

From: [David Fung](#)
To: [Benjamin Fu](#); [Beth Ebben](#)
Cc: [Kitty Moore](#)
Subject: Fung Comments on the PC 7/28/2020 Agenda
Date: Tuesday, July 28, 2020 6:19:54 PM

I apologize that work conflicts mean I can't be at the meeting tonight, but had some comments which I hope Director Fu or Chair Moore can read into the record or summarize for deliberation tonight.

Comments:

1. *Developmental Accountability* – I am concerned about misinterpretation of the language in this point around the scope of responsibility for staff and the Planning Commission – “Monitor implementation of development agreements and conditions of approval”. The Municipal code draws a clear line of approval authority in Sec 19.12.030, and the PC has a responsibility for a public review of a proposed development agreement or conditions of approval, but developing the draft of the DA and conditions is a staff responsibility.

In keeping with the first objective in this section which seeks to look at efficiency of the approval and delivery process, we should not broaden the public review process to make deliverability worse. I will also add that many residential projects – the kind of projects that we say we support - are subject to state legislative limits on the number of public hearings for approval. We don't want to waste those limited opportunities to serve the public by interfering in projects still in the proposal phase.

2. *Support for professional review* – A number of the items on the approved plan include areas that touch on the GP, GPAs and the Housing Element. We should underline that it's important on these large topics that staff should have the opportunity and funding for consultant analysis to guide our decision making process. I don't think that it's useful for the PC, the Council, or the City to hear the personal interests of the 5 commissioners. We really need to lay out facts around policy so we can make informed recommendations.

Even though the city budget is heavily impacted by COVID, these large issues are important and we should build up toward finding information and communicating to the public, but we need to make sure that these have proper funding and priority so it doesn't become anecdote and misinformation.

3. *General Plan Authorization Process* – I have spoken out previously that I do not support the GPA “gateway” process and I want to continue to voice the opinion that it does NOT benefit the objectives of the city. The problem with the gateway plan is exactly in line with my previous point – without more progress and formal guidance from the Planning staff, the gateway hearings have provided little value to the community. On one hand, it might seek to create public visibility for the vision of a project before it comes to formal hearings, but on the

other hand there is almost no real information on many of the issues that are critical in a final approval – no concrete information on the amount or mix of housing, building form, parking, traffic impact, economic impact etc. This is because we have structured the gateway approval as a gate before allowing ANY quantitative staff analysis of the project.

I'd like to again state that the city staff independently selects the consultants who will do engineering, economic, traffic, and environmental studies, and that the applicant reimburses the city in full for the costs of that work. For a proposed project, this investigative process does not cost taxpayer dollars. It's only after you have a staff analysis that you can really have a meaningful discussion about impacts and mitigations.

4. I am generally supportive of the "small" items that were included on this list – considering preapproved ADU plans, mobile vendor policies, and bird-safe policies.
5. I am disappointed that the Council did not pick up the specific items of upper floors and upper-floor decks, and considering changes to the conditional use permit thresholds.

Finally, since the pandemic restrictions appear to be with us for some time to come, I think a discussion that prioritizes these approved items would be valuable with an eye toward deemphasizing projects that the staff and city will be unlikely to be able to complete because of work restrictions. This doesn't mean dropping the small projects, it may mean setting a more realistic deadline on large topics (for instance #2, General Plan Updates) to scale with limited resources.

Thanks,

David Fung
Planning Commissioner