

September 21, 2020

Honorable Mayor Phillips and City Council members
City of San Rafael
1400 Fifth Ave. Room 203
San Rafael, CA. 94901

**CITY COUNCIL Hearing for Monday, Sept 21 -
Agenda item 5.a. Measures to Facilitate Housing Development and Streamline
Approvals**

Honorable Mayor Phillips and City Council members:

We are pleased with the new policy direction proposed by staff to include public noticing and public comment and participation in the Design Review meetings. We have the following comments/questions regarding this proposal:

1. Will noticing procedures be similar to current noticing procedures for the DRB?
2. Will the public be able to submit written comments after having an opportunity to review the plans?
3. Will the meeting occur in the evening, rather than in the daytime, to accommodate residents that work during the day?
4. For hillside development projects, isn't it generally preferable to hold the Design Review meeting BEFORE the Planning Commission hearing since compliance with the Hillside Guidelines is a major part of the review?

We continue to OPPOSE the downgrading of Hillside Exception approval from the City Council to the Planning Commission. However, in light of staff's current recommendation to adopt this change and recognizing that even with the best intentions of the current staff and City Council to discourage Exception requests, this intention may diminish over time as turnover in staff and City Council occurs.

As such, we recognize the importance of providing clear guidance to the Planning Commission to assist in their decision making process when reviewing requests for Exceptions to the Hillside Design Guidelines and Development standards.

We are proposing the following changes to municipal code 14.12.040 in order to provide clear guidelines to the Planning Commission and provide standards for hillside projects seeking an Exception:

Proposed SRMC Amendments to 14.12.040 -Exceptions to property development standards.

Deletions are shown as ~~strikethroughs~~

Additions are shown underlined

14.12.040 -Exceptions to property development standards.

~~City Council~~ Planning Commission Exception Required. Minor Exceptions to the property development standards of this chapter may be approved by the ~~city council~~ planning commission, upon the recommendation of the design review board after a noticed public hearing ~~and the planning commission~~, when the applicant has demonstrated that alternative design concepts carry out the objectives of this chapter and are consistent with the general plan and other provisions of the municipal code, ~~based on~~ including the following criteria:

A. The project design alternative meets the stated objectives of the hillside design guidelines to preserve the inherent characteristics of hillside sites and minimize grading, display sensitivity to the natural hillside setting and compatibility with nearby hillside neighborhoods, and maintain a strong relationship to the natural setting; and

B. Alternative design solutions which minimize grading, retain more of the project site in its natural state, minimize visual impacts, protect significant trees, or protect natural resources and natural drainage ways result in a demonstrably superior project with greater sensitivity to the natural setting and compatibility with and sensitivity to nearby structures; ~~;~~ and

C. That granting the exception will not be detrimental or injurious to persons, property or improvements in the vicinity of the development site, or to the public health, safety or general welfare; and

D. Grading is limited to only what is necessary to allow reasonable development of the site. Exceptions for excessive grading shall include a geotechnical report required by the Geotechnical Review Matrix (Exhibit F) with recommendations from the City Engineer as to the Safety and Feasibility of the proposed development prior to the Design Review Board public meeting; and

E. The burden of proof shall be on the applicant to show that there are compelling reasons for granting the exception; and

F. Adequate fire safety measures have been incorporated into the design of the project including necessary improvements for fire and emergency vehicle access; and

G. The proposed exception will not result in degradation of the Hillside Design Guidelines by introducing an undesirable precedent.

In addition, I think it would be helpful to define when the grading and excavation required by a project exceeds the amount allowed or intended by the Hillside Guidelines and needs an Exception.

We appreciate your careful consideration of our comments.

Respectfully submitted,

Victoria DeWitt, Fremont
Davis Perkins, Upper Fremont
Crystal Wright, Upper Fremont
Steve Thomson, Fremont
Tim Bowen, Fremont
Mark Abadi, Marquard
Toni McIntyre, Marquard
Adam DeGraff, Fremont
Jasmin Thomson, Fremont
Lori Davis, Upper Fremont
Michael Davis, Upper Fremont

Amy and Joe Likover, Reservoir (Gerstle Park)
Dolores Manuel, Estate Court (Gerstle Park)
Emese Wood, Gloria Dr (Gerstle Park)
Ron Freshman, Blossom Ct (Bret Harte)
Anne Bowen, Fremont
Zanette Johnson, PhD, Marquard
Rena Harel, Upper Fremont
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