



SAN RAFAEL

THE CITY WITH A MISSION

Community Development Department – Planning Division

Meeting Date: January 26, 2021

Agenda Item: 2

Case Numbers: GPA16-001 & P16-13

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REPORT TO PLANNING COMMISSION

SUBJECT: Public Hearing on Draft Downtown San Rafael Precise Plan

The Planning Commission will conduct its second public hearing on the Draft Downtown Precise Plan on January 26. An initial hearing on Chapters 1-8 of the Plan took place on January 12. The hearing on January 26 will focus on Chapter 9, which is the Draft Form Based Code. The purpose of the hearing is to receive public comments on the Draft Form Based Code and discuss the Code's recommendations. Continued public comment on Draft General Plan 2040 also may occur at these meetings. Case Nos.: GPA16-001 & P16-013.

EXECUTIVE SUMMARY

The City has prepared a "Precise Plan" for Downtown San Rafael concurrently with the General Plan 2040. The Plan replaces "Our Vision of Downtown San Rafael" (1993) which has served as the guiding policy document for Downtown for the last 27 years. The Precise Plan provides a design vision for Downtown, direction on land use and building heights, and new standards and guidelines for historic preservation, transportation, affordable housing, and economic development. The Plan anticipates 2,200 housing units and approximately 2,000 additional jobs in Downtown San Rafael during the next 20 years.

The Downtown Precise Plan includes a Form Based Code (FBC), which will replace the current zoning regulations for Downtown San Rafael. While traditional zoning focuses on allowable land uses and densities, the FBC focuses on the physical form of new development. The FBC emphasizes context-sensitive design, compatibility of building scale and mass, pedestrian-orientation, and integration of private development with adjacent public spaces such as streets and sidewalks.

The Commission held its first hearing on the Downtown Precise Plan on January 12. That hearing provided an overview of the full document, focusing on the Plan's provisions for land use, urban design, public realm, historic preservation, transportation, affordable housing, and economic development.

The January 26 hearing will cover Chapter 9 of the Precise Plan, which is the FBC. The FBC represents a new approach to zoning for the Downtown area and as such requires its own hearing for presentation, discussion, and questions. A follow-up hearing on the Downtown Plan and Form Based Code is scheduled for February 9, 2021.

The Planning Commission and public are also reminded that a [Draft Environmental Impact Report \(DEIR\)](#) for General Plan 2040 was published on January 7, 2021. The comment period for that document closes on March 9, 2021. The public comment period for Draft General Plan 2040 also remains open; revisions to the General Plan that respond to public comments and Planning Commission discussion will be completed by April 2021.

RECOMMENDATION

It is recommended that the Planning Commission take the following actions, following the presentation on the Form Based Code:

1. Re-open the public hearing on the Downtown Precise Plan (continued from January 12)
2. Receive public comments and testimony
3. Discuss the Draft Form Based Code
4. Continue the hearing to February 9, 2021 for wrap-up of any outstanding issues.

PROJECT BACKGROUND

The [staff report for the January 12, 2021 hearing](#) on the Downtown Plan included a discussion of the context for the Downtown Precise Plan, including the history of plans for Downtown, the reason an updated Plan was prepared, and the process used to develop the Plan. The hyperlink may be used to access that information. The text below focuses on current zoning for Downtown and why a Form Based Code is proposed to replace existing zones.

Existing Context for Zoning in San Rafael

The City of San Rafael follows a conventional zoning model that has been in place since the early 20th century. The premise and goal of this model is to separate land uses into “use districts.” The earliest zoning laws originated with the [Los Angeles](#) zoning ordinances of 1908 and the [New York City](#) Zoning resolution of 1916. In the 1920’s the US Supreme Court upheld the challenge of a local zoning ordinance in a suburb of Cleveland, known as *Euclid v. Ambler Realty* (“Euclid”). The Euclid decision by the US Supreme Court proved to be a landmark in that it confirmed that state and local governments are afforded the “police power” to regulate land use and exercise authority over privately-owned property. The first zoning ordinance and map for San Rafael was adopted in 1924 (Ordinance #24). This first ordinance and the City’s current zoning ordinance (last major update in 1992) both follow the “Euclidian” approach of separating land uses by use districts.

Conventional zoning operates under the premise of “form follows function.” Over the years, conventional zoning has evolved to include building form regulations such as maximum building heights, maximum lot coverage and minimum building setbacks. However, many of these regulations are rooted in the primary goal of separating differing uses in order to minimize nuisances and impacts. The emphasis on the separation of use by zoning follows a very suburban model that provides little flexibility for mixed-use.

Most of the existing zoning regulations for Downtown have been in place since the early 1990s. Zoning districts correspond to the 1993 “Our Vision” Plan for Downtown and include a 5th and Mission Residential-Office District, a Fourth Street Retail Core District, a Hetherton Office District, a Lindaro Office District, Second/Third Mixed Use East and West Districts, and a West End Village District. There are specific development standards associated with each of these districts, and different permitted and conditionally permitted uses. The Downtown area includes portions of other zoning districts that appear throughout the City, including High Density Residential Multi-Family districts, General Commercial, Residential-Office, and so on.

Downtown development is also governed by a height map, a Floor Area Ratio (FAR) map, and by provisions of the Zoning regulations dealing with specific uses, and attributes of development such as parking. Residential density standards are associated with each of these districts; these range from 15 units per acre to 62 units per acre, with allowances for density bonuses as prescribed by State law. FARs and density limits for Downtown projects sometimes constrain development from reaching the allowable heights, resulting in relatively frequent requests for exceptions or Variances from the

development standards. Moreover, the “use tables” indicating permitted and conditionally permitted uses are very prescriptive and may impair the flexibility needed to respond to market trends.

The Advantages of a Form Based Code (FBC)

A form-based code shifts the focus from land use to the physical design and form of the built environment (“function follows form”). Such codes de-emphasize and often eliminate conventional zoning regulations such as “density” and prescribed use regulations (e.g., a hierarchal list of allowed land uses) in favor of regulatory standards for building form and design. The formal short definition of a form-based code is as follows:

“Form-based codes foster predictable built results and a high-quality public realm by using physical form (rather than the separation of land uses) as the organizing principle for the code. A form-based code is adopted into city or county law as regulations, more than mere guidelines. Form-based codes are an alternative to conventional zoning.” (Form Based Code Institute)

Simply stated, a form-based code combines conventional zoning code regulations and design guidelines into one regulatory document. By including the design guidelines into this single document, specific design elements and standards become *prescribed* rather than *advisory*, which: a) minimizes discretion and uncertainty thus streamlining project review; and b) provides better and clearer direction to a property owner/developer and the public on what is expected by the City.

The focus on the look and feel of the built environment is accomplished by prescribing massing and form in how buildings relate to one another. This relationship is accomplished through the establishment of various scales of block patterns and street types. To achieve this principle, a form-based code typically includes the following elements:

- Regulating Plan – A plan or map of the regulated area designating the locations where different building form standards apply. Applicable building form standards differ by “place type” (also referred to as **transect** zones), which serve much like zoning districts. The Form-Based Codes Institute has standardized a list of six transects ranging from the natural environment to the urban core. The six transects are:
 - Natural (T1)
 - Rural (T2)
 - Sub-Urban (T3)
 - General Urban (T4)
 - Urban Center (T5)
 - Urban Core (T6)

Higher numbers designate progressively more urban environments. Based on its physical characteristics, Downtown San Rafael falls within the T4 and T5 transects.

- Public Standards – Specific elements in the public realm such as the sidewalk and pedestrian ways, travel lanes, on-street parking, street trees and street furniture. Typically, the standards will include a “palette of street types” which defines the built and desired streetscapes.
- Building Standards – Regulations controlling the features, configurations and functions of buildings that define and shape the public realm. The standards of design are intentionally based on the context and/or the desired context of the built environment.

- Administration – A clearly defined and readily understood project application, review and action process.
- Definitions – A glossary to ensure the precise use and understanding of technical terms.

Form-based codes often include other elements such as standards for landscape, signage, environmental resource, and desired architectural styles/types.

A form-based code is typically developed through an evaluation of existing, local conditions and the built environment, community engagement and public visioning, a determination of appropriate spatial basis for regulations (e.g., districts or zones), development of urban standards (massing and scale), development of architectural standards, and the development of graphics and illustrations to clearly convey the message and the desired outcomes. The Local Government Commission has published [Form Based Codes: Implementing Smart Growth](#), which is a simple, eight page fact sheet and guide on how such codes are developed and how they work.

During the last two decades, Form-Based Codes have become a legally viable alternative to conventional zoning (established through AB1268 legislation). Such codes work best in an urban, developed setting where: a) building form and mass is a priority; b) there is a mix of land uses that are not necessarily segregated; and c) there is a concentrated collection of building types, ages (historic structures) and architectural styles. Downtown San Rafael provides this setting, and the Downtown Precise Plan provides the best home for this code. Form-Based Codes have been widely established and successfully used in many cities/towns. The Town of Sonoma has adopted a form-based code for the entire town. However, form-based codes have more commonly been adopted for older, developed Downtown areas that have similar characteristics to Downtown San Rafael. The shared characteristics include a mix of land uses, a grid street pattern and a prominent pedestrian network. Examples include Central Petaluma, Downtown Benicia, and Downtown Redwood City.

As the Commission is aware, the City has prepared informational videos on how Form-Based Codes work, and how and how Codes are typically organized. The videos are available at [this link](#).

ANALYSIS

This section of the staff report provides a summary of the Draft Form Based Code for Downtown, highlighting the contents of each Code Section. The report does not provide the detailed standards themselves, but instead focuses on the topics and organization of the Code. At the Planning Commission meeting on January 26, the City's consultant (Opticos Design) will present this information and will be available to respond to questions.

The Code is organized into four major articles, each of which is comprised of "Divisions." Each article is summarized below.

Article 1: Introduction

The Introduction includes a "users guide" diagram and introduces the Code. It explains the purpose of the Code, its applicability, and its relationship to the General Plan 2040 and Downtown Precise Plan. It also identifies other provisions of the Municipal Code that apply to development in the Precise Plan boundary. Article 1 concludes with a table indicating the level of permitting required for different types of project types (renovation, new construction, etc.).

Article 2: Form-Based Zones

This Article defines the different zoning districts and presents the major standards for each zone.

- Division 2.1 is a “preamble” that explains the concept of transects (see Page 3 of this staff report). All of Downtown is either in transect 4 (T4) or transect 5 (T5). The T4 zones include less intense areas such as the West End Village, while the T5 zones include the Downtown Core and areas near the transit center.
- Division 2.2 establishes the zones. The T4 and T5 designations are further modified based on whether their desired built form is associated with a traditional “Neighborhood” or a “Main Street.” The zones are further classified according to the maximum building height allowed with and without a height bonus. Thus, a parcel in the “T4N 40/60” zone would have a neighborhood form, with a base height limit of 40 feet. Height bonuses in this zone are provided for projects with community benefits such as affordable housing, public parking, and public open space, up to a maximum building height of 60 feet. Some of the zones are further classified as “Open” (with an O suffix), indicating more flexibility in the uses that are permitted.
- The Regulating Plan is also included in this section. This is essentially the zoning map for Downtown, showing the geographic extent of the zones described above.
- Division 2.3 is the most substantial part of Article 2, as it establishes the standards for each of the zones. This section begins with an overview of the four primary zones (T-4 Neighborhood, T-4 Main Street, T-5 Neighborhood, and T-5 Main Street). The desired form of each zone is described and illustrated with a rendering. Buildings in each zone are described as being “house form” (i.e., their basic form resembles a house, with setbacks on all sides) or “block form” (i.e., the buildings are built to the sidewalk and are collectively arranged along the street to form a continuous façade that extends the length of the block).
 - The T-4 Neighborhood zone provides a walkable environment of small to medium size buildings (homes and mixed use buildings) and provides a transition in scale between Downtown and adjacent neighborhoods. It is the least intense zone and is mapped in locations such as Fifth Avenue in the West End Village and Mission Avenue along the northern edge of Downtown.
 - The T-4 Main Street zone provides a walkable, vibrant district of medium to large footprint mixed use buildings and housing choices, supporting neighborhood and community-serving ground floor activities such as shopping, dining, services, civic activities, and arts uses. It is mapped in locations such as 4th Street and B Street between 4th Street and 2nd Street.
 - The T-5 Neighborhood zone is comprised of larger footprint, higher intensity mixed use buildings, generally within a 5- or 10-minute walk of the transit center. This district has been mapped on locations such as the San Rafael Corporate Center and Montecito Plaza.
 - The T-5 Main Street zone is characterized by a walkable urban neighborhood with large, higher intensity mixed use buildings close to the transit center. Areas with this designation are limited to a relatively small area between Lincoln and Hetherton, generally within 500 feet of the SMART station. This zone is associated with a 70’ base height and a 90’ bonus height, which makes it the most intense of the four districts.

Division 2.3 presents a common set of standards for each of the four zones. These include maximum and minimum setbacks (i.e., distance of structure from the property line), maximum building length, and required civic space (which varies by building size). Each zone includes allowances standards for encroachments, indicating the extent to which canopies, balconies, and other building features may extend into the setback areas. Standards for building height are presented, including maximum height of the top floor plate as well as the roofline.

Buildings are generally required to “stepback” at a specified height in each zone (this is illustrated in the Code). For example, a 55’ tall building in the T-4MS zone would be required to step back from the street by 10 feet above the third floor (35’) to reduce the perceived height and mass of the building from the street and sidewalk. The Code also establishes a 14’ ground floor height requirement on most properties, and includes standards for the depth of ground floor spaces (they must generally extend 30’ back from the street within the building).

The Code lists the types of frontages, or building façades, that are acceptable in each District. For example, the T4N district allows projecting porches, stoops, terraces, shopfronts, and several other façade types; different standards may apply to the front of the building and the sides of the building.

Standards for properties adjacent to historic structures are also included for each district. These ensure that new development does not overwhelm adjacent historic buildings. The standards address aspects such as massing and the inclusion of “wings” that step down in height adjacent to the historic building. These standards would apply to all properties that adjoin one of the roughly 100 Downtown properties identified as having a historic resource.

Parking standards are included for each of the four districts. These standards are generally based on the number of bedrooms for residential uses, and square footage of floor space for non-residential uses. Various exemptions and exceptions are provided for properties in the Downtown Parking District, and slightly higher parking requirements apply in the West End Village. Standards for driveway location and width are included with the parking standards.

Section 2.3.070 of Article 2 includes the Use Table. This is a simplified version of the Use Tables that apply under existing zoning, but still provides a comprehensive list of possible Downtown uses. The Use Table indicates whether a particular use is permitted by right, not allowed at all, or requires an Administrative Use Permit, a Conditional Use Permit (CUP) issued by the Zoning Administrator, or CUP issued by the Planning Commission. Roughly 85 different uses are listed. As appropriate, the Use Table includes cross-references to other sections of the Municipal Code that pertain to specific uses.

Article 3: Supplemental Standards to the Downtown Zones

Three Divisions are included in this Article: Site Standards, Massing and Articulation Standards, and Façade Standards.

- Division 3.1 includes the Site Standards. These include requirements for screening of mechanical, roof-mounted and wall-mounted equipment, retaining walls, and courtyard areas, including maximum fence, wall, and vegetation height. Provisions for temporary fencing also are included. Division 3.1 also addresses landscaping standards, including requirements for landscape plans for new development.

Standards for parking design are included in this section. These standards do not address the number of spaces required (which is covered in Article 2), but rather attributes of parking location,

provisions for shared parking, truck parking, and requirements for carshare and carpool spaces. Division 3.1 generally requires “unbundling” of residential parking from individual dwelling units (i.e., the spaces must be leased or sold separately from the dwelling unit). The design of parking areas also is addressed, including access requirements, landscaping and screening requirements, and the location of parking on a parcel.

The final section of Division 3.1 addresses block size. It includes requirements for interior pedestrian paseos on blocks that are more than 500 feet long or have a perimeter exceeding 2000 feet.

- Division 3.2 addresses Massing and Façade Standards. This section covers topics that are commonly included in Design Guidelines, but with measurable standards to ensure predictable outcomes. The concept of each building having a “top,” “middle,” and “bottom” (“tripartite”) is incorporated. Buildings composition, character, and symmetry is addressed through a variety of standards, including requirements for corner elements and window openings.

Division 3.2 provides further detail on historic resources. This includes guidelines for adding stories to a historic building, including stepbacks to maintain the building’s appearance from the street. It also includes limits on the maximum height permitted for buildings immediately adjacent to historic buildings (generally no more than 20 feet higher than the historic building), along with requirements to align setbacks of new buildings with those of adjacent historic buildings.

- Division 3.3 provides Frontage Standards. Frontages are the components of a building that provide the transition to the street and sidewalk. A menu of frontage types is provided, with illustrations, photos, and dimensional standards for each type. These standards address aspects such as finish level above sidewalk for stoops and doorways, maximum depth of a recessed entryway, width of pedestrian accessways, and the length and width of features such as porches and awnings. The standards also include dimensional requirements for storefront windows (glazing).

Article 4: Definitions

The final section of the Code includes definitions. Key terms used in the document are defined in Division 4.1. Division 4.2 includes diagrams explaining how dimensional measurements (such as building height) are calculated.

Other Activities Related to the Form-Based Code

As part of this process, City staff has asked Opticos Design to “test” the Draft Code on three actual Downtown development projects. The intent is to see what, if any, modifications to these projects would be required under the proposed Code---and also to see how different these projects might have been under the Code’s provisions. The three test projects are 703 Third Street (120 units), 815 B Street (41 units), and 407 G Street (at “Fourth and G,” with 10 units). Opticos reviewed the approved plans for each project applying the standards of the new Code. In most cases, the Code permits slightly taller structures on each site, with fewer parking spaces per unit and somewhat different arrangements and orientation of ground floor uses. As a result of this analysis, a number of minor revisions to the Code may be forthcoming.

Opticos and City staff are also developing a short video illustrating how property owners can navigate the new Code. The video will be available on the City’s website and will provide a quick primer for those seeking more information about how to find and interpret the zoning on their Downtown properties.

Staff is also conducting outreach efforts to owners of properties that have been identified as potentially historic, and to the owners of adjacent properties that may be impacted by historic designations. This process will include one or more community webinars where the intent and process for the historic resource inventory will be explained, and the provisions of the Form Based Code related to historic buildings will be discussed. Staff is also setting up meetings with San Rafael Heritage and Downtown business organizations to discuss issues related to historic resources and the recent historic field survey.

CORRESPONDENCE

No correspondence on the Form Based Code has been received. Correspondence on the Downtown Precise Plan was received prior to the last Planning Commission meeting and provided to the Commission with that agenda packet.

ATTACHMENTS

While there are no attachments to this Staff report, the Draft Downtown Precise Plan is available for review online using this link: [Downtown Precise Plan](#) or by going to the City of San Rafael General Plan website www.sanrafael2040.org and selecting the Downtown Precise Plan tab.