



**SAN RAFAEL CITY COUNCIL AGENDA REPORT**

**Department: City Clerk/Community Development**

**Prepared by: Lindsay Lara, City Clerk  
Margaret Kavanaugh-Lynch,  
Planning Manager**

**City Manager Approval:** \_\_\_\_\_

**TOPIC: DESIGN REVIEW BOARD AND PLANNING COMMISSION CONSOLIDATION DISCUSSION**

**SUBJECT: REPORT ON DESIGN REVIEW BOARD AND PLANNING COMMISSION CONSOLIDATION**

**RECOMMENDATION:**

Accept report and provide feedback to staff.

**BACKGROUND:**

The Design Review Advisory Committee was created in 1977 by the San Rafael Redevelopment Agency as an informal committee to respond to the high volume of development applications, delays in the processing of applications, and the quality of design review in response to the Downtown Beautification Project and the rapid development of East San Rafael. The Design Review Board (DRB) was officially established in May 1980 by Ordinance 1502 to formalize the Design Review Advisory Committee. When the DRB was established, its purpose was to serve as an advisory body to the City Council to review and formulate recommendations on development projects requiring environmental and design review permits and on other design matters referred to the DRB by the City Council, Planning Commission (Commission), or Planning Director.

Since the establishment of the DRB, there have been countless incredible volunteers who have assisted in provided design review expertise for significant San Rafael developments. However, over the last several years, new state legislation and modifications to the City’s Municipal Code allow for a more streamlined reviews of projects. Discussions regarding the potential dissolution of the DRB started in 2019 following the City Council’s recommendation to research the housing and development challenges in San Rafael. The Community Development Department presented a staff report in 2019, which included suggestions from several developers to dissolve the DRB, like the City of Mill Valley’s decision to do so a decade prior. Since 2019, a series of informational reports have been presented to the City Council. In 2020, the City Council approved a staff report recommending that staff pursue an amendment to the San Rafael Municipal Code to streamline development review and created a Design Review Advisory Committee (DRAC) as a one-year pilot program. Following the one-year pilot program, staff

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**FOR CITY CLERK ONLY**

**Council Meeting:**

**Disposition:**

recommended the dissolution of the DRAC due to the state legislature's adoption of new laws mandating streamlined review of residential projects. These laws include SB35, which requires local jurisdictions to establish objective design standards for a ministerial review process to provide more certainty for applicants in design review approval; the Housing Crisis Act of 2019 (SB 330, as amended by SB 8), which limits the number of meetings a city may hold to five for certain residential projects and mixed-use projects that are two-thirds residential by square footage; and, more recently, SB 9, which mandates a ministerial review for certain types of residential projects and lot splits. To implement new state laws, the City modified its procedures to process development applications. Following further analysis and research, in April 2022 staff modified the recommendation from 2020 that initially proposed a DRAC one year pilot program. The 2022 staff recommendation renamed the proposed one-year pilot program to "Streamlined Review for Certain Residential Projects". The DRAC approach was modified to no longer include a subcommittee of the DRB. On further review, it was determined a subcommittee was not needed for two representatives of the DRB to participate in the streamlined review. The City Council approved the recommendation in April 2022 for a new one-year pilot program with an additional streamlined review for new developments. The report indicated the effectiveness of the program would be assessed by staff with participation from the Commission, the DRB, and members of the public.

**ANALYSIS:**

The outcome of the pilot program resulted in fifteen canceled DRB meetings in 2023, fifteen cancellations in 2022, and five cancellations in 2021. Due to the State's recent housing legislation and the City's streamlined review process, staff now recommends the City Council consider dissolving the DRB and restructuring the Commission to include two new design professionals who would guide and advise the Commission at-large on design matters.

Staff recommends proposing a revised ordinance that amends the membership of the Planning Commission and redistributes the duties of the DRB among the Planning Commission, Zoning Administrator, and Community Development Director in a way that ensures the process and quality of design are not negatively impacted.

**Proposed Design Review Board Transfer of Scope and Responsibilities**

The DRB is an advisory body on legislative matters related to the following:

- Review 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.
- Review other design matters, including minor physical improvements or administrative design permits, referred to the board by the Community Development Director or City Council.
- 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.

If the DRB were to be dissolved, the DRB's advisory duties to review and make recommendations on environmental and design permits and other design matters would need to be redistributed.

**Planning Commission Composition/Membership/Eligibility**

Staff recommends the design review of major projects be assigned to the Planning Commission, with the composition to include two new design professionals. Staff recommends that the membership of the Planning Commission be modified as follows:

- 4 District Representatives
- 1 At-large Commissioner
- 1 At-large Commissioner
- 1 At-large Commissioner (Licensed Architect)
- 1 Alternate Member (Licensed Architect)

This approach requires one at-large member who is a licensed architect and an alternate member who is a licensed architect. This recommendation does not preclude opportunities for additional professional design experts to serve on the Commission because design professionals, including a licensed architect, may apply and serve in a district or at-large seat.

**Next Steps**

Once staff receive feedback from the DRB, Planning Commission, City Council and the community on staff's recommendations, staff will return to the City Council in January 2024 with an Ordinance proposing to amend the Municipal Code, based on the direction received from the City Council.

**COMMUNITY ENGAGEMENT:**

Staff contacted members of the DRB and the Commission to inform them of the recommendation coming forward at a future City Council meeting and requested input from members. Staff contacted real estate developers, brokerage firms, and stakeholder organizations to seek their input as well. All correspondence received is included in Attachment 5. In addition, notice for a hearing to consider an ordinance on this subject was published in the Marin IJ, published on the City's website, and posted outside of City Hall.

**FISCAL IMPACT:**

There is no fiscal impact associated with the acceptance of this report; however, if the direction is to proceed with the consolidation of these BCCs, it would result in a reduction in the administrative costs associated with the DRB.

## Re: Fw: Elimination of San Rafael Design Review Board and Consolidation with the Planning Commission

Aldo Mercado [REDACTED]

Tue 12/12/2023 10:29 AM

To:Lindsay Lara [REDACTED]

Hi Lindsay

Great seeing you as well. Should the City decide to consolidate the DR Board and the PC you may have to weigh the technical discussions that have been with the DR against the policy discussions that the PC many times addresses. This may create a tension on certain items where the policy analysis does not align with the design comments. for those PC members that are not design experts it may also create a tendency of having more reliance on the design experts' input on various parts of the project. This kind of discussion may not be a problem but could create a perception issue in that certain members of the PC (those with the design expertise) have more sway on a project. Also as a matter of timing I can see meetings going longer than previously because of all the issues that need to be addressed. it may be helpful to have guidelines on how meetings will be structured and how projects will be analyzed.

Aldo

## RE: Elimination of San Rafael Design Review Board and Consolidation with the Planning Commission

Joanne Webster [REDACTED]

Wed 12/13/2023 9:51 AM

To: Lindsay Lara [REDACTED]

Hi Lindsay,

It is so nice to hear from you and I'm glad you found me. Reach out anytime.

I do believe this is a trend in local government processes- streamlining project reviews by combining DRB and PC and I support that. We have seen success in this already. The only time I think DRB may be needed would be on very large, once in a lifetime type of projects like the transit center or maybe even NG. I think hiring specific project planners also for these large projects is needed and helpful too. They can walk the applicant thru a lot of processes (like DRB) and help city staff.

My two cents.

Have a very happy holiday.

Joanne

*Joanne Webster*

*Incoming President and CEO*

**North Bay Leadership Council**

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## Consolidation of the Design Review Board and Planning Commission

Karen Strolia [REDACTED]

Thu 12/14/2023 10:57 AM

To: Distrib- City Clerk <City.Clerk@cityofsanrafael.org>

Hi Lindsay,

Here is my comment for Monday's meeting. Let me know if you have any questions or need anything else from me.

*One of the continued goals of the Chamber of Commerce is to create more housing within the City for our businesses and its workforce. Over the last five years the Chamber has advocated for a more streamlined approval process for development projects that lead to a strong economic climate. For these reasons, the Chamber would very much support the dissolution of the Design Review Board allowing for a more refined process that could be handled by both City staff and the Planning Commission. Many times, the lengthy process can deter development or cause approved projects to sit and languish due to the rising costs that incur due to lengthy approval timelines. We have also seen that the extended timelines create substantial monetary loss to developers within the city so eliminating any unnecessary hurdles makes the City of San Rafael a more desirable place to build.*

Sincerely,

**Karen Strolia**

President & CEO



817 Mission Ave. San Rafael, CA 94901

Phone: (415) 454-4163 x 101

## My Suggestions Regarding the Design Review Board

Michael [REDACTED]

Tue 11/21/2023 10:32 AM

To: City Clerk <City.Clerk2@cityofsanrafael.org>

Cc: Michael [REDACTED]

Dear Alicia and Lindsay,

Please find my comments regarding the proposed dissolution of the DRB to share with Mayor Kate and the Council.

Dear Mayor Kate and Council Members:

Given the recent state legislation that has tied the hands of the City and specifically the Design Review Board from being able to suggest meaningful and significant design changes to new proposed building projects, I understand staff's proposal to disband the DRB.

For us residents, it is sad that the City does not have the legal means to ensure that any new residential project is SPECIFICALLY appropriate for the neighborhood in scale and design, aesthetically pleasing, and a positive architectural addition to the City. I worry that without some sort of oversight or tightened standards, we may return to the era of the 70's and 80's when many ugly, inappropriate and repulsive buildings were built in San Rafael, which we still suffer with to this day.

What about the standards and laws that apply to commercial building design as well? Do we want to relinquish control over new office or retail towers?

I would strongly recommend that the City Council at the very least request that the DRB perform a detailed review of the current "objective design standards" to recommend changes that might help provide some tighter measure of aesthetic control, specifically for both residential and commercial design. I have read these standards carefully, and they are quite general. I believe that as written, they do not provide enough of a safeguard against "ugly" and "unfriendly".

I also believe that the City needs to lobby our State officials and legislators to bring back some reasonable level of local control while incentivizing new residential construction. Without some measure of local control, California towns will start to homogenize into bland sameness.

It has been an honor to serve on the San Rafael Design Review Board for the last year and a half. Thank you for this privilege!

Respectfully submitted,  
Michael Alexin  
Design Review Board Member

Sent from my iPad

## dissolution of the Design Review Board

Sharon Kovalsky [REDACTED]

Mon 11/20/2023 1:11 PM

To: City Clerk [REDACTED]; Cristine Alilovich [REDACTED]; Mayor Kate [REDACTED]

Hi All,

Dissolving the DRB gives away too much of the power of the citizens. The people will lose much needed representation. The board is advisory only, we hardly have "teeth". I think the removal of the board is short sighted. I recommend going back and looking at the history of why a design review board was put into place. Also, see what other towns around do...I do not know of another without a design review board. It seems you are solving a real problem at the wrong place in the chain. It seems shortsighted.

with respect,  
Sharon Kovalsky, AIA  
Aplos Group Architecture

[REDACTED]  
[www.AplosGroup.com](http://www.AplosGroup.com)  
[REDACTED]