



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: COMMUNITY DEVELOPMENT

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Housing Program Manager**

City Manager Approval: _____

TOPIC: STREAMLINED REVIEW FOR CERTAIN RESIDENTIAL PROJECTS (FORMERLY DESIGN REVIEW ADVISORY COMMITTEE, DRAC)

SUBJECT: CONSIDERATION OF AN ORDINANCE AMENDING SECTION 14.25.070 OF TITLE 14 (ZONING ORDINANCE) OF THE SAN RAFAEL MUNICIPAL CODE TO ESTABLISH STREAMLINED REVIEW FOR CERTAIN RESIDENTIAL PROJECTS; AND RESOLUTION ESTABLISHING A ONE YEAR PILOT PROGRAM FOR STREAMLINED REVIEW FOR CERTAIN RESIDENTIAL PROJECTS

RECOMMENDATIONS:

1. Pass to print an Ordinance of the City of San Rafael amending Section 14.25.070 of Title 14 (Zoning Ordinance) of the San Rafael Municipal Code to establish a streamlined design review process for certain residential projects, and
2. Adopt a Resolution establishing a One-Year Pilot Program for streamlined review for certain residential projects.

BACKGROUND:

This item was initially proposed as the Design Review Advisory Committee one year pilot program. It has since been renamed the proposed one-year pilot program for Streamlined Review for Certain Residential Projects. The Design Review Advisory Committee approach has been modified to no longer include a subcommittee of the Design Review Board. On further review it was determined a subcommittee was not needed for two representatives of the Design Review Board to participate in the streamlined review.

Over the past few years, the City Council has received informational reports related to housing and the challenges to housing development in San Rafael. 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. In addition, 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 (Senate Bill 35) intended for a ministerial review process to provide more certainty for applicants in design review approval; enactment of the Housing

FOR CITY CLERK ONLY

Council Meeting: _____

Disposition: _____

Crisis Act of 2019 (SB 330, as amended by SB 8), which limits the number of meetings a city may hold to five for certain residential projects and mixed use projects that are two-thirds residential by square footage; and, more recently, SB 9, which mandates a ministerial review for certain types of residential projects and lot splits. To implement evolving state laws, additional changes to how development applications are processed might be necessary.

Since 2018, staff has presented several reports to the City Council on addressing the local challenges to building housing. Staff has met with community members and stakeholder groups, and prepared 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 housing, and exploring other opportunities to increase housing production.

The following is a summary of the reports and presentations provided to the City Council over the past few years on streamlining development application review for residential projects.

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 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 input from 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 streamlining approvals.

One item proposed in the January 21, 2020 report was to establish a Design Review Advisory Committee (DRAC) with advisory authority over the architectural design of certain projects. As envisioned, the DRAC would review certain housing development applications in-lieu of the full Design Review Board (DRB). The DRAC review would occur concurrently with the Planning Commission review, which would reduce the number of meetings needed to approve the development application while maintaining design review over the project.

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

[September 8, 2020](#) and [September 21, 2020](#): The City Council received reports on the status of measures to facilitate housing development & streamline approvals and focused on four main areas of the San Rafael Municipal Code (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 (Streamlined Development Review)

At the September 21st 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 for streamlined development review assuring continued transparency and 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, streamlined development review.

November 4, 2020: Staff presented the Design Review Board with a report on the streamlined review concept, then referred to as the Design Review Advisory Committee, or DRAC. Staff requested feedback from the board regarding structure, membership, noticing options, and types of projects to be reviewed. 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. Staff used the comments received at the DRB meeting and prepared a draft document defining the structure of the one-year Pilot Program.

February 17, 2021: Staff presented the DRB with a [report](#) on the draft pilot program, which incorporated the comments received from the DRB on November 4, 2020. The structure of the streamlined review is described in more detail under the *Proposed Pilot Program* section below. In summary, the program would be structured to have members of the DRB participate in the Planning Commission meeting on certain types of projects defined in the Program (Exhibit 3). The 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. The proposed format was presented to the DRB and the DRB provided the following comments:

- Most preferred three members to participate (note: Three members had originally been explored. The City Attorney has advised however this would constitute a quorum of the Design Review Board and would merely replicate the full, five-member Board.);
- Felt it important that building design is right, since buildings will be around for 50 to 100 years; concerned the streamline review may lead to less-than-ideal design;
- Concerned that participating in a separate streamlined review process could result in a substantial amount of work by DRB members; and
- Hoped that items receiving streamlined review could be placed near the beginning of the Planning Commission meeting agenda so attending Board members could be excused after their item(s).

January 25, 2022: The Planning Commission (PC) held a duly noticed public hearing and received a report on the proposed draft pilot program for streamlining certain types of residential projects. The PC recommended approval of the proposed pilot program but asked staff to include clarification regarding the following:

- What types of projects would be eligible for review through this streamlined review process?
- How would projects be referred to the full Design Review Board?
- Clarify the flow of the PC meeting when the DRB representatives are participating.
- Provide assurance that public notice would be provided for these projects.
- Clarify how members from the full board would be selected to serve as representatives in the streamlined process.

Planning Commissioners also mentioned workload as a possible concern and the potential to overwhelm the attending Design Review Board members, as well as a concern that members of the Design Review Board not participating in streamlined review might be under-utilized.

Three members of the public also provided comments. Some of the questions were similar to the questions asked by the PC. In addition, the public expressed an interest in staff addressing the following:

- How will the pilot program be evaluated/what metrics would be used?
- Need to ensure that alternates include one architect and one landscape architect.

ANALYSIS:

Staff recommends a one-year pilot program to test this streamlined review process, beginning immediately upon approval of the City Council. It is envisioned members of the Design Review Board and the Planning Commission will collaborate with staff on the flow of the meeting for these types of projects and will have the opportunity to provide input at the one year mark, or shortly after. All meetings will occur during open public meetings allowing members of the public to participate and provide feedback, thus allowing for full evaluation of the merits of the pilot program for City Council consideration. After the pilot program has been in effect for the one-year term, the effectiveness of the program will be assessed by staff with participation from the Planning Commission and Design Review Board and members of the public, and a recommendation will be provided to the City Council. The recommendation may include continuation of the program, opportunities to modify and/or expand the program, or discontinuation of the program entirely.

Proposed Pilot Program

Staff has prepared a draft ordinance (Attachment 1) and draft resolution (Attachment 2) that would establish a one-year pilot program. The program is based on input provided by the Planning Commission on January 25, 2022, and by Design Review Board members on November 4, 2020, and February 17, 2022. The Ordinance, Attachment 1, provides the required language amendment to the SRMC necessary to effectuate the Pilot Program. The resolution, Attachment 2, provides the framework for the pilot program. Attachment 3 is a flow chart illustrating how the review process would flow under the proposed Pilot Program. Attachment 4 is the Planning Commission resolution recommending the pilot program to the City Council.

Streamlined Review can be summarized as follows. 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 as a “minor” or “major” project as defined in SRMC Section 14.25.040.

1. Projects subject to Minor Environmental Design Review (SRMC §14.25.040.B) will continue to be reviewed by the Zoning Administrator following current procedures (SRMC §14.25.020.B) and members from the Design Review Board 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.
2. Projects subject to Major Environmental Design Review (SRMC §14.25.040.A) will be reviewed as follows:
 - a. Projects eligible (see bulleted list below) will be reviewed concurrently by the appointed Design Review Board members and the Planning Commission during the public hearing on the project. The Board members will be able to ask questions and will have an opportunity to comment during the public hearing on the project. The public will be noticed of the meeting and provided the opportunity to provide comment and participate in the meeting prior to the Planning Commission issuing its decision.
 - b. Projects not eligible will continue to be reviewed by the full Design Review Board following the current review process.

Criteria for Streamlined Review:

- Review will be limited to the following residential projects:
 - New construction of up to ten residential units, and

- Additions to existing multi-family residential property with three to ten existing units of no more than 40% of building area and no more than three additional units.
- Membership will include two (2) members and one (1) alternate member selected from the sitting Design Review Board.
- The appointed Design Review Board Members may recommend to the Planning Commission (PC), and the PC could refer a project to the full Design Review Board (if a project is controversial, for example);
- Meetings 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 meetings; and
- Transparency in decision making will be maintained with the public continuing to have opportunities to review applications and provide comments prior to and during the combined meeting.

Staff responses to Design Review Board and Planning Commission questions: In response to the questions raised during staff presentations to the Design Review Board and Planning Commission, staff has developed the following recommendations for the program:

- *Projects eligible for Streamlined Review* would be limited to the following residential projects:
 - New construction of up to ten (10) residential units, and
 - Additions to existing multi-family residential property with three to ten existing units of no more than 40% of building area and no more than three additional units.These types of projects were pulled from projects that are listed as being within the purview of the DRB. Projects that also require Hillside Exception would not be eligible for streamlined review.
- *How would projects be referred to the full Design Review Board*
The framework established under the proposed streamlined review process gives the Planning Commission the authority to refer the project to the full DRB.
- *Clarify the flow of the PC meeting when the DRB representatives are participating*
The flow of the PC meeting would be established as part of the Planning Commission procedures which are agreed upon and adopted by the PC. However, staff envisions the following:
 - Staff provides presentation
 - Applicant provides presentation and public provides comments
 - The DRB representatives ask questions of the applicant and provides their recommendations to the PC
 - PC deliberates and takes action on the project.
- *Provide assurance that public notice would be provided for these projects*
Public notice will be required in the same manner as we currently do for Planning Commission meetings.
- *Clarify how members from the full board would be selected to serve as representatives in the streamlined process*
Staff recommends that the Chair as well as a landscape architect serve as representatives for a full 1-year term. If the representatives are unable to attend, they will contact the Community Development Director ahead of time. The Community Development Director will select a replacement from the full board based on tenure as spelled out in the Design Review Board

rules and procedures. The references to a Design Review Advisory Committee or DRAC would be eliminated. While the concept of DRB representation at the Planning Commission is unchanged, the DRB representatives are not really a “committee” since they would not meet to review the applications outside of the Planning Commission meetings.

- *How will the pilot program be evaluated and what metrics will be used*

The following is a list of recommended measures staff would use to evaluate the success of the pilot:

- Total number of applications received and subject to design review.
- Total number of applications that received a streamlined review.
- Total number of projects that were scheduled for streamlined review but were referred back to the full DRB.
- Conditions that were required for the projects to move forward.
- Number of planning meetings and total amount of time in planning approval process.
- Total time savings achieved.
- Any other costs or benefits to the applicant.
- Amount of staff time savings through administering the streamlined approach.
- Changes to length of Planning Commission meetings.
- Increased workload by certain DRB members.
- Decreased utilization of the full DRB.
- Assurance there is notification of PC meetings that are utilizing representatives of the DRB.

Staff may include additional information about the review process.

- *Need to ensure that alternates include one architect and one landscape architect*

Staff will make every effort to assure both an architect and a landscape architect are represented in streamlined review and will make an effort to use alternates in accordance. However, staff proposes that this not be a requirement if neither of the two landscape architects are available. This is true of the current process.

Additional comments provided by Planning Commissioners included that Planning Commission meetings could become long, and that the Planning Commission Chair and staff liaison would need to be clear in running the meeting to assure there is no confusion of the role of the Planning Commission versus the role of attending Design Review Board representatives.

Staff estimates a minimum two months of savings in time processing applicable housing development applications, with a median average processing efficiency of three to four months.

ENVIRONMENTAL 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.

COMMUNITY OUTREACH:

Notice of this April 18, 2022 City Council meeting and the January 25, 2022 PC meeting was mailed to all neighborhood groups and homeowner associations within the city, as well as other commercial and housing advocacy groups. A public notice ran in the *Marin Independent Journal* on April 2, 2022. Additional community outreach on the streamlined review process is described in the Background Section. The City Council 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 streamlined review proposal and the draft structure 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.

FISCAL IMPACT: There is no direct fiscal impact to the City in connection with the action requested in this report.

OPTIONS:

1. Pass the ordinance to print and adopt the resolution establishing the one-year pilot program for streamlined review of certain residential projects.
2. Do not approve the ordinance and resolution, and direct staff to return with additional information or changes.

RECOMMENDED ACTION:

1. Pass to print an Ordinance of the City of San Rafael amending Section 14.25.070 of Title 14 (Zoning Ordinance) of the San Rafael Municipal Code Establishing Streamlined Review for Certain Residential Projects; and
2. Adopt a Resolution of the City of San Rafael Establishing a One Year Pilot Program for Streamlined Review for Certain Residential Projects.

ATTACHMENTS:

1. Ordinance
2. Resolution
3. Streamlined Review Program Flow Chart
4. Planning Commission Resolution
5. [Report to the Planning Commission, January 25, 2022](#)
6. Public Comment

ORDINANCE NO.

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 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 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. _____ 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:
- NOES: Councilmembers:
- ABSENT: Councilmembers:

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

RESOLUTION NO.**RESOLUTION OF THE SAN RAFAEL CITY COUNCIL ESTABLISHING A ONE YEAR PILOT PROGRAM FOR STREAMLINED REVIEW FOR CERTAIN RESIDENTIAL PROJECTS**

BE IT RESOLVED by the Council of the City of San Rafael as follows:

WHEREAS, 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 housing and exploring other opportunities to increase housing production.

WHEREAS, one item identified was to establish a streamlined review process with advisory authority over the architectural design of certain projects. As envisioned, streamlined review would review certain housing development applications in-lieu of the full Design Review Board. The streamlined review would occur concurrently with the Planning Commission review, which would reduce the number of meetings necessary to approve the development application while maintaining design review of the project.

WHEREAS, on September 21, 2020, the City Council directed staff to explore a pilot program; and

WHEREAS, on November 4, 2020, staff presented the Design Review Board with a report on the concept streamlining review, at the time referred to as "Design Review Advisory Committee." Staff requested feedback from the board regarding structure, membership, noticing options, and types of projects to be reviewed. Members of the Design Review Board provided feedback to assure adequate public notice and process, allow projects to be referred to the full Board, and reduce the size of staff reports as a time savings measure. Staff used the comments received and prepared a draft document defining the structure of the one-year Pilot Program.

WHEREAS, on February 17, 2021, staff presented the Design Review Board with a report on the draft Pilot Program which incorporated the comments received from the Board on November 4, 2020. In summary, the streamlined review program would allow members of the Design Review Board to participate in the Planning Commission meeting for certain types of projects that would be defined in the Pilot Program. The 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. The proposed format was presented to the Design Review Board, the Board provided comments which were incorporated into the proposed pilot program, and

WHEREAS, on January 21, 2022, the Planning Commission held a duly noticed public hearing on the proposed streamlined review pilot program and proposed amendment to the municipal code, accepted all public testimony and the written report of the Community Development Department, and recommended the City Council approve the one-year pilot program; 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

NOW, THEREFORE IT IS HEREBY RESOLVED that the City Council establishes a streamlined review for certain residential projects one-year pilot program, as follows:

Streamlined Review of Certain Residential Projects
(1-Year Pilot Program)

- A. Purpose and Authority. Members of the Design Review board as described below shall participate in the streamlined review of certain residential development applications as established under San Rafael Municipal Code Section 14.25.070. The streamlined review will operate for a temporary one-year term. At the end of the term, a final report with recommendations shall be provided to the City Council with input and recommendations from the Planning Commission and Design Review Board to continue, continue with modifications, or to discontinue the program.

The streamlined review will be for the purpose of reviewing and formulating recommendations on the following development project applications 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.

In addition, the appointed members may also advise on Minor Environmental and Design Review and Administrative Design Review items as well as other items referred by the community development director, zoning administrator, planning commission or city council.

The purpose is to provide professional design analysis and design guidance to the applicant and may include comments on the completeness, competence, and appropriateness of development proposals in regard to use and setting.

- B. Design Review Board Representatives. The Design Review Board Representatives shall consist of the Design Review Board Chair, and a board member who is a landscape architect. Both members shall serve for the one year term.
- C. Alternate Representatives. If one of the members is unable to attend a meeting or has a conflict, they will contact the Community Development Director ahead of time. The Community Development Director will select a replacement from the full board based on tenure. The Community Development Director may also appoint an alternative member in the event that a member leaves office prior to completion of the member's term.

- D. Attendance at Planning Commission Meetings. The Representative 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 members shall be notified of such meetings by the Staff Liaison to the Design Review Board. The members 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.
- E. Referral to the full Design Review Board. 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 Design Review Board by an affirmative vote of the Planning Commission.
- F. No Action by Representatives. The Representative members represent the Design Review Board, which is an advisory board. No official action is taken. The members will be provided an opportunity to ask questions and provided an opportunity to comment as part of the Planning Commission meeting on the project. Recommendations from the members will be considered by the Planning Commission and may be incorporated as conditions of approval.
- J. Public Notice. Notice of projects subject to 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 shall include a statement that the project is subject to streamlined review which will occur at the same time the Planning Commission reviews the project.

I, **LINDSAY LARA**, City Clerk of the City of San Rafael, hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a regular meeting of the Council of said City held on the 18th day of April 2022, by the following vote:

AYES: COUNCIL MEMBERS:

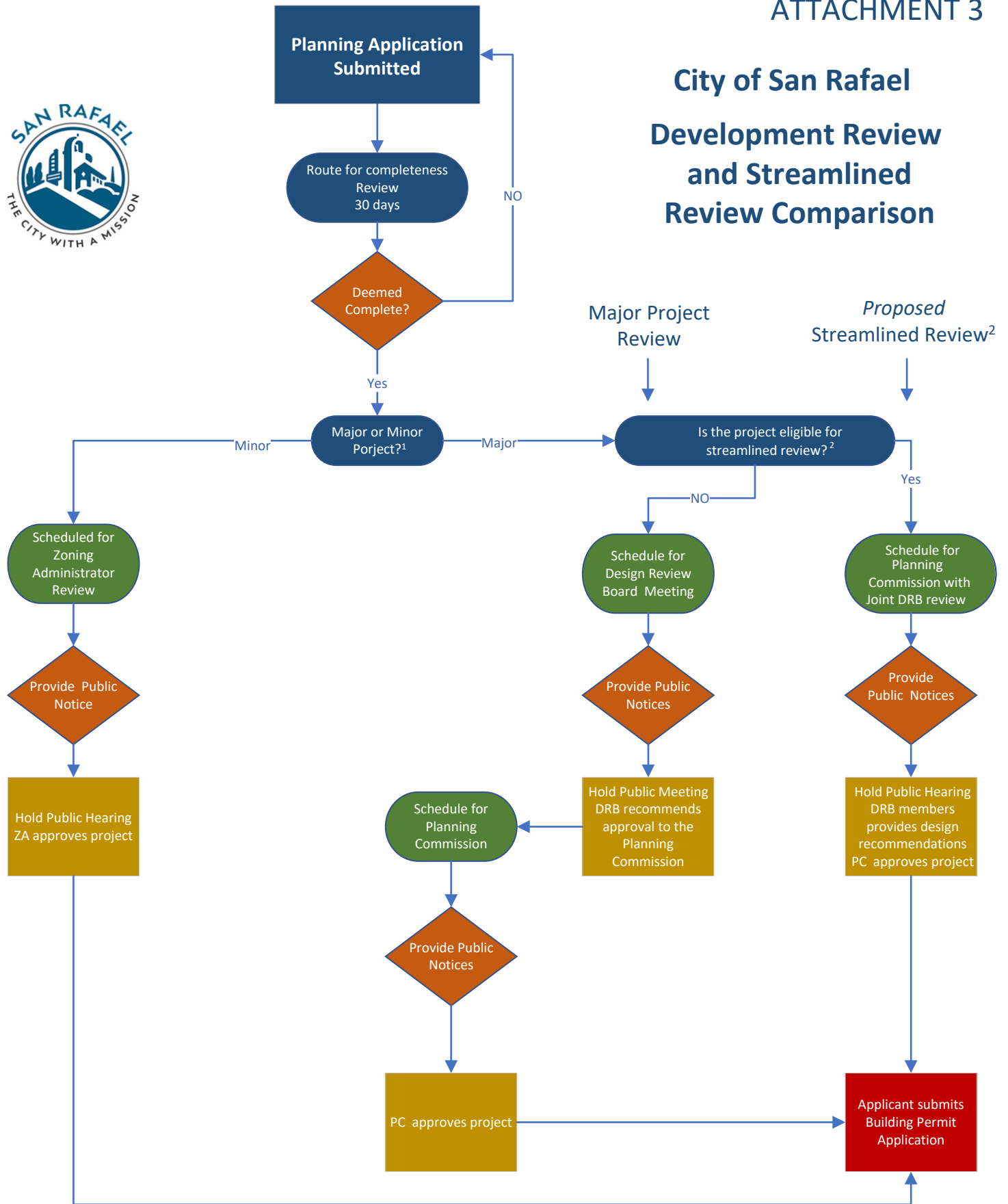
NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

Lindsay Lara, City Clerk



City of San Rafael Development Review and Streamlined Review 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.

RESOLUTION NO. 22-05**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

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 25th day of January 2022.

Moved by Commissioner Mercado and seconded by Commissioner Harris.


AYES: Commissioners: Harris, Haveman, Mercado, Samudzi & Chair Previtali

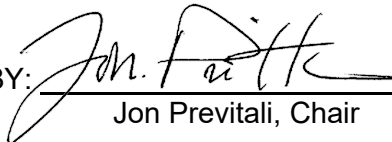
NOES: Commissioners: None

ABSENT: Commissioners: Saude

ABSTAIN: Commissioners: None

SAN RAFAEL PLANNING COMMISSION

ATTEST: 
Leslie Mendez, Secretary

BY: 
Jon Previtali, Chair

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

Attachment A of Attachment 4

Proposed Amendments to San Rafael Municipal Code

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.

Attachment B of Attachment 4Design 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.

Attachment B of Attachment 4

- 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

Attachment 5 –

Report to the Planning Commission, January 25, 2022

Attachment 5-

<https://storage.googleapis.com/proudcity/sanrafaelca/uploads/2022/01/3.-DRAC.pdf>



Responsible Growth in Marin

February 24, 2022

To: Jacob Noonan, Housing Manager

cc: Ali Giudice, Planning Commissioners, Leslie Mendez

Re: 1/25/22 Planning Commission: DRAC Pilot Evaluation Criteria – FOR PUBLIC RECORD

Dear Jacob,

We appreciated your PowerPoint presentation on the DRAC one-year pilot program at the January 25 Planning Commission meeting. The presentation clearly described the pilot program and answered several previously raised questions

During the presentation you clarified that at the end of the one-year pilot a report would be prepared for the City Council evaluating the effectiveness to “reduce process and timing while maintaining design review board program expectations”. In reply to Commissioners questions, you replied that the evaluation would be internal; the Planning Commissioners & Design Review Board Members would be invited to participate in the draft and then it would go to City Council with recommendation to continue, continue & amend, or discontinue.

There were several additional comments by Planning Commissioners and the public regarding detailing the evaluation criteria prior to commencement of Pilot. However, the resolution to initiate the Pilot was approved and you stated that the staff report would be amended to include detailed pilot evaluation criteria.

Several of us who attended the meeting took copious notes and later discussed the questions and data we think are needed to turn the stated evaluation goals into measurable observations. We recommend that the following items be included in your amended staff report as parameters for a full evaluation of the DRAC pilot project. (Note: Several of these items were included in Responsible Growth in Marin’s January 24, 2022, letter on the same subject.)

DRAC Pilot Evaluation Criteria:

1) Data on all the projects reviewed during the year should be summarized including:

- a) total number of projects reviewed,
- b) number of projects referred to Zoning Administrator (ZA) or staff without DRAC or DRB input
- c) number of projects referred to DRB for specific reasons (variance, zoning change, height increase, hillside, etc.),
- d) number (and basic description/location) of projects referred to DRAC and ZA
- e) number (and basic description/location) of projects referred to DRAC and PC

f) number of projects referred back to full DRB after being reviewed by DRAC (at ZA and at PC). Who referred the project back to DRB? What conditions were required for the projects moving forward? Did projects return to PC for approval after DRB?

4) Costs/Benefits to applicant: Number of planning meetings and total amount of time in planning approval process for projects referred to DRAC--what savings of time (for applicant), if any, were achieved? How will this be compared to time/number of meetings that would have been expended if the project went through the current process with DRB review? Did the prediction of 2 months saved prove true? Were there any other costs or benefits to the applicant?

5) Costs/Benefits to City: How much was staff time reduced or increased through administering the DRAC program? How will staff hours be measured? Were there additional costs or savings to the City?

6) Costs/Benefits to the Planning Commission and DRB: How will costs and benefits be measured? E.g., increased length of PC meetings with DRAC participation? Longer public hearing times? Increased workload by DRB members on DRAC? Decreased utilization of the full DRB? Change in quality of PC meetings (e.g., decreased discussion time/ Q&A) when the meeting expanded to 10 members (DRAC plus PC)?

7) Transparency--where were projects referred to DRAC listed on the City website? (They are not major planning projects, so are not on that list in the Community Development Department. At the 1/25 meeting, it was stated that the projects referred to DRAC would be listed on the website.)

a) Timeliness of posting of projects on website should be verified

b) notification of ZA/DRAC hearings should be verified--who was notified and when?

c) notification of PC/DRAC hearings should be verified--who was notified and when?

d) what public comments were received about DRAC projects and what actions, if any, resulted from public comments?

8) Quality of design review-- how will it be determined if "design review board program expectations" were maintained?

9) Criteria for success of the project-- What parameter and what threshold in that parameter will determine whether the project should be continued, amended, or discontinued?

Thank you for your attention to this matter. We believe that defining the criteria and measurement methods at the beginning of the pilot project are essential to ensuring that everyone will have a clear idea of how the pilot project will be evaluated and will make clear the basis for decisions at the end of the year.

Jacob, please don't hesitate to contact us if you have any questions or if we may be of help.

Thanks for your ongoing commitment and service to our community.

Respectfully submitted,
Responsible Growth in Marin
info@rgmarin.org

Shirley Fischer, Team Leader
 Grace Geraghty, Executive Director
 Claire Halenbeck, Team Leader
 Pamela Reaves, Team Leader