



AGENDA
CITY OF SANGER
PLANNING COMMISSION MEETING
THURSDAY, JANUARY 14, 2021, 6:00 p.m.
CITY HALL COUNCIL CHAMBER
1700 7th STREET, SANGER, CALIFORNIA 93657

Drew Esquer, Chair

Vincent Wall, Vice Chair

Commissioners: Kevin Carter, Ken Garcia, Mia Geil, Stephanie Moreno, Monica Yamada

This meeting will be conducted pursuant to the provisions of Paragraph 11 of the Governor's Executive Order N-25-20 which suspends certain requirements of the Ralph M. Brown Act, and as a response to mitigating the spread of COVID-19, the meeting will be held via teleconference and will not be physical open to the public. The weblink and telephone number listed below will provide access to the Planning Commission meeting. Public comment will also be accepted via email at publicmeeting@ci.sanger.ca.us

Weblink: <https://us02web.zoom.us/j/83989955928>

Telephone number: +1 669 900 9128

Meeting ID: 839 8995 5928

- A. CALL TO ORDER AND ROLL CALL**
- B. FLAG SALUTE**
- C. AGENDA, APPROVAL ADDITIONS, AND/OR DELETIONS**
- D. ELECTION OF OFFICERS**
- E. PUBLIC FORUM**

(This portion of the meeting is reserved for persons desiring to address the Planning Commission on any matter not otherwise on the agenda and within the jurisdiction of the Planning Commission. Speakers shall address all comments to the Chair and the Commission as a body and not to any particular Commission Member or member of the staff. Speakers should limit their comments to three (3) minutes).

F. PUBLIC HEARINGS

1. Conditional Use Permit No. 2020-02, Anthony Espitia, ABC License 1315 7th Street

Recommendation: Receive staff's report and conduct public hearing. Adopt Resolution No. 2021-01, approving Conditional Use Permit No. 2020-02 for issuance of a California Department of Alcoholic Beverage Control License Type 47 – On-Sale General – Eating Place at 1315 7th Street, Sanger, CA 93657.

Public Hearing for: Conditional Use Permit to allow issuance of a California Department of Alcoholic Beverage Control License Type 47 – On-Sale General – Eating Place.

G. ACTION ITEM

1. Planning Commission Rules and Procedures

H. COMMISSIONERS COMMENTS / COMMUNICATION

1. Appeal of Fresno County Planning Commission Action

I. NEXT MEETING DATE

February 11, 2021

J. ADJOURNMENT

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this meeting, please contact the office of the City Clerk at 559-876-6300, Ext 1350. Notification 48 hours prior to a meeting will enable the City to make reasonable arrangements to ensure accessibility to that meeting. [28 CFR 35.104 ADA Title II].



CITY OF SANGER
Planning Commission
Meeting of January 14, 2021

TO: Sanger Planning Commission

FROM: David Brletic, Senior Planner

SUBJECT: Election of Officers

RECOMMENDATION:

Staff recommends the Planning Commission conduct election of officers per Sanger City Code Section 2-160.

PROJECT BACKGROUND SUMMARY:

Provision for election of a Planning Commission chairman and vice chairman are contained in to Sanger City Code Section 2-160. The chairman and vice chairman shall hold offices for one year and until their successors are elected. Election of the chairman and vice chairman shall occur at the first meeting following January 1 of each year.

ENVIRONMENTAL ANALYSIS

The item is not considered a project by California Environmental Quality Act (CEQA) and is therefore not subject to review.

RECOMMENDATION:

Staff recommends the Planning Commission conduct election of officers per Sanger City Code Section 2-160.

FISCAL EFFECTS:

This application has no fiscal impact.

ATTACHMENTS:

- A. Sanger City Code Section 2-160

Sanger City Code

Sec. 2-160. - Powers; duties; quorum; procedures.

- (a) The powers and duties of the planning commission shall be those prescribed by law. The city council may, from time to time by resolution or ordinance, prescribe additional powers and duties not inconsistent with state law.
- (b) A majority of the members of the planning commission shall constitute a quorum for the conduct of business.
- (c) The planning commission may adopt such rules of procedure as it deems necessary and appropriate and may elect a chairman and vice chairman to preside over its meetings. The chairman and vice chairman shall hold offices for one year and until their successors are elected. Election of the chairman and vice chairman shall occur at the first meeting following January 1 of each year.
- (d) Robert's Rules of Order shall apply to the conduct of planning commission meetings except as they may be modified by rules of procedure adopted by the planning commission.

(Ord. No. 1139, § 4, 10-3-13.)



CITY OF SANGER
Planning Commission
Meeting of January 14, 2021

TO: Sanger Planning Commission

FROM: David Brletic, Senior Planner

SUBJECT: **Public Hearing**

Conditional Use Permit No. 2020-02, filed by Anthony, Espitia, Brickhouse Bar & Grill: Conditional Use Permit to allow a California Department of Alcoholic Beverage Control (ABC), License Type 47 – On-Sale General – Eating Place, at Brickhouse Bar & Grill, 1315 7th Street, Sanger, CA, 93657, APN 317-133-02, as well as a Class 1 Categorical Exemption under CEQA Guidelines Section 15301 (Existing Facilities).

Recommendation: Receive staff's report and conduct public hearing. Adopt Resolution No. 2021-01, approving Conditional Use Permit No. 2020-02 for issuance of a California Department of Alcoholic Beverage Control License Type 47 – On-Sale General – Eating Place at 1315 7th Street, Sanger, CA 93657.

ATTACHMENTS:

- A. Location Map
- B. Floor Plan
- C. Planning Commission Resolution No. 2021-01

RECOMMENDATION:

Staff recommends the Planning Commission approve Resolution No. 2021-01, approving Conditional Use Permit No. 2020-02, allowing issuance of a California Department of Alcoholic Beverage Control, License Type 47 – On-Sale General – Eating Place, at Phat Al's, 1315 7th Street, Sanger, CA, 93657, APN 317-133-02.

PROJECT SITE & SURROUNDINGS:

Property Owner: Anthony Espitia
Parcel Size: 1,350 Square Feet
Existing Land Use: Commercial Retail/Service
General Plan Designation: Central Commercial
Zoning Designation: C-3, Central Commercial

Adjoining Land Uses:

	General Plan	Zone District	Existing Land Use
North	Central Commercial	C-3, Central Commercial	Commercial
South	Central Commercial	C-3, Central Commercial	Commercial
East	General Commercial	C-4, General Commercial	Commercial
West	Central Commercial	C-3, Central Commercial	Commercial

PROJECT BACKGROUND SUMMARY:

This application is for an alcohol license to be operated with a new restaurant bar. Brickhouse Bar & Grill is a new business at 1315 7th Street, Sanger, CA 93657, APN 317-133-02. The requested license is a Type 47, On-Sale General – Eating Place.

The California Department of Alcoholic Beverage Control Describes the license as follows:

47 – On-Sale General – Eating Place

(Restaurant) Authorizes the sale of beer, wine and distilled spirits for consumption on the licensed premises. Authorizes sale of beer and wine for consumption off the licensed premises. Must operate and maintain licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.

The Conditions of approval included:

1. The premises and Type 47 License shall operate in compliance with all applicable state and local rules and regulations.
2. Violation of Conditional Use Permit No. 2020-02 **will** result in the Planning Commission review of Conditional Use Permit and may result in initiation of revocation of the Conditional Use Permit.
3. Violation of any California Alcoholic Beverage Control regulations, or initiation of any action **will** result in Planning Commission review of Conditional Use Permit No. 2020-02 and may result in initiation of revocation of Conditional Use Permit
4. Hours of operation shall be 10 AM to 2 AM.
5. Radio, DJ, and Live Music and dancing are permitted subject to approval of a dance permit from the Sanger Police Department.
6. The number of Security personnel to present shall be as directed by the Sanger Police Department.
7. All servers and barkeep shall be trained to detect underage drinking and the amount of alcohol being served to customers. Training is to be per California Alcoholic Beverage Control standards/regulations and must be completed prior to commencement of alcohol sales.
8. The name and phone number of a contact person shall be on file with the Sanger Police Department in case of emergencies.
9. The premise, including any delivery and solid waste areas shall be kept in an orderly and clean manner.
10. Any graffiti shall be removed within 24 hours.
11. For Zoning purposes, vaping shall be regulated as a tobacco use and regulated as such.

12. Applicant is to install Video Camera. Video Camera is to be a fully functional color digital video camera must be in place to record the activities of patrons on the premises. Additionally, there shall be at least one camera placed to focus on each of the following areas; front door(s) and/or entry area, parking area and any area outside where patrons wait to enter the establishment and the majority of the open floor space area in the establishment.

The camera storage capacity should be for at least one week (seven calendar days). The System must continuously record, store, be capable of playing back images and be fully functional at all times, and exterior camera(s) shall have connectivity capability with the Sanger Police Department's Video Surveillance system. Any recordings of criminal activity shall be provided to within 24 hours of the initial request.

REQUIRED FINDINGS FOR CONDITIONAL USE PERMIT APPROVAL:

Staff recommendation is that the Planning Commission approve Conditional Use Permit No. 2020-02. A draft resolution, approving Conditional Use Permit No. 2020-02, has been prepared.

Per Sanger City Code, Section 90-999, the Planning Commission, is required to make the following findings to approve Minor Conditional Use Permit No. 2020-01.

Finding 1: That the site for the proposed use is adequate in size and shape to accommodate the use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by this chapter to adjust the use with land and uses in the neighborhood.

The site is an existing facility that has previously been used for commercial activity. The site is adequate in size and shape to accommodate the proposed use. This finding can be made.

Finding 2: That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.

The existing facility is located in the established C-3 zone district. The surrounding area is built out with adequate street and pedestrian pavement to accommodate traffic generated by the proposed use. This finding can be made.

Finding 3: That the proposed use will have no adverse effect upon adjoining or other properties. In making this determination, the commission shall consider the proposed location of improvements on the site; vehicular ingress, egress and internal circulation; setbacks; height of buildings; walls and fences; landscaping; outdoor lighting; signs; and such other characteristics as will affect surrounding properties.

The site of the proposed use is located in the C-3, Central Commercial, zone district. The C-3 district is intended to serve as the central commercial are for the urbanized area, accommodating a variety of retail and service uses. This finding can be made.

Finding 4: That the proposed use is consistent with the objectives and policies of the city general plan.

The 2035 General Plan states that the Central Commercial designation is intend to protect and foster downtown sanger by strengthening the "downtown" atmosphere of stores-typically fronting directly on the street with display windows catering to pedestrian shopping. On-site parking should be located to the rear or the side of buildings. The proposed site front 7th street and is served by on-street parking. This finding can be made.

Finding 5: *That the conditions of approval are necessary to protect the public health, safety and general welfare.*

The conditions of approval regulate the operation of the requested alcohol license and are intended to allow the proposed use operates harmoniously with surrounding uses. The conditions of approval are necessary to protect the public health, safety and general welfare. This finding can be made.

ENVIRONMENTAL ANALYSIS

The proposed Conditional Use Permit is considered a project by California Environmental Quality Act (CEQA). The proposed use is an existing facility and is exempt from CEQA, Categorical Exemption 15301. Existing Facilities. Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The key consideration is whether the project involves negligible or no expansion of an existing use.

RECOMMENDATION:

Staff recommends the Planning Commission approve Resolution No. 2021-01, approving Conditional Use Permit No. 2020-02, allowing issuance of a California Department of Alcoholic Beverage Control, License Type 47 – On-Sale General – Eating Place, at Phat Al's, 1315 7th Street, Sanger, CA, 93657, APN 317–133–02.

FISCAL EFFECTS:

This application has no fiscal impact.

ATTACHMENTS:

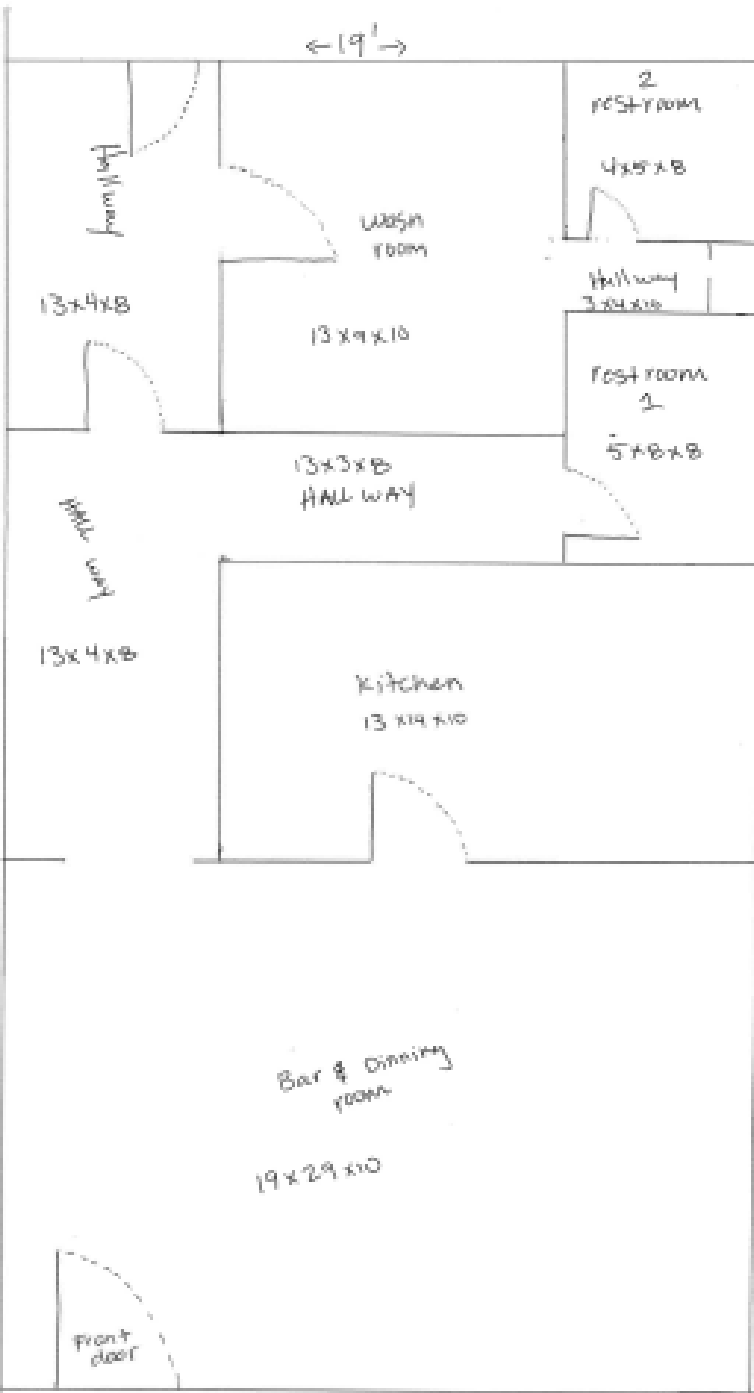
- A. Location Map
- B. Floor Plan
- C. Planning Commission Resolution No. 2021-01

Attachment A – Location Map



Attachment B – Floor Plan

Brick house bar & grill

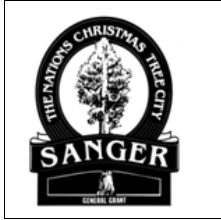


19x59 =
1,121 SF

1315 7th street
Sanjour CA 92057

589-3467253

Date
10/27/2020



CITY OF SANGER
PLANNING COMMISSION
RESOLUTION NO. 2021-01

CONDITIONAL USE PERMIT NO. 2020-02

CONDITIONAL USE PERMIT NO. 2020-02 FILED BY ANTHONY ESPITIA, BRICKHOUSE BAR & GRILL, TO ALLOW ISSUANCE OF A CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL, TYPE 47 – ON-SALE GENERAL – EATING PLACE, LICENSE, AT THE 1315 7TH STREET, SANGER, CA 93657, APN 317-133-02.

WHEREAS, the Planning Commission of the City of Sanger did conduct a duly noticed public hearing in the Council Chambers of the Sanger City Hall in Sanger, California, on January 14, 2021, to consider Conditional Use Permit Application No. 2019-02, to allow issuance of a California Alcoholic Beverage Control, Type 47 – On-Sale General – Eating Place, license, at 1315 7th Street, Sanger, CA 93657, APN 317-133-02; and

WHEREAS, the Commission, reviewed the staff report prepared for the Project which is herein incorporated by this reference; and heard public testimony offered at the hearing on the project; and

WHEREAS, the proposed Conditional Use Permit is considered a project by California Environmental Quality Act (CEQA). The proposed use is an existing facility and is exempt from CEQA, Categorical Exemption 15301. Existing Facilities. Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The key consideration is whether the project involves negligible or no expansion of an existing use; and

WHEREAS, the Commission can make all the finding required for approval of CUP No. 2020-02, and desires to approve the same.

ATTACHMENT C

ITEM F.1.

NOW, THEREFORE BE IT RESOLVED, by the Planning Commission as follows:

1. Recitals. The Planning Commission finds the foregoing recitals and findings are true and are hereby incorporated by reference as if set forth in full.
2. Findings Regarding CUP. The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the Planning Commission determination that the CUP, as conditioned, is consistent with the requirements of the Sanger City Code requirements applicable to the CUP. Based on the evidence in the administrative record, the Planning Commission further approves, accepts as its own, and makes each and every one of the findings contained set forth below that the proposed CUP No. 2020-02 is consistent with Sanger City Code Section 90-999 as follows:

- a. Finding 1: *That the site for the proposed use is adequate in size and shape to accommodate the use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by this chapter to adjust the use with land and uses in the neighborhood.*

The site is an existing facility that has previously been used for commercial activity. The site is adequate in size and shape to accommodate the proposed use. This finding can be made.

- b. Finding 2: *That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.*

The existing facility is located in the established C-3 zone district. The surrounding area is built out with adequate street and pedestrian pavement to accommodate traffic generated by the proposed use. This finding can be made.

- c. Finding 3: *That the proposed use will have no adverse effect upon adjoining or other properties. In making this determination, the commission shall consider the proposed location of improvements on the site; vehicular ingress, egress and internal circulation; setbacks; height of buildings; walls and fences; landscaping; outdoor lighting; signs; and such other characteristics as will affect surrounding properties.*

The site of the proposed use is located in the C-3, Central Commercial, zone district. The C-3 district is intended to serve as the central commercial are for the urbanized area, accommodating a variety of retail and service uses. This finding can be made.

- d. Finding 4: *That the proposed use is consistent with the objectives and policies of the city general plan.*

The 2035 General Plan states that the Central Commercial designation is intend to

ATTACHMENT C

ITEM F.1.

protect and foster downtown sanger by strengthening the “downtown” atmosphere of stores-typically fronting directly on the street with display windows catering to pedestrian shopping. On-site parking should be located to the rear or the side of buildings. The proposed site front 7th street and is served by on-street parking. This finding can be made.

- e. Finding 5: *That the conditions of approval are necessary to protect the public health, safety and general welfare.*

The conditions of approval regulate the operation of the requested alcohol license and are intended to allow the proposed use operates harmoniously with surrounding uses. The conditions of approval are necessary to protect the public health, safety and general welfare. This finding can be made.

3. Use Permit Approved. For all the foregoing reasons, and each of them, the Planning Commission approves Conditional Use Permit 2020-02, as conditioned.

4. Conditions of Approval.

1. The premises and Type 47 License shall operate in compliance with all applicable state and local rules and regulations.
2. Violation of Conditional Use Permit No. 2020-02 **will** result in the Planning Commission review of Conditional Use Permit and may result in initiation of revocation of the Conditional Use Permit.
3. Violation of any California Alcoholic Beverage Control regulations, or initiation of any action **will** result in Planning Commission review of Conditional Use Permit No. 2020-02 and may result in initiation of revocation of Conditional Use Permit
4. Hours of operation shall be 10 AM to 2 AM.
5. Radio, DJ, and Live Music and dancing are permitted subject to approval of a dance permit from the Sanger Police Department.
6. The number of Security personnel to present shall be as directed by the Sanger Police Department.
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8. The name and phone number of a contact person shall be on file with the Sanger Police Department in case of emergencies.
9. The premise, including any delivery and solid waste areas shall be kept in an orderly and clean manner.
10. Any graffiti shall be removed within 24 hours.
11. For Zoning purposes, vaping shall be regulated as a tobacco use and regulated as such.
12. Applicant is to install Video Camera. Video Camera is to be a fully functional color digital video camera must be in place to record the activities of patrons on the premises. Additionally, there shall be at least one camera placed to focus on each of the following areas; front door(s) and/or entry area, parking area and any area outside where patrons wait to enter the establishment and the majority of the open floor space area in the establishment.

The camera storage capacity should be for at least one week (seven calendar days). The

ATTACHMENT C

ITEM F.1.

System must continuously record, store, be capable of playing back images and be fully functional at all times, and exterior camera(s) shall have connectivity capability with the Sanger Police Department's Video Surveillance system. Any recordings of criminal activity shall be provided to within 24 hours of the initial request.

5. Effectiveness. This Resolution shall become effective immediately.

* * * * *

I HEREBY CERTIFY that the foregoing is a full, true, and correct copy of a Resolution duly and regularly adopted and passed by the Planning Commission of the City of Sanger, California, at a meeting held on the 14th day of January, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Dated: January 14, 2021

David Brletic
Secretary of the Planning Commission
of the City of Sanger



CITY OF SANGER
Planning Commission
Regular Meeting of January 14, 2021

TO: Sanger Planning Commission
FROM: David Brletic, Senior Planner
SUBJECT: Planning Commission Rules and Procedures

RECOMMENDATION:

Staff recommends the Planning Commission review the Draft Planning Commission Rules and Procedures and forward to City Council with recommendation for approval.

PROJECT BACKGROUND SUMMARY:

The Planning Commission directed that an ad hoc Committee be formed to review and develop Planning Commission Rules and Procedures. Vice Chair Wall and Commissioner Carter were designated as the ad hoc committee and worked with City Attorney, Hilda Montoy to the Draft Planning Commission Rules and Procedures contained in Attachment A.

ENVIRONMENTAL ANALYSIS

The item is not considered a project by California Environmental Quality Act (CEQA) and is therefore not subject to review.

RECOMMENDATION:

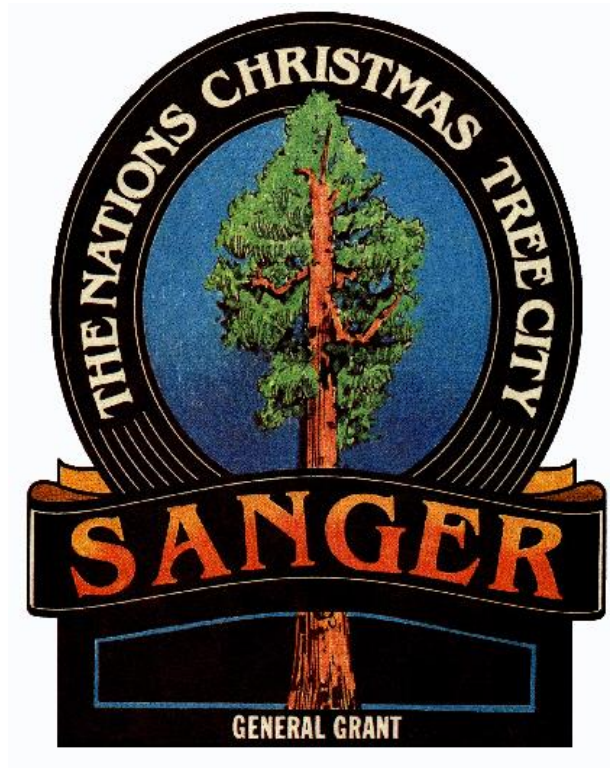
Staff recommends the Draft Planning Commission review the Planning Commission Rules and Procedures and forward to City Council with recommendation for approval.

FISCAL EFFECTS:

This application has no fiscal impact.

ATTACHMENTS:

- A. Draft Planning Commission Rules and Procedures



CITY OF SANGER

PLANNING COMMISSION RULES AND PROCEDURES

Adopted on xxxxx xx, 2021

CITY OF SANGER
PLANNING COMMISSION RULES AND PROCEDURES

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I. AUTHORITY/ADMINISTRATION

A. General Authorities and Applicability

These Planning Commission Rules and Procedures (“Rules” are adopted pursuant to Sections 2-156 through 2-160 of the City of Sanger City (“Code”). These sections of the Code established the Planning Commission, appointment of Commissioners, terms of office, removal, and retirement.

These Rules shall prevail to govern the order and conduct of business of the City Planning Commission except if inconsistent with a City Code provision, Council resolution, or state law.

B. General Administration

During City Planning Commission discussions, deliberations, and proceedings, the Chair has been designated with the primary responsibility to ensure that the City Planning Commission, Staff and members of the public adhere to the Planning Commission's norms and procedures.

C. Amendment

The Planning Commission may review and revise the Rules as needed. Any Rules may be adopted, altered, amended or repealed at any time by the Planning Commission, provided that at least a one week notice of such proposed Rule change is given to the Planning Commission members and City staff.

D. Suspension

Any Rule may be temporarily suspended by an affirmative vote of not less than a majority of the total membership of the Planning Commissioners.

E. Rosenberg’s Rules

To the extent these Rules do not address the parliamentary procedures for legislative body meetings, Rosenberg’s Rules of Order: Simple Parliamentary Procedures for the 21st Century, shall apply. Said Rosenberg’s Rules are made a part of these Rules and are set forth in Appendix A.

F. Secretary

The Secretary of the Planning Commission shall be a City Employee designated by the City Manager and will normally be the City Planner.

G. Attorney

The City Attorney shall be the legal counsel to the Planning Commission.

The Commission may seek legal information from City Attorney at Planning Commission meetings. If City Attorney is not present, the Secretary shall transmit the request to City Attorney. Alternatively, the Commission may have an Ad Hoc Committee contact the City Attorney.

H. Newly Appointed Commissioners

1. Newly Appointed Commissioners shall be given:
 - (a) Training in their role as Commissioners by the Secretary or by other City Employee or by persons employed to give such training.
 - (b) A binder or bound copy of the most recent General Plan
 - (c) A binder or bound copy of these Rules including all appendices
2. Shall be sworn in at the first meeting of which they are in attendance by the Secretary or other duly appointed person with the power to swear in Commissioners.

I. Seating of Commissioners

1. The Chair shall occupy the middle seat on the dais.
2. The Vice-Chair shall occupy the seat to the right of the Chair on the dais.
3. All other Commissioners shall be seated according to their seniority starting on the far right of the Chair.

II. AREA OF RESPONSIBILITY

A. General

The Planning Commissioners area of responsibility concerning land use is defined in the Sanger City Code in Chapters 62 and 90. Appendix B provides a chart of these responsibilities and is incorporated by reference.

B. Appeals from Director Review

1. Director Review is approved by the Community Development Director (“Director”).
2. Appeals from Director Review are to the Planning Commission per Sanger Code Section 90-1019 and concern all uses permitted subject to review and approval of the Director.

C. Site Plan Review

Site Plan Review is approved by the Director with appeal to the Planning Commission per Sanger City Code Section 90-1011(a). The Planning Commission may further be appealed to the City Council per Sanger City Code Section 90-1011(b).

D. Lot Line Adjustment and Lot Merger

California's Subdivision Map Act governs this. The procedures are contained in Sanger Code Sections 62-35. There is no appeal to the Planning Commission.

E. Conditional Use Permit ("CUP")

Per Sanger Code Section 90-1000(a) all CUPs must go before the Planning Commission for review. The Planning Commission decision is final unless appealed to the City Council per Sanger Code Section 90-1000(b).

F. Tentative Parcel and Subdivision Map

Per Sanger City Code Section 62-75 and 62-76 all tentative maps must go before the Planning Commission for review. The Planning Commission decision is final unless appealed to the City Council per Sanger Code Section 62-76(e)

G. Final Subdivision Map

Per Sanger Code Section 62-96 and 62-97 the Planning Commission takes no action on a Final Parcel Map.

H. Vesting Tentative and Final Subdivision Map

Per Sanger Code Section 62-351 to 62-381 all vesting tentative maps must go before the Planning Commission for review. Per Sanger Code Sections 62-74 to 62-76 and 62-366, all tentative and vesting tentative subdivision maps must go before the Planning Commission for review. The Planning Commission decision on any tentative or vesting tentative map is final unless appealed to the City Council per Sanger Code Section 62-326 to 62-327.

All final maps, whether vesting or not, are not approved by the Planning Commission and instead are approved by the City Engineer and City Council per Sanger Code Section 62-96 and 62-97.

I. Zoning Ordinance Amendment

Per Sanger City Code Section 90-994, amendments may be initiated by application of an interested person, Planning Commission resolution, or City Council Resolution. The process is set in Sections 90-994 through 996 with the Planning Commission ultimately making a recommendation to the City Council.

J. Variances

Per Sanger Code Section 90-1002 through 90-1005 the Planning Commission may approve, approve with stated conditions, disapprove, or disapprove without prejudice a variance application. The Planning Commission decision is final unless appealed to the City Council per Sanger City Code Section 90-1004(b).

K. General Plan Amendment

General Plan amendments procedures are the same as for initial adoption of a General Plan. See Government Code Section 65350.

L. Annexation

Per Sanger Code Section 90-93 the procedures listed in Sanger City Code Section 90-994 through 90-997 apply. However, state law largely governs the process per the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code sections 56000 *et seq.*).

III. DUTIES

A. Joint Duties of Commissioners and Staff

City Planning Commissioners and City Staff shall conduct the business of the City Planning Commission:

1. Recognizing that stewardship of the public interest must be of primary concern;
2. Working for the common good of the people of the City of Sanger; and
3. Assuring fair and equal treatment of all persons and actions coming before the Planning Commission.

B. Duties of the Chair

The Chair shall be:

1. Voted on annually by the City Planning Commission from its membership at their first meeting held each new year per Sanger City Code 2-160(c).
2. The presiding officer of all meetings of the City Planning Commission.
3. Entitled to make and second motions on matters before the City Planning Commission and vote on actions, but shall possess no veto power over actions of the City Planning Commission.

4. All decision of the Chair are final, unless overruled by a point of appeal. See Rosenberg's Rules.
5. Order of discussions:
 - (a) For all items of discussion, the Chair shall proceed from the most junior to the most senior Commissioner with the Vice-Chair be second to last and the Chair being the last. For each Commissioner that Chair shall inquire whether the Commissioner has any questions or comments on the current item.
 - (b) After all Commissioners have a first opportunity to speak the Chair shall start over with the junior most Commissioner.
 - (c) The order of discussion will continue as stated in (a)-(b) until no Commissioners have any further comments or questions.
 - (d) No motions shall be made until all Commissioners have had an opportunity to speak at least twice.
 - (e) After the second round, but before the third, any Commissioner may make a motion.
 - (f) Motions and multiple motions shall be governed by Rosenberg's Rules.
6. Advisory Notes
 - (a) The Chair is encouraged to hold his or her comments until the end of the Commissioners' discussion in order to effectively facilitate the discussion as it occurs.
 - (b) The Chair is encouraged not to make or second a motion unless absolutely necessary.

C. Duties of the Vice-Chair

The Vice-Chair shall:

1. Be voted on annually by the City Planning Commission from its membership at their first meeting held each new year per Sanger City Code 2-160(c).
2. In the absence of the Chair from a City Planning Commission meeting, assume the duties, power, and responsibility of the Chair.

D. Absence of the Chair and Vice-Chair

1. If the Chair and Vice-Chair are absent, the Planning Commission may appoint one of its members to serve as Temporary Chair, and assume the duties, power, and responsibility of the Chair.

IV. CONDUCT OF COMMISSIONERS, CITY STAFF, AND THE PUBLIC

A. General Conduct by Commissioners, Staff, and Public:

1. Treat each other and everyone with courtesy and refrain from inappropriate behavior and derogatory comments.
2. Not delay or interrupt the proceedings or the peace of the City Planning Commission, nor disturb any Commissioner while speaking, by conversation or otherwise.
3. Respect each other's opportunity to speak.
4. Switch any electronic equipment, such as cellular telephones, to silent or off mode during Planning Commission meeting.
5. Avoid offensive negative comments and shall practice civility and decorum during discussions and debate.
6. Listen courteously and attentively.

B. Commissioners Conduct:

1. Be fair, impartial, and unbiased when voting on quasi-judicial actions.
2. Gain the attention of the Chair to inform the Chair of their wish to speak and shall be acknowledged by the Chair before speaking.
3. Move to require the Chair to enforce these rules and the Chair shall do so upon an affirmative vote of a majority of the Commissioners present.
4. Preserve order and decorum during the meeting and value each other's time.
5. Support the City of Sanger General Plan and the ordinances, policies, rules and regulations applicable to the City Planning Commission and its work established by the City Council.
6. Abide by these Rules in conducting the business of the City Planning Commission.
7. Attempt to build consensus on an item through an opportunity for dialogue and show respect for the opinion of the minority.

8. Have the right to dissent from, protest, or comment upon any action of the City Planning Commission.
9. Assist the Chair's exercise of the Chair's affirmative duty to maintain order.
10. Speak to the Staff directly on issues and concerns. Meetings should only be one-on-one meetings. Commissioners and Staff should prevent serial meetings as prohibited by the Brown Act.
11. Treat Staff professionally and refrain from criticizing individual employees during meetings;
12. Discuss directly with the Planning Director any displeasure with or concerns about a department or Staff member;
13. Refrain from giving direction to Staff on behalf of the City Planning Commission without having received the express authority of the Planning Commission to do so at a duly held meeting of the Planning Commission.
14. Encourage public participation in all Planning Commission matters, and make the public feel welcome;
15. Be impartial, respectful and without prejudice toward the public, and refrain from directing or criticizing the public;
16. Not argue back and forth or debate with members of the public, but may ask questions of the public speaker;
17. Make no promises to the public on behalf of the City Planning Commission;
18. Refrain from making comments to the public on behalf of the City Planning Commission without having received the express authority of the Planning Commission to do so; and
19. Treat all members of the public equitably and fairly in terms of time allotted to speak, except in special circumstances when a majority of the Commissioners present votes to permit an exception.

C. Ethical Conduct

1. Commissioners shall receive at least two hours of training in ethics, conflicts of interest, open meetings laws, competitive bidding requirements, bias prohibitions, etc., in accordance with Government Code section 53234 *et seq.* every two years.
2. Commissioners shall conduct themselves in accordance with such training.

D. City Staff Conduct

City Staff shall:

1. Prepare thorough staff reports and provide accompanying documents on all agenda items in accordance with the agenda format and preparation schedule. If a hearing item is continued, the subsequent staff report should clearly identify that the item is continued from a previous hearing and include any new information or changes that have occurred to the continued item since the previous hearing;
2. Use the following Procedures for Submission of Reports
 - (a) For all regular and special meetings of the City Planning Commission, the Commission Secretary shall cause to be prepared an agenda setting forth the time and place of the meeting and a brief description of each item of business to be transacted or discussed at the meeting.
 - (b) Except as provided otherwise in these Rules, a written staff report should be prepared for each item of business and submitted in accordance with the agenda procedure established by the Commission Secretary.
 - (c) “Continued” items do not require a new report if there are NO changes other than the agenda date. If there are any other changes, a new report must be submitted meeting all applicable requirements.
3. Written Communications from the City and the Public
 - (a) The Commission Secretary will manage communications to Commissioners regarding meeting topics to ensure compliance with the Brown Act. Agendas or any other writings distributed to all or a majority of the Commissioners for discussion or consideration at a public meeting are disclosable to the public, and shall be made available to the public upon request without delay.
 - (b) If the agenda is emailed to the Commissioners with a non-City email address then the items shall be bcc’d so that the email address of the Commissioners is not shown. The purpose of this is to prevent communications in violation of the Brown Act.
 - (c) Materials distributed to the Commissioners during a public meeting shall be available for viewing by the public during the meeting.
 - (d) Written communications relating to an item on the agenda received by the Planning Commission Secretary will be transmitted with the posting of the agenda. Communications received after the agenda is posted will be transmitted to the Commissioners upon receipt and

copies will be made available to the Public at the Planning Commission meeting.

4. Agenda Packet

- (a) Not later than the seven (7) days prior to each meeting, the Commission Secretary shall finalize the agenda packet emailed to the Planning Commissioner as indicated above. If unable to meet this timeframe, the minimum 72 hour requirement under the Brown Act must be met.
- (b) Not later than seven (7) days prior to each meeting the entire agenda packet shall be posted on the City's website, and the entire agenda packet shall be made available in the atrium of City Hall. If unable to meet this timeframe, the minimum 72 hour requirement under the Brown Act must be met.
- (c) Not later than seven (7) days prior to each meeting the agenda, but not the entire packet, shall be posted outside City Hall. If unable to meet this timeframe, the minimum 72 hour requirement under the Brown Act must be met.
- (d) Not later than seven (7) days prior to each meeting the agenda, but not the entire packet, shall be posted on the City's social media platforms. If unable to meet this timeframe, the minimum 72 hour requirement under the Brown Act must be met
- (e) Paper or electronic copies of the agenda packet shall be available for the news media and other such organizations, agencies, institutions or persons as may wish to subscribe.
- (f) Audio recording of the meeting will generally be published to the City's website by end of business the day after the Planning Commission's meeting.
- (g) If technical difficulties occur, the agenda and reports will be published on the City's website, and social media websites, as soon as those difficulties are resolved. Questions concerning the publishing of material on the City's Website can be directed to the Planning Commission Secretary or the City Clerk.

E. Conduct of the Public

- 1. Members of the public attending City Planning Commission meetings shall observe the same rules and decorum as stated in sections A and B above.
 - (a) All speakers must approach the podium when recognized by the Chair and speak only from the podium. Stamping of feet, whistles,

yells or shouting, and/or similar demonstrations are unacceptable public behavior and will be prohibited by the Chair.

- (b) Lobbyists and representatives of Applicants or Appellants are asked to identify themselves and the client(s), business or organization they represent before speaking to the Planning Commission.
- (c) Members of the public must switch any electronic devices such as cellular telephones to a silent or off mode during Planning Commission meetings.
- (d) Demonstrations before the Commission, such as applauding or "booing" are disruptive and discouraged.
- (e) Members of the public are encouraged to identify themselves with name and address when speaking *but are not required to do so*.

V. MEETING TYPES, SCHEDULE, AND AGENDAS

A. Regular Meetings – Time and Place

The Planning Commission shall meet on the fourth Thursday of each month at 6:00 pm in the City Hall Chamber ("Chamber"), 1700 7th Street, 7th Street, Sanger, California, 93657. Except as otherwise provided by the City Planning Commission.

Continuation of a meeting extending past 11:00 pm requires a majority vote of the Commissioners present.

B. Agenda Requirement

Under the Brown Act, matters not included on the published agenda may only be discussed and acted upon by the City Planning Commission under the following situation:

1. A majority of the Commissioners shall first decide whether to add the matter to the Agenda and may do so only if they determines in open session, that the matter in question requires immediate action and the need for action came to the attention of the staff and Commission after the agenda had been posted.
2. It is understood that the exception to the Agenda Requirement will rarely be invoked.

C. Agenda Order: The order of business shall be carried out as shown below. However, the Chair may reorder the items, unless Commissioners object. Commissioners may request items be reordered by motion.

- Call to Order.

- Roll Call and Flag Salute.
- Approval of Agenda.
- Presentations. (No action may be taken on such matters.) [for clarification, the text in parentheses will be on agenda to eliminate confusion]
- Consent Calendar.
- Approval of Minutes.
- Public Comment and Participation.
- Public Hearings.
- General Matters.
- Staff Communications.
- Commissioner Communications/Announcements/Agenda Items.

This portion of the meeting is reserved for the Commissioners (i) to make brief reports on relevant matters to the Planning Commission, (ii) to request updates, and (iii) to initiate new agenda items. No action may be taken under this section of the Agenda.

- Adjournment.

D. Procedures for Order of Business

1. Call to Order

- (a) The Chair, or Vice Chair in the absence of the Chair, shall take the chair at the time appointed for the meeting and shall immediately call the meeting of the Planning Commission to order.
- (b) In the absence of the Chair and Vice Chair, the Commission Secretary will call the meeting to order and a temporary chairperson will be elected from amongst the Commissioners present.
- (c) Upon the arrival of the Chair or Vice Chair the Commissioner acting as the temporary chairperson shall relinquish the chair immediately at the conclusion of the business currently then before the Planning Commission.

2. Roll Call/Attendance

- (a) A majority of the members of the Planning Commission in office shall constitute a quorum.
- (b) During the course of the meeting, should the Chair note a quorum is lacking, the Chair shall call this fact to the attention of the Commission Secretary. The Chair shall issue a quorum call. If a quorum has not been restored within two minutes of a quorum call, the Chair may declare a recess for a reasonable period of time in order to reestablish a quorum. If a quorum is not established after the reasonable period the meeting shall be deemed adjourned.
- (c) Before the Planning Commission proceeds with the business before it, the Commission Secretary shall note the Commissioners present for the minutes. The late arrival of Commissioners shall be entered into the minutes.
- (d) A Commissioner will be considered present at a meeting if the Commissioner is physically in the Chamber and on the dais.

3. Flag Salute

- (a) The Chair may lead the flag salute, or may request a fellow Commissioner to lead the flag salute.

4. Approval of Meeting Minutes

The Chair will ask if any Commissioners any additions, modification, and/or deletions to the previous meeting minutes. If a Commissioner has an issue with previous meetings minutes the Chair must ask the Commissioner to state the issue. The Chair must open a discussion with the Commission about this issue. If there are no issues then the Chair may ask for a motion vote to approve the minutes.

If an issue is not resolved, the remaining Commissioners may approve the minutes or approval of the minutes will be continued to the following meeting by motion.

5. Public Comment and Participation

- (a) During the Public Forum portion of the meeting, any person may address the Commission on any item of interest to the public, provided that the item is within the subject matter of the jurisdiction of the Commission and is not otherwise on the agenda. Except as allowed by the Brown Act, no action shall be taken by the Commission on any item not on the agenda.
- (b) When written materials are presented, they should be submitted in accordance with IV.D.3. above.

- (c) Comments are typically limited to three minutes per speaker so that all have an opportunity to address the Commission.

The Chair may extend the time for all Speakers, but may not reduce the time below three (3) minutes. However, once time has been extended to all Speakers the Chair may not reduce any Speakers time below the extended time.

Exception: The Chair, at his or her discretion, may extend the Current Speakers time to finish a statement or sentence.

- (d) Persons making impertinent or slanderous remarks or who become boisterous so as to disrupt the meeting may be requested by the Chair to leave.

The Chair is reminded that leeway should be given to the Speaker during their allotted time.

- (e) Videos, PowerPoint or similar presentations may accompany in-person comment but are subject to the same speaking time limits. Prior notice and coordination with the Secretary of the Planning Commission is strongly encouraged and the Chair reserves the privilege to limit such requests as necessary for the effective conduct of the meeting.

- (f) Speakers are to address their comments to the Commission from the podium. All remarks shall be directed to the Chair and the Commission as a body, and not to any particular Commissioner, or member of staff. No person, other than members of the Commission and the person having the floor shall be permitted to enter into the discussion unless requested by the Chair to speak. All questions shall be directed to the Chair.

Commissioners may ask questions of the Speaker to clarify their comment, or to further understand the Speakers comment.

The Chair has sole discretion whether to allow or deny leave for the presentation to exceed the allowed time. The Chair may set the time limit for the presentation. A member of the public does not have a right to present a presentation longer than the allotted time for Public Participation.

6. Consent Calendar

Non-public hearing items which are routine in nature and not likely to be subject to debate or inquiry by the Commissioners or the public may be included under the Consent Agenda and may be adopted in one motion.

- (a) Commissioners wishing to ask questions concerning Consent Calendar items may contact the staff person identified on the report prior to the meeting so that the need for discussion of Consent Calendar items can be minimized whenever possible
- (b) Commissioners, or any member of the public, may request that any matter be removed from the Consent Calendar. The item removed will then be considered and voted on separately.
- (c) All matters remaining on the Consent Calendar and which have not been removed shall be approved by a single action, the single action to have the legal effect of individual action on each matter.
- (d) The Commission Secretary shall read into the record each item removed from the Consent Calendar.

7. Presentations

- (a) Presentations are informational purposes for the Planning Commissioners. No action may be taken on a presentation.
- (b) The Planning Commission Secretary shall introduce the presentation.
- (c) After the presentation the Commissioners may ask questions of the presenter.
- (d) The Chair, at their discretion, may ask members of the public for comment on the presentation. The comment shall be in accordance with V.A.d.7. above.

8. Public Hearings

- (a) The Secretary of the Planning Commission will set the Public Hearing date(s) and time(s) as required by the Sanger City Code or applicable state law..
- (b) Continuances may be obtained as described below in the Continuance Section.
- (c) Procedures for Public Hearings and Appeals
 - (i) The Chair announces the subject of the public hearing and declares the public hearing open.
 - (ii) Staff Report, Written Materials, and Presentations

- Staff reports and other written materials included in the agenda packet are received and filed. Written comments previously submitted to staff or the Clerk (e.g. letters, protests, and the like) are noted in the record. All parties to the public hearing shall have a reasonable opportunity to review and comment on any written materials submitted to the Council before action is taken.

- Oral reports are presented by staff members.

- Commissioners may then ask questions of City Staff concerning the issue.

- Applicant/Appellant presentation, if applicable, followed by Commissioner questions to Applicant. Applicant/Appellant will be limited to twenty (20) minutes.

- Opponent/Appellee presentation, if applicable, followed by Commissioner questions to Opponent/Appellant. Opponent/Appellee will be limited to twenty (20) minutes.

- Applicant/Appellant rebuttal, if applicable, followed by Commissioners questions to Applicant. Applicant's rebuttal shall be limited to five (minutes)

- After Applicant/Appellant rebuttal questions the Commissioners may ask further questions of Staff. This is to be followed by Public comments.

- Applicant/Appellant and Opponent/Appellee will have a matter of right to speak on the issue.

(iii) Public Comments

The purpose of the public comment is to provide an opportunity for the members of the public to speak in support or in opposition to the matter being heard.

(iv) The Chair shall instruct members of the public:

- To speak from the podium, and
- That repetition should be avoided.

- The Chair may inquire as to the number of persons wishing to speak for and/or against the matter under consideration.
- If a group wishes to address the Commission on the same side of the item, the Chair may direct said group to designate a limited number of speakers. Each designated member of the group shall be given time in accordance with section V.A.d.7. above. The number of members of the group that can speak and represent their groups position will be determined by the Chair. If more than one group wishes to speak the Chair does not need to provide equal speakers to all groups. However, groups of equal size should be given the same number of speakers. If group fails or refuses to designate representative speakers, the Chair may do so for them. All Members of the Public not in a group shall be given time in accordance with be in accordance with section V.A.d.7. above.

(v) Testimony. Testimony need not be given under oath.

(vi) Commission Deliberations

- After the Chair has determined that no other member of the public wishes to speak the item shall be returned to the Commission for deliberation. The deliberation shall be limited to the issue concerning the Public Hearing.
- The Commissioners shall be permitted to ask questions of the City Staff. The Chair at their discretion may allow Commissioners to ask questions of the Applicant/Appellant or Opponent/Appellee on a limited basis.
- After the Chair has determined the deliberation complete the Chair shall ask for a motion in accordance with Rosenberg's Rules of Order. Note that the motion may include adoption of a resolution.

9. Action Items

- (a) Action items are items that require a decision from the Planning Commission.
- (b) Public Comment on the action item shall be allowed as described above.

10. Commissioner's Comments / Communication

- (a) brief oral or written reports summarizing meeting or conference attendance;
- (b) requests that Secretary report back on various issues;
- (c) requests to place items on a future Planning and Design Commission meeting's agenda;
- (d) reports on citywide activities or news;
- (e) Any comment which pertains to the jurisdiction of the Commission;
- (f) Placing Items on the Next Agenda
 - A Commissioner may request an item be considered on a future agenda and, upon agreement of a majority of Commissioners, staff will prepare a staff report if formal Commission action is required. Commissioners may make this request verbally during a meeting or may submit written requests. If the request is made in writing then the process involves two steps: initial consideration of the request by the full Commission at the soonest possible regularly scheduled meeting; and, if a majority agrees, the matter is then scheduled for further consideration on an upcoming meeting agenda. If the request is made during a regularly scheduled meeting then Commission need only agree to have the item placed on the next agenda.

11. Statement of Next Meeting Date

- (a) The Chair shall read the date, time, and location of the next meeting.

12. Adjournment

- (a) The Chair may either make a motion to adjourn or seek unanimous consent.

E. Adjourned Meetings

The City Planning Commission may adjourn any meeting to a time and place specified in the order of adjournment as permitted by law.

F. Special Meetings

The Chair, a majority of the Commissioners, Planning Commission Secretary, or other City Staff may call a special meeting by providing notice twenty-four (24) hours in advance of the meeting to the Chair, to all Commissioners, to all media

outlets and persons having requested in writing notification of such meetings pursuant to state law.

A Special Meeting is for the discussion of, and acting upon, an issue that cannot be addressed in a regular meeting due time severe time constraints or need to take action before the next regular meeting or to allow for a meeting to be held when a majority of Commissioners are not available for a regular meeting.

Special Meetings are strongly discouraged due to the limited time notice to the Public. When possible, 72 hours' notice should be given for a special meeting.

G. Overflow Meetings

1. Capacity: Attendance shall be limited to the posted seating capacity.
2. While the City Planning Commission is in session, members of the public shall not remain standing or sitting in the aisle nor standing in the seating area.
3. In the event that number of persons at a meeting exceeds the capacity of the meeting space the Chair, Vice Chair, and Secretary shall take a recess to discuss the item(s) causing the overflow. The Chair or Vice-Chair shall:
 - (a) Make a motion to continue the item causing the overflow, and the motion shall include: a date, time, and place for the continuance.
 - (b) The Date for the item should be continued no more than two weeks.
 - (c) If scheduling conflict arises and the date is continued for more than 45 days, a new notice shall be published in the newspaper.

If the motion is approved, an express statement to the public must be made informing them of the item being continued, the new date, and the new place.

H. Continuances

By Applicant: An Applicant or Appellant scheduled for a public hearing before the City Planning Commission:

1. May obtain one continuance for a period not to exceed two (2) months after the original scheduled hearing date, as a matter of right, without personally appearing before the Planning Commission on the scheduled hearing date, provided a written request for the continuance must be delivered to the Commission Secretary by noon on the day prior to the scheduled public hearing.

2. May obtain a continuance of the hearing beyond two (2) months after the original scheduled hearing date, and/or has not notified the Commission Secretary as provided above), may obtain a continuance only by appearing before the Planning Commission at the time the original hearing is scheduled and requesting a continuance.

This continuance is not a matter of right and will not be granted unless the Planning Commission is satisfied that good cause exists for the continuance and that a substantial number of people will not be inconvenienced by such continuance.

3. Anyone who has once obtained a continuance of a hearing either by notice to the Staff as provided in Section or by personal may obtain a further two (2) month continuance only by appearing before the Planning Commission at the scheduled hearing and satisfying the Planning Commission that extraordinary circumstances exist which would justify this second continuance.
4. Anyone who has twice obtained a continuance may obtain an additional continuance only by personally appearing before the Planning Commission at the scheduled hearing and satisfying the Planning Commission that a miscarriage of justice would result from the refusal of the Planning Commission to grant a further continuance of two (2) months.
5. Failure to follow the above procedure shall result in a waiver of the right to a hearing.

By City Staff: City Staff may request as many continuances as needed to complete and ready the project or appeal for the hearing process; however, Staff may not serve as a requester on behalf the person seeking the Planning Commission's decision.

By Others: Any individual other than a party to the item, may contact the Commission Secretary and request a continuance as described above to complete and ready their presentation for the hearing process.

The Commission Secretary may approve a first continuance request under this section. A denial of a continuance under this section may only be determined by the Planning Commission. A continuance under this section is not a matter of right.

Disagreements on Disputes: Disputes regarding the length of a continuance will be decided by the City Planning Commission at the scheduled hearing if City Staff cannot obtain mutual agreement between the parties beforehand.

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VI. OTHER PROCEDURES

A. Recusal for a Conflict of Interest or Bias.

Planning Commissioners are subject to the City's Conflict of Interest Code adopted per the requirements of the Political Reform Act and must familiarize themselves with that Code. The following are just examples of situations constituting a conflict of interest and requiring recusal. A Commissioner shall not participate upon any matter on which the Commissioner has a conflict of interest or bias. If a Commissioner is not sure, he or she should let the Secretary know so that assistance may be obtained.

1. Conflict of interest includes but is not limited to the following:
 - (a) Business investments, Employment, or Management (\$2,000 or more) and positions;
 - (b) Real Property: financial interest of \$2,000 value or more by the Commissioner or spouse or dependent children;
 - (c) Sources of income in anyone whether an individual or organization from whom the Commissioner has received (or promised to receive) \$500 or more in income within twelve (12) months if decision before the Commission;
 - (d) Sources of gifts of \$500 in the past twelve (12) months; and
 - (e) Personal Finances. The Commissioner has a financial interest in decisions that affect the official's personal expenses, income, assets, or liabilities, as well as those of the official's immediate family.
 - (f) Being a member or employee of the a person and/or organization seeking approval of an item before the Planning Commission.
 - (g) Receiving a gift or promise of a gift of \$50.00 or more within the past year from an person and/or organization who has an item before the Planning Commission.
2. Disclosure and Leaving the Room:

At the time an item is called, a Commissioner shall openly state that he or she is recusing self because of a conflict of interest or bias and shall publicly identify the interest in detail sufficient to be understood by the public.

- (a) The Commissioner's verbal statement may be accompanied by a written disclosure of such conflict of interest.
- (b) Except as provided below for Consent Calendar items, a Commissioner who has announced a recusal due to a conflict of

interest or bias in any matter shall immediately leave the dais and the hearing room during the discussion and must not influence, participate or vote on such matter.

- (c) The recused Commissioner may return to the dais after action has been taken on the item which created the conflict.

B. Ex Parte Communications In Adjudicatory Proceedings

1. Commissioners shall not engage in any *ex parte* communication with any member of the City Council, any Commission of the City, City Employee or Staff, developer, real estate professional or any member of the public who has any personal or financial stake in any adjudicatory matter pending or reasonably expected to come, before the Planning Commissioner.
2. Commissioners shall disclose the substance of all *ex parte* communications when the agenda item is called for any item brought before the Planning Commission for hearing, consideration, or action.
3. If a Commissioner receives from someone other than City staff, or the Planning Commission Secretary, any writing relating to a matter to be discussed or considered at a public meeting or hearing, the Commissioner shall notify the Planning Commission Secretary of the writing and, if needed, provide a copy to the Planning Commission Secretary for distribution to the Commission in the manner required by these Rules.
4. Based on the extent and frequency of the *ex parte* communication(s), the Commission as a whole may decide whether the Commissioner who participated in an *ex parte* communication(s) shall recuse himself/herself. If recusal is required, the Commissioner shall leave the room. The Commission may request the City Attorney weigh in.

C. Requirements for Agenda Item Submission

1. Commissioners may submit items for inclusion on a future agenda by orally making the request during Commission Comments and Communications, or by submitting the item one week before the meeting to the Secretary of the Planning Commission.
2. Members of the public wishing to provide documents to the Planning Commission are asked but not required to do the following:
 - (a) Provide a copy of the documents at least two weeks before the meeting to the Secretary of the Planning commission; or
 - (b) Bring with them eight (8) copies of the document to the Planning Commission meeting. One copy for each of the (7) commissioners

and one copy for the Secretary of the Planning Commission to be placed in the official record; or

- (c) Provide a copy to the Secretary of the Planning Commission at the meeting so that the copies can be made for the Commissioners. If copies have not been provided for Commissioners, the Chair may ask secretary to make copies.
- (d) Presentations by Members of the Public that exceed the allowed time for Public Participation shall be provided to the Secretary of the Planning Commission at least two weeks (2) before the meeting.
 - (i) Whether to include the presentation on the agenda is at the discretion of the Secretary of the Planning Commission.
 - (ii) If the presentation is not on the agenda, the Member of the Public may at the Public Participation portion of the meeting may ask that the Chair for leave to give the presentation.

D. Obtaining the Floor

- 1. Any Commissioner wishing to speak must first obtain the floor by being recognized by the Chair. The Chair must recognize any Commissioner who seeks the floor when appropriately entitled to do so.

E. Motions

- 1. Rosenberg's Rules of Order shall be used for the management of motions. See Appendix A

F. Voting

- 1. Requirements for Action
- 2. Except as expressly provided otherwise in these Rules, or unless a higher vote is required by law, the affirmative votes of a majority of Commissioners shall be required to take action on any item of business.
- 3. Each Commissioner qualified to vote on a motion shall cast a vote of either an "aye", "nay", or abstain.

G. Attendance at Hearings; Review of Record.

A Commissioner shall not be qualified to participate in the decision or vote on a matter that is the subject of a public hearing unless the Commissioner (i) has been present for the entire hearing, or (ii) publicly announces at a meeting or hearing that he or she has read a written transcript of the hearing or has listened to an audio recording of the hearing, and has

reviewed the written staff report and all documentary evidence presented at the hearing (including audio visual presentations) prior to his or her participation and vote.

H. Ad Hoc Committees.

1. General

The Planning Commission as a whole may decide by vote whether to form an Ad Hoc committee.

2. An ad hoc committee is a temporary committee of the City Planning Commission established for a special purpose and of limited duration.
3. Ad hoc committees will have informative and recommendation powers to the full Planning Commission only.
4. The Chair will make all appointments to Planning Commission ad hoc committees and shall during a meeting publically state, and advise the rest of the Commission of such appointment(s).
5. Commissioners who are not ad hoc committee members shall not attend the ad hoc committee meetings.
6. Once the ad hoc committee has completed its task, it will report back to the Planning Commission, stating completion of the ad hoc committee tasks and the ad hoc committee shall be dissolved.
7. An ad hoc committee shall be consistent with the Brown act and in any event there shall be no less than two (2) members, and no more than three (3) members.
8. If there are vacancies on the Commission resulting in less than five (5) Commissioners, no ad hoc committee may be formed.

APPENDIX A:
ROSENBERG'S RULES OF ORDER

APPENDIX B:

TABLE OF LAND USE APPLICATIONS AND PLANNING COMMISSIONERS ROLE