



LOS ANGELES DEPARTMENT OF CITY
PLANNING
COMMISSION OFFICE

CULTURAL HERITAGE COMMISSION

**RULES AND
OPERATING
PROCEDURES**

Adopted 07/05/2018

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PREAMBLE

These rules and operating procedures are adopted to assist the Commission in conducting City business consistent with law.

Meetings of the Commission are conducted according to these Rules and Operating Procedures and as modified by the Commission from time to time. To the extent possible, parliamentary formality and detail are avoided for the benefit of all concerned. However, Robert's Rules of Order Revised may be referred to and used for guidance, interpretation, or to supplement these Rules.

I ELECTION OF OFFICERS

- 1.1 During its last regular meeting in July of each year, the Cultural Heritage Commission (Commission) shall elect a President and Vice President, who shall serve until the next last regular meeting date in July, or until a successor has been elected. The President shall be the presiding officer of the Commission and Chair the Meetings of the Commission. The Vice President of the Commission shall act as the presiding officer and Chair in the absence of the President of the Commission.

2 MEETING DAYS AND TIMES

- 2.1 All meetings of the Commission are open to the public; the Commission meets regularly every first and third Thursdays of the month.

Regular meetings are held at City Hall in Downtown Los Angeles on the first and third Thursdays of the month at 10:00 a.m. As a convenience to the public, the Commission from time to time may hold special meetings in other locations of the City, depending upon the agenda item or items before it.

From time to time, the Commission Secretary may notice a different location or start time as operational needs require, and without prior approval from the Commission.

- 2.2 Meetings shall commence promptly at 10:00 a.m., depending upon the location, as soon as a quorum is achieved. In the absence of both the President and Vice President, the quorum present shall select a Member to act as Chair until the President or Vice President arrives.

3 QUORUM, MAJORITY AND ATTENDANCE

- 3.1 The presence of three Members of the Commission shall constitute a quorum of the Commission. Three votes shall constitute a majority of the Commission.
- 3.2 The Commission Secretary shall attend all meetings of the Commission and shall keep a record of the proceedings and transactions, specifying the names of the Commission Members (Members) at all meetings and the ayes and noes upon all votes.

- 3.3 Members shall advise the Commission President, or the Commission Secretary, as early as possible in advance of expected absences, late arrivals and early departures from the meetings.

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AGENDA AND ORDER OF BUSINESS

- 4.1 The Commission shall have the power to set its own agenda. However, agenda scheduling is delegated to the Commission Secretary.
- 4.2 The Agenda shall contain, in addition to information pertinent to a specific meeting, sufficient information as the public may require to follow the proceedings of the meeting and other information regarding the policy for designated public hearings, public comment, and continuations.
- 4.3 To ensure that the Commission has ample opportunity to review written materials, members of the public who wish to submit written materials on agendized items should comply with the following:
- a. **Initial Submissions.** All written materials not limited as to volume, must be received by the Commission Secretary no later than by 4:00 p.m. on the Thursday prior to the week of the Commission meeting. Materials must be delivered electronically to chc@lacity.org and three (3) copies must be delivered or mailed to the Commission Secretary at **200 North Spring Street, Room 272, Los Angeles, 90012**.
 - b. **Secondary Submissions.** All materials in response to a Staff Recommendation Report or additional comments must be received electronically no later than 24-hours before the Commission meeting. Submissions shall not exceed ten (10) pages, including exhibits, and must be submitted electronically to chc@lacity.org. Photographs do not count toward the page limitation.
 - c. **PowerPoint Presentations.** Presentations by applicants or property owners related to an agenda item, their representatives or preparers, must be received electronically via email to chc@lacity.org or delivered in a USB flash drive, no later than 24-hours before the Commission meeting.
 - d. **Day of hearing Submissions.** All submissions within 24-hours of the meeting, up to and including the day of the meeting, must be a hard copy submission. **Electronic submissions will not be accepted within 24-hours.** Submissions may not be more than two (2) written pages,

including exhibits, and must include the case and agenda item number on the cover or on the first page. Photographs do not count toward the page limitation. Twelve (12) copies of the submission must be given to the Commission Secretary prior to the start of the meeting who will distribute them to the Commission.

- e. **Non-complying Submissions.** Submissions that do not comply with these submittal rules will be stamped “**File Copy. Non-complying Submission.**” Non-complying submissions will be placed into the official case file, but they will not be delivered to, distributed or considered by the Commission, and will not be included in the official administrative record for the item at issue.
- f. A limited exception to the electronic submission requirement will be granted to those individual members of the public who do not have access to a computer or e-mail.

4.4 The usual order of business shall be:

- a. **Director’s Report and Commission Business –** The Director of Planning, or his/her designated representative, shall report to the Commission concerning the events since the last meeting and other matters of interest.

An update from the City Attorney on various legal issues and an update from the Director of Planning or his/her representative concerning the Los Angeles Unified Historic Schools Investment Fund Board may also be included. The Commission can also review and advise on proposed Historic-Cultural Monument Plaque artwork.

Generally, the Advanced Calendar and minutes are reviewed, requests may be made by the Commission, commendations are presented, and correspondence is received and assigned by the Commission President to Staff for response or scheduling for a future agenda.

- b. **Neighborhood Council Presentation –** An authorized Neighborhood Council Representative may present the formal position of his/her Neighborhood Council pursuant to requirements set forth in the Los Angeles Administrative Code.

- c. **General Public Comment** – Members of the public may speak on non-agenda items of interest that are within the subject matter jurisdiction of the Commission.
- d. **Items related to Historic Preservation Overlay Zones.**
- e. **Items related to existing Historic-Cultural Monuments.**
- f. **Items related to proposed designations.**

The Commission shall take up each item on the Agenda until all business is completed, unless a quorum is lost.

- 4.5 The Agenda for each regular meeting of the Commission shall be posted at least 72 hours before the meeting. It shall contain the meeting date, time and location, and a brief general description of each item of business to be transacted or discussed at the meeting. No other business may be considered except as otherwise provided by law.

Exceptions to the 72-hour agenda posting requirement when the Commission may take an action on item(s) of business not listed on the agenda are as follows:

- a. If it makes a determination that an emergency situation exists; and
- b. If it makes a determination that the need to take action arose subsequent to the Agenda being posted.

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SPECIAL MEETINGS, EMERGENCY MEETINGS

- 5.1 A “special” meeting of the Commission may be called by the Commission President, or by a majority of the Commission, for a specific purpose. No other business may be discussed.

A 24-hour posting of written notice and delivery of the notice to Commission Members and news media (having requested notice of special meetings) is required.

- 5.2 An “emergency” meeting, as a result of a major disaster or work stoppage or other activity which severely impairs public health, safety, or both, as determined by a majority of the Commission, may be called.

No posting or notice shall be required, except that a one-hour prior notification to the news media (having requested notice of special or emergency meetings) be made by telephone.

Following such emergency meeting, a list of persons attempted to be notified and the Minutes of such meeting shall be posted as soon after the meeting as possible, and shall remain posted for a minimum of ten days.

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GENERAL PUBLIC COMMENT

- 6.1 The Commission shall provide an opportunity in open meetings for the public to address it, for a cumulative total of up to thirty (30) minutes, on items of interest to the public that are within the subject matter jurisdiction of the Commission. This requirement is in addition to any other hearing required or imposed by law. Persons wishing to speak during General Public Comment must complete and submit a speaker's request form to the Commission Secretary prior to the commencement of the General Public Comment period.

Individual testimony within the General Public Comment period shall be limited at the discretion of the Commission President, for a time period between one (1) and two (2) minutes per person.

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PUBLIC HEARINGS

- 7.1 At times, the Commission must necessarily limit the speaking times of those presenting testimony on either side of a subject that is designated as a public hearing agenda item. In all instances, however, equal time shall be allowed for presentation of pros and cons of agenda items to be acted upon.

Notwithstanding the above, the Commission President may, at his/her discretion allocate the number of speakers per subject, the time allotted each subject, and the time allotted each speaker.

- 7.2 Every person wishing to address the Commission must complete a speaker's request form and submit it to the Commission Secretary prior to addressing the Commission.
- 7.3 No person shall be permitted to interrupt Commission Members during a Commission meeting and no person or group of persons shall be allowed to disrupt a Commission meeting.

In the event that any meeting is willfully interrupted by a person or a group of persons so as to render the orderly conduct of the meeting unfeasible and order cannot be restored by the removal of the individuals who are willfully interrupting the meeting, the Commission may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in this section shall prohibit the legislative body from establishing a procedure for readmitting an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting.

- 7.4 To the extent not already required by the Los Angeles Municipal Code, the Commission President may at his/her discretion hold a single public hearing for multiple agenda items that are related to the same property owner, or applicant.
- 7.5 Prior to the hearing, a written report will be prepared by the Department staff summarizing the department's recommendations on the agenda item.
- 7.6 The Commission will hear testimony from various parties regarding proposed designations. Speakers will be requested to state their name and to briefly state the reasons or findings in support or opposition to the agenda item or to state general comments related to the matter at hand.
- 7.7 Staff from the Department of City Planning, Office of Historic Resources will summarize the Department's recommendation on the agenda item. The Commission will afford equal time to speak to those in opposition and in support of the agenda item. The speaking order shall be as follows:
 - a. The applicant, and/or their representative (i.e. preparers) in support of the application or designation will be invited to speak. (Department staff will present on Council, Commission or Director-initiated applications).
 - b. The property owner or their representative, if in opposition to the application or designation will be given an amount of time equal to the applicant.
 - c. Public comment by those in support of the application or designation will be given 1 to 2 minutes to speak.

- d. Public comment by those in opposition of the application or designation will be given 1 to 2 minutes to speak.
- e. Other City or government agency representatives.

The Commission may ask follow up questions as deemed necessary. After the testimony has been received, the hearing will be closed and the Commission will deliberate and render a decision. The Commission reserves the right to deviate from this process when it deems necessary.

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COMMISSION ACTIONS, EXTENSIONS OF TIME AND CONTINUATIONS

- 8.1 **Commission Action** – A Commission Action is a decision adopted by a majority of the Commission (three votes). After a motion is made and seconded, Members who are present shall vote at the call of the roll. In the event a Member who is present fails to vote either “yes” or “no,” that Member shall be deemed to have voted “yes,” and the Member’s vote shall be so recorded.

A Commission Action or transmittal of a Commission Action shall be signed by the Commission Secretary or Commission Office Manager and is an integral part of the minutes.

- 8.2 **Voting** – A Member is not qualified to participate in, or be present for, a vote on an agenda item unless the Member was present for the entire hearing before the Commission, or has listened to the audio recordings of the prior relevant proceedings prior to his or her participation in a vote. A Member does not need to have been present, but must have listened to the audio recordings of a prior hearing where the Commission voted to take a proposed designation under consideration, in order to participate in the vote related to the final designation of a property.

If an agenda item is continued to, or scheduled for a motion to reconsider at a future meeting, a Member who was absent from any portion of the Commission hearing on the agenda item when it was initially considered may participate in a subsequent vote provided he or she has listened to the audio recordings of the prior relevant proceedings.

- 8.3 **New Applications for Previously-Declined Nominations** – A new application for a previously-declined nomination may not be placed on the agenda unless a Commission committee determines that one or both of the following events have occurred:

- a. Substantial new historic information has been documented which makes the latest application materially different from the previous application.
- b. Subsequent architectural rehabilitation which meets the U.S. Secretary of the Interior’s Standards for Rehabilitation has been completed.

Notwithstanding, the Commission shall act upon any application initiated by the City Council regardless of the above provisions.

- 8.4. **Continuances** – The Commission may continue an item for a stated purpose to another day, or may continue an item at the request of staff, or the Council office affected, if that date is within legal time limits and the Commission has not lost jurisdiction to act.
- 8.5 **Extensions of Time to Act** – The time limit to take a proposed designation under consideration may be extended by mutual consent of the applicant, property owner and the Director or Commission. The time limit to make a final determination on a proposed designation may be extended with written consent of the owner by an additional 60 days.
- 8.6 **Failure to Act** – A Failure to Act is when a majority of the Commission (3 votes) fails to approve or reject an agenda item. In that event, the Commission may deliberate further and take a new vote at the same meeting. If the Commission has not, either by a provision in the Los Angeles Municipal Code or by the passage of time, lost the power to act on that item, the agenda item shall be continued to the next regular meeting unless a majority of the Commission votes to continue that item beyond the next regular meeting.
- 8.6 If a Commission meeting is canceled or adjourned due to lack of quorum, all remaining agenda items shall be continued to the next regular meeting as long as the continuance is within the legal time limits of the case or cases.

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RULES

- 9.1 An affirmative vote of the majority of the Commission shall be necessary to amend these rules.
- 9.2 A copy of these Rules and Operating Procedures shall be available for public review at the Public Counters of the Planning Department and at the Commission Office.

10 COMMITTEES

- 10.1 The President shall appoint Members to subcommittees as required.

A Member of a committee shall provide verbal status reports as deemed appropriate. The committee shall report final findings and/or recommendations to the Commission at the conclusion of the assignment.

11 MINUTES

- 11.1 The Minutes for each Commission meeting shall be signed by the Commission President, and Commission Secretary, or by two Members of the Commission and the Commission Secretary, after approval of the Minutes by the Commission. Correction to the Minutes shall be as directed by a Commission Action.

Meetings are recorded to provide a record of the audio portion of all meetings. The audio for each meeting is available online within 2 to 3 business days of the meeting.

12 EX PARTE COMMUNICATIONS

- 12.1 Each member of the Commission shall accord to every person who has an interest in the proceedings the full right to be heard according to the law.
- 12.2 No member of the public, including applicants, preparers or property owners related to matters pending before the Commission shall initiate, permit, or consider private, ex parte communications unless the Commissioner is recused from the proceeding.
- 12.3 Notwithstanding the foregoing, when circumstances require it, a Member of the Commission may permit otherwise unauthorized ex parte communication for scheduling, administrative, or emergency purposes, but only if the communication does not address substantive matters and no one will gain a procedural, substantive, or tactical advantage as a result of the communication.

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