

AGENDA
REGULAR MEETING OF THE CITY OF SUISUN CITY
PLANNING COMMISSION
6:00 P.M., FEBRUARY 23, 2021

COUNCIL CHAMBERS
701 CIVIC CENTER BOULEVARD
SUISUN CITY, CALIFORNIA 94585

*DUE TO CORONAVIRUS COVID-19 RESIDENTS ARE ENCOURAGED
TO ATTEND THE PLANNING COMMISSION MEETING VIA THE APPLICATION, ZOOM.
ZOOM MEETING INFORMATION:*

WEBSITE: <https://zoom.us/join>
MEETING ID: 839 5181 4472
CALL IN PHONE NUMBER: (707) 438-1720

*TO VIEW THE MEETING ON THE SUISUN CITY WEBSITE, LIVESTREAM
(URL: <https://www.suisun.com/government/meeting-video/>)*

*REMOTE PUBLIC COMMENT IS AVAILABLE FOR THE PLANNING COMMISSION MEETING
BY EMAILING JKEARNS@SUISUN.COM (PRIOR TO 5:30PM) OR
VIA WEBSITE OR PHONE APPLICATION, ZOOM*

Next Resolution No. PC21-02

1. CALL TO ORDER.

2. ROLL CALL:

Chairperson Rowe
Vice-Chairperson Adams
Commissioner Borja
Commissioner Pooni
Commissioner Tewari
Commissioner Theriault
Commissioner Zeiss

Pledge of Allegiance
Invocation

3. APPROVAL OF AGENDA:

Approval of Planning Commission agenda of February 23, 2021.

4. APPROVAL OF MINUTES:

Approval of Planning Commission minutes of February 9, 2021.

5. PUBLIC COMMENT:

This is a time for public comments for items that are not listed on this agenda. Comments should be brief. If you have an item that will require extended discussion, please request the item be scheduled on a future agenda.

6. CONFLICT OF INTEREST NOTIFICATION:

(Any items on this agenda that might be a conflict of interest to any Commissioner should be identified at this time.)

7. CONSENT CALENDAR: NONE

8. CONTINUED ITEMS: NONE

9. PUBLIC HEARINGS: NONE

For each of the following items, the public will be given an opportunity to speak. After a Staff Report, the Chair will open the Public Hearing. At that time, the applicant will be allowed to make a presentation. Members of the public will then be allowed to speak. After all have spoken, the applicant is allowed to respond to issues raised by the public, after which the Public Hearing is normally closed. Comments should be brief and to the point. The Chair reserves the right to limit repetitious or non-related comments. The public is reminded that all decisions of the Planning Commission are appealable to the City Council by filing a written Notice of Appeal with the City Clerk within ten (10) calendar days.

10. INFORMATIONAL ITEMS:

A. Nuts and Bolts of Planning and Environmental Review Workshop.

B. Projects Update.

11. GENERAL BUSINESS:

A. Discussion and Direction: Planning Commission Bylaws.

12. REPORTS BY STAFF AND PLANNING COMMISSION:

A. Staff

B. Planning Commission

13. AGENDA FORECAST / FUTURE AGENDA ITEMS.

A. Staff

B. Planning Commission

14. ADJOURNMENT.

MINUTES
REGULAR MEETING OF THE CITY OF SUISUN CITY
PLANNING COMMISSION
6:00 P.M., FEBRUARY 9, 2021

COUNCIL CHAMBERS
701 CIVIC CENTER BOULEVARD
SUISUN CITY, CALIFORNIA 94585

*DUE TO CORONAVIRUS COVID-19 RESIDENTS ARE ENCOURAGED
TO ATTEND THE PLANNING COMMISSION MEETING VIA THE APPLICATION, ZOOM.
ZOOM MEETING INFORMATION:*

WEBSITE: <https://zoom.us/join>
MEETING ID: 846 2844 3869
CALL IN PHONE NUMBER: (707) 438-1720

*TO VIEW THE MEETING ON THE SUISUN CITY WEBSITE, LIVESTREAM
(URL: <https://www.suisun.com/government/meeting-video/>)*

*REMOTE PUBLIC COMMENT IS AVAILABLE FOR THE PLANNING COMMISSION MEETING
BY EMAILING JKEARNS@SUISUN.COM (PRIOR TO 5:30 PM) OR
VIA WEBSITE OR PHONE APPLICATION, ZOOM*

1. CALL TO ORDER.

Vice-Chair Garry Rowe called the meeting to order at 6:00 PM

2. ROLL CALL:

Commissioners Present:

Vice-Chair - Garry Rowe
Commissioner- Anthony Adams
Commissioner - Angel Borja
Commissioner- Jessie Pooni
Commissioner- Vinay Tewari
Commissioner- K. Emi Theriault
Commissioner- Michael Zeiss

Commissioners Absent:

None

Pledge of Allegiance – Vice-Chair Garry Rowe
Invocation – John Kearns

3. ELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON

Commissioner Adams motioned to nominate Commissioner Rowe for Chairperson. Motion died for lack of second.

Commissioner Zeiss motioned to nominate Commissioner Rowe for Chairperson and Commissioner Adams for Vice-Chairperson, Commissioner Borja seconded motion.

Motion passed by the following vote:

Ayes- Commissioners: Adams, Borja, Pooni, Rowe, Tewari, Theriault, Zeiss

Meting was turned over to Chairperson Garry Rowe.

4. APPROVAL OF AGENDA:

Approval of Planning Commission agenda of February 9, 2021.

Commissioner Adams motioned to approve the agenda, Commissioner Borja seconded the motion.

Motion passed by the following vote:

Ayes: Commissioners: Adams, Borja, Pooni, Rowe, Tewari, Theriault

Abstain: Commissioners: Zeiss

5. APPROVAL OF MINUTES:

Approval of Planning Commission minutes of November 10, 2020.

Commissioner Zeiss stated that agenda item 9 on the minutes did not mention presentations by John Kearns and the applicant and there is a typo on page 3.

Commissioner Rowe motioned to approve the minutes with correction presented by Commissioner Zeiss. Commissioner Borja seconded the motion. Motion passed by the following vote:

Ayes: Commissioners: Adams, Borja, Pooni, Rowe, Tewari, Zeiss

Abstain: Commissioners: Theriault

6. PUBLIC COMMENT:

This is a time for public comments for items that are not listed on this agenda. Comments should be brief. If you have an item that will require extended discussion, please request the item be scheduled on a future agenda.

City Manager Folsom welcomed new commissioners, introduced John Kearns, Senior Planner and Donna Pock, Deputy City Clerk

Steve Olry commented on concerns of bringing affordable housing to Suisun City, home ownership or rental housing.

7. CONFLICT OF INTEREST NOTIFICATION: NONE

(Any items on this agenda that might be a conflict of interest to any Commissioner should be identified at this time.)

8. CONSENT CALENDAR: NONE

9. CONTINUED ITEMS: NONE

10. PUBLIC HEARINGS: NONE

For each of the following items, the public will be given an opportunity to speak. After a Staff Report, the Chair will open the Public Hearing. At that time, the applicant will be allowed to make a presentation. Members of the public will then be allowed to speak. After all, have spoken, the applicant is allowed to respond to issues raised by the public, after which the Public Hearing is normally closed. Comments should be brief and to the point. The Chair reserves the right to limit repetitious or non-related comments. The public is reminded that all decisions of the Planning Commission are appealable to the City Council by filing a written Notice of Appeal with the City Clerk within ten (10) calendar days.

11. GENERAL BUSINESS:

- A. Resolution No. PC21-01, A Resolution of the Planning Commission of the City of Suisun City Providing an Administrative Interpretation of the “Contractor’s and Corporation Yards” Use in the Commercial Services and Fabricating (CSF) District.

Chairperson Rowe opened the session for commission discussion.

Public Comment: Steve Olry as to why we are concerned with code enforcement on this one yard, which seems to be a legally operating business.

Commissioner Adams motioned to approve Planning Commission Resolution PC21-01, Commissioner Zeiss seconded the motion. Motion passed by the following vote:

Ayes: Commissioners: Adams, Borja, Pooni, Rowe, Tewari, Theriault, Zeiss

12. INFORMATIONAL ITEMS:

- A. Brown Act and Conflict of Interest Presentation.

City Attorney Nick PapaJohn gave a presentation on the Brown Act and Conflict of Interest Code and responded to questions from commissioners

13. REPORTS BY STAFF AND PLANNING COMMISSION:

City Manager Folsom reported the Midyear Budget Workshop is February 16, 2021 City Council agenda and review of the Strategic Plan on March 2, 2021 agenda.

Senior Planner Kearns commented on the distribution of packets.

Commissioner Adams proposed that new commissioners attend Planning Commissioners Academy, City Manager Folsom agreed.

14. AGENDA FORECAST / FUTURE AGENDA ITEMS:

Senior Planner John Kearns announced the Planning Commission will meet twice a month, Bylaws to be discussed on next agenda and a planning presentation from Gary Price

Commissioner Zeiss: commented public meetings/hearings on future projects be held as a part of

planning commission meetings and requested items for future agendas.

Chairperson Rowe asked Commissioners if there was a consensus. There was not a consensus.

Commissioner Zeiss requested training on the following topics: Urban Growth Limits (Pros / Cons), brief overview of Suisun Marsh Protection Plan, and the Regional Housing Need Allocation (RHNA) Project.

Commissioner Theriault asked what is on the agenda as far as zoning code.

Commissioner Adams requested overview of California Department of Housing and Community Development (HCD) including current and upcoming opportunities.

Commissioner Theriault suggested a presentation from Solano Economic Development Corporation or HCD.

Commissioner Adams suggested using PlaceWorks as a presenter for the subject of RHNA.

15. ADJOURNMENT:

The meeting was adjourned at 8:05 pm



Planning Commission Agenda Report

Meeting Date 02/23/2021

DATE:	02/23/2021	Files:
TO:	PLANNING COMMISSION	
FROM:	John Kearns, Senior Planner (707.421.7337, jkearns@suisun.com)	
RE:	Nuts and Bolts of Planning and Environmental Review Workshop	

SUMMARY

City staff periodically provides training programs to help City decision makers, such as yourselves, better understand assigned responsibilities. This workshop presents the nuts and bolts of local government planning and some orientation to the responsibilities of a Planning Commissioner. This workshop will also provide some training in the California Environmental Quality Act (CEQA), as it pertains to the Planning Commissioner's responsibilities. Many commissioners have attended similar workshops but having the opportunity to brush up on this and to discuss among fellow commissioners in an open meeting can be very useful. This will also help prepare newly appointed commissioners the opportunity to learn more about what their expectations are in being effective decision makers.

Gary Price, Contract Planner for the City, in collaboration with staff, will be providing a presentation via Zoom at the meeting. We look forward to presenting this information to you all and the opportunity to discuss these topics with you.

PUBLIC CONTACT

The agenda was posted on the Suisun City website, as well as at City Hall, Harbormasters Building, Suisun City Fire Station, and Joe Nelson Community Center. As of the date of this report, no additional inquiries regarding this item had been received by City staff.

DISTRIBUTION

Internal

- PC Distribution
- City Manager Greg Folsom
- Senior Planner John Kearns

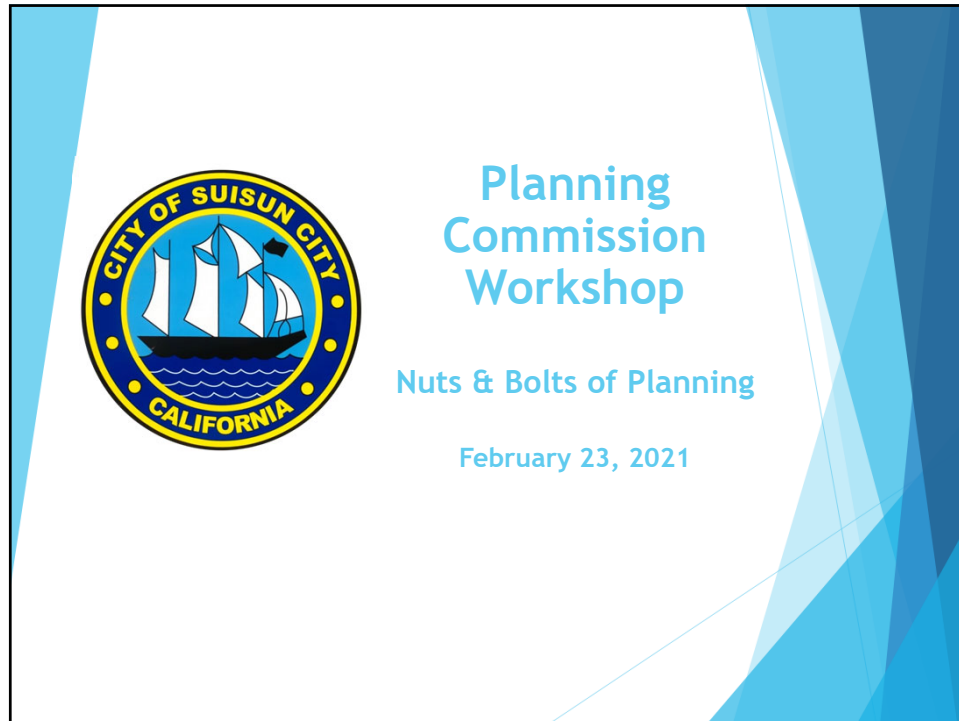
External

- City Website <https://www.suisun.com/planning-commission/>

ATTACHMENTS

1. PowerPoint Presentation
2. The Planning Commissioner's Role

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1



2

Source of Power to Regulate Land Use

- Arose from “good government” movements as a response to unsanitary urban conditions
- Embodied desire to rein in private market excesses through government regulation
- Based on government’s Police Power: health, safety and welfare

3

Key Milestones - Nationwide

- 1909 - Los Angeles imposes first zoning ordinance limiting industrial uses (not comprehensive)
- 1916 - New York imposes first comprehensive zoning ordinance
- 1922 - Standard State Zoning Enabling Act (SZA)
- 1926 - Euclid v. Ambler upholds constitutionality of zoning

4

Key Milestones -- California

- 1927 - California passes law requiring that cities and counties have a Master Plan
- 1928 - Standard County Planning Enabling Act (SPEA)
- Zoning and planning laws have changed faster in California than the rest of the country due to rapid growth

5

Comprehensive Land Use Plan

- Chapter 2.20 of the Suisun City Code establishes the creation and operation of the Planning Commission and confers powers and duties per Title 7 of the Government Code regarding planning and land use for the City.
- Sections 3.20.070, 12.20.070 & 18.02.040 provide for Planning Commission review for consistency of the General Plan for planning projects such as zoning requests, use permits, variances, zoning administrator's permits, and subdivision maps.
- Section 18.02.040 provides for Planning Commission review of environmental documents for adequacy.

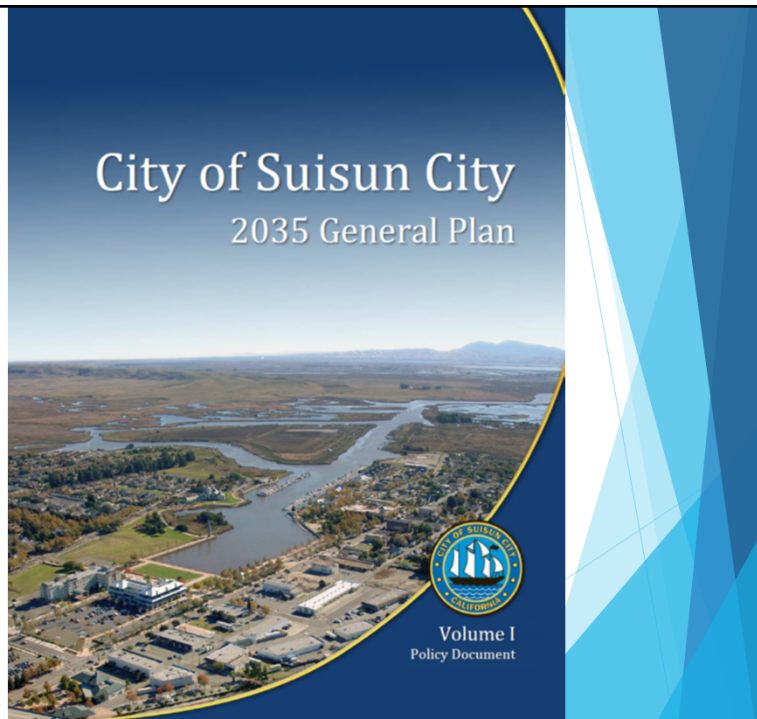
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Land Use Regulation Today

- General Plans lay out a jurisdiction's future development plans through a series of policy statements in text and map form.
- Specific Plans are a special set of development standards that apply to a particular geographical area.
- Zoning provides detailed land use and design regulation.
- Other planning documents include Master Plans, Area Plans, Vision Plans, etc., but these are not defined under state law.

7

City of Suisun City 2035 General Plan



8

The General Plan

- The “constitution” for planning and development
- Provides long-range vision for conservation and development (20-30 year horizon)
- Basis for local land use decisions
- Identifies important community issues
- Promotes community participation
- Sets the ground rules

9

Elements

- Mandated by State Law: Land Use, Circulation, Housing, Conservation, Open Space, Noise and Safety
- Optional Elements for Suisun: Community Character and Design, Economic Development, Community Facilities and Services, and Public Health and Safety

10

General Plan Vision

- Aspirational statements describing the desired future of the City
- An image of the future the community wishes to create; a picture of how growth should occur over time
- Description of community values; Mandated by State Law: Land Use, Circulation, Housing, Conservation, Open Space, Noise and Safety Elements

11

General Plan Goals

- Ideal future end that is an expression of community values, and may be abstract in nature
- Not quantifiable or time-dependent

12

General Plan Standard

- Rule or measure establishing a level of quality or quantity that must be complied with or satisfied

13

General Plan Policies

- Specific statement that guides decision-making
- Commitment to a particular course of action

14

General Plan Program

- Action, procedure, program, or technique that carries out a general plan

15

Housing Element

- Updated based on schedule in State law (4 - 8 years)
- Certified by the State Department of Housing and Community Development
- Regional Housing Needs Assessment (RHNA)
- Housing need by income category
- Specific sites zoned for housing
- Policies to facilitate housing development
- Actions to remove barriers to housing production

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Zoning

- Ordinance that implements and is consistent with General Plan policies and Programs
- Regulations for how private property may be used
- Allowed uses, standards for basic design, such as building coverage, building height and setbacks
- Procedures for review and approval for development projects and administration

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Environmental Review

- Inform decision-makers about environmental effects of discretionary projects
- Identify ways to avoid environmental damage
- Prevent avoidable environmental damage
- Disclose to the public why a project is needed, even if it results in environmental damage
- Enhance public participation in decision-making

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Planning Commission Creation

- In 1929, the State Legislature adopted the Planning Act, which established the powers of the Planning Commission.
- Chapter 2.20 of the Suisun City Code establishes the Planning Commission and its powers.
- Planning Commission appointed by the City Council as an advisory body with significant powers.
- City Code provides for Planning Commission authority to consider land use applications; subdivisions, use permits, variances, interpretations, etc.
- City Code refers to Title 7 of the Government Code regarding planning and land use for the City (broadly covers all duties).

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Role of the Planning Commissioner Process

- Participate in the development of the General Plan, Housing Element, and/or Zoning Code
- Facilitate community engagement
- Conduct study sessions and other forums
- Review General Plan, Housing Element and Zoning Code
- Conduct public hearings
- Make a recommendation to the City Council Adoption (those that involve legislative actions)

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Role of the Planning Commissioner Approval/Amendments

- Review General Plan, Housing Element, and Zoning Code
- Conduct public hearings
- Make recommendations to the City Council for adoption of various legislative actions, such as General Plan and Zoning Amendments, Development Agreements, Specific Plans

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Role of the Planning Commissioner Implementation

- Individual development project review
- Development Permits
- Planned Development and Use Permits and Variances
- Tentative Subdivision Maps
- Determinations of consistency with the General Plan and Zoning Code
- Project approval (Quasi-Judicial Action), Review General Plan, Housing Element and Zoning Code)

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Planning Commission Regulations Municipal Code Powers/Duties

- Prepares and recommends for adoption by the City Council a comprehensive long-term general plan for the physical development of the City and of any land outside its boundaries which, in the Planning Commission's judgment, bears relation to its planning (may include a City Sphere of Influence)
- Prepares specific plans based on the general plan and drafts of such regulations, programs and legislation as may, in its judgment, be required for the systematic execution of the general plan, and to recommend such plans and measures to the Council for adoption

23

Planning Commission Regulations Municipal Code Powers/Duties

- Acts as the advisory agency for the City in connection with the administration of the Subdivision Map Act of the State and the City's subdivision regulations
- Performs the duties of a planning commission as prescribed by law including those duties prescribed by the Zoning Code
- Prepares and recommends - for adoption by the Council - a zoning ordinance and performs other duties in reference to planning, zoning, and land use matters, as may be required by the Council

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Role of the Planning Commissioner Qualities

- Have extensive knowledge about the community, and bring special expertise to the Commission
- Maintain an open mind to listen to new ideas
- Have an ability to see strengths and weaknesses of projects
- Demonstrate creativity in finding solutions when working with others

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Role of the Planning Commissioner Qualities

- Have a willingness to spend time required to study materials and regularly attend meetings
- Maintain a commitment to making the process fair to all
- Have faith in the future and the ability of the community to shape that future

26

Role of the Planning Commission Mistakes

Not knowing the difference between a public hearing and a public *meeting*. These are two different kinds of gatherings, for very different purposes.

- A public meeting is generally defined as a meeting in which business is conducted by the commission. This may or may not include participation by the public.
- A public hearing is a special type of public meeting for the purpose of the commission accepting public comment and testimony.

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Role of the Planning Commissioner Mistakes

If there is an appearance or apparent conflict of interest. If you or a member of your family stands to gain from a case before the planning commission, you should disclose this to the planning commission in the public meeting when the case is introduced. What happens after that depends on the conflict of interest standards specified in your by-laws. You should abstain from voting, and you should remove yourself from the room during discussion of the case. If there is a conflict of interest, do not discuss the case with other members of the planning commission.

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Role of the Planning Commissioner Mistakes

Showing up unprepared. You should be thoroughly familiar with the written site plan review and/or staff report for each case you are to hear, and you should always visit each subject property to visually verify the information in the report and to observe conditions at the site and surrounding properties. You may also need to review engineering reports, traffic data, and other information to be fully prepared to make an informed decision.

Don't be afraid to ask staff questions before the meeting. Asking a complicated question at the meeting without first discussing with staff can create delays in the process, particularly when the question requires research and response by staff.

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Role of the Planning Commissioner Mistakes

Being afraid to disagree. A planning commission is a collaborative body, relying on multiple perspectives and shared information from many sources to provide a balanced decision that emphasizes what's best for the community. Healthy discussion, differing perspectives, and sharing of information can help to ensure a planning commission decision that's in the community's best interests.

30

Role of the Planning Commissioner Mistakes

Accepting and/or acting on an incomplete application. It is important for the planning commission to not accept or act upon an incomplete application; in fact, it is a critical part of due process. Additionally, if the planning commission needs additional data to make an informed decision on a case, do not hesitate to table the case until the applicant or the appropriate government department provides you with the information you need.

Staff reviews applications for completeness, but staff is not perfect. If the Commission finds an incomplete part of the application, further information may be needed before the Commission should act on the application.

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Role of the Planning Commissioner Mistakes

Making up your mind beforehand. The purpose of the planning commission is to provide objective decisions in the community's best interests based upon the facts in evidence and the community's plan. As a planning commissioner, your responsibility is to not prejudge the case, but to make your best decision based on the information available to you at the meeting, including the staff report, the site visit, relevant information presented at the meeting, and public comment.

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Role of the Planning Commissioner Mistakes

Getting political. Planning commissioners serve their communities by providing reasoned, objective recommendations on land use and other community development policy that support the community's best interests. Your job is to make decisions and recommendations that are consistent with the City's/State planning and zoning laws, the standards for decisions.

Commissioner should not typically consult the City Council Members, the applicant, or property owner on land use matters that come before them. Making an impartial decision based on information provided to the entire Commission, rather than on individual interactions, improves fairness of a decision.

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Role of the Planning Commissioner Mistakes

Overstep authority. Commissioners are assigned to review land use and planning matters. They may want to venture out of their assignment, such as reviewing potholes in streets, or evaluating the performance of a particular staff member or department. These are outside the purview of the Planning Commission and should not be discussed as a matter of public business during the meeting. A Planning Commissioner, however - usually better informed than others of the public - should feel welcome to consult staff individually on matters outside their assigned purview.

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Conclusions & Questions

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10 Minute Break

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ENVIRONMENTAL REVIEW Planning Commission Workshop Session II

37

California Environmental Quality Act (CEQA)

Establishes a (mostly) procedural framework by which local agencies are required to examine the impact(s) of their decisions on the environment.



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CEQA Requirements

- Requires public agencies to identify and consider environmental consequences of their discretionary actions
- Private development applications
- Public works projects and improvements
- Not intended to deny projects; it's a process

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“Project” Only Discretionary Action

- CEQA applies only to discretionary actions, or, actions that require judgment by the decision maker and/or are governed by subjective findings rather than objective standards. (CEQA Guidelines § 21080(a))
- CEQA does not apply to ministerial actions; ministerial actions require little if any judgment from the decision maker and most often consist of checking an application or project against established objective standards, often by means of a checklist.

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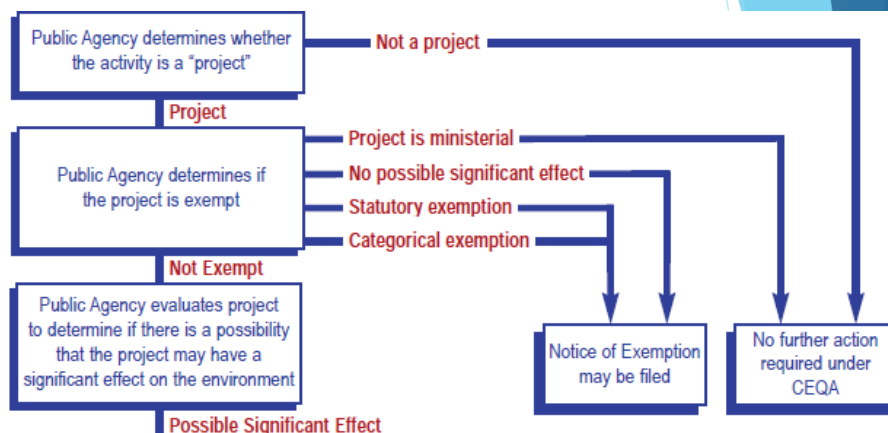
Three Levels of CEQA Review

Once it has been determined that the action is a project under CEQA:

- Exemption
- Negative Declaration
- Environmental Impact Report

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Determining Exemption from CEQA Review



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Types of Exemptions

- Minor alteration to or replacement of an existing structure
- Small construction or development projects
- Agency actions to protect the environment

43

Not exempt?

- If the project is not exempt, the City must determine what type of environmental document to prepare.
- The City prepares an Initial Study to assist in determining if the physical change in the environment is potentially significant.

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Determining Level of Significance

Result of Initial Study:

- Finds the project will not result in a significant adverse impact on the environment – Conclusion - Negative Declaration.
- Finds the project could result in a significant adverse impact on the environment – Conclusion - Prepare an Environmental Impact Report (EIR).

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Environmental Checklist in CEQA Guidelines

- CEQA Guidelines § 15063(d) identifies the required content for Initial Studies.
- Appendix C of the Guidelines includes required content:
- Information about applicant, project, regulatory setting
- Determination as to whether an EIR, ND or MND should be prepared
- Environmental checklist by topic
- Explanation of checklist answers

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Environmental Checklist

This checklist identifies physical, biological, social and economic factors that might be affected by the proposed project. In many cases, background studies performed in connection with the projects indicate no impacts. A NO IMPACT answer in the last column reflects this determination. Where there is a need for clarifying discussion, the discussion is included either following the applicable section of the checklist or is within the body of the environmental document itself. The words "significant" and "significance" used throughout the following checklist are related to CEQA, not NEPA, impacts. The questions in this form are intended to encourage the thoughtful assessment of impacts and do not represent thresholds of significance.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
I. AESTHETICS: Would the project:				
a) Have a substantial adverse effect on a scenic vista	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
II. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of				

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Negative Declaration

- A "Negative Declaration" (ND) is a written statement by the Lead Agency briefly describing the reasons that a proposed project will not have a significant effect on the environment and, therefore, does not require the preparation of an EIR. (CEQA Guidelines § 15371).

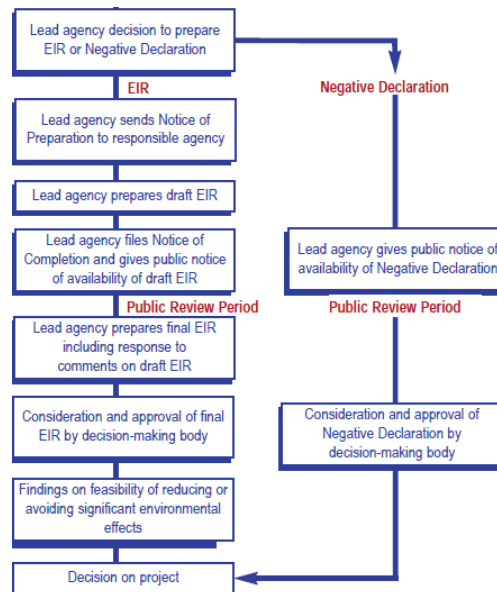
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Environmental Impact Report

- Environmental Impact Report (EIR) is a study of the project's environmental impacts with more detailed review of significant impacts found to be adverse in the initial study. It discloses to the City and public what environmental effects will result from project implementation.

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Determining EIR or ND



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Negative Declaration

- Draft Negative Declaration (ND)
- Public review of draft
- Adopt ND

51

What is a “Mitigated Negative Declaration?”

- A Mitigated Negative Declaration (MND) is an ND prepared for a project when the Initial Study has identified potentially significant effects on the environment, but:
- Revisions are made to the project before the proposed ND and Initial Study are released for public review that would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur.
- There is no substantial evidence - in light of the whole record before the public agency - that the project, as revised, may have a significant effect on the environment.

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Purpose of an EIR

- Identify, analyze and mitigate significant impacts
- Provide information to decision makers and the public
- Provide an opportunity for public involvement
- Ensure environmental protection

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Contents of Draft EIR

Contents and structure of impact analyses:

- Identify significant impact
- Identify feasible MM's and feasible alternatives
- Determine if mitigations and alternatives will reduce impact to less than significant

54

Final EIR

- Prepare “responses to comments” received during public review period.
- Provide reasoned, good faith analysis of comments that raise significant environmental issues.

55

Prepare and Certify Final EIR

- Final EIR = Draft EIR + comments, responses and other
- EIR Certification:
 - EIR completed in compliance with CEQA (and Guidelines)
 - EIR presented to decision maker, which reviewed and considered information before approving project
 - EIR reflects Lead Agency’s independent judgment and analysis
- Identify and prepare findings to support project approval.

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Significant and Unavoidable Impacts

- Identify significant impacts that cannot be avoided by either mitigation measures or project alternatives.
- Significant and unavoidable impacts do not necessarily mean a project cannot go forward, but the Lead Agency must make a Statement of Overriding Considerations.

57

CEQA Findings - Statement of Overriding Considerations

- Applies to significant and unavoidable impacts
- Specify benefits that outweigh adverse impacts
- Evidence of benefits in record

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Updated CEQA Guidelines

- *Updated CEQA Guidelines were Adopted by the State in December of 2018.
- *Changes made include:
 - Revised CEQA Checklist
 - New Methodology for Evaluating Project Impacts, such as Traffic (Miles Traveled instead of Level of Service)
 - Additional Categories Added, including Tribal and Energy Resources
 - Clarifications added throughout

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City Environmental Review Regulations

- Chapter 16.04 of the Suisun City Code, Environmental Quality, provides requirements as to how the City implements CEQA.
- Refers to the CEQA Guidelines as the City's actual regulations for administering CEQA.
- The final decision-making body on a project, staff, Planning Commission, or the City Council makes the final decision regarding environmental determinations.
- Determinations may be appealed up to the City Council, which would be the final environmental determining body.

60

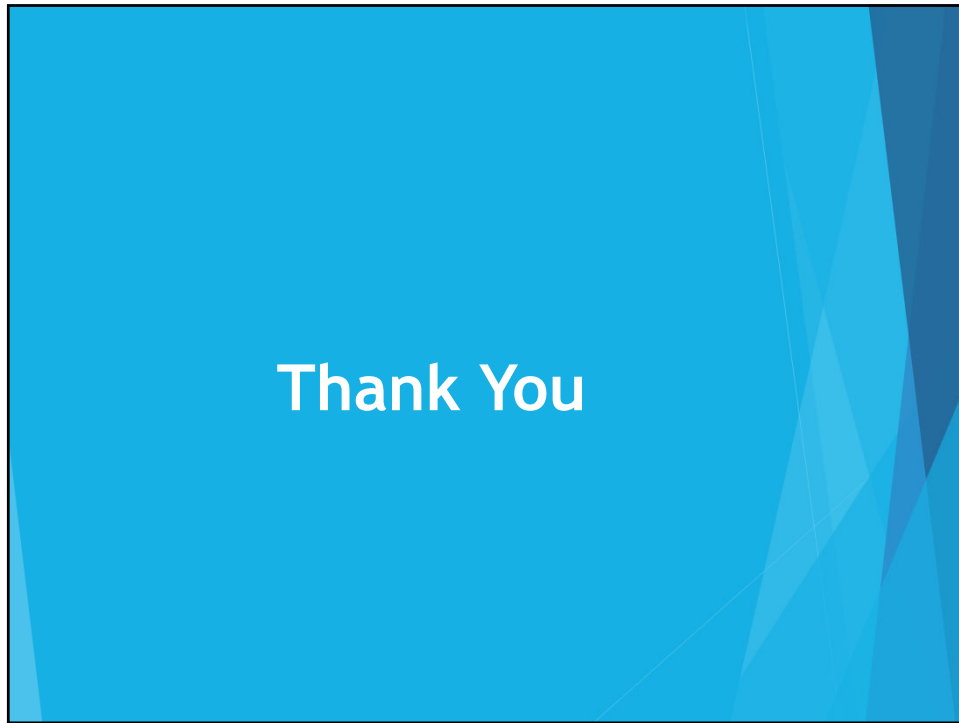
City Environmental Review Regulations

- The final decision-making body should always consider the adequacy of the environmental review prior to making a decision on the project.
- An exception here would be if the determination on a project is to deny it. In that case, environmental review and determination is not necessary.

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Conclusions & Questions

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SECTION 1

The Planning Commissioner's Role

WHAT IS A PLANNING COMMISSION?	1
WHY PLAN?	1
THE COMMISSION'S DUTIES	2
PUBLIC SERVICE ETHICS	3
ETHICS LAWS	4
Financial Gain	6
Personal Advantages and Perks	7
Fairness and Impartiality	7
WORKING WITH FELLOW COMMISSIONERS	8
WORKING WITH STAFF	9
Consultants	10
WORKING WITH THE GOVERNING BODY	10
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SECTION 1

The Planning Commissioner's Role



WHAT IS A PLANNING COMMISSION?

The planning commission is a permanent committee made up of five or more individuals who have been appointed by the governing body (city council or board of supervisors) to review and act on matters related to planning and development.¹ Most planning commissioners are lay people without any previous land use experience. Commissioners serve at the pleasure of the council or board of supervisors, so commission membership may change in response to changes in those bodies. A local agency need not create a planning commission; in some jurisdictions, the governing body functions in that capacity.²

WHY PLAN?

Planning is a proactive process that establishes goals and policies for directing and managing future growth and development. Local agencies plan to address

fundamental issues such as the location of growth, housing needs, and environmental protection. Additionally, planning helps account for future demand for services, including sewers, roads, and fire protection. In addition, planning:

- **Saves Money.** Good planning can save on infrastructure and essential service costs.
- **Sets Expectations.** Planning establishes the ground rules for development. A comprehensive general plan, for example, sends a clear signal that accepted standards and procedures apply to community development. This will not eliminate conflicts entirely, but at least sets expectations that can help minimize conflict.
- **Improves Economic Development and Quality of Life.** Economic development and quality of life issues go hand in hand because businesses want to locate in communities where their employees want to live. Planning outlines alternatives and choices so that the community can promote employment and economic well-being.
- **Provides a Forum for Reaching Consensus.** Planning processes, such as the development of the general plan, provide a forum for seeking community consensus. Planning efforts should always involve broad and diverse segments of the community to assure that the resulting plan fully addresses community needs. This will provide the public with a sense of ownership over the plan.

¹ Cal. Gov't Code § 65100.

² Cal. Gov't Code § 65101.

- **Connects People to the Community.** Planning ensures that architectural and aesthetic elements are incorporated into projects to connect people to their community and establish a sense of place.
- **Protects Property Values.** Property values are enhanced when a community plans for parks, trails, playgrounds, transit, and other amenities. Planning also protects property and property values by separating incompatible land uses. Imagine if a factory could just set up shop in the middle of a neighborhood. Planning assures that this will not occur.
- **Reduces Environmental Damage and Conserves Resources.** Planning helps identify important natural and cultural resources and can channel development in a way that protects or augments these resources.

THE COMMISSION'S DUTIES

The planning commission plays a central role in the planning process in three important ways. First, it acts as an advisory board to the main governing body on all planning and development issues. Second, the commission assures that the general plan is implemented by reviewing development applications on a case-by-case basis. Just as you build a building one brick at a time, you implement a community vision one project at a time. Third, the commission functions as the decision-making body for many proposals. However, any planning commission action can be appealed to the governing body, which can uphold the commission's decision, overturn it, modify it, or send it back for further study.

Planning commission duties vary depending on the jurisdiction. You can learn about your commission's particular responsibilities by asking the planning department. Most commissions have the following responsibilities:³

- **General Plan.** Assist in writing the general plan and hold public hearings on its adoption. (The governing body retains authority to actually adopt the general plan.) Promote public interest in the general plan.

Consult with and advise public officials and agencies, utilities, organizations, and the public regarding implementation of the general plan. Also review, hold hearings on, and act upon proposed amendments to the plan.

- **Specific Plans.** Assist in writing any specific plans or community plans and hold public hearings on such plans. (The governing body retains authority to actually adopt specific plans.) Also review, hold hearings on, and act upon proposed amendments to such plans.
- **Zoning and Subdivision Maps.** Review, hold hearings on, and act upon zoning ordinances, maps, conditional use permits, and variances. Similarly consider subdivision applications.
- **Individual Project Approvals.** Review individual projects for consistency with the general plan, any applicable specific plans, the zoning ordinance, and other land use policies and regulations.
- **Report on Capital Improvements Plans.** Annually review the jurisdiction's capital improvements program and the public works projects of other local agencies for consistency with the general plan.
- **Coordinate Planning Efforts.** Coordinate local plans and programs with those of other public agencies.
- **Consider Land Acquisitions.** Report to the governing body on the consistency of proposed public land acquisition or disposal with the general plan.
- **Special Studies.** Undertake special planning studies as needed.

With so many responsibilities, it is important for every planning commission to think about how it will divide its time between day-by-day approvals and long-range planning efforts, both of which are important. It is easy to get caught up in the day-to-day efforts at the expense of long-range planning.

³ See for example Cal. Gov't Code §§ 65103, 65353, 65400, 65401, 65402, 65854 and 66452.1.

OTHER LOCAL PLANNING BODIES

Some local agencies divide land use decision-making by creating positions and commissions to focus on specific aspects of the land use planning process.

- **Board of Zoning Adjustment.** A local body, created by ordinance and appointed by the governing body, whose responsibility is to consider requests for variances.
- **Building Official.** The person responsible for the administration and enforcement of building, housing, plumbing, electrical, and related codes.
- **Historic Preservation Commission.** A commission appointed by the governing body charged with carrying out the historic preservation chapter of the zoning ordinance.
- **Zoning Administrator.** An appointed official who implements zoning ordinance and is also often empowered to make decisions concerning design permits, administrative use permits, and other permits as provided for in the zoning ordinance.
- **Zoning Board.** An appointed body that hears and decides matters relating to the application of the zoning ordinance and considers appeals of zoning administrator's decisions.

PUBLIC SERVICE ETHICS

As a planning commissioner, you wield considerable power over how your community grows and develops. With this power comes the expectation that you will hold yourself to the highest ethical standards. Part of being ethical means exercising your power in the public's interests, as opposed to personal self-interest or other narrow, private interests. The chart on page 5 highlights some of the ethical values associated with public service and what they mean in terms of your duties as a planning commissioner.

There are a number of sources of guidance on your ethical obligations as a planning commissioner. One is the law. California has a complex array of laws relating to ethics that are summarized in this section. The law, however, merely sets a minimum standard for ethical conduct. Just because an action is *legal* doesn't mean that it is *ethical*. For example, it may be legal for you to vote on your best friend's project application, but if everyone in the community knows how close the two of you are, will the community truly feel that you were able to put the community's interests ahead of your personal loyalties? Another source of guidance may be your agency's own code of ethics, if it has one. Many cities



For More Information

For more resources designed to assist local officials in working through ethical dilemmas, visit the website for the Institute for Local Self Government at www.ilsg.org/trust.

and counties have adopted codes of ethics to serve as a guidepost in local decision-making.⁴

At some point in your service as a planning commissioner, you will likely face two common types of ethical dilemmas. The first involves situations in which doing the right thing will come at a significant personal cost to you or your public agency. In these situations, the answer is relatively simple. The bottom line is that being ethical means doing the right thing for the community regardless of personal costs.

The second type of ethical dilemma involves those situations in which there are two conflicting sets of "right" values. In these instances, drawing the ethical bottom line is more difficult. If you find yourself faced

⁴ For more information about codes of ethics, see *Developing a Local Agency Ethics Code: A Process-Oriented Guide*, published by the Institute for Local Self Government and available at www.ilsg.org.

with a “right versus right” decision, the following questions may help you come to an answer:

- Which ethical values are in conflict (for example, trustworthiness, compassion, loyalty, responsibility, fairness, or respect)?
- What are the facts? What are the benefits to be achieved or the harm to be avoided by a particular decision? Is there a decision that does more good than harm?
- What are your options? Is there a course of action that would be consistent with both sets of values?
- Is one course of action more consistent with a value that is particularly important to you (for example, promise-keeping or trustworthiness)?
- What decision best reflects your responsibility as an officeholder to serve the interests of the community as a whole?
- What decision will best promote public confidence in the planning commission and your leadership?

For example, as a planning commissioner, you will frequently be asked to make exceptions to your jurisdiction's planning laws. A developer may, for instance, ask for a general plan amendment to enable a project to be approved. The developer is likely to point to numerous benefits that will flow to the community as the result of the amendment.

In coming to a decision in such a situation, the first step is to consider what ethical values are at stake. One might be fairness to those property owners who developed their properties in accordance with the policies expressed in the general plan. Another might be compassion for the developer seeking the amendment: if it is not economically feasible to develop the property as envisioned by the general plan, perhaps an amendment is in order.

The next step is to weigh the competing costs and benefits. Although the developer has identified the benefits to the community associated with approving the amendment, what are the benefits of adhering to the general plan? Will an amendment in this situation open the door for other amendment requests? How might the

planning commission fairly evaluate those requests while still maintaining the overall integrity of the general plan? Are there options that might enable the community to reap some of the benefits described by the developer while still being consistent with the general plan as written?

Finally, consider which approach will best promote the public's confidence in the planning process. Will the public's confidence be undermined if the commission doesn't enforce the plan? Or will denying the amendment look so rigid and unfair to the applicant that it will undermine the public's faith in the planning commission as a decision-making body? What decision will best support the commission's stewardship of the community's growth and development?

The answers to the questions listed above will vary with each situation and likely will not always be clear-cut or obvious. However, asking difficult questions and thoroughly evaluating the answers can go a long way in helping you make consistently ethical decisions that further the public's interests.

ETHICS LAWS

California law promotes ethics in two ways: by requiring public disclosure and by prohibiting certain actions. The financial statements that you (and many public officials) must file with the Fair Political Practices Commission (FPPC) are an example of disclosure. In essence, the law allows the public to scrutinize the relationships between your personal finances and public decision-making. Disclosure laws allow the public (typically with the assistance of the media) to assess whether there may be too close of a relationship between your economic interests and the decisions you make as a public official.

In other instances, the law goes a step further and *prohibits* certain actions. For example, an official must disqualify him or herself from participating in a decision that will affect his or her financial interests. *This does not necessarily mean the disqualified official has done anything illegal or corrupt.* It simply means that the public's interests are better served by removing any question as to the official's decision-making motivations.

Public Service Values for Commissioners

Fairness

- I review applications and make other decisions based on the merits of the issues.
- I honor the law's and the public's expectation that the general plan and other planning policies will govern development decisions in our jurisdiction.
- I support the public's right to know and promote meaningful public involvement.
- I am impartial and do not favor developers or others who are in a position to help me.
- I promote equality and treat all people, projects, and perspectives equitably.

Compassion

- I recognize government's responsibilities to society's less fortunate.
- I consider exceptions to planning policies when there are unintended consequences or undue burdens.
- I realize that some people are intimidated by the public process and try to make their interactions as stress-free as possible.
- I convey the agency's care for and commitment to its community members.
- I am attuned to and care about the needs of the public, officials, and staff.

Respect for Others

- I treat fellow officials, staff, and the public with courtesy, even when we disagree.
- I focus on the merits in discussions, not personalities, character, or motivations.
- I gain value from diverse opinions and build consensus.
- I follow through on commitments, keep others informed, and make timely responses.
- I am approachable and open-minded and I convey this to others.
- I listen carefully and ask questions that add value to discussions.
- I am engaged and responsive.
- I involve staff in all meetings that affect agency business.

Responsibility

- I come to meetings prepared.
- I do not disclose confidential information without proper legal authorization.
- I represent the official positions of the agency to the best of my ability when authorized to do so.
- I explicitly state that my personal opinions do not represent the agency's position and do not allow the inference that they do.
- I refrain from any action that might appear to compromise my independent judgment.
- I take responsibility for my own actions, even when it is uncomfortable to do so.
- I do not use information that I acquire in my public capacity for personal advantage.
- I do not represent third parties' interests before my agency or neighboring agencies.

Integrity

- I am truthful with my fellow commissioners, the public, and others.
- I do not promise that which I have reason to believe is unrealistic.
- I am prepared to make unpopular decisions to further the public's interest.
- I credit others' contributions in moving our community's interests forward.
- I do not knowingly use false or inaccurate information to support my position.
- I excuse myself from decisions when my or my family's financial interests may be affected by my agency's actions.
- I disclose suspected instances of corruption to the appropriate authorities.

Public Trust

- I remember that my obligation as a public official is to serve the whole community.
- I make sound planning decisions that implement the policies expressed in the general plan.
- I consider the interests of the entire community in reaching my decisions.
- I give full considerations to all aspects of a project, including protection of the environment and the need for affordable housing.
- I promote the efficient use of the agency's resources.
- I balance the fiscal impacts of a project with the agency's social and planning goals.

Vision

- I work to assure that the vision expressed in the general plan is one that works to improve the quality of life in my community.
- I am proactive and innovative when setting goals and considering proposals.
- I maintain consistent standards but am sensitive to the need for compromise, thinking outside the box, and improving existing paradigms.
- I promote intelligent innovation to forward the agency's policies and services.
- I consider the broader regional and statewide implications of the agency's decisions and issues.

California's ethics laws fall into three general categories: (1) those involving possible financial gain by you as an officeholder, (2) those involving the use of your office for personal advantages and perks, and (3) those involving situations in which your ability to conduct a fair and impartial process might be questioned. Each of these relates back to the overarching goal of assuring the public that governmental decisions are made based on what best serves the public's interests.

Financial Gain

The notion behind financial gain laws is that the public has a right to know about a public official's financial situation and that officeholders should not even *appear* to be influenced by the effect of their decisions on their personal finances. Financial gain laws include:

- **Financial Interests—Disclosure and Disqualification Issues.** Public officials must periodically disclose their financial interests—such as interests in real property,

investments, business positions, and sources of income and gifts—to the public.⁵ This disclosure is made on a form called “Statement of Economic Interests,” also known as “Form 700.” A public official cannot make or attempt to influence a governmental decision if it is reasonably foreseeable that the decision could have a “material financial effect” on his or her financial interests.⁶ The FPPC has developed a series of questions (known as the “eight-step process”) to determine whether an official must be disqualified from participating in a decision. If you are worried that an upcoming decision will have an effect—positive or negative—on one or more of your financial interests, talk with your agency's attorney (not planning staff) as soon as possible.

- **Interests in Contracts Prohibited.** A public official may not have a financial interest in any contract made by the board or body of which the official is a member.⁷ The law is very strict on this point. Such

THE STATE POLITICAL REFORM ACT: KEY THINGS TO KNOW

- California's disclosure and disqualification requirements are administered by the Fair Political Practices Commission (FPPC), which gives both informal and formal advice on the application of these requirements. Check out the FPPC's website (www.fppc.ca.gov) for contact information, as well as for other useful information relating to the FPPC's administration of the Political Reform Act.
- For purposes of disqualification, key areas of financial interest of concern to the FPPC include business entities in which an official has an investment of \$2,000 or more; real property in which an official has an interest of \$2,000 or more; sources of income of \$500 or more within the preceding year; business entities in which the official is a director, officer, partner, trustee, employee, or manager; and anyone from whom the official has received gifts of \$340 or more in the preceding year.
- When in doubt, the FPPC will usually err on the side of disclosure and disqualification.
- The city attorney's or county counsel's advice will not immunize an official from prosecution for violating disclosure and disqualification requirements. However, it is nonetheless wise to consult agency counsel as soon as you suspect that you may have an issue under the Political Reform Act.
- Violations of the Political Reform Act are subject to civil and criminal penalties, depending on the severity of the offense. For example, knowing and willful violation of the act is a misdemeanor and subjects the violator to a fine of the greater of \$10,000 or three times the amount not reported.⁸
- For information on how to disqualify yourself, see Section 2, page 14.

⁵ See Cal. Gov't Code §§ 87200 and following.

⁶ See Cal. Gov't Code §§ 87100 and following.

⁷ Cal. Gov't Code § 1090.

⁸ Cal. Gov't Code § 91000(b).

contracts are void.⁹ Under most circumstances, the prohibition cannot be avoided by disqualifying oneself from participating in the decision on the contract. Again, consult with your agency's attorney immediately if there is a contract before the commission in which you may have an interest.

- **Bribery.** Requesting, receiving, or agreeing to receive anything of value in exchange for an official action is a crime. In addition to criminal penalties, an individual convicted of bribery forfeits his or her office and is disqualified from holding public office in the future.¹⁰

Personal Advantages and Perks

The law strictly limits the degree to which an officeholder can receive benefits relating (or appearing to relate) to his or her status as an officeholder:

- **Gifts.** With certain exceptions, a public official must disclose most gifts over \$50 on his or her Statement of Economic Interests and may not receive gifts from any one source that totals over \$340 in a single year.¹¹ Gifts include meals, certain kinds of travel payments, and rebates or discounts to public officials not offered to others in the usual course of business.¹² The law is particularly strict about free transportation passes (not including frequent flier awards offered to everyone); acceptance of such passes results in immediate loss of office.¹³
- **Speaking Fees or Honoraria.** Public officials may not receive payments for giving a speech, writing an article, or attending a conference or meeting. Limited exceptions apply. Free conference admission, lodging, and meals provided directly in connection with speeches within California, for example, are not considered prohibited honoraria and need not be reported.¹⁴
- **Use of Public Resources.** It is a felony to misuse public funds, which can include such things as submitting inaccurate or inflated expense reports from traveling on agency business. Public resources (including staff time and office supplies) may not be used for either personal or political purposes.¹⁵



For More Information

Institute for Local Self Government, *A Local Official's Guide to Ethics Laws* (2002), available at www.ilsg.org.

California Attorney General's Office, *Conflicts of Interests* (1998), available at www.caag.state.ca.us/publications/conflict/conflict.pdf.

Fair Political Practices Commission booklets, available at www.fppc.ca.gov or through the toll-free advice line (866-ASK-FPPC).

- **Common Law Bias from Personal Interests.** A strong personal interest in a decision can be the basis for a finding of what is known as "common law bias." Common law bias is sufficient to disqualify a public official from participating in a decision, particularly if the official is sitting in a quasi-judicial capacity (see page 20). For example, one court found a council member biased on a proposed addition to a home in his neighborhood because the addition would block the council member's view of the ocean.¹⁶

Fairness and Impartiality

Officeholders should make decisions in a fair and impartial manner. Key laws that planning commissioners need to be aware of include:

- **Campaign Contributions.** Commissioners who are running for office must disqualify themselves from entitlement proceedings—such as land use permits—if they received campaign contributions of more than \$250 during the previous twelve months from the applicant. Moreover, candidates may not receive or solicit contributions of more than \$250 from any applicant while the application is pending and for three months afterward.¹⁷

⁹ Cal. Gov't Code § 1092.

¹⁰ Cal. Penal Code §§ 68, 98.

¹¹ Cal. Gov't Code §§ 87200, 87207; 2 Cal. Code of Regs. § 18940.2 (\$340 amount valid through 2004).

¹² Cal. Gov't Code § 82028(a).

¹³ Cal. Const. art. XII, § 7.

¹⁴ Cal. Gov't Code §§ 89501, 89502; 2 Cal. Code of Regs. § 18950.3.

¹⁵ Cal. Penal Code § 424. See, e.g., *People v. Battin*, 77 Cal. App. 3d 635 (1978).

¹⁶ See *Clark v. City of Hermosa Beach*, 48 Cal. App. 4th 1152 (1996).

¹⁷ Cal. Gov't Code § 84308.

RECIPE FOR AN EFFECTIVE PLANNING COMMISSION²¹

- **Focus on the Big Picture.** Focus on the big picture before you; avoid being distracted by personalities, groups, or issues that do not have anything to do with the merits of the present agenda item.
- **Meeting Procedures.** Established rules and procedures keep meetings on track. The chairperson and staff should have defined responsibilities. In addition, rules for testimony should be clear and widely available at all meetings.
- **Follow the Law.** Keep legal requirements in mind. When in doubt, ask legal counsel for advice. Before approving an application, you should be able to answer the following questions in the affirmative: Is the proposal consistent with the general plan? Does it meet all applicable zoning and subdivision requirements? Are the environmental impacts reduced or eliminated by the conditions of approval, or are there overriding considerations? Is the commission's decision supported by findings of fact based on substantial evidence in the record?
- **Stay Informed.** Prior to the hearing, commissioners should have read the agenda packet and supplemental reports. It is also a good idea to review the portions of the general plan and the zoning ordinance that are relevant to each agenda item.
- **Open Communication.** Each commissioner shares responsibility for the free flow of ideas and discussion among everyone present at a meeting, including applicants, staff, members of the public, and the commissioners themselves. Be objective, listen, and ask questions.
- **An Efficient Pace.** The chair should recognize when testimony must be closed for deliberations. Commissioners should hold their motions until the discussion has concluded. Both the chair and the other commissioners should know whether to continue a hearing or to make a decision.
- **Effective Leadership.** An effective chairperson assists the flow of ideas and helps keep the proceedings on track.

- **Effect of Decisions on Family Members' Financial Interests.** A public official must disqualify him or herself from participating in a decision that would reasonably have a foreseeable material financial effect on a member of his or her immediate family (spouse and dependent children).¹⁸
- **Party or Factual Bias.** A strong personal animosity towards a project applicant or the receipt of information about a project may constitute a disqualifying source of bias when a planning commission is sitting in a quasi-judicial capacity.¹⁹ This is a variation of the "*ex parte* communications" doctrine, which suggests that, in quasi-judicial matters, all communications to you about the merits (or demerits) of the proposed use should occur in the course of a public hearing (see page x).

- **Dual Officeholding.** State law prohibits public officials from holding multiple offices at the same time that subject them to conflicting loyalties.²⁰ Check with your agency counsel if you are worried that this prohibition may apply to an office you are seeking.

In addition to these state ethics requirements, cities and counties may have local restrictions and requirements.

WORKING WITH FELLOW COMMISSIONERS

Good working relationships within the planning commission, as well as with planning and other staff, the city council or board of supervisors, other boards and commissions, applicants, consultants, and the public, are critical in order for planning functions to be effective and efficient. Positive working relationships are based on

¹⁸ Cal. Gov't Code §§ 82029, 87103.

¹⁹ See *Breakzone Billiards v. City of Torrance*, 81 Cal. App. 4th 1205, 1234 n.23 (2000).

²⁰ See Cal. Gov't Code § 1126.

²¹ Adapted from Governor's Office of Planning and Research, *The Planning Commissioner's Book*, (revised May 1998); http://ceres.ca.gov/planning/plan_comm/.

mutual understanding of the role of each group, including:

- Clear expectations about how each group will relate to the other, as defined by adopted procedures
- A common set of goals, as reflected in the general plan and other adopted planning documents
- A willingness to solve problems by listening to others, considering alternatives, and arriving at a consensus
- An ability to communicate directly and clearly with others

WORKING WITH STAFF

A good working relationship with staff will significantly improve your effectiveness as a planning commissioner. A planning department staff member will always be present at commission meetings. Other attendees may include representatives from your jurisdiction's attorney's office and public works department.

Planning staff advises the commission on local agency plans, ordinances, and policies. In addition, they provide background information and research, prepare plans and reports, make recommendations, and answer technical questions on development proposals under the

commission's consideration. Other staff responsibilities include:

- Orienting new commissioners
- Noticing meetings
- Responding to requests for information in a timely and professional manner
- Delivering agenda packets in time for adequate review
- Highlighting key issues, data, and criteria in staff reports and presentations
- Anticipating the type of information that will be needed for a decision
- Being accessible and keeping all commissioners equally informed
- Reviewing applications for completeness
- Acting in a fair, ethical, and consistent manner

Members of the planning staff can be a tremendous resource for you. Most will have received at least some training in geography, landscape design, urban and rural planning, economics, law, and statistics. In addition to their other duties, staff are responsible for staying current on new trends, technologies, and regulations in the planning and development field. They can use this

TIPS FOR DEVELOPING AND MAINTAINING GOOD STAFF RELATIONS

A good staff-commission relationship is built on mutual trust and respect. Here are some ways to achieve that:

- Come to meetings having reviewed the materials prepared by staff.
- Ask questions of staff in advance and alert them to concerns you intend to raise during the meeting.
- If you disagree with a staff recommendation, state specific reasons for your decision. This will help staff to draft findings in support of your decision. Simply stating "I do not like the project" is not enough.
- Clearly communicate to staff what the commission needs in order to make well-informed decisions. If material is not being presented in an understandable way, work with staff to make changes.
- Treat staff with respect.
- Do not assume that staff is wrong and a critic is right.
- Compliment staff when and where appropriate.

information to assist the planning commission in developing creative solutions to local problems.

Consultants

Local agencies face serious restrictions on staff expansion, while the demand for public planning continues to increase. Consultants are often used to address temporary staffing needs, such as:

- Complete studies requiring special skills
- Provide additional support on an as-needed basis
- Prepare studies and analyses required by environmental laws
- Assist on large projects, such as a general plan update

The commission should consider consultants as extensions of regular staff.

WORKING WITH THE GOVERNING BODY

One not so obvious ongoing relationship to take into account is the relationship between the planning commission and the governing body (city council or board of supervisors). In most cases, individual commissioners serve at the pleasure of one or more members of the governing body and therefore should consider the views of the governing body in making their decisions.

The planning commission-governing body relationship can become strained (at least from the commission's perspective) if the governing body repeatedly overturns planning commission decisions. In such cases, you may feel that the governing body did not look at the land use issues as closely as the commission. One thing to keep in mind, however, is that the governing body must also contend with political pressures that are not always felt by the appointed commission.

Here are some ideas on how to promote a good ongoing relationship between the planning commission and the governing body:



Who Does What in the Project Review Process?

PLANNING STAFF

- Identifies relevant local regulations for project applications
- Works with applicants to make a project work
- Works with other departments and agencies, such as the engineering department or the regional air board, to incorporate comments and technical recommendations into a project
- Ensures that procedures are being followed
- Prepares a professional analysis and recommendation
- Monitors project implementation
- Holds consensus-building meetings on controversial projects

AGENCY COUNSEL

- Answers legal questions
- Does not give policy direction or advice
- Advises on relevant legal considerations, both in terms of process (for example, notice requirements) and substance

PLANNING COMMISSION

- Balances staff analysis, including agency goals and policies, with community input
- Renders a decision based on findings of fact when acting in a quasi-judicial capacity
- Makes recommendations to the governing body on policy matters when acting in a legislative capacity
- Evaluates land use aspects of projects and leaves more technical issues for staff review and implementation (commissioners should trust staff to implement their general directions)

GOVERNING BODY

- Balances staff analysis, planning commission decisions, and agency goals

- Make adequate findings to insure that the reasons for your actions are clear
- Ask for clarification of the governing body's policies or actions if they are unclear
- Include in planning commission minutes any questions or points of view that are not obvious in your decisions and findings
- Send a planning commission representative to meetings of the governing body to discuss difficult decisions
- Request an annual joint work session to discuss priorities, communication and other pressing issues
- Do not rely solely on staff to convey your message, either to the public or to the appropriate elected officials
- Do an annual self-evaluation and follow through with any needed changes in how the commission does business

Keep in mind that elected officials must answer to the voters. You may find it helpful to be familiar with the policy perspectives of the members of the governing body, particularly as they relate to land use policies and programs. (For example, are they “slow growth” or “pro-growth”?) Casting individual commission decisions in ways that address issues of concern to individual members of the governing body (if not conforming to them) reduces the likelihood that a commission decision will be overturned on appeal.

WORKING WITH THE MEDIA

The media can be a commissioner's best friend—or worst enemy. Developing a good relationship with the local media is an important—and often underrated—element of working in local government. Most members of the public will learn about local land use decisions through local newspapers, radio, and television. Because of this, it is important to engage reporters to make sure that the local agency's side of the story gets told.

One of the keys in working with the media is to retain your credibility. Here are some tips for retaining your credibility:

- Share information when you can and be as transparent as possible.
- Return phone calls promptly (respect reporter deadlines). Leaving questions unanswered invites errors and unintentional bias.
- Never say “no comment;” this always sounds evasive.
- One of the most respected comments is “I don't know. I'll get back to you.” Be sure to get back with the information.
- Remember that there is no such thing as “off the record.” If you don't want a comment to end up in the press, don't make it.

It can be beneficial to establish ongoing relationships or an open-door policy with media representatives, but always be careful to keep your comments concise and on point. Often the media is just looking for a quote from the commission, not necessarily all the relevant facts. Staff may be able to provide reporters with more specific facts or details.

Getting Your Message Out

Another good tip for dealing with the media is to identify and repeat a single message. If you think about it, most people are only quoted once or twice in an article. What is it that you want that quote to be? (See *Media Messages for Local Government* on the next page) If you stick to your message and keep repeating



For More Information

Delivering the Message (2000). California Association of Public Information Officials. Available at www.capio.org

it, it is more likely that the reporter will use that quote. The more you ramble, the greater the risk is that you will get off message and that the reporter might pull something out of context that you might not like to see in print.

In addition, focus on substance, not procedures. Most people find procedural and legal details boring. Jargon should be avoided at all costs. Instead, use everyday language. Why say “we gave it a negative declaration”

when you can say “we’ve decided it won’t significantly affect the environment”?

An excellent resource in working with the media is your jurisdiction’s public information officer. This person can alert the media to favorable stories. If you never call reporters in advance, then all they will cover are meetings, not all of which go smoothly. Contrary to popular perception, good news goes in the paper too. It is more likely that your message will stick when the story matches the message.

MEDIA MESSAGES FOR LOCAL GOVERNMENT

Journalists often build stories around people to explain an issue in human terms. Often, land use stories are about an agency’s action in response to public concerns. Emphasizing the benefits of this responsiveness as it impacts individuals puts the story into a framework with which readers can relate. Here are some talking points that address common land use decisions from the local agency perspective:

- **Good Planning Maximizes Property Values.** Planning maximizes property values by insuring that development occurs in a way that is compatible with the surrounding community and the environment. Often, when property owners complain that a particular action devalues their property, they are forgetting that the underlying value of their property is already higher due to nearby public investments in roads, sewers, infrastructure, and good planning in general.
- **What Is the Impact to the Average Person?** Describe the positive or negative implications of decisions in terms of what they mean for the general public. How does planning promote a better community?
- **Balancing Act.** Local officials must strike a fair balance between individual preferences and the interest of the whole community. What is at stake in most planning decisions is the ability of public agencies to solve problems and respond to the public’s concerns.
- **Quality of Life.** Effective planning promotes important quality of life issues, including a sense of place and connectedness. Developing a sense of community helps draw people together and makes communities better places to live and raise families.
- **Economic Prosperity.** Quality of life and adequate infrastructure issues are often key factors when a business is deciding where to locate.
- **Fairness.** Public agencies seek solutions that achieve fairness and justice, not only for individual landowners but also for the community as a whole.

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Planning Commission Agenda Report

Meeting Date 02/23/2021

DATE:	02/23/2021	Files:
TO:	PLANNING COMMISSION	
FROM:	John Kearns, Senior Planner (707.421.7337, jkearns@suisun.com)	
RE:	Projects Update	

SUMMARY

Staff will be providing the Planning Commission an update on projects within the City. Staff has grouped the projects into one of five categories: (1) Projects Under Construction; (2) Entitlements Granted; (3) Development Application Submitted; (4) Pre-Planning; and (5) Ordinances, Studies, and Miscellaneous. Staff will provide some background regarding each project, but the presentation is simply just for information. There should be no Planning Commission discussion regarding projects that have yet to be entitled.

PUBLIC CONTACT

The agenda was posted on the Suisun City website, as well as at City Hall, Harbormasters Building, Suisun City Fire Station, and Joe Nelson Community Center. As of the date of this report, no additional inquiries regarding this item had been received by City staff.

DISTRIBUTION

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- PC Distribution
- City Manager Greg Folsom
- Senior Planner John Kearns

External

- City Website <https://www.suisun.com/planning-commission/>

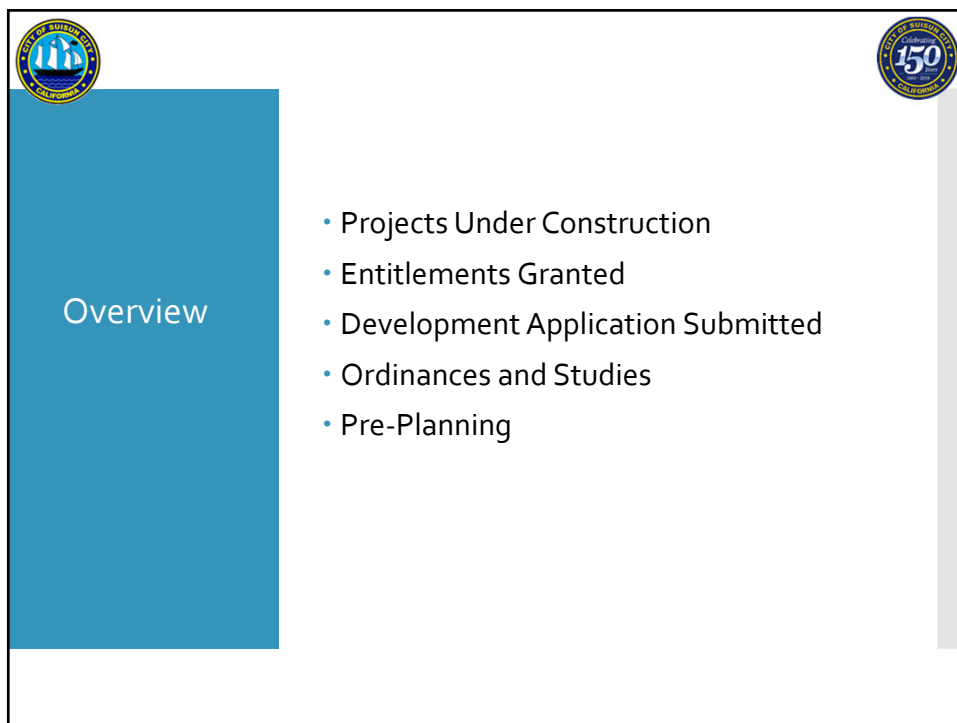
ATTACHMENTS

1. PowerPoint Presentation



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1





2



Under Construction


- Holiday Inn Express
- Solano Transportation Authority Office
- Suisun Gas and Food (Fat Burger/76 Station)
- 7-Eleven Convenience Store

3





Holiday Inn Express

- 83-room four-story hotel at the southwest corner of Lotz Way and Civic Center Boulevard.




4







**Solano
Transportation
Authority
Office Building**

- Two-story office building with rooftop terrace;
- Located at 423 Main Street at the northwest corner of Main Street and Common Street.




5







**Suisun Food and Gas
(Fat Burger/76
Station)**

- Located at the southeast corner of East Tabor Avenue and Walters Road;
- Gas station, convenience store (with Fat Burger space), and three retail spaces.







6





7-Eleven

- 7-Eleven Convenience store and gas station;
- Located at the northeast corner of Highway 12 and Walters Road.







Site

7






Entitlements Granted

- Lawler Mixed Use
- Old Crystal School ("Parcel 14")
- Olive Tree Ranch*
- Shryne Group Cannabis Business Zone and Commercial Cannabis Business Permit
- Zip-Thru Carwash


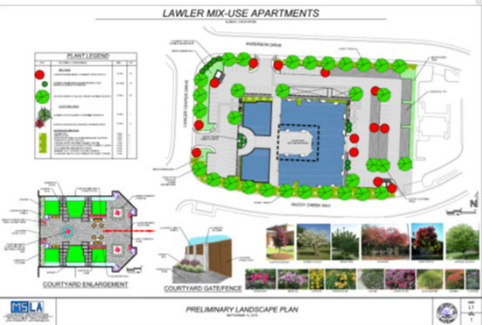
* Pending road study

8






Lawler Mixed Use

- Southeast corner of Anderson Drive and Lawler Center Drive;
- 75 multi-family apartment units;
- 7,200 square feet of commercial retail space.





9






Shryne Group Cannabis Business Zone 521 Railroad Avenue

- Cannabis Business Zone and Commercial Cannabis Business Permit;
- Retail Dispensary, distribution, and delivery licenses;
- Site improvements including access and circulation improvements.

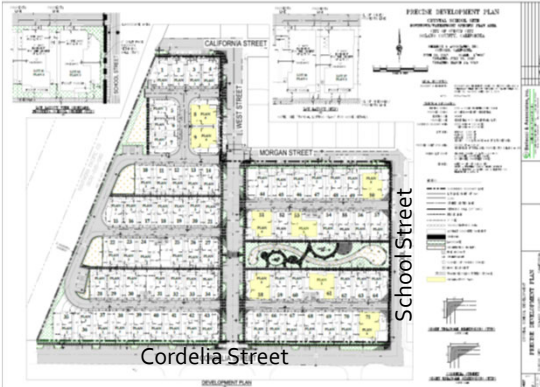


10






Parcel 14 Residential

- 71 single-family residential units
- Located at the northwest corner of Cordelia Street and School Street;
- Adjacent to the Historic Residential Neighborhood and railroad tracks are to the west.

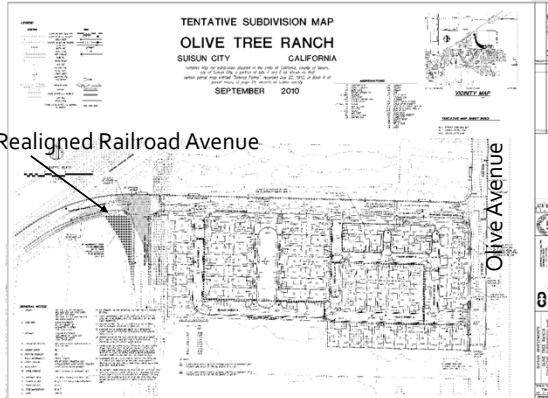


11






Olive Tree Ranch

- 80 single-family residential units;
- Realignment of Railroad Avenue;
- Developer considering revised project with less units and the inclusion of the vacant land to the north.




12






Zip-Thru Carwash

- 6,100 square foot carwash building located at the southeast corner of Grizzly Island Road and Anderson Drive.





13

Development Applications Received

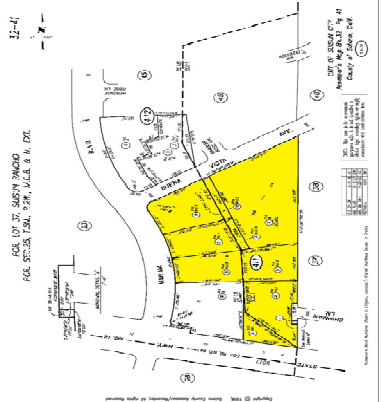
- Marina Apartments
- Blossom Avenue Apartments
- Marina Center Self-Storage
- "Cannabissary"
- Element 7 Cannabis Dispensary
- Suisun Logistics
- Highway 12 Logistics

14






Marina Village Apartments

- Approximately 5.2 acres.
- Approximately 160 affordable multi-family units;
- Three-story buildings with access on both Marina Boulevard and Buena Vista Avenue.




15






Blossom Avenue Apartments

- 9.09 acres of vacant land;
- Located at the southeast corner of Railroad Avenue and Blossom Avenue;
- 180 multi-family units.



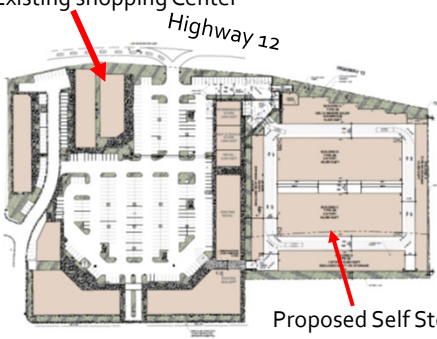
16

Marina Center Self Storage


- Directly east of Marina Shopping Center.
- 4.73 acres of vacant land;
- 180,000 square feet of self-storage with boat sales;
- Access improvements.

Existing shopping Center
Highway 12





Lotz Way

Proposed Self Storage



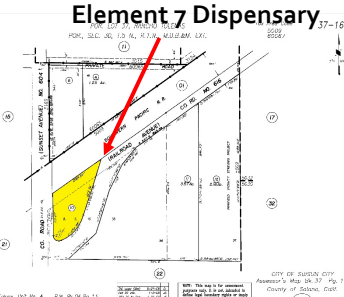
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Element 7 Dispensary



- 300 Railroad Avenue,
- Plans for use of existing building while constructing new building,
- Possible future plans for expansion.

Element 7 Dispensary



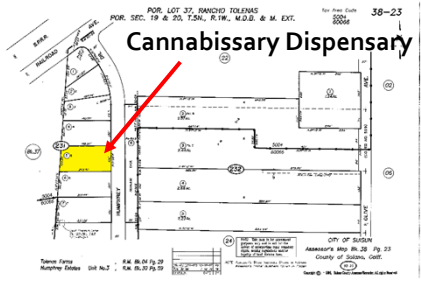
37-16

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Cannabissary Dispensary

- South of Railroad Avenue and west of Humphrey Drive;
- New construction;
- Possible future plans for expansion.




19






Suisun Logistics Center

- Approximately 2.05 million square feet of high-cube industrial building space;
- EIR underway
- Conservation; area proposed to the south.




20






Highway 12 Logistics Center

- Approximately 1.28 million square feet of high-cube industrial building space;
- EIR consultant selected;
- South of Highway 12, north of Cordelia Street, and west of downtown Suisun City.





21

Pre-Planning


- Terminus of Civic Center Boulevard
- Almond Gardens
- "8-Acre Parcel"

22






Terminus of Civic Center – “West Wind”

- Former sewer district property;
- Property consists of 3 parcels which are residentially zoned;
- Developer in contract to purchase property and develop multi-family residential.

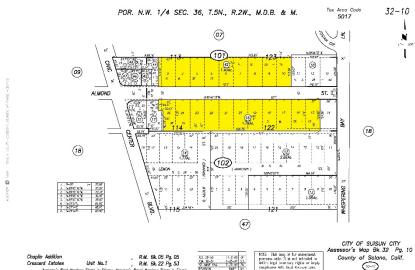


23






Almond Gardens

- Existing property consists of 52 units;
- Currently 13 units are not habitable due to soil and structural issues;
- Developer interested in redeveloping the property and retaining the same number of affordable units.

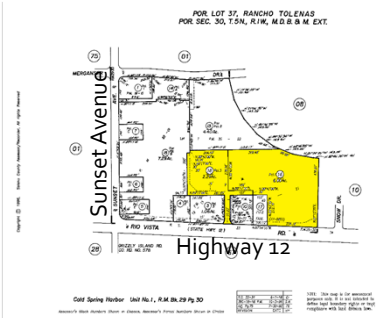


24






"8-Acre Property"

- 8.29-acre vacant site owned by Housing Authority;
- Primary access is from Highway 12, but site can be accessed from Sunset Avenue as well;
- An agreement is in place to sell the property to a developer for commercial.





25

Ordinances, Studies, Miscellaneous

- Title 18 "Zoning" Update
- Good Neighbor Policy
- LEAP Grant
- SB 2 Grant
- RHNA and Solano County Sub-Region
- Solano County Multi-Jurisdictional Hazard Mitigation Plan



26

Ordinances,
Studies,
Miscellaneous

- **Title 18 "Zoning"**
Staff will update the code to incorporate any changes in state law, as well as make proper clarifications and changes to reflect policy direction.
- **Good Neighbor Policy**
Build off direction provided by the City Council and information gathered at prior workshops to set a policy clearly specifying applicant outreach and staff notification for discretionary project.
- **LEAP Grant**
\$150,000 received from HCD to update the City's Housing Element and possibly go toward funding new permitting software.
- **SB 2 Grant**
A scope that includes the City's consultant, AECOM, preparing due diligence work that will advance housing development in the Priority Development Area (PDA).

27

Ordinances,
Studies,
Miscellaneous

- **RHNA and Solano County Sub-Region**
Regional Housing Needs Allocation (RHNA) is each cities share of the total housing need in California. Last cycle and again this upcoming cycle, Solano County has chosen to form a sub-region which means the county get a number and it is divided amongst all the jurisdictions.
- **Solano County Multi-Jurisdictional Hazard Mitigation Plan**
Hazard mitigation planning reduces loss of life and property by minimizing the impact of disasters. It begins with state, tribal and local governments identifying natural disaster risks and vulnerabilities that are common in their area. After identifying these risks, they develop long-term strategies for protecting people and property from similar events. Mitigation plans are key to breaking the cycle of disaster damage and reconstruction.

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Planning Commission Agenda Report

Meeting Date 02/23/2021

DATE:	02/23/2021	Files:
TO:	PLANNING COMMISSION	
FROM:	John Kearns, Senior Planner (707.421.7337, jkearns@suisun.com)	
RE:	Discussion and Direction: Planning Commission Bylaws	

SUMMARY

The Planning Commission adopted Rules of Procedure in 1997. In 2015, the Planning Commission rescinded the Rules of Procedure and replaced them with bylaws. The bylaws were last amended in 2020 to change the time of regular meetings from 7PM to 6PM. At the request of the Planning Commission, staff is bringing back the bylaws as a discussion and direction item. It is suggested that following discussion (and with a consensus) the Commission direct staff to make certain changes. The bylaws would then be brought back at a future meeting for adoption by resolution. It should also be noted that after Commission adoption the bylaws would be forwarded to the City Council for approval.

PUBLIC CONTACT

The agenda was posted on the Suisun City website, as well as at City Hall, Harbormasters Building, Suisun City Fire Station, and Joe Nelson Community Center. As of the date of this report, no additional inquiries regarding this item had been received by City staff.

DISTRIBUTION

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ATTACHMENTS

1. Planning Commission Bylaws

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 - 4.4 Communications with the Press
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CITY OF SUISUN CITY PLANNING COMMISSION BYLAWS

1. Preface

Title 2, Administration and Personnel, of the Suisun City Municipal Code establishes the Planning Commission of Suisun City. The duties and authorities of the Planning Commission are those conferred upon it by the provisions of Title 7 of the Government Code of California, and any other laws of the state applicable thereto, and those identified in Title 18, Zoning, of the Suisun City Municipal Code. These Planning Commission Bylaws provide guidance to the Planning Commission, project applicants and members of the public on how the Planning Commission will execute its duties. If a conflict arises between these Bylaws and the Suisun City Municipal Code, the Code shall control.

2. Adoption and Amendment of Bylaws

These bylaws shall be adopted by and may be amended by resolution of a majority of the Commissioners present at any Suisun City Planning Commission meeting attended by no less than five members of the Commission.

Upon adoption or amendment by the Planning Commission, such bylaws shall be submitted to the City Council for review. The City Council may, at its sole discretion, overturn approval of these Bylaws and direct the Commission to incorporate amendments as determined appropriate.

3. Adoption of Parliamentary Procedure

The Suisun City Planning Commission shall conduct meetings consistent with the spirit of the guidelines established under Rosenberg's Rules of Order, Revised 2011, and as amended. Where these Rules of Order are found to be inconsistent with State law or regulations adopted by the City Council of Suisun City, such State or local regulations shall prevail.

4. Duties and Powers of Commissioners

4.1 Responsibilities of Each Planning Commissioner

Commission members serve the City as a whole and represent no special group or interest

The Planning Commission shall have the power to recommend to the City Council, after a public hearing thereon, the adoption, amendment or repeal of the General Plan or any Specific Plan, or any part thereof, for the physical development of the City.

The Planning Commission shall exercise such functions with respect to land subdivisions, planning, and zoning as may be prescribed by the Suisun City Code.

The Commission shall advise the City Council on those matters falling within its charged responsibilities in a manner reflecting concern for the overall development and environment of the City as a setting for human activities. All reports and recommendations of the Commission to the City Council shall be in writing and presented to the City Council by the Development Services Department on behalf of the Commission.

4.2 Commissioner Preparation

Each of the Commission members shall have the responsibility to keep himself or herself up to date on planning matters. In addition, each member should attempt to take advantage of the various educational and training opportunities offered by such organizations as the League of California Cities, University and/or College classes, programs or seminars.

4.3 Addressing Commissioners and Members of the Public

The appropriate title should be used when acknowledging a meeting participant, such as "Mr.", "Ms.", "Commissioner", "Chair", "Vice-Chair", etc. This shows respect, professionalism and avoids the appearance of favoritism.

4.4 Communications with the Press

When speaking to the press, Commissioners should be very specific in stating that they are speaking for themselves only and not for the Commission as a whole. Communication with the press should be reported to staff.

4.5 Anticipated Absence

Any Commissioner who has knowledge of the fact that he will not be able to attend a scheduled meeting of the Planning Commission shall notify the Development Services Director at the earliest possible opportunity and, in any event, prior to 5 p.m. on the date

of the meeting. The Development Services Director shall notify the Chair of the Commission in the event that the projected absences will produce a lack of quorum.

If any commissioner is absent for three consecutive regular meetings of the Planning Commission without permission of the Commission expressed in its official minutes, he/she shall relinquish his/her seat on the Commission.

4.6 Officers

Selection

The officers of the Planning Commission shall consist of Chairperson and Vice Chairperson, elected by the general membership of the Planning Commission.

The election of officers shall generally occur at the Planning Commission's second meeting in January or as otherwise determined necessary by the Planning Commission. A minimum of 5 of the current membership must be present for the election to take place.

Nominations of members for an office shall be from the floor by a current member of the Planning Commission during the meeting when elections are held. Nominations must be seconded by another member of the Commission. Nominations and elections for Chairperson and Vice-Chairperson shall be completed separately, beginning with Chairperson.

Once nominations are complete, a roll call vote of the Commission for all nominated candidates will be called. A nominee must receive a majority of the votes from Commissioners present to be elected. If no candidate receives a majority vote, the nomination and voting process will be repeated until a candidate receives a majority vote of those Commissioners present.

All terms of office shall be for one year or until the time of the next election of officers.

A member of the Planning Commission may serve in the same office of the Planning Commission for no more than two consecutive terms.

The Vice-Chair shall succeed the Chair if he/she vacates the office before the term is completed, the Vice-Chair to serve the unexpired term of the vacated office. A new Vice-Chair shall be elected at the next regular meeting.

In the absence of the Chair and Vice-Chair, any other member shall call the Commission to order, whereupon a chair shall be elected from the members present to preside.

4.7 Duties and Responsibilities of the Chair

Preside at all meetings of the Commission.

Call special meetings of the Commission in accordance with legal requirements and the Rules of Procedure.

Sign documents of the Commission

When so directed by the Commission, represent the Planning Commission at City Council, County Planning Commission and other meetings as the Planning Commission's representative.

4.8 Duties and Responsibilities of the Vice-Chair

During the absence, disability, or disqualification of the Chair, the Vice-Chair shall exercise or perform all the duties and be subject to all the responsibilities of the Chair.

4.9 Subcommittees

When desirable or necessary, the Chair, with the approval of the Planning Commission, shall appoint standing committees and special committees.

Residents and staff of Suisun City may, at the discretion of the Chair, be appointed to serve on Planning Commission Subcommittees.

Each subcommittee of the Planning Commission shall include no more than three members of the Planning Commission.

Special committees shall be discharged at the end of their assignment.

5. Meetings

5.1 Public Meetings

All meetings shall be held in full compliance with the provision of state law, ordinances of the City, and these Rules of Procedure.

5.2 Regular Meetings

Regular meetings shall be held on the second and fourth Tuesday of the month, at 6:00 p.m. in the Council Chambers of the City Hall unless otherwise determined by the Planning Commission or the Development Services Director in consultation with the Commission Chair.

Whenever a regular meeting falls on a public holiday, no regular meeting shall be held on that day. Such regular meeting may be rescheduled to another business day, or canceled by motion adopted by the Planning Commission or the Development Services Director in consultation with the Commission Chair.

5.3 Adjourned Meetings

In the event it is the wish of the Planning Commission to adjourn its meeting to a certain hour on another day, a specific date, time, and place must be set by the Commission prior to the regular motion to adjourn.

5.4 Special Meetings

Special meetings of the Planning Commission may be held at any time upon the call of the Chair, the Development Services Director, or by a majority of the voting members of the Commission or upon request of the City Council following at least 24 hours' notice to each member of the Commission and to the press. The time and place of the special meeting shall be determined by the convening authority.

5.5 Study Sessions/Workshops

The Commission may be convened as a whole or as a committee of the whole in the same manner as prescribed for the calling of a special meeting for the purpose of holding a study session provided that no official action shall be taken and no quorum shall be required.

5.6 Establishing a Quorum

A quorum of at least four (4) members of the Planning Commission must be present for the Commission to conduct normal business. If the body has less than a quorum of members present, it cannot legally transact business. If the body has a quorum to begin the meeting, the body can lose the quorum during the meeting when a member departs (or even when a member leaves the dais). When that occurs the body loses its ability to transact business until and unless a quorum is reestablished.

The only action which may be taken at a meeting attended by less than a quorum is to open the meeting and adjourn the meeting to a time certain. In such event all items on the agenda, including action items and public hearings, shall be continued to the next scheduled meeting and agendas shall be posted as required subject to Gov't Code Section 54955.

5.7 Agendas

Agendas shall be prepared by the staff of the Suisun City Planning Department and shall be posted consistent with City policies and state law.

The agenda shall be approved at the beginning of each meeting. The Planning Commission may choose to change the order of items to be heard in order to better serve the Community and the Commission.

The Planning Commission may add items to the agenda if, by an affirmative vote of at least five (5) members, the Commission determines that an emergency exists or that there is need to take action and that such need came to the attention of the City after the meeting agenda was posted.

Before the close of each meeting the Commission shall discuss future agenda items and may, by an affirmative vote of three members of the Commission, direct staff to include items on future meeting agendas of the Commission.

5.8 Minutes and Record of the Meeting

At each meeting of the Commission, the minutes of the prior meeting shall be presented for approval. Commissioners shall identify any corrections or clarifications prior to approval of the minutes.

5.9 Motions, Debates, and Voting

As noted above, the Commission has adopted Rosenberg's Rules of Order that establishes the processes for conducting meetings, including but not limited to how motions are made and amended, how debate of items shall be conducted and how voting on items is accomplished.

5.10 Conflicts of Interest

In situations where a Commissioner may have conflict of interest under the Political Reform Act, the Open Government Ordinance or other conflict laws, members of the Planning Commission are required to abstain from voting on the item and participating in the decision-making process. The following procedures should be followed:

- Declare the conflict of interest
- State the basis of the conflict of interest
- Do not discuss or vote on the matter
- Step down from the podium and leave the room until the item is completed or unless the Political Reform Act allows the member to remain in the room

5.11 Voting

To be passed, all motions and resolutions must receive the affirmative votes of no less than the majority of the voting members constituting a quorum. The abstention of voting by any member shall not break the quorum.

Newly appointed members may vote on items immediately after appointment provided they have reviewed the record, including tapes, minutes, reports and files on the item upon which they are voting.

5.12 Dissents and Protests

Any Commissioner shall have the right to dissent from any action of the Commission or ruling of the Presiding Officer and have the reason therefore entered in the minutes. Such dissent shall be in writing, couched in respectful terms and presented to the Commission not later than the next regular meeting following the date of said action.

6. Conducting a Meeting

Meetings shall be conducted in such manner as the Chair directs, within the rules herein set forth, and any regularly adopted agenda therefore.

6.1 Order of Business within a Meeting

- Call to Order
- Pledge of Allegiance, Invocation & Roll Call
- Approval of Agenda
- Approval of Minutes
- Public Comment (Items not on the Agenda)
- Consent Calendar
- Continued Items
- Public Hearings
- Regular Agenda Items
- Reports By Staff And Planning Commission
- Agenda Forecast/Future Agenda Items
- Adjournment

6.2 Order for Presentation or Hearing of Proposals

- The Chair shall announce the subject of the public hearing, as advertised.
- If a request is made for continuance, a motion may be made and voted upon to continue the public hearing to a specific time and date. If no specific date and time is set, the continued public hearing shall be re-noticed.
- The staff shall be asked to present the substance of the application, staff report and recommendation, and to answer technical questions of the Commission.

6.3 Order of Testimony

- Presentation of Applicant's statement – The applicant's presentation shall be limited to fifteen (15) minutes.
- Public Comments – Those who wish to speak on the matter, either for or against, shall be limited five (5) minutes or as otherwise permitted by the Chair.
- If necessary, a rebuttal from the applicant
- Public hearing closed
- The Commission shall then deliberate and either determines the matter or continues the matter to another date and time certain.

6.4 Rules of Testimony

- Persons presenting testimony to the Commission are requested to give their name and address for the record; although not required.
- If there are numerous people in the audience who wish to participate on the issue, and it is known that all represent the same opinion, a spokesperson should be selected to speak for the entire group. The spokesperson will thus have the opportunity of speaking for a reasonable length of time and of presenting a complete case.
- No person shall address the Commission without first securing the permission of the Chair to do so.
- All remarks shall be addressed to the Commission as a body and not to any member thereof.
- No questions shall be asked of the Commission or member of the staff except through the Presiding Officer.
- No person, other than the Commissioners and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the Commission, without the permission of the Presiding Officer.
- No person shall be allowed to speak twice until others desiring to do so have had the opportunity to speak.