



LAW DEPARTMENT

MEMORANDUM

To: Mayor and Council

From: Anne Morgan, City Attorney
Brent Lloyd, Assistant City Attorney

Date: April 5, 2018

Subject: **Options for Applying City Charter Requirement Relating to Membership on the City's Planning Commission**

We have provided two alternative resolutions for consideration at the City Council's meeting on April 26, 2018, in response to ongoing discussion regarding the city charter's limitation on the number of Planning Commission members who may be "directly or indirectly connected with real estate and land development."

The resolutions represent two competing interpretations of the charter requirement: Option A is limited to traditional land developers, who substantially alter real property or seek enhanced entitlements; while Option B broadly encompasses anyone who derives income from activity related to development or real estate.

Both interpretations are credible and within the Council's authority to adopt as a guide for future appointments to the Planning Commission. Following is a summary of each option:

- Option A narrowly defines what constitutes a connection to "real estate and land development," to include only more intensive development of real property. It would not count fee-for-service design professionals against the two-thirds limitation unless they finance development projects or real estate transactions.
- Option B broadly defines what constitutes a connection to "real estate and land development," to capture a wider range of activity than Option A. This option would count design professionals, as well as real estate agents and attorneys, against the two-thirds limitation if they profit from development projects or real estate transactions.