



## **AGENDA**

**San Rafael Planning Commission  
Regular Meeting  
Tuesday, February 9, 2021, 7:00 P.M.**

### **Virtual Meeting**

**Watch on Webinar: <https://tinyurl.com/PC-2021-02-09>  
Watch on YouTube: <http://www.youtube.com/cityofsanrafael>  
Telephone: (669) 900-9128  
Meeting ID: 872-0645-4435**

### **CORONAVIRUS (COVID-19) ADVISORY NOTICE**

In response to Executive Order N-29-20, the City of San Rafael will no longer offer an in-person meeting location for the public to attend. This meeting will be streamed using a video conference Webinar, and streamed to YouTube Live at [www.youtube.com/cityofsanrafael](http://www.youtube.com/cityofsanrafael). Comments submitted via YouTube Live must be submitted according to the directions located on the YouTube video description. The City is not responsible for any interrupted service. To ensure the Planning Commission receives your comments, submit written comments to Alicia Giudice, Planning Manager ([alicia.giudice@cityofsanrafael.org](mailto:alicia.giudice@cityofsanrafael.org)), prior to the meeting. For more information regarding real-time public comments, please visit our Live Commenting Pilot page at <https://www.cityofsanrafael.org/live-commenting-pilot/>.

Want to listen to the meeting and comment in real-time over the phone? Call the telephone number listed on this agenda and dial the Meeting ID when prompted. Feel free to contact the City Clerk's office at 415-485-3066 or by email to [lindsay.lara@cityofsanrafael.org](mailto:lindsay.lara@cityofsanrafael.org) if you have any questions.

Any member of the public who needs accommodations should contact the City Clerk (email [lindsay.lara@cityofsanrafael.org](mailto:lindsay.lara@cityofsanrafael.org) or phone at 415-485-3066) who will use their best efforts to provide reasonable accommodations to provide as much accessibility as possible while also maintaining public safety in accordance with the City procedure for resolving reasonable accommodation requests.

Members of the public may speak on Agenda items.

### **CALL TO ORDER**

### **PLEDGE OF ALLEGIANCE**

### **RECORDING OF MEMBERS PRESENT AND ABSENT**

### **APPROVAL OR REVISION OF ORDER OF AGENDA ITEMS**

### **PUBLIC NOTIFICATION OF MEETING PROCEDURES**

### **URGENT COMMUNICATION**

Anyone with an urgent communication on a topic not on the agenda may address the Commission at this time. Please notify the Community Development Director in advance.

### **CONSENT CALENDAR**

1. **Approval of the Planning Commission Meeting Minutes of January 26, 2021**  
*Recommended Action – Approve as submitted*

## **DISCUSSION ITEM**

2. **160 Mitchell Boulevard**

Report and discussion on possible zoning amendment to allow for the conversion of an approximately 10,644 square foot vacant office building to multifamily residential building.  
Case No.: CDR19-00  
Project Planner: Renee Nickenig  
*Recommended Action – Accept report*

## **PUBLIC HEARING**

3. **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  
Project Planner: Barry Miller  
*Recommended Action – Accept report and provide comments*

## **DIRECTOR'S REPORT**

## **COMMISSION COMMUNICATION**

## **ADJOURNMENT**

*Any records relating to an agenda item, received by a majority or more of the Commission less than 72 hours before the meeting, shall be available for inspection online. Sign Language interpreters may be requested by calling (415) 485-3066 (voice), emailing [Lindsay.lara@cityofsanrafael.org](mailto:Lindsay.lara@cityofsanrafael.org) or using the California Telecommunications Relay Service by dialing "711", at least 72 hours in advance of the meeting. Copies of documents are available in accessible formats upon request.*

*The Planning Commission will take up no new business after 11:00 p.m. at regularly scheduled meetings. This shall be interpreted to mean that no agenda item or other business will be discussed or acted upon after the agenda item under consideration at 11:00 p.m. The Commission may suspend this rule to discuss and/or act upon any additional agenda item(s) deemed appropriate by a unanimous vote of the members present. Appeal rights: any person may file an appeal of the Planning Commission's action on agenda items within five business days (normally 5:00 p.m. on the following Tuesday) and within 10 calendar days of an action on a subdivision. An appeal letter shall be filed with the City Clerk, along with an appeal fee of \$350 (for non-applicants) or a \$4,476 deposit (for applicants) made payable to the City of San Rafael, and shall set forth the basis for appeal. There is a \$50.00 additional charge for request for continuation of an appeal by appellant.*



**MINUTES**

**San Rafael Planning Commission  
Regular Meeting  
Tuesday, January 26, 2021, 7:00 P.M.**

**Virtual Meeting**

**Watch on Webinar: <https://tinyurl.com/pc-2021-01-26>  
Watch on YouTube: <http://www.youtube.com/cityofsanrafael>  
Telephone: (669) 900-9128  
Meeting ID: 897-5534-1830#**

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Present: Chair Samudzi  
Commissioner Davidson  
Commissioner Lubamersky  
Commissioner Mercado  
Commissioner Previtali  
Commissioner Saude

Absent: Commissioner Hill

Also Present: Alicia Giudice, Planning Manager  
Michele Ginn, Permit Services Coordinator  
Barry Miller, Project Planner  
Paul Jensen, Community Development Director

## **CALL TO ORDER**

Chair Samudzi called the meeting to order at 7:02 p.m. and invited Planning Manager Alicia Giudice to call the roll. All commissioners were present, except for Commissioner Hill.

## **APPROVAL OR REVISION OF ORDER OF AGENDA ITEMS**

None

## **PUBLIC NOTIFICATION OF MEETING PROCEDURES**

Chair Samudzi invited Planning Manager Alicia Giudice who informed the community the meeting would be streamed live to YouTube and members of the public would provide public comment either on the telephone or through YouTube live chat. She explained the process for community participation through the telephone and on YouTube.

Chair Samudzi reviewed the procedures for the meeting.

## **URGENT COMMUNICATION**

None

## **CONSENT CALENDAR**

Chair Samudzi invited public comment; however, there was none.

Commissioner Lubamersky moved and Commissioner Davidson seconded to approve the Consent Calendar.

1. **Approval of the Planning Commission Meeting Minutes of January 12, 2021**  
*Approved as submitted*

AYES: Commissioners: Davidson, Hill, Mercado, Previtali & Chair Samudzi

NOES: Commissioners: None

ABSENT: Commissioners: Hill

ABSTAIN: Commissioners: Saude

Motion carried 5-0-1

## **PUBLIC HEARING**

2. **Public Hearing on Draft Downtown San Rafael Precise Plan**

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

Case Nos.: GPA16-001 & P16-013

Project Planner: Barry Miller

Ali Giudice, Planning Manager introduced Stefan Pellegrini, Opticos Design who gave a presentation.

Ali Giudice, Planning Manager provided comments.

Staff responded to questions from the Commissioners.

Chair Samudzi declared the public hearing opened; however, there was no public comment.

Staff responded to comments and questions from the Commissioners.

Commissioner Saude moved and Commissioner Lubamersky seconded to accept the report and continue the hearing to February 9, 2021.

Staff responded to questions from the Commissioners.

AYES: Commissioners: Davidson, Lubamersky, Mercado, Previtali, Saude & Chair Samudzi

NOES: Commissioners: None

ABSENT: Commissioners: Hill

ABSTAIN: Commissioners: None

Motion carried 6-0

*Accepted report and continued hearing to February 9, 2021*

## **DIRECTOR'S REPORT**

Planning Manager Alicia Giudice reported:

- Next meeting on February 9, will include a wrap-up of Downtown Precise Plan discussion, as well as, a development application at 160 Mitchell to convert office space to residential use - Applicant is requesting feedback before coming forward with the formal zoning amendment application
- Accessory Development Unit (ADU) Ordinance draft will come to the Planning Commission on February 23
- Eli Hill was appointed as a City Councilmember earlier tonight

Project Planner Barry Miller reported:

- A focused outreach related to Historic Preservation, working with the property owners, the Chamber, the Downtown Bid and San Rafael Heritage

Community Development Director Paul Jensen reported:

- Informational webinars coming to review the historic resource information and the recommendations
- Design Review Board meeting in February

## **COMMISSION COMMUNICATION**

Discussions regarding:

- New vacancy on Planning Commission and recruitment process
- Reconvening in-person meetings and the status of the Design Review Board (DRB) liaison commitments

**ADJOURNMENT**

Chair Samudzi adjourned the meeting at 8:56 p.m.

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LINDSAY LARA, City Clerk

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021

\_\_\_\_\_  
SHINGAI SAMUDZI, Chair

DRAFT



# SAN RAFAEL

THE CITY WITH A MISSION

Community Development Department – Planning Division

<b>Meeting Date:</b>	February 9, 2021
<b>Agenda Item:</b>	2
<b>Case Numbers:</b>	CDR20-004
<b>Project Planner:</b>	Renee Nickenig/ 415-485-3397

## REPORT TO PLANNING COMMISSION

**SUBJECT: 160 Mitchell Boulevard** – Report and discussion on possible zoning amendment to allow for the conversion of an approximately 10,644-sq. ft. vacant office building to multifamily residential housing; File No(s): CDR20-004

### STUDY SESSION PURPOSE AND FORMAT

The Preapplication Study Session is intended to provide an opportunity for early Planning Commission feedback on land use and policy questions and allows early opportunity for public input. This Study Session is not intended to result in any decisions regarding the project merits or official action on the project, but rather would allow the Commission to provide preliminary feedback on the project scope and size and other land use matters. There are a number of unknowns that the applicant will need to elucidate before getting too deep into merits of the project. Staff has provided the applicant with an initial staff-level Preapplication review (see Exhibit 2). Feedback provided as part of this process is non-binding. Staff is seeking Planning Commission input on the following:

- 1. Land Use Compatibility:** The Planning Commission is asked to provide comments/concerns on the land use compatibility of a multi-family residential building in a General Office (O) and Light Industrial/Office (LI/O) area.

*Depending on the zoning amendment that the applicant chooses to pursue, the addition of residential units could have an impact on future development in the adjacent district.*

- 2. Housing Needs:** The Planning Commission is asked to weigh in, provide comments and, if needed, request additional information from the applicant regarding the requested amendments as they relate to addressing the City's housing needs.

*The addition of residential units in this area addresses the City-wide need for more housing, including affordable housing.*

- 3. Zoning Amendment:** The Planning Commission is asked to provide comments and concerns on the potential impacts to the surrounding area of a zoning amendment of the Planned Development District (PD1091) to allow for a multi-family residential building.

*The applicant has several options to pursue in order to amend the zoning to allow for residential development. The options laid out by staff include: (a) an updated to the Planned Development (PD) District; (b) rezoning to a multifamily residential district; (c) rezoning to an office district; and (d) rezoning to a commercial/office district.*

#### Other Comments:

The above items are the major topic areas where staff would like input from the Commission. Other issues identified in the analysis section would likely require input from experts via the submittal of

technical documents. However, the Commission’s role as the land use body for the city, may have other comments on other topic areas that will need to be addressed. Staff welcomes any additional input and contribution from the Commission. In addition, some of the pros and cons that the Commission should consider are as follows:

**Pros**

- The requested amendments would allow development of additional rental housing with smaller unit sizes, thus contributing to the mix of rental housing stock within the City.
- The project would contribute to the City fair share contribution to the Regional Housing Needs.
- Converting a vacant office building to residential addresses the excess of vacant office buildings in the City.

**Cons**

- There are unknowns about the projects potential traffic impact on the nearby intersection and roadway system.
- The presence of a residential development could potentially impact future development in the adjacent LI/O district.
- The building is located in the 100-year flood zone, and the applicant will need to submit a survey and reference the county-wide contours (NAVD 88) to confirm potential impacts.

Staff recommends the Planning Commission conduct the review in the following manner:

- Staff presentation
- Applicant presentation
- Receive public comments
- Planning Commission discussion and feedback on the topics listed above and specific questions identified in the *Analysis* section below.

The study session is not an official public hearing since no official action is being taken. However, the City is committed to providing opportunities for community engagement during all phases of a development review process. As such, public comment is encouraged prior to discussion by the Commission.

**PROPERTY FACTS**

<b>Address/Location:</b>	160 Mitchell Boulevard	<b>Parcel Number(s):</b>	155-110-24
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<b>Property Size:</b>	1.31 acres	<b>Neighborhood:</b>	--
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<b>Site Characteristics</b>			
	<b>General Plan Designation</b>	<b>Zoning Designation</b>	<b>Existing Land-Use</b>
<b>Project Site:</b>	<b>Office (O)</b>	<b>PD1091</b>	<b>Vacant Office</b>
North:	Office (O)	PD1091	Vacant Office
South (SW):	Open Space (OS)	P/OS-WO, PD1671-WO	Open Space
East:	Open Space (OS)	P/OS-WO	Open Space
West:	Light Industrial/Office (LI/O)	Light Industrial/Office (LI/O)	Vacant Light Industrial/Office



**Site Description/Setting:**

The project site is an approximately 1.31-acre site at the end of Mitchell Boulevard. The neighboring site at the end of Mitchell Boulevard is similar in size, and also includes a vacant office building of the same age and general style as the building at the subject site. Together the sites abut an open marsh area and Gallinas Creek. The open space/marsh area surrounds the subject site at the east, south, and southwest sides. To the west and northwest of the subject site are a series of light industrial and office buildings, with limited landscaping and paved parking areas. Immediately to the west of the subject site the building is vacant, followed by a music school and a solar energy company.

Mitchell Boulevard comes to and end at a paved roundabout and parking area between the two buildings. There are approximately eight (8) parking spaces between the buildings, and an additional 21 parking spaces designated for the subject building. The 21 spaces include two (2) handicap spaces and several electric vehicle charging stations. There is a metal bike rack at the northwest corner of the building, and an open bike shed at the south end of the parking lot. There is some landscaping around the perimeter of the building, and trees lining the parking lot.

**BACKGROUND**

The project site is part of a larger parcel of land that was rezoned in 1973 to PD 1091. The larger parcel later went through a land division that resulted in an offer of dedication of approximately 23 acres of land to the State of California for conservation purposes.

The project site, which is the subject of this preapplication, is limited to a single parcel at 160 Mitchell Boulevard (APN 155-110-24) which was created as Parcel A of the *Parcel Map of Mitchell Plaza* (Book 22 at Page 81) recorded on July 18, 1985. The site is included in Planned Development District 1091 (PD1091).

*General Plan 2020*

Per the General Plan 2020, the property currently has a General Plan Land Use Designation of O (Office), which allows for 15-32 Gross Density Residential Units/Acres. This translates to a maximum density of approximately of 40 units based on the lot area of 1.31 acres.

In accordance with General Plan Policy LU-10 Planned Development Zoning, a Planned Development zoning is required for development on lots larger than five acres in size. Specific development standards and allowable uses will be established for the PD as part of the development review process. This particular site is approximately 1.31 acres.

*General Plan 2040*

In General Plan 2040 the land use category for this property will be defined as "Office Mixed Use," which will allow for a maximum net density of 43.6 units per acre for projects that include residential uses.

**Zoning**

The subject site is currently located in Planned Development District 1091 (PD 1091), designated by ordinance in 1973. PD1091 currently includes the subject site and the neighboring parcel at 161 Mitchell Boulevard (APN 155-110-30), which is not currently a part of this proposal. PD1091 does not allow for a residential use, however, the list of conditionally permitted uses includes "[r]esidential use as a watchman or other accessory function of a permitted use."

### Property History

The Planned Development ordinance reclassified an approximately 22.5-acre site containing County Assessor's Parcels 155-11-08, 09, and 13, from a GPG-MH (General Plan Conflict-Heavy Commercial and Manufacturing with Parking Requirements) District to a GPG-PC (General Plan Conflict-Planned Community) District. The ordinance was issued in conjunction with a conditional use permit (UP72-101).

The two extant office buildings were developed simultaneously circa 1981, then referred to as "Mitchell Plaza". Changes at the parcels have been handled jointly overtime, included changes to the parking lot in 1985. Since initial construction the subject building has not been significantly altered, including an expansion of the footprint. Both buildings were recently used as office space, but are currently vacant.

### PROJECT DESCRIPTION

The proposed project includes the conversion of an approximately 10,644-square foot vacant office building to multifamily residential housing. Minimal upgrades are proposed to the exterior, and there will be no expansion of the building envelope and no change to the FAR. The project currently proposes around 18 one-bedroom and studio units and several unique shared spaces. The existing 38 parking spaces will be utilized, including six electric vehicle charging stations and three ADA spaces. This project would require a Zoning Amendment to allow for multifamily residential development.

### Zoning Amendment

The proposed project requires a Zoning Amendment, as PD 1091 only allows for a conditional residential use for an accessory function of a permitted use (listed below). The purpose of Planned Development (PD) Districts is to allow innovative design on large sites, by allowing flexibility in development standards, promote clustering on large sites to avoid sensitive areas, as well as other reasons cited in to San Rafael Municipal Code (SRMC) 14.07.010. In review of the history of the property, the PD was created as part of a larger lot that included the adjacent marsh and Gallinas Creek. The marsh and creek were offered to the State Fish and Wildlife (previously Department of Fish and Game) as part of the development, and this was likely part of the reason a PD was adopted for this property.

PD 1091 allows for the following permitted and conditional uses:

1) Permitted Uses:

- a. Warehousing and storage
- b. Light manufacturing and/or repair activities conducted completely within the building and free from nuisance factors such as dust, odor, and noise.
- c. Office uses not related to the care and/or treatment of persons or animals.
- d. Retail sales involving "nonconvenience" goods and limited to a single type of item (such as automobile sales).
- e. Customer service uses not related to convenience or apparel goods.

2) Condition Uses (Use Permit required):

- a. Restaurants
- b. Dance or musical instruction and similar instruction or studio type uses.
- c. Residential use as a watchman or other accessory function of a permitted use.
- d. A neighborhood shopping center for convenience goods outlets may be established by use permit procedures provided a general plan amendment, locating such a center on the subject property, is adopted.
- e. Office uses related to the care and/or treatment of persons or animals.

- f. Any use listed as a permitted use in (1) above which involves activities not completely confined within a building.

A conversion of the building to residential use would require an amendment to the existing PD (including 161 Mitchell Boulevard). Pursuant to SRMC section 14.07.150, amendments to PD zoning and development plans requiring the following:

*Requests for changes in the contents of approval of a PD zoning and development plan shall be treated as a zoning amendment (rezoning). Rezoning shall be heard and decided by the city council. The procedures for filing and processing a rezoning shall be the same as those established for an initial PD zoning and development plan application.*

Based on the above the applicant will need to decide what specific amendment they would like to request. The following are some possible options for the Zoning Amendment:

- Update to the Planned Development (PD) District – Updating the PD District to add multifamily residential development as a conditional use with a Use Permit.
- Rezoning to Multifamily Residential District – Rezoning to a Medium-Density Multifamily Residential District (MR2, MR2.5, MR3, MR5) would permit with proposed residential conversion by right.
- Rezoning to Office (most similar to General Plan Zoning Designation) – Rezoning to an Office (O) District would permit multifamily residential units with a use permit, and would not impede on current or future uses in the neighboring LI/O District. Development in an Office District would be regulated by the property development standards in SRMC Section 14.05.0303, including a maximum residential intensity of 1,000.
- Rezoning to Commercial/Office – Re-zoning to Commercial/Office (C/O) District would require an administrative Use Permit for multifamily residential, and would need to comply with additional regulation is SRMC Section 14.17.100. Development in a C/O District would be regulated by the property development standards in SRMC Section 14.05.0303.

Rezoning shall be heard and decided by the City Council. The procedures for filing and processing a rezoning shall be the same as those established for an initial PD zoning and development plan application. Any rezoning option will need to include the entire existing PD 1091 district (including 161 Mitchell Blvd.), and should consider potential impacts to the adjacent LI/O district.

Zoning Amendments are subject to consideration by the City Council with recommendation by the Planning Commission.

### **Use Permit**

If the district is rezoned to a commercial or office district a Use Permit will be necessary for residential uses.

### **Environmental and Design Review for the Development Project**

The proposed project will be required to provide covered parking, the addition of which is considered minor physical improvement that would be subject to an administrative Environmental and Design Review.

Because this project will also include a Zoning Amendment, all entitlements will receive final consideration by the City Council with recommendation by the Planning Commission.

### **Neighborhood Meeting**

City Council Resolution 8037 requires a Neighborhood Meeting for a Planned Development rezoning. As such, the proposed project would be required to schedule a Neighborhood Meeting within the first 30 days of formal application submittal. In addition, the applicant will be encouraged to provide ongoing outreach efforts.

### **California Environmental Quality Act**

Under the requirements of the California Environmental Quality Act (CEQA), the proposed project would be evaluated to determine the level of review under CEQA. A formal application would require submittal of technical reports to evaluate potential impacts. A preliminary list may include greenhouse gas assessments, a health risk assessment, a noise study, and a traffic study (LOS and VMT). Additional reports may be required depending on the amount of work to be done and the level of CEQA review that will be required.

## **ANALYSIS**

### **SAN RAFAEL GENERAL PLAN CONSISTENCY:**

There are numerous General Plan policies applicable to this project. Consistency with a General Plan is determined by reviewing the project proposal and weighing the goals and policies of all elements of the [San Rafael General Plan 2020](#) in relation to the project. A table outlining the applicable General Plan policies will be provided as part of the formal review of the project. The Planning Commission is being asked to provide feedback on certain General Plan Policies as outlined below. A more detailed analysis will be provided at a future date when the project is brought back for a formal recommendation. Below is a summary of the major Policy Issues for the Planning Commission to consider.

### **Land Use Element**

#### Land Use Compatibility

The subject property has a General Plan Land Use designation of Office, which allows for 15-32 Gross Density Residential Units/Acres. The following General Plan 2020 Policies address Land Use compatibility as it relates to Office and Districts, including density:

- *LU-8. Density of Residential Development.*  
Residential densities are shown in Exhibit 11, Land Use Categories. Maximum densities are not guaranteed but minimum densities are generally required. Density of residential development on any site shall respond to the following factors: site resources and constraints, potentially hazardous conditions, traffic and access, adequacy of infrastructure, City design policies and development patterns and prevailing densities of adjacent developed areas.
- *LU-14. Land Use Compatibility.*  
Design new development in mixed residential and commercial areas to minimize potential nuisance effects and to enhance their surroundings.
- *LU-23. Land Use Map and Categories.*  
Land use categories are generalized groupings of land uses and titles that define a predominant land use type (See Exhibit 11). All proposed projects must meet density and FAR standards (See Exhibits 4, 5 and 6) for that type of use, and other applicable development standards. Some listed

uses are conditional uses in the zoning ordinance and may be allowed only in limited areas or under limited circumstances.

**Housing Element**

There are a number of Housing Element Policies to consider in evaluating this project. Policy H-9-*Special Needs* calls for a mix of housing types at varying income levels to serve a diverse population including housing for single parents, students and young families. Policy H-14. *Adequate Sites* calls for assuring that an adequate supply of land is available to meet the housing needs of all economic segments in San Rafael. The City is obligated to provide its fair share of projected future Regional Housing Needs (RHNA). The City's fair share of housing is 1,007 units for the 2015-2023 RHNA Cycle as shown on Table 1 below.

<b>Table 1 Housing Need (RHNA Allocation by Income Level) v. Permitted Units Issued by Affordability (2015-2019)</b>					
	<b>Very Low Income Households</b>	<b>Low Income Households</b>	<b>Moderate Income Households</b>	<b>Above Moderate Income Households</b>	<b>Total</b>
<b>Housing Need</b>	240	148	181	438	1007
Permitted Units Issued	3	57	11	170	242
<b>Total Deficit</b>	<b>237</b>	<b>91</b>	<b>170</b>	<b>267</b>	<b>765</b>

San Rafael has little remaining vacant land available for large-scale development. Thus, much of the multi-family housing development has been on smaller infill sites (1628 Fifth Avenue) or by adding housing units on commercially developed lots (Northgate Walk) or demolition and reconstruction on developed sites (815 B Street;703 Third Street). As of December 2019 there have been a total of 765 units permitted the 2015-2023 RHNA Cycle. The total number of permitted units represents a housing deficit of 765 units toward meeting our housing goals.

Additionally, recent legislation under Senate Bill 35 (SB35) requires a sliding scale, by-right process for certain development projects within jurisdictions that have not met their regional housing goals. Each year the City must report the number of units approved or constructed for that years reporting period. If the City does not meet its fair share housing obligation, the City will be required to provide a by-right process for new housing projects that provide a certain percentage of housing as affordable units. The sliding scale described above means that the City's obligation to apply the by-right process can be triggered when a project provides either 10% or 50% affordable housing units depending where the City falls in meeting the regional housing goals. With the by-right process, the City loses review authority for qualifying development projects until the City meets its required percentage up based on the state's determination for the next reporting period.

A General Plan Amendment to allow higher density housing on this lot could create another opportunity for the City to comply with its regional housing goals. The City would then have a buffer for meeting our housing needs for future years and potentially reducing our obligation to a by-right process thus, keeping review authority within our jurisdiction.

Affordable and Inclusionary Housing

The proposed zoning amendment to a residential use will trigger the need to address the requirements of our affordable and inclusionary housing requirements. The project will need to address the City's affordable housing requirements, and should do so through review of the following General Plan policies:

- *H-1. Housing Distribution.*  
Promote the distribution of new and affordable housing of quality construction throughout the city to meet local housing needs.
- *H-9. Special Needs*  
Encourage a mix of housing unit types throughout San Rafael, including very low- and low-income housing for families with children, single parents, students, young families, lower income seniors, homeless and the disabled. Accessible units shall be provided in multi-family developments, consistent with State and Federal law.
- *H-18. Inclusionary Housing Requirements.*  
The City of San Rafael first adopted inclusionary requirements in the 1980's. The City requires residential projects to provide a percentage of affordable units on site and/or pay in-lieu of fees for the development of affordable units in another location. The City's program requires the units remain affordable for the longest feasible time, or at least 55 years. The City's primary intent is the construction of units on-site. The units should be of a similar mix and type to that of the development as a whole, and dispersed throughout the development. If this is not practical or not permitted by law, the City will consider other alternatives of equal value, such as in-lieu fees, construction of units off-site, donation of a portion of the property for future non-profit housing development, etc. Allow for flexibility in providing affordable unit as long as the intent of this policy is met. Specific requirements are:

**Exhibit 15-1: Inclusionary Requirement by Project and Size.**

<b>Project Size</b>	<b>% Affordable Units Required</b>
2 – 10 Housing Units*	10%
11 – 20 Housing Units	15%
21+ Housing Units	20%

**Rental Units.** Provide, consistent with State law, a minimum of 50% of the BMR units affordable to very low-income households at below 50% of median income, with the remainder affordable to low income households at 50-80% of median income.

**Circulation Element**

Traffic Impacts LOS & VMT

The applicant will be required to provide a traffic impact analysis that evaluates the projects Level of Service (LOS) impacts as well as impacts associated with Vehicle Miles Traveled (VMT). Trips from the project will be used to evaluate potential need for improvements at the project driveway to accommodate project-generated traffic. The need for turn lanes will be evaluated in terms of volume, adequacy of sight distance and safety considerations.

Sustainability

- *SU-1. Land Use.*  
Implement General Plan land use policies to increase residential and commercial densities within walking distance of high frequency transit centers and corridors.

*SU-1a. Transportation Alternatives.* Consider land use and transportation alternatives (better bicycle and pedestrian access and increased transit feeder service) to best use the future Civic Center SMART Station.

- *SU-2. Promote Alternative Transportation*

Decrease miles traveled in single-occupant vehicles.

### ZONING ORDINANCE CONSISTENCY

If the Planning Commission is supportive of the requested General Plan Amendment, the project would need to demonstrate consistency with applicable regulations of the Zoning Ordinance and provide justification for any deviations that would be proposed as part the PD Zoning. This includes the request for height concession. A more detailed Zoning Consistency discussion will be provided as part of the formal review for the project. The following topics are relevant to the project and will to be addressed by the applicant:

#### APPLICABLE SITE AND USE REGULATIONS (CHAPTER 14.16)

The project will need to comply with applicable Site and Use Regulations established under Chapter 14.16, which include the following:

- 14.16.030 - Affordable Housing Requirement
- 14.16.025 - Refuse Enclosure
- 14.16.227 - Light and Glare; 14.18.170 – Lighting
- 14.16.243 - Mechanical Equipment Screening
- 14.16.260 – Noise Standards
- 14.16.370 - Water Efficient Landscaping

#### 14.16.030 - Affordable Housing Requirement

Affordable Housing Requirement Pursuant to Section 14.16.030 (Affordable Housing Requirements) of the Zoning Ordinance, projects proposing 21 or more housing units are required to provide 20% of the proposed units as affordable housing units. The applicant proposes 180 rental units, which means the project would have to dedicate 36 units for affordable housing. Because the project is a rental housing project the applicant would have to dedicate a minimum of fifty percent (50%) of the required affordable housing units to a maximum monthly rent of very low-income households. The remaining affordable housing units shall have rents that do not exceed the affordable monthly rent of low-income households. The applicant will need to demonstrate how they will comply with this requirement and demonstrate that the affordable units are dispersed throughout the development and reflect the same quality in construction as the market rate units.

#### APPLICABLE PERFORMANCE STANDARDS (CHAPTER 14.17)

The project will need to comply with relevant performance standards established under Chapter 14.17, which include the following:

#### 14.17.100 - Residential uses in commercial districts.

The purpose of this section is to ensure that residential uses in commercial or mixed-use district to not adversely impact the existing or potential commercial uses. The following standards are most relevant to this project:

1. Access - residential units shall have a separate and secured entrance and exit.
2. Parking - residential parking shall comply with Chapter 14.18, Parking Standards.
3. Noise - residential units shall meet the residential noise standards in Section 14.16.260, Noise standards.
4. Lighting. All exterior lighting shall be sufficient to establish a sense of well-being to the pedestrian and one that is sufficient to facilitate recognition of persons at a reasonable distance. Type and placement of lighting shall be to the satisfaction of the police department. The minimum

of one foot-candle at ground level shall be provided in all exterior doorways and vehicle parking areas.

5. Refuse Storage and Location - an adequate refuse storage area shall be provided for the residential use.
6. Location of new residential units shall consider existing surrounding uses in order to minimize impacts from existing uses.

## **PARKING REGULATIONS CHAPTER 18**

### **14.18.040- Parking Requirements**

Total parking required on site is dependent on the designation of the units as studios or one-bedroom units.

- Studios (multifamily unit) – 1 covered space per unit
- 1 Bedroom Unit - 1.5 spaces per unit (including 1 covered space)

The property does not currently have any covered parking spaces. Therefore, the proposed conversion will require conversion of some of the existing uncovered spaces. This would be considered minor exterior changes that would be subject to Environmental and Design Review outlined above.

### **14.18.090 – Bicycle Parking**

On November 19, 2018, the City Council adopted amendments to the Zoning Ordinance which expands the bicycle parking requirement to multi-family developments. The number of short-term bicycle parking spaces required is equal to five percent (5%) of the required automobile spaces. Plans submitted for formal review will need to demonstrate how bicycle parking will be accommodated and shall comply with design standards pursuant to section 14.18.090(E) of the SRMC.

## **RESIDENTIAL AND NON-RESIDENTIAL DESIGN GUIDELINES**

The San Rafael Design Guidelines (City Council Resolution No. 11667; adopted November 15, 2004) strive to improve the design of all residential and non-residential development. The project will require installation of covered parking to comply with SRMC section 14.18 which will require environmental and design review and will be subject to the City of San Rafael Residential Design Guidelines. The entire text of the San Rafael Design Guidelines can be access on the City's web page using the following link:

<http://docs.cityofsanrafael.org/CommDev/Planning/documents/design-guidelines.pdf>

The following relevant design criteria should be considered as part of the formal application:

### **Building Design**

- Building facades should be varied and articulated
- Design techniques should be used to break up volume of larger buildings
- Consider existing adjacent buildings and use transitional elements to minimize height differences
- Screen rooftop equipment
- Minimize impact of roof vents
- Orient entrances to the street and provide a well-defined sense of entry from the street.
- Windows facing rear and side yard should consider privacy of adjacent neighbors
- Windows should be directed toward the street and public areas to provide surveillance



- Window proportions should be consistent with the proportions of the building and with other windows on the building.
- Light fixtures should be shielded to prevent glare

Site design

- Provide adequate vehicle maneuverability
- Use alternative materials to minimize large paved areas
- Front yard landscaping should contribute to the overall visual quality of the neighborhood

## **DISCUSSION**

This Pre-Application Study Session is intended to solicit the Commission's initial review and preliminary feedback on the main land use/policy matters associated with this project. This process is an off-shoot of the conceptual design review process, which was established in 2010 based on public feedback, that projects were submitted at time of formal submittal with extensive investment put into the plans, materials and technical studies and the public and decision-makers did not have a chance to weigh in on a project during its early stages. Therefore, conceptual review is meant to be conceptual in nature, with limited detail on plans and without technical studies.

Given that the key issues for this project is whether there is support for a zoning amendment to allow for a multi-family residential development, staff is first referring the conceptual review application to the Commission for input. This provides opportunity for comment by both the Commission and the community regarding policy concerns earlier in the process. If the applicant chooses to proceed with a formal application subsequent to the Study Session, they will need to address those issues and concerns identified during the conceptual review process.

There are a number of pros and cons for the Commission to think about in contributing comments about this project. There are also a number of unknowns that will need to be addressed by the applicant as part of the formal application process. For this reason, it is important that the applicant and community members understand that input provided by the planning commission is very preliminary. The following is a list of Pros and Cons (as mentioned above) and some unknowns of the Planning Commission to think about in providing feedback to the applicant:

Pros

- The requested amendments would allow development of additional rental housing with smaller unit sizes, thus contributing to the mix of rental housing stock within the City.
- The project would contribute to the City fair share contribution to the Regional Housing Needs.
- Converting a vacant office building to residential addresses the excess of vacant office buildings in the City.

Cons

- There are unknowns about the projects potential traffic impact on the nearby intersection and roadway system.
- The presence of a residential development could potentially impact future development in the adjacent LI/O district.
- The building is located in the 100-year flood zone, and the applicant will need to submit a survey and reference the county-wide contours (NAVD 88) to confirm potential impacts.

**Unknowns**

The applicant will need to go through a formal review process that will include Environmental (CEQA) Review. This will require the applicant prepare a number of studies including but not limited to:

- Greenhouse Gas Assessments
- Health Risk Assessment
- Noise Study
- Traffic Study (LOS and VMT)

A full list of technical reports will be determined at time of a formal submittal.

Staff is seeking input from the Commission on the major topic areas outlined in this report. Other issues identified in the analysis section would require input from experts via the submittal of technical documents. The applicant and the City will use the Planning Commission's comments to guide the next phase of development review for this project.

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT**

This Study Session is for review of a Pre-Application/Conceptual Review application is not considered "project" under the California Environmental Quality Act (CEQA), and therefore, CEQA is not required for this conceptual review. This is due to the fact that no decisions to approve or deny the project will be made on the Pre- Application/Conceptual review application.

As part of the formal application the applicant will be required to submit complete and detailed plans, and all required technical studies. Staff will then prepare an Initial Study to determine the level of CEQA review that will be required. Based on the results of the Initial Study, either a Negative Declaration/mitigated Negative Declaration or an Environmental Impact Report (EIR) will be prepared.

### **PUBLIC NOTICE/ CORRESPONDENCE**

Notice for this Study Session by the Planning Commission, was conducted in accordance noticing requirements contained in Chapter 29 of the Zoning Ordinance. A Notice of Public Meeting was mailed 15 days in advance of the meetings to all property owners, residents, businesses and occupants within a 300-foot radius of the project site and to representatives of the State of California.

No comments were received by the publication date of this report.

### **CONCLUSION**

Study Session Review is part of the City's ongoing commitment to find ways for early feedback in hopes of streamlining the project review process. This concept has been used for the past couple of years and has been effective in providing guidance to the applicant as they prepare for a formal review. Staff continues to encourage applicants to bring projects before the Commission for their review so that they may provide comments which may also have land use policy implications. Staff has identified key issues:

- Compatibility and potential impacts to surrounding uses
- Housing Needs and project contribution to meeting that need.

The Planning Commission is asked to provide feedback on these key issues and on any other issues the Planning Commission deems appropriate.

## EXHIBITS

1. Vicinity/Location map
2. Pre-application letter
3. General Plan Consistency Table
4. Project Plans: <https://www.cityofsanrafael.org/major-planning-projects/>



- Legend**
- Parcel Note
    - easement
    - centerline
  - Address
    - Parcel
    - Condominium Common Area
    - Mobile Home Pad
    - City
    - Community
    - Marin County Legal Boundary
    - Other Bay Area County
    - Stream - Perennial (NHD)

**Notes**

487.6 0 243.78 487.6 Feet

NAD\_1983\_HARN\_StatePlane\_California\_III\_FIPS\_0403\_Feet  
 © Latitude Geographics Group Ltd.

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



October 2, 2020

Aaron Lamstein  
548 Market Street, Suite 27620  
San Francisco, CA 94104

**RE: PA20-005(CDR20-004) – Pre-application for an office to residential conversion; 160 Mitchell BLVD; APN No. 155-110-24.**

Dear Mr. Lamstein:

Thank you for your submittal of a pre-application (PA20-005) to convert existing office space to multifamily residential use. The site is an approximately 57,000-square foot lot located in a Planned Development District 1091 (PD 1091), which currently does not allow for multifamily residential use. This comment letter is intended to provide information to help you understand the development review process, review criteria, and some of the issues that can be identified this early in the process. Comments from other departments received to date are included as attachments.

I have provided a list of issues, under the *Primary Issues to Consider* Section below. As you read through this letter you will find that the primary concern that has been identified through this preapplication process is the potential impact of the zoning change of PD 1091 to include residential on the adjacent Light Industrial/Office District. Additionally, the location of the building in the 100-year flood zone may affect the finished floor elevation requirements. This may or may not have been addressed when the building was constructed, however, it could impact the use of that first floor. Lastly, the Building Division has expressed concerns regarding the bedrooms as they do not currently show adequate means of egress.

A neighborhood meeting is required for this type of project through the City's process. However, I recommend you begin early outreach prior to your submittal to get a sense of the primary concerns of the surrounding neighborhoods.

#### **PROJECT DESCRIPTION**

The proposed project includes the conversion of an approximately 10,644-square foot vacant office building to multifamily residential housing. Minimal upgrades are proposed to the exterior, and there will be no expansion of the building envelope and no change to the FAR. The project currently proposes 10 one-bedroom units and several unique shared spaces. The existing 38 parking space

will be utilized, including six electric vehicle charging stations and three ADA spaces.

The subject building is located within the Planned Development District (PD 1091) which currently does not allow for residential use. The San Rafael General Plan 2020 designated the site for Office use, which does allow for a limited residential use. This project would require a Zoning Amendment to allow for multifamily residential development.

## **ENTITLEMENTS**

### **Zoning Amendment**

The proposed project requires a Zoning Amendment, as PD 1091 only allows for a conditional residential use for an accessory function of a permitted use (listed below). The purpose of Planned Development (PD) Districts is to allow innovative design on large sites, by allowing flexibility in development standards, promote clustering on large sites to avoid sensitive areas, as well as other reasons cited in SRMC 14.07.010. In review of the history of the property, the PD was created as part of a larger lot that included the adjacent marsh and Gallinas Creek. The marsh and creek were offered to the State Fish and Wildlife (previously Department of Fish and Game) as part of the development, and this was likely part of the reason a PD was adopted for this property.

PD 1091 allows for the following permitted and conditional uses:

- 1) Permitted Uses:
  - a. Warehousing and storage
  - b. Light manufacturing and/or repair activities conducted completely within the building and free from nuisance factors such as dust, odor, and noise.
  - c. Office uses not related to the care and/or treatment of persons or animals.
  - d. Retail sales involving “nonconvenience” goods and limited to a single type of item (such as automobile sales).
  - e. Customer service uses not related to convenience or apparel goods.
  
- 2) Condition Uses (Use Permit required):
  - a. Restaurants
  - b. Dance or musical instruction and similar instruction or studio type uses.
  - c. Residential use as a watchman or other accessory function of a permitted use.
  - d. A neighborhood shopping center for convenience goods outlets may be established by use permit procedures provided a general plan amendment, locating such a center on the subject property, is adopted.

- e. Office uses related to the care and/or treatment of persons or animals.
- f. Any use listed as a permitted use in (1) above which involves activities not completely confined within a building.

A conversion of the building to residential use would require an amendment to the existing PD (including 161 Mitchell Boulevard). Pursuant to San Rafael Municipal Code (SRMC) section 14.07.150, amendments to PD zoning and development plans requiring the following:

Requests for changes in the contents of approval of a PD zoning and development plan shall be treated as a zoning amendment (rezoning). Rezoning shall be heard and decided by the city council. The procedures for filing and processing a rezoning shall be the same as those established for an initial PD zoning and development plan application.

Based on the above you will need to decide what specific amendment you would like to request. The following are some possible options for the Zoning Amendment:

- Update to the Planned Development (PD) District – Updating the PD District to add multifamily residential development as a conditional use with a Use Permit.
- Rezoning to Multifamily Residential District – Rezoning to a Medium-Density Multifamily Residential District (MR2, MR2.5, MR3, MR5) would permit with proposed residential conversion by right.
- Rezoning to Office (*most similar to General Plan Zoning Designation*) – Rezoning to an Office (O) District would permit multifamily residential units with a use permit, and would not impede on current or future uses in the neighboring LI/O District. Development in an Office District would be regulated by the property development standards in SRMC Section 14.05.0303, including a maximum residential intensity of 1,000.
- Rezoning to Commercial/Office – Re-zoning to Commercial/Office (C/O) District would require an administrative Use Permit for multifamily residential, and would need to comply with additional regulation in SRMC Section 14.17.100. Development in a C/O District would be regulated by the property development standards in SRMC Section 14.05.0303.

Rezoning shall be heard and decided by the City Council. The procedures for filing and processing a rezoning shall be the same as those established for an initial PD zoning and development plan application. Any rezoning option will need to include the entire existing PD 1091 district (including 161 Mitchell Blvd.), and should consider potential impacts to the adjacent LI/O district.

### **Conceptual Design Review**

While no exterior work is proposed, the project will require covered parking which will need to undergo a design review process. Therefore, prior to formal submittal, the exterior changes need need Conceptual Design Review by the Design Review Board (DRB). This process allows the applicant and the DRB to work together to achieve a quality design by providing opportunity for the board to identify and discuss relevant issues and appropriateness of the design approach. Submittal materials shall include a level of detail adequate to show the architect's analysis of the site and site issues and to explain the proposed design solution. At minimum the following is required for conceptual design review:

- Site plan with foot print of the covered spaces;
- Floor plans of covered spaces with dimensions of interior space;
- Building elevations with sufficient detail to convey the proposed design direction;
- Colors and materials

The fee for a Conceptual Design Review is \$1,750.

### **Study Session**

You have expressed an interest in receiving early feedback from the Planning Commission on your proposed project. The Planning Commission will weigh in on whether they will support a proposed conversion based on the issues presented. Because the Planning Commission's comments will guide you in terms of whether to proceed with your project, we will schedule this study session prior to the Conceptual Design Review phase.

### **Neighborhood Meeting**

The Conceptual Design Review hearing at the DRB and all hearings at the Planning Commission and City Council are public hearings and are required to be noticed to owners and occupants within 300 feet of the project site. In addition, City Council Resolution 8037 requires a Neighborhood Meeting for a Planned Development rezoning. As such, the proposed project would be required to schedule a Neighborhood Meeting within the first 30 days of formal application submittal. The procedures for the Neighborhood Meeting are stipulated in the attached City Council Resolution 8037.

A neighborhood meeting is typically attended by staff. As such an additional deposit of \$1,444 is required.

### **Use Permit**

If the district is rezoned to a commercial or office district a Use Permit will be necessary for residential uses. To apply for a Use Permit, a completed application package must be submitted to the Planning Division. The application package should include:



- A completed General Application Form signed by both the property owner and applicant.
- A written description of the proposed residential facility
- Site Plan, identifying the structure, parking lot and any potential site improvements.
- Floor Plan of the existing and proposed space.
- Square footage calculations of the proposed use(s).

Application for multifamily residential Use Permits in Commercial and Office districts require review and approval by the Zoning Administrator, which includes a public hearing and noticing to surrounding property owners. A Use Permit will be issued by the Zoning Administrator if the following findings can be met (SRMC Section 14.22.080):

- A. That the proposed use is in accord with the general plan, the objectives of the zoning ordinance, and the purposes of the district in which the site is located;
- B. That the proposed use, together with the conditions applicable thereto, will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity, or to the general welfare of the city;
- C. That the proposed use complies with each of the applicable provisions of the zoning ordinance.

The fee for a Use Permit with review by the Zoning Administrator is \$2,476.

#### **Environmental and Design Review**

The proposed project will be required to provide covered parking, the addition of which is considered minor physical improvement that would be subject to Environmental and Design Review.

At minimum, the formal application for Environmental and Design Review shall include the following submittal items:

- Project narrative
- Site plan
- Landscape plans
- Floor plans, if applicable
- Building elevations
- Building and site cross sections, if applicable
- Color and materials board

A deposit of \$4,693 is required for an Environmental and Design Review with review by the Zoning Administrator and Design Review Board.

### **California Environmental Quality Act**

Under the requirements of the California Environmental Quality Act (CEQA), the proposed project would be evaluated to determine the level of review under CEQA. A formal application would require submittal of the following technical reports to evaluate potential impacts. This is a preliminary list. Additional reports may be required depending on the amount of work to be done and the level of CEQA review that will be required.

- Greenhouse Gas Assessments
- Health Risk Assessment
- Noise Study
- Traffic Study (LOS and VMT)

If CEQA review is required the first step would be to prepare an initial study. The fee required for CEQA review is an initial deposit of \$12,556.25. This fee is intended to cover overhead cost and limited amount of planner time. Additional time spent on the CEQA review that is not covered by the above fee will require replenishment of the account. In addition, the City may seek an outside consultant to prepare the CEQA documents. The fee required for the outside consultant is the actual cost of consultant +25% surcharge for staff review and contract administration.

### **PRIMARY ISSUES TO CONSIDER**

The following is a list of issues that staff has identified at this time along with relevant General Plan Policies and Sections of the San Rafael Municipal Code (SRMC) to consider. A full list of General Plan Policies are contained in General Plan 2020, which can be accessed online through the city website at:

[www.cityofsanrafael.org/generalplan-2020](http://www.cityofsanrafael.org/generalplan-2020)

The San Rafael Municipal Code (SRMC) can be accessed through the following link:

[https://library.municode.com/ca/san\\_rafael/codes/code\\_of\\_ordinances?nodeId=IT15SU\\_CH15.06SUDESTMIRE\\_15.06.040LOAC](https://library.municode.com/ca/san_rafael/codes/code_of_ordinances?nodeId=IT15SU_CH15.06SUDESTMIRE_15.06.040LOAC)

#### **Residential Conflicts with Nearby Light Industrial Uses:**

Some uses permitted by right in Light Industrial/Office districts (LI/O) are restricted when they are within 300 feet of a residential district and would require a Use Permit with approval by the Zoning Administrator (SRMC 14.06.020). Such uses include: cabinet shops; candle-making shops; ceramic shops; food manufacturing or processing; furniture manufacturing; furniture refinishing or repair; and packaging plants.

Initial input from City staff suggest that this could result in limitation on the existing nearby properties and their future potential uses.

### Land Use Compatibility

The subject property has a General Plan Land Use designation of Office, which allows for 15-32 Gross Density Residential Units/Acres. The following General Plan 2020 Policies address Land Use compatibility as it relates to Office and Districts, including density:

- *LU-14. Land Use Compatibility.*  
Design new development in mixed residential and commercial areas to minimize potential nuisance effects and to enhance their surroundings.
- *LU-23. Land Use Map and Categories.*  
Land use categories are generalized groupings of land uses and titles that define a predominant land use type (See Exhibit 11). All proposed projects must meet density and FAR standards (See Exhibits 4, 5 and 6) for that type of use, and other applicable development standards. Some listed uses are conditional uses in the zoning ordinance and may be allowed only in limited areas or under limited circumstances.
- *LU-8. Density of Residential Development.*  
Residential densities are shown in Exhibit 11, Land Use Categories. Maximum densities are not guaranteed but minimum densities are generally required. Density of residential development on any site shall respond to the following factors: site resources and constraints, potentially hazardous conditions, traffic and access, adequacy of infrastructure, City design policies and development patterns and prevailing densities of adjacent developed areas.

### Development Standards

The project will require a Zoning Amendment to a Planned Development zoning. Specific development standards and allowable uses will be established for the PD as part of the development review process. However, maximum heights and floor area ratios are outlined in the General Plan as Exhibit 5-floor area ratios and Exhibit 8- heights.

### Traffic Impacts

Comments from Department of Public Works are forthcoming. However, we have provided the following list of General Plan Policies that will need to be considered as part of the project. Keep in mind that a traffic study will need to be submitted for review by our traffic engineer. I recommend you submit a review of Memorandum of Assumptions for review by our traffic engineer. This is a preliminary review intended to provide guidance on methodology and assumptions that will be part of the traffic study. It usually includes: project description, trip generation, trip distribution, analysis methodologies, and a scope of services. It is likely that a final traffic study will need to include Level of Service Analysis as well as VMT analysis.

- *SU-2. Promote Alternative Transportation*  
Decrease miles traveled in single-occupant vehicles.

- *SU-1. Land Use.*  
Implement General Plan land use policies to increase residential and commercial densities within walking distance of high frequency transit centers and corridors.

*SU-1a. Transportation Alternatives.* Consider land use and transportation alternatives (better bicycle and pedestrian access and increased transit feeder service) to best use the future Civic Center SMART Station.

#### 100-Year Flood Zone

This property is located within Special Flood Hazard Area Zone AE, with a base flood elevation of 10.0 feet (NAVD 88 datum). The improvements shall meet FEMA and California Building Code requirements. The California Building Code references ASCE 24 which typically requires floodproofing to the base flood elevation plus one foot. Based on plans on file, it appears that the building was constructed with a first floor elevation of 9.5 feet. Please confirm how this project will meet floodzone requirements.

The Department of Public Works recommends that the project application indicate how the floodzone requirements are intended to be met, however the precise details of the improvements necessary to meet these requirements shall be required prior to issuance of a building permit. Floodproofing and elevation certificates may also be required.

Additional information can be found at the following links:

ASCE 24 Highlights -

[https://www.fema.gov/media-library-data/1436288616344-93e90f72a5e4ba75bac2c5bb0c92d251/ASCE24-14\\_Highlights\\_Jan2015\\_revise2.pdf](https://www.fema.gov/media-library-data/1436288616344-93e90f72a5e4ba75bac2c5bb0c92d251/ASCE24-14_Highlights_Jan2015_revise2.pdf)

San Rafael Municipal Code Title 18 -

[https://library.municode.com/ca/san\\_rafael/codes/code\\_of\\_ordinances?nodeId=IT18PRFLHAAR](https://library.municode.com/ca/san_rafael/codes/code_of_ordinances?nodeId=IT18PRFLHAAR)

FEMA Technical Bulletins -

<https://www.fema.gov/emergency-managers/risk-management/building-science/national-flood-insurance-technical-bulletins>

#### Affordable and Inclusionary Housing

The proposed zoning amendment to a residential use will trigger the need to address the requirements of our affordable and inclusionary housing requirements. The project will need to address the City's affordable housing requirements, and should do so through review of the following General Plan policies:

- *H-18. Inclusionary Housing Requirements.*  
The City of San Rafael first adopted inclusionary requirements in the 1980's. The City requires residential projects to provide a percentage of affordable units on site and/or pay in-lieu of fees for the development of affordable units in another location. The City's program requires the units remain affordable for the longest feasible time, or at least 55 years. The City's primary intent is the construction of units on-site. The units should be of a similar mix and type to that of the development as a whole, and dispersed throughout the development. If this is not practical or not permitted by law, the City will consider other alternatives of equal value, such as in-lieu fees, construction of units off-site, donation of a portion of the property for future non-profit housing development, etc. Allow for flexibility in providing affordable unit as long as the intent of this policy is met. Specific requirements are:

**Exhibit 15-1: Inclusionary Requirement by Project and Size.**

<b>Project Size</b>	<b>% Affordable Units Req'd</b>
2 – 10 Housing Units*	10%
11 – 20 Housing Units	15%
21+ Housing Units	20%

**Rental Units.** Provide, consistent with State law, a minimum of 50% of the BMR units affordable to very low-income households at below 50% of median income, with the remainder affordable to low income households at 50-80% of median income.

- *H-9. Special Needs*  
Encourage a mix of housing unit types throughout San Rafael, including very low- and low-income housing for families with children, single parents, students, young families, lower income seniors, homeless and the disabled. Accessible units shall be provided in multi-family developments, consistent with State and Federal law.
- *H-1. Housing Distribution.*  
Promote the distribution of new and affordable housing of quality construction throughout the city to meet local housing needs.

Parking

Parking ratios are described below under the Zoning section. However, the following General Plan Policies apply to residential parking and are provided for your information.

- *C-31. Residential Area Parking.*  
Evaluate effective means to manage residential parking to minimize the impacts of excess demand.

See NH-8a (Restore Parking Spaces), NH-8b (Additional On-Site Parking), NH-8c (Permit Parking) and NH-8d (Zoning Ordinance Review).

### Noise

The following General Plan Policies should be considered in addressing any potential noise constraints at the site:

- *N-2. Exterior Noise Standards for Residential Use Areas.*  
The exterior noise standard for backyards and/or common usable outdoor areas in new residential development is up to Ldn of 60 dB. In common usable outdoor areas in Downtown, mixed-use residential, and high-density residential Districts, up to Ldn of 65 dB may be allowed if determined acceptable through development review.

Given the proximity of this site to LI/O district, a noise study will be required to evaluate potential conflicts between the existing light industrial uses and the propose residential uses.

### Sustainability

The following General Plan Policies should be considered in addressing sustainable practices at the site:

- *H-19. Energy Conservation and Sustainability*  
The City of San Rafael promotes resource conservation and energy efficiency through the Sustainability Element of the General Plan. In implementing the policies and programs of the Sustainability Element, the City will also achieve its objectives for greater sustainability in residential projects.

*H-19a. Sustainability Policies and Programs.* Refer to the Sustainability Element in the San Rafael General Plan to guide housing development and renovation. *SU-4 Renewable Energy* lays out programs to increase the supply of renewable energy. *SU-5 Reduce Use of Non-Renewable Resources* promotes efficiency in resource consumption.

- *SU-10. Zero Waste.*  
Reduce material consumption and waste generation, increase resource re-use and composting of organic waste, and recycle to significantly reduce and ultimately eliminate landfill disposal.

**APPLICABLE PROPERTY DEVELOPMENT STANDARDS (14.05.030)**

Two of the rezoning options include rezoning to an Office (O) district or Commercial/Office (C/O) district. The following property development standards will be pertinent to the project and the required covered parking, and any future exterior changes to the building that may be proposed:

	<b>O</b>	<b>C/O</b>
<b>Minimum lot area/dwelling unit (sf) (Max. residential intensity)</b>	1,000	1,000
<b>Minimum yards:</b>		
<b>Front (ft.)</b>	20	NR
<b>Side (ft.)</b>	6	NR
<b>Street side (ft.)</b>	10	NR
<b>Rear (ft.)</b>	20	NR
<b>Maximum height of structure (ft.)</b>	36	36
<b>Maximum lot coverage</b>	40%	NR
<b>Minimum landscaping</b>	25%	NR
<b>Usable outdoor area</b>	NR	NR

14.07.030 – Property development regulations

In Planned Development Districts, residential intensities are addressed in section 14.07.030 - Property development regulations, which states that “The total number of dwelling units in a PD plan shall not exceed the maximum number permitted by the general plan density for the total site area.” Staff would normally use the residential intensities within both the General Plan and the most relevant zoning district.

The maximum residential intensity limits for multifamily development ranges between 1,000 and 5,000 square feet per unit. This number will depend on the zoning classification you propose. The currently proposed number of units (15) would result in a residential intensity of approximately 3,281 feet per unit.

Multifamily residential development typically requires between 100 – 200-square feet of usable outdoor space. In this case private yard areas need minimum dimensions of six feet (6'). In high-density districts some common indoor area suitable for recreational uses may be counted toward the usable outdoor area requirement.

### **APPLICABLE SITE AND USE REGULATIONS (CHAPTER 14.16)**

The project will need to comply with Residential intensity limits, relevant development standards and applicable Site and Use Regulations established under Chapter 14.16, which include the following:

#### 14.16.030 - Affordable Housing Requirement

The project would be required to meet the City's affordable housing requirement for new residential developments. Depending on the final number of housing units, the percentage required by the SRMC may be 10-15 percent of the total market rate units. The mix of affordability depends on whether the units are intended as ownership units or rental units as discussed below:

- Ownership Units. A minimum of fifty percent (50%) of all affordable housing units shall be affordable to low-income households, at an affordable sales price. The remaining affordable housing units shall be affordable to moderate-income households at an affordable sales price.
- Rental Units. A minimum of fifty percent (50%) of all affordable housing units shall have rents that do not exceed the affordable monthly rent of very low-income households. The remaining affordable housing units shall have rents that do not exceed the affordable monthly rent of low-income households,

As the applicant, you will be required to enter into a Below Market Rate (BMR) agreement. Please contact Stephanie Lovette at the Marin Housing Authority for an explanation of the BMR agreement process.

As a note, affordable housing units shall be dispersed throughout the development unless the City determines that the clustering of affordable units furthers affordable housing opportunities. The mix of unit size shall be similar to that of the development as a whole. The formal application shall demonstrate compliance with regard to location and mix of affordable units.

#### 14.16.025 - Refuse Enclosure

The project will be required to provide an area on-site suitable for collection of trash and other recyclable materials as required by Marin Sanitary Services (MSS). Plans shall demonstrate that refuse storage and pick-up will be possible without impacting driveway aisles, garage spaces, or guest parking spaces. Refuse storage areas shall not be placed within required landscape or parking areas required for the use or site. Additionally, the refuse area shall be designed to meet the minimum recommended dimensional standards of the local refuse collection agency as well as any requirements of other agencies responsible for reviewing such facility including, but not limited to building, fire, public works and the county health department. Additional regulations, including minimum levels for trash service, can be found in SRMC Title 9 – HEALTH AND SANITATION: [https://library.municode.com/ca/san\\_rafael/codes/code\\_of\\_ordinances?nodeId=TI9HESA](https://library.municode.com/ca/san_rafael/codes/code_of_ordinances?nodeId=TI9HESA).



It is strongly suggested that you contact MSS to discuss refuse collection options and incorporate their requirements into the formal application: Steven R Rosa – Program Development Manager, (415) 456-2601 x3224, [steve.rosa@marinsanitary.com](mailto:steve.rosa@marinsanitary.com).

14.16.227 - Light and Glare; 14.18.170 – Lighting

Colors, materials, and lighting shall be designed to avoid creating undue offsite light and glare. Upon formal application, a lighting plan with photometric study shall be provided and shall demonstrate compliance with applicable light and glare standards.

Lighting installed to illuminate parking areas shall be designed to reflect away from residential uses and motorists. Upon formal application the lighting plan as required by Section 14.16.227 and described above shall also meet the requirements of Section 14.18.170 of the SRMC.

14.16.243 - Mechanical Equipment Screening

Mechanical equipment placed on rooftops or in exterior yard areas will require screening from public view. Plans submitted for Conceptual Design Review do not indicate locations of mechanical screening. The formal application shall indicate locations of mechanical equipment, if any, and shall propose screening which meets the criteria of the SRMC.

14.16.260 - Noise Standards

An acoustical study which identifies noise mitigation measures will be required upon formal application submittal. The noise study will need to address potential noise impacts from the existing LI/O districts and compatibility of residential with those uses.

14.16.370 - Water Efficient Landscaping

Any changes to the existing landscaping will require submittal of a landscape plan which demonstrates the use of water- efficient landscaping pursuant to the Marin Municipal Water District (MMWD) Water Conservation Ordinance. Landscape plans also need to demonstrate compliance with sight distance, parking lot landscaping, and the minimum amount of landscaping. Additional comments from MMWD have been attached to this letter.

**APPLICABLE PERFORMANCE STANDARDS (CHAPTER 14.17)**

The project will need to comply with relevant performance standards established under Chapter 14.17, which include the following:

14.17.100 - Residential uses in commercial districts.

The purpose of this section is to ensure that residential uses in commercial or mixed-use district to not adversely impact the existing or potential commercial uses. The following standards are most relevant to this project:

1. Access - residential units shall have a separate and secured entrance and exit.
2. Parking - residential parking shall comply with Chapter 14.18, Parking Standards.
3. Noise - residential units shall meet the residential noise standards in Section 14.16.260, Noise standards.
4. Lighting. All exterior lighting shall be sufficient to establish a sense of well-being to the pedestrian and one that is sufficient to facilitate recognition of persons at a reasonable distance. Type and placement of lighting shall be to the satisfaction of the police department. The minimum of one foot-candle at ground level shall be provided in all exterior doorways and vehicle parking areas.
5. Refuse Storage and Location - an adequate refuse storage area shall be provided for the residential use.
6. Location of new residential units shall consider existing surrounding uses in order to minimize impacts from existing uses.

#### **PARKING STANDARDS (CHAPTER 14.18)**

Total parking required on site is dependent on the designation of the units as studios or one-bedroom units.

- Studios (multifamily unit) – 1 covered space per unit
- 1 Bedroom Unit - 1.5 spaces per unit (including 1 covered space)

The property does not currently have any covered parking spaces. Therefore, the proposed conversion will require conversion of some of the existing uncovered spaces. This would be considered minor exterior changes that would be subject to Environmental and Design Review outlined above.

#### **14.18.090 – Bicycle Parking**

On November 19, 2018, the City Council adopted amendments to the Zoning Ordinance which expands the bicycle parking requirement to multifamily developments. The number of short-term bicycle parking spaces required is equal to five percent (5%) of the required automobile spaces. Plans submitted for formal review will need to demonstrate how bicycle parking will be accommodated and shall comply with design standards pursuant to section 14.18.090(E) of the SRMC.

#### **RESIDENTIAL DESIGN GUIDELINES**

If additional exterior changes will be made, the project may be subject to the City of San Rafael Residential Design Guidelines. The entire text of the San Rafael Design Guidelines can be access on the City's web page using the following link:

<http://docs.cityofsanrafael.org/CommDev/Planning/documents/design-guidelines.pdf>

The following relevant design criteria should be considered as part of the formal application:

#### Building Design

- Building facades should be varied and articulated
- Design techniques should be used to break up volume of larger buildings
- Consider existing adjacent buildings and use transitional elements to minimize height differences
- Screen rooftop equipment
- Minimize impact of roof vents
- Orient entrances to the street and provide a well-defined sense of entry from the street.
- Windows facing rear and side yard should consider privacy of adjacent neighbors
- Windows should be directed toward the street and public areas to provide surveillance
- Window proportions should be consistent with the proportions of the building and with other windows on the building.
- Light fixtures should be shielded to prevent glare

#### Site design

- Provide adequate vehicle maneuverability
- Use alternative materials to minimize large paved areas
- Front yard landscaping should contribute to the overall visual quality of the neighborhood
- Fences in front yard should include details that are consistent with the architecture of the residence

### **BUILDING DIVISION**

The submitted application is substantially incomplete for adequate evaluation by the Building Division. Based on a review of the plans, it appears that this project may result in significant building code issues and should not be deemed complete or processed until the applicant studies what sort of improvements/modifications may be needed and consults and hires a design professional to advise them on the building code issues.

In an initial conversation with the Chief Building Official concern was expressed for the unit layout regarding egress and the bedrooms shown without windows. The sleeping areas as shown qualify as bedrooms and therefore require a proper means of egress which is not provided.

### **LAS GALINAS SANITARY SERVICE**

The project application has been referred to the Las Galinas Sanitary Service. Comments will be forwarded once received.

**NEXT STEPS**

This information was provided to help you understand the possible issues from a proposed Zoning Amendment to allow residential use in PD 1091, and to help you evaluate whether to proceed with a Study Session with the Planning Commission. While I have made every effort to give you a complete understanding of the policies and regulations that may apply to your project and the issues you will need to address, review of a formal submittal packet may result in additional comments.

If you have any questions or comments, please do not hesitate to contact me at 415-485-3397 or via email at [renee.nickenig@cityofsanrafael.org](mailto:renee.nickenig@cityofsanrafael.org).

Sincerely,



Renee Nickenig  
CITY OF SAN RAFAEL  
Assistant Planner

Attachments

1. City Council Resolution 8037
2. San Rafael Fire Department Comments
3. Building Division Comments
4. Marin Municipal Water District

Cc. Paul Jensen, Community Development Director  
Raffi Boloyan, Planning Manager  
Alicia Giudice, Principal Planner

**Exhibit 3**

**TABLE ANALYZING PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020**

<b>LAND USE ELEMENT</b>	
<p><b>LU-2. Development Timing.</b> For health, safety and general welfare reasons, new development should only occur when adequate infrastructure is available consistent with the following findings:</p> <ul style="list-style-type: none"><li>a. Project-related traffic will not cause the level of service established in the Circulation Element to be exceeded;</li><li>b. Any circulation improvements needed to maintain the level of service standard established in the Circulation Element have been programmed and funding has been committed;</li><li>c. Environmental review of needed circulation improvement projects has been completed;</li><li>d. The time frame for completion of the needed circulation improvements will not cause the level of service in the Circulation Element to be exceeded, or the findings set forth in Policy C-5 have been made; and</li><li>e. Sewer, water, and other infrastructure improvements will be available to serve new development by the time the development is constructed.</li></ul> <p><b>LU-2a. Development Review.</b> Through the development and environmental review processes, ensure that policy provisions are evaluated and implemented. The City may waive or modify any policy requirement contained herein if it determines that the effect of implementing the same in the issuance of a development condition or other approvals would be to preclude all economically viable use of a subject property.</p> <p>Responsibility: Community Development, Public</p>	<p>The applicant will be required to provide a traffic impact analysis that evaluates the projects Level of Service (LOS) impacts as well as impacts associated with Vehicle Miles Traveled (VMT). Trips from the project will be used to evaluate potential need for improvements at the project driveway to accommodate project-generated traffic. The need for turn lanes will be evaluated in terms of volume, adequacy of sight distance and safety considerations.</p>

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**TABLE ANALYZING PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020**

<p>Works, Fire, Police, City Attorney Timeframe: Ongoing Resources: Fees</p> <p><b>See also C-5 (Traffic Level of Service Standards).</b></p>	
<p><b>LU-8. Density of Residential Development.</b> Residential densities are shown in Exhibit 11, Land Use Categories. Maximum densities are not guaranteed but minimum densities are generally required. Density of residential development on any site shall respond to the following factors: site resources and constraints, potentially hazardous conditions, traffic and access, adequacy of infrastructure, City design policies and development patterns and prevailing densities of adjacent developed areas.</p> <p>When development is clustered to avoid sensitive areas of a site, density provided to the entire site may be transferred to the remaining portion of the site, providing all factors listed above can be met.</p> <p>Transfer of density among properties shall only be permitted when unique or special circumstances (e.g., preservation of wetlands or historic buildings) are found to exist which would cause significant environmental impacts if the transfer were not allowed.</p> <p><b>LU-8a. Residential Zoning.</b> Implement Land Use Element densities by setting appropriate maximum allowed densities in the zoning ordinance. Responsibility: Community Development Timeframe: Ongoing Resources: Staff Time</p> <p><b>LU-8b. Transfer of Density.</b> Continue to implement zoning regulations governing the transfer of density among</p>	<p>Under the General Plan Office (O) Designation, the applicant is not proposing to exceed the maximum 15-32 Gross Density Residential Units/Acres.</p> <p>The plan will also not exceed the proposed General Plan 2040 maximum net density of 43.6 units per acre for projects that include residential uses.</p>

**Exhibit 3**

**TABLE ANALYZING PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020**

<p>properties.          Responsibility: Community Development          Timeframe: Ongoing          Resources: Fees</p> <p>See Housing H-14b (Efficient Use of Multifamily Housing Sites), H-17a (State Density Bonus Law) and OS-1c (Cluster Development).</p>	
<p><b>LU-10. Planned Development Zoning.</b>          Require Planned Development zoning for development on a lot larger than five acres in size, except for the construction of a single-family residence.</p> <p><b>LU-10a. Planned Development Zoning.</b> Continue to maintain a Planned Development zoning district.          Responsibility: Community Development          Timeframe: Ongoing          Resources: Staff Time</p>	<p>The site is currently included in the Planned Development District, but the site does not exceed five acres and is not required to continue as a Planner Development District.</p>
<p><b>LU-12. Building Heights.</b>          Citywide height limits in San Rafael are described in Exhibits 7 and 8. For Downtown height limits see Exhibit 9:</p> <ul style="list-style-type: none"> <li>a. Height of buildings existing or approved as of January 1, 1987 shall be considered conforming to zoning standards.</li> <li>b. Hotels have a 54-foot height limit, except where a taller height is shown on Exhibit 9 (Downtown Building Height Limits).</li> <li>c. Height limits may be exceeded through granting of a zoning exception or variance, or through a height bonus as described in LU-13 (Height Bonuses).</li> </ul> <p>See LU-2a (Development Review).</p>	<p>No change in height is proposed.</p>
<p><b>LU-14. Land Use Compatibility.</b>          Design new development in mixed residential and commercial areas to minimize potential nuisance effects</p>	<p>The additional of residential units may be potentially be in conflict with the surrounding Light Industrial/Office (LI/O) land use.</p>

**Exhibit 3**

**TABLE ANALYZING PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020**

<p>and to enhance their surroundings.</p> <p><b>LU-14a. Land Use Compatibility.</b> Evaluate the compatibility of proposed residential use in commercial areas through the development review process. Responsibility: Community Development Timeframe: Ongoing Resources: Fees</p>	
<p><b>LU-23. Land Use Map and Categories.</b> Land use categories are generalized groupings of land uses and titles that define a predominant land use type (See Exhibit 11). All proposed projects must meet density and FAR standards (See Exhibits 4, 5 and 6) for that type of use, and other applicable development standards. Some listed uses are conditional uses in the zoning ordinance and may be allowed only in limited areas or under limited circumstances. Maintain a Land Use Map that illustrates the distribution and location of land uses as envisioned by General Plan policies. (See Exhibit 11).</p> <p><b>LU-23a. Zoning Ordinance Amendments.</b> Revise the zoning ordinance, including the zoning map, to implement General Plan land use designations, densities, intensities, and policies, and to meet requirements of State law and court decisions. Responsibility: Community Development, Economic Development Timeframe: Ongoing Resources: Staff Time</p> <p><b>LU-23b. Subdivision Ordinance Amendments.</b> Revise the subdivision ordinance where necessary for conformance with General Plan land use designations, densities, intensities, and policies and include provisions for adequate enforcement of conditions of subdivision map approval. Responsibility: Community Development</p>	<p>The proposed project would meet the requirements of the General Plan 2020 and General Plan 2040 designation, but will require an amendment to comply with the zoning standards.</p>



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**TABLE ANALYZING PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020**

<p>Timeframe: Ongoing Resources: Staff Time</p> <p><b>LU-23c. Live/work Regulations.</b> Revise live/work zoning regulations to ensure that live/work units are appropriately designed and used for combined residential and business uses.</p> <p>Responsibility: Community Development Timeframe: Long Term Resources: Staff Time</p> <p><b>LU-23d. Industrial Zoning Districts.</b> Reevaluate and modify as needed definitions and FARs for Industrial and Light Industrial/Office Zoning District.</p> <p>Responsibility: Community Development Timeframe: Short Term Resources: Staff Time</p>	
<p><b>HOUSING ELEMENT</b></p>	
<p><b>H-1. Housing Distribution.</b> Promote the distribution of new and affordable housing of quality construction throughout the city to meet local housing needs.</p> <p><b>H-1a. Annual Housing Element Review.</b> Provide an annual Housing Element progress report for review by the public and City decision-makers. The Report will document:</p> <ul style="list-style-type: none"> <li>● San Rafael's annual residential building activity, including identification of any deed restricted affordable units;</li> <li>● Progress towards the Regional Housing Needs Allocation since the start of the planning period; and</li> <li>● Implementation status of Housing Element programs</li> </ul>	<p>Affordable Housing Requirement Pursuant to Section 14.16.030 (Affordable Housing Requirements) of the Zoning Ordinance, projects proposing 21 or more housing units are required to provide 15% of the proposed units as affordable housing units. The applicant proposes around 18 rental units, which means the project would have to dedicate two (2) units for affordable housing. Because the project is a rental housing project the applicant would have to dedicate a minimum of fifty percent (50%) of the required affordable housing units to a maximum monthly rent of very low-income households (one unit). The remaining affordable housing units shall have rents that do not exceed the affordable monthly rent of low-income households. The applicant will need to demonstrate that how they will comply with this requirement and demonstrate that the affordable units are dispersed throughout the development and reflect the same quality in construction as the market rate units.</p>

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**TABLE ANALYZING PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020**

<p>Responsibility: Community Development, Economic Development Timeframe: Annually Resources: Fees</p>	
<p><b>H-3. Public Information and Participation.</b> Provide information on housing programs and related issues. Require and support public participation in the formulation and review of the City’s housing policy, including encouraging neighborhood involvement in development review. Work with community groups to advocate programs that will increase affordable housing supply and opportunities. Ensure appropriate and adequate involvement so that the design of new housing will strengthen the character and integrity of the neighborhood.</p> <p><b>H-3a. Neighborhood Meetings.</b> Require neighborhood meetings, as provided for by the City Council resolution for Neighborhood Meeting Procedures, for larger housing development proposals and those that have potential to change neighborhood character. In larger projects, the City requests that developers participate in formal meetings with the community. The City facilitates outreach by helping applicants find information on the appropriate neighborhood groups to contact. City staff attends meetings as a staff resource and conducts noticing of meetings.</p> <p>Responsibility: Community Development Timeframe: Ongoing (as part of project review) Resources: Fees</p> <p><b>H-3b. Information and Outreach on Housing Issues.</b> Continue to provide information to improve awareness of housing needs, issues and programs, and to collaborate with housing organizations to publicize in-service training, press releases, fair housing laws, contacts, and phone numbers. For example, provide links on the Community Development webpage to housing resources, such as the</p>	<p>The applicant will need schedule neighborhood meetings as part of the formal application process.</p>

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**TABLE ANALYZING PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020**

<p>State Department of Housing and Community Development (HCD).          Responsibility: City Manager, Community Development, Economic Development          Timeframe: Annually          Resources: Fees</p> <p>See also CD-15a (Notification and Information about Development Projects) and G-7a (Review of Facilities Proposed by Other Public Agencies).</p>	
<p><b>H-9. Special Needs.</b>          Encourage a mix of housing unit types throughout San Rafael, including very low- and low-income housing for families with children, single parents, students, young families, lower income seniors, homeless and the disabled. Accessible units shall be provided in multi-family developments, consistent with State and Federal law.</p> <p><b>H-9a. Adaptive Housing.</b> Ensure compliance with State and Federal requirements for accessible units. Conduct regular "coffee and codes" meetings with design and construction industry members to discuss requirements under the Americans with Disabilities (ADA) Act. An average of 2-3 meetings are held per year, consisting of simplified explanations of technical information and a range of topics aimed at clarifying development standards.          Responsibility: Community Development          Timeframe: Ongoing          Resources: Fees</p> <p><b>H-9b. Reasonable Accommodation.</b> Encourage and facilitate the provision of housing for persons with disabilities. Implement zoning regulations to provide individuals with disabilities reasonable accommodation in rules, policies, practices, and procedures that may be necessary to ensure equal access to housing.          Responsibility: Community Development</p>	<p>Policy H-9-Special Needs calls for a mix of housing types at varying income levels to serve a diverse population including housing for single parents, students and young families. The City is obligated to provide its fair share of projected future Regional Housing Needs (RHNA). The City's fair share of housing is 1,007 units for the 2015-2023 RHNA Cycle. The applicant will need to provide information as part of the formal application on how the project contributes to the affordable housing requirement and demonstrate compliance with accessibility requirements and affordable housing requirements.</p>

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**TABLE ANALYZING PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020**

<p>Timeframe: Ongoing Resources: Staff Time</p> <p><b>H-9c. Housing Opportunities for Persons Living with Disabilities:</b> The Golden Gate Regional Center (GGRC) provides services and support for adults and children with developmental disabilities, including over 400 San Rafael residents. The GGRC reports that 60 percent of their adult clients with developmental disabilities live with their parents, and as these parents age and become frailer their adult disabled children will require alternative housing options. The City will coordinate with the GGRC to implement an outreach program informing San Rafael families of housing and services available for persons with developmental disabilities, including making information available on the City’s website. Program Objective: Disseminate information on resources available to persons with developmental disabilities. Responsibility: Community Development Timeframe: 2015 Resources: Staff Time</p> <p><b>H-9d. Housing for Extremely Low Income Households.</b> To meet the needs of extremely low income households, prioritize some housing fees for the development of housing affordable to extremely low-income households, to encourage the development of programs to assist age-in-place seniors, to increase the amount of senior housing, to increase the production of second units, and to facilitate the construction of multifamily and supportive housing. Responsibility: Community Development Timeframe: Annually Resources: City in-lieu funds and Successor Agency affordable housing funds</p>	
<p><b>H-10. Innovative Housing Approaches.</b> Provide opportunities and facilitate innovative housing</p>	

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**TABLE ANALYZING PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020**

approaches in financing, design and construction of units to increase the availability of low- and moderate-income housing and especially for housing that meets the city's housing needs. Examples include:

- a. Limited Equity Cooperatives. Encourage limited equity residential cooperatives and other non-profit enterprises such as self-help projects designed to provide affordable housing.
- b. Manufactured Housing (Modular, Mobile homes). Allow, consistent with state law, creative, quality manufactured housing as a means for providing affordable housing.
- c. Single Room Occupancy (SRO) Units. Encourage construction of new SRO units and protection of the existing SRO unit supply.
- d. Live/Work Housing. This type of housing is intended for a resident and their business, typically on different floors of the same unit, and well suited to San Rafael's downtown.

**H-10a. Co-Housing, Cooperatives, and Similar Collaborative Housing Development.** Provide zoning flexibility through Planned Development District zoning to allow housing development that is based on co-housing and similar approaches that feature housing units clustered around a common area and shared kitchen, dining, laundry, and day care facilities.

Responsibility: Community Development  
Timeframe: Ongoing (as part of project review)  
Resources: Fees

See also LU-2a (Development Review).

**H-10b. Manufactured Housing.** Continue to allow quality manufactured housing in all zoning districts which allow single-family residences.

Responsibility: Community Development  
Timeframe: Ongoing (as part of project review)

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**TABLE ANALYZING PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020**

<p>Resources: Staff Time</p> <p><b>H-10c. Single Room Occupancy (SRO) Units.</b> Actively promote existing incentives for SRO apartments, such as no density regulations and lower parking standards, in multifamily and mixed use districts in recognition of their small size and low impacts. Where needed, encourage linkages to social services.</p> <p>Responsibility: Community Development Timeframe: Ongoing Resources: Fees, Staff Time</p> <p><b>H-10d. Zoning for Live/Work Opportunities.</b> Continue to accommodate live/work quarters in commercial districts, and allow for flexibility in parking requirements as supported by a parking study.</p> <p>Responsibility: Community Development Timeframe: Ongoing Resources: Staff Time</p>	
<p><b>H-18. Inclusionary Housing Requirements.</b> The City of San Rafael first adopted inclusionary requirements in the 1980's. The City requires residential projects to provide a percentage of affordable units on site and/or pay in-lieu of fees for the development of affordable units in another location. The City's program requires the units remain affordable for the longest feasible time, or at least 55 years. The City's primary intent is the construction of units on-site. The units should be of a similar mix and type to that of the development as a whole, and dispersed throughout the development. If this is not practical or not permitted by law, the City will consider other alternatives of equal value, such as in-lieu fees, construction of units off-site, donation of a portion of the property for future non-profit housing development, etc. Allow for flexibility in providing affordable units as long as the intent of this policy is met. Specific requirements are:</p>	<p>The project applicant will be required to provide affordable housing (see policy <b>H-1. Housing Distribution</b> above).</p>

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**TABLE ANALYZING PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020**

<p><b>Rental Units.</b> Provide, consistent with State law, a minimum of 50% of the BMR units affordable to very low-income households at below 50% of median income, with the remainder affordable to low income households at 50-80% of median income.</p> <p><b>Sale/Ownership Units.</b> Provide a minimum of 50% of the BMR units affordable to low income households at 50-80% of median income, with the remainder affordable to moderate income households at 80-120% of median income.</p> <p><b>Calculation of In-lieu Fee.</b> Continue to provide a calculation for in-lieu fees for affordable housing. For fractions of affordable units, if 0.5 or more of a unit, the developer shall construct the next higher whole number of affordable units, and if less than 0.5 of a unit, the developer shall provide an in-lieu fee.</p> <p><b>H-18a. Inclusionary Housing Nexus Study.</b> Conduct an Inclusionary Housing Nexus Study and engage with the local development community and affordable housing advocates to evaluate the Inclusionary Housing Ordinance and in-lieu fee requirements for effectiveness in providing affordable housing under current market conditions. Amend the Inclusionary Housing Ordinance as appropriate, to enhance the Program's effectiveness and consistent with recent court decisions.</p> <p>Program Objective: Conduct affordable housing nexus study and amend the Inclusionary Housing Program as warranted.</p> <p>Responsibility: Community Development, Economic Development</p> <p>Timeframe: 2016</p> <p>Resources: Fees, Staff Time</p>	
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**Exhibit 3**

**TABLE ANALYZING PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020**

<b>SUSTAINABILITY ELEMENT</b>	
<p><b>SU-1. Land Use.</b> Implement General Plan land use policies to increase residential and commercial densities within walking distance of high frequency transit centers and corridors.</p> <p><b>SU-1a. Transportation Alternatives.</b> Consider land use and transportation alternatives (better bicycle and pedestrian access and increased transit feeder service) to best use the future Civic Center SMART Station.                      Responsibility: Community Development, Public Works                      Timeframe: Short Term                      Resources: Grants, Transportation Agencies</p> <p><b>SU-1b. Walkable Neighborhoods.</b> Determine areas in need of sidewalk improvements, land use changes, or modified transit stops to create walkable neighborhoods.                      Responsibility: Community Development, Public Works                      Timeframe: Long Term                      Resources: Staff Time</p>	<p>The applicant will be required to provide a traffic impact analysis that evaluates the projects Level of Service (LOS) impacts as well as impacts associated with Vehicle Miles Traveled (VMT). Trips from the project will be used to evaluate potential need for improvements at the project driveway to accommodate project-generated traffic. The need for turn lanes will be evaluated in terms of volume, adequacy of sight distance and safety considerations.</p> <p>The project site is adjacent to major public transportation routes, but has limited walkable amenities.</p>
<p><b>SU-2. Promote Alternative Transportation.</b> Decrease miles traveled in single-occupant vehicles.</p> <p><b>SU-2a. Bike Share Program.</b> Facilitate the creation of a bike share program, particularly in the Downtown area. Conduct a feasibility study to determine feasibility, scale, and costs.                      Responsibility: Public Works, Economic Development                      Timeframe: Long Term                      Resources: Private Vendors, Grants, Parking District, Measure A</p> <p><b>SU-2b. Car Share Program.</b> Facilitate the creation of a</p>	<p>The location of the site near transit will encourage alternative modes.</p>



**Exhibit 3**

**TABLE ANALYZING PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020**

<p>car share program, particularly in the Downtown area. Conduct a feasibility study to determine feasibility, scale, and costs.</p> <p>Responsibility: Public Works, Economic Development Timeframe: Long Term Resources: Private Vendors, Grants, Parking District, Measure A</p> <p><b>SU-2c. Bus Service.</b> Support Marin Transit and the Transportation Authority of Marin in the planning, funding and implementation of additional transit services that are cost-effective and responsive to existing and future transit demand.</p> <p>Responsibility: Public Works Timeframe: Long Term Resources: Measure A, State Transportation Funds</p> <p><b>SU-2d. SMART.</b> Encourage continued funding, development and use of SMART, which will provide residents and employees of San Rafael an additional transportation alternative to single-occupant vehicles.</p> <p>Responsibility: Public Works Timeframe: Short Term Resources: SMART</p> <p><b>SU-2e. Sidewalk and Street Improvements.</b> Continue to implement sidewalk and bicycle improvements in accordance with the adopted Bicycle and Pedestrian Master Plan and the Safe Routes to School program.</p> <p>Responsibility: Public Works Timeframe: Ongoing Resources: State Transportation funds, Measure A</p> <p><b>SU-2f. Transit to Schools.</b> Encourage the school districts, Marin Transit and the Transportation Authority of Marin</p>	
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**Exhibit 3**

**TABLE ANALYZING PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020**

<p>to increase funding for school busing programs, promote carpooling and limit vehicle idling. Responsibility: Public Works Timeframe: Ongoing Resources: General Fund, grants</p>	
<p><b>SU-3. Alternative Fuel and Fuel Efficient Vehicles.</b> Promote the use of alternative fuel and fuel efficient vehicles.</p> <p><b>SU-3a. Public Charging Stations.</b> Install charging stations for plug-in electric vehicles in City garages and parking lots. Responsibility: Public Works, Parking Services, Community Development Timeframe: Ongoing Resources: Grants, Parking District</p> <p><b>SU-3b. Charging Stations for Private Facilities</b> (Deleted per Amendment on 12/5/16)</p> <p><b>SU-3c. Regional Charging Stations.</b> Support regional efforts to encourage use of plug-in electric vehicles and widespread availability of charging stations for electric vehicles. Responsibility: Public Works, Community Development Timeframe: Ongoing Resources: Staff Time</p>	<p>The applicant will be encouraged to install EV charging on site.</p>



# 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: 4<sup>th</sup> and Grand)
- Raghianti and Freitas (re: 5<sup>th</sup> 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.<sup>1</sup> 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

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<sup>1</sup> 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 4<sup>th</sup> 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 4<sup>th</sup> 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 5<sup>th</sup> 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 5<sup>th</sup>/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 2<sup>nd</sup> and 3<sup>rd</sup>) 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 2<sup>nd</sup> and 3<sup>rd</sup>
- Creating a new crosswalk across 3<sup>rd</sup> Street on the west side of Lindero
- Creating a small open space at the southwest corner of 4<sup>th</sup> and E
- Allowing taller heights at 4<sup>th</sup> 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 4<sup>th</sup> 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](http://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
<b>Part One: Letters Received</b>	
Note: Key points in each letter have been summarized below. These are not verbatim excerpts from each letter.	
<b>Letter from San Rafael Heritage – Jan 6, 2021</b>	
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 <sup>rd</sup> bullet to the page with recommendations establishing a clear application process for local landmark status and including a sliding scale fee	<b><u>This recommendation will be incorporated.</u></b>
<b>Letter from Responsible Growth in Marin – Jan 11, 2021</b>	
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.
<b>Letter from Sustainable San Rafael – Jan 12, 2021</b>	
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 <sup>nd</sup> 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 <sup>th</sup> .	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 <sup>th</sup> 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 <sup>th</sup> 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 <sup>nd</sup> and 3 <sup>rd</sup> Streets to P 67 Map.	The map is intended to show the public realm framework. However, <b><u>we will add ped crossing safety treatments to A, B, and Lindaro intersections on P 141 (Fig 6.14)</u></b> , which shows ped safety improvements (Tamalpais and Grand are already shown).
16. Create 3 <sup>rd</sup> 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 <sup>nd</sup> and 3 <sup>rd</sup> and adjusting signals to create ped-only cycle for all crosswalks.	<b><u>This would require further study and could be considered following Plan adoption.</u></b> 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 <sup>th</sup> between D and Shaver (centered on 4 <sup>th</sup> 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 <sup>th</sup> 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 <sup>th</sup> 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. <b><u>Text on P 94 and P 146 can be adjusted to note both options.</u></b>
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). <b><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></b>

COMMENT	RESPONSE
<i>(Sustainable San Rafael, continued)</i>	
26. Treat 4 <sup>th</sup> Street in Montecito area as extension of Downtown with similar standards and public realm improvements and an activity node at 4 <sup>th</sup> and Grand.	The text for the Montecito area is consistent with this vision.
27. Consider increasing heights and density bonuses at 4 <sup>th</sup> /E, 5 <sup>th</sup> Av corridor, and Lincoln	Proposed heights at 4 <sup>th</sup> and E are already substantially higher than existing height limits, and 5 <sup>th</sup> 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 <sup>th</sup> St to preserve sun on the north sidewalk.	<b><u>Staff will consider edits to the text and Form Based Code as needed to address this issue.</u></b>
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. <b><u>We look for an opportunity to state this explicitly in Chapter 3.</u></b>
<b>Letter from Raghianti and Freitas, LLP Regarding Property at the at NE corner of 4<sup>th</sup> and Grand – Jan 25, 2021</b>	
Raghianti and Freitas represents the owner of three parcels at the northeast corner of 4 <sup>th</sup> and Grand. Two of the parcels, both with frontage on 4 <sup>th</sup> 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).	<b><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></b> 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 <sup>th</sup> Street between Grand and Mary.

COMMENT	RESPONSE
<b>Letter from Ragghianti and Freitas, LLP Regarding Property along the west side of C Street between Mission and Fifth – Jan 25, 2021</b>	
<p>1. Ragghianti and Freitas represents the owner of 1230/48 5<sup>th</sup> Avenue and 1515 4<sup>th</sup> 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><b>Staff will add text to the Plan to clarify this issue.</b> 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 <b><i>and</i></b> 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><b><u>Staff will add language that clarifies what constitutes an “affordable housing unit” or “project.”</u></b></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><b><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></b> 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><b><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></b> 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><b><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></b></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><b><u>The Planning Commission can consider this request.</u></b>  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
<b>Part Two: Public Comments from Jan 12 and Jan 26</b>	
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. <b><u>We will modify the final map to vary the color palette</u></b>
3. A portion of 4 <sup>th</sup> 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. <b><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></b> (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
<b>Part Three: Commissioner Comments from Jan 12</b>	
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 <sup>th</sup> 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. <b><u>We will add text that elevates the concept of 4<sup>th</sup> 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></b> There are design changes in the Plan that make it more conducive to occasional closure.
4. Bus route improvements and bike lanes on 4 <sup>th</sup> Street could discourage the use of 4 <sup>th</sup> Street as a pedestrian space. Could we consider moving those to another street so 4 <sup>th</sup> Street can be a more successful pedestrian space?	Pedestrians are prioritized above all other modes on 4 <sup>th</sup> Street. There would not be new bike lanes on bus lanes on 4 <sup>th</sup> 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.	<b><u>We will look for ways to include this in the Economic Development section of Chapter 8.</u></b>
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. <b><u>We will consider daylight plane requirements that could be applied on a case by case basis to address solar access concerns.</u></b>
11. Is it correct that bicycles may use the sidewalk on the south side of a portion of 2 <sup>nd</sup> Street?	Yes. Because 4 <sup>th</sup> Street is focused on pedestrians, we have focused bike improvements on 2 <sup>nd</sup> and 5 <sup>th</sup> . Sidewalk improvements to 2 <sup>nd</sup> 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 <sup>th</sup> 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.	<b><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></b>
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?	<b><u>We can cross-reference the appendix to a greater extent in Chapter 6.</u></b> 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. <b><u>Additional text will be added.</u></b>

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— <b><u>we will re-examine the list and look for ways to highlight.</u></b>
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 <sup>nd</sup> / 3 <sup>rd</sup>	Comment noted. The bike improvements are largely carried forward from the recent bike/ped master plan and the 3 <sup>rd</sup> 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. <b><u>We will edit Chapter 8 to make this connection.</u></b>
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.	<b><u>We will add text to the introduction that acknowledges this dynamic.</u></b>

COMMENT	RESPONSE
<b>Part Four: Commissioner Comments from Jan 26</b>	
<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?	<b><u>Staff is looking at removing gun shops as a permitted use in the new Downtown zones.</u></b> 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	<b><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></b>
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 <sup>th</sup> 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?	<b><u>We are looking into doing this in the coming weeks.</u></b>