



PLANNING & DEVELOPMENT SERVICES
DEPARTMENTS

CITY OF SACRAMENTO
CALIFORNIA

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MEMORANDUM

Date: August 14, 2008

To: Darrel Woo, Planning Commission Chair
Members of the Planning Commission

From: Planning Department & Development Services Staff

SUBJECT: Planning Commission Policies and Procedures

A subcommittee of the Planning Commission directed staff to bring forward a list of policies and procedures for general Commission discussion. The first of two meetings occurred on February 21, 2008, and the second meeting was at that time scheduled to occur on the August 21, 2008 Planning Commission Meeting date. Issues for discussion on August 21st include the following points and summarized policy discussion:

Commission Conduct

- Common courtesy (ensuring that Commissioners are receptive both to comments from the public and from other Commissioners) This was going to be done on a personal level
- Attendance during hearings (late arrivals, leaving hearing room during hearing)
- Voting options (ayes, noes, abstain, recusal for conflict of interest only)
- Request for name/address of speakers at hearings

Administrative Matters

- Staff contacts (identifying primary contact for administrative or procedural questions)
- Minutes (action minutes vs. summary minutes (ref. Development Oversight Commission minutes))
- Management of written ex parte communications received by Commissioners prior to hearing
- Posting personal information of members of the public on the City's Website
- Regular Dates for Policies and Procedures discussion

The first list of issues discussed during the February 21, 2008 meeting, are summarized as follows:

Process

- Appeal hearings (order of presentation, etc) –
 - The commission is concerned that when a project is appealed that the provisions do not allow for the appellant to receive more time than a normal member of the general public. The Planning Commission used to allow the appellant to present, and then the applicant would have an opportunity to respond, and then the appellant again.
 - The City Attorney (Sabina Gilbert) responded to this concern. The City Council rules and

- procedures have a provision regarding appeals and she recommends that the Commissions set-up a committee to amend the relevant council procedures to the commissions by-laws. When an appeal is overturning a decision of the Planning Director or the Zoning Administrator the hearing should be conducted like it's the first hearing of the item. However that does not mean that the commission can not give the appellant equal time and or special recognition.
- Chair Woo requested that a copy of the Council Rules & Procedures to be kept in the sleeve of the commissioner binders so commissioners can refer to them from time to time.
 - Staff has agreed to have copies provided in the binders.
 - Commissioner Yee, Notestine, and Samuels volunteered to be on the subcommittee meeting with City Attorney Sabina Gilbert to find the relevant City Council rules and procedures to integrate into the Planning Commissions by-laws. Chair Woo has requested a report back on the findings of this subcommittee to the full commission, before the third Thursday in August in preparation for discussion of the remaining policies and procedures.
 - In the meantime the commission will be following the City Council procedures regarding appeals.
 - For Planning Commission decisions that are appealed and overturned, and for call-ups as well, commissioners wish to have report backs (by staff) on those items. Commissioners have also displayed concern as to summarization of commission's actions when items are called-up to council. The summarization doesn't indicate the prioritization or mention of the commissions concerns.
 - Staff has agreed to pre-notice council items (in electronic format, hardcopy for Contreras) as well as report back on council actions on appealed items. Also, in the section of the council report under commission actions staff has indicated that they will include the commission's identified issues and discussion as well as the commission's actions.
 - Discussion of whether it's appropriate for commissioner's to go before the Council to speak on their on behalf. It was discussed that the Council will see them as speaking for the commission as a whole, and staff has indicated that the Council overall does not seem to appreciate it when Commissioners come before them to speak for themselves as individuals rather than as a designee of the commission.
 - Project processing (the "rush to judgment")
 - The commissioners are not being given enough time to review very large projects. The timelines/constraints are forcing the commissioners to pass judgment on projects that they don't feel informed about and often times don't have all of the information to act on. With very little opportunity because of conditions to make suggestions or changes to a project to make them better (Railyards, Panhandle, Greenbriar, etc.).
 - Staff has tried to respond to the breadth of information by having multiple hearing dates, as well as holding Joint Commission meetings so that each commission could play off each others comments and responses to issues. Staff has also tried to give early reviews for those really large projects.
 - Prefer early reviews on projects, but many of the large projects don't have any early reviews and the early reviews often times don't have any staff analysis done on the project beforehand because of constant changes by the applicant, causing the rush to judgment.
 - If the commission can have more input into projects earlier on, it would allow the commission to guide the applicant to produce a better project that the commission would feel comfortable with taking an action.
 - To help the commission understand why the project is being pushed also helps alleviate the concern they have with being rushed to judgment, so long as the welfare of the City's citizens are being taken into consideration as well as that of the applicants. When the large project is definitely being taken back to the Commission in the future to allow for further comment helps to alleviate some concerns.
 - The commission has indicated concern with receiving large amounts of documents right before the meeting, on items that they are expected to take action on that same night. There is no way for the commission to be able to analyze how this new information is going to affect the project.
 - Another concern is the lack of time that they have not only to review any new information received the night of the meeting, but also the amount of time that the commission is allotted to review and comment on large items due to full agendas. Make sure that the staff reports are concise and to the point. Don't include more information than what is going before the Commission for action.
 - The City Attorney reminded all Commission members that if they meet with an applicant, city staff member, or member of the public regarding a hearing item. When the item is heard, they

- need to report who they met with and what information they received.
- Post-approval project modifications (degree of changes made at staff level, notification)
 - Problems with the changes stems from the fact that the commission is given “conceptual” drawings for review and approval and often times situations occur further along in the project that necessitates changes. To necessitate that a project return to the commission for every change, from before the building permit to the time during construction, would be too cumbersome.
 - A solution could be to establish a baseline for staff use to determine when something will need to return to commission or council for approval.
 - Staff needs to be knowledgeable about the original concerns and comments regarding the original approval when they make or approve changes. This will make it easier to find the trigger as to when the item needs to be brought back to the public.
 - Staff has been working on training staff on the need for communication to the council members and the community. Staff understanding their roles and responsibilities will alleviate a lot of these approval problems.
 - How well is MATRIX really working (survey of applicants large and small)
 - Bill Thomas responded that in general the MATRIX is working really well. They have had operational issues with getting the MATRIX up and running. One problem has been that staff assigned to “teams”, were often not even aware that they were part of a team, particularly when the MATRIX went Citywide. The proximity of the team members will be rectified when Development Services moves to 300 Richards, as the floor plan has been designed to place all team members within a group. Another problem is when a customer is assigned a permit number they are assigned to a MATRIX group, so the customers know their team lead before staff is even aware they have been assigned a project. They are still working on solving all problems, having meetings with the MATRIX group and rotating team leads.
 - Every so often focus group meetings have been held including both large and small developers. The response about how MATRIX is doing has been positive.
 - The Commission not very confident that they know enough about what the process is. Stating that they had requested a detailed briefing as to what MATRIX is either by Staff or members of the DOC. The briefing had not yet occurred, but it would still be valuable to the commission to know it so to potentially schedule something for a future meeting. Types of information requested are as follows:
 - The Intent?
 - How it Works?
 - In addition to a report back on how it is really doing rather than what it was designed to do.
 - Within the MATRIX team who has the final authority to overrule the differing agendas of the different departments regarding any given project?
 - Staff needs to be educated that when they have conflicting policies on a project, the MATRIX has a Policy Technical Team made up of Division heads from the various development departments that meeting once a month to discuss policy conflicts, and make decisions as to how the conflicting interests can be responded to. Or even possibly take the issue to Council to perhaps change the policy conflicts between development departments.
 - The Design Oversight Commission (DOC) has also requested measureable data on the success of the MATRIX, as well as the proof of cost savings.
 - Holger Furst, DOC member spoke on what feedback the DOC has received regarding the MATRIX. The projects have benefited with the early involvement of the MATRIX teams as well as that of the public. They have received very little negative comments.
 - Commission indicated that they had heard that there may be a future restructuring of the Planning Commission due to the next Phase or phases of the MATRIX. They requested that the DOC include any potential Planning Commission restructures in a potential presentation of the structure of the MATRIX.
 - Staff stated that a report back could be scheduled separately on an agenda in the future.
 - Process streamlining and proposed reorganization of Planning Commission (status report)
 - DOC met and there was talk of reorganizing the Planning Commission to be more in line with the Design and Preservation Commissions. In terms of both structure and the backgrounds of specific commissioners. The meetings where this discussion had been occurring hadn't happened for about six months.
 - Workload of Commission (Projects vs. Policies) if the workload of the Commission is lighter then the commission could begin to work on recommendations to Council on policy direction. However, the commission is not convinced that the workload will be much if any lighter than

- before for some time to come.
- The commission identified that discussion needs to happen to identify the type of projects that need not go to the Planning Commission and could be dealt with at staff level. Once a project is approved it gives the planning director authority to approve subsequent entitlements, it would have been nice to have had discussion with the commission prior to any further approvals.
 - Staff responded that change of the commissions' structure would change the rest of the regulatory process, and due to staff reduction the regulatory forum will be reduced to minimal activities.
- Commission indicated to have staff update out of date Zoning Codes and Ordinances would make many of the current entitlements that projects are requiring unnecessary, therefore streamlining the process.
- Project Noticing
 - Suggested types of signage/notification to the public to make projects more apparent:
 - "Little Blue Sign" vs. something a little bit larger
 - County's Real Estate Sign – the county pays for and puts up the sign 30 days in advance of the hearing, the sign is put on the property that is subject to an action. It's a big format sign, and the public has been very receptive to them. The staff at the county would be happy to speak with City staff on the use of these large format signs. Potentially could have the applicant pay for the "signage" for noticing planned projects.
 - Staff has indicated that a feasibility study will have to be conducted on the costs associated with this type of signage.
 - Billboard – sign for large projects such as Greenbriar, Delta Shores
 - Sunday space in Bee (commissions section)
 - City staff does provide information to the Bee's staff; however the Sacramento Bee only uses that information which they consider most pressing.
 - The chair and the vice chair needs to go and speak with the editors at the paper to explain to the importance of the items. A few commissioners will need to go directly to the paper, Commissioner Banes and Yee volunteered to set a meeting up with the editorial board at the Sacramento Bee.
 - Mention was made about public members claiming that they have never been noticed. Perhaps making sure to mail to site address as well as the owner's address to ensure that both "renter" and property owner receive notice regarding a project will alleviate some of these problems.
 - Staff stated that they can prove whether or not notice was mailed to any individual, however they do not take the argumentative stance with members of the public. However if the commission would like to see that an individual did in fact have the notice mailed to them at any given time staff can produce the mailing list for the project noticing. Commission has requested that information be pulled and that the address is confirmed by the member of the public as being correct.
 - Notice community groups to better get the information out to the public.
 - DSD has been working with Neighborhood services to get the most up-to-date information on active community groups for noticing, and if a community member contacts the City requesting notice for an area they have also been added to the noticing list.
 - The Commission has requested a report-back as soon as possible on the signage, mailing and community group noticing.

Staff Reports

- Content and quality of staff reports
 - The structuring of conditions, where they may have the same condition mentioned in three or four different places. Causes the commissioners to be more likely to skim because sometimes the conditions from fire would be the same as police but it is written out in both places.
 - Some conditions in some reports are boiler plate, but sometimes there are things that are included in a report that clearly do not apply to the project being considered, so it looks like an error in terms of copy and paste from the boiler plate verbiage. If the report is going to be the record it needs to be consistent and accurate.
 - Occasionally reports are missing things like discussion of public outreach.
 - The commission requested that they be informed of the criteria that each department uses to set

- The inclusion of multiple controversial projects/items on the same agenda.
- Taking agenda items out of order, is a disservice to the public and staff because the public would most likely understand that the agenda would be taken in order so may arrive later and not realize that the item had already been heard, or anticipate to be heard earlier and be moved to a later time.
 - Staff informed the commission that it was their prerogative, within the commissions' legal strictures, as to what order they wish to hear items in. There are pro's and con's of either taking the agenda in order or out of order.
- Organization of the projects on the agenda. If there is any way to put those items that are withdrawn, continued, or non-controversial at the beginning, and the controversial towards the end.
 - Staff responded that the current system used to produce the agendas (Accela) will not allow the Clerk to organize the projects in a more logical order, because It forces the order by project number.
- The types of agendas that are constructed with numerous projects, many controversial, which causes the meetings to go later than they should be. After 10:30 p.m. the commission is no longer able to give as good input, discussion, or consideration on items.
 - The managerial staff does review the agenda to determine if the items can all be heard, and estimate how long each of the projects will take, but because it is an estimate it is not exact and sometimes items are heard later than anticipated by staff. This is in part cause by not know how many people might be coming, and how many public members might speak on a given item, these factors stretches the timelines.
- The meetings have been more productive without having the entire staff reports being presented by staff to the commission. The abbreviated presentations have saved a lot of time. Another way to assist with the timeliness of the meetings is to ensure that the public comments are held to the three minute limit. Commission requested that a timer be installed in the Historic City Hall Hearing room where the public can see how much of their time is remaining. The commissions chair will have to hold public members to the limit equally.
 - Staff responded that they had investigated the installation of a timer for the public speakers but didn't know what the costs associated with that would be. A report-back on this item will be given.