

December 10, 2020

San Rafael Planning Commission

Att: Barry Miller

Re: Comments on Draft San Rafael General Plan 2040

Dear Commissioners:

As someone who represents the future generations of the current owners of Kerner Blvd. LLC, we appreciate your consideration of our comments on the Draft San Rafael General Plan 2040 that addresses Canalways. As one of the last large parcels of undeveloped flat land in the city of San Rafael, it would take a bold and grand vision in order to elevate this property to its unique stature. We would like to invite the opinion of the whole community to share in an equitable future that includes the various needs of the people who live here. We believe this property can serve the city and the community in numerous ways. Whether it be a master plan that maps out the full potential of the 85 acres, including a school, park, fire station, workforce housing and light industrial buildings, or something that is more limited in scope.

In a letter discussing Canalways, the Marin Audubon Society argues that the city should not rely on a jurisdictional delineation prepared by the developer's consultant, stating that there is "no shortage of environmental consultants who can promise anything." The group uses the argument that experts are not to be trusted several times in its letter. It appears in the group's criticism of Program C-1.3B, when it states that "wetland experts" can be found to say almost anything, and again when commenting on Policy C-1-5, Wetland Setbacks.

This conservation group undermines its own positions by appearing to argue that the only trustworthy science is the science their group agrees with. The city, the developers, and the residents of San Rafael deserve more credit. In this day and age, we should all understand that science is not subjective. The city is more than capable of assessing the reliability of the opinions of experts, and should not blindly substitute its own analysis with the positions of any one group. Furthermore, before any work commences on the site, a delineation would have to be rubber stamped by the Corps of Engineers. No one would reasonably expect that anyone could submit their wetland delineation without proper government approval.

The group cites the historical effort on the part of the environmental community to prevent development, as if that should be grounds for future conservation. The Audubon Society asks that the Canalways policy states that development should "protect the site's resources," despite the lack of apparent "resources" or evidence thereof. To say that the city should "be responsive" to the site's resources allows for the possibility that resources could be present that would need protecting, based on evidence.

History has indeed been lost in conservation efforts of Canalways. There was a grand bargain in the 1960s that references land East of the 101 as being zoned for development and land in West Marin as remaining largely a 'green zone'. While Marin County is at least 80% green and the vast majority of West Marin is still considered open space, Canalways has encountered resistance with the very concept of any kind of development.

Canalways and all the surrounding land, including Home Depot and Target, used to be a tidal marshland. The property in its current form looks nothing like it has historically. The 'wetlands' as some now consider the property, is a man made construct, and therefore a misnomer if viewed from a historical context. If we truly want to preserve this site in its

original format, we should deconstruct the levy and let the Bay water reclaim the area. To say we need to preserve the site because of its historical significant is missing the point completely. Target and Home Depot now bring in tax revenue and jobs to the city and are important parts of the fabric of the community. Do we want progress and jobs, or do we want to attempt to freeze time on a viable and important piece of property? One should not forget that the history of Canalways begins with the construction of a levy to the East, it includes a dump to the South (that turned into Home Depot), two major freeways to the West and a large housing development to the North. The various conservation groups might argue that this is a vitally important ecological zone (with no proof), but one visit to the property and a look at the surrounding neighbors gives clear evidence to the contrary.

The Marin Audubon Society once again has their facts wrong when they reference the pump station. The City owned pump station is on City owned land and pumps rain water from a city owned and maintained pond. Rainwater has not in fact been pumped from Canalways site, rather from the city owned pond. The truth is that damage has been caused to Canalways site due to the city not properly maintaining their pump station. This failure of the city owned pump station has allowed for MORE water to flood Canalways, making it appear wetter than it otherwise would be. Had the city owned pump station been properly maintained, the Canalways property would be significantly drier than it currently is.

A property that is economically viable is one that is not subjugated to arbitrary and onerous constraints before there is hard data to back up specific claims. It is true that it is not the job of government to make sure that a site is economically viable, but it is also true that the government should not preemptively burden a property based on opinions from outside interest groups, therefore making it economically untenable. Also, note that viable is not the same as profitable. There is a big gap between something being viable and profitable. If it is an economically unviable site, due to local government overreach, the Audubon Society might applaud such restrictions. The local community, the government and the wildlife all lose out on a general plan that is viewed through the lens of powerful, single interest groups.

For the Marin Audubon Society to accuse the land owners of neglecting Canalways is not only wrong, but it is insulting. Canalways spends considerable time and money to maintain the property, this includes but is not limited to mowing and security. If you visit the property in the next month, you'll see how much work has been done to maintain it. We would happily do more to improve the conditions of the site if we were permitted to do so.

While one could argue that elevating and developing the whole 85 acres would be the highest and best use for the community, and from the threat of sea level rise, no one is seriously suggesting we do so. Canalways wants to follow the science, but before any substantial effort is undertaken to perform the proper studies, there should be a general plan that supports a progressive future, one that considers not just the birds, but the people that live here as well.

San Rafael got it right in the initial draft of the policy. If anything, the language should be stronger when referencing the various benefits this property could bring to the community, if properly planned and developed. The city should reject the Marin Audubon Society's attempt to sideline any potential this property has at serving the community's highest and best use.

Thank you for considering our input.

Sincerely,

A handwritten signature in black ink, consisting of the first name 'Zander' followed by the last name 'Gladish'. The signature is written in a cursive, flowing style.

Zander Gladish

Chapter 5 - Community Design and Preservation: Edits in yellow by SRH Subcommittee  
L. Klumpp, A. Likover, L. Simons, C. Landecker, and J. Rhoads.

Page 165, [page 5-1]

Paragraph 1: "...positively reinforcing its visual character and relationship to its natural setting, **history** and cultural context."

Paragraph 2 "..... its natural setting as well as **its historical and** cultural roots."

Page 166, [page 5-2]

Paragraph 2

"...and Preservation Element as a foundation but should recognize that other factors **might** be considered to reflect the context of each location.

Page 167 [page 5-3]

Paragraph 2

The image of the city is largely defined by a particular combination of natural features, buildings, roads, **the railroad** and infrastructure.

Page 169 [page 5-5]

Paragraph 2

Third Street, Fourth Street and Fifth Avenue function as important **Station Area** gateways to the Downtown. **Freitas Parkway, Lucas Valley Road and North San Pedro Road** are also important gateways.

Include the Civic Center SMART station, Downtown SMART station and Downtown Transportation Center as gateways and perhaps the North South Greenway as **Gateways** as they represent ways that people access our city other than automobiles

Paragraph 3

" The waterfront consists of **the shore reaches in the San Rafael Creek watersheds and Gallinas/Miller Creek watersheds as defined in the ABAG Adaptation Atlas Operational Landscape Units, including San Rafael Canal,** beaches, marinas, parks, trails, wetlands and marshes."

"...such as **historic** China Camp State Park

Paragraph 4

Affected areas: **Add Santa Venetia and other low-lying areas along the forks of Gallinas Creek**

Page 172 [Page 5-8]

Paragraph 2

**"In the Downtown this includes the Station Area and the Northwestern Pacific Depot.** In North San Rafael, this includes the transformation of Northgate Mall...."

Page 174 [Page 5-10]

Goal CDP-1

Recommend BOLD\* type: **preserves its legacy of historic buildings, and values its diverse design qualities. San Rafael's distinct** \*It appears there is an editing error—some boxes are partially in bold, and others not.

Page 175 (Page 5-11)

Policy CDP-1.3: Hillside Protection

SRH supports leaving this policy in 2040 GP:

*Continue to implement hillside design guidelines through the design review process*

Goal CDP-2: A Sense of Place Strengthen San Rafael's sense of place. San Rafael is a collage of uniquely identifiable places—a walkable **historic** downtown....the the city's identity **and its iconic buildings while protecting** qualities....

**[Recommend including a photo of the NWP Depot]** even values including the impact the railroads had on the City's history, **as represented by the Northwestern Pacific Railroad Depot**....San Rafael's gateways....

Page 179 [Page 5-15] **Edit**, Evaluate each gateway shown on **Figure [Exhibit] 5-2**....

Program CDP-2.6B: Neighborhood and District Gateways.

...neighborhood and business district entry points, **such as The Station Area.**

San Rafael's Corridors and Gateways San Rafael's transportation corridors include regional freeways like US 101 and I-580, and local arterials like Freitas Parkway, Pt. San Pedro Road....

...and 2nd/3rd Streets, **The Station Area, Lincoln Avenue, Bellam, the SMART railroad and North South Greenway** should be included as transportation corridors.

Page 180 [5-16]

Goal CDP-3: Attractive Streets and Public Spaces

convey **historic identity and** civic pride.

... community gatherings, recreation, **education**....

Page 183 [5-19]

Program CDP-3.7A: Downtown Wayfinding

...cultural **and historic** resources, public

Program CDP-3.7B: Interpretive Signage.

Eliminate: "Encourage the use of" and replace with **"Use** interpretive signage...."

Page 184 [5-20]

Page 189 (5-25)

Goal CDP-5 The Protection of Cultural Heritage... historic and archeological preservation provides

In 1986 the City completed an update of the 1978 San Rafael Historical/Architectural Survey

Recommend removal of DRB The ordinance is implemented by the Design Review Board and Planning Commission.

Gerstle Park, Forbes Addition-Sun Valley, Montecito-Happy Valley, and Dominican.

Page 190 (5-26)

Archaeological Resources

Page 191 (5-27)

Figure 5-5

Recommend Adding McNear Brickyard and McNear Brickyard School (now a small church)

Page 192 (5-28)

Recommend removal of the DRB the Planning Commission and Design Review Board

Policy CDP-5.2 Inventorying Historic Resources

If an oversight body is created, it should represent specific expertise and interest in historic preservation or related fields. (Recommend removal of diverse perspectives and interests.)

Balance these criteria so as not to (do not) unreasonably constrain property rights

Program CDP-5.2B: Inventory Update. Regularly (Continue to) update

Program CDP-5.2E: Establish a process for local landmark designation, including the application process, fee structure, approval process.

Program CDP 5.23 Conservation Districts

Define the differences between a historic district and a conservation district and their applicabilities.

Page 192-193 (5-29)

Program CDP 5.23 Conservation Districts

Define the differences between a historic district and a conservation district and their applicabilities.

Program CDP-5.3C: Eichler Neighborhoods. Recognize the Eichler subdivisions of North San Rafael as a defining part of San Rafael's architectural heritage. Recommend this be an example rather than a "program" or does the City want to name other potential districts as specific programs?

## Policy CDP 5.4 Preservation Incentives

Recommend additional research on incentives: National Trust for Historic Preservation and Urban Land Institute for examples

Recommend adding:

Program CDP 5.4D Preservation Mitigation Exactions

Retain development exactions for historic preservation mitigations in an account to be specifically allocated for preservation projects such as but not limited to up dating the historic resources inventory, placement of interpretive signage, plaques, and markers, restoration and/or repair of publicly held historic resources, funding a historic resource advisory committee

Recommend adding:

Program CDP 5.4E Development Rights Transfer Market Mechanism

Determine the feasibility of establishing a market mechanism with the commercial brokerage community that banks development rights for sale and transfer to receiving sites not yet identified.

Recommend adding:

Program CDP 5.4F Historic Preservation Trust

Determine the feasibility of formation of a non-profit trust whose function is to restore, maintain, manage and when appropriate lease publicly owned historic buildings and sites. (Falkirk and the Boyd Gatehouse are two examples.)

Page 194 (5-30)

Policy CDP 5.6 Protecting the Integrity of Historic Properties

Program CDP 5.6A Certificates of Appropriateness

.....Criteria for COAs should be consistent with State and federal standards including the

Recommend adding: Secretary of Interior's Standards

Page 195 (5-31)

Program CDP-5.10A: Walking Tours, Trails, and Historic Festivals. Encourage walking tours, historic trails, mobile apps, and history fairs and programs that attract visitors. Partner with the Marin History Museum, San Rafael Heritage, Marin Convention and Visitors Bureau and other organizations to promote events celebrating San Rafael history.

Page 196 (5-32)

Recommend adding:

Program CDP-5.10D: Carnegie Library. Promote the civic use of this historic building as as a cultural resource for our city.

Recommend adding:

Program CDP-5.10E: 1929 Northwestern Pacific Railroad Depot. Promote the preservation of the depot as a destination for visitors and transit users.

Page 197 (5-33)

Program CDP-5.12A: Community Heritage Programming. Engage representatives of the different ethnic communities, as well as preservation organizations and San Rafael schools, universities, and colleges to document and preserve the history of each community in San Rafael, including sites and structures of historic importance. Support educational curriculum that raises awareness of the City's cultural heritage. Recommend dropping "Non-Eurocentric" because it would exclude Portuguese and Spanish cultural heritage.

# Responsible Growth in Marin Comments & Questions Re: GP2040 Economic Vitality

## San Rafael General Plan 2040 Chapter 13 – Economic Vitality

Without a doubt, economic vitality is what keeps San Rafael going. The GP2040 plan helps project where we have been, where we are today, and what we want to strive for. This section was difficult to follow because most statements were vague and assumed the positive of any situation.

### General Comments

- Economic stability and direction of the city is not clear with the provided data and graphs. Omission of a full financial statement and details of revenue and expenses drivers need to be included to ground the reader in the current environment.
- COVID is mentioned throughout as a reason for the current economic situation. These are unprecedented times but there will be others in the future. Suggest removing all COVID references and refer to the current situation as an ‘economic downturn’ or ‘challenging economic times’.

### Specific Comments

Tables 13-1: Workers by Industry and Table 13-2: Occupational Categories of Workers.

- The data within are aggregated snapshot data comparing San Rafael to Marin Occupational metrics. These metrics do not make sense unless historical data points are shown. Adding a 15-20 year trend graph will help see the direction the community is heading towards
- Number presented in the table do not equal the totals.

Industry	San Rafael		Marin County		
	Number	Percent	Number	Percent	
Total	43,569	100.0%	127,510	100.0%	GP2040 Report
	43,569	100.1%	107,540	100.1%	Calculated
	0	-0.1%	19,970	-0.1%	Variance

Worker Occ	San Rafael		Marin County		
	Number	Percent	Number	Percent	
Total	43,569	100.0%	127,510	100.0%	GP2040 Report
	43,550	99.0%	127,520	101.0%	Calculated
	19	1.0%	-10	-1.0%	Variance

**Program EV-1.1C: 2020 Pandemic Recovery.** Develop and implement an Economic Recovery Strategic Plan to address business and fiscal impacts created by the 2020 COVID-19 pandemic and develop measures to recover losses in City revenue.

- This is a dangerous statement because knee jerk decisions could be made. Prudent and economic viable decisions need to be considered.

**Program EV-1.2C: Marin County Economic Forum.** Work with the Marin County Economic Forum to analyze business trends, improve the economic health of the region, and encourage businesses success in San Rafael.

- ‘Business success’ definition is vague. A City’s view should be to encourage business vitality and profitability.

## Responsible Growth in Marin Comments & Questions Re: GP2040 Economic Vitality

**Program EV-1.2F: Housing Production Partnerships.** Continue to foster strong working relationships with Marin Builders Association, the Marin Association of Realtors, and local non-profit housing developers to reinforce the development of workforce housing and housing for lower-income residents (see also Policies EV-1.7 and EV-1.8)

- Include retail and commercial property owners to explore opportunities for converting surplus inventory into housing.

**Program EV-1.3B: Development Opportunities.** Provide site location assistance to the real estate community and prospective businesses by maintaining an inventory of vacant and underutilized sites in the City, including vacant buildings. Inventory data should include allowable uses and intensity, site availability, and potential issues.

- Inventory parcels and tracts that qualify as “Opportunity Zones” or other designations that carry preferential tax treatment for owners/developers.

**Program EV-1.3C: Permit and Technical Assistance.** Provide advocacy services to assist local businesses in the permitting and development processes. Seek opportunities to innovate with technology to help improve service delivery. Simplify and streamline the permit process wherever feasible.

- How will this advocacy be balanced with community input and involvement?

**Policy EV-1.4: Business Attraction** Build on San Rafael’s strengths, including its location, housing diversity, transportation system, weather, scenery, history, culture, and people, to attract business and private investment. The City will work with local partners to enhance and diversify the City’s economy.

- This effort should include community input/involvement. How about a series of workshops as was done for housing and development streamlining?

**Program EV-1.4A: Industry Clusters and Supply Chains.** Identify desired industries and develop economic development programs to attract these types of businesses. Encourage supply chains for such industries and encourage business-to-business relationships.

- Which department is responsible for establishing and maintaining a list of these potential businesses – Chamber of Commerce?

**Policy EV-1.5: Monitoring.** Regularly monitor the success and effectiveness of local economic development programs. This should include evaluating the impacts of City regulations and standards on businesses and considering changes that help businesses succeed. Local programs should be adjusted as needed based on measurable outcomes and feedback from the business community.

- This effort should include community input/involvement. How about a series of workshops as was done for housing and development streamlining?

**Program EV-1.9C: CCAP Implementation.** Work with local business to help achieve the goals of the 2030 Climate Change Action Plan (CCAP), including a shift toward renewable energy, reduced waste, increased composting, and low-carbon transportation. The potential costs, as well as the potential savings or other benefits, of CCAP measures on businesses should be

## Responsible Growth in Marin Comments & Questions Re: GP2040 Economic Vitality

important considerations as programs are implemented.

- Require solar powered energy systems to be installed for all new construction and remodels/modifications over a certain value.

### Retail Sector

The retail market faces challenges, including Downtown spaces that are not well configured for modern retail needs and relatively few evening activities in most of San Rafael's retail centers. These issues will likely persist as the City recovers from the pandemic, with the added uncertainty about long-term changes in the retail sector. *In the third quarter of 2020, Cushman and Wakefield reported that the retail vacancy rate in Marin County was 4.1 percent. This compared to a 15.3 percent vacancy rate in San Francisco. (page 13-11)*

- Comparing San Rafael to San Francisco is not a direct comparison. The last two sentences should be omitted.

While the immediate focus upon adoption of General Plan 2020 is the recovery of local retail and service businesses, *there are longer-term challenges such as repurposing underperforming centers. Retail is rapidly evolving. Certain types of businesses, including those providing essential services (supermarkets, pharmacies, etc.) will likely be sustained in the long run. Other retail sectors were already in decline prior to the pandemic, and some may not fully recover. Incentivizing housing in Downtown San Rafael and in its retail centers can add buying power to the consumer spending base while also allowing older commercial centers and storefronts to adapt to new uses. (page 13-12)*

- The long-term challenges assume what has worked in the past will work in the future. This is a false assumption especially in the retail sector. The economy has shifted to convenience and price comparison with the rise of internet commerce and a shift in consumer buying behaviors. There needs to be a fundamental shift in the community's assumption on this topic.

**Page 13-13 bullet point.** \* Effective placemaking and greater diversity of uses can improve the long-term viability of centers such as Northgate. (page 13-13)

- According to Wikipedia – *Placemaking is a multi-faceted approach to the planning, design and management of public spaces. Placemaking capitalizes on a local community's assets, inspiration, and potential, with the intention of creating public spaces that promote people's health, happiness, and well-being.*
- This concept should be throughout the City of San Rafael and not limited to Northgate. Request changing the end of the sentence to "...the long-term viability of all retail centers."

**Program EV-2.2D: Day and Evening Visitors.** In the Downtown and North San Rafael Town Center areas, attract a variety of retail businesses to encourage patronage during both day and evening hours.

- Promoting local purchasing should emphasize shopping throughout and every day.

**Six Ideas for Adapting Retail** (page 13-16) We could see micro fulfillment centers like mini Amazon warehouses.

- Do not agree with this statement as it mixes retail and industrial commerce.

**Sales Tax and the City Graph** (page 13-16)

## Responsible Growth in Marin Comments & Questions Re: GP2040 Economic Vitality

The comments in the graph do not match the results presented in the graph. The comment states that Non-Retail and Food Services have been flat or slightly declined between 2010-2019. The ratios indicate that Retail and Food services represented a greater increase during this period. Retail/Food accounted for 78% of dollar transactions in 2010 and increased to 80% by 2019. The Retail/food transaction increased 38% in 9 years compared to 20% for non-Retail/Food.

Taxable Transactions (\$MM) *			
	2010	2019	Growth
Retail/Food	\$1,050	\$1,450	38%
Other	\$300	\$360	20%
All Transactions	\$1,350	\$1,810	34%

Retail/Food            78%    80%

\* Dollars estimated from graph

**Program EV-2.4A: Responding to Workplace Trends.** Work with local office building owners, managers and tenants to respond to changing workplace design requirements (including those related to public health) and to adapt to trends such as increased telecommuting and co-working,

- Related to general comments from graphs 13-1 and 13-2 – Analysis of occupational and workplace trends would help identify upcoming sectors where the city should focus investments on and/or areas of concern.
- Encourage stakeholders to repurpose surplus real estate inventory for higher purposes uses, such as housing.

**Program EV-3.6A: Business/Neighbor Collaboration.** Seek innovative ways for businesses and their residential neighbors to collaboratively solve mutual concerns. Encourage conflict resolution between business and neighbors.

- Insinuates that everything is a conflict. The collaboration statement needs to say .... that parties will work together for a mutual vision beneficial to the community.

**Program EV-3.8C: Pre-Submittal Process.** Improve the efficiency and speed of the development review process by revisiting neighborhood notification and meeting procedures and updating the pre-submittal process to identify initial concerns and encourage higher quality applications.

- "Speed" assumes short-cut or skipped steps and this leads to mistrust within the community. The process would naturally accelerate if the community is involved and has input in the planning stages - rather than objecting or reacting to what is proposed. Nobody likes surprises.
- Ensure environmental review is not short changed and that the community and neighborhood groups receive ample notice of plan reviews and discussions.

## Responsible Growth in Marin Comments & Questions Re: GP2040 Economic Vitality

### Typos

**Policy EV-1.8: Workforce Development.** Support workforce development programs that provide skilled labor for San Rafael businesses as well as jobs and career **advancement** opportunities for San Rafael residents.

**Program EV-2.2C: Local Preference.** Where other factors (such as price) are equal, the City should give preference to purchasing goods and services from both local **vendors** and minority-owned businesses.

**Program EV-2.4A: Responding to Workplace Trends.** Work with local office building owners, managers and tenants to respond to changing workplace design requirements (including those related to public health) and to adapt to trends such as increased telecommuting and co-working,