

Exhibit 3 Documentation of Deliberations

The Board may decide to report its nonofficial acts in the form of a memorandum documenting its deliberations following passage of a motion (“Documentation of Deliberations”). The purpose of this documentation is to summarize key elements of the Board’s deliberations to provide additional insights and context to the entity taking final action and will be used sparingly. The entity taking final action will typically be City Council, but may be the DRC, Zoning Administrator, or others.

Process:

- A vote to prepare documentation of deliberations is taken.
- The Chair or Vice-Chair provides key points to staff promptly following the meeting. A second member volunteering to help capture the key points of the deliberation may also be identified to do the same. This may be particularly helpful in capturing the nuances of a split-decision.
- CPD staff prepare a memorandum (typically 2-3 paragraphs).
- CPD staff e-mail a draft to the Board one week in advance of the subsequent Planning Board meeting.
- Members reply directly to staff with suggested changes promptly so that staff can provide a final draft prior to the meeting. Members should not reply to all with any suggested changes, as this would run afoul of the open meetings law.
- The Board approves the final Documentation of Deliberations memo at the subsequent meeting, for which it will be listed on the consent agenda.
 - If given a separate vote, a recommended motion is: *I move that we approve the Documentation of Deliberations for agenda item #X*
- Staff promptly transmits the Documentation of Deliberations to the entity taking final action on the matter. In the case of City Council, the Documentation of Deliberations will be provided to Council staff as a stand-alone document for posting to Legistar. Any staff report updated after the Board approves a Documentation of Deliberations should note the availability of this additional document in records for an action item.

Typical use cases:

- Following a deliberation in which analysis of the criteria was complex and involved balancing multiple, possibly contradictory, plan goals and recommendations, for example a rezoning case where multiple plans provided inconsistent recommendations
- Following a deliberation where a position was taken but future decision-makers might benefit from a detailed documentation of key points in the analysis.

Note:

The Documentation of Deliberations is a “nonofficial act” of the Planning Board (per DRMC, Sec. 12-43(b)), and consistent with it, staff will record and include a summary of the votes for any against (if any) and the basis of those votes.

Exhibit 4

Additional Recommendation Motions

The Board may decide to pass nonofficial acts in the form of supplementary recommendations concerning a legislative matter before the Board to recommend changes or further actions that would, in the Board's view, improve compliance with applicable criteria ("Additional Recommendations"). Additional Recommendations made by the Board will be sent along with the primary motion and included in staff reports and Board meeting records. Additional Recommendation motions will be used sparingly.

Process:

- In the course of deliberations, a member may propose additional recommendations that the Board could provide that would, if acted upon, improve compliance with applicable criteria.
- The additional motion must be voted on, and this will be a separate vote.
- Staff will include approved Additional Recommendations along with the primary recommendation, and include the Additional Recommendations in staff reports and Board meeting records.

Typical / Example use cases:

- A proposed text amendment meets criteria to recommend approval, and the Board wants to communicate an additional recommendation to City Council for a change that would make the proposed text amendment more compliant with applicable criteria.
 - Example: When considering the Enhancing Housing Affordability text amendment package in 2022, the Board further recommended to City Council the return of parking minimum changes along frequent transit corridors which had been removed from a prior draft. This additional recommendation was transmitted to City Council by project staff. City Council took that under consideration and developed a compromise change to the text amendment package prior to adoption.
- In deliberations, the Board discusses a conflict between a proposal that meets the criteria and a separate rule, regulation or practice that, if changed, would allow the subject proposal to be more effective. The Board makes an Additional Recommendation that the City follow up on that separate but related matter.
 - Example: When considering a change to the DZC related to side setbacks, a corresponding change in Building Code was identified that would also be needed to make an effective change. An Additional Recommendation was passed to suggest this corresponding change.

Notes:

- Per City Attorney's Office guidance, Additional Recommendations should only be used for legislative matters, not for quasi-judicial matters such as site-specific rezonings.
- Additional Recommendations are not "conditions" on the Board's primary motion. If a change is necessary for an application to comply with criteria and the official action options allow for the Board to recommend "approval with conditions", that route would be appropriate.
- Additional Recommendations are "nonofficial acts" of the Planning Board (per DRMC, Sec. 12-43(b)), and consistent with it, staff will record and include a summary of the votes for any against (if any) and the basis of those votes.