



REPORT TO Personnel and Public Employees Committee City of Sacramento

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Discussion Calendar
October 18, 2011

**Honorable Chair and Members of
The Personnel and Public Employees Committee**

Title: Planning and Design Commissions Consolidation

Location/Council District: (Citywide)

Recommendation: Direct staff to move forward with the necessary amendments to City Code in order to consolidate the Planning and the Design Commissions

Contact: David Kwong, Planning Director, 808-2691
Stephanie Mizuno, Assistant City Clerk, 808-8093

Presenters: David Kwong

Department: Community Development

Division: Planning

Organization No: 21001221

Description/Analysis

Issue: In April 2010, Management Partners Inc. recommended the City Council evaluate the City's advisory board system. The City Council delegated the broad task of evaluating the City's boards and commissions and providing recommendations regarding potential elimination and consolidation of these boards and commissions. In the summer of 2011, the City Council Personnel and Public Employees Committee (P&PE) directed staff to evaluate the feasibility of consolidating the Planning and Design commissions. The City Clerk's Office and the Community Development Department proceeded to form a staff team to evaluate the consolidation of these commissions with the goal of better aligning the commission's functions with the current needs of the City.

Staff's evaluation began with a review of the Design Commission's workload since January 2007 (the first month the Design Commission became a stand-alone

commission). The Design Commissions workload has dropped off since 2007 with only three (3) projects being heard in 2010 and only five (5) being heard so far in 2011 (see Attachment 1). Staff also recognizes that private development applications heard by the Design Commission have always included entitlements that must be heard and approved by the Planning Commission. Staff also reviewed the commission make up of many similarly sized California cities. This review shows that Sacramento is the only large city with a stand-alone Design Commission (see Attachment 2).

Staff also initiated outreach to the members of the Design and Planning Commissions, as well as various members of the development community and the community at large. Staff received many comments and concerns related to the potential consolidation. These comments can be summed up in four categories; 1) concern with the loss of design quality in approved projects, 2) concerns regarding the workload of a combined commission once the economy improves and the City begins processing more projects, 3) questions regarding the composition of a consolidated commission (i.e. professional requirements), and 4) concerns related to the logistics of a consolidation (i.e., details of ordinance amendments, revisions to project processing requirements, etc.).

Based upon staff's evaluation, the concerns regarding consolidation can be resolved during the drafting of ordinance language necessary to consolidate the commissions. This report recommends moving forward with the necessary ordinance language to consolidate the Design and Planning Commissions.

Policy Considerations: The City Council adopted the 2030 General Plan on March 3, 2009. In recognition of their interdependence, policies addressing both land use and urban design were combined into one element of the General Plan to ensure that the physical forms and patterns of future development advance the City's desire for a higher quality of life and a more sustainable future. Consolidating the Planning and Design Commissions provides an opportunity to more effectively and efficiently implement the Land Use and Urban Design Element of the General Plan. A consolidated Commission will be able to consider both land use and urban design issues in a more integrated manner than is possible with two separate commissions with differing responsibilities.

Environmental Considerations: Because this report concerns general policy and procedure making, CEQA, does not apply per section 15378 (b)(3), which states that continuing administrative or maintenance activities, which are not conducted in conjunction with a project subject to CEQA review, are not considered to be "projects" and are therefore exempt.

Sustainability Considerations: None.

Rational for Recommendation: Staff recommends that the P&PE approve the consolidation proposal and direct staff to craft and forward on the appropriate and

required proposed code amendments to Law and Legislation Committee.

Financial Considerations: A consolidation of the Commission is anticipated on savings of multiple departmental staff time and resources. Currently estimated staff time directly associated with staffing the meeting is approximately \$25,000. This direct amount would be a general fund savings in the consolidation.

Emerging Small Business Development (ESBD): Not Applicable.

Respectfully Submitted by: 
David W. Kwong, AICP
Planning Director

Recommendation Approved:

/s/ Shirley Concolino

Shirley Concolino
City Clerk

Table of Contents:

Report	pg. 1
Attachments	
1. Background	pg. 3
2. Design Commission Activity	pg. 5
3. Comparison of Design Review Process	pg. 7
4. Design Commission Comments	pg. 8
5. Public Workshop Notes	pg. 9

Background:

In April 2010, Management Partners Inc. recommended the City Council evaluate the City's advisory board system. The City Council delegated the broad task of evaluating the City's boards and commissions and providing recommendations regarding potential elimination and consolidation of these boards and commissions. At their August 4, 2011 public hearing, the City Council Personnel and Public Employees Committee (P&PE) directed staff to evaluate the feasibility of consolidating the Planning and Design commissions. The City Clerk's Office and the Community Development Department proceeded to form a staff team to evaluate the consolidation of these commissions.

Staff initiated contact with the respective Chairmen of the Planning and Design Commissions in order to gain initial feedback and concerns regarding the potential for consolidation. Staff also reached out to the local membership of the American Institute of Architects, Urban Land Institute and Sacramento Region Builders.

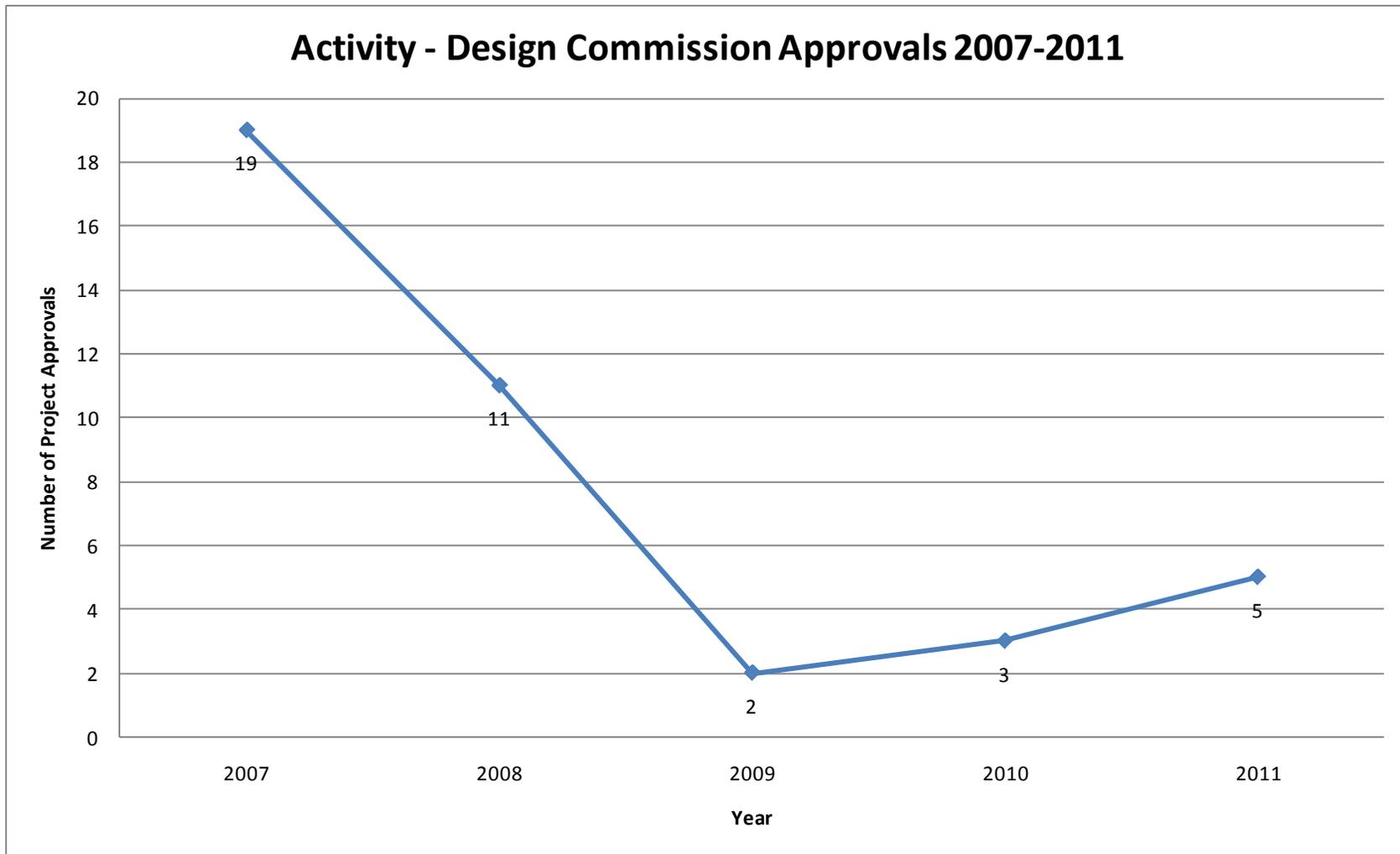
Staff reported out on this initial outreach at the P&PE's September 6, 2011 meeting. At that time the P&PE directed staff to provide additional outreach opportunities for the general public, as well as various members of the development community.

The potential consolidation was placed on the agenda of the September 21, 2011 Design Commission meeting. The Design Commission provided a list of issues they wanted the P&PE to consider (see Attachment 3). The potential consolidation has also been placed on the Planning Commissions agendas for July 28, September 8 and September 22, 2011. At the time of writing this report, the Planning Commission has not directed staff to provide written comments regarding the potential consolidation. The Planning Commission does have this item agendaized for October 13, 2011 and any comments will be provided to the P&PE at their October 18, 2011 meeting.

Staff has also held a public workshop regarding the potential consolidation, on October 5, 2011. This workshop was held at Historic City Hall in the former Council Chambers. The Neighborhood Services Department helped to provide notice of this workshop by sending the notice to their neighborhood e-mail list, included the notice in their newsletter and provided hardcopies of the notice at two neighborhood meetings the week of September 26, 2011. Although the workshop was not well attended, there was a robust discussion of the advantages and disadvantages of consolidating the Commissions. The logistics of a consolidation was also discussed. Notes from this workshop are provided in Attachment 4.

In addition to outreach, staff has also looked at the recent workload of the Design Commission and the practices of other similarly sized cities. The Design Commission's workload has dropped off considerably since 2007, when they took action on 19 projects. Only three (3) projects were heard in 2010 and only five (5) were heard so far in 2011 (see Attachment 1). Staff also recognizes that the majority of private development applications heard by the Design Commission include entitlements that must be heard and approved by the Planning Commission. Staff also reviewed the

commission make up of many similarly sized California cities. This review shows that Sacramento is the only large city with a stand-alone Design Commission (see Attachment 2).



Comparison of Design Review Process Large California Cities

City	Informal Design Review Process by staff and/or consultants to advise Planning Commission	Formal Design Review Sub-committee advises Planning Commission	Stand-alone Design Commission
Los Angeles	Yes	No	No
Long Beach	Yes	No	No
Santa Ana	Yes	No	No
San Francisco	Yes	No	No
Oakland	Yes	Yes	No
San Diego	Yes	No	No
Riverside	Yes	No	No
Fresno	Yes	No	No
Mission Viejo	Yes	Yes	No
San Jose	Yes	No	No
Sacramento	Yes	No	Yes

Comments provided by Design Commission at 9/21/2011 meeting

- Suggest higher Thresholds for Staff Level/ Director Level approvals for ZA and Design Director to push more projects down to staff and away from Commission.
- Whatever organizational structure is adopted, staff should ensure a continuing standard for quality Design Review in the City.
- Is the combining of Commissions a permanent solution to a temporary condition? Will there be unintended consequences?
- Chair wants to know if other options besides consolidation are being considered. Are there alternative means to create efficiencies through this tough period.
- Will we need to re-constitute a separate Design Commission when the economy finally turns around?
- Is there an easier solution other than combining the Commissions, something that will not require a re-write of City Code?
- For instance, can the Design Commission become a standing Sub-Committee to advise the Planning Commission?
- Can we create some emergency / temporary hold on current roles/procedures of Design Commission until the economy rebounds?
- Prefer temporary emergency measures rather than permanent changes.
- How will CPC be organized to retain the professional experience and qualifications of the existing Design Commission?
- If a 13 member Planning Commission is suggested can 9 members have preferred qualifications/experience and 4 have required qualifications/experience?
- Would a 9 member CPC of suitably qualifications/experience Commissioners work better for a newly constituted Planning Commission?
- A larger Planning Commission seems counter-productive to the efficiencies we are trying to achieve.
- Will a larger Planning Commission become structurally encumbered and inefficient, especially when the economy returns?
- There is concern that the Planning Commission will become over-loaded when the business cycle returns, with a corresponding decrease in the quality of the Design Review component.
- Concern expressed relative to the disparity of review thresholds that currently exists between Design and Planning Commissions.

**Planning and Design Commission Consolidations
Public Meeting
October 5, 2011**

Attendees

- *Public Members: Bruce Monighan, Craig M. Hausuan*
- *Commissioners: David Nybo, Edmonds Chandler, Joe Yee, Mike Notestine; Joe Contreras*

Staff: David Kwong, Gregory Bitter, Tom Pace, Teresa Haenggi, Evan Compton, Maurice Chaney, Stephanie Mizuno (City Clerk's Office)

Introduction

David Kwong explained that the proposed consolidation of the Planning and Design Commissions was initiated by the Office of the City Clerk. The commission consolidation is one of several commission and committee consolidations proposed by the Clerk. David provided a presentation about the reasoning and financial figures behind consolidating the hearing bodies, including the following:

- Cost of staffing and administering the commissions can be reduced;
- Relatively few projects were reviewed by the Design Commission;
- Projects were often heard at the Design and Planning Commissions.

The new Commission is proposed to have a total of 13 members which includes nine members selected by each Councilmember and four members with specific expertise selected by the Personnel and Public Employees Committee (P&PE). The P&PE appointments would include expertise in architecture, landscape architecture, structural engineering, contracting and/or other planning and development related professions.

This community meeting was advertised with the help of Neighborhood Services who sent out flyers to their e-mail routing list (approximately 6,000 contacts), placed the meeting date and time in the Neighborhood Services newsletter, and passed out the information at two community meetings.

Next steps for the consolidation process include a meeting on October 18, 2011 in front of the P&PE. A hearing at Law and Legislation (L&L) will follow. Assuming the item passes, an Ordinance could be at City Council in December 2011 or January 2012.

Discussion, Questions, and Comments

Budget

- Question: Is the \$25,000 saved the budget amount or the actual cost? [The figure is based on direct costs for 12 scheduled meeting dates.]

Commission Input on Proposed Consolidation

- A request was made for the Commissions to have the ability to provide input at the future L&L meeting and also for staff to provide more time for this input besides a brief period before the staff report is due.
- Question: Will the Planning Commission have the opportunity to make a formal recommendation on the consolidation? [Yes, Zoning Code changes are heard by the Planning Commission before begin forwarded to City Council.]

Information on Existing Design Commission

- Question: How many members are on the Design Commission? [There are seven members appointed by City Council.]

Purpose of the Commission

- A public member initiated a discussion on the purpose of the Commission: Why are Commissions necessary? Couldn't the City Council act as the Commission? Couldn't projects be handled at staff level and be appealable directly to City Council? [It was indicated that by law, a Preservation Commission is required. Also, a Planning Commission is needed in some form. The direction provided to staff was not to eliminate Commissions but to consolidate the hearing bodies. The Commission acts as a buffer to the City Council and allows for more manageable agendas.]

How Design will be Addressed at Commission Meetings

- Question: For future staff reports to a consolidated Commission, a thorough discussion about design will be included? [Yes]
- Comment: There was concern that each item will take longer since there will be a discussion about design. Can the hearing agendas be scheduled to keep meetings at a reasonable length?
- Comment: No matter how much staff work is completed, there always will be items that are controversial with longer hearing times.
- Staff noted that for controversial projects, a subcommittee could be formed if there are significant issues that need to be worked out.
- Comment: Subcommittees need to be formed carefully to ensure there are no Brown Act violations.
- Comment: No two architects agree. The Commissions debate too much. They should only review exceptions or what doesn't meet the code versus every project.

- Comment: Part of the process is to allow public input. The process cannot be simplified to checklists. A Planning Commission needs to justify how and why they are making decisions.
- Comment: Continue to straighten out the code and expectations. Note where we are and where we are going. Some people may be hurt. Planning Commission should be more policy oriented and not just attack each project individually.
- Comment: Design Commission has specific thresholds for projects. It seems like Planning Commission has smaller triggers.
- Comment: It is important to work out all the details. For example, what happens if there is only a planning issue? Will there be no comments on the design?
- Comment: The Design Commission goes into more detail during the hearing. For example, the orientation of the sun and its effect on interior spaces. It will be a shame to lose these discussions. [Staff questioned that although the discussions are important, is it necessary to occur in a public forum?]

Pre-Meeting Process

- Comment: A more detailed staff report will help cut down on the time needed at hearings.
- Comment: More projects should be heard at a lower level. Applicants prefer to work at staff level. Going to the Commission and then to the City Council can feel like starting over. Compromises should be formed at a lower level.
- Comment: The quality of a project should not be crafted at a hearing. If it is unacceptable or incomplete, the item should not be heard.
- Comment: Some projects do not require Design Review or have an architect on board and this can complicate the review process.
- Comment: Staff should tell the applicant that the project is not good enough before scheduling the item for a hearing. Empower staff to tell the applicant to seek a design professional.
- Comment: Empowerment to staff can be difficult if the City Council is involved, staff is not trained, or if the staff member is afraid to tell a big developer to start over.
- Comment: Seek help from the AIA if the project is off the wall.

Implementation of Design Goals

- Comment: The 2030 General Plan, Green Policies, and Infill goals sound great in general. But when it happens next door, then there is an impact.

Public Input to Projects

- Comment: For controversial projects, some may just be uninformed or emotional. But how can it be avoided? It is a dangerous path to suggest not involving the public at all.
- Comment: Sacramento is a city that encourages the public to be involved and have the entitlement process be transparent.

- Comment: Send out notices to all addresses including residents, not just property owners and this may be a reasonable compromise to eliminating the Design Commission notices.
- Comment: Early notices should be sent out and the site should be posted earlier.
- Comment: Not all Commissioners have formal degrees and this should not exclude them from future hearing bodies.

Community Representation on Commission

- Comment: Community representation is very important. It will largely depend on the City Council selections.
- Comment: A generalist is needed on the hearing body.
- Comment: Too many generalists can be scary for developers but they should not be excluded.
- Comment: District oriented commissioners may not have a citywide view and could pit neighborhoods against each other.
- Comment: Several people noted that the current Planning Commission has not acted according to districts and decisions have been based on policies.
- A request was made to staff to send out the P&PE date and time.