

BYLAWS
BOARD OF ADJUSTMENT/DESIGN REVIEW BOARD
CITY OF LAGUNA BEACH, CALIFORNIA

Section 1. Title

The official title of the body is the City of Laguna Beach "Board of Adjustment/Design Review Board" and is referred to as the "Board" in these Bylaws.

Section 2. Responsibilities

- A. The Board shall perform the duties assigned to it as specified in the Municipal Code of the City of Laguna Beach and in resolutions adopted by the City Council.
- B. The Board shall perform such other duties as may be assigned to it by the City Council.

Section 3. Membership and Terms

- A. The Board consists of five members, appointed by the City Council. Unless otherwise determined by the City Council, each member of the Board shall serve a term of two years. Members of the Board shall not serve more than four consecutive two-year terms with a mandatory two-year break thereafter before reappointment.
- B. Temporary Alternates: If a current Board member becomes unable to serve on the Board due to unavoidable illness or prolonged absence, the City Council may appoint a temporary alternate to serve in place of said Board member. This temporary alternate shall occupy the position only until the affected Board member is able to resume their responsibilities or until expiration of said Board member's term, whichever occurs first.
 - i. To ensure a thorough understanding of Board procedures and facilitate the uninterrupted conduct of Board affairs, eligibility to serve as a temporary alternate under this section shall be limited to individuals who have served as Board members previously. The City Council may appoint a candidate without previous Board experience, however, if the City Council determines such appointment is more beneficial for the City's interests.
 - ii. Given the temporary nature of this role, the standard term limits set forth in Section 3(A) of the Bylaws shall not preclude former Board members from being appointed as temporary alternates.
 - iii. The alternate Board member has all of the powers and duties of the absent Board member until the absent Board member returns or at conclusion of the absent Board member's term, whichever occurs first.

Section 4. Officers

- A. The officers of the Board shall be:
 - 1. The **Chair** shall preside at all meetings and hearings of the Board; call special

meetings; and sign documents in accordance with these Bylaws and as prescribed by the Municipal Code.

2. The **Chair Pro Tem** shall perform all duties of the Chair in his or her absence.
3. The Director of the Community Development Department or his or her designee shall serve as the Secretary. The **Secretary** shall keep a written record of all business transacted by the Board, prepare the Agenda for regular and special meetings, arrange for proper and legal notice of hearings, attend to correspondence of the Board and perform such other duties as are normally carried out by a Secretary.

B. Annual Election Meeting:

The election of a Chair and Chair Pro Tem shall be conducted at the first Board meeting held in April of each year. The newly elected officers shall assume office immediately for a period of one year. No member shall occupy the office of Chair or Chair Pro Tem for more than two consecutive years.

If the Chair vacates his or her position at any time during the term of office, the Chair Pro Tem shall assume the duties of the Chair until the next scheduled election and a new Chair Pro Tem shall be selected at the next scheduled meeting.

Section 5. Advisers

The Chair may, with the consent of the majority of the Board, request the attendance at Board meetings of any officer or employee of the City to assist the Board in its deliberations in an advisory capacity.

Section 6. Meetings

- A. **Location:** Unless held virtually, the Board shall hold all of its meetings, whether the same shall be a regular or special meeting or study session, in the Council Chambers in the City Hall Building, 505 Forest Avenue, Laguna Beach, or in any such other place after notice duly given, within the corporate limits of the City.
- B. **Regular Meetings:** Regular meetings shall generally be held on the second and fourth Thursday evenings of the month at 5:00 P.M. in the Council Chambers. The Board shall, on an annual basis, designate its regular meetings for the ensuing year.
- C. **Adjourned Meetings:** Any regular meeting may be adjourned to a designated date, time and place and, when so adjourned, shall be considered as an adjourned regular meeting, and the agenda shall be the unfinished items of business on the same agenda as the meeting at which the adjournment took place. Any meeting may be adjourned from time to time by a majority vote of the members present.
- D. **Meetings on Holidays:** Meetings shall not be held on holidays. When a regular meeting falls on a holiday, the meeting generally shall be held on the next Thursday that is a normal business day. In any event, all rescheduled meetings shall be noticed as appropriate and/or required.

- E. **Special Meetings:** Special meetings may be called by the Chair or by two or more members of the Board by submitting a written and signed request to the Secretary specifying the time, place and purpose of such meeting as required by State law. The Secretary, upon receipt of the request, shall immediately notify the other members of the Board and comply with applicable requirements of the Ralph M. Brown Act.
- F. **Cancellation of Meetings:** Meetings may, for good and valid reasons, be canceled by the Chair or City staff upon such notification as may be reasonable and appropriate under the circumstances. -Such notice shall state the reasons for cancellation and set forth the date to which the meeting has been continued and/or adjourned.
- G. **Attendance:** Regular attendance at meetings of the Board is required of all members to enable the Board to discharge the duties imposed upon it by law.

Each Board member who knows that he or she will not be able to attend a scheduled meeting of the Board due to illness or an unavoidable absence shall notify the Zoning Administrator or Secretary and the Chair at the earliest possible opportunity. The Zoning Administrator or Secretary shall notify the Chair in the event that the projected absences will produce a lack of quorum. Members shall not be absent from more than three meetings during a 12-month period; and upon the fourth absence within such a 12-month period, the matter will be placed on the City Council's agenda for consideration and action as may be appropriate.

- H. **Quorum:** At any meeting of the Board, a majority of the members of the Board shall constitute a quorum for the transaction of business. In the event there is not a quorum at a Board meeting, the Chair shall promptly adjourn such meeting to the next regular meeting or to a date certain.
- I. **Parliamentary Procedure:** Except as otherwise provided by these Bylaws or the Municipal Code, Robert's Rules of Order shall govern the conduct of the proceedings of the Board to the extent feasible and appropriate. No proceeding or action of the Board shall be invalidated, or the legality thereof affected, by the failure or omission to observe or follow such rules of procedure.
- J. **Workshop and Study Sessions:** Study sessions or workshops of the Board may be held at such time and place as may be established from time to time by a majority of the members of the Board. Items on the current or future agendas may be reviewed at such time. Field trips to the locations of those items under consideration may be conducted to better familiarize the Board members with the conditions involved with these matters. Notice of the time and place of study sessions and workshops shall be given in compliance with the provisions of the Ralph M. Brown Act.
- I. **Site Visits:** When a proposed project has the potential to create view equity, visual or privacy impacts, members of the Board shall, prior to the meeting at which the project will be considered, visit the project site and neighboring properties that may be adversely affected by the project. Any Board member who is unable to visit an impacted property should abstain from participating in consideration of and action on the project application, unless the reason for not visiting the site is because the Board member was not provided access by the property owner or unless the Board member was able to assess the view visual or privacy issue from another vantage point.

Section 7. Liaison with Council

The Board shall endeavor to hold a meeting with the City Council annually. Other procedures also may be used to maintain liaison with the City Council, as deemed necessary by the Board or as requested by the City Council.

Section 8. Voting Procedures

The Chair, Chair Pro Tern and each Board member shall be entitled to cast one vote as to each motion.

- A. **Proxy Votes:** No proxy votes are permitted.
- B. **Voting:** The voting shall be by a voice vote, unless the Chair determines a roll call vote is necessary for the clarity of the voting record. In any event, the results of each vote shall be announced in compliance with the provisions of the Ralph M. Brown Act.
- C. **Majority Vote:** A majority of the members of the Board present and voting is required to pass a motion: however, three affirmative votes shall be required to adopt a resolution. In the event of a tie vote, the motion is deemed to have failed. In the event of a tie vote, the Chair shall offer the applicant an opportunity to continue the matter to a future hearing at which a qualified fifth member of the Board will be present, unless the vote occurs at a third hearing.

Section 9. Board Agenda

- A. Order of Business: The normal order of business for all meetings shall be as follows:
 - 1. Call to Order
 - 2. Roll Call
 - 3. Public Communication (matters not on the agenda)
 - 4. Consent Calendar - Any item that staff believes does not require deliberation may be placed on the Consent Calendar. Any Design Review Board member or any member of the public may, remove any item from the Consent Calendar by oral request prior to a vote on the Consent Calendar. After all requests for removal have been made, the Consent Calendar shall be voted on as a single item. A majority vote for approval of the Consent Calendar shall constitute the approval of each item thereon. Each removed item shall then be considered and voted on individually.
 - 5. Public Hearings
 - 6. Approval of Minutes
 - 7. Department and Board Member Reports
 - 8. Adjournment

B. Order of Public Hearings:

1. Introduction of item by the Chair.
 - a. Item Number
 - b. Project Address
 - c. Application Number(s)
 - d. Ex-Parte Communication and Disclosures by each Board member
2. Summary presentation by the Staff.
 - a. Project Overview
 - b. Staff Recommendation
3. Questions of the staff by the Board.
 - a. Questions should be informative inquiry for understanding of project case, analysis, findings, etc.
 - b. Chair will acknowledge each Board member for questions about staff report or project clarification.
 - c. Once all Board member questions have been addressed, the Board will proceed to the public hearing.
4. Public Hearing declared open.

Each person testifying should be invited, but shall not be required, to give his or her name, address and/or affiliation (if any) for the public record in order to assess the credibility and weight of the testimony provided. All comments shall pertain to the item under consideration and shall be directed to the Board.

- a. Comments by the applicant or the applicant's representative.
 1. Allow five minutes to present the project. The applicant team consists of the property owner, design professional, attorney, etc.

The Chair may allow additional time at the request of the applicant.
- b. Comments by the public.
 1. Speakers not affiliated with the applicant will be given three minutes each to address the Board. The Chair may allow additional time at the request of the speaker.

11. The Chair may ask for Board consensus to reduce time for comments before opening a public hearing depending on the number of persons wishing to speak.
- c. Response to comments by the applicant or the applicant's representative.
 1. Allow three minutes to comment, rebut, or clarify. The Chair may allow additional time at the request of the applicant.
5. Board member questions to applicant and/or speakers. (Chair surveys Board members for questions).
 - a. Chair will acknowledge each Board member for individual questions directed to the applicant team regarding the understanding of the project.
 1. Questions should be of an informative inquiry for the Board or public's understanding of the project, specific in nature to gain clarity.
 - b. Once all Board members and Chair have their questions acknowledged the Chair will ask for any further questions of the applicant before moving on.
 - c. If material new information is disclosed as a result of answers to the questions, the Chair may allow additional public comments limited to such new information.
6. Public Hearing declared closed. (Chair or Board members will move to close the public hearing)
7. Board discussion and deliberations.
 - a. Chair will open the floor for Board comments, discussion, and deliberation:
 - I. Voluntary or as directed by the Chair, each Board member will be given the floor to express his or her views on the project, for its merits, issues, concerns, and overall compliance with development standards.
 - II. Board members shall state the reasons for their articulated positions by reference to specific facts and the standards relied upon.
 - III. The Chair will summarize Board comments and note items for further deliberation and discussion.
 - IV. Once all items have been addressed by the Board and summarized the Board moves to Board actions or call for a motion.
8. Board action.

- a. Either the Chair or Board members may make a motion that includes required findings and the factual basis for those findings. Supporters of the motion may propose additional findings and/or facts in support of findings subject to majority approval
- b. Voting on the final versions of a motion shall be done by voice initially and with an expressed Board alignment on a motion. The Chair will direct staff to confirm voting via a roll call.

Section 10. Code of Conduct

- A. All members shall regularly attend all scheduled meetings of the Board.
- B. Members shall adequately prepare for each meeting by reviewing submitted plans and staff reports and visiting project sites.
- C. Members shall allow citizens, colleagues and staff sufficient opportunity to present their views, within the prescribed rules for conduct of the meetings.
- D. The Board shall abide by City Council Resolution No. 19.059 (Rules of Decorum and Civility Policy).

Section 11. Code of Ethics

- A. Members of the Board shall serve the public by making decisions and taking actions that will protect and enhance the public health, safety and general welfare of the citizens of Laguna Beach and that promote public confidence in the integrity, independence, ability and impartiality of the Board.
- B. Members of the Board shall not convey the impression that they are in a position to influence the outcome of a decision of the Board and shall not use their office in an attempt to influence or sway the analysis, comments or recommendations of the City staff.
- C. Members of the Board shall act without favor or prejudice toward any person or group. Members shall not allow personal, business, or financial relationships or interests to influence or impact their conduct or decisions in connection with Board business.

Section 12. Purpose and Effect of Bylaws

These Bylaws are intended as guidelines for the conduct of the Board's business. No decision proceeding or other action of the Board shall be validated, or the legality thereof otherwise affected, by a failure or omission to observe or follow these Bylaws.

Section 13. Amendment of Rules

These Bylaws may be amended by a majority vote of the members of the Board and ratification by the City Council.