

**ORDINANCE NO. 2018**

**AN ORDINANCE OF THE CITY OF SAN RAFAEL AMENDING SECTION 14.25.070 AND ADDING SECTIONS 2.16.120 THROUGH 2.16.122 OF THE SAN RAFAEL MUNICIPAL CODE RELATED TO THE DESIGN REVIEW BOARD**

**WHEREAS**, regulations governing the Design Review Board of the City of San Rafael are located in the San Rafael Municipal Code (SRMC) Section 14.25.070 (Environmental and Design Review Permits); and

**WHEREAS**, staff recommends deleting provisions of Section 14.25.070 relating to the Board's term of office, removal or vacancy of membership, meetings, quorum, and rules of order; and

**WHEREAS**, staff recommends that the remaining regulations under Section 14.25.070 relating to Board membership and powers and duties be moved to new Sections 2.16.120 through 2.16.122 of Chapter 2.16 (Boards and Commissions); and

**WHEREAS**, staff recommends that the regulation under Section 14.25.070 relating to streamlined reviews of certain residential projects remain in that section of the code; and

**WHEREAS**, staff recommends the removal of compensation information from the municipal code.

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

**Division 1. Amendment of Section 14.25.070 of Municipal Code.**

Section 14.25.070 of Chapter 14.25 (Environmental and Design Review Permits) of the San Rafael Municipal Code is hereby amended to read as follows. Additions are shown in underline, and deletions are shown in ~~strikethrough~~.

**14.25.070 – ~~Design review board~~ Streamlined Review of Certain Residential Projects.**

~~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.~~

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

~~B. Membership of the Design Review Board. The design review board shall consist of a total of five (5) regular members and may include one alternate member appointed by the city council. The design review board members shall be qualified as follows:~~

- ~~1. At least two (2) members shall be licensed architects or licensed building designers;~~
- ~~2. At least one member shall be a licensed landscape architect;~~
- ~~3. At least one of the five (5) members shall have background or experience in urban design;~~
- ~~4. The alternate member may have qualifications in any of the above fields of expertise;~~
- ~~5. All board members shall reside in the city of San Rafael; and~~
- ~~6. In addition to the five (5) council-appointed board members and one alternate member, one planning commissioner shall attend board meetings. This liaison planning commissioner shall be appointed by the commission chairperson. An additional commissioner shall be appointed to serve as an "alternate liaison" in case of absence. The planning commission liaison should be present at all design review board meetings to offer advice and direction to the board on matters of commission concern.~~

~~C. Alternate Member. The alternate member may temporarily fill a vacancy created when a regular member: (1) leaves office prior to completion of the member's term; (2) cannot attend a meeting; or (3) cannot participate on a particular matter due to a conflict of interest.~~

~~D. Term of Office. The term of office for each design review board member shall be four (4) years. Of the members of the board first appointed, one shall be appointed for the term of one year; one for the term of two (2) years; one for the term of three (3) years; and two (2) for the term of four (4) years. The term of office for the alternate board member shall be four (4) years concurrent with the term of the chairperson.~~

~~E. Removal or Vacancy of Membership. Any member of the board or the alternate member can be removed at any time by a majority vote by the city council. A vacancy shall be filled in the same manner as the original appointment. The person appointed to fill a vacancy shall serve for the remainder of the unexpired term.~~

~~F. Meetings. At least one (1) regular design review board meeting shall be held each month on a date selected by the board, unless there is no business to conduct. The design review board may adopt and amend as necessary, Rules of Order ensuring efficient and responsive board meetings.~~

~~G. Quorum. Three (3) of the members of the board, either regular members or two (2) regular members and the alternate board member, shall be required to constitute a~~

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~~quorum for the transaction of the business of the board and the affirmation vote of a majority of those present is required to take any action.~~

~~H. Compensation of the Design Review Board. All members of the board shall serve as such without compensation.~~

~~I. The design review board may adopt, and amend as necessary, Rules of Order to ensure efficient and responsive board meetings.~~

~~(Ord. 1838 § 53, 2005; Ord. 1794 § 2, 2003; Ord. 1625 § 1 (part), 1992).~~

~~(Ord. No. 1882, Exh. A, § 94, 6-21-2010; Ord. No. 2006 , § 1, 5-2-2022)~~

**Division 2. Addition to Chapter 2.16 of Municipal Code.**

Sections 2.16.120 through 2.16.122 are hereby adopted and made a part of Chapter 2.16 (Boards and Commissions) of the San Rafael Municipal Code as follows. Additions are shown in underline.

**2.16.120 Design review board – creation.**

A design review board is created.

**2.16.121 Design review board membership - compensation.**

The design review board shall consist of a total of five (5) regular members and may include one alternate member appointed by the city council. The design review board members shall be qualified as follows:

1. At least two (2) members shall be licensed architects or licensed building designers;
2. At least one member shall be a licensed landscape architect;
3. At least one of the five (5) members shall have background or experience in urban design;
4. The alternate member may have qualifications in any of the above fields of expertise;
5. All board members shall reside in the city of San Rafael; and
6. In addition to the five (5) council-appointed board members and one alternate member, one planning commissioner shall attend board meetings. This liaison planning commissioner shall be appointed by the commission chairperson. An additional commissioner shall be appointed to serve as an "alternate liaison" in case of absence. The planning commission liaison should be present at all design review board meetings to offer advice and direction to the board on matters of commission concern.

Alternate Member. The alternate member may temporarily fill a vacancy created when a regular member: (1) leaves office prior to completion of the member's term; (2) cannot attend a meeting; or (3) cannot participate on a particular matter due to a conflict of interest.

The city council may establish compensation for members of the design review board by resolution.

**2.16.122 – Design review board powers and duties.**

Subject to the direction and control of the city council, as provided in Section 2.04.030 of this code, the powers and duties of the design review board shall be:

To 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

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review permits, except that an alternate streamlined review process may be allowed for certain eligible projects by ordinance or resolution of the city council.

To 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.

To 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.

**Division 2. 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 3. CEQA Determination.**

This Ordinance makes only administrative changes to the operations of a City board and is therefore exempt from the requirements of the California Environmental Quality Act (CEQA) under 14 Cal. Code Regs. §15061(b)(3), the common sense exemption, because it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment.

**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.

THE FOREGOING ORDINANCE was first read and introduced at a regular meeting of the San Rafael City Council on the 19<sup>th</sup> day of September 2022, and was passed and adopted at a regular meeting of the San Rafael City Council on the 3<sup>rd</sup> day of October 2022 by the following vote, to wit:

AYES: Councilmembers:  
NOES: Councilmembers:  
ABSENT: Councilmembers:

\_\_\_\_\_  
KATE COLIN, Mayor

Attest:

\_\_\_\_\_  
LINDSAY LARA, City Clerk

## **SUMMARY OF ORDINANCE NO. 2018**

### **AN ORDINANCE OF THE CITY OF SAN RAFAEL AMENDING SECTION 14.25.070 AND ADDING SECTIONS 2.16.120 THROUGH 2.16.122 OF THE SAN RAFAEL MUNICIPAL CODE RELATED TO THE DESIGN REVIEW BOARD**

This Summary concerns a proposed ordinance of the City Council of the City of San Rafael, designated as Ordinance No. 2018, which will amend the Design Review Board. Ordinance No. 2018 is scheduled for adoption by the San Rafael City Council at its regular meeting of Monday, October 3, 2022. The City Clerk has been directed to publish this Summary pursuant to City Charter and California Government Code section 36933(c)(1).

### **SUMMARY OF ORDINANCE**

Ordinance No. 2018 deletes provisions of Section 14.25.070 of the San Rafael City Municipal Code relating to the Board's term of office, removal or vacancy of membership, meetings, quorum, and rules of order; moves the remaining regulations under Section 14.25.070 relating to Board membership and powers and duties to new Sections 2.16.120 through 2.16.122; and replaces masculine language with gender neutral language. The City Council's adoption of this ordinance creates uniformity across the City's boards and commissions program.

For a complete copy of the text of the Ordinance, please contact the City Clerk Lindsay Lara at 415-485-3065 or [Lindsay.lara@cityofsanrafael.org](mailto:Lindsay.lara@cityofsanrafael.org). Copies of the Ordinance are also available for public review by contacting the City Clerk's office by email to [city.clerk@cityofsanrafael.org](mailto:city.clerk@cityofsanrafael.org).

/s/ Lindsay Lara  
LINDSAY LARA  
San Rafael City Clerk  
Dated: 09/23/2022