

AGENDA
REGULAR MEETING OF THE CITY OF SUISUN CITY
PLANNING COMMISSION
7:00 P.M., July 9, 2019

COUNCIL CHAMBERS
701 CIVIC CENTER BOULEVARD
SUISUN CITY, CALIFORNIA 94585

Next Resolution No. PC19-07

1. CALL TO ORDER.

2. ROLL CALL:

Chairperson Clemente
Vice-Chair Ramos
Commissioner Borja
Commissioner Holzwarth
Commissioner Pal
Commissioner Rowe
Commissioner Thomas

Pledge of Allegiance
Invocation

3. APPROVAL OF AGENDA:

Approval of Planning Commission agenda of July 9, 2019

4. APPROVAL OF MINUTES:

Approval of Planning Commission minutes of June 11, 2019

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.

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.)

6. CONSENT CALENDAR:

None

7. CONTINUED ITEMS:

None

8. PUBLIC HEARINGS:

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.

None

9. GENERAL BUSINESS:

- A. WORKSHOP – Residential Parking and Paving Ordinance
- B. Resolution PC19-__; A Resolution of the City of Suisun City Planning Commission Concurring and Adopting the Planning Commission Bylaws with Amendments from City Council.

10. REPORTS BY STAFF AND PLANNING COMMISSION:

- A. Staff
- B. Planning Commission

11. AGENDA FORECAST / FUTURE AGENDA ITEMS.

12. ADJOURNMENT.

a&m/190709.pca

MINUTES
REGULAR MEETING OF THE CITY OF SUISUN CITY
PLANNING COMMISSION
7:00 P.M., June 11, 2019

COUNCIL CHAMBERS
701 CIVIC CENTER BOULEVARD
SUISUN CITY, CALIFORNIA 94585

Next Resolution No. PC19-07

1. CALL TO ORDER.

2. ROLL CALL:

Chairperson Clemente
Vice-Chair Ramos
Commissioner Borja
Commissioner Pal
Commissioner Rowe
Commissioner Thomas

EXCUSED
Commissioner Holzwarth

3. APPROVAL OF AGENDA:

Commissioner Rowe moved to approve the Planning Commission agenda of June 11, 2019, as is.

Commissioner Pal seconded the motion. Motion passed 6-0 by roll call vote with Commissioner Holzwarth absent.

4. APPROVAL OF MINUTES:

Commissioner Rowe moved to approve the Planning Commission minutes of April 23, 2019, as is.

Commissioner Thomas seconded the motion. Motion passed 5-0-1 by roll call vote with Commissioner Pal abstaining and Commissioner Holzwarth absent.

5. PUBLIC COMMENT:

None.

CONFLICT OF INTEREST NOTIFICATION

None.

6. CONSENT CALENDAR:

None

7. CONTINUED ITEMS:

None

8. PUBLIC HEARINGS:

None

9. GENERAL BUSINESS:

A. WORKSHOP – Residential Parking and Paving Ordinance

Senior Planner, John Kearns, started with how the workshop would be run. Mr. Kearns started with a timeline of events that have happened so far, then went through the proposed ordinance line by line addressing issues brought up at past meetings. Mr. Kearns then opened the floor to the Planning Commissioners if they had any clarifying questions.

Commissioner Ramos wanted clarification if the 60/40 rule could be reintroduced. Mr. Kearns replied that the 60/40 rule was in the old code and the Planning Commission could choose to bring that back. He ended with ending that the moratorium currently is 60/40.

Commissioner Pal wanted clarification on registration of vehicles parked on the property owner's driveway was prohibited. Mr. Kearns clarified that the new language was in the prohibited section.

Commissioner Borja asked for the original and red lined version of the code, Mr. Kearns replied that the document was in the packet provided.

Mr. Kearns then opened the floor to the public to address the Commissioners.

Patricia Matteson relayed the importance in creating standards for residential properties.

Clifford stated that paving the backyard and side yard section of the code is in conflict with what is existing today in Suisun City.

Josh Russo stated his disappointment in how this paving ordinance has been broadcasted. Agrees that the requirement of having a tree in the front yard should be imposed on new developments only. He went on to address the boat and RV storage topic. He gave a stat on how many boats are currently registered in the City (2300) he established that Suisun City doesn't have the infrastructure to store all those boats. Mr. Russo ended his comments that the 36" clearance referenced should be changed to include everything, not only boats and RVs.

Mike Zeiss relayed the importance in creating standards for residential properties.

Kathy Mitchell stated that the enforcement needs to be more serious and that the bad apples need to be held accountable. Ms. Mitchell then commented about the 36" clearing should be taken out.

Jim Weiss would like it to be specified in the code that the one tree mandate be in the front or back yard, or just take it out completely. He concluded that staff should check to make sure this ordinance is compliance with State law drought regulations.

Kevin Haugh wanted clarification where the Fire Chief got the 36" clearance number. He also wanted a timeframe of when this question will be answered by the city manager.

Bill Sweet continued with Mr. Haugh's point, that is the 36" clearance was enforced he would be in violation of that rule. He went on to state that the city should look at its 'own backyard' and take care of its weeds along McCoy Creek. He concluded that the outreach should have included a rollo-call to the citizens of Suisun City.

Daniel Moore recommended a clearance of 28" – 30" to correspond with existing State and Federal law.

Jorge Rivera didn't agree with the verbiage "no fiscal impact", he reckoned that if the ordinance passed there would be a huge fiscal impact city wide. Wants it stated that current projects around the city be grandfathered in.

Anthony Moscarelli commented that that the 36" clearing should be taken out and the verbiage should be changed to leave one side of the house should have a clearing. He concluded with the landscaping requirements should keep in mind ADA accessibility and the paving that is needed for wheelchairs.

Steve Olly disapproved of the verbiage of the proposed ordinance. Needs stronger language in order to enforce. He concluded that the ordinance should focus on 'curb appeal'.

Pete Lentz questioned what the process is for this ordinance and when are their questions going to get answered. He then went on to talk about how the Commission should consider specifying the types of trees that will be required. He also clarified a question Commissioner Pal had on non-op vehicles registration.

Mariah Klein had a question on what the City Councils role is and also wanted clarification on what the point of the meeting is. She concluded with asking the commission to take the residents suggestions and see if they are reasonable and implementable.

Wayne Charles continued with Mr. Haugh's and Mr. Sweet's point, that if the 36" clearance was enforced he would be in violation of that rule. Suggested that the 36" clearing should be taken out and the verbiage should be changed to leave one side of the house should have a clearing.

Chuck Gardner wants to see the city come to a middle ground consensus.

Noon P. is in support of a ordinance that will make our City look better.

Stacy Lynn would like yard maintenance, vehicle maintenance and coverings, front yard aesthetics, to be addressed in the ordinance. She would also like our current code to be enforced (i.e. garbage cans being left out for longer than 24 hrs.)

10. REPORTS BY STAFF AND PLANNING COMMISSION:

A. Staff

Mr. Kearns updated the commission on the status of the workshops held on June 8th, both Development of the Noise Ordinance and the educational ADU workshop.

B. Planning Commission

None.

11. AGENDA FORECAST / FUTURE AGENDA ITEMS.

Mr. Kearns announced that the next Planning Commission meeting will be held on July 9th.

12. ADJOURNMENT.

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AGENDA TRANSMITTAL

MEETING DATE: July 9, 2019

PLANNING COMMISSION AGENDA ITEM: WORKSHOP – Residential Parking and Paving Ordinance.

BACKGROUND/STAFF REPORT: Below is a brief summary of the background of this subject matter in chronological order:

Original Urgency Measures

On March 21, 2017, the City Council adopted a comprehensive update of Title 18 “Zoning” of the Suisun City Code. Following that time, staff discovered that the section addressing treatment of front yards “Parking in Residential Front Yards” had been inadvertently omitted which left staff no code to enforce relative to paving in residential front yards. In light of the void in the code, the City Council adopted Interim Urgency Ordinance No. 746 on January 16, 2018 which put an immediate limitation on the amount of paving in residential front yards until the Zoning Code could be amended to include these provisions. The ordinance was extended by the City Council through Interim Urgency Ordinance No. 747 on February 20, 2018. These provisions have since expired.

Planning Commission Meetings

At the December 18, 2018 Planning Commission meeting, the Commission held a Public Hearing to discuss the proposed Ordinance. While discussing the item, it was suggested that the item be continued to a future Planning Commission and an Ad Hoc of the Commission be formed. At the close of the meeting, the Commission appointed Commissioner’s Clemente, Borja and Thomas to the Ad Hoc Committee. Subsequently, on January 29, 2019, the Commission voted 6-0 in favor of recommending the City Council adopt the proposed ordinance.

March 19, 2019

The City Council held a public hearing to consider an ordinance which would amend both Chapter 18.36.070 of the Suisun City Code and the Waterfront District Specific Plan regarding residential yards, prohibited activities in driveways and landscaping and maintenance provisions. The City Council took staff’s presentation, asked some clarifying questions, opened and closed the Public Hearing and continued the item to the April 2, 2019 meeting.

April 2, 2019 City Council Meeting

The City Council took public comments and discussed the issues raised. A majority of the issues raised by the Public were centered on the regulation of Recreational Vehicles (including boats) on residential properties. Following discussion, the City Council chose to form an Ad Hoc Committee consisting of two City Councilmembers and three Planning Commissioners. The Ad Hoc was formed specifically to look at the definition of “Recreational Vehicle” and section C.3 “Vehicle Storage” of the proposed ordinance.

PREPARED BY:

John Kearns, Senior Planner

APPROVED BY:

Tim McNamara, Development Services Director

April 24, 2019 Ad Hoc Meeting

The Ad Hoc Committee met on Wednesday April 24 at City Hall. Although an official head count was not determined, there were approximately 70 people in attendance. The focus of the Ad Hoc was to look at and discuss the definition of “Recreational Vehicle” and the “Vehicle Storage” provisions of Section 18.36.070.C.3 and did not focus on the remainder of the proposed ordinance including yards, landscaping and maintenance provisions. The Ad Hoc consisted of Mayor Pro-Tem Segala, Councilmember Adams, Planning Commission Chairperson Clemente, Commissioner Borja, and Commissioner Thomas. The meeting was led by the City Manager with participation from Development Services staff and although the presentation was directed toward the Ad Hoc, those in attendance were afforded opportunities to participate and address the Ad Hoc Committee. At the conclusion of the meeting, a majority of the committee provided a list of recommendations to be forwarded to the City Council.

May 14, 2019 City Council Meeting

At the May 14 City Council Public Hearing, staff presented the list of recommendations from the April 24 Ad Hoc Committee. Staff also went through the proposed ordinance line by line as the City Council discussed each of the points. At the conclusion of the public hearing, the City Council directed the ordinance to go back to the Planning Commission for more discussion before returning to the City Council for consideration. The City Council took specific care to clearly distinguish between what their direction was versus what they would like the Planning Commission to discuss. At the same meeting, the City Council adopted Ordinance No. 758 (Attachment 6), which placed a 45-day urgency measure relative to paving residential front yards. The City Council will be considering an extension of the measure this month.

June 11, 2019 Planning Commission Workshop

As a result of the City Council’s direction from May 14, the Planning Commission was asked to hold a workshop to discuss the proposed ordinance and to take any Public Comments from interested parties. At the June 11 workshop, the Planning Commission took 15 public comments and accepted 3 written comments. At the conclusion of the meeting, the Commission chose to schedule a second workshop on July 9 in which the Commission would provide direction to staff on suggested language for the ordinance. This would then lead to a Public Hearing in which the Commission would formally make their recommendation to the City Council.

Questions/Issues for Planning Commission Consideration

- Is the Commission in agreement with the definitions provided in the ordinance?
 - Staff would look forward to comments relative to this section.
- What should the impermeable/permeable ratio be for residential front yards?
 - Historically, the standard has been 60/40 and present Urgency Ordinance (No. 762) carries forward the same requirement.
 - Additionally, the Commission may consider a maximum of forty percent of front yards devoted to driveways versus thirty-five.
 - If the Commission chooses to move forward with the 60/40 ratio, then the landscaping minimum standard should be changed to forty percent.
- Should every residential property be required to have a tree?
 - The draft ordinance includes language relative to one tree per residential property and that any tree removed would need to be replaced.

- This provision would be easy to enforce for new development, but very difficult for existing development.
- Does the Commission want to make revisions to the Rear/Side Yard provisions?
 - In the past there did not appear to be much support for these provisions; however, there are properties that have frontages on two sides.
- What clearance should be required on side yards for emergency access?
 - Many public comments questioned the need to have separation between a motor vehicle and structure.
 - Staff would support keeping one side of a house free and clear.
- If a recreational vehicle is covered does it need to be snug/form-fitting?
 - This draft regulation was included largely for aesthetic purposes.

Discussion of Attachments

Staff has included three attachments to this staff report:

1. A link to the June 11, 2019 Planning Commission Agenda which includes background on this subject from March 2019 to date.
2. The May 14, 2019 Draft Ordinance that was presented to the City Council.
3. Ordinance No. 762 which extended the moratorium on paving of more than sixty percent of residential front yards for an additional 10 months and 15 days.

Next Steps

At the conclusion of the July 9, 2019 workshop, the Planning Commission will be asked to schedule a public hearing to make a formal recommendation to the City Council regarding the proposed ordinance.

STAFF RECOMMENDATION: Staff recommends that the Planning Commission Hold a Workshop to Discuss the Proposed Residential Parking and Paving Ordinance and Set a Date for the Public Hearing.

ATTACHMENTS:

1. **June 11, 2019 Planning Commission Meeting (link to the packet can be found at - https://www.suisun.com/wp-content/files/00_June_11_2019_Planning_Commission_Packet.pdf)**
2. **May 14, 2019 Draft Ordinance as presented to the City Council.**
3. **Ordinance No. 762**

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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY, CALIFORNIA, REPEALING AND REPLACING SECTION 18.36.070 OF TITLE 18 OF THE SUISUN CITY CODE AND AMENDING THE WATERFRONT DISTRICT SPECIFIC PLAN, RELATING TO REGULATIONS FOR FRONT, REAR, AND SIDE YARD AREAS OF RESIDENTIAL PROPERTIES

WHEREAS, this Ordinance is intended to preserve the residential character of streetscapes in the city's neighborhoods and minimize excess storm water runoff from residential properties; and

WHEREAS, the unregulated expansion of paved parking areas in front, rear, and side yards interferes with the pattern of building and open areas within neighborhoods, and can increase vehicle clutter by creating small parking lots in yard areas which are intended to remain as open and/or landscaped areas; and

WHEREAS, excessive paving of front, rear, and side yard areas have a negative impact upon the character and appearance of the City's neighborhoods; and

WHEREAS, the paving of front, rear, and side yard areas to add additional parking will potentially have impacts upon the walkability of the City's neighborhoods, because of the likely proliferation of curb cuts which reduce the number of available on-street parking spaces in the City's neighborhoods; and

WHEREAS, paving of front, rear, and side yards would potentially result in hazardous conditions on a residential property in that it could negatively impact the City's storm water management system such that a much higher amount of water runoff from such properties would negatively affect the City's storm water management system; and

WHEREAS, paving of front, rear, and side yards could result in potentially high amounts of runoff from such a property where such runoff could cause harm to adjoining properties; and

WHEREAS, paving of front, rear, and side yards would create visual blight by eliminating green space in the City's neighborhoods; and

WHEREAS, paving of front, rear, and side yards would create substantial aesthetic conflicts that may result in decreased property values for adjoining properties; and

WHEREAS, paving of front, rear, and side yards would result in potentially changing the use of residential properties, and it would result in less green space within the City; and

WHEREAS, the Planning Commission of the City of Suisun City did hold a duly noticed public hearing on December 18, 2018 and, following discussion, consideration and public comment, decided to form an Ad Hoc Committee and have a new Public Hearing noticed for a future date; and

WHEREAS, the Planning Commission of the City of Suisun City did hold a duly noticed public hearing on January 29, 2019 and, following discussion, consideration and public comment, voted ____ in favor of recommending that the City Council adopt this Ordinance; and

WHEREAS, all legal pre-requisites to adopt this Ordinance have occurred; and

WHEREAS, as provided in this Ordinance, the City Council now desires to repeal and replace Section 18.36.070 of Title 18 of the Suisun City Municipal Code and the Waterfront District Specific Plan as provided in this Ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUISUN CITY, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. RECITALS.

The recitals set forth above are all true and correct and are incorporated herein.

SECTION 2. SECTION 18.36.070, “PROHIBITED ACTIVITIES IN FRONT AND STREET SIDE YARDS,” OF CHAPTER 18.36 OF TITLE 18 OF THE SUISUN CITY CODE IS HEREBY REPEALED AND REPLACED AS FOLLOWS:

“Section 18.36.070 - Prohibited activities in front, rear, and side yards of residential properties.

A. **Definitions.** For the purposes of this Section, words shall have the same definitions as provided in Chapter 18.04 of Title 18 of the Suisun City Municipal Code, except as follows:

1. “Landscaped area” means a water-permeable area maintained to present an attractive, well-kept appearance. A “landscaped area” may consist of any combination of living plants (shrubbery, grass, trees, etc.) with or without a layer at least two inches deep of materials such as decorative bark or decorative stones with a permeable subterranean weed barrier. However, a “landscaped area,” does not include dead plants, bare soil without plants, or bare soil with cut weeds. Further, “landscaped area” does not include asphalt or hardscape materials (such as pavers, bricks, and other hard surfaces), regardless of permeability.

2. “Hardscaped area” means an area covered with semi-permeable or impermeable materials such as brick, pavers, or concrete. “Hardscaped area” does not include asphalt paving (asphalt is not permitted).

3. “Weeds” mean plants that are out of place or not deliberately planted by the property owner.

4. “Recreational vehicles” mean recreational vehicles (RVs), including but not limited to motor homes, truck campers, travel trailers, fifth-wheel and pull-behind trailers, all-terrain vehicles, snowmobiles, jet skis, boats, and boat trailers.

5. “Chain link fencing” means a fence, usually made of metal, which consists of wire loops interconnected into a series of joined links.

6. “Driveway” means a paved portion of a private street providing an unobstructed passage from the roadway to an off-street area used for driving, servicing, parking, or otherwise accommodating motor vehicles.

B. Purpose and Applicability.

1. The requirements specified in this Section are intended to preserve the residential character of streetscapes in the city's neighborhoods and to minimize excess storm water runoff as follows:

i. The unregulated expansion of paved parking areas in front, rear, and side yards interferes with the pattern of building and open areas within neighborhoods and can increase vehicle clutter by creating small parking lots in yard areas which are intended to remain as open areas and green spaces. Excessive paving of yard areas can negatively impact the character and appearance of residential areas. Paving yard areas to add additional parking can result in the proliferation of curb cuts that can have the effect of reducing the number of on-street parking spaces available this also impacts the walkability of a neighborhood.

ii. The paving of front, rear, and side yards would potentially result in hazardous conditions on a residential property in that it could negatively impact the City’s storm water management system such that a much higher amount of water runoff from such properties would negatively affect the City’s storm water management system.

iii. The paving of front, rear, and side yards would result in potentially high amounts of runoff from such a property where such runoff could cause harm to adjoining properties.

iv. The paving of front, rear, and side yards would create visual blight by eliminating green space in the City’s neighborhoods.

v. The paving of front, rear, and side yards would provide substantial aesthetic conflicts that may possibly result in decreased property values for adjoining properties,

vi. The paving would result in potentially changing the use of residential properties, and it would result in less green space within the City.

2. The requirements in this Section shall apply to all residential properties and lots.

C. Regulations and Standards

1. Front Yard.

i. Walkways and other Hardscaped Areas. The amount of paved walkways and hardscaped area, including but not limited to driveways, shall not exceed fifty percent of the front yard area.

ii. Driveways. The amount of allowable paving for driveways shall not exceed thirty-five percent of the total front yard area.

iii. Landscaping minimums. For all residential properties, a minimum of fifty percent of the front yard area shall consist of a landscaped area.

iv. Property owners must maintain all landscape on their property in such a way to allow for passage pedestrian and vehicular traffic.

v. Landscaped areas must be consistent with Chapters 8.12 and 8.13, as applicable, of the Suisun City Code.

vi. Chain link fencing shall not be constructed and located such that such fencing is visible from public roads or alleyways. All chain link fencing constructed before the effective date of this Section are considered legal non-conforming. Chain link fencing that is damaged shall be replaced with conforming fencing pursuant to Title 18 of the Suisun City Code.

vii. No front yard driveway will be permitted without the approval and issuance of an encroachment permit from the Public Works Director of Suisun City (if applicable) and design review and approval from the Planning Division.

viii. One tree shall be required for each residential property, any tree removed must be replaced; this includes all new developments.

ix. An accessory building shall only be located on the rear fifty percent of a residential lot, must be consistent with Table 18.31.01 Development Standards in Residential Zones, as applicable, of the Suisun City Code.

2. Rear / Side Yard.

i. Landscaping minimums. For all residential properties and lots, a minimum of fifty percent of the required rear and side yard combined area shall consist of landscaped area.

ii. Property owners must maintain all landscape on their property in such a way to allow for passage pedestrian and vehicular traffic.

iii. Landscaped areas must be consistent with Chapters 8.12 and 8.13, as applicable, of the Suisun City Code.

iv. No side yard or rear yard driveway will be permitted without the approval and issuance of an encroachment permit from the Public Works Director of Suisun City (if applicable) and design review approval from the Planning Division.

3. Vehicle Storage.

i. Driveway location and width shall be in accordance with the latest edition of the City of Suisun City Engineering Standards specifications.

ii. All vehicles, including recreational vehicles, shall be parked, stored or kept on a driveway being consistent with Chapter 8.12, as applicable, of the Suisun City Code.

iii. If a recreational vehicle is parked or stored on a residential property recreational vehicles must be parked on an approved driveway, and meet the following requirements if parked on a front or side yard visible to the public:

(1) Provide a minimum 36” safety clearance from the house;

(2) Recreational vehicles shall not impede the public right of way;

(3) If recreational vehicle is covered it must be with a snug fitting material free of damage and the covering must be secured so as to not come off in a storm;

(4) In no case shall power cords or other connection(s) to the property cross a sidewalk or public right of way to prevent any tripping hazards.

iv. The following activities are prohibited on any driveway governed by this Section:

(1) The parking, storing, or keeping for a period of time greater than seventy-two consecutive hours of any household appliance, equipment, furniture, construction equipment, machinery, airplane or aircraft, and materials other than that temporarily used or stored during the improvement of the lot and any associated structures or facilities;

(2) The parking, storing or keeping in any such area, for a period of time in excess of seventy-two consecutive hours, of any motor vehicle or recreational vehicle that is disabled or inoperable because of the need of repairs ;

(3) The parking, storing or keeping of a motor vehicle not registered with the Department of Motor Vehicles in any such area of the driveway, or is visible to the public;

(4) The wrecking, dismantling, disassembling, manufacturing, fabricating, building, remodeling, assembling, repairing, painting, washing, cleaning or servicing in any such area of any motor vehicle, boat, trailer, recreational vehicle, airplane or aircraft, machinery, equipment, appliance or appliances, furniture or other personal property, excepting the repairing, washing, cleaning or servicing by an owner, lessee, or occupant of the lot, for a period exceeding 72 hours.”

SECTION 3. THE WATERFRONT DISTRICT SPECIFIC PLAN IS HEREBY AMENDED AS FOLLOWS:

Section 6.2.3.C. Landscaping

6. All residential yards shall be subject to the standards set forth in Section 18.36.070 of the Suisun City Code, at a minimum. Additional standards may be adopted by the Suisun City Council for specific unique neighborhoods that require special care and regulation.

Section 6.2.3.D Maintenance of Structures and Premises

All property owners in a residential district shall have an obligation to maintain structures and premises in good repair. Structures and premises in good repair shall present no material deviation in apparent condition from surrounding structures in compliance with the provisions of this Plan. Good repair includes and is defined as the level of maintenance that ensures the continued availability of the structure and premises for a lawfully permitted use and prevents deterioration, dilapidation, and decay of the exterior portions of the structure and premises, such as lack of paint, peeling, chipping, crumbling, breakage, accumulation of dirt and/or similar evidence. This is not intended to preclude normal construction activities in conjunction with a valid building permit, provided that the completion of such activities is diligently pursued in accordance with the standards of the Building Code.

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days after its passage.

SECTION 5. CERTIFICATION. The City Clerk shall certify to the adoption of this ordinance, and shall cause the same to be posted and codified in the manner required by law.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the City Council of the City of Suisun City, California, on this _ day of _ 2019.

Lori Wilson, Mayor

ATTEST:

Linda Hobson, City Clerk

**APPROVED AS TO FORM
AND LEGAL CONTENT:**

Aleshire & Wynder, LLP

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ORDINANCE NO. 762

AN URGENCY INTERIM ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY, CALIFORNIA, EXTENDING URGENCY INTERIM ORDINANCE NO. 758: “IMPOSING A TEMPORARY MORATORIUM ON PAVING OF GREATER THAN SIXTY PERCENT OF THE TOTAL SURFACE AREA OF ANY RESIDENTIAL FRONT YARD WITHIN THE CITY OF SUISUN CITY” FOR AN ADDITIONAL TEN MONTHS AND FIFTEEN DAYS, AND DECLARING THE URGENCY THEREOF

WHEREAS, the City’s current land use regulations do not adequately address the paving of greater than sixty percent of the total surface area of any residential front yard in the City of Suisun City (“City”); and

WHEREAS, on January 16, 2018, the City Council adopted Interim Urgency Ordinance No. 746, which imposed a temporary moratorium (“2018 Moratorium”) on paving of greater than sixty percent of the total surface area of any residential front yard in the City for 45 days based upon the following immediate threats to public health, safety, and welfare:

1. It would result in the existence of hazardous conditions on a property in which there would be potential impact upon the City’s storm water management such that a much higher amount of run off from such properties would negatively affect the City’s storm water management system;
2. It would result in potentially high amounts of runoff from such a property where such runoff could cause harm to adjoining properties;
3. It would create visual blight by eliminating green space;
4. It would provide substantial aesthetic conflicts that resulting in decreased property values for adjoining properties;
5. It would result in potentially changing the use of residential properties, and it would result in less green space within the City; and

WHEREAS, on February 20, 2018, the 2018 Moratorium was further extended by an additional ten months and fifteen days beyond its original expiration date (“2018 Moratorium Extension”); and

1 **WHEREAS**, during the effectiveness of the 2018 Moratorium, the City studied and
2 considered potential ways in which the City could regulate the paving of sixty percent of the
3 total surface area of any residential front yard in the City; and

4 **WHEREAS**, the 2018 Moratorium has since expired; and

5 **WHEREAS**, Government Code Section 65858(f) authorizes the City Council to adopt
6 an another interim moratorium ordinance on the paving of greater than sixty percent of the total
7 surface area of any residential front yard in the City “provided that the new interim ordinance
8 is adopted to protect the public safety, health, and welfare from an event, occurrence, or set of
9 circumstances different from the event, occurrence, or set of circumstances that led to the
10 adoption of the prior interim ordinance”; and

11 **WHEREAS**, since the expiration of the 2018 Moratorium, the different events,
12 occurrences, and set of circumstances that are immediate threats to the public safety, health,
13 and welfare such that adopting of the Moratorium is necessary are as follows:

- 14 1. The immediate threats to public safety, health, and welfare identified in the
15 2018 Moratorium continue to be present.
- 16 2. During the effectiveness of the 2018 Moratorium, some City residents have
17 violated the 2018 Moratorium by removing all landscaping from their
18 properties and replacing such landscaping with pavement during the 2018
19 Moratorium’s effectiveness.
- 20 3. Further, after the 2018 Moratorium expired, some City residents have
21 continuously added additional paving and remove all landscaping from their
22 properties, which has resulted in more vehicles being parked off-street in front
23 and side yards.
- 24 4. City residents may access the newly paved front yard areas by driving over
25 City sidewalks. Overtime, this can cause damage to City sidewalks and result
26 in potential injury to pedestrians. Additionally, given that paving continued to
27 occur even during the effectiveness of the 2018 Moratorium, the potential
28 cumulative effect of such potential damage and injury may be substantial if
 paving of front yard areas continued without regulation.

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5. The newly paved front yard areas can provide access and parking in areas that do not meet the necessary engineering standards to allow the parking and driving of vehicles over such areas. Overtime, this can cause damage to such areas and result in potential injury for residents of a property. Additionally, given that paving continued to occur even during the effectiveness of the 2018 Moratorium, the potential cumulative effect of such damage may be substantial if paving of front yard areas continued without regulation.
6. The newly paved front yard areas can create unexpected ingress and egress points from a particular property such that motorists on adjacent streets may not expect a vehicle to enter or exit a property from certain non-driveway areas. Overtime, the cumulative effect could be substantial and create potential threats traffic safety, because of the unexpected ingress and egress of vehicles from affected properties.
7. Extensive front yard paving can also impede upon access to utility connections (both above- and under-ground) for installation, repair, and upgrade purposes; and

WHEREAS, the City Council of the City of Suisun City ("City Council") adopted Interim Urgency Ordinance No. 758 (the "Moratorium") on May 14, 2019, which imposed a temporary moratorium on paving of greater than sixty percent of the total surface area of any residential front yard in the City for 45 days so that the City Planning staff can study the matter further; and

WHEREAS, the Moratorium expires on June 28, 2019, but can be extended pursuant to California Government Code Section 65858 if there is a current and immediate threat to the public health, safety, or welfare, and that the approval of additional subdivisions, use permits, variances, building permits, or any other applicable entitlement for use which is required in order to comply with a zoning ordinance would result in that threat to public health, safety, or welfare; and

WHEREAS, since the adoption of the Moratorium, the City Planning Staff has studied the pavement of residential front yards; analyzed the applicable laws and standards currently relating to such activities in the State of California and the United States of

1 America; and to examine the local rules and regulations that other cities in California are
2 applying to such establishments; and

3 **WHEREAS**, the City Council finds that the conditions necessitating the Moratorium
4 continue to exist; and

5 **WHEREAS**, City Planning staff require more time to review and study the paving of
6 greater than sixty percent of the total surface area of any residential front yard in the City,
7 including any potential land use regulations; and

8 **WHEREAS**, after notice and a public hearing, Government Code Sections 65858,
9 36934 and 36937 permit the City Council to extend the Moratorium for an additional ten
10 months and fifteen days from the date the Moratorium expires to allow the City Planning Staff
11 additional time to complete its analysis and recommendations to the City Council and to allow
12 the City Council time to fully consider a potential Zoning Text Amendment which would
13 address the paving of greater than sixty percent of the total surface area of any residential
14 front yard in the City; and

15 **WHEREAS**, at a duly noticed public hearing on June 18, 2019, testimony and
16 evidence was heard and presented from all persons interested in affecting said proposal to
17 extend the Moratorium, from all persons protesting the same and from members of the City
18 staff, and the City Council has reviewed, analyzed, considered, and studied all oral and
19 written testimony and evidence presented at such public hearing, including staff reports and
20 presentations by City staff.

21 **NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUISUN**
22 **CITY, CALIFORNIA, DOES ORDAIN AS FOLLOWS:**

23 SECTION 1. The City Council of the City of Suisun City finds that the above recitals
24 are true and correct and incorporated herein by this reference.

25 SECTION 2. Based upon the above recitals and findings, as well as the staff report
26 for this ordinance and Moratorium, the City Council finds that there is a current and
27 immediate threat to public health, safety, or welfare posed by the prospect of the paving of
28 greater than sixty percent of the total surface area of any residential front yard in the City, and
the approval of any report, permit, or other approval necessary for such paving, or approval of

1 any such paving, would result in that threat to public health, safety, or welfare, as those terms
2 are defined in Government Code Sections 65858, 36934 and 36937, for the following
3 continuing reasons:

- 4 1. It has been longstanding City policy to limit the paving of residential front yards,
5 or any portion thereof, to no more than 60% of the total surface area of the
6 residential front yard. In particular, prior to March 21, 2017, the City's zoning
7 code contained regulations regarding such paving, but the regulations were
8 inadvertently omitted when the City updated its zoning code in March of 2017.
- 9 2. Further, the paving of more than 60% of the residential front yard would be
10 contrary to the City's General Plan Policy CCD-2.2.
- 11 3. Extending the Moratorium will prohibit uses that are in conflict with the
12 contemplated zoning proposal that the City Council, the City Planning
13 Commission, and/or the City's Planning Department is considering or studying
14 or intends to study within a reasonable time of adoption of the Moratorium and
15 the extension contemplated by this ordinance.
- 16 4. The paving of greater than 60% of residential front yard continues to be an
17 immediate threat to public health, safety, and welfare, because:
 - 18 a. The immediate threats to public safety, health, and welfare identified in
19 the 2018 Moratorium continue to be present.
 - 20 b. During the effectiveness of the 2018 Moratorium, some City residents
21 have violated the 2018 Moratorium by removing all landscaping from
22 their properties and replacing such landscaping with pavement during
23 the 2018 Moratorium's effectiveness.
 - 24 c. Further, after the 2018 Moratorium expired, some City residents have
25 continuously added additional paving and remove all landscaping from
26 their properties, which has resulted in more vehicles being parked off-
27 street in front and side yards.
 - 28 d. City residents may access the newly paved front yard areas by driving
over City sidewalks. Overtime, this can cause damage to City sidewalks

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and result in potential injury to pedestrians. Additionally, given that paving continued to occur even during the effectiveness of the 2018 Moratorium, the potential cumulative effect of such potential damage and injury may be substantial if paving of front yard areas continued without regulation.

e. The newly paved front yard areas can provide access and parking in areas that do not meet the necessary engineering standards to allow the parking and driving of vehicles over such areas. Overtime, this can cause damage to such areas and result in potential injury for residents of a property. Additionally, given that paving continued to occur even during the effectiveness of the 2018 Moratorium, the potential cumulative effect of such damage may be substantial if paving of front yard areas continued without regulation.

f. The newly paved front yard areas can create unexpected ingress and egress points from a particular property such that motorists on adjacent streets may not expect a vehicle to enter or exit a property from certain non-driveway areas. Overtime, the cumulative effect could be substantial and create potential threats traffic safety, because of the unexpected ingress and egress of vehicles from affected properties.

g. Extensive front yard paving can also impede upon access to utility connections (both above- and under-ground) for installation, repair, and upgrade purposes.

5. The continued paving of greater than 60% of residential front yard would and continues to result in the above-referenced threat to public health, safety or welfare.

6. The City’s current regulations related to the paving or non-paving of residential front yards, or portions thereof, in the City do not adequately protect the public health, safety and welfare of the residents of the City.

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7. The Moratorium and its extension as provided in this ordinance are necessary in order to ensure that adequate regulation regarding paving or non-paving of residential front yards, or portions thereof, in the City is adopted prior to the issuance of any new permits authorizing such activities to an extent greater than set forth in the Moratorium.

8. Based on the foregoing, extending the Moratorium will protect the public health, safety and welfare.

Based upon the forgoing, an interim urgency ordinance which imposes and extends the Moratorium is therefore necessary to protect the immediate public safety, health, and welfare pursuant to Government Code Sections 65858, 36934 and 36937.

SECTION 3. In accordance with Government Code Section 65858(d), the City Council issued a written report describing the measures taken to alleviate the conditions that led to the adoption of the Moratorium and this extension thereof, which written report was issued at the City Council meeting held on June 18, 2019.

SECTION 4. The Moratorium is hereby extended for an additional ten months and fifteen days beyond its original expiration date, such that the Moratorium will now expire on May 13, 2020, or when an ordinance supersedes the Moratorium.

SECTION 5. This interim urgency ordinance is enacted pursuant to the authority conferred upon the City Council of the City of Suisun by Government Code Sections 65858, 36934 and 36937, and shall remain in full force and effect immediately upon its adoption by a four-fifths (4/5) vote of the City Council. This interim urgency ordinance shall continue in effect until May 13, 2020, as provided above, and shall thereafter be of no further force and effect unless, after notice pursuant to Government Code Section 65090 and a public hearing, the City Council further extends the Moratorium for an additional period of time pursuant to Government Code Section 65858.

SECTION 6. The project is exempt from the requirements of the California Environmental Quality Act (CEQA), under the General Rule (Title 14 California Code of Regulations Section 15061(b)(3)) that the extension of the Moratorium is exempt from review because it can be seen with certainty that there is no possibility that such adoption may have a

1 significant impact on the environment.

2 SECTION 7. If any section, subsection, sentence, clause, or phrase of this ordinance
3 is for any reason held to be invalid or unconstitutional by a decision of any court of any
4 competent jurisdiction, such decision shall not affect the validity of the remaining portions of
5 this ordinance. The City Council hereby declares that it would have passed this ordinance,
6 and each and every section, subsection, sentence, clause and phrase thereof not declared
7 invalid or unconstitutional without regard to whether any portion of the ordinance would be
8 subsequently declared invalid or unconstitutional.

9 SECTION 8. This ordinance shall be posted in at least three (3) public places within
10 the City or published in a county newspaper that is circulated in the City within fifteen (15)
11 days after its passage, there being no newspaper of general circulation printed and published
12 within the City.

1 **PASSED, APPROVED, AND ADOPTED** as an Interim Urgency Ordinance at a
2 regular meeting of the City Council of the City of Suisun City, California, on this 18th day of
3 June 2019.

4 
Lori D. Wilson, Mayor

5 ATTEST:


6 
7 Linda Hobson, CMC
City Clerk

8
9
10 **CERTIFICATION**

11 I, Linda Hobson, City Clerk of the City of Suisun City, California, do hereby certify
12 that the foregoing Interim Urgency Ordinance was introduced, passed, approved, and adopted
13 at a regular meeting of the City Council on June 18, 2019, by the following vote:

14 **AYES:** Councilmembers: Adams, Day, Segala, Williams, Wilson
15 **NOES:** Councilmembers: None
16 **ABSENT:** Councilmembers: None
ABSTAIN: Councilmembers: None

17 **WITNESS** my hand and the seal of said City this 18th day of June 2019.

18 
19 Linda Hobson, CMC
20 City Clerk

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AGENDA TRANSMITTAL

MEETING DATE: July 9, 2019

PLANNING COMMISSION AGENDA ITEM: Resolution No. PC19 - ___; A Resolution of the City of Suisun City Planning Commission Concurring and Adopting the Planning Commission Bylaws with Amendments from City Council.

BACKGROUND: At the January 13, 2015 Planning Commission meeting, the Commission asked staff to provide information regarding bylaws for the Planning Commission. Staff information relating to bylaws from other Commissions in California for reference.

At the February 10, 2015 Planning Commission meeting, staff provided information for the Commission to consider when considering establishing bylaws. The Commission asked staff to take a look at other Solano County jurisdictions had in the way of bylaws or rules of procedure.

At the February 24, 2015 Planning Commission meeting, the Commission reviewed bylaws from local jurisdictions and formed a sub-committee consisting of Commissioners Pal and Smith.

At the April 14, 2015 Planning Commission meeting, the Commission reviewed draft bylaws and staff to the make revisions to the draft document (including formatting) and bring the bylaws back for formal adoption.

At the April 28, 2015 Planning Commission meeting, the Commission discussed final issues, primarily related to quorum and voting procedures, and asked staff to return to its next meeting to address these questions and to bring the bylaws back for formal adoption.

On May 26, 2015 Planning Commission adopted Planning Commission Bylaws and Rescinding the 1997 Planning Commission Rules of Procedure, but the item was not taken forward to the City Council for formal adoption.

On April 23, 2019 Planning Commission adopted Planning Commission Bylaws and Rescinding the 1997 Planning Commission Rules of Procedure, the item was taken forward to the City Council for formal adoption.

On May 7, 2019 City Council amended the following in the Planning Commission Bylaws:
Section 3... shall conduct meetings consistent with the spirit of the Rosenberg's Rules of Order...and change Robert's Rules of Order to Rosenberg's Rules of Order throughout document.

Change wherever it says Planning Director to Development Services Director.

Section 4.4 Add - Communications with the press should be reported to staff.

PREPARED BY:

Joann Martinez, Assistant Planner

APPROVED BY:

John Kearns, Senior Planner

Section 4.6 Change - A member of the Planning Commission may serve in the same office of the Planning Commission for no more than two consecutive terms.

Section 6 Delete – Communications and Petitions

Section 6.4 ... although not required.

STAFF REPORT: Staff and the sub-committee worked closely in developing draft bylaws for the Commission and the Planning Commission was presented details on the draft bylaws and provided the opportunity to provide revisions and amendments.

While collaborating with the sub-committee on development of bylaws, staff discovered Rules of Procedure that were adopted by the Planning Commission on January 28, 1997. Content from the 1997 document was transferred as appropriate to the 2015 Bylaws. With adoption of the attached resolution, the Commission will adopt the 2015 Bylaws and will rescind 1997 Rules of Procedure. Moving forward, the bylaws may be amended by Commission and City Council resolution.

The City Council asked that the revisions made by the City Council be brought back to the Planning Commission for review. On May 7, 2019 City Council amended the Planning Commission Bylaws. The City Council discussed the Ordinance and the following changes were made:

2.20.40 Terms Vacancies and Removal; Codify current practices and add length of service.

2.20.50 Failure to Attend Meetings; Add – “Without being excused by the Mayor.”

STAFF RECOMMENDATION: Staff recommends that the Planning Commission **Adopt** Resolution No. PC19-___: A Resolution of the City of Suisun City Planning Commission Recommending Adoption of Planning Commission Bylaws from City Council.

ATTACHMENTS:

1. Resolution No. PC19-___: A Resolution of the City of Suisun City Planning Commission Concurring and Adopting the Planning Commission Bylaws with Amendments from City Council.
 - a. Planning Commission Bylaws – with amendments provided by City Council.

RESOLUTION NO. PC19-

**A RESOLUTION OF THE CITY OF SUISUN CITY PLANNING COMMISSION
CONCURRING AND ADOPTING THE PLANNING COMMISSION BYLAWS WITH
AMENDMENTS FROM CITY COUNCIL**

WHEREAS, the Planning Commission directed staff at their April 14, 2015 regular meeting to complete revisions to the draft Planning Commission Bylaws and prepare the document for Commission adoption; and

WHEREAS, the Planning Commission at a regular meeting on May 26, 2015 did complete its review and recommend approval of Planning Commission Bylaws; however, the bylaws were never forwarded to the City Council for adoption; and

WHEREAS, the Planning Commission at a regular meeting on April 23, 2019 completed its review of the Planning Commission Bylaws; and

WHEREAS, the Planning Commission did recommend the City Council adopt Planning Commission Bylaws (Exhibit A) and rescinding the 1997 Planning Commission Rules of Procedure.

WHEREAS, the City Council amended the Planning Commission Bylaws (Exhibit A).

NOW, THEREFORE, BE IT RESOLVED THAT the Planning Commission of the City of Suisun City does hereby adopt Resolution PC19-__; A Resolution of the City of Suisun City Planning Commission Concurring and Adopting the Planning Commission Bylaws with Amendments from City Council.

The forgoing motion was made by Commissioner _____ and seconded by Commissioner _____ and carried by the following vote:

AYES: Commissioners:
NOES: Commissioners:
ABSENT: Commissioners:
ABSTAIN: Commissioners:

WITNESS my hand and the seal of said City this 9th day of July 2019

Joann Martinez
Commission Secretary

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Table of Contents

1. Preface
2. Adoption and Amendment of Bylaws
3. Adoption of Parliamentary Procedure
4. Duties and Powers of Commissioners
 - 4.1 Responsibilities of Each Planning Commissioner
 - 4.2 Commissioner Preparation
 - 4.3 Addressing Commissioners and Members of the Public
 - 4.4 Communications with the Press
 - 4.5 Anticipated Absence
 - 4.6 Officers
 - 4.7 Duties and Responsibilities of the Chair
 - 4.8 Duties and Responsibilities of the Vice-Chair
 - 4.9 Subcommittees
5. Meetings
 - 5.1 Public Meetings
 - 5.2 Regular Meetings
 - 5.3 Adjourned Meetings
 - 5.4 Special Meetings
 - 5.5 Study Sessions/Workshops
 - 5.6 Establishing a Quorum
 - 5.7 Agendas
 - 5.8 Minutes and Record of the Meeting
 - 5.9 Motions, Debates, and Voting
 - 5.10 Conflicts of Interest
 - 5.11 Voting
 - 5.12 Dissents and Protests
6. Conducting a Meeting
 - 6.1 Order of Business within a Meeting
 - 6.2 Order for Presentation or Hearing of Proposals
 - 6.3 Order of Testimony
 - 6.4 Rules of Testimony

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 ~~Planning Director~~ Development Services Director at the earliest possible opportunity and, in any event, prior to 5 p.m. on the date of the meeting. The ~~Planning Director~~ 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 ~~any number of terms~~ 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 7:00 p.m. in the Council Chambers of the City Hall unless otherwise determined by the Planning Commission or the ~~Planning Director~~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 ~~Planning Director~~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~~ ~~Planning 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 mater
- 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

~~Communications & Petitions~~

- 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.

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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.