

**Agenda Item 4.d**

**ORDINANCE NO. 2011**

**AN ORDINANCE OF THE CITY OF SAN RAFAEL AMENDING SECTIONS 2.16.040 THROUGH 2.16.110 OF THE SAN RAFAEL MUNICIPAL CODE RELATED TO THE PLANNING COMMISSION**

**WHEREAS**, regulations governing the planning commission of the City of San Rafael are located in the San Rafael Municipal Code (SRMC) Sections 2.16.040 through 2.16.110 of Chapter 2.16 (Board and Commissions); and

**WHEREAS**, currently, any changes to the planning commission requires an amendment to the Municipal Code and staff is recommending amending the code to allow specific details of the commission to be approved by resolution of the City Council, such as meeting frequency, eligibility requirements for becoming a planning commissioner, and composition of the commission, and specific compensation of planning commissioners; and

**WHEREAS**, Section 2.16.050 of the municipal code currently outlines the process for the initial implementation of the planning commission and is no longer needed, and staff is recommending deleting the implementation process; and

**WHEREAS**, the municipal code currently outlines the process for chair and secretary selection and staff is recommending that changes to eligibility requirements, meetings and Commission composition be established by resolution; and

**WHEREAS**, the municipal code currently outlines meeting frequency and quorum and staff is recommending the deletion of this section because it will be outlined in the bylaws to be consistent with other boards and commissions; and

**WHEREAS**, the municipal code currently states that members of the planning commission will serve without compensation and staff is recommending an amendment to the code providing City Council authority to approve compensation of commissioners by resolution; and

**WHEREAS**, the municipal code outlines the powers and duties of the planning commission and references duties and documents that are no longer relevant to the current role of the planning commission;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN RAFAEL DOES ORDAIN AS FOLLOWS:**

**Division 1. Amendment of Municipal Code.**

Sections 2.16.040 through 2.16.110 of Chapter 2.16 (Board and Commissions) of the San Rafael Municipal Code are hereby amended to read as follows. Additions are shown in underline, and deletions are shown in ~~strike through~~.

**2.16.040 – Planning commission—Creation—Membership.**

There is created a planning commission for the city, consisting of seven members, not officials of the city, appointed by the mayor with the approval of the city council. Eligibility requirements for members of the planning commission are as follows:

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

Requirements for eligibility:

1. District Representatives: Each district representative must reside in the district they represent.
2. At-Large Members: Must reside in city limits.

### **2.16.050 – Terms of planning commission members.**

~~Of the members of the commission first appointed, two shall be appointed for the terms of one year; two for the terms of two years; two for the terms of three years; and one for the term of four years. Their successors~~ Planning commissioners shall be appointed for terms of four years; if a vacancy occurs otherwise than by expiration of term it shall be filled by appointment for the unexpired portion of the term.

### **2.16.060 – Advisory members of planning commission.**

Advisory members of the commission shall be the city manager, the city attorney, and the city engineer. The advisory members shall not have the power to vote and their terms shall correspond to their respective official tenure.

### **~~2.16.070 – Chairman and secretary of planning commission.~~ Operations of the planning commission.**

~~The commission shall elect a chairman from its appointed members, and may also elect a secretary who may be an employee of the city.~~ Meeting frequency and other operations of the planning commission shall be set by resolution of the council.

### **~~2.16.080 – Meetings and quorum of planning commission.~~ Reserved.**

~~At least one regular meeting shall be held each month on a date selected by the commission.~~

~~Four of the appointed members of the commission shall be required to constitute a quorum for the transaction of the business of the commission.~~

### **2.16.090 – Removal from planning commission.**

Any appointed member of the commission may be removed by the mayor with the approval of the city council or by a majority vote of the council.

### **2.16.100– Compensation of planning commission.**

~~All members of the commission shall serve as such without compensation.~~ The city council may establish compensation for members of the planning commission by resolution.

### **2.16.110– Powers and duties of planning commission.**

It shall be the function and duty of the planning commission to act as a decision-making body on quasi-legislative matters including but not limited to:

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- major subdivisions as delegated to the planning commission under Title 15 of this Code
- conditional use permits delegated to the planning commission
- environmental and design review permits delegated to the planning commission
- appeals made by a lower body and appealed to the planning commission.

It shall be the function and duty of the planning commission to act as an advisory body to the city council on legislative matters related to but not limited to the following:

- general plan updates and amendments
- zoning text and zoning map amendments
- other land use matters requiring city council action.

It shall be the duty of the members of the planning commission to inform themselves on matters affecting the functions and duties of the commission and all planning matters, and, to that end, they may attend training and planning conferences and the reasonable traveling expenses incidental to the attendance shall be charged upon the funds allocated to the commission.

The planning commission shall endeavor to promote public interest and understanding of plans developed, and the regulations relating thereto. The commission shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which records shall be a public record.

~~It shall be the function and duty of the planning commission to prepare and adopt, in accordance with and as provided by the Conservation and Planning Act of the state of California, comprehensive long-term general plans for the physical development of the city of San Rafael, and of any land outside the boundary thereof which bears relation to the city. The plans may be comprised of the following or other and additional plans and maps which may in commission's judgment relate to the physical development of the city:~~

~~Streets and highway plan  
Parking plan  
Recreation plan  
Public buildings plan  
Transit plan~~

~~The planning commission shall be charged with the duty of making investigations, reports on the design and improvements of proposed subdivisions, and shall have such powers in connection therewith as are outlined in the Subdivision Map Act of the state of California, and the subdivision regulations adopted by the city of San Rafael.~~

~~It shall be the duty of the members of the planning commission, including advisory members and members of its staff, to inform themselves on matters affecting the functions and duties of the commission and all planning matters, and, to that end, when authorized by a majority of the commission, may attend planning conferences, or meetings of planning executives, hearings on planning legislation or matters affecting the master plan or any part thereof, and the reasonable traveling expenses incidental to the attendances shall be charges upon the funds allocated to the commission.~~

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~~The planning commission shall endeavor to promote public interest and understanding of plans developed, and the regulations relating thereto. It shall be part of its duty to consult with and advise the public officials, agencies, public utilities companies, school boards, civic and other organizations, and with the citizens generally in relation to carrying out the plans.~~

~~The commission shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which records shall be a public record.~~

### **Division 2. Severability.**

If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares it would have passed and adopted this Ordinance and each and all provisions hereof irrespective of the fact that any one or more of said provisions be declared invalid.

### **Division 3. CEQA Determination.**

This Ordinance makes only administrative changes to the operations of a City board and is therefore exempt from the requirements of the California Environmental Quality Act (CEQA) under 14 Cal. Code Regs. §15061(b)(3), the common sense exemption, because it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment.

### **Division 4. Publication; Effective Date.**

This Ordinance shall be published once, in full or in summary form, before its final passage, in a newspaper of general circulation, published, and circulated in the City of San Rafael, and shall be in full force and effect thirty (30) days after its final passage. If published in summary form, the summary shall also be published within fifteen (15) days after the adoption, together with the names of those Councilmembers voting for or against same, in a newspaper of general circulation published and circulated in the City of San Rafael, County of Marin, State of California.



KATE COLIN, Mayor

ATTEST:



LINDSAY LARA, City Clerk

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The foregoing Ordinance No. 2011 was introduced at a Regular Meeting of the City Council of the City of San Rafael, held on the 6<sup>th</sup> day of June 2022 and ordered passed to print by the following vote, to wit:

AYES: Councilmembers: Bushey, Hill, Kertz, Llorens Gulati & Mayor Kate

NOES: Councilmembers: None

ABSENT: Councilmembers: None

and will come up for adoption as an Ordinance of the City of San Rafael at a Regular Meeting of the Council to be held on the 21<sup>st</sup> day of June 2022.



LINDSAY LARA, City Clerk

## **SUMMARY OF ORDINANCE NO. 2011**

### **AN ORDINANCE OF THE CITY OF SAN RAFAEL AMENDING SECTIONS 2.16.040 THROUGH 2.16.110 OF THE SAN RAFAEL MUNICIPAL CODE RELATED TO THE PLANNING COMMISSION**

This Summary concerns a proposed ordinance of the City Council of the City of San Rafael, designated as Ordinance No. 2011, which will amend the Planning Commission. Ordinance No. 2011 is scheduled for adoption by the San Rafael City Council at its regular meeting of Tuesday, June 21, 2022. The City Clerk has been directed to publish this Summary pursuant to City Charter and California Government Code section 36933(c)(1).

### **SUMMARY OF ORDINANCE**

Ordinance No. 2011 amends Sections 2.16.040 through 2.16.110 of the San Rafael City Municipal Code, changing membership eligibility to include four district representatives and three at-large members, removing outdated implementation guidelines, allowing meeting frequency and operations of the commission to be approved by resolution, removing duplicative information, removing the clause relating to compensation of commissioners and providing authority to the city council to approve compensation by resolution, and updating the powers and duties of the commission to reflect the current practices of the commission.

For a complete copy of the text of the Ordinance, please contact the City Clerk Lindsay Lara at 415-485-3065 or [Lindsay.lara@cityofsanrafael.org](mailto:Lindsay.lara@cityofsanrafael.org). Copies of the Ordinance are also available for public review by contacting the City Clerk's office by email to [city.clerk@cityofsanrafael.org](mailto:city.clerk@cityofsanrafael.org).

/s/ Lindsay Lara  
LINDSAY LARA  
San Rafael City Clerk  
Dated: 06/10/2022