



Beverly Hills City Council Liaison / Planning Commission Committee will conduct a Special Meeting, at the following time and place, and will address the agenda listed below:

CITY OF BEVERLY HILLS
455 N. Rexford Drive
Beverly Hills, CA 90210

TELEPHONIC VIDEO CONFERENCE MEETING

Beverly Hills Liaison Committee Meeting
<https://beverlyhills-org.zoom.us/my/bhliaison>

Meeting ID: 312 522 4461

Passcode: 90210

You can also dial in by phone:

+1 669 900 9128 US

+1 888 788 0099

One tap mobile

+16699009128,,3125224461#,,,,*90210#

+18887880099,,3125224461#,,,,*90210# Toll-Free

Wednesday, May 26, 2021

5:00 PM

Pursuant to Executive Order N-25-20 members of the Beverly Hills City Council and staff may participate in this meeting via a teleconference. In the interest of maintaining appropriate social distancing, members of the public can view this meeting through live webcast at www.beverlyhills.org/live and on BH Channel 10 or 35 on Spectrum Cable, and can participate in the teleconference/video conference by using the link above. Written comments may be emailed to mayorandcitycouncil@beverlyhills.org.

AGENDA

- 1) Public Comment
 - a. Members of the public will be given the opportunity to directly address the Committee on any item listed on the agenda.
- 2) 331 North Oakhurst Drive
Discussion regarding Planning Commission hearing process
- 3) Adjournment

for 
Huma Ahmed
City Clerk

Posted: May 21, 2021

A DETAILED LIAISON AGENDA PACKET IS AVAILABLE FOR REVIEW AT
WWW.BEVERLYHILLS.ORG



Pursuant to the Americans with Disabilities Act, the City of Beverly Hills will make reasonable efforts to accommodate persons with disabilities. If you require special assistance, please call (310) 285-1014 (voice) or (310) 285-6881 (TTY). Providing at least forty-eight (48) hours advance notice will help to ensure availability of services.



M E M O R A N D U M
CITY OF BEVERLY HILLS

TO: City Council and Planning Commission Liaison Committee
FROM: Ryan Gohlich, AICP, Director of Community Development
DATE: May 26, 2021
SUBJECT: 331 North Oakhurst Drive
Discussion regarding Planning Commission hearing process

The purpose of this memo is to provide background information on a hearing held by the Planning Commission regarding a proposed single-family home on the property located at 331 North Oakhurst Drive. This information may serve as a guide for the Liaisons to discuss the hearing procedures followed by the Planning Commission.

Background. On March 11, 2021, the Planning Commission held a public hearing to consider a request for a Development Plan Review associated with the construction of a new single-family home located on an R-4 property at 331 North Oakhurst Drive. During the hearing the Commission deliberated the merits of the project and concluded that they could not make the necessary findings for project approval. Upon determining that the necessary findings could not be made, the Commission discussed the possibility of redesigning the project; however, the applicant (represented by the project architect) requested that the Commission deny the project (presumably to allow for an appeal). Accordingly, the Commission voted to direct staff to return with a denial resolution at the following Planning Commission meeting.

Following the vote to direct that a denial resolution be prepared the Commission took a brief recess. During the recess the project architect informed staff that he had spoken to his client and would like an opportunity to have the project continued to allow for redesign. The project architect was informed that he would have to make the request when the meeting resumed, and staff informed the Chair of the request so that it could be addressed upon resuming the meeting. When the meeting resumed the Chair opened the discussion with identifying the request for a continuance to allow for redesign, and also requested information from staff regarding the process for reconsidering an item. Staff explained the process for reconsideration, and the Commission ultimately voted to reconsider the item and continue it to a date uncertain, thus requiring new notice for any future hearings.

Reconsideration of Items. The process of reconsidering agenda items is set forth in the adopted Rules of Procedure for Commissions (Attachment 1 to this memo). Subsection 12.(d) of the Rules of Procedure states the following:

Motion to Reconsider. A motion to reconsider any action taken by the Commission at a meeting may be made only at the meeting such action was taken. It may be made either immediately or at a recessed or adjourned meeting. Such motion must be made by a Commissioner on the prevailing side, but may be seconded by any Commissioner and may be made at any time and have precedence over all other motions, or while a Commissioner has the floor. Such a motion shall be debatable.

Interested members of the public have raised concerns about the reconsideration of the Commission's decision since said members of the public had signed off of the meeting during the recess, and thus did not participate in the Commission's decision to reconsider and continue the project. Although the reconsideration process is utilized infrequently, the process followed by the Commission was consistent with the adopted Rules of Procedure as well as the Brown Act.

Next Steps. The Liaisons may provide comments or direction as appropriate.

ATTACHMENT 1

COMMISSION RULES OF PROCEDURE

RESOLUTION NO. 20-R-13267

RESOLUTION OF THE COUNCIL OF THE CITY OF
BEVERLY HILLS ESTABLISHING RULES OF
PROCEDURE FOR THE CITY'S COMMISSIONS

The City Council does hereby resolve, find, determine and declare as follows:

Section 1. GENERAL. The following rules of procedure shall govern all meetings of City of Beverly Hills Commissions. These rules serve as the Rules of Conduct and Procedure referenced in the Beverly Hills Municipal Code (BHMC 2-2-107A).

Section 2. MEETINGS. Each City of Beverly Hills Commission shall hold regular meetings at City Hall, 455 North Rexford Drive, Beverly Hills, California, and on such other days, and at such other times and places, as needed for a special meeting or adjourned formal meeting. A special meeting may be ordered by the Commission Chair or by a majority of members of the Commission. Each Commission shall establish the date and time of their regular meetings by adopting a resolution.

Section 3. AGENDA. All reports, resolutions, or other matters to be submitted to the Commission at a scheduled meeting shall be delivered to the Secretary of the Commission in the manner determined by the Secretary. City staff assigned to the Commission, in consultation with the Chairperson, shall prepare the agenda on all such matters and deliver, mail or email to each Commissioner a complete copy of such agenda. The agenda and all staff reports shall be available to the public in the office of the Secretary and/or in the Beverly Hills Public Library beginning 72 hours prior to the time of a regular meeting and 24 hours prior to the time of a special meeting; however, this requirement shall not preclude distribution of additional

information in advance of the meeting. Items may be placed on the agenda by City staff, by an affirmative vote of the City Council, or an affirmative vote of the Commission.

Section 4. RECORD OF HEARING. Any person may request a record of the hearing on any contested matter by notifying the Secretary 48 hours in advance of the meeting. The person requesting such record shall pay the cost thereof, and shall be entitled to a copy thereof. At the time of the written request for a record, a deposit of \$300 shall be made with the Secretary, and this amount shall be applied toward the cost of obtaining the record. When the total cost of preparation of the record has been ascertained, the person requesting the record shall pay the amount of the cost thereof within 48 hours after notification by the Secretary; provided further, that if the cost of the record is less than \$300, any amount in excess of the actual cost shall be refunded to the person making such request. The records provided for in this section shall be furnished by a certified court reporter designated by the Secretary. Although the recordings of Commission meetings are generally available on the City's website, any person may request an audio recording of the meeting. The person requesting such recording shall pay the cost thereof and shall be entitled to a copy thereof.

Section 5. CONSIDERATION AND DISPOSITION OF BUSINESS. All meetings of the Commission shall be open to the public; provided, however, in conformity with the provisions of the California State law, the public may be excluded from closed sessions. The business of the Commission shall be taken up for consideration and disposition at such public meetings and shall include but not be limited to the following:

1. Open Meeting
2. Pledge of Allegiance
3. Roll Call

4. Communications from the Audience
5. Approval of the Agenda
6. Consent Calendar
7. Reports from Priority Agencies
8. Continued Business
9. New Business / Public Hearings / Action Items
10. Study Session / Project Updates / Status Reports / Staff Reports / Quarterly Updates
11. Communications from the Commission
12. Communications from Staff
13. Adjournment

Section 6. DUTIES OF THE PRESIDING OFFICER. Except as otherwise provided by City Council direction, the Chair and Vice Chair shall serve for one year. A rotation progression of the Chair and Vice Chair positions shall be established based upon seniority of appointment to the commission, with rotations effective at the first meeting of each calendar or fiscal year as established by each Commission. The Chairperson, or in the Chairperson's absence, the Vice Chairperson, shall be the presiding officer. The Chairperson shall preserve strict order and decorum at all meetings of the Commission, state questions coming before the Commission, announce its decision on all subjects, and decide all questions of order, subject, however, to an appeal to the Commission as a whole, in which event a majority vote shall govern and conclusively determine such question of order. The Chairperson shall vote on all questions, and on roll call the Chairperson's name shall be called last.

The Chairperson shall sign all resolutions that are adopted by the Commission at meetings at which the Chairperson is in attendance. The Vice Chairperson shall sign resolutions

in the Chairperson's absence. In the absence of the Chairperson and the Vice Chairperson, the temporary Chairperson shall sign such resolutions as have been adopted during the formal meeting at which the temporary Chairperson presided.

Section 7. CALL TO ORDER – PRESIDING OFFICER. The Chairperson, or in the Chairperson's absence, the Vice Chairperson, shall take the Chair at the hour appointed for the meeting, and shall call the Commission to order. In the absence of the Chairperson and the Vice Chairperson, the Secretary or his/her assistant shall call the Commission to order, whereupon a temporary Chairperson shall be elected by the Commissioners present. Upon the arrival of the Chairperson or the Vice Chairperson, the temporary Chairperson shall relinquish the Chair at the conclusion of the business item then before the Commission.

Section 8. ROLL CALL. Before proceeding with the business of the Commission, the Secretary, or designee, shall call the roll of the Commissioners and the names of those present shall be entered in the minutes.

Section 9. QUORUM. A majority of the Commission shall constitute a quorum. A majority of such quorum is required to take action. Less than a quorum may adjourn from time to time. When there is no quorum for a meeting, the Chairperson, Vice Chairperson, or any Commissioner shall adjourn such meeting, or if no Commissioner is present the Secretary or his/her assistant shall adjourn the meeting.

Section 10. PREPARATION OF MINUTES. The minutes of the Commission shall be kept by the Secretary and shall be recorded in a book kept for that purpose, with a record of each particular type of business transacted set off in paragraphs, with proper subheads; provided that the Secretary shall be required to make a record only of such business as was actually passed upon by a vote of the Commission, and shall not be required to record any

remarks of Commissioners, or of any other person except at the special request of a Commissioner.

Section 11. READING OF MINUTES. Unless the reading of the minutes of a meeting is requested by a Commissioner, such minutes may be approved without reading if the Secretary has previously furnished each Commissioner with a copy thereof.

Section 12. RULES OF DEBATE.

(a) Presiding Officer May Debate and Vote. The Chairperson may move, second and debate from the chair, subject only to such limitations of debate as are by these rules imposed on all Commissioners, and shall not be deprived of any of the rights and privileges of a Commissioner by reason of acting as presiding officer.

(b) Getting the Floor – Improper References to be Avoided. Every Commissioner desiring to speak shall request permission from the Chair, and upon recognition by the Chair, shall confine the remarks to the question under debate. Each Commissioner shall treat each speaker and Commissioner with respect, avoiding all disparaging or derogatory personal remarks, indecorous language, and comments likely to bring disrespect to the Commission and to the City.

(c) Interruptions. A Commissioner once recognized shall not be interrupted when speaking unless he or she is called to order, or as herein otherwise provided. If a Commissioner, while speaking, is called to order, the Commissioner shall cease speaking until the question of order is determined, and if in order, the Commissioner shall be permitted to proceed.

(d) Motion to Reconsider. A motion to reconsider any action taken by the Commission at a meeting may be made only at the meeting such action was taken. It may be made either immediately or at a recessed or adjourned meeting. Such motion must be made by a

Commissioner on the prevailing side, but may be seconded by any Commissioner and may be made at any time and have precedence over all other motions, or while a Commissioner has the floor. Such a motion shall be debatable.

(e) Rules of Order. Except as otherwise provided in this Chapter, "Robert's Rules of Order, Newly Revised" shall govern the conduct of the meetings of the Commission.

Section 13. ADDRESSING THE COMMISSION.

(a) Any person desiring to address the Commission during a meeting shall first secure the permission of the Chair to do so; provided, however, that any qualified and interested person shall have the right to address the Commission upon obtaining recognition by the Chair concerning any matter on the agenda.

Section 14. MANNER OF ADDRESSING COMMISSION--TIME LIMIT.

(a) The Commission or Secretary shall request that each person addressing the Commission provide the Secretary with his/her name legibly written or printed. All remarks shall be addressed to the Commission as a body and not to any member thereof. Each person addressing the Commission shall first be recognized by the Chair; shall speak into the microphone in front of the rail (or at the microphone provided for audience comment if the meeting is not occurring in the City Council Chambers); shall provide his/her name and affiliation if appearing in a representative capacity; shall speak and address in an audible tone of voice for the record; and shall restrict comment to the time limits imposed by the Chair. No person other than a Commissioner and the person having the floor shall be permitted to enter into any discussion without the permission of the Chairperson.

(b) Whenever a group of persons wishes to address the Commission on the same subject matter, it shall be proper for the presiding officer to request that a spokesperson be chosen by the group to address the Commission, and in case additional matters are to be presented at the time by any other member of said group, to limit the number of persons so addressing the Commission, so as to avoid unnecessary repetition before the Commission.

(c) The presiding officer may establish a maximum time limit to limit the time within which each person may address the Commission. If the Commission limits time for public comment, the Commission shall provide at least twice the allotted time to a member of the public who utilizes a translator to ensure that non-English speakers receive the same opportunity to directly address the Commission; provided however that the foregoing shall not apply if the Commission utilizes simultaneous translation equipment in a manner that allows the Commission to hear the translated public testimony simultaneously.

Section 15. SILENCE CONSTITUTES VOTE WITH THE MAJORITY.

Unless a Commissioner states he or she is not voting, his or her silence shall be recorded as a vote with the majority.

Section 16. TIE VOTE. When the recorded vote of the Commission reflects a tie vote and the tie vote is the result of the absence of one or more Commissioners, the decision shall be continued to the next meeting.

Section 17. CHANGING VOTE. The vote of a Commissioner may be changed only if she or he makes a timely request to do so immediately following the announcement of the vote by the Secretary, or designee, and prior to the time that the next item in the order of business is taken up.

Section 18. DECORUM.

(a) By Commissioners. While the Commission is meeting, the Commissioners must preserve order and decorum, and no Commissioner shall, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Commission or disturb any Commissioner while speaking or refuse to obey the orders of the Commission or the Chairperson, except as otherwise herein provided.

(b) By Other Persons. Persons addressing the Commission should limit their comments to items that are within the jurisdiction of the Commission. Persons who interrupt the Commission's proceedings may, after warning from the Chairperson or Commission, be barred from further addressing the Commission at said meeting and shall be compelled to leave the meeting room, unless permission to continue or remain is granted by a majority vote of the Commission.

Section 19. ENFORCEMENT OF DECORUM. The Chief of Police shall be ex-officio Sergeant at Arms of the Commission.

Section 20. PERSONS AUTHORIZED TO BE WITHIN RAIL. No person, except City officials, their representatives, Commissioners, and representatives of news-gathering agencies shall be permitted within the rail in front of the meeting chamber without the consent of the Chairperson. If the meeting is not conducted in the City Council Chambers, then no person shall be allowed beyond the area provided for public comment to be received.

Section 21. MEMBERS MAY REQUEST ENTRY OF PROTEST AGAINST COMMISSION ACTION IN MINUTES. Any Commissioner, at his or her request, shall have the right to have the reasons for his or her dissent from or protest against any action of the Commission entered in the minutes.

Section 22. VOTING. A roll call vote shall be taken upon any item before the Commission involving the adoption of a resolution and shall be entered in the minutes of the Commission showing those Commissioners voting aye, those voting no and those not voting or absent. All other matters may be voted upon by voice vote or by general consent, except that upon request of any Commissioner, a roll call vote shall be taken and recorded on any vote.

Whenever a roll call vote of the Commission is in order, the Secretary shall call the names of the Commissioners in order of reverse seniority, except that the name of the Vice-Chairperson shall be called second to last and the name of the Chairperson shall be called last.

Section 23. DISQUALIFICATION FOR CONFLICT OF INTEREST. Any Commissioner who is disqualified from voting on a particular matter by reason of a conflict of interest shall publicly state or have the Presiding Officer state the nature of such disqualification in an open meeting. A Commissioner who is disqualified by reason of a conflict of interest in any matter that is not on the consent calendar shall not remain in his or her seat during the debate and vote on such matter and shall step down from the dais and leave the meeting room. A Commissioner stating such disqualification shall not be counted as part of a quorum and shall be considered absent for the purpose of determining the outcome of any vote on such matter.

Section 24. EX PARTE COMMUNICATIONS

(a) During the pendency of any quasi-judicial proceeding, no member of the Commission may engage in ex parte communications with applicants, appellants, or members of the public with respect to the matter which is the subject of the proceeding unless that member of the Commission places on the record the subject and substance of any written or oral ex-parte communication concerning the matter and the identity of the person, group, or entity with whom the communication took place.

(b) A member of the Commission may conduct site visits pertaining to a matter that is the subject of the proceeding. The site visit and any communications during the site visit with applicants, appellants, or members of the public with respect to the matter shall be disclosed in accordance with Section (a) of this Rule.

(c) Disclosures required by Section (a) and (b) of this Rule shall be made before public testimony on the matter has commenced so that persons will be given a reasonable opportunity to respond to the ex parte communication or site visit.

(d) All written communications on a matter before the Commission, including e-mails, should be sent to the Secretary of the Commission. Prior to the date of the hearing, the Secretary shall forward all Commissioners all written communications that the Secretary received no later than 72 hours preceding the Commission meeting. Late written communications will be placed on the dais prior to the commencement of the matter. However, the submittal of late written communications is highly discouraged. All written communications will be made part of the public record and will be available for public review prior to the commencement of the hearing, unless received during the course of the hearing.

Section 25. QUASI-JUDICIAL HEARINGS. The order for quasi-judicial hearings before applicable City Commissions is as follows:

1. Chair opens public hearing
2. Commissioners report any ex-parte communications
3. Staff presentation
4. Testimony from members of the public who wish to leave
5. Applicant team (including Applicant's hired Legislative Advocate)

6. Testimony from members of the public who stayed to listen to the Applicant's presentation.
7. Legislative Advocates (pro and con)
8. Applicant rebuttal or response
9. Public rebuttal or response
10. Chair asks applicant if it would like to rebut or respond to any new issues or evidence brought up by the public. If applicant does not wish to speak further on any new issues or evidence, then proceed to #12 (Commissioner questions).
11. If applicant speaks again, Chair asks the public if they would like to Rebut¹.
12. Commissioner Questions
13. Hearing is closed
14. Commissioner Comments and Deliberations
15. Motions

¹ After the public speaks, Chair should repeat steps 10 and 11 until applicant or the public indicates that they have had an opportunity to speak on all issues or evidence raised at the hearing. This process of rebuttal will repeat itself until one party or another has nothing to rebut.

Section 26. REPRESENTING THE COMMISSION. If a member of the commission who corresponds with the news media makes a presentation at a business or community meeting, or testifies before a reviewing authority within the City or at an outside governmental agency, and identifies himself or herself as a member of the Commission, the commissioner must also state that he or she is not speaking on behalf of the Commission in any

official capacity and is not representing the views or opinions of the City or the Commission, unless that member is providing such testimony as an official representative of the City as authorized by the Commission or City Council.

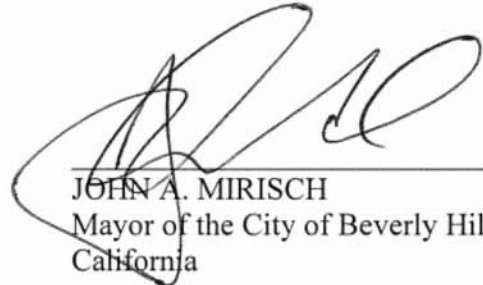
Section 27. INTERPRETATION AND MODIFICATION OF THESE RULES.

These rules shall be interpreted liberally in order to provide for the optimum in the free interchange of information and public debate without an unnecessary waste of time or duplication of effort. These rules may be amended by resolution of the City Council.

Section 28. The City Clerk shall certify to the adoption of this resolution and shall cause this resolution and her certification to be entered into the Book of Resolutions of the Council of this City.

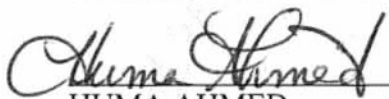
Section 29. This resolution shall become effective and in full force and effect at 12:01 a.m. on February 29, 2020.

Adopted: January 9, 2020



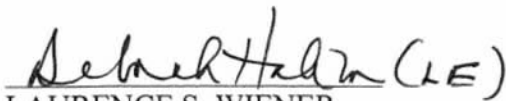
JOHN A. MIRISCH
Mayor of the City of Beverly Hills,
California

ATTEST:



(SEAL)
HUMA AHMED
City Clerk

APPROVED AS TO FORM:



LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:



GEORGE CHAVEZ
City Manager