



SAN RAFAEL

THE CITY WITH A MISSION

Community Development Department – Planning Division

Meeting Date: February 9, 2021
Agenda Item: 3
Case Numbers: GPA16-001 & P16-13
Project Planner: Barry Miller, Consulting Project Manager (415) 485-3423

REPORT TO PLANNING COMMISSION

SUBJECT: Public Hearing on Draft Downtown San Rafael Precise Plan

The Planning Commission will conduct its third public hearing on the Draft Downtown Precise Plan on February 9. The hearing will provide an opportunity to review the comments and issues raised at the prior meetings and discuss potential edits. Continued public comment on Draft General Plan 2040 also may occur at this hearing. 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. It includes a Form Based Code (FBC) that will replace current zoning regulations for Downtown with a new code focused on the physical form of new development.

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. A second hearing was held on January 26. That meeting was focused on the FBC. Both meetings provided opportunities for public comment, as well as Commission discussion.

Key issues raised to date include the inventory of historic resources (completed as part of the planning process), standards for historic buildings and sites adjacent to historic buildings, proposed building heights and height bonuses, calculation of density bonuses, proposals to make Fourth Street a more pedestrian-oriented space, other urban design and civic space improvements, and the schedule/ strategy for implementing various Plan proposals following adoption. The February 9 meeting provides an opportunity for follow-up discussion of these and other topics that are listed in Attachment A. The Attachment provides a comprehensive summary of all comments received on the Plan, as well as staff responses.

The Planning Commission and public are 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 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 a brief staff presentation on key issues:

1. Re-open the public hearing on the Downtown Precise Plan (continued from January 26)
2. Receive public comments and testimony
3. Discuss the topics highlighted in this report
4. Continue the hearing to March 9, 2021, at which time the public may comment on the DEIR as well as the General Plan 2040 and Downtown Precise Plan.

PROJECT BACKGROUND

The Downtown Precise Plan is being prepared as part of a broader effort to update San Rafael's General Plan. Work on the Downtown Precise Plan has been underway since January 2019. The Plan was released as a public review draft on December 21, 2020.

The [staff report for the January 12, 2021 hearing](#) on the Precise Plan provided the context for the Downtown Plan, a description of the planning process, a summary of the Downtown Vision, and an overview of each chapter. The [staff report for the January 26, 2021 hearing](#) included a discussion of the Draft Form Based Code. That report described existing zoning and explained why the City is shifting to a new method of zoning. It also provided a detailed description of how the new Code is organized.

The Planning Commission has conducted six public hearings on the two plans, including General Plan hearings in September, October, November, and December 2020, and the two Precise Plan hearings in January 2021.

Comment letters on the Draft Precise Plan have been received from:

- San Rafael Heritage
- Responsible Growth in Marin
- Sustainable San Rafael
- Raghianti and Freitas (re: 4th and Grand)
- Raghianti and Freitas (re: 5th and C)

Public testimony was received at the January 12 Commission meeting. There were no public speakers at the January 26 Commission meeting. Each of these meetings included questions and comments from Commissioners, including issues to be addressed prior to Plan adoption.

ANALYSIS

Staff has prepared "Attachment A," which is a comprehensive summary of all comments received on the Precise Plan as of February 1, 2021. The Attachment is organized into four sections:

- Section 1 covers the five comment letters received to date
- Section 2 covers the public comments made at the Plan hearings
- Section 3 covers Planning Commission comments from January 12
- Section 4 covers Planning Commission comments from January 26

Attachment A is formatted as a table, with comments in the first column and responses in the second column. The comments have been paraphrased to highlight the major points—they are not the verbatim

text from comment letters or public hearing transcripts. The responses indicate where changes to the Precise Plan may be considered as a result of each comment. Action items are noted in **bold, underlined** text.

The remainder of this staff report highlights six issues raised in Attachment A that warrant further discussion by the Planning Commission. The Commission will have an opportunity to discuss each item at its meeting on February 9. Other topics from Exhibit A that are not specifically included below also may be discussed.

Historic Resources Inventory

Historic buildings add to Downtown's character and sense of place, provide a visible connection to San Rafael's history, and create significant economic and cultural value. The lack of reliable current data on historic resources has hindered recent development and preservation efforts and required costly site-by-site architectural surveys for several projects. The lack of current data has also resulted in development and design standards that may not fully protect historic buildings, and City policies that may not fully leverage the economic benefits of these buildings. One of the major objectives of the Precise Plan is to align preservation efforts and economic development efforts.

A significant portion of the Precise Plan budget was dedicated to an updated inventory of Downtown historic resources. The current inventory was done in 1977 (finalized January 1978) and administratively updated in 1986. The updated inventory was done in 2019 and completed in early 2020, led by the consulting team (Garavaglia Associates) and volunteers from San Rafael Heritage. Secretary of the Interior standards were used as the principal evaluation criteria. Construction data was reviewed for all (+/-) 600 properties in the Precise Plan boundary. A shortlist of 159 properties was created, including all properties identified as "historic" in the 1977 survey and about 90 additional properties that were not previously listed. A one-page "fact sheet" was prepared for each property, including a rating (A through E) indicating what level of additional research was required.

The survey ultimately resulted in a list of "eligible historic resources" that included many of the previously listed resources and 36 "new" resources.¹ The "new" resources included structures built in the 1930s-60s, a time interval that would not have met the criteria for historic resources at the time of the 1977 survey. Several older (pre-1930s) buildings also were added. Several buildings that had been identified as historic in 1977 were removed from the list because they had deteriorated, been compromised, or no longer existed. DPR 523 forms (a State form that is used to document a property's eligibility) were prepared for the 36 new resources. Two areas within Downtown also were deemed eligible as historic districts, at least for the purposes of the California Environmental Quality Act.

Although Secretary of the Interior standards were used in the survey, the process is subjective by nature. Two surveyors might reach different conclusions for the same property. The City has received initial comments from San Rafael Heritage that some properties should have been rated differently. The City has also received public comments expressing concerns that owners of eligible historic properties may be unaware of the survey—and more importantly, unaware of how this determination might impact them in the future.

Opposing points of view also have been expressed on the need for a Historic Preservation Commission. The Precise Plan (and the General Plan) do not endorse creation of a Commission at this time due to limited resources but acknowledge this is an option that could be considered someday. A less staff-intensive approach is suggested at this point in time, such as creating a Planning Commission/Design

¹ The determination that a property is an "eligible resource" does not mean it is a landmark. Landmarking is a formal process requiring action by the City Council. An "eligible resource" simply means that provisions of the California Environmental Quality Act may apply to the property. This may result in a higher level of review and discretion prior to allowing alteration or demolition.

Review Board Subcommittee or retaining a contract architectural historian to advise on applications as needed.

Staff has met with San Rafael Heritage and the Chamber of Commerce/ Downtown Business Improvement District (BID) to discuss the best way to address the historic preservation contents of the Precise Plan. Comments on the historic resources survey (e.g., the “list” of properties) will be handled as CEQA comments, since they relate to cultural resource impacts and mitigation measures. In other words, if a property owner or other stakeholder disagrees with the determination that a property is (or is not) an eligible historic resource, a comment to that effect may be submitted to the City by the March 9 EIR comment deadline. Comments will be considered through the EIR response to comments.

Staff is conducting direct outreach to the owners of properties identified as eligible resources and will be inviting them to participate in webinars to find out more about the field survey, the Downtown Precise Plan, the regulations applying to eligible historic properties, and next steps. Staff is also preparing Frequently Asked Questions and other web-based material with additional information.

As part of this process, we are also seeking to further vet the development standards and procedures that apply to historic properties. These standards and procedures are laid out in Chapter 5 of the Plan and in the Form Based Code (Chapter 9). Eligible historic properties are subject to limits on demolition and the number of upper stories that may be added, as well as requirements to step back new upper stories so they are less visible from the street. Departures from the standards are generally permitted but may require retaining an architectural historian. Development standards and special height limits also apply to properties adjacent to historic properties (e.g., “adjacency standards”), so that new construction next to historic buildings does not diminish their value or context.

It is important to keep in mind that more than 80 percent of the parcels in the Precise Plan area were determined to have no eligible historic resources. This finding removes a potential obstacle to their development, alleviates the need for a cultural resources survey for these properties, helps reduce development costs, and facilitates streamlined processing of future applications.

Density Bonuses

State law provides for density bonuses of up to 35 percent for most projects that incorporate affordable or senior housing. A sliding scale has been adopted by the State to determine the specific percentages of very low-, low-, and moderate-income housing required to qualify for different levels of bonuses up to the 35 percent cap. Additionally, projects that are 100 percent affordable are allowed a density bonus of 80 percent.

Density bonuses assume that cities are using density to regulate residential development. In other words, if 100 units are permitted on a one-acre site by the “base” zoning, then 135 units would be allowed with a 35 percent density bonus. In 2019, the State created limited provisions for allow Floor Area Ratio (FAR) to be used in lieu of density for high-density residential projects in transit priority areas. However, there are no provisions in State density bonus law for cities that have eliminated density and FAR metrics altogether.

This creates a challenge for the Draft Downtown Precise Plan, since building mass is regulated by height and setback/stepback standards rather than FAR or density standards. The Plan offers height bonuses of 10 feet or 20 feet for projects including affordable housing, but the relationship of these bonuses to the 35 percent and 80 percent thresholds set by the State has not been established or quantified. Under no circumstances would the bonuses be additive (i.e., the State bonus could not be added to the local bonus).

The City is seeking outside legal counsel to determine the best way to proceed. A number of options may be explored. These could potentially impact the height bonuses currently prescribed by the Regulating Plan.

Eligibility for Height Bonuses

Correspondence received from Ragghianti and Freitas on January 25 raises the issue of how height bonuses will be awarded. The letter requests clarification of issues such as the definition of “affordable” housing, the possibility of adding moderate income rental housing to the mix of units that may qualify a project for a height bonus, and how the Precise Plan aligns with ongoing City Council conversations about changing the Inclusionary Housing requirements.

These issues will be clarified through revisions to the Precise Plan. At this time, the intent is to maintain the definition of “affordable” housing used for other City programs. The Precise Plan would require a project to set aside 20 percent of its units for low and/or very low income households to qualify for a 10-foot height bonus. This requirement applies throughout the entire Precise Plan area. Even if City inclusionary requirements are reduced to 10 or 15 percent, a project could only qualify for a height bonus by setting aside 20 percent of its units as low/very low affordable. This provides an incentive to provide a larger number of affordable units than may be mandated by an updated inclusionary requirement.

The Precise Plan sets a higher bar for projects seeking two stories (20 feet) of bonus height. Such projects must provide higher percentages of affordable units, or other community benefits such as parking available for public use, child care and cultural arts facilities, pocket parks and plazas (exceeding the “civic space” that is already required under the Form-Based Code), and community facilities. Projects would be evaluated on a case by case basis to determine their eligibility for the additional height, and the “value added” by the benefit they are providing. This method of awarding height bonuses is used by a number of Bay Area communities, including Berkeley and Walnut Creek.

We expect to provide additional guidance on how height bonuses are awarded before the Precise Plan is finalized for adoption. The outcome of the density bonus issue (addressed on the previous page) could affect the process and height allowances.

Expansion of Plan Boundary at 4th and Grand

The City has received a request to expand the Precise Plan boundary to include 1010 Grand Avenue. This is a single parcel located on the east side of Grand Avenue just north of 4th Street. The parcel includes a single family home and was acquired by the owner of the adjacent properties at 450 and 420 Fourth Street. The two Fourth Street parcels have a proposed zoning designation of T4-NO. The Grand Avenue parcel has conventional R5 single family zoning. The boundary adjustment would facilitate the property owner’s intent to develop the entire 0.26-acre site with a multi-family/ mixed use residential project. The current split zoning presents a potential obstacle, as it results in an awkward parcel configuration that makes it more difficult to build a cohesive multi-family project with parking and other amenities.

Staff requests Commission input on this request. It is consistent with multiple goals of the Precise Plan, including the consolidation of small lots, the production of multi-family housing, and activation of the eastern end of Fourth Street. The site is only a few blocks from the SMART station and transit center. The change would also “square off” the Precise Plan boundary and create more logical zoning pattern, removing a “notch” that had been created for the single family home.

One potential concern about a boundary change is that this would set a precedent leading to similar requests elsewhere. This could potentially result in encroachment of higher densities into single family

areas on the northeast perimeter of Downtown. Staff has done an analysis of similarly situated parcels on Grand Avenue and Mary Street and determined that this is the only site in common ownership along this edge that is split between two zoning districts.

Request for Increased Height at 5th and C

The City has received a request to increase the proposed height limits for the parcel at 1230-1248 Fifth Avenue. This parcel has street frontage on three sides (Mission Av, C Street, and Fifth Av) and is located in what is now the 5th/Mission Residential/Office District. Under existing zoning, it is subject to a 42-foot height limit. The proposed designation under the Precise Plan is T4N, with a 40-foot height limit and an opportunity for a 10-foot height bonus if at least 20% of the units are affordable to low- and/or very low-income households.

The property owner's representative has requested a taller height allowance on the site, with a suggested base of 50 or 60 feet and the opportunity for a height bonus of up to 20 feet. The owner has presented data on construction costs, parking needs, and comparable projects in the area demonstrating that taller heights are appropriate here and would be necessary for an economically viable project. Applying the proposed height limits on this particular site is complicated by its sloped topography, with the Mission Avenue side of the site roughly 15 feet higher than the Fifth Avenue side.

The heights recommended by the Precise Plan for this block are roughly equivalent to the heights allowed by existing zoning. In general, the Precise Plan recommends reducing allowable building heights in the higher elevation areas of Downtown (e.g., along Mission Avenue), as taller buildings in this area could be more visually impactful and would appear taller from distant vantage points due to their higher base elevations. The Plan further recognizes that Mission Avenue provides a transition between denser areas of Downtown and moderate density neighborhoods (and parkland) to the north beyond the Precise Plan boundary.

Options that could be considered for this site include keeping the height limits as now proposed, increasing the allowable base height, increasing the allowable bonus height (from 10' to 20'), and addressing the issue of how height is measured on sloped sites. The Planning Commission is encouraged to provide feedback on these options, and others that may be relevant.

Fourth Street Pedestrian Priority

Several members of the Planning Commission—and members of the public speaking at the January hearings—expressed interest in the idea of redesigning portions of Fourth Street in a way that further limits (or even eliminates) vehicle traffic. The Precise Plan discusses the opportunity for Fourth Street to be redesigned as a “shared street” in which cars, bikes, buses, and pedestrians share the same right-of-way. The Plan also recognizes opportunities for temporarily closures so that Fourth Street can accommodate special events, farmers markets, concerts, outdoor dining, and other pedestrian-focused activities.

The General Plan Steering Committee had divergent views about limiting traffic on Fourth Street, with some members supporting the idea of temporary or permanent closure and others opposed. There were concerns about potential impacts to businesses, loss of parking, and displacement of traffic to the parallel east-west streets. While the Precise Plan identifies Fourth as a “pedestrian priority” street and calls for its improvement as a civic space, it does not identify specific measures such as closure or short-term redesign.

The Planning Commission may provide more specific guidance to staff and the consultant team on how to balance competing objectives for Fourth Street. This could include additional direction on future

projects (temporary or permanent), traffic studies, input from property owners/ businesses, and other measures that would support the desired improvements in the future.

Urban Design Improvements

The letter from Sustainable San Rafael (received 1/12/21) suggests that a number of specific urban design treatments be added to the Precise Plan. These include:

- Using the portion of the existing Bettini Transit Center west of the tracks (e.g., Tamalpais between 2nd and 3rd) as an extension of the “transit plaza” proposed north of the SMART station
- Converting the northernmost portion of Francisco Blvd West to a ped/bike only street (in association with the proposed urban wetland)
- Extending the Fourth Street “shared street” and “plaza” improvements west to B Street (they are currently shown in the area from A Street to Court Street)
- Adding pedestrian safety improvements at the locations where A, B, and Lindero cross 2nd and 3rd
- Creating a new crosswalk across 3rd Street on the west side of Lindero
- Creating a small open space at the southwest corner of 4th and E
- Allowing taller heights at 4th and E (60’ base; 80’ with bonus)
- Designing the Second Street bikeway and the Tamalpais bikeway as multi-use (ped/bike) paths rather than bike-only paths
- Additional enhancements to Fourth Street and to Grand Avenue in the Montecito area
- Additional attention in the development standards to solar access, particularly on 4th Street

The Commission may weigh in on these ideas and express their thoughts on how (or whether) they should be incorporated.

Other Issues and Ideas

Attachment A lists other topics that may warrant further discussion. The Commission is invited to address these issues at its meeting.

NEXT STEPS

Staff will be soliciting input on the historic resource inventory and related standards during February. We will be returning to the Planning Commission on March 9 for a public hearing on the Draft Environmental Impact Report. March 9 is also the final date for EIR comments.

Following the March 9 hearing, Staff will make revisions to General Plan 2040 and the Precise Plan. The revisions to the Precise Plan will reflect the responses in Attachment A, additional guidance provided by the Planning Commission provided on February 9, and input from property owners and stakeholders on historic resources and other aspects of the Plan and Form Based Code. We anticipate bringing a revised Draft to the Planning Commission for action by the end of April 2021.

CORRESPONDENCE

The City received an additional comment letter from San Rafael Heritage on February 4, 2021. The letter is not included in the Attachment A responses but has been provided as supplemental correspondence. Any other correspondence received between publication of this report on February 5 and the Commission meeting on February 9 will be forwarded to the Commission as it is received.

ATTACHMENTS

- A. Comments on Downtown Precise Plan with Staff Responses

Please note that the Draft Downtown Precise Plan is available for review online at www.sanrafael2040.org.

ATTACHMENT A:

Comments on Downtown Precise Plan Received to Date, with Staff Responses

Action items are in bold and are underlined

COMMENT	RESPONSE
Part One: Letters Received	
Note: Key points in each letter have been summarized below. These are not verbatim excerpts from each letter.	
Letter from San Rafael Heritage – Jan 6, 2021	
1. The first bullet on Page 109 (Section 5.2) should state that a building important to the local community may be protected as a local landmark whether or not it meets Secretary of the Interior standards.	Per the recommendation of the City’s historic preservation consultant (Garavaglia Associates), the Plan recommends using the Secretary of the Interior Standards in order to make the Ordinance more predictable, consistent with state and federal law, and legally defensible.
2. Page 109, Add a 3 rd bullet to the page with recommendations establishing a clear application process for local landmark status and including a sliding scale fee	<u>This recommendation will be incorporated.</u>
Letter from Responsible Growth in Marin – Jan 11, 2021	
Table 1.1.050 of the precise Plan (P. 240) contains a column for " Minor Environmental and Design Review Permit" and a column for " Major Environmental and Design Review Permit", with different projects requiring permits in one or the other of the categories. This is not currently part of City policy. Please clarify the distinction, who conducts each level of review, and what level of public engagement occurs with each permit type.	Minor and Major Environmental and Design Review are not new processes and are codified in Section 14.25 of the San Rafael Municipal Code. Major review applies to “Major physical improvements,” which are defined at 14.25.040 (A) and Minor review applies to “Minor physical improvements,” which are defined at 14.25.040 (B). There is also an Administrative Design Review process for smaller projects. Review criteria for Major and Minor Environmental and Design Review are listed at 14.25.050 and hearing /public review requirements are listed at 14.25.060. Minor Review is done through a public hearing convened by the Zoning Administrator and Major Review is performed by the Planning Commission.
Letter from Sustainable San Rafael – Jan 12, 2021	
1. We concur with the major themes of the Plan, including greater densities, plazas at key nodes, a more walkable downtown, enhanced connection to nature, a stronger and more resilient waterfront, enhanced historic resources, and Code improvements supporting more housing.	Comments noted.

COMMENT	RESPONSE
<i>(Sustainable San Rafael, continued)</i>	
2. (a) Allow sale of air right Transfer of Development Rights (TDRs) at Whistlestop, enabling the Depot to be preserved. (b) Extend transit plaza north to Mission and south to Second. (c) Design Tamalpais bikeway as multi-use path.	(a) The Plan would not preclude the use of TDRs at the Whistlestop site. A suitable receiver site would be required for the development rights. (b) The “plaza” space is intended to function as a linear promenade. Improvements extending north to Mission and south to Second would be consistent with the vision for this area. (c) The Tamalpais bikeway is located within a wider corridor that is intended to support north-south pedestrian movement as well as bike travel within the designated bicycle lanes. Specific design recommendations are not included due to unknowns about the location of the transit center.
3. Use western portion of the existing Bettini Transit Center site (west of tracks) as extension of plaza treatments.	This would be consistent with the vision shown in the Plan. Enhanced treatment of this block in Tamalpais is shown on the Plan’s illustrative diagrams.
4. One-way portion of West Francisco could be converted to bike/ped only, especially if urban wetland is implemented.	This would require further study. Closure of West Francisco to vehicle traffic is not recommended at this time.
5. Urban wetland concept for Mahon Creek is good precursor for future sea level rise adaptation projects. Integrate with paseo along south side of 2 nd under freeway.	Comments noted. This is consistent with the design vision for this area.
6. Extend parking district east to Hetherton.	Consistent with the Plan as proposed.
7. Show opportunity sites west of Irwin at 4 th .	Outcomes for these sites are dependent on the final siting of the Transit Center.
8. Consider residential up Lincoln north of Mission.	This is outside the Downtown Precise Plan boundary. GP 2040 designations support high-density residential (43 units/ ac) in this corridor, with a 12-foot height bonus for projects with 20% or more affordable units.
9. Encourage high density residential along north side of Fifth Av between C Street and W. Tamalpais.	This is consistent with the Plan vision. Most of this area is zoned with a 40 or 50-foot base height and bonuses of 10-20 feet.
10. Consider extending the “shared street” concept for Fourth Street west to B Street (beyond A St) to capture the true core of Downtown and connect to the B St pedestrian corridor. Take other measures to pilot the shared street idea.	Staff concurs with these ideas---they are consistent with direction provided by the Planning Commission regarding the emphasis on pedestrianization of 4 th Street.
11. Revisions to Courthouse Plaza like those shown on P 89 are welcome, but avoid placing structures in the open space.	Comments noted.
12. Note role of well-maintained street trees to humanize scale of Fourth Street.	Comments noted.
13. Emphasize B Street as pedestrian connection from 4 th to Albert Park. Convert B Street to 2-way.	The Plan as drafted strongly supports both of these ideas.
14. Add Elks Lodge opportunity site for housing. Provide Boyd Park trail access up hill.	These areas are outside the Precise Plan boundary, but the Elks Lodge will continue to be identified as a Housing Opportunity Site in the 2023-2031 Housing Element. The site is designated High Density Residential.

COMMENT	RESPONSE
<i>(Sustainable San Rafael, continued)</i>	
15. Add pedestrian crossing safety treatments where A, B, Lindaro, Tamalpais and Grand cross 2 nd and 3 rd Streets to P 67 Map.	The map is intended to show the public realm framework. However, <u>we will add ped crossing safety treatments to A, B, and Lindaro intersections on P 141 (Fig 6.14)</u> , which shows ped safety improvements (Tamalpais and Grand are already shown).
16. Create 3 rd St ped crosswalk on west side of intersection at Lindaro (new BioMarin office site). Avoid vehicle/ped conflicts by making Lindaro one-way (southbound) between 2 nd and 3 rd and adjusting signals to create ped-only cycle for all crosswalks.	<u>This would require further study and could be considered following Plan adoption.</u> Note that recommendations for Third Street have been extensively vetted through the Third Street Improvement Study and Bike/Ped Master Plan, and ped access to BioMarin has been studied through the approval of that project.
17. Enhance access to Albert Park through extension of the Mahon Creek path on the south and east edge of the park.	The Plan supports this recommendation. Fig 6.14 (P 141) shows the south and east edge of the park (along the creek) as a key pedestrian corridor.
18. Emphasize the 2-blocks of 4 th between D and Shaver (centered on 4 th and E) as a higher-density residential district. Consider extending the 60/80 height district west to E.	The Plan generally supports this concept and has identified major development opportunities on both sides of Fourth St between E and Shaver. 80' heights would be out of context at 4 th and E. The heights shown are already significantly taller than adjacent areas in the West End Village and establish this as a focal point and gateway.
19. Create a small open space at the SW corner of 4 th and E.	The Precise Plan generally does not prescribe specific locations for public open space on private property. Given that this particular location is a large opportunity site, the "civic space" required under the Form Based Code could be provided at this corner. This would be determined during site plan review.
20. Return to a proposed multi-use path on south side of Second (rather than bike-only) in West End Village.	Comment noted. May require further discussion following Plan adoption. Figure 6.18 (page 147) leaves both options open—Project C1 is identified as a multi-use path or a two-way cycletrack. <u>Text on P 94 and P 146 can be adjusted to note both options.</u>
21. Call for enhanced boulevard treatment out Miracle Mile.	Supported by Neighborhoods Element of General Plan 2040 (P 4-18).
22. Reorient Montecito Shopping Center so it faces the water and redesign so the project is protected from tidal flooding.	This concept is supported by the Precise Plan. Future sea level rise adaptation planning will explore a range of design approaches to harden or adapt the Canal shoreline.
23. Suggest water taxi service from Montecito to downstream and shoreline destinations.	This is supported by General Plan 2040, Programs NH-3.6A and M-4.2C
24. Plan for houseboat developments along reclaimed south side of Canal.	This is outside the Plan Area boundary but is supported by the General Plan (Policy NH-3.4 and Program LU-2.12C)
25. Increase pedestrian and bike amenities along Grand Av to improve connections to Montecito and Canal areas, but ensure that bike only lanes do not diminish street trees and pedestrian areas.	Grand Avenue is identified as both a pedestrian priority street and a bicycle priority street(see P 141 and 147). <u>We will add a bullet to the Montecito Commercial area discussion in Chapter 4 noting the importance of improving connectivity for bikes and peds to the Canal and Dominican areas along Grand Avenue, and balancing ped/bike needs.</u>

COMMENT	RESPONSE
<i>(Sustainable San Rafael, continued)</i>	
26. Treat 4 th Street in Montecito area as extension of Downtown with similar standards and public realm improvements and an activity node at 4 th and Grand.	The text for the Montecito area is consistent with this vision.
27. Consider increasing heights and density bonuses at 4 th /E, 5 th Av corridor, and Lincoln	Proposed heights at 4 th and E are already substantially higher than existing height limits, and 5 th Av provides a transition to less dense uses north of Downtown. Lincoln Av corridor north of Mission is outside Precise Plan boundary.
28. Consider TDRs to transfer densities from areas vulnerable to sea level rise	This is supported by the Precise Plan (see P 7) and the General Plan 2040
29. Require solar studies and potential height adjustments along 4 th St to preserve sun on the north sidewalk.	<u>Staff will consider edits to the text and Form Based Code as needed to address this issue.</u>
30. Eliminate FAR limits when applying form-based zoning.	The Form Based Code does not use FAR limits and relies on height and setbacks/ stepbacks to define the building envelope.
31. Bike improvements should not displace or preempt pedestrian space and should maintain walkability.	The Precise Plan and the Bike/Ped Master Plan are consistent with this philosophy. <u>We look for an opportunity to state this explicitly in Chapter 3.</u>
Letter from Raghianti and Freitas, LLP Regarding Property at the at NE corner of 4th and Grand – Jan 25, 2021	
Raghianti and Freitas represents the owner of three parcels at the northeast corner of 4 th and Grand. Two of the parcels, both with frontage on 4 th Street, are within the Precise Plan boundary but the third parcel at 1010 Grand is outside the boundary. The letter requests extending the Precise Plan boundary to include the third parcel and to apply T-4NO zoning there. This would facilitate consolidation of the three sites into a 0.26-acre developable parcel with a single zoning designation. The letter notes that the current “split zoning” may be an obstacle to the owner’s plans for multi-family housing on the site. A single zoning designation would facilitate more cohesive planning, while providing needed housing that can benefit from the standards of the Form Based Code. The parcel to be added currently contains a single-family home (1010 Grand).	<u>Staff supports this request, as it would be consistent with a number of goals of the Precise Plan, including facilitating lot consolidation and production of new housing.</u> An analysis of conditions along the northeast edge of the Plan Area boundary indicates that this is the only case in this area where properties under one ownership straddle the Precise Plan boundary. Moreover, this modification would eliminate a “notch” in the Plan boundary and create a more even condition on the north side of 4 th Street between Grand and Mary.

COMMENT	RESPONSE
Letter from Ragghianti and Freitas, LLP Regarding Property along the west side of C Street between Mission and Fifth – Jan 25, 2021	
<p>1. Ragghianti and Freitas represents the owner of 1230/48 5th Avenue and 1515 4th Street and is providing general comments on the Precise Plan as well as specific comments related to the first of the two referenced sites. These comments are summarized below. The full letter was provided to the Planning Commission prior to the January 26, 2021 hearing. The owner of the two referenced sites seeks to build high-density multi-family/ mixed use housing, which is consistent with the principles and vision of the Precise Plan. There are several ambiguities in the Plan that make this more challenging.</p>	<p>Comments noted.</p>
<p>2. The Plan is unclear on how an applicant may apply for a height bonus. Changes to the inclusionary zoning regulations now under consideration could reduce affordable housing set-aside requirements, making it less clear what affordability levels are required to get a height bonus.</p>	<p>Staff will add text to the Plan to clarify this issue. The Plan identifies two height bonus tiers (Tier 1 and Tier 2). Residential and mixed use projects in <u>both tiers</u> would be eligible for a 10-foot height bonus if at least 20 percent of the units in the project are affordable. Although the City Council is considering reducing the inclusionary requirement, the Precise Plan proposes that a 20 percent set-aside continue to be required to qualify for a 10-foot height bonus. Properties in Height Tier 2 would be eligible for a 20-foot height bonus. This could be achieved if either (a) 100% of the units in the project are affordable, or (b) 20% or more of the units are affordable <i>and</i> one or more community benefits is provided.</p> <p>Examples of community benefits identified by the Precise Plan include public open space (in excess of the private “civic space” required by the Form Based Code), parking that is available for public use, and ground floor space for cultural arts, childcare, or community use. Projects would be evaluated on a case-by-case basis to determine the “value added” by these amenities. The required levels of housing affordability would be the same as those currently used by the city for rental and ownership housing.</p> <p><u>Staff will add language that clarifies what constitutes an “affordable housing unit” or “project.”</u></p> <p>The text acknowledges that AB 1763 and other state legislation allows even higher height bonuses for 100% affordable housing projects if they are within ½ mile of the transit center.</p>

COMMENT	RESPONSE
<i>(Ragghianti and Freitas, continued)</i>	
<p>3. Footnotes in the Plan direct the user to Section 14.19.190 of the Municipal Code, but this section still references the old Downtown Zones, which will be void after the Plan is adopted. It is not clear if the proposed new bonuses are additive to existing bonuses, or replace them.</p>	<p><u>Staff is going through the Municipal Code to identify other code sections that need to be changed for internal consistency. References to the “old” Downtown zones and the Downtown bonuses that were set by General Plan 2020 will be eliminated.</u> Height bonuses offered through different programs are <i>not</i> additive.</p>
<p>4. The City should consider classifying moderate income rental housing as affordable (at least to some extent) for the purposes of its affordable housing density bonus. State density bonuses are already available for owner-occupied projects that set-aside 10% or more of their units as affordable.</p>	<p>This is being addressed on a citywide level as part of the ongoing discussion of inclusionary housing requirements. We anticipate additional discussion of this topic in the future outside of the Precise Plan process. Market rate units often fall within the affordability range for moderate income households, and the City’s priority in its density bonus program is to incentivize low and very low-income units.</p>
<p>5. It is unclear how State Density Bonuses would work since the Plan does not have density standards.</p>	<p><u>Staff is seeking legal counsel to resolve this issue. Further text will be added to the Precise Plan prior to adoption to clarify.</u> The intent is for the height bonuses (in combination with other development concessions) to serve the same function as the State density bonus, with the 10-foot and 20-foot bonuses provided by the Precise Plan roughly corresponding to the equivalent number of additional units that would be permitted using State density bonus standards.</p>
<p>6. Parking requirements should be reduced for residential developments with an affordability requirement. Sub-grade parking is extremely expensive and can be a cost-impediment to housing production. At minimum, parking areas should be exempted from height and bulk calculations.</p>	<p>Parking standards in the Precise Plan area have been lowered relative to current standards, and flexibility has been added to the way those units are provided. Mechanical parking is encouraged, and provisions for bicycles, car-share vehicles, and shared parking have been included. Units meeting the affordability and transit-access standards defined by the State would be subject to the reduced requirements established under State law. Structured parking would not be counted as habitable space for bulk calculations. For clarity and predictability’s sake, height standards have been defined to include structured and podium parking; except for areas that are below grade.</p>
<p>7. The height limits do not consider topography and opportunities for taller buildings on the northern fringe of the Downtown Core.</p>	<p>Topography was considered in setting height limits. Lower heights were deemed more appropriate along the northern fringe (Mission Avenue and Fifth Avenue) as the area provides a transition between the more intense part of Downtown and the open space (Boyd Park) and moderate density residential areas north of Mission Avenue. Moreover, taller buildings on the higher topography could be more visually impactful; the Plan focuses taller buildings on the flatter areas closer to the transit center.</p>

COMMENT	RESPONSE
<i>(Ragghianti and Freitas, continued)</i>	
<p>8. The way that height is calculated on sloped lots could impose significant constraints and require buildings to be much lower at the “top” of the lot than the height limits appear to allow. Alternate methods of measuring height should be considered on lots with an elevation change greater than 10 feet (one story).</p>	<p><u>We will look at ways to address or better explain the Code’s intent for sloped lots in order to address this issue.</u></p>
<p>9. The proposed 40 foot height limit along Fifth Avenue (with 10 foot bonus) is too low, and will make it more difficult for an economically viable mixed use/ residential project. A base height of 50 or 60 feet, with an opportunity for a 20 foot bonus, is needed to produce an economically viable project at this location.</p>	<p><u>The Planning Commission can consider this request.</u> As noted above, the height limits have been set to establish a transition between the Downtown Core and the moderate density neighborhoods to the north. The existing height limit for the property in question is 42 feet, with no specific housing-related height bonuses in the Zoning Code. The proposed height limit on this property is 40 feet, with an opportunity for 50 feet if 20% or more of the units are affordable.</p>

COMMENT	RESPONSE
Part Two: Public Comments from Jan 12 and Jan 26	
1. In the absence of density standards, how will the State density bonus be calculated?	See responses to Ragghianti Letter 2 above
2. Avoid use of same purple color palette on the maps	Comment noted. <u>We will modify the final map to vary the color palette</u>
3. A portion of 4 th Street should be closed to cars	See responses under Commissioner comments
4. Sustainable San Rafael has submitted a letter on the Downtown Precise Plan with specific recommendations: Housing and walkability are key. Bike improvements should not be at the expense of pedestrian space. Enhance connections to nature. Add proactive recommendations to preserve sunlight on north side of Fourth Street.	See responses to Sustainable San Rafael letter (in Part One). The Plan generally supports the ideas raised in the letter.
5. The Historic Resource section of the Precise Plan needs more work. Downtown needs to change and grow, but the Plan limits the ability to adapt old buildings to new uses or remove older buildings that are obsolete. The provisions to protect historic resources place subjective hurdles in the way of adapting these resources. There are too many ways for projects to be delayed. A more refined version of the preservation section is needed—there should not be a Historic Commission. More public input is needed, including property owners.	Staff met with the Chamber of Commerce and Downtown BID on Jan 29 to address these comments. <u>We are now doing direct outreach to individual property owners and are organizing three webinars on how the historic survey was conducted, what criteria were used, and what the implications are if a property is deemed eligible as a historic resource. We are also preparing FAQs for the website and encouraging interested parties to submit comments on the list of historic resources as part of the EIR comment process</u> (comments due by March 9). A Historic Commission is not proposed.
6. Some of the findings of the historic survey are questionable and need to be checked. San Rafael Heritage will need to review and comment on the inventory. The previous inventory has not been adequately integrated. The Central Hotel, the Albert Building Annex, and 739 A Street should all be included. The subarea graphics should use a color (rather than a star) to show properties on the original inventory, and an explanation should be provided as to why resources were removed. We disagree with the addition of the Wilkins Building and 740 A Street. The City should use all preservation exactions to achieve its goals, including creating a Committee and funding preservation activities.	See comment above. Staff met with San Rafael Heritage (SRH) on Jan 29 to address these comments. We have encouraged SRH to review the inventory and submit comments as to specific Downtown properties that: (a) were omitted, that should have been included; (b) were included, that should not have been included; (c) were removed from the list but should have been retained. The deadline for these comments is March 9. Responses will be prepared as part of the CEQA process.
7. (a) A key to Downtown’s success is having a public realm that works well and is connected. Some of the areas where street trees are shown are not wide enough for street trees. Take a second look so that the images reflect what kind of public realm we will really have. (b) I am also concerned about the 90’ heights. There is a risk of a canyon effect along the freeway. (c) The County adopted a Baylands Corridor where sea level rise adaptation measures are needed to protect properties when they are developed. Consider options for property owners other than levees.	(a) Staff can consider revisions to the drawings if there are specific streets or segments where street trees will not work—the drawings are intended to be illustrative rather than a planting plan. (b) Comments about the height limit are noted. (c) Comments about sea level rise and Baylands corridor are noted; sea level adaptation policies and programs are included in GP 2040 and more specific resilience strategies will be developed through an Adaptation Plan to be prepared after the Precise Plan is adopted.

COMMENT	RESPONSE
Part Three: Commissioner Comments from Jan 12	
1. The estimate of developing 2,200 units in the next 20 years seems too high. How did this number come about?	This is a total capacity estimate rather than a forecast of how many units will be built by 2040. It is the sum of projects that are under construction and approved, projects that are conceptual, and projects that could potentially be built on underutilized sites (parking lots, vacant land, vacant buildings, etc.). The 2,200 number was used to measure project impacts in the Draft EIR.
2. Some of the historic resources don't seem very historic.	The threshold for historic buildings is that they must be 50 years old or more, so buildings constructed in the 1960s are now potentially eligible. Buildings are evaluated using Secretary of the Interior criteria.
3. I would like to see the option of closing 4 th Street to cars more fleshed out in the Plan. Given the unknowns about brick and mortar retail and the changes we've been through in the last year, we should not preclude this option. By not fully embracing this in the Plan, are we precluded an opportunity to do this in the future?	The Plan would not preclude future decisions to close or redesign Fourth Street. <u>We will add text that elevates the concept of 4th Street as a pedestrian space, noting the changing role of the street as public space during the pandemic—and suggesting ideas for making it a “convertible” street that can be closed for temporary periods and events.</u> There are design changes in the Plan that make it more conducive to occasional closure.
4. Bus route improvements and bike lanes on 4 th Street could discourage the use of 4 th Street as a pedestrian space. Could we consider moving those to another street so 4 th Street can be a more successful pedestrian space?	Pedestrians are prioritized above all other modes on 4 th Street. There would not be new bike lanes on bus lanes on 4 th Street.
5. Can we engage schools to bring students into the Downtown workforce? SRHS and the Canal are nearby—we have an opportunity to build partnerships with business, banks, etc, to help our youth.	<u>We will look for ways to include this in the Economic Development section of Chapter 8.</u>
6. How much of this was made available in other languages?	We have not translated the Precise Plan. The larger General Plan outreach program included Spanish language materials, meetings, and one-on-one interviews/ surveys in Spanish. Downtown was one of the topics addressed.
7. How do density bonus laws apply in the Plan, given that there are height bonuses for affordable housing built in?	State density bonus laws affecting concessions for projects with affordable units would still apply. Height bonuses will be used in lieu of density bonuses, with one floor offered for projects with 20% or more affordable and two floors offered for projects that are 100% affordable. See also reply to Ragghianti Letter 2.
8. Please clarify how historic resources were identified.	A year-long survey was conducted, covering 572 properties. Field work was performed by the consulting team with assistance from volunteers from San Rafael Heritage. A shortlist of 160 properties was created and a full-page data sheet was included for each of these properties. About 50 of these properties had previously been deemed historic in 1978/86, and about 10 previously identified historic properties were determined no longer eligible. About 36 properties were added to the inventory and a detailed DPR form was created for each new site.

COMMENT	RESPONSE
<i>(Jan 12 Commission Comments, continued)</i>	
9. I was hoping to see more parks and plazas required in the design.	The Plan identifies a few specific locations for open space, but most parks and plazas will occur through set-asides within new development. There are requirements for civic space in the form-based code. In some cases, height bonuses may be required for projects that include more civic space than is required.
10. The transit plaza area appears like it would be in the shade alot, given allowing building heights on its perimeter. Was solar access considered?	Shade was considered during the design process, but a detailed shade analysis was not conducted on a property by property basis—that would be considered for individual projects in the future. The Form Based Code includes step back requirements to reduce shading impacts. <u>We will consider daylight plane requirements that could be applied on a case by case basis to address solar access concerns.</u>
11. Is it correct that bicycles may use the sidewalk on the south side of a portion of 2 nd Street?	Yes. Because 4 th Street is focused on pedestrians, we have focused bike improvements on 2 nd and 5 th . Sidewalk improvements to 2 nd Street are intended to create a multi-use path that accommodates both bikes and peds.
12. (a) Treatment of Transit Center relocation in Plan is appropriate given the unknowns. (b) Designation of 5 th Av as east-west bike lane is appropriate. (c) A historic district would be great, but it needs to be fully vetted with owners and businesses first (d) Fourth Street closure for peds-only in the area between A St and Lootens would be a positive change. (e) 90' heights are too tall and will create a canyon effect on the freeway	All comments are noted. Base heights in the area near the freeway are only four feet higher in this Plan than what is currently allowed. Proposed bonuses could result in 20 additional feet, whereas existing bonuses generally allow 12-18 additional feet. Net impact is roughly one story above what is currently allowed. Stepbacks are required to reduce building mass on upper floors. A canyon effect is unlikely given the street and lot patterns in this area.
13. (a) Would like to see a document traceability (implementation matrix) included, similar to General Plan 2040 (b) Metrics would be helpful and should be considered—timing, measurable outcomes, etc.	<u>We will consider this recommendation in the revisions, and potentially identify priority measures and more prescriptive “next steps” that will follow Plan adoption.</u>
14. Clarify relationship between this document and objective standards under SB 35	The Form Based Code will functionally serve as the objective standards that would apply to projects applying for streamlined approval under SB 35. Projects eligible for SB 35 streamlining would still be subject to the Plan’s development and design standards.
15. Chapter 6 (Mobility) seems light on Autonomous Vehicle discussions, although there is excellent content on this subject in the Appendix. Perhaps move this part of the Appendix into the document?	<u>We can cross-reference the appendix to a greater extent in Chapter 6.</u> However, given that the Plan is quite long and the appendix provides background information rather than specific strategies or improvements for Downtown, we recommend retaining this in the Appendix.
16. I concur with other speakers that the temporary closures of Fourth Street should be operationalized and made a more regular feature of the Downtown streetscape.	See earlier note regarding this topic. <u>Additional text will be added.</u>

COMMENT	RESPONSE
<i>(Jan 12 Commission Comments, continued)</i>	
17. In Chapter 2, please reference the historical context of music venues (Grateful Dead, Metallica, etc.) and farm-to-table culture. The concept of the street as an “outdoor room” is conducive to these sorts of activities.	We can note this as a resource/ benefit/ opportunity in Chapter 2.
18. Consider near-term improvements for the Montecito Commercial Area	Comment noted. A number of shorter-term improvements are proposed in this area— <u>we will re-examine the list and look for ways to highlight.</u>
19. Historic Preservation Commission should be considered	No Commission is proposed at this time, but there are less time-intensive options in the Plan that are likely to be implemented.
20. Consider Class IV cycle track along 2 nd / 3 rd	Comment noted. The bike improvements are largely carried forward from the recent bike/ped master plan and the 3 rd Street Improvement Study
21. Consider provisions for additional EV charging stations in Downtown	GP 2040 includes policies and programs that strongly support additional EV charging stations
22. Chapter 3, (7E): How are we going to adapt to sea level rise in Downtown? We do not yet have plans to improve the buildings, roads and infrastructure that will be affected. At what point will be get there?	This is a global issue that affects the whole City. There are 15 specific programs in the General Plan that address sea level rise and adaptation. Per GP 2040, the City will be preparing a detailed adaptation plan (including financing strategies) following adoption of the Downtown Precise Plan and General Plan. Those tools will need to be applied to Downtown once they are in place.
23. Chapter 8 addresses the long-term attractiveness of San Rafael—To what extent does our retail strategy help us achieve our aspirations for more sales tax, more investment, more revenue, more jobs, more residents, and more prosperity? If not retail, what are the elements that will help us bring in the tax dollars we need?	Comments are acknowledged and relate to broader issues regarding the need for economic analysis and strategies, and fiscal considerations that will follow the Precise Plan. <u>We will edit Chapter 8 to make this connection.</u>
24. What features help sustain San Rafael’s strategic economic importance to the Bay Area? How can we measure these things? In other words, the transit center, historic resources—can we develop objective standards to measure this?	The General Plan Annual Report (and Annual Housing Progress Report) will include progress reporting for the Precise Plan, including key milestones and achievements and potential revisions to address shifting conditions or goals.
25. What is the fiscal impact and profitability of the measures in Chapter 8? What metrics can we apply to these measures to determine how they should be prioritized and monitored?	Staff will continue to work with the Planning Commission to discuss issues related to economic performance and monitoring. Much of this work will happen once the Plan is adopted.
26. An Implementation Schedule in the Plan would be helpful—can we apply a high level schedule for which groups of projects may be done first, second, third?	Much of this is driven by private actions, which are hard to project. However, the Plan will be revisited annually as part of our annual reporting. Priorities will adjust as we move forward.
27. The document is intimidating. We need a strong statement in the beginning about WHY we are doing this. Local discretion is being eroded, and it is becoming more important to establish standards and guidelines that future projects will need to follow. This should be validated.	<u>We will add text to the introduction that acknowledges this dynamic.</u>

COMMENT	RESPONSE
Part Four: Commissioner Comments from Jan 26	
<p>1. Are there any special requirements for buildings that are in the potentially eligible historic districts?</p>	<p>Yes. There are requirements that specifically apply to buildings that have been identified as historic resources or contributing resources. These relate to additions, demolitions, required setbacks, etc. There are also requirements for properties without historic resources that are within the eligible district boundaries. In the event a brand new building is proposed on one of these sites, there are adjacency standards to achieve smooth transitions between new buildings and historic buildings.</p>
<p>2. Downtown would benefit from more trees, public art, and courtyards/ public space. To what extent do the site standards include requirements for these amenities?</p>	<p>Provisions for street trees are included in the Transportation Chapter (Chapter 6)—see cross-sections in that chapter. With regard to civic space, there are requirements for private development in each zoning district. The area dedicated to civic space varies depending on project size and intensity. These are intended to be publicly-accessible privately-owned spaces (plazas, courtyards, etc.) that serve Downtown users. With respect to public art, There are programs in GP 2040 to revise public art requirements. They are not explicitly referenced in the Precise Plan but would apply.</p>
<p>3. Can we impose requirements to require developers to designate areas/walls where local artists can display their works? Can we consider a “percentage for art” requirement?</p>	<p>Requirements for public art, murals, etc. are being considered outside the context of the Downtown Precise Plan. The Downtown Plan does provide incentives for larger civic spaces and major art installations.</p>
<p>4. How do we treat buildings we’ve identified as “historic” if they lose their integrity or are destroyed (by fire, demolition, etc.)</p>	<p>The Plan does not require that these projects are rebuilt as they were before. Projects would need to conform to the overall guidelines/ standards in the Precise Plan.</p>
<p>5. How would Transfer of Development Rights work in practice?</p>	<p>The Municipal Code lays out the process. The challenge is to identify “receiver” sites where the development rights above a historic building can be transferred. TDR and sale of air rights is more common in very urban settings with higher value property. There is no specific prescription for TDR in the Plan—but it is a concept that is supported. The Downtown Plan is more focused on design prescriptions for historic buildings and adjacent sites that reflect the Secretary of the Interior standards for rehab and preservation.</p>
<p>6. The Secretary of the Interior standards leave a lot of room for interpretation and are pretty subjective. Broader and more creative interpretations should be encouraged so we can embrace contemporary architecture. The Library is a good example of an older building that can be creatively adapted and reused. Can we modernize and add to it and keep it where it is rather than relocating it?</p>	<p>The Precise Plan and General Plan both support contemporary architecture in historic contexts. The Plan strongly supports adaptive reuse of the old Carnegie Library. Creative approaches to modernize or add to the building would be supported by the standards.</p>

COMMENT	RESPONSE
<i>(Jan 26 Commission Comments, continued)</i>	
7. Building heights along 101 are too tall—could we see a rendering of what this looks like?	See earlier reply. There are renderings in the Form Based Code showing plus the illustrative plan showing buildings in three dimensions. Due to lot patterns and ownership, not every site will redevelop to the maximum density allowed.
8. Keep the Library near City Hall—perhaps on the surface parking area to the east of City Hall rather than in Albert Park.	Comment noted; this issue is being handled outside the context of the Precise Plan.
9. Consider reducing allowable heights so that the State-mandated bonuses bring them back up to where the current limits are.	SB 330 (2019) limits the City’s ability to “downzone” residential and mixed use sites. State legislation is making it increasingly difficult for cities to reduce allowable heights and densities in zones where housing is permitted.
10. What was the impetus for a Form Based Code?	The Code allows for greater flexibility in uses, encourages a greater variety of housing unit sizes, and adds a level of certainty about form, mass, and design. This will become more important as the City’s discretion over land use decisions is increasingly pre-empted by the State.
11. What are some of the other cities that have adopted Form Based Codes?	Redwood City, Richmond, and Petaluma have both adopted similar plans and codes for their Downtowns.
12. The new Use Tables allow gun shops in the Downtown area with a use permit. Can we disallow these uses in the Precise Plan zones?	<u>Staff is looking at removing gun shops as a permitted use in the new Downtown zones.</u> Our initial research indicates this will not create any newly non-conforming businesses.
13. Current zoning for Downtown allows “food service with alcohol sales” in almost all districts, but the new zoning disallows these uses in the T4-N and T5-N areas. Can we allow them? The language and thinking about alcoholic beverage control in these areas is a little outdated	<u>We are looking into making this an allowable activity in the “N” areas with a conditional use permit, potentially with some specific limitations</u>
14. Several of the zones have minimum front and side setbacks of zero, and no requirements for light wells. How will we ensure adequate access to light, air, sun, etc?	The Plan recognizes two basic building forms— “house” forms and “block” forms. Block form buildings like those on 4 th Street have no setbacks and form a continuous, cohesive street wall along the sidewalk. The absence of side and front setbacks reinforces this pattern in areas where a “Main Street” character is desired. The ground floor may be at the sidewalk, but the upper floors step back to provide light and air for the upper floors. The “N” (T4N and T5N) zones are more neighborhood-focused and do have side yards. The Plan also has frontage standards that ensure that buildings with zero setbacks are dynamic and attractive along their street frontages. Some of the frontage types include vestibules, courtyards, bay windows, patios, etc. in the “façade zone” that serve as transitions to interior space and serve a similar function to a front yard.

COMMENT	RESPONSE
<i>(Jan 26 Commission Comments, continued)</i>	
15. Why are arcades are not included in the Form Based Code?	Arcades generally cover the sidewalk and result in encroachments into the public right of way—we don't generally see this in Downtown San Rafael. The Main Street zone does allow for interior "galleries"—which are similar to arcades but don't involve encroachments into streets.
16. It is hard to visualize how all of these requirements come together. It would be good to provide an example of how the FBC would apply to a vacant site visually--what do we get from this code when it is applied to a developable site?	<u>We are looking into doing this in the coming weeks.</u>