



Memorandum

TO: RULES AND OPEN
GOVERNMENT COMMITTEE

FROM: Councilmember Jimenez
Councilmember Davis

SUBJECT: Development Services

DATE: October 25, 2023

Approved:

Date: 10/25/2023

RECOMMENDATION

Direct the City Manager to take the following actions:

- 1) Identify improvements in development services led by departments other than PBCE (e.g. Fire, PRNS, Housing, Public Works). To the extent feasible, include these improvements in the [PBCE Customer Service Charter – Improvement Initiatives](#) dashboard, or in a substantially similar publicly-accessible location.
 - a) Where no description is provided for a proposed improvement/initiative, add information to help the public understand what the improvement/initiative is and what it will achieve when implemented.
- 2) Include open audit recommendations pertaining to development services either in the Improvement Initiatives dashboard or in a new, separate dashboard.
- 3) Continue to solicit input from the development community and other relevant stakeholders regarding potential improvements to the [City of San Jose Development Services Customer Survey](#).
- 4) Compile results from the Development Services Customer Survey and either provide information regarding survey results on the PBCE Customer Service Charter website or in periodic reports to CED. To the extent feasible, include input received through channels or venues other than the Customer Survey as well.
- 5) Assess the cost implications of the City's regulatory framework (e.g. Building Code, Design Guidelines, etc.) and incorporate findings into future studies of the cost of development.
- 6) Evaluate the following and provide a qualitative (or, when feasible, quantitative) assessment to CED and/or the City Council through an informational memorandum:
 - a) The effectiveness of existing pathways for the development community to provide constructive feedback to the City (for instance, the Developers and Construction Roundtable and any successor forum).
 - b) Potential process improvements that could reduce the need for multiple rounds of review.
 - c) Consistency in the citation of specific, approved regulations in comment letters during project review. Additionally, identify regulations that could be interpreted subjectively and/or regulations or guidelines that may not be strictly enforceable.

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- i) For example, provide a citation for enforceable and objective regulatory comments. Consider providing guidelines, subjectively interpreted regulations, and other comments that are unenforceable in a different memo, but not in the same letter of comments.
- d) The staff capacity and resource implications of initiating new or updated studies of development services (for example, the [2016 Management Partners “Development Services Cost Recovery Analysis, Process Improvements, Calculation of Unearned Revenues, and Refund Processing”](#)).
- e) The staff capacity and resource implications of conducting an assessment of the City’s regulatory framework, including local amendments to the Building Code and Design Guidelines, with the goal to simplify or eliminate regulations that are particularly costly or burdensome to the development community. This assessment shall not occur until after Recommendation 5 has been implemented.
- f) The resource implications of dedicated staffing to provide clarifications to the development community by phone rather than through formal submission of responses.

BACKGROUND

While we had the honor to co-chair the Transition Committee on Planning and Permitting, we feel our work was only the beginning of a longer process and effort to improve development services provided by the City. This memo includes recommendations that will allow staff to further assess potential improvements, many of which have been directly recommended to us by the development community, and return with findings.

Fundamentally, we seek to support, not obstruct and frustrate, staff’s work. We acknowledge the good, ongoing work underway, and we hope to elevate and make more transparent the work already being done to improve development services. In some cases, like the cost of development studies, we hope to expand and enhance this work with a more comprehensive review of our regulatory framework. In other cases, we will need more information to discern whether significant undertakings, like a new study of development services, is feasible given current staff capacity limitations and resource constraints.

The signers of this memorandum have not had, and will not have, any private conversation with any other member of the City Council, or that member’s staff, concerning any action discussed in the memorandum, and that each signer’s staff members have not had, and have been instructed not to have, any such conversation with any other member of the City Council or that member’s staff.