



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Debra Figone

SUBJECT: SEE BELOW

DATE: October 4, 2012

SUBJECT: 2012-2013 COUNCIL PRIORITY POLICIES AND ORDINANCES

RECOMMENDATION

- a. Establish a future list of priority policies and ordinances, with items on this list to be moved to the Top Ten list as top priorities are completed between now and Spring 2013.
- b. Drop the San Pedro Urban Kiosks ordinance amendment.

OUTCOME

Establishing a future list of items will allow staff to quickly transition to supporting additional priority policies and ordinances as Top Ten items are completed. Staff will continue to provide bi-annual updates on efforts to implement the priority items, along with opportunities for the Mayor and Council to re-confirm the list of Top Ten Priority Policies and Ordinances.

BACKGROUND

After ten consecutive years of General Fund shortfalls and very difficult decisions that have significantly reduced services and our workforce, 2012-2013 marks the first year in more than a decade with a small General Fund surplus of \$9 million. As part of the City Council approval of the 2012-2013 Adopted Budget, this surplus was set aside to address the 2013-2014 General Fund shortfall of \$22.5 million that is projected as part of the 2013-2017 General Fund Forecast. Even with the approval of the 2012-2013 Adopted Budget, which added some positions, as well as the outsourcing of some City functions during the last few years, the City's overall workforce has been reduced over the past decade to a level not seen since about 20 years ago, when the City's population was about 20% smaller than it is today. This significant reduction in staffing levels severely limits the Administration's ability to take on new policy initiatives and has also resulted in a backlog of pending ordinances, underscoring the need to focus efforts only on those that are considered priorities. Looking ahead, the Five-Year Forecast shows that we are likely to continue to face budgetary challenges. Consequently the City Council and Senior staff will need to continue to focus and bring discipline on how and when to take on new initiatives while working through the backlog of policies and ordinances.

On February 14, 2011, the Mayor, Council, and senior staff completed a prioritization exercise and identified the Top Ten priorities from a list of 43 pending ordinance changes and major referrals. Subsequent to the prioritization, Council adopted the Mayor's March Budget Message and directed staff to focus efforts on the Top Ten priorities.

On August 30, 2011, the Mayor and Council received a status update on the implementation of the major ordinances that had been prioritized during the February 2011 Priority-Setting session. This follow-up prioritization exercise afforded the Mayor and Council with an opportunity to modify the list of Top Ten Priority Policies and Ordinances, approve the staff workplan for implementing the priority items, and identify several additional ordinances that would be moved to the Top Ten list as existing top priorities are completed.

On February 28, 2012, the Mayor and Council received an update on the implementation of the major ordinances that had been prioritized during the August 2011 Priority-Setting session and established a future list of priority policies and ordinances, with items on this list to be moved to the Top Ten list as top priorities are completed. As part of this discussion, the Mayor and Council took part in a voting exercise that identified seven items to be included in the future list of priority policies and ordinances, with each of these items receiving a minimum of six votes. (Note: An item had to receive at least six votes in order to be included in the future list of priorities and ordinances):

- Access to Healthy Foods/Streamline Permit Process for Recurring Farmers Markets on Private Property;
- Plug-In Requirements for Parking Garages;
- Special Events Ordinance/Update Downtown Paseo/Plaza Use Guidelines;
- Urban Village Zoning District;
- Regulation of Unattended Donation Boxes;
- Mobile Vending; and
- Transportation Innovations to Support High-Density Development.

In addition, the Mayor and Council approved staff's recommendation to remove the following three items from the list of remaining policies and ordinances:

- Condominium/Apartment Conversion Notice Ordinance;
- Multi-Family District Update; and
- North San José Form Based Code.

ANALYSIS

Priority Policies and Ordinances

This memorandum provides a status update on the major policies and ordinances. The attachments included with this memorandum provide a list of the priority policies and ordinances that will also be reviewed as part of the fiscal year 2012-2013 Council prioritization exercise. It is important to note that the priorities listed in the attachments represent only a small portion of

the overall work effort on City programs and initiatives that have already been deemed as Council priorities through the Adopted Budget and are underway.

Since the February 2012 prioritization exercise, staff has made significant progress in advancing policy work that the Council has deemed as high priorities. Staff has completed work on the following five Top Ten priority ordinances: Off-Sale of Alcohol Process Streamlining; Payday Lending; Sign Code Major Update; Smoking in Outdoor Areas; and Social Host Ordinance. Since commencing with our Council Priority-Setting efforts in February 2011, staff has completed work on 16 Council priorities. Attachment A provides a complete list of the priority ordinances that have been completed to-date.

As a result of staff's efforts to advance Top Ten priorities in recent months, the following six items that had been identified as future priorities during the February 2012 prioritization exercise have been moved into the list of Top Ten Priority Policies and Ordinances—Mobile Vending, Plug-In Requirements for Parking Garages, Real Estate Transactions Streamlining, Regulation of Unattended Donation Boxes, Special Events Ordinance, and Transportation Innovations to Support High Density Development. Additionally, the Urban Village Zoning District priority, which had been identified as a future priority during the February 2012 prioritization exercise as well, will be the next item added to the Top Ten list once staff completes work on one of the current Top Ten items.

Below is a list of the current Top Ten Priority Policies and Ordinances, along with a brief description of each item. It is important to note that Planning, Building and Code Enforcement (PBCE) has a significant leadership role in implementing the Top Ten priorities, as it is the lead department for eight of the ten priorities.

- **Mobile Vending** (*Lead Dept.: PBCE*): Address consistency in City and County regulations and other related items in order for San Jose's regulations to facilitate mobile vending in appropriate circumstances. Estimated Completion: December 2012
- **Off-Sale of Alcohol at Grocery Stores Streamlining** (*Lead Dept.: PBCE*): Modify the findings and other related Code provisions for the off-sale of alcohol at grocery stores to streamline the permit process for grocery stores. Estimated Completion: November 2012
- **Plug-In Requirements for Parking Garages** (*Lead Dept.: PBCE*): Develop requirements for the installation of electric vehicle charging stations in parking garages for private development. Estimated Completion: December 2012
- **Regulation of Unattended Donation Boxes** (*Lead Dept.: PBCE*): Amend the Code to regulate the unattended donation boxes within the City. Estimated Completion: November 2012
- **Transportation Innovations to Support High Density Development** (*Lead Dept.: PBCE/DOT*): Modify the zoning Code to align with the General Plan Vehicle Miles Traveled goals by creating incentives for developers to provide Ecopasses and/or, carshare at high density developments, and by modifying parking requirements and other related measures for private development. Estimated Completion: December 2012
- **Tree Removal Ordinance** (*Lead Dept.: PBCE*): Amend the Municipal Code to simplify and streamline the tree removal process for single-family homes, to align with current General Fund budget for this purpose. Estimated Completion: November 2012

- **Zoning Ordinance Quarterly Modifications** (*Lead Dept.: PBCE*): Minor revisions to Zoning Ordinance that do not require major analysis, raise community concerns or cannot be found exempt from CEQA. This is a recurring ordinance placeholder.
Estimated Completion: November 2012 and ongoing
- **Zoning Standards - Main Street/Alum Rock** (*Lead Dept.: PBCE*): Rezone private property along Alum Rock Ave. to apply the Council approved Main Street Zoning District to facilitate economic development and reinvestment along this street. Estimated Completion: March 2013
- **Real Estate Transactions Streamlining** (*Lead Dept.: CAO/OED*): Amend Municipal Code to streamline process for selling and acquiring real estate, providing easements, right-of-ways, and entering into below market rate leases with non-profits. Estimated Completion: First Phase (Streamlining the Process for Selling Real Estate): October 2012/Second Phase (Leasing Real Estate): April 2013
- **Special Events Ordinance** (*Lead Dept.: CAO/OED*): Update and consolidate into one chapter the outdoor special events permitting for parades, parks, paseos and plaza, as well as increase the range and number of activities that may occur without obtaining a permit. Also authorizes the City Manager to issue regulations to supplement the special events ordinance. Estimated Completion: December 2012
- **Urban Village Zoning District (Future Top Ten)** (*Lead Dept.: PBCE/DOT*): Create Urban Village Zoning Districts that align with the Envision General Plan to facilitate economic development, mixed use projects, and other investments in Urban Villages. Estimated Completion: March 2013

Attachment B includes a list of other significant policies and ordinances that are currently not part of the Top Ten; this list also includes potential ordinances that have surfaced since February 2012, which are highlighted in gray. To better facilitate the Council discussion, the significant policies and ordinances shown in Attachment B have been divided into five categories—Neighborhood Quality of Life, Economic Development, Environment, Administrative, and Historic Preservation. Policies and ordinances are placed into these categories based on staff's assessment of the anticipated benefits the ordinances will provide to the community. At this time, staff is recommending that the San Pedro Square Urban Market Kiosks item be dropped from Attachment B as the developers of the area have decided not to pursue this effort.

While the Council Priority-Setting process has been very effective in focusing staff efforts on ordinance changes that are considered priorities by the Mayor and Council, it is important to note that the work associated with these ordinances represents a small part of the significant body of work that is currently being undertaken by staff across all City departments. In addition, other citywide efforts are requiring a significant allocation of leadership and analytical support in order to ensure that organizational change is managed, while maintaining the delivery of priority City services, on a day to day basis. Although the information herein identifies lead departments and those most closely involved with the policy and ordinance work, other departments not mentioned are drawn on to provide expertise and guidance depending on the issue. The City Manager's Office is involved on each of these as well.

Prioritization Process

Since many of the Top Ten priorities are anticipated to be completed by Spring 2013, staff is recommending that the Mayor and Council establish a future list of priority policies and ordinances using the items listed in Attachment B. Since Urban Village Zoning District was identified as a future priority item in February, staff is asking Council to identify nine (9) additional priority items that would be moved to the Top Ten list as existing top ten priorities are completed in the coming months. Establishing this list of future priorities will allow staff to transition quickly to supporting them as work on existing Top Ten priorities is completed, without having to return to Council for additional prioritization and direction prior to Spring 2013. If Council decides to advance any of the ordinances that are currently on hold, this would necessitate others that are currently in progress to be reprioritized. It is also important to note that while most ordinances are prioritized through this exercise, ordinances are sometimes added to staff's workplan outside of this process. This does impact staff's ability to advance ordinances that have already been prioritized.

Similar to the February 2012 prioritization exercise, the Mayor and Councilmembers will be given paper ballots during the Council meeting to use when voting for the priority items they wish to be included in the future list of priorities. The City Clerk will collect the ballots and tally the number of votes cast for each item shown in Attachment B. The ten items that receive the highest number of votes from the Council will establish the future list of priority policies and ordinances. The voting will be based on one vote per person per item on the ballot i.e. there cannot be multiple votes cast for a particular item. Only items receiving a minimum of six votes will be added to the future priority list.

Attachment B includes items related to the regulation of medical marijuana. In order to provide background for the City Council's consideration of these items, the following is a brief synopsis of the City's efforts to regulate medical marijuana and the status of medical marijuana cases pending in the California Supreme Court.

City's Efforts to Regulate Medical Marijuana

In September 2011, Council adopted two comprehensive medical marijuana ordinances, codified in Title 6 (Regulatory Ordinance) and Title 20 (Zoning Ordinance). In October 2011, medical marijuana advocates submitted a petition for referendum containing the legally required signatures to require voter approval of the Regulatory Ordinance. As a result, Council had the option to submit the Regulatory Ordinance to San José voters or repeal it. Given the uncertainty of the law and the cost of an election, on February 14, 2012, Council repealed the Regulatory Ordinance. The referendum petition did not challenge the Zoning Ordinance, and Council suspended its effective date until such time as the Regulatory Ordinance becomes effective. Because of the successful referendum petition, State law limits Council's ability to adopt an ordinance regulating medical marijuana. Council may adopt an "essentially different" regulatory ordinance at any time or the identical one after February 14, 2013.

However, medical marijuana law remains unsettled. The California Supreme Court is considering six cases, including *City of Riverside v. Inland Empire Patient's Health & Wellness*

Center, Inc. In Riverside, the Court will decide whether a City has the ability to ban medical marijuana collectives. The case is fully briefed, and it is estimated that oral argument will be set in Spring 2013.

The San José Municipal Code currently prohibits all medical marijuana collectives, both as operations in violation of Federal law and as unpermitted uses. In light of the pending Supreme Court cases, current enforcement focuses on those collectives which operate in violation of State Law and create a public nuisance.

In addition, Attachment B includes an item related to the closure of businesses for failing to pay the Marijuana Business Tax ("MBT"). Recent memoranda have created some confusion regarding the scope of this issue. As such, additional information regarding the enforcement of the MBT is included below.

Marijuana Business Tax

There are a total of twenty three (23) collectives that at some time have not paid the MBT. Of these, twelve (12) are in operation, and eleven (11) have closed. Staff has instituted the proceedings necessary to take action on all 12 of the active collectives, and six of the 11 closed collectives that have not paid the MBT. This process includes a hearing before the Director of Finance, and, to date, five collectives have requested such a hearing. Two hearings were conducted and three are scheduled for this month. Once the hearings are complete, the City may proceed with collection actions.

EVALUATION AND FOLLOW-UP

Based on City Council discussion and direction on the recommended priorities, staff may need to prepare additional assessments of impacts to workload and schedules. Additional prioritization will be brought forward to Council in Spring 2013.

PUBLIC OUTREACH/INTEREST

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater.
- Criterion 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.
- Criterion 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.

Although this project does not meet any of the above criteria, this memorandum is posted on the City's website for the October 9, 2012 City Council Special Meeting Agenda.

COORDINATION

This memorandum has been coordinated with City Attorney's Office and City Departments with implementation responsibilities for the Significant Policies and Ordinances.

CEQA

Not a Project, File PP10-069(a), staff reports and informational memos.



DEBRA FIGONE
City Manager

For questions please contact Ed Shikada, Assistant City Manager, at 408-535-8190.

Attachments

Attachment A – List of Completed Priority Policies and Ordinances

Attachment B – List of Remaining Significant Policies and Ordinances

Attachment A – Completed Priority Policies and Ordinances

1. **Access to Healthy Food/Streamline Permit Process for Recurring Farmers Markets on Private Property:** Amended Zoning Code to remove barriers to healthy food, including streamlining farmers market permitting and facilitating mobile food vending. Council approval on August 14, 2012
2. **Amendments to Title 16 for Gaming Control Licensing and Work Permits:** Amended Title 16 provisions for gaming control licensing and work permits. Council approval on February 14, 2012
3. **Bail Bonds Ordinance Analysis:** Reviewed possible land use regulations for bail bond businesses to minimize impacts to surrounding neighbors. Council approval on August 23, 2011
4. **Contractor Employee Benefits:** Evaluated potential options to encourage or require a minimum number of paid days off for contract employees. Council approval on June 12, 2012
5. **Development Agreement Ordinance:** Codified the Development Agreement ordinance in the Municipal Code and recommend modifications. (Previously a Council Top Ten Priority) Council approval on September 20, 2011
6. **Lobbyist Ordinance Amendment – Communications with Lobbyists:** Clarified Lobbyist Ordinance application to nonprofits and other modifications.
7. **Mills Act Contract Ordinance Streamlining:** Modified Municipal Code to align Mills Act Contract Ordinance with state legislation that went into effect 1-1-12. Council approval on June 19, 2012
8. **Off-Sale of Alcohol Process Streamlining:** Revised process so that Council makes final decision on off-sale of alcohol without requiring an appeal. (Previously a Council Top Ten Priority) Council approval on March 13, 2012
9. **Payday Lending:** Conducted preliminary research to explore the feasibility of an ordinance to limit payday lending businesses. (Previously a Council Top Ten Priority) Council approval on May 15, 2012
10. **San Jose Municipal Water System:** Analyzed the concept of leasing Muni Water; service delivery evaluation and options for maximizing financial benefits from Muni Water to the General Fund. (Previously a Council Top Ten Priority)
11. **Sign Code Major Update:** Updated the Sign Code to include skyline signs, assembly uses, and other streamlining. (Previously a Council Top Ten Priority) Council approval on June 12, 2012
12. **Sign Code Update – 3 year pilot program for electronic/digital signs:** Obtained Council approval to conduct a 3-year sign code pilot for electronic/digital signs in Commercial Areas; Stevens Creek Signage; and continue exploration of Capital Auto Row, Blossom Hill Rd, Capitol Corridor near Eastridge. Council approval on December 13, 2011
13. **Sign Ordinance:** Revised the Sign Ordinance pertaining to signs on gas station canopies and other sign changes. Council approval on September 25, 2012
14. **Smoking in Outdoor Areas:** Developed an ordinance to limit smoking in outdoor areas. (Previously a Council Top Ten Priority) Council approval on April 10, 2012
15. **Social Host Ordinance:** Developed a Social Host Ordinance that imposes liability on adults that host social events where alcohol is served to minors. (Previously a Council Top Ten Priority) Council approval on May 15, 2012
16. **Taxicab Vehicle Operation Ordinance Amendment:** Amended Taxicab Vehicle Operation Ordinance to raise maximum mileage/year limits for alternative fuel vehicles. Council approval on August 28, 2012

Attachment B
Remaining Significant Policies and Ordinances
(Sorted by Lead Department)

Policy/Ordinance Name Description	Origin/ Source	Lead/ Support	%Complete (As of October 2012)	Level of Effort	Estimated Completion Date
Neighborhood Quality of Life					
1 Noise Performance Standards Update Update the Code noise standards to facilitate implementation.	Department (2009)	PBCE CAO	0%	Major	TBD
2 Public Review of New Retail Reuse Amend Zoning Code to provide for discretionary review of new retail businesses proposing to locate in existing commercial buildings.	Rules Committee 10-5-11	PBCE OED, CAO	0%	Medium	TBD
3 Medical Marijuana Title 6 operational regulations and Title 20 land use regulations pertaining to use of medical marijuana. (NOTE: This is a Top Ten Priority and will be moved back to the active Top Ten List of Priority Policies and Ordinances once a Supreme Court decision has been rendered, which would allow staff work to continue.)	City Council and Rules Committee	CMO, CAO, PBCE PD, Finance	100%	Major	Title 20 suspended in 2011. City Council rescinded Title 6 on 2/14/12.
4 Public Entertainment Business Permit Fee Methodology Amend Public Entertainment Ordinance to authorize change in fee methodology so that entertainment venues, including live music establishments, pay for half of the Police Overtime costs in the Downtown.	2011-2012 Mayor's June Budget Message	OED, PD CAO	50%	Medium	TBD
5 Ground Floor Window Obstructions Amend ordinance to regulate window obstructions.	Department	PBCE CAO	0%	Medium	TBD
6 Hotel and Motel Conversions Explore options to facilitate the conversion of hotels/motels to residential apartments and/or offices.	Rules Committee 10-3-12	PBCE CAO	0%	TBD	TBD
7 Legal Non-Conforming Amend ordinance to streamline the process for property owners and invite community participation.	Rules Committee	PBCE CAO	0%	High	TBD
8 Liquor Store Conversions Facilitate liquor store owners to convert their storefront to another type of business.	Department	PBCE CAO	0%	TBD	TBD
9 Medical Marijuana Collectives Develop enforcement options to address the proliferation of medical marijuana establishments.	Rules Committee 9-12-12	PBCE, PD CAO, Finance	0%	TBD	TBD
10 Prohibit Obstruction of Sidewalks Modify the Municipal Code to enact an ordinance to prohibit the obstruction of sidewalks without a permit, and penalizing the unpermitted closure of sidewalks with substantial penalties, including but not limited to fines.	Rules Committee 10-3-12	PBCE CAO	0%	TBD	TBD

Notes:

Policies and ordinances that have arisen since February 2012 are highlighted in gray

Level of Effort:

a. Minor – Could require up to 2 weeks of staff effort; one or two clear lead department(s) and minimal involvement required from other departments/offices

b. Medium – More than 2 weeks but less than 2 months of staff effort; could involve multiple departments; may involve stakeholder engagement, but relatively limited and focused

c. Major – More than 2 months of staff effort; substantive multi-departmental effort; extensive community outreach and engagement

Attachment B
Remaining Significant Policies and Ordinances
(Sorted by Lead Department)

	Policy/Ordinance Name Description	Origin/ Source	Lead/ Support	%Complete (As of October 2012)	Level of Effort	Estimated Completion Date
Neighborhood Quality of Life (continued)						
11	Tattoo and Other Business Regulations Amend the Zoning Code to prohibit adult book stores, tattoo parlors, and businesses, retailers, or shops selling paraphernalia that can be used to consume and/or smoke tobacco, from operating within 1,000 feet of an area which tends to be populated by youth.	Rules Committee 8-8-12	PBCE CAO	0%	Medium	TBD
12	Expand the Second Unit Ordinance Expand the secondary "granny" unit ordinance by reducing the minimum lot size and parking requirements to facilitate the construction of more second units on single-family lots.	Department	Housing, PBCE CAO, PRNS	0%	Medium	TBD
13	Modernize the Single Room Occupancy Ordinance Amend the Code to align the definition of Single Room Occupancy (SRO) units to current market conditions to facilitate SRO construction.	Department	Housing, PBCE CAO, PRNS	25%	Medium	TBD
14	Motel Record Keeping Amend the Code to expand record-keeping requirements placed on motel operators.	Department	PD CAO	0%	TBD	TBD
Economic Development						
15	Development Agreement Policy Create City Council Policy to provide more specific guidance for the appropriate use of Development Agreements in San Jose, consistent with the recently adopted Development Agreement Ordinance.	Department (2011)	PBCE CAO, OED	0%	Medium	TBD
16	Sign Ordinance Update Update Sign Code to meet current laws, address billboard relocations and other issues.	Department and City Council (2010)	PBCE CAO	20%	Medium	Dec. 2012
17	San Pedro Urban Market Kiosks Amend ordinance to allow location of semi-permanent kiosks on public property and enable a single entity to operate multiple kiosks. (NOTE: Staff is recommending that this item be removed from consideration as the developers of the area have decided not to pursue this effort.)	City Council	OED PBCE, CAO, PRNS	0%	Medium	TBD
18	Employment Development Streamlining Create a Transit Employment Zoning District to facilitate economic development and new industrial construction consistent with the Envision General Plan, reduce parking requirements, and make other related modifications.	Department	PBCE CAO	0%	TBD	TBD
19	Newsracks in Business Districts Provide allowances for newsracks in business districts and address appropriate signage, if any, for these newsracks.	Department	PBCE CAO	0%	TBD	TBD
20	Revise Sign Code to Allow Advertising on City Property and Public Right of Way (ROW) Revise the sign ordinance to allow advertising on City property and in the public rights of way in certain instances.	City Council	PBCE, CAO OED, PRNS, Finance	0%	TBD	TBD

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Level of Effort:
a. Minor – Could require up to 2 weeks of staff effort; one or two clear lead department(s) and minimal involvement required from other departments/offices
b. Medium – More than 2 weeks but less than 2 months of staff effort; could involve multiple departments; may involve stakeholder engagement, but relatively limited and focused
c. Major – More than 2 months of staff effort; substantive multi-departmental effort; extensive community outreach and engagement

Attachment B
Remaining Significant Policies and Ordinances
(Sorted by Lead Department)

Policy/Ordinance Name Description	Origin/ Source	Lead/ Support	%Complete (As of October 2012)	Level of Effort	Estimated Completion Date
Economic Development (continued)					
21 Traffic Control for Outdoor Special Events Amendment of existing policies and ordinances to enable alternative traffic control delivery models for temporary outdoor events. Examples of policy modifications could include an expanded Parking Traffic and Control Officer, integration of the Crossing Guard program, etc. Outcome of policy work will result in highest and best deployment of sworn officers and reduced City service costs to event organizers, and subsequently increased special event activation.	Department	OED CAO, DOT, PD, PRNS	0%	Medium	Apr. 2013
Environment					
22 Green Building Retrofit Ordinance Add green building requirements for additions and alterations of existing buildings.	Department and City Council (2009)	PBCE CAO, ESD, PW, PRNS	0%	Major	TBD
23 Landscape Ordinance (Water Efficient) Adopt a local version of the State Model Landscape Ordinance to replace San Jose's existing water efficiency codes, consistent with State law.	State Regulation (AB1881 enacted in 2006)	PBCE, ESD PW, CAO, PRNS	50%	Major	Dec. 2012
24 Lighting on Private Property Policy Changes Modify City Council policy 4-3 on Outdoor Lighting on Private Developments (consistent with update to City Council Policy 4-2 for Public Streetlights) to include standards for the use of broad-spectrum (white) light sources in private streets, parking lots, pedestrian and landscaped areas.	Department (2010)	PBCE CAO	20%	Medium	Dec. 2012
25 Riparian Corridor Policy Create City Council Policy and/or zoning ordinance based on Riparian Corridor Policy Study and Envision 2040 General Plan. Effort will involve collaboration with Parks Commission.	Department (2009)	PBCE CAO, PRNS	0%	Medium	TBD
26 Wood Burning Appliances Amend Title 9 of the Municipal Code to regulate wood burning in order to combat air pollution in San Jose.	Rules Committee 9-12-12	PBCE CAO	0%	TBD	TBD
Administrative					
27 Gift Ordinance Cleanup Clarification of specific provisions of Gift Ordinance.	City Attorney	CAO CMO	50%	Minor	Dec. 2012
28 Tow Car Ordinance amendments to be consistent with VC 22658 Amend ordinance to be consistent with new California Vehicle Code revisions.	City Attorney	CAO PD, CMO	0%	Medium	TBD
29 Remedies for Nonpayment of City Fees or Taxes Amend Title 4 of the Municipal Code to provide for revocation and injunctive relief for nonpayment of City fees or taxes.	Rules Committee 9-12-12	OED PBCE, CAO, PRNS, Finance	0%	TBD	TBD

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Level of Effort:
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**Attachment B
 Remaining Significant Policies and Ordinances
 (Sorted by Lead Department)**

Policy/Ordinance Name Description	Origin/ Source	Lead/ Support	%Complete (As of October 2012)	Level of Effort	Estimated Completion Date
Historic Preservation					
30 Conservation Area Ordinance Streamlining (Distinctive Neighborhoods) Modify Municipal Code to create a more efficient process for establishing conservation areas.	Department and City Council (2009)	PBCE CAO	5%	Major	TBD
31 Strengthen Vacant Structure Ordinance Modify Municipal Code to strengthen historic building provisions beyond City Landmarks.	Department and City Council (2011)	PBCE CAO	0%	Major	TBD
<p>Notes: Policies and ordinances that have arisen since February 2012 are highlighted in gray <u>Level of Effort:</u> a. Minor – Could require up to 2 weeks of staff effort; one or two clear lead department(s) and minimal involvement required from other departments/offices b. Medium – More than 2 weeks but less than 2 months of staff effort; could involve multiple departments; may involve stakeholder engagement, but relatively limited and focused c. Major – More than 2 months of staff effort; substantive multi-departmental effort; extensive community outreach and engagement</p>					