



REPORT TO PLANNING COMMISSION

SUBJECT: Amend the Planning Commission “Rules and Procedures,” and conduct selection of liaisons to DRB meetings for second half of the year.

EXECUTIVE SUMMARY

On April 18, 2022, the City Council approved a One-Year Pilot Program for streamlined design review for certain residential projects. The program, which takes effect on June 2, 2022, requires revisions to the Planning Commission’s “Rules and Procedures,” which were last amended by the Commission at the January 2022 annual meeting. In addition, Planning Commission must select liaisons to the Design Review Board meetings for the second half of 2022 (July through December 2022).

RECOMMENDATION

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

- a) Consider and accept the proposed changes to the Planning Commission “Rules and Procedures;” and
- b) Select Planning Commission liaisons to the DRB for the second half of calendar year 2022.

BACKGROUND AND ANALYSIS

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

On April 18, 2022 the City Council approved a [one-year pilot program for streamlined design review of certain residential projects](#). Projects eligible for streamlined review at the Planning Commission (PC) are residential projects requiring Major Environmental Design Review (SRMC §14.25.040.A) and include either:

- 1) New construction of up to ten residential units; or
- 2) Additions to existing multi-family residential property with three to ten existing units of no more than 40% of building area and no more than three additional units.

These projects will be reviewed concurrently by two appointed Design Review Board (DRB) members and the PC during the public hearing on the project. The Board members, selected from the sitting DRB, will be able to ask questions and will have an opportunity to comment and provide recommendation to the Planning Commission during the public hearing on the project. The appointed DRB members may recommend, and the Planning Commission could refer a project to the full DRB (if a project is controversial, for example).

Staff has revised the PC Rules and Procedures to reflect the changes required by the approved Pilot Project (see Exhibit 1). Revisions are presented (starting on page 6) in ~~strikeout~~ for deleted text and underline for added text. The Planning Commission is asked to review and adopt the amendments.

Selection of Commissioners for Design Review Board Liaison:

Planning Commissioners are expected to serve as liaison to the Design Review Board. Each commissioner (with the exception of the Chair) is requested to serve as liaison for two months, which

involves attendance at up to four, regular DRB meetings during the two selected months of service. The liaison is also expected to report back to the Planning Commission at large during the following meeting, during the Commission Communication time on the agenda. During this year’s annual meeting on January 11, 2022, DRB liaisons were only selected for the first half of the year due to the vacancy in the Commission. Now that the PC is fully appointed, staff is requesting that, with the exception of the Chair, who is exempt, and Commissioner Mercado, who has already served as liaison for two months this year; that the remaining Commissioners volunteer for one month for the second half of the year, with new Commissioner Shalk volunteering for two months. See Table 1 below for a schedule of this year’s DRB meetings and volunteer assignments for the first half of the year.

Table 1. DRB Meeting Dates in 2022 and Liaison Assignments

Months	Commission Liaison	DRB Months	PC Commission Liaison
Tuesday, January 4, 2022 January 19 (Wednesday)	Aldo Mercado	July 6 (Wednesday) Tuesday, July 19, 2022	
Tuesday, February 8, 2022 February 23 (Wednesday)	Shingai Samudzi	Tuesday, August 2, 2022 Tuesday, August 16, 2022	
Tuesday, March 8, 2022 Tuesday, March 22, 2022	Jon Haveman	September 7 (Wednesday) Tuesday, September 20, 2022	
Tuesday, April 5, 2022 Tuesday, April 19, 2022	Aldo Mercado	October 4 (cancelled) Tuesday, October 18, 2022	
Tuesday, May 3, 2022 Tuesday, May 17, 2022	Camille Harris	Tuesday, November 8, 2022 Tuesday, November 22, 2022	
Tuesday, June 7, 2022 Tuesday, June 21, 2022	Samina Saude	Thursday, December 8, 2022 Tuesday, December 20, 2022	

OPTIONS

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

1. Approve the recommended amendments to the “Rules and Procedures” to reflect the streamlined design review pilot program as adopted by City Council;
2. 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.

EXHIBITS

1. Planning Commission draft “Rules and Procedures” with strike changes to reflect revisions, dated May 24, 2022

Exhibit 1

PLANNING COMMISSION RULES AND PROCEDURES CITY OF SAN RAFAEL

Proposed May 24, 2024

I. **Organization and Officers**

A. Organization

1. The Planning Commission shall consist of seven regular members appointed by the Mayor with the approval of the City Council and shall be organized and exercise such powers as prescribed by the City Charter and by the San Rafael Municipal Code (City Code).
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. 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 and Design Review Board Representatives (if applicable).
3. The public hearing is opened.
4. The applicant makes a presentation to the Commission.
5. The public speaks to the Commission and Design Review Board Representatives (if applicable).
6. The Commission and Design Review Board Representatives (if applicable) may ask questions or obtain facts or clarification from staff, the applicant, or the public after each segment of the agenda.
7. The public hearing is closed.
8. If applicable, the Design Review Board Representatives shall make recommendations to the Planning Commission.
9. The matter is returned to the Commission for discussion and action.

- d. Rules of Testimony

The rules of testimony shall be as follows:

1. Upon opening the public hearing, the Chair shall invite the public to speak by inviting each speaker (one-at-a-time) to approach the podium. For 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. This time limit may be limited or extended 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.

f. Design Review Board Representatives (if applicable)

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

J. Motions

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

K. Voting

1. Voting Requirements

- a. A quorum shall consist of four members.
- b. The affirmative vote of a majority of the quorum present is necessary for the Commission to take action on all matters other than those listed under Section c below.
- c. Certain votes of the Commission require a majority vote of the entire Commission (4 votes) to carry. These are:

- Adoption or amendment of a General Plan or any part thereof.
 - Adoption or amendment to any Neighborhood or Specific Plan or any part thereof.
 - Adoption or amendment to the Zoning Ordinance of the City Code or amendment thereto.
 - Adoption or amendment to a site-specific master plan for a Planned Development (PD) District.
 - Other actions as required under federal or state law. (These will be dealt with as they arise.)
- d. When a member of the Commission abstains from voting on any matter before it because of a potential conflict of interest, because the Commissioner does not believe he/she can be objective, or because the Commissioner was absent at any previous hearing on an item, said vote shall not constitute nor be considered as either a vote in favor of or opposition to the matter being considered. Abstentions shall not be allowed for any other reason.
- e. A tie vote shall be recorded as a failure of action to pass. A tie vote on a motion defeats the motion.

2. Roll Call Vote

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

For 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, January 12, 2021, and May 24, 2022)