

CITY OF EAST PALO ALTO

**RULES OF THE
PLANNING COMMISSION**

*Adopted: October 14, 2003
Updated: November 14, 2011*

RULE 1: COMMISSION RULES

Section 1.01 DEFINITION

The term **Rule** shall mean a regulation or set of regulations, governing actions, resolutions, policies and procedures of the City of East Palo Alto Planning Commission.

Section 1.02 ADOPTION AND AMENDMENTS OF RULES OF THE EAST PALO ALTO PLANNING COMMISSION

In carrying out its authority, functions, powers and duties, the City of East Palo Alto Planning Commission, from time to time, many enact and adopt **Rules** which are not in conflict with the City's Municipal Codes and Zoning Regulations.

A **Rule** shall be adopted or amended by a motion duly seconded, and passed by a majority vote of the City of East Palo Alto Planning Commission.

Section 1.03 NOTICE OF PROPOSED RULES

There is no requirement for notice of proposed **Rules** and there is no requirement for public hearings on proposed **Rules** proposed for adoption.

Section 1.04 MAINTENANCE OF RULES

The City Planning Manager shall compile in orderly sequence such **Rules** adopted by the City of East Palo Alto Planning Commission for the purposes of distribution, transmittal or maintenance of public record and shall retain them for public access.

Further, the City Planning Manager shall notify the City of East Palo Alto Planning Commission of any legislative or Court action that would require the amendment, modification or rescission of **Rules** adopted by the Commission.

RULE 2: COMMISSION RESOLUTIONS

Section 2.01 DEFINITION

The term **Resolution** shall mean an action, decision or an expression of opinion by the City of East Palo Alto Planning Commission.

Section 2.02 AUTHORITY TO ADOPT RESOLUTIONS

In carrying out its authority, functions, powers and duties, the City of East Palo Alto Planning Commission, from time to time, may enact and adopt **Resolutions** which are not specifically provided for herein, and which are not in conflict with the Municipal Code and Zoning Regulations.

Section 2.03 NOTICE OF PROPOSED RESOLUTIONS

The City of East Palo Alto Planning Commission shall hold at least one (1) public hearing prior to the adoption of any proposed **Resolution**. Said hearing shall be conducted only after the proposed **Resolution** has been placed on the agenda pursuant to the Brown Act and noticed pursuant to the public hearing procedures described in the Zoning Regulations.

Section 2.04 MAINTENANCE OF RESOLUTIONS

The City Planning Manager shall compile in orderly sequence such **Resolutions** adopted by the City of East Palo Alto Planning Commission for the purposes of distribution, transmittal or maintenance of public record and shall retain them for public access.

Further, the City Planning Manager shall notify the City of East Palo Alto Planning Commission of any legislative or Court action that would require the amendment, modification, or rescission of **Resolutions** adopted by the Commission.

RULE 3: COMMISSION POLICIES

Section 3.01 DEFINITION

The term **Policy** shall mean a principle or chosen course of action to guide the decision-making function of the City of East Palo Alto Planning Commission.

Section 3.02 AUTHORITY TO ADOPT POLICIES

In carrying out its authority, functions, powers and duties, the City of East Palo Alto Planning Commission, from time to time, may enact and adopt **Policies** which are not specifically provided for herein, and which are not in conflict with the Municipal Code and the Zoning Regulations.

Section 3.03 NOTICE OF PROPOSED POLICIES

The East Palo Alto Planning Commission shall hold public hearings prior to the adoption of any proposed **Policy**. Said hearing shall be conducted only after the proposed policy has been placed on the agenda pursuant to the Brown Act and noticed pursuant to the public hearing procedures described in the Zoning Regulations.

Section 3.04 MAINTENANCE OF POLICIES

The City Planning Manager shall compile in orderly sequence such **Policies** adopted by the City of East Palo Alto Planning Commission for the purposes of distribution, transmittal or maintenance of public record and shall retain them for public access.

Further, the City Planning Manager shall notify the City of East Palo Alto Planning Commission of any legislative or Court action that would require the amendment, modification, or rescission of **Policies** adopted by the Commission.

RULE 4: COMMISSION PROCEDURES

Section 4.01 DEFINITION

A **Procedure** is defined as an established series of steps to getting something done.

Section 4.02 AUTHORITY TO ADOPT PROCEDURES

In carrying its authority, functions, powers and duties, the City of East Palo Alto Planning Commission and City Planning Manager may, from time to time, adopt **Procedures** which are not in conflict with the Municipal Code and the Zoning Regulations.

Section 4.03 NOTICE OF PROPOSED PROCEDURES

There is no requirement for notice of **Procedures** and there is no requirement for public hearings on **Procedures** proposed for adoption.

Section 4.04 MAINTENANCE OF PROCEDURES

The City Planning Manager shall compile in orderly sequence such **Procedures** adopted by the City of East Palo Alto Planning Commission for the purposes of distribution, transmittal or maintenance of public record and shall retain them for public access.

Further, the City Planning Manager shall notify the City of East Palo Alto Planning Commission of any legislative or Court action that would require the amendment, modification or rescission of **Procedures** adopted by the Commission.

RULE 5: COMMISSIONER ATTENDANCE

Section 5.01 PURPOSE

This **RULE** is adopted for the purpose of ensuring that City of East Palo Alto Planning Commission Meetings are carried out in an effective manner.

Section 5.02 ATTENDANCE

All members of the City of East Palo Alto Planning Commission shall make a good effort to attend all regular and special meetings of the City of East Palo Alto Planning Commission. If, for good reason, a Commissioner is unable to attend a scheduled meeting, said Commissioner shall inform the Planning Division Office and/or the Chair of the Planning Commission before the start of the scheduled meeting. The Chair of the City of East Palo Alto Planning Commission shall declare the Commissioner's absence as an **excused absence**. An unexcused absence would mean that the Commissioner did not inform the Planning Division and/ or the Chair of the Planning Commission before the start of the scheduled meeting. The minutes of the meeting shall state that the Commissioner's absence was an **excused absence**.

Three (3) absences within a period of four months by a Commissioner, regardless of whether the absences were excused or unexcused, may result in a consideration and/or action by the City of East Palo Alto to forward a report to the City of East Palo Alto City Council regarding the frequency of the **absences** of said Commissioner.

PROCEDURE 6: CONTINUANCE AND RESCHEDULING

Section 6.01 PURPOSE

This **PROCEDURE** is adopted for the purpose of informing applicants and members of the public on the process for requesting and granting continuances or rescheduling of applications pending before the City of East Palo Alto Planning Commission.

Section 6.02 REQUEST FOR CONTINUANCE OR RESCHEDULING

All requests for **continuances or rescheduling** shall be made in writing and delivered to the City Planning Manager prior to the date of a City of East Palo Alto Planning Commission meeting on which a public hearing or deliberation on an application has been placed on the agenda. Such written request may be mailed, delivered or transmitted electronically to the City Planning Manager. The party requesting **continuance or rescheduling** shall have responsibility of ensuring that the request for continuance or rescheduling has been received by the City Planning Manager prior to the start of the meeting.

Section 6.03 ACTION ON REQUEST FOR CONTINUANCE OR RESCHEDULING

If the party requesting the **continuance or rescheduling** is the applicant, and if the request for **continuance or rescheduling** is made prior to the filing of a legal advertisement in the newspaper (if required), the City Planning Manager may approve or deny such request for **continuance**.

If the party requesting the **continuance** is the applicant, and the request for **continuance** is made after the filing of a legal advertisement in the newspaper, the request for **continuance** must be considered by the City of East Palo Alto Planning Commission during the meeting when the item was originally scheduled. The City of East Palo Alto Planning Commission shall, by motion and vote of a majority of the voting members, grant or deny the request for **continuance**.

If the party requesting the **continuance or rescheduling** is not the applicant regardless of when the request was received by the City Planning Manager, the request for **continuance or rescheduling** must be considered by the City of East Palo Alto Planning Commission during the meeting when the item was originally scheduled. The City of East Palo Alto Planning Commission shall, by motion and vote of a majority of the voting members, grant or deny the request for **continuance or rescheduling**.

Section 6.04 ATTENDANCE AT PUBLIC HEARING

The applicant or her/his duly appointed representative should be present at the public hearing for all applications pending before the City of East Palo Alto Planning Commission. The City of East Palo Alto Planning Commission hereby directs Planning Division staff to inform all applicants of the Commission's procedures on applications where the applicant or her/his duly appointed representative is not present at the public hearing.

It is the policy of the City of East Palo Alto Planning Commission to **continue** the public hearing on an application if the applicant or her/his duly appointed representative is not at the public hearing for the application. If the applicant or her/his duly appointed representative is not able to attend the public hearing for an application pending before the City of East Palo Alto Planning Commission, the applicant may submit a written request for the City of East Palo Alto Planning Commission to hold the public hearing and act on the application. The applicant shall have responsibility of ensuring that the request for the City of East Palo Alto Planning Commission to hold the public hearing and act on the application has been received by the City Planning Manager prior to the start of the meeting.

Section 6.05 ACTION ON REQUEST FOR ACTION

The City of East Palo Alto Planning Commission shall consider a request to hold the public hearing and shall, by motion and vote of a majority of the voting members, grant or deny the request to hold the public hearing and act on the application.

If the action by the City of East Palo Alto Planning Commission to hold the public hearing and act on the application results in a need for an application to be renoticed and reconsidered by the City of East Palo Alto Planning Commission (e.g., the applicant was not in attendance to provide information or the applicant does not agree with the actions of the City of East Palo Alto Planning Commission), the applicant shall bear the full cost of renoticing the application for public hearing by the City of East Palo Alto Planning Commission.

RULE 7: ELECTION OF COMMISSION OFFICERS

Section 7.01 OFFICERS OF THE EAST PALO ALTO PLANNING COMMISSION

The City of East Palo Alto Planning Commission shall elect officers of the Commission. The officers shall consist of a **CHAIR** and **VICE-CHAIR**.

Section 7.02 DUTIES OF OFFICERS

The **CHAIR** of the City Planning Commission shall run / chair all the meetings of the City of East Palo Alto Planning Commission. The **CHAIR** of the City Planning Commission shall work with the City Planning Director / City Planning Manager to ensure the preparation and proper dissemination of the agendas and reports for the City Planning Commission meetings. The **CHAIR** of the City Planning Commission shall have the authority to establish committees of the Planning Commission and to appoint members to such committees. Committee members shall be limited to the members of the City Planning Commission. During meetings of the City Planning Commission, the **CHAIR** shall have the authority to make changes to the agenda and to table items on the agenda. The rescheduling of tabled items is the purview of the **CHAIR** of the City Planning Commission.

The **VICE-CHAIR** of the City Planning Commission shall perform the duties of the **CHAIR** of the City Planning Commission in the absence of the **CHAIR**.

Section 7.03 ELECTION OF OFFICERS

The City of East Palo Alto Planning Commission shall hold election of officers every year. Regular elections shall be held in July, starting in July 2003. Special elections shall be held to fill a vacancy of the post of **CHAIR** or **VICE-CHAIR**. There shall be no term limits for officers of the City Planning Commission.

RULE 8: RECONSIDERATION

Section 8.01 REQUEST FOR RECONSIDERATION

The Planning Commission may approve a **request for reconsideration** of an action taken by the Planning Commission if the party submitting such a request presents new material information not previously considered by the Planning Commission.

The **request for reconsideration** shall be made in writing on a form prescribed by the Planning Director and submitted to the Planning Division within ten (10) calendar days from the meeting at which the Planning Commission acted on the application for which such **request for reconsideration** is made. The written request submitted to the Planning Division shall describe what new material information is to be presented to the Planning Commission that may be the basis for a change on the Planning Commission's action. The party **requesting reconsideration**, whether the applicant or other interested party, shall also indicate on the prescribed form that he/she will withdraw any appeal filed with the City Council if the Planning Commission agrees to hold a new public hearing to consider the application.

Section 8.02 PROCEDURE OF THE PLANNING COMMISSION

The Planning Director shall include **the request for reconsideration** as an action item in the agenda for the next available Planning Commission meeting.

The Planning Commission, by vote, shall deny or approve the **request for reconsideration**. The motion shall be made by a member of the Planning Commission who voted with the prevailing party on the decision that is the subject of the **request for reconsideration**. If the Planning Commission acts to reconsider its previous action on an application, the Planning Commission shall, in consultation with the Planning Director, identify the next available date to calendar the item for a new public hearing which shall be noticed in accordance with the applicable notice requirements in the Zoning Regulations. Due to public notification requirements, the date for the new public hearing shall be no less than fourteen (14) calendar days from the day the Planning Commission acts on the request for reconsideration.

Section 8.03 SUBMITTAL REQUIREMENTS

The new information shall be submitted to the Planning Division at least ten (10) calendar days prior to the hearing date set for the reconsideration.

There shall be no **request-for-reconsideration** fee. However, if the Planning Commission agrees to reconsider its decision and sets a date for a new public hearing, the party **requesting reconsideration** shall pay a public notification fee for the new public hearing within two (2)

calendar days following the date of the Planning Commission's decision regarding reconsideration.

Section 8.04 CONCURRENT APPEAL TO THE CITY COUNCIL BARRED

The Planning Commission shall not hold a new public hearing nor take any subsequent action concerning the item that is the subject of the **request for reconsideration** if the applicant fails to withdraw his or her appeal to the City Council or the City Council has commenced public hearing proceedings on an appeal on the action of the Planning Commission that is the subject of the **request for reconsideration**.

RULE 9: RESERVED

RULE 10: REGULAR PLANNING COMMISSION MEETING AGENDAS

Section 10.01 PURPOSE

The City of East Palo Alto Planning Commission has established rules regarding the organization of regular Planning Commission meeting agendas.

Section 10.02 RECURRING ITEMS

The following items shall be routinely placed on the agenda for Regular Planning Commission meetings:

1. Roll Call
2. Approval of Agenda
3. Consent Calendar
4. Open Forum
5. Planning Commission Subcommittee updates
6. Communication Items
7. Planning Commission Matters, Staff Updates and Calendars

Section 10.03 LENGTH OF MEETINGS

The Planning Commission has established a goal of limiting regular Planning Commission meetings to no more than three (3) hours, when feasible. In the event that, in the judgment of the Planning Commission, there are important or time sensitive items, meetings may be expanded to last longer than three (3) hours. No new items shall be considered after three (3) hours unless approved by a majority vote of the Planning Commissioners present.

Section 10.04 ORGANIZATION OF ITEMS

In the event that a meeting is anticipated to last longer than three (3) hours, the Consent Calendar, Planning Commission Subcommittee updates, Communication Items and Planning Commission Matters, Staff Updates and Calendars shall be moved to the end of the agenda.

Section 10.05 CONTINUED ITEMS

Public Hearing items that have been continued from a previous meeting shall be placed ahead of new public hearing items on the agenda.

PROCEDURE 11: COMMUNICATING DISSENTING OPINIONS

Section 11.01 PURPOSE

In the event that a Planning Commissioner votes against the majority of the Planning Commission on a particular item, and desires to have their dissenting opinion clearly reflected in the administrative record, the Commissioner has the option of filing a “Record of Dissenting Opinion”, which is a written document which explains the rationale behind the Commissioner’s dissenting vote. The Record of Dissenting Opinion would be made part of the administrative record and would be provided to the City Council in the event that Council reviews that particular item.

Section 10.02 TIMELINE FOR FILING A RECORD OF DISSENTING OPINION

A Record of Dissenting Opinion must be submitted in writing to Planning Division staff within 10 days of the date of the decision and shall include a written explanation of the rationale behind the dissenting vote.

Section 10.03 INCLUSION IN THE ADMINISTRATIVE RECORD

Upon receiving a Record of Dissenting Opinion, staff shall file the document in the administrative record.

Section 10.04 FORWARDING TO CITY COUNCIL

In the event that the City Council reviews an item which has a Record of Dissenting Opinion on file, the Record of Dissenting Opinion shall be forwarded to the City Council for their consideration.