



**COMMUNITY PLANNING & BUILDING DEPARTMENT
CITY OF CARMEL-BY-THE-SEA**

January 14, 2015

TO: Chair Reimers & Planning Commissioners

FROM: Rob Mullane, AICP, Community Planning and Building Director *RM*

SUBJECT: Item I.2 – Review and Possible Amendment to Planning Commission Rules of Procedure

Attached are materials for Item I.2, which were not available in advance of the release of the agenda packet. Attachment A is the draft revisions to the Planning Commission's Rules of Procedure, based on previous input and discussion of the Planning Commission. Attachment B is the pertinent excerpt from the Planning Commission's Rules of Procedure from October 2011, when the procedure for selecting the Chair and Vice-Chair was by election.

The outcome of the Planning Commission's decision on this item will guide process for selecting the Chair and Vice-Chair, which can be done at the beginning of the next Planning Commission meeting.

CITY OF CARMEL-BY-THE-SEA

PLANNING COMMISSION RULES OF PROCEDURE

Draft Revisions of January 14, 2015

I. ORGANIZATION, OFFICERS, AND COMMITTEES

A. Organization

The Planning Commission shall consist of five members, residents of Carmel-by-the-Sea, and appointed by the City Council. The Planning Commission shall be organized and exercise such powers as prescribed by the City of Carmel-by-the-Sea Municipal Code.

B. Duties and Powers of the Planning Commission

The Planning Commission, as the designated planning agency of the City of Carmel-by-the-Sea, shall have the following power and responsibilities:

1. To develop and maintain a General Plan.
2. To develop specific plans, master plans and area plans as may be necessary or desirable.
3. To periodically, at least once each fiscal year, review the capital improvement program of the City.
4. To determine the consistency of capital improvements projects and programs with the General Plan and other applicable design standards.
5. To prepare an annual report to the City Council on the status of the General Plan and progress in its application.
6. To interpret the meaning and intent of the City's land use code (General Plan, Zoning Ordinance, Design Guidelines and other applicable planning documents).
7. To hear and render decisions on appeals of discretionary decisions made by administrative officials.
8. To review environmental impact reports and initial studies.

9. To conduct public hearings, review evidence and determine requests for use permits, variances, lot line adjustments, subdivisions, rezones and land use code amendments.
10. To act on design review and design study applications.
11. To act on projects subject to coastal permit requirements when such projects are within the categories listed above.
12. To review the water management plan annually.
13. To recommend amendments to the General Plan, Zoning Ordinance and Design Guidelines as determined appropriate.

C. Officers

1. Selection

- a. ~~The Chair~~man~~ and Vice-Chair positions shall be elected annually from among the Commission's membership to serve at the pleasure of the Commission. The elections shall be for the following calendar year and shall take place at the December meeting, or as soon thereafter as practicable. rotated on an annual bases beginning with the senior Commissioner and ending with the most junior Commissioner. The Vice Chairman shall be rotated on a quarterly basis beginning each year with the most senior Commissioner that is not in the Chairman position~~
- b. ~~The elections process commences with individual Commissioners nominating candidates until a motion is made, seconded, and approved to close nominations. At the conclusion of any discussion, the roll is called alphabetically, and each Commissioner votes for one of the nominated candidates until one is elected by simple majority. The newly elected or re-elected Chair takes the Chair's seat and repeats this process for the Vice-Chair. The senior Commissioner shall succeed the Chairman if he/she vacated his/her office before his/her term is completed to serve the unexpired term of the vacated office. If a new Vice Chairman is needed, the Commissioner next in line for the quarterly Vice Chairman position shall be appointed at the next regular meeting.~~
- c. ~~The Vice-Chair shall succeed the Chair if he/she vacated his/her office before the term of office is completed, and the Vice-Chair shall serve the unexpired term of the vacated office. A new Vice-Chair shall be elected at the next regular meeting.~~

de. In the absence of the Chair~~man~~ and Vice-Chair~~man~~, any other member shall call the Commission to order, whereupon a Chair~~man~~ shall be elected from the members present to preside.

2. Responsibilities

The responsibilities and powers of the officers of the Planning Commission shall be as follows:

a. Chair~~man~~

- i. Preside at all meetings of the Commission.
- ii. Call special meetings of the Commission.
- iii. Sign all documents of the Commission.
- iv. See that all actions of the Commission are properly taken.
- v. Assist staff in determining agenda items.
- vi. Appoint members for all standing and Ad Hoc Committees.
- vii. Act as parliamentarian, in consultation with the City Attorney.

b. Vice-Chair~~man~~

During the absence, disability, or disqualification of the Chair~~man~~ the Vice-Chair~~man~~ shall exercise or perform all the duties and be subject to all responsibilities of the Chair~~man~~.

c. Ad Hoc Committees and Sub-Committees

The Chair~~man~~ may appoint Ad Hoc Committees and Subcommittees to study matters coming before the Commission, provided such appointments and the purpose of such Committee are made a matter of record in the minutes of the Commission.

- i. Subcommittee appointments and a designated staff member are to be made by the Chair~~man~~ and Planning Director respectively and announced at a regular Planning Commission meeting so that the appointments will be documented in the minutes.
- ii. Subcommittees established for a single, limited purpose and duration

shall be considered Ad Hoc and therefore not subject to the Brown Act.

- iii. Subcommittees are to work with assigned staff and prepare subcommittee work products or review the research and draft text prepared by staff.
- iv. The first task of each subcommittee is to prepare a Scope of Work report for Commission approval that describes the issue to be addressed, the tasks and process to be used and the anticipated work products.
- v. All subcommittee meetings are to be conducted at City Hall unless a larger venue is required (for public workshops, etc.) or when field trips are required.
- vi. Subcommittees shall make monthly oral progress reports to the full Commission at regular meetings.

II. CONDUCT OF MEETINGS

A. Rules of Order

Except as otherwise stated in these Rules of Procedure or Municipal Code, Roberts Rules of Order, Newly Revised shall be used as a guide to the conduct of the meetings of the Planning Commission, provided, however, that the failure of the Commission to conform to said rules of order shall not, in any instance, be deemed to invalidate the action taken.

- B. Individual communications regarding pending requests that have been filed with the City between Commissioners and applicants or other persons outside the public meeting of the Planning Commission are discouraged. If communications do occur the Commissioner shall make it known during the next Planning Commission meeting involving the subject application. The Commissioner should also encourage the applicant/person to submit a written summary of the communication to staff prior to the next scheduled hearing on the matter.

C. Public Meetings

All meetings of the Planning Commission and committees of the Planning Commission shall be held in full compliance with the provisions of the Brown Act (California Government Code, Section 54954.2), the Municipal Code, and these Rules of Procedure.

D. Regular Meetings

1. Regular meetings shall be held on the second Wednesday of each month in the

Council Chambers of City Hall unless otherwise determined by the Commission. Public Hearings shall commence at 4:00 P.M. or as soon as thereafter as possible unless otherwise determined by the Commission and conclude no later than 8:00 p.m. The Tour of Inspection shall be scheduled prior to the Public Hearings at a time determined to be necessary based on the length of the Tour.

2. Whenever a regular meeting falls on a public holiday, no regular meeting shall be held on that day. Such regular meeting may be rescheduled to another business day or canceled by motion adopted by the Planning Commission.

E. Adjourned Meetings

In the event it is the wish of the Planning Commission to adjourn its meeting to a certain hour on another day, a specific date, time and place must be set by the Commission prior to the regular motion to adjourn.

F. Special Meetings

Special meetings for the purposes of conducting study sessions or workshops may be held at any time upon the call of the Chair~~man~~ or by a majority of the voting members of the Commission or upon request of the City Council following at least twenty-four hours notice to each Commission member and to the press. The time and place of the special meeting shall be determined by the convening authority.

G. Annual Meeting

An annual meeting shall be held at the beginning of the first regular meeting of December, or as soon thereafter as is practicable, each year for the purposes of electing a Chair~~man~~ and Vice-Chair~~man~~ and for transacting such other business pertaining to the organization and procedures of the Commission as may be appropriate.

H. Tours of Inspection

The Tour of Inspection shall include all project sites listed on the agenda. The Planning Commission may determine at the beginning of each meeting (prior to departing on the Tour of Inspection) that one or more site visits listed on the agenda are not necessary. All Planning Commission members shall participate in the Tour of Inspection in order to be fully informed of the application site conditions.

The intent of the Tour of Inspection is to provide a visual sense of the topic matter. A brief staff report will be provided to the decision-making body highlighting particular relevant information. Discussion is limited to a question-answer format. Members of the public may attend the Tour and may respond to questions for clarification purposes. A thorough review and discussion of the topic matter, including public comment, will take

place at City Hall.

I. Agenda

1. An agenda for each meeting of the Commission shall be prepared by the Director of Community Planning and Building. The Chair, Vice-Chair and Planning Director shall review the order of the agenda to ensure that those items of highest interest to the general public are placed at the front of the agenda. The number of applications to be considered on the agenda will be determined based on the nature and complexities of the projects, other priorities in the Planning Commission's work program and what can reasonably be considered in a two-and-one-one-half-hour meeting.
2. The agenda for all regularly scheduled meetings shall be posted seventy-two (72) hours in advance.
3. All agendas shall be posted at City Hall, in the Library, and at the Post Office and extra copies placed in the Planning Commission bin at the Post Office.
4. The agenda for a special meeting shall be posted twenty-four (24) hours in advance and at the same locations as for regularly scheduled meetings.
5. Each agenda shall contain a brief description of the item to be discussed.
6. Any item may be placed on a future agenda when requested by two Planning Commissioners.

J. Order of Meeting

1. The order of items shall be based on the complexity and importance of the items. Generally, the order of business shall be as follows:
 - a. The Chair~~man~~ shall take the chair at the hour appointed for the meeting and call the meeting to order.
 - b. Members present and absent shall be recorded.
 - c. The Commission shall conduct a Tour of Inspection.
 - d. The Chair~~man~~ shall lead those present in the pledge of allegiance to the flag.
 - e. Announcements/Extraordinary Business. Any special presentations, awards, resolutions of Appreciation or other matters of community interest

shall be conducted.

- f. Public appearances. Comments from the audience will be received on any item not before the Planning Commission.
 - g. The Commission shall consider the Consent Calendar.
 - h. The Commission shall consider any items pulled from the Consent Calendars.
 - i. At the discretion of the Chair~~man~~, the Commission may consider special projects under Advanced Planning and Policy at this time or later in the meeting.
 - j. The Commission shall then hear and act upon those proposals scheduled for consideration at a regular public hearing.
 - k. Between 6:00 and 6:30 p.m., the Commission may recess for fifteen minutes. No recess shall occur except between scheduled agenda items.
 - l. All other applications not requiring public hearing shall then be heard. No action can be taken on items unless they appear on the agenda. (California Government Code, Section 54954.2).
 - m. Any matters of administration of the Commission, monthly subcommittee reports, determinations and appeals of administrative determinations shall be brought forward.
 - n. Adjournment. The Planning Commission will adjourn no later than 8:00 p.m. unless by a majority vote the Commission elects to continue. All items not receiving action shall be continued to the next regular meeting or to a special meeting.
2. The following shall be the order of procedure for public hearings concerning planning and zoning matters:
 - a. The Chair~~man~~ shall announce the subject of the public hearing as advertised.
 - b. If a request is made for continuance, a motion may be made and voted upon to continue the public hearing to a definite time and date.
 - c. The staff shall be asked to present the substance of the application, staff or committee report and recommendation, and to answer questions of the Commission. Any letters received before the hearing are entered into the record.

- d. The Chair~~man~~ shall open the public hearing.
- e. Order of testimony. The order of testimony shall be as follows.

The Chair can establish shorter speaking times prior to each public hearing if the length of the Agenda or the number of speakers to be heard so warrants. The Chair may also allow more time if deemed appropriate.

- i. Applicant statement (5 minutes).
 - ii. Public input on the issue being heard (3 minutes per speaker).
 - iii. Applicant (3 minutes).
 - iv. Public hearing is closed.
- f. The Commission shall then deliberate and either determine the matter or continue to another date and time certain. The Commission may ask questions of the applicant without re-opening the hearing to all speakers. The public hearing must be reopened if a new issue is raised. If the public hearing is reopened, all interested parties shall be heard.
 - g. If a motion is made and seconded that would alter a project or add new conditions not contained in the written staff report, the Chair~~man~~ shall allow the applicant to state for the record whether such change is accepted or opposed by the applicant prior to a vote being taken. The Commission may then approve or reject the motion.

3. Rules of Testimony

- a. Persons are not required to give their name or address, but it is helpful for speakers to state their name in order that the Secretary may identify them in the minutes of the meeting.
- b. If there are numerous people in the audience who wish to participate on the issue, and it is known that all represent the same opinion, a spokesperson should be encouraged to speak for the entire group. The spokesperson will then have the opportunity of speaking for a reasonable length of time and of presenting a complete case.
- c. The Chair~~man~~ may limit the time of testimony to not more than three minutes on a particular issue by each individual.

- d. No person or Commissioner shall address the Commission without first securing the permission of the Chair to do so.
 - e. All comments shall be addressed to the Commission as a whole. All questions shall be placed through the Chair.
 - f. The Chair~~man~~ may re-open the hearing for public testimony at any time for the purpose of obtaining new information. It is not necessary to reopen a public hearing to ask questions of the project applicant.
4. Items may be continued by the Planning Commission for the following reason:
- a. The application was incomplete.
 - b. The applicant could not appear at the meeting and/or has requested that the item be continued.
 - c. The application is revised by the applicant during the meeting.
 - d. The Planning Commission requires additional information during the meeting.
 - e. New information or issues come to light during the meeting that need further study.
 - f. The Planning Commission requests that the application be revised.

K. Voting

1. Voting Requirements

- a. A quorum shall consist of three (3) members of the Commission, except when the Commission is acting on a use permit or an appeal of an administrative decision when a quorum shall be four (4) members.
- b. The affirmative vote of a majority of the Commission present is necessary to take any action, except for use permits and appeals of administrative decisions and General Plan amendments which shall require an affirmative vote of four members.
- c. When a member disqualifies him/herself from voting because of a potential conflict of interest, the Commissioner shall be considered absent from the item.

- d. Should the number of Commissioners abstaining for a conflict of interest together with absences for other reasons disrupt the quorum, the issue shall be continued to the next regular meeting. When the number of Commissioners abstaining solely for a conflict of interest disrupts the quorum and there exists no alternative source for decision, participation by a member with conflict shall be allowed pursuant to California Government Section 87100 et seq.
- e. A tie vote results in a failed motion. In such an instance, any member of the Commission may offer a motion for further action. If there is no action by an affirmative vote, the result is no action and the application is considered denied due to the lack of the necessary votes for approval.

2. Disqualification from Voting

- a. A Commissioner shall disqualify him/herself from debate, discussion and voting on any matter before the Commission when there is an appearance of a conflict of interest. When a person disqualifies him/herself prior to the consideration of such matter by the Commission, the Commissioner shall state that he/she is disqualifying him/herself due to a conflict of interest, shall state the conflict, and then leave the voting area.
- b. If a Commissioner is in doubt as to whether or not a conflict of interest exists, the matter of conflict shall be referred to the City Attorney for his opinion.
- c. The Secretary of the Planning Commission shall record in the minutes the time when a Planning Commissioner steps down and when he/she returns to the podium.

3. Abstentions

A Commissioner may be permitted to abstain from voting because of unpreparedness on an issue before the Commission. All votes of a member who disqualifies him/herself shall be recorded as an abstention.

4. Voting Order

The order of voting shall be altered at each meeting, with the exception of the Chairman, who shall vote last.

5. Recording of Votes

The minutes of the Commission's proceedings shall show the vote of each member including whether they were absent or failed to vote on a matter considered.

III. APPLICATION PROCESSING

- A. All applications shall be submitted to the office of Community Planning and Building in compliance with the submittal requirements for each specific application. All evidence shall be submitted before the application is determined complete. Applicants are encouraged to request a preliminary concept hearing with the Planning Commission, in which case, a completed application is not required.
- B. Only one (1) application at a time shall be officially received and processed for a specific location.
- C. All applications will be reviewed by staff and will not be further processed until the application has been determined by the staff to be complete. The staff will be responsible for informing the applicant of the deficiencies in the application within thirty (30) working days of receipt of the application.
- D. All staff reports and supporting information shall be reviewed and signed off by the originator of the report and the Director of Community Planning and Building.
- E. When an application is determined to be complete, the application will be scheduled for Commission review in the order that the application is received as complete.
- F. Any information received after the Planning Commission agenda packet has been distributed may be the basis for continuation of the application.
- G. Any application continued for a second time at the applicant's request shall not be continued again but will be renoticed and advertised for a future Planning Commission hearing.

IV. APPEALS AND RECONSIDERATION

- A. Any appeal to the City Council from a decision of the Planning Commission must be made by filing a notice of appeal within ten (10) working days with the City Clerk.
- B. Any Commission member who voted on the prevailing side of a decision may request within five (5) working days of the decision that the matter be reconsidered. The question of whether the action should be considered will be placed on the next Planning Commission meeting.
- C. Any applicant may request that a Planning Commission decision be reconsidered by the Commission. Requests for reconsideration must be made in writing within five (5) working days of the Commission's action and state the specific error or omission committed by the Commission in the decision, or provide additional, relevant

information not considered by the Commission.

- D. Appeals of decisions to approve or deny applications located in the Coastal Commission appeal jurisdiction shall comply with the standards found in CMC Section 17.54.040.

V. REVIEW AND AMENDMENTS PROCEDURE

- A. These Rules of Procedure shall be reviewed biennially.
- B. These Rules of Procedure may be amended or suspended at any meeting of the Planning Commission by a majority of the members.

| *Last Revised ~~February 8, 2012~~ January 14, 2015*

9. To conduct public hearings, review evidence and determine requests for use permits, variances, lot line adjustments, subdivisions, rezones and land use code amendments.
10. To act on design review and design study applications.
11. To act on projects subject to coastal permit requirements when such projects are within the categories listed above.
12. To review the water management plan annually.
13. To recommend amendments to the General Plan, Zoning Ordinance and Design Guidelines as determined appropriate.

C. Officers

1. Selection

- a. A Chairman and Vice-Chairman shall be elected annually from among the Commission's membership at the beginning of the annual meeting to serve at the pleasure of the Commission. The annual meeting shall be scheduled for the December meeting.
- b. The elections process commences with individual Commissioners nominating candidates until a motion is made, seconded and approved to close nominations. At the conclusion of any discussion, the roll is called alphabetically and each Commissioner votes for one of the nominated candidates until one is elected by simple majority. The newly elected or reelected Chairman takes the Chair's seat and repeats this process for the Vice Chairman.
- c. The Vice-Chairman shall succeed the Chairman if he/she vacated his/her office before his/her term is completed, the Vice-Chairman to serve the unexpired term of the vacated office. A new Vice Chairman shall be elected at the next regular meeting.
- d. In the absence of the Chairman and Vice-Chairman, any other member shall call the Commission to order, whereupon a Chairman shall be elected from the members present to preside.