



**Design Review Board  
Regular Meeting**

**Wednesday, September 7, 2022, 7:00 P.M.  
AGENDA**

**In-Person:**

**San Rafael City Council Chambers  
1400 Fifth Avenue, San Rafael, CA 94901**

**Participate Virtually:**

**Watch on Webinar: <https://tinyurl.com/drj-2022-09-07>  
Watch on YouTube: <http://www.youtube.com/cityofsanrafael>  
Telephone: 1 (669) 444-9171  
Meeting ID: 831 0781 8748#  
One Tap Mobile: US: +16694449171,,83107818748#**

**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 in-person, virtually using Zoom and is being streamed to YouTube at [www.youtube.com/cityofsanrafael](http://www.youtube.com/cityofsanrafael).

How to participate in the meeting in-person:

- Stay home if you are experiencing COVID-19 symptoms
- Face coverings are recommended for attendees
- Use the sign-in sheet (optional) which allows notification of potentially exposed individuals if contact tracing reveals COVID-19 transmission may have occurred in a given meeting.
- Attendance will be limited to 50 percent of room capacity (no more than 90 persons) and all in-person attendees should socially distance as recommended by public health authorities. If the Chambers are 50% occupied, please participate online instead, or utilize the audio feed in the lobby.
- All attendees are encouraged to be fully vaccinated.

How to participate in the meeting virtually:

- Submit public comment in writing before 4:00 p.m. the day of the meeting to [PlanningPublicComment@cityofsanrafael.org](mailto: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](mailto: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 May 17, 2022**

*Recommended Action – Approve minutes as submitted*

## **ACTION CALENDAR**

### **2. Selection of a Public Art Review Board Representative.** Request of the Design Review Board select a Public Art Review Board representative for a two (2) year term.

### **3. Objective Planning Standards.** Review draft “objective” planning design standards for multifamily residential buildings located outside the Downtown Precise Plan area

**Project Planner:** Jeff Ballantine, Senior Planner ([jeff.ballantine@cityofsanrafael.org](mailto:jeff.ballantine@cityofsanrafael.org)) and Monica Ly, Senior Planner ([monica.ly@cityofsanrafael.org](mailto:monica.ly@cityofsanrafael.org))

*Recommended Action – Review and provide input on draft objective planning design standards.*

## **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](mailto: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, May 17, 2022, 7:00 P.M.  
AGENDA**

**Virtual Meeting**

**Watch on Webinar: <https://tinyurl.com/drj-2022-05-17>**

**Telephone: 1 (669) 900 6833**

**Meeting ID: 880 1015 0251#**

**One Tap Mobile: US: + 16699006833,,88010150251#**

**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 10:00 p.m. Tuesday the week before the meeting will be provided with the agenda materials provided to the Board.** Correspondence received after this deadline will be conveyed to the Board as a supplement. Send correspondence to the project planner or to [PlanningPublicComment@cityofsanrafael.org](mailto:PlanningPublicComment@cityofsanrafael.org); or send in writing to Planning Division, CDD; 1400 5th Ave. 3rd Fl.; San Rafael, CA 94901.
- 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](mailto: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.

**CALL TO ORDER**

Chair Rege called the meeting to order at 7:00 p.m. Chair Rege then invited Staff & Senior Planner Jeff Ballantine to call roll.

**RECORDING OF MEMBERS PRESENT AND ABSENT**

Present: Chair Sarah Rege  
Vice Chair Sharon Kovalsky  
Board Member Jeff Kent  
Board Member Larry Paul

Absent: Board Member Stewart Summers

Also Present: Jeff Ballantine, Staff, Senior Planner & DRB Secretary  
Tricia Stevens, Contract Planner

### **PUBLIC NOTIFICATION OF MEETING PROCEDURES**

Chair Rege invited Staff & Senior Planner, Jeff Ballantine, who informed the public that members of the public can provide public comment by telephone and via zoom and the raise hand feature. Written comments submitted prior to the meeting time would be read aloud into the record during the public comment portion of each item.

Chair Rege reviewed the procedures for the meeting.

### **URGENT ORAL/EMAIL COMMUNICATIONS FROM THE PUBLIC**

Chair Rege called for any comments from the public on items NOT on the agenda. There were no public comments.

### **CONSENT CALENDAR**

Chair Rege invited public comment on the Consent Calendar. There was no comment on the Consent Calendar.

#### **1. Approval of the Design Review Board Meeting Minutes of March 22, 2022**

Member Kent moved and Member Paul seconded to approve the Minutes as submitted.

AYES: Members: Chair Rege, Vice Chair Kovalsky, Kent, & Paul  
NOES: Members: None  
ABSENT: Members: Summers  
ABSTAIN: Members: None

Motion carried 4-0 Yes.

### **ACTION CALENDAR**

Chair Rege introduced the Action Calendar and invited staff to present the Staff Report.

- 2. Northgate Town Square Project.** Requests for a Rezone to the Planned Development (PD) zone, a Use Permit, an Environmental and Design Review Permit, and a Tentative Map to allow the comprehensive redevelopment of the existing mall at 5800 Northgate Drive into a new, phased mixed-use development with approximately 225,000 square feet of retail and 1,441 residential units on a 44.76-acre site. APNs: 175-060-12, -40, -59, -61, -66 & -67; General Commercial (GC) District; MeloneGeier Partners, owner/applicant; PLAN21-039, ZC21-001, UP21-007, ED21-024, TS21-002, IS21-002 & DA21-001

**Project Planner:** Tricia Stevens, Contract Planner [tricia.stevens@cityofsanrafael.org](mailto:tricia.stevens@cityofsanrafael.org)

Tricia Stevens, Contract Planner, presented the Staff Report on the project.

Applicant Team gave a presentation on the project.

Applicant Team and Staff responded to questions from the Board Members.

Chair Rege asked for public comments. Public Comment received about traffic, building heights, residential density, amount of open space, affordable housing need, sustainable

design, water conservation measures, impacts to local school capacity, and pedestrian and bicycle circulation.

Board Members provided comments.

Member Paul moved, Vice Chair Kovalsky seconded recommendation that the applicant address the following comments and return to the Design Review Board for consideration.

**1. Massing:**

- a. Seven-story apartment buildings appear out of scale for the site and the project is too dense in the south/middle portion of the site. Concern about pedestrian scale and a canyon effect. Consider spreading out density over the entire site (particularly to the north) and providing building stepbacks for upper floors.
- b. Existing parking garage could be better utilized. Consider densifying this area with residential development or a taller parking garage.

**2. Town Square:**

- a. Consider replacing the parking area to the west of the Town Square with open space or other active use.
- b. Relocate the dog park to more of a periphery location to minimize noise impacts of the dogs.
- c. Town Square should be more of a functional active park with amenities for all ages, including a tot lot, a playground for older children, and restroom facilities.

**3. Architecture:**

- a. Architecture is not cohesive throughout the project. DRB questions the use of red brick.
- b. Affordable housing design is not of similar quality as other residential uses with regards to setbacks in façade, variations in roof height, and overall quality of design and materials. Also, consider providing balconies since at grade open space is not provided.
- c. Need more information and detail on rooftop activities.

**4. Circulation:**

- a. Consider providing multi-modal paths around the entire site and stronger pedestrian pathways throughout the site.
- b. Consider providing a transit hub within the site

**5. Additional Submittal Materials**

- a. Applicant to prepare lighting plans for DRB consideration.
- b. Applicant to prepare fencing plans for DRB consideration.

Board Members discussed motion.

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

NOES: Members: None

ABSENT: Members: Summers

ABSTAIN: Members: None

Motion carried 4-0 Yes.

**INFORMATIONAL ITEM**

- 3. **Streamlined Review for Certain Residential Projects.** Senior Planner, Jeff Ballantine, provided a summary of the recently adopted Streamlined Review process for residential development projects with three to ten units.

**DIRECTOR'S REPORT**

Staff did not provide any updates.

**BOARD COMMUNICATION**

Member Paul requested a status update on the 24 hour fitness project

**ADJOURNMENT**

Chair Rege adjourned the meeting at 10:47 p.m.

\_\_\_\_\_  
JEFF BALLANTINE, Senior Planner

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021

\_\_\_\_\_  
SARAH REGE, DRB Chair

DRAFT



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**September 7, 2022  
Agenda Item 2**

**TITLE: SELECTION OF A PUBLIC ART REVIEW BOARD REPRESENTATIVE**

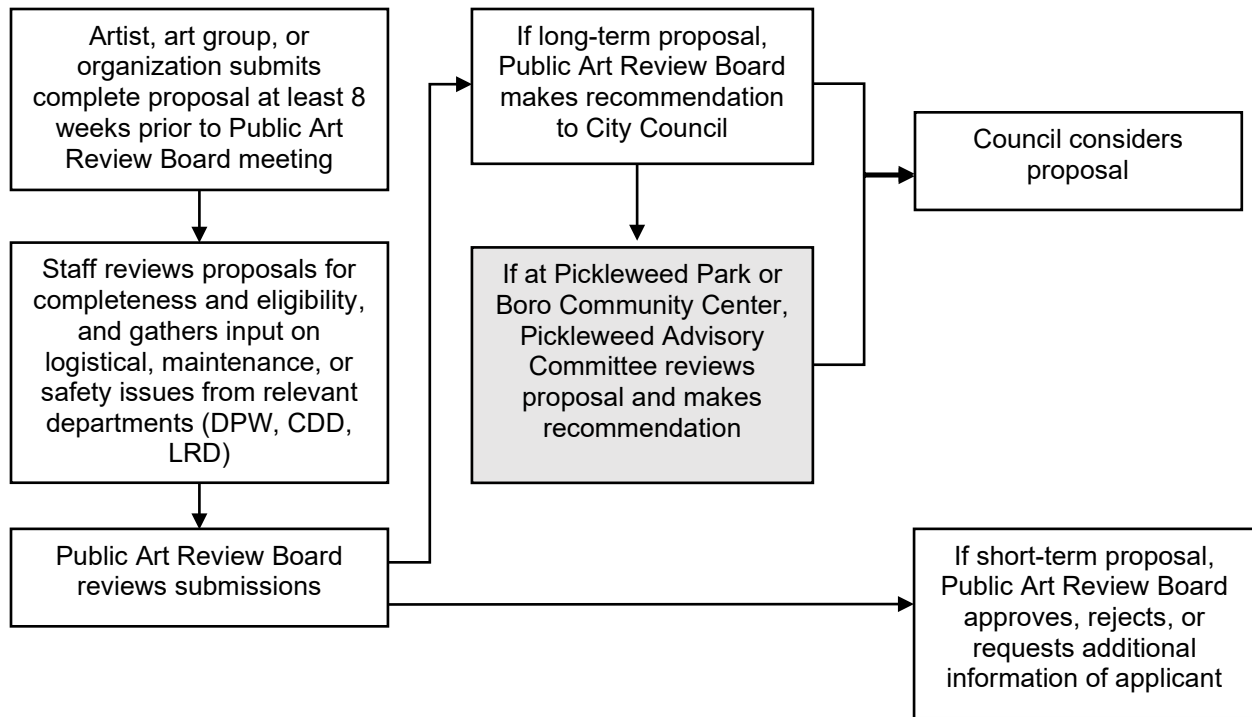
**RECOMMENDATION:**

That the Design Review Board select a Public Art Review Board representative for a two (2) year term.

**BACKGROUND**

On May 16, 2022, the San Rafael City Council approved the formation of the Public Art Review Board (Board). The Board is an advisory body whose primary responsibilities are to oversee the public art review process and to advise the City Council on selection of public art. The Board is staffed by the Library and Recreation Department. Membership consists of five (5) members, including one (1) Design Review Board Member, one (1) Park & Recreation Commissioner, and three (3) at large voting members. In addition, individual councilmembers participate as a non-voting liaison when public art is proposed within that councilmember's district.

The Board will meet quarterly and will be responsible for administering the public art review process. The Public Art Review Process will be used to review all art projects proposed for property that is owned, occupied, or managed by the City. The Board's responsibilities include providing recommendations to the City Council regarding long-term (greater than one year) public art installations and for approving applications for temporary (one year or less) public art exhibitions. The Board Bylaws (Attachment 1) provide more detail on the purpose, membership, and meetings of the Board and the below flow chart outlines the steps in the proposed Public Art Review Process.



Attachment 2 (Public Art Review Guidelines) provides more detail on the Public Art Review Process as well as the criteria that the Board will use to evaluate applications.

## DISCUSSION

On June 6, 2022, the San Rafael City Council received the announcement for the recruitment to fill the vacancies for the three (3) at-large members of the Public Art Review Board, with an application deadline of Tuesday, June 28, 2022. Additionally, per section 2.4 of the Public Art Review Board Bylaws (Attachment 1), the Park and Recreation Commission and the Design Review Board will be responsible for selecting a representative to the Board.

As a result, the Design Review Board is being tasked with selecting a Public Art Review Board representative to serve a two-year term.

Submitted by:

Jeff Ballantine, AICP  
Senior Planner

Attachments:

1. Public Art Review Board Bylaws
2. Public Art Review Guidelines



# PUBLIC ART REVIEW BOARD BYLAWS

## ARTICLE I. NAME AND PURPOSE

**Section 1.1. Name.** The name of this body shall be the City of San Rafael Public Art Review Board, hereinafter referred to as the "Public Art Review Board," or the "Board."

**Section 1.2. Purpose.** The Public Art Review Board's purpose is to help administer the public art review process and to advise the City Council on public art installations.

**Section 1.3. Committee Responsibility.** The Public Art Review Board's authority over long-term art proposals (greater than one year) is advisory only and the Board will issue a recommendation to City Council to approve or reject a proposal. For short-term art proposals, the Public Art Review Board has the authority to approve exhibitions. At staff's discretion, certain short-term projects may be required to obtain City Council approval, depending on project impact.

The Public Art Advisory Committee's responsibilities shall be in accord with these Bylaws, as amended from time-to-time by the City Council.

The responsibilities and duties of the Public Art Review Board shall be as follows:

1. Work with Staff in the review and approval of public art projects.
2. Review all proposals for public art and recommend select projects to City Council for approval.
3. Monitor the overall development of public art projects, encouraging balance over time with respect to background, gender, and other identities of artists selected and also with respect to styles of expression, media, and genre.
4. Provide opportunities for community input and resident participation.
5. To use the following Public Art Review Criteria in evaluating all public art proposals:
  - a. Project Readiness: Projects can demonstrate readiness through completeness of design, skill/experience of the artist(s) or project manager(s), secured funding for art piece and cost of installation, successful community engagement, identification of an appropriate site, and proposed schedule. The Public Art Review Board may encourage an applicant to reapply, if they deny a proposal as not sufficiently ready but with specific promise to demonstrate future readiness.
  - b. Qualifications: Artists, artist teams, or project manager must be able to demonstrate, through past work – as evidenced in a resume, portfolio, and reference – their ability to create quality artwork and act with the utmost professionalism. In most cases, artists have considerable training and experience working professionally at and have been

- compensated for their art. For certain projects, the City will consider emerging or non-professional artists, who are working under the guidance of a professional mentor or art teacher.
- c. Funding: Projects should have a funding source identified and project implementation will be contingent upon receipt of full funding for the project. The City does not provide project funding for public art.
  - d. Community Engagement: Proposed projects that have completed their own public engagement process will be prioritized.
    - i. For long-term projects (installation planned for more than one (1) year): A minimum of one (1) public meeting and three (3) letters of support are recommended. Successful public meetings might involve the local homeowner's association (HOA), neighborhood associations, or business owners. The Public Art Review Board must be informed of these meetings ahead of time and allowed to opportunity to attend.
    - ii. For short-term projects that are viewable within the public right-of-way: A minimum of two (2) letters of support is recommended.
    - iii. In both instances, it is recommended that one of the letters of support be from the local homeowners' association (HOA) or neighborhood association, if applicable.
    - iv. Short-term projects inside a public facility are not required to conduct community engagement, outside of that undertaken through the Public Art Review Board process.
  - e. Maintenance: Works of art will have reasonable maintenance requirements and these requirements shall be compatible with routine City maintenance procedures. For projects that require more maintenance than current City budgets and staffing allow or a specific expertise, the project must set aside sufficient maintenance funding for the duration of the project and must develop an agreement for maintenance to be performed by private parties, as approved by City staff.
  - f. Design: Works of art will be designed in consideration of the relevance and appropriateness of the work to the context of the site and in alignment with public safety and decency.
    - i. The artwork will not portray themes that may be interpreted as derogatory as to race, religion, sexual orientation, natural origin, or physical or mental disability. The artwork will not contain content, signage, names, logos, or subject matter that could be construed as advertising or as religious or sexual in nature nor will it promote a political candidate or include political text. Any content considered obscene or indecent by community standards will be denied.
    - ii. The design of the artworks will take into consideration issues associated with public spaces such as security, theft, vandalism, etc.
    - iii. The design of the artworks will consider the specific needs and use patterns of the public space in which they will be located. For example, in parks, works of art will not block critical view corridors

- or impede public usage of key open space.
- g. Diversity: Artists and the City's public art collection should reflect the diversity of San Rafael's community. The Public Art Review Board shall monitor the overall development of public art projects, encouraging balance in the City's collection over time with respect to background, gender, and other identities of artists selected and also with respect to styles of expression, media, and genre.

## **ARTICLE II. MEMBERSHIP**

**Section 2.1. Number of Members.** The Public Art Review Board shall consist of five (5) voting members as follows: three (3) at-large members, one (1) representative from the Design Review Board, and one (1) representative from the Park and Recreation Commission. The Councilmember in whose district the public art is proposed will participate as a non-voting liaison to the City Council as part of the selection process.

**Section 2.2. Eligibility.** Members of the Committee shall be at least 18 years of age and reside within the City limits. The three (3) at-large members shall reflect the diversity of San Rafael, with professional qualifications in the visual arts and/or civic design, such as artists, architects, landscape architects, arts educators, arts administrators, urban designers, urban planners, or owners/managers of a creative business.

**Section 2.3. Compensation.** Committee members serve without compensation.

**Section 2.4. Appointment of Committee Members.** The representatives from the Design Review Board and the Park and Recreation Commission will be selected by the Design Review Board and the Park and Recreation Commission, respectively, on a biannual basis. The at-large members will be selected by the City Council.

**Section 2.5. Terms of Appointment.** The at-large Board members will serve a maximum of two (2) four (4) year terms. The representatives from the Design Review Board and the Park and Recreation Commission shall serve a term of two (2) years, but not more than two consecutive terms. However, if there is a vacancy, the Design Review Board and the Park and Recreation Commission have the authority to extend the current representative's term at their discretion. Board Members serve at will and are subject to appointment and/or removal at the discretion of City Council.

**Section 2.6. Absence and Removal.** An unexcused absence from two (2) consecutive Committee meetings without notification to the Staff Liaison, or six absences (whether excused or unexcused) in any term, shall be considered a voluntary resignation from the Committee. Committee members who had previously resigned may be eligible for reappointment to the Committee.

**Section 2.7. Conflict of Interest.** A member of the Board who has a financial, business, familial or romantic relationship regarding a matter coming before the Board

shall disqualify themselves from all participation in that matter.

### **ARTICLE III. MEETINGS**

**Section 3.1. Time and date of Regular Meeting.** Notification of meeting place, date, and time shall be rendered to the public through posting on the City of San Rafael website. Public meetings shall be held a minimum of four (4) times per year but may meet more frequently or on an ad hoc basis, as needed. Quarterly meetings shall be scheduled annually with the quarterly meeting schedule for the upcoming year will be set by November of the previous year.

City of San Rafael

Public Art Review Guidelines

## Introduction

The City of San Rafael recognizes the critical value that public art provides to our community. Public art is accessible and free for all to enjoy. From providing cultural enrichment to driving economic development, public art plays an important role in developing thriving, vibrant communities. In 2017, the City of San Rafael's Downtown corridor was selected as one of ten California Cultural Districts by the California Arts Council. The arts district provides a unique place to create and appreciate arts and culture – San Rafael arts partners provide programming for people to come together, make connections, and get involved in the larger community.

Recently, the City has experienced an increase in interest in public art projects from the community, with individuals and groups across the City exploring opportunities to develop public art projects. In response to this increase in demand, the City of San Rafael is looking to partner with and support those interested in pursuing public art projects.

To facilitate the public art approval process, the City has developed a Public Art Review Board (Board) and a streamlined Public Art Review Process. This document outlines the roles and responsibilities of the Board, along with the process and selection criteria for those interested in partnering with the City on a public art project. As the City moves forward with this new program, there will be ongoing review and iteration to build a strong program that is responsive to community needs and that incorporates lessons learned.

## Definitions of Public Art

### Art, Work(s) of Art or Art Works

The objects or activities resulting from the application of skill and taste to production of tangible objects, designs, performances, and/or environments according to aesthetic principles, including, but not limited to: painting, sculptures, engravings, carvings, frescoes, murals, collages, mosaics, statues, tapestries, photographs, drawings, crafts, installations, digital and light-based works, fabric, and textile works, earthworks, performance art, and conceptual works.

### Public Art

Works of art, both publicly and privately owned, which are located on property that is owned, occupied, or managed by the City.

## Public Art Review Board

The Public Art Review Board (the Board) is the entity appointed by the City Council to help administer the public art review process and to advise the City Council on public art installations.

### Role and Responsibilities

The Public Art Review Board will:

- Work with Staff in the review and approval of public art projects.
- Review all proposals for public art and recommend select projects to City Council for approval.

- Monitor the overall development of public art projects, encouraging balance over time with respect to background, gender, and other identities of artists selected and also with respect to styles of expression, media, and genre.
- Provide opportunities for community input and resident participation.
- Use the criteria established in the City’s Public Art Review Process to:
  - Provide recommendations to City Council regarding long-term (greater than one year) public art installations.
  - Approve applications for short-term (one year or less) public art exhibitions. At staff’s discretion, certain short-term projects may be required to obtain City Council approval, depending on project impact.

## Membership

The Public Art Review Board membership will consist of:

- A total of 5 voting members including:
  - One Design Review Board voting member
  - One Park & Recreation Commission voting member
  - Three at large voting members that reflect the diversity of San Rafael, with professional qualifications in the visual arts and/or civic design, such as artists, architects, landscape architects, arts educators, arts administrators, urban designers, urban planners, or owners/managers of a creative business.
  - Members of the Board shall be at least 18 years of age and reside within the City limits.
- The Councilmember in whose district the public art is proposed will participate as a non-voting liaison to the City Council as part of the selection process.

The at-large members will be selected by the City Council and will serve a maximum of two (2) four (4) year terms. The representatives from the Design Review Board and the Park and Recreation Commission will be selected by the Design Review Board and the Park and Recreation Commission, respectively, and will serve a maximum of two (2) two (2) year terms. However, if there is a vacancy, the Design Review Board or Park and Recreation Commission has the authority to extend the current representative’s term at their discretion. Board Members serve at will and are subject to appointment and/or removal at the discretion of City Council. Board members will select a Chair and Vice Chair, who will serve two (2) year terms.

## Meetings

The Board holds publicly noticed meetings on a quarterly basis but may meet more frequently or schedule ad hoc meetings, as needed. A member who fails to attend two (2) consecutive meetings without notifying the staff liaison, or six (6) absences in any term, shall automatically be removed from the board, and the City Council shall promptly fill that vacancy.

## Conflict of Interest

A member of the Board who has a financial, business, familial or personal relationship regarding a matter coming before the Board shall disqualify themselves from all participation in that matter.

## Public Art Review Process

The City of San Rafael welcomes proposals for the creation and display of public artworks and exhibitions on property that is owned, occupied, or managed by the City.

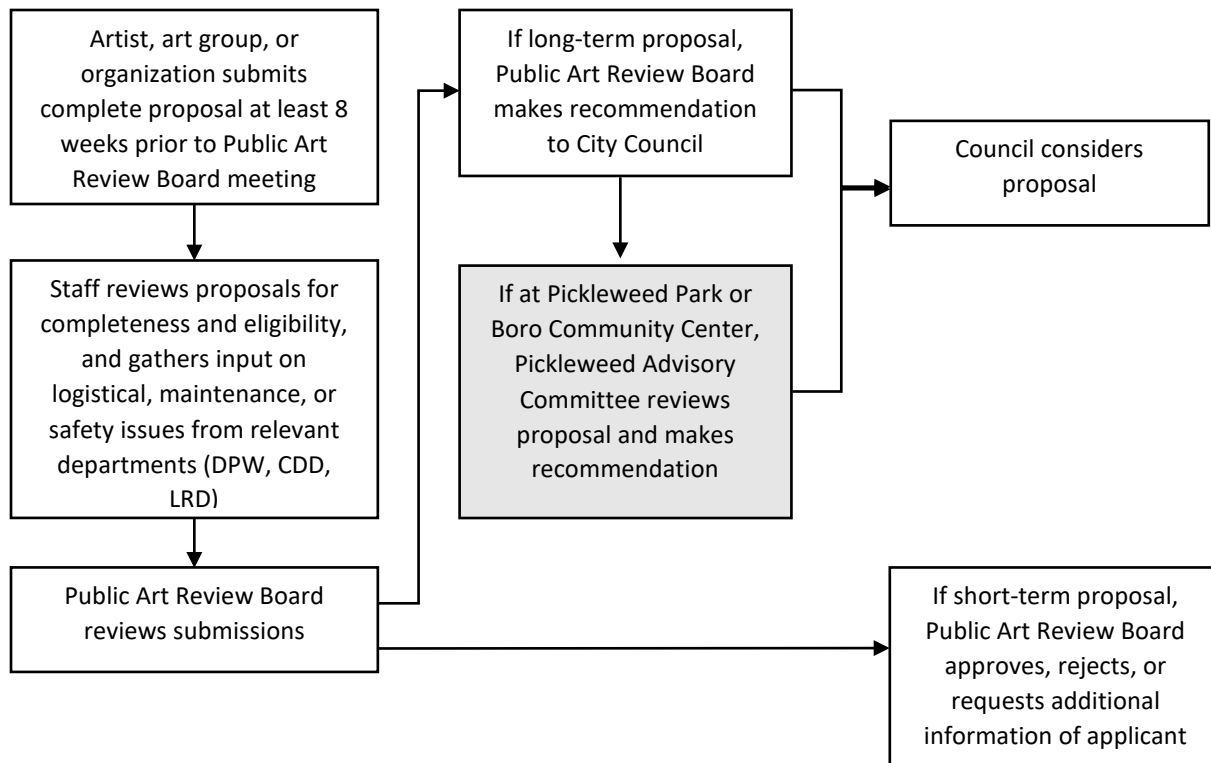
The Public Art review process is overseen by the Public Art Review Board, with support from the Library and Recreation Department. The process encompasses both short-term (one year or less) and long-term (more than one year) projects. Those seeking letters of support from the City for a project or grant application would also utilize this process.

### Process Overview

For short-term proposals, the Public Art Review Board has the authority to approve exhibitions. For long-term projects, the Public Art Board will issue a recommendation to City Council to approve or reject a proposal. At staff's discretion, certain short-term projects may be required to obtain City Council approval, depending on project impact.

Completed proposals must be received no later than eight (8) weeks prior to the Public Art Review Board meeting at which they will be reviewed. Proposals will be deemed complete at the discretion of staff. The Public Art Review Board holds quarterly public meetings, with an annual schedule of meetings and proposal deadlines published on the City's website. The Board may meet more frequently or schedule ad hoc meetings, as needed.

This flow chart outlines the steps in the public art review process.





## Public Art Selection Criteria

The Public Art Review Board will use the following criteria when reviewing and prioritizing submissions for art on public property.

**Project Readiness:** Projects can demonstrate readiness through completeness of design, skill/experience of the artist(s) or project manager(s), secured funding for art piece and cost of installation, successful community engagement, identification of an appropriate site, and proposed schedule. The Public Art Review Board may encourage an applicant to reapply, if they deny a proposal as not sufficiently ready but with specific promise to demonstrate future readiness.

**Qualifications:** Artists, artist teams, or project manager must be able to demonstrate, through past work – as evidenced in a resume, portfolio, and reference – their ability to create quality artwork and act with the utmost professionalism. In most cases, artists have considerable training and experience working professionally at and have been compensated for their art. For certain projects, the City will consider emerging or non-professional artists, who are working under the guidance of a professional mentor or art teacher.

**Funding:** Projects should have a funding source identified and project implementation will be contingent upon receipt of full funding for the project. The City does not provide project funding for public art.

**Community Engagement:** Proposed projects that have completed their own public engagement process will be prioritized.

For long-term projects (installation planned for more than one (1) year):

- A minimum of one (1) public meeting and three (3) letters of support are recommended. Successful public meetings might involve the local homeowner's association (HOA), neighborhood associations, or business owners. The Public Art Review Board must be informed of these meetings ahead of time and allowed the opportunity to attend.

For short-term projects that are viewable within the public right-of-way:

- A minimum of two (2) letters of support is recommended.

In both instances, it is recommended that one of the letters of support be from the local HOA or neighborhood association(s), if applicable. Short-term projects inside a public facility are not required to conduct community engagement, outside of that undertaken through the Public Art Review Board process.

**Maintenance:** Works of art will have reasonable maintenance requirements and these requirements shall be compatible with routine City maintenance procedures. For projects that require more maintenance than current City budgets and staffing allow or a specific expertise, the project must set

aside sufficient maintenance funding for the duration of the project and must develop an agreement for maintenance to be performed by private parties, as approved by City staff.

**Design:** Works of art will be designed in consideration of the relevance and appropriateness of the work to the context of the site and in alignment with public safety and decency.

- The artwork will not portray themes that may be interpreted as derogatory as to race, religion, sexual orientation, natural origin, or physical or mental disability. The artwork will not contain content, signage, names, logos, or subject matter that could be construed as advertising or as religious or sexual in nature nor will it promote a political candidate or include political text. Any content considered obscene or indecent by community standards will be denied.
- The design of the artworks will take into consideration issues associated with public spaces such as security, theft, vandalism, etc.
- The design of the artworks will consider the specific needs and use patterns of the public space in which they will be located. For example, in parks, works of art will not block critical view corridors or impede public usage of key open space.

**Diversity:** Artists and the City's public art collection should reflect the diversity of San Rafael's community. The Public Art Review Board shall monitor the overall development of public art projects, encouraging balance in the City's collection over time with respect to background, gender, and other identities of artists selected and also with respect to styles of expression, media, and genre.

#### Timeframe for Artworks

For artworks on City property, all works approved by the Public Art Review Board shall be considered temporary installations, with specific provisions regarding future disposition. The Board shall determine the timeframe for the artwork to be displayed with input from the artist, after which the artwork will be reviewed and the timeframe extended, the work purchased, donated, removed, or moved. It is anticipated that some artworks will have a timeframe of five or ten years, while others may be longer-term. Setting a timeframe allows for both artist and the City to define the terms of display and to reassess the work within its larger context, such as changes to the site/location, in the community, to the artwork itself, and other factors. The Board shall set review criteria for reviewing future actions in relation to the artwork at the end of the work's timeframe.

#### **Criteria for Reviewing Artwork Upon Completion of Timeframe**

When the negotiated timeframe for a work of art has expired, the City will act in accordance with the terms of the artist agreement. Under the agreement it may, in its discretion, choose to extend the time period of the work, make it a permanent part of the collection, accept it as a donation, or purchase, remove, or move it. The Board will decide according to the following criteria, which would support continuation of the artwork.

- The community supports the continued presence of the artwork.
- The artwork is of high artistic quality and/or offers alternative artistic value, such as an educational piece.
- The artwork and/or artist add to the diversity of the collection.

- Maintenance and conservation of the artwork are manageable.
- The site is and will continue to be City property and a suitable location for the artwork.

### **Criteria for Removal of Art Works**

At any time, a work of art may be removed at City's sole discretion for one or more of the following reasons:

- The condition or security of the artwork cannot be reasonably guaranteed.
- There is an emergency event such as a fire, storm, or other climate-related event.
- The artwork is damaged, and repair is infeasible, or the cost of repair is disproportionate to the value of the artwork.
- The artwork requires unanticipated, excessive maintenance due to design flaws or other factors.
- The artwork endangers public safety.
- The site of the artwork is so severely altered or there are planned renovations/site improvements such that the artwork is no longer compatible or relevant.
- The property on which a site-specific artwork is located is no longer owned by the City of San Rafael.
- There has been sustained and overwhelming public objection to the artwork over a period of time.
- The artwork has been stolen or destroyed.

## Danielle Jones

---

**From:** Craig Veramay  
**Sent:** Wednesday, August 17, 2022 5:30 PM  
**To:** Jeff Ballantine  
**Subject:** RE: DRB Meeting on 9/7

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

They will meet quarterly, but they may meet on an ad-hoc basis as project proposals come our way. We're not expecting a ton of proposals right away, and I am only aware of one in the pipeline that will probably make it to them for their first meeting of 2023. I'm guessing a Jan/Apr/Jul/Oct cycle after the first meeting.

**Craig Veramay | City of San Rafael**  
Assistant Library and Recreation Director  
Office: (415) 485-3340  
Pronouns: he, him, his



---

**From:** Jeff Ballantine <Jeff.Ballantine@cityofsanrafael.org>  
**Sent:** Wednesday, August 17, 2022 4:56 PM  
**To:** Craig Veramay <Craig.Veramay@cityofsanrafael.org>  
**Subject:** FW: DRB Meeting on 9/7

Hi Craig,

A DRB member is asking how often would the public art board meet?

Best,  
Jeff

**Jeff Ballantine, AICP | City of San Rafael**  
Senior Planner, Community Development Department  
1400 5<sup>th</sup> Avenue  
San Rafael, CA 94901  
(415) 485-3094



**From:** Sharon Kovalsky [REDACTED] >  
**Sent:** Wednesday, August 17, 2022 4:52 PM  
**To:** Jeff Ballantine <[Jeff.Ballantine@cityofsanrafael.org](mailto:Jeff.Ballantine@cityofsanrafael.org)>  
**Subject:** Re: DRB Meeting on 9/7

How often would the public art board meet?

On Wed, Aug 17, 2022 at 4:46 PM Jeff Ballantine <[Jeff.Ballantine@cityofsanrafael.org](mailto:Jeff.Ballantine@cityofsanrafael.org)> wrote:

Hello DRB Members,

Thank you to all who confirmed your availability for September 7<sup>th</sup>. We have at least four confirmed members for this meeting so we will indeed plan to have it.

In advance of the meeting, I wanted to provide you all with some additional information regarding the Public Art Review Board. The Public Art Review Board is a newly formed group. We will have one rep from the Park and Recreation Commission, three at-large members that City Council just interviewed and appointed on August 8 and we're rounding out the Board with one rep from DRB. Here's some additional background info about the [Public Art](#) program, and the new [Public Art Review Board](#).

The first meeting of the Public Art Review Board is scheduled for September 27<sup>th</sup> at 6pm, and it will be virtual. If you are interested in being the DRB representative on the Public Art Review Board, then please put this on your calendar.

Sincerely,

Jeff

**Jeff Ballantine, AICP | City of San Rafael**

Senior Planner, Community Development Department

1400 5<sup>th</sup> [Avenue](#)

[San Rafael, CA 94901](#)

(415) 485-3094



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**From:** Jeff Ballantine

**Sent:** Tuesday, August 16, 2022 5:41 AM

**To:** Jeff Ballantine <[Jeff.Ballantine@cityofsanrafael.org](mailto:Jeff.Ballantine@cityofsanrafael.org)>

**Cc:** Danielle Jones <[Danielle.Jones@cityofsanrafael.org](mailto:Danielle.Jones@cityofsanrafael.org)>; Leslie Mendez <[Leslie.Mendez@cityofsanrafael.org](mailto:Leslie.Mendez@cityofsanrafael.org)>

**Subject:** DRB Meeting on 9/7

Hello Design Review Board Members,

Please confirm with me if you are available to attend the upcoming DRB meeting on Wednesday, September 7<sup>th</sup>.

We plan to bring Objective Design Standards for your consideration during this meeting. We will also need to elect a representative of the DRB to be on the Public Art Review Board.

Sincerely,

Jeff

**Jeff Ballantine, AICP | City of San Rafael**

Senior Planner, Community Development Department

1400 5<sup>th</sup> [Avenue](#)

[San Rafael, CA 94901](#)

(415) 485-3094

--

Sharon Kovalsky,   




## REPORT TO DESIGN REVIEW BOARD

**SUBJECT: Senate Bill (SB 35) Objective Design Standards** – Review of draft “objective” planning design standards and for a ministerial (“by-right”) process required by Senate Bill 35 (SB 35).  
APN: Citywide, File No: P18-009.

### SUMMARY

In response to recent Senate Bill 35 (SB 35), local jurisdictions are required to have a ministerial, “by-right” process for qualifying residential development projects of two or more dwelling units located near major transit stops. Qualifying projects must comply with “objective planning standards” established by the local jurisdiction, must provide specific levels of affordable housing, and must meet other specific requirements. “Objective planning standards” must be prescriptive, meaning they cannot be subjective or structured to exercise discretion. Developers pursuing a request for streamlined ministerial review are required to pay prevailing wage for construction. Draft standards have been prepared for review of and input by the DRB and Planning Commission and adoption by the Council.

### BACKGROUND

In 2017, Governor Brown signed [Senate Bill 35 \(SB35\)](#), which established new housing development legislation under State Government Code Sections 65400, 65582.1 and 65913.4. SB 35 became effective on January 1, 2018. The new legislation created a mandated, ministerial (“by-right”) process for qualifying residential development projects. One of the requirements to be eligible as a qualifying project is that developers pursuing a request for streamlined ministerial review are required to pay prevailing wage for construction and meet the following requirements: 1) include two or more dwelling units; 2) must be located near a major transit stop; 3) provide certain levels of affordable housing; and 4) meet other specific requirements (described below).

#### SB 35 Criteria

More specifically, SB 35 identifies the following criteria whether a project qualifies for streamlined SB 35 review:

- The project proposes to develop at least two residential dwelling units;
- The project is proposed to be developed on a legal parcel with 75% of its perimeter contiguous parcels developed with urban uses and zoned for, or designated in the San Rafael General Plan to allow, residential or residential mixed-use;
- At least two-thirds (2/3rds) of the proposed development is designated for residential use;
- The project must provide an affordable housing component projects containing 10% or more of the total residential unit count affordable to households making below 50% - 80% (low income) of the area median income for Marin County. The required affordability housing can change annually, based on a City’s housing production in the prior year, as documented in the Annual Housing Report required to be filed annually (each April);

- The project meets all applicable “objective planning standards” developed by the City;
- Meet the following minimum-required parking requirements:
  - One parking space per unit shall be required for qualifying projects that are more than ½-mile of public transit.
  - No off-street parking is required for qualifying projects that: 1) are within ½-mile of public transit; 2) are located within a historic district; 3) are in an area where on-street parking permits are required but are not offered to the occupants of the development; or 4) are within one block of where a car-share vehicle is available.
- The project applicant must certify that it will comply with the following wage requirements defined in Government Code Section 65913.4(a)(8):
  - If the development is not in its entirety a public work project (as defined in Labor Code section 1720 et seq.), all construction workers employed in the development of the project must be paid at least prevailing wages, unless the project includes 10 or fewer units and does not require a subdivision. For projects that require a subdivision or that propose 75 or more units that are not 100 percent subsidized affordable housing, prevailing wages must be paid and a skilled and trained workforce, as defined in Government Code section 65913.4(a)(8)(B)(ii), must be used to complete the development.

### State Reporting Requirements

This legislation was coupled with Senate Bill 879 (SB 879), which set forth new annual reporting requirements on housing approvals and construction to the State Department of Housing and Community Development (HCD). SB 879 establishes the amount of affordability required to qualify for SB 35 streamlined review. The required affordability can change annually, based on the prior years’ housing production. The affordability to be included in a project to be eligible for SB 35 streamlined review is established, as follows:

- 10% for cities that do not submit their annual housing production report to the state or do not produce the required number of above moderate-income units (<120% county median income).
- 50% for cities that do not submit their annual housing production report to the state or do not produce the required number of low-income units (50%-80% of county median income),

For 2022, the threshold for projects to be eligible in San Rafael is 10%, based on San Rafael’s housing production during 2021. This requirement can change annually.

### Ministerial Review Process

Under SB 35, cities are required to review qualifying projects using a ministerial, “by-right”, review process, which means that no discretionary approvals can be required, and the City is required to process applications within the time frames specified in Government Code Section 65913.4(c) (cited above). The review process would be also be streamlined because, as a ministerial project, the project would not be subject to environmental review under the California Environmental Quality Act (CEQA). For San Rafael, that means that qualifying projects would not be required to apply for a Use Permit (when required by the Code) or Design Review Permit or go through DRB review or any public hearing or discretionary planning process as is typically required. Therefore, the ministerial, “by-right”, process would be similar to the processing of a building permit, where staff would review the application to determine whether it qualifies and if so, confirm it meets the City’s objective planning standards. There would be no public hearing, or public process for qualifying projects.



In November 2018, the City Council adopted enabling legislation through a Zoning Ordinance amendment establishing the required ministerial review process. Section [14.16.245](#) was adopted (Ordinance 1964) and states

*14.16.245 - Ministerial "by-right" process for multi-family housing projects.*

*A residential housing development project that contains two (2) or more residential units located on one or more contiguous parcels may qualify for the state-mandated ministerial, "by-right" approval process. Pursuant to California Government Code Section 65913.4, the "by -right," ministerial process is applicable to qualifying residential development projects that are located near major transit. The availability of the "by-right" approval process is determined by the city's annual housing progress report to the state department of housing and community development. Qualifying residential projects must: a) comply with a list of objective planning standards; b) meet specific levels of affordable housing; and c) be subject to a commitment to specific hiring (skilled and trained workforce) and prevailing wage requirements. The applicability of and requirements for the "by-right" process shall be adopted by resolution of the city council.*

### Objective Planning Standards

"Objective planning standards" must be prescriptive and quantifiable, meaning they cannot be subjective or structured to exercise discretion, require no personal or subjective judgment and must be verifiable by reference to an external and uniform source available prior to submittal. The City's Zoning Ordinance (Title 14 of the San Rafael Municipal Code) contains a variety of objective development standards. Minimum building setbacks, maximum building height, maximum lot coverage, and minimum off-street parking spaces are examples of existing objective standards within the City's Zoning Ordinance that are still applicable to SB 35 applications.

City policy documents such as the San Rafael Design Guidelines (2019) and the Design Guidelines Applicable to All Hillside Residential Development Projects (1991) contain numerous guidelines that are not considered objective and that would not be applicable to SB 35 applications. For instance, the following are examples of Design Guidelines that are not objective because they are not quantifiable, and they require subjective judgement as to whether a particular project complies with each guideline:

- Where there is an existing pattern, particular attention should be given to maintaining a consistent streetscape
- All building facades should be varied and articulated.
- Long monotonous walls should be avoided
- Adjacent buildings should be considered and transitional elements included to minimize apparent height differences

In addition, the review criteria in SRMC Section 14.25.050 for Environmental and Design Review Permits includes numerous criteria that are not considered objective. Some examples include:

- The project architecture should be harmoniously integrated in relation to the architecture in the vicinity in terms of colors and materials, scale and building design
- Design elements and approaches which are encouraged include:
  - Creation of interest in the building elevation;
  - Pedestrian-oriented design in appropriate locations

### Downtown Precise Plan

The proposed Objective Design Standards would not apply to parcels located within the Downtown Precise Plan (DPP) since the DPP is a form-based development standards document adopted in

August 2021 that already includes sufficient objective design standards that regulate all parcels located within the DPP area.

### Previous Public Hearings

On July 16, 2019, draft objective design standards were brought to the Design Review Board for consideration. However, the Design Review Board primarily asked clarifying questions from City Staff and provided minimal comments on the proposed standards during this meeting. On August 13, 2019, draft objective design standards were then brought to the Planning Commission for consideration. Similarly, the Planning Commission primarily asked clarifying questions from City Staff and provided minimal comments on the proposed standards during this meeting.

### SB 35 Applications Received

To date, the City has received three applications for ministerial, streamlined review under SB35. The following is a summary of these applications:

- **1010 Grand Avenue, 420 4<sup>th</sup> Street, and 450 4<sup>th</sup> Street:** The project proposes to demolish all existing buildings on the site; to merge the three existing parcels into one parcel; and construct a new 6-story multifamily residential building with 35 residential units. SB 35 Letter of Intent submitted on 1/31/2022. Currently in tribal consultation process.
- **1515 4<sup>th</sup> Street:** The project proposes to demolish the existing building on the site; to merge the two existing parcels into one parcel; and construct a new 7-story multifamily residential building with 191 residential units and 4,000 square feet of commercial space. SB 35 Letter of Intent submitted on 6/9/2022. Currently in tribal consultation process.
- **703 3<sup>rd</sup> Street:** The project proposes a new eight story building with 119 residential units and 23,620 square feet of commercial ground floor space. SB 35 Letter of Intent submitted on 8/12/2022. Currently in tribal consultation process.

All three of these proposed projects are located within the Downtown Precise Plan area.

## **PROJECT DESCRIPTION**

The next step to complete the required ministerial, “by-right” process and ensure that the City has some standards to address design in the “by-right” process is to develop the objective planning design standards. Therefore, staff has prepared the attached draft SB 35 of objective planning standards.

- Exhibit 1 includes a Memorandum on Selected Topic Areas that provides analysis for proposed building mass and articulation standards, including example standards from other cities.
- Exhibit 2 includes draft objective design standards. Most of these standards are inherited and slightly modified from the standards originally brought to both the Design Review Board and Planning Commission in 2019. Please consider these as a very early draft of the standards.

## **ANALYSIS**

In developing the SB 35 “objective planning standards” staff used existing design criteria, fine tuning the criteria to be as objective and quantifiable. Sources used to develop these draft standards include: [San Rafael General Plan 2020](#) (primarily the [Neighborhood](#) and [Community Design](#) Elements), San Rafael [Zoning Ordinance](#), [Downtown Vision](#), [Good Design Principles for Downtown](#), and [Residential Design Guidelines](#). Staff is referring this to the Board for their review and recommendation on these standards. The key is that any new standards must meet the objective planning standards definition...“*Objective planning standards*” must be prescriptive and quantifiable, meaning they cannot

*be subjective or structured to exercise discretion, require no personal or subjective judgment and must be verifiable by reference to an external and uniform source available prior to submittal.*” Development standards are inherently objective and quantifiable. In an attempt to ensure some level of design standards for these ministerial projects, staff has incorporated many of the design principles that are found in the above sources and attempted to make them as objective and quantifiable as possible.

## **NEIGHBORHOOD CORRESPONDENCE**

Notice of this meeting was mailed to everyone on the Planning Division’s mailing list who has expressed interest in receiving updates on proposed policy documents and ordinance amendments.

At the time of publication, staff had not received any public comments. Any comments received after the reproduction of this staff report, will be forwarded to the Board under separate cover

## **RECOMMENDATION**

Since this is a complex, multi-faceted, and massive undertaking to draft objective design standards, City staff recommend that the Design Review Board (DRB) primarily focus on providing input on the following:

1. The proposed building mass and articulation standards described in Exhibit 1.
2. The overall format and structure of the Draft Objective Design Standards in Exhibit 2
3. The preferred structure for how City staff share information with the DRB and how the DRB provides input on the Draft Objective Design Standards

In addition, the DRB is welcome to share initial input on the following items:

1. Are the proposed objective planning standards appropriate and objective. If not, please provide some recommendations on how to improve them;
2. Are there other objective planning or design standards that can be added to these tables to ensure high quality design; and
3. Provide any other feedback on the proposed process and objective design criteria

## **EXHIBITS**

1. Memorandum on Selected Topic Areas
2. Draft Objective Design Standards



**September 7, 2022  
Agenda Item 3**

**TITLE: OBJECTIVE DESIGN STANDARDS  
ATTACHMENT 1 – MEMORANDUM ON SELECTED TOPIC AREAS**

## **TOPIC AREAS**

The following are key topic areas within the draft Objective Design Standards that City staff seek feedback from the Design Review Board.

### **BUILDING MASS AND ARTICULATION**

#### **Existing Non-Objective Criteria**

The review criteria in SRMC Section 14.25.050 for Environmental and Design Review Permits includes numerous criteria intended to influence the building façade design and articulation that are not considered objective and that would not be applicable to SB 35 applications. Some examples include:

- Design elements and approaches which are encouraged include:
  - Creation of interest in the building elevation;
  - Pedestrian-oriented design in appropriate locations
  - Variation in building placement and height

#### **Shortcomings of Existing Regulations**

The City does not have any existing regulations that address the potential for large blank walls on new multifamily residential buildings. Large blank walls create an unattractive and oppressive streetscape which detracts from the quality of life and architectural character of a neighborhood, especially for direct neighbors. Blank walls also disproportionately accentuate the size and mass of a structure and contribute little to a neighborhood's aesthetic character.

#### **Regulations from Other Cities**

Municipalities prohibit blank walls on facades in many ways. Some rely on a design review board's subjective determination that a wall is articulated enough to not be a 'blank wall'. Form based codes either affirmatively require windows and articulations or define the maximum horizontal frontage that a blank wall can occupy. Another traditional standard requires a minimum amount of the façade to be composed of windows or other transparent materials. These requirements often differentiate between ground floor transparency requirements and upper floor transparency requirements. The tables below provide regulations from other cities pertaining to (1) a minimum number and/or depth of building projections or recesses; (2) a maximum length for blank walls; and (3) a minimum amount of transparency (e.g. windows).

Minimum Façade Projections and/or Recesses

The following table summarizes regulations from other cities pertaining to minimum façade projections and/or recesses.

City	Standard	Source
City of El Cerrito	All street-facing facades shall have at least one horizontal or vertical projection or recess at least four feet in depth, or two projections or recesses at least two and one-half feet in depth, for every 25 linear feet of wall. The articulated elements shall occupy at least 50 percent of the height of the structure, and may be grouped rather than evenly spaced in 25 foot modules.	ECMC Section 19.06.030.1 ( <a href="#">link</a> )
City of San Jose	Articulate all building façades facing a street or public open space for at least 80 percent of each façade length. Articulate all other building façades for at least 60 percent of each façade length. Façade articulation can be achieved by providing material and plane changes or by providing a rhythmic pattern of bays, columns, balconies, and other architectural elements to break up the building mass. Building elements such as bays, windows, and balconies that project from façades must have at least two feet of plane change	San Jose Citywide Design Standards, pg. 42 ( <a href="#">link</a> )
City of Santa Barbara	If the building façade on the front elevation is longer than 50 feet, incorporate an offset for each 50 feet of building wall length. The offset(s) shall be a minimum 18 inches deep and 20 feet long and extend the full height of the building	Objective Design Standards, Section II.A.2.A ( <a href="#">link</a> )
City of Alameda	All building facades that face or will be visible from a public street shall be articulated by including features that meet <u>at least two of the following standards</u> : (1) At least 25% of the area of the façade is offset (through recesses or projections) at a depth of at least two feet from the remainder of the façade. (2) For every 50 horizontal feet of wall, facades include at least one projection or recess at least four feet in depth, or two projections or recesses at least two feet in depth. If located on a building with two or more stories, the articulated elements must be greater than one story in height. (3) For every 50 feet of horizontal building wall, there is a vertical feature such as a pilaster at least 12 inches in both width and depth and extending the full height of the building (4) – (8) Additional standards for recessed windows, variety in materials, and a horizontal design feature	Alameda Objective Design Review Standards, pgs. 4, 5 ( <a href="#">link</a> )
City of Santa Cruz	Building frontages that are longer than 30 feet wide and face onto a public frontage, or rear or side yard setback, shall be articulated in <u>one of the following three ways</u> (Note that articulation is not required for the sides or rears of buildings that are built to zero lot-line): (1) Provide a horizontal change in plane for every 30 feet of frontage, rounded up to the nearest whole number (e.g., a frontage of 31 feet would be required to provide two changes in plane). The change in plane must be at least 4 feet deep and 6 feet wide, and	Santa Cruz Objective Development Standards Pgs. 13-15 ( <a href="#">link</a> )

City	Standard	Source
	<p>must be open to the sky; or</p> <p>(2) Provide a horizontal change in plane for every 30 feet of frontage, rounded up to the nearest whole number. The change in plane must be at least 2 feet deep and 6 feet wide, and be combined with a change in material; or</p> <p>(3) Provide a horizontal change in plane at an interval of 50 feet or less. The change in plane must be at least 6 feet deep and 12 feet wide, and be combined with a change in material. When implemented as building notches, such notches may contain balconies, as long as the railing is at least 70 percent see-through or transparent.</p>	

### Maximum Blank Wall Area

The following table summarizes regulations from other cities pertaining to maximum blank wall area.

City	Standard	Note
City of San Pablo	Blank walls are limited to 30% of linear frontage or 20', whichever is less	San Pablo Specific Plan Table 4-1 ( <a href="#">link</a> )
Redwood City	No street frontage wall may run in a continuous plane for more than twenty (20) feet without an opening.	Redwood City Zoning Ordinance 55.8.D ( <a href="#">link</a> )
Santa Rosa	Blank walls (facades without doors, windows, landscaping treatments) shall be less than 30 feet in length along sidewalks, pedestrian walks, or publicly accessible outdoor space areas.	Santa Rosa City Code 20-39.030 ( <a href="#">link</a> )
City of Alameda	<p>Ground-Floor Features. Any wall (including the wall of a parking structure) that faces a public street, public sidewalk, public pedestrian walkway, or publicly accessible outdoor space shall include <u>at least one of the following features</u> on the ground floor. No wall may run in a continuous plane of more than 15 feet on the ground floor without at least one of the following features.</p> <p>(1) A transparent window or door that provides views into building interiors, or into window displays at least five feet deep</p> <p>(2) Decorative features and artwork, including but not limited to decorative ironwork and grilles, decorative panels, mosaics, or relief sculptures</p> <p>(3) A permanent vertical trellis with climbing plants or plant materials</p>	Alameda Objective Design Review Standards, pg. 5 ( <a href="#">link</a> )

Minimum Transparency for Façade

The following table summarizes regulations from other cities pertaining to minimum transparency for building facades.

City	Standard	Note
City of Fairfield	50% ground floor, 30% upper floor	Table 25-H2 ( <a href="#">link</a> )
City of El Cerrito	30% ground floor, 25% upper floor	San Pablo Specific Plan pg. 02-41 ( <a href="#">link</a> )
City of Alameda	At least 30 percent of the area of each street-facing facade must consist of windows or other transparent openings. This requirement applies to portions of buildings backed by residential uses.	Alameda Objective Design Review Standards, pg. 5 ( <a href="#">link</a> )

Proposed Standard for Building Mass and Articulation

The table below summarizes proposed standards for Design Review Board consideration, relating to building mass and articulation. The proposed standards set a conservative regulatory floor to ensure that no walls presented to the public or to residents are large, oppressive blank walls. The 15% transparency standard and maximum 30' of blank wall are the least restrictive standards used by neighboring jurisdictions.

<b>Proposed Design Standard</b>	<p>(1) At least 25% of the area of each façade is offset (through recesses or projections) at a depth of at least two feet from the remainder of the façade.</p> <p>(2) Blank walls (facades without doors, windows, landscaping treatments) shall be less than 30 feet in length along public streets, sidewalks, pedestrian walks, or publicly accessible outdoor space areas</p> <p>(3) All building <u>walls</u> shall have a minimum 30% transparency on each floor.</p> <p><i>(Note: Transparency is defined as any material or area of the façade where it is possible to see through to the next wall or at least 10 ft.).</i></p>
<b>Considerations</b>	<p>How is transparency defined?</p> <p>What level of transparency is an appropriate minimum for ground and upper floors?</p> <p>Should ground floor commercial spaces have a greater transparency requirement?</p> <p>Should the sides or rear of the building have a transparency requirement?</p> <p>Should side or rear walls have transparency requirements only if visible from the public right of way?</p>

# San Rafael

## OBJECTIVE DESIGN STANDARDS

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DRAFT  
AUGUST 31, 2022

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## SITE ACCESS LOCATION

# Driveway and Vehicle Drop-offs

### ANALYZE CONTEXT AND SUPPORT CONNECTIVITY

*Separate driveways from pedestrian rights-of-way and other multimodal transportation services.*

#### **Rationale**

Driveways create large gaps in the streetwall, increase safety risks for pedestrians and bicyclists, and negatively impact the continuity of walkways and active frontages. Sharing driveways, limiting the number of driveways for each development, and designing them thoughtfully can help mitigate some of these negative impacts.

#### **Standards**

##### S-1 Curb Cuts:

Driveway curb cuts and vehicular access from the street to off-street parking shall be the minimum required pursuant to the City's Engineer's driveway and parking standard. For sites less than 100 feet in width, no more than one driveway curb cut is permitted. For sites that are greater than 100 feet in width, two driveway curb cuts are permitted and must be at least 40 feet separated from inside edge to inside edge.

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## SITE ACCESS LOCATION

# Services and Utilities Access and Location

### ANALYZE CONTEXT AND IMPLEMENT ACTIVE DESIGN

*Locate services, utilities, and their access away from active frontages, pedestrian, bicycle, and transit areas.*

#### **Rationale**

Adequate service and utility facilities are critical to the functionality of buildings. However, these facilities interfere with the continuity of active frontages, façade transparency, and other community characteristics that support a positive public realm. Sensitive placement of service areas, utilities, and service entrances supports pleasant and safe public spaces and makes walking, bicycling, and riding public transit enjoyable.

#### **Standards**

##### S-1 Utility Location

Utilities installed specifically to service a new development should be located on private property and not in the public right of way.

##### S-2 Utility Screening

Utility transformers or boxes shall be underground. An exception to this standard requires the applicant to provide documentation indicating the infeasibility of compliance and the transformer or box shall then be screened and not visible from a public right of way.

##### S-2 Backflow preventers

Place back flow preventers inside a vault or out of sight, if a back flow preventer cannot be placed in a vault or out of sight, it must be screened with either architecture or landscaping.

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## SITE ORGANIZATION, PLANNING, AND DESIGN

# Building Placement

**ANALYZE CONTEXT, PROVIDE QUALITY DESIGN, AND IMPLEMENT ACTIVE DESIGN**

*Activate the public realm by placing buildings near streets and public open spaces.*

### **Rationale**

Places designed for people encourage interaction and connections between people and environment. Locating buildings with active frontages along streets and public spaces such as sidewalks, paseos, POPOS, and plazas helps frame the space and contributes energy, visual interest, and eyes-on-the-street.

### **Standards**

#### **S-1 Building Orientation**

Building entrances shall be designed to face a public street or alley

When buildings are adjacent to a public street or alley, primary building entrances shall be designed to face the public street.

# Landscaping and Stormwater Management

## DESIGN FOR SUSTAINABILITY AND IMPLEMENT ACTIVE DESIGN

*Create welcoming places and enhance the quality of the environment with sustainable landscaping areas.*

### Rationale

Landscaping softens open spaces and buildings to create welcoming places and reinforces site organization and circulation paths. Green stormwater infrastructure and Low Impact Development (LID) techniques when used for landscaping can create unique features, manage stormwater, and enhance environmental quality and character of developments.

### Standards

#### S-1 Storm water pollution prevention standards

*Proposed:* Compliance with storm water pollution prevention standards (MCSTOPP). Storm water treatment facilities shall not be in areas that are counted toward meeting the minimum common outdoor area requirements.

#### S-2 Street Trees

If there are no street trees on the frontage, street tree(s) are required to be installed and must be shown on the site plan. Street trees shall be installed at intervals of 30 feet on center, as sidewalk utilities and site access allows, in accordance with the City of San Rafael's Approved Street Tree List.

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## MASSING

# Massing Relationship to Context

SUPPORT CONNECTIVITY, DESIGN FOR SUSTAINABILITY, AND STRENGTHEN COMMUNITY CHARACTER

*Design building massing to transition to the scale of the surroundings.*

### Rationale

As the City of San Rafael continues to grow, the architecture of new buildings needs to respond to the surroundings and provide a transition between old and new places to support a cohesive neighborhood.

### Standards

#### S-1 Massing

No building shall be greater than 200 feet in length. Proposed buildings greater than 400 feet in length shall provide a midblock connection, courtyard, or public paseo.

- A. The minimum width for a midblock connection or paseo shall be 20 feet and consist of a minimum of a walking path, landscaping, and lighting.

#### S-2 Building Size

For every 100 feet of building length, there shall be a plane-break along the façade comprised of at least five feet in depth by 25 feet in length. The offset shall extend from grade to the highest story.

#### S-3 Stepback Above 30 feet

For properties abutting residential district, buildings stories/floors above 30 feet shall be designed to step back 2 feet from the lower building wall/plane.

#### S-4 Corner Buildings

For all corner buildings, the corner shall have a separate architectural treatment such as a projection or inset to define the building corner. The treatment shall be minimum of 10 feet of width along each street frontage.

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## SITE ACCESS LOCATION

# Pedestrian and Bicycle Access Location

### STRENGTHEN COMMUNITY CHARACTER AND SUPPORT CONNECTIVITY

*Maximize pedestrian access and shape project identity around entrances that accommodate both pedestrians and bicycles.*

#### **Rationale**

Pedestrian and bicycle entrances connect buildings to their surroundings and encourage street activity. They should be clearly identifiable and easily accessible. Orienting them towards streets helps create active sidewalks and promotes a safe public realm.

#### **Standards**

S-1 Ramps (Newly Proposed Standard – Ready for Review)

Barrier free ramps shall be located on-site and not extended into public sidewalk or right-of-way.



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## BUILDING ELEMENTS

# Façade Design and Articulation

**ANALYZE CONTEXT, PROVIDE QUALITY DESIGN, AND DESIGN FOR SUSTAINABILITY**

*Design buildings with attractive, timeless, and sophisticated contemporary architecture.*

### **Rationale**

The design and articulation of building façades adds to the visual richness of developments and creates patterns and scale within neighborhoods. Elements such as bay windows, balconies, changes in plane and height, and differentiation of materials and colors facilitate façade articulation and mitigate the monolithic appearance of large walls and roofs.

### **Standards**

#### **S-1 Window and Privacy**

When a new residential development is abutting an existing residential building, windows in the new structure that are within 20 feet of facing residential bedroom windows or private open space shall have opaque but translucent glazing at or below 5 feet above finished floor.

#### **S-2 Architectural Detailing**

All facades shall meet all objective design standards to ensure the same level of care and integrity throughout the building design. Façade sidewalls located along a zero-lot line, where at time of approval, are visible from a right-of-way, shall continue the color, material, and pattern of the main façade.

#### **S-3 Facades**

For every 50 feet of building length, there shall be a plane-break along the facade no less than 10 feet in length.

#### **S-4 Minimum Articulation**

All street-facing facades shall have at least one horizontal or vertical projection or recess at least three feet in depth, or two projections or recesses at least two feet in depth, for every 50 linear feet of wall. The articulated elements shall occupy at least 50 percent of the height of the structure, and may be grouped rather than evenly spaced in 50 foot modules. Exceptions to this rule may be granted by either the Planning Commission via a use permit or through the review of the Design Review Board.

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#### S-5 Clearance with Architectural Details

Buildings shall not have architectural features that project more than 4 feet into the public right of way and adequate vertical clearance of 15 feet above roadway shall be maintained.

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## BUILDING ELEMENTS

# Roofs and Parapets

**ANALYZE CONTEXT, PROVIDE QUALITY DESIGN, AND DESIGN FOR SUSTAINABILITY**

*Design roofs to be compatible with surroundings and add character to buildings.*

### **Rationale**

Roof forms and materials greatly impact the appearance and character of buildings and cityscapes. Articulated roof forms create an interesting skyline and can emphasize certain elements of the building massing using combination of different roof forms including but not limited to flat, gables, pitched roofs, and other design strategies such as variations in roof and parapet heights. Flat roofs allow for a contemporary design and provide space for multipurpose facilities including community spaces, low maintenance green roofs, green stormwater infrastructure, renewable energy generation, and mechanical equipment required for the building.

### **Standards**

#### **S-1 Screen Rooftop Equipment**

Roof-mounted mechanical equipment shall be screened from public view by a parapet wall, decorative equipment screen, or other architectural treatment. The point of view for determining visibility shall be five feet above grade at a distance of 200 feet.

#### **S-2 Eaves**

*Proposed:* Horizontal eaves longer than 40 ft shall be broken-up by roof form articulations with at least a five ft variation.

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## BUILDING ELEMENTS

# Parking Garage Design

**ANALYZE CONTEXT, PROVIDE QUALITY DESIGN, DESIGN FOR SUSTAINABILITY, IMPLEMENT ACTIVE DESIGN, AND SUPPORT CONNECTIVITY**

*Design parking structures to enhance both the streetscape and adjoining properties.*

### **Rationale**

Lining parking structures with active frontages and occupied spaces brings activity and life back to streets. Placing parking garages towards the rear of developments helps to avoid disruptions to the public realm.

### **Standards**

#### S-1 Parking Garage

Parking garage and other service, utility, and loading entries shall be accessed from side streets or rear alleys. Parking should be located on rear portion of lot. If not possible, parking must be setback by 10 feet from the property line and can only occupy 20% of linear street frontage.

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## BUILDING ELEMENTS

# Bird Safety

### PROVIDE QUALITY DESIGN

*Conscious building design prevents negative impacts on wildlife.*

#### Rationale

It is vital to ensure that building design, façade materials, and artificial night lighting do not confound birds and lead to their injury or death.

#### Standards

##### S-1 Bird Safety Treatment on Parallel Panes

Use a bird safety treatment on parallel panes of glass 30 feet or less apart, such as skyways, walkways, and other glass building connectors (see Fig 3.46).

##### S-2 Bird Safety Treatment on Transparent Atria

Use a bird safety treatment on transparent atria, free-standing glass features, and glass architectural elements that protrude from the primary building mass.

##### S-3 Bird Safety Treatment on Facades with more than 20% glazing

For façades with more than 20 percent glazing within 60 feet of grade and located within 300 feet from a body of water, including creeks and vegetated flood control channels; or within 100 feet of a landscaped area, open space, or park larger than one acre in size, apply a bird safety treatment to at least 90 percent of the glazed areas within 60 feet of grade.

##### S-4 Non-reflective Glazing

Do not use mirrored glass or glazing with a reflective index above 20 percent.

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## BUILDING ELEMENTS

# Materials and Colors

**ANALYZE CONTEXT, PROVIDE QUALITY DESIGN, AND DESIGN FOR SUSTAINABILITY**

*The quality of the materials and color palette helps define a building's character.*

### **Rationale**

Quality materials on building façades convey longevity and sustainability. Unique materials inspired by the context create a sense of place and activity. The composition of materials and colors grounds a building in its surroundings.

### **Standards**

S-1 Ground floor elevation fronting primary streets must have high quality materials and texture for at least 50 percent of the non-glass areas. High quality materials include (but are not limited to) stone, marble, granite, brick, tile, wood, terracotta, and steel.

S-2 Materials transitions along any façade must occur on the inside corner of plane change. When material changes need to happen in the same plane, use trims, cornices, or other architectural elements to create a corner for material transition

S-3 For buildings taller than four stories, limit the use of stucco to a maximum of 60 percent of any façade that faces a street, open space, or paseo in General Plan growth areas.

S-4 For buildings taller than four stories, not provide unbroken multi-story sections of the same material, texture, or color for more than 150 feet of façade length and more than two-thirds of the number of floors in height.

### **S-5 Façade Colors**

Facades shall include between 2 and 4 colors. One color shall be the 'main color' and be used on no less than 50% of the non-glazed area of a building's façade. The other colors shall be defined each as an 'accent color' each of which shall not be used on more than 20% of the non-glazed area of a building's façade.

### **S-6 Colors on all Elevations**

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Buildings shall include the same colors and materials on all elevations. At least one accent color is required to appear on all elevations.

S-7 Gloss finishes

“Gloss” paint finishes shall not be used for a building’s main color but may be used for accent colors and on trim. The highest sheen that may be used for a main color is semi-gloss.

S-8 Main Building Color

The main color shall have a light reflective value of between 20% and 80%. Trim and accent colors may use colors of any light reflective value.

S-9 Prohibited colors.

*Proposed:* Fluorescent, iridescent, or metallic paints are prohibited.

S-10 Metal roof finishes.

Metal seam or other metal roofing, if used, shall be anodized, fluorocoated, or painted with a non-gloss finish. Copper and lead roofs shall be natural or oxidized.

S-11 Stucco Colors.

Any colors used on stucco walls shall be incorporated into the stucco.

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## GROUND FLOOR TREATMENT AND USES

# Commercial Frontages

IMPLEMENT ACTIVE DESIGN, DESIGN EQUITABLE PLACES, SUPPORT CONNECTIVITY, AND STRENGTHEN COMMUNITY CHARACTER

*Support interesting and safe public spaces with active commercial frontages.*

### Rationale

Ground floors with active frontages create engaging streets that are comfortable to use and visually appealing for pedestrians.

### Standards

#### S-1 Street Frontage

*Proposed:* Ground floor/street level architectural features, such as retail storefronts and entrances, shall be designed to be pedestrian in scale, with a maximum of one-floor in height.



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## OPEN SPACE DESIGN

# COMMON AND PRIVATE OPEN SPACE DESIGN

IMPLEMENT ACTIVE DESIGN, DESIGN EQUITABLE PLACES, SUPPORT CONNECTIVITY, AND DESIGN FOR SUSTAINABILITY

*Provide active and passive open spaces and common areas for building residents and other users.*

### **Rationale**

Common open spaces create opportunities for shared gatherings and recreational activities between building occupants. They provide access to the outdoors for all tenants and visitors, which is important in dense developments.

Private open spaces for individual tenants consist of decks, balconies, porches, and patios. They provide space for residents to enjoy the outdoors in solitude and may overlook the public realm.

### **Standards**

#### S-1 Useable Outdoor Space

Multifamily residential buildings not located in a duplex or multifamily residential zoning district are required to provide a minimum of 100 sq. ft. of common and/or private useable outdoor area per dwelling unit.