



# Request for Policy Analysis (Council Referrals)

Department OEDCA/PBCE/PW Rules Date April 1, 2026 Item C.2  
 Department Rep. Name/Ext. Jen Baker/Chris Burton/Matt Loesch Councilmember Sponsorship Councilmembers Ortiz, Tordillos,  
 Policy/Ordinance Subject Al Fresco 2.0 / Outdoor Dining Ordinance Kamei, Cohen, and Mulcahy

Staff Recommendation															
<input checked="" type="checkbox"/>	<b>GREEN</b>	Adopt based on tradeoffs outlined on next page			<input type="checkbox"/>	<b>YELLOW</b>	Defer to a later designated date or the annual Budget Process			<input type="checkbox"/>	<b>RED</b>	Recommend Council not adopt nominated idea		<input type="checkbox"/>	<b>NEEDS CLARIFICATION OR MORE TIME TO EVALUATE</b>
Staff Evaluation															
Is this already underway in a department work plan?				Is this time critical or an emergency?				Will this require substantial resources, staffing, budget, strategic support, or reprioritizing existing work plan?							
<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No				
Criterion to Determine Scale of Project Complexity															
Project complexity is determined by scoring the project in each of the 3 criteria below and then summing the score.															
a. Low Complexity is a sum of 6 or less. b. Medium Complexity is a sum of 7 – 9. <span style="float: right;">Total Score = 11</span> c. High Complexity is a sum of 10 or greater.															
Scoring Criterion	Low Complexity			Medium Complexity			High Complexity								
	Estimated Duration	6 – 9 months	<input checked="" type="checkbox"/> = 1	9 - 18 months	<input type="checkbox"/> = 2	More than 18 months	<input type="checkbox"/> = 3								
	(Internal)	Organizational Complexity	Can easily be absorbed into existing work plan	<input type="checkbox"/> = 1	Planned work (future)	<input type="checkbox"/> = 2	Work not currently proposed	<input checked="" type="checkbox"/> = 3							
		Have staff with required skillset/knowledge	<input type="checkbox"/> = 1	Have staff with required skillset/ requires moderate research	<input checked="" type="checkbox"/> = 2	Do not have staff with required skillset/requires significant research	<input type="checkbox"/> = 3								
		Less than or equal 2 staff required	<input type="checkbox"/> = 1	3 - 4 staff required	<input checked="" type="checkbox"/> = 2	More than 5 staff required	<input type="checkbox"/> = 3								
(External)	1 Additional department; no community outreach required	<input type="checkbox"/> = 1	2 Other departments Involved; some community outreach required	<input type="checkbox"/> = 2	3 or more departments and/or external partners involved; significant community outreach required	<input checked="" type="checkbox"/> = 3									
DEPT. Required	<input type="checkbox"/> Airport	<input type="checkbox"/> Auditor	<input type="checkbox"/> CMO	<input checked="" type="checkbox"/> OEDCA	<input type="checkbox"/> ESD	<input checked="" type="checkbox"/> Fire	<input type="checkbox"/> HR	<input type="checkbox"/> IT	<input type="checkbox"/> PRNS	<input type="checkbox"/> Police	<input type="checkbox"/> Retirement				
	<input checked="" type="checkbox"/> Attorney	<input type="checkbox"/> Clerk	<input type="checkbox"/> CMO – Budget	<input type="checkbox"/> Community Energy	<input type="checkbox"/> Finance	<input type="checkbox"/> Housing	<input type="checkbox"/> IPA	<input type="checkbox"/> Library	<input checked="" type="checkbox"/> PBCE	<input checked="" type="checkbox"/> PW	<input checked="" type="checkbox"/> DOT				

CMO Approval: /s/ Lee Wilcox Date 3/30/2026

**Analysis**

**Explain the rationale for staff recommendation, including any mitigating factors that need to be considered (recent legislative action, significant work plan changes, etc.). Please address the following as well.**

GREEN LIGHT: The Administration can implement this nominated idea under its current work plan. Item should be sent to Council to add to department work plan. (1) How will the idea be approached? (2) If adopted, what is its impact and/or tradeoff to the City Council Focus Area or to a department work plan, including strategic support? (3) What is the minimum viable scope to move the idea forward and reduce its complexity?

Since the establishment of the temporary Al Fresco Program (Program) during the COVID-19 pandemic, the City has transitioned to a permanent Program which expands where and how businesses can operate outdoors, within the public right-of-way and on private property. As there are opportunities to improve the Program, including clarifying the permit types and application processes, evaluating permit fees, and reducing staff process times, staff has included these improvements in Goal 3.6 “Small Business Streamlining” of the Growing Our Economy Focus Area. Additionally, staff will review best practices from peer cities, including San Francisco’s Shared Spaces Manual, and consider the recommendations from SPUR’s policy brief “Getting in on the Ground Floor: Activation Strategies for Downtown San José”.

To provide clarity and updates on the Program, including proposed enhancements, staff will issue an Information Memorandum in April 2026. Staff will continue to provide updates through the Growing Our Economy Focus Area reporting, including the status report currently scheduled for the June 15, 2026, Community and Economic Development Committee meeting.

YELLOW LIGHT: Administration recommends Council defer this nominated idea to a later designated date or the annual Budget Process due to (describe cost implications, workload impacts, or other factors)

RED LIGHT: The Administration recommends Council not to adopt this nominated idea due to (describe reason implementation would be difficult if not impossible – conflict with other laws, etc.).