



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Debra Figone

SUBJECT: SEE BELOW

DATE: October 5, 2012

SUPPLEMENTAL

SUBJECT: 2012-2013 COUNCIL PRIORITY POLICIES AND ORDINANCES

REASON FOR SUPPLEMENTAL

This memorandum provides information related to an additional priority item to be discussed during the Council Priority Setting Special Meeting on October 9, 2012.

ANALYSIS

On October 2, 2012 Vice Mayor Nguyen issued a memorandum pertaining to Proposed Strategies to End Homelessness and recommended that proposals outlined in the memorandum be included as part of the Priority Setting Session on October 9, 2012. A replacement memorandum was issued on October 5, 2012. This item has been added to Attachment B – Remaining Significant Policies and Ordinances and will be included as part of the Priority Setting discussion during the October 9 Special Meeting. Although this item is directly connected to the Neighborhood Quality of Life category, it has been added under a new category of Additional Items in order to minimize confusion on the item numbering. The revised Attachment B that includes the Proposed Strategies to End Homelessness item (Item #32) is attached for your reference.

In addition, a separate City Council Study Session pertaining to Homeless Encampments is tentatively scheduled for Monday, October 29th, as indicated in Attachment A of the Study Session Process memorandum that I issued yesterday. Given the focus of the Vice Mayor's memorandum, the Study Session on October 29th may also be a good opportunity for the Council and Senior Staff to have a more thorough discussion of the Vice Mayor's recommendations and how they relate to other potential strategies to address homeless encampments and chronic homelessness.

DEBRA FIGONE
City Manager

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

Attachment

**Attachment B - rev1
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					
Noise Performance Standards Update 1 Update the Code noise standards to facilitate implementation.	Department (2009)	PBCE CAO	0%	Major	TBD
Public Review of New Retail Reuse 2 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
Medical Marijuana 3 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.
Public Entertainment Business Permit Fee Methodology 4 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
Ground Floor Window Obstructions 5 Amend ordinance to regulate window obstructions.	Department	PBCE CAO	0%	Medium	TBD
Hotel and Motel Conversions 6 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
Legal Non-Conforming 7 Amend ordinance to streamline the process for property owners and invite community participation.	Rules Committee	PBCE CAO	0%	High	TBD
Liquor Store Conversions 8 Facilitate liquor store owners to convert their storefront to another type of business.	Department	PBCE CAO	0%	TBD	TBD
Medical Marijuana Collectives 9 Develop enforcement options to address the proliferation of medical marijuana establishments.	Rules Committee 9-12-12	PBCE, PD CAO, Finance	0%	TBD	TBD
Prohibit Obstruction of Sidewalks 10 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

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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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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
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					

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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
Additional Items						
32	Proposed Strategies to End Homelessness Assess feasibility of rehabilitating vacant buildings to provide housing for the homeless and expand Housing 1000 Care Coordination efforts to increase permanent housing resources, case management services, employment strategies and partner organizations. (Item raised through Vice Mayor Nguyen's memo dated 10/2/12 and replacement memo issued on 10/5/12.)	Rules Committee 10-3-12	Housing, CMO CAO	0%	TBD	TBD
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