



COUNCIL AGENDA: 06-19-07
ITEM: 2.6

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Lee Price, MMC
City Clerk

SUBJECT: VALIDATE SELECTED POLICIES **DATE:** May 31, 2007
CONTAINED IN THE CITY
COUNCIL POLICY MANUAL

RECOMMENDATION

As recommended by the Rules and Open Government Committee on May 23, 2007 and May 30, 2007, validate selected policies contained in the City Council Policy Manual as outlined in the attached memo previously submitted to and approved by the Rules and Open Government Committee.





Memorandum

TO: Rules Committee

FROM: Deanna J. Santana

SUBJECT: SEE BELOW

DATE: May 11, 2007

APPROVED:

Ray Wm

DATE:

5/11/07

SUBJECT: Approval to validate selected policies contained in the City Council Policy Manual

RECOMMENDATION

Validation of the following policies as contained in the Council Policy Manual and forward to the full Council for adoption of a resolution:

Policy Number	Policy Name
a. Policy 6-4	Billboards on City-owned Land;
b. Policy 6-15	City Boundary Changes in Existing Urbanized Areas; and
c. Policy 6-20	Land Use Policy for Monopoles and Cellular Telephone Facilities.

OUTCOME

The Rules and Open Government Committee will have the opportunity to review and validate three Council Policies.

BACKGROUND

The Council Policy Manual has been in existence since August 3, 1970. The Council policies are intended to provide direction and/or guidance to staff on how the City Council wishes to have certain issues and procedures addressed. The City Manager is responsible for ensuring that the Administration adheres to the established Council Policies.

As part of the Sunshine Reforms related to posting of the City Council Policy Manual on the Internet, the Administration recommended a comprehensive review of all the policies concurrent with the Office of the City Clerk's web posting process. This recommendation was based on an acknowledgement that the City Council Policy Manual contains policies that do not reflect current practices and/or are no longer current. The City Council approved the Administration's recommendation and directed the Rules and Open Government Committee (Rules Committee) to oversee the Council Policy Manual revision process.

On October 11, 2006, the Rules Committee approved the framework for updating over 120 policies contained in the City Council Policy Manual. This framework provided for policies to fall into three categories: (1) Revise, (2) Validate, and (3) Rescind. Each policy was placed in a category based on the following approach:

- Research of current/revised laws governing practices or City policies in conjunction with the City Attorney's Office.
- Review of superseding Council policies.
- Identification of any policy redundancy.
- Review of current applicability of policies as they relate to current City programs, process and procedures.

On November 8, 2006 the Rule Committee approved recession of 26 policies. Work is underway to start codifying the Council Policy Manual. Staff anticipates having policies available in Word format in 30-60 days.

On April 18, 2007, the Rules and Open Government Committee approved the process and methodology to validate 31 policies contained in the City Council Policy Manual; and validated the first group of 18 Council Policies. The remaining 13 policies were anticipated to require more Council discussion; therefore, they were recommended to be brought back in groups of three. Since the April 18 Rules Committee meeting, staff has become aware of three policies that need revisions; thus bringing the remaining number of policies for Council validation down to 10. Additionally, on May 9, 2007, the Rules Committee approved the next batch of Council policies. As of May 11, 2007, there are eight Council policies pending Council validation.

Below is additional discussion of City Policy categories:

Category 1: Revise Policy – This category includes policies that need moderate to significant revisions and may require multiple department participation, coordination of changes with other policies, or creation of a new policy. Old policies will be posted onto the City's website by the Office of the City Clerk, per City Council direction. Upon approval of this categorization, each policy falling into this category will be noticed as such so that the public will know of the City's intention to revise the policy. **Status:** Ongoing.

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Category 3: Rescind Policy – This category includes a set of policies that were identified as outdated, obsolete, redundant, or superseded by other Council action or policy and have been forwarded to the Rules Committee for approval to rescind and delete from the Council Policy Manual. These policies will not be posted on the City's website. **Status:** Complete.

ANALYSIS

The remaining 11 policies recommended for Council validation are anticipated to require more Council discussion. Below is discussion on the next group of policies including brief policy descriptions and justification for Council validation. Additionally, Attachment A is a packet of the actual policies, as contained in the Council Policy Manual.

1. **Policy 6-4: Billboards on City-owned Land** - This Policy prohibits the use of billboards on City property and calls for removal of existing billboards. **Justification for Council Validation:** This Policy continues to comport with the General Plan Urban Design and the Scenic Routes Policies.
2. **Policy 6-15: City Boundary Changes in Existing Urbanized Areas** - This Policy provides guidelines for consideration of City boundary change requests in urban areas. **Justification for Council Validation:** Adopted in 1984, this Policy continues to provide policy structure for consideration of these infrequent requests.
3. **Policy 6-20: Land Use Policy for Monopoles and Cellular Telephone Facilities** - This Policy provides guidelines for the location and design of wireless communication facilities. **Justification for Council Validation:** This Policy is current with Council direction and was last updated in 2003.

PUBLIC OUTREACH/INTEREST

-  **Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater; (Required: Website Posting)
-  **Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. (Required: E-mail and Website Posting)
-  **Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. (Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)

This item does not meet any of the criteria above; however, a list of all current Council policies is available online on the City Clerk's website.

COORDINATION

This memorandum has been coordinated with the City Attorney's Office, City Clerk's Office and departments responsible for upholding each City Council Policy.

Subject: Approval to validate policies contained in the City Council Policy Manual
May 11, 2007
Page 4 of 4

BUDGET REFERENCE

Not applicable.


Deanna J. Santana
Deputy City Manager

For questions, please contact Vilcia Rodriguez, City Manager's Office at (408) 535-8253.

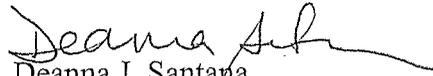
Attachments:

(A) Policies proposed for Validation

Subject: Approval to validate policies contained in the City Council Policy Manual
May 11, 2007
Page 4 of 4

BUDGET REFERENCE

Not applicable.


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Deputy City Manager

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Attachments:

(A) Policies proposed for Validation

City of San Jose, California

COUNCIL POLICY

TITLE BILLBOARDS ON CITY-OWNED LAND	PAGE 1 OF 1	POLICY NUMBER 6-4
	EFFECTIVE DATE June 28, 1971	REVISED DATE
APPROVED BY Council Action - January 10, 1972		

BACKGROUND

On June 28, 1971, the City Council, being concerned with the visual image of the community, adopted a policy regarding the use of billboards on City-owned land. The City is thus setting the standard for community development by discontinuing the use of billboards on City-owned land.

PURPOSE

To state Council Policy regarding existing and future billboards on City-owned land.

POLICY

1. The City shall prohibit the future use of billboards on City-owned land.
2. All existing billboards on City-owned land shall be removed within a period of five (5) years.

City of San Jose, California

COUNCIL POLICY

TITLE CITY BOUNDARY CHANGES IN EXISTING URBANIZED AREAS	PAGE 1 OF 2	POLICY NUMBER 6-15
	EFFECTIVE DATE 1-10-84	REVISED DATE
APPROVED BY Council Action - January 10, 1984 Item 10A(1)		

BACKGROUND

For a variety of reasons, citizens living in the fringe areas of San Jose periodically submit requests to the City Council which would allow them to deannex from San Jose and annex to an adjacent community. Boundary changes are a complex issue of services and facilities. Since most boundary transfer areas constitute pieces and fragments of service areas, costs are very difficult to identify. Experience has shown that an analytical approach does not address the real issues that motivate boundary transfers. Identity is an emotional issue which does not lend itself to analysis.

PURPOSE

The purpose of this policy is to establish workable guidelines to be followed when considering boundary transfer requests. The foundation of this policy rests on the inherent responsibility of the cities involved to decide whether or not to modify their boundaries. Cities and districts must respect the existing boundary agreements. No government agency nor individual neighborhood interest group should be able to change a boundary unless both affected cities concur.

POLICY

It is the policy of the City of San Jose that the following guidelines be adhered to when considering city boundary change requests in existing urbanized areas:

1. Existing boundary agreement lines between cities should be maintained. It would serve no useful purpose to revive the long dormant annexation wars of the 1950's. Existing boundaries between cities have been established for a long time. Local governments have relied on these boundary agreements when planning and building facilities such as fire stations, parks, libraries, public works service yards, etc., and when developing programs for serving the incorporated territory.
2. The City of San Jose is satisfied with existing boundary agreements and will only consider modifications that include equal exchanges of like territory, population or tax base. City to city discussions are the appropriate forum for boundary agreements. If there are matters the affected cities want to work on together, they should initiate discussions to resolve them. Any exchange as listed above would have to be equitable from a fiscal standpoint to the concerned jurisdictions.

COUNCIL POLICY — Cont'd.

TITLE	PAGE	POLICY NUMBER
CITY BOUNDARY CHANGES IN EXISTING URBANIZED AREAS	2 OF 2	6-15

3. The City Council will consider citywide effects of any change in the boundary agreement line. The identity of a city extends throughout the entire city. Any change in the city boundary, particularly in an existing developed area, affects the whole city.
4. The City considers the needs and concerns of boundary area residents and property owners of equal importance to the needs of all citizens. City programs and services are citywide in scope. All geographic areas should receive equitable consideration.

1387m/16m

City of San José, California

CITY COUNCIL POLICY

TITLE LAND USE POLICY FOR WIRELESS COMMUNICATION FACILITIES ¹	PAGE 1 of 6	POLICY NUMBER 6-20
	EFFECTIVE DATE 1/22/91	REVISED DATE 9/16/03
APPROVED BY Council Action - January 22, 1991; August 11, 1992; August 20, 1996 (9d); September 16, 2003		

BACKGROUND

San Jose residents, businesses and public safety personnel depend on wireless communications for convenience, economic activity and security. Wireless communications are a crucial part of our economic infrastructure, and our residents and businesses want more and better wireless services. As the Capital of the Silicon Valley, San Jose should have a high level of wireless service available to its residents and businesses in order to meet increasing demands for new and better services. San Jose has a strong interest in achieving and maintaining a high level of service and substantial competition among service providers.

In response to the emergent need for transmission facilities for use by the wireless communication industry, the City Council originally adopted a land use policy for wireless communication facilities on January 22, 1991. The policy was subsequently revised on August 11, 1992 and August 20, 1996. Title 20 of the San José Municipal Code defines these antennas as both structures and uses, and as such, they require the approval of a development permit. The needs of the wireless communication industry have continued to evolve as new technologies are developed and with the steady growth in the public's use of mobile phones and other forms of wireless communication services. Currently, several hundred wireless communication antennas of various types have been permitted throughout the City to meet the needs of several wireless service providers. These antennas are mounted on buildings, on freestanding monopoles, on the side or top of utility structures, or

on poles attached to the roof of a building, with attendant cabinets or buildings to house associated electrical equipment. The largest number of new antenna installations are building-mounted, and are located in industrial and commercial areas. In residential areas, most structure-mounted antennas are placed within existing utility easements or at non-residential uses such as churches and schools. The City also continues to both issue and renew permits to allow monopole structures, mostly in industrial areas.

Several changes have been made to the City's Zoning Ordinance pertinent to the regulation of new antenna installations. These changes include provisions for an exception to the standard Zoning District height limitations, the permitting of antennas mounted on non-building structures (such as high-voltage power line support towers), and amendments to the use allowances within each zoning district. The latter change was made as part of the City's comprehensive update of the Zoning Ordinance effective on February 19, 2001. Under the current Ordinance, building- or structure-mounted wireless communication antennas are generally considered permitted land uses in the commercial, industrial, open space and agricultural zoning districts and would require a permit adjustment or site development permit. Freestanding antennas and any antenna in a conventional residential zoning district may be approved only through the issuance of a Conditional Use Permit. Previously, the Council Policy did not allow antennas in proximity to existing residential uses, so antennas have been permitted on residentially-zoned land only when the actual land use was non-residential.

¹This Policy focuses on two-way wireless communication facilities. It does not address amateur radio stations, radio or television *transmission-only* facilities or satellite dish *receive-only* facilities.

TITLE	PAGE	POLICY NUMBER
LAND USE POLICY FOR WIRELESS COMMUNICATION FACILITIES	2 of 6	6-20

The City has found that potential land use impacts can result from the development of wireless communication devices, particularly visual clutter and interface issues associated with proximity to residential neighborhoods. In addition, implementation of the City's policies and requirements for undergrounding will further increase the visibility of monopoles after other utility poles and lines are eliminated.

PURPOSE

The City supports the extension of communication services to its businesses and residents, but desires that the necessary communication facilities be implemented in a way that minimizes visual clutter and other land use impacts and provides future opportunities for reducing impacts as changes in technology or development patterns make this possible. The wireless industry is encouraged to continue to make major capital investments in San Jose, and the City will work with the wireless industry to facilitate the continued improvement in wireless services while dealing with and solving problems associated with development of the wireless infrastructure. To this end, the City allows wireless communication antennas through a discretionary permit process to ensure that the development conforms to City requirements and is compatible with its surrounding neighborhood. The City's land use permitting process for wireless installations is contained within the City's Zoning Ordinance. The Zoning Ordinance establishes procedures that allow for the approval of wireless installations through either an administrative or public hearing process. This Policy provides guidelines for the review of new wireless permit applications consistent with and subservient to the procedures established within the Zoning Ordinance. To facilitate the evaluation process for individual permit applications, the following criteria are based on the land use designations in the adopted San José 2020 General Plan and are established to clearly identify the project characteristics necessary for approval.

POLICY

1. *Overview*

New wireless communication antennas should be sited so as to minimize visual impacts. Integration of antenna installations within new or existing buildings is the preferred approach. New freestanding monopoles should not be implemented where building-mounted² or collocated facilities are feasible and would reduce visual impacts.³ When due to technological requirements or site availability constraints a monopole is the only feasible alternative, wireless communication service providers are encouraged to design new monopoles to accommodate future collocated facilities of lesser height where radio frequency coverage objectives or quality are not unreasonably compromised, and to cooperate in efforts to collocate new antennas on existing facilities. All new monopoles should be time-conditioned to allow periodic evaluation of opportunities for collocating additional antennas on the approved facility and an assessment of technological changes that may allow reduction in the height of the pole or otherwise reduce its impacts.

2. *Inappropriate Land Use Designations for Wireless Communication Antennas*

Wireless communication antennas which are either freestanding or attached to buildings are discouraged from all residential designations, except Residential Support for the Core, High-Density Residential or Transit Corridor Residential which provide for the integration of commercial and residential uses in an urban setting. Antennas located on residentially-designated properties solely developed with non-residential uses such as parks, schools, public utilities, and churches may be acceptable subject to review in accordance with the City's Zoning Ordinance.

²For purposes of this Policy, "building-mounted" refers to the mounting of antennas on buildings and on other appropriate structures.

³Collocated facilities are defined as facilities belonging to two separate service providers mounted on a single monopole.

TITLE	PAGE	POLICY NUMBER
LAND USE POLICY FOR WIRELESS COMMUNICATION FACILITIES	3 of 6	6-20

Monopoles are discouraged from all Areas of Historic Sensitivity, all Rural Scenic Corridors and Trails and Pathways designations. Locations which could intrude on other uses within these designations are also discouraged.

3. *Criteria for Siting Wireless Communication Antennas*

The following policies are intended to address the potential land use impacts that can result from the development of wireless communication devices, particularly visual clutter and interface issues associated with proximity to residential neighborhoods. Technological constraints and the service needs of the wireless industry should also be considered in the application of these policies.

a. **Visual Impacts.**

Alternatives Analysis: In siting new wireless antennas, service providers should explore alternatives to new monopoles that reduce visual impacts. New antenna installations by definition include height additions to existing monopoles and the issuance of a new permit for an existing antenna with a passed permit, as well as entirely new installations. An alternatives analysis should be prepared for any proposed antenna installation that does not make use of a building-mounted or structure-mounted antenna design architecturally integrated with the supporting building or structure. The alternatives analysis should identify all technically feasible potential location sites which reasonably meet the service provider's radio frequency coverage objectives, particularly building-mounted sites, within the project vicinity, provide analysis as to the feasibility of those alternatives and compare the level of visual impact with that of the proposed project. At a minimum, this analysis should identify the location of all existing monopoles within a quarter mile of the proposed site; provide an explanation of why collocation has not been proposed at each of these sites; and assess the potential for building-mounted alternatives.

Building-Mounted Antennas: Antennas mounted on buildings or other structures should be located to minimize visual impacts and should be architecturally integrated into the structure. The construction of new architectural elements (e.g. new roof structures or parapets, clock towers, or church steeples) should be considered as a means of providing additional height and of camouflaging antennas and may be permitted through an Adjustment Permit procedure. In some cases existing roof elements may provide adequate visual screening for the installation of a new antenna. Although not the preferred approach, it is acceptable to install a single set of antennae (as an installation for one carrier) without new architectural screening. It is not appropriate, however, to install antennae for multiple carriers without some form of architectural screening. To provide increased opportunities for building mounted antennas, through the City's standard development review process, new construction, particularly of buildings of suitable height and width, should be designed to facilitate the future installation of architecturally-integrated, building-mounted antennas. Ancillary equipment shall be adequately screened.

Freestanding Monopoles: New freestanding monopoles should be located and designed to minimize public visibility and "stealth" pole designs should be utilized. "Stealth" poles would include, but not be limited to, smooth taper monopoles that accommodate flush-mounted antennas or incorporate antennas inside the pole structure itself. Ancillary equipment should be adequately screened and landscaped to minimize potential for graffiti vandalism.

Collocation of Facilities on a Single Monopole and Utility Structure Mounted Antennas: Sharing of a single monopole by two or more communication companies or placement of new antenna on existing utility structures within or outside of the public right-of-way or on a Joint Pole Authority (JPA) structure (including 60kV power line poles) can reduce the overall visual impact of the development of wireless antenna networks. When antenna are installed on a utility structure within the public right-of-way, the antenna will need to meet the residential setback

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LAND USE POLICY FOR WIRELESS COMMUNICATION FACILITIES	4 of 6	6-20

requirements and other standards of this Policy. In all cases, antenna installations and associated equipment enclosures will need to conform the standards of the pertaining zoning district including setbacks requirements.

Equipment Enclosures: Equipment areas should be screened as appropriate based upon site conditions by new or existing landscape materials or built structures. Fence enclosures for the equipment areas are not required where all the equipment is enclosed in a single structure that is architecturally compatible with surrounding development. Otherwise, solid fences or walls may be required to reduce visual clutter. Equipment enclosures need to conform to the setback requirements of the underlying zoning district.

Lighting: No lighting of antennas is allowed except during maintenance activities or as required for safety by the FAA or other regulatory agency.

Landscaping: New landscaping or other visual amenities should be considered to offset the overall visual impact of new freestanding monopole and collocation projects. New landscaping proposed for such purpose should be provided in the form of screening trees located near the antenna location, or as canopy trees for nearby parking areas. Where it is not feasible to provide additional landscaping in proximity to a proposed antenna location, or substantial landscaping already exists on-site, other means of balancing the project's visual impacts shall be considered, such as the provision of additional street trees in the project vicinity or an in-lieu contribution to Our City Forrester.

b. Height.

Antenna installations should conform to the San José 2020 General Plan and Zoning Ordinance height restrictions. The height of antennas mounted on top of buildings and the height of new architectural elements designed to camouflage the antennas should be in proportion to the height of the building.

c. Setbacks from Residential Uses.

Freestanding monopoles should be located no closer to a parcel developed for use as a single-family or multi-family residence than 35 feet or a distance equal to 1 foot for every 1 foot of structure height, whichever is greater. Substantial landscaping (10 feet minimum), generally including trees, should be provided adjacent to the residential property line, to buffer the adjoining residential uses.

Building- or structure-mounted antennas should be located a minimum of 35 feet horizontally from any property with a single-family attached or detached residential use. Similarly, a minimum 35-foot horizontal setback should be provided from any adjacent property with a multi-family residential use. A similar setback separation is desirable for an installation within a multi-family residential development, but in situations where superior alternatives are not available, it may be permissible to place a building-mounted or structure-mounted antenna within 35 feet of a multi-family residential structure. Installation of an antenna may be particularly appropriate within or adjacent to higher density mixed-use residential projects (development consistent with Residential Support for the Core, Transit Corridor Residential and High-Density Residential General Plan designations) that incorporate non-residential uses. If possible, antennas should be incorporated into the design of non-residential structures (e.g. commercial components, clock towers) located within the overall development.

These setback requirements do not apply to associated equipment enclosures which should comply with standard zoning setback requirements. In situations where superior alternatives are not available, antennas may be mounted on an existing utility structure within a utility corridor, such as a P.G. & E. high-tension (200kV or higher) line corridor, where the antenna would be located at least 20 feet horizontally from a single-family residential property line.

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LAND USE POLICY FOR WIRELESS COMMUNICATION FACILITIES	5 of 6	6-20

d. Performance Standards.

Antenna installations should conform to the performance standards of the underlying zoning district. In particular, associated equipment, including power-generating equipment, will need to meet the pertaining noise and air-quality standards and permitting requirements established within the City's Zoning Ordinance.

e. Parking.

Wireless communication facilities should not reduce existing parking on the site unless the zoning district parking requirements can still be met.

f. Vacant Sites.

Monopoles developed on vacant sites should be removed and where possible should be replaced with building-mounted antennas when the site is developed provided that the new development would allow relocation of the existing antennas at a similar height and disposition.

5. Environmental Review

An Application for Environmental Clearance is required for wireless communication antennas that are determined not to be exempt from environmental review. An Environmental Clearance Application (Initial Study) should be submitted as part of the application for any new stand-alone monopole installation, any installation including power generation equipment or any installation involving designated historic structures. The Initial Study should analyze the potential for visual, noise, air-quality and other environmental impacts for the project. Antenna that qualify for administrative review are typically exempt from environmental review and an Environmental Clearance Application is not necessary.

6. Permit Expirations

The City may include a time limit condition in use Permits to provide for the future review of the

subject antenna installation. Changing development patterns in the area (e.g., a prevailing change from commercial or industrial to residential uses on surrounding properties OR the development of taller buildings or structures in the near vicinity that provide superior collocation opportunities), rapidly changing technologies and/or the availability of improved technologies, may prompt the City upon such review to determine that opportunities have become available to replace the existing antenna with a new antenna that has improved visual and land use characteristics. The typical time limit duration is for a five-year period, but based upon project specific circumstances, a longer or shorter duration may be more appropriate. An extended permit duration of up to ten years can be considered appropriate for smooth taper monopoles placed in light or heavy industrial areas. A time limit typically will not be applied to an antenna installation that includes adequate architectural screening (e.g. enclosure within a church steeple or clock tower structure) or that is mounted on an existing utility structure. A permit may include provisions for a time extension, but such an extension should also be reviewed for possible impact-reducing improvements to the project. Applications for extension or renewal of time-conditioned permits should be scheduled for hearing prior to the expiration of the original permit. In the event that a permit expires and an applicant has failed to file for a renewal of that permit, the antenna developed under the permit no longer has legal status and should be removed by the property owner in order to comply with the City's ordinances. When use of an antenna is discontinued, prior to or subsequent to the expiration of a permit, the antenna should be removed by the property owner.

7. Other Considerations

a. The Director of Planning, Building, Code Enforcement or the decision making body, may impose other appropriate conditions on a project-by-project basis as required to ensure land use compatibility. The criteria in this policy represent

TITLE	PAGE	POLICY NUMBER
LAND USE POLICY FOR WIRELESS COMMUNICATION FACILITIES	6 of 6	6-20

minimum standards for wireless communication antennas.

b. The City should periodically obtain information from the communications industry regarding changes in technology and new communication services that may affect the City's wireless communication networks and access for people with disabilities.

CC6-20 (Rev. 09-08-03)



Memorandum

TO: Rules Committee

FROM: Deanna J. Santana

SUBJECT: SEE BELOW

DATE: May 25, 2007

APPROVED: *Deanna Santana*

DATE: 5/25/07

SUBJECT: Approval to validate selected policies contained in the City Council Policy Manual

RECOMMENDATION

Validation of the following policies as contained in the Council Policy Manual and forward to the full Council for adoption of a resolution:

- | Policy Number | Policy Name |
|----------------------|---|
| a. Policy 6-29 | Post Construction Urban Runoff Management; |
| b. Policy 6-31 | Uses of San Jose/Santa Clara Water Pollution Control Plant Lands;
and, |
| c. Policy 7-5 | Naming of City-owned Land and Facilities. |

OUTCOME

The Rules and Open Government Committee will have the opportunity to review and validate three Council Policies.

BACKGROUND

The Council Policy Manual has been in existence since August 3, 1970. The Council policies are intended to provide direction and/or guidance to staff on how the City Council wishes to have certain issues and procedures addressed. The City Manager is responsible for ensuring that the Administration adheres to the established Council Policies.

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- Review of superseding Council policies.
- Identification of any policy redundancy.
- Review of current applicability of policies as they relate to current City programs, process and procedures.

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Below is additional discussion of City Policy categories:

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Category 3: Rescind Policy – This category includes a set of policies that were identified as outdated, obsolete, redundant, or superseded by other Council action or policy and have been forwarded to the Rules Committee for approval to rescind and delete from the Council Policy Manual. These policies will not be posted on the City's website. **Status:** Complete.

ANALYSIS

The remaining policies recommended for Council validation are anticipated to require more Council discussion. Below is discussion on the next group of policies including brief policy descriptions and justification for Council validation. Additionally, Attachment A is a packet of the actual policies, as contained in the Council Policy Manual.

- 1. Policy 6-29: Post Construction Urban Runoff Management** - The purpose of this Policy is to establish a framework to consistently incorporate a minimum level of specific measures into new major development projects that will reduce storm water pollutants entering creeks, rivers and the Bay. **Justification for Council Validation:** This Policy was updated in August 2006 to expand the requirements to include all new and redevelopment projects that create or replace 10,000 square feet or more of impervious surface. This Policy is consistent with the City's Stormwater Permit.
- 2. Policy 6-31: Uses of San Jose/Santa Clara Water Pollution Control Lands** - The purpose of this Policy is to establish guidelines for decisions related to potential uses of Plant Lands. **Justification for Council Validation:** This Policy is used to identify appropriate uses for Plant lands and will be needed until the City completes its work on the Plant Master Plan.
- 3. Policy 7-5: Naming of City-owned Land and Facilities** - This Policy establishes a methodology for naming City parks and facilities. **Justification for Council Validation:** The Policy remains an effective way for members of the community to nominate names for City parks, libraries and other facilities.

PUBLIC OUTREACH/INTEREST

- Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater; (Required: Website Posting)
- Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. (Required: E-mail and Website Posting)
- Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. (Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)

This item does not meet any of the criteria above; however, a list of all current Council policies is available online on the City Clerk's website.

COORDINATION

This memorandum has been coordinated with the City Attorney's Office, City Clerk's Office and departments responsible for upholding each City Council Policy.

Subject: Approval to validate policies contained in the City Council Policy Manual
May 25, 2007
Page 4 of 4

BUDGET REFERENCE

Not applicable.

Deanna J. Santana
Deputy City Manager

For questions, please contact Vilcia Rodriguez, City Manager's Office at (408) 535-8253.

Attachment:

(A) Policies proposed for Validation

CITY OF SAN JOSE, CALIFORNIA
CITY COUNCIL POLICY

TITLE	PAGE	POLICY NUMBER
POST CONSTRUCTION URBAN RUNOFF MANAGEMENT	1 of 4	6-29
	EFFECTIVE DATE	REVISED DATE
	February 3, 1998	

APPROVED BY COUNCIL ACTION
February 3, 1998, Item 9d.

BACKGROUND

The Federal Clean Water Act requires local municipalities to implement measures to control pollution from their storm drainage systems. In conformance with these requirements, the City of San Jose obtained a National Pollutant Discharge Elimination System (NPDES) permit from the San Francisco Regional Water Quality Control Board. The permit requires the City to implement control measures to reduce storm water pollutants from new development or redevelopment to the maximum extent practicable.

Urban runoff pollutants are of major concern because they flow untreated into creeks and ultimately into San Francisco Bay. These pollutants pose a serious threat to the water quality and aquatic environments of the creeks and the Bay. Today, urban runoff pollution is responsible for as much as 80% of pollution in a wide variety of waterways throughout the United States.

PURPOSE

It is the purpose of this policy to establish a framework to consistently incorporate a minimum level of specific measures into new major development projects that will reduce storm water pollutants entering creeks, rivers and the Bay.

DEFINITIONS

Urban Runoff Pollution: Pollution carried in storm water runoff from urban areas is called Urban Runoff Pollution. Because of the high concentration of pollution-causing activities that occur in urban areas (e.g., traffic, parking, industrial activities), a large amount of pollutants are deposited on streets, rooftops and ground surfaces in urban

areas. Storm water picks up these pollutants and carries them into the city storm drain system where they are discharged to local creeks, rivers and the Bay. Primary sources of urban runoff pollution include sediments from construction sites, fluid leaks from automobiles, and herbicides and pesticides from landscaped areas.

Best Management Practice (BMP): A method, activity, maintenance procedure, or other management practices designed to reduce the amount of storm water pollutants generated from a site.

Post-Construction Treatment Control Measure A permanent storm water pollution prevention device, procedure or management practices, installed and maintained as part of a new development project, that remains in place after construction has been completed. Also called a post-construction Best Management Practice (BMP), it is designed to reduce the level of pollutants collected in storm water runoff.

Examples of post-construction treatment control measures include vegetative swales, biofilters, detention/retention ponds, insert filters and oil/water separators. Post-construction procedures and management practices include proper materials storage, public and employee education programs and storm inlet maintenance and stenciling.

Major Hard Surface Areas: 5,000 square feet or more of a new building rooftop or paved area, or 25 or more uncovered parking stalls.

Major Expansion: Projects proposing expansion of 50% or more of an existing building, site area or use.

A *major expansion* may also include a change of use on an existing site when no new buildings or pavement are proposed if that change results in the potential for increases in the deposition of *pollutants of concern* on the site. New uses which require an increase in on-site parking or would result in an increase in on-site vehicular traffic would meet this criterion. Changes of use to any of the *land uses of concern* described in this Policy may also be considered a *major expansion*.

Pollutants of Concern: Pollutants that have been identified by the San Francisco Regional Water Quality Control Board (RWQCB) as Pollutants of Concern in the City's NPDES permit. Examples of these pollutants include heavy metals, sediments, petroleum hydrocarbons, and pesticides.

Land Uses of Concern: Uses that have been identified by the San Francisco RWQCB as contributing high levels of pollutants of concern to local creeks, rivers and the Bay. Land uses of concern include but are not limited to streets, parking lots, gas stations, auto wrecking yards, restaurants, loading docks, heavy automotive uses, outside storage areas, golf course, and other heavy industrial uses.

Wet Season: October 15 to April 15.

POLICY

This Policy applies to new discretionary development permits for projects incorporating a *Major Hard Surface Area* or *Major Expansion* of a use or building. The Policy establishes that all such projects are required to include specific measures for improving the water quality of urban runoff to the maximum extent feasible. In addition, the Policy establishes general guidelines and minimum BMPs for *land uses of concern*. Finally, it requires that all *post construction treatment control measures* must be maintained to operate effectively.

GENERAL PROVISIONS FOR ALL LAND USES

All new multi-family residential and non-residential projects including *major hard surface areas* or projects proposing *major expansion* of such use should include the following: 1) install and maintain *post-construction treatment control measures*, 2) stencil on-site inlets in conformance with City requirements; and 3) clean on-site inlets a minimum of once per year, prior to the *wet season*.

For all projects with suitable landscape areas, vegetative swales or biofilters are the preferred treatment control measures and should be used whenever feasible. These techniques are recommended because they are relatively economical and require limited maintenance. If these measures are not feasible, other post-construction BMPs should be incorporated.

Single family detached residential development will be reviewed on a case-by-case basis, with the intent to incorporate post-construction BMPs when project design provides the opportunity. Examples include vegetative swales in riparian setback areas and detention basins required for flood control.

MINIMUM BMPS FOR MAJOR LAND USES OF CONCERN

Gas Stations or Equipment Fueling Facilities: All new fueling stations or *major expansion* of such uses should include the following measures: 1) install and maintain a treatment control measure; 2) pave the fueling area with impermeable surface with

minimal slope; 3) cover the fuel area and extend the cover beyond the corner of each fuel dispenser; 4) grade the fuel area to prevent water from draining toward the fueling area, 5) dry sweep the fueling area routinely; 6) stencil all on-site storm drains in conformance with the City's requirements; and 7) prepare a spill cleanup plan in conformance with the City of San Jose Fire Code.

Auto Wrecking Yards: All new auto wrecking yards or *major expansion* of such uses should include the following measures: 1) install and maintain a treatment control measure; 2) pave all outside vehicle storage areas; 3) cover fluids drainage areas; 4) pave fluids drainage areas with impermeable materials; 5) construct a berm around fluids drainage areas and grade the site to prevent water from draining toward this working area; 6) remove and store batteries in conformance with the City Fire Code; 7) drain and store fluids in conformance with the City Fire Code; and 8) prepare and execute the spill prevention plan in conformance with the City Fire Code.

Loading Docks: All projects including new loading docks or *major expansion* of such uses should include the following measures: 1) pave the loading dock floor with impermeable surface materials; 2) grade the site to prevent storm water from draining away from loading docks; and 3) cover the handling area of the loading dock.

Other Unenumerated Uses of Concern: Other *land uses of concern* not enumerated in this Policy generating equivalent amounts of heavy pollutants may need to include specific BMPs to treat storm water pollutants. Those BMPs would be determined in conjunction with the development permit for the project.

OPERATION AND MAINTENANCE

All post-construction treatment control measures include in new projects must be installed, operated, and maintained by qualified personnel. The property owner/applicant must keep a maintenance and inspection schedule and record to ensure that the treatment control measures continue to operate effectively. Copies of this schedule and record must be provided to the City upon request, and must be made available for inspection at the site at all times.

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CITY OF SAN JOSE, CALIFORNIA

CITY COUNCIL POLICY

TITLE	PAGE	POLICY NUMBER	EFFECTIVE DATE	REVISED DATE
USE OF SAN JOSE/SANTA CLARA WATER POLLUTION CONTROL PLANT LANDS	1 of 5	6-31	11/07/00	
APPROVED BY COUNCIL ACTION November 7, 2000, Item 9a.				

BACKGROUND

The San Jose/Santa Clara Water Pollution Control Plant (Plant) is owned jointly by the Cities of San Jose and Santa Clara. The Plant lands, comprising approximately 1760 acres in North San Jose, are administered by the City of San Jose's Environmental Services Department (ESD) on behalf of a joint powers authority. The Plant provides wastewater treatment services to the cities of San Jose, Santa Clara, Milpitas, Campbell, Cupertino, Los Gatos, Monte Sereno and Saratoga and includes the Burbank Sanitary District, Cupertino Sanitation District, Sunol Sanitary District, West Valley Sanitation District and County Sanitation District No. 2-3. The Plant serves approximately 1.32 million residents and a workforce of 700,000¹ at businesses, including many of the leading computer and electronics manufacturers that comprise "Silicon Valley."

The Plant's lands are comprised of lands used for current Plant facilities, expansion areas, and buffer lands. Buffer lands currently serve not only to buffer adjacent land uses from potential odors and safety hazards (e.g., chlorine and sulfur dioxide) but are used for disposal of recycled water to assist in limiting dry weather flows to the Bay, and to minimize the Plant's impact on salt marsh endangered species habitat.

DEFINITIONS

Plant Lands are defined as the 1760 acres owned by the City as the administering agency for the Plant. They are comprised of land used for current facilities, lands reserved for Plant expansion (including expansion of recycled water facilities) and buffer lands which are further defined below.

¹ Source: ABAG Projections 2000.

Current Facilities:

1. **Water Pollution Control Plant:** The existing Plant occupies approximately 170 acres of the site. The Plant has a treatment capacity of 167 million gallons per day (mgd) average dry weather influent flow and 271 mgd peak hourly flow capacity. Treatment facilities consist of screening and grit removal, primary sedimentation, secondary (biological nutrient removal) treatment, nitrification, filtration, chlorination, and dechlorination. Effluent designated for recycling is not dechlorinated and additional chlorine is added to meet Title 22 requirements.
2. **Residual Solids Management (RSM) Area:** This area is presently used for processing residuals which result from sewage treatment, known as biosolids. The area of approximately 750 acres is large enough to accommodate anticipated flow increases. The RSM area includes a regional bomb disposal facility operated by the San Jose Police Department.
3. **The Recycled Water Transmission Pump Station (TPS),** located on approximately 4 acres, conveys recycled water to customers and maintains adequate pressure in the distribution system. At the TPS, vertical turbine pumps are used to pump recycled water to customers in San Jose, Santa Clara and Milpitas via 16-inch and 60-inch transmission lines. Expansion of the TPS will be required if demand for recycled water increases above 50 mgd and when changes in treatment technology necessitate construction of facilities to meet higher water quality requirements.
4. **Burrowing Owl Relocation Site:** The City entered into an agreement with 3COM Corporation allowing the relocation of burrowing owls from the 3COM development site onto Plant lands. Burrowing owls were relocated in 1997 to an area of approximately 45 acres located near the northwest corner of the Plant property. The owls may be relocated to another acceptable site, if the City is required to put the land to an alternative use.
5. **Santa Clara Valley Water District flood control easement²:** This 140-acre area is comprised of flood-control project mitigation sites managed by the Santa Clara Valley Water District. The portion of this area directly north of the RSM area is mitigation area for the flood control project, including a managed bird pond, avian research and salt marsh harvest mouse mitigation site. Those portions of the easement lying easterly of the RSM area are forest riparian habitats.
6. **Municipal Water System Water Tank:** The City of San Jose Municipal Water System operates a water tank on approximately 4 acres on Plant lands near Nortech Drive.

The total area of these current facilities is approximately 1113 acres.

Plant Expansion Area:

Increased flows resulting from General Plan buildout of all tributary agencies pose a challenge to the continued ability of the Plant to meet the requirements of future NPDES permits. This challenge will have to be met by increasing the treatment capacity of the

² Agreement between the City of San Jose and the Santa Clara Valley Water District dated November 25, 1986.

Plant in a timely manner and to ensure discharge to the Bay remains below 120 mgd during the summer. Additional area will be needed for peak wet weather flow capacity and expansion of the TPS. Additional area may also be needed to meet regulatory requirements that necessitate advanced treatment, as well as biological treatment facilities. The actual acreage for Plant expansion is estimated to be 200 acres at this time, directly South of the existing Plant. The actual acreage for water recycling expansion is estimated to be 27 acres, which is needed just East of the Plant expansion area and Zanker Road, and south of the TPS. After consideration of all of the policies related to Buffer Land uses noted below, short-term uses of the expansion area may be appropriate and, in the past have included farming operations and recycled water application.

Buffer Lands:

Buffer Lands are defined as all Plant lands except the current facilities and the expansion area. Buffer Lands comprise approximately 253 acres, and include the former Nine Par Landfill site, which is a closed shallow landfill site, about 35 acres in size, and located north of Los Esteros Road.

These undeveloped lands provide an essential benefit in buffering adjacent land uses from odors and potential safety hazards such as chlorine, sulfur dioxide, and ammonia. Storage of large quantities of chemicals used in the wastewater treatment process can become hazardous. The Plant has prepared a Risk Management Plan³ to address potential public safety issues. The most sensitive area for a release is within a 0.2 mile radius from the Plant (Alternative Release Scenario) while the worst case scenario may affect a radius of over 5 miles around the Plant. Prevailing winds make some areas more likely to be sensitive to both odor and safety hazards and the maintenance of buffer zones critical.

Maintenance of flows below 120 mgd currently requires use of Buffer Lands (as well as the Plant expansion area) for recycled water application. The area currently used for recycled water application totals approximately 370 acres. Some Buffer Land areas could provide for dual purpose and accommodate low intensity uses. Current and past Buffer Land uses have included farming, recycled water irrigation, and a horse boarding operation.

PURPOSE

It is the purpose of this policy to establish guidelines for decisions related to potential uses of Plant Lands.

POLICY

It is the policy of the City of San Jose that the highest priority land use for Plant lands is to support present and future operations of the Plant and NPDES permit compliance consistent with the General Plan and the Alviso Master Plan.

³ Risk Management Plan dated August 1999.

The following additional policies apply to Buffer Lands as defined above. In addition these policies also apply to any short term uses proposed for the Plant expansion areas.

1. Buffer Land uses must ensure sufficient buffer for odors and potential toxic releases.

Buffer Land uses must be effective in buffering Plant operations from adjacent land uses. Buffer Land uses that enhance air quality, such as tree planting and landscaping, are encouraged. Public safety concerns dictate land uses that do not result in additional permanent public access, particularly to operational areas of the Plant. Land uses that include controlled public access, access to areas distant from safety concerns, or transient access to include the final adopted Bay Trail, are acceptable. In addition, land uses should be compatible with Plant operations and biosolids management system, and not result in problems such as nuisances, access restrictions for operations staff, or security concerns.

2. Buffer Land uses must support NPDES permit compliance and not constrain the Plant's flexibility to respond to unknown future requirements.

Additional need for treatment or expansion takes precedence over any other potential uses. Land uses should provide flexibility for Plant and Recycled water system expansion beyond the defined expansion area to accommodate future unknown requirements. Therefore, land uses that are unrelated to Plant or Water Recycling Facilities operations, that propose permanent buildings or hardscape should be discouraged. Sale of buffer lands is strongly discouraged in favor of leasing. Land uses should maximize use of recycled water and /or minimize flows to the Plant. Land uses that reduce mass loading of pollutants to the Bay are preferred. This may include land use options that contribute to protecting the water quality of the South Bay, and could potentially be used for pollutant offsets.

3. Buffer Land uses must protect existing biological resources.

Existing biological resources include areas with wetlands characteristics, grasslands with burrowing owl habitat, and the Coyote Creek Riparian Corridor. Land uses should not adversely impact state or federally protected species or the habitat that supports them, and ensure habitat diversity. Any landscaping on buffer lands should favor use of native plants and support the Riparian Corridor Policy.

4. Buffer Land uses should provide environmental benefit.

Buffer Land uses that provide direct benefit to habitats that support species of special concern should be given priority. Land uses should be considered that provide overall environmental benefits and regulatory credit. Land uses that do not provide environmental enhancements must be compatible with existing or created habitat on-site and minimize any environmental impacts.

5. Buffer Land uses should encourage public support for Plant land uses consistent with Plant operations.

Buffer Land uses that encourage public support include demonstration projects that provide valuable data necessary for the refinement of larger-scale environmental enhancement projects; land uses that improve aesthetics and quality of life; and land uses that enhance public education, support and understanding of treatment plant operations, and environmental efforts. Land uses that provide environmental and economic benefits to the City and the Tributary Agencies are preferred.

6. Buffer Land uses must be compatible and consistent with the City's General Plan and the Alviso Master Plan.

Buffer Land use is regulated by and directly connected to the City's General Plan and the Alviso Master Plan. Therefore, land uses on buffer lands must be consistent and compatible with the Alviso Master Plan and the City's General Plan. Furthermore, buffer land should be consistent and compatible with other City or regional land use guidance documents, such as the San Francisco Bay Area Wetlands Ecosystem Goals Project and the Council adopted Water Policy Framework.

7. Buffer Land uses may be considered that provide "Dual Use" benefits.

Protecting the Buffer Land at the Plant may include consideration for land uses that provide a dual benefit to the City. Dual benefits include maintaining the primary benefits of Buffer Land as described in the policies above, and include secondary benefits, such as providing economic benefits to the City, Tributary Agencies and community.

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CITY OF SAN JOSE, CALIFORNIA

CITY COUNCIL POLICY

TITLE	PAGE	POLICY NUMBER
NAMING OF CITY-OWNED LAND AND FACILITIES	1 OF 3	7-5
	EFFECTIVE DATE	REVISED DATE
	04/24/72	11/23/93

APPROVED BY COUNCIL ACTION

4/24/72; 11/03/92, Item 9c; 11/23/93, Item 7 (b) (6) (d)

BACKGROUND

On past occasions various individuals, civic groups, and homeowner associations have requested that City-owned land such as parks, athletic fields, the airport and the golf course, be named after individuals. Such requests usually occur after the death of an individual and are intended for the commemoration of some contribution or service which was made to the community.

PURPOSE

To establish Council policy regarding the determination of names to be given to City-owned land and facilities.

POLICY

1. NAMING OF A PERMANENT CITY FACILITY

- A. The City encourages naming which reflects the City's ethic and cultural diversity.
- B. The City encourages the recognition of individuals who have made a significant contribution to the community, state, nation or the world.
- C. The City encourages the recognition of individuals for their service to the community. It may not be appropriate to name a permanent facility; however, the naming of activities, e.g., athletic events or cultural presentations, or plaques included in City-sponsored "walls of fame" may be appropriate alternatives.
- D. The City encourages the recognition of distinct geographic, environmental or developmental features, or names of historical significance in naming City parks.

- E. The City encourages donations of funds, and/or involvement by civic organizations or groups, to provide for the on-going maintenance of parks and facilities.
- F. The City encourages naming of new facilities as early in the planning process as possible.

2. GENERAL

- A. For naming or renaming, a public hearing by the appropriate commission shall be held in order for the commission to develop a recommendation to the Council.
- B. Existing place names are deemed to have historic recognition. City policy is not to change existing names except when no other appropriate City facility is available.
- C. The common practice is to give City-owned lands a name of historical or geographical significance. Consideration shall be given to the naming of City-owned land after individuals only when the land or the money for its purchase has been donated by them.
- D. Generally, mini-parks are designated on a geographic basis.
- E. The City encourages donation of memorial benches or other furniture or fixtures with the understanding that such items have a useful life, and that the City assumes no responsibility for replacement or upkeep.
- F. Plaques commemorating individual donations such as trees, horticultural, or plant materials are discouraged.
- G. The City Council reserves the right, as part of a capital campaign, to make appropriate business arrangements in exchange for naming options of City facilities.

3. THE NOMINATION PROCESS

All requests to City Council including those developed by City or Agency Staff for naming of City lands and facilities must be submitted to the City Clerk and contain detailed justification for the request.

- A. The detailed request will provide the minimum of information contained on the form provided by the City Clerk.
- B. The City Clerk will transmit the form and supporting documents to the proper Commission for review and public hearing before a recommendation is made to the Council.

- C. After action has been taken on the nomination by the appropriate Commission, the recommendation will be sent back to the City Clerk to be placed on the City Council agenda.
- D. The Clerk will notify the petitioner of the date for Council consideration and/or the subsequent action by City Council.
- E. This process does not apply to the naming of streets which will continue to be processed through the Planning Department.