

**DRAFT**

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF SAN JOSE  
AMENDING SECTION 2.08.4000 OF CHAPTER 2.08  
(PLANNING COMMISSION) OF THE SAN JOSE  
MUNICIPAL CODE LIMITING THE TERM OF PLANNING  
COMMISSION APPOINTMENT TO TWO CONSECUTIVE  
FOUR-YEAR TERMS, ~~AND~~ PROHIBITING THE  
APPOINTMENT OF MORE THAN TWO PLANNING  
COMMISSIONERS RESIDING IN THE SAME COUNCIL  
DISTRICT, AND PROVIDING FOR A SUPERMAJORITY  
VOTE (8 OR MORE) OF THE CITY COUNCIL TO  
OVERRIDE THE PROHIBITION ON MORE THAN TWO  
PLANNING COMMISSIONERS RESIDING IN THE SAME  
COUNCIL DISTRICT

**WHEREAS**, the Planning Commission plays an important role in reviewing, recommending, and/or approving development proposals and policies pursuant to Section 1000 of the City Charter and Title 20 of the San José Municipal Code; and

**WHEREAS**, the adoption of this Ordinance will prohibit the appointment of more than two (2) Planning Commissioners residing in the same Council District and include term limits to provide a more diverse Planning Commission; and

**WHEREAS**, there are existing and upcoming vacancies on the Planning Commission and the City Council intends to apply this Ordinance to all current members and members appointed to the Planning Commission on or after June 2, 2020; and

**WHEREAS**, pursuant to the provisions and requirements of the California Environmental Quality Act of 1970, together with related State CEQA Guidelines and Title 21 of the San José Municipal Code (collectively, "CEQA"), the Director of Planning,

Building and Code Enforcement has determined that the provisions of this Ordinance do not constitute a project, under File No. PP17-010 (City Administrative Activities); and

**WHEREAS**, the City Council of the City of San José is the decision-making body for this Ordinance; and

**WHEREAS**, this Council has reviewed and considered the "not a project" determination under CEQA prior to taking any approval actions on this Ordinance;

**NOW, THEREFORE**, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

Section 2.08.4000 of Chapter 2.08 of Title 2 of the San José Municipal Code is amended to read as follows:

**2.08.4000 Commission established.**

- A. The planning commission is established by Section 1000 of the Charter.
- B. The commission's membership, terms of office, powers, duties and functions are governed by the Charter and this Part. The Charter shall control over any inconsistent provision of this Part.
- C. As set forth in Section 1000 of the Charter, the term of office for members of the planning commission is four years. Members are eligible for reappointment at the expiration of their first term for one additional four-year term.
  - 1. A former member of the planning commission who has served two consecutive four-year terms becomes eligible for reappointment to the

planning commission if the member is off of the planning commission for one four-year term.

2. If a member is appointed to fill an unexpired term, that member remains eligible for appointment to two (2) consecutive four-year terms.
- D. Except as set forth in Section E, there shall be no more than two (2) members of the planning commission who reside in the same City Council District. Each member of the planning commission shall notify the City Clerk in the event the member moves to a different City Council District.
- E. A member of the planning commission may complete their current term if the member moves into a Council District in which two members reside, or City Council redistricting of Council Districts causes more than two members to reside in the same Council District. The City Council may also by a supermajority vote of the City Council (8 or more) appoint more than two (2) members to the planning commission who reside in the same City Council District.
- F. This Section shall apply to all current members of the planning commission and members appointed to the planning commission on or after June 2, 2020.

PASSED FOR PUBLICATION of title this \_\_\_\_ day of \_\_\_\_\_, 2020, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

\_\_\_\_\_  
SAM LICCARDO  
Mayor

ATTEST:

\_\_\_\_\_  
TONI J. TABER, CMC  
City Clerk