



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Toni J. Taber, CMC
City Clerk

**SUBJECT: PLANNING COMMISSION
APPOINTMENT**

DATE: June 16, 2020

COUNCIL DISTRICT: CITYWIDE

RECOMMENDATION

- a) Interview applicants for appointment to the Planning Commission;
- b) Appoint one (1) applicant to the Planning Commission for a term expiring June 30, 2022; and
- c) Appoint four (4) applicants to the Planning Commission for terms expiring June 30, 2024
- d) If any vacancy remains, direct the City Clerk to continue recruitment efforts and bring forward additional applicants for consideration within 120 days.

OUTCOME

The appointment of five (5) persons to the Planning Commission will achieve a fully constituted Planning Commission for the conduct of meetings and hearings. The appointment of one (1) applicant would create a membership of four (4) Planning Commissioners and would constitute the minimum number of Commissioners to achieve a quorum for meeting purposes and to conduct public hearings after the Commission's last June 2020 meeting on June 24, 2020 meeting.

BACKGROUND

The Planning Commission, consisting of seven (7) members appointed by the City Council, is established by Section 1000 of the City Charter and San Jose Municipal Code section 2.08.4000. The City Charter states that a Planning Commission member must have been a United States citizen and San Jose resident for at least one year immediately preceding commencement of their term, must be a registered voter at the time of appointment, and must meet these requirements during their term of office. The City Charter provides that the Planning Commission has the following powers and duties:

- a) Make recommendations to the Council respecting the adoption, amendment, or repeal of master, general, comprehensive, precise or specific plans for future physical development of the City or any part thereof, and periodically review the same;
- b) Make recommendations to the Council respecting the adoption, amendment or repeal of

land use and development regulations, including but not limited to zoning and subdivision regulations;

- c) Make recommendations to the Council respecting the adoption, amendment or repeal of plans or programs for the redevelopment, rehabilitation or renewal of any areas of the City;
- d) Make recommendations to the Council respecting capital improvement programs; and
- e) Exercise such other powers and perform such other functions and duties as may be expressly given to it by other provisions of this Charter, or exercise such other powers or perform such other functions as may be prescribed by the Council not inconsistent with the provisions of this Charter.

There is currently one vacancy on the Planning Commission due to the resignation of Melanie Griswold on April 15, 2020, and four vacancies due to terms ending of four members on June 30, 2020:

Shiloh Ballard (District 6 resident)—Appointed to first full term on July 1, 2016

Peter Allen (District 6 resident)—Appointed to first term on August 9, 2016

Mariel Caballero (District 3 resident)—Appointed to first partial term on October 1, 2019

Michelle Yesney (District 3 resident)—Appointed to first full term on July 1, 2016

The remaining Planning Commission members are:

Pierluigi Oliverio (District 6 resident)—Term ends June 30, 2022

Rolando Bonilla (District 5 resident)—Term ends June 30, 2022

The appointment of one applicant by the Council is the minimum required for the Planning Commission to be able to continue to conduct meetings and hearings after the Commission's last June 2020 meeting on June 24, 2020. In order to approve items before a four-member Planning Commission, an affirmative vote of three of the four Commissioners is required to approve a motion (see Municipal Code section 2.08.095) with the exception of General Plan amendment recommendations which require an affirmative vote of no less than four Commissioners pursuant to state law.

The City Council approved Ordinance No. 30430 on June 2, 2020 amending San José Municipal Code Section 2.08.4000 (i) limiting the term of Planning Commission appointment to two consecutive four-year terms; (ii) prohibiting the appointment of more than two (2) planning commissioners residing in the same Council district; and (iii) providing for a supermajority vote (8 or more) of the City Council to override the prohibition on more than two (2) planning commissioners residing in the same Council district. This ordinance applies to all current members and retroactively to appointments to the Planning Commission on or after June ,2 2020.

Council will need to make appointments consistent with Ordinance No. 30430. This means that Commissioner Allen and Commissioner Ballard are still eligible to be reappointed because they have not served two (2) consecutive 4 year terms. However, unless there is a supermajority override vote allowing more than two commissioners from a single Council district, only one of them can be appointed to a current vacant seat since they are both from District 6 and Commissioner Oliverio, who also resides in District 6, is currently on the Commission.

The Office of the City Clerk conducted an open recruitment from April 10, 2020-May 3, 2020. In addition to applications already on file, a total of 30 applications were transmitted to the Mayor and City Council for review.

ANALYSIS

As required by Council Policy 0-4, Consolidated Policy Governing Boards and Commissions, applicants receiving indications of interest from four or more Councilmembers have been invited to be interviewed by the City Council on June 26 and 29, 2020. Fifteen (15) candidates received indications of interest from four or more Councilmembers. An applicant must receive six (6) or more votes to be appointed to the Planning Commission. If the seat remains unfilled, it is recommended that the recruitment be referred to the City Clerk to secure additional applicants for consideration by Council in 120 days. After the interviews, the Council may make an appointment for a term ending June 30, 2022, and four appointments to terms ending June 30, 2024.

The interview order was determined by the most recent random draw alphabet from the Secretary of State for an election held in April 2020. Accommodations were made for those candidates who could not attend on one of the interview dates to make sure the candidate could attend the other interview date.

The list of candidates will be split over the two days of interviews with the following candidates scheduled for Friday, June 26:

1. Jorge Antonio Garcia (District 8)
2. Andrew Ditlevsen (District 6)
3. George Casey (District 10)
4. Peter Allen (District 6)
5. Shiloh Ballard (District 6)
6. Carlin Black (District 1)
7. Justin Lardinois (District 1)
8. Cassandra Langer (District 4)

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The candidates scheduled for interview on Monday June 29, 2020 are:

9. Mariel Caballero (District 3)
10. Peter Pham (District 7)
11. Deborah Torrens (District 2)
12. Huy Tran (District 4)
13. William Wu (District 4)
14. John Salah (District 10)
15. Aimee Escobar (District 3)

Candidate applications and any supporting documentation are attached to this memorandum. Memoranda from the Office of the City Attorney regarding their review for potential conflicts of interest is attached. A review of code actions by the Planning, Building and Code Enforcement Department found no outstanding code enforcement for the applicants.

EVALUATION AND FOLLOW-UP

A core duty of the Office of the City Clerk is to minimize vacancies on the Boards and Commissions.

PUBLIC OUTREACH

The Office of the City Clerk conducted an open recruitment for the vacancies from Additional recruitment occurred from April 10 – May 3, 2020. This memorandum has been posted for the meeting of June 26, 200 and June 29, 2020.

COORDINATION

This memorandum has been coordinated with the Office of the City Attorney.

COMMISSION RECOMMENDATION/INPUT

The recommended actions have no commission input or recommendation.

CEQA

Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment.

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A handwritten signature in blue ink, appearing to read "Toni J. Taber", with a stylized flourish extending to the right.

TONI J. TABER, CMC
City Clerk

For questions, please contact Toni J. Taber, City Clerk, at (408) 535-1260.