



SAN RAFAEL
THE CITY WITH A MISSION

Community Development Department – Planning Division

Meeting Date: June 15, 2021

Agenda Item: 2

Case Numbers: GPA16-001 & P16-13

Project Planner: Barry Miller, Consulting Project Manager (415) 485-3423

REPORT TO PLANNING COMMISSION

SUBJECT: Final Environmental Impact Report for the General Plan 2040 and the Downtown Precise Plan

- a) Resolution Recommending to the City Council Certification of the Final Environmental Impact Report (FEIR) (SCH #2019039167) Prepared for the San Rafael General Plan 2040 and Downtown San Rafael Precise Plan
- b) Report on the Upcoming Review of the San Rafael General Plan 2040 Document and the Downtown Precise Plan

EXECUTIVE SUMMARY

The City is in the final stages of adopting General Plan 2040 and the Downtown Precise Plan. The General Plan was published in October 2020 and the Downtown Precise Plan was published in December 2020. The Commission convened six hearings on the two plans between October 2020 and February 2021. The plans constitute a “project” under the California Environmental Quality Act (CEQA) and as such, a Draft Environmental Impact Report (DEIR) was prepared. The DEIR was published on January 7 and circulated for 61 days, with the comment period closing on March 9, 2021. The Planning Commission held a public hearing on the DEIR on March 9, 2021.

Staff and the consultant team have prepared a Final EIR that contains all comments received, responses to those comments, and revisions to the DEIR. At the June 15 hearing, the Planning Commission will consider a resolution confirming the adequacy of the FEIR and forwarding it to the City Council with a recommendation for adoption. A separate resolution has been prepared for the Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring Program. That resolution will be considered on June 29, concurrently with action on General Plan 2040 and the Downtown Precise Plan. A consultant presentation on the FEIR will be provided at the June 15 meeting.

Staff has completed revisions to General Plan 2040 which respond to comments received since the Plan’s publication, including input from the Planning Commission. The revisions also include the addition of CEQA mitigation measures identified by the Draft EIR. A Planning Commission resolution recommending approval of the General Plan by the City Council will be considered on June 29. A staff presentation on the proposed changes will be provided at the June 15 hearing.

Staff is finalizing revisions to the Downtown Precise Plan and will make the updated document available shortly. Adoption of the Precise Plan requires conforming amendments to the San Rafael Municipal Code. Resolutions relating to the Draft Precise Plan and Municipal Code Amendments are described in the “Summary of Resolutions” section on page 3 of this report and will be provided before the June 29 meeting.

RECOMMENDATION

It is recommended that the Planning Commission adopt the resolution recommending to the City Council Certification of the Final Environmental Impact Report (FEIR) (SCH #2019039167) prepared for the San Rafael General Plan 2040 and Downtown San Rafael Precise Plan and continue the public hearing to June 29, 2021.

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, in order to move the Plan's horizon forward 20 years to 2040. The 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 also provided funding for an updated inventory of Downtown historic resources and new recommendations for transportation, affordable housing, economic development, and climate resilience. The updated Downtown Plan (called a "Precise Plan") includes a Form-Based Code (FBC) for Downtown, which will replace existing zoning regulations. 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 (Chapters 1-9) and November 2020 (Chapters 10-14). 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.

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 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 prepared written responses to comments and made revisions to the Draft EIR in response to the comments. A Final EIR was published on May 23, 2021 and a Notice of Availability was mailed and published on May 28, 2021. The City has also prepared a Statement of Overriding Considerations, Findings of Fact, and a Mitigation Monitoring and Reporting Program, as required by CEQA.

SUMMARY OF RESOLUTIONS

This section of the staff report provides a summary of the Resolutions to be considered by the Planning Commission as part of its proceedings on General Plan 2040 and related documents. Only Resolution 2021-2 will be considered at the June 15, 2021 meeting.

Resolution 2021-2: Recommendation on Final EIR Certification (Attachment 1)¹

This resolution is included as an Attachment to this staff report since it will be considered by the Planning Commission at the upcoming June 15 meeting. The Resolution affirms the adequacy of the Final EIR for General Plan 2040 and the Downtown Precise Plan. The FEIR includes the Draft EIR, the responses to comments, and the proposed revisions to the document. The Resolution recommends that the Council adopt the Final EIR.

Resolution 2021-3: Recommendation on Council Adoption of CEQA Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring Program

This Resolution will be considered at the June 29, 2021 meeting. A Draft will be posted to the project website no later than June 18, 2021. Under the CEQA guidelines, the Findings of Fact and Statement of Overriding Consideration are required for projects that have 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 their 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” any significant environmental impacts that would result from the project.

Resolution 2021-4: Recommendation on Council Adoption of General Plan 2040

This Resolution will be considered at the June 29, 2021 meeting. A Draft will be posted to the project website no later than June 18, 2021. The Resolution recommends that the City Council adopt General Plan 2040, inclusive of the changes made since its initial publication. The Resolution describes the General Plan Update process and demonstrates that the Plan is in the public interest, would not induce unanticipated growth, and advances San Rafael’s vision for its future.

Resolution 2021-5: Recommendation on Council Adoption of the Downtown Precise Plan

This Resolution will be considered at the June 29, 2021 meeting. A Draft will be posted to the project website no later than June 18, 2021. It recommends that the City Council adopt the Downtown Precise Plan, inclusive of the changes made since its initial publication in 2020. The Resolution describes the Downtown Precise Plan process and demonstrates that the Plan is in the public interest, consistent with General Plan 2040, and promotes compatible and harmonious development.

Resolution 2021-6: Recommendation on Council Adoption of Ordinances amending the San Rafael Municipal Code

This Resolution will be considered at the June 29, 2021 meeting. A Draft will be posted to the project website no later than June 18, 2021. Changes to the Municipal Code are made by ordinance rather than by Resolution, so Resolution 2021-6 effectively serves as a “cover” for two ordinances that will need to

¹ Resolution 2021-01 is unrelated to the General Plan and was approved earlier in 2021. Thus, the numbering of the upcoming Resolutions begins with 2021-02.

be approved by the City Council to implement the Downtown Precise Plan. The Resolution is short, but it references more detailed findings in the Ordinances, which are appended and included by reference. The first ordinance covers adoption of the Form Based Code, which is Chapter 9 of the Downtown Precise Plan. The second ordinance covers adoption of conforming amendments to the Municipal Code. These amendments are needed to rescind the former Downtown zones and amend references to the former zones that appear throughout the existing Zoning regulations. Exhibits appended to the resolution use underlined and strikeout text to show the specific Code amendments that are proposed.

A number of amendments unrelated to the Precise Plan but necessary for other planning and economic development initiatives are included in the zoning amendments. These are listed in a separate Exhibit. Further information on the amendments will be provided in the June 29 staff report.

FINAL EIR

Comments and Responses

Substantive comments on the DEIR were received from the following commenters:

- *Golden Gate Bridge Highway and Transportation District (GGBHTD)*. GGBHTD's comments related to technical information on maps of the transportation network and the required width of travel lanes on bus routes in Downtown San Rafael. The Downtown Precise Plan (and associated references in the FEIR) have been revised in response to these comments.
- *Transportation Authority of Marin (TAM)*. TAM's comments requested that the City acknowledge the regional Congestion Management Program (CMP) network in San Rafael and demonstrate consistency between the City's plans and TAM's plans and service standards in the EIR. The City has revised the Draft General Plan and associated references in the FEIR in response to TAM's comments.
- *California Department of Transportation (Caltrans)*. Caltrans commended the City for adopting VMT standards and suggested that the City consider the "higher residential growth" alternative described in the EIR. In its responses to comments, the City noted that this alternative was not selected because it was not consistent with regional forecasts.
- *California Department of Fish and Wildlife (CDFW)*. CDFW provided two comment letters, both requesting that the Biological Resources section provide information on pacific herring and Winter-run chinook salmon, as well as modifications to mitigation measures for potential impacts to nesting birds. In response to this comment, changes were made to the "setting" discussion on Biological Resources and mitigation measures were amended.
- *Ragghianti and Freitas (RF)*. RF provided two comment letters. The first letter requested a modification to the Precise Plan boundary to include a single parcel at 1010 Grand Avenue (part of a cluster of three parcels under one ownership, two of which were already in the boundary). The Planning Commission considered this request on February 9 and unanimously supported the inclusion of the parcel in the boundary. The revised Precise Plan reflects this change.

The second letter addressed a parcel on C Street between Mission Street and Fifth Avenue and requested clarification on calculation of height limits, calculation of height bonuses, reductions to parking requirements, and a change to the proposed map to allow taller construction on the referenced parcel. No changes to the height limits are proposed in response to this comment, but the

process for calculating height limits on sloped sites, and for determining density bonuses, have been clarified in the Precise Plan.

- *San Rafael Heritage (SRH)*. The SRH comment letter did not directly address the contents of the Draft EIR but focused on the Precise Plan's recommendations for protecting historic buildings, incentivizing historic preservation, and reviewing applications affecting historic properties. A number of changes to the Precise Plan were made in response to these comments, and the boundaries of the eligible historic districts were adjusted.
- *Marin Audubon Society*. Audubon's comment letter focused on the Biological Resources analysis and mitigation measures, and the General Plan's policies for wetlands, creeks, wildlife and native trees. The letter also objected to the characterization of the Canalways site in the Neighborhoods Element of General Plan 2040. Audubon's letter was accompanied by an October 27, 2020 letter related to the General Plan that was also entered into the Administrative Record for the EIR. Several changes to General Plan 2040 policies were made in response to the letter, including changes to the language on Canalways and edits to the Conservation and Climate Change Element.
- *Sustainable San Rafael (SSR)*. SSR's comments addressed the DEIR finding of a Significant, Unavoidable Impact on greenhouse gas (GHG) emissions. The comment asked for clarification of differences between the GHG forecasts in the EIR and the City's 2030 Climate Change Action Plan, and further clarification of the finding itself. SSR also requested changes to General Plan 2040 programs that would further reduce GHG emissions. These changes were generally included in the revised General Plan. However, the City's CCAP does not quantify GHG reduction measures beyond Year 2030. Because the City's ability to achieve a 60 percent reduction in emissions by 2040 cannot be substantiated without an update of the CCAP through 2040, the finding of a significant unavoidable impact is retained.
- *San Rafael Rock Quarry*. Representatives of the Rock Quarry commented on the factual accuracy of information in the "setting" section of the Mineral Resources section of the DEIR. Revisions to the DEIR were made in response to the comments. A number of edits were also made to General Plan 2040 to reflect these comments.
- *Liza Wozniak*. Ms. Wozniak provided two comments—one relating to the historic status of 930 Tamalpais (the former rail depot/ Whistlestop building) and the other relating to the reliability of State CNDBB (species) data, information on spotted owl habitat, and the need for greater protection of sensitive habitat areas. The historic resource comment was addressed through revisions to the inventory report (930 Tamalpais was identified as needing further study) and the other changes were considered in revisions to the Conservation and Climate Change Element.
- *Michael Smith*. Mr. Smith requested corrections to data in the historic resources summary report regarding properties at 1504-1522 E Street. These changes were made—1504 4th Street is still identified as a potential contributing building but 1512 4th and 1518 4th are not. Both properties are no longer in an eligible historic district since the revised district boundaries now do not extend west of D Street.
- *Leslie Simons*. Ms. Simons provided extensive comments on behalf of San Rafael Heritage. The comments included corrections, clarifications, and edits to the Historic Preservation Summary Report (December 2020), which is referenced as a Technical Appendix to both the DEIR and Downtown Precise Plan. The comments address the Context Statement, the inventory summaries, maps, and the "Fact Sheets" in the report. The Historic Resources Summary Report was extensively revised in response to these comments.

- *Victoria DeWitt.* Ms. DeWitt requested clarifying edits to the Aesthetics and Geology sections of the EIR and changes to General Plan policies and programs cited as mitigating potential impacts on biological resources and geology/soils. The clarifying edits were included in revisions to the DEIR, and a number of edits to General Plan Conservation/Climate Change and Safety/Resilience policies and programs were made in response to the comments.

The Final EIR includes detailed responses to each of the comments listed above, as well as responses to administrative comments (for example, from the State Clearinghouse). It also includes responses to oral testimony received at the March 9, 2021 hearing, and responses to the questions and comments made by Commissioners at this hearing.

Revisions to Draft EIR

Revisions to the Draft EIR were made in response to public, agency, and organization comments. These include typographic corrections, non-substantive modifications, and clarifications of information in the Draft EIR. Chapter 5 of the Final EIR itemizes these changes in underlined/strikeout text. Edits to General Plan policies and programs are cited where they are germane to the DEIR comments. Edits to General Plan policies and programs made since October 2020 are generally not cited unless they are related to the comments listed above.

Mitigation Monitoring and Reporting Program (MMRP)

The Final EIR includes an MMRP that lists each mitigation measure in the DEIR, the party responsible for its implementation, the timing of the measure, the party responsible for monitoring, and the monitoring action and frequency. In most cases, the mitigation measure is to add specific language to General Plan 2040 (either a new program or modification to an existing program) that reduces the referenced impact. The revisions to General Plan 2040 completed in May 2021 incorporate all of these measures. Thus, General Plan 2040 is largely “self-mitigating” (except where significant, unavoidable impacts are identified). The mitigation measures resulted in new or strengthened programs in the Conservation and Climate Change Element (related to air quality and biological resources), the Community Design and Preservation Element (related to cultural, tribal cultural, and paleontological resources), the Safety and Resilience Element (related to geologic hazards and hazardous materials), the Noise Element (related to construction noise and vibration), and the Mobility Element (related to VMT impacts).

Historic Resources Summary Report Revisions

As noted above, San Rafael Heritage provided detailed comments on the historic resources survey prepared as part of the Downtown Precise Plan. The comments related to factual information about individual properties, building ratings that were either too high or too low, and properties that were either intentionally or unintentionally omitted from the inventory.

The historic resources survey was conducted in 2019-2020 by Garavaglia Associates. The City’s CEQA team included a different architectural historian (Tom Origer Associates) who was asked to review the San Rafael Heritage comments and evaluate the Garavaglia Associates findings. As a result of this independent third party review, the boundaries of the eligible historic districts were changed (the west district became smaller and the east district became larger). In addition, the number of “A” rated buildings (eligible as individual resources) increased by five and the number of “B” rated buildings (eligible as contributing resources) decreased by five. The number of “C” rated buildings (requiring further study) increased by 16, primarily due to the “upgrading” of properties that were deemed ineligible in the Garavaglia survey but highlighted by San Rafael Heritage in their comments.

The revised Summary Report may be reviewed at [this link](#). A track change version of the Report showing all edits may be reviewed [here](#).

Other changes to the report include revisions to the Historic Context Statement and the re-ordering of properties so that addresses on named streets appear first, followed by addresses on lettered streets, followed by addresses on numbered streets. The “Fact Sheets” were extensively revised and edited based on San Rafael Heritage’s review. Several properties were added to the data base.

Link to Final EIR

Copies of the FEIR may be downloaded at [this link](#). The link includes the main report and appendices, which include the comment letters themselves. The FEIR was posted to the City’s website on May 23, 2021 and a notice was sent to all commenters on May 28, 2021.

Findings of Fact and Statement of Overriding Considerations

As noted earlier in this staff report, the City is required to adopt specific Findings of Fact and a Statement of Overriding Considerations (SOC) for the FEIR because the project was found to have one or more significant, unavoidable impacts on the environment. The Findings will be considered at the June 29 Commission meeting.

GENERAL PLAN 2040

Summary of Comments

The City received many written comments on General Plan 2040 between October 2020 and May 2021. Comments were also received through public testimony at the Planning Commission hearings, and from the Planning Commission itself. Unlike the Draft EIR and other CEQA documents, the General Plan is not subject to a formal “Response to Comments” requirement or a specified time interval for comments. However, staff prepared written responses to each comment received. These responses were posted to the General Plan website (www.sanrafael2040.org) as they were completed.

Links to the comments and responses are provided below:

- Oral comments—and responses to those comments—received at the Planning Commission hearings in October and November 2020, and through emails and letters submitted in October and November 2020 may be reviewed [here](#).
- Oral comments—and responses to comments—received at the Planning Commission hearing in December 2020, and through emails and letters submitted between December 2020 and March 2021, may be reviewed [here](#).
- Specific comments—and responses to those comments—received from Planning Commissioners on the Draft General Plan at their hearings in October, November, and December 2020 may be reviewed [here](#). These comments are organized by General Plan chapter.

The comments and responses were used to guide revisions to General Plan 2040 in April 2021. In addition, the Draft EIR called for the addition of specific programs to the General Plan to further mitigate potential environmental impacts. A revised version of General Plan 2040 incorporating changes responding to the comments was posted to www.sanrafael2040.org in May 2021.

Summary of Changes

A summary of changes to General Plan 2040 is provided below. The October 2020 Public Review Draft General Plan itself was edited using tracked changes. The revised May 2021 Draft available for review [here](#). Links to each individual chapter are provided below. The document will be reformatted as needed once the changes are accepted in order to restore margins, photo placement, etc.

[Title, Acknowledgements, Table of Contents](#)

- A land acknowledgement statement (recognizing that San Rafael is located on the traditional lands of the Coast Miwok people) has been added to interior side of the title page.
- Miscellaneous administrative edits have been made

[Introduction](#)

- At the Commission's request, Figure 1-2 has been added showing how the General Plan relates to other city plans, including strategic plans, system plans, area plans, and implementation tools

[Framework and Guiding Principles](#)

- Additional discussion of fair housing issues is included on Page 2-7
- At the Commission's request, Page 2-15 includes an explanation of how this chapter informs the individual elements of the General Plan. A new diagram has been added showing the relationship between the "forces driving change" and each Plan element.
- At the Commission's request, Page 2-16 includes a "Call to Action" to develop an Equitable Economic Development Strategy that provides clarity on the city's economic future and addresses the relationship between economic trends, municipal finance, and the City's equity goals

[Land Use Element](#)

- The edited Plan acknowledges opportunities to repurpose vacant commercial and office uses with housing
- The tension between growth and development goals and neighborhood conservation goals is expressly acknowledged and discussed (P 3-5)
- The Downtown Mixed Use definition is amended to align with the Downtown Precise Plan (P 3-11)
- Protection of wildlife and natural resources is acknowledged as an important purpose of open space areas (P 3-14)
- Policy LU-1.8 clarifies that local density bonuses may not be added to state bonuses (P 3-24)
- Table 3-2 clarifies that height bonuses for affordable housing are only available for projects that exceed the minimum requirements set by the City's inclusionary zoning rules (with different rules applying Downtown)
- Minor editorial changes have been made to the land use policies, in response to comments from various sources

[Neighborhoods Element](#)

- The West End Neighborhood description has been edited based on input from the neighborhood. A text box citing neighborhood priorities has been added.
- The text on Canalways has been edited to acknowledge past efforts to acquire the site as open space, and remove the statement that development should be "economically viable" for the site's owners

- References to expansion of Northgate Mall and the goal of strengthening it as significant tax generator have been eliminated
- The North San Rafael and Terra Linda policies and programs have been edited to reflect input from Terra Linda Homeowners Association and North San Rafael residents. The Terra Linda narrative has been heavily edited to incorporate community input.
- Minor edits to the text on the Rock Quarry have been included

[Community Design and Preservation Element](#)

- Minor edits and corrections to Figures 5-2, 5-4, and 5-5 have been made, including replacement of Figure 5-5 with an updated map
- Policy CDP-3 on hillside protection has been strengthened (P 5-11)
- Tree preservation language (Policy CDP 3-6, P 5-19) has been strengthened
- An expanded description of the Downtown historic preservation survey has been added (P 5-26)
- Several new historic preservation programs have been added, and others have been edited, based on comments from San Rafael Heritage
- New and strengthened programs on archaeological resources have been added, per the Draft EIR mitigation measures (P 5-33)
- A policy and program on paleontological resources has been added, per the Draft EIR mitigation measures (P 5-34)

[Conservation and Climate Change Element](#)

- Wetlands text and policies have been edited in response to public comment and EIR mitigation measures (P 6-6)
- Requirements for wildlife surveys have been added, per EIR mitigation measures and public comment (Programs C-1.11A and C-1.11B, Program C-1.12A)
- Policy C-1.13 notes that avoidance of impacts is the preferred approach to conservation (P 6-17)
- Programs C-1.13D and C-1.13E have been added regarding bird safe design and avoidance of nesting birds
- Program C-1.16C (tree preservation) includes more directive language (“Revise” instead of “Consider” rules regarding tree protection)
- Program C-2.2A (protection of sensitive receptors from air quality impacts) has been rewritten to reflect an EIR mitigation measure
- Program C-4.1D, calling for electrification of building systems to reduce greenhouse gas emissions, has been strengthened
- Program C-5.1A has been added requiring updates of the Climate Change Action Plan at least once every 10 years, including goals that align with Drawdown Marin and meet or exceed State standards

[Parks, Recreation, and Open Space Element](#)

- Several minor changes to the Parks map (P 7-4), Parks inventory table (P 7-5), and Open Space map (P 7-21) have been made

[Safety and Resilience Element](#)

- Minor editorial changes have been made throughout the chapter in response to public comments, including edits to Program S-1.2B (Hazard Maps) and S-2.1B (Geotechnical Review)

- Programs S-5.4C and S-5.4D have been added, per the EIR mitigation measures. The programs address requirements for development on formerly contaminated sites.

Noise Element

- The text acknowledges that the noise contour diagrams are generated by a simulation model and more detailed noise surveys should be done when development is proposed
- Program N-1.1A has been edited to align with Table 9-2 regarding maximum outdoor noise levels
- Program N-1.9B has been edited to incorporate DEIR mitigation measures on construction noise
- Program N-1.11A has been edited to incorporate DEIR mitigation measures on vibration

Mobility Element

- Chart 10-4 has been added showing the place of work for employed San Rafael residents
- Components of the regional Congestion Management Program (CMP) network in San Rafael are acknowledged (P 10-7)
- The discussion of Transportation Analysis Guidelines has been updated to note that draft guidelines have been prepared (P 10-21)
- Several cross-references to related policies and programs have been added throughout the chapter
- Minor edits to policies and programs are included
- Program M-3.3A has been edited to reflect an EIR mitigation measure (update the Trip Reduction Ordinance)
- Impacts of remote work and other trends accelerated by the pandemic are acknowledged
- Program M-3.6A on zero emission vehicles has been expanded to reflect comments on the EIR
- Policy M-7.6 has been edited to acknowledge the need to avoid future parking problems

Community Services and Infrastructure Element

- Policy CSI-2.4 has been edited to recognize the potential for expanded child care and other community services in modernized libraries
- Program CSI-3.2B recognizes National Fire Protection Association standards as a benchmark
- Page 11-14 acknowledges the recent declaration of a drought state of emergency
- Programs CSI-4.17E (community composting) and CSI-4.7F (waste to energy) have been strengthened in response to public comments on the DEIR

[Arts and Culture Element](#)

- Minor editorial changes have been made in response to public comment and Commissioner comments

[Economic Vitality Element](#)

- The introduction has been edited to reinforce the purpose of this element, acknowledge its limitations, and address the need for an Economic Development Strategy
- Point-in-time data on the local economy has been updated and reformatted so that trends over the last 16 years can be examined
- The characterization of pandemic-related impacts has been updated to reflect current conditions
- Policy EV-1.3 (Strategic Planning) and Program EV-1.3B (Equitable Economic Development Strategy) have been added in response to Commission input
- Text on the retail sector (P 13-13) has been updated to reflect Commission comments
- Text on the sales tax data shown on Page 13-18 has been edited in response to public comment
- Minor editorial changes to the policies and programs have been included

[Equity, Diversity, and Inclusion Element](#)

- Data has been added illustrating the diversity of the City's foreign-born community
- A new section has been added to P 14-7 (Planning for a Diverse Community), addressing the importance of continued dialogue on race and social justice issues, the needs of the LGBTQ community, and the needs of persons with disabilities or those facing mental health issues
- Program EDI-1.1C has been added, supporting sanctioned space for public expression, and ongoing discussions of race and equity
- Program EDI-1.4A now specifically mentions LGBTQ populations
- Program EDI-2.4A and EDI-4.6A now mention mental health services
- Policy EDI-4.7 emphasizes connecting the Canal area to the rest of the city

Appendices

A series of appendices has been developed for General Plan 2040. Most of the appendices have been posted to the General Plan website at [this link](#).

Appendix A is the [Implementation Program](#) for General Plan 2040. It includes a 72-page matrix listing every program in General Plan 2040 and identifying its timeframe, the responsible agencies, potential resources, and the specific Guiding Principles advanced by the program. This appendix is currently being updated to add key metrics for each Element.

Appendix B is the [Housing Element Technical Report](#) for the 2015-2023 Housing Element. This report will be updated in the next 12 months in preparation for the 2023-2021 Housing Element.

Appendix C includes the transportation data collected for the 2040 Plan.

Appendix D is the [Flood Risk and Sea Level Rise Adaptation Study](#) prepared by staff to provide the context for sea level rise policies and programs in the Safety and Resilience Element. Appendix E is the San Rafael [Sea Level Rise Adaptation Technical Guidance Study](#) prepared through the Department of Public Works (and a consultant) as a companion document. Appendices D and E provide the starting point for future sea level rise adaptation planning.

Appendix F provides the City's [Geotechnical Review Requirements](#). These are largely unchanged from General Plan 2020, although the Safety and Resilience Element calls for an update of these requirements.

Appendix G provides a priority list of [school recreation facilities](#) to be retained as potential open space in the event a school is declared surplus in the future. This is largely a carry-over from General Plan 2020, and it should be updated as part of the Parks Master Plan process. Similarly, Appendix H is a list of potential open space sites. It has been updated to reflect ownership and land use changes since the 2020 Plan was adopted.

Appendix I provides the detailed noise contour diagrams prepared as part of the General Plan Update. As time and budget allow, the City will prepare Appendix J, which is a glossary of terms used in General Plan 2040.

DOWNTOWN PRECISE PLAN

Summary of Comments and Changes

The City received written comments on the Downtown Precise Plan between January 2021 and March 2021. Comments were also received through public testimony at the Planning Commission hearings, and from the Planning Commission itself. Written responses to each comment were prepared and posted to the General Plan website (www.sanrafael2040.org) as they were completed.

Links to the comments and responses are provided below:

- Written comments received in January 2021, and responses to those comments, are accessible [here](#)
- Written comments received in February and March 2021, and responses to those comments, are accessible [here](#)
- Oral comments—and responses to comments—received at the Planning Commission hearings in January and February, including comments from Commissioners, may be reviewed [here](#)

Revisions to the Downtown Precise Plan are underway now and will be provided to the Planning Commission as part of the agenda packet for the June 29, 2021 Planning Commission hearing. Staff will provide a presentation at that meeting highlighting the changes. The staff report for the June 29 meeting will describe changes to the Precise Plan in the same manner that the previous section of this staff report described changes to General Plan 2040.

Zoning

Existing zoning within the Downtown Precise Plan boundary will be replaced with the Form Based Code in Chapter 9 of the Precise Plan. As noted earlier in this report, Staff has prepared Ordinances for City Council adoption that: (1) establish a new "DMU" (Downtown Mixed Use) zoning district, governed by the Chapter 9 land use regulations and design standards; and (2) rescind the existing Downtown zoning districts and make other conforming changes to the Municipal Code to reference the new DMU zone and delete references to the former zones. Additional information on these zoning changes will be provided at the June 29 meeting.

NEXT STEPS

Approval of Resolution 2021-02 on the adequacy of the Final EIR will position the Planning Commission to consider additional resolutions at its June 29 meeting. Staff aims to provide the revised Downtown Precise Plan and conforming regulations to the Municipal Code to the Planning Commission well in advance of the June 29 meeting to provide adequate time to review the contents. Once the Commission takes action on all five Resolutions, the FEIR, General Plan 2040, Downtown Precise Plan, and zoning changes will be scheduled for City Council action. This is planned for late July 2021.

ATTACHMENTS

1. Resolution 2021-02, recommending adoption of the Final EIR

Please note that numerous other attachments are referenced in this report, including the FEIR and the tracked change 2040 General Plan. Links to these documents are provided directly in the narrative above.

Additional quick links are provided below:

- [Final EIR](#)
- [Tracked Change General Plan 2040](#)

Attachment 1

RESOLUTION NO. 2021-02

RESOLUTION OF THE SAN RAFAEL PLANNING COMMISSION RECOMMENDING TO THE CITY COUNCIL CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT (FEIR) (SCH #2019039167) PREPARED FOR THE SAN RAFAEL GENERAL PLAN 2040 AND DOWNTOWN SAN RAFAEL PRECISE PLAN (CASE NOS. GPA16-001; P16-013; ZO21-003; ZC21-002; ZC21-004)

WHEREAS, 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 2020 was adopted in 2004 with a horizon year of 2020. In 2017, the City initiated a General Plan Update (San Rafael General Plan 2040) in order 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. City staff prepared and released accompanying amendments to the San Rafael Municipal Code (SRMC Title 14 – Zoning) to establish a new zoning district for Downtown, and address and incorporate the Downtown Precise Plan "form-based code;" and

WHEREAS, collectively, the San Rafael General Plan 2040 and the Downtown San Rafael Precise Plan, as well as accompanying amendments to the SRMC Title 14, Zoning are defined as a "project" under the California Environmental Quality Act (CEQA). Therefore, environmental review is required; and

WHEREAS, as the project is subject to environmental review, on November 15, 2018, in accord with Public Resources Code Sections 5097.94, 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2 and 21084.3 to specifically the directive of Assembly Bill 52 (AB 52) and Senate Bill 18 (SB 18), the Community Development Department staff sent an offer for tribal consultation to the representatives of the Federated Indians of the Graton Rancheria (Federated Indians). Tribal consultation is required for all projects that propose preparing a CEQA document. The purpose of the tribal consultation is to consult with the local tribe representatives on potential impacts to Native American places, features and objects described in the California Public Resources Code. The prescribed 30-day period was observed for the Federated Indians to respond to the offer for tribal consultation; and

WHEREAS, on March 29, 2019, the City of San Rafael issued Notice of Preparation (NOP) that announced the initiation of the EIR process and to solicit comments regarding the scope of issues to be included and studied in the EIR. The NOP provided a 30-day review period for public

comment. On April 23, 2019, the Planning Commission held an appropriately noticed public scoping hearing on the NOP. The Planning Commission directed staff to prepare an EIR for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) to address the following issues, Aesthetics, Agricultural and Forestry Resources, Air Quality, Biological Resources, Cultural and Tribal Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise and Vibration, Population and Housing, Public services and Recreation, Transportation, Utilities and Service Systems, Wildfire, and a reasonable range of alternatives to the project; and

WHEREAS, per the CEQA Guidelines, the Draft EIR (DEIR) was prepared, released, and circulated for a 61-day public review period beginning January 7, 2021 and ending March 9, 2021 (State Clearinghouse # 2019039167). The Draft EIR incorporates and is supported by technical studies and reports provided in Appendices A through I of the document; and

WHEREAS, the DEIR incorporates and assesses the Year 2040 Buildout Projections for households, residential units, total population, and employment. Further, the DEIR concludes that buildout of the Plans would result in significant, unavoidable impacts associated with Air Quality, Cultural Resources, Greenhouse Gas Emissions, and Transportation. All other significant impacts identified in the DEIR were identified to be mitigated to less-than-significant levels with implementation of mitigation measures recommended in the DEIR; and

WHEREAS, on March 9, 2021, the Planning Commission held a duly noticed public hearing to consider and accept comments on the DEIR. Based on written and oral comments received from the public on the DEIR and its own review of the DEIR, the Planning Commission directed staff to prepare a Final Environmental Impact Report (FEIR) and respond to comments received on the DEIR; and

WHEREAS, pursuant to Public Resources Code Section 21091(d)(2)(A) and CEQA Guidelines Sections 15088, 15089 and 15132, the City responded to all the environmental comments that were submitted on the DEIR during the public review period and a FEIR was completed; and

WHEREAS, on May 28, 2021, Notice of Availability for the FEIR/Response to Comments, was mailed to responsible and trustee agencies, organizations, interested persons and others including those persons and parties that provided written and oral comments on the DEIR. In addition, on May 28, 2021, Notice of Availability was published in the Marin Independent Journal; and

WHEREAS, the complete San Rafael General Plan 2040 and Downtown San Rafael Precise Plan FEIR (FEIR) is comprised of: a) San Rafael General Plan 2040 and Downtown San Rafael Precise Plan Draft EIR prepared by Placeworks, January 7, 2021; and b) FEIR/Response to Comments to Draft EIR prepared by Placeworks, May 21, 2021; and

WHEREAS, the City intends that the FEIR, and all applicable mitigation measures therein, shall be used as: a) the environmental documentation required by CEQA for adopting the San Rafael General Plan 2040 and Downtown San Rafael Precise Plan; and b) a Program EIR for all

subsequent actions required to either implement these Plans and for individual, site-specific development project review within the geographic areas covered by these Plans; and

WHEREAS, on June 15, 2021, the Planning Commission held a duly noticed public hearing on the FEIR/Response to comments and considered the FEIR along with the San Rafael General Plan 2040 and Downtown San Rafael Precise Plan, accepting all public testimony and the written report of the Community Development Department staff; and

WHEREAS, the custodian of documents which constitute the record of proceedings upon which this decision is based, is the Community Development Department;

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission hereby recommends to the City Council certification of the FEIR based upon the following findings required by CEQA Guidelines Section 15090:

1. The Final Environmental Impact Report (FEIR), which consists of the Draft Environmental Impact Report (DEIR) dated January 7, 2021, and the Response to Comments Document dated May 21, 2021 has been prepared in accordance with CEQA, including Public Resources Code Section 21083.3, and the provisions of the City of San Rafael Environmental Assessment Procedures Manual.
2. The FEIR has been prepared and completed in compliance with the California Environmental Quality Act (CEQA) Guidelines and the City of San Rafael Environmental Assessment Procedures Manual by following the appropriate format, content, technical analysis of the potential impact areas and project alternatives identified in the initially authorized scope of work. Further, all prescribed public review periods and duly noticed hearings were held for the project Notice of Preparation (NOP), Notice of Completion (NOC) for public review of the DEIR and Notice of Availability following publication of the FEIR.
3. The Planning Commission has exercised its independent judgment in evaluating the FEIR and has considered the comments received during the public review period on the DEIR.
4. The FEIR reflects the independent judgment and analysis of the City of San Rafael Community Development Department and Planning Commission. The Planning Commission has reviewed and considered all information contained in the FEIR prior to taking action on the San Rafael General Plan 2040, Downtown Precise Plan, and amendments to SRMC Title 14, Zoning finding that the FEIR:
 - a) Appropriately analyzes and presents conclusions on the impacts of the project;
 - b) Analyzes a reasonable range of alternatives to the project that could feasibly attain most of the basic objectives of the project while avoiding or substantially lessening any significant effect of the project;
 - c) Identifies or recommends mitigation measures to substantially lessen, eliminate or avoid the otherwise significant adverse environmental impacts of the project, and
 - d) Includes findings and recommendations supported by technical studies prepared by professionals experienced in the specific areas of study, and which are contained within

the document and/or made available within the project file maintained by the City of San Rafael Community Development Department, the custodian of all project documents.

5. The information contained in the FEIR is current, correct, and complete for document certification. As a result of comments submitted on the DEIR, the FEIR provides responses to comments received on the DEIR and provides clarification to and incorporates edits to the DEIR text. No significant new information has been added to the DEIR that would deprive the public of meaningful opportunity to comment upon the significant adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the City has declined to implement. Specifically, no new, significant information is presented in the FEIR that would result in, disclose, or result in following:
 - a) A new, significant environmental impact resulting from the project or a new mitigation measure needed to implement a new significant environmental impact;
 - b) A substantial increase in the severity of the impacts that were disclosed and analyzed in the DEIR;
 - c) Any new feasible project alternatives or mitigation measures considerably different from others previously analyzed that would clearly lessen significant environmental impacts of the project, but which the City refuses to adopt; and
 - d) A finding that the DEIR is so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

6. The FEIR presents factual, quantitative, and qualitative data and studies, which find and support the conclusion that the project will result in several potentially significant impacts that necessitate mitigation. At the time the City considers action on the San Rafael General Plan 2040, Downtown Precise Plan, and amendments to SRMC Title 14, Zoning, it will be necessary to make complete and detailed findings pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a). For each significant effect identified in the EIR, the City will be required to make one or more of the following findings:
 - a) That changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR; that such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and that such changes have been adopted by such other agency or can and should be adopted by such other agency;
 - b) That specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR; and
 - c) As the project would result in several significant, unavoidable impacts, findings of overriding consideration will be required. Such findings will require that the City weigh the benefits of the project with the environmental impacts that cannot be mitigated.

7. The City is taking an action to certify the FEIR for the project, recognizing it as an informational document for assessment of the project. The CEQA Guidelines recognize that an environmental document is prepared for public disclosure of potential project impacts and that

it is used as an informational document to guide decision-makers in considering project merits. Certification of the FEIR, as presented, would not result in a land use entitlement or right of development for a specific project or site. When taking action on future development projects the FEIR document must be reviewed to determine whether it adequately assesses the impacts of the project, and whether the circumstances presented in Public Resources Code section 21166, as amplified by its corresponding CEQA Guidelines Sections 15162 to 15163 are present with respect to the project to determine whether: a) a Subsequent EIR, a Supplement to the EIR, Addendum to the EIR, or a Negative Declaration will need be prepared; or b) further environmental review under CEQA is not required. Certification of the FEIR prior to consideration of and taking action on future development projects does not prejudice or bias review or actions on the proposed development project.

The foregoing Resolution was adopted at the regular meeting of the City of San Rafael Planning Commission held on the 15 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