

ATTACHMENT A:

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

Action items are in bold and are underlined

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

COMMENT	RESPONSE
<i>(Sustainable San Rafael, continued)</i>	
2. Transit Plaza Gateway. (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 instead of bike only.	(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, integrate with potential bus stops and passenger drop off zones.	This would be consistent with the vision shown in the Plan. Enhanced treatment of this block is Tamalpais is shown on the Plan’s illustrative diagrams.
4. One-way portion of West Francisco could be converted to bike/ped only, especially if urban wetland is implemented.	This would require further study. Closure of West Francisco to vehicle traffic is not recommended at this time.
5. Urban wetland concept for Mahon Creek is good precursor for future sea level rise adaptation projects. Integrate with paseo along south side of 2 nd under freeway, and proposed Irwin Creek restoration.	Comments noted. This is consistent with the design vision for this area.
6. Extend parking district east to Hetherton.	Consistent with the Plan as proposed.
7. Show opportunity sites west of Irwin at 4 th .	Outcomes for these sites are dependent on the final siting of the Transit Center.
8. Consider residential up Lincoln north of Mission.	This is outside the Downtown Precise Plan boundary. GP 2040 designations support high-density residential (43 units/ ac) in this corridor, with a 12-foot height bonus for projects with 20% or more affordable units.
9. Encourage high density residential along north side of Fifth Av between C Street and W. Tamalpais. Discourage through-traffic on 5 th east of Court St	This is consistent with the Plan vision. Most of this area is zoned with a 40 or 50-foot base height and bonuses of 10-20 feet.
10. Consider extending the “shared street” concept for Fourth Street west to B Street (beyond A St) to capture the true core of Downtown and connect to the B St pedestrian corridor. Take other measures to pilot the shared street idea.	Staff concurs with these ideas---they are consistent with direction provided by the Planning Commission regarding the emphasis on pedestrianization of 4 th Street.
11. Revisions to Courthouse Plaza like those shown on P 89 are welcome, but avoid placing structures in the open space.	Comments noted.
12. Note role of well-maintained street trees to humanize scale of Fourth Street.	Comments noted.
13. Emphasize B Street as pedestrian connection from 4 th to Albert Park. Convert B Street to 2-way.	The Plan as drafted strongly supports both of these ideas.
14. Add Elks Lodge opportunity site for housing. Provide Boyd Park trail access up hill.	These areas are outside the Precise Plan boundary, but the Elks Lodge will continue to be identified as a Housing Opportunity Site in the 2023-2031 Housing Element. The site is designated High Density Res..

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

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

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

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

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