



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Community Development

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City Manager Approval: _____

TOPIC: SAN RAFAEL GENERAL PLAN 2040, DOWNTOWN PRECISE PLAN, AND ZONING ORDINANCES

SUBJECT: (1) RESOLUTION ADOPTING FINDINGS OF FACT AND A STATEMENT OF OVERRIDING CONSIDERATION FOR GENERAL PLAN 2040 AND THE DOWNTOWN PRECISE PLAN

(2) RESOLUTION ADOPTING SAN RAFAEL GENERAL PLAN 2040

(3) RESOLUTION ADOPTING DOWNTOWN PRECISE PLAN

(4) ORDINANCE AMENDING THE SAN RAFAEL MUNICIPAL CODE AMENDING TITLE 14 (ZONING ORDINANCE) AND AMENDING THE ZONING MAP OF THE SAN RAFAEL MUNICIPAL CODE TO:

A) REPEAL THE EXISTING DOWNTOWN ZONING DISTRICTS, AND REPLACE WITH DOWNTOWN MIXED-USE (DMU) DISTRICT;

B) AMEND, DELETE AND REPLACE CERTAIN ZONING PROVISIONS APPLICABLE TO DOWNTOWN SAN RAFAEL; AND

C) AMEND, DELETE AND REPLACE OTHER ZONING REGULATIONS TO COMPLY WITH STATE LAW AND INCORPORATE OTHER MINOR CHANGES, CORRECTIONS AND UPDATES

(5) ORDINANCE 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

FOR CITY CLERK ONLY

File No.: _____

Council Meeting: _____

Disposition: _____

RECOMMENDATION:

Staff recommends that the City Council approve the attached Resolutions and Ordinances related to General Plan 2040 and the Downtown Precise Plan.

EXECUTIVE SUMMARY

This is the second of two public hearings scheduled to adopt General Plan 2040, the Downtown Precise Plan, the Final EIR, and conforming amendments to the San Rafael Municipal Code. The City Council held an initial hearing on [July 19, 2021](#) and adopted a resolution certifying the Environmental Impact Report for the project at the conclusion of that hearing. The August 2nd hearing provides an additional opportunity for public comment on the remaining components of the project. These components include California Environmental Quality Act (CEQA) Findings and a Statement of Overriding Considerations, General Plan 2040, and the Downtown Precise Plan. The August 2nd hearing also includes Council consideration of ordinances amending the San Rafael Municipal Code and adopting a Form-Based Code for Downtown that implements the Precise Plan.

This staff report focuses on the specific Council actions to be taken on August 2 and related discussion and correspondence. More comprehensive information on the project is contained in the City Council's [July 19, 2021](#) staff report. The July 19 report also includes links to prior staff reports on this item.

BACKGROUND:

General Plan 2040

Every city and county in California is required to prepare a long-range, comprehensive, general plan for its future. An update of the San Rafael General Plan 2020 was initiated in 2017, moving the planning horizon forward to 2040. The update is necessary to respond to new issues, priorities, forecasts, state laws, and to incorporate recent City plans and programs. All elements of the Plan have been comprehensively updated except the Housing Element, which staff is beginning to update now (2021-2022) in accordance with a schedule set by State law. An extensive community engagement program, including a 24-member Steering Committee, accompanied this effort.

Downtown San Rafael Precise Plan (Downtown Precise Plan)

As part of the General Plan Update, the City prepared a more focused plan for Downtown San Rafael. The "Downtown Precise Plan" replaces the 1993 Downtown Vision Plan and includes strategies to accommodate future Downtown housing and employment and to strengthen Downtown San Rafael as a vital, attractive business district and neighborhood. The Precise Plan was funded by a grant from the Association of Bay Area Governments and reflects Downtown's designation as a "Priority Development Area." The Plan includes specific planning and design recommendations, as well as strategies for historic preservation, economic development, transportation, affordable housing production, and anti-displacement. It also includes a "Form Based Code" that will replace existing zoning regulations.

Environmental Impact Report

San Rafael General Plan 2040 and the Downtown Precise Plan are collectively defined as a "project" under the California Environmental Quality Act (CEQA). The project was determined to have the potential for significant effects on the environment. As required by CEQA, a Draft Environmental Impact Report (DEIR) was prepared. The DEIR evaluates the impacts of incrementally adding roughly 4,400 housing units and 4,000 jobs across the San Rafael planning area over a 20-year period, subject to the policies and standards in the General Plan and Precise Plan. The EIR identified significant,

unavoidable impacts on air quality, cultural (historic) resources, greenhouse gas emissions, and transportation. Other impacts were mitigated to “less than significant” levels by policies and programs in the two plans.

Amendments to the Municipal Code

The Downtown Precise Plan is a regulatory document as well as a policy document. Its implementation requires the adoption of two ordinances. The first amends the San Rafael Municipal Code (SRMC) and the second establishes the Precise Plan’s Form Based Code as the governing set of regulations for Downtown development. The amendments to the Municipal Code repeal existing zoning regulations for Downtown San Rafael and create a new “Downtown Mixed Use” (DMU) zoning district, corresponding to the Precise Plan area. Several other amendments are proposed to implement recent State laws.

Prior Actions

As noted in the July 19 Staff Report, the San Rafael Planning Commission convened 10 public hearings on this item between September 2020 and June 2021. The General Plan and Precise Plan were both edited and revised in response to public input and guidance from the Commission. Relevant milestones are noted below:

- On June 15, 2021, the Planning Commission approved a resolution recommending Council certification of the General Plan/ Precise Plan EIR.
- June 29, 2021, the Planning Commission approved four resolutions recommending that the Council adopt: (a) the CEQA Findings/ Statement of Overriding Considerations; (b) General Plan 2040, (c) Downtown Precise Plan, and (d) Municipal Code amendments/ Form Based Code.
- On July 19, 2021, the City Council certified the Final EIR for General Plan 2040 and the Downtown Precise Plan.

ANALYSIS:

A. Summary of the Resolutions to be considered

Three City Council resolutions accompany this staff report. They include:

[Attachment 1: Resolution adopting CEQA Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring Program¹](#)

Under the California Environmental Quality Act (CEQA) guidelines, Findings of Fact and a Statement of Overriding Consideration are required for projects that have one or more significant, unavoidable impacts on the environment. The Findings, which are essentially excerpts from the EIR, must show that changes have been incorporated into the project (by the lead agency or by another agency) to avoid or substantially lessen their significant impacts. The resolution reiterates the conclusions of the EIR and recites the mitigation measures that have been incorporated into the General Plan and Precise Plan to lessen potentially significant impacts.

The Statement of Overriding Considerations is also required to describe the social, economic, and environmental benefits that “override” the potentially significant impacts that would result from the project. This includes a finding that adopting General Plan 2040 will have more beneficial impacts on the environment than retaining the existing General Plan 2020.

¹ Resolution and Ordinance numbers will be assigned by the City Clerk’s office by meeting time.

Attachment 2: Resolution adopting San Rafael General Plan 2040

This Resolution adopts San Rafael General Plan 2040. It 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.

Attachment 3: Resolution adopting the Downtown Precise Plan

This Resolution adopts the Downtown Precise Plan. The Resolution describes the Precise Plan process and demonstrates that the Plan is in the public interest, consistent with General Plan 2040, and promotes compatible and harmonious development.

B. Summary of the Ordinances to be considered

Two ordinances, each with related exhibits, accompany this staff report. Both ordinances will require a second Council hearing for final adoption.

Attachment 4: Conforming Amendments to the SRMC

The first 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. A map of the new DMU district is included in the Ordinance as Exhibit B. All references to the former Downtown zones, which were established in 1993, are being removed from the SRMC, including related development standards, use tables, parking requirements, height limits, limits on ground floor uses, and so on.

A number of amendments unrelated to the Downtown Precise Plan also are covered by this Ordinance. These amendments are being paired with the Precise Plan amendments for efficiency's sake, as they would otherwise require a separate hearing and commitment of staff time and resources. They include:

- Implementation of Senate Bill 234 (2019), which prohibits the City from requiring a use permit for large family day care homes. Elimination of the use permit requirement removes certain limitations on day care homes serving 8-14 children. The City has been complying with SB 234 in practice but has not formalized the change in its zoning regulations.
- Extension of the time limit for zoning permits (variances, use permits, etc.) from one-year to two years, to recognize the length of time it may take to secure building permits or commence with a project, avoid the need for extensions and align the Code with the City's current practices.
- Elimination of "cannabis infused products" (an activity permitted by the zoning code in the Commercial/Office and Industrial zones) from the Use Tables, and its replacement with "cannabis manufacturing," which would be permitted only in industrial zones. This aligns the City's zoning regulations with existing State license categories and is more responsive to business needs. Additional information on this change may be found on Page 11 of the [June 29, 2021](#) Planning Commission staff report.

Attachment 5: Adoption of the Form-Based Code (FBC)

The second Ordinance adopts Chapter 9 of the Precise Plan (the Form-Based Code for Downtown) as the principal zoning regulation for Downtown San Rafael. Once adopted, the development standards, requirements, procedures, and use tables in Chapter 9 will govern future land use and development decisions within the Downtown area.

C. Issues Raised at July 19, 2021 Hearing

Public Comments

There were thirteen speakers at the July 19 hearing. Their comments are grouped into four categories and are summarized below:

- **Climate Change Measures.** There were six speakers who addressed the urgency of climate change action measures in the General Plan 2040. These speakers were generally supportive of the General Plan but expressed concern about the EIR's conclusion that greenhouse gas (GHG) emission impacts were significant and unavoidable. The speakers, who represented several organizations, encouraged the Council to act swiftly on the General Plan's GHG reduction measures in order to meet State targets. No specific text edits were requested and no further edits on this topic are proposed.
- **Baylands Corridor.** Two speakers, representing Marin Audubon and Marin Conservation League, encouraged the Council to add a Baylands Corridor designation to the General Plan 2040. Letters making this request had been submitted previously. The speakers noted that the County of Marin has such a designation on its General Plan, and that its inclusion in the City's General Plan would support broader conservation and climate-related goals. Staff responded that General Plan 2040 had been edited (in Fall 2020) to acknowledge the County's Baylands Corridor, and further noted that the City has a sea level rise adaptation overlay in the General Plan and wetlands conservation overlay in its zoning regulations that serves a complementary purpose. Staff noted that the Baylands Corridor concept could be considered as an option during sea level rise adaptation planning and concluded that it would be premature to apply the designation at this time. Further edits related to this topic are not proposed at this point.
- **Displacement and Gentrification.** Four of the speakers addressed displacement, gentrification, and homelessness issues. One speaker encouraged the Council to eliminate the Canal Opportunity Zone designation (a federal designation). Another expressed concern about segregation and poverty in the Canal area. Another suggested that the City explore partnerships to build tiny home communities and innovative affordable housing types. The fourth speaker asked how the Downtown Precise Plan addressed displacement and affordable housing production. Staff responded to these comments at the July 19 meeting, noting that many of these issues will be addressed in the upcoming Housing Element.
- **Equity, Diversity, and Inclusion.** A speaker from the Multi-Cultural Center urged the City to expand its Spanish language outreach efforts as part of the Housing Element and requested that the General Plan 2040 be translated into Spanish. Staff concurs with the need for additional Spanish language outreach and will be working with Canal Alliance and other community partners to implement a broader engagement program during the Housing Element. Staff is exploring options for translating an executive summary of the General Plan into Spanish and making this information available on the City's website.

City Council Comments

The City Council provided several comments on General Plan 2040, the Downtown Precise Plan, and the EIR at its July 19 hearing. Most of these comments were addressed at the meeting, but a few required follow-up edits. The italicized text after each bullet statement below reflect the edits made to respond specifically to those City Council comments:

- Edit General Plan 2040 to note the importance of resident actions that complement the City's actions, especially with respect to water conservation. *Page 1-13 ("Implementing and Amending*

the Plan") has been edited to add text on community member efforts to conserve water and prevent wildfires. In addition, Policies CDP-4.10 and C-3.9 have been strengthened to emphasize individual responsibilities for conserving water.

- Edit the Downtown Precise Plan to recognize the County's responsibilities with respect to homelessness, including strategies to assist unsheltered residents. *P 222 of the Precise Plan has been added to note this point. Several other edits have been made to emphasize a compassionate approach to assisting unsheltered residents and providing more permanent supportive housing. Policy EDI-4.6 in General 2040 has been edited to note the special needs of unhoused residents.*
- Edit General Plan 2040 to avoid calling out a specific non-profit/ volunteer organization as having responsibility for implementation, recognizing that the names and functions of these groups may change over time. *References to "San Rafael Heritage" in Policy CDP-5.8 and 5.10A have been changed to "local preservation advocacy groups".*

There are additional edits to the Plan (see Attachment 6), which were made following additional communication with the Mayor and individual Council members after the July 19 meeting.

D. Public Correspondence After July 19, 2021 Meeting

On July 20, the City received a request from resident Victoria DeWitt to reduce the allowable height bonus on five parcels in the West End Village. The parcels in question are located on the triangle bounded by 4th Street on the north and 2nd Street on the south, including the Shell Station, the IHOP restaurant, a barber shop, and a strip shopping center at 1815-1817 4th Street. The Downtown Precise Plan assigns a 40' height limit to these parcels, with the opportunity for a 20' height bonus for projects that include affordable housing in excess of the City's inclusionary requirements. Ms. DeWitt has requested that the maximum height bonus be reduced to 10', comparable to most other properties in the West End Village.

Staff recommends keeping the designation as proposed and invites City Council feedback on the requested change. The five parcels collectively represent 1.2 acres. Staff assigned the higher height bonus (20 feet) to these parcels, as well as adjacent parcels (the Best Buy Outlet/ former Yardbirds) to the east that were identified as Housing Opportunity sites in the 2015 Housing Element. The rationale for a 20' bonus (rather than a 10' bonus) on this block is that it is the western gateway to Downtown, has parcels that are somewhat larger than others in the West End Village, and is buffered from lower density residential areas by major roadways. It is also one of the few blocks in the West End Village without eligible historic resources. With the exception of the recently reconstructed Shell station, improvement values on these parcels are relatively low, land values are high, and there is a large amount of surface parking. The 20-foot height bonus for mixed income and affordable housing projects is an incentive for parcel aggregation and could facilitate future housing development.

Next Steps

Staff will provide a brief presentation at the August 2 meeting highlighting the correspondence received since July 19, the edits made, and the resolutions and ordinances under consideration. An opportunity for City Council discussion and further public comment on this material will be provided. Staff requests Council action on all resolutions and ordinances included as Attachments to this staff report at the August 2 meeting. If this occurs, the General Plan and Precise Plan (Chapters 1-8) would become effective immediately. The Form Based Code and other Code amendments would become effective following adoption of the ordinance, which would occur at the second meeting in August.

If minor changes to General Plan 2040, the Precise Plan, or the Code amendments are proposed on August 2, the City Council may amend the appropriate resolution/ ordinances prior to voting. If more

substantive changes are requested, Council may defer action on the resolutions/ordinances to a future meeting so that these changes can be made.

Any attachments by hyperlink to the adopted resolutions and ordinances will be updated to include the finally approved documents.

COMMUNITY OUTREACH:

As noted in the July 19 staff report, the General Plan 2040 and Downtown Precise Plan are the product of a three-year community engagement process. The Plans were also considered at 10 noticed public hearings before the Planning Commission. The July 19 and August 2 City Council public hearings were advertised in the Marin Independent Journal and also publicized with a post card notice to stakeholder, agencies, and special interest groups. Notice of these meetings was also provided to an email list of approximately 380 subscribers on July 2, 2021.

FISCAL IMPACT:

Adoption of the General Plan 2040 and Downtown Precise Plan will not have a direct fiscal impact on the City, as these are long-range policy documents. Both plans are intended to produce long-term fiscal benefits. The plans accommodate the organized, rational, and efficient growth of the city, including the creation of new businesses and jobs, sustenance of the local economy, and provision of diverse housing types. Both the General Plan and the Precise Plan support increased property values, sales tax revenues, grant eligibility, and other long-term changes that will enhance future municipal revenue. The Plans also establish funding priorities for City programs and services, provide an organizing framework for the capital improvement program, and help shape the City's annual budget. The General Plan provides the long-range perspective on making San Rafael a thriving city.

OPTIONS:

The City Council may consider the following options:

1. Adopt all resolutions and pass the ordinances to print as presented;
2. Approve a modified version of the resolutions and ordinances;
3. Approve some of the resolutions/ ordinances and defer action on others;
4. Defer action on all of the resolutions and ordinances.

RECOMMENDED ACTION:

1. Adopt Resolution Adopting Findings of Fact and a Statement of Overriding Consideration for General Plan 2040 and the Downtown Precise Plan.
2. Adopt Resolution Adopting San Rafael General Plan 2040.
3. Adopt Resolution Adopting Downtown Precise Plan.
4. Pass to print the Ordinance Amending the San Rafael Municipal Code Amending Title 14 (Zoning Ordinance) and Amending the Zoning Map of the San Rafael Municipal Code to: A) Repeal the Existing Downtown Zoning Districts, and Replace with Downtown Mixed-Use (DMU)

District; B) Amend, Delete, and Replace Certain Zoning Provisions Applicable To Downtown San Rafael; and C) Amend Delete, and Replace Other Zoning Regulations to Comply with State Law and Incorporate Other Minor Changes, Corrections, and Updates.

5. Pass to print an Ordinance 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.

ATTACHMENTS:

1. Resolution approving CEQA Findings of Fact, a Statement of Overriding Consideration, and a Mitigation Monitoring Program for General Plan 2040 and the Downtown Precise Plan
2. Resolution approving San Rafael General Plan 2040
3. Resolution approving the Downtown Precise Plan
4. Ordinance amending Title 14 of the San Rafael Municipal Code, with Exhibits A, B, and C listing Code changes
5. Ordinance adopting the Downtown Form-Based Code, including Exhibit A, the Form-Based Code
6. List of edits to General Plan 2040 and Downtown Precise Plan made since July 19, 2021
7. Correspondence

LINKS:

- [San Rafael General Plan 2040](#) (including changes through July 27, 2021)
- Downtown Precise Plan, including Form-Based Code- [Part 1](#) and [Part 2](#) (including changes through July 26, 2021)
- Draft Environmental Impact Report – [Part 1](#) and [Part 2](#)
- [Final Environmental Impact Report](#)

RESOLUTION NO.

RESOLUTION OF THE SAN RAFAEL CITY COUNCIL ADOPTING 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, the Planning Commission held a subsequent public hearing on June 29, 2021 to consider a recommendation that the City Council adopt CEQA Findings of Fact, a Statement of Overriding Considerations, and a Mitigation Monitoring Program on the Final EIR. The Planning Commission considered public testimony and unanimously approved a resolution supporting said recommendation; and

WHEREAS, the City Council certified the Final EIR on July 19, 2021; and

WHEREAS, pursuant to Public Resources Code Section 21082.1(c)(3), the City Council finds that the Final EIR reflected the City's independent judgment as the lead agency for the Project and was 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 City Council 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 City Council 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 City Council has fully reviewed, considered and evaluated all the testimony and evidence submitted in this matter and has determined that a Statement of Overriding Considerations is warranted;

NOW, THEREFORE, BE IT RESOLVED that the San Rafael City Council makes 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 adopts the Mitigation Monitoring and Reporting Program ("MMRP") as follows:

I. PROJECT DESCRIPTION

As fully described in Chapter 3 of the Final 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 Form-Based 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 Form-Based Code, which would amend San Rafael Municipal Code (“SRMC”) Title 14, Zoning. The proposed Downtown Form-Based 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 Form-Based 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

Category	Existing Conditions (2020)	Net Change (2020–2040)	Buildout Estimates (2040)
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 recommended City Council approval of the Final EIR following a public hearing on June 15, 2021. The City Council considers the Planning Commission’s recommendations on the Final EIR in taking final action on the Project.

B. CERTIFICATION OF THE FINAL EIR

In accordance with CEQA Guidelines Section 15090, on July 19, 2021 the City of San Rafael acting by and through the City Council, certified that the Final EIR was completed in compliance with CEQA. The City Council further certified that it has been presented with the Final EIR and that it reviewed and considered the information contained in the Final EIR prior to approving the Project. The City Council certifies that the Final EIR reflects its independent judgment and analysis.

C. 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 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-5.1D, 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 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 2030 Climate Change 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 City Council hereby adopts 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.

I, Lindsay Lara, Clerk of the City of San Rafael, hereby certify that the foregoing Resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of San Rafael held on Monday, the 2nd day of August 2021 by the following vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

Lindsay Lara, City Clerk

EXHIBIT A (by hyperlink): Final Environmental Impact Report

RESOLUTION NO.

**RESOLUTION OF THE SAN RAFAEL CITY COUNCIL ADOPTING
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 25 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 Economic Development and Affordable Housing; 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 3rd, 4th, and 5th 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 informational 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 General Plan and provided subsequent opportunities for public comment on this Draft at duly noticed public hearings on June 15 and June 29, 2021; and

WHEREAS, on June 15, 2021, the Planning Commission approved Resolution No. 2021-02 finding that the General Plan 2040 was completed in compliance with CEQA; that the Final EIR was 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. The Planning Commission further recommended City Council certification of the Final EIR; and

WHEREAS, on June 29, 2021, the Planning Commission approved Resolution No. 2021-03 recommending that the City Council adopt CEQA Findings of Fact, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program for General Plan 2040 and the Downtown Precise Plan; and

WHEREAS, on June 29, 2021 the Planning Commission approved Resolution No. 2021-04 recommending that the City Council adopt General Plan 2040; and

WHEREAS, on July 19, 2021, the City Council adopted a resolution certifying the Final EIR for General Plan 2040 and the Downtown Precise Plan; and

WHEREAS, 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 approved a Mitigation Monitoring and Reporting Program (MMRP) to ensure that the required FEIR mitigation measures are incorporated into the project action;

NOW, THEREFORE BE IT RESOLVED that the San Rafael City Council 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 City Council 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 provides 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; and
 - 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 any documents attached by hyperlink to this resolution will be edited as necessary following adoption to incorporate the finally-approved documents, included related addenda.

BE IT FURTHER RESOLVED that the City Council of the City of San Rafael does hereby adopt General Plan 2040 (Exhibit A).

I, Lindsay Lara, Clerk of the City of San Rafael, hereby certify that the foregoing Resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of San Rafael held on Monday, the 2nd day of August 2021 by the following vote, to wit:

AYES: COUNCILMEMBERS:
 NOES: COUNCILMEMBERS:
 ABSENT: COUNCILMEMBERS:

 Lindsay Lara, City Clerk

EXHIBIT A (by hyperlink): [San Rafael General Plan 2040](#)

RESOLUTION NO.

**RESOLUTION OF THE SAN RAFAEL CITY COUNCIL ADOPTING THE
DOWNTOWN SAN RAFAEL PRECISE PLAN (DOWNTOWN 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 (“Downtown”); and

WHEREAS, Downtown 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 is provided by a 1993 document called “Our Vision of Downtown San Rafael and Our Implementation Strategy,” (the “1993 Plan”) 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 historic resource evaluations 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 workshop at the Farmers Market in Summer 2019
- Presentations to the Planning Commission and the Citizens Advisory Committee on Economic Development and Affordable Housing
- 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 Parks 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 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 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 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, on June 29, 2021, the Planning Commission approved Resolution No. 2021-05 recommending that the San Rafael City Council adopt the Downtown Precise Plan; and

WHEREAS, on June 29, 2021, the Planning Commission approved Resolution No. 2021-07 recommending that the City Council adopt conforming amendments to the Municipal Code and adopt the Downtown Form Based Code as the zoning regulations for Downtown San Rafael; and

WHEREAS, on July 19, 2021, the City Council certified the Final EIR for General Plan 2040 and the Downtown Precise Plan;

NOW THEREFORE BE IT RESOLVED that the City Council 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 the City Council finds that:

1. The proposed 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 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 childcare, 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 any documents attached by hyperlink to this resolution will be edited as necessary following adoption to incorporate the finally-approved documents, included related addenda.

BE IT FURTHER RESOLVED that the San Rafael City Council adopts the Downtown Precise Plan (Exhibit A).

I, Lindsay Lara, Clerk of the City of San Rafael, hereby certify that the foregoing Resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of San Rafael held on Monday, the 2nd day of August 2021 by the following vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

Lindsay Lara, City Clerk

EXHIBIT A (by hyperlink): Downtown Precise Plan (Part One and Part Two)

ORDINANCE NO.

AN 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 DOWNTOWN ZONING DISTRICTS, AND REPLACE WITH DOWNTOWN MIXED-USE (DMU) DISTRICT;**
- B) AMEND, DELETE AND REPLACE CERTAIN ZONING PROVISIONS APPLICABLE TO DOWNTOWN SAN RAFAEL; AND**
- C) AMEND, DELETE AND REPLACE OTHER ZONING REGULATIONS TO COMPLY WITH STATE LAW AND INCORPORATE OTHER MINOR CHANGES, CORRECTIONS 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 A and B; and

WHEREAS, the proposed amendments to SRMC Title 14 – Zoning and Zoning Map set forth in Exhibits A and B, 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 state laws. These proposed amendments are presented in attached Exhibit C. 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 A and B are subject to environmental review. The San Rafael General Plan 2040 and 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 A and B, 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 A and B. 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 C 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 June 29, 2021, the Planning Commission held a duly noticed public hearing on the proposed amendments to the SRMC Title 14 and the Zoning Map, Exhibits A through C, accepting all public testimony and the written report of the Community Development Department. On a 4-0 vote, the Planning Commission adopted Resolution No. 2021-06 recommending City Council approval of this Draft Ordinance; and

WHEREAS, on August 2, 2021, by action of separate resolution, the City Council adopted the San Rafael General Plan 2040 and the Downtown Precise Plan; and

WHEREAS, on August 2, 2021, the City Council held a duly noticed public hearing through a public notice published the Marin Independent Journal. 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 A through C, 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 A to C:

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 the 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 implements 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; and 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 DMU District 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 facilitate 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 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 No. 2021-06, adopted June 29, 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 A through C, 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, August 2, 2021 and was ordered passed to print by the following vote, to wit:

AYES: Councilmembers:

NOES: Councilmembers:

ABSTAIN: 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 16th day of August 2021.

LINDSAY LARA, City Clerk

Exhibits:

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

EXHIBIT A
AMENDMENTS TO SAN RAFAEL MUNICIPAL CODE
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The following are 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:

Section 1. Amendments to Chapter 14.01 – TITLE, COMPONENTS AND PURPOSES

Section 1.1. Amend Section 14.01.020 – Components to amend subsection A to add new A.3 and to amend subsection B, to read as follows:

- 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.
 - 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 Community Development Department and Office of the City Clerk.

Section 1.2. 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, incorporated herein by reference.

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Section 2. Amendments to Chapter 14.02 – ORGANIZATION, APPLICABILITY AND INTERPRETATION

Section 2.1. Amend Section 14.02.030 – Applicability of land use and development regulations to read as follows:

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

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Base District Designator	Base District Name	Chapter
MR2	Multifamily Residential District (Medium Density) 2,000 sq. ft. per dwelling unit	14.04
HR1.8	Multifamily Residential District (High Density) 1,800 sq. ft. per dwelling unit	14.04
HR1.5	Multifamily Residential District (High Density) 1,500 sq. ft. per dwelling unit	14.04
HR1	Multifamily Residential District (High Density) 1,000 sq. ft. per dwelling unit	14.04
GC	General Commercial District	14.04
NC	Neighborhood Commercial District 1,800 sq. ft. per dwelling unit	14.04
O	Office District	14.05
C/O	Commercial/Office District 1,000 sq. ft. per dwelling unit	14.05
R/O	Residential/Office District 1,000 sq. ft. per dwelling unit	14.05
FBWC	Francisco Boulevard West Commercial District	14.05
DMU	Downtown Mixed Use District. See Downtown San Rafael Precise Plan Form-Based Code and Downtown Zoning map adopted by separate ordinance.	14.05
I	Industrial District	14.06
LI/O	Light Industrial/Office District	14.06

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Base District Designator	Base District Name	Chapter
CCI/O	Core Canal Industrial/Office District	14.06
LMU	Lindaro Mixed Use District	14.06
PD	Planned Development District	14.07
M	Marine District	14.08
P/QP	Public/Quasi-Public District	14.09
P/OS	Parks/Open Space District	14.10
W	Water District	14.11

Section 3. Amendments to Chapter 14.03 - DEFINITIONS

Section 3.1. Amend Section 14.03.030 – Definitions as shown below:

AMEND the definition of Downtown and the associated map to read as follows:

"Downtown" encompasses those properties and parcels within the boundaries of the Downtown Mixed Use (DMU) district. The Downtown Mixed Use district encompasses the geographic area presented on the following map:

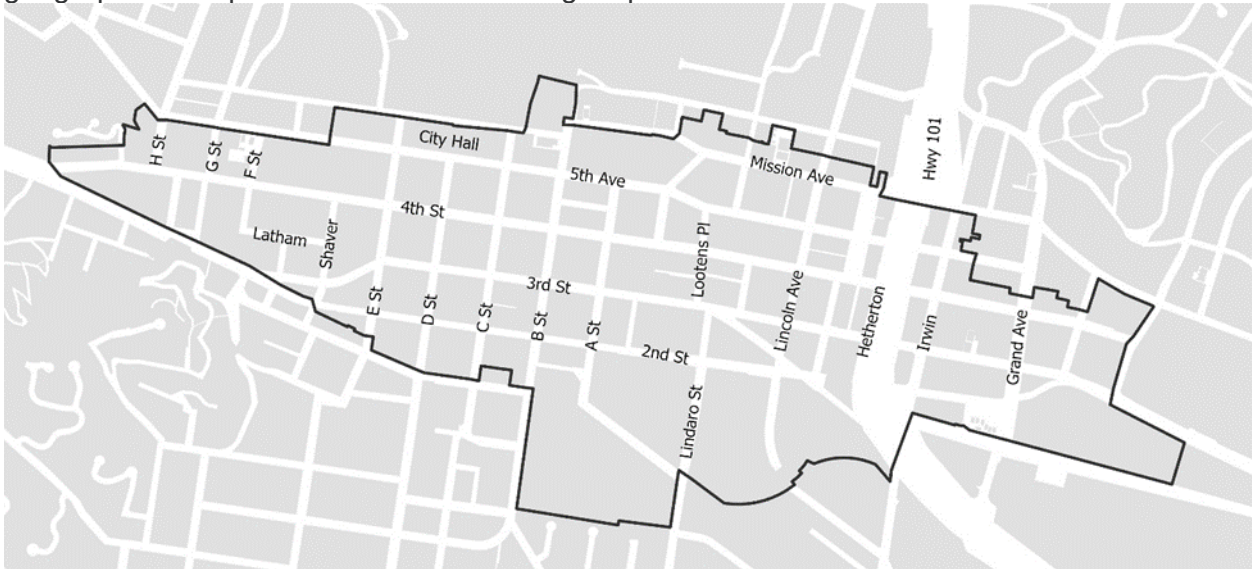


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AMEND the definition of Downtown parking and DELETE the associated map as follows:

"Downtown parking district" means the area which encompasses the boundary generally between Hetherton and E Streets, and Second Street and Fifth Avenue, as shown on map contain in the Downtown San Rafael Precise Plan adopted by separate ordinance.

DELETE definition of "Downtown's West End and environs" and DELETE associated Diagram B

DELETE definition of "Downtown Zoning District" and DELETE associated 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.

Section 4. Amendments to Chapter 14.04 – RESIDENTIAL DISTRICTS (R, DR, MR, HR)

Section 4.1. Amend Section 14.04.040 – Property development standards (DR, MR, HR), Table 14.04.040 to amend footnote J to read as follows:

(J) The height limit in the Latham Street neighborhood is specified in the Downtown San Rafael Precise Plan Form-Based Code adopted by separate ordinance.

Section 5. Amendments to Chapter 14.05 – COMMERCIAL AND OFFICE DISTRICTS

Section 5.1. Amend Section 14.05.010 Specific purposes – Commercial and Office Districts by deleting subsections P, Q, R, S, T and U and amend subsection L to read as follows:

L. 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.

Section 5.2. Repeal Section 14.05.022 – Land Use Regulations (4SRC, CSM, HO, 2/3 MUE, 2/3 MUW, WEV, 5/M, R/O) and Table 14.05.022 and replace existing district regulations with new Section 14.05.022 regarding Downtown Mixed Use (DMU) District land use to read as follows:

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14.05.022 - Land use regulations (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.

Section 5.3. Repeal Section 14.05.032 – Property development standards (4SRC, CSM, HO, 2/3 MUE, 2/3 MUW, WEV, 5/M, R/O) and replace existing district standards with new Section 14.05.032 regarding Downtown Mixed Use (DMU) District development standards as follows:

14.05.032 – Property development standards (DMU).

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.

Section 6. Amendments to Chapter 14.16 – SITE AND USE REGULATIONS

Section 6.1. 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 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
4000 Civic Center Dr.	Marin Executive Center
4040 Civic Center Dr.	Northgate East
100—500 Deer Valley	Smith Ranch Hills Retirement Home
535—565 Jacoby	Marin Resource Recovery Center
100 McInnis Parkway	Embassy Suites Hotel

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Address	Building
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

Section 6.2. 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.

Section 6.3. Amend Section 14.16.150 – Floor area ratios and densities applicable to non-residential and mixed-use development to amend subsection A.2 to read as follows:

2. FAR limits in non-residential zoning districts are provided in the General Plan Land Use Element, except that for the Downtown Mixed Use (DMU) district, intensity and development limitations are governed by the Downtown San Rafael Precise Plan Form-Based Code, which is adopted by separate ordinance and incorporated herein by reference. The maximum allowable FAR is not guaranteed and shall be determined by the following factors: site constraints, infrastructure capacity, hazardous conditions and design policies.

Section 6.4. Amend Section 14.16.150 subsection G – Floor area ratio limit standards and delete maps as follows:

G. Floor Area Ratio Limit Standards.

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1. For 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.
 - 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 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.

Section 6.5. Amend Section 14.16.190 – Height bonus to read as follows:

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 shall be granted 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. A height bonus specified by the Downtown San Rafael Precise Plan Form-Based Code shall be allowed for any of the following:

1. 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;

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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.

2. 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

3. Public parking, providing it is not facing Fourth Street and it is consistent with the Downtown San Rafael Precise Plan Form-Based Code.

4. 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.

5. 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

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).

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.

Section 6.6. Amend Section 14.16.243 – Mechanical equipment screening to read as follows:

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

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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.

Section 6.7. Amend Section 14.16.260 – Noise standards, subsection C, Development Adjacent to Commercial, Mixed-Use and Industrial Districts to read as follows:

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.

Section 6.8. Amend Section 14.16.295 – Sight distance to read as follows:

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 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](#)

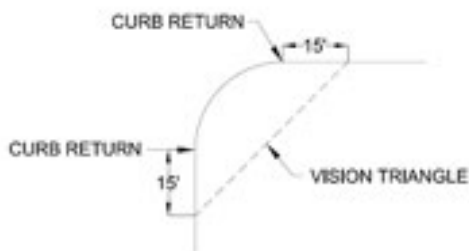


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B. For locations that have obstructions due to unique site constraints or topography, the vision triangle shall be determined by the director of public works.

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.

Section 7. Amendments to Chapter 14.17 – PERFORMANCE STANDARDS

Section 7.1. Repeal Section 14.17.050 – Offices and financial institutions in the Fourth Street Retail Core and the West End Village.

Section 7.2. Amend Section 14.17.100 – Residential uses in commercial districts to read as follows:

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.

B. Applicability. Performance standards for residential uses in commercial districts shall be applied through an administrative use permit in the GC, FBWC, C/O, M and NC districts.

C. Standards.

1. Location. Location of residential units in the GC, FBWC, HO, C/O, 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.

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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.

Section 8. Amendments to Chapter 14.18 – PARKING STANDARDS

Section 8.1. Amend Section 14.18.010 – Specific purposes, deleting subsection I and amending subsection H to read as follows:

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.

Section 8.2. Amend Section 14.18.020 – Applicability to add new subsection D to read as follows:

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.

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Section 8.3. Amend Section 14.18.040 – Parking requirements to read as follows:

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

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. 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).

F. Operation. As specified in the Downtown San Rafael Precise Plan Form-Based Code adopted by separate ordinance, parking in the Downtown Mixed Use district may be operated to serve the uses for which the parking was approved, or 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	

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Use Classification	Off-Street Parking Required
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.
Studio (duplex unit), 500 sq. ft. or less in size	1 space per unit
Studio (duplex unit), Greater than 500 sq. ft.	1.5 spaces per unit (including 1 covered space).
1 bedroom unit	1.5 spaces per unit (including 1 covered space).
Two-bedroom units	2 spaces (1 covered)
Three or more bedroom units	2 spaces per unit (including 1 covered space).
Guest parking, multifamily	1 space per 5 units.
Mobilehome parks	2 covered spaces per unit.
Senior housing projects	.75 space per unit, or as specified by use permit.

Use Classification	Off-Street Parking Required
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.

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Use Classification	Off-Street Parking Required
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.
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.
Visitor accommodations	
Bed and breakfast inns	2 spaces plus 1 space per bedroom.

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Use Classification	Off-Street Parking Required
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.
Day care	
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.
General commercial uses	
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.
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.

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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.
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.
Recreation facilities (indoors)	

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Use Classification	Off-Street Parking Required
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.
Offices and related uses	
Financial services and institutions	1 space for each 200 sq. ft. gross building sq. ft.
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.
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.
Industrial	
Industrial uses	1 space per 500 gross building sq. ft.
Light industrial/office mixed-use:	

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Use Classification	Off-Street Parking Required
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.
Public/quasi-public uses	
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.

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Use Classification	Off-Street Parking Required
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.
Transportation facilities	
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.

Section 8.4. Amend Section 14.18.050 – Off-street loading and unloading, subsection F to read as follows:

F. In the Downtown 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.

Section 8.5. Amend Section 14.18.060 – Downtown parking district to read as follows:

Section 14.18.060 – Downtown parking district.

The Downtown parking district boundaries shall be as defined by the Downtown San Rafael Precise Plan 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 the Downtown San Rafael Precise Plan Form-Based Code.

Section 8.6. Repeal Section 14.18.061 – Downtown’s west end and environs.

Section 8.7. Amend Section 14.18.120 – Tandem parking subsection E to read as follows:

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E. Within the Downtown Mixed Use district, 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.

Section 8.8. Amend Section 14.18.160 – Parking lot screening and landscaping to read as follows:

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').

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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 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.

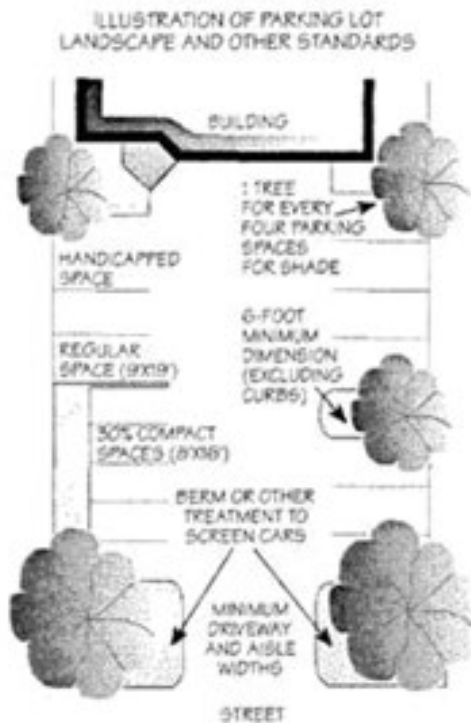
H. Maintenance. Landscaped areas associated with parking lots shall at all times be maintained in a healthy and clean condition, with replanting as necessary to maintain compliance with the previously approved landscape plan. For parking lots containing twenty-five (25) spaces or more the property owner 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.

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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 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](#)



Section 9. Amendments to Chapter 14.19 – SIGNS

Section 9.1. Amend Section 14.19.053 – Location, placement and design of signs, subsection 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:

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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.
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.

Section 9.2. Amend Section 14.19.065 – Downtown districts to read as follows:

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. 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 Mixed Use district, a maximum of one sign shall be permitted per frontage for each business or use.

Section 9.3. Amend Table 14.19-2 – Sign Regulations for Zoning Districts, Downtown Districts to read:

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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 Section 14.19.062(A)]	One (1) per residence	Five (5) square feet	NA	No 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 Section 14.19.062(B)].	One (1) per site	Twenty (20) square feet	Six feet (6')	External illumination only+
Multiple-Family Residential Districts & Residential/Office Districts	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	Wall, Window, Projecting/Blade, Awning, Marquee, Mansard,	For nonresidential uses except office uses: Two (2) per	For nonresidential uses except office uses: One (1) square	Six feet (6') for monument signs Twenty-one feet (21') for	External illumination, Internal illumination, Reflective

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Zoning District	Permitted Sign Type	Permitted Number of Signs	Maximum Sign Area**	Maximum Sign Height (freestanding)	Permitted Illumination
Districts (NC, GC, O, C/O, FBWC, LI/O, I, CCI/O, M and MC)	Monument, Directory, Changeable Copy and Pole/Pylon signs	frontage of business or use**	foot for each linear foot of building width of business or use frontage** Minimum sign area of twenty-five (25) square feet. See 14.19.064 .	pole/pylon signs Twenty-five feet (25') for freeway-oriented pole/pylon signs*	illumination and Neon
		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 14.19.064 .		
Downtown Mixed Use Districts	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	Compliance with standards and provisions of	Compliance with standards and provisions of district most similar to the	Compliance with standards and provisions of	Compliance with standards and provisions of

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Zoning District	Permitted Sign Type	Permitted Number of Signs	Maximum Sign Area**	Maximum Sign Height (freestanding)	Permitted Illumination
	similar to the subject zoning district.	district most similar to the subject zoning district.	subject zoning district.	district most similar to the subject zoning district.	district most similar to the subject zoning district.

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

* 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.

Section 9.4. Amend Section 14.19.070 – Temporary signs, subsection G - Temporary, Portable A-frame Signs in the Downtown Districts to read:

G. Temporary, Portable A-Frame Signs in the Downtown Mixed Use District. 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.

Section 10. Amendments to Chapter 14.25 – ENVIRONMENTAL AND DESIGN REVIEW PERMITS

Section 10.1. Amend Section 14.25.010 – Specific purposes by adding new subsection H to read as follows:

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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.

Section 10.2. Amend Section 14.25.040 – Improvements subject to review to read as follows:

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.
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.
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.).
 - 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.
4. Major site design improvements, including but not limited to:

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- 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.
5. Development subject to review as a major physical improvement pursuant to any other provision of this title.
6. Mural signs painted on the exterior surface of a wall of an existing or new structure.
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.
 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.

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- 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).
 - 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.
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.

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- 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.
- 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.
- 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.
- 3. New single-family residences located on a flag lot.
- 4. New one-story duplexes, or ground floor additions over five hundred (500) square feet in size or that include addition of a bedroom.
- 5. Conversion of a single-family residence to a duplex.
- 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.
- 7. Outdoor eating areas (as prescribed by [Section 14.17.110](#)).
- 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.
- 9. Satellite dishes over the height limit in a multifamily or nonresidential district.
- 10. Residential fences over seven feet (7') in height, and as set forth under the criteria in [Section 14.16.140](#).

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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).
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.
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.
14. Minor landscaping revisions to existing or approved multifamily or nonresidential development that are determined to alter the character of the site.
15. Minor modifications to existing parking lots (reconfiguration or expansion).
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.
17. Outdoor storage areas.
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.
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.
20. Rooftop equipment and screens visible from off-site.
21. Minor additions or modifications to a wireless communications facility, as prescribed under Section 14.16.360.B.
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.
23. Non-residential accessory structure one hundred twenty (120) square feet or less in size.

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24. Ancillary detached accessory structures on a developed multi-family residential property two hundred forty (240) square feet or less in size.

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. Public art installations on public or private property approved through a City-established public art program. For purposes of this section (14.25.040), "public art" is defined as all forms of art including, but not limited to: sculptures, murals, mosaics, and fountains, which are located on the exterior of a publicly owned facility or on a privately owned property when such artwork is placed in a location intended to be visible to the general public.

6. 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.

Section 10.3. Amend Section 14.25.050 subsection B – Consistency with Specific Plans to read as follows:

E. Consistency with Specific Plans.

1. In addition to the criteria listed below, development will 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 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 reference. The criteria listed below shall apply where the Downtown San Rafael Precise Plan form-based code is silent on the specific criteria topic.

EXHIBIT B

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

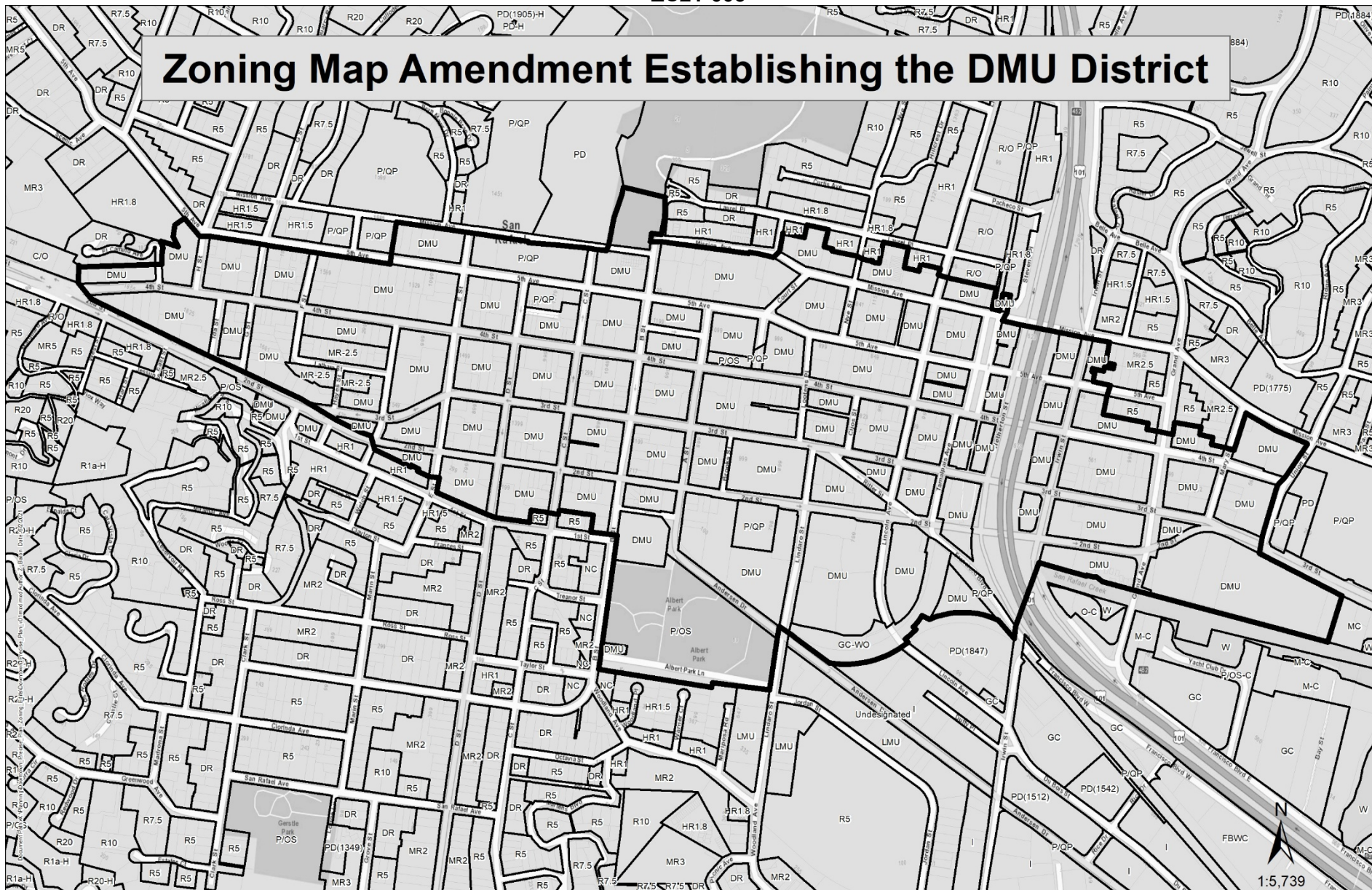


EXHIBIT C
AMENDMENTS TO SAN RAFAEL MUNICIPAL CODE, TITLE 14 REGARDING
CANNABIS MANUFACTURING USE, LARGE FAMILY DAY CARE HOMES AND
MISCELLANEOUS REGULATIONS
May 21, 2021

The following are amendments to the San Rafael Municipal Code, Title 14 (Zoning) to incorporate revisions and additions to the cannabis use regulations:

Section 1. Amendments to Chapter 14.03 - DEFINITIONS

Section 1.1. Amend Section 14.03.030 – Definitions as follows:

DELETE definition of “Cannabis infused products”

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.

Section 2. Amendments to Chapter 14.05 – COMMERCIAL AND OFFICE DISTRICTS (GC, NC, O, C/O, R/O, FBWC)

Section 2.1. Amend Table 14.05.040 to replace “cannabis infused products” with “cannabis manufacturing” and amend footnotes as shown below:

Table [14.05.020](#)

Type of Land Use	GC	NC	O	C/O	R/O	FBWC*	Additional Use Regulations
Commercial Uses							
Cannabis Manufacturing							
Cannabis Distribution							
Card rooms							See Chapter 10.36

- (1) 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.
- (3) See [Section 14.17.100](#) (Residential uses in commercial districts).

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Section 3. Amendments to Chapter 14.06 – INDUSTRIAL DISTRICTS (I, LI/O, CCI/O, LMU)

Section 3.1. Amend Table 14.05.040 to replace “cannabis infused products” with “cannabis manufacturing” and amend footnotes as follows:

Table [14.06.020](#)

Types of Land Use	I	LI/O	CCI/O	LMU	Additional Use Regulations
Cannabis Related Uses					
Cannabis Testing/lab	P (1)	P (1)	P (1)		*Subject to additional regulations and permitting (See SRMC Chapter 10.96)
Cannabis Delivery	P(1)	P(1)	P(1)		*Subject to additional regulations and permitting (See SRMC Chapter 10.96)
Cannabis Manufacturing	P(1)	P(1)	P(1)		*Subject to additional regulations and permitting (See SRMC Chapter 10.96)
Cannabis Distribution	P(1)	P(1)	P(1)		

(1) Shall not be located within three hundred (300) feet from schools (public and private), as measured from the property lines of each parcel.

Section 4. Amendments to Chapter 14.17 – PERFORMANCE STANDARDS

Section 4.1. Repeal Section 14.17.040 – Family day care home for children.

Section 5. Amendments to Chapter 14.22 – USE PERMITS

Section 5.1. Amend Section 14.22.180 – Expiration to read as follows:

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14.22.180 - Expiration.

Use permits are valid for 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.

Section 6. Amendments to Chapter 14.23 – VARIANCES

Section 6.1. Amend Section 14.23.170 – Expiration to read as follows:

14.23.170 - Expiration.

Variations are valid for 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.

Section 7. Amendments to Chapter 14.24 - EXCEPTIONS

Section 7.1. Amend Section 14.24.150 – Expiration to read as follows:

Section 14.24.150 – Expiration.

Exceptions are valid for 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.

Section 8. Amendments to Chapter 14.25 – ENVIRONMENTAL AND DESIGN REVIEW PERMITS

Section 8.1. Amend Section 14.25.200 – Expiration to read as follows:

Section 14.25.200- Expiration.

Environmental and design review permits are valid for 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

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later phases remain outstanding, their approval shall lapse at the end of the authorized time frame.

Section 9. Amendments to Chapter 14.27 - AMENDMENTS

Section 9.1. Amend Section 14.27.010 – Specific purposes to read as follows:

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 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.

ORDINANCE NO.

**AN 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 in San Rafael Municipal Code (SRMC) Title 14, Zoning (Zoning Ordinance) 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, and land use regulations; and

WHEREAS, to introduce, incorporate by reference, and establish internal consistency with the overarching, citywide 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 Council 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 Council 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 Council 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 approved a Mitigation Monitoring and Reporting Program (MMRP) to ensure that the required FEIR mitigation measures are incorporated into the project action; and

WHEREAS, on July 29, 2021, the Planning Commission of the City of San Rafael held a duly noticed public hearing on the proposed Downtown Precise Plan and Form-Based Code, accepting all public testimony and the written report of the Community Development Department. The Planning Commission approved Resolution No. 2021-06 recommending City Council adoption of the Downtown Precise Plan, conforming amendments to the San Rafael Municipal Code, and the Form-Based Code as the zoning regulation for Downtown San Rafael; and

WHEREAS, on August 2, 2021 by action of separate resolution, the City Council adopted the San Rafael General Plan 2040 and the Downtown Precise Plan; and

WHEREAS, on August 2, 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 ordinance; and

WHEREAS, on August 2, 2021, the City Council held a duly noticed public hearing through a public notice published in the Marin Independent Journal. The Council considered the proposed Downtown Precise Plan Chapter 9 – Downtown Form-Based Code presented in attached Exhibit 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 Form-Based Code together with the amendments to the 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) call for allowing a mix of land uses at higher development intensities within the City; and 2) depart from the traditional residential density limits through use of building height limits and prescribed building form standards, and transition 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 sets 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 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 implements 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; and 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 have been 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 DMU District 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 facilitate 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 hereby determines and finds that all of the facts and statements contained in the recitals herein, and the findings of Planning Commission Resolution No. 2021-06 adopted June 29, 2021 recommending to the City Council adoption of this Ordinance, are true and correct.

DIVISION 2. Approval

The City Council hereby approves and adopts the Downtown San Rafael Precise Plan Chapter 9 – Downtown Form-Based Code as presented in Exhibit A, attached hereto and incorporated herein by reference. Exhibit A will be updated as necessary to include the finally approved documents, inclusive of any changes made prior to adoption.

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, August 2, 2021 and was ordered passed to print by the following vote, to wit:

AYES: Councilmembers:

NOES: Councilmembers:

ABSTAIN: 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 16th day of August 2021.

LINDSAY LARA, City Clerk

Exhibit:

A. [Downtown Form Based Code](#) (hyperlink)

ATTACHMENT 6

EDITS TO SAN RAFAEL GENERAL PLAN 2040 MADE AFTER JULY 19, 2021

Page 1-13 *Insert new second paragraph on Page 1-13 (Implementing and Amending the Plan):*

The General Plan focuses on policies and actions to be implemented by the City of San Rafael. However, its success relies on the collective actions of all San Rafael residents and businesses. Many General Plan policies--from water conservation to wildfire prevention-- depend on active, sustained participation by community members. The City will be a role model for the private sector, but ultimately each San Rafael household will need to do its part to achieve the Plan's goals. This is particularly true for those goals related to climate change, resource conservation, and hazard mitigation.

Page 5-24 *Edit Policy CDP-4.10 as follows:*

Policy CDP-4.10: Landscape Design

Encourage ~~and where appropriate require~~ privately owned and maintained landscaping that conserves water, contributes to neighborhood quality, complements building forms and materials, improves stormwater management and drainage, and enhances the streetscape. Natural elements such as plants should be an integral part of site development and should enhance the built environment while supporting water conservation goals.

Page 5-29 *Edit Policy CDP-5.1C as follows:*

Program CDP-5.1C: Certified Local Government (CLG) Designation. Contact the National Park Service State Office and State Historic Preservation Office (SHPO) to ~~evaluate the pros and cons of San Rafael becoming~~ review the necessary steps for San Rafael to become a designated CLG. The designation allows for streamlining, greater local control over preservation decisions, funding opportunities, and technical assistance.

Page 5-32 *Edit Program CDP-5.8C to delete references to specifically named advocacy groups:*

Program CDP-5.8C: Public Events and Social Media. Encourage local preservation advocacy organizations ~~such as the Marin History Museum and San Rafael Heritage~~ to produce events, publications, social media, and exhibits about the historic resources that exist in San Rafael.

Page 5-33 *Edit Program CDP-5.10A to delete references to specifically named advocacy groups:*

Program CDP-5.10A: Walking Tours, Trails, and Historic Festivals. Encourage walking tours, historic trails, mobile apps, and history fairs and programs that attract visitors. Partner with local preservation advocacy groups ~~the Marin Convention and Visitors Bureau, Marin History Museum, San Rafael Heritage,~~ and other organizations to promote events celebrating San Rafael history.

Page 6-31 *Edit Policy C-3.9 as follows:*

Policy C-3.9: Water-Efficient Landscaping

Encourage—and where appropriate require—the use of vegetation and water-efficient landscaping that is naturalized to the San Francisco Bay region and compatible with water conservation, fire prevention and climate resilience goals.

Page 8-22 *Delete last sentence in the text box on the Wildfire Action Plan, as it is inaccurate:*

~~An Advisory Committee has been created to oversee Plan implementation.~~

Page 13-5 *Edit Program EV-1.2B as follows:*

Program EV-1.23B: Equitable Economic Development Strategy (EEDS).

~~Collaboratively~~ develop an EEDS that identifies the economic sectors the City seeks to grow, the mechanisms for attracting these sectors to San Rafael, the areas of the city earmarked for growth, and target estimates for wage levels and business volumes. The Strategy should engage residents, businesses, thought leaders, and community groups and be designed to address locally identified needs, challenges, and priorities. Potential partners for preparing the EEDS should be identified so that the work fully leverages current research, local resources, and expertise.

Page 13-22 *Edit Policy EV-3.4 as follows:*

Policy EV-3.4: Water-Dependent Businesses

Ensure that commercial properties along San Rafael’s shoreline, including the San Rafael Creek/Canal, leverage their waterfront locations and include public amenities such as shoreline walkways. The City supports the continued use of these sites for water-dependent activities such as boat sales, boat repair, marinas, and water-oriented restaurants. Complementary uses such as housing and mixed use development also may be considered. Plans for Canalfront properties should also align with broader economic development and anti-displacement programs for the Canal community.

See the Mobility Element for policies on water transportation, including water taxis. See the Conservation and Climate Change Element for policies on boating and water quality. See also Policy CSI-4.11 on canal dredging and NH-3.4 on Canal Waterfront land uses.

Page 14-21 *Edit Policy EDI-4.6 as follows:*

Policy EDI-4.6: A Compassionate City

Support organizations and service providers that help those in need in San Rafael. Non-profit and public entities providing housing, transportation, health care, and other social services to lower income clients, unhoused residents, and older adults are valued community partners and should remain an essential part of San Rafael’s “safety net.”

Page 14-1 *Edit last two paragraphs on page as follows:*

The use of an “equity lens” in planning means that decisions about the allocation of future resources should consciously consider the historic advantages or disadvantages that have affected residents, the efforts being made to authentically include residents who

have been historically excluded from planning processes, and the extent to which our decisions place unfair burdens on future generations. In this context, “equity” is fundamentally different than “equality.” Equality means that each individual is given the same resources or opportunities. Equity recognizes that each person has different circumstances and allocates resources proportionally to achieve fairer and more equal outcomes.

“Opportunity for all” is a guiding principle of General Plan 2040—it is intended to inform and shape future planning, decision-making, and resource allocation. In particular, decisions about land use, transportation, housing, parks, and public services must consider their potential impacts on under-served individuals and groups, including how they may mitigate displacement and contribute to reducing inequity. City policies for housing and other services should be holistic and systems-based, with resources focused in ways that build wealth and stability and address the most critical community needs.

Page 14-7 *Under heading “Planning for a Diverse Community”, include the following new first paragraph:*

Planning for a Diverse Community

Diversity refers to the range of human differences in our community, including race, ethnicity, national origin, gender, gender identity, sexual orientation, age, income, physical ability, and mental health. It is also a reflection of one’s life experiences, from citizenship level to veteran status. Planning for a diverse community recognizes the continuum of life and changing circumstances over time. For instance, Census data may indicate that a fixed percentage of San Rafael’s residents have a physical disability. A much larger percentage of residents may experience a period in life when they are physically impaired, either temporarily or through the natural aging process. The City recognizes that diversity reflects a spectrum. It strives to use language that properly humanizes all people regardless of their circumstance and implement policies that are responsive to different human needs and conditions.

Appendix A *Page 2, add new sentence to end of paragraph on metrics as follows:*

When developing metrics, it is important to consider their context and intent so that they are meaningful and can inform policy choices in a constructive way.

EDITS TO DOWNTOWN PRECISE PLAN MADE AFTER JULY 19, 2021

Page 233, edit second column, last sentence as follows:

The Precise Plan is an opportunity to examine and attempt to resolve these issues in ways that benefit everyone.

Page 31, edit first column, first bulleted item as follows:

Challenge 6 Rising homelessness and **displacement** ~~concerns about safety~~

- The Bay Area is facing a housing crisis. Downtown, as the County-wide center for social services, has a large number of unsheltered residents ~~that has affected the image of Downtown for many, and discouraged visitors.~~ There is an urgent need for permanent supportive housing, as well as measures to avoid displacement of lower-income residents.

Page 39, edit first column, Guiding Policy 2F as follows:

2F. Continue existing efforts and explore new "best practice" strategies to address homelessness in a holistic manner. ~~Initiate~~ Support public education programs, short-term measures to assist those in need, and ~~to build support for evidence-based, long-term solutions,~~ including additional permanent supportive housing.

Page 50, edit second column, second to last sentence as follows:

Downtown is a regional hub for a variety of social services, and a suitable location to test housing solutions with support services for its unsheltered population, as part of a comprehensive County-led approach to address homelessness.

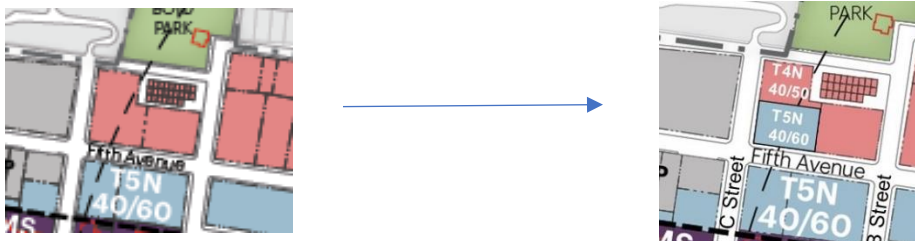
Page 51, edit first column, Guiding Policy 8G as follows:

8G ~~Develop strategies geared to comprehensively address~~ Work with the County of Marin and community partners to end homelessness, including additional extremely low income housing with ~~and~~ supportive services.

Page 51, edit second column, "Expected Outcomes" fifth bullet as follows:

- The City partners with the County and local organizations to proactively and compassionately address ~~takes initiative in addressing~~ homelessness in Downtown, and continues to coordinate ~~offer~~ supportive and social services.

Page 62-63, Page 65, and Page 248-249, edit regulating plan and height map as follows:



Page 189, first column, edit first paragraph as follows:

Since the Precise Plan uses height and form-based standards ~~and not Floor Area Ratio (FAR)~~ as a metric to measure intensity of development rather than density, projects seeking to apply a density bonus under ~~the~~ state density bonus law must calculate the number of units in a “base project” (based on the allowable zoning envelope) and then apply the percentage bonus can utilize the resultant FAR of the base zoning envelope defined in the Downtown Plan and Form-Based Code to calculate the additional number of units (and floor area) to be accommodated ~~in the bonus envelope prescribed by the Downtown Code~~. The City has developed administrative procedures (i.e not formally adopted) explaining how these calculations are made.

Page 223, edit as follows:

~~3A. Ending limiting homelessness. Address issues associated with homelessness in Downtown to increase its attractiveness and perception of safety for many residents and visitors. Humanely and compassionately enforce loitering and vagrancy regulations, and Work with the County of Marin Health and Human Services, local service providers, housing advocates, businesses, and other stakeholder groups to~~ develop mutually beneficial solutions that increase shelter, transitional and permanent housing, and supportive services ~~for to assist~~ unsheltered residents. Develop specific programmatic measures through the 2023-2031 San Rafael Housing Element. The City of San Rafael is committed to the goal of ending homelessness and promoting access to programs and housing resources for those in need.

~~3B. Develop a long-term Homelessness Prevention Plan and Strategies. Work with State and local housing advocates, social service providers, unsheltered residents, the Chamber of Commerce, and local businesses to develop a long-term plan to remove homelessness from Downtown and the City, aligned to best practice strategies such as Housing First and Built for Zero.~~

ATTACHMENT 7: CORRESPONDENCE

LETTER 1

July 20, 2021

Honorable Mayor Kate Colin and City Council members

City of San Rafael
1400 Fifth Avenue, room 203
San Rafael, CA 94901

Via email: barry.miller@cityofsanrafael.org; lindsay.lara@cityofsanrafael.org

PLEASE INCLUDE THIS 2-PAGE LETTER (plus 2 attachments) IN PUBLIC COMMENTS for the August 2, 2021, City Council meeting for the draft Downtown San Rafael Precise Plan

Honorable Mayor Kate Colin and City Council members:

The Downtown San Rafael Precise Plan proposes a zoning designation of T4MS-O 40/60 for the triangular shaped land area at the west end of Fourth Street, bordered by Ida Street to the East and Second Street to the South. This triangular area consists of 8 separate parcels with 7 separate owners.

The West End Center, the commercial shopping center where Yardbirds was previously located, is the largest land area in this triangle and includes 3 separate parcels with 3 different owners, with a total area estimated at more than 5 acres (see attached parcel map, #16, 17, and 21). This is where the advisory committee was envisioning a larger development to replace the shopping center when a zoning of T4MS-O 40/60 was recommended. However, this same zoning is recommended for the much smaller, remaining 5 parcels, west of the shopping center, where only 2 of those are under the same ownership for the IHOP. The idea that 8 separate parcels with 7 different owners could be merged into one development is unrealistic.

The Shell Station, located on the odd shaped lot at the point of the triangle, was recently rebuilt with a larger convenience store and a maximum allowed height of 36 feet (see parcel #26 on attached parcel map). The Planning Commission considered whether the rebuild of the gas station was an appropriate use of this site and decided to allow the replacement of the station. I doubt whether anything will change on this site for many years, so a zoning of T4N 30/40 is more appropriate given the odd shape of the lot and current approved use.

Adjacent to the Shell Station is the International House of Pancakes (IHOP) consisting of 2 parcels under the same ownership, parcel #03 and #04 on the attached parcel map. These parcels are small with a combined estimated area of 13,000 – 15,000 sq'. Parcels #05 and #06 are under separate ownership with small 1-story commercial buildings. Half of parcel #06

consists of dedicated easements. A more appropriate zoning for parcels #03 - #06 would be T4MS-O 40/50, the same zoning recommended for lots directly opposite on Fourth Street

The proposed zoning assumes one ownership of the entire 8 parcels when realistically, only the 3 parcels for the prior Yardbirds center have the potential for being developed as a single project. Where else in the downtown does the zoning assume parcels under separate ownership will be merged?

To summarize, I am proposing changes to the zoning for the Shell Station (lot #26) to T4N 30/40, parcels 03, 04, 05 and 06 changed to T4MS-O, 40/50, and the largest combined parcels (#16, 17, and 21) would be zoned as recommended, T4MS-O 40/60.

This would be a more nuanced and attractive entrance to the western end of Downtown San Rafael and be more compatible with surrounding zoning and existing development patterns in the area, including the low-density residential across the street on Second Street and the proposed zoning on the north side of Fourth (see attached Zoning Map).

It's one thing to envision development on large expanses of undeveloped land but this land has been subdivided and developed and planning for future development needs to take into account the current size and shape of the individual lots in order to realistically envision what is possible and preferable.

I believe the committee was primarily focused on the combined 5 acre area where the existing small shopping center is located and didn't look at the area in detail. I am asking you to look at this area in more detail and consider a more realistic approach.

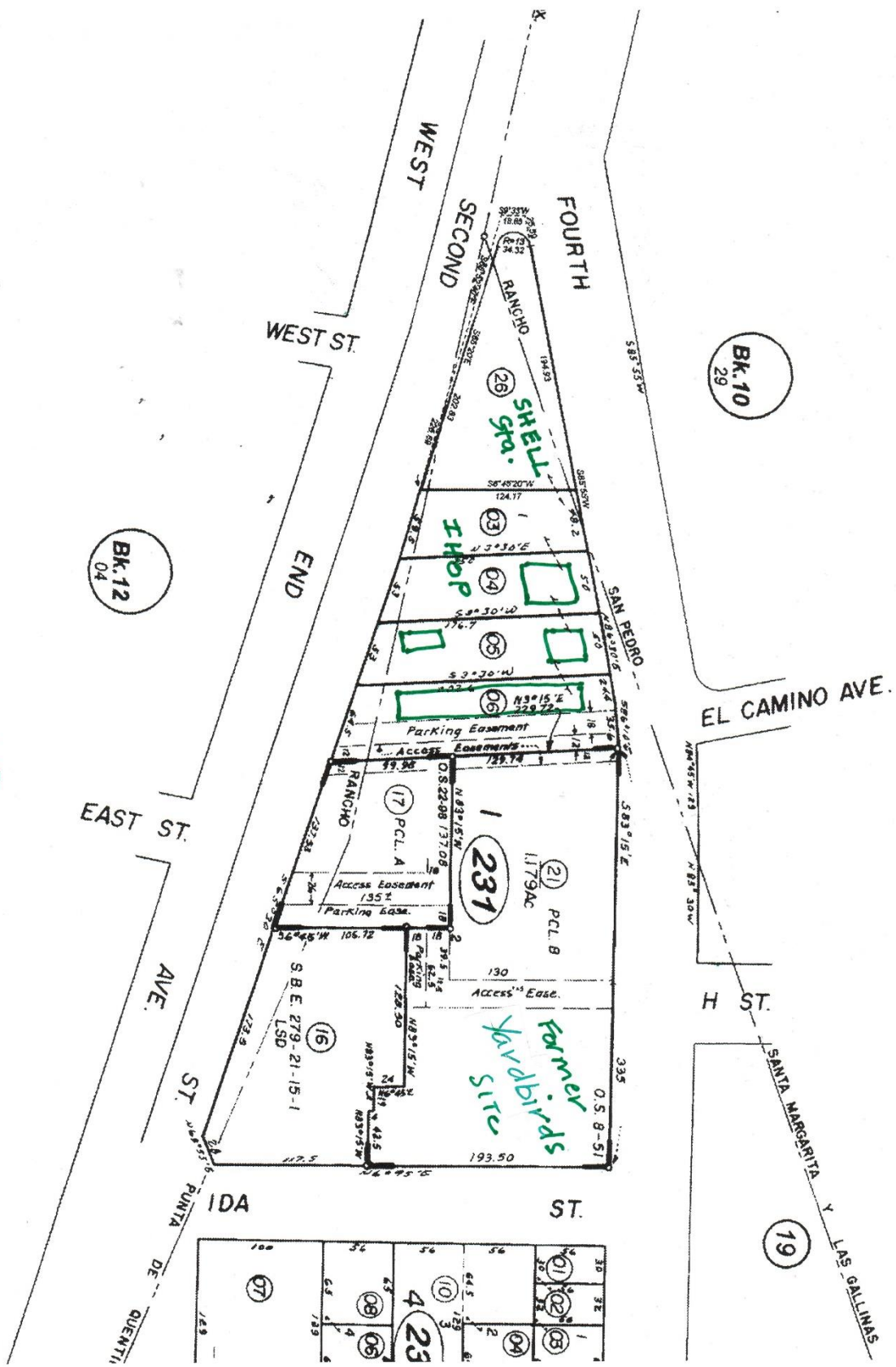
Thank you for your consideration of these comments.

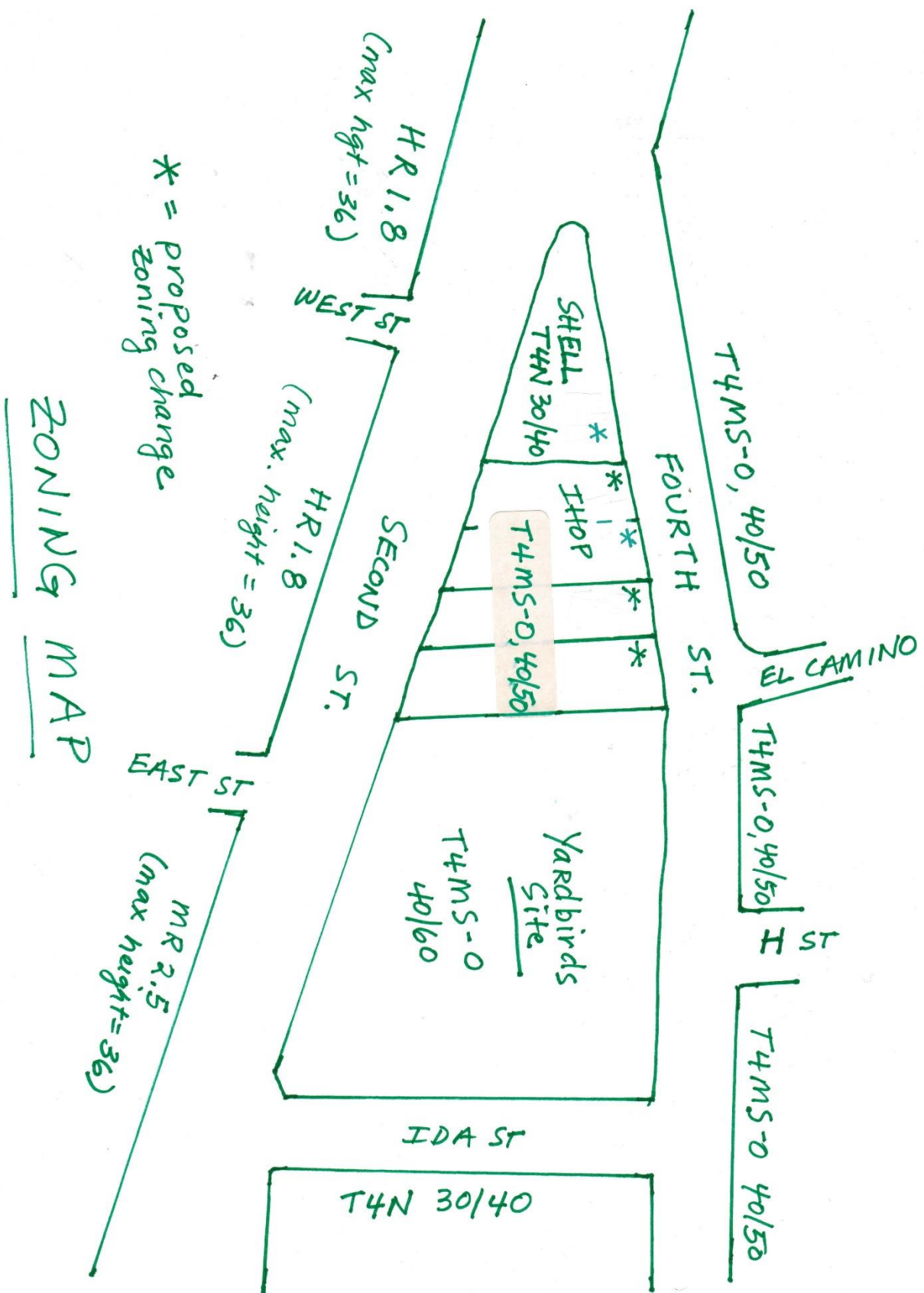
Sincerely,

Victoria DeWitt
West End neighborhood resident

att: Parcel Map
Zoning Map

PARCEL MAP





* = Proposed zoning change

ZONING MAP

LETTER 2

SAN RAFAEL HERITAGE

P.O. BOX 150665, SAN RAFAEL, CA 94915



July 28, 2021

San Rafael Mayor and City Council

Barry Miller, General Plan 2040, Consulting Planner

Lindsay Lara, City Clerk

RE: San Rafael city Council Public Hearing August 2, 2021
GP 2040, Downtown Precise Plan

With our focus on historic preservation, San Rafael Heritage (SRH) will continue to work on the Downtown Precise Plan and Historic Resources Inventory Summary. We appreciate working with city staff and consultants on this process and know that our pleasant working relationship will continue. It is important for this project to be successful for our city and all its citizens.

Our organization was founded in 2015 when major changes were proposed for the Northwestern Pacific Depot (Depot). San Rafael Heritage continues the important mission of preservation, an example of which is the saving of the Falkirk estate from demolition in the 1970s. The city now treasures this resource as an important asset to the community. We consider the Depot such an asset and know that it will be treasured by future generations.

We champion local landmark status; maintaining that, as stated on page 225 (4.5-5) of the Draft EIR “The fact that a resource is not listed ... does not preclude a lead agency from determining that the resource may be an historical resource ...”

It is important to maintain for consistency, the high standards of the National Park Service in conformance with the Secretary of the Interior’s Standards (SIS). The SIS is referenced multiple times in the GP2040; however as noted above, the California Historical Building Code (CHBC) allows the city to designate a resource as a local landmark.

The CHBC allows for any level of government to determine which historic resources are important, allowing for local landmark designation whether or not qualifying on a state or federal level. See page 227 (4.5-7) of the Draft EIR.

The Depot’s ultimate disposition and restoration is a top priority for SRH. It is instantly recognizable; it radiates the greatness of the railroad era that built San Rafael into the city it is today. We consider the Depot as a qualifying local landmark and envision this historic structure as a foundation for a downtown historic district.

The Depot could be sensitively restored/renovated for adaptive reuse in conformance with the SIS; this will improve the Depot’s rating as a resource. In addition, regardless of the Golden Gate Transportation District plans for the San Rafael Transit Center, we expect to be involved on the team in the restoration and adaptive reuse of this building.

We look forward to working with staff to improve the existing documents, to improve its quality over time and will continue to be a resource, working as collaborators in future developments that relate to historic resources and districts. We share the same goals with the City Council of a grander mission for San Rafael. It is critical to have strong economic growth in San Rafael for an attractive, vital and exciting place to live and work. Our mission is to be partners, working with the rebirth and renaissance of Downtown San Rafael.

Best Regards,

A handwritten signature in blue ink that reads "Linzy Klumpp". The signature is written in a cursive style and is set against a light yellow rectangular background.

Linzy Klumpp

President, San Rafael Heritage

CC: San Rafael Heritage Steering Committee