



## AGENDA

**SAN RAFAEL PLANNING COMMISSION  
REGULAR MEETING  
TUESDAY, January 15, 2019, 7:00 P.M.  
COUNCIL CHAMBERS, CITY HALL, 1400 FIFTH AVENUE  
SAN RAFAEL, CALIFORNIA**

**CALL TO ORDER  
PLEDGE OF ALLEGIANCE  
RECORDING OF MEMBERS PRESENT AND ABSENT  
APPROVAL OR REVISION OF ORDER OF AGENDA ITEMS  
PUBLIC NOTIFICATION OF MEETING PROCEDURES**

### **URGENT COMMUNICATION**

Anyone with an urgent communication on a topic not on the agenda may address the Commission at this time. Please notify the Community Development Director in advance.

### **CONSENT CALENDAR**

1. Minutes 12/11/18

### **PUBLIC HEARING**

2. **104 Windward Way (Toyota of Marin)** – Request(s) for Environmental and Design Review Permit and Use Permit to allow the storage of 150-160 Toyota vehicles on the existing 1-acre vacant lot, with a proposed 5-year lease. This is an expansion to and amendment of the previously approved adjacent Toyota storage lot approved by the Planning Commission in 2015 (UP15-033). The project also proposes to install seven (6) security lights (20 feet in height), an 8-foot high perimeter cyclone fence, and new landscaping around the perimeter of the property; APN: 009-330-01; Multifamily Residential (MR2) District; Universal Portfolio, Ltd, owner; Christian Oakes; applicant; File No(s): ED18-108/UP18-041. Project Planner: Caron Parker
3. **Annual Meeting of Planning Commission for 2019 to include:** a) election of officers; and b) review of Planning Commission “Rules and Procedures”; and c) selection of liaisons to DRB meetings

### **DIRECTOR’S REPORT COMMISSION COMMUNICATION ADJOURNMENT**

- I. Next Meeting: January 29, 2019
- II. I, Anne Derrick, hereby certify that on Friday, January 11, 2019, I posted a notice of the January 15, 2019 Planning Commission meeting on the City of San Rafael Agenda Board.

- Sign interpreters and assistive listening devices may be requested by calling 415/485-3085 (voice) or 415/ 485-3198 (TDD) at least 72 hours in advance. Copies of documents are available in accessible formats upon request.
- Public transportation to City Hall is available through Golden Gate Transit, Line 20 or 23. Paratransit is available by calling Whistlestop Wheels at 415/454-0964.
- To allow individuals with environmental illness or multiple chemical sensitivity to attend the meeting/hearing, individuals are requested to refrain from wearing scented products.

*Any records relating to an agenda item, received by a majority or more of the Agency Board less than 72 hours before the meeting, shall be available for inspection in the Community Development Department, Third Floor, 1400 Fifth Avenue, and placed with other agenda-related materials on the table in front of the Council Chamber prior to the meeting.*

*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 (FOR NON-APPLICANTS) OR A \$4,476 DEPOSIT (FOR APPLICANTS) 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.*

In the Council Chambers of the City of San Rafael, December 11, 2018



**Regular Meeting  
San Rafael Planning Commission Minutes**

For a complete video of this meeting, go to <http://www.cityofsanrafael.org/meetings>

**CALL TO ORDER**

Present: Jack Robertson  
Barrett Schaefer  
Aldo Mercado  
Sarah Loughran  
Mark Lubamersky  
Jeff Schoppert

Absent: Berenice Davidson

Also Present: Steve Stafford, Senior Planner  
Caron Parker, Associate Planner

**PLEDGE OF ALLEGIANCE**

**RECORDING OF MEMBERS PRESENT AND ABSENT**

**APPROVAL OR REVISION OF ORDER OF AGENDA ITEMS**

**PUBLIC NOTIFICATION OF MEETING PROCEDURES**

**URGENT COMMUNICATION**

**CONSENT CALENDAR**

**1. Minutes 11/13/18**

Mark Lubamersky moved and Barrett Schaefer seconded to approve Minutes as presented. The vote is as follows:

AYES: Jack Robertson, Barrett Schaefer, Aldo Mercado, Sarah Loughran, Mark Lubamersky,  
Jeff Schoppert  
NOES: None  
ABSTAIN: None  
ABSENT: Berenice Davidson

## **PUBLIC HEARING**

2. **5800 Northgate Drive (Northgate Mall) – Appeal of an Administrative (staff) approval of a Temporary Use Permit (UP18-027) approving a base camp/staging operation area for the movie production for “13 Reasons Why” in a portion of the Northgate Mall Shopping Center parking lot; APN: 175-060-67; General Commercial (GC) Zoning District; XGP XI Northgate LLC, owner; Dan Kemp (for Paramount Television), applicant; Mary Anne Hoover, appellant. File No.: AP18-003. Project Planner: Caron Parker**

### **Staff Report**

Jeff Schoppert moved and Barrett Schaefer seconded to deny appeal with the modification to the language in Condition No 1(c) in the Draft Resolution as follows:

- 1 (c) Parking: Base camp operations and parking for production crew vehicles shall be in the location as designated on the approved site plan. (Delete: "except that the staging area shall be relocated to a parking area near Sears (or a similarly less impactful parking area at Northgate Mall) during the period of November 15, 2018 through January 7, 2019. Specific approval shall be required by the Department of Public Works (DPW) in advance. Mitigation measures may be required to reduce impacts (see also DPW condition of approve 10.1 below")

AYES: Jack Robertson, Barrett Schaefer, Aldo Mercado, Sarah Loughran, Mark Lubamersky, Jeff Schoppert  
NOES: None  
ABSTAIN: None  
ABSENT: Berenice Davidson

3. **Preparation in advance of Annual Meeting of Planning Commission to include: a) distribution of Planning Commission “Rules and Procedures” for review before annual meeting in January 2019; and b) assignment of Planning Commission liaisons for 2019 DRB meetings. Project Planner: Raffi Boloyan**

### **Staff Report**

Commissioner Lubamersky volunteered to be the PC Liaison to the DRB Meetings for the Months of January and February 2019. This item will be continued to the next meeting in January.

## **DIRECTOR’S REPORT**

## **COMMISSION COMMUNICATION**

## **ADJOURNMENT**

\_\_\_\_\_  
ANNE DERRICK, Administrative Assistant III

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2019

\_\_\_\_\_  
Sarah Loughran, Acting-Chair



**SAN RAFAEL**

THE CITY WITH A MISSION

Community Development Department – Planning Division

**Meeting Date:** January 15, 2019  
**Agenda Item:** 2  
**Case Numbers:** UP18-041/ED18-108  
**Project Planner:** Caron Parker  
(415) 485-3094

## REPORT TO PLANNING COMMISSION

**SUBJECT: 104 Windward Way (Toyota of Marin)** – Request for Use Permit and Environmental and Design Review Permit to allow Toyota of Marin to store 150-160 vehicles on an existing vacant 1.3-acre gravel lot on the east side of Windward Way. This proposed project is an expansion to the existing Toyota vehicle storage lot to the south, approved by the Planning Commission in 2016 (UP15-033/ED15-077). The site would be secured with an 8' high perimeter black coated cyclone fence and screened with new trees and a variety of smaller shrubs. Also proposed are 7 security light poles (20 ft. in height) distributed within the project site. The project proposes to lease the lot for 5 years; APN: 009-330-01; Multi-Family Medium Density Residential (MR2) Zoning District; Christian Oakes, TWM Architects, applicant; Universal Portfolio, Ltd, owner.

### EXECUTIVE SUMMARY

The project site is located on a vacant 1.3-acre parcel located on the east side of Windward Way, approximately 200 feet south of Bellam Blvd. A 1-acre portion of the proposed project site was previously approved by the Planning Commission in 2016 as a temporary storage lot (5-year renewable lease) for Toyota vehicles. The proposed project would be an expansion of current storage lot to allow for additional temporary storage for an additional 150-160 Toyota vehicles (see Plan Sheet A1). The project expansion design would match the current storage yard, and include gravel paving, except for a paved hammerhead section at the driveway entrance. There would also be seven (7) new light poles on site at a height of 20 feet. In terms of design, the site will be enclosed with an 8' high perimeter cyclone fence and landscaped along all sides to screen the site. Toyota of Marin is proposing to lease the site for 5 years (with an option to renew the lease at the end of 5 years).

The project site is located in an MR2 (Multi-Family Residential) Zoning District and requires Planning Commission level Use Permit approval for the proposed use of the site as a parking lot, pursuant to Zoning Ordinance 14.04.020. The project was not reviewed by the Design Review Board (DRB). However, the existing approved vehicle storage lot was reviewed by the Board (February 17, 2016) and the proposed project has incorporated the same design elements presented and recommended for approval by the Board with respect to fencing, trees and lighting. As such, staff determined that the project could be brought to the Planning Commission without new input from the DRB.

Overall, staff is supportive of the proposed project with the recommended conditions of approval. Vehicle storage options for the Toyota dealership have been reduced in recent years, due to development of vacant lots previously used for vehicle storage. The proposed project, if approved, would help an existing business continue to manage their inventory, which will facilitate business growth and success.

**RECOMMENDATION**

It is recommended that the Planning Commission adopt the attached Resolution conditionally approving the Use Permit and Environmental and Design Review Permit amendments to allow a 1-acre storage lot expansion for 150-160 Toyota of Marin vehicles. (see Exhibit 1: Draft Resolution)

**PROPERTY FACTS**

Site Characteristics			
	General Plan Designation	Zoning Designation	Existing Land-Use
<b>Project Site:</b>	<b>Medium Density Residential (6.5-15 units/acre)</b>	<b>MR2 (Multifamily Residential)</b>	<b>Vacant</b>
North:	OS (Open Space)	PD1562 (Planned Development)	Vacant
South:	LI/O	LI/O	Commercial
East:	P (Park)	P/OS	Vacant
West:	LI/O (Light Industrial/Office)	GC (General Commercial)	Vacant/Commercial

**Site Description/Setting:**

The proposed project site is a vacant 1.3-acre lot located on the east side of Windward Way (see Exhibit 2- Project Vicinity Map). The project site is adjacent to an existing Toyota car storage lot to the south near the end of a cul-de-sac at the terminus of Windward Way. Land uses adjacent to the project site are vacant land, a community garden and commercial businesses. To the north of the project site are the residentially developed properties of Baypoint Lagoon, Spinnaker Point and the Rafael Bay Townhomes. Ecology House, a residential complex that provides rental housing for persons “disabled by chemical sensitivities and intolerance” is located at the northwest corner of Bellam and Catalina Boulevard (375 Catalina Blvd), over 300 feet away from the area of the parcel proposed for vehicle storage.

**BACKGROUND**

The project site is a vacant lot, but in past years, various planning entitlements and building permits have been granted to allow a wireless telecommunication facility (and associated equipment at the base of the tower ground supporting the wireless facility) to be installed on the existing PG&E transmission tower on the project site. In 2016, the Planning Commission approved a Use Permit (UP15-033) and an Environmental and Design Review Permit (ED15-077) for a Toyota vehicle storage lot for 130-140 vehicles on a 1-acre southern portion of the 2.29-acre parcel (see Plan Sheet A1W in plans set packet). The site was most recently used as a PG&E staging area.

## PROJECT DESCRIPTION

Toyota of Marin is proposing to use the vacant 1.3-acre parcel at 104 Windward Way (north of the existing 1-acre storage lot) to store between 150-160 new Toyota vehicles. This essentially would double the size of the existing approved storage lot (currently 130-140 vehicles) on the southern end of the parcel. Vehicles are generally taken to the Windward Way lot by one driver, who returns with a new vehicle, or the employee is dropped off at Windward Way. There will be no car haulers on Windward Way. All loading and unloading is proposed to be conducted at the main dealership at 445 East Francisco, where the vehicles are serviced and detailed and then (if necessary) driven to the proposed overflow lot at 104 Windward Way. In addition, some of the existing Toyota vehicles stored on the vacant lot at 1075 East Francisco Boulevard, corner of Castro Street (UP18-015) would also be transferred to the Windward Way site, as needed. The site at 1075 East Francisco Blvd was approved in 2018 as a Temporary Use Permit and the permit expires on October 15, 2019. The proposed project operations are described below:

- Expected daily trips to Windward Way = 18 trips (zero peak hour trips)
- Typical drop-off/pick-up times: 10:00 am – 7:30 pm
- Hours of operation for the Windward Way storage lot: 9:00 am – 9:00 pm

**Site Plan:** The proposed project site is located approximately 200 ft. south of the corner of Bellam and Windward Way on the east side of the street. The site would be accessed by a gate along Windward Way.

**Landscaping:** A total of eight (8) new African Sumac trees are proposed along the Windward Way frontage, the same tree species approved in 2016 for the adjacent storage lot. In addition, 208 shrubs (4 varieties) will be planted along the fence on the north, east and west elevations. Also, 17 vines are proposed to be spaced along the 8 ft. high black perimeter fence at the driveway entrance area (see Landscape Plan Sheet L3).

**Lighting:** Seven (7) light poles are proposed at 20 ft. in height (see Plan Sheet PM-1 for light fixture location and Photometric Survey). Lights are proposed to be fitted with shields to direct light downward. Lighting levels (measured in “foot-candles” or Fc) proposed illustrate a maximum lighting level of 8.7 Fc directly under the proposed lights, and zero FC at the property line. The lights are proposed to be set to turn on one-half an hour before sunset and turn off one-half an hour after sunrise.

## ANALYSIS

### San Rafael General Plan 2020 Consistency:

Staff has evaluated the project and found it to be generally consistent with the following applicable General Plan 2020 Policies and Programs:

- **Policy LU-14 (Land Use Compatibility):** Design new development to minimize potential nuisance effects and to enhance their surroundings. The site is currently vacant and the use of the site as a parking lot is generally compatible with other uses in the vicinity, which also have a portion of their lots used for parking. The proposed use is temporary (5 years lease) and would not preclude future use of the site for residential uses as designated in the General Plan. The proposed fencing would help screen the cars and the proposed landscaping would improve site aesthetics in the area.
- **Policy LU-23 (Land Use Map):** The project site has a Land Use Designation of Medium Density Residential (6.5-15 units/acre). This designation encourages residential uses, plant nurseries, day care and public/quasi-public uses. Although a commercial parking lot is not specifically listed as a type of use in this land use designation, the City’s Zoning Ordinance allows a parking lot in Medium Density Residential zoning district, subject to a Use Permit. Therefore, although it is not a primary

use intended for the Medium Density Residential land use designation, it is an acceptable use. In this particular case, given the limited traffic capacity in East San Rafael and the fact that this is a vacant lot with development potential, a temporary improvement and use such as a parking lot for vehicle storage is found to be an appropriate use. Staff has determined that the proposed project is generally consistent with *Policy LU-23* given that: 1) the proposed project site is currently a vacant lot with no residential development plans; 2) the proposed project site is adjacent an LI/O Land Use Designation to the west and several operating commercial businesses to the south and west; 3) the proposed project site is located over 300 feet away from the closest residential property; 4) the screening proposed for the site (fencing and landscaping) would help buffer visual impacts; and 5) the use is proposed as a temporary use (5 year renewable lease). The proposed expanded use of the site for vehicle storage would not preclude future residential development potential on the site, which (based on the density allowed of 6.5-15 units/acre), would be a density range from 8–19 dwelling units on site.

- **Policy CD-10 (Non-Residential Design Guidelines): Ensure that new structures are visually compatible with the neighborhood.** The proposed project would not add buildings to the project site but would add fencing and lighting. The proposed 8 ft. tall fence is proposed to be black coated vinyl fence material, and screened with trees, vines and landscaping. The landscaping will help soften the visual appearance of the perimeter fencing. The proposed seven (7) new light poles would produce very low overall light levels on site (average 1.90 Fc and zero Fc at the property line). The project site is located over 300 feet away from residential properties to the north and will therefore not be directly visible.
- **Policy CD-18 (Landscaping): Recognize the unique contribution provided by landscaping and make it a significant component of all site design.** The project site is currently vacant and covered with weeds and gravel. The proposed project would improve the site by installing bio-retention areas and irrigated landscaping (8 new trees and 208 shrubs) around the perimeter of the site.
- **Policy CON-10 (Impacts to Sensitive Habitats): Minimize Impacts to Sensitive Habitats.** Even though the project site is vacant, has no trees and does not appear to be ecologically sensitive, it is adjacent to the Bay, wetlands and has the potential for importance to area wildlife. For the previously approved Use Permit on the 1-acre adjacent storage lot to the south (UP15-033), staff received letters of concerns from the public regarding potential impacts to wildlife from lighting and the impacts of site activity. As such, staff requested that the applicant prepare a Biological Report to evaluate potential impacts to the project site. Due to the proposed project site's proximity to the Bay, staff required that the applicant submit a new Biological Report to address potential impacts from the proposed expansion to the existing approved storage site. On December 21, 2018, staff received a Biological Constraints Report from LSA Associates (see Exhibit 3). The LSA Report described the project site as being covered by fill material and having a "sparse to moderate cover by vegetation, consisting of non-native, ruderal (weedy) species such as Italian rye-grass (*Festuca perennis*), clover (*Trifolium spp.*), filaree (*Erodium botrys*), sweet fennel (*Foeniculum vulgare*)" and other species listed in the Report. Based on site observations, the LSA Report concluded that, "there is no evidence of wetland vegetation or other indicators of wetlands on the Site, nor is there evidence of burrows, other ground disturbance by small mammals, or bird nesting activity."

However, the LSA Report did state that marshlands adjacent to the site (approximately 200-300 feet eastward) support the endangered harvest salt marsh harvest mouse, and that the harvest mouse during high tide periods "could occasionally seeks refuge within the uplands portion of the City-owned lands adjacent to the site." The LSA Report further indicated that during periods of high water, there would be a "remote possibility that this species possibly could occur as far east as the edge of the project site during periods of high water." In addition, the report indicated that

the marshlands also support habitat for "Special Status Species" (white-tailed kite was observed) and that other wildlife or wildlife signs were observed or detected during the site survey (e.g., Pacific tree frog, American robin, and red-tailed hawk). As such, Page 3 of the LSA Report identifies measures designed to address the project's potential impact to biological resources in the vicinity. These recommended measures are included as Use Permit Condition of Approval #5 in the attached Draft Resolution (See Exhibit 1), and include requirements for: 1) pre-work surveys within 50 feet of the work area if construction work is conducted during nesting season (February 1 to September 1), 2) buffer zone requirements if nesting birds are found; 3) installation of temporary exclusion fencing along the eastern edge of the site during the site preparation period; 4) requirement to instruct all construction personnel of the sensitivity on adjacent lands; and 5) requirement for lights to be directed onto the site, and downward, and have cutoff shields and non-glare fixture designs. With these measures in place, staff has determined that the proposed project is generally consistent with General Plan *Policy CON-10*. These are the same measures included as conditions of approval for the existing vehicle storage lot as approved by the Planning Commission in 2016.

- **Policy CON-11 (Wildlife Corridors): Preserve and protect areas that function as wildlife corridors.** See discussion for *Policy CON-10* above.
- **Policy CON-13 (Threatened and Endangered Species): Preserve and protect habitat for threatened and endangered species of plants and animals.** The project site is near the Bay, wetlands and within the boundary of Exhibit 38 of the General Plan which identifies approximate areas where Threatened and Endangered Species are likely to be found. However, the site is already graded, historically disturbed and elevated from the adjacent low land areas. The LSA Report provides recommended measures to ensure that there is a protocol in place to protect potential wildlife resources in the area. See discussion for *Policy CON-10* above.
- **Policy CD-21 (Parking Lot Landscaping): Provide parking lot landscaping to control heat build-up from pavement, reduce air pollution, provide shade cover for vehicles and soften the appearance of the parking lot.** Staff has determined that the proposed site is designed to be consistent with the intent of *Policy CD-21*. The proposed project site would not be paved, except for a small hammerhead area at the entrance to the lot as required for Fire Dept access. The remainder of the site would be covered with gravel. While no trees are proposed for the interior of the lot, the perimeter of the site will be heavily landscaped. Also, two bio-retention areas are proposed to facilitate proper drainage to meet current regulatory requirements.
- **Policy C-5 (Traffic Level of Service Standards): Requires the maintenance of adequate traffic levels of service (LOS) in order to ensure an effective roadway network.** The proposed project would create approximately 9 additional new vehicle trips to the site (in addition to the 9 trips already assigned to the existing 2016 approved storage lot activities), as cars are brought to and from the project site. The City's Traffic Division has reviewed the project for potential impacts on the LOS in the project area, particularly the Kerner/Bellam intersection, and determined the project will not have an adverse impact to traffic levels of service given the limited new traffic that would be generated by the project. The proposed operating hours are 9 am to 9 pm, however, to avoid peak hour impacts, the Traffic Engineer has required that there be no cars transferred to Windward Way during weekday AM peak hours (7 am to 9 am) or PM peak hours (4 pm to 6 pm). Essentially, zero peak hour trips. This is included as Use Permit Condition of Approval #4 in the attached Draft Resolution. This would eliminate any vehicular trips during the AM and PM peak traffic time.
- **Policy N-5 (Traffic Noise from New Development): Minimize noise from increased off-site traffic from new development.** The proposed project would add approximately 9 new daily trips



at the Windward Way site (total potential trips = 18 trips). There would be no large tractor deliveries at the site. No noise impacts are expected.

- **Policy EV-2. (Seek, Retain, and Promote Businesses that Enhance San Rafael. Recruit and retain businesses that contribute to our economic vitality, thus helping to provide needed local goods, services and employment):** Toyota is a valuable business partner in the City of San Rafael and provides significant employment and economic benefit to the City and its residents. Allowing Toyota to grow and remain viable by having adequate space to store vehicles for sale will help promote and retain this vital business in the City of San Rafael.
- **Policy CD-19 (Lighting): Allow adequate lighting for safety purposes while controlling excessive light spillover and glare.** Lighting on site must achieve a balance between providing security and safety and minimizing glare to residents and sensitive wildlife. A total of seven (7) lights are proposed to be distributed throughout the lot. The LSA Biological Constraints Report determined that development on the site would not have the potential to cause any adverse impacts to biological activity provided that “any lighting installed on the Site should be directed downward and should not increase nighttime illumination of the marshlands to the east. Lights should have cutoff shields and non-glare fixture designs as needed to restrict illumination to the site” (see Design Review Permit Condition of Approval #11 in the attached Draft Resolution. Staff has reviewed the lighting design parameters and the photometric plans submitted and determined that the proposed project, as designed and conditioned, would be consistent with Policy CD-19.

#### **Zoning Ordinance Consistency:**

The Zoning designation for the project site is MR2 (Multi-Family, Medium Density Residential).

#### Chapter 14.04 - Base District Regulations

The project proposes to use the site as a vehicle storage lot (essentially a parking lot), which requires Conditional Use Permit approval by the Planning Commission in the MR2 Residential Zoning District, pursuant to Zoning Ordinance Section 14.04.020. In addition, a Design Review Permit is required for the fencing. Lighting and landscaping, pursuant to Zoning Ordinance Section 14.25.040.C. The applicant has submitted applications for both entitlements and impacts to surrounding uses have been considered and conditions of approval have been included.

#### Chapter 14.16 – Site and Use Regulations

The following Sections would be applicable to the proposed project:

- Section 14.16.227.B: Lighting fixtures shall be appropriately designed and/or shielded to conceal light sources from view off-site and avoid spillover onto adjacent properties.
- Section 14.16.227.C: Lighting shall be reviewed for compatibility with on-site and off-site light sources. This shall include review of lighting intensity, overlap and type of illumination (e.g., high-pressure sodium, LED, etc.). This may include a review by the city to assure that lighting installed on private property would not cause conflicts with public street lighting.
- Section 14.16.227.E: Installation of new lighting fixtures or changes in lighting intensity on mixed use and non-residential properties shall be subject to environmental and design review permit review as required by [Chapter 14.25](#) (Design Review).
- Section 14.16.227.G: All new lighting shall be subject to a 90-day post installation inspection to allow for adjustment and assure compliance with this section.

The proposed project is generally consistent with the above-referenced Sections of the Zoning Ordinance, which is designed to identify, evaluate and reduce the impact from new lighting. All seven light fixtures proposed are designed to be shielded to reduce glare. A Photometric Survey was submitted with the project and shows lighting levels are predominantly less than 1.0 at the property line. Light

levels on the project site averaged 1.9 Fc, with a maximum measurement of 8.7 Fc near the new light fixtures. These lighting levels are supported by staff, however, as a condition of approval, the site will be subject to a 90-day post-installation lighting review (pursuant to Zoning Ordinance Section 14.16.227) to evaluate the impact of lighting in the vicinity (Design Review Permit Condition of Approval #10). Staff would also have the option of requiring a follow-up photometric study to verify lighting levels and make necessary adjustments to address lighting issues, if deemed necessary.

#### Chapter 22- Use Permit

The creation of a private parking lot in the MR2 Residential Zoning District requires Use Permit review and approval, subject to Zoning Ordinance 14.04.020. Pursuant to Zoning Ordinance Section 14.22.080, in order to grant a Use Permit, the following Findings must be made:

1. *That the proposed use is in accord with the General Plan, the objectives of the Zoning Ordinance, and the purposes of the district in which the site is located;*
2. *That the proposed use, together with the conditions applicable thereto, will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity, or to the general welfare of the City; and*
3. *That the proposed use complies with the applicable provisions of the Zoning Ordinance.*

Finding #1: Staff recommends that the proposed use of the 1.3 acre portion of the 2.29 acre site as a private parking lot for vehicle storage is in accord with the General Plan, the objectives of the Zoning Ordinance, and the purposes of the district in which the site is located in that: 1) the proposed use would be a temporary lease for 5 years; and 2) the proposed project is generally consistent with General Plan 2020 Policies as previously discussed on Pages 3-6 of this staff report.

Finding #2: Staff has determined that the proposed use would not be detrimental to the public health, safety and welfare, or materially injurious to properties or improvements in the vicinity, or to the general welfare of the City in that: 1) the project has been reviewed by the Building Department, Fire Prevention Bureau and the Department of Public Works and all support the project, subject to conditions of approval; 2) the project will introduce minimal development on site as the only new structures are 7 light poles (subject to a post-installation 90-day lighting review) and an 8 ft. high perimeter fence; 3) the overall use of the site would help upgrade the site without adding substantial traffic to the area or impact to wildlife species; and 4) the proposed use of the site is temporary (5 year renewable lease) and as such would not compromise the future use of the site for housing development. Furthermore, introducing additional activity to Windward Way could help alleviate the potential for increased dumping, illegal auto repair and other unsightly activities that have been a problem in the past in this area. The City through other enforcement actions is currently pursuing the issues that are facing Windward Way and with the addition of this use, it will create more eyes on the street and activity along Windward Way, which will helpfully curb the other undesirable activities.

Finding #3: Staff has determined that the proposed use complies with each of the applicable provisions of the Zoning Ordinance in that the use, as conditionally approved, would be a temporary use, and would not create traffic impacts, would address any lighting impacts through a required 90-day lighting review, and is compatible use with the immediately adjacent commercial properties to the south.

#### Chapter 25 – Environmental and Design Review Permit

The proposed creation of a private parking lot in a residential zoning district for Toyota vehicles requires a Design Review Permit pursuant to Zoning Ordinance Section 14.25.040.B.e. The project has been evaluated for conformance with the review criteria identified in Chapter 25 of the Zoning Ordinance and the San Rafael Design Guidelines. With respect to the proposed use of the site as a vehicle storage lot (parking lot), both sets of criteria emphasize the following:

- *Minimize large paved areas by using alternative materials (e.g., turf block or pavers)*

- *Landscape areas adjacent to sidewalks are encouraged*
- *Visible parking should be screened or landscaped*
- *Limit light intensity to provide adequate site security for pedestrian*
- *Shield light sources to prevent glare and illumination beyond the boundaries of the property*
- *Light fixtures should complement the architecture of the project*

As a short term lease (5 years), the proposed design would be generally consistent these design guidelines in that: 1) the lot will not be paved but is proposed to be topped with gravel, except for the paved hammerhead at the entrance; and 2) the project proposes to install landscaping, with a total of eight (8) new African Sumac trees are proposed for the main entrance area of the storage lot near the driveway gate. In addition, 208 shrubs (4 varieties) will be planted along the fence on the north (Bellam), east (Baypoint Lagoon Drive) and west (Windward Way) elevations. Also, 17 vines are proposed to be spaced along the perimeter fencing along Windward Way. The project is subject to a post-installation 90-day lighting review, and as such, staff will have an opportunity to require revisions to the light levels, if deemed necessary.

## ENVIRONMENTAL DETERMINATION

The proposed project is exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15304 (Minor Alterations to Land) and 15311.b (Accessory Structures) which exempts minor site improvements and use of land for parking lots.

## NEIGHBORHOOD MEETING / CORRESPONDENCE

There was no Neighborhood Meeting required for the proposed project. A notice of hearing for the project was conducted in accordance with noticing requirements contained in Chapter 29 of the Zoning Ordinance. A Notice of Public Hearing was mailed to all property owners and occupants within a 300-foot radius of the subject site, and also to Baypoint Lagoon HOA, Ecology House, Canal Properties and Business Owners Association; and Rafael Bay Townhomes HOA before this public hearing. In addition, a public notice sign was posted at the property, identifying the meeting time, date, location, and scope of the project within fifteen (15) days prior to the Planning Commission meeting.

On January 8, 2019; staff received one letter of concern about the proposed project from a resident at Ecology House (see Exhibit 4). The resident expressed concern about increase traffic, loss of open space/habitat, and choice of paving. Staff responded to the letter, explaining that: 1) the number of increased trips to the site would be minimal and spread throughout the day (restricted to outside the AM/PM peak hours); 2) the additional landscaping proposed would increase the existing limited habitat in the area; 3) the proposed project is expected to have a minimal impact on the heat signature on site, as there are open areas remaining on site and the additional plants and bio-retention areas will be a positive impact; and 4) the majority of the site will be covered in crush rock, with minimal paving for the driveway and required Fire Department hammerhead. However, concrete would be one alternative paving material to consider and as such, staff forwarded the letter of concern to the applicant for comments. Staff will provide updated information to the Commission at the hearing.

## OPTIONS

The Planning Commission has the following options:

1. *Approve the application as presented (staff recommendation)*
2. *Approve the application with certain modifications, changes or additional conditions of approval.*
3. *Continue the applications to allow the applicant to address any of the Commission's comments or concerns*

4. *Deny the project and direct staff to return with a revised Resolution*

**EXHIBITS**

1. Draft Resolution
2. Vicinity/Location Map
3. Biological Constraints Report, LSA Associates, dated December 19, 2018
4. Public comment letter

*(11" x 17" plans distributed to the Planning Commission only)*

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION OF THE CITY OF SAN RAFAEL PLANNING COMMISSION  
CONDITIONALLY APPROVING A USE PERMIT (UP18-041) AND  
ENVIRONMENTAL AND DESIGN REVIEW PERMIT (ED18-108) ALLOWING  
TOYOTA OF MARIN TO EXPAND THE EXISTING APPROVED 1-ACRE VEHICLE  
STORAGE LOT TO INCLUDE AN ADDITIONAL 1.3 ACRES AND 150-160  
ADDITIONAL TOYOTA VEHICLES. THIS WOULD BE AN AMENDMENT TO THE  
PREVIOUSLY APPROVED USE PERMIT (UP15-033) AND DESIGN REVIEW PERMIT  
(ED15-077) FOR VEHICLE STORAGE ON THE SOUTHERN PORTION OF THE LOT  
AT  
104 WINDWARD WAY (APN: 009-330-01)**

**WHEREAS**, on March 15, 2016, the Planning Commission conditionally approved (with Design Review Board recommendation for approval), a Use Permit (UP15-033) and Environmental Design Review Permit (ED15-077) to allow Toyota of Marin to store 130-140 vehicles on a 1-acre lot at 104 Windward Way; and

**WHEREAS**, on November 15, 2018, Christian Oakes, project applicant, submitted an application for a Use Permit (UP18-041) and Environmental Design Review Permit (ED18-108) proposing an expansion to the existing approved Toyota vehicle storage lot to allow additional storage of 150-160 Toyota vehicles on the adjacent 1.3 acre-portion of the lot at 104 Windward Way; and

**WHEREAS**, upon staff review of the application, the project was determined to be exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15304 (Minor Changes in Land Use) and Section 15311(b) (Accessory Structures), which exempt minor changes to vegetation and grading on land with a slope less than 10% and construction of small parking lots; and

**WHEREAS**, the proposed Environmental and Design Review and Use Permit applications were reviewed by the City's Building Division, Fire Department, Department of Public Works, and San Rafael Police Department and were recommended for conditional approval; and

**WHEREAS**, on January 15, 2019, the San Rafael Planning Commission held a duly noticed public hearing on the proposed Environmental and Design Review Permit and Use Permit, accepting all oral and written public testimony and the written report of the Community Development Department staff and closed said hearing on that date; and

**WHEREAS**, the custodian of documents which constitute the record of proceedings upon which this decision is based is the Community Development Department.

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Commission of the City of San Rafael hereby approves the Use Permit (UP18-041) and the Environmental Design

Review Permit (ED18-108) for the expansion of the existing 1-acre Toyota vehicle storage lot to include vehicle storage on the remaining 1.3 acre portion of the lot located at 104 Windward Way, based on the following findings:

**Use Permit (UP18-041)  
Findings**

- 1) The proposed 1.3-acre expansion to the existing 1-acre lease site for the addition of 150-160 stored vehicles is in accord with the General Plan, the objectives of the Zoning Ordinance and the purposes of the District the site is located (MR2-Multi-Family Residential Zoning) in that: 1) the proposed use would be a temporary lease for 5 years; and 2) the proposed project is consistent with General Plan 2020 Policies as discussed on Pages 3-6 of the January 15, 2019 Planning Commission staff report.
- 2) The proposed vehicle storage lot expansion, together with the conditions applicable thereto, will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity, or to the general welfare of the city in that: 1) the project has been reviewed by the Building Department, Fire Prevention Bureau and the Department of Public Works, and all support the project subject to conditions of approval; 2) the project will introduce minimal development on site as the only new structures are 7 light poles (subject to a post-installation 90-day lighting review) and an 8 ft. high perimeter fence; 3) the overall use of the site would help upgrade the site without adding substantial traffic to the area or impact to wildlife species; and 4) the proposed use of the site is temporary (5 year renewable lease) and as such, would not compromise the future use of the site for housing development.
- 3) That the use of the site as a vehicle storage lot, with lighting, landscaping and perimeter fencing, as conditioned, complies with the applicable provisions of the Zoning Ordinance in that the use, as conditionally approved, would be for a period of 5 (five) years (with a renewal lease option), would not create traffic impacts given the limitation on hours of operation to stay outside peak traffic periods, would address any lighting impacts through design and inclusion of shielding of lights, as well as a required 90-day lighting review, and is a compatible use with the immediately adjacent commercial/industrial properties on Windward way and surrounding area to the south.

**Environmental and Design Review Findings  
(ED18-108)**

- 1) The proposed use of the additional 1.3-acres of the 2.29-acre parcel for vehicle storage is in accord with the General Plan, the objectives of the Zoning Ordinance and the purposes of this Chapter given that:
  - a. As discussed on Pages 3-6 of the January 15, 2019 Planning Commission staff report, the proposed project (as conditioned) is consistent with General Plan **Land Use Policies LU-14** (*Land Use Compatibility*) and **LU-23** (*Land Use Map and Categories*), **Community Design Policies CD-10** (*Non-Residential Design Guidelines – Visual Compatibility*),

**CD-18** (*Landscaping*), **CD-19**(*Lighting*) and **CD-21** (*Parking Lot Landscaping*); **Conservation Policies CON-10** (*Impacts to Sensitive Habitats*); **CON-11** (*Wildlife Corridors*); **CON-13** (*Threatened and Endangered Species*); **Circulation Policy C-5** (*Traffic Level of Service Standards*); **Noise Policy N-5** (*Traffic Noise from New Development*), and **Economic Vitality Policy EV-2** (*Seek Retain, and Promote Businesses that Enhance San Rafael*); and

- b. As discussed on Pages 6-8 of the January 15, 2019 Planning Commission staff report, the proposed project (as conditioned) conforms to the objectives of the Zoning Ordinance Chapter 14.04 (*MR2, Multi-Family Residential District*), Chapter 14.16 (*Site and Land Use Regulations*), Chapter 22 (*Use Permit*), and Chapter 25 (*Environmental Design Review Permits*). The proposed design of the site with perimeter fencing, landscaping and lighting is well-designed and compatible with the site, and is designed with the same fencing materials, lighting and landscaping as were previously reviewed and recommended for approval by the Design Review Board in 2016 for the existing adjacent Toyota vehicle storage lot (ED15-077). The proposed project design would enhance the appearance of the site and also improve drainage by installing bio-retention areas; and
  - c. The project has been reviewed for conformance with the applicable design criteria established in Chapter 14.25 of the Zoning Ordinance and determined that the proposed project, as designed and conditioned, would be a complimentary addition to the area, adding landscaping and security lighting.
- 2) The project design, as conditioned, is consistent with all applicable site, architecture and landscaping design criteria and guidelines for the MR2 (Multi-Family Residential) Zoning District in which the site is located given that:
- a. There would be minimal change to the appearance of the lot from off site. As such, there would be minimal impacts to the existing residential properties in the vicinity of Bellam Blvd.; and
  - b. The proposed perimeter fencing and landscaping will provide a successful screen to the vehicles stored on the project site; and
  - c. The proposed site lighting has been designed with shielding to minimize glare, and the lighting will be subject to a 90-day lighting review as a condition of approval.
- 3) The project design minimizes adverse environmental impacts given that:
- a. The proposed site grading would be minimal, and the only structures proposed for the site are an 8 ft. high cyclone perimeter fence and seven light poles; and
  - b. The proposed project was reviewed by applicable City departments and no adverse environmental impacts were identified. The Department of Public Works determined that the project would have no significant impact on traffic in the area, but included a condition of approval to prohibit pick-up/drop-off during peak AM and peak PM peak hours (Use Permit Condition of Approval #4); and
  - c. The proposed project would be constructed in compliance with all applicable local, State and Federal building codes; and

- d. The proposed project is Categorical Exempt from the California Environmental Quality Act pursuant to Article 19 Categorical Exemptions, Section 15304 (Minor Alterations to Land) and 15311 (Accessory Structures for small parking lots).
- 4) That the project will not be detrimental to the public health, safety or welfare, nor materially injurious to properties or improvements in the vicinity in that:
    - a. The proposed lease area will be fenced and also be equipped with lighting. Overall, the proposed project would secure a currently vacant lot and improve the site aesthetic; and
    - b. The proposed project would not have a negative impact on adjacent businesses or residents. The LSA Biologic Constraints Report concluded that the proposed project and the lighting on site would not impact wildlife, provided the applicant follow several measures listed on Pages 2 and 3 of the Report. These measures are included as COA #4 in UP18-041, and COA #11 in ED18-108. Staff received one comment letter in response to the 30-day public hearing notice or the sign posted on the property. A summary of staff's response is discussed on Page 8 of the January 15, 2019 Planning Commission staff report.

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the Planning Commission of the City of San Rafael hereby approves the Use Permit Amendment (UP18-041) and Environmental Design Review Permit (ED18-108) based on the following conditions of approval:

**Use Permit (UP18-041)  
Conditions of Approval**

1. This Use Permit Amendment approves the expansion of the existing approved Toyota vehicle storage lot at 104 Windward Way to include a 1.3-acre portion to the north to be used for between 150-160 additional Toyota vehicles. The lot shall be used as a storage lot only- no sales, service, washing or detailing of vehicles shall be permitted on site.
2. This Use Permit Amendment shall be approved for five (5) years (until January 15, 2024). A time extension is required to amend this Use Permit (UP18-041) beyond this deadline. Any time extension to this Use Permit approval shall require submitted of a formal Use Permit Amendment application to the Planning Department *prior* to the January 15, 2024 expiration date and shall be reviewed by the Zoning Administrator. **Any further extensions after this first-time extension request shall require Planning Commission level review of the Use Permit Amendment application.**
3. This Use Permit approves the following operational plan:



- a) Expected daily trips to Windward Way site = 9 new trips for a total of 18 trips to the expanses site. These trips would be by individual Toyota employees who would either drive to the site or be shuttled to the site to pick up a new vehicle.
  - b) All new vehicles would continue to be delivered to the Toyota of Marin site at 445 East Francisco Boulevard.
  - c) Typical drop-off/pick-up times: 10:00 am – 7:30 pm, but **no pickup or drop off (i.e., zero peak hour vehicle trips) between 7:00 am to 9:00 am or 4:00 pm and 6:00 pm on weekdays is allowed** (see COA #4 below).
  - d) Hours of operation for the Windward Way storage lot: 9:00 am – 9:00 pm.
4. Shuttling of vehicles to and from the 104 Windward Way site shall be limited to the hours of 9:00 am and 4:00 pm, and 6:00 pm to 9:00 pm on weekdays and anytime on weekends. Vehicle trips shall be limited to outside of peak hours. **No trips shall be generated between the hours of 7:00 am to 9:00 am or 4:00 pm to 6:00 pm on weekdays. Any trip generation created during these peak AM/PM hours shall be subject to a traffic mitigation fee and Level of Service requirements.**
5. To address potential impacts to sensitive wildlife in the area, the following recommended measures, as stipulated in the LSA Biologic Constraints report dated December 19, 2018, shall be implemented as follows:
- a) If gravel placement work is conducted during the bird breeding season (February 1 – September 30), pre-work surveys for ground nesting birds should be conducted on the site by a qualified biologist. The surveys should also encompass the surface area and trees on adjacent properties within 50 feet of the work area. The surveys should be conducted within 10 business days of the onset of work. If nesting birds are found, adequate buffer zones should be established around the nests until the biologist has confirmed the young have fledged or the nests have been abandoned. The size of the buffers will be determined by the biologist, based on the particular species of the nesting birds. The buffer zones should be protected with temporary construction fencing.
  - b) It is unlikely that the salt marsh harvest mouse would occur on the Site, given the distance between the Site and the nearest pickleweed stands. Nevertheless, as a precaution, a temporary exclusion fence should be installed along the eastern edge of the Site during the work period. The fence should be a minimum of 3 feet in height, consisting of 8 millimeter plastic (“Visqueen”) sheeting that is too smooth to be climbed by mice. It should be supported by wooden or steel rebar stakes. The toe of the fence should be buried approximately 4 inches in the ground to prevent mice from crawling or burrowing underneath it. To provide strength, durability and wind resistance, the plastic sheeting should be sandwiched between two stakes at each stake location, with the stakes screwed or wired together firmly. The fence should be maintained in good condition throughout the work period, and inspected at least weekly. Any gaps or holes should be repaired immediately upon discovery.

- c) All construction personnel should be advised of the sensitivity of the adjacent lands to the east and that no intrusions or disturbance of the area east of the temporary fence is allowed.
6. The Planning Department shall be notified in writing if site operations trigger implementation of any mitigation measures listed in COA #5 above.
  7. Any increase in the number of vehicles stored on site shall require Planning review and a formal amendment to this Use Permit (UP18-041) by the original hearing body (Planning Commission).
  8. The applicant shall confirm with Marin County Environmental Health Services regarding any regulatory requirements for development and use of the proposed site. Any changes required to the site plan or site operations shall be reported to Planning **prior to Planning final inspection.**
  9. No loading or unloading of vehicles shall occur on Windward Way. All loading and unloading to occur on the site, within the fenced area.
  10. There shall be no tractor trailer deliveries of vehicles to or from the 104 Windward Way project site.
  11. No auto repair, auto sales, vehicle detailing, or car washing associated with this use shall be allowed on the project site at 104 Windward Way or in the immediate vicinity of the site.
  12. If the project site and use experiences repeated calls for Police service due to vandalism, theft or general nuisance on the project site, the applicant shall be required to hire a private security service to patrol the site on evenings and weekends in order to help reduce criminal activity.
  13. This Use Permit shall be valid for **two (2) years** from the date of Planning Commission approval, or until **January 15, 2021**, and shall be null and void unless a building permit is issued, or a time extension is granted within the two (2) year timeline.
  14. The use shall be initiated and the improvements installed before the expiration date of the Use Permit. Once the use is initiated and the improvements are installed, the Use Permit Amendment (UP18-041) shall be vested and shall run with the land and remain valid regardless of any change of ownership of the project site, subject to these conditions until January 15, 2024. **Any extension to the approved 5-year term for the Use Permit shall first require an amendment to this Use Permit, approved by the Zoning Administrator. Any additional amendment beyond this first extension request shall be reviewed by the Planning Commission.**
  15. On-going compliance with all conditions of approval shall be required to keep the Use Permit Amendment valid. This Use Permit Amendment (UP18-041) may be called to hearing at any

time by the Planning Division in order to review compliance with the Conditions of Approval.

**Environmental and Design Review Permit (ED18-108)  
Conditions of Approval**

**Community Development Department - Planning Division**

1. The proposed 1.3-acre expanded vehicle storage lot on the 2.29 acre parcel, including perimeter fencing, landscaping and 7 light poles shall be constructed in substantial conformance with the proposed site plan and elevations as presented for approval on plans prepared by TWM Architects + Planners, and date stamped *Approved, January 15, 2019*, and shall be the same as required for issuance of a building permit, subject to the listed conditions of approval. Minor modifications or revisions to the project shall be subject to review and approval of the Community Development Department, Planning Division. Modifications deemed not minor by the Community Development Director may require review and approval by the Design Review Board and/or the original decision-making body, the Planning Commission.
2. This Environmental and Design Review Permit shall be valid for two (2) years from the date of Planning Commission approval, or until **January 15, 2021**, and shall be null and void unless a building permit is issued, or a time extension is granted within this time.
3. A building permit and electrical permit are required for the proposed work. The applicant shall apply for and obtain a building permit and electrical permit prior to any construction on the site. All proposed work shall comply with the adopted Building and Electrical Codes.
4. **A copy of the Conditions of Approval for UP18-041/ED18-108 shall be included as a plan sheet with the building permit plan submittal.**
5. Construction hours and activity (including any and all deliveries) are limited to the applicable requirements set forth in Chapter 8.13 of the San Rafael Municipal Code.
6. **Prior to issuance of a building permit, the applicant shall submit written documentation from Marin Municipal Water District (MMWD) indicating that MMWD has reviewed and approved the proposed landscaping and water service needs. Any changes to the landscaping shall require planning review and approval.**
7. All new and existing landscaping for the 2.29-acre project site shall be maintained in a healthy and thriving condition, free of weeds and debris. Any dying or dead landscaping shall be replaced in a timely fashion with new healthy stock of a size compatible with the remainder of the growth at the time of replacement.
8. All site improvements, including but not limited to the site lighting, landscaping, paving and bio-retention areas shall be maintained in good, undamaged condition at all times. Any damaged improvements shall be replaced in a timely manner.

9. The site shall be kept free of litter and garbage. Any trash, junk or damaged materials that are accumulated on the site shall be removed and disposed of in a timely manner.
10. Following the installation of the lighting on site, all exterior lighting shall be subject to a 90-day lighting level review by the Police Department and Planning Division to ensure compatibility with the surrounding area. A post-installation photometric study may be required by the Planning Division to verify as-built and operational lighting levels on site. If required, the as built photometric study shall be submitted within 15 days of such request and shall not count against the 90-day review period.
11. Pursuant to Zoning Ordinance Section 14.16.227.B, lighting fixtures shall be appropriately designed and/or shielded to conceal light sources from view off-site and avoid spillover onto adjacent properties. In addition, to address any potential impacts from lighting on sensitive wildlife in the area, the project will be subject to the following condition per Page 3 of the LSA Biological Constraints report dated December 19, 2018, "Any lighting installed on the Site should be directed onto the Site and downward and should not increase nighttime illumination of the marshlands to the east. Lights should have cutoff shields and non-glare fixture designs as needed to restrict illumination to the Site."
12. The applicant shall contact the Planning Division to request a final inspection, prior to the issuance of the final building permit. The request for final inspection by the Planning Division shall require a minimum of 48-hour advance notice.
13. All landscaping and bio-retention areas shall be installed prior to the Planning final inspection. **In addition, a letter from the landscape architect, verifying accuracy of the number of plants and species on site is required to be submitted for Planning review prior to calling for the planning final.**

#### **Department of Public Works- Land Development**

##### 14. Flood Zone

- a. This property is located within Special Flood Hazard Area Zone AE, with a base flood elevation of 10'. New equipment shall be installed according to FEMA standards for flood resistant materials (see FEMA Tech Bulletin 2). Mew mechanical equipment, electrical and plumbing shall be floodproofed to a minimum elevation of 11', for one foot of freeboard above the base flood elevation.

##### 15. Access

- a. The sidewalk along the property frontage shall be updated to correct any accessibility deficiencies or trip hazards at this time.
- b. The access driveways shall be paved. Vehicles shall be driven over the paved driveway prior to leaving the site to reduce trackout from the gravel lot. Any material tracked out shall be swept on a regular basis. Additional paving or other treatment methods may be required if trackout is not adequately contained.

- c. The lot is proposed for storage of inventory of new vehicles. No parking shall be permitted for the public. Therefore, we have not reviewed the striping/space layout for parking space dimensions, aisles or maneuverability.
- d. Easements are shown on this property. For improvements within the easements, confirm with the easement holder.
- e. It appears that the new lights are shown near the property line. It is our understanding that these will be located entirely on-site.

16. Drainage

- a. The lot is proposed for storage of inventory of new vehicles only. Used, repair or other vehicles shall not be stored on-site without additional stormwater treatment.
- b. The proposed improvements appears to be over 1 acre, which shall require a SWPPP.
- c. Due to the site characteristics and proposed improvements a grading permit shall be required, from the Department of Public Works, located at 111 Morphew St.

17. Traffic

- a. Vehicle trips shall be limited to outside of peak hours. No trips shall be generated between the hours of 7 am to 9 am and 4 pm to 6 pm on weekdays. Under this condition, no traffic mitigation fee is required.
- b. For future development the site shall not have any established trips with this use and treated as a vacant lot. Alternatively, the applicant may request to complete a traffic study at this time.

Please contact Josh Minshall at the Department of Public Works with questions regarding these comments, by phone at 415.485.3158 or email at [Josh.Minshall@cityofsanrafael.org](mailto:Josh.Minshall@cityofsanrafael.org)

**Building Division**

18. The design and construction of all site alterations shall comply with the 2016 California Building Code (CBC), 2016 California Plumbing Code (CPC), 2016 California Electrical Code (CEC), 2016 California Mechanical Code CCMC), 2016 California Fire Code (CFC), 2016 California Energy Code, 2016 California Green Building Standards Code and City of San Rafael Ordinances and Amendments.

19. A building permit is required for the proposed work. Applications shall be accompanied by four (4) complete sets of construction drawings to include:

- a. Architectural plans
- b. Structural plans
- c. Electrical plans
- d. Plumbing plans

- e. Mechanical plans
- f. Site/civil plans (clearly identifying grade plane and height of the building)

20. The occupancy classification, construction type and square footage of each building shall be specified on the plans. In mixed occupancies, each portion of the building shall be individually classified.

21. Each site must have address identification placed in a position that is plainly legible and visible from the street or road fronting the property. Numbers painted on the curb do not satisfy this requirement. In new construction and substantial remodels, the address must be internally or externally illuminated and remain illuminated at all hours of darkness. Numbers must be a minimum 4 inches in height with ½ inch stroke for residential occupancies and a minimum 6 inches in height with ½ inch stroke for commercial applications. The address must be contrasting in color to their background SMC 12.12.20.

22. If proposed fencing exceeds 6' in height, a building permit is required.

23. Regarding any grading or site remediation, soils export, import and placement; provide a detailed soils report prepared by a qualified engineer to address these procedures. The report should address the import and placement and compaction of soils at future building pad locations and should be based on an assumed foundation design. This information should be provided to Building Division and Department of Public Works for review and comments prior to any such activities taking place.

A grading permit may be required for the above-mentioned work.

24. The site development of items such as common sidewalks, parking areas, stairs, ramps, common facilities, etc. are subject to compliance with the accessibility. Pedestrian access provisions should provide a minimum 48" wide unobstructed paved surface to and along all accessible routes. Items such as signs, meter pedestals, light standards, trash receptacles, etc., shall not encroach on this 4' minimum width. Also, note that sidewalk slopes and side slopes shall not exceed published minimums. The civil, grading and landscape plans shall address these requirements to the extent possible.

**Fire Prevention Bureau**

25. Provide KNOX key switches or KNOX padlocks at each gated entrance.

26. Provide FIRE LANE signage and striping for both entrances.

27. Provide 20' width through driveway gate

28. Provide hammerhead turnaround conforming to CFC 503 and Appendix D.

The foregoing Resolution was adopted at the regular meeting of the City of San Rafael Planning Commission held on the 15<sup>h</sup> day of January 2019.

Moved by Commissioner \_\_\_\_\_ and seconded by Commissioner \_\_\_\_\_ as follows:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

SAN RAFAEL PLANNING COMMISSION

ATTEST: \_\_\_\_\_  
Paul A. Jensen, Secretary

BY: \_\_\_\_\_  
Berenice Davidson, Chair



X: ---, Y: ---      1 feature(s) selected on 1 layer(s)      1: 3095.4784      3439.38 x 2305.46 (ft)

Project site

## EXHIBIT 2





CARLSBAD  
FRESNO  
IRVINE  
LOS ANGELES  
PALM SPRINGS  
POINT RICHMOND  
RIVERSIDE  
ROSEVILLE  
SAN LUIS OBISPO

## MEMORANDUM

DATE: December 19, 2018

TO: Diana Kennedy, General Manager  
Toyota Marin

FROM: Dan Sidle, Associate/Senior Biologist  
George Molnar, Principal/Senior Biologist

SUBJECT: Biological Constraints - Proposed Vehicle Storage Lot (Northern Half)  
104 Windward Way, San Rafael, California

In response to your request, on December 18, 2018, LSA Senior Biologist Dan Sidle conducted an additional survey at the property at 104 Windward Way (the Site) to determine if potential biological constraints to your proposed plans for the Site have changed since LSA's last site visit on March 3, 2016. This memo summarizes the results of the survey.

The entire Site consists of an approximately 2.3-acre fenced lot fronting on Windward Way within an industrial area of San Rafael. It is bordered on the south by existing office-warehouse buildings, on the west and north by filled vacant lands, and on the east by unfilled vacant lands. The southern portion of the Site has been paved and applied with gravel and is currently being used as a vehicle storage lot. The northern portion of the site is covered by fill material as indicated by its elevation in excess of 12 feet above the adjacent unfilled lands to the east and by the presence of gravel at the soil surface. The fill material appears to be well compacted.

The northern Site was covered with gravel following the 2016 field visit and therefore supports limited vegetated grown cover, except along the fence lines and within portions of the site that have been planted with landscaping. The margins of the northern lot along the fence line where gravel has been applied supports non-native, ruderal (weedy) species such as Italian ryegrass (*Festuca perennis*), clover (*Trifolium spp.*), filaree (*Erodium botrys*), English plantain (*Plantago lanceolata*), prickly ox-tongue (*Helminthotheca echioides*), sow thistle (*Sonchus arvensis*), curly dock (*Rumex crispus*), sweet fennel (*Foeniculum vulgare*), mallow (*Malva sp.*), stinkwort (*Dittrichia graveolens*), and cats-ear (*Hypochaeris glabra*).

Since the last site visit, portions of the Site have been landscaped with ornamental plants, including African sumac (*Rhus lancea*), hopseed bush (*Dodonea viscosa*), Carolina cherry (*Prunus caroliniana*), emerald carpet manzanita (*Arctostaphylos 'emerald carpet'*), atlas fescue (*Festuca mairei*), xylosma (*Xylosma congestum*), and Hall's Japanese honeysuckle (*Lonicera japonica 'halliana'*). Ornamental trees are present on adjacent lands to the east and south. No evidence of wetland vegetation or other indicators of wetlands was observed on the Site, and no evidence of burrows, other ground disturbance by small mammals, or bird nesting activity were observed on the site during the survey.

Adjacent City-owned lands immediately to the east of the Site contain a mix of upland ruderal vegetation, wetland/marsh vegetation, and small ponded areas. Further to the east (estimated 200 to 300 feet eastward) lies coastal salt marsh habitat that contains stands of pickleweed (*Salicornia virginica*). These marshlands (known as the “Bayview Marsh”) support a population of the endangered species, salt marsh harvest mouse (*Reithrodontomys raviventris*). Although this mouse species primarily inhabits the pickleweed habitat, it will also take refuge in adjacent uplands during high tidal periods. Consequently, salt marsh harvest mouse could occasionally seek refuge within the upland portions of the City-owned lands adjacent to the site. There is a remote possibility that this species possibly could occur as far east as the edge of the Site during periods of high tides. The marshlands also support habitat for other special-status species, such as white-tailed kite (*Elanus leucurus*), which was observed perched in a large shrub a few hundred feet east of the Site.

One large inactive stick nest, which was likely used by a red-tailed hawk (*Buteo jamaicensis*), American crow (*Corvus brachyrhynchos*), or common raven (*C. corax*), was observed in the utility tower approximately 450 feet southwest of the northern portion of the Site, but this nest is situated far enough away and within an existing urban area, that it would not pose as a constraint to development at the Site. Other wildlife or wildlife sign observed detected during the survey consist of Pacific treefrog (*Hyla regilla*), black phoebe (*Sayornis nigricans*), American robin (*Turdus migratorius*), and golden-crowned sparrow (*Zonotrichia atricapilla*).

Future development on the Site would not have the potential to cause any adverse impacts to biological resources in the vicinity, provided that the following measures are implemented:

1. If the construction work is conducted during the bird breeding season (February 1 to September 1), pre-work surveys for ground nesting birds should be conducted on the site by a qualified biologist. The surveys should also encompass the surface area and trees on adjacent properties within 50 feet of the work area. The surveys should be conducted within 10 days of the onset of work. If nesting birds are found, adequate buffer zones should be established around the nests until the biologist has confirmed that the young have fledged or the nests have been abandoned. The size of the buffers will be determined by the biologist, based on the particular species of nesting birds. The buffer zones should be protected with temporary construction fencing.
2. It is unlikely that the salt marsh harvest mouse would occur on the Site, given the distance between the Site and the nearest pickleweed stands. Nevertheless as a precaution, a temporary exclusion fence should be installed along the eastern edge of the Site during the work period. The fence should be a minimum of 3 feet in height, consisting of 8-millimeter plastic (“Visqueen”) sheeting that is too smooth to be climbed by mice. It should be supported by wooden or steel rebar stakes. The toe of the fence should be buried approximately 4 inches in the ground to prevent mice from crawling or burrowing underneath it. To provide strength, durability and wind resistance, the plastic sheeting should be sandwiched between two stakes at each stake location, with the stakes screwed or wired together firmly. The fence should be maintained in good condition throughout the work period, and inspected at least weekly. Any gaps or holes should be repaired immediately upon discovery.

3. All construction personnel should be advised of the sensitivity of the adjacent lands to the east and that no intrusions or disturbance of the area east of the temporary fence is allowed.
4. Any lighting installed on the Site should be directed onto the Site and downward, and should not increase nighttime illumination of the marshlands to the east. Lights should have cutoff shields and non-glare fixture designs as needed to restrict illumination to the Site.

Please contact me at 510 236-6810 or at [dan.sidle@lsa.net](mailto:dan.sidle@lsa.net) or George Molnar at 510 236-6810 or at [george.molnar@lsa.net](mailto:george.molnar@lsa.net) if you have any questions or if we can be of any further assistance to you.

## Caron Parker

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**From:** Jeffrey Finn <1956madworld@gmail.com>  
**Sent:** Monday, January 07, 2019 4:49 PM  
**To:** Caron Parker  
**Subject:** 104 Windward WY Toyota storage lot expansion permit request

Hello Caron,

1. Will this expansion of the Toyota storage lot be crushed white rock and not asphalt paving? If asphalt I appose the permit request.
2. Also concern about increased traffic at Bellam blvd and windward Wy. Request all traffic associated with lot to use the back way and not enter/exit via windward onto Bellam Blvd. .
3. Concerned with the loss of open space and habitat. .
4. Concerned about increased heat signature with this use of a vacant lot.
5. Special consideration to the community garden and pedestrians use of the intersection at Bellam Blvd and windward wy.

Sincerely

Jeffrey Finn  
375 Catalina Blvd Apt 102  
San Rafael CA 94901



# SAN RAFAEL

THE CITY WITH A MISSION

Community Development Department – Planning Division

**Meeting Date:** January 15, 2019  
**Agenda Item:**  
**Case Numbers:** P18-020  
**Project Planner:** Raffi Boloyan (415) 485-3095

## REPORT TO PLANNING COMMISSION

**SUBJECT:** Annual Meeting of Planning Commission for 2019 to include: a) election of officers; and b) review of Planning Commission “Rules and Procedures”; and c) selection of liaisons to DRB meetings

### EXECUTIVE SUMMARY

The Annual Meeting of the Planning Commission is required to elect the Chair and Vice Chair officers for the calendar year. The Annual Meeting also provides the Commission an opportunity to review and consider adoption of revisions to the Planning Commission’s “Rules and Procedures.” The Rules and Procedures were last amended by the Commission at their January 2018 annual meeting. This year, there are no changes recommended to the Rules and Procedures.

### RECOMMENDATION

It is recommended that the Planning Commission take the following action:

- a) Elect a new Chair and Vice Chair for 2019; and
- b) Accept as previously adopted the Planning Commission “Rules and Procedures;” and
- c) Select Planning Commission liaisons to the DRB for 2019

### BACKGROUND AND ANALYSIS

#### Election of Officers:

Section II.E of the Planning Commission “Rules and Procedures” requires that the Planning Commission conduct an annual meeting to select officers (Chair and Vice Chair) for the calendar year. The Annual Meeting is defined as the “first meeting of the calendar year,” which for this year is January 15, 2019.

The office of the Chair and Vice Chair is rotational, with selection based on seniority or tenure of service. Per the Rules and Procedures, generally, a Commissioner shall not serve as a Chair more than once in seven consecutive years. See attached Exhibit 1, which lists the appointment dates and past service as chair by each of the Commission members.

#### Chair

Based on the rotation criteria, Commissioner Loughran is next-in-line to serve as Chair, as she served as Vice Chair for 2018.

#### Vice Chair

In order to determine the next Vice Chair, the same rules and procedures for Chair apply to Vice Chair. There are two Commissioners who have not served as Chair or Vice Chair in the past 7 years (Commissioner’s Mercado and Schoppert). Commissioner Schoppert has the most tenure of the two. Therefore, the Commissioner with the most tenure of service that is also eligible to

serve as Vice Chair (will not have served more than once as chair in past seven years) is Commissioner Schoppert and would be the next eligible Vice Chair for 2019.

Therefore, based on the rules and procedures, it is recommended that Commission Loughran be elected to serve s Chair and Commission Schoppert be elected to serve as Vice Chair

#### **Consideration of Revisions to Planning Commission “Rules and Procedures”:**

The Rules and Procedures were previously reviewed by the Commission annually between 2010 and 2017 and no changes were recommended. During the 2018 annual meeting (1/9/18), the Commission updated their Rules and Procedures.

Staff distributed the current Rules and Procedures to the Commission in December 2018 and staff has not received any comments or suggested modifications. In addition, staff has not heard and specific comments or suggestions from the Commission for modifications to the current “Rules and Procedures” During this past year.

Therefore, staff recommends the current rules should remain in their current form and be used for the upcoming calendar year. A copy of the current Rules and Procedures are attached (Exhibit 2).

If there are changes that the Commission would like to consider, these can be discussed at the annual meeting and if the majority of the Commission would like to make the changes, staff can return with the appropriate revisions at a subsequent meeting.

#### **Selection of Commissioners for DRB Liaison:**

The annual meeting also provides an opportunity to select Commissioners to serve as a liaison at the Design Review Board meetings for the calendar year. Commissioners (with the exception of the new Chair) are requested to serve as liaison in two month increments, which involve attendance at up to four, regular DRB meetings during the two selected months of service. Therefore, the Commission, except for the new Chair, should select a two month block to serve as liaison.

Commissioner Lubamersky previously volunteered to assume the Jan/Feb duties, so we will need the other 5 Commissioners (Schoppert, Schaefer, Mercado and Davidson) to select from the other 5 assignments. A copy of the assignments is attached (Exhibit 3).

## **OPTIONS**

Regarding the “Rules and Procedures,” the Planning Commission has the following options:

1. Continue this upcoming year with the current “Rules and Procedures” as adopted on January 9, 2018 (staff recommendation).
2. Identify areas for further study and direct staff to return with recommended revisions to the “Rules and Procedures” for action at a future meeting
3. Modify the “Rules and Procedures” for review and direct staff to return with revised document for consideration at a future meeting.

## **EXHIBITS**

1. Table Listing Planning Commissioners, Tenure and Chairpersonship
2. Current Planning Commission “Rules and Procedures,” adopted January 9, 2018
3. Planning Commission liaison assignment to DRB meetings, 2019

## **EXHIBIT 1**

### **San Rafael Planning Commission History of Tenure and Chairpersonship**

<b>Commissioner</b>	<b>First Appointed to Commission</b>	<b>Years Served as Chairperson</b>	<b>Years Served as Vice Chair</b>
Mark Lubamersky	10/2012	Chair 2016	Vice Chair 2015
Aldo Mercado	7/2018	None	None
Berenice Davidson	6/2015	Chair 2017 (part) Chair 2018	Vice Chair 2017 (part)
Jack Robertson	7/2011	Chair 2014	Vice Chair 2013
Barrett Schaefer	8/2012	Chair 2015	Vice Chair 2014
Sarah Loughran	11/2016	None	Vice Chair 2018
Jeff Schoppert	7/2017	None	None

# PLANNING COMMISSION RULES AND PROCEDURES

## CITY OF SAN RAFAEL

### Revisions Adopted at Annual Planning Commission Meeting of January 9, 2018

#### 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).
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. 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.
5. 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 Chair. 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.

### 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 p.m. in the Council Chambers of the City Hall, unless otherwise determined by the Commission. All regular meetings must be held within the city limits of San Rafael.
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

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

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. The Chair shall lead a pledge of allegiance.
  - c. Members present and absent shall be recorded.
  - d. The order of the agenda shall be approved as submitted or revised by a majority vote of the Commissioners present.
  - e. The public shall be advised of the procedures to be followed in the meeting including the protocol and time frames for public comment.
  - f. Any member of the audience may comment on any matter which is not listed on the agenda.
  - g. 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.
  - h. The Commission shall then hear and act upon those proposals scheduled for consideration or public hearing.
  - i. Director's Report.
  - j. Commission Communications.
  - k. 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. 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.

2. The public hearing is opened.
3. The applicant makes a presentation to the Commission.
4. The public speaks to the Commission.
5. The Commission may ask questions or obtain facts or clarification from staff, the applicant or the public after each segment of the agenda.
6. The public hearing is closed.
7. 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. 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 are requested to identify themselves by name and place of residence.
3. Persons presenting testimony to the Commission shall be limited to three (3) minutes for their presentation. An extension of this time limit may be granted at the Chair's discretion.
4. 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.
5. To avoid unnecessary repetitive evidence, the Chair may limit the number of speakers or the time on a particular issue.
6. Irrelevant, defamatory, or disruptive comments will be ruled out of order.
7. No person shall address the Commission without first securing the permission of the Chair.
8. 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.

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.

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 and January 9, 2018)

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**- DESIGN REVIEW BOARD MEETINGS –  
2019 PLANNING COMMISON LIAISON**

<b>Months</b>	<b>Commission Liaison</b>
January 8 & 23 (Wednesday) February 5 & 20 (Wednesday)	Lubamersky
March 5 & 19 April 3 (Wednesday) & 16	
May 7 & 21 June 4 & 18	
July 2 & 16 August 6 & 20	
September 4 (Wednesday) & 17 October 8 & 22	
November 6 (Wednesday) & 19 December 3 & 17	

Notes:

- Chair does not serve as liaison
- All DRB meetings are the 1<sup>st</sup> and 3<sup>rd</sup> Tuesday of each month, starting with the first full week (a week includes a Monday).
- All dates above are Tuesday's except as noted. If there is a holiday on Monday, the DRB meeting gets pushed to Wednesday for that week.