

REPORT TO GENERAL PLAN 2040 STEERING COMMITTEE

Subject: Continued Discussion of Land Use Policies

EXECUTIVE SUMMARY

This agenda item provides an opportunity to discuss the Draft General Plan Land Use Element policies that have generated the greatest number of comments from Committee members. The policies address:

- The findings required to approve development (Policy LU-2)
- The allowable density of new development (Policy LU-8 and -9 in the 2020 Plan, renumbered as LU-7 and -10 in the 2040 Plan)
- Allowances for height bonuses (LU-13 in the 2020 Plan, renumbered as LU-18 in the 2040 Plan)
- Creation of an Innovation District or overlay that could allowance housing in specific industrial areas (LU-19a in the 2040 Plan)
- Where mini-storage facilities are allowed (LU-21 in 2020 Plan, LU-26 in 2040 Plan)

REPORT

Process to Date

The Land Use Element is one of the most critical parts of the General Plan, as it includes policies and standards for new development. The Steering Committee has weighed in on this Element at the following meetings:

- ✓ September 12, 2018: General Plan Land Use Categories and Map
- ✓ October 10, 2018: Land Use Policy Audit, part 1
- ✓ November 14, 2018: Land Use Policy Audit, part 2
- ✓ February 13, 2019: Discussion of Draft Land Use Policies

Following the February meeting, Committee members (and alternates) were provided with an editable version of the Draft Land Use Policies and asked to provide comments in writing. Comments were received from 10 members. Many of the comments can be reconciled through editing, but a few require further discussion. We are bringing five policies/programs back to the Committee for additional consideration. There were either strong differences of opinion on these policies, or a desire for additional information or clarification of what is being proposed.

The policies in question are summarized below.

Policy LU-2: Development Timing

Policy LU-2 lays out the conditions (or “findings”) necessary to allow new development to proceed. This policy is often cited by the Planning Commission and Council as evidence that a proposed project is consistent (or inconsistent) with the General Plan. Staff’s proposed revisions were intended to reflect the fact that the City can no longer use transportation “level of service” to deny development under the California Environmental Quality Act, and must shift to a “vehicle miles traveled” standard for environmental review purposes. The original version and proposed version (circulated in February 2019) are shown below:

2020 General Plan	2040 General 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"> Project-related traffic will not cause the level of service established in the Circulation Element to be exceeded; Any circulation improvements needed to maintain the level of service standard established in the Circulation Element have been programmed and funding has been committed; Environmental review of needed circulation improvement projects has been completed; 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 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 Allow new development only when adequate infrastructure is available, consistent with the following findings:</p> <ol style="list-style-type: none"> 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; 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; 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); 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. 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. 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.

Some of the comments received from the Steering Committee are highlighted below:

- ✓ Generally, the right direction. Why apply LOS standards outside of Downtown? Per State rules, isn’t the VMT standard everywhere?
- ✓ Add flood plains” to “f”

- ✓ For Clause “b”—apply this citywide and not just Downtown
- ✓ For Clause “d”—define “programmed”—some require multiple approvals
- ✓ Add “levees” to “e”?
- ✓ Could “f” lead to projects on stilts?
- ✓ Add forestry management and fuel modification
- ✓ This policy seems too restrictive. Can we discuss this revision in detail? It is a large policy change that is impactful. What is the goal?
- ✓ In “a,” what does “mixed land uses” mean?
- ✓ Add “reduction of pervious surfaces, water treatment and recycling on-site, incorporation of green streets principles, low impact development, green roofs or roof gardens, pollinator corridors, bioswales, daylighting of creeks, adequate space for recycling/composting in multi-family, etc.
- ✓ “f” seems impractical and foolhardy unless the project incorporates floating homes
- ✓ The VMT standard is a dangerous precedent that makes absurd claims about trip reduction. San Rafael needs to do its own study (of recently completed residential units) to assess the actual commute modes chosen, the volume of deliveries to residents, the return on investment for bike paths, etc.
- ✓ Do not allow residential development in areas subject to high risk of flooding or wildfire

LU-8 and -9 (2020 Plan) / LU-7 and LU-8 (2040 Plan): Residential Density

Due to renumbering, these two policies have different numbers in the 2020 and 2040 Plan. They both address the issue of maximum housing density. The language is shown below:

2020 General Plan	2040 General 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>Policy LU-7: Maximum Density of Residential Development 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.

2020 General Plan	2040 General Plan (Proposed)
<p>Policy LU-9: Intensity of Nonresidential Development</p> <p>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> <ol style="list-style-type: none"> 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: <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). 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>Policy LU-10: Intensity of Non-Residential Development</p> <p>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.

Some of the comments from the Steering Committee members on these policies are listed below:

- ✓ Confusing and hard to understand
- ✓ Is the intention to do away with residential-only zoning?

- ✓ We need to walk through this policy with the committee. It seems to move towards greater densities downtown by use of FAR instead. Is residential FAR different from commercial? Wouldn't it need to be significantly greater to achieve greater densities?
- ✓ Need clearer description of how the 'multiple zoning districts' work.
- ✓ In proposed LU-7, (2) "need to maintain compatibility with adjacent areas" needs to be fleshed out. Also (4) change "may" to "shall"; (5) apply to all commercial districts—not just Downtown.
- ✓ In proposed LU-7, I would revisit Provision #2 as all the elements are fairly black and white except for the last part of the sentence need to maintain compatibility with adjacent areas. This issue should be called out separately (in the appropriate program) and addressed there.
- ✓ Maximum net density shall include any density bonuses possible. Otherwise it's not a maximum.
- ✓ Be very very cautious about unsubstantiated claims that adding housing will reduce traffic. Seek to maintain San Rafael's largely low-density zoning.
- ✓ In proposed LU-10, perhaps clearer to say "... properties designated as non-residential, or those in the Downtown General Plan area."
- ✓ LU-7 #1 and LU-10 #2 are unclear
- ✓ Last sentence in LU-10 #4 raises the issue of whether FAR for housing in Downtown differs from the FAR for commercial. How does height factor in?
- ✓ In LU-10, restore Clause "c" from prior policy, as it includes Marin Square

LU-13 in 2020 Plan/ LU-18 in the 2040 Plan: Height Bonuses

This policy deals with height bonuses. It cross-references a table in the General Plan (Exhibit 10) indicating where bonuses are allowed, and under what circumstances. The 2020 and 2040 policies are compared below:

2020 General Plan	2040 General Plan (proposed)
<p>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 (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 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>

Some of the comments from Committee members include:

- ✓ Change "permitting process" to "use permit"
- ✓ Why not a lower % of affordable units (than 100)
- ✓ The issue of height bonuses is VERY confusing to the public. Is there any way to clarify in the basic document which will lay out height limits that those might actually be "plus up to ___extra stories (or feet), depending on bonuses granted according to"?
- ✓ Height bonuses should only be granted when the community has been effectively informed and a clear consensus from adjacent affected residents has been obtained.
- ✓ Committee needs to carefully review all height, FAR, density and other land use maps.
- ✓ Need further explanation on specifics of height

- ✓ Has San Rafael considered the implications on its fire service with taller buildings?
- ✓ Constrain height additions to Downtown San Rafael

Proposed Program LU-19a: Innovation District

Program LU-19a is a new program that is proposed for consideration in response to feedback from earlier Steering Committee meetings.

“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.”

A number of Committee members have indicated this idea requires additional discussion before it is advanced.

Policy LU-21 in 2020 Plan/ Policy LU-26 in 2040 Plan: Mini-Storage Facilities

This policy addresses where mini-storage facilities are allowed. The proposed revisions generated a large number of comments. Language in the 2020 Plan and proposed revisions in the 2040 Plan are shown below:

General Plan 2020	General Plan 2040 (proposed)
<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"> 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. <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"> 1. The facility is needed in the community; 2. The project is compatible with surrounding uses; 3. 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 4. 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.</p>

Some of the Committee comments are shown below:

- ✓ Add “or Bay frontage” after “active streetfront use.” (Similar in last sentence.)

- ✓ Strengthen last sentence, delete “generally” and delete last clause about allowing them to the rear of commercial buildings. Mini-storage is not a good use for pedestrian areas.
- ✓ Is mini storage truly a priority land use for San Rafael? Should we be promoting or discouraging this land use when we have far more significant needs? What are the benefits to our city – presumably fiscal and low traffic generation? What are the benefits of providing this use in our city when land is in such short supply?
- ✓ Last sentence may not be needed and calling ministorage “not appropriate” is judgmental language. Let’s discuss.