

## Comments on Downtown Precise Plan from Planning Commission, plus Oral Testimony from Public, with Staff Responses

<b>Part One: 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 Two: 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>

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<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 we 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 Three: 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>

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<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>	
<p>15. Why are arcades are not included in the Form Based Code?</p>	<p>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.</p>
<p>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?</p>	<p><b><u>We are looking into doing this in the coming weeks.</u></b></p>