Rules Agenda: 4-24-19
Item: G.2

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

To: **RULES AND OPEN GOVERNMENT COMMITTEE**

From: Mayor Sam Liccardo
Vice Mayor Chappie Jones
Councilmember Maya Esparza
Councilmember Magdalena Carrasco

Subject: **PLANNING COMMISSION**

Date: April 18, 2019

Approved:

RECOMMENDATION

1. Amend Chapter 2 of the Municipal Code to:
    a. Prohibit any new or renewing applicants for Planning Commission where two sitting commissioners come from the same Council District.
        i. Specify that if a sitting Commissioner moves into a Council district with two members then that Commissioner must notify the City Clerk, but may complete their current term.
    b. Provide that Commissioners may be reappointed no more than once.

2. Direct the City Attorney to draft, and return to Council with, a Charter amendment for the November 2020 ballot that would align the Planning Commission to the structure of other Council nominated commissions to include 11 members with one from each Council District and one at-large member.
    a. Direct the City Manager and City Attorney to look for other necessary Charter changes or clean-up actions to reduce election costs that could be included with this amendment.

3. Amend the Lobbyist Ordinance (Chapter 12.12) to prohibit an individual who has been a registered lobbyist within the previous two years from appointment to the Planning Commission.

4. Extend the Revolving Door Ordinance (Chapter 12.10) provisions that currently apply to former Councilmembers and City staff to apply to former Planning Commissioners.

5. Direct the Office of the City Clerk, in collaboration with the City Manager/Department of Planning, Building, & Code Enforcement to:
    a. Convene interested community leaders and external stakeholders to seek input on improving outreach and training for future Planning Commissioners.
    b. Create a recruitment plan for the Planning Commission that helps to educate potential candidates on the subject matter, encourages a demographically and geographically diverse pool of candidates, and facilitates robust outreach to qualified candidates.

c. Consider partnerships with knowledgeable organizations such as SPUR, Urban Land Institute, or the San Jose State University Urban Planning Department to assist or take on any part of these efforts.

6. Direct the Office of the City Clerk in collaboration with the City Attorney's Office to consider the following and return with recommendations:
   a. Improve the clarity of online applications and the format in which the Councilmembers receive these applications.
   b. Reevaluate the prohibition on communication with applicants prior to the public interview to better allow Councilmembers to evaluate applicants.

BACKGROUND

The Planning Commission plays an important role in reviewing development proposals and policy changes, and its decisions have lasting effects on our community's growth and character. We have failed to appoint a sufficiently diverse Commission, however, both geographically and demographically. We can do better. The changes suggested above are intended to address that concern, but we welcome additional suggestions from our community. The proposed Municipal Code changes would, going forward, provide that no more than two members of the commission can reside in the same Council District, and apply a two-term limit to the Planning Commission. This is the most immediate action we can take before moving to amend the Charter to increase the number of Planning Commissioners.

By increasing the size to 11 members, we can align the Planning Commission with our other non-Charter commissions. The Council, several years ago, undertook a large-scale board and commission realignment. As a result of this action, we now have commissions with opportunities for more voices from throughout the City. The Planning Commission was not included in this overhaul because it is established through our Charter and requires a vote to change the number of Commissioners. Given the success these changes have had in increasing representation in our other commissions, it is now time to move forward with a Charter amendment.

The Planning Commission also makes decisions that have large financial implications for applicants. This raises substantial conflict of interest issues, because on any given Wednesday, those applicants and their financial partners become potential clients to any lobbyist, consultant, attorney, architect, or other service provider who is also a sitting member of the Commission. We should therefore prohibit lobbyists from appointment to the Commission. Given the level of decisions and recommendations made by the Planning Commission, it also makes sense that we should apply the same Revolving Door Ordinance provisions that cover former Councilmembers and City staff to former Planning Commissioners. This would prevent former Commissioners from benefiting in any way from their former position.

Collaborating with external organizations such as ULI, SPUR, and SJSU will help build a steady pipeline of knowledgeable and diverse potential candidates for the Planning Commission. This can help fill the void created by the dissolution of the Strong Neighborhoods Initiative almost a decade ago, particularly for those neighborhoods that benefited from the leadership created through regular interactions between staff and citizens on regulatory process, strategic neighborhood planning, and community engagement.

Improvements can be made to the application process. We should reassess the questions asked of applicants in the online submittal to make sure the portal itself is straight forward and easy to understand. The format in which the Council receives applications can be cumbersome. Additionally, the current prohibition on speaking with applicants prior to a public interview limits the ability of Councilmembers to vet candidates before making public interview selections.

If this proposal is adopted, we would also encourage City staff to proactively ensure that our community is aware of these requirements, such as by updating the Boards and Commissions application to include a question relating to lobbying work, revising the Lobbyist Ordinance FAQs, and updating Council Policy 0-4 (Boards and Commissions).