



MEETING DATE: October 10, 2018

AGENDA ITEM: 5.C

ATTACHMENT: 4

REPORT TO GENERAL PLAN 2040 STEERING COMMITTEE

Subject: Introduction to Land Use Element Goals, Policies, and Programs

EXECUTIVE SUMMARY

This item will introduce the Steering Committee to the Land Use Element goals, policies, and actions. This is not intended as a “deep dive” into the Element, but rather as a high-level overview of what is covered, what policies staff believes are still relevant and appropriate, and what policies may be open for discussion at future Steering Committee meetings. This is also an opportunity to note topics that may be missing from the Element, or that might be added to respond to emerging issues.

REPORT

Although all elements of the General Plan have equal legal weight, the Land Use Element is often seen by Plan users as the most important or frequently consulted. This chapter of the Plan includes the General Plan Map, including definitions of land use categories (indicating allowable densities, etc.). It includes height and floor area ratio maps, with provisions for density “bonuses” where certain community benefits are provided. The chapter also includes goals, policies, and programs guiding key decisions related to growth and development. In many respects, land use is the “core” of the General Plan.

At the October 10 meeting, we will begin our discussion of land use goals, policies, and programs in the city. This report excerpts content directly from General Plan 2020, with a brief summary below to explain the major directives. The October 10 discussion is intended to be an “introduction” to this material, rather than an in-depth evaluation of each policy. It is expected that the Committee will discuss this material as appropriate over the next four to six months in tandem with its discussion of related topics such as transportation, community design, economic vitality, safety, and conservation.

All told, there are two goals and 22 policies in this Element. One of the policies (LU-3, project selection process) was deleted through a previous General Plan Amendment. Most of the policies include implementing programs—a few have more than one program and a few have no implementing program listed. In 2014-16, the City completed a 10-year review of the General Plan to assess progress in completing the programs. This included recommendations for carrying forward programs that were still valid and deleting those that were “complete” or no longer relevant. No Land Use programs were deleted, but a few were changed from “short-term” actions to “ongoing” to note their completion.

Goal 1 and Related Policies and Programs

Land Use Goal 1 expresses a desire that growth should serve community needs and enhance the quality of life in San Rafael. Its 13 policies cover the following topic areas:

LU-1 is a general directive to ensure that transportation and infrastructure are planned to anticipate the level of growth expected in the city over the next 20 years. It includes a program to assess growth, traffic capacity, and traffic fees every five years.

LU-2 is a “concurrency” policy indicating that new development should only be allowed when it can be demonstrated that adequate infrastructure (especially road capacity) is available to support that development. This policy is implemented on an ongoing basis through the development review and environmental review processes.

LU-3 was deleted from the Plan several years ago. When it was in effect, it provided a rationale for assigning remaining road capacity to development projects.

LU-4 allows landowners to have interim uses on their properties where current traffic conditions preclude development approval. These uses are identified in the zoning ordinance.

LU-5 expresses the City’s opposition to development beyond San Rafael Urban Service Area boundary. Its implementing program calls for a five-year review of the Urban Service Area.

LU-6 is the City’s annexation policy, indicating the conditions under which annexation of unincorporated areas should be considered.

LU-7 is a call to work with Marin County and nearby cities to coordinate development approvals and land uses on San Rafael’s perimeter.

LU-8 adopts the residential density limits on the Land Use Map (discussed at the September Committee meeting). It also allows residential density to be “clustered” or transferred from one part of a site to another to avoid hillsides, wetlands, and other sensitive areas. It indicates the findings needed to determine when the maximum allowable density on a property may be permitted.

LU-9 is a similar policy, but relates to non-residential development. It includes guidance in cases where the existing development intensity exceeds what is allowed under the General Plan, and provisions for transferring development allowances from one part of a site to another. It includes special allowances for higher intensity uses near Andersen, Francisco Blvd West, and Highway 101.

LU-10 requires planned development (PD) zoning for development on lots larger than five acres (except for single family homes).

LU-11 expresses the city’s policy for reusing school sites, including a desire to preserve existing recreational amenities on such sites.

LU-12 adopts a series of height maps. These maps show the maximum allowable height of buildings, with exceptions for hotels and provisions to exceed the limits through height bonuses or zoning variances.

LU-13 indicates the height bonuses available to developers/owners providing certain community benefits or amenities. A table listing the bonuses is included.

Goal 2 and Related Policies and Programs

Goal 2 calls for balance and diversity in the mix of land uses present in San Rafael. The Goal recognizes that San Rafael includes residential, commercial, industrial, public, open space, institutional, and other uses, and seeks to sustain that mix in the future. It notes that this mix is important to the character of the community and quality of life.

LU-14 indicates that land uses should be compatible with one another, and should be planned to avoid nuisances (for example, a factory next to a house).

LU-15 encourages the retention of shopping places in locations that are convenient to San Rafael residents.

LU-16 encourages the retention of automotive, building (construction), and other service industries in the city. An implementing program indicates that adequate sites for such uses should be provided through zoning, and demonstration that a “substantial benefit” will be provided in the event such sites are rezoned to allow a different use.

LU-17 allows a limited amount of retail and service use in industrial areas, primarily to serve local workers. This is implemented through zoning regulations.

LU-18 encourages the consolidation of small lots (less than 6,000 square feet) in order to create more viable development sites and avoid parking and circulation problems.

LU-19 encourages the city to plan for adequate child care, including allowing such uses in almost all zoning districts.

LU-20 encourages investment in hotels and motels, and notes the desirability of visitor accommodations (low traffic generation, high revenue and tax generation, jobs, etc.). Height bonuses and FAR exemptions for such uses are included.

LU-21 allows mini-storage and storage uses in light industrial/ office and industrial areas. It includes provisions for the siting of these uses, and findings for allowing mini-storage. This is implemented through zoning regulations.

LU-22 requires that odor impacts are considered for projects near wastewater treatment plants.

LU-23 adopts the Land Use Map (reviewed at the September meeting) and calls for zoning and subdivision ordinance amendments to implement that Map.

APPENDIX A: VERBATIM GOALS, POLICIES, AND PROGRAMS FROM THE LAND USE ELEMENT

GOAL 1: GROWTH TO ENHANCE QUALITY OF LIFE

It is the goal of the City of San Rafael to have growth that serves community needs and enhances the quality of life in San Rafael. San Rafael values its historically significant and inspirational natural setting, with the widest variety of cultural, residential, employment, and entertainment offerings in Marin County. While the city will not grow significantly, it will be important to maintain and improve the existing types and areas of development that make San Rafael such a desirable place.

Policy LU-1: Planning Area and Growth to 2020

Plan the circulation system and infrastructure to provide capacity for the total development expected by 2020.

Program LU-1a: Five-Year Growth Assessment. As part of the five-year General Plan update, review San Rafael's growth, traffic capacity, traffic mitigation list and traffic mitigation fee. Assess growth assumptions and modify land use and circulation policies as needed.

Responsibility: Community Development, Public Works, Economic Development

Timeframe: Ongoing

Resources: Staff Time

Policy LU-2: Development Timing

For health, safety and general welfare reasons, new development should only occur when adequate infrastructure is available consistent with the following findings:

- a. Project-related traffic will not cause the level of service established in the Circulation Element to be exceeded;
- b. Any circulation improvements needed to maintain the level of service standard established in the Circulation Element have been programmed and funding has been committed;
- c. Environmental review of needed circulation improvement projects has been completed;
- d. The time frame for completion of the needed circulation improvements will not cause the level of service in the Circulation Element to be exceeded, or the findings set forth in Policy C-5 have been made; and
- e. Sewer, water, and other infrastructure improvements will be available to serve new development by the time the development is constructed.

Program LU-2a: Development Review. Through the development and environmental review processes, ensure that policy provisions are evaluated and implemented. The City may waive or modify any policy requirement contained herein if it determines that the effect of implementing the same in the issuance of a development condition or other approvals would be to preclude all economically viable use of a subject property.

Responsibility: Community Development, Public Works, Fire, Police, City Attorney

Timeframe: Ongoing

Resources: Fees

See also C-5 (Traffic Level of Service Standards).

Policy LU-3 (Project Selection Process) was deleted in a 2016 General Plan Amendment

Policy LU-4: Reasonable Interim Use of Property

Allow a landowner reasonable interim use of property in areas where development is precluded pending needed traffic improvements. Structures should not be permanent, and uses should be low- or off-peak traffic generators.

Program LU-4a: Reasonable Interim Uses. In the zoning ordinance establish land uses that allow reasonable interim uses for properties that are in areas with limited traffic capacity for development. Examples include contractor’s yards, new car storage, modular office and storage, and outdoor recreation.

Responsibility: Community Development

Timeframe: Short Term

Resources: Staff Time

Policy LU-5: Urban Service Area

Oppose urban development in areas adjacent to San Rafael's Urban Service Area boundary.

Program LU-5a: Urban Service Area Review. Review and consider revisions to the City's Urban Service Area every five years as part of the General Plan Review, or in conjunction with a LAFCO-initiated boundary review.

Responsibility: Community Development

Timeframe: Short Term

Resources: Staff Time

See also LU-7a (Development Adjacent to San Rafael).

Policy LU-6: Annexation

Prior to urban development, areas that can reasonably be served through extension of the existing service area of the City should be annexed.

- a. Annexation of already developed unincorporated islands (Los Ranchitos, Country Club, Bayside Acres, California Park, Mt. Tamalpais Cemetery) and developed portions of the Marinwood/Lucas Valley neighborhoods should be dependent on resident interest, the cost/revenue implications of the provision of City services to the area, and the availability of City services.
- b. Developed and undeveloped areas of Santa Venetia are not expected to be annexed to the City within the time frame of the plan due to flood and seismic hazards and urban service costs associated with existing infrastructure conditions.

Program LU-6a: LAFCO. Encourage LAFCO to adopt Urban Service Area and annexation policies for the San Rafael Planning Area consistent with adopted General Plan policies. Consistent with Council Resolution not to annex or serve the St. Vincent’s and Silveira properties, work with LAFCO to remove them from the City’s Sphere of Influence.

Responsibility: Community Development

Timeframe: Short Term

Resources: Staff Time

Policy LU-7: Land Use Planning in Surrounding Jurisdictions

Continue to monitor and work with surrounding jurisdictions to ensure that land uses outside the community will have a positive effect on San Rafael.

Program LU-7a: Development Adjacent to San Rafael. Work with the County and other local jurisdictions to review applications for development in areas adjacent to San Rafael’s city limits and within the Sphere of Influence.

Responsibility: Community Development

Timeframe: Short Term

Resources: Staff Time

Policy LU-8: Density of Residential Development

Residential densities are shown in Exhibit 11, Land Use Categories. Maximum densities are not guaranteed but minimum densities are generally required. Density of residential development on any site shall respond to the following factors: site resources and constraints, potentially hazardous conditions, traffic and access, adequacy of infrastructure, City design policies and development patterns and prevailing densities of adjacent developed areas.

When development is clustered to avoid sensitive areas of a site, density provided to the entire site may be transferred to the remaining portion of the site, providing all factors listed above can be met.

Transfer of density among properties shall only be permitted when unique or special circumstances (e.g., preservation of wetlands or historic buildings) are found to exist which would cause significant environmental impacts if the transfer were not allowed.

Program LU-8a. Residential Zoning. Implement Land Use Element densities by setting appropriate maximum allowed densities in the zoning ordinance.

Responsibility: Community Development

Timeframe: Ongoing

Resources: Staff Time

Program LU-8b: Transfer of Density. Continue to implement zoning regulations governing the transfer of density among properties.

Responsibility: Community Development

Timeframe: Ongoing

Resources: Fees

See Housing H-14b (Efficient Use of Multifamily Housing Sites), H-17a (State Density Bonus Law) and OS-1c (Cluster Development)

Policy LU-9: Intensity of Nonresidential Development

Commercial and industrial areas have been assigned floor area ratios (FARs) to identify appropriate intensities (see Exhibits 4, 5 and 6). Maximum allowable FARs are not guaranteed, particularly in environmentally sensitive areas. Intensity of commercial and industrial development on any site shall respond to the following factors: site resources and constraints, traffic and access, potentially hazardous conditions, adequacy of infrastructure, and City design policies.

- a. Where the existing building is larger than the FAR limit and no intensification or change of use is proposed, the property may be redeveloped at the same size as the existing building if parking and design requirements in effect at the time of the new application can be met.
- b. FAR transfers between or among sites shall not be permitted except where the City Council finds the following:
 - 1. The development of the beneficiary parcel is consistent with the General Plan 2020, except that FARs or maximum densities may be exceeded, and
 - 2. The proposed development will comply with all applicable zoning and design parameters and criteria as well as traffic requirements; and one or both of the following:
 - i) Unique or special circumstances are found to exist (e.g., preservation of wetlands or historic buildings) that would cause significant environmental impacts if the transfer is not allowed, and/or
 - ii) A significant public benefit will be provided, such as securing a new public facility site (e.g. park, school, library, fire station, police station).
- c. Through Planned Development rezoning, consider allowing a higher floor area ratio at the shopping center sites located at the crossroads of Andersen Drive, Highway 101, and Francisco Blvd. West where it would facilitate redevelopment with improved parking, access, landscaping and building design.

Program LU-9a. Nonresidential Zoning. Implement nonresidential levels of development and FAR transfer policies through allowed floor area ratios in zoning districts.

Responsibility: Community Development

Timeframe: Ongoing

Resources: Staff Time

See NH-104a (Development Review Process).

Policy LU-10: Planned Development Zoning.

Require Planned Development zoning for development on a lot larger than five acres in size, except for the construction of a single-family residence.

Program LU-10a. Planned Development Zoning. Continue to maintain a Planned Development zoning district.

Responsibility: Community Development

Timeframe: Ongoing

Resources: Staff Time

Policy LU-11: School Site Reuse or Redevelopment.

Where it is in the community's interest to retain public recreation facilities in accordance with Parks and Recreation policies, and/or the childcare policy, cluster development so that the public recreation or childcare use may be preserved. The following uses are allowed on school sites retained by the districts: housing and public and quasi-public uses, such as child care programs; adult day care programs; education, recreation, cultural programs and activities; and churches and religious institutions.

Program LU-11a: Zoning for School Sites. Continue to implement school site reuse and redevelopment through zoning regulations and through the development review process.

Responsibility: Community Development
Timeframe: Ongoing
Resources: Staff Time

See NH-12 (Schools).

Policy LU-12: Building Heights.

Citywide height limits in San Rafael are described in Exhibits 7 and 8. For Downtown height limits see Exhibit 9:

- a. Height of buildings existing or approved as of January 1, 1987 shall be considered conforming to zoning standards.
- b. Hotels have a 54-foot height limit, except where a taller height is shown on Exhibit 9 (Downtown Building Height Limits).
- c. Height limits may be exceeded through granting of a zoning exception or variance, or through a height bonus as described in LU-13 (Height Bonuses).

See LU-2a (Development Review).

Policy LU-13: Height Bonuses.

A height bonus may be granted with a use permit for a development that provides one or more of the amenities listed in Exhibit 10, provided the building's design is consistent with Community Design policies and design guidelines. No more than one height bonus may be granted for a project.

See LU-2a. (Development Review).

EXHIBIT 10: HEIGHT BONUSES

Location	Maximum Height Bonus	Amenity (May provide one or more of the following)
Fourth Street Retail Core Zoning District	12 feet	<ul style="list-style-type: none"> • Affordable housing • Public courtyards, plazas and/or passageways (consistent with Downtown Design Guidelines) • Public parking (not facing Fourth Street)
PG&E site in the Lindero Office land use district	24 feet	<ul style="list-style-type: none"> • Park (privately maintained park with public access, adjacent to Mahon Creek; an alternative is tennis courts tied to Albert Park.) • Community facility (10,000 sq. ft. or more in size)
Second/Third Mixed Use East Zoning District	12 feet	<ul style="list-style-type: none"> • Affordable housing • Public parking • Overhead crosswalks • Mid-block passageways between Fourth Street and parking on Third Street
Second/Third Mixed Use West District, north of Third Street and east of C Street	18 feet	<ul style="list-style-type: none"> • Public parking
West End Village	6 feet	<ul style="list-style-type: none"> • Affordable housing • Public parking • Public passageways (consistent with Downtown Design Guidelines)
Lincoln Avenue between Hammondale and Mission Avenue	12 feet	<ul style="list-style-type: none"> • Affordable Housing • See NH-120 (Lincoln Avenue)
Marin Square	12 feet	<ul style="list-style-type: none"> • Affordable housing
North San Rafael Town Center	24 feet	<ul style="list-style-type: none"> • Affordable housing
Citywide where allowed by zoning.	12 feet	<ul style="list-style-type: none"> • Hotel <small>(see Policy LU-20)</small>

GOAL 2: BALANCE AND DIVERSITY

It is the goal of the City of San Rafael to maintain balance and diversity in the community. San Rafael reflects a mosaic of land use patterns that have changed over time, creating a visual framework for the city that continues to evolve in response to the community's sense of balance and compatibility. Our desire to avoid intensification must be balanced with the development required to provide jobs and housing, and to sustain an evolving, vital community. We must also continue to appreciate the importance and desirability of having neighborhoods of differing levels of density and activity.

San Rafael's high quality cultural, business, entertainment and educational resources directly benefit the City's residents and draw businesses, customers, visitors and students from beyond the City's limits, to the benefit of all who live and work in the City. These resources not only culturally enrich San Rafael residents, they enhance San Rafael's regional position, improve San Rafael's business climate, and provide revenue for City services and infrastructure.

To maintain our unique character and quality of life, the City must strive to maintain the cultural, social, and economic diversity that is such an important aspect of our City by taking steps to maintain an adequate supply of decent, affordable housing, a range of jobs, and a variety of local goods and services. Other elements in the General Plan address housing, economic vitality, open space, recreation, and cultural facilities; the policies below focus on the nonresidential land uses that make up part of the balance and diversity of San Rafael.

Policy LU-14: Land Use Compatibility

Design new development in mixed residential and commercial areas to minimize potential nuisance effects and to enhance their surroundings.

Program LU-14a: Land Use Compatibility. Evaluate the compatibility of proposed residential use in commercial areas through the development review process.

Responsibility: Community Development

Timeframe: Ongoing

Resources: Fees

Policy LU-15: Convenience Shopping.

Encourage the retention and improvement of existing retail stores and services in residential neighborhoods that provide needed neighborhood services and reduce traffic.

Program LU-15a: Neighborhood Commercial. Evaluate the compatibility of proposed neighborhood commercial center use or upgrades through the development review process, and involve neighbors early in the development review.

Responsibility: Community Development

Timeframe: Ongoing

Resources: Fees

See NH-155a (Sun Valley Commercial Uses) and CD-3b (Development Standards)

Policy LU-16: Building and Automotive Services

Maintain availability of sites for building, automotive and service industries important to San Rafael's economy and the convenience of its residents and businesses.

Program LU-16a: Building and Automotive Services. Continue to provide adequate sites for building, automotive and service industries in the appropriate zoning districts. Sites with industrial and light industrial zoning may be redesignated and rezoned to a different land use with Council determination that the new use provides a substantial neighborhood or citywide benefit.

Responsibility: Community Development

Timeframe: Ongoing

Resources: Staff Time

Policy LU-17: Limited Retail and Service Uses in Industrial and Office Areas.

Allow limited retail and service uses that serve area businesses/workers to locate throughout industrial/office and industrial areas.

Program LU-17a: Retail and Service Uses in Industrial and Office Areas. Continue to provide adequate sites for small local-serving retail and service businesses in industrial and office zoning districts.

Responsibility: Community Development

Timeframe: Ongoing

Resources: Staff Time

Policy LU-18: Lot Consolidation

Commercial and higher density residential parcels less than 6,000 square feet in size should be encouraged to be combined to provide adequate parking and circulation, minimize driveway cuts on busy streets, and maximize development and design potential.

Program LU-18a: Lot Consolidation. Continue to encourage small lot consolidation through zoning regulations.

Responsibility: Community Development

Timeframe: Ongoing

Resources: Staff Time

Policy LU-19: Childcare

Plan for and encourage the development of new and the retention of existing childcare centers to meet neighborhood and citywide childcare needs. In conjunction with the school districts, encourage continuation of childcare programs at school sites because of their suitability for such uses and convenient locations in residential neighborhoods.

Program LU-19a: Zoning for Childcare Programs. Evaluate and revise if necessary zoning requirements to allow childcare centers in all zoning districts except Hillside Resource Residential, Hillside Residential and Water and Open Space Districts. The City may waive FARs for childcare centers in nonresidential and mixed-use buildings.

Responsibility: Community Development
Timeframe: Short Term
Resources: Staff Time

Program LU-19b. Fees for Childcare Programs. Where possible, waive application and permit fees for childcare centers. Consider exempting childcare centers from traffic mitigation fees.

Responsibility: Community Development
Timeframe: Short Term
Resources: Staff Time

Policy LU-20: Hotels, Motels and Inns

Encourage redevelopment and upgrading of existing motels and hotels. Visitor accommodations are a desired land use because they are a low traffic-generator and a high tax-generator, and because they have identifiable benefits to the neighborhood such as job training programs. With a Use Permit, allow hotels, motels and inns in most commercial, multifamily and industrial zoning districts. With a Use Permit, allow bed-and-breakfast inns in High Density, Medium Density and Large Lot Residential Land Use Districts. Hotels are not subject to floor area ratio requirements. The City Council may approve a height bonus per LU-13 (Height Bonuses) if it finds that the hotel will be a significant community benefit and that the design is acceptable and consistent with City design policies and guidelines.

Program LU-20a: Hotel Zoning. Maintain zoning ordinance regulations allowing height bonus and exemption from FARs for hotels.

Responsibility: Community Development
Timeframe: Ongoing
Resources: Staff Time

Policy LU-21: Ministorage and Storage

Ministorage is allowed in light industrial/office and industrial districts. For lots facing Highways 101 or 580 or the Bay, the ministorage use must be located at the rear of the lot behind an active streetfront use. Ministorage may be permitted with an FAR of up to 1.0 if the following findings can be made:

- a. The facility is needed in the community;
- b. The project is compatible with surrounding uses;
- c. The project is designed so that it cannot be converted to other, more intensive uses; and,
- d. The location is appropriate for this type of use.

In other land use districts, ministorage may be allowed in existing buildings, provided that the ministorage is not located along the street frontage and complies with the FAR limits allowable in the districts.

Program LU-21a: Ministorage Zoning. Maintain zoning ordinance regulations for mini-storage use allowance and location limitations.

Responsibility: Community Development
Timeframe: Ongoing
Resources: Staff Time

Policy LU-22: Odor Impacts

Consider odor impacts when evaluating land uses and development projects near wastewater treatment plants, or treatment plant expansion projects.

Program LU-22a: Project Evaluation. Evaluate odor impacts as part of development review.

Responsibility: Community Development
Timeframe: Ongoing
Resources: Fees

Policy LU-23: Land Use Map and Categories

Land use categories are generalized groupings of land uses and titles that define a predominant land use type (See Exhibit 11). All proposed projects must meet density and FAR standards (See Exhibits 4, 5 and 6) for that type of use, and other applicable development standards. Some listed uses are conditional uses in the zoning ordinance and may be allowed only in limited areas or under limited circumstances. Maintain a Land Use Map that illustrates the distribution and location of land uses as envisioned by General Plan policies. (See Exhibit 11).

LU-23a. Zoning Ordinance Amendments. Revise the zoning ordinance, including the zoning map, to implement General Plan land use designations, densities, intensities, and policies, and to meet requirements of State law and court decisions.

Responsibility: Community Development, Economic Development
Timeframe: Ongoing
Resources: Staff Time

LU-23b. Subdivision Ordinance Amendments. Revise the subdivision ordinance where necessary for conformance with General Plan land use designations, densities, intensities, and policies and include provisions for adequate enforcement of conditions of subdivision map approval.

Responsibility: Community Development
Timeframe: Ongoing
Resources: Staff Time

LU-23c. Live/work Regulations. Revise live/work zoning regulations to ensure that live/work units are appropriately designed and used for combined residential and business uses.

Responsibility: Community Development
Timeframe: Long Term
Resources: Staff Time

LU-23d. Industrial Zoning Districts. Reevaluate and modify as needed definitions and FARs for Industrial and Light Industrial/Office Zoning District.

Responsibility: Community Development
Timeframe: Short Term
Resources: Staff Time