



**SAN RAFAEL**  
THE CITY WITH A MISSION

**Community Development Department –  
Planning Division**

**Meeting Date:** January 25, 2022  
**Agenda Item:** 3  
**Case Numbers:** P22-01  
**Project Planners:** Jacob Noonan  
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**REPORT TO PLANNING COMMISSION**

**TOPIC** Design Review Advisory Committee (DRAC) 1-Year Pilot Program

**SUBJECT: RESOLUTION RECOMMENDING TO THE CITY COUNCIL ADOPTION OF AN ORDINANCE AMENDING THE ZONING CODE TO ESTABLISH THE DESIGN REVIEW ADVISORY COMMITTEE (DRAC); AND ADOPTION OF A RESOLUTION TO ESTABLISH A 1-YEAR DRAC PILOT PROGRAM**

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**EXECUTIVE SUMMARY**

For the past few years, the City Council has been receiving informational reports related to housing and the challenges to housing development and, as a result, directed staff to explore the issues related to the challenges to the approval and development of housing in San Rafael and to identify changes that could be made to facilitate housing development. Staff presented follow-up reports, met with community members and stakeholder groups, and identified a list of recommended measures that, if implemented, could address challenges to housing production by providing clarity and simplifying the review process, providing options for development of affordable units, and exploring other opportunities to increase housing. One such item was exploring the establishment of a Design Review Advisory Committee (DRAC) that would have advisory design review authority of certain types of projects. Staff has prepared a proposed structure of the DRAC and is asking the Planning Commission (PC) to consider the proposed establishment of a DRAC for a one-year time frame that would serve as a pilot program as envisioned by the City Council. Input received from the PC will be combined with input previously received from the Design Review Board (DRB) and will be provided to the City Council at a future meeting.

**RECOMMENDATION**

It is recommended that the Planning Commission take the following action: Adopt a Resolution recommending City Council adopt the proposed zoning code amendment establishing a Design Review Advisory Committee as a subcommittee of the full Design Review Board (DRB); and establish the one-year DRAC Pilot Program.

**BACKGROUND AND ANALYSIS**

Over the past few years, the City Council has received informational reports related to housing and the challenges to housing development. The City Council directed staff to explore the issues related to the challenges to the approval and development of housing in San Rafael and to identify changes that could be made to facilitate housing development. Staff presented follow-up reports, met with community

members and stakeholder groups, and prepared identified a list of recommended measures that, if implemented, could address challenges to housing production by providing clarity in and simplifying the review process, providing options for development of affordable units and exploring other opportunities to increase housing. The following is a timeline of presentations that occurred over the past few years.

August 20, 2018: The City Council was presented a comprehensive, [informational report](#) on challenges to housing development and the approval process. In response to the housing report information, the City Council directed staff to follow-up on four specific housing topics and issues. One of these four topics/issues was the challenges to the approval and development of housing in San Rafael.

September 3, 2019: City staff presented an updated [informational report](#) on challenges to housing development. The report presented 11 key challenges pertaining to the approval and development of housing in San Rafael and identified 13 recommended measures to address these challenges. Staff was directed to host several public housing workshops to solicit 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 that were attended by the Mayor, City Council, and the public. These workshops informed the public about issues surrounding the housing crisis and obtained feedback from both the public and City Council.

January 21, 2020: City staff presented an updated [informational report](#) on staff recommendations for prioritization, timing, and future City Council actions on proposed policy actions to address challenges to approving and developing housing. At this meeting the City Council directed staff to return with a report on potential amendments to the San Rafael Municipal Code (SRMC) aimed at encouraging development and streamline approvals.

March 16, 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 comprised of two DRB members was formed to review and provide review and recommendations on design matters of current Planning applications. Implementation of this DRB Subcommittee was in line with the potential options for changes already presented to City Council in the January 21, 2020 informational report.

The DRB Subcommittee was comprised of one Board member that is a licensed architect and one that is a licensed landscape architect and served in the same capacity as the full Board. Meetings with the DRB subcommittee were held as consultations rather than public meetings. The public continued to be afforded public participation and noticing when the project moved forward for formal action on an application. Receiving positive feedback from community members and applicants, staff prepared a proposal to move forward with the concept.

August 11th, 2020: Staff presented to the Planning Commission a report analyzing potential amendments to the SRMC resulting from City Council direction. At this meeting the Planning Commission provided feedback on the potential amendments and generally supported the amendments proposed by staff.

[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 and focused on four main areas of the SRMC:

- A. Inclusionary Housing Requirement
- B. Density Bonus
- C. SRMC Amendments to Encourage Development and Streamline Approvals, including amendments related to small lot development, hillside exceptions process and appeals process.
- D. Formalize Design Review Board Subcommittee

At the September 21<sup>st</sup> meeting, the City Council directed staff to proceed with Code Amendments related to Items A-C above and to explore a pilot program for item D related to a DRAC structure and process and expressed a commitment to assuring public participation. Items A-C have been completed through adoption of code amendments that occurred in March 2021. This report is focused on Item D.

November 4, 2020: Staff presented the Design Review Board with a report on the concept DRAC. Staff requested feedback from the board regarding structure, membership, noticing options, and types of projects to be reviewed by the DRAC. Members of the DRB provided feedback to assure adequate public notice and process, allow projects to be referred to the full DRB, and reduce the size of staff reports as a time savings measure.

February 17, 2021: Staff used the comments received at the DRB meeting and prepared a draft document defining the structure of the one-year DRAC Pilot Program. At the February 17<sup>th</sup> meeting, staff presented the DRB with a [report](#) on the draft DRAC Pilot Program which incorporated the comments received from the DRB on November 4, 2020. The structure of the DRAC is described in more detail under the *Proposed DRAC Pilot Program* section below. In summary, the DRAC would be structured to have a subcommittee of the DRB participate in a combined PC/DRAC meeting on certain types of projects that would be defined in the DRAC Program (Exhibit 3). The PC/DRAC meeting would be a fully noticed public meeting and all members of the public would be allowed to provide comment on the project prior to a decision. Staff requested feedback from the DRB on the proposed program at the meeting on February 17, 2021 and DRB members provided the following comments:

- Most prefer a three-member committee. (Staff note: A three-member committee had originally been explored. 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);
- Important that building design is right, since buildings will be around for 50 to 100 years; concerned the DRAC may streamline approval leading to less-than-ideal design;
- Concern that serving on the DRAC could result in a substantial amount of work by the DRAC members;
- A lot of influence is placed on the architect that is on the DRAC; and
- Ideal if items requiring DRAC review could be placed near the beginning of the agenda so that DRAC members would be excused after their item(s).

### PROPOSED DRAC PILOT PROGRAM

Staff has prepared a draft resolution (Exhibit 1) for the Planning Commission to consider recommending the City Council adopt an ordinance amending the zoning code to establish the DRAC and to create a one-year DRAC Pilot Program. Staff is now seeking input from the Planning Commission on the draft resolution and the proposed DRAC one-year pilot program summarized in this report and defined in Exhibits 2, 3 and 4 based on the input provided by DRB members on November 4, 2020 and February 17, 2022. Exhibit 2 provides the required language amendment to the SRMC necessary to effectuate the DRAC Pilot Program. Exhibit 3 provides a write up of the draft DRAC Pilot Program and its structure and parameters. Exhibit 4 provides a flow chart illustrating how the design review process would flow under the proposed draft DRAC Pilot Program. Staff estimates a minimum processing savings of two months for applicable housing developments, with a median average processing efficiency of three to four months.

The DRAC Pilot Program can be summarized as follows:

1. Once a residential project is deemed complete the project will be reviewed for design following one of two pathways. The pathway selected will be based on whether the project is categorized at a “minor” or “major” project as defined in SRMC 14.25.040.
2. Projects subject to Minor Environmental Design Review (SRMC §14.25.040.B) will be reviewed by the Zoning Administrator following current procedures (SRMC §14.25.020.B) and the DRAC may be invited at the discretion of the Zoning Administrator to provide consultation. The public will be noticed and there will be an opportunity to comment prior to a decision on the project.

3. Projects subject to Major Environmental Design Review (SRMC §14.25.040.A) will be reviewed as follows:
  - a. Projects eligible for DRAC-level review (see bulleted list below) will be reviewed concurrently by the DRAC and the PC during the the PC on the project. The DRAC members will be able to ask questions and will have an opportunity to comment during the PC deliberation on the project. The public will be noticed of the dual PC/DRAC meeting and provided the opportunity to provide comment and participate in the meeting prior to the PC issuing a decision on the project.
  - b. Projects not eligible for DRAC-level review will be reviewed by the full DRB following current review process.

#### Criteria for DRAC-level Environmental Design Review:

- DRAC review authority is limited to certain residential projects: new construction of residential projects of up to ten units and additions of no more than 40% of building area and no more than three additional units on properties with three to ten units;
- The members on the DRAC may refer a project to the full Design Review Board (if a project is controversial for example);
- Membership on the DRAC will be limited to two (2) members + one (1) alternating member;
- Membership on the DRAC will be selected from the sitting Design Review Board.
- Meetings of the DRAC will be combined with the Planning Commission meeting (and Zoning Administrator hearing, if requested for consultation) for efficiency;
- Public notice will be provided as part of the regular noticing requirements for Planning Commission and Zoning Administrator; and
- Opportunity for public input will be provided prior to and during the combined meeting.

#### NEXT STEPS

The next step will be to present the City Council the proposed one-year DRAC Pilot Program along with the recommendation from the Planning Commission. The one-year of the pilot program would begin following City Council action creating the program. Following the one-year term, the effectiveness of the pilot program will be assessed and a recommendation will be provided to the City Council. Recommendation may include continuation of the program, opportunities to modify and/or expand the program, or discontinue the program entirely.

The one-year DRAC Pilot Program is one approach to streamlining the permitting process and additional possible options will be coming forward for the PC and DRB to consider. For several years the state legislature has adopted laws intended to streamline residential project review. This has included a requirement to establish Objective Design Standards (SB35) intended to establish a ministerial review process and create more certainty for applicants in design review approval, and the Housing Crisis Act of 2019 (SB330, as amended by SB8) which limits the number of meetings a city may hold to five for certain residential projects and mixed use projects which are two-thirds residential by square footage; and more recently SB9 which mandates a ministerial review for certain types of residential projects and lot splits. To implement state law, additional changes to our code and City processes will be necessary.

#### COMMUNITY OUTREACH

As described in the Background Section, The City Council has held meetings on August 20, 2018, 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 on November 3, 2019, and November 14, 2019. Feedback received at these meetings was used to create the Draft Structure of the Design Review Advisory Committee and the Draft Structure of the DRAC was presented to the DRB on February 17, 2021. All meetings and workshops were publicly noticed to stakeholders, agencies, and special interest groups 15-days prior to each of these meetings.

Notice of this January 25, 2022 PC meeting was mailed to all neighborhood groups/ homeowner associations within the city, as well as other commercial and housing advocacy groups. A public notice ran in the Marin Independent Journal on January 8, 2022.

**EXHIBITS**

1. Resolution
2. Draft Amendment to Section 14.25.070 of the San Rafael Municipal Code
3. Design Review Advisory Committee (DRAC) One-Year Draft Pilot Program
4. DRAC Flow Chart
5. Public Comment

**RESOLUTION NO.**

**RESOLUTION OF THE CITY OF SAN RAFAEL PLANNING COMMISSION  
RECOMMENDING TO THE CITY COUNCIL ADOPTION OF AN ORDINANCE OF THE  
CITY OF SAN RAFAEL AMENDING TITLE 14.25.070 (DESIGN REVIEW BOARD) TO  
ESTABLISH THE DESIGN REVIEW ADVOSORY COMMITTEE (DRAC); AND  
ADOPTION OF A RESOLUTION OF THE CITY OF SAN RAFAEL TO ESTABLISH A  
1-YEAR DRAC PILOT PROGRAM  
(P22-01)**

**WHEREAS**, regulations relating to the Design Review Commission are located in Section 14.25 (Environmental and Design Review Permits) of the San Rafael Municipal Code (SRMC); and

**WHEREAS**, the City Council has received informational reports on the challenges to housing development in San Rafael on August 20, 2018, September 3, 2019, and January 19, 2020 and directed the exploration of solutions to encourage residential development and streamline development approval; and

**WHEREAS**, the draft amendment to Section 14.25.070 of the SRMC would establish the Design Review Advisory Committee (DRAC) to serve as environmental design review advisory body for certain development projects as defined in the 1-year DRAC Pilot Program; and

**WHEREAS**, establishing a 1-year DRAC Pilot Program would explore how the City might reduce process and streamline development approval while continuing to achieve environmental design and maintain opportunities for the public to comment on new development applications and participate in the approval process, and

**WHEREAS**, on February 4, 2021 and 17, 2021, the Design Review Board considered the proposed 1-year DRAC Pilot Program and provided feedback that was incorporated into the proposed program; and

**WHEREAS**, on January 25, 2022, the Planning Commission held a duly-noticed public hearing on the proposed amendments to Section 14.25.070 of the San Rafael Municipal Code and the proposed 1-year DRAC pilot program, accepted all public testimony and the written report of the Community Development Department; and

**NOW, THEREFORE, BE IT RESOLVED**, that:

The Planning Commission recommends to the City Council adoption of the amendments to the San Rafael Municipal Code provided in Attachment A of this resolution, based on the following findings as required under Section 14.27.060 of the SRMC:

1. The amendment to Section 14.25.070 of the SRMC is consistent in principle with the San Rafael General Plan and serves the public health, safety and general welfare in that:
  - a. As proposed, the amendment would establish the Design Review Advisory Committee as a subset of the Design Review Board to review

EXHIBIT 1

development applications for certain residential development projects and in so doing reduced and streamline approval processes which aligns with the requirement of the housing element of the general plan to identify and reduce governmental constraints and barriers to the development of housing, and

- b. As proposed, the amendment would serve the health, safety and general welfare of the public by establishing the advisory committee of the design review board as an exploratory means of reducing process and streamlining residential development approval while achieving environmental design and maintaining opportunity for public comment and participation.

The Planning Commission further recommends to the City Council adoption of a resolution establishing the 1-year Design Review Advisory Committee (DRAC) Pilot Program provided in Attachment B of this resolution.

The foregoing Resolution was adopted at the regular City of San Rafael Planning Commission meeting held on the 25<sup>th</sup> day of January 2022.

Moved by

AYES:

NOES:

ABSENT:

SAN RAFAEL PLANNING COMMISSION

ATTEST: \_\_\_\_\_ on behalf of  
Leslie Mendez, Secretary

ATTACHMENTS:

- A. Draft amendment to Section 14.25.070 (Design Review Board) of the San Rafael Municipal Code.
- B. Draft 1-year Design Review Advisory Committee (DRAC) Pilot Program

Exhibit 2

Proposed Amendments to San Rafael Municipal Code

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Proposed amendments to the San Rafael Municipal Code establishing the Design Review Advisory Committee are provided below. Proposed new language is underlined.

**14.25.070 Design review board & Design Review Advisory Committee.**

- A. Purpose and Authority. The design review board and design review advisory committee (DRAC) shall serve as an advisory body to the city for the purpose of reviewing and formulating recommendations on all major physical improvements requiring environmental and design review permits and on other design matters, including minor physical improvements or administrative design permits, referred to the board by the community development director, planning commission or city council. The design review board shall provide professional design analysis, evaluation and judgment as to the completeness, competence and appropriateness of development proposals for their use and setting and to recommend approval, approval with conditions, redesign or denial based on design standards adopted by the city council. The DRAC shall serve as a subcommittee of the full design review board and shall provide recommendations on matters delegated to the DRAC by the City Council per City Council Resolution.



### EXHIBIT 3

#### 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 one-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 two (3) active members of the full Design Review Board who shall serve on a one-year rotational basis. Members shall be made up of the following:

1. One (1) licensed architect,
2. One (1) licensed landscape architect, and
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 a regular DRAC member 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.

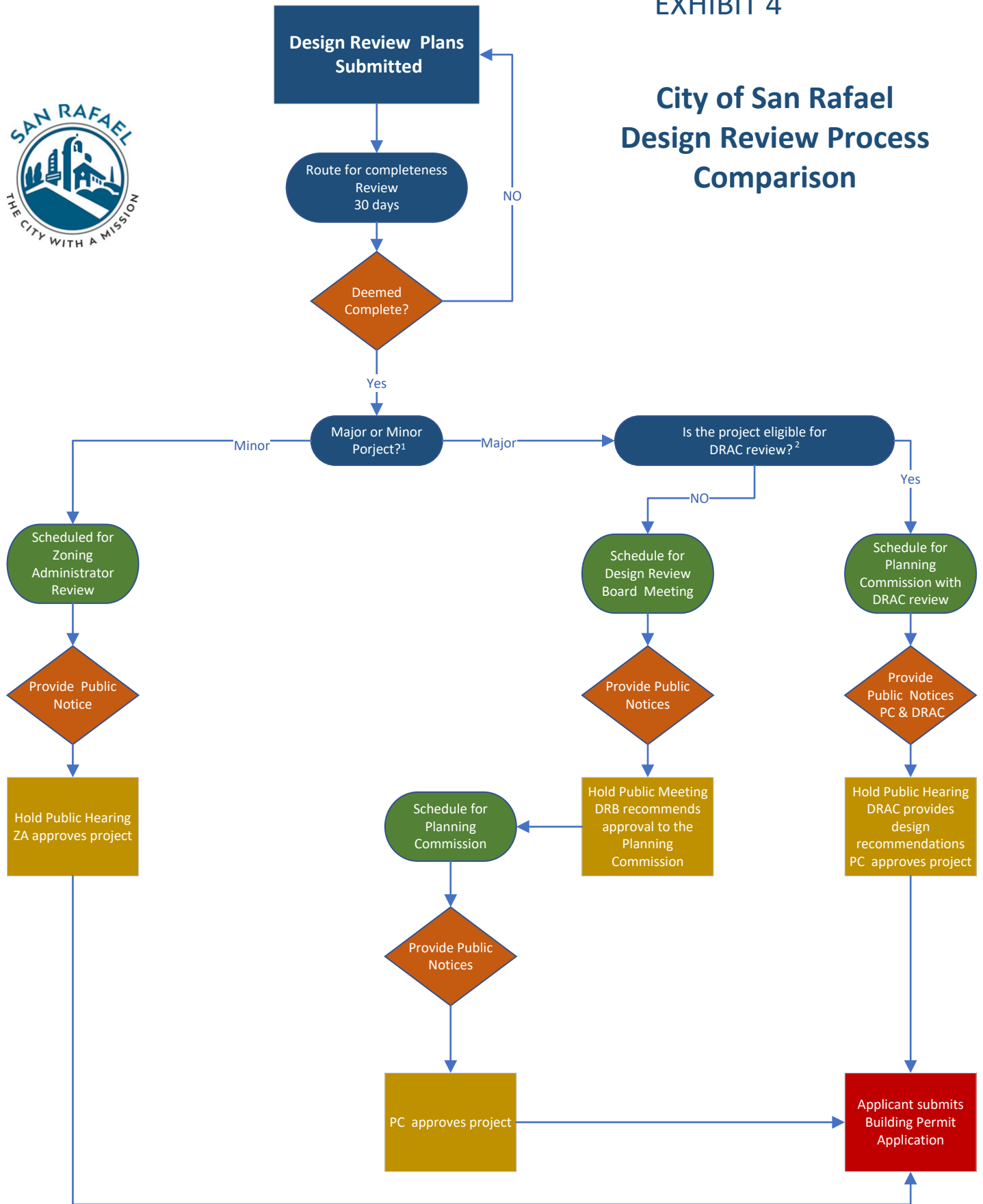
- D. Meetings. The DRAC members shall participate at a public hearing by the Planning Commission as may be required from time to time to provide recommendations on the types of projects described in Section A above. The DRAC members shall be notified of such meetings by the Staff Liaison to the Design 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 3

- 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 as an informal subcommittee. No official action is taken. The DRAC will be provided an opportunity to ask questions and provided an opportunity to comment as part of the Planning Commission deliberation during a public hearing on the project. Recommendations will 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 at the same time the Planning Commission reviews the project.

DRAFT

# City of San Rafael Design Review Process Comparison



1. Per SMRC 14.25.040

2. Eligible Projects include the following:

- a) Residential structures of 10 units or less (does not apply to projects subject to Minor Environmental Design Review).
- b) 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.

January 19, 2022

San Rafael Planning Commission  
c/o Jacob Noonan, Housing Program Manager  
City of San Rafael  
1400 Fifth Ave. Room 203  
San Rafael, CA. 94901  
via email 1/19/22: [leslie.mendez@cityofsanrafael.org](mailto:leslie.mendez@cityofsanrafael.org), [jacob.noonan@cityofsanrafael.org](mailto:jacob.noonan@cityofsanrafael.org),  
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**PLANNING COMMISSION Hearing for Tuesday, January 25, 2022 -**  
**Agenda Item: Design Review Advisory Committee (DRAC) 1-Year Pilot Program**

Planning Commissioners:

We have the following comments:

**1. Maintain full (5-member) Design Review Board meetings for all Hillside projects**

We **SUPPORT** maintaining public noticed meetings of the Full (5-member) Design Review Board for *ALL HILLSIDE PROJECTS*, which requires design professionals to review projects for compliance with City Council adopted standards for hillside development, including:

- SRMC 14.12 HILLSIDE DEVELOPMENT OVERLAY DISTRICT, and
- HILLSIDE RESIDENTIAL DESIGN GUIDELINES MANUAL

We think DRAC would provide inferior results for our hillside projects, possibly deferring design issues to the Planning Commission or even the Building Department. We have seen “problems” caught early on by our design review board members, such as errors in lot square footage and slope calculations, critical calculations for hillside projects. The Design Review Board consists of licensed architects who have expertise that is not duplicated on the Planning Commission.

The full board can provide expertise from different backgrounds to successfully resolve design challenges on hillside lots that are difficult to develop because of shape, size or topography. Ideas from all board members contribute to improved compliance with our Hillside development standards and limits those projects requesting Exceptions, which require approval by the City Council. Various design recommendations from board members result in less bias. The synergistic effect of the full board providing recommendations on the design for hillside projects creates well designed buildings that will protect our hillsides and be in harmony with the community for many years to come and is supported by General Plan 2040:

General Plan Program CDP-1.3A: Hillside Residential Design Guidelines. Continue to implement hillside residential design guidelines through the design review process, as well as larger lot size requirements for hillside areas where there are access limitations or natural hazards. Update the design guidelines as needed.

Although the Design Review Board is an advisory board, for hillside projects requesting Exceptions to our Hillside Development standards (SRMC 14.12.040), the Design Review Board *must* make a recommendation for approval to the City Council, who is the deciding body. In order for the board to recommend approval, a quorum or 3 members of the full board must vote to recommend approval. DRAC is not structured to provide a recommendation of approval for Exceptions like the full board is.

Having a combined hearing with DRAC and the Planning Commission would be better suited for projects requiring minimal design review, perhaps conceptual reviews only. Hillside development can require more than one meeting to evaluate design solutions and so it would be inefficient to combine design review with the Planning Commission in the same meeting for hillside projects.

**2. Recommended changes to the proposed DRAC Pilot Program, EXHIBIT 1, from the staff report to the Design Review Board on February 17, 2021:**

These proposed modifications are to the DRAC Pilot Program, as presented to the DRB on February 17, 2021:

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 and will be held to the same authority and duties outlined in SRMC 14.25.070(A).

The DRAC would apply to residential structures of 10 units or less in high density zoned areas such as the Downtown zoning districts; DRAC would apply to 4 units or less in residential neighborhoods.

Hillside development subject to the HILLSIDE DEVELOPMENT OVERLAY DISTRICT (SRMC 14.12) shall require design review by the full 5-member board.

The DRAC purpose is to provide professional design analysis, ~~and design guidance to the applicant on behalf of staff and may comment on~~ evaluation and judgment as to 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 recommendations to the zoning administrator, planning commission or city council based on design standards adopted by the city council.

B. Membership in the DRAC.

We think a 1-year rotation of DRAC members is too long and should rotate on the same schedule as the DRB liaison which is every 2 months. With fewer members in the DRAC, we think more frequent rotation would provide the greatest value for project review. 1 member could be rotated every 2 months, which would result in a cycle repeating after 10 months and would give each member a greater opportunity to participate. With annual rotation, it would require one member to serve in a 2-year cycle. Some members could go a full year without participating. The City may have difficulty filling empty seats on the Design Review Board given the infrequent rotation of the DRAC if adopting a 1-year rotation.

D. Meetings. All DRAC meetings shall be public-noticed with written comments and public participation encouraged and allowed. DRAC meetings shall be posted on the City’s Meetings and Agendas web page along with minutes and video.

E. Referral to the full DRB. If at any time,.....the project ~~may~~ shall be referred to the full DRB when:

- Requested by a member of the public.
- Referred by staff or board member.
- The project is controversial.
- The project is subject to the Hillside Development Overlay District (SRMC 14.12).

Additional Comments:

1. The pilot program needs more specificity about what projects are reviewed by DRAC.
2. The same Public notice and public participation procedures currently used for the full 5-member board shall be used for all DRAC meetings.
3. All DRAC meetings will be clearly identified on the City’s Meetings and Agendas web page.
4. Planning staff shall indicate on the “Project Referral / Transmittal” Sheet and on the project website whether the project will be reviewed by the Full 5-member Design Review Board or DRAC.
5. An information handout should clearly show with a flowchart or a list of criteria which types of projects will be reviewed by DRAC and which types of projects will be reviewed by the full 5-member board.
6. A clear plan of how members will be rotated on and off the DRAC shall be provided for public information.

**3. DRB Subcommittee meetings during the Shelter-in-Place order (2020)**

The Planning Department began using a DRB subcommittee instead of the full DRB in March, 2020, ahead of the policy statement issued by the City Manager, on April 1, 2020, that reduced the DRB to a subcommittee of 2 members who would meet via conference call without public notice or allowing public participation. This was never approved by the City Council. The Governor issued Executive Orders in March, 2020, authorizing public meetings be made accessible telephonically or otherwise electronically to all members of the public. Nevertheless, the Planning Department held DRB Subcommittee meetings without public notice and public participation for almost 7 months, until the Shelter-in-Place order ended on October 27, 2020, even though every other city board and commission had been meeting on ZOOM for several months.

We do not agree with staff that the DRB Subcommittee meetings “received substantial positive feedback from community members and applicants.” How could community members provide feedback when *the public had no knowledge that these meetings were occurring!* We question whether due process procedures were violated as a result of holding DRB Subcommittee meetings without public notice or public participation or City Council approval.

38 Upper Fremont was a controversial hillside project where the public was unaware that the DRB meeting had occurred and was later caught off-guard to hear that the DRB had met without any notice to the Neighborhood Association or the public. 43 Marinita was another hillside project where members of the public commented on design issues at the Zoning Administrator hearing but should

have raised design issues at the DRB meeting, except that the public wasn't notified and so was unaware and unable to raise design concerns at the proper point in the review process.

On September 8, 2020, planning staff informed the City Council that they had been using a DRB subcommittee but didn't inform the City Council that they were not notifying the public or allowing the public to participate in these meetings. Staff recommended the City Council adopt their DRAC proposal and amend the SRMC to eliminate public notice and public hearing requirements. The City Council did not recommend approval and instead provided direction to staff to include measures for public participation.

Even after receiving direction from the City Council to include public participation, planning staff continued to hold DRB subcommittee meetings without public notice or public participation through the month of October. One of those projects was 54 Marinita Ave, a hillside project mentioned previously. Another project was 52/54 Fremont, a controversial hillside project that required Exceptions to the Hillside development standards. The public was not notified of updated plans or the DRB Subcommittee meeting to review those plans and didn't learn about the meeting until several months later.

The 52/54 Fremont project included Exceptions to the Hillside Design standards and so needed a recommendation for approval to the City Council which requires a quorum, or 3 members. The DRB subcommittee (2 members) does not constitute a quorum. Nevertheless, the project went on to the Planning Commission. One commissioner commented that he was surprised the project made it through the DRB's review for compliance with the Hillside Design Guidelines. Members of the public were also surprised.

From the public's perspective, we would give the DRB subcommittee procedures put in place for almost 7 months, a failing grade and would not recommend adopting any process at all close to it.

Thank you for your serious consideration of our comments.

Sincerely,

Victoria DeWitt  
Amy Likover  
Joe Likover  
Tom Heinz  
Maren DeGraff  
Peter Marks  
Leslie Marks

cc: Mayor Kate Colin and City Council members