



**Planning Commission
Regular Meeting**

**Tuesday, June 11, 2024, 7:00 P.M.
Minutes**

Participate In-Person:

**San Rafael City Council Chambers
1400 Fifth Avenue, San Rafael, CA 94901**

or

Participate Virtually:

Watch on Webinar: <https://tinyurl.com/Planning-Commission-24>

Watch on YouTube: <http://www.youtube.com/cityofsanrafael>

Telephone: 1 (669) 444-9171

Meeting ID: 840 9897 7308#

One Tap Mobile: US: +16694449171, 84098977308#

CALL TO ORDER

Chair Haveman called the meeting to order at 7:02 PM. He then invited Planning Manager Margaret Kavanaugh-Lynch to call roll.

RECORDING OF MEMBERS PRESENT AND ABSENT

PRESENT: ALDO MERCADO, COMMISSIONER
SHINGAI SAMUDZI, COMMISSIONER
JILL RODBY, COMMISSIONER
SAMINA SAUDE, COMMISSIONER
JON HAVEMAN, CHAIR

ABSENT JON PREVITALI, COMMISSIONER

ALSO PRESENT: MARGARET KAVANAUGH-LYNCH, PLANNING MANAGER
MICAH HINKLE, COMMUNITY AND ECONOMIC DEVELOPMENT
SERVICES DIRECTOR

APPROVAL OR REVISION OF ORDER OF AGENDA ITEMS

Chair Haveman asked if there are any changes to the order of the Agenda.

No changes were made to the order of the Agenda.

PUBLIC NOTIFICATION OF MEETING PROCEDURES

Chair Haveman stated that members of the public may provide comments with a time limit set by the Planning Commission and continued to provide directions on how to provide public comments and to participate in the meeting.

The Planning Manager provided instructions on how to provide public comments in-person or through the Zoom platform.

ORAL COMMUNICATIONS FROM THE PUBLIC

Chair Haveman provided instructions on how members of the public who have urgent communication on topic(s) not on the agenda and wish to address the Planning Commission. Chair Haveman set the time limit for three minutes and invited members of the public to provide testimony.

No speakers provided public testimony.

CONSENT CALENDAR

1. No items on the consent calendar.

ACTION ITEMS

1. **The San Rafael Planning Commission will meet to consider an ordinance amending Titles 2, 14 and 15 of the San Rafael Municipal Code to eliminate the Design Review Board and transfer existing duties of the Design Review Board to other decisionmakers. The Planning Commission will make a recommendation to the City Council regarding the ordinance.**

Project Planner: Margaret Kavanaugh-Lynch, Planning Manager

Recommended action: *It is recommended that the Planning Commission:*

- (1) Convene a public hearing and take testimony from all interested parties.*
- (2) Discuss and consider the Staff report, testimony and ask questions of the staff, as needed.*
- (3) Approve the Resolution to recommend that the City Council:*
 - a. Modify Title 2 to add design professionals to the Planning Commission.*
 - b. Amend other municipal code references to the Design Review Board as described in this staff report and draft resolution.*

Chair Haveman provided instructions on the order of presenters on the action item and provided both the Planning Commission and the members of the public with instructions on how they can participate in the discussion.

The Planning Manager provided a detailed presentation outlining the recommendations to the Planning Commission.

Chair Haveman opened the floor to comments from the Commission.

Commissioner Rodby provided comments to the Planning Manager regarding the number of meetings required in lieu of not having a Design Review Board.

The Planning Manager provided a detailed response on possible options to enhance the review process within a single hearing body. For example, a project brought forth to the Planning Commission may be discussed as a whole (Project Design and Policy). The Planning Manager outlined the changes to future staff reports incorporating sections related to design review, use permits, and policy to be evaluated in a single meeting. The Planning Manager also clarified that the Design Review Board will be incorporated into the Planning Commission and not eliminated from the public process.

The Director provided comments to the Planning Commission on the possibility of having multiple meetings on complex Planning Projects. He provided an example of the first public hearing will be Planning Staff presenting the project as a study session and to receive public comments. The second meeting will be a follow-up with making the findings and a more detailed analysis of the project.

Commissioner Saude provided comments regarding the quorum of design professionals required to act on an action item (two voting and two backup), incorporation of design review into the staff report, and structure of future meetings.

The Planning Manager provided a response on how a quorum would be determined and how an alternate Planning Commissioner would participate in the meeting and how they can be elevated to a voting Planning Commissioner (when a Planning Commissioner is absent the Alternate in attendance would be elevated).

The Director further clarified that the proposed seven-member Planning Commission plus two Alternates would almost ensure the Planning Commission would have a quorum.

Commissioner Saude provided comments regarding the logistics and structure of future meetings.

The Planning Manager responded to the Planning Commission explaining the goal that each project presented to the Planning Commission will have an explanation of entitlements with a set of findings. She also responded that agenda management will set a goal of one item per meeting and if a meeting has two items it will be presented to the Planning Commission Chair.

The Director provided comments explaining the Planning Commission always possessed the ability to provide comments and take action on Design Review related projects.

Commissioner Saude provided comments on state laws affecting the purview of the Planning Commission.

The Planning Manager clarified that projects brought forth to the Planning Commission will be discretionary projects and provided an example project: a proposed mid-rise affordable housing project. She further clarified that ministerial projects will not be brought to the Planning Commission due to state laws.

Commissioner Mercado provided comments regarding the impact to a Planning Commission meeting if no design professionals were in attendance and asked if that will affect the voting quorum of the Planning Commission.

The Planning Manager provided a response that a simple quorum (four of seven members) is all that is required. The Planning Manager provided comments that the Planning Commission is currently acting on Design Review projects and the Planning Commission in its current capacity has a good understanding of aspects of Design Review.

Commissioner Mercado provided comments related to projects that only required Design Review Board (DRB) and not Planning Commission and how that would be processed.

The Planning Manager responded that the Objective Design Standards and State Laws have minimized the ability for quasi-public design collaboration.

Commissioner Mercado requested clarity about projects that would be reclassified to Director level (administrative review) decisions.

The Planning Manager clarified that if a project is contentious or a major environmental design review project as detailed in Title 14 (Zoning Code) that would be scheduled to the Planning Commission.

Commissioner Saude provided additional comments regarding alternative plans if the required number of design professionals is not met.

The Planning Manager provided a response that adding other types of Design Professionals other than those listed in Title 2 will provide a greater depth of knowledge to the Planning Commission.

The Director provided comments saying the Planning Commission has always been filled and does not anticipate a lack of interest in volunteers with the proposed Design Professional listed in Title 2.

Chair Haveman requested clarity on the role and participation of the Design Professional Alternates in a meeting.

The Director clarified that Alternates may provide comments on an item on the Agenda but are unable to make a motion. The Director noted that the City has currently has other boards with the same configuration.

Commissioner Saude followed up with a question asking if Alternates have the ability to draft Conditions of Approval.

The Director responded that as part of the public comments an Alternate may provide comments that the voting members of the Planning Commission are all in agreement and therefore incorporate some language that may be voted on by the Planning Commission that may evolve into a Condition of Approval.

Chair Haveman provided comments that the purpose of the consolidation/combination of the DRB and Planning Commissions is a compromised resulting from the state changes to streamlining of development applications.

Commissioner Saude followed up asking if a Study Session is counted toward one of the five Public Meetings.

The Director affirmed that it does count as one of the five meetings.

Chair Haveman provided clarifying comments regarding the number of required design professionals to attend a meeting if the item is solely a Design Review item and whether that meeting would be postponed.

The Director responded that Planning Staff would identify items scheduled to have the appropriate Design Professional quorum in advance of the meeting.

Chair Haveman asked if the DRB ever had issues with staffing or was unable to staff the positions.

The Director responded that the DRB has not had issues with staffing volunteers from the community.

Chair Haveman instructed the Planning Manager to open the hearing for public comments.

The Planning Manager invited members of the public to provide public comments.

Two members of the public provided public comments.

Prior to closing the public hearing, Chair Haveman asked the Planning Manager to respond to one of the comments provided during the public hearing, specifically the status of the Objective Design Review Standards and Definitions of Design Professionals in the presentation.

The Planning Manager provided a response that clarified that what was brought forth to the Planning Commission was an augmented version of Objective Design Review Standards already on the Municipal Code. In a future date, yet to be determined, further revisions and changes to the Objective Standards will be presented to the Planning Commission.

The Director followed up with a comment that the City Council also requested that staff return to the Planning Commission with a comprehensive evaluation of the Objective Design Review Standards. This will consist of revision and additions to the Objective Standards. The Director also provided comments on the definition of Design Professional and noted that the definition will be in Title 2 of the Municipal Code.

The Planning Manager provided comments that purpose of the broad definition of Design Professional is to staff the Planning Commission with members of the community with a wide range of expertise.

Chair Haveman closed the public hearing and opened the meeting to Commissioner Discussion and Deliberation.

Commissioner Rodby provided comments to staff on looking into alternatives if the Design Professional quota is not met.

Commissioner Saude provided comments on defining the Design Professional quorum requirement, the structure of how a project will move through meetings, and the general structure of future hearings.

Commissioner Samudzi provided questions on the number of executed public meetings and provided general comments on the current meeting framework of meetings and recognizing the need for changes on the review future projects.

Commissioner Mercado provided comments expressing concerns regarding the ambiguity of the proposed roles of Design Professional Alternates and clarifying the hierarchy of roles and responsibility of the structure of the Planning Commissioners through the by-laws.

Chair Haveman provided comments expressing the support of all the comments made by all the Planning Commissioners and affirmed this is an appropriate time to make changes to the structure of the public meetings.

Commissioner Samudzi provided comments expressing the need to further the discussion on the item and to make suggestions prior to a motion.

Chair Saude provided comments in support of continuing to refine the proposal.

The Director provided clarifying comments to the Planning Commission that amendments to Title 14 is under the purview of the Planning Commission and that was requested by the Council.

Commissioner Saude provided comments that understanding the Planning Commission purview on the requested action item to amend Title 2 is necessary to make an appropriate recommendation to the City Council.

The Planning Manager provided comments regarding the composition of the Planning Commission and future amendments to the bylaws will be brought forth in a future meeting. Also clarified that Title 14 is within the purview of the Planning Commission and Title 2 and 15 is informational when making the recommendation.

Chair Haveman provided comments on the readiness of the Planning Commission to act on the item without understanding the bylaws.

Commissioner Saude requested a study session to further discuss and understand what is requested of the Planning Commission.

Commissioner Rodby provided comments stating the Planning Commission is not prepared to make a decision.

Chair Haveman provided comments on making a motion or requesting a future meeting regarding further discussion such as implications of Planning Commission bylaws.

The Director provided comments that the Planning Commission should make recommendations to Planning Staff for additional information or address specific areas of concern in the staff report. The director stated that a fully seated Planning Commission will vote on the bylaws in a future meeting.

The Planning Manager provided a response that the Planning Commission did not comment on Title 14 and Title 15, therefore Title 2 may need to be further explained.

Commissioner Saude provided a comment that the dissolution of the DRB requires the responsibility of the Planning Commission to be modified. Further commented that non-residential development projects may still be subject to some form of preliminary Design Review.

The Planning Manager responded that the staff report identified the roles and responsibilities of the Planning Commission due to the elimination of the DRB.

The Director commented that discretion may be applied to non-residential projects and may be brought to the Planning Commission for discussion and evaluation.

Commissioner Mercado commented that the staff report is clear on the responsibilities of the Planning Commission, but the City Council needs to provide clarity on the contents of Title 2.

Chair Haveman Requested a motion.

Commissioner Samudzi put forth a motion to approve amended changes on Title 14 or 15 to the City Council.

Commissioner Mercado requested further discussion and deliberation prior to finalizing the motion.

The Director provided a comment to the Planning Commission that the City Council provided the direction to enact these changes as detailed in the staff report.

Chair Saude provided a comment to not make a recommendation to the City Council and proposed a second meeting on a future date.

The Planning Manager provided a comment clarifying the request to continue the item to a date certain and to further discuss the details of Title 2. Clarifying whether a notice is required when a future meeting has a certain date.

Commissioner Mercado provided a comment that Title 2, while unclear, aligns with the recommendation in the staff report.

Commissioner Samudzi provided comments that further analysis by the Planning Commissioner will help better understand the proposed changes.

The Planning Manager provided comments to clarify what the specific comments in the staff report related to Title 2 need to be addressed.

Chair Haveman requested additional time to review the proposed changes in the staff report to a date certain.

The Director provided comments on the direction of the bylaws when a Planning Commission is fully seated and changes to Title 2 from the City Council.

Chair Haveman provided comments that the Planning Commission requires additional time to make a recommendation to the City Council.

Commissioner Mercado provided comments on the record due to his absence at the future meeting. Further explained, comments regarding the description of the Alternate member role, Alternate responsibility, hierarchy of design professional on the Planning Commission, and the definition of the Design Professional.

Commissioner Samudzi made a motion to continue the item to a date certain of June 18 7:00pm.

Commissioner Saude seconded the motion.

Chair Haveman instructed the Planning Manager to take roll:

AYES: Commissioners Mercado, Samudzi, Rodby, Saude, and Chair Haveman
NOES: None
ABSENT: Commissioners Previtali

ABSTAIN: None

Motion carried 5-0

DIRECTOR'S REPORT

Community and Economic Development Director Micah Hinkle reported on the following items:

1. Hiring report. Four new hires, two principal planner and two permit technicians.
2. Community and Economic Development – San Rafael “Go” program is an enhanced customer service program for economic attraction and retention program.

COMMISSION COMMUNICATION

Commissioner Samudzi last day as a Planning Commissioner is June 28, 2024.

ADJOURNMENT

There being no further business, Chair Haveman adjourned the meeting at 9:10 PM.

Jose M. Herrera-Preza, Principal Planner