



THE TOWN OF  
CORTE MADERA  
MARIN COUNTY CALIFORNIA

# TOWN OF CORTE MADERA PLANNING COMMISSION AGENDA

*Tuesday, July 26, 2016*

Council Chambers, 300 Tamalpais Drive, Corte Madera, California

## **7:30 P.M. REGULAR MEETING**

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### **1. OPENING**

- A. Call to Order
- B. Pledge of Allegiance
- c. Roll Call
- D. Election of Officers: Chair and Vice-Chair

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### **2. PUBLIC COMMENT**

The public is invited to address the Planning Commission on any matter in the Commission's jurisdiction, except for items scheduled for continued or new hearings. Comments are limited to three minutes per speaker.

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### **3. CONSENT CALENDAR**

All items placed on the consent calendar may be acted on collectively on a motion by any Commissioner, and each shall be deemed to have received the action recommended by staff. Any Commissioner or member of the public may request the removal of any item from the consent calendar and it will then be considered last under "New Hearings".

- A. NONE

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### **4. CONTINUED HEARINGS**

- A. NONE

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### **5. NEW HEARINGS**

- A. **1441 CASA BUENA DRIVE – DESIGN REVIEW APPLICATION PL-2016-0071 FOR EXTERIOR MODIFICATIONS AND SITE IMPROVEMENTS FOR AN EXISTING 32 UNIT MULTIFAMILY DEVELOPMENT** (Assistant Planner Doug Bush)

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### **6. BUSINESS ITEMS**

- A. **CONSIDERATION OF REVISIONS TO THE 2015 PLANNING COMMISSION RULES AND PROCEDURES** (Planning Director Adam Wolff)
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## 7. ROUTINE AND OTHER MATTERS

### A. REPORTS, ANNOUNCEMENTS AND REQUESTS

- i. Commissioners
- ii. Planning Director
- iii. **Tentative Agenda Items for August 9, 2016 Planning Commission Meeting**
  - A. **5124 PARADISE DRIVE** – DESIGN REVIEW AND ENVIRONMENTAL ASSESSMENT PL-2016-0033 FOR A NEW WOOD FRAMED FIXED PIER TO EXTEND 76 FEET OUT TOWARD THE BAY. INCLUDES A 4 FOOT WIDE WALKWAY TERMINATING AT A 12 FOOT WIDE PIER HEAD, WITH FLOATING DOCK AND BOAT LIFT. (Senior Planner Phil Boyle)
  - B. **21 ENDEAVOR COVE** – DESIGN REVIEW FOR MAJOR INTERIOR AND EXTERIOR REMODEL, INCLUDING A 550 SQUARE FOOT SECOND STORY ADDITION, 130 SQUARE FOOT FRONT ENTRY ADDITION, A NEW WOOD ARBOR AND A NEW ENTRY PORCH. A VARIANCE IS REQUESTED FOR ENCROACHMENT INTO THE FRONT SETBACK. (Assistant Planner Doug Bush)
  - C. **TAM RIDGE RESIDENCES (BUSINESS ITEM)** – PERMIT AMENDMENT TO MODIFY MATERIALS AND COLORS OF A PORTION OF THE BUILDING AT THE CORNER OF WORNUM AND TAMAL VISTA AND THE COLORS OF THE EAST FACING WALL OF BUILDING 1, ADJACENT TO HIGHWAY 101.

### B. MINUTES

- i. **Planning Commission Meeting Minutes of July 12, 2016 will be reviewed at the August 9, 2016 meeting.**

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## 8. ADJOURNMENT

To the next Planning Commission Regular Meeting which will be held on **August 9, 2016 at 7:30 p.m.** in the Corte Madera Council Chambers, 300 Tamalpais Drive.

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**TO ACCESS PLANNING COMMISSION PACKET MATERIALS, VISIT:**  
<http://www.ci.corte-madera.ca.us/Archive.aspx?AMID=41>

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### PROCEDURAL NOTES

1. ALL DOCUMENTS RELATING TO AGENDA ITEMS ARE AVAILABLE FOR PUBLIC REVIEW IN THE PLANNING DEPARTMENT OF THE TOWN OF CORTE MADERA OFFICES AT 300 TAMALPAIS DRIVE, BETWEEN THE HOURS OF 8:00 A.M. TO 5:00 P.M., MONDAY THROUGH FRIDAY. STAFF REPORTS ARE NORMALLY AVAILABLE ON FRIDAY AFTERNOON PRECEDING THE TUESDAY MEETINGS. IT IS RECOMMENDED THAT YOU CONTACT THE PLANNING DEPARTMENT FOR AVAILABILITY.
2. EACH PERSON DESIRING TO SPEAK ON A PUBLIC HEARING ITEM WILL BE GIVEN AN OPPORTUNITY AT THE APPROPRIATE TIME. PLEASE STATE YOUR NAME AND ADDRESS AS THE MEETING IS BEING RECORDED
3. **APPEAL** - FOLLOWING ACTION BY THE PLANNING COMMISSION AT A PUBLIC HEARING OR MEETING, ANY DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE TOWN COUNCIL WITHIN TEN (10) CALENDAR DAYS. APPEAL FORMS ARE AVAILABLE AT THE PLANNING DEPARTMENT, CORTE MADERA TOWN HALL. A \$300 FILING FEE IS REQUIRED.
4. IF YOU CHALLENGE THE ACTION OF THE PLANNING COMMISSION IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS AGENDA, OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE TOWN AT OR PRIOR TO THE PUBLIC HEARING.
5. IT IS THE PLANNING COMMISSION'S POLICY TO ADJOURN ALL MEETINGS BY 12:00 A.M.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Department at (415) 927-5064. For auxiliary aids or services or other reasonable accommodations to be provided by the Town at or before the meeting, please notify the Planning Department at least 3 business days (the Thursday before the meeting) in advance of the meeting date. If the Town does not receive timely notification of your reasonable request, the Town may not be able to make the necessary arrangements by the time of the meeting.

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**ITEM NO. 5A**

**1441 CASA BUENA DRIVE – DESIGN REVIEW  
APPLICATION PL-2016-0071 FOR EXTERIOR  
MODIFICATIONS AND SITE IMPROVEMENTS FOR AN  
EXISTING 32 UNIT MULTIFAMILY DEVELOPMENT**

**Planning Commission Meeting  
JULY 26, 2016**

**ITEM NO. 6A**

**CONSIDERATION OF REVISIONS TO THE 2015 PLANNING  
COMMISSION RULES AND PROCEDURES**

**Planning Commission Meeting  
JULY 26, 2016**



THE TOWN OF  
CORTE MADERA  
MARIN COUNTY CALIFORNIA

**July 22, 2016**

**TO: PLANNING COMMISSION**

**FROM: ADAM WOLFF, DIRECTOR OF PLANNING AND BUILDING**

**SUBJECT: CONSIDERATION OF REVISIONS TO THE 2015 PLANNING COMMISSION RULES AND PROCEDURES**

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At the July 12, 2016, Planning Commission Meeting, Commissioner Metcalfe requested that the 2015 Planning Commission Rules and Procedures be updated to clarify procedures for adding items to the Commission's agendas and for periodically updating the Rules and Procedures document. The proposed changes are highlighted in the attached "red-lined" version of the Planning Commission Rules and Procedures sections 4.2.2 and 4.4 respectively (Attachment A).

The proposed additional section regarding placing item(s) on the PC Agenda is consistent with the Town Council's rules and procedures.

Staff is also recommending an edit to the description of a Study Session, as described in Section 3.3.3 of the document, to better reflect the intent and practice of such meetings.

All the proposed revisions to the 2015 Planning Commission Rules and Procedures are shown in red in Attachment A.

Staff recommends that the Commission review the attached changes, listen to any comments from the public and provide any direction to staff of additional edits. Staff will then bring these recommended changes to the Town Council for final action.

Attachments:

- A. Revised 2015 Planning Commission Rules and Procedures (edits in red)

# **ATTACHMENT A**

PROPOSED REVISIONS TO PC RULES AND PROCEDURES



THE TOWN OF  
CORTE MADERA  

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MARIN COUNTY CALIFORNIA

# PLANNING COMMISSION RULES AND PROCEDURES

~~2015~~ 2016

Approved by motion at the Town Council  
regular meeting held on (date)

TOWN OF CORTE MADERA PLANNING COMMISSION  
**RULES AND PROCEDURES**

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## **ARTICLE 1 PLANNING COMMISSION**

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1.1 Purpose of Commission In order to make adequate provision for, and guide the future growth, development, beautification and efficient planning of the town. (CMC Sec. 2.16.010; Ord. 389.2, 1962)

1.2 Purpose of Rules and Procedures In order to address the purpose of the Commission, governing regulations shall:

1.2.1 Ensure the orderly and efficient conduct of the Commission's meetings;

1.2.2 Promote the rights of applicants and citizens to have adequate notice of matters scheduled before the Commission;

1.2.3 Provide a fair and reasonable opportunity to appear and be heard on matters before the Commission.

1.3 Additional Applicable Laws In addition to these Rules and Procedures, the Commission is governed by:

1.3.1 California State Law, specifically:

- Title 5—Local Agencies: Division 2, Chapter 9 –Meetings  
“The Ralph M. Brown Act” (GC54950 et seq)
- Title 7 – Planning and Land Use (GC65000 et seq)
- Title 7 – Planning and Land Use, Division 2, Chapter 1-Subdivisions  
“The Subdivision Map Act” (GC66410)

1.3.2 Corte Madera Municipal Code, specifically:

- Title 2 – Administration and Personnel
  - Chapter 2.06 Boards and Commissions (2.06.010 et seq)
  - Chapter 2.16 Planning Commission (2.16.010 et seq)
- Title 17 –Subdivisions (17.04.010 et seq)
- Title 18 –Zoning (18.02.010 et seq)

## **ARTICLE 2 PLANNING COMMISSION MEMBERS**

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2.1 Appointments -- Terms The Planning Commission shall consist of five members to be appointed by the mayor with the approval of the Town Council. (CMC Sec. 2.06.050; Ord. 643.1(part), 1976; Ord. 556.1 (part) 1971)

2.1.1 Members shall serve a term of two years and until their respective successors are appointed.

- All members shall be eligible for reappointment.
- Terms of commission members shall be on a staggered basis, with the majority of terms expiring on even numbered years and the minority of terms expiring on odd numbered years.

- Members shall be subject to removal by motion of the Council adopted by at least four affirmative votes.

2.2 Duties of Commission Members It is the duty of each Commissioner to prepare for, attend and cast votes at meetings unless excused or required to abstain.

2.2.1 Attendance is required at all Commission meetings and the assigned coverage of the Town Council meetings in addition to any special public hearings or workshops.<sup>1</sup>

- A Commissioner, knowing of his/her absence prior to issuance of the agenda on the Friday of the scheduled Tuesday meeting, shall provide notice to the Planning Director or Chair so that attendance and quorum can be established prior to the meeting;
- A Commissioner's unexpected absence, due to unusual or unforeseen circumstances, requires the commissioner to notify the Planning Director or Chair the day of the meeting;
- Absences of Commissioners shall be recorded in the meeting minutes, and
  - More than two absences by a Commissioner annually may initiate a review of the Commissioner's attendance record by the Commission or the Town Council and the possible removal from the Commission,
  - If a member of the Commission absents him or herself from three consecutive regular meetings, unless by permission of the commission expressed in its official minutes, or ceases to be a qualified elector of the Town, his/her office shall become vacant and shall be so declared by the Town Council. (CMC Sec. 2.06.060; Ord.556.1(part)

2.2.2 Abstention from voting and leaving the dais is required by a Commissioner who has a conflict of interest as respects the matter before the Commission.

- A conflict exists if Commissioner's interests fall under any of the following conditions:
  - A Commissioner has a personal or financial interest in the matter before the Commission; (GC1090 et seq.)
  - State law otherwise declares a Commissioner's participation to be a conflict of interest; (GC87100 et seq.)
  - A Commissioner is disqualified because of his/her absence from the hearing on the matter and has not reviewed the testimony and evidence presented and is therefore unable to make the necessary knowledgeable findings.
- If a Commissioner must abstain from a vote, the Commissioner shall declare this fact for the record and the reason for it. If abstention is required due to conflict of interest, he/she shall leave the dais, and may be required to leave the room under state law.

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<sup>1</sup> Excused absences are defined as illness and family or business responsibilities. All other absences shall be considered unexcused unless found to be necessary by a majority vote of the other Commissioners.

The record of the vote shall show the Commissioner abstained.  
(GC87100 et seq.)

2.2.3 Expected preparation by Commissioners prior to the meetings includes reviewing conditions of the application and studying the agenda packet and any other provided information to be able to knowledgably discuss the project(s) and make required findings after formal presentation to the Commission. Questions of clarification may be submitted to staff prior to the meeting. A Commissioner is expected to make every effort to visit the applicant's site to obtain a more informed understanding of the project.

- A Commissioner may set an appointment to meet with the applicant for the site review during the noticed period of the project's review.
- A Commissioner may use an area notification list with contact numbers for adjacent stakeholders, prepared by staff, so he/she can contact these stakeholders, if necessary.

2.2.4 The Planning Commission shall initiate any needed revision of the Town General Plan in accordance with the Government Code of the State. (CMC Sec. 2.16.050; Ord. 389.6, 1962)

2.3 Officers At the first regular meeting in July of every year, the Commission shall elect a Chair and Vice-Chair. (CMC Sec. 2.06.080; Ord.865.1 (part), 2001. Ord. 556.1 (part), 1971)

2.3.1 The officers shall serve for one year or until their successors are elected.

2.3.2 If a vacancy in any office occurs, it shall be filled by election and the replacement shall serve for the duration of the unexpired term.

2.4 Duties of the Commission Chair In addition to the Chair presiding at all meetings of the Commission, duties shall include:

2.4.1 To decide points of order and procedure and appoint committees as necessary and sign official documents of the Commission as required;

2.4.2 Perform other duties formally assigned by the Commission or by statute.

2.5 Duties of the Commission Vice-Chair In addition to assuming the duties of the Chair whenever that person is temporarily unable to serve duties shall include:

2.5.1 To discharge such other functions as the Commission Chair may from time to time request.

2.6 Designation of a Chair Pro-tempore If the Chair and Vice-Chair are absent or unable to act, the Commissioners who are present may designate a Chair Pro- Tempore to preside over the meeting.

2.7 Secretary to the Commission The Director of Planning and Building shall serve as Secretary to the Commission and, as such, shall have the following duties:

2.7.1 To prepare the agenda and set matters for public hearing, including applications, matters raised by referral from the Town Council, appeals from decisions of the Zoning Administrator and other matters as directed by the Commission;

2.7.2 To be responsible for such public notices as may be required by State law, Town ordinance and Resolutions of the Commission;

2.7.3 To take attendance of Commissioners at each meeting;

2.7.4 To be responsible for recording, preparing and maintaining the approved Official Minutes of all meetings of the Commission and other official records and documents;

2.7.5 To prepare Resolutions reflecting the Commission's findings and decision for each matter to be submitted to the Commission for final approval;

2.7.6 To examine incoming mail and e-mail for proper and timely referral, and conduct all correspondence on behalf of the Commission, through the Chair, including advising applicants of Commission decisions;

2.7.7 To perform such other duties as may be required by statute or assigned by the Commission.

### **ARTICLE 3 COMMISSION MEETINGS**

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3.1 Purpose of Meetings Public commissions in this State exist to aid in the conduct of the people's business and that their actions be taken openly and that their deliberations be conducted openly. (GC54950 et seq.)

3.1.1 All meetings of the Commission shall be open and public, and all persons shall be permitted to attend any meeting of the Commission. (GC54953)

3.1.2 All meetings of the Commission shall meet the protections and prohibitions contained in Section 202 of the Americans with Disabilities Act of 1990. (42 U.S.C. Sec 12132; GC 54953.2)

3.1.3 The Commission, based on advice of counsel, can hold a closed session, excluding public attendance and participation to confer with or receive legal advice. (GC54956.9)

3.2 Regular Meetings of the Commission The regular meetings of the Commission shall be held on the second and fourth Tuesday of each month, at 7:30 pm, in the Council Chambers of Town Hall at 300 Tamalpais Drive in the Town of Corte Madera.

3.2.1 A regular meeting may be cancelled for lack of agenda items or lack of a quorum by the Commission Chair, a majority of Commission members or the Secretary to the Commission.

3.2.2 Determining a quorum. The participation of a majority of the Commission membership, consisting of three members, constitutes a quorum for the transaction of business:

- The Chair or Secretary shall adjourn the meeting if there is no quorum;

- If a Commissioner disqualifies his/herself on a particular item, his/her presence is not counted in determining the quorum;
  - If there is no quorum on a particular matter, consideration of the matter shall be deferred until a quorum of qualified Commissioners is present,
  - If no quorum is possible, the common-law rule known as the “Rule of Necessity” may apply.

3.2.3 Adjournment of meeting. Meetings shall be adjourned by 11:00 pm unless the Commission votes to extend the meeting. (GC54955)

- A motion for adjournment is always in order and upon a second shall be voted on without debate.
- No new item will be commenced after 10:00 pm unless otherwise decided upon by a vote of the Commission.
- Extension of the meetings shall be done in 30-minute increments.

3.3 Other Types of Commission Meetings In addition to the regularly scheduled meetings, the Commission may conduct any of the following types of meetings with the actions taken openly and deliberations conducted openly as they are at regular meetings of the Commission and with the same notice requirements unless otherwise noted.

3.3.1 Continued Meeting The Commission may continue a hearing to a subsequent meeting stating the specific date, time and place of such meeting at the time of adjournment of the meeting to be continued.. The continued meeting shall take up its business at the point in the agenda where the motion to adjourn was acted upon. (GC54955.1)

3.3.2 Special Meeting A special meeting may be called at any time by the Chair of the Commission or upon written request of a majority of the members of the Commission. Notice of such meeting must be posted at least 24 hours before the time of the meeting and no business other than that included in the notice may be transacted or discussed. (GC54956)

3.3.3 Study Session The Commission may hold a study session to review and discuss proposals, reports, exhibits, policies, and other evidence previously received and available for inspection by the public. ~~No new evidence or testimony shall be received at the study session.~~ This type of meeting may be scheduled, with proper notice, during a regular or special meeting by the Secretary to the Commission with the concurrence of the Commission Chair. (GC54954, GC54954.2, GC54956)

3.4 Distribution of Materials Any materials or writings which are public records and which are distributed at a Commission meeting shall be made available for public inspection at the meeting if prepared by the Town, or after the meeting if prepared by some other persons. (The California Public records Act GC 6253 et seq., GC54957.5)

3.5 Recording of Meetings Access to information concerning the conduct of the people’s business is a fundamental and necessary right of every person in our State. (The California Public Records Act GC6250 et seq.)

3.5.1 Recordings made by the Commission Any audio or video recording of an open and public Commission meeting made by or at the direction of the Commission, shall be

subject to inspection by members of the public. The Secretary to the Commission shall ensure that any such recordings are maintained for at least 60-days following the taping or recording.

3.5.2 Recordings made by the public. Persons attending an open and public meeting of the Commission, may at their own expense, record the proceedings with an audio or video tape recording or a camera or may broadcast the proceedings. However, if the recording or broadcasting constitutes a persistent disruption of the proceedings, any such person shall be directed by the Chair of the Commission to stop.

3.6 Minutes of Meetings The Secretary to the Commission shall have minutes taken of all meetings of the Commission and shall record all actions taken by the Commission. (GC54957.5)

3.6.1 Contents of Minutes The minutes shall record the name of the Commissioner making a motion, the name of the Commissioner seconding it, and the vote attributing each “yea” and “nay” vote or abstention, unless the motion carries unanimously;

3.6.2 A Commissioner may have the reasons for his/her vote recorded in the minutes if he/she so requests at the time of the vote;

3.6.3 The minutes shall be public records and shall be available for inspection by the public;

3.6.4 The minutes shall be made available in appropriate alternative formats, if requested, so as to be accessible to persons with a disability. (The Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132, GC549

## **ARTICLE 4 MEETING AGENDAS**

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4.1 Purpose of Agenda A written agenda is to be prepared to inform the public of the time, place and purposes of the Commission meeting. The agenda shall include the order of and a brief description of each item to be transacted or discussed at the meeting. (GC6250 et seq, GC54954 et seq)

4.1.1 No business may be acted upon or discussed which is not on the agenda, except when one of the following occurs:

- An item appeared on the agenda of and was continued from a previous meeting;
- Two-thirds of the Commission members determine there is an immediate need for immediate action and the need arose after the agenda was posted.

4.1.2 The order of business may be changed at the meeting by consent of the Commissioners.

4.1.3 The agenda and documents in the agenda packet shall be made available in appropriate alternative formats to persons with a disability. (American with Disabilities Act of 1990 42 U.S.C. Sec 12132)

4.2 Preparation of Agenda The agenda for each regular or special meeting or study session shall be prepared by the Secretary to the Commission in cooperation with the Commission Chair.

4.2.1 Attention should be given to scheduling so time is allotted for complex items to receive adequate time staff reports, applicant presentation, public comment and discussion and action by Commissioners. Additional items will be scheduled for the next available meeting when possible.

4.2.2 Placing an Item on the Agenda Members of the public and/or Commissioners may request to add an item to the agenda that is directly related to the business of the Commission as defined under Article 1.1 Purpose of Commission by submitting a request to the Planning Director or his/her designee. Such requests are to be submitted in writing (including appropriate supporting documents and information, if desired), at least twenty-one (21) days prior to the meeting during which the item is sought to be considered. The item may be deferred to a later date, with concurrence of the person submitting the item, if time is needed to research the issue.

4.3 Required Wording on Agenda. In addition to the date, time and place of the meeting, and a listing of the items of business, the agenda shall include this wording under the appropriate section:

- Public Comment: “The public is invited to address the Planning Commission on any matter in the Commission’s jurisdiction, except for items scheduled for continued or new hearings. Comments are limited to three minutes per speaker.”
- Consent Calendar: “All items placed on the consent calendar may be acted on collectively on a motion by any Commissioner, and each shall be deemed to have received the action recommended by staff. Any Commissioner or member of the public may request the removal of any item from the consent calendar and it will then be considered last under New Hearings.”

4.3.1 Additional Procedural Notes are to appear at the end of the agenda providing information for the benefit of the general public that will be updated if statutes change;

4.3.2 In compliance with the Americans with Disabilities Act, instructions on how to receive any auxiliary assistance and/or services needed by those with a disability are to be listed.

4.4 Order of Business The business of the Commission shall be taken up in the following order at each regular meeting unless the Commission members consent to change such order:

1. Opening
  - A. Call to Order
  - B. Pledge of Allegiance
  - C. Roll Call
2. Public Comment
3. Consent Calendar
  - A. (first item)

- B. (additional items, as scheduled)
- 4. Continued Hearings
  - A. (first continued hearing)
  - B. (additional hearings, as scheduled)
- 5. New Hearings
  - A. (first new hearing)
  - B. (additional hearings, as scheduled)
- 6. Business Items
  - A. (first item of business)
  - B. (additional items, as scheduled)
- 7. Routine and Other Matters
  - A. Reports, Announcements and Requests
    - i. Commissioners
    - ii. Planning Director
    - iii. [Tentative Agenda Items for \[specified date\] Planning Commission Meeting](#)
  - B. Minutes
- 8. Adjournment

4.5 Distribution and Posting of Agenda At least 72 hours before a regular meeting and 24 hours before a special meeting of the Commission, notification must be given of the time, place and purpose of such meeting. (GC54954.2 et seq.)

4.5.1 The agenda with all supporting documents constituting the agenda packet shall be distributed to each Commission member, the town's legal counsel, and each applicant at least 72 hours before each meeting.

4.5.2 The agenda shall be posted in a location that is freely accessible to members of the public and on the local agency's Internet Web site. In addition to specifying the time and place of the meeting, the agenda shall include a brief general description of each item of business to be transacted or discussed. Posted Corte Madera locations shall include billboards located at:

- Town Hall, 300 Tamalpais Drive
- United States Post Office, 7 Pixley Avenue
- Fire Station #13, 5600 Paradise Drive

4.5.3 Any person may request in writing that a copy of the agenda or a copy of all the documents constituting the agenda packet, of any Commission meeting be mailed to that person. Any such request for mailed copies shall be valid for the calendar year in which it is filed and must be renewed following January 1 of each year. A fee, not to exceed the cost of providing the service, may be established for mailing the requested materials. (GC5494.1)



## **ARTICLE 5 MEETING PROPRIETY**

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5.1 Deliberations of Commission Members In order for the Commissioners to have constructive meetings, “Robert’s Rules of Order, Revised,” the basic guide for fair and orderly meetings, shall govern their deliberations in all matters of procedure not specifically indicated in the governing regulations stated in these Rules and Procedures.

5.1.1 Actions taken by Commissioners The requirements for passage of a motion as respects a recommendation or resolution: (GC54952.6)

- A motion requires a simple affirmative majority vote of the quorum to carry, except as otherwise required by law,
- A motion to recommend a General Plan amendment requires an affirmative majority vote of the entire Commission, (GC65354)
- A motion with two or more separate propositions, may be divided upon the accepted request of a Commissioner to the maker and seconder of the motion,
- A tie vote fails to pass for lack of an affirmative majority,
- A “vote to deny without prejudice” means the applicant may re-file the same or a similar application within the usual one-year waiting period
- Commission members cannot act on matters brought before them that are not listed on the agenda for action.

5.2 Public Participation and Decorum at Commission Meetings Members of the public may speak to the Commission either on an agenda item or on other matters of interest to the public that are within the subject matter jurisdiction of the Commission. (GC54950 et seq.)

5.2.1 In the event that any meeting is willfully interrupted by the actions of one or more persons so as to render the orderly conduct of the meeting infeasible, the Chair may recess the meeting and have the person(s) removed from the meeting room.

5.2.2 Speakers who use offensive language or make threatening statements may be removed from the podium and denied the opportunity to return to the podium for the rest of the meeting if the Chair feels such activity impairs the conduct of the meeting.

5.2.3 Each speaker is requested to state his/her name and address as the meeting is being recorded.

5.2.4 Each speaker will be allowed three minutes per topic:

- Persons speaking to an item not on the agenda shall do so at the time indicated on the agenda for public comment, but no action can be taken on the item,
- Persons speaking to a matter on the agenda, including those on the consent calendar, shall be heard before a vote is taken on the item.

5.3 Public Hearing Procedures Commissioners may question any speaker during the hearing, but may not introduce a motion on the matter until the public hearing is closed.

5.3.1 Each scheduled public hearing shall proceed in the following order:

- Commission Chair opens the public hearing

- Planning and Building Director or other staff member presents the staff report which includes:
    - general nature of the proposal
    - land use consideration and environmental review
    - reports from any other department, if any
    - any correspondence received
  - Applicant and/or a designated representative may provide a 15 minute presentation (If the applicant does not appear, the Commission may proceed based on the record before it)
  - Public comments by those in support or opposition of the application
  - Applicant's rebuttal to public comments
  - Commission Chair closes public hearing
  - Commissioners deliberate and take action; the vote may include direction to staff to make changes in the prepared resolution when motion to approve passes
- 5.3.2 Any public hearing may be continued to the next regular meeting date or to any other hearing date

## **ARTICLE 6 MISCELLANEOUS**

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6.1 Amendments These Rules and Regulations may be amended, as needed, by a majority affirmative vote of the Planning Commission and ratification by the Town Council.

6.2 Amendments to Referenced Statutes References to State statutes or Town ordinances shall be deemed to include any successor statute or ordinance or any amendments to successor statutes or ordinances. Periodic review shall take place to add any changes in the referenced State statutes and/or Town ordinances to this document.

6.3 Conflict of Governing Documents In any conflict between the Planning Commission Rules and Procedures and State statutes or Town ordinances, the State and Town regulations preempt those of the Commission.