



**Design Review Board
Regular Meeting**

**Tuesday, March 7, 7:00 P.M.
AGENDA**

Participate In-Person:

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

Participate Virtually:

Watch on Webinar: <https://tinyurl.com/drb-2023>

Telephone: 1 (669) 444-9171

Meeting ID: 885 6816 1418

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 and virtually using Zoom.

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.
- Join the Zoom webinar and use the 'raise hand' feature to provide verbal public comment.
- Dial-in to Zoom's telephone number using the meeting ID and provide verbal public comment.

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

Members of the public may speak on Agenda items.

CALL TO ORDER

RECORDING OF MEMBERS PRESENT AND ABSENT

APPROVAL OR REVISION OF ORDER OF AGENDA ITEMS

PUBLIC NOTIFICATION OF MEETING PROCEDURES

ORAL COMMUNICATIONS FROM THE PUBLIC

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

CONSENT CALENDAR

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

1. Approval of the Design Review Board Meeting Minutes of December 6, 2022

Recommended Action – Approve minutes as submitted

ACTION CALENDAR

2. 76 Albert Park Lane – Wildcare

Request for Planning Commission recommendation for an Environmental and Design Review Permit for proposed replacement of existing Wildcare wildlife hospital and educational facilities with a new attached three-story animal hospital and office building and relocating and restoring the historic Terwilliger Building on site; APN: 013-061-54; Multi-Family Zoning District (HR1.5); PLAN22-127, ED22-040

Project Planner: Jeff Ballantine (jeff.ballantine@cityofsanrafael.org)

Recommended Action – Recommend Planning Commission approval of project

3. 1515 4th Street, New Mixed-Use Building

Request for Planning Commission recommendation for an Environmental and Design Review Permit for a proposed new seven story mixed-use building with 162 residential units and 8,900 square feet of ground floor commercial space; APN: 011-245-41; T4MS 50/70 Zoning District; PLAN22-039, ED22-016

Project Planner: Jeff Ballantine (jeff.ballantine@cityofsanrafael.org)

Recommended Action – Provide input on project and consider recommending Planning Commission approval of project

4. Report to Design Review Board

Annual Meeting of Design Review Board for 2023 to include: a) Election of Officers for 2023 Design Review Board meetings; b) Distribution and Review of Design Review Board “Rules of Order;” and c) Distribution and Review of Scheduled meeting for 2023

Project Planner: Jeff Ballantine (jeff.ballantine@cityofsanrafael.org)

Recommended Action - Staff recommends the Board consider the officer rotation and elect new officers for 2023 shown in Item 4. New officer terms would take effect at the next meeting.

STAFF COMMUNICATION

BOARD COMMUNICATION

ADJOURNMENT

Any records relating to an agenda item, received by a majority or more of the Commission less than 72 hours before the meeting, shall be available for inspection online. Sign Language interpreters may be requested by calling (415) 485-3066 (voice), emailing city.clerk@cityofsanrafael.org or using the California Telecommunications Relay Service by dialing "711", at least 72 hours in advance of the meeting. Copies of documents are available in accessible formats upon request.



**Design Review Board
Regular Meeting**

**Tuesday, December 6, 2022, 7:00 P.M.
AGENDA**

Participate In-Person:

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

Participate Virtually:

Watch on Webinar: <https://tinyurl.com/drj-2022-12-06>

Telephone: 1 (669) 444-9171

Meeting ID: 831 0781 8748

One Tap Mobile: US: +16694449171, 83107818748#

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CALL TO ORDER

Chair Rege called the meeting to order at 7:01 p.m. Chair Rege then invited Staff & Senior Planner Jeff Ballantine to call roll.

RECORDING OF MEMBERS PRESENT AND ABSENT

Present: Chair Rege
Vice Chair Sharon Kovalsky
Board Member Michael Alexin
Board Member Jeff Kent
Board Member Stewart Summers
Alternate Board Member Donald Blayney

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

PUBLIC NOTIFICATION OF MEETING PROCEDURES

Chair Rege invited Staff & Senior Planner, Jeff Ballantine, to inform the public that members they can provide public comment either in person in the Council Chambers, by telephone or via zoom with 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 November 8, 2022

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

AYES: Members: Rege, Kovalsky, Alexin, Kent, & Summers
NOES: Members: None
ABSENT: Members: Rege
ABSTAIN: Members: None

Motion carried 5-0 Yes.

ACTION CALENDAR

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

2. 76 Albert Park Lane – Wildcare

Request for Conceptual Design Review for proposed replacement of existing Wildcare facilities with new animal hospital, educational, and animal housing facilities; APN: 013-061-54; Multi-Family Zoning District (HR1.5); PLAN22-127, ED22-040

Project Planner: Jeff Ballantine (jeff.ballantine@cityofsanrafael.org)

Jeff Ballantine, Senior 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. Five people provided public comment supporting Wildcare and their efforts to create improved facilities for their animal hospital and educational facilities.

Board Members provided comments.

Two of the Board Members commented that the west building façade of the proposed new animal hospital building could be improved with increased articulation and variation in color. Three of the Board Members commented that they preferred the proposed building as presented on the plans.

No formal recommendation was required for conceptual design review.

DIRECTOR'S REPORT

Jeff Ballantine notified the DRB that the DRB Annual Report would be on the agenda for the next DRB meeting. He also notified DRB that the Northgate Town Square project would likely come back to DRB for consideration sometime in the Winter/Spring of 2023.

BOARD COMMUNICATION

Board Member Summers asked if a Planning Commissioner liaison was assigned to attend to DRB meetings. Jeff Ballantine indicated that he would come prepared to the subsequent Design Review Board meeting with a response.

ADJOURNMENT

Chair Rege adjourned the meeting at 8:08 p.m.

JEFF BALLANTINE, Senior Planner



SAN RAFAEL

THE CITY WITH A MISSION

Community Development Department –
Planning Division

Meeting Date: March 7, 2023

Case Numbers: ED22-040 (PLAN22-127)

Project Planner: Jeff Ballantine, Senior Planner,
jeff.ballantine@cityofsanrafael.org

Agenda Item: 2

REPORT TO DESIGN REVIEW BOARD

SUBJECT: **76 Albert Park Lane – Wildcare.** Request for Planning Commission recommendation for an Environmental and Design Review Permit for proposed replacement of existing Wildcare wildlife hospital and educational facilities with a new attached three-story animal hospital and office building and relocating and restoring the historic Terwilliger Building on site; APN: 013-061-54; Multi-Family Zoning District (HR1.5); Wildcare, owner; Cheryl Lentini, applicant; PLAN22-127, ED22-040.

EXECUTIVE SUMMARY

The proposed project includes a major redevelopment of the existing Wildcare facilities. Wildcare is a wildlife hospital, nature education center and wildlife advocacy organization. The proposal includes: relocating and restoring the historic Terwilliger Building; demolishing all other existing structures on the site; constructing a new attached three-story animal hospital and office building along with a new courtyard for gathering spaces and for the educational Ambassador Animals.

REQUESTED ENTITLEMENTS

The project requires a Major Environmental and Design Review Permit pursuant to San Rafael Municipal Code (SRMC) Section 14.25.040, which requires approval by the Planning Commission with a recommendation from the Design Review Board (DRB). City Staff requests the DRB to provide professional design analysis, evaluation and judgment as to the completeness, competence and appropriateness of this development proposal for the use and setting based on design standards adopted by the City Council (SRMC Section 14.25.070).

BACKGROUND

The DRB provided conceptual design review pursuant to SRMC Section 14.25.030 (B) for the project on December 6, 2022. Two of the Board Members commented that the west building façade of the proposed new animal hospital building could be improved with increased articulation and variation in color. Three of the Board Members commented that they preferred the proposed building as presented on the plans.

PROPERTY FACTS

The following table provides an overview of General Plan and Zoning designations for the project site and immediately surrounding area as well as existing developed land uses.

Table 1: Designations and Existing Uses

Location	General Plan Designation	Zoning Designation	Existing Land-Use
Project Site:	HRR	HR1.5	Wildcare
North:	PROS	P/OS	Albert Park
South:	HDR	HR1.5	Duplex
East:	HDR	LMU	Carpenters Local Union
West:	HDR	HR1.5	Single Family Residence

HDR = High Density Residential; PROS = Parks, Recreation, and Open Space; P/OS = Public/Open Space; HR1.5 = High Density Residential; LMU = Lindero Mixed-Use

Site Description & Setting

The project site is located north of Mariposa Road. The site is accessible from Albert Park Lane. Wildcare visitors that arrive by automobile typically park on the street on Albert Park Lane. Then they walk across San Rafael Creek on a bridge into the main entrance for Wildcare. The project site also has frontage on Mariposa Road. This frontage is only utilized for trash collection purposes.

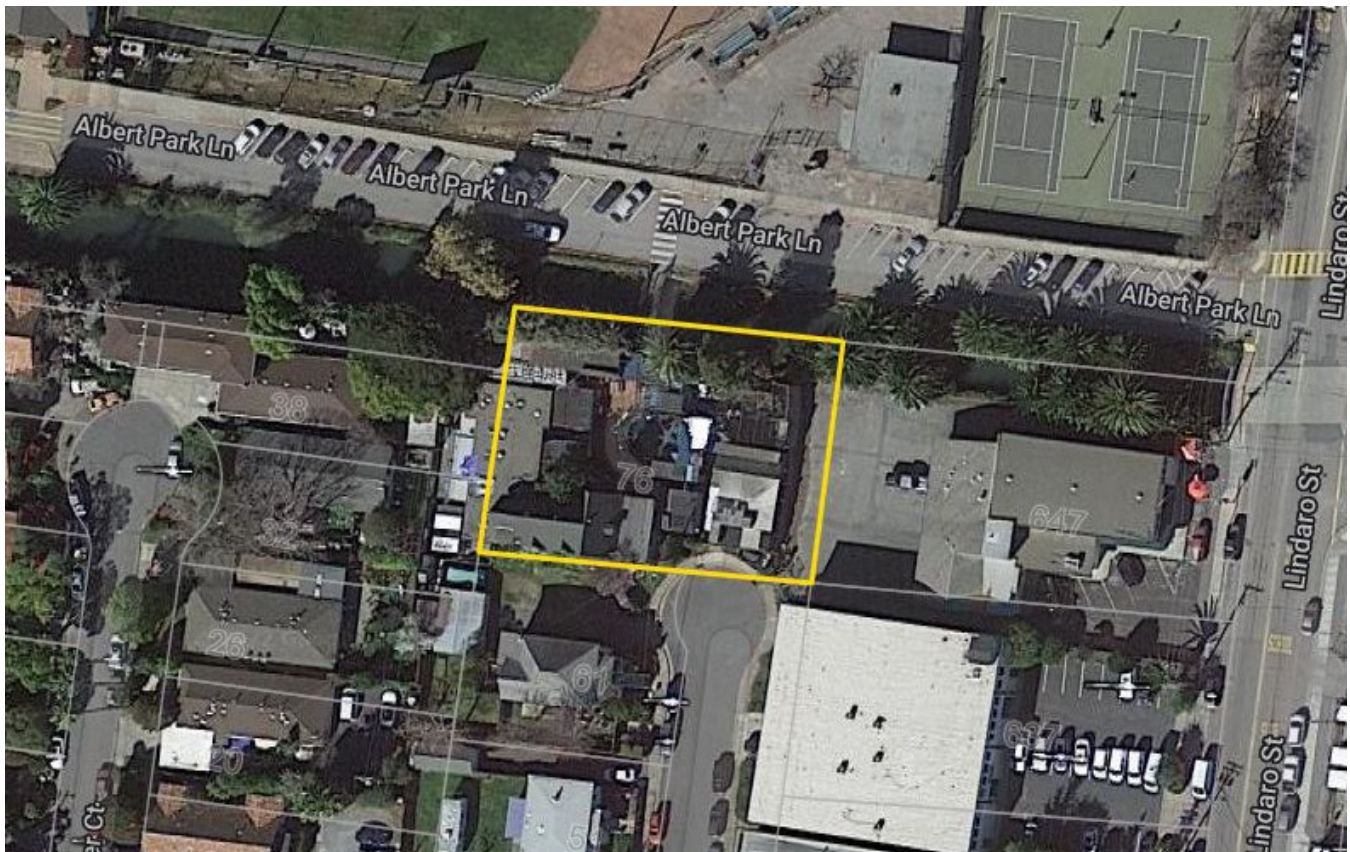


Figure 1. Site Location

PROJECT DESCRIPTION

Project Summary

The proposed project includes a major redevelopment of the existing Wildcare facilities. Wildcare is a wildlife hospital, nature education center and wildlife advocacy organization. The existing facilities are

located in a flood plain and have often flooded in the past, rendering those facilities unusable. The proposal includes: relocating and restoring the historic Terwilliger Building; demolishing all other existing structures on the site; constructing a new attached three-story animal hospital and office building along with a new courtyard for gathering spaces and for the educational Ambassador Animals. The total area of the proposed facilities and structures is approximately 11,400 square feet with approximately 4,600 square feet of caging on roofs and 1,600 square feet of caging on the ground.

Architecture, Colors, and Materials

The proposal relocates the historic Terwilliger Building to make it a focal point from the main entrance on the northern end of the project site. The existing horizontal Dutch lap siding of this building would be replaced in kind and painted white, and the building would be reroofed with asphalt shingles. The proposed new animal hospital and office building would include light grey split face CMU (concrete masonry unit) and light grey smooth CMU walls with white decorative metal screens (Bok Modern or equal) mounted in front of select areas of the north building elevation. This building would include aluminum frame windows. The proposed roofing is a single ply Thermoplastic Polyolefin (TPO) system. In addition to the project plans in Exhibit 1, please see project renderings and materials details that are provided in Exhibit 2, starting on the 19th presentation slide.



Figure 2. Rendering of North Elevation



Figure 3. North Elevation

Fencing, Landscaping, and Lighting

The proposed perimeter fencing consists of six-foot-tall weathered wood fencing. The proposed caging for the animals is metal caging. The project does not include proposed landscaping, other than some minimal creek enhancement that will likely be required, consisting of native plant seeding and removal and control of certain species. The project includes wall wash lighting at the building entry, low wall lighting at the bridge and exit path, and wall sconce lighting at secondary doors. All proposed lighting will be required to be designed and/or shielded to conceal light sources from view off-site and avoid spillover onto adjacent properties, consistent with SRMC Section 14.16.227.

Flood Level Elevations

Preliminary survey information indicates that the existing top of creek bank at the Albert Park parking lot is approximately at elevation 7.0 feet above sea level. City staff and the applicant anticipate that the floor level of new construction will need to be at least 12 feet above sea level to clear the 100-year flood elevation.

Bridge

A new prefabricated pedestrian bridge will be erected over the creek to provide the main entry to the site. The new bridge will be sloped up from the street level to the approximate finished site floor height.

ANALYSIS

San Rafael Municipal Code (Title 14 – Zoning)

Review criteria for Environmental and Design Review permits are included in SRMC Section 14.25.050. Some of the pertinent review criteria that relate to the proposed project are included in Table 2 below.

Table 2: Design Review Criteria (SRMC Section 14.25.050)		
Review Criteria	Proposed	Code Subsection
CMU Finishes. Concrete surfaces shall be colored, textured, sculptured and/or patterned to serve a design as well as a structural function	The proposed new animal hospital and office building would include light grey split face CMU (concrete masonry unit) and light grey smooth CMU walls.	(F)(2)(c)

Table 2: Design Review Criteria (SRMC Section 14.25.050)

Review Criteria	Proposed	Code Subsection
Entry. Provision of a sense of entry	The proposed new bridge, relocation of the historic Terwilliger Building, and courtyard redesign all contribute to an improved entrance.	(F)(1)(d)
Height Variation. Variation in building placement and height	The proposed new animal hospital and office building varies in height as it steps down in height as it spans from the southern to the northern portion of the site. The relocated historic building provides additional variety in building height and location in relation to the proposed new building.	(F)(1)(e)
All Facades. Equal attention to design of all facades in sensitive locations	Each proposed building elevation includes variety in architectural details, building forms, and materials.	(F)(1)(g)

San Rafael Design Guidelines

The [San Rafael Design Guidelines](#) apply to all of the City of San Rafael except for the Downtown Precise Plan area and except for those lots where the Hillside Design Guidelines apply. Some of the pertinent design guidelines that relate to the proposed project are included in Table 3 below.

Table 3: San Rafael Design Guidelines (for Nonresidential projects)

Design Guideline	Proposed	Topic Area
Consider pedestrian orientation when designing building entries, windows, signage and doors.	The proposed new bridge, relocation of the historic Terwilliger Building, and courtyard redesign all contribute to an improved entrance	Pedestrian Circulation
Include a well-defined pedestrian walkway between the street and building entries		
Limit the intensity of lighting to provide for adequate site security and for pedestrian and vehicular safety	The project includes wall wash lighting at the building entry, low wall lighting at the bridge and exit path, and wall sconce lighting at secondary doors. All proposed lighting will be required to be designed and/or shielded to conceal light sources from view off-site and avoid spillover onto adjacent properties, consistent with SRMC Section 14.16.227	Lighting
Shield light sources to prevent glare and illumination beyond the boundaries of the property		
Where appropriate, locate the building, or a substantial portion of the building along the front yard setback or street edge to create spatial enclosure in relation to the street	The project proposes to locate the historic Terwilliger Building and a portion of the proposed animal hospital/office building along the front yard setback.	Building Form
Consider the pedestrian experience when designing the ground floor of buildings.	The proposed relocation of the historic Terwilliger Building at the front of the site as well as stepping down the proposed animal hospital/office building	Building Form

Table 3: San Rafael Design Guidelines (for Nonresidential projects)

Design Guideline	Proposed	Topic Area
	towards the front of the site improves the pedestrian experience as visitors enter the site.	
Continuity of design, materials, color, form and architectural details is encouraged for all portions of a building and between all the buildings on the site	Each proposed building elevation includes variety in architectural details, building forms, and materials.	Building Form
Use articulation, texturing and detailing on all concrete exposed to exterior view	The proposed new animal hospital and office building would include light grey split face CMU (concrete masonry unit) and light grey smooth CMU walls.	Materials and Colors
Use color to provide appropriate accents on a building.	The historic Terwilliger Building would be painted white. The proposed new animal hospital and office building would have light grey CMU walls with white decorative metal screens mounted in front of select areas of the north building elevation.	Materials and Colors

NEIGHBORHOOD CORRESPONDENCE

Notice of hearing for the project was conducted in accordance with noticing requirements contained in Chapter 29 of the Zoning Ordinance. A Notice of Public Hearing was mailed to all property owners and occupants within a 300-foot radius of the subject site and all other interested parties, 15 calendar days prior to the date of this hearing. Public notice was also posted on the subject site 15 calendar days prior to the date of all meetings, including this hearing. Staff have not received any public comments, as of the posting of this staff report.

CONCLUSION

Staff request that the DRB provide professional design analysis, evaluation and judgment as to the completeness, competence and appropriateness of this development proposal for the use and setting based on the applicable objective development standards described in this staff report and consider providing a recommendation to the Planning Commission.

EXHIBITS

1. [Project Plans](#)
2. [Materials Board](#)
3. [Lighting Plan](#)
4. [Applicant Presentation Slides](#)
5. [Schematic Design Report](#)
6. [Site Photos](#)
7. [Historic Design Review Report](#)
8. [Geotechnical Report](#)



SAN RAFAEL

THE CITY WITH A MISSION

Community Development Department –
Planning Division

Meeting Date: March 7, 2023

Case Numbers: ED22-016 (PLAN22-039)

Project Planner: Jeff Ballantine, Senior Planner,
jeff.ballantine@cityofsanrafael.org

Agenda Item: 3

REPORT TO DESIGN REVIEW BOARD

SUBJECT: 1515 4th Street – New Mixed-Use Building. Request for Planning Commission recommendation for an Environmental and Design Review Permit for a proposed new mixed-use building with 162 residential units and 8,900 square feet of ground floor commercial space; APN: 011-245-41; T4MS 50/70 and T4N 40/50 Zoning District; 1515 Fourth Street Associates LLC, owner; Collin Monahan, applicant; PLAN22-039, ED22-016.

EXECUTIVE SUMMARY

The proposed project includes a new mixed-use building with 162 residential units and 8,900 square feet of ground floor commercial space. The northern face of the proposed building that faces 4th Street is seven stories and the southwestern corner of the building is 9 stories. The proposal includes demolishing the existing vacant bank building on the site and providing landscaping and other site improvements.

The project complies with all development standards through the State Density Bonus Law process. Staff seeks confirmation from the Design Review Board that the project complies with applicable objective development standards and specifically building massing and façade articulation standards in the Downtown Precise Plan as described in Table 4 below in this staff report.

REQUESTED ENTITLEMENTS

The project requires a Major Environmental and Design Review Permit pursuant to Downtown Precise Plan Chapter 9 (herein referred to as “DPP”) Section 1.1.060 and San Rafael Municipal Code (SRMC) Section 14.25.040, which requires approval by the Planning Commission with a recommendation from the Design Review Board (DRB). City Staff requests the DRB to provide professional design analysis, evaluation and judgment as to the completeness, competence and appropriateness of this development proposal for the use and setting based on design standards adopted by the City Council (SRMC Section 14.25.070). The relevant design standards for sites located within the DPP are the massing and façade articulation standards included in Division 3.2 (starting on page 298) of the DPP.

PROPERTY FACTS

The following table provides an overview of General Plan and Zoning designations for the project site and immediately surrounding area as well as existing developed land uses.

Table 1: Designations and Existing Uses

Location	General Plan	Zoning	Existing Land-Use
Project Site:	DMU	T4MS 50/70, T4N 40/50	Vacant Bank Building
North:	DMU	T4MS 50/70	Retail Businesses
South:	DMU	T4N 40/50, T5N 40/60	Medical/Professional Offices, AT&T Building
East:	DMU	T4MS 50/70	Dentist Office
West:	DMU, MDR	T4MS 40/50, MR 2.5	Tire Shop, Single Family Residence

DMU = Downtown Mixed Use; MDR = Medium Density Residential; T4MS = Transect 4 Main Street; T4N = Transect 4 Neighborhood; T5N = Transect 5 Neighborhood; MR = Medium Density Residential

Site Description & Setting

The project site is surrounded by Shaver Street, 4th Street, and East Street to the west, north, and east, respectively, as well as two commercial buildings to the south. The site currently has driveways onto both 4th Street and East Street. The site is relatively flat with a gentle downslope towards the southwest corner of the site. However, retaining walls along the southern and southwestern sides of the property cause the site to be taller and flatter than the surrounding topography. A vacant bank building is located on the project site.



Figure 1. Site Location

PROJECT DESCRIPTION

Project Summary

The proposed project includes a new mixed-use building with 162 residential units and 8,900 square feet of ground floor commercial space. The northern face of the proposed building that faces 4th Street is seven stories and the southwestern corner of the building is 9 stories. The lower two floors (Level P2 and Level P1, shown on Sheets A2.0A and A2.0B of the project plans) consist of 179 vehicle parking spaces, a bicycle storage room for 116 bicycle parking spaces, and a trash room. The ground level includes 8,900 square feet of retail space; a gallery space; reception area; club rooms; nine residential units; and an outdoor swimming pool and courtyard area. Levels 2 through 7 include the remaining 153 residential units. A lounge room and two roof decks are also included on Level 7. 119 of the residential units would have one bedroom and 43 of the units would have two bedrooms. The project would include 13 residential units that are designated as Below Market Rate (BMR) units that are for Very Low-Income families.

Architecture, Colors, and Materials

The exterior walls would consist of stucco in a light tan color (CRA|E 30 by Eco Stucco) and a light umber color (Hoggar 90 by Eco Stucco). The balconies would be made out of glass and the windows would be aluminum with gray trim.

The proposed building includes articulation in the forms of: (1) building recesses and projections; (2) variation in color; and (3) variation in materials. For instance, the front (northern) elevation appears to have seven vertical columns in light tan stucco while the remaining portion of the building in between these columns is recessed and in light umber stucco. Most of Level 7 is also recessed and in light umber stucco such that the top of the building is distinct from the rest of the building. The ground level primarily consists of glass windows and storefronts such that it is distinct from the upper levels. Balconies project from the face of the building on the northern, western, and southern sides of the building. Finally, the proposed windows are recessed from the face of the building.



Figure 2. Rendering Looking Southwest

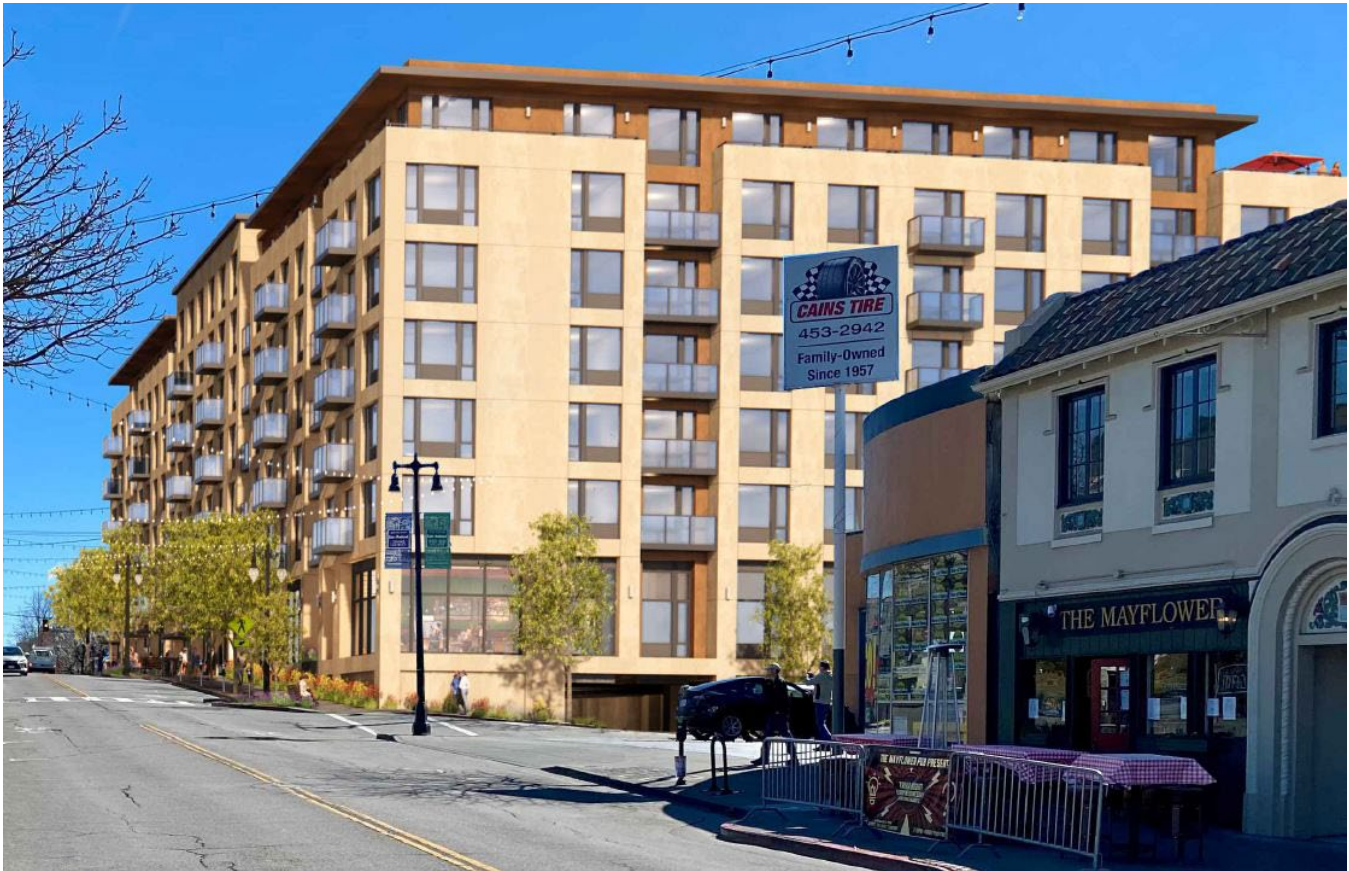


Figure 3. Rendering Looking Southeast

Landscaping and Lighting

The project proposes landscaping along all three street frontages, in the interior ground level courtyard, and on the rooftop decks (see Sheets L-1 and L-2 of the project plans). Proposed street trees include Scarlet Sentinel Red maple, Natchez Crape Myrtle, Chinese Pistache, and Crimson Spire Oak. Proposed plants in the streetscape planting areas include Dwarf Bottlebrush, Rockrose, Dwarf Grevillea, and Dwarf Heavenly Bamboo. Proposed plants in the building perimeter planters include Aloe, Echeveria, Leather Leaf Sedge, Euphorbia, and Creeping Fig. The creeping fig is proposed to grow directly on the stucco walls of the west building elevation, where the parking levels are located. Proposed plants on the rooftop include Feather Reed Grass, Creeping Lantana, English Lavender, Fountain Grass, and Rosemary. Finally, the project would include installing four new steel benches in the public right of way along 4th Street to provide seating areas for the public and eight new steel tube hoop bike racks on the sidewalk as well.

The project proposes a variety of wall surface downlights for the exterior building walls and recessed linear lights that are 2.5 feet above ground along a wall that spans the southern property lines (see Sheets LT0.1 and LT0.2 of the project plans). All proposed lighting will be required to be designed and/or shielded to conceal light sources from view off-site and avoid spillover onto adjacent properties, consistent with SRMC Section 14.16.227.

ANALYSIS

Downtown Precise Plan

Development review criteria of the [San Rafael Downtown Precise Plan](#) (DPP) are included in [Chapter 9 \(Downtown Form-Based Code\)](#). Development standards and building massing and articulation criteria of the DPP are provided below.

Form Based Code

Most of the project site is located in the T4MS 50/70 district and a small portion of the southwest corner of the site is located in the T4N 40/50 district of the Downtown Precise Plan. Section 2.3.040 of the Downtown Form-Based Code provides the relevant development standards for properties located in the T4 Main Street (T4MS) district. Section 2.3.030 of the Downtown Form-Based Code provides the relevant development standards for properties located in the T4 Neighborhood (T4N) district. A summary of these development standards is included in Table 2 and Table 3 below, respectively.

Table 2: Development Standards – T4MS 50/70 (DPP Section 2.3.040)			
Standard	Required	Proposed	Compliance
Building Setbacks			
Front	0 ft. min.; 10 ft. max.	0 ft.	Complies
Side Street	0 ft. min.; 10 ft. max.	0 ft.	Complies
Side	0 ft. min.	0 ft.	Complies
Rear	0 ft. min.	10 ft. 3 in.	Complies
Façade length in façade zone. (1) Front (2) Side Street	(1) 80% min. (2) 70% min.	(1) 100% (2) 88% east side (2) 94% west side	Complies
Civic Space	1,000 sq. ft. min.	0 sq. ft.	Density Bonus Concession
Height	50 ft. max.	80 ft.	Density Bonus Waiver. Measured from existing grade.
Stepback			
Front	10 ft. at 45 ft. tall	0 ft.	Density Bonus Waiver
Side Street	10 ft. at 45 ft. tall	0 ft.	Density Bonus Waiver
Rear	10 ft. at 45 ft. tall	10 ft.	Complies
Ground Floor Ceiling	14 ft. min.	15 ft	Complies
Vehicle Parking	103 spaces	179 spaces	Complies
Bicycle Parking	205 spaces	205 spaces	Complies

Table 3: Development Standards – T4N 40/50 (DPP Section 2.3.030)			
Standard	Required	Proposed	Notes
Building Setbacks			
Front	7 ft. min.; 15 ft. max.	0 ft.	Density Bonus Waiver
Side Street	7 ft. min.; 15 ft. max.	0 ft.	Density Bonus Waiver
Side	5 ft. min.	71 ft. 5 in.	Complies
Rear	15 ft. min.	10 ft. 3 in.	Density Bonus Waiver
Building Length	75 ft. max.	75 ft. 6 in.	Density Bonus Waiver. For portion of building located in T4N 40/50 district.
Façade length in façade zone. (1) Front (2) Side Street	(1) 70% min. (2) 50% min.	(1) 100% (2) 94% west side	Complies
Height	40 ft. max.	80 ft.	Density Bonus Waiver. Measured from existing grade.
Stepback			
Front	10 ft. at 35 ft. tall	0 ft.	Density Bonus Waiver
Side Street	10 ft. at 35 ft. tall	0 ft.	Density Bonus Waiver
Rear	10 ft. at 35 ft. tall	0 ft.	Density Bonus Waiver

Massing and Façade Articulation

Division 3.2 of the Downtown Form-Based Code includes massing and façade articulation standards. A summary of these standards is included in Table 3 below.

Table 4: Massing and Façade Articulation (DPP Division 3.2)		
Review Criteria	Proposed	Code Subsection
Tripartite Façade Articulation. New facades and façade modifications along a street or civic space shall be designed to visually express a base, middle, and top.	Most of the top level is recessed from a majority of the lower levels and in light umber stucco such that the top of the building is distinct from the rest of the building. The ground level primarily consists of glass windows and storefronts such that it is distinct from the upper levels	3.2.030
Massing and Composition. Building facades shall be arranged in an orderly composition of window bays/openings based on prevalent patterns of 5, 7 or 9 bays.	Each building elevation is arranged in an orderly composition of the following number of window bays/openings: <ul style="list-style-type: none"> • North Elevation – 9 bays/openings • East Elevation – 5 bays/openings • South Elevation – 9 bays/openings • West Elevation – 5 bays/openings 	3.2.040

Table 4: Massing and Façade Articulation (DPP Division 3.2)

Review Criteria	Proposed	Code Subsection
Corner Elements. New facades and facade modifications shall be designed to include a corner element to give visual importance to the corner and enhance the public realm.	Each building façade includes a corner element that is distinct from other portions of the building.	3.2.050
Windows and Openings. Buildings 100' or more in length along the street are required to include projected or recessed window bays. The recess may be achieved by a partial or complete window surround. Up to 3 bays may be grouped.	Each building façade is broken into different columns that serve as window bays and project from the rest of the building.	3.2.060

State Density Bonus Law

This project application was submitted pursuant to State Density Bonus Law (Government Code Section 65915 and San Rafael City Council Resolution 14891). This law allows for a project that provides a minimum percentage of units that are designated as affordable to seek waivers and concessions to applicable development standards as well as increased residential density beyond what a local jurisdiction allows for. A housing development is eligible for a waiver or reduction of any development standard that physically precludes the construction of an affordable housing development at the densities or with the concessions or incentives permitted by Government Code Section 65915. A concession is any reduction in site development standards or any modification of zoning or architectural design requirements necessary pursuant to California Government Code Sections 65915(d)(3) or 65915(e) that would result in identifiable and actual cost reductions, and facilitate the construction of the residential development project at the densities provided for in Section 65915

Since there is no residential density limit on properties in the Downtown Precise Plan area, an applicant is required to demonstrate how many units can feasibly be constructed on the site in a manner that complies with all objective development standards and that provides average unit sizes comparable to the actual proposed project. This hypothetical project that complies with objective development standards is called the base density project.

The applicant for this project has demonstrated a base density project of 122 residential units for this site. The proposed project includes 13 units designated as Below Market Rate (BMR) for very-low income households. Since at least ten percent of the units of the allowable base density for the project are designated for very low-income households, the project is eligible for a 32.5% density bonus. This density bonus results in a total maximum allowable of 162 residential units (32.5% of 122 equals 39.65 which rounds up to 40 additional units beyond the base density project).

In addition, the project is eligible for two concessions and as many waivers as the applicant wishes to request that comply with the requirements of Government Code Section 65915. As described in Table 2 above, the project seeks a density bonus concession for the requirement to provide 1,000 square feet of civic space on the site as well as waivers for maximum building height and minimum building setbacks. As described in Table 3, the project seeks additional density bonus waivers for minimum front and side street setback and maximum building length for the portion of the building located in the T4N 40/50 district. Staff has reviewed the density bonus application materials for the project and confirmed that they

comply with the relevant requirements in Government Code Section 65915 and San Rafael City Council Resolution 14891.

Housing Accountability Act

The project is considered a housing development and is therefore protected under the Housing Accountability Act (Government Code Section 65589.5). If a project complies with applicable objective development standards and design review criteria and if local agency denies approval or imposes a condition that lowers the proposed density or reduces the percentage of the lot occupied by a building, then the local agency must find that the project would have a specific, adverse impact upon the public health or safety and that such impacts cannot be mitigated. Staff has conducted analysis and no public health or safety impacts have been identified.

This means that the Design Review Board may only place conditions on the project that are based on adopted objective development standards that apply to the project (summarized in the Downtown Precise Plan section of this staff report above). In addition, the Design Review Board may not place any conditions on the project that have the effect of reducing the density or the lot coverage of the project. As shown in Table 2 above, the project applicant is requesting a concession for the requirement of providing 1,000 square feet of civic space on the project site. Table 2 also indicates that the project applicant is requesting waivers from the following development standards: maximum height, front setback and side setback requirements,

Consistency with City Council Goals and Objectives

In 2021, the City Council adopted a list of goals and objectives. One of the key policy areas included in the goals and objectives is focused on creating new housing. For fiscal year 2022/2023, the City Council continued the goals and objectives from the 2021/2022 fiscal year as these key policy areas remain relevant. For fiscal year 2022/2023 the Community Development Department will keep track of progress in this policy area by tracking the number of Housing units entitled and housing units produced by unit, income level, and the contribution that these units make toward meeting the City's regional housing allocation (RHNA). The proposed project would contribute toward meeting the goal of producing more housing by adding 162 housing units to the City's housing inventory, including 13 units designated as Below Market Rate (BMR) for Very Low-Income families.

San Rafael General Plan 2040 Consistency

The site is designated as Downtown Mixed Use on the General Plan 2040 Land Use Map, which allows for a mix of housing and retail uses. There is no residential density limit on properties designated as Downtown Mixed Use in General Plan 2040. The total number of net new residential units added within the Downtown Precise Plan boundary between 2020 and 2040 shall not exceed 2,200.

NEIGHBORHOOD CORRESPONDENCE

Notice of hearing for the project was conducted in accordance with noticing requirements contained in Chapter 29 of the Zoning Ordinance. A Notice of Public Hearing was mailed to all property owners and occupants within a 300-foot radius of the subject site and all other interested parties, 15 calendar days prior to the date of this hearing. Public notice was also posted on the subject site 15 calendar days prior to the date of all meetings, including this hearing. Staff received one formal public comment letter (Exhibit 3). This letter raises concerns regarding building height, building setbacks, parking entrance onto Shaver Street, creating permit parking in the neighborhood, and improving street cleaning services. In addition, Staff have received inquiries from four other neighbors of the site. These neighbors raised concerns regarding impacts to street parking spaces, traffic, and the height of the proposed building. None of these other neighbors provided formal written comments to be included in the staff report packet.

CONCLUSION

Staff request that the DRB provide professional design analysis, evaluation and judgment as to the completeness, competence and appropriateness of this development proposal for the use and setting based on the applicable objective development standards described in this staff report and consider providing a recommendation to the Planning Commission. In particular, Staff seeks confirmation from the Design Review Board that the project complies with the building massing and façade articulation standards in the Downtown Precise Plan as described in Table 4 in this staff report.

EXHIBITS

1. [Architectural Plans](#)
2. [Civil Engineering Plans](#)
3. Public Comment – Vikram Seshadri

Good evening Jeff and trust this email finds you well.

Ahead of the March 7 design board review of the proposed 1515 4th Street San Rafael mixed-use building project, which we plan to attend, we wanted to submit our comments to add to the agenda.

My partner and I are recent San Rafael transplants, having purchased and moved into 201 Shaver Street at the end of 2021. As one of the closest neighbors of the proposed project, we are in a great position to offer first-hand insight to ensure this project successfully enhances the community without being a liability. Development is clearly needed in the area and we welcome the addition of new neighbors and business. However, there are some aspects of the area that should be known and reviewed before plans are approved.

- **Building height:** There are no buildings over 4 stories in the immediate area, which is also located at the top of an incline. Anything over 4 stories would be an imposition to the neighbors and overall esthetic of the area.
- **Setback from street:** Please do not let the developers bully the city into forgoing the imperative safety measures of proper set back from the street. Visibility around corners and proper sidewalk width is extremely important.
- **Parking entrance:** As we understand, the residential parking entrance is suggested to be on Shaver Street. Shaver is narrow and often filled with parked cars on both sides of the street near 4th street due to Cains Tire Shop location. Additionally, sidewalks have been extended at 3rd and 2nd streets, making for very narrow passage at those intersections. Also, the traffic lights at 3rd and 2nd street are poorly timed, leading to frequent traffic back ups on a daily basis. Upon simple inspection, it will be clear this is not a street set up for added traffic congestion. Our suggestion is that the parking entrance/exit should be on the E Street side of the proposed building.
- **Permitted parking:** The addition of this many housing units will add to increased demand for parking from tenants and guests. Permit parking is something that should be introduced to protect parking availability for existing neighbors.
- **Street cleaning:** Regardless of the actual parking entrance, a new building means more debris and litter in a small area. The street's existing sycamore trees already exacerbate drainage issues (most noticeable during times of rain). Street cleaning service should be added and supported by the building owner and the city to help alleviate the negative environmental impact of this project.

As much as we support growth and development in our new neighborhood, it needs to be done thoughtfully and with the right intentions. We hope our suggestions are received with the good intention with which they are being offered. We look forward to discussing that at the design board review next week and to hearing the San Rafael City Planning Committee and the developer's plans to address these concerns.

Thank you for your time,

Vikram Seshadri and Ryan Shaw

201 Shaver Street, San Rafael, CA 94901

My name is Mark McAlonan and I am the owner of Cains Tire, a West End family owned business for 66 years since 1957. I am writing in regards to the devastating building proposal at 1515 4th St. The construction and building will not only negatively effect the adjoining neighborhood but also the everyday business of Cains Tire and other West End merchants.

Let me explain,

Cains Tire is set on the corner of 4th and Shaver. Our business requires constant traffic flow on Shaver St. For the past 66 years, Cains Tire brings our cars into the entrance of our shop on 4th St and exits our shop on Shaver St. Any road closure on Shaver or 4th St will be a detriment to the operation of our business. As it is, the roadside parking on Shaver only allows for one vehicle to pass at a time. Construction trucks will not be able to pass through Shaver Street without taking away parking for the neighborhood and local merchants plus obstructing and affecting our daily business at Cains Tire. Shaver St will have to remain open during construction in order for Cains Tire to operate safely and be open to serve our loyal customers. There is no alternative to using our exit on Shaver St.

As an essential business during the pandemic, we have always been there for our customers. The construction of the proposed building cannot override our position in the community. For 66 years Cains Tire has drawn customers from all over Marin and our customers love the West End. Cains Tire helps to feed the local merchants of the West End. While waiting for their cars to be done, our customers eat and shop, get their nails done, etc. We are a supportive part of the West End merchants community. We also provide West End parking to customers which is essential to West End businesses. I will explain.

With that said, lets talk about parking.

There is a lack of parking for the West End community including public parking, merchant parking and residential parking. This is evident in the fact that approx. 45 cars park in the vacant West America Bank parking lot on a daily basis, the very parking lot that is the location for the building proposal. The cars that park there include West End merchants and customers. I own the public parking lot at 1556 4th St adjacent to United Liquors, Ice House Studios, The Mountain Play. I rent that lot to the City of San Rafael so that the city can provide a legal and

mandatory number of public parking spots. If Cains Tire loses street parking on Shaver St. and parking availability at West America Bank lot, I will be forced to take back the lease from the city at 1556 4th St. in order to provide necessary parking for my employees and the tenants and employees of the businesses at that location. Cains Tire alone has 34 employees who need a place to park. Parking is currently scarce on the West End of San Rafael and I would hate to see it worsen.

The two concerns that I have as a small business owner on the West End of San Rafael, and an owner of a business that provides income to 34 employees and their families in San Rafael. First is the possibility of road closures due to the construction of the site that will negatively affect the ability of Cains Tire to continue normal daily business which will in turn will affect the employment of 34 employees and their families. And two, the decreased availability of parking as a result of the proposed building site which will negatively affect the overall survival and recovery of the West End merchants coming out of the losses as a result of the 2020 pandemic. The merchants of the West End are rebuilding after the pandemic and would hate to endure another blow to successful business.

There is also a concern expressed by the local community, the neighborhoods and residents residing on the surrounding hill areas. Working at Cains allows me to interact and network with the surrounding residents who have voiced their dismay at the erection of a 99 ft tall building within their view. This proposed building will be an eyesore on the view of San Rafael and the community doesn't like it.

Because of the forementioned reasons, this pending building situation is not a positive move for West End San Rafael merchants and residents.

Can you pls forward this email to whoever you think will listen and help to halt the building of the monstrosity at 1515 4th St.

I will be at the meeting on March 7 along with whoever else I can urge to attend.

Thank you,

Mark McAlonan



SAN RAFAEL

THE CITY WITH A MISSION

Community Development Department – Planning Division

Meeting Date: March 7, 2023
Case Numbers: P23-003
Project Planner: Jeff Ballantine,
jeff.ballantine@cityofsanrafael.org
Agenda Item: 4

REPORT TO DESIGN REVIEW BOARD

SUBJECT: Annual Meeting of Design Review Board for 2023 to include: a) Election of Officers for 2023 Design Review Board meetings; b) Distribution and Review of Design Review Board “Rules of Order;” and c) Distribution and Review of Scheduled meeting for 2023

The Design Review Board (Board) is required to hold its annual meeting at their first meeting of a calendar year. The first scheduled meeting in 2023 will be March 7, 2023. At that meeting, the Board will be requested to elect new officers and review its “Rules of Order”, in addition to reviewing design-related agenda items.

Election of Officers for 2023

Since 2004 the Board has elected officers following a rotation schedule generally set based on member’s length of service. For 2022 Board Member Rege has served as Chair, and Board Member Kovalsky has served as Vice Chair. Should the Board choose to continue to follow this rotation schedule, Board Member Kovalsky would serve as Chair in 2023 and Board Member Kent would serve as Vice Chair. Here is the projected 5-year rotation schedule of officers for the Board:

	<u>Chair</u>	<u>Vice Chair</u>
2023	Kovalsky	Kent
2024	Kent	Summers
2025	Summers	Alexin
2026	Alexin	Rege
2027	Rege	Kovalsky

Staff recommends the Board consider the above officer rotation and elect new officers for 2023. New officer terms would take effect at the next meeting.

Rules of Order

Planning staff is distributing the Design Review Board “Rules of Order” (attached; Exhibit 1). These were last amended and adopted on January 19, 2022. Exhibit 1 includes proposed changes shown in track changes. These proposed changes include:

1. Amending the City Code Sections referenced regarding Design Review Board procedures. On October 3, 2022, the City Council adopted Ordinance No. 2018 amending Section 14.25.070 and adding Section 2.16.120 through 2.16.122 (see Exhibit 3). These changes included deleting provisions of Section 14.25.070 relating to the Design Review Board’s term of office, removal or vacancy of membership, meetings, quorum, and rules of order. These changes also including moving the remaining regulations under Section 14.25.070 relating to Design Review Board membership and powers and duties to new Sections 2.16.120 through 2.16.122 of Chapter 2.16 (Boards and Commissions). The items that were deleted were then included in Bylaws for the

Design Review Board, adopted by the City Council in Resolution No. 15130. The purpose of these changes was to treat the Design Review Board similar to other Boards and Commissions in how the Bylaws are structured and where in the City Code the Design Review Board procedures are located.

2. A reference was added to the Rules of Order regarding City Code Section 14.25.070 for streamlined review of certain residential projects since these provisions were added to the City Code in 2022.
3. A sentence was deleted from the Rules of Order that indicated that the Chair shall sign any formal resolutions because the Board is not tasked with adopting formal resolutions.

In addition, Staff wants to highlight that the Design Review Board has not been following Rule 7(B)(10) from the Rules of Order:

- 10. Follow-up Discussion. Before the Board concludes its discussion and votes on the project, the following opportunities shall be provided to the applicant and Board:*
- a. The applicant shall be given an opportunity to indicate willingness to make specific changes to the project, or discuss any recommended revisions, or to respond to questions, or to seek further clarification.*
 - b. A Board member shall have the opportunity to consult with other Board members, staff and meeting participants, to consider whether members wish to revise, support, or not support any comments made based on the discussion, and in order to reach a consensus.*

In the future, Staff will work with the Design Review Board to ensure that this rule is followed.

The Board can consider further modifications or request that staff investigate possible changes. Please review the current rules and procedures and if there are any changes that you would like to suggest or possible modifications that warrant staff research, please raise them during the meeting. If there are no requests that warrant additional research, staff recommends the Board consider the recommended modification and adopt the Rules of Order with the recommended clarifying language.

2023 Design Review Board Meeting Dates:

Provided for your information is a list of scheduled Design Review meetings for 2023. Please review and provide feedback if there are any errors or if any scheduled meetings conflict with major religious holidays.

Exhibits

1. Board "Rules of Order"
2. Design Review Board Meeting Schedule 2023
3. City Council Agenda Report on Boards and Commissions Updates, 6/19/2022



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: City Clerk

Prepared by: Lindsay Lara, City Clerk

City Manager Approval: _____

A handwritten signature in black ink, likely of the City Manager, written over a horizontal line.

TOPIC: BOARDS AND COMMISSIONS UPDATES

SUBJECT: RESOLUTION AND ORDINANCE CHANGES TO EXISTING CITY BOARDS AND COMMISSIONS

- I. INTRODUCE AN ORDINANCE OF THE CITY OF SAN RAFAEL AMENDING SECTIONS 2.16.030 THROUGH 2.16.033 OF THE SAN RAFAEL MUNICIPAL CODE RELATED TO THE BOARD OF LIBRARY TRUSTEES**
- II. RESOLUTION AMENDING THE BOARD OF LIBRARY TRUSTEES BYLAWS**
- III. INTRODUCE 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**
- IV. RESOLUTION AMENDING THE DESIGN REVIEW BOARD BYLAWS**
- V. INTRODUCE AN ORDINANCE OF THE CITY OF SAN RAFAEL AMENDING SECTIONS 2.16.010 THROUGH 2.16.013 OF THE SAN RAFAEL MUNICIPAL CODE RELATED TO THE FIRE COMMISSION**
- VI. RESOLUTION AMENDING THE FIRE COMMISSION BYLAWS**

RECOMMENDATION:

1. Introduce the ordinance relating to the Board of Library Trustees by title only and waive further reading of the ordinance
2. Adopt the Resolution Amending the Board of Library Trustees Bylaws
3. Introduce the ordinance relating to the Design Review Board by title only and waive further reading of the ordinance
4. Adopt the Resolution Amending the Design Review Board Bylaws
5. Introduce the ordinance relating to the Fire Commission by title only and waive further reading of the ordinance
6. Adopt the Resolution Amending the Fire Commission Bylaws

BACKGROUND:

With the exception of the Planning Commission, which is a decision-making body, the City's Boards, commissions, and committees ("BCC's") are advisory bodies, made up of volunteer community members who are appointed by the City Council to serve in an advisory role by reviewing and making recommendations to the City Council on matters within a certain purview. The City of San Rafael has 12

FOR CITY CLERK ONLY

Council Meeting: 09/19/2022

Disposition: Resolutions 15129 x 15130 x 15131 and Waived further reading of ordinances and introduced Ordinances 2017, 2018, 2019

active BCC's, each with varying styles of guidelines which outline how they carry out business as an advisory body to the San Rafael City Council. BCCs are either established by the voters (through a ballot initiative), by resolution of the City Council, or ordinance (and codified in the San Rafael Municipal Code) and the Council has the discretion to both add and remove volunteers.

On [June 6, 2022](#), the City Council approved changes to the Bicycle and Pedestrian Advisory Committee, the Park and Recreation Commission and the Planning Commission in an effort to bring consistency and uniformity across the City's Boards and Commissions program. The updates made at the June 6, 2022 City Council meeting included changes to the composition of the BCC's. The changes being proposed in this staff report focus on changing masculine language in the municipal code to gender neutral language, provides authority to the City Council to approve compensation of board members and commissioners by resolution, and update the scope of a few BCCs to better reflect current practices.

ANALYSIS:

Staff is recommending changes to the Board of Library Trustees, Design Review Board, and the Fire Commission. All recommended changed are explained below.

Board of Library Trustees

The Board of Library Trustees is required per the City's Charter. Board membership, terms, and powers and duties are set forth in San Rafael Municipal Code Sections 2.16.030 through 2.16.033 of Chapter 2.16 (Boards and Commissions). Staff is recommending that the City Council adopt an ordinance (Attachment 1) amending the code to provide authority to the City Council to approve compensation of Board Members by resolution, to remove the clause regarding term of office and removal due to duplicity, amend all masculine language to gender neutral language, and to remove the Board's duty to review and make comments and recommendations regarding the annual operating budget of the department, as the City Council is the budget review authority.

In addition, staff is recommending adoption of bylaws for the Board to be consistent with recently approved bylaws for other boards, to include clear information on meetings, voluntary resignation and compensation, and to include the policy on term limits as outlined in [Resolution No. 13681 approved by the City Council in February 2014](#). These rules and procedures are consistent with current practice; however, incorporating them into bylaws will clarify the expectations for Board members. Attachment 2 to this report is a resolution adopting the proposed bylaws. Additionally, staff recommends including eligibility requirements for the Board to formalize the current practice of requiring residency in city limits.

Present	Proposed
Ordinance	
Requirement to serve without compensation set by Municipal Code	Provides authority to approve compensation of Board members by resolution
Board's duty to review, comment, and recommend department operating budget	Removes this duty as it is a function of the San Rafael City Council
Term of office and removal of Board members	Deletion – duplicative (Article IX, Section 1)
Masculine language	Gender-neutral language
Resolution & Bylaws	
Silent on eligibility requirements	Must reside in city limits
Silent on voluntary resignation	2 consecutive unexcused absences constitute voluntary resignation

Silent on the term limits approved in 2014	Maximum of 2 consecutive four-year terms
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Design Review Board

The Design Review Board membership, terms, and powers and duties are set forth in San Rafael Municipal Code Section 14.25.070 of Chapter 14.25 (Environmental and Design Review Permits). Staff is recommending that the City Council adopt an ordinance (Attachment 3) amending the code to delete provisions relating to term of office, removal or vacancy of membership, meetings, quorum, and rules of order. Staff recommends this information be included in the Bylaws for the Board and be adopted by resolution in an effort to remain consistent with other boards and commissions. Additionally, staff recommends removal of compensation information in the municipal code, and provide authority to the City Council to approve compensation by resolution.

Staff also recommends moving the remaining provisions governing administration of the Design Review Board from Section 14.25.070 to new Sections 2.16.120 through 2.16.122 established under Chapter 2.16 (Boards and Commissions). This move will consolidate the provisions governing administration of the Design Review Board with provisions governing administration of the other boards and commissions of the City.

Staff recommends retaining under Section 14.25.070 the subsection governing the pilot program approved by the City Council in May 2022 for streamlined review of certain residential projects of the Environmental and Design Review Permits because this is a specific program for permitting of certain residential structures.

In addition, staff is recommending adoption of bylaws for the Board to be consistent with recently approved bylaws for other boards, to include clear information on meetings, voluntary resignation and compensation, and to include the policy on term limits as outlined in [Resolution No. 13681 approved by the City Council in February 2014](#). These rules and procedures are consistent with current practice; however, incorporating them into bylaws will clarify the expectations for Board members. Attachment 4 to this report is a resolution adopting the proposed bylaws.

Present	Proposed
Ordinance	
Membership and Powers and Duties	Moved to Sections 2.16.120 through 2.16.122
Membership, term of office, removal or vacancy of membership, meetings, quorum, and compensation	Deletion – will be designated by resolution adopting bylaws
Masculine language	Gender-neutral language
Resolution & Bylaws	
Silent on voluntary resignation	2 consecutive unexcused absences constitute voluntary resignation
Silent on the term limits approved in 2014	Maximum of 3 consecutive four-year terms

Fire Commission

The Fire Commission is required per the City's Charter. Board membership, terms, and powers and duties are set forth in San Rafael Municipal Code Sections 2.16.010 through 2.16.013 of Chapter 2.16

(Boards and Commissions). Staff is recommending that the City Council adopt an ordinance (Attachment 5) amending the code to provide authority to the City Council to approve compensation of Board Members by resolution, to remove the clause regarding term of office and removal due to duplicity, amend all masculine language to gender neutral language, and to remove the Commission's duty to review and make comments and recommendations regarding the annual operating budget of the department, as the City Council is the budget review authority.

In addition, staff is recommending adoption of bylaws for the Commission to be consistent with recently approved bylaws for other boards, to include clear information on meetings, voluntary resignation and compensation, and to include the policy on term limits as outlined in [Resolution No. 13681 approved by the City Council in February 2014](#). These rules and procedures are consistent with current practice; however, incorporating them into bylaws will clarify the expectations for Commissioners. Attachment 6 to this report is a resolution adopting the proposed bylaws. Additionally, staff recommends including eligibility requirements for the Commission to formalize the current practice of requiring residency in city limits.

Present	Proposed
Ordinance	
Requirement to serve without compensation set by Municipal Code	Provides authority to approve compensation of Commissioners by resolution
Board's duty to review, comment, and recommend department operating budget	Removes this duty as it is a function of the San Rafael City Council
Term of office and removal of Commissioners	Deletion – duplicative (Article VIII, Section 10)
Masculine language	Gender-neutral language
Resolution & Bylaws	
Silent on eligibility requirements	Must reside in city limits
Silent on voluntary resignation	2 consecutive unexcused absences constitute voluntary resignation
Silent on the term limits approved in 2014	Maximum of 2 consecutive four-year terms

City Council Role with BCCs

On an annual basis, the City Council designates liaison positions to the BCCs. The role of the liaison is to generally stay abreast of the activities of the BCC which may include attending one or more meetings per year, checking in with the Chair of the BCC on a quarterly basis, reporting out on significant activities during City Council meetings as needed, assisting in culling down applications into an interview list when there is a vacancy, and providing a "mentor" role for the needs of the BCCs which could relate to answering procedural questions, facilitating training, or other assistance. Additionally, the Mayor may act in the acting role of the City Council liaison for each BCC.

Alternate Members

Attendance at any regularly scheduled meeting is a necessary part of being an effective Alternate Member. If a regular member is unable to attend a scheduled meeting, the Member notifies the staff liaison in advance and the Alternate Member is notified of their attendance as a full voting member. Alternate Members will be expected to review all meeting materials in preparation for BCC meetings and will vote in the absence of a full voting member. If more than one Alternate Member exists, there shall be a pre-determined first and second Alternate, and they will alternate between first and second Alternate Member annually. First Alternates shall vote in the absence of one voting member, and Second Alternates

shall vote in the absence of a second voting member. If no member is absent, the Alternate Member may still participate in the discussion, deliberation and questions/answers of staff during meetings but will not vote.

FISCAL IMPACT:

There is no fiscal impact associated with this recommendation.

OPTIONS:

The City Council has the following options to consider on this matter:

1. Adopt resolutions and introduce the ordinances.
2. Adopt resolutions/ introduce the ordinances with modifications.
3. Direct staff to return with more information.
4. Take no action.

RECOMMENDED ACTION:

1. Introduce the ordinance relating to the Board of Library Trustees by title only and waive further reading of the ordinance
2. Adopt the Resolution Amending the Board of Library Trustees Bylaws
3. Introduce the ordinance relating to the Design Review Board by title only and waive further reading of the ordinance
4. Adopt the Resolution Amending the Design Review Board Bylaws
5. Introduce the ordinance relating to the Fire Commission by title only and waive further reading of the ordinance
6. Adopt the Resolution Amending the Fire Commission Bylaws

ATTACHMENTS:

1. Ordinance (Board of Library Trustees)
2. Resolution (Board of Library Trustees) & Exhibit A – Bylaws
3. Ordinance (Design Review Board)
4. Resolution (Design Review Board) & Exhibit A – Bylaws
5. Ordinance (Fire Commission)
6. Resolution (Fire Commission) & Exhibit A – Bylaws
7. Correspondence

ORDINANCE NO. 2017

**AN ORDINANCE OF THE CITY OF SAN RAFAEL AMENDING
SECTIONS 2.16.030 THROUGH 2.16.033 OF THE SAN RAFAEL
MUNICIPAL CODE RELATED TO THE BOARD OF LIBRARY
TRUSTEES**

WHEREAS, Article IX, Section 1 of the Charter of the City of San Rafael requires the City Council to appoint a Board of Library Trustees of the City of San Rafael; and

WHEREAS, regulations governing the Board of Library Trustees of the City of San Rafael are located in the San Rafael Municipal Code (SRMC) Sections 2.16.030 through 2.16.033 of Chapter 2.16 (Boards and Commissions); and

WHEREAS, staff recommends amending SRMC Section 2.16.031 (Trustee membership-Compensation) by replacing the provision that members serve without compensation with a provision that authorizes the City Council to establish their compensation by resolution; and

WHEREAS, staff recommends removing the Board's duty to review, and make comments and recommendations regarding the annual operating budget of the library department by deleting the applicable provision from the SRMC Section 2.16.033 (Trustee powers and duties); and

WHEREAS, there are instances throughout the SRMC where masculine language is used, and staff recommends amending the language to be gender-neutral; and

WHEREAS, there are instances throughout the SRMC where the term 'citizen' is used, and staff recommends replacing this term with the terms 'community' or 'patron'; and

WHEREAS, staff recommends repealing Section 2.16.032 of the SRMC (Trustee term of office and removal) in its entirety because it is duplicative of information set forth in Article IX, Section 1 of the San Rafael Charter.

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

Division 1. Amendment of Municipal Code.

Sections 2.16.030 through 2.16.033 of Chapter 2.16 (Boards and Commissions) of the San Rafael Municipal Code are hereby amended to read as follows. Additions are shown in underline, and deletions are shown in ~~strikethrough~~.

2.16.030 - Board of library trustees.

A board of library trustees is created.

(Ord. 889 § 6, 1967).

* Board of library trustees —See San Rafael Charter, Art. IX § 1.

2.16.031 - Trustee membership—Compensation.

The board of library trustees shall consist of five members appointed by the city council, one of whom may be a ~~councilman~~ councilmember. ~~All members shall serve without compensation.~~ The City Council may establish compensation for members of the board of library trustees by resolution.

(Ord. 889 § 7 (part), 1967).

2.16.032 - ~~Trustee term of office and removal.~~ Reserved

~~The members of the board of library trustees shall serve for a term of four years and shall be subject to removal by the affirmative vote of three members of the city council. The terms of office of members of the board of library trustees shall be staggered in the manner provided by resolution of the city council.~~

(Ord. 889 § 7 (part), 1967).

2.16.033 - Trustee 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 board of library trustees shall be:

To assess and evaluate current and long-range needs of the library; to formulate and adopt policies, rules and regulations with respect to programs and facilities to meet such needs of the community, including recommendations for sites and design of facilities. Such formulations and adoptions shall be made in conjunction with recommendations of the librarian;

~~To review, comment and make recommendations regarding the annual operating budget of the library;~~

To receive, and review periodic reports from the librarian concerning the general operations and functions of the library;

To recommend ways to inform the ~~citizens of San Rafael~~ community as to the various programs, services and assistance which the library affords all ~~its patron~~citizens;

To promote intergovernmental cooperation in the development of library services, patronage and usage;

To perform such other duties as may be prescribed by the city council.

(Ord. 1131 § 3, 1974: Ord. 889 § 7 (part), 1967).

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 19th day of September 2022, and was passed and adopted at a regular meeting of the San Rafael City Council on the ____ day of ____ 2022 by the following vote, to wit:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

KATE COLIN, Mayor

Attest:

LINDSAY LARA, City Clerk

RESOLUTION NO. 15129

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL
APPROVING BYLAWS OF THE BOARD OF LIBRARY TRUSTEES**

WHEREAS, the City Council wishes to establish consistent rules and procedures for the operation of its boards, commissions and committees, including the Board of Library Trustees; and

WHEREAS, staff recommends adoption of the Board of Library Trustees Bylaws in Exhibit A attached hereto, which include specific rules and practices for the operation of the Board to be consistent with recently approved bylaws for other City boards and commissions; and

WHEREAS, the attached bylaws include a provision for voluntary resignation of members based on unexcused absences;

WHEREAS, the attached bylaws include the policy on term limits as outlined in Resolution 13681 limiting Board Members to a maximum of two consecutive four-year term limits;

WHEREAS, the attached bylaws include eligibility requirements of living in city limits.

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby adopts the Board of Library Trustees Bylaws attached hereto as Exhibit A.

I, **LINDSAY LARA**, Clerk of the City of San Rafael, hereby certify that the foregoing Resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of San Rafael, held on Monday, the 19th day of September 2022, by the following vote, to wit:

AYES: COUNCILMEMBERS: Bushey, Hill, Kertz, Llorens Gulati & Mayor Kate

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None



LINDSAY LARA, City Clerk

EXHIBIT A: BOARD OF LIBRARY TRUSTEES BYLAWS

BOARD OF LIBRARY TRUSTEES BYLAWS

ARTICLE I. NAME AND PURPOSE

Section 1.1. Name. The name of this body shall be the City of San Rafael Board of Library Trustees, hereinafter referred to as the "Library Board," or the "Board."

Section 1.2. Purpose. The purpose of the Board is to support the Library Director, support the Library Foundation in its quest for a new library, serve as advocates for the Library to the City Council, and help increase the visibility of the Library in the community.

Section 1.3. Board Responsibility. The Library Board's responsibilities shall be in accord with these Bylaws, as amended from time-to-time by the City Council. The Library Board's authority is advisory only. The Library Board has no power to act on behalf of the City of San Rafael or any other entity.

Subject to the direction and control of the city council, as provided in Section 2.04.030 of the San Rafael Municipal Code, the powers and duties of the Board of Library Trustees shall be:

1. To assess and evaluate current and long-range needs of the library;
2. to formulate and adopt policies, rules and regulations with respect to programs and facilities to meet such needs of the community, including recommendations for sites and design of facilities. Such formulations and adoptions shall be made in conjunction with recommendations of the librarian;
3. To receive, and review periodic reports from the librarian concerning the general operations and functions of the library;
4. To recommend ways to inform the San Rafael community as to the various programs, services, and assistance which the library affords all patrons;
5. To promote intergovernmental cooperation in the development of library services, patronage and usage;
6. To perform such other duties as may be prescribed by the city council.

ARTICLE II. MEMBERSHIP

Section 2.1. Number of Members. The Library Board shall consist of five (5) voting members. The City Council has the authority to appoint alternates as needed.

Section 2.2. Eligibility. Board members shall be residents of the city of San Rafael.

Section 2.3. Appointment of Board Members. Members shall be appointed by the City

Council. Appointments shall be published on the website for the City of San Rafael in accordance with Government Code Section 54973, as amended from time to time.

Section 2.4. Terms of Appointment. Each Board member shall serve a minimum term of four (4) years. An effort will be made to ensure that the terms are staggered, and not all of the appointments expire in the same year.

Section 2.5. Term Limits. Members of the Board shall be limited to two (2) consecutive four-year terms. Additional terms may be served if there is a break between terms.

Section 2.6. Absence and Removal. An unexcused absence from two (2) consecutive Board meetings without notification to the Staff Liaison shall be considered a voluntary resignation from the Board. Previously dismissed Board members may be eligible for reappointment to the Board. The members of the Board shall be subject to removal by the affirmative vote of three members of the city council.

Section 2.7. Compensation. Board members serve without compensation.

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. The Board shall meet once per month, unless there is no business to conduct, and shall be scheduled annually. The schedule for the upcoming year will be set by December of the previous year.

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.~~

~~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~~

~~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

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 19th day of September 2022, and was passed and adopted at a regular meeting of the San Rafael City Council on the ____ day of _____ 2022 by the following vote, to wit:

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

KATE COLIN, Mayor

Attest:

LINDSAY LARA, City Clerk

RESOLUTION NO. 15130

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL
APPROVING BYLAWS OF THE DESIGN REVIEW BOARD**

WHEREAS, the City Council wishes to establish consistent rules and procedures for the operation of its boards, commissions and committees, including the Design Review Board; and

WHEREAS, the Design Review Board bylaws in Exhibit A attached hereto are recommended by staff and include specific rules and practices for the operation of the Board to be consistent with recently approved bylaws for other City boards and commissions; and

WHEREAS, the attached bylaws include a provision for voluntary resignation of members based on unexcused absences;

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby adopts the Design Review Board Bylaws as set forth in Exhibit A.

I, **LINDSAY LARA**, Clerk of the City of San Rafael, hereby certify that the foregoing Resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of San Rafael, held on Monday, the 19th day of September 2022, by the following vote, to wit:

AYES: COUNCILMEMBERS: Bushey, Hill, Kertz, Llorens Gulati & Mayor Kate

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None



LINDSAY LARA, City Clerk

EXHIBIT A: DESIGN REVIEW BOARD BYLAWS

DESIGN REVIEW BOARD BYLAWS

ARTICLE I. NAME AND PURPOSE

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

Section 1.2. Purpose. The 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 may be allowed for certain eligible projects by ordinance or resolution of the city council. The 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 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.

Section 1.3. Board Responsibility. The Board's responsibilities shall be in accord with these Bylaws, as amended from time-to-time by the City Council. The Board's authority is advisory only. The Board has no power to act on behalf of the City of San Rafael or any other entity.

ARTICLE II. MEMBERSHIP

Section 2.1. Number of Members. The 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; and
5. 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.

Section 2.2. Eligibility. Board members shall be residents of the city of San Rafael.

Section 2.3. Appointment of Board Members. Regular voting members and alternate members shall be appointed by the City Council. Appointments shall be published on the website for the City of San Rafael in accordance with Government Code Section 54973, as amended from time to time.

The 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.

Section 2.4. Terms of Appointment. Each Board member shall serve a term of four (4) years. An effort will be made to ensure that the terms are staggered, and not all of the appointments expire in the same year.

Section 2.5. Term Limits. Members of the Board shall be limited to three (3) consecutive four-year terms. Additional terms may be served if there is a break between terms.

Section 2.6. Absence and Removal. An unexcused absence from two (2) consecutive Board meetings without notification to the Staff Liaison shall be considered a voluntary resignation from the Board. Previously dismissed Board members may be eligible for reappointment to the Board. The members of the Board shall be subject to removal by the affirmative vote of three members of the city council.

Section 2.7. Compensation. Board members serve without compensation.

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. Regularly scheduled Board meetings shall be the first and third Tuesday of each month, but these dates may be impacted by holidays. A schedule shall be approved annually by the Board. The Board shall meet once per month. The schedule for the upcoming year will be set by December of the previous year.

ORDINANCE NO. 2019

AN ORDINANCE OF THE CITY OF SAN RAFAEL AMENDING SECTIONS 2.16.010 THROUGH 2.16.013 OF THE SAN RAFAEL MUNICIPAL CODE RELATED TO THE FIRE COMMISSION

WHEREAS, Article VIII, Section 10 of the Charter of the City of San Rafael requires the City Council to appoint a Board of Fire Commissioners of the City of San Rafael; and

WHEREAS, regulations governing the Board of Fire Commissioners of the City of San Rafael are located in the San Rafael Municipal Code (SRMC) Sections 2.16.010 through 2.16.013 of Chapter 2.16 (Boards and Commissions); and

WHEREAS, staff recommends amending SRMC Section 2.16.011 (Board membership-Compensation) by replacing the provision that members serve without compensation with a provision that authorizes the City Council to establish their compensation by resolution; and

WHEREAS, staff recommends removing the Commission's duty to review, and make comments and recommendations regarding the annual operating budget of the fire department by deleting the applicable provision from the SRMC Section 2.16.013 (Trustee powers and duties); and

WHEREAS, there are instances throughout the SRMC where masculine language is used, and staff recommends amending the language to be gender-neutral; and

WHEREAS, staff recommends repealing Section 2.16.012 of the SRMC (Board term of office and removal) in its entirety because it is duplicative of information set forth in Article VIII, Section 10 of the San Rafael Charter.

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

Division 1. Amendment of Municipal Code.

Sections 2.16.030 through 2.16.033 of Chapter 2.16 (Boards and Commissions) of the San Rafael Municipal Code are hereby amended to read as follows. Additions are shown in underline, and deletions are shown in ~~strike through~~.

2.16.010 - Board of fire commissioners.*

A board of fire commissioners is created.

(Ord. 889 § 2, 1967: Ord. 825 § 1, 1965: Ord. 422).

* *Fire commission*—See San Rafael Charter, Art. VIII § 10.

2.16.011 - Board membership—Compensation.

The board of fire commissioners shall consist of five members appointed by the city council, one of whom may be a ~~councilman~~ councilmember. The chief of the fire department shall be an ex officio member of the commission, but shall not be entitled to vote as a member of the commission. ~~All members of the commission shall serve without~~

~~compensation. The city council may establish compensation for members of the board of fire commissioners by resolution.~~

(Ord. 889 § 3 (part), 1967).

~~2.16.012 - Board term of office and removal.~~

~~The members of the board of fire commissioners shall serve for a term of four years and shall be subject to removal by the affirmative vote of three members of the council. The terms of office of members of the commission shall be staggered in the manner provided by resolution of the city council.~~

(Ord. 889 § 3 (part), 1967).

2.16.013 - 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 board of fire commissioners shall be:

To review and recommend concerning the future needs of the fire department in respect to long-range capital needs, including buildings, training facilities, and water mains and hydrant replacements;

To review the relationship of the fire department with other governmental agencies and private entities concerning topics which the commission feels present a true and pressing need for the city's fire service, i.e., mutual aid and the fire rating system of the Independent Insurance Office;

~~To review, comment and make recommendations regarding the annual operating budget of the department;~~

To recommend to the fire chief and the city council action concerning initial adoption and future amendments to the fire prevention code, the building code, and other such ordinances which pertain to the prevention of fires within the community;

To receive monthly reports from the department head concerning the general operations and functions of the department;

To perform such other duties as may be prescribed by the city council.

(Ord. 1131 § 1, 1974: Ord. 889 § 3 (part), 1967).

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 commission 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 19th day of September 2022, and was passed and adopted at a regular meeting of the San Rafael City Council on the ____ day of ____ 2022 by the following vote, to wit:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

KATE COLIN, Mayor

Attest:

LINDSAY LARA, City Clerk

RESOLUTION NO. 15131

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL
APPROVING BYLAWS OF THE FIRE COMMISSION**

WHEREAS, the City Council wishes to establish consistent rules and procedures for the operation of its boards, commissions and committees, including the Fire Commission; and

WHEREAS, staff recommends adoption of the Fire Commission Bylaws in Exhibit A attached hereto, which include specific rules and practices for the operation of the Commission to be consistent with recently approved bylaws for other City boards and commissions; and

WHEREAS, the attached bylaws include a provision for voluntary resignation of members based on unexcused absences;

WHEREAS, the attached bylaws include the policy on term limits as outlined in Resolution 13681 limiting Commissioners to a maximum of two consecutive four-year term limits;

WHEREAS, the attached bylaws include eligibility requirements of living in city limits.

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby adopts the Fire Commission Bylaws attached hereto as Exhibit A.

I, **LINDSAY LARA**, Clerk of the City of San Rafael, hereby certify that the foregoing Resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of San Rafael, held on Monday, the 19th day of September 2022, by the following vote, to wit:

AYES: COUNCILMEMBERS: Bushey, Hill, Kertz, Llorens Gulati & Mayor Kate

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None



LINDSAY LARA, City Clerk

EXHIBIT A: FIRE COMMISSION BYLAWS

FIRE COMMISSION BYLAWS

ARTICLE I. NAME AND PURPOSE

Section 1.1. Name. The name of this body shall be the City of San Rafael Fire Commission, hereinafter referred to as the "Commission."

Section 1.2. Purpose. The purpose of the Fire Commission is to advise and support the goals and objectives of the San Rafael Fire Department as articulated by the Fire Chief.

Section 1.3. Commission Responsibility. The Commission's authority is advisory only. The Fire Commission has no power to act on behalf of the City of San Rafael or any other entity.

Subject to the direction and control of the city council, as provided in Section 2.04.030 of the San Rafael Municipal Code, the powers and duties of the Fire Commission shall be:

1. To review and recommend concerning the future needs of the fire department in respect to long-range capital needs, including buildings, training facilities, and water mains and hydrant replacements;
2. To review the relationship of the fire department with other governmental agencies and private entities concerning topics which the commission feels present a true and pressing need for the city's fire service, i.e., mutual aid and the fire rating system of the Independent Insurance Office;
3. To recommend to the fire chief and the city council action concerning initial adoption and future amendments to the fire prevention code, the building code, and other such ordinances which pertain to the prevention of fires within the community;
4. To receive monthly reports from the department head concerning the general operations and functions of the department;
5. To perform such other duties as may be prescribed by the city council.

ARTICLE II. MEMBERSHIP

Section 2.1. Number of Members. The Commission shall consist of five (5) members, one of which may be a Councilmember. The City Council has the authority to appoint alternates as needed. The Chief of the fire department shall be an ex officio member of the Commission but shall not be entitled to vote as a member of the Commission.

Section 2.2. Eligibility. Commissioners shall be residents of the city of San Rafael.

Section 2.3. Appointment of Commissioners. Commissioners shall be appointed by the City Council. Appointments shall be published on the website for the City of San Rafael in accordance with Government Code Section 54973, as amended from time to time.

Section 2.4. Terms of Appointment. Each Commissioner shall serve a term of four (4) years. An effort will be made to ensure that the terms are staggered, and not all of the appointments expire in the same year.

Section 2.5. Term Limits. Commissioners shall be limited to two (2) consecutive four-year terms. Additional terms may be served if there is a break between terms.

Section 2.6. Absence and Removal. An unexcused absence from two (2) consecutive Commission meetings without notification to the Staff Liaison shall be considered a voluntary resignation from the Commission. Previously dismissed Commissioners may be eligible for reappointment to the Commission. Commissioners shall be subject to removal by the affirmative vote of three members of the city council.

Section 2.7. Compensation. Commissioners serve without compensation.

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. The Commission shall meet once per month, unless there is no business to conduct, and shall be scheduled annually. The schedule for the upcoming year will be set by December of the previous year.

From: Responsible Growth Marin <info@rgmarin.org>

Sent: Tuesday, September 6, 2022 11:59 AM

To: Mayor Kate <kate.colin@cityofsanrafael.org>; Rachel Kertz <rachel.kertz@cityofsanrafael.org>; Maribeth Bushey <maribeth.bushey@cityofsanrafael.org>; Eli Hill <eli.hill@cityofsanrafael.org>; Maika Llorens Gulati <maika@cityofsanrafael.org>; Lindsay Lara <lindsay.lara@cityofsanrafael.org>

Cc: Alicia Giudice <alicia.giudice@cityofsanrafael.org>; Leslie Mendez <Leslie.Mendez@cityofsanrafael.org>; Jim Schutz <jim.schutz@cityofsanrafael.org>

Subject: Proposed changes to City Boards, Committees & Commissions (BCCs)

For Public Record

Dear Honorable Mayor and City Council Members,

I will not be able to attend tonight's City Council meeting therefore I am writing to share my questions and comments so hopefully there will be some discussion regarding the points raised and this email is entered into the public record.

The City Council on 6/6/22 changed the composition of the BPAC (bicycle & pedestrian advisory committee), reducing voting membership from 9 to 5, and the Parks & Recreation(P&R) Commission, reducing voting membership from 7 to 5 voting members. The rationale was "to have uniformity among City advisory committees, improve efficiencies in meetings, and have inclusivity of experiences in our members, while remaining manageable".

The City Council also deleted the P&R Commission's authority to review P&R budget and made several changes to the San Rafael Code regarding composition of the Planning Commission, set term limits, and allowed the City Council to set eligibility requirements, quorum, meeting frequency, and compensation.

At this week's meeting the Council will continue this process with the 5-member Library Board of Trustees (allows compensation, sets term limits, removes budget review authority), Design Review Board (deletes code provisions on membership, term of office, removal or vacancy of membership, meetings, quorum, and compensation and allow City Council to decide this by resolution; sets term limits), and Fire Commission (similar changes).

While I totally support consistency and efficiencies across San Rafael Boards, Committees & Commissions, I don't understand the rationale to decrease the autonomy and decision-making responsibility. One must wonder, isn't it dangerous and antidemocratic to consolidate almost all power in the hands of the City Council? Also, I question whether eliminating the quorum requirement would allow by-passing Brown Act regulations?

I plan to see the video so if you are unable to answer my questions in tonight's meeting, please send me a written response.

I sincerely appreciate your consideration.

Respectfully,
Grace Geraghty
Terra Linda Resident - 36 years

EXHIBIT 2

DESIGN REVIEW BOARD MEETINGS for 2023

January 4 (Wednesday) – CANCELLED
January 18 (Wednesday) – CANCELLED
February 07 – CANCELLED
February 22 (Wednesday) – CANCELLED
March 07
March 21
April 04
April 18
May 02
May 16
June 06
June 21 (Wednesday)
July 05 (Wednesday)
July 18
August 08
August 22
September 06 (Wednesday)
September 19
October 03
October 17
November 07
November 21
December 05
December 19

Notes:

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

DESIGN REVIEW BOARD RULES OF ORDER

1. Authority to Adopt Rules of Order

The establishment, organization and membership of the Design Review Board are prescribed by City of San Rafael Municipal Code (City Code). These Rules of Order are hereby adopted by the Board, as prescribed under City Code Sections 2.16.120 through 2.16.122 to ensure conduct of efficient and responsive meetings, and provide guidance to the Board, staff, applicants and the general public as to how business before the Board shall be conducted. In addition, City Code Section 14.25.070 includes provisions for streamlined review of certain residential projects.

2. Organization and Officers

A. ELECTION OF OFFICERS. A Chair and Vice-Chair shall be elected from among the Board's membership at a regular meeting held during the month of December. It is intended that the Chair and Vice-Chair shall be rotated among the Board based on tenure, as defined by total years of service. The Board may establish a standing rotation of officers, based on tenure and years between service as Chair and Vice-Chair. The rotation and new officers shall be confirmed by majority vote of the Board at the regular meeting held for election of officers.

B. TERMS OF OFFICE. The Chair and Vice-Chair shall serve for a term of one year, beginning the first regular meeting in January. The Vice-Chair shall serve in the absence of the Chair, and generally shall serve as Chair in the following year.

C. PRESIDES AND POINTS OF ORDER. The Chair shall preside at all meetings, preserve order, decide all points of order, see that all actions of the Board are properly taken, and assist staff in determining agenda items. The following other duties shall be assigned to the office of the Chair:

1. The Chair, with the concurrence of a majority vote of the Design Review Board, may create such special sub-Committees as it may, from time to time, deem necessary or desirable.
2. The Chair shall represent the Design Review Board before the City Council, if called upon. The Chair may appoint any member to appear on his or her behalf.
3. In the event of absence or disability of the Chair, the Vice-Chair shall preside. In the absence of both, the members shall appoint a chair for that meeting.

D. LIAISON TO STAFF. When it is deemed appropriate to do so, the Chair shall appoint one member of the Design Review Board, or a subcommittee of up to two board members, in order to review staff approvals of projects that have been reviewed by the Board or as otherwise requested by the Secretary to the Board.

E. VACANCIES. Vacancies of the Board for other than expiration of term will be filled by appointment for the un-expired portion of the term. A permanent vacancy by the Chair or Vice-Chair shall be filled based on tenure or per the approved rotation schedule and confirmed by a vote of the Board prior to conducting business at the next regular

meeting. Officer(s) elected to serve the remainder of a partial term may be re-elected for a full-term the following year.

F. ALTERNATE MEMBER. The alternate Board member will receive all staff reports and materials delivered to the Board, and shall sit at the dais with the Board members and Planning Commission Liaison. When the alternate member is not acting as a regular member (i.e., filling a vacancy created due to an absence or abstention of a regular member), the alternate may participate in the discussion to ask questions and make suggestions to the Board for their consideration, but will not vote or provide formal recommendations and his/her comments will not be included in the Boards consensus items.

3. Secretary to the Board

The Community Development Director or his/her designee shall be the Secretary of the Design Review Board. The Secretary shall prepare copies of the Design Review Board agenda and deliver the agenda, together with any other reports, materials and communications pertaining to the matters on the agenda, on the Fridays before the scheduled meeting. The Secretary shall attend all meetings of the Design Review Board. The Secretary shall prepare reports and gather such information as may be necessary for the Design Review Board to conduct its business.

4. Design Review Process

The Design Review Board offers a two-tiered review process for projects requiring a recommendation from the Board: I.e., an informal Concept Review and a formal Design or Decision Review. The level of review required for a project application shall be as established by the Municipal Code or determined by the Community Development Director.

CONCEPTUAL REVIEW

The purpose of the conceptual review is to give the applicant an evaluation of the basic design approach proposed for a project. This is typically an informal critique of the project conducted in a workshop format. No consensus vote by the Board is required. The applicant will work with staff to obtain a summary or access to video of the meeting comments.

FORMAL DESIGN/DECISION REVIEW

The purpose of formal review is to evaluate a completed project application for consistency with applicable criteria and provide a recommended action and conditions to the decision-making body, as required (i.e., Staff, Zoning Administrator, Planning Commission or City Council).

5. Meetings and Agendas

A. REGULAR MEETINGS. Regular meetings of the Design Review Board will be held twice per month on Tuesdays following City Council meetings, beginning at 7:00 PM.

B. SPECIAL MEETINGS. Special meetings for any purpose may be held on the call of the Chair or of three members of the Design Review Board. Such meetings shall be

duly noticed by the Secretary in accordance with the provisions of City and State law. Such meetings shall be open to the public.

C. CONTINUED MEETINGS. In the event the Board wishes to adjourn its meeting to a certain hour on another day, a specified date, time, and place must be set by a majority vote of the members present, prior to the regular motion to adjourn.

D. ADJOURNED MEETINGS. The Chair shall adjourn the meeting following the conduct of all business on the agenda.

E. PLACE OF MEETINGS. Meetings shall be held in the City Council Chamber or at another public place in the community.

F. QUORUM. A quorum of the Design Review Board shall consist of three members. A quorum will be necessary to conduct business.

G. MEETING AGENDA. The Secretary shall prepare and deliver an agenda at least five (5) calendar days prior to each Design Review Board meeting.

H. AGENDA ORDER. A change in order of the Design Review Board agenda shall be determined by the Secretary and the Chair of the Design Review Board. The listing of matters of business shall normally be in the following order:

1. Call to Order
2. Staff and Board communications
3. Approval of Minutes
4. Consensus Items
5. Old Business
6. New Business
7. Other Board Business
8. Adjournment

6. Voting & Abstention or Disqualification

A. MAJORITY VOTE. All official recommendations and decisions by the Board shall require a majority vote of those present at the meeting.

B. ABSTENTION/DISQUALIFICATION. An abstention on any vote shall only be allowed for a conflict of interest by a member in accordance with the State Political Reform Act and other applicable state law. A disqualified member shall leave the voting area prior to consideration of the matter.

C. CHANGE OF VOTE. A member may change his or her vote after the roll has been completed before the announcement of the result.

7. Conduct of Meetings

A. PUBLIC RECOGNIZED. NO person shall be permitted to speak unless recognized by the Chair, who may permit persons to speak on any matter properly before the Board.

B. PROCEDURE OF PRESENTATION. Agenda Items before the Design Review Board shall be presented and heard in the following manner:

1. Chair shall announce the agenda item. If a request for continuance is made, a motion may be made and voted to continue the meeting to a date specified or unspecified. Re-notice shall be required if continued to a date unspecified.
2. Presentation by staff; limited to five (5) minutes, and extended at Chair's discretion.
3. Public meeting is opened.
4. Presentation by applicant; limited to ten (10) minutes, and extended at Chair's discretion. The Board may have questions of the applicant regarding the project materials or applicant presentation after completion of the applicant's presentation.
5. Comments from the public, where appropriate; limited to three (3) minutes per speaker, which may be reduced or extended at Chair's discretion. If there are numerous speakers, the Chair may request that a spokesperson be selected for the entire group and that comments not be repeated.
 - a. All comments or questions shall be addressed through the Chair.
 - b. The Chair may limit the number of speakers or the time on a particular issue to avoid unnecessary repetitive evidence.
 - c. Irrelevant, defamatory, or disruptive comments will be ruled out of order.
6. Questions from Board members of the applicant, staff, public or other meeting participant, with responses by the appropriate participants.
7. Public meeting is closed.
8. The applicant may provide responses to any concerns or questions raised by the public for benefit of the Board in its deliberation and discussion of the matter.
9. Comments on the project are made by each Board member. The Chair selects a member to comment first, and may elect to be the last to provide comment.
 - a. Comments on conceptual review should focus on the over-all design approach.
 - b. Comments on a formal review requiring a decision by the Board will focus on the recommendation to approve or deny the project and any conditions of approval or design changes which the Board recommends.
10. Follow-up Discussion. Before the Board concludes its discussion and votes on the project, the following opportunities shall be provided to the applicant and Board:
 - a. The applicant shall be given an opportunity to indicate willingness to make specific changes to the project, or discuss any recommended revisions, or to respond to questions, or to seek further clarification.
 - b. A Board member shall have the opportunity to consult with other Board members, staff and meeting participants, to consider whether members wish to revise, support, or not support any comments made based on the discussion, and in order to reach a consensus.
11. Comments or conditions are summarized by the Secretary, and a list of the consensus items is identified. Further discussion with the Board members may occur if needed to finalize the list of consensus items, directed through the Chair.

12. Vote is taken on an action requiring a formal decision or recommendation by the Board. Staff liaison to the Board shall summarize the vote. No vote is taken on Concept level review items.

C. OBJECTIVITY. Participants, including the public, staff, Board members and applicants, will strive to focus comments on design matters and relate comments to issues of consistency with established design criteria. Comment on individual design “preferences”, or the motivation or qualifications of other participants, or land use issues that will be considered by the decision-making authority should be avoided; but recognizing that many issues are based on the professional experience and subjective considerations of the Board members in an effort to provide a better design. As noted above, comments by all participants shall be respectful and in a civil manner.

D. DECISIONS / ACTIONS. The Board’s comments and/or recommendations shall be recorded as follows:

1. An action requiring a formal decision or recommendation by the Board shall be formulated in a motion and approved by a majority vote of the members present. A motion must be made and seconded, and may be debated prior to call of a vote on the decision. An amended motion shall be affirmed by a second of the amended motion. The vote will result in the following outcomes:
 - a. A motion shall fail due to lack of a second or a majority vote affirming the motion.
 - b. If a positive recommendation is made, this will be transmitted as indicated in Section 8.
 - c. If the Board does not provide a positive recommendation, the applicant may proceed to the decision making body with a negative recommendation or may accept a continuance for redesign to address the comments of the Board. The applicant may re-appear before the Board two times following initial formal review, after which time the Board will make a final positive or negative recommendation unless the Board, applicant and staff agree to further continuances to address outstanding design issues.
2. On Conceptual Review matters or discussion items, a vote and decision on the project is not made.
3. Items listed on consent do not require formal discussion, and may be acted on by motion and vote of a majority of the members present.

8. Transmittal to City Council, Planning Commission and Zoning Administrator

Decisions on matters that are being forwarded to the Zoning Administrator, Planning Commission and/or City Council from the Design Review Board shall include the majority recommendation that has been affirmed by a vote of the Design Review Board.

9. Parliamentary Procedure

Robert's Rules of Order shall be followed in all cases not in conflict with these rules.

10. Review, Amendment and Suspension of Rules

A. No rule of procedure may be suspended except by unanimous vote of those members present. A motion to suspend the rules shall be decided without debate. Inconsistent procedure, without objection, implies suspension. Any member may object to inconsistent procedures and require a return to the adopted rules.

B. These Rules and Procedures shall be reviewed at the first meeting of each year to consider any updates and assure consistency with the adopted City design criteria. The rules may be amended at any meeting by a majority vote of the Board provided that each member has received a notice of proposed amendments at least 5 days prior to the meeting.