

**BYLAWS AND RULES OF PROCEDURE OF THE
CITY OF OAKLAND PLANNING COMMISSION
(Draft for Planning Commission Consideration)**

This document shall serve as the bylaws and rules of procedures (“Bylaws”) for the City of Oakland Planning Commission.

Definition of Terms

The following terms, whenever used or referred to herein, shall have the following meanings, unless a different meaning is clearly made apparent by the context:

Agenda shall mean the agenda for the Planning Commission meeting.

Meeting shall mean any gathering of a quorum of members of the Planning Commission or committee thereof to hear or discuss any items of business or potential business of the Planning Commission. *Regular Meeting* shall mean a meeting of the Planning Commission or of a Standing Committee occurring on a recurring basis and at regular, established time pursuant to the Planning Commission’s published calendar for which all required public notice requirements for a regular meeting have been met. *Special Meeting* shall mean a meeting of the Planning Commission or of a committee thereof occurring on a date and time other than the regular, established time for that meeting as provided by the Planning Commission’s published calendar.

Chair shall mean the chairperson of the Planning Commission.

Vice Chair shall mean the vice chairperson of the Planning Commission.

Charter shall mean the Charter of the City of Oakland.

Planning Commission or Commission shall mean the Planning Commission of the City of Oakland, including its standing committees.

Commissioner shall mean a voting member of the Planning Commission, as appointed by the Mayor, confirmed by City Council, and duly sworn in by the City Clerk.

Secretary shall mean that member of Planning Bureau staff designated by the Director of Planning to serve as the secretary of the Planning Commission. As the term is used herein, the Secretary may be assisted in performing the duties and roles of the Secretary through the assistance of additional support staff as delegated by the Secretary.

Planning Code shall mean Title 17 of the Oakland Municipal Code.

Quorum shall mean the precise number the commissioners required to be present to undertake business as the Planning Commission.

Sunshine Act shall mean Oakland Municipal Code Chapter 2.20.

Brown Act shall mean the State of California's open meeting laws (Government Code section 54950 *et seq.*).

Informational Report shall mean an agenda item that does not require or permit Planning Commission action or recommendation and is provided for informational purposes only.

ARTICLE 1. ESTABLISHMENT AND GOVERNING LAW

On May 5, 1932, the Oakland City Council adopted Ordinance No. 192 C.M.S. to create the City Planning Commission, providing for the appointment and removal of its members, and prescribing the powers and duties thereof.

On November 30, 1961, the Oakland City Council adopted Ordinance No. 6485 C.M.S. amending Ordinance No. 192 C.M.S. to change the term of members of the Planning Commission from seven years to three years.

On March 14, 1995, the Oakland City Council adopted Ordinance No. 11776 C.M.S. for the purpose of incorporating uniform requirements regarding the selection of members, duties of members, and general responsibilities of city boards and commissions, including the Planning Commission.

Chapter 17.03 of the Planning Code further articulates requirements for the membership and organization of the City Planning Commission, while the Planning Code as a whole includes various provisions articulating the requirements for Planning Commission consideration of certain applications and appeals.

Ordinance No. 192 C.M.S. provides for the Planning Commission to adopt rules and regulations for the administration of its affairs.

ARTICLE 2. DUTIES OF THE COMMISSION

The Commission shall have the duties and responsibilities as provided under Chapter 17.03 of the Planning Code.

The Commission shall review development proposals as provided for it under the Planning Code and subdivision proposals as provided for it under Title 16 of the Oakland Municipal Code.

The Commission shall review changes to the text and map of the Oakland General Plan, the Planning Code and all other matters affecting the orderly growth and development of the City and make recommendations to the City Council with respect to the same.

The Commission shall also make reports on subjects as requested by the City Administrator and City Council.

ARTICLE 3. MEETINGS OF THE COMMISSION

The regular meetings of the Commission will be set by calendar, generally to be held in City Hall on the 1st and 3rd Wednesday of each month, and will begin at 3:00 p.m. Unless otherwise agendized, the Council

Chambers of the City of Oakland will be the regular meeting room of the Planning Commission. The agenda for each meeting, which will include the specific hour and room location of the meeting, must be published by the Secretary no less than 17 calendar days prior to the meeting.

All regular and special meetings of the Planning Commission shall be open to the public. Planning Commission meetings may be held in a hybrid format (i.e., the meeting provides a teleconference option for public participation) in a manner that remains in compliance with the Brown Act, as amended from time to time including by AB 2449 (2022), which provides under limited circumstances for Commissioners to participate in meetings via teleconference.

With the exception of Open Forum, a new item will not be called four hours and fifteen minutes after the start of the meeting, and the meeting will adjourn no later than four hours and thirty minutes after the start of the meeting, unless the meeting is extended upon a motion to extend approved by the majority of Commissioners in attendance.

Any regular meeting may be recessed to a designated hour and place and when so recessed shall be considered as a continuation of the regular meeting. If the recess is to exceed one hour, the Planning Commission Secretary shall place notice of the recess to be hung at the main entry to the hearing room scheduled to hold the meeting.

Special meetings of the Commission may be called by the Director of Planning and Building or their designee, with the consent of the Chair. Members shall be given at least 48 hours advance notice (excluding Saturdays, Sundays, and holidays) of such meetings if the meeting is proposed to be located within the same building (City Hall) as a regular meeting. Publication of a copy of the agenda shall also occur at least 48 hours (excluding Saturdays, Sundays, and holidays) in advance of such meeting. Special meetings proposed for any other location must be noticed 17 days in advance.

ARTICLE 4. OFFICERS OF THE COMMISSION

Election of officers of the Commission shall be held at the last regular meeting in June of each year, and terms of office shall begin on July 1, or as close to these dates as is practical. The officers of the Commission shall serve one-year terms and their duties shall be as follows:

Chair:

1. The Chair shall preside over all meetings of the Commission and shall have the right to vote on all motions. The Chair shall see that the laws of the City pertaining to the activities of the Commission and the rulings of the Commission are faithfully executed.
2. The Chair shall appoint the members for all committees.
3. The Chair shall have the unilateral authority to call for a recess not to exceed thirty minutes. Recesses exceeding thirty minutes shall be upon motion, with a second, and majority vote.

Vice-Chair:

In the absence of the Chair, the Vice-Chair shall perform all the duties of the Chair with the same force and effect as if performed by the Chair.

Chair Pro-Tem:

If both the Chair and the Vice-Chair are absent, the Commission shall select a Chair Pro-Tem, who shall perform all the duties of the Chair for the meeting at hand. No business shall occur until a Chair Pro-Tem is selected through motion, second, and vote of the commissioners. If a motion to select a Chair Pro-Tem fails twice, or if no further motions are made, the meeting shall immediately be adjourned.

Removal of a Chair

Removal of the Chair shall be made by a motion, with a second, and an affirmative majority vote of the members.

Officers Vacancies

If the office of the Chair becomes vacant for any reason, the Vice Chair shall become Chair. If the office of the Vice Chair becomes vacant for any reason, the Planning Commission shall vote to elect a successor from among the Commission members at the next regular meeting, and such office shall be for the unexpired term of said office.

ARTICLE 5. COMMITTEES OF THE PLANNING COMMISSION

Standing Committees of the Planning Commission shall include the following:

- The Design Review Committee (DRC)
- The Residential Appeals Committee (RAC)
- The Zoning Update Committee (ZUC)
- The Special Projects Committee (SPC)
- The Policies and Procedures Committee (PPC)

The Chair shall designate the membership of the committees during the month of July or when needed due to vacancy or incapacitation of a Commissioner. In so doing, the Chair shall also identify the Commissioner who will chair the committee. These committees shall each be composed of three members of the Commission.

With exception of the RAC, which shall have the power to hear and make decisions on requests before it, each committee shall be advisory to the Planning Commission. The committees shall investigate and formulate recommendations to the Commission in accordance with these Bylaws, the Brown Act, and the Sunshine Ordinance.

For the purposes of a quorum of any named Committee, two members shall constitute a quorum for the transaction of all business.

Each committee shall meet up to once per month, as needed. Each committee shall report to the Planning Commission at the next regular meeting a summary of all matters considered and its findings and recommendations thereon.

The Commission may establish ad hoc committees as it deems appropriate by proposing such formation during the Commission Matters portion of the agenda. Such ad hoc committees shall also be composed of three members and two members shall constitute a quorum.

The regular meetings of the standing committees shall be as noted in the calendar, which will generally be on available Wednesdays, with consideration of the August recess, as determined by the Secretary based on agenda item requests.

ARTICLE 6. DUTIES OF STAFF MEMBERS

1. Director of Planning and Building: The Director or their designee, at the direction of the City Planning Commission and in conformity with its policies, shall conduct studies of and make recommendations with respect to any matter that is before the Commission affecting the orderly growth and development of the City and shall prepare plans, specifications, and estimates for carrying out Bureau of Planning initiatives. The Director shall keep the Planning Commission fully informed as to matters of budget, personnel, and administration of the Planning and Building Department if and when such matters may affect Planning Commission business or policy.
2. Planning Commission Secretary: The Planning Commission Secretary shall attend regular and special meetings of the Planning Commission. The Secretary, in coordination with Planning Bureau support staff, shall be responsible for the preparation and publication of the agenda, the preparation and distribution of the agenda packet, attending the meetings, preparing the Commission calendar, keeping the records and papers of the Commission and providing guidance to the Commissioners through the Chair and assisting the Chair in the smooth running of the meeting. The Secretary may be assisted in their duties by a Planning and Building Department Public Service Representative. The Secretary shall have custody of all reports, books, papers, and records of the Commission.
3. Secretary Pro-Tem: In the absence of the Secretary, the Director of City Planning may appoint a Secretary Pro-Tem.
4. Parliamentarian: A designee of the City Attorney shall serve as parliamentarian for each meeting of the Planning Commission. The Parliamentarian shall serve to advise the Chair and the Secretary on rules of procedure and legal questions of a general nature.
5. Other Employees: All other employees assigned to the Commission shall be responsible solely to the Director of Planning and Building or designee and shall take instructions only from said Director or designee.

ARTICLE 7. PLANNING COMMISSION AGENDA

The following is established as the order of business for Planning Commission meetings (and for committees, a subset thereof):

1. Meeting Call to Order
2. Welcome by the Chair
3. Roll Call
4. Commission Business

- a. Agenda Discussion
 - b. Director's Report
 - c. Informational Reports
 - d. Committee Reports
 - e. Commission Matters
 - f. City Attorney's Report
5. Open Forum
 6. Consent Calendar
 7. Public Hearings
 8. Appeals
 9. Commission Business
 - a. Approval of Minutes
 - b. Correspondence
 - c. City Council Actions
 10. Adjournment

For each consent calendar, public hearings, and appeals item, the agenda shall list the following:

1. A summary description of the item pursuant to the Brown Act and the Sunshine Ordinance.
2. A proposed environmental determination.
3. A staff recommendation on action to be taken by the Planning Commission.

ARTICLE 8. MEETING CONDUCT

1. Rosenberg's Rules of Order: The business of the Planning Commission and its committees shall be conducted, so far as it is practical, in accordance with parliamentary rules as contained in Rosenberg's Rules of Order, except as modified by these Bylaws and in accordance with the Brown Act and Sunshine Ordinance.
2. Seating and Voting Order: Commissioners shall occupy seats assigned by the Secretary but with the Chair or other presiding officer located centrally. Commissioners shall vote in alphabetical order, with the exception of the Chair or other presiding officer who shall vote last.
3. Quorum: A quorum of the Planning Commission is four or more members, and two or more members for all Committees. A quorum shall be noted prior to the conduct of any official business at the meeting. In the event that quorum is not established within twenty minutes of the noticed start time of the meeting, the Secretary in their discretion shall cancel the meeting without any official action being taken at the meeting without a quorum.
4. Cancellation by the Secretary: Upon determination by the Secretary based on communication ahead of the meeting with Commissioners that quorum will not be available, the Secretary is authorized to notify Commissioners that the meeting will be cancelled. Notice of cancellation shall be posted on the Planning Commission website and, if canceled within 24 hours of scheduled meeting, a poster shall also be placed by staff on the door of the physical location of the meeting.
5. Rights of Commissioners Less Than Quorum: In the absence of a quorum, no information may be presented, and no discussion of Agenda items or any official action may be taken by the Commission.
6. Motions: If any Commissioner makes a motion, such motion shall not be debated, or voted upon, until all friendly amendments have been considered and accepted by the original

- Commissioner making a motion or until after a second to such motion is made by a Commissioner.
7. Commissioner Comments: The Chair shall recognize a Commissioner before the Commissioner addresses the body. No Commissioner shall speak for more than ten (10) minutes on any matter without the consent of the Chair or a majority of the Commissioners in attendance.
 8. Approval of Minutes: During Approval of Minutes, the Planning Commission shall approve the minutes of preceding Commission meetings, after corrections to any errors that may have occurred during recordation of the proceedings of the meeting. All Commissioners in attendance may vote to approve the minutes, regardless of their attendance at the meeting to which the minutes correspond, so long as they have reviewed the minutes under consideration.
 9. Suspension of Bylaws: After conferring by the Chair with the Secretary and Parliamentarian, these Bylaws may be suspended temporarily at any time by the unanimous vote of all members present.

ARTICLE 9. COMMISSION ACTIONS

All business of the Commission shall be transacted by motion, with actions on applications being for approval of the application or approval subject to conditions, or for denial.

Motions and actions shall require the affirmative vote of a majority of those Commissioners present and voting so long as there is a quorum present. Procedures for resolving tie votes shall be as directed by Planning Code Section 17.130.040 (Administrative Procedures Generally). Recommendations to the City Council based on the tie votes shall be so qualified.

All voting by Commission members shall be by roll call vote and the vote or abstention on that action of each Commissioner present for the action shall be entered by the Secretary in the public record of the Commission proceedings.

ARTICLE 10. PROCEDURES FOR CONDUCT OF THE MEETING:

AGENDA DISCUSSION

During the Agenda Discussion item, any change to the order of the agenda shall be considered by the Planning Commission at the request of any Commissioner. Such requests are subject to the discretion of and require the consent of the Chair. Also during the Agenda Discussion item, any Commissioner is entitled to pull a consent item from the Consent Calendar and place the item at the beginning of the Public Hearings item if another Commissioner seconds the motion; it is not necessary that the Planning Commission vote on or pass the motion, and it is not necessary that the Chair consent.

During the Agenda Discussion item, the Chair shall also establish the time limits for public speakers, as further discussed below in Article 11.

Each Agenda Item will be called at the discretion of the Chair and not necessarily in the order listed on the agenda. Should the Chair wish to move an item or items to another portion of the agenda, this should be raised during "Agenda Discussion."

DIRECTOR’S REPORT

The Director’s Report item is a time for the Director of Planning and Building (or their designee) to address the Planning Commission around various topics, including trends in the field, status updates on large projects or initiatives still in preparations, changes in state or federal law that impact how the Department operates, changes to the structure and operations of the Department or others as they relate to Planning or for other news and events that needs to be communicated as the Director sees fit. The Director can choose at their discretion the format of this report to be given: it could be written, it could be presented in electronic media format or simply given as an oral report. The Director’s Report should convey information that does not require a vote or action by the Commission and therefore does not need to be pre-agendized. Unlike items scheduled on the consent or public hearing portions of the agenda, the requirement to take public testimony is more limited and can be decided at the discretion of the Chair. The Planning Commission, through the Chair, could also request a topic be placed on the Director’s Report section. The Department would strive to honor such requests but the ultimate authority on what is handled as a Director’s Report would be at the discretion of the Director.

OPEN FORUM

During open forum, members of the public may speak on any item of interest that is not on the agenda within the Commission’s jurisdiction. See Article 11 below for rules regarding speaking on items.

CONSENT CALENDAR

The Commission will take a single roll call vote on all of the items listed on the Consent Calendar. Unless otherwise specified, the motion for consideration will by default be approval of the staff report and recommendation in each case. Before voting on the Consent Calendar, the Commission will allow members of the public to speak on any item on the Consent Calendar. See Article 11 below for rules regarding speaking on items.

PUBLIC HEARINGS

Each public hearing item will begin with a vote to open the public hearing, followed by staff presentation and an opportunity for questions to staff by the Commission. Following that, the Chair will ask for the applicant to give a presentation followed by any public speakers who have filled out speaker cards for that particular item. The applicant will generally be allowed a maximum of fifteen (15) minutes to make their presentation, at the discretion of the Chair.

After all speakers are called, the Chair will close the public testimony portion of hearing, no new evidence will be allowed to be submitted and no speakers may return to the microphone unless recognized by the Chair after being specifically requested to respond to a question by a member of the Commission. The Commission will deliberate on the item, ask questions and then the Chair shall call for a motion on the item. A motion is considered valid only if there is a seconding. If after a reasonable time without any discussion on the motion and no second having been made,

the motion shall be declared dead for lack of a second and the Chair shall state this. Motion makers can be asked by the rest of the Commission to entertain friendly amendments and can choose to accept or not accept such amendments as they wish. Any amendments made to an existing motion must be restated by the Chair and seconded by another Commissioner before being voted on.

APPEALS

Each appeal item will begin with the Chair opening the public hearing, followed by a staff presentation and an opportunity for questions to staff by the Commission. Following that, the Chair will ask the appellant to give a presentation, followed by the applicant (if the appellant is a different party than the applicant). Applicants and appellants are generally each limited to fifteen (15) minutes at the discretion of the Chair. Following this, the Chair will call on public speakers who have filled out speaker cards for that particular item.

After all speakers are called, the Chair will close the public testimony portion of hearing, no new evidence will be allowed to be submitted and no speakers may return to the microphone unless recognized by the Chair after being specifically requested to respond to a question by a member of the Commission. The Commission will deliberate on the item, ask questions and then the Chair shall call for a motion on the item. A motion is considered valid only if there is a seconding. If after a reasonable time without any discussion on the motion and no second having been made, the motion shall be declared dead for lack of a second and the Chair shall state this. Motion makers can be asked by the rest of the Commission to entertain friendly amendments and can choose to accept or not accept such amendments as they wish.

The maker of the motion may choose to move the staff recommendation, in which case the Planning Commission Secretary or designee shall read in full the recommended motion included in the staff report associated with the appeal. If the maker of the motion moves to overturn the staff decision and no alternate findings for decisions have been prepared, then the vote on the matter will be considered a “straw” vote, which essentially is a non-binding vote directing staff to return to the Commission at a later date with appropriate findings for decision and, as applicable, conditions of approval that the Commission will consider in making a final decision.

ARTICLE 11. SPEAKING ON ITEMS

1. Speaking Time Limits: Speaking time shall be consistently and uniformly applied consistent with the requirements of the Brown Act. Each of the public speakers will be limited to one card per item granting them one (1) minute, unless an alternative length of time is pronounced by the Chair during the Agenda Discussion portion of the agenda, but no more than three (3) minutes per card or less than (1) one minute per card.
2. Speaker Cards and Queues: Persons wishing to address the Commission on any item on the agenda, including Open Forum and Director’s Report, must fill out a speaker card for each item they wish to speak on and give it to the Secretary. The Secretary must have all cards for those who wish to speak on an item prior to the item being called. Cards received after testimony has begun will be deemed late and not called unless the Chair, at their discretion, allows for late cards to be accepted. Physical speaker cards shall not be required for members of the public participating remotely at a hybrid teleconference meetings. Instead, the Secretary may utilize a method of assembling a list of speakers that is aligned with staffing and technological capabilities while also ensuring that members of the public participating remotely have equal rights to speaking as those participating

in person. Such methods may include the following: when an item is called, the Secretary announces that those members of the public participating remotely who wish to speak shall raise their virtual hands. The Secretary assembles a list of raised hands and thereupon provides a warning announcement that no additional speakers will be recognized unless they have timely raised their hand. No less than fifteen seconds after the warning, the Secretary notes that opportunity to raise hands has been closed and states the number of online speakers who will be recognized.

3. Speaker Order: City staff will call all speakers who have filled out a speaker card or in the case of members of the public participating remotely have followed the instructions to speak virtually in accordance with the paragraph above. The City will not be responsible for calling groups of speakers together, for calling speakers in a particular sequence or for ensuring that a speaker's desired position (first speaker or last speaker) is accommodated. The Secretary shall alternate between calling in-person speakers and remotely participating speakers, up to five at a time, until one group of speakers has been exhausted, at which point the remaining speakers will be called. As in-person speakers are called, they should line up in any order behind the podium and address the Commission one at a time.
4. Ceding Time: Ceding time is at the discretion of the Chair, to be determined no later than during the Agenda Discussion portion of the meeting. If allowed by the Chair, speakers can cede their time by designating the person they wish to yield their time to. Those ceding their time must identify a specific individual they are granting time to on the speaker card in the designated space, not an organization or group. The decision to cede time must be made prior to the item being called. Speakers with time ceded will gain an additional minute of time and, unless modified by the Chair prior to the item being called, is allowed a maximum of three cedes. The person ceding time cannot speak but must remain present until at least after the person to which they ceded time has finished speaking. If the speaker ceding their time leaves prior to the person receiving their time is able to speak, the person receiving time shall lose the time ceded. Remotely participating speakers ceding time shall be subject to these requirements to the extent feasible and applicable.
5. Addressing the Commission: Speakers shall not use profanity or hate speech of any kind. Commissioners and members of the public should address their questions or remarks to the Chair. Other members and City staff will respond to questions only when requested to do so by the Chair.
6. Removal of a Disruptive Person: The Chair may call for the removal of any person who commits the following acts after being warned of the following unacceptable actions:
 - a. Disorderly conduct that disrupts the due and orderly course of the meeting such as making noise, speaking out of turn, or otherwise refusing to comply with these Bylaws;
 - b. A breach of the peace, boisterous conduct or violent disturbance, tending to interrupt the due and orderly course of the meeting; or
 - c. Disobedience of any lawful order of the Chair, which shall include, but not be limited to, an order to be seated.
7. Translation: Speakers who need direct translation at the podium will have their time doubled, plus any ceded time.
8. Speaker Written Materials: Commenters who wish to submit written material at the hearing should bring a minimum of fifteen (15) copies to the hearing and provide them to the Secretary for distribution.

ARTICLE 12. AMENDMENT OF BYLAWS

These Bylaws may be altered or amended at any regular meeting of the Commission by a two-thirds vote of the members present at which a quorum exists; provided such proposed amendments are circulated in writing to all Planning Commissioners at least seventeen (17) calendar days prior to such meeting. These Bylaws shall not be amended by the Commission more frequently than twice per calendar year; however, Planning staff may introduce revisions to these Bylaws, with accompanying staff report, on an as needed basis. Any modifications to these Bylaws must be consistent with Planning Code provisions, Planning Bureau operational capabilities, and all applicable laws; if any conflict arises between the above and these Bylaws, the above shall control.