



REPORT TO DESIGN REVIEW BOARD

SUBJECT: Report on Possible Changes to Design Review Board Structure and Processes.

Review and solicit feedback on possible changes to the DRB structure and process by adopting a temporary pilot program creating a Design Review Advisory Committee (DRAC) on certain projects.

SUMMARY

The City of San Rafael Design Review Board (DRB) will consider a report outlining possible changes to the DRB structure and process as part of a City Council directed pilot program to use a Design Review Advisory Committee (DRAC) on certain projects as a way of streamlining development review, particularly those related to housing. These proposed changes are the result of significant community feedback in 2019 through a series of housing dedicated workshops which resulted in a Housing Policy Workplan approved by City Council on [January 21, 2020](#) as well as further input received from City Council on [September 8, 2020](#) and [September 21, 2020](#).

The Design Review Board is being asked to provide comments and recommendations on the structure of the DRAC, types of projects which the DRAC will review and process for reviewing project and opportunity for public input. The Board's comments and recommendations will be presented to the Planning Commission for a recommendation to the City Council on the DRAC pilot program.

BACKGROUND

On August 20, 2018, the City Council was presented a comprehensive, [informational report](#) on housing. In response to the housing report information, the City Council directed staff to follow-up on four, specific housing topics and issues.

On September 3, 2019, City staff presented an [informational report](#) on challenges to housing development. The report presented 11 key challenges and 13 recommended measures to address these challenges. Staff was directed to host several public housing workshops on proposed policies to address challenges to approving and developing housing. The purpose of these workshops was to gain a better understanding of the public's view on the housing crisis, as well as, to get feedback on the prioritization of on the proposed policy actions. The City hosted two housing workshops, (November 3, 2019 and November 14, 2019) which were attended by the Mayor, City Council, and the public. These workshops exposed the public to issues surrounding the housing crisis and obtained feedback from both the public and City Council.

At the November 3rd workshop, participants were polled on their sentiment about improving the housing development review process. One of the questions asked participants if they would be in favor having the City consider changes to the Design Review Board to streamline the project review process. Eighty-one percent (81%) of participants supported a change.

On January 21, 2020, City staff presented an [informational report](#) that included the survey results and provided staff recommendations for prioritization, timing, and future City Council actions on proposed policy actions, including changes to the Design Review Board. The City Council was provided with a list of possible changes which included:

- a. Eliminating the DRB and structuring the Planning Commission membership to include one or two design professionals to guide and advise the Commission at-large on design matters;
- b. Shifting the role of the DRB to a decision-making authority rather than an advisory body. The DRB would have review and approval authority over Environmental and Design Review Permits, while the Planning Commission would continue to serve as the decision-making authority on all land use, subdivision and legislative matters; and/or
- c. Appoint a DRB liaison to review smaller housing projects in-lieu of a review by the full DRB. In the event there are challenging design issues, the DRB liaison would have the discretion to refer the application to the full DRB for review at a noticed public meeting.

As part of the acceptance of this informational report, City Council directed staff to return with an updated informational report on potential amendments to the SRMC including possible changes to the structure of the Design Review Board.

On March 16th, 2020, a Shelter-in-Place was ordered for Marin County to limit the spread of COVID-19. The shelter-in-place order was cause for cancelling all City Boards and Commissions meetings. While Boards and Commission meetings were cancelled, staff continued to process Planning applications, which required a review and input by the DRB. To keep these projects moving without the ability to schedule and conduct an open, public meeting, a DRB Subcommittee was formed to include two (2) DRB members, to review and provide input on the current Planning applications. Implementation of this DRB Subcommittee was in line with the potential options for changes presented to City Council in the January 21, 2020 informational report.

Since March, the DRB Subcommittee has served in the same capacity as the full Board. The DRB Subcommittee is comprised of one Board member that is a licensed architect and one that is a licensed landscape architect. Currently, the Subcommittee meets via conference call with staff, the applicant, and the project design professional. It is not a public meeting; and no noticing is provided. The intent is for the Subcommittee to provide professional advice on design. The public continues to be afforded public participation and noticing when the project moves forward for formal action on an application, , which could be through the Planning Commission, the Zoning Administrator or the Community Development Director. While the DRB Subcommittee was intended to convene only until the shelter-in-place order is lifted, staff has received substantial positive feedback from community members and applicants.

On [September 8, 2020](#) and [September 21, 2020](#), the City Council received an updated report on the status of Measures to Facilitate Housing Development & Streamline Approvals. Due to the success of this DRB subcommittee process, staff included the creation of a Design Review Advisory Committee (DRAC) as part of the informational report provided to the City Council.

The City Council directed staff to proceed with formulating the format, structure and process for a 1-year pilot program that would emulate the DRB subcommittee structure. Staff is now in the process of preparing this information and would like the Design Review Board to weigh in on this subcommittee concept.

PROJECT DESCRIPTION

The creation of a Design Review Advisory Committee (DRAC) would be a pilot program to allow a streamlined review of certain projects. Staff has identified the following six key areas regarding the structure of the DRAC and process for reviewing applications:

1. Structure of the DRAC
2. Membership of the DRAC
3. Membership rotation
4. Types of projects subject to review by the DRAC
5. Noticing Options
6. Meeting Structure

Staff is seeking the Design Review Board's input and recommendations on these key areas. The Board's recommendations will be forwarded to the Planning Commission for a recommendation to the City Council. Staff has provided some options for the Board to consider. However, staff welcomes any additional comments or recommendations the Board may have on the key topics or other elements of a DRAC pilot program. Some options on the Key topic areas are as follows:

1. Structure of the DRAC

The DRAC could be structured in two ways:

- DRAC is created to review all development projects for the 1-year pilot program
- DRAC is created to review only certain types of development projects for the 1-year pilot program

2. Membership of the DRAC

The DRAC is envisioned as a smaller subcommittee made up of members of the full Board. Currently the subcommittee consists of 2 Board members: a licensed architect and a licensed landscape architect. Staff is interested in hearing from the Board about the ideal number of members for a DRAC. Some options include:

- 2 members
- 2 members + Alternate
- 3 members

3. Membership rotation

The DRAC is expected to be a 1 year pilot program. The pilot program will be evaluated by the City Council and the City Council will determine whether there is value in continuing this program. Staff would like feedback from the Board on whether the DRAC members should serve on a rotation with different members of the board serving on the DRAC throughout the year. Some options include:

- No Rotation
- Rotating monthly
- Rotating bi-annually
- Rotating annually

4. Types of project subject to Review by the DRAC

Per San Rafael Municipal Code (SRMC) Section 14.25.070, the Design Review Board reviews and provides recommendations on all *Major Physical Improvements* outlined under SRMC section 14.25.040 (see Exhibit 1). Staff recommends that the DRAC area of responsibility would be focused on the following types of projects:

- *Residential Projects*
 - 10 units or less (includes new construction or additions to existing)
 - Hillside Exceptions

- *Non-Residential Projects*
 - Non-residential projects of 5,000 square feet or less
 - Modifications to nonresidential structures over 5,000 square feet where the addition is greater than forty percent (40%)

- *Other Options*

Other options that the Board could consider as projects to be reviewed by the DRAC could include:

- Residential projects of 20 units or less (includes new construction or additions to existing)
- Non-residential projects of 10,000 square feet or less (new construction or modifications)
- Relocation of non-residential or residential structures (would need to align with the size limits established above)

5. Noticing Options

Staff has identified two possible options for notification of the DRAC meetings:

- Notice inviting comment
Neighboring property owners would be provided with notification inviting comments on the design of the project to be provided within 15 days of mailing of the notice. Those comments would be part of the public record and would be provided to the DRAC. The DRAC would consider those comments as part of their review. The DRAC meetings would be informal consultations and would not be a publicly meetings. As such, these meetings would occur any time after submittal of the application.

OR

- Notice inviting attendance
Neighboring property owners would be provided with notification inviting comments and notification of a DRAC meeting date. The notice would be mailed 15 days of prior to the DRAC meeting.

6. Meeting Structure

Some of the comments received include questions about how the DRAC meetings will be structured. Staff has identified two possible options for the structure of the DRAC meetings:

- *Consultation meeting* – A consultation meeting would be an informal consultation with staff and the applicant. This consultation could occur at any time after submittal of the application once the 15-day notice to the neighbors has been provided. This would provide the following options
 - Greater flexibility on scheduling a consultation
 - Earlier notification to the neighboring community on a project
 - Reduction in staff time on report writing- since this would be a design consultation.

OR

- *Public meeting* – a public meeting with the DRAC would be similar to the structure of the DRB meetings and could be held during the evening or during normal business hours. Notification would be provided 15 days prior to the meeting
 - Written comments could be submitted anytime during the 15 day period
 - Meetings would be public and would offer opportunity for public comment during the meeting.
 - Staff reports would be prepared prior to the meeting and would made available to the public prior to the meeting

Staff identified the above as key areas for the Board to consider, comment on. The Boards recommendations will be provided to the Planning Commission for a recommendation to the City Council on the DRAC 1-year pilot program. Details of the DRAC Composition,

Community Outreach

As described in the Background Section, The City Council has held meetings on August 20, 2018 and September 3, 2019, January 21, 2020, September 8, 2020, and September 21, 2020. Staff also held two evening public workshops dedicated to the housing topics and policies to streamline the development review process. November 3, 2019 and November 14, 2019. The City Council meetings and workshops were a public noticed to stakeholders, agencies and special interest groups 15-days prior to each of these meetings. Those noticed included, among others, all neighborhood associations, the Federation of San Rafael Neighborhoods, housing advocacy groups, and the San Rafael Chamber of Commerce.

Notice of this DRB meeting of November 4, 2020, was mailed to all neighborhood groups/homeowner associations within the City, as well as other commercial and housing advocacy groups.

Comments received are attached to this report. Some of the main topic areas include the following in ***bold/italics***, followed by a staff response:

Concerns about eliminating public noticing and participation

Public participation and noticing is one of the questions asked of the Board. Staff has provided two options for the Board to consider. Public participation is recommended in both scenarios.

Questions about Structure/composition of the DRAC

The Board is being asked to weigh on the this topic in questions #1 and #2 above.

Support for using a tiered approach allowing the full Board to weigh in on larger more complex projects (versus using only the DRAC)

The Board is being asked to weigh in on this topic. In General, staff is providing the option of a tiered approach but the DRAC could refer the a project to the full Board if the design is more complex or if there is disagreement amongst the DRAC.

Will the Planning Commission or Zoning Administrator consider the DRAC recommendations and public comments before issuing a final decision?

The DRAC comments would be provide to the Planning Commission in the same way that the Board comments are provided; in the staff report and in staff presentations.

EXHIBITS

1. Major Physical Improvements from SRMC Section 14.25.040
2. Public Comments