



**SAN RAFAEL**  
THE CITY WITH A MISSION

Community Development Department – Planning Division

Meeting Date: February 17, 2021  
Case Numbers: P20-009  
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Agenda Item: 2

## REPORT TO DESIGN REVIEW BOARD

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

Review and solicit feedback on proposed pilot program creating a Design Review Advisory Committee (DRAC)

### SUMMARY

The City of San Rafael Design Review Board (DRB) is being asked to provide feedback on a proposed pilot program creating a Design Review Advisory Committee (DRAC). The DRAC would provide input on certain projects on behalf of the full Design Review Board. This pilot is part of a list of changes that have been evaluated as part of City Council direction to staff to find ways to streamline development review and remove barriers to housing production. 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 received a report in November 2020 on the DRAC concept. At that meeting staff solicited feedback on a number of topics to help guide the structure and responsibilities of the DRAC, with the anticipation that the feedback would be used to create a policy document establishing the DRAC. This policy document has been drafted and staff is not seeking feedback from the Board.

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 3<sup>rd</sup> 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. After tracking and monitoring 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.

On November 4, 2020, staff presented the Design Review Board with a report on the concept Design Review Advisory Committee (DRAC). Staff requested feedback from the board regarding structure,

membership, noticing options, and types of projects to be reviewed by the DRAC. Staff received the following comments:

- Consider a combined Planning Commission and Design Review Board meeting forum, particularly for the Conceptual Review (Pre-application) process;
- Large housing projects and all non-residential projects should continue to be reviewed by the full five-member DRB;
- Utilize the DRAC for smaller residential projects, except for controversial hillside development;
- Continue the “Planning Commission First” sequence for large projects (Board comments were pro and con on this approach);
- Consider structuring a three-member DRAC and consult with the City Attorney’s Office on issues of a quorum and Brown Act compliance;
- The DRAC should be given discretion and ability to “bump-up” projects to full DRB review if there is controversy or a difference of opinion on the design approach;
- Need to include the public in the process. DRAC meetings should be noticing to allow for public input;
- Suggest reducing the size and content of the staff reports.

### **PROPOSED PILOT**

Based on the input provided by the Board members, staff has prepared the attached documents that describes the Design Review Advisory Committee Pilot Program. This document has been prepared in with input provided by the Board on November 4, 2020. The document includes the following:

- DRAC review authority is limited to only certain types of residential projects (smaller projects);
- Allows for DRAC referrals of projects to the full Design Review Board;
- Membership of the DRAC limited to two (2) members + one (1) alternating member (Note: following consultation with the City Attorney, it was determined that a three-member DRAC would constitute a quorum of the DRB. Following further review, staff concluded that three-member DRAC would merely replicate the full, five-member Board);
- Meetings of the DRAC will be combined with the Planning Commission (and Zoning Administrator) meeting for efficiency;
- Public notice will be provided as part of the regular noticing requirements for the Planning Commission and Zoning Administrator;
- Opportunity for public input will be provided prior to and during the combined meeting.

Staff is seeking input from the Design Review Board on the proposed pilot program. The Boards input will be combined with future input from the Planning Commission and shared with the City Council at a future meeting.

### **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 February 17, 2021, was mailed to all neighborhood groups/homeowner associations within the City, as well as other commercial and housing advocacy groups.

**EXHIBITS**

1. Design Review Advisory Committee Draft Pilot Program

## EXHIBIT 1

### Design Review Advisory Committee Pilot Program

- A. Purpose and Authority. The Design Review Advisory Committee (DRAC) shall serve as a subcommittee of the full Design Review Board established under San Rafael Municipal Code Section 14.25.070. The DRAC will operate for a temporary 1-year term.

The DRAC will be an advisory body to the city for the purpose of reviewing and formulating recommendations on the following major physical improvements which are subject to Major Environmental Design Review (requiring planning commission action):

- Residential structures of 10 units or less (does not apply to projects subject to Minor Environmental Design Review).
- Additions to multifamily residential structures of between three (3) to ten (10) units, where the addition constitutes more than forty percent (40%) of the total square footage of the building but would not increase the unit count by more than 3 units.

The DRAC will serve as an advisory body on Minor Environmental and Design Review and Administrative Design Review items as well as other items referred to the DRAC by the community development director, zoning administrator, planning commission or city council.

The DRAC purpose is to provide professional design analysis, and design guidance to the applicant on behalf of staff and may comment on the completeness, competence and appropriateness of development proposals for their use and setting. The DRAC is not a formal body and does not take formal action on a project. However, the DRAC may provide recommendation to the zoning administrator, planning commission or city council.

- B. Membership of the DRAC. The DRAC shall be made up of a total of three (3) active members of the full Design Review Board and shall serve on a 1-year rotational basis. Members shall be made up of the following:

1. One (1) licensed architect;
2. One (1) licensed landscape architect
3. One (1) alternate member who shall be a licensed architect or licensed landscape architect

- C. Alternate Member. The alternate member may temporarily fill in in the event the regular DRAC is unable to participate or if one of the following occurs:

- a regular member leaves office prior to completion of the member's term;
- a regular member cannot attend a meeting; or
- a regular member cannot otherwise participate on a particular matter due to a conflict of interest.

- D. Meetings. The DRAC members shall participate at a public hearing by the Planning Commission as may be required from time to time to provide recommendations on the types of projects described in Section A above. The DRAC members shall be notified of such meetings by the Staff Liaison to the Design Review Board. The DRAC may also be invited to provide consultation on projects subject to staff level review or Zoning Administrator level review and may be requested to attend meetings on such projects.

## EXHIBIT 1

- E. Referral to the full DRB. If at any time, it is determined that a project meeting the criteria in Section A above, would benefit from the full Design Review Board due to proposed design, size, or surroundings, the project may be referred to the full DRB.
- F. Action by the DRAC. The DRAC serves an informal subcommittee. No official action is taken. The DRAC will be provided an opportunity to ask questions and provided comment as part of the Planning Commission deliberation during a public hearing on the project. Recommendations would be considered by the Planning Commission and may be incorporated as conditions of approval.
- J. Public Notice. Notice of projects subject to the DRAC review shall be made in tandem with notifications for the Planning Commission meetings as required for such projects. In addition to other noticing requirements, notices subject to DRAC recommendation shall include a statement that the project is subject to DRAC review which will occur on the same night.

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