



**Planning Commission
Regular Meeting**

**Tuesday, August 13, 2024
7:00 P.M.
AGENDA**

**Participate In-Person:
San Rafael City Council Chambers
1400 Fifth Avenue, San Rafael, CA 94901**

Watch Online:

Watch on Zoom Webinar: <http://tinyurl.com/Planning-Commision-24>

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

Listen by phone: 1 (669) 444-9171

ID: 840 9897 7308#

One Tap Mobile: US: +16694449171, 84098977308#

This meeting will be held in-person. This meeting is being streamed to YouTube at www.youtube.com/cityofsanrafael.

How to participate in the meeting:

- You are welcome to come to the meeting and provide public comment in person. Each speaker will have 3-minutes to provide public comment.
- Submit your comments by email to PlanningPublicComment@cityofsanrafael.org by 4:00 p.m. the day of the meeting.

If you experience technical difficulties during the meeting, please contact PlanningPublicComment@cityofsanrafael.org.

A. CALL TO ORDER

B. RECORDING OF MEMBERS PRESENT AND ABSENT

C. APPROVAL OR REVISION OF ORDER OF AGENDA ITEMS

D. PUBLIC NOTIFICATION OF MEETING PROCEDURES

E. ORAL COMMUNICATIONS FROM THE PUBLIC

Remarks are limited to three minutes per person and may be on anything within the subject matter jurisdiction of the body. Remarks on non-agenda items will be heard first, remarks on agenda items will be heard at the time the item is discussed.

F. CONSENT CALENDAR

The Consent Calendar allows the Commission to take action, without discussion, on Agenda items for which there are no persons present who wish to speak, and no Commission members who wish to discuss.

1. Draft Planning Commission Minutes of February 27, 2024 and Rules and Procedures 2024.
2. Draft Planning Commission Minutes of March 12, 2024

Recommended Action – Approve as submitted.

G. ACTION ITEMS

Overview of State Housing Laws

The Planning Commission will receive a presentation of State Housing Laws.

Presentation by: Connor T. MacLean, Associate, Burke, Williams & Sorensen, LLP

Recommended Action – Receive presentation.

H. DIRECTOR'S REPORT

I. COMMISSION COMMUNICATION

I. ADJOURNMENT

Any records relating to an agenda item, received by a majority or more of the Commission less than 72 hours before the meeting, shall be available for inspection online. Sign Language interpreters may be requested by calling (415) 485-3066 (voice), emailing city.clerk@cityofsanrafael.org or using the California Telecommunications Relay Service by dialing "711", at least 72 hours in advance of the meeting. Copies of documents are available in accessible formats upon request.

The Planning Commission will take up no new business after 11:00 p.m. at regularly scheduled meetings. This shall be interpreted to mean that no agenda item or other business will be discussed or acted upon after the agenda item under consideration at 11:00 p.m. The Commission may suspend this rule to discuss and/or act upon any additional agenda item(s) deemed appropriate by a unanimous vote of the members present. Appeal rights: any person may file an appeal of the Planning Commission's action on agenda items within five business days (normally 5:00 p.m. on the following Tuesday) and within 10 calendar days of an action on a subdivision. An appeal letter shall be filed with the City Clerk, along with an appeal fee of \$350.00 (for non-applicants/residents) or a \$5,000.00 deposit (for applicants/non-residents) made payable to the City of San Rafael and shall set forth the basis for appeal. There is a \$50.00 additional charge for request for continuation of an appeal by appellant.



**Planning Commission
Regular Meeting**

**Tuesday, February 27, 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>

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Telephone: 1 (669) 444-9171

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CALL TO ORDER

Chair Saude called the meeting to order at 7:00 PM. She then invited Planning Manager Margaret Kavanaugh-Lynch to call roll.

RECORDING OF MEMBERS PRESENT AND ABSENT

PRESENT: SAMINA SAUDE, CHAIR
ON HAVEMAN, VICE-CHAIR
JILL RODBY, COMMISSIONER
JALDO MERCADO, COMMISSIONER

ABSENT JON PREVITALI, COMMISSIONER
SHINGAI SAMUDZI, COMMISSIONER

ALSO PRESENT: MARGARET KAVANAUGH-LYNCH, PLANNING MANAGER
LAURA SIMPSON, INTERIM PLANNING & COMMUNITY
DEVELOPMENT SERVICES DIRECTOR
CHARITY WAGNER, PLANNING CONSULTANT

APPROVAL OR REVISION OF ORDER OF AGENDA ITEMS

Chair Saude 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 Saude stated that public comment will be limited to three minutes, and continued to provide directions on how to provide public comments and mediums of which are available to participate in the meeting.

Chair Saude informed the community that the in-person meeting would also be recorded and streamed live to YouTube and through Zoom.

ORAL COMMUNICATIONS FROM THE PUBLIC

Chair Saude allowed time for those who have urgent communication on topic(s) not on the agenda to address the Commission.

Four speakers provided public testimony.

Chair Saude requested the Planning Manager to address the public comments during the open forum. The Planning Manager addressed comments regarding the Northgate Townsquare Draft EIR discussed on February 13, 2024. The Planning Manager provided directions for the purpose, the process, and the procedure of a Draft EIR to receive oral/verbal testimony.

CONSENT CALENDAR

1. None

ACTION ITEMS

1. Annual Meeting of the Planning Commission 2024.

Project Planner: Margaret Kavanaugh-Lynch, Planning Manager

Recommended action: (1) Election of Officers to include a new Chair and Vice Chair to the Planning Commission for 2024. (2) Accept any proposed changes to the Planning Commission "Rules and Procedures".

The Planning Manager provided a summary of the staff report which included a proposed Planning Commission calendar for 2024, rotation and election of officers for the Planning Commission, and consider amendments to the "Rules and Procedures".

Staff opened the floor to comments from the Commission.

Commissioner Mercado provided comments regarding the rotation of Chair and Vice-Chair.

Commissioner Haveman provided comments affirming the current rotation as presented by the Planning Manager.

Chair Saude provided comments on the proposed calendar dates and commented on current "Rules and Procedures".

Chair Saude requested comments from the Commissioners.

Commissioner Mercado, Rodby and Haveman provided comments on the start time of meetings.

Chair Saude put forth questions to make amendments to the "Rules and Procedures".

The Planning Manager provided responses to the questions.

Chair Saude requested a motion to elect Commissioner Haveman as Chair, and Commissioner Mercado as Vice Chair, direct the planning staff to work with the City Clerk and City Attorney to modify the language of seven consecutive years for elected officers to serve as Chair, (2) Provide a table for visual calendar officers in the minutes (3) Amendments to Item A(6) to add the “City Clerk” and remove “Chair”, decline to start the meeting at six pm and remove reference to hybrid meetings.

Commissioner Haveman moved the motion.

Commissioner Mercado provided additional comments and made a friendly amendment to the motion.

Chair Saude requested the Planning Manager to repeat the revised motion to the Commission prior to a vote.

The Planning Manager stated the motion with a friendly amendment from Commissioner Mercado to be to elect Councilmember Haveman as Chair, Commissioner Mercado as Vice Chair, to support the meeting dates as stated in the staff report, direct the planning staff to work with the City Clerk and City Attorney to modify the language of seven consecutive years for elected officers to serve as Chair, (2) Provide a table for visual calendar of future Chairs and Vice Chairs in the minutes (3) Amend Item A(6) to add the “City Clerk” and remove “Chair”, decline to start the meeting at six pm and keep remaining references to hybrid meetings.

Commissioner Haveman moved the motion with the amendment to keep the remaining references to hybrid meetings.

Commissioner Mercado seconded the motion.

Chair Saude opened the public hearing for comments.

No public comment was provided.

Chair Saude closed the public hearing and requested the Planning Manager to take roll:

AYES: Commissioners Mercado, Rodby, Vice Chair Haveman, and Chair Saude

NOES: None

ABSENT: Commissioners Previtali, Samudzi

ABSTAIN: None

Motion carried 4-0

TABLE - Visual Calendar of Future Chairs and Vice Chairs

Commissioner	First Appointed to Commission	Years Served as Chairperson	Years Served as Vice Chair
Aldo Mercado	July 2018	2020 partial	2020 partial
Shingai Samudzi	June 2019	2021	2020 partial
Jon Previtali	June 2020	2022	2021
Samina Saude	June 2020	2023	2022

Jon Haveman	May 2021	None	2023
Jill Rodby	April 2023	None	None

2. Objective Design Standards – Citywide Objective Design Standards for a ministerial “by-right” process by Senate Bill 35 (SB 35).

Project Planner: Charity Wagner, Planning Consultant.

The project planner provided a brief overview of the purpose and intent of the Objective Design Standards and requested action by the Commission.

Chair Saude opened the floor to the Commission for comments.

Commissioner Rodby provided comments.

Chair Saude provided comments.

The Planning Manager provided a response to the comments.

Chair Saude provided additional comments.

Interim Director provided clarifying comments.

Commissioner Mercado provided comments.

Interim Director provided comments.

Commissioner Mercado provided comments on items.

Chair Saude put forth a motion to recommend approval of the Objective Design Standards to the City Council and requested staff to report within 6-9 months on a study session with an assessment on the Objective Design Standards effects outside of Downtown and within the Downtown Precise Plan area.

Commissioner Haveman made the motion to recommend approval of the Objective Design Standards to the City Council and requested staff to report within 6-9 months on a study session with an assessment on the Objective Design Standards effects outside of Downtown and within the Downtown Precise Plan area.

Commissioner Mercado seconded the motion.

Chair Saude directed the Planning Manager to take roll:

AYES: Commissioners Mercado, Rodby, Vice Chair Haveman, and Chair Saude

NOES: None

ABSENT: Commissioners Previtali, Samudzi

ABSTAIN: None

Motion carried 4-0

DIRECTOR'S REPORT

Interim Community Development Director Laura Simpson reported on the following items:

1. In process of hiring two senior planners.

COMMISSION COMMUNICATION

Chair Saude welcomed the new elected officers. The Commissioners did not have items to report.

ADJOURNMENT

There being no further business, Chair Haveman adjourned the meeting at 8:22 PM.

Jose M. Herrera-Preza, Principal Planner



**Planning Commission
Regular Meeting**

**Tuesday, March 12, 2024, 7:00 P.M.
Minutes**

Participate In-Person:

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

Participate Virtually:

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

Telephone: 1 (669) 444-9171

Meeting ID: 840 9897 7308#

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CALL TO ORDER

Chair Haveman called the meeting to order at 7:20 PM. He then invited Planning Manager Margaret Kavanaugh-Lynch to call roll.

RECORDING OF MEMBERS PRESENT AND ABSENT

PRESENT: SHINGAI SAMUDZI, COMMISSIONER
SAMINA SAUDE, COMMISSIONER
JILL ROBBY, COMMISSIONER
JON HAVEMAN, CHAIR

ABSENT JON PREVITALI, COMMISSIONER
ALDO MERCADO, COMMISSIONER

ALSO PRESENT: MARGARET KAVANAUGH-LYNCH, PLANNING MANAGER
LAURA SIMPSON, INTERIM PLANNING & COMMUNITY
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.

Chair Haveman requested a motion to adopt the Agenda as presented.

Commissioner Samudzi made a motion to adopt the Agenda.

Commissioner Saude seconded motion.

Chair Haveman requested the Planning Manager to take roll:

AYES: Commissioners Samudzi, Rodby, Saude, and Chair Haveman

NOES: None

ABSENT: Commissioners Previtali, Mercado

ABSTAIN: None

Motion carried 4-0

PUBLIC NOTIFICATION OF MEETING PROCEDURES

The Planning Manager 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.

ORAL COMMUNICATIONS FROM THE PUBLIC

Chair Haveman provided instructions to members of the public who wanted to share remarks on topic(s) not on the agenda with Planning Commission. Chair Haveman set the time limit for three minutes per person.

No speakers provided public testimony.

CONSENT CALENDAR

1. No items on the consent calendar.

ACTION ITEMS

- 1. Appeal of the Zoning Administrator Decision to Approve a Conditional Use Permit and Minor Design Review to install a Freestanding Wireless Facility at 999 Old Lucas Valley Road.**

Project Planner: Margaret Kavanaugh-Lynch, Planning Manager

Recommended action: (1) Convene a public hearing on the Appeal of the decision of the Acting Zoning Administrator. (2) Discuss the Staff report, testimony and ask questions of the Staff, Appellant and Applicant, as needed. (3) Approve the Resolution denying the appeal and affirming the decision of the Acting Zoning Administrator to approve the project.

Chair Haveman provided instructions on the order of presenters and speakers on the item.

The Planning Manager provided a presentation of the staff report including a overview of each point in the appeal and staff responses to each point, as described in the report.

Chair Haveman asked the members of the Planning Commission if they had questions for the staff.

Chair Haveman then invited the Appellants to provide a presentation to the Planning Commission.

The Appellants - Representatives of Mont Marin/San Rafael Park Neighborhood Association including John Rojas, Craig Tackabery, Nicole Love, Paulette McDevitt, and Nancy D. provided a presentation to the Planning Commission.

Chair Haveman asked the members of the Planning Commission if they had questions for the Appellants.

Chair Haveman then invited the Applicant to provide a presentation to the Planning Commission.

The Applicant - Kevin Gallagher of Complete Wireless, provided a presentation to the Planning Commission.

Chair Haveman asked the members of the Planning Commission if they had questions for the Applicant.

Commissioner Rodby, Commissioner Saude, and Chair Haveman provided comments and questions to the Applicant.

Chair Haveman opened the public hearing.

No public comments were provided.

Chair Haveman closed the public hearing and returned the discussion to the Planning Commission.

Commissioner Rodby provided comments.

Commissioner Saude provided comments.

Commissioner Samudzi provided comments.

Chair Haveman provided closing comments and requested a motion.

Commissioner Rodby provided a motion to uphold the Zoning Administrator decision and deny the Appeal.

Commissioner Samudzi seconded the motion.

Chair Haveman instructed the Planning Manager to take roll:

AYES: Commissioners Samudzi, Rodby, Saude, and Chair Haveman

NOES: None

ABSENT: Commissioners Previtali, Mercado

ABSTAIN: None

Motion carried 4-0

The Planning Manager provided instruction on how to file an Appeal of this action item to the City Council.

DIRECTOR'S REPORT

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

1. No Director's report.

COMMISSION COMMUNICATION

No Commission communication was provided.

ADJOURNMENT

There being no further business, Chair Haveman adjourned the meeting at 8:40 PM.

Jose M. Herrera-Preza, Principal Planner

PLANNING COMMISSION RULES AND PROCEDURES

CITY OF SAN RAFAEL

Adopted February 22, 2024

I. Organization and Officers

A. Organization

1. The Planning Commission shall consist of seven regular members appointed by the Mayor with the approval of the City Council and shall be organized and exercise such powers as prescribed by the City Charter and by the San Rafael Municipal Code (City Code).

The commission shall be composed of seven (7) regular voting members, one (1) commissioner from each of the city's four (4) city council electoral districts, and three (3) at-large commissioners.

Requirements for eligibility:

- a. District representatives: Each district representative must reside in the district they represent.
 - b. At-large members: Must reside in city limits.
2. The term of the Commission members is four years with a staggered expiration schedule.
 3. Vacancies on the Commission for other than expiration will be filled by appointment for the un-expired portion of the term.
 4. In-person meeting attendance is required unless a [just cause exemption](#) is approved by the City Clerk and relayed to the staff liaison before the meeting. A member may only use the just cause provisions up to two meetings per calendar year.
 5. If any Commissioner should have three consecutive, unexplained absences from regular meetings of the Planning Commission as shown in the roll call of the official minutes, the Chair may recommend to the City Council that the seat be relinquished.
 6. If any Commissioner wishes to request a leave of absence for three to six consecutive meetings, the request shall be made to and approved by the City Clerk. A request for a leave of absence for more than six consecutive meetings shall be made to and approved by the City Council.

B. Officers

1. Selection

- a. A Chair and Vice-Chair shall be elected from among the Commission's membership at the Annual Meeting held the first meeting of the calendar year, to serve for a one-year period. It is intended that the Chair and Vice-Chair be rotated among the Commissioners based on tenure, as defined by total years of service. In the event the years of service are identical, tenure will be determined in alphabetical order. It is the general rule that a Commissioner shall not serve as Chair more than once in seven* consecutive years. However, in the event that: 1) a position is vacated; 2) a Commissioner is not interested in serving as an officer; or 3) there is limited tenure among the other Commissioners, then a Commissioner can be appointed as an officer more than once in seven years.
- b. The Vice-Chair shall serve as Chair in the following year.
- c. The Chair and Vice-Chair may not succeed themselves. However, in the event that the current Chair or Vice-Chair has served less than a year, the Commission may choose to re-elect her/him for an additional term.
- d. The Vice-Chair shall succeed the Chair if he/she vacates the office and shall serve the un-expired term of the Chair. The Commission shall elect a new Vice-Chair to serve the un-expired term of that office. Selection shall be based on seniority.
- e. In the absence of the Chair and Vice-Chair, the member of the Commission with the longest tenure, as defined by total years of service, shall preside over the meeting. In the event that the years of service are identical, seniority will be determined by alphabetical order.

2. Responsibilities

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

a. Chair

- Preside at all meetings of the Commission.
- Call special meetings of the Commission in accordance with legal requirements and the Rules of Procedure.
- Sign documents of the Commission.
- See that all actions of the Commission are properly taken.
- Assist staff in determining agenda items.
- The Chair shall be an ex officio member of all committees with voice but not vote.

*The Planning Commission requested this to be changed to reflect the number of Commissioners in February of 2024, however as that number is expanding, staff noted the request in this document but did

not complete it at this time. The Rules and Procedures will be modified once the new Planning Commissioners are seated and this number will reflect the new total number of Commissioners.

b. Vice-Chair

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

C. Duties and Powers

1. The Planning Commission shall have the power to recommend to the City Council, after conducting a public hearing, the adoption, the amendment or the repeal of a General Plan, a Neighborhood or Specific Plan, the Zoning Ordinance of the City Code, or a site-specific master plan for a Planned Development (PD) District, or any part thereof, for the physical development of the City.
2. The Planning Commission shall exercise such functions with respect to environmental review, land subdivisions, land use and planning, design review, and zoning, as may be prescribed by City Code, City resolution, and State law.
3. The Commission shall advise the City Council on those matters falling within its charged responsibilities in a manner reflecting concern for the overall development and environment of the City as a setting for human activities.

D. Rules of Order

Except as otherwise provided in these Rules of Procedure, "Roberts Rules of Order, Newly Revised" shall be used as a guide to the conduct of the meetings of the Planning Commission, provided, however, that a failure of the Commission to conform to said rules of order shall not, in any instance, be deemed to invalidate the action taken.

II. Meetings

A. Public Meetings

All meetings shall be held in full compliance with the provisions of state law, ordinances of the City and these Rules of Procedure.

B. Regular Meetings

1. Regular meetings shall be held on the second and fourth Tuesdays following the first Monday in each month, at ~~7:00~~ 6:00 p.m. in the Council Chambers of the City Hall, unless otherwise determined by the Commission. All regular meetings must be held in the following manner:
 - a. within the city limits of San Rafael.
 - b. using in-person/virtual hybrid meeting format

2. Whenever a regular meeting falls on a public holiday, no regular meeting shall be held on that day. Such regular meeting may be rescheduled to another business day or canceled by motion adopted by the Planning Commission. All meetings must be held within the city limits of San Rafael.
3. A meeting of the Commission may be canceled by the Chair for lack of a quorum, no pending business, or any other valid reason. Such cancellation may be made at any time prior to the scheduled meeting. All efforts shall be made by the Community Development Department staff to notify those involved at the earliest possible time. Prior to the scheduled meeting, the Community Development staff shall post a cancellation notice on the City of San Rafael public hearing board, the City website and at the prescribed location of the meeting.

C. Adjourned Meetings

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

D. Special Meetings

Special meetings of the Planning Commission may be held at any time upon the call of the Chair or by a majority of the voting members of the Commission or upon request of the City Council following at least 24 hours' notice to each member of the Commission and to the press. The time and place of the special meeting shall be determined by the convening authority. At least 24 hours prior to the scheduled special meeting, the Community Development staff shall post a notice of the meeting on the City of San Rafael public hearing board, the City website and at the prescribed location of the meeting.

E. Annual Meeting

The Annual Meeting of the Planning Commission will be held at the first meeting of the calendar year. The meeting will be devoted to the election of a Chair and Vice-Chair for the ensuing year and any other business scheduled by the Commission.

F. Study Sessions/Workshops/Informational Presentations

1. The Commission may be convened in the same manner as prescribed for the calling of a special meeting for the purpose of holding a study session, or for presentations of informational items, provided that no official action shall be taken.
2. Such meetings shall be open to the public.

G. Notification

Public Hearings and Discussion Items - Notice of the time, place/ items to be considered and action pending shall be given in accordance with the requirements of the City Code and State Law.

H. Agenda

1. An agenda for each meeting of the Commission shall be prepared by the Community Development Director or staff in consultation with the Chair.
2. A staff report shall be prepared for each item and distributed to the Planning Commission and made available to the public a minimum of 72 hours prior to a regular meeting.
3. A copy of the agenda shall be posted in City Hall 72 hours before a regular meeting.
4. Items not appearing on the agenda cannot be acted upon or discussed by the Commission. However, the Commission may take action under the following circumstances:
 - a. If the Commission finds, by majority vote, that an emergency situation must be addressed. An "emergency situation" is limited to work stoppages and crippling disasters;
 - b. If by a two-thirds vote (or a unanimous vote if two-thirds of the members are not present), there is a need to take immediate action and the need for action came to the attention of the Commission and staff after the agenda was posted.

Prior to discussing such items, the Commission shall publicly identify the item and shall provide the public an opportunity to provide comment on the item.

5. Members of the public may address the Commission on any agenda item, and may, at the beginning of the meeting, address the Commission on any issue that is not listed on the agenda, provided that the issue is within the jurisdiction and powers of the Planning Commission.

I. Order of Meetings

1. The Order of business shall be as follows:
 - a. The Chair shall take the chair at the hour appointed for the meeting and shall immediately call the meeting to order.
 - b. Members present and absent shall be recorded by roll call.
 - c. The order of the agenda shall be approved as submitted or revised by a majority vote of the Commissioners present.
 - d. The public shall be advised of the procedures to be followed in the meeting including the protocol and time frames for public comment. For hybrid meetings, the public will be advised of the different ways to

participate. Any member of the audience may comment on any matter which is not listed on the agenda.

- e. The minutes of any preceding meeting shall be submitted for review and approval by a majority vote of the Commissioners present at that preceding meeting.
- f. The Commission shall then hear and act upon those proposals scheduled for consideration or public hearing.
- g Director's Report.
- h Commission Communications.
- i Adjournment.

2. Presentation or Hearing of Proposals

The following shall be the order of procedure for hearings/discussion items concerning planning and zoning matters:

- a. The Chair shall announce the subject of the public hearing/discussion item, as noticed.
- b. If a request is made for continuance, a motion may be made and voted upon to continue the public hearing to a definite time and date (noticing not required) or a time and date to be determined (re-noticing required).
- c. Order of Speaking.

The order of speaking shall be as follows:

- 1. The Chair shall call for commissioners to make ex parte disclosures and potential conflict of interest disclosures with respect to the proposed project.
 - 2. Staff provides a report on the project and summarizes its compliance with San Rafael's General Plan, compliance with State laws and the City Code, the status of environmental review, and the staff recommendation for action(s) by the Commission and Design Review Board Representatives (if applicable).
 - 3. The public hearing is opened.
 - 4. The applicant makes a presentation to the Commission.
 - 5. The public speaks to the Commission and Design Review Board Representatives (if applicable).
 - 6. The Commission and Design Review Board Representatives (if applicable) may ask questions or obtain facts or clarification from staff, the applicant, or the public after each segment of the agenda.
 - 7. The public hearing is closed.
 - 8. If applicable, the Design Review Board Representatives shall make recommendations to the Planning Commission.
 - 9. The matter is returned to the Commission for discussion and action.
- d. Rules of Testimony

The rules of testimony shall be as follows:

1. Upon opening the public hearing, the Chair shall invite the public to speak by inviting each speaker (one-at-a-time) to approach the podium. For hybrid meetings, the chair will ask staff to advise the public on the different options for participating. On large or controversial projects where many people wish to provide public testimony, the Chair may request that speaker cards be filled-out and submitted.
2. Persons presenting testimony to the Commission shall be limited to three (3) minutes for their presentation. This time limit may be limited or extended at the Chair's discretion.
3. If there are numerous people in the audience who wish to participate on the issue and it is known that all represent the same opinion, a spokesperson should be selected to speak for the entire group. At the Chair's discretion, the spokesperson may be granted additional time beyond the three (3) minute limit for his or her presentation.
4. To avoid unnecessary repetitive evidence, the Chair may limit the number of speakers or the time on a particular issue.
5. Irrelevant, defamatory, or disruptive comments will be ruled out of order.
6. No person shall address the Commission without first securing the permission of the Chair.
7. All comments shall be addressed to the Commission. All questions shall be made or directed through the Chair.

e. Applicant Presentations

Applicant presentations shall comply with the guidelines developed by the Planning Commission. Applicants shall be limited to a maximum of ten (10) minutes for their presentation, inclusive of all members of the applicant's team (if applicable). An extension of this time limit may be granted at the Chair's discretion.

f. Design Review Board Representatives (if applicable)

The Design Review Board Representatives shall provide a recommendation to the Planning Commission including any recommended conditions of approval.

J. Motions

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

K. Voting

1. Voting Requirements

- a. A quorum shall consist of four members.
- b. The affirmative vote of a majority of the quorum present is necessary for the Commission to take action on all matters other than those listed under Section c below.
- c. Certain votes of the Commission require a majority vote of the entire Commission (4 votes) to carry. These are:
 - Adoption or amendment of a General Plan or any part thereof.
 - Adoption or amendment to any Neighborhood or Specific Plan or any part thereof.
 - Adoption or amendment to the Zoning Ordinance of the City Code or amendment thereto.
 - Adoption or amendment to a site-specific master plan for a Planned Development (PD) District.
 - Other actions as required under federal or state law. (These will be dealt with as they arise.)
- d. When a member of the Commission abstains from voting on any matter before it because of a potential conflict of interest, because the Commissioner does not believe he/she can be objective, or because the Commissioner was absent at any previous hearing on an item, said vote shall not constitute nor be considered as either a vote in favor of or opposition to the matter being considered. Abstentions shall not be allowed for any other reason.
- e. A tie vote shall be recorded as a failure of action to pass. A tie vote on a motion defeats the motion.

2. Roll Call Vote

Any Commissioner, the applicant or an appellant can request a roll call vote.

For hybrid meetings a roll call vote shall be required.

3. Recording of Votes

The minutes of the Commission's proceedings shall show the vote of each member, including whether they were absent, abstained from voting, or failed to vote on a matter considered.

4. Disqualification from Voting

A member shall disqualify himself/herself from voting in accordance with the State Political Reform Act and other applicable state law. When a member is disqualified, he/she shall state, prior to the considerations of such matter by the Commission that the member is disqualifying himself/herself due to a possible conflict of interest and shall then leave the voting area.

III. Review and Amendments Procedure

- A. These Rules of Procedure shall be reviewed at the Annual Meeting of each year. On an ad hoc basis, the chair may appoint a subcommittee to review these rules prior to the meeting. The review subcommittee shall present their recommendations for amending or not amending these rules. Minor changes may be brought forward by staff for the Commission's consideration.
- B. In addition, these Rules of Procedure may be amended at any meeting of the Planning Commission by a majority of the membership of the Commission provided that notice of the proposed amendment is received by each Commissioner not less than 5 days prior to said meeting.

(Approved May 9, 2000. Revised February 26, 2002, December 14, 2004, May 29, 2007, January 27, 2009, January 9, 2018, February 11, 2020, January 12, 2021, May 24, 2022, January 24, 2023 and February 22, 2024)