



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: JUNE 10, 2013

ITEM NUMBER: V. 3

SUBJECT: AMENDMENT TO THE PLANNING COMMISSION BYLAWS

DATE: MAY 30, 2013

FROM: PLANNING DIVISION/DEVELOPMENT SERVICES DEPARTMENT

PRESENTATION BY: AARON HOLLISTER, ASSOCIATE PLANNER

**FOR FURTHER INFORMATION CONTACT: Aaron Hollister, Associate Planner, 714-754-5136
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PROJECT DESCRIPTION

Two amendments to the Planning Commission Bylaws ("the Bylaws") have been proposed. The first amendment would add a Planning Commission Mission Statement as Section 3 of Article I. The second amendment would increase the regular meeting frequency of the Planning Commission from one monthly meeting to two monthly meetings as outlined in Section 1 of Article III of the Bylaws.

RECOMMENDATION

Adopt resolution to approve an amendment to the Planning Commission Bylaws.

BACKGROUND

Planning Commission Bylaws

The Bylaws are periodically modified on an as-needed basis, and were last updated in 2009 to reflect a reduced Planning Commission meeting frequency. In 2009, Section 1 of Article III of the Bylaws was amended to reflect one regularly scheduled monthly meeting with a proviso for a second monthly meeting if necessary.

ANALYSIS

Staff is proposing the following amendment to the Planning Commission Bylaws to reflect:

- Mission Statement for the Planning Commission

Pursuant to the request of Chair Fitzpatrick, staff has drafted a mission statement into the Bylaws as a guide for all Planning Commission matters. The proposed mission statement would be added as Section 3 in Article I of the Bylaws and would read:

The Planning Commission guides land use development in the City of Costa Mesa. The Planning Commission's mission is to:

- *To promote the health, safety and general welfare by encouraging the most appropriate use of land;*
 - *To ensure that new development is served by adequate community utilities and facilities such as transportation, water, sewage, schools, and parks;*
 - *Regulate location and use of buildings, structures and land for residents, commerce, trade, industry and other purposes.*
 - *Exercise such control over land subdivisions as is granted to it by the governing body of the City and by the laws of the State of California;*
 - *Recommend policy and regulatory bases for land use and development as mandated by State and local laws.*
 - *Help provide the community with high-quality development and businesses to enhance the quality of life of the City's residents, businesses and visitors*
 - *Promote a well-designed, physically integrated, livable and prosperous community.*
 - *Provide the community with personal attention, accurate, and detailed information and timely responses in a manner that instills public trust and confidence while exceeding service expectations.*
 - *Ensure that development projects meet the broader goals of the General Plan and the Zoning Code by exhibiting excellence in design, site planning, integration of uses and structures and protection of the integrity of neighboring development.*
 - *Ensure that properties are physically suitable to accommodate proposed subdivisions in terms of type, design and density of development based on compliance with the Zoning Code and General Plan.*
 - *Promote desirable commerce and industry, especially local and small businesses, to generate local employment opportunities and to encourage a dynamic business climate.*
 - *Promote uses that reinforce the City's image as a City of Arts and major destination center for cultural attractions.*
- Two regular meetings per month:

Due to recent larger Planning Commission agendas and increased meeting frequency, the Bylaws are proposed to be amended to reflect the pre-2009 Planning Commission meeting schedule that featured two regularly scheduled meetings instead of the current one regularly scheduled monthly meeting. In the instance that a second regular monthly meeting is not necessary, the Planning Commission Secretary would provide a Notice of Cancellation to the public.

CONCLUSION

The amendments to the Bylaws will 1) formalize current Planning Commission meeting practices, and will 2) provide the Planning Commission with a mission statement that will help guide the Planning Commission in its vision and its decision-making process.

Aaron Hollister

AARON HOLLISTER
Associate Planner

Claire d. Flynn

CLAIRE FLYNN, AICP
Acting Development Services Director

- Attachments: 1. Draft Planning Commission Resolution
2. Amended Planning Commission Bylaws

Distribution: Sr. Deputy City Attorney
Public Services Director
City Engineer
Transportation Services Manager
Staff (4)
File (2)

RESOLUTION NO. PC-13-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY
OF COSTA MESA APPROVING MODIFICATIONS TO THE
PLANNING COMMISSION BYLAWS.**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY RESOLVES AS
FOLLOWS:

BE IT RESOLVED that, the Planning Commission hereby **APPROVES** modifications to
the Planning Commission Bylaws as set forth in the amended Planning Commission Bylaws
dated June 10, 2013 and attached as Attachment 2.

PASSED AND ADOPTED this 10th day of June 2013.

Jim Fitzpatrick, Chair
Costa Mesa Planning Commission

BYLAWS
COSTA MESA PLANNING COMMISSION

ARTICLE I

AUTHORITY AND TITLE

SECTION 1. AUTHORITY:

This Commission is established in accordance with Title 13, Section 13-10, of the Costa Mesa Municipal Code.

SECTION 2. TITLE:

The official title of this Commission shall be "The Costa Mesa Planning Commission".

SECTION 3. MISSION STATEMENT:

The Planning Commission guides land use development in the City of Costa Mesa. The Planning Commission's mission is to:

- To promote the health, safety and general welfare by encouraging the most appropriate use of land;
- To ensure that new development is served by adequate community utilities and facilities such as transportation, water, sewage, schools, and parks;
- Regulate location and use of buildings, structures and land for residents, commerce, trade, industry and other purposes.
- Exercise such control over land subdivisions as is granted to it by the governing body of the City and by the laws of the State of California;
- Recommend policy and regulatory bases for land use and development as mandated by State and local laws.
- Help provide the community with high-quality development and businesses to enhance the quality of life of the City's residents, businesses and visitors
- Promote a well-designed, physically integrated, livable and prosperous community.
- Provide the community with personal attention, accurate, and detailed information and timely responses in a manner that instills public trust and confidence while exceeding service expectations.
- Ensure that development projects meet the broader goals of the General Plan and the Zoning Code by exhibiting excellence in design, site planning, integration of uses and structures and protection of the integrity of neighboring development.

ARTICLE I. SECTION 3. (continued)

- **Ensure that properties are physically suitable to accommodate proposed subdivisions in terms of type, design and density of development based on compliance with the Zoning Code and General Plan.**
- **Promote desirable commerce and industry, especially local and small businesses, to generate local employment opportunities and to encourage a dynamic business climate.**
- **Promote uses that reinforce the City’s image as a City of Arts and major destination center for cultural attractions.]**

(Amended – Planning Commission Resolution #13-XX).

ARTICLE II

OFFICERS, ELECTIONS, AND VACANCIES

SECTION 1. OFFICERS:

The officers of this Commission shall be as follows:

1. A Chairperson whose duties shall be to preside at all meetings, to call any special meetings, to appoint special study committees as deemed necessary by a majority of the Commission.
2. A Vice Chairperson who shall assume the duties and responsibilities of the Chairperson:
 - (a) in the absence of the Chairperson;
 - (b) in the inability of the Chairperson to act;
 - (c) at the request of the Chairperson, which is so noted in the official minutes;
 - (d) when a vacancy occurs in the office of the Chairperson
3. A Secretary who shall perform the following duties:
 - (a) Keep official records of the Commission meetings, both temporary and permanent;
 - (b) Keep a written record of all business transacted by the Planning Commission;

ARTICLE II. SECTION 1. (continued)

- (c) Notify all members of regular meetings and any special meeting called by the Chairperson;
 - (d) Sign all official documents and communications requested by a majority of the Commission.
4. Two Assistant Secretaries who shall be designated by the Secretary and either of whom may perform these duties when the Secretary is absent.

SECTION 2. ELECTION/APPOINTMENT OF OFFICERS:

- 1. A Chairperson shall be elected by the members of the Planning Commission, and shall be a member of that body.
- 2. A Vice Chairperson shall be elected by the members of the Planning Commission, and shall be a member of that body.
- 3. The Secretary shall be the Assistant Development Services Director. In the absence of the Secretary, an Acting Secretary may be appointed by the Secretary.
- 4. Assistant Secretaries shall be appointed by the Secretary, and will be staff members.
- 5. A Chairperson Pro Tem may be appointed by the Commission in the absence of both the Chairperson and the Vice Chairperson.

SECTION 3. ELECTION and VACANCIES:

- 1. The Commission shall hold the election of officers at the first regular meeting in February of each odd-numbered year, or as soon as possible thereafter. (Amended – Planning Commission Resolution #07-14).
- 2. The Election shall be held after the Roll Call. The Election of the Chairperson shall be conducted by the Secretary of the Commission. The Election of the Vice Chairperson shall be conducted by the Chairperson.
- 3. All vacancies occurring in the offices of the Commission, for any cause, shall be filled by election of a majority vote of the Commission. Said election shall be held at the next regular meeting following the vacation of office. The officer or officers so elected shall serve until the next regular election of offices of the Commission.

ARTICLE III

MEETINGS AND PROCEDURES

SECTION 1. MEETINGS:

1. **[Regular meetings of the Commission shall be held twice a month at 6:00 p.m. on the second and fourth Mondays of each calendar month except December, in the Council chambers. In December, only one meeting shall be held on the second Monday of the month].** (6/10/2013 Planning Commission Resolution #13-XX).
2. Regular Study Sessions shall be held in Conference Room 1A at 5:30 p.m. before each regular meeting, for the purpose of receiving and reviewing last-minute additions to the Staff Reports on items on the agenda for that evening's meeting.
3. Special meetings and study sessions may be called by the Chairperson or by majority vote of the Commission at a regular meeting. Each member shall be notified of such Special Meeting or Study Session by the Secretary at least twenty-four (24) hours prior to the time set for same by the Chairperson. The Notice for any Special Meeting or Study Session shall specify the Agenda items to be considered, and no matter shall be considered which is not specified in the notice. Study sessions may be scheduled to provide staff with policy direction or to address City- or area-wide issues affecting more than one parcel or application.
4. Any regular meeting falling on a legal City holiday shall take place the following day unless otherwise scheduled by a majority vote at a regular or special meeting.
5. All meetings and study sessions shall be open to the public.
6. No actions shall be taken at any study sessions.

SECTION 2. MEETING PROCEDURES:

All meetings shall be conducted under the order of Parliamentary Procedure as specified in the last revised edition of *Robert's Rules of Order* to the extent that such rules are not in conflict with these bylaws. All Commissioners shall address all questions and comments through the Chairperson. All persons attending meetings of the Commission shall identify themselves and address Commissioners or other persons present through the Chairperson. All maps, letters, reports, and documents considered by the Commission at any hearing shall become a part of the records of the Commission.

The Chairperson shall decide all questions of order, subject to appeal by the Commission, and all appeals shall be decided by a majority of the members present.

SECTION 3. QUORUM AND VOTING PROCEDURE:

At any meeting of the Planning Commission, a majority of said Commission shall constitute a quorum for the transaction of business. A majority vote of the quorum shall decide all matters. A Commissioner may be disqualified from voting on a particular matter by reason of a conflict of interest, in accordance with State or local laws.

Every member present shall vote on all questions brought to a vote. Every member present who has not been properly disqualified and who shall fail to record a vote on any question shall have said vote recorded as an affirmative or aye vote.

ARTICLE IV

ATTENDANCE

Regular attendance at meetings of the Commission is required of all members to enable the Commission to discharge the duties imposed upon it by law. Any member absent from three successive regular meetings, without securing the consent of the Chairperson, and without justifiable cause, shall be deemed to have resigned from the Commission. Upon order of the Commission, the Secretary shall notify the City Council of such resignation and request appointment of a new member to fill the unexpired term of the member resigning.

ARTICLE V

ORDER OF BUSINESS

The order of business of regular meetings shall **[generally]** be as follows (subject to change by Chairperson **[or Secretary to Planning Commission]**):

1. Pledge of Allegiance
2. Roll Call
3. Minutes of Regular Meeting
4. Public Comments
5. Planning Commission Comments and Suggestions
6. Consent Calendar
7. Public Hearings
- 8. [New Business]**
9. Adjournment

ARTICLE VI

SIGNATURE ON OFFICIAL PAPERS

All official papers involving the authority of the Commission shall bear the signature of the Chairperson or Vice Chairperson and of the Secretary, Acting Secretary, or Assistant Secretary. It shall be mandatory upon the Chairperson and Secretary to sign such papers when the Commission has, by vote as provided herein, taken the action set forth in said papers.

ARTICLE VII

CHANGE IN RULES

The rules may be changed or added to by the affirmative vote of not less than three members. No change or addition to these rules shall be made unless notice, either verbal or in writing, shall be given to the Secretary not less than five (5) working days prior to the meeting at which the motion to change is to be made. The notice shall state explicitly what change is to be proposed.