CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

COUNCIL AGENDA: 4/26/05
ITEM: 5.2

Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: Richard Doyle
City Attorney

SUBJECT: **PASEO/PLAZA USE MUNICIPAL CODE CHANGE CHAPTER 13.22**

DATE: April 6, 2005

Council District: 3

RECOMMENDATION

To bring forward, at a later City Council meeting, proposed ordinance changes setting forth the proposed regulatory framework for use of the plaza area at New City Hall.

BACKGROUND

The City and the Redevelopment Agency have been working on proposed changes to Chapter 13.22 of the San Jose Municipal Code Title 13, which regulates use of downtown paseos and plazas ("Paseo/Plaza ordinance"). As described in the City Council memorandum from the Office of Cultural Affairs, the proposed changes would allow cooking to occur on the plazas and paseos, would increase the number of permits that may be obtained by a permittee in a month, and would expand the definition of the Downtown Area in Title 13. 22, to add the New City Hall to the areas subject to the regulation of the Paseo/Plaza ordinance.

ANALYSIS

Recently our Office has been participating in meetings with staff and David Dial, a consultant hired by the City to review anticipated use of the New City Hall, and to develop recommendations regarding proposed regulations and guidelines and pricing strategies for the use of various areas of New City Hall. The anticipated use of New City Hall Plaza is one of the areas currently under discussion.

OUTCOMES

The request received from McCormick and Schmick's to allow cooking in the paseos and plazas has significant time constraints. To meet the desired timeline, the proposed ordinance change to allow cooking should not be delayed beyond the City Council meeting on April 26, next

Tuesday. It is recommended that only those proposed ordinance changes regulating the New City Hall Plaza be deferred to a later date, so that staff and our Office will have additional time to analyze the relevant issues, and to provide City Council with a more complete explanation of the proposed regulatory framework for the plaza at New City Hall.

PUBLIC OUTREACH

After City Council approves an ordinance establishing a regulatory framework for the New City Hall Plaza, more detailed regulations regarding the use of the New City Hall Plaza will be developed with stakeholder input from adjacent businesses, residents and property managers.

COORDINATION

This memo has been coordinated with the Office of Cultural Affairs and the City Manager's Office.

COST IMPLICATIONS

There are no cost implications.

CEQA

Not a project.

RICHARD DOYLE
City Attorney

By: _____
Barbara K. Jordan
Senior Deputy City Attorney