



# SAN RAFAEL

THE CITY WITH A MISSION

Community Development Department – Planning Division

**Meeting Date:** January 12, 2021  
**Agenda Item:** 2.  
**Case Numbers:** P21-01  
**Project Planner:** Ali Giudice (415) 485-3092

## REPORT TO PLANNING COMMISSION

**SUBJECT:** Annual Meeting of Planning Commission for 2021 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 the February 2020 annual meeting. This year, there are a couple changes to the Rules and Procedures related to virtual meetings that the Planning Commission should consider. Staff has prepared some redlined edits. However, the Commissioners may have additional edits.

### RECOMMENDATION

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

- a) Elect a new Chair and Vice Chair for 2021; and
- b) Accept changes to the Planning Commission “Rules and Procedures;” and
- c) Select Planning Commission liaisons to the DRB for 2021

### 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 12, 2021.

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 Samudzi is next-in-line to serve as Chair, as he served as Vice Chair for 2020.

#### Vice Chair

In order to determine the next Vice Chair, the same rules and procedures for Chair apply to Vice Chair. There are three Commissioners who have not served as Chair or Vice Chair in the past 7 years (Commissioners Saudi, Previtali, and Hill). Commissioners Saudi and Previtali were both

appointed on July 2020. The rules and procedures dictate that in the event the years of service are identical, tenure will be determined in alphabetical order. Therefore, Commissioner Previtali would be the next in line to serve as Vice Chair.

RECOMMENDATION: Based on the rules and procedures, it is recommended that Commission Samudzi be elected to serve as Chair and Commission Previtali be elected to serve as Vice Chair.

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

The Rules and Procedures are reviewed by the Commission. Given the ongoing shelter in place order due to Covid-19, modifications to the Planning Commission public meeting format has been adjusted to a virtual meeting format. Staff has included some recommended changes to the Rules and Procedures to account for this change. The Planning Commission is asked to review and provided feedback on the recommended changes.

**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. It is unclear if the Design Review Board will begin meeting in a regular schedule for the 2021 year. However, staff is asking that the Commission, except for the new Chair, select a two month block to serve as liaison. A schedule of dates is included as Exhibit 3.

**OPTIONS**

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

1. Modify the Rules and Procedures as recommended in the staff report;
2. Modify the “Rules and Procedures” for review and direct staff to return with revised document for consideration at a future meeting;
3. Identify additional areas for further study and direct staff to return with recommended revisions to the “Rules and Procedures” for action at a future meeting;
4. Continue this upcoming year with the current “Rules and Procedures” as adopted on February 2020.

**EXHIBITS**

1. Table Listing Planning Commissioners, Tenure and Chairpersonship
2. Draft revised Planning Commission “Rules and Procedures,” dated January 14, 2020
3. Planning Commission liaison assignment to DRB meetings-2021

## **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	2016	Vice Chair 2015
Berenice Davidson	6/2015	2018	Vice Chair 2017 partial
Aldo Mercado	07/2018	2020 partial	2020 partial
Shingai Samudzi	07/2019	None	2020 partial
Jon Previtali	07/2020	None	None
Samina Saude	07/2020	None	None
Elias Hill	08/2020	None	None

# PLANNING COMMISSION RULES AND PROCEDURES

## CITY OF SAN RAFAEL

### Revisions Adopted at Annual Planning Commission Meeting of January 12, 2021

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

C. Adjourned Meetings

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

D. Special Meetings

Special meetings of the Planning Commission may be held at any time upon the call of the Chair or by a majority of the voting members of the Commission or upon

request of the City Council following at least 24 hours notice to each member of the Commission and to the press. The time and place of the special meeting shall be determined by the convening authority. At least 24 hours prior to the scheduled special meeting, the Community Development staff shall post a notice of the meeting on the City of San Rafael public hearing board, the City website and at the prescribed location of the meeting.

E. Annual Meeting

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

F. Study Sessions/Workshops/Informational Presentations

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

G. Notification

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

H. Agenda

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

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

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

#### I. Order of Meetings

1. The Order of business shall be as follows:

- a. The Chair shall take the chair at the hour appointed for the meeting and shall immediately call the meeting to order.
- b. The Chair shall lead a pledge of allegiance, for in person meeting; the pledge of allegiance will not occur for virtual meetings
- c. Members present and absent shall be recorded by roll call.
- 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. For virtual meetings, the public will be advised of the different ways to participate.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. The Chair shall call for commissioners to make ex parte disclosures and potential conflict of interest disclosures with respect to the proposed project.
2. Staff provides a report on the project and summarizes its compliance with San Rafael's General Plan, compliance with State laws and the City Code, the status of environmental review, and the staff recommendation for action(s) by the Commission.
3. The public hearing is opened.
4. The applicant makes a presentation to the Commission.
5. The public speaks to the Commission.
6. The Commission may ask questions or obtain facts or clarification from staff, the applicant or the public after each segment of the agenda.
7. The public hearing is closed.
8. The matter is returned to the Commission for discussion and action.

d. Rules of Testimony

The rules of testimony shall be as follows:

1. Upon opening the public hearing, the Chair shall invite the public to speak by inviting each speaker (one-at-a-time) to approach the podium. For virtual meetings, the chair will ask staff to advise the public on the different options for participating. On large or controversial projects where many people wish to provide public testimony, the Chair may request that speaker cards be filled-out and submitted.
2. Persons presenting testimony to the Commission 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.

For virtual meetings a roll call vote shall be required.

3. Recording of Votes

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

4. Disqualification from Voting

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

**III. Review and Amendments Procedure**

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

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

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**- DESIGN REVIEW BOARD MEETINGS –  
2021 PLANNING COMMISSION LIAISON**

<b>Months</b>	<b>Commission Liaison</b>
January 5 & 20 (Wednesday)	
February 2 & 17 (Wednesday)	
March 2 & 16	
April 6 & 20	
May 4 & 18	
June 8 & 22	

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.