
REPORT TO GENERAL PLAN 2040 STEERING COMMITTEE

Subject: Draft Land Use Policies

EXECUTIVE SUMMARY

The General Plan Team prepared a preliminary set of updated land use policies based on the Steering Committee’s written and verbal feedback, community and staff feedback, and best practices in land use planning. This is a working draft and does not yet include citywide land use policies from the Neighborhoods Element or new land use policies related to climate adaptation and sustainability. The Committee will be asked to discuss the attached draft at the February meeting. We will be using digital polling devices to get a sense of the Committee’s position on various issues and policy choices.

REPORT

The General Plan 2040 Steering Committee discussed land use policies at its meetings in October and November 2018. Each Committee member was provided with an editable version of a land use policy “matrix” in October 2018. Eight of the Committee members provided written comments (Bushey, Carney, Jackson, Marmor, Rhoads, Schmidt, Smith, Spielman).

The matrix that follows this report includes two columns: Column 1 lists the adopted goals, policies, and programs that appear in the 2020 Land Use Element. Column 2 lists the DRAFT goals, policies, and programs that will appear in the 2040 Land Use Element. To the extent possible, the matrix aligns the 2020 and 2040 policies by placing them side by side. Most of the existing policies and programs are being carried forward—however, the language has been edited and updated to reflect emerging issues, Committee feedback, and staff’s evaluation. In a handful of cases (noted in the matrix with an explanation), language from the 2020 Plan has been deleted. There are also instances where new language has been added. A number of the 2020 policies have been “deconstructed and reassembled.” As appropriate, the attached matrix includes “editors notes” in yellow explaining the changes that have been made and why.

The matrix also identifies topics that require further discussion. These are highlighted in the next section of this report. There are also goals, policies and programs that have yet to be added to the report. These include those in the Neighborhoods Element (covered in the October/November policy audit) and those that respond to climate adaptation and sustainability issues. Staff is presently working on draft land use policies that reflect best practices on these topics and will be providing those at upcoming meetings.

We will be using new technology to facilitate the Committee’s discussion of policy issues. Staff will distribute electronic polling devices (“clickers”) at the meeting and ask Committee members to weigh in on the policies and programs being presented. The clickers will be used to identify policies that require further discussion by the Committee.

Highlighted Issues

An overview of issues requiring further discussion is presented below:

- Policy LU-2 links San Rafael’s land use decisions to transportation capacity and roadway “level of service.” The City’s ability to do this in the future is limited by state law. We have drafted a “placeholder” policy to replace Policy LU-2, but anticipate bringing this to the City Council for discussion (as part of a larger conversation about how the city monitors transportation conditions, collects fees, and uses traffic as a metric for regulating development). We do not anticipate that the Steering Committee will take a “deep dive” on this policy until after the Council has weighed in.
- We are proposing eliminating residential density limits in Downtown San Rafael. Projects will be subject to height limits and Floor Area Ratio limits instead. This will be further fleshed out through the Downtown Precise Plan process. At this point in time, we are not proposing eliminating density limits outside of Downtown—although this could be considered in the future where more detailed area plans are prepared.
- We are proposing modifications to the height bonus table in the Land Use Element (most of the height bonuses are associated with Downtown San Rafael and will be revisited through the Precise Plan).
- Program LU-19b calls for consideration of “Innovation Districts” within the city’s light industrial-office areas; multi-family housing would be a conditionally permitted use in these areas, subject to certain findings. The location of these districts has not yet been addressed, but they would be very limited in extent.

There are many smaller changes made to the policies and programs that are being proposed. We encourage Committee members to review the attached matrix carefully before the meeting and come prepared to ask questions, offer comments, and indicate their support (or concerns) about any of the proposals. New policies and programs are also very welcome!

ADOPTED 2020 AND PROPOSED 2040 LAND USE POLICIES

2020 PLAN	2040 PLAN (PROPOSED)
<p>GOAL 1: GROWTH TO ENHANCE THE QUALITY OF LIFE</p> <p>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.</p>	<p>GOAL 1: GROWTH AND CHANGE THAT ENHANCES THE QUALITY OF LIFE</p> <p>IT IS THE GOAL OF THE CITY OF SAN RAFAEL to grow and change in a way that serves community needs and enhances the quality of life. San Rafael values its historically significant and inspirational natural setting, and its role as the economic, cultural, and entertainment center of Marin County. The City will maintain and improve the features that make it a desirable place today, while adapting to climate change, embracing creativity and innovation, and engaging all residents so that it may become an even better place in the future.</p>
<p>Policy LU-1: Planning Area and Growth to 2020</p> <p>Plan the circulation system and infrastructure to provide capacity for the total development expected by 2020.</p>	<p>Policy LU-1: Balancing Growth with Infrastructure</p> <p>Plan local circulation and infrastructure systems to provide capacity for the development expected by 2040. Growth plans should reflect transportation and utility constraints, changes in technology, and shifting patterns of travel, water supply, and energy use. The City's plans should reflect the goals of a more balanced, multi-modal transportation system and greener, more sustainable infrastructure.</p>
	<p><i>Program LU-1a: General Plan Evaluations</i></p> <p>Complete a review and evaluation of the General Plan at least once every five years.</p>
<p><i>Program LU-1a: Five-Year Growth Assessment</i></p> <p>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.</p>	<p><i>Program LU-1b: Periodic Growth Assessments</i></p> <p>As part of the five-year General Plan evaluation, assess San Rafael's growth data and trends, population and employment forecasts, and progress toward meeting its transportation goals. Recommend changes to land use and transportation policies, and adjustments to fees and capital improvement projects, based on the findings.</p>

ADOPTED 2020 AND PROPOSED 2040 LAND USE POLICIES

2020 Plan	2040 PLAN (PROPOSED)
<p>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:</p> <ol style="list-style-type: none"> 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. 	<p>Policy LU-2: Development Timing [this policy will require more work/discussion, legal review, and input from Public Works and the City Council]</p> <p>Allow new development only when adequate infrastructure is available, consistent with the following findings:</p> <ol style="list-style-type: none"> a. The project has incorporated measures to reduce trip generation, such as a transportation demand management program, bicycle and pedestrian facilities, and transit improvements, and mixed land uses; b. For projects located in the Downtown Precise Plan boundary, the project is consistent with the City’s policies and standards for Vehicle Miles Traveled (VMT) and will contribute to the goal of a more walkable, bikeable, transit-friendly Downtown; c. For projects located outside the Downtown Precise Plan boundary, the project is consistent with the Level of Service (LOS) standards of the General Plan Mobility Element, and contributes to the goal of reducing per capita Vehicle Miles Traveled (VMT); d. If the project is relying on a specific planned circulation improvement to meet City standards, that improvement is programmed and the funding is committed to complete it before the project is occupied. e. Sewer, water, and other infrastructure improvements needed to serve the proposed development will be in place and available to serve the development by the time it is constructed. f. For projects located in the Sea Level Rise Overlay area (see General Plan 2040 Land Use Map), the project has incorporated design and construction measures to mitigate potential future flooding hazards.

ADOPTED 2020 AND PROPOSED 2040 LAND USE POLICIES

2020 PLAN	2040 PLAN (PROPOSED)
<p><i>Program LU-2a: Development Review</i></p> <p>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.</p>	<p><i>Program LU-2a: Development Review</i></p> <p>Implement Policy LU-2 through the development review and environmental review processes. The City may waive or modify the requirements associated with this policy if it determines that its application as stated would effectively preclude all economically viable use of a subject property.</p>
<p>Policy LU-4: Reasonable Interim Use of Property</p> <p>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.</p>	<p>Policy LU-3: Reasonable Interim use of Property</p> <p>Allow a landowner reasonable interim use of property in areas where development is presently constrained by factors such as circulation system capacity, infrastructure, and natural hazards such as flooding.</p>
<p><i>Program LU-4a: Reasonable Interim uses</i></p> <p>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.</p>	<p><i>Program LU-3a: Reasonable Interim Uses</i></p> <p>Ensure that zoning regulations include provisions for reasonable interim uses for properties where the highest and best use allowed by zoning is not presently attainable due to traffic capacity, infrastructure, natural hazards (including sea level rise), and other factors. Examples of reasonable interim uses include contractor’s yards, modular office and storage, new car storage, and outdoor recreation.</p>
<p>Policy LU-5: Urban Service Area</p> <p>Oppose urban development in areas adjacent to San Rafael's Urban Service Area boundary.</p>	<p>Policy LU-4: Urban Service Area (formerly LU-5)</p> <p>Oppose urban development on undeveloped County open space areas outside of San Rafael’s Urban Service Area boundary.</p>

ADOPTED 2020 AND PROPOSED 2040 LAND USE POLICIES

2020 PLAN	2040 PLAN (PROPOSED)
<p>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.</p> <p>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.</p> <p>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.</p>	<p>Policy LU-5: Annexation (formerly LU-6) Prior to urban development, unincorporated areas that can be reasonably served through extension of existing City services should first be annexed. Annexation of already developed unincorporated islands (such as Los Ranchitos, Country Club, California Park, Mt. Tamapais Cemetery, and the San Rafael Rock Quarry) and other developed areas in the San Rafael Planning Area (Marinwood/Lucas Valley, etc.) should be dependent on neighborhood interest, the cost/revenue implications of providing services and assuming liabilities for the area, and the availability of City services.</p>
<p><i>Program LU-6a: LAFCO.</i> 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.</p>	<p><i>Program LU-5a: LAFCO (formerly LU-6a)</i> Encourage LAFCO to adopt Urban Service Area and annexation policies for the San Rafael Planning Area that are consistent with General Plan policies.</p>
<p>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.</p>	<p>Policy LU-6: Land Use Planning in Surrounding Jurisdictions (formerly LU-7) Continue to monitor and work with surrounding jurisdictions to ensure that land uses outside the community will have a positive effect on San Rafael.</p>
<p><i>Program LU-7a: Development Adjacent to San Rafael.</i> 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.</p>	<p><i>Program LU-6a: Development Adjacent to San Rafael (formerly LU-7a)</i> Work with the County and other jurisdictions to review applications for development in areas adjacent to San Rafael’s city limits and within the Sphere of Influence.</p>

ADOPTED 2020 AND PROPOSED 2040 LAND USE POLICIES

2020 PLAN	2040 PLAN (PROPOSED)
<p>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.</p> <p>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.</p> <p>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.</p>	<p>Policy LU-7: Maximum Density of Residential Development <i>(formerly LU-8)</i></p> <p>Use the net density ranges in the Land Use Element to determine the number of housing units allowed on properties within the Planning Area. Net density is defined as the area of a parcel with a given General Plan Map designation divided by the number of units on that property, excluding any area used for streets (public or private) or utility easements. The following provisions apply:</p> <ol style="list-style-type: none"> 1. The net density “range” includes a maximum and minimum. A given General Plan designation may have multiple corresponding zoning districts, including at least one district in which the maximum density may be achieved. Other zoning districts may have maximum densities that are less than the maximum indicated by the General Plan. 2. The number of units permitted on a given parcel may be further reduced by site resources and constraints, potentially hazardous conditions, climate-related factors (sea level rise, fire hazards, etc.), traffic and access (including wildfire evacuation constraints), the adequacy of infrastructure, City design policies, and the need to maintain compatibility with adjacent areas. 3. The maximum net density shown on the General Plan excludes density bonuses that may be provided for affordable housing or other community benefits. Such bonuses may be provided in accordance with State law and local housing policies. 4. As required by State law, an accessory dwelling unit (ADU) or junior ADU may not be counted as a dwelling unit for the purposes of calculating net density. 5. Areas in the “Downtown” General Plan category shall be exempt from the requirements of Policy LU-7 and are instead subject to floor area ratio (FAR) standards defined by the Downtown San Rafael Precise Plan.

ADOPTED 2020 AND PROPOSED 2040 LAND USE POLICIES

2020 PLAN	2040 PLAN (PROPOSED)
<p><i>Program LU-8a: Residential Zoning.</i> Implement Land Use Element densities by setting appropriate maximum allowed densities in the zoning ordinance.</p>	<p><i>Program LU-7a: Codifying General Plan Density Limits (formerly LU-8a)</i> Implement General Plan densities by setting appropriate maximum densities in the zoning ordinance and by including floor area ratio (FAR) limits in the Downtown Precise Plan. In areas where FAR (rather than density) is used to regulate residential development, develop metrics for estimating the likely impacts of future development on transportation, infrastructure, and public services. Furthermore, where FAR is used to regulate residential development, consider incentives to encourage smaller and more affordable dwelling units.</p>
	<p>Policy LU-8: Minimum Density of Residential Development (formerly part of LU-8) On properties where housing is a permitted use, the net density of new development shall be no less than the minimum end of the density range specified by the General Plan for that property. Exceptions may be made on individual parcels smaller than 10,000 square feet, where the application of minimum densities may be infeasible.</p>
	<p>Policy LU-9: Clustering (formerly part of LU-8) Allow clustering of development as a way to conserve environmentally sensitive portions of a site such as steep slopes and wetlands. In such instances, the net density calculation shall be made based on the area of the entire site (minus streets and easements), with the resulting number of units transferred to the less sensitive areas. The result would be a denser housing product on a portion of the site, with the balance conserved as open space.</p>

ADOPTED 2020 AND PROPOSED 2040 LAND USE POLICIES

2020 PLAN	2040 PLAN (PROPOSED)
<p>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.</p> <p>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.</p> <p>b. FAR transfers between or among sites shall not be permitted except where the City Council finds the following:</p> <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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). <p>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.</p>	<p>Policy LU-10: Intensity of Non-Residential Development (was LU-9) Use the Floor Area Ratio limits in the Land Use Element to determine the square footage of building space allowed on properties with non-residential and Downtown General Plan designations. The following provisions apply:</p> <ol style="list-style-type: none"> 1. Exhibits #, #, and # indicate the maximum allowable FAR in Downtown, Central / East San Rafael, and North San Rafael respectively. As with density, FAR is calculated on a “net” basis, and is based on the area of each parcel excluding streets and easements. 2. A given General Plan designation may have multiple corresponding zoning districts, including at least one district in which the maximum FAR may be achieved. Other zoning districts may have maximum FARs that are less than the maximum indicated by the General Plan. 3. The maximum FAR stated by the General Plan is not guaranteed. The square footage permitted on a given parcel may be further reduced by site resources and constraints, potentially hazardous conditions, climate-related factors (sea level rise, fire hazards, etc.), traffic and access (including wildfire evacuation constraints), the adequacy of infrastructure, and City design policies. 4. With the exception of the Downtown General Plan category, the maximum FARs shown in Exhibits #, #, and # exclude any residential development on the property. In the event that residential uses or mixed use projects are proposed on non-residentially designated sites, the maximum area is the sum of the FAR allowance plus the residential density allowance for the property.

ADOPTED 2020 AND PROPOSED 2040 LAND USE POLICIES

2020 PLAN	2040 PLAN (PROPOSED)
<p><i>Program LU-9a: Nonresidential Zoning.</i> Implement nonresidential levels of development and FAR transfer policies through allowed floor area ratios in zoning districts.</p>	<p><i>Program LU-10a: Codifying General Plan Floor Area Ratio Limits.</i> Implement General Plan floor area ratio (FAR) limits by setting appropriate maximum FARs in the zoning ordinance and Downtown Precise Plan.</p>
	<p>Policy LU-11: Replacement of Uses in an Existing Non-conforming Building (formerly part of LU-9) Where an existing building is larger than the FAR limit and no intensification or change of use is proposed, allow the property to be reused or redeveloped at the same size as the existing building, provided that the parking and design requirements in effect at the time of the new application can be met.</p>
	<p>Policy LU-12: Transfer of Development Rights (formerly part of LU-8 and LU-9) Allow transfer of development rights (TDR) or density/ FAR from one property to another in cases where unique or special circumstances (e.g., historic preservation, wetlands protection, sea level rise) are found to exist which would cause significant environmental impacts if the transfer was not allowed—or in cases where a significant public benefit would be provided as a result of the transfer. In such cases, the TDR should be consistent with the goals and policies of General Plan 2040 and should comply with zoning and design parameters to the greatest extent feasible, except that maximum FARs or densities may be exceeded on the receiving property.</p>
<p><i>Program LU-8b: Transfer of Density.</i> Continue to implement zoning regulations governing the transfer of density among properties.</p>	<p><i>Program LU-12a: Transfer of Development Rights (TDR) Program (replaces LU-8b)</i> Evaluate opportunities for TDR as a response to sea level rise on vulnerable properties and as a way to direct development from areas with access and infrastructure constraints (including wildfire evacuation and response) to less vulnerable areas. This evaluation also should address how TDRs are sold and recorded.</p>

ADOPTED 2020 AND PROPOSED 2040 LAND USE POLICIES

2020 PLAN	2040 PLAN (PROPOSED)
	<p>Policy LU-13: Increases in Floor Area Ratio (currently part of LU-9) Consider allowing floor area ratios (FAR) bonuses that exceed the levels permitted by Exhibits # and # through the Planned Development (PD) zoning process for projects that meet all three of the following criteria:</p> <ol style="list-style-type: none"> 1. The higher FAR is necessary to facilitate redevelopment with improved parking, access, landscaping, building design, and economically productive uses. 2. The project will provide significant community benefits, such as affordable housing. 3. The project is consistent with policies in the General Plan related to transportation capacity, infrastructure, sea level rise, greenhouse gas reduction, and other factors related to the safety of future occupants and quality of life in the City.
	<p>Policy LU-14: FAR Exemptions (currently part of LU-9) Exclude hotels from FAR requirements, recognizing their desirability to the city and ability to achieve economic development objectives. In addition, any portion of a building or development project devoted to child care may be subtracted from the total building area for purposes of calculating that building's FAR.</p>
<p>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.</p>	<p>Policy LU-15: Planned Development Zoning (formerly LU-10) Encourage the use of Planned Development (PD) zoning for development on parcels greater than five acres when the application of traditional zoning standards would make it more difficult to achieve General Plan goals such as natural resource conservation and protection from natural hazards. The PD zoning designation allows flexible design standards that are more responsive to site conditions.</p>

ADOPTED 2020 AND PROPOSED 2040 LAND USE POLICIES

2020 PLAN	2040 PLAN (PROPOSED)
<p><i>Program LU-10a: Planned Development Zoning.</i> Continue to maintain a Planned Development zoning district.</p>	<p><i>Program LU-15a: Planned Development Zoning (formerly LU-10a)</i> Continue to maintain a Planned Development (PD) zoning district.</p>
<p>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.</p>	<p>Policy LU-16: School Site Reuse or Redevelopment (formerly LU-11) In the event a school site is made available for reuse, work with the School District and surrounding community to determine the desired uses. Given the public ownership of the land, uses that provide a public benefit should receive priority. This includes affordable housing (especially housing for teachers and their families), child care facilities, and facilities that accommodate public and quasi-public uses, such as adult day care, education, recreation, arts and cultural programs. Where it is in the community's interest, existing open space and recreational amenities on such sites should be conserved as neighborhood parkland, with development clustered in the areas currently used for school buildings.</p>
<p><i>Program LU-16a: Zoning for School Sites.</i> Continue to implement school site reuse and redevelopment through zoning regulations and through the development review process.</p>	<p><i>Program LU-16a: Zoning for School Sites (formerly LU-11a)</i> Continue to implement school site reuse and redevelopment through zoning regulations and the development review process. To meet local housing needs, consider allowing affordable housing on such sites "by right" rather than through the use permit process.</p>

ADOPTED 2020 AND PROPOSED 2040 LAND USE POLICIES

2020 PLAN	2040 PLAN (PROPOSED)
<p>Policy LU-12: Building Heights</p> <p>Citywide height limits in San Rafael are described in Exhibits 7 and 8. For Downtown height limits see Exhibit 9:</p> <ol style="list-style-type: none"> 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). 	<p>Policy LU-17: Building Heights (formerly Policy LU-12)</p> <p>Use General Plan Exhibits # and # as the basis for determining “baseline” maximum building heights in San Rafael. Maximum heights should continue to be codified through zoning. In addition, the following specific provisions related to building heights shall apply:</p> <ol style="list-style-type: none"> 1. Height of buildings existing or approved as of January 1, 1987 shall be considered as conforming to zoning standards. 2. Hotels outside of the Downtown Precise Plan boundary have a 54-foot height limit. Within Downtown, the height provisions of the Downtown Precise Plan apply. 3. As provided for by Policy LU-18, “baseline” building heights are subject to height bonuses of up to 24 feet where specific community benefits are provided, where a Variance or zoning exception is granted, or where Transfer of Development Rights (TDR) is being implemented. 4. Heights may be increased by up to six (6) feet above and beyond the baseline building heights in Exhibits # and # if necessary to mitigate the exposure of properties to sea level rise and other flooding hazards (e.g., raising the first floor of habitable floor space above anticipated tidal flood elevations).
<p>Policy LU-13: Height Bonuses</p> <p>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 (see next page), 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.</p>	<p>Policy LU-18: Height Bonuses (formerly LU-13)</p> <p>Allow the granting of height bonuses for development that provides one or more of the amenities listed in Table #, provided that the building’s design is consistent with applicable design guidelines and the Community Design Element of the General Plan. No more than one height bonus may be granted on each site, and the bonuses are intended to be used in tandem with (and not in lieu of) those offered through state and local affordable housing density bonus program. Use of the bonuses listed in Table # shall be subject to a permitting process that ensures community input, except that residential and/or mixed use projects in which 100 percent of the units are affordable to low or very low income households shall be granted a height bonus by right.</p>

2020 PLAN EXHIBIT 10 (existing General Plan)

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 (see Policy LU-20)

2040 PLAN EXHIBIT 10 (PROPOSED GENERAL PLAN)

Location	Maximum Height Bonus	Use Permit Required (PC Hearing)	Amenities (may provide one or more of the following)
Downtown San Rafael	As determined by the Downtown Precise Plan	Varies	As determined by the Downtown Precise Plan
Lincoln Avenue from Hammondale to Mission	12 feet	Yes	Affordable housing provided on-site in accordance with the City's inclusionary zoning requirements
Marin Square	24 feet	Yes	Same as above
North San Rafael Town Center (including Northgate Mall)	24 feet	Yes	Same as above
All sites where multi-family housing is permitted	12 feet (*)	No	100% affordable housing

(*) Bonuses are not additive, i.e., a project that uses this bonus would not also be eligible for the bonuses listed above.

[Editor's Note: Bonuses (and base heights) within the Downtown area will be determined through the Precise Plan and have been removed from the table. The 12' bonus for hotels has been removed because the prior policy already indicates that hotels have a 54' limit, which is taller than other structures outside of Downtown. The text for Lincoln Ave, Marin Square, and NSR Town Center has been clarified to note that any project in these locations that complies with the City's inclusionary requirements is eligible. Marin Square housing bonus raised to 24' (from 12') because zoning already allows a 24' bonus for affordable housing on this site—are there other sites where this should be considered? A new clause has been added that allows a 12' bonus on any 100% affordable project by right if it is on a site where multi-family housing is allowed.]

ADOPTED 2020 AND PROPOSED 2040 LAND USE POLICIES

2020 PLAN	2040 PLAN (PROPOSED)
<p>GOAL 2: MAINTAINING BALANCE AND DIVERSITY</p> <p>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.</p>	<p>GOAL 2: MAINTAINING BALANCE AND DIVERSITY</p> <p>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 and will continue to evolve in the future. Our desire to maintain historic land use patterns must be balanced with the development necessary to provide jobs, meet housing needs, and sustain an evolving, vital community. We will continue to value and cherish our diverse neighborhoods, while making them more resilient, sustainable, and adaptable to change.</p>
<p>Policy LU-14: Land Use Compatibility</p> <p>Design new development in mixed residential and commercial areas to minimize potential nuisance effects and to enhance their surroundings.</p>	<p>Policy LU-19: Land Use Compatibility (formerly LU-14)</p> <p>Encourage mixed use development (combining housing and commercial uses) in Downtown San Rafael and on commercially designated properties elsewhere in the city. Mixed use development should be designed to maximize compatibility between the different uses contained within the project, while maximizing compatibility with uses on adjacent properties.</p>
<p><i>Program LU-14a: Land Use Compatibility.</i> Evaluate the compatibility of proposed residential use in commercial areas through the development review process.</p>	<p><i>Program LU-19a: Development Review (formerly LU-14a)</i></p> <p>Use the development review process to evaluate the compatibility of residential uses in commercial areas. Consider the use of performance standards to minimize the potential for nuisance effects on future residents and to minimize disruption to established businesses.</p>

ADOPTED 2020 AND PROPOSED 2040 LAND USE POLICIES

2020 PLAN	2040 PLAN (PROPOSED)
	<p>Program LU-19b: Innovation Districts (new action program) Evaluate creation of an overlay zone or “innovation” district to be applied to certain Light Industrial-Office (LI-O) areas in which multi-family residential uses would be allowed, subject to performance standards and use permit requirements. The area covered by such a zone would be strictly limited in order to preserve the supply of land needed for local and region-serving businesses, and to avoid impediments to established businesses that could result from having new housing nearby.</p>
<p>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.</p>	<p>Policy LU-20: Neighborhood-Serving Commercial Uses (formerly LU-15) Encourage the retention and improvement of neighborhood-serving retail stores and services. In the event such spaces become vacant, consider other activities that reinforce their role as neighborhood centers. Activities in neighborhood-serving commercial areas should reinforce the city’s goal of reducing greenhouse gas emissions and traffic congestion by providing walkable, bikeable services and shopping close to residents.</p>
<p><i>Program LU-15a: Neighborhood Commercial.</i> Evaluate the compatibility of proposed neighborhood commercial center use or upgrades through the development review process, and involve neighbors early in the development review.</p>	<p><i>Program LU-20a: Neighborhood Commercial (formerly LU-15a)</i> Use the development review process to evaluate future proposals for existing neighborhood commercial centers, including proposed new tenants, upgrades to centers, and proposals to add new uses such as housing. Neighbors should be involved early in the development review process.</p> <p><i>See the Neighborhoods Element and the Economic Vitality Element for additional policies.</i></p>

ADOPTED 2020 AND PROPOSED 2040 LAND USE POLICIES

2020 PLAN	2040 PLAN (PROPOSED)
<p>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.</p>	<p>Policy LU-21: Production, Distribution, and Repair (PDR) Services (replaces LU-16) Maintain the availability of sites for production, distribution, and repair (PDR) businesses and recognize the value of these businesses to San Rafael's economy and San Rafael residents.</p>
<p><i>Program LU-16a: Building and Automotive Services.</i> 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.</p>	<p><i>Program LU-21a: Industrial Zoning (replaces LU-16a)</i> Periodically evaluate zoning standards for Light Industrial-Office and General Industrial areas in response to business and economic trends, changes in technology and transportation, greenhouse gas reduction goals, and climate-related hazards such as sea level rise.</p>
<p>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.</p>	<p>Policy LU-22: Limited Retail and Service Uses in Industrial and Office Areas (formerly LU-17) Allow limited retail and service uses that cater to area businesses and workers within industrial/office and industrial areas. Allowances for such uses should create amenities for the local workforce and reduce the need for lengthy or multiple auto trips for employees. At the same time, retail and service uses should not impede the operation of nearby businesses or result in a shortage of space available for future industrial and office tenants.</p>
<p><i>Program LU-17a: Retail and Service Uses in Industrial and Office Areas.</i> Continue to provide adequate sites for small local-serving retail and service businesses in industrial and office zoning districts.</p>	<p><i>Program LU-22a: Industrial Zoning Standards for Ancillary Retail and Service Uses (formerly LU-17a)</i> Continue to provide opportunities for small local-serving retail and service businesses in industrial zoning districts.</p>

ADOPTED 2020 AND PROPOSED 2040 LAND USE POLICIES

2020 PLAN	2040 PLAN (PROPOSED)
<p>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.</p>	<p>Policy LU-23: Lot Consolidation (formerly LU-18) Encourage the consolidation of small (less than 6,000 square feet) lots zoned for commercial and higher density residential uses in order to create more viable development sites. Lot consolidation can provide greater flexibility in site planning, make it easier to meet parking and access requirements, and enable building sizes and dimensions that are more economically viable.</p>
<p><i>Program LU-18a: Lot Consolidation.</i> Continue to encourage small lot consolidation through zoning regulations.</p>	<p><i>Program LU-23a: Lot Consolidation Incentives (formerly LU-18a, second sentence is new)</i> Continue to encourage lot consolidation through zoning regulations. Incentives such as height, floor area bonuses, and reduced parking requirements should be considered where consolidated lots are used for affordable housing development.</p>
<p>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.</p>	<p>Policy LU-24: Child Care (formerly LU-19) Encourage the development of new child care facilities and the retention of existing child care facilities to meet neighborhood and citywide needs. Work with the school districts to encourage child care and early childhood education programs at schools, recognizing their suitability for such uses and convenient locations in residential neighborhoods.</p>
<p><i>Program LU-19a: Zoning for Childcare Programs.</i> 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.</p>	<p><i>Program LU-24a: Large and Small Family Child Care Regulations (formerly LU-19a)</i> Ensure that regulations for large and small family child care facilities comply with all applicable State laws. To the extent permitted by law, the siting and operation of larger facilities in single family neighborhoods should mitigate the potential for off-site impacts (parking, noise, etc.). <i>See also Policy LU-14 on FAR exemptions for child care</i></p>

ADOPTED 2020 AND PROPOSED 2040 LAND USE POLICIES

2020 PLAN	2040 PLAN (PROPOSED)
<p><i>Program LU-19b: Fees for Childcare Programs.</i> Where possible, waive application and permit fees for childcare centers. Consider exempting childcare centers from traffic mitigation fees.</p>	<p><i>Program LU-24b: Fees for Child Care Programs (formerly LU-19b)</i> Where feasible, consider waiving application fees, permit fees, and other development impact fees for child care uses.</p> <p>Editor’s Note; Do we want to add a policy on group homes and adult care facilities. Are there other land use policies relating to aging in community that are needed here?</p>
<p>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.</p>	<p>Policy LU-25: Hotels, Motels, and Inns (formerly LU-20) Encourage redevelopment and upgrading of existing hotels and motels. These uses are desired because they are a low traffic generator, a source of jobs and tax revenue, and provide lodging for visitors, tourists, and business travelers. Hotels, motels, and inns should be allowed with a Use Permit in most commercial, multi-family, and industrial zoning districts. Bed and breakfasts should be allowed with a Use Permit in High Density, Medium Density, and Large Lot Residential zoning districts. As noted in Policy LU-14, hotels are exempt from floor area ratio requirements and are subject to a 54-foot height limit (outside of Downtown). The City Council also has the authority to grant Zoning Exceptions and Variances for projects that provide significant community benefits, provided that the project’s features are consistent with City design policies and guidelines.</p> <p>Editor’s Note: Given that there is already a 54-foot height limit for hotels, is it necessary to allow a 12- foot height bonus on top of that (per table 10)? Why not just have a 66-foot limit then? Suggest deleting the height bonus for hotels and just maintaining the higher base height limit.</p> <p>Editor’s Note: Do we need a policy to minimize the impact of short-term rentals on single family residential areas and/or the rental housing supply?</p>
<p><i>Program LU-20a: Hotel Zoning.</i> Maintain zoning ordinance regulations allowing height bonus and exemption from FARs for hotels.</p>	<p>[delete former Program LU-20a (per the 10-year evaluation adopted by Council) as it’s simply a status quo statement that’s not really needed]</p>

ADOPTED 2020 AND PROPOSED 2040 LAND USE POLICIES

2020 PLAN	2040 PLAN (PROPOSED)
	<p>Program LU-25a: Motel Conversions (new) In cases where an existing motel is no longer viable for that purpose, encourage conversion to multi-family residential use, including affordable housing.</p>
<p>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:</p> <ol style="list-style-type: none"> The facility is needed in the community; The project is compatible with surrounding uses; The project is designed so that it cannot be converted to other, more intensive uses; and, The location is appropriate for this type of use. <p>In other land use districts, ministorage may be allowed in existing buildings, provided that the mini-storage is not located along the street frontage and complies with the FAR limits allowable in the districts.</p>	<p>Policy LU-26: Mini-Storage Facilities (was LU-21) Allow mini-storage (“self-storage”) in light industrial/ office and light industrial districts. For lots facing Highways 101 or 580 or the Bay, the mini-storage use must be located at the rear of the lot behind an active streetfront use. New ministorage may be permitted with a Floor Area Ratio (FAR) of up to 1.0 if the following findings can be made:</p> <ol style="list-style-type: none"> The facility is needed in the community; The project is compatible with surrounding uses; The project is designed so that it cannot be converted to other, more intensive uses – or includes approval conditions which limit and mitigate off-site impacts in the of future event conversion; and The location is appropriate for this type of use. <p>Mini-storage is generally not appropriate in Downtown San Rafael, neighborhood and general commercial areas, and residential districts, but may be considered in existing commercial buildings if located to the rear of the building and away from the street. (note last sentence reworded)</p>
<p><i>Program LI-21a: Ministorage Zoning.</i> Maintain zoning ordinance regulations for mini-storage use allowance and location limitations.</p>	<p>[Program LU-21a (mini-storage regulations) deleted per the 10-yr evaluation report approved by Council, as it just calls for status quo.]</p>
	<p>Policy LU-27: Innovative Housing Types (new) Encourage non-traditional and innovative forms of housing that respond to local housing needs, changing demographics, high housing costs, and the need to reduce greenhouse gas emissions and adapt to climate change and rising sea level.</p>

ADOPTED 2020 AND PROPOSED 2040 LAND USE POLICIES

2020 PLAN	2040 PLAN (PROPOSED)
<p><i>Program LU-23c: Live/work Regulations.</i> Revise live/work zoning regulations to ensure that live/work units are appropriately designed and used for combined residential and business uses.</p>	<p><i>Program LU-27a: Live-Work Regulations (formerly Program 23-c)</i> Revise zoning regulations for live/work uses to make this a more viable housing type and facilitate its development, particularly in Downtown San Rafael.</p>
	<p><i>Program LU-27b: Alternative Housing Types (new)</i> Explore regulatory barriers and potential opportunities for innovative housing types such as co-housing, tiny homes, micro units, floating homes, modular construction, and other forms of habitation which may be easier and less expensive to build than traditional housing.</p>
<p>Policy LU-22: Odor Impacts Consider odor impacts when evaluating land uses and development projects near wastewater treatment plants, or treatment plant expansion projects.</p>	<p>Policy LU-28: Odor Impacts (formerly LU-22) Consider odor impacts when evaluating land uses and development projects near wastewater treatment plants, treatment plant expansion projects, waste transfer stations, and other odor potential sources. The potential for new development to create odors which could be objectionable to existing sensitive receptors such as housing and schools also should be considered.</p>
<p><i>Program LU-22a: Project Evaluation.</i> Evaluate odor impacts as part of development review.</p>	<p><i>Program LU-28a: Evaluation of Odor Impacts (formerly LU-22a)</i> Evaluate odor impacts as part of development review.</p>
<p>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).</p>	<p>Policy LU-29: Land Use Map and Categories (formerly LU-23) Use the General Plan Map as the framework for future land use decisions. The Map displays the distribution of different land use categories in the San Rafael Planning Area (see Exhibit #). Each category is associated with a particular set of uses and densities/intensity standards. All proposed projects must meet these standards, as well as other applicable standards established by the City’s zoning regulations. Some uses in each category are “conditional,” meaning they are allowed only in limited areas or may be subject to specific conditions</p>

ADOPTED 2020 AND PROPOSED 2040 LAND USE POLICIES

2020 PLAN	2040 PLAN (PROPOSED)
<p><i>Program LU-23a: Zoning Ordinance Amendments.</i> 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.</p>	<p><i>Program LU-29a: Zoning Ordinance Amendments (formerly LU-23a)</i> Revise the zoning ordinance, including the zoning map, to implement General Plan land use designations and policies, and ensure that all provisions are consistent with state law. This should include creation of a new overlay district corresponding to areas expected to be affected by sea level rise by the end of the 21st Century.</p>
<p><i>Program LU-23b: Subdivision Ordinance Amendments.</i> 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.</p>	<p><i>Program LU-29b: Subdivision Ordinance Amendments (formerly LU-23b)</i> Revise the subdivision ordinance where necessary for conformance with General Plan land use designations and policies, including fire safety and emergency access requirements if necessary. Provisions for the enforcement of conditions of subdivision map approval should be included in the Ordinance.</p>
	<p><i>See also Program LU-21a on Industrial Zoning standards (replaces LU-23d)</i></p>