



## Legislation Text

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Staff Report Regarding Discussion of a Potential Merger of the Planning Commission and the Board of Zoning Adjustments

### **SUMMARY AND RECOMMENDATION**

Merging the Planning Commission and Board of Zoning Adjustments would result in measurable efficiency and cost-saving benefits and would bring the City's entitlement process in line with the majority of other cities and counties in California. For these reasons, Staff recommends a motion from the Rules Committee in support of a merger and for the item to be brought before the City Council for further consideration.

### **BACKGROUND AND AUTHORITY**

State planning law (CGC Section 65900 et al) requires every city and county in California to have a planning agency, granting them the authority to establish and organize themselves with any board or commission deemed necessary to carry out the functions and decisions of a planning agency. This includes the ability to establish (or disestablish) a planning commission, board of zoning adjustment, board of appeals, zoning administrator, and/or hearing officers. Each of these bodies has a specific purpose and function defined under State law. If neither a board of zoning adjustment or a zoning administrator has been established, State law stipulates that the planning commission is responsible for their functions and duties (CGC Section 65902).

Of these bodies, a board of zoning adjustment (BZA) can be established for the specific purpose of hearing and deciding upon conditional use permits, variances and any other permits granted by local ordinance (CGC Section 65901). In San Leandro, the BZA has the added responsibility of approving certain Site Plan Review applications and Parking Exceptions. The BZA primarily decides on current planning applications and, in most instances, is the final deciding authority.

In San Leandro, the Planning Commission (PC) primarily serves as a recommending body focused on long-range planning and complex applications. The PC makes recommendations to the City Council on Planned Developments, Rezoning, General Plan Amendments, and Tentative Tract Maps. With the rare exception of a denied appeal (ZC Section 5-2810), the City Council is the final deciding authority on all applications heard by the Planning Commission.

San Leandro is one of the few remaining cities in the State of California to have both a Planning Commission and a Board of Zoning Adjustments. Of the other cities in California, only Berkeley, Modesto, Bakersfield, Norco, and Perris are known to have a similar arrangement. Alameda County and Sonoma County are the only counties known have a separate Planning Commission and Board of Adjustments. The cities of Merced, West Sacramento, Folsom, and Beverly Hills and Santa Clara County are known to have merged their boards into their planning commissions.

## DISCUSSION

There are number of practical and cost-saving benefits to merging the Planning Commission and Board of Zoning Adjustments. Merging the two would require the Planning Commission to serve as both a recommending and deciding body.

### Approval Streamlining

There are a number of potential situations where a project application could be required to go before the Board of Zoning Adjustments, Planning Commission and City Council for approval. For example, if an applicant wishes to develop a new condominium project, their Site Plan Review and Conditional Use Permit would need to be approved by the BZA, but their Tentative Tract Map would need a recommendation by the Planning Commission and approval from the City Council. This process adds about two extra months to the application processing timeline due to the need to hold public hearings before three different deciding bodies. In this situation, staff is required to prepare three different sets of hearing notices, staff reports, resolutions, and conditions of approval.

### Fewer Meetings

The workload between the PC and BZA is typically uneven. In recent years, the BZA has had two or three agenda items scheduled for each hearing while the Planning Commission has only one item. In the past five years, the PC has canceled half of its regularly scheduled public hearings for lack of items, while the BZA has a somewhat lower rate of cancellations at 43%. Both bodies have scheduled about the same number of special meetings over the past five years. Merging the two bodies would not require scheduling two hearings each month. Holding one meeting per month would reduce comp time and overtime hours for Planning staff, providing cost savings for the City.

### Administrative Staff Resources

The Planning Services Division currently prepares agenda packets and advertises public hearings for the BZA and PC twice a month. Cancelled meetings also require noticing. Preparing legal notices and mailing agenda packets, which can be large in size often times, for a public hearing can take anywhere from half a day to two full days of staff time for the Planning Division's administrative assistant. Merging the two bodies together would eliminate certain duplicative tasks and reduce the amount of preparatory time by as much as half. The City Clerk's staff would also see some benefit from a merger with fewer appointees to process and train.

### Training and Conference Participation

It is a substantial expense for the City to send members of the PC and BZA to outside training and conferences. For example, sending all 14 members to the annual California League of Cities' Planning Commissioners Academy or the State Planning Conference, including registration, lodging, transportation and per diem costs, would exceed \$30,000. To save money, the Planning Division currently hosts a joint PC-BZA meeting each year to provide in-house training for members of both bodies. It is more efficient and effective to focus limited resources on fewer members to ensure they receive proper training to become the most effective land use/zoning decision-maker they can be.

## **CONCLUSION**

There are clear benefits to merging the Board of Zoning Adjustments with the Planning Commission. Achieving this would require updating the Zoning Code and amending certain portions of the Municipal Code and Administrative Code. Staff recommends a motion from the Rules Committee in support of a merger and for the item to be brought before the City Council for further consideration.

### **PREPARED BY:**

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