City Of Riverbank
Planning Commission Meeting
City Hall North Council Chambers
6707 Third Street • Riverbank • CA 95367

Agenda
Tuesday, July 15, 2014 – 6:00 P.M.

CALL TO ORDER: **Chair: Stewart**

ROLL CALL:

Chair:	**Stewart**
Vice Chair:	**Hughes**
Commissioner:	**Villapudua**
Commissioner:	**Degele**
Commissioner:	**McKinney**

CONFLICT OF INTEREST

Any Planning Commission/Authority Member and Staff who has a direct Conflict of Interest on any scheduled agenda item to be considered are to declare their conflict.

1. PUBLIC COMMENTS (No action to be taken)

At this time members of the public may comment on any item not appearing on the agenda, and within the subject matter jurisdiction of the Planning Commission Board. Individual comments will be limited to a **maximum of 5 minutes** per person and each person may speak once during this time; time cannot be yielded to another person. Under State Law, matters presented during the public comment period cannot be discussed or acted upon. For record purposes, state your name and City of residence. Please address the entire Planning Commission Board.

2. CONSENT CALENDAR

All items listed on the Consent Calendar are to be acted upon by a single action of the Planning Commission unless otherwise requested by an individual Planning Commissioner Member for special consideration. Otherwise, the recommendation of staff will be accepted and acted upon by roll call vote.

Item 2.A: Posting of the Agenda. The Agenda for the July 15, 2014, Planning Commission Meeting was posted on the City Chamber bulletin board and the City Hall North & South bulletin board on July 10, 2014.

Item 2.B: Approval of the Agenda. This provides an opportunity for the Planning Commission or Staff to recommend that an item be placed on the agenda for discussion or to adjust the proposed agenda to allow an item to be taken out of order.

Item 2.C: Approval of the Minutes. The Minutes of the April 15, 2014 and May 21, 2014, Planning Commission Meetings having been read by the individual Commissioners and stands approved as submitted.

Recommendation: It is recommended that Planning Commission approve the Consent Calander by roll call vote.

Any documents, not privileged or of a closed session, produced by the City and distributed to the majority of the Planning Commission regarding any item on this agenda will be made available at Developmental Services Department, 6617 3rd Street, Riverbank, CA.

3. PUBLIC WORKSHOP

Item 3.1: **Draft Downtown Specific Plan (FEIR has been previously certified by the City Council in 2013).**

4. PUBLIC HEARING

Item 4.1: **Rules and Procedures for the City of Riverbank's Planning Commission.**

Recommendation: Approval by roll call vote

5. NEW BUSINESS (Information Only – No Action)

None

6. COMMISSION ITEMS (Information Only – No Action)

None

7. COUNTY REFERRAL/CORRESPONDENCE/INFORMATION (Information Only – No Action)

None

8. UP-COMING MEETING AGENDA ITEMS (Information Only – No Action)

Item 8.1: **Continued Public Workshop on the Downtown Specific Plan (If Necessary)**

Item 8.2: **Review of the 2014 Capital Improvement Program and General Plan Conformance**

ADJOURNMENT – The next regular Planning Commission meeting – August 19, 2014 @ 6:00 p.m.

Any documents, not privileged or of a closed session, produced by the City and distributed to the majority of the Planning Commission regarding any item on this agenda will be made available at Developmental Services Department, 6617 3rd Street, Riverbank, CA.

AFFIDAVIT OF POSTING

I hereby certify under penalty of perjury, under the laws of the State of California that the foregoing agenda was posted on the City Hall bulletin board 72 hours prior to the meeting.

Dated this 10th day of July, 2014
Janet Smallen, Sr. CDS

NOTICE REGARDING AMERICANS WITH DISABILITIES ACT: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Development Services Department at (209) 863-7128. Notification 48-hours before the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting [28 CFR 35.102-35.104 ADA Title II].

NOTICE REGARDING NON-ENGLISH SPEAKERS: Pursuant to California Constitution Article III, Section IV, establishing English as the official language for the State of California, and in accordance with California Code of Civil Procedures Section 185, which requires proceedings before any State Court to be in English, notice is hereby given that all proceedings before the City of Riverbank City Planning Commission shall be in English and anyone wishing to address the Planning Commission is required to have a translator present who will take an oath to make an accurate translation from any language not English into the English language.

GENERAL INFORMATION: The Riverbank Planning Commission meets on the third Tuesday of each month at 6:00 p.m.

COMMISSION AGENDAS: The Planning Commission agenda is posted pursuant to the California Brown Act, which only requires these agenda title pages to be posted. Additional documents that are part of this agenda and provided to a majority of the Planning Commission by the City will be made available to the public. The agenda is posted for public review at the City's website www.riverbank.org, at the Development Services Department, and on the exterior of both City Hall North & South buildings bulletin boards, 6707 & 6617 Third Street, Riverbank, CA. Subscription to receive the agenda can be purchased for a nominal fee through the Development Services Department.

PUBLIC HEARINGS: In general, a public hearing is an open consideration within a regular meeting of the Planning Commission, for which special notice has been given and may be required. During a specified portion of the hearing, any resident or concerned individual is invited to present protests or offer support for the subject under consideration.

QUESTIONS: Contact the Developmental Services Department at (209) 863-7128.

Any documents, not privileged or of a closed session, produced by the City and distributed to the majority of the Planning Commission regarding any item on this agenda will be made available at Developmental Services Department, 6617 3rd Street, Riverbank, CA.

City Of Riverbank
Planning Commission Meeting
MINUTES
Tuesday, April 15, 2014

The following minutes reflect action minutes, with added clarification for the record. A copy of the verbatim recording may be obtained, for a fee, by contacting the Development Services Department at (209) 863-7128.

CALL TO ORDER/ROLL CALL:

Present: Chair Stewart, Commissioner Villapudua, Commissioner McKinney and Commissioner Degele

Absent: Vice Chair Hughes (Excused)

CONFLICT OF INTEREST: Any Planning Commissioner and Staff who would have a direct Conflict of Interest on any scheduled agenda item to be considered are to declare their conflict.

No one declared a conflict.

1.PUBLIC COMMENTS (No Action Can Be Taken): At this time, members of the public may comment on any item not appearing on the agenda, and within the subject matter jurisdiction of the Planning Commission. Individual comments will be limited to a **maximum of 5 minutes** per person and each person may speak once during this time; time cannot be yielded to another person. Under State Law, matters presented during the public comment period cannot be discussed or acted upon. For record purposes, state your name and City of residence. Please make your comments directly to the Planning Commission.

2. CONSENT CALENDAR: All items on the Consent Calendar are to be acted upon by a single action of the Planning Commission unless otherwise requested by an individual Planning Commissioner for special consideration. Otherwise, the recommendation of staff will be accepted and acted upon by roll call vote.

Item No. 2.A: Posting of the April 15, 2014, Planning Commission Meeting.
ACTION: *By motion moved/second (Villapudua / Degele / passed 4-0) was approved as submitted; motion carried by unanimous roll call vote.*

Ayes: Planning Commissioners: Stewart, Villapudua, Degele and McKinney

Nays: None

Absent: Hughes (Excused)

Abstained: None

Item No. 2.B: The Agenda for the April 15, 2014, Planning Commission Meeting.
ACTION: *By motion moved/second (Villapudua / Degele / passed 4-0) was approved as submitted; motion carried by unanimous roll call vote.*

Ayes: Planning Commissioners: Stewart, Degele, Villapudua and McKinney

Nays: None

Absent: Hughes (Excused)

Abstained: None

Item No. 2.C: The Minutes of the January 21, 2014, Planning Commission Meeting.
ACTION: *By motion moved/second (Villapudua / Degele / passed 4-0) was approved as submitted; motion carried by unanimous roll call vote.*

Ayes: Planning Commissioners: Stewart, Degele, Villapudua and McKinney

Nays: None

Absent: Hughes (Excused)

Abstained: None

Item No. 2.D: Correction of Minutes from December 17, 2013 Planning Commission Meeting and Resolution number 2013-013 Standard Conditions to be applied to Development Projects. The corrected Minutes to reflect the corrected Resolution number that should have been Resolution number 2013-014.
ACTION: *By motion moved/second (Degele / McKinney / passed 4-0) was approved as submitted; motion carried by unanimous roll call vote.*

Ayes: Planning Commissioners: Stewart, Degele, Villapudua and McKinney

Nays: None

Absent: Hughes (Excused)

Abstained: None

3. NEW BUSINESS

Item 3.1: The City Clerk will conduct a random drawing of Planning Commissioners Stewart, Hughes, Degele and Villapudua to determine: a) Who will serve in the (3) seats that expire December, 2015: and b) Who will serve in the (1) seat to expire December, 2017.

- Jill Anderson, City Manager conducted the drawing: The drawing reports as follows, the Planning Commissioner terms for Commissioners Stewart, Degele and Hughes will expire December 2015 and the Planning Commission term for Villapudua will expire December 2017.

4. PUBLIC HEARINGS

Item 4.1: Architecture & Site Plan Review (02-2013) to develop a 72 Unit Multi-Family Affordable Apartment Complex, the site is currently zoned R-3 Multi-Family Residential with a General Plan Zone of Higher-Density Residential 16-Units Per Net Acre. APN: 062-022-001 Claus Rd., south of California Ave.

- John B. Anderson, City of Riverbank Consulting Planning Director presented the staff report and introduced the map of the Bruinville Area that shows the tentative maps that are still valid within that area.
- Planning Commission discussed item and asked questions to John B. Anderson, about the project. John responded back and answered the Planning Commissioners' questions.
- Chair Stewart opened the public hearing.
- Persons wishing to speak against the Item was Norma Torres-Manriquez.
- Persons wishing to speak for the project was Ken Koss with TK Development.
- Being there were no further comments the public hearing was closed.
- Planning Commissioners' discussed project and made changes to Resolution 2014-004 item #6 to read as follows: Applicant shall be required to construct a Masonry CMU wall along the projects Northern property line. Applicant to work with Community Development Department to design and construct a fence of substantial construction along the East and Southern property lines.

ACTION: *By motion moved/second (Villapudua / Degele / passed 4-0) Resolution 2014-004; motion carried by unanimous roll call vote.*

Ayes: Planning Commissioners: Stewart, Degele, Villapudua and McKinney

Nays: None

Absent: Hughes (Excused)

Abstained: None

Item 4.2: CX-1 Mixed Use Zoning. The project consists of a Zoning Ordinance Amendment to establish the Mixed Use (CX-1) Zoning District as Chapter 153, Section 166 through 172 and language amendment to Section 153.010; Districts; Boundaries and 153.011: Degree of Restrictiveness by Resolution 2014-005 to recommend to City Council the approval of Ordinance 2014-___. The City's 2005-2025 General Plan, which was adopted in April 2009, modified the General Plan Land Use Designation of numerous properties in Riverbank to Mixed Use. The General Plan Update set policy to create the corresponding Mixed Use Zone. The CX-1 Zoning District as attached with Planning Commission Resolution 2014-005 will serve as the implementation tool for the Mixed Use General Plan Designation.

- John B. Anderson, City of Riverbank Consulting Planning Director opened the public hearing for item 4.2, then David Niskanen associate of J.B. Anderson Land Use Planning, presented the staff report.
- John B. Anderson then answered the Commissioners' questions.
- Chair Stewart opened the public hearing.
- Persons wishing to speak against the item was Evelyn Halbert.
- Public Hearing was left opened item to be continued to the next Planning Commission hearing scheduled for May 20, 2014.

<u>ACTION:</u> *By motion moved/second (McKinney / Villapudua / to continue item 4.2 until the May 20, 2014 Planning Commission Meeting.)*

Ayes: Planning Commissioners: Stewart, Degele, Villapudua and McKinney

Nays: None

Absent: Hughes (Excused)

Abstained: None

5. COMMISSION ITEMS

<u>Item 5.1:</u> Michael Riddell, Deputy Development Services of Operations answered questions for the Planning Commission on some areas of concern and questions they had on city streets and bicycle paths.

<u>Item 5.2:</u> John provided the Commission with City Spheres of Influence Report from Stanislaus County LAFCO.

<u>Item 5.3:</u> Received feedback from the Planning Commissioners on the 2014 California League of Cities Planning Commissioners Conference. From those that attended thought it was a great opportunity and enjoyed all the speakers and information gained.

<u>Item 5.4:</u> Updated Commissioners that the Annual Stanislaus County Planning Directors Workshop will be held on May 10, 2014 in Oakdale, CA.

6. COUNTY REFERRAL/CORRESPONDENCE/INFORMATION

None.

7. UP-COMING MEETING AGENDA ITEMS

<u>Item 6.1:</u> Architecture & Site Plan Review for Silgan Container Inc. to construct a detached storage building, located at 3250 Patterson Rd.; APN: 132-039-016.

<u>Item 6.2:</u> Request for a CUP from Rocio Taqueria to sell and serve beer and wine located at 2761 Patterson Rd. #130, APN: 075-009-049.

Item 6.3: Request for a CUP for Yuriy Smolinskiy to construct a detached accessory building, located at 5806 Alton Ct.; APN: 075-089-046.

Item 6.4: Architecture & Site Plan Review for Inez Boss to convert a residential home into a Commercial Quilting Business, located at 3227 Atchison; APN: 132-004-054.

Item 6.5: Downtown Specific Plan (FEIR has been previously certified).

8. ADJOURNMENT

There being no further business, Chair Stewart adjourned the meeting.

ATTEST:

John B. Anderson
Recording Secretary

APPROVED:

Joan Stewart, Chair
Planning Commissioner

City Of Riverbank
Special
Planning Commission Meeting
MINUTES
Wednesday, May 21, 2014

The following minutes reflect action minutes, with added clarification for the record. A copy of the verbatim recording may be obtained, for a fee, by contacting the Development Services Department at (209) 863-7128.

CALL TO ORDER/ROLL CALL:

Present: Vice Chair Hughes, Commissioner McKinney and Commissioner Degele

Absent: Chair Stewart (Excused), Commissioner Villapudua (Excused)

CONFLICT OF INTEREST: Any Planning Commissioner and Staff who would have a direct Conflict of Interest on any scheduled agenda item to be considered are to declare their conflict.

No one declared a conflict.

1. PUBLIC COMMENTS (No Action Can Be Taken): At this time, members of the public may comment on any item not appearing on the agenda, and within the subject matter jurisdiction of the Planning Commission. Individual comments will be limited to a **maximum of 5 minutes** per person and each person may speak once during this time; time cannot be yielded to another person. Under State Law, matters presented during the public comment period cannot be discussed or acted upon. For record purposes, state your name and City of residence. Please make your comments directly to the Planning Commission.

2. CONSENT CALENDAR: All items on the Consent Calendar are to be acted upon by a single action of the Planning Commission unless otherwise requested by an individual Planning Commissioner for special consideration. Otherwise, the recommendation of staff will be accepted and acted upon by roll call vote.

Item No. 2.A: Posting of the May 21, 2014, Special Planning Commission Meeting.
ACTION: *By motion moved/second (Degele / McKinney / passed 3-0) was approved as submitted; motion carried by unanimous roll call vote.*

Ayes: Planning Commissioners: Hughes, Degele and McKinney

Nays: None

Absent: Stewart and Villapudua (Excused)

Abstained: None

Item No. 2.B: The Agenda for the May 21, 2014, Special Planning Commission Meeting.
ACTION: *By motion moved/second (Degele / McKinney / passed 3-0) was approved as submitted; motion carried by unanimous roll call vote.*

Ayes: Planning Commissioners: Hughes, Degele, and McKinney

Nays: None

Absent: Stewart and Villapudua (Excused)

Abstained: None

Item No. 2.C: The Minutes of the April 15, 2014, Planning Commission Meeting. No action was taken. We lacked a quorum of the Planning Commissioners present at the April 15, 2014 meeting, so the matter was postponed till the June 17, 2014, Planning Commission meeting.

3. PUBLIC HEARINGS

Item 3.1: CUP 02-2013 – Rocio Taqueria / Resolution 2014-006 – Requesting to sell and serve beer and wine (Class 41 License – On Sale Beer and Wine for Bona Fide Public Eating Place) within a C-2 General Commercial Zoning District; Location 2761 Patterson Rd. #130, APN: 075-009-049.

- John B. Anderson, City of Riverbank Consulting Planning Director presented the staff report.
- Planning Commission discussed item.
- Vice Chair Hughes opened the public hearing.
- Persons wishing to speak for the project was Ramon Bermuitas who translated for Juan Vela business owner.
- Being there were no further comments the public hearing was closed.
- Planning Commissioners' discussed item.

ACTION: *By motion moved/second (Degele / McKinney / passed 3-0) Resolution 2014-006; motion carried by unanimous roll call vote.*

Ayes: Planning Commissioners: Hughes, Degele, and McKinney

Nays: None

Absent: Stewart and Villapudua (Excused)

Abstained: None

Item 3.2: CUP 01-2014 – Yuriy Smolinskiy / Resolution 2014-007 – Requesting to construct a detached 1,045 sq. ft. accessory building for a personal gym. The proposed structure will have a bathroom, wet and dry sauna rooms, exercise room and storage room. The property is within an R-1 Single Family Zoning District; Location: 5806 Alton Ct., APN: 075-089-046.

- John B. Anderson, City of Riverbank Consulting Planning Director presented the staff report.
- Planning Commission ask Mr. Anderson questions regarding notifications and City Standards.
- Vice Chair Hughes opened the public hearing.
- Persons wishing to speak against the item included Rick Hilgen who stated he represented other neighbors who could not make the meeting. Mr. Hilgen expressed concerns regarding the building size and concern for the neighborhood if a commercial gym were allowed
- Persons wishing to speak for the project were Yuriy Smolinskiy applicant/owner for the project.
- Commissioners asked Mr. Smolinskiy questions about his project.
- Public Hearing was closed.
- Commissioners discussed and asked John B. Anderson questions regarding Mr. Smolinskiy' s project including options available for Mr. Smolinskiy.
- John B. Anderson informed the Planning Commission they could deny the application, consider an alternate design or Mr. Smolinskiy could reduce the size of the accessory structure to comply with the City code and not require CUP approval
- Vice Chair Hughes reopened the public hearing.
- Persons wishing to speak for the project Yuriy Smolinskiy came back up to the podium.
- Commissioners McKinney and Hughes asked Mr. Smolinskiy some questions to consider an alternate design plan.
- Persons wishing to speak against the project Rick Hilgen came back up to the podium.
- Vice Chair Hughes closed the Public Hearing.
- Concerns expressed by the Commission included the size and massing of the structure, the lack of architectural detail and how the structure might fit into the neighborhood and the over-all scale of the proposal.

<u>ACTION:</u> *By motion moved/second (McKinney / Degele denied 3-0) Resolution 2014-007; motion carried by unanimous roll call vote.*

Ayes: None

Nays: Planning Commissioners: Hughes, Degele, and McKinney

Absent: Stewart and Villapudua (Excused)

Abstained: None

Item 3.3: **Architecture & Site Plan Review 02-2014 – Silgan Container Inc. / Resolution 2014-008 – To construct a detached 19,800 sq. ft. steel building for can storage in the southern portion of the site. The proposed structure includes (2) overhead doors, (4) man doors, fire sprinklers and ceiling lights. The property is zoned M-1 Light Industrial; Location: 3250 Patterson Rd., APN: 132-039-016.**

- John B. Anderson, City of Riverbank Consulting Planning Director presented the staff report.
- Vice Chair Hughes opened the public hearing.

- Persons wishing to speak in favor of the project was Reggie Katzakian representative for the Silgan Container and Brian Miller who is a project engineer for Silgan.
- Planning Commission asked both Mr. Katzakian and Mr. Miller some questions about their project. Mr. Miller represented that this new warehouse would allow Silgan to remove about 40 trucks per day off of the local loads due to current logistics. No new jobs are anticipated.
- Vice Chair Hughes closed the public hearing.

ACTION: *By motion moved/second (Degele / McKinney / passed 3-0) Resolution 2014-008; motion carried by unanimous roll call vote.*

Ayes: Planning Commissioners: Hughes, Degele, and McKinney

Nays: None

Absent: Stewart and Villapudua (Excused)

Abstained: None

Item 3.4: **CX-1 Mixed Use Zoning / Resolution 2014-005 - The project consists of a Zoning Ordinance Amendment to establish the Mixed Use (CX-1) Zoning District as Chapter 153, Section 166 through 172 and language amendment to Section 153.010; Districts; Boundaries and 153.011: Degree of Restrictiveness by Resolution 2014-005 to recommend to City Council the approval of Ordinance 2014-___. The City's 2005-2025 General Plan, which was adopted in April 2009, modified the General Plan Land Use Designation of numerous properties in Riverbank to Mixed Use. The General Plan Update set policy to create the corresponding Mixed Use Zone. The proposed CX-1 Zoning District as attached with Planning Commission Resolution 2014-005 will serve as the implementation tool for the Mixed Use General Plan Designation. No properties are being rezoned at this time.**

- This item was continued from the April 15, 2014, Planning Commission and was re-noticed for this Special Planning Commission meeting
- John B. Anderson, City of Riverbank Consulting Planning Director presented the

staff report once again.

- Commissioner Degele asked John B. Anderson some question.
- Vice Chair Hughes opened the public hearing.
- Persons wishing to speak against the item included Evelyn Halbert. Mrs. Halbert expressed concerns with the entire mixed use concept of the General Plan and the commitment of the City Council to preserve the downtown residential areas. Mrs. Halbert was of the strong opinion that approval of the mixed use zoning would adversely affect existing residential areas because developers could apply for the mixed use zoning to comply with their Mixed Use General Plan designation.
- Vice Chair Hughes closed the public hearing.
- Commissioners discussed and item and asked John B. Anderson some questions.
- John B. Anderson addressed the Commissioners questions.
- Vice Chair Hughes reopened the public hearing.
- Persons wishing to speak against the item Included Evelyn Halbert who urged the Planning Commission to deny the mixed use zoning action because it would set precedence.
- Vice Chair Hughes closed the public hearing and returned the matter to the Commission for consideration.
- Mrs. Halbert at that time presented the Commission with a written letter of concerns. At that time staff advised the Commission that the written testimony was not admissible into the administrative record because the public hearing had formally closed for the second time

ACTION: *By motion moved/second (McKinney / Degele / passed 3-0) Resolution 2014-005; motion carried by unanimous roll call vote.*

Ayes: Planning Commissioners: Hughes, Degele, and McKinney

Nays: None

Absent: Stewart and Villapudua (Excused)

Abstained: None

4. NEW BUSINESS

None.

5. COMMISSION ITEMS

Item 5.1: Received feedback from the Planning Commissioners on the Stanislaus County Planning Directors Annual Planning Commissioners Workshop that was held on May 10, 2014 in Oakdale, CA.

- All Commissioners thought it was a great workshop and enjoyed it.

6. COUNTY REFERRAL/CORRESPONDENCE/INFORMATION

Item 6.1: Received CEQA Referral Initial Study and Notice of Intent to Adopt a Negative Declaration from Stanislaus County for General Plan Amendment and Rezone Application No. PLN2012-0038 – Brite Tansport Systems, Inc., located at 5101 Claus Rd., APN:075-024-008,009 and 011. Project Description: Request to amend the current General Plan and zoning designation of three (3) parcels totaling 20.98 +/- acres to Planned Development to expand an existing agricultural trucking business to include an RV storage/parking facility on an adjacent property. The applicant is proposing RV parking on the north parcel and to continue with the existing agricultural truck parking on the south parcel. The agricultural truck parking has been allowed on this site since 1978 (UP 78-121). The existing operation has an office, truck maintenance/repair shop, and several Accessory storage buildings. The parcel to the west includes storage of truck beds utilized during harvest season for the agricultural trucking operation. If this project is approved, a lot line adjustment is proposed which will adjust the north and south property lines to separate the RV parking and agricultural truck parking operations. The site is served by well and septic facilities.

- Inform Commissioners of the notice we had received from Stanislaus County on the above project.

7. UP-COMING MEETING AGENDA ITEMS

Item 6.4: Architecture & Site Plan Review for Inez Boss to convert a residential home into a Commercial Quilting Business, located at 3227 Atchison; APN: 132-004-054.

- Informed Planning Commissioners that applicant may withdrawal application.

Item 6.5: Downtown Specific Plan (FEIR has been previously certified).

8. ADJOURNMENT

There being no further business, Vice Chair Hughes adjourned the meeting.

ATTEST:	APPROVED:
John B. Anderson Recording Secretary	Patricia Hughes, Vice Chair Planning Commissioner

CITY OF RIVERBANK
PLANNING COMMISSION
STAFF REPORT
Agenda Item No. 3.1

July 15, 2014

APPLICATION:	Downtown Riverbank Specific Plan
LOCATION:	City of Riverbank
ENVIRONMENTAL:	The City Council certified the Final EIR for the Downtown Specific Plan on March 11, 2013. Copies of the Final EIR and the adopted Mitigation and Monitoring Program are available on the City Web-Site as well as the ability to view associated documents at the Development Services Department counter.
PROJECT PLANNER:	John B. Anderson, Contract Community Development Director
PURPOSE:	Workshop to update the Planning Commission, Downtown Property Owners and the Citizens of Riverbank on the status of the DTSP since the Planning Commission last saw the matter on March 20, 2012 and again on April17, 2012.
ACRONYMS:	CEQA – California Environmental Quality Act DTSP – Downtown Specific Plan APN – Assessor's Parcel Number GIS – Geographical Information System
ATTACHMENTS:	1. Map Illustration of the original DTSP Boundaries 2. Map of the proposed 2014 DTSP 3. Public Review Timeline – November 2007 to now

---

I. EXECUTIVE SUMMARY:

The City Council took action to begin the Downtown Specific Plan (DTSP) effort back in 2006. The EIR for the DSP was certified by council on March 11, 2013 and as you aware several folks in the community expressed concerns about the method by which the plan boundary was determined and the lack of public involvement in key policy decisions. Because of these concerns the adoption of the DTSP was postponed to allow greater community input. Obviously the DTSP started at a time when the economy was robust and the tools available to council to correct blighted conditions were plentiful through the efforts of the Riverbank Redevelopment Agency (RDA). The DTSP put heavy emphasis on the RDA to provide public assistance and financial support of new business recruitment and retention. Unfortunately the RDA was eliminated by action of the State of California in 2011. We are left with a plan which relies on new-urbanism of the downtown area to support a thriving downtown economy. The plan was to build on the creation of new housing opportunities which would support new businesses downtown. Much of the language in the DTSP relied on additional investment of the RDA downtown.

Over the past several months Staff has been busy taking a document which was created in an electronic publishing format. The City of Riverbank does not have access to the publishing software used on the DTSP. Fortunately, AECOM was able to convert the format of the document to MS Word which allows Staff to make technical changes to the document. The DTSP was extremely fragile and much work has been performed on the document to preserve the original character of the plan and to stabilize the document for future revisions.

I am pleased to report the DTSP document is now saved in an editable format and Staff has finished created a red-lined version of the plan which reflects current realities. This version has been posted on the City web-site for some time now.

Staff's has spent quite a bit of time listening to past PC meeting tapes, reviewing public comments and comparing existing land uses against project land uses. We are pleased to present a plan which we believe addresses most of the concerns raised.

The DTSP does involve several key policy directions described below.

<u>POLICY ISSUES WITH THE DOWNTOWN SPECIFIC PLAN</u>

A. Th e plan illustrates the construction of an underpass beneath the B.N.S.F. rail line essentially extending Sante Fe Street as a connection between the Downtown Core area and the Cannery property. The Sante Fe Street underpass is an integral part of the DTSP as a vehicle and pedestrian connection between the Cannery site and downtown Riverbank. This capital improvement is being included in the Nexus update to the System Development Fees and will be a City-wide obligation. Current estimate for this capital project is $8 Million.

B. Th e plan area boundaries extend easterly to Seventh Street, when in fact with the exception of the properties fronting Atchison (SR108); the eastern plan boundary could stop at Fifth or Fourth Street. The lands easterly of Forth Street, for the most part, are comprised of developed residential neighborhoods, Cardozo Middle School, the Riverbank Community Center and Pool and the County Library. The rest of the plan boundaries appear to be connected with other land use options which implement the downtown vision.

C. The DTSP describes renovation plans for the Del Rio Theater and a possible multi-story parking structure easterly of the Del Rio along SR 108. Obviously the DTSP will establish design criteria for the property in question, but can make no representations related to financial commitments of the former RDA.

D. Patterson Road serves as the southern boundary of the DTSP. The illustrative in the DTSP illustrates a 70 foot right of way section which is inconsistent with the adopted 2025 General Plan EIR which suggests up to four lanes of travel between Callendar and Eight Street and the existing right of way of 80 feet currently enjoyed by the City in certain areas along Patterson Road. City staff is currently working with B.N.S.F and Sierra Railroad to define what can be done with the railroads through a joint effort. The ultimate Patterson Roadway needs to accommodate vehicle as well as pedestrian traffic, not to mention storm water drainage. The outcome and the staff research should be illustrated in the DTSP.

E. Th e DTSP suggests a pedestrian connection with Zerillo and Jacob Meyers Parks. I have not seen, nor have I been presented with, concept plans for such a connection. Given the DTSP location and proximity to the B.N.S.F rail line I am not certain the railroad would support a trail under the viaduct or that the River Cove Neighborhood would appreciate a bridge connection to Jacob Meyers Park. Neither the Nexus analysis nor the DTSP address how this capital improvement would be funded.

F. Light Industrial Development in the Cannery site and the area south of Sante Fe Street between Second and First Streets. Both the 2025 General Plan and the DTSP suggest that the existing light industrial uses in the plan area would be discontinued in the short term. Staff has had numerous conversations with representatives of Sun Gangi and the operators of the former Rizo Lopez Cheese Plant. The desire is to continue to use these sites for light industrial uses to generate jobs and revenue to support future redevelopment investment. Staff is of the opinion that as long as commercial traffic, hours of operation and employee parking is regulated, that the light industrial uses can co-exist with the future vision of the DTSP. We are also encouraging the operators to open retail outlets for any merchandise which is manufactured on the premises.

G. Modifications to the 2025 General Plan Land Use designations on several properties in the DTSP to remove the High Density Residential designation. Areas easterly of Callendar north and south of Topeka comprised of the Catholic Church property; properties north and south side of Topeka between First Street and Third Street – most of these properties are currently zoned R-2; properties east and west of Third Street just north of Patterson Road. Most of these areas make sense as Mixed Use and or Medium Density sites. Staff proposes to use the DTSP process as a means to establish the future land use vision upon which we will introduce modifications to the General Plan Land Use Maps to match the land uses selected in the DTSP.

H. By State law, the City of Riverbank has the ability to recover all costs associated with the DTSP including the EIR though the imposition of a Specific Plan Area fee. This fee would only be assessed on new development and would be based on a fee per acre of land developed.

II. PUBLIC NOTICE:

This Planning Commission Workshop was noticed to some 800 property owners in addition to the standard public notice postings and newspaper publishing's. The Workshop notice was published in the Riverbank News on July 2, 2014 and posted at City Hall North and South on June 24, 2014.

III. PURPOSE OF THE DTSP WORKSHOP:

It is extremely difficult to receive constructive input on any planning related document unless time is spent with the Community through the Planning Commission to review all aspects of the proposal. The entire DTSP effort has been going on since November of 2007. During the past six months I have heard from several business owners that they thought the process had concluded, yet we have heard from others that details related to the plan boundary and specific treated related to mixed use developments had not been properly vetted in the community. The role of the Planning Commission in this process is to sort out and record the community concerns and seek plan revisions to accommodate concerns raised by the Community of Riverbank. This is the first Workshop the current Planning Commission has conducted on the matter and in my opinion the Planning Commission should not be in a hurry to render a decision or recommendation to the City Council until they understand the plan. It is important that the community has had a chance to review the latest plan and that all concerns expressed be heard by staff and the Commission.

IV. NEXT STEPS:

The Commission has the ability to schedule this matter for a second Workshop, request that Staff addresses certain issues and bring those issues back to the Commission for consideration and /or give staff direction to bring the entire matter back to the Commission for a formal recommendation to the City Council. It is difficult for staff to understand what additional questions or comments will remain as a result of all the work that has been put into this effort to date. Staff has made revisions to the plan, plan boundary and goals to address and bring current the DTSP in light of the elimination of the RDA and to establish consistency with the newly adopted General Plan. Staff is of course available to pursue this planning matter in anyway the Commission decides.

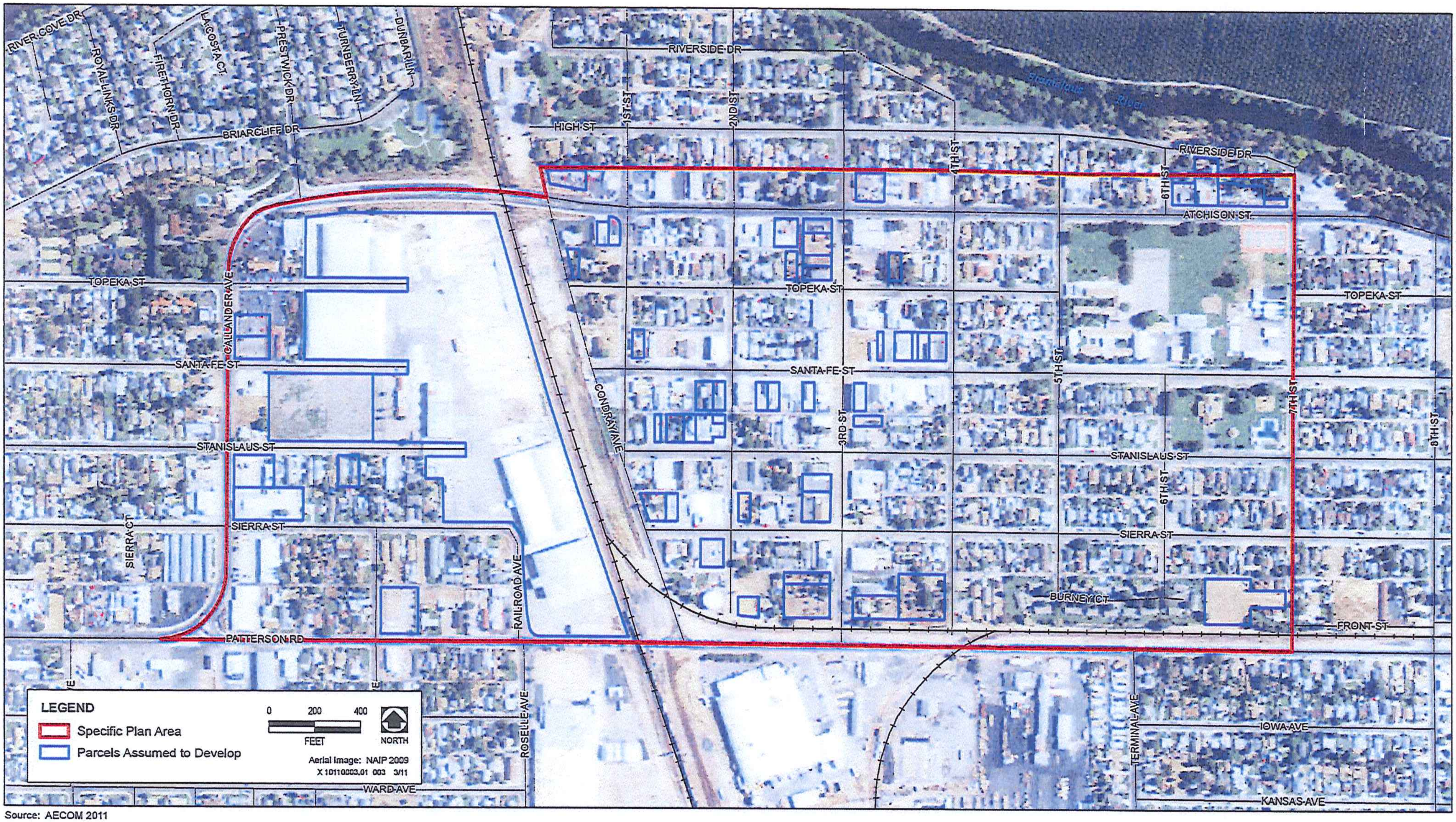
Respectfully Submitted By:

John B. Anderson j.s.

John B. Anderson
Contract Community Development Director

Attachments:
1. Map Illustration of the original DTSP Boundaries
2. Map of the proposed 2014 DTSP
3. Public Review Timeline – November 2007 to now

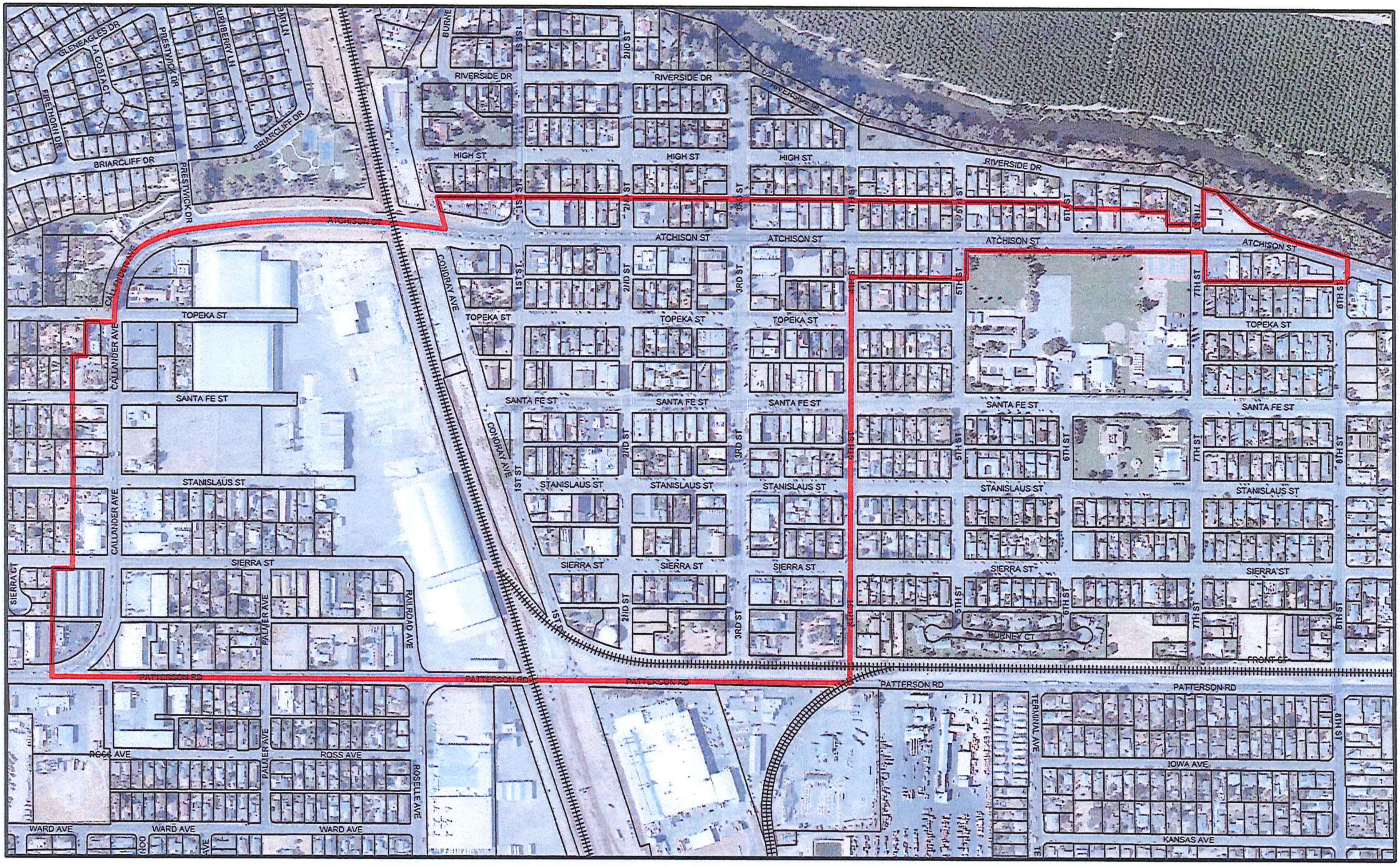
Attachment 1



Source: AECOM 2011

Riverbank Downtown Specific Plan EIR - Parcels Assumed to Develop

Attachment 2



LEGEND

Specific Plan Area

0 200 400
FEET

NORTH

Riverbank Downtown Specific Plan
PROPOSED BOUNDARY
July 7, 2014

Attachment 3

Public Review Timeline

November 2007
2-Day Meetings
Staff, City Council, Planning Comm., Residents
Vision

January 2008
Meeting at Scout's Hall
Downtown Residents, Landowners, Business Owners
Preliminary Analysis

February 2008
Community workshop
Urban Design Strategies

April 2008
Workshop
Planning Comm., City Council, Public
Land Use / Urban Design

August 2008
Meeting
Planning Comm., Downtown Rvtlztn. Committee, Public
Preliminary Regulations

September 2008
Admin. Draft SP

Attachment 3

Public Review Timeline (cont.)

November 2008
Public Review Draft SP

October 2010
EIR Notice of Preparation
Scoping Meeting

February 2011
Public Review Draft EIR

March 2011
Public Hearing
Draft EIR

June 2011
City Council Workshop
SP / GP Consistency Analysis

July 2011
City Council Workshop
SP / GP Consistency Analysis

Attachment 3

Public Review Timeline (cont.)

November 2011	December 2011	March 2012	April 2012	
City Council Hearing	Final EIR Responses Released	Planning Commission Hearing	Planning Commission Hearing	City Council Hearing
Revisions to the SP		GPA, SP, EIR	SP	GPA, SP, EIR

CITY OF RIVERBANK
PLANNING COMMISSION
STAFF REPORT
Agenda Item No. 4.1

July 15, 2013

APPLICATION:	Rules and Procedures for the City of Riverbank's Planning Commissioners
LOCATION:	N/A
ENVIRONMENTAL DETERMINATION:	The proposed action to adopt Rules, Regulations and Procedures is not a project as defined by Section 15378 of the CEQA Guidelines
PROJECT PLANNER:	John B. Anderson, Contract Community Development Director
RECOMMENDATION:	Staff recommends that the planning commission ("Commission") motion to adopt Resolution No. 2014-010, adopting rules, regulations and procedures for the City of Riverbank's (the "City") planning commissioners ("Commissioners").
ACRONYMS:	CEQA – California Environmental Quality Act
ATTACHMENTS:	1. Resolution No. 2014-010 2. Draft Planning Commission Rules and Procedures

---

I. SUMMARY:

Resolution No. 2014-010 (the "Resolution") adopts comprehensive rules and procedural guidelines for the Commission ("Rules") to provide clarity to noticing and conducting Commission meetings. These Rules comply with state open government laws and offer guidance for conducting an orderly meeting. A violation of these Rules in itself does not invalidate a meeting or an action taken at a meeting. These Rules merely offer the Commission an official procedure to follow and avoid confusion or inconsistency.

II. ENVIRONMENTAL DETERMINATION

The proposed action to adopt Rules, Regulations and Procedures is not a project as defined by Section 15378 of the CEQA Guidelines and therefore will not require any environmental determination.

III. BACKGROUND

The city council ("City Council") has the authority to create rules, procedures and standards for the Commission as long as they do not conflict with state or federal law.[1] Under the R.M.C. the City Council has tasked the Commission with the responsibility of adopting rules for the transaction of business.[2]

Currently, the Commission does not have formal rules and procedures for carrying out its meetings. While there are some state laws concerning meetings of public commissions, these laws are not comprehensive. As such, there are many gaps regarding how the Commission should conduct itself, leading to the potential for inconsistency.

IV. ANALYSIS

The Resolution formally adopts the Rules as the standard operating guidelines for the Commission. The Rules discuss the method and criteria for appointing a Chair and Vice-Chair to the Commission. The Rules establish the powers and the responsibilities of community development director, acting as the Commission secretary.

The Rules distinguish between different types of meetings including regular, special, emergency, and workshop meetings. Additionally, the Rules provide requirements for noticing different kinds of meetings and posting agendas for each meeting. The requirements for noticing, holding and acting at different meetings comply with state law requirements.

The Rules provide procedural guidelines for conducting meetings, including rules about voting and establishing a quorum. Under the Rules, if a quorum of Commissioners is not present, the meeting will be adjourned. The Rules provide guidelines for how a public hearing should be conducted. This allows the Commission to hold public hearings in a consistent manner, to ensure that each applicant or project is treated the same. The Rules also describe what motions are appropriate for different circumstances and how multiple motions should be dealt with.

State law provides a limited number of requirements for conducting public meetings and taking action as a public commission. As a supplement, many cities have adopted *Robert's Rules of Order* to provide structure for conducting meetings. *Robert's Rules of Order* provide parliamentary rules for conducting a public meeting. These rules provide formal procedures that echo traditional parliamentary procedures. While many of these procedures are useful, they can also be overly formal for conducting business in a fast- paced forum where the Commission reviews numerous projects and applications.

The proposed Rules are more closely tailored to California law and the purposes of a planning commission. By adopting these Rules, the Commission and City staff will have a reference guide when procedural questions arise regarding a Commission meeting.

---

[1] Cal. Govt. Code §65102.
[2] R.M.C. §32.39.

V. FINANCIAL IMPACT

There is no evidence fiscal impact from adopting the Rules.

VI. RECOMMENDATION:

Staff recommends that the planning commission ("Commission") motion to adopt Resolution No. 2014-010, adopting rules, regulations and procedures for the City of Riverbank's (the "City") planning commissioners ("Commissioners").

VII. ALTERNATIVE ACTIONS

The Planning Commission's options regarding Resolution 2014-010 include:

1. Motion to adopt Resolution No. 2014-010, adopting the City of Riverbank, California Planning Commission Rules and Procedures;

2. Motion to adopt Resolution No. 2014-010, adopting the City of Riverbank, California Planning Commission Rules and Procedures with changes or revisions as provided by the City Council;

3. Reject the Resolution No. 2014-010, adopting the City of Riverbank, California Planning Commission Rules and Procedures.

Respectfully Submitted By:

John B. Anderson j.s.

John B. Anderson
Contract Community Development Director

Attachment 1

City of Riverbank
Planning Commission
Resolution No. 2014-010

A RESOLUTION OF THE PLANNING COMMISSION APPROVING THE PLANNING COMMISSION RULES AND PROCEDURES.

WHEREAS, California Government Code section 65102 allows a city to adopt rules and procedures for its planning commission; and,

WHEREAS, Riverbank Municipal Code section 32.39 states that the planning commission must draft rules for conducting its business; and,

WHEREAS, the City of Riverbank planning commission currently does not have rules or procedures to guide the planning commission in noticing or conducting public meetings; and,

WHEREAS, the proper and consistent operation of the planning commission is vital to ensuring a well-planned city;

WHEREAS, the planning commission finds that the City of Riverbank, California Planning Commission Rules and Procedures, which are attached hereto and incorporated by this reference, provide a clear and consistent basis for carrying out the planning commission's business in a way that is consistent with applicable state laws;

WHEREAS, the planning commission finds that it is in the best interest of the city to adopt the City of Riverbank, California Planning Commission Rules and Procedures.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Riverbank hereby adopts the City of Riverbank, California Planning Commission Rules and Procedures.

PASSED AND ADOPTED by the Planning Commission of the City of Riverbank at a regular meeting held on the 15th day of July, 2014, by the following vote.

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

John B. Anderson
Contract Community Development Director

APPROVED:

Joan Stewart
Planning Commission Chair

Attachment 2

CITY OF RIVERBANK, CALIFORNIA PLANNING COMMISSION RULES AND PROCEDURES

Adopted ___________, 2014 by Resolution No. _____________

TABLE OF CONTENTS

ORGANIZATION

Section 1. Purpose, Effect and Authority. The purpose and intent of adopting these Planning Commission Rules and Procedures (the "Rules") for the City of Riverbank Planning Commission (the "Commission") is to provide the Commission with guidance for conducting public business pursuant to Riverbank Code of Ordinances Section 32.39(A). Any noncompliance or violation of these Rules will not affect the validity of any action taken, unless otherwise specifically provided under state law. In the event that there is any inconsistency between these Rules and state law, state law shall prevail.

Section 2. Rotation of Presiding Officers.

2.1 The Commission shall have a chairperson ("Chair") and a vice-chairperson ("Vice-Chair").

2.2 The Chair and the Vice-Chair of the Commission shall each serve a term of one (1) year, pursuant to the Riverbank Code of Ordinances Section 32.36 (C).

2.3 The Chair shall be the most senior member of the Commission who has served as Vice-Chair previously but has not served as the Chair. If all planning commissioners ("Commissioner" or "Commissioners") have already served as Chair, the Chair shall be the Commissioner who has not served as Chair for the longest period of time.

2.4 The Vice-Chair shall be the most senior member of the Commission who has not served as the Vice-Chair. If all Commissioners have already served as Vice-Chair, the Vice-Chair shall be the Commissioner who has not served as Vice-Chair for the longest period of time.

2.5 For the purposes of determining the rotational order to Chair and Vice-Chair appointment, in the event that two or more Commissioners begin serving at the same time, their respective orders for appointment shall be determined by drawing straws, with the Commissioner drawing the shortest straw going first in the rotation and so on. Commissioners re-appointed to successive terms will remain in the rotation order established with their initial appointment.

2.6 No Commissioner shall have the obligation to serve as either Chair or Vice-Chair. A Commissioner shall not serve successive terms as Chair or Vice-Chair, unless all other Commissioners decline to serve.

2.7 The Vice-Chair shall succeed the Chair in the event the Chair vacates the office prior to the end of the term and shall serve the remainder of the unexpired term of the vacated office.

Section 3. Commission Secretary. The City's Community Development Director shall act as the secretary to the Commission ("Secretary"). If the City does not have a Community Development Director, the Commission may select an individual to serve as Secretary, pursuant to the Riverbank Code of Ordinances Section 32.36(D).

Section 4. Duties of Presiding Officers and Secretary.

4.1 Chair. The Chair shall preside at all meetings of the Commission. The Chair shall appoint all committees and perform all other duties necessary, customary, or incidental to this office, including but not limited to calling special meetings of the Commission and signing documents on behalf of the Commission. The Chair may move, second, and debate matters before the Commission, subject only to the limitations imposed on all Commissioners, and the Chair shall not be deprived of any rights and privileges of a Commissioner by reason of her acting as Chair.

4.2 Vice-Chair. In the event of absence of the Chair or of her inability to act, the Vice-Chair shall take her place and perform her duties.

4.3 Secretary. The Secretary shall: (A) provide professional and technical advice to the Commission; (B) sign approved final subdivision maps; (C) assist the Commission in the discharge of its responsibilities; and (D) maintain minutes of meetings and records of hearings and official actions.

4.4 Absence of Chair and Vice-Chair. In the absence of the Chair and Vice-Chair, any other Commissioner shall call a Commission meeting to order and the Commission shall then elect a Chair pro tem to preside over meeting.

MEETINGS

Section 5. Types of Meetings.

5.1 Regular Meetings. Regular meetings shall be open to the public and shall be held on the third (3^{rd}) Tuesday of each month at 6:00 p.m. in the City Hall Council Chambers at 6707 3^{rd} Street, Riverbank, California, as may be amended from time to time by City Council resolution.

5.2 Adjourned Meetings. Any meeting may be adjourned to a time, place and date certain, but not beyond the next regular meeting. Once adjourned, the meeting cannot be reconvened.

5.3 Special Meetings. Special meetings of the Commission shall be open to the public and shall be held at such time as the Commission may determine. The Chair or a majority of the Commission may call a special meeting at any time by providing twenty-four (24) hours advanced notice, pursuant to the Riverbank Code of Ordinances Section 32.32.(B)

5.4 Emergency Meetings. When a majority of the Commission determines that an emergency situation, such as work stoppage or another activity which severely impairs public health or safety exists, it may call an emergency meeting. Absent a dire emergency, the Commission shall provide notice to media outlets that have requested such notice at least one (1) hour before the meeting. In dire emergencies, notice shall be provided to media outlets that have requested such notice around the same time that notice is provided to the Commissioners. If telephone services are not working and notice cannot be sent to media outlets prior to the meeting, a report must be provided to media outlets as soon as possible after the meeting. After an emergency meeting, the Commission shall post a notice for ten (10) days in a public place which states: (A) the minutes of the meeting; (B) a list of persons who the Commission notified; (C) a list of persons who the Commission attempted to notify of the meeting; (D) a copy of the roll call vote; and (E) any actions taken at the meeting.

5.5 Workshops/Study Sessions. The Commission may hold a workshop or study session as part of a regular, adjourned, or special meeting. For workshops and study sessions on specific matters for which a future public hearing is anticipated, the Secretary will cause public notice to be given of such workshop or study session in the same manner as required for public hearings, and a record of the workshop or study session shall be entered into the minutes of any such future public hearings. A workshop or study session shall be for discussion only and the Commission will take no action on the items discussed. No quorum of the Commissioners will be required to hold a workshop of study session.

Section 6. Notice and Agenda.

6.1 Notice of Meetings. The agenda for all Commission meetings shall be available to the general public and the Secretary shall cause a copy thereof to be posted at least seventy-two (72) hours before a regular or adjourned meeting in a place that is accessible to the public twenty-four (24) hours a day, seven (7) days a week.

6.2 Delivery of Agenda. For regular and adjourned meetings, the agenda shall be delivered to Commissioners, available to the general public only after the delivery to the Commissioners, and posted in a spot that is accessible to the public twenty-four (24) hours a day, seven (7) days a week, at least seventy-two (72) hours before the meeting.

Section 7. Order of Business. Generally the order of business at a Commission meeting shall be as follows:

7.1 Call to Order.

7.2 Roll Call. Before proceeding with the business of the Commission, the Secretary shall call the roll of the Commission and the names of those present shall be entered into the minutes.

7.3 Conflict of Interest.

7.4 Acceptance of the Agenda. A motion should be made to approve the agenda for the current meeting. At this time or during approval of the consent calendar, any Commissioner may request that any item appearing on the consent calendar be withdrawn from the consent calendar for separate consideration.

7.5 Public Comments. During public comments for regular or adjourned meetings any person may address the Commission on any subject pertaining to Commission, regardless of whether the matter is listed on the meeting agenda or not. During public comments for special meetings, the public may address the Commission on any subject appearing on the meeting's agenda. At the Chairpersons discretion, the Chair may impose a time limit for each person wishing to address the Commission during public comments of no less than five (5) minutes per person.

7.6 Consent Calendar. Items of a routine nature, which are non-controversial, may be placed on the consent calendar. All items appearing on the consent calendar may be approved with a single, blanket motion. The approval of items on the consent calendar can be severed and any Commissioner can make a motion to approve any number of the items appearing on the consent calendar.

7.7 Public Hearings. Public hearings shall be conducted in the following order:

A. Staff Report. After the Chair announces the item as it appears on the agenda, City staff will give a presentation to the Commission and the public on the staff report prepared for the matter.

B. Initial Questions to Staff by the Commissioners. Prior to opening up a public hearing on a matter, Commissioners may ask questions of staff or third party consultants regarding the staff report and the issue.

C. Chair opens the public hearing:

i. Applicant Presentation.

ii. Appellant (If different from Applicant).

iii. Public Testimony. Depending upon the extent of the agenda, and the number of persons desiring to speak on an issue, the Chair may, at the beginning of the hearing, place a time limit on public testimony, but in no event for less than one (1) minute per individual. Any person may be authorized to speak for longer than the allotted time limit, upon approval of the Commission, when circumstances make such time extension appropriate, such as when the person is speaking as a representative of a group or has a graphic or slide presentation that requires additional time.

iv. Applicant Rebuttal.

v. Appellant Rebuttal.

vi. Chair closes hearing.

D. Questions and discussion from the Commissioners. The Commissioners should not express their opinions on an item prior to the close of the public hearing, as the Commissioners should not form or express an opinion until after all testimony has been received. Questions and comments from the Commission should not be argumentative and the Commission should not engage in debates with staff or those members of the public testifying an opinion until after all testimony has been received.

As a matter of preferred protocol and courtesy to fellow members of the Commission, normally each Commissioner should only speak once on any one subject until every other Commission wishing to speak thereon has spoken.

Any Commissioner shall have the right to express dissent from or protest to any action of the Commission and have the reason entered in the minutes. If the dissenting Commissioner desires such dissent or protest to be entered into the minutes, this should be made clear by language such as "I would like the minutes to show that I am opposed to this action for the following reasons…"

E. Action by the Commission. Once the Commission completes discussion of the matter, a Commissioner may make a motion to take action on the item. A Commissioner may also motion to table, amend, substitute, postpone, or continue the matter, pursuant to these Rules. If the Commission is unsuccessful in carrying a motion on the matter before the adjournment of the meeting, the motion shall be deemed to have failed.

7.8 New Business.

7.9 Commissioner Items.

7.10 Secretary Reports.

7.11 County Referral/Correspondence/Information.

7.12 Upcoming Meeting Agenda Items.

7.13 Adjournment.

The Chair may change the order of business as determined necessary for the Commission to conduct its business effectively.

Section 8. Quorum. The majority of the Commission shall constitute a quorum. The majority vote of a quorum shall be sufficient to do business. In the event of a lack of a quorum at a Commission meeting, the Secretary or her designee shall declare no meeting and all matters on the agenda for that day shall be continued to the next regular meeting.

Section 9. Voting. Every official act taken by the Commission shall be by resolution or motion adopted by a majority vote. In the case of the latter, the summary minutes shall constitute the official record on the Commission action.

9.1 Voting Procedure. On the passage of every motion, the vote shall be taken by voice or roll call and entered in full upon the record. The Chair shall cast the last vote.

9.2 Reconsideration. Any member may make a motion for reconsideration of the action at the same meeting where the original action was taken. After a motion for reconsideration has been acted on once for a particular action, no other motion for reconsideration thereof shall be made without the unanimous consent of the Commission.

9.3 Conflict of Interest. Any Commissioner prevented from voting due to a conflict of interest shall disclose the nature and extent of such conflict of interest publicly and shall refrain from engaging in debating or voting on the matter. After disclosing the conflict of interest, the Commissioner will leave City Council Chambers prior to discussion of the matter. Notwithstanding the above, the Commissioner may still address the Commission as a private citizen on the matter.

9.4 Duty to Vote. Every Commissioner should vote unless disqualified for cause which has been publicly disclosed.

9.5 Abstentions/Recusals. Abstentions from voting are permissible to avoid the appearance of impropriety where no legal conflict exists. Abstentions shall not count as votes for the purpose of determining whether there has been an affirmative vote of a majority of the Commissioners present. However, abstaining members will be counted for the purpose of determining whether a quorum is present.

9.6 Presumption of Ineligibility. Commissioners who live or own property within five hundred (500) feet of a property that is the subject of a hearing by the Commission are presumed to be ineligible to participate in deliberations or vote on that item, as specified by the rules and regulations promulgated by the Fair Political Practices Commission. Commissioners who own property that is more than five hundred (500) from the property which is subject to the hearing, but in the vicinity of the subject property shall determine, after consultation with the City Attorney's office or the Fair Political Practices Commission, if participation in the hearing would constitute a conflict of interest.

9.7 Legally Required Participation. If a majority of the Commission shall be disqualified to vote on a matter by reason of actual or apparent conflict of interest, the Commission shall select from the disqualified Commissioners by lot or other means of random selection, so that the Commission has sufficient Commissioners to constitute a quorum.

9.8 Tie Votes. Tie votes shall be lost motions and may be reconsidered by a successful motion offered by any Commissioner who voted on the matter. If the matter involves an appeal and the vote is tied, the decision being appealed stands.

9.9 Motions include Staff Recommendations. A motion to adopt or approve staff recommendations or simply to approve the action under consideration shall, unless otherwise particularly specified, be deemed to include adoption of all proposed findings and execution of all actions recommended in both the written staff report on file on the matter and any oral staff report presented during the hearing.

Section 10. Rules, Decorum, Order.

10.1 Points of Order. Immediately after an infraction of the Rules or improper decorum in speaking occurs at a Commission meeting, any Commissioner may call for a point of order. Once a point of order has been raised, the Chair will make a ruling as to whether the Rules have been violated. Any Commissioner may appeal the Chair's ruling to the entire Commission, which will vote on whether to sustain the Chair's determination.

10.2 Decorum and Order- Commissioners.

A. Every Commissioner desiring to speak shall address the Chair and, upon recognition by the Chair, shall confine herself to the question under debate.

B. Once recognized, a Commissioner should not be interrupted while speaking, unless called to order by the Chair, a point of order is raised by another Commissioner, or the speaker chooses to yield to questions from another Commissioner.

i. If a Commissioner is called to order by the Chair while she is speaking, she shall cease speaking immediately until the question of order is determined. If ruled to be in order, the Commissioner shall be permitted to proceed. If ruled to not be in order, the Commissioner shall remain silent or shall alter her remarks so as to comply with the rules of the Commission.

ii. Commissioners shall serve as models of leadership and civility in the community and shall demonstrate honesty and integrity in every action and statement.

iii. At Commission meetings, Commissioners shall respect the dignity, style, values, and opinions of each person present. Commissioners should avoid personal comments that could offend other Commissioners.

iv. Any Commissioner may move to require the Chair to enforce the rules and the affirmative vote of a majority of the Commission shall require her to so act.

10.3 Decorum and Order- Employees. City employees and planning consultants shall observe the same rules of procedure and decorum applicable to members of the Commission. Any employee or consultant wishing to address the Commission or the public at a Commission meeting shall first be recognized by the Chair. All remarks shall be addressed to the Chair and not to any one individual Commissioner or member of the public.

10.4 Maintenance of Order. The Chair is responsible for the maintenance of order and decorum at all times. No person is allowed to speak who has not first been recognized by the Chair. All questions and remarks shall be addressed to the Chair.

10.5 Determination of Chair Final. In presiding over Commission meetings, the Chair shall decide all questions of interpretation of these rules or other questions of procedure requiring rulings. Any such decision or ruling shall be final unless overridden or suspended by a majority vote of the Commission present and voting shall be binding and legal.

Section 11. Motions.

11.1 Processing of Motions. When a motion is made and seconded, it shall be stated by the Chair before debate. A motion so stated shall not be withdrawn by the Commissioner who initiated the motion, without the consent of the Commissioner who seconded the motion.

11.2 Division of Question. If the question contains two or more divisible propositions, a Commissioner may request and the Chair may divide the propositions.

11.3 Precedence of Motions. When a motion is before the Commission, no motion shall be entertained except the following, which shall have precedence in the following order:

A. Motion to adjourn the meeting. (not debatable) A motion to adjourn shall be in order at any time, except as follows:

i. When repeated without intervening business or discussion.

ii. When made as an interruption of a Commissioner who is speaking.

iii. When the previous question has been ordered.

iv. While a vote is being taken.

A motion to adjourn "to another time" shall be debatable only as to the time to which the meeting is adjourned.

B. Motion to fix hour of adjournment. Such motion shall be to set a definite time as which to adjourn and shall be undebatable and unamendable except to the time set. Notice of the adjournment and the date of the subsequent meeting shall be conspicuously posed on or near the door where the meeting was held within twenty-four (24) hours of the adjournment. If the subsequent meeting occurs within five (5) days of the original meeting, the Commission may consider matters placed on the original meeting agenda without posting a new agenda. If the subsequent meeting occurs more than five (5) days from the original meeting, a new agenda must be prepared and posted.

C. **Motion to table.** A motion to table shall be used to temporarily bypass the subject. A motion to table shall be undebatable and shall preclude all amendments or debate of the subject under consideration. The tabled item may be "taken from the table" at any time by a motion made prior to the end of the meeting. If the item is not taken from the table prior to the end of the meeting, it shall be placed on a future agenda as a new matter.

D. **Motion to amend.** A motion to amend can be made after a motion is introduced and seconded. A motion to amend shall be debatable only as to amendment. A motion to amend an amendment shall be in order but a motion to amend an amendment to an amendment shall not be in order. An amendment modifying the intention of a motion shall be in order, but an amendment relating a different matter shall not be in order. A motion to amend shall be voted on first, followed by a vote on the original motion, as amended or as originally stated, depending upon whether the motion to amend carries.

E. **Motion to substitute.** A motion to substitute can be made after a motion is introduced and seconded. A substitute motion on the same subject shall be acceptable, and voted on before a vote on a motion to amend the main motion amendment.

F. **Motion for Previous Question.** A motion for previous question shall be used to close debate on the main motion and shall be undebatable. If the motion fails, debate shall be reopened; if the motion passes, a vote shall be taken on the main motion.

G. **Motion to Continue.** Motions to continue to a definite time shall be amendable and debatable as to the propriety of postponement and time set. If desired, the Commissioner who initiates the motion to continue may also move to reopen the hearing to receive further testimony.

11.4 Multiple Motions Before the Commission. There can be up to three (3) motions before the Commission at one time. The Chair may reject a fourth (4^{th}) motion until the Commission has addressed the three (3) that have been proposed first. When there are multiple motions before the Commission at one time, the Commission shall address the motions beginning with the most recently made motion.

Section 12. Policies.

12.1 Attendance. Each Commissioner shall attend every regular or special meeting unless unavailable for a valid reason. A Commissioner may be excused if prior notice is given to the Secretary, and if the reason for the absence is stated. In the minutes and in the attendance record the Secretary shall indicate members present and excused. The Commission may recommend to the City Council that the office of any Commissioner who is absent from three (3) consecutive regular meetings, unless excused for cause by vote of the Commission, be declared vacant and that a successor be appointed.

12.2 Length of Meetings. Unless a majority of the Commissioners present at a meeting find that exceptional circumstances require otherwise, the Commission will adjourn its meetings on or before 11:00 p.m. with any unfinished business being continued to the next, regular, adjourned, or special meeting, unless the Commission votes to extend the meeting. At approximately 10:00 p.m., the Chair will call review of any remaining agenda items to consider whether they will likely be completed by 11:00 p.m., or whether continuances should be considered. The Secretary, or designee, will post notice of any continued hearing or other unfinished business, as required by law.

12.3 Amendments. These Rules may be amended by the Commission at any regular meeting by a majority vote, or at any special meeting, provided that the proposed amendment is included in a written notice of such meeting.