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RESOLUTION NO.

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 the Rules and Procedures regarding time of meetings, cancelation or rescheduling of meetings, and staff recommendations different than the Planning Commission recommendation,

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 following Rules and Procedures:

RULES AND PROCEDURES FOR THE PLANNING COMMISSION

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1 2.3 The Vice Chairman shall act for the Chairman in his or her absence.

2 2.4. In the absence of both the Chairman and Vice Chairman, the members
3 present at such meeting may elect a chairman pro tem who shall serve only for the
4 duration of the meeting in which he or she is appointed and shall have all powers of the
5 Chairman for that particular meeting.

6 2.5 The Director of Development Services ("Director") shall be responsible for
7 keeping minutes of the Planning Commission proceedings and transactions, preparing
8 the agenda of the regular and special meetings, arranging proper and legal notice of the
9 hearings, attending to correspondence, and performing such other duties for the Planning
10 Commission as are normally carried by a secretary to a legislative body. Where this
11 resolution refers to duties of the Director, the Director may delegate such duties as he or
12 she deems appropriate.

13 ARTICLE 3

14 COMMISSION ACCESS TO STAFF

15 3.1 Commission or Commissioner requests for assistance or research by staff,
16 other than simple requests for information or clarification, shall require the consent and
17 approval of the Director.

18 ARTICLE 4

19 ELECTION OF OFFICERS

20 4.1 The Chairman and Vice Chairman shall be elected by and from the
21 members of the Planning Commission. Election of the Chairman and Vice Chairman
22 shall be held at the second meeting of September each year. The newly elected officers
23 shall assume their offices in the first regular meeting of October.

24 4.2 The terms of office for Chairman and Vice Chairman shall be for one (1)
25 year, and thereafter until their respective successors are elected and qualified.

26 4.2 The terms of office for Chairman and Vice Chairman shall be for one year,
27 and thereafter until their respective successors are elected and qualified.

28 4.3 Vacancies in offices shall be filled immediately by regular election

1 procedure, but for the unexpired term only.

2 ARTICLE 5

3 QUORUM

4 5.1 A simple majority of members of the Commission currently in office shall
5 constitute a quorum to conduct business. Except as otherwise required by law, the vote
6 of a simple majority of a quorum of the Commission shall determine the act or decision.

7 5.2 In the event of the lack of a quorum at a meeting, the Chairman or Vice
8 Chairman, or Chairman pro tem, in that order, shall adjourn the meeting to another time,
9 place, and date. Such order of adjournment shall serve as sufficient notice thereof to all
10 members not present, it shall be the duty of the Director to employ such reasonable
11 means as may be necessary to notify the absent members. The Director may adjourn a
12 meeting where no Commissioners are present, provided that if the meeting is adjourned
13 to a time other than the next regular meeting, notice of the meeting shall be given as if
14 the meeting were a special meeting.

15 ARTICLE 6

16 MEETINGS

17 6.1 Regular Meetings. Regular meetings of the Planning Commission shall be
18 held on the first and third Thursdays of each month. If the regular meeting dates falls on
19 a City holiday, then the meeting may be rescheduled by the Planning Commission.

20 6.1.1 All regular meetings of the Planning Commission will be called to
21 order at ~~1:30 p.m.~~5:00 p.m., unless properly noticed otherwise, canceled, or rescheduled.
22 No Planning Commission meeting shall be canceled or rescheduled unless the Director
23 of Development Services or designee first confers with the Chairman regarding the
24 rationale for canceling or rescheduling.

25 6.1.2 The Commission shall endeavor to adjourn its meetings not later
26 than ~~6:00~~9:30 p.m. If necessary, business not completed by ~~6:00~~9:30 p.m. will be
27 continued to the next regular or special meeting as determined by the Planning
28 Commission.

1 6.2 Meeting Breaks. The Chairman shall, with the concurrence of the
2 Commission, recess the meetings as necessary to grant relief to the Commissioners,
3 staff and audience.

4 6.3 Emergency or Special Meetings. An Emergency or Special Meeting may
5 be called at any time by the Chairman of the Planning Commission, or by a majority of its
6 membership, on its own motion or at the direction of the City Council. The call, notice
7 and conduct of such emergency or special meeting shall comply with the Ralph M. Brown
8 Act, Government Code section 54950, *et seq.*

9 6.4 Study Sessions. The Planning Commission may hold study sessions as
10 part of a regular, adjourned or special meeting. No action may be taken by the
11 Commission at such a study session. When a matter is set for a study session, public
12 testimony may be barred or limited to particular persons at the discretion of the
13 Chairman, with the concurrence of a simple majority of the Commission.

14 6.4.1 If necessary, a study session may be conducted with less than a
15 quorum of the Commission present.

16 6.5 Open and Closed Sessions. All meetings of the Planning Commission shall
17 be open and public. All persons are welcome to attend. The Planning Commission may,
18 upon the advice of the City Attorney and pursuant to the Ralph M. Brown Act,
19 Government Code Section 5490, *et seq.*, hold a closed session during a regular or
20 special meeting.

21 ARTICLE 7

22 PARLIAMENTARY PROCEDURE

23 7.1 Robert's Rules of Order shall govern in the conduct of Commission
24 meetings in all cases to which they are applicable and in which they are not inconsistent
25 with these Rules and Procedures or any other applicable statutes, ordinances,
26 resolutions or regulations of the City.

27 7.2 If properly agendized, the Rules and Procedures may be amended at any
28 regular or special meeting of the Commission by an affirmative simple majority vote of a

1 Commission quorum.

2 7.3 The Planning Commission may suspend any of these Rules and
3 Procedures for the duration of the meeting or for a particular item only by an affirmative
4 simple majority vote of a Commission quorum.

5 ARTICLE 8

6 AGENDA

7 8.1 A written agenda shall be prepared for each meeting of the Planning
8 Commission.

9 8.2 The agenda must contain a brief general description of each item of
10 business to be discussed at the meeting.

11 8.3 The agenda shall be posted as required by law and made available at the
12 office of the Zoning Administrator.

13 8.4 The Planning Commission may not take action on an item not appearing on
14 the posted agenda unless an exception is made as permitted under applicable law.

15 8.5 The Chairman, in his/her discretion, and with the consent of the Planning
16 Commission, or upon the request of any Commissioner, may rearrange the order of the
17 presentation of any items appearing on the agenda. No person should rely upon the
18 order in which public hearing items appear on the posted agenda.

19 8.6 Any public hearing on any agenda item may commence upon the opening
20 of the meeting.

21 8.7 No written documentation submitted to the Planning Commission after ~~4:00~~
22 4:30 p.m. on the scheduled meeting date shall be considered. The reason for this rule is
23 to allow complete consideration of the documentation and to avoid unnecessary
24 distractions once the meeting is called to order.

25 8.8 Staff Reports. Staff reports shall be prepared with recommendations and
26 the basis for those recommendations. To the extent possible, alternate positions and
27 their justifications should be included as well. Staff reports are included in the hearing
28 record. Reports shall be in writing and shall be provided to the project applicant at least

1 three (3) days before any hearing or action by the City Planning Commission.

2 8.9 Agenda Packets. Staff shall endeavor to provide the entire agenda packet
3 to each member of the Planning Commission no later than five (5) days prior to the
4 regularly scheduled meeting.

5 ARTICLE 9

6 ORDER OF BUSINESS

7 9.1 Agenda Items. Agendas for regular meetings shall be organized in
8 substantially the following order:

- 9 a. Call to Order
- 10 b. Roll Call
- 11 c. Pledge of Allegiance
- 12 d. Review and approval of Minutes
- 13 e. Chairman Addresses Audience (Outlines Meeting Procedure)
- 14 f. Swearing In of Witnesses
- 15 g. Consent Calendar
- 16 h. Carryover Items
- 17 i. Regular calendar
- 18 j. Matters from the Audience
- 19 k. Matters from the Department of ~~Planning and Building Development~~

20 Services

- 21 1. Update on City Council actions
- 22 2. Preview of future agendas
- 23 3. Other
- 24 l. Matters from the Planning Commission
- 25 m. Adjourn.

26 ARTICLE 10

27 HEARINGS

28 10.1 In order to expedite the hearings on any petition, application or appeal, the

1 Secretary at the time of filing of the petition, application or appeal, shall cause notice
2 thereof to be given as required by the applicable law. Unless otherwise noticed, all
3 hearings shall be set for ~~1:30~~ 5:00 p.m.

4 10.2 Unless the Chairman in his or her discretion should direct otherwise, the
5 order for presentation during a public hearing should be as follows:

6 a. Public hearing is opened.

7 b. Presentation of Planning Development Services Department staff
8 report, including any environmental analysis, with recommendations for Planning
9 Commission action.

10 c. Questions of staff by members of the Planning Commission.

11 d. Presentations from the applicant or appellant.

12 e. Presentations of persons in favor of or in opposition to the requested
13 action.

14 f. Rebuttal comments by the applicant or appellant.

15 g. Closing remarks by staff.

16 h. Public hearing is closed. The Chairman declares the public hearing
17 closed when members of the Planning Commission indicate they have heard all pertinent
18 testimony. After the public hearing is closed, no additional substantive testimony may be
19 given. However, the Commission may clarify information which has been received into
20 the public records by directing questions to its staff or the public, provided that such
21 clarifications are made at the same meeting and prior to or during deliberation on the
22 subject matter.

23 i. Planning Commission discussion.

24 j. Chairman may entertain a motion on the item. A proper motion is
25 presented.

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

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

1 m. Once debate is concluded, Commission votes pursuant to Rules and
2 Procedures.

3 10.3 If necessary to permit additional testimony and evidence, public hearings
4 may be re-opened during Commission deliberation at the meeting in which the public
5 hearing was held. such re-opening requires a majority consent of the Commission.

6 10.4 Swearing In of Participants. Members of the Planning staff and audience
7 who plan to testify will be asked to stand and raise their right are to "Swear In."

8 10.5 Evidence, Time Limits, Numbers of Speakers.

9 10.5.1 Formal Rules of Evidence. Formal rules of evidence need not be
10 followed. Any relevant evidence may be considered. The Chairman may exclude
11 irrelevant or redundant testimony and may make such other rulings as may be necessary
12 for the orderly conduct of the proceedings while ensuring basic fairness and full
13 consideration of the issues involved. Evidentiary objections shall be deemed waived
14 unless made in a timely fashion before the Planning Commission.

15 10.5.2 Burden of Proof. The burden of proof of all legal prerequisites to
16 the granting of relief or action sought shall be upon the party requesting such relief or
17 action.

18 10.5.3 Name and Address. Any person desiring to speak must first be
19 recognized by the Chairman. All comments must be made clearly and audibly. all
20 speakers must first state their full names and addresses and the names and addresses of
21 any person in whose behalf they are appearing.

22 10.5.4 Time Limits. Applicants and appellants shall be given sufficient
23 time, in the reasonable judgment of the Chairman, to present their concerns. All other
24 speakers normally will be limited to a three (3) minute presentation.

25 10.5.5 Number of Speakers. the Chairman, with the concurrence of a
26 Planning Commission majority, may limit the number of speakers or amount of testimony
27 time upon a particular issue in order to avoid repetitious and cumulative comments, and
28 to hear those interested in testifying. Except when necessary for immediate clarification

1 of a particular point, no person shall be allowed to speak a second time until all others
2 wishing to speak have had an opportunity to do so, and then only at the discretion of the
3 Chairman and the concurrence of the Commission.

4 10.6 Questions Through the Chair. Any person other than a Commission
5 member desiring to direct a question to a speaker or staff member shall submit the
6 question to the Chairman, who shall determine whether the question is relevant to the
7 subject of the hearing and whether or not it should be answered by the speaker of the
8 hearing and whether or not it should be answered by the speaker or staff member.

9 10.7 After the Commission meeting is opened, members of the audience will not
10 be permitted behind the rail.

11 10.8 Unruly or Disruptive Member of Audience. The Chairman has the
12 responsibility to maintain a lawful, controlled, orderly, respectful and dignified meeting.
13 To assure these conditions, the Chairman may take whatever lawful actions he or she
14 deems necessary up to and including adjournment of the meeting.

15 10.9 Evidence Received Outside a Hearing. The Chairman does not encourage
16 the receipt of information or evidence on a particular pending matter outside of hearings.
17 If a member of the Commission talks with an applicant or visits a site independently, or
18 receives any other information pertinent to a pending matter, he or she shall disclose the
19 contact and information or evidence so received during the hearing on the matter. the
20 applicant or appellant shall have the opportunity to supplement or rebut the information or
21 evidence so disclosed, and failure to do so shall be deemed a waiver of any objection
22 regarding the information or evidence.

23 10.9.1 The Commission is not encouraged to visit locations or talk with
24 individuals outside of the Planning Commission meeting to assure that everyone hears
25 and receives the same information from the same source at the same time.

26 10.9.2 It is recommended that members of the Commission perform no
27 more than a "Field Check" (i.e., drive by without getting out of the car or talking with
28 anyone). This action should also be reported when the item comes before the

1 Commission.

2 10.10 Appearance of a Commission before the Planning Commission. After a
3 Commissioner has disqualified him or herself as a result of a potential conflict of interest,
4 he or she may appear before the Commission during hearing on the matter and present
5 testimony regarding the matter, provided it is done with the advice of the City Attorney's
6 office.

7 10.11 Motions.

8 10.11.1 Motion-Second. Action upon an order, resolution, ordinance
9 or any other action of the Planning Commission may be proposed by any member of a
10 motion. The Chairman may make a motion only after all other members of the Planning
11 Commission present have had an opportunity to make a motion on the question. Before
12 a motion can be considered or debated it must be seconded at which time it shall be on
13 the floor and must be considered. If not seconded, the motion is lost for lack of a second
14 and shall be so declared by the Chairman. The Chairman may second a motion.

15 10.11.2 Amendment of Motion or Substitute Motion. A motion on the
16 floor may be amended or a substitute motion offered at any time before adoption or
17 rejection of the main motion. When a motion to amend or substitute motion is made and
18 seconded, the Planning Commission will debate and take action on the amendment or
19 substitute before acting on the main motion. If the amendment or substitute is not
20 adopted, the main motion will be considered. If the amendment is adopted, the main
21 motion, as amended, will then be considered. If the substitute is adopted, no further
22 action is necessary.

23 10.11.3 Withdrawal of Motion or Second. A motion may be withdrawn
24 by the maker at any time before adoption or rejection. A second to a motion may be
25 withdrawn by the seconding member at any time before adoption or rejection of the
26 motion. The motion will then be lost for lack of a second and so declared by the
27 Chairman unless seconded by another person.

28 10.11.4 Tabling a Motion. Tabling a motion is not a procedure utilized

1 by the Planning Commission. Motions should be voted upon or continued to a date
2 certain.

3 10.11.5 Discussion, Closure, and Question. After a motion has been
4 seconded, any member, including the Chairman, may discuss or comment on the subject
5 motion. The Chairman shall recognize any and all members of the Planning Commission
6 who desire to speak, beginning with the motion's maker, and will protect each speaker
7 from disturbance or interference. When no member wishes to discuss or comment
8 further, the Chairman will call for a vote on the motion. Any member of the Planning
9 Commission may at any time move to close the debate.

10 10.11.6 Motions for Reconsideration. Motions for reconsideration of a matter
11 may be made by any member who voted with the prevailing majority on the matter to be
12 considered. Any member of the Planning Commission may second a motion to
13 reconsider. Motions to reconsider shall be made at the same meeting as the original
14 motion. If the matter to be reconsidered required a public hearing, the public hearing will
15 be reopened pursuant to these Rules and Procedures before additional evidence is
16 received.

17 10.12 Decision-making.

18 10.12.1 Voting. Approval of any motion before the Planning
19 Commission shall require the affirmative vote of a majority of the members present,
20 unless otherwise specified by law.

21 10.12.2 Tie Votes. Any tie vote shall constitute a denial of the motion
22 and may be reconsidered by a motion offered by any member who voted on the matter.
23 If there is no subsequent affirmative vote, the result is denial. If the matter involves an
24 appeal and an affirmative vote does not occur, the result is that the decision appealed
25 stands as decided by the decision-maker from which the appeal was taken.

26 10.12.3 Abstentions. Except when a conflict exists and abstention is
27 required by state law, every member of the Commission who is present, when a roll call
28 is called, shall vote for or against the question, unless excused by a majority of the

1 Commission members present prior to the calling of the roll on such question.

2 10.12.4 Roll Call. Voting upon a motion may, at the discretion of the
3 Chairman, and shall, upon the request of any member, be by roll call. When voting is not
4 by roll call, the Chairman may, in the absence of objection by any member of the
5 Planning Commission, declare an item to be unanimously approved.

6 10.12.5 Motions Include Staff Recommendations. A motion to adopt
7 or approve staff recommendations or simply to approve the action under consideration
8 shall, unless otherwise particularly specified, be deemed to include adoption of all
9 proposed findings and execution of all additions recommended in both the written staff
10 report on file on the matter and any oral staff report presented during the hearing.

11 10.12.6 Absentees. A Planning commission member who is absent
12 from any portion of a hearing conducted by the Planning Commission may vote on the
13 matter at the time it is acted upon provided that he or she has either reviewed the
14 approved minutes of the hearing or listened to the tape recording of the entire portion of
15 the hearing from which he or she was absent, provided that a tape recording exists, and if
16 he or she has examined the Staff Report and evidence presented during the portion of
17 the hearing from which he or she was absent. In such a case, the Commissioner shall
18 state for the record that he or she is familiar with the record and with the evidence
19 presented at the hearing.

20 10.12.7 In those matters involving a recommendation to the City
21 Council, the recommendation shall be transmitted in a timely manner to the City Council
22 for its consideration. In the event that staff has a recommendation that is different from
23 that of the Planning Commission, the staff recommendation may also be presented to the
24 City Council for its consideration. However, the staff report presented to the City Council
25 shall make clear the precise nature of the Planning Commission recommendation and
26 shall further articulate staff's rationale for providing a different recommendation. Before
27 providing a recommendation to the City Council that is different from that of the Planning
28 Commission, the Director of Development Services or designee shall first inform the

1 Planning Commission Chairperson of the intended course of action. The Chairperson
2 shall have the right to appear at any scheduled meeting of the City Council for the
3 purpose of presenting the Planning Commission's position relative to its recommendation
4 to the City Council.

5 10.13 Findings. On any matter for which state law or City ordinance requires the
6 preparation of written findings, the staff report submitted on the matter will contain
7 findings proposed for adoption by the Planning Commission. Any motion directly or
8 implied rejecting the proposed findings should include a statement of alternative or
9 modified findings or direction that the matter under consideration be continued for a
10 reasonable period of time in order for staff to prepare a new set of proposed findings
11 consistent with the evidence which has been presented and the decision which is
12 anticipated.

13 10.14 Consent Items. Items that require little or no discussion by the Planning
14 Commission may be considered as consent items. The Planning Commission will act on
15 these items in one motion at the beginning of the meeting. Approval by the Planning
16 Commission of consent items means that the staff recommendation was approved along
17 with the findings and conditions set forth in the staff report. Any member of the Planning
18 Commission, the applicant, or members of the public may request that consent items be
19 considered in their regular order on the agenda. Removal of an item from the consent
20 calendar is subject to approval by a majority the Commission members present.

21 10.15. Continuances. Upon a showing of good cause and by request of the
22 applicant, a member of the public, or member of the Planning Commission, the
23 Chairman, at the time set for a hearing on a particular item may order the hearing to be
24 continued to a specified date and time. Upon the request of any member of the Planning
25 Commission, continuance decisions shall be made by a motion and roll call vote of all
26 members present.

27 10.16 Construction. These procedural rules shall be construed and applied so as
28 to ensure a full and fair hearing of relevant evidence which is offered on a land use

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1 matter and to facilitate an orderly analysis of evidence and issues by the Planning
2 Commission.

3 ARTICLE 11

4 COMMISSION AUTHORITY

5 11.1 Failure of the Commission to follow the procedures established by this
6 Resolution shall not invalidate or otherwise affect any action of the Commission.

7 11.2 These rules and procedures in no way modify, amend or suspend the
8 Commission's or individual Commissioner's obligations pursuant to the Political Reform
9 Act, Open Meeting Law or other applicable statute of statewide concern. These rules
10 and procedures shall be construed to remain consistent with such statutes, as they may
11 be amended from time to time.

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

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

17 I hereby certify that the foregoing resolution was adopted by the Planning
18 Commission of the City of Long Beach at its meeting of _____, 2011, by the
19 following vote:

20 Ayes: Commissioners: _____

21 _____
22 _____

23 Noes: Commissioners: _____

24 _____
25 _____

26 Absent: Commissioners: _____

27 _____
28 _____

Secretary

