

RESOLUTION NO. 22-119

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SANTA BARBARA ADOPTING PLANNING  
COMMISSION GUIDELINES GOVERNING THE  
CODE OF CONDUCT FOR MEETINGS AND  
RESCINDING THE PLANNING COMMISSION  
GUIDELINES ADOPTED BY CITY COUNCIL ON  
JULY 15, 1997

WHEREAS, Planning Commission Guidelines were adopted on July 15, 1997 to govern the conduct of Planning Commission meetings; and

WHEREAS, the Planning Commission Guidelines have not been substantively revised since July 15, 1997; and

WHEREAS, new guidelines are necessary to reflect changes to the City's zoning ordinance that have occurred over the last 25 years; and

WHEREAS, on October 20, 2022, the Planning Commission voted unanimously to approve the new Planning Commission Guidelines attached hereto as Exhibit A.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA THAT:

1. The Planning Commission Guidelines attached hereto as Exhibit A are hereby adopted.
2. The Planning Commission Guidelines adopted on July 15, 1997 are hereby rescinded.

# **CITY OF SANTA BARBARA**

## **Planning Commission Guidelines**



**Adopted by Resolution No. \_\_\_\_\_  
on  
December 6, 2022**

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# PLANNING COMMISSION GUIDELINES

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## 1. GENERAL POLICIES AND PROCEDURES

1.1. **Usage.** These Planning Commission Guidelines (“Guidelines”) are intended to guide the preparation for and conduct of Planning Commission meetings.

1.2. **Guidelines are Directory.** These Guidelines are directory, not mandatory. The Guidelines are not intended to alter or amend any existing City or state law. In the event of an inconsistency between these Guidelines and City or state law, the City or state law shall prevail. Except as provided otherwise by statute or local ordinance, no action of the Planning Commission shall be held invalid due to any failure to observe the provisions of these Guidelines, nor shall any person have a claim or cause of action against the City or any of its officers or employees as a result of any such failure.

1.3. **Regular Meetings – Date and Time.** The Planning Commission shall have regular meetings at 1:00 p.m. on the first, second and third Thursdays of each month.

1.4. **Special Meetings.** A special meeting may be called at any time by delivering written notice to each member of the Planning Commission and to each local newspaper of general circulation and radio or television station requesting notice in writing and posting a notice on the City’s website. The notice shall be delivered personally or by any other means and shall be received at least 24 hours before the time of the meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted or discussed. No other business shall be considered at these meetings by the Planning Commission. The written notice may be dispensed with as to any member who at or prior to the time the meeting convenes, files with the City Clerk a written waiver of notice. The written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes. The call and notice shall be posted at least 24 hours prior to the special meeting in a location that is freely accessible to members of the public.

1.5. **Special Meeting for Training and Routine Administrative Items.** To the extent possible, training and routine administrative items will be held as a special meeting at 12:00p.m. on the first Thursday of every month in City Hall, Room 15, pursuant to the noticing and public meeting requirements set forth in Section 1.4, above.

1.6. **Site Visits.** The Planning Commission will meet with staff to perform site visits of scheduled or pending projects. Site visits will be held on Tuesdays at 8:00 a.m. the week the project is scheduled to be heard on the regular Planning Commission Agenda. The purpose of a site visit is to permit the Planning

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Commission to view and inspect the physical aspects of real property and development projects that may be the subject of an agenda item. Failure to hold a site visit shall not invalidate a Planning Commission decision to subsequently approve, deny, or approve or deny with modifications a project. The Chair or City staff will state at the beginning of the site visit that the site visit is not an opportunity for anyone to make a statement regarding the agenda item. The only presentation will be an explanation of the agenda item by City staff. The Planning Commission may ask questions of staff. Staff may refer specific questions about the physical aspects of the project to project applicants or appellants. All other public comment, argument or references to policy must be reserved for the noticed hearing on the agenda item. No written material may be submitted during the site visit.

1.7. **Ex Parte Communications.** As explained further in Section 5.7, below, ex parte contacts are substantive oral or individual written communications concerning quasi-judicial matters that occur outside of noticed public hearings. Commissioners should avoid and discourage ex parte contacts if at all possible to prevent the potential for actual or perceived bias.

1.8. **Absences.** Commissioners will notify staff at the earliest possible opportunity if they will be unable to attend a Planning Commission meeting, special meeting, or site visit. Commissioners should seek to educate themselves on information presented at the hearing through review of staff reports and video recordings if participation by the Commissioner is anticipated at a future meeting.

1.9. **Resolutions.** A resolution of the Planning Commission is intended to (i) establish a permanent record of actions taken by the Planning Commission, and (ii) give an applicant formal notice of the action being taken by the Planning Commission. Planning Commission staff shall prepare the resolution following an action by the Planning Commission and any such resolution shall be effective on the date Planning Commission took the action referred to in the resolution. If a draft resolution is corrected by the Planning Commission prior to its adoption at a subsequent hearing, the applicant has the right to appeal those specific changes, provided the applicant files a timely appeal to the City Council within 10 days from the Planning Commission motion adopting the draft resolution, with corrections.

## 2. ELECTION OF CHAIR/VICE CHAIR & BOARD/LIAISON APPOINTMENTS

2.1. **Chair.** At the first Planning Commission meeting of the New Year, the Commission shall elect one of its members to serve as Chairperson. For continuity, the Vice-Chair in the preceding year shall be the first to be considered for Chair. If the Vice-Chair does not wish to be elected as Chair, or is no longer a member of the Planning Commission, then nominations will be opened to the full Planning Commission. The Commissioner with the longest tenure in the preceding

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year who has not yet served as Chair shall initially be given priority consideration for the Chair role. During the absence or disability of the Chair and the Vice-Chair, there will be a nomination and vote by the Planning Commission to assign a temporary Chair to conduct the hearing.

2.2. **Vice-Chair.** Following the election of the Chair, the Planning Commission shall elect a Vice-Chairperson who will conduct the meetings in the absence of the Chair. For the purpose of continuity and efficiency, the Commissioner with the longest tenure in the preceding year who has not yet served as Chair or Vice-Chair shall be considered initially for the Vice-Chair role. If the aforementioned Commissioner does not wish to be elected as Vice-Chair, or is no longer a member of the Planning Commission, then nominations will be opened to the full Planning Commission and the Commissioner with the longest tenure in the preceding year who has not yet served as Chair or Vice-Chair shall initially be given priority consideration for the Vice-Chair role.

2.3 **Subcommittees & Liaisons.** The Commission may establish one or more subcommittees comprised of three or fewer members appointed by the Chair and confirmed by the Planning Commission by majority vote. The appointment of a commissioner as Liaison to a board or as a subcommittee or work group member, other than by appointment by the City Council, shall be subject to confirmation by the Planning Commission by majority vote. Subcommittees and Liaisons shall be organized to and around the business of land use matters within the City. Matters outside of the City's boundaries (e.g. regional boards, commissions or other agencies) shall be at the direction of the City Council. Liaison reports may be made at the meeting during Committee, Board and Liaison Reports, and must be a concise and objective summary of the action taken or discussion held at the meeting for which the Commissioner is reporting on. Liaison reports shall be factual in nature and shall not contain Commissioners' individual opinions or judgments.

## 3. AGENDAS

3.1. **Agenda Posting.** The Planning Commission meeting agenda will be posted for public review at the City Hall Public Notice Board, the Community Development Department outdoor public bulletin board located at 630 Garden Street, and on the City's website at least 72 hours prior to the Planning Commission meeting. In the event the City website goes down or otherwise is inaccessible for all or part of the 72 hours preceding the meeting due to technical difficulties or other factors not within the City's control, the meeting may proceed. Documents relating to agenda items are available for review in the Community Development Department during normal business hours. To the extent possible, all documents relating to agenda items will be made available to the Planning

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Commissioners and the public online and at the Community Development Department the Thursday prior to the agendaized meeting.

## **3.2. Written Materials and Public Records.**

3.2.1. Agendas of public meetings and any other writings, when distributed to all, or a majority of all, of the members of the Planning Commission by any person in connection with a matter subject to discussion or consideration at an open meeting of the Planning Commission, are disclosable public records under the California Public Records Act.

3.2.2. If a writing that is a public record as provided above, relates to an agenda item for a regular meeting, and is distributed less than 72 hours prior to that meeting, the writing shall be made available for public inspection at the time the writing is distributed to all, or a majority of all, of the members of the Planning Commission at the Community Development Department located at 630 Garden Street. The Planning Commission Secretary may also post the writing on the City's website in a position and manner that makes it clear that the writing relates to an agenda item for an upcoming meeting.

3.2.3. Planning Commissioners shall use their best efforts to forward to the Planning Commission Secretary and Planning staff any email received in connection with a matter subject to discussion or consideration at an open meeting when it is apparent from the address or cc lines that the email has not been distributed to the Planning Commission Secretary and Planning staff.

## **3.3. Submission of Materials by the Public for Planning Commission Consideration.**

3.3.1. In order to assure adequate time for consideration of voluminous and complex material, members of the public who wish to submit written or other materials for consideration by the Planning Commission in connection with an agenda item should provide those comments via email or hard copy to the Planning Commission Secretary at the Community Development Department at 630 Garden Street no later than Tuesday at 4:30 p.m. the week the agenda item is to be heard by the Planning Commission.

3.3.2. The Planning Commission shall be under no legal obligation to review any written or other materials that are submitted after the deadline set forth in section 3.3.1. Planning Commissioners may, but



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need not, review and consider late-submitted materials if they choose to do so.

## 4. CONDUCT OF MEETINGS

4.1. **Order of Business.** Planning Commission business at a regular meeting shall be conducted in the following order except as otherwise directed by the Chair who is authorized to exercise flexibility in establishing the order of agenda items to be considered at each Planning Commission meeting:

- I. Roll Call
- II. Administrative Matters
  - A. Continuance, Withdrawals, Postponements
  - B. Announcements
  - C. Review and Action on Minutes & Resolutions
  - D. Public Comment
- III. Consent Agenda Items (as needed)
- IV. Agenda Items
- V. Committee, Board, and Liaison Reports
- VI. Adjournment

4.2. **Consent Calendar.** The Consent Calendar shall be comprised of items which, in the Planning Commission Staff Liaison's judgment, will not require discussion. A Consent Calendar item shall be open for discussion by the Planning Commission upon request of a Commissioner, City planning staff, or by a member of the public for purposes of giving public comment on the item. If more than one item appears on the Consent Calendar, all items on the Consent Calendar may be approved by a single motion of the Planning Commission. Items on the Consent Calendar will not be read unless the Planning Commission Secretary is so directed by the Chair. The approval of a motion of the Planning Commission to accept the Consent Calendar shall be deemed to have been preceded by a reading of each individual item by the Planning Commission Secretary or Chairperson.

## 4.3. Public Hearings & Appeals.

4.3.1. Procedure. Presentations, comments and deliberations by the parties and Planning Commission shall be limited as follows:

- I. Commencement of the Public Hearing or Appeal. The Chair will call for the first item on the agenda by reading the agenda title. In the event that no continuance is sought, the Chair opens the public hearing.

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II. Presentation by City. Presentation by staff shall not exceed 15 minutes in length, including any time reserved for rebuttal or summation, unless determined prior to the hearing by the Chair after consultation with the Applicant and staff.

III. Presentation by Applicant. Presentation by applicant shall not exceed 15 minutes in length, including any time reserved for rebuttal or summation, unless determined prior to the hearing by the Chair after consultation with the Applicant and staff. Note: If the hearing is on appeal and the applicant is not the appellant, the appellant's presentation shall precede the applicant's presentation and each party shall be limited to 15 minutes.

IV. Public Comment. Comments by members of the public shall not exceed three minutes per person. See sections 5.10 and 5.11 below for further explanation on public comment.

V. Planning Commissioner Questions. Planning Commissioners are expected to prepare, prior to the public hearing, by engaging City staff with any questions for clarification of an item. To the extent feasible, Planning Commissioners may ask questions of staff prior to the Public Hearing. In consideration of time constraints, questions during the agenda item should be specific, concise, and applicable to the decision at hand.

VI. Rebuttal if Hearing on an Appeal. Rebuttal or summation by appellant and applicant may be presented if any time has been reserved.

VII. Planning Commission Deliberations.

VIII. Motion. After a motion is carried, the Chairperson announces the action to the audience. The Chairperson will announce, if applicable, that there is an appeal procedure available. No further discussion is permitted unless procedural questions are asked. Failure to announce the appeal period shall not invalidate the decision.

4.3.2. Order and Time Limits. The order and time limits may be modified by action of the Chair or majority vote of the Planning Commission.

4.3.2.1. The total amount of time allocated for a presentation shall include time used to respond to or to comment upon issues or facts raised by a subsequent speaker during "rebuttal". An applicant or appellant may request leave of the Chair

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to reserve all or a portion of their time for rebuttal. The total amount of time allocated for a presentation shall not include responses to questions posed by Commissioners.

4.3.2.2. Whenever feasible, presentations, comments and deliberations shall be shorter than the allocated time.

4.3.3. **Spokesperson for Appeals to City Council.** A member of the Commission who voted with the majority supporting the motion may be selected to represent the Commission's motion and opinion to City Council on appeal. Preference for selection will be given to the maker of the motion or seconder of the motion. Selection shall be informal and need not be made by motion, unless a consensus cannot be reached on selection of the spokesperson. Commissioners who voted in the minority should refrain from making comments at Council. Commissioners are appointed to represent the Planning Commission as a whole, and personal opinions that do not reflect the majority of the body opinion should be avoided.

4.4. **Items Other than Public Hearings and Appeals.** Items that do not require a noticed public hearing (e.g. lot line adjustments and miscellaneous matters) are conducted in substantially the same manner as public hearings.

4.5. **Signature of Plans by Chair.** In the event the Commission votes for approval of a particular plan (plot plan, tentative map, development plan, etc.) the Chair will sign and date the approved plan.

4.6. **Loss of Quorum.** A majority of the Planning Commission, including the Chair, shall constitute a quorum for the purposes of transacting Planning Commission business. If the Commission ceases to have a quorum during a meeting and it appears that a quorum cannot be re-assembled, the Chairperson shall announce that the remainder of the agenda will be carried over to the next meeting.

4.7. **Postponements.** A postponement is a deferral of the consideration of an agenda item to a future unidentified meeting. No discussion or presentation of the agenda item may take place on the date a postponement occurs. To be considered for a postponement, the applicant should contact City staff prior to the meeting date and state the reason(s) justifying the postponement so that this information can be shared with the Planning Commission during consideration of administrative matters. It is at the discretion of the applicant to postpone an item, however, a postponement may not be set for a date certain on a future agenda and may result in delay of the project based on availability of future agendas. Planning staff may also postpone an item with or without applicant concurrence when there has been a noticing or other procedural error.

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4.8. **Withdrawals.** If a project applicant withdraws an application for a discretionary approval that is on the agenda, City staff will notify the Planning Commission during consideration of administrative matters.

4.9. **Continuances.** A public hearing on any matter shall be commenced on the date for which it has been noticed, unless the Commission opens the item and continues the public hearing to a later date. A continuance may be requested as follows:

I. **Written Request.** A request to continue a public hearing should be filed in writing in the office of the Community Development Department prior to the time set for the hearing. The request must be signed by the person requesting the continuance or by an authorized representative. It must state that reasons beyond the control of the person requesting the continuance prevent the person from being present and that a proper and full hearing of the matter requires attendance, or other reasons why a continuance is needed. The written request shall be delivered to the Chair who shall announce that a request has been received and by whom it was made.

II. **Requests Prior to Close of Hearing.** An applicant may request to continue a public hearing which has commenced prior to the close of the public hearing. The applicant should state the reasons why a continuance is needed.

III. **Criteria For Approval/Denial of Request for Continuance.** The Commission shall vote whether to approve or deny the request based on whether good cause has been shown. If granted, the matter shall be continued to a specific date or it shall be re-noticed for a new hearing as required.

IV. **Absence of Applicant.** In the absence of the applicant, his representative, or a written request for continuance, the Commission may either: (i) conduct the hearing and vote on the application; (ii) open the hearing and continue the hearing to a new date; (iii) open the hearing and continue the matter to a later place on the agenda; or (iv) open the hearing, receive information and continue the hearing to a new date.

## 5. PARLIAMENTARY MEETING PROCEDURES

### 5.1. Presiding Officer.

5.1.1. **Chair.** The Chair shall be the presiding officer at all meetings of the Planning Commission and shall be included as a member of the Planning Commission for all purposes unless otherwise expressly

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provided. He or she shall be counted in determining a quorum and shall be entitled to vote on all matters, but shall possess no veto power. The Chair may make and second motions and shall have a voice and vote in all its proceedings. The Chair shall preserve strict order and decorum at all meetings of the Planning Commission, announce the Planning Commission's decisions on all subjects, decide all questions of order in accordance with these procedural rules, and announce the Planning Commission's vote on all actions. If there is an appeal to a decision of the presiding officer, the Planning Commission as a whole shall decide the question by majority vote. Any Planning Commissioner, with the exception of the presiding officer, may move to appeal a decision of the presiding officer. If the appeal motion is seconded by another Commissioner, the Planning Commission shall vote on the appeal. If the appeal motion is not seconded, the presiding officer's decision shall stand. The presiding officer's name shall be called last on any question in voting.

**5.2. Recording Votes.** The vote of each Planning Commissioner shall be recorded for each item of business on the agenda. The Planning Commission shall publicly report any action taken and the vote or abstention on that action of each Commissioner present for the action.

**5.3. Disqualification for Conflict of Interest.** Pursuant to the regulations of the Fair Political Practices Commission, the Chair, each Planning Commissioner, and any staff with a disqualifying conflict of interest shall, following the announcement of the agenda item to be discussed or voted upon, but before either the discussion or vote commences, do all of the following: (1) The public official shall publicly identify: (A) Each type of economic interest held by the public official which is involved in the decision that gives rise to the conflict of interest (i.e. investment, business position, interest in real property, personal financial effect, or the receipt or promise of income or gifts), and (B) The following details identifying the economic interest(s): (i) if an investment, the name of the business entity in which each investment is held; (ii) if a business position, a general description of the business activity in which the business entity is engaged as well as the name of the business entity; (iii) if real property, the address or another indication of the location of the property, unless the property is the public official's principal or personal residence, in which case, identification that the property is a residence; (iv) if income or gifts, then identification of the source; and (v) if personal financial effect, then identification of the expense, liability, asset or income affected. (2) Form of Identification: If the governmental decision is to be made during an open session of a public meeting, the public identification shall be made orally and shall be made part of the official public record.

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5.4. **Changing Votes.** The Chair or any Planning Commissioner may change their vote only by announcing their request immediately after the vote in question and before the next agenda matter is announced for discussion.

5.5. **Rosenberg's Rules of Order.** The procedures of the Planning Commission shall be governed by Rosenberg's Rules of Order, *Simple Rules of Parliamentary Procedure for the 21st Century* Rosenberg's Rules, as revised. The City Attorney shall serve as Parliamentarian.

5.5.1. The Chair shall establish any procedural rule not specified in these procedures, subject to appeal by vote of a majority of those Planning Commissions present and voting.

5.6. **Adjournment.** The Planning Commission may adjourn any regular or adjourned regular meeting, or special or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all Commissioners are absent from any regular or adjourned regular meeting, the Planning Commission Secretary may declare the meeting adjourned to a stated time and place and he or she shall cause a written notice of the adjournment to be given in the same manner as provided for special meetings, unless such notice is waived as provided for special meetings. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular or adjourned regular meeting, or special or adjourned special meeting was held within 24 hours after the time of the adjournment. When a regular or adjourned regular meeting is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings by ordinance, resolution, bylaw, or other rule.

## 5.7. **Quasi-Judicial Hearings.**

5.7.1. **Overview.** It is the policy of the Planning Commission to avoid and discourage substantive oral communications or individualized written communications about quasi-judicial matters, except during a noticed public hearing. Written communications distributed to a majority of the Planning Commission shall be disclosed to the Planning Commission Secretary and made public as required by the Ralph M. Brown Act. The following procedural guidelines are intended to implement this policy, but shall not be construed to create any remedy or right of action.

5.7.2. **Generally.** These procedures are intended to assure that the due process rights of all persons are protected during quasi-judicial hearings. Quasi-judicial hearings require a higher level of procedural due

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process because of the potential impact on life, liberty or property. In a land use context, quasi-judicial hearings typically involve a single parcel of land that affects the rights and use of the parcel by the landowner, and apply facts and evidence in the context of existing law in order to reach a final discretionary decision.

5.7.3. Identification of Quasi-Judicial Matters on the Agenda. Planning Commission staff, in conjunction with the City Attorney, will identify agenda items involving quasi-judicial decisions on the Planning Commission agenda. This identification is intended to inform the commissioners, interested parties, and the public that this policy will apply to the item, but failure to identify an item shall not be cause for a continuance.

5.7.4. Policy to Avoid Ex Parte Contacts. Ex parte contacts are substantive oral or individual written communications concerning quasi-judicial matters that occur outside of noticed public hearings. Planning Commission members should avoid and discourage ex parte contacts to the extent all possible.

5.7.5. Disclosure of Ex Parte Contacts. If an ex parte contact does occur (which may happen because the public has a hard time understanding that on quasi-judicial matters the Planning Commission's decision making is confined to the hearing), the Planning Commissioner must disclose the contact and the substance of the information communicated on the record at the start of the public hearing. This disclosure allows people who may have a different point of view or contrary evidence to make their points during the hearing in response to the information the Planning Commissioner may have obtained through the ex parte contact. The disclosure might go something like this: "I was approached by the appellant last week and they told me that neighborhood traffic is much greater than the City's baseline assumptions."

5.7.6. Ex Parte Contacts After the Hearing. Ex parte contacts after a public hearing is closed and before a final decision is rendered are prohibited because there is no opportunity for rebuttal.

5.7.7. Hearings De Novo. Appeals to the Planning Commission shall be conducted *de novo*, unless otherwise specified in the municipal code, meaning that new evidence and arguments may be presented and considered. All matters in the record before the original deciding body shall be part of the record before the Planning Commission.

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5.7.8. Burden of Proof. The applicant and appellant shall bear the burden of proof on all aspects of the action or relief they seek. The person with the burden of proof must offer evidence to the Planning Commission to support his or her position.

5.7.9. Rules of Evidence. Planning Commission hearings need not be conducted according to formal rules of evidence. Any relevant evidence may be considered if it is the sort of evidence upon which responsible persons rely in the conduct of serious affairs. The presiding officer may exclude irrelevant or redundant testimony and may make such other rulings as may be necessary for the orderly conduct of the proceedings while ensuring basic fairness and full consideration of the issues involved. Evidentiary objections shall be deemed waived unless made in a timely fashion before the Planning Commission.

5.7.10. Written Findings. On any matter for which state law or City ordinance requires the preparation of written findings, the staff report and other materials submitted on the matter will contain findings proposed for adoption by the Planning Commission. Any motion directly or impliedly rejecting the proposed findings must include a statement of alternative or modified findings or a direction that the matter under consideration be continued for a reasonable period of time in order for staff to prepare a new set of proposed findings consistent with the evidence which has been presented and the decision which is anticipated.

5.7.11. Planning Commissioners Who Are Absent During Part of a Hearing. A Planning Commissioner who is absent from any portion of a hearing conducted by the Planning Commission may vote on the matter provided that he or she has watched or listened to a video or radio broadcast, or video or audio recording, of the entire portion of the hearing from which he or she was absent and if she or he has examined all of the exhibits presented during the portion of the hearing from which he or she was absent and states for the record before voting that the Planning Commissioner deems himself or herself to be as familiar with the record and with the evidence presented at the hearing as he or she would have been had he or she personally attended the entire hearing.

5.7.12. Planning Commission's Use of Electronic Communication Devices During Meetings. The Planning Commission's use of electronic communication devices, such as cell phones and laptops, during a quasi-judicial Planning Commission hearing may lead to the public's perception that a Planning Commissioner is not paying attention to the subject matter at hand or that a Planning Commissioner is receiving information relative to the subject matter at hand that other Commissioners and members of the



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public are not receiving. Therefore, the Planning Commission's use of electronic communication devices (including cell phones), other than for the purpose of accessing agenda materials or conducting individual research, is prohibited during quasi-judicial Planning Commission hearings.

## 5.8. **Voting.**

5.8.1. **Passage of a Motion.** A majority vote of the Planning Commissioners present is required to pass a motion.

5.8.2. **Tie Votes.** A tie vote results in rejection of the motion or action in question.

5.9. **Minutes.** Upon the adoption of any resolution, or upon the demand of any member, the Planning Commission Secretary shall call the roll and shall cause the ayes and nays taken on such questions to be entered in the minutes of the meeting.

5.10. **Public Participation.** Any person wishing to address the Planning Commission should first complete and deliver to the Planning Commission staff a "Request to Speak" form. While the person's name and address is requested on the form, it need not be provided in order for a person to speak. A speaker shall not be heard during the "General Public Comment" portion of the meeting on a matter scheduled before the Planning Commission that same day.

5.10.1. **Time and Pooling Time.** No individual speaker may speak for more than 3 minutes. Persons who speak during public participation on an individual agenda item may pool their time with others when to do so will allow a group of speakers to consolidate and shorten their remarks. Persons who wish to pool their time shall so indicate on their Request to Speak. Each person who is donating time shall be present in the chambers to deliver the Request to Speak form and when the pooled-time speaker is heard. Time may be pooled up to a maximum of 5 minutes for any single speaker, regardless how many persons donate their time. A person may not donate only a portion of their time.

## 5.11. **General Public Comment.**

5.11.1. At the beginning of the 1:00 p.m. session of each regular Planning Commission meeting, the Planning Commission shall allow any member of the public to address them on any matter of interest that is within the subject matter jurisdiction of the City. The Planning Commission, upon

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majority vote, may decline to hear a speaker on the ground that the subject matter is not within the jurisdiction of the City.

5.11.2. Time Limits. The total amount of time for public comment for items not on the agenda ("general public comment") shall be 30 minutes, and no individual speaker may speak for more than 3 minutes. Speakers who have submitted a "Request to Speak" form prior to the time that the item on the agenda is initially read by the Planning Commission Secretary, but who cannot be heard during the initial public comment session due to the total amount of time exceeding 30 minutes, will be heard at the end of the meeting.

5.11.3. Pooling Time. Persons who speak during the general public comment portion of the agenda may not pool their time with others.

5.11.4. Planning Commission and Staff Responses. No action or discussion shall be undertaken on any item not appearing on the posted agenda except that members of the Planning Commission or its staff may briefly respond to statements made or questions posed by persons exercising their public comment testimony rights. In addition, on their own initiative or in response to questions posed by the public, a member of the Planning Commission or its staff may ask a question for clarification, make a brief announcement, or make a brief report on his or her own activities. Furthermore, a member of Planning Commission or the Planning Commission as a body, subject to rules or procedures, may provide a reference to staff or other resources for factual information, request staff to report back to the body at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.

## 5.12. Public Decorum and Rules of Conduct.

5.12.1. Duty to Preserve Decorum. While the Planning Commission is in session, all persons, including Planning Commissioners, shall preserve order and decorum. Any person disrupting the Planning Commission meeting shall be barred by the Chair from further attendance at said meeting. Any member of the public who fails to comply with the rules of decorum and conduct after being warned by the Chair, thereby requiring the Chair to interrupt the meeting once again to restore order, shall be considered to be disrupting the meeting.

5.12.2. Disruption Prohibited. No person shall disrupt the orderly conduct of the Planning Commission meeting. Prohibited disruptive behavior includes but is not limited to shouting, making distracting or disrespectful comments, making disruptive noises such as boos or hisses,

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creating or participating in a physical disturbance, speaking out of turn or in violation of applicable rules, preventing or attempting to prevent others who have the floor from speaking, preventing others from observing the meeting, entering into or remaining in an area of the meeting room that is not open to the public, or approaching the Planning Commission dais without consent. Individuals shall not be allowed to bring furniture into Council Chambers, or other items that might obstruct free passage within or ingress to or egress from Council Chambers, or to place any such obstructions in Council Chambers aisles or passage ways.

5.12.3. **Electronic Devices.** All electronic devices, such as phones, tablets or computers, shall be used in a silent mode so as not to disrupt the meeting with beeping, rings or other noises.

5.12.4. **Signs.** No sign shall be brought into the Council Chambers or displayed unless it can be held by one person without blocking the view of the dais by other persons seated in the Council Chambers. Signs shall not be affixed to poles or sticks. No sign or other material shall be affixed to the walls of the Council Chambers.

5.12.5. **Sergeant-at-Arms.** The Chief of Police (or representative) shall act as ex-officio sergeant-at-arms of the Planning Commission. The Police Chief shall carry out all orders and instructions of the Chair for the purpose of maintaining order and decorum inside and outside of the Council Chambers. Persons who disrupt a Planning Commission meeting while in session are subject to arrest and prosecution. Upon instructions of the Chair, it shall be the duty of the sergeant-at-arms or any police officer present to eject from the Council Chambers any person in the audience who disrupts the proceedings of the meeting.

5.13. **Council Chambers Capacity.** Council Chamber attendance is limited to the posted seating capacity. Planning Commission staff shall appropriately regulate entrance to the Council Chamber when the Council Chamber capacity is likely to be exceeded. Members of the public shall not remain standing in the seating area or aisles of the Council Chamber. Sitting on the floor is not permitted. The sergeant-at-arms or the Chair shall enforce these procedures.

## 6. SUBSTANTIAL CONFORMANCE DETERMINATIONS

6.1. **Substantial Conformance Determination.** After an application has been approved by the Planning Commission, the applicant may request that the project be revised in a minor fashion. These requests are usually the result of completing the design review or plan check process where some new requirement has come to light due to compliance with design review requirements or with flood,

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building, fire, or other development code requirements that is part of the construction documentation phase of a project. Sometimes the changes are purely at the owner's or applicant's request. Some of the revisions are very minor and some may be more difficult to assess, but, pursuant to the Santa Barbara Municipal Code, approval of the request is left to the discretion of the Community Development Director.

6.1.1. Criteria for Consideration. The following guidelines may be considered by the Community Development Director to determine if a revision to an approved project can be allowed without requiring a new or revised discretionary approval:

1. The proposed revision would otherwise be exempt from Design Review.
2. The project has not been the subject of substantial public controversy or interest, and there is no reason to believe that the proposed change has the potential to create substantial controversy.
3. The change does not increase the height of the roof ridge line of a proposed building.
4. The change would not be counter to direction provided by the applicable decision-maker.
5. The change does not affect easements for trails, public access, or open space.
6. The change does not reduce the number of parking spaces provided or cause an increase in parking demand.

6.1.2. Planning Commission's Role. The Community Development Director may request that the Planning Commission offer input prior to making a substantial conformance determination. The question in this type of determination is whether the revised project is substantially consistent with the original Planning Commission approval. If the Community Development Director cannot make the finding of substantial conformance and the applicant still wishes to pursue the revised project, an application for an amendment to the approval must be filed.

The following details four (4) levels of substantial conformance review and the process to be followed:

Level 1. Sign Off on Minor Revision. Planning staff is involved in the plan check process prior to the issuance of building permits. There may be very minor changes to the project, for example an architectural element may change to meet the requirements of Single Family Design Board,

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Architectural Board of Review or Historic Landmarks Committee, and a staff member documents the change in the record accompanying the building permit and planning application. No notification of the Planning Commission is necessary in this instance.

Level 2. Letter Approving Site Plan/Project Changes. Applicants will sometimes write a letter to the staff requesting minor changes to a project, e.g., moving a building a few feet to accommodate an existing tree, relocation of a trash enclosure to meet Fire Code requirements, relocation of some square footage from one area to another which has minimal effect on the site plan or elevation, or minor changes to approved land uses that are consistent with the original approval and findings. A staff member writes a letter to the applicant which indicates that the changes are in substantial conformance with the approval and a copy is sent to the Planning Commission.

Level 3. Discussion of Focused/Minor Substantial Conformance Requests at a Planning Commission Meeting. There are also requests for substantial conformance which staff feels cannot be granted without input from the Commission. Staff will schedule the item on an agenda as a Discussion Item. A Level 3 determination is anticipated to take less time on the agenda than review by the Commission of a Level 4 determination. The purpose of this discussion is to help staff determine if the request is consistent with the approval. The applicant is invited to be present during these discussions. Generally, a cover memo with background information will be provided to the Commission prior to the meeting. Sometimes in these cases it is appropriate to provide notice to interested parties and surrounding property owners to inform them that a discussion will be held to address a change in the project. Examples include removal of a specimen tree(s) that was to be preserved, minor changes in the location of a building, and project phasing changes. Once staff has received the Commission's input a determination will be made by the Community Development Director. Staff will follow with a letter with a copy sent to the Planning Commission.

Level 4. Discussion of More Significant Substantial Conformance Requests at a Commission Meeting. There are rare instances when an applicant requests a finding of substantial conformance which staff feels it cannot grant without

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more formal input from the Planning Commission. In this situation, the item is scheduled on an agenda as a Discussion Item. A staff report or memo with background information is sent to the Planning Commission prior to the meeting. Usually in these cases it is appropriate to provide notice to interested parties and surrounding property owners to inform them that a formal discussion will be held to address a change in the project. Once staff has received the Commission's input, a determination will be made by the Community Development Director. Staff will follow with a letter with a copy sent to the Commission. An example is where additional square footage is proposed, or some changes in use or parking numbers are proposed.

## **7. PROCEDURE FOR PLANNING COMMISSION REVIEW OF DECISIONS MADE BY THE STAFF HEARING OFFICER**

7.1. **Appeals.** The decisions of the Staff Hearing Officer may be appealed to the Planning Commission by the applicant. Please refer to Santa Barbara Municipal Code Title 28 and Title 30, as applicable, for appeal procedures.

7.2. **Suspension of Decision.** The Chair, Vice-Chair or designated Staff Hearing Officer Liaison may take action to suspend any decision of the Staff Hearing Officer pursuant to Santa Barbara Municipal Code sections 28.44.160 and 30.205.150, as applicable.

## **8. POWER OF CENSURE**

The Planning Commission establishes and reserves the power to censure members of the Planning Commission who violate these procedures. The Planning Commission may adopt supplemental procedures to govern censure proceedings upon the advice and counsel of the City Attorney.

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## APPENDIX A

### EXEMPLARY CUSTOMER SERVICE AND PROFESSIONAL CONDUCT

This discussion of professional conduct serves those that serve on the City's Planning Commission and are otherwise aspirational for members of the public, applicants and City staff throughout the planning and permit process.

Our primary obligation as Planning Commissioners and active participants in the planning process is to **serve the public interest** and these principles should be used to help further that purpose. All who engage in the planning process should seek to achieve high standards of integrity, proficiency, and knowledge.

A responsible and unbiased judgment often requires a conscientious balancing, based on the facts and context of a particular situation as well as a conscientiously attained concept of the public interest that is formulated through continuous and open debate. All those who participate in planning should be committed to upholding both the spirit and the letter of these principles.

1. **People who participate in the planning process shall continuously pursue and faithfully serve the public interest by:**
  - a) Examining our own cultures and professional positions in an effort to reveal and understand our biases and privileges as an essential first step so we can better serve a truly inclusive public interest.
  - b) Being conscious of the rights of others. Develop skills that enable better communication and more effective, respectful, and compassionate planning efforts with the community.
  - c) Having special concern for the long-range consequences of present actions, or inactions.
  - d) Paying special attention to the interrelatedness of decisions and their unintended consequences.
  - e) Incorporating equity principles and strategies as the foundation for preparing plans and implementation programs to achieve more socially just decision-making. Implement, for existing plans, regulations, policies and procedures, changes which can help overcome historical impediments to participation in the planning process by underserved communities.

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## **2. People who participate in the planning process shall do so with integrity by:**

- a) Providing timely, adequate, clear, and accurate information on planning issues to all affected persons, to governmental bodies, and to the public, to clients and decision makers.
- b) Facilitating the exchange of ideas and ensure that people have the opportunity for meaningful, timely, and informed participation in the development of plans and programs that may affect them.
- c) Promoting excellence of design and endeavor to conserve and preserve the integrity and heritage of the natural and built environment. Use principles of sustainability and resilience as guiding influences in our work.
- d) Identifying the human consequences as well as the environmental consequences of alternative actions including the short and long-term costs and benefits.
- e) Enhancing our professional education and training in our career as well as in our ability to work as a participant in the planning process.
- f) Educating the public about planning issues and their relevance to everyone's lives.
- g) Describing and comment on the work and views of other professionals in a fair and professional manner.
- h) Respecting the rights of all persons and not discriminate against or harass others.

Credit: American Planning Association