



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Community Development

Alicia M. Giudice

Prepared by: Alicia Giudice (TS, TW)
Planning Manager

City Manager Approval: _____

AS

TOPIC: PUBLIC ART PROJECTS

SUBJECT: 1. INFORMATIONAL REPORT PROVIDING AN UPDATE REGARDING PUBLIC ART PROJECTS IN TERRA LINDA AND CANAL NEIGHBORHOODS

2. INTRODUCTION OF ORDINANCE AMENDING SAN RAFAEL MUNICIPAL CODE (SRMC) SECTION 14.25.040 EXEMPTING FROM ENVIRONMENTAL AND DESIGN REVIEW ANY PUBLIC ART PROJECTS THAT UNDERGO REVIEW THROUGH A SEPARATE REVIEW PROCESS ESTABLISHED BY THE CITY FOR THAT PURPOSE; FILE NO. ZO21-002

BACKGROUND:

Informational report on proposed public art projects

Two local community groups have come together this past year to work on proposing public art projects in the city. The City has since received two requests for public art projects in San Rafael. These projects are shown in Table 1 and described below:

Proposed Project	Group proposal was brought by	Who is involved in the group	Proposed location
Terra Linda Public Art	San Rafael Social Justice Community Art Group	Youth in Arts , San Rafael community members	Arbor Park (Freitas & Las Gallinas)
Canal Mural	Canal Arts Initiative	Canal Alliance , SR Chamber of Commerce , Artworks Downtown , Marin Society of Artists , Storek Studio/Architecture	3301 Kerner Blvd

Table 1 - Proposed Public Arts Projects

Terra Linda Public Art: The San Rafael Social Justice Community Art Group came together in fall 2020 in response to the chalk art mural created at the intersection of Manuel T. Freitas Parkway and Las Gallinas Avenue over the summer of 2020. The chalk mural, honoring the life of Breonna Taylor, was

FOR CITY CLERK ONLY

Council Meeting: _____

Disposition: _____

removed per City policy to keep public property clear of markings. The group is comprised of 11 arts and community members who live and work in San Rafael. In addition, the group partnered with [Youth in Arts](#), a San Rafael based non-profit to provide expertise, fundraising, and a youth component to the project. The project's focus is on creating art that includes a positive message to celebrate the core themes of JEDI – Justice, Equity, Diversity, and Inclusion through the lens of a Marin-based black, Indigenous and people of color (BIPOC) perspective.

In addition, the group aims to demonstrate that art is a representation of the collective community, and that the community can come together to heal, learn, and feel hope and unity. To that end, the creation of the art piece itself proposes to have an educational and awareness building experience “baked in” for the community.

The group identified Arbor Park, a small parkette at the southwest corner of the intersection of Manuel T. Freitas Parkway and Las Gallinas Avenue as a potential location for the artwork. This location is close in proximity to the chalk art mural and is owned by the City of San Rafael.

A [Call for Artists](#) (Attachment 2) was issued by the group on January 15, 2021 with applications due on March 1, 2021. The type and medium of the art were deliberately left open in the Call for Artists so as to allow for a wide range of artistic expressions.

Canal Mural: The Canal Arts Initiative is a group of local volunteers and both arts organizations and community-based organizations that serve the Canal neighborhood. The goal of the Initiative centers around a three-pronged mission:

1. First, with City support, an alliance of businesses and building owners, community organizations, citizens and artists bring visible transformation to the Canal, expressing its colorful mix of cultures.
2. Promote the use of color on buildings. A wall or an entire building, simply repainted with a lively palette, can make an engaging difference at little cost.
3. A public art program for the Canal would include participatory education elements throughout its conception and creation, with an emphasis on history and meaning, and reflection on its impact.

The group has secured a grant from the [California Arts Council](#) to achieve the first major installation of color and art in Canal: the installation of a large, colorful mural in the Canal neighborhood.

The group identified the office building at 3301 Kerner as a perfect location for the mural, as the visible entryway into the neighborhood. The group has been working extensively with the Canal community, including collaborating with Canal Alliance, as well as local arts organizations listed above to ensure the artistic concept for the mural is a community-driven process.

Currently, the Canal Arts Initiative has selected artists that will work on the mural at 3301 Kerner Blvd. and engaged with County staff that manage the facility. The building was purchased by the County in fall 2020 as a part of the State-funded [Project Homekey](#) program.

Review Process – Pilot Public Arts Program

To facilitate a path for reviewing public arts projects such as the ones described above, the City has created a pilot public arts program. The goal of the pilot public art program is to explore an alternative process for public art and to create an advisory group to review and provide feedback to the City Council on proposed public art projects in San Rafael. The Pilot Public Art Advisory Group will include local community arts representatives, a member each of the Planning Commission and the Design Review Board, and a representative who has diversity, equity & inclusion expertise.

Depending on the location (public or private property) of the proposed art, ad-hoc members may be added to the Pilot Public Art Advisory Group at the discretion and direction of City management. For example, if the project is proposed to be installed in a City park, a member of the Parks & Recreation Commission will join for the review of that project as an ad-hoc member. All Pilot Public Art Advisory Group meetings will be open to the members of the public to attend and provide feedback.

The Pilot Public Art Advisory Group is an advisory body only, not an approving authority. After review by the Advisory Group, any proposed public art projects will then be presented to the City Council for approval. The Pilot Public Art programs will run through 2021 and staff will evaluate the process and return to the City Council in early 2022 with an update and recommendations for potential modifications to the process and possibly adopting a formal public arts program.

In spring 2021, the Pilot Public Arts Advisory group will convene to review both of the proposed public art projects.

Proposed Amendments to the San Rafael Municipal Code Section 14.25.040

Currently the San Rafael Municipal Code classifies murals and mural signs on private property as “major physical improvements” that require Environmental and Design Review. This type of review requires a recommendation by the Design Review Board and a consideration and approval by the Planning Commission. This process can take up to six months and would require extensive staff and applicant time in coordination and preparation of reports. The current process is burdensome for arts groups who may lack the time and resources and has likely discouraged prospective public mural art projects from happening in San Rafael.

The above described pilot program is meant to minimize barriers to such projects and to provide a unified process for review of public art projects on both public and private property within the City. To achieve this goal, an amendment to the San Rafael Municipal Code, (SRMC) Section 14.25.040 is needed, to exempt from Environmental and Design Review any public art installations on private property approved through a City-established public art program. That same section would define “public art” as: “all forms of art including, but not limited to: sculptures, murals, mosaics, and fountains, which are located on the exterior of a publicly owned facility or on a privately-owned property when such artwork is placed in a location intended to be visible to the general public.”

The proposed ordinance amending portions of SRMC section 14.25.040 is attached to this report (Attachment 1).

ANALYSIS:

As discussed in the background section, the proposed amendments would exempt certain public art projects from going through an expensive and lengthy major environmental design review process. The amendments would also provide an alternate pilot process that applicants would go through for project requests involving installation of public art.

The proposed amendments to the San Rafael Municipal Code, as well as the alternative pilot review process, have been evaluated for consistency with General Plan 2020 and Draft General Plan 2040. Both contain specific policies that support art in public places. General Plan Policy CA-3-Cultural and Arts Programs and Activities encourages opportunities for both public and private cultural arts programs and activities addressing the needs and interests of the whole community. In addition, the proposed amendment is consistent with policy CA-6 - Community Art which states:

“Encourage community art projects that create a greater understanding and appreciation of art and artists through community involvement.”

While General Plan 2040 (GP2040) has not yet been adopted, a draft has been released for public review and has received Planning Commission consideration. The proposed amendments are consistent with a number of proposed policies in Draft GP2040:

Policy AC-1.2: Arts Programming

Encourage and support an array of cultural arts programs and activities addressing the needs and interests of the whole community.

Policy AC-1.4: Inclusive Activities

Encourage activities, entertainment and events that reflect San Rafael's diverse cultural heritage and population. Programming should be inclusive of all ages, ethnicities, genders, abilities, and socio-economic groups. Participation in the arts should be supported as a way to promote intercultural understanding, and to bridge differences and forge unity. All residents should have access to arts and cultural activities.

Policy AC-1.5: Public Art

Promote a stimulating and engaging environment through the greater display of public art, including both temporary and permanent works. Locations throughout the city should be considered.

Program AC-1.5A: Art in Public Places. Evaluate the feasibility of an Art in Public Places Ordinance (or "percent for art" program) that would establish a funding source and/or mechanism for increasing public art. Strive for solutions that maximize flexibility in the way funds are collected and used.

Program AC-1.5B: Community-Based Outdoor Art Installations. Support participatory public art projects that engage the community, such as murals, 3D art, and street painting. Such projects should foster a greater understanding of local cultures, arts, and history and provide an opportunity to express neighborhood identity.

Policy AC-1.8: Arts and the Local Economy

Recognize the value of the arts to the economy of the city, and the role of the arts in community revitalization.

Policy AC-1.9: Arts-Supportive Environment

Create an environment that is supportive to arts professionals

Many of the policies mentioned above are focused on supporting public art events and programs in San Rafael. The proposed amendments to the San Rafael Municipal Code emphasize the City's commitment and celebration of the arts in our community.

While the proposed amendments allow an exception to formal design review, it is important to note that the City would still require all proposals for public art to go through a public review process. An opportunity for review, input and direct feedback from San Rafael's art and business communities, as well as members of the public, is critical to supporting the City's intent of bring community-supported art to publicly visible spaces.

Community Outreach

Community outreach has been conducted and will continue for both proposed public art projects, as well as the proposed ordinance amendments.

Updates regarding the Terra Linda Public Art project have been posted on the City's [webpage](#) over the last few months and through signage at the site. The webpage includes a form where members of the public can provide their feedback and also subscribe for updates regarding the proposed project. In addition to the webpage, information regarding the purpose of the project and a "Call for Artists" has been promoted through the community starting in January 2021. The project was shared with local art groups including Artworks Downtown, the Marin Society of Arts, and the County of Marin's Cultural Services division. The project was also shared with local youth and student groups including Youth in Arts, Dominican University, and the Marin City Arts and Culture. Furthermore, the project was promoted on the City's social media platforms including, Facebook, Instagram, Nextdoor, and Twitter. The group also set up an email address to receive feedback from the community and has been monitoring and responding regularly to inquiries.

The Canal Arts Initiative is a coalition of artists and organizations that first convened in fall 2020 intent on finding ways to bring more public art to East San Rafael and the Canal. The group is led by Rich Storek of Storek Studio/Architecture and includes representatives from a broad group of both Canal and arts-focuses organizations in San Rafael; including the Canal Alliance, SR Chamber of Commerce, Marin Cultural Services Department, Dominican University, Art Works Downtown, Marin Open Studios, Marin Society of Artists and others.

In fall 2020 the Canal Arts Initiative secured a grant from the California Arts Council for the installation of a public art mural in the Canal neighborhood at 3301 Kerner Blvd. The group has selected two lead artists for the project and has set up a "community review group" to work with the artists over the next few months to ensure the mural is representative of what the Canal community wants to see in a public art project. The community review group is made up of members of the Canal Alliance and the Canal-based [Parents Services Project](#).

The proposed ordinance amendments were noticed in the *Marin Independent Journal* and notices were sent to residents and businesses within 300 feet of the proposed project sites at Arbor Park and in the Canal neighborhood. Signs were also posted at these sites with additional information regarding the upcoming public hearing.

FISCAL IMPACT: The proposed amendments to the San Rafael Municipal Code will likely result in a minor loss of General Fund revenue for the Community Development Department. Current code requires public art to be submitted as an application for Major Physical Improvements requiring Design Review and Planning Commission review, which carries a deposit-based fee of \$8,523:

DESIGN REVIEW – ALL OTHERS (PLANNING COMMISSION)	\$ 8,523.00 INITIAL DEPOSIT BASED ON 70% OF ANTICIPATED TYPICAL APPLICATION COST. STAFF TIME BILLED AT FBHR. SUBMITTALS WHICH INCLUDE MULTIPLE DEPOSIT-BASED APPLICATIONS MAY REDUCE THE INITIAL DEPOSIT AMOUNT BY 25%.
--	---

However, the impact to revenues is likely to be minimal due to the temporary nature of the pilot program. Furthermore, in order to support the City's mission of bringing more art to public spaces as set forth in the General Plan, staff recommends removing the fiscal barrier which may disincentivize public art projects from coming forward.

Staff recommends not assessing a fee for proposed projects undergoing the new, pilot public art approval process.

OPTIONS:

The City Council has the following options to consider on this matter:

1. Pass the ordinance to print and accept the informational report;
2. Pass the ordinance to print with modifications.
3. Direct staff to return with more information.
4. Take no action.

RECOMMENDATION:

1. Accept the informational report on proposed public art projects in San Rafael.
2. Pass Ordinance to print adopting the proposed amendments to the San Rafael Municipal Code.

ATTACHMENTS:

1. San Rafael Social Justice Community Art Group Purpose and Call for Artists
2. Canal Arts Initiative 3301 Kerner Mural Project Outline
3. Ordinance Amending San Rafael Municipal Code Section 14.25.040 Exempting from Environmental and Design Review Any Public Art Projects, Including Murals, That Undergo Review Through a Separate Review Process Established by the City for That Purpose



San Rafael Social Justice Community Art Group Project Purpose, Goals & Call for Artists

GROUP PURPOSE

The San Rafael Social Justice Community Art Group formed in October 2020 and is comprised of arts and community advocates who live and/or work in the City of San Rafael. The group wanted to find a way to support the social justice messaging which was embedded in the chalk art mural created over the Summer of 2020 honoring Breonna Taylor's life at the intersection of Las Gallinas and Freitas Parkway. The mural was removed as the City's policy is to keep public property clear of markings of any kind¹. The City and members of the community group have been working together toward the common goal of creating a publicly sanctioned art piece in Terra Linda, in the same vicinity and theme as the original mural.

GROUP GOALS

The community groups' goals are to:

- Co-create, along with the City of San Rafael, a user-friendly, expeditious pilot process for approving public art projects on City owned property. This project will serve as a pilot, which will inform a future Public Arts program for the City of San Rafael.
- Shepherd a social justice public art proposal through this pilot process and see the project through its installation.

PROJECT GOALS

- The art installation will create a positive message to celebrate the core themes of JEDI – Justice, Equity, Diversity, and Inclusion through the lens of a Marin-based black, Indigenous and people of color (BIPOC) perspective.
- The impact of the art installation will demonstrate that art is a representation of the collective community, and that the community can come together to heal, learn, and feel hope and unity. To that end, the creation of the art piece itself will have an educational and awareness building experience “baked in” for the community.

ART MEDIUM

- Depending on the artist interpretation, the medium may consist of a mural, sculpture, and/or permanent canvas. The installation must be able to be moved to an alternative location at a future date.

ARTIST ELIGIBILITY

The Call for Artists is open to all San Rafael and surrounding Marin County community adult and student practicing artists. Priority will be given to San Rafael-based artists and to those who identify as

¹ The policy specifically states to keep public property clear of markings of any kind or design which are marked, etched, written, drawn, painted, stuck or otherwise applied to or on any surface of any public or private property without the consent of the owner of that property.

a BIPOC individual. All entries must be an original design and artwork of the entrant and must be suitable for viewing by all ages.

APPLICATION/PROPOSAL PROCESS FOR ARTISTS

Artists are to complete and submit their proposals by **February 15, 2021** to srcommunityart@gmail.com. If you have any questions about this project or the application/proposal requirements, please submit them in writing to the Group at the email address above.

Artists are required to submit proposals which include the following elements:

- a. First and Last Name
- b. Mailing Address
- c. Phone Number and Email Address
- d. What is your affiliation with San Rafael (live, work, other?)
- e. Experience or work related with youth arts and/or arts education. (This is not a requirement, but any previous experience should be listed and is preferred)
- f. Describe how you and your art will create a positive message of racial diversity, equity and inclusion through the lens of a Marin-based black, Indigenous and people of color (BIPOC) artist.
- g. Why do you want to participate in this project and what makes your work stand out from others?
- h. In detail, describe the type/medium and size of your proposed of your artwork. How will the artwork be created and what similar experiences do you have creating similar art?
- i. Include pictures of past artwork.
- j. Estimated time and cost to construct artwork.
- k. Describe how you will install the art such that it can be moved at a future date.
- l. Attach a mock-up image and/or rendering of proposed artwork design(s).
- m. Confirm you are available to complete the art installation in the Spring 2021.

BUDGET FOR INSTALLATION

The artist(s) will receive compensation for their work; the amount will be determined at the conclusion of fundraising for the project. The City of San Rafael will provide resources to maintain the park and installation (providing anti-graffiti application to artwork, lighting, cleaning, trees, etc.).

FISCAL SPONSOR

Youth in Arts (YIA) will act as the fiscal sponsor and recipient of all grants and funding sources for the project. This partnership ensures the next generation has a voice in this process and leverages the experience of YIA in developing local art projects. They will also provide support to the selected artist(s) by supporting them to incorporate a youth education component into the project.

DESCRIPTION AND ART LOCATION: Arbor Park resides in the northern part of San Rafael in the Terra Linda neighborhood. Located at the southwest intersection of Las Gallinas Ave and Manuel T. Freitas Pkwy, Arbor Park is what San Rafael calls a Parkette, or a small park. It consists of a few benches, grass area, and walking path. The park is highly visible to cars and pedestrians who travel in Terra Linda along Manuel T. Freitas which is the main thoroughfare for the neighborhood.



Figure 1 – Arbor Park outlined in red

PROPOSED SELECTION PROCESS

Once all artist proposals are received, the San Rafael Social Justice Public Art Community Group will review and select the top 2-3 artists.

The City of San Rafael is creating a Pilot Public Art Advisory Group who will review the top 2-3 artist proposals and provide feedback on them to staff.

This group will be purely advisory in nature and will not have approval authority for the project. It will include:

- 1 Community Based Organization representative who has Diversity, Equity & Inclusion expertise
- 2 Local Community Arts representatives (one of which will be the fiscal sponsor – Youth in Arts)

- 2 members of the San Rafael Social Justice Community Art Group
- 1 member of the Planning Commission
- 1 member of the Park & Recreation Commission
- 1 member of the Design Review Board

The City of San Rafael City Council will serve as the approval authority for the project.

TIMELINE FOR INSTALLATION

- Spring 2021

CANAL ARTS INITIATIVE 3301 KERNER MURAL PROJECT OUTLINE

November 10, 2020



Following impactful mural projects completed for Canal Alliance, a coalition of San Rafael arts, business education and community groups has formed to promote public art projects in the Canal:

Canal Alliance
Marin Cultural Services Department
San Rafael Chamber of Commerce
Dominican University
Art Works Downtown
Marin Society of Artists
Marin Open Studios
Marin MOCA
MarinSEL
Parent Services Project
TeamWorks
Storek Studio/Architecture

The direction of the CAI is by this core group

Omar Carrera, Canal Alliance
Joanne Webster, San Rafael Chamber of Commerce
Elisabeth Setten, Art Works Downtown
Meg Reilly, Marin Society of Artists
Rich Storek, Storek Studio/Architecture

The CAI's inaugural mural project is partially funded through a California Arts Council Local Impact matching grant, supporting

- Community-driven arts projects for historically marginalized communities,
- Using the arts as a vehicle for building strong, healthy, vibrant, and resilient communities,
- Celebration of local artists,
- Forms of arts and cultural expression that are unique to, and/or historically rooted in, the community.
- Activation of community participants to develop and express their own creative and artistic abilities.
- Foster intergenerational and lifelong arts learning, participation, and exchange.

CAI's mural project is designed to achieve all the above, in addition to video documentation similar to these produced for Canal Alliance mural projects:

<https://canalalliance.org/other/you-are-home-mural-project/>

<https://canalalliance.org/other/canal-alliance-unveils-new-mural-empowered-through-education/>

The CAI's initial public art project was selected for 3301 Kerner for its prominent Canal gateway location, and had approval by the building owner prior to sale to the County. The grant requires completion of a project that was originally scheduled over a one-year period, from June 2020 to July 2021. Delay in obtaining location approval, and then community outreach, artist selection, creation, approval, and a lengthy permitting process has reduced that by several months, but may still be accomplished.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL AMENDING SAN RAFAEL MUNICIPAL CODE SECTION 14.25.040 EXEMPTING FROM ENVIRONMENTAL AND DESIGN REVIEW ANY PUBLIC ART PROJECTS THAT UNDERGO REVIEW THROUGH A SEPARATE REVIEW PROCESS ESTABLISHED BY THE CITY FOR THAT PURPOSE

WHEREAS, City staff is working to establish a program to allow public arts projects on public and private properties within the City subject to a specially established City approval process; and

WHEREAS, under existing provisions of Chapter 14.25 of the San Rafael Municipal Code, art projects and/or installations on private properties, which could be considered to be public arts projects under the City's new public arts program, are required to obtain Environmental and Design Review approval prior to installation; and

WHEREAS, the City Council wishes to establish a unified process for approval of public arts projects on both public and private properties within the City; and desires this separate process to be used to review and approve public arts projects on private property rather than the Environmental and Design Review process; and

WHEREAS, the City Council finds that adoption of this ordinance would make minor alterations to the process for administrative review of murals and other art installations in the City, and is therefore categorically exempt from environmental review pursuant to the California Environmental Quality Act ("CEQA") Guidelines Section 15305 exempting minor alterations in land use limitations; and

WHEREAS, the City Council further finds:

1. The amendments to San Rafael Municipal Code Section 14.25.040 are consistent with the following policies and programs of the San Rafael General Plan 2020 as follows:
 - a. General Plan Policy CA-3-Cultural and Arts Programs and Activities encourages opportunities for both public and private cultural arts programs and activities addressing the needs and interests of the whole community
 - b. General Plan policy CA-6 -Community Art, *Encourage community art projects that create a greater understanding and appreciation of art and artists through community involvement.*
 - c. General Plan Program CA-6b-Mural Review, supports reevaluation of the City's mural review process. The proposed amendment will allow the city to initiate a pilot program that will test a local arts process for review of private and public installation of public arts projects.

2. The proposed amendments are consistent with the following DRAFT GP2040 policies and programs:
 - a. Policy AC-1.2: Arts Programming, which states: *Encourage and support an array of cultural arts programs and activities addressing the needs and interests of the whole community.*
 - b. Policy AC-1.4: Inclusive Activities, which states: *Encourage activities, entertainment and events that reflect San Rafael's diverse cultural heritage and population. Programming should be inclusive of all ages, ethnicities, genders, abilities, and socio- economic groups. Participation in the arts should be supported as a way to promote intercultural understanding, and to bridge differences and forge unity. All residents should have access to arts and cultural activities.*
 - c. Policy AC-1.5: Public Art, which states: *Promote a stimulating and engaging environment through the greater display of public art, including both temporary and permanent works. Locations throughout the city should be considered.*
 - d. Program AC-1.5A: Art in Public Places. Evaluate the feasibility of an Art in Public Places Ordinance (or “percent for art” program) that would establish a funding source and/or mechanism for increasing public art. Strive for solutions that maximize flexibility in the way funds are collected and used.
 - e. Program AC-1.5B: Community-Based Outdoor Art Installations, which states: *Support participatory public art projects that engage the community, such as murals, 3D art, and street painting. Such projects should foster a greater understanding of local cultures, arts, and history and provide an opportunity to express neighborhood identity.*
 - f. Policy AC-1.8: Arts and the Local Economy which states *Recognize the value of the arts to the economy of the city, and the role of the arts in community revitalization.*
 - g. Policy AC-1.9: Arts-Supportive Environment, which states: *Create an environment that is supportive to arts professionals.*
3. The public health, safety and general welfare are served by adoption of the proposed amendments, in that the amendments would provide opportunity for the City to establish a path to implement General Plan policies related to cultural and art programs that are inclusive of the whole San Rafael Community; and would allow opportunity to create a pilot program that could be used to review public arts projects;

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

DIVISION 1: AMENDMENT.

Section 14.25.040 of the San Rafael Municipal Code, entitled “Improvements Subject to Design Review” is hereby amended by amending subsection A (“Major Physical Improvements”) thereof to read in its entirety as follows:

- A. Major Physical Improvements.
1. New construction on vacant property, including, but not limited to:
 - a. Any residential structure located within one hundred (100) vertical feet of a ridgeline,
 - b. Residential structures with three (3) or more dwelling units, and boarding houses,
 - c. Residential structures as required by subdivision or zoning approvals,
 - d. Offices, retail and industrial structures,
 - e. Public, quasi-public, religious, social and similar community structures,
 - f. Marinas and yacht clubs;
 2. Modifications to existing structures, including, but not limited to:
 - a. Additions to multifamily residential structures with three (3) or more units, where the addition constitutes more than forty percent (40%) of the total square footage of the building,
 - b. Additions and alterations to existing nonresidential structures where the addition is greater than forty percent (40%) of the existing square footage. (Note: The community development director may determine that an addition or alteration greater than forty percent (40%) which has a minor impact on the visual character or function of a building is subject to a minor design review permit.),
 - c. Relocation of a nonresidential structure, or of a residential structure with three (3) or more existing dwelling units,
 - d. Second dwelling units, as prescribed by Section 14.16.285.C.9;
 3. Major site design improvements, including but not limited to:
 - a. Subdivisions located on properties with an average slope of twenty-five percent (25%) or greater, or with a general plan land use designation of hillside residential or hillside resource residential,
 - b. Cutting of one thousand (1,000) or more cubic yards per site per year, or fill of two thousand (2,000) or more cubic yards per site per year. (Exempt: Where removal is being done in accordance with an approved and legally effective tentative and/or final subdivision map, and a legally

effective building permit.) (Note: A use permit is also required where the principal use proposed is cutting or filling.),

- c. Landscaping as part of a development subject to major environmental and design review,
 - d. Circulation and parking and loading facilities for pedestrians, bicycles and motor vehicles on a development subject to major environmental and design review,
 - e. Signs for a development subject to environmental and design review. The sign permit application shall be reviewed for location, size and type of signs concurrently with the design review application. See Chapter 14.19, Signs;
4. Development subject to review as a major physical improvement pursuant to any other provision of this title;
 5. Mural signs painted on the exterior surface of a wall of an existing or new structure;
 6. Wireless telecommunications facility, as prescribed under Section 14.16.360.B.

DIVISION 2: AMENDMENT.

Section 14.25.040 of the San Rafael Municipal Code, entitled “Improvements Subject to Design Review” is hereby amended by amending subsection D (“Exempt from Design Review”) thereof to read in its entirety as follows:

- D. Exempt from Design Review.
 1. Single-family dwellings when sited on individual lots with frontage on a public street and not otherwise subject to design review as listed above;
 2. Ordinary maintenance and repairs;
 3. New decks or additions to decks, except where review is required for decks located in hillside areas as prescribed in Section 14.25.040.C, above;
 4. Installation of solar panels on existing structures or grounds, as provided under state law and in compliance with all applicable development standards;
 5. Public art installations on public or private property approved through a City-established public art program. For purposes of this section (14.25.040), “public art” is defined as all forms of art including, but not limited to: sculptures, murals, mosaics, and fountains, which are located on the exterior of a publicly owned facility or on a privately owned property when such artwork is placed in a location intended to be visible to the general public;

6. The community development director may declare improvements which have been determined to be minor or incidental within the intent and objectives of this chapter to be exempt from review.

DIVISION 3: SEVERABILITY.

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

DIVISION 3: PUBLICATION; EFFECTIVE DATE.

A summary of this Ordinance shall be published and a certified copy of the full text of this Ordinance shall be posted in the office of the City Clerk at least five (5) days prior to the Council meeting at which it is adopted.

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

Within fifteen (15) days after adoption, the City Clerk shall also post in the office of the City Clerk, a certified copy of the full text of this Ordinance along with the names of those Councilmembers voting for and against the Ordinance.

KATE COLIN, Mayor

ATTEST:

LINDSAY LARA, City Clerk

The foregoing Ordinance No. _____ was introduced at a regular meeting of the City Council of the City of San Rafael on February 16, 2021 and ordered passed to print by the following vote, to wit:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

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 1st day of March, 2021.

LINDSAY LARA, City Clerk