



# SAN RAFAEL

THE CITY WITH A MISSION

Community Development Department – Planning Division

**Meeting Date:** June 29, 2021

**Agenda Item:** 2

**Case Numbers:** GPA16-001, ZO21-003, ZC21-00 P16-13

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## REPORT TO PLANNING COMMISSION

### **SUBJECT: General Plan 2040, Downtown Precise Plan/Form-based Code & Municipal Code Amendments**

- (a) Resolution recommending adoption of California Environmental Quality Act (CEQA) Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring Program for General Plan 2040 and Downtown Precise Plan
- (b) Resolution recommending adoption of General Plan 2040
- (c) Resolution recommending adoption of Downtown Precise Plan
- (d) Resolution recommending adoption of (1) An Ordinance adopting the Downtown San Rafael Precise Plan –Form-Based Code; and (2) An Ordinance adopting Map and Text Amendments to Title 14-Zoning, repealing certain Districts and replacing them with the Downtown Mixed-Use District and amending text related to the Form Based Code, and other minor Text Amendments

### EXECUTIVE SUMMARY

The purpose of the June 29 public hearing is to consider a series of resolutions recommending City Council action on the San Rafael General Plan 2040 and Downtown Precise Plan. These resolutions cover adoption of CEQA Findings and a Statement of Overriding Considerations related to the project's environmental impacts, adoption of the General Plan 2040, adoption of the Downtown Precise Plan, and adoption of ordinances that implement the Precise Plan. The ordinances are accompanied by a set of exhibits that include line-by-line amendments to the San Rafael Municipal Code to be adopted concurrently with the Precise Plan. These amendments rescind most existing zoning provisions for Downtown and adopt a new Form-Based Code (FBC). A number of Code amendments that are not related to the Precise Plan also are included.

This hearing marks the Planning Commission's final step in adoption of General Plan 2040 and the Downtown Precise Plan. At its previous meeting on June 15, 2021, the Commission recommended adoption of the Final Environmental Impact Report (FEIR) for the project. Prior to that, the Commission convened seven public hearings on the project, beginning in October 2021. The General Plan Update began more than three years ago and has included numerous public meetings and extensive outreach and community engagement. The Downtown Precise Plan process began in January 2019 and provides more specific guidance for Downtown San Rafael, an area expected to accommodate roughly half of San Rafael's growth in the next 20 years. The EIR for the project was initiated in March 2019 and considers the impacts of Plan adoption, measures to mitigate these impacts, and project alternatives.

Following Planning Commission action on the attached resolutions, the General Plan 2040, Downtown Precise Plan, Final EIR, and Code changes will be presented to the City Council for adoption. Additional opportunities for public comment will be provided at the City Council hearings.

## RECOMMENDATION

It is recommended that the Planning Commission adopt the following resolutions:

- (a) Resolution 2012-03 recommending City Council adoption of California Environmental Quality Act (CEQA) Findings of Fact, a Statement of Overriding Considerations, and a Mitigation Monitoring Program for General Plan 2040 and Downtown Precise Plan;
- (b) Resolution 2012-04 recommending City Council adoption of the General Plan;
- (c) Resolution 2012-05 recommending City Council adoption of the Downtown Precise Plan;
- (d) Resolution 2012-06 recommending City Council approval of two Ordinances and related exhibits that rescind or amend certain provisions of the San Rafael Municipal Code and adopt the Downtown FBC as the zoning regulations for Downtown San Rafael.

## PROJECT BACKGROUND

Every city and county in California is required to prepare a long-range, comprehensive, general plan for its future. San Rafael's existing General Plan was adopted in 2004, with a horizon year of 2020. In 2018, the City initiated a General Plan Update to move the Plan's horizon forward 20 years to 2040. The Draft General Plan 2040 was created over a 2-1/2 year period that engaged hundreds of San Rafael residents and businesses. A 24-member Steering Committee was created to guide the process, with 25 meetings convened between January 2018 and June 2020. The community was involved through workshops, surveys, web-based activities, and direct outreach to stakeholders and neighborhood groups. The Draft 2040 Plan carries forward much of the content of General Plan 2020 but reorganizes and updates the document to reflect changed conditions, new State laws, and emerging issues and priorities.

As part of the General Plan Update, the City prepared a more focused plan for Downtown San Rafael. Downtown development is currently guided by General Plan 2020, which incorporated a Downtown Vision Plan adopted in 1993. The City received a One Bay Area Grant in 2018, enabling an update of the 1993 Plan. The grant provided funding for a new Form-Based Zoning Code for Downtown, an updated inventory of Downtown historic resources and new recommendations for transportation, affordable housing, economic development, and climate resilience. Community engagement included a three-day design charrette in May 2019, as well as several pop-up workshops, and meetings with the General Plan 2040 Steering Committee.

The General Plan 2040 was published in October 2020. A "preview" presentation was provided to the Planning Commission on September 15 and public hearings were held on October 27, November 12, and December 15, 2020. The Precise Plan was published on December 21, 2020. Planning Commission public hearings were held on January 12, January 26, and February 9, 2021. Staff reports prepared for each meeting provide additional detail on the content of the two plans, as well as public comments and responses. These reports are all available at [this link](#) and are organized chronologically, with the most recent reports appearing first.

The General Plan and Precise Plan are collectively defined as a "project" under the California Environmental Quality Act (CEQA). A Draft Environmental Impact Report (DEIR) was prepared to assess the potential environmental consequences of adoption, including mitigation measures and alternatives to the proposed project that would avoid or reduce potential impacts. The DEIR compares the development potential associated with the two plans with existing (or "baseline") conditions. This assessment informs decision-makers, the public, and other agencies of the nature of the "project" and its potential effects on the environment.

The Draft EIR for the General Plan was published on January 7, 2021, with a review period closing on March 9, 2021. Staff and the consultant team subsequently prepared written responses to all comments and made minor revisions to the Draft EIR as needed. A Final EIR was published on May 23, 2021 and a Notice of Availability was mailed and published on May 28, 2021. On June 15, 2021, the Planning Commission approved a resolution finding that the Final EIR was adequate and recommending its adoption by the City Council.

### **CEQA FINDINGS OF FACT, STATEMENT OF OVERRIDING CONSIDERATIONS, AND MITIGATION MONITORING PROGRAM (Resolution 2012-03)**

Under the California Environmental Quality Act (CEQA) guidelines, a jurisdiction is required to make Findings of Fact and adopt a Statement of Overriding Consideration when approving a project that has one or more significant, unavoidable impacts on the environment. The Findings must show that changes have been incorporated into the project to avoid or substantially lessen its significant impacts (by the lead agency or by another agency) or that specific economic, legal, social, technological, or other considerations make mitigation or alternatives infeasible. The Statement of Overriding Considerations substantiates this determination and describes the benefits that “override” the significant environmental impacts that could result from the project.

Resolution 2012-03 (Attachment 1 to this Staff report) presents the Findings and Statement of Overriding Considerations. The Resolution also adopts by reference a Mitigation Monitoring and Reporting Program for General Plan 2040 and the Downtown Precise Plan. In approving the Resolution, the Planning Commission is recommending that the City Council adopt findings that the benefits of adopting the General Plan 2040 and Downtown Precise Plan outweigh the potential environmental impacts, including those that are significant and unavoidable.

The Findings themselves reiterate information in the Final EIR, first citing each significant and unavoidable impact, and then citing those impacts that can be mitigated to less than significant levels. Significant and unavoidable impacts were identified for air quality, cultural resources, greenhouse gas emissions, and transportation. Mitigatable impacts were identified for air quality (construction), biological resources, cultural resources (archaeological), geologic resources, hazardous materials, and noise. For each impact, the resolution cites the mitigation measures in the FEIR. In most cases, these measures have already been incorporated as new or amended programs in General Plan 2040. The Findings resolution also identifies the alternatives to the project that were considered and explains why these alternatives were rejected.

The Statement of Overriding Considerations cites the economic, environmental, and social benefits of the project and explains why these benefits outweigh the impacts of adopting the Plan. The economic benefits include creation of new jobs, proactively responding to economic trends, providing workforce housing, protecting industrial land, sustaining public and private investment in the city, and supporting workforce development and economic productivity. The environmental benefits include implementation of many new programs to address global climate change, restore and protect the environment, and conserve open space. The social benefits include a stronger commitment to equity and inclusion, provisions for affordable housing and community benefits, environmental justice, and programs to assist disadvantaged communities.

In drafting Resolution 2021-3, staff has incorporated feedback from Sustainable San Rafael provided at the June 15, 2021 meeting. The Resolution reiterates the City’s commitment to implementation of its 2030 Climate Change Action Plan, including programs to electrify building systems, mandate community composting, and adopt a zero emission vehicle plan (see pages 11 and 27 of Resolution 2021-03).

## ADOPTION OF GENERAL PLAN 2040 (Resolution 2012-04)

The June 15, 2021 staff report provided a comprehensive description of the changes made to General Plan 2040 in response to public comment received between October 2020 and May 2021. The City received more than 600 comments on General Plan 2040, including comments from the Planning Commission. The document was extensively revised to incorporate public feedback. Between March and May 2021, several new exhibits were added, narrative text was edited, and dozens of policies and programs were modified. The document was also edited to incorporate EIR mitigation measures. Plan appendices were added, including an implementation matrix and suggested metrics to track and monitor Plan progress, as requested by the Planning Commission.

As discussed at the June 15 meeting, a “tracked change” version of the Plan was published to the project website in late May 2021 and has been available for review for the last four weeks. Staff received a number of comments on this Draft, some of which were presented for the Commission’s consideration at the June 15, 2021 meeting. A summary of the comments received and staff’s responses may be reviewed at [this link](#).

Since June 15, the City has made further edits to the Conservation and Climate Change Element (Chapter 6) in response to public comments about the need for stronger language related to tree preservation. Program C-1.17A now affirmatively states that the City will take future action to define protected trees and establish procedures for tree protection, removal, and replacement. It further indicates that these regulations should support the protection of California redwood trees, as requested by numerous community members. Information such as the size of trees to be protected, the list of species, etc.) is not appropriate for a general plan but would be determined through a future process to occur after General Plan 2040 is adopted.

Minor revisions to the Land Use Element, Neighborhoods Element, Community Design and Preservation Element, Safety and Resilience Element, and Community Services and Infrastructure Element were made in response to comments made at or after the June 15 Planning Commission hearing. These changes appear in the redlined draft now posted to the project website and are articulated in the [response document](#) described above.

Staff believes that the current (redlined) draft of General Plan 2040 effectively responds to the public comments received. Staff recommends that the Planning Commission approve Resolution 2021-04, which is included as Attachment 2 to this staff report. The Resolution recommends City Council adoption of the latest iteration of the Draft General Plan 2040. Draft General Plan 2040 may be downloaded [here](#),

## ADOPTION OF THE DOWNTOWN PRECISE PLAN (Resolution 2021-05)

The Downtown Precise Plan has been revised to respond to public comments received between January and May 2021. A copy of the revised draft may be downloaded [here](#). Prior staff reports provide a summary of the Precise Plan ([January 12](#)), the FBC ([January 26](#)), and Responses to Comments on the Draft ([February 9](#)). Because the document was prepared using graphic design publishing software, a tracked change draft was not created. However, this staff report discusses the changes that have been made. Planning Commission Draft Resolution 2021-05, which is Attachment 3 to this staff report, recommends City Council adoption of the June 2021 Draft.

Comments on the December 2020 Draft Precise Plan fell into several categories. These included the Plan area boundary, the calculation of density and height bonuses, the proposed height limits (and bonuses), the classification of certain buildings as “historic resources,” the Plan’s standards for historic resources (including adjacency standards for sites next to historic resources), the conversion of 4<sup>th</sup> Street



to a pedestrian street, protection of solar access, and miscellaneous urban design improvements. Each of these issues is discussed below.

### **Revisions to Plan Boundaries**

At the February 9, 2021 meeting, the Planning Commission considered a request to add 1010 Grand Avenue to the Precise Plan boundary. This is one of three parcels in common ownership adjacent to the intersection of 4<sup>th</sup> Street and Grand Avenue---two of the parcels were inside the Precise Plan boundary and one was outside. Given that the parcels are in common ownership, and the site presents an opportunity for housing production and activation of the “node” at 4<sup>th</sup> and Grand, the Commission unanimously supported the boundary adjustment. All maps in the Precise Plan have been revised to show this site as being within the boundary.

In addition, two through-parcels (parcels with frontage on two parallel streets) along the north side of Mission Avenue between Court Street and Lincoln Avenue were split by the Precise Plan boundary. This resulted in split zoning, with half of each parcel inside the Downtown Precise Plan area and half outside. The boundaries were adjusted to place the entirety of each parcel within the Precise Plan boundary. Again, maps have been revised as needed.

### **Calculation of Density and Height Bonuses**

There were two issues related to density and height bonuses that were raised during the Commission’s hearings earlier this year. These issues are separate, but related.

The first issue is applicable to projects that seek to use State density bonuses. Current State density bonus law allows bonuses of up to 50 percent for market-rate projects that incorporate affordable units. Even higher bonuses are allowed for projects that are 100 percent affordable. Because the Precise Plan does not regulate density (i.e., number of units allowed per acre), it was unclear how the number of “bonus units” would be calculated for future projects in the Plan area.

Staff is developing administrative instructions to address this issue. Essentially, an applicant would need to calculate the square footage of habitable floor space that is permitted on their site under the Precise Plan “base conditions.” An average unit size (for example 1,000 square feet per unit) would be applied to determine the equivalent number of dwelling units. This number would be multiplied by the relevant density bonus (i.e., 35 percent, 50 percent, etc.), and the same average unit size would be applied to calculate the number of bonus units and additional square footage permitted. The applicant would then request concessions such as additional height to accommodate the additional square footage. Staff has developed a number of hypothetical scenarios for projects of different size and affordability levels indicating how this would work in practice.

The methodology for calculation will not be part of the Precise Plan or the City’s adopted density bonus regulations but will be available as an administrative memorandum on the Community Development Department’s website.

The second issue relates to the relationship between the State density bonus program and the local height bonuses embedded in the Downtown Precise Plan. The City’s expectation is that the local height bonuses included in the Precise Plan will provide a more advantageous option for developers than the State density bonus. These bonuses offer one to two stories of additional height for projects meeting affordability thresholds that are generally lower than those associated with the State density bonus program. The Precise Plan now clearly indicates that the local height bonuses have been developed as an alternative to the State density bonus program and that the two may not be used together. In other

words, an applicant may choose the local height bonus or the State density bonus, but they may not use both.

The thresholds for the local height bonuses in the December 2020 Draft Precise Plan have been lowered to make them more attractive to future applicants. A developer who meets the City's inclusionary housing requirement (setting aside 10 percent of the units in their project as affordable, as defined by the City's inclusionary housing ordinance, and providing those units on-site) will automatically qualify for a 10-foot height bonus. Developers who exceed the City's requirement will qualify for a 20-foot height bonus in most of the Precise Plan area. The 20-foot bonus is unavailable in some areas, including most of the West End Village, along Mission Avenue, and adjacent to the Montecito residential area, due to the lower scale of development in these areas and their proximity to lower density areas. In most of the Precise Plan area, the 20-foot bonus exceeds the bonus that would be permitted under State density bonus laws for an equivalent number of affordable units and would be the preferable choice for an applicant. Projects choosing the local option would still be subject to design review and public hearings, although adherence to the Precise Plan standards would facilitate project approval.

### **Changes to Height Limits/ Calculation of Heights on Sloped Sites**

No changes to the height limits in the December 2020 Draft have been proposed. At its meetings earlier this year, the Commission heard a request to raise the allowable base heights (or increase the bonus from 10 to 20 feet) on a parcel along C Street between 5<sup>th</sup> and Mission Avenues. The owner's representative expressed that the existing proposed limit (40 feet, with a 10-foot bonus) was not high enough to accommodate the desired product on this site. The owner's representative also asked that the method for calculating height on sloped sites be clarified, since there is a significant grade change across this site.

The Commission was split on this request and no changes to allowable heights were made. A diagram has been added to the Precise Plan illustrating how heights are calculated on sloped sites. The height limit creates an envelope that follows the slope, and the building may not extend above the envelope at any point. Thus, new buildings on sloped sites would be expected to "step down" rather than having a taller façade on the lower street and a shorter façade on the upper street

The Commission also heard public comment regarding allowable heights at 4<sup>th</sup> and E Streets, and allowable heights around the SMART station, with concerns expressed about the visual impacts of taller buildings in these areas. The Precise Plan includes stepbacks and other design requirements to reduce the mass of upper stories and perceived mass from the street. There are also provisions for reduced heights on and adjacent to historic resources, which will encourage variation in building height and avoid "wall effects" along Highway 101 and streets in the Transit Gateway area.

### **Identification of Historic Resources**

At the June 15, 2021 Planning Commission meeting, staff provided an overview of the revisions made to the Downtown historic resources survey. San Rafael Heritage (SRH) provided extensive comments on the survey, which was published in December 2020 and is referenced throughout the Precise Plan. SRH expressed that the survey had incorrectly classified a number of resources and asked that certain building ratings be increased or decreased. 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.

SRH's comments were treated as part of the Administrative Record for the Project EIR and were addressed through responses to comments on that document. The EIR consultant team included a third party architectural historian who reviewed the requested changes. The outcome was that a number of

buildings initially found to be ineligible as historic resources were re-classified as eligible, either as “individual” or “contributing” resources. Also, several buildings initially found to be eligible as historic resources were reclassified as ineligible. There were also a number of buildings where it was determined that more research was needed to make a final determination—these buildings are shown in Chapter 5 of the Precise Plan and annotated in the Summary Report.

SRH also provided comments on the boundaries of the areas determined to be eligible as historic districts. The December 2020 Summary Report (and Precise Plan) found that there were two eligible districts: a “western” district extending along B Street between 2<sup>nd</sup> and 4<sup>th</sup> Streets, west along 4<sup>th</sup> to E Street, and then north and south along E Street, and an “eastern” district extending along 4<sup>th</sup> Street from roughly Courthouse Plaza to Lincoln Avenue. As a result of SRH’s comments and the follow-up evaluation, the western district became smaller, with the E Street parcels (and the 4<sup>th</sup> Street parcels between D and E) removed. The eastern district became larger and was extended east to the railroad and south to include the former railroad depot (Whistlestop). The depot itself was classified as needing “further study.”

Another comment from the public hearings held in January and February was that Downtown property owners were not aware of the historic survey and proposed historic preservation standards. Staff subsequently mailed postcards to all properties listed as eligible historic resources, provided a Downtown preservation website and FAQs, and convened a series of on-line webinars for interested property owners. Staff received a number of calls and provided additional information to property owners during March and April, 2021.

### **Standards Related to Historic Properties**

One of the major objectives of the Precise Plan and FBC is to support historic preservation and adaptive reuse of older buildings in Downtown San Rafael. The Plan includes specific recommendations related to historic preservation, along with standards to protect historic resources and the historic context that surrounds these resources. These include limits on demolition, specific procedures for alterations and additions, and new development standards applicable to historic resources and adjacent properties.

In this context, historic resources include the two existing Downtown Historic Districts (French Quarter and Victorian Village), a handful of buildings that have been formally landmarked at the state or federal levels (Boyd Gatehouse, Mission San Rafael, etc.), and buildings that have been formally landmarked by the City of San Rafael. It also includes properties identified in the 2019-2020 survey as eligible individual resources and eligible contributing resources, as well as properties within areas designated as eligible historic districts. An overarching theme of the public comments was that the regulations in the December 2020 Draft were overly prescriptive and could inadvertently discourage reinvestment in historic properties.

Most—but not all—of the recommendations made by SRH have been incorporated. In some cases, the SRH recommendations suggested using the Downtown Redwood City Precise Plan as a model. This has been done in a few instances. There are other instances where the initially proposed standard has been retained but clarified as being applicable to a more limited number of properties. For example, the December 2020 Draft limited the height of upper story additions to block form historic buildings to 20 feet. The June 2021 Draft applies this standard to buildings within the eligible historic districts, and to individual historic resources (such as the Public Library), but not to eligible contributing resources outside of historic districts.

Similarly, the adjacency standards in the December 2020 version of the Plan have been relaxed. These standards initially applied to all parcels that were adjacent to a historic resource and imposed a number of setback and stepback requirements. Some of these requirements, including those related to building

height, have been removed or changed so they are less onerous. In addition, the Precise Plan makes clear that the standards can be modified based on recommendations of a qualified architectural historian.

### **Fourth (4<sup>th</sup>) Street as a Pedestrian Space**

A consistent comment made during the public hearings was that the Plan should more strongly advocate for conversion of 4<sup>th</sup> Street to a pedestrian-focused “shared street.” Some advocated for closing the street entirely, citing the recent success of “Dining Under the Lights.” It was also suggested that the shared street concept be extended west, along 4<sup>th</sup> Street so it applied to the block between A and B Street as well as the blocks between A Street and the railroad.

While no major design changes have been proposed relative to the December Draft, the narrative in the June Draft is more strongly supportive of converting 4<sup>th</sup> Street to a pedestrian space. Additional text has been added (see page 70) on how the “shared street” concept can be implemented and what its benefits are. The text also strongly supports the idea of “tactical urbanism,” including more regular street closures for events and activities and possible pilot programs for longer-term closure (following business and community input). A few of the diagrams have been modified to emphasize this concept, and it has been extended west to B Street as suggested. The Plan does not include conversion of 4<sup>th</sup> Street to a “pedestrian mall” (i.e., like the example suggested in Boulder, CO) but it does advocate for strategic changes over time and regular evaluation to determine what additional changes can be supported.

### **Solar Access Requirements**

One of the concerns expressed during the January and February hearings was that taller buildings along the south side of Fourth Street could cast shadows on the north side of the street. It was suggested that either the standards be amended to reduce the potential for shading or that requirements for solar access studies be included in the Plan for taller buildings. The consultant team prepared a rough solar analysis of potential building heights in the Plan area and developed a new standard in response.

The Plan now includes a requirement for solar access studies for any project with a base height of 60 feet or more that is applying for a 20-foot height bonus (See P. 262). As a result of such studies, design modifications to upper stories could be required to meet the shading standards specified in the Plan. Exemptions are provided for affordable housing projects using the local height bonus program.

### **Other Changes**

The following bulleted list highlights other changes made to the Downtown Precise Plan in response to the comments received from the Planning Commission and public:

- The color scheme on the Regulating Plan and several other maps has been changed to improve legibility
- All maps showing historic resources have been updated to reflect changes to the historic inventory report
- Additional language has been added supporting 4<sup>th</sup> and Grand as an activity node
- The importance of Downtown to San Rafael’s fiscal health has been added
- The priority of various capital projects mentioned in the Plan has been added (see Chapter 8)
- Text explaining the rationale and need for the Precise Plan has been expanded (see Chapter 1)
- The “Use Tables” in Chapter 9 have been updated (eliminating gun shops as a permitted use, and providing more flexibility for food and beverage establishments in Downtown neighborhood areas)
- A possible southern extension of the transit plaza to include the area west of the railroad between 2<sup>nd</sup> and 3<sup>rd</sup> Streets has been added

- The text expresses the need to treat properties in the “triangle” between 2<sup>nd</sup> and 4<sup>th</sup> Street west of Ida St. in a way that improves frontage on 2<sup>nd</sup> Street as well as 4<sup>th</sup> Street
- Specific design changes requested by the Golden Gate Bridge Highway and Transportation District (related to lane width near the SMART station and the designation of priority transit streets) have been incorporated
- The idea of connecting students and schools to Downtown businesses has been included
- Downtown’s historic role as a center of music and part of the farm-to-table movement has been noted
- The Plan calls for additional electric vehicle charging infrastructure
- The importance of monitoring progress on Downtown Plan implementation has been added
- Several specific recommendations from San Rafael Heritage regarding historic preservation and resource protection, including incentives for preservation and restoration, have been added (Chapter 5)
- The narrative emphasizes the importance of B Street as a “walking street” and connection between Boyd and Albert Parks.

## **ADOPTION OF AMENDMENTS TO THE SAN RAFAEL MUNICIPAL CODE (Reso 2021-06)**

### **Overview of Resolution**

Planning Commission Resolution 2021-06 is included as Attachment 4 to this Staff report. It provides a high-level framework for two Ordinances to be adopted by the City Council to implement the Downtown Precise Plan. Because the authority to adopt Ordinances rests solely with the City Council, this brief resolution simply introduces the Ordinances and references them as Attachments with related Exhibits. The first Ordinance rescinds most of the existing zoning provisions for Downtown, while the second Ordinance adopts the new FBC. As the text below indicates, the first Ordinance also includes a number of minor changes that are not related to the Precise Plan. There are no Ordinances required to adopt the General Plan, although future amendments to the Municipal Code will be considered as part of Plan implementation.

### **Attachment 4A: Ordinance Adopting Amendments to the Municipal Code**

The first of the two Ordinances is referenced as Attachment 4A, which also includes Exhibits 4A-1, 4A-2, and 4A-3. The Ordinance repeals the existing 4SRC, CSMU, HO, 2/3 MUE, 2/3MEW, WEV and 5/M R/O Downtown zoning districts and replaces them with a Downtown Mixed Use (DMU) district that includes most parcels in the Precise Plan boundary. This is necessary to create internal consistency between the Precise Plan and zoning, eliminate will soon become redundant zones, and create the zoning structure necessary to support the FBC. The proposed amendments have been found to be consistent with General Plan 2040 and its individual elements, and provide the foundation for standards and regulations that create a more urban scale in Downtown San Rafael, protect historic resources, promote safe, multi-modal travel, facilitate housing production, and contribute to safe, orderly growth.

#### *Amendments Directly Related to the Downtown Precise Plan*

Exhibit 4A-1 uses strikeout and underline to indicate the specific sections of the Municipal Code being edited. These include:

- Edits to Chapter 14.01 to describe the Precise Plan and FBC
- Edits to Chapter 14.02 to eliminate references to the former Downtown zones
- Edits to Chapter 14.03 to define the boundaries of Downtown, including a replacement map that corresponds to the Precise Plan boundary

- Edits to Chapter 14.04 to clarify the separate height limit maps for Downtown (in the Regulating Plan)
- Edits to Chapter 14.05 to eliminate descriptions of the intent of the previous Downtown zones (including existing character, allowed uses, and design intent for the zones that will no longer exist), and to add a new definition for Downtown Mixed Use. This includes rescinding all references to the 4SRC, HO, CSMU, 2/3MUE, 2/3MUW, WEV, and 5/M R/O zoning districts that currently appear in the Use Tables (the tables showing the level of permit required for different land uses in each zone, which is at 14.05.022). Footnotes to this table are also eliminated as needed.
- Further edits to Chapter 14.05 (Table 14.05.032) are proposed in order to rescind the property development standards for the zones being eliminated
- Edits to Chapter 14.16 (Site and Use Regulations) to delete references to Downtown buildings over three stories tall, clarify that the citywide fence and wall provisions (Section 14.16.140) and floor area ratio (FAR) provisions (Section 14.16.150) do not apply in the DMU district, as this zone is governed by the Precise Plan. This includes the elimination of the Downtown FAR map.
- In addition, Section 14.16.190 (height bonuses) is edited to reflect the tiered height bonuses of the Downtown Precise Plan, and the lists of amenities that qualify for height bonuses. Height bonuses will no longer be provided for skywalks over 2<sup>nd</sup> and 3<sup>rd</sup> Streets. Clarifying amendments to mechanical screening provisions, noise standards, and sight distance standards also have been included.
- Limitations on certain ground floor uses along Fourth Street (14.17.050) are rescinded as this is now governed by the Precise Plan; this includes certain limitations on ground floor office and banking uses which are superseded by the FBC
- Standards for residential uses in commercial districts (14.17.100) are updated to delete references to the former Downtown zones and add the new DMU district
- Edits to Chapter 14.18 (parking) to ensure internal consistency with the Precise Plan, again deleting references to the former zones, adding DMU, and cross-referencing the FBC as needed. Some of the provisions of this section no longer apply to the downtown area (such as number of spaces required) and are rescinded, while others still apply.
- Further edits to Chapter 14.18 are made regarding off-street loading and unloading (14.18.050), the Downtown Parking district (14.18.060), special requirements for the West End (which were incorporated into the Precise Plan), tandem parking, and parking lot screening (14.18.160). Some of these changes merely change the name of the zone being referenced from the multiple existing Downtown districts to "DMU" or direct the reader to the FBC for guidance.
- Edits to Chapter 14.19 (signs) to reference the Downtown zone and FBC, and eliminate references to the zones being eliminated
- Edits to Chapter 14.25 (Environmental and Design Review Permit) to cross-reference the Precise Plan and its design review requirements. This includes a requirement that development in the new DMU district meet the design criteria in the precise Plan and FBC.

Exhibit 4A-2 provides a map of the new DMU district, which identifies the area being rezoned.

#### Amendments Unrelated to the Downtown Precise Plan

From time to time, the City amends its zoning regulations in response to state law or various local initiatives. The revisions to the Precise Plan provide an opportunity to include such changes in the package of amendments now moving forward. Changes unrelated to the Precise Plan appear in the second part of Exhibit 4A (see Exhibit 4A-3) and are discussed below.

*A. Amendments to San Rafael Municipal Code Section 14.17.040 – Large Family Day Care Homes*

Family day care homes are regulated through and licensed by the State of California Department of Social Services. The State regulations and license requirements vary based on the type and size of the day care home operation. Small family day care homes for children, which provide care for up to eight children, are considered a residential use of the property for the purposes of all local ordinances. Such facilities are permitted by right in all residential zoning districts and local jurisdictions are prohibited from requiring a permit (e.g., Use Permit) or a business license for their operation. Until 2019, State law regulating large family day care homes for children (facilities with 8-14 children) allowed local jurisdictions to require permits subject to specific, limited regulations. The current SRMC Section 14.17.040 is consistent with the pre-2019 State law.

In 2019, Governor Newsom signed Senate Bill 234 (SB 234), which changed the local permit requirements and regulations for large family day care homes for children. The SB 234 legislation now in effect affords the large family day care home for children the same by-right use status as the small family day care home. Local jurisdictions are now prohibited from requiring a Use Permit and enforcing operational standards on large family day care homes. While the City has been following and practicing the current State law, the rescinding of SRMC Section 14.17.070 is necessary to formally comply.

*B. Amendments to Code Sections Addressing Permit Time Limits*

SRMC Title 14 (Zoning Ordinance) specifies a prescribed time limit for all zoning permit actions (Use Permit, Variance, Exception, and Environmental and Design Review Permit). Specifically, when a zoning permit is approved, the permit is valid for one year, unless a different expiration date is stipulated at the time of permit approval. Within this one year, a building permit must be issued, or the approved use must be in operation. While this one-year time limit is prescribed by code for all zoning permits, for many years it has been the City's practice to approve zoning permits with a two-year time limit. A two-year approval for permits has been granted for several reasons. First, on larger projects zoning permits are often linked with a subdivision action, which by State law and per the City Subdivision Ordinance (SRMC Title 15) prescribes a two-year approval. Approving all project permits with the same time limit provides consistency and easier tracking. Second, some projects require more than one year to securing building permits or commence with use operation, which requires the applicant to request an extension.

*C. Amendments to Zoning Regulations for Cannabis Businesses*

In 2016, the California voters approved Proposition 64, an initiative to legalize marijuana (cannabis) for adult use. The State of California Bureau of Cannabis Control (Bureau) was established to develop, regulate, and enforce a comprehensive licensing and retail tax system to accommodate the new law. In response to Proposition 64 and following substantial research and outreach, the City adopted local zoning regulations and processes for permitting cannabis-based businesses. In addition to the passage of a local sales tax, the City adopted regulations to permit the establishment and operation of businesses that provide cannabis testing (laboratory), delivery, distribution, and production of cannabis-infused products. Retail dispensaries are not permitted in San Rafael.

There are many types of cannabis licenses that have been developed by the State, which continue to evolve. Since 2016 and the establishment of the State licensing system, the Bureau has amended, added, and consolidated a number of cannabis license types. Because of the evolution of State licensing, staff is proposing several minor amendments to the zoning regulations specific to businesses that provide product manufacturing and cannabis-infused products.



The State offers an “infusion only” license type, which permits a business to infuse a pre-prepared cannabis oil or butter into their business product. The cannabis oil/butter is purchased by a third party that is also State licensed to extract the oil/butter from the cannabis flower. At present, in San Rafael businesses producing cannabis-infused products are permitted within the Commercial/Office (C/O) and all Industrial Districts. The State also offers a “Cannabis Type 6 Manufacturing” license, which allows the business to conduct the extraction process (non-volatile) to produce the cannabis oil/butter, which is then infused into their products. The major benefit to the Type 6 license is that it provides the business with better control of the key ingredient in their product.

Staff is proposing to amend the zoning code to change the current use classification from “Cannabis Infused Products” to “Cannabis Manufacturing.” The proposed amendment would allow a cannabis-based business to continue to operate with an infusion only license or a Type 6 license. The current zoning classification is too limiting to the San Rafael manufacturers. In addition to providing these businesses with better quality control of their infused products, the businesses would have greater flexibility in producing their products and improving their viability in the marketplace. With this zoning code change, staff is recommending that “Cannabis Manufacturing” be limited to the Industrial Districts only. The Type 6 license allows the more involved extraction process, which is a manufacturing use by definition. Therefore, this type of use is not appropriate in the C/O District. At present, there are no cannabis-infused product businesses established within the C/O District, so no existing businesses would be impacted by this change.

#### **Attachment 4B: Ordinance Adopting the Form-Based Code (FBC)**

The second of the two Ordinances (Attachment 4B) adopts the FBC as the primary regulatory City zoning code for Downtown San Rafael. The Planning Commission held a hearing on the FBC on January 26, 2021 and also discussed the Code at its meeting on February 9. As noted in the discussion of Precise Plan revisions (pages 4-9 of this staff report), a number of revisions were made to the FBC in response to Commission discussion.

The FBC establishes four regulating zones exclusive to the Downtown Precise Plan area, including the T4 Neighborhood and T4 Main Street zones and the T5 Neighborhood and T5 Main Street zones. The “T4” and “T5” refer to the relative intensity of development based on nationally used transects (or cross-sections) of natural to urban form. Nationally, form-based zones range from T1 (natural) to T6 (urban core). The “Neighborhood” and “Main Street” suffixes provide further detail on the context of each zone. Each form-based zone includes site and building standards and regulations, parking standards, height limits, and other regulations. There are also supplemental standards (for example, for historic preservation) that apply to all zones. Once the existing Downtown zones are rescinded, the new Code must be adopted to establish zoning standards for the newly created Downtown Mixed Use (DMU) district.

As the Commission has previously discussed, the FBC departs from traditional methods of regulating building intensity (density and floor area ratio). The FBC relies on height limits and height bonuses, accompanied by prescribed standards for how buildings are situated on their sites, oriented to the street, and stepped back on upper levels to reduce bulk and mass. The Draft Ordinance finds that the FBC is consistent with the General Plan, and supports the public health, safety and general welfare of the city.

#### **CORRESPONDENCE**

Since the Planning Commission meeting on June 15, staff has received two pieces of correspondence related to this project. Both express support for Victoria DeWitt’s letter dated June 15, 2021 calling for the City to adopt a tree protection ordinance. The letters are included as Attachment 5 to this staff

report. The City anticipates that additional correspondence will be received prior to meeting time and will forward it to the Commission as it is received.

## STRUCTURE OF PUBLIC HEARING

The June 29 hearing will begin with a presentation by staff highlighting the four resolutions before the Commission. A presentation on the Downtown Precise Plan revisions and the proposed Ordinance amendments also will be provided. There will not be a presentation on the Final EIR and General Plan 2040 revisions, as this was provided on June 15. Following the staff presentation, there will be an opportunity for clarifying questions from the Commission. This will be followed by public comment on all of the items before the Commission. The Commission will then discuss, in sequence: (1) the Findings and Statement of Overriding Considerations; (2) General Plan 2040; (3) Downtown Precise Plan; and (4) Municipal Code Changes. At the conclusion of the discussion, the Commission will be asked to vote on each resolution in sequence.

## NEXT STEPS

If the Commission approves the Resolutions, all items will continue to the City Council for a public hearing (tentatively scheduled for July 19). If the Commission approves some but not all of the Resolutions, a follow-up hearing of the Commission will be scheduled in July. It is the City's intent to bring all of the resolutions (and related Ordinances) to the City Council at the same time, although more than one Council hearing may be held prior to adoption.

## ATTACHMENTS

1. Resolution 2021-03 (Recommendation to City Council on Findings, Statement of Overriding Considerations, MMRP)
  2. Resolution 2021-04 (Recommendation to City Council on General Plan 2040)
  3. Resolution 2021-05 (Recommendation to City Council on Downtown Precise Plan)
  4. Resolution 2021-06 (Recommendation to City Council on Ordinance Amendments)
  - 4A. Ordinance Amending Municipal Code, including
    - 4A1: Conforming Amendments related to Precise Plan
    - 4A2: Creation of DMU Zone District
    - 4A3: Amendments Unrelated to Precise Plan
  - 4B. Ordinance Adopting Form Based Code
    - 4B1: Chapter 9 of Precise Plan (Form Based Code)
- Note: Exhibit 4A, 4A1, 4A2, and 4A3 are bundled together as a single PDF file  
Exhibit 4B and 4B1 are bundled together as a single PDF file*
5. Correspondence

Please note that the other attachments referenced in this report are very large files that are available on the General Plan website at [www.sanrafael2040.org](http://www.sanrafael2040.org). These can be accessed at the following links:

- [Final EIR](#)
- [General Plan 2040](#)
- [Downtown Precise Plan](#)

# Attachment 1

## RESOLUTION NO.2021-03

### **RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN RAFAEL RECOMMENDING CITY COUNCIL ADOPTION OF CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS, A STATEMENT OF OVERRIDING CONSIDERATIONS AND A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE SAN RAFAEL GENERAL PLAN 2040 AND DOWNTOWN SAN RAFAEL PRECISE PLAN**

**WHEREAS**, the City of San Rafael has completed an update of its General Plan and prepared a Downtown Precise Plan, which collectively constitute a “project” under the California Environmental Quality Act (“CEQA”); and

**WHEREAS**, CEQA (Public Resources Code Section 21000 et seq.) and the CEQA Guidelines (Cal. Code of Regulations, Title 14, Section 15000 et seq.) require an analysis and determination regarding a project’s potential environmental impacts; and

**WHEREAS**, the project consists of long-term planning policies and standards that will guide future development in the City and does not approve any specific developments, and is therefore appropriately covered by a program-level Environmental Impact Report (“EIR”) pursuant to CEQA Guidelines Section 15168; and

**WHEREAS**, the City released a Notice of Preparation (“NOP”) for the Project to the Office of Planning and Research (“OPR”) State Clearinghouse and interested agencies and persons on March 29, 2019 for a 30-day review period, during which interested agencies and the public could submit comments about the Project. The City held a public scoping meeting on April 23, 2019. Comments on the NOP were received and considered during preparation of the Draft EIR; and

**WHEREAS**, a Notice of Availability (“NOA”) was issued and the Draft EIR was made available for public review on January 7, 2021 for a 60-day public review period through March 9, 2021; and

**WHEREAS**, the Draft EIR was filed with the California Office of Planning and Research on January 7, 2021 and was made available on the City’s website; and

**WHEREAS**, the City provided a 61-day review period for the Draft EIR and the San Rafael Planning Commission held a public hearing on the EIR on March 9, 2021; and

**WHEREAS**, on May 23, 2021, the City published a Response to Comments Document that contains all of the comments received on the Draft EIR during the public comment period, including those received at the public hearing, and prepared written responses to those comments in accordance with CEQA and the CEQA Guidelines. The Draft EIR and Response to Comments Document, together with three errata, constitute the Final EIR; and

**WHEREAS**, all required public notices and public hearings were duly given and held according to law; and

**WHEREAS**, after notice having been lawfully given, a duly noticed public hearing was held before the City Planning Commission on June 15, 2021 at which all persons interested had the opportunity to appear and comment and at which the Planning Commission considered and made recommendations to the City Council regarding the Final EIR and the merits of the Project; and

**WHEREAS**, after closing the public hearing, the Planning Commission acting on its independent judgment and analysis voted affirmatively to recommend certification of the Final EIR by the City Council pursuant to CEQA; and

**WHEREAS**, pursuant to Public Resources Code Section 21082.1(c)(3), the City also finds that the Final EIR reflects the City's independent judgment as the lead agency for the Project and is supported by substantial evidence; and

**WHEREAS**, the Final EIR identified certain potentially significant adverse effects on the environment caused by the Project; and

**WHEREAS**, the Planning Commission specifically finds that where more than one reason for approving the Project and rejecting alternatives is given in its findings or in the record, and where more than one reason is given for adopting the Statement of Overriding Considerations, it would have made its decision on the basis of any one of those reasons; and

**WHEREAS**, the Planning Commission desires, in accordance with CEQA, to declare that, despite the potential for significant environmental effects that cannot be substantially lessened or avoided through the adoption of feasible mitigation measures or feasible alternatives, there exist certain overriding economic, social, and other considerations for approving the project that justify the occurrence of those impacts; and

**WHEREAS**, the Planning Commission fully reviewed, considered and evaluated all the testimony and evidence submitted in this matter and determined that a Statement of Overriding Considerations is warranted.

**NOW, THEREFORE, BE IT RESOLVED** that the San Rafael Planning Commission recommends that the City Council of the City of San Rafael make the following findings with respect to the Project's significant effects on the environment as identified in the Final EIR, as required under Sections 15091, 15092, and 15093 of the CEQA Guidelines, and adopt the Mitigation Monitoring and Reporting Program ("MMRP") as follows:

## **I. PROJECT DESCRIPTION**

As fully described in Chapter 3 of the Draft EIR, the Project includes potential new development associated with implementation of General Plan 2040 and the Downtown Precise Plan. This includes previously approved projects, the remaining buildout potential from the prior General Plan 2020, and additional capacity related to policy updates and map changes. The General Plan, which includes a vision, guiding principles, goals, policies, and programs, functions as the City's primary land use regulatory tool. It is San Rafael's constitution for future change and is the basis for all planning-related decisions made by City staff, the Planning Commission, and the City Council.

The proposed Downtown Precise Plan is a critical part of the General Plan, as roughly half of the city's future housing and employment growth is expected to occur in downtown San Rafael, referred to as the Downtown Precise Plan Area. The Downtown Precise Plan implements the community's vision to create opportunities for reinvestment and future development that is feasible, predictable, and consistent with the community's priorities and aspirations. The Downtown Precise Plan refines existing policies and sets design direction for a variety of topics in coordination with other approved plans and policy documents. The Downtown Precise Plan identifies growth and development opportunities; provides the principles, policies, and strategies to guide investment, and proposes a form-based code to replace the current zoning standards. The Downtown Precise Plan will serve as the overarching guiding document that provides strategies and recommendations for growth within the Downtown Precise Plan Area.

The buildout of the potential future development in these identified locations is based on a horizon year of 2040; therefore, the EIR analyzes growth occurring between 2020 and 2040. The 2040 horizon year is generally consistent with other key planning documents, including *Plan Bay Area*, which is the Bay Area's Regional Transportation Plan/Sustainable Community Strategy to Senate Bill 375, the Sustainable Communities and Climate Protection Act.

#### **A. PROJECT OBJECTIVES**

The primary purposes of the Project are to plan for the growth and conservation of San Rafael over a 20-year time horizon and to achieve a more equitable, sustainable, and prosperous future for all residents. Objectives include focusing growth in the Downtown Precise Plan Area, capitalizing on transit opportunities in and around Priority Development Areas, and streamlining future development that is consistent with the proposed project. This requires extending the General Plan buildout horizon from 2020 to 2040 and updating goals, policies, and programs so that they meet current State requirements and community priorities.

#### **B. GENERAL PLAN UPDATE**

Every city and county in California is required to prepare and to adopt a comprehensive long-term general plan for the physical development of the county or city and, in some cases, land outside the city or county boundaries (Government Code Section 65300). The City of San Rafael has undertaken a community-based planning process to review changes to the General Plan elements. The Project updates the General Plan 2020 goals, policies, and programs to reflect current conditions, issues, resources, and community perspectives. For example, changes are needed to address the evolving state of the city and region and to cover global issues such as climate change and emerging transportation technology.

#### **General Plan Update Components**

The General Plan Update revised and added new goals, policies, and programs to address the changing needs of the community and ensure compliance with updates required by State laws. In addition to legal requirements, the goals, policies, and programs in the proposed General Plan 2040 are influenced by community input, best practices, and emerging issues (e.g., sea level rise, autonomous vehicles, green infrastructure, etc.). Such revisions include the consolidation or reorganization of some previous elements, updating of several elements to reflect changing conditions in the community, and the

introduction of a new Equity, Diversity, and Inclusion Element. The General Plan Update also includes a change in the measure of residential density from “gross” density to “net” density, consolidation and updating of various land use designations to reflect existing conditions and zoning patterns, and updates to the General Plan Land Use Map to correct errors and reflect existing uses.

### General Plan Buildout Projections

The horizon-year projections were based on the reasonably foreseeable development that is expected to occur within the period from 2020 to 2040. The 2040 horizon year is generally consistent with other key planning documents, including *Plan Bay Area 2040*. As shown in Table 1, the General Plan Update accounts for a total of 4,250 households, 4,460 residential units, 8,910 persons, and 4,115 employees in the EIR Study Area.

**TABLE 1 PROPOSED 2040 BUILDOUT PROJECTIONS IN THE EIR STUDY AREA**

Category	Existing Conditions (2020)	Projected Growth by Area (2020-2040)		Net Change (2020–2040)	Buildout Estimates (2040)
		City	Unincorporated		
Households	28,132	3,860	390	4,250	32,382
Residential Units	29,529	4,050	410	4,460	33,989
Total Population	75,751	8,010	900	8,910	84,661
Employees	44,200	4,050	65	4,115	48,315

Source: City of San Rafael, 2020.

### C. DOWNTOWN PRECISE PLAN

The Downtown Precise Plan expresses the community's vision for future Downtown development. The Downtown Precise Plan refines existing policies and sets design direction for a variety of topics in coordination with other approved plans and policy documents. The Plan identifies growth and development opportunities; provides the principles, policies, and strategies to guide investment, and proposes a form-based code to replace the current zoning standards.

#### Downtown Precise Plan Components

The Downtown Precise Plan is made up of nine chapters, plus a glossary and an appendix. The first three chapters provide the context for the document and describe existing conditions and guiding principles. Chapter 4 provides a design vision for the entire Downtown Precise Plan Area and includes more specific guidance for four sub-areas within the boundary of the Downtown Precise Plan Area. Chapter 5 addresses historic preservation and Chapter 6 addresses circulation. Chapter 7 is an affordable housing and anti-displacement strategy. Chapter 8 covers implementation, including recommended capital projects and economic development strategies. Chapter 9 is the proposed Downtown Code. The appendices include a historic resources inventory, a summary of community outreach efforts, and several reports prepared during the planning process.

## **Downtown Precise Plan Zoning Amendment**

The proposed Downtown Precise Plan includes the Downtown Code, which would amend San Rafael Municipal Code (“SRMC”) Title 14, Zoning. The proposed Downtown Code would replace existing zoning regulations for all of the properties in the Downtown Precise Plan Area with the exception of parcels in the Latham Street area, which would retain their Multifamily Residential District ([Medium Density] 2,500 square feet per dwelling unit [MR2.5]) zoning designation, and the existing open space and public zoning designations. The Downtown Code consists of new zoning regulations that would be organized into a coordinated set of articles and incorporated into the Zoning Ordinance. Once adopted, should there be any conflict between the existing Zoning Ordinance and the Downtown Precise Plan, the Downtown Precise Plan shall prevail.

## **Downtown Precise Plan Buildout Projections**

The horizon-year projections were based on the probable, or reasonably foreseeable, “planning period development” that is expected to occur within the planning period through the year 2040. As shown in Table 2, growth in the Downtown Precise Plan Area through the year 2040 is anticipated to include 2,100 households, 2,200 residential units, 3,570 residents, and 2,020 employees. Projections anticipated in the Downtown Precise Plan Area are accounted for in the total projections assumed under the General Plan Update, and are not in addition to the buildout projections shown in Table 1.

**TABLE 2      PROPOSED 2040 BUILDOUT PROJECTIONS IN THE DOWNTOWN PRECISE PLAN AREA**

<b>Category</b>	<b>Existing Conditions (2020)</b>	<b>Net Change (2020–2040)</b>	<b>Buildout Estimates (2040)</b>
Households	1,496	2,100	3,596
Residential Units	1,571	2,200	3,771
Total Population	2,315	3,570	5,885
Employees	11,000	2,020	13,020

Source: City of San Rafael, 2020.

## **II. ENVIRONMENTAL REVIEW PROCESS**

### **A. ENVIRONMENTAL IMPACT REPORT**

According to CEQA, lead agencies are required to consult with public agencies having jurisdiction over a proposed project, and to provide the general public with an opportunity to comment on the Draft EIR. An NOP of an EIR was issued by the City to the OPR State Clearinghouse and interested agencies and persons on March 29, 2019 for a 30-day review period, during which interested agencies and the public could submit comments about the Project. The City also held a public scoping meeting on April 23, 2019. Comments on the NOP were received by the City and considered during preparation of the Draft EIR.

An NOA was issued on January 7, 2021 and the Draft EIR was made available for public review for a 61-day public review period through March 9, 2021. The Draft EIR was distributed to local, regional, and State agencies and the general public was advised of



the availability of the Draft EIR. Due to the COVID-19 Pandemic, physical (paper) copies of the Draft EIR were not made available, but the document was accessible via the City's website.

The Responses to Comments Document provides responses to the comments received during the comment period on the Draft EIR. The Draft EIR and the Responses to Comments Document comprise the Final EIR. The Planning Commission was presented with the Final EIR for consideration at a public hearing on June 15, 2021. The Planning Commission, however, does not take final action on the Final EIR or the Project, but provides recommendations. The City Council then considers the Planning Commission's recommendations on the Final EIR and the Project during a noticed public hearing and takes the final action on the Project. The City Council is currently scheduled to consider certification of the Final EIR at a public hearing in Summer 2021.

### **III. CERTIFICATION OF THE FINAL EIR**

Upon receiving the recommendation of the Planning Commission, in accordance with CEQA Guidelines Section 15090, the City of San Rafael, acting by and through its City Council will certify that the Final EIR has been completed in compliance with the CEQA and the CEQA Guidelines. The City will further certify that it has been presented with the Final EIR and that it has reviewed and considered the information contained in the Final EIR prior to approving the Project. The City will further certify that the Final EIR reflects its independent judgment and analysis.

### **IV. RECORD OF PROCEEDINGS**

For purposes of CEQA and these findings, the record of proceedings consists of the following documents and testimony:

- (a) The NOP and all other public notices issued by the City in conjunction with the Project;
- (c) The Draft EIR for the Project, dated January 7, 2021;
- (d) All comments submitted by agencies or members of the public during the public comment period on the Draft EIR;
- (e) The Final EIR for the Project, including comments received on the Draft EIR, responses to those comments, and the technical appendices, dated May 23, 2021;
- (f) The MMRP for the Project;
- (h) All reports, studies, memoranda, maps, staff reports, or other planning documents related to the Project prepared by the City, or consultants to the City, with respect to the City's compliance with the requirements of CEQA and with respect to the City's action on the Project;
- (i) All documents submitted to the City (including the Planning Commission and City Council) by other public agencies or members of the public in connection with the Project;

- (j) Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the City in connection with the Project;
- (k) All matters of common knowledge to the Planning Commission and City Council, including, but not limited to:
  - (i) City's General Plan and other applicable policies;
  - (ii) City's Zoning Ordinance and other applicable ordinances;
  - (iii) Information regarding the City's fiscal status;
  - (iv) Applicable City policies and regulations; and
  - (v) Federal, state and local laws and regulations.
- (l) Any other materials required for the record of proceedings by CEQA Section 21167.6(e).

The documents described above comprising the record of proceedings are located on the City's webpage at: <https://www.cityofsanrafael.org/general-plan-ceqa/>. The custodian of these documents is the City's Community Development Director or his/her designee.

### **III. FINDINGS**

The findings, recommendations, and statement of overriding considerations set forth below ("Findings") are to be made and adopted by the City Council of the City of San Rafael as the City's findings under CEQA and the CEQA Guidelines relating to the Project. The Findings provide the written analysis and conclusions of the City Council regarding the Project's environmental impacts, mitigation measures, alternatives to the Project, and the overriding considerations that support approval of the Project despite any remaining environmental effects it may have.

These findings summarize the environmental determinations of the Final EIR with regard to Project impacts before and after mitigation, and do not attempt to repeat the full analysis of each environmental impact contained in the Final EIR. Instead, the findings provide a summary description of and basis for each impact conclusion identified in the Final EIR, describe the applicable mitigation measures identified in the Final EIR, and state the City's findings and rationale about the significance of each impact following the adoption of mitigation measures. A full explanation of the environmental findings and conclusions can be found in the Final EIR; the discussion and analysis in the Final EIR regarding mitigation measures and the Project's impacts is adopted by reference.

The City intends to adopt each of the mitigation measures identified in the Final EIR. Accordingly, in the event a mitigation measure identified in the Final EIR has been inadvertently omitted from these findings, such mitigation measure is hereby adopted and incorporated into the Project in the findings below by reference. In addition, in the event the language of a mitigation measure set forth below fails to accurately reflect the mitigation measure in the Final EIR due to a clerical error, the language of the mitigation measure as set forth in the Final EIR shall control unless the language of the mitigation measure has been specifically and expressly modified by these findings.

Sections IV and V, below, provide brief descriptions of the impacts that the Final EIR identifies as either significant and unavoidable or less than significant with adopted

mitigation. These descriptions also reproduce the full text of the mitigation measures identified in the Final EIR for each significant impact.

#### **IV. FINDINGS FOR SIGNIFICANT AND UNAVOIDABLE IMPACTS**

The Final EIR identifies the following significant and unavoidable adverse impacts associated with the approval of the Project, some of which can be reduced, although not to a less-than-significant level, through implementation of mitigation measures identified in the Final EIR. In some cases, the City cannot require or control implementation of mitigation measures for certain impacts because they are the responsibility and jurisdiction of other public agencies. As explained below, some impacts will remain significant and unavoidable notwithstanding adoption of feasible mitigation measures, where applicable. To the extent that these mitigation measures will not mitigate or avoid all significant effects on the environment, it is hereby determined that any remaining significant and unavoidable adverse impacts are acceptable for the reasons specified in Section VII, below. As explained in Section VIII below, the findings in Section VII are based on the Final EIR, the discussion and analysis in which is hereby incorporated by this reference.

##### **A. IMPACT AIR-2.2: OPERATIONAL ACTIVITIES ASSOCIATED WITH POTENTIAL FUTURE DEVELOPMENT COULD CUMULATIVELY CONTRIBUTE TO THE NON-ATTAINMENT DESIGNATIONS OF THE SAN FRANCISCO BAY AREA AIR BASIN.**

The Final EIR finds that future development from implementation of the General Plan 2040, and Downtown Precise Plan would result in a substantial long-term increase in criteria air pollutants over the 20-year General Plan horizon. Because cumulative development within the city could exceed regional significance thresholds, the Project could contribute to an increase in health effects in the San Francisco Bay Area Air Basin until such time as the attainment standards are met.

Implementation of Mitigation Measure AIR-2.2 set forth below, which is hereby adopted and incorporated into the Project, would reduce these impacts, but not to a less-than-significant level. Due to the programmatic nature of the Project, no additional mitigation measures are feasible and available beyond Mitigation Measure AIR-2.2; therefore, the impact would be significant and unavoidable.

**Mitigation Measure AIR-2.2:** *To reduce long-term increases in air pollutants during the operation phase for discretionary development projects that are subject to CEQA which exceed the screening sizes in the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines, the City shall adopt the following General Plan Program to support Policy C-2.2 (Land Use Compatibility and Building Standards):*

- **New General Plan Program:** *Require projects that exceed the BAAQMD screening sizes to evaluate project-specific operation emissions in conformance with BAAQMD CEQA Guidelines, and if operation-related air pollutants exceed the BAAQMD-adopted thresholds of significance, require the project applicants to mitigate the impact to an acceptable level.*

**B. IMPACT AIR-3.2. OPERATIONAL ACTIVITIES ASSOCIATED WITH POTENTIAL FUTURE DEVELOPMENT COULD EXPOSE SENSITIVE RECEPTORS TO SUBSTANTIAL TOXIC AIR CONTAMINANT CONCENTRATIONS FROM NONPERMITTED SOURCES.**

The Final EIR finds that future development from implementation of the proposed General Plan 2040 and the Downtown Precise Plan could result in new sources of criteria air pollutant emissions and/or toxic air contaminants near existing or planned sensitive receptors. Because cumulative development within the City of San Rafael could exceed regional significance thresholds, the Project could contribute to an increase in health effects in the basin until such time as the attainment standards are met in the San Francisco Bay Area Air Basin. The impact is considered significant and unavoidable.

Implementation of Mitigation Measure AIR-3.2 set forth below, which is hereby adopted and incorporated into the Project, would reduce these impacts, but not to a less-than-significant level. Due to the programmatic nature of the Project, no additional mitigation measures are feasible and available beyond Mitigation Measure AIR-3.2; therefore, the impact would be significant and unavoidable.

**Mitigation Measure AIR-3.2:** *To ensure sensitive receptors are not exposed to toxic air contaminant emissions during the operation phase for discretionary development projects that are subject to CEQA which exceed the screening sizes in the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines, the City shall adopt the following General Plan Program to support Policy C-2.2: (Land Use Compatibility and Building Standards) to be implemented as part of the project approval process:*

- ***New General Plan Program:*** *Require applicants for industrial or warehousing land uses or commercial land uses that would generate substantial diesel truck travel (i.e., 100 diesel trucks per day or 40 or more trucks with diesel-powered transport refrigeration units per day) to contact BAAQMD to determine the appropriate level of operational health risk assessment (HRA) required. If required, the operational HRA shall be prepared in accordance with the Office of Environmental Health Hazard Assessment and BAAQMD requirements and mitigated to an acceptable level.*

**C. IMPACT CULT-1: FUTURE DEVELOPMENT ON SITES THAT CONTAIN A HISTORIC RESOURCE MAY CAUSE THE DEMOLITION, DESTRUCTION, OR ALTERATION OF A HISTORIC RESOURCE SUCH THAT THE SIGNIFICANCE OF THE RESOURCE IS "MATERIALLY IMPAIRED." SUCH ADVERSE CHANGES OR POTENTIAL ADVERSE CHANGES IN THE SIGNIFICANCE OF A CEQA-DEFINED HISTORIC RESOURCE WOULD CONSTITUTE A SIGNIFICANT IMPACT.**

The Final EIR finds that future development from implementation of the General Plan 2040 and the Downtown Precise Plan could result in significant impacts to historic resources because project-level details of future development proposals are unknown.

Implementation of Mitigation Measure CULT-1 set forth below, which is hereby adopted and incorporated into the Project, would reduce these impacts, but not to a less-than-significant level. Due to the programmatic nature of the Project, no additional mitigation

measures are feasible and available beyond Mitigation Measure CULT-1; therefore, the impact would be significant and unavoidable.

**Mitigation Measure CULT-1:** *To ensure sites that contain a historic resource that are subject to demolition, destruction, or alteration, are mitigated to an acceptable level, the City shall amend Program CDP-5.1A (Preservation Ordinance).*

- **Modified Program CDP-5.1A:** *Update the Historic Preservation Ordinance. The City of San Rafael shall modify the City's Historic Preservation Ordinance to include updated procedures to mitigate impacts from the demolition, destruction, or alteration of historic resources.*

**D. IMPACT CULT-5: IMPLEMENTATION OF THE PROPOSED PROJECT WOULD CAUSE IMPACTS THAT ARE CUMULATIVELY CONSIDERABLE WHEN VIEWED IN CONNECTION WITH THE EFFECTS OF PAST, PRESENT, AND REASONABLY FORESEEABLE PROJECTS.**

The Final EIR finds that potential impacts of future development under implementation of the General Plan 2040 and the Downtown Precise Plan on cultural resources and Tribal Cultural Resources (TCRs) tend to be site specific, and cumulative impacts would occur when a series of actions leads to the loss of a substantial type of site, building, or resource. For example, while the loss of a single historic building may not be significant to the character of a neighborhood or streetscape, continued loss of such resources on a project-by-project basis could constitute a significant cumulative effect. Additionally, future development would be primarily located within the developed portions of the EIR study area, and this, in conjunction with buildout of the city and the region, has the potential to cumulatively impact historical resources.

While implementation of Mitigation Measures CULT-2, CULT-3, and CULT-4 would reduce impacts to archaeological resources, human remains, and TCRs to a less-than-significant level, it is unknown if future projects that are proposed on sites or adjacent to sites with historic buildings would be able to achieve the Secretary of Interior's Standards at the program level. Therefore, this impact remains significant and unavoidable.

**E. IMPACT GHG-1: IMPLEMENTATION OF THE PROPOSED PROJECT MAY NOT MEET THE LONG-TERM GHG REDUCTION GOAL UNDER EXECUTIVE ORDER S-03-05.**

The Final EIR finds that for future development under the General Plan 2040 and the Downtown Precise Plan, implementation of the General Plan 2040 goals, policies, and programs would ensure that the City's Greenhouse Gas ("GHG") emissions are reduced to the greatest degree feasible. Policy C-5.1, Climate Change Action Plan ("CCAP"), requires the City maintain and periodically update the CCAP. Policy C-5.1 is supported by Programs C-5.1A, C-5.1B, C-5.1C, and C-51D, which require annual progress reports, quarterly forums, identification of funding sources and a minimum 10-year CCAP update. Implementation of this Policy and its associated Programs would ensure that the City is monitoring the City's progress toward its GHG reduction target and requires amendments if it is not. The updates would ensure the CCAP is on the trajectory consistent with the GHG emissions-reduction goal established under Executive Order S-03-05 for year 2050 and

the latest applicable statewide legislative GHG emission reduction that may be in effect at the time of the CCAP update (e.g., Senate Bill 32 for year 2030). However, at this time, there is no plan that extends beyond 2030 to achieve the long-term GHG reduction goal established under Executive Order S-03-05. Advancement in technology in the future could provide additional reductions to allow the state and City to meet the 2050 goal; however, no additional statewide measures are currently available, and the impact is significant and unavoidable.

Notwithstanding the conclusion above, the City shall continue to vigorously implement all programs it considers necessary to achieve or exceed State GHG goals, including actions pursuant to its 2021-22 Climate Action Plan to reduce emissions through building electrification, electric vehicle adoption, and mandatory organics recycling, thereby addressing the three largest sectors of San Rafael's GHG footprint in the timeframe needed to meet State goals.

**F. IMPACT TRAN-1A: IMPLEMENTATION OF THE PROPOSED PROJECT WOULD RESULT IN A SIGNIFICANT LAND USE VMT IMPACT FOR TOTAL VMT AND WORK VMT DUE TO FORECAST LAND USE GROWTH THROUGH 2040, BASED ON A COMPARISON OF THE VMT RATE INCREMENT FOR TOTAL VMT PER SERVICE POPULATION AND WORK VMT PER EMPLOYEE TO THE CORRESPONDING AVERAGE BASELINE RATES FOR THE FULL NINE-COUNTY BAY AREA.**

The Final EIR finds that the City of San Rafael may not achieve the overall Vehicle Miles Traveled ("VMT") reduction level as the effectiveness of VMT reductions strategies is not certain. Implementation of Mitigation Measure TRAN-1a set forth below, which is hereby adopted and incorporated into the Project, would reduce these impacts, but not to a less-than-significant level. Due to the programmatic nature of the Project, no additional mitigation measures are feasible and available beyond Mitigation Measure TRAN-1a; therefore, the impact would be significant and unavoidable.

***Mitigation Measure TRAN-1a:*** *To reduce vehicle miles traveled the City shall modify Program M-3.3A (TDM Program Guidelines) to support achievement of the VMT reduction Standard:*

- ***Modified Program 3-3A: Update Trip Reduction Ordinance.*** *The City of San Rafael shall modify the Trip Reduction Ordinance (TRO) to reflect General Plan 2040 Policy M-3.1 and focus on VMT reduction measures. The amended TRO shall include the City's VMT reduction thresholds, VMT reduction measures and program guidelines, and a VMT trip reduction monitoring process. The TRO shall be updated a minimum of every five years to reflect changes in baseline VMT values, VMT thresholds, VMT reduction measures, and the monitoring process. The modified TRO shall reflect the process and methodology for conducting the VMT analysis for development projects as described in the City's Transportation Analysis (TA) Guidelines.*

**G. IMPACT TRAN-1B: IMPLEMENTATION OF THE PROPOSED PROJECT WOULD RESULT IN A SIGNIFICANT ROAD NETWORK VMT IMPACT DUE TO THE PLANNED CAPACITY OF THE ROADWAY SYSTEM.**

The Final EIR finds that for the General Plan 2040 and the Downtown Precise Plan, even with implementation of General Plan policies and application of Mitigation Measure TRAN-1a, because the effectiveness of VMT reduction strategies is not certain, the City of San Rafael may not achieve the overall VMT threshold reduction level. Implementation of Mitigation Measure TRAN-1b set forth below, which is hereby adopted and incorporated into the Project, would reduce these impacts, but not to a less-than-significant level. Due to the programmatic nature of the Project, no additional mitigation measures are feasible and available beyond Mitigation Measure TRAN-1b; therefore, the impact would be significant and unavoidable.

***Mitigation Measure TRAN-1b: Implement Mitigation Measure TRAN-1a.***

#### **H. IMPACT TRAN-6: IMPLEMENTATION OF THE PROPOSED PROJECT COULD CUMULATIVELY CONTRIBUTE TO REGIONAL VMT.**

The Final EIR finds that for the General Plan 2040 and the Downtown Precise Plan, even with the General Plan policy measures and application of Mitigation Measure TRAN-1a, the City of San Rafael will not achieve the VMT rate reductions specified in Policy M-3.1 and the effectiveness of VMT reduction strategies is not certain.

Implementation of Mitigation Measure TRAN-6 set forth below, which is hereby adopted and incorporated into the Project, would reduce these impacts, but not to a less-than-significant level. Due to the programmatic nature of the Project, no additional mitigation measures are feasible and available beyond Mitigation Measure TRAN-6; therefore, the impact would be significant and unavoidable.

***Mitigation Measure TRAN-6: Implement Mitigation Measure TRAN-1a.***

### **V. FINDINGS FOR SIGNIFICANT IMPACTS REDUCED TO A LESS-THAN-SIGNIFICANT LEVEL BY MITIGATION MEASURES**

The Final EIR identifies the following significant impacts associated with the Project. It is hereby determined that the impacts addressed through the corresponding mitigation measures will be reduced to a less than significant level or avoided by adopting and incorporating these mitigation measures into the Project. As explained in Section VII, below, the findings in Section V are based on the Final EIR, the discussion and analysis of which is incorporated in full by this reference.

#### **A. IMPACT AIR-2.1: CONSTRUCTION ACTIVITIES ASSOCIATED WITH POTENTIAL FUTURE DEVELOPMENT COULD POTENTIALLY VIOLATE AN AIR QUALITY STANDARD OR CUMULATIVELY CONTRIBUTE TO AN EXISTING OR PROJECTED AIR QUALITY VIOLATION.**

Construction activities associated with future development from implementation of the proposed General Plan 2040 and the Downtown Precise Plan would occur over the buildout horizon, causing short-term emissions of criteria air pollutants. Due to the scale of development activity associated with buildout of the proposed project, cumulative emissions would likely exceed the BAAQMD regional significance thresholds. In accordance with the BAAQMD methodology, emissions that exceed the regional significance thresholds would cumulatively contribute to the nonattainment designations



of the San Francisco Bay Area Air Basin ("SFBAAB"). Therefore, without the preparation of project-specific analysis for development proposals that exceed the BAAQMD screening sizes, construction emission impacts at the program level are considered significant.

Implementation of Mitigation Measure AIR-2.1, set forth below, which is hereby adopted and incorporated into the Project, would avoid or reduce this impact to a less-than-significant level.

**Mitigation Measure AIR-2.1:** *To reduce temporary increases in criteria air pollutant emissions (NOX) during the construction phase for discretionary development projects that are subject to CEQA which exceed the screening sizes in the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines, the City shall adopt the following General Plan Program to support Policy C-2.4 (Particulate Matter Pollution Reduction) to be implemented as part of the project approval process:*

- **New Program:** *Require projects that exceed the BAAQMD screening sizes to evaluate project-specific construction emissions in conformance with the BAAQMD methodology and if construction-related criteria air pollutants exceed the BAAQMD thresholds of significance, require the project applicant to mitigate the impacts to an acceptable level.*

**B. IMPACT AIR-3.1: CONSTRUCTION ACTIVITIES ASSOCIATED WITH POTENTIAL FUTURE DEVELOPMENT COULD EXPOSE NEARBY RECEPTORS TO SUBSTANTIAL CONCENTRATIONS OF TOXIC AIR CONTAMINANTS.**

The Final EIR finds that if implementation of the proposed General Plan 2040 and the Downtown Precise Plan would cause or contribute significantly to elevated pollutant concentration levels, it could expose sensitive receptors to air pollutants or elevated pollutant concentrations for construction and operation. Mitigation Measure AIR-3.1a would ensure that placement of sensitive receptors near major sources of air pollution would meet the incremental risk thresholds established by BAAQMD.

Implementation of Mitigation Measure AIR-3.1a, set forth below, which is hereby adopted and incorporated into the Project, would avoid or reduce this impact to a less-than-significant level.

**Mitigation Measure AIR-3.1a:** *Implement Mitigation Measure AIR-2.1.*

**Mitigation Measure AIR-3.1b:** *To ensure sensitive receptors are not exposed to toxic air contaminant emissions during the construction phase for discretionary development projects that are subject to CEQA that exceed the screening sizes in the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines, the City shall adopt the following General Plan Program to support Policy C-2.2: (Land Use Compatibility and Building Standards):*

- **New Program:** *As recommended by the California Air Resources Board, require projects that would result in construction activities within 1,000 feet of residential and other land uses that are sensitive to toxic air contaminants (e.g., hospitals, nursing homes, day care centers), as measured from the property line of the*

*project, to prepare a construction health risk assessment in accordance with policies and procedures of the Office of Environmental Health Hazard Assessment and the BAAQMD CEQA Guidelines that identifies mitigation measures that are capable of reducing potential cancer and noncancer risks to an acceptable level (i.e., below ten in one million or a hazard index of 1.0).*

**C. IMPACT BIO-1: IMPACTS TO SPECIAL-STATUS SPECIES OR THE INADVERTENT LOSS OF BIRD NESTS IN ACTIVE USE, WHICH WOULD CONFLICT WITH THE FEDERAL MIGRATORY BIRD TREATY ACT AND CALIFORNIA FISH AND GAME CODE, COULD OCCUR AS A RESULT OF POTENTIAL NEW DEVELOPMENT.**

The Final EIR finds that the potential for adverse impacts on special-status species from future development through implementation of the General Plan 2040 and the Downtown Precise Plan is relatively low. However, there remains a potential for loss or disruption due to conversion of areas of natural habitat, removal of trees and other vegetation, increases in light and noise, and other modifications and disturbance. Development in locations abutting or in the vicinity of open space lands or water resources, where special-status species are more likely to occur, could potentially cause a significant impact to, or cause the inadvertent loss of, bird nests in active use.

Implementation of Mitigation Measure BIO-1, set forth below, which is hereby adopted and incorporated into the Project, would avoid or reduce this impact to a less-than-significant level.

**Mitigation Measure BIO-1:** *To ensure sensitive species of any kind are not adversely impacted by implementation of the proposed project, the City shall adopt revisions to General Plan Program C-1.13B and shall adopt a new program or modify an existing program to clarify the need for special-status species surveys and to ensure avoidance of nests of native birds in active use to support Policy C-1.13 (Special Status Species):*

- **Modified Program C-1.13B:** *Surveys for Special-Status Species. Require that sites with suitable natural or anthropogenic habitat, including creek corridors through urbanized areas, be surveyed for the presence or absence of special status species prior to development approval. Such surveys shall be conducted by a qualified biologist according to CDFW-accepted species-specific protocol-level surveys, as applicable, and occur prior to development-related vegetation removal or other habitat modifications.*
- **New or Modified Program:** *Avoidance of Nesting Birds. Nests of native birds in active use shall be avoided in compliance with State and federal regulations. For new development sites where nesting birds may be present, vegetation clearing and construction shall be initiated outside the bird nesting season (February 1 through August 31) or preconstruction surveys shall be conducted by a qualified biologist within a minimum of 500 feet from the project site where access is feasible and no more than seven days prior to any disturbance. If active nests are encountered, appropriate work avoidance buffer zones shall be established based on recommendations by the qualified biologist and remain in place until*

*any young birds have successfully left the nest and are no longer dependent on parental care.*

**D. IMPACT BIO-2 IMPACTS TO RIPARIAN AREAS, DRAINAGES, AND SENSITIVE NATURAL COMMUNITIES COULD OCCUR FROM POTENTIAL FUTURE DEVELOPMENT WHERE NATURAL HABITAT REMAINS.**

The Final EIR finds that future development through implementation of the General Plan 2040 and the Downtown Precise Plan could result in both direct and indirect impacts to riparian habitats and other sensitive natural communities. Direct impacts occur as a result of converting natural resources to developed properties, including the addition of impervious surfaces or hydrologic alterations. Habitat loss and degradation of existing habitat are direct impacts. Direct impacts may also be temporary if they disturb a habitat that is subsequently restored after construction. An indirect impact is a physical change in the environment, which is not immediately related to, but caused by, the project. For example, if future development results in a reduction in habitat, the values and functions of the remaining habitat may be reduced. Similarly, increases in sedimentation as a result of grading and the introduction of urban pollutants could have indirect impacts on aquatic habitat.

Implementation of Mitigation Measure BIO-2, set forth below, which is hereby adopted and incorporated into the Project, would avoid or reduce this impact to a less-than-significant level.

**Mitigation Measure BIO-2:** *To ensure sensitive riparian areas, drainages, and sensitive natural communities are not impacted through implementation of the proposed project, the City shall adopt the following General Plan Program or amend other programs to support Policy C-1.12 (Native or Sensitive Habitats) to ensure that sensitive natural communities are identified and addressed as part of future development review:*

- ***New or Modified Program: Surveys for Sensitive Natural Communities.***  
*Require that sites with suitable natural habitat, including creek corridors through urbanized areas, be surveyed for the presence or absence of sensitive natural communities prior to development approval. Such surveys should be conducted by a qualified biologist and occur prior to development-related vegetation removal or other habitat modifications.*

**E. IMPACT BIO-3: POTENTIAL FUTURE DEVELOPMENT COULD RESULT IN DIRECT AND INDIRECT IMPACTS TO WETLAND HABITAT.**

The Final EIR finds that future development and land use activities associated with implementation of the proposed General Plan 2040 and the Downtown Precise Plan could result in direct loss or modification to existing wetlands and unvegetated other waters, as well as indirect impacts due to water quality degradation. Affected wetlands could include both the wetland-related sensitive natural community types, as well as areas of open water, degraded and modified streams and channels, unvegetated waters, and isolated seasonal wetlands or freshwater seeps. Indirect impacts to wetlands and jurisdictional other waters include an increase in the potential for sedimentation due to construction

grading and ground disturbance, an increase in the potential for erosion due to increased runoff volumes generated by impervious surfaces, and an increase in the potential for water quality degradation due to increased levels in non-point pollutants.

Implementation of Mitigation Measure BIO-3, set forth below, which is hereby adopted and incorporated into the Project, would avoid or reduce this impact to a less-than-significant level.

**Mitigation Measure BIO-3:** *To ensure that sensitive wetland habitats are not impacted directly or indirectly through implementation of the proposed project, the City shall adopt the following General Plan Program or amend other programs to support Policy C-1.1 (Wetlands Protection) to ensure that jurisdictional waters are identified and addressed as part of future development review:*

- **New or Modified Program: Surveys for Regulated Waters.** *Require that sites with suitable natural habitat, including creek corridors through urbanized areas, be surveyed for the presence or absence of regulated waters prior to development approval. Such surveys should be conducted by a qualified wetland specialist and occur prior to development-related vegetation removal or other habitat modifications.*

**F. IMPACT BIO-4: POTENTIAL FUTURE DEVELOPMENT IN THE EIR STUDY AREA COULD RESULT IN IMPACTS ON THE MOVEMENT OF WILDLIFE AND POTENTIAL FOR INCREASED RISK OF BIRD COLLISIONS.**

The Final EIR finds that new buildings associated with future development through implementation of the General Plan 2040 and Downtown Precise Plan could contribute to an increased risk of bird collisions and mortalities. For taller buildings and structures that extend above the existing urban fabric and height of vegetative cover, this could be a significant impact unless appropriate bird-safe design measures were incorporated into the building design.

Implementation of Mitigation Measure BIO-4, set forth below, which is hereby adopted and incorporated into the Project, would avoid or reduce this impact to a less-than-significant level.

**Mitigation Measure BIO-4:** *To ensure that potential future development under implementation of the proposed project does not result in impacts on the movement of wildlife, the City shall adopt the following General Plan programs or amend other programs to support Policy C-1.11 (Wildlife Corridors) so that important movement corridors and the potential for increased risk of bird collisions are identified and addressed as part of future development review:*

- **New or Modified Program: Surveys for Wildlife Movement Corridors.** *Require that sites with suitable natural habitat, including creek corridors through urbanized areas, be surveyed for the presence or absence of important wildlife corridors prior to development approval. Such surveys should be conducted by a qualified biologist and occur prior to development-related vegetation removal or other habitat modifications.*

- ***New or Modified Program: Consider Risk of Bird Collision.*** *Require that taller structures be designed to minimize the potential risk of bird collisions using input from the latest bird-safe design guidelines and best management practice strategies to reduce bird strikes.*
- ***New Program: Bird Safe Design Ordinance.*** *Develop and adopt a Bird Safe Design ordinance to provide specific criteria and refined guidelines as part of design review of new buildings and taller structures.*

**G. IMPACT CULT-2: IMPLEMENTATION OF THE PROPOSED PROJECT COULD HAVE THE POTENTIAL TO CAUSE A SIGNIFICANT IMPACT TO AN ARCHAEOLOGICAL RESOURCE PURSUANT TO CEQA GUIDELINES SECTION 15064.5.**

The Final EIR finds that future development through implementation of the General Plan 2040 and the Downtown Precise Plan could result in impacts to archaeological deposits that meet the definition of historical resource under CEQA Section 21084.1 or CEQA Guidelines Section 15064.5. Should this occur, the ability of the deposits to convey their significance, either as containing information about prehistory or history, or as possessing traditional or cultural significance to Native American or other descendant communities, would be materially impaired.

Implementation of Mitigation Measure CULT 2, set forth below, which is hereby adopted and incorporated into the Project, would avoid or reduce this impact to a less-than-significant level.

**Mitigation Measure CULT-2:** *To ensure sites where archeological resources are unearthed during the construction phase of development projects are mitigated to an acceptable level, the City shall amend Program CDP-5.13A (Archeological Resources Ordinance).*

- ***Modify Program CDP-5.13A: Update Archeological Resources Ordinance.*** *The City of San Rafael shall modify the City's Archeological Resources Ordinance to include construction best management practices to follow if a potentially significant archaeological resource is encountered during ground disturbing activities.*

**H. IMPACT CULT-3: GROUND-DISTURBING ACTIVITIES AS A RESULT OF FUTURE DEVELOPMENT IN THE EIR STUDY AREA COULD ENCOUNTER HUMAN REMAINS, THE DISTURBANCE OF WHICH COULD RESULT IN A SIGNIFICANT IMPACT UNDER CEQA.**

The Final EIR finds that human remains associated with precontact archaeological deposits could exist in the EIR Study Area and could be encountered at the time potential future development from implementation of the General Plan 2040 and the Downtown Precise Plan occurs.

Implementation of Mitigation Measure CULT 3, set forth below, which is hereby adopted and incorporated into the Project, would avoid or reduce this impact to a less-than-significant level.

**Mitigation Measure CULT-3:** *To ensure human remains that are unearthed during the construction phase of development projects are protected, the City shall adopt a new Program to support Policy CDP-5.13 (Protection of Archaeological Resources).*

- **New Program: Human Remains.** *Any human remains encountered during ground-disturbing activities would be required to be treated in accordance with California Health and Safety Code Section 7050.5, Public Resources Code Section 5097.98, and the California Code of Regulations Section 15064.5(e) (CEQA), which state the mandated procedures of conduct following the discovery of human remains.*

**I. IMPACT CULT-4: GROUND-DISTURBING ACTIVITIES AS A RESULT OF FUTURE DEVELOPMENT UNDER THE PROPOSED PROJECT COULD ENCOUNTER TRIBAL CULTURAL RESOURCES, THE DISTURBANCE OF WHICH COULD RESULT IN A SIGNIFICANT IMPACT UNDER CEQA.**

The Final EIR finds that impacts from future development from implementation of the General Plan 2040 and the Downtown Precise Plan, could impact unknown archaeological resources, including Native American artifacts and human remains.

Implementation of Mitigation Measure CULT 4, set forth below, which is hereby adopted and incorporated into the Project, would avoid or reduce this impact to a less-than-significant level.

**Mitigation Measure CULT-4:** *Implement Mitigation Measures CULT-2 and CULT-3.*

**J. IMPACT GEO-6: CONSTRUCTION ACTIVITIES ASSOCIATED WITH POTENTIAL FUTURE DEVELOPMENT COULD HAVE THE POTENTIAL TO DIRECTLY OR INDIRECTLY AFFECT A UNIQUE PALEONTOLOGICAL RESOURCE.**

The Final EIR finds that although no fossils, unique paleontological resources, or unique geologic features have been recorded in the EIR Study Area, the geological formations underlying the EIR Study Area have the potential to contain unique paleontological resources, which could be disturbed from implementation of the General Plan 2040 and the Downtown Precise Plan.

Implementation of Mitigation Measure GEO-6, set forth below, which is hereby adopted and incorporated into the Project, would avoid or reduce this impact to a less-than-significant level.

**Mitigation Measure GEO-6:** *To ensure sensitive and unique paleontological resources are not directly or indirectly affected in the event that such resources are unearthed during project grading, demolition, or building (such as fossils or fossil-bearing deposits), the City shall adopt the following new General Plan Policy and associated Program:*

- **New Policy: Paleontological Resource Protection.** *Prohibit the damage or destruction of paleontological resources, including prehistorically significant*

*fossils, ruins, monuments, or objects of antiquity, that could potentially be caused by future development.*

- **New Program: Paleontological Resource Mitigation Protocol.** *The City shall prepare and adopt a list of protocols in accordance with Society of Vertebrate Paleontology standards that protect or mitigate impacts to paleontological resources, including requiring grading and construction projects to cease activity when a paleontological resource is discovered so it can be safely removed.*

**K. IMPACT HAZ-4: POTENTIAL FUTURE DEVELOPMENT COULD RESULT IN CONSTRUCTION AND OPERATION ACTIVITIES ON SITES WITH KNOWN HAZARDOUS MATERIALS AND, AS A RESULT, CREATE A SIGNIFICANT HAZARD TO THE PUBLIC OR THE ENVIRONMENT.**

The Final EIR finds that within the EIR Study Area, 31 hazardous materials sites designated as active are listed on databases compiled pursuant to Government Code Section 65962.5. Although implementation of the proposed General Plan 2040 and the Downtown Precise Plan anticipates that potential future development and redevelopment could occur on existing vacant or infill sites in urban areas, the location of potential future development is unknown and may occur on sites included on the hazardous materials sites databases.

Implementation of Mitigation Measure HAZ-4, set forth below, which is hereby adopted and incorporated into the Project, would avoid or reduce this impact to a less-than-significant level.

**Mitigation Measure HAZ-4:** *To ensure that construction on sites with known contamination (including sites in the DTSC EnviroStor database and the State Water Resource Control Board's online GeoTracker database) do not result in or create a significant hazard to the public or the environment, the City shall adopt the following General Plan programs to support Policy S-5.4 (Development on Formerly Contaminated Sites). These programs shall be implemented as part of the project approval process:*

- **New Program: Environmental Site Management Plan.** *Require the preparation of an Environmental Site Management Plan (ESMP) in consultation with the San Francisco Bay Regional Water Quality Control Board and/or the Department of Toxic Substance Control, for proposed development on sites with known contamination of hazardous materials pursuant to Government Code Section 65962.5, which include, but are not limited to, the Department of Toxic Substance Control's online EnviroStor database and the State Water Resource Control Board's online GeoTracker database.*
- **New Program: Soil Vapor Intrusion Assessment.** *For sites with potential residual contamination in soil or groundwater that are planned for redevelopment with an overlying occupied building, a soil vapor intrusion assessment shall be performed by a licensed environmental professional. If the results of the vapor intrusion assessment indicate the potential for significant vapor intrusion into an occupied building, project design shall include vapor controls or source removal, as appropriate, in accordance with regulatory agency requirements.*



**L. IMPACT NOISE-1: CONSTRUCTION ACTIVITIES ASSOCIATED WITH POTENTIAL FUTURE DEVELOPMENT COULD EXPOSE SENSITIVE RECEPTORS IN CLOSE PROXIMITY TO A CONSTRUCTION SITE TO NOISE THAT EXCEED THE CITY'S NOISE LIMITS ESTABLISHED IN SAN RAFAEL MUNICIPAL CODE CHAPTER 8.13, NOISE.**

The Final EIR finds that the City has established construction noise limits for potential future projects consistent with General Plan 2040 and the Downtown Precise Plan. General Plan 2040 Program N-1.9B, Construction Noise, requires the City to use the environmental review process to identify measures to reduce the exposure of neighboring properties to excessive noise levels from construction activity. However, the program does not specifically address the use of routine best management practices that would further ensure that noise impacts from construction are reduced to acceptable levels.

Implementation of Mitigation Measure NOISE-1, set forth below, which is hereby adopted and incorporated into the Project, would avoid or reduce this impact to a less-than-significant level.

**Mitigation Measure NOISE-1:** *To ensure receptors that are sensitive to construction noise are not exposed to unacceptable construction noise levels as defined in San Rafael Municipal Code Chapter 8.13, Noise, for discretionary development projects that are subject to CEQA the City shall amend Program N-1.9B (Construction Noise) as follows:*

- **Modified Program: Construction Best Management Practices.** *The City shall establish a list of construction best management practices to be implemented during the construction phase and incorporated into San Rafael Municipal Code Chapter 8.13, Noise. The City of San Rafael Building Division shall verify that these notations, as appropriate, are on the demolition, grading, and construction plans prior to issuance of demolition, grading and/or building permits.*

**M. IMPACT NOISE-2A: CONSTRUCTION ACTIVITIES ASSOCIATED WITH POTENTIAL FUTURE DEVELOPMENT COULD GENERATE EXCESSIVE SHORT-TERM VIBRATION LEVELS DURING PROJECT CONSTRUCTION.**

The Final EIR finds that construction of future projects from implementation of the General Plan 2040 and the Downtown Precise Plan could generate varying degrees of ground vibration, depending on the construction procedures and equipment. Vibration generated by construction equipment has the potential to be substantial and may exceed the FTA criteria for architectural damage.

Implementation of Mitigation Measure NOISE-2a, set forth below, which is hereby adopted and incorporated into the Project, would avoid or reduce this impact to a less-than-significant level.

**Mitigation Measure NOISE-2a:** *To ensure receptors that are sensitive to vibration from construction noise are not exposed to unacceptable vibration levels from discretionary*

development projects that are subject to CEQA the City shall revise General Plan Program N-1.11A (Vibration-Related Conditions of Approval) as follows.

- **Modified Program N-1.11A: Construction Vibration-Related Conditions of Approval.** Adopt standard conditions of approval in San Rafael Municipal Code Chapter 8.13, Noise, that require the Federal Transit Administration (FTA) criteria for acceptable levels of groundborne vibration for various types of buildings be applied to reduce the potential for vibration-related construction impacts for development projects near sensitive uses such as older or historically significant buildings and structures, housing, and schools. If vibration levels exceed the FTA limits, the condition of approval shall identify alternative construction methods, such as drilling piles instead of pile driving and static rollers instead of vibratory rollers. Construction vibration impacts shall be considered as part of project level environmental evaluation and approval for individual future projects.

#### **N. IMPACT NOISE-2B: OPERATIONAL ACTIVITIES ASSOCIATED WITH POTENTIAL FUTURE DEVELOPMENT COULD GENERATE EXCESSIVE LONG-TERM VIBRATION LEVELS.**

The Final EIR finds that future commercial and industrial operations from implementation of the General Plan 2040 and the Downtown Precise Plan could generate varying degrees of ground vibration, depending on the operational procedures and equipment. The results from vibration can range from no perceptible effects at the lowest levels, to perceptible vibration at moderate levels, to slight structural damage at the highest levels. The City does not have any adopted standards for operational vibration.

Implementation of Mitigation Measure NOISE-2b, set forth below, which is hereby adopted and incorporated into the Project, would avoid or reduce this impact to a less-than-significant level.

**Mitigation Measure NOISE-2b:** *To ensure receptors that are sensitive to operational vibration from commercial or industrial uses are not exposed to unacceptable vibration levels from discretionary development projects that are subject to CEQA the City shall adopt the following General Plan Program to support Policy N-1.11 (Vibration) to be implemented as part of the project approval process:*

- **New Program:** *Adopt standard conditions of approval in San Rafael Municipal Code Chapter 8.13 that require the use of Federal Transit Administration (FTA) criteria for acceptable levels of groundborne vibration from commercial or industrial uses to reduce long-term vibration impacts at existing or potential future sensitive uses such as uses with vibration-sensitive equipment (e.g., microscopes in hospitals and research facilities) or residences. Operational vibration impacts shall be considered as part of project level environmental evaluation and approval for individual future projects.*

## **VI. ALTERNATIVES**

The Final EIR analyzed three alternatives to the Project, examining the environmental impacts and feasibility of each alternative, as well as the ability of the alternatives to meet

Project objectives. The Project objectives are listed in Chapter 3 (Project Description) of the Draft EIR; the potentially significant environmental effects of the Project, including feasible mitigation measures identified to avoid these impacts, are analyzed in Chapter 4 (Environmental Evaluation) of the Draft EIR; and the alternatives are described in detail in Chapter 5 (Alternatives to the Proposed Project) of the Draft EIR.

Brief summaries of the alternatives are provided below. A brief discussion of the Environmentally Superior Alternative follows the summaries of the alternatives. As explained in Section VII, below, the findings in this Section VI are based on the Final EIR, the discussion and analysis in which is hereby incorporated in full by this reference.

#### **A. THE NO PROJECT ALTERNATIVE: CURRENT GENERAL PLAN**

Pursuant to CEQA Guidelines Section 15126.6(e)(1), the No Project Alternative is required as part of the “reasonable range of alternatives” to allow decision makers to compare the impacts of approving the proposed project with the impacts of taking no action or not approving the proposed project. Consistent with CEQA Guidelines Section 15126.6(e)(3)(A), when the project is the revision of a plan, as in this case, the no project alternative will be the continuation of the existing plan. Under Alternative A, potential future development in San Rafael would continue to be subject to existing policies, regulations, development standards, and land use designations of the existing General Plan 2020 and Zoning Code.

As shown in Draft EIR Table 5-3, the No Project Alternative would allow for the following remaining development growth:

- Households: 1,715
- Residential units: 1,815
- Population: 8,910
- Jobs: 5,745

When compared to the Project, implementation of the No Project Alternative would result in less overall development potential, and therefore fewer impacts related to biological resources, cultural resources, geology and soils, hazards and hazardous materials, and noise. However, each of these topic areas were found to be less than significant under the Project with implementation of the Project’s goals, policies and programs and Mitigation Measures BIO-1, BIO-2, BIO-3, BIO-4, CULT-2, CULT-3, CULT-4, GEO-6, HAZ-4, NOISE-1, NOISE-2a, and NOISE-2b. Therefore, adoption of the No Project Alternative does not strictly reduce impacts merely because it allows for less development. As demonstrated in Chapter 4.16, Transportation, the Total VMT Per Service Population and Work VMT Per Employee would be greater under the No Project Alternative than the proposed project (29.5 Total VMT Per Capita compared to 28.1 Total VMT Per Capita and 17.5 Work VMT Per Employee compared to 16.9 Work VMT Per Employee). The No Project Alternative would not include the Downtown Precise Plan, therefore, the urban design, placemaking, historic preservation, transportation, parking, economic development, affordable housing, and anti-displacement strategies included in the Downtown Precise Plan would not be realized in Alternative A. Impacts related to VMT and consequently, air quality and GHG emissions would be greater than the Project.

While the current (2020) General Plan includes goals, policies, and programs that reduce impacts to the environment, the No Project Alternative does not include the improved and enhanced goals, policies, and programs that address the distinct issues and opportunities that the San Rafael community is likely to face during the updated planning horizon of the proposed (2040) General Plan. The proposed policies of the Land Use and Mobility Elements have been carefully prepared to reduce and/or avoid impacts to the environment as a result of future development. These policies aim to reduce VMT, greenhouse gas emissions, air quality pollutants, energy consumption, water demand, and solid waste generation by promoting infill development; increasing opportunities for alternative modes of transportation, pedestrian, and bicycle access and connectivity, and local jobs; protecting open space; conserving natural resources; and requiring adherence to green building practices. New General Plan policies aim to avoid hazardous conditions and facilitate a healthy and safe environment for residents and visitors to San Rafael. In addition, new General Plan policies aim to protect cultural resources and ensure that new development and redevelopment is compatible with neighboring land uses.

As discussed in Section 5.4.3 of the Draft EIR, the No Project Alternative would not satisfy the Project objectives. The No Project Alternative would not include principles focused on adapting to the future, economic vitality, opportunity for all, providing additional housing, mobility and building on the City's foundation. It is also implicitly inconsistent with regional plans and forecasts since it has a horizon year of 2020 and does not cover the 2020-2040 period. For the foregoing reasons, the No Project Alternative is hereby rejected as infeasible.

## **B. GREATER RESIDENTIAL GROWTH ALTERNATIVE**

Section 5.5.1 of the Draft EIR shows the difference between the growth projections of the proposed project compared to the Greater Residential Growth Alternative. As shown in DEIR Table 5-4, the Greater Residential Growth Alternative would result in an increase of 1,580 households, 1,670 residential units, and 3,590 residents above and beyond the increase projected under the proposed project.

Because the Greater Residential Growth Alternative would include more aggressive housing production, a potential loss of light industrial, office, and retail jobs is presumed. This Alternative presumes development of all the 2015–2023 Housing Element sites, all of the potential housing and mixed-use sites identified in the Downtown Precise Plan, and additional residential development at various locations throughout the EIR Study Area. The Greater Residential Growth Alternative presumes the same General Plan land use designations as the proposed project, except that two sites, one undeveloped and one industrial, would be re-designated as residential. Further, the Greater Residential Growth Alternative would result in a high-density land use designation change on one site that is currently designated Hillside Resource Residential.

When compared to the Project, implementation of this alternative would result in less impacts related to air quality, greenhouse gas emissions, noise, and transportations. Impacts to Cultural and Tribal Cultural Resources, Public Services and Recreation and Utilities and Service Systems would be greater under the Greater Residential Growth Alternative, however because the Greater Residential Growth Alternative assumes that the same General Plan goals, policies and programs and recommended mitigation measures AIR-2.1, AIR-3.1a, AIR-3.1b, NOISE-1, NOISE-2A, NOISE-2B, impacts would

be reduced with application of the mitigating features of the project and the mitigation measures enforced through implementation of the MMRP. Mitigation Measures AIR-2.2, AIR-3.2, CULT-1, TRAN-1a, TRAN-1B and TRAN-6 would not reduce impacts to less than significant due to the programmatic nature of the General Plan 2040 and Downtown Precise Plan. The Greater Residential Growth Alternative would result in more housing and population growth in the EIR Study Area when compared to the proposed project. However, such growth would generally occur in the same locations as included in the proposed project, which were chosen based on their appropriateness in fulfilling the City's goals of focusing infill development in existing urban areas near public transportation. Therefore, the Increased Residential Growth Alternative would meet the project objectives. However, this identification does not in and of itself mean this is the most appropriate alternative to fulfill the vision and Project objectives for the General Plan 2040 and the Downtown Precise Plan.

The Project is a reflection of the community's vision as identified through the General Plan 2040 and Downtown Precise Plan, which are based on a robust community engagement process. This alternative, therefore, does not fully achieve the community's vision because it reduces the overall number of jobs, could affect additional historic resources which are highly valued in the community, and could result in increased VMT and demands on utility and service systems resulting from the larger projected population. It is also inconsistent with regional forecasts and presumes more housing growth in San Rafael than is presumed by Plan Bay Area 2040 and other regional forecasts. As such it would be inconsistent with the plans and programs developed by other agencies that use these forecasts for their long-range planning and could potentially conflict with regional sustainability and smart growth objectives. For the foregoing reasons, the Greater Residential Growth Alternative is hereby rejected as infeasible.

### **C. LOWER RESIDENTIAL GROWTH ALTERNATIVE**

Section 5.6.1 of the Draft EIR shows the difference between the growth projections of the proposed project compared to the Lower Residential Growth Alternative. As shown in DEIR Table 5-5, the Lower Residential Growth Alternative would result in 1,390 fewer households, 1,455 fewer residential units, 3,085 fewer residents, and 125 additional jobs. when compared to the proposed project. The Lower Residential Growth Alternative presumes the same General Plan land use designations as the proposed Project and differs only in the presumed rate of growth. Alternative C excludes several 2015–2023 Housing Element sites and Downtown Precise Plan sites included in the proposed Project. This alternative would convert less commercial acreage to housing, which results in a slightly higher total of jobs anticipated by 2040.

Overall, the Lower Residential Growth Alternative would result in greater impacts on Air Quality, Energy, GHG emissions, and Transportation compared to the Project. Impacts to Cultural and Tribal Cultural Resources, Public Services and Recreation, and Utilities and Service Systems would be lower compared to the Project. The alternatives analysis assumes that all applicable mitigation measures recommended for the General Plan 2040 and the Downtown Specific Plan goals, policies, and programs would apply to the Lower Residential Growth Alternative. Therefore, recommended mitigation measures AIR-2.1, AIR-3.1a, AIR-3.1b, impacts would be reduced with application of the mitigating features of the project and the mitigation measures enforced through implementation of the MMRP. Mitigation Measures AIR-2.2, AIR-3.2, CULT-1, TRAN-1a, TRAN-1B and TRAN-6 would

not reduce impacts to less than significant levels due to the programmatic nature of the General Plan 2040 and the Downtown Precise Plan.

The Lower Residential Growth Alternative would result in less housing and population growth in the EIR Study Area when compared to the proposed project. As discussed in Chapter 3, Project Description, of the Draft EIR, the proposed project specifically plans for infill development in existing urban areas near public transportation to meet City goals. While the growth in Alternative C would occur in the same locations as the proposed project, Alternative C would result in less overall development, which would mean that the City would not meet its goal of providing adequate development to accommodate its growing population. This alternative would also fall short of the ABAG PBA 2040 population forecasts. For all of these reasons, the Lower Residential Growth Alternative does not meet all the project objectives as outlined in the proposed project. For this reason, the Lower Residential Growth Alternative is rejected as infeasible.

#### **D. ENVIRONMENTALLY SUPERIOR ALTERNATIVE**

In addition to the discussion and comparison of impacts of the proposed project and the alternatives, Section 15126.6 of the CEQA Guidelines requires that an “environmentally superior” alternative be identified. In general, the environmentally superior alternative is an alternative to the proposed project that would be expected to generate the least number of significant impacts. This is an informational procedure and meeting the goals or needs of San Rafael is not a pre-requisite for this alternative. In addition, CEQA Guidelines preclude the city from identifying the proposed project as the environmentally superior alternative. CEQA Guidelines further prescribe that if the environmentally superior alternative is the “No Project” alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.

A summary of the impacts shown in Table 5-2 in Section 5.5.2 of the Draft EIR for each alternative is as follows:

- » Alternative A would, in comparison to the project, result in reduced environmental impacts related to aesthetics, and utilities and service systems, but would ultimately result in greater impacts related to air quality, biological resources, cultural resources (historic buildings), energy, GHG emissions, noise (operational), and transportation.
- » Alternative B would, in comparison to the project, result in reduced environmental impacts related to air quality, energy, GHG emissions, noise (operational), and transportation, but would result in greater impacts to cultural resources (historic buildings) and utilities and service systems.
- » Alternative C would, in comparison to the project, result in reduced environmental impacts related to aesthetics, cultural resources (historic buildings), and utilities and service systems, but would have greater impacts to related to air quality, energy, GHG emissions, noise (operational), and transportation.

Therefore, as shown in Table 5-2, Alternative B would be the environmentally superior alternative.

## **VII. STATEMENT OF OVERRIDING CONSIDERATIONS**

As set forth above, the City has found that the Project will result in project and cumulative significant adverse environmental impacts related to air quality, cultural resources, greenhouse gas emissions, and transportation that cannot be avoided following adoption, incorporation into the Project, and implementation of mitigation measures described in the EIR. In addition, there are no feasible project alternatives that would mitigate or avoid all of the Project's significant environmental impacts. Section 15093(b) of the State CEQA Guidelines provides that when the decision of the public agency results in the occurrence of significant impacts that are not avoided or substantially lessened, the agency must state in writing the reasons to support its actions (see also Public Resources Code Section 21081(b)). Having balanced the economic, legal, social, technological or other benefits of the Project, including region-wide or statewide environmental benefits, against its significant and unavoidable environmental impacts, the City finds that the Project benefits outweigh its unavoidable adverse environmental effects, and that the adverse environmental effects are therefore acceptable.

The following statement identifies the reasons why, in the City's judgment, specific benefits of the Project outweigh the significant and unavoidable effects. The City finds that each of the Project benefits discussed below is a separate and independent basis for these findings. The reasons set forth below are based on the Final EIR and other information in the administrative record.

### **ECONOMIC BENEFITS**

1. The Project would promote a vibrant economy by supporting a diversity of business and employment opportunities. The Land Use Map includes multiple commercial and industrial designations corresponding to different employment types, providing opportunities for businesses and jobs in all sectors of the economy.
2. The Project provides for economic growth by planning for 4,115 jobs, allowing the City to remain a competitive and innovative business destination in the regional development environment, which would support increased municipal tax revenues.
3. The Project recognizes economic trends and includes programs to proactively address them. The Project includes specific measures to address retail and office vacancies and maintain the vibrancy of neighborhood commercial centers.
4. The Project protects industrial land from incompatible uses and retains significant acreage for production, distribution, repair, and marine-related activities.
5. The Project provides for greater zoning flexibility and "innovation districts," creating greater opportunities for mixed uses and other creative new development types, in anticipation of and response to structural changes in the retail sector.
6. The Project include provisions for workforce housing and additional affordable housing at all levels to provide more housing choices for those who work in San Rafael.
7. The Project envisions a thriving downtown that is the cultural, entertainment, and economic hub of Marin County, including opportunities for height bonuses and economic incentives for historic preservation and affordable housing. It anticipates and responds to structural changes in the retail sector.

8. The Project includes transportation and infrastructure improvements necessary to keep San Rafael economically competitive and capitalizes on recent investments in regional infrastructure such as Sonoma Marin Area Rail Transit.
9. The Project recognizes the importance of cultural arts to the local economy and includes programs to strengthen arts and entertainment, and the hospitality sector in general.
10. The Project promotes partnerships between the business community, the City, and local non-profits to advance the success of local businesses and meet business needs.
11. The Project includes new strategies for expanding and sustaining existing businesses and attracting new businesses to San Rafael.
12. The Project includes workforce development programs and equity strategies to improve education, job training, skill building, and hiring of local residents at all income levels.
13. The Project supports economically productive use of land, including revitalization of blighted, underutilized and vacant properties.
14. The Project strives to improve the physical qualities of the city's business districts, making San Rafael a more attractive place to live, work, dine, shop, and play.

#### **ENVIRONMENTAL BENEFITS**

1. The Project is environmentally superior to the existing General Plan, as discussed in Draft EIR Chapter 5 and summarized above in Section VI(A) of these Findings.
2. The Project includes a Conservation and Climate Change Element that provides a framework for climate change action planning and greenhouse gas reduction.
3. The Project recognizes the need for climate adaptation planning and includes proactive measures addressing sea level rise and wildfire prevention, as well as other climate-related hazards.
4. Notwithstanding EIR findings regarding GHG emissions, the Plan amplifies and strengthens Climate Change Action Plan programs to electrify building systems, develop and implement a zero emission vehicles plan, and implement community composting requirements.
5. Notwithstanding EIR findings regarding VMT increases, the Project includes strategies to reduce VMT per capita below existing levels by locating new development near transit, making transit more viable, encouraging mixed uses, and implementing trip reduction strategies that create alternatives to single occupancy vehicle commuting.
6. The Project concentrates growth in existing urbanized areas and thereby results in fewer impacts from the expansion of infrastructure into undeveloped greenfield areas. It minimizes the expansion of impervious surfaces, provides strategies to



restore permeable surfaces where possible, and encourages low impact development and on-site retention of stormwater.

7. The Project's Community Design and Preservation Element includes policies and programs to protect hillsides, enhance the shoreline, maintain greenways, and plant street trees throughout the city.
8. The Project includes new and updated policies and programs to protect wetlands, restore creeks, protect wildlife and special status species, protect trees and reduce invasive plants, mitigate the impacts of mineral resource extraction, and maintain dark skies.
9. Notwithstanding EIR findings regarding air quality emissions, the Project includes new and updated policies and programs to improve air quality, including coordinating land use and transportation planning to reduce driving and evaluating impacts on sensitive receptors.
10. The Project includes new and updated policies and programs to improve water quality, including protecting groundwater, capturing and filtering stormwater, reducing pollution from urban runoff, and protecting nearshore waters in San Rafael and San Francisco Bays.
11. The Project includes new measures to conserve water and energy, reduce solid waste disposal, promote composting and recycling, and encourage more sustainable living.
12. The Project sustains protection of local open space.

## **SOCIAL BENEFITS**

1. The Project includes a new Equity, Diversity, and Inclusion Element that strives for greater social justice, inclusion of all residents in community life, and plans and programs to assist lower income and non-English speaking households.
2. The Project includes policies and programs to engage all residents, regardless of income, language, or family status, in governance and public processes.
3. The Project uses an "equity lens" for prioritizing future capital improvement projects, with an emphasis on lower income areas and disadvantaged communities.
4. The Project includes policies and programs achieving environmental justice and improved public health outcomes, including increased park land, pedestrian and bicycle improvements, better access to healthy food, community gardening opportunities, and quality health care, with a focus on lower income neighborhoods.
5. The Project provides for substantially more housing than General Plan 2020, particularly higher density housing that has a greater likelihood of being affordable.
6. The General Plan and Downtown Precise Plan both include anti-displacement policies, and the Precise Plan includes an affordable housing production and anti-displacement strategy.

7. The Project provides opportunities for increased building heights for projects that provide community benefits and affordable housing.
8. The Project includes policies and programs recognizing the needs of older adults and persons with disabilities.
9. The Project promotes a stronger sense of community through additional public spaces.
10. The Project includes new programs supporting emergency preparedness and resilience, including programs engaging lower income and non-English speaking residents.
11. The Project supports greater transportation choices, including public transit, and safer conditions for bicycling and walking.

#### **VIII. ADOPTION OF THE MMRP**

The Planning Commission recommends that the City Council adopt the mitigation measures set forth for the Project in the Final EIR and the MMRP attached hereto as Exhibit A and incorporated herein by this reference.

#### **IX. SEVERABILITY**

If any term, provision, or portion of these findings or the application of these findings to a particular situation is held by a court to be invalid, void or unenforceable, the remaining provisions of these findings, or their application to other actions related to the Project, shall continue in full force and effect unless amended or modified by the City.

The foregoing Resolution was adopted at the regular meeting of the City of San Rafael Planning Commission held on the 29 day of June 2021.

Moved by \_\_\_\_\_ and seconded by \_\_\_\_\_.

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

SAN RAFAEL PLANNING COMMISSION

ATTEST: \_\_\_\_\_  
Alicia Giudice, Secretary

BY: \_\_\_\_\_  
Shingai Samudzi, Chair

## Attachment 2

RESOLUTION NO. \_\_\_\_\_

### RESOLUTION OF THE SAN RAFAEL PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL ADOPT SAN RAFAEL GENERAL PLAN 2040

**WHEREAS**, California Government Code Section 65300 requires that each county and city in the State adopt a comprehensive, long-range general plan to address community growth, physical development, and planning of citywide programs; and

**WHEREAS**, the current San Rafael General Plan 2020 was adopted on November 15, 2004 and was periodically amended thereafter; and

**WHEREAS**, the current General Plan has a horizon year of 2020 and does not reflect current long-range forecasts, or fully respond to changing community issues and recent State mandates; and

**WHEREAS**, in January 2017, the Community Development Department prepared the City of San Rafael General Plan 2040 Summary Report and Preliminary Work Program, which included a recommendation for a three-year general plan update process; and

**WHEREAS**, in February 2017, the City Council of the City of San Rafael adopted Resolution No. 14276 initiating a process to prepare General Plan 2040, moving the time horizon forward 20 years and comprehensively updating policies and programs; and

**WHEREAS**, Resolution No. 14276 further directed staff to assemble a General Plan Steering Committee and hire a General Plan Project Manager, and staff proceeded with both of these actions in 2017; and

**WHEREAS**, staff solicited applications for a Steering Committee, interviewed prospective applicants, and recommended to the City Council in December 2017 the appointment of primary members and alternates to the Steering Committee; and

**WHEREAS**, on December 4, 2017, the City Council amended Resolution No. 14276 approving the appointment of 23 named members and 22 named alternates to the General Plan Steering Committee, and approving Steering Committee bylaws, and the appointment of a Councilmember to the Committee and a second Councilmember as an Alternate; and

**WHEREAS**, on March 5, 2018, the City Council adopted Resolution No. 14478, which established a detailed work program and budget for the General Plan Update, including specific data collection, analysis, environmental review, and policy and program development tasks; and further authorized expenditures from the General Plan Maintenance and Implementation Account (Fund 218) to cover the costs associated with the update; and authorized staff to issue requests for proposals for professional services to undertake technical work associated with the update; and

**WHEREAS**, on August 6, 2018, the City Council adopted Resolution No. 14556 expanding the General Plan Steering Committee to 24 members and 22 alternates; and

**WHEREAS**, the General Plan Steering Committee met 24 times over a period of 27 months to develop guiding principles for San Rafael's future; review audits of existing General Plan policies and programs; review draft new policies and programs; review the new Draft Land Use Map and categories; consider community input; and discuss issues related to San Rafael's future; and

**WHEREAS**, each meeting was duly noticed and open to the public, with an opportunity for public comment, publication of agendas, minutes, and staff reports, and documentation of meeting outcomes; and

**WHEREAS**, the City sponsored an extensive community engagement program that included the following components:

- Three community workshops, convened in Fall 2018, with over 100 participants, including instant-result surveys with digital voting devices.
- Staff attendance at more than 30 meetings with neighborhood and homeowner association groups between 2018 and 2020 to discuss the General Plan, respond to questions, and solicit input.
- Staff attendance at meetings of advocacy and stakeholder groups such as the Downtown Business Improvement District, Chamber of Commerce, Marin Conservation League, San Rafael Heritage, Federation of San Rafael Neighborhoods, Responsible Growth in Marin, and others to provide presentations on the General Plan and receive input on relevant issues.
- Staff delivered multiple presentations to, and incorporated feedback from, the Bicycle and Pedestrian Advisory Committee; the Citizens Advisory Committee on Affordable Housing and Economic Development; the Quarterly Climate Action Forum; the Design Review Board; the Park and Recreation Commission; the Pickleweed Advisory Committee; and the Planning Commission.
- Staff developed a Survey that was administered to neighborhood associations across the city and worked with each organization's board or members to receive input, receiving written input from 19 organizations, including those representing Terra Linda, Mont Marin/ San Rafael Park, Rafael Meadows, Los Ranchitos, West End, Sun Valley, California Park, Fairhills, Lincoln/ San Rafael Hill, Gerstle Park, Bret Harte, Picnic Valley, Montecito, Loch Lomond, Glenwood, Peacock Gap, Canal, Spinnaker/ Bay Point, and the East San Rafael Working Group.
- Staff developed and implemented a Spanish language outreach program, including bilingual workshops, workshops with translation services, materials produced in Spanish, capacity-building workshops run in collaboration with the Canal Alliance; and interviews with over 100 residents in Spanish.
- A project website was created, with content that was refreshed weekly, providing access to all project publications and meeting notices, and including hyperlinks to topics of interest.

- An interactive website hosted on the “Neighborland” platform was developed, including community discussion threads on long-range planning topics, with more than 300 subscribers.
- Pop-up workshops were convened at the San Rafael Downtown Farmers Market and the Art Walk, including interactive exhibits and information on the General Plan, with more than 100 participants.
- A collaboration with Youth in Arts, Y-Plan, and San Rafael Schools occurred, including engagement of 3<sup>rd</sup>, 4<sup>th</sup>, and 5<sup>th</sup> graders from Laurel Dell Elementary in a semester-long planning course, culminating in presentations to the General Plan Steering Committee.
- Six City Council progress reports on the General Plan were presented, providing additional opportunity for public comment, and opportunities for Council feedback on key issues and policy choices.
- Press releases, news articles, and regular updates about the General Plan were provided in City publications.
- Parallel community engagement activities were held through the Downtown Precise Plan, including a three-day design charrette attended by more than 100 people; and

**WHEREAS**, Staff developed new land use categories, consolidated several categories, adjusted density ranges and permitted uses, and added a “sea level rise overlay” to the Land Use Map, and published the Draft General Plan 2040 Map in 2019; and

**WHEREAS**, Staff prepared, published, and advertised a “Call for Amendments” to the General Plan in 2019, and received and evaluated requests for Land Use Map changes, presented its recommendations to the Planning Commission and City Council; and received direction from the Commission and Council on its recommendations; and

**WHEREAS**, Staff completed a comprehensive “audit” of every goal, policy, and program in General Plan 2020, and identified whether each statement should be deleted, carried forward, edited, or replaced; and

**WHEREAS**, Staff and the consultant team developed a comprehensive data base of “existing conditions” material related to land use, transportation, economics, demographics, community services, parks and open space, natural resources, hazards, historic preservation, arts and culture, environmental justice, and noise, which informed policy and program choices; and

**WHEREAS**, Staff provided the technical analysis necessary to evaluate Plan alternatives, including growth projections for more than 300 traffic zones and traffic modeling for Year 2040 under different scenarios; and

**WHEREAS**, Staff developed new policy and program language to reflect recent State planning laws, including new standards for Vehicle Miles Traveled (SB 743), an Environmental Justice Element (SB 1000), and adoption of the Local Hazard Mitigation Plan as part of the General Plan (SB 379); and

**WHEREAS**, Staff incorporated new policy and program direction into the General Plan as provided by the Bicycle and Pedestrian Master Plan, the Station Area Plans for Downtown and Civic Center SMART stations, the Climate Change Action Plan, and the Wildfire Prevention and Protection Action Plan; and

**WHEREAS**, Staff developed two sea level rise “white papers” and new General Plan policies addressing sea level rise, incorporating current forecasts, guidance from BayWAVE, and best practices on resilience and adaptation; and

**WHEREAS**, the Planning Commission convened a public hearing on February 11, 2020 and the City Council convened a public hearing on February 18, 2020 to review the proposed General Plan Land Use Map, including proposed amendments; and

**WHEREAS**, the City published working draft General Plan goals, policies, and actions throughout 2019 and early 2020, revised the goals, policies, and actions in response to Steering Committee input, and published a Compendium of all goals, policies, and actions in May 2020; and

**WHEREAS**, the City published a Public Review Draft General Plan 2040 in October 2020, including the following components:

- A new “**Framework**” section that describes the forces driving change in the city, forecasts for the future, and Guiding Principles
- An updated **Land Use Element** that provides guidance on the use of land, including growth and development policies and policies for specific uses.
- An updated and substantially reorganized **Neighborhoods Element** that identifies five planning areas in San Rafael and includes more specific land use policies for each area.
- An updated **Community Design and Preservation Element** that focuses on creating and maintaining a strong sense of place in San Rafael, and enhancing the appearance of streets, buildings, and public space, and the preservation of historic resources.
- An expanded **Conservation and Climate Change Element** that addresses San Rafael’s natural resources, including wetlands, creeks, hillsides, wildlife and plant life, minerals, air and water quality, and trees, as well as policies to reduce greenhouse gas emissions and address global climate change.
- An updated **Parks, Recreation, and Open Space Element** that guides planning for parks, delivery of recreational services, and management of natural open spaces in the city.
- An updated **Safety and Resilience Element** that includes policies and programs to minimize potential losses associated with future earthquakes, landslides, erosion, flooding (including sea level rise), wildfire, and hazardous materials incidents.
- An updated **Noise Element** that includes policies and programs to reduce the impacts of excessive noise in the community.
- An updated **Mobility Element** that addresses all modes of travel in the city and provides guidance on issues such as parking, safety, traffic calming, and congestion management.

- A new **Community Services and Infrastructure Element** that addresses services such as schools, libraries, police, fire, and infrastructure, including water, sewer, drainage, telecommunication, and solid waste facilities.
- An expanded **Arts and Culture Element** that addresses the importance of the arts to the quality of life, the local economy, and San Rafael's cultural diversity.
- An updated **Economic Vitality Element** that strives to maintain economic diversity and fiscal health, sustain San Rafael as a good place to do business, and improve work opportunities for local residents.
- A new **Equity Diversity and Inclusion Element** with policies to reduce income inequality, increase housing security, ensure environmental justice, and provide a greater voice for lower income residents in local government; and

**WHEREAS**, the City has a State-certified Housing Element covering 2015-2023 and is required by law to adopt a new Housing Element by January 15, 2023, and as such did not include an update of the Housing Element in the General Plan 2040; and

**WHEREAS**, the Planning Commission received an information report on General Plan 2040 on September 15, 2020 and convened noticed public hearings on General Plan 2040 on October 27, November 12, and December 15, 2020; and

**WHEREAS**, the General Plan Update is defined as a "project" under the California Environmental Quality Act (CEQA) and was determined to require preparation of an Environmental Impact Report (EIR); and

**WHEREAS**, in accordance with State law, the City issued a Notice of Preparation (NOP) for the Draft EIR on March 19, 2019; distributed the NOP to Federal, State, regional and local agencies and to interested parties; convened a Scoping Session on the Draft EIR on April 23, 2019; and provided a 30-day window for public comments; and

**WHEREAS**, the City published a Draft EIR for Draft General Plan 2040 and the Downtown Precise Plan on January 7, 2021; circulated the Draft EIR to the State Clearinghouse, local agencies, and members of the public; and advertised it for availability for a 62-day public and agency comment period ending on March 9, 2021; and

**WHEREAS**, the Planning Commission convened a public hearing on the Draft EIR on March 9, 2021; and

**WHEREAS**, comments on the Draft EIR were received, and responses were prepared, and revisions to the EIR and General Plan were made accordingly; and

**WHEREAS**, a Final EIR was published on May 23, 2021, including Responses to Comments; and

**WHEREAS**, written comments and oral testimony on the Draft General Plan 2040 were received in October, November, and December 2020 and continued to be received in January, February, and March, 2021; and



**WHEREAS**, staff prepared responses to these written comments and posted the responses to the project website as they were received, including a description of changes that would be made to the General Plan in light of the comment; and

**WHEREAS**, staff produced a redlined (“tracked change”) draft of the General Plan in May 2021 highlighting each edit made in response to public comment, as well as editorial clarifications and corrections, and posted that document to the website in chapters between May 23 and June 4, 2021; and

**WHEREAS**, the Planning Commission considered the staff changes to the October 2020 Draft and provided subsequent opportunities for public comment on this Draft at duly noticed public hearings on June 15 and June 29, 2021; and

**WHEREAS**, the Planning Commission in approving this Resolution has determined that the Final EIR for General Plan 2040 has been completed in compliance with CEQA; that the Final EIR is legally sufficient, not only for approval of General Plan 2040 but also for subsequent actions such as projects that are consistent with General Plan 2040, including rezonings, prezonings, annexations, and revisions to the San Rafael Municipal Code and other regulations that implement General Plan 2040; and that the Final EIR reflects the independent judgment of the City of San Rafael and the Planning Commission of the City of San Rafael.

**NOW, THEREFORE BE IT RESOLVED** that the Planning Commission of the City of San Rafael hereby finds and determines that the above recitals are true and correct and, together with the Staff Report, serve as the evidentiary basis, in part for the actions set forth below.

**BE IT FURTHER RESOLVED** that upon review and consideration of the Final EIR and other documents prepared as part of General Plan 2040, the Planning Commission makes the following findings regarding General Plan 2040:

1. The public interest would be served by the adoption of the proposed General Plan Amendment in that:
  - a. The amendments will keep the document current, recognize changes in conditions and circumstances, move the time horizon forward to 2040 to reflect new forecasts and respond to emerging issues, comply with recently adopted State laws, recognize actions already taken and actions currently planned, incorporate recently adopted plans and initiatives, and respond to public input;
  - b. Changes to the Land Use Element, including new land use categories and density metrics, will positively impact the City’s ability to build housing for all income groups, stimulate economic development, respond to climate change, support managed growth and change, and reduce the potential for land use conflicts;
  - c. Changes to the Neighborhoods Element will ensure that the General Plan is responsive to the priorities of each San Rafael neighborhood. Moreover, the reorganization of this Element will make it easier to use;
  - d. Changes to the Community Design and Preservation Element will support the beautification of the city, continued planting and maintenance of trees and landscaping,

and encouragement of high-quality design. Moreover, the consolidation of historic preservation policies in one part of the Plan and the expansion of these policies and programs will support the preservation of San Rafael's heritage and protection of tribal cultural and archaeological resources;

- e. Changes to the Conservation and Climate Change Element will enable the continued protection of wetlands, restoration and conservation of creeks, management of wildlife and habitat, enhancement of air and water quality, and implementation of programs to reduce greenhouse gas emissions and global climate change. Moreover, the addition of sustainability policies to this section of the General Plan will align the General Plan and Climate Change Action Plan, thereby providing a more effective response to the global climate crisis;
- f. Changes to the Safety and Resilience Element will align the General Plan with the Local Hazard Mitigation Plan, as required by SB 379, and ensure a coordinated and effective response to hazards related to earthquakes, landslides, wildfire, flooding, and hazardous material incidents. Moreover, the addition of expanded policies on sea level rise and wildfire prevention will make San Rafael a more resilient community and reduce future losses of life and property;
- g. Changes to the Noise Element will align the City's noise compatibility standards for different land uses with current State standards and further strengthen policies and programs to reduce noise conflicts in the community;
- h. Changes to the Mobility Element will incorporate State requirements to adopt Vehicle Miles Traveled (VMT) metrics for CEQA purposes, while retaining Level of Service (LOS) to manage congestion and ensure that the impacts of development are duly addressed. Moreover, changes to this Element align the City's transportation plans with its climate change strategies and support expanded electric vehicle infrastructure, zero emission vehicles, expansion of the bicycle and pedestrian network, and a viable public transportation system;
- i. The incorporation of a new Community Services and Infrastructure Element carries forward important policies in the former Governance Element and provide essential guidance and standards for the delivery of City of San Rafael services, and the delivery of services provided by other entities including school districts, County parks, water and sewer providers, energy and telecommunication utilities, and the County of Marin;
- j. Changes to the Arts and Culture Element elevate the importance of the arts in planning for the City's future and recognize the arts community as an essential part of San Rafael and contributor to its quality of life;
- k. Changes to the Economic Vitality Element recognize the importance of a diverse, full-service economy to the City, including the generation of revenue for municipal operations, creation of jobs, and provision of convenient goods and services for the residents of San Rafael. Moreover, this Element acknowledges the intersection of the economy and the City's equity goals, including the goal of expanding economic opportunities for all residents;
- l. The incorporation of a new Equity, Diversity, and Inclusion Element meets State requirements under SB 1000, and also responds to an issue of great importance and urgency in San Rafael by defining a pathway to becoming a more inclusive and compassionate city;

- m. The changes described herein are essential to expanding the City's capacity to produce housing for all income groups, which will assist in its ability to meet its Regional Housing Needs Allocation for the 2023-2031 planning period; and
  - n. The Plan includes updated Appendices, including detailed implementation matrices for each Element indicating the parties responsible for Plan implementation and the resources available.
2. Adoption of General Plan 2040 would not be growth inducing nor would it be precedent setting in that:
- a. General Plan 2040 carries forward nearly all of the Land Use Map designations from General Plan 2020, and maintains the fundamental form and character of the City;
  - b. General Plan 2040 maintains the residential density ranges from General Plan 2020, but applies a net density metric rather than a gross density metric, thereby aligning the General Plan and Zoning Maps;
  - c. General Plan 2040 makes minimal changes to industrial and commercial sites and protects industrial land, thereby helping San Rafael sustain a vibrant local economy, accommodate businesses, and provide services to residents;
  - d. General Plan 2040 carries forward the emphasis of General Plan 2020 on transit-oriented development and focuses new growth around public transportation and areas that are already urbanized.
  - e. General Plan 2040 includes no instances where a former open space designation has been changed to an urban land use;
  - f. General Plan 2040 provides open space maps and policies to preserve San Rafael's open space framework and maintains open space as the largest single land use in the Planning Area;
  - g. The circulation system envisioned by General Plan 2040 is based on existing plans and programs, with no proposals for new roadways, interchanges, or similar improvements other than those already under consideration and being evaluated through other plans and planning processes;
  - h. General Plan 2040 is consistent with the regional Sustainable Communities Strategy (SCS), including its identification of "Priority Development Areas." Further, General Plan 2040 uses population and employment projections that are consistent with Plan Bay Area 2040, the adopted regional plan and SCS for the Bay Area;
  - i. General Plan 2040 is consistent with the Marin Countywide Plan, including its emphasis on "city-centered growth." Its land use designations for unincorporated areas are compatible with designations in the County Plan;
  - j. General Plan 2040 is consistent with regional air and water quality plans;
  - k. General Plan 2040 is consistent with the regional Congestion Management Plan and the Transportation Authority of Marin's (TAM) traffic modeling methodology, and includes VMT forecasts that were derived using TAM's traffic model and network assumptions;
  - l. Preparation of General Plan 2040 was coordinated with service providers, including the San Rafael City School District, the Miller Creek School District, and relevant water, sewer, flood control, solid waste, and energy utilities.

3. Adoption of the goals, policies, and programs in General Plan 2040 would advance the guiding principles for San Rafael's future expressed by the Plan, including Building on Our Foundation, Adapting to the Future, Economic Vitality, Mobility, Housing our Growing Community, and Opportunity for All, thereby supporting the overarching goal of a thriving city. Moreover, the General Plan would not conflict with the goals, policies, and programs expressed by other City plans and will provide a framework and foundation for future plans that support these principles, in that:
  - a. General Plan 2040 is intended as a new "baseline" against which the consistency of future plans and programs will be evaluated during the next 20 years;
  - b. General Plan 2040 has been reviewed and found to be internally consistent and supportive of other City plans and initiatives;
  - c. General Plan 2040 has been edited and revised since its publication in October 2020 to reflect and respond to community input and comments received during public hearings;
  - d. General Plan 2040 provides clear direction on the preparation of future plans, including a Parks Master Plan, an Arts and Culture Plan, an Equitable Economic Development Strategy, a Sea Level Rise Adaptation Plan, and sub-area plans for the Priority Development Areas at Northgate and in Southeast San Rafael/ Canal;
  - e. A Downtown Precise Plan has been prepared concurrently with General Plan 2040, providing policies and standards supporting new housing, economic vitality, public space improvements, circulation improvements, resiliency improvements, and historic preservation incentives for the heart of the city;
  - f. General Plan 2040 includes an implementation section providing guidance on timing, funding sources, and responsible parties for each program;
  - g. General Plan 2040 will support City goals related to social equity, diversity, climate change, sustainability, affordable housing, economic vitality, environmental protection, safety, disaster resilience, innovation, cultural enrichment, efficient services, mobility, neighborhood character, and the overall quality of life.

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of San Rafael does hereby recommend that the City Council adopt General Plan 2040 (Exhibit A), inclusive of all changes made since its initial publication in October 2020.

The foregoing resolution was adopted at the regular meeting of the City of San Rafael Planning Commission held on the 29<sup>th</sup> day of June 2021.

Moved by Commissioner \_\_\_\_\_ and seconded by Commissioner \_\_\_\_\_.

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners:

SAN RAFAEL PLANNING COMMISSION

ATTEST: \_\_\_\_\_  
Alicia Giudice, Secretary

BY: \_\_\_\_\_  
Shingai Samudzi, Chair

## Attachment 3

RESOLUTION NO. \_\_\_\_\_

### RESOLUTION OF THE SAN RAFAEL PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL ADOPT THE DOWNTOWN SAN RAFAEL PRECISE PLAN

**WHEREAS**, California Government Code Section 65300 requires every county and city in California to adopt a General Plan for its long-range development, and further to periodically update that plan to reflect current conditions and issues; and

**WHEREAS**, the City of San Rafael initiated an update of General Plan 2020 in 2017 in order to move the planning horizon forward to 2040; and

**WHEREAS**, the General Plan Update provided an opportunity to review, strengthen, and update long-range planning policies and programs, both on a citywide level and for sub-areas within the City; and

**WHEREAS**, the San Rafael General Plan supports and encourages sub-area planning, including neighborhood plans, precise plans, specific plans, and other plans that focus on particular subareas at a finer level of detail than is appropriate or possible in a General Plan. The General Plan particularly supports such plans in areas expected to grow and change, including Downtown San Rafael; and

**WHEREAS**, Downtown San Rafael has been the focus of much of the City's planning and development activity over the last 40 years, and was designated a Priority Development Area by the City Council in 2009; and

**WHEREAS**, California planning law provides for the preparation of "specific plans" under Government Code Section 65450 *et seq.* and further allows for the preparation of "precise plans", which are broadly defined as being similar to specific plans, but more loosely structured and focused on coordinating public and private improvements in subareas of a city; and

**WHEREAS**, precise plans have been effectively used throughout California to accommodate infill development, public realm enhancements, circulation improvements, economic development, historic preservation, and revitalization, especially in downtown areas; and

**WHEREAS**, existing planning guidance for Downtown San Rafael is provided by a 1993 document called "Our Vision of Downtown San Rafael and Our Implementation Strategy," which does not reflect current trends or conditions in many cases; and

**WHEREAS**, the 1993 Plan for Downtown was prepared prior to the arrival of SMART Rail service in the city and further does not address contemporary issues such as climate

change and sea level rise, the loss of redevelopment dollars, increased homelessness and the urgent need for affordable housing, and changes in retail shopping patterns; and

**WHEREAS**, the 1993 Plan for Downtown did not cover the commercial area east of US Highway 101, although this area is within the designated Priority Development Area and serves as an important Downtown gateway and employment center; and

**WHEREAS**, other plans and programs affecting Downtown have been developed since 1993, including the Canalfront Design Plan (2009), the Downtown Station Area Plan (2012), the Downtown Parking and Wayfinding Study (2018), the Third Street Corridor Plan (2019), and various citywide planning documents with specific recommendations for Downtown; and

**WHEREAS**, the City initiated a process in 2017 to develop “Good Design Guidelines” for Downtown, engaging local architects and designers, since this issue was not fully addressed by the 1993 Plan or subsequent plans; and

**WHEREAS**, the City has not performed a comprehensive update of historic resources in Downtown San Rafael since 1976-77. While an administrative update of the inventory was provided in 1986, data on historic resources is more than 40 years old in most cases, requiring costly architectural studies for many modernization and development projects; and

**WHEREAS**, existing development standards in Downtown are not fully aligned and may not provide adequate flexibility, resulting in the need for exceptions and variances in many cases, and additional costs and public hearings. In particular, current density limits make it difficult to achieve allowable building heights in parts of Downtown; and

**WHEREAS**, more flexible zoning regulations and more design-focused standards would be desirable for Downtown, both to expedite project approvals, respond to State law and regional housing initiatives, and improve design quality; and

**WHEREAS**, the General Plan Update provided an opportunity for “economies of scale” to prepare a new Downtown Plan concurrently with the General Plan, particularly with respect to community engagement and compliance with the California Environmental Quality Act; and

**WHEREAS**, the City applied for a \$500,000 grant from the Association of Bay Area Governments/ Metropolitan Transportation Commission (ABAG/MTC) to replace the 1993 Plan with a new “Precise Plan” for Downtown, and was awarded that grant in April 2018; and

**WHEREAS**, the City provided a 12 percent match to the grant using its General Plan Implementation and Maintenance Fund, thereby providing a viable funding source for the Precise Plan; and

**WHEREAS**, the City Council approved the issuance of a Request for Proposals (RFP) for services on the General Plan and Downtown Precise Plan, and the City prepared a detailed work program, issued an RFP, interviewed the top-ranked firms and selected the planning firm of Opticos Design to lead the work; and subsequently entered into a Professional Services Agreement with Opticos, which was approved on January 22, 2019; and

**WHEREAS**, the boundaries of the Precise Plan area were defined collaboratively with the General Plan Steering Committee and set to cover a 265-acre area that extends from the Second/Fourth intersection on the west to Montecito Shopping Center on the east, and from the Mission Street corridor on the north to First Street, Albert Park, and Mahon Creek on the south; and

**WHEREAS**, a comprehensive community engagement strategy was initiated for the Downtown Precise Plan, including:

- Five meetings of the General Plan Steering Committee
- Downtown Visioning pop-up workshops in March and April 2019
- A three-day design charrette convened in a Downtown storefront in May 2019
- Brown bag lunch presentations on Downtown topics
- Focus groups with different stakeholder groups on Downtown issues
- An additional pop-up workshops at the Farmers Market in Summer 2019
- Presentations to the Planning Commission and the Citizens Advisory Committee for Affordable Housing and Economic Development
- Presentations to the City Council
- Facilitated website discussion threads on Downtown issues

**WHEREAS**, a comprehensive inventory of historic resources was conducted for Downtown, including data for 572 properties, a field survey of approximately 160 properties, and preparation of California Department of Park and Recreation (DPR) 523A and 523B forms for 36 properties; and

**WHEREAS**, a variety of existing conditions profiles were prepared for Downtown covering economic conditions, demographic and housing conditions, transportation, infrastructure, and urban design, and these profiles were bundled into a Downtown Profile Report, which was published in June 2019; and

**WHEREAS**, a Draft Downtown Affordable Housing and Anti-Displacement Strategy was prepared in June 2019, identifying measures to incentivize affordable housing production and minimize the displacement of lower income renters; and

**WHEREAS**, a Downtown Options Report was published in October 2019, including urban design and transportation concepts for community discussion; and

**WHEREAS**, the City determined that the best way to achieve its objectives of improved design quality and expedited infill development in the Downtown area was to replace traditional zoning districts with new Form-Based Districts. A Form-Based Code was included as Chapter 9 of the Precise Plan; and

**WHEREAS**, an Administrative Draft Downtown Precise Plan was delivered to the City in May 2020, and discussed by a subcommittee of the General Plan Steering Committee in July and August 2020; and



**WHEREAS**, revisions to the Administrative Draft were made and a Public Review Draft Downtown Precise Plan was published in December 2020; and

**WHEREAS**, the Downtown Precise Plan was included in the “project” evaluated by the Program-level Environmental Impact Report (EIR) for San Rafael General Plan 2040, and was covered in a Scoping Session and Notice of Preparation on March 29, 2019; and

**WHEREAS**, the Draft EIR for the Downtown Precise Plan and San Rafael General Plan was published on January 7, 2021 and circulated for a 61-day review period closing on March 9, 2021; and

**WHEREAS**, responses to comments on the Draft EIR were provided and a Final EIR was published on May 23, 2021, including these responses as well as edits to the Draft EIR; and

**WHEREAS**, the Planning Commission convened public hearings on the Draft Downtown Precise Plan on January 12, January 26, and February 9, 2021; and

**WHEREAS**, comments received at those hearings and comments received through written correspondence were duly considered, and responses to comments were provided, including information on how the Precise Plan would be edited; and

**WHEREAS**, the Precise Plan was edited in Spring 2021 to reflect public comment, and brought before the Planning Commission for consideration on June 29, 2021, and the revisions substantially respond to the comments received; and

**WHEREAS**, the Precise Plan implements General Plan 2040, which identifies Downtown as having significant opportunities for change and revitalization, including transit-oriented, walkable development and mixed uses, and which includes a new “Downtown Mixed Use” Map designation that replaces the six Downtown land use designations on the 2020 General Plan Map; and

**WHEREAS**, the Precise Plan provides policies and actions related to land use, transportation, public realm, historic preservation, affordable housing, economic development, and implementation in order to maintain Downtown as an active, thriving district of the City; and

**WHEREAS**, the Precise Plan includes text and diagrams specifying the location, distribution, intensity, and extent of development; standards and criteria for new development, including standards for historic preservation; and

**WHEREAS**, the Precise Plan would accommodate up to 2,200 new housing units, and accommodate 2,020 additional jobs based on its land use designations; and

**WHEREAS**, the Precise Plan provides for new parks, green spaces, public plazas, and streetscape improvements that encourage pedestrian activity and make Downtown a safer, more comfortable place for walking and bicycling; and

**WHEREAS**, the Precise Plan carries forward the 1993 vision of a Downtown that is “alive after five” with restaurants, entertainment, arts and culture, and housing; and

**WHEREAS**, the Planning Commission has considered a separate resolution confirming the adequacy of the Final EIR and will consider a separate resolution with a recommendation to the City Council on the Downtown Form Based Code and other conforming amendments to the Municipal Code;

**NOW THEREFORE BE IT RESOLVED** that the Planning Commission hereby finds and determines that the above recitals are true and correct, and together with the Staff Report serve as the evidentiary basis in part for the actions of the City Council set forth below.

**BE IT FURTHER RESOLVED** that the Planning Commission finds that:

1. The proposed San Rafael Downtown Precise Plan is consistent with the goals and policies of San Rafael General Plan 2040 and serves to implement the General Plan.
  - a. The Downtown Precise Plan will sustain and improve Downtown San Rafael as a safe, attractive, convenient, well-maintained place to visit, shop, recreate, work, and live (General Plan 2040 Policy NH-1.1).
  - b. The Downtown Precise Plan supports the General Plan 2040 guiding principle to “Promote a Thriving Downtown,” and also supports principles of economic vitality, opportunity for all, housing our growing community, mobility, and adapting to the future.
  - c. The Downtown Precise Plan is consistent with the General Plan Land Use Map and its designation of the Precise Plan Area as a Downtown Mixed Use District. The heights and intensities of development in the Precise Plan are consistent and compatible with the heights and intensities described in General Plan 2040.
  - d. The Downtown Precise Plan implements Land Use Element policies relating to transit-oriented development, mixed use development, and innovative housing types, and Neighborhoods Element policies relating to Downtown’s economic success, Downtown housing, Downtown employment, preventing displacement, public realm improvements, context-sensitive design, Downtown’s historic resources, Downtown arts, Downtown circulation and parking, and hazard resilience (Policies NH-1.2 through NH-1.12).
  - e. The Downtown Precise Plan uses the buildout projections cited in Table 4-1 of General Plan 2040, including 2,200 housing units and 700,000 square feet of non-residential floor space.
  - f. The design standards and guidelines in the Precise Plan are consistent with the policy direction provided by the Community Design and Preservation Element, including Policy CDP-2.2 (Downtown Urban Design) and other policies calling for enhanced gateways (CDP-2.6), plazas and active public spaces (CDP-3.1), street furnishings (CDP-3.2), landscaping (CDP-3.3, 3.4, and 4.10), street trees (CDP-3.5), wayfinding (CDP-3.7), design guidelines (CDP-4.1), creative architecture (CDP-4.3), high-density design (CDP-4.5), larger-scale buildings (CDP-4.7), and scale transitions (CDP-4.8).

- g. The Downtown Precise Plan supports General Plan historic preservation policies, including an updated inventory of historic resources, recommendations for new historic districts and landmarks, preservation incentives, support for adaptive reuse of older buildings and the maintenance of historic properties, and development standards to protect the integrity of historic properties.
  - h. The Downtown Precise Plan supports conservation and climate change goals by concentrating future development on urbanized land in a pattern that reduces dependence on fossil fuel vehicles and facilitates walking, cycling, and transit use, and by encouraging restoration of Mahon and Irwin Creeks.
  - i. The Downtown Precise Plan supports safety and resilience goals by including provisions for sea level rise and adaptation, especially along the San Rafael Canal.
  - j. The Downtown Precise Plan supports mobility goals by accommodating development in a way that will reduce vehicle miles traveled, and by promoting safety and “complete street” improvements on Downtown streets, and managing parking more efficiently.
  - k. The Downtown Precise Plan is aligned with General Plan 2040 goals and policies addressing arts and culture, economic vitality, and equity, diversity, and inclusion.
  - l. The Downtown Precise Plan includes incentives for affordable housing production, and measures to reduce the displacement of lower income households, and includes housing opportunities to help the City meet its regional housing needs allocation for 2023-2031.
2. The proposed San Rafael Downtown Precise Plan would support the public interest, health, safety, convenience, and welfare of the community, because:
- a. The Plan facilitates the production of housing, including affordable housing. The elimination of FAR and density standards will remove a potential obstacle and encourage higher density housing serving a variety of income groups.
  - b. The Plan establishes objective design standards for Downtown, with provisions that support higher quality design and architecture and improved private and public space.
  - c. The Plan improves traffic safety and includes improvements that would reduce collisions and injuries, especially for pedestrians and bicyclists.
  - d. The Plan encourages retail and local business uses, while also providing the flexibility to respond to changes in the retail sector, and recent trends facilitating remote work.
  - e. The Plan includes height bonus provisions for projects that include community benefits such as child care, community meeting space, and publicly-accessible parking.
  - f. The Plan includes provisions for new public spaces and plazas, including improvements to the gateway area around the Downtown SMART station and transit center.
  - g. The Plan encourages the protection of San Rafael’s historic resources and greater awareness and appreciation of the city’s heritage.

- h. The Plan envisions occasional closure of Fourth Street and long-term improvements to Fourth Street as a civic space that serves multiple purposes, in addition to carrying vehicle traffic.
  - i. The Plan strives to make Downtown a place where everyone feels welcome, and that is accessible to all residents of San Rafael.
3. The proposed plan promotes development of desirable character, harmonious with existing and proposed development in the surrounding area.
- a. The Plan recognizes that Downtown is a unique part of San Rafael that requires special standards, guidelines, and policy direction. The Plan includes a Form-Based Code that has been specifically tailored to Downtown.
  - b. The Plan recognizes that Downtown provides unique development opportunities since it is the heart of the City, its most densely developed area, is well served by transit, includes a mix of historic and contemporary buildings, and has a number of underdeveloped and vacant sites with the capacity to accommodate housing and employment uses.
  - c. The Plan facilitates the coordination of physical improvements across multiple parcels and encourages lot consolidation to create more viable opportunity sites.
  - d. The Plan includes upper story setbacks to reduce shading and building mass, add visual interest, and maintain a pedestrian scale at the street level.
  - e. The area covered by the Precise Plan was selected to correspond to higher-density residential and commercial properties and largely excludes low and moderate density residential neighborhoods. In the few instances where such neighborhoods are included within the boundary, the existing residential zoning is being retained.
  - f. The height limits and height bonuses established by the Precise Plan have been set to reduce the potential for conflicts with lower density areas and step down along the perimeter.
  - g. The Plan includes provisions for parking and traffic management that reduce impacts on adjacent lower density neighborhoods.
  - h. The Plan includes a comprehensive inventory of Downtown's historic properties and identifies those eligible as individual and contributing resources. This information will help protect the City's heritage and ensure that new development is sensitive to historic context.

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of San Rafael does hereby recommend that the City Council adopt the Downtown Precise Plan, inclusive of all changes made since its initial publication in December 2020.

The foregoing resolution was adopted at the regular meeting of the City of San Rafael Planning Commission held on the 29<sup>th</sup> day of June 2021.

Moved by Commissioner \_\_\_\_\_ and seconded by Commissioner \_\_\_\_\_.

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners:

SAN RAFAEL PLANNING COMMISSION

ATTEST: \_\_\_\_\_  
Alicia Giudice, Secretary

BY: \_\_\_\_\_  
Shingai Samudzi, Chair

## Attachment 4

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION OF THE SAN RAFAEL PLANNING COMMISSION RECOMMENDING THE CITY COUNCIL ADOPT: (1) AN ORDINANCE ADOPTING THE DOWNTOWN SAN RAFAEL PRECISE PLAN AND FORM-BASED CODE; AND (2) AN ORDINANCE ADOPTING MAP AND TEXT AMENDMENTS TO TITLE 14-ZONING, REPEALING CERTAIN DISTRICTS AND REPLACING THEM WITH THE DOWNTOWN MIXED-USE DISTRICT, AMENDING TEXT RELATED TO THE FORM BASED CODE, AND OTHER MINOR TEXT AMENDMENTS**

(CASE NOS. ZO21-003 AND ZC21-002)

**WHEREAS**, the Planning Commission has made recommendations to the City Council on the Final EIR for the San Rafael 2040 General Plan and Downtown Precise Plan, the San Rafael 2040 General Plan, and the Downtown San Rafael Precise Plan; and

**WHEREAS**, the Downtown Precise Plan includes a Form-Based Code that is intended to replace existing zoning regulations for the Downtown area, and requires amendments to Title 14 of the San Rafael Municipal Code (SRMC); and

**WHEREAS**, the addition of the Form-Based Code requires other amendments to the SRMC to maintain internal consistency; and

**WHEREAS**, amendment of Title 14 of the SRMC provides an opportunity to implement other necessary amendments that improve the clarity and consistency of the City's zoning regulations and implement other city planning and economic development initiatives; and

**WHEREAS**, Staff has prepared the necessary amendments for consideration by the City Council and included these amendments in a series of attachments to this resolution; and

**WHEREAS**, the Planning Commission has reviewed these Amendments and the additional findings in the adopting Ordinances;

**WHEREAS**, Section 14.27.20 of the San Rafael Municipal Code authorizes the Planning Commission to make recommendations to the City Council on amendments to the zoning map or zoning regulations; and

**WHEREAS**, the City Council has the authority to approve amendments to the zoning map and regulations.

**NOW THEREFORE, BE IT RESOLVED** that the Planning Commission recommends City Council approval of the following attached Ordinances and their respective exhibits, subject to final approval as to form by the City Attorney, in order to maintain internal consistency and implement the Downtown Precise Plan:

1. The Planning Commission recommends approval of Ordinance No. 2021-##, which:
  - (a) Repeals the existing 4SRC, CSMU, HO, 2/3 MUE, 2/3 MEW, WEV AND 5/M R/O Downtown zoning districts and replaces them with a newly created Downtown Mixed Use (DMU) District
  - (b) Introduces new provisions to address and incorporate by reference the Downtown San Rafael Precise Plan Form-Based Code;
  - (c) Amend, delete, and replace certain zoning provisions applicable to Downtown San Rafael to provide consistency with the Downtown San Rafael Precise Plan and Form Based Code;
  - (d) Amend definitions, regulations, and permit requirements for cannabis manufacturing use and large family day care homes;
  - (e) Amend miscellaneous code provisions to address minor changes and updates.
2. The Planning Commission recommends approval of Ordinance No. 2021-#, which adopts the Form-Based Code as the primary regulatory City zoning code for Downtown San Rafael.

The foregoing resolution was adopted at the regular meeting of the City of San Rafael Planning Commission held on the 29<sup>th</sup> day of June 2021.

Moved by Commissioner \_\_\_\_\_ and seconded by Commissioner \_\_\_\_\_.

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners:

SAN RAFAEL PLANNING COMMISSION

ATTEST: \_\_\_\_\_  
Alicia Giudice, Secretary

BY: \_\_\_\_\_  
Shingai Samudzi, Chair

**Exhibit 4A**

**ORDINANCE NO. \_\_\_\_\_**

**ORDINANCE OF THE CITY OF SAN RAFAEL CITY COUNCIL AMENDING TITLE 14 (ZONING ORDINANCE) AND AMENDING THE ZONING MAP OF THE SAN RAFAEL MUNICIPAL CODE TO: A) REPEAL THE EXISTING 4SRC, CSMU, HO, 2/3 MUE, 2/3 MEW, WEV AND 5/M R/O DOWNTOWN ZONING DISTRICTS, AND REPLACE THESE DISTRICTS WITH A NEWLY ESTABLISHED DOWNTOWN MIXED-USE (DMU) DISTRICT; B) INTRODUCE NEW PROVISIONS TO ADDRESS AND INCORPORATE BY REFERENCE THE DOWNTOWN SAN RAFAEL PRECISE PLAN FORM-BASED CODE ADOPTED BY SEPARATE ORDINANCE; C) AMEND, DELETE, AND REPLACE CERTAIN ZONING PROVISIONS APPLICABLE TO DOWNTOWN SAN RAFAEL TO PROVIDE CONSISTENCY WITH THE DOWNTOWN SAN RAFAEL PRECISE PLAN FORM-BASED CODE; D) AMEND DEFINITIONS, REGULATIONS AND PERMIT REQUIREMENTS FOR CANNIBUS MANUFACTURING USE AND LARGE FAMILY DAY CARE HOMES; AND E) AMEND MISCELLANEOUS CODE PROVISIONS TO ADDRESS MINOR CHANGES AND UPDATES (CASE NOS. ZO21-003 AND ZC21-002)**

**WHEREAS**, in 2004, the City adopted the San Rafael General Plan 2020 with a horizon year of 2020. In 2018, the City initiated a General Plan Update (General Plan 2040) to move the Plan's horizon forward 20 years to 2040; and

**WHEREAS**, in late 2018, the City received a One Bay Area Grant to fund the preparation of a focused Plan for Downtown San Rafael, the Downtown San Rafael Precise Plan (Downtown Precise Plan), under the umbrella of the San Rafael General Plan 2040. The Downtown Precise Plan was budgeted and scoped to include a "form-based code" to establish new zoning regulations for the Downtown Precise Plan area that would replace the existing property zoning and many of the existing zoning code regulations (SRMC Title 14, Zoning) that are applicable to the Downtown area; and

**WHEREAS**, in fall 2020, the City completed and released the Draft General Plan 2040 and the Downtown Precise Plan for public review. The Downtown Precise Plan includes Chapter 9 – Downtown Form-Based Code (form-based code); and

**WHEREAS**, City staff has drafted amendments to San Rafael Municipal Code (SRMC) Title 14- Zoning (Zoning Ordinance) and Zoning Map to acknowledge and support the Downtown Precise Plan form-based code through: a) recommending a repeal of the existing Downtown zoning districts (4SRC, CSMU, HO, 2/3 MUE, 2/3 MUW, WEV, and 5/M R/O) and replacing these districts with a newly established Downtown Mixed-Use (DMU) District; b) amending, deleting and replacing certain zoning provisions applicable to Downtown San Rafael; and c) introducing new provisions to address and reference the Downtown Precise Plan form-based code that would be adopted by separate ordinance. These proposed amendments are presented in attached Exhibits 4A-1 & 4A-2; and

**WHEREAS**, the proposed amendments to SRMC Title 14 – Zoning and Zoning Map together with the Downtown Precise Plan form-based code establish the State-require zoning legislation for Downtown San Rafael within the boundaries of the proposed DMU District; and

**WHEREAS**, in addition to the proposed amendments applicable to Downtown San Rafael, City staff has drafted miscellaneous amendments to the SRMC Title 14 - Zoning to propose minor changes in use and permit provisions specific to, among others, permitting provisions for cannabis manufacturing use and large family day care homes that were initiated by changes in the state



laws. These proposed amendments are presented in attached Exhibit 4A-3. These miscellaneous amendments coupled with the draft amendments addressing the Downtown Precise Plan are collectively presented under one ordinance action proposed herein; and

**WHEREAS**, per the provisions of the California Environmental Quality Act (CEQA), the proposed amendments to SRMC Title 14 – Zoning presented in attached Exhibits 4A-1 & 4A-2 are subject to environmental review. The San Rafael General Plan 2040 & Downtown Precise Plan Final Environmental Impact Report (FEIR) has been completed, which assesses the environmental impacts of the Downtown Precise Plan including the proposed amendments to SRMC Title 14 – Zoning (collectively, the “project”). The FEIR has been certified by separate resolution of the City Council; and

**WHEREAS**, in considering action to adopt the General Plan 2040, the Downtown Precise Plan and proposed amendments to SRMC Title 14 – Zoning presented in Exhibits 4A-1 & 4A-2, the City has reviewed the certified FEIR and all applicable mitigation measures therein. The certified FEIR has concluded that the project will result in significant and unavoidable impacts associated with Air Quality, Cultural Resources, Greenhouse Gas Emissions, and Transportation. The City has weighed the proposed project benefits against the significant, unavoidable adverse environmental effects. By separate resolution and consistent with the CEQA Guidelines Section 15063, the City has approved the CEQA Statement of Findings of Fact and Statement of Overriding Considerations supporting and substantiating adoption of the General Plan 2040, the Downtown Precise Plan, and the related amendments to SRMC Title 14 – Zoning presented in Exhibits 4A-1 & 4A-2. This separate resolution also recommends the approval of a Mitigation Monitoring and Reporting Program (MMRP) to ensure that the required FEIR mitigation measures are incorporated into the project action; and

**WHEREAS**, the accompanying miscellaneous amendments to certain permit provisions in SRMC Title 14 – Zoning presented in attached Exhibit 4A-3 have been assessed for compliance with CEQA. As drafted, the amendments do not propose any changes to City policies or regulations that would result in a direct or indirect physical, environmental impact; therefore it has been determined that this ordinance amendment is covered by the general rule that the California Environmental Quality Act (CEQA) applies only to projects which have the potential for causing a significant effect on the environment pursuant to CEQA Guidelines Section 15061(b)(3), and is not subject to environmental review; and

**WHEREAS**, on [REDACTED], 2021, the Planning Commission held a duly noticed public hearing on the proposed amendments to the SRMC Title 14 and the Zoning Map, accepting all public testimony and the written report of the Community Development Department. On a 0-0-0 vote, the Planning Commission adopted Resolution 21- [REDACTED] recommending [REDACTED]; and

**WHEREAS**, on [REDACTED], 2021 by action of separate resolution, the City Council adopted the San Rafael General Plan 2040 and the Downtown Precise Plan; and

**WHEREAS**, on [REDACTED], 2021, the City Council held a duly noticed public hearing through a public notice published the Marin Independent Journal on [REDACTED], 2021. The Council considered the proposed amendments to San Rafael Municipal Code (SRMC) Title 11- (Public Works), Title 14- Zoning (Zoning Ordinance) and Zoning Maps as outlined in Exhibits 4A-1 through 4A-3, accepting all public testimony and the written report of the Community Development Department; and

**WHEREAS**, the City Council makes the following findings, pursuant to SRMC Section 14.27.060 for adoption of the amendments to San Rafael Municipal Code (SRMC) Title 11- (Public Works), Title 14- Zoning (Zoning Ordinance) and Zoning Maps as outlined in attached Exhibits 4A-1 to 4A-3:

1. The amendments to San Rafael Municipal Code Title 14 – Zoning Ordinance and Zoning Map, together with the Downtown Precise Plan Chapter 9 – Downtown Form-Based Code adopted by separate ordinance, are consistent with the policies and programs of the adopted San Rafael General Plan 2040 and Downtown Precise Plan in that:
  - a. The amendments create zoning consistency with the General Plan 2040. First, the amendments would establish the Downtown Mixed-Use (DMU) District, which would be consistent with the Downtown Mixed-Use land use category in the Land Use Element. The establishment of the DMU District is critical and necessary as it is the foundation for the Downtown Precise Plan form-based code, which will serve as the zoning code for Downtown. Second, as drafted, the Downtown Precise Plan form-based code is consistent with the Downtown Mixed-Use land use category, which: 1) calls for allowing a mix of land uses at higher development intensities within the City; and 2) departs from the traditional residential density limits through use of building height limits and prescribed building form standards, and transitions development allowances along the edges of Downtown. Lastly, the amendments would implement Land Use Element Program LU-2.1A, which recommends amending the zoning ordinance and zoning map to incorporate the policies and programs of the General Plan 2040, thus resulting in consistency between the General Plan and zoning.
  - b. The proposed amendments would be consistent with Land Use Element, specifically Goal LU-1, Policy LU-1.10, Policy LU-1.17, Policy LU-1.18, Policy LU-2.2, and Program LU-2.2B in that they: 1) support and respond to the Downtown Precise Plan which set forth well-managed changes and growth for Downtown; 2) defer to the Downtown Precise Plan for development intensity limit; 3) acknowledge and codify the building height and height bonus regulations and provisions presented in the Downtown Precise Plan; and 4) support and codify planned mixed-use development in Downtown. Further, the proposed amendments would be consistent with Policy LU-3.1 (Area Plans), which reinforces the preparation and adoption of community-based Area Plans (e.g., the Downtown Precise Plan) to direct planning and future growth for a specific area.
  - c. The proposed amendments would be consistent with the Neighborhood Element, specifically Policy NH-1.1, Program NH-1.1A, Policy NH-1.3, Policy NH-1.7, Program NH-1.7A, Policy NH-1.8 and Program NH-1.8A in that they would: 1) implement the Downtown Precise Plan and incorporate the Downtown Precise Plan form-based code to guide development and investment; 2) establish the zoning tool to support and guide the development of mixed-use and needed housing in Downtown; 3) ensure that new construction and development is sensitive to Downtown's context; and 4) provide measures to ensure the protection, preservation and enhancement of Downtown's historic resources.
  - d. Together with the Downtown Precise Plan Chapter 9 - Form-Based Code the proposed amendments would be consistent with the Community Design policies and programs of the Community Design and Preservation Element, specifically Program CDP-1.5C, Program CDP-2.1A, CDP-2.2A, Policy CDP-3.1, Program CDP-4.1C, Program CDP-4.2A, and Program CDP-4.8A in that they would: a) create a Downtown height profile; b) codify design standards for the "place types" identified in the Downtown Precise Plan; c) adopt a zoning tool that implement the design recommendations of the Downtown Precise Plan; d) encourage the design and development of plazas and active public spaces; e) provide design guidelines and standards through the adoption of a form-based code; and f)

introduce building step-backs as a tool for implementing scale transitions in new development.

- e. Together with the Downtown Precise Plan, the proposed amendments would be consistent with the Historic Resources policies and programs of the Community Design and Preservation Element, specifically, Policy CDP-5.2, Policy CDP-5.4, in that they would: a) include the adoption of an updated historic resources inventory for Downtown; b) incorporate incentives for encouraging preservation and stewardship of the Downtown historic resources.
  - f. The proposed amendments would create consistency between the SRMC Title 14 zoning provisions and regulations with the Downtown Precise Plan form-based code, which is adopted by separate ordinance and incorporated herein by reference.
  - g. The proposed amendments would establish a new DMU District to blanket the Downtown Precise Plan area. The CMU District that will provide a base zoning and foundation for the Downtown Precise Plan area and form-based code and the other accompanying amendments.
  - h. The amendments are necessary to codify the Downtown Precise Plan and form-based code as the zoning code for Downtown San Rafael.
  - i. The proposed miscellaneous amendments to SRMC Title 14 – Zoning would update the code to address current trends and laws through: 1) modifying the cannabis manufacturing use regulations and provisions to align with the current State laws; 2) eliminating the City's large family day care home permitting and provisions which are no longer applicable to enforce; and 3) establishing consistent sunset dates for all permits and entitlements regulated under Title 14 – Zoning.
2. The public health, safety and general welfare are served by the adoption of the proposed amendments to SRMC Title 14 – Zoning Ordinance in that they would acknowledge and adopt by reference the Downtown Precise Plan form-based code, which is adopted by separate ordinance. Collectively, the proposed amendments together with the Downtown Precise Plan Chapter 9- Downtown Form-Based Code would present well-managed changes and growth for Downtown that would:
- a. Establish standards and regulations on building height and bulk to promote a more urban scale for growth of commerce and housing, while protecting the character and scale of the contiguous neighborhoods and surrounding community.
  - b. Establish standards and regulations that would protect San Rafael's historic resources.
  - c. Establish standards and regulations to promote safe and efficient multi-modal travel.
  - d. Establish standards and regulations that would promote orderly growth and facilitated the development of needed housing in Downtown San Rafael.
  - e. Establish consistency with the General Plan 2040 and the policies of the Downtown Precise Plan.
  - f. Revise and update miscellaneous permit provisions in the Zoning Ordinance to address changes in the State law and to provide internal consistency in permit expiration dates.

**NOW, THEREFORE, THE CITY COUNCIL OF TEHE CITY OF SAN RAFAEL DOES HEREBY ORDAIN AS FOLLOWS:**

#### **DIVISION 1. Findings**

The City Council of the City of San Rafael hereby determines and finds that all of the facts and statements contained in the recitals herein and the findings of Planning Commission

Resolution 21-\_\_\_\_\_, adopted \_\_\_\_\_, 2021 recommending to the City Council adoption of this Ordinance are true and correct.

**DIVISION 2. Approval**

The City Council of the City of San Rafael hereby approves and adopts the amendments to SRMC Title 14- Zoning (Zoning Ordinance) and Zoning Maps as presented in Exhibits 4A-1 through 4A-3, attached hereto and incorporated herein by reference.

**DIVISION 3. Publication**

A summary of this Ordinance shall be published and a certified copy of the full text of this Ordinance shall be posted in the office of the City Clerk at least five (5) days prior to the Council meeting at which it is adopted.

This Ordinance shall be in full force and effect thirty (30) days after its final passage, and the summary of this Ordinance shall be published within fifteen (15) days after the adoption, together with the names of those Councilmembers voting for or against same, in the Marin Independent Journal, a newspaper of general circulation published and circulated in the City of San Rafael, Marin County, State of California.

Within fifteen (15) days after adoption, the City Clerk shall also post in the office of the City Clerk a certified copy of the full text of this Ordinance, along with the names of those Councilmembers voting for or against the Ordinance.

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KATE COLIN, Mayor

ATTEST:

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LINDSAY LARA, City Clerk

The foregoing Ordinance No. \_\_\_\_\_ was read and introduced at a regular meeting of the City Council of the City of San Rafael on Monday, \_\_\_\_\_ 2021 and was ordered passed to print by the following vote, to wit:

AYES:            Councilmembers:

NOES:           Councilmembers:

ABSENT:        Councilmembers:

And will come up for adoption as an Ordinance of the City of San Rafael at a Regular Meeting of the Council to be held on the \_\_\_\_ day of \_\_\_\_\_ 2021.

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LINDSAY LARA, City Clerk

Exhibits:

- 4A-1. Amendments to San Rafael Municipal Code Title 14 Zoning Ordinance
- 4A-2 Amendments to San Rafael Municipal Code Title 14 Zoning Map
- 4A-3 Amendments to San Rafael Municipal Code Title 14 Zoning Ordinance (Cannabis Manufacturing Use, Large Family Day Care Homes, and Miscellaneous Amendments)

**EXHIBIT 4A-1**  
**AMENDMENTS TO SAN RAFAEL MUNICIPAL CODE**  
**TO INCORPORATE & REFERENCE THE**  
**DOWNTOWN SAN RAFAEL PRECISE PLAN & FORM-BASED CODE**  
**June 29, 2021**

The following are proposed amendments to the SRMC Title 14 (Zoning) to address and incorporate by reference the Downtown San Rafael Precise Plan and Form-Based Code, adopted by separate ordinance:

**Chapter 14.01 – TITLE, COMPONENTS AND PURPOSES**

**Amend Section 14.01.020 – Components to add A.3 and amend B to read:**

- A. The zoning ordinance shall consist of the following components:
1. A map, or set of maps, known as the zoning map, delineating the boundaries of zoning districts within the city of ~~San Rafael~~ san rafael;
  2. Regulations, known as zoning regulations, governing the use of land, and placement of buildings and improvements within the various classes of districts. Such regulations shall include, but not be limited to, property development standards for each district, parking standards, performance standards, and procedural rules for administering the ordinance.
  3. The downtown san rafael precise plan, form-based code and downtown zoning map adopted by separate ordinance and incorporated herein by reference. The downtown san rafael precise plan and form-based code include certain zoning regulations, governing the land use and placement of building and improvements for those properties within the boundaries of the downtown area, defined by the downtown mixed-use district. Where the downtown san rafael form-based code is silent on regulations and provisions, the regulations and provisions presented in this title 14 shall apply.
- B. A copy of the zoning regulations and the zoning map, downtown san rafael precise plan form based code and downtown zoning map, together with a record of all amendments, shall be kept on file with the city clerk and shall constitute the original record. A copy of the zoning regulations and zoning map currently in effect shall also be kept on file in the ~~planning department~~ community development department and office of the city clerk.

**Amend the Zoning Map to replace the Downtown zoning districts (4SRC, CSMU, HO, 2/3 MUE, 2/3 MUW, WEV, and 5/M-R/O) with the Downtown Mixed-Use (DMU) District, which covers the boundaries of the Downtown San Rafael Precise Plan area.**

See Zoning Map change in Exhibit B.

**Chapter 14.02 – ORGANIZATION, APPLICABILITY AND INTERPRETATION**

**Amend Section 14.02.030 – Applicability of land use and development regulations as follows:**

**EXHIBIT 4A-1**  
**AMENDMENTS TO SAN RAFAEL MUNICIPAL CODE**  
**TO INCORPORATE & REFERENCE THE**  
**DOWNTOWN SAN RAFAEL PRECISE PLAN & FORM-BASED CODE**  
**June 29, 2021**

Base District Designator	Base District Name	Chapter
R2a	Single-family Residential District Minimum lot size: 2 acres	<a href="#">14.04</a>
R1a	Single-family Residential District Minimum lot size: 1 acre	<a href="#">14.04</a>
R20	Single-family Residential District Minimum lot size: 20,000 sq. ft.	<a href="#">14.04</a>
R10	Single-family Residential District Minimum lot size: 10,000 sq. ft.	<a href="#">14.04</a>
R7.5	Single-family Residential District Minimum lot size: 7,500 sq. ft.	<a href="#">14.04</a>
R5	Single-family Residential District Minimum lot size: 5,000 sq. ft.	<a href="#">14.04</a>
DR	Duplex Residential District 2,500 sq. ft. per dwelling unit	<a href="#">14.04</a>
MR5	Multifamily Residential District (Medium Density) 5,000 sq. ft. per dwelling unit	<a href="#">14.04</a>
MR3	Multifamily Residential District (Medium Density) 3,000 sq. ft. per dwelling unit	<a href="#">14.04</a>
MR2.5	Multifamily Residential District (Medium Density) 2,500 sq. ft. per dwelling unit	<a href="#">14.04</a>
MR2	Multifamily Residential District (Medium Density) 2,000 sq. ft. per dwelling unit	<a href="#">14.04</a>

**EXHIBIT 4A-1**  
**AMENDMENTS TO SAN RAFAEL MUNICIPAL CODE**  
**TO INCORPORATE & REFERENCE THE**  
**DOWNTOWN SAN RAFAEL PRECISE PLAN & FORM-BASED CODE**  
**June 29, 2021**

Base District Designator	Base District Name	Chapter
HR1.8	Multifamily Residential District (High Density) 1,800 sq. ft. per dwelling unit	<a href="#">14.04</a>
HR1.5	Multifamily Residential District (High Density) 1,500 sq. ft. per dwelling unit	<a href="#">14.04</a>
HR1	Multifamily Residential District (High Density) 1,000 sq. ft. per dwelling unit	<a href="#">14.04</a>
GC	General Commercial District	<a href="#">14.04</a>
NC	Neighborhood Commercial District 1,800 sq. ft. per dwelling unit	<a href="#">14.04</a>
O	Office District	<a href="#">14.05</a>
C/O	Commercial/Office District 1,000 sq. ft. per dwelling unit	<a href="#">14.05</a>
R/O	Residential/Office District 1,000 sq. ft. per dwelling unit	<a href="#">14.05</a>
FBWC	Francisco Boulevard West Commercial District	<a href="#">14.05</a>
<u>DMU</u>	<u>Downtown Mixed-Use District. See Downtown San Rafael Precise Plan Form-Based Code and Downtown Zoning map adopted by separate ordinance.</u>	<a href="#">14.05</a>
<del>4SRC</del>	<del>Fourth Street Retail Core 14.05</del>	<del><a href="#">14.05</a></del>
<del>CSMU</del>	<del>Cross Street Mixed Use District 14.05</del>	<del><a href="#">14.05</a></del>
<del>HO</del>	<del>Hetherton Office District 14.05</del>	<del><a href="#">14.05</a></del>
<del>2/3 MUE</del>	<del>Second/Third Mixed Use District East District 14.05</del>	<del><a href="#">14.05</a></del>



**EXHIBIT 4A-1**  
**AMENDMENTS TO SAN RAFAEL MUNICIPAL CODE**  
**TO INCORPORATE & REFERENCE THE**  
**DOWNTOWN SAN RAFAEL PRECISE PLAN & FORM-BASED CODE**  
**June 29, 2021**

Base District Designator	Base District Name	Chapter
<del>2/3 MUW</del>	<del>Second/Third Mixed Use District West District 14.05</del>	<del><a href="#">14.05</a></del>
<del>WEV</del>	<del>West End Village District 14.05</del>	<del><a href="#">14.05</a></del>
<del>5/M R/O</del>	<del>Fifth/Mission Residential/Office District</del>	<del><a href="#">14.05</a></del>
I	Industrial District	<a href="#">14.06</a>
LI/O	Light Industrial/Office District	<a href="#">14.06</a>
CCI/O	Core Canal Industrial/Office District	<a href="#">14.06</a>
LMU	Lindero Mixed Use District	<a href="#">14.06</a>
PD	Planned Development District	<a href="#">14.07</a>
M	Marine District	<a href="#">14.08</a>
P/QP	Public/Quasi-Public District	<a href="#">14.09</a>
P/OS	Parks/Open Space District	<a href="#">14.10</a>
W	Water District	<a href="#">14.11</a>

CLOSE

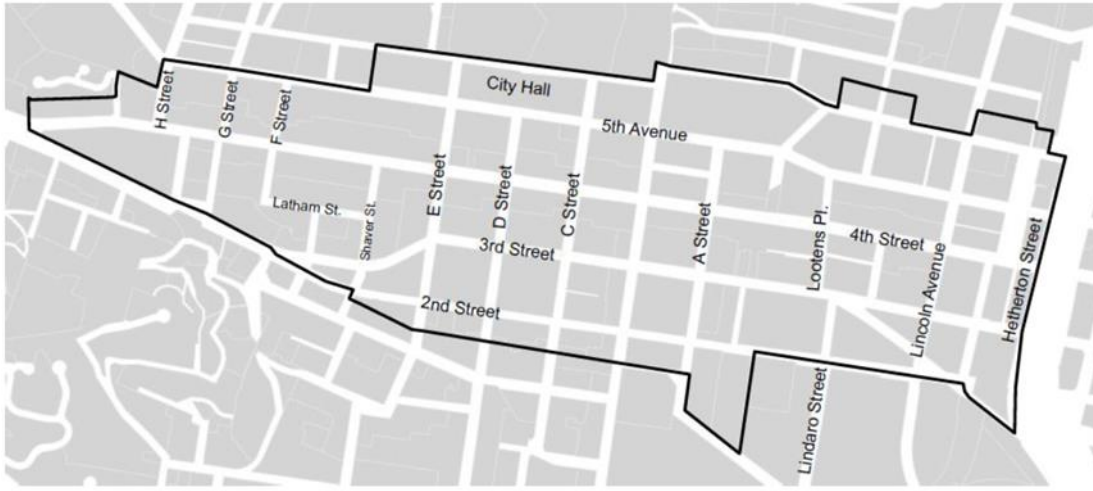
**Chapter 14.03 - DEFINITIONS**

**Amend Section 14.03.030 – Definitions to read:**

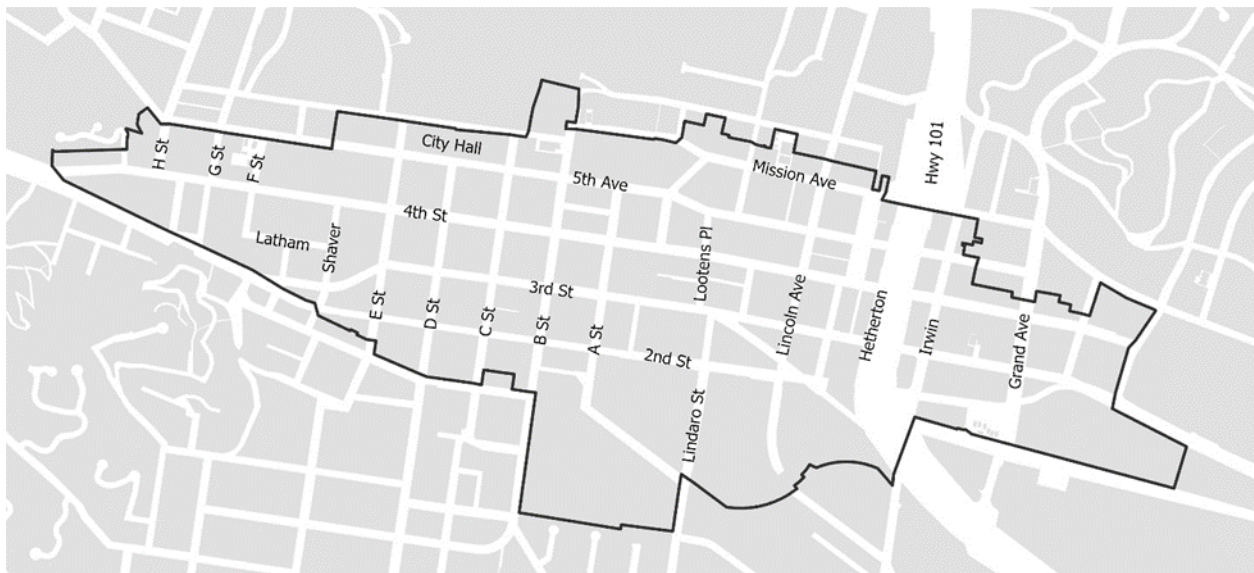
"Downtown" encompasses those ~~lots~~ properties and parcels as shown on the downtown districts map within the neighborhoods element of the San Rafael General Plan within the boundaries of the downtown mixed-use (DMU) district. The downtown mixed-use district encompasses the geographic area presented on the following map:

**Delete the following map:**

**EXHIBIT 4A-1**  
**AMENDMENTS TO SAN RAFAEL MUNICIPAL CODE**  
**TO INCORPORATE & REFERENCE THE**  
**DOWNTOWN SAN RAFAEL PRECISE PLAN & FORM-BASED CODE**  
**June 29, 2021**



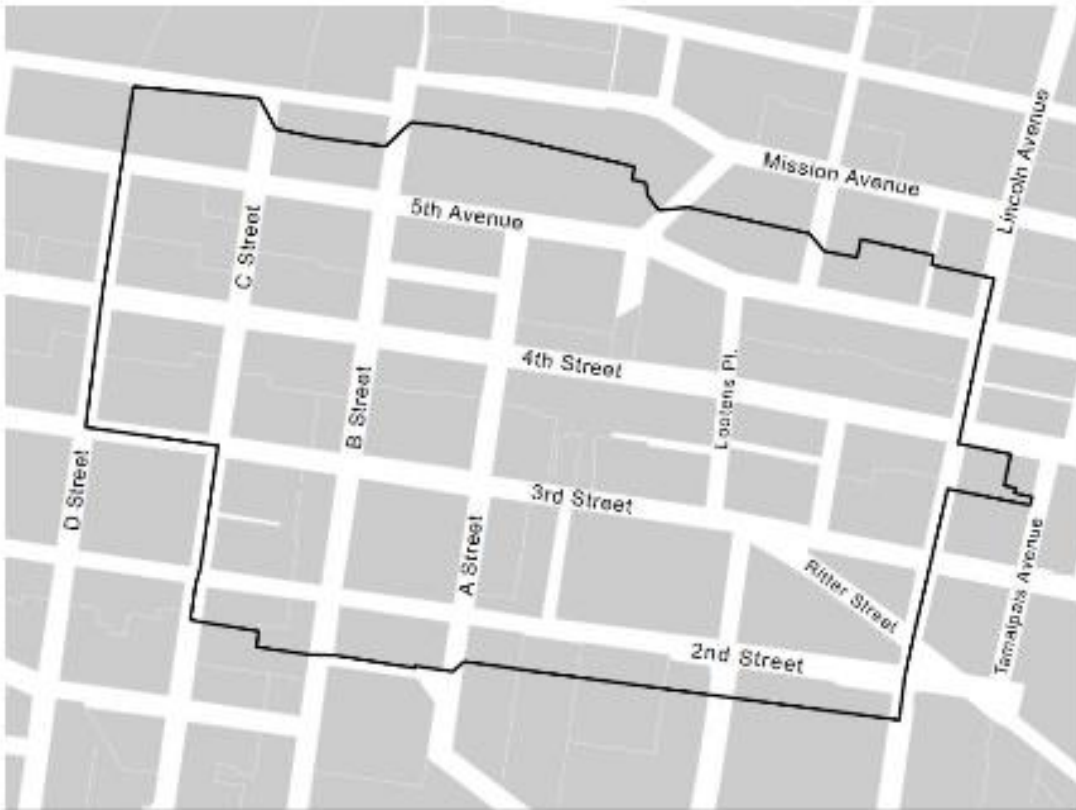
Insert the following map here that is amended to include boundaries of the Downtown San Rafael Precise Plan:



"Downtown parking district" means the area which encompasses the boundary generally between Lincoln and D Hetherton and E Streets, and Second Street and Fifth Avenue, as shown on the following a map contain in the downtown san rafael precise plan adopted by separate ordinance.

Delete the following map:

**EXHIBIT 4A-1**  
**AMENDMENTS TO SAN RAFAEL MUNICIPAL CODE**  
**TO INCORPORATE & REFERENCE THE**  
**DOWNTOWN SAN RAFAEL PRECISE PLAN & FORM-BASED CODE**  
**June 29, 2021**

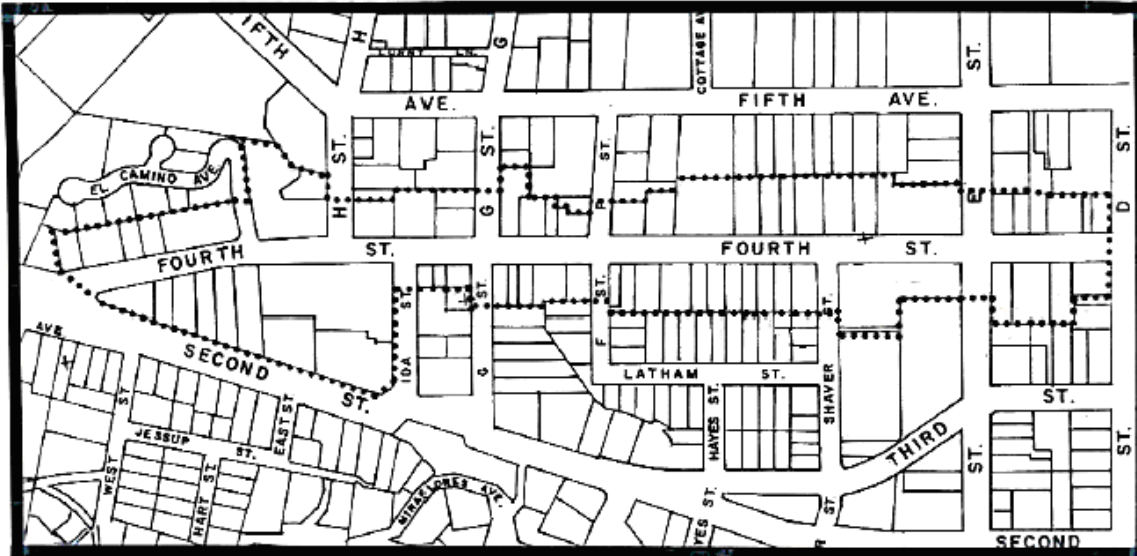


~~"Downtown's West End and environs" encompasses an area generally defined as being located along Fourth Street, between D and Second Streets, and includes the properties designated as West End Village (WEV) and Fourth Street Retail Core (4SRC) Zoning District, as shown on the following map:~~

~~Diagram B for [Section 14.03.030](#)  
DOWNTOWN WEST END AND ENVIRONS~~

~~Delete the following map:~~

**EXHIBIT 4A-1**  
**AMENDMENTS TO SAN RAFAEL MUNICIPAL CODE**  
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"Downtown zoning districts" means those lots located in the downtown commercial zoning district and within the area generally between Hetherton Street & Mission (easterly boundary) and Fourth Street & Second Street (westerly boundary) and encompassing that area between Mission Avenue and Second Street as shown on the following map:

**Add the following new definition:**

"Height, downtown mixed-use district" means the height of all structures, fences and walls located within the downtown mixed-use district measured in accordance with the methodology presented in the downtown san rafael precise plan form-based code, which is adopted by separate ordinance.

**Chapter 14.04 – RESIDENTIAL DISTRICTS (R, DR, MR, HR)**

**Amend Section 14.04.040 – Property development standards (DR, MR, HR), Table 14.04.040 to amend and delete the following table footnotes:**

- (A) ~~Outside of downtown, only one unit is permitted, and no additional units are permitted, on lots less than five thousand (5,000) square feet, per Section 14.16.200 (Small lots).~~
- (J) ~~The height limit in the Latham Street neighborhood ranges from thirty feet (30') to thirty-six feet (36'). See the downtown height map for lot-specific information is specified in the downtown san rafael precise plan form-based code adopted by separate ordinance.~~

**EXHIBIT 4A-1**  
**AMENDMENTS TO SAN RAFAEL MUNICIPAL CODE**  
**TO INCORPORATE & REFERENCE THE**  
**DOWNTOWN SAN RAFAEL PRECISE PLAN & FORM-BASED CODE**  
**June 29, 2021**

**Chapter 14.05 – COMMERCIAL AND OFFICE DISTRICTS**

**Amend Section 14.05.010 – Commercial and Office Districts, Specific purposes to amend sub-section L. and delete P, Q, R, S, T and U as follows:**

~~L. Fourth Street Retail Core District (4SRC).~~ Downtown Mixed-Use (DMU) District. The downtown mixed-use district encompasses the 265-acre downtown area, which is the commerce and employment center of the city. Allowable uses, design intent, and development standards and regulations are defined and specified in the downtown san rafael precise plan and form-base code which is adopted by separate ordinance and incorporated herein by reference.

~~1. Existing Character. The Fourth Street retail core district is the heart of downtown San Rafael. Fourth Street is a popular shopping and restaurant center serving a regional market with small-scale and larger shops, restaurants and service businesses lining the street. The district offers many events and entertainment and cultural opportunities for San Rafael residents and greater Marin. There are also a number of financial institutions and upper floor offices in the district.~~

~~2. Allowed Uses. The Fourth Street retail core will continue to be an active and growing regional retail and cultural center offering a mix of small specialty retail shops, larger retail stores, personal services and offices. Uses along the street are those which foster an active and healthy retail center. These uses typically have a high customer turnover, contribute to and benefit from a high volume of pedestrian traffic, provide storefront and window displays, and offer merchandise or a service likely to be included during a shopping visit downtown. Evening activity is promoted by maintaining a mix of uses including businesses and restaurants with evening hours of operation, and entertainment and cultural uses. In keeping with the district's existing character, mixed-use buildings with housing or offices above ground floor retail uses are encouraged. Residential uses are allowed on the rear ground floor, second floor and above.~~

~~3. Design Intent. Facade changes and new development must be compatible with the pattern and character of the many attractive and historic buildings along Fourth Street. Pedestrian-oriented street frontages must be provided to maintain human scale in building design. A continuity of retail stores and display windows is required. In order to promote robust retail activity, the highest development intensities in San Rafael are allowed in the Fourth Street retail core. Building height will typically range from two (2) to four (4) stories with opportunities for additional height up to five (5) stories where a specific amenity or community benefit is provided.~~

LM. Commercial/Office District (C/O). The commercial/office district promotes retail, office, mixed retail/office/residential uses, and cultural facilities. The commercial/office district is different from the downtown zoning districts in that it provides greater opportunity for office and financial uses in first-floor locations. Residential units are promoted to provide evening and weekend activity, increase the city's supply of housing units and support downtown activities and uses.

MN. Residential/Office Districts (R/O).

**EXHIBIT 4A-1**  
**AMENDMENTS TO SAN RAFAEL MUNICIPAL CODE**  
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1. The residential/office district is a transitional area between the downtown zoning districts and nearby residential areas. This district promotes residential, office, and mixed-use residential/office projects. This district also provides limited retail and personal service uses which support residential and office uses, and which are compatible with such uses. Gasoline service stations are allowed along major arterials such as Second Street.

2. This district is characterized by lower development intensity than in the downtown mixed-use zoning districts. The residential/office district is also intended to be less intense in terms of evening and weekend activity than the downtown mixed-use zoning districts.

~~NQ.~~ Francisco Boulevard West Commercial District (FBWC).

1. The Francisco Boulevard West commercial district provides a wide range of specialty retail uses with regional appeal, including sales of automobiles, bulk retail items, building materials and other region-serving goods. The Francisco Boulevard West district is intended to accommodate large-scale developments and shopping centers with specialty retail tenants. Assemblage of parcels shall be encouraged in this district in order to promote larger scale development projects. Residential use is also allowed in this district.

2. This area is expected to be the focus of major redevelopment in the future. Until redevelopment occurs, it is recognized that there will be many nonconforming uses within the Francisco Boulevard West commercial district, and it is intended that existing legal nonconforming uses may remain as viable interim uses. [Section 14.16.270](#), Nonconforming structures and uses, contains general provisions on nonconforming uses which apply in these instances. However, these types of interim uses are not permitted on any additional sites within the Francisco Boulevard West district.

~~P.~~ ~~Hetherton Office (HO).~~

~~1. Existing Character. The Hetherton office district is at the eastern edge of downtown adjacent to Highway 101. The district has a wide variety of uses from the Whistlestop Senior Center and the Transportation Center to small and medium size offices and stores. An unused railroad right-of-way planned as a future transitway bisects the district, and there are a number of underutilized lots.~~

~~2. Allowed Uses. The Hetherton office district is expected to become a major office area because of its proximity to the Transportation Center, Fourth Street retail and services, and the visibility from and access to Highway 101. New large-scale office development is encouraged in order to strengthen downtown's standing as a business and financial center. On the ground floor, office, business-support retail, general retail for parcels that front on Fourth Street, personal service uses and restaurants are encouraged. Parking structures are allowed, and should have commercial uses on the ground floor. Limits on shops protect Fourth Street retail businesses. Residential and live/work is permitted on the upper floors on Fourth Street, and on the ground floor and above elsewhere.~~

~~3. Design Intent. The Hetherton office district is intended to become an elegant entryway into downtown. Development will be large-scale with on-site parking, and should include landmark design elements supportive of the district's gateway role. Buildings will typically range from three (3) to five (5) stories with upper stories stepped back. Plazas, public~~



**EXHIBIT 4A-1**  
**AMENDMENTS TO SAN RAFAEL MUNICIPAL CODE**  
**TO INCORPORATE & REFERENCE THE**  
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**June 29, 2021**

~~art and ground floor retail are encouraged along Fourth Street between Hetherton and Fourth Street.~~

~~Q. — Cross Street Mixed Use District (CSMU).~~

~~1. — Existing Character. The cross street mixed use district has a variety of shops, offices, restaurants and residential uses along "A," "B" and "C" Streets. There are also several vacant and underutilized lots in the district. The cross streets are a transition area between the Gerstle Park neighborhood and the Fourth Street retail core.~~

~~2. — Allowed Uses. The cross street mixed use district is intended to be an active pedestrian area along "A" and "B" Streets with a wide range of uses encouraged, including retail, restaurants, office and financial services, entertainment, cultural and other neighborhood-serving uses. Residential uses are also permitted throughout.~~

~~3. — Design Intent. Development must be compatible with the existing pattern and character of the many attractive and historic buildings along "A" and "B" Streets. Each cross street should have a pleasant walking environment as well as an individual and unique identity. Continuity of retail stores and display windows is encouraged throughout. Building heights will range from one to four (4) stories with opportunities for additional height of five (5) stories on "A" Street where a specific amenity or community benefit is provided.~~

~~R. — Second/Third Mixed Use District East (2/3 MUE).~~

~~1. — Existing Character. The Second/Third mixed use district east is part of a major transportation corridor bordering the southern edge of downtown, from Highway 101 to Brooks Street. The district is comprised of a "one-way pair" of Second and Third Streets carrying traffic through downtown. There is a mix of uses, including large and small-scale offices and retail shops, and residential uses. This area is highly visible to the Marin community, is adjacent to the planned vitality of the Lindero office district, and provides many opportunities to enhance the overall impression of downtown.~~

~~2. — Allowed Uses. The Second/Third mixed use district east is to become more attractive, efficient and better utilized with a mix of compatible uses serving local, community and regional needs. Because of the district's proximity to Highway 101 and the Transportation Center, this area is suitable for office and office-support retail and service uses. Limited auto-serving retail stores are allowed. Housing is encouraged as part of a mixed use project.~~

~~3. — Design Intent. New development will help create an inviting appearance to Second and Third Streets. Parking areas should be attractive and screened, yet easy to find. Because of the high volume of traffic, the street front design should give special attention to pedestrian safety and comfort through setbacks and landscaping. This district has one of the highest levels of development intensity downtown because of its proximity to the Highway and the Transportation Center. Building heights are four (4) stories with height and FAR bonuses possible in limited circumstances to allow buildings up to five (5) stories when desirable amenities are provided.~~

~~S. — Second/Third Mixed Use District West (2/3 MUW).~~

~~1. — Existing Character. The Second/Third mixed use district west is part of a major transportation corridor bordering the southern edge of downtown, from "C" Street to the West~~

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~~End. The district is comprised of a "one-way pair" of Second and Third Streets carrying traffic through downtown. Existing uses include small to medium-scale offices, retail shops and residential units. This area is highly visible to the Marin community and provides an opportunity to enhance the overall impression of downtown. It also serves as a transition between the Gerstle Park neighborhood and the Fourth Street retail core.~~

~~2. ——— Allowed Uses. The Second/Third mixed use district west is to become more attractive, efficient and better utilized with a mix of compatible uses serving local, community and regional needs. Uses which benefit from the high visibility along Second and Third Streets and which do not require heavy pedestrian traffic, such as office and office-support retail and service uses, retail usually accessed by car (i.e., daily needs retail such as grocery and drug stores, etc.), and limited auto-serving and large item retail are allowed. Housing is encouraged throughout the district.~~

~~3. ——— Design Intent. Development will help create a more inviting appearance to the district. Parking areas should be attractive, screened and easy to find. Because of the high volume of traffic, the street front design should give special attention to pedestrian safety and comfort through setbacks and landscaping. Each cross street should have a pleasant walking environment as well as an individual and unique identity. Building heights are three (3) stories, and intensities transition from a higher FAR close to Fourth Street to a lower FAR south of Second Street near the neighborhood.~~

~~T. ——— West End Village District (WEV).~~

~~1. ——— Existing Character. The West End is an older commercial village adjacent to several neighborhoods. Small-scale shops and restaurants and small businesses along Fourth Street provide convenience goods and services to the nearby residential areas as well as specialty retail shopping opportunities for the wider San Rafael community.~~

~~2. ——— Allowed Uses. The West End Village will continue to be a unique and desirable place to shop and live. A variety of goods and services is encouraged, ranging from one-of-a-kind shops, neighborhood-serving offices and services, family and youth-oriented entertainment activities, and restaurants. New parking areas are strongly encouraged. Limits on drive-up facilities and late-night activity protect the livability in the West End Village, and promote an attractive pedestrian setting. Mixed-use residential development is encouraged.~~

~~3. ——— Design Intent. Infill development should remain compatible with the area's historic low-scale pattern and character. New buildings will typically range from one to two (2) stories with opportunities for occasional three (3) story mixed-use commercial/residential buildings which complement the older buildings in the district.~~

~~U. ——— Fifth/Mission Residential/Office District (5/M R/O).~~

~~1. ——— Existing Character. The Fifth/Mission residential/office district is a mixed-use residential and office area between the Fourth Street retail core and nearby residential areas. Many cultural and civic uses, such as city hall, the Falkirk Cultural Center and the San Rafael Mission, are in or adjacent to this district. Fifth and Mission Avenues have some of downtown's nicest places because of their beautiful street tree canopies, historic buildings, and Boyd Park.~~



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2. ~~Allowed Uses. The Fifth/Mission district should continue to have residential, office, civic and cultural uses. The district provides suitable sites for a wide variety of office uses, including medical, bank, professional and administrative offices. These uses are compatible with residential uses, provide a sensitive transition between the core and the neighborhoods, and are better located along Fifth and Mission than on downtown's retail streets. Cultural and educational uses are allowed throughout, and ground floor retail and personal service uses are allowed from "C" Street east, on cross streets between Fourth Street and Fifth Avenue. Limits on retail uses and drive-up uses protect the livability of the Fifth/Mission district. This area is a desirable location for residential uses because of the convenience of living close to downtown's cultural, entertainment and shopping opportunities.~~

3. ~~Design Intent. Infill development will preserve the scale and elegant character of existing buildings along Fifth and Mission Avenues. Building heights will typically range from one to three (3) stories, with larger scale buildings closer to the center of downtown.~~

**Amend Section 14.05.022 – Land Use Regulations (4SRC, CSM, HO, 2/3 MUE, 2/3 MUW, WEV, 5/M, R/O) to replace existing district regulations with Downtown Mixed-Use (DMU) District land use regulations and delete Table 14.05.022 as follows:**

14.05.022 - Land use regulations ~~(4SRC, CSMU, HO, 2/3 MUE, 2/3 MUW, WEV, 5/M R/O).~~ (DMU). All land use regulations applicable to the DMU District are contained within the downtown san rafael precise plan form-based code, which is adopted by separate ordinance and incorporated herein by reference.

P: Permitted by right; C: Conditional permit/planning commission; CZ: Conditional use permit/zoning administrator; A: Administrative use permit; Blank: Not allowed.

**Table 14.05.022**

Type of Land Use	4SRC	HO	CSMU	2/3 MUE	2/3 MUW	WEV	5/M R/O
<b>Commercial Uses</b>							
<del>Animal sales and service, excluding exterior kennels, pens or runs (1)</del>							
Animal care facilities	CZ	CZ	CZ	CZ	CZ	CZ	
Animal retail sales	P	P(27)	P	CZ		P	

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Type of Land Use	4SRC	HO	CSMU	2/3 MUE	2/3 MUW	WEV	5/M R/O
Building materials and supplies							
Equipment rental businesses (2)			P(3)	P	P		
Hardware stores (2)	P	P	P	P	P	P	
Paint stores (2)	P	P	P	P	P		
Business sales and service							
Blueprint and photocopy shops	P	P	P	P	P	P	P(4)
Computer services	P	P	P	P	P	P	P(4)
Locksmith shop	P	P	P	P	P	P	P(4)
Office furniture sales and rentals	P	P	P	P	P	P	P(4)
Office supply and business machine shops	P	P	P	P	P	P	P(4)
Printing shops	GZ	GZ	GZ	GZ	GZ	GZ	GZ(4)
Card rooms (5)	G						
Coffee roasters	GZ	GZ	GZ	GZ	GZ	GZ	GZ(4)
Food and beverage service establishments							
Brew pubs	GZ	GZ	GZ	GZ	GZ	GZ	
Catering establishments	GZ	GZ	GZ	P	P	GZ	P(4)

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Type of Land Use		4SRC	HO	CSMU	2/3 MUE	2/3 MUW	WEV	5/M R/O
	Cocktail lounges (without food service)	G	G	G	G	G	G	G(4)
	Fast food restaurants	G	G	G	G	G	G	
	Food service establishment, high volume	G	G	G	G	G	G	
	Food service establishment (with or without incidental serving of beer or wine or ancillary bar), but without a cocktail lounge, live entertainment as defined under <a href="#">Chapter 14.03</a> , and/or dancing							
	(1) 1,000 sq. ft. or less in size	P	P	P	P	P	P	P(4)
	(2) More than 1,000 sq. ft. in size	P	P	P	P	P	P	GZ(4)
	Food service establishment with a cocktail lounge, live entertainment, and/or dancing	GZ	GZ	GZ	GZ	GZ	GZ	GZ(4)
	Live entertainment and/or dancing (without food and service)	G	G	G	G	G	G	G
	Outdoor eating areas (6)	A	A	A	A	A	A	A(4)
Food and beverage stores								
	Bakeries, retail (and ancillary food service)	P	P	P	P	P	P	P(4)

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Type of Land Use	4SRC	HO	CSMU	2/3 MUE	2/3 MUW	WEV	5/M R/O
Candy stores and confectioneries	P	P	P	P	P	P	P(4)
Convenience markets (7)	GZ	GZ	GZ	GZ	GZ	GZ	GZ(4)
Grocery stores and supermarkets (7)	P	P	P	P	P	P	G(4)
Liquor stores							
(1) Less than 200 ft. from residential district	GZ	GZ	GZ	GZ	GZ	GZ	GZ(4)
(2) 200 or more ft. from residential district	P	P	P	P	P	P	GZ(4)
Fortune telling (8)	A(9)	A(9)	A		A	A(9)	
Funeral and interment services (including mortuaries, but excluding crematories)					GZ		GZ
Kiosks (30)	A	A	A	A	A	A	A
Motor vehicle sales and service (including automobiles, motorcycles, trailers, trucks and recreational vehicles)							
Auto detailing				GZ	GZ		
Coin-op washing				G	G		
Gasoline stations (including mini-markets, and minor repair, such as tune-ups, brakes,		G		G	G		G

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Type of Land Use	4SRC	HO	CSMU	2/3 MUE	2/3 MUW	WEV	5/M R/O
batteries, tires, and mufflers) (10)							
Rentals				GZ(2)	GZ(2)		
Repairs, major (engine work, painting, and body work) (11)							
Repairs, minor (tune-ups, brakes, batteries, tires, mufflers and upholstery) (11)		GZ	GZ(3)	GZ	GZ		GZ
Sales, new or used vehicles					G		
Sales, parts and supplies	P	P	P	P	P	P	P(4)
Sales, tires and ancillary service				GZ	GZ		
Music rehearsal/recording studios	GZ(9)	GZ	GZ	GZ	GZ	GZ(9)	GZ
Outdoor storage, including temporary or permanent storage containers					GZ		
Personal service establishments							
Artistic and photographic studios, without sale of equipment or supplies	P	P	P	P	P	P	P(4)
Barber shops/beauty salons	P	P	P	P	P	P	P(4)

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Type of Land Use		4SRC	HO	CSMU	2/3 MUE	2/3 MUW	WEV	5/M R/O
	Dry cleaning establishments, with no on-site processing	P	P	P	P	P	P	P(4)
	Dry cleaning establishments, with on-site processing	GZ	GZ	GZ	GZ	GZ	GZ	GZ(4)
	Laundromats (self-service) (7)	P	P	P		P	P	P(4)
	Massage and/or bodywork offices or establishments (12)	P(9)	P(9)	P	P	P	P(9)	P
	Nail salons	P	P	P	P	P	P	P(4)
	Seamstress/tailor	P	P	P	P	P	P	P(4)
	Shoe repair	P	P	P	P	P	P	P(4)
Recreational facilities (indoors)								
	Bowling alleys (13)					G		
	Game arcades (14)	G		G		G	G	
	Fitness/recreation facility	GZ	GZ	GZ	GZ	GZ	GZ	GZ(4)
	Poolhalls/billiards	G		G		G	G	
	Theaters	G		G	G	G	G	G
Retail								
	Antique stores	P	P(27)	P	P	P	P	P(4)
	Apparel stores	P	P(27)	P	P	P	P	P(4)

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Type of Land Use	4SRC	HO	CSMU	2/3 MUE	2/3 MUW	WEV	5/M R/O
Appliance stores (and ancillary repair)	P	P(27)	P	P	P	P	P(4)
Art, craft, music and photographic supply stores	P	P	P	P	P	P	P(4)
Auctions (15)	P	P	P	P	P	P	P(4)
Bicycle shops	P	P(27)	P	P	P	P	P(4)
Book, gift, stationery stores	P	P	P	P	P	P	P(4)
Department stores	P	P	P	P	P	P	P(4)
Discount stores	P	P	P	P(16)	P	P	P(4)
Drug stores and pharmacies (7)	P	P	P	P	P	P	P(4)
Electronics sales (televisions, radios, computers, etc.)	P	P	P	P	P	P	P(4)
Florist shops	P	P	P	P	P	P	P(4)
Furniture stores and upholstery shops (and ancillary repair)	P	P(27)	P	P	P	P	P(4)
Gun shops	C		C	C	C	C	
Jewelry stores	P	P(27)	P	P		P	P(4)
Plant nurseries and garden supply	P(2)	P(2)	P(2)	P(2)	P(2)	P(2)	P(2)(4)
Secondhand stores and pawnshops (17)	CZ	CZ	CZ	CZ	CZ	CZ	CZ(4)

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Type of Land Use	4SRC	HO	CSMU	2/3 MUE	2/3 MUW	WEV	5/M R/O
Shoe stores	P	P(27)	P	P	P	P	P(4)
Shopping centers	C	C	C	C	C	C	C(4)
Sporting goods stores	P	P(27)	P	P	P	P	P(4)
Stamp and coin shops	P	P(27)	P	P	P	P	P(4)
Swimming pool supplies	P	P	P	P	P	P	
Tobacco retailer, significant	C(28)	C(28)	C(28)	C(28)	C(28)		
Toy stores	P	P(27)	P	P	P	P	P(4)
Variety stores (7)	P	P	P	P	P	P	P(4)
Video sales and rentals	P	P(27)	P	P/CZ(31)	P	P	P(4)
<b>Offices and Related Uses</b>							
Financial services and institutions	P(9), A(18)	P	P	P	P	P(9), A(18)	P
Medical services (medical, dental and health-related services, with sale of articles clearly incidental to the services provided)							
Clinics	C(9)	C	C	C	C	C(9), C(18)	C
Hospitals							
Major medical facilities, including extended care facilities (treatment and convalescent) and							C



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Type of Land Use	4SRC	HO	CSMU	2/3 MUE	2/3 MUW	WEV	5/M R/O
children's treatment facilities							
Laboratories	GZ(9)	GZ	GZ	GZ	GZ	GZ(9, 18)	GZ
Medical offices	P(9)	P	P	P	P	P(9), A(18)	P
Offices, general	P(9), A(18)	P	P	P	P	P(9), A(18)	P
<b>Public and Quasi-Public Uses</b>							
Clubs and lodges, including youth groups	G(9)	G	G	G	G	G(9)	
Public facilities							
Administrative offices	P(9), A(18)	P	P	P	P	P(9), A(18)	P
Day services center				G			
Libraries, museums, and other cultural facilities	G	G	G	G	G	G	G
Public facilities, other (police, fire, paramedic, post office, etc.)	G	G	G	G	G	G	G
Public parks, playgrounds, and recreational facilities	P	P	P	P	P	P	P
Religious institutions	G	G	G	G	G	G	G
Schools							
Parochial, private	G(9)	G	G	G	G	G(9)	G

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Type of Land Use	4SRC	HO	CSMU	2/3 MUE	2/3 MUW	WEV	5/M R/O
Public	P	P	P	P	P	P	P
Specialized education and training	CZ (9, 18)	CZ	CZ	CZ	CZ	CZ (9, 18)	CZ
<b>Residential Uses</b>							
Single-family residential							
Duplex residential					P		P
Multifamily residential (19)	A	A(29)	A	A(20)	A	A	P
Animal keeping	A	A	A	A	A	A	A
Caretaker's residence	A	A(29)	A	A(20)	A	A	A
Emergency shelters for the homeless							
Permanent							
Temporary or rotating	G	G	G	G	G	G	G
Home occupations (22)	P	P	P	P	P	P	P
Live/work quarters (19)	A	A(29)	A	A(20)	A	A	A
Residential care facilities for the handicapped in dwelling unit (19)							
Small (0—6 residents)	P	P(29)	P	P(20)	P	P	P
Large (7 or more residents)	P	P(29)	P	P(20)	P	P	P
Residential care facilities, other in dwelling unit (19)							

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Type of Land Use	4SRC	HO	CSMU	2/3 MUE	2/3 MUW	WEV	5/M R/O
Small (0—6 residents)	P	P(29)	P	P(20)	P	P	P
Large (7 or more residents)	G	G(29)	G	G(20)	G	G	G
Rooming or boarding houses (19)	A	A(29)	A	A(20)	A	A	A
<b>Day Care</b>							
Day care facility, child or adult							
Family day care							
Small (0—8 children or adults)	P	P	P	P	P	P	P
Large (9—14 children) (31)	GZ	GZ	GZ	GZ	GZ	GZ	A
Large (9—14 adults)	G	G	G	G	G	G	G
Day care center (15 or more children or adults)	GZ(9)	GZ	GZ	GZ	GZ	GZ(9)	GZ
<b>Visitor Accommodations</b>							
Hotels, motels, or bed and breakfast inns	G	G	G	G	G	G	G
<b>Transportation Facilities</b>							
Bus stations		G		G			
"Park and ride" facilities		GZ		GZ	GZ		
Parking facilities, commercial or municipal	GZ	GZ	GZ(3)	GZ	GZ	GZ	GZ

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Type of Land Use	4SRC	HO	CSMU	2/3 MUE	2/3 MUW	WEV	5/M R/O
<del>Taxi stations (24)</del>		C		C	C		
<del>Transit stations or transitways</del>		C		C	C		
<b>Temporary Uses</b>							
<del>Temporary uses (25)</del>	A	A	A	A	A	A	A
<b>Accessory Structures and Uses</b>							
<del>Accessory structures and uses customarily incidental to a permitted use and contained on the same site (26)</del>	P	P	P	P	P	P	P

(1) ~~See [Chapter 10.24](#).~~

(2) ~~See "outdoor storage."~~

(3) ~~Use not allowed on lots which have frontage along "A" and "B" Streets.~~

(4) ~~Use allowed only on cross streets from "C" Street east between Fourth Street and Fifth Avenue.~~

(5) ~~See [Chapter 10.36](#).~~

(6) ~~For outdoor eating areas on private property, see [Section 14.17.110](#) standards. For outdoor seating areas located on city sidewalks or rights-of-way, see [Section 14.16.277](#) standards.~~

(7) ~~Operating after eleven p.m. (11:00 p.m.) requires a use permit (CZ).~~

(8) ~~See [Section 14.17.060](#) (Fortunetelling).~~

(9) ~~On Fourth Street frontage, use shall only be allowed in a rear ground level demised space behind a separate retail demised space with a separate entrance or on the second floor or above.~~

(10) ~~See [Section 14.16.160](#) (Gasoline stations).~~

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- (11) — See [Section 14.17.090](#) (Motor vehicle repair uses).
- (12) — See [Chapter 8.34](#).
- (13) — See [Chapter 10.32](#).
- (14) — See [Section 14.17.070](#) (Game arcades).
- (15) — See [Chapter 10.16](#).
- (16) — Office support retail only.
- (17) — See [Chapter 10.20](#).
- (18) — Office use on the Fourth Street frontage is limited to customer service office use only. See [Section 14.17.050](#) (Offices and financial institutions in the Fourth Street retail core and the West End Village) of this title.
- (19) — See [Section 14.17.100](#) (Residential uses in commercial districts).
- (20) — Residential use allowed if part of a mixed-use development.
- (21) — Repealed April 2006.
- (22) — See [Section 14.16.220](#) (Home occupations).
- (23) — See [Section 14.17.040](#) (Family day care home, large).
- (24) — See [Chapter 10.60](#).
- (25) — See [Section 14.17.130](#) (Temporary uses).
- (26) — See [Section 14.16.020](#) (Accessory uses).
- (27) — Use only allowed for parcels that have Fourth Street or Lincoln Avenue frontage.
- (28) — Shall not be located within one thousand feet (1,000') from: schools (public and private elementary, junior high, and high schools), public parks, public libraries, arcades, youth/teen centers, community/recreation centers, licensed day care centers for children, shopping malls, and houses of worship with organized youth programs, as measured from the property lines of each parcel.
- (29) — Residential use is allowed on the ground floor and above, except on lots facing Fourth Street where residential use is allowed on the rear ground level and second floor and above.
- (30) — See [Section 14.16.115](#).

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(31) — Permitted if less than two thousand (2,000) square feet in size, and conditionally permitted subject to zoning administrator approval if two thousand (2,000) square feet or more in size.

(Ord. 1838 § 22, 2005; Ord. 1831 § 1 (part), 2004; Ord. 1815 § 2, 2004; Ord. 1797 § 4, 2003; Ord. 1765 § 1 (Exh. B (part)), 2001; Ord. 1763 § 1 (part), 2001; Ord. 1757 § 2 (Exh. Z-1), 2000; Ord. 1751 § 2, 2000; Ord. 1742 § 2, 1999; Ord. 1725 § 1 (Exh. A), 1998; Ord. 1694 § 1 (Exh. A) (part), 1996).

(Ord. No. 1882, Exh. A, § 13, 6-21-10; Ord. No. 1923, § 2(Exh. A), 6-16-2014; [Ord. No. 1924, § 1, 9-15-2014](#))

**Amend Section 14.05.032 – Property development standards (4SRC, CSM, HO, 2/3 MUE, 2/3 MUW, WEV, 5/M, R/O) to replace existing district standards with Downtown Mixed-Use (DMU) District development standards and delete Table 14.05.032 as follows:**

14.05.032 – Property development standards (4SRC, CSMU, HO, 2/3 MUE, 2/3 MUW, WEV, 5/M R/O). All property development standards applicable to the DMU District are contained within the downtown san rafael precise plan form-based code, which is adopted by separate ordinance and incorporated herein by reference.

NR: Not required unless otherwise noted in "Additional Standards." NA: Not applicable.

Note: See [Chapter 14.16](#) (Site and Use Regulations) for additional regulations pertaining to floor area ratio, and site development standards. See [Chapter 14.23](#) (Variances) and [Chapter 14.24](#) (Exceptions) for allowable adjustments to these standards, and [Chapter 14.25](#) (Environmental and Design Review Permits) for a listing of improvements subject to review and design guidelines and criteria for development.

**Table [14.05.032](#)**

	4SRC	HO	CSMU	2/3 MUE	2/3 MUW	WEV	5/M R/O	Additional Standards
Minimum lot area (sq. ft.)	2,000/ buildi ng	6,000	2,000/ buildi ng	6,000	6,000	6,000	6,000	
Minimum lot area/dwelli ng unit (sf) (Max.	600	600	600	600	1,000	1,000	1,000	(A), (M)

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	4SRC	HO	CSM U	2/3 MU E	2/3 MU W	WE V	5/M R/O	Additional Standards
residential intensity)								
Floor area ratio (Max. non-residential intensity)	*	*	*	*	*	*	*	* See <a href="#">Section 14.16.150</a>
Minimum lot width (ft.)	25	60	25	60	60	25	60	
Minimum yards:								
—Front (ft.)	NR	NR	NR	5	5	NR	NR-15	(B), (C), (D)
—Side (ft.)	NR	NR	NR	NR	NR	NR	NR	(B), (E)
—Street side (ft.)	NR	NR	NR	NR	NR	NR	NR	(B)
—Rear (ft.)	NR	NR	NR	NR	NR	NR	NR	(B), (E)
Maximum height of structure (ft.)	36— 54 (102' Cths. Sq.)	46 — 66	36— 54	<a href="#">54</a>	36 — 42	30 — 36	<a href="#">42</a>	(F), (G), (H), (I)
Maximum lot coverage	NR	NR	NR	NR	NR	NR	NR	
Minimum landscaping	NR	10%	NR	10%	10%	NR	10%	(J), (K)

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	4SRC	HO	CSM U	2/3 MU E	2/3 MU W	WE V	5/M R/O	Additional Standards
Usable outdoor area	NR	NR	NR	NR	NR	NR	NR	(L)
Parking	*	*	*	*	*	*	*	* Based on use. See Sections <a href="#">14.18.040</a> , <a href="#">14.18.060</a> , and <a href="#">14.18.061</a>

~~(A) There is no minimum lot area requirement for a boarding house.~~

~~(B) Where the frontage of a block is partially in an R district, the front yard shall be the same as required for that R district, and when the side and/or rear of the lot(s) abuts an R district, the respective side and/or rear yard shall be ten feet (10').~~

~~(C) In the 5/M R/O district west of "E" Street, the minimum front yard setback shall be fifteen feet (15') or the average of improved lots on both sides of the street for the length of the block, whichever is less, except that on Fifth Avenue east of "E" Street there shall be no minimum front yard setback.~~

~~(D) In the Second/Third mixed use districts, the front yard must be landscaped, or a minimum five feet (5') must be landscaped between the sidewalk and street.~~

~~(E) Parking and maneuvering areas may be permitted in the required rear and side yards, per [Section 14.18.200](#) (Location of parking and maneuvering areas).~~

~~(F) See general plan downtown height map for lot-specific limits.~~

~~(G) Exceptions to the height limit may be granted, subject to the provisions of [Chapter 14.24](#) (Exceptions).~~

~~(H) Buildings existing or approved as of January 1, 1987 which are more than three (3) stories in height shall not be considered nonconforming, and are listed in [Section 14.16.040](#) (Buildings over three (3) stories).~~

~~(I) A height bonus may be granted, as provided for in [Section 14.16.190](#) (Height bonus).~~

~~(J) Where the frontage of the lot(s) is adjacent to or across from an R district, fifty percent (50%) of the front yard shall be landscaped. Where the side yard abuts an R district, minimum three feet (3') of buffer landscaping must be provided. Where the rear of the lot abuts an R district, six feet (6') of buffer landscaping must be provided.~~



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(K) For parking lot landscaping, see [Section 14.18.160](#) (Parking lot screening and landscaping).

(L) Provision of usable outdoor area is encouraged in residential development as part of a mixed-use project.

(M) A density bonus may be granted, as provided for in [Section 14.16.030](#).

(Ord. 1838 § 24, 2005; Ord. 1782 Exh. A (part), 2002; Ord. 1694 § 1 (Exh. A) (part), 1996).  
(Ord. No. 1882, Exh. A, §§ 16, 17, 6-21-10)

**Chapter 14.16 – SITE AND USE REGULATIONS**

**Amend Section 14.16.040 – Buildings over three stories to read:**

14.16.040 - Buildings over three stories.

Existing Buildings with more than three (3) stories in height located outside the downtown mixed-use (DMU) district, which were constructed or approved as of January 1, 1987 ~~having more than three (3) stories in height~~ shall be considered conforming. These buildings include, but are not limited to, the following:

**Table [14.16.040](#)**  
**BUILDINGS OVER THREE (3) STORIES**

Address	Building
<del>1005 A St. at Fourth St.</del>	<del>Herzog-Rake Building</del>
<del>1010 B St. at Fourth St.</del>	<del>Albert Building</del>
4000 Civic Center Dr.	Marin Executive Center
4040 Civic Center Dr.	Northgate East
100—500 Deer Valley	Smith Ranch Hills Retirement Home
<del>1000 Fourth Street</del>	<del>Court House Square</del>
<del>1299 Fourth Street</del>	<del>Columbia Pacific Building</del>
535—565 Jacoby	Marin Resource Recovery Center

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Address	Building
100 McInnis Parkway	Embassy Suites Hotel
99 Monticello Road	Kaiser Medical Center
899 Northgate	Quail Hill Office Building
1000 Northgate	Macy's
1010 Northgate	Four Points Sheraton Hotel
1050 Northgate	Holiday Office Building
9000 Northgate	Sears
1 Thorndale	Villa Marin Retirement Residences

*(Ord. 1625 § 1 (part), 1992).*

*(Ord. No. 1882, Exh. A, § 43, 6-21-10)*

**Amend Section 14.16.140 – Fences and walls to read:**

**4.16.140 - Fences and walls.**

This section establishes regulations for the height, location and materials of fences, retaining walls and privacy walls. The regulations are intended to prevent fences or walls which are a detriment to the appearance and character of the community and to protect the public health, safety and welfare by assuring adequate sight distance is provided and maintained at street intersections and driveways. The provisions of this section do not apply to properties within the downtown mixed-use district. For fence and wall regulations within the downtown mixed-use district, refer to the downtown san rafael precise plan form-based code, which is adopted by separate ordinance and incorporated herein by reference.

**Amend Section 14.16.150 – Floor area ratios and densities applicable to non-residential and mixed-use development to read:**

**14.16.150 - Floor area ratios and densities applicable to nonresidential and mixed-use development.**

**A.**

1. The intensity and density of development in nonresidential and mixed-use districts is identified by floor area ratio (FAR) and by the number of units allowed per one thousand (1,000) square feet of lot area for the location and zoning district in which a site is

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located. The FAR is the total building square footage (gross floor area) divided by the lot area excluding public streets. Total building square footage excludes parking areas or garages (covered and uncovered), residential components of a mixed-use project, hotels, and non-leasable covered atriums. Floor area for permanent child care facilities in nonresidential structures may be excluded in the FAR, subject to the provisions of [Chapter 14.22](#), Use Permits.

2. See subsection G, floor area ratio limit maps for FAR limits in non-residential zoning districts except for the downtown mixed-use (DMU) district. The maximum allowable FAR is not guaranteed, and shall be determined by the following factors: site constraints, infrastructure capacity, hazardous conditions and design policies.

3. Intensity and development limitations in the downtown mixed-use (DMU) district are addressed in the downtown san rafael precise plan form-based code, which is adopted by separate ordinance and incorporated herein by reference.

**B. Mixed-Use Development.**

1. Commercial or Office with Residential. FAR limits apply only to the non-residential component of a development. The number of residential units allowed on a lot is based on the minimum lot area required per dwelling unit standard for the zoning district. For example, a ten thousand (10,000) square foot lot in the ~~2/3 MUW GC~~ District (Max. FAR is 0.32 and density is one thousand (1,000) square feet of lot area per dwelling unit) could develop with up to the following mixed-use amount, subject to meeting other zoning standards related to height, parking, and design:

Size of Lot	FAR/ Density	Development Potential
10,000 sq. ft.	FAR <del>0.7</del> <u>0.32</u>	<del>7,000</del> <u>3,200</u> sq. ft. commercial (10,000 sq. ft. of lot area × <del>0.7</del> <u>0.32</u> FAR = <del>7,000</del> <u>3,200</u> sq. ft.) and
	Lot area/dwelling unit: 1,000 sq. ft.	10 units (10,000 sq. ft. of lot area/1,000 sq. ft. = 10 units)

**Amend Section 14.16.150G – Floor area ratio limit standards and maps to read:**

**G. Floor Area Ratio Limit Standards and Maps.**

1. ~~For lots in properties within the downtown mixed-use (DMU) district, the following apply: refer to the downtown san rafael precise plan form-based code, which is adopted by separate ordinance and incorporated herein by reference.~~

~~a. FARs may be transferred from one portion to another of a parcel split by FAR designations if the transfer results in a scale compatible with surrounding development, as permitted in [Section 14.16.340](#), Transfer of density on-site.~~

~~b. A one-time increase in FAR up to ten percent (10%) of the building or seven hundred fifty (750) square feet, whichever is larger, shall be allowed for expansion of commercial and office structures if consistent with the provisions of this title, consistent with~~

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~~the provisions of [Chapter 14.22](#), Use Permits. A traffic study may be required for a FAR increase for buildings on Fifth or Mission Avenues.~~

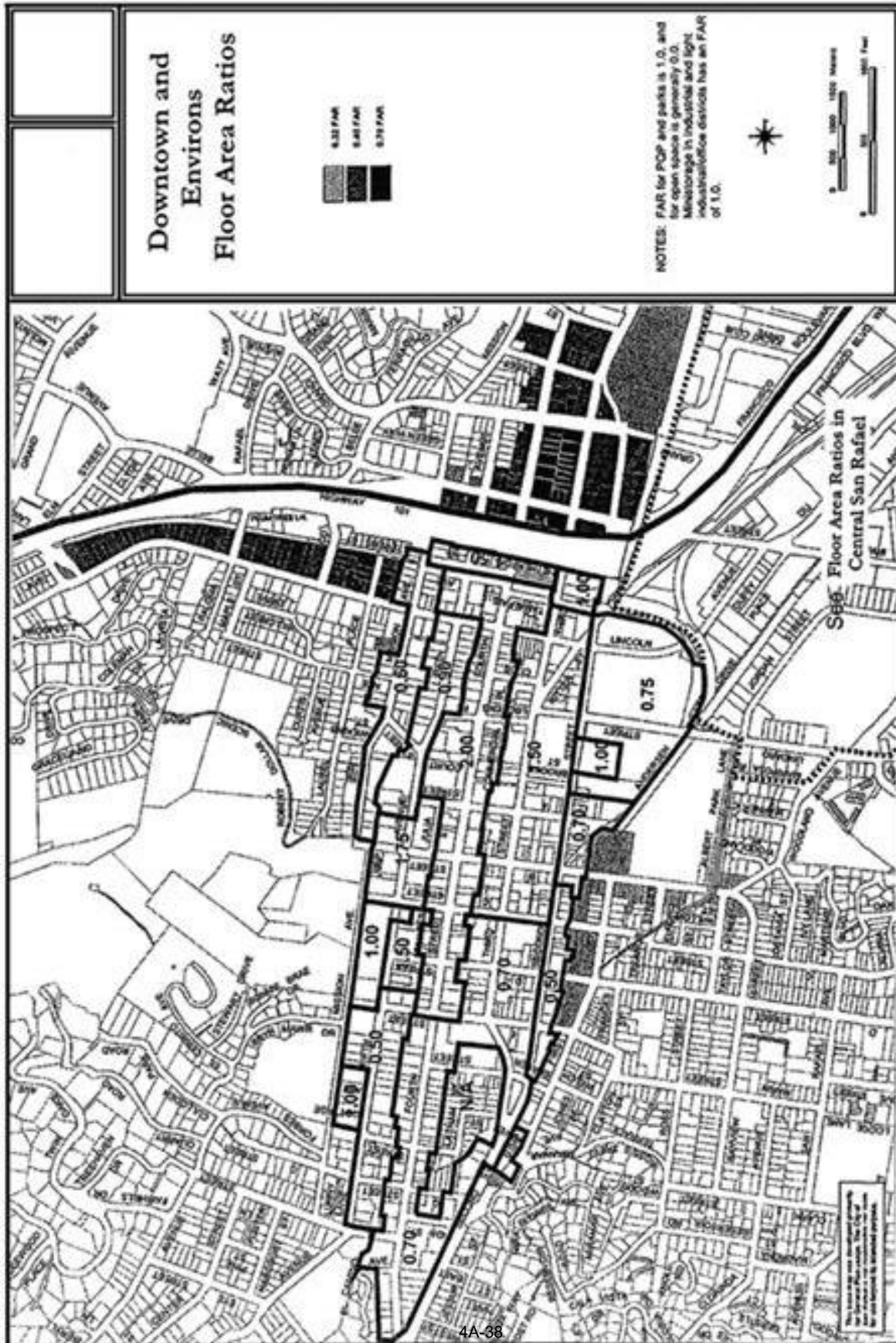
2. A higher FAR may be permitted at the intersection of Andersen Drive, Highway 101 and Francisco Blvd. West, if the proposed development would substantially upgrade the area and include bulk and region-serving specialty retail and/or hotel uses, subject to a use permit (Chapter [14.22](#)).

3. Mini-storage projects may be permitted up to 1.0 FAR by use permit if the planning commission finds:

- a. The facility is needed in the community;
- b. The design of the project is compatible with surrounding uses;
- c. The project is designed so that it cannot be converted to other, more intensive uses; and
- d. The location is appropriate for this type of use.

**Delete the following map entitled, Downtown and Environs Floor Area Ratios:**

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(Ord. 1831 § 1 (part), 2004; Ord. 1694 § 1 (Exh. A) (part), 1996; Ord. 1625 § 1 (part), 1992).  
(Ord. No. 1882, Exh. A, §§ 47, 48, 6-21-10)

**Amend Section 14.16.190 – Height bonus to read:**

**14.16.190 - Height bonus.**

A. Downtown Mixed-Use District Height Bonuses. In the downtown mixed-use district an applicant may request a height bonus as set forth below, instead of a request for a density bonus allowed by Section 14.16.030 and by City Council resolution establishing density bonus regulations (resolution 14891). A height bonus requested under this section may shall be granted by a use permit approved by the planning commission through an environmental and design review in the following downtown zoning districts. No more than one height bonus may be granted for a project and these height bonuses shall not be in addition to waivers/concessions allowed by the city's density bonus regulations and policies. 4.—A height bonus specified by the downtown san rafael precise plan form-based code in the Fourth Street retail core, a twelve-foot (12') height bonus for any of the following:

a1. Affordable housing projects where all units are located on-site. The allowable height bonus shall be as follows:

- a. Housing projects that restrict 10% of units to low income households are allowed a 10-foot height bonus for all areas in the downtown precise plan;
- b. Housing projects that restrict more than 10% of units to low income households are allowed a 20-foot height bonus in those areas identified as "Tier 2" areas in Figure 4.8 of the Downtown Precise Plan.

~~consistent with Section 14.16.030 (Affordable housing).~~

b2. Public courtyards, plazas and/or passageways that exceed the minimum requirements in the Downtown form-based code, with the recommendation of the design review board that the public improvements are consistent with downtown san rafael precise plan form-based code design guidelines.

e3. Public parking, providing it is not facing Fourth Street and it is consistent with the downtown san rafael precise plan form-based code design guidelines.

d4. Mid-block passageways between Fourth Street and parking lots on Third Street, with the recommendation of the design review board that the design is attractive and safe.

e4. Public passageways in the West End area, with the recommendation of the design review board that the public passageway serves an important public purpose and is attractive and safe

~~f—Skywalks over Second or Third Streets, with the approval of the traffic engineer, and the recommendation of the design review board;—~~

~~2.——In the Lindero district, on lots south of Second Street and fronting Lindero Street, a twenty-four-foot (24') height bonus for providing any of the following community amenities:~~

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~~a. Park area adjacent to Mahon Creek, accessible to the public and maintained by the property owner.~~

~~b. Community facility, ten thousand (10,000) square feet or more in size. The facility must be available to the public for cultural and community events and maintained and operated by the property owner.~~

~~3. In the Second/Third mixed use east district, a twelve-foot (12') height bonus for any of the following:~~

~~a. Affordable housing, consistent with Section 14.16.030 (Affordable housing);~~

~~b. Public parking, providing it is consistent with the downtown design guidelines;~~

~~c. Skywalks over Second or Third Streets, with the approval of the traffic engineer, and the recommendation of the design review board;~~

~~d. Mid-block passageways between Fourth Street and parking lots on Third Street, with the recommendation of the design review board that the design is attractive and safe.~~

~~4. In the West End Village, a six-foot (6') height bonus for any of the following:~~

~~a. Affordable housing, consistent with Section 14.16.030 (Affordable housing);~~

~~b. Public parking, providing it is consistent with the downtown design guidelines;~~

~~c. Public passageways, with the recommendation of the design review board that the public passageway serves an important public purpose and is attractive and safe.~~

~~5. In the Second/Third mixed use west district, on lots located on the north side of Third Street and east of C Street, an eighteen-foot (18') height bonus for the following:~~

~~a. Public parking, providing it is consistent with the downtown design guidelines.~~

B. Lincoln Avenue Height Bonus. A twelve-foot (12') height bonus may be granted for affordable housing on Lincoln Avenue outside of the downtown mixed-use zoning district, between Mission Avenue and Hammondale Ct., on lots greater than one hundred fifty (150') in width and twenty thousand (20,000) square feet in size, consistent with Section 14.16.030 (Affordable housing).

C. Marin Square Height Bonus. A twenty-four-foot (24') height bonus may be granted for affordable housing at the Marin Square and Gary Place properties, consistent with Section 14.16.030 (Affordable housing).

D. North San Rafael Town Center Height Bonus. A twenty-four-foot (24') height bonus may be granted for affordable housing in the North San Rafael Town Center, consistent with Section 14.16.030 (Affordable housing).



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E. Hotel Height Bonus. A height bonus of twelve feet (12') may be granted for a hotel provided the planning commission finds that the hotel will be a significant community benefit and the design is consistent with design review board recommendations.

F. Residential Development Height Bonus. A residential development project with 100% of the total units available to lower income households, and located within one-half mile of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code, shall be eligible for a height increase of up to 33 feet. This bonus shall not be combined with any other height bonus listed above.

*(Ord. 1831 § 1 (part), 2004; Ord. 1780 Exh. A, 2002; Ord. 1694 § 1 (Exh. A) (part), 1996; Ord. 1625 § 1 (part), 1992).*

**Amend Section 14.16.243 – Mechanical equipment screening to read:**

14.16.243 - Mechanical equipment screening.

Equipment placed on the rooftop of a building or in an exterior yard area shall be adequately screened from public view. See [Chapter 14.16](#) for exclusions to maximum height requirements and [Chapter 14.25](#) for design review requirements. For mechanical equipment screening requirements and standards applicable to properties within the downtown mixed-use (DMU) district, refer to the downtown san rafael precise plan form-based code, which is adopted by separate ordinance and incorporated herein by reference.

*(Ord. No. 1923, § 2(Exh. A), 6-16-2014)*

**Amend Section 14.16.260 – Noise standards, sub-section C, Development Adjacent to Commercial, Mixed-Use and Industrial Districts to read:**

14.16.260 – Noise standards.

C. Development Adjacent to Commercial, Downtown Mixed-Use, Mixed Use and Industrial Districts. New nonresidential development shall not increase noise levels in a commercial area by more than five (5) dBA (Ldn), or create noise impacts which would increase noise levels to more than sixty-five (65) dBA (Ldn) for office, retail or mixed use districts, or seventy (70) dBA (Ldn) for industrial districts, at the property line of the noise receiving use, whichever is the more restrictive standard. This standard may be waived by the planning director if, as determined by a noise analysis, there are mitigating circumstances (such as higher existing noise levels), and no uses would be adversely affected.

**Amend Section 14.16.295 – Sight distance to read:**

14.16.295 - Sight distance.

A. Fencing, vegetation and improvements shall be established and maintained only in a manner that does not reduce visibility for the safe ingress and egress of vehicles or pedestrians within a required vision triangle, e.g., fifteen feet (15') from the curb return at any

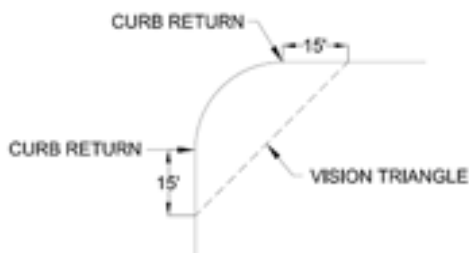


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intersection or driveway, or as determined by the director of public works. In general, fencing and improvements or vegetation located within the established vision triangle (as determined below) shall not exceed a height of three feet (3') as measured above the adjacent street pavement. The vision triangle shall be kept free of any visual obstruction between a height of three feet (3') to eight feet (8') above the street grade elevation.

The typical vision triangle area shall be determined as follows:

Illustration [14.16.295](#)



B. For locations that have obstructions due to unique site constraints or topography, the vision triangle shall be determined by the director of public works.

C. The provisions of this section are not applicable to properties within the downtown mixed-use (DMU) district. For sight distance provisions and standards in the downtown mixed-use district, see the downtown san rafael precise plan form-based code which is adopted by separate ordinance and incorporated herein by reference.

(Ord. No. 1923, § 2(Exh. A), 6-16-2014)

**Delete Section 14.17.050 – Offices and financial institutions in the Fourth Street Retail Core and the West End Village as these provisions are addressed in the Downtown San Rafael Precise Plan Form-Based Code:**

~~14.17.050 – Reserve. – Offices and financial institutions in the Fourth Street retail core and the West End Village.~~

~~A. Purposes. The purpose of these standards is to promote an active retail environment on the ground floor in downtown's retail center. In the Fourth Street retail core (4SRC) and the West End Village (WEV), office and banking uses are allowed on the rear ground floor,~~

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~~second floor and above, and the street level uses are intended to provide a continuous interesting pedestrian environment supportive of retail uses. The following standards allow office and banking uses to have a presence on downtown's retail streets provided that any street frontage use is customer service related and open to the public.~~

~~In addition, to foster a pedestrian-oriented streetscape, offices and financial institutions in the 4SRC and WEV districts should be designed consistent with the downtown design guidelines.~~

~~B. Applicability. Performance standards for offices and financial institutions at ground level, street frontage locations shall apply in the 4SRC and the WEV.~~

~~Performance standards for offices and financial institutions shall be administered through the administrative use permit process.~~

~~Existing street level offices and financial institutions in the 4SRC and WEV Districts as of January 1, 1991 shall be grandfathered in at their existing locations for the purposes of these performance standards. All new offices and financial institutions at street level street frontage in the 4SRC and WEV Districts shall comply with the following standards.~~

~~C. Standards. New office and financial institutions at street level, street frontage locations shall comply with the following:~~

~~1. The customer service square footage of a general office use and/or the square footage of the customer-oriented retail banking operations of a financial institution is permitted on the street frontage in the 4SRC and WEV districts if it meets the following criteria:~~

~~a. There is significant customer turnover;~~

~~b. There is a substantial volume of pedestrian traffic;~~

~~c. Windows and signs are oriented toward pedestrians;~~

~~d. Activities are provided which can be considered part of a multi-stop trip; and~~

~~e. Non-customer-oriented square footage for the use is located on the rear ground level or second floor or above.~~

~~2. Exterior design of new or remodeled offices and financial institutions should maintain a pedestrian-oriented streetscape as specified in the downtown design guidelines.~~

*(Ord. 1694 § 1 (Exh. A) (part), 1996: Ord. 1663 § 1 (part), 1994: Ord. 1625 § 1 (part), 1992).*

**Amend Section 14.17.100 – Residential uses in commercial districts to read:**

**14.17.100 – Residential uses in commercial districts.**

A. Purpose. The purpose of this section is to ensure that residential uses in commercial districts are not adversely impacted by adjacent uses. Residential uses are encouraged in commercial zoning districts, including the downtown mixed-use (DMU) district, and in mixed-use development to meet local housing needs and because of the environment they create. However, potential traffic noise and safety impacts related to commercial uses may impact nearby residential uses. The proximity of residential and commercial uses require that special regulations be imposed in the interest of businesses and the residents of the housing units.

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B. Applicability. Performance standards for residential uses in commercial districts shall be applied through an administrative use permit in the ~~4SRC, HO, 2/3 MUE and MUW, CSMU, WEV, GC, FBWC, C/O, and M districts~~ or through a use permit in the NC district. For residential use provisions in the DMU district refer to the downtown san rafael precise plan form-based code, which is adopted by separate ordinance and incorporated herein by reference.

C. Standards.

1. Location. ~~In the 4SRC and WEV districts, residential units may be located above the ground floor, and on rear portions of the ground.~~ Location of residential units in the ~~2/3 MUE and MUW, GC, FBWC, HO, C/O, CSMU, M and NC districts~~ shall be determined through project review.

2. Access. Residential units shall have a separate and secured entrance and exit.

3. Parking. Residential parking shall comply with [Chapter 14.18](#), Parking Standards, of this title.

4. Noise. Residential units shall meet the residential noise standards in [Section 14.16.260](#), Noise standards, of this title.

5. 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.

6. Refuse Storage and Location. An adequate refuse storage area shall be provided for the residential use.

7. Location of new residential units shall consider existing surrounding uses in order to minimize impacts from existing uses.

8. Boarding House. A boarding house shall comply with the following requirements:

a. Provision of a management plan to ensure twenty-four (24) hour on-site management, security and any necessary social services;

b. Provision of usable outdoor area consistent with the requirements of the district in which it is located.

9. Live/Work Quarters. The purpose of live/work quarters is to allow residential use in a commercial district with the intent of permitting people to live in a work environment. Live/work quarters are subject to the following requirements:

a. Residents of live/work quarters are required to acknowledge, as part of their lease agreement, the commercial nature of the surrounding area.

b. The FAR standards for the district shall establish the permitted intensity.

c. The parking requirement shall be based on the number of spaces required for the nonresidential square footage, or as determined by parking study.

d. All living areas must be suitable for residential purposes, as determined by the building inspector.

e. At least one of the residents of a live/work quarters shall be required to have a city business license.

f. The site is free of hazardous materials, as determined by the fire department.

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~~g. In the downtown mixed-use zoning districts, living space shall be located in the rear ground level or second floor and above so that it does not interrupt the appearance of the commercial frontage.~~

(Ord. 1838 § 40, 2005; Ord. 1831 § 1 (part), 2004; Ord. 1694 § 1 (Exh. A) (part), 1996; Ord. 1625 § 1 (part), 1992).  
(Ord. No. 1882, Exh. A, §§ 59, 60, 6-21-10; Ord. No. [1964](#), § 2(Exh. B) § 19, 11-19-2018)

**Chapter 14.18 – PARKING STANDARDS**

**Amend Section 14.18.010 – Specific purposes, amending sub-section H. and deleting sub-section I. to read:**

14.18.010 – Specific purposes.

In addition to the general purposes listed in [Section 14.01.030](#), the specific purposes of parking regulations are to:

- A. Promote the safety and convenience of all land use and circulation systems within the city by providing standards and policies for the creation and maintenance of vehicular off-street parking and loading;
- B. Promote more efficient street systems by reducing to a minimum the congestion which may be created by uncontrolled parking;
- C. Promote the continued health and vitality of all land uses by providing reasonable satisfaction for normal parking demands;
- D. Promote compatibility among adjacent land uses and enhance the appearance of the city through appropriate design and aesthetic standards related to parking;
- E. Ensure that off-street parking and loading facilities are provided for new land uses and for major alterations and enlargements of existing uses in proportion to the need for such facilities created by each use;
- F. Establish parking standards for commercial and industrial uses consistent with need and with the feasibility of providing parking on specific commercial and industrial sites; and
- G. Ensure that off-street parking and loading facilities are designed in a manner that will ensure efficiency, protect the public safety and, where appropriate, insulate surrounding land uses from adverse impacts; and
- H. Acknowledge the unique conditions in the downtown mixed-use district, where there are a variety of land uses and parking facilities, including a downtown parking district.

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~~H. Establish parking standards which recognize the more urban character of parking downtown;~~

~~I. Implement recommendations envisioned by the downtown parking and wayfinding study for the downtown zoning districts (see [Section 14.03.030](#)) by:~~

~~1. Promoting the use of alternate modes of transportation such as walking and bicycling.~~

~~2. Recognizing that parking standards are unique for downtown zoning districts.~~

~~3. Establishing innovative methods of addressing parking supply and demand by:~~

~~a. Providing opportunities for shared parking amongst businesses within the downtown zoning districts;~~

~~b. Encouraging owners of private parking facilities to make parking available for public use in the downtown zoning districts;~~

~~c. Increasing the parking supply by allowing tandem parking and mechanical/automated parking systems within the downtown zoning districts.~~

*(Ord. 1694 § 1 (Exh. A) (part), 1996; Ord. 1625 § 1 (part), 1992).*

*(Ord. No. [1964](#), § 2(Exh. B) § 20, 11-19-2018)*

**Amend Section 14.18.020 – Applicability adding sub-section D. to read:**

14.18.020 – Applicability.

A. Off-street parking, loading and bicycle facilities shall be provided for any new building constructed and for any new use established, for any addition or enlargement of an existing building or use, and for any change in the occupancy of a building or the manner in which the use is conducted that would result in additional spaces being required, subject to the provisions of this chapter.

B. Provisions of this chapter shall apply uniformly throughout the city according to specific land usage and shall be without regard to zoning district classification.

C. Parking areas may be reconfigured in compliance with the provisions of this chapter only.

D. The provisions of this chapter are applicable to properties with the downtown mixed-use district except for provisions specific to: 1) parking requirements; 2) the downtown parking district; and 3) parking lot screening and landscape standards. For these parking provisions, refer to the downtown san rafael precise plan form-based code, which adopted by separate ordinance and incorporated herein by reference.

*(Ord. 1625 § 1 (part), 1992).*

*(Ord. No. 1882, § 64, 6-21-10)*

**Amend Section 14.18.040 – Parking requirements to delete requirements for downtown to read:**

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Section 14.18.040 – Parking requirements.

A. Off-street parking shall be provided in accord with the following chart. Where the specific use in question is not listed, the community development director shall determine if another similar use exists which may be used to select an appropriate parking standard. In order to make this determination, the community development director may require the submission of survey data from the applicant or collected by the community development department, planning division at the applicant's expense. Parking surveys conducted for this purpose shall be subject to the review and recommendation by the department of public works.

B. Parking Modification. The parking requirement for any specific use listed may be modified so as to provide adequate parking which is fair, equitable, logical and consistent with the intent of this chapter. Such modification may also include reduction in parking ratios for businesses in the downtown zoning districts that allow the use of private parking facilities to be used for public parking during evening or weekend hours. Parking modifications shall require an application for a use permit and shall be subject to review by the community development director and public works director, and approval by the zoning administrator.

C. For properties located within the downtown mixed-use district and downtown parking district, refer to the downtown san rafael precise plan form-based code for off-street parking standards, which is adopted by separate ordinance and incorporated herein by reference also see [Section 14.18.060](#), Downtown Parking District, for additional information on parking requirements. ~~For properties located in the downtown, west end and environs area, see [Section 14.18.061](#) (Downtown's West End and environs), for additional information on parking requirements.~~

D. In addition to the off-street parking requirements listed below, off-street loading and unloading shall be provided for certain uses in accord with [Section 14.18.050](#), Off-street loading and unloading.

E. ~~For properties in the downtown area, residential parking is not required to be covered.~~

~~F.E.~~ Off-street parking is not required for FAR increases up to ten percent (10%) of the building or seven hundred fifty (750) square feet, whichever is larger, as granted under [Section 14.16.150](#)(G)(1)(b).

~~G.~~ The parking requirement for non-residential uses within the downtown zoning districts shall be allowed a twenty percent (20%) reduction of the standards required under Table [14.18.040](#).

~~H.F.~~ Operation. As specified in the downtown san rafael precise plan form-based code adopted by separate ordinance, ~~P~~parking in the downtown mixed-use district approved under this chapter may be operated to serve the uses for which the parking was approved, or

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may be shared with other uses in the downtown mixed-use zoning district, and/or be made available to the public, subject to a use permit for parking modifications.

Table [14.18.040](#)

Use Classification	Off-Street Parking Required
Residential	<del>Note: No parking is required for up to 3 units in the downtown parking district, provided the units are an infill addition to an existing nonresidential structure, and that the units are 2 bedroom or less and no larger than 900 square feet in size.</del>
Single-family residential	2 covered spaces per unit.
Single-family residential, hillside	On streets less than 26 feet wide, a minimum of two additional on-site parking spaces shall be provided (not on the driveway apron) per unit. These spaces should be conveniently placed relative to the dwelling unit which they serve. This requirement may be waived or reduced by the hearing body when the size or shape of the lot or the need for excessive grading or tree removal make the requirement infeasible.
Studios (multifamily unit)	1 covered space per unit.

		Downtown Zoning District	San Rafael (Outside Downtown)
Studio (duplex unit),	500 sq. ft. or less in size	<del>1 space per unit</del>	1 space per unit
Studio (duplex unit),	more than 500 sq. ft. in size	<del>1 space per unit</del>	1.5 spaces per unit (including 1 covered space).
1 bedroom unit		<del>1 space per unit</del>	1.5 spaces per unit (including 1 covered space).
Two-bedroom units	Less than 900 sq. ft.	<del>1 space</del>	2 spaces (1 covered)
	900 or more sq. ft.	<del>1.5 spaces</del>	2 spaces (1 covered)



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Use Classification	Off-Street Parking Required
Three or more bedroom units	2 spaces per unit (including 1 covered space).
Guest parking, multifamily	1 space per 5 units. <del>Note: Guest parking not required downtown, unless within 200 feet of a residential district.</del>
Mobilehome parks	2 covered spaces per unit.
Senior housing projects	.75 space per unit, or as specified by use permit.
Emergency shelters for the homeless, permanent:	
Residential district	1 space for each employee on maximum staffed shift plus 1 space per five beds:
1—5 beds	1 space plus staff parking.
6—10 beds	2 spaces plus staff parking.
11—15 beds	3 spaces plus staff parking.
Commercial and light industrial/office districts	1 space for each employee on maximum staffed shift plus 1 space per 10 beds:
1—10 beds	1 space plus staff parking.
11—20 beds	2 spaces plus staff parking.
<u>21</u> —30 beds	3 spaces plus staff parking.
Emergency shelters for the homeless, temporary or rotating	As specified by use permit.
Emergency shelters serving children and/or families with children	1 space per family based on maximum program capacity plus 1 space per employee on the maximum staffed shift.
Residential care facilities for the non-handicapped:	
Small (0—6 clients)	See single-family residential.



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Use Classification	Off-Street Parking Required
Large (6—10 clients)	1 space for each five clients plus 1 space for each staff person, visiting doctor or employee on maximum staffed shift.
Rooming or boarding houses	1 space for each guest room or as determined by parking study.
Second dwelling units:	
Studio or one-bedroom unit	1 space.
Two or more bedroom unit	2 spaces.
<b>Visitor accommodations</b>	
Bed and breakfast inns	2 spaces plus 1 space per bedroom.
Hotels or motels	1 space per sleeping room plus 1 space for manager plus 1 space for every 2 employees.
Hotels, convention or hotels with banquet, restaurant or meeting facilities, etc.	Parking in addition to the hotel requirement is required, as determined by a parking study. Parking requirement as specified in use permit.
<b>Day care</b>	
Family day care home (small)	No requirement.
Family day care home (large)	Minimum 2 spaces. The required parking for the dwelling unit shall count as the required parking for family day care.
Day care center	1 space per five children. In addition, one of the following must be provided as recommended by the public works director for safety purposes: 1) A posted "loading zone" for dropping-off and picking-up children; 2) A loop driveway with an apron for drop-offs and pick-ups.
<b>General commercial uses</b>	
Retail sales (non-bulky items)	1 space per 250 gross building sq. ft.
Retail sales (bulky items, such as machinery, furniture, vehicles, etc.)	1 space per 400 gross building sq. ft.

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Use Classification	Off-Street Parking Required
Shopping centers	1 space per 250 gross building sq. ft.
Animal care facilities	1 space per 300 gross building sq. ft.
Food and beverage service establishments, excluding fast food restaurants	1 space for each 50 sq. ft. of floor area intended for public use.
Fast food restaurants	1 space per 100 sq. ft. for 50 percent of the gross building sq. ft.; and one space per 65 sq. ft. for 50 percent of the gross building sq. ft. or one space per 2.5 interior seats, whichever is greater.
Funeral and interment services	1 per each 35 sq. ft. of floor area for assembly rooms plus 1 space for each employee, plus 1 space for each car owned by such establishment.
Motor vehicle sales and service:	
Coin-op washing	1 space at each washing stall and vacuum stall.
Gasoline stations	3 spaces per station, plus.
With minor repairs such as tune-ups, brakes, batteries, tires, mufflers	2 spaces per service bay.
With mini-market area	1 space per 250 sq. ft. of gross retail.
Rentals	1 space per 500 gross sq. ft. of floor area plus 1 space per 1,000 sq. ft. of outdoor rental storage area.
Repairs, major and/or minor	1 space per 500 sq. ft. or 3 spaces per service bay (each service bay may count as one of the parking spaces), whichever is greater.
Sales, new or used vehicles	1 space per 400 gross building sq. ft. excluding auto repair area; plus, for repair portions of the building: 1 space per 500 gross building sq. ft., or 3 spaces per service bay for automobile repair (each service bay may count as one of the parking spaces), whichever is greater, or 1 space per 2,000 sq. ft. open lot area, whichever is greater.
Music rehearsal/recording studios	1 space per 500 gross building sq. ft.

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Use Classification	Off-Street Parking Required
Personal service establishments	1 space per 250 gross building sq. ft.
Barber/beauty shop/nail salon	2 spaces per chair or workstation.
Dry cleaning establishment	2 spaces plus 1 space for each employee.
Laundry (self service)	1 space for each 2 washing machines and/or dry cleaning machines.
<b>Recreation facilities (indoors)</b>	
Bowling alleys	4 spaces for each bowling lane plus additional spaces for other uses.
Game arcades	1 space for each 5 coin-operated amusement devices.
Health clubs and gymnasiums	1 space per 250 sq. ft. of gross building sq. ft.
Poolhalls/billiards	2 spaces for each table or as determined through a parking study.
Theaters	Parking study required. Parking subject to the approval of the community development director or the hearing review body for the development.
<b>Offices and related uses</b>	
Financial services and institutions	1 space for each 200 sq. ft. gross building sq. ft.
	<del>Downtown: 1 space for each 300 sq. ft. gross building sq. ft.</del>
Medical services:	
Clinics	1 space per 225 gross building sq. ft.
Hospitals	Parking study required.
Major medical facilities, including extended care facilities	Parking study required.

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Use Classification	Off-Street Parking Required
Offices, excluding mental health practitioners	1 space per 225 gross building sq. ft.
Offices, mental health practitioners	1 space per 250 gross building sq. ft.
Administrative, business and professional offices	1 space per 250 gross building sq. ft.
	<del>Downtown: 1 space for each 300 sq. ft. gross building sq. ft.</del>
<b>Industrial</b>	
Industrial uses	1 space per 500 gross building sq. ft.
Light industrial/office mixed-use:	
Light industrial sq. ft. of building	1 space per 500 gross building sq. ft.
Office sq. ft. of building	1 space per 250 gross building sq. ft.
Mini-storage	Parking study required. Subject to approval by the community development director or hearing review body for the development
Public utility facilities	Parking study required. Subject to approval by the community development director or hearing review body for the development.
Storage, warehousing and distribution	1 space per 500 gross building sq. ft.
Wholesale and distribution	1 space per 500 sq. ft. gross building sq. ft.
Cannabis testing/lab, cannabis infused products, cannabis delivery and cannabis distribution	1 space per 500 gross building sq. ft.
Marinas	3 spaces for every 4 boat slips. Plus parking for support uses in the marina, such as restaurants or retail uses.
<b>Public/quasi-public uses</b>	

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Use Classification	Off-Street Parking Required
Libraries, museums and other cultural facilities	Parking study required. Subject to approval by the community development director or hearing review body for the development.
Public service and utility	Parking study required. Subject to approval by the community development director or hearing review body for the development.
Religious institutions	1 space per 4 seats.
Schools (Note: The following are guidelines for public schools)	
Parochial, private	
K—8	3 spaces per classroom or 1 space per 100 sq. ft. of auditorium space, whichever is greater.
9—12	1 space for each 4 students based on maximum school capacity, or as specified by use permit.
Vocational, business trade schools	1 space per 150 gross building sq. ft.
Performing arts or other	1 space per 250 gross building sq. ft.
<b>Transportation facilities</b>	
Bus stations, park and ride facilities, public transit stations	Parking study required. Subject to approval by the community development director or hearing review body for the development.

(Ord. 1694 § 1 (Exh. A) (part), 1996; Ord. 1625 § 1 (part), 1992).  
(Ord. No. 1882, Exh. A, §§ 65, 66, 6-21-10; Ord. No. 1923, § 2(Exh. A), 6-16-2014; Ord. No. [1955](#), (Exh. A, § 11), 3-19-2018; Ord. No. [1964](#), § 2(Exh. B) §§ 21—23, 11-19-2018)

**Amend Section 14.18.050 – Off-street loading and unloading, sub-section F. to read:**

14.18.050 – Off-street loading and unloading.

The minimum off-street loading and unloading space required for specific uses shall be as follows:

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A. Retail and service establishments: one off-street loading and unloading space with minimum dimensions of ten feet (10') in width by thirty-five feet (35') in length, with a fourteen-foot (14') height clearance.

B. Light industrial or mixed-use light industrial/office buildings: one off-street loading and unloading space for each twenty thousand (20,000) square feet of gross building area. Each loading space shall have minimum dimensions of twelve feet (12') in width by sixty-five feet (65') in length, with a fourteen-foot (14') height clearance.

C. Each loading area shall have adequate driveways, turning and maneuvering areas for access and usability, and shall at all times have access to a public street or alley.

D. In the office and industrial/office districts, loading areas shall not be located in required front or street side yards.

E. Off-street loading and unloading spaces shall be adequately screened from view from public rights-of-way to the satisfaction of the planning director.

F. In the downtown ~~parking assessment~~ mixed-use district, on lots less than ten thousand (10,000) square feet, and where a parking lot is provided, the loading area may be incorporated into an aisle or backup area; provided, that there is adequate backup space for required parking spaces as determined by the traffic engineer.

*(Ord. 1694 § 1 (Exh. A) (part), 1996; Ord. 1625 § 1 (part), 1992).*

**Amend Section 14.18.060 – Downtown parking district to read:**

Section 14.18.060 – Downtown parking district.

The downtown parking district boundaries shall be as defined under Section 14.03.030 by the downtown san rafael precise plan and form-based code, which is adopted by separate ordinance and incorporated herein by reference. Parking for nonresidential uses in the downtown parking district shall be provided consistent with the following:

A. The off-street parking requirement is waived for up to 1.0 FAR of the total square footage of buildings located within the downtown parking district.

B. Off-street parking for building square footage above 1.0 FAR and for all residential uses shall be provided consistent with the parking requirements in Section 14.18.040 the downtown san rafael precise plan form-based code.

*(Ord. 1694 § 1 (Exh. A) (part), 1996; Ord. 1625 § 1 (part), 1992).*

*(Ord. No. 1964, § 2(Exh. B) § 24, 11-19-2018)*

**Editor's note**— Ord. No. 1964, § 2(Exh. B) § 24, adopted November 19, 2018, amended § 14.18.060 and in so doing changed the title of said section from "Downtown parking assessment district" to "Downtown parking district," as set out herein.

**Amend Section 14.18.061 – Downtown's west end and environs to read:**

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Section 14.18.061 – ~~Downtown's west end and environs~~Reserve.

~~Parking for all land uses in Downtown's West End and environs as defined in [Section 14.03.030](#) and depicted on Diagram B of [Section 14.03.030](#) [following definition of Downtown's West End and environs] shall be provided consistent with the following:~~

~~A. — No additional off-street parking is required for changes in land use and/or the re-tenanting all or a portion of building square footage, as existing on the date of adoption of this provision (June 2010). Parking for changes in land use and/or re-tenanting shall be provided by the parking spaces located on the public streets and on public lots located within this area.~~

~~B. — Required off-street parking shall be provided for land use changes and building improvements that result in an increase in the square footage or size of a building, as existing on the date of adoption of this provision (June 2010). Off-street parking shall be provided consistent with the requirements in [Section 14.18.040](#) of this chapter.~~

*(Ord. No. 1882, Exh. A, § 67, 6-21-10)*

**Amend Section 14.18.120 – Tandem parking sub-section E. to read:**

Section 14.18.120 – Tandem parking.

Tandem parking is prohibited, unless approved under this section:

- A. Under [Section 14.18.150](#), Alternate parking locations for uses with insufficient parking;
- B. With an environmental and design review permit under the Hillside Residential Design Guidelines Manual;
- C. For an accessory dwelling unit, as provided for in [Section 14.16.285](#) of this title;  
or
- D. As a concession granted for residential projects which include sufficient affordable housing units, as provided for in [Section 14.16.030](#)(H)(3)(a)(i) of this title; or
- E. Within the downtown ~~zoning~~mixed-use district ~~(as defined by Section 14.03-030)~~ when the tandem parking spaces are assigned to a single residential unit or where the tandem spaces are assigned to a single tenant subject to exception permit as outlined under Section 14.24.020.G.3.
- F. As part of a mechanical or automated parking system.

*(Ord. 1838 § 41, 2005; Ord. 1625 § 1 (part), 1992).*  
*(Ord. No. [1964](#), § 2(Exh. B) § 27, 11-19-2018)*

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**Amend Section 14.18.160 – Parking lot screening and landscaping to read:**

Section 14.18.160 – Parking lot screening and landscaping.

New or substantially renovated parking lots with more than five (5) spaces shall provide landscaping in accordance with the following standards. Substantially renovated parking lots shall be those for which paving material and curbing is removed and the resulting lot is reconfigured. With the exception of sub-sections F, G, H, I, and J below, the provisions of this section do not apply to properties within the downtown mixed-use district. The downtown san rafael precise plan form-based code, which is adopted by separate ordinance includes provisions and requirements for parking lot screening and landscaping.

The following provisions shall also be used as guidelines for parking lot improvements on remodel projects.

A. Screening. Parking areas visible from the public right-of-way shall be screened to headlight height through the use of landscaped earth berms, low walls, fences, hedges, or combination thereof, with trees and plantings, or similar means. Fences, walls, and hedges need not be solid.

B. Minimum trees. A minimum of one (1) canopy tree shall be provided for every four (4) parking spaces. Trees shall be distributed throughout the parking area to shade cars and paved areas. Clustering of trees may be considered subject to approval of the decision-making body, where it is demonstrated that the intent will be met to provide ample shading and screening of parking areas and enhance the visual appearance of parking lots. In downtown, this section does not apply to parking lots for twenty (20) or fewer cars, and the standards in this section may be reduced for parking lots for twenty-one (21) to forty (40) cars, subject to recommendation by the design review board and approval of a minor design review permit.

C. Tree Selection and Distribution. Parking lot trees shall be selected and located to achieve maximum shading of paved surfaces, through utilization of the following techniques:

1. Distribute trees uniformly throughout parking areas, incorporating use of regularly spaced finger islands (see illustration below) and landscape medians between parking rows to the extent practicable.
2. Cluster trees on southerly and westerly perimeters of parking lots.
3. Provide minimum tree canopy diameters of fifteen feet (15') and include tree species with large canopy diameters, e.g., greater than thirty feet (30').
4. Increase tree planting ratios as necessary to provide equivalent canopy coverage of the site where less than half of the required trees are proposed as large canopy tree species.

D. Minimum Size of Planting Areas and Tree Wells. Planting areas containing trees and tree wells shall have a minimum area of thirty-six (36) square feet and a minimum



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interior width of six feet (6'), exclusive of curbs. For large canopy tree species, tree wells shall have a minimum area of sixty-four (64) square feet and a minimum width of eight feet (8') exclusive of curbs, to the extent this larger planting area is practicable and can be accommodated on-site.

E. Curbs and Wheel Stops. A maximum overhang of two feet (2') shall be allowed for overhang of vehicles into planting areas. All planters and sidewalks located adjacent to driveways, loading areas, or parking lots shall be protected along the parking lot side with concrete curbs or wheel stops. Alternative treatments may be considered, subject to the approval of the community development director (or the director's designated appointee) or the appropriate hearing review body.

F. Irrigation. Permanent, automatic irrigation systems shall be provided for all planted areas, in compliance with [Section 14.16.370](#) Water-Efficient Landscape.

G. Soil Preparation and Verification. Planting areas and tree wells shall be prepared by excavation to a minimum depth of three feet (3'), scarifying sides of tree wells (to promote soils integration, water absorption and healthy root growth), amendment of soil (as recommended based on soils analysis), and compaction to no more than seventy-five percent (75%) within twelve inches (12") of a curb or sidewalk. For parking lots containing twenty-five (25) spaces or more a licensed landscape architect shall monitor tree well excavation, soil preparation and tree planting and provide written verification to the community development director that excavation, soil preparation and tree planting have complied with the standards established by this subsection to promote normal healthy tree growth. Such written verification shall be received by the community development director prior to use of the parking facility and/or occupancy of the use.

H. Maintenance. Landscaped areas associated with parking lots shall at all times be maintained in a healthy and clean condition, with replanting as necessary to maintain compliance with the previously approved landscape plan. For parking lots containing twenty-five (25) spaces or more the property owner shall obtain a minimum one (1) year maintenance contract and warranty for tree growth and provide documentation of such to the community development director prior to use of the parking facility and/or building or site occupancy.

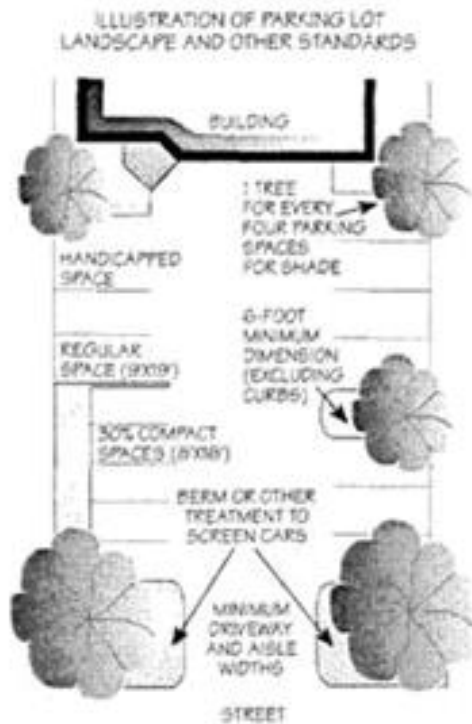
I. Parking Structures. The top level of parking structures shall utilize light-colored/high albedo paving material (reflectance of at least 0.3), or utilize shade structures, photovoltaic carports, landscaped trellises, or trees to achieve at least fifty percent (50%) daytime shading.

J. Bio-filtration. Persons owning or operating a parking lot, gas station, area of pavement or similar facility developed with hardscape surfaces shall undertake all practicable measures to minimize discharge of pollutants to the city storm drain, in compliance with city standards, including utilization of all best management practices and the requirements of San Rafael Municipal Code [Title 9.30](#) (Urban Runoff) enforced by the department of public works. To facilitate compliance with city storm drain pollution discharge requirements, innovative landscape design concepts may be substituted for the above standards subject to the approval of the appropriate review body, including use of permeable pavers, bio-swales, at

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grade curbs and openings in curbs to allow filtration of runoff through landscape areas. Landscape plans and alternative measures shall subject to compliance with any recommendations of the department of public works.

Illustration [14.18.160](#)



(Ord. 1694 § 1 (Exh. A) (part), 1996; Ord. 1625 § 1 (part), 1992).

## **Chapter 14.19 – SIGNS**

### **Amend Section 14.19.053 – Location, placement and design of signs, sub-section I. – Placement and Design of Projecting Blade Signs to read:**

I. Placement and Design of Projecting and Blade Signs. The location and placement of projecting and blade signs shall be subject to the following provisions:

1. The maximum permitted sign area for a projecting sign shall be thirty-six (36) square feet, except in the downtown mixed-use districts. In the downtown mixed-use districts, a projecting sign shall not exceed five (5) square feet in area.
2. A minimum vertical clearance of eight feet (8') above the sidewalk, path, public property, public right-of-way or easement shall be maintained.
3. Signs shall be placed at or below the sill of the second floor windows in a multi-story building or below the eave line of a single-story building. Projecting signs shall be permitted for a ground floor business or use only.

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4. Signs shall not project more than a distance of six feet (6') from the building face, including all structural members. In no case shall the sign project closer than two feet (2') from the street curb.
5. Signs shall be placed to maintain appropriate sight distance.
6. When projecting and blade signs are illuminated, the conduit and wiring that provides the source of illumination shall be concealed or screened, to the extent feasible.
7. To avoid visual clutter, a minimum distance of fifteen feet (15') shall be maintained between projecting and blade signs that are located on the same property. This provision does not apply in the downtown mixed-use districts.

**Amend Section 14.19.065 – Downtown districts to read:**

14.19.065 - Downtown mixed-use districts.

Size, placement and design of signs in the downtown mixed-use districts are intended for view primarily by pedestrians and persons in vehicles nearby at the street level, not from long distances. The unique characteristics found in the downtown mixed-use districts include a higher density of business uses, and multiple ground floor business uses, which substantiate special sign provisions. ~~The downtown districts include the 4SRC, CSMU, HO, 2/3 MUE, 2/3 MUW, and WEV districts as defined in [Section 14.05.010](#) of this title. Signs proposed for properties in the 5/M R/O district shall comply with the provisions of [Section 14.19.063](#) (Multiple family residential and residential or office districts).~~ Signs located in the downtown mixed-use districts shall be subject to the following provisions:

A. Permitted sign area shall be based on frontage width of a business or use, per the provisions of Sections [14.19.064](#)(A) through (E) and [14.19.064](#)(G).

B. For all non-residential uses except office use, a maximum of three (3) signs shall be permitted per frontage for each business or use, which may be a combination of sign types. For office uses in the downtown district, a maximum of one sign shall be permitted per frontage for each business or use.

**Amend Table 14.19-2 – Sign Regulations for Zoning Districts, Downtown Districts to read:**

**Table 14.19-2**  
**Sign Regulations for Zoning Districts**

Zoning District	Permitted Sign Type	Permitted Number of Signs	Maximum Sign Area**	Maximum Sign Height (freestanding)	Permitted Illumination
Single-Family Residential & Duplex Residential Districts	Wall [permitted uses, see <a href="#">Section 14.19.062</a> (A)]	One (1) per residence	Five (5) square feet	NA	No illumination+

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Zoning District	Permitted Sign Type	Permitted Number of Signs	Maximum Sign Area**	Maximum Sign Height (freestanding)	Permitted Illumination
	Monument [subdivision or neighborhood sign]	Two (2) per entrance	Twenty (20) square feet (per sign)	Six feet (6')	External illumination only+
	Wall, Monument, Directory, Changeable Copy [uses subject to approval of a Conditional Use Permit, see <a href="#">Section 14.19.062(B)</a> ].	One (1) per site	Twenty (20) square feet	Six feet (6')	External illumination only+
Multiple-Family Residential Districts & Residential/Office Districts (R/O and 5/M R/O)	Wall, Projecting/Blade, Awning, Monument, Directory, Changeable Copy	Two (2) per site	Multiple-Family Residential Districts: Twenty-five (25) square feet (e.g., building identification, rental & vacancy information)** Residential/Office Districts: Thirty-six (36) square feet**	Six feet (6')	External illumination only+
Commercial, Office, Industrial, Marine Related Districts (NC, GC, O, C/O, FBWC, LI/O, I, CCI/O, M and MC)	Wall, Window, Projecting/Blade, Awning, Marquee, Mansard, Monument, Directory, Changeable Copy and Pole/Pylon signs	For nonresidential uses except office uses: Two (2) per frontage of business or use**	For nonresidential uses except office uses: One (1) square foot for each linear foot of building width of business or use frontage** Minimum sign area of twenty-five (25) square feet. See <a href="#">14.19.064</a> .	Six feet (6') for monument signs Twenty-one feet (21') for pole/pylon signs Twenty-five feet (25') for freeway-oriented pole/pylon signs*	External illumination, Internal illumination, Reflective illumination and Neon

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Zoning District	Permitted Sign Type	Permitted Number of Signs	Maximum Sign Area**	Maximum Sign Height (freestanding)	Permitted Illumination
		For office uses:	For office uses:		
		One (1) per frontage of business**	One-half (½) square foot for each linear foot of building width of business frontage** Minimum sign area of fifteen (15) square feet. See <a href="#">14.19.064</a> .		
Downtown Mixed-use Districts (4SRC, HO, CSMU, 2/3 MUE and 2/3 MUW DMU)	Wall, Window, Projecting/ Blade, Awning, Marquee, Mansard, Monument, Directory, Changeable Copy and Pole/Pylon sign.	Three (3) per frontage of business or use, except for office use (1 max)**	Same as permitted in the Commercial, Office, Industrial and Marine Related Districts.	Six feet (6') for monument signs Twenty-one feet (21') for pole/pylon signs	External illuminated, Internal illumination, Reflective illumination and Neon
	Second floor tenant: Window	Second floor tenant: One (1) per use.	Second floor tenant: Five (5) square feet	NA	No illumination permitted.
Other Districts	Compliance with standards and provisions of the zoning district that is most similar to the subject zoning district.	Compliance with standards and provisions of district most similar to the subject zoning district.	Compliance with standards and provisions of district most similar to the subject zoning district.	Compliance with standards and provisions of district most similar to the subject zoning district.	Compliance with standards and provisions of district most similar to the subject zoning district.

+ Exception: Internally illuminated and backlit illumination permitted for property and building address signs.

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\* Freeway-oriented signs are permitted for businesses and properties, which directly face a frontage road that is both parallel to and generally level with Highways US 101 or I-580 (Table 14.19-1).

\*\* Unless, as noted, where more than one (1) sign is permitted for a business or use, the combined area of the signs shall not exceed the maximum permitted sign area (see [Section 14.19.061](#)).

Note: See Table 14.19-1 (Requirements and limitations for freestanding signs) and Section 14.19.053.L (Placement and design of freestanding signs) for additional requirements.

C. Projecting and marquee signs placed under a roof eave or awning are encouraged to provide pedestrian-oriented signage. Projecting signs shall not exceed five (5) square feet in area.

D. Second floor tenant window signs are permitted and shall not exceed one per business or use and five (5) square feet in area.

*(Ord. 1825 §§ 1, 2 (Exh. A) (part), 2004).*

*(Ord. No. 1882, Exh. A, § 75, 6-21-10)*

**Amend Section 14.19.070 – Temporary signs, sub-section G. - Temporary, Portable A-frame Signs in the Downtown Districts to read:**

G. Temporary, Portable A-Frame Signs in the ~~D~~downtown ~~M~~ixed-~~U~~se ~~D~~istricts. The location, placement and provisions for temporary, portable A-frame signs permitted in the downtown mixed-use districts shall be established by standards and subject to fees, as set forth by resolution of the city council from time to time.

**Chapter 14.25 – ENVIRONMENTAL AND DESIGN REVIEW PERMITS**

**Amend Section 14.25.010 – Specific purposes adding sub-section H. to read:**

14.25.010 - Specific purposes.

Environmental and design review implements general plan policies concerning the environment and design by guiding the location, functions and appearance of development. The key environmental and design goal of the city is to respect and protect the natural environment and assure that development is harmoniously integrated with the existing qualities of the city. The purposes of environmental and design review are to:

A. First and foremost, maintain a proper balance between development and the natural environment;

B. Ensure that the location, design and materials and colors of development blends with and enhances the natural setting;

C. Maintain and improve the quality of, and relationship between, development and the surrounding area to contribute to the attractiveness of the city;

D. Preserve balance and harmony within neighborhoods;

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E. Promote design excellence by encouraging creative design and the innovative use of materials and methods and techniques;

F. Preserve and enhance views from other buildings and public property;

G. Ensure the right to make residential additions and modifications which minimize the impact on adjacent residences and which are designed to be compatible with the existing residence and neighborhood.

H. Ensure superior urban design and the protection of historic resources in the downtown mixed use district, as stipulated in and promoted by the vision of the downtown san rafael precise plan and form-based code, which is adopted by separate ordinance and incorporated herein by reference.

*(Ord. 1625 § 1 (part), 1992).*

**Amend Section 14.25.040 – Improvements subject to review to read:**

Section 14.25.040 – Improvements subject to review.

No improvement subject to environmental and design review shall hereafter be constructed, located, repaired, altered, expanded or thereafter maintained, except in accordance with a design approved as provided in this chapter. The following items shall be subject to environmental and design review permits, whether or not a building permit is required.

A. Major Physical Improvements.

1. For major projects located in the downtown mixed-use district, refer to the downtown san rafael precise plan and form-based code which is adopted by separate ordinance.

4-2. New construction on vacant property, including, but not limited to:

- a. Any residential structure located within one hundred (100) vertical feet of a ridgeline,

- b. Residential structures with three (3) or more dwelling units, and boarding houses,

- c. Residential structures as required by subdivision or zoning approvals,
- d. Offices, retail and industrial structures,
- e. Public, quasi-public, religious, social and similar community structures,
- f. Marinas and yacht clubs;

2-3. Modifications to existing structures, including, but not limited to:

- a. Additions to multifamily residential structures with three (3) or more units, where the addition constitutes more than forty percent (40%) of the total square footage of the building,

- b. Additions and alterations to existing nonresidential structures where the addition is greater than forty percent (40%) of the existing square footage. (Note: The community development director may determine that an addition or alteration greater than forty percent (40%) which has a minor impact on the visual character or function of a building is subject to a minor design review permit.),



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- c. Relocation of a nonresidential structure, or of a residential structure with three (3) or more existing dwelling units,
- d. Second dwelling units, as prescribed by Section 14.16.285.C.9;
- ~~3-4.~~ Major site design improvements, including but not limited to:
  - a. Subdivisions located on properties with an average slope of twenty-five percent (25%) or greater, or with a general plan land use designation of hillside residential or hillside resource residential,
  - b. Cutting of one thousand (1,000) or more cubic yards per site per year, or fill of two thousand (2,000) or more cubic yards per site per year. (Exempt: Where removal is being done in accordance with an approved and legally effective tentative and/or final subdivision map, and a legally effective building permit.) (Note: A use permit is also required where the principal use proposed is cutting or filling.),
  - c. Landscaping as part of a development subject to major environmental and design review,
  - d. Circulation and parking and loading facilities for pedestrians, bicycles and motor vehicles on a development subject to major environmental and design review,
  - e. Signs for a development subject to environmental and design review. The sign permit application shall be reviewed for location, size and type of signs concurrently with the design review application. See [Chapter 14.19](#), Signs;
- ~~4-5.~~ Development subject to review as a major physical improvement pursuant to any other provision of this title;
- ~~5-6.~~ Murals and mural signs painted on the exterior surface of a wall of an existing or new structure.
- ~~6-7.~~ Wireless telecommunications facility, as prescribed under Section 14.16.360.B.

**B. Minor Physical Improvements.**

- 1. For minor projects located in the downtown mixed-use district, refer to the downtown san rafael precise plan and form-based code which is adopted by separate ordinance.
- ~~4-2.~~ New construction and modifications, including, but not limited to:
  - a. Any new residence or residential additions over five hundred (500) square feet in size, or any modification that increases the height of the roofline, when located on residential lots with average slopes of twenty-five percent (25%) or greater or located in the hillside resource residential and hillside residential general plan land use designations,
  - b. Any addition or modification that results in lifting the existing ground level floor of a residence to construct a new ground level floor (lift and fill) located on single-family or duplex residential lots (See Section 14.25.050.F.6. for design criteria),
  - c. Accessory structures, or additions or modifications to any residential structure located within one hundred (100) vertical feet of a ridgeline when such improvement increases the height of a roofline, or increases building scale and mass and is determined to be visible from off-site,
  - d. Additions to multifamily residential structures containing three (3) or more dwelling units, where the addition constitutes forty percent (40%) or less than the total square footage of the building,
  - e. New two-story single-family and duplex residential structures proposing an upper story level over five hundred (500) square feet in size (See Section 14.25.050.F.6. for design criteria),



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- f. Upper-story additions to single-family and duplex residential structures over five hundred (500) square feet in size (See Section 14.25.050.F.6. for design criteria),
  - g. Accessory structures on developed non-residential properties over one hundred twenty (120) square feet in size;
  - h. Accessory structures on developed multi-family residential properties over two hundred forty (240) square feet in size,
  - i. New construction or reconstruction of boat docking facilities,
  - j. Additions and alterations to existing nonresidential structures and/or additions to existing nonresidential structures where the addition is forty percent (40%) or less of the existing square footage and no greater than one thousand two hundred fifty (1,250) square feet. Based on the scope and potential impact of the change(s), the level of review may be decreased by the community development director.
  - k. Structures over the height limit, including flagpoles, aboveground utility distribution facilities, including communications towers and public water tanks, windmills, monuments, steeples, cupolas, and screens for mechanical equipment (chimneys are exempt);
  - l. Wireless communications facilities, as prescribed under Chapter 14.16.360.B.
- ~~2-3.~~ Minor site design improvements, including, but not limited to:
- a. Cutting of more than fifty (50) cubic yards and less than one thousand (1,000) cubic yards per site per year, or fill more than fifty (50) cubic yards and less than two thousand (2,000) cubic yards per site per year. (Exempt: Where removal is being done in accordance with an approved and legally effective tentative and/or final subdivision map, and a legally effective building permit.) (Note: A use permit is also required where the principal use proposed is cutting or filling.),
  - b. Landscaping, exterior lighting, fencing, and retaining walls over four feet (4') high, proposed as part of a minor physical improvement subject to environmental and design review,
  - c. Landscape revisions determined to be minor revisions to an existing hillside residential, multifamily or nonresidential development, proposed as part of a minor physical improvement,
  - d. Parking and loading areas, including driveways, sidewalks and curb cuts, on a development subject to minor environmental and design review,
  - e. Commercial parking lots, including private parking and new parking locations for uses with insufficient parking,
  - f. Drive-Through Facilities. See [Section 14.16.110](#), Drive-through facilities, of this title, for regulations,
  - g. Signs for a development subject to environmental and design review. The sign permit application shall be reviewed for location, size and type of signs concurrently with the design review application. See [Chapter 14.19](#), Signs, of this title;
- ~~3-4.~~ Development subject to review as a minor physical improvement pursuant to any other provision of this title.

C. Administrative Design Permits.

- 1. For projects located in the downtown mixed-use district that are subject to administrative design review, refer to the downtown san rafael precise plan and form-based code which is adopted by separate ordinance.

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~~4-2.~~ Decks, or additions to existing decks, higher than thirty inches (30") above grade, located on residential lots with average slopes of twenty-five percent (25%) or greater or located in the hillside resource residential and hillside residential general plan land use designations, except no review is required for decks:

- a. Less than a total of one hundred (100) square feet,
- b. Not visible from the public street or adjacent properties, or
- c. Replacing an existing elevated deck with a deck of same size and

configuration;

~~2-3.~~ New single-family residences located on a flag lot,

~~3-4.~~ New one-story duplexes, or ground floor additions over five hundred (500) square feet in size or that include addition of a bedroom,

~~4-5.~~ Conversion of a single-family residence to a duplex,

~~5-6.~~ Design changes to projects that previously obtained design review approval.

This includes modifications to upper story additions, modifications to windows or architectural, site design or landscaping changes. Based on the scope and potential impact of the change(s), the level of review may be increased by the community development director.

~~6-7.~~ Outdoor eating areas (as prescribed by [Section 14.17.110](#)),

~~7-8.~~ Minor exterior alterations to a structure or development, which are subject to environmental and design review, that, in the opinion of the community development director, have minimal impacts on the visual character or function of the building or development,

~~8-9.~~ Satellite dishes over the height limit in a multifamily or nonresidential district,

~~9-10.~~ Residential fences over seven feet (7') in height, and as set forth under the criteria in [Section 14.16.140](#),

~~10-11.~~ Nonresidential fencing over seven feet (7') in height as set forth under [Section 14.16.160](#) proposed to be located in a front yard or between the principal building and public street frontage(s),

~~11-12.~~ Detached accessory structures located on hillside residential lots with slopes of twenty-five percent (25%) or greater or located in areas with a general plan land use designation of hillside residential or hillside resource residential,

~~12-13.~~ Retaining walls over four feet (4') in height (measured from the top of the footing or finished grade, as determined by the community development director, to the top of the wall) and/or minor landscaping or grading modifications on properties located on a hillside lot as identified in [Section 14.12.020](#) (-H hillside overlay district) of this title, or located within one hundred (100) vertical feet of a ridgeline,

~~13-14.~~ Minor landscaping revisions to existing or approved multifamily or nonresidential development that are determined to alter the character of the site,

~~14-15.~~ Minor modifications to existing parking lots (reconfiguration or expansion),

~~15-16.~~ Exterior repainting and refinishing on a development which significantly deviates from the color scheme and/or palette previously approved through an environmental and design review permit, or on structures in the hillside area as identified in [Section 14.12.020](#) of this title when the colors or materials are not from the approved earthtone-woodtone list,

~~16-17.~~ Outdoor storage areas,

~~17-18.~~ Design changes to dwelling units that were existing or approved as of January 1991 and that are being replaced pursuant to [Section 14.16.060](#) (conservation of dwelling units), or dwelling units that are being replaced pursuant to [Section 14.16.270.B.5](#) (nonconforming structures) of this title,

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~~18-19.~~ Modifications to properties in the Eichler-Alliance (-EA) combining district which increase the height of roof structures by more than six inches (6") or change the roof pitch, including the creation of sloping roofs, covered atriums that exceed the existing roof height, clerestories or exposed exterior ducting, but excluding the review of solar collectors which are flush-mounted or not visible from the street frontage,

~~19-20.~~ Rooftop equipment and screens visible from off-site,

~~20-21.~~ Minor additions or modifications to a wireless communications facility, as prescribed under Section 14.16.360.B,

~~21-22.~~ Residential accessory structures to be located between the front-facing wall of the primary structure and the front setback except as permitted by Section 14.16.020.E.

~~22-23.~~ Non-residential accessory structure one hundred twenty (120) square feet or less in size.

~~23-24.~~ Ancillary detached accessory structures on a developed multi-family residential property two hundred forty (240) square feet or less in size.

~~24-25.~~ Development subject to review for an administrative design permit pursuant to any other provision of this title.

**D. Exempt from Design Review.**

1. Single-family dwellings when sited on individual lots with frontage on a public street and not otherwise subject to design review as listed above;

2. Ordinary maintenance and repairs;

3. New decks or additions to decks, except where review is required for decks located in hillside areas as prescribed in Section 14.25.040.C, above;

4. Installation of solar panels on existing structures or grounds, as provided under state law and in compliance with all applicable development standards;

5. The community development director may declare improvements which have been determined to be minor or incidental within the intent and objectives of this chapter to be exempt from review.

*(Ord. 1838 § 49, 2005; Ord. 1825 § 2 (Exh. A) (part), 2004; Ord. 1820 § 4, 2004; Ord. 1819 § 2, 2004; Ord. 1802 § 6, 2003; Ord. 1751 § 7, 2000; Ord. 1663 § 1 (part), 1994; Ord. 1625 § 1 (part), 1992).*

*(Ord. No. 1882, Exh. A, §§ 83—89, 6-21-10; Ord. No. 1923, § 2(Exh. A), 6-16-2014; Ord. No. [1964](#), § 2(Exh. B) § 33, 11-19-2018)*

**Amend Section 14.25. – Review criteria, sub-section B. – Consistency with Specific Plans to read:**

**B. Consistency with Specific Plans.**

1. In addition to the criteria listed below, development will ~~also be~~ evaluated for consistency with applicable neighborhood and area design plans. Adopted plans which include design guidelines include: Hillside Residential Design Guidelines Manual, San Rafael Design Guidelines, the San Rafael General Plan ~~2020~~2040, specifically the neighborhoods element, and community design and preservation elements, and any design guidelines or amendments that are adopted by resolution.

2. Development proposed within the downtown mixed-use district shall comply with the design criteria and provisions set forth in the downtown san rafael precise plan form-based code, which is adopted by separate ordinance and incorporated herein by

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reference. The criteria listed below shall apply where the downtown san rafael precise plan form-based code is silent on the specific criteria topic.



**Amendments to the San Rafael Municipal Code Zoning Map to Rezone Real Properties from 4SRC, CMSU, HO, 2/3 MUE, 2/3 MUW, WEV  
and 5/M R/O Districts to  
Downtown Mixed-Use (DMU) District  
ZC21-003**



**EXHIBIT 4A-3**  
**AMENDMENTS TO SAN RAFAEL MUNICIPAL CODE, TITLE 14 REGARDING**  
**CANNABIS MANUFACTURING USE, LARGE FAMILY DAY CARE HOMES AND**  
**MISCELLANEOUS REGULATIONS**  
**May 21, 2021**

The following are amendments to the San Rafael Municipal Code, Title 14 – Zoning) to incorporate revisions and additions to the cannabis use regulations:

**Chapter 14.03 - DEFINITIONS**

**Amend Section 14.03.030 – Definitions to remove the definition of cannabis infused products as follows:**

~~"Cannabis infused products" means producing edible or topical products that include pre-extracted cannabis oils, to create edibles, beverages, capsules, vape cartridges tinctures or topical for medicinal purposes. This sort of use is regulated by the State of California as a Class N (Infusions) Cannabis license. Cannabis infused products may also include shared use of a facility by multiple businesses that perform cannabis infused products, (similar to a commercial kitchen). Shared product infusion is regulated by the State of California as Type S Cannabis license. Distribution and transport of cannabis infused products as part of normal operations of the business is considered an ancillary use to this category and therefore allowed.~~

**Amend Section 14.03.030 – Definitions to add a new definition for cannabis manufacturing to read as follows:**

"Cannabis manufacturing" means to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product. Manufacturing includes the processes of extraction, infusion, packaging or repackaging, and labeling or relabeling of cannabis products.

**Chapter 14.05 – COMMERCIAL AND OFFICE DISTRICTS (GC, NC, O, C/O, R/O, FBWC)**

**Amend Table 14.05.040 to remove "cannabis infused products" as a permitted use in the Commercial/Office (C/O) District as follows:**

Table [14.05.020](#)

Type of Land Use	GC	NC	O	C/O	R/O	FBWC*	Additional Use Regulations
<b>Commercial Uses</b>							
Animal sales and service, excluding exterior kennels, pens or runs							See <u><a href="#">Chapter 10.24</a></u>

**EXHIBIT 4A-3**  
**AMENDMENTS TO SAN RAFAEL MUNICIPAL CODE, TITLE 14 REGARDING**  
**CANNABIS MANUFACTURING USE, LARGE FAMILY DAY CARE HOMES AND**  
**MISCELLANEOUS REGULATIONS**  
**May 21, 2021**

Type of Land Use	GC	NC	O	C/O	R/O	FBWC*	Additional Use Regulations
Animal care facilities	CZ	CZ		CZ			
Animal retail sales	P	P		P			
Boat sales	CZ					CZ	
Building materials and supplies							
Brick, gravel, rock, concrete, lumber and tile sales	P*			P*		C	*See Outdoor storage.
Electrical supply stores	P*			P*		C	
Equipment rental business	P*			P*		C	
Glass and window stores	P*			P*		C	
Hardware stores	P*	P*		P*	P*	C	
Paint stores	P*			P*		C	
Plumbing stores (and ancillary service)	P*			P*		C	
Business sales and service							
Blueprint and photocopy shops	P		P	P	P		
Computer services	P		P	P	P		
Locksmith shop	P		P	P	P		

**EXHIBIT 4A-3**  
**AMENDMENTS TO SAN RAFAEL MUNICIPAL CODE, TITLE 14 REGARDING**  
**CANNABIS MANUFACTURING USE, LARGE FAMILY DAY CARE HOMES AND**  
**MISCELLANEOUS REGULATIONS**  
**May 21, 2021**

Type of Land Use	GC	NC	O	C/O	R/O	FBWC*	Additional Use Regulations
Office furniture sales and rentals	P		P	P	P	C	
Office supply and business machine shops	P		P	P	P	C	
Printing shops	P		P	P	CZ		
Cannabis Related Uses							
Cannabis Testing/lab			P (2)	P (2)			*Subject to additional regulations and permitting (See SRMC <a href="#">Chapter 10.96</a> )
Cannabis Delivery			P (2)	P (2)			*Subject to additional regulations and permitting (See SRMC <a href="#">Chapter 10.96</a> )
Cannabis Infused Products Manufacturing				P (1 & 2)			
Cannabis Distribution							
Card rooms							See <a href="#">Chapter 10.36</a>
Coffee roasters	CZ			CZ			
Food and beverage service establishments							
Brew pubs	CZ			CZ		CZ	
Catering establishments	P	CZ		P			
Cocktail lounges	C			C			



**EXHIBIT 4A-3**  
**AMENDMENTS TO SAN RAFAEL MUNICIPAL CODE, TITLE 14 REGARDING**  
**CANNABIS MANUFACTURING USE, LARGE FAMILY DAY CARE HOMES AND**  
**MISCELLANEOUS REGULATIONS**  
**May 21, 2021**

Type of Land Use	GC	NC	O	C/O	R/O	FBWC*	Additional Use Regulations
Fast food restaurants	C	C		C			
Food service establishment, high volume	C			C			
Food service establishment (with or without incidental serving of beer or wine or ancillary bar), but without a cocktail lounge, live entertainment as defined under <a href="#">Chapter 14.03</a> , and/or dancing							
(1) 1,000 sq. ft. or less in size	P	P	P	P	P	C	
(2) More than 1,000 sq. ft. in size	P	CZ	CZ	P	CZ	CZ	
Food service establishment with a cocktail lounge, live entertainment, and/or dancing	CZ			CZ	CZ	CZ	
Live entertainment/dancing (without food service)	C			C		C	
Outdoor eating areas	A*	A*	A*	A*	A*	A*	For outdoor eating areas on private property see <a href="#">Section 14.17.110</a> standards. For outdoor seating areas located on city sidewalks or rights-of-

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Type of Land Use	GC	NC	O	C/O	R/O	FBWC*	Additional Use Regulations
							way, see <a href="#">Section 14.16.277</a> standards.
Food and beverage stores							
Bakeries, retail (and ancillary food service)	P	P	P	P	P	C	
Candy stores and confectioneries	P	P		P			
Convenience markets	CZ	CZ		CZ	CZ		
Grocery stores and supermarkets	P*	P*		P*	C	C	*Operating between 11 p.m. and 6 a.m. requires a use permit (CZ) to review lighting, noise, and compatibility with surrounding residential uses.
Liquor stores							
(1) Less than 200 ft. from residential district	CZ	CZ		CZ	CZ	CZ	
(2) 200 ft. or more from residential district	P	P		P	C	C	
Fortunetelling	A			A			See <a href="#">Chapter 14.17</a> standards. *Rear ground level or 2nd floor or above.
Funeral interment services (including mortuaries, but excluding crematories)	CZ				CZ		

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Type of Land Use	GC	NC	O	C/O	R/O	FBWC*	Additional Use Regulations
Kiosks	A	A	A	A	A		See <a href="#">Section 14.16.225</a> standards
Motor vehicle sales and service (including automobiles, motorcycles, trailers, trucks and recreational vehicles)							
Auto detailing	CZ						
Coin-op washing	C	C		C	C		
Gasoline stations (including mini-markets, and minor repair, such as tune-ups, brakes, batteries, tires, and mufflers)	C	C	C	C	C	C	See <a href="#">Section 14.16.160</a> regulations. For repair, see <a href="#">Chapter 14.17</a> standards.
Rentals	CZ		CZ	CZ			
Repairs, major (engine work, painting, and body work)	CZ						See <a href="#">Chapter 14.17</a> standards.
Repairs, minor (tune-ups, brakes, batteries, tires, mufflers and upholstery)	CZ	CZ		CZ	CZ	C	See <a href="#">Chapter 14.17</a> standards.
Sales, new or used vehicles							
(1) Five or fewer vehicles displayed or stored on-site	CZ			CZ		CZ	

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	(2) More than five vehicles displayed or stored on-site	C			C		C	
	Sales, parts and supplies	P			P		C	
	Sales, tires and ancillary service	CZ			CZ		CZ	
	Music rehearsal/recording studios	CZ			CZ			
	Outdoor storage, including temporary or permanent storage containers	CZ	CZ	CZ	CZ		C	
	Personal service establishments							
	Artistic and photographic studios, without sale of equipment or supplies	P			P	P		
	Barber shops/beauty salons	P	P	P	P	P	C	
	Dry cleaning establishments, with no on-site processing	P	P	P	P	P		
	Dry cleaning establishments, with on-site processing	CZ	CZ	CZ	CZ	CZ		
	Laundromats (self service)	P	P		P	P		

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Type of Land Use	GC	NC	O	C/O	R/O	FBWC*	Additional Use Regulations
Massage and/or bodywork offices or establishments	P	P	P	P	P		See <a href="#">Chapter 8.34</a>
Nail salons	P	P	P	P	P		
Seamstress/tailor	P	P	P	P	P		
Shoe repair	P	P	P	P	P		
Recreational facilities (indoors)							
Bowling alleys	C	C		C			See <a href="#">Chapter 10.32</a>
Game arcades	C			C			See <a href="#">Chapter 14.17</a> standards.
Fitness/recreation facility	CZ	CZ	CZ	CZ	CZ		
Poolhalls/billiards	C	C		C			
Theaters	C	C		C		C	
Retail							
Antique stores	P			P		C	
Apparel stores	P			P		C	
Appliance stores (and ancillary repair)	P			P		C	
Art, craft, music and photographic supply stores	P	P		P		C	
Auctions	P				P		See <a href="#">Chapter 10.16</a>

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Type of Land Use	GC	NC	O	C/O	R/O	FBWC*	Additional Use Regulations
Bicycle shops	P	P		P		C	
Book, gift, stationery stores	P	P		P		C	
Department stores	P			P		C	
Discount stores	P			P		C	
Drug stores and pharmacies	P*	P*		P*	C	C	*Operating between 11 p.m. and 6 a.m. requires a use permit (CZ) to review lighting, noise, and compatibility with surrounding residential uses.
Electronics sales (televisions, radios, computers, etc.)	P			P		C	
Florist shops	P	P	P	P	P		
Furniture stores and upholstery shops (and ancillary repair)	P			P		C	
Gun shops	C					C	See <a href="#">Chapter 14.17</a> standards.
Jewelry stores	P			P			
Plant nurseries and garden supply	P*	P*		P*		C	*See Outdoor storage.
Secondhand stores and pawnshops	CZ			CZ			See <a href="#">Chapter 10.20</a>
Shoe stores	P			P		C	

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Type of Land Use	GC	NC	O	C/O	R/O	FBWC*	Additional Use Regulations
Shopping centers	C	C		C		C	
Sporting goods stores	P			P		C	
Stamp and coin shops	P			P			
Swimming pool supplies	P			P			
Tobacco retailer, significant	C			C		C	Shall not be located within 1,000 feet from schools (public and private elementary, junior high, and high schools), public parks, public libraries, arcades, youth/teen centers, community/recreation centers, licensed day care centers for children, shopping malls, and houses of worship with organized youth programs, as measured from the property lines of each parcel.
Toy stores	P	P		P		C	
Variety stores	P			P		C	
Video sales and rentals	P	P		P			
<b>Offices and Related Uses</b>							
Financial services and institutions	P	P	P	P	P	P	

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Type of Land Use	GC	NC	O	C/O	R/O	FBWC*	Additional Use Regulations
Medical services (medical, dental and health-related services, with sale of articles clearly incidental to the services provided)							
Clinics	C	C	C	C**	C		**4th Street west of D Street: Rear ground level or 2nd floor or above.
Hospitals			C				
Major medical facilities, including extended care facilities (treatment and convalescent) and children's treatment facilities			C		C		
Laboratories	CZ	CZ	CZ	CZ**	CZ		**4th Street west of D Street: Rear ground level or 2nd floor or above.
Medical offices	CZ	CZ	P	P*	P		*4th Street west of D Street: Rear ground level or 2nd floor or above.
Offices, general	CZ	P*	P	P**	P		*Rear ground level or 2nd floor or above. **4th Street west of D Street: Rear ground level or 2nd floor or above.
<b>Public, Quasi-Public and Community Uses</b>							



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Type of Land Use	GC	NC	O	C/O	R/O	FBWC*	Additional Use Regulations
Clubs and lodges, including youth groups	C		C	C			
Community gardens	P	P	P	P	P	P	Subject to performance standards outlined in <a href="#">Chapter 14.17</a> .
Public facilities							
Administrative offices	C		P	P*	P		*Rear ground level or 2nd floor or above.
Day services center	C	C	C	C	C		
Job center	C						
Libraries, museums and other cultural facilities	C	C	C	C	C		
Public and utility facilities (corporation, maintenance or storage yards, utility distribution facilities, etc.)						C	
Public facilities, other (police, fire, paramedic, post office, etc.)	C	C	C	C	C	C	
Public parks, playgrounds, and recreation facilities	P	P	P	P	P		
Religious institutions	C	C	C	C	C		
Schools							

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Type of Land Use	GC	NC	O	C/O	R/O	FBWC*	Additional Use Regulations
Parochial, private	C		C	C*	C		*Rear ground level or 2nd floor or above.
Public	P	P	P	P	P		
Specialized education and training	CZ		CZ	CZ	CZ		
<b>Residential Uses</b>		*		*	*		*See <a href="#">Chapter 14.17</a> standards.
Single-family residential		C			C		
Duplex residential					C		
Multifamily residential	A(3)	A(3)	P	A(3)	P	A(3)	
Animal keeping	CZ	CZ	CZ	CZ	CZ	CZ	See <a href="#">Chapter 14.17</a> standards.
Caretaker's residence	CZ	CZ	CZ	CZ	CZ	C	
Emergency shelters for the homeless							
Permanent	P/C			C	C		See <a href="#">Section 14.16.115</a> .
Temporary or rotating	C	C	C	C	C	C	
Home occupations	P	P	P	P	P	P	See <a href="#">Chapter 14.16</a> regulations.
Live/work quarters	A	A	A	A	A	A	See <a href="#">Chapter 14.17</a> standards.
Mobile home park						C	

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Type of Land Use	GC	NC	O	C/O	R/O	FBWC*	Additional Use Regulations
Residential care facilities for the handicapped							
Small (0—6 residents)	P	P	P	P	P	P	
Large (7 or more residents)	P	P	P	P	P	P	
Residential care facilities, other							
Small (0—6 residents)	P	P	P	P	P	P	
Large (7 or more residents)	C	C	C	C	C	C	
Rooming or boarding houses	A	C	A	A	A	A	See <a href="#">Chapter 14.17</a> standards.
<b>Day Care</b>							
Day care facility, child or adult							
Family day care							
Small (0—8 children or adults)		P		P	P		
Large (9—14 children)		CZ		CZ	A		See <a href="#">Chapter 14.17</a> standards.
Large (9—14 adults)		CZ		CZ	CZ		
Day care center (15 or more children or adults)	CZ	CZ	CZ	CZ	CZ	C	
<b>Visitor Accommodations</b>							

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Type of Land Use	GC	NC	O	C/O	R/O	FBWC*	Additional Use Regulations
Hotels, motels, or bed and breakfast inns	C			C	C	C	
<b>Transportation Facilities</b>							
Bus stations	C			C		C	
"Park and ride" facilities	CZ			CZ	CZ	C	
Parking facilities, commercial or municipal	CZ		CZ	CZ	CZ	C	
Taxi stations	C			C		C	
Transit stations or transitways	C			C		C	See <a href="#">Chapter 10.60</a>
<b>Temporary Uses</b>							
Temporary uses	A	A	A	A	CZ	A	See <a href="#">Chapter 14.17</a> standards.
<b>Accessory Structures and Uses</b>							
Accessory structures and uses customarily incidental to a permitted use and contained on the same site	P	P	P	P	P	P	See <a href="#">Chapter 14.16</a> regulations.

(1) ~~Shall not be located within three hundred feet (300') away of a residential zoning district (R, DR or HR), as measured from the property lines of each parcel. If within three hundred feet (300'), then use is prohibited.~~ **Reserved.**

(2) Shall not be located within six hundred feet (600') from schools (public and private), as measured from the property lines of each parcel.

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(3) See [Section 14.17.100](#) (Residential uses in commercial districts).

(Ord. 1838 § 21, 2005; Ord. 1831 § 1 (part), 2004; Ord. 1815 § 1, 2004; Ord. 1797 § 3, 2003; Ord. 1765 § 1 (part) (Exh. B (part)), 2001; Ord. 1751 § 2, 2000; Ord. 1742 § 2, 1999; Ord. 1694 § 1 (Exh. A) (part), 1996; Ord. 1693 § 1, 1996; Ord. 1689 § 1, 1995; Ord. 1663 § 1 (part), 1994; Ord. 1641 § 1 (part), 1993; Ord. 1625 § 1 (part), 1992).

(Ord. No. 1882, Exh. A, § 12, 6-21-10; Ord. No. 1923, § 2(Exh. A), 6-16-2014; [Ord. No. 1924, § 1, 9-15-2014](#); Ord. No. [1955](#), (Exh. A, §§ 3, 4), 3-19-2018; Ord. No. [1964](#), § 2(Exh. B) §§ 3, 4, 11-19-2018)

**Chapter 14.06 – INDUSTRIAL DISTRICTS (I, LI/O, CCI/O, LMU)**

**Amend Table 14.05.040 to replace “cannabis infused products” with “cannabis manufacturing” as follows:**

Table [14.06.020](#)

Types of Land Use	I	LI/O	CCI/O	LMU	Additional Use Regulations
<b>Industrial Uses</b>					
Boat building and repair	C				
Industry, general					
Asphalt mix plants	C				
Assembly plants	P	P	P	P*	*Permitted by right unless within 300 feet of a residential district, in which case it is "CZ," subject to a use permit.
Biotechnology firms	C	C	C	C	
Cabinet shops	P*	P*	P*	P*	*Permitted by right unless within 300 feet of a

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Types of Land Use	I	LI/O	CCI/O	LMU	Additional Use Regulations
					residential district, in which case it is "CZ," subject to a use permit.
Candle-making shop	P*	P*	P*	P*	*Permitted by right unless within 300 feet of a residential district, in which case it is "CZ," subject to a use permit.
Ceramic shop	P	P*	P*	P*	*Permitted by right unless within 300 feet of a residential district, in which case it is "CZ," subject to a use permit.
Chemical manufacture or processing	C				
Clothing manufacturing	P	P	P	P	
Concrete mix plants	C				
Contractor's yards (screened)	P	CZ	CZ	CZ	
Dry boat storage	C	C	C		
Dry cleaning plants	P	P	P	P*	*Permitted by right unless within 300 feet of a residential district, in which case it is "CZ," subject to a use permit.
Electronics industry	CZ	CZ	C	C	
Food manufacture or processing	P*	P*	P*	P*	*Permitted by right unless within 300 feet of a residential district, in

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Types of Land Use	I	LI/O	CCI/O	LMU	Additional Use Regulations
					which case it is "CZ," subject to a use permit.
Fuel yards	C				
Furniture manufacturing	P*	P*	P*	P*	*Permitted by right unless within 300 feet of a residential district, in which case it is "CZ," subject to a use permit.
Furniture refinishing or repair	P*	P*	P*	P*	*Permitted by right unless within 300 feet of a residential district, in which case it is "CZ," subject to a use permit.
Laboratories	CZ	CZ	CZ	CZ	
Machine shops	P*		P*	P*	*Permitted by right unless within 300 feet of a residential district, in which case it is "CZ," subject to a use permit.
Metal fabrication, forging or welding shops	CZ	C	C	C	
Packaging plants	P*	P*	P*	P*	*Permitted by right unless within 300 feet of a residential district, in which case it is "CZ," subject to a use permit.
Pharmaceutical manufacturing	C	C	C	C	
Planing mills	C			C	
Printing shops	P	P	P	P	

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Types of Land Use	I	LI/O	CCI/O	LMU	Additional Use Regulations
Research and development facilities		C			
Research and development industry	CZ	CZ		C	
Research and development services		P	P	P	
Rock, sand or gravel plants (crushing, screening and stockpiling)	C				
Mini-storage	P	P	P	P	See <a href="#">Section 14.16.150(G)(4)</a> for FAR exception. For lots facing Highway 101 or 580 or the Bay, mini-storage use must be located behind an active street front or bay front use.
Moving companies	P	CZ	C	C	
Storage, warehousing and distribution	P	P	P	P	See Outdoor storage.
Trucking yards and terminals	C				
Waste Management					
Hazardous waste transfer, storage, treatment and recycling	C				See hazardous waste management plan standards.
Resource recovery and recycling	CZ				



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Types of Land Use	I	LI/O	CCI/O	LMU	Additional Use Regulations
Solid waste management (collection, disposal)	C				See <a href="#">Chapter 10.72</a>
Transfer stations	C				
Wholesale and distribution	P	P	P	P	
<b>Offices and Related Uses</b>					
Financial services and institutions		CZ	CZ		
Medical services (medical, dental and health-related services, with sale of articles clearly incidental to the services provided)					
Clinics		C	C		
Laboratories	C	C	C	C	
Offices, medical		C	C	C*	*Max. of 5,000 sq. ft. or less.
Offices, general	C*	C**	C	C*	*5,000 sq. ft. or less. **See <a href="#">Section 14.16.150(B)(2)</a> .
<b>Commercial Uses</b>					
Animal care facilities (with or without exterior kennels, pens or runs)	CZ	CZ	CZ	CZ*	*Without exterior kennels, pens or runs (See <a href="#">Chapter 10.24</a> ).

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Types of Land Use	I	LI/O	CCI/O	LMU	Additional Use Regulations
Building materials and supplies					
Brick, gravel, rock, concrete, lumber, tile sales	P*	P*	P*	P*	*See Outdoor storage.
Electrical supply stores	P*	P*	P*	P*	*See Outdoor storage.
Equipment rental business	P*	P*	P*	P*	*See Outdoor storage.
Glass and window stores	P*	P*	P*	P*	*See Outdoor storage.
Hardware stores	P*	P*	P*	P*	*See Outdoor storage.
Paint stores	P*	P*	P*	P*	*See Outdoor storage.
Plumbing supply stores (and ancillary service)	P*	P*	P*	P*	*See Outdoor storage.
Business sales and service					
Blueprint and photocopy shops	P	P	P	P	
Computer services		P	P	P	
Locksmith shop	P	P	P	P	
Office furniture sales and rentals		P	P	P	
Office supply and business machine shops		P	P	P	

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Types of Land Use	I	LI/O	CCI/O	LMU	Additional Use Regulations
Printing shops	P	P	P	P	
<b>Cannabis Related Uses</b>					
Cannabis Testing/lab	P (1)	P (1)	P (1)		*Subject to additional regulations and permitting (See SRMC <a href="#">Chapter 10.96</a> )
Cannabis Delivery	P(1)	P(1)	P(1)		*Subject to additional regulations and permitting (See SRMC <a href="#">Chapter 10.96</a> )
Cannabis Infused Products Manufacturing	P(1)	P(1)	P(1)		*Subject to additional regulations and permitting (See SRMC <a href="#">Chapter 10.96</a> )
Cannabis Distribution	P(1)	P(1)	P(1)		
Card rooms	C				See <a href="#">Chapter 10.36</a>
Coffee roasters	P	P	P	C	
Food and beverage establishments					
Brew pubs	CZ	CZ	CZ		
Catering	P	P	P	P	
Cocktail lounges (without food service)		C			
Fast food restaurants	C	C			

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Types of Land Use	I	LI/O	CCI/O	LMU	Additional Use Regulations
Food service establishment, high volume		C	C		
Food service establishment (with or without incidental service of beer or wine or ancillary bar), but without a cocktail lounge, live entertainment as defined under <a href="#">Chapter 14.03</a> , and/or dancing					
(1) 1,000 sq. ft. or less in size	CZ	CZ	CZ	CZ	
(2) More than 1,000 sq. ft. in size		CZ		CZ	
Food service establishment, with a cocktail lounge, live entertainment and/or dancing		C			
Live entertainment and/or dancing (without food service)		C			
Outdoor eating areas	A	A	A	A	For outdoor eating areas on private property, see <a href="#">Section 14.17.110</a> standards. For outdoor seating areas located on city sidewalks or rights-of-way, see <a href="#">Section 14.16.277</a> standards.

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Types of Land Use	I	LI/O	CCI/O	LMU	Additional Use Regulations
Food and beverage stores					
Bakeries (with ancillary food service 1,000 sq. ft. or less in size)					
(1) Retail		P		P	
(2) Wholesale	P	P	P	P	
Funeral interment services					
Mortuaries	P	P	P		
Crematories	C				Must be located at least 650 ft. from any residential zoning district and/or schools, including private, parochial, public, nursery, preschool and child day care facilities; Crematory stack and delivery entrance may not be visible from public streets.
Maintenance and repair services					
Appliance repair	P*	P*	P*	P*	*See Outdoor storage.
Building maintenance services	P*	P*	P*	P*	*See Outdoor storage.
Furniture upholstery	P*	P*	P*	P*	*See Outdoor storage.
General contractors	P*	P*	P*	P*	*See Outdoor storage.

**EXHIBIT 4A-3**  
**AMENDMENTS TO SAN RAFAEL MUNICIPAL CODE, TITLE 14 REGARDING**  
**CANNABIS MANUFACTURING USE, LARGE FAMILY DAY CARE HOMES AND**  
**MISCELLANEOUS REGULATIONS**  
**May 21, 2021**

Types of Land Use	I	LI/O	CCI/O	LMU	Additional Use Regulations
Motor vehicle sales and service (including automobiles, motorcycles, trailers, trucks and recreational vehicles)					
Auto detailing	P	CZ	CZ	C	
Coin-op washing	C	C	C	C	
Gasoline stations (including mini-markets, and minor repair, such as tune-ups, brakes, batteries, tires and mufflers)	C	C	C		See <a href="#">Chapter 14.16</a> regulations. For repair, see <a href="#">Chapter 14.17</a> standards.
Rentals	CZ	CZ	CZ	CZ	See <a href="#">Chapter 10.84</a>
Repairs, major (engine work, painting, body work)	A	A	A	CZ	See <a href="#">Chapter 14.17</a> standards.
Repairs, minor (tune-ups, brakes, batteries, tires, mufflers, upholstery)	A	A	A	CZ	See <a href="#">Chapter 14.17</a> standards.
Sales, new or used vehicles	C/CZ*	C/CZ*	C/CZ*	C/CZ*	*For sales of five or fewer cars.
Sales, parts and supplies	P	P	P	P	
Towing businesses	C	C	C	C	
Wrecking yards	C				See <a href="#">Chapter 10.52</a>
Kiosks		A			See <a href="#">Section 14.16.225</a>

**EXHIBIT 4A-3**  
**AMENDMENTS TO SAN RAFAEL MUNICIPAL CODE, TITLE 14 REGARDING**  
**CANNABIS MANUFACTURING USE, LARGE FAMILY DAY CARE HOMES AND**  
**MISCELLANEOUS REGULATIONS**  
**May 21, 2021**

Types of Land Use	I	LI/O	CCI/O	LMU	Additional Use Regulations
Music rehearsal/recording studios	P	CZ	CZ	CZ	
Outdoor storage	CZ	CZ	CZ	CZ	
Personal service establishments					
Artistic and photographic studios, without sale of equipment or supplies		P	P	P	
Barber shops/beauty salons		P	P	P	
Dry cleaning establishments with or without on-site processing facilities	P	P	P	P	
Laundromat (self service)		P	P	P	
Nail salon		P	P	P	
Seamstress/tailor		P	P	P	
Shoe repair		P	P	P	
Recreational facilities (indoors)					
Bowling alleys		CZ	CZ	CZ	
Fitness/recreation facility		CZ	CZ	CZ	
Retail					

**EXHIBIT 4A-3**  
**AMENDMENTS TO SAN RAFAEL MUNICIPAL CODE, TITLE 14 REGARDING**  
**CANNABIS MANUFACTURING USE, LARGE FAMILY DAY CARE HOMES AND**  
**MISCELLANEOUS REGULATIONS**  
**May 21, 2021**

Types of Land Use	I	LI/O	CCI/O	LMU	Additional Use Regulations
Drug stores and pharmacies		C			
Florist		C			
Specialty retail, region-serving		C			
<b>Public, Quasi-Public and Community Uses</b>					
Clubs and lodges, including youth groups		C	C	C	
Community gardens	P	P	P	P	Subject to performance standards outlined in <a href="#">Chapter 14.17</a> .
Public facilities					
Administrative offices	C*	P	P	P	*5,000 sq. ft. or less.
Day services center	C	C	C		
Job center	C	C	C		
Public and utility facilities (corporation, maintenance or storage yards, utility distribution facilities, etc.)	C	C	C	C	
Public facilities, other (police, fire, paramedics, post office, etc.)	P	P	P	P	



**EXHIBIT 4A-3**  
**AMENDMENTS TO SAN RAFAEL MUNICIPAL CODE, TITLE 14 REGARDING**  
**CANNABIS MANUFACTURING USE, LARGE FAMILY DAY CARE HOMES AND**  
**MISCELLANEOUS REGULATIONS**  
**May 21, 2021**

Types of Land Use	I	LI/O	CCI/O	LMU	Additional Use Regulations
Public parks, playgrounds and recreation facilities		C			
Religious institutions		C	C	C	
Schools					
Parochial, private		C		C	
Public		P		P	
Specialized education and training		CZ	CZ	CZ	
<b>Residential, Day Care and Visitor Accommodation Uses</b>					
Live/work quarters				A	See <a href="#">Section 14.17.100(C)(9)</a> (Live/work quarters).
Caretaker's residence	CZ	CZ	CZ	CZ	
Day care centers	CZ	CZ	CZ	CZ	
Emergency shelters for the homeless					
Permanent	C	P/C	C	C	See <a href="#">Section 14.16.115</a>
Rotating or temporary	C	C	C	C	
Hotels or motels		C	C		
<b>Transportation facilities</b>					

**EXHIBIT 4A-3**  
**AMENDMENTS TO SAN RAFAEL MUNICIPAL CODE, TITLE 14 REGARDING**  
**CANNABIS MANUFACTURING USE, LARGE FAMILY DAY CARE HOMES AND**  
**MISCELLANEOUS REGULATIONS**  
**May 21, 2021**

Types of Land Use	I	LI/O	CCI/O	LMU	Additional Use Regulations
Bus stations	C	C	C		
Heliport		C			
"Park and ride" facilities	CZ	CZ	CZ		
Parking facilities, commercial or public	CZ	CZ	CZ		
Taxi stations	C	C	C		See <a href="#">Chapter 10.60</a>
Transit stations or transitways	C	C	C		
<b>Temporary Uses</b>					
Temporary uses	A	A	A	A	See <a href="#">Chapter 14.17</a> standards.
<b>Accessory Structures and Uses</b>					
Accessory structures and uses customarily incidental and contained on the same site	P	P	P	P	See <a href="#">Chapter 14.16</a> regulations.

(1) Shall not be located within ~~six~~three hundred (~~600~~300) feet from schools (public and private), as measured from the property lines of each parcel.

(Ord. 1838 § 25, 2005; Ord. 1831 § 1 (part), 2004; Ord. 1815 § 3, 2004; Ord. 1751 § 2, 2000; Ord. 1742 § 2, 1999; Ord. 1694 § 1 (Exh. A) (part), 1996; Ord. 1663 § 1 (part), 1994; Ord. 1641 § 1 (part), 1993; Ord. 1625 § 1 (part), 1992).

(Ord. No. 1882, Exh. A, § 19, 6-21-10; Ord. No. 1923, § 2(Exh. A), 6-16-2014; Ord. No. [1955](#), (Exh. A, §§ 5, 6), 3-19-2018; Ord. No. [1964](#), § 2(Exh. B) §§ 6, 7, 11-19-2018)

**EXHIBIT 4A-3**  
**AMENDMENTS TO SAN RAFAEL MUNICIPAL CODE, TITLE 14 REGARDING**  
**CANNABIS MANUFACTURING USE, LARGE FAMILY DAY CARE HOMES AND**  
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**May 21, 2021**

**Chapter 14.17 – PERFORMANCE STANDARDS**

**Amend Section 14.17.040 – Family day care home for children to delete provisions as State law now prohibits local jurisdictions from requiring a Use Permit and specific performance standards for such homes as follows:**

**14.17.040 –~~Family day care home for children, large~~Reserve.**

~~A. Purpose. The provisions of this section are intended to set forth permit requirements and operational standards for large family day care homes for children when established in a dwelling unit located in residential or residential/office zoning districts. Large family day care homes for children provide a home environment conducive to safe and healthy development, promote sustainability, and are supported by the policies and programs of the San Rafael general plan. The standards regulate potential traffic and noise impacts related to the operation of large family day care homes for children to ensure that these uses do not adversely impact the adjacent properties and the neighborhood in which these homes are located.~~

~~B. Applicability. The permit requirements and operational standards for large family day care homes for children apply in all residential zoning districts, and in the mixed residential/office districts which permit residential uses. Compliance with the standards presented in subsection D, below shall be reviewed through the applicable permit process prescribed in subsection C below. The provisions of this section are not applicable to large family day care homes for children in non-residential districts, where allowed by use permit. The performance and operational standards for large family day care homes in non-residential districts shall be established through the use permit process.~~

~~C. Permit Requirements.~~

~~1. Administrative Use Permit. An administrative use permit pursuant to [chapter 14.21](#) of this code shall be required for all large family day care homes for children when established for operation in a dwelling unit located in the R, MR, HR, PD, 5/MR/O, or R/O Districts. The administrative use permit is required to confirm compliance with the standards in subsection D below.~~

~~2. Notice of Decision. A notice of decision on the administrative use permit by the community development director shall be mailed to the applicant, property owner, and the property owners and residents that are immediately contiguous to and across the street/road from the proposed operation at least fifteen (15) days prior to the decision date. The notice shall indicate the decision date, and the ability to comment on the application and/or appeal the decision. Large family day care homes for children that were in operation and licensed by the State of California prior to January 1, 2014 are exempt from this noticing and public hearing requirement.~~

~~3. Written Decision of Permit Action. The community development director shall prepare a written decision which shall contain the findings of fact upon which such decision is based and conditions of approval, if any. The written decision of permit action shall be mailed to the applicant and property owner.~~

~~4. Appeal of Decision. As required by [section 14.21.100](#) (administrative use permit) of this title, an appeal of the decision shall be filed within five (5) working days of the permit action.~~

~~D. Standards Required for Issuance of Administrative Use Permit.~~

**EXHIBIT 4A-3**  
**AMENDMENTS TO SAN RAFAEL MUNICIPAL CODE, TITLE 14 REGARDING**  
**CANNABIS MANUFACTURING USE, LARGE FAMILY DAY CARE HOMES AND**  
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1. ~~Outdoor Activity and Play Area. If an outdoor activity and play area is proposed or provided, the following are required to minimize potential noise impacts and to maintain the privacy of neighboring residents:~~

a. ~~Outdoor Play Area Equipment. Any stationary play equipment shall not be located in the required side yard setbacks.~~

b. ~~Outdoor Activity Hours. Outdoor activities may be conducted between the hours of seven a.m. (7:00 a.m.) and nine p.m. (9:00 p.m.) only.~~

c. ~~Compliance with the Noise Ordinance. All outdoor activities shall comply with the general noise limits set forth in [chapter 8.13](#) of this code.~~

2. ~~Parking. On-site parking for large family day care homes shall not be required except for the amount that is required for the residential use. Use of the required, covered parking (garage) for the child care operation shall be prohibited.~~

3. ~~Passenger Loading and Parking Plan. A passenger loading and parking plan is required and shall be approved by the city traffic engineer. The plan shall demonstrate adequate and safe access with minimal disruption to local traffic and circulation.~~

4. ~~Lighting. Passenger loading areas shall be illuminated for safety. The lighting shall be directed away from adjacent properties and shall be of comparable intensity compatible with the neighborhood.~~

5. ~~Fire Inspection Clearance. As required by the State of California for care home licensing, a fire inspection shall be conducted by the fire department as part of and issued concurrent with the approval of the administrative use permit.~~

6. ~~City Business License. A city business license is required. The business license shall not be issued until the administrative use permit is approved.~~

7. ~~State and Other Licensing. All family day care facilities shall be state licensed and shall be operated according to all applicable state and local regulations. A copy of the license application shall be submitted with the administrative use permit application.~~

(Ord. 1625 § 1 (part), 1992).

([Ord. No. 1924, § 1, 9-15-2014](#); Ord. No. [1937](#), § 2, 1-19-2016)

## **Chapter 14.22 – USE PERMITS**

### **Amend Section 14.22.180 – Expiration to read:**

14.22.180 - Expiration.

Use permits are valid for ~~one year~~two years unless a different expiration date is stipulated at the time of approval, a building permit has been issued and construction diligently pursued, a certificate of occupancy has been issued, or the permit is renewed or extended. If more than one phase of a development is approved in a single action and the later phases remain outstanding, their approval shall lapse at the end of the authorized time frame.

(Ord. 1625 § 1 (part), 1992).

## **Chapter 14.23 – VARIANCES**

### **Amend Section 14.23.170 – Expiration to read:**

14.23.170 - Expiration.

**EXHIBIT 4A-3**  
**AMENDMENTS TO SAN RAFAEL MUNICIPAL CODE, TITLE 14 REGARDING**  
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Variances are valid for ~~one year~~two years unless a different expiration date is stipulated at the time of approval, a building permit has been issued and construction diligently pursued, a certificate of occupancy has been issued, or the permit is renewed or extended. If more than one phase of a development is approved in a single action and the later phases remain outstanding, their approval shall lapse at the end of the authorized time frame.

*(Ord. 1625 § 1 (part), 1992).*

**Chapter 14.24 - EXCEPTIONS**

**Amend Section 14.24.150 – Expiration to read:**

Section 14.24.150 – Expiration.

Exceptions are valid for ~~one year~~two years unless a different expiration date is stipulated at the time of approval, a building permit has been issued and construction diligently pursued, a certificate of occupancy has been issued, or the permit is renewed or extended. If more than one phase of a development is approved in a single action and the later phases remain outstanding, their approval shall lapse at the end of the authorized time frame.

*(Ord. 1625 § 1 (part), 1992).*

**Chapter 14.25 – ENVIRONMENTAL AND DESIGN REVIEW PERMITS**

**Amend Section 14.25.200 – Expiration to read:**

Section 14.25.200- Expiration.

Environmental and design review permits are valid for ~~one year~~two years unless a different expiration date is stipulated at the time of approval, a building permit has been issued and construction diligently pursued, a certificate of occupancy has been issued or the permit is renewed or extended. If more than one phase of a development is approved in a single action and the later phases remain outstanding, their approval shall lapse at the end of the authorized time frame.

*(Ord. 1625 § 1 (part), 1992).*

**Chapter 14.27 - AMENDMENTS**

**Amend Section 14.27.010 – Specific purposes to read:**

Section 14.27.010 – Specific purposes.

The purpose of this chapter is to establish procedures for amending the zoning map or zoning regulations whenever the public necessity, convenience or general welfare require such

**EXHIBIT 4A-3**  
**AMENDMENTS TO SAN RAFAEL MUNICIPAL CODE, TITLE 14 REGARDING**  
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**MISCELLANEOUS REGULATIONS**  
**May 21, 2021**

amendments. The amendment process is necessary to maintain consistency with the general plan and state law over time, to supplement zoning regulations, and to improve the effectiveness and clarity of the zoning ordinance. The provisions and procedures of this chapter are applicable to amendments to the downtown san rafael precise plan, form-based code and downtown zoning map, which are adopted by separate ordinance.

*(Ord. 1625 § 1 (part), 1992).*

ORDINANCE NO. \_\_\_\_\_

**ORDINANCE OF THE CITY OF SAN RAFAEL CITY COUNCIL ADOPTING THE  
DOWNTOWN SAN RAFAEL PRECISE PLAN – CHAPTER 9 DOWNTOWN FORM-BASED  
CODE TO SERVE AS THE PRIMARY, REGULATORY CITY ZONING CODE FOR  
DOWNTOWN SAN RAFAEL  
(CASE NO. ZO21-004)**

**WHEREAS**, in 2004, the City adopted the San Rafael General Plan 2020 with a horizon year of 2020. In 2018, the City initiated a General Plan Update (General Plan 2040) to move the Plan's horizon forward 20 years to 2040; and

**WHEREAS**, in late 2018, the City received a One Bay Area Grant to fund the preparation of a focused Plan for Downtown San Rafael, the Downtown San Rafael Precise Plan (Downtown Precise Plan), under the umbrella of the San Rafael General Plan 2040. The Downtown Precise Plan was budgeted and scoped to include a "form-based code" to regulate zoning for the Downtown Precise Plan area, replacing the existing property zoning and many of the existing zoning code regulations (SRMC Title 14, Zoning) that are applicable to the Downtown area; and

**WHEREAS**, in fall 2020, the City completed and released the Draft General Plan 2040 and the Downtown Precise Plan for public review. The Downtown Precise Plan includes Chapter 9 – Downtown Form-Based Code (form-based code); and

**WHEREAS**, Chapter 9- Downtown Form-Based Code establishes four regulating zones exclusive to the Downtown Precise Plan area that are based on the transects of natural to urban form. Each form-based zone includes, among others, site and buildings standards and regulations, parking standards, land use regulations; and

**WHEREAS**, to introduce, incorporate by reference, and establish internal consistency with the overarching, citywide San Rafael Municipal Code Title 14 – Zoning (Zoning Ordinance), amendments to SRMC Title 14 were drafted, which include the establishment of a new Downtown Mixed-Use (DMU) District. The DMU District serves as the foundation or "base" zone for Downtown that bridges the Zoning Ordinance with Chapter 9- Downtown Form-Based Code; and

**WHEREAS**, the Downtown Precise Plan form-based code together with the amendments to SRMC Title 14 – Zoning and Zoning Map (ZO-21-003 and ZC21-002) adopted by separate ordinance establish the State-require zoning legislation for Downtown San Rafael within the boundaries of the DMU District; and

**WHEREAS**, per the provisions of the California Environmental Quality Act (CEQA), the City prepared a Final Environmental Impact Report (FEIR) to assess the environmental impacts of the San Rafael General Plan 2040 and the Downtown Precise Plan including the form-based code. The FEIR has been certified by separate resolution of the City Council; and

**WHEREAS**, in considering action to adopt the Downtown Precise Plan form-based code, the City must first determine if the certified FEIR adequately assesses the environmental impacts of this action. The certified FEIR has concluded that the project, which includes the adoption of the Downtown Precise Plan will result in significant and unavoidable impacts associated with Air Quality, Cultural Resources, Greenhouse Gas Emissions, and Transportation. The City has weighed the proposed project benefits against the significant, unavoidable adverse environmental effects. By separate resolution and consistent with the CEQA Guidelines Section 15063, the City

has approved the CEQA Statement of Findings of Fact and Statement of Overriding Considerations supporting and substantiating adoption of the General Plan 2040, the Downtown Precise Plan, and the related amendments to SRMC Title 14 – Zoning. This separate resolution also recommends the approval of a Mitigation Monitoring and Reporting Program (MMRP) to ensure that the required FEIR mitigation measures are incorporated into the project action; and

**WHEREAS**, on [REDACTED], 2021 by action of separate resolution, the City Council adopted the San Rafael General Plan 2040 and the Downtown Precise Plan; and

**WHEREAS**, on [REDACTED], 2021 by separate ordinance, the City Council adopted amendments to the San Rafael Municipal Code (SRMC) Title 14 – Zoning (Case Nos. ZO21-003 and ZC21-002) to introduce, reference and incorporate the Downtown Precise Plan form-based code by: a) establishing a new Downtown Mixed-Use (DMU) District that encompasses the boundaries of the Downtown Precise Plan area and serves as the base zoning and foundation for the form-based code; b) amending, deleting and replacing certain zoning provisions applicable to Downtown San Rafael; and c) introducing new provisions to address and reference the Downtown Precise Plan form-based code that is proposed to be adopted by this separate ordinance; and

**WHEREAS**, on [REDACTED], 2021, the Planning Commission held a duly noticed public hearing on the proposed Downtown Precise Plan Chapter 9 – Downtown Form-Based Code accepting all public testimony and the written report of the Community Development Department. On a 0-0-0 vote, the Planning Commission adopted Resolution 21-\_\_ recommending [REDACTED]; and

**WHEREAS**, on [REDACTED], 2021, the City Council held a duly noticed public hearing through a public notice published the Marin Independent Journal on [REDACTED], 2021. The Council considered the proposed Downtown Precise Plan Chapter 9 – Downtown Form-Based Code presented in attached Exhibits A, accepting all public testimony and the written report of the Community Development Department; and

**WHEREAS**, the City Council makes the following findings, pursuant to SRMC Section 14.27.060 to support the adoption of the Downtown Precise Plan Chapter 9- Downtown Form-Based Code presented in attached Exhibit A:

1. The adoption of the Downtown Precise Plan Chapter 9- Downtown Form-Based Code (form-based code) together with the amendments to San Rafael Municipal Code Title 14 – Zoning Ordinance and Zoning Map adopted by separate ordinance (ZO21-003 and ZC21-002) are consistent with the policies and programs of the adopted San Rafael General Plan 2040 and Downtown Precise Plan in that:
  - a. The form-based code presents development form regulations as well as use provisions that are consistent with the Downtown Mixed-Use land use category of the General Plan 2040 and the Downtown Mixed-Use (DMU) District. The Downtown Mixed-Use land use category and the DMU District: 1) calls for allowing a mix of land uses at higher development intensities within the City; and 2) departs from the traditional residential density limits through use of building height limits and prescribed building form standards, and transitions development allowances along the edges of Downtown. Lastly, the form-based code would implement Land Use Element Program LU-2.1A, which recommends amending the zoning ordinance and zoning map to incorporate the policies and programs of the General Plan 2040, thus resulting in consistency between the General Plan and zoning.



- b. The form-based code would be consistent with Land Use Element, specifically Goal LU-1, Policy LU-1.10, Policy LU-1.17, Policy LU-1.18, Policy LU-2.2, and Program LU-2.2B in that it would: 1) support and respond to the Downtown Precise Plan which set forth well-managed changes and growth for Downtown; 2) codify the recommendations of the Downtown Precise Plan specific to development intensity; 3) codify the building height and height bonus regulations and provisions presented in the Downtown Precise Plan; and 4) support and codify planned mixed-use development in Downtown. Further, the form-based code would implement Policy LU-3.1 (Area Plans), which reinforces the preparation and adoption of community-based Area Plans (e.g., the Downtown Precise Plan) to direct planning and future growth for a specific area.
  - c. The form-based code would be consistent with the Neighborhood Element, specifically Policy NH-1.1, Program NH-1.1A, Policy NH-1.3, Policy NH-1.7, Program NH-1.7A, Policy NH-1.8 and Program NH-1.8A in that it would: 1) implement the Downtown Precise Plan and by providing a clear guide for development and investment; 2) establish the zoning tool to support and guide the development of mixed-use and needed housing in Downtown; 3) ensure that new construction and development is sensitive to Downtown's context; and 4) provide measures to ensure the protection, preservation and enhancement of Downtown's historic resources.
  - d. Together with the accompanying amendments to SRMC Title 14 – Zoning (Case Nos. ZO21-003 and ZC21-002) adopted by separate ordinance, the form-based code would be consistent with the Community Design policies and programs of the Community Design and Preservation Element, specifically Program CDP-1.5C, Program CDP-2.1A, CDP-2.2A, Policy CDP-3.1, Program CDP-4.1C, Program CDP-4.2A, and Program CDP-4.8A in that they would: a) create a Downtown height profile; b) codify design standards for the “place types” identified in the Downtown Precise Plan; c) adopt a zoning tool that implement the design recommendations of the Downtown Precise Plan; and d) introduce building step-backs as a tool for implementing scale transitions in new development.
  - e. Together with the accompanying amendments to SRMC Title 14 – Zoning (Case Nos. ZO21-003 and ZC21-002) adopted by separate ordinance, the form-based code would be consistent with the Historic Resources policies and programs of the Community Design and Preservation Element, specifically, Policy CDP-5.2, Policy CDP-5.4, in that they would: a) include the adoption of an updated historic resources inventory for Downtown; b) incorporate incentives for encouraging preservation and stewardship of the Downtown historic resources.
  - f. The form-based code would create consistency with the provisions and regulations of SRMC Title 14 - Zoning provisions, which is adopted by separate ordinance and incorporated herein by reference.
  - g. The form-based code would be anchored by a newly established DMU District to blanket the Downtown Precise Plan area. The CMU District that provides a base zoning and foundation for the Downtown Precise Plan area and form-based code and the other accompanying amendments.
2. The public health, safety and general welfare are served by adoption of the Downtown Precise Plan Chapter 9- Downtown Form-Based Code in that it would:
    - a. Establish standards and regulations on building height and bulk to promote a more urban scale for growth of commerce and housing, while protecting the character and scale of the contiguous neighborhoods and surrounding community.
    - b. Establish standards and regulations that would protect San Rafael's historic resources.
    - c. Establish standards and regulations to promote safe and efficient multi-modal travel.
    - d. Establish standards and regulations that would promote orderly growth and facilitated the development of needed housing in Downtown San Rafael.

- e. Establish consistency with the General Plan 2040 and the policies of the Downtown Precise Plan.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN RAFAEL DOES HEREBY ORDAIN AS FOLLOWS:**

**DIVISION 1. Findings**

The City Council of the City of San Rafael hereby determines and finds that all of the facts and statements contained in the recitals herein and the findings of Planning Commission Resolution 21-\_\_\_\_\_, adopted \_\_\_\_\_, 2021 recommending to the City Council adoption of this Ordinance are true and correct.

**DIVISION 2. Approval**

The City Council of the City of San Rafael hereby approves and adopts the Downtown San Rafael Precise Plan Chapter 9 – Downtown Form-Based Code as presented in Exhibits A, attached hereto and incorporated herein by reference.

**DIVISION 3. Publication**

A summary of this Ordinance shall be published and a certified copy of the full text of this Ordinance shall be posted in the office of the City Clerk at least five (5) days prior to the Council meeting at which it is adopted.

This Ordinance shall be in full force and effect thirty (30) days after its final passage, and the summary of this Ordinance shall be published within fifteen (15) days after the adoption, together with the names of those Councilmembers voting for or against same, in the Marin Independent Journal, a newspaper of general circulation published and circulated in the City of San Rafael, Marin County, State of California.

Within fifteen (15) days after adoption, the City Clerk shall also post in the office of the City Clerk a certified copy of the full text of this Ordinance, along with the names of those Councilmembers voting for or against the Ordinance.

\_\_\_\_\_  
KATE COLIN, Mayor

ATTEST:

\_\_\_\_\_  
LINDSAY LARA, City Clerk

The foregoing Ordinance No. \_\_\_\_\_ was read and introduced at a regular meeting of the City Council of the City of San Rafael on Monday, \_\_\_\_\_ 2021 and was ordered passed to print by the following vote, to wit:

AYES:                      Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

And will come up for adoption as an Ordinance of the City of San Rafael at a Regular Meeting of the Council to be held on the \_\_\_\_ day of \_\_\_\_\_ 2021.

---

LINDSAY LARA, City Clerk

Exhibit:

4B-1. Downtown San Rafael Precise Plan Chapter 9 – Downtown Form-Based Code (under separate cover)





# Downtown Form-Based Code

CHAPTER

# 9

editor's note: pages will be renumbered  
in final draft Ordinance

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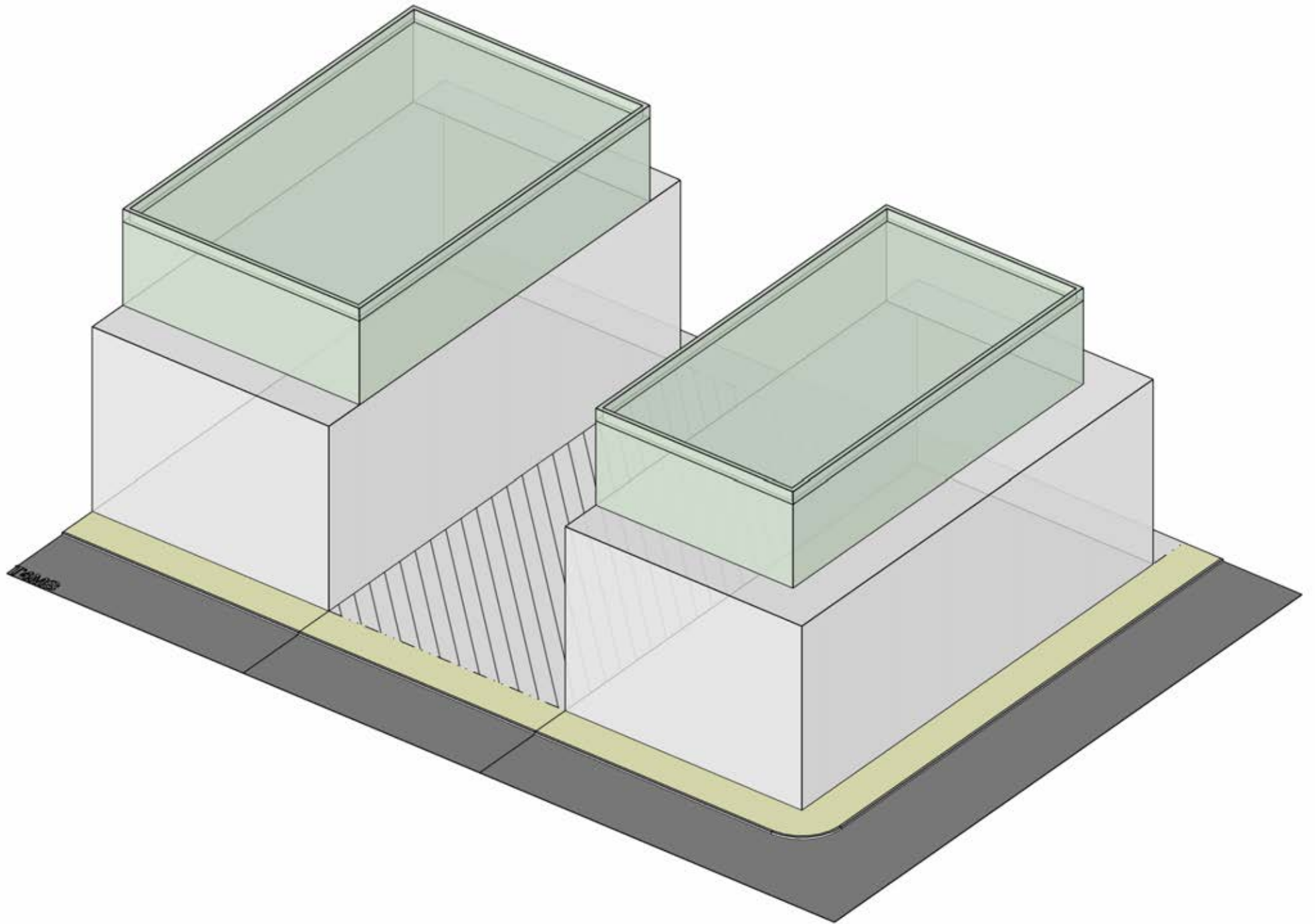
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# Introduction

ARTICLE

1

## Quick Code Guide



**Note:** this diagram is intended to provide a simplified overview of the code's requirements and is descriptive, not regulatory.



# Division 1.1 Purpose

## 1.1.010 Purpose

This Downtown Form-Based Code (DTFBC) is enacted for three key purposes:

- To implement the vision described in the Downtown Precise Plan (Plan) for a variety of urban neighborhoods and main street environments;
- To provide the community with a clear understanding of what the code requires and what it allows and generates regarding physical form, character and uses; and
- To streamline the review and processing of development projects through the codes' coordination with the Plan and through its clarity of standards and expectations.

## 1.1.020 Applicability

### Rules of Construction

The following general rules of construction apply to the text of this Chapter:

**Terminology: shall, may and should.** "Shall" is always mandatory and not permissive. "May" is permissive. "Should" is advisory and identifies guidance provided by the City in implementation of these standards.

**Tenses and Numbers.** Words used in the present tense include the future, words used in the singular include the plural, and the plural includes the singular, unless the context clearly indicates the contrary.

**Applicable.** The applicable standards of Chapter Nine (Downtown Form-Based Code) are acknowledged to apply so as to not require stating the phrase "and all applicable standards" throughout.

**Conjunctions.** Unless the context clearly indicates otherwise, the following conjunctions shall be interpreted as follows:

- "And" indicates that all connected items or provisions apply;
- "Or" indicates that the connected items or provisions may apply; and
- "Either/or" indicates that the connected items or provisions apply singly but not in combination.

**Relevance.** In form-based zones, the standards in Chapter Nine (Downtown Form-Based Code) prevail unless stated otherwise.

### Applicability of Standards

The standards in Chapter Nine (Downtown Form-Based Code) apply to all proposed development and improvements within form-based zones as identified below.

**Non-Conformities.** See San Rafael Municipal Code (SRMC) Section 14.16.270 (Nonconforming Structures and Uses) for when the standards of the Chapter Nine (Downtown Form-Based Code) apply.

**New Development.** New development, additions and renovations are required to be designed per the zone standards identified for the parcel(s) in DTFBC Figure 2.2.040.A (Regulating Plan).

#### **Blocks and Streets**

- Development sites larger than two acres shall be divided into new blocks in compliance with DTFBC Table 3.1.050.A (Block Size Standards).
- Development sites larger than two acres are required to include new streets including any required in the approximate locations identified on the DTFBC Figure 2.2.040.A (Regulating Plan) in compliance with Chapter Six (Transportation and Parking).
- When designing a new street or retrofitting an existing street, the guidelines in Chapter Six (Transportation and Parking) apply.

**New Buildings.** New buildings and their additions are required to be designed in compliance with the building placement and size standards of the zone.

**General.** From the allowed types in the zone, and in compliance with the listed standards, the following shall be selected for each lot:

- At least one frontage type for each street or civic space frontage; and
- At least one use type.

Frontage types not listed in the zone's standards are not allowed in that zone.

Use types not listed in the DTFBC Table 2.3.070.A (Use Table) are not allowed in that zone. Except as set forth in SRMC Section 14.02.040.B. (Land Use Categories).

**Site Standards.** When a development requires approval in compliance with SRMC Title 14 (Zoning), the standards of this Sub-Section apply to the following:

**Screening.** The standards of DTFBC Section 3.1.020 (Screening) apply to the following:

- All new development; and
- Improvements to existing development.

**Landscaping and Tree Standards.** The standards of DTFBC Section 3.1.030 (Landscaping) apply to the following:

- All new development; and
- Improvements to existing development.

**Parking and Loading.** The requirements of DTFBC Sub-Section H (Parking) of the zone standards apply to the following, except as superseded by other City ordinances regarding affordable housing:

- New development;
- Changes in intensity or uses of buildings or structures made after the effective date of this Article that cause an increase of 25 percent or greater in:
  - Gross floor area over 5,000 sf;
  - Seating capacity;
  - Units; and/or
  - Parking spaces.

#### **Civic Space Standards**

- New buildings or additions are required to include civic space as identified in DTFBC Sub-Section C (Building Placement) of the zone.
- Development sites larger than two acres are required to create new civic space(s) in the approximate locations identified on the DTFBC Figure 2.2.040.A (Regulating Plan) in compliance with the standards of DTFBC Civic Space Sub-Section C of the zone.

**Massing, Facade Articulation and Architectural Elements.**

The standards of DTFBC Division 3.2 (Massing and Facade Articulation Standards) apply to the following:

- New building; and
- Building facade renovation facing a street or civic space (except public safety buildings).

**Frontage Standards.** The standards of DTFBC Division 3.3 (Frontage Standards) apply to the following:

- New building;
- Building facade renovation facing a street or civic space (except public safety buildings);
- Private property improvement along front or side street; and
- Modification of pedestrian entrance(s) along front or side street.

**Signage Standards.** See SRMC Chapter 14.19 (Signs) for signage standards and processing requirements.

### 1.1.030 Relationship to General Plan 2040 Update

Chapter Nine (Downtown Form-Based Code) of the Plan is a refinement of the community vision and intent in the General Plan 2040 Update (General Plan) for the parcels and rights-of-way within the Plan boundaries.

Chapter Nine (Downtown Form-Based Code) implements the City's General Plan vision within the boundaries of the Plan to implement the General Plan direction for a variety of walkable environments. Walkable is described as an environment that is pedestrian-oriented in nature, where bicycling and walking are viable daily options because services, retail, or restaurants are within a short walking distance of most dwellings.

### 1.1.040 Relationship to Downtown Precise Plan

Chapter Nine (Downtown Form-Based Code) of the Plan implements the Plan's updated community vision and intent for the parcels and streets within the Plan boundaries. In the event of a conflict the standards of this Chapter shall apply.

### 1.1.050 Relationship to Other City Code Standards

The standards described in this Chapter prevail over existing standards unless specifically stated otherwise in Table 1.1.040A. All parcels covered by the Downtown Form Based Code are considered to be in the Downtown Mixed Use (DMU) Zone District and are referenced as such in other parts of the San Rafael Municipal Code.



**Table 1.1.040.A Relationship to California Fire Code, SRMC Title 2 (Administration), SRMC Title 14 (Zoning), and SRMC Title 19 (Open Space)**

Division/ Chapter/ Section	Description	Status
<b>California Fire Code</b>		
Chapter 5: Section 503 and Appendix D, Section 504, Section 505, Section 507 and Section 509	Fire Service Features	Chapter Nine (Downtown Form-Based Code) relies on Chapter 5 (Five Service Features)
<b>SRMC Title 2 (Administration)</b>		
Chapter 2.18	Historic Preservation	Chapter Nine (Downtown Form-Based Code) relies on SRMC Chapter 2.18
<b>SRMC Title 14 (Zoning)</b>		
Division II	Base District Regulations	Replaced by form-based zones within the Plan boundaries.
Division III	Overlay District Regulations	Replaced by form-based zones within the Plan boundaries.
Division V	Administrative Regulations	Chapter Nine (Form-Based Zones Code) relies on SRMC Division V (Administrative Regulations).
Chapter 14.03	Definitions	DTFBC Division 4.1 (Definitions) adds definitions to SRMC Chapter 14.03 (Definitions) only within the Plan boundaries.
Chapter 14.17	Performance Standards	Chapter Nine (Downtown Form-Based Code) relies on SRMC Chapter 14.17 (Performance Standards).
Chapter 14.18	Parking Standards	SRMC Table 14.18.040 (Parking Requirements) replaced by Chapter Nine (Downtown Form-Based Code) within the Plan boundaries. All other standards of SRMC Chapter 14.18 (Parking Standards) apply.
Chapter 14.19	Signs	Chapter Nine (Downtown Form-Based Code) relies on SRMC Chapter 14.19 (Signs).
Section 14.16.270	Non-Conforming Structures and Uses	Chapter Nine (Downtown Form-Based Code) relies on SRMC Section 14.16.270 (Non-Conforming Structures and Uses).
Section 14.16.295	Sight Distance	SRMC Section 14.16.295 (Sight Distance) does not apply within the Plan boundaries.
Sections 14.16.243 and 14.18.160	Screening Standards	Chapter Nine (Downtown Form-Based Code) replaces SRMC Sections 14.16.243 (Mechanical Equipment Screening) and 14.18.160 (Parking Lot Screening and Landscaping) within the Plan boundaries.
Sections 14.18.170, 14.16.227, and 14.19.055	Outdoor Lighting Standards	Chapter Nine (Downtown Form-Based Code) relies on SRMC Sections 14.18.170 (Lighting), 14.16.227 (Light and Glare) , and 14.19.055 (Illumination Standards).
Tables 14.04.020, 14.05.020, 14.05.022, 14.08.030, 14.09.020, 14.10.020 and Section 14.07.020	Land use regulations	DTFBC Table 2.3.070.A (Use table) replaces SRMC Title 14 (Zoning) Use Tables within the Plan boundaries. All other standards of Division II apply.
<b>SRMC Title 19 (Open Space)</b>		
Chapter 19.10	Land and Water Areas	Chapter Nine (Downtown Form-Based Code) relies on SRMC Title 19 (Open Space).

### 1.1.060 Permit Required

New buildings, renovations, additions, and signage require City approval as identified in DTFBC Table 1.1.060.A (Permit Requirements). Please refer to SRMC Title 14 (Zoning) for permit application requirements and procedures.

For projects involving a historic resource, refer to SRMC Chapter 2.18 (Historic Preservation).

**Table 1.1.060.A Permit Requirements**

Application	Permit Required			
	Administrative Environmental and Design Review Permit	Minor Environmental and Design Review Permit	Major Environmental and Design Review Permit	Certificate of Appropriateness
Alteration to Historic Resource	–	–	•	•
Renovation/ expansion < 50% of existing building	•	–	–	–
Renovation/ expansion > 50% of existing building	–	•	–	–
New building up to 30' overall height	–	•	–	–
With height bonus up to 40' overall height	–	•	–	–
New building up to 40' overall height	–	•	–	–
With height bonus up to 50' overall height	–	–	•	–
New building up to 40' overall height	–	•	–	–
With height bonus up to 60' overall height	–	–	•	–
New building up to 50' overall height	–	–	•	–
With height bonus up to 70' overall height	–	–	•	–
New building up to 60' overall height	–	–	•	–
With height bonus up to 80' overall height	–	–	•	–
New building up to 70'	–	–	•	–
With height bonus up to 90' overall height	–	–	•	–

**Table 1.1.060.A Permit Requirements (Continued)**

Application	Permit Required			
	Administrative Environmental and Design Review Permit	Minor Environmental and Design Review Permit	Major Environmental and Design Review Permit	Certificate of Appropriateness
Development of site > 2 acres	-	-	•	-
Alteration adjacent to a historic resource in compliance with SRMC Section 2.18.065(f) (Development Standards)	•	-	-	-
Alteration adjacent to a historic resource not in compliance with SRMC Section 2.18.065 (f) (Development Standards)	-	-	•	-

For Minor and Major Environmental and Design Review, see SRMC Section 14.25. Major review applies to “major physical improvements” [see 14.25.040 (A)] and Minor review applies to “minor physical improvements” [see 14.25.040 (B)]. See also Administrative Design Review process for smaller projects.

For review criteria for Major and Minor Environmental and Design Review, see SRMC Section 14.25.050; and Section 14.25.060 for hearing/public review requirements. Minor Review is done in a public hearing convened by the Zoning Administrator and Major Review is performed by the Planning Commission.

For Permanent Sign see SRMC Section 4.19.041 (Sign Permit Required).





# Downtown Form-Based Zones

ARTICLE

# 2



## Division 2.1 Preamble



### 2.1.010 The Natural-to-Urban Transect: The Framework for Form-Based Planning and Coding

The Natural-to-Urban Transect is an organizing principle used in Form-Based planning and coding that establishes a hierarchy of places/ contexts from the most natural to the most urban. The designation of each transect along this hierarchy is determined first by the character and form, intensity of development, and type of place and secondly by the mix of uses within the area. This hierarchy of places becomes the framework or organizing principle for the entire plan and code, replacing use as the organizing principle as is used in conventional or Euclidean zoning. Transect zones are used to reinforce existing or to create new walkable mixed-use urban environments.

*“The Natural-to-Urban Transect is a means for considering and organizing the human habitat in a continuum of intensity that ranges from the most rural condition to the most urban. It provides a standardized method for differentiating between the intentions for urban form in various areas using gradual transitions rather than harsh distinctions. The zones are primarily classified by the physical intensity of the built form, the relationship between nature and the built environment, and the complexity of uses within the zone.”*

~ Form-Based Codes Institute

The model transect for American towns is divided into six transects: Natural (T1), Rural (T2), Sub-Urban (T3), General Urban (T4), Urban Center (T5), and Urban Core (T6), together with a District (D), often referred to as a Special District, a designation for areas with specialized purposes (e.g., heavy industrial, transportation, entertainment, or university districts, among other possibilities). Each transect is given a number. Higher numbers designate progressively more urban environments, and lower numbers designate more rural environments.

For additional information visit the Form-Based Codes Institute website at [www.formbasedcodes.org](http://www.formbasedcodes.org)

### 2.1.020 Regulating for Different Contexts

The Form-Based Code applies a community-character-based approach to zoning that is based upon the classification of three distinct context types. Each context type—Natural, Walkable, and Auto-Oriented Suburban—needs to be regulated differently in order to effectively reinforce the intended context.

**Natural Context Type** consists of land not intended for development. In these areas, nature dominates a person's experience, but may include an occasional recreation-oriented or utility building or other man-made feature. The use of cars is integrated, but does not dominate the physical character. These areas are implemented through Conventional, use-based zones.

**Auto-Oriented Suburban Context Type** consists of areas developed mainly after the 1950's. In this context type land uses are segregated and often buffered, leaving large distances between them contributing to the need for the automobile for day-to-day functions. Walking and cycling occur in these areas, but generally for recreational purposes due to low connectivity. These areas are implemented through Conventional, use-based zones.

**Walkable Context Type** consists of areas where a person can walk, bicycle or ride transit to work to fulfill most shopping and recreation needs. These areas allow for but do not require the use of a vehicle to accommodate most daily needs. These areas were primarily developed prior to the 1940's in a pattern where a person can live with limited reliance on the automobile. Today, these areas are still conducive to destination walking and cycling and supported through public transit, a network of interconnected, tree-lined streets, a diversity of housing choices, and a mix of appropriate commercial and residential uses in a compact form. These areas are implemented through the T3-T5 form-based zones.

### 2.1.030 The Transect

Each of the six transects is implemented by form-based zones (Zones) as illustrated in DTFBC Figure 2.1.030.A (The Transect). The zones needed to implement the transect for Downtown San Rafael are identified with the highlighted purple.

### 2.1.040 The Transect Applied to Downtown San Rafael

To enhance Downtown's San Rafael current walkable character, this Form-Based Code applies transect zones related to the Walkable Context Type (i.e., T4 and T5 Neighborhood and Main Street). In this way, this FBC enables distinct walkable development patterns that are based on interconnected streets and blocks, variety of housing choices, and proximity to services, shopping and/or transit.

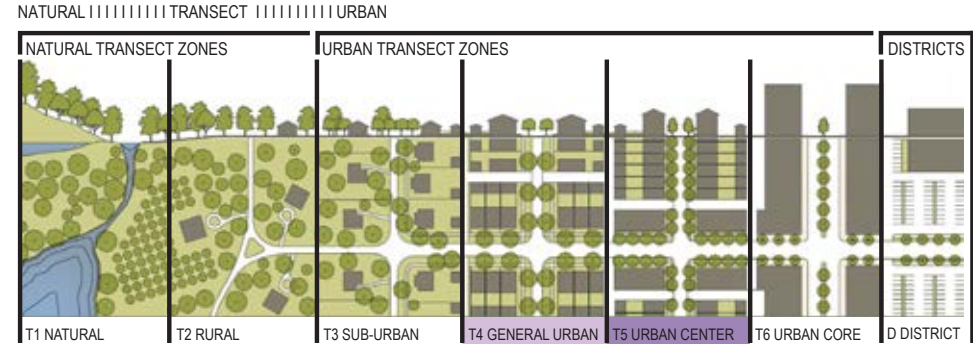


Figure 2.1.030.A The transect



Figure 2.1.040.A The Transect applied to Downtown San Rafael.

# Division 2.2 Establishment and Designation of Downtown Zones

## 2.2.010 Downtown Zones Established

**Form-Based Zones and Standards.** This Section describes the form-based zones and standards. Each zone is established based on the intended physical form and character of the environments described in the Plan. These zones focus on mixed-use, walkable environments and range in function and intensity:

Moderate intensity neighborhoods:

- T4 Neighborhood T4N 30/40 2.3.030
- T4 Neighborhood T4N 40/50 2.3.030

A community-serving Downtown:

- T4 Main Street T4MS 40/50 2.3.040,
- T4 Main Street T4MS 40/60 2.3.040,
- T4 Main Street T4MS 50/70 2.3.040,
- T4 Main Street T4MS 60/80 2.3.040

High intensity neighborhoods:

- T5 Neighborhood T5N 40/60 2.3.050,
- T5 Neighborhood T5N 50/70 2.3.050

A regional-serving transit center and main street:

- T5 Main Street T5MS 70/90 2.3.060

The naming of the form-based zones is based on a spectrum of context types in the City from less urban to more urban as listed in Table 2.3.020.A (Downtown Zones Overview).

## 2.2.020 Height Distinctions within Zones

Height bonuses listed below and shown on the Regulating Plan may only be used in lieu of those allowed under State density bonus law for qualifying projects. The bonuses allowed by the form-based zones may not be added to or combined with State density bonuses. The maximum height allowed per zone is identified on the Regulating Plan as a suffix to the zone name. For example, the T4N 40/50 allows up to 40' base height and up to 50' with a bonus. See DTFBC Table 2.2.020.A (Height Distinctions per Zone).

Table 2.2.020.A Height Distinctions per Zone		
Zone	Base Height (Overall)	With Height Bonus (Overall)
T4 Neighborhood		
T4N 30/40	30' max.	40' max.
T4N 40/50	40' max.	50' max.
T4 Main Street		
T4MS 40/50	40' max.	50' max.
T4MS 40/60	40' max.	60' max.
T4MS 50/70	50' max.	70' max.
T4MS 60/80	60' max.	80' max.
T5 Neighborhood		
T5N 40/60	40' max.	60' max.
T5N 50/70	50' max.	70' max.
T5 Main Street		
T5MS 70/90	70' max.	90' max.



### 2.2.030 Sub-Zones

Sub-zones are slight variations of the base zone, lot-specific, and mapped on DTFBC Figure 2.2.040.A (Regulating Plan). This Article includes two types of sub-zones:

**Open.** The open sub-zone is applied for either or both of the following purposes:

- To allow more uses than the base zone allows in specific areas but within the same form and character of the base zone; and/or
- To more easily allow certain uses that are already allowed in the base zone. In addition in this way, the open sub-zone can provide additional flexibility to lots located at or near intersections that function or can function as a neighborhood node of non-residential uses.

### 2.2.040 Regulating Plan

The zones established in this Article are mapped on DTFBC Figure 2.2.040.A (Regulating Plan). In addition to identifying the zoning for each lot, DTFBC Figure 2.2.040.A (Regulating Plan) identifies specific urban design requirements and height limitations based on location and intended physical character.

Where DTFBC Figure 2.2.040.A (Regulating Plan) identifies two zones on one parcel, the boundary of each shall be

determined by a minimum depth of 100 feet measured perpendicular to the adjacent right-of-way or civic space from the midpoint of the lot width. In cases where the block depth is inadequate to support this measurement, zone boundaries may be adjusted during the project review process. As a general rule boundaries of adjacent parcels must be considered in boundary identification and adjustment during the review process.

When a project combines multiple parcels from two or more zones, the zone boundaries shown on Figure 2.2.040.A (Regulating Plan) may be modified to accommodate the new parcel boundary but shall not result in new zones to be added to the parcel. This boundary adjustment is subject to Director review and approval unless referred to the Planning Commission.

The front of a parcel is assumed to be along the primary abutting street. In situations where parcels abut two primary streets (such as corner parcels, parcels in the West End between Second and Fourth Street, etc.), both primary street frontages should be treated as the front with applicable standards. Alternately, the determination of the front of such parcels shall be made by the Director.

Figure 2.2.040.A Regulating Plan. Note this is the same map as Figure 4.5 in Chapter Four: Design Vision

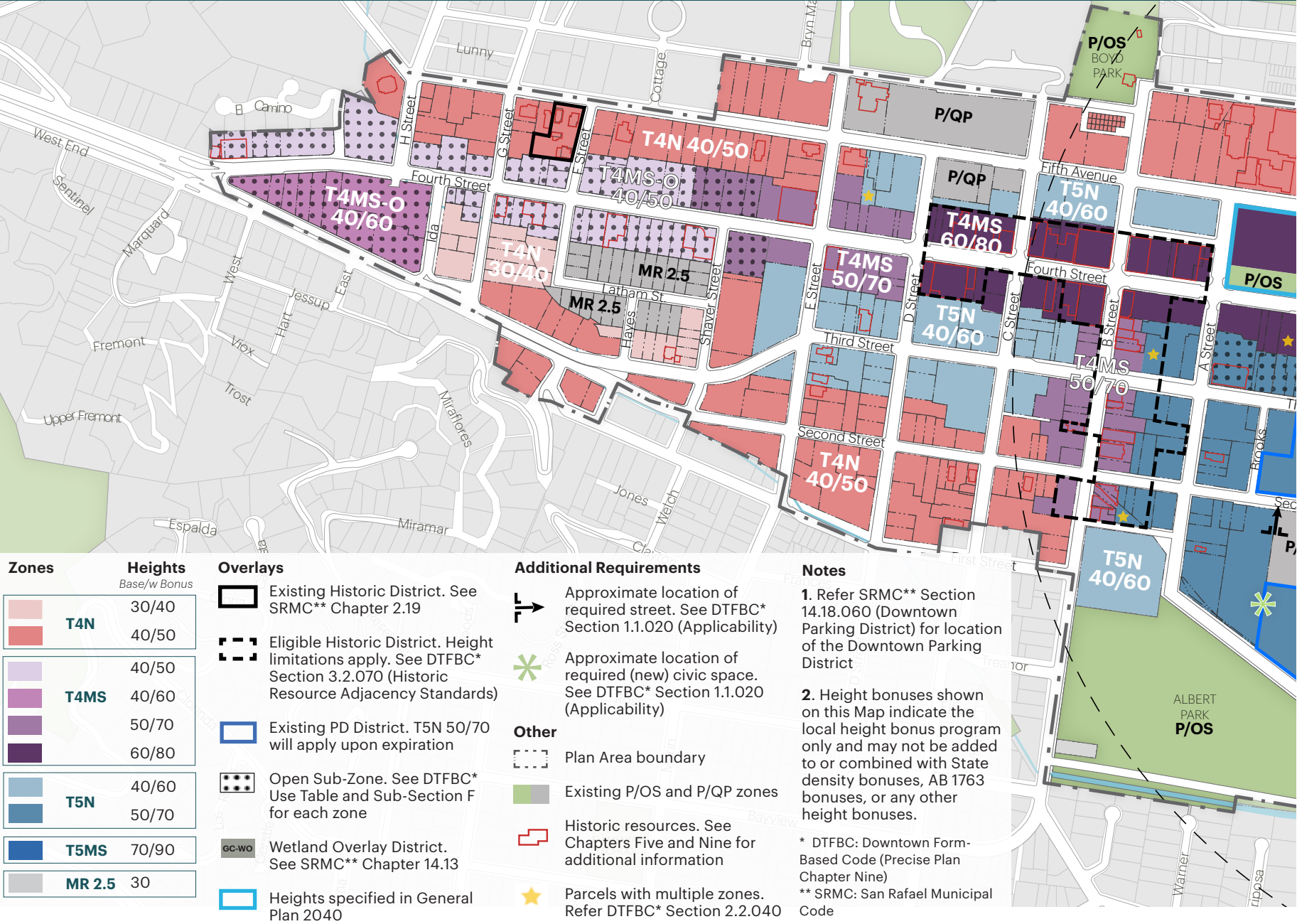
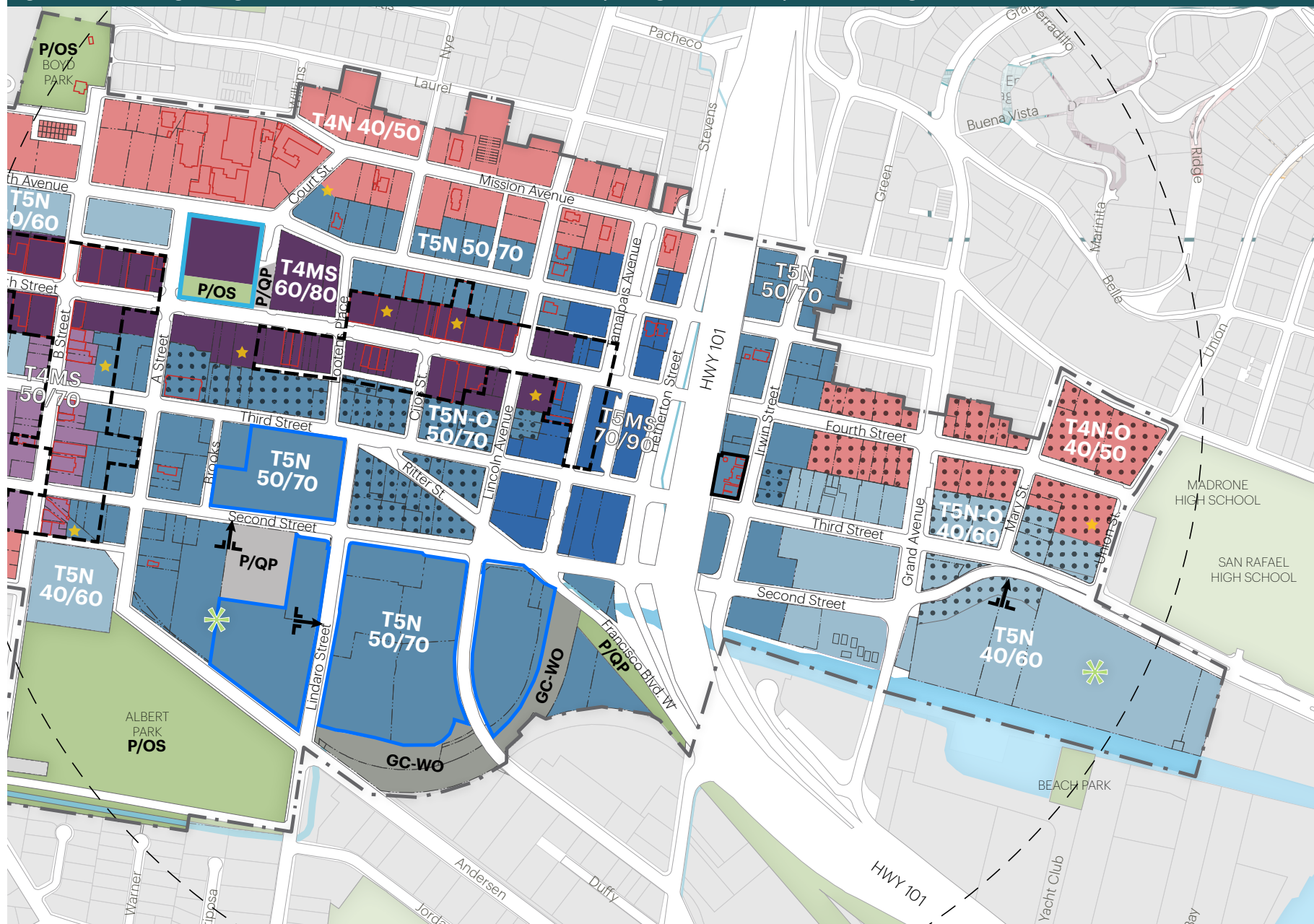


Figure 2.2.040.A Regulating Plan (Continued) Note this is the same map as Figure 4.5 in Chapter Four: Design Vision



## Division 2.3 Downtown Zones

### 2.3.010 Purpose

This Division establishes the palette of form-based zones to implement the Plan by generating and supporting the intended physical form and character and range of uses.

### 2.3.020 Overview of Downtown Zones

DTFBC Table 2.3.020.A (Downtown Zones Overview) provides an overview of each zone and its intent. This information is provided as background on the intended physical character, allowed range of uses, and direction for the detailed standards in each zone.

Following the Overview, each of the Downtown Zones and its standards begin at DTFBC Section 2.3.030 T4 Neighborhood (T4N 30/40 and T4N 40/50).

Collectively, the Downtown Zones comprise the Downtown Mixed Use (DMU) district, as referenced in Chapter 14 of the San Rafael Municipal Code.

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Table 2.3.020.A Downtown Zones Overview

Less Urban	
<div>T4 Neighborhood</div> <div></div> <div>Zone Abbreviation</div> <div>T4N 30/40 and T4N 40/50</div> <div>Sub-Zone(s)</div> <div>T4N 40/50 Open</div> <div>The open sub-zone allows more uses, additional signage and sometimes additional frontages, within the same form and character of the base zone.</div> <div>Intent</div> <div>A walkable neighborhood environment of small-to-medium footprint, moderate-intensity mixed-use buildings and housing choices, supporting and within short walking distance of neighborhood-serving retail and services. This zone provides a transition in scale between the Downtown and adjacent residential neighborhoods.</div> <div>Desired Form</div> <div>Primarily House-Form Buildings</div> <div>Building Height 30' to 50', as per Regulating Plan</div> <div>Primarily Detached Buildings</div> <div>Small Front Setbacks</div> <div>Small Side Setbacks</div> <div>Residential and Shopfront Frontages</div>	<div>T4 Main Street</div> <div></div> <div>Zone Abbreviation</div> <div>T4MS 40/50, T4MS 40/60, T4MS 50/70, and T4MS 60/80</div> <div>Sub-Zone(s)</div> <div>T4MS 40/50 Open, T4MS 40/60 Open and T4MS 50/70 Open</div> <div>The open sub-zone allows more uses, additional signage and sometimes additional frontages, within the same form and character of the base zone.</div> <div>Intent</div> <div>A walkable, vibrant district of medium-to-large footprint, moderate intensity, mixed-use buildings and housing choices, supporting neighborhood and community-serving ground floor shopping, food and services, including civic, institutional, maker/ craft/ artisan businesses (both indoor and outdoor).</div> <div>Desired Form</div> <div>Primarily Block-Form Buildings</div> <div>Building Height 40' to 80', as per Regulating Plan</div> <div>Attached Buildings</div> <div>Small-to-No Front Setbacks</div> <div>No Side Setbacks</div> <div>Predominantly Shopfront Frontages</div>

Table 2.3.020.A Downtown Zones Overview (Continued)

More Urban **T5 Neighborhood****Zone Abbreviation**

T5N 40/60 and T5N 50/70

**Sub-Zone(s)**

T5N 40/60 Open and T5N 50/70 Open

The open sub-zone allows more uses, additional signage and sometimes additional frontages, within the same form and character of the base zone.

**Intent**

A walkable neighborhood environment of large footprint, high-intensity mixed-use buildings, supporting and within short walking distance of neighborhood shopping, services, and transit.

**Desired Form**

Primarily Block-Form Buildings

Building Height 40' to 70', as per Regulating Plan

Primarily Attached Buildings

Small-to-No Front Setbacks

Small-to-No Side Setbacks

Residential and Shopfront Frontages

**T5 Main Street****Zone Abbreviation**

T5MS

**Sub-Zone(s)**

None

**Intent**

A walkable, urban neighborhood environment with large footprint, high-intensity mixed-use buildings in close proximity to the multimodal transit station, with neighborhood-serving shopping and services.

**Desired Form**

Primarily Block-Form Buildings

Building Height 70' to 90'

Attached Buildings

Small-to-No Front Setbacks

No Side Setbacks

Predominantly Shopfront Frontages

**Note:**

The standards for each zone begin on the following page.

2.3.030 T4 Neighborhood (T4N 30/40 and T4N 40/50)



**A. Intent**

A walkable neighborhood environment of small-to-medium footprint, moderate-intensity mixed-use buildings and housing choices, supporting and within short walking distance of neighborhood-serving retail and services. This zone provides a transition in scale between the Downtown and adjacent residential neighborhoods.

**B. Sub-Zone(s)**

T4N 40/50 Open. The open sub-zone allows more uses, additional signage and sometimes additional frontages, within the same form and character of the base zone.

The following are generally appropriate form elements in the zone.

Primarily House-Form Buildings	<b>A</b>
Building Height 30' to 50', as per Regulating Plan	<b>B</b>
Primarily Detached Buildings	<b>C</b>
Small Front Setbacks	<b>D</b>
Small Side Setbacks	<b>E</b>
Porch Projecting, Porch Engaged, Dooryard, Stoop, Maker Shopfront, Shopfront, Terrace Frontage Types	<b>F</b>



**C. Building Placement****Setback (Distance from ROW/ Lot Line)**Front (Facade Zone) 7' min.; 15' max. **G**Side Street (Facade Zone) 7' min.; 15' max. **H**Total length of facade required within or abutting the  
Facade Zone, exclusive of setbacks<sup>1</sup>

Front 70% min.

Side Street 50% min.

Side 5' min. **I**Rear<sup>2</sup> 15' min. **J****Footprint**

Building Length 75' max.

**Civic Space****Site Size (sf) or Lot Width** **Required Area (min.)**

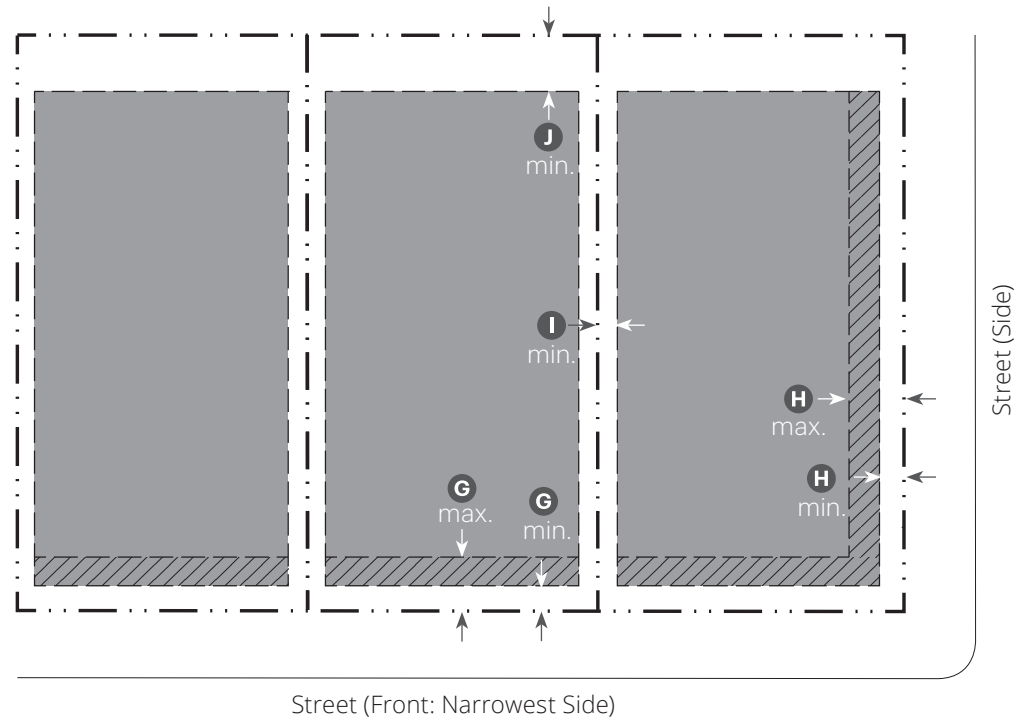
15,000 to 30,000 or 100'-150' 200 sf

&gt; 30,000 or 150'-250' 1,000 sf

Lot Width &gt;250' 5% of Site

<sup>1</sup> Facades facing a street or civic space shall be designed in compliance with DTFBC Division 3.2 (Massing and Facade Articulation Standards).<sup>2</sup> See Sub-Section G (Adjacency Standards) of this Section for additional refinements.**D. Encroachments<sup>1</sup>**

Encroachment Type	Front	Side St.	Side	Rear
Frontage Types <sup>2</sup>	A	A	X	A
Steps to Building Entry	5' max.	5' max.	3' max.	5' max.
Canopies/ Overdoors, Signage <sup>3</sup>	3' max.	3' max.	2' max.	3' max.
Balconies, Unenclosed Porches, Bay Windows <sup>3</sup>	5' max.	5' max.	2' max.	5' max.

**Key** A = Allowed X = Not Allowed**Key**

--- ROW/ Lot Line

■ Buildable Area

--- Building Setback Line

▨ Facade Zone

**D. Encroachments<sup>1</sup> (Continued)**

Encroachment Type	Front	Side St.	Side	Rear
Corner Elements	3' min. to 5' max.	n/a	n/a	n/a

<sup>1</sup> Includes encroachments into building setbacks and facade zone.<sup>2</sup> See Sub-Section F (Frontages) of this Section for allowed types and standards.<sup>3</sup> May also encroach into required setbacks.

E. Building Form and Maximum Envelope		
Height	Base	Height Bonus <sup>1</sup>
<b>Overall Building Height<sup>2,3,4</sup></b>		
T4N 30/40	30' max. 40' max.	<b>K</b>
T4N 40/50 and T4N 40/50 Open	40' max. 50' max.	<b>K</b>
<b>Highest Top Plate/ Highest Eave Measurement</b>		
T4N 30/40	25' max. 35' max.	<b>L</b>
T4N 40/50 and T4N 40/50 Open	35' max 45' max.	<b>L</b>
<b>Stepback<sup>5</sup></b>		
<b>T4N 30/40</b>		
Front	10' min. at 25'	<b>M</b>
Side Street	10' min. at 25'	<b>N</b>
Rear	10' min. at 25'	<b>O</b>
<b>T4N 40/50 and T4N 40/50 Open</b>		
Front	10' min. at 35'	<b>M</b>
Side Street	10' min. at 35'	<b>N</b>
Rear	10' min. at 35'	<b>O</b>
<b>Ground Floor Standards</b>		
Ground Floor Finish Level		<b>P</b>
Residential <sup>6</sup>	12" min.	
Non-Residential <sup>7</sup>	Flush with Sidewalk	
Ground Floor Ceiling	9' min.	<b>Q</b>
Depth, Ground-Floor Space	30' min. front; 12' min. other	<b>R</b>

<sup>1</sup> See SRMC Section 14.16.190 (Height Bonus) for requirements to qualify for height bonus.

<sup>2</sup> See DTFBC Figure 2.2.040.A (Regulating Plan) for further refinements.

<sup>3</sup> Corner elements may exceed the maximum allowed height by up to 10' for a horizontal area up to 20' x 20'.

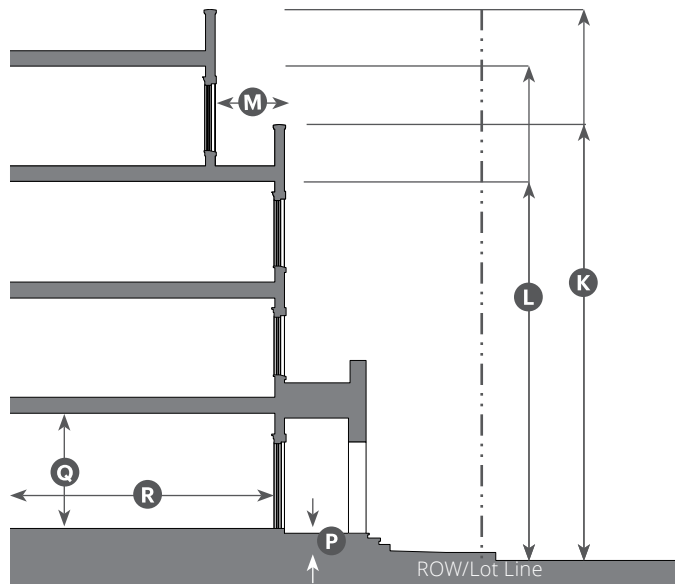
#### E. Building Form and Maximum Envelope (Continued)

<sup>4</sup> See SRMC Section 14.16.120 (Exclusions to the Maximum Height Requirement) for exclusions to the overall building height.

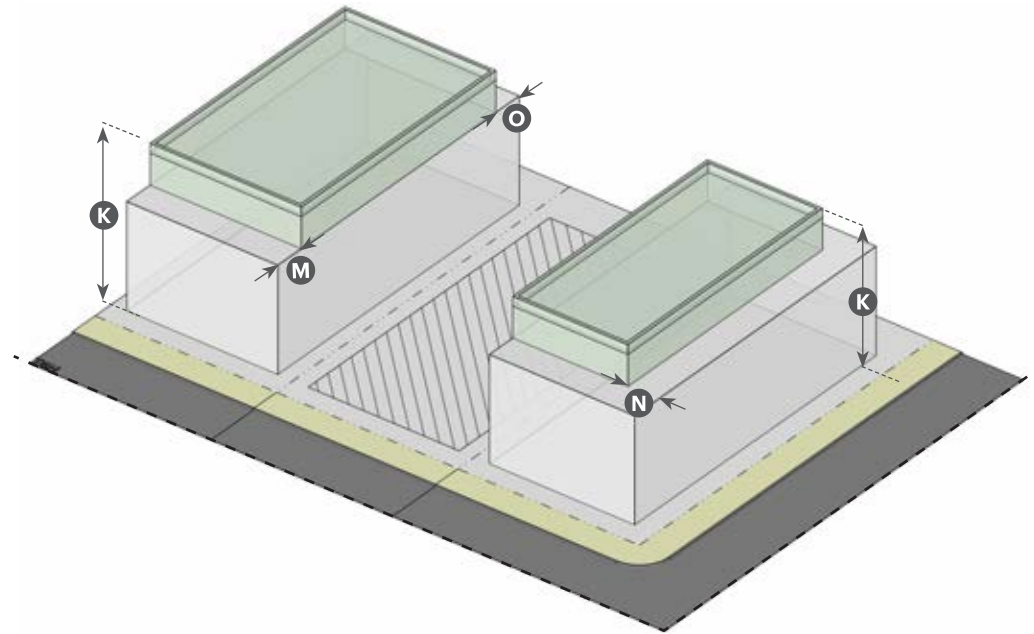
<sup>5</sup> Stepback not required when the uppermost floor and up to two floors including the uppermost floor are within a mansard roof. See DTFBC Section 3.2.060 (Windows and Openings).

<sup>6</sup> Common entries may be set at grade in compliance with local and federal accessibility standards.

<sup>7</sup> Or as required to comply with FEMA base flood elevation.



Maximum Envelope in Mid-Block and Corner Condition

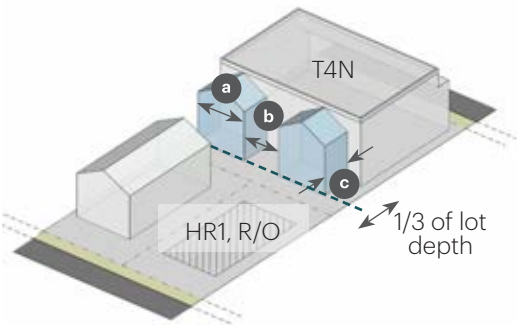
**F. Frontages<sup>1</sup>**

Frontage Type	Front	Side St.	Standards
Porch Projecting	A	A	3.3.030
Porch Engaged	A	A	3.3.040
Dooryard	A	A	3.3.050
Stoop	A	A	3.3.060
Maker Shopfront	A <sup>2</sup>	A <sup>2</sup>	3.3.080
Shopfront	A <sup>2</sup>	A <sup>2</sup>	3.3.090
Terrace	A	A	3.3.100

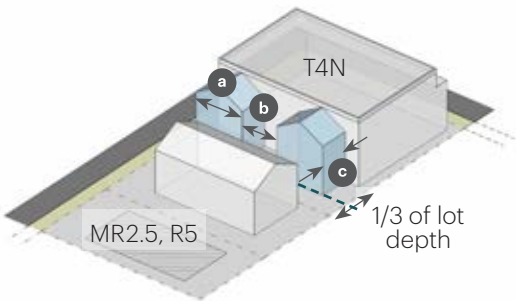
<sup>1</sup> Minimum of one Frontage Type per street-facing facade.<sup>2</sup> Only in Open Sub-Zone.**Key** A = Allowed**Key**

- Max. Envelope without Height Bonus (Base)
- Max. Envelope with Height Bonus
- Street Centerline

Adjacent to HR1 and R/O



Adjacent to MR2.5 and R5



**Key**

Main Body

House-Form Massing

Rear setback per Sub-Section C (Building Placement)

a

 Wing Width

b

 Wing Separation

c

 Wing Depth

G. Adjacency Standards

Historic Resource Adjacency

Where adjacent to a designated historic resource refer to DTFBC Section 3.2.070 (Historic Resource Adjacency Standards) in addition to the standards of this zone.

House-Form Massing

Where abutting the MR2.5, R5, HR1 or R/O zones, house-form massing is required within rear 1/3 of the lot.

Building Width	Required Wing(s)	Wing Size (max.) <sup>1</sup> a x c	Height
< 75'	None	-	-
> 75' - 100'	1 min.	25' x 35'	35'
>100' - 150'	2 min.;	25' x 35'	35'
	or 1 at	35' x 35'	
	and 1 at	35' x 65'	
>150'	3 min.;	25' x 35'	35'
	1 at	25' x 35'	
	and 2 at	35' x 65'	
Wing Separation: 10' min.			b

<sup>1</sup> Min. wing size is 15' by 15'.

**H. Parking****Required Spaces (min.) for New Buildings<sup>1</sup>**

Use Type	Vehicular Spaces	Bicycle Spaces
Residential Uses <sup>2,3</sup>		
Studio or 1 Bedroom	0.75	1.0
2 Bedrooms	1.0	2.0
3 or more Bedrooms	1.5	3.0
Non-Residential Uses (amount per tenant in building)		
≤ 2,500 sf	None	
> 2,500 sf	3 per 1,000 sf	

<sup>1</sup> For buildings located within the Downtown parking District, the off-street parking requirement is waived for up to 1.0 FAR of the total square footage. For buildings with square footage above 1.0 FAR and for all residential uses off-street parking shall be provided. Refer to SRMC Section 14.18.060 (Downtown Parking District).

<sup>2</sup> In West End Village see SRMC Section 14.18.040 (Parking Requirements).

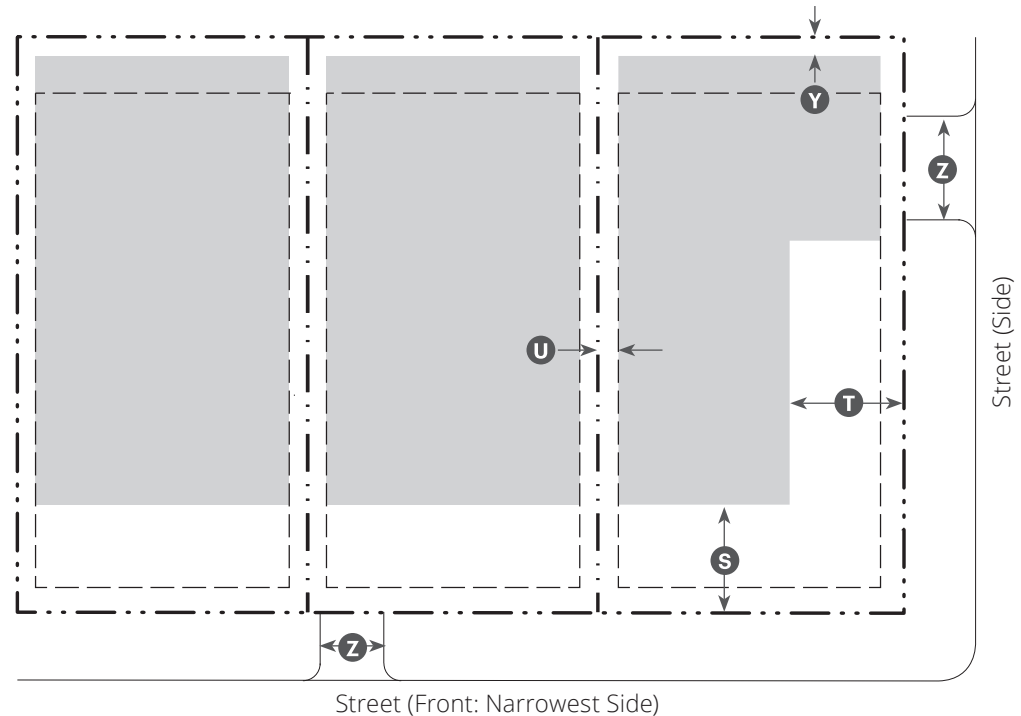
<sup>3</sup> Guest parking not required except in West End Village where 1 parking space per 5 spaces is required.

**Setback (Distance from ROW/ Lot Line)<sup>1</sup>**

Front	25' min.	<b>S</b>
Side Street	25' min. when enclosed within building, 5' min unenclosed <sup>2</sup>	<b>T</b>
Side	5' min.	<b>U</b>
Rear	5' min.	<b>Y</b>

<sup>1</sup> 0' minimum setback for subterranean parking in compliance with frontage requirements.

<sup>2</sup> In compliance with facade zone requirements in Sub-Section C (Building Placement) of this Section.

**H. Parking (Continued)****Driveway**

Driveway Width, within parking setbacks **Z**

Front	12' max.
Side Street/ Alley	20' max.
Curb Cut	14' max.
Planter (on each side)	2'
Distance between	40' min.
Driveways	

Curb Cut Width along alley may exceed 12'.

Driveways may be shared between adjacent lots and may exceed max. allowed width by 3'.

Driveways are not allowed in front on a corner lot.

Refer SRMC Section 14.18.040 (Parking Requirements) for dimensions of parking spaces.

**Key**

- ROW/ Lot Line
- Building Setback Line
- Parking Area (at or above grade)

2.3.040 T4 Main Street (T4MS 40/50, T4MS 40/60, T4MS 50/70, and T4MS 60/80)



**A. Intent**

A walkable, vibrant district of medium-to-large footprint, moderate intensity, mixed-use buildings and housing choices, supporting neighborhood and community-serving ground floor shopping, food and services, including civic, institutional, maker/ craft/ artisanal businesses (both indoor and outdoor).

**B. Sub-Zone(s)**

T4MS 40/50 Open, T4MS 40/60 Open and T4MS 50/70 Open. The open sub-zone allows more uses, additional signage and sometimes additional frontages, within the same form and character of the base zone.

The following are generally appropriate form elements in the zone.

Primarily Block-Form Buildings	A
Building Height 40' to 80', as per Regulating Plan	B
Attached Buildings	C
Small-to-No Front Setbacks	D
No Side Setbacks	E
Porch Projecting, Porch Engaged, Dooryard, Stoop, Forecourt, Maker Shopfront, Shopfront, Terrace, Gallery Frontage Types	F

**C. Building Placement****Setback (Distance from ROW/ Lot Line)**Front (Facade Zone) 0' min.; 10' max. **G**Side Street (Facade Zone) 0' min.; 10' max. **H**Total length of facade required within or abutting the  
Facade Zone, exclusive of setbacks<sup>1</sup>

Front 80% min.

Side Street 70% min.

Side 0' min. **I**Rear<sup>2</sup> 0' min. **J****Civic Space****Site Size (sf) or Lot Width Required Area (min.)**

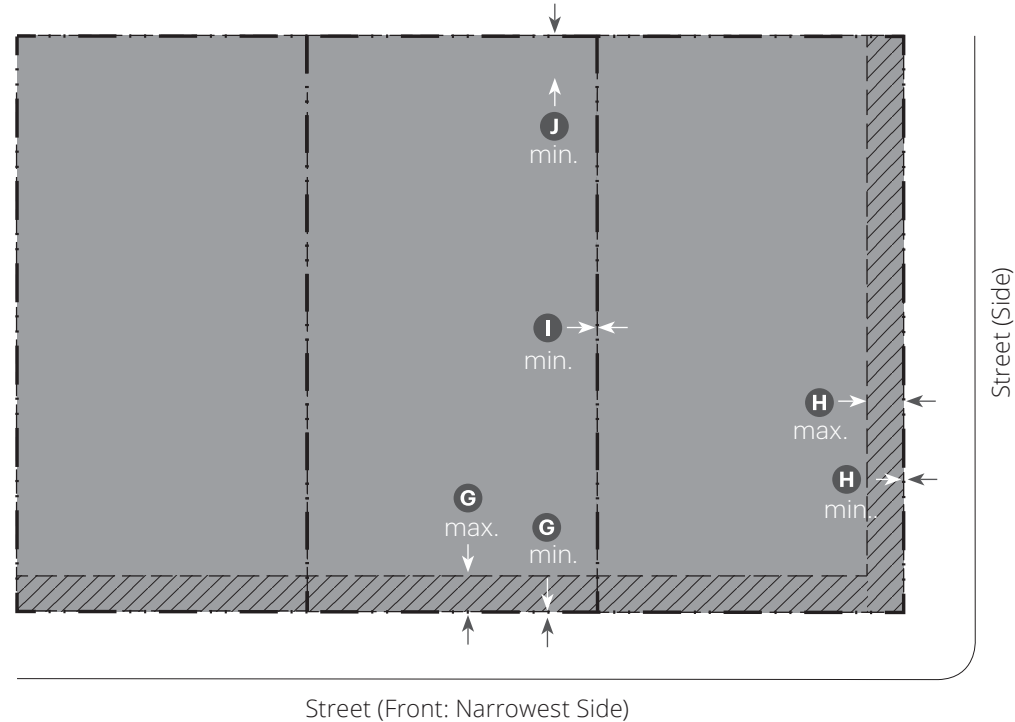
15,000 to 30,000 or 100' - 150' 200 sf

&gt; 30,000 or 150' - 250' 1,000 sf

Lot Width &gt;250' 5% of Site

<sup>1</sup> Facades facing a street or civic space shall be designed in compliance with DTFBC Division 3.2 (Massing and Facade Articulation Standards).<sup>2</sup> See Sub-Section G (Adjacency Standards) of this Section for additional refinements.**D. Encroachments<sup>1</sup>**

Encroachment Type	Front	Side St.	Side	Rear
Frontage Types <sup>2</sup>	A	A	X	A
Steps to Building Entry <sup>3</sup>	3' max.	3' max.	-	3' max.
Canopies/ Overdoors, Signage <sup>4</sup>	4' max.	4' max.	2' max.	3' max.
Balconies, Unenclosed Porches, Bay Windows <sup>4</sup>	4' max.	4' max.	-	5' max.
Corner Elements	3' min. to 4' max.	n/a	n/a	n/a

**Key** A = Allowed X = Not Allowed**D. Encroachments<sup>1</sup> (Continued)**<sup>1</sup> Includes encroachments into building setbacks and facade zone.<sup>2</sup> See Sub-Section F (Frontages) of this Section for allowed types and standards.<sup>3</sup> Requires building setback.<sup>4</sup> May also encroach into required setbacks.**Key**

--- ROW/ Lot Line

■ Buildable Area

--- Building Setback Line

▨ Facade Zone



E. Building Form and Maximum Envelope		
Height	Base	Height Bonus <sup>1</sup>
<b>Overall Building Height<sup>2,3,4</sup></b>		
T4MS 40/50 and T4MS 40/50 Open	40' max. 50' max.	<b>K</b>
T4MS 40/60 and T4MS 40/60 Open	40' max. 60' max.	<b>K</b>
T4MS 50/70 and T4MS 50/70 Open	50' max. 70' max.	<b>K</b>
T4MS 60/80	60' max. 80' max.	<b>K</b>
<b>Highest Top Plate/ Highest Eave Measurement</b>		
T4MS 40/50 Open	35' max. 45' max.	<b>L</b>
T4MS 40/60 Open	35' max. 55' max.	<b>L</b>
T4MS 50/70 and T4MS 50/70 Open	45' max. 65' max.	<b>L</b>
T4MS 60/80	55' max. 75' max.	<b>L</b>
<b>Stepback<sup>5</sup></b>		
<b>T4MS 40/50 and T4MS 40/50 Open</b>		
Front	10' min. at 35'	<b>M</b>
Side Street	10' min. at 35'	<b>N</b>
Rear	10' min. at 35'	<b>O</b>
<b>T4MS 40/60 and T4MS 40/60 Open</b>		
Front	10' min. at 35'	<b>M</b>
Side Street	10' min. at 35'	<b>N</b>
Rear	10' min. at 35'	<b>O</b>
<b>T4MS 50/70 and T4MS 50/70 Open</b>		
Front	10' min. at 45'	<b>M</b>
Side Street	10' min. at 45'	<b>N</b>
Rear	10' min. at 45'	<b>O</b>
<b>T4MS 60/80<sup>6</sup></b>		
Front	10' min. at 55'	<b>M</b>
Side Street	10' min. at 55'	<b>N</b>
Rear	10' min. at 55'	<b>O</b>

E. Building Form and Maximum Envelope (Continued)		
<b>Ground Floor Standards</b>		
Ground Floor Finish Level		<b>P</b>
Residential <sup>7</sup>	12" min.	
Non-Residential <sup>8</sup>	Flush with Sidewalk	
Ground Floor Ceiling	14' min.	<b>Q</b>
Depth, Ground-Floor Space	30' min. front; 12' min. other	<b>R</b>

<sup>1</sup> See SRMC Section 14.16.190 (Height Bonus) for requirements to qualify for height bonus.

<sup>2</sup> See DTFBC Figure 2.2.040.A (Regulating Plan) for further refinements.

<sup>3</sup> Corner elements may exceed the maximum allowed height by up to 10' for a horizontal area up to 20' x 20'.

<sup>4</sup> See SRMC Section 14.16.120 (Exclusions to the Maximum Height Requirement) for exclusions to the overall building height.

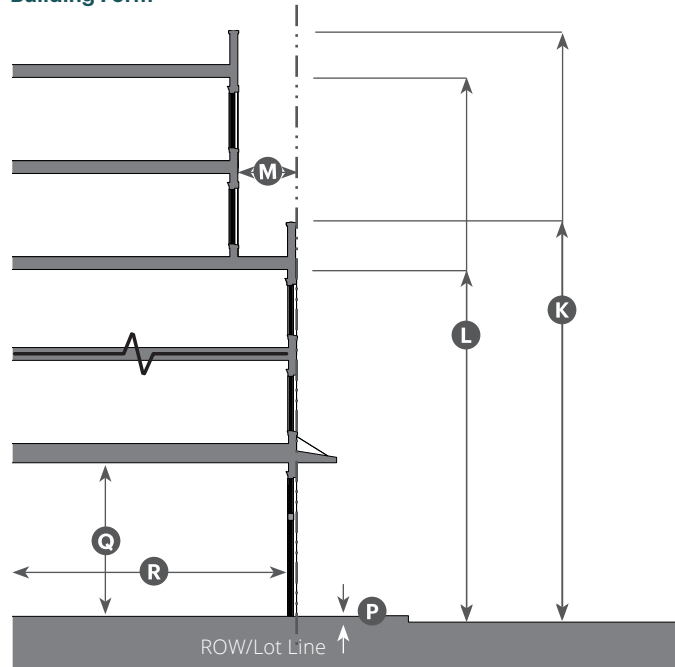
<sup>5</sup> Stepback not required when the uppermost floor and up to two floors including the uppermost floor are within a mansard roof. See DTFBC Section 3.2.060 (Windows and Openings).

<sup>6</sup> Buildings in T4MS 60/80 zone when located on the south side of the street and subject to a height bonus shall require a solar study to determine that the opposing sidewalk and/or public space shall not be more than 50% shaded at 12 noon on the Spring equinox (March 21st). Exemptions to this requirement may apply to affordable housing projects.

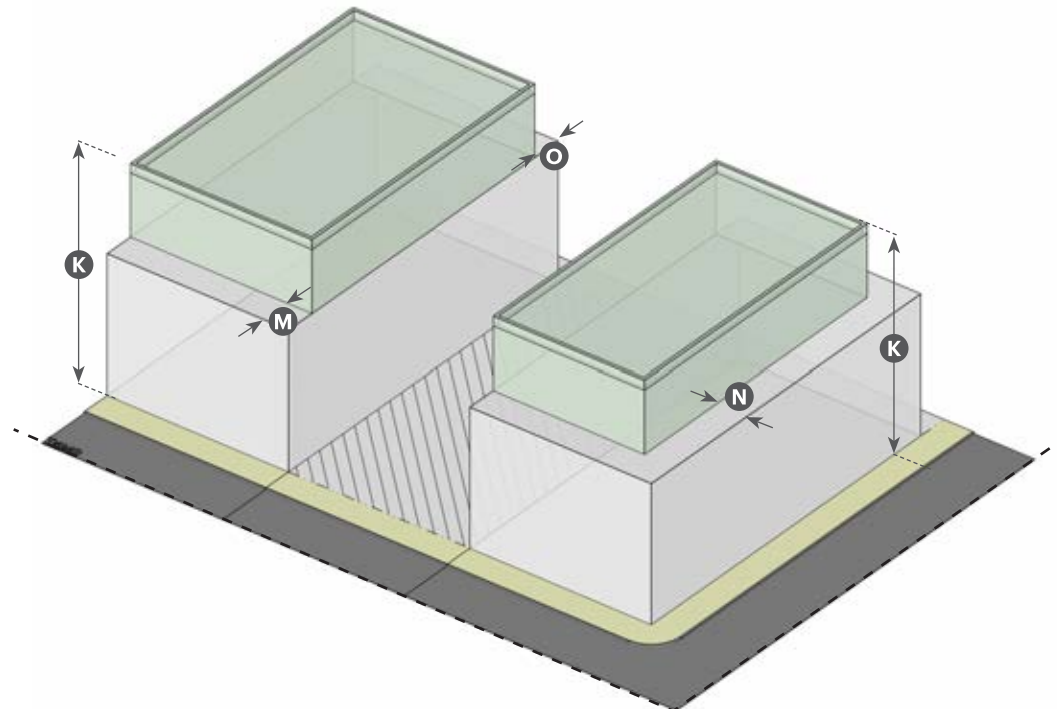
<sup>7</sup> Common entries may be set at grade in compliance with local and federal accessibility standards.

<sup>8</sup> Or as required to comply with FEMA base flood elevation.



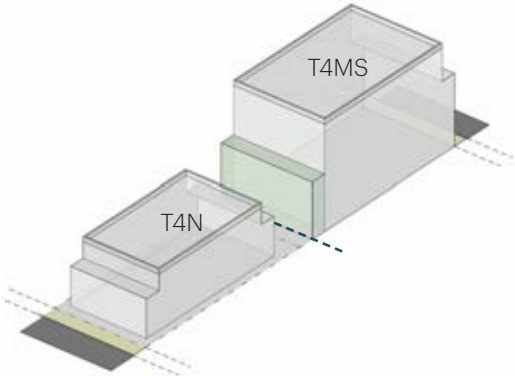
**Building Form****F. Frontages<sup>1</sup>**

Frontage Type	Front	Side St.	Standards
Porch Projecting	A <sup>2</sup>	A <sup>2</sup>	3.3.030
Porch Engaged	A <sup>2</sup>	A <sup>2</sup>	3.3.040
Dooryard	A	A	3.3.050
Stoop	A <sup>2</sup>	A <sup>2</sup>	3.3.060
Forecourt	A	A	3.3.070
Maker Shopfront	A <sup>2</sup>	A <sup>2</sup>	3.3.080
Shopfront	A	A	3.3.090
Terrace	A	A	3.3.100
Gallery	A	A	3.3.110

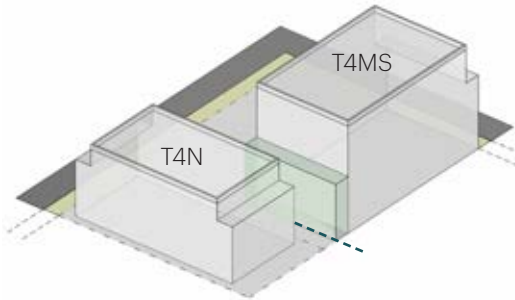
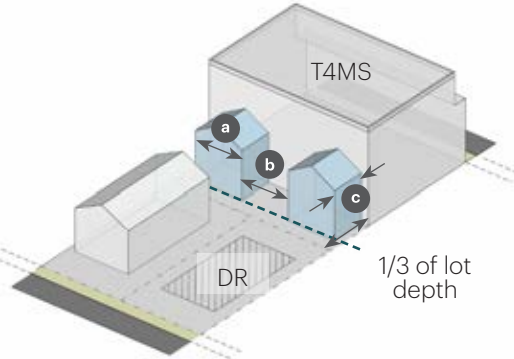
<sup>1</sup> Minimum of one Frontage Type per street-facing facade.<sup>2</sup> Only in Open Sub-Zone.**Key** A = Allowed**Maximum Envelope in Mid-Block and Corner Condition****Key**

- Max. Envelope without Height Bonus (Base)
- Max. Envelope with Height Bonus
- Street Centerline

Adjacent to T4N 30/40 and T4N 40/50



Adjacent to DR



Key

Main Body

Rear Stepback

House-Form Massing

Rear setback per Sub-Section C (Building Placement)

a

 Wing Width

b

 Wing Separation

c

 Wing Depth

G. Adjacency Standards

Historic Resource Adjacency

Where adjacent to a designated historic resource refer to DTFBC Section 3.2.070 (Historic Resource Adjacency Standards) in addition to the standards of this zone.

Building Placement and Height

	Setback	Stepback
Open		
Rear	10' min.	10' min at 35'

House-Form Massing

Where abutting the DR zone, house-form massing is required within rear 1/3 of the lot.

Building Width	Required Wing(s)	Wing Size (max.) <sup>1</sup> a x c	Height
< 75'	None	-	-
> 75' - 100'	1 min.	25' x 35'	35'
>100' - 150'	2 min.; 2 at or 1 at and 1 at	25' x 35' 35' x 35' 35' x 65'	35'
>150'	3 min.; 1 at and 2 at	25' x 35' 35' x 65'	35'

Wing Separation: 10' min. b

<sup>1</sup>Min. wing size is 15' by 15'.

**H. Parking****Required Spaces (min.) for New Buildings<sup>1</sup>**

Use Type	Vehicular Spaces	Bicycle Spaces
Residential Uses <sup>2,3</sup>		
Studio or 1 Bedroom	0.5	1.0
2 Bedrooms	1.0	2.0
3 or more Bedrooms	1.5	3.0
Non-Residential Uses (amount per tenant in building)		
≤ 6,000 sf	None	
> 6,000 sf	2.75 per 1,000 sf	

<sup>1</sup> For buildings located within the Downtown parking District, the off-street parking requirement is waived for up to 1.0 FAR of the total square footage. For buildings square footage above 1.0 FAR and for all residential uses off-street parking shall be provided. Refer to SRMC Section 14.18.060 (Downtown Parking District).

<sup>2</sup> In West End Village see DTFBC Section 14.18.040 (Parking Requirements).

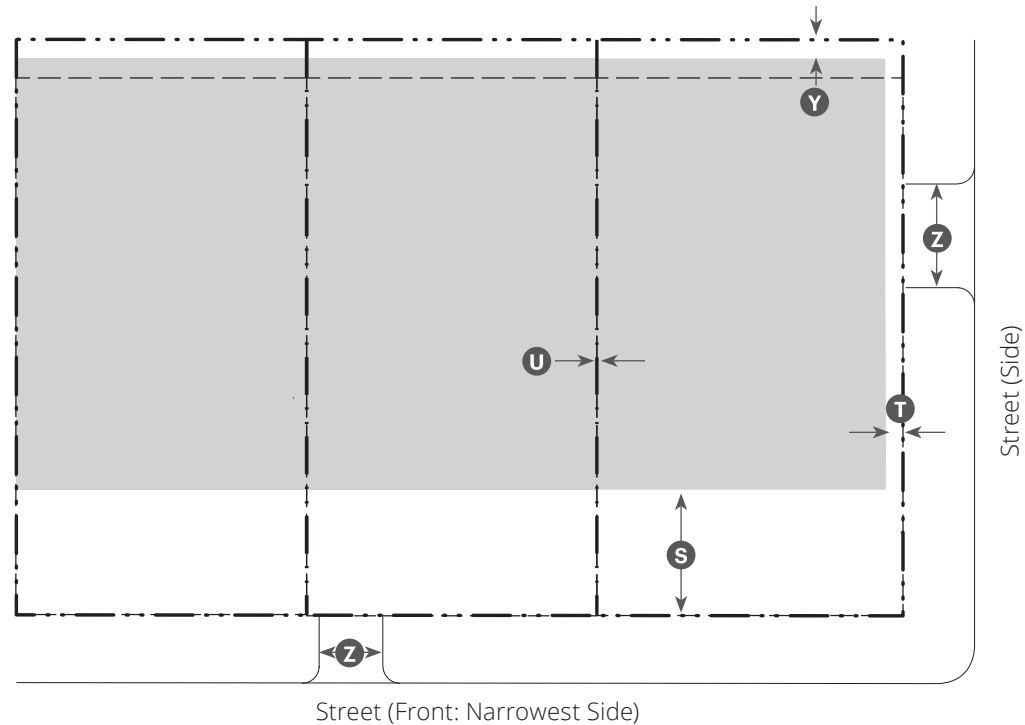
<sup>3</sup> Guest parking not required except in West End Village where 1 parking space per 5 spaces is required.

**Setback (Distance from ROW/ Lot Line)<sup>1</sup>**

Front	35' min.	<b>S</b>
Side Street	25' min when enclosed within building, 5' min unenclosed <sup>2</sup>	<b>T</b>
Side	0' min.	<b>U</b>
Rear	5' min.	<b>Y</b>

<sup>1</sup> 0' minimum setback for subterranean parking in compliance with frontage requirements.

<sup>2</sup> In compliance with facade zone requirements in Sub-Section C (Building Placement) of this Section.

**H. Parking (Continued)****Driveway**

Driveway Width, within parking setbacks **Z**

Front	12' max.
Side Street/ Alley	20' max.
Curb Cut	14' max.
Planter (on each side)	2'
Distance between Driveways	40' min.

Curb Cut Width along alley may exceed 12'.

Driveways may be shared between adjacent lots and may exceed max. allowed width by 3'.

Driveways are not allowed in front on a corner lot.

Refer SRMC Section 14.18.040 (Parking Requirements) for dimensions of parking spaces.

**Key**

- ROW/ Lot Line
- Building Setback Line
- Parking Area (at or above grade)

2.3.050 T5 Neighborhood (T5N 40/60 and T5N 50/70)



A. Intent

A walkable neighborhood environment of large footprint, high-intensity mixed-use buildings, supporting and within short walking distance of neighborhood shopping, services, and transit.

B. Sub-Zone(s)

T5N 40/60 Open and T5N 50/70 Open. The open sub-zone allows more uses, additional signage and sometimes additional frontages, within the same form and character of the base zone.

The following are generally appropriate form elements in the zone.

Primarily Block-Form Buildings	A
Building Height 40' to 70', as per Regulating Plan	B
Primarily Attached Buildings	C
Small-to-No Front Setbacks	D
No Side Setbacks	E
Porch Projecting, Porch Engaged, Dooryard, Stoop, Forecourt, Shopfront, Terrace Frontage Types	F

**C. Building Placement****Setback (Distance from ROW/ Lot Line)**Front (Facade Zone)<sup>3</sup> 0' min.; 15' max. **G**Side Street (Facade Zone)<sup>3</sup> 0' min.; 15' max. **H**Total length of facade required within or abutting the  
Facade Zone, exclusive of setbacks<sup>1</sup>

Front 70% min.

Side Street 60% min.

Side<sup>2</sup> 0' min. **I**Rear<sup>2</sup> 0' min. **J****Civic Space****Site Size (sf) or Lot Width Required Area (min.)**

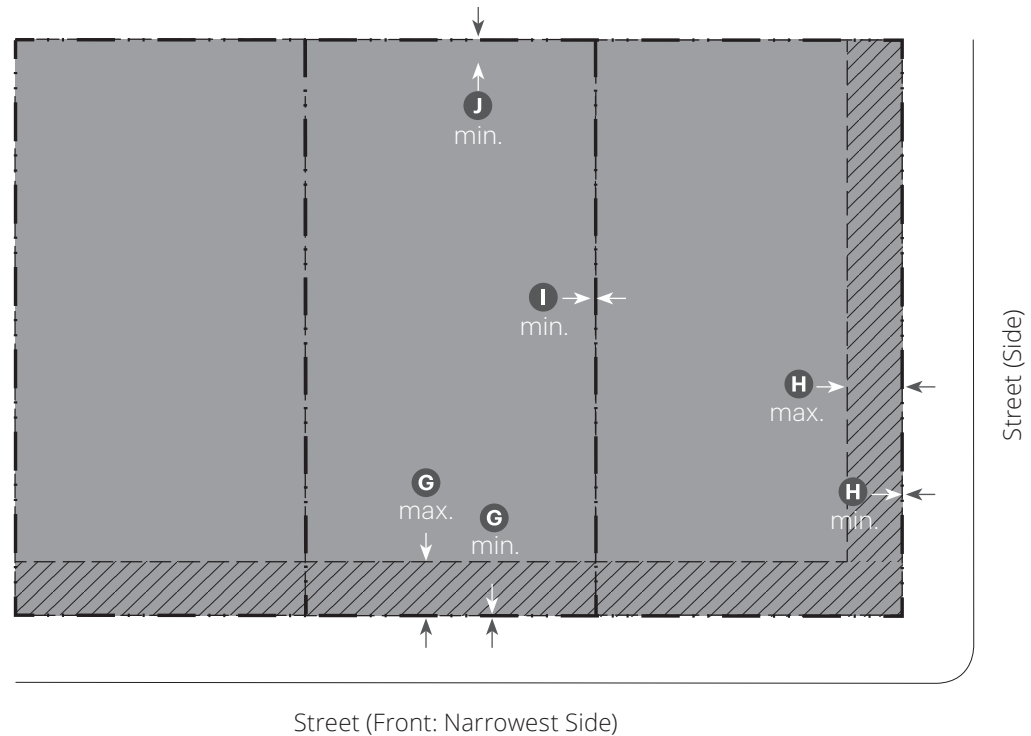
15,000 to 30,000 or 100' - 150' 200 sf

&gt; 30,000 or 150' - 250' 1,000 sf

Lot Width &gt;250' 5% of Site

<sup>1</sup> Facades facing a street or civic space shall be designed in compliance with DTFBC Division 3.2 (Massing and Facade Articulation Standards).<sup>2</sup> See Sub-Section G (Adjacency Standards) of this Section for additional refinements.**D. Encroachments<sup>1</sup>**

Encroachment Type	Front	Side St.	Side	Rear
Frontage Types <sup>2</sup>	A	A	X	A
Steps to Building Entry <sup>3</sup>	3' max.	3' max.	-	5' max.
Canopies/ Overdoors, Signage <sup>4</sup>	4' max.	4' max.	2' max.	3' max.
Balconies, Bay Windows <sup>4</sup>	4' max.	4' max.	-	5' max.
Corner Elements	3' min. to 4' max.	n/a	n/a	n/a

<sup>1</sup> Includes encroachments into building setbacks and facade zone.<sup>2</sup> See Sub-Section F (Frontages) of this Section for allowed types and standards.<sup>3</sup> Requires building setback.<sup>4</sup> May also encroach into required setbacks.**Key**

--- ROW/ Lot Line

■ Buildable Area

--- Building Setback Line

▨ Facade Zone

**Key**

A = Allowed

X = Not Allowed

E. Building Form and Maximum Envelope		
Height	Base	Height Bonus <sup>1</sup>
<b>Overall Building Height<sup>2,3,4</sup></b>		
T5N 40/60 and T5N 40/60 Open	40' max. 60' max.	<b>K</b>
T5N 50/70 and T5N 50/70 Open	50' max. 70' max.	<b>K</b>
<b>Highest Top Plate/ Highest Eave Measurement</b>		
T5N 40/60 and T5N 40/60 Open	35' max. 55' max.	<b>L</b>
T5N 50/70 and T5N 50/70 Open	45' max. 65' max.	<b>L</b>
<b>Stepback<sup>5</sup></b>		
<b>T5N 40/60 and T5N 40/60 Open</b>		
Front	10' min. at 35'	<b>M</b>
Side Street	10' min. at 35'	<b>N</b>
Rear	10' min. at 35'	<b>O</b>
<b>T5N 50/70 and T5N 50/70 Open</b>		
Front	10' min. at 45'	<b>M</b>
Side Street	10' min. at 45'	<b>N</b>
Rear	10' min. at 45'	<b>O</b>
<b>Ground Floor Standards</b>		
Ground Floor Finish Level		<b>P</b>
Residential <sup>6</sup>	12" min.	
Non-Residential <sup>7</sup>	Flush with Sidewalk	
Ground Floor Ceiling	10' min.	<b>Q</b>
Depth, Ground-Floor Space	30' min. front; 12' min. other	<b>R</b>

<sup>1</sup> See SRMC Section 14.16.190 (Height Bonus) for requirements to qualify for height bonus.

<sup>2</sup> See DTFBC Figure 2.2.040.A (Regulating Plan) for further refinements.

<sup>3</sup> Corner elements may exceed the maximum allowed height by up to 10' for a horizontal area up to 20' x 20'.

#### E. Building Form and Maximum Envelope (Continued)

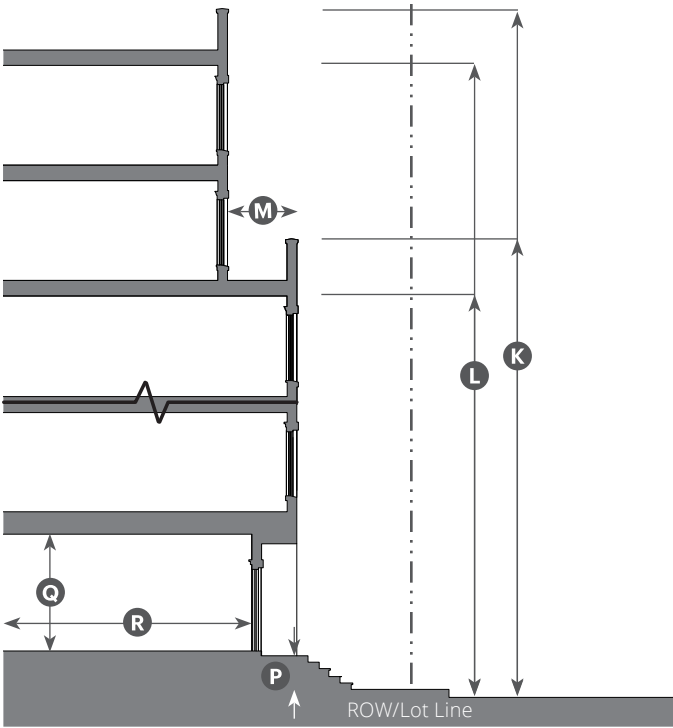
<sup>4</sup> See SRMC Section 14.16.120 (Exclusions to the Maximum Height Requirement) for exclusions to overall building height.

<sup>5</sup> Stepback not required when the uppermost floor and up to two floors including the uppermost floor are within a mansard roof. See DTFBC Section 3.2.060 (Windows and Openings).

<sup>6</sup> Common entries may be set at grade in compliance with local and federal accessibility standards.

<sup>7</sup> Or as required to comply with FEMA base flood elevation.



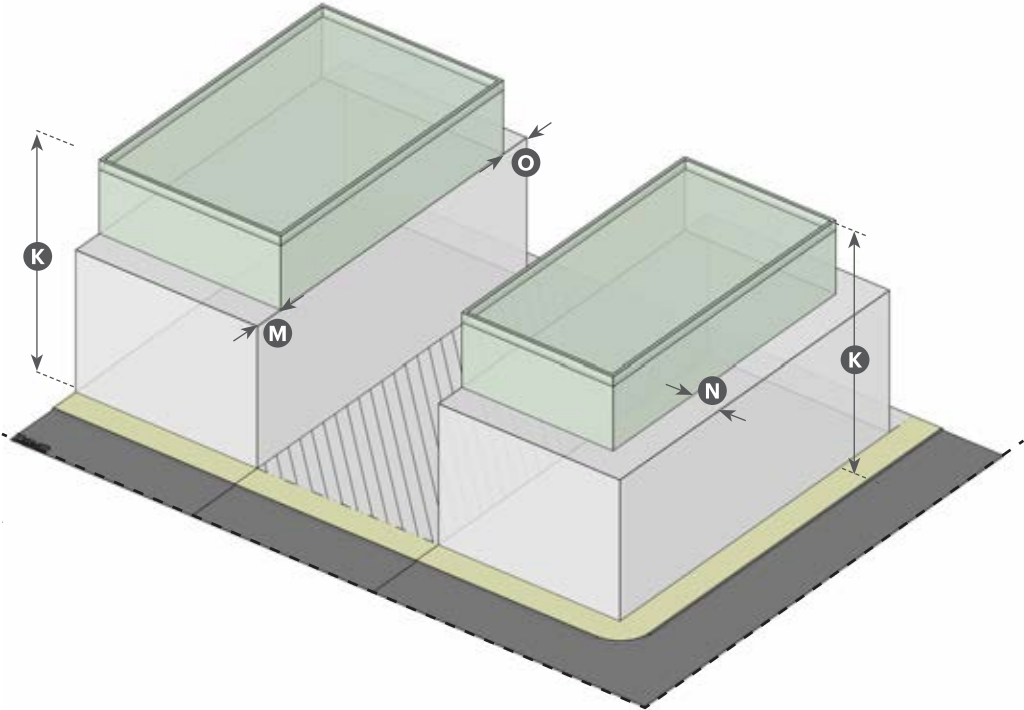


F. Frontages <sup>1</sup>			
Frontage Type	Front	Side St.	Standards
Porch Projecting	A	A	3.3.030
Porch Engaged	A	A	3.3.040
Dooryard	A	A	3.3.050
Stoop	A	A	3.3.060
Forecourt	A	A	3.3.070
Shopfront	A <sup>2</sup>	A <sup>2</sup>	3.3.090
Terrace	A	A	3.3.100

<sup>1</sup> Minimum of one Frontage Type per street-facing facade.  
<sup>2</sup> Only in Open Sub-Zone.

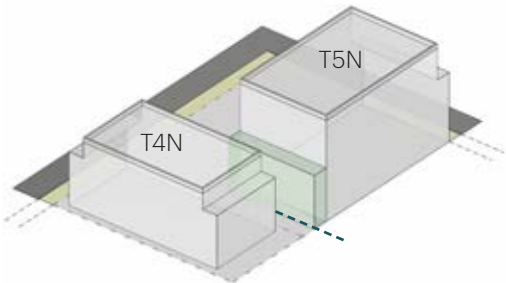
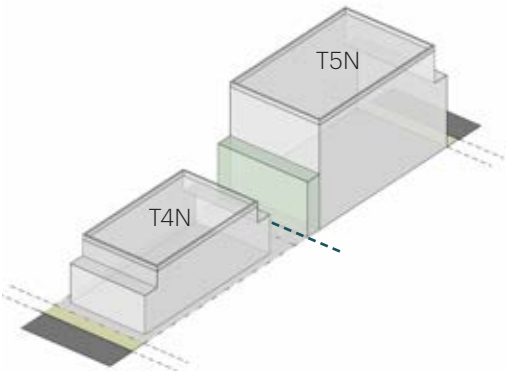
**Key**                    A = Allowed

Maximum Envelope in Mid-Block and Corner Condition

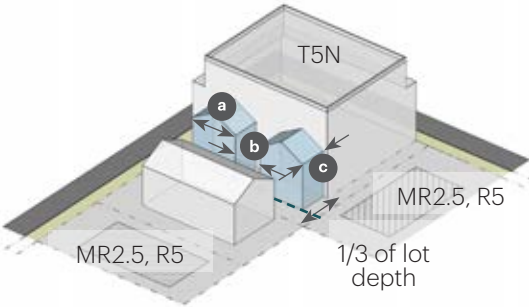


- Key**
- Max. Envelope without Height Bonus (Base)
  - Max. Envelope with Height Bonus
  - - Street Centerline

Adjacent to T4N 30/40 and T4N 40/50



Adjacent to DR



**Key**

	Main Body		Wing Width
	Rear Stepback		Wing Separation
	House-Form Massing		Wing Depth
	Rear setback per Sub-Section C (Building Placement)		

G. Adjacency Standards

Historic Resource Adjacency

Where adjacent to a designated historic resource refer to DTFBC Section 3.2.070 (Historic Resource Adjacency Standards) in addition to the standards of this zone.

Building Placement and Height

	Setback	Stepback
Where abutting the T4N 30/40, T4N 40/50, or T4N 40/50		
Open		
Rear	10' min.	10' min at 35'
Where abutting the MR2.5 or R5		
Side	10' min.	

House-Form Massing

Where abutting the MR2.5 or R5 zones, house-form massing is required within rear 1/3 of the lot.

Building Width	Required Wing(s)	Wing Size (max.) <sup>1</sup> x	Height
< 75'	None	-	-
> 75' - 100'	1 min.	25' x 35'	35'
>100' - 150'	2 min.;	25' x 35'	35'
	or 1 at	35' x 35'	
	and 1 at	35' x 65'	
>150'	3 min.;	25' x 35'	35'
	1 at	25' x 35'	
	and 2 at	35' x 65'	

Wing Separation: 10' min.

<sup>1</sup>Min. wing size is 15' by 15'.



**H. Parking****Required Spaces (min.) for New Buildings<sup>1</sup>**

Use Type	Vehicular Spaces	Bicycle Spaces
Residential Use <sup>2,3</sup>		
Studio or 1 Bedroom	0.75	1.0
2 Bedrooms	1.0	2.0
3 or more Bedrooms	1.5	3.0
Non-Residential Uses (amount per tenant in building)		
≤ 2,500 sf	None	
> 2,500 sf	2.75 per 1,000 sf	

<sup>1</sup> For buildings located within the Downtown parking District, the off-street parking requirement is waived for up to 1.0 FAR of the total square footage. For buildings square footage above 1.0 FAR and for all residential uses off-street parking shall be provided. Refer to SRMC Section 14.18.060 (Downtown Parking District).

<sup>2</sup> In West End Village see SRMC Section 14.18.040 (Parking Requirements).

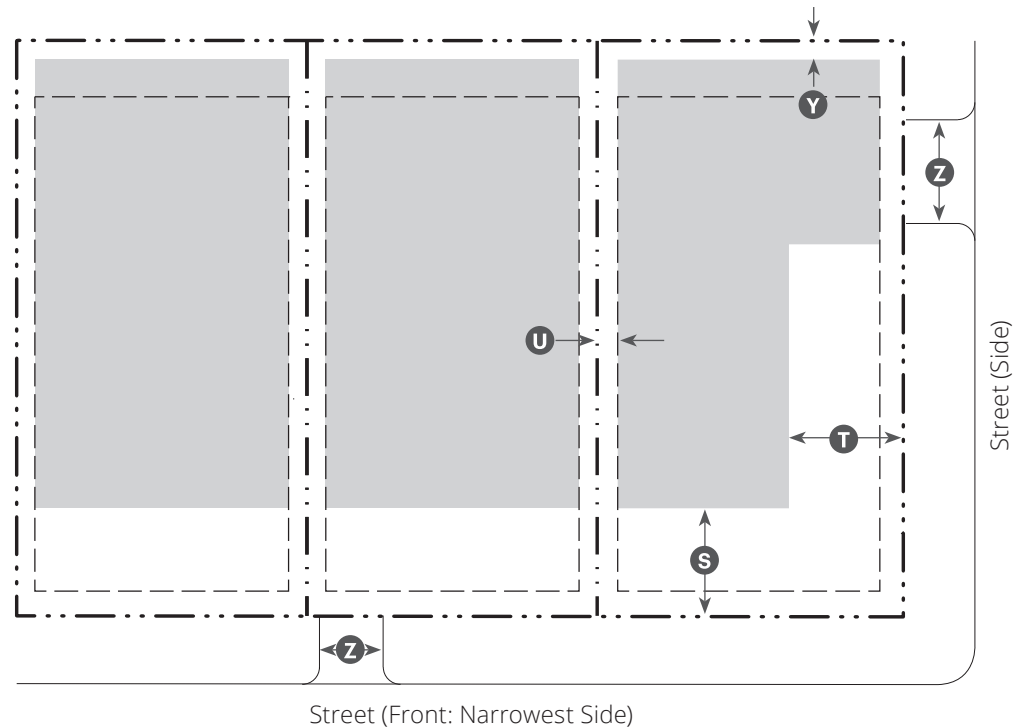
<sup>3</sup> Guest parking not required except in West End Village where 1 parking space per 5 spaces is required.

**Setback (Distance from ROW/ Lot Line)<sup>1</sup>**

Front	30' min.	<b>S</b>
Side Street	25' min when enclosed within building, 5' min unenclosed <sup>2</sup>	<b>T</b>
Side	5' min.	<b>U</b>
Rear	5' min.	<b>Y</b>

<sup>1</sup> 0' minimum setback for subterranean parking in compliance with frontage requirements.

<sup>2</sup> In compliance with facade zone requirements in Sub-Section C (Building Placement) of this Section.

**H. Parking (Continued)****Driveway**

Driveway Width, within parking setbacks **Z**

Front	12' max.
Side Street/ Alley	20' max.

Curb Cut 14' max.

Planter (on each side) 2'

Distance between 40' min.

**Driveways**

Curb Cut Width along alley may exceed 12'.

Driveways may be shared between adjacent lots and may exceed max. allowed width by 3'.

Driveways are not allowed in front on a corner lot.

Refer SRMC Section 14.18.040 (Parking Requirements) for dimensions of parking spaces.

**Key**

- ROW/Lot Line
- Building Setback Line
- Parking Area (at or above grade)

2.3.060 T5 Main Street (T5MS 70/90)



A. Intent

A walkable, urban neighborhood environment with large footprint, high-intensity mixed-use buildings in close proximity to the multimodal transit station, with neighborhood-serving shopping and services.

B. Sub-Zone(s)

None

The following are generally appropriate form elements in the zone.

Primarily Block-Form Buildings	A
Building Height 70' to 90'	B
Attached Buildings	C
Small-to-No Front Setbacks	D
No Side Setbacks	E
Forecourt, Shopfront, Terrace, Gallery Frontage Types	F

**C. Building Placement****Setback (Distance from ROW/ Lot Line)**Front (Facade Zone) 0' min.; 5' max. **G**Side Street (Facade Zone) 0' min.; 5' max. **H**Total length of facade required within or abutting the  
Facade Zone, exclusive of setbacks<sup>1</sup>

Front 90% min.

Side Street 80% min.

Side 0' min. **I**Rear<sup>2</sup> 0' min. **J****Civic Space****Site Size (sf) or Lot Width Required Area (min.)**

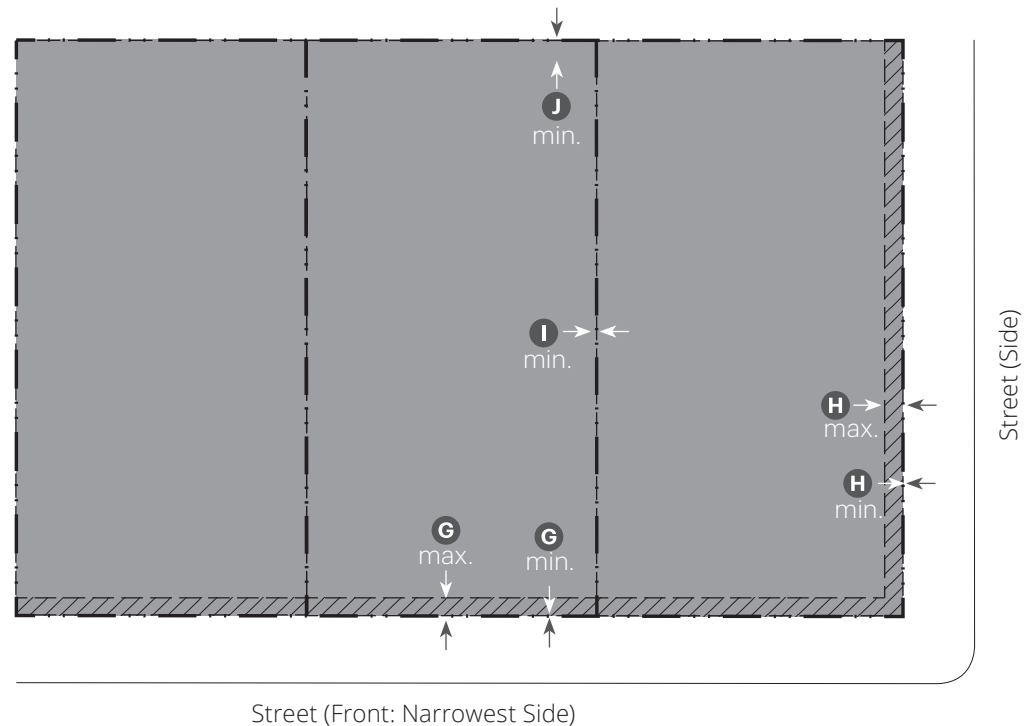
15,000 to 30,000 or 100' - 150' 200 sf

&gt; 30,000 or 150' - 250' 1,000 sf

Lot Width &gt;250' 5% of Site

<sup>1</sup> Facades facing a street or civic space shall be designed in compliance with DTFBC Division 3.2 (Massing and Facade Articulation Standards).<sup>2</sup> See Sub-Section G (Adjacency Standards) of this Section for additional refinements.**D. Encroachments<sup>1</sup>**

Encroachment Type	Front	Side St.	Side	Rear
Frontage Types <sup>2</sup>	A	A	X	A
Steps to Building Entry <sup>3</sup>	3' max.	3' max.	-	5' max.
Canopies/ Overdoors, Signage <sup>4</sup>	4' max.	4' max.	2' max.	3' max.
Balconies, Bay Windows <sup>4</sup>	4' max.	4' max.	-	5' max.
Corner Elements	3' min. to 4' max.	n/a	n/a	n/a

<sup>1</sup> Includes encroachments into building setbacks and facade zone.<sup>2</sup> See Sub-Section F (Frontages) of this Section for allowed types and standards.<sup>3</sup> Requires building setback.<sup>4</sup> May also encroach into required setbacks.**Key**

--- ROW/ Lot Line

■ Buildable Area

--- Building Setback Line

▨ Facade Zone

**Key**

A = Allowed

X = Not Allowed

E. Building Form and Maximum Envelope		
Height	Base	Height Bonus <sup>1</sup>
<b>Overall Building Height<sup>2,3,4</sup></b>		
T5MS 70/90	70' max. 90' max.	<b>K</b>
<b>Highest Top Plate/ Highest Eave Measurement</b>		
T5MS 70/90	65' max. 85' max.	<b>L</b>
<b>Stepback<sup>5,6</sup></b>		
<b>T5MS 70/90</b>		
Front	10' min. at 65'	<b>M</b>
Side Street	10' min. at 65'	<b>N</b>
Rear	10' min. at 65'	<b>O</b>
<b>Ground Floor Standards</b>		
Ground Floor Finish Level		<b>P</b>
Residential <sup>7</sup>	12" min.	
Non-Residential <sup>8</sup>	Flush with Sidewalk	
Ground Floor Ceiling	14' min.	<b>Q</b>
Depth, Ground-Floor Space	30' min. front; 12' min. other	<b>R</b>

<sup>1</sup> See SRMC Section 14.16.190 (Height Bonus) for requirements to qualify for height bonus.

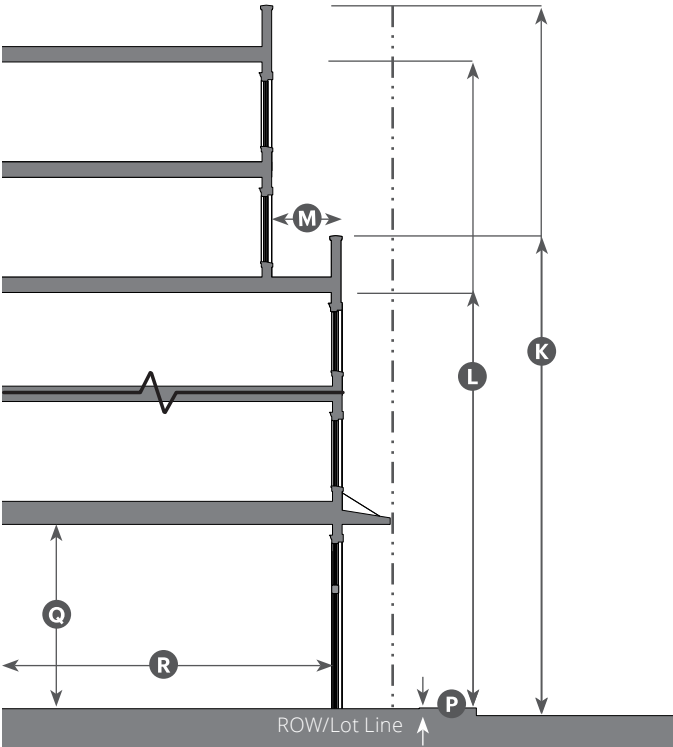
<sup>2</sup> See DTFBC Figure 2.2.040.A (Regulating Plan) for further refinements.

<sup>3</sup> Corner elements may exceed the maximum allowed height by up to 10' for a horizontal area up to 20' x 20'.

<sup>4</sup> See SRMC Section 14.16.120 (Exclusions to the Maximum Height Requirement) for exclusions to overall building height.

<sup>5</sup> Stepback not required when the uppermost floor and up to two floors including the uppermost floor are within a mansard roof. See DTFBC Section 3.2.060 (Windows and Openings).

E. Building Form and Maximum Envelope (Continued)
<sup>6</sup> Buildings in T5MS 70/90 zone when subject to a height bonus shall require a solar study to determine that the opposing sidewalk and/or public space shall not be more than 50% shaded at 12 noon on the Spring equinox (March 21st). Exemptions to this requirement may apply to affordable housing projects.
<sup>7</sup> Common entries may be set at grade in compliance with local and federal accessibility standards.
<sup>8</sup> Or as required to comply with FEMA base flood elevation.

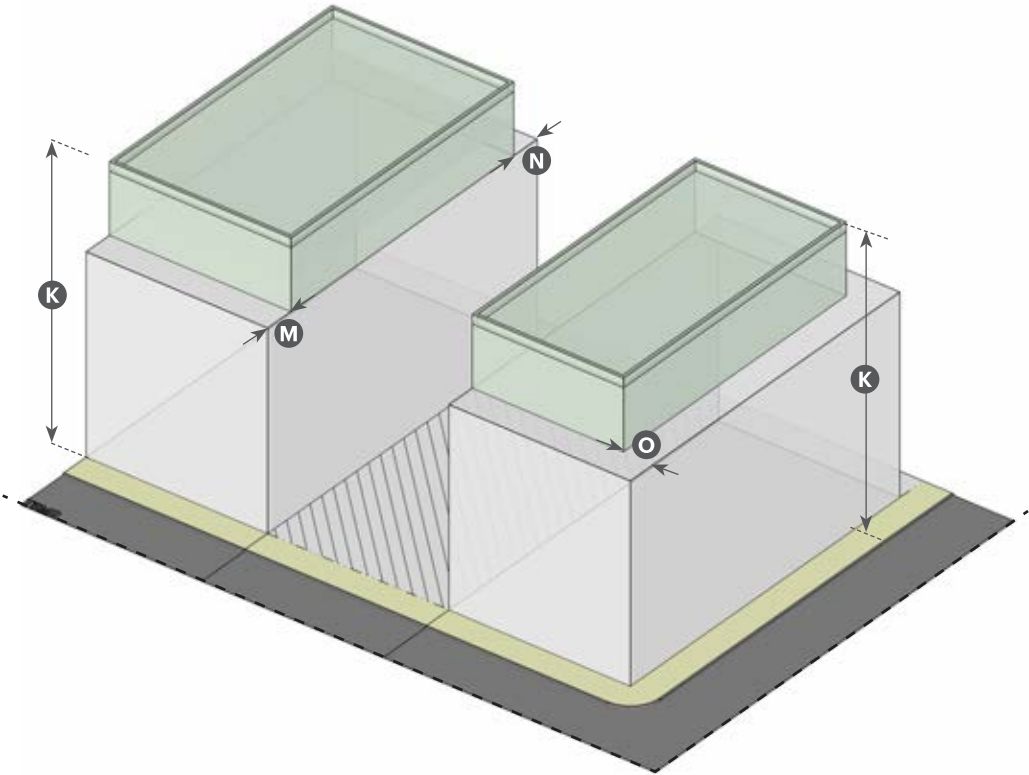


F. Frontages <sup>1</sup>			
Frontage Type	Front	Side St.	Standards
Forecourt	A	A	3.3.070
Shopfront	A	A	3.3.090
Terrace	A	A	3.3.100
Gallery	A	A	3.3.110

<sup>1</sup> Minimum of one Frontage Type per street-facing facade.

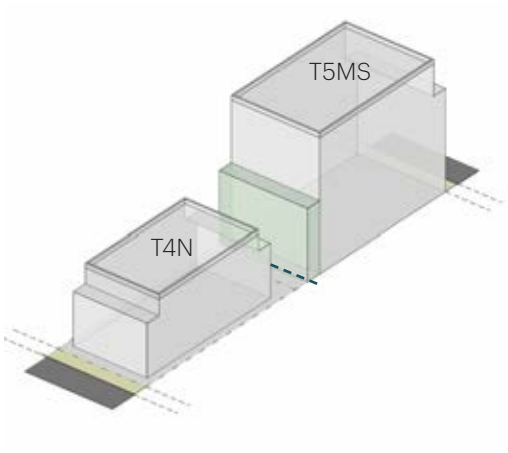
**Key**                    A = Allowed

Maximum Envelope in Mid-Block and Corner Condition



- Key**
- Max. Envelope without Height Bonus (Base)
  - Max. Envelope with Height Bonus
  - - Street Centerline

Adjacent to T4N 40/50 and T5N 50/70



- Key**
- Main Body
  - Rear Stepback
  - Rear setback per Sub-Section C (Building Placement)

G. Adjacency Standards

Historic Resource Adjacency

Where adjacent to a designated historic resource refer to DTFBC Section 3.2.070 (Historic Resource Adjacency Standards) in addition to the standards of this zone.

Building Placement and Height

	Setback	Stepback
Where abutting the T4N 40/50		
Rear	10' min.	10' min at 45'

H. Parking		
Required Spaces (min.) for New Buildings <sup>1</sup>		
Use Type	Vehicular Spaces	Bicycle Spaces
Residential Uses		
Studio or 1 Bedroom	0.50	1.0
2 Bedrooms	1.0	2.0
3 or more Bedrooms	1.50	3.0
Non-Residential Uses (amount per tenant in building)		
≤ 2,500 sf	None	
> 2,500 sf	2.75 per 1,000 sf	

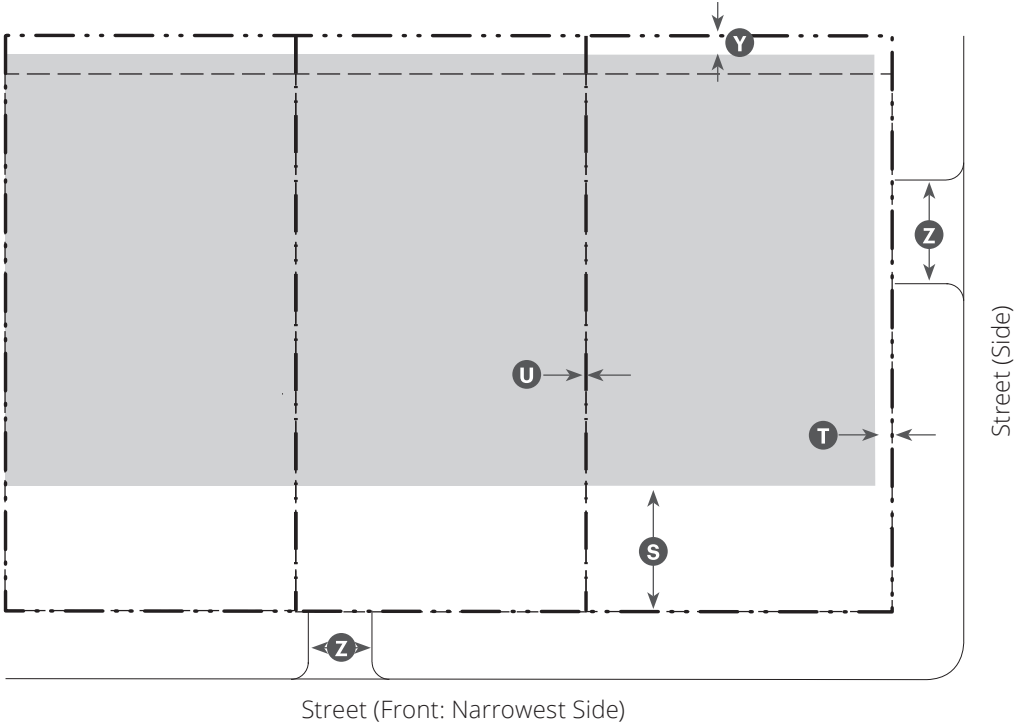
<sup>1</sup> For buildings located within the Downtown parking District, the off-street parking requirement is waived for up to 1.0 FAR of the total square footage. For buildings square footage above 1.0 FAR and for all residential uses off-street parking shall be provided. Refer to SRMC Section 14.18.060 (Downtown Parking District).

Setback (Distance from ROW/ Lot Line) <sup>1</sup>		
Front	35' min.	<b>S</b>
Side Street	25' min. when enclosed within building, 5' min. unenclosed <sup>2</sup>	<b>T</b>
Side	0' min.	<b>U</b>
Rear	5' min.	<b>Y</b>

<sup>1</sup> 0' minimum setback for subterranean parking in compliance with frontage requirements.

<sup>2</sup> In compliance with facade zone requirements in Sub-Section C (Building Placement) of this Section.

Driveway	
Driveway Width, within parking setbacks	
Front	12' max.
Side Street/ Alley	20' max.
Curb Cut	14' max.



H. Parking (Continued)	
Driveway (Continued)	
Planter (on each side)	2'
Distance between Driveways	40' min.
Curb Cut Width along alley may exceed 12'.	
Driveways may be shared between adjacent lots and may exceed max. allowed width by 3'.	
Driveways are not allowed in front on a corner lot.	
Refer SRMC Section 14.18.040 (Parking Requirements) for dimensions of parking spaces.	

**Key**

- ROW/Lot Line
- Building Setback Line
- Parking Area (at or above grade)

### 2.3.070 Use Table

The following table identifies the allowed uses in each zone. All uses are required to be in compliance with frontage of this Chapter and signage standards of SRMC Chapter 14.19 (Signs). The identified permit below is for the use only and shall be processed per City procedures for uses. Individual developments require additional review and approval as identified in DTFBC Table 1.1.050.A (Permit Requirements).

**Uses Not Listed.** Uses not listed are not allowed unless the Director determines that the proposed use is similar to a listed use.

**Existing Buildings.** Existing buildings may be occupied by new uses, allowed in the zone, up to the size of the prior use without requiring additional parking.

Table 2.3.070.A Use Table		Form-Based Zones						
		T4				T5		
		N	N-O	MS	MS-O	N	N-O	MS
Artisanal								
Coffee Roaster		CZ <sup>2</sup>	A <sup>2</sup>	CZ	A <sup>2</sup>	CZ <sup>2</sup>	A <sup>2</sup>	CZ
Tobacco Retailer <sup>4</sup>		C <sup>2</sup>	CZ <sup>2</sup>	C	CZ	C <sup>2</sup>	CZ <sup>2</sup>	C
Automotive								
Motor Vehicle Sales and Services, including automobiles, motorcycles, trailers, trucks and recreational vehicles								
Auto Detailing		CZ <sup>2</sup>	A <sup>2</sup>	-	-	CZ <sup>2</sup>	A <sup>2</sup>	-
Coin-op Washing		C	CZ	-	-	C	CZ	-
Fueling Station <sup>5</sup>		C	C	-	-	C	C	-
Rentals, Vehicle		CZ <sup>2</sup>	A <sup>2</sup>	-	-	CZ <sup>2</sup>	A <sup>2</sup>	-
Repairs Major		C <sup>1</sup>	C <sup>1</sup>	-	-	C <sup>1</sup>	C <sup>1</sup>	-
Repairs, Minor <sup>6</sup>		CZ <sup>1,2</sup>	A <sup>1,2</sup>	-	-	CZ <sup>1,2</sup>	A <sup>1,2</sup>	-
Sales, new or used vehicles		C	CZ	-	-	C	CZ	-
Sales, parts and supplies		P <sup>2</sup>	P <sup>2</sup>	P	P	P <sup>2</sup>	P <sup>2</sup>	P
Sales, tires and ancillary service		CZ	A	-	-	CZ	A	-
Key	P = Permitted by Right    A = Administrative Use Permit    CZ = Conditional Use Permit/ Zoning Administrator    C = Conditional Permit/ Planning Commission    - = Not Allowed							



Table 2.3.070.A Use Table (Continued)		Form-Based Zones						
		T4				T5		
		N	N-O	MS	MS-O	N	N-O	MS
Commercial								
Animal Retail Sales, excluding exterior kennel, pen or run <sup>7</sup>		P <sup>2</sup>	P <sup>2</sup>	P	P	P <sup>2</sup>	P <sup>2</sup>	P
Artisan/ Craft Production		P <sup>2</sup>	P <sup>2</sup>	P	P	P <sup>2</sup>	P <sup>2</sup>	P
Building Materials and Supplies <sup>8</sup>		P <sup>2</sup>	P <sup>2</sup>	P	P	P <sup>2</sup>	P <sup>2</sup>	P
Convenience Market <sup>9</sup>		CZ	A	CZ	A	CZ	A	CZ
Grocery Store and Supermarket <sup>9</sup>		P	P	P	P	P	P	P
Gun Shop		-	-	-	-	-	-	-
Kiosk <sup>10</sup>		A <sup>2</sup>	P <sup>2</sup>	A	P	A <sup>2</sup>	P <sup>2</sup>	A
Liquor Store		P <sup>2</sup>	P <sup>2</sup>	P	P	P <sup>2</sup>	P <sup>2</sup>	P
Retail								
Retail General <sup>9,11</sup>		P <sup>2</sup>	P <sup>2</sup>	P	P	P <sup>2</sup>	P <sup>2</sup>	P
Curbside pick up		P	P	P	P	P	P	P
Drive-thru service <sup>24</sup>		-	-	-	-	-	-	-
Secondhand Store, Pawnshop <sup>12</sup>		CZ <sup>2</sup>	A <sup>2</sup>	CZ	A	CZ <sup>2</sup>	A <sup>2</sup>	CZ
Entertainment								
Bar/ Cocktail Lounge/ Nightclub		CZ <sup>2</sup>	A <sup>2</sup>	CZ	A	CZ <sup>2</sup>	A <sup>2</sup>	CZ
Recreational Facility, indoors or outdoors								
Bowling Alley <sup>13</sup>		-	-	-	-	C	CZ	-
Game Center <sup>14</sup>		-	-	C <sup>1</sup>	CZ <sup>1</sup>	C <sup>1</sup>	CZ <sup>1</sup>	-
Poolhalls/ Billiard, Theater <sup>15</sup>		P	P	P	P	P	P	P
Food								
Indoor Eating Area								
Food Service Establishment		P	P	P	P	P	P	P
Food Service Establishments with Alcohol Sales		A	A	P	P	A	A	P
Key	P = Permitted by Right    A = Administrative Use Permit    CZ = Conditional Use Permit/ Zoning Administrator    C = Conditional Permit/ Planning Commission    - = Not Allowed							

Table 2.3.070.A Use Table (Continued)		Form-Based Zones						
		T4				T5		
		N	N-O	MS	MS-O	N	N-O	MS
Food (Continued)								
Curbside pick up		P	P	P	P	P	P	P
Drive-thru service <sup>16,24</sup>		-	-	-	-	-	-	-
Outdoor Eating Area <sup>17,1</sup>		A <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	A <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>
Lodging								
Bed and breakfast inn		C	CZ	C	CZ	C	CZ	C
Hotel/ Motel		C	CZ	C	CZ	C	CZ	C
Medical Office								
Medical Service		P <sup>2</sup>	P <sup>2</sup>	P <sup>3</sup>	P <sup>3</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>3</sup>
Office								
Laboratory		CZ	A	CZ <sup>3</sup>	A <sup>3</sup>	CZ	A	CZ <sup>3</sup>
Research and Development		CZ	A	CZ <sup>3</sup>	A <sup>3</sup>	CZ	A	CZ <sup>3</sup>
Office, General		P <sup>1,2</sup>	P <sup>1,2</sup>	P <sup>1,3</sup>	P <sup>1,3</sup>	P <sup>1,2</sup>	P <sup>1,2</sup>	P <sup>1,3</sup>
Services								
Animal Care								
Animal Hospital		C	CZ	C <sup>3</sup>	CZ <sup>3</sup>	C	CZ	C <sup>3</sup>
Indoor/Outdoor kennels		C	CZ	C <sup>3</sup>	CZ <sup>3</sup>	C	CZ	C <sup>3</sup>
Veterinary Clinic		CZ	A	CZ <sup>3</sup>	A <sup>3</sup>	CZ	A	CZ <sup>3</sup>
Business Sales and Services		P <sup>2</sup>	P <sup>2</sup>	P	P	P <sup>2</sup>	P <sup>2</sup>	P
Catering Establishment		P	P	CZ <sup>3</sup>	A <sup>3</sup>	P	P	CZ <sup>3</sup>
Financial Service and Institution		P <sup>1</sup>	P <sup>1</sup>	P <sup>1,3</sup>	P <sup>1,3</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1,3</sup>
Hospital/Major Medical Facility		C	CZ	-	-	C	CZ	-
Outdoor Storage, including temporary or permanent storage containers		CZ	A	-	-	CZ	A	-
<div>Key</div> <div>P = Permitted by Right</div> <div>A = Administrative Use Permit</div> <div>CZ = Conditional Use Permit/ Zoning Administrator</div> <div>C = Conditional Permit/ Planning Commission</div> <div>- = Not Allowed</div>								

Table 2.3.070.A Use Table (Continued)		Form-Based Zones						
		T4				T5		
		N	N-O	MS	MS-O	N	N-O	MS
Services, Personal								
Day Care Center (14 or more children or adults)		CZ	A	CZ	A	CZ	A	CZ
Dry Cleaning Establishment, with on-site processing		CZ	A	CZ	A	CZ	A	CZ
Family Day Care								
14 children or less, if within residence		P	P	P	P	P	P	P
Small Day Care Facility, 14 children or less not in a residence		P	P	P	P	P	P	P
Large Day Care Facility, over 14 children		CZ <sup>1</sup>	A <sup>1</sup>	CZ <sup>1</sup>	A <sup>1</sup>	CZ <sup>1</sup>	A <sup>1</sup>	CZ <sup>1</sup>
Fitness/ Recreation Facility								
Less than 2,500 sf		P	P	P	P	P	P	P
2,500 sf or more		A	A	A	A	A	A	A
Fortunetelling <sup>18</sup>		-	-	A <sup>1,3</sup>	A <sup>1,3</sup>	A <sup>1</sup>	A <sup>1</sup>	A <sup>1,3</sup>
Funeral and Interment Services, including mortuary, but excluding crematory		CZ	A	-	-	CZ	A	-
Music Rehearsal/ Recording Studio		CZ	A	CZ <sup>3</sup>	A <sup>3</sup>	CZ	A	CZ <sup>3</sup>
Personal Service <sup>9,19</sup>		P	P	P	P	P	P	P
Personal Service, Drive-thru		-	-	-	-	-	-	-
School								
Parochial, Private		C	CZ <sup>2</sup>	C	CZ <sup>2</sup>	C	CZ <sup>2</sup>	C
Public		P	P	P	P	P	P	P
Specialized Education and Training								
Less than 2,000sf		P	P	P	P	P	P	P
2,000sf or more		CZ	A	CZ	A	CZ	A	CZ
Key	P = Permitted by Right    A = Administrative Use Permit    CZ = Conditional Use Permit/ Zoning Administrator    C = Conditional Permit/ Planning Commission    - = Not Allowed							

Table 2.3.070.A Use Table (Continued)		Form-Based Zones						
		T4				T5		
		N	N-O	MS	MS-O	N	N-O	MS
Public Assembly								
Religious Institution (church, temple, mosque, place of worship)	C	CZ <sup>2</sup>	C	CZ <sup>2</sup>	C	CZ <sup>2</sup>	C	
Public and Quasi-Public								
Community Garden	P <sup>1</sup>	P <sup>1</sup>	-	-	P <sup>1</sup>	P <sup>1</sup>	-	
Club/ Lodge, including youth group	C	CZ	P	P	C	CZ	P	
Public Park, Playground, and Recreational Facility	P	P	P	P	P	P	P	
Public and Utility Facility	C	CZ	C	CZ	C	CZ	C	
Public Facility, Other (Police, Fire Department, Paramedic, Post Office, etc.)	C	CZ	C	CZ	C	CZ	C	
Residential								
Accessory Dwelling Unit (ADU)	P	P	P	P	P	P	P	
Animal Keeping	A <sup>1</sup>	A <sup>1</sup>	A <sup>1,3</sup>	A <sup>1,3</sup>	A <sup>1</sup>	A <sup>1</sup>	A <sup>1,3</sup>	
Boarding House	A	A	A <sup>1,3</sup>	A <sup>1,3</sup>	A	A	A <sup>1,3</sup>	
Caretaker's Residence	A	A	A <sup>1,3</sup>	A <sup>1,3</sup>	A	A	A <sup>1,3</sup>	
Emergency Shelter for the Homeless								
Temporary	C	CZ	C	CZ	C	CZ	C	
Home Occupation <sup>20</sup>	P	P	P <sup>1</sup>	P <sup>1</sup>	P	P	P <sup>1</sup>	
Live/ Work <sup>21</sup>	P	P	P	P <sup>1</sup>	P	P	P	
Residential <sup>21</sup>	P	P	P <sup>3</sup>	P <sup>3</sup>	P	P	P <sup>3</sup>	
Residential Care Facility for the disabled in dwelling unit <sup>21</sup>	P	P	P	P	P	P	P	
Residential Care Facility, Other								
Small (0—6 residents)	P	P	P	P	P	P	P	
Large (7 or more residents)	C	CZ	C	CZ	C	CZ	C	
<div>Key</div> <div>P = Permitted by Right    A = Administrative Use Permit    CZ = Conditional Use Permit/ Zoning Administrator    C = Conditional Permit/ Planning Commission    - = Not Allowed</div>								

Table 2.3.070.A Use Table (Continued)	Form-Based Zones						
	T4				T5		
	N	N-O	MS	MS-O	N	N-O	MS
<b>Temporary Use</b>							
Temporary Use <sup>22</sup>	A <sup>1</sup>	A <sup>1</sup>	A <sup>1</sup>	A <sup>1</sup>	A <sup>1</sup>	A <sup>1</sup>	A <sup>1</sup>
<b>Transportation</b>							
Bus Station	-	-	-	-	C	CZ	C
"Park and Ride" Facility	CZ	A	-	-	CZ	A	CZ
Parking Facility, commercial or municipal	CZ	A	CZ	A	CZ	A	CZ
Rideshare Station <sup>23</sup>	C	CZ	-	-	C	CZ	C
Transit Station, public or transitway	C	CZ	-	-	C	CZ	C
<b>Other Uses</b>							
Wireless Telecommunication Facilities <sup>25</sup>	A	A	A	A	A	A	A

<sup>1</sup> See SRMC Chapter 14.21 (Administrative Use Permits) Performance Standards for additional requirements.

<sup>2</sup> Max. 2,500 sf per building.

<sup>3</sup> Not allowed on the ground floor within 30' of the sidewalk. Allowed on ground floor along side street if at least 15' from the front of the lot.

<sup>4</sup> Shall not be located within one thousand feet (1,000') from: schools (public and private elementary, junior high, and high schools), public parks, public libraries, arcades, youth/teen centers, community/recreation centers, licensed day care centers for children, shopping malls, and houses of worship with organized youth programs, as measured from the property lines of each parcel.

<sup>5</sup> See SRMC Section 14.16.160 (Gasoline Stations)

<sup>6</sup> See SRMC Section 14.17.090 (Motor Vehicle Repair Uses)

<sup>7</sup> See SRMC Chapter 10.24 (Dog Kennels and Pet Shops)

<sup>8</sup> See SRMC Section 14.17.120 (Outdoor Storage)

<sup>9</sup> Operating after eleven p.m. (11:00 p.m.) requires a use permit (CZ)

<sup>10</sup> See SRMC Section 14.16.115 (Emergency Shelters - Permanent)

<sup>11</sup> See SRMC Chapter 10.16 (Auctions)

<sup>12</sup> See SRMC Chapter 10.20 (Pawnbrokers and Secondhand Dealers)

**Key** P = Permitted by Right    A = Administrative Use Permit    CZ = Conditional Use Permit/ Zoning Administrator    C = Conditional Permit/ Planning Commission    - = Not Allowed

<sup>13</sup> See SRMC Chapter 10.32 (Bowling Alleys)

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<sup>14</sup> See SRMC Section 14.17.070 (Game Arcades)

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<sup>15</sup> CZ applies if there is a liquor sales use with no food service.

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<sup>16</sup> This use allowed in West End Village and Montecito Commercial.

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<sup>17</sup> For outdoor eating areas on private property, see SRMC Section 14.17.110 (Outdoor Eating Areas Proposed in Conjunction with Food Service Establishments) standards. For outdoor seating areas located on city sidewalks or rights-of-way, see SRMC Section 14.16.277 (Use Of City Sidewalks and Rights-of-way for Outdoor Eating Areas) standards.

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<sup>18</sup> See SRMC Section 14.17.060 (Fortunetelling)

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<sup>19</sup> See SRMC Chapter 8.34.

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<sup>20</sup> See SRMC Section 14.16.220 (Home Occupations)

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<sup>21</sup> See SRMC Section 14.17.100 (Residential Uses in Commercial Districts)

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<sup>22</sup> See SRMC Section 14.17.130 (Temporary Uses)

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<sup>23</sup> See SRMC Chapter 10.60 (Vehicles for Hire)

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<sup>24</sup> Existing as of December 31, 2020.

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<sup>25</sup> Subject to stealth design requirements.

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# Supplemental to Downtown Form-Based Zones

ARTICLE

3

## Division 3.1 Site Standards

### 3.1.010 Purpose

These standards are intended to ensure that development of property within form-based zones accomplishes the following:

- Makes a positive contribution to the development pattern of the area;
- New or altered structures are compatible with the scale, design and use of existing structures on neighboring properties;
- Respects the existing conditions and safety of neighboring properties; and
- Does not adversely affect neighboring properties, with "adversely affect" meaning to impact in a substantial, negative manner the habitability or enjoyability of these properties.

### 3.1.020 Screening

This Section prescribes standards for screening, fences, and walls for the conservation and protection of property, the assurance of safety and security, the enhancement of privacy, the attenuation of noise, and the improvement of the visual environment of the neighborhood.

### Design Standards for Screening

Screening shall comply with the following:

- **Maximum Screening Height.** Screening shall not exceed the maximums identified in DTFBC Table 3.1.020.A (Maximum Screening Height).
- **Screening Height Measurement.** Screening height shall be measured as the vertical distance between the finished grade at the base of the screen and the top edge of the screen material.

### Additional Screening Requiring Director Approval

In compliance with the standards, the following screening types require Director approval.

**Courtyard.** Along a street or civic space, fences, walls and other screening installed to create a courtyard without a roof shall not exceed four feet in height and be set back a minimum of 10 feet from the front property line or back of sidewalk, whichever is the least. In reviewing the plan for the proposed courtyard, the Director shall consider, but not be limited to, the following:

- Building characteristics including the dimensions, color and architectural design;
- Compatibility of the architectural and design features of the proposed courtyard with the features of the adjoining, as well as neighboring buildings; and

**Table 3.1.020.A Maximum Screening Height**

Zone	Item	Max. Screen Height within Required Setbacks			
		Front	Side St.	Side	Rear
T4 Neighborhood (T4N 30/40 and T4N 40/50)	Fences	3' max.	3' max.	9' max.	9' max.
	Free Standing Walls	3' max.	3' max.	9' max.	9' max.
	Shrubs	4' max.	4' max.	A	A
T4 Main Street (T4MS 40/50, T4MS 40/60, T4MS 50/70 and T4MS 60/80)	Fences	X	X	9' max.	9' max.
	Free Standing Walls	X	X	9' max.	9' max.
	Shrubs	3' max.	3' max.	A	A
T5 Neighborhood (T5N 40/60 and T5N 50/70)	Fences	3' max.	3' max.	9' max.	9' max.
	Free Standing Walls	3' max.	3' max.	9' max.	9' max.
	Shrubs	3' max.	3' max.	A	A
T5 Main Street (T5MS 70/90)	Fences	X	X	9' max.	9' max.
	Free Standing Walls	X	X	9' max.	9' max.
	Shrubs	3' max.	3' max.	A	A

**Key**                      A = Allowed                      X = Not Allowed

- Landscaping, including the effort to minimize removal of existing vegetation and to match replacements with vegetation of the site.

### Screening on Retaining Walls

The total height of screens and the retaining walls that they are mounted on or attached shall not exceed six feet. However, the Director may approve higher screening if it is determined that there will be little or no impact on the adjoining properties or the surrounding neighborhood and the height is necessary to achieve the objectives of this Sub-Section or is required for health and safety.

### Mechanical Equipment Screening

The following equipment is exempt from screening requirements:

- Free-standing or roof-mounted solar equipment; and
- Vents less than four feet in height subject to Director review.

**Roof-Mounted Equipment.** Building parapets or other architectural elements in the building's architecture style shall screen roof-mounted equipment.

- New buildings shall be designed to provide a parapet or other architectural element that is as tall or taller than the highest point on any new mechanical equipment to be located on the roof of the building; and
- For existing buildings with no parapet or low parapet heights, mechanical equipment shall be surrounded on all sides by an opaque screen wall as tall as the highest point of the equipment. The wall shall be architecturally consistent with the building and match the existing building with paint, finish, and trim cap detail. All new

roof screens are subject to Director review and approval and may be referred to the Planning Commission, as determined by the Director.

#### **Wall- and Ground-Mounted Equipment**

- The equipment is not allowed between the face of the building and the street;
- All screen devices shall be as high as the highest point of the equipment being screened. Equipment and screening shall be in compliance with the setbacks of the zone;
- Screening shall be architecturally compatible and include matching paint, finish and trim cap of the building; and
- All new mechanical screens for ground or wall-mounted equipment are subject to Director review and approval.

#### **Temporary Fencing**

Temporary fencing may be used to provide security for approved special events, construction sites, or vacant structures and land, which cannot otherwise be secured. All temporary fencing shall:

- Consist of chain link fencing or other materials as approved by the Director;
- Not exceed six feet in height;
- Be removed at the conclusion of the special event or completion of construction activities (i.e. final inspection) for which it was approved; and
- All approved fencing for construction sites shall not be installed until a Building Permit or Grading Permit has been issued and shall be removed prior to final inspection. The use of temporary fencing around occupied structures that can be secured by other means is prohibited. The use of temporary fencing around vacant land or vacant structures is subject to the

terms and conditions specified in the Permit authorizing the fencing.

#### **Barbed Wire and Razor Wire**

Barbed Wire and Razor Wire screening is not allowed.

#### **Safety**

Fences, walls, and other screening and landscaping shall be in compliance with the following:

Maximum height of four feet within 10 feet of the point of intersection of:

- A vehicular access way or driveway and a street; and/or
- A vehicular access way or driveway and a sidewalk.

Two or more vehicular access ways, including driveways, alleys, or streets.

As used in this Sub-Section, "point of intersection" is measured from the face of curb or if none, from the edge of pavement.

### **3.1.030 Landscaping and Lighting**

This Section prescribes landscaping standards for protection and enhancement of the environmental and visual quality of the Downtown, enhancement of privacy, and the control of dust.

#### **Required Landscaping**

The landscaping required by this Sub-Section shall be installed as part of the development or improvement requiring the landscaping. Standards for landscaping in parking areas shall be in combination with DTFBC Section 3.1.040 (Parking and Loading).

#### **Standards for Landscape Plans**

Landscaping Plans are required for development in all form-based zones.

## Design Standards

Acceptable required landscaping materials are defined as follows:

- Shrubs, of one-gallon size or larger;
- Trees, including street trees, of 15-gallon size or larger, and double-staked;
- Ground cover; and
- Decorative nonliving landscaping materials including, but not limited to sand, stone, gravel, wood or water may be used to satisfy a maximum of 25 percent of required landscaping area when approved by the Director.

**Species Selection.** Native and drought tolerant species are required to meet the minimum standards, in conformance with MMWD Water Conservation Ordinance 414.

**Separation.** Any landscaped area shall be separated from an adjacent vehicular area by a wall or curb at least six inches higher than the adjacent vehicular area. The curb shall include inlets from the parking surface to collect rainwater.

**Existing Vegetation.** Every effort shall be made to incorporate mature on-site trees into the required landscaping, subject to approval by the Director.

**Maintenance.** Required landscaping shall be maintained in a neat, clean and healthy condition. This shall include pruning, weeding, removal of litter, fertilizing, replacement of plants when necessary, and the appropriate watering of all plantings.

## Lighting Standards

Refer to SRMC Section 14.1.170 for guidance on lighting standards for Downtown development.

## 3.1.040 Parking and Loading

This Section prescribes standards for and limits on the development of motor vehicle and bicycle parking, loading and access drives; and standards for reducing motor vehicle trips per capita to and from development. These standards are intended to ensure that development of property within form-based zones accomplishes the following:

- Establishes and/or reinforces the character and scale of walkable, urban neighborhood environments, where development supports and is within a short walking distance of retail and services;
- Ensures the provision of appropriately designed bicycle parking, in order to increase bicycle trips and reduce motor vehicle trips per capita;
- Appropriately limits, screens and landscapes motor vehicle parking, in order to protect and enhance the environmental and visual quality of the Downtown, enhance privacy, attenuate noise, and control dust; and
- Reduces motor vehicles trips per capita to and from development.

## General Parking Standards

**On-Site Parking.** Sharing of parking between different land uses and developments is allowed subject to approval by the City per SRMC Section 14.18.080 (Parking Requirements for Reciprocal Uses with Shared Parking Facilities).

## Larger Vehicle Parking

- Trucks, tractors or tractor-trailers having a capacity of more than a one-and-one-half-ton load, front- and rear-end loaders, or any kind of commercial, industrial, agricultural or transportation vehicles/ equipment used primarily for business purposes, shall not be parked or

stored in any zone for purposes other than unloading, loading or delivery services.

- Automobiles, small trucks, vans, vehicle trailers allowed in conjunction with an approved home occupation (one per home occupation), and recreational vehicles, utilized for personal or business use, are excluded from the provisions of this Sub-Section.

#### **Storage of Unregistered or Inoperable Motor Vehicles.**

Automotive vehicles, trailers, or vehicles of any kind or type, requiring licenses, but without current plates or inoperable, shall be only parked within completely enclosed buildings.

**Cargo or Freight Container.** Portable cargo or freight storage containers in any zone for purposes of loading or unloading, may be parked or stored on-premise for a period not to exceed 10 days in any one calendar year.

**Commercial Auto Repairs.** New businesses offering commercial repair service and/or restoration of vehicles are not allowed.

#### **Number of Motor Vehicle Parking Spaces Required**

The maximum number of parking spaces required is listed in DTFBC Sub-Section H (Parking) of the zone. For any use not listed in that Item, parking shall not exceed a ratio equivalent to the average peak parking occupancy rate for the most comparable use in the Institute of Transportation Engineers Parking Generation Manual. The Director required shall determine the most comparable use.

**Required Number of Parking Spaces in Form-Based Zones.** When calculating the required number of parking spaces, numbers shall be rounded to the closest whole number. Parking systems that stack individual vehicles are counted as three spaces for every horizontal space identified.

#### **Exception in the Event of Changes of Use or**

**Alterations to Existing Buildings or Structures.** If an existing building or structure is altered or existing land uses are changed, the existing number of parking spaces on a property may be retained, even if the resulting building, structure or land use would ordinarily be subject to a lower maximum parking allowance.

#### **Electric Vehicle Charging**

Electric vehicle charging facilities shall be provided in compliance with SRMC Section 14.18.045 (Designated Parking for Clean Air Vehicles).

#### **Traffic-Minimizing Parking Standards**

##### **Carshare Parking Spaces**

- Carshare parking spaces shall be provided in the amounts specified in DTFBC Table 3.1.040.A (Required Carshare Parking Spaces).
- The required carshare space(s) shall be made available, at no cost, to a carshare service for purposes of providing carshare services to its members. At the election of the property owner, the carshare spaces may be provided:
  - On the lot; or
  - On another off-street site within 800 feet of the lot.
- Required carshare space or spaces shall be designed in a manner that will make the spaces accessible to non-resident subscribers from outside the building as well as building residents.
- Prior to City approval a building subject to the carshare standard, a Notice of Special Restriction on the property shall be recorded indicating the nature of standards of this Sub-Section and identifying the minimum number and location of the required carshare parking spaces. The form of the notice and the location or locations of

**Table 3.1.040.A Required Carshare Parking Spaces**

Use	Carshare Parking Spaces Required
Residential	
0-49 Units	None
50-100 Units	1
101 or more Units	2 + 1 per additional 200 Units
Office/ Research and Development	
≤ 10,000 sf	None
> 10,000 sf	1/10,000 sf
<p>the carshare parking spaces shall be approved by the City.</p> <ul style="list-style-type: none"> <li>If it is demonstrated to the satisfaction of the City that no carshare service can make use of the dedicated carshare parking spaces, the spaces may be occupied by non-carshare vehicles; provided, however, that upon 90 days of advance written notice to the property owner from a carshare service, the property owner shall terminate any non-carsharing leases for such spaces and shall make the spaces available to the carshare service for its use of such spaces.</li> </ul> <p><b>Carpool Spaces.</b> If parking is provided at a development, parking spaces reserved for use by carpool/ vanpool vehicles shall be designated in preferred locations (include, but are not limited to closest building entries). The locations of these spaces shall be approved by the City. The minimum number of carpool spaces required is</p>	
<p>listed in DTFBC Table 3.1.040.B (Required Carpool Parking Spaces).</p> <p><b>Parking Costs Unbundled from the Cost of Other Goods and Services</b></p> <ul style="list-style-type: none"> <li><b>Residential Uses.</b> All off-street parking spaces accessory to residential uses in structures of four dwellings or more shall be leased or sold separately from the rental or purchase fees for dwellings for the life of the dwellings. It is the applicants' responsibility to provide renters or buyers of on-site inclusionary affordable units with an equal opportunity to rent or buy a parking space on the same terms and conditions as offered to renters or buyers of other dwellings.</li> <li><b>Exception.</b> The Director may grant an exception from this standard for developments which include financing</li> </ul>	

**Table 3.1.040.B Required Carpool Parking Spaces**

Use	Carpool Parking Spaces Required
Office/ Research and Development	
≤ 10 Parking Spaces	None
> 10 Parking Spaces	10% of the total number of Spaces
All other Uses	None

for affordable housing that requires that costs for parking and housing be bundled together.

- **Non-Residential Uses.** All off-street parking spaces accessory to non-residential uses may be leased or sold separately from the rental or purchase fees for non-residential building space for the life of the building, such that potential renters or buyers have the option of renting or buying building space at a price lower than would be the case if there were a single price for both the building space and the parking space.
- **Exception.** Off-street parking spaces accessory to retail uses are not required to be leased or sold separately from retail space and may be offered to shoppers and other visitors free of charge for stays of up to two hours.

### Parking Spaces, Lot Design and Layout

**Access.** The following standards are applicable to on-site parking lot access design:

- All on-site parking facilities shall be designed with an appropriate means of vehicular access to a street or to an alley to cause the least interference with traffic flow.
- Parking spaces in any parking lot or parking structure shall not be designed or located so as to allow a vehicle to enter or exit a parking space directly from a public street. Ingress to and egress from parking spaces shall be from an on-site aisle or driveway, except parking spaces within lots may be designed or located so as to allow a vehicle to enter or exit a parking space directly from a public alley or rear lane.
- On-site loading space(s) is not required.

### Driveway. Access

- Driveway access to and from developments of two or fewer dwellings onto public streets shall be, where practical, by forward motion of the vehicle; and

- Driveway access to and from developments of three or more dwellings onto public streets shall be by forward motion of the vehicle.

Driveways shall extend to and include the area between the lot line and the edge of the street pavement.

The design and construction of all on-site parking access driveways shall meet City Standards.

**Identification as to Purpose and Location.** On-site parking areas of four or more spaces shall include painted lines, wheel stops, or other methods of identifying individual parking spaces and loading areas, while distinguishing such spaces from aisle and other circulation features.

### Materials

- All on-site parking areas and driveways shall be surfaced with materials as approved by the City Engineer and maintained in compliance with the City Standards.
- The use of pervious or semi-pervious parking area surfacing materials, include, but are not limited to “grasscrete,” or recycled materials including, but not limited to glass, rubber, used asphalt, brick, block and concrete, is subject to approval by the Director and City Engineer. Where possible, such materials should be used in areas in proximity to and in combination with on-site stormwater control devices.

**Landscaping, Fencing, and Screening.** The landscaping, fencing and screening standards identified in DTFBC Table 3.1.040.C (Required Parking Lot Landscaping) shall be applied with the standards of DTFBC Section 3.1.020 (Screening) and DTFBC Section 3.1.030 (Landscaping).

- Parking and loading areas shall be screened from adjacent residential zones by a six foot wall, fence, or evergreen, subject to approval by the Director.



- Screening is not required when parking area(s) is adjacent to an alley.
- Landscaping areas shall accommodate stormwater management features to the extent feasible as determined by the City.
- For the portion of a parking area over which photovoltaic solar collectors are installed where they also function as shade structures, the minimum standard for trees shall be waived, and shrubs and ground covers shall be planted for every eight parking spaces.

Refer also to SRMC Section 14.18.160 for guidance on screening standards as applicable to the Downtown Zones.

**Location.** Location of required on-site parking in all zones is regulated by setbacks set forth in DTFBC Sub-Section H (Parking) of the zone and the following:

- Parking lots with 20 or fewer spaces shall have all on-site parking areas separated at least five feet from buildings in order to provide a sidewalk between the building and the parking area;
- Parking lots with more than 20 spaces shall have all on-site parking areas separated at least 10 feet from buildings in order to make room for a sidewalk, landscaping, and other planting between the building and the parking area; and

**Table 3.1.040.C Required Parking Lot Landscaping**

Number of Parking Spaces	Percent of Gross Parking Area Required to be Landscaped
6 or fewer	5' min. wide planter between lot line, building(s)
7 to 15	4%; 5' min. wide planter between lot line, building(s)
16 to 30	8%; 5' min. wide planter between every 5 spaces, lot line, building(s)
31 to 70	12%; 5' min. wide planter between every 5 spaces, lot line, building(s)
71 and over	16%; 5' min. wide planter between every 5 spaces, lot line, building(s)
Required Shade Trees	
Amount	1 tree per 2,700 sf of gross lot area, minus building coverage (footprint)
Box Size/ Quantity	24" min. size for 20% min. of total trees
Can Size/ Quantity	15 gallon for 80% max. of total trees
Height Clearance	6-8" min. along pedestrian paths
Characteristics	High branching, broad headed, shading form
Required Border	6" high curb or equivalent
Border and Stormwater	Curb shall include breaks every 4" to provide drainage to retention and filtration areas
Tree Well Size <sup>1</sup>	5' x 5' min.
Car Overhangs	Limited to 12" max. by curb or wheel stops
<sup>1</sup> Any vehicle overhang requires the minimum planter area width to be expanded by an equivalent dimension.	

- This separation may be eliminated to the rear of buildings in areas designed for unloading and loading of materials.

**Size of Parking Lot.** Parking lots larger than one-quarter of an acre in size shall be broken down into smaller parking areas with planted landscape areas with a minimum width of 15 feet between them to minimize the perceived scale of the total field of stalls.

**Tandem Parking.** Tandem parking is allowed in all zones for all uses.

**Bicycle Parking Standards.** Bicycle parking is required in all zones and subject to the standards in SRMC Section 14.18.090 (Bicycle Parking).

3.1.050 Block Size Standards

This Section establishes standards for the maximum size of new or modified blocks in the Plan boundaries to maintain Downtown's fine-grained network of walkable blocks and streets.

Table 3.1.050.A Block Size Standards		
All Zones		
	Without Paseo	With Paseo <sup>1</sup>
Block Face Length	500' max.	600' max.
Perimeter	2,000' max.	2,400 max.

<sup>1</sup>Paseo must be at least 20' wide and is subject to design review.

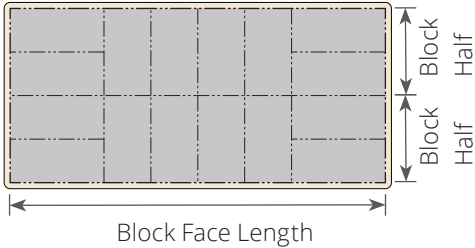


Figure 3.1.050.A Block Size

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# Division 3.2 Massing and Facade Articulation Standards

## 3.2.010 Purpose

The following standards are intended to promote local prevalent patterns that strongly contribute to the Downtown's unique physical character while allowing for creativity and innovation.

## 3.2.020 Overview of Massing and Facade Articulation Standards

**Massing and Facade Articulation Standards.** As required by DTFBC Table 3.2.020.A (Massing and Facade Articulation Standards Overview), facades on a street or civic space shall be designed in compliance with the standards identified in this Section.

DTFBC Table 3.2.020.A (Massing and Facade Articulation Standards Overview) provides an overview of the requirements.

Table 3.2.020.A Massing and Facade Articulation Standards Overview				
Requirement	Building length along adjacent sidewalk <sup>1</sup>			
	< 75'	75' to 100'	>100'	>150'
3.2.030 (Tripartite Facade Articulation)	No	Yes	Yes	Yes
3.2.040 (Massing and Composition)	Yes	Yes	Yes	Yes
3.2.050 (Corner Elements)	No	No	No	Yes
3.2.060 (Windows and Openings)	Yes	Yes	Yes	Yes
3.2.070 (Historic Resource Adjacency Standards)	Required where adjacent to identified historic resource			

<sup>1</sup> As measured along street or adjacent civic space.

3.2.030 Tripartite Facade Articulation



The top of the building is articulated with an entablature and parapet wall, Image source: [www.719larkin.com](http://www.719larkin.com)



Example of a distinct base, middle, and top.

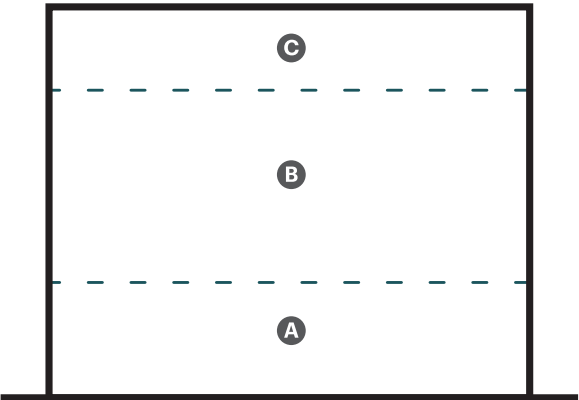


Diagram of tripartite facade articulation.

A. Description

New facades and facade modifications along a street or civic space shall be designed to visually express a base, middle, and top.

B. Applicability

New buildings and facade modifications over 75' in length along the adjacent street or civic space.

C. Standards

Ground Floor/ Distinct Base <sup>1</sup>	A
Middle	B
Top <sup>2</sup>	C

Combinations of colors, materials, and massing may be used to visually express a base, middle, and top.

<sup>1</sup> The base may include multiple stories.

<sup>2</sup> The top may include multiple stories. Note that upper stories that are stepped back do not count as part of the "top". To articulate the top, count only stories that are not stepped back from the "base" and "middle" of the building facade.

General Note: Photos on this page are illustrative, not regulatory.

3.2.040 Massing and Composition



Illustrative example.



Illustrative example, Image source: [www.realtors.com](http://www.realtors.com)



Illustrative example.

A. Description

New facades and facade modifications along a street or civic space shall be designed to appear as multiple buildings no greater than 75' in length.

B. Applicability

New buildings and facade modifications.

C. Standards/ General Character

Building facades shall be arranged in an orderly composition of window bays/openings based on prevalent patterns of 5, 7 or 9 bays. **A**

Facades shall be designed in an orderly symmetrical or asymmetrical composition.

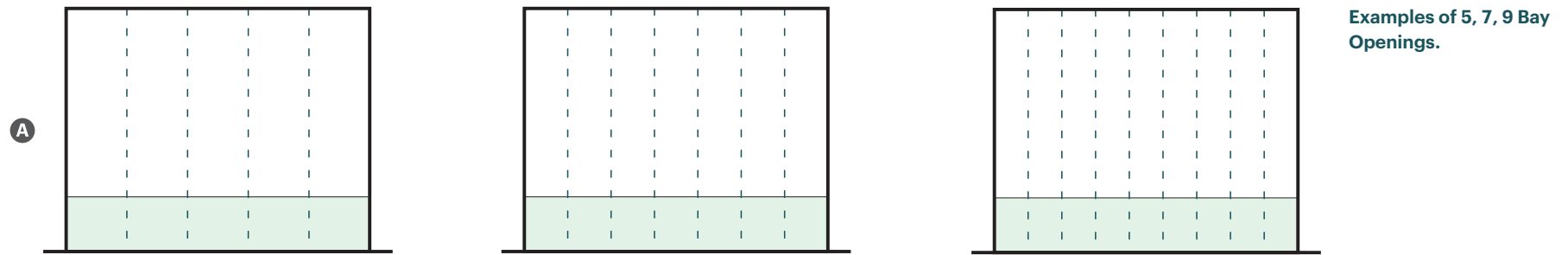
Compositions (symmetrical) **B**

Compositions (asymmetrical) **C**

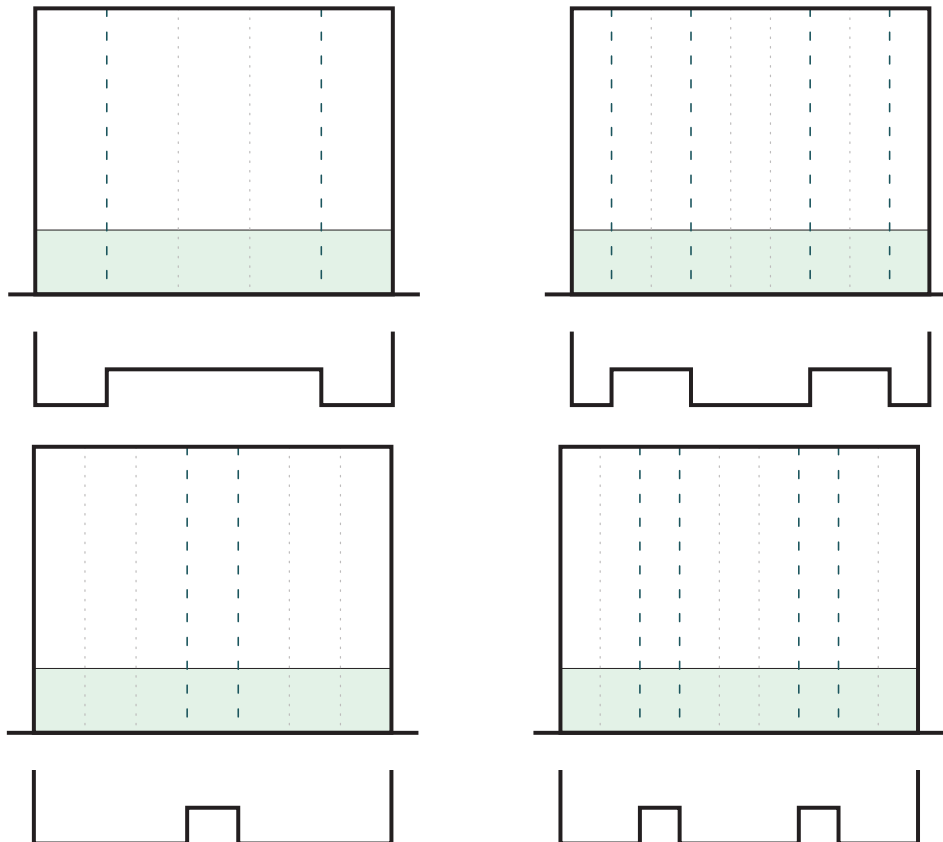
The pattern shall be visually expressed through the spacing of openings, physical recesses, projections or other techniques.

The pattern may include the ground floor and its mezzanine.

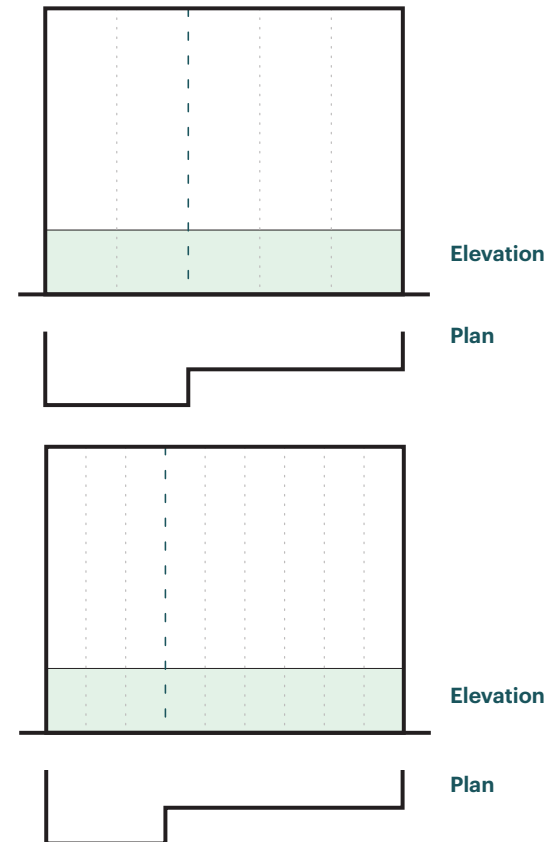
General Note: Photos on this page are illustrative, not regulatory.



**B Examples of Symmetrical Compositions.**



**C Examples of Asymmetrical Compositions.**





3.2.050 Corner Elements



Example of Corner Element, Image source: [www.sitephocus.com](http://www.sitephocus.com)



Example of an upper story Corner Element.



Example of an upper story Corner Element.

A. Description

New facades and facade modifications shall be designed to include a corner element to give visual importance to the corner and enhance the public realm.

B. Applicability

New buildings and facade modifications where at least 1 facade along a street corner is over 150' in length.

C. Standards/ General Character

Square	A
Octagonal	B
Chamfer	C

Only one corner element is required per eligible facade.

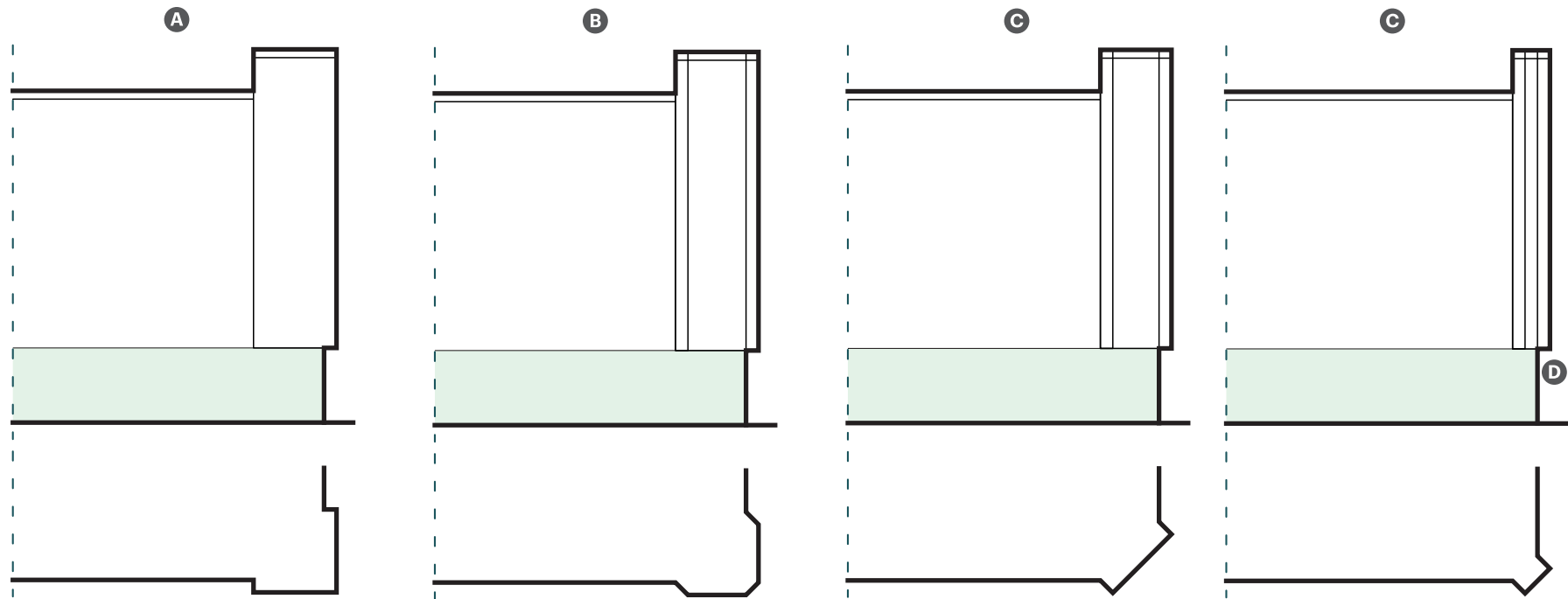
Corner elements shall incorporate at least 1 entire story within the composition and may extend from the ground floor through the top of the building.

Corner elements may exceed the maximum height allowed for the building by up to 10' for a horizontal area up to 20' x 20', only in cases where the top story is at the maximum allowed height.

Corner elements may be recessed or projected from the main facade by up to 4'. Projections over the right of way are allowed when at least 12' above the adjacent sidewalk.

General Note: Photos on this page are illustrative, not regulatory.





Plan and elevation diagrams of Corner Elements.

3.2.060 Windows and Openings



Examples of vertical oriented Bay Windows and Openings.



Example of Square Bay Window.



Example of Chamfer Bay Window.

A. Description

New facades and facade modifications shall be designed to include an orderly composition of window bays and openings.

B. Applicability

All new buildings and facade modifications.

C. Standards/ General Character

Buildings 100' or more in length along the street are required to include projected or recessed window bays, and shall be designed per Item A below. The recess may be achieved by a partial or complete window surround. Upto 3 bays may be grouped.

Allowed patterns for buildings at least 100' long:

Bay Windows:	<b>A</b>
Square	<b>a</b>
Chamfer	<b>b</b>

Required stepbacks may be replaced by mansard roof forms with windows as follows:

30' to 50' overall height	Single Mansard <b>B</b>
50' to 90' overall height	Single Mansard <b>B</b> or Double Mansard <b>C</b>

Mansard roof forms are exempt from stepbacks.

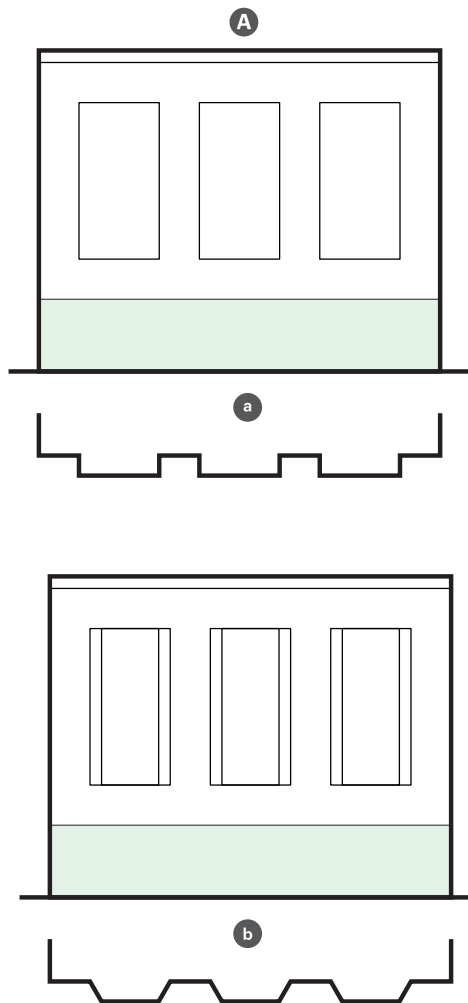
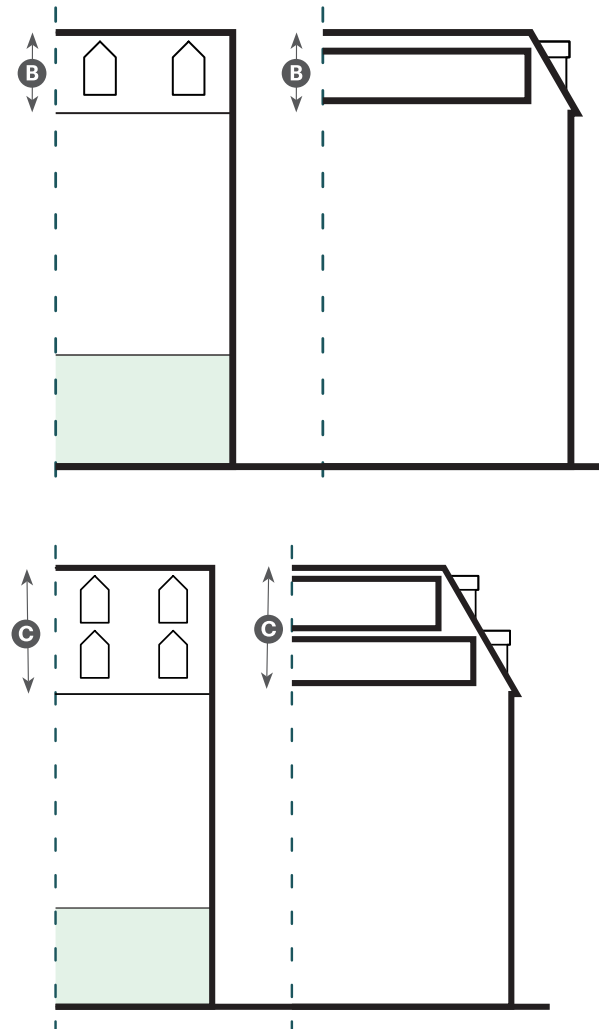
Mansard roofs can include a maximum of 2 stories and must include the uppermost story.

All buildings facades shall be designed to include square or vertically - oriented windows and openings.

Windows may be grouped but the overall grouping shape is required to be square or vertical, except on shopfronts.

Facades within 1 block of a building with recessed windows and/or openings are required to include recessed windows with at least 4" of recess for at least 25% of the new or modified facade.

General Note: Photos on this page are illustrative, not regulatory.

**Bay Windows****Mansard Roof Forms**

Examples of vertical and rectangular Window Compositions, Images source: [www.flirck.com](http://www.flirck.com), Jay Sterlin

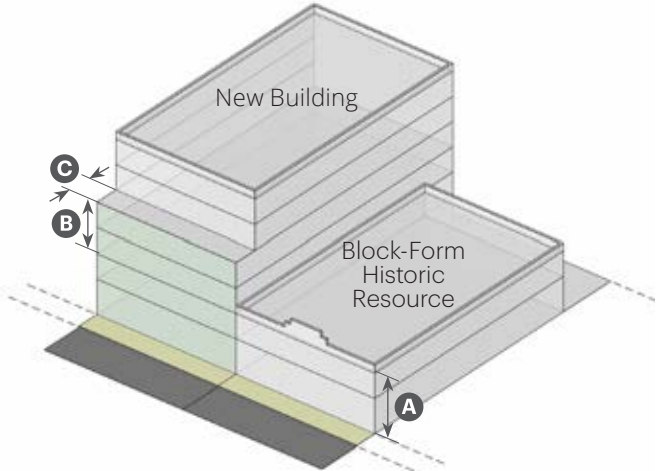
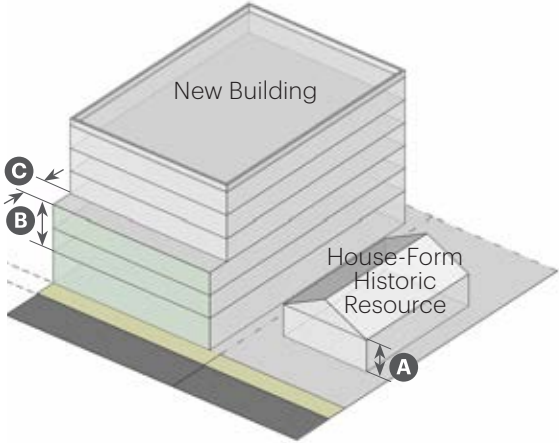


Example of Mansard Windows.

3.2.070 Historic Resource Additions and Adjacency Standards

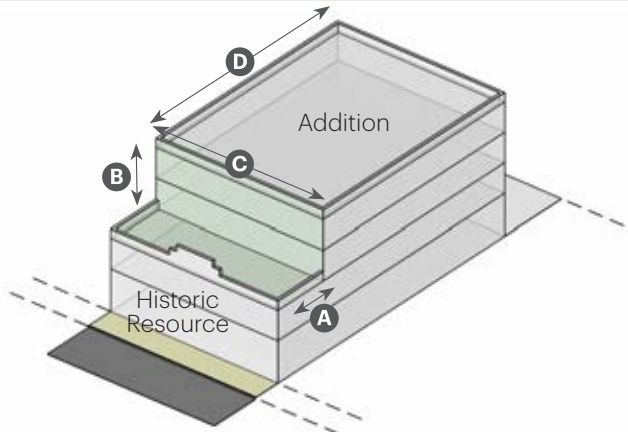
Any new building or proposed modification on or immediately adjacent to a historic resource identified in DTFBC Figure 2.2.040.A (Regulating Plan) shall be designed in compliance with the additional massing standards identified in this Section. All new construction within the Historic Districts shown in DTFBC Figure 2.2.040.A (Regulating Plan) is considered adjacent to a resource and thus it needs to follow the standards of this Section. Additional height and/or building width/depth is possible if supported by the recommendation of the City's

Architectural Historian and Design Review. The provisions of this section shall not apply to parcels outside of eligible historic districts unless they are adjacent to historic district boundaries or are adjacent to buildings outside the districts that are identified as eligible as "individual resources" on Figure 5.6 of the Precise Plan. In addition, the limitations on upper story additions shall only apply to historic resources within eligible districts and to buildings outside the districts that are identified as "individual resources" on Figure 5.6 of the Precise Plan.

Table 3.2.070.A Historic Resource Adjacency Standards	
1. All New Buildings Immediately Adjacent to a Block-Form Historic Resource	2. All New Buildings Immediately Adjacent to a House-Form Historic Resource
	
Required stepback for upper floors at maximum 20' above the height of the adjacent block-form historic resource.	Required stepback for upper floors at maximum 20' above the height of the adjacent house-form historic resource.
Height of existing historic resource	Height of existing historic resource
Maximum 20' height above height of historic resource	Maximum 20' height above height of historic resource
Minimum 10' stepback. Beyond stepback, maximum heights as allowed by zone standards.	Minimum 10' stepback. Beyond stepback, maximum heights as allowed by zone standards.
New building must comply with all standards of the zone.	New building must comply with all standards of the zone.

**Table 3.2.070.B Additions to Historic Resources**

1. Additions to an Existing Block-Form Historic Resource	2. Additions to an Existing House-Form Historic Resource
--	--



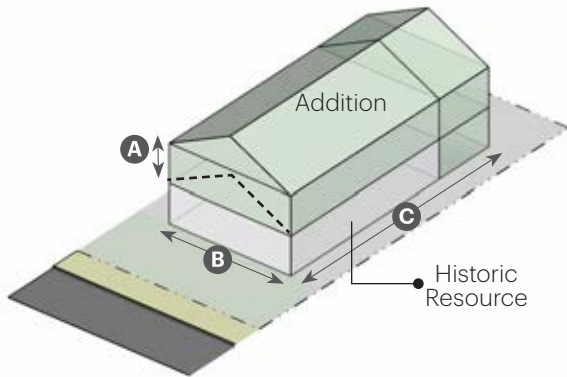
Intensification of an existing block-form historic resource with an addition on top

Minimum 10' stepback from historic facade above height of existing historic resource, or a distance determined by a Qualified Architectural Historian and/or Design Review. **A**

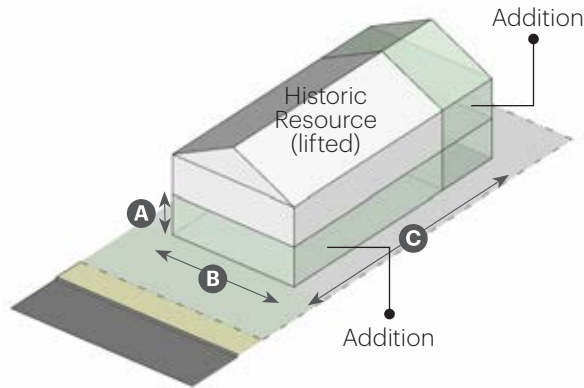
Maximum 20' height addition above existing height of historic resource. For addition greater than 20', review required from a Qualified Architectural Historian and/or Design Review. **B**

Width **C** and Depth **D** of addition.<sup>1</sup>

<sup>1</sup> New building must be in compliance with all standards of the zone, and Secretary of the Interior's Standards for Rehabilitation (SISR) #9..



Intensification with an addition on top



Intensification by lifting up resource and constructing below

Maximum 10' height addition above existing height of historic resource. For addition greater than 10', review required from a Qualified Architectural Historian and/or Design Review. **A**

Width **B** and Depth **C** of addition.<sup>1</sup>

<sup>1</sup> New building must be in compliance with all standards of the zone, and Secretary of the Interior's Standards for Rehabilitation (SISR) #9.



## Division 3.3 Frontage Standards

### 3.3.010 Purpose

This Section sets forth standards applicable to all frontages. Frontages are the components of a building that provide the transition and interface between the public realm (street and sidewalk) and the private realm (yard or building):

- The names of the frontage types indicate their particular configuration or function and are not intended to limit uses within the associated building. For example, a porch may be used by non-residential uses including, but not limited to a restaurant or office as allowed by the zone.
- Each building shall include at least one frontage type along each street frontage or along a civic space.
- Each building may have multiple frontage types in compliance with the allowed types in DTFBC Sub-Section F (Frontages) of the zone.
- Frontage types not listed in DTFBC Sub-Section F (Frontages) of the zone are not allowed in that zone.
- Each frontage type shall be located in compliance with the facade zone per DTFBC Sub-Section C (Building Placement) of the zone.

Standards are stated for the front of a lot and are to be adjusted for side street facades in compliance with the setbacks of the zone.

### 3.3.020 Overview of Frontage Types

DTFBC Table 3.3.020.B (Frontage Types Overview) provides a summary of the allowed frontage types.

Each Frontage Type is allowed in more than one zone. For the purpose of clarity, the individual zones (e.g. T4N 30/40) are coordinated by their grouping (e.g. T4 Neighborhood). This Division uses these groupings to identify the allowed types in each zone and standards. See DTFBC Table 3.3.020.A (Zone Groupings).

Table 3.3.020.A Zone Groupings				
	Zone	Key	Sub-Zone	Key
T4 Neighborhood	T4N 30/40	<b>T4N</b>	T4N 40/50 Open	<b>T4N-O</b>
	T4N 40/50			
T4 Main Street	T4MS 40/50	<b>T4MS</b>	T4MS 40/50 Open	<b>T4MS-O</b>
	T4MS 40/60		T4MS 40/60 Open	
	T4MS 50/70		T4MS 50/70 Open	
	T4MS 60/80			
T5 Neighborhood	T5N 40/60	<b>T5N</b>	T5N 40/60 Open	<b>T5N-O</b>
	T5N 50/70		T5N 50/70 Open	
T5 Main Street	T5MS 70/90	<b>T5MS</b>		

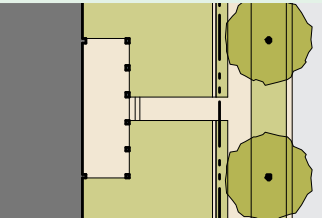
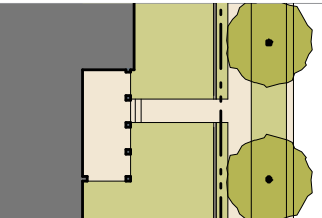

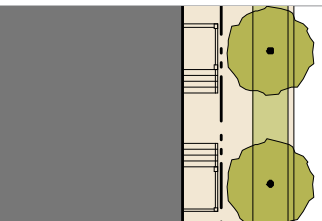
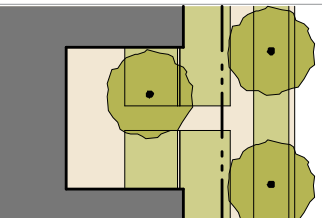

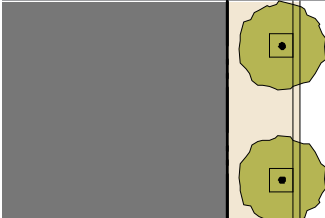
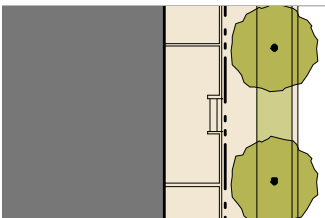

Table 3.3.020.B Frontage Types Overview										
Frontage Type	Downtown Zones									
	<p><b>Porch Projecting 3.3.030.</b> The main facade of the building is set back from the front lot line with a covered structure encroaching into the front setback. The resulting setback area can be defined by a fence or hedge to spatially maintain the edge of the street. The Porch may be one or two stories, is open on three sides, with all habitable space located behind the building setback line.</p>	<table><tr><td>T4N</td><td>T4N-O</td></tr><tr><td>T4MS</td><td>T4MS-O</td></tr><tr><td>T5N</td><td>T5N-O</td></tr><tr><td>T5MS</td><td></td></tr></table>	T4N	T4N-O	T4MS	T4MS-O	T5N	T5N-O	T5MS	
T4N	T4N-O									
T4MS	T4MS-O									
T5N	T5N-O									
T5MS										
	<p><b>Porch Engaged 3.3.040.</b> A portion of the main facade of the building is set back from the front lot line to create an area for a covered structure that projects from the facade that is set back. The Porch may project into the front setback. The resulting yard may be defined by a fence or hedge to spatially maintain the edge of the street. The Porch may be one or two stories and has two adjacent sides that are engaged to the building, while the other two sides are open.</p>	<table><tr><td>T4N</td><td>T4N-O</td></tr><tr><td>T4MS</td><td>T4MS-O</td></tr><tr><td>T5N</td><td>T5N-O</td></tr><tr><td>T5MS</td><td></td></tr></table>	T4N	T4N-O	T4MS	T4MS-O	T5N	T5N-O	T5MS	
T4N	T4N-O									
T4MS	T4MS-O									
T5N	T5N-O									
T5MS										
	<p><b>Dooryard 3.3.050.</b> The main facade of the building is set back from the front lot line, which is defined by a low wall, hedge, or other allowed screening, creating a small private area between the sidewalk and the facade. Each Dooryard is separated from adjacent Dooryards. The Dooryard may be raised or at grade.</p>	<table><tr><td>T4N</td><td>T4N-O</td></tr><tr><td>T4MS</td><td>T4MS-O</td></tr><tr><td>T5N</td><td>T5N-O</td></tr><tr><td>T5MS</td><td></td></tr></table>	T4N	T4N-O	T4MS	T4MS-O	T5N	T5N-O	T5MS	
T4N	T4N-O									
T4MS	T4MS-O									
T5N	T5N-O									
T5MS										
	<p><b>Stoop 3.3.060.</b> The main facade of the building is near the front lot line with steps to an elevated entry. The Stoop is elevated above the sidewalk to provide privacy along the sidewalk-facing rooms. Stairs or ramps from the Stoop may lead directly to the sidewalk or may be parallel to the sidewalk.</p>	<table><tr><td>T4N</td><td>T4N-O</td></tr><tr><td>T4MS</td><td>T4MS-O</td></tr><tr><td>T5N</td><td>T5N-O</td></tr><tr><td>T5MS</td><td></td></tr></table>	T4N	T4N-O	T4MS	T4MS-O	T5N	T5N-O	T5MS	
T4N	T4N-O									
T4MS	T4MS-O									
T5N	T5N-O									
T5MS										
	<p><b>Forecourt 3.3.070.</b> The main facade of the building is at or near the front lot line and a portion is set back, extending the public realm into the lot for an entry court or shared garden space for housing, or as an additional shopping or restaurant seating area within retail and service areas.</p>	<table><tr><td>T4N</td><td>T4N-O</td></tr><tr><td>T4MS</td><td>T4MS-O</td></tr><tr><td>T5N</td><td>T5N-O</td></tr><tr><td>T5MS</td><td></td></tr></table>	T4N	T4N-O	T4MS	T4MS-O	T5N	T5N-O	T5MS	
T4N	T4N-O									
T4MS	T4MS-O									
T5N	T5N-O									
T5MS										
<b>Key</b> <b>T#</b> Allowed <b>T#</b> Allowed in Open Sub-Zone <b>T#</b> Not Allowed										



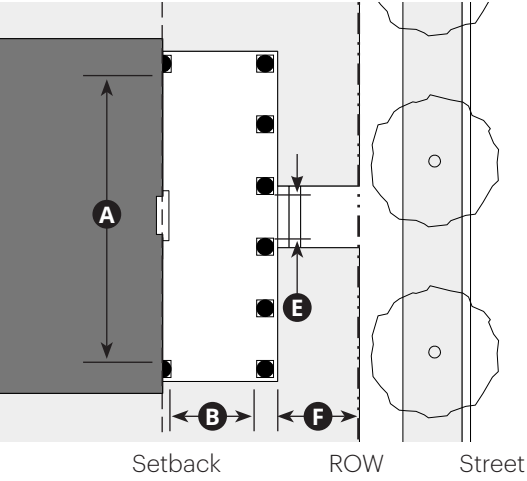
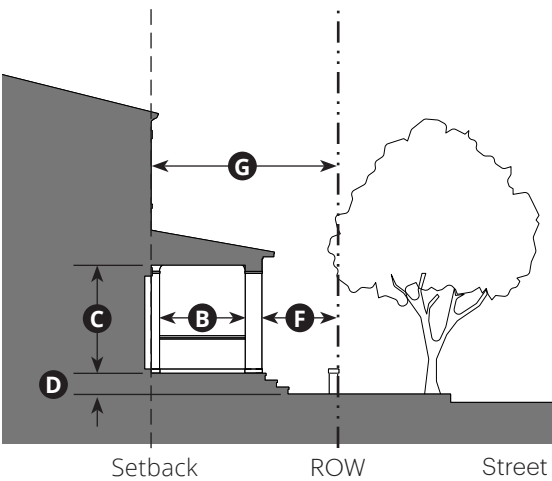
Table 3.3.020.B Frontage Types Overview (Continued)

Frontage Type		Downtown Zones	
	<b>Maker Shopfront 3.3.080.</b> The main facade of the building is at or near the front lot line with an at-grade or elevated entrance from the sidewalk. This type is only allowed on side streets from the adjacent main street and is intended for industrial artisan businesses to show their activity to people passing by on the sidewalk, as well as for retail sales of products made on-site. The Maker Shopfront may include a decorative roll-down or sliding door, including glazing and an awning that overlaps the sidewalk.	T4N	T4N-O
		T4MS	T4MS-O
		T5N	T5N-O
		T5MS	
	<b>Shopfront 3.3.090.</b> The main facade of the building is at or near the front lot line with at-grade entrance along the sidewalk. This type is intended for service, retail, or restaurant use and includes substantial glazing between the Shopfront base and the ground floor ceiling and may include an awning that overlaps the sidewalk.	T4N	T4N-O
		T4MS	T4MS-O
		T5N	T5N-O
		T5MS	
	<b>Terrace 3.3.100.</b> The main facade is at or near the front lot line with steps leading to an elevated area providing public circulation along the facade. This type is used to provide outdoor areas along the sidewalk for housing or to accommodate an existing or intended grade change for retail, service or office uses.	T4N	T4N-O
		T4MS	T4MS-O
		T5N	T5N-O
		T5MS	
	<b>Gallery 3.3.110.</b> The main facade of the building is setback from the front lot line and an at-grade covered structure, typically articulated with colonnade or arches, covers an area not in the right-of-way. This type may be one or two stories. When used in non-residential settings, the Shopfront Type is included; when used in residential settings, Stoops, Dooryards, and Forecourts are included.	T4N	T4N-O
		T4MS	T4MS-O
		T5N	T5N-O
		T5MS	
<b>Key</b>			
T#	Allowed	T#	Allowed in Open Sub-Zone
T#	Not Allowed		

3.3.030 Porch Projecting



Example is a Projecting Porch.



Key  
---- ROW/Lot Line  
----- Setback Line

A. Description

The main facade of the building is set back from the front lot line with a covered structure encroaching into the front setback. The resulting setback area can be defined by a fence or hedge to spatially maintain the edge of the street. The Porch may be one or two stories, is open on three sides, with all habitable space located behind the building setback line.

B. Size

Width, Clear	10' min.	A
Depth, Clear	6' min.	B
Height, Clear	8' min.	C
Overall Height	1 floor max. above ground floor in T4N Zones; 2 floors max. above ground floor in T5N Zones	
Finish Level above Sidewalk	12" min.	D
Pedestrian Access	3' wide min.	E
Distance between Porch and Sidewalk	6' min.	F
Depth	15' min.	G

C. Miscellaneous

Porch shall be open on three sides and have a roof. Clear glass maybe installed between the porch columns if the minimum size of individual panes is 24".

Porches are an allowable encroaching element into setbacks.

When ramps are included, Design Review is required.

T4N	T4N-O	T4MS	T4MS-O	T5N	T5N-O
T5MS					

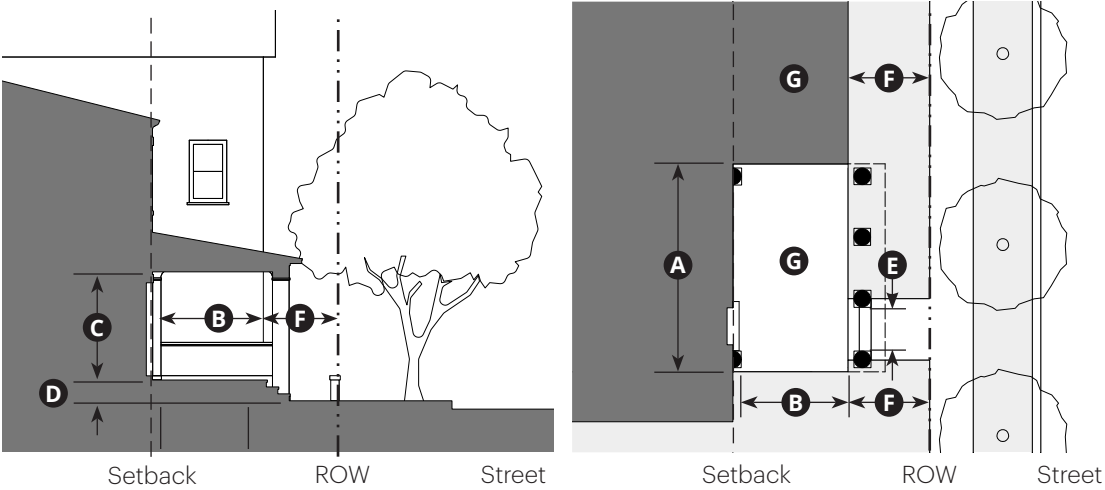
General Note: Photos on this page are illustrative, not regulatory.

Key T# Allowed T# Allowed in Open Sub-Zone T# Not Allowed

3.3.040 Porch Engaged



Example of a 2-story Engaged Porch.



**Key**  
----- ROW/ Lot Line      ----- Setback Line

A. Description

A portion of the main facade of the building is set back from the front lot line to create an area for a covered structure that projects from the facade that is set back. The Porch may project into the front setback. The resulting yard may be defined by a fence or hedge to spatially maintain the edge of the street. The Porch may be one or two stories and has two adjacent sides that are engaged to the building, while the other two sides are open.

B. Size

Width, Clear	8' min.	<b>A</b>
Depth, Clear	6' min.	<b>B</b>
Height, Clear	8' min.	<b>C</b>
Stories	3 Stories max.	
Finish Level above Sidewalk	12" min.	<b>D</b>
Pedestrian Access	3' wide min.	<b>E</b>
Distance between projected Building Facade, Porch and Sidewalk	6' min.	<b>F</b>

Up to 20% of the building facade and associated porch may project beyond the setback line into the required setback. **G**

C. Miscellaneous

Porch shall be open on two sides and have a roof. Clear glass maybe installed between the porch columns if the minimum size of individual panes is 24".

When ramps are included, Design Review is required.

<b>T4N</b>	<b>T4N-O</b>	<b>T4MS</b>	<b>T4MS-O</b>	<b>T5N</b>	<b>T5N-O</b>
<b>T5MS</b>					

General Note: Photos on this page are illustrative, not regulatory.

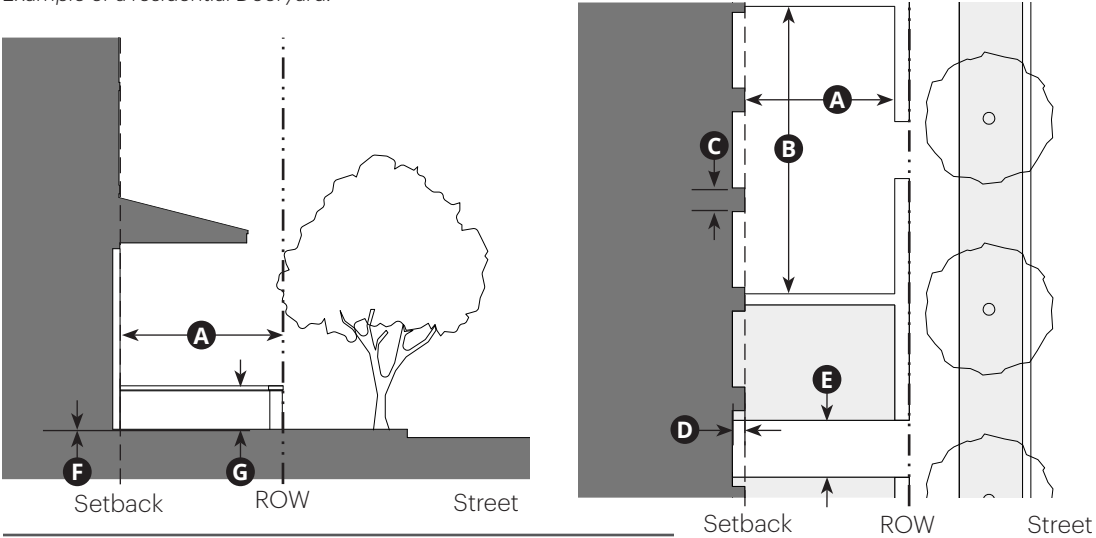
**Key** **T#** Allowed **T#** Allowed in Open Sub-Zone **T#** Not Allowed



3.3.050 Dooryard



Example of a residential Dooryard.



**Key**  
---- ROW/ Lot Line      - - - - - Setback Line

A. Description

The main facade of the building is set back from the front lot line, which is defined by a low wall, hedge, or other allowed screening, creating a small private area between the sidewalk and the facade. Each Dooryard is separated from adjacent Dooryards. The Dooryard may be raised or at grade.

B. Size

Depth, Clear	6' min.	<b>A</b>
Length	10' min.	<b>B</b>
Distance between Glazing	4' max.	<b>C</b>
Depth of Recessed Entries	3' max.	<b>D</b>
Pedestrian Access	3' wide min.	<b>E</b>
Finish Level above Sidewalk	0" min., 12" max.	<b>F</b>
Height of Dooryard Fence/ Wall above Finish Level	36" max.	<b>G</b>

C. Miscellaneous

Each Dooryard shall provide access to only one ground floor entry.

For live/ work, retail, service, and restaurant uses, the Shopfront Frontage Type is to also be applied.

<b>T4N</b>	<b>T4N-O</b>	<b>T4MS</b>	<b>T4MS-O</b>	<b>T5N</b>	<b>T5N-O</b>
<b>T5MS</b>					

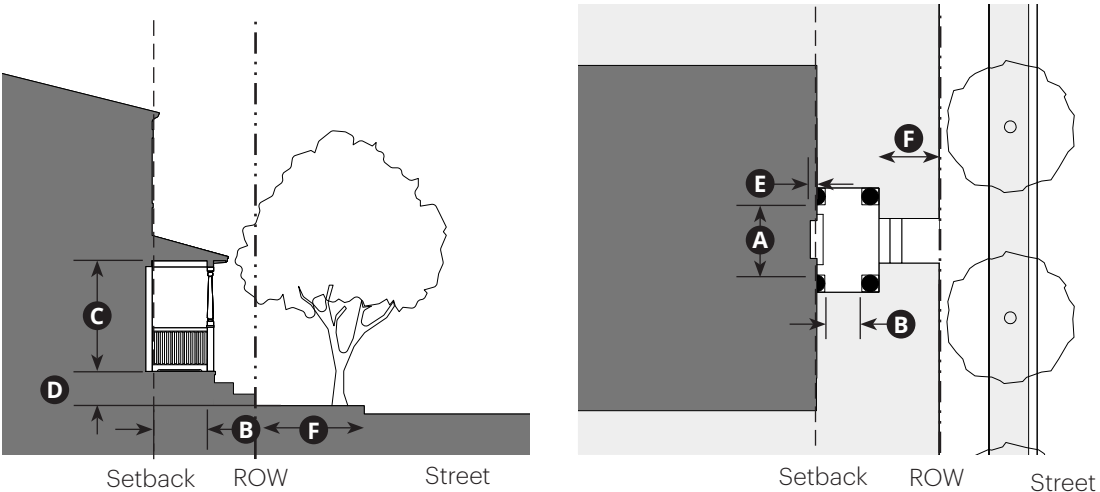
General Note: Photos on this page are illustrative, not regulatory.

**Key** **T#** Allowed **T#** Allowed in Open Sub-Zone **T#** Not Allowed

3.3.060 Stoop



Example of Stoop.



Key  
----- ROW/ Lot Line  
----- Setback Line

A. Description

The main facade of the building is near the front lot line with steps to an elevated entry. The Stoop is elevated above the sidewalk to provide privacy along the sidewalk-facing rooms. Stairs or ramps from the Stoop may lead directly to the sidewalk or may be parallel to the sidewalk.

B. Size

Width, Clear	5' min.	A
Depth, Clear	3' min.	B
Height, Clear	8' min.	C
Finish Level above Sidewalk	12" min.	D
Depth of Recessed Entry	5' max.	E
Distance between Stoop and Sidewalk	3' min.	F

C. Miscellaneous

Stairs may be perpendicular or parallel to the building facade.

Ramps shall be parallel to facade or along the side of the building.

When ramps are included, Design Review is required.

Entry doors are covered or recessed to provide shelter from the elements.

Gates are not allowed.

All doors shall face the street.

T4N	T4N-O	T4MS	T4MS-O	T5N	T5N-O
T5MS					

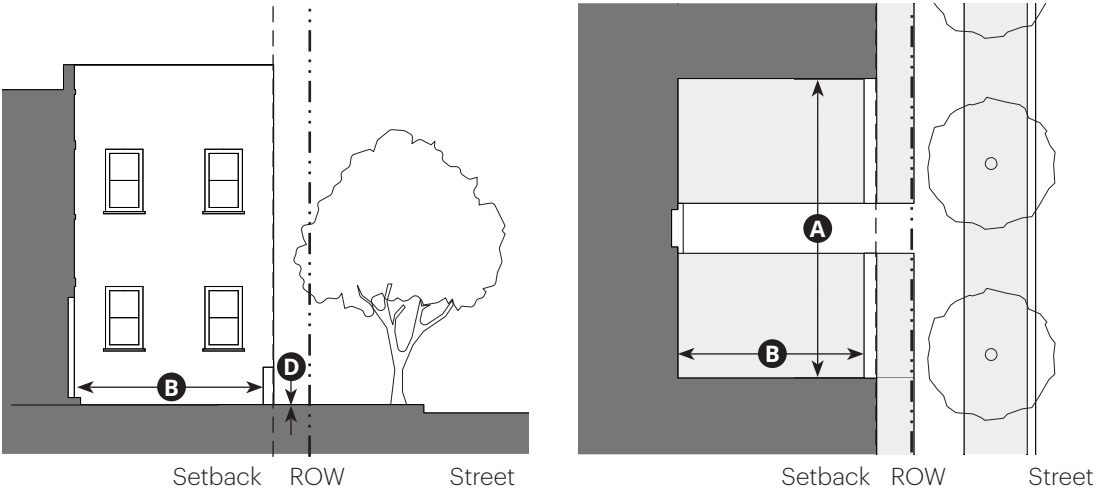
General Note: Photos on this page are illustrative, not regulatory.

Key T# Allowed T# Allowed in Open Sub-Zone T# Not Allowed

3.3.070 Forecourt



Example of a Forecourt.



**Key**  
- - - - ROW/ Lot Line  
- - - - Setback Line

A. Description

The main facade of the building is at or near the front lot line and a portion is set back, extending the public realm into the lot for an entry court or shared garden space for housing, or as an additional shopping or restaurant seating area within retail and service areas.

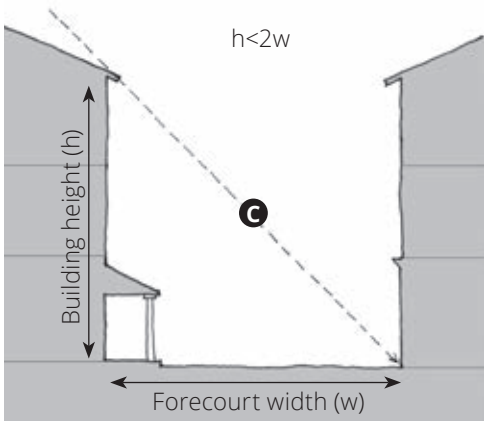
B. Size

Width, Clear	15' min.	<b>A</b>
Depth, Clear	15' min.	<b>B</b>
Ratio, Height to Width	2:1 max.	<b>C</b>
Height from Sidewalk	12" max. above Sidewalk	<b>D</b>

C. Miscellaneous

May be utilized to group several entries at a common elevation in compliance with accessibility standards.

<b>T4N</b>	<b>T4N-O</b>	<b>T4MS</b>	<b>T4MS-O</b>	<b>T5N</b>	<b>T5N-O</b>
<b>T5MS</b>					



General Note: Photos on this page are illustrative, not regulatory.

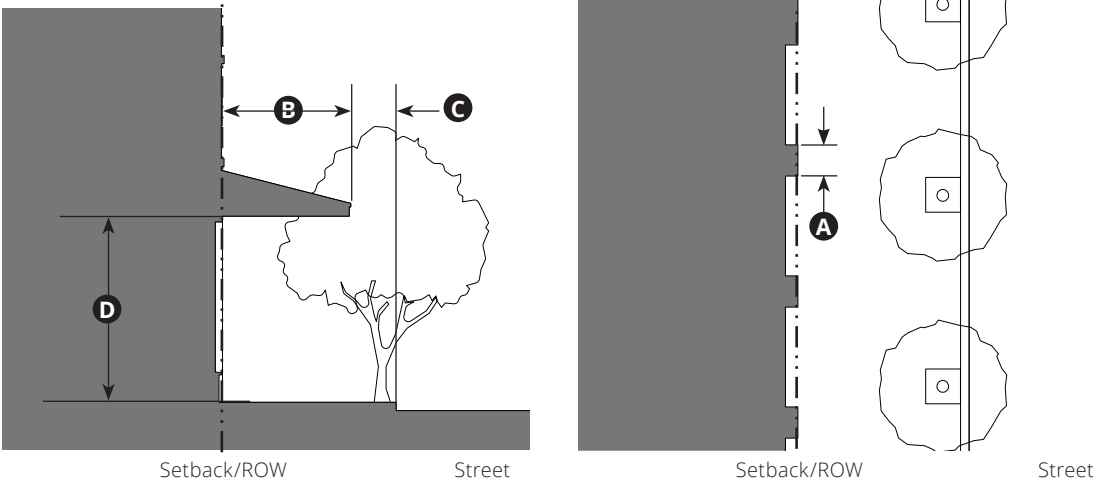
**Key** **T#** Allowed **T#** Allowed in Open Sub-Zone **T#** Not Allowed



3.3.080 Maker Shopfront



Example of a Maker Shopfront.



**Key**  
--- ROW/ Lot Line      ..... Setback Line

A. Description

The main facade of the building is at or near the front lot line with an at-grade or elevated entrance from the sidewalk. This type is only allowed on side streets from the adjacent main street and is intended for industrial artisan businesses to show their activity to people passing by on the sidewalk, as well as for retail sales of products made on-site. The Maker Shopfront may include a decorative roll-down or sliding door, including glazing and an awning that overlaps the sidewalk.

B. Size

Distance between Glazing	10' max.	<b>A</b>
Ground Floor Glazing between Sidewalk and Finished Ceiling Height	20% min.	

C. Awning

Depth	5' min.	<b>B</b>
Setback from Curb	2' min.	<b>C</b>
Height, Clear	8' min.	<b>D</b>

D. Miscellaneous

Rounded and hooped awning are not allowed.  
Decorative accordion-style doors/ windows or other operable windows that allow the space to open to the street require Director approval.

<b>T4N</b>	<b>T4N-O</b>	<b>T4MS</b>	<b>T4MS-O</b>	<b>T5N</b>	<b>T5N-O</b>
<b>T5MS</b>					

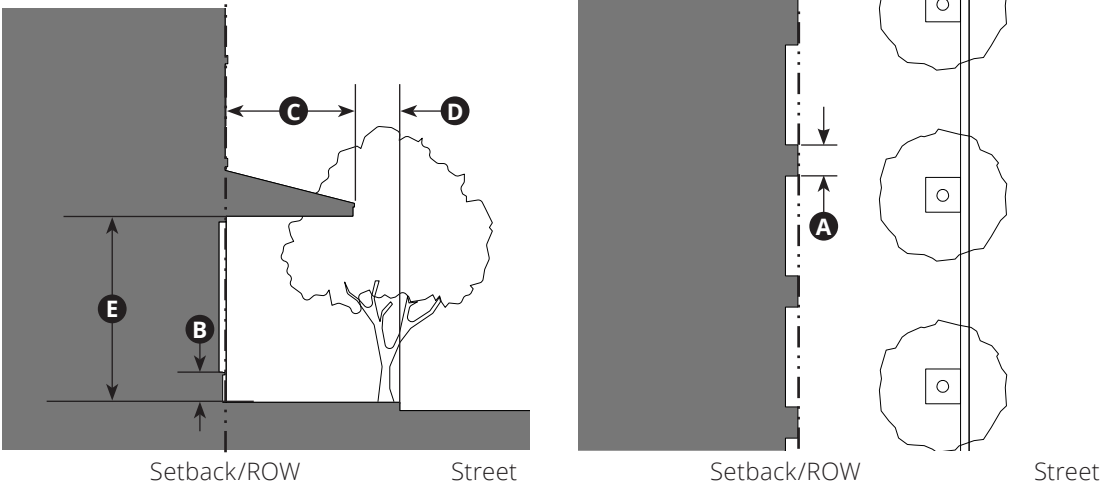
General Note: Photos on this page are illustrative, not regulatory.

<b>Key</b>	<b>T#</b> Allowed	<b>T#</b> Allowed in Open Sub-Zone	<b>T#</b> Not Allowed
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3.3.090 Shopfront



Example of Shopfronts.



**Key**  
--- ROW/ Lot Line      - - - - - Setback Line

A. Description

The main facade of the building is at or near the front lot line with at-grade entrance along the sidewalk. This type is intended for service, retail, or restaurant use and includes substantial glazing between the Shopfront base and the ground floor ceiling and may include an awning that overlaps the sidewalk.

B. Size

Distance between Glazing	3' max.	<b>A</b>
Ground Floor Glazing between Sidewalk and Finished Ceiling Height	75% min.	
Depth of Recessed Entries	5' max.	
Shopfront Base	12" min.; 30" max.	<b>B</b>

C. Awning

Depth	5' min.	<b>C</b>
Setback from Curb	2' min.	<b>D</b>
Height, Clear	8' min.	<b>E</b>

D. Miscellaneous

Mirrored or other reflective finishes, opaque, or other finishes that diminish views into views and out of the ground floor are not allowed.

Residential types of windows are not allowed.

Rounded and hooped awning are not allowed.

Decorative accordion-style doors/ windows or other operable windows that allow the space to open to the street require Director approval.

<b>T4N</b>	<b>T4N-O</b>	<b>T4MS</b>	<b>T4MS-O</b>	<b>T5N</b>	<b>T5N-O</b>
<b>T5MS</b>					

General Note: Photos on this page are illustrative, not regulatory.

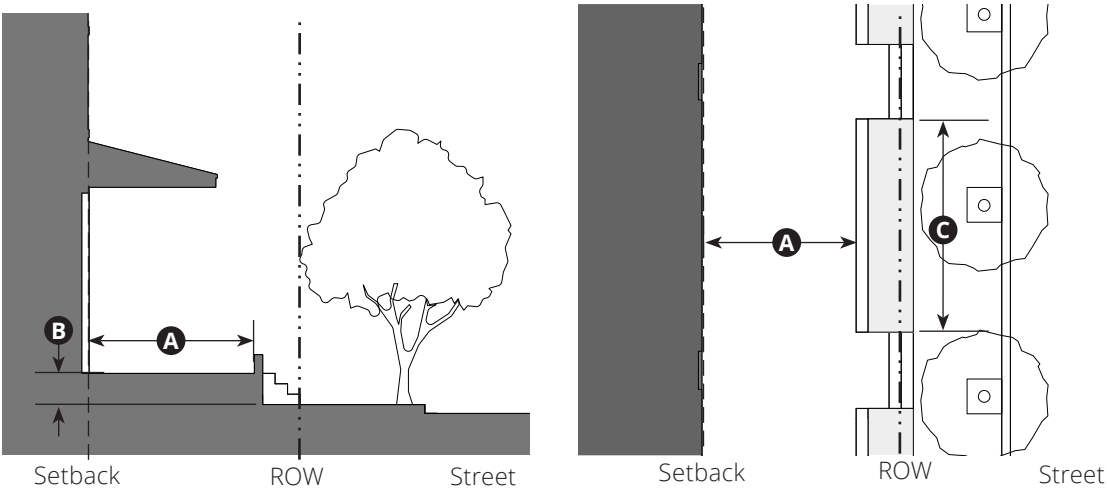
**Key** **T#** Allowed **T#** Allowed in Open Sub-Zone **T#** Not Allowed



3.3.100 Terrace



Example of a Terrace with low-wall seating.



**Key**  
--- ROW/ Lot Line      ..... Setback Line

A. Description

The main facade is at or near the front lot line with steps leading to an elevated area providing public circulation along the facade. This type is used to provide outdoor areas along the sidewalk for housing or to accommodate an existing or intended grade change for retail, service or office uses.

B. Size

Depth of Terrace	8' min. Residential 12' min. Non-residential	<b>A</b>
Finish Level above Sidewalk	36" max.	<b>B</b>
Distance between Stairs	25' max.	<b>C</b>

C. Miscellaneous

Where the zone requires the Shopfront Type, these standards are to be used with those for the Shopfront Frontage Type.

Where the frontage type requires the ground floor to be flush with the sidewalk, the terrace shall be considered to be the sidewalk.

Low walls used as seating are allowed.

May be utilized to group several entries at a common elevation in compliance with the zones' ground floor finish level standards.

<b>T4N</b>	<b>T4N-O</b>	<b>T4MS</b>	<b>T4MS-O</b>	<b>T5N</b>	<b>T5N-O</b>
<b>T5MS</b>					

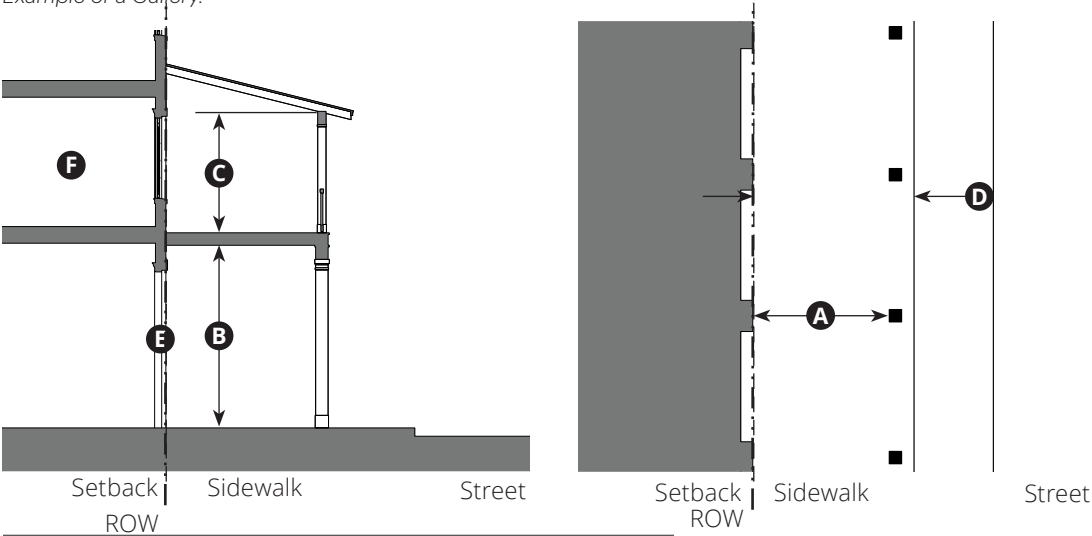
General Note: Photos on this page are illustrative, not regulatory.

**Key** **T#** Allowed **T#** Allowed in Open Sub-Zone **T#** Not Allowed

3.3.110 Gallery



Example of a Gallery.



**Key**  
---- ROW/Lot Line  
----- Setback Line

A. Description

The main facade of the building is setback at or near the front lot line and an at-grade covered structure, typically articulated with colonnade or arches, covers an area in the right-of-way. This type may be one or multiple stories. When used in non-residential settings, the Shopfront Type is included; when used in residential settings, Stoops, Dooryards, and Forecourts are included.

B. Size

Depth, Clear	8' min.	<b>A</b>
Ground Floor Height, Clear	12' min.	<b>B</b>
Roof Deck Height, Clear	9' min.	<b>C</b>
Setback from Curb	18" min.	<b>D</b>

C. Miscellaneous

Galleries shall also follow the standards for the Shopfront Frontage Type. **E**

Habitable space **F**

Roof Deck above Gallery may be covered.

Galleries shall have a consistent depth.

Galleries are allowed to project over the sidewalk in the public right-of-way.

<b>T4N</b>	<b>T4N-O</b>	<b>T4MS</b>	<b>T4MS-O</b>	<b>T5N</b>	<b>T5N-O</b>
<b>T5MS</b>					

General Note: Photos on this page are illustrative, not regulatory.

**Key** **T#** Allowed **T#** Allowed in Open Sub-Zone **T#** Not Allowed

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# Definitions

ARTICLE

# 4

# Division 4.1 Definitions

## 4.1.010 Definitions

This Section provides definitions for specialized terms and phrases used in this Article. All other applicable definitions in SRMC Chapter 14.03 (Definitions) of Title 14 (Zoning) apply.

Additional information regarding the methods and measurements for Facade Zone and Highest Top Plate is provided in DTFBC Section 4.1.030 (Measurement Methods).

### A Definitions

**Architectural Features.** Exterior building elements intended to provide ornamentation to the building, including, but not limited to: eaves, cornices, bay windows, window and door surrounds, light fixtures, canopies, and balconies.

### B Definitions

**Bay Window.** A window that projects from the building facade that begins on the ground floor and can extend to upper floors, or begin on an upper floor.

**Block Face.** The aggregate of all building facades on one side of a block. The block face provides the context for establishing architectural harmony.

**Block-Form, Building.** A building that is individually as large as a block or individual buildings collectively

arranged along a street to form a continuous facade as long as most or all of a block.

**Block Length.** The horizontal distance measured from one end of the block to the other end along the same street.

**Block Perimeter.** The aggregate of all sides of a block measured along the adjacent streets.

**Buildable Area.** The horizontal area in which a building can be constructed.

**Building Entrance.** A point of pedestrian ingress and egress to the front of a building along the sidewalk of the street immediately adjacent to the building.

**Building Envelope.** The three-dimensional shape resulting from applying all required building setbacks, maximum building height, upper floor stepbacks, and facade/ massing articulation requirements.

**Building Depth.** The horizontal distance from one end of the building to the other end measured perpendicular to the front lot line, including wings.

**Building Facade.** The exterior wall of a building adjacent to a street, or civic space, the front or side along a private street.

**Building Form.** The overall shape and dimensions of a building.



**Building Frontage.** The ground floor facade(s) parallel to and along each adjoining street and/or open space.

**Building Width.** The horizontal distance from one end of the building to the other end measured parallel to the front lot line, including wings.

### C Definitions

**Carshare Parking Space.** A parking space required to be dedicated for current or future use by a carshare service through a deed restriction, condition of approval, or license agreement. Such deed restriction, condition of approval, or license agreement shall grant priority use to any carshare service that can make use of the space, although such spaces may be occupied by other vehicles so long as no carshare organization can make use of the dedicated carshare space(s).

**Carshare Service.** A service that provides a network of motor vehicles available to rent by members by reservation on an hourly basis, or in smaller intervals.

**Ceiling Height, Ground Floor.** The height from finished floor to finished ceiling of primary rooms on the ground floor, not including secondary rooms such as bathrooms, closets, utility rooms, and storage spaces.

**Chamfered Corner.** An external wall of a building joining two perpendicular exterior walls, typically at a symmetrical, 45 degree angle creating a beveled edge to the building rather than a 90 degree corner.

**Civic.** A term defining not-for-profit organizations that are dedicated to arts, culture, education, religious activities, recreation, government, transit, and public parking facilities.

**Civic Building.** A structure operated by governmental or not-for-profit organizations and limited to civic and related uses.

**Common Space (Common Area).** A portion of a development held in common and/or single ownership and not reserved for the exclusive use or benefit of an individual tenant or owner and is available for use by all persons who reside or work in the building or on the design site.

**Community Garden (Use Type).** Land used by multiple users for the cultivation, of fruits, vegetables, plants, flowers, or herbs.

**Corner Element.** A physical distinction in a building at the corner of two streets or a street and civic space. The physical distinction is from the ground floor through a majority of the facade or through the top of the facade.

**Corner Entry.** A pedestrian entrance located on the corner of a building or lot.

**Co-working Space.** A facilitated environment which may include shared facilities but not limited to conference rooms, reception services, phones, and other business amenities. Work spaces are used by a recognized membership who share the site in order to interact and collaborate with each other as part of a community and to reduce duplicated costs by sharing facilities. The uses shall have externally observable attributes similar to uses allowed in the zone in which that they are located. Equipment is limited to those which do not generate noise or pollutants in excess of what is customary within a typical office environment. Such space located in a research & development building may use equipment consistent with research & development uses. Co-working space may be interchangeably referred to as "incubator space."

**Courtyard.** An unroofed area that is completely or partially enclosed by walls or buildings on at least two sides and often shared by multiple residential units or non-residential suites.

## D Definitions

**Depth, Ground-Floor Space.** The distance from the street-facing facade to the rear interior wall of the ground-floor space available to allowed uses.

**Depth-to-Height Ratio.** The relationship of the depth of a space measured perpendicular to a building divided by the height of the adjacent wall(s).

**Disposition, Formal.** Composed in a formal arrangement, in a regular, classical, and typically symmetrical manner.

**Disposition, Informal.** Composed in an informal character with a mix of formal and natural characteristics.

**Distance Between Entries.** The horizontal distance measured parallel to the facade between entrances to a building or buildings.

**Dooryard.** See DTFBC Section 3.3.050 (Dooryard).

**Double-Loaded, Building.** A building containing dwellings and/or commercial suites with common hallways for access to the dwellings and/or suites.

**Dormer.** A window set vertically in a structure projecting through a sloping roof.

## E Definitions

**Elevated Ground Floor.** A ground floor located above the grade plane of the adjacent sidewalk.

**Encroachment.** Any architectural feature, structure, or structural element, that breaks the plane of a vertical or horizontal regulatory limit extending into a setback, or above a height limit.

**Entry.** An opening, such as a door, passage, or gate, that allows access to a building or lot.

**Entry, Primary.** The opening that allows access to a building directly from the sidewalk along the front facade.

**Entry, Service.** An entrance located toward or at the rear of the building intended for the delivery of goods and removal of refuse.

## F Definitions

**Facade.** See Building Facade.

**Facade Zone.** The area between the minimum and maximum setback lines along the front of a lot and along the side street of a corner lot. This area is where a minimum horizontal length of the building facade is required to be placed. The maximum horizontal length of the building facade is limited by the required side setbacks. The horizontal length of the facade not required to be in the facade zone may be placed anywhere within the allowed setbacks of the zone.

**Finish Level, Ground Floor.** The height difference between the finished floor on the ground floor and the adjacent sidewalk. In the case of a terrace frontage, the floor finish level is the height of the walk above the adjacent street. Regulations for ground floor finish level for ground floor residential uses do not apply to ground floor lobbies and common areas in buildings.

**Flex Space.** A room or group of internally connected rooms designed to accommodate future commercial uses, while initially accommodating less intense short-term uses, such as residential or live/work, until the commercial demand has been established.

**Floorplate.** The square footage area measurement of either the gross or the rentable floor area of a floor in a building.

**Floorplate, Non-residential.** The square footage area measurement of a floorplate dedicated to non-residential uses.



**Floorplate, Residential.** The square footage area measurement of a floorplate dedicated to residential uses.

**Footprint, Building.** The outline of the area of ground covered by the foundations of a building or structure.

**Freestanding Wall.** A wall that is separate from a building and supported by independent means.

**Front.** See Lot Line, Front.

**Frontage, Private.** The area between the building facade and the back of the sidewalk abutting a street or civic space.

**Frontage, Public.** The area between the on-street parking and the back of the sidewalk.

**Frontage Type.** Physical element(s) configured to connect the building facade to the back of the sidewalk abutting a street or civic open space.

## G Definitions

**Gable.** A vertical wall in the shape of a triangle formed between the cornice or eave and the ridge of the roof.

**Glazing.** Openings in a building in which glass is installed.

**Gross Floor Area.** The total floor area inside the building envelope, including the external walls, but not including the roof.

## H Definitions

**Height, Number of Stories.** The number of stories in a structure allowed above adjacent finished grade. See "Story."

**Height, Overall.** The vertical distance between adjacent finished grade and the highest part of the structure directly above.

**Highest Top Plate.** The vertical distance between adjacent finished grade and the highest top plate/eave of the building.

**Historic Resource.** A building or collection of buildings that was identified in the 2019/2020 San Rafael Downtown historic survey as being previously landmarked or potentially eligible for landmarking as an individual resource, a contributing resource, or a historic district.

**House-Form, Building.** A building that is the size of a small-to-large house and detached from other buildings, typically ranging from 20 feet to as large as 80 feet overall, including wings.

## I Definitions

**Improvement.** The product of any modification to a site, structure or building.

## J Definitions

No specialized terms beginning with the letter J are defined at this time.

## K Definitions

No specialized terms beginning with the letter K are defined at this time.

## L Definitions

**Landing.** A level area at the top or bottom of a staircase or between one flight of stairs and another.

**Lot Line, Front.** The perimeter boundary of a lot along the narrow side of the lot as compared to the lot's depth. The front is typically narrower than the side and provides the physical location for the address of the lot. Exceptions to this approach are historic lots that can have front lot lines that exceed the length of the side lot lines.

### M Definitions

**Main Body.** The primary massing of the main building on a lot.

**Main Building.** The building that contains the principal use of the lot on which it is situated.

**Main Facade.** The front facade of a building.

**Major.** Having a greater size, scope, effect, characteristic or quality relative to the other corresponding sizes, scopes, effects, characteristics or qualities; or being the greater of two or more.

**Massing.** The overall shape or arrangement of the bulk or volume of a building.

**Minor.** Having a lesser size, scope, effect, characteristic or quality relative to the average size, scope, effect, characteristic or qualities; or being the lesser of two or more.

### N Definitions

No specialized terms beginning with the letter N are defined at this time.

### O Definitions

**Office Amenity Space.** Non-employee, non-traffic-generating uses that are not easily convertible to employee-generating uses such as exterior covered walkways, lobby atrium, large cafeteria and employee lounge areas, employee fitness areas, and laboratories.

**Oriel Window (Syn Upper Floor Bay Window).** A window that projects from the building facade and may extend for multiple stories.

**Overdoors.** A canopy or other small covering above an exterior door.

**Overhead Doors.** Doors constructed in horizontally hinged sections that are equipped with hardware that rolls the sections into an overhead position, clear of the opening.

### P Definitions

**Parapet.** A wall along the edge of a roof or the portion of a wall that extends above the roof line.

**Parking Driveway Width.** The horizontal measurement of an access driveway to a parking area, measured perpendicular to the direction of travel.

**Pedestrian-oriented Business.** Business located in a context that encourages people to walk instead of drive by allowing customers to park once and complete multiple transactions and visits on foot.

**Planting Strip.** A landscaped or grassy area located between the street and the adjacent sidewalk.

**Podium.** A continuous base or pedestal under a building often occupied by parking.

**Podium Top.** A flat, elevated and open area above a podium that can be used as common area or simply as the base for upper floors.

**Porch Engaged.** See DTFBC Section 3.3.040 (Porch Engaged).

**Porch Projecting.** See DTFBC Section 3.3.030 (Porch Projecting).

**Production, Artisanal.** Food and/or products made by hand.

**Public Use.** A use undertaken by a political subdivision, its agents or assigns.

### Q Definitions

No specialized terms beginning with the letter Y are defined at this time.

### R Definitions

**Rear.** Opposite of front.

**Rear Loaded (Rear Access).** Lots that provide vehicular access from the rear of the lot.

**Recessed Entry.** A building entrance that is recessed from the facade of the building.

**Regulating Plan.** The map that identifies the zoning and standards for each lot in the Plan boundaries.

### S Definitions

**Semi-Public Use.** A use owned or operated by a non-profit organization, private institution or foundation.

**Service Entries.** Building access for service activities.

**Setback, Building.** The required clear distance between a lot line and the building.

**Setback, Parking.** The required clear distance between a lot line and parking.

**Shared Parking.** Any parking spaces assigned to more than one user, where different persons utilizing the spaces are unlikely to need the spaces at the same time of day.

**Shopfront Base.** A very low wall, that does not include glass, between the display window(s) of a shopfront and the adjacent sidewalk.

**Sidewalk.** A paved area along a street intended exclusively for pedestrian use and often installed between the street and a lot.

**Single-Loaded, Building.** A building containing dwellings and/or commercial suites without common hallways for access to the dwellings and/or suites.

**Stealth Design.** The effect of integrating an element such as a cellular antenna into a building that results in the element being unobtrusive and not easily perceived from adjacent public sidewalks and civic space.

**Stoop.** See DTFBC Section 3.3.060 (Stoop).

**Story.** The portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above, the space between the floor and the ceiling above. If the finished floor level directly above a basement or cellar is more than six feet above grade for more than 50 percent of the total perimeter, such basement or cellar shall be considered a story.

- **Story, Ground.** The lowest story or the ground story of any building, the floor of which is not more than 12 inches below the average contact ground level at the exterior walls of the building.
- **Story, Mezzanine.** A story which covers one-third or less of the area of the story directly underneath it. A mezzanine story shall be deemed a full story when it covers more than one-third of the area of the story directly underneath said mezzanine story.

**Street, Front.** Street located along the front lot line.

**Street, Side.** Street located along a lot line that is not the front or the rear lot line.

**Street Frontage, Principal.** The property line of a lot parallel to and along the public right-of-way which it borders and which is identified by an officially assigned street address.

**Street Tree.** A tree of any species or size planted in open spaces, parkways, sidewalk areas, easements, and streets.

### T Definitions

**Tandem Parking.** A parking space deep enough to allow two cars to park, one behind the other.

**Transit Stop.** A location where buses stop to load and unload passengers. A transit stop sometimes includes a shelter or a dedicated platform along the sidewalk.

### U Definitions

**Understory.** The smaller trees and shrubs below the canopy of large trees.

**Upper Floor.** A floor in a building containing habitable space that is located above the ground floor.

**Urban Agriculture (Crop Production).** Areas in some form of small-scale cultivation such as row crops, orchards, or greenhouses that support nearby or on-site food businesses, including cafés and restaurants.

### V Definitions

No specialized terms beginning with the letter V are defined at this time.

### W Definitions

**Walkability.** The condition when an area pedestrian-oriented in nature, where bicycling and walking are viable daily options because services, retail and food uses are within a short walking distance of most dwellings.

**Wall Plane.** A vertical surface defined by the facade(s) of a building(s).

**Width-to-Height Ratio.** The ratio of the horizontal size of a space measured perpendicularly to the vertical height of a building.

**Wing.** A structure physically attached to, and smaller in footprint and height to, the Main Body of a building.

### X Definitions

No specialized terms beginning with the letter X are defined at this time.

### Y Definitions

No specialized terms beginning with the letter Y are defined at this time.

### Z Definitions

No specialized terms beginning with the letter Z are defined at this time.

### 4.1.020 Use Types

This Section provides definitions for specialized terms and phrases used in this Article. All other applicable definitions in SRMC Chapter 14.03 (Definitions) of Title 14 (Zoning) apply.

#### A Use Definitions

**Artisan/ Craft Production.** A facility accommodating manufacturing processes involving less intense levels of fabrication and/or production such as the assembly, fabrication, and conversion of already processed raw materials into products, where the operational characteristics of the manufacturing processes and the materials used are unlikely to cause significant impacts on surrounding land uses or the community. Examples of light manufacturing/assembly uses include:

- **Artisan/Craft Product Manufacturing.** An establishment that manufactures and/or assembles small products primarily by hand, including jewelry, pottery and other ceramics, as well as small glass and metal art and craft products, where any retail sales are incidental to the manufacturing activity.
- **Clothing and Fabric Product Manufacturing.** An establishment that assembles clothing, draperies, and/or other products by cutting and sewing purchased textile fabrics, and related materials including leather, rubberized fabrics, plastics and furs. Does not include custom tailors and dressmakers not operating as a factory and not located on the site of a clothing store - see DTFBC 4.1.020 Use Types "Personal Service". Does not include the production of textile fabrics and related materials.
- **Handcraft Industries, Small-Scale Manufacturing.** Establishments manufacturing and/or assembling small products primarily by hand, including jewelry, pottery and other ceramics, as well as small glass and

metal art and craft products, and taxidermists. Also includes manufacturing establishments producing small products not classified in another major manufacturing group, including brooms and brushes; buttons, costume novelties; jewelry; musical instruments; pens, pencils, and other office and artists' materials; sporting and athletic goods; toys; etc.

#### B Use Definitions

**Bar/ Cocktail Lounge/ Nightclub.** Brew pub and live entertainment and/or dancing without food and service. For live entertainment see SRMC Section 14.03.030 Definitions "Live Entertainment".

**Bed and Breakfast Inn.** See SRMC Section 14.03.030 Definitions "Bed and Breakfast Inn".

**Building Materials and Supplies.** Equipment rental business, hardware store, and paint store.

**Business Sales and Services.** Establishments providing direct services to consumers. Examples of these uses include employment agencies, insurance agent offices, real estate offices, travel agencies, utility company offices, elected official satellite offices, blueprint and photocopy shop, computer service, locksmith shop, office furniture sales and rental shop, printing shop, etc. This use does not include "Financial Service and Institution" which is separately defined.

#### C Use Definitions

**Community Garden.** See SRMC Section 14.03.030 Definitions "Community Garden".

#### D Use Definitions

**Day Care Center.** As defined by California Health and Safety Code Section 1596.76, any child or adult day care facility other than a family day care home, and includes

infant centers, preschools, extended day care facilities, and school age child care centers.

**Drive-Thru Service.** Facilities where food or other products may be purchased, or services may be obtained by motorists without leaving their vehicles. Examples of drive-through sales facilities include fast-food restaurants, drive-through coffee, pharmacies, bank teller windows and ATMs, dry cleaners, etc., but do not include gas station or other vehicle services.

### E Use Definitions

**Emergency Shelter for the Homeless, Temporary.** A facility that provides temporary housing on a first-come, first-served basis where clients must leave in the morning and have no guaranteed bed for the next night OR provide beds for a specific period of time, regardless of whether or not clients leave the building. Facilities that provide temporary shelter during extremely cold weather (such as churches) are also included.

### F Use Definitions

**Financial Service and Institution.** Financial institutions, including, but not limited to: banks and trust companies, credit agencies, holding (but not primarily operating) companies, lending and thrift institutions, other investment companies, securities/commodity contract brokers and dealers, security and commodity exchanges, and vehicle finance (equity) leasing agencies. Does not include check-cashing stores.

**Fitness/ Recreation Facility, Less than 2,500 sf.** Small-scale facilities, typically accommodating no more than two groups of students at a time, in no more than two instructional spaces. Examples of these facilities include: Individual and group instruction and training in the arts; production rehearsal; photography, and the processing of photographs produced only by users of the

studio facilities; martial arts training studios; gymnastics instruction, and aerobics and gymnastics studios with no other fitness facilities or equipment. Also includes production studios for individual musicians, painters, sculptors, photographers, and other artists.

**Food Service Establishment.** See SRMC Section 14.03.030 Definitions "Food Service Establishment" and "Food Service Establishment, High Volume".

**Food Service Establishments with Alcohol Sales.** The retail sale of beer, wine, and/or spirits for on-site or off-site consumption, either as part of another retail use or as a primary business activity.

**Fueling Station.** A fuel dispensing facility exclusively serving the business occupying the subject property and not involving either wholesale or retail sales of motor vehicles fuels to other individuals or businesses. A fueling station can include mini-market, and minor repair, such as tune-ups, brakes, batteries, tires, and mufflers.

### G Use Definitions

No specialized terms beginning with the letter G are defined at this time

### H Use Definitions

**Hospital/ Major Medical Facility.** See SRMC Section 14.03.030 Definitions "Hospital". It can include also extended care facility, treatment and convalescent and children's treatment facility.

**Hotel.** See SRMC Section 14.03.030 Definitions "Hotel".

### I Use Definitions

No specialized terms beginning with the letter I are defined at this time.

### J Use Definitions

No specialized terms beginning with the letter J are defined at this time.

### K Use Definitions

No specialized terms beginning with the letter K are defined at this time.

### L Use Definitions

**Live/Work.** An integrated dwelling and working space, occupied and utilized by a single household in a structure that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and which includes: Complete kitchen space and sanitary facilities in compliance with the Building Code; and Working space reserved for and regularly used by one or more occupants of the unit.

### M Use Definitions

**Medical Service.** A facility, other than a hospital, where medical, dental, mental health, surgical, and/or other personal health care services are provided on an outpatient basis. A medical office use would provide consultation, diagnosis, therapeutic, preventative or corrective treatment services by doctors, dentists, medical and dental laboratories, chiropractors, counselors, physical therapists, respiratory therapists, acupuncturists and psychiatrists, and similar practitioners of medical and healing arts for humans licensed for such practice by the state of California. Medical service uses typically require use of specialized medical equipment and medical training to evaluate, diagnose and administer treatments, medication or therapies which require a prescription (including administering oxygen or performing dialysis, and sleep diagnostics facilities); increased support staff needs; multiple patient treatment rooms; and patient waiting areas. Counseling services and other services

provided by nonmedical professionals may also be included under DTFBC 4.1.020 Use Types "Professional, Administrative."

### N Use Definitions

No specialized terms beginning with the letter N are defined at this time.

### O Use Definitions

**Office, General.** See SRMC Section 14.03.030 Definitions "Office General". It can include Professional and Administrative offices.

- **Professional, Administrative.** Office-type facilities occupied by businesses that provide professional services, or are engaged in the production of intellectual property. Examples of these uses include: Accounting, auditing and bookkeeping services, advertising agencies, attorneys, business associations, chambers of commerce, commercial art and design services, construction contractors (office facilities only), counseling services, court reporting services, design services including architecture, engineering, landscape architecture, urban planning, detective agencies and similar services, doctors, educational, scientific and research organizations, financial management and investment counseling, literary and talent agencies, management and public relations services, media post-production services, news services, photographers and photography studios, political campaign headquarters, psychologists, secretarial, stenographic, word processing, and temporary clerical employee services, security and commodity brokers, writers' and artists' offices.

### Q Use Definitions

No specialized terms beginning with the letter Q are defined at this time.



### P Use Definitions

#### **Public Park, Playground, and Recreational Facility.**

For Recreational Facility see SRMC Section 14.03.030 Definitions "Recreation Facility".

**Parking Facility, Commercial or Municipal.** See SRMC Section 14.03.030 Definitions "Parking Facility" or "Parking Area".

**Personal Service.** Establishments that provide non-medical services to individuals as a primary use. Examples of these uses include: barber and beauty shops, clothing rental, dry cleaning pick-up stores with no on-site processing, home electronics and small appliance repair, laundromats (self-service laundries), locksmiths, massage (licensed, therapeutic, non-sexual), bodywork office or establishment, nail salons, pet grooming with no boarding, shoe repair shops, tailors, tanning salons. These uses may also include accessory retail sales of products related to the services provided.

**Public and Utility Facility.** Public and utility facility such as library, museum, and other cultural facility, corporation maintenance or storage yard, pump station, utility substation storm drainage pond, water tank, utility distribution facility, etc.

### R Use Definitions

**Repairs, Major.** General repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision service including body or frame, straightening or repair, overall painting or paint shop.

**Repairs, Minor.** Incidental minor repairs to include replacement of parts and service to passenger cars, such as tune-ups, brakes, batteries, tires, mufflers and upholstery, but not including any operation defined as "automobile repair, major, or any other operation similar thereto.

**Residential Care Facility, Other.** A facility providing care and treatment in a protective living environment for persons residing voluntarily, by court placement, or under protective control of federal, State, county, or City governance including, without limitation, correctional and post-correctional facilities, juvenile detention facilities, temporary detention facilities, chronically ill tenants, domestic violence victims, outpatient clients, and developmentally disabled. It can include:

- **Nursing Home.** A health care institution other than a hospital or sheltered care home which provides inpatient or resident beds and is licensed by the State Department of Health Services as a skilled nursing facility for two or more unrelated persons. A nursing home provides services to those who need continuous care but do not require hospital care or direct daily care from a physician.
- **Sheltered Care Home.** An institutional living facility for nine –16 unrelated persons providing living facilities, sleeping rooms, and meals. The number listed does not include the operator, members of the operator's family, or persons employed by the operator as staff, except that the total number of persons living in a Sheltered Care Home shall not exceed 18. Also includes temporary or permanent residential housing and service facilities for chronically ill tenants, domestic violence victims, and outpatient clients. It includes State licensed facilities.
- **Group Home.** A residential facility for unrelated persons providing living facilities, sleeping rooms, and meals. This category does not include a home for the developmentally disabled or other institutional uses such as protective living or sheltered care facilities.

#### **Residential Care Facility, Other Small (less than 7).**

A facility less than seven providing custodial care and treatment in a protective living environment for persons residing voluntarily or by court placement including,



without limitation, correctional and post-correctional facilities, juvenile detention facilities, and temporary detention facilities.

**Residential Care Facility, Other Large (more than 7).**

Residential living facilities for seven or more occupants where residents are under protective control of federal, State, county, or City governance. It includes halfway houses, work release programs, and other similar programs. Also includes residential housing and service facilities for chronically ill tenants, domestic violence victims, outpatient clients, and developmentally disabled.

**Retail General.** Stores and shops intended to serve the City as destination retail, rather than convenience shopping. Examples of these stores and lines of merchandise include:

- Antique store, apparel store, appliance store (and ancillary repair), music and photographic supply store, auction, bicycle shop, department store, discount store, drug store and pharmacy, electronics sales (televisions, radios, computers, etc.), florist shop, furniture store and upholstery shop (and ancillary repair), plant nursery and garden supply, shoe store, sporting goods store, stamp and coin shop, swimming pool supply.
- Art galleries, retail, art supplies, including framing services; books, magazines, and newspapers, cameras and photographic supplies, clothing, shoes, and accessories, collectibles (cards, coins, comics, stamps, etc.), drug stores and pharmacies, dry goods, fabrics and sewing supplies, hobby materials; home and office electronics, jewelry, luggage and leather goods, musical instruments, parts, accessories, small wares, specialty grocery store, specialty shops; sporting goods and equipment, stationery, toys and games; variety stores, videos, DVDs, records, and CDs, including rental stores.

**S Use Definitions**

**School, Parochial, Private or Public.** Includes the following facilities:

- **Elementary, Middle, Secondary.** A public or private academic educational institution, including elementary (kindergarten through 6th grade), middle and junior high schools (7th and 8th grades), secondary and high schools (9th through 12th grades), and facilities that provide any combination of those levels. May also include any of these schools that also provide room and board. Does not include pre-schools and child day care facilities (see DTFBC 4.1.020 Use Types “Day Care Center”). See also the definition of “Studio: Art, Dance, Martial Arts, Music, etc.” for smaller-scale facilities offering specialized instruction.

**Specialized Education and Training.** A school that provides education and/or training, including tutoring, or vocational training, in limited subjects. Examples of these schools include: Art school, ballet and other dance school, business, secretarial, and vocational school, computers and electronics school, drama school, driver education school, establishments providing courses by mail, language school, martial arts, music school, professional school (law, medicine, etc.), Seminaries/religious ministry training facility

**T Use Definitions**

No specialized terms beginning with the letter T are defined at this time.

**U Use Definitions**

No specialized terms beginning with the letter U are defined at this time.

**V Use Definitions**

No specialized terms beginning with the letter V are defined at this time.

**W Use Definitions**

**Wireless Telecommunications Facilities.** Public, commercial and private electromagnetic and photoelectric transmission, broadcast, repeater and receiving stations for radio, television, telegraph, telephone, data network, and wireless communications, including commercial earth stations for satellite-based communications. Includes antennas, commercial satellite dish antennas, and equipment buildings. Does not include telephone, telegraph and cable television transmission facilities utilizing hard-wired or direct cable connections

**X Use Definitions**

No specialized terms beginning with the letter X are defined at this time.

**Y Use Definitions**

No specialized terms beginning with the letter Y are defined at this time.

**Z Use Definitions**

No specialized terms beginning with the letter Z are defined at this time.

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4.1.030 Measurement Methods

Building within Facade Zone

**Applicability.** The facade zone standards apply to new buildings and additions along the front and side street of a design site.

**Methodology.** The required amount is expressed in the zone standards as a percentage. The percentage is calculated as follows through an example for the front facade zone. The same approach is to be applied to the side street, using the minimum front and rear building setbacks.

- 1. Identify width of design site (e.g., 50') and apply required front and side building setbacks (e.g., 5' and 5').
- 2. Subtract the horizontal length between each side setback and the adjacent side design site line from the total width of the design site. The result is net buildable width of the design site (e.g., 40').
- 3. Multiply the required minimum percentage in the zone standards (e.g., 50%) by the net buildable width of the design site (e.g., 50').
- 4. The result is the minimum length, in feet, of building facade that shall be placed in or abutting the facade zone (e.g., 20').
- 5. See DTFBC Figure 4.1.030.B (Applying the Required amount to the Facade Zone) for examples that are consistent with the intent of this standard.

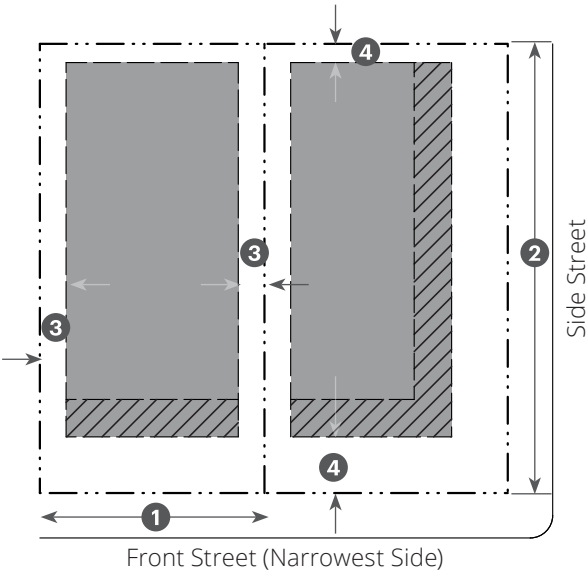


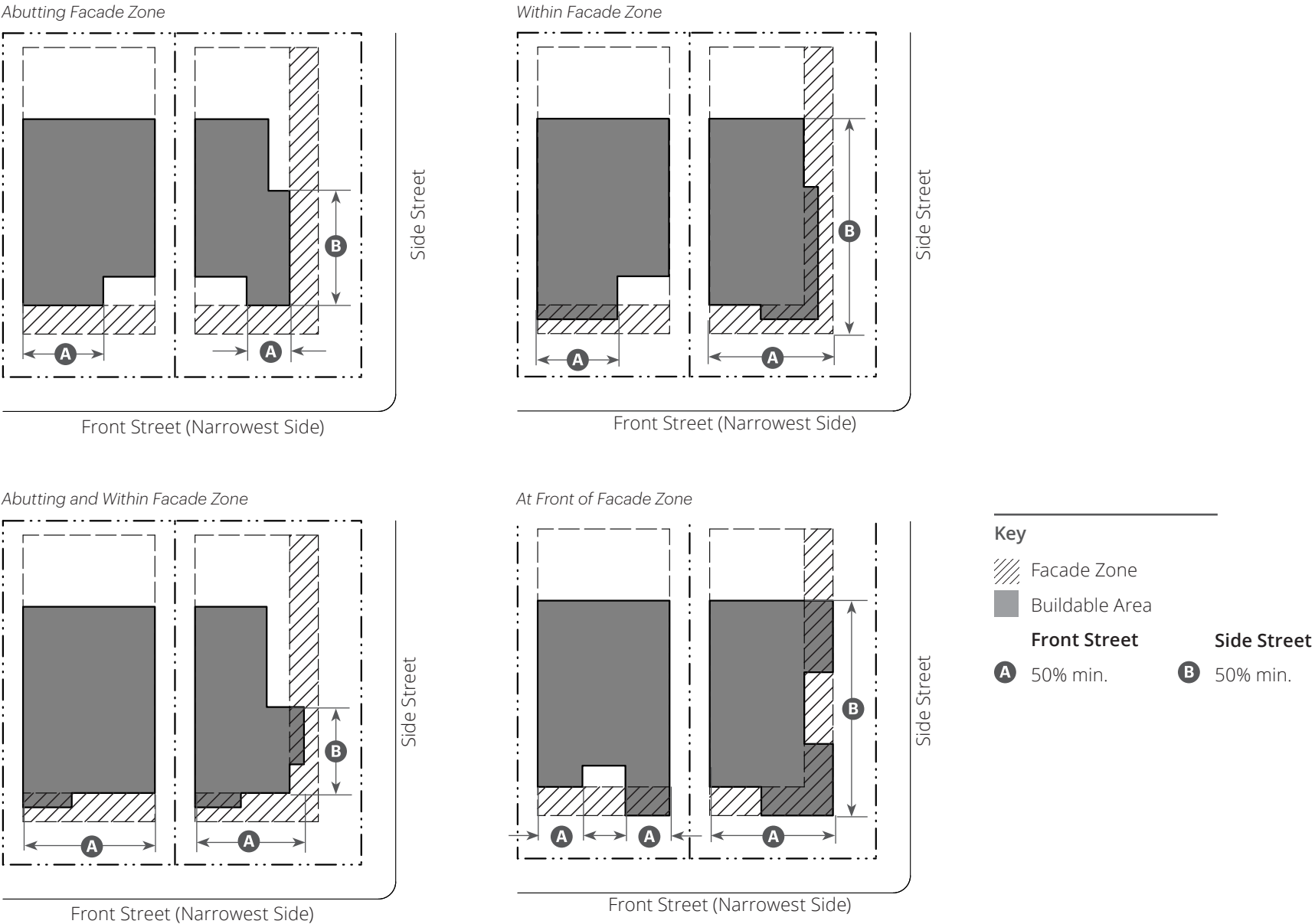
Figure 4.1.030.A Determining the Required Amount Subject to the Facade Zone

Table 4.1.020.A Example Calculation	
50'	Design Site Width
- 5'	Side Setback
- 5'	Side Setback
= 40'	Net Buildable Width
40'	Net Buildable Width
x Zone Standard	(e.g., 50%)
= 20'	Required In or Abutting the Facade Zone

Key

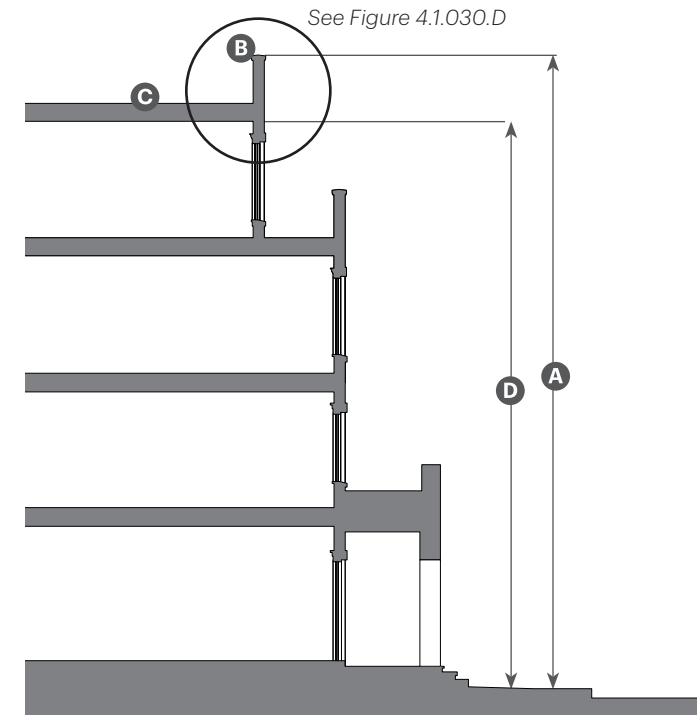
- 1 Width of Design Site
- 2 Depth of Design Site
- 3 Setback to be subtracted from Design Site Width
- 4 Setback to be subtracted from Design Site Depth

**Figure 4.1.030.B** Applying the Required amount to the Facade Zone

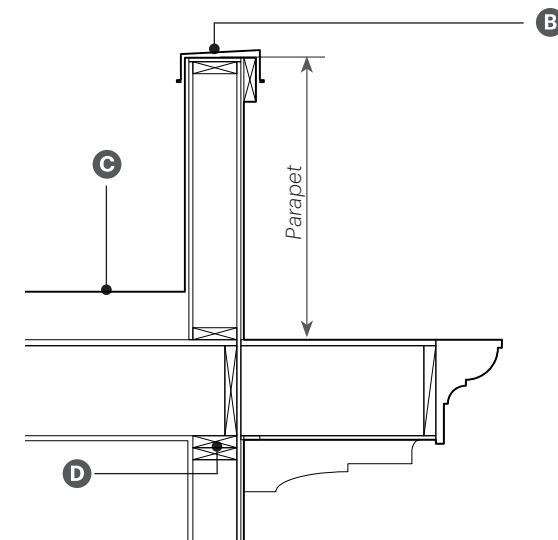


### Highest Top Plate

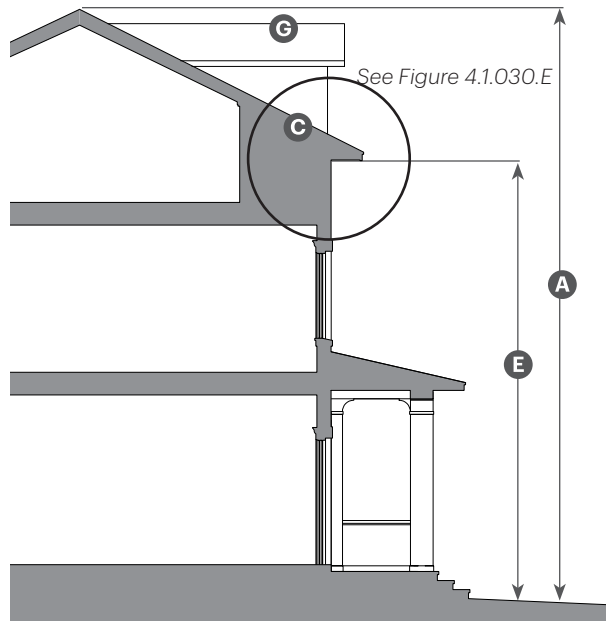
- A Height, Overall.** The vertical distance between adjacent finished grade and the highest part of the structure directly above.
- B Top of Parapet**
- C Roof Structure**
- D Highest Top Plate.** The vertical distance between adjacent finished grade and the highest top plate/eave of the building.
- For buildings with a pitched roof the measurement is to the highest eave.
  - For buildings with a parapet and flat roof, the measurement is to the highest top plate.
  - For buildings with a parapet and flat roof, the top plate of the parapet is not considered the highest top plate of the building.
- E Highest Eave Measurement.** The measurement is to bottom of the eave assembly.
- F Eave.** The edge of the roof that overhangs the face of the wall. The bottom of the eave can range from the exposed rafters to a finished horizontal surface.
- G Dormer**



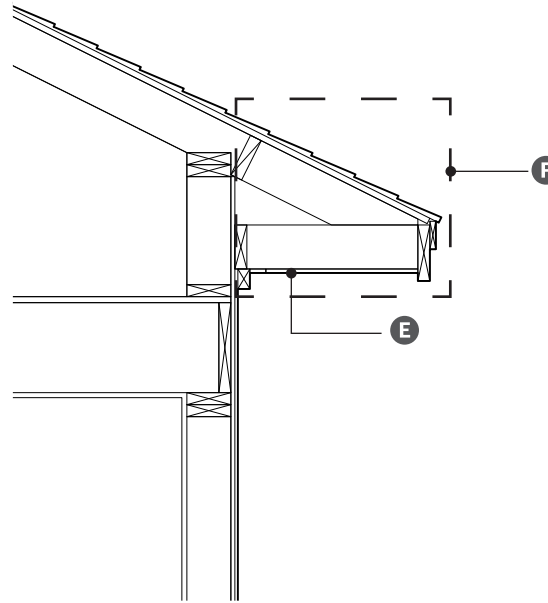
**Figure 4.1.030.C** Highest Top Plate for parapet and flat roof.



**Figure 4.1.030.D** Section detail of Highest Top Plate for parapet and flat roof.



**Figure 4.1.030.E** Highest Top Plate for pitched roof.



**Figure 4.1.030.E** Section detail of Highest Top Plate for pitched roof.





## ATTACHMENT 5: Correspondence received from June 15, 2021 forward

### West End Tree Management

Steve Thomson <[REDACTED]>

Tue 6/15/2021 8:13 PM

To: Barry Miller <Barry.Miller@cityofsanrafael.org>

Hello Barry,

Surely you have read the formal letter from Victoria regarding Tree management in the West End neighborhood and beyond. She raises common sense principles that someone in your position should heed Seriously.

The subject of tree management is critical to preserve the quality of life that myself and so many other homeowners expect from city officials. Afterall, we've made substantial lifetime investments in our respective properties and therefore have earned the right to full enjoyment as we see fit -- without obtrusive, non-sensible interference that could result from city politics.

The management of trees from Marquard Ave. to the end of Fremont Rd has particular impact on me, as the very last home on the end of Fremont Rd. Towering Redwood groves provide a canopy that cannot be replaced, and should not, as they are intrinsic to the quality of life we pay for. It's my understanding that the largest Redwoods are considered "heritage trees", and preserved for protection under State Laws. There are other Redwoods that might not meet the required height/girth, but are extremely strategic to the overall neighborhood -- including many of the points in Victoria's letter. These too should be preserved at all cost, and if anyone should determine at some point to cut one of these giants down, particularly in the right of way, Public Notice must be posted on the tree for public viewing for no less than 30-days. This effectively gives all homeowners the right to have their voices heard, with the possibility of altering decisions on removing any Redwood tree.

Other species of large trees in our neighborhood, perhaps don't require the same level of scrutiny, but still should be earmarked for public view --most notably Bay Trees that obstruct views and tend to require thinning / trimming frequently.

I would appreciate your comments to the points I've raised and please be sure they are submitted in the upcoming city hearing on topic.

Thank you,

Steve Thomson

[REDACTED]

San Rafael, CA 94901

## Tree preservation for San Rafael in the General Plan 2040

Tom Heinz [REDACTED]

Thu 6/24/2021 3:06 PM

To: Barry Miller <Barry.Miller@cityofsanrafael.org>

Dear Barry Miller,

We want to emphasize the importance of trees to us in San Rafael. We love trees, especially the redwoods. We strongly encourage you to adopt the suggestions for tree preservation and replacement submitted by Victoria DeWitt including the following from her recent letter dated June 15, 2021, to the Planning Commission regarding General Plan 2040.

"Adopt a tree ordinance to define protected and heritage trees, limit the removal of

trees of a certain size, require equivalent replacement when trees must be removed,

and establish permit requirements and procedures for tree removal and protection.

Define California redwoods (*Sequoia sempervirens*) as a protected species, along with

other native trees."

Sincerely,

Tom Heinz and Denise Van Horn

Gerstle Park residents