



**San Rafael Design Review Board
Regular Meeting
Wednesday, February 17, 2021, 7:00 P.M.**

Virtual Meeting

Watch on Webinar: <https://tinyurl.com/Drb-2021-02-17>

Telephone: (669) 900-9128

Meeting ID: 897-5942-0487#

Members of the public may speak on Agenda items.

CALL TO ORDER

STAFF COMMUNICATION

BOARD COMMUNICATION

CONSENT CALENDAR

1. **Approval of the Design Review Board Meeting Minutes of November 4, 2020**
Recommended Action – Approve as submitted

DISCUSSION ITEM

2. **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)
Project Planners: Paul Jensen and Ali Giudice
Recommended Action – Accept report and provide feedback to staff

PUBLIC HEARING

3. **Draft Downtown San Rafael Precise Plan**
The Design Review Board (DRB) will hold a public hearing on the Draft Downtown Precise Plan, including the Draft Form Based Code (FBC). The purpose of the hearing is to update the DRB on the proposed Plan and FBC and provide an opportunity for comments from DRB members and the public.
Case Nos.: GPA16-001 & P16-013
Project Planner: Barry Miller
Recommended Action – Accept report

OTHER AGENDA ITEM

4. **Annual Meeting of Design Review Board**
Preparation in advance of Annual Meeting of Design Review Board to include: a) Distribution of Design Review Board “Rules of Order” for review before annual meeting; and b) Election of Officers for 2021 Design Review Board meetings.
Project Planner: Steve Stafford
Recommended Action – Accept report

BOARD COMMUNICATION

ADJOURNMENT:

Any records relating to an agenda item, received by a majority or more of the Board less than 72 hours before the meeting, shall be available for inspection online. Sign Language interpreters may be requested by calling (415) 485-3066 (voice), emailing Lindsay.lara@cityofsanrafael.org or using the California Telecommunications Relay Service by dialing "711", at least 72 hours in advance of the meeting. Copies of documents are available in accessible formats upon request.

MINUTES



**San Rafael Design Review Board
Regular Meeting
Wednesday, November 4, 2020, 7:00 P.M.**

Virtual Meeting

Listen online: <https://tinyurl.com/DRB-2020-11-04>

Telephone: (669) 900-9128

Meeting ID: 823-0970-4098#

Present: Chair Kent
Member Blayney
Member Paul
Member Rege
Member Summers

Absent: None

Also Present: Steve Stafford, Senior Planner
Alicia Giudice, Principal Planner
Paul Jensen, Community Development Director

CALL TO ORDER

The meeting was called to order at 7:00 p.m. All board members were present. Alternate Member Donald Blayney served as full-voting member due to vacancy of Member Samina Saude.

NEW BUSINESS

1. Project: 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.

Project Planner: Alicia Giudice

Recommended Action – Accept report and provide feedback to staff

Three residents provided comments.

Discussion at this Study Session included common ideas such as:

- Preserve some opportunity for public input/participation, even of written comments only
- DRAC (DRB Subcommittee) should be preserved for use in concert with utilization of full DRB. Clear guidelines should be adopted for which projects should go to the DRAC, though staff should have the discretion to take a design item to the full DRB if potentially controversial

- DRAC membership should be three DRB members (two licensed architects and one landscape architect), rotated annually like the chair and vice chair of the full DRB
- DRB supports staff taking complex projects to the Planning Commission before DRB review for non-design land use policy applications
- Staff should investigate reducing the length of staff reports for efficiencies
- It would be helpful if staff would provide details to the DRB when this item returns to them on how many DRB items in 2018 and 2019 would have utilized DRAC

ADJOURNMENT

Jeff Kent adjourned the meeting at 8:00 p.m.

LINDSAY LARA, City Clerk

APPROVED THIS ____ DAY OF _____, 2020

JEFF KENT, Chair



SAN RAFAEL
THE CITY WITH A MISSION

Community Development Department – Planning Division

Meeting Date: February 17, 2021
Case Numbers: P20-009
Project Planner: Paul Jensen – (415) 485-5064
Ali Giudice – (415) 485-3092
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 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. 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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Community Development Department – Planning Division

Meeting Date: February 17, 2021

Agenda Item: 3

Case Numbers: GPA16-001 & P16-13

Project Planner: Barry Miller, Consulting Project Manager (415) 485-3423

REPORT TO DESIGN REVIEW BOARD

SUBJECT: Public Hearing on Draft Downtown San Rafael Precise Plan

The Design Review Board (DRB) will hold a public hearing on the Draft Downtown Precise Plan, including the Draft Form Based Code (FBC), on February 17. The purpose of the hearing is to update the DRB on the proposed Plan and FBC and provide an opportunity for comments from DRB members and the public. Case Nos.: GPA16-001 & P16-013.

SUMMARY

The City has prepared a “Precise Plan” for Downtown San Rafael concurrently with the General Plan Update. The Plan replaces “Our Vision of Downtown San Rafael” (1993) which has served as the guiding policy document for Downtown for the last 27 years. The Precise Plan provides a design vision for Downtown, direction on land use and building heights, and new standards and guidelines for historic preservation, transportation, affordable housing, and economic development. The Plan anticipates 2,200 housing units and approximately 2,000 additional jobs in Downtown San Rafael during the next 20 years.

The Downtown Precise Plan includes a Form Based Code (FBC), which will replace the current zoning regulations for Downtown San Rafael. While traditional zoning focuses on allowable land uses and densities, the FBC focuses on the physical form of new development. The FBC emphasizes context-sensitive design, compatibility of building scale and mass, pedestrian-orientation, and integration of private development with adjacent public spaces such as streets and sidewalks.

The intent of the February 17 agenda item is to brief Design Review Board (DRB) members on the Draft Plan and proposed FBC, provide an opportunity for comments and questions from the Board, and provide an opportunity for public comment. The City’s consultant will provide a presentation, followed by Board discussion.

BACKGROUND

Downtown San Rafael has been the focus of planning studies for the last three decades. In 1993, the City adopted “Our Vision of Downtown San Rafael.” The Vision included a land use plan that provided the framework for new zoning districts that remain in effect today. In 2009, Downtown was designated a Priority Development Area (PDA) by the City Council, recognizing its potential for sustainable, transit-oriented growth and making it eligible for planning grants and transportation investments.

Following the PDA designation, a number of studies and plans were completed, including the SMART Station Area Plan (2012), “Good Design Guidelines” recommendations (2017), and the Downtown Parking and Wayfinding Study (2018). There are also Downtown-focused recommendations in the Bicycle and Pedestrian Master Plan (2018), the Housing Element (2014), the Climate Change Action Plan (2019), and the Third Street Rehabilitation and Safety Studies (2019-20). Collectively, these plans and studies point to the need for a higher-level framework that updates the 1993 Plan and synthesizes policies for Downtown into a single, cohesive document.

During the early phases of the 2040 San Rafael General Plan Update, the City pursued and secured a \$500,000 grant through ABAG's One Bay Area Grant (OBAG) program to update the Downtown Plan. There were "economies of scale" associated with doing this work concurrently with General Plan 2040, including a combined EIR addressing the impacts of both projects and a coordinated public outreach effort.

The City determined that a "Precise Plan" was the best plan format for communicating an updated vision for Downtown. A Precise Plan is an accepted, multi-purpose planning tool used in many California cities to express policy recommendations and development standards for smaller areas within the jurisdiction. Like General Plan 2040, the Precise Plan has a 20-year planning horizon. Since it covers a smaller geographic area than the citywide Plan, its focus is more granular. The area covered by the Precise Plan is 265 acres, extending from the 2nd/ 4th Street intersection on the west to Montecito Plaza on the east, and from Mission Avenue on the north to First Street/ Albert Park on the south. Much of this area falls within the designated PDA (e.g., a one-half mile radius from the SMART Station). However, the Precise Plan includes the West End Village, which is outside the PDA.

In Fall 2018, the City selected Opticos Design, Inc. of Berkeley to develop the Precise Plan. Opticos is nationally known for its pioneering work on Form-Based Codes as well as planning for "missing middle" (moderate density/ moderate income) housing types in American cities. Work on the Precise Plan began in January 2019. The City Council expanded the scope of the General Plan 2040 Steering Committee to include vetting of the Precise Plan. Community input on the Plan was solicited through a three-day design charrette (May 8-11, 2019), three pop-up workshops on Fourth Street, presentations to the City Council, Planning Commission, and other Boards and Commissions, meetings with stakeholders, and various on-line community engagement programs.

Opticos completed an Administrative Draft of the Precise Plan in April 2020. Following further review of the Draft, revisions were made and a Public Review Draft was released in December 2020. The Planning Commission held public hearings on this Draft on January 12, January 26, and February 9, 2021. An EIR for the Precise Plan and the General Plan 2040 are currently in circulation, with comments being taken until March 9, 2021. Staff expects that the Planning Commission will forward the Draft Plan to the City Council in May 2021.

OVERVIEW OF THE DOWNTOWN PRECISE PLAN

The Draft Downtown Precise Plan provides the following functions:

- It is a policy document guiding a 20-year vision for Downtown.
- It is a regulatory document for reviewing and permitting future development and changes to existing buildings. It replaces many regulations and provisions of the San Rafael Municipal Code Title 14 – Zoning.
- It incorporates design guidelines, which are typically a separate document and an advisory tool.
- It incorporates specific recommendations for improvements to streets and public spaces.
- It creates a predictable development review process to facilitate project streamlining.
- It helps the City meet its future housing needs by providing substantial capacity for new residential development.

The Plan includes a Vision Summary, followed by eight chapters, followed by the Form Based Code and Appendix. The text below provides a high level summary of each chapter. Hyperlinks to each chapter are included:

[Vision Summary](#): This is a short overview of the Plan, explaining what the Precise Plan is and highlighting its key areas of focus.

Chapter 1: [Introduction and Community Engagement](#). This chapter explains the purpose of the Plan, its legal foundation, and its relationship to the General Plan and zoning regulations. Past plans for Downtown are described to provide the context for the document. The chapter also describes the community engagement program and highlights key milestones in the planning process.

Chapter 2: [Existing Conditions](#). This chapter provides background data on the Downtown Precise Plan area, including its location, demographics, and market conditions. It provides a historical timeline for Downtown, tracking its evolution over the last 200 years. Maps and narrative text describe the area's built form (building heights, lot sizes, frontages, community institutions, etc.). The chapter provides an overview of the circulation system, including traffic counts, commute data, and a summary of the bicycle, pedestrian, and transit networks. It includes an overview of natural hazards, including sea level rise and wildfire. The chapter culminates with six key challenges for Downtown and three key opportunities.

Chapter 3: [Design Principles and Guiding Policies](#). Chapter 3 lays out eight overarching principles to guide Downtown's future. These relate to Downtown's identity and sense of place, its transportation network, its civic spaces, its economy and business success, its historic resources, its resilience to climate change, and its opportunity to be a higher density mixed use district that provides new housing opportunities for persons of all incomes. A set of guiding policies is included under each principle.

Chapter 4: [Design Vision](#). The design vision includes two major sections. The first half of the chapter provides areawide guidance for land use, building height, transitions between uses, and public realm improvements. An illustrative diagram showing development footprints on potential opportunity sites also is included. While the diagram is hypothetical, it provides a useful tool for visualizing how Downtown might grow and change in the next 20 years. The second half of the chapter provides guidance for four subareas—Downtown Gateway, Downtown Core, West End Village, and Montecito Commercial area.

Key recommendations are summarized below:

- The framework for the Form-Based Zoning Code is provided, including four new zoning districts. These districts reflect different levels of development intensity, and a distinction between “Main Street” areas such as Fourth Street and “Neighborhood” areas such as Fifth Avenue. Building types are broadly classified as “house form” or “block form,” with different standards applying to each.
- A new height map is adopted for Downtown. The map identifies maximum “base heights” ranging from 30 to 70 feet, as well as potential height bonuses for projects incorporating affordable housing or providing community benefits. The bonuses range from 10 to 20 feet and vary by area. State law provides more generous bonuses for housing development near the SMART station if 100% of the units are affordable.
- Density and Floor Area Ratio (FAR) limits will no longer apply in Downtown. Development intensity is guided by the height map, setback and parking requirements, and the design standards of the Plan itself.
- The chapter emphasizes the importance of public space (including streets) to the quality and success of Downtown. Opportunities for specific improvements are highlighted, including a transit plaza adjacent to the SMART station, improvements to Fourth Street (especially between A Street and Court Street), enhancement of Downtown alleys, a West End Village pocket park (on Fourth St), a promenade along the Canal, and an “urban wetland” that facilitates sea level rise adaptation in the area south of Second Street near Francisco Boulevard West. More generally, the Plan encourages small pocket parks and urban plazas as components of new private development.

- For each of the four Downtown subareas, the Plan provides a summary of existing conditions, a statement of design intent, a description of the area’s character and uses, a buildout estimate, a summary of public realm improvements (including streets and civic space), a summary of historic resources, and additional recommendations.
- In general, growth is concentrated in the Downtown Gateway and Downtown Core areas. New buildings in this area will typically range from four to eight stories, with lower scale development adjacent to historic resources. Lower scale development (generally three to four stories) is envisioned in the West End Village and Montecito commercial areas.
- The Plan recognizes uncertainties associated with relocation of the Bettini Transit Center. The three site options now under consideration are described, and potential outcomes related to each choice are discussed. The Plan provides the flexibility for any of these three sites to be selected but acknowledges that this decision may impact buildout capacity and future circulation needs.
- The Montecito Shopping Plaza is presumed to remain for the duration of the planning period. However, the Plan supports the idea of eventually redeveloping the shopping center as a mixed-use development. Such a development would feature ground floor commercial uses, upper floor housing, reconfigured streets and blocks, a waterfront promenade, and various design features responding to anticipated sea level rise.

Chapter 5: [Historic Resources](#). This chapter describes the history of Downtown San Rafael, identifies existing historic preservation regulations, and summarizes the findings of a 2019-20 field survey of Downtown historic resources. The field survey covered 572 properties within the Downtown Plan area boundaries—roughly 70 percent were determined to have no visible potential as historic resources. The remaining 159 properties were further evaluated, and about 100 were determined to meet eligibility criteria as historic resources. This includes structures that are already designated as historic landmarks, structures that were identified as potential historic resources in the City’s 1977 and 1986 surveys, and approximately 35 structures that had not been previously identified as potentially historic. In addition, the survey identified two areas as eligible for consideration as historic “districts” under the California Environmental Quality Act. The Precise Plan itself does not create new historic districts but recommends modified development standards in the eligible areas to protect the integrity of historic resources.

Chapter 5 includes specific recommendations for strengthening the City’s Historic Preservation Ordinance, including aligning designation criteria with State and federal standards. Incentives for historic preservation are described. The Plan recommends a more formalized process for evaluating applications for alterations to historic structures. While a Historic Preservation Commission is listed as an option, the Plan recognizes that other options--such as a standing committee or on-call architectural historian—are more feasible.

Procedures for altering or demolishing potential historic resources, based on Secretary of the Interior standards, are included in the chapter. This is followed by a series of flow charts indicating the level of review required for various projects, as well as standards for development on or adjacent to eligible historic resources. In many cases, exceptions to the standards may be considered based on the recommendations of a qualified architectural historian and a decision by the Planning Commission.

Chapter 6: [Transportation and Parking](#). Chapter 6 begins by recognizing the multi-modal nature of Downtown’s circulation system--- in other words, its layered network of roads, transit, bicycle routes, sidewalks, paths, and crosswalks. A “modal priority” map is presented, identifying priority routes for pedestrians, bicycles, transit users, and motorists. Design standards for each street vary depending on the travel modes they support. The Plan provides a menu of improvements for each mode. It also proposes a number of specific projects, including:

- Pedestrian and bicycle path improvements along Tamalpais Avenue, connecting the Puerto Suello Hill path to the Mahon Creek path.
- Fourth Street streetscape improvements, including enhanced crosswalks, lighting, and signage. The possibility of redesigning parts of Fourth Street as a “shared street” for vehicles, pedestrians, and bicycles (including occasional closures for special events) is discussed.
- Alley improvements to Walter Lane, Julia Street, and Commercial Street.
- Pedestrian improvements along east-west streets under the Highway 101 viaduct.
- Safety improvements along Second and Third Streets, consistent with the Third Street improvement studies.
- Bicycle improvements consistent with the Bicycle and Pedestrian Master Plan. The Precise Plan recognizes the possibility of east-west bike lanes on Fifth Avenue, but its focus is on improving bicycle safety along Fourth St., developing bike lanes on Second St. in the West End Village and along A St. in the Downtown Core, and improving First St. as a bicycle boulevard.
- Converting B Street from one-way to two-way traffic (C and D have already been converted).
- Operational improvements to US 101 on- and off-ramps.
- Realigning the Second/Fourth/Marquard intersection in the West End to improve safety and reduce pedestrian crossing lengths.
- Converting Francisco Boulevard West (south of Second Street) from two-way to one-way (southbound).
- Considering a Downtown shuttle connecting the transit station area to the West End Village and Montecito Commercial areas.
- Adjusting traffic signals to establish transit vehicle priority along key streets.

The Downtown Plan includes illustrative cross-sections to show how certain streets may be redesigned over time to more safely and efficiently accommodate all travel modes. Cross-sections are included for Fourth Street, Tamalpais Avenue, B Street, and D Street.

The Plan also includes recommendations for parking, wayfinding, curbside management, and trip reduction. The parking recommendations (include reduced and consolidated parking standards for residential and non-residential uses) are drawn from the Downtown Parking and Wayfinding Study and include expansion of the Downtown Parking District to E Street on the west and Hetherton on the east, additional shared parking agreements, new bikeshare opportunities, inclusion of public parking in new private development, using technology to improve space utilization and efficiency, encouraging mechanical parking, and using more flexible off-street parking standards in new development.

Chapter 7: [Affordable Housing and Anti-Displacement](#). This chapter recognizes potential opportunities for affordable housing in the Downtown area as well as the potential for new development to cause direct and indirect displacement of low-income residents. Chapter 7 provides a profile of existing housing resources and needs, a summary of development projects in the pipeline, an overview of City housing programs, and implementation strategies.

Affordable housing production strategies include incentives (such as allowing additional building height for projects with affordable housing), elimination of residential density standards, reduced parking requirements, and streamlined development review procedures. The Plan also identifies opportunities for land write-downs (particularly on municipal parking sites), grants, multi-family acquisition and rehabilitation programs, and community land trusts.

Anti-displacement strategies are focused on tenant protection. These include relocation assistance requirements, no net loss requirements for rental units, and preservation of existing affordable housing.

Chapter 8: [Implementation](#). The Implementation chapter includes tables identifying specific projects and improvements to be made following Plan adoption. These are generally categorized as street/transportation improvements and civic space improvements. Implementation is intended to be long-term, with projects carried out over a 20-year period. Potential financing strategies and funding sources are described, including grants, fees, and a potential Enhanced Infrastructure Financing District (EIFD).

The Implementation chapter also includes an Economic Development Strategy, including 30 potential actions that can be taken following Plan adoption to strengthen Downtown's economic position. These include such items as using City-owned sites for infill projects, building on the Cultural Arts District designation, promoting San Rafael as a visitor destination, improving outdoor dining options, encouraging parcel assembly, and providing technical assistance to local businesses. This chapter further reports out on a pro-forma analysis of three hypothetical Downtown developments.

A summary of actions related to historic preservation and affordable housing is also included in Chapter 8, reiterating recommendations in Chapters 5 and 7. The Chapter also includes an evaluation of Downtown infrastructure (water, sewer, drainage), a discussion of sea level rise adaptation, and provisions for Plan monitoring and enforcement.

Chapter 9: [Form-Based Code \(FBC\)](#) – The FBC is described in the next section of this report.

[Appendices](#) and **[Historic Resources Summary](#)**: A glossary and eight appendices accompany the Precise Plan. The appendices include background materials prepared over the course of the project, including the Downtown Profile Report and Downtown Options Report, a summary of community engagement activities, the Affordable Housing and Anti-Displacement Strategy Working Paper, pro-forma results, and background information on transportation and parking. The appendices also include a Historic Resources Summary that describes the field survey methodology and includes "Fact Sheets" and findings for 159 individual properties in Downtown San Rafael.

OVERVIEW OF THE FORM BASED CODE

Existing Context for Zoning in San Rafael

The City of San Rafael follows a conventional zoning model that has been in place since 1924. Like most zoning ordinances, the underlying intent is to separate land uses into "districts" to reduce the potential for conflicts and nuisances. Over the years, the ordinance has evolved to include building form regulations such as maximum building heights, maximum lot coverage and minimum building setbacks. However, many of these regulations are rooted in the goal of separating incompatible uses. This emphasis has contributed to the suburban form of the city, including its dependency on motor vehicles and lower densities. An emerging focus on compact, pedestrian-friendly development to address climate change and create more livable communities has caused a shift in how we view conventional zoning.

In the past, Downtown San Rafael's development has also been governed by a height map, a Floor Area Ratio (FAR) map, and by residential density standards that range from 15 units per acre to 62 units per acre, with allowances for density bonuses as prescribed by State law. FARs and density limits for

Downtown projects sometimes constrain development from reaching the allowable heights, resulting in relatively frequent requests for exceptions or Variances from the development standards. Moreover, the “use tables” indicating permitted and conditionally permitted uses are very prescriptive and may impair the flexibility needed to respond to market trends.

Form-Based Codes

Many cities around the country are shifting to a new type of zoning, known as a “form-based code” (FBC). The FBC shifts the focus to the physical design and form of the built environment. Such codes de-emphasize and often eliminate conventional zoning regulations such as prescribed use regulations (e.g., a hierarchical list of allowed land uses) in favor of regulatory standards for building form and design. The FBC combines certain elements of conventional zoning codes with design guidelines into a single regulatory document. This provides better and clearer direction to property owners, helps streamline project review, and can result in more well-designed buildings and public spaces.

The focus on the look and feel of the built environment is accomplished by prescribing massing and form in how buildings relate to one another. This relationship is accomplished through the establishment of various scales of block patterns and street types. Applicable building form standards differ by “place type” (also referred to as **transect** zones), which serve much like zoning districts. The Form-Based Codes Institute has standardized a list of six transects ranging from the natural environment to the urban core. The six transects are:

- Natural (T1)
- Rural (T2)
- Sub-Urban (T3)
- General Urban (T4)
- Urban Center (T5)
- Urban Core (T6)

Higher numbers designate progressively more urban environments. Based on its physical characteristics, Downtown San Rafael falls within the T4 and T5 transects.

During the last two decades, Form-Based Codes have become a legally viable alternative to conventional zoning (established through AB1268 legislation). Such codes work best in an urban, developed setting where: a) building form and mass is a priority; b) there is a mix of land uses that are not necessarily segregated; and c) there is a concentrated collection of building types, ages (historic structures) and architectural styles. Downtown San Rafael provides this setting, and the Downtown Precise Plan provides the best home for this code. Form-Based Codes have been widely established and successfully used in many cities/towns. The Town of Sonoma has adopted a form-based code for the entire town. However, form-based codes have more commonly been adopted for older, developed Downtown areas that have similar characteristics to Downtown San Rafael. The shared characteristics include a mix of land uses, a grid street pattern and a prominent pedestrian network. Examples include Central Petaluma, Downtown Benicia, and Downtown Redwood City.

The City has prepared informational videos on how Form-Based Codes work, and how and how Codes are typically organized. The videos are available at [this link](#).

Proposed Form Based Code for Downtown San Rafael

As noted above, the proposed FBC for Downtown San Rafael is Chapter 9 of the Downtown Precise Plan. The Code is organized into four major articles, summarized below.

Article 1: Introduction

The Introduction includes a “users guide” diagram and introduces the Code. It explains the purpose of the Code, its applicability, and its relationship to the General Plan 2040 and Downtown Precise Plan. It also identifies other provisions of the Municipal Code that apply to development in the Precise Plan boundary. Article 1 concludes with a table indicating the level of permitting required for different types of project types (renovation, new construction, etc).

Article 2: Form-Based Zones

This Article defines the different zoning districts and presents the major standards for each zone.

- Division 2.1 is a “preamble” that explains the concept of transects. All of Downtown is either in transect 4 (T4) or transect 5 (T5). The T4 zones include less intense areas such as the West End Village, while the T5 zones include the Downtown Core and areas near the transit center.
- Division 2.2 establishes the zones. The T4 and T5 designations are further modified based on whether their desired built form is associated with a traditional “Neighborhood” or a “Main Street.” The zones are further classified according to the maximum building height allowed with and without a height bonus. Thus a parcel in the “T4N 40/60” zone would have a neighborhood form, with a base height limit of 40 feet. Height bonuses in this zone are provided for projects with community benefits such as affordable housing, public parking, and public open space, up to a maximum building height of 60 feet. Some of the zones are further classified as “Open” (with an O suffix), indicating more flexibility in the uses that are permitted.
- The Regulating Plan is also included in this section. This is essentially the zoning map for Downtown, showing the geographic extent of the zones described above.
- Division 2.3 is the most substantial part of Article 2, as it establishes the standards for each of the zones. This section begins with an overview of the four primary zones (T-4 Neighborhood, T-4 Main Street, T-5 Neighborhood, and T-5 Main Street). The desired form of each zone is described and illustrated with a rendering. Buildings in each zone are described as being “house form” (i.e., their basic form resembles a house, with setbacks on all sides) or “block form” (i.e., the buildings are built to the sidewalk and are collectively arranged along the street to form a continuous façade that extends the length of the block).
 - The T-4 Neighborhood zone provides a walkable environment of small to medium size buildings (homes and mixed use buildings) and provides a transition in scale between Downtown and adjacent neighborhoods. It is the least intense zone and is mapped in locations such as Fifth Avenue in the West End Village and Mission Avenue along the northern edge of Downtown.
 - The T-4 Main Street zone provides a walkable, vibrant district of medium to large footprint mixed use buildings and housing choices, supporting neighborhood and community-serving ground floor activities such as shopping, dining, services, civic activities, and arts uses. It is mapped in locations such as 4th Street and B Street between 4th Street and 2nd Street.
 - The T-5 Neighborhood zone is comprised of larger footprint, higher intensity mixed use buildings, generally within a 5- or 10-minute walk of the transit center. This district has been mapped on locations such as the San Rafael Corporate Center and Montecito Plaza.
 - The T-5 Main Street zone is characterized by a walkable urban neighborhood with large, higher intensity mixed use buildings close to the transit center. Areas with this designation are limited to a relatively small area between Lincoln and Hetherton, generally within 500

feet of the SMART station. This zone is associated with a 70' base height and a 90' bonus height, which makes it the most intense of the four districts.

Division 2.3 presents a common set of standards for each of the four zones. These include maximum and minimum setbacks (i.e., distance of structure from the property line), maximum building length, and required civic space (which varies by building size). Each zone includes allowances standards for encroachments, indicating the extent to which canopies, balconies, and other building features may extend into the setback areas. Standards for building height are presented, including maximum height of the top floor plate as well as the roofline.

Buildings are generally required to “stepback” at a specified height in each zone (this is illustrated in the Code). For example, a 55' tall building in the T-4MS zone would be required to step back from the street by 10 feet above the third floor (35') to reduce the perceived height and mass of the building from the street and sidewalk. The Code also establishes a 14' ground floor height requirement on most properties, and includes standards for the depth of ground floor spaces (they must generally extend 30' back from the street within the building).

The Code lists the types of frontages, or building façades, that are acceptable in each District. For example, the T4N district allows projecting porches, stoops, terraces, shopfronts, and several other façade types; different standards may apply to the front of the building and the sides of the building.

Standards for properties adjacent to historic structures are also included for each district. These ensure that new development does not overwhelm adjacent historic buildings. The standards address aspects such as massing and the inclusion of “wings” that step down in height adjacent to the historic building. These standards would apply to all properties that adjoin one of the roughly 100 Downtown properties identified as having a historic resource.

Parking standards are included for each of the four districts. These standards are generally based on the number of bedrooms for residential uses, and square footage of floor space for non-residential uses. Various exemptions and exceptions are provided for properties in the Downtown Parking District, and slightly higher parking requirements apply in the West End Village. Standards for driveway location and width are included with the parking standards.

Section 2.3.070 of Article 2 includes the Use Table. This is a simplified version of the Use Tables that apply under existing zoning, but still provides a comprehensive list of possible Downtown uses. The Use Table indicates whether a particular use is permitted by right, not allowed at all, or requires an Administrative Use Permit, a Conditional Use Permit (CUP) issued by the Zoning Administrator, or CUP issued by the Planning Commission. Roughly 85 different uses are listed. As appropriate, the Use Table includes cross-references to other sections of the Municipal Code that pertain to specific uses.

Article 3: Supplemental Standards to the Downtown Zones

Three Divisions are included in this Article: Site Standards, Massing and Articulation Standards, and Façade Standards.

- Division 3.1 includes the Site Standards. These include requirements for screening of mechanical, roof-mounted and wall-mounted equipment, retaining walls, and courtyard areas, including maximum fence, wall, and vegetation height. Provisions for temporary fencing also are included. Division 3.1 also addresses landscaping standards, including requirements for landscape plans for new development.

Standards for parking design are included in this section. These standards do not address the number of spaces required (which is covered in Article 2), but rather attributes of parking location, provisions for shared parking, truck parking, and requirements for carshare and carpool spaces. Division 3.1 generally requires “unbundling” of residential parking from individual dwelling units (i.e., the spaces must be leased or sold separately from the dwelling unit). The design of parking areas also is addressed, including access requirements, landscaping and screening requirements, and the location of parking on a parcel.

The final section of Division 3.1 addresses block size. It includes requirements for interior pedestrian paseos on blocks that are more than 500 feet long or have a perimeter exceeding 2000 feet.

- Division 3.2 addresses Massing and Façade Standards. This section covers topics that are commonly included in Design Guidelines, but with measurable standards to ensure predictable outcomes. The concept of each building having a “top,” “middle,” and “bottom” (“tripartite”) is incorporated. Buildings composition, character, and symmetry is addressed through a variety of standards, including requirements for corner elements and window openings.

Division 3.2 provides further detail on historic resources. This includes guidelines for adding stories to a historic building, including stepbacks to maintain the building’s appearance from the street. It also includes limits on the maximum height permitted for buildings immediately adjacent to historic buildings (generally no more than 20 feet higher than the historic building), along with requirements to align setbacks of new buildings with those of adjacent historic buildings.

- Division 3.3 provides Frontage Standards. Frontages are the components of a building that provide the transition to the street and sidewalk. A menu of frontage types is provided, with illustrations, photos, and dimensional standards for each type. These standards address aspects such as finish level above sidewalk for stoops and doorways, maximum depth of a recessed entryway, width of pedestrian accessways, and the length and width of features such as porches and awnings. The standards also include dimensional requirements for storefront windows (glazing).

Article 4: Definitions

The final section of the Code includes definitions. Key terms used in the document are defined in Division 4.1. Division 4.2 includes diagrams explaining how dimensional measurements (such as building height) are calculated.

CORRESPONDENCE

No correspondence has been received on this agenda item. A number of letters were received by the Planning Commission in advance of their hearings on January 12, 26, and February 9; these may be accessed by visiting the web pages for those meetings at [this link](#).

ATTACHMENTS

While there are no attachments to this Staff report, the Draft Downtown Precise Plan is available for review online at www.sanrafael2040.org.



REPORT TO DESIGN REVIEW BOARD

SUBJECT: Preparation in advance of Annual Meeting of Design Review Board to include: a) Distribution of Design Review Board “Rules of Order” for review before annual meeting; and b) Election of Officers for 2021 Design Review Board meetings.

The Design Review Board (Board) is required to hold its annual meeting at their first meeting of a calendar year. The first scheduled meeting in 2021 will be February 17, 2021. At that meeting, the Board will be requested to elect new officers and review its “Rules of Order”, in addition to reviewing design-related agenda items.

Election of Officers for 2021

Since 2004 the Board has elected officers following a rotation schedule generally set based on member’s length of service. For 2020, Board Member Saude voluntarily served as Chair until promoted to the Planning Commission. Board Member Saude’s position on the Design Review Board has not yet been filed. Board Member Paul served as Vice Chair in 2020. Should the Board choose to continue to follow this rotation schedule, Board Member Paul would serve as Chair in 2021 and Board Member Kent would serve as Vice Chair. Here is the projected 5-year rotation schedule of officers for the Board:

	<u>Chair</u>	<u>Vice Chair</u>
2021	Paul	Kent
2022	Kent	Rege
2023	Rege	Summer
2024	Summer	Paul
2025	Paul	Kent

Staff recommends the Board consider the above officer rotation and elect new officers for 2021. New officer terms would take effect at the next meeting.

Rules of Order

Planning staff is distributing the current Design Review Board “Rules of Order” (attached; Exhibit 1), which were last amended and adopted Feb. 6, 2018. Between 2014 – 2018, the Board reviewed the Rules of Order and chose to not make any changes. In 2018, the Board made one minor procedural change to the timing of the Board’s questions (Page 4, Item B4). That section was modified from having the Board hold their questions of staff, the applicant or the public until the conclusion of the public comment period to allowing the Board to ask questions following each presentation by either staff, the applicant or the public.

Staff does not have any areas of concern with the current rules and procedures and does not offer any recommended changes. However, the Board can consider further modifications or request that staff investigate possible changes. Please review the current rules and procedures and if there are any changes that you would like to suggest or possible modifications that warrant staff research, please inform

staff before the annual meeting, so that we can research the item and provide any draft revisions at the Annual Meeting. If we hear no suggestions for edits, we will present the current Rules of Order for adoption 'as is'.

Attachments

Exhibit 1 Current Board "Rules of Order," amended and adopted Feb. 6, 2018

DESIGN REVIEW BOARD
RULES OF ORDER
As adopted: Feb. 6, 2018

1. Authority to Adopt Rules of Order

The establishment, organization and membership of the Design Review Board are prescribed by City of San Rafael Municipal Code (City Code), Chapter 25. These Rules of Order are hereby adopted by the Board, as prescribed under City Code Section 14.25.070.I., to ensure conduct of efficient and responsive meetings, and provide guidance to the Board, staff, applicants and the general public as to how business before the Board shall be conducted.

2. Organization and Officers

A. ELECTION OF OFFICERS. A Chair and Vice-Chair shall be elected from among the Board's membership at a regular meeting held during the month of December. It is intended that the Chair and Vice-Chair shall be rotated among the Board based on tenure, as defined by total years of service. The Board may establish a standing rotation of officers, based on tenure and years between service as Chair and Vice-Chair. The rotation and new officers shall be confirmed by majority vote of the Board at the regular meeting held for election of officers.

B. TERMS OF OFFICE. The Chair and Vice-Chair shall serve for a term of one year, beginning the first regular meeting in January. The Vice-Chair shall serve in the absence of the Chair, and generally shall serve as Chair in the following year.

C. PRESIDES AND POINTS OF ORDER. The Chair shall preside at all meetings, preserve order, decide all points of order, see that all actions of the Board are properly taken, and assist staff in determining agenda items. The following other duties shall be assigned to the office of the Chair:

1. The Chair, with the concurrence of a majority vote of the Design Review Board, may create such special sub-Committees as it may, from time to time, deem necessary or desirable.
2. The Chair shall sign any formal resolutions or transmittals adopted by the majority of the Board to the Planning Commission and City Council (as needed).
3. The Chair shall represent the Design Review Board before the City Council, if called upon. The Chair may appoint any member to appear on his or her behalf.
4. In the event of absence or disability of the Chair, the Vice-Chair shall preside. In the absence of both, the members shall appoint a chair for that meeting.

D. LIAISON TO STAFF. When it is deemed appropriate to do so, the Chair shall appoint one member of the Design Review Board, or a subcommittee of up to two board members, in order to review staff approvals of projects that have been reviewed by the Board or as otherwise requested by the Secretary to the Board.

E. VACANCIES. Vacancies of the Board for other than expiration of term will be filled by appointment for the un-expired portion of the term. A permanent vacancy by the Chair or Vice-Chair shall be filled based on tenure or per the approved rotation schedule and confirmed by a

vote of the Board prior to conducting business at the next regular meeting. Officer(s) elected to serve the remainder of a partial term may be re-elected for a full-term the following year.

F. ALTERNATE MEMBER. The alternate Board member will receive all staff reports and materials delivered to the Board, and shall sit at the dais with the Board members and Planning Commission Liaison. When the alternate member is not acting as a regular member (i.e., filling a vacancy created due to an absence or abstention of a regular member), the alternate may participate in the discussion to ask questions and make suggestions to the Board for their consideration, but will not vote or provide formal recommendations and his/her comments will not be included in the Boards consensus items.

3. Secretary to the Board

The Community Development Director or his/her designee shall be the Secretary of the Design Review Board. The Secretary shall prepare copies of the Design Review Board agenda and deliver the agenda, together with any other reports, materials and communications pertaining to the matters on the agenda, on the Fridays before the scheduled meeting. The Secretary shall attend all meetings of the Design Review Board. The Secretary shall prepare reports and gather such information as may be necessary for the Design Review Board to conduct its business.

4. Design Review Process

The Design Review Board offers a two-tiered review process for projects requiring a recommendation from the Board: I.e., an informal Concept Review and a formal Design or Decision Review. The level of review required for a project application shall be as established by the Municipal Code or determined by the Community Development Director.

CONCEPTUAL REVIEW

The purpose of the conceptual review is to give the applicant an evaluation of the basic design approach proposed for a project. This is typically an informal critique of the project conducted in a workshop format. No consensus vote by the Board is required. The applicant will work with staff to obtain a summary or access to video of the meeting comments.

FORMAL DESIGN/DECISION REVIEW

The purpose of formal review is to evaluate a completed project application for consistency with applicable criteria and provide a recommended action and conditions to the decision-making body, as required (i.e., Staff, Zoning Administrator, Planning Commission or City Council).

5. Meetings and Agendas

A. REGULAR MEETINGS. Regular meetings of the Design Review Board will be held twice per month on Tuesdays following City Council meetings, beginning at 7:00 PM.

B. SPECIAL MEETINGS. Special meetings for any purpose may be held on the call of the Chair or of three members of the Design Review Board. Such meetings shall be duly noticed by

the Secretary in accordance with the provisions of City and State law. Such meetings shall be open to the public.

C. CONTINUED MEETINGS. In the event the Board wishes to adjourn its meeting ~~or a hearing~~ to a certain hour on another day, a specified date, time, and place must be set by a majority vote of the members present, prior to the regular motion to adjourn.

D. ADJOURNED MEETINGS. The Chair shall adjourn the meeting following the conduct of all business on the agenda.

E. PLACE OF MEETINGS. Meetings shall be held in the City Council Chamber or at another public place in the community.

F. QUORUM. A quorum of the Design Review Board shall consist of three members. A quorum will be necessary to conduct business.

G. MEETING AGENDA. The Secretary shall prepare and deliver an agenda at least five (5) calendar days prior to each Design Review Board meeting.

H. AGENDA ORDER. A change in order of the Design Review Board agenda shall be determined by the Secretary and the Chair of the Design Review Board. The listing of matters of business shall normally be in the following order:

1. Call to Order
2. Staff and Board communications
3. Approval of Minutes
4. Consensus Items
5. Old Business
6. New Business
7. Other Board Business
8. Adjournment

6. Voting & Abstention or Disqualification

A. MAJORITY VOTE. All official recommendations and decisions by the Board shall require a majority vote of those present at the meeting.

B. ABSTENTION/DISQUALIFICATION. An abstention on any vote shall only be allowed for a conflict of interest by a member in accordance with the State Political Reform Act and other applicable state law. A disqualified member shall leave the voting area prior to consideration of the matter.

C. CHANGE OF VOTE. A member may change his or her vote after the roll has been completed before the announcement of the result.

7. Conduct of Meetings

A. PUBLIC RECOGNIZED. NO person shall be permitted to speak unless recognized by the Chair, who may permit persons to speak on any matter properly before the Board.

B. PROCEDURE OF PRESENTATION. Agenda Items before the Design Review Board shall be presented and heard in the following manner:

1. Chair shall announce the agenda item. If a request for continuance is made, a motion may be made and voted to continue the meeting to a date specified or unspecified. Re-notice shall be required if continued to a date unspecified.
2. Presentation by staff; limited to five (5) minutes, and extended at Chair's discretion.
3. Public meeting is opened.
4. Presentation by applicant; limited to ten (10) minutes, and extended at Chair's discretion. The Board may have questions of the applicant regarding the project materials or applicant presentation after completion of the applicant's presentation.
5. Comments from the public, where appropriate; limited to three (3) minutes per speaker, extended at Chair's discretion. If there are numerous speakers, the Chair may request that a spokesperson be selected for the entire group and that comments not be repeated.
 - a. All comments or questions shall be addressed through the Chair.
 - b. The Chair may limit the number of speakers or the time on a particular issue to avoid unnecessary repetitive evidence.
 - c. Irrelevant, defamatory, or disruptive comments will be ruled out of order.
6. Questions from Board members of the applicant, staff, public or other meeting participant, with responses by the appropriate participants.
7. Public meeting is closed.
8. The applicant may provide responses to any concerns or questions raised by the public for benefit of the Board in its deliberation and discussion of the matter.
9. Comments on the project are made by each Board member. The Chair selects a member to comment first, and may elect to be the last to provide comment.
 - a. Comments on conceptual review should focus on the over-all design approach.
 - b. Comments on a formal review requiring a decision by the Board will focus on the recommendation to approve or deny the project and any conditions of approval or design changes which the Board recommends.
10. Follow-up Discussion. Before the Board concludes its discussion and votes on the project, the following opportunities shall be provided to the applicant and Board:
 - a. The applicant shall be given an opportunity to indicate willingness to make specific changes to the project, or discuss any recommended revisions, or to respond to questions, or to seek further clarification.
 - b. A Board member shall have the opportunity to consult with other Board members, staff and meeting participants, to consider whether members wish to revise, support, or not support any comments made based on the discussion, and in order to reach a consensus.
11. Comments or conditions are summarized by the Secretary, and a list of the consensus items is identified. Further discussion with the Board members may occur if needed to finalize the list of consensus items, directed through the Chair.

12. Vote is taken on an action requiring a formal decision or recommendation by the Board. Staff liaison to the Board shall summarize the vote. No vote is taken on Concept level review items.

C. **OBJECTIVITY.** Participants, including the public, staff, Board members and applicants, will strive to focus comments on design matters and relate comments to issues of consistency with established design criteria. Comment on individual design “preferences”, or the motivation or qualifications of other participants, or land use issues that will be considered by the decision-making authority should be avoided; but recognizing that many issues are based on the professional experience and subjective considerations of the Board members in an effort to provide a better design. As noted above, comments by all participants shall be respectful and in a civil manner.

D. **DECISIONS / ACTIONS.** The Board’s comments and/or recommendations shall be recorded as follows:

1. An action requiring a formal decision or recommendation by the Board shall be formulated in a motion and approved by a majority vote of the members present. A motion must be made and seconded, and may be debated prior to call of a vote on the decision. An amended motion shall be affirmed by a second of the amended motion. The vote will result in the following outcomes:
 - a. A motion shall fail due to lack of a second or a majority vote affirming the motion.
 - b. If a positive recommendation is made, this will be transmitted as indicated in Section 8.
 - c. If the Board does not provide a positive recommendation, the applicant may proceed to the decision making body with a negative recommendation or may accept a continuance for redesign to address the comments of the Board. The applicant may re-appear before the Board two times following initial formal review, after which time the Board will make a final positive or negative recommendation unless the Board, applicant and staff agree to further continuances to address outstanding design issues.
2. On Conceptual Review matters or discussion items, a vote and decision on the project is not made.
3. Items listed on consent do not require formal discussion, and may be acted on by motion and vote of a majority of the members present.

8. Transmittal to City Council, Planning Commission and Zoning Administrator

Decisions on matters that are being forwarded to the Zoning Administrator, Planning Commission and/or City Council from the Design Review Board shall include the majority recommendation that has been affirmed by a vote of the Design Review Board.

9. Parliamentary Procedure

Robert's Rules of Order shall be followed in all cases not in conflict with these rules.

10. Review, Amendment and Suspension of Rules

A. No rule of procedure may be suspended except by unanimous vote of those members present. A motion to suspend the rules shall be decided without debate. Inconsistent procedure, without objection, implies suspension. Any member may object to inconsistent procedures and require a return to the adopted rules.

B. These Rules and Procedures shall be reviewed at the first meeting of each year to consider any updates and assure consistency with the adopted City design criteria. The rules may be amended at any meeting by a majority vote of the Board provided that each member has received a notice of proposed amendments at least 5 days prior to the meeting.

Approved 02/06/18