PLANNING COMMISSION RESOLUTION NO. 8557

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN BUENAVENTURA ADOPTING RULES OF PROCEDURE FOR THE CONDUCT OF BUSINESS AND HEARINGS ON LAND USE MATTERS AND RESCINDING RESOLUTION NO. 8527

BE IT RESOLVED by the Planning Commission of the City of San Buenaventura as follows:

SECTION 1: California Government Code Section 65804 authorizes the City Planning Commission to develop and publish procedural rules for the conduct of zoning and planning hearings so that all interested parties will have advance knowledge of the procedures to be followed; and

SECTION 2: San Buenaventura Municipal Code Sections 2.415.030 and 24.105.110 authorize the City Planning Commission to establish its own rules for the conduct of public hearings required under the zoning chapter; and

SECTION 3: The City Planning Commission wishes to update its rules of procedure adopted in Resolution Nos. 7122, 7601 and 8527 by establishing new regular meeting times; and

SECTION 4: Pursuant to the authority granted by the California Government Code and the San Buenaventura Municipal Code, the Planning Commission desires to specify procedural rules to govern the conduct of hearings on all land use matters, including but not limited to, zone changes and zoning text amendments, variances, conditional use and other permit applications, subdivision requests and appeals of administrative decisions.

SECTION 5: The attached text shall constitute the City of San Buenaventura Planning Commission Rules of Procedure for the Conduct of Business and Hearings on Land Use Matters before the Planning Commission of the City of San Buenaventura insofar as they are consistent with applicable state laws and City ordinances governing the conduct of all business, including but not limited to land use hearings.

SECTION 6: Planning Commission Resolution No. 8527 is hereby rescinded in its entirety and replaced by this resolution.

PASSED AND ADOPTED this 12th day of December, 2012.

Jeffrey Lambert, Secretary

APPROVED AS TO FORM

By: _____
Ariel Pierre Calonne, City Attorney

A11-00269 Second Revised Final

RULES OF PROCEDURE

FOR THE CONDUCT OF BUSINESS AND HEARINGS ON LAND USE MATTERS

BEFORE THE PLANNING COMMISSION OF THE CITY OF SAN BUENAVENTURA

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1. MEETINGS, STUDY SESSIONS, AGENDAS AND STAFF REPORTS

1.1 Regular Meetings

Regular meetings of the City Planning Commission shall be held on the ~~first~~ second ~~and third Tuesdays~~ Wednesdays of each month. Meetings may be held on the third Wednesday of each month and may be scheduled as joint Planning Commission/Design Review Committee Meetings. If the regular meeting date falls on a City holiday, then the meeting shall be rescheduled. All regular meetings of the City Planning Commission will be called to order at 6:00 p.m., unless advertised otherwise, cancelled or rescheduled. The Commission will generally adjourn its meetings at 11:00 p.m., with any unfinished business being continued to the next regular meeting. The Commission will not hear any new item after 10:00 p.m. without agreement of the entire Commission.

1.2 Site Visits

It is Planning Commission policy to conduct site visits for all projects in the Pierpont Keys area requesting variances and for all hillside height variances in the City's designated Hillside Area. The site visits should be conducted on the same day the property is scheduled for a Planning Commission hearing, at a time determined by City staff and the Chairperson. The time should be scheduled in the late afternoon to allow for sufficient daylight to conduct the site visit and for the Commissioners to have a short break before the start of the scheduled Planning Commission meeting.

The site visit shall be listed on the Planning Commission agenda a minimum of 72 hours in advance in order to provide adequate notice to the public. Any member of the public may attend the site visit and may address the Commissioners, but the Commissioners shall not respond to any questions from the public nor express any opinion as to the merits of the project. Commissioners shall conduct the site visit as a group under the direction of City staff and/or the Chairperson, and shall not independently confer with other Commissioners or the public.

Each Commissioner shall arrive at the scheduled time, unless prior arrangement has been made with the Chairperson. Any Commissioner not able to attend the site visit shall arrange to visit the site at their discretion.

Once the Chairperson convenes the site visit, staff may present a brief overview of the project. Commissioners shall in no way discuss the merits of the requested discretionary action. The Chairperson will then close the site visit, and Commissioners shall depart.

1.3 Special Meetings

An emergency or special meeting may be called at any time by the Chairperson of the City Planning Commission, or by a majority of its membership. Written

notice shall be delivered personally or by email at least twenty-four (24) hours before the time of a special meeting, and as soon as is reasonably possible in the case of an emergency meeting to each member and to each local newspaper of general circulation, and to each radio or television station which has previously submitted a written request for notice. The notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at the meeting. Written notice may be dispensed with as to any member who at or before the time of the meeting files an oral or written waiver of notice with the Secretary of the Commission. Written notice will also be dispensed with as to any member who is actually present at the meeting at the time it convenes.

1.4 Adjourned Meetings

The City Planning Commission may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment pursuant to the procedures set forth in the Ralph M. Brown Act, Government Code Section 54950, *et seq.* (the "Brown Act").

1.5 Workshop Sessions

The City Planning Commission may hold a workshop session as part of a regular, adjourned or special meeting. In general, the purpose of workshop sessions will be to gather information from staff, consultants, or members of the public regarding matters within the purview of the Planning Commission and, at most, provide further direction to staff while not rendering a formal decision or action on a particular matter. When a matter is set for a workshop session, the time allowed for individual public testimony time limits may be reasonably limited at the discretion of the Chairperson. Public notice for workshop sessions on specific matters for which public hearings are anticipated in the future shall be given to all interested parties who have requested such notice, and a record of the workshop session shall be entered into the minutes of any such future public hearings so that the hearing records will indicate whether any information received at the workshop sessions was taken into consideration as evidence at the subsequent public hearings.

1.6 Open and Closed Sessions

All meetings of the City Planning Commission shall be open and public, and all persons shall be permitted to attend, provided that, the Planning Commission may upon the advice of the City Attorney hold a closed session during a regular or special meeting, or at any time otherwise authorized by law, to consider or hear any matter which it is authorized by state law to hear or consider in closed session.

1.7 Agendas

At least 72 hours before a regular meeting, copies of the City Planning Commission's agenda shall be posted within the public display case at the rear

entrance to City Hall and made available to any person at the public counter. In accordance with the Brown Act, the Commission may not discuss or take action on any item that did not appear on the posted agenda unless an exception is made, as permitted under Government Code Section 54954.2.

1.8 Staff Reports

When planning staff reports exist, copies shall be made available electronically or in hardcopy format at least 72 hours prior to a regular public meeting. Copies shall also be made available at the regular public meeting. If more members of the public request staff report copies than are available at the meeting, copies shall be provided to those members of the public as soon as reasonably possible after the meeting in a manner consistent with the Public Records Act. Staff reports shall be prepared with recommendations and the basis for recommendations, and included in the hearing record. Reports or recommendations on tentative subdivision maps shall be in writing and shall be served on the subdivider at least three (3) days before any hearing or action on the map by the City Planning Commission.

2. ALCOHOL USE PERMIT REVOCATION PROCEDURES

2.1 Rules of Procedure for Alcohol Permit Revocation Hearings

a. All testimony shall be given under oath administered by the Planning Commission secretary or Chairperson. The oath shall be in substantially the following form: "Do you swear or affirm that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth?"

b. The Commission reiterates the evidentiary standard established by its existing rules of procedure as follows: "Any relevant evidence may be considered if it is the sort of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs."

c. Preponderance of the evidence: A preponderance of the evidence proves the fact at issue. A preponderance is just enough evidence to make the fact more likely than not.

d. Ex Parte contacts are strictly prohibited. Meetings or conversations with staff or other parties outside of the hearing are not allowed. All evidence must be received during the hearing.

e. The Commission reiterates from its existing rules of procedure the following rules concerning questioning speakers: "Any person other than a Commission member desiring to direct a question to a speaker or staff member shall submit the question to the Chairperson, who shall determine whether the question is relevant to the subject of the hearing and whether or not it should be answered by the speaker or staff member. Direct questioning of speakers

or staff members may be allowed in extraordinary circumstances, at the discretion of the Chairperson."

2.2 Order of Presentation

The procedure for the conduct of public hearings is generally as follows

(a) The Chairperson opens the public hearing and Chairperson announces the Item.

(b) City staff presents its report.

(c) Questions of staff by members of the Planning Commission.

(d) Presentation by applicant. Applicant and/or applicant Representative gives an overview of the project. Ten (10) minutes maximum. Chairperson has the ability to grant additional and/or less time.

(e) Chairperson opens the meeting for members of the public to speak. Depending on the number of Speaker Cards the public may speak five (5) minutes and/or if there are over five (5) speaker cards the Chairperson has the ability to reduce the time to three (3) minutes once agreed upon by a majority of the other Commissioners.

(f) No applicant rebuttal at this time.

(g) Chairperson closes the public hearing.

(h) Commissioners may ask questions of the applicant.

(i) Commissioners deliberate and reach a decision.

3. JOINT CONCEPTUAL HEARING PROCEDURES

3.1 Purpose

Conceptual review of a project may be conducted at a joint hearing of the Planning Commission and Design Review Committee to provide comments at an early stage in the process. Notice of the hearing shall be required in the same manner as is required for the underlying permit application.

3.2 Order of Presentation

The procedure for the conduct of public hearings is generally as follows

(a) The Chairperson opens the public hearing and Chairperson announces the conceptual Item.

(b) City staff presents its report.

(c) Questions of staff by members of the Planning Commission/Design Review Committee.

(d) Presentation by applicant. Applicant and/or applicant team gives an overview of the project. Ten (10) minutes maximum. Chairperson has the ability to grant additional and/or less time.

(e) Chairperson opens the meeting for members of the public to speak. Depending on the number of Speaker Cards the public may speak five (5) minutes and/or if there are over five (5) speaker cards the Chairperson has the ability to reduce the time to three (3) minutes once agreed upon with the other Commission and Committee members.

(f) No applicant rebuttal at this time. This is a Conceptual Review.

(f) Public hearing closed.

(h) Commissioners/Members may ask questions of the applicant.

(i) Commissioners/Members summarize and provide comments on the project.

4. PRESENTATION OF AGENDA ITEMS

4.1 Recording of Meetings

Hearings on land use matters will generally be recorded by electronic device (e.g., audio cassette or video tape or other media) and preserved for a period of two (2) years or as may be otherwise specified by the City Council in its adoption of City-wide records retention policies. When a matter is contested and a request is made in writing to the Secretary of the Commission before the date of the hearing, the contested matter shall be recorded by electronic device and duly preserved. A copy of any such recording may be purchased at its reproduction cost.

4.2 Action Minutes

Minutes of the Planning Commission will be action minutes. Action minutes include final motions with votes. The minutes will also reflect the names of public speakers. Planning Commission and City staff discussion and comments will not be included in the minutes. Minutes of all meetings are required to be kept by the department. Generally, minutes are submitted to the Planning Commission within two (2) weeks for approval or at the next regular meeting; and they are made available to the City Council.

4.3 Order of Presentation

The procedure for the conduct of public hearings is generally as follows:

(a) The Chairperson opens the public hearing and announces the item.

(b) City staff presents its report, including any environmental analysis or recommendation.

(c) Questions of staff by members of the Planning Commission.

(d) Presentation by applicant. In the case of an appeal when the appellant is different from the applicant, the appellant should be called up first to provide comments or testimony.

(e) Members of the public are provided with the opportunity to present their comments, testimony, or arguments. Members of the public must fill out a Speaker Cards the public may speak five (5) minutes and/or if there are over five (5) speaker cards the Chairperson has the ability to reduce the time to three (3) minutes once agreed upon by the other Commission members.

(f) Rebuttal comments by the applicant or appellant.

(g) Public hearing closed.

(h) Planning Commission deliberates on the issue.

(i) If the Planning Commission raises new issues through deliberation and seeks to take additional public testimony (questions of the public, applicant, or appellant,) the public hearing must be reopened. At the conclusion of the public testimony, the public hearing is again closed.

(j) The Planning Commission deliberates and takes action.

4.4 Rules of Evidence

Hearings and meetings before the City Planning Commission need not be conducted according to formal rules of evidence. Any relevant evidence may be considered if it is the sort of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs. The Chairperson may exclude irrelevant or redundant testimony and may make such other rulings as may be necessary for the orderly conduct of the proceedings while ensuring basic fairness and full consideration to the issues involved. Evidentiary objections shall be deemed waived unless made in a timely fashion before the Planning Commission.

4.5 Burden of Proof

The burden of proof of all legal prerequisites to the granting of the relief or action sought shall be upon the party requesting such relief or action.

4.6 Quasi-Judicial Proceedings

(a) Defined – Quasi-judicial proceedings are those proceedings in which the Commission is required to make findings based on the evidentiary record as to the decision. In quasi-judicial proceedings,

the Commission sits as the judge and jury, and is required to make findings based on the evidence and records presented. Examples of quasi-judicial proceedings heard by the Commission include, but are not necessarily limited to, conditional use permits, variances, tentative and parcel map approvals.

(b) Identification on Agenda – To facilitate identification of quasi-judicial matters, quasi-judicial proceedings will be identified as such on the Commission agenda under the heading of Quasi-Judicial Proceedings.

(c) Ex Parte Communications – An ex parte communication is a communication made with a Commissioner outside the Council Chambers with any person except the City staff concerning a quasi-judicial proceeding to be heard by the Planning Commission.

i. When a Commissioner has an ex parte communication concerning a subject that is the basis of a quasi-judicial proceeding before the Commission, the Commissioner must state for the public record the nature of that communication prior to the Commission's consideration of that subject. Commissioners must indicate with whom the ex parte communication was made and provide a brief statement as to the substance of the communication.

ii. A Commissioner may make an oral presentation of the nature of the communication or provide a written statement to be read into the public record.

4.7 Oral Evidence, Time Limits, and Number of Speakers

(a) Prior to the meeting, or during the meeting prior to a matter being reached, persons wishing to address the Planning Commission should fill out a speaker card and submit it to the City Planning Staff.

(b) Any person desiring to address the Commission must first be recognized by the Chairperson. All comments should be made clearly and audibly, and all speakers should first state their full names and addresses and the names of any persons in whose behalf they are appearing.

(c) Project Applicant or Appellant – The project applicant or appellant shall have a total of fifteen (15) minutes for their presentations. The initial comments or presentation shall be limited to ten (10) minutes and the rebuttal or concluding comments shall be limited to five (5) minutes. In the case of an appeal when the appellant is different from the applicant, the appellant is given the opportunity for rebuttal or concluding comments. In extraordinary circumstances, the Chairperson may entertain and grant requests for additional time.

(d) In order to conduct orderly and timely meetings, oral presentations by the public may not exceed a cumulative total of five (5) minutes for a single meeting. Members of the public making oral presentations to the Commission in connection with one or more agenda items at a single meeting are limited to three (3) minutes on any agenda item with a cumulative total of five (5) minutes for all agenda items at such meeting unless otherwise provided. If the Chairperson deems it appropriate, in extraordinary circumstances he or she may extend the time limit for any speaker. The Chairperson may also limit the time provided to speakers in order to ensure an orderly and timely meeting. Except when necessary for immediate clarification of a particular point, no person shall be allowed to speak a second time until all others wishing to be allowed to speak have had an opportunity to do so, and then only at the discretion of the Chairperson.

(e) In order to expedite matters and to avoid repetitious presentations, the designation of a spokesperson is encouraged.

Whenever any group of persons, all of whom are present, wishes to address the Commission on the same subject matter, the group is encouraged to designate a spokesperson to address the Commission. Each member of the group shall complete a speaker card in advance of the matter being called and shall note on the card the person whom they wish to have speak on their behalf. By allowing another person to speak on their behalf, each group member shall relinquish their right to speak on the matter. With the consent of a majority of the commissioners present, the Chairperson may then extend the time allocation for the designated spokesperson from three (3) minutes up to a maximum of ten (10) minutes depending upon how many cards have been submitted.

(f) In addition to the other time limits set forth in this Section 2.6, any person shall be allowed up to five (5) minutes to separately address an environmental document being considered by the Planning Commission and prepared pursuant to the California Environmental Quality Act. This speaker time shall apply so long as the public hearing for the environmental document remains open.

(g) Persons (other than applicants and/or appellants) who anticipate oral presentations exceeding five (5) minutes are encouraged to submit comments in writing, in advance of the meeting, care of the Planning Manager, for prior distribution to the Commission.

(h) Comment cards may be used by members of the public who do not wish to or cannot verbally address the Commission during a meeting. A person may indicate their comments and their opposition or support for an agenda item on a comment card prior to or during the Commission's consideration of the item.

During the public testimony of the item, the Chairperson will indicate that the Commission has received comment cards from (name of person) in support of the project or issue and comment cards from the (name of person) in opposition of the project or issue. The minutes will reflect the Commission's receipt of comment cards in opposition and support of a proposed project or other subject.

(i) Any person addressing the Commission may present a PowerPoint software or other visual media presentation to the Commission utilizing the City's audio/visual equipment.

i. All PowerPoint presentations must comply with the applicable time limits for oral presentations and cumulative time limits. Presentations should be planned with flexibility to adjust to any changes in these time limits.

ii. Each slide of the PowerPoint presentation must identify that this is the "Personal Comments of Private Citizen [first and last name]."

iii. All PowerPoint presentations must be submitted on suitable media already formatted in PowerPoint format and be submitted to the City Planning Manager no later than noon the day before of the Planning Commission meeting to allow for virus checks and compatibility with City equipment.

iv. Any discs submitted that are thought to contain viruses or unable to be scanned for viruses by City equipment will not be permitted to be used.

v. If compatibility or viruses are at issue, a member of the public may provide ten (10) printed hardcopies of the PowerPoint presentation during their presentation.

j. Any of the time limits in this section may be reduced at the discretion of the Chairperson, or a majority of the Commission present, if determined necessary or desirable for the efficient and orderly conduct of the meeting.

4.8 Written Evidence, Errata Memo

Members of the public who may not be able to attend a meeting or hearing may submit letters or written comments. The written evidence from members of the public not at the meeting shall be presented to the Planning Commission before the meeting and if received prior to the day of the meeting will be sent to the Commissioners via email if possible.

Members of the public who wish to submit written information at the meeting should provide twenty (20) copies of the information in order to assure it is considered by the Commission.

An Errata Memo is a change to the staff report that describes the change to the Commissioners. This errata memo will be provided to the Commissioners on the dais prior to the start of the meeting.

Planning Commission adopted the following policy regarding written submissions to ensure that it has reasonable and appropriate opportunity to review materials.

4.8.1 Copying and distribution

The submitting party must provide twenty (20) copies to the Planning Commission Secretary; the Commission Secretary will not make copies. The Commission Secretary will distribute all complying submissions, as defined below. Non-complying submissions will be stamped, filed, and not distributed.

4.8.2 Regular submissions

All materials delivered in advance of the staff report becoming publicly available, must be submitted ten (10) days prior to the Planning Commission meeting. Twenty (20) copies of the materials must be delivered or mailed to the Commission Secretary at 501 Poli Street, Ventura, CA 93001 Room 117. The Commission Secretary will send these submissions to the Planning Commission together with the staff reports.

4.8.3 Rebuttal submissions

All materials delivered in response to either the staff report or opposing submissions must be submitted no later than 48 hours before the commission meeting. Submissions, including exhibits, may not exceed ten (10) pages and fifteen (15) copies must be sent to the Commission Secretary at 501 Poli Street, Ventura, CA 93001 Room 117. The Commission Secretary will deliver these submissions to the City Planning Commission within 24 hours of receipt. Electronic submissions may be sent to PC@cityofventura.net. The City will under no circumstances make copies of any document longer than ten (10) pages in length, but may do so in its sole discretion if it is feasible given the time and cost of doing so.

4.8.4 Day of hearing submissions

Submission may not be more than two (2) written pages, including exhibits. Fifteen copies of the submission must be given to the Commission Secretary who will distribute them to the Planning Commission when the agenda item is called. A reasonable number of photographs, posters, and short (five (5) minutes maximum) PowerPoint presentations will be accepted no later than 5:00 p.m.

on the day before hearing. The City will under no circumstances make copies of any document longer than two (2) pages in length, but may do so in its sole discretion if it is feasible given the time and cost of doing so.

4.8.5 Non-complying submissions

Submissions, which do not fall within the above prescriptions, will be entered into the record and not delivered to the Planning Commission. These submissions will be stamped "File Copy. Non-Complying Submission", and placed into the official case file. The Planning Commission will be under no obligation to consider the evidence contained in any non-complying submission.

4.9 Questioning of Speakers

Any person other than a Commissioner desiring to direct a question to a speaker or staff member shall submit the question to the Chairperson, who shall determine whether the question is relevant to the subject of the hearing and whether or not it should be answered by the speaker or staff member. Direct questioning of speakers or staff members may be allowed in extraordinary circumstances, only at the discretion of the Chairperson.

4.10 Changes to Agenda Order

The Planning Commission Chairperson may, prior to consideration of the Consent Items on the meeting agenda, poll Commissioners on the movement of Continued or Public Hearing Items for consideration under the Consent Items. The movement of Continued and/or Public Hearing Items to the consent calendar shall only occur when all Commissioner's present concur and only after the Chairperson has determined, following commencement of the meeting, that no member of the public wishes to address the Commission on the item, on the record, and only after the Chairperson has acknowledged the receipt of all written comments on items that were submitted to the City prior to the meeting.

5. MOTIONS

5.1 Motions – Second

Any member may propose action upon an order, resolution, ordinance or any other action of the City Planning Commission by a motion. The Chairperson may make a motion only after all other members of the Planning Commission present have had an opportunity to make a motion on the question and only after relinquishing the chair to the Vice Chairperson while the matter upon which the motion is made is under consideration. Before a motion can be considered or debated it must be seconded, at which time it shall be on the floor and must be considered. If not seconded, the motion is lost for lack of a second and shall be so declared by the Chairperson.

5.2 Amendment of Motion or Substitute Motion

A motion on the floor may be amended at any time before adoption or rejection. When an amendment is offered, the Planning Commission will debate and take action on the amendment before acting on the original motion. If the amendment is not adopted, the original motion will then be considered. If the amendment is adopted, the original motion as amended will then be considered.

5.3 Withdrawal of Motion or Second

A motion may be withdrawn by the maker at any time before adoption or rejection, with consent of the second. A second to a motion may be withdrawn by the seconding member at any time before adoption or rejection of the motion. The motion will then be lost for lack of a second and so declared by the Chairperson unless seconded by another commissioner.

5.4 Tabling a Motion

At any time after a motion has been seconded but not voted upon, any member may move to table it. If tabling the motion is adopted by a majority of Commissioners present, it will remain on the floor but may not again be considered at the meeting at which it was made. Instead, the tabled motion will be considered at a future regular meeting of the Planning Commission, the date of which shall be specified in the motion, unless again tabled at that future regular meeting. If not considered at the specific future meeting, it will be deemed lost.

5.5 Discussion, Closure, and Question

After a motion has been seconded, any member may discuss or comment on the subject of the motion. The Chairperson will recognize members of the Planning Commission with the desire to speak, beginning with the motion's maker, and will protect each speaker from disturbance or interference. When no member wishes to discuss or comment further, the Chairperson shall call for a vote on the motion. Any member of the Planning Commission may at any time move to close the debate.

5.6 Motions for Reconsideration

Any member who was present and voted with the prevailing majority on a matter to be reconsidered may make motions for reconsideration of a matter. Any member of the Planning Commission may second a motion to reconsider. Motions to reconsider shall be made at the same meeting as the original motion or at the next succeeding meeting, provided, however, that no motion to reconsider will be in order if an appeal has been duly filed or if all Planning Commissioners participating in the original action are not present at the meeting at which the reconsideration is acted upon. A reconsideration motion at the next succeeding meeting shall be agendized for discussion and action at the next meeting consistent with the Brown Act.

5.7 Motions of Intent

Whenever a Planning Commission member desires to take an action for which sufficient written findings have not yet been prepared, a Motion of Intent may be offered and acted upon in a manner consistent with this Section 3. The Motion of Intent should specify the intended action, information necessary to fulfill the action including the rationale for the proposed decision, and date of proposed final motion consideration.

6. DECISION-MAKING

6.1 Voting

Approval of any motion brought before the City Planning Commission shall require the affirmative vote of a majority of the members present and voting, unless otherwise specified by law. Resolutions granting or denying conditional uses, planned development permits, and variances and other quasi-judicial approvals shall be adopted by a majority of those Commissioners present and voting.

6.1.1 Tie Votes

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

6.1.2 Abstentions

Abstentions shall not count as votes for the purpose of determining whether there has been an affirmative vote of a majority of the members present, but shall be counted for the purpose of determining whether a quorum is present, unless the member is abstaining because of a potential conflict of interest in the matter at hand.

6.1.3 Roll Call

Voting upon a motion may, at the discretion of the Chairperson, and shall, upon the request of any member, be by roll call. When voting is not by roll call, the Chairperson may, in the absence of objection by any member of the Planning Commission, declare an item to be unanimously approved.

6.1.4 Motions Include Staff Recommendations

A motion to adopt or approve staff recommendations or simply to approve the action under consideration shall, unless otherwise particularly specified, be deemed to include adopting of all

proposed findings, proposed conditions of approval and execution of all related actions recommended in the staff report on file on the matter.

6.1.5 Absentees

A City Planning Commission member who is absent from any portion of a public hearing may vote on the matter at the time it is acted upon, provided that, he or she has listened to a tape recording of the entire portion of the hearing from which he or she was absent, if such a tape recording exists, and if he or she has examined all of the exhibits presented during the portion of the hearing from which he or she was absent and states for the record before voting that the member deems himself or herself to be as familiar with the record and with the evidence presented at the hearing as he or she would have been had he or she personally attended the entire hearing.

6.2 Findings

On any matter for which state law or City ordinance requires the preparation of written findings, the staff report or draft resolution submitted on the matter will contain findings proposed for adoption by the City Planning Commission. Any motion directly or impliedly rejecting the proposed findings must include a statement of alternative or modified findings or a direction that the matter under consideration be continued for a reasonable period of time in order for staff to prepare a new set of proposed findings consistent with the evidence which has been presented and the decision which is anticipated.

6.3 Consent Items

Items that require little or no discussion by the City Planning Commission may be considered as consent items. The Planning Commission will act on these items in one motion at the beginning of the meeting. Approval by the Planning Commission of consent items means that the staff recommendation was approved along with the findings and conditions set forth in the staff report. Any member of the Planning Commission, the applicant, or members of the public may request that consent items be considered in their regular order on the agenda.

6.4 Continuances

Upon a showing of good cause and by request of the applicant, member of the public, or member of the City Planning Commission, the Chairperson, at the time set for a hearing on a particular item, may, with the concurrence of a majority of the commissioners present, order the hearing to be continued to a specified date and time. Upon the request of any member of the City Planning Commission, continuance decisions shall be made by roll call vote of all members present

7. CONSTRUCTION AND EFFECT

7.1 Construction

These procedural rules shall be construed and applied so as to ensure a full and fair hearing of relevant evidence that is offered on a land use matter and to facilitate an orderly analysis of evidence and issues by the City Planning Commission. Adoption and implementation of these rule is intended to be consistent with, and construed according to, the provisions of California Government Code Section 65010.

7.2 Chairperson's Rules of Order

When there is no provision of these rules of procedure applicable to the conduct of the meeting or hearing of the Planning Commission, or to a particular question of conduct or order that may arise in the course of such meeting or hearing, the Chairperson shall suggest appropriate rules for consideration by the entire Commission. The Commission will, in turn, based upon a majority vote of those members present, adopt an ad hoc rule for any questions of conduct or point of order that may arise. In the event of a tie vote on any such ad hoc rule, the Chairperson's decision on the proposed ad hoc rule shall be final.

7.3 Commissioner as part of Applicant Team

In order to avoid conflicts of interest and the appearance of conflicts, Commissioners shall not become a part of an applicant team after submittal or after the project has been heard.

8. SECRETARY OF THE COMMISSION

8.1 Director of Community Development Shall Serve as Secretary

Pursuant to San Buenaventura Municipal Code Section 2.415.010, the Director of Community Development or his or her designee shall serve as the commission secretary and custodian of its records but shall have no vote.

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CITY OF VENTURA

COMMUNITY DEVELOPMENT

Agenda Item No: 5

Date: December 12, 2012

To: **Planning Commission**

From: **Kathy Payne, Planning Technician (805) 658-4749**
Jeffrey Lambert, AICP, Community Development Director

Subject: **Planning Commission Meeting Date Change**

In July 2012, the Community Development Director and the Planning Commission agreed on a trial basis to change the regular meetings of the Planning Commission from the first and third Tuesday to the second Wednesday of each month. An additional meeting may be held on the third Wednesday of each month and may be scheduled as a joint Planning Commission/Design Review Committee Meeting as needed. This schedule has been very successful for staff and applicants. If the Planning Commission has a similar assessment, confirming the meeting times as part of a regular schedule would be the next step in this process improvement strategy.

Staff is recommending the Planning Commission permanently adopt the public meeting dates of the second and third (as needed) Wednesday of each month, as shown on the Meeting Calendar, Attachment A, Section 1. (1.1). This change is reflected in the attached *Planning Commission Resolution and Rules of Procedure* and requires an approval vote by the Planning Commission. Meeting time will continue to be 6 PM.

Adopting this change does not impact the ability for a special meeting to be scheduled by the Director through communication to the Chair and polling the Commissioners for an acceptable date and time.

Attachment

A. 2013 Meeting Calendar
B. Draft Planning Commission Resolution and Rules of Procedure

Attachment A

2013 Meeting Calendar

2013

January

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

February

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

March

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

April

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

May

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

June

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

July

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

August

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

September

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

October

S	M	T	W	T	F	S
			2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

November

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

December

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

Planning Commission
Design Review Committee
City Council (*dates pending approval)
CD Night at City Council
CC & HPC Night

Historic Preservation Comm
Administrative Hearings
City Hall Closed
Holiday - City Hall closed
Joint PC/DRC

DAC*
and Pre-App Meetings*
* The Santa Cruz Room is reserved every Thursday for DAC or Pre-App
Ventura Unified School Dist

Attachment B

Draft Planning Commission Resolution and Rules of Procedure

STATE OF CALIFORNIA)
COUNTY OF VENTURA)SS
CITY OF SAN BURENVENTURA)

I Jeffrey Lambert, Secretary of the Planning Commission of the City of San Buenaventura, do hereby certify that the above and foregoing Resolution No. **8557** was duly passed and adopted by the Planning Commission of said City at a regular meeting thereof, held on the 12th day of December 2012, by the following vote, to with:

AYES: Commissioners Boydstun, Ferrin, Francis, Johnson, Vice Chair Long and Chair Ramirez

NOES: None

ABSTAIN: None

ABSENT: Commissioner Guthrie

IN WITNESS WHEREOF, I have hereunto set my hand this 12th day of December 2012.

Secretary, Planning Commission
City of San Buenaventura, California