



PLANNING COMMISSION REGULAR AGENDA

Tuesday, January 24, 2023

7:00 PM – VIA VIDEO/TELECONFERENCE

CORONAVIRUS DISEASE (COVID-19) ADVISORY NOTICE –

The City of Martinez has set up a page on our website for the latest updates and helpful resources to help slow the spread of COVID-19 at:

<https://martinezcityofca.prod.govaccess.org/government/coronavirus-covid-19>.

As a precaution to protect public health and safety, and pursuant to the provisions of AB 361, this meeting will be conducted via Zoom Video/Teleconference only. Please refer to <https://martinezcityofca.prod.govaccess.org/government/meetings-and-agendas> for specific instructions and proper protocol during the virtual meeting.

For this particular meeting, please join us by choosing any of the following options:

1. **Via Mobile Phone or Desktop**, using the Zoom App direct link:

<https://cityofmartinez-org.zoom.us/j/97882055916?pwd=YzIHdEM2cGIYWldscm5ES0R4Y1BTdz09>

2. **Via Web Browser**, from <https://cityofmartinez-org.zoom.us/join>

Webinar ID: **978 8205 5916**

Passcode: **977334**

3. **Via Phone** by calling **(669)900-6833** and enter the provided meeting details above.

* * * * *

The Planning Commission may discuss and/or take action on any or all of the items listed on the Agenda, irrespective of how the items are described.

CALL TO ORDER

ROLL CALL - Sean Trambley (Chair) -- Tracey Casella (Vice Chair) -- Jonathan Bash -- Kimberley Glover – Susan Gustofson -- Jason Martin -- Rochelle Johnson

AGENDA CHANGES

PUBLIC COMMENT - Reserved for items not listed on the agenda

CONSENT

1. Motion to approve the October 25, 2022 Planning Commission Meeting Action Minutes.
[Action Minutes](#)
2. Motion to approve the December 13, 2022 Planning Commission Meeting Action Minutes.
[Action Minutes](#)
3. Receive and File documents: Board, Commission and Committee Member Orientation Manual and Planning Commission Rules of Procedure.
[Staff Report](#)
[Attachment A - Board, Commission, and Committee Member Orientation Manual - 2022](#)
[Attachment B - Planning Commission Rules of Procedure](#)

REGULAR

4. **Mangia Bene Restaurant Conditional Use Permit, 22PLN-0079**
Conduct a public hearing on a conditional use permit (ABC Type 41) to allow the sale of distilled spirits for on-site consumption at a full-service restaurant (ABC Type 47), located at 1170 Arnold Drive in the Neighborhood Commercial (NC) zoning district, Assessor's Parcel No. 377-112-018-9. Restaurants serving beer and wine are a permitted use pursuant to Martinez Municipal Code Section 22.16.040.
[Staff Report](#)
[Attachment A - Draft Planning Commission Resolution No. 23-XX with Exhibits](#)
[Attachment B - Environmental Health Department Certificate of Compliance](#)

COMMISSION ITEMS

STAFF ITEMS

5. Introduction of new Planning Department staff members.
[Staff Report](#)

COMMUNICATIONS

ADJOURNMENT - I certify under penalty of perjury under the Laws of California that this Agenda was publicly notified by 7:00 p.m. on January 20, 2023.

Dee Dee Fendley, Administrative Aide III

Information for the Public

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development Office at (925) 372-3515. Notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements to help ensure accessibility to this meeting. Upon request, this agenda will be made available in appropriate formats to persons with disabilities as required by Section 202 of the Americans with Disabilities Act of 1990.



Action Minutes

Planning Commission Regular Meeting
 Tuesday, October 25, 2022 at 7:00 p.m.
 Via Video/Teleconference

Full details are available via audio/video recording on our [website](#). *Microsoft Internet Explorer browser is recommended for video-viewing compatibility or enable Adobe Flash on your default browser.*

Commissioners on Video Conference		City Staff on Video Conference
Chair Sean Trambley	Present	Michael Chandler – Acting City Manager
Vice Chair Tracey Casella	Present	Terri Highsmith – City Attorney
Commissioner Jonathan Bash	Present	Patrick O’Keeffe – Special Advisor
Commissioner Kimberley Glover	Absent	Ben Ritchie – De Novo Planning Group
Commissioner Susan Gustofson	Present	Victoria Walker – Contract Planner
Commissioner Jason Martin	Present	Ben Schuster – Associate Planner
Commissioner Linda Meza	Absent	Dee Dee Fendley – Administrative Aide III
Commissioner Rochelle Johnson (Alternate)	Present	

Call to Order
Meeting called to order at 7:09 p.m. via video conference

Agenda Changes (00:00 in video)
None

Public Comment (00:18 in video)
Kristin Henderson wishes the City would educate themselves on the California Historic Preservation Foundation.

Consent Calendar (02:36 in video)				
1. Motion to approve the October 11, 2022, Planning Commission Meeting Action Minutes.				
Speakers:	None			
Public Comment:	None			
Closing Comments:	None			
Motion to:	Approve			
Motion by:	Tracey Casella		Seconded By: Jonathan Bash	
Motion passed 6-0	Sean Trambley	Aye	Susan Gustofson	Aye
	Tracey Casella	Aye	Jason Martin	Aye
	Jonathan Bash	Aye	Linda Meza	Absent
	Kimberley Glover	Absent	Rochelle Johnson (Alternate)	Aye

Regular (03:35 in video)	
2. The Planning Commission will hold a Public Hearing on the General Plan update and Final Environmental Impact Report. The update of the General Plan includes all elements of the General Plan except the Housing Element. The Planning Commission will hear public comment, deliberate on the documents and make a recommendation to the City Council regarding final adoption of the updated General Plan and Final Environmental Impact Report.	
Speakers:	<ul style="list-style-type: none"> • Michael Chandler explained the evolution of the City’s work on the General Plan Update and introduced Special Advisor, Pat O’Keeffe. • Pat O’Keeffe gave a presentation with an overview of the General Plan Update. • Ben Ritchie participated in the presentation, discussing the Environmental Impact Report portion of the General Plan Update. • Terri Highsmith, City Attorney made a procedural correction stating that the Resolution regarding the Environmental Impact Report be heard first, before the General Plan Update Resolution. She also stated that in the Resolution regarding the EIR, there is a reference to Exhibit A to the Staff Report. Exhibit A is to the Resolution, and you can find this document attached to the Staff Report as Exhibit H.
Public Comment:	<ul style="list-style-type: none"> • Kristin Henderson stated she is angry that the City is using native tribes. She believes that the Planning Commission is listening to people who get paid to say what the City wants rather than listening to the public. Kristin asked if the Planning Commission actually read the public comments that were submitted. She feels the Planning Commission is not learning what needs to be learned in order to make an educated decision. • Harlan Strickland feels that the General Plan Update should wait for the Housing Element to be completed. He states there are still many problems with the GPU and all of the comments have not been answered or addressed. He shared that, unlike the Housing Element, there is no penalty for delaying the GPU. He has long-term concerns that have not been addressed, such as enhancing City revenue.
Closing Comments:	<ul style="list-style-type: none"> • Jason Martin asked why one of the Native American tribes declined to consult with the City regarding the General Plan Update. He confirmed that the City has the ability to make modifications to the General Plan any number of times as needed, but development applications are limited to four per year.

	<ul style="list-style-type: none"> Sean Trambley mentioned that there will be considerably more discussion with the Confederated Villages of Lisjan tribe as we get into the Housing Element. Sean explained that delaying the General Plan would not be an option because the Housing Element has a deadline and depends on the acceptance of the General Plan Update. 			
Motion to:	Recommend that the Martinez City Council certify the Final Environmental Impact Report and adopt the CEQA Findings of Fact and Statement of Overriding Consideration for the City of Martinez General Plan Update.			
Motion by:	Tracey Casella		Seconded By: Jason Martin	
Motion passed 6-0	Sean Trambley	Aye	Susan Gustofson	Aye
	Tracey Casella	Aye	Jason Martin	Aye
	Jonathan Bash	Aye	Linda Meza	Absent
	Kimberley Glover	Absent	Rochelle Johnson (Alternate)	Aye
Motion to:	Recommend that the Planning Commission approve the Martinez General Plan Update.			
Motion by:	Tracey Casella		Seconded By: Jason Martin	
Motion passed 6-0	Sean Trambley	Aye	Susan Gustofson	Aye
	Tracey Casella	Aye	Jason Martin	Aye
	Jonathan Bash	Aye	Linda Meza	Absent
	Kimberley Glover	Absent	Rochelle Johnson (Alternate)	Aye

Commission Items (47:06 in video)	
	<ul style="list-style-type: none"> Sean Trambley reported that the Planning Commission, along with other commissions and committees will be returning to in-person meetings in the Martinez City Council Chamber beginning in January of 2023. The meetings will be hybrid and include in-person AND virtual participation. Commission members will be required to attend in-person, with attendance being closely tracked.

Staff Items (48:29 in video)	
	<ul style="list-style-type: none"> Michael Chandler thanked the Planning Commission for all their work on completing the General Plan Update.

Communications (49:39 in video)	
Comments/Updates	<ul style="list-style-type: none"> Tracey Casella congratulated Michael Chandler on being appointed the next City Manager.

Adjournment (50:12 in video)

Chair Sean Trambley adjourned the meeting at 8:00 pm.

Sean Trambley, Chair

Dee Dee Fendley, Administrative Aide III



Action Minutes

Planning Commission Regular Meeting
 Tuesday, December 13, 2022 at 7:00 p.m.
 Via Video/Teleconference

*Full details are available via audio/video recording on our [website](#). *Microsoft Internet Explorer browser is recommended for video-viewing compatibility, or enable Adobe Flash on your default browser.*

Commissioners on Video Conference		City Staff on Video Conference
Chair Sean Trambley	Present	Michael Chandler, Acting City Manager
Vice Chair Tracey Casella	Absent	Victoria Walker, Contract Planner
Commissioner Jonathan Bash	Present	Isabelle Loh – Contract Planner
Commissioner Kimberly Glover	Present	Aaron Hauswirth – Assistant Planner
Commissioner Susan Gustofson	Present	Dee Dee Fendley, Administrative Aide III
Commissioner Jason Martin	Present	
Commissioner Rochelle Johnson (Alternate)	Absent	

Call to Order (00:07 in video)
Meeting called to order at 7:01 p.m. via video conference

Agenda Changes (00:42 in video)
None

Public Comment (00:56 in video)
None

Consent Calendar (01:22 in video)
1. Chair Trambley reported on the lack of a quorum of those Planning Commissioners present to approve the October 25, 2022 Action Minutes and the item was continued to the next meeting of the Planning Commission.

Regular (01:40 in video)	
2. Commercial Restaurant Space on Las Juntas Street, 22PLN-0076 This is a Public Hearing on a request from Ryan Geiser for a Conditional Use Permit to allow for full alcohol service (Type 47 ABC License) at 621 Las Juntas Street. The property is located Downtown and zoned Central Commercial. Assessor's Parcel No. 373-265-003.	
Speakers:	<ul style="list-style-type: none"> Staff report and presentation by Contract Planner, Isabelle Loh. Applicant, Ryan Geiser offered information on the project and responded to questions from the Planning Commissioners.
Public Comment:	None
Closing Comments:	<ul style="list-style-type: none"> Sean Trambley reported that he visited the site and was pleased to see the work that was underway. Susan Gustofson asked if food will be available at all times alcohol is being served. She wondered if the current location of

	<p>Taco Daddy's will close, or if the new site will be a second location. Susan commented that she has had citizens report that they did not stop in Martinez because the road into Martinez is dark and does not look safe. She is hoping that there is a way to provide more lighting at the project site and surrounding areas. Susan asked about the protocols for removing flex space platforms after a business closes down.</p> <ul style="list-style-type: none"> Kimberley Glover asked if the restaurant will be providing live music. 			
Motion to:	Adopt the Draft Resolution approving a Conditional Use Permit allowing full alcohol sales at 621 Las Juntas Street, subject to conditions of approval.			
Motion by:	Kimberley Glover		Seconded By: Jonathan Bash	
Motion passed 4-0	Sean Trambley	Aye	Susan Gustofson	Aye
	Tracey Casella	Absent	Jason Martin	Excused
	Jonathan Bash	Aye	Rochelle Johnson (Alternate)	Absent
	Kimberly Glover	Aye		
<p>3. Emerson Arms Apartments Monument Sign, 22PLN-0075 This is a Public Hearing on a request from Mike Rogers Consulting, on behalf of Eden Housing, for Design Review approval for a new 8 sq.ft. monument sign. The project site is located at 326 Ward Street in the R-2.5 (Residential Multifamily) Zoning District. Assessor's Parcel No. 373-211-006.</p>				
Speakers:	Staff report and presentation by Assistant Planner, Aaron Hauswirth. John Vignale, Project Architect			
Public Comment:	None			
Closing Comments:	<ul style="list-style-type: none"> Sean Trambley reported that he visited the property and believes the sign will do well for this corner position. Susan Gustofson stated that she also visited the site and was impressed with the landscaping that has already been completed. She has concerns about the location of the sign being too close to the street. She suggested moving the sign location back, further away from the sidewalk and street. 			
Motion to:	Adopt the Draft Resolution approving the Design Review of a freestanding monument sign for Emerson Arms Apartments amending the setback from a minimum of 3.5 feet to a minimum of 4.25 feet from the property line.			
Motion by:	Susan Gustofson		Seconded By: Kimberley Glover	
Motion passed 4-0	Sean Trambley	Aye	Susan Gustofson	Aye
	Tracey Casella	Absent	Jason Martin	Excused
	Jonathan Bash	Aye	Rochelle Johnson (Alternate)	Absent
	Kimberly Glover	Aye		

Commission Items (38:49 in video)	
Comments/Updates	None

Staff Items (39:03 in video)	
	<ul style="list-style-type: none">• Victoria Walker reported that the new Martinez Planning Manager, Michael Cass will be starting on Monday, December 19th.• Kimberley Glover asked if it is possible to publish the Final Resolutions on the City of Martinez website for public viewing.

Communications (41:15 in video)	
	None

Adjournment (42:11 in video)	
Chair Trambley adjourned the meeting at 07:43 pm.	

Sean Trambley, Chair
Dee Dee Fendley, Administrative Aide III



Date: January 24, 2023
To: Planning Commission
From: Michael P. Cass, Planning Manager
Prepared by: Dee Dee Fendley, Administrative Aide III
Subject: **Board, Commission and Committee Member
Orientation Manual and the Planning Commission
Rules of Procedure**

Recommendation

Receive and file.

Background

The Assistant City Clerk provided the Board, Commission and Committee Member Orientation Manual and the Planning Commission Rules of Procedure for distribution to the Planning Commission. The documents are intended to be an informational source and guide for Advisory Body Members, such as the Planning Commission. The documents contain guidelines for the role, requirements, authority and responsibility of Advisory Body Members.

Attachments

- A. Board, Commission and Committee Member Orientation Manual
- B. Planning Commission Rules of Procedure



CITY OF MARTINEZ

Board, Commission and Committee Member

Orientation Manual

2022

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I. Introduction

Welcome: The City of Martinez is pleased to welcome you as a new board, commission, or committee member. As an appointee, you are considered a public official serving in an advisory capacity to the City Council. Your appointment is reflective of the City Council's confidence in your ability and judgment to provide meaningful input on the workings of local government in the City of Martinez. In this role, you are a critical part of the communication process between citizens and the City Council as you assist in addressing important community issues and needs.

This role requires you to be open to new ideas and information, patient, understanding, dedicated, and enthusiastic in making your decisions and recommendations. It also requires that you carefully weigh the long- and short-term impacts of the decisions and recommendations you make for their impact on the community as a whole.

This manual is intended to be an informational source and guide in your role as an Advisory Body Member. It contains guidelines for the role, requirements, authority, and responsibility you personally undertake as an Advisory Body Member.

Please remember you are serving the public in your role. Your Advisory Body's public meeting may be the only one a citizen ever attends. Your ability to be an ambassador for the City and demonstrate that all meetings are conducted openly and fairly will go far in assuring the citizenry of the integrity of our local governance.

If you have questions about the material please ask your Advisory Body's departmental coordinator, the chairperson of your Advisory Body, or the city clerk for clarification.

Citizen Participation: Martinez's system of boards and commissions provides a way for residents who have special experience or interests to participate in the City's decision-making process by advising City staff and the City Council on numerous issues.

The system provides the opportunity to interact creatively with people of all ages, interests, and backgrounds. Democracy can be realized when citizens are able to come together across neighborhood and economic lines to assist in making the community decisions that will shape all of their lives. It is important that as a member you ensure a wide variety of viewpoints from the rest of the community is considered when an Advisory Body is making recommendations. Advisory Body Members should treat these widely varying viewpoints with respect so that all citizens are encouraged to participate in government.

City Government: The City Council consists of a Mayor, elected by all City voters, and four Councilmembers, elected to represent separate districts in the City. Each Councilmember is required to live in the district they represent. The Mayor and Councilmembers serve four-year terms.

The Council establishes city policies, ordinances, and land uses; approves the City's annual budget, contracts, and agreements; hears appeals of decisions made by city staff or citizen advisory groups, appoints citizens to boards and commissions. Councilmembers serve on

several working subcommittees, which include Budget and Finance, Franchise and Public Infrastructure and Economic Development.

The other half of the governmental structure is the City Manager who is the chief executive officer of the City. The City Manager provides the leadership and direction for the operation and management of City departments and is responsible for the enforcement of all laws and ordinances; coordination of all municipal programs and services; makes recommendations to the Mayor and City Council as appropriate concerning the operation, annual budget, and future needs of the City.

II. Commission Membership

Applying: All applicants are required to apply filling out the City's Citizen Interest Form and submitting the form to the City Clerk's Office.

Interviews: After the application deadline, City staff will review the applications to ensure all applicants meet the seat qualifications. Qualified applicants may be invited to interview with the Mayor. Each applicant is given a few minutes to interview and while interviews are not required for appointment, applicants are strongly encouraged to participate.

Nomination and Appointment: Council specific seats are recommended for appointment by the City Council. All other seats are applicants who are recommended for appointment by the Mayor who will announce the recommendation at a City Council meeting and request Council approval.

Term of Office: Term lengths vary by Advisory Body. At the end of each term, the incumbent can reapply for a new term in accordance with the Advisory Body's policy. The term length for each seat is fixed. Therefore, if a seat is vacated before the end of the term, the new Advisory Body Member is appointed to serve the remainder of the unexpired term. At the end of a term, the seated Advisory Body Member may continue (but is not required) to serve until reappointed or replaced.

Term Limits: Term limits are established and restricted by City Code. When a seat is vacated prior to the term's end, an appointment is made to fill the remaining term duration. The term status for each Advisory Body Member is indicated on the commission directory located in the City Clerk's Office and City website.

Term Staggering: All Advisory Bodies have staggered terms to avoid replacing all Advisory Body Members at one time. Generally, a portion of a commission's membership expires on a set date, with the remaining expiring a year or more later. This method keeps informed Advisory Body Members seated and allows the commission to function with a level of continuity and institutional knowledge as Advisory Body Members are replaced.

Term Expiration: The term expiration of Council specific seats run concurrent with the Councilmember's term. This allows newly elected Councilmembers the opportunity to participate at the beginning of their tenure in office. The term expiration of all other seats is predetermined by term limits and lengths as established and restricted by City Code.

Resignation: If an Advisory Body Member wishes to resign, a resignation shall be provided in writing to the Office of the City Clerk and the Advisory Body's assigned departmental coordinator. An email will suffice for written notice. The date of the resignation (or email) shall be considered the last date of service unless a specific date is expressly noted in the resignation.

Disqualification or Removal: Advisory Body Members may be disqualified and/or removed according to City Code and/or Advisory Body's policy. Reasons for good cause include three unexcused absences, failure to complete mandatory training, or failure to file a Statement of Economic Interests (if applicable).

If disqualified, an Advisory Body Member may not receive agenda materials, contact other Advisory Body Members, sit in the audience of a commission meeting, participate as a member of the public, or use any non-verbal communication in an attempt to influence any decision-making on behalf of the body.

III. Requirements Upon Appointment

Once appointed, the Office of the City Clerk will provide new Advisory Body Members with a letter confirming appointment, and the initial appointment requirements. Several of these requirements have annual or biennial updates and continue through the duration of the Advisory Body Member's term. It is critical that the requirements be completed in a timely manner and by all applicable deadlines. Failure to meet these deadlines can result in disqualification and/or removal from the commission.

Oath of Office: Elected officials and members of a Commission are required to complete an oath of office upon election, appointment or re-appointment. The Office of the City Clerk will provide the form with the appointment letter. A Commissioner may not attend a meeting until a completed oath is on file with the Office of the City Clerk.

Local Ethics Training: Every compensated official is required to complete two hours of state mandated local ethics training within the first year of taking office. Members are also required to re-certify every two years thereafter. The Office of the City Clerk will provide Officials with a website link where the training course may be taken.

Sexual Harassment Training: Every compensated Official is required to complete two hours of sexual harassment training under the City's ethics code and are required to re-certify every two years thereafter. The Office of the City Clerk will provide Officials with a web site link where the training course may be taken.

Statement of Economic Interests (FPPC Form 700): Many of the City's commissions, based on their authorities, have a requirement to file a Statement of Economic Interests. This statement is also known as a conflict of interest form and is used to disclose certain personal financial holdings of the Advisory Body Member. The statements are publicly available for review to ensure decision making on an agenda item does not result in a financial benefit to the Advisory Body Member. The Office of the City Clerk will provide notice of the filing requirement and a website link where the form shall be prepared and filed.

Conflict of Interest Disqualification [aka Recusal]: In accordance with Government Code and City Code, local government officials are prohibited from making or participating in the making of decisions, or attempting to use their official position, to influence a governmental decision in which they have a financial interest. When a financial conflict is recognized, the Advisory Body Member shall state the conflict at the start of the agenda item and exit the meeting room until the item is completed. The Advisory Body Member is considered absent for quorum purposes. The Advisory Body Member may not sit in the audience during the discussion. Questions on this process may be directed to the City Clerk or City Attorney Offices.

Advisory Body Member Orientation Manual: All Advisory Body Members are required to read this manual when being newly appointed and re-appointed to a seat. The Office of the City Clerk will provide Advisory Body Members with the manual.

Training on Legal Requirements: All Councilmembers are required to take City provided instruction on the legal requirement of serving as an elected official. The Office of the City Clerk, City Attorney, department staff coordinators, or others will provide the training. Issues include The Brown Act, Rosenberg's Rules of Order, the Public Records Act, and the Political Reform Act.

IV. Commission Functions

Advisory Body activities are varied with most being advisory. Advisory Bodies may be formed by resolution, ordinance, vote of the people (charter), or state statute.

V. Commission Authority

The primary role of an Advisory Body is to increase public input and participation in the determination of City policies and operating procedures. The specific role is to review and make recommendations to City staff and/or the City Council on matters within its scope of authority and responsibility. This is accomplished under the direction, collaboration, and coordination of City department staff.

Advisory Body Members are encouraged to express their views on the issues under their purview, but do not have authority to become involved in administrative or operational matters associated with running City departments. Advisory Body Members may not direct staff to initiate programs, conduct studies, or establish department policy unless expressly identified as a responsibility in the City's code.

Understanding a Body's scope of authority will help avoid misunderstandings in your role as an Advisory Body Member. It is best to understand this role prior to applying for a particular Body as differing expectations discovered after appointment can lead to disappointment, lack of commitment, or resignation.

VI. Recommendations to Council

As the authorized legislative body of the City, the City Council is responsible for accepting, rejecting, or modifying Advisory Body recommendations presented to Council. The Council relies on the various Bodies to increase the variety of viewpoints and talents brought to bear on City projects and issues. It is expected that Advisory Body Members will analyze issues thoroughly and adopt positions of advocacy within their specific spheres of responsibility.

After Advisory Body recommendations are adopted, City staff will develop various options for action in accordance with City established policies and priorities. Staff may subsequently present a report to the City Council for consideration with various options making it clear what recommendations are from the commission.

It is important to recognize that the Council's role is to take into consideration the many varied and sometimes conflicting public needs and render its judgment of what will best serve the public good. The Council has full discretion after analysis and public input to adopt, modify, or decline any recommendation made by a commission or staff.

VII. Responsible Conduct

As an appointed representative of the City, Advisory Body Members are expected to maintain an impeccable level of personal integrity and responsible conduct. This is imperative to an Advisory Body Members success, reputation, and effectiveness. The City Council has adopted rules of procedure for their own standard of conduct and process. These rules apply to City Advisory Bodies. Some Bodies are also given authority to adopt additional rules of procedure as long as the provisions are not in conflict with Council's rules. The department overseeing the Advisory Body will provide additional rules of procedure if previously adopted.

The Council's rules of procedure will be provided to you upon request to the City Clerk's Office.

In addition to the rules of procedure, the City has collected best practice principles to assist Advisory Body Members in their service success. This includes the subjects of responsible Advisory Body Member conduct, rules to being an effective Advisory Body Member, and tips for promoting civility in public meetings.

Responsible Conduct

1. **Scope of Responsibility** - Learn about the Advisory Body's scope of responsibility and authority prior to your first public meeting. You may self-search the history on the City website or the assigned department staff coordinator will provide information about the department and programs under the Body's purview. The role of the member is to advise the City Council on specific City program areas and related policies as contained in the formation document. Be aware of not stepping outside your scope of responsibility.
2. **Ethics** - Several laws and regulations governing conflicts of interest apply to Advisory Body Members. It is important that you review the materials provide by the Office of the City Clerk and assigned department staff coordinator. Note that ethic laws are just the baseline and the

expectation is that all City officials conduct themselves at all times without bias and in full transparent compliance with ethical expectations. Be mindful that the perception of misconduct is as bad as any actual misconduct.

3. Use of Title Designations – Use of the Advisory Body’s designation is one that shall be used only for City business. A member may not use the title to: 1) Represent a City position that has not been authorized; 2) Represent themselves as stating an official position of the City when no authorization has been provided to make that representation; 3) Sign ballot arguments, whether for or against a measure, without City Council authorization; and 4) Identify themselves as a member for any purpose beyond the scope of their commission.
4. When and How Do You Represent the Advisory Body - To avoid possible compromising situations, an invitation to address the Council on matters relating to their official capacity rests solely with the City Council. It should be emphasized that when an Advisory Body Member, who is present at a Council meeting, is asked to address the Council on their Advisory Body’s matter, every attempt should be made by the Advisory Body Member to interpret the viewpoint of the Body as a whole.

Individual Advisory Body Members must not represent their individual views or recommendations as those of the Advisory Body unless the majority of the Body has officially voted to approve the recommendation. Advisory Body Members making recommendations or expressing views not approved by a majority of the Advisory Body should indicate that they are representing themselves as individuals and not the Body. Public statements should contain no promises to the public that purport to be binding on the Advisory Body, staff, or the City Council.

5. How Do You Represent Yourself as a Citizen on Non-Commission Issues? - This is one of the most sensitive areas for an Advisory Body Member to understand and address. As a concerned citizen, you have every right to express your views on issues and concerns that are important to you. However, the very fact that you are an appointed Advisory Body Member to represent the City does place you in a highly visible position in the community. You should avoid referring to your role as a City Advisory Body Member when addressing the City Council as a citizen on City issues. The Council requires that you follow the procedure adopted for citizens who address the Council and simply state your name. If someone points out that you are an Advisory Body Member, you should emphasize that you are speaking as a citizen, representing yourself. The same is true if you are addressing other organizations.
6. How Can You Participate in Political Activities? - Local government elections in California are nonpartisan. Council appointments to City Advisory Bodies is made without regard to political party affiliation. Acceptance of an appointment to a Body does not in any manner restrict your participation in political activities at any level of government be it local, state, or federal. If you are a candidate for an office, such as City Council, you may state in your campaign literature that you have been (or are) an Advisory Body Member.
7. How Do You Handle the Press? - Many Advisory Bodies designate their chairperson or City staff to be the official spokesperson, and questions from the press are appropriately referred. However, reporters are noted for their persistence and often seek out Advisory Body

Members whose comments might make the best story. If you are contacted by the press, please recognize the important role the press plays in informing the public and remember that most reporters do want to write accurate, balanced stories and that they usually face strict deadlines. For best practices on speaking with the press, refer to the following section.

8. How to Manage Conflict Effectively - Perhaps your greatest test as an Advisory Body Member will come at a well-attended public meeting on a particularly contentious issue. Participants are usually highly motivated and often nervous. Your role is to help guide conflict to positive results, not to eliminate it. The following are several suggestions that should help Advisory Body Members manage conflict and confrontation effectively:
 - a. Anticipate conflicts by doing your homework before the meeting. This allows you to concentrate on the dynamics of the meeting.
 - b. Treat all sides fairly.
 - c. If you are chairperson, you should: a) carefully explain the purpose of the meeting and what action is expected to be taken; b) set the rules of the meeting early and make sure that everyone abides by them; c) set an acceptable time limit for testimony and stick to it; and d) request that persons who address the commission identify themselves for the record.
 - d. Make decisions as promptly as possible. Do not get so bogged down in procedural distractions, details, and endless searches for more information that the issue never gets resolved.
 - e. Try not to overreact to inflammatory comments. Most are expressions of frustration and do not require answers. Try to turn frustration to constructive avenues by asking specific questions and reinforcing areas where you agree. Do not return insult for insult – it reveals your lack of control and can turn the audience against you.
 - f. Try to avoid speaker-to-audience conversation. The purpose of the public meeting is to help your commission, not to engage in a debate with the public.
 - g. If you have questions of the speaker, pose them only during the speaker's time at the lectern. If the speaker has returned to the audience, request he/she return to the lectern for further questions.
 - h. Be careful not to prejudge the action of the commission. Use the meeting to gather necessary information about the project and individual desires concerning the proposal. You should not express your views on the proposal until public testimony has ended.
 - i. Once testimony has ended, you should openly discuss your views on the proposal and carefully weigh the views of your fellow Advisory Body Members and the public. Reasons for your decisions should be given in a concise manner for the record.

For more information, review the Institute for Local Governments publication entitled: *Tips For Promoting Civility In Public Meetings*.

Speaking with the Press

The seated Chair of an Advisory Body, or City staff, is typically the designated individual to speak with the press on commission matters. This designation should be established before the need to speak with the press is necessary. If the department staff coordinator directs that press questions be handled only by City staff, Advisory Body Members should follow that direction.

1. Indicate if Body actions are recommendations and, if so, that final action will be taken by the City Council.
2. Keep your comments factual and try to avoid giving “opinions.” If given, you should identify them as such.
3. Never volunteer or release information affecting the City Council before the Council hears it first from the City staff.
4. If you cannot answer a question, say so and refer the reporter to City staff or City Attorney for an answer. There is absolutely nothing wrong with not knowing something. The real damage is done when you give inaccurate information.
5. Be honest.
6. Be positive in your comments and keep in mind the commission’s goals.
7. Go over your comments with the reporter - this helps ensure an accurate story. If there are serious errors in the article, call the reporter and let him/her know so a retraction can be printed.
8. Remember: Do not talk if you do not want to. There is no such thing as “off-the-record.”

Five Rules to Being an Effective Advisory Body Member

Your selection as an Advisory Body Member is an honor and provides an unusual opportunity for genuine public service. In your new role, it is very important that you try to empathize with and treat the public with respect at all times. Although the specific duties of each Body vary widely, certain responsibilities are common to all Advisory Body Members. The following is a summary of the important responsibilities and some guidelines to assist you in maximizing your contributions.

1. Represent the Whole City - As an Advisory Body Member you have been appointed to represent the public interest and not a special group or interest. The question, “What is best for the entire community?” should take precedence over “What is best for one group?”
2. Keep the Lines of Communication Open - As an influential member of the community, an Advisory Body Member is in the unique position of serving as a liaison between the City and its citizens. As an Advisory Body Member, you are encouraged to explain and promote policies and programs established by the City Council within the scope of interest of your Body. It is equally important for you to transmit back to the Council the reactions and opinions

of the citizens as they relate to those policies and programs. It is very important that you not substitute your own opinions for those of the general public.

3. Do Your Homework and Be Thorough in Making Recommendations - It is expected that you will have read the packet and be prepared to discuss the issues on the agenda. As an Advisory Body Member you may spend many hours researching and studying a particular issue. You must endeavor to maintain an objective attitude in this fact-finding phase, even though the research may emphasize one approach to a problem. If appropriate, you should visit the locations of projects under consideration prior to the Body meeting. This allows you to be fully prepared to discuss, evaluate, and act on all matters scheduled for consideration at the meeting. Conclusions based on such practices will strengthen the value of an Advisory Body Member's recommendation.
4. Be Conscious of the Relationship with the City Council and City Staff - Supportive relationships with the City Council and City staff are the basis for successful operation of any Body. It is important that you respect the authority of those who, in the end, will be charged with the final responsibility for actions taken by the City.

To avoid placing City staff in a compromising position and to facilitate effective communications, it should be clear that your actions have the approval of the entire Advisory Body. Although you may disagree with a staff recommendation, you should be careful to voice your concerns in a positive way and, especially in public, not make negative remarks about staff's performance. If you, or the Body, are dissatisfied with staff or the services they provide, the matter should be discussed privately with the staff person, the department director or the City Manager.

City staff is required by the City Council to make recommendations which may or may not agree with those of the Advisory Body. The staff is required to fairly present the Body's recommendations and explain them but will not defend them if in disagreement. If a staff report is contrary to a Body's recommendation, staff should give reasonable notice of the disagreement to the Chairperson. When appropriate, and especially when the City staff recommendation is not in accord with the approved Body position, the Chairperson or delegated representative should communicate in writing or be present at the City Council meeting to report the Advisory Body's recommendations. What the Council seeks is full and complete information including a range of options on a given issue.

In contacting City staff on Advisory Body business, the proper channel is through your departmental coordinator or City Clerk.

5. Establish a Good Working Relationship with Other Advisory Body Members - Much of your work will involve reconciling contradictory viewpoints to build a consensus around common goals and objectives. It is important that you cooperate with other Advisory Body Members and make every effort to understand differing points of view. One way of fostering this cooperation is to ensure that meetings proceed in an orderly and constructive manner by being familiar with the City's Council rules of procedures, or additional rules if adopted.

Other important points you should consider in working with other Advisory Body Members:

- a. Be on time and be prepared and assist in ending the meeting at a reasonable hour.
- b. Always respect the other individual's viewpoint even though it may be opposite of yours.
- c. Allow other Advisory Body Members adequate time to present their views fully before making comments.
- d. Be open and honest at all times.
- e. Recognize new Advisory Body Members and see that they are made welcome and receive assistance in becoming acquainted with the commission.
- f. Do not participate in side conversations while at the dais, it is disrespectful to your fellow Advisory Body Members, the speakers and the microphones are sensitive enough to pick up your conversation and record it for perpetuity.

VIII. Meeting Policies and Procedures

The following is presented generally so that Advisory Body Members are aware of the policies and procedures that are standard across all Bodies. Details specific to your Advisory Body will be provided by the department staff coordinator.

Staff Support: Various City staff are assigned to provide support services to Advisory Bodies including training; legal guidance; noticing meetings; preparing agendas, staff reports, and minutes; staffing public meetings; tracking attendance; paying stipends when applicable; and providing information and updates of department programs and activities if warranted. City staff who typically work with Advisory Bodies include the department staff coordinator, department managers, department subject matter experts, and staff from the Offices of the City Clerk and City Attorney.

Frequency of Meetings: Meetings are held in accordance with the schedule contained in the formation document, or as staff determines is needed to accomplish the business of the Body.

Attendance: Meeting attendance is essential to the efficiency of an Advisory Body as it establishes a quorum of the membership and permits the Body to conduct business. Regular and continued attendance allows a Body to progress without the added burden of bringing tardy or absent Advisory Body Members up to speed. Lack of attendance is good cause under City Code to remove an Advisory Body Member.

Attendance Reports Provided to Council: Departmental staff coordinators track attendance and provide reports to the Office of the City Clerk who then provides such to the City Council. This information shall be considered by City Council when an incumbent applies for re-appointment, or for a current member's removal.

Agenda: City staff prepare agendas in consultation with the Advisory Body's Chair. It is staff's role to ensure the agenda is prepared and publicly posted in accordance with the Brown Act and City's sunshine law. Staff will bring issues to the Body relevant to the Body's scope of authority. Issues outside the Body's scope may not be agendized for consideration. Agendas must be posted no less than 72 hours prior to the date/time of meeting.

Format of Meeting: The format and flow of the meeting is based on the structure of the agenda. The Chair will call a meeting to order once a quorum of members is present, staff will call for attendance, announcements are made, and the agenda is followed in order of the listed business. An Advisory Body typically hears non-controversial and administrative items under a "consent" section where several items are approved by one motion. The agenda may also include reports presented by staff for receipt, review, or action; or hearings that provide for fact finding and testimony.

Public Speakers: All public speakers shall complete and submit a speaker slip to the department staff coordinator who is managing the meeting. Body's may follow the speaker limit as contained in the Council's rules or procedures or as recommended by the department staff coordinator. The department staff coordinator or Chair may manage and call up speakers depending on individual preference with that activity.

Officer Election: On an annual or as needed basis, Advisory Body members vote to select a Chair and Vice-Chair to lead the proceedings and coordinate with staff. This is done as a scheduled item on the agenda.

Duties of the Chair: The Chair shall preside at all meeting and ensure that the work of the Body is accomplished. To this end, the Chair must exert sufficient control of the meeting to eliminate irrelevant, repetitious, or otherwise unproductive discussion. At the same time, the Chair must ensure all viewpoints are heard and considered in a fair and impartial manner. In general, the Chair also assists in creating the agenda, and represents the Body before the City Council (with approval). The Chair may speak to the press on behalf of the Body if given that authority by the department. The Vice-Chair shall preside in absence of the Chair.

Parliamentary Procedure: The City Council has adopted Rosenberg's Rules of Order as the standard procedure for meetings. These rules follow a simplified version of parliamentary procedure rather than the traditional Robert's Rules of Order which are unnecessarily complex for the City's needs. The presiding officer and all members are expected to follow this format.

Establishing a Quorum: A quorum (majority) of the Body's members must be present to hold a meeting. It is important to recognize that the quorum may change depending on the number of officially seated members or may be specifically set in the formation document. If a quorum is not met, the meeting shall be cancelled.

Lack of Quorum: City staff will attempt to contact Advisory Body Members via a "quorum call" to determine if absent members will be present. Staff may officially cancel a meeting if a quorum is not established within 30 minutes of the meeting start time.

Notice of Absence: Advisory Body Members must provide the department staff coordinator with “direct and confirmable” notice of absence no less than 24 hours prior to the meeting. Lack of notification is considered an unexcused absence and may result in removal.

Making Motions: After staff has presented an action item, public comments have been provided, and Advisory Body Members have asked questions, an Advisory Body Member may make a motion to pass the item as presented or present a modified motion that better reflects what appears to be in alignment with the open discussion of the item. The first verbal supporter or maker of a motion shall moved the item to officially place the motion on the table for discussion.

Supporting Motions: Once a motion has been stated, and before voting may take place, the motion must be officially supported. This is done by another Advisory Body Member stating “second” in support of the stated motion. If another Advisory Body Member does not “second” the motion, the motion is mute, and discussion shall continue until a new motion is made.

Number of Affirmative Votes Need to Pass Item: The rules for the Advisory Body may specifically set the number of affirmative votes needed to pass an item. If not, the votes needed is a majority (at least half) of the members present and qualified (or eligible) to vote.

Voting: All actions taken by Members are based on a majority (or set number) of votes of Advisory Body Members present, provided a quorum exists. During voting, each member must state yes, no, or abstain as the voting position.

Abstentions: An abstention is a “no position” vote that is used when a member has an unwavering bias with an issue. Advisory Body Members have the right to “abstain” in place of a yes or no vote. However, it is important to recognize that this vote would likely hinder the passage of an item. The City discourages Advisory Body Members from abstaining as a method of voting as it is the City’s expectation that Advisory Body Members commit to making decisions for the greater good, even when personally difficult for the Advisory Body Member.

Recusal: A statement of an actual personal financial conflict with an agendized issue. A recusal is stated openly to the public at the start of the item (or at beginning of meeting) with a general description of the financial conflict. This information is recorded in the meeting minutes. The Advisory Body Member shall completely exit the hearing room for the duration of the item. For specifics, refer to the “conflict of interest disqualification” section of this manual.

Tie Vote: A tie vote fails a motion.

Action Minutes: The City prepares minutes in action-only format. This includes, but is not limited to, the time a meeting started and ended, members present, how each Advisory Body Member voted, changes entered into the record, motion language that is modified from the presented recommendation, and general direction given to staff.

Ad Hoc Committees: The purpose of an ad hoc is to review and analyze a specific subject and bring the information back to an Advisory Body. This advances the collective knowledge of the Body faster than could be accomplished over a series of regularly scheduled meetings. An Ad Hoc is for a temporary duration and is dissolved upon completion.

Meeting Recordings: Meetings are video recorded live and preserved for later viewing. Live and playback recordings are located on the City’s website. Be mindful of the fact that the Council Chamber is prepped for recording. Anytime you are in the meeting room consider it “hot” and that anything you say may be heard by the public.

Meeting Security: If a meeting agenda contains a controversial issue with expected public protest, City department staff will ensure that additional building security is arranged. This is typically reserved for the City Council meetings but could be needed for any Advisory Body meeting.

Administration: City department staff will work with Advisory Body Members to establish City email accounts, order business cards, communicate how agenda materials are delivered, where to park, and on other general issues.

IX. Training and Resources for Ethical, Open, Public, and Transparent Government

The Political Reform Act

<https://www.fppc.ca.gov/the-law.html>

Open and Public: The Ralph M. Brown Act

<https://www.cacities.org/Resources-Documents/Resources-Section/Open-Government/Open-Public-2016.aspx>

Rosenberg’s Rules of Order: Parliamentary Procedure

<https://www.cacities.org/UploadedFiles/LeagueInternet/77/77d4ee2b-c0bc-4ec2-881b-42ccdbbe73c9.pdf>

Council Rules of Procedures

[City Clerks Office upon request](#)

The ABCs of Open Government Laws

<https://www.ca-ilg.org/abc>

Institute of Local Government

<https://www.ca-ilg.org/newly-elected-officials-orientation-materials>

A Public Official’s Conflict of Interest Checklist

https://www.ca-ilg.org/sites/main/files/file-attachments/ethics_booklet_final_0_0.pdf?1603828927

Chairing a Meeting

https://www.ca-ilg.org/sites/main/files/file-attachments/understanding_the_role_of_chair_nov_2012_3.pdf?1396626970

Tips for Promoting Civility in Public Meetings

https://www.ca-ilg.org/sites/main/files/file-attachments/tips_for_promoting_civility_in_public_meetings_3.pdf?1395441954

Martinez Meetings and Agendas:

[Meetings and Agendas | Martinez, CA \(cityofmartinez.org\)](#)

City Advisory Bodies:

[Commissions and Committees | Martinez, CA \(cityofmartinez.org\)](#)

City Departments and Offices:

[Departments | Martinez, CA \(cityofmartinez.org\)](#)

CITY OF •



• CALIFORNIA

MARTINEZ PLANNING COMMISSION

RULES OF PROCEDURE

APPROVED: March 16, 1971

Barry E. Whittaker
Barry E. Whittaker,
Secretary

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P R E A M B L E

These "By-Laws, Rules of Procedure and Administrative Data" were adopted by the City of Martinez Planning Commission as a policy guideline on March 16, 1971.

1.0 COMMISSION CREATION, TITLE AND AUTHORITY.

- 1.1 CREATION - The Martinez Planning Commission is created under Section 2700 of the Martinez Municipal Code.
- 1.2 TITLE - This body officially shall be known as the "Martinez Planning Commission." The terms "Planning Commission" and "Commission" where used herein also shall refer to and mean this Commission.
- 1.3 POWERS AND DUTIES - The powers and duties of the Martinez Planning Commission are as set forth in Title X of the Municipal Code, the Conservation and Planning Act and the Subdivision Map Act of the State of California.



2.0 INITIATING AN AGENDA ITEM

While the Commission has the authority on its own initiative to discuss and/or act on any matter within its statutory authority, the normal procedure for initiating an item for Commission consideration is as set forth in the zoning and subdivision regulations of the City of Martinez. The following is a simplified summary for information purposes only:

- A. Submission of Application - any person, group or firm having a sufficient interest may make application for Planning Commission action by submitting proper application forms and all related material and fees specified at the office of the Planning Department, City Hall, Martinez, California.
- B. Deadlines - all applications must be submitted to the Planning Department in accordance with the deadlines that are available from that office.
- C. Incomplete Submittals - Incomplete submittals will not be considered as filed and will not qualify for placement on an Agenda.
- D. Pre-Application Assistance - the Staff is available for pre-application review and assistance to the applicant. This shall not be interpreted as meaning that the Staff will prepare any of the required applications or documentation.



3.0

ACENDAS

- 3.1 CALL TO ORDER - Meetings shall be called to order by the Chairman or, in his absence, the Vice Chairman. If both are absent, the Commission shall select a Chairman Pro Tem.
- 3.2 REGULAR MEETINGS - Business shall be conducted in the following order:
- A. Roll Call - The Secretary shall record the attendance.
 - B. Minutes - The Chairman may call for approval of the Minutes as submitted when copies are provided each Commission member, may have the Minutes read or, upon motion, dispensed with.
 - C. Assent Agenda - Items marked (A) on the Agenda are considered to be non-controversial and will be enacted in one motion at the beginning of the meeting. No discussion will take place on any of these items, prior to Commission action, unless a member of the Commission, Staff or the public indicates a desire to speak on one of the items, and requests that the item be removed from the Assent Agenda. Persons wishing to discuss any Assent Item should, upon the invitation of the Chairman, come forward to the lectern and state his name, address and the Assent Agenda number. Items which are being continued, with the consent of the applicant, will also be considered on the Assent Agenda.
 - D. Zoning and/or Zoning Amendments
 - E. Use Permits
 - F. Variances
 - G. Subdivisions
 - H. Site Plan Review
 - I. Miscellaneous
 - J. Communications - The Chairman may call for general correspondence and communications not relating to specific items scheduled on the Agenda. The Planning Director may report on items which may be of particular interest to the Commission.
 - K. Commission and/or Staff Items - At the discretion of the Chairman, any Commission member, Staff member or consultant to the Commission may discuss any planning or procedural matters within the Commission's authority.



- 3.3 SPECIAL MEETINGS - Business shall be strictly limited to those items set forth in the call for and notice of the meeting.

Items D, E, F, & G shall be introduced by the Chairman and:

1. To the extent necessary, the Planning Director shall state the facts; explain the action requested in relation to existing zoning; existing land use; the General Plan and other related considerations; and present Staff recommendations.
2. The applicant and/or his representative shall present his proposed plans.
3. Interested parties shall have an opportunity to make one presentation and shall appear in the following order:
 - a. Those in favor or who, not having made up their minds, seek further factual information.
 - b. Those opposed.
 - c. Rebuttal at the discretion of the Chairman.
 - d. The Commission shall take action.



4.0 NOTIFICATION

4.1 PUBLIC HEARINGS - Notice of the time, place, action and reason shall be given in accordance with the requirements of the City Code and State Law.



5.0 PRESENTATIONS BEFORE THE COMMISSION

5.1 DECORUM - If you wish to make a statement or ask a question:

- A. Please come to the podium; state your name and address into the microphone.
- B. Speak into the microphone so that all present in the Chambers may hear what you say and so that the tape recording of the meeting will clearly reflect what you say.
- C. Address all statements and questions to the Chairman of the Commission unless given permission by him to do otherwise.
- D. Be courteous in language and deportment.
- E. Commission members, Staff and witnesses should avoid remarks alluding to the personality, motivation, character, color or ethnic background of other persons.

5.2 EVIDENCE

- A. Admissible Evidence - Only relevant and proper evidence shall be received.
- B. Petitions - Shall be submitted to the Secretary. Normally, unless requested by the Commission, petitions will not be read in full nor will the number of signatures on voluminous petitions carry undue weight. The distance relationship of those who sign a petition to the applicant is more important than a volume of signatures from people who are too remote to be affected. However, petitions are the weakest kind of evidence (unless the petitioners are present to support their point of view and answer questions) because the uncontrolled and often emotionally pressured circumstances under which signatures are obtained, leaves serious question as to whether those who sign the petition actually are of that point of view. Frequently, people who have signed a petition will then phone the Planning Department to say that they did so in order to remain on good terms with their neighbor, but they want the Commission to know that they do not agree with the petition that they signed.



5.3 LIMITATIONS - The Chairman shall have the power to fix reasonable limits to the length and frequency that witnesses may appear:

- A. Where large numbers of people are present representing the same view, often it reasonably appears that the view has been expressed and that remarks are becoming repetitious. The Chairman may ask all present who are of that same opinion to stand and be noted. Thereafter, witnesses will be limited to those representing substantially different points of view.
- B. Relevancy - The Chairman may interrupt a witness and instruct him to redirect his remarks or cause him to terminate his remarks when they are not relevant to the matter before the Commission.

5.4 QUESTIONS AND DISCUSSION

- A. By Commission Members and Staff - In order at any time at the pleasure of the Chairman.
- B. By Others - With the approval of the Chairman.
- C. Rebuttal - The Chairman shall provide reasonable opportunity to both proponents and opponents. Usually each side will be limited to one rebuttal. Rebuttal may be permitted at the discretion of the Chairman.



6.0 PUBLIC HEARINGS

6.1 PRESENTATION PROCEDURE - Formal rules of evidence or procedure which must be followed in court need not be applied in any matter. The Hearing ordinarily will be conducted in the following order:

- A. Hearing Opened - The Chairman shall declare the hearing opened.
- B. Factual Explanation and Related Correspondence - The Planning Director shall state the facts, explain the action requested, the pertinent considerations (which may include but not be necessarily limited to zoning, land use and the General Plan), and shall present the Staff recommendations.
- C. Applicant and/or his Representatives - An applicant, or his representative, should be present at the time of the Planning Commission consideration of his request. Should the applicant, or his representative, not be present, and should the need for the applicant to present information or respond to questions arise, the Commission may elect to continue the item to the following meeting, or may elect to deny the request without prejudice.

On major projects, the applicant or his representative should present the site plan, architectural renderings, model of the development--if required--and explain the development concept.

- D. Those in favor, or who, not having made up their minds seek further factual information.
- E. Those Opposed.
- F. Rebuttal - All questions to the Planning Commission members or Staff shall be addressed through the Chair.

6.2 CLOSE OF HEARING - When witnesses have been heard and no new information is being presented, the Chairman shall declare the Hearing closed unless the Commission, by majority vote, continues the Hearing to a subsequent time and date, or reopens the Hearing.

6.3 ACTION - After the close of the Hearing, the Commission may act on the application, or may continue the matter.



7.0 STANDING RULES

7.1 QUORUM - At any meeting of the Planning Commission, a quorum shall consist of four of the appointed members of the Commission. No action shall be taken in the absence of a quorum, except that those members present shall be entitled, by motion, to adjourn the meeting to another date.

7.2 VOTING

A. One vote per member - The Chairman, Vice Chairman and each member shall be entitled to cast one vote. The Chairman shall cast his vote last.

B. Proxy votes - No proxy votes are permitted.

C. Roll Call - Voting shall be by voice or roll call. Where there is not a unanimous voice vote, the vote shall be repeated by roll call.

D. Disqualification from voting

1. In the event that any Commission member present shall have a conflicting personal interest of any kind in a matter then before the Planning Commission, he shall be disqualified from voting upon the matter and the Secretary shall so record in the Minutes that no vote was cast by such member.

2. In the event that any member did not attend the entire Public Hearing on a given matter, he or she shall be disqualified from voting upon the matter, and the Secretary shall so record in the Minutes that no vote was cast by such member, unless such member announces at the commencement of the meeting at which a decision is to be made that he or she has done the following:

(a) reviewed the Secretary's official tape recording of that portion of the meeting or meetings pertaining to the issue under consideration from which such member was absent.

(b) reviewed all correspondence, Minutes and reports distributed to the Commission either prior to or during the meeting or meetings from which such member was absent. (Amended: November 13, 1984)

7.1

- E. A Majority Vote of the members present shall be necessary for the adoption of any proposed action, resolution or other voting matter except where otherwise set forth in these Rules of Procedure.
- F. Tie Votes - Tie votes shall be recorded as a failure of action to pass. A tie vote on a motion defeats the motion.
- G. Continuation for a Full Commission - In the absence of a full Commission, the applicant may elect, prior to the opening of the Public Hearing, to have consideration of his item continued until the next regular meeting. If a full Commission is not present at the next regular meeting, the applicant may again elect to have this item continued.

7.3 SIGNATURE

- A. Minutes shall be signed by the Chairman and the Secretary, or his staff.

7.4 PROCEDURAL QUESTIONS - the Secretary shall rule on all procedural questions.

7.5 SUSPENSION OF RULES - The Commission may suspend any of these rules by a unanimous vote of the members present.

7.6 AMENDMENTS - An Amendment to these Rules may be introduced at any regular meeting but it may not be acted upon until the next regular meeting thereafter.

7.7 PARLIAMENTARY PROCEDURE - Except when otherwise provided for in these rules of Procedure, Roberts Rules of Order shall be the guide for the conduct of business at Planning Commission meetings.

8.0 MEETINGS

- 8.1 REGULAR MEETINGS** - Regular meetings of the Planning Commission shall be held in the Council Chambers or Conference Room, as may be scheduled, of City Hall, 525 Henrietta Street, Martinez, California at 8:00 p.m. on the first and third Tuesdays of each month. At such meetings shall be considered all matters properly on the Agenda, as set forth in Section 3.0 of these Rules of Procedure, except as follows:
- a. An agenda filing date shall be maintained such that items routinely filed for Planning Commission consideration shall come before the Planning Commission for hearing at the Regular Meeting on the third Tuesday of each month. This meeting shall be considered a Regular Agenda meeting and shall be devoted primarily to regular business.
 - b. The agenda for the regular meeting on the first Tuesday of each month shall be controlled, and shall contain hearings on only those items which the Planning Commission or Planning Director has determined require special attention, and for which a time delay could have a significant adverse effect on the proposed project. This meeting shall be considered a Controlled Agenda meeting and shall be devoted primarily to Work Session items as may be possible.
- 8.2 SPECIAL MEETINGS** - Special meetings may be called by the Chairman, or four members of the Planning Commission. The Secretary shall immediately notify the other members of the Commission, the City Manager and comply with the Ralph M. Brown Act.
- 8.3 WORK SESSIONS** - Regular Work Sessions of the Planning Commission shall be held on the first and third Tuesdays of each month, following the close of the regular meeting, and in the same location as the regular meeting, per Section 8.1 above.
- 8.4 ELECTION OF OFFICERS** - Election of Chairman and a Vice-Chairman shall be held at the regular meeting in June of each year. The Chairman and the Vice-Chairman shall take office in July and serve for the ensuing year.
- 8.5 MEETINGS ON HOLIDAYS** - When a regular meeting falls on a holiday, the meeting shall be held on the following Tuesday.
- 8.6 CANCELLATION OF MEETING** - Whenever reasons exist, lack of a quorum, no business for Commission consideration or other good and valid reason, a meeting may be cancelled by the Chairman. Such cancellation may be made at any time prior to the meeting, but every attempt shall be made to notify all involved parties, including the general public, at the earliest time.

9.0 MEMBERS, OFFICERS AND STAFF

9.1 MEMBERS - The Martinez Planning Commission consists of seven members appointed by the Mayor with the approval of the City Council (Section 2700). The terms of the Commission members is four years with a staggered expiration such that over a four year period one expiration occurs in the first year, two in the second year, two in the third year and two in the fourth year.

Terms of office of Planning Commissioners shall expire on June 30 of the last year of the term of appointment. No individual may serve more than two consecutive terms on the Commission. (Council Policy adopted May 3, 1967).

A. Vacancy - members: Should any vacancy occur among the members of this Planning Commission other than by expiration, the Mayor, with the approval of the Council, shall fill the vacancy by appointment for the unexpired portion of the term.

B. Vacancy - Chairman or Vice Chairman: Should the Chairman or Vice Chairman cease to be members of the Commission, the remaining members shall elect a Chairman or Vice-Chairman at the second regular meeting thereafter, by a majority vote of members present, providing there is a quorum. The officer so elected shall serve for the unexpired portion of the term of office.

C. Attendance - (City Council Resolution #92, 1971 Series)

1. Consecutive meetings - Commissioners should not miss more than two consecutive meetings (either regular or special) except under special or unusual circumstances, wherein the Commissioner has been excused by the Chairman of the Commission for bonafide reasons, which should be reflected in the Minutes of the Commission meeting.
2. Continuing Attendance - Commissioners should attend at least 80% of all Commission meetings (regular and special), within each and every 12-month period.
3. Commissioners who will be absent from the City for a period exceeding one month should request a leave of absence from the Commission Chairman in advance of departure.



4. Attendance policies for Commission Work Session or Study meetings, if required, should be made by each Commission, who are more familiar with the degree of participation required.
5. In the event a Commission member misses one or more meetings, the Commissioner should make a special effort to familiarize himself with the discussions and actions of the Commission meeting(s) he missed.



9.2 **ADVISORY OFFICERS** - The City Manager, City Attorney, City Engineer and the Planning Director shall act as advisors to the Martinez Planning Commission. They do not have the power to vote and their terms correspond to their respective official tenure.

9.3 **OFFICERS** - Officers of the Commission shall consist of a Chairman, Vice Chairman and Secretary. The Chairman and Vice Chairman shall be elected by the Commission at the June meeting by plurality vote, providing there is a quorum present. The Secretary shall be the Planning Director of the City of Martinez and his term shall correspond to his official tenure.

A. The Chairman shall: Preside at all meetings and hearings of the Commission; call Special meetings in accordance with these Rules of Procedure; appoint committees and act as an ex-officio member of all committees so appointed; and sign documents in accordance with these Rules of Procedure and as prescribed by City Code or State Law. He may represent the Commission before the City Council or appoint other members to do so.

B. The Vice Chairman shall: Perform all of the duties of the Chairman in case of his absence or disability and shall perform such other duties as may from time to time be assigned by the Chairman.

C. The Chairman Pro Tem shall: Perform all the duties of the Chairman in the absence of the Chairman and the Vice Chairman.

D. The Secretary shall:

1. Keep a true and correct record of all proceedings of the Commission.

2. Have custody of all records of the Commission.

3. Produce, distribute and certify copies of or extracts from the Minutes and records of the Commission.

4. Sign Minutes on behalf of the Commission as set forth in Section 7.3.

5. Give and serve all notices required by law including public hearings.

6. Attend to all official correspondence and communications of the Commissions.

7. Serve as Parliamentarian and rule on procedural matters.



- E. The Secretary Pro Tem: The Secretary may appoint a member of his Staff as Secretary Pro Tem and he shall perform all the duties of the Secretary in the absence of the Secretary.

9.4 STAFF

- A. Planning Director - The Planning Director of the City of Martinez, in addition to serving as Secretary to the Commission, shall be responsible for providing the Commission with the necessary professional, technical and clerical services, among which shall be the following:
1. Prepare and submit the Agenda and Staff Reports.
 2. Administratively process all applications.
 3. To the extent necessary introduce and factually explain each item at Commission meetings.
 4. Present professional planning recommendations to the Commission and the City Council.
 5. Utilize the services of all City Officials, City Departments and other public sources of information on behalf of the Commission.
 6. Represent the Commission before the City Council at all times except when the Chairman or a member designated by the Chairman is representing the Commission. However, when the official position of the Commission is contrary to the professional advice of the Planning Director, the Director shall notify the Chairman if he feels that a conflict of interest exists. In such instances, the Chairman or a member appointed by him shall represent the Commission on the matter and the Planning Director shall be free to express his professional view after clearly identifying that he is not representing the views of the Commission.





CITY OF MARTINEZ
525 Henrietta Street,
Martinez, CA 94553

Planning Commission Staff Report
Meeting Date: **January 24, 2023**

Date: January 24, 2023

To: Planning Commission

From: Michael P. Cass, Planning Manager

Prepared by: Isabelle Loh, Contract Planner

Subject: **Mangia Bene Restaurant Conditional Use Permit, 22PLN-0079** – Conduct a public hearing on a conditional use permit (ABC Type 41) to allow the sale of distilled spirits for one-site consumption at a full-service restaurant (ABC Type 47), located at 1170 Arnold Drive in the Neighborhood Commercial (NC) zoning district, Assessor’s Parcel No. 377-112-018-9. Restaurants serving beer and wine are a permitted use pursuant to Martinez Municipal Code Section 22.16.040.

Environmental Review: The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Section 15301, Existing Facilities, as there is no potential for the proposed use to cause a significant impact on the environment.

Recommendation

Adopt the attached Draft Resolution, approving a conditional use permit (CUP) for Mangia Bene Restaurant (Planning Application No. 22PLN-0079), subject to conditions of approval.

Background

Site Description

The subject site is an approximately 2,244 ft² tenant space within a commercial center, located opposite the Village Oaks Shopping Center at the junction of Arnold Drive and Morello Avenue. The site is currently occupied by Mangia Bene, a full-service authentic Italian restaurant. There are currently seven off-street, non-metered parking spaces and two accessible parking spaces along the frontage of the building where the restaurant is located.

An aerial of the subject site and image of the surroundings are shown in Figures 1 and 2.

Surrounding Land Uses

North: Village Oaks Shopping Center
South: John Muir Parkway
East: Other Commercial Businesses/Services (e.g., convenience store, thrift store)

West: Other Commercial Businesses/Services (e.g., fast food store, martial arts center)

Figure 1 – Aerial Photo

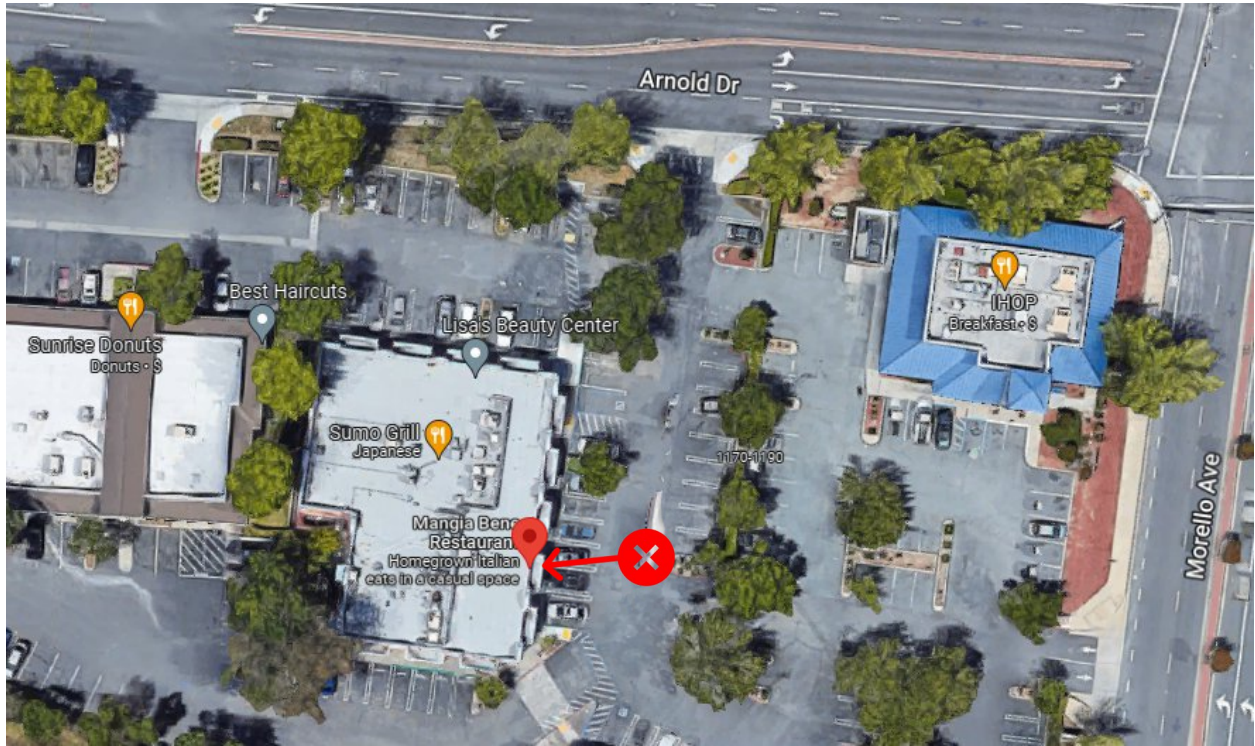


Figure 2 – View of Subject Site From 'X'



Proposed Site Use

Mangia Bene is a table-service Italian restaurant serving contemporary Italian cuisine and drinks, including beer and wine. Restaurants serving beer and wine are a permitted use pursuant to Martinez Municipal Code (MMC) Section 22.16.040. The applicant proposes to add service of distilled spirits for on-site consumption with the approval of this CUP and approval of a Type 47 license from the California Department of Alcoholic Beverage Control.

The restaurant is located approximately four miles from Downtown Martinez and operates seven days a week, between 11 a.m. to 8:30 p.m.

According to the applicant, they are undertaking the process of acquiring the liquor license at the request of their customers. The alcohol service intends to enhance the customers' dining experience and generate additional revenue. The restaurant provides limited bar seating and maintains an early evening closure to limit potential impacts on surrounding businesses and properties.

The applicant estimates approximately 50 daily customers who primarily arrive by vehicle. A total of eight staff will man the kitchen and bar.

Discussion

General Plan Consistency

On November 2, 2022, the City Council of Martinez adopted the 2035 General Plan. The subject site has a 2035 General Plan land use designation of Neighborhood Commercial (NC).

The NC land use designation allows for retail and other services which meet the day-to-day needs of residents, including businesses typically found in neighborhood shopping centers. Approval of this CUP for 1170 Arnold Drive would be consistent with the General Plan's goals, namely Goal LU-G-4 and Goal LU-G-11.

Goal LU-G-4 aims to "preserve historic character throughout the City of Martinez by preserving the distinctive character of residential and commercial districts" whereas Goal LU-G-11 aims to "promote retention of existing businesses and attract new businesses."

The proposed use is consistent with these goals, in that it is an existing local restaurant, operating for 27 years, and is looking to expand its beverage service offerings while maintaining the design and character of its existing structure.

John Muir Parkway Specific Area Plan

The subject site is also located within the John Muir Parkway Specific Plan study area. Approval of the proposed use would be consistent with the Specific Plan's policies, including:

- Policy 33.322: "Neighborhood commercial centers should be designed also to serve social needs of the community by providing a strong community focus through a well-planned building and site design program, tenant program, provision of amenities, neighborhood communication facilities, and space for group activities, which in total, fosters community interaction and community affairs."
- Policy 33.323: "A desirable tenant program for the neighborhood retail center would include: a large grocery store and discount drug type store; mall tenants such as...restaurants and other food and catering services..."

The proposed CUP would expand the offerings of an existing restaurant in a neighborhood retail center that works with community leaders and business organizations to maintain the peace and character of the community. Additionally, the restaurant is a neighborhood affair that has been providing services to the community for over 20 years. As such, the business maintains its value as a desirable tenant while fostering community interaction and community affairs.

Zoning Compliance

The subject site is located within the Neighborhood Commercial (NC) zoning district. The purposes of the Commercial Districts are *“to provide appropriately located areas for ... service establishments ... offering various ranges of commodities and services scaled to meet the needs of the different geographical areas and various categories of patrons they serve.”*

Pursuant to MMC 22.16.050, restaurants serving beer and wine only, are a permitted use in the Neighborhood Commercial zoning district. Pursuant to MMC 22.16.080.E, approval of a CUP is required to allow on-site alcoholic beverage sales operated in conjunction with a bona-fide public eating place. A bona-fide public eating place provides meals, which are prepared on-site in a full commercial kitchen conforming to all current requirements of the Contra Costa County Health Services Department, the MMC, and the City Building Official, but not including restaurants serving only beer, wine or both beer and wine.

Pursuant to MMC Section 22.16.080(E), the project will be conditioned to maintain conformance to all current requirements of the Contra Costa County Health Services Department, the MMC, and the City Building Official. The applicant has submitted a certificate of inspection (Attachment B) indicating current compliance with health and safety requirements.

The project has been routed to the City’s Building Department and no concerns have been raised. With the approval of the CUP, the proposed use would comply with the applicable requirements of the City’s Zoning Ordinance.

Development standards, such as setbacks, height, and landscaping, do not apply to this project as no construction activities are proposed.

Alcohol License Concentration and Police Department Review

According to the Martinez Police Department, there are no comments or issues regarding alcohol license concentration or any other health/safety concerns.

Required Findings

In order to approve a CUP, the Planning Commission must make findings as required by MMC Section 22.40.070:

1. The proposed location of the conditional use is in accord with the objectives of the Title 22 (Zoning), and the purposes of the district in which the site is located.
2. The proposed location of the conditional use and the proposed conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity; and
3. The proposed conditional use will comply with each of the applicable provisions of the Title.

The recommended findings are included as part of Draft Resolution 23 -XX (see Attachment A, Exhibit A). The Draft Resolution also incorporates the recommended conditions of approval for the project (see Attachment A, Exhibit B). Key conditions include requiring the business to comply with the requirements of MMC Chapter 8.34 – Noise Control and comply with County Health standards.

Public Hearing Notice

On January 13, 2023, a public hearing notice was published in the Martinez Gazette; was posted at City Hall; and was mailed via first class or electronic mail to the applicant, property owner(s), owners of property located within 300 feet of the subject site, local service agencies whose services might be affected by the project, and individuals who had previously filed written request for such notice.

Environmental Review

The subject site is not located within an environmentally sensitive area. The subject site is a developed restaurant space where there are no environmental resources of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies. There are no projects in the area which could result in cumulative impacts of the same type in the same place. The subject site is not within an officially designated state scenic highway, as there are no state scenic highways located in Martinez. The subject site is not included on any list compiled pursuant to Section 65962.5 of the Government Code for hazardous waste sites. The proposed CUP application will not result in any modifications to a building or site that is historically significant.

Thus, the project is categorically exempt from the requirements of CEQA under Section 15301, Existing Facilities, as there is no potential for the proposed use to cause a significant impact on the environment.

Recommended Action

Adopt Planning Commission Resolution No. 23-XX, approving Planning Application No. 22PLN-0076, subject to the conditions of approval outlined in Exhibit B of the Resolution.

Appeal Period

Within ten calendar days after the date of the decision, the Planning Commission action may be appealed to the City Council.

Attachments

- A. Draft Planning Commission Resolution No. 23-XX with Exhibits
- B. Environmental Health Department Certificate of Compliance

DRAFT RESOLUTION NO. 23-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MARTINEZ, APPROVING A CONDITIONAL USE PERMIT TO ALLOW FULL ALCOHOLIC BEVERAGE SERVICE (DISTILLED SPIRITS) AT A FULL-SERVICE RESTAURANT LOCATED AT 1170 ARNOLD DRIVE AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT UNDER SECTION 15301, EXISTING FACILITIES.

WHEREAS, on November 28, 2022, the City of Martinez received a request for approval of a Conditional Use Permit to allow the sale of distilled spirits for on-site consumption at a full-service restaurant (the Project), located at 1170 Arnold Drive, Assessor's Parcel Number 377-112-018-9, within the City of Martinez; and

WHEREAS, the subject property is located within the Neighborhood Commercial zoning district where a full-service restaurant selling beer and wine only (no distilled spirits) is a permitted use; and

WHEREAS, restaurants providing beer, wine, and distilled spirits for on-site consumption are regulated as set forth in the Martinez Municipal Code (MMC), Title 22 "Zoning," establishing permit requirements; and

WHEREAS, the Planning Commission held a duly noticed public hearing on January 24, 2022 to consider the proposed Project and receive public testimony on the matter and all other substantial evidence in the record; and

WHEREAS, the Planning Commission as part of the public hearing imposed certain Conditions of Approval on the Project (22PLN-0079), outlined in Exhibit B; and

WHEREAS, the Record of Proceedings (Record) upon which the Planning Commission bases its decision regarding the Project includes, but is not limited to: (1) all staff reports, City files and records, and other documents prepared for and/or submitted to the Planning Commission and the City relating to the Project; (2) the evidence, facts, findings, and other determinations set forth in this resolution; (3) the 2035 General Plan and the MMC; (4) all applications, designs, plans, studies, data, and correspondence submitted by the applicant in connection with the Project; (5) all documentary and oral evidence received at public hearings or submitted to the City relating to the Project; and (6) all other matters of common knowledge to the Planning Commission including, but not limited to, City, state and federal laws, policies, rules, regulations, reports, records and projections related to development within the City and its surrounding areas;

NOW, THEREFORE, the Planning Commission of the City of Martinez resolves and finds as follows:

1. That the above recitals are found to be true and constitute part of the findings upon which this resolution is based.

2. The Planning Commission hereby makes the findings outlined in Exhibit A with respect to the Conditional Use Permit as required by MMC Section 22.40.070.
3. The Planning Commission hereby determines the Project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Section 15301, (Existing Facilities) as there is no potential for the proposed use to cause a significant impact on the environment.

NOW, BE IT FURTHER RESOLVED that based on the findings outlined in Exhibit A and the Record as a whole, the Planning Commission hereby adopts this Resolution approving the Conditional Use Permit (22PLN-0079) subject to the conditions of approval attached hereto as Exhibit B and incorporated herein by this reference.

* * * * *

AYES:

NOES:

ABSENT:

ABSTAIN:

I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution duly adopted by the Planning Commission of the City of Martinez at a regular meeting of said Commission held on the 24th day of January, 2023.

BY: _____
Michael P. Cass
Planning Manager

**EXHIBIT A to Planning Commission Resolution 23-XX
Required Findings (Martinez Municipal Code Section 22.40.070)**

- 1. The proposed location of the conditional use is in accord with the objectives of the Zoning Code, and the purposes of the district in which the site is located.**

Facts in Support of Finding: The conditional use permit to allow sale of beer, wine, and distilled spirits (CA Dept of Alcoholic Beverage Control #47, On Sale – General License; Bona-fide Eating Place) is consistent with the intent of the Neighborhood Commercial (NC) District, which is to “to provide appropriately located areas for...service establishments...offering various ranges of commodities and services scaled to meet the needs of the different geographical areas and various categories of patrons they serve.”

The Project is allowed within this zoning designations with a Conditional Use Permit to ensure its compatibility.

- 2. The proposed location of the conditional use and the proposed conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity**

Facts in Support of Finding: The proposed use would be consistent with the established commercial district and would not significantly contribute additional traffic or noise beyond that already associated with the district. Thus, the proposed project will be consistent with surrounding uses and will not be detrimental to public health, safety, or welfare, or be materially injurious to properties or improvements in the vicinity

According to the Martinez Police Department, the project site is not an “over-saturated” area with an excessive number of alcohol-serving establishments, pursuant to the California Department of Alcoholic Beverage Control (ABC) regulations.

- 3. The proposed conditional use will comply with each of the applicable provisions of Title 22 of the Martinez Municipal Code.**

Facts in Support of Finding: The project complies with all other applicable provisions of Title 22 - Zoning of the Martinez Municipal Code.

EXHIBIT B to Planning Commission Resolution 23-XX
CONDITIONS OF APPROVAL

1. **Expiration of Approval:** This approval shall expire in one year from the date on which they became effective (unless extended under condition of approval #2) unless a valid permit from the California Department of Alcoholic Beverage Control is obtained. The effective date of the permit and approval is February 4, 2023.
2. **Extension:** An extension of this permit can be considered if an application with required fee is filed at least 45 days before the original expiration date of February 4, 2024. Otherwise, a new application is required. Extensions are not automatically approved and the City may consider changes in conditions, policies, surrounding neighborhood, and other factors permitted under the law.
3. **Bona-fide Public Eating Place:** At all times, on-sale alcoholic beverage sales shall be operated in conjunction with a bona-fide public eating place, which provides meals, which are prepared on-site in a full commercial kitchen conforming to all current requirements of the Contra Costa County Health Services Department, the Martinez Municipal Code, and the City Building Official, but not including restaurants serving only beer, wine, or both beer and wine.
4. **Noise:** The approved use shall comply with the Martinez Municipal Code Chapter 8.34 (Noise Control).
 - The approved use shall not generate exterior noise levels in excess of 60 dBA during its operation.
 - Amplified music or any amplified sound played outside the facility must cease by 9.30 p.m. daily. The City reserves the right to reduce the decibel threshold deemed necessary by the Noise Control Officer.

The City's designated Noise Control Officer shall enforce the provisions of Martinez Municipal Code Chapter 8.34. The Noise Control Officer shall investigate potential violations and refer evidence of violations to either the Police Department or City Attorney for initiation of legal action (MMC Chapter 8.34.090).

5. **Failure to Conform to Conditions:** If the operator of the approved use makes improvements in accordance with these approvals but fails to comply with any of the Conditions of Approval or limitations set forth in these Conditions of Approval and does not cure any such failure within a reasonable time after notice from the City of Martinez, then such failure shall be cause for revocation or modification of these approvals or any other remedies available to the City.
6. **Successors in Interest:** These Conditions of Approval shall apply to any successor in interest in the property and Applicant shall be responsible for assuring that the successor in interest is informed of the terms and conditions of this approval.

7. **Relevant Ordinances and Regulations:** Nothing contained herein shall be construed to permit any violation of relevant ordinances and regulations of the City of Martinez, or other public agency having jurisdiction.
8. **Indemnification:** The applicant shall defend, indemnify, and hold harmless the City of Martinez, its boards and commissions, officers, employees, attorneys and agents against and from any and all liabilities, demands, claims, actions, or proceedings and costs and expenses incidental thereto (including costs of defense, settlement and reasonable attorneys' fees), which any or all of them may suffer, incur, be responsible for or pay out as a result of or in connection with any challenge to or claim regarding the legality, validity, processing or adequacy of (i) the Planning Commission's decision to approve 22PLN-0079 and any environmental document approved in connection therewith; (ii) the proceedings undertaken in connection with the adoption or approval of this entitlement; (iii) any subsequent approvals or permits relating to this entitlement; (iv) the processing of occupancy permits; and (v) any amendments to the approvals for this entitlement.
9. **Notification Claims/Actions:** The City of Martinez shall promptly notify the applicant of any claim, action or proceeding, which may be filed and shall cooperate fully in the defense, as provided for in Government code section 66474.9. In the event applicant is required to defend the City in connection with any said claim, action, or proceeding, the City shall retain the right to: (i) approve the counsel to so defend the City; (ii) approve all significant decisions concerning the manner in which the defense is conducted; and (iii) approve any and all settlements, which approval shall not unreasonably be withheld. The City shall also have the right not to participate in said defense, except that the City agrees to cooperate with applicant in the defense of said claim, action or proceeding. If the City chooses to have counsel of its own to defend any claim, action or proceeding, and applicant has already retained counsel to defend the City in such matters, the fees and expenses of the counsel selected by the City shall be paid by the City, except that the fees and expenses of the City Attorney shall be paid by the applicant.
10. **Required Conditions – Generally:** No use shall be permitted and no process, equipment, or materials shall be employed which are found by the City Planning Commission to be objectionable to persons residing or working in the vicinity or injurious to property located in the vicinity by reason of odor, fumes, dust, smoke, cinders, refuse, dirt, water-carried wastes, noise, vibration, illumination, glare, unsightliness or heavy truck traffic or to involve a hazard of fire or explosion.
11. **Required Conditions—NC and CC Districts:** In the NC and CC Districts all businesses, services, and processes shall be conducted entirely within a completely enclosed structure, except for off-street parking and loading areas, gasoline service stations outdoor dining areas, nurseries, garden shops, and Christmas tree sales lots. A use not conducted entirely within a completely enclosed structure, on a site abutting on or across a street or alley from an R

District or a PA District shall be screened by a solid masonry wall, board fence, or compact evergreen hedge not less than six feet in height if found by the City to be unsightly.

COUNTY OF CONTRA COSTA ENVIRONMENTAL HEALTH DIVISION

PASS

MANGIA BENE TRATTORIA ITALIANA

FACILITY NAME

1170 ARNOLD DR., MARTINEZ

FACILITY ADDRESS

This facility was inspected in accordance with the California Health & Safety Code and has passed the inspection conducted on:

11/1/22

Date

by

T. BANG

Environmental Health Specialist

A copy of the most recent inspection report is available for review upon request at this location. Searchable inspection information is available at



cchealth.org/eh, or use the QR code to download our free Restaurant Inspection app.



Jocelyn Stortz

Jocelyn Stortz, MS, REHS Environmental Health Director Contra Costa County

PREVIOUS INSPECTION

Results of previous inspection conducted on: 6/7/22

Date

PASS

CONDITIONAL PASS

CLOSURE

For further information contact Contra Costa Environmental Health at 925-608-5500



THIS PLACARD IS THE PROPERTY OF CONTRA COSTA ENVIRONMENTAL HEALTH AND SHALL NOT BE REMOVED, COPIED OR ALTERED IN ANY WAY



Date: January 24, 2023
To: Planning Commission
From: Michael Chandler, City Manager
Prepared by: Michael P. Cass, Planning Manager
Subject: **Employee Introductions**

Recommendation

Welcome the new City of Martinez Staff members.

Background

New City of Martinez Staff members, Planning Manager Michael P. Cass and Associate Planner Daniel Gordon, will be introduced.

Attachments

None



Planning Commission

January 24, 2023

Mangia Bene Restaurant

Conditional Use Permit – Full Alcohol Service

22PLN-0079

Site Location

- 1170 Arnold Drive
- Opposite Village Oaks Commercial Center





Store Frontage

- **General Plan and Zoning:** Neighborhood Commercial
- **Existing Use:** Full-service Italian restaurant
- **Hours:** 11:00a.m. – 8:30 pm daily

Site Photos



- Seven bar seats
- Customers request for liquor license (ABC Type 47)
- Staff: Kitchen and Bar (8)



Interior (Entrance & Bar)



General Plan (Land Use)

- **Goal LU-G-4:** To preserve historic character throughout the City of Martinez by preserving the distinctive character of residential and commercial districts
- **Goal LU-G-11:** To promote retention of existing business and attract new businesses



John Muir Parkway Specific Area Plan – Commercial Land Use

- **Policy 33.322:** “... serve social needs of the community..., fosters community interaction and community affairs.”
- **Policy 33.323:** “a desirable tenant program ... would include: ... restaurants and other food and catering services; ...”



Zoning – Neighborhood Commercial (NC) District

- MMC 22.16.040
 - Permitted Use: Beer and wine only
- MMC 22.16.080.E
 - Approval of CUP required for:
 - On-site alcoholic beverage sales
 - Operated in conjunction with a bona-fide public eating place

Discussion



Review By:

- Building
- Contra Costa County Health Services Department
- Police Department



Findings Required	
MMC 22.40.070.A Conditional Use Permit	
In accord with objectives of title, and purposes of the district	✓
Will not be detrimental to public health, safety, or welfare	✓
Will not be materially injurious to properties or improvements in the vicinity	✓
Complies with all applicable provisions	✓



- Categorically exempt
 - Section 15301 (Existing Facilities)
 - Will not result in changes to the existing structure and involves negligible or no expansion of use beyond that existing at the present time

Recommendation



Adopt the Draft Resolution, approving a conditional use permit for Mangia Bene Restaurant, subject to the conditions of approval.



Questions?
