

MEMORDANDUM TO THE PLANNING COMMISSION

DATE: Regular Meeting of November 3, 2021
SUBMITTED BY: Forrest Ebbs, Community Development Director
SUBJECT: **Planning Commission Information**

RECOMMENDED ACTION

The following information is provided for the Planning Commission's benefit and no action is necessary.

INFORMATION

At the September 15, 2021 Planning Commission Meeting, a Commissioner requested information regarding the qualifications and responsibilities of a Planning Commissioner in the City of Antioch. The purpose of this report is to respond to that request and provide additional helpful information to the Planning Commission.

California State Law

California Government Code Section 65101 empowers local agencies, like the City of Antioch, to create a separate legislative body known as a Planning Commission. It also assigns the basics duties of the Planning Commission, which include the following:

- (a) Prepare, periodically review, and revise, as necessary, the general plan.
- (b) Implement the general plan through actions including, but not limited to, the administration of specific plans and zoning and subdivision ordinances.
- (c) Annually review the capital improvement program of the city or county and the local public works projects of other local agencies for their consistency with the general plan, pursuant to Article 7 (commencing with Section 65400).
- (d) Endeavor to promote public interest in, comment on, and understanding of the general plan, and regulations relating to it.
- (e) Consult and advise with public officials and agencies, public utility companies, civic, educational, professional, and other organizations, and citizens generally concerning implementation of the general plan.
- (f) Promote the coordination of local plans and programs with the plans and programs of other public agencies.
- (g) Perform other functions as the legislative body provides, including conducting studies and preparing plans other than those required or authorized by this title.

Antioch Municipal Code

The Antioch Municipal Code (AMC) Section 2-5.105 creates the Planning Commission, noting that it consists of seven members and has the duties specified in state law and in Title 9 (Planning and Zoning) of the AMC.

AMC Title 2, Chapter 5, Article 2 describes the process for appointments of all City board members and commissioners. Specifically, the Mayor nominates candidates who are then appointed to the board or commission by a majority vote of the City Council. Similarly, a board member or commissioner may be removed by a majority vote of the City Council. Nominees no longer need to be 18 years of age but must live within the city limits during their tenure.

AMC Title 2, Chapter 5, Article 2 also describes the attendance requirements for commissioners. A commissioner may not have more than three consecutive absences or miss more than 20% of the regularly scheduled meetings during any rolling 12-month period. Typically, the Planning Commission has 16-20 meetings per year, so Planning Commissioners should plan on missing no more than 3-4 meetings over the entire year. Please note that excused absences are not counted separately. All absences contribute to this total.

AMC Title 2, Chapter 5, Article 3 offers guidance for the process and procedures for boards and commissions. Although the AMC provides specific direction about certain procedures, it largely defers to Robert's Rules of Order (<https://robertsrules.com/>). The Planning Commission may adopt informal rules "relating to the time and manner of the selection of its chair and vice chair, the scheduling of meetings, whether nonmember speaker time regulations will be used, and other rules of similar nature."

AMC Title 9, Chapter 5, Article 25 (Planning Commission and Zoning Administrator) provides the purpose, qualifications and other applicable information to the Planning Commission. These include the following:

1. To be a Planning Commissioner, one must be a citizen of the city and hold no other municipal office in the city.
2. Planning Commissioners hold terms of four years and each Commissioner is limited to two full terms. The terms are staggered so that appointments are made every two years.
3. The Planning Commission must elect a Chairman and Vice-Chairman. This should be done in April of each year so that the new appointment sits in May. City staff will next be presenting elections in April of 2022.

The duties of the Planning Commission are as follows:

- (A) The Planning Commission shall have the authority to issue use permits and variances as well as make recommendations to the Council regarding proposed General Plan amendments, rezonings of property, final development plans, and other matters pertaining to land use planning and regulations.

(B) The Planning Commission furthermore may designate a Zoning Administrator and may delegate to the Zoning Administrator the ability to approve certain applications. These applications shall include use permits for planned developments which substantially conform to an established final development plan, variances which are not tied to projects requiring Planning Commission approval, use permits to occupy existing buildings, to construct projects determined to be minor and for second units, home occupation use permit requests for hearing, extensions of applications approved by the Zoning Administrator and/or the Planning Commission (with the exception of preliminary and final development plans), provided the extension would be in compliance with the prior approval and that circumstances related to the approval have not changed, administrative use permits, and any other approvals that the Planning Commission chooses to delegate to the Zoning Administrator.

(C) The Planning Commission shall assume all responsibilities of the Design Review Board as described in Article 26, Chapter 5, Title 9 and all references to the Design Review Board in this Municipal Code shall be deemed to be the Planning Commission.

Other Resources

There are other valuable resources that provide information on Planning Commissions in California. A few are listed below:

1. The Planning Commissioner's Role. Institute of Local Government.
 - https://www.ca-ilg.org/sites/main/files/file-attachments/resources_PCH_sec1.pdf
2. Planning Commissioners Academy. CalCities.
 - <https://www.calcities.org/detail-pages/event/2022/03/16/default-calendar/planning-commissioners-academy>
 - https://www.calcities.org/docs/default-source/planning-commissioners-academy---session-materials/2020-planning-commissioners-academy-program.pdf?Status=Master&sfvrsn=42886425_3
3. Land Use and Planning. Institute of Local Government
 - https://www.ca-ilg.org/sites/main/files/file-attachments/2010_-_landuseplanning.pdf

ATTACHMENTS

- A. Relevant Antioch Municipal Code Sections

ATTACHMENT A

Relevant Antioch Municipal Code Sections

ARTICLE 25: PLANNING COMMISSION AND ZONING ADMINISTRATOR

§ 9-5.2501 PURPOSE.

The purpose of the Planning Commission is to exercise the powers and duties prescribed by statute and ordinance and as assigned by the City Council.

(Ord. 897-C-S, passed 10-25-94)

§ 9-5.2502 CREATED.

There is hereby created a City Planning Commission.

(Ord. 897-C-S, passed 10-25-94)

§ 9-5.2503 MEMBERSHIP QUALIFICATIONS.

The Planning Commission shall consist of seven members to be appointed by the Mayor and approved by the Council. To be eligible for such appointment or service on the Planning Commission, all appointees shall be citizens of the city and may hold no other municipal office in the city.

(Ord. 897-C-S, passed 10-25-94)

§ 9-5.2504 TERMS OF OFFICE.

The terms of office for all members of the Planning Commission shall be four years. Members shall serve until their successors are appointed and qualify. Members shall be limited to two full terms; and, if a member is appointed to complete an unexpired term, such person shall be eligible for appointment to two full terms.

(Ord. 897-C-S, passed 10-25-94)

§ 9-5.2505 VACANCIES.

All vacancies on the Planning Commission or in its offices shall be filled according to the method of their original selection, and such new members or officers shall serve only the unexpired term of their respective predecessors.

(Ord. 897-C-S, passed 10-25-94)

§ 9-5.2506 CHAIRMAN AND VICE-CHAIRMAN.

At the last regular meeting of the Planning Commission in April of each year, the members of the Commission shall elect a Chairman and Vice-Chairman from among its members who will assume office at the first meeting in May.

(Ord. 897-C-S, passed 10-25-94)

§ 9-5.2507 RULES OF PROCEDURE; QUORUM.

The rules of procedure pertaining to the Council set forth in §§ [2-1.104](#) through [2-1.108](#) of Title 2 of this code shall also apply to the Planning Commission; however, a quorum of the Planning Commission shall be four or more members.

(Ord. 897-C-S, passed 10-25-94)

§ 9-5.2508 DUTIES AND RESPONSIBILITIES.

(A) The Planning Commission shall have the authority to issue use permits and variances as well as make recommendations to the Council regarding proposed General Plan amendments, rezonings of property, final development plans, and other matters pertaining to land use planning and regulations.

(B) The Planning Commission furthermore may designate a Zoning Administrator and may delegate to the Zoning Administrator the ability to approve certain applications. These applications shall include use permits for planned developments which substantially conform to an established final development plan, variances which are not tied to projects requiring Planning Commission approval, use permits to occupy

existing buildings, to construct projects determined to be minor and for second units, home occupation use permit requests for hearing, extensions of applications approved by the Zoning Administrator and/or the Planning Commission (with the exception of preliminary and final development plans), provided the extension would be in compliance with the prior approval and that circumstances related to the approval have not changed, administrative use permits, and any other approvals that the Planning Commission chooses to delegate to the Zoning Administrator.

(C) The Planning Commission shall assume all responsibilities of the Design Review Board as described in Article 26, Chapter 5, Title 9 and all references to the Design Review Board in this Municipal Code shall be deemed to be the Planning Commission. (Ord. 897-C-S, passed 10-25-94; Am. Ord. 2023-C-S, passed 4-14-09)

§ 9-5.2509 APPEALS.

(A) Any decision made by the Planning Commission which would otherwise constitute final approval or denial may be appealed to the Council. Such appeal shall be in writing and shall be filed with the City Clerk within five working days after the decision. The day the decision is made shall not count in the calculation of the time period. The term **WORKING DAY** shall mean days upon which the City Hall is open for business and shall exclude weekends and holidays observed by employees in the City Hall.

(B) The Council acting through the City Clerk, shall set the date for a public hearing and shall give notice as set forth in this chapter.

(C) The Council shall render its decision within 60 days after the filing of such appeal, unless the time period is extended by stipulation of the appellant and the Council.

(D) All appeals to the Council from the Planning Commission shall be accompanied by a filing fee established by a resolution of the City Council. The City Clerk shall waive the filing fee upon satisfaction that the appellant is indigent.

(Ord. 897-C-S, passed 10-25-94)

ARTICLE 2: APPOINTMENTS, TERMS

§ 2-5.201 NOMINATIONS AND APPOINTMENTS.

The Mayor shall nominate candidates for membership on all boards and commissions. Nominees shall be appointed to each board and commission upon receiving approval of at least a majority vote of the City Council. Except for the Economic Development Commission, as specified in § [3-12.03](#) of this code, and the Design Review Board, as specified in § [9-5.2603](#) of this code, nominees must be electors of the city and continuously reside within the city during their tenure of office. (Ord. 1002-C-S, passed 1-28-03; Am. Ord. 1083-C-S, passed 11-28-06)

§ 2-5.202 TERMS.

Each member of a board or commission shall have a term of four years. Each member shall serve until his or her successor is appointed and assumes office. (Ord. 1002-C-S, passed 1-28-03)

§ 2-5.203 TERM LIMITATION.

No member of a board or commission may serve more than two consecutive terms on any board or commission, except as follows:

(A) If a person is appointed to an unexpired term, he or she shall be eligible to appointment of two full terms in addition to service during the unexpired term.

(B) An exception to the term limitation may be made for the special qualifications established for the Design Review Board if another person with the designated qualifications does not apply or does not receive City Council approval; however, in no event shall a member of the Design Review Board with special qualifications serve more than three consecutive terms.

(C) An exception to the term limitation may be made if there is no nominee receiving a majority Council vote for a vacancy created by the term limit of a current member. (Ord. 1002-C-S, passed 1-28-03)

§ 2-5.204 CONCURRENT SERVICE.

(A) Except for ad hoc committees, no person shall serve concurrently on more than one board or commission.

(B) Any person serving on more than one board or commission at the adoption of this section shall bring himself or herself into compliance with this section within 90 calendar days after the effective date of this section.

(Ord. 1002-C-S, passed 1-28-03)

§ 2-5.205 REMOVAL, ABSENCES AND FPPC COMPLIANCE.

Members of the boards and commissions serve at the pleasure of the City Council. If properly noticed on the public portion of a City Council agenda, any member of a board or commission may be removed from office by majority vote of the City Council. Violation of the attendance standards established by this ordinance or of any requirement of the Fair Political Practices Commission, after notice by the City Clerk, shall also be reasons for removal.

(Ord. 1002-C-S, passed 1-28-03)

§ 2-5.206 ATTENDANCE.

(A) Regular meeting attendance is critically important. No member of a board or commission may have more than three consecutive absences, nor miss 20% or more of regularly-scheduled meetings during any rolling 12-month period (except the

Administrative Appeals Board). A person in violation of these standards may apply to the Mayor for relief from these requirements based on unusual or extenuating circumstances.

(B) The secretary or clerk of each board or commission shall monthly prepare and deliver to the City Clerk an attendance report of members.
(Ord. 1002-C-S, passed 1-28-03)

ARTICLE 3: POLICIES AND PROCEDURES

§ 2-5.301 ADOPTION OF INFORMAL RULES.

Each board or commission may adopt its own informal rules relating to the time and manner of the selection of its chair and vice chair, the scheduling of meetings, whether nonmember speaker time regulations will be used, and other rules of similar nature.
(Ord. 1002-C-S, passed 1-28-03)

§ 2-5.302 RULES OF ORDER.

The rules of procedure pertaining to the City Council set forth in §§ [2-1.104](#) through [2-1.108](#) of this code shall also pertain to the boards and commissions, unless provided elsewhere in the code.

(Ord. 1002-C-S, passed 1-28-03; Am. Ord. 2022-C-S, passed 2-10-09)

§ 2-5.303 QUORUM.

Notwithstanding any informal rules to the contrary, a quorum of each board and commission shall be a majority of its authorized membership, irrespective of vacancies or absences. The vote of a majority of the authorized membership of any board or commission shall be necessary to take action, except that minutes may be approved if a majority cannot be obtained because of abstentions on votes to approve minutes due to previous absences.

(Ord. 1002-C-S, passed 1-28-03)

§ 2-5.304 NOTICE OF RULES.

Within 30 calendar days of the adoption of this chapter, the City Clerk shall send a copy of this chapter to each sitting board and commission member. Thereafter, a copy of this chapter will be given to each new appointee to a board or commission.

(Ord. 1002-C-S, passed 1-28-03)