

# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Matt Loesch

**SUBJECT: RESPONSIBLE CONSTRUCTION  
ORDINANCE**

**DATE:** December 11, 2023

Approved



Date

12/11/23

## SUPPLEMENTAL

### REASON FOR SUPPLEMENTAL

To request deferral of City Council's consideration of the Responsible Construction Ordinance to allow for additional stakeholder outreach and engagement on the Ordinance.

### RECOMMENDATION

Defer City Council decision on the Responsible Construction Ordinance until January 30, 2024 allowing staff additional time to further engage the development community.

### BACKGROUND

A memorandum, dated November 20, 2023, was forwarded to City Council for the December 12, 2023 City Council meeting. The purpose of this supplemental memorandum is to request a deferral of the item to allow for additional stakeholder outreach and engagement to support the City Council's evaluation of the Responsible Construction Ordinance.

### ANALYSIS

Staff completed the coordination for a Responsible Construction Ordinance as directed during the April 11, 2023 City Council meeting (Item 3.3) and began outreach to the development community<sup>1</sup>. That direction was for staff, by November 2023, to coordinate with the South Bay Labor Council, the Santa Clara and San Benito Counties Building and Construction Trades Council, and the Wage Theft Coalition to develop and return to City Council with a Responsible Construction Ordinance for the City of San José. In addition to the City Council direction, staff

<sup>1</sup> <https://sanjose.legistar.com/View.ashx?M=M&ID=1088251&GUID=167F9805-3941-4E72-9622-36E6BF380603>

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planned to utilize the Developers Roundtable Monthly meeting to help with engagement within the development community. (The Planning, Building, and Code Enforcement Department hosts a Developers Roundtable monthly on the fourth Thursday of each month.) Originally scheduled for the November meeting, on October 30, 2023, staff emailed attendees of the Developers Roundtable of the meeting date change to December 7, 2023, since the November meeting was canceled due to it being on Thanksgiving Day. In addition, the Responsible Construction Ordinance memorandum and resolution were shared with the attendees on December 1, 2023 via email.

At the December 7, 2023 Developers Roundtable meeting, staff reviewed the details of the ordinance and responded to questions and comments. There were approximately 35 people in attendance.

At that meeting and since then, questions and comments have been received by staff, largely from developers or their representatives. Requests have been submitted to defer and direct additional coordination because those stakeholders believe there has been an insufficient amount of time to review or understand the implications of the proposed Responsible Construction Ordinance. During this deferral window the departments of Public Works and Planning, Building, and Code Enforcement will host additional outreach and engagement opportunities with the development community to review the staff recommendations and answer questions.

/s/

MATT LOESCH

Director of Public Works

The principal author of this memorandum is Matt Loesch, Director of Public Works. For questions, please contact [matt.loesch@sanjoseca.gov](mailto:matt.loesch@sanjoseca.gov).