED	

Policy Problem Statement

Council Policy 6-30 governing Development Outreach should be updated to reflect best practices and Auditor-recommended changes.

Policy Proposal

Advocates for smart development such as Catalyze SV have called for improvements to the City's development noticing policy. Updates to the Outreach Policy may be improved to create consistency around expectations for public input, reflect best practices, such as the improved postcard noticing for development proposals, and incorporate the City Auditor's recommendation outlined in Report 19-03 entitled "DEVELOPMENT NOTICING: ENSURING OUTREACH POLICIES MEET COMMUNITY EXPECTATIONS."

Additional Information (Background)

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

Improved public outreach, including expanded outreach to those in the community for which English is not a first language.
 More timely noticing to maximize public awareness and input of projects with significant interest.
 Cost savings from better targeting of outreach activities based upon the nature of the proposal.

Budget Implications (if known)

Undetermined additional costs to expand language outreach.
 Savings from more effective targeting and reduction of unnecessary mailings.

City funding required (Yes/No)	Unknown	Fund(s) Impacted (e.g. General Fund, C&C Tax Fund, etc.):	Development Fees
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Council Policy Prioritization: Policy Nomination Form

Council Member Johnny Khamis

District CD 10 Date 02/14/2020

Council Member Lead Staff Michele Dexter

Lead Staff Ext. x54978 535-4978

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

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.) _____

Return form to CMOAgendaServices@sanjoseca.gov

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?