

# **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.