

**ORDINANCE NO. 1909**

**AN ORDINANCE OF THE CITY OF SAN RAFAEL REZONING CERTAIN REAL PROPERTY FROM PLANNED DEVELOPMENT (PD) - WETLAND OVERLAY (-WO) DISTRICT (PD1764-WO) TO A REVISED PD - WO DISTRICT (ZC05-01) TO ALLOW THE ADDITION OF A NEW 85,700-SQUARE-FOOT RECREATIONAL BUILDING, TWO OUTDOOR FIELDS, AND ASSOCIATED SITE IMPROVEMENTS, LANDSCAPING AND PARKING TO THE EXISTING PRIVATE AIRPORT AND ANCILLARY LIGHT-INDUSTRIAL USES CURRENTLY ALLOWED BY PD 1764-WO, ON A VACANT PORTION OF THE 119.5-ACRE SAN RAFAEL AIRPORT PROPERTY LOCATED AT 397-400 SMITH RANCH ROAD (SAN RAFAEL AIRPORT)  
(APN'S: 155-230-10, 11, 12, 13, 14, 15 AND 16)**

WHEREAS, on March 1, 2005, San Rafael Airport, LLC submitted planning application ZC05-01 to the City of San Rafael requesting an amendment to the properties existing Planned Development Zoning District (PD1764-WO) to allow approval of a new indoor and outdoor recreational facility on a portion of the 119.5-acre San Rafael Airport property, aka 155-230-12; and

WHEREAS, the current Planned Development (PD1764-WO) District, Wetland Overlay zoning ordinance adopted for this site (March 19, 2001) established land use regulations for a private airport use limited to 100-based aircraft and limited non-aviation uses consistent with those permitted in the Use Permit (UP99-9) at the San Rafael Airport. The current PD zoning ordinance does not contain appropriate land use limitations and development standards, as required by Section 14.07.060 of the Zoning Ordinance. Rezoning has been initiated to establish the required development standards for the proposed addition of an indoor and outdoor recreational facility as well as to incorporate the existing and previously approved standards for San Rafael Airport, as outlined in Attachment "B" - (*San Rafael Airport - Planned Development District*); and

WHEREAS, accompanying applications for an Environmental and Design Review Permit (ED05-16) and an amendment to the Master Use Permit (UP05-08) have been submitted and are being processed concurrent with the Rezoning application, as required by the Zoning Ordinance; and

WHEREAS, on January 24, 2012, the Planning Commission voted 6-0 (member Paul Absent, due to a conflict of interest) adopting Resolution No. 11-16 recommending to the City Council certification of a Final Environmental Impact Report/Response to Comments (FEIR) (SCH#2006012125) for the San Rafael Airport Recreational Facility Project; and

WHEREAS, on May 29, 2012, the San Rafael Planning Commission held a duly-noticed public hearing on the proposed Rezoning, as required by State law, accepting all oral and written public testimony and the written report of the Community Development Department staff reports relevant to the proposal; and

WHEREAS, the Planning Commission closed the May 29, 2012 public hearing and continued its meeting to June 6, 2012 in order to conclude its deliberations on the San Rafael Airport Recreation Facility project.



WHEREAS, on June 6, 2012, the Planning Commission by separate resolution 12-08 and vote of 5-1-1 (Sonnet opposed, Paul absent) has recommended to the City Council adoption of CEQA Findings of Fact for the San Rafael Airport Recreational Facility Project; and

WHEREAS, a Mitigation Monitoring and Reporting Program has been prepared for the project in compliance with California Environmental Quality Act (CEQA) Guidelines; and

WHEREAS, at its June 6, 2012 meeting the Planning Commission adopted Resolution 12-09 by 5-1-1 vote (Sonnet opposed, Paul absent) recommending the City Council adopt the PD rezoning for the San Rafael Airport Recreation Facility project; and

WHEREAS, on December 3, 2012, the San Rafael City Council held a duly-noticed public hearing on the proposed Rezoning, as required by State law, accepting all oral and written public testimony and the written report of the Community Development Department staff reports relevant to the proposal, closed the public hearing and voted to continue the matter for its deliberation on December 17, 2012 and directing staff to provide responses to specific questions raised at the hearing; and

WHEREAS, on December 17, 2012, the City Council received responses to its questions of staff and the consultant and conducted its deliberations on the project FEIR and merits; and

WHEREAS, the City Council by separate resolution has certified the Final Environmental Impact Report/Response to Comments (FEIR) (SCH#2006012125) for the San Rafael Airport Recreational Facility Project; and

WHEREAS, the City Council by separate resolution has adopted CEQA Findings of Fact and Mitigation Monitoring and Reporting Program for the San Rafael Airport Recreational Facility Project, in compliance with California Environmental Quality Act (CEQA) Guidelines; and

WHEREAS, the Community Development Department of the City of San Rafael is the custodian of documents which constitute the record of proceedings upon which this decision is based.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN RAFAEL DOES ORDAIN AS FOLLOWS:

**DIVISION 1. Findings.**

The City Council of the City of San Rafael hereby determines and finds that all of the facts and statements contained in the recitals herein and findings of the Planning Commission Resolution 12-09 recommending to the Council adoption of this ordinance, are true and correct.

**DIVISION 2. Approval.**

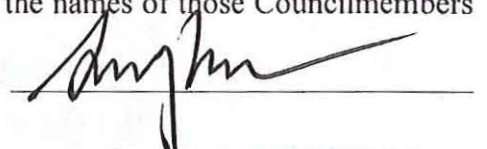
The City Council of the City of San Rafael hereby adopts the ordinance approving the San Rafael Airport – Planned Development District ‘Zoning Map’, ‘Development District’ standards and property ‘Legal Description’ as presented in Attachments “A” through “C” attached hereto and incorporated herein by reference.

**DIVISION 3. Publication.**

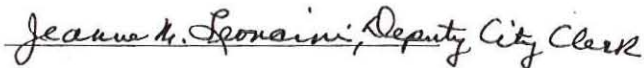
A summary of this Ordinance shall be published and a certified copy of the full text of this Ordinance shall be posted in the office of the City Clerk at least five (5) days prior to the Council meeting at which it is adopted.

This Ordinance shall be in full force and effect thirty (30) days after its final passage, and the summary of this Ordinance shall be published within fifteen (15) days after the adoption, together with the names of those Councilmembers voting for or against same, in the Marin Independent Journal, a newspaper of general circulation published and circulated in the City of San Rafael, County of Marin, State of California.

Within fifteen (15) days after adoption, the City Clerk shall also post in the office of the City Clerk, a certified copy of the full text of this Ordinance along with the names of those Councilmembers voting for or against the Ordinance.

  
GARY O. PHILLIPS, Mayor

ATTEST:

  
Jeanne M. Sporciani, Deputy City Clerk

 ESTHER C. BEIRNE, City Clerk

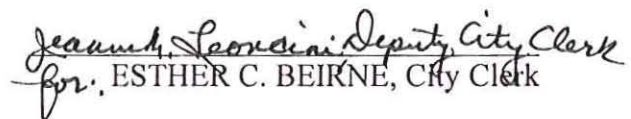
The foregoing Ordinance No.1909 was read and introduced at a regular meeting of the City Council of the City of San Rafael on Monday, the 17<sup>th</sup> day of December, 2012, and was ordered passed to print by the following vote, to wit:

AYES: Councilmembers: Heller, McCullough & Mayor Phillips

NOES: Councilmembers: Connolly

ABSENT: Councilmembers: None

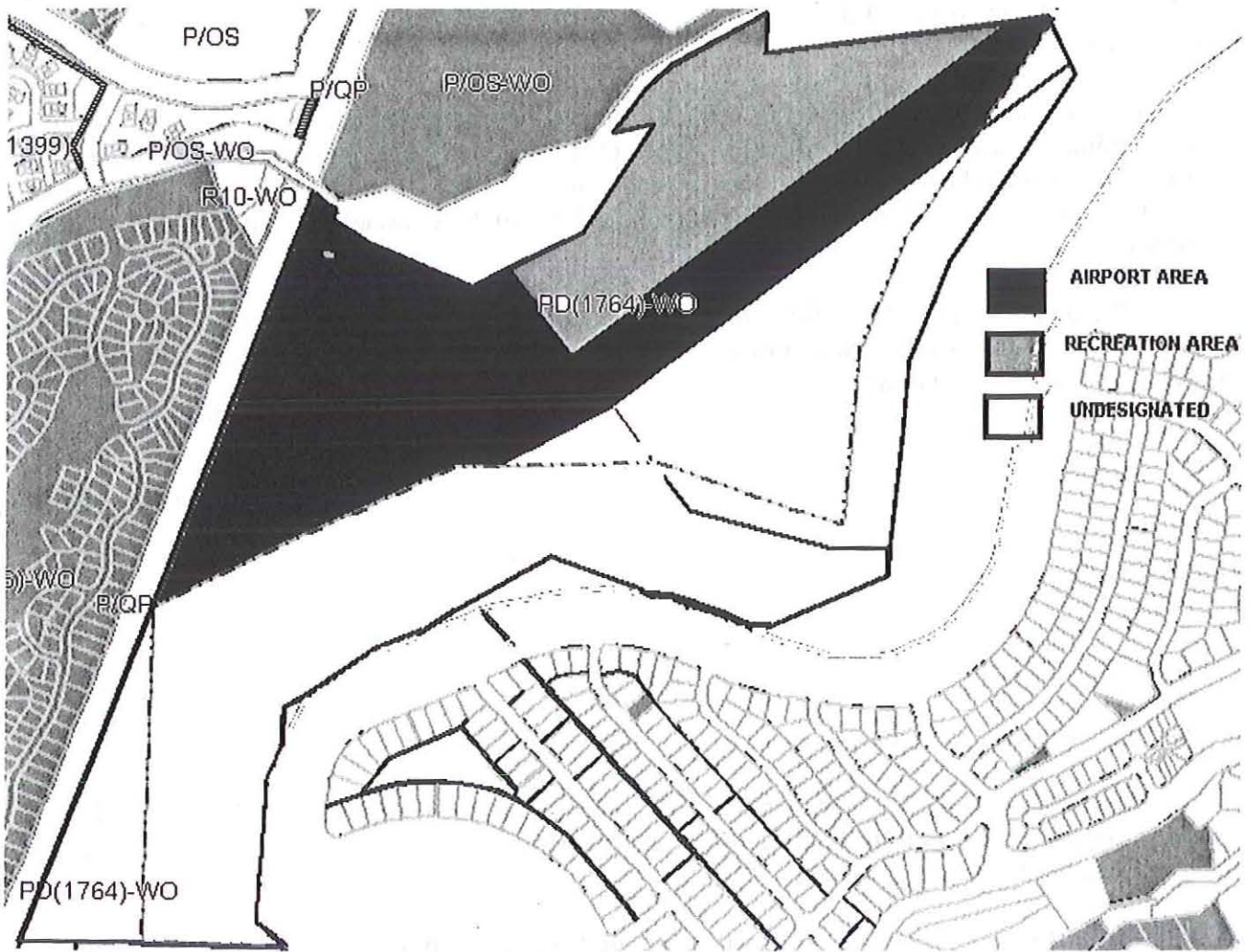
and will come up for adoption as an Ordinance of the City of San Rafael at a Regular Meeting of the Council to be held on the 7<sup>th</sup> day of January, 2013.

  
for: ESTHER C. BEIRNE, City Clerk



Attachment A

**ZONING MAP**



## Attachment B

### *SAN RAFAEL AIRPORT – PLANNED DEVELOPMENT DISTRICT*

#### **I. PURPOSE OF PLANNED DEVELOPMENT DISTRICT**

The purpose of the Planned Development (PD) –Wetland Overlay (-WO) District is to establish standards for development of the 119.5-acre San Rafael Airport property located off Smith Ranch Road, to accomplish the following:

- A. Accommodate development in compliance with the General Plan 2020 Airport/Recreation land use designation.
- B. Establish flexible development and design standards that will result in an integral development approach on this large and unique property in accord with an approved *Development Plan*.
- C. Locate development in areas to maintain open space buffers, preserve public views to the greatest extent feasible, and avoid sensitive areas on this property and in the surrounding area.
- D. Establish procedures for amendment to the PD District and approved *Development Plan*.
- E. Promote continued property maintenance for airport property use and safety.
- F. Maintain and implement the Wetland Overlay (-WO) classification for the entire site.

The PD-WO zoning classification will ensure the development of the site in accordance with the provisions of these property development regulations. The property development regulations may be modified through the PD amendment process.

#### **II. LAND USES**

Permitted uses consist of the following primary and ancillary land uses within areas designated on the PD-WO rezoning map exhibit, and subject to the approved *Development Plans*.

##### A. Permitted Land Uses

None

##### B. Conditionally Permitted Primary Uses:

1. Private airport. Use limited to 100-based aircraft; non-aviation uses consistent with those described in Attachment D and permitted by use permit; 100 airplane hangars; two residential units for a caretaker and security guard; 2,450 square foot non-aviation building (that has been constructed as part of the 22,500 square feet commercial/light industrial buildings); and landscaping and parking area improvements.
2. Private recreational facility. Indoor multi-purpose gymnasium and outdoor field recreational areas for exercise, training, recreation, and instruction for individuals or groups. Examples include but are not limited to gymnasiums, sports/court facilities, dance, gymnastics, swimming, etc. This facility may include accessory uses such as community



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meeting rooms, administrative offices, café, sports shop and similar support services that are subordinate and related to the primary recreational use.

#### C. Ancillary Land Uses

Animal grazing in confined, fenced space for vegetation management purposes.

#### D. Undeveloped Areas

Areas of the property which are not designated for development with approved land uses, as indicated on the zoning map exhibit and the approved *Development Plans*, including perimeter levees, wetland and creek buffers, and designated conservations areas, shall be maintained as required for preservation, protection and airport safety.

#### E. Zoning Entitlements Required

1. All land uses shall be implemented through approval of a *Master Use Permit*.
2. All development shall be implemented in accordance with an approved *Development Plan*.
3. All building and site improvements shall require approval of an Environmental and Design Review permit.

## II. DEVELOPMENT STANDARDS

The Planned Development–WO overlay district shall only be developed with the conditionally permitted private airport and private recreational facility uses in conformance with the PD-WO zoning map exhibit and the approved *Development Plans*, which consists of the associated drawings and reports submitted with the Planned Development as listed in the Exhibit section below (i.e., *Exhibit "A"*; approved Site Plan and Master Plan – San Rafael Airport, approved March 19, 2001 *and* *Exhibit "B"*; site plan titled *Recreation Facility at the San Rafael Airport, Sheet A-1*), and in the development standards set forth below.

#### A. Minimum Lot Area

The airport property shall be maintained as a single parcel of land, as described in the attached Legal Description (Attachment C). Minimum areas dedicated for approved land uses as shown on the approved Zoning Map Exhibit (Attachment A) shall remain subject to the standards and restrictions contained in this PD zoning district and indicated on the approved *Development Plans*.

#### B. Allowable Lot Coverage

1. Private airport and private recreation facility improvements shall be limited within the areas approved for development consistent with the approved *Development Plan*.

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### ***SAN RAFAEL AIRPORT – PLANNED DEVELOPMENT DISTRICT***

2. Minor additions and modifications, including small, ancillary accessory structures located within areas approved for development may be permitted subject to approval of a minor Environmental and Design Review permit. Major modifications or expansion to structures or improvements shall be subject to a major Environmental and Design Review permit.
3. Undesignated property area shall not contain any permanent structures.

Areas that are not designated for development with land uses, i.e., undesignated property areas, include APN: 155-230-13 located south of the runway and in the City corporate boundary, APN: 155-230-10 located at the southwest terminus of the site and in the City corporate boundary, and APN's: 155-230-14, 15 and 11 that run along the South Fork of Gallinas Creek outside of the City corporate boundary.

#### C. Gross Building Areas

The conditionally permitted land uses shall be limited to the following building areas:

1. 210,000 square feet for the aircraft hangers/ancillary airport administrative office on the land area designated Private Airport use (e.g., approx. 38 acres of land identified as APN: 155-230-11)
2. 22,500 square feet for commercial/light-industrial buildings in a segregated area on the land area designated Private Airport use
3. 85,700 square feet for an indoor recreational building on the area designated for Private Recreational Facility use (e.g., approx. 16 acres of land identified as APN: 155-230-12)

Minor increases in gross building areas may be permitted for minor additions and ancillary accessory structures for land uses within the developable areas on the approved *Development Plans*, subject to approval of a minor amendment through grant of Environmental and Design Review permit. Major modifications or expansion to structures or improvements shall be subject to a major Environmental and Design Review permit.

#### D. Setbacks

1. Setbacks for the airport facility and associated light-industrial/commercial uses and the two residential uses are as established by the approved Site Plan and Master Plan – San Rafael Airport, approved March 19, 2001 (*Exhibit "A"*).
2. Setbacks for the indoor and outdoor recreational facility and associated improvements are as established by the approved site plan titled *Recreation Facility at the San Rafael Airport, Sheet A-1 (Exhibit "B")*. This includes the following minimum setbacks established for the development footprint:
  - a. 100-foot setback measured from top of North Fork of Gallinas Creek to the recreational facility structures and improvements.



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***SAN RAFAEL AIRPORT – PLANNED DEVELOPMENT DISTRICT***

- b. 135-foot setback from the edge of the runway to the south perimeter of the recreational facility site improvements.
- c. 50-foot setback from designated wetlands to the nearest wall of the recreational facility building.

E. Building Height

- 1. Height limits for the airport and light industrial buildings shall not exceed 36 feet, as illustrated on the Site Plan and Master Plan – San Rafael Airport, dated March 19, 2001 (*Exhibit "A"*).
- 2. Height limits for the recreational facility shall be as follows:
  - a. Building heights shall not exceed 36-feet, as measured in accordance with the San Rafael Zoning Ordinance method for measurement (UBC 1997). The recreational building shall not exceed 39-foot-6-inch overall height as measured from finished grade to peak of roof.
  - b. Vegetation, structures, or improvements shall not intersect the 7:1 ‘ascending clear zone’ established from the airport runway for aircraft safety.

Exclusions to the maximum height limits shall be as prescribed by Section 14.16.120 of the Zoning Ordinance, as amended.

F. Parking Standards

- 1. Private airport and non-aviation uses shall maintain the following parking spaces, as shown on the Site Plan and Master Plan – San Rafael Airport, dated March 19, 2001 (*Exhibit "A"*)
  - a. 24 visitor and employee parking spaces in front of the main entry gate to the airport facility.
  - b. 2 parking spaces for each residential unit.
- 2. Private recreational uses shall provide sufficient parking spaces for all permitted multi-purpose gymnasium and sports field recreational uses in compliance with the City of San Rafael Parking Regulations (Chapter 14.18). Parking for the recreational facility shall include the following parking rates based on the mix of uses evaluated by the parking study prepared for the facility:
  - a. Gymnastics Studio: 1 space per 300 sq. ft. of gross floor area
  - b. Dance Studio: 1 space per 240 sq. ft. of gross floor area



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- c. Indoor Sports Field: 32.5 spaces per field
- d. Outdoor Sports Field: 65 spaces

Ancillary support services shall provide parking as determined by facility parking study, or default to San Rafael Municipal Code Chapter 14.18 parking ordinance requirement.

Parking shall be provided for change in occupancy or expansion based on the standards above. Any proposed new occupancies that do not have a specific parking rate assigned shall be parked at the rate established for the use in the City Parking Regulations Chapter 14.18, and/or subject to review by the City Traffic Engineer to determine the appropriate parking rate. An updated parking study may be required.

**G. Conservation Area**

A conservation area shall be established between the recreational facility and north fork of Gallinas Creek. The purpose of the conservation area shall be to permanently preclude development with structures and improvements between the recreational facility improvements and the North Fork of Gallinas Creek.

The conservation area shall include the jurisdictional wetland areas and 50-foot minimum wetland setbacks and the 100-foot buffer zone setback established from the North Fork of Gallinas Creek top of bank.

Maintenance practices and activities including disking, mowing, sheep grazing and levee maintenance may continue to occur within the conservation area.

**H. Levee Protection**

The perimeter levee system located on the property that protects the developed portions of the site shall be maintained by the property owner(s) (currently at minimum elevation of 9-foot MSL) to provide adequate protection from flooding. The site shall be subject to any future zoning ordinance standards or adaptive strategies adopted by the City to assure that ongoing levee maintenance and flood protection is provided for the site and community.

Modifications to the height or design of the levee system shall be subject to additional City review and permits, including Environmental and Design Review permits.

**I. Undesignated Land Area**

The undesignated and undeveloped lands within the City of San Rafael jurisdiction are primarily located south of the airport runway and South Fork of Gallinas Creek, inboard of the levee system. Additional lands are located within the County of Marin jurisdiction and may include some lands outboard of the levee. Undeveloped land areas are not approved for development with structures or additional land uses, and shall remain as low-lying undeveloped

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### *SAN RAFAEL AIRPORT – PLANNED DEVELOPMENT DISTRICT*

lands that may be maintained for airport safety purposes (including grazing and maintenance of grasses and aviation aids).

#### J. Definition of Terms

Land uses shall be established in compliance with the provisions of the PD district through issuance of a use permit. The Community Development Director shall be responsible for implementing this PD district and all conditions of approval, and making any determinations necessary regarding land uses. An administrative decision of the Planning Director may be appealed to the Planning Commission.

### III. EXHIBITS

This PD shall be implemented in accordance with the following approved *Development Plan* exhibits:

- A. The “San Rafael Airport Master Plan” approved plans for the private airport use area include exhibits prepared by L.A. Paul & Associates, March 19, 2001, Sheets A-0, A-1, A-2, A-3, A-4 and A-5.
- B. The “San Rafael Airport Recreational Facility” plans for the private recreational use area include:
  - Architectural Plans prepared by L.A. Paul & Associates - Sheets A.0, A.1, A.2, A.3, A.4, A.5, A.6 and A.7.
  - Civil Engineering Plans prepared by Oberkamper & Associates consisting of Sheet C-1, C-2, C-3, C-4 and C-5.
  - Landscape Plan prepared by Baronian & Whisler Landscape Architecture and Land Planning, consisting of Sheet L-1.
  - Photometric Study prepared by Associated Lighting Representatives consisting of Sheet I.

### IV. AMENDMENTS

- A. Modifications that exceed the standards prescribed by this PD, or proposed uses that are not consistent with the land use regulations of the approved *Development Plan*, shall require an amendment to the PD District and associated *Development Plan*.
- B. Changes to the land uses permitted in this Planned Development (PD) District shall be administered through an amendment to the Use Permit as prescribed by the Master Use Permit.



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- C. Revisions to the design of structures or construction of new accessory building(s) associated with permitted or conditionally permitted uses shall be administered through an Environmental and Design Review Permit.

Attachment C

*Legal Property Description*

ALL THAT CERTAIN real property situate partly in the City of San Rafael, County of Marin, State of California, described below as follows:

PARCEL ONE:

Parcel B, as shown upon that certain Parcel Map entitled "Parcel Map Civic Center North, lying within and adjoining the City of San Rafael, Marin County, California", filed for record December 15, 1983 in Book 21 of Parcel Maps, at Page 70, Marin County Records.

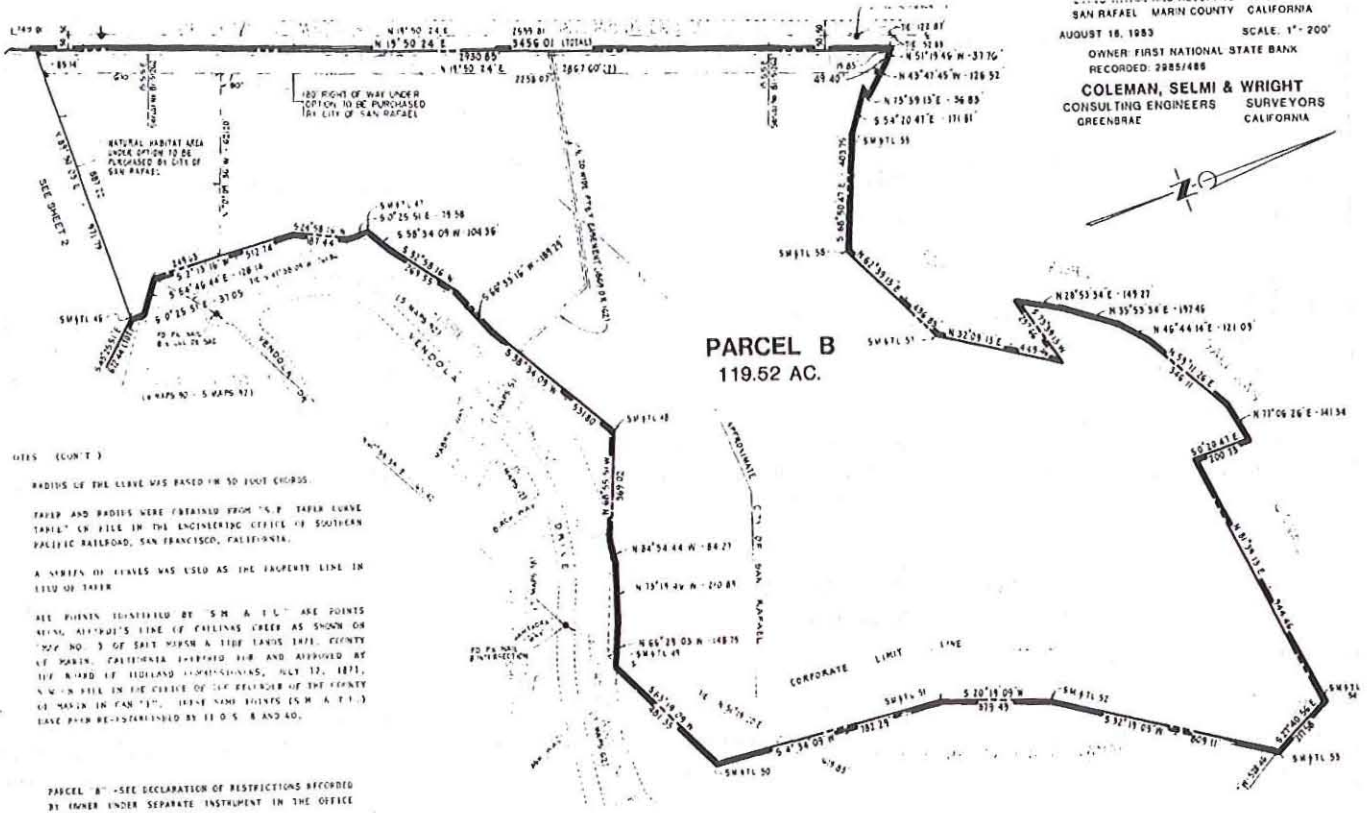
EXCEPTING THEREFROM any portion of the above described property lying within the bed of the Gallinas Canal (North or South Forks) below the line of natural ordinary high tide and also excepting any artificial accretions to said land waterward of said line of Natural ordinary high tide, as said canal is shown upon that certain map entitled, "Map No. 3 of Salt Marsh and Tide Lands, situate in the County of Marin, State of California", filed for record July 25, 1960 in Can "F", Marin County Records.



Attachment C

*Legal Property Description*

**Plat - Parcel Map**



SAN RAFAEL MARIN COUNTY CALIFORNIA  
AUGUST 18, 1983 SCALE: 1" = 200'  
OWNER FIRST NATIONAL STATE BANK  
RECORDED: 2885/486  
**COLEMAN, SELMI & WRIGHT**  
CONSULTING ENGINEERS SURVEYORS  
GREENBRAE CALIFORNIA

**NOTES (CONT.)**

RADIUS OF THE CURVE WAS BASED ON 50 FOOT CHORDS.

TAPE AND RADII WERE OBTAINED FROM "A.P. TAPE LEAVE TABLE" ON FILE IN THE ENGINEERING OFFICE OF SOUTHERN PACIFIC RAILROAD, SAN FRANCISCO, CALIFORNIA.

A SERIES OF LEAVES WAS USED AS THE TANGENT LINE IN LIEU OF TAPE.

ALL POINTS IDENTIFIED BY "S.M. & T.L." ARE POINTS ALONG A.P.'S LINE OF CHILLING CREEK AS SHOWN ON MAP NO. 3 OF SAULT HIRSH & TIDE LANDS 1871, COUNTY OF MARIN, CALIFORNIA, HERETOFORE FILED AND APPROVED BY THE BOARD OF SUPERVISORS, JULY 12, 1871, S.W. 1/4 SEC. 16 IN THE CORNER OF THE RANGE OF THE COUNTY OF MARIN IN SAN "17". THESE SAME POINTS (S.M. & T.L.) HAVE BEEN RE-ESTABLISHED BY E.O.S. 8 AND 40.

**PARCEL B** - SEE DECLARATION OF RESTRICTIONS RECORDED BY OWNER UNDER SEPARATE INSTRUMENT IN THE OFFICE

**Attachment D**

***Permitted Non-aviation Use at San Rafael Airport Facility***

KEY	TENANT	TYPE OF USE	DESCRIPTION	EMPLOYEES	UPDATE
2	Steve Cosey	Auto Repair	Warehouse w/small office Outside storage	3	Building formerly occupied by Underground Construction fenced yard approx. 900 sf
3	Pat Phillips	Boat repair and storage	Shop	3	No change. Use is same under new plan .
4	Bartlett Tree Experts Remote Yard	Contractor	Outside storage	0	Relocated, next to Linscott's yard approx. 3500 S.F, formerly Roots yard
5	H&H Management	Grazing	Livestock, hay and grain storage structures, fences, staging areas	0	H&H will reintroduce in future.
6	Lulu Metal	Metal Sculpture Artist	Workshop. Storage of materials	1	Formerly Community Playgrounds.
7	Superior Roofing	Contractor	Small office, shop and fenced storage of roofing supplies and equipment.	4	Building formerly occupied by Caron plumbing, Storage yard Formerly used by Lyle Reed Striping and Newton trucking, The yard shape is adjusted under the new plan; otherwise there are no changes.
8	demolished	Warehouse	Shop and storage within building.	2	Demolished as part of current Master Plan improvements.
9	Tom Muirhead	Warehouse	Cabinet shop and storage within building	1	Replaced Bartlett Tree Experts
10	Vacant	Office	Contractor's office.	2 (assumed)	Formerly Rich Nave Building Contractor office.
11	Walt Jewell Trucking	Truck storage		1	No change. Under new plan remains in approximately same place.
12	3 Containers (southwest of Linscott)	Misc. Storage	8' X 20' sea containers	0	Current use is as permitted under condition #8 of previous use permit. Under new plan these are eliminated.
13	Bartlett Tree Experts	Contractor	Office shop and fenced storage yard.	14	Building and fenced yard Previously occupied by Bauman then Four Seasons.