



**Design Review Board  
Regular Meeting**

**Tuesday, March 21, 2023 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**

This meeting will be held in-person. The public may attend in-person or participate virtually using Zoom.

How to participate in the meeting virtually:

- Submit public comment in writing before 4:00 p.m. the day of the meeting to [PlanningPublicComment@cityofsanrafael.org](mailto:PlanningPublicComment@cityofsanrafael.org)
- Join the Zoom webinar and use the 'raise hand' feature to provide verbal public comment.
- Dial-in to Zoom's telephone number using the meeting ID and press \*9 to raise your hand, and \*6 to unmute yourself, then provide verbal public comment.

If you experience technical difficulties during the meeting, please contact [PlanningPublicComment@cityofsanrafael.org](mailto:PlanningPublicComment@cityofsanrafael.org)

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 March 7, 2023**

*Recommended Action – Approve minutes as submitted*

**ACTION CALENDAR**

**2. 380 Margarita Drive – New Single-Family House**

Request for Zoning Administrator recommendation for an Environmental and Design Review Permit application for a new single-family residence, pool, and detached garage with a guest unit on a vacant hillside lot; APN: 015-320-03; Planned Development District (PD) 1808-H; ED21-011, PLAN21-019

**Project Planner:** Renee Nickenig ([renee.nickenig@cityofsanrafael.org](mailto:renee.nickenig@cityofsanrafael.org))

*Recommended Action – Review and provide input on items discussed in staff report*

**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](mailto:city.clerk@cityofsanrafael.org) or using the California Telecommunications Relay Service by dialing “711”, at least 72 hours in advance of the meeting. Copies of documents are available in accessible formats upon request.*



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**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](mailto:PlanningPublicComment@cityofsanrafael.org).
- Join the Zoom webinar and use the 'raise hand' feature to provide verbal public comment.
- Dial-in to Zoom's telephone number using the meeting ID and provide verbal public comment.

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

## **CALL TO ORDER**

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

## **RECORDING OF MEMBERS PRESENT AND ABSENT**

Present: Chair Rege  
Board Member Michael Alexin  
Board Member Jeff Kent  
Alternate Board Member Donald Blayney

Absent: Vice Chair Sharon Kovalsky  
Board Member Stewart Summers

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 December 6, 2022**

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

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

Motion carried 4-0 Yes.

## **ACTION CALENDAR**

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

### **2. 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](mailto: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. No public comment was provided.

Board Members provided comments.

Member Kent requested City Staff to come back to a future Design Review Board meeting to confirm whether the City can consider removing invasive plants in the rest of the San Rafael Creek, that is not immediately adjacent to the Wildcare frontage.

Member Kent moved, Member Blayney seconded recommendation that the Planning Commission approve the project as proposed.

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

Motion carried 4-0 Yes.

### **3. 1515 4<sup>th</sup> 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](mailto: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. Public comment was provided by 15 members of the public. A number of the comments expressed concerns regarding the following concerns: building height, impacts to street parking, traffic impacts to Shaver Street, and color of the building. A few of commenters expressed support for the proposed project.

Board Members provided comments.

Chair Rege moved, Member Alexin seconded recommendation that the Planning Commission approve the project if the applicant addresses the following comment:

1. Provide a different color and/or material for the two building corner columns facing 4<sup>th</sup> Street and the center building column facing 4<sup>th</sup> street from the color and material proposed for the rest of the building columns on all building elevations.

AYES: Members: Alexin, Blayney, Kent & Rege

NOES: Members: None

ABSENT: Members: Kovalsky, Summers

ABSTAIN: Members: None

Motion carried 4-0 Yes.

#### **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](mailto:jeff.ballantine@cityofsanrafael.org))

Jeff Ballantine, Senior Planner, presented the Staff Report on the project.

Staff responded to questions from the Board Members.

Chair Rege asked for public comments. No public comment was provided.

Board Members provided comments.

Member Kent moved, Chair Rege seconded motion to elect new DRB officers for 2023 as recommended in the staff report and adopt the amended DRB Rules of Order as presented in the staff report packet.

AYES: Members: Alexin, Blayney, Kent & Rege

NOES: Members: None

ABSENT: Members: Kovalsky, Summers

ABSTAIN: Members: None

Motion carried 4-0 Yes.

#### **DIRECTOR’S REPORT**

Jeff Ballantine provided an update on the General Plan Annual Progress report; a City Council resolution banning camping in Albert Park; and a City Council resolution approving a vegetation management program for fire safety purposes.

#### **BOARD COMMUNICATION**

Board Member asked about the process for responding to members of the public on a project when their concerns are not within the purview of the DRB.

#### **ADJOURNMENT**

Chair Rege adjourned the meeting at 9:21 p.m.

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JEFF BALLANTINE, Senior Planner

DRAFT



**SAN RAFAEL**  
THE CITY WITH A MISSION

Community Development Department –  
Planning Division

**Meeting Date:** March 21, 2023

**Case Numbers:** ED21-011 (PLAN21-019)

**Project Planner:** Renee Nickenig, Assistant  
Planner

**Agenda Item:** 2

**REPORT TO DESIGN REVIEW BOARD**

**SUBJECT:** **380 Margarita Drive** – ED21-011 (PLAN21-019) for construction of a new single-family home with a detached garage; APN: 015-320-03; Planned Development District (PD) 1808-H; Will Kelty, Owner and Applicant.

**SUMMARY**

This project is being referred to the Design Review Board (DRB) to provide a recommendation on a retaining wall taller than four feet and advise on the design of a new single-family residence on a hillside property, which is defined as a minor physical improvement under San Rafael Municipal Code (SRMC) Section 14.25.040.

Per SRMC Section 14.16.140.A.2 staff is requesting that the DRB make a **recommendation to the Zoning Administrator to approve or deny** the following:

- Retaining walls over four feet (4') in height along the driveway outside of the designated building envelope.

Per SRMC Section 14.12.030.I staff is requesting that the DRB **provide advisory comments** for the consideration of the Zoning Administrator on the following:

- Exterior wall and roof color
- Proposed design with flat roof and large glass windows/walls
- Proposed tree screening at pool wall

**REQUESTED ENTITLEMENT**

Environmental and Design Review (ED21-011) for:

- A. Zoning Administrator approval for Minor Physical Improvement for construction of a single-family residence, per San Rafael Municipal Code (SRMC) Section 14.25.040.
- B. Zoning Administrator approval for modifications to the approved architectural standards in PD 1808-H.
- C. Administrative approval for a wall outside of the setbacks over 15' in height per SRMC Section 14.16.020.E.5. and Section 14.16.140.2.a.
- D. Administrative approval and DRB recommendation for retaining walls over four feet (4') in height on a hillside parcel per SRMC Section 14.16.140.2.a.



## PROJECT HISTORY

This project was previously reviewed by the DRB on November 8, 2022. The staff report included a detailed review of the property facts and development standards for the property (Exhibit 1). The DRB requested that the applicant submit additional materials for review, including:

1. Confirmation that the Marin Municipal Water District (MMWD) can service the property without installing an above-grade water tank
2. Color samples and renderings showing an alternative color for the residence that would better blend with the ground and surrounding environment
3. Landscape plan
4. Plan for proposed solar panels if any
5. Geotechnical analysis

The DRB also requested that the applicant address the large pool retaining walls with a screening technique and/or an alternative design that would minimize the visual impact.

## CURRENT PROJECT PROPOSAL

In response to comments from the DRB the applicant provided the following:

1. The applicant provided an analysis of the water service needs from Fire & Risk Alliance concluding that a pump rated at 750 GPM flow developing 130 PSI will be needed for fire suppressant needs, and comments from Oberkamper & Associates Civil Engineers, Inc. stating that requirements set forth by the Marin Municipal Water District (MMWD) in the letter sent March 5, 2021 are expected to be met (Exhibits 2-5).

Staff believes that this is sufficient information to continue with the design review of the proposed project, as MMWD will give final approval once the project is submitted for a building permit. The applicant will be responsible for developing a water service plan to be reviewed and approved by MMWD and the San Rafael Fire Department.

2. The applicant has provided updated elevations and renderings showing the residence in a dark brown tone, including the roof, exterior concrete walls, and retaining walls. The specific color noted (Benjamin Moore van Buren Brown) was chosen from the existing City of San Rafael Design Review Color Board. See updated project elevations and renderings found in Exhibits 6 & 7.
3. The applicant has not submitted a landscaping plan but did provide a topographical rendering noting the proposed installation of trees at the southeast wall of the pool to provide screening. (Exhibit 8).

Any proposed landscaping will be required and conditioned to be included on the approved plant list provided by MMWD. Staff is additionally encouraging the applicant to choose California native plants and utilize guides provided by the San Rafael Fire Department: [California Native Plant Society, Marin Chapter – Plant Replacement List](#); [Fire Safe Marin – Choosing Plants](#) . A landscape and irrigation plan approved by MMWD and the San Rafael Fire Department prior to issuance of a building permit.

4. The applicant has not indicated that solar panels are proposed at this time.
5. Exhibit 6 contains the Geotechnical Investigation completed by Miller Pacific Engineering Group on October 14, 2021. (Exhibit 9). All life and safety requirements will be addressed during the building permit stage.

## **ANALYSIS**

The DRB is being asked to make a recommendation to the Zoning Administrator to approve or deny the retaining wall over 4' in height along the driveway outside of the designated building envelope, and to provide advisory comments for the consideration of the Zoning Administrator on the design elements of the residence that the DRB previously commented on.

### **Driveway Retaining Wall**

The project includes at 4' to 9' retaining wall along the proposed new driveway. Per the civil site plans provided (Exhibit 4) the walls are necessary to provide a code-compliant driveway. The walls will be finished to complement into the hillside and will be only partially visible from Margarita Drive and the immediately adjacent residences.

The DRB previously expressed support of the driveway retaining wall, and staff is requested a formal recommendation.

### **Residential Design**

The design of the proposed residence was previously reviewed by staff and the DRB against the *Design Guidelines Applicable to All Hillside Residential Development Projects*. The DRB expressed support of the flat roof but expressed concern with the large span of windows related to light and glare and energy efficiency. The DRB also suggested that the proposed off-white color was in too high contrast to the hillside, and that the 17' wall proposed to support the pool should be terraced to reduce the visual impact on the hillside.

Staff is requesting that the DRB review the updated design elements and provide input on elements that they are in support of or feel should be amended prior to final approval.

#### Flat Roof

The flat roof is now proposed in a dark brown color so as to better complement the surrounding hillside. The residence will be at the highest point of this elevation, and so there will be no residence looking down onto the roof.

#### Windows

The applicant has provided project elevations showing a glass type with anti-reflective coating (see Exhibit 6, sheet A501). The applicant will additionally be required to meet the Light and Glare standards in SRMC Section 14.16.227 and will be required to meet Title 24 standards through the building permit phase.

#### Exterior Color

The applicant has now proposed a dark brown color for the exterior walls of the primary residence, guest house, pool wall, and driveway retaining wall. The dark brown color is in less contrast to the hillside, will complement the hillside by mimicking the underside of the existing tree canopy, and will offset the expanses of glass along the elevations.

#### Pool Retaining Wall

The applicant has chosen to screen the pool wall with vegetation, noting that the steepness of the hillside would result in an excess of stepped walls. While the wall can be considered excessively tall, the dark color and vegetation will minimize the visual appearance from public viewpoints. Additionally, the tallest elevation of the wall is oriented to the southeast, and so will not be directly facing the immediately surrounding residences.

## **NEIGHBORHOOD CORRESPONDENCE**

Following the DRB meeting on November 8, 2022, staff received a letter of concern from the neighbors at 366 Margarita Drive (Exhibit 11). The letter raises life and safety concerns that will be further addressed in the building permit phase of the project.

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 all meetings, including 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 additional public comments, as of the posting of this staff report.

## **CONCLUSION**

Staff request input from the DRB on the issues raised in this staff report with regards to the consistency of the project with specific provisions in the Design Guidelines Applicable to All Hillside Residential Development Projects. The DRB may recommend approval, approval with conditions, redesign or denial to the Zoning Administrator for this Environmental and Design Review application.

## **EXHIBITS**

Exhibit 1: [November 8, 2022 DRB Staff Report](#)

Exhibit 2: [Fire Life & Risk Alliance Letter/Report](#)

Exhibit 3: [Civil Site Plan Comments](#)

Exhibit 4: [Civil Site Plan, Dated 06/24/2022](#)

Exhibit 5: [MMWD letter dated March 5, 2021](#)

Exhibit 6: [Project Elevations. Submitted 03/06/2023](#)

Exhibit 7: Project Renderings; [Image \(1\)](#); [Image \(2\)](#); [Image \(3\)](#); [Image \(4\)](#)

Exhibit 8: [Landscape Topography, Submitted 01/18/2023](#)

Exhibit 9: [Geotechnical Investigation](#)

Exhibit 10: 2023-01-13\_Public Comment\_380 Margarita Drive

RECEIVED

JAN 13 2023

01.08.2023

Community Development Department  
City of San Rafael  
1400 5<sup>th</sup> Avenue  
San Rafael, CA 94901

**Subject: 380 Margarita Drive; Environmental and Design Review Permit for New Single-Family Home**

Dear sir or madam:

We are longtime property owners and residents of 366 Margarita Drive (the "Piano House"), which immediately abuts the vacant, hillside property at 380 Margarita Drive. We have had an opportunity to review the proposed plans and studies prepared for the development of a new single-family home on this neighboring lot. We also attended the City's Design Review Board (DRB) meeting held on November 8, 2022. While we are not opposed to development of this property, we would like to express our concerns about the current home siting and design proposed for this vacant property. Our concerns are based on our own intimate experience with living in this steep hillside area, as well as the development and construction process that we undertook to complete major improvements on our property.

By way of background, we purchased our home at 366 Margarita Drive in 1998. Prior to the purchase of our property, we were well aware of the history of the steep hillside area upslope of Margarita Drive. Nonetheless, we chose to purchase this home because of the natural beauty of the area and the stunning views. The hillside area is known for its geologic instability, is vulnerable to fire hazard, and is difficult to access. As a result of the famous storm event of January 1982, at least a dozen landslides on this hillside were activated spewing mud and vegetation debris downward toward and over Margarita Drive. Some of this occurred again during a similar storm event in 1986. More recently, the hillside area was the subject of a number of grass fires, which are difficult for fire fighters to access due to the steep slopes and the narrowness of Margarita Drive.

In 2007, we pursued permitting and construction of major improvements to our property, which included the development of a new driveway and large parking terrace area. The improvements required substantial grading and the construction of tall, engineered retaining walls. We were required to commission numerous studies to assess the slope stability, location of landslides, groundwater conditions and drainage. Because our driveway exceeded 350 feet in length, we were also required to install a "hammerhead" at the terminus of the driveway (adjacent to the parking area) to accommodate a turnaround for emergency vehicles (fire vehicle and equipment). The engineering design costs were expensive and complicated as they had to address the challenged conditions of the hillside area adequately and safely. Even with all the safeguards in

place, we experienced mudslides and hillside fire during the site grading and construction process.

It took us several years to complete this project, which was largely attributed to seasonal restrictions on earth movement and retaining wall installation. As a result, during the rainy season, we experienced further earth movement and sliding even though site winterization measures were in place. Our personal experience has left us cautious and leery of major construction in this hillside area.


From what we learned from our personal experience, we offer the following comments and concerns about the site design and studies that have been prepared for the 380 Margarita Drive development:

1. Mudslide/landslide risk. There are two large mudslides within very close proximity of the proposed site. Both mudslide scars are at least 10 feet deep & 100 yards long. The geotechnical investigation prepared for this site is limited to three soil test borings that are specifically in the area of the proposed residents and ancillary improvements. Additional test borings should be conducted upslope and downslope from the proposed residence, pool, and driveway to determine the stability of the slopes and to document any landslides.
2. Fire truck and emergency vehicle access. Margarita Drive is extremely narrow and steep, which is challenging for fire truck and emergency vehicle access. Along this public road, there are few places to park a vehicle and the turning moves are extremely tight. Because of this condition, driveway access to individual lots has to be carefully designed to ensure safe and efficient travel for emergency vehicles and adequate off-street parking. For the proposed driveway access, the turning radius at the entrance appears to be too narrow for a fire truck. As part of the design process for our driveway, our geotechnical engineer was required to provide test borings of soil samples every seven lineal feet to demonstrate that we have sufficient bedrock to support the driveway. This type of soil testing should be required of this applicant.
3. 17-foot-tall retaining wall supporting the proposed swimming pool. The hillside is questionably steep to support the weight of a swimming pool and a 17-foot-tall retaining wall that is proposed to support the pool. The proposed retaining wall is only a few feet away from our property, so we are concerned that if the slopes fail, our property and improvements (as well as other properties downslope from this site) are at risk.
4. Overrun vegetation – fire hazard. Sections of the 12 acres are severely overgrown with scotch broom & pampas grass. The subject property is the only property around us that does not regularly remove or manage vegetation. The Country Club will continue to have a higher fire risk profile until the excessive vegetation is removed on a yearly or bi-yearly basis.

We understand that these issues are planning and environmental matters that will ultimately be addressed by the Planning Commission when this body reviews the permit application. However, some of these issues are critical to the siting and design of the proposed single-family dwelling for which the DRB will provide advice and a recommendation. Therefore, it is requested that this technical information be afforded to the DRB, so that the Board is aware of the site conditions and constraints that greatly influence site design and safety.

In closing, we would like to reiterate that we are not opposed to the development of this site. In fact, we support the approval and development of a safe and well-designed home. . .and, more importantly, we welcome our new neighbors. Our concern is with the unique constraints and challenges that come with development of this hillside property. We look forward to your considering and addressing our concerns, as well as our continued participation in the Design Review process.

Sincerely,



Sasan Faramazi



Theresa Campbell