



THE CITY OF SAN DIEGO

**M E M O R A N D U M**

DATE: August 17, 2017

TO: Chairman Haase and Members of the Planning Commission

FROM: Elyse W. Lowe, Deputy Director, Development Services Department  
Laura C. Black, Deputy Director, Planning Department

SUBJECT: Item No. 5 – The Permanent Rules of the Planning Commission  
Planning Commission Meeting of August 24, 2017

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*The Permanent Rules of the Planning Commission (Rules)* were adopted by the Planning Commission (Commission) January 29, 2015. The Rules are intended to inform and assist the Commission regarding procedural matters that have frequently generated questions during hearings, and to improve the management and efficiency of the meetings.

The Rules have recently been discussed and modified, as follows:

- November 17, 2016: Planning Commission discussed and evaluated whether updates or modifications to the Rules were warranted in areas covering six topics (Attachment 1).
- March 17, 2017: Based upon Planning Commission discussion and staff review and research, staff recommended two changes to the Rules, to adopt a formal Consent Agenda and to allow the Planning Commission Secretary to change the time and place of meetings when warranted to address special circumstances (Attachment 2).
- April 27, 2017: Proposed staff changes adopted by the Commission; further discussion of the Rules was continued to May 11, 2017 to allow newly appointed Planning Commissioners Otsuji and Granowitz to review the materials.
- May 11, 2017: Commission discussion and request for consideration to amend Rules to accommodate voluntary site visits on an individual basis; including guidelines for applicant presentations to the Commission; include processes for transmittal of Commission recommendations to the City Council and referrals on land use policy and Land Development Code (LDC) modifications, selection of Commission representatives; and to establish procedures for workshops on community plan updates and other relevant topics. As a separate item, the Commission requested that staff consider providing Commissioners with automation/technological tools to accommodate online information access during meetings.

Following are staff responses to the Commission's May 11, 2017 requests, as well as other items informally discussed by the Commission:

1) Site Visits:

Commissioners requested that staff review whether the Commission has the ability and authority to perform site visits on an individual and volunteer basis. As presented by staff on May 11, 2017 and previously outlined in the staff Memorandum to the Planning Commission dated March 17, 2017, staff does not support changes to the Rules to accommodate site visits of any manner, in light of the fact that the Commission needs to observe specific rules relative to quasi-judicial hearings. Staff remains committed to providing the Commission the information it needs to make decisions, including enhancements to reports and presentations, increased photographic evidence, and requesting project applicants to provide additional materials, as necessary.

2) Procedures for Workshops:

Staff is not recommending additional changes to the Rules regarding procedures for workshops. The Commission already has the authority to request workshops whenever deemed appropriate for community plan updates and other relevant topics, including at off-site locations when a community based meeting would be of importance and high value (workshops in the community for Community Plan Updates, and very high profile projects of community-wide significance). An amendment to the Rule 1.3 in April 2017 added flexibility to allow the Planning Commission Secretary to schedule meetings at an alternate time and location to Regular Commission meetings under special circumstances.

3) Guidelines for Presentations to the Commission:

Minimum standards for applications are established in the City's [Project Submittal Manual](#) to ensure that all submitted projects contain sufficient information to allow a quality City staff review of the project for conformance with the Land Development Code, City policies, and with state and federal regulations. Providing presentation materials beyond those identified in the Project Submittal Manual is voluntary for applicants. Staff supports the Commission's suggestion that guidelines be prepared to assist project applicants and others making presentations to the Commission, however, this information is more appropriately conveyed through a departmental publication regarding preferred presentation format and materials content, rather than incorporated into the Rules. This material will be developed by staff and made available to project applicants.

4) Planning Commission Recommendations/Referrals:

The Planning Commission conducts public hearings on a variety of land use related actions including land development permits, subdivision maps, re-zonings, community plans and the General Plan, and considers land use ordinances, programs and such other improvements as the City Council may determine. When providing a recommendation on such matters, if the Commission desires to recommend the inclusion of additional information and/or conditions, the motion should include a request for staff to incorporate permit conditions to capture the

Commission's recommendations. Staff will transmit this information in the written materials prepared for the City Council.

Staff recommends that Rule 6 VOTING RULES AND POLICIES be modified to formalize a process for Commission referrals, recommendations and designation of a Planning Commission representative, as follows:

**6.5 Referrals:** The Commission may refer a policy issue or Land Development Code amendment suggestion to staff for consideration.

**6.6. Recommendation to the City Council:** The Commission may forward a recommendation to the City Council on a particular project or matter within the Commission's jurisdiction on which the Commission has taken action. Staff will transmit this information in the written materials prepared for the City Council.

5) Designation of a Commission Representative:

The Commission has expressed the desire to designate a Commissioner to represent the Commission before the City Council in some matters, and for this designation to occur at the time the Commission takes action on the item.

Staff recommends that Rule 6 VOTING RULES AND POLICIES be modified to formalize a process for Commission referrals, recommendations and designation of a Planning Commission representative, as follows:

**6.7 Designation of a Commission Representative:** The Commission may designate a Commissioner to represent the Commission before the City Council on a particular project or matter within the Commission's jurisdiction on which the Commission has taken action. Designation shall occur, if at all, at the time the Commission takes action on the item. The designated Commissioner shall provide input to the City Council consistent with the Commission's motion and discussion on the item.

6) Docket Order:

Not included in the May 11, 2017 Planning Commission motion but previously discussed by the Commission is the need for clarification of docket order when items are removed from the Consent Agenda.

Staff recommends that Rule 2.2 PROCEDURE FOR COMMISSION MEETINGS and Rule 5 THE PLANNING COMMISSION DOCKET AND BACK-UP MATERIAL be modified to include clarification on docket order, as follows:

**2.2. Order of Business:** The order of business for Commission meetings shall be as follows:

1. Announcements/Non-Agenda Public Comment.
2. Requests for Items to be Continued or Withdrawn.
3. Consent Agenda. Requests for Items to be placed on or removed from Consent Agenda.
4. Approval of the Agenda.
5. Director's Report.
6. Commission Comment.
7. Items Pulled from the Consent Agenda.
8. Agenda Items.
9. Adjournment.

**5.2. Docket Order:** The Planning Commission Secretary shall format the Docket, which may include a consent agenda. The other action agenda items shall be listed in the following order: Expedite Program projects; trailed items; appeals; continued items; items pulled from Consent Agenda; all other items. The Chair, with consent from the Commission, may elect to hear projects out of order as the Commission or staff find appropriate.

These changes will add clarification to the order of the Agenda for circumstances when items are removed from the Consent Agenda, such as when the Commission desires to hear the item and/or opposition presents itself at the meeting; additionally, this change is consistent with the order of business for City Council meetings ([SDMC 22.0101, Rules of the Council](#)).

7) Automation Tools for the Commission:

Staff recognizes and supports the need for Commissioners to be able to access online information and has outreached to the Department of Information Technology to obtain further direction regarding procuring automation tools for the Commission's use during Commission meetings.

Attachments:

1. [Memorandum to the Planning Commission \(October 7, 2016\)](#)
2. [Memorandum to the Planning Commission \(March 17, 2017\)](#)
3. [The Permanent Rules of the Planning Commission](#)
4. DRAFT PC Resolution

PLANNING COMMISSION RESOLUTION NO. \_\_\_\_\_-PC

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIEGO  
ADOPTING MODIFICATIONS TO THE PERMANENT RULES OF THE PLANNING COMMISSION

WHEREAS, on January 29, 2015, the Planning Commission of the City of San Diego established The Permanent Rules of the Planning Commission (Rules) pursuant to Resolution No. PC-4652; and

WHEREAS, the Planning Commission established the Rules in order to more consistently, effectively, and efficiently fulfill its obligations to conduct public hearings on planning and land use matters, to assist in procedural issues that have frequently generated questions during hearings, and to improve the management and efficiency of the meetings; and

WHEREAS, in furtherance of those same goals, the Planning Commission desires to make the following specific amendments to the Rules:

**2.2. Order of Business:** The order of business for Commission meetings shall be as follows:

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**6.5 Referrals:** The Commission may refer a policy issue or Land Development Code amendment suggestion to staff for consideration.

**6.6. Recommendation to the City Council:** The Commission may forward a recommendation to the City Council on a particular project or matter within the Commission's jurisdiction on which the Commission has taken action. Staff will transmit this information in the written materials prepared for the City Council.

**6.7 Designation of a Commission Representative:** The Commission may designate a Commissioner to represent the Commission before the City Council on a particular project

or matter within the Commission's jurisdiction on which the Commission has taken action. Designation shall occur, if at all, at the time the Commission takes action on the item. The designated Commissioner shall provide input to the City Council consistent with the Commission's motion and discussion on the item.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of San Diego that The Permanent Rules of the Planning Commission are hereby amended as described within this Resolution.

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Stephen Haase  
Chair of the Planning Commission

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Susan Peerson  
Vice Chair of the Planning Commission

Adopted on: August 24, 2017, by a vote of: \_\_\_\_\_.