

**From:** Christian Oakes <[Christian@twmarchitects.com](mailto:Christian@twmarchitects.com)>  
**Sent:** Sunday, December 17, 2023 10:43:20 PM  
**To:** Margaret Kavanaugh-Lynch <[margaret.kavanaugh-lynch@cityofsanrafael.org](mailto:margaret.kavanaugh-lynch@cityofsanrafael.org)>; Alicia Giudice <[alicia.giudice@cityofsanrafael.org](mailto:alicia.giudice@cityofsanrafael.org)>  
**Cc:** Lindsay Lara <[lindsay.lara@cityofsanrafael.org](mailto:lindsay.lara@cityofsanrafael.org)>; Monica Ly <[Monica.Ly@cityofsanrafael.org](mailto:Monica.Ly@cityofsanrafael.org)>  
**Subject:** San Rafael DRB + PC Consolidation - City Council Agenda Item No 5b

*Hello Margaret + Alicia,  
Please include my letter below as an architect working in San Rafael since 1989, and a resident of San Rafael since 1997:*

Mayor Kate, City Council, Planning Commission and Community Development Staff,

San Rafael can't lose its soul.

We live and work here because San Rafael is a beautiful and unique city.

San Rafael is a haven for artists, designers; rich in quality of life + landscape.

This includes our buildings, that the DRB has been so effective in influencing, to be enriching contributions.

We can't succumb to politicians, developers and their accountants; thus vulnerable to profiteers and poorly conceived development designs.

Good design is an extremely complex task that takes skill, time, effort and financial support.

If the DRB is to be dissolved and you don't put a more expedited "equal" process in place you may just ruin this city.

This is an important decision, not to be taken lightly or expedited.

Please delay this action to thoroughly develop a proper equal process for San Rafael.

Thank you.

*e-confirmation requested.*

**Christian Oakes**

**Architect**

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December 17, 2023

To: Lindsay Lara, City Clerk <City.Clerk2@cityofsanrafael.org>  
Subject: San Rafael Design Review Board & Planning Commission Consolidation Discussion - 12/18/2023 City Council meeting

Dear Mayor Kate and City Council Members,

I'm writing to provide additional input on the proposal to dissolve the Design Review Board (DRB) and consolidate its functions with the Planning Commission.

If the bodies are merged, Planning Commissioner Aldo Mercado in his email included in the Agenda Packet rightly notes the need to address potential tensions between design and policy discussions. Clear guidelines should frame meeting format and project review procedures to allow balanced and efficient discourse that leads to decisions consistent with policy. Perhaps there are cities that have completed a similar consolidation that have precedent guidelines we can adopt.

Also, to reduce the risk of relying too heavily on a single architect's point of view and ensure we have proper consideration of trees and other forms of landscaping, I ask that the City Council require two licensed architects to be active in decision-making (not one primary and one alternate), one with qualified for building design and the other for landscaping. Since we plan to require demonstrable expertise from the architects and since navigating the policy landscape is harder than ever, it would be good to also set a level of minimum, yet inclusive qualification criteria for all Planning Commission members as confirmed during the application process. Training, e.g. through the League of California Cities Planning Commissioners Academy, prior to or perhaps in the first year of PC membership could also be useful.

As Design Review Board Member Michael Alexin suggests, the City's Objective Design Standards should be reviewed, reasonably enhanced, and officially codified to ensure consistent aesthetics and neighborhood fit. Per recommendations from Association of Bay Area Governments (ABAG) and the California Department of Housing and Community Development (HCD), clear and thoughtful Objective Design Standards (ODS) are useful in meeting municipal and State housing goals while preserving the unique characteristics of California's towns. We've seen a sort of mushrooming of ODS adoption across the State over the last two years, e.g., Carlsbad, Concord, Corte Madera, Los Gatos, Oakland, Palo Alto, Marin County, Roseville, San Diego County, San Joaquin Valley, Santa Cruz, Sunnyvale, Temecula to name a subset. In 2022, the design firm Opticos won the prestigious Form-Based Codes Award for Marin County's ODS.

You may think we already have sufficient ODS in the form of the Downtown Precise Plan. I did until I researched the topic after reviewing the 1515 4<sup>th</sup> Street project. I believe that was the

intention of both the 2040 General and Downtown Precise Plans, but in reading City code and using the 1515 4<sup>th</sup> Street project as a case study, I believe this is not the case. Many important objective design standards clearly delineated in the Downtown Precise Plan appear to be interpreted as guidelines and thus not enforceable under state law. For example, multiple setbacks at different heights intended to preserve solar access and reduce a canyon effect on 4<sup>th</sup> Street had to be waived for 1515 4<sup>th</sup>, as was an outdoor civic space.

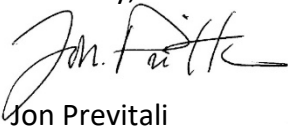
Height and density limits should also be reviewed for the Downtown sector. Current code combined with state density bonuses allowed 1515 4<sup>th</sup> to be built up to 11 stories (120') compared to the Downtown Precise Plan's original intention of 50', a limit those of us on the Precise Plan's working group thought would be sufficient to meet housing needs and retain Downtown's character. (I don't believe we were aware of state density bonuses at the time). The Downtown Precise Plan uses height rather than the typical metric of floor area ratio (FAR) to control density. This means we could have very high buildings with exceedingly small units. The 2040 General Plan already designates target FAR ranges for Downtown zones, though it exempts the Downtown Mixed Use district along 4<sup>th</sup> Street. Eliminating this carve-out would be more consistent with community expectations.

As noted, the combination of the 2040 General Plan and Downtown Precise Plan already puts forth effective height maximums and quantifiable design metrics that could easily be instituted as ODS immediately. I urge the City Council to act quickly to make this a reality since codes cannot be applied retroactively to projects with submitted applications. I also urge the City Council to initiate and fast-track or accelerate any existing effort that may already be underway to create Objective Design Standards for the rest of the City.

Finally, to further support the planning and design review process by facilitating transparency and public understanding, I encourage the Council to adopt a policy that defines a practice of clear, detailed, and timely public reporting for projects above a given size, e.g., based on appraised value. The practice could be based on the City's website for Northgate Town Square, an excellent example. It shows all relevant material submitted to the City, meetings, project milestones and status, and importantly, a list of entitlements allowed under City and State law. This body of info effectively serves the purpose of communicating complex information to the community broadly in a straightforward and easy manner.

Thank you for your consideration.

Sincerely,



Jon Previtali

San Rafael City Planning Commissioner

**From:** Laura Silverman [REDACTED]  
**Sent:** Sunday, December 17, 2023 5:26 PM  
**To:** Mayor Kate <kate.colin@cityofsanrafael.org>; Eli Hill <eli.hill@cityofsanrafael.org>; Maribeth Bushey <maribeth.bushey@cityofsanrafael.org>; Rachel Kertz <rachel.kertz@cityofsanrafael.org>; Maika Llorens Gulati <maika@cityofsanrafael.org>; Lindsay Lara <lindsay.lara@cityofsanrafael.org>  
**Cc:** Distrib- City Clerk <city.clerk@cityofsanrafael.org>  
**Subject:** City Council Meeting 12/16/23 FOR PUBLIC COMMENT

Dear Mayor Kate and Council Members,

I am quite concerned over the City's proposal to eliminate the Design Review Board (DRB).

As a 20 year resident of Terra Linda I've been involved in participating in and commenting on many of the San Rafael City meetings (CC, DRB and PC). More recently, over the last 4+ years, I have been particularly involved with the details of **the Northgate Redevelopment Project which will determine the future of the largest residential and commercial development in Marin County!**

The DRB has been a very valuable part of moving this project forward and contributing very astute recommendations with the intention that this project enhances the well-being of our wonderful community.

As was stated in the December 18<sup>th</sup> City Council Agenda: "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".

Since 2019, the DRB has provided 4 years of excellent service to our community, offering their expertise on the Northgate Redevelopment Project. The city and the community have been deeply involved with the details of the Project and there are still outstanding items that the DRB recommended at their last meeting. We are just turning the last corner on this Project and it is getting close to finalization.

**The DRB is vital to our community and should not be eliminated!**

In addition, this is the last City Council meeting of the year and there has been no prior outreach to the community. The City claims to be transparent and inclusive, but quite frankly why couldn't this agenda item be addressed in January when residents and community groups are more likely to be available? Even the city of San Rafael closes offices at the end of the month.

**Four days' notice with a weekend in between is not acceptable!**

This is inappropriate timing and an attempt to streamline the process. Does the City not value the community input? Moving this to a January agenda could be easily doable.

The City's review of the DRB started in 2019. Waiting a few more weeks to allow for the community to participate seems like a minimal request.

Please consider the consequences of dissolving the DRB especially at this critical timeframe.

Best regards,

Laura Silverman

Responsible Growth in Marin, Member

Marin Conservation League, Member

Terra Linda Neighborhood Association, Member

Quail Hill HOA, Member



# Responsible Growth in Marin

December 16, 2023

Mayor Colin and City Council Members  
1400 Fifth Avenue  
San Rafael, Ca 94901

Re: Comment on Dissolution of the DRB – 12/18/23 City Council Meeting  
FOR PUBLIC COMMENT

Dear Mayor Kate and Council Members,

We read with consternation of City staff's proposal to eliminate the Design Review Board ("DRB"). It was frankly shocking that the general public was informed of this only a few days before the City Council would discuss the proposal and instruct staff to either move forward or not.

It is worrying that staff only solicited input from current DRB members, real estate developers, brokerage firms and stakeholder organizations. While the terms "brokerage firms" and "stakeholder organizations" are not defined nor explained, it is ironic that staff notes this in a section of its report entitled "Community Engagement." What about the citizens and residents of the community, who are far more impacted by the decisions our City government makes about development and who vastly outnumber the few organizations staff contacted for input?

Indeed, the two members of the DRB whose comments are included in the informational packet note significant detrimental impacts of this proposal and the loss of citizen power and representation; and the Planning Commission ("PC") member who commented also expressed concerns about the tensions that may exist between the members of the PC who are not design experts and those who will be (*i.e.*, the two licensed architect members but no licensed landscaper).

DRB members are not in their position for the money. They volunteer their time because of a desire to help make our city the best it can be. We all know that too much red tape can get in the way of needed progress. But policies and procedures serve an important purpose, as DRB member Sharon Kovalsky notes - in this case *protecting the citizens of our city*. The deck has already been stacked so heavily in favor of rampant development by Sacramento's heavy handed, one-size-fits-all approach. Why would anyone be surprised that that the developers and business organizations that staff contacted support making it even easier for almost uncontrolled development?

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DRB and PC members have commented several times at meetings this year that the new laws have significantly eroded their ability to do what they see as their job. But they still have valuable input and influence based on their expertise and experience. The DRB still serves a purpose. The proposal to further weaken the few protections residents still have is short sighted and not in the best interest of the San Rafael community. City government's mission (among other things) is to balance the rights of residents against the desires of developers to build, build, build. Developers are interested in making money and then they move on. A city's residents are left to live with the consequences.

Responsible Growth in Marin urges the Council to reject this proposal and to do its utmost to protect the rights of existing San Rafael residents and communities and not acquiesce further control to developers and Sacramento.

Sincerely,  
David Smith, President  
Responsible Growth in Marin

cc: San Rafael DRB Members  
San Rafael Planning Commissioners  
San Rafael City Staff