



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Councilmember Esparza

**SUBJECT:** SEE BELOW

**DATE:** 06/01/2020

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Approved *Maya Esparza*

Date: 6/01/2020

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**SUBJECT: AMENDMENT TO THE PLANNING COMMISSION COMPOSITION  
ORDINANCE**

## **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. Do not provide a provision allowing the Council to override the District limitation by a majority vote.
3. Direct Staff to:
  - a. Conduct the necessary outreach and engagement to bring back a proposed charter amendment, as originally directed by the Rules Committee in line with the April 24th, 2019 memo from Mayor Liccardo, Vice Mayor Jones, Councilmember Esparza and Councilmember Carrasco, with enough time for the Council to consider a ballot measure for the November 2020 election. Add or include the Planning Commission Charter Amendment if any amendment is made to the City Charter in November 2020.
  - b. In the interim, expand outreach to people on other City commissions and boards as well as the general public.

## **BACKGROUND**

The Planning Commission plays a critical role in reviewing the proposals and policy changes shaping the development of our City. Their decisions will shape the future growth of San Jose and guide key decisions around meeting our needs for commercial development, more affordable housing, great parks and public spaces and how to continue development while building more inclusive and equitable communities. We have failed to appoint a sufficiently diverse Commission, however, both geographically and demographically.

In the midst of the COVID-19 emergency, it is more apparent than ever that not every neighborhood is impacted equally by our decisions as a City and that each of our neighborhoods deserve a voice to share its unique needs and perspective if we hope to develop a more inclusive direction for our City's future.

The at-large system of representation in this City, which had been in effect for the Council since 1916, was replaced by the voters with adoption of the current District system in 1978. The District model has allowed for more participation from throughout the City. The at-large system of Council representation, initially served a city that was approximately 12 square miles. We have grown, as a City, to approximately 200 square miles today.

Moreover, the at-large system has a nexus to efforts that Phillip Trounstine and Terry Christensen describe in their book *Movers and Shakers*... as intended, "... to solidify the influence of the business class and to lessen that of the general populace." The repercussions of at-large representations in the past was to consolidate power amongst certain classes and in certain areas of the City. As a result of at-large representation, "...between 1950 and 1975, 74 percent of the city councilmembers had lived in just two neighborhoods" (Christensen). Given the current overrepresentation issues on the Planning Commission, this perspective may be useful in our deliberations around commission realignment.

On April 24th, 2019, on the heels of a contentious debate about the demographic and geographic makeup of the Planning Commission, together with Mayor Liccardo, Vice Mayor Jones and Councilmember Carrasco, we developed a compromise for reshaping the future of the Commission to have greater representation of the diversity of our districts. The proposal called for both an ordinance and a ballot measure to amend the City's charter in order to allow for representation from every Council district, and one at-large member selected by the Mayor. The measure proposed term limits and restrictions on lobbyists, former Councilmembers and staff joining the Commission to ensure the independence of its decisions.

I believe the challenges of our time call for greater equity and inclusion in our decision-making, and despite the number of challenges facing our City, the proposed charter changes first put forward last year are still worth prioritizing. We proposed that the staff develop a scaled back workplan to conduct the outreach necessary and build on the framework proposed last April in order to bring forward a proposed ballot measure to advance this proposal.

While the window is short, the public health orders also mean that Council and stakeholders are unlikely to travel during July recess, so stakeholder meetings, and even Special Meetings of the Council are possible to review and finalize such a measure in time to be placed on the November ballot before the August deadlines to do so.

*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.*