



**Design Review Board
Regular Meeting**

**Wednesday, January 19, 2022, 7:00 P.M.
AGENDA**

Virtual Meeting

Watch on Webinar: <https://tinyurl.com/dr-2022-01-19>

Telephone: (669) 900-9128

Meeting ID: 890-1108-8757#

One Tap Mobile: US: +16699009128,,89011088757#

CORONAVIRUS (COVID-19) ADVISORY NOTICE

In response to Assembly Bill 361, the City of San Rafael is offering teleconference without complying with the procedural requirements of Government Code section 54953(b)(3). This meeting will be held virtually using Zoom.

How to participate in the meeting:

- Submit public comments in writing. Correspondence received by 5:00 p.m. the Wednesday before this public hearing will be provided with the agenda materials provided to the Board. Correspondence received after this deadline but by 5:00 p.m. the day of the hearing will be conveyed to the Board as a supplement. Send correspondence to the project planner and to planningpubliccomment@cityofsanrafael.org
- Join the Zoom webinar and use the 'raise hand' feature to provide verbal public comment.
- Dial-in to Zoom's telephone number using the meeting ID and provide verbal public comment.

Any member of the public who needs accommodations should contact the City Clerk (email city.clerk@cityofsanrafael.org or phone at 415-485-3066) who will use their best efforts to provide reasonable accommodations to provide as much accessibility as possible while also maintaining public safety in accordance with the City procedure for resolving reasonable accommodation requests.

Members of the public may speak on Agenda items.

CALL TO ORDER

RECORDING OF MEMBERS PRESENT AND ABSENT

APPROVAL OR REVISION OF ORDER OF AGENDA ITEMS

PUBLIC NOTIFICATION OF MEETING PROCEDURES

ORAL COMMUNICATIONS FROM THE PUBLIC

Remarks are limited to three minutes per person and may be on anything within the subject matter jurisdiction of the body. Remarks on non-agenda items will be heard first, remarks on agenda items will be heard at the time the item is discussed.

CONSENT CALENDAR

The Consent Calendar allows the Board to take action, without discussion, on Agenda items for which there are no persons present who wish to speak, and no Board members who wish to discuss.

1. Approval of the Design Review Board Meeting Minutes of December 7, 2021

Recommended Action – Approve minutes as submitted

ACTION CALENDAR

2. 33/41 Ross Street Terrace

Request for a Lot Line Adjustment for property line adjustment, Exception, and Environmental and Design Review Permits to allow for the following: (1) Construction of a single-family residence on vacant hillside Lot 59; (2) Construction of a single-family residence on vacant hillside Lot 60; and (3) Construction of a two lane access driveway approximately 480 feet in length within the undeveloped Ross Street Terrace right-of-way; APN: 012-141-59 and 012-141-60; Single-family Residential (R7.5) District; Coby Freidman, applicant. File No(s): LLA19-008 / ED19-090 / ED19-091 / EX20-006.

Project Planner: Dave Hogan dave.hogan@cityofsanrafael.org

Recommended Action – Provide a recommendation to the Planning Commission with suggested conditions, if deemed appropriate

3. Annual Meeting 2022

Annual Meeting of Design Review Board for 2022 to include: a) Election of Officers for 2022 Design Review Board meetings; b) Distribution and Review of Design Review Board “Rules of Order;” and c) Distribution and Review of Scheduled meeting for 2022

Project Planner: Leslie Mendez Leslie.Mendez@cityofsanrafael.org

Recommended Action - Elect a new Chair and Vice Chair for 2022; Consider and accept any proposed changes to the Design Review Board “Rules of Order;” and Consider and accept 2022 DRB meeting dates

DIRECTOR’S REPORT

BOARD COMMUNICATION

ADJOURNMENT

Any records relating to an agenda item, received by a majority or more of the Commission 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 city.clerk@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.



**Design Review Board
Regular Meeting**

**Tuesday, December 7, 2021, 7:00 P.M.
MINUTES**

Virtual Meeting

Watch on Webinar: <https://tinyurl.com/drb-2021-12-07>

Telephone: (669) 900-9128

Meeting ID: 814-0483-9089#

One Tap Mobile: US: +16699009128,,81404839089#

CORONAVIRUS (COVID-19) ADVISORY NOTICE

In response to Executive Order N-29-20, the City of San Rafael will no longer offer an in-person meeting location for the public to attend. This meeting will be held virtually using Zoom.

How to participate in the meeting:

- Submit public comments in writing. Correspondence received by 5:00 p.m. the Wednesday before this public hearing will be provided with the agenda materials provided to the Board. Correspondence received after this deadline but by 5:00 p.m. the day of the hearing will be conveyed to the Board as a supplement. Send correspondence to the project planner and to planningpubliccomment@cityofsanrafael.org
- Join the Zoom webinar and use the 'raise hand' feature to provide verbal public comment.
- Dial-in to Zoom's telephone number using the meeting ID and provide verbal public comment.

Any member of the public who needs accommodations should contact the City Clerk (email city.clerk@cityofsanrafael.org or phone at 415-485-3066) who will use their best efforts to provide reasonable accommodations to provide as much accessibility as possible while also maintaining public safety in accordance with the City procedure for resolving reasonable accommodation requests.

Present: Chair Paul
Board Member Kent (joined the meeting on camera at 7:34 p.m.)
Board Member Kovalsky
Vice Chair Rege

Absent: Board Member Blayney
Board Member Summers

Also Present: Leslie Mendez, Planning Manager
Lindsay Lara, City Clerk
Jayni Allsep, Contract Planner
Krystle Rizzi, Contract Planner

CALL TO ORDER

Chair Paul called the meeting to order at 7:02 p.m. He announced that public comment would be received tonight by email only. He then invited Planning Manager Leslie Mendez to call the roll. All board members were present, except for Members Blayney, Kent and Summers.

PUBLIC NOTIFICATION OF MEETING PROCEDURES

Chair Paul invited Planning Manager Leslie Mendez who informed the community that members of the public would provide public comment by email only tonight. The Planning Manager would then read these comments aloud into the record during the public comment portion of each item.

Chair Paul reviewed the procedures for the meeting.

EMAIL COMMUNICATIONS FROM THE PUBLIC

- Victoria DeWitt addressed the Board regarding the November 16, 2021 Minutes on the Consent Calendar tonight.

CONSENT CALENDAR

Chair Paul invited public comment on the Consent Calendar. Except for the comment noted above by Victoria DeWitt, there was no further comment on the Consent Calendar.

Member Kovalsky moved and Member Rege seconded to approve the Minutes as submitted.

1. Approval of the Design Review Board Meeting Minutes of November 16, 2021

Approved minutes as submitted

AYES: Members: Kovalsky, Rege & Chair Paul

NOES: Members: None

ABSENT: Members: Blayney, Kent & Summers

ABSTAIN: Members: None

Motion carried 3-0

ACTION CALENDAR

- 2. 326 and 308 Mission Avenue (Aldersly Retirement Community)** - Request for Environmental and Design Review for a phased redevelopment of the Aldersly Retirement Community, including demolition and renovation of existing buildings and construction of new buildings; APN: 014-054-31 and -32; Planned Development (PD-1775) Zoning District; Peter Schakow, Owner; Peter Lin, Greenbriar Development, Applicant; File No(s): ED 20-051, ZC20-001 and UP20-022.

Project Planner: Jayni Allsep, Contract Planner jayni@allsep-planning.com

Leslie Mendez, Planning Manager introduced Jayni Allsep, Contract Planner who presented the Staff Report.

Applicant Team gave a presentation.

Chair Paul announced that Member Kent joined the meeting at 7:34 p.m.

Applicant Team responded to questions from the Members.

Chair Paul asked the Planning Manager to read public comments that she received via email.

Comments via email: Derek and Tymber Cavasian

Staff responded to questions from the Members.

Members provided comments.

Member Rege moved and Member Kovalsky seconded to approve the project as presented with the update to eliminate the gable roof portion, but keep the other elements.

AYES: Members: Kent, Kovalsky, Rege & Chair Paul

NOES: Members: None

ABSENT: Members: Blayney & Summers

ABSTAIN: Members: None

Motion carried 4-0

- 3. 88 Vivian Street (70-unit Residential Development)** – ED21-042; UP21-017; TS21-004; for demolition of the existing Country Club Bowl and construction of 70 for-sale residential units including six available to low income households, in 14 separate buildings.; APN: 008-092-02; Neighborhood Commercial (NC) Zone; Matt Ashton of Ashton 3, LLC Applicant; Charlie Kinstler, Owner; Canal Neighborhood.

Project Planner: Krystle Rizzi, Contract Planner Krystle.Rizzi@cityofsanrafael.org

Krystle Rizzi, Contract Planner presented the Staff Report.

Staff responded to questions from the Members.

Applicant Team gave a presentation.

Applicant Team and Staff responded to questions from the Members.

Chair Paul asked the Planning Manager to read public comments that she received via email.

Comments via email: Kiki La Porta, Sustainable San Rafael, Jeri Di Pietro

Members provided comments.

Applicant Team provided comments.

Members provided comments.

Member Kent moved and Member Kovalsky seconded to continue this project to allow the applicant to respond to the Board's comments.

AYES: Members: Kent, Kovalsky & Chair Paul

NOES: Members: Rege

ABSENT: Members: Blayney & Summers

ABSTAIN: Members: None

Motion carried 3-1

DIRECTOR'S REPORT

Planning Manager reported on the following items:

- There will be no second Design Review Board meeting in December and no first Design Review Board meeting in January. The next possible meeting will be the second one in January.

BOARD COMMUNICATION

- Discussion regarding the continuation of projects and then those projects coming back to the Design Review Board.

ADJOURNMENT

Chair Paul adjourned the meeting at 9:29 p.m.

LINDSAY LARA, City Clerk

APPROVED THIS ____ DAY OF _____, 2021

LARRY PAUL, Chair



REPORT TO DESIGN REVIEW BOARD

SUBJECT: 33/41 Ross Street Terrace – Request for a Lot Line Adjustment for property line adjustment, Exception, and Environmental and Design Review Permits to allow for the following: (1) Construction of a single-family residence on vacant hillside Lot 59; (2) Construction of a single-family residence on vacant hillside Lot 60; and (3) Construction of a two lane access driveway approximately 480 feet in length within the undeveloped Ross Street Terrace right-of-way; APN: 012-141-59 and 012-141-60; Single-family Residential (R7.5) District; Coby Freidman, applicant. File No(s): LLA19-008 / ED19-090 / ED19-091 / EX20-006.

PROPERTY FACTS

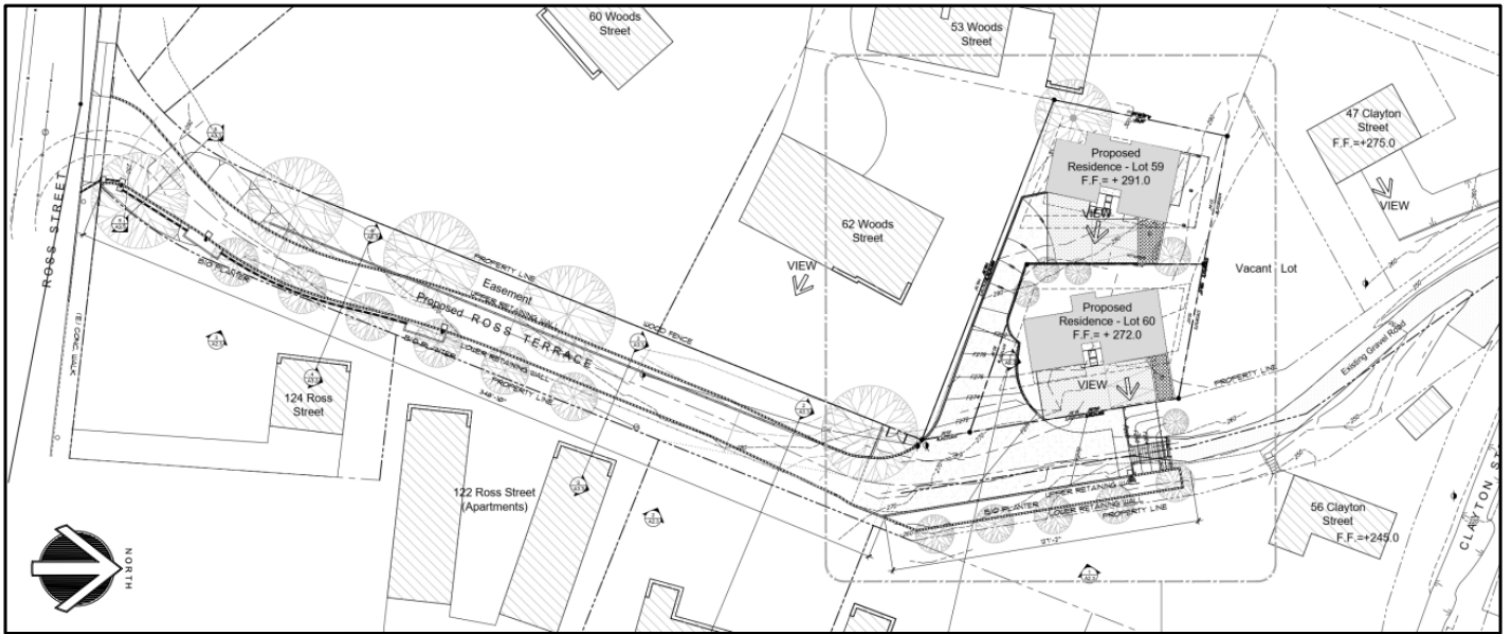
Location	General Plan Land Use Designation	Zoning Designation	Existing Land-Use
<i>Lot 59 (33 Ross Street Terrace)</i>	Low Density Residential	R7.5	Vacant
<i>Lot 60 (41 Ross Street Terrace)</i>	Low Density Residential	R7.5	Vacant
North:	Low Density Residential	R7.5	Vacant
South:	Low Density Residential	R7.5	Single-family Residence
East:	Low Density Residential	DR/MR2	Single and Multi-family Residences
West:	Low Density Residential	R7.5	Single-family Residence

SUMMARY

The proposed project is being referred to the Design Review Board (DRB) for a follow-up review of site and building design for the construction of two single-family residences on two separate vacant hillside lots and a new common driveway within the undeveloped Ross Street Terrace right-of-way (ROW), linking the project sites to Ross Street. The project was previously reviewed by the DRB on June 8, 2021. These lots were previously referred to as 33 and 41 Ross Street Terrace—no addresses have been assigned—but because the proposal involves a lot line adjustment that would move the access panhandle for the upper lot (41 Ross Street Terrace) in front of the lower lot (33 Ross Street Terrace), the project plans and staff report will refer to the upper lot as Lot 59 and the lower lot as Lot 60. The existing and proposed upper lot are both flag lots and are legal lots of record. A Certificate of Compliance (COC) was issued by the Planning Commission on November 12, 1963.

The project site consists of two single family lots located on the east slope of Moore Hill in the Gerstle Park Neighborhood in the R7.5 Single-Family Zoning District. Because both lots have average slopes greater than 25% they are classified as hillside lots subject to the City’s hillside development standards. On June 8, 2021, the DRB voted to continue the project to allow the applicant to modify the project plans. The staff report for this meeting can be found in Exhibit 3, with the proposed project plan set from May 2020 found in Exhibit 2. The proposed project layout is provided below.

Figure 1: Proposed Site Plan



The purpose of this staff report is to bring the Applicant's project changes back to the Board for review and input.

DESIGN REVIEW BOARD COMMENTS

The Design Review Board reviewed the project on June 8, 2021. At the meeting the Board provided the following comments on the project:

- Had no concerns with the proposed lot line adjustment.
- Acknowledged that this is a difficult site to develop and that access will be challenging.
- Agreed that access from Ross Terrace is the better option.
- Felt the design of the proposed homes is appropriate in terms of the architecture, colors, and materials.
- Had no concerns with the reduction in the amount of Minimum Natural State.
- Felt there needed to be a second guest parking space for each unit. (See project changes discussion.)
- Wanted the applicant to see if the height of retaining walls could be reduced and/or softened visually. (See project changes discussion.)
- Asked if the amount of impervious surface be reduced. (See project changes discussion.)
- Felt that additional landscaping was needed around the double retaining walls below the lower residence. (See the project changes discussion.)
- Wanted a less visually massive railing system for the access drive. (See project changes discussion.)
- Felt that the development of the adjacent vacant lot should be considered as part of this project. (See project changes discussion.)

PROJECT CHANGES

Based upon the comments by the Design Review Board, the applicant modified the project plans. The current project plan set containing these changes is dated September 15, 2021, and are provided in Exhibit 1. The following is a summary of the Board's design comments and the applicant's modifications to the plans.

Plan Change: Increased the amount of pervious surface by adding pervious pavement in front of each unit (outside of the right-of-way for Ross Terrace).

Effect/Result: Reduced the amount of impervious area.

Plan Change: Added a second onsite guest parking space for each unit.

Effect/Result: Provided a second off-street guest parking space for each dwelling unit. This reduced the amount of natural state and eliminated the need for one of the requested exceptions.

Plan Change: Reduced the height of the retaining wall on the access drive.

Effect/Result: The portion of access drive near Ross Street has been moved toward the southern side of the Ross Street Terrace right-of-way. Re-aligning the access drive reduced the height of the tallest retaining wall from a maximum height of 12 feet to a maximum height of 9.5 feet.

Plan Change: Decreased the size of the proposed residences.

Effect/Result: Reduced the size of the residential units for the lower and upper units by 188 and 196 feet, respectively. These reductions are included in following project tables and do not alter the need for any of the requested exceptions.

Plan Change: Added additional landscaping between the double retaining walls.

Effect/Result: Additional shrubs and groundcover were added in the retention basin between the two retaining walls in front of the lower unit.

Plan Change: Provided a less visually prominent driveway rail design.

Effect/Result: The project plans propose a less visually prominent a steel cable guardrail system. The applicant is also proposing a more attractive Versaloc block system for the retaining walls.

DRB Request: Evaluated the potential to use of access drive for the vacant property to the north.

Action: Staff has consulted with the Public Works and Fire Departments and confirmed that the proposed 16-foot-wide access drive will be adequate for residence on the adjacent vacant lot if one is it constructed.

Staff Request: Modified the lot lines between the two lots to eliminate the need for easements on the lower lot to accommodate driveway access to the upper lot.

Effect/Result: The lot line between the two proposed residences was shifted so that all of the driveway for the upper residence is located entirely on the upper lot. This change

increased the size of the upper lot and decreased the size of the lower lot by about. This puts all of the back-up areas for the garage and the additional guest parking space on the upper lot. If the DRB has concerns with reducing the size of the lower lot, these back up areas can also be facilitated through an easement.

The revised lot compliance tables provided below compare the characteristics of both the previous and revised project plans. The project changes eliminated the need for an exception for the number of guest parking spaces but did not alter the need for exceptions for the amount of minimum natural state and driveway slope.

Lot 59 (Upper Lot)				
	Minimum Required or Maximum Allowed	Previous Proposed Lot	Revised Proposed Lot	Change & Compliance Y / N
Min. Lot Size	7,500 sq. ft.	5,851 sq. ft.	6,092 sq. ft.	+241 ft. N (1)
Average Lot Slope	-	36.7%	36.7%	-
Max. Gross Building Area (2,500 square feet + 10% lot area)	3,085 sq. ft.	2,842 sq. ft.	2,646 sq. ft.	-196 SF Y
Min. Natural State (25% + %Average Slope)	61.7% 3,759 sq. ft.	54% 1,957 sq. ft. (1)	50.6% 1,902 sq. ft.	- 55 SF N
Max. Lot Coverage	40%	23.87%	21.37%	Y
Max. Building Height	30 feet	25.2 feet	25.2 feet	Y
Stepbacks	Cannot exceed 20 feet over more than 25% of the length of each building side	Side South – 0% Front – 0% Side North – 16%	Side South – 0% Front – 0% Side North – 16%	Y Y Y
Parking	2	2	2	Y
Guest Parking	2	1	2	+1 N → Y
Minimum Yard Setbacks				
Front	15 feet	15 feet	15 feet	Y
Rear	10 feet	10 feet	10 feet	Y
Side-South	6 feet	6.9 feet	6.9 feet	Y
Side-North	6 feet	6 feet	6 feet	Y

(1) The existing lot is smaller than the area required by the Municipal Code.

Lot 60 (Lower Lot)				
	Minimum Required or Maximum Allowed	Previous Proposed Lot	Revised Proposed Lot	Change & Compliance Y / N
Min. Lot Size	7,500 sq. ft.	5,028 sq. ft.	4,787 sq. ft.	-241 ft. N (1)
Average Lot Slope	-	40.3%	40.3%	-
Max Gross Building Area (2,500 square feet + 10% lot area)	3,003 sq. ft.	2,885 sq. ft.	2,697 sq. ft.	-188 SF Y
Min. Natural State (25% + %Average Slope)	65.3% 3,126 sq. ft.	53% 1,747 sq. ft.	55.4% 1,733 sq. ft.	-14 SF N
Max. Lot Coverage	40%	27.39%	27.8%	Y
Max. Building Height	30 feet	22 feet	22 feet	Y
Stepbacks	Cannot exceed 20 feet over more than 25% of the length of each building side	Side South – 0% Front – 0% Side North–19%.	Side South – 0% Front – 0% Side North – 19%.	Y Y Y
Parking	2	2	2	Y
Guest Parking	2	1	2	+1 N → Y
Minimum Yard Setbacks				
Front	15 feet	15 feet	15.4 feet	Y
Rear	10 feet	10 feet	10.1 feet	Y
Side-South	6 feet	6 feet	6.2 feet	Y
Side-North	6 feet	6 feet	6 feet	Y

(1) The existing lot is smaller than the area required by the Municipal Code.

STATUS OF ROSS STREET TERRACE.

At its June 8, 2021 meeting, the Board requested non-design related information on the status of Ross Street Terrace. The right-of-way for Ross Street Terrace was created when this portion of the Gerstle Park Neighborhood was subdivided in the 1880s and was offered to the City (i.e. to become a City street). The City Council did not accept the right-of-way. As a result, the right-of-way remained a non-City right-of-way.

SUMMARY OF REMAINING ISSUES

Staff is looking for the Board's concurrence/comments on the following remaining items. As previously indicated at its June 8, 2021 meeting, the applicant has made several changes to project to address specific concerns. Is the Board satisfied that the applicant has addressed their stated concerns with the following project changes?

- Reduced the amount of impervious area by adding pervious pavement in the private driveway areas..
- Reduced the height of the tallest retaining wall by shifting the location of the access drive.
- Decreased the sizes of the proposed residences.

- Added additional landscaping between the double retaining walls.
- Changed the design of access drive guardrail and the changes from a board formed concrete to a tan colored Versaloc block system.

In addition, staff is also requesting that the Design Review Board provide a recommendation on the remaining exceptions.

Exception for Minimum Natural State.

Pursuant to Section 14.12.030 of the Zoning Code, projects on Hillside lots need to reserve a minimum area of twenty-five percent (25%) of the lot area plus the percentage figure of average slope, not to exceed a maximum of eighty-five percent (85%), as natural state. Natural state includes all portions of lots that remain undeveloped and undisturbed. Grading, excavating, filling and/or the construction roadways, driveways, parking areas and structures are prohibited. Planting and landscaping which enhances the natural environment are permitted when approved through an environmental and design review permit. The applicant is requesting an exception to the Natural State which allows for the following:

Lot 59 - The minimum natural state required for this lot is 3,759 square feet. The applicant's data proposes a total natural state of 1,902 square feet, which is less than the minimum required and therefore an exception to the natural state requirement is requested. In comparison, proposed lot is 81% in size; 1,902 square feet is about 51% of the required minimum natural state.

Lot 60 - The minimum natural state requirement for this lot is 3,126 square feet. The applicant's project data proposes a total natural state of 1,733 square feet, which is less than the minimum required and therefore an exception to the natural state requirement is requested. In comparison, proposed lot is 63% in size; 1,733 square feet is about 54% of the required minimum natural state.

Exception to Driveway Slope

Pursuant to Section 15.07.030 the grade for new streets and driveways shall not exceed 18% unless an exception has been granted by the hearing body and the design has been recommended by the Design Review Board.

- The project includes a short segment, approximately 70 feet in length, where a grade of 24.86% is proposed.

Findings for Exceptions

To approve the requested exceptions, the City's decision making body (in this case the City Council) will need to make the following findings (as set forth in SRMC Sections 14.24.060 and 14.12.040). Staff requests that the DRB provide a recommendation to the Planning Commission on the following findings.

- That there are special circumstances applicable to the property or land use, including but not limited to the size, shape, topography, location, or surroundings that warrant granting of a minor exception from the strict application of the standards in this title.

Exceptions are intended to provide flexibility in the application of site development regulations where minor adjustments are needed. Exceptions granted shall be compatible with adjoining uses and consistent with the purposes of this title. The special circumstances relate to the small size of the lots, the challenges in terms of project access, and the existing slopes that combine to make strict compliance with the requirements of zoning code impractical.

- That granting the exception would not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare.

The project is a single-family residential project in a residential area. All of the project improvements are located on the two residential lots and the Ross Terrace right-of-way. The Public Works and Fire Departments have evaluated the design of the access drive and turnaround area and have concluded that these provide adequate access to the site. The design of the project does not create adverse impacts to public health safety and welfare.

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

Through the entitlement review process, a number of project design alternative were considered. These include, modifying the size of the proposed units, assessing project access options, modifying the design of the retaining walls, and providing additional pervious paving. These modifications meet the stated objectives of the hillside design guidelines to preserve the inherent characteristics of hillside sites, display sensitivity to the natural hillside setting and compatibility with nearby hillside neighborhoods, and maintain a strong relationship to the natural setting; and

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

The project is situated in a hillside location surrounded by other residential properties. Access and site preparation will require grading and tree removal. The project will not be visible to locations not proximate to the project site. The project is not proposing the removal of trees or grading that are not related to project improvements. The design of the project also complies with the required yard requirements. The overall visual impacts of the project will not be noticeably visible beyond the adjacent properties. A number of project design alternatives have been considered and the proposed project contains the most compatible design components

NEIGHBORHOOD CORRESPONDENCE

Notice of the January 19, 2022 hearing was conducted in accordance with the requirements contained in Chapter 14.29 of the Zoning Ordinance (a mailed notice to all property owners and occupants within a 300-foot radius of the project site and posting a notice of public hearing in the location of the proposed driveway and on Clayton Street, at the end of the public right-of-way). The most recent public comments on the project are included in Exhibit 4. Most of these comments are opposed to the project.

The most common reasons for their opposition to the project include, but are not limited to the following: that the property owner (the Applicant) has no legal right to improve Ross Street Terrace to access the home sites, emergency vehicles will not be able to access the site, the loss of parking on Ross Street, the additional traffic on Ross Street, the number and height of the retaining walls, that site access should be from Clayton Street, the loss of public use, impacts to wildlife habitat and open space, increased runoff, and construction impacts and noise.

CONCLUSION

Staff is seeking input from the Board as to whether the applicant has adequately responded to the Board's previous suggestions, as well as to the project the requested exceptions. Staff requests that the Board provide a recommendation to the Planning Commission with suggested conditions, if deemed appropriate.

EXHIBITS

1. Revised Project Plans, September 15, 2021
<https://storage.googleapis.com/proudcity/sanrafaelca/uploads/2021/11/3Friedman-Design-Review-Resubmission.pdf>
2. Previous Project Plans, May 10, 2020 (starting page 19 of 100)
<https://storage.googleapis.com/proudcity/sanrafaelca/uploads/2021/06/2.-33-41-Ross-Street-Terrace-rev.pdf> June 8, 2021 DRB Staff Report (No Attachments)
<https://storage.googleapis.com/proudcity/sanrafaelca/uploads/2021/06/2.-33-41-Ross-Street-Terrace-rev.pdf>
4. Public Comment Received since June 8, 2021.

Dave Hogan

From: Eugene Canepa <__>
Sent: Friday, November 19, 2021 9:32 AM
To: Dave Hogan
Subject: Re: 33/41 Ross street terrace

On Friday, 19 November 2021, Eugene Canepa <__> wrote: _____
Dear Planning Commission,

I'm a resident of XXX Ross st. A house that has been on the street since the year 1890. Historically we've never had to experience a type of project like this in our neighborhood before. I oppose the entire project. It will severely impact our well being during and after construction. We've had a brutal two years with Covid uncertainties and this doesn't fit into the health of our neighborhood. This location is home to the endangered spotted owl. Which will be affected by the loss of habitat from this development. Also a 300 year old native Live Oak tree will be removed for the road which is unacceptable. No mitigation for these losses are enough. This site currently should be left alone, without any further question. Our neighborhood needs more affordable housing not massive homes for the wealthy. The construction will impact my family as the dangers of heavy equipment and construction vehicles will be a near constant for the lengthy duration of the Earth removal required for the new road. This site currently acts as a wildlife byway and will also impact the limited amount of parking that is already hard to come by. Please consider these comments and reject the applicants application for construction. Thank you for your time.

Sincerely,

Eugene Canepa
Resident of XXX Ross st.

Dave Hogan

From: Dan Kelly <___>
Sent: Wednesday, December 1, 2021 8:55 PM
To: Dave Hogan
Subject: Ross Street Terrace Project

Dear Mr. Hogan,

I am writing to you as the project planner listed for the the "Ross Street Terrace" project in Gerstle Park (project numbers ED19-090/ED19-091/LLA19-008, EX20-006). My wife and I are the owners of XXX Ross Street, which is directly across the street from the proposed outlet for Ross Street Terrace onto Ross Street. I wanted to alert you to the financial and personal hardship that this project is causing for our young family.

We purchased XXX Ross Street in May, 2021 while my wife was pregnant with our first child. With how aggressive the housing market has been over the last few years, we were lucky to find a house. I grew up in San Rafael and Novato where my family still lives. My wife and I are very happy to be returning to Marin in a house where we can enjoy downtown San Rafael on top of being close to family and everything else Marin has to offer.

I believe the main reason XXX Ross Street did not turn into a bidding war is because it was tenant-occupied at the time of the sale. We planned to move in to the house in August, 2022 when the existing tenant's lease ran out. This worked out perfectly for us because it gave us time after the purchase to rebuild our savings account and to save up for a second car that can fit a car seat, which we will need after moving. My wife works as a project manager and I am a police officer in the Tenderloin District in San Francisco. Suffice to say this house was more of a stretch for us to buy than many people moving to Marin in the last few years.

Unfortunately, our tenants received an international work-transfer and will be leaving this month. It is unlikely we would find tenants for the 8 months after which we planned on moving. We therefore made the difficult decision to further delay our move to San Rafael and instead attempt leasing the house for another year. Applicants frequently ask about the possible construction on Ross Street Terrace and the applicant we planned on leasing to backed-out only after she learned of the Ross Street Terrace project. She wrote us an email to that effect that I am happy to forward to you. We have no backup applicants, meaning we will likely have to move into the house in January if we cannot find a last-minute tenant.

The total amount of rent we would have made from that lease is \$66,000 which we have now lost due to the Ross Street Terrace project. As stated above, we are not a high income family that can easily sustain this kind of loss. In addition to that loss, we now face substantial difficulty saving up for a second car as our housing expenses will be increasing far early than anticipated. As a result, we will be reminded of this loss daily as we shuffle the one car that can transport our infant son between the two of us to transport him to daycare so we can both work. If the project goes forward, we will additionally have what is certain to be a constant stream of construction vehicles and equipment directly in front of our house to remind us of the loss.

I would not be writing this message for a typical construction project as those are simply part of living in any neighborhood. After reviewing the plans though, I find myself puzzled regarding why this new private road had to be built connecting to Ross Street when Clayton Street is closer to the proposed lots and when the plans themselves show an "existing gravel road" leading from Clayton Street to the project's doorstep. I would surely appreciate if you could provide any clarification on that issue. Ross Street is already so crowded with cars that two-way traffic cannot pass

unless one car finds a rare place to pull over. It is effectively no wider than Clayton Street. In fact, Clayton Street seems to be the obvious choice to access the project as it is virtually devoid of cars at the point where it meets that gravel road.

My wife and I strongly oppose the current plans which have already impacted us financially and will continue to do so for years to come. These plans put our family in this position due to the construction of a road that made little sense from the very beginning. I welcome the opportunity to discuss the issue with you going forward. My contact information is below.

Sincerely,

Dan Kelly

cell:

email: _____

Dave Hogan

From: george presson <__>
Sent: Friday, December 3, 2021 9:58 AM
To: Dave Hogan
Subject: Ross Street Terrace Friedman Residences
Attachments: 9D2AFCAF-D91A-4510-8F2E-5BEF5397B160.jpeg

Hello Dave. I wanted to make you aware of a situation that occurred last summer before the Design Review Board meeting, scheduled around the captioned project. I was returning home to XXX Ross Street, near the proposed project, and as I entered the driveway, I noticed a gentleman in a dark colored hybrid vehicle parked in our lot. Although it seemed unusual, I deduced that this was a DRB member monitoring traffic on Ross Street. I thought that was a very good "hands on" approach. What was not good was the time of the surveillance. Early afternoon, say 1:30-2:00. Traffic is at a low ebb during this time, so that was not the best time to monitor it. A morning or pm commute would offer a better measurement. I was going to enter the zoom meeting to mention this, but time was running short in the lengthy meeting.

Any resident who lives on Ross Street, or the neighborhood above, knows that the narrow street is fraught with peril, at busier hours. In fact, after living in the neighborhood for over 20 years, I myself had a sideswipe adventure recently. I pulled over and stopped to let a car pass (a daily occurrence) and hit the "curbed" tires of a large parked truck, causing some extensive damage to my vehicle. I have attached the picture.

This is the type of thing that can occur at any time, to anyone traveling the street. It is tight and congested, and can be stressful to negotiate. So a few minutes of observation at the time referenced above would not give an accurate representation.

Please pass this correspondence along to the DRB. Bottom line, this street is already a tight mess without any new construction. Safety vehicles should be well aware of the peril.

Thanks Dave, and have a good holiday.

George Presson
XXX Ross Street
Gerstle Park, San Rafael

Dave Hogan

From: Mary Macey Butler <__>
Sent: Wednesday, January 5, 2022 3:36 PM
To: Leslie Mendez; Dave Hogan
Cc:
Subject: 'Ross Terrace' Proposal, Gerstle Park, San Rafael

January 5, 2022

To: Mr. David Hogan, Project Planner
Planning Department, City of San Rafael
dave.hogan@cityofsanrafael.org

Ms. Leslie Mendez, Planning Manager
leslie.mendez@cityofsanrafael.org

Re: Proposal for building two new houses in Gerstle Park, San Rafael between Wood St. and Ross St., with a new road to be called Ross Terrace.

We are writing to you regarding the proposed new homes on 'Ross Terrace', the new road that is part of the proposal entitled 'Ross Terrace'. Ross St., which extends from D St. to Reservoir Rd. in Gerstle Park, is already a narrow street, especially in the area which would be affected by potentially adding 'Ross Terrace'. That part of the three block length of Ross St. is actually the most impassable for two cars going in opposite directions.

Currently, there is parking allowed on both sides of Ross St. This makes it often impossible for two cars going in opposite directions to pass each other without one of them slowing down and carefully maneuvering between the oncoming car and parked cars, or moving over alongside a driveway or other 'free' area, if one exists. I have moved over for cars on nearly a daily basis since moving here in 1980, and have had the right passenger side mirror of my mid sized SUV get broken off twice. I've had to replace the mirror at a cost of \$900. each time. In each instance, it was difficult to gauge the amount of space on each side, the speed of the oncoming car and how far out the mirrors of cars parked on the right jutted into the street. Normal two way traffic is not possible on Ross St., and it becomes more congested when there are garbage trucks, other service and delivery vehicles and cars double parked for whatever reason. At that point, it is impassable. So to add a side street intersecting with Ross St., with cars and trucks turning into and out of this proposed 'Ross Terrace', just makes for an ongoing jam. There isn't enough space for turning onto either roadway, and one larger car or SUV/truck would take up most of Ross St. when turning, regardless of the direction. No new street would be configured today with such limited space to pass, so it begs the question of why a project, that would not meet current space and congestion standards, is even being proposed.

In addition to traffic congestion, when one is driving down Ross St. from Reservoir on garbage days, it is not always possible to see a garbage truck further down towards Marin St., due to the height of the road. I have driven down Ross St., going west and downhill towards Marin St., and haven't seen the garbage truck until 'it's too late' due to the height of the road which blocks the view. Garbage trucks need a lot of time to service multifamily residences and I and others then have to reverse course, i.e. back into a driveway and go back to Clark St. and then around to get to Marin St. to exit the area. This is just another instance of the traffic confusion that will occur if Ross Terrace goes forward and no changes are made. Besides restricting parking on Ross St. to one side of the street only, or widening Ross St., it's hard to see what other changes would even be possible.

We already have an abundance of parked cars in Gerstle Park, belonging to home owners, apartment renters and renters who reside in residential homes. A number of residents do not use their garages for their cars; if garages are used for storage etc., there are all that many more cars parked on the street.

In reading the report on this project, we found it interesting to read in **XVIIc**:

Discussion:

Less Than Significant Impact The project involves the construction of a 500-foot-long access drive within the undeveloped Ross Street Terrace right-of-way. The access drive will provide access to only the proposed residences. The undeveloped right-of-way is not currently usable by passenger cars and trucks. Parts of the access drive near the connection to Ross Street **will be steep** but consistent with City standards. **The existing travel lanes on Ross Street are somewhat narrow and are often lined with parked cars. The project will not alter this existing condition. As a result, the project will not create or increase transportation hazards to the public road network. Therefore, the project will not create new roadway design hazards and any impacts will be less than significant. No mitigation is required.**

(Sources: 1, 2, 4)

Clearly, the report's work on traffic impacts was not well researched. We are wondering if anyone from the city has come out to assess for themselves the vehicle/traffic situation. **The project will not alter this existing condition (It will make the existing condition worse).** Adding a road at the point it would intersect Ross St. will definitely add to the congestion and will make a bad situation worse. It is already bad at certain times of the day, sometimes not passable, and will only be worse with more cars and service vehicles entering and exiting Ross St. at the new Ross Terrace. Just the turning radius needed by cars and trucks going to and from these proposed houses will impact anyone driving on Ross St., not to mention garbage trucks and any other service vehicles for these new homes. None of this even takes into consideration the impact of large machinery, tractors, etc when clearing this land, putting in a road and building these homes. If no plans are included to restrict parking to one side only on Ross St. or widening the street, we are against adding to the already existing problem.

We are homeowners, have lived here for 40-47 years and use Ross St. often as it is the most direct way out of Gerstle Park. Some of us have taken to sometimes using another street, such as Bayview or San Rafael Ave., to leave or return home, to avoid the narrow Ross St. corridor. When considering this project, we hope you will carefully consider all points raised.

In addition, I, Mary Butler, am adding comments and some history of the problems with parking in this neighborhood by Bruce Hopper (see signee below):

1. There is also a basic safety issue involved here - one of fire and ambulance access. Already, this is a hot issue in our neighborhood. We all know the number of unfortunate incidents in past years. Access to any Ross Terrace addresses would be even worse since you could not count on access from the Ross St. end unless major changes are made along that street. The present Ross Terrace proposal essentially provides for only one means of access for emergency vehicles - from the Clayton end - not an acceptable design condition as we see it.

2. The current situation along Ross St. was created many years ago with the poorly planned construction of apt dwellings in a neighborhood of single family homes. Over the years car ownership has increased and off street parking has not. In addition, the encouragement of mother-in-law units and the relaxation of off street parking associated with them by the SR City has created today's street parking picture. The solution to the current situation is not easy nor is it cheap. To improve safety along the Ross St. corridor you'd either have to widen the street (expensive) or eliminate parking on one side (further exasperating the situation). As a minimum this is the responsibility of any Ross Terrace proposal.

Sincerely,

Mary Macey Butler
XX Miramar Ave.
San Rafael, CA 94901
Email: _____
Resident/home owner for 41 years

Bruce and Linda Hopper
X Miraflores Ave.
San Rafael, CA 94901
Email: _____
Resident/home owner for 47 years

Deborah Meltzer/Randy Wallace
XX Miraflores Ave.
San Rafael, CA. 94901
Email: _____
Resident/home owner for 40 years

Mary Macey Butler Photography

Dave Hogan

From: george presson [REDACTED]
Sent: Saturday, November 13, 2021 10:36 AM
To: Dave Hogan
Subject: Ross Street Terrace Project

Hello there Dave. I had earlier sent a couple of messages to you with no response. I am wondering if you received them.

In any event, much has already been said about this project from the surrounding neighborhood. Best as I can tell, only a single party wants the project to go forward: the applicant. What does it say about the project that dozens of neighbors oppose it, and only the applicant supports it? This very difficult project with so many issues is not in harmony with the Gerstle Park Neighborhood. It benefits one person to the detriment of so many. It's hard to fathom a 480 foot roadway cutting through a fragile hillside environment to reach a "landlocked property."

In these times of great concern about climate change and global warming, what sense does it make to remove significant vegetation and mature trees to add a 480 foot driveway, that runs counter to protecting this fragile hillside? This will increase hydrocarbons and replace green habitat with asphalt. Also, we will lose ground absorption ability and increase the possibility of flooding and erosion. All to benefit one person! Also, in the middle of a severe drought, why would additional water hookups be approved? This is not a project near transportation, nor is it considered "affordable". These are market rate homes that benefit one person.

I live at [REDACTED] Ross, steps from the gargantuan proposed roadway. I am 72 years old and the needless construction could endanger my health and force me to move from my home of 14 years. I am on fixed income, and this would not be easy to do.

I once again, with so many of my neighbors, say NO to this project. So bad, for so many reasons.

Please ensure my comments are forwarded. Thank you!

George Presson
[REDACTED] Ross St. [REDACTED]
San Rafael. CA

January 12, 2022

Design Review Board
c/o David Hogan, Project Planner
Community Development Dept.
City of San Rafael
1400 Fifth Ave
San Rafael, CA. 94901
via email: dave.hogan@cityofsanrafael.org, leslie.mendez@cityofsanrafael.org,
planningpubliccomment@cityofsanrafael.org

**RE: 33/41 Ross Street Terrace - Design Review Board meeting on January 19, 2022,
File Nos. LLA19-008/ED19-090/ED19-091/EX20-006**

Design Review Board Members:

I urge you *NOT* to recommend approval of this application for an Environmental and Design Review Permit and Hillside Exceptions for 33/41 Ross Street Terrace for the following reasons:

1) Hillside Residential Design Guidelines:

This application shows a blatant disregard for the Hillside Design Guidelines, including an extreme exception to the natural state requirement, lack of preservation of significant trees and the natural setting, excessive grading, and incompatibility with the surrounding neighborhood. In fact, our award-winning Hillside Design Guidelines were adopted precisely to prevent this type of development on our hillsides.

a. Natural State:

Hillside development must comply with the Natural State Requirement, per SRMC 14.12.030(c).

"*Natural state*" means all portions of lots that remain undeveloped and undisturbed. Grading, excavating, filling and/or the construction roadways, driveways, parking areas and structures are prohibited. Incidental minor grading for hiking trails, bicycle paths, equestrian trails, picnic areas and planting and landscaping which enhances the natural environment are permitted when approved through an environmental and design review permit, per SRMC 14.03.030 Definitions.

The attempt to squeeze two homes on these undersized lots should not be allowed. Other hillside development has required merging of 2, 3, 4, or more undersized hillside lots in order to create a reasonable building site and meet Hillside development standards, such as:

- 45 Fremont, 2,200 sq' home, combined 4 substandard lots (APN 012-041-49)
- 31 Upper Fremont, 2,400 sq' home, combined 4 substandard lots (APN 012-045-17)
- 75 Upper Fremont, 2,903 sq' home, merged 5 smaller lots (APN 012-045-11)
- 79 Upper Fremont, 2,903 sq' home, 2 lots, one a flag-lot, were merged (APN 012-045-14)
- 38 Upper Fremont, approved 2020, not yet built, 3 lots merged (APN 012-041-48)

I am asking you to maintain the current practice of merging substandard sized lots for the reasonable development of our hillsides. This is the precedent that has been established in the City of San Rafael for development of substandard, non-conforming lots on hillsides and is supported by General Plan 2040, as follows:

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.

General Plan Program CDP-1.3B: Hillside Lot Consolidation. Where feasible, consolidate small, nonconforming hillside lots in areas with slope and emergency vehicle access constraints into larger, conforming parcels. Apply hillside development standards in the event such lots are developed to ensure that construction is compatible with the neighborhood development pattern.

The applicant is requesting an extreme exception to the natural state requirement with a significant reduction in the natural state, ~ 50% less than required, for each lot. Exceptions to the Hillside development standards are allowed in rare circumstances where the proposed project shows excellence in design and meets specific conditions outlined in SRMC 14.12.040. I have never seen a hillside project approved with such an extreme reduction in the natural state.

The precedent for development on smaller hillside lots is to combine them to allow for reasonable development and comply with all Hillside development standards (SRMC 14.12) and the Hillside Design Guidelines (SRMC 14.25.050-B).

If you approve the requested exception to the Natural State requirement, you will forever change hillside development in San Rafael because the exception you approve on this property will set the standard by which you will review all future hillside development, opening the door to other equivalent reductions in the Natural State and undermining this important protection of our hillsides.

b. Parking and circulation (IV.A5):

All required guest parking spaces, 2 per residence, should be located on-site, not on the street or within the City right-of-way. In addition, the application needs a circulation plan showing all vehicular maneuvering into and out of the garage and guest parking on lot 59, including when a vehicle is parked in the guest parking space. The circulation plan should indicate how both lots comply with SRMC 14.12.030 (F) which prohibits vehicles from backing out onto streets less than 26' wide.

c. Preservation of Significant Trees (IV.A2).

The applicant has NOT shown that a diligent effort has been made to retain as many significant trees as possible, as required by the Hillside Design Guidelines. In fact, quite the opposite, the applicant proposes removing all but one oak tree on lot 59 and removing all existing trees on lot 60. No existing trees will be retained along the proposed access drive, as well, resulting in approximately 58 trees over 6" in diameter being removed, according to the WRA Environmental Consultants report dated March 27, 2020, submitted with the application.

The applicant has NOT proposed a plan for tree replacement that includes a 3:1 ratio as required. If approved, this project will have the unfortunate outcome of clearing the land and changing the natural environment, completely opposite of the Hillside Guidelines objective to preserve the inherent characteristics of the hillside and display sensitivity to the natural setting.

A tree protection plan prepared by a licensed arborist is needed to establish safety procedures both during and after construction for the remaining oak tree on lot 59.

d. Grading (IV.A3).

Hillside Design guidelines promote minimizing grading in order to preserve the inherent characteristics of sloping hillside sites and the natural environment. This project requires extensive grading and extensive removal of the natural vegetation on this hillside.

e. Architectural Design (IV.A7) and Reduction of Building Bulk (IV.A6).

The design is too boxy and bulky. The style is very contemporary with a “butterfly” roof design. To comply with the Hillside Guidelines and reduce bulk, the houses should be stepped back with the topography and roof slopes should follow the site contours.

f. Compatibility with surrounding neighborhood (IV.A1).

Current zoning designation of R7.5 requires a minimum lot size of 7,500 sq’ per lot. This project proposes 2 new houses on undersized lots of 4,787 sq’ and 6,092 sq’. The houses are densely packed together, eliminating all tree canopy and ground cover of the natural setting except for one lone oak tree. This proposed project is not compatible with the development pattern of the surrounding neighborhood where land area around existing structures is between 12,000 to 16,000 sq’ and where the natural environment supports the hillside character of this neighborhood.

A better solution would be to combine the lots to form a single 10,879 sq’ lot, still small for the area, but complies with zoning requirements and is more likely to accommodate a modest sized home that complies with all Hillside Design Guidelines and is more compatible with the surrounding development pattern of this neighborhood.

Another solution was previously suggested by a board member to merge lots #59 and #60 with lot #58 which is contiguous and undeveloped with only 5,000 sq’. If these 3 non-conforming lots were reconfigured into 2 lots, they would meet the minimum square footage of 7,500 sq’ per lot and could allow reasonable development for 2 homes that meet the Hillside development standards.

2) Hillside Exceptions:

The application must meet the criteria established in SRMC 14.12.040 for hillside exceptions, as stated below:

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

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

This application does not meet the criteria for approving an exception to the Hillside development standards. The applicant has NOT demonstrated a superior project with greater sensitivity to the natural setting and compatibility with nearby hillside neighbors. In fact, this application replaces the natural setting with concrete driveways, building footprints and retaining walls.

The exception request for 33/41 Ross Street Terrace to reduce the natural state by almost 50% does NOT result in a superior project with greater sensitivity to the natural setting or preserve the inherent characteristics of the site. In fact, both lots are completely stripped of all trees, except for one oak tree and replaced with small slivers of ornamental landscaping. This project does NOT meet the criteria for a hillside exception, per SRMC 14.12.040.

Staff references 22 Jewel as an example of a previous hillside project on a flag lot where an exception to the natural state was approved. However, the exception requested for this project was minor. The applicant for 22 Jewel revised their plans, in response to neighborhood comments, and improved the design by increasing the building setback which resulted in a slight reduction in the natural state from 57.6% to 50.3% and required an exception. By providing a superior design with greater sensitivity to nearby neighbors, this project met the objectives of SRMC 14.12.040 for exception approval. (*note: the lot remains vacant - the design permit for 22 Jewel has expired. no building permit was ever issued*).

The approval of this application will set a bad precedent going forward for future hillside development and will undermine our Hillside Design Guidelines and development standards.

This application does not meet the criteria required for an Exception approval. I urge the City to be consistent with their past practice and require compliance with the Hillside Design Guidelines, per SRMC Chapter 14.12.

As a licensed building contractor, the owner/applicant, should have been well informed about the substandard size of these two lots and the City of San Rafael's Hillside Design Guidelines before he purchased them in 2015.

3) Petition to recuse Stewart Summers:

I support the Petition to recuse Stewart Summers that was presented to the Design Review Board at their meeting on November 16, 2021. Stewart Summers' repeated expression of his unwavering personal objections to the Natural State requirement at board meetings is inappropriate and offensive. I hope the board is not swayed by his rhetoric and acts to uphold the municipal code, as adopted by the City Council, and applies the Natural State Requirement to this and other hillside projects and only recommends approval of an Exception in those rare cases where the required findings are met (per SRMC 14.12.040).

In response to the Petition, City Attorney Rob Epstein stated that someone who has a pre-existing bias that makes them unable to be a fair hearing officer would be disqualified and that the question is

whether there is an “unacceptable probability of actual bias”. He goes on to say that it’s up to the individual member to look into their heart or mind and decide for themselves if they are able to be fair and unbiased and state the reasons for their decision for the record.

Stewart Summers did not clearly state the reasons why he felt he could be fair and unbiased but instead repeated his rhetoric about “the Natural State requirement being antiquated” and that he doesn’t like it and further suggests the City should change it. I ask Stewart Summers to look into his heart and mind to reflect on whether his strong bias against the Natural State requirement prevents him from being an impartial board member for this project and ask that if he has any doubt whatsoever, he recuse himself in order to ensure a fair and unbiased hearing for 33/41 Ross Street Terrace.

I suggest the record clearly show that the opinion that “the Natural State requirement is antiquated” is Stewart Summers’ opinion alone and does not reflect the board’s position as a whole. I believe, in my heart, that Stewart Summers cannot be an impartial board member tasked with reviewing this project given his statements made during the prior hearing for this project on June 8, 2021, and his response to the Petition submitted on November 16, 2021. He should recuse himself from participating in the design review for this project at 33/41 Ross Street Terrace before the board tonight.

Thank you for your consideration of these comments.

Sincerely,

Victoria DeWitt
Emily A. Foehr
Jason and Jamey Chan
Jonathan Steel
Emese Wood
Denise Van Horn
Tom Heinz
Linda Donaghue
Dave Lammel
David Simon
Jessica Yarnall Loarie
Scott Loarie
Sue Ritter
Lucinda Callaway
Larry Sneddon
Amy Likover
Joe Likover
Peter R. Marks
Leslie Marks
Valerie Lels
Grant Gildroy
Bill Baker
Sandy Baker
Kurt Scheidt



REPORT TO DESIGN REVIEW BOARD

SUBJECT: Annual Meeting of Design Review Board for 2022 to include: a) Election of Officers for 2022 Design Review Board meetings; b) Distribution and Review of Design Review Board “Rules of Order;” and c) Distribution and Review of Scheduled meeting for 2022

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 2022 will be January 19, 2022. 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 2022

Since 2004 the Board has elected officers following a rotation schedule generally set based on member’s length of service. For 2021 Board Member Paul has served as Chair, and Board Member Rege has served as Vice Chair. Should the Board choose to continue to follow this rotation schedule, Board Member Rege would serve as Chair in 2022 and Board Member Rege 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>
2022	Rege	Kovalsky
2023	Kovalsky	Kent
2024	Kent	Summers
2025	Summers	Paul
2026	Paul	Rege

Staff recommends the Board consider the above officer rotation and elect new officers for 2022. 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 with track changes to include one minor procedural change to be in concert with City Council procedures. In Section 7 “Conduct of Meetings,” Item B “Procedure of Presentation,” number 5, staff proposes the following language be added to explicitly acknowledge the Chair’s ability to limit speaker time.

5. Comments from the public, where appropriate; limited to three (3) minutes per speaker, which may be reduced or 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.

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 raise them during the meeting. If there are no requests that warrant additional research, staff recommends the Board consider the recommended modification and adopt the Rules of Order with the recommended clarifying language.

2022 Design Review Board Meeting Dates:

Provided for your information is a list of scheduled Design Review meetings for 2022. Please review and provide feedback if there are any errors or if any scheduled meeting conflict with major religious holidays.

Attachments

- Exhibit 1 Current Board “Rules of Order,” adopted Feb. 6, 2018, with track changes of recommended modification
- Exhibit 2 Design Review Board Meeting Schedule 2022

**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, which may be reduced or 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

EXHIBIT 2 DESIGN REVIEW BOARD MEETINGS for 2022

January 19 (Wednesday)
February 08
February 23 (Wednesday)
March 08
March 22
April 05
April 19
May 03
May 17
June 07
June 21
July 06 (Wednesday)
July 19
August 02
August 16
September 07 (Wednesday)
September 20
October 18
November 08
November 22
December 06
December 20

Notes:

- All DRB meetings are the 1st and 3rd Tuesday of each month, starting with the first full week (a week includes a Monday).
- All dates above are Tuesdays unless there is a holiday on Monday that week, then the DRB meeting gets pushed to Wednesday for that week.