

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

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RESOLUTION NO. R-1164

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF LONG BEACH AMENDING AND
RESTATING THE RULES AND PROCEDURES FOR THE
PLANNING COMMISSION

WHEREAS, on July 5, 1996, the Planning Commission adopted Rules and
Regulations for the Planning Commission by Resolution No. R-1104; and

WHEREAS, the Planning Commission now intends to amend and restate
the Rules and Procedures in accordance with applicable laws and regulations.

NOW, THEREFORE, the Planning Commission of the City of Long Beach
resolves as follows:

Section 1. The Planning Commission of the City of Long Beach hereby
adopts the attached Rules and Procedures for the Planning Commission.

Section 2. The Director shall transmit a copy of this resolution to the City
Clerk and to each member of the Planning Commission.

Section 3. This resolution shall take effect immediately upon its adoption
by the Planning Commission, and the Planning Commission Secretary shall certify to the
vote adopting this resolution.

I hereby certify that the foregoing resolution was adopted by the Planning
Commission of the City of Long Beach at its meeting of November 6, 2014, by the

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following vote:

Ayes: Commissioners:

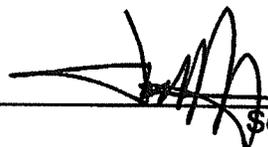
Alan Fox, Mark Christoffels,

Molly Campbell, Donita Van Horik,

Phillip Saumur

Noes: Commissioners:

Absent: Commissioners:


Secretary

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RULES AND PROCEDURES FOR THE PLANNING COMMISSION

Following date:
2/1/88

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RULES AND PROCEDURES FOR THE PLANNING COMMISSION
TABLE OF CONTENTS

	Page
Article 1 Purpose	1
Article 2 Members	1
Article 3 Commission Access to Staff	2
Article 4 Election of Officers	2
Article 5 Quorum	3
Article 6 Meetings	3
6.1 Regular Meetings	3
6.2 Meeting Breaks	3
6.3 Emergency or Special Meetings	4
6.4 Study Sessions	4
6.5 Open and Closed Sessions	4
Article 7 Parliamentary Procedure	4
Article 8 Agenda	5
8.8 Staff Reports	5
8.9 Agenda Packets	6
Article 9 Order of Business	6
9.1 Agenda Items	6
Article 10 Application and Appeal Hearings	7
10.4 Swearing in of Participants	8
10.5 Evidence, Time Limits, Numbers of Speakers	8
10.5.1 Formal Rules of Evidence	8
10.5.2 Burden of Proof	8
10.5.3 Name and Address	8
10.5.4 Time Limits	8

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1	10.5.5	Number of Speakers	9
2	10.6	Questions Through the Chair.....	9
3	10.8	Unruly or Disruptive Member of Audience	9
4	10.9	Evidence Received Outside a Hearing	9
5	10.9.3	Use of Electronic Communication Devices Discouraged.....	10
6	10.10	Appearance of a Commissioner Before the Planning Commission.....	10
7	10.11	Motions	10
8	10.11.1	Motion-Second	10
9	10.11.2	Amendment of Motion or Substitute Motion.....	10
10	10.11.3	Withdrawal of Motion or Second.....	11
11	10.11.4	Tabling a Motion.....	11
12	10.11.5	Discussion, Closure, and Question	11
13	10.11.6	Motions for Reconsideration.....	11
14	10.12	Decision-making	11
15	10.12.1	Voting	11
16	10.12.2	Tie Votes	12
17	10.12.3	Abstentions.....	12
18	10.12.4	Roll Call.....	12
19	10.12.5	Motions Include Staff Recommendations	12
20	10.12.6	Absentees	12
21	10.13	Findings	13
22	10.14	Consent Items.....	13
23	10.15	Continuances.....	13
24	10.15	Construction	14
25	Article 11	Commission Authority.....	14
26			
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28			

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ARTICLE 5
QUORUM

5.1 A simple majority of members of the Commission currently in office shall constitute a quorum to conduct business. Except as otherwise required by law, the vote of a simple majority of a quorum of the Commission shall determine the act or decision.

5.2 In the event of the lack of a quorum at a meeting, the Chairman or Vice Chairman, or Chairman Pro Tem, in that order, shall adjourn the meeting to another time, place, and date. Such order of adjournment shall serve as sufficient notice thereof to all members not present. It shall be the duty of the Director to employ such reasonable means as may be necessary to notify the absent members of the adjournment. The Director may adjourn a meeting where no Commissioners are present, provided that if the meeting is adjourned to a time other than the next regular meeting, notice of the meeting shall be given as if the meeting were a special meeting.

ARTICLE 6
MEETINGS

6.1 Regular Meetings. Regular meetings of the Planning Commission shall be held on the first and third Thursdays of each month. If the regular meeting dates falls on a City holiday, then the meeting may be rescheduled by the Planning Commission.

6.1.1 All regular meetings of the Planning Commission will be called to order at 5:00 p.m., unless properly noticed otherwise, canceled, or rescheduled. No Planning Commission meeting shall be canceled or rescheduled unless the Director of Development Services or designee first confers with the Chairman. No matter shall be cancelled or rescheduled unless the Director and Chairman mutually agree to such action.

6.1.2 The Commission shall endeavor to adjourn its meetings not later than 9:30 p.m. If necessary, business not completed by 9:30 p.m. will be continued to the next regular or special meeting as determined by the Planning Commission.

6.2 Meeting Breaks. The Chairman shall, with the concurrence of the

1 record. Reports shall be in writing and staff shall endeavor to provide the project
2 applicant with a copy of the report at least three (3) days before any hearing or action by
3 the Planning Commission. Amended (redlined) staff reports must be provided to the
4 Planning Commission via email by 1:00 p.m. the day of hearing.

5 8.9 Agenda Packets. Staff shall endeavor to provide the entire agenda packet
6 to each member of the Planning Commission no later than five (5) days prior to the
7 regularly scheduled meeting. Packets may be provided in part or in whole in an
8 electronic format. Amended/redlined documents or reports can be provided in electronic
9 format.

10 ARTICLE 9

11 ORDER OF BUSINESS

12 9.1 Agenda Items. Agendas for regular meetings shall be organized in
13 substantially the following order:

- 14 a. Call to Order
- 15 b. Roll Call
- 16 c. Pledge of Allegiance
- 17 d. Review and approval of Minutes
- 18 e. Director's Report
- 19 f. Chairman Addresses Audience (Outlines Meeting Procedure)
- 20 g. Swearing In of Witnesses
- 21 h. Consent Calendar
- 22 i. Carryover Items
- 23 j. Regular calendar
- 24 k. Matters from the Audience
- 25 l. Matters from the Planning Commission
- 26 m. Adjourn.

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ARTICLE 10

APPLICATION AND APPEAL HEARINGS

10.1 In order to expedite agenda items and hearings, the Director shall cause notice of said agenda item or hearing to be given as required by the applicable law. Unless otherwise noticed, all hearings or non-hearing agenda items shall be set for 5:00 p.m.

10.2 Unless the Chairman in his or her discretion should direct otherwise, the order for presentation during a public hearing should be as follows:

- a. Public hearing is opened.
- b. Presentation of Development Services Department staff report, including any environmental analysis, with recommendations for Planning Commission action.
- c. Questions of staff by members of the Planning Commission.
- d. Presentations from the applicant or appellant.
- e. Presentations of persons in favor of or in opposition to the requested action.
- f. Rebuttal comments by the applicant or appellant.
- g. Closing remarks by staff.
- h. Public hearing is closed. The Chairman declares the public hearing closed when members of the Planning Commission indicate they have heard all pertinent testimony. After the public hearing is closed, no additional substantive testimony may be given. However, the Commission may clarify information which has been received into the public record by directing questions to its staff or the public, provided that such clarifications are made at the same meeting and prior to or during deliberation on the subject matter.
- i. Planning Commission discussion.
- j. Chairman may entertain a motion on the item. A proper motion is presented.

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1 k. Motion is to be seconded or shall fail for lack of second prior to
2 Commission debate.

3 l. Commission debate on the motion, if seconded.

4 m. Once debate is concluded, Commission votes pursuant to Rules and
5 Procedures.

6 10.3 If necessary to permit additional testimony and evidence, public hearings
7 may be re-opened during Commission deliberation at the meeting in which the public
8 hearing was held. Such re-opening requires a majority consent of the Commission.

9 10.4 Swearing In of Participants. Members of the Planning staff and audience
10 who plan to testify will be asked to stand and raise their right hand to "Swear In."

11 10.5 Evidence, Time Limits, Numbers of Speakers.

12 10.5.1 Formal Rules of Evidence. Formal rules of evidence need not be
13 followed. Any relevant evidence may be considered. The Chairman may exclude
14 irrelevant or redundant testimony and may make such other rulings as may be necessary
15 for the orderly conduct of the proceedings while ensuring basic fairness and full
16 consideration of the issues involved. Evidentiary objections shall be deemed waived
17 unless made in a timely fashion before the Planning Commission.

18 10.5.2 Burden of Proof. The burden of proof of all legal prerequisites to
19 the granting of relief or action sought shall be upon the party requesting such relief or
20 action.

21 10.5.3 Name and Address. Any person desiring to speak must first be
22 recognized by the Chairman. All comments must be made clearly and audibly. All
23 speakers shall be requested to provide their full names and addresses and the names
24 and addresses of any person in whose behalf they are appearing.

25 10.5.4 Time Limits. Applicants and appellants shall be given sufficient
26 time, in the reasonable judgment of the Chairman, to present their concerns. All other
27 speakers normally will be limited to a three (3) minute presentation. If a speaker requires
28 the assistance of an interpreter, the Chairman may grant the speaker a reasonable

1 amount of additional time to make his or her presentation.

2 10.5.5 Number of Speakers. The Chairman, with the concurrence of a
3 Planning Commission majority, may limit the number of speakers or amount of testimony
4 time upon a particular issue in order to avoid repetitious and cumulative comments, and
5 to hear those interested in testifying. Except when necessary for immediate clarification
6 of a particular point, no person shall be allowed to speak a second time until all others
7 wishing to speak have had an opportunity to do so, and then only at the discretion of the
8 Chairman and the concurrence of the Commission.

9 10.6 Questions Through the Chair. Any person other than a Commission
10 member desiring to direct a question to a speaker or staff member shall submit the
11 question to the Chairman, who shall determine whether the question is relevant to the
12 subject of the hearing and whether or not it should be answered by the speaker or staff
13 member.

14 10.7 After the Commission meeting is opened, members of the audience will not
15 be permitted behind the rail.

16 10.8 Unruly or Disruptive Member of Audience. The Chairman has the
17 responsibility to maintain a lawful, controlled, orderly, respectful and dignified meeting.
18 To assure these conditions, the Chairman may take whatever lawful actions he or she
19 deems necessary up to and including adjournment of the meeting.

20 10.9 Evidence Received Outside a Hearing. Commissioners are discouraged
21 from receiving information or evidence other than at the regularly scheduled hearing or
22 agenda item including electronic communications received during the meeting from any
23 person. If a member of the Commission talks with an applicant or visits a site
24 independently, or receives any other information pertinent to a pending matter, he or she
25 shall disclose the contact and information or evidence so received during the hearing on
26 the matter. The applicant or appellant shall have the opportunity to supplement or rebut
27 the information or evidence so disclosed, and failure to do so shall be deemed a waiver
28 of any objection regarding the information or evidence.

1 10.9.1 Commissioners are discouraged from engaging in discussions with
2 individuals outside of the Planning Commission meeting to assure that everyone hears
3 and receives the same information from the same source at the same time.

4 10.9.2 It is recommended that members of the Commission perform no
5 more than a physical "Field Check" of the property or location that may be the subject of
6 a hearing item before the Commission.

7 10.9.3 Use of Electronic Communication Devices Discouraged.

8 Commissioners' use of electronic communication devices (including cell phones), other
9 than for the purpose of accessing agenda materials that are on a Commissioner's
10 electronic device, is discouraged during Planning Commission meetings.

11 10.10 Appearance of a Commissioner before the Planning Commission. After a
12 Commissioner has disqualified him or herself as a result of a potential conflict of interest,
13 he or she may appear before the Commission during hearing on the matter and present
14 testimony regarding the matter, provided it is done with the advice of the City Attorney's
15 office.

16 10.11 Motions.

17 10.11.1 Motion-Second. Action upon an order, resolution, ordinance
18 or any other action of the Planning Commission may be proposed by any member by a
19 motion. The Chairman may make a motion only after all other members of the Planning
20 Commission present have had an opportunity to make a motion on the question. Before
21 a motion can be considered or debated it must be seconded, at which time it shall be on
22 the floor and must be considered. If not seconded, the motion fails for lack of a second
23 and shall be so declared by the Chairman. The Chairman may second a motion.

24 10.11.2 Amendment of Motion or Substitute Motion. A motion on the
25 floor may be amended or a substitute motion offered at any time before adoption or
26 rejection of the main motion. When a motion to amend or substitute motion is made and
27 seconded, the Planning Commission will debate and take action on the amendment or
28 substitute before acting on the main motion. If the amendment or substitute is not

1 adopted, the main motion will be considered. If the amendment is adopted, the main
2 motion, as amended, will then be considered. If the substitute is adopted, no further
3 action is necessary.

4 10.11.3 Withdrawal of Motion or Second. A motion may be withdrawn
5 by the maker at any time before adoption or rejection. A second to a motion may be
6 withdrawn by the seconding member at any time before adoption or rejection of the
7 motion. The motion will then be lost for lack of a second and so declared by the
8 Chairman unless seconded by another person.

9 10.11.4 Tabling a Motion. Tabling a motion is not a procedure utilized
10 by the Planning Commission. Motions should be voted upon or continued to a date
11 certain.

12 10.11.5 Discussion, Closure, and Question. After a motion has been
13 seconded, any member, including the Chairman, may discuss or comment on the subject
14 motion. The Chairman shall recognize any and all members of the Planning Commission
15 who desire to speak, beginning with the motion's maker, and will protect each speaker
16 from disturbance or interference. When no member wishes to discuss or comment
17 further, the Chairman will call for a vote on the motion. Any member of the Planning
18 Commission may at any time move to close the debate.

19 10.11.6 Motions for Reconsideration. Motions for reconsideration of a
20 matter may be made by any member who voted with the prevailing majority on the matter
21 to be considered. Any member of the Planning Commission may second a motion to
22 reconsider. Motions to reconsider shall be made at the same meeting as the original
23 motion. If the matter to be reconsidered required a public hearing, the public hearing will
24 be reopened pursuant to these Rules and Procedures before additional evidence is
25 received.

26 10.12 Decision-making.

27 10.12.1 Voting. Approval of any motion before the Planning
28 Commission shall require the affirmative vote of a majority of the members present,

1 unless otherwise specified by law.

2 10.12.2 Tie Votes. Any tie vote shall constitute a denial of the motion
3 and may be reconsidered by a motion offered by any member who voted on the matter.
4 If there is no subsequent affirmative vote, the result is denial. If the matter involves an
5 appeal and an affirmative vote does not occur, the result is that the decision appealed
6 stands as decided by the decision-maker from which the appeal was taken.

7 10.12.3 Abstentions. Except when a conflict exists and abstention is
8 required by state law, every member of the Commission who is present, when a roll call
9 is called, shall vote for or against the motion, unless excused by a majority of the
10 Commission members present prior to the calling of the roll on such question.

11 10.12.4 Roll Call. Voting upon a motion may, at the discretion of the
12 Chairman, and shall, upon the request of any member, be by roll call. When voting is not
13 by roll call, the Chairman may, in the absence of objection by any member of the
14 Planning Commission, declare an item to be unanimously approved.

15 10.12.5 Motions Include Staff Recommendations. A motion to adopt
16 or approve staff recommendations or simply to approve the action under consideration
17 shall, unless otherwise particularly specified, be deemed to include adoption of all
18 proposed findings and execution of all additions recommended in both the written staff
19 report on file on the matter and any oral staff report presented during the hearing.

20 10.12.6 Absentees. A Planning Commission member who is absent
21 from any portion of a hearing conducted by the Planning Commission may still vote on
22 the matter provided that he or she has listened to the tape recording of the entire portion
23 of the hearing from which he or she was absent and examined the Staff Report and
24 evidence presented during the portion of the hearing from which he or she was absent.
25 In such a case, the Commissioner shall state for the record that he or she is familiar with
26 the record and with the evidence presented at the hearing.

27 10.12.7 In those matters involving a recommendation to the City
28 Council, the recommendation shall be transmitted in a timely manner to the City Council

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1 for its consideration. In the event that staff has a recommendation that is different from
2 that of the Planning Commission, the staff recommendation may also be presented to the
3 City Council for its consideration. However, the staff report presented to the City Council
4 shall make clear the precise nature of the Planning Commission recommendation and
5 shall further articulate staff's rationale for providing a different recommendation. Before
6 providing a recommendation to the City Council that is not the same as or is in addition to
7 that of the Planning Commission, the Director of Development Services or designee shall
8 first inform the Planning Commission Chairperson of the intended course of action. The
9 Chairperson shall have the right to appear at any scheduled meeting of the City Council
10 for the purpose of presenting the Planning Commission's position relative to its
11 recommendation to the City Council.

12 10.13 Findings. On any matter for which state law or City ordinance requires the
13 preparation of written findings, the staff report submitted on the matter will contain
14 findings proposed for adoption by the Planning Commission. Any motion directly or
15 implied rejecting the proposed findings should include a statement of alternative or
16 modified findings or direction that the matter under consideration be continued for a
17 reasonable period of time in order for staff to prepare a new set of proposed findings
18 consistent with the evidence which has been presented and the decision which is
19 anticipated.

20 10.14 Consent Items. Items that require little or no discussion by the Planning
21 Commission may be considered as consent items. The Planning Commission will act on
22 these items in one motion at the beginning of the meeting. Approval by the Planning
23 Commission of consent items means that the staff recommendation was approved along
24 with the findings and conditions set forth in the staff report. Any member of the Planning
25 Commission, the applicant, or members of the public may request that consent items be
26 considered in their regular order on the agenda. Removal of an item from the consent
27 calendar is subject to approval by a majority the Commission members present.

28 10.15. Continuances. Upon a showing of good cause, the Planning Commission

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1 may continue an agenda item to a specified date and time by a motion and roll call
2 vote of all members present.

3 10.16 Construction. These procedural rules shall be construed and applied so as
4 to ensure a full and fair hearing of relevant evidence which is offered on a land use
5 matter and to facilitate an orderly analysis of evidence and issues by the Planning
6 Commission.

7 ARTICLE 11

8 COMMISSION AUTHORITY

9 11.1 Failure of the Commission to follow the procedures established by this
10 Resolution shall not invalidate or otherwise affect any action of the Commission.

11 11.2 These rules and procedures in no way modify, amend or suspend the
12 Commission's or individual Commissioner's obligations pursuant to the Political Reform
13 Act, Open Meeting Law or other applicable statute of statewide concern. These rules
14 and procedures shall be construed to remain consistent with such statutes, as they may
15 be amended from time to time.

16 -End-