

ORDINANCE NO. 2006**ORDINANCE OF THE CITY COUNCIL OF THE CITY SAN RAFAEL AMENDING SECTION 14.25.070 OF TITLE 14 (ZONING ORDINANCE) OF THE SAN RAFAEL MUNICIPAL CODE TO ESTABLISH STREAMLINED REVIEW FOR CERTAIN RESIDENTIAL PROJECTS**

WHEREAS, the City Council has 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; and

WHEREAS, the City's zoning regulations in Title 14 – "Zoning", contain requirements for environmental and design review of certain development projects by the five-member Design Review Board. The regulations governing the Design Review Board are located in Section 14.25.070 of the San Rafael Municipal Code (SRMC); and

WHEREAS, staff has advanced a proposal to streamline the processing of certain housing development projects by delegating the Design Review Board's (DRB) advisory authority over the architectural design of those projects to two members who would participate in duly noticed Planning Commission meetings as representatives of the DRB at; and

WHEREAS, on January 21, 2022, the Planning Commission held a duly-noticed public hearing on staff's proposed amendment to SRMC Section 14.25.070 to establish a Design Review Advisory Committee (DRAC) and its authority. The Planning Commission accepted all public testimony and the written report of the Community Development Department, and recommended the City Council approve the municipal code amendment; and

WHEREAS, on April 18, 2022, the City Council held a duly-noticed public hearing on the ordinance and accepted all public testimony and the written report of the Community Development Department; and

WHEREAS, the City Council, pursuant to SRMC 14.27.060, finds the proposed amendment consistent in principle with the General Plan, and that the public health, safety and general welfare are served by adopting the amendment. The amendment aligns with the General Plan Housing Element Program H-17d for Efficient Project Review and the public health, safety and general welfare are served through exploring how the City can maintain the quality of project review while reducing time and the associated costs of doing so; and

WHEREAS, adoption of the amendment to SRMC Section 14.25.070(A) regulating the Design Review Board is not subject to the California Environmental Quality Act (CEQA) under Public Resources Code Section 15060(c)(2) which provides that CEQA does not apply if the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment. The streamlined review of certain residential projects would allow a combined review of those projects in a duly noticed public meeting.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN RAFAEL
DOES ORDAIN AS FOLLOWS:**

Division 1. Amendment of Municipal Code.

Section 14.25.070(A) of Title 14 of the San Rafael Municipal Code (SRMC) is hereby amended to read as follows.

14.25.070 Design review board.

A. Purpose and Authority.

1. The design review board 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, except that an alternate streamlined review process is allowed for certain eligible projects as described below. The design review board may also serve as an advisory body 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 the use and setting and to recommend approval, approval with conditions, redesign or denial based on design standards adopted by the city council.

2. Streamlined Review of Certain Residential projects. The following residential projects shall be eligible for a streamlined review process, as established by city council resolution under a pilot program known as the "Streamlined Review for Certain Residential Projects".

- a. Residential structures of 3 to 10 units.
- b. Additions to multifamily residential structures of between three (3) to ten (10) units, where the addition constitutes no more than forty percent (40%) of the total square footage of the building and would not increase the unit count by more than 3 units.

This streamlined review process allows for a joint meeting of the planning commission and two (2) representatives of the design review board. The framework, roles and membership of the design review board representatives for a streamlined review process shall be as established by City Council resolution.

Division 2. CEQA Determination.

Adoption of this ordinance and the accompanying pilot program resolution are not subject to the California Environmental Quality Act (CEQA) under Public Resources Code Section 15060(c)(2) which provides that CEQA does not apply if the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment. The Pilot Program for Streamlined Review for Certain Residential Projects only affects administration of the design review program, which is advisory to the Planning Commission and does not take any action on entitlement applications. Further, CEQA does not apply to the adoption of the Pilot Program for Streamlined Review for

Certain Residential Projects because the action is not a Project under Section 15060(c)(3) and Section 15378(b) which includes continuing administrative activities.

Division 3. Severability.

If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares it would have passed and adopted this Ordinance and each and all provisions hereof irrespective of the fact that any one or more of said provisions be declared invalid.

Division 4. Publication; Effective Date.

This Ordinance shall be published once, in full or in summary form, before its final passage, in a newspaper of general circulation, published, and circulated in the City of San Rafael, and shall be in full force and effect thirty (30) days after its final passage. If published in summary form, the summary shall also be published within fifteen (15) days after the adoption, together with the names of those Councilmembers voting for or against same, in a newspaper of general circulation published and circulated in the City of San Rafael, County of Marin, State of California.


KATE COLIN, Mayor

ATTEST:


LINDSAY LARA, City Clerk

The foregoing Ordinance No. 2006 was introduced at a Regular Meeting of the City Council of the City of San Rafael, held on the 18th day of April, 2022 and ordered passed to print by the following vote, to wit:

- AYES: Councilmembers: Bushey, Kertz, Llorens Gulati & Mayor Kate
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Hill

and will come up for adoption as an Ordinance of the City of San Rafael at a Regular Meeting of the Council to be held on the 2nd day of May, 2022.



LINDSAY LARA, City Clerk

SUMMARY OF ORDINANCE NO. 2006**AN ORDINANCE OF THE CITY OF SAN RAFAEL CITY COUNCIL AMENDING SECTION 14.25.070 OF TITLE 14 (ZONING ORDINANCE) OF THE SAN RAFAEL MUNICIPAL CODE TO ESTABLISH STREAMLINED REVIEW FOR CERTAIN RESIDENTIAL PROJECTS**

This Summary concerns a proposed ordinance of the City Council of the City of San Rafael, designated as Ordinance No. 2006, which will amend the San Rafael Municipal Code to establish an alternate streamlined review process for certain eligible projects described below. Ordinance No. 2006 is scheduled for adoption by the San Rafael City Council at its regular meeting of May 2, 2022. The City Clerk has been directed to publish this Summary pursuant to City Charter and California Government Code section 36933(c)(1).

SUMMARY OF AMENDMENT TO MUNICIPAL CODE

Over the past few years, the City Council has received informational reports on challenges to housing development in San Rafael. The City Council has directed staff to explore and identify possible solutions that would facilitate housing development. A streamlined development review alternative is timely; for several years the state legislature has adopted laws to streamline residential project review, including Objective Design Standards (Senate Bill 35); the Housing Crisis Act of 2019 (SB 330, as amended by SB 8); and SB 9, which mandates a ministerial review for certain types of projects.

The ordinance amends section 14.25.070 "Design review board" of the San Rafael Municipal Code to allow an alternative streamlined review of development applications allowing for a joint meeting of the planning commission and two (2) representatives of the design review board. The framework shall be established by City Council resolution and the following residential projects shall be eligible for streamlined review, as established by city council resolution under a pilot program known as the "Streamlined Review for Certain Residential Projects": (a) Residential structures of 3 to 10 units, (b) Additions to multifamily residential structures of between three (3) to ten (10) units, where the addition constitutes no more than forty-percent (40%) of the total square footage of the building and would not increase the unit count by more than 3 units.

Copies of Ordinance No. 2006 will be available for public review as of Wednesday, April 22, 2022 at the San Rafael City Clerk's Office, 1400 Fifth Avenue, 2nd Floor, Room 209 during regular business hours, 8:30 a.m. to 5:00 p.m., and on the City's website: <https://www.cityofsanrafael.org>. You may also contact Jacob Noonan, Housing Program Manager, at (415) 295-5471 or jacob.noonan@cityofsanrafael.org for information.

LINDSAY LARA
San Rafael City Clerk
Dated:4/20/2022