



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: October 13, 2022
AGENDA DATE: October 20, 2022
PROJECT NAME: Planning Commission Guidelines Update
TO: Planning Commission
FROM: Planning Division
Allison De Busk, Senior Planner II *ALD*
Tava Ostrenger, Assistant City Attorney

I. DESCRIPTION

The Planning Commission Guidelines were last adopted by City Council on July 15, 1997 (Exhibit A). In November 2018, City Council updated their Guidelines and it was decided that the Planning Commission Guidelines should be updated to reflect a similar format and guidance, as well as current procedures. The proposed updated Planning Commission Guidelines are included as Exhibit B.

II. RECOMMENDATION

Review the updated Guidelines and recommend that Council adopt the proposed guidelines as drafted or as revised by Planning Commission.

III. BACKGROUND

Commissioners Bonderson, Higgins and Wardlow were appointed to a subcommittee to work on the updates to the Planning Commission Guidelines. The subcommittee met internally as well as with staff many times since January 2022 to discuss the updates.

IV. DISCUSSION

While the majority of the Guidelines update is non-substantive, there are a few areas that may warrant discussion. Because the format of the document was completely overhauled to match the Council Guidelines, a track changes version was not prepared.

A. Pooling Time

The updated Guidelines note that “pooling” of time is not allowed for General Public Comment (comments on items not on the agenda). (Section 5.11.3 of the updated Guidelines)
For a specific agenda item, pooling of time is allowed, but it caps at five minutes total time. (Section 5.10.1 of the updated Guidelines)

B. Lunch Meetings.

Regular Lunch Meetings have been eliminated from the Guidelines. This is due to concerns regarding compliance with the Brown Act. Rather than holding regular Lunch Meetings, the updated Guidelines identify that a special meeting could be called during the lunch hour on the first Thursday of the month if needed for trainings or other routine administrative items (Section 1.5 of the updated Guidelines).

C. Substantial Conformance Determinations (Section 6 of the updated Guidelines)

Some criteria for considering Substantial Conformance Determinations (SCDs) has been added. Additionally, the Level 3 SCD has been moved from a Lunch Meeting review to a regular Commission meeting item due to the elimination of Lunch Meetings.

D. Other notable changes

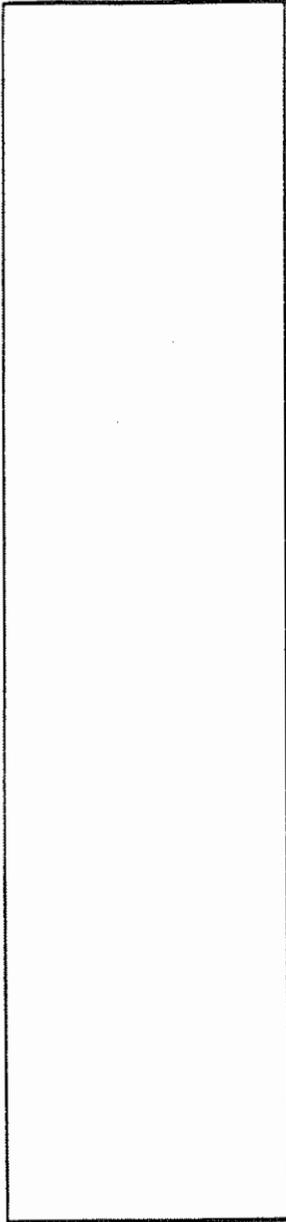
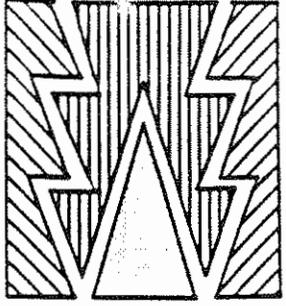
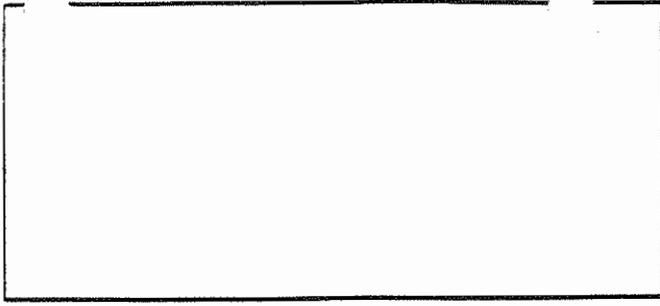
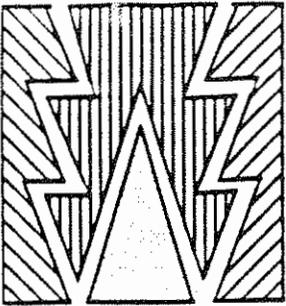
- Public comment has been increased from 2 minutes to 3 minutes per person.
- The Guidelines now include direction for choosing a Chair and Vice-Chair (Section 2.1 and 2.2, respectively, of the updated Guidelines).
- Hearings are now subject to Rosenberg’s Rules of Order instead of Robert’s Rules of Order (Section 5.5 of the updated Guidelines).
- The document now includes an Exemplary Customer Service and Professional Conduct section.

V. **ENVIRONMENTAL REVIEW**

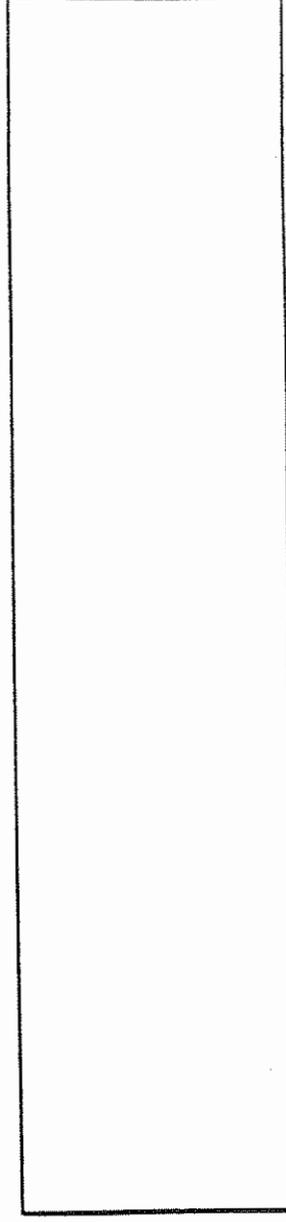
Revisions to the Planning Commission Guidelines do not constitute a “project” under the California Environmental Quality Act.

Exhibits:

- A. Planning Commission Guidelines (1997)
- B. Proposed updated Planning Commission Guidelines



THE CITY OF
SANTA BARBARA

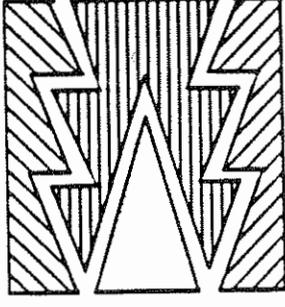
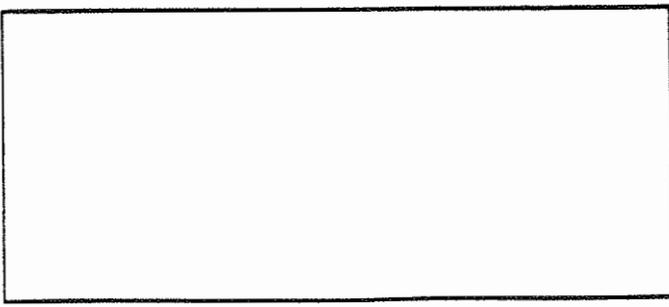
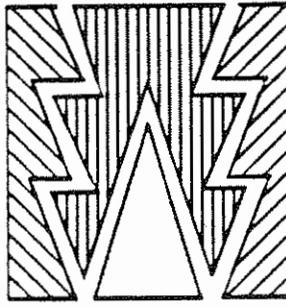


PLANNING COMMISSION

GUIDELINES

Adopted by City Council
on July 15, 1997

COMMUNITY
DEVELOPMENT
DEPARTMENT



CITY OF SANTA BARBARA
PLANNING COMMISSION GUIDELINES

TABLE OF CONTENTS

I.	ELECTION OF OFFICERS, APPOINTMENT TO SUBCOMMITTEES AND OTHER BOARDS	Page 1
II.	GENERAL POLICIES AND PROCEDURES	Page 1
III.	EXCELLENCE IN CUSTOMER SERVICE CODE OF CONDUCT	Page 3
IV.	CONDUCT OF MEETINGS	Page 4
V.	PROCEDURE FOR CONTINUATION OF PUBLIC HEARINGS	Page 8
VI.	PROCEDURE FOR PROCESSING OF REVISED PROJECTS AND SUBSTANTIAL CONFORMANCE DETERMINATIONS	Page 9
VII.	PROCEDURE FOR PLANNING COMMISSION REVIEW OF MODIFICATION REQUESTS GRANTED BY THE MODIFICATION HEARING OFFICER	Page 11
VIII.	PROCEDURE FOR CONSENT CALENDAR ITEMS	Page 11
IX.	PROCEDURE FOR PRESENTATION OF APPEALS TO CITY COUNCIL	Page 12
X.	INTERPRETATION AND APPLICATION OF THESE GUIDELINES	Page 13

CITY OF SANTA BARBARA
PLANNING COMMISSION GUIDELINES

JULY, 1997

I. ELECTION OF OFFICERS, APPOINTMENT TO SUBCOMMITTEES AND OTHER BOARDS

- A. Chairperson. As soon as practicable following the first day of January each year, and the appointment of new Commissioners has been made by the City Council, the Planning Commission shall elect one of its members to serve as Chairperson.
- B. Vice-Chairperson. Following the election of the Chairperson, the Planning Commission shall elect a Vice-Chairperson who will conduct meetings in the absence of the Commission's Chairperson.
- C. Other Selections. The Commission may establish one or more subcommittees comprised of three or fewer members appointed by the Chairperson and confirmed by the Commission. The appointment of a Commission member as a liaison or member of a commission, committee, sub-committee or board, other than appointment by the City Council, shall be subject to confirmation by the Commission.

II. GENERAL POLICIES AND PROCEDURES

- A. Brown Act, Meeting Rules, Guidelines Take Precedence. The Commission meetings (including, at times, meetings at Commission Subcommittees) shall be governed by the Ralph M. Brown Act (Govt. Code Section 54950 et seq.) with the general purpose to ensure that government decision making occurs in public. Robert's Rules of Order shall govern the conduct of Commission meetings. In case of any conflict between Robert's Rules of Order and these Guidelines, the provisions in these Guidelines shall prevail.
- B. 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.
- C. Lunch Meetings. The Planning Commission will meet for an informal discussion with Staff on the first and third Thursday of each month for 45 minutes prior to the formal session. In accordance with the Brown Act, these meetings will be open to the public. The matters to be discussed at the lunch meeting shall be described on the agenda and will routinely include the following: review/confirmation of minutes and resolutions of earlier Commission meetings; substantial conformance discussions; and updates on the status of long range projects, new legislation, zoning enforcement items, previously approved projects and future projects.

- D. Site Visits. The Planning Commission will meet with Staff to perform site visits of scheduled or pending projects. The Commission shall establish a regular site visit schedule and it will be shown on the agenda. In accordance with the Brown Act, the site visits will be open to the public. A Community Development Department telephone number for public inquiries regarding approximate time and place of specific site visits will be included on the agenda. During the site visits, statements shall not be taken from the public or from applicants. Comments from Staff are limited to a summary of the applications and identification of issues for which the site visit could provide information. Planning Commissioners may raise questions or issues regarding the project to be addressed by Staff, the applicant and others at the public hearing.
- E. Other Discussion. Commissioners should avoid private discussions of proposed or pending projects. Letters and others documents to individual Commissioners pertaining to a project shall ordinarily be given to all the other Commissioners and need to be made a part of the official record. At the public hearing on the matter, the Commissioner should disclose receipt of information that was received by letter, telephone or in person.
- F. Transmittal of Documents to Commissioners. All documents addressed to any Commissioner pertaining to a specific project shall be delivered to the office of the Planning Division in the Community Development Department. In extraordinary circumstances, a document may be delivered directly to a Commissioner; however the person providing such a document should also deliver a copy to the office of the Planning Division prior to the public hearing. Planning Division Staff will then transmit copies of those documents to individual Commissioners. In most cases, if a letter is received prior to scheduling a hearing it will be held at the Community Development offices until a delivery is made to the Commission with the Staff Report and other information related to the proposal. Every effort is to be made to transmit letters and documents to the Commission as soon as possible prior to a hearing once it has been scheduled.
- G. Notice and Responsibility for Absence. Commissioners will notify Staff at the earliest possible opportunity if it will not be possible for them to attend any scheduled meeting (including site visits and lunch meetings) as a meeting quorum could be affected and important information missed. Commissioners should seek information missed due to an absence; for example, it may be necessary for a Commissioner to review an audio or video tape of a meeting if future participation by the Commissioner is expected.
- H. Official Representation. Commissioners who wish to present their views when addressing the Council or other groups shall first indicate whether they are representing the Planning Commission or are speaking as individuals.

- I. Resolutions. A resolution of the Planning Commission is intended (i) to establish a permanent record of actions taken by the Planning Commission and (ii) to give an applicant formal notice of the action taken by the Planning Commission. The Staff of the Community Development Department shall prepare resolution following an action by the Planning Commission and any such resolution shall be effective on the date that the Planning Commission took the action referred to in the resolution. However, if the draft resolution is corrected by the Planning Commission, the applicant has the right to appeal only those change provided that the applicant files an appeal with the City Council within ten days after being given or mailed notice of those changes, whichever date is earlier.
- J. Conflict of Interest. The Political Reform Act (Govt. Code Sections 81000-91015) provides that the State Fair Political Practices Commission prepare and publish materials explaining obligations and guidelines for persons subject to the Act. Upon appointment to the Planning Commission, the City Clerk may provide copies of the most recent versions of the "Guide to the Political Reform act: California's Conflict of Interest Law for Public Officials." Upon receipt of an agenda or announcement of upcoming items each Commissioner should consider whether they have a conflict and communicate to the Chair or Staff if they will not be participating in the Commission consideration of an item due to a conflict.
- K. Law Controls. These 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 be followed.

III. EXCELLENCE IN CUSTOMER SERVICE CODE OF CONDUCT

The City's Economic Development Plan and Implementation Program (EDPIP) calls for a comprehensive program to achieve "excellence in customer service" in the City's review process. A Task Force was appointed by the Council to develop this program. One of the key elements of this program is the Excellence in Customer Service Code of Conduct. The Council adopted the Code on April 15, 1997, and on April 17, 1997, the Planning Commission adopted the Code.

EXCELLENCE IN CUSTOMER SERVICE CODE OF CONDUCT

The Mayor and City Council, appointed members of Boards and Commissions, the City's employees, and its volunteers are committed to excellence in customer service. We recognize that our customers are all who live, do business in, and visit Santa Barbara. We acknowledge that each of us has the responsibility to act according to the following core values:

ATTENTIVE AND UNDERSTANDING

I will be a careful and understanding listener. I will be open to new ideas and will explore alternatives.

RESPONSIVE

I will be available to provide service and will respond in an appropriate manner. I will be thorough, efficient and prompt.

FAIR

I will strive to be consistent and fair, and will give complete and honest information and guidance.

COURTEOUS & RESPECTFUL

I will be friendly and courteous. I will be respectful and understanding of others' issues and needs.

KNOWLEDGEABLE & SOLUTION ORIENTED

I will make every opportunity to learn and improve my skills and knowledge. I will use that knowledge to be resourceful and proactive in solving problems and reaching decisions. I will look for creative and workable solutions to problems.

IV. CONDUCT OF MEETINGS

- A. Call to Order. The Chairperson calls meeting to order and will indicate for the record which Commissioners are present/absent.
- B. Scheduling. The Chairperson asks about requests for withdrawal, continuance or postponement of agenda items.
- C. Announcements. The Chairperson asks the Commissioners and staff if they have any announcement on items of interest to the Commission.
- D. Appeals. The Chairperson call for status of appeals. A Commissioner may be designated to represent the Planning Commission's views on an appeal or other land use matters scheduled to be heard before the City Council.
- E. Public Comments. At each regular Commission meeting, during that portion of the agenda title, "Public Comment", the Commission shall allow any member of the public to address the Commission on any subject within the jurisdiction of the Commission that is not on that meeting's agenda. During this portion of the meeting, the Chairperson shall ask if there is any member of the public that wishes to address the Commission on such a subject. Whenever possible, the total amount of time for public testimony shall

be then (10) minutes and no individual speaker shall speak for more than (2) minutes. A speaker shall not be heard during the "Public Comment" portion of the meeting on a matter scheduled for a public hearing before the Commission. The Commission, upon majority vote, may decline to hear a speaker on the grounds that the subject matter is beyond the jurisdiction of the Commission.

- F. Consent Calendar. The Chairperson announces that there are/are not consent calendar items on the agenda (see Section VIII. for procedures).
- G. Public Hearings.
1. Commencement of Hearing. The Chairperson calls for the first item on the agenda by reading its agenda number and the applicant's name. In the event that no continuance is being sought, the Chairperson's introduction opens the public hearing. The Chairperson or Staff member summarizes the request before the Commission. The Chairperson will ask Staff to indicate the form of public notice given for the item in question.
 2. Staff Presentation. The Chairperson requests Staff to make its presentation of the proposed project.
 3. Applicant's Presentation. The Chairperson calls for applicant or applicant's representative to speak. A Commissioner may question the speaker to clarify points made in the presentation.
 4. Public Comments. The Chairperson asks if any other persons wish to speak. The Chairperson may limit the time that a member of the public may speak. In cases where it appears that there is a large number of persons present to speak on the item, the Chairperson may use the following procedure.
 - (a) The Chairperson asks for a show of hands of persons who wish to speak on the item.
 - (b) The Chairperson may request every person who desires to address the Commission to complete a written request to address the Commission.
 - (c) Depending on the number of persons present, the Chairperson may limit the time a person may speak.
 - (d) Depending on the number of persons present, the Chairperson may limit the applicant's initial presentation to 10 to 15 minutes.

- (e) The Chairperson may ask that no repetitive comments be made by subsequent speakers.
- 5. Applicant's Response. The Chairperson may recognize the applicant for response remarks.
- 6. Close Public Comment. The Chairperson declares the public comment closed. Comments made after this point are to be made only by Commissioners or by Staff. Applicants, proponents or opponents may speak only upon questioning by Commissioners.
- 7. Staff's Response. The Chairperson may recognize City Staff for response remarks.
- 8. Commission Discussion/Deliberation. The Commission may ask additional questions of Staff, applicants and others present, and hold its own discussion.
- 9. Motion. When the Commission's discussion is complete, the Chairperson calls for a motion for approval, approval with conditions, denial or continuance. The motion shall be restated clearly by the Chairperson before the vote.
- 10. Announcement of Decision. 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. The Chairperson will direct the applicant, interested parties or questions to Staff who will summarize the procedures.
- H. Signature of Plans by Chairperson. In the event the Commission votes approval of a particular plan (plot plan, tentative map, development plan, etc.), the Chairperson shall sign and date the approved plan, and note thereon the existence of conditions.
- I. Re-Opening a Public Hearing. When an item is continued after the public hearing is closed, the hearing may be reopened by vote of the Commission (provided notice requirements are met) at the meeting to which it has been continued, if new and additional evidence is to be presented.
- J. Items Other than Public Hearings. Items which do not require a noticed public hearing, (e.g., annexation initiation, lot line adjustments and miscellaneous matters) are conducted in substantially the same manner as public hearings, except there is no requirement to necessarily permit public comment or testimony.

- K. Administrative Agenda. Chairperson call for motion to approve minutes and resolutions. The Chairperson announces the actions of the Modification Hearing Officer on the date listed on the agenda and requests for any Commission review of those Modifications. Committee and liaison reports are given by Commissioners.
- L. Loss of Quorum. 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.
- M. Work Sessions/Concept Review. The Commission may review development proposals, ordinances or policy issues at a concept level prior to a formal review. Concept review provides an opportunity for early input from the Commission to Staff and applicants. At a work session of the Commission, the public may ask questions and make comments, only if the Chairperson so allows. It is an informal review where general information, questions, comments and suggestions for further study may be made. Comments made at the concept level are not binding on future review. Concept review is also an opportunity to coordinate with other Boards and Commission (most frequently the ABR or HLC). The types of projects that may be considered at a concept level tend to involve new or difficult issues. Both worksessions and concept review may be conducted in Room 15 rather than the Council Chamber because the setting can influence how dynamic and collaborative nature of the discussion. Topics for discussion must be stated on the agenda and are part of the meeting which is open to the public. On occasion, the staff may determine that public noticing may be appropriate for Concept Review of certain applications or portions thereof.
- N. Approximate/Time Certain Schedule. Planning Staff and the Chair shall review the order of the agenda prior to its publication and time certain scheduling will be made as deemed appropriate. The agenda shall state that the schedule is approximate, subject to change in that an item may be heard either earlier or later than noted in the approximate schedule, and that it is recommended that persons arrive at least 15 minutes before the approximate time for their item of interest.
- O. Change in Order of Agenda. At regular or special meetings of the Planning Commission, the Chairperson may change the order of the agenda with the concurrence of the Commission. The Chairperson will announce changes to the order of the agenda between each item for the benefit of the audience.
- P. Request for Recess. The Planning Commission may recess, or take breaks during the course of the meeting. A request for recess may be brought to the Chairperson by members of the Commission or Staff at any time. The determination to recess is at the discretion of the Chairperson who may ask for a motion and vote of the Commission on the matter. Following each recess or break, the Chairperson will announce the agenda

items which were continued or postponed at the beginning or during the course of the meeting.

- Q. Adjournment. The Planning Commission will attempt to complete its regular meeting by 6:00 p.m. If it has not completed its agenda by that time, it will complete consideration of the item it is reviewing at 6:00 p.m. and may continue the remaining items to its next meeting.

V. PROCEDURE FOR CONTINUATION OF PUBLIC HEARINGS

- A. Continuance. A public hearing on any matter shall be commenced on the date for which it has been noticed, unless the Commission continues the public hearing to a later date. A continuance may be requested as follows:
1. Written Request. A request to continue the 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 Chairperson who shall announce that a request has been received and by whom it was made.
 2. Oral Request. An oral request for a continuance may be made by any person. Such requests should include the same justification required for a written request.
 3. Requests Prior to Close of Hearing. A request to continue a public hearing which has commenced may be made either orally or in writing prior to the close of the public hearing. The request should include the reasons why a continuance is needed.
 4. 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.
 5. 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) 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.

- B. Notice Concerning Policy on Continuances. All required notices of public hearings (except for those specified in Subsection C below) shall advise that, "Continuances will not be granted unless there are exceptional circumstances."
- C. Notice of Continuance or Adjournment. Staff shall post notices of continuances as required by the Brown Act for a continuance (Government Code Section 54955.1) or adjournment (Government Code Section 54955).

VI. PROCEDURE FOR PROCESSING OF REVISED PROJECTS AND SUBSTANTIAL CONFORMANCE DETERMINATIONS

- A. Project Revision. In the event that a revision to an application is filed by the applicant after the public notice for a Planning Commission hearing has been published and the revision requires re-evaluation of any policy, design or environmental impact related to the revised application, the revised application shall comply with the following procedures:
 - 1. Additional Fees. At the time of submittal of the application for additional environmental and design review, the applicant shall pay an additional fee of one-half (1/2) of the original filing fee or as specified in the fee resolution adopted by Council.
 - 2. Environmental Review. The revised application shall be referred to the Environmental Analyst to determine the adequacy of previous environmental review. If the Environmental Analyst determines that additional review is necessary it must be completed prior to scheduling the revised project for a new hearing.
 - 3. Design. If required, the revised application shall be referred to the Architectural Board of Review and/or Historic Landmarks Commission for concept review as necessary.
 - 4. Hearing. Upon completion of any additional environmental and design review which is needed, the Planning Commission's hearing shall be scheduled in accordance with customary procedure.
- B. Appeal to City Council. In the event that a revised application is filed for a project which is pending before the City Council and the application requires re-evaluation of any policy, design or environmental impact related to the project, the revised project shall be subjected to the same procedure described in Section V.A.

C. Finding of Substantial Conformance. 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 and plan check processes where some new requirement has come to light. Some of the revisions are very minor and some may be more difficult to assess. In all cases, the need for the revision should be carefully considered. Typically, this finding is made by the Staff prior to the issuance of building permits. The Commission may be asked to offer input before Staff makes the 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 Staff 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) types of substantial conformance findings and the process to be followed:

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 ABR or Landmarks, and a staff member documents the change in the record accompanying the building permit application. No notification of the Commission is necessary in this instance.
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 two feet to accommodate an existing tree, the relocation of a trash enclosure to meet Fire Code requirements, or a relocation of some square footage from one area to another which has minimal effect on the site plan or elevation. 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 Commission.
3. Discussion of Substantial Conformance Requests at Lunch Meetings. There are also requests for substantial conformance which Staff cannot grant without input from the Commission. Staff will schedule the item for discussion at a Commission lunch meeting. 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. Examples include removal of a specimen tree(s) that were to be preserved, minor changes in the location of a building, and project phasing changes. Such requests shall be listed on the agenda in accordance with the requirements of the Brown Act.

4. Discussion of 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 more formal input from the Commission. In this situation, the item is scheduled on an agenda as a Discussion Item. A cover memo with background information is sent 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 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. Staff will follow with a letter with a copy sent to the Commission. An example is where additional square footage is proposed, some changes in use are proposed, or an additional bedroom is added to a residential project.

VII. PROCEDURE FOR PLANNING COMMISSION REVIEW OF MODIFICATION REQUESTS GRANTED BY THE MODIFICATION HEARING OFFICER

- A. Notice to Commissioners. The Commission shall be sent copies of actions taken by the Modification Hearing Officer (acting on behalf of the Community Development Director, Santa Barbara Municipal Code Section 28.92.026).
- B. Suspension of Decision. When the Chairperson announces the item any Commissioner may ask for clarification of or may make a motion to suspend the decision of the Modification Hearing Officer. If a motion is adopted, the decision of the Modification Hearing Officer is suspended.
- C. Noticed Meeting. If the motion is passed, the suspended item to be considered will be scheduled for consideration by the Commission. The Chairperson shall request a date of the public hearing for a suspended item, and adequate notice of a public hearing must be completed.
- D. Approval of Modifications. If an approval of a modification is not suspended and no appeal has been filed or the time to appeal has expired, the action taken by the Modification Hearing Officer shall be final.

VIII. PROCEDURE FOR CONSENT CALENDAR ITEMS

- A. Agenda. The Commission will be given a brief or abbreviated Staff Report and recommended conditions of approval for each consent calendar item in the agenda package. By consensus the Commission may decide to waive the oral Staff Report(s).

- B. Comments. For each item on the Consent Calendar, the Chairperson announces the application and asks if anyone in the audience or on the Planning Commission wishes to ask any general questions concerning the item which can be quickly answered, or if anyone wishes to remove any item from the consent calendar.
- C. Time Limit and Removal From Consent Calendar. If questions from the public or a Planning Commissioner are substantive and requires a lengthy discussion, the item will be removed from the consent calendar and scheduled in accordance with E below.
- D. Request for Removal. Any interested person or Planning Commissioner may request that an item be removed from the consent calendar if the request is made prior to approval of the consent calendar. Upon such a request, the Chairperson shall order removal of the item from the consent calendar. If an item is removed from the consent calendar, it will be scheduled in accordance with E below.
- E. Scheduling. All items removed from the consent calendar shall be scheduled for hearing on the same day, and considered on the agenda after completion of items that have been continued from a previous meeting or in the order decided by the Chair.
- F. Approval. Chairperson asks for a motion for approval of all remaining items on the consent calendar. The motion shall include a statement to adopt all appropriate findings and all conditions of approval on the listed reports.

IX. PROCEDURE FOR PRESENTATION OF APPEALS TO CITY COUNCIL

- A. Transmittal of Records. All matters considered by the Planning Commission shall be included in the record transmitted to City Council. This may be accomplished by either:
 - (1) Submitting copies of all reports, correspondence and documents to each City Council member, or
 - (2) Providing each City Council member with a list of the reports, correspondence and documents considered by the Planning Commission and making one (1) set of all such documents available for review by members of the City Council prior to the appeal hearing.
- B. Representation at City Council. Commissioners appearing on behalf of the Commission shall identify themselves as representing the Planning Commission.

X. INTERPRETATION AND APPLICATION OF THESE GUIDELINES

- A. Guidelines are Directory, not Mandatory. The provisions of these Guidelines are directory, not mandatory. Except as provided otherwise by statute or local ordinance, no action taken by the Commission shall be held invalid due to any failure to observe any provision of these Guidelines, nor shall any person have a claim or cause of action against the City, the Commission or any of their officers or employees on account of such a failure.

- B. Planning Commission Interprets Guidelines. All questions regarding the proper interpretation and application of these Guidelines shall be resolved by the Planning Commission, upon the advise of staff and the Commission's City Attorney advisor, whose interpretation of such questions is final and binding.

[J:\A...APC\PCGDLNES.97]

CITY OF SANTA BARBARA

Planning Commission Guidelines



INSERT DATE HERE

TABLE OF CONTENTS

1.	GENERAL POLICIES AND PROCEDURES	1
1.1.	Usage	1
1.2.	Guidelines are Directory	1
1.3.	Regular Meetings – Date and Time	1
1.4.	Special Meetings	1
1.5.	Special Meeting for Training and Routine Administrative Items.....	1
1.6.	Site Visits.....	1
1.7.	Ex Parte Communications	2
1.8.	Absences.....	2
1.9.	Resolutions.....	2
2.	ELECTION OF CHAIR/VICE-CHAIR & BOARD/LIAISON APPOINTMENTS.....	2
2.1.	Chair.....	3
2.2.	Vice-Chair.....	3
2.3.	Subcommittees & Liaisons.....	3
3.	AGENDAS.....	3
3.1.	Agenda Posting	3
3.2.	Written Materials and Public Records.....	4
3.3.	Submission of Materials by the Public for Council Consideration	4
4.	CONDUCT OF MEETINGS.....	5
4.1.	Order of Business	5
4.2.	Consent Calendar.....	5
4.3.	Public Hearings & Appeals	5
4.4.	Items Other than Public Hearings & Appeals.....	7
4.5.	Signature of Plans by Chair	7
4.6.	Loss of Quorum	7
4.7.	Postponements.....	7
4.8.	Withdrawals	7
4.9.	Continuances.....	8
5.	PARLIAMENTARY MEETING PROCEDURES.....	8
5.1.	Presiding Officer.....	8
5.2.	Recording Votes.....	9
5.3.	Disqualification for Conflict of Interest.....	9
5.4.	Changing Votes	9

PLANNING COMMISSION GUIDELINES

5.5.	Rosenberg’s Rules of Order.....	9
5.6.	Adjournment.....	10
5.7.	Quasi-Judicial Hearings	10
5.8.	Voting.....	13
5.9.	Minutes	13
5.10.	Public Participation.....	13
5.11.	General Public Comment	13
5.12.	Public Decorum and Rules of Conduct	14
5.13.	Council Chambers Capacity.....	14
6.	SUBSTANTIAL CONFORMANCE DETERMINATIONS	15
6.1.	Substantial Conformance Determination	15
7.	PROCEDURE FOR PLANNING COMMISSION REVIEW OF DECISIONS MADE BY THE STAFF HEARING OFFICER	18
7.1.	Appeals.....	18
7.2.	Suspension of Decision	18
8.	POWER OF CENSURE	18

PLANNING COMMISSION GUIDELINES

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

PLANNING COMMISSION GUIDELINES

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

PLANNING COMMISSION GUIDELINES

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.

PLANNING COMMISSION GUIDELINES

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

PLANNING COMMISSION GUIDELINES

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.

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.

PLANNING COMMISSION GUIDELINES

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 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.

PLANNING COMMISSION GUIDELINES

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.

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.

PLANNING COMMISSION GUIDELINES

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 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

PLANNING COMMISSION GUIDELINES

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.

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*

PLANNING COMMISSION GUIDELINES

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 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.

PLANNING COMMISSION GUIDELINES

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.

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

PLANNING COMMISSION GUIDELINES

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 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.

PLANNING COMMISSION GUIDELINES

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 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

PLANNING COMMISSION GUIDELINES

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, 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

PLANNING COMMISSION GUIDELINES

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, 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.

PLANNING COMMISSION GUIDELINES

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 ridgeline 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, 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.

PLANNING COMMISSION GUIDELINES

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 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

PLANNING COMMISSION GUIDELINES

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.



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

PLANNING COMMISSION GUIDELINES

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.

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.

PLANNING COMMISSION GUIDELINES

- 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