



LOS ANGELES DEPARTMENT OF CITY
PLANNING
COMMISSION OFFICE

RULES & OPERATING PROCEDURES

HARBOR
AREA PLANNING COMMISSION



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PREAMBLE

These rules and operating procedures are adopted pursuant to the authority set forth in Charter Section 506 to assist the Commission in conducting City business consistent with law.

Meetings of the Commission are conducted according to these Rules and Operating Procedures and as modified by the Commission from time to time. To the extent possible, parliamentary formality and detail are avoided for the benefit of all concerned. However, Robert's Rules of Order Revised may be referred to and used for guidance, interpretation, or to supplement these Rules.



I ELECTION OF OFFICERS

- 1.1 During its last regular meeting in July of each year, the Harbor Area Planning Commission (Commission) shall elect a President and Vice President, who shall serve until the next last regular meeting date in July, or until a successor has been elected. The President shall be the presiding officer of the Commission and Chair the Meetings of the Commission. The Vice President of the Commission shall act as the presiding officer and Chair in the absence of the President of the Commission.

2 MEETING DAYS AND TIMES

- 2.1 All meetings of the Commission are open to the public; the Commission meets regularly every first and third Tuesday of the month.

Regular meetings are held at Harbor Commission Board Room on the first and third Tuesdays of the month at 4:30 p.m. As a convenience to the public, the Commission from time to time may hold special meetings in other locations of the City, depending upon the agenda item or items before it.

From time to time, the Commission Executive Assistant may notice a different location or start time as operational needs require, and without prior approval from the Commission.

- 2.2 The Commission meets regularly at 4:30 p.m. as indicated above, but may meet later upon giving proper notice to members of the public.

Meetings shall commence promptly at 4:30 p.m., depending upon the location, as soon as a quorum is achieved. In the absence of both the President and Vice President, the quorum present shall select a Member to act as Chair until the President or Vice President arrives.

- 2.3 With appropriate notice, the Commission may temporarily schedule meetings at another time and/or location.

3 QUORUM, MAJORITY AND ATTENDANCE

- 3.1 The presence of three Members of the Commission shall constitute a quorum of the Commission. Three votes shall constitute a majority of the Commission.

- 3.2 An Executive Assistant to the Commission shall attend all meetings of the Commission and shall keep a record of the proceedings and transactions, specifying the names of the Commission Members (Members) at all meetings and the ayes and noes upon all votes.
- 3.3 Members shall advise the President of the Commission, or the Executive Assistant, as early as possible in advance of expected absences, late arrivals and early departures from the meetings.

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AGENDA AND ORDER OF BUSINESS

- 4.1 The Commission shall have the power to set its own agenda. However, agenda scheduling is delegated to the Commission Office Staff.
- 4.2 The Agenda shall contain, in addition to information pertinent to a specific meeting, sufficient information as the public may require to follow the proceedings of the meeting and other information regarding reconsideration, the policy for designated public hearings, public comment, and continuations.
- 4.3 The Agenda for all regular meetings of the Commission and reports on cases scheduled for decision shall be available on-line to those concerned or interested seven (7) days before each meeting. To ensure that the Commission has ample opportunity to review written materials, members of the public who wish to submit written materials on agendized items should comply with the following:
 - a. **Initial submissions.** All written materials not limited as to volume, in advance of the staff report becoming publicly available, must be received by the Commission Executive Assistant no later than by end of business day Monday of the week prior to the week of the Commission meeting. Materials must be delivered electronically to apcharbor@lacity.org and seven (7) copies must be delivered or mailed to the Commission Executive Assistant at **200 North Spring Street, Room 272, Los Angeles, 90012**. The Commission Executive Assistant will send these submissions to the Commission together with the staff reports.
 - b. **Secondary submissions.** All materials in response to a Recommendation Report or additional comments must be received electronically no later than by **3:00 p.m, Thursday of the week prior to the Commission meeting**. Submissions, including exhibits, shall not exceed ten (10) pages and must be submitted electronically to apcharbor@lacity.org.

- c. **Day of hearing submissions.** All submissions after 3:00 p.m. on Thursday before the Commission meeting, including the day of the meeting, must be a hard copy submission. Electronic submissions will not be accepted within 48-hours up to and including the day of the meeting. Submissions may not be more than two (2) written pages, including exhibits and must include the case and agenda item number on the cover or first page. Photographs do not count toward the page limitation. Twelve (12) copies of the submission must be given to the Commission Executive Assistant prior to the start of the hearing who will distribute them to the Commission.
- d. **Non-complying submissions.** Submissions that do not comply with these rules will be stamped “**File Copy. Non-complying Submission.**” Noncomplying submissions will be placed into the official case file, but they will not be delivered to or considered by the Commission, and will not be included in the official administrative record for the item at issue.
- e. A limited exception to the electronic submission requirement will be granted to those individual members of the public who do not have access to a computer or e-mail.

4.4 The usual order of business shall be:

- a. **Director’s Report** – The Director of Planning, or his/her designated representative, shall report to the Commission concerning the events since the last meeting and other matters of interest.

An Update from the City Attorney on various legal issues may also be included.
- b. **Commission Business** – Generally, the Advance Calendar and minutes are reviewed, requests are made, commendations are presented, and correspondence is received and assigned by the Chair to Staff for response or scheduling for a future agenda.
- c. **Neighborhood Council Presentation** – An authorized Neighborhood Council Representative may present the formal position of his/her Neighborhood Council pursuant

to requirements set forth in the Los Angeles Administrative Code.

- d. **Public Comment** – On non-agenda items of interest that are within the subject matter jurisdiction of the Commission.
- e. **Motions to Reconsider** – Motions to reconsider a Commission Action on agenda items from a prior meeting pursuant to the Commission’s Reconsideration provisions.
- f. **Project Entitlement Items** – Legislative land use ordinances, conditional use permits and other similar quasi-judicial approvals, subdivision tract appeals, code amendments, etc., and other discretionary actions.

The Commission shall take up each item on the Agenda until all business is completed, unless a quorum is lost.

- 4.5 The Agenda for each regular meeting of the Commission shall be posted at least 72 hours before the meeting. It shall contain the meeting date, time and location, and a brief general description of each item of business to be transacted or discussed at the meeting. No other business may be considered except as otherwise provided by law.

Exceptions to the 72-hour agenda posting requirement when the Commission may take an action on item(s) of business not listed on the agenda are as follows:

- a. If it makes a determination that an emergency situation exists; and
- b. If it makes a determination that the need to take action arose subsequent to the Agenda being posted.

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SPECIAL MEETINGS, EMERGENCY MEETINGS

- 5.1 A “special” meeting of the Commission may be called by the Commission President, or by a majority of the Commission, for a specific purpose. No other business may be discussed.

A 24-hour posting of written notice and delivery of the notice to Commission Members and news media (having requested notice of special meetings) is required.

- 5.2 An “emergency” meeting, as a result of a major disaster or work

stoppage or other activity which severely impairs public health, safety, or both, as determined by a majority of the Commission, may be called.

No posting or notice shall be required, except that a one-hour prior notification the news media (having requested notice of special or emergency meetings) by telephone.

Following such emergency meeting, a list of persons attempted to be notified and the Minutes of such meeting shall be posted as soon after the meeting as possible, and shall remain posted for a minimum of ten days.

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PUBLIC COMMENT

- 6.1 The Commission shall provide an opportunity in open meetings for the public to address it, for a cumulative total of up to thirty (30) minutes, on items of interest to the public that are within the subject matter jurisdiction of the Commission. This requirement is in addition to any other hearing required or imposed by law. Persons wishing to speak during Public Comment must complete and submit a speaker's request form to the Executive Assistant prior to the commencement of the Public Comment period.

Individual testimony within the public comment period shall be limited up to five (5) minutes per person and up to ten (10) minutes per subject.

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PUBLIC HEARINGS

- 7.1 At times, the Commission must necessarily limit the speaking times of those presenting testimony on either side of a subject that is designated as a public hearing agenda item. In all instances, however, equal time shall be allowed for presentation of pros and cons of agenda items to be acted upon.

Notwithstanding the above, the Chair may, at his/her discretion as allocate the number of speakers per subject, the time allotted each subject, and the time allotted each speaker.

- 7.2 Every person wishing to address the Commission must complete a speaker's request form and submit it to the Commission Executive Assistant prior to addressing the Commission.
- 7.3 No person shall be permitted to interrupt Commission Members

during a Commission meeting and no person or group of persons shall be allowed to disrupt a Commission meeting.

In the event that any meeting is willfully interrupted by a person or a group of persons so as to render the orderly conduct of the meeting unfeasible and order cannot be restored by the removal of the individuals who are willfully interrupting the meeting, the Commission may order the meeting room cleared, continue in session, and otherwise conduct the meeting consistent with Government Code Section 54957.9.

7.4 Relative to legislative, quasi-judicial and other discretionary approvals, a required public hearing may be held by a Hearing Officer who is a Planning Department employee. With respect to agenda items on which prior required public hearings have been held, the public meeting of the Commission shall be for Commission decision-making, however, an opportunity for public comment shall be provided.

7.5 **8** To the extent not already required by the Los Angeles Municipal Code, the Chair may at his/her discretion hold a single public hearing for multiple agenda items that are related to the same project.

APPEALS

8.1 The Commission will hear testimony from various parties regarding an appeal. Speakers will be requested to state their name and to briefly address the findings which the Commission must make.

The Zoning Administrator, Deputy Advisory Agency, or Deputy Director Designee (whichever heard the original case) will summarize the pertinent facts and information concerning the case and will detail the basis for his or her action. The Commission will afford equal time to speak to the appellant and the applicant. The speaking order shall be as follows:

- a. The appellant, and/or their representative, will be invited to speak.
- b. The applicant, and/or their representative, will be invited to speak.
- c. Supporters of the appeal will be invited to speak.
- d. Opponents of the appeal will be invited to speak.
- e. Other City or government agency representatives will be invited to speak.

- f. City staff may be asked to respond or comment.
- g. The appellant, and/or their representative, will be given an amount of time at the Chair's discretion, to respond or comment.
- h. The applicant, and/or their representative, will be given an equal amount of time as was given to the appellant to respond or comment.

After the testimony has been received, the hearing will be closed and the Commission will deliberate and render a decision. The Commission reserves the right to deviate from this process when it deems necessary.

- 8.2 Prior to the hearing a written report will be prepared by the Department staff, summarizing the prior action and his/her recommendations. The Zoning Administrator's decision letter is the report transmitted to the Commission.
- 8.3 Relative to Zone Variances (ZV) only, pursuant to LAMC Section 12.27, if an applicant or aggrieved party wishes to present new evidence in connection with any matter, he or she shall file with the Commission a written summary of that evidence, together with a statement as to why that evidence could not reasonably have been presented to the Zoning Administrator. If the Commission determines that evidence could not reasonably have been presented to the Zoning Administrator and the evidence is of such a nature as might reasonably have led to a different decision by the Zoning Administrator, the Commission shall remand the matter to the Zoning Administrator, pursuant to the provisions of LAMC Section 12.27 K.

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COMMISSION ACTIONS, RECONSIDERATION, AND CONTINUATIONS

- 9.1 **Commission Action** – A Commission Action is a decision adopted by a majority of the Commission (three votes). After a motion is made and seconded, Members who are present shall vote at the call of the roll. In the event a Member who is present fails to vote either “yes” or “no,” that Member shall be deemed to have voted “yes,” and the Member's vote shall be so recorded.

A Commission Action or transmittal of a Commission Action shall be

signed by the Commission Executive Assistant or Commission Office Manager and is an integral part of the minutes.

- 9.2 **Voting** – A Member is not qualified to participate in, or be present for, a vote on an agenda item unless the Member was present for the entire hearing before the Commission, or has listened to the audio recordings of the prior relevant proceedings prior to his or her participation in a vote.

If an agenda item is continued to, or scheduled for a motion to reconsider at, a future meeting, a Member who was absent from any portion of the Commission hearing on the agenda item when it was initially considered may participate in a subsequent vote provided he or she has listened to the audio recordings of the prior relevant proceedings. These voting provisions shall only apply to quasi-judicial approvals.

- 9.3 **Reconsideration** – The Commission may make a motion to reconsider a Commission Action on items listed on the agenda at the same meeting as the original Commission Action, or at the next regular meeting. If there is no Commission Action (three votes), these Reconsideration provisions do not apply.

A motion to reconsider shall be made by a Member who voted in support of the Commission Action.

If a Member wishes to make a motion to reconsider a Commission Action at the next regular meeting, the Commission may hear the motion to reconsider provided that the Commission has not lost jurisdiction to act.

If a majority of the Commission approves a motion to reconsider at the same meeting as the original Commission Action, the merits of the agenda item may be the next order of business. However, if the Commission approves a motion to reconsider at the next regular meeting, there shall be a separate agenda item for the purpose of addressing the merits of the original Commission Action.

A motion to reconsider may only be made once during the day on which the original Commission Action was taken or once during the next regular meeting.

A motion to reconsider must be heard and decided within the existing time to act. However, if a majority of the Commission timely approves a motion to reconsider, the Commission may come to a mutual agreement with the applicant to extend the Commission's time to act pursuant to applicable provisions in the Los Angeles Municipal Code,

in order to separately agendize the item for the purpose of addressing the merits of the original Commission Action.

- 9.4. **Continuances** – The Commission may continue an item for a stated purpose to another day, or may continue an item at the request of staff, or the Council office affected, if that date is within legal time limits and the Commission has not lost jurisdiction to act.
- 9.5 **Failure to Act** – A Failure to Act is when a majority of the Commission (3 votes) fails to approve or reject an agenda item. In that event, the Commission may deliberate further and take a new vote at the same meeting. If the Commission has not, either by a provision in the Los Angeles Municipal Code or by the passage of time, lost the power to act on that item, the agenda item shall be continued to the next regular meeting unless a majority of the Commission votes to continue that item beyond the next regular meeting.
- 9.6 If a Commission meeting is canceled or adjourned due to lack of quorum, all remaining agenda items shall be continued to the next regular meeting or beyond as long as the continuance is within the legal time limits of the case or cases.

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RULES

- 10.1 These rules and procedures, one or more, may be suspended by a vote of the majority of the Commission, except for rules and procedures specified by the Los Angeles Municipal Code, the California Government Code, or other applicable legislation.
- 10.2 An affirmative vote of the majority of the Commission shall be necessary to amend these rules.
- 10.3 A copy of these Rules and Operating Procedures shall be available for public review at the Public Counters of the Planning Department and at the Commission Office.

11

SUB-COMMITTEES

- 11.1 The President shall appoint Members to subcommittees as required.

A Member of a subcommittee shall provide verbal status reports as deemed appropriate. The subcommittee shall report final findings and/or recommendations to the Commission at the conclusion of the assignment.

12 MINUTES

- 12.1 The Minutes for each Commission meeting shall be signed by the President of the Commission, and Executive Assistant, or by two Members of the Commission and the Executive Assistant, after approval of the Minutes by the Commission. Correction to the Minutes shall be as directed by a Commission Action.

Meetings are tape recorded to provide a record of the audio portion of all meetings. Copies are available upon request, and in accordance with Departmental procedures.

13 EX PARTE COMMUNICATIONS

- 13.1 Each member of the Commission shall accord to every person who has an interest in the quasi-judicial proceeding the full right to be heard according to the law.
- 13.2 No Member of the Commission shall initiate, permit, or consider private, ex parte communications concerning a pending quasi-judicial proceeding unless the Commissioner is recused from the proceeding.
- 13.3 Notwithstanding the foregoing, when circumstances require it, a Member of the Commission may permit otherwise unauthorized ex parte communication for scheduling, administrative, or emergency purposes, but only if the communication does not address substantive matters and no one will gain a procedural, substantive, or tactical advantage as a result of the communication.

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