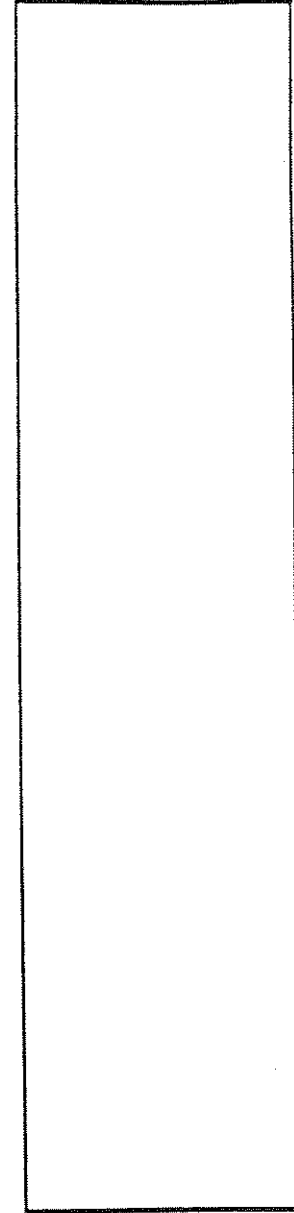


THE CITY OF
SANTA BARBARA

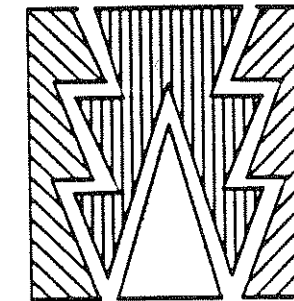
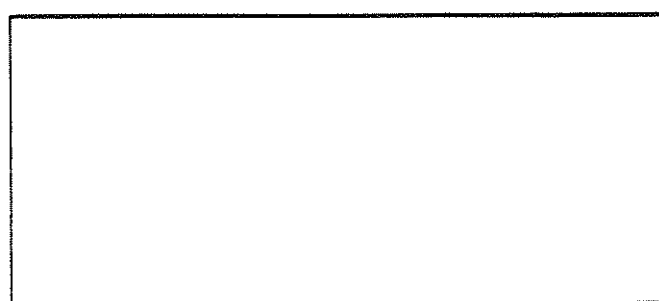
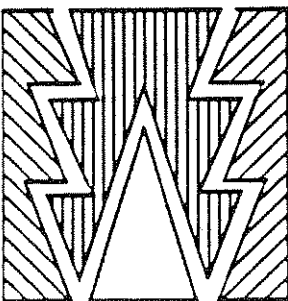


PLANNING COMMISSION

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:\...APC\PCGDLNES.97]

