

Additional Comments on General Plan 2040 Received between March 10 and May 31, 2021, with Staff Responses

| COMMENT | RESPONSE |
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| Letters Received | |
| Note: Key points in each letter have been summarized below. These are not verbatim excerpts from each letter. | |
| Letter from Merlone Geier, 5/27/21 | |
| <p>1. Page 10-28 (Mobility Element): Policy M-3.1 (VMT reduction)</p> <p>Taken together, Policies M-3.1 and M-3.2, and their associated programs should be read to allow the City to approve a proposed project even where CEQA review determines that the project would have a significant, unavoidable impact on Vehicle Miles Traveled (VMT). In other words, development projects may be approved even where feasible mitigation measures are insufficient to enable a project to meet adopted VMT thresholds. Standing alone, though, Policy M-3.1 could be read to limit the City's discretion in this regard. To help ensure that Policy M-3.1 is not misinterpreted, MGP proposes the following revision:</p> <p style="padding-left: 40px;"><i>Achieve State-mandated reductions in Vehicle Miles Traveled by requiring development and transportation projects to meet specific VMT metrics. In the event a proposed project does not meet these metrics, require measures to reduce the additional VMT associated with the project, consistent with thresholds approved by the City Council, <u>or require the adoption of specific overriding consideration findings before approving such a project</u></i></p> | <p>Rather than adding the qualifying language shown here, the second sentence of this policy has been deleted. The Policy now reads:</p> <p style="padding-left: 40px;"><i>Achieve State-mandated reductions in Vehicle Miles Traveled by requiring development and transportation projects to meet specific VMT metrics and implement VMT reduction measures.</i></p> <p>Policy M-3.2 already addresses mitigation for projects that do not meet the City's thresholds, and it is unnecessary to repeat that information in Policy M-3.1. Policy M-3.2 already includes program language indicating that overriding consideration findings may be made for projects with significant unavoidable VMT impacts.</p> |
| <p>2. Page 8-10 (Safety and Resilience Element): Proragm S-2.5B (Grading During the Wet Season)</p> <p>Program S-2.58 appears designed to protect against potential soil instability and sedimentation risks that can result from grading in certain areas during the wet season. However, if taken literally, the provision could be read to preclude grading citywide for roughly half the year (if the wet season is defined to run from October through April). This type of onerous restriction on grading substantially would limit the ability of builders to make continuous progress on significant redevelopment projects. Moreover, provided these projects are located off steep hillsides and away from the Bay, the prohibition would offer no corresponding public benefit, as grading during the wet season away from these locations does not present the risks addressed by this General Plan provision. Accordingly, MGP respectfully requests that General Plan 2040 allow for the City Engineer to determine on a case-by-case basis that soil instability and sedimentation risks will not be present. Where the City Engineer makes this determination, wet-</p> | <p>This change is acceptable and it has been incorporated in the May 2021 Draft.</p> |

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| <p>season grading would not be subject to the prohibition of Program S-2.58:</p> <p><i>Avoid grading during the wet season due to soil instability and sedimentation risks, unless the City Engineer determines that such risks will not be present. Require that development projects implement erosion and/or sediment control measures and runoff discharge measures based on their potential to impact storm drains, drainageways, and creeks.</i></p> | |
| <p>3. Pages 3-34, Policy LU-3.6 (Transitions Between Uses) Policy LU-3.6 requires buffers between residential and adjacent nonresidential uses. As drafted, this provision could be read not to recognize that buffers between uses oftentimes are neither feasible nor appropriate in mixed-use areas. The vibrancy of mixed-use development owes, in part, to the absence of unnecessary separation between complimentary uses, such as multifamily housing and retail. MGP, therefore, asks that the City consider revising Policy LU-3.6, as follows, to make clear that the policy should not be read to apply to mixed-use development:</p> <p><i>Outside of mixed-use developments, maintain buffers between residential uses and adjacent commercial and institutional uses. Parking lots, loading areas, trash facilities, and similar activities associated with non-residential uses should be appropriately screened.</i></p> | <p>This change is acceptable and is has been incorporated in the May 2021 Draft.</p> |
| <p>4. Page 3-21, Policy LU-1.12 (Transfer of Development Rights) Policy LU-1.12 allows for transferring development rights, density, or intensity from one property to another in two circumstances. MGP proposes adding a third permissible circumstance as follows, which is that the transfer will take place within a single project and requires a discretionary City approval and that will span multiple proposed contiguous parcels totaling over ten (10) acres.</p> <p>Our proposed addition reflects that best planning practices oftentimes are achieved where density or intensity is transferred between parcels within a large project site, regardless of whether "special circumstances" exist or a "significant public benefit" is provided. To ensure that the City would retain significant review authority over a qualifying project, we drafted our suggested addition to provide that a project may qualify under this new criterion only where it requires a discretionary City approval. We believe this modification will contribute to successful planning in San Rafael while ensuring that the City retains its review authority.</p> | <p>The TDR language in the 2040 Plan (which is carried forward in the 2020 Plan) is intended to transfer development rights from a "sending site" to a "receiving site" in order to preserve a historic resource, mitigate a natural hazard, or protect a natural resource. The policy presumes that the sending and receiving sites are not contiguous and are not in common ownership. Where the sites are contiguous and common ownership, the appropriate vehicle for transferring allowable density/ intensity is a Planned Development (PD) zoning designation. We have added a cross-reference to Policy LU-1.12 as follows:</p> <p><i>"See also Policy LU-1.15 (Planned Development), which covers modified development standards for large properties in common ownership)"</i></p> |

5. Pages 5-2, text on Organization and Relationship to Other General Plan Elements, Design Standards, and Guidelines

MGP requests a minor revision to a discussion on page 5-2 of draft General Plan 2040, to clarify that the development of "design standards" is not necessary to City approval proposed projects at Northgate Mall and its environs. Rather, such design guidelines might be used, if appropriate, to guide future redevelopment and infill there:

A similar approach can be taken at the North San Rafael Town Center, where design standards ~~will be needed~~ could be used, if appropriate, to guide future redevelopment and infill at Northgate Mall and surrounding properties.

This change is acceptable and has been incorporated. Since the statement indicates standards **could** be used (rather than **will** be used), the words "if appropriate" are implied and have not been added.