

OVERVIEW

At the January 7, 2004 Policies and Procedures Committee meeting the current procedures for conducting Planning Commission hearings were discussed. Essentially, the discussion involved potential modifications to the Commission hearing procedures that would result in a more expeditious hearing while ensuring that all items are fully discussed. This report outlines the key points discussed at that meeting and includes recommendations for modifying the Commission hearing procedures. Staff's recommendations, based on the testimony taken at the January 7th meeting, are bulleted at the end of this report. A narrative of each proposed modification provides background for the recommendations.

Commission Business

It was suggested at the last meeting that all Commission Business be placed at the end of the agenda, which in effect would place items for public hearing closer to the beginning of the meeting. Often information provided during Commission Business is not otherwise discussed in a public format. Therefore, it may be important that some items remain at the beginning of the hearing to ensure that the citizens of Oakland have been given the best opportunity to become knowledgeable of City business. Items such as the approval of the minutes could be placed at the end of the agenda.

Open Forum

Currently open forum is held at the beginning of the meeting. Concerns were raised that citizens attending the hearing to discuss an item placed at the end of the agenda typically do not arrive at the beginning of the meeting, and, as a result, miss open forum. It was suggested that open forum be placed at the beginning and end of the agenda. This would provide the citizens of Oakland an additional opportunity to express their ideas.

Agenda Order

It was the consensus of the attendees that controversial items with the most speaker cards should be placed at the beginning of the agenda. The formal agenda, prepared by the staff, is finalized 12 days prior to the date of each hearing. Items considered major projects are placed at the beginning of the agenda, followed by items that staff is aware will be controversial and finally non-controversial items. To ensure that items are placed on the agenda accordingly it is important that neighbors contact staff to enter their opposition prior to the hearing. Any item that staff has not been contacted about is typically considered non-controversial and is placed at the end of the agenda. On occasion opponents of a project will appear at the Commission hearing without first having contacted staff or the Commission. When this occurs the item has often called the out of order, at the discretion of the Chair. Concerns were expressed that reorganizing the agenda may place some at a disadvantage, since often individuals time their arrival based on the formal published agenda. While others felt that it is important to hear the

most controversial items early in the while the Commission's and the public's attention is more focused. Since both of these concerns are relevant, staff proposes that uncontroversial items be placed on the Consent portion of the formal agenda (standards for placing an item of the Consent Calendar are discussed below). Also, as was suggested during the last Policy and Procedures meeting, formal modifications to the agenda could be made during the agenda discussion portion of the meeting. Formally discussing modifications to the agenda will ensure that affected parties understand the Commission's reasons for changing the agenda.

Speaker Card Submittal

Currently, speaker cards must be submitted prior to the beginning of the meeting or prior to 8:30 for items scheduled for hearing after 8:30. However, the Chair often waives these deadlines. Since the Chair's decision to make modifications to the agenda is typically based on the number of speaker cards submitted for each item, it is beneficial that a deadline be placed on when cards are submitted. On the other hand, strict adherence may prevent some individuals from having an opportunity to speak. To balance these two issues, Staff suggests that the deadlines remain, with the Chair retaining the formal ability to waive the deadline. Also, staff will explore the feasibility of placing an electronic speaking card on the City's website that could be filed out online and emailed to the Secretary of the Planning Commission.

Allocation of Speaker Time

Currently speaker times are limited to 5 minutes for the applicant or appellant and 2 minutes for other interested individuals. Based on the current standards for allocation of speaker time, there is not a time limit indicating how long any one item can be open for public comment. Currently the Chair exercises wide discretion for allocating speaker times. For example, in an effort to shorten a hearing, the Chair has on occasion limited speaker times to 1 minute per speaker for items with a lot of speaker cards. As a result, neighbors are never quite sure how much time they will be allocated.

Allocating speaker time to each individual may not encourage neighbors to coordinate their comments so that information provided by each individual is not repetitive. Further, as indicated at the last Policies and Procedures meeting, 2 minutes is typically not enough time for an individual to fully express an opinion. To address these issues Staff suggests that the Commission consider allocating block speaker times. Designating block speaker times should encourage coordination between neighbors, which will limit the amount of repetitious information. Also to ensure that neighbors know the total amount of time that they can typically expect to be allocated, staff suggests that the Commission consider implementing a maximum amount of speaker time. This should also help to shorten the length of the hearing and will provide a level of equity between the times spent on each item.

Neighbors and members of the Commission expressed concerns that proponents of an application have on occasion used the public comments period to posture their support of a project. Although proponents of a project should have an equal opportunity to speak, the current procedures which allow all members of the public to speak for or against an item during the

same block of time sometimes results confusion. Therefore, staff suggests that separate speaker times for proponents of an application and for those opposed should be established.

Staff Recommendations

- *Commission Business*
Place Approval of Minutes, Correspondence and City Council Action at the end of the agenda.
- *Open Forum*
Place Open Forum at the beginning and end of the agenda.
- *Consent Calendar*
Staff shall place items that Staff is recommending approval of and for which there is no record of public opposition on the Consent Calendar. If there are speaker cards against an item of the consent calendar, the item will be moved to the Public Hearing portion of the agenda.
- *Speaker Card Submittal*
Current deadlines remain, with the Chair retaining the formal ability to waive the deadline. Place electronic speaking card on the City’s website that could be filled out online and emailed to the Secretary of the Planning Commission no later than 4:00 p.m. the day of the hearing.
- *Allocation of Speaker Time*
Two group speaker times allocated, with one block time for applicants and proponents and one block time for those opposed. Time shall be allocated to each group as follows: standard group time of two minutes per speaker for up to 15 speakers, for items with more than 15 speakers, a maximum block time of 30 minutes shall be granted for the group. *(For example, if there are 11 speakers in support of an item and 33 speakers opposed to the item, the clock will be set for a group time 22 minutes total for the proponents and 30 minutes for the opposition.)*

RECOMMENDATION

Discuss proposed procedures and provide staff with direction to modify the Planning Commission Rules of Procedure.

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