



Memorandum

TO: MAYOR REED

FROM: Councilmember Sam Liccardo

SUBJECT: CODE ENFORCEMENT

DATE: May 23, 2012

Approved

Date

5-23-12

RECOMMENDATION

That the following recommendation be enacted.

Proposal

Program/Project Title: Legal Non-Conforming and CUP Revocation Program

Amount of City Funding Required: \$120,493

Fund Type: Essential Services Fund

Anticipated Outcomes:

Two neighborhood bars in my district have hosted shootings in the last eighteen months, and in each case, the City received notice of repeated complaints regarding unlawful and nuisance late-night activity and entertainment. With more assertive Code enforcement, those bars, liquor stores, and other nuisance-causing uses could be shut down before the shooting starts.

I propose the creation of code enforcement inspector position to track and process the worst "bad actors" in the city; so that slumlords and egregious code violators are held accountable for their actions. The creation of a code enforcement "most wanted" list is nothing new. At the 2009 U.S. Mayor's Conference, the creation of a code enforcement "most wanted" list was suggested as a "best practice" in combating chronic and thorny issues of blight. (See http://archwaypartnership.uga.edu/wp-content/uploads/2010/03/code_enforcement_march2010.pdf, page 11 and <http://usmayors.org/bestpractices/vacantproperties06.pdf>, page 38)

In a world of limited funds, it is more important than ever to use Code Enforcement in a manner that might deter bad behavior in the first place. Numerous "bad actors" across the city routinely break the law, yet continue operating with little consequences for their actions. Many times, these businesses operate with Legal Non-Conforming (LNC) status or Conditional Use Permits (CUP), and the City has the legal authority to strip them of their entitlements. However, these tools are not used very often. Staff recalls only two revocations of LNC uses in the last 20 years, and only a handful of Orders to Show Cause actions in the last 10 years.

This proposal requests that one Code Enforcement inspector be added to administer the program proposed above. It would serve as useful "pilot project to see if we can achieve 100% cost recovery with fines and penalties, thereby requiring no General Fund expenditure. Nonetheless, in an abundance of caution, we've charged the Essential Services Fund with the full cost of a inspector.

Funding Source

Program/Project Title: Legal Non-Conforming and CUP Revocation Program

Amount of City Funding Change: \$120,493

Fund Type: Essential Services Fund

Anticipated Outcomes: Requested funding changes would affect benefits or services for San José residents, businesses, community groups, etc., as described below:

This recommended funding change would enable Code Enforcement to better achieve its mission of helping to maintain the quality of life in our community, with no financial impact to other programs.

Department or Organization: Planning, Building and Code Enforcement

Department or Organization Contact:

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This change is:

One-time Ongoing

The City Service Area to which the change best relates:

- Community and Economic Development Services
- Environmental and Utility Services
- Neighborhood Services
- Public Safety
- Strategic Support
- Transportation and Aviation Services