

**CITY OF ALAMEDA PLANNING BOARD  
DRAFT RESOLUTION**

**AMENDING PLANNING BOARD RULES AND PROCEDURES.**

WHEREAS, the Planning Board maintains written rules and procedures to ensure efficient, effective and transparent public decision making on all land use and development decisions in Alameda; and

WHEREAS, the Planning Board must periodically review and update the rules and regulations to ensure that those rules and regulations are consistent with current State and local regulations and local expectations and priorities for public decision making; and

WHEREAS, the Planning Board reviewed the Rules and Procedures at the regularly scheduled Planning Board meetings of October 26, 2015 and November 9, 2015; and

WHEREAS, adoption of rules and procedures is exempt from the California Environmental Quality Act.

THEREFORE BE IT RESOLVED that the Planning Board of the City of Alameda hereby amends and re-adopts the Planning Board Rules and Procedures below:

**CITY OF ALAMEDA**

**RULES AND PROCEDURES  
OF THE CITY PLANNING BOARD**

**PREAMBLE**

The City Planning Board shall have such powers and duties as may be delegated by City ordinance. It shall have power to investigate and recommend plans for the future development, improvement and beautification of the City, including landscaping, planting and care of trees on public streets, parks and playgrounds, the improvement and development of harbor facilities, the location and improvement of public buildings and works and the subdivision and zoning of land. (Section 14-1 of the City Charter of the City of Alameda).

**A. GENERAL PROVISIONS**

1. These rules of procedure shall be known as "Rules and Procedures of the City Planning Board, City of Alameda." A copy of these rules as amended from time to time, shall be filed in the office of the City Planning Department for

examination by the public.

2. These rules, and any amendments hereto, shall be effective on the date of the adoption hereof and shall govern the conduct of hearings by the Planning Board.
3. These rules of procedure may be amended hereafter by resolution or motion of the Planning Board.
4. These rules shall supersede all previous administrative or other rules of procedure of the Planning Board.

## **B. OFFICERS**

1. The officers of the Board shall be:

President: who shall preside at all meetings, call all special meetings, appoint committees and perform other proper duties of a presiding officer.

Vice-President: who, in the absence of the President or her/his inability to act, shall preside at meetings and perform other duties of the President.

Secretary: who shall keep a written record of all business transacted by the Board, notify members of meetings, maintain the official records of the Board, and perform such other duties as the Board may direct.

2. The President and Vice-President shall be elected by a quorum of the Board from its membership at the first meeting after July 1 of each year when the Board is fully constituted. The City Planning and Building Community Development Director or his or her designee shall serve as Secretary to the Board as provided in the City Charter.

## **C. MEETINGS**

1. The meetings shall be held normally on the second and fourth Mondays of the month, at 7:00 p.m., unless a holiday occurs on Monday, then the Planning Board meeting will be held on the next available date.
2. Special meetings may be called by the Board ~~President or by four or more Board members if it is determined to be necessary for the discharge of the Board's business.~~ Secretary, the President of the Board, or by majority vote of the full Board, provided notice of such meeting is provided consistent with State and local noticing regulations.
3. ~~Meeting shall adjourn at 11:00 p.m. The Board may by a vote extend the meeting to an additional specified amount of time.~~

3. Meetings shall adjourn no later than 11:00 p.m., unless the meeting is extended by a majority vote of the Board. If the Board extends three (3) meetings in a row past 11:00 p.m., the Board shall also be required, as part of the motion to extend the meeting, to increase the number of regular meetings of the Board in order to accomplish the business before the Board before 11:00 p.m. No new items will begin after 10:30 p.m. unless a supermajority of the Board votes to allow the items to be heard.
4. Presentation of evidence shall be limited to ~~five (5)~~three (3) minutes per person, excluding the applicant. ~~Prior to commencing Presentation by an applicant or his or her representative shall be limited to ten (10) minutes. If necessary to facilitate the public hearing or discussion on an agenda item the Board process, the President shall advise if more than five (5) speakers have filed a speaker's slip. Based on this assessment the Board may, by motion, limit of the Board may,~~
- Limit or extend the time period for presentation of evidence to three (3) minutes per person. Persons may, -
  - Allow an individual to speak more than once upon the discretion of the President. Notwithstanding the above, the President may terminate to  
introduce additional important information that has not already been introduced.
  - Terminate the speaking period of any person when the time taken by the person becomes excessive, repetitious or irrelevant., and/or
  - Re-open the public hearing to consider new information.

#### D. **AGENDA**

1. The agenda shall be set in the following order:
1. Convene
  2. Flag Salute
  3. Roll Call
  4. Agenda Changes and Discussion
  5. Oral Communications
  6. Consent Calendar
  7. Regular Agenda Items
  8. Minutes
  9. Staff Communications
    - A. Future Agendas
  10. Written Communications
  11. Board Communications
  12. Oral Communications
  13. Adjournment
2. The ~~Planning and Building Director~~Secretary shall set on the Consent Calendar only those items that are unlikely to be discussed by the Board or members of the public. Items listed under the "Consent Calendar" are

considered routine and will be approved or accepted by one motion, unless a request for removal for discussion or explanation is received from any Member of the Board or a member of the public.

3. The Regular Agenda Items shall include items such as public hearings, Departmental Reports, and matters previously continued for further Board consideration, which items are not considered appropriate for being placed on the Consent Calendar. In setting the agenda order, the Planning and Building Director shall give consideration to the following:
  - a. those items for which a number of people are likely to attend should be set early on the agenda.
  - b. those items for which representatives of City Departments or other government entities are in attendance should be set early on the agenda.
  - c. those items continued from a previous meeting should be set early on the agenda.
4. The item of business entitled "Board Communications," is to permit any Board Member to speak on any matter. Limited action may be taken by the Board such as to ask Staff for further information, to schedule a matter for a future meeting or to provide a brief comment or response. During Board Communications Board members should also report on meetings held with organizations, groups, or parties related to issues that are before, or may come before the Board.
5. ~~Under the item of business entitled "Written Communications," the Board may consider and dispose of the matter raised by any such writing here, and may permit the writer thereof, or his authorized representative, and members of the public, to address the Board on such matter.~~

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5. The item of business entitled "Oral Communication" is to permit the public to speak on any matter within the subject matter jurisdiction of the Board. Limited action may be taken by the Board such as to ask Staff for further information, to request for the matter to be placed on a future agenda or to provide a brief comment or response.

## **E. APPLICATIONS**

- ~~1. No application or petition for amendments to or approvals under the Zoning Ordinance shall be placed on the agenda of the City Planning Board unless said application or petition is complete for filing in the Office of the City Planning and Building Department by 5:00 p.m. on the 35th day preceding the meeting of the City Planning Board. Notwithstanding the foregoing, applications may be scheduled when they are found complete less than 35 days preceding the meeting where the Planning and Building Director has determined there are extenuating circumstances and that Planning and Building staff can complete the work necessary without detriment to the processing of other applications also on file with the City.~~
- ~~2. All applications (or petitions) for zoning approvals shall be submitted on forms approved by the Director of Planning and Building.~~
- ~~3. All applications shall be completed as required by either the Zoning Ordinance, Subdivision Ordinance, or CEQA Guidelines.~~
- ~~4. Plans submitted to the Planning Board for consideration shall be complete and clear to assist the Board in their deliberation of the application. Plans shall be clearly labeled to indicate existing conditions and proposed work.~~
- ~~5. New evidence or revisions presented by an applicant for consideration shall be submitted to the Planning and Building Department with adequate time for staff review and subsequent distribution to the Planning Board Members prior to the scheduled meeting in accordance with the time limitations set out elsewhere in these Rules and Regulations.~~

## **FE. FAILURE OF APPLICANT TO APPEAR**

1. If the applicant fails to appear at the time his/her application is regularly called by the City Planning Board, and the applicant has not requested a continuance, the matter may be dropped from the agenda, continued, denied, approved or withdrawn by the Board at their discretion.
- ~~2. If the matter is dropped, the applicant must pay the cost of re-advertising in order to restore the matter to the agenda.~~
- ~~3. If the matter is continued due to failure of the applicant to appear, he/she shall be liable for fees required in the Planning and Building Department Fee Schedule.~~

## **G. EVIDENCE**

1. The Secretary or appropriate staff member shall first present the staff report and all documents and exhibits in a manner in which the public can hear and see them. The presentation should be completed in ten minutes or less unless the issues being presented are unusually complex.
2. All those wishing to give testimony or other evidence shall thereafter be heard on the record. The City Planning Board~~The Community Development Department~~ shall retain copies of all documents or exhibits presented.
3. ~~All speakers shall be requested to complete a speaker slip. The President shall ask all those wishing to give testimony to identify themselves by name and City of residence, but compliance with said request shall not be a prerequisite to the giving of testimony.~~

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~~3.~~ A member of the Board or public may ask the applicant questions with the consent of the President. All questions shall be asked through the President, and all responses and answers shall be made to the Board. Applicants may ask questions of the person giving evidence, subject to the above conditions.

~~5~~4. No evidence shall be taken after the closing of the public hearing. The public hearing may be reopened for the taking of further evidence, at the discretion of the City Planning Board upon a majority vote of the Board Members present.

## **H. DELIBERATIONS AND DECISIONS**

1. The City Planning Board shall not deliberate nor make a decision on the application until the close of the public hearing.
2. A Board Member who abstains from a vote need not indicate a reason for abstention, ~~except in the case of conflict of interest. A Board Member who abstains due to conflict of interest shall inform the Board of the reason and shall refrain from participating in that particular agenda item. In order to avoid participating on the agenda item, a Member shall, at the Member's option, either, (a) step down from the dais and leave the room, (b) step down from the dais and sit with the general public, or (c) remain on the dais, but refrain from expressing either verbally or non-verbally any opinions about the agenda item..~~
3. A Board Member who has a conflict of interest, following the announcement of the agenda item to be discussed or voted upon but before either the discussion or vote commences, shall publicly disclose any such conflict-of-interest and then physically remove herself or himself from the proceedings.

Recusal requires that the Board Member leave the room where Board discussion is occurring and the Board Member may not re-enter the meeting space until after the consideration (including any votes taken).

3. Deliberations and decisions shall be based on the staff report, documents and exhibits, evidence presented at the hearing and such open and ~~notorious~~widely known facts ~~as are within the personal knowledge of the members of the Board.~~ A member of the Board ~~may~~shall not ~~consider a fact not presented as part of the record,~~introduce new information or ~~open and notorious, unless he discloses said fact prior to~~facts for public consideration after the closing of the public hearing. Members of the Board who were absent during a portion of the public hearing are encouraged to review the audio and/or videotapes of the missed meeting before voting on that issue at a subsequent meeting. The Board Member who was absent and reviewed the audio and/or video shall so state prior to voting on the item.
4. In applications for which public hearings are required, the public hearings may be continued to a subsequent meeting of the City Planning Board before action is taken unless such a continuance would result in approval or denial of the application by operation of law. The Board may direct staff or applicants to provide specific items of information prior to the continued hearing.

## **I. CONDITIONS**

1. Staff report and/or draft resolution on applications wherein the City Planning Board has authority to conditionally approve the application shall contain the list of conditions recommended by Staff.
2. ~~The President shall ask the applicant if he/she accepts the conditions recommended by Staff.~~ 2. The City Planning Board may accept, reject, amend or add conditions of its own to the list.

## **J. FINDINGS**

1. Whenever findings are required by ordinance or statute the staff report and/or draft resolution shall list some proposed findings for either approval or denial, which could be accepted, modified, or rejected by the Planning Board. In appropriate cases, findings for both actions may be included. ~~Reference to case law is inappropriate.~~
2. The record of each action taken by the City Planning Board shall disclose facts sufficient to support findings that support the action of the Board.

## **K. NOTICE**

1. All public hearings shall be noticed.
2. Unless a different period is required by law, publication of notice shall be given ten (10) calendar days prior to a public hearing.

## **L. MINUTES**

1. General Policy Statement on Minutes of Meetings. It is the general policy of the Planning Board to prepare draft minutes of the deliberations of the Planning Board including both public hearings and closed discussions. These minutes will include speakers on every question and the basic position taken on the issue addressed.
2. Availability. It is the policy of the Planning Board to prepare draft minutes within ~~14~~10 working days ~~of~~after the ~~most recent Planning Board meeting, that these.~~ These minutes will be prepared from tape recordings and/or stenographic notes, and that these minutes will be available in draft form to the public when they have been transcribed.
3. Public Comment: Any member of the public during Oral Communications may request that corrections or deletions be made to the minutes within 45 days of the meeting in question. These requests may be acted upon by the Planning Board with appropriate review and deliberation.
4. Method of Documentation: It is the policy of the Planning Board to retain tape recordings and videos documenting Planning Board deliberations indefinitely.

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