



The Planning Commissioner Handbook

Chapter 1

The Planning Commissioner's Role

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What is a Planning Commission?

The Planning Commission is an advisory body appointed by a governing body (city council or board of supervisors) that is responsible for directing the short and long range growth and development of a jurisdiction through maintenance and implementation of the city's or county's general plan, associated specific plans, rules and regulations. The planning commission is made up of five or more community members.¹ Most planning commissioners are professionals that have some familiarity with land use, traffic, engineering, elected office experience or development. Some planning commissioners are lay people without any previous land use experience. All commissioners are charged with acting in the public interest but serve at the pleasure of a city council or board of supervisors. Commission membership may change in response to changes in those bodies. A local agency is not required by law to create a planning commission but if they decline, they must assign the commission's legislatively required functions to another entity or itself.²



¹ Cal. Gov't Code § 65101
² Gov. Code 65000.

Why Plan?

Planning is a proactive process that establishes goals and policies for directing and managing land use and development. Local agencies plan to address fundamental community issues such as the location and type of development, infrastructure, mobility, housing availability, natural resource allocation, hazard mitigation (including the impacts of climate change) and economic development. Planning helps account for future demand for services, including sewers, roads and fire protection. Planning decisions impact public safety, public health, access to resources and environmental quality, and can exacerbate economic and racial inequities. During the planning process, commissioners can make the following positive impacts from planning decisions:

- **Saves Money.** Good planning can result in cost savings on infrastructure and essential services.
- **Sets Expectations.** Planning establishes the ground rules for development. A comprehensive general plan sends a clear signal about the goals and vision of the community. This will not entirely eliminate conflicts, but it sets expectations that can help minimize them.
- **Supports Economic Development.** Planning can assure community amenities and quality development that attracts businesses and residents.
- **Provides a Forum for Engaging the Entire Community.** Planning processes, such as the development of the general plan, provide a forum for seeking community input. Planning efforts should always involve broad and diverse segments of the community to ensure that the resulting plan fully addresses the needs of the entire community.
- **Promotes Public Health.** The physical design of a community can expand opportunities for biking, walking and other healthy activities. The location and design of uses can encourage activity and reduce negative environmental health impacts, such as air pollution.
- **Mitigates Hazards.** Planning can require that appropriate development and infrastructure are built in areas with a high risk of fire, flood and sea level rise to reduce the risk of property damage and injury to residents.
- **Increases Equity and Reduces Barriers to Opportunities.** Planning can increase housing supply, including affordable housing, and support transit to provide mobility and access to resources such as education, jobs and other community amenities.
- **Reduces Environmental Damage and Conserves Important Community Resources.** Planning helps identify important natural, cultural and historic resources and can channel development in a way that protects or augments these resources and maintains unique community character and sense of place.
- **Helps Establish the Need for Historical Site Preservation.** Planning facilitates the formation of historical districts, design review overlays and the establishment of scenic corridors.

The Commission's Duties

The planning commission plays a central role in the planning process in three important ways. First, it acts as an advisory board to the main governing body on all planning and development issues. Second, the commission assures that all land use decisions, including individual projects, are consistent with the policies and plans adopted by the governing body. Just as you build a building one brick at a time, you implement a community vision one project at a time. Third, the commission advocates for the best interests of all community members regarding land use and development policy and projects. However, most planning commission actions can be appealed to the elected governing body, which can uphold the commission's decision, overturn it, modify it or send it back for further study. Check your jurisdiction's planning commission guidelines for specific requirements.

Planning commission duties vary depending on the jurisdiction. You can learn about your commission's particular responsibilities by asking the planning department or visiting your community's website. Most commissions have the following responsibilities:³

- **General Plan.** Assist in developing the focus of and policies in the general plan. Participate in public meetings and support the engagement of all segments of the community on the plan's content and goals. Hold hearings on the plan's adoption. (The governing body retains authority to actually adopt the general plan.) Promote public interest in the general plan. Consult with and advise public officials and agencies, utilities, organizations and the public regarding implementation of the general plan. Also review, hold hearings on and act upon proposed amendments to the plan.
- **Specific Plans.** Oversee the development of specific plans or community plans and participate in public engagement events including holding public hearings on such plans. (The governing body retains authority to actually adopt specific plans.) Also review, hold hearings on and act upon proposed amendments to such plans.
- **Zoning and Subdivision Maps.** Review, hold hearings on and act upon zoning ordinances, maps, conditional use permits and variances. Similarly consider subdivision applications.
- **Individual Project Approvals.** Review individual projects for consistency with the general plan, any applicable specific plans, the zoning ordinance and other land use policies and regulations.
- **Report on Capital Improvements Plans.** Annually review the jurisdiction's capital improvements program and the public works projects of other local agencies for consistency with the general plan.
- **Coordinate Planning Efforts.** Coordinate local plans and programs with those of other local, regional and state agencies.
- **Consider Land Acquisitions.** Report to the governing body on the general plan consistency of proposed public land acquisition or disposal.
- **Special Studies.** Oversee and facilitate special planning studies as needed.

With so many responsibilities, it is important for every planning commission to think about how it will divide its time between day-to-day approvals and long-range planning efforts, both of which are important. It is easy to get caught up in the day-to-day efforts at the expense of long-range planning.

3 See for example Cal. Gov't Code §§ 65103, 65353, 65400, 65401, 65402, 65854 and 66452.1.

Personal commitments by each planning commissioner to ensure productive and informed proceedings include:

1. Review existing community planning policies, plans and regulations. Understand state and federal laws that impact local planning such as general plan law, the California Environmental Quality Act (CEQA), Sustainable Groundwater Management Act and local hazard mitigation requirements.
2. Attend meetings to ensure a quorum and facilitate the business of the commission. Failure to regularly attend meetings may result in the removal of a commissioner.
3. Provide advance notice of a meeting absence to commission staff.
4. Review meeting materials in advance of a meeting. In accordance with Brown Act regulations, documents generally are released to commissioners and the public simultaneously, and agendas are publicly posted no less than 72 hours prior to a meeting.
5. Understand and comply with the Ralph M. Brown Act (Brown Act) and Rosenberg's Rules of Order or similar meeting and quorum protocols adopted by the agency. Commissioners are to follow Fair Political Practices Commission (FPPC) filing requirements including Form 700 filings. Failure to comply with deadlines and requirements can result in penalties.
6. Understand the priorities of the appointing elected official and the district/community they represent.
7. Review and follow the jurisdiction's ordinances and/or other applicable governing documents or governing body direction relating to the planning commission.
8. Members shall comply with the state's requirements for AB 1234 ethics training.

Other Local Planning Bodies

Some local agencies create different boards or positions to focus on specific aspects of the land use planning process.

- **Board of (Zoning) Adjustments.** A local body, created by ordinance and appointed by the governing body, whose responsibility is to consider zoning variance requests.
- **Building Official.** The person responsible for the administration and enforcement of building, housing, plumbing, electrical and related codes.
- **Design Review Board/Architectural Review Board/Advisory Committees.** These appointed boards are often sub-committees of the planning commission and review projects to make sure they are consistent with design guidelines or provide guidance on complex project design issues.
- **Historic Preservation Commission.** A commission appointed by the governing body charged with carrying out the historic preservation goals, policies and programs.
- **Zoning Administrator.** An appointed official who implements the zoning ordinance or code and is also often empowered to make decisions concerning design permits, administrative use permits and other permits as provided for in the zoning ordinance.
- **Zoning Board.** An appointed body that hears and decides matters relating to the application of the zoning ordinance and considers appeals of zoning administrator's decisions.

Public Service Ethics

As a planning commissioner, you wield considerable power over how your community grows and develops. With this power comes the expectation that you will hold yourself to the highest ethical standards. Part of being ethical means exercising your power in the public's interests, as opposed to personal self-interest or other narrow, private interests.

All parties appearing before the planning commission are entitled to a fair, ethical and accountable government process, which includes appointed committees and commissions. This requires that public officials and appointed committee and commission members adhere to the following:

1. Comply with both the letter and spirit of the laws and policies affecting government operations and processes;
2. Be independent, impartial and fair in their judgment and actions;
3. Prioritize the public good when fulfilling duties as a public servant and avoid any appearance that title or position is used for personal gain; and
4. Conduct public deliberations and processes openly, unless legally confidential, in an atmosphere of respect and civility.

There are a number of resources on the ethical obligations of planning commissioners. One is the law. California has a robust array of laws relating to ethics that are summarized in this section. The law, however, merely sets a minimum standard for ethical conduct. Just because an action is legal doesn't mean that it is ethical. For example, it may be legal for you to vote on your best friend's project application, but if everyone in the community knows how close the two of you are, will the community truly feel that you were able to put the community's interests ahead of your personal loyalties?

Making Ethical Decisions

Another source of guidance may be your agency's own code of ethics, if it has one. Many cities and counties have adopted ethics codes to provide guidance in local decision-making processes. At some point in your service as a planning commissioner, you will likely face two common types of ethical dilemmas. The first involves situations in which doing the right thing will come at a significant personal cost to you or your public agency. In these situations, the answer is relatively simple. The bottom line is that being ethical means doing the right thing for the community regardless of personal or organizational costs.

The second type of ethical dilemma involves those situations in which there are two conflicting sets of "right" values. In these instances, drawing the ethical bottom line is more difficult. If you find yourself faced with a "right versus right" decision, the following questions may help you come to an answer:

- Which ethical values are in conflict (for example, trustworthiness, compassion, loyalty, responsibility, fairness or respect)?
- What are the facts? What are the benefits, of or the harm avoided by, a particular decision? Is there a decision that does more good than harm?
- What are your options? Is there a course of action that would be consistent with both sets of values?
- Is one course of action more consistent with a value that is particularly important to you (for example, promise-keeping or trustworthiness)?
- What decision best reflects your responsibility as an officeholder to serve the interests of the community as a whole?

- What decision will best promote public confidence in the planning commission and your leadership?

For example, in your role as a planning commissioner, you will frequently be asked to make exceptions to your jurisdiction's planning laws. A developer may, for instance, ask for a general plan amendment to enable a project to be approved. The developer is likely to point to numerous benefits that will flow to the community as the result of the amendment.

In coming to a decision in such a situation, the first step is to consider what ethical values are at stake. One might be fairness to those property owners who developed their properties in accordance with the policies expressed in the general plan and the public who participated in developing the plan. Another might be compassion for the developer seeking the amendment: if it is not economically feasible to develop the property as envisioned by the general plan, perhaps an amendment is in order. The next step is to weigh the competing costs and benefits. Although the developer has identified the benefits to the community associated with approving the amendment, what are the benefits of adhering to the general plan? What are the costs of amending the plan? Will an amendment in this situation open the door for other amendment requests? How might the planning commission fairly evaluate those requests while still maintaining the overall integrity of the general plan? Are there options that might enable the community to reap some of the benefits described by the developer while still being consistent with the general plan as written?

Finally, consider which approach will best promote the public's confidence in the planning process. Will the public's confidence be undermined if the commission doesn't enforce the plan? Or will denying the amendment look so rigid and unfair to the applicant that it will undermine the public's faith in the planning commission as a decision-making body? What decision will best support the commission's stewardship of the community's economic and environmental health? The answers to the questions listed above will vary with each situation and likely will not be clear-cut or obvious. However, asking difficult questions and thoroughly evaluating the answers can go a long way in helping you make consistently ethical decisions that further the public's interests. Often we have biases that we are not aware we have. Make sure you consider any bias you may have that might impact your decision.



Ethics Laws

California law promotes ethical decision making in two ways: (1) requiring certain public disclosures and (2) prohibiting certain actions. The financial statements that you (and many public officials) must file with the Fair Political Practices Commission (FPPC) are an example of disclosure. In essence, the law allows the public to scrutinize the relationships between your personal finances and material financial interests, and your public decision-making. Disclosure laws allow the public (often with the assistance of the media) to assess whether there may be too close of a relationship between your economic interests and the decisions you make as a public official.

The law also prohibits certain actions. For example, a public official must disqualify themselves from participating in a decision that will materially affect their financial interests. This does not necessarily mean the disqualified official has done anything illegal or corrupt. It simply means that the public's interests are better served by removing any question as to the motivations behind the official's decision-making.

California's ethics laws fall into three general categories: (1) those involving possible financial gain by you as an officeholder, (2) those involving the use of your office for personal advantages and perks and (3) those involving situations in which your ability to conduct a fair and impartial process might be questioned. Each of these categories supports the overarching goal of assuring the public that governmental decisions are made based on what best serves the public's interests.

Public Service Values for Commissioners

Planning commissioners should consider the following value statements as they undertake their responsibilities.

Fairness

- I review applications and make decisions based on the merits of the issues.
- I honor the law's and the public's expectation that the general plan and other planning policies will govern development decisions in our jurisdiction.
- I support the public's right to know and will promote meaningful public involvement.
- I am impartial and do not favor developers or others who are in a position to benefit me.
- I promote equality and treat all people, projects and perspectives equitably.

Compassion

- I recognize government's responsibilities to represent all community members regardless of their socioeconomic status.
- I consider exceptions to planning policies when there are unintended consequences or undue burdens.
- I realize that some people are intimidated by the public process and will try to make their interactions as stress-free as possible.

- I convey the agency's care for and commitment to the members of its community.
- I am attuned to and care about the needs of the public, officials and staff.

Respect for Others

- I treat fellow officials, staff and the public with courtesy, even when we disagree.
- I focus on the merits in discussions, not personalities, character or motivations.
- I gain value from diverse opinions and build consensus.
- I follow through on commitments, keep others informed and make timely responses.
- I am approachable and open-minded and I convey this to others.
- I listen carefully and ask questions that add value to discussions.
- I am engaged and responsive.
- I involve staff in all meetings that affect agency business.

Responsibility

- I come to meetings prepared.
- I do not disclose confidential information without proper legal authorization.
- I represent the official positions of the agency to the best of my ability when authorized to do so.
- I explicitly state that my personal opinions do not represent the agency's position and do not allow the inference that they do.
- I refrain from any action that might appear to compromise my independent judgment.
- I take responsibility for my own actions, even when it is uncomfortable to do so.
- I do not use information that I acquire in my public capacity for personal advantage.
- I do not represent third parties' interests before my agency or neighboring agencies.

Integrity

- I am truthful with my fellow commissioners, the public and others.
- I do not promise that which I have reason to believe is unrealistic.
- I am prepared to make unpopular decisions to further the public's interest.
- I credit others' contributions in moving our community's interests forward.
- I do not knowingly use false or inaccurate information to support my position.
- I excuse myself from decisions when my, or my family's, financial interests may be affected by my agency's actions.
- I disclose suspected instances of corruption to the appropriate authorities.

Public Trust

- I remember that my obligation as a public official is to serve the whole community.
- I make sound planning decisions that implement the policies expressed in the general plan.
- I consider the interests of the entire community in reaching my decisions.
- I give full consideration to all aspects of a project, including protection of the environment and the need for affordable housing.
- I promote the efficient use of the agency's resources.
- I balance the fiscal impacts of a project with the agency's social and planning goals.

Vision

- I work to ensure that the vision expressed in the general plan is one that works to improve the quality of life for all members of my community.
- I am proactive and innovative when setting goals and considering proposals.
- I maintain consistent standards but am sensitive to the need for compromise, thinking outside the box and improving existing systems.
- I promote intelligent innovation to forward the agency's policies and services.
- I consider the broader regional and statewide implications of the commission's issues and decisions.

Financial Gain

The notion behind financial gain ethics laws is that the public has a right to know about a public official's financial interests. This ensures the public that elected and appointed officeholders are making decisions for the good of the community and are not being influenced by their personal finances to act in their own benefit. As a government official, the appearance of fairness is very important in maintaining the trust of the public. Financial gain ethics laws include:

- **Financial Interests—Disclosure and Disqualification Issues.** Public officials must periodically disclose their financial interests—including interests in real property, investments, business positions and sources of income and gifts—to the public.⁴ This disclosure is made on a form called “Statement of Economic Interests,” also known as “Form 700.” A public official cannot make or attempt to influence a governmental decision if it is reasonably foreseeable that the decision could have a “material financial effect” on their financial interests.⁵ The FPPC has developed a series of questions (known as the “four-step process”) to determine whether an official must be disqualified from participating in a decision.⁶ If you are worried that an upcoming decision will have an effect—positive or negative—on one or more of your financial interests, talk with your jurisdiction's attorney (not planning staff) as soon as possible.
- **Interests in Contracts Prohibited.** A public official may not have a financial interest in any contract made by the board

4 See Cal. Gov't Code §§ 87200 and following.

5 See Cal. Gov't Code §§ 87100 and following.

6 2 CCR § 18700.

or body of which the official is a member.⁷ The law is very strict on this point: such contracts are void.⁸ Under most circumstances, the prohibition cannot be avoided by disqualifying oneself from participating in the decision on awarding the contract. Again, consult with your agency's attorney immediately if there is a contract before the commission in which you may have an interest.

- **Bribery.** Requesting, receiving or agreeing to receive anything of value in exchange for an official action is a crime. In addition to criminal penalties, an individual convicted of bribery forfeits their office and is disqualified from holding public office in the future.⁹

The Political Reform Act: Key Things to Know

- California's disclosure and disqualification requirements are administered by the Fair Political Practices Commission (FPPC), which gives both informal and formal advice on the application of these requirements. The FPPC is provided the statutory authority to promulgate regulations that are consistent with and further the purposes of the Political Reform Act. Check out the FPPC's website (www.fppc.ca.gov) for contact information, as well as for other useful information relating to the FPPC's administration of the Political Reform Act.
- For purposes of disqualification, the FPPC's main concerns¹⁰ include business entities in which an official has a direct or indirect investment of \$2,000 or more; real property in which an official has a direct or indirect interest of \$2,000 or more; sources of income of \$500 or more within the last twelve (12) months; business entities in which the official is a director, officer, partner, trustee, employee or holds any management position; and anyone from whom the official has received gifts of \$520 or more in the preceding year (note: the FPPC may increase the gift limit on January 1st of odd-numbered years under Government Code section 89503. Consult your agency counsel for the most up-to-date gift limit).
- When in doubt, the FPPC will usually err on the side of disclosure and disqualification.
- The city attorney's or county counsel's advice will not immunize an official from prosecution for violating disclosure and disqualification requirements. However, it is nonetheless wise to consult agency counsel as soon as you suspect that you may have an issue under the Political Reform Act.
- Violations of the Political Reform Act are subject to civil and criminal penalties depending on the severity of the offense. For example, knowing and willful violation of the act is a misdemeanor and subjects the violator to a fine of the greater of \$10,000 or three times the amount not reported.¹¹

⁷ Cal. Gov't Code § 1090.

⁸ Cal. Gov't Code § 1092; Thomson v. Call (1985) 38 Cal.3d 633. .

⁹ Cal. Penal Code § 86.

¹⁰ 2 CCR § 18700.

¹¹ Cal. Gov't Code § 91000(b).

Personal Advantages and Perks

State law strictly limits officeholder benefits relating (or appearing to relate) to his or her status as an officeholder:

- **Gifts.** With certain exceptions, a public official must disclose gifts over \$50 on their Statement of Economic Interests (Form 700) and may not receive gifts from any one source that totals over \$520 in a single year.¹² Gifts may include meals, entertainment, certain kinds of travel payments and rebates or discounts not offered to the general public in the usual course of business.¹³ The law is particularly strict about free transportation passes (not including frequent flier awards offered to everyone). Acceptance of such passes results in immediate loss of office.¹⁴
- **Speaking Fees or Honoraria.** Public officials may not receive payments for giving a speech, writing an article or attending a conference or meeting. Limited exceptions apply. Free conference admission with an accompanying meal and nominal items provided by the organizer when provided directly in connection with a speech given by the official, for example, may not be considered a gift or income that must be reported.¹⁵
- **Use of Public Resources.** It is a felony to misuse public funds, which can include submitting inaccurate or inflated expense reports from traveling on agency business. Public resources (including staff time and office supplies) may not be used for either personal or political purposes.¹⁶
- **Common Law Bias from Personal Interests.** A strong personal interest in a decision can be the basis for a finding of “common law bias.” Common law bias is sufficient to disqualify a public official from participating in a decision, particularly if the official is sitting in a quasi-judicial capacity. For example, one court found a council member biased on a proposed addition to a home in his neighborhood because the addition would block the council member’s view of the ocean.

Fairness and Impartiality

Officeholders should make decisions in a fair and impartial manner. Key laws that enforce fair decision making by planning commissioners include:

- **Campaign Contributions.** Commissioners who are running for office must disqualify themselves from entitlement proceedings—such as land use permits—if they received campaign contributions of more than \$250 during the previous twelve months from the applicant. Moreover, candidates may not receive or solicit contributions of more than \$250 from any applicant with a pending application and for three months afterward.¹⁷
- **Effect of Decisions on Family Members’ Financial Interests.** A public official must disqualify themselves from participating in a decision that would reasonably have a foreseeable material financial effect on a member of their immediate family (spouse and dependent children).¹⁸
- **Party or Factual Bias.** A strong personal animosity towards a project applicant or the receipt of information about a project may constitute a disqualifying source of bias when a planning commission is sitting in a quasi-judicial capacity.¹⁹ This is a variation of the “ex parte communications” doctrine, which suggests that, in quasi-judicial matters,

12 Cal. Gov’t Code §§ 87200, 87207; 2 Cal. Code of Regs. § 18940.2 (\$340 amount valid through 2022).

13 Cal. Gov’t Code § 82028(a).

14 Cal. Const. art. XII, § 7.

15 Cal. Gov’t Code §§ 89501, 89502; 2 Cal. Code of Regs. § 18950.342.

16 Cal. Penal Code § 424. See, e.g., *People v. Battin* 77 Cal. App. 3d 635 (1978).

17 Cal. Gov’t Code § 84308.

18 Cal. Gov’t Code §§ 82029, 87103.

19 See *Breakzone Billiards v. City of Torrance* 81 Cal. App. 4th 1205, 1234 n.23 (2000).

all communications to you about the merits (or demerits) of the proposed use should occur in the course of a public hearing.

- **Dual Officeholding.** State law prohibits public officials from holding multiple offices at the same time that subject them to conflicting loyalties.²⁰ Check with your agency counsel if you are worried that this prohibition may apply to an office you are seeking.

In addition to these state ethics requirements, cities and counties may have local restrictions and requirements.

Tips for an Effective Planning Commission Meeting

- **Focus on the Big Picture.** Avoid being distracted by personalities, groups, or issues that do not have anything to do with the merits of the present agenda item.
- **Meeting Procedures.** Established rules and procedures keep meetings on track. The chairperson and staff should have defined responsibilities during a meeting. In addition, rules for testimony should be clear and widely available at all meetings.
- **Follow the Law.** Keep legal requirements in mind. When in doubt, ask agency counsel for advice. Before approving an application, you should be able to answer the following questions in the affirmative:
 - Is the proposal consistent with the general plan?
 - Does it meet all applicable zoning and subdivision requirements?
 - Are the environmental impacts reduced or eliminated by the conditions of approval, or are there overriding considerations?
 - Is the commission's decision supported by findings of fact based on substantial evidence in the record?
- **Be Prepared.** Prior to the hearing, commissioners should have read the agenda packet and supplemental reports. It is also a good idea to review the portions of the general plan and the zoning ordinance that are relevant to each agenda item.
- **Open Communication.** Each commissioner shares responsibility for the free flow of ideas and discussion among everyone present at a meeting, including applicants, staff, members of the public and the commissioners themselves. Be objective, listen and ask questions. Treat all participants with respect and model civility.
- **An Efficient Pace.** The chair should recognize when testimony must be closed for deliberations. Commissioners should hold their motions until the discussion has concluded. Both the chair and the other commissioners should know whether to continue a hearing or to make a decision.
- **Effective Leadership.** An effective chairperson assists the flow of ideas and helps keep the proceedings on track.

²⁰ See Cal. Gov't Code § 1126.

Fostering Positive Working Relationships with Others

Good working relationships within the planning commission, as well as with planning and other staff, the city council or board of supervisors, other boards and commissions, applicants, consultants and the public, are critical in order for planning functions to be effective and efficient. Positive working relationships are based on mutual understanding of the role of each group, including:

- Clear expectations about how each group will relate to the other, as defined by adopted procedures
- A common set of goals, as reflected in the general plan and other adopted planning documents
- A willingness to solve problems by listening to others, considering alternatives and arriving at a consensus
- An ability to communicate directly and clearly with others

Working with Staff

A good working relationship with staff will significantly improve your effectiveness as a planning commissioner. A planning department staff member will always be present at commission meetings. Other attendees may include representatives from your jurisdiction's attorney's office and public works department. Planning staff advises the commission on local agency plans, ordinances and policies. They also provide information on state requirements that impact local land use and development decisions. In addition, they support the commission's work by providing planning expertise, background information and research, preparing plans and reports, making recommendations and answering technical questions. Other staff responsibilities include:

- Orienting new commissioners
- Noticing meetings
- Responding to commission requests for information in a timely and professional manner
- Delivering commission agenda packets in time for adequate review
- Highlighting key issues and data in staff reports and presentations
- Anticipating and providing the type of information that will be needed for a decision
- Being accessible and keeping all commissioners equally informed
- Reviewing applications for completeness
- Acting in a fair, ethical and consistent manner

Members of the planning staff can be a tremendous resource for you. Most will have received at least some training in geography, landscape design, urban and rural planning, economics, law and statistics. In addition to their other duties, staff are responsible for staying current on new trends, technologies and regulations in the planning and development field. They can use this information to assist the planning commission in developing creative solutions to local problems.

Tips for Developing and Maintaining Good Relationships with Staff

A good staff-commission relationship is built on mutual trust and respect. Here are some ways to achieve that:

- Come to meetings having reviewed the materials prepared by staff.
- Ask questions of staff in advance and alert them to concerns you intend to raise during the meeting. Avoid “gotcha” questions from the dais.
- If you disagree with a staff recommendation, state specific reasons for your decision. This will help staff to draft findings in support of your decision. Simply stating “I do not like the project” is not enough information for staff, or to justify a decision on a project.
- Clearly communicate to staff what the commission needs in order to make well-informed decisions. If material is not being presented in an understandable way, work with staff to make changes.
- Treat staff with respect.
- Do not assume that staff is wrong and a critic is right.
- Compliment staff when and where appropriate.

Consultants

Local agencies often have limitations on staff expansion, while the demand for public planning continues to increase as communities grow. Consultants are often used to address temporary or specialized staffing needs, such as:

- Completing studies requiring special skills,
- Providing additional support on an as-needed basis,
- Preparing studies and analysis required by environmental laws, and
- Assisting on large projects, such as a general plan update, housing element update or specific plans.

Who Does What in the Project Review Process?

Planning Staff

- Identifies relevant state and local regulations for project applications
- Works with applicants to make a project work
- Works with other departments and agencies, such as the engineering department or the regional air board, to incorporate comments and technical recommendations into a project
- Ensures that procedures are being followed
- Prepares a professional analysis and recommendation

- Monitors project implementation
- Holds consensus-building meetings with the public on controversial projects

Agency Legal Counsel

- Answers legal and procedural open meeting questions
- Does not give policy direction or advice
- Advises on relevant legal considerations, both in terms of process (for example, notice requirements) and substance

Planning Commission

- Balances staff analysis, and jurisdiction's goals and policies, with community input
- Renders a decision based on findings of fact when acting in a quasi-judicial capacity
- Makes recommendations to the governing body on policy matters when acting in a legislative capacity
- Evaluates land use aspects of projects and leaves more technical issues for staff review and implementation (commissioners should trust staff to implement their general directions)

Governing Body

- Balances staff analysis, planning commission decisions/recommendations, community input and jurisdiction's goals

Working with the Governing Body

One of the ongoing relationships to take into account is that between the planning commission and the governing body (city council or board of supervisors). In most cases, individual commissioners serve at the pleasure of one or more members of the governing body. Because these officials are elected by the community to represent them, planning commissioners should consider the views of the governing body in making their decisions.

The planning commission-governing body relationship can become strained if the governing body repeatedly overturns planning commission decisions. In such cases, a commissioner may feel that the governing body did not look at the land use issues as closely as the commission. One thing to keep in mind, however, is that the governing body must also contend with political pressures that are not always felt by the appointed commission. Here are some ideas on how to promote a good ongoing relationship between the planning commission and the governing body:

- Make adequate findings to ensure that the reasons for your actions are clear
- Ask for clarification of the governing body's policies or actions if they are unclear
- Include in planning commission minutes any questions or points of view that are not obvious in your decisions and findings
- Send a planning commission representative to meetings of the governing body to discuss difficult decisions as appropriate
- Request an annual joint work session to discuss priorities, communication and other pressing issues
- Do not rely solely on staff to convey your message, either to the public or to the appropriate elected officials
- Do an annual self-evaluation and follow through with any needed changes in how the commission does business
- Keep in mind that elected officials must answer to the voters. You may find it helpful to be familiar with the policy perspectives of the members of the governing body, particularly as they relate to land use policies and programs. (For example, are they "slow growth" or "pro-growth"?) Casting individual commission decisions in ways that address issues of concern to individual members of the governing body (if not conforming to them) reduces the likelihood that a commission decision will be overturned on appeal.

Planning to Increase Equity

Across the United States, the pursuit of understanding equity and addressing systems of advantage has intensified. Some could argue that establishing the appropriate starting point for engagement on this topic is among the most complicated in the entire process. Any policymaker will tell you that no amount of money or brute force of legislation will make institutionalized challenges, systemic inequities or even smaller problems disappear overnight, mainly due to interconnections with other structural issues. A perennial obstacle with public sector-led solutions is agency limitations, preventing the necessary cross-sector collaboration needed to develop and launch effective responses to equity challenges.

For this handbook, equity challenges are defined as societal problems that disproportionately impact one or more groups in contrast with the majority of the population. Examples of such challenges include: housing instability/homelessness, access to quality healthcare and education, obstructed participation with transit systems, and more. In this section, “communities” are referred to as groups that experience discrimination and exclusion (social, political and economic) because of unequal power relationships across economic, political, social and cultural dimensions.

As these communities continue to be negatively impacted by inequities at higher rates, the decisions of planning commissions have emerged as part of the ecosystem. For example, the negative impact from some zoning and other planning commission actions on wealth accumulation for underrepresented communities is heavily documented and undeniable, complicating the path to closing equity gaps.

While planning commissions are not exclusively tasked with finding or becoming the antidote to these issues, actions taken by various commissions have the potential to alleviate community level inequities or conversely, maintain and augment the challenges we’re already observing -- challenges that continue to be exacerbated by housing shortages, population fluctuations, natural disasters, and other environmental hazards. The examples below describe equity-driven considerations in future planning commissions’ ability to steward positive change in California.

Recognition to Boost Visibility and Establish Focus

The vast majority of negative experiences and adverse events impacting marginalized communities were ignored at the time they took place and were not recognized, acknowledged or discussed by the general public for many years. This long history of omission has further complicated the process of identifying a path forward that accurately addresses these struggles. Many planning commissions have started to reflect on this history and explore opportunities to expand their knowledge base by researching past commission actions and the impact of those actions on the communities in their region.

For example, several planning commissions²¹ have added land acknowledgements to their public meetings to recognize the present-day impacts and challenges experienced by Native Americans, and the commission’s role in the current status and trajectory of indigenous communities. Other commissions have gone a step further to proactively advance more explicit anti-racists policies. For example, in 2020, the San Francisco Planning Commission released a document²² acknowledging how some actions of past commissions promoted white supremacy and contributed to the ongoing oppression of marginalized

21 City of Sacramento’s Land Acknowledgment Policy requires all public meetings, including Planning Commission meetings, to include a recognition of Indigenous communities who originally lived on the land. A past agenda can be seen at http://sacramento.granicus.com/GeneratedAgendaViewer.php?view_id=21&event_id=4228

San Francisco’s Planning Commission acknowledges the Indigenous people of the San Francisco Peninsula. A past agenda can be seen at https://sfplanning.org/sites/default/files/agendas/2022-01/20220120_cal%20%28ID%201272892%29.pdf

22 San Francisco Planning Commission’s Resolution Centering Planning on Racial and Social Equity acknowledges past policies resulting in racial disparities and allocates resources to implement strategies for racial and social equity. The full resolution can be found here https://sfplanning.org/sites/default/files/documents/admin/R-20738_Centering_Planning_on_Racial_and_Social_Equity.pdf

groups.

Strengthening efforts to recognize and acknowledge what communities have experienced or are experiencing is a way to improve external relationships and build trust. Importantly, it also helps increase the visibility of and boosts education about unknown aspects of community history for both the commission and the general public.

Strengthening Governance to Advance Equity

While equity discussions may be introduced as formal commission items, evaluating and amending governance procedures and commissioner assignments can also play a significant role in guiding change.

In 2021, the Los Angeles Planning Commission held an all-day meeting²³ to listen to historically ignored and oppressed communities, and to organize the perspectives they heard to inform future planning and development strategies. The meeting was conducted as part of the mayor's initiative to achieve racial equity in city government, aiming to:

- Understand how structural racism has been built into existing policies;
- Amplify the voices of people most impacted by racist policies; and
- Develop the planning commission's anti-racist and equity framework to guide decision-making on projects and policies

The findings were used to inform an Anti-Racist and Equity Framework for the Commission.

Annual nomination and appointment cycles represent another opportunity to be intentional about commission diversity and inclusion, which is another step toward addressing community level challenges. Planning commissions and their governing bodies are able to set priorities and desired skillsets for future appointees by identifying specific expertise or lived experience (related to the equity challenges noted above) they would like on the Board or creating mechanisms to source future board members directly from underrepresented communities.

Leveraging Internal Resources to Accelerate Progress

Planning commissions have resources at their disposal that could support improved understanding of current inequities. Their access to experts, community leaders, and past community-level data and reports could be useful for addressing knowledge gaps and providing commissioners, the staff and the public with the education needed to make responsible decisions that lead to more equitable outcomes.

As a starting point, commissions could identify and investigate past zoning and planning decisions that have had severe present-day impacts. Other questions for consideration include but are not limited to:

- When considering real estate and land uses, do all commissioners fully understand the implications for education access and school district enrollment? What about air quality and environmental justice concerns? Do proposed housing developments have access to fresh food (grocery stores, farmers markets)?
- Should test scores and demographic summaries be included in related commission item analyses?
- What additional context do commissions need to determine community impact, above and beyond what is presented in the current required reports?

Inspired by commonly required Environmental Impact Statements and Reports, a 2021 Brookings Institute article²⁴ asserted:

23 Materials and a recording from this meeting are available at <https://planning.lacity.org/about/cpc-equity-day-2021>

24 The full article, "Build race equity into rezoning decisions" by Lance Freeman is available at <https://www.brookings.edu/blog/how-we-rise/2021/07/13/build-race-equity-into-rezoning-decisions/>

“To address the inequalities that often arise from zoning and other major land use regulations, racial equity analyses should accompany their adoption...The scope of such analyses could include how the costs and benefits of such an action are distributed across racial/ethnic groups, the risks of displacement disaggregated by race/ethnic group, and how the proposed development would relate to current residential segregation patterns.”

Systemic inequalities will not be solved by a single iteration of a planning commission, but commissions and commissioners in every California jurisdiction do have an opportunity to explore how they might employ a more equitable decision-making framework. Doing so would enable commissions to create a values-based approach and inclusive organizational culture wherein equity is centered and communities are active and engaged in the planning process.

Find out more about equity and planning at <https://interactioninstitute.org/equity-and-urban-planning-weave-equity-into-process-and-content/>.

