



THE CITY OF SAN FERNANDO

PLANNING AND PRESERVATION COMMISSION

REGULAR MEETING NOTICE AND AGENDA

JUNE 8, 2020 – 6:30 P.M.

COUNCIL CHAMBERS
117 MACNEIL STREET
SAN FERNANDO, CA 91340

SPECIAL NOTICE REGARDING COVID-19

On March 4, 2020, Governor Newsom proclaimed a State of Emergency in California as a result of the threat of COVID-19. On March 17, 2020, Governor Newsom issued Executive Order N-29-20 (superseding the Brown Act-related provisions of Executive Order N-25-20 issued on March 12, 2020), which allows a local legislative body to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body. Pursuant to Executive Order N-29-20, please be advised that the San Fernando Planning and Preservation Commission will participate in meetings telephonically.

PUBLIC PARTICIPATION: Pursuant to Executive N-29-20 and given the current health concerns, members of the public can access meetings live on-line, with audio and video, via YouTube, at

<https://www.youtube.com/channel/UC2OGT0-5m7SPbA-YmtPyDaA/>

Members of the public can submit comments electronically for Commission's consideration by sending them to **Mdesantiago@sfcity.org**. To ensure distribution to the Commission prior to consideration of the agenda and agenda items, please submit comments by email to: Mdesantiago@sfcity.org or by commenting on Youtube (Youtube account required) before the end of the Public Comments section of the Public Hearing Meeting. There will be a limit to three minutes per person/comment which will be read into the record and this will be made part of the official public record of the meeting.

CALL TO ORDER

ROLL CALL

Chair Alvin Durham, Jr.
Vice-Chair Hector Pacheco
Commissioner Ivan Gonzalez
Commissioner Aida Montes
Commissioner Marvin R. Perez

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

June 8, 2020

PUBLIC STATEMENTS – WRITTEN/ORAL

There will be a three (3) minute limitation per each member of the audience who wishes to make comments relating to City Business. Anyone wishing to speak, please fill out a form

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located at the Council Chambers entrance and submit it to the Commission Chair. When addressing the Planning and Preservation Commission please speak into the microphone and voluntarily state your name and address.

CONSENT CALENDAR

Items on the Consent Calendar are considered routine and may be disposed of by a single motion to adopt staff recommendation. If the Planning and Preservation Commission wishes to discuss any item, it should first be removed from the Consent Calendar.

- 1) **Approval of the Minutes of the May 11, 2020 Planning and Preservation Commission meeting.**

NEW BUSINESS

- 1) **SUBJECT:** **Variance 2020-001 (VAR 2020-001)**

LOCATION: **456 S. Brand Blvd., San Fernando, CA 91340**

PROPOSAL: **The proposed project is a request for approval of Variance 2020-001 in order to allow for a portion of the required off-street parking spaces for the property located at 456 S. Brand Boulevard to be satisfied by payment of an in-lieu parking fee. The subject site consists of a parcel containing the off-street surface parking lot and a second parcel improved with an approximately 5,986 sq. ft. commercial building. In aggregate, the two parcels total approximately 20,445 sq. ft. land. The subject site is located along the east side of the 400 block of South Brand Boulevard, between Hollister Street and Coronel Street, within the C-1 (Limited Commercial) Zone.**

APPLICANT: **Victor De La Cruz of Manatt, Phelps & Phillips
on behalf of Citibank N.A.
2049 Century Park East, Suite 1700, Los Angeles, CA
90067**

RECOMMENDATION: **Staff recommends, subsequent to the presentation and consideration of any public comment, that the Planning and Preservation Commission approve Resolution No. 2020-004 approving Variance 2020-001 which allows for a portion of the required off-street parking spaces to be**

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satisfied by payment of an in-lieu parking fee for the property at 456 S. Brand Boulevard, subject to the conditions of approval attached as “Exhibit A” to the Resolution.

CONTINUED BUSINESS

1) **SUBJECT:** Consideration to Adopt Bylaws and Rules of Procedure

Recommendation: Staff recommends that, subsequent to consideration of any further revisions, the Planning and Preservation Commission adopt the proposed Bylaws and Rules of Procedure.

If, in the future, you wish to challenge the items listed above in Court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Planning and Preservation Commission at, or prior to, the Public Hearing. Decisions of Planning and Preservation Commission may be appealed to the City Council within 10 days following the final action.

STAFF COMMUNICATIONS

COVID-19 Updates

COMMISSIONER COMMENTS

ADJOURNMENT

July 13, 2020

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 not less than 72 hours prior to the meeting.

Michelle DeSantiago - June 5, 2020 at 10:10 a.m.

Signed and Posted: Date and time

Agendas and complete Agenda Packets (including staff reports and exhibits related to each item) are posted on the City's Internet Web site (www.sfcity.org). These are also available for public reviewing prior to a meeting at the Community Development Department Public Counter. Any public writings distributed by the Planning and Preservation Commission to at least a majority of the Commissioners regarding any item on this regular meeting agenda will also be made available at the Community Development Department Public Counter located at 117 Macneil Street, San Fernando, CA, 91340 during normal business hours. In addition, the City may also post such documents on the City's Web Site at www.sfcity.org. In accordance with the Americans with Disabilities Act of 1990, if you require a disability-related modification/accommodation to attend or participate in this meeting, including auxiliary aids or services please call the Community Development Department at (818) 898-1227 at least 48 hours prior to the meeting.



**CITY OF SAN FERNANDO
PLANNING AND PRESERVATION COMMISSION**

**DRAFT MINUTES OF THE
MAY 11, 2020 MEETING
CITY HALL COUNCIL CHAMBER**

THE FOLLOWING MINUTES ARE A SUMMARY OF ACTIONS TAKEN BY THE PLANNING COMMISSION. AUDIO AND VIDEO OF THE ACTUAL MEETING ARE AVAILABLE FOR LISTENING AT: <http://ci.san-fernando.ca.us/commissions-boards/#planning-preservation>

CALL TO ORDER

The meeting was called to order by Chairperson Alvin Durham at 6:34 p.m.

ROLL CALL

The following persons were recorded as present:

PRESENT:

Chairperson Alvin Durham, Commissioners Ivan Gonzalez, Aida Montes and Marvin Perez

ABSENT:

Vice-chair Hector Pacheco

ALSO PRESENT

Community Development Director Timothy Hou, City Attorney Richard Padilla, Associate Planner Gerardo Marquez, and Community Development Secretary Michelle De Santiago

PLEDGE OF ALLEGIANCE

Led by Chairperson A. Durham

APPROVAL OF AGENDA

Commissioner I. Gonzalez moved to approve the agenda of May 11, 2020, meeting. Seconded by Commissioner A. Montes, the motion carried with the following vote:

AYES:	I. Gonzalez, A. Montes, A. Durham, and M. Perez
NOES:	None
ABSENT:	H. Pacheco
ABSTAIN:	None

CONSENT CALENDAR

Commissioner A. Montes moved to approve the minutes of the March 9, 2020, Planning and Preservation Commission Meeting. Seconded by Commissioner I. Gonzalez, the motion carried with the following vote:

AYES:	A. Montes, I. Gonzalez, A. Durham, and M. Perez
NOES:	None
ABSENT:	H. Pacheco

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ABSTAIN: None

NEW BUSINESS

T. Hou provided the Commission with details on how the City and its employees are continuing to provide services to the community and the businesses during the “Safer at Home” orders as well as the current cases identified by the County for COVID-19. Additionally he stated that he would not like for the commission to skip to consecutive meetings without checking in with everyone.

**** 6:44 p.m. Vice-chair H. Pacheco joined the meeting by phone****

CONTINUED BUSINESS

APA Learn – Planning Commission Training Series – Legal Decision Making for Planning Commissions

R. Padilla stated that the State of California has its specific sets of laws. He stated that there are certain items that may present a potential conflict of interest and if this is the case, he recommends that you should recuse yourself out of an abundance of caution. Either reach-out to me or the Fair Political Practice Commission for clarification.

STAFF COMMUNICATIONS

T. Hou stated that based on the queue we will have a Public Hearing in June as well as to bring the Bylaws and Procedures with the fundamental basis being Rosenberg’s Rules or Order which will be provided for you to review prior to the adoption of the Bylaws. Additionally he informed the Commission that the City has been nominated for small jurisdiction award of excellence with APA LA for our Corridor Specific Plan (SP-5) and the results should be announced shortly.

COMMISSION COMMENTS

A. Durham stated that the Commission didn’t even consider any language in the Bylaws about not considering any new cases after a certain time of the evening.

PUBLIC STATEMENTS

None

ADJOURNMENT

Commissioner A. Montes moved to adjourn to June 8, 2020 scheduled meeting date. Second by Commissioner I. Gonzalez, the motion carried with the following vote:

AYES:	A. Montes, I. Gonzalez, A. Durham, H. Pacheco, and M. Perez
NOES:	None
ABSENT:	None
ABSTAIN:	None

7:52 P.M.

Timothy T. Hou

Planning Commission Secretary



MEETING DATE: June 8, 2020

COMMISSION CONSIDERATION:

1. CHAIRPERSON TO OPEN THE ITEM AND REQUEST STAFF REPORT
2. STAFF PRESENTS REPORT
3. COMMISSION QUESTIONS ON STAFF REPORT
4. OPEN THE PUBLIC HEARING
5. CLOSE THE PUBLIC HEARING
6. PLANNING AND PRESERVATION COMMISSION DISCUSSION
7. RECOMMENDED ACTION:
 - a. To Approve:

“I move to approve Planning and Preservation Commission Resolution No. 2020-001 approving Variance 2020-001 which allows for a portion of the required off-street parking spaces to be satisfied by payment of an in-lieu parking fee for the property at 456 S. Brand Boulevard, subject to the conditions of approval attached as “Exhibit A” to the Resolution” ... (Roll Call Vote)
 - b. To Deny:

“I move to recommend denial of Variance 2020-001 based on the following...” (Roll Call Vote)
 - c. To Continue:

“I move to continue consideration of Variance 2020-001, to the following date...” (Roll Call Vote)

Moved:_____

Seconded:_____

Roll Call:_____

**NEW BUSINESS ITEM 1:
VARIANCE 2020-001**



AGENDA REPORT

To: Planning and Preservation Commission Chairperson Durham and Commissioners

From: Timothy T. Hou, AICP, Director of Community Development
Gerardo Marquez, Associate Planner

Date: June 8, 2020

Subject: **Variance 2020-001**
456 S. Brand Boulevard, San Fernando, CA 91340
Los Angeles County Assessor Parcel Identification No.: 2522-013-018 & 019

Proposal: The proposed project is a request for approval of Variance 2020-001 in order to allow for a portion of the required off-street parking spaces for the property located at 456 S. Brand Boulevard to be satisfied by payment of an in-lieu parking fee. The subject site consists of a parcel containing the off-street surface parking lot and a second parcel improved with an approximately 5,986 sq. ft. commercial building. In aggregate, the two parcels total approximately 20,445 sq. ft. land. The subject site is located along the east side of the 400 block of South Brand Boulevard, between Hollister Street and Coronel Street, within the C-1 (Limited Commercial) Zone.

Applicant: Victor De La Cruz of Manatt, Phelps & Phillips on behalf of Citibank N.A. (Citibank)
2049 Century Park East, Suite 1700, Los Angeles, CA 90067

RECOMMENDATION:

Staff recommends, subsequent to the presentation and consideration of any public comment, that the Planning and Preservation Commission (Commission) approve Resolution No. 2020-004 (Attachment "A") approving Variance 2020-001 which allows for a portion of the required off-street parking spaces to be satisfied by payment of an in-lieu parking fee for the property at 456 S. Brand Boulevard, subject to the conditions of approval attached as "Exhibit A" to the Resolution.

PROJECT OVERVIEW:

The proposed project is a request for approval of Variance 2020-001 to allow for seven (7) of the required off-street parking spaces for the subject property to be provided for by means of payment of an in-lieu parking fee. On May 7, 2020, Victor De La Cruz of Manatt, Phelps & Phillips, submitted a Variance application (Attachment "B") seeking to satisfy the off-street

parking requirement by payment of an in-lieu parking fee for seven (7) off-site parking spaces pursuant to San Fernando Municipal Code Section 106-827(a). The San Fernando Municipal code requires 20 parking spaces and 13 are provided on-site. The subject site consists of a parcel containing the off-street surface parking lot and a second parcel improved with an approximately 5,986 sq. ft. commercial building that is in use as a Citibank retail bank branch (Attachment "C").

Previously, the Citibank used off-street parking available at an adjacent surface parking lot at the northwest corner of Chatsworth Drive and Hollister Street (Assessor Identification Numbers 2522-013-012 & 013). The owner of these lots is preparing for potential redevelopment, thus making them no longer available for parking for the Citibank. As a result, the subject site no longer provides enough space for the code required 20 off-street parking spaces.

On June 5th, 2018, the subject site was granted approval of Site Plan Review 2017-019 and Variance 2017-002 by the Commission. Citibank was notified that the planned off-site parking agreement would be terminated, requiring Citibank to explore other avenues to comply with off-street parking requirements. Variance 2019-002 expired on July 5th, 2019 due to inaction by the applicant to fulfill the conditions of approval. The Site Plan Review allowed for parking stall re-striping, installation of new ADA compliant truncated domes, a new trash enclosure, and demolition of an existing rear entry trellis and columns which now encroach onto the former adjoining parking lot parcel. The previously approved Site Plan Review will not be modified, meaning that the originally approved site improvements will still be executed. This Variance will comply with all prior approvals including conditions of approval for Site Plan Review 2017-019 referencing site improvements. The Variance allowed for an off-site parking agreement to satisfy the off-street parking requirement. With approval of this Variance application for payment of an in-lieu parking fee for seven (7) parking stalls, the subject site will satisfy the 20 required parking spaces.

Existing Conditions:

1. **Location:** The project site at 456 S. Brand Boulevard is a corner lot with street frontage along its northerly and westerly property lines facing S. Brand Boulevard and Hollister Street, respectively (Attachment "D"). Similarly zoned C-1 (Limited Commercial) lots are located along S. Brand Boulevard surrounding the project site as well as the project site's southerly and easterly property lines. Also, R-1 (Single Family Residential) zoned lots are located across Workman Street to the west and Harding Avenue to the east.
2. **Lot Size:** The project site consists of a rectangular-shaped lot (153.50 feet wide by 133.20 feet deep) located in the C-1 (Limited Commercial) zone, with an area totaling approximately 20,445 square feet.

3. Zoning and General Plan Designation: The property's zoning of C-1 (Limited Commercial) is consistent with its General Plan Land Use Designation of Central Business District (CBD).
4. Environmental Review: Staff has conducted the appropriate environmental analysis in compliance with the requirements of the California Environmental Quality Act (CEQA). Based on that assessment, the project has been determined to be Categorical Exempt from further environmental review documentation under Categorical Exemption Class 1 (Existing Facilities) of the City's adopted Local CEQA Guidelines.
5. Legal Notification: On May 28, 2020, a public hearing notice was published in the print and online versions of the legal advertisement section of the *San Fernando Sun Newspaper*. In addition, on May 28, 2020, a public hearing notice was posted at the Project Site, and at the two City Hall bulletins. Notices of the public hearing for this Project were also mailed to all property owners of record within 500 feet of the Project Site.

ANALYSIS:

Parking

The subject site includes 13 on-site parking spaces (Attachment "E"). Pursuant to City Code Sections 106-822, the total existing building floor area of approximately 5,986 square feet requires 20 on-site parking spaces. Pursuant to San Fernando Municipal Code Section 106-827 which discusses the location of parking, a Variance request to allow for the provision of required off-street parking spaces to be satisfied through payment of in-lieu parking fees requires Commission review and approval.

City Code Section 106-827(a) further states that the conditions for granting a Variance require findings that the Variance will be an incentive to, and a benefit for, the proposed nonresidential development and that public transit facility is available for providing public transit patrons access to the nonresidential development. The subject site is notably well placed for access to existing public transit rider stops as Metro Local Bus Line 234 route has both a northbound and a southbound stop at the corner of S. Brand Boulevard and Hollister Street. The nearest bus stop is approximately 100 linear feet from the subject site. In addition, the San Fernando Trolley service, provided by the City of San Fernando to link the City's residential and commercial areas, includes a stop at the corner of S. Brand Boulevard and Hollister Street.

In addition to the existing 13 on-site parking stalls, the in-lieu parking fee will provide payment for seven (7) parking stalls which will fulfill the required 20 parking stalls needed for the 5,986 sq. ft. commercial use building. Currently, the in-lieu fee per parking stall is \$8,192.50. The total that will be due to the City for the seven (7) stalls will be \$57,347.50. These funds will be credited to the cash in-lieu of parking fund.

Variance Criteria

A Variance is a permit issued by the Commission to a property owner to deviate from a development standard or to build a structure not otherwise permitted under the current development standards. The statutory justification for a Variance is that the owner would otherwise suffer a unique hardship under the general zoning regulations because his particular parcel is different from the others to which the regulation applies due to the size, shape, topography or location. As a result the Commission should base their decision of approval on seven principles that must be applied in the consideration of an application for a Variance.

A Variance is subject to discretionary review by the Commission, which permits the Commission to review individual cases for proposed uses of the land and either attach conditions or deny approval. Conditions imposed on the applicant through the discretionary review process may call for anything reasonably related to the project. These principals are applied in the form of seven findings, which the Commission must meet in making their decision. All findings must be justified and upheld in the affirmative for approval of the Variance. Only one finding requires a negative response to uphold a denial.

Staff believes that the findings for approval of the Variance can be made in this instance based on the aforementioned discussion, and as explained below.

- 1. There are special circumstances or exceptional characteristics applicable to the property involved, including size, shape, topography, location, or surroundings such that strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under the identical zoning classification:**

The subject site is currently developed with a commercial building within the C-1 (Limited Commercial) zone. For both residential and non-residential development, every use of property is required to provide the number of off-street parking spaces which satisfies the needs of the use, pursuant to City Code Section 106-822. The subject site was originally developed with a supplementary adjoining surface parking lot that helped satisfy the retail bank branch's required parking spaces. However, the adjoining lot is no longer available to provide parking for the retail bank branch. Thus, only 13 parking spaces remain on-site to serve the subject site.

Pursuant to City Code Section 106-827, an applicant may request a Variance to allow for required off-street parking to be satisfied by means of an in-lieu parking fee. In addition to the existing 13 on-site parking stalls, the in-lieu parking fee will provide payment for seven (7) parking stalls which will fulfill the required 20 parking stalls needed for the 5,986 sq. ft. commercial use building.

In terms of public transit patron access, the subject site is notably well placed for access within feet of existing public transit rider stops. The Metro Local Bus Line 234 route has

both a northbound and a southbound stop at the corner of S. Brand Boulevard and Hollister Street. The nearest bus stop is approximately 100 linear feet from the subject site. In addition, The San Fernando Trolley service, provided by the City of San Fernando to link the City's residential and commercial areas, includes a stop at the corner of S. Brand Boulevard and Hollister Street as well.

The ability of a commercial use to request a Variance for an in-lieu parking payment to satisfy parking requirements is a privilege afforded to all non-residential uses in the City. Thus, it is staff's assessment that this finding can be made.

- 2. The granting of such Variance will not be detrimental to the public interest, safety, health or welfare, and will not be detrimental or injurious to the property or improvements in the same vicinity and zone in which the property is located:**

The granting of the proposed Variance to allow for seven (7) of the required off-street parking spaces to be satisfied by means of an in-lieu parking fee payment would allow the retail bank branch use to continue its operation and will not modify the already approved configuration of the site. The existing site provides for the required vehicle ingress and egress and would not be detrimental or injurious to the property or improvements in the same vicinity and C-1 (Limited Commercial) zone. Thus, it is staff's assessment that this finding can be made.

- 3. The granting of such Variance will not be contrary to or in conflict with the general purposes and intent of this Chapter, nor to the goals and programs of the General Plan:**

Pursuant to City Code Section 106-827, a Variance may be granted to allow for a deficiency in on-site parking spaces to be satisfied by means of an in-lieu parking fee payment. The subject site is well situated for access within feet of existing public transit rider stops for Metro Local Bus Line 234 and the San Fernando Trolley service. Thus, it is staff's assessment that the Variance request is not in conflict with City Code.

The proposed Variance aligns with the General Plan's purpose to, "promote economic viability of commercial areas." By supporting an existing retail banking branch use, the proposed Variance also supports the General Plan's objective to attract new or retain existing commercial activities, particularly within the downtown area. Furthermore, the retail bank branch use and Variance request are consistent with the General Plan's Central Business District Land Use intent as a major retail area of community-wide significance. Thus, it is staff's assessment that this finding can be made.

- 4. The Variance request is consistent with the purpose and intent of the zone in which the site is located:**

The retail bank branch use and Variance request to satisfy a deficiency in on-site parking spaces for a nonresidential use by means of an in-lieu parking fee payment are consistent with the purpose and intent of the C-1 (Limited Commercial) zone. Pursuant to City Code Section 106-827, a Variance may be granted to nonresidential development to allow for a deficiency in on-site parking spaces to be satisfied by an in-lieu parking fee payment. Thus, it is staff's assessment that this finding can be made.

5. The subject site is physically suitable for the proposed Variance:

The subject site consisting of a rectangular-shaped lot (153.50 feet wide by 133.20 feet deep), with an area totaling approximately 20,445 square feet is suitable to accommodate the existing commercial building. The existing commercial building meets all applicable development standards with the exception of providing for all of the required off-street parking on-site. Pursuant to City Code Section 106-827, a Variance may be granted to allow for a deficiency in on-site parking spaces to be satisfied by means of an in-lieu parking fee payment. Thus, it is staff's assessment that this finding can be made.

6. There are adequate provisions for water, sanitation and public utilities and services to ensure that the proposed Variance would not be detrimental to public health and safety:

The existing building is adequately served by existing water, sanitation and public utilities. No new construction adding square footage is being proposed. The proposed Variance to allow for seven (7) of the required off-street parking spaces would not have an adverse impact to water, sanitation and public utilities and services and would not be detrimental to public health and safety. Any infrastructure and utility upgrades required as part of the project proposal would be developed in compliance with the requirements of the City's building code. Thus, it is staff's assessment that this finding can be made.

7. There will be adequate provisions for public access to service the property which is the subject of the Variance:

The site will continue to provide public and emergency access to the subject property. Existing driveway approaches provide ingress and egress to the subject site for emergency access, and each driveway approach provides for on-site traffic circulation and the safety of pedestrians traffic traveling on the adjacent public sidewalks along S. Brand Boulevard and Hollister Street. Thus, it is staff's assessment that this finding can be made.

CONCLUSION:

In light of the analysis, it is staff's assessment that the proposed Variance is warranted. The subject site is conveniently located for public transit access. The proposed Variance supports a retail banking branch, which is a vital retail use in the community that is compatible with the downtown commercial business district and neighborhood in the immediate vicinity.

Staff recommends that the Commission approve Variance 2020-001 allowing for a portion of the required off-street parking spaces for the property located at 456 S. Brand Boulevard to be satisfied by an in-lieu parking fee payment, pursuant to Planning Commission Resolution No. 2020-001 and Conditions of Approval attached as Exhibit "A".

Attachments:

- A. Planning and Preservation Commission Resolution 2020-001 and Exhibit "A": Conditions of Approval
- B. Variance Application
- C. Vicinity Map
- D. Project Site Photos
- E. Project Site Plan

RESOLUTION NO. 2020-001**A RESOLUTION OF THE PLANNING AND PRESERVATION COMMISSION OF THE CITY OF SAN FERNANDO APPROVING VARIANCE 2020-001 WHICH ALLOWS FOR A PORTION OF THE REQUIRED OFF-STREET PARKING SPACES TO BE SATISFIED BY PAYMENT OF AN IN-LIEU PARKING FEE FOR THE PROPERTY AT 456 S. BRAND BOULEVARD**

WHEREAS, on May 7, 2020, an application was filed by: Victor De La Cruz of Manatt, Phelps & Phillips on behalf of Citibank N.A. ("Applicant") with the City pursuant to City Code Sections 106-822(c)(7) and 106-827(a), to request approval from the San Fernando Planning and Preservation Commission ("Commission") for a variance to allow for a portion of the required off-street parking spaces for the Citibank retail bank branch use located at 456 S. Brand Boulevard to be satisfied by payment of an in-lieu parking fee; and,

WHEREAS, Variance 2020-001 will comply with all prior approvals including conditions of approval for Site Plan Review 2017-019 referencing site improvements.

WHEREAS, an environmental assessment was performed for the Project, pursuant to the California Environmental Quality Act ("CEQA"). Based on that assessment, the project has been determined to be Categorically Exempt under Class 1 (Existing Facilities) of the City's adopted Local CEQA Guidelines.

WHEREAS, the Commission has considered all of the evidence presented in connection with the project, written and oral, at the public hearing held on June 8, 2020.

NOW, THEREFORE, BE IT RESOLVED that the Commission finds as follows:

SECTION 1: Pursuant to Zoning Ordinance Section 106-295, the Planning and Preservation Commission finds that the following findings for Variance 2020-001 have been justified and upheld in the affirmative because of the recommended conditions of approval of the on-site parking variance including the proposed operating procedures, site improvements and on and off-site safety measures, the Planning and Preservation Commission finds that:

- 1. There are special circumstances or exceptional characteristics applicable to the property involved, including size, shape, topography, location, or surroundings such that strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under the identical zoning classification:**

The subject site is currently developed with a commercial building within the C-1 (Limited Commercial) zone. For both residential and non-residential development, every use of property is required to provide the number of off-street parking spaces which satisfies the needs of the use, pursuant to City Code Section 106-822. The subject site was originally developed with a supplementary adjoining surface parking lot that helped satisfy the retail bank branch's required parking spaces. However, the adjoining lot is no

longer available to provide parking for the retail bank branch. Thus, only 13 parking spaces remain on-site to serve the subject site.

Pursuant to City Code Section 106-827, an applicant may request a Variance to allow for required off-street parking to be satisfied by means of an in-lieu parking fee. In addition to the existing 13 on-site parking stalls, the in-lieu parking fee will provide payment for seven (7) parking stalls which will fulfill the required 20 parking stalls needed for the 5,986 sq. ft. commercial use building.

In terms of public transit patron access, the subject site is notably well placed for access within feet of existing public transit rider stops. The Metro Local Bus Line 234 route has both a northbound and a southbound stop at the corner of S. Brand Boulevard and Hollister Street. The nearest bus stop is approximately 100 linear feet from the subject site. In addition, The San Fernando Trolley service, provided by the City of San Fernando to link the City's residential and commercial areas, includes a stop at the corner of S. Brand Boulevard and Hollister Street as well.

The ability of a commercial use to request a Variance for an in-lieu parking payment to satisfy parking requirements is a privilege afforded to all non-residential uses in the City. Thus, it is staff's assessment that this finding can be made.

2. The granting of such Variance will not be detrimental to the public interest, safety, health or welfare, and will not be detrimental or injurious to the property or improvements in the same vicinity and zone in which the property is located:

The granting of the proposed Variance to allow for seven (7) of the required off-street parking spaces to be satisfied by means of an in-lieu parking fee payment would allow the retail bank branch use to continue its operation and will not modify the already approved configuration of the site. The existing site provides for the required vehicle ingress and egress and would not be detrimental or injurious to the property or improvements in the same vicinity and C-1 (Limited Commercial) zone. Thus, it is staff's assessment that this finding can be made.

3. The granting of such Variance will not be contrary to or in conflict with the general purposes and intent of this Chapter, nor to the goals and programs of the General Plan:

Pursuant to City Code Section 106-827, a Variance may be granted to allow for a deficiency in on-site parking spaces to be satisfied by means of an in-lieu parking fee payment. The subject site is well situated for access within feet of existing public transit rider stops for Metro Local Bus Line 234 and the San Fernando Trolley service. Thus, it is staff's assessment that the Variance request is not in conflict with City Code.

The proposed Variance aligns with the General Plan's purpose to, "promote economic viability of commercial areas." By supporting an existing retail banking branch use, the proposed Variance also supports the General Plan's objective to attract new or retain existing commercial activities, particularly within the downtown area. Furthermore, the

retail bank branch use and Variance request are consistent with the General Plan's Central Business District Land Use intent as a major retail area of community-wide significance. Thus, it is staff's assessment that this finding can be made.

4. The Variance request is consistent with the purpose and intent of the zone in which the site is located:

The retail bank branch use and Variance request to satisfy a deficiency in on-site parking spaces for a nonresidential use by means of an in-lieu parking fee payment are consistent with the purpose and intent of the C-1 (Limited Commercial) zone. Pursuant to City Code Section 106-827, a Variance may be granted to nonresidential development to allow for a deficiency in on-site parking spaces to be satisfied by an in-lieu parking fee payment. Thus, it is staff's assessment that this finding can be made.

5. The subject site is physically suitable for the proposed Variance:

The subject site consisting of a rectangular-shaped lot (153.50 feet wide by 133.20 feet deep), with an area totaling approximately 20,445 square feet is suitable to accommodate the existing commercial building. The existing commercial building meets all applicable development standards with the exception of providing for all of the required off-street parking on-site. Pursuant to City Code Section 106-827, a Variance may be granted to allow for a deficiency in on-site parking spaces to be satisfied by means of an in-lieu parking fee payment. Thus, it is staff's assessment that this finding can be made.

6. There are adequate provisions for water, sanitation and public utilities and services to ensure that the proposed Variance would not be detrimental to public health and safety:

The existing building is adequately served by existing water, sanitation and public utilities. No new construction adding square footage is being proposed. The proposed Variance to allow for seven (7) of the required off-street parking spaces would not have an adverse impact to water, sanitation and public utilities and services and would not be detrimental to public health and safety. Any infrastructure and utility upgrades required as part of the project proposal would be developed in compliance with the requirements of the City's building code. Thus, it is staff's assessment that this finding can be made.

7. There will be adequate provisions for public access to service the property which is the subject of the Variance:

The site will continue to provide public and emergency access to the subject property. Existing driveway approaches provide ingress and egress to the subject site for emergency access, and each driveway approach provides for on-site traffic circulation and the safety of pedestrians traffic traveling on the adjacent public sidewalks along S. Brand Boulevard and Hollister Street. Thus, it is staff's assessment that this finding can be made.

BE IT FURTHER RESOLVED that based upon the foregoing, the Planning and Preservation Commission hereby approves Variance 2020-001, subject to the conditions to be attached as Exhibit "A".

PASSED, APPROVED AND ADOPTED this 8th Day of June 2020.

ALVIN DURHAM, CHAIRPERSON

ATTEST:

TIMOTHY HOU, SECRETARY TO THE PLANNING AND PRESERVATION COMMISSION

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF SAN FERNANDO)

I, TIMOTHY HOU, Secretary to the Planning and Preservation Commission of the City of San Fernando, do hereby certify that the foregoing Resolution was duly adopted by the Planning and Preservation Commission and signed by the Chairperson of said City at a meeting held on the 8th day of June 2020; and that the same was passed by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

TIMOTHY HOU, SECRETARY TO THE PLANNING COMMISSION

EXHIBIT “A”
CONDITIONS OF APPROVAL

PROJECT NO. : **Variance 2020-001**

PROJECT ADDRESS : 456 South Brand Boulevard, San Fernando, CA 91340
(Los Angeles County Assessor’s Identification No’s.: 2522-013-018,019)

PROJECT DESCRIPTION: The proposed project is a request for approval of Variance 2020-001 in order to allow for a portion of the required off-street parking spaces for the property located at 456 S. Brand Boulevard to be satisfied by payment of an in-lieu parking fee. The subject site consists of a parcel containing the off-street surface parking lot and a second parcel improved with an approximately 5,986 sq. ft. commercial building. In aggregate, the two parcels total approximately 20,445 sq. ft. land. The subject site is located along the east side of the 400 block of South Brand Boulevard, between Hollister Street and Coronel Street, within the C-1 (Limited Commercial) Zone.

The following conditions shall be made a part of the approval of the project, and shall be complied with in their entirety, as determined by the Community Development Department:

1. Variance Entitlement. The variance is granted for the land described in this application and any attachments thereto including but not limited to site plan, exterior elevations, floor plans, and landscape plan, as reviewed by the Planning and Preservation Commission on June 08, 2020, except as herein modified to comply with these Conditions of Approval.
2. Indemnification. The property owner and developer shall indemnify, protect, hold harmless and defend the City and any agency or instrumentality thereof, and/or any of its officers, employees and agents from any and all claims, actions, or proceedings against the City to attack, set aside, void, annul, seek monetary damages resulting from an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board or legislative body including actions approved by the voter of the City, concerning the entitlement application. City shall promptly notify both the property owner and developer of any claim, action, or proceeding to which this condition is applicable and shall further cooperate fully in the defense of the action. The City reserves its right to take any and all action the City deems to be in the best interest of the City and its citizens in regard to such defense. The property owner and developer shall defend, indemnify and hold harmless the City for all costs and fees incurred in additional investigation or study of, or for supplementing, redrafting, revising, or amending, any document (such as an environmental impact report or related environmental assessment) if made necessary through the initiation of the project.

3. Occupancy per Approval. The subject property shall be improved in substantial conformance with the site plan, exterior elevations, floor plans, and landscape plan, as reviewed by the Planning and Preservation Commission on June 05, 2018, except as herein modified to comply with these Conditions of Approval.
4. Construction Plans. A copy of the Conditions of Approval shall be printed on the final building plans submitted to the Community Development Department prior to the issuance of a building permit for construction and redesign of existing on-site parking facilities.
5. Building Code Requirements. The applicant shall comply with all applicable building and construction requirements of the City of San Fernando's building codes, as specified by the Community Development Department.
6. Design. The construction plans shall provide details as necessary to accomplish the architectural design intent conveyed by the conceptual plans reviewed and approved by the Planning and Preservation Commission on June 05, 2018, in a manner consistent with the adopted San Fernando Commercial, Mixed-Use, and Institutional Design Guidelines. Any proposed variations or modifications to the site plan, exterior elevations, landscape plan, and grading and drainage plan approved by the commission on June 05, 2018, shall require prior review and approval by the Community Development Department.
7. Landscape. All proposed on-site and off-site plantings shall be kept in a healthy and growing condition, consistent with the design of a landscape and irrigation plan approved by the Community Development Department. Fertilization, cultivation, tree pruning shall be a part of regular maintenance. Good horticultural practices shall be followed in all instances. The landscape design shall be further refined as necessary to improve the level of design quality by focusing on important design principles. Further landscape design refinements shall address, but not be limited to, the following:
 - a) All proposed landscaped areas shall be served by well-balanced automatic irrigation system operated by an electrically timed controller station set for early morning irrigation and maintained in a manner consistent with the approved landscape plan. The final landscape/irrigation plan shall identify the size and location of all landscape materials and irrigation equipment. Water conservation measures shall be incorporated in the irrigation plan;
 - b) A backflow preventer device shall be installed, tested, and inspected by the Public Works Department to protect water supplies from contamination or pollution.
 - c) Within 15 feet of the edge of a driveway, all vertical landscaping shall not exceed a maximum height of three (3) feet to maintain adequate visibility of pedestrians walking on the sidewalks abutting the project site.
8. Trash Enclosure. The trash enclosure shall include obscured doors with an exterior wall finish that is complementary to the overall design of the existing building on-site. Trash and recycling bins shall be kept within the trash enclosure area only, and the trash area

shall be kept free of trash overflow and maintained in a clean manner at all times with no trash visible from the public right-of-way.

9. Lighting. All exterior lighting shall be decorative cut-off fixtures (where no light is emitted above the horizontal plane) with the light source fully shielded or recessed to preclude light trespass or pollution up into the night sky. Also, any building-mounted luminaries shall be attached to walls or soffits, and the top of the fixture shall not exceed the height of the roof. All proposed light fixtures shall be designed in a manner that is consistent with the overall design of the building and shall not disturb or create glare towards neighboring properties. In addition, any decorative uplighting, such as those that illuminate building facades or landscaping, shall be operated on timers that turn off illumination no later than 12 midnight, nightly. The Community Development Department shall review and approve all light fixtures prior to installation. In addition, all lighting shall also comply with the following requirements:
 - a) The equivalent of one foot-candle of illumination shall be provided throughout the parking area;
 - b) All lighting shall be on a time-clock or photo-sensor system;
 - c) All lighting shall be designed to confine direct rays to the premises. No spillover beyond the property line shall be permitted; and,
 - d) Illumination shall not include low or high pressure sodium lighting.
10. Mechanical and Utility Equipment. All roof-mounted and/or ground mounted mechanical and utility equipment, including but not limited to transformers, terminal boxes, risers, backflow devices, gas meters, electric meters, meter cabinets, and heating, ventilation, and air conditioning (HVAC) units shall be screened from public view and treated to match the materials and colors of the building. All Electrical service facilities and equipment on or adjacent to the site shall be planned and located, relocated or modified in a manner consistent with Southern California Edison Company guidelines to minimize human exposure to electromagnetic fields on the site and on adjacent properties, and with any other applicable requirements or guidelines of the California Public Utilities Commission or any other agency with jurisdiction, unless otherwise specified by the Community Development Department. All mechanical and utility equipment locations and screening/treatment shall be approved by the Community Development Department prior to installation or modification.
11. Property Maintenance. The subject site and its immediate surrounding area shall be maintained in a clean, neat, quiet and orderly manner at all times and shall comply with the property maintenance standards as set forth in the San Fernando City Code.
12. Graffiti Removal. The property owner(s), operator and all successors shall comply with the graffiti removal and deterrence requirements of the San Fernando City Code. The property owner(s), operator and all successors shall provide for the immediate removal of any graffiti vandalism occurring on the property and, where applicable, the restoration of the

surface on which the graffiti exists. Such restoration shall entail repainting or refinishing of the surface with a color or finish that matches the color or finish of the remaining portions of the structure being painted, and including treatment of the surface or site with measures to deter future graffiti vandalism as approved or required by the Community Development Department. Unless removed by the property owner or their designee within the specified time frame required by city code, property owner(s), operator and all successors shall grant the right of access to authorized agents of the City of San Fernando to remove graffiti from any surface on the property that is open and accessible from city property or public right-of-way, at the expense of the owner(s) or operator and all successors.

13. Window Signage. No signage, graphics, or similar business advertisement shall be installed or placed directly on the surface of a window. All windows where graphic signage is to be displayed, as noted on Sheets A-3.0 and A-3.1 of the set of plans shall be converted into functional display cases to display business merchandise. Graphic signage may serve as a backdrop to the displayed merchandise, but at no time may graphic signage be permitted within an empty display case not used for the active display of merchandise. The proposed display case dimensions shall be reviewed and approved by the Community Development Director prior to its installation.
14. On-Site Signage. The tenant shall provide a sign that reads “NO STOPPING AT ANYTIME” within the designated exit lane in order to provide adequate circulation at all times.
15. Existing Trellis. The existing trellis located at the rear entry of the building shall be removed in its entirety and a new walkway shall be provided. A certificate of occupancy for the associated site improvements shall not be issued until the trellis is removed and pathway established.
16. Directional Signage. Directional signage that is clearly visible, legible and unobstructed shall be installed within the on-site parking lot at 456 S. Brand Boulevard and the off-site parking facility at 411 S. Brand Boulevard. The directional signage shall inform all patrons of the business that the use of the crosswalk located at the intersection of Brand Boulevard and Hollister Street is required to travel to and from the retail store.
17. Site Inspections. Prior to the issuance of a Certificate of Occupancy, the Community Development Department and Public Works Department shall inspect the site to assure compliance with these Conditions of Approval. Subsequent to occupancy, owners and all successors shall grant the right of access to authorized agents of the City of San Fernando to conduct periodic inspections of the property.
18. Modifications. Unless the Community Development Department approves a proposed change to the approved plans, all other modifications to the development plan, including these Conditions of Approval, shall require review and approval by the Planning and Preservation Commission.
19. Encroachment Permit. Under no circumstances shall any public right-of-way be obstructed during construction by materials, vehicles, equipment or other related objects without prior

approval from the Public Works Department. An Encroachment Permit must be obtained from the Public Works Department prior to any demolition and/or new construction activity that would require staging and/or construction within the public right-of-way.

20. General Compliance. The applicant shall comply with all requirements of applicable federal, state, or local law, ordinance, or regulation.
21. Surface Runoff. All requirements of the National Pollutant Discharge Elimination System (NPDES) shall be complied with and an NPDES permit, including but not limited to the installation of any required clarifiers and/or on-site infiltration system, must be obtained prior to any occupation or use of the site. During construction, the project site shall comply with all applicable Best Management Practices (BMPs).
22. Construction Hours. Construction activity on Mondays through Saturdays shall comply with the current San Fernando City Code Section 34-28(10) standards for construction in commercial zones.
23. Acceptance. Within thirty (30) days of approval of Variance 2020-001, the property owner(s) or their duly authorized representatives shall certify the acceptance of the conditions of approval or modifications thereto by signing a statement using an acceptance affidavit form provided by the Community Development Department that acknowledges acceptance and shall be bound by all of the conditions of project approval.
24. Recordation of Conditions of Approval. Prior to the issuance of a Certificate of Occupancy, the applicant shall provide the Community Development Department with proof that the Conditions of Approval have been recorded with the Los Angeles Registrar Recorder/County Clerk's Office.
25. In-Lieu Fee Payment. Prior to the issuance of a Certificate of Occupancy, the in-lieu parking fee will provide payment for seven (7) parking stalls which will fulfill the required 20 parking stalls needed for the 5,986 sq. ft. commercial use building. Currently, the in-lieu fee per parking stall is \$8,192.50. The total in-lieu fee payment for the seven (7) parking stalls is \$57,347.50.
26. Expiration. Variance 2020-001 shall be subject to expiration shall become null and void unless exercised by submitting construction plans in application for a building permit within twelve (12) months of final approval or until such additional time as may be granted by the Community Development Department, upon receipt of a written request for an extension received prior to such expiration date. Subsequent failure to obtain and exercise an active building permit shall also cause expiration of the variance and site plan review approvals.

PROJECT INFORMATION

SITE ADDRESS(ES)

456 S. Brand Boulevard

ASSESSORS PARCEL NUMBER(S) "APN"

2522-013-018, 019

LOT SIZE

13,653 sq. ft.

EXISTING BUILDING (SQUARE FOOTAGE)

6,000 sq. ft.

PROPOSED ADDITION (SQUARE FOOTAGE)

None

TOTAL PARKING SPACES (ON-SITE/OFF-SITE)

13 spaces

PROPOSED USE(S)

No change

LANDSCAPING (SQUARE FOOTAGE)

N/A

PROJECT DESCRIPTION/TYPE OF CONDITIONAL USE PERMIT REQUEST *Include any additional information on separate sheet and attach to the back of this application*

A variance request for relief from the 20 space on-site parking requirement set forth in SFMC Section 106-822(c)(7) and payment of an in-lieu fee to satisfy the requirement for the remaining 7 spaces as permitted in SFMC Section 106-827(a).

APPLICANT INFORMATION

APPLICANT NAME

Citibank N.A. represented by Victor De la Cruz of Manatt, Phelps & Phillips, LLP

PHONE NUMBER

310-312-4305

MAILING ADDRESS

2049 Century Park East, Suite 1700, Los Angeles, CA 90067

FAX NUMBER

EMAIL ADDRESS

VDelaCruz@manatt.com

SIGNATURE


PROPERTY OWNER INFORMATION

PROPERTY OWNER NAME

Cabrillo Investment Company

PHONE NUMBER

MAILING ADDRESS

FAX NUMBER

EMAIL ADDRESS

SIGNATURE

FOR OFFICE USE ONLY

VAR APPLICATION	\$ 3,891.20	ZONE	C-1	GENERAL PLAN AREA	FILE NO.
AIMS SURCHARGE	\$ 389.12	DATE FILED	5/7/20		VAR NO.
GPU SURCHARGE	\$ 194.56	ACCEPTED BY	Gerardo Marquez		2020-001
ENVIRONMENTAL	\$ 2,400.00				AIMS NO
NOTIFICATION	\$ 122.40				
PUBLISHING	\$ 600.00				
TOTAL FEE	\$ 7,597.32				

COMMENTS

CROSS REFERENCE

SPR NO.

CUP NO.

OTHER

PROJECT INFORMATION			
SITE ADDRESS(ES) 456 S. Brand Boulevard			
ASSESSORS PARCEL NUMBER(S) "APN" 2522-013-018, 019			
LOT SIZE 13,653 sq. ft.		EXISTING BUILDING (SQUARE FOOTAGE) 6,000 sq. ft.	
PROPOSED ADDITION (SQUARE FOOTAGE) None		TOTAL PARKING SPACES (ON-SITE/OFF-SITE) 13 spaces	
PROPOSED USE(S) No change		LANDSCAPING (SQUARE FOOTAGE) N/A	
PROJECT DESCRIPTION/TYPE OF CONDITIONAL USE PERMIT REQUEST <i>Include any additional information on separate sheet and attach to the back of this application</i> A variance request for relief from the 20 space on-site parking requirement set forth in SFMC Section 106-822(c)(7) and payment of an in-lieu fee to satisfy the requirement for the remaining 7 spaces as permitted in SFMC Section 106-827(a).			
APPLICANT INFORMATION			
APPLICANT NAME Citibank N.A. represented by Victor De la Cruz of Manatt, Phelps & Phillips, LLP			PHONE NUMBER 310-312-4305
MAILING ADDRESS 2049 Century Park East, Suite 1700, Los Angeles, CA 90067			
FAX NUMBER	EMAIL ADDRESS VDelaCruz@manatt.com		SIGNATURE
PROPERTY OWNER INFORMATION			
PROPERTY OWNER NAME Cabrillo Investment Company			PHONE NUMBER (359) 877-4147
MAILING ADDRESS 34161 DEER SPRINGS LN - NORTH FORK, CA 93643			
FAX NUMBER N/A	EMAIL ADDRESS N/A		SIGNATURE Edward W. Hath
FOR OFFICE USE ONLY			
VAR APPLICATION	\$ 3,891.20	ZONE	GENERAL PLAN AREA
AIMS SURCHARGE	\$ 389.12		FILE NO.
GPU SURCHARGE	\$ 194.56	DATE FILED	VAR NO.
ENVIRONMENTAL NOTIFICATION	\$ 2,400.00		
PUBLISHING	\$ 122.40	ACCEPTED BY	AIMS NO
TOTAL FEE	\$ 7,597.32		
COMMENTS			CROSS REFERENCE
			SPR NO.
			CUP NO.
			OTHER

ENVIRONMENTAL INFORMATION FORM (APPLICANT)

GENERAL INFORMATION

1. NAME AND ADDRESS OF DEVELOPER OR PROJECT SPONSOR

Citibank N.A.

2. ADDRESS OF PROJECT

456 S. Brand Boulevard

3. ASSESSOR'S BLOCK AND LOT NUMBER

Block 18, Lots 98 and 99

4. NAME, ADDRESS, AND TELEPHONE NUMBER OF PERSON TO BE CONTACTED CONCERNING THIS PROJECT

Victor De la Cruz, 2049 Century Park East, Suite 1700, Los Angeles, CA 90067, 310-312-4305

5. LIST AND DESCRIBE ANY OTHER RELATED PERMITS AND OTHER PUBLIC APPROVALS REQUIRED FOR THIS PROJECT, INCLUDING THOSE REQUIRED BY CITY, REGIONAL, AND FEDERAL AGENCIES

None

6. EXISTING ZONING DISTRICT

C-1 Limited Commercial

7. PROPOSED USE OF SITE (PROJECT FOR WHICH THIS FORM IS FILLED)

No Change

PROJECT DESCRIPTION

8. SITE SIZE

13,653 sq. ft.

9. SQUARE FOOTAGE

6,000 sq. ft. (existing)

10. NUMBER OF FLOORS OF CONSTRUCTION

None

11. AMOUNT OF OFF-STREET PARKING PROVIDED

13 spaces

12. PROPOSED SCHEDULING

None

13. ASSOCIATED PROJECTS

None

14. ANTICIPATED INCREMENTAL DEVELOPMENT

None

15. IF RESIDENTIAL, INDICATE THE NUMBER OF UNITS, SCHEDULE OF UNIT SIZES, RANGE OF SALE PRICES OR RENTS, AND TYPE OF HOUSEHOLD SIZE EXPECTED

N/A

16. IF COMMERCIAL, INDICATE THE TYPE, WHETHER NEIGHBORHOOD, CITY OR REGIONALLY ORIENTED, SQUARE FOOTAGE OF SALES AREA, AND LOADING FACILITIES

N/A

17. IF INDUSTRIAL, INDICATE TYPE, ESTIMATED EMPLOYMENT PER SHIFT, AND LOADING FACILITIES

N/A

PROJECT DESCRIPTION (CONTINUED)

18. IF INSTITUTIONAL, INDICATE THE MAJOR FUNCTION, ESTIMATED EMPLOYMENT PER SHIFT, ESTIMATED OCCUPANCY, LOADING FACILITIES, AND COMMUNITY BENEFITS TO BE DERIVED FROM THE PROJECTS
N/A
19. IF THE PROJECT INVOLVES A VARIANCE, CONDITIONAL USE OR REZONING APPLICATION, STATE THIS AND INDICATE CLEARLY WHY THE APPLICATION IS REQUIRED
Variance is required as relief from the parking requirement set forth in SFMC Section 106-822(c)(7).

ENVIRONMENTAL SETTING *Please attach a brief description of the property involved (#19) and the surrounding area (#20). This can be very short and simple, a paragraph for each item.*

20. ON A SEPARATE PAGE, DESCRIBE THE PROJECT SITE AS IT EXISTS BEFORE THE PROJECT, INCLUDING INFORMATION ON TOPOGRAPHY, SOIL STABILITY, PLANTS AND ANIMALS, AND ANY CULTURAL, HISTORICAL OR SCENIC ASPECTS. DESCRIBE ANY EXISTING STRUCTURES ON THE SITE, AND THE USE OF THE STRUCTURES. ATTACH PHOTOGRAPHS OF THE SITE.
21. ON A SEPARATE PAGE, DESCRIBE THE SURROUNDING PROPERTIES, INCLUDING INFORMATION ON PLANTS AND ANIMALS AND ANY CULTURAL, HISTORICAL OR SCENIC ASPECTS. INDICATE THE TYPE OF LAND USE (RESIDENTIAL, COMMERCIAL, ETC.), INTENSITY OF LAND USE, AND SCALE OF DEVELOPMENT (HEIGHT, FRONTAGE, SET-BACK, REAR YARD, ETC.). ATTACH PHOTOGRAPHS OF THE VICINITY.

ENVIRONMENTAL IMPACT *Are the following items applicable to the project or its effects? Discuss all items below checked "yes" (attach additional sheets as necessary).*

22. CHANGE IN EXISTING FEATURES OF ANY BAYS, TIDELANDS, BEACHES, OR HILLS, OR SUBSTANTIAL ALTERATION OF GROUND CONTOURS?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
23. CHANGE IN SCENIC VIEWS OR VISTAS FROM EXISTING RESIDENTIAL AREA OR PUBLIC LANDS OR ROADS?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
24. CHANGE IN PATTERN, SCALE OR CHARACTER OF GENERAL AREA OF THE PROJECT?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
25. SIGNIFICANT AMOUNTS OF SOLID WASTE OR LITTER?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
26. CHANGE IN DUST, ASH, SMOKE, FUMES, OR ODORS IN VICINITY?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
27. CHANGE IN OCEAN, BAY, LAKE, STREAM, OR GROUND WATER QUALITY OR QUANTITY, OR ALTERATION OF EXISTING DRAINAGE PATTERNS?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
28. SUBSTANTIAL CHANGE IN EXISTING NOISE OR VIBRATION LEVELS IN THE VICINITY?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
29. SITE ON FILLED LAND OR SLOPE OF 10 PERCENT OR MORE?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
30. USE OF DISPOSAL OF POTENTIALLY HAZARDOUS MATERIALS SUCH AS TOXIC SUBSTANCES, FLAMMABLES OR EXPLOSIVES?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
31. SUBSTANTIAL CHANGE IN DEMAND FOR MUNICIPAL SERVICES (POLICE, FIRE, WATER, SEWAGE, ETC.)?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
32. SUBSTANTIAL INCREASE IN FOSSIL FUEL CONSUMPTION (ELECTRICITY, OIL, NATURAL GAS, ETC.)?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
33. RELATIONSHIP TO LARGER PROJECT OR SERIES OF PROJECTS?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO

CERTIFICATION *I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.*

APPLICANT NAME Citibank N.A. represented by Victor De la Cruz of Manatt, Phelps & Phillips, LLP	APPLICANT SIGNATURE 	DATE 4-21-2020
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INDEMNIFICATION AGREEMENT

APPLICANT SUBMITTED AN APPLICATION TO THE CITY OF SAN FERNANDO COMMUNITY DEVELOPMENT DEPARTMENT ON THE FOLLOWING DATE, FOR THE FOLLOWING APPROVAL(S):

DATE	APPROVAL(S) Variance
------	-------------------------

As part of, and in connection, with this application, Applicant agrees to defend, indemnify, release and hold harmless the City of San Fernando ("City"), its agents, officers, attorneys, employees, boards, commissions, advisory agencies, consultants and contractors (collectively "Indemnitees"), from and against any claim, action or proceeding (collectively "proceeding") brought against Indemnitees to challenge, attack, set aside, void or annul the approval of this application and/or any action taken by Indemnitees to provide related environmental clearance under the California Environmental Quality Act of 1970, as amended ("CEQA"). This indemnification shall include, without limitation, damages, fees and/or costs awarded against or incurred by Indemnitees, if any, and costs of suit, claim or litigation, including, without limitation, attorney fees, expert witness fees and other costs, liabilities and expenses incurred in connection with the proceeding, whether incurred by Applicant, Indemnitees, and/or parties initiating or involved in such proceedings.

Applicant agrees to indemnify Indemnitees for all of the Indemnitee's costs, fees and damages incurred in enforcing the indemnification provisions of this Agreement.

Applicant agrees to defend, indemnify and hold harmless Indemnitees from and for all costs and fees incurred in additional investigation or study of, or for supplementing, redrafting, revising, or amending, any document (such as an environmental impact report, negative declaration, specific plan, or general plan amendment) if made necessary by the proceeding and if Applicant desires to pursue such City approvals and/or clearances, after initiation of the proceeding and that are conditioned on the approval of these documents.

In the event that Applicant is required to defend Indemnitees in connection with the proceeding, Indemnitees shall have and retain the right to approve (a) the counsel to so defend Indemnitees; (b) all significant decisions concerning the manner in which the defense is conducted; and (c) any and all settlements, which approval shall not be unreasonably withheld. Indemnitees shall also have and retain the right to not participate in the defense, except that Indemnitees agree to reasonably cooperate with Applicant in the defense of the proceeding. If Indemnitees choose to have counsel of its own defend any proceeding where Applicant has already retained counsel to defend Indemnitees in such matters, the fees and expenses of the additional counsel selected by Indemnitees shall be paid by the Indemnitees. Notwithstanding the immediately preceding sentence, if the City Attorney's Office participates in the defense, all City Attorney fees and costs shall be paid by Applicant.

Applicant's defense and indemnification of the indemnitees set forth herein shall remain in full force and effect throughout all stages of litigation including any and all appeals of any lower court judgments rendered in the proceeding.

If, for any reason any portion of this indemnification agreement is held to be void or unenforceable by a court of competent jurisdiction, the remainder of the agreement shall remain in full force and effect.

AFTER REVIEW AND CONSIDERATION OF ALL OF THE FOREGOING TERMS AND CONDITIONS, APPLICANT, BY ITS SIGNATURE BELOW, HEREBY AGREES TO BE BOUND BY AND TO FULLY AND TIMELY COMPLY WITH ALL OF THE FOREGOING TERMS AND CONDITIONS.

APPLICANT NAME (PRINT) Citibank N.A. represented by Victor De la Cruz of Manatt, Phelps & Phillips, LLP	APPLICANT SIGNATURE 	DATE 4-21-2020
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CITY PLANNING FILE NO.

ATTACHMENT A

REQUIRED FINDINGS FOR PARKING VARIANCE

APPLICANT'S REQUEST

Citibank (the "Applicant") requests a variance pursuant to Section 106-827(a) of the San Fernando Municipal Code ("SFMC") for relief from the parking requirements set forth in SFMC Section 106-822(c)(7) at the existing Citibank location at 456 S. Brand Boulevard, San Fernando, CA 91340. Currently, the parking lot maintains 13 off-street parking spaces, whereas the municipal code requires the Applicant to host 20 parking spaces, therefore the variance is seeking to satisfy the requirement through payment of the in-lieu fee for 7 of the required spaces, which cannot be accommodated on-site.

VARIANCE FINDINGS REQUIRED BY CODE Section 106-827

1. Conditions for granting a variance require findings that the variance will be an incentive to, and a benefit for, the proposed nonresidential development and that public transit facility is available for providing public transit patrons access to the nonresidential development

The proposed variance is compatible with the intent of the SFMC, in that it is explicitly stated that "a variance may be granted to allow some or all of the required parking spaces to be located off site if facilities and/or in-lieu fees determined by city council resolution are provided instead of the required parking spaces" (SFMC Section 106-827).

Approval of this variance would be an impactful benefit for the Applicant who has secured Shared Parking Agreements for the deficit of spaces at the site for many years. However, over time, the Applicant has lost multiple parking alternatives to proposed developments on the nearby sites hosting the required 7 spaces, as those sites have undergone their own development. Most recently, the Applicant was informed that the Shared Parking Agreement it had reached with 411 S. Brand Boulevard which was approved by the City Council in 2018 through Resolution No. 2018-004 was terminated due to the parking needs at that site. Consistently seeking willing parties in new Shared Parking Agreements every other year is a burdensome process for the Applicant, especially since the Citibank on-site parking lot does not reach capacity during the branch's hours of operation. Therefore, approval of this variance to satisfy the 7 space requirement through payment of an in-lieu fee would make a meaningful difference to the Applicant's operations in the City of San Fernando, without unduly burdening surrounding areas.

The Applicant's patrons will not be negatively impacted by the decision to approve this variance. As mentioned above, the existing Citibank 13-space lot currently does not reach capacity during normal operating hours. This is likely due to the fact that Citibank patrons usually do not stay at the site for long periods of time, meaning that spaces are constantly freeing up as the natural, fast-paced turnover of customers takes its pace. Onsite parking demand for both employees and

patrons is also likely decreasing due to the growing popularity and availability of online alternatives to in-person visits to the branch. Further, there are several public transit options available to patrons seeking to visit this Citibank branch. The bank is steps away from the 234 Metro Bus Station that runs North to Sylmar and South to West LA and is less than 2 miles away from the Sylmar/San Fernando Metrolink Station for regional travel.

ATTACHMENT B
SUPPLEMENTAL INFORMATION FOR ENVIRONMENTAL CHECKLIST

456 S. Brand Boulevard, San Fernando, CA

20. The existing site at 456 S. Brand Boulevard in San Fernando, CA includes a 6,000 sq. ft. Citibank branch office with 13 off-street parking spaces. The building has been used as a bank since its construction in 1972. There are no topographic, soil stability, or wildlife issues on the site, as the site has been developed for several decades, there is no native landscaping onsite, and there is no record of any soil or erosion issues onsite. The site does not hold any cultural, historic, or scenic significance, as the building is modern construction, compatible with surrounding uses, has been located here for several decades, and does not block or afford any important views. Photographs of the site that support these findings are included below. Finally, approval of the parking variance will not change the existing conditions at the site in any way, as the Applicant is only seeking reprieve from providing additional offsite parking spaces. Therefore, no environmental impacts will occur.



Figure 1: Citibank at 456 S. Brand Boulevard



Figure 2: Citibank Parking Lot at 456 S. Brand Boulevard

21. The site is almost solely surrounded by other C-1 Limited Commercial properties. North of the site is a SoCal Gas building, an office building with various commercial tenants, and an independent grocery market. South of the site includes a small commercial building with retail tenants, a surface parking lot, and an R-1 Single Family Residential Zone with single family dwellings. As with the Citibank branch site, there are no known topographic, soil stability, or wildlife issues on the neighboring properties, which are fully developed and have been for several decades. The properties do not hold cultural, historic, or scenic significance.



Figure 3: North View from Citibank Site of Existing Commercial Buildings



Figure 4: North View from Citibank Site of Existing SoCal Gas Building



Figure 5: View of Adjacent Surface Parking Lot



Figure 6: Southern View from Citibank of Existing Commercial Building



Figure 7: Southern View from Citibank of Single-Family Dwellings

John Harrington
Senior Vice President

CITI REALTY SERVICES
742 Foothill Blvd.,
2nd Floor
La Canada Flintridge,
CA 91011

Tel 818-583-9147
Fax 818-952-0017
Email: john.harrington@citi.com



March 10, 2020

Community Development Department
117 Macneil Street
San Fernando, CA 91340

Re: Citibank Variance Application, 456 South Brand Boulevard

To Whom it May Concern:

This will acknowledge that Citibank N.A. is the lessee ("Lessee") of that certain real property located at 456 South Brand Boulevard in the City of San Fernando (the "Property").

The purpose of this letter is to authorize Victor De la Cruz, Jennifer Lynch, and Sahra Mirbabaee of Manatt, Phelps & Phillips, LLP to execute and process any and all documents or instruments pertaining to a variance application for the premises occupied by Citibank N.A. at the Property.

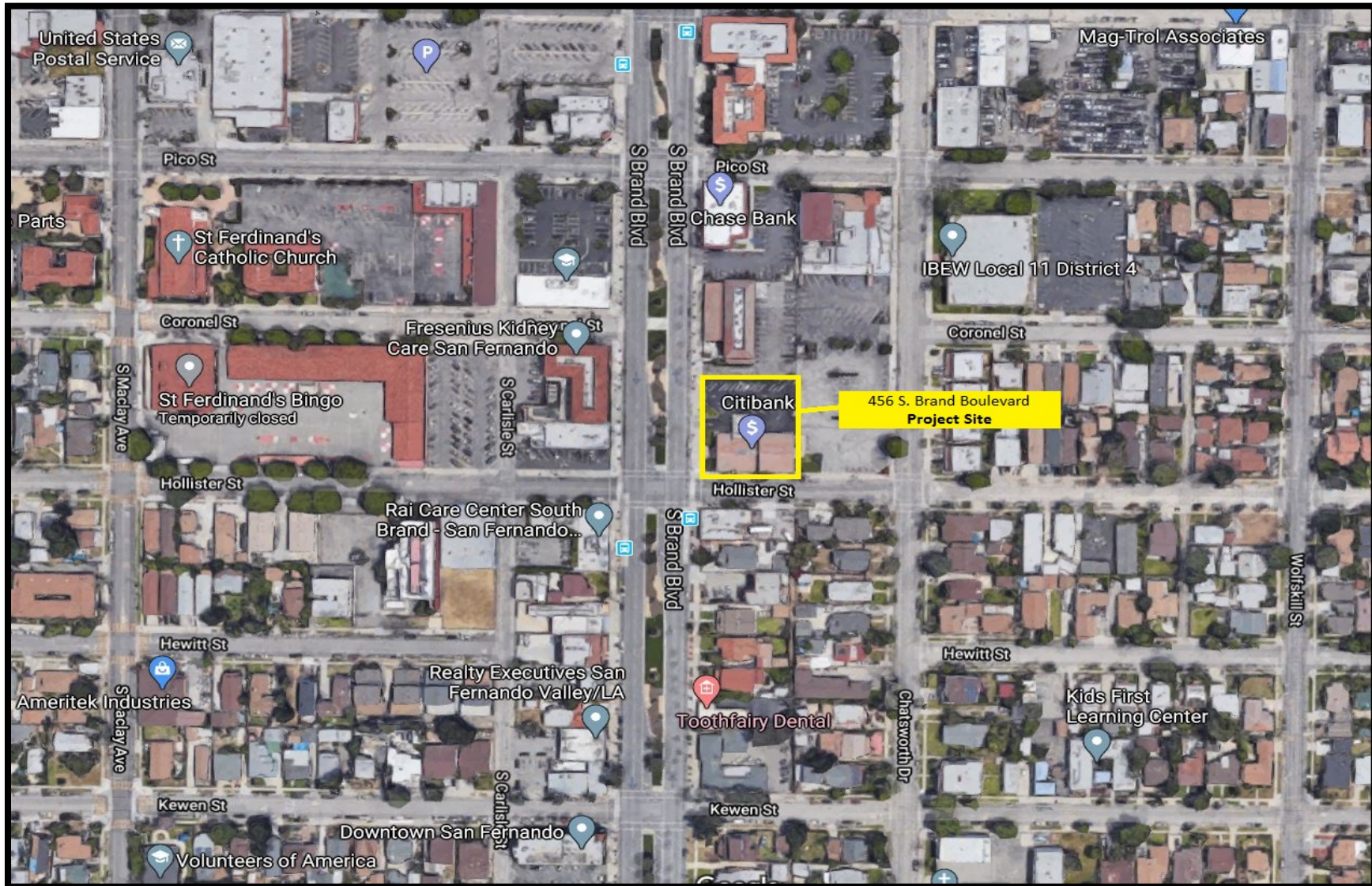
If you have any questions related to this letter, please contact John Harrington of Citibank N.A. at 818/583-9147.

Sincerely,
CITIBANK N.A.

A handwritten signature in dark ink, appearing to read "John Harrington", followed by a long horizontal line extending to the right.

John Harrington
V.P. / Real Estate Manager

VICINITY MAP
Project Site: 456 S. Brand Boulevard



456 S. BRAND BLVD. SITE PICTURES

ATTACHMENT "D"



CORNER VIEW OF BRAND BLVD. & HOLLISTER ST.



HOLLISTER ST. VIEW

456 S. BRAND BLVD.

SITE PICTURES



CORNER VIEW OF HOLLISTER ST. & CHATSWORTH DR.

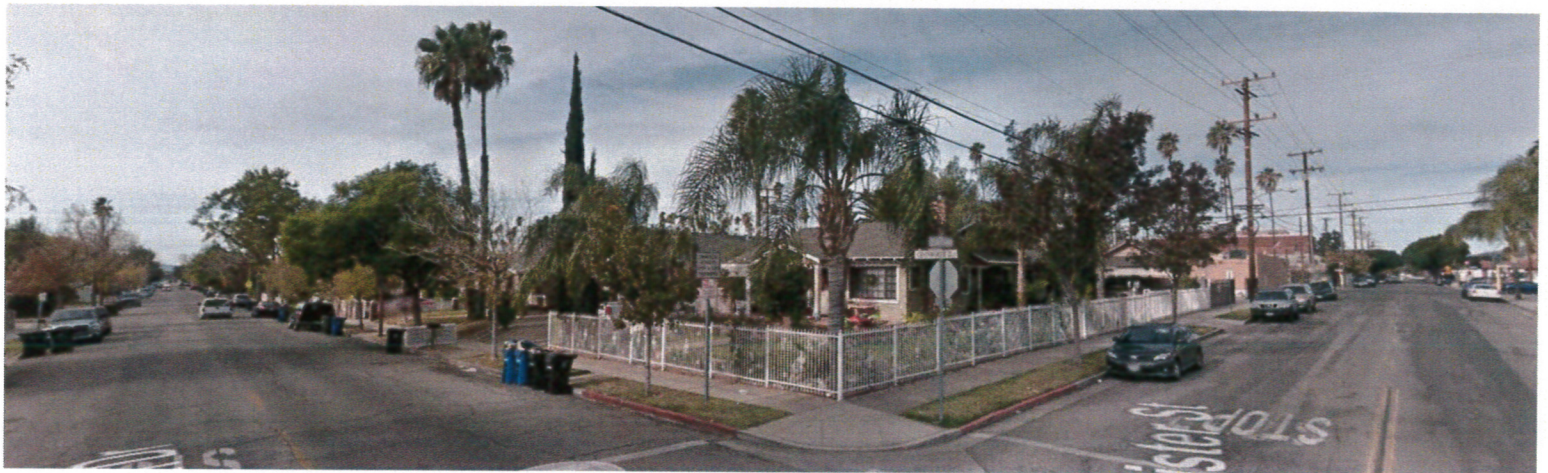


S. BRAND BLVD. VIEW



CHATSWORTH DR. VIEW

SURROUNDING NEIGHBORHOOD SITE PICTURES



SURROUNDING NEIGHBORHOOD SITE PICTURES



2

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MEETING DATE: June 8, 2020

COMMISSION CONSIDERATION:

1. CHAIRPERSON TO OPEN THE ITEM AND REQUEST STAFF REPORT
2. STAFF PRESENTS REPORT
3. COMMISSION QUESTIONS ON STAFF REPORT
4. OPEN THE PUBLIC HEARING
5. CLOSE THE PUBLIC HEARING
6. PLANNING AND PRESERVATION COMMISSION DISCUSSION
7. RECOMMENDED ACTION:
 - a. To Approve:

“I move to approve the 2020 Bylaws and Rules of Procedure for the Planning and Preservation Commission.”... (Roll Call Vote)
 - b. To Deny:

“I move to deny the 2020 Bylaws and Rules of Procedure for the Planning and Preservation Commission, based on the following...” (Roll Call Vote)
 - c. To Continue:

“I move to recommend continuance of the 2020 Bylaws and Rules of Procedure for the Planning and Preservation Commission, to the following date...” (Roll Call Vote)

Moved: _____

Seconded: _____

Roll Call: _____

**CONTINUED ITEM 1:
2020 Bylaws and Rules of Procedure for the
Planning and Preservation Commission**



AGENDA REPORT

To: Planning and Preservation Commission Chairperson Durham and Commissioners

From: Timothy T. Hou, AICP, Director of Community Development

Date: June 8, 2020

Subject: **Consideration to Adopt Bylaws and Rules of Procedure**

RECOMMENDATION:

Staff recommends that, subsequent to consideration of any further revisions, the Planning and Preservation Commission ("Commission") adopt the proposed Bylaws and Rules of Procedure ("Attachment A").

BACKGROUND:

At its regular meeting on March 9, 2020, the Commission conducted a discussion on inaugural Bylaws and Rules of Procedure for the Commission. Following a discussion of changes to the proposed document, staff incorporated minor edits to dates, voting rules, and reference to Rosenberg's Rules of Order ("Attachment B") instead of Robert's Rules of Orders as a guide to the conduct of the meetings.

ANALYSIS:

Bylaws and Rules of Procedure serve as written rules and regulations adopted by an organization which provide a framework for its operation as well as details of administration of the organization. The proposed Bylaws and Rules of Procedure are in accordance with Sec. 62-33 (Rules and Regulations) of the San Fernando Municipal Code, which states that, "The planning and preservation commission may make and alter rules and regulations for its organization and procedure consistent with state laws and this article and other city ordinances."

The proposed Bylaws and Rules of Procedure would be reviewed in January of each year by the Commission for amendments to these rules, but may be amended at any meeting of the Commission by a majority of the membership provided that notice is received by each commission at least 5 days prior to the meeting.

Consideration to Adopt Bylaws and Rules of Procedure

June 8, 2020

Page 2 of 2

CONCLUSION:

Subsequent to further discussion of any revisions, staff recommends that the Commission adopt the proposed Bylaws and Rules of Procedure.

ATTACHMENTS:

- A. Proposed Bylaws and Rules of Procedure
- B. Rosenberg's Rules of Order

**CITY OF SAN FERNANDO
PLANNING AND PRESERVATION COMMISSION**

**BYLAWS AND RULES OF PROCEDURES
(Last updated June 2020)**

ORGANIZATION AND OFFICERS

A. Organization

The Planning and Preservation Commission (Commission) shall consist of five (5) regular members, each with full participation and voting rights.

B. Officers

1. Selection

- a. A Chair and Vice-Chair shall be elected annually from among the Commission’s membership at the January meeting to serve at the pleasure of the Commission. If no January meeting is held, the selection will occur at the next scheduled meeting of the Commission.
- b. The Vice-Chair shall succeed the Chair if he/she vacates his/her office before his/her term is completed, the Vice-Chair to serve the unexpired term of the vacated office. A new Vice-Chair shall be elected at the next regular meeting.
- c. In the absence of the Chair and Vice-Chair, any other member shall call the Commission to order, whereupon a chair shall be elected from the members present to preside.

2. Responsibilities

The responsibilities and powers of the members of the Commission shall be as follows:

a. Chair

- (1) Preside at all meetings of the Commission.
- (2) Call special meetings of the Commission in accordance with legal requirements and the rules of Procedure.
- (3) Sign documents of the Commission.

- (4) See that all actions of the Commission are properly taken.
- (5) The Chair shall be an ex officio member of all committees with voice but not vote.

b. Vice-Chair

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

C. Duties and Powers

- 1. The Commission shall have the power to recommend to the City Council, after a public hearing, the adoption of or amendments to elements of a General Plan, or any part thereof, for the physical development of the City.
- 2. The Commission shall exercise such functions with respect to land subdivision, planning, and zoning as may be prescribed by ordinance.

D. Rules of Order

Except as otherwise provided in these Bylaws and Rules of Procedure (Rules of Procedure), “Rosenberg’s Rules of Order (Revised 2011)” as the same may be modified from time to time, shall be used as a guide to the conduct of the meetings of the Commission provided, however, that the failure of the Commission to conform to said rules of order shall not in any instance, be deemed to invalidate the action taken. In the event of any conflict or inconstancy between the procedures or protocols called for under the San Fernando Municipal Code, State law or federal law and the procedures or protocols called for under Rosenberg’s Rules of Order, the procedures and/or protocols of the former shall govern and control.

Each Commission member should do his/her part to treat each fellow Commission member with respect and to ensure that meetings proceed in an orderly and constructive manner.

MEETINGS

A. Public Meetings

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

B. Regular Meetings

1. All meetings shall be held on the 2nd Monday of the month at 6:30 p.m. in the Council Chambers of City Hall.
2. Whenever a regular meeting falls on a public holiday or regular Council meeting, no regular meeting shall be held on that day. Such regular meeting may be rescheduled to the next business day, another day, or canceled by motion adopted by the Commission.

C. Adjourned Meetings

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

D. Special Meetings

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

E. Study Sessions/Workshops

1. The Commission may be convened as a whole or as a committee of the whole in the same manner as prescribed for the calling of a special meeting for the purpose of holding a study session provided that no official action shall be taken and no quorum shall be required.
2. Such meetings shall be open to the public; but, unless the Commission invites evidence or comments to be given, participation by interested members of the public shall not take place at such study sessions.

F. Agenda

1. An agenda for each meeting of the Commission shall be prepared by the Community Development Director or his/her staff person.
2. There shall be attached to each agenda a report of matters pending action by the Commission.
3. A copy of the agenda shall be posted at City Hall and on the City's website for a period of three calendar days not counting the day of meeting or the day of posting.

G. Order of Meetings

1. The Order of Business Shall Be as Follows:

- a. The Chair shall take the chair precisely at the hours appointed for the meeting and shall immediately call the Commission to order.
- b. Members present and absent shall be recorded.
- c. The agenda shall be approved as submitted or revised.
- d. The minutes of any preceding meeting shall be submitted for approval.
- e. The public shall be advised of the procedures to be followed in the meeting.
- f. The Commission shall then hear and act upon those proposals scheduled for consideration or public hearing, together with such other matters of business and report as the Commission finds to require Commission consideration.
- g. Any member of the audience may comment on any matter which is not listed on the agenda.
- h. Adjournment.

2. Presentation of Hearing of Proposals (Optional)

The following shall be the order of procedure for public hearings:

- a. The Chair shall announce the subject of the public hearing, as advertised.
- b. If a request is made for continuance, a motion may be made and voted upon to continue the public hearing to a definite time and date.
- c. The staff shall be asked to present the substance of the application, staff report and recommendation, and to answer technical questions of the Commission.
- d. **Order of Testimony and Time Allotment.** The order of testimony and time allotment shall be as follows:
 - (1) Applicants/Proponents' statements (Maximum time allocation of 15 minutes)
 - (2) Opponents' statements (Maximum time allocation of 15 minutes)
 - (3) If necessary, a rebuttal from either side (Maximum time allocation of 5 minutes each for either side)
 - (4) Public hearing closed
 - (5) The Commission shall then deliberate and either determine the matter or continue the matter to another date and time certain.
- e. **Rules of Testimony.** The rules of testimony shall be as follows:
 - (1) Persons presenting testimony to the Commission are requested to give their name and address for the record.
 - (2) If there are numerous people in the audience who wish to participate on the issue, and it is known that all represent the same opinion, a spokesman can be selected to speak for the entire group.

The spokesman will thus have the opportunity of speaking for a reasonable length of time and presenting a complete case.

- (3) To avoid unnecessary cumulative evidence, the Chair may limit the number of witnesses or the time of testimony on a particular issue. A default time limit shall be 5 minutes per testimony, but that time limit can be extended at the discretion of the Chair.
- (4) Irrelevant and off-the-subject comments will be ruled out of order.
- (5) The Chair will not permit any complaints regarding the staff or individual commissioners during a public hearing. Complaints should be submitted in writing or presented verbally as a separate item on the agenda.
- (6) No person shall address the Commission without first securing the permission of the Chair to do so.
- (7) All comments shall be addressed to the Commission. All questions shall be placed through the Chair.

H. Motions

1. A motion to adjourn shall always be in order except during roll call.
2. The Chair, or other presiding officer, may make and second motions and debate from the chair subject only to such limitations of debate as are imposed on all members of the Commission.

I. Voting

1. Voting Requirements

- a. A quorum shall consist of a majority of the Commission membership.
- b. A majority vote of the Commission present is necessary for it to take action.
- c. When a member of the Commission abstains from voting on any matter before it because of a potential conflict of interest, or for any other reason, said vote shall not constitute nor be considered as either a vote in favor of or opposition to the matter being considered.

2. Voting Order

The Chair will ask for a motion, then a second, and then a roll call vote will be taken with the Chair voting last.

3. Recording of Votes

The minutes of the Commission's proceeding shall show the vote of each member, including if they were absent or failed to vote on a matter considered.

4. Disqualification from Voting

A member shall disqualify himself/herself from voting in accordance with the Government code §87100 et seq, Financial Conflicts of Interest and §1090 et seq, Financial Interest in Contracts. When a person disqualifies (recuse) himself/herself, he/she shall state prior to the consideration of such matter by the Commission that he/she is disqualifying him/herself due to a possible conflict of interest and shall then leave the voting area. Any member who disqualifies himself/herself can still speak on a matter as a private citizen.

REVIEW AND AMENDMENTS PROCEDURE

- A. The Rules of Procedure shall be reviewed in January of each year by the Commission. The Commission, or review subcommittee, shall present their recommendation for amending, or not amending, these rules.
- B. In addition, these Rules of Procedure may be amended at any meeting of the Commission by a majority of the membership of the Commission provided that notice of the proposed amendment is received by each commissioner not less than 5 days prior to said meeting.



Rosenberg's Rules of Order

REVISED 2011

Simple Rules of Parliamentary Procedure for the 21st Century

By Judge Dave Rosenberg



MISSION AND CORE BELIEFS

To expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

VISION

To be recognized and respected as the leading advocate for the common interests of California's cities.

About the League of California Cities

Established in 1898, the League of California Cities is a member organization that represents California's incorporated cities. The League strives to protect the local authority and autonomy of city government and help California's cities effectively serve their residents. In addition to advocating on cities' behalf at the state capitol, the League provides its members with professional development programs and information resources, conducts education conferences and research, and publishes Western City magazine.

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ABOUT THE AUTHOR

Dave Rosenberg is a Superior Court Judge in Yolo County. He has served as presiding judge of his court, and as presiding judge of the Superior Court Appellate Division. He also has served as chair of the Trial Court Presiding Judges Advisory Committee (the committee composed of all 58 California presiding judges) and as an advisory member of the California Judicial Council. Prior to his appointment to the bench, Rosenberg was member of the Yolo County Board of Supervisors, where he served two terms as chair. Rosenberg also served on the Davis City Council, including two terms as mayor. He has served on the senior staff of two governors, and worked for 19 years in private law practice. Rosenberg has served as a member and chair of numerous state, regional and local boards. Rosenberg chaired the California State Lottery Commission, the California Victim Compensation and Government Claims Board, the Yolo-Solano Air Quality Management District, the Yolo County Economic Development Commission, and the Yolo County Criminal Justice Cabinet. For many years, he has taught classes on parliamentary procedure and has served as parliamentarian for large and small bodies.



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INTRODUCTION

The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that has not always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules — *Robert's Rules of Order* — which are embodied in a small, but complex, book. Virtually no one I know has actually read this book cover to cover. Worse yet, the book was written for another time and for another purpose. If one is chairing or running a parliament, then *Robert's Rules of Order* is a dandy and quite useful handbook for procedure in that complex setting. On the other hand, if one is running a meeting of say, a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order.

Hence, the birth of *Rosenberg's Rules of Order*.

What follows is my version of the rules of parliamentary procedure, based on my decades of experience chairing meetings in state and local government. These rules have been simplified for the smaller bodies we chair or in which we participate, slimmed down for the 21st Century, yet retaining the basic tenets of order to which we have grown accustomed. Interestingly enough, *Rosenberg's Rules* has found a welcoming audience. Hundreds of cities, counties, special districts, committees, boards, commissions, neighborhood associations and private corporations and companies have adopted *Rosenberg's Rules* in lieu of *Robert's Rules* because they have found them practical, logical, simple, easy to learn and user friendly.

This treatise on modern parliamentary procedure is built on a foundation supported by the following four pillars:

1. **Rules should establish order.** The first purpose of rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.
2. **Rules should be clear.** Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate; and those who do not fully understand and do not fully participate.
3. **Rules should be user friendly.** That is, the rules must be simple enough that the public is invited into the body and feels that it has participated in the process.
4. **Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of rules of procedure is to encourage discussion and to facilitate decision making by the body. In a democracy, majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself, but not dominate, while fully participating in the process.

Establishing a Quorum

The starting point for a meeting is the establishment of a quorum. A quorum is defined as the minimum number of members of the body who must be present at a meeting for business to be legally transacted. The default rule is that a quorum is one more than half the body. For example, in a five-member body a quorum is three. When the body has three members present, it can legally transact business. If the body has less than a quorum of members present, it cannot legally transact business. And even if the body has a quorum to begin the meeting, the body can lose the quorum during the meeting when a member departs (or even when a member leaves the dais). When that occurs the body loses its ability to transact business until and unless a quorum is reestablished.

The default rule, identified above, however, gives way to a specific rule of the body that establishes a quorum. For example, the rules of a particular five-member body may indicate that a quorum is four members for that particular body. The body must follow the rules it has established for its quorum. In the absence of such a specific rule, the quorum is one more than half the members of the body.


The Role of the Chair

While all members of the body should know and understand the rules of parliamentary procedure, it is the chair of the body who is charged with applying the rules of conduct of the meeting. The chair should be well versed in those rules. For all intents and purposes, the chair makes the final ruling on the rules every time the chair states an action. In fact, all decisions by the chair are final unless overruled by the body itself.

Since the chair runs the conduct of the meeting, it is usual courtesy for the chair to play a less active role in the debate and discussion than other members of the body. This does not mean that the chair should not participate in the debate or discussion. To the contrary, as a member of the body, the chair has the full right to participate in the debate, discussion and decision-making of the body. What the chair should do, however, is strive to be the last to speak at the discussion and debate stage. The chair should not make or second a motion unless the chair is convinced that no other member of the body will do so at that point in time.

The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, often published agenda. Informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon roadmap for the meeting. Each agenda item can be handled by the chair in the following basic format:



First, the chair should clearly announce the agenda item number and should clearly state what the agenda item subject is. The chair should then announce the format (which follows) that will be followed in considering the agenda item.

Second, following that agenda format, the chair should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the chair, a member of the body, a staff person, or a committee chair charged with providing input on the agenda item.

Third, the chair should ask members of the body if they have any technical questions of clarification. At this point, members of the body may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

Fourth, the chair should invite public comments, or if appropriate at a formal meeting, should open the public meeting for public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of public speakers. At the conclusion of the public comments, the chair should announce that public input has concluded (or the public hearing, as the case may be, is closed).

Fifth, the chair should invite a motion. The chair should announce the name of the member of the body who makes the motion.

Sixth, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member of the body who seconds the motion. It is normally good practice for a motion to require a second before proceeding to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and vote on a motion even when there is no second. This is a matter left to the discretion of the chair.

Seventh, if the motion is made and seconded, the chair should make sure everyone understands the motion.

This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the body to repeat the motion.

Eighth, the chair should now invite discussion of the motion by the body. If there is no desired discussion, or after the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

Ninth, the chair takes a vote. Simply asking for the “ayes” and then asking for the “nays” normally does this. If members of the body do not vote, then they “abstain.” Unless the rules of the body provide otherwise (or unless a super majority is required as delineated later in these rules), then a simple majority (as defined in law or the rules of the body as delineated later in these rules) determines whether the motion passes or is defeated.

Tenth, the chair should announce the result of the vote and what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members of the body, if any, who voted in the minority on the motion. This announcement might take the following form: “The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring a 10-day notice for all future meetings of this body.”

Motions in General

Motions are the vehicles for decision making by a body. It is usually best to have a motion before the body prior to commencing discussion of an agenda item. This helps the body focus.

Motions are made in a simple two-step process. First, the chair should recognize the member of the body. Second, the member of the body makes a motion by preceding the member’s desired approach with the words “I move ...”

A typical motion might be: “I move that we give a 10-day notice in the future for all our meetings.”

The chair usually initiates the motion in one of three ways:

1. **Inviting the members of the body to make a motion**, for example, “A motion at this time would be in order.”
2. **Suggesting a motion to the members of the body**, “A motion would be in order that we give a 10-day notice in the future for all our meetings.”
3. **Making the motion**. As noted, the chair has every right as a member of the body to make a motion, but should normally do so only if the chair wishes to make a motion on an item but is convinced that no other member of the body is willing to step forward to do so at a particular time.

The Three Basic Motions

There are three motions that are the most common and recur often at meetings:

The basic motion. The basic motion is the one that puts forward a decision for the body’s consideration. A basic motion might be: “I move that we create a five-member committee to plan and put on our annual fundraiser.”



The motion to amend. If a member wants to change a basic motion that is before the body, they would move to amend it. A motion to amend might be: “I move that we amend the motion to have a 10-member committee.” A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

The substitute motion. If a member wants to completely do away with the basic motion that is before the body, and put a new motion before the body, they would move a substitute motion. A substitute motion might be: “I move a substitute motion that we cancel the annual fundraiser this year.”

“Motions to amend” and “substitute motions” are often confused, but they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a “motion to amend” or a “substitute motion” is left to the chair. So if a member makes what that member calls a “motion to amend,” but the chair determines that it is really a “substitute motion,” then the chair’s designation governs.

A “friendly amendment” is a practical parliamentary tool that is simple, informal, saves time and avoids bogging a meeting down with numerous formal motions. It works in the following way: In the discussion on a pending motion, it may appear that a change to the motion is desirable or may win support for the motion from some members. When that happens, a member who has the floor may simply say, “I want to suggest a friendly amendment to the motion.” The member suggests the friendly amendment, and if the maker and the person who seconded the motion pending on the floor accepts the friendly amendment, that now becomes the pending motion on the floor. If either the maker or the person who seconded rejects the proposed friendly amendment, then the proposer can formally move to amend.

Multiple Motions Before the Body

There can be up to three motions on the floor at the same time. The chair can reject a fourth motion until the chair has dealt with the three that are on the floor and has resolved them. This rule has practical value. More than three motions on the floor at any given time is confusing and unwieldy for almost everyone, including the chair.

When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed *first* on the *last* motion that is made. For example, assume the first motion is a basic “motion to have a five-member committee to plan and put on our annual fundraiser.” During the discussion of this motion, a member might make a second motion to “amend the main motion to have a 10-member committee, not a five-member committee to plan and put on our annual fundraiser.” And perhaps, during that discussion, a member makes yet a third motion as a “substitute motion that we not have an annual fundraiser this year.” The proper procedure would be as follows:

First, the chair would deal with the *third* (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion *passed*, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the body of the third motion (the substitute motion). No vote would be taken on the first or second motions.

Second, if the substitute motion *failed*, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend *passed*, the chair would then move to consider the main motion (the first motion) as *amended*. If the motion to amend *failed*, the chair would then move to consider the main motion (the first motion) in its original format, not amended.

Third, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee), or if *amended*, would be in its amended format (10-member committee). The question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

To Debate or Not to Debate


The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

Motion to adjourn. This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

Motion to recess. This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess which may be a few minutes or an hour. It requires a simple majority vote.

Motion to fix the time to adjourn. This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: “I move we adjourn this meeting at midnight.” It requires a simple majority vote.



Motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on “hold.” The motion can contain a specific time in which the item can come back to the body. “I move we table this item until our regular meeting in October.” Or the motion can contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

Motion to limit debate. The most common form of this motion is to say, “I move the previous question” or “I move the question” or “I call the question” or sometimes someone simply shouts out “question.” As a practical matter, when a member calls out one of these phrases, the chair can expedite matters by treating it as a “request” rather than as a formal motion. The chair can simply inquire of the body, “any further discussion?” If no one wishes to have further discussion, then the chair can go right to the pending motion that is on the floor. However, if even one person wishes to discuss the pending motion further, then at that point, the chair should treat the call for the “question” as a formal motion, and proceed to it.

When a member of the body makes such a motion (“I move the previous question”), the member is really saying: “I’ve had enough debate. Let’s get on with the vote.” When such a motion is made, the chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body.

NOTE: A motion to limit debate could include a time limit. For example: “I move we limit debate on this agenda item to 15 minutes.” Even in this format, the motion to limit debate requires a two-thirds vote of the body. A similar motion is a *motion to object to consideration of an item*. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

Majority and Super Majority Votes

In a democracy, a simple majority vote determines a question. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions come up when the body is taking an action which effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super majority) to pass:

Motion to limit debate. Whether a member says, “I move the previous question,” or “I move the question,” or “I call the question,” or “I move to limit debate,” it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

Motion to close nominations. When choosing officers of the body (such as the chair), nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers and it requires a two-thirds vote to pass.

Motion to object to the consideration of a question. Normally, such a motion is unnecessary since the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

Motion to suspend the rules. This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

Counting Votes

The matter of counting votes starts simple, but can become complicated.


Usually, it’s pretty easy to determine whether a particular motion passed or whether it was defeated. If a simple majority vote is needed to pass a motion, then one vote more than 50 percent of the body is required. For example, in a five-member body, if the vote is three in favor and two opposed, the motion passes. If it is two in favor and three opposed, the motion is defeated.

If a two-thirds majority vote is needed to pass a motion, then how many affirmative votes are required? The simple rule of thumb is to count the “no” votes and double that count to determine how many “yes” votes are needed to pass a particular motion. For example, in a seven-member body, if two members vote “no” then the “yes” vote of at least four members is required to achieve a two-thirds majority vote to pass the motion.

What about tie votes? In the event of a tie, the motion always fails since an affirmative vote is required to pass any motion. For example, in a five-member body, if the vote is two in favor and two opposed, with one member absent, the motion is defeated.

Vote counting starts to become complicated when members vote “abstain” or in the case of a written ballot, cast a blank (or unreadable) ballot. Do these votes count, and if so, how does one count them? The starting point is always to check the statutes.

In California, for example, for an action of a board of supervisors to be valid and binding, the action must be approved by a majority of the board. (California Government Code Section 25005.) Typically, this means three of the five members of the board must vote affirmatively in favor of the action. A vote of 2-1 would not be sufficient. A vote of 3-0 with two abstentions would be sufficient. In general law cities in



California, as another example, resolutions or orders for the payment of money and all ordinances require a recorded vote of the total members of the city council. (California Government Code Section 36936.) Cities with charters may prescribe their own vote requirements. Local elected officials are always well-advised to consult with their local agency counsel on how state law may affect the vote count.

After consulting state statutes, step number two is to check the rules of the body. If the rules of the body say that you count votes of “those present” then you treat abstentions one way. However, if the rules of the body say that you count the votes of those “present and voting,” then you treat abstentions a different way. And if the rules of the body are silent on the subject, then the general rule of thumb (and default rule) is that you count all votes that are “present and voting.”

Accordingly, under the “present and voting” system, you would **NOT** count abstention votes on the motion. Members who abstain are counted for purposes of determining quorum (they are “present”), but you treat the abstention votes on the motion as if they did not exist (they are not “voting”). On the other hand, if the rules of the body specifically say that you count votes of those “present” then you **DO** count abstention votes both in establishing the quorum and on the motion. In this event, the abstention votes act just like “no” votes.

How does this work in practice?

Here are a few examples.

Assume that a five-member city council is voting on a motion that requires a simple majority vote to pass, and assume further that the body has no specific rule on counting votes. Accordingly, the default rule kicks in and we count all votes of members that are “present and voting.” If the vote on the motion is 3-2, the motion passes. If the motion is 2-2 with one abstention, the motion fails.

Assume a five-member city council voting on a motion that requires a two-thirds majority vote to pass, and further assume that the body has no specific rule on counting votes. Again, the default rule applies. If the vote is 3-2, the motion fails for lack of a two-thirds majority. If the vote is 4-1, the motion passes with a clear two-thirds majority. A vote of three “yes,” one “no” and one “abstain” also results in passage of the motion. Once again, the abstention is counted only for the purpose of determining quorum, but on the actual vote on the motion, it is as if the abstention vote never existed — so an effective 3-1 vote is clearly a two-thirds majority vote.

Now, change the scenario slightly. Assume the same five-member city council voting on a motion that requires a two-thirds majority vote to pass, but now assume that the body **DOES** have a specific rule requiring a two-thirds vote of members “present.” Under this specific rule, we must count the members present not only for quorum but also for the motion. In this scenario, any abstention has the same force and effect as if it were a “no” vote. Accordingly, if the votes were three “yes,” one “no” and one “abstain,” then the motion fails. The abstention in this case is treated like a “no” vote and effective vote of 3-2 is not enough to pass two-thirds majority muster.

Now, exactly how does a member cast an “abstention” vote?

Any time a member votes “abstain” or says, “I abstain,” that is an abstention. However, if a member votes “present” that is also treated as an abstention (the member is essentially saying, “Count me for purposes of a quorum, but my vote on the issue is abstain.”) In fact, any manifestation of intention not to vote either “yes” or “no” on the pending motion may be treated by the chair as an abstention. If written ballots are cast, a blank or unreadable ballot is counted as an abstention as well.

Can a member vote “absent” or “count me as absent?” Interesting question. The ruling on this is up to the chair. The better approach is for the chair to count this as if the member had left his/her chair and is actually “absent.” That, of course, affects the quorum. However, the chair may also treat this as a vote to abstain, particularly if the person does not actually leave the dais.

The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself; the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to consider is made and passed.

A motion to reconsider requires a majority vote to pass like other garden-variety motions, but there are two special rules that apply only to the motion to reconsider.

First, is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body — including a member who voted in the minority on the original motion — may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.



Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focuses on the item and the policy in question, not the personalities of the members of the body. Debate on policy is healthy, debate on personalities is not. The chair has the right to cut off discussion that is too personal, is too loud, or is too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body.

Can a member of the body interrupt the speaker? The general rule is “no.” There are, however, exceptions. A speaker may be interrupted for the following reasons:

Privilege. The proper interruption would be, “point of privilege.” The chair would then ask the interrupter to “state your point.” Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person’s ability to hear.

Order. The proper interruption would be, “point of order.” Again, the chair would ask the interrupter to “state your point.” Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

Appeal. If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

Call for orders of the day. This is simply another way of saying, “return to the agenda.” If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair’s determination may be appealed.

Withdraw a motion. During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

Special Notes About Public Input

The rules outlined above will help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

Rule One: Tell the public what the body will be doing.

Rule Two: Keep the public informed while the body is doing it.

Rule Three: When the body has acted, tell the public what the body did.



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