Planning Department

Community Planning Chairs Operations Workshop

The City of SAN DIEGO
Introductions

Planning Department
- Nancy Bragado, Deputy Director
- Bernard Turgeon, Senior Planner
- Maria Nieves, Clerical Assistant

Development Services Department
- PJ Fitzgerald, Interim Assistant Deputy Director

Planning Commission
- Stephen Haase, Vice-Chair

Community Planners Committee
- David Moty, Chair

Who is attending?
- Name & community planning group
Agenda

Introductory Remarks

Planning Department Overview

Development Services Department Overview

Community Planning Group Meeting Process
  - Planning Group Governance and Structure
  - Parliamentary Procedure
  - Meeting Preparation
  - Meeting Management
  - Voting, Abstentions & Recusals
  - Subcommittees
  - Meeting Records

Questions?
Planning Commission

Stephen Haase

Susan Peerson

Anthony Wagner

William Hofman

Theresa Quiroz

James E. Whalen

Douglas H. Austin
Community Planners Committee

- Open to representatives from all 42 recognized community planning groups
- Monthly opportunity to discuss and vote on matters of Citywide interest and importance
- Advisory to City Council, Planning Commission and other agencies
- Subject to many of the same meeting procedures as individual community planning groups
Overview

Ongoing Projects and Programs

- 9 Community Plan Updates (CPUs) and Impact Fee Studies
- Major Plan Amendments
  - Serra Mesa Plan Amendment (Franklin Ridge Rd.)
  - University Plan Amendment (mobility focus)
- Financing Plan Updates
- Special Area Studies/TOD Plans
- Community planning group support
  - 42 planning groups
  - Community Planners Committee
- Plan amendments/ project review
  - Public and private projects
  - Plan implementation
Community Plans

- Long range plans for growth and development
- Part of the City’s General Plan
- Tailored for each community
Community Plan Updates in Process

- San Ysidro
- Uptown
- North Park
- Greater Golden Hill
- Old Town
- Midway Pacific Highway
- Mission Valley
- Clairemont
- Kearny Mesa
Community Plan Updates

- San Ysidro
- Uptown
- North Park
- Greater Golden Hill
- Old Town
- Midway Pacific Highway
- Clairemont
- Kearny Mesa
- Mission Valley
- University Community
- Mira Mesa
Development Services Department

Divisions

- Building Construction and Safety
- Code Enforcement
- Engineering
- Land Development Review
- Project Submittal and Management
- Support Services
OpenDSD Webpage

Discretionary Approvals

- Exercise of judgment/deliberation
- Decision Maker uses discretion to approve or deny
- Findings must be made to support the decision
- Requires public notice, decision may be appealed
- CPG recommendation required
- Not a Building Permit; plans are conceptual
- Approval required based on scope and location
Decision Process Levels

- **Process 1 – City Staff**  
  Ministerial, no appeals (i.e. Building Permits)
- **Process 2 – City Staff**  
  Appealable to Planning Commission
- **Process 3 – Hearing Officer**  
  Appealable to Planning Commission
- **Process 4 – Planning Commission**  
  Appealable to City Council
- **Process 5 – City Council**  
  Final Decision, no appeals

* Processes 2-5 are Discretionary *
Approval Types

Ministerial (Process 1)
- Subdivision Maps
- Planned Dev. Permits
- Conditional Use Permits
- Coastal Development Permits

Discretionary (Process 2-5)
- Neighborhood Use Permits
- Neighborhood Dev. Permits
- Site Development Permits
- Conditional Use Permits
- Coastal Development Permits
- Subdivision Maps
- Planned Dev. Permits
- Legislative Actions

Decision Process

1. Ministerial (Process 1)
2. Discretionary (Process 2-5)
3. Neighborhood Use Permits
4. Neighborhood Dev. Permits
5. Site Development Permits
6. Conditional Use Permits
7. Coastal Development Permits
8. Subdivision Maps
9. Planned Dev. Permits
10. Legislative Actions
Planning Department

Decision Maker vs. Advisory Body

- Planning Group and City reviewers are advisory.
- Advisory bodies make recommendations not project decisions.
- DSD, HO, PC and CC are Decision Makers.
- Only Decision Maker can approve/deny a project.
- Decision Maker does not have to follow advisory recommendations (use of discretion).
Development Project Managers

- All Discretionary projects require a DPM
- DPM manages the multi-discipline project review
- Serves as the project’s single point of contact
- Prepares assessment letters, staff reports, permits, findings & required approval documents
- Presents the project at public hearings
- Advocates for the process not the project
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**Discretionary Project Review Steps**

1. **Step 1**  
   Customer with a Project Requiring City Action

2. **Step 2**  
   Customer Submits Complete Plans/Documents to the City

3. **Step 3**  
   City Staff and Comm. Planning Group Review of the Project

4. **Step 4**  
   Are there Unresolved Issues (Including Environmental Review)?
   - **YES**  
     DPM Prepares Assessment Letter
   - **NO**  
     
5. **Step 5**  
   Project Scheduled for a Public Hearing or a Staff Decision is Made

6. **Step 6**  
   Permit is Issued if Project Approved and Ministerial Permits, Inspection Begins

Notice of Application  
First Set of Plans to Community Group
Assessment Letters

- AL prepared by City Project Manager
- Valuable tool for applicant and CPG
- Outlines project issues, required permits, process level, next steps, resubmittal instructions
- CPG Chair receives copies of all AL’s
- AL available approx. 5 weeks after 1st submittal
- AL prepared for each subsequent review
- Most CPGs won’t hear projects before 1st AL
Tips for Successful CPG Review

- Focus on conformity with the Community Plan
- Frame issues within the permit findings
- Take formal action (avoid continuances)
- Project review should be timely
- Communicate with City Project Manager via Chair
- Approve meeting minutes as soon as possible
Project Conditions

- Must have a nexus (connection) to impact
- Must have a trigger (i.e. prior to building permit)
- Proportional to scope and requested action
- Enforceable and measurable
- Some conditions may not be included in permit
- Applicant may or may not agree to conditions
CPG Recommendations

- Include actual vote count
- List conditions, does applicant agree?
- Provide backup documentation
- Relate to permit findings
- Email to DPM, sooner the better!
- Written recommendation is your primary tool
Planning Department

Hearing Staff Reports

- CPG vote a critical component of the process
- CPG vote included prominently in all staff reports
- CPG’s concerns addressed in Report
- CPG’s minutes included as report attachment
Hearing Staff Reports

• Hearing Staff Reports available on-line
• Hearing Officer:
  http://www.sandiego.gov/development-services/industry/hearingofficer/reports/index.shtml

• Planning Commission:

• City Council:
Contacting Development Services

- Project Management: (619) 446-5220
- Development & Permit Information: (619) 446-5000
- Code Enforcement: (619) 236-5500
- General Information: (619) 446-5000
- Internet: https://www.sandiego.gov/development-services/
CPG Governing Documents

- Community Planning Group Bylaws
- Council Policy 600-24
- Administrative Guidelines
- Indemnification Ordinance
Brown Act Influences

- Meeting requirements
- Transparent & open deliberations
  - Avoid collective concurrence
  - Avoid serial meetings
- Public right to attend & provide comment
  - Notice requirements
  - Agenda descriptions
  - Items not on agenda
Robert’s Rules of Order

- Referenced in Council Policy 600-24
- Provides rules governing meeting procedures
- Structure of meeting agenda and debate
- Motions and voting rights
- Role of chair
Purposes of Parliamentary Procedure

- Ensure majority rule
- Protect rights of the minority, absentees and individual members
- Provide order, fairness and decorum
- Facilitate the transaction of business and expedite meetings
Principles of Parliamentary Procedure

- All members have equal rights, privileges and obligations
- A quorum must be present for the group to act
- The chair remains impartial
- No person may speak until recognized by the chair
- Personal remarks are out-of-order
- Provides full and free discussion of motions
- Only one question at a time may be considered, and only one person may have the floor at any one time
- Members have a right to know what the immediately pending question is and to have it restated before a vote is taken
- Silence gives consent. Those who do not vote allow the decision to be made by those who do vote
Role of Chair

- Applies rules of conduct
- Convenes and presides over meeting
  - Determines quorum present
  - Introduces business
  - Recognizes speakers
  - Determines if a motion is in order
  - Maintains order and keeps discussion relevant
  - Puts motions to a vote
- Makes final determination on rules as part of conducting meeting
- Takes less prominent role in debate or discussion as a courtesy
- Represents the community planning group and actions taken
Meeting Preparation

Agenda Preparation

- Include item for non-agenda public comment
- May have a consent agenda with the understanding that someone in attendance may request an item be discussed
- List items, with brief description, as either information or action

- Information Items
  - Group cannot take action/vote
  - Informal comments that do not constitute an action are permitted

- Action Items
  - If listed as an action item, CPG must take action
Meeting Preparation

Agenda Posting

- Post at least 72 hours prior to meeting in accordance with Brown Act
- Post at meeting facility or at another place freely accessible to the general public
- Electronic posting to City’s website as courtesy – Send to: SDPlanningGroups@sandiego.gov
- If a planning group has a website, post at least 72 hours prior to meeting
- Make agenda and back-up materials available to the public at the meeting
Meeting Management

Assure a Quorum to Conduct Any Business

- Chair confirms quorum to start the meeting; if quorum is lost during meeting, suspend discussion
- Confirm a quorum prior to calling for a vote on an action item
- The only actions that can be taken in absence of a quorum are:
  - Decide to adjourn or recess
  - Take measures to obtain quorum

Changes to the Publicized Agenda

- Items may be added to the agenda only if need for immediate action and clearly known after posting agenda
- Requires 2/3rds of the voting members of the planning group, or unanimous vote if less than 2/3 of the voting members are present
Meeting Management

Comments from those in Attendance
- Allow non-agenda public comment near beginning of meeting
- Allow public comment on information items and action items

Public Attendance and Sign-In
- Be clear that signing-in is voluntary except to meet election requirements

Recording the Meeting
- Allowed if not disruptive
- If a member is recording for personal use, not a public record

Maintaining Civility
- Anticipate disruptive behavior; set meeting tone/consequences
- May use CP600-24 [Brown Act-based] provisions to clear room
Meeting Management

Motions

- A basic motion puts forward a decision for consideration
- Subsidiary motions change or affect how the main motion is handled
  - A motion to amend changes the basic motion
  - A substitute motion places a new motion and removes the basic motion from consideration
- There can be up to three motions on the floor at the same time
- Substitute motions and motions to amend are taken first as they modify the basic motion
- All motions are debatable except to adjourn or recess
- Motions that end debate require a 2/3rds vote
  - Postpone indefinitely avoids a direct vote on the question but allows discussion of merits of main motion by majority vote
Meeting Management

Motions

- Time management
  - Add a disclaimer noting that times listed for agenda items are estimates
  - Time limits on public comment are acceptable if applied equally

- Clarifying the motion
  - Take the time to clarify the motion before a vote is taken

- Recording the vote
  - Record the number for, against, and number abstaining, and WHO made each vote; also record speakers and nature of public testimony
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Meeting Management

Voting

- Recent revisions to Council Policy 600-24 in 2014 clarified voting requirements and added requirements for specific items.
  - These requirements are listed in Council Policy 600-24, Article VI, Section 2, (a) (8) (b)

- Voting requirements make a distinction between total planning group voting members and those at the meeting (quorum)

- Several items require a 2/3rds vote of total voting members such as bylaws amendments and community plan updates/amendments

- Development projects require a majority of the quorum present
**Recusal vs. Abstention**

**Recusal**

- **Direct Economic Interest in the project**
  - Member must state that they are recusing
  - Member must not participate in discussions as a planning group member
  - Recused member does not count towards quorum
  - Recused member may not vote (not calculated in majority vote)

**Abstention**

- **State up-front (Preferred)**
  - Knowing you will not be voting on the action item
  - Counts as a quorum
  - Vote counted as abstention (not calculated in majority vote)

- **Not known up-front**
  - Declare abstention at the end of the discussion
  - Counts as a quorum
  - Vote counted as abstention (not calculated in majority vote)
Abstention and Recusal Example

A motion is made for a development project on the action agenda. There are twenty seats on the planning group, including one vacancy. Eighteen members are present at the meeting. Two members recuse and one member declares abstention.

- The action is on a development project which requires a majority vote of members present constituting a quorum
- The two recusals do not count towards a quorum reducing the eligible voting members to 16 present
- The one abstention does count in the quorum leaving the eligible voting members at 16
- A majority of 16 members is 9
Vacancies

- Council Policy 600-24 states that two or more concurrent vacancies must be filled by a vote of all eligible members of the community by secret written ballot.

- A single vacancy is filled in accordance with adopted bylaws processes. If a single vacancy is filled by appointment of the community planning group as an agenda item, that vote must be disclosed at the time of voting and recorded in the minutes. That is: the vote should be a voice vote; however, if done by written ballot, the ballot must contain the voter’s name and when ballots are collected, the Chair or Secretary must announce the vote. If the vote is not unanimous, those voting for the candidate, not voting for the candidate, or those abstaining, must be disclosed.
Subcommittees

- Standing subcommittees
  - Regular meetings on specific topics
  - Must be noticed and held in publically accessible location

- Ad hoc subcommittees
  - Established for a finite period of time
  - Meetings open to public
  - Noticed on website and/or on regular CPG Agenda

- Composition
  - Must be comprised of majority of CPG Members
  - Non-planning group members also allowed

- Recommendations must be made to the planning group, not directly to the City
Meeting Records

- Community Planning Groups are subject to public records act requests as identified in the Brown Act; records must be available to the public upon request.
- Agendas and meeting materials must be provided upon request. This includes all supporting materials.
- Records collected by the City about community planning group membership or operations is public information under the California Public Records Act. This information becomes a City record subject to the City’s records retention requirements.
- Rosters, minutes and annual reports are records required to be submitted to City.
E-COW Preview

- E-COW is available through the Planning Department Website for new members unable to attend the COW which is offered in May each year.
- The E-COW leads users through key content of Council Policy 600-24 and presents questions, answers and explanations.
- [https://www.sandiego.gov/planning/community/resources/cow/ecow](https://www.sandiego.gov/planning/community/resources/cow/ecow)
CPG Reference Materials

- Council Policy 600-24

- Administrative Guidelines

- Community Planning Group Bylaws
  - https://www.sandiego.gov/planning/community/cpg/bylaws
Contact Information

- Planning Department
  - Telephone: (619) 236-5200
  - CPG Email: SDPlanningGroups@sandiego.gov
  - Website: http://www.sandiego.gov/planning/
  - Nancy Bragado: NSBragado@sandiego.gov
  - Bernie Turgeon: BTurgeon@sandiego.gov

- Development Services Department (see slide 26)