



## Legislation Text

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Staff Report for a City of San Leandro City Council Ordinance to Enable Concurrent Appointments to the City of San Leandro Planning Commission and Board of Zoning Adjustments and a Resolution to Discontinue the Terms of Office of Certain Appointed Members to the City of San Leandro Planning Commission and Board of Zoning Adjustments Related to the Merger of the Planning Commission and Board of Zoning Adjustments

### **SUMMARY AND RECOMMENDATIONS**

Staff recommends approval of an Ordinance to enable a single appointee to concurrently serve on both the Planning Commission and the Board of Zoning Adjustments; and a Resolution to end the terms of appointed office of six Commissioners and Board Members, effective December 31, 2018. This action relates to the eventual merger of the Board of Zoning Adjustments and the Planning Commission, consistent with prior City Council direction.

### **BACKGROUND**

The City Council directed staff to proceed with a merger of the Planning Commission (PC) and Board of Zoning Adjustments (BZA) at its June 4, 2018 meeting. This direction was followed by the City Council's approval of Resolution No. 2018-033 on October 15, 2018 to align the meeting dates of both bodies beginning in 2019 and after the 2018 municipal election, when the circumstances for a merger will be optimal for new appointments. Staff will return to the City Council with a follow up action at a future meeting regarding the reappointment process for new appointees to the combined hearing body. The June 4, 2018 and October 15, 2018 staff reports (attached) provide further background information.

### **Analysis**

Tonight's proposal before the City Council is the third step to formalize a merger of the PC and BZA, ending the terms of the remaining six members of both bodies at the end of this year and codifying a provision in the Municipal Code to enable future appointees to serve concurrently as both a planning commissioner and board member.

Section 1-3-105 of the Municipal Code grants to the City Council the power to terminate an appointee to any board or commission without cause, notice, or hearing. To that end, staff prepared an Ordinance to amend the Boards and Commissions provisions of the Municipal Code to enable concurrent appointments to the PC and BZA, and a Resolution to end the terms on December 31, 2018 of the remaining six appointees whose terms end December 31, 2020. BZA and PC members

were made aware of this process at prior public hearings and meetings.

The City Councilmember's Handbook (Pg. XV-2) states that a member of any board or commission may not serve as a member of any other board or commission. In order to proceed with a merger of the PC and BZA, this guideline will be discontinued if this Ordinance passes in order to allow future appointees to the PC and BZA the ability to serve a dual role as both a commissioner and a board member.

Until the Zoning Code and Municipal Code can be further updated, the combined PC and BZA will function similarly to when the City Council concurrently served as the Redevelopment Agency Board of Directors. A dual meeting agenda will be published and called, and public hearings will be opened and closed as one body or the other until agenda business is completed. Upon this Ordinance's passage, future appointees will serve the dual role of both planning commissioner and board member.

The City Clerk will announce the call for nominations to the unified Planning Commission and Board of Zoning Adjustments in December. Beginning next year, the new appointees will serve as both a planning commissioner and board member. With approval of the proposed resolution, the remaining six board members and commissioners will end their terms prematurely. This action does not disqualify them from future appointment. Current Planning Commissioners and Board Members are eligible for appointment.

### **Committee Review and Actions**

The City Council Rules Committee considered the merits of a potential merger of the PC and BZA at its February 26, 2018 meeting. Both committee members in attendance were supportive of the merger concept. On June 4, 2018, the City Council considered the matter and directed staff to proceed.

### **Applicable General Plan Policies**

**Policy ED-5.5-** Quality Services and Accessible Government. Maintain and promote the high quality of City services and the accessibility and responsiveness of City government to prospective businesses and new employees.

**Action LU-7.3.A-** Zoning Review. Regularly review the Zoning Code to respond to real estate market and development trends, as well as changes in technology.

### **Environmental Review**

A merger of the PC and BZA does not constitute a project under the California Environmental Quality Act and is exempt from environmental review.

### **Legal Analysis**

The City Attorney continues to advise staff on the process. The City Attorney reviewed and approved this staff report, the associated ordinance, and resolution.

### **Fiscal Impacts**

A merger of the PC and BZA would result in substantial cost savings to the City due to the reduced number of hearings, public notices, and staff time involved.

### **ATTACHMENTS TO STAFF REPORT**

- Current roster and term limits for the PC and BZA
- October 15, 2018 Staff Report for a City of San Leandro City Council Resolution to Approve an Adjustment to the Planning Commission's Regular Meeting Dates
- June 4, 2018 Staff Report Regarding Discussion of a Potential Merger of the Planning Commission and the Board of Zoning Adjustments

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