

4.1 AESTHETICS

This chapter describes the existing aesthetic character of the Environmental Impact Report (EIR) Study Area and evaluates the potential environmental consequences on visual resources from future development that could occur by adopting and implementing the proposed project. A summary of the relevant regulatory framework and existing conditions is followed by a discussion of potential impacts and cumulative impacts related to implementation of the proposed project.

4.1.1 ENVIRONMENTAL SETTING

4.1.1.1 REGULATORY FRAMEWORK

State Regulations

California State Scenic Highways Program

California's Scenic Highway Program was created by the State of California legislature in 1963. Its purpose is to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. The State laws governing the Scenic Highways Program are found in the Streets and Highways Code, Sections 260 through 263. The California Scenic Highway Program is maintained by the California Department of Transportation (Caltrans). Caltrans has not designated any highway within the city of San Rafael as a State Scenic Highway. Furthermore, there are no officially designated State Scenic Highways in the county of Marin.¹

California Building Code

The State of California provides a minimum standard for building design through Title 24, Part 2, of the California Code of Regulations (CCR), commonly referred to as the California Building Code (CBC). The CBC is updated every three years. It is generally adopted on a jurisdiction-by-jurisdiction basis, subject to further modification based on local conditions. The City of San Rafael regularly adopts each new CBC update under the San Rafael Municipal Code (SRMC) Chapter 12.100, Adopted Codes. The CBC includes standards for outdoor lighting that are intended to reduce light pollution and glare by regulating light power and brightness, shielding, and sensor controls.

California Building Code: CALGreen

The California Building Standards Commission adopted the California Green Building Standards Code, also known as CALGreen. As part of the CBC, CALGreen is in Part 11 of Title 24. CALGreen establishes building standards aimed at enhancing the design and construction of buildings using building concepts that reduce negative impacts and increase positive environmental impacts by encouraging sustainable

¹ California Department of Transportation, 2019, California Scenic Highway Mapping System, <https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways>, accessed on April 26, 2019.

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construction practices. Specifically, Section 5.106.8, Light Pollution Reduction, establishes backlight, uplight, and glare ratings to minimize the effects of light pollution for nonresidential development. The local building permit process enforces the mandatory provisions of CALGreen. The City of San Rafael has regularly adopted each new CALGreen update under the SRMC Chapter 12.100, Adopted Codes.

Senate Bill 743

As described in Chapter 4, Environmental Analysis, of this Draft EIR, Senate Bill (SB) 743, which became effective on January 1, 2014, amended the California Environmental Quality Act (CEQA) by adding California Public Resources Code Section 21099 regarding analysis of aesthetics impacts for urban infill projects, among other provisions. CEQA Section 21099(d)(1), states, “Aesthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site located within a transit priority area (TPA) shall not be considered significant impacts on the environment.”

Accordingly, these topics are no longer to be considered in determining significant environmental effects for projects that meet all three of the following criteria:

- Is located on an infill site which is defined as “a lot located within an urban area that has been previously developed or on a vacant site where at least 75 percent of the perimeter of the site adjoins, or is separated only by an improved public right-of-way from, parcels that are developed with qualified urban uses.”
- Is a residential, mixed-use residential, or an employment-center project.
- Is in a transit priority area, which is defined as “an area within one-half mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program adopted pursuant to Section 450.216 or Section 450.322 of Title 23 of the Code of Federal Regulations.”

Accordingly, in compliance with SB 743, no significant aesthetic impact findings can be made in this environmental analysis for potential future development in the TPAs surrounding the Civic Center SMART Station and the Downtown San Rafael SMART Station (see Figure 4-2 and Figure 4-4 in Chapter 4, respectively). Aesthetic impacts are not discussed further in this EIR with respect to potential future development in these designated TPAs. As appropriate, aesthetic impacts are only considered for potential future development outside of these areas.

Local Regulations

San Rafael General Plan 2020

The City of San Rafael 2020 General Plan goals, policies, and programs relevant to aesthetics are primarily in the Land Use, Housing, Neighborhoods, and Community Design Elements. As part of the proposed project, some existing General Plan goals, policies, and programs would be amended, substantially changed, or new policies would be added. A comprehensive list of policy changes is provided in Appendix B, Proposed General Plan Goals, Policies, and Programs, of this Draft EIR. Applicable goals, policies, and programs are identified and assessed for their effectiveness and potential to result in an adverse physical impact later in this chapter under Section 4.1.3, Impact Discussion.

San Rafael Municipal Code

The SRMC includes various directives to minimize adverse impacts to visual resources in San Rafael. The SRMC is organized by title, chapter, and section. Most provisions related to aesthetics impacts are included in Title 2, Administration, and Title 14, Zoning, as follows:

- **Chapter 2.18, Historic Preservation.** This chapter is relevant to the preservation of structures, sites, and areas of special character or special historical, architectural, or aesthetic interest or value that contribute to the visual setting in San Rafael. Among other requirements, this chapter requires the protection, enhancement, perpetuation, and use of structures, sites, and areas that are significant examples of architectural styles of the past or are landmarks in the history of architecture.
- **Title 14, Zoning.** In addition to the General Plan, the Zoning Ordinance is the primary tool that shapes the form and character of physical development in San Rafael. The Zoning Ordinance contains all the Zoning Districts, and identifies land use standards, site development regulations, and other general provisions that ensure consistency between the General Plan and proposed development projects. Section 14.01.030, Purposes, states that the San Rafael Zoning Ordinance is, among other things, intended to reduce or remove negative impacts caused by inappropriate location, use, or design of buildings and improvements, promote design quality in all development, and preserve and enhance key visual features in the community, including the bay shoreline, canal, wetlands, and hillsides. The Zoning Ordinance sets forth the development standards, including those related to visual resources, as follows:
 - **Chapter 14.12, Hillside Development Overlay District (-H).** In addition to the general purposes listed in Section 14.01.030, one of the key purposes of the hillside development overlay district is the implementation of the *Hillside Residential Design Guidelines* to ensure that future development displays sensitivity to the natural hillside setting and compatibility with nearby hillside neighborhoods.
 - **Chapter 14.15, Canalfront Review Overlay District (-C).** Section 14.15.010, Specific Purposes, and Section 14.15.050, Canalfront Design Criteria, provide site design, architecture, and colors and materials design criteria that are intended to protect the unique characteristics of the San Rafael Canalfront area, which is designated by an overlay zone. These criteria work to enhance orientation of existing structures and to ensure new development is oriented with existing development. These sections also serve to improve and enhance public views and access in the San Rafael Canalfront area and promote design excellence through innovative use of materials and creative architecture.
 - **Chapter 14.16, Site and Use Regulations.** Section 14.16.210, Historic Preservation, requires that the alteration of a structure on a landmark site or in a historic district may be subject to a certificate of appropriateness and review by the planning commission, consistent with the requirements of SRMC Chapter 2.18, Historic Preservation. Section 14.16.200, Hillside Residential Development Standards, regulates building heights on hillsides. Section 14.16.227, Light and Glare, regulates the type of colors, materials, and lighting to avoid creating undue off-site light and glare impacts. New or amended building or site colors, materials, and lighting would be required to comply with the standards, subject to review and recommendation by the police department, public works department, and community development department, described in this section. Further requirements include discouraging use of reflective or glossy materials, and the shielding of light fixtures and minimization of foot-candle intensity to minimize impacts on adjacent development. Section 14.16.360, Wireless Communication

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Facilities, includes standards to regulate the design and placement of towers, antennas, and other wireless communication transmission and/or reception facilities. Section 14.16.361, Small Wireless Facilities, sets standards, requirements, and procedures for the installation of small wireless facilities.

- **Chapter 14.18, Parking.** Section 14.18.160, Parking Lot Screening and Landscaping, regulates the type of landscaping and trees for parking lots. Section 14.18.170, Lighting, states that lights provided to illuminate any parking facility or paved area shall be designed to reflect away from residential use and motorists. It is the intent to maintain light standards in a low-profile design, as well as to be compatible to the architectural design and landscape plan. Light fixtures (e.g., pole and wall-mount) should be selected and spaced to minimize conflicts with tree placement and growth.
- **Chapter 14.19, Signs.** Section 14.19.101, Purpose, states that this chapter is intended to regulate the location, size, type, and number of signs that are permitted in the city. These regulations are in part intended to preserve the visual appearance of the city. Section 14.19.046, Sign Programs, illustrates the City's establishment of a sign program intended to create design standards and provisions to regulate signs used for larger complexes, commercial centers, or buildings with multiple tenants, to achieve aesthetic compatibility between all signs proposed in a project, and with signs on adjacent properties. These standards include design continuity that requires all signs be of a common design theme and placement, use common materials, colors, and illumination. Section 14.19.055, Illumination Standards, further restricts the type of signs that may be permitted. This section minimizes the allowance of signs illuminated by an artificial source so as to influence light and glare on adjacent properties. This section outlines specific design criteria and restrictions for these signs, including an outline of which types of illuminated signs are prohibited within the city.
- **Chapter 14.25, Environmental and Design Review Permits.** This chapter implements General Plan policies concerning the environment and design by guiding the location, functions, and appearance of development. The key environmental and design goal of the City is to respect and protect the natural environment and ensure that development is harmoniously integrated with the existing qualities of the city. The permits aim to maintain the balance between the natural and built environment, ensure development materials are compatible with the surrounding environment and promote design excellence, contribute to the attractiveness of the city, preserve neighborhood integrity, enhance views from public property, and protect the right for citizens to conduct residential structure modifications while reducing the impacts to the neighboring residences. Section 14.25.050, Design Review Criteria, specifically identifies the standards for site design in Section 14.25.050(E). Section 14.25.050(E)(1), Views, states that major views of the San Pablo Bay, wetlands, bay frontage, the Canal, Mount Tamalpais, and the hills should be preserved and enhanced from public streets and public vantage points. In addition, respect views of St. Raphael's Church up "A" Street. Section 14.25.050(E)(2), Site Features, requires the City to respect site features and recognize site constraints by minimizing grading, erosion, and removal of natural vegetation. Sensitive areas such as highly visible hillsides, steep, unstable or hazardous slopes, creeks and drainageways, and wildlife habitat should be preserved and respected.

San Rafael Design Guidelines

The City adopted the interim *San Rafael Design Guidelines* (Design Guidelines) for residential and non-residential structures to ensure the design of new buildings and additions are compatible with their

surroundings. The Design Guidelines reflect what the City considers to be desirable design and are applicable in all areas except those that are amended by subsequent plans. Design Guidelines specific to both residential and non-residential developments include, but are not limited to, building design, scale, building height, roof shapes, and lighting. Review of projects is conducted by City staff and the Design Review Board to evaluate the quality of project design. In addition, in 2017, the City commissioned an effort by local architects, Design Review Board, and Planning Commissioners to evaluate current design guidelines and other design-related policies to define the elements of good design for projects in Downtown as a way to provide guidance for decision makers and developers. This document is called *Good Design Guidelines for Downtown*.

The Historic and Architecturally Significant Buildings section of the Design Guidelines applies to development in the immediate vicinity of buildings designated by the City of San Rafael as being historically or architecturally significant resources. The list of resources is based on a September 1986 survey. Design Guidelines prescribed for historically or architecturally significant resources in, but are not limited to, pattern and scale, transition, horizontal lines, proportions, materials, differentiation between ground floor and upper floors, roof shapes, and views of the St. Raphael Church spire. The Design Guidelines specifically require a view evaluation for locations in the viewshed of the spire if a future development is over one story.

Hillside Design Guidelines Manual

The *Hillside Design Guidelines Manual*, adopted in October 1991, establishes an environmental and design review process for residential development proposed on hillsides to ensure new development is compatible with neighboring development and that new development would not have a physical or visual impact on the natural setting of the hillside. The *Hillside Design Guidelines Manual* outlines design guidelines that are intended to provide the foundation for the Hillside Residential and Hillside Resource Residential General Plan land use designation, as guidelines for the environmental and design review process, and as guidelines for development on hillsides that does not fall into a hillside land use designation. The design guidelines provided in the *Hillside Design Guidelines Manual* include, but are not limited to, maximum density, maximum building height, additional height limits, preserve mature trees, and preserve unique vegetation. The *Hillside Design Guidelines Manual* outlines guidelines for removal of significant trees, hillside grading and drainage, as well as architectural standards with specific criteria for use of materials and colors.

Conceptual Plans

Canalfront Conceptual Plan and Design Guidelines

The *San Rafael Canalfront Conceptual Plan* (Canalfront Conceptual Plan) and associated *San Rafael Canalfront Design Guidelines* (Canalfront Design Guidelines) are two separate documents, adopted in December 2009. The Canalfront Conceptual Plan recommends the City improve access to the water's edge, which includes providing clear and open views toward the open space of the San Rafael Canal. The Canalfront Design Guidelines provide an architectural framework for future development and redevelopment. The Canalfront Design Guidelines are split into two sections, one that applies design guidelines to the entire canalfront, and a second that applies design guidelines to specific subareas within

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the canalfront. The Canalfront Design Guidelines include reference to the water's edge, building scale and mass, building character and articulation, architectural style and materials, among others.

North San Rafael Vision Promenade Conceptual Plan

The *North San Rafael Vision*, completed in 1997, summarizes the community-wide effort for the vision of north San Rafael. The *North San Rafael Vision Promenade Conceptual Plan* (Promenade Conceptual Plan), adopted in November 2002, expands on the *North San Rafael Vision* and includes recommendations for pedestrian and bicycle ways, promenade amenities, and unified promenade themes. The Promenade Conceptual Plan includes criteria and recommendations for architectural elements, signage, lighting, landscaping, and the protection of views applicable to future development in north San Rafael.

Station Area Plans

There are two Station Area Plans, each for the immediate area around the existing SMART (Sonoma-Marin Area Rail Transit) Stations; one adjacent to the Downtown Transit Center and one near the Marin County Civic Center.

Downtown Station Area Plan

The *Downtown Station Area Plan* (Downtown SAP), adopted June 2012, encompasses the area within 0.5 miles of the Downtown San Rafael SMART Station. The Downtown SAP seeks to foster development and site improvements that promote a strong sense of place, to serve as a gateway to downtown San Rafael. The Downtown SAP includes implementation actions for streetscape treatments, pedestrian amenities, artwork, public gathering spaces, restored natural features, and high-quality architecture and design. Downtown SAP Chapter 3, Land Use and Building Design, specifically discusses building design to ensure new development around the station is vibrant and attractive, and complimentary to the characteristics of the area.

Civic Center Station Area Plan

The *Civic Center Station Area Plan* (Civic Center SAP), adopted August 2012 and amended September 2013, establishes land uses and regulations that would enhance the desirable character of the area, ensuring future development does not disrupt the existing character. The Civic Center SAP includes street orientation, building scale and massing, building configuration, parking, setbacks, and ground-level uses.

Shoreline Plans

The *Shoreline Park Master Plan*, completed in September 1989, and the *Shoreline Enhancement Plan*, completed in August 1991, are intended to guide the development of the Shoreline Park, an area of approximately 27.5 acres of land between Pickleweed Park and Point San Quentin on the eastern boundary of the EIR Study Area. The Shoreline Park trail is dedicated for public access and has been undergoing various improvements since the adoption of the *Shoreline Park Master Plan* and the *Shoreline Enhancement Plan*. The *Shoreline Park Master Plan* includes design details and policies that are related to trail materials, fence materials, landscaping, signage, picnic tables, benches and other seating, bollards, trash receptacles, barbecues, and rip rap. The *Shoreline Enhancement Plan* serves as an implementation

document that outlines the quantity and cost of materials and labor to implement the *Shoreline Park Master Plan*.

4.1.1.2 EXISTING CONDITIONS

EIR Study Area

Visual Character

Scenic Resources

Key elements that contribute to the visual character of the EIR Study Area include ridgelines, hillsides, and the waters of the San Francisco Bay, which includes San Pablo Bay and San Rafael Bay. San Rafael is nestled between hilly terrain to the north, west, south, and east, as well as the waters of the San Pablo Bay and San Rafael Bay to the east. Defining ridgelines visible from many vantage points in the EIR Study Area include Big Rock Ridge to the north, Red Hill to the west, Mount Tamalpais to the southwest, and San Pedro Mountain to the east. Development in the EIR Study Area has generally occurred in natural valleys bounded by the hilly terrain. Most neighborhoods in the EIR Study Area are in valleys, providing unique short-, medium-, and long-range views. Additional views from within the EIR Study Area include the Richmond-San Rafael Bridge, which is visible from China Camp State Park, from various mountains and hillsides, and from hillside neighborhoods facing southeast. Some outdoor open space has unobstructed views of portions of the city of San Francisco, including from San Pedro Mountain and from China Camp State Park, among others.

Several water features define the EIR Study Area, particularly along the eastern edge. The San Pablo Bay and San Rafael Bay provide estuary habitats, as well as far-field views of water and western Contra Costa County, along the eastern edge of the EIR Study Area. Several creeks run through the valleys of the EIR Study Area. The Gallinas Creek in northeastern San Rafael splits into two forks, with the north fork running through the Terra Linda and Smith Ranch neighborhoods, and the south fork flowing through and underneath the San Rafael Meadows and Santa Venetia neighborhoods.

Scenic vistas are generally interpreted as long-range views of a specific scenic feature (e.g., open space lands, mountain ridges, bay, or ocean views). Cities may also recognize scenic corridors as being locally significant. Scenic corridors are considered a defined area of landscape, viewed as a single entity that includes the total field of vision visible from a specific point, or series of points along a linear transportation route. Public view corridors are areas in which short-range, medium-range, and long-range views are available from publicly accessible viewpoints, such as from city streets.

There are no officially designated scenic vistas in the EIR Study Area. However, General Plan 2020 identifies the following natural and built resources as visually significant, to the extent they are visible from public streets, parks, and public pathways:

- **Mountains and Hillsides.** Scenic views from the EIR Study Area to short- and long-range ridgelines and hillside open space include those of Mount Tamalpais, San Rafael Hill, San Pedro Ridge and Big Rock Ridge.

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- **San Pablo Bay and San Rafael Bay and Bay Wetlands.** Both the San Pablo Bay and San Rafael Bay are prominent natural features on the eastern edge of the EIR Study Area, providing wetlands, extensive wildlife habitat, and open space.
- **Offshore islands.** Several offshore islands serve as wildlife habitat and are visible from higher elevations and limited shoreline areas within the EIR Study Area.
- **Mission San Rafael Arcangel.** The bell tower of the Mission San Rafael Arcangel in the Downtown Precise Plan Area is visible from some downtown locations, from adjacent hillsides, and from limited portions of I-580 and US-101.
- **Marin Civic Center.** The Marin Civic Center, designed by renowned architect Frank Lloyd Wright, is a prominent historic structure.
- **San Rafael Canal.** The San Rafael Canal is a defining water feature to the east of the Downtown Precise Plan Area. Several marinas, walking paths, parks, homes, and businesses are adjacent to the canal.

Neighborhoods

In addition to natural and built scenic resources, the city of San Rafael is known for its varied neighborhoods, each with their own unique visual character. Every neighborhood in the EIR Study Area is unique in its character, design, and physical amenities, each contributing to the diversity and vitality of the community. Some neighborhoods have significant defining features, such as the Eichler homes in the Lucas Valley, Marinwood, and Terra Linda neighborhoods, while others are more generally defined by natural features, such as tree-lined streets and hilly terrain as in the Los Ranchitos, Sun Valley, Fairhills, Lincoln San Rafael Hill, Gerstle Park, Picnic Valley, Bret Harte, and California Park neighborhoods. Several neighborhoods are adjacent to large amounts of open space, such as the Lucas Valley, Marinwood, Smith Ranch, Terra Linda, Los Ranchitos, Santa Venetia, Glenwood, Peacock Gap, Loch Lomond, Bayside Acres, Country Club, Dominican Black Canyon, and Gerstle Park neighborhoods. Each of these neighborhoods are in areas of the EIR Study Area that possess natural environments that define the visual setting of the EIR Study Area.

Neighborhoods in the EIR Study Area can also be distinguished by their commercial areas and density. Low-density neighborhoods with diverse retail include the Terra Linda, North San Rafael Commercial Center, Smith Ranch, Rafael Meadows, Civic Center, Lincoln San Rafael Hills, West End, Downtown, Montecito Happy Valley, Francisco Boulevard West, and the Canal neighborhoods. Neighborhoods that contain higher-density multifamily units include Terra Linda, the eastern edge of the Civic Center, and the Lincoln San Rafael Hill, Downtown, and Canal neighborhoods. Large commercial retail development exists in the Terra Linda and North San Rafael Commercial Centers, and in southeast San Rafael.

Light and Glare

Light pollution refers to all forms of unwanted light in the night sky around and above developed urban areas, including glare, light trespass, sky glow, and over lighting. Views of the night sky are an important part of the natural environment. Excessive light and glare can also be visually disruptive to humans and nocturnal animal species, and often reflects an unnecessarily high level of energy consumption. Light

pollution has the potential to become an issue of increasing concern as new development contributes additional outdoor lighting installed for safety and other reasons.

The EIR Study Area includes several urbanized areas with a variety of residential, commercial, and public uses. Existing sources of light and glare in the EIR Study Area are similar to those that would be found in any urbanized area, and include streetlamps, parking lot lighting, storefront and signage lighting, car headlamps, and interior lighting visible through windows. Light pollution is primarily limited to urban areas of the EIR Study Area, which are largely surrounded by large areas of open space.

Transit Priority Areas

As described in Section 4.1.1.1, Regulatory Framework, of this chapter, the TPA surrounding the San Rafael Civic Center Smart Station and the portion of the TPA surrounding the Downtown San Rafael SMART Station outside the Downtown Precise Plan Area (see Figure 4-2 and Figure 4-4 in Chapter 4, Environmental Analysis) are areas where no significant aesthetic impact findings can be made in this or future environmental analysis, pursuant to SB 743.

Downtown Precise Plan Area

Visual Character

Scenic Resources

Key elements that contribute to the visual character of the Downtown Precise Plan Area are associated with its historic fabric, density and scale, walkability, and its aesthetically rich architecture and natural environment. The northern boundary of the Downtown Precise Plan Area is located on the southern base of the Lincoln San Rafael Hill, a physical barrier between the Downtown Precise Plan Area and north San Rafael, and a backdrop for the Mission San Rafael Arcangel. The primary long-range ridgeline visible from the Downtown Precise Plan Area is Mount Tamalpais to the south. Although there are some views of Mount Tamalpais from the Downtown Precise Plan Area, long-range views of the Mount Tamalpais ridgeline are often obstructed by existing development in some areas and are not holistically visible from all portions of the area. While views of Mount Tamalpais are prominent from higher-elevation streets that are on the border of the Downtown Precise Plan Area such as Mission Avenue, this area is within the TPA surrounding the Downtown San Rafael SMART Station where no significant aesthetic impact findings can be made in this environmental analysis, pursuant to SB 743.

Natural features that contribute to the visual character of the Downtown Precise Plan Area include San Rafael Creek, Irwin Creek, and the San Rafael Canal. The San Rafael Creek is fed by tributaries from San Pedro Mountain to the east and ridgelines to the west of the Downtown Precise Plan Area. The creek flows along the southern boundary of the Downtown Precise Plan Area from Albert Park eastward. San Rafael Creek drains into the San Francisco Bay through the San Rafael Canal. A second water feature, Irwin Creek, splits off the San Rafael Creek at the western end of the San Rafael Canal, and runs underneath US-101 in a combination of culverts and open-air ditches. Although Irwin Creek is a water resource in the Downtown Precise Plan Area, the high-traffic Hetherton thoroughfare to the west, parking lots on top of,

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and miscellaneous development to the east of Irwin Creek means that this water resource does not contribute to the visual character of the Downtown Precise Plan Area to the extent that it might.

As discussed previously, General Plan 2020 identifies several specific natural and built resources that are considered visually significant when seen from public rights-of-way. Specific resources in the Downtown Precise Plan Area that are determined to be visually significant in General Plan 2020 include:

- **Mission San Rafael Arcangel.** The bell tower of the Mission in the Downtown Precise Plan Area is visible from some downtown locations, from adjacent hillsides, and from limited portions of I-580 and US-101.
- **San Rafael Canal.** The San Rafael Canal is a defining water feature to the east of the Downtown Precise Plan Area. Several marinas, walking paths, parks, homes, and businesses are adjacent to the canal.
- **Mountains and Hillsides.** Scenic views from the Downtown Precise Plan Area to short- and long-range views of ridgelines and hillside includes views of Mount Tamalpais.

Neighborhoods

General Plan 2020 recognizes the Downtown Precise Plan Area as one of the most culturally and visually significant neighborhoods in the city. Non-native American settlement in San Rafael's Downtown Core began with the establishment of the Mission San Rafael Arcangel in 1817. The area surrounding the Mission grew steadily, following a grid pattern, until the city's incorporation in 1874, which spurred accelerated growth and development in the Downtown Precise Plan Area. Thus, the Downtown Precise Plan Area is partially characterized by its eclectic historic structures. Refer to Chapter 4.5, Cultural and Tribal Cultural Resources, of this Draft EIR, for more information on the historic structures in the Downtown Precise Plan Area.

Downtown San Rafael is currently organized by seven distinct districts that each have their own neighborhood identities and are characterized as:

- **The West End District** located on the west boundary of the Downtown Precise Plan Area, is characterized by commercial and residential buildings 2- to 3-stories in height, with scattered single-family homes surrounding it.
- **The Fifth/ Mission District** is home to many commercial service businesses as well as civic properties such as City Hall and the San Rafael Public library. This District is generally characterized by 1- to 4-story buildings and includes the Mission San Rafael Archangel.
- **The Fourth Street District** is the commercial core of the Downtown Precise Plan Area, as well as a cultural and gathering location. This District has many unique architectural styles from various historic resources. Buildings heights in this District generally range between 2- to 5-stories in height; however, this District includes one building that is 9 to 10 stories in Courthouse Square.
- **The Second/Third District** encompasses the two major east-west thoroughfares in the Downtown Precise Plan Area which connects west Marin County to US-101. This District contains many single-story commercial retail buildings and is scattered with office and commercial residential mixed-use buildings ranging from 2- to 4-stories in height.

- **The Lindero District** contains the San Rafael Corporate Center which consists of 3- and 5-story buildings, with some buildings being over 70 feet tall. Development surrounding the San Rafael Corporate Center is primarily one story in height.
- **The Hetherton District** is the primary north-south thoroughfare in the Downtown Precise Plan Area, starting in the north by the US-101 off-ramp and ending in the south at the US-101 south on-ramp. The Hetherton district is highly auto oriented and parallels the SMART rail line and station.
- **The Montecito District**, located on the east end of the Downtown Precise Plan Area, is characterized by commercial uses which range from 1- to 2-stories in height.

Light and Glare

The Downtown Precise Plan Area is designated as urban and built out with a variety of residential, commercial, and public uses. Existing sources of light and glare in the Downtown Precise Plan Area are similar to those that would be found in any urbanized area, and include streetlamps, parking lot lighting, storefront and signage lighting, car headlamps, and interior lighting visible through windows.

Transit Priority Area

As described in Section 4.1.1.1, Regulatory Framework, and shown on Figure 4-4 in Chapter 4, Environmental Analysis, of this Draft EIR, the TPA surrounding the Downtown San Rafael SMART Station is an area where no significant aesthetic impacts findings can be identified in this environmental analysis pursuant to SB 743. As described in Chapter 4, Environmental Analysis, of this Draft EIR, the TPA surrounding the Downtown San Rafael SMART Station includes 503 acres surrounding the San Rafael Transit Center. About 200 acres of the Downtown Precise Plan Area is within 0.25 miles, or within a 10-minute walking distance, of the San Rafael Transit Center. As shown on Figure 4-4, because the TPA only covers the Downtown Precise Plan Area from roughly D Street to the eastern border of the Downtown Precise Plan Area, aesthetic impacts are only considered for potential future development in the area west of D Street. These areas include the proposed West End Village sub-area and portions of the Downtown Core sub-area as proposed in the Downtown Precise Plan (see Figure 3-9 in Chapter 3, Project Description).

Under the existing General Plan 2020 and zoning, the maximum heights allowed in the western portion of this area, which under existing conditions includes portions of the West End District, the Fifth/Mission District, the Fourth Street District, and the Second/Third District, are 30, 36, and 42 feet. Views that are visible from public locations in the West End Village sub-area include medium-range views of the Mount Tamalpais ridgeline and San Rafael Hill.

Heights allowed in the Downtown Precise Plan Area that are not in the TPA surrounding the Downtown San Rafael SMART Station range from 36 to 42 feet. Views that are visible from public locations in this area include medium-range views of the Mount Tamalpais ridgeline.

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4.1.2 STANDARDS OF SIGNIFICANCE

Pursuant to Appendix G, Environmental Checklist Form, of the CEQA Guidelines, implementation of the proposed project would result in a significant aesthetic-related impact if it would:

1. Have a substantial adverse effect on a scenic vista.
2. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.
3. In nonurbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings. (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality.
4. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.
5. Result in significant cumulative impacts related to aesthetics.

With respect to standard number three, CEQA Section 21071, Urbanized Area Definition, has several metrics by which a city be defined as an urban area. CEQA Section 21071(a)(2) states that a city can be classified as an urban area if the city has a population of less than 100,000 persons and if the population of that city, and not more than two contiguous incorporated cities combined, equals at least 100,000 persons. As described in Chapter 3, Project Description, of this Draft EIR, the population of the EIR Study Area (including unincorporated urbanized areas) is 75,751. Two contiguous cities, Larkspur to the south of the EIR Study Area with 12,253 residents, and San Anselmo to the west of the EIR Study Area with 12,757 residents, brings the total population of the three contiguous cities to 100,761. Therefore, San Rafael is considered an urban area under CEQA Guidelines Section 21071 and this impact discussion is based on the second half of the CEQA standard number three.

4.1.3 IMPACT DISCUSSION

This section analyzes the proposed project's potential impacts to aesthetics. The evaluation of aesthetics and aesthetic impacts is highly subjective. It requires the application of a process that objectively identifies the visual features of the environment and their importance. Aesthetic description involves identifying existing visual character, including visual resources and scenic vistas unique to San Rafael (see Section 4.1.1.2, Environmental Setting). Changes to aesthetic resources due to implementation of the proposed project are identified and qualitatively evaluated based on the proposed modifications to the existing setting and the viewer's sensitivity. Project-related aesthetic impacts are determined using the threshold criteria discussed in Section 4.1.2, Standards of Significance.

AES-1 Implementation of the proposed project could have a substantial adverse effect on a scenic vista.

General Plan 2040

Future development under the proposed General Plan 2040 would have the potential to affect scenic vistas and/or scenic corridors if new or intensified development blocked views of areas that provide or contribute to such visual resources. Potential effects could include blocking views of a scenic vista/corridor from specific publicly accessible vantage points or the alteration of the overall scenic vista/corridor itself. Such alterations could be positive or negative, depending on the characteristics of individual future developments and the subjective perception of observers.

Future development consistent with the proposed General Plan 2040 could potentially result in an adverse impact to a scenic vista or corridor. Future development would have the potential to affect scenic vistas and/or scenic corridors if new or intensified development blocked views of areas that provide or contribute to such vistas. Potential effects could include blocking views of a scenic vista/corridor from specific publicly accessible vantage points or the alteration of the overall scenic vista/corridor itself. Such alterations could be positive or negative, depending on the characteristics of individual future developments and the subjective perception of observers.

The proposed Community Design and Preservation (CDP) and Conservation and Climate Change (C) Elements contain goals, policies, and programs that require local planning and development decisions to consider impacts to scenic vistas and resources. The following General Plan goals, policies, and programs would serve to minimize potential adverse impacts on scenic vistas:

Goal CDP-1: A Beautiful City. Preserve and strengthen San Rafael’s natural and built features to enhance the appearance and livability of the city.

- **Policy CDP-1.1: City Image.** Reinforce San Rafael’s image by respecting the city’s natural features, protecting its historic resources, and strengthening its focal points, gateways, corridors, and neighborhoods.
- **Policy CDP-1.2: Natural Features.** Recognize and protect the key natural features that shape San Rafael’s identity, including the Bay, local hills and ridgelines, creeks and wetlands, tree cover, and views of Mt. Tamalpais and other natural landmarks. Height limits and other building standards should respect San Rafael’s natural topography and reinforce its sense of place, including the character and boundaries of individual neighborhoods.
- **Policy CDP-1.3: Hillside Protection.** Protect the visual integrity and character of San Rafael’s hillsides and ridgelines.
 - **Program CDP-1.3A: Hillside Design Guidelines.** Continue to implement hillside design guidelines through the design review process, as well as larger lot size requirements where there are access limitations or natural hazards. Update the design guidelines as needed.
- **Policy CDP-1.4: Waterfront Identity.** Strengthen San Rafael’s identity as a waterfront city, providing improved visual and physical access to San Pablo Bay, San Rafael Bay, and the San Rafael Canal.

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- **Program CDP-1.4A: Canalfront Design Plan.** Implement the Canalfront Conceptual Design Plan (2009) recommendations. Development near the shoreline should maximize views to the water and public access to the shoreline.
- **Program CDP-1.4B: Canal Promenade.** Pursue development of a continuous pathway or promenade along the Canal waterfront.
- **Policy CDP-1.5: Views.** Respect and enhance to the greatest extent possible, views to the Bay and its islands; wetlands, marinas, and canal waterfront; hillsides and ridgelines; Mt. Tamalpais; Marin Civic Center; and St. Raphael's bell tower; as seen from streets, parks, and public pathways.
 - **Program CDP-1.5A: Evaluating View Impacts.** Consider the impact of proposed development on views, especially views of Mt Tamalpais and nearby ridgelines. Where feasible, new development should frame views of ridges and mountains and minimize reduction of views, privacy, and solar access.
 - **Program CDP-1.5B: Guidance on View Protection.** Establish clearer, more objective City guidelines and standards on view protection, privacy, and solar access for new development, additions, and alterations.
 - **Program CDP-1.5C: Downtown Height Profile.** Develop zoning and design tools that encourage both continuity and variation in building heights, along with improved solar access and interesting roof elements such as domes, cupolas, and corner towers. Views of Downtown should be accented by memorable building elements, rather than a flat profile of buildings of uniform height.

Goal C-1: Supporting Our Natural Communities. Protect, restore, and enhance San Rafael's environment and natural communities.

- **Policy C-1.10: Hillside Preservation.** Encourage preservation of hillsides, ridgelines, and other open areas that serve as habitat and erosion protection as well as visual backdrops to urban areas.
 - **Program C-1.10A: Hillside Design Guidelines.** Continue to implement Hillside Design Guidelines as well as management practices that promote ecological health, hazard reduction, and climate change mitigation.

In addition to the proposed General Plan 2040 goals, policies, and programs listed, as described in Chapter 3, Project Description, of this Draft EIR, the proposed Community Design and Preservation Element was reorganized as part of the proposed General Plan 2040 update and addresses five primary goals: a beautiful city, a sense of place, an improved public realm, quality construction and design, and protected cultural heritage. The policies emphasize protection of natural features, views, and the waterfront; improvements to gateways and corridors; and upgrades to plazas, public spaces, and streetscapes. This element also covers street trees, landscaping, and wayfinding signage more comprehensively than General Plan 2020 did. Furthermore, principles of good design have been incorporated.

As discussed in Chapter 3, Project Description, of this Draft EIR, potential future development under the proposed General Plan 2040 is expected to occur in existing urban areas and would be concentrated on a limited number of vacant parcels and in the form of infill/intensification on sites either already developed and/or underutilized, and/or in close proximity to existing development, where future development would have a lesser impact on scenic vistas. The proposed General Plan 2040 reinforces existing uses, heights, and densities in most locations, with allowances for greater intensity only in a limited number of locations that support the goal of a more sustainable, less auto-oriented city. Specifically, areas of concentrated

growth would occur in areas such as the North San Rafael PDA and San Rafael Civic Center SMART Station TPA. As described in Section 4.1.1.1., Regulatory Framework, under subheading “Senate Bill 743” and shown on Figure 4-2 in Chapter 4, Environmental Analysis, potential future development in the TPA surrounding the San Rafael Civic Center SMART Station would be exempt from aesthetics evaluation. Therefore, similar views would continue to be visible between elements of the built environment and over lower-intensity areas and no new impacts to views of the existing scenic resources described in Section 4.1.2.1, Existing Conditions, under subheading “Scenic Resource” would occur under the proposed General Plan 2040.

All potential future development that is subject to discretionary approval would be required to undergo environmental and design review prior to project approval pursuant to SRMC Chapter 14.25, Major Environmental and Design Review Permits, as necessary. SRMC Chapter 14.25 identifies three levels of environmental and design review that occur on varying intensities of development. The environmental and design review process serves to preserve and enhance views from other buildings and public property (see SRMC Section 14.25.010, Specific Purposes), thereby reducing the risk of development blocking public views of significant visual resources. Furthermore, potential future development in the city would be subject to the various planning documents that govern scenic quality in the city, as described in Section 4.1.1, Regulatory Framework. This includes the *San Rafael Design Guidelines*, the *Hillside Design Guidelines Manual*, *San Rafael Canalfront Conceptual Plan*, *San Rafael Canalfront Design Guidelines*, *Downtown Station Area Plan*, *Civic Center Station Area Plan*, *Shoreline Park Master Plan*, and the neighborhood-specific design policies meant to enhance and preserve the visual integrity of San Rafael’s unique neighborhoods as new development is proposed.

As such, development and design review on the proposal of potential future development would limit the significant adverse impact that potential future development could have on a scenic vista or corridor. Compliance with SRMC Chapter 14.25, along with implementation of the proposed General Plan 2040 goals, policies, and programs, would ensure any impacts to scenic vistas and/or corridors would be *less-than-significant*.

Significance without Mitigation: Less than significant.

Downtown Precise Plan

As described in Chapter 3, Project Description, of this Draft EIR, roughly half of the potential future development anticipated to occur throughout 2040 would occur in the Downtown Precise Plan Area, which is primarily built out. Therefore, potential future development would be concentrated on a limited number of vacant parcels and in the form of infill/intensification on sites either already developed and/or underutilized, and/or in close proximity to existing development where future development would have a lesser impact on scenic vistas.

As previously described in Section 4.1.1.1, Regulatory Framework, under subheading “Senate Bill 743” and shown on Figure 4-4 in Chapter 4, Environmental Analysis, the TPA surrounding the Downtown San Rafael SMART Station is an area where no significant aesthetic impact findings can be made in this environmental analysis or from potential future development pursuant to SB 743. Therefore, this discussion only addresses potential future development from roughly D Street to the western border of

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the Downtown Precise Plan Area. This area includes the Downtown Precise Plan's West End Village sub-area and the western portion of the Downtown Core sub-area (see Figure 3-9 in Chapter 3, Project Description). The following discussion describes the potential for impacts to views of scenic resources from potential future development in these two sub-areas.

West End Village Sub-Area

As described in Section 4.1.1.2, Existing Conditions, the maximum heights allowed in the West End Village sub-area and pursuant to General Plan 2020 are up to 42 feet with up to two additional stories (i.e., 20 feet) when height bonuses are granted under certain conditions, for a total maximum height of 62 feet after a potential height bonus is granted. A 30-foot maximum height exists in the central portion of the West End Village sub-area, while the 42-foot height allowance lies above Fourth Street. The 36-foot height allowance is located on both the northern and southern edge of the West End Village sub-area. The 30-foot height limit generally maintains the small-scale character of the West End Village sub-area.

The West End Village sub-area is the only sub-area that is entirely outside of the boundary of the Downtown San Rafael SMART Station TPA. As shown on Figure 3-8 in Chapter 3, Project Description, of this Draft EIR, there are three maximum base heights in the West End Village sub-area: 30 feet, 40 feet, and 50 feet. As with the existing General Plan 2020, height bonuses can be granted under certain conditions which can potentially extend the maximum heights allowed in this sub-area. Figure 3-8 shows two tiers of height bonuses- Tier 1 which allows a height bonus of 10 feet in the northern and central portions of the West End Village sub-area, and Tier 2 which allows a height bonus of 20 feet in the eastern portion of the West End Village sub-area. Therefore, with potential height bonuses, the northern and southern portions of the sub-area have a maximum height allowance of 50 feet, the central portion has a maximum height allowance of 40 feet, and select properties in the eastern portion of the sub-area have a maximum height allowance of 70 feet. The central portion of the West End Village sub-area is currently zoned for Medium-Density Residential (MR 2.5) development and would remain as is and heights would not be modified (maximum of 40 feet after a height bonus is applied). Overall, the maximum height allowance in the West End Village sub-area would increase from 62 feet to 70 feet.

Views that are visible from public locations at street level in the West End Village sub-area include intermittent medium-range views of the Mount Tamalpais ridgeline and San Rafael Hill to the north. As described in Section 4.1.1.2, Existing Conditions, under subheading "Neighborhoods" in the Downtown Precise Plan Area, the areas currently identified as the West End District, the Fifth/Mission District, the Fourth Street District, and the Second/Third District, currently include a mix of buildings that range from 1 to 5 stories in height. Assuming an average of 10 feet per story, existing buildings range from 10 to 50 feet tall. Pedestrian-level views of the Mount Tamalpais ridgeline and San Rafael Hill from public viewing locations are currently obstructed due to the natural topography, existing mature trees, and existing buildings. While some views may exist through vacant or underutilized sites, existing regulations on such sites already permit buildings up to 42 feet in height with up to two stories or roughly 20 feet of additional height when height bonuses are granted. Because maximum building heights are currently permitted up to roughly 62 feet, the potential for new building heights to be permitted up to 70 feet in some portions of the West End Village sub-area would not create a greater obstruction of views of the Mount Tamalpais ridgeline or San Rafael Hill. Furthermore, as discussed in Section 4.1.1.2, Existing Conditions, there are no designated publicly accessible viewing locations for Mount Tamalpais or San Rafael Hill in the West End

Village sub-area. Additionally, as stated above, potential future development would be required to comply with the provisions of the Downtown Code requiring building stepbacks, as well as the proposed General Plan 2040 goals, policies, and programs and with the SRMC Chapter 14.25 provisions, which reduce impacts that potential future development could have on scenic views. Specifically, Section 14.25.050(E)(1), Views, states that major views of the Mount Tamalpais and the hills should be preserved and enhanced from public streets and public vantage points. Therefore, the increase in maximum height allowed in the West End Village sub-area as a result of implementation of the Downtown Precise Plan would be *less than significant*.

Downtown Core Sub-Area

There is a small portion of the Downtown Core sub-area that is not within the Downtown San Rafael SMART Station TPA, located from the east of E Street to slightly east of D Street. Like the West End Village sub-area described above, the maximum heights currently allowed in the area outside of the TPA in the Downtown Core sub-area are up to 42 feet with up to two additional stories (i.e., 20 feet) when height bonuses are granted under certain conditions. Heights up to 36 feet are currently allowed along the northern edge of this area and up to 42 feet in the core all the way to the southern edge. The proposed Downtown Code would allow heights up to 60 feet and up to 80 feet where height bonuses are granted under certain conditions. Therefore, the maximum height allowed in this area with height bonuses would increase from roughly 62 feet to 80 feet. As shown on Figure 3-8, the proposed 80-foot height maximum that is outside of the TPA is on select parcels only.

Views that are visible from public locations in the part of the Downtown Core sub-area that is outside of the TPA include similar intermittent medium-range views of the Mount Tamalpais ridgeline and San Rafael Hill. Like the description of the existing conditions in the West End Village sub-area, existing buildings include a mix of 1- to 5-story (10 to 50 feet tall) buildings and current regulations permit maximum heights of up to 62 feet when height bonuses are granted. Current views of Mount Tamalpais ridgeline and San Rafael Hill are likewise currently obstructed due to the natural topography, existing mature trees, and existing buildings. As potential future development in the West End Village, the potential for new building heights to be permitted up to 65 feet from 62 feet in some portions of this area would not create a greater obstruction of views of the Mount Tamalpais ridgeline or San Rafael Hill. Potential future development would be required to comply with the provisions of the Downtown Code requiring building stepbacks, as well as the proposed General Plan 2040 goals, policies, and programs and with the SRMC Chapter 14.25 provisions, specifically, Section 14.25.050(E)(1), Views, which states that major views of the Mount Tamalpais and the hills should be preserved and enhanced from public streets and public vantage points. Therefore, the increase in maximum height allowed in the part of the Downtown Core sub-area that is outside of the TPA as a result of implementation of the Downtown Precise Plan would be *less than significant*. **Significance without Mitigation:** Less than significant.

AESTHETICS

AES-2	Implementation of the proposed project could substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.
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As described in Section 4.1.1.1, Regulatory Framework, there are no State-designated scenic highways within, or in the vicinity of, the EIR Study Area. Therefore, implementation of the proposed project would not damage existing scenic resources within a state scenic highway and *no impact* would occur.

Significance without Mitigation: No impact.

AES-3	Implementation of the proposed project in an urbanized area could conflict with applicable zoning and other regulations governing scenic quality.
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General Plan 2040

As described in Impact Discussion AES-1, no impacts associated with State regulations governing designated State scenic highways would occur.

The proposed General Plan 2040 is the primary planning document for the city of San Rafael. The proposed update is intended to ensure consistency between the General Plan, Zoning Ordinance, and State law. Because the proposed General Plan 2040 is the overriding planning document for the City, and because the proposed General Plan 2040 involves amending the General Plan 2020 and the Zoning Ordinance in the Downtown Precise Plan Area to improve consistency, adoption and implementation of the proposed General Plan would have no impact with respect to being inconsistent with policies or regulations governing scenic quality.

In addition to the goals, policies, and programs listed in Impact Discussion AES-1, the proposed Community Design and Preservation (CDP) Element contains goals, policies, and programs that require local planning and development decisions to consider impacts that development could have on existing visual character. The following General Plan goals, policies, and programs would serve to minimize potential adverse impacts on scenic quality:

Goal CDP-4: Quality Construction and Design. Encourage quality construction and design that enhances San Rafael's character and creates places of lasting value.

- **Policy CDP-4.1: Design Guidelines and Standards.** Use design guidelines and standards to strengthen the visual and functional qualities of San Rafael's neighborhoods, districts, and centers. Guidelines and standards should ensure that new construction, additions, and alterations are compatible with the surrounding neighborhoods while still allowing for innovative, affordable design.
 - **Program CDP-4.1A: Design Guidelines.** Maintain design guidelines for residential, non-residential, and mixed-use construction. Guidelines should define the elements of good design and encourage compatible building patterns, scale, mass, and transitions between areas. Design guidelines should be periodically updated to respond to construction trends, neighborhood feedback, and changes in the way people live, work, and travel.

- **Policy CDP-4.3: Creative Architecture and Design.** Encourage creative architecture while respecting the context of each site.
 - **Program CDP-4.3A: Reinforcing Design Context.** Ensure that design guidelines recognize the distinct characteristics of San Rafael neighborhoods. Guidelines should ensure that new development respects the character-defining elements of neighborhoods, including height, scale, materials, and setbacks.

As discussed in Chapter 3, Project Description, of this Draft EIR, potential future development under the proposed General Plan 2040 is expected to occur in existing urban areas and would be concentrated on a limited number of vacant parcels and in the form of infill/intensification on sites either already developed and/or underutilized, and/or in close proximity to existing development. As described in Impact Discussion AES-1, all potential future development that is subject to discretionary approval would be required to undergo environmental and design review prior to project approval, as necessary. The development review process would rely on the goals, policies, and programs in the proposed General Plan 2040, ordinances in the SRMC, and additional regulations governing scenic quality that would be implemented at site-specific locations through the various plans the City has adopted and approved, as listed in Section 4.1.1.1, Regulatory Framework. These include the *San Rafael Design Guidelines*, the *Hillside Design Guidelines Manual*, *San Rafael Canalfront Conceptual Plan*, *San Rafael Canalfront Design Guidelines*, *Downtown Station Area Plan*, *Civic Center Station Area Plan*, *Shoreline Park Master Plan*, and the neighborhood-specific design policies meant to enhance and preserve the visual integrity of San Rafael's unique neighborhoods as new development is proposed. While development resulting from implementation of General Plan 2040 could potentially impact scenic quality in the EIR Study Area, such development would be required to adhere to the proposed goals, policies, and programs, with adopted zoning regulations, and with additional adopted plans; therefore, implementation of General Plan 2040 would not conflict with applicable zoning or other regulations governing scenic quality and the impact is *less than significant*.

Significance without Mitigation: Less than significant.

Downtown Precise Plan

Same as the discussion for the proposed General Plan 2040, as described in Chapter 3, Project Description, of this Draft EIR, the proposed Downtown Code would amend SRMC Title 14, Zoning, and replace existing zoning regulations for all of the properties in the Downtown Precise Plan Area with the exception of a few parcels in the Latham Street area, which would retain their Multifamily Residential District ([Medium-Density] 2,500 square feet per dwelling unit [MR2.5]) zoning designation, and the existing open space zoning designations. Once adopted, should there be any conflict between the existing Zoning Ordinance and the Downtown Precise Plan, the Downtown Precise Plan shall prevail. Therefore, implementation of the Downtown Precise Plan would not conflict with applicable zoning or other regulations governing scenic quality and the impact is found to be *less than significant*.

Significance without Mitigation: Less than significant.

AESTHETICS

AES-4 **Implementation of the proposed project could create a new source of substantial light or glare that would adversely affect day or nighttime views in the area.**

General Plan 2040

Nighttime illumination and glare impacts are the effects of a development's exterior lighting upon adjoining uses and areas. Light and glare impacts are determined through a comparison of the existing light sources with the lighting plans or policies incorporated in development proposals.

Currently, the EIR Study Area contains many existing sources of nighttime illumination. These include street and parking area lights, security lighting, and exterior lighting on existing residential, commercial, and institutional buildings. Additional on-site light and glare is caused by surrounding land uses and traffic on US-101 and I-580.

As discussed under Impact Discussion AES-1, the goals, policies, and programs included in the proposed General Plan 2040 were determined not to cause an adverse physical change that could create aesthetic impacts in the EIR Study Area. Individual developments would continue to be subject to General Plan policies and SRMC provisions related to aesthetics, including potential project-level design review requirements.

Implementation of General Plan 2040 would result in potential future development, which would intensify related lighting sources. In addition to new building, security, and lighting for parking areas, buildout of the EIR Study Area would also include lighting that would illuminate future development locations. Because the proposed General Plan 2040 anticipates an increase in development throughout the EIR Study Area, its implementation would result in more development, which would introduce more exterior glazing (i.e., windows and doors) that could result in new sources of glare.

The proposed Community Design and Preservation (CDP) Element, the proposed Conservation and Climate Change (C) Element, and the proposed Community Services and Design Element contain goals, policies, and programs that require local planning and development decisions to consider impacts related to an increase in light and glare. The following General Plan goals, policies, and programs would serve to minimize potential adverse impacts as a result of new sources of light and glare:

Goal CDP-4: Quality Construction and Design. Encourage quality construction and design that enhances San Rafael's character and creates places of lasting value.

- **Policy CDP-4.11: Lighting.** Encourage lighting for safety and security while preventing excessive light spillover and glare. Lighting should complement building and landscape design.
 - **Program CDP-4.11A: Lighting Plans.** Continue to require lighting plans for projects proposing exterior lighting. The design review process should be used to evaluate lighting for safety, consistency with dark sky objectives, and potential mitigation to reduce negative impacts on nearby properties.

Goal C-1: Supporting Our Natural Communities. Protect, restore, and enhance San Rafael’s environment and natural communities.

- **Policy C-1.19: Light Pollution.** Reduce light pollution and other adverse effects associated with night lighting from streets and urban uses.
 - **Program C-1.19A: Dark Sky Ordinance.** Adopt a dark sky ordinance, including lighting standards and enforcement provisions that reduce light pollution. In the interim, refer to guidelines from the International Dark Sky Association during the review of major projects involving night lighting.
 - **Program CSI-4.7D: Street Lighting Program.** Continue efforts to improve street lighting, staying mindful of the need to balance financial, public safety, and environmental objectives.

Besides general best management practices that require lighting that is context sensitive in style and intensity required under CALGreen, new developments would also have to comply with the General Plan goals, policies, and programs and SRMC provisions that ensure new land uses do not generate excessive light levels. The City’s General Plan goals, policies, and programs also require reducing light and glare spillover from future development to surrounding land uses by buffering or shading new development. Furthermore, future development would occur in existing urban areas and would be concentrated on a limited number of vacant parcels and in the form of infill/intensification on sites either already developed and/or underutilized, and/or in close proximity to existing development, where existing development already contributes to nighttime illumination or glare. Therefore, the lighting associated with the proposed General Plan 2040 would not substantially increase nighttime light and glare within the EIR Study Area or its surroundings and impacts relating to light and glare would be *less than significant*.

Significance without Mitigation: Less than significant.

Downtown Precise Plan

Same as the potential future development in the remainder of the EIR Study Area, the potential future development in the Downtown Precise Plan Area would also occur in existing urban areas and would be concentrated on a limited number of vacant parcels and in the form of infill/intensification on sites either already developed and/or underutilized, and/or in close proximity to existing development, where existing development already contributes to nighttime illumination or glare. Potential future development would also be required to comply with the general best management practices that require lighting that is context sensitive in style and intensity pursuant to CALGreen.

Table 1.1.040.A, of the Downtown Precise Plan Downtown Code indicates that SRMC Sections 14.18.170 (Lighting), 14.16.227 (Light and Glare), and 14.19.055 (Illumination Standards) would not be replaced upon adoption of the Downtown Code and the existing regulations on light and glare would remain. Therefore, individual developments that occur as a result of implementation of the Downtown Precise Plan would be subject to General Plan policies and SRMC provisions related to lighting, including potential project-level design review requirements. As such, development that occurs as a result of implementation of the Downtown Precise Plan would not substantially increase nighttime light and glare within the Downtown Precise Plan Area or its surroundings and impacts relating to light and glare would be *less than significant*.

Significance without Mitigation: Less than significant.

AESTHETICS

AES-5 Implementation of the proposed project could result in a cumulatively considerable impact to aesthetic resources.

As discussed in Chapter 4, Environmental Analysis, of this Draft EIR, the cumulative setting includes growth within the EIR Study Area in combination with projected growth in the rest of Marin County and the surrounding region. The cumulative setting for visual impacts includes potential future development under both the proposed General Plan 2040 and the Downtown Precise Plan, combined with effects of development on lands adjacent to the EIR Study Area. Significant impacts, including those associated with scenic resources, visual character, and increased light and glare would generally be site-specific and would not contribute to cumulative impacts after implementation of the General Plan 2040 goals, policies, and programs or the Downtown Precise Plan, or the provisions stated in the SRMC.

Because of the developed nature of the projected areas of growth in San Rafael, future development under General Plan 2040 and the Downtown Precise Plan, in combination with other new development, would not negatively impact the visual character of the city or the surrounding communities. Furthermore, the proposed project would not constitute a significant adverse impact because new development and redevelopment within the EIR Study Area is anticipated to occur as growth occurs.

The proposed General Plan 2040 goals, policies, and programs listed in Impact Discussion AES-1 would not cause adverse physical changes that could create aesthetic impacts in San Rafael. Individual developments would continue to be subject to General Plan goals, policies, and programs and the SRMC provisions related to aesthetics, including potential project-level design review requirements. Additionally, as part of the approval process, potential new development as a result of implementation of the proposed project would be subject to architectural, environmental, and site design review, as applicable, to ensure that the development is aesthetically pleasing and compatible with adjoining land uses. With the development review mechanisms in place, approved future development under the proposed project would not create substantial impacts to visual resources in San Rafael or the surrounding communities. Therefore, the proposed project would not result in a cumulatively considerable impact to aesthetic resources and cumulative impacts would be *less than significant*.

Significance without Mitigation: Less than significant.