



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Community Development

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City Manager Approval: 

TOPIC: SAN RAFAEL GENERAL PLAN 2040 AND DOWNTOWN PRECISE PLAN

SUBJECT: (1) RESOLUTION CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (FEIR) (SCH #2019039167) PREPARED FOR THE SAN RAFAEL GENERAL PLAN 2040 AND DOWNTOWN SAN RAFAEL PRECISE PLAN

(2) REPORT ON THE UPCOMING REVIEW OF THE SAN RAFAEL GENERAL PLAN 2040 DOCUMENT AND THE DOWNTOWN PRECISE PLAN

RECOMMENDATION:

Staff recommends that the City Council approve the attached Resolution certifying the Final Environmental Impact Report (EIR) for General Plan 2040 and the Downtown Precise Plan.

EXECUTIVE SUMMARY

This is the first 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 Planning Commission convened 10 public hearings on this item between September 2020 and June 2021 and has approved resolutions recommending City Council adoption of all associated documents. Staff will provide a presentation on the project at the July 19 hearing and highlight the changes made during the Planning Commission review process. The City Council must hold a public hearing on the item and consider a resolution adopting the Final EIR. The public hearing will be continued until August 2, at which time the City Council is scheduled to consider resolutions adopting CEQA Findings and a Statement of Overriding Considerations, General Plan 2040, and the Downtown Precise Plan. On August 2, the Council also will consider ordinances adopting conforming changes to the San Rafael Municipal Code that implement the Downtown Precise Plan.

This staff report provides a high-level summary of the documents presented for Council adoption. More comprehensive information on the plans and key issues is contained in the Planning Commission staff reports prepared for their hearings. Links to those reports are provided below:

FOR CITY CLERK ONLY

Council Meeting: _____

Disposition: _____

- Introduction and Overview of General Plan 2040 ([Sept 15, 2020](#))
- General Plan 2040 Chapters 1-9 (includes a summary of the following Elements: Land Use; Neighborhoods; Community Design and Preservation; Conservation and Climate Change; Parks, Recreation, and Open Space; Safety and Resilience; Noise) ([Oct 27, 2020](#))
- General Plan 2040 Chapters 10-14 (includes a summary of the following Elements: Mobility; Community Services and Infrastructure; Arts and Culture; Economic Vitality; Equity, Diversity, and Inclusion) ([November 12, 2020](#))
- Responses to Initial Public Comments on General Plan 2040 ([December 15, 2020](#))
- Introduction to Downtown Precise Plan ([January 12, 2021](#))
- Introduction to Form-Based Code ([January 26, 2021](#))
- Responses to Initial Public Comments on Downtown Precise Plan ([February 9, 2021](#))
- Overview of Draft Environmental Impact Report ([March 9, 2021](#))
- Summary of Comments on EIR and Final Revisions to General Plan 2040 ([June 15, 2021](#))
- Summary of Comments on Downtown Plan/ Municipal Code Amendments ([June 29, 2021](#))

In addition, the City Council received six progress reports on the General Plan 2040 and Downtown Precise Plan in 2019-2021. The most recent progress report was delivered on [April 5, 2021](#).

BACKGROUND:

General Plan 2040

Every city and county in California is required to prepare a long-range, comprehensive, general plan for its future. San Rafael's existing General Plan was adopted in 2004, with a horizon year of 2020. In 2017, the City initiated a General Plan Update in order to move the Plan's horizon forward from 2020 to 2040. The General Plan 2040 was created over a three-year period that engaged hundreds of San Rafael residents and businesses. A 24-member Steering Committee was created to guide the process, with 25 meetings convened between January 2018 and June 2020. The community was engaged through workshops, surveys, web-based activities, and direct outreach to stakeholders and neighborhood groups. The Draft 2040 Plan carries forward much of the content of General Plan 2020 but reorganizes and updates the document to reflect changed conditions, new State laws, and new issues and priorities.

The General Plan is organized into "elements" or topical chapters. Eight elements are required by state law, but San Rafael's existing Plan also includes "optional" elements on topics of local importance. General Plan 2040 consolidates some of the elements from General Plan 2020, while adding others. Table 1 compares the two documents. The most important changes include the addition of an Equity, Diversity, and Inclusion Element, the addition of climate change and resilience policies, the addition of a "Framework" chapter that provides guiding principles for San Rafael's future, and a major update of the Neighborhoods Element. All elements of the Plan have been comprehensively updated except the Housing Element, which is being updated now (2021-2022) in accordance with a schedule set by State law.

Table 1: “Elements” of General Plan 2020 and 2040

General Plan 2020	General Plan 2040
Land Use (*)	Land Use (*)
Neighborhoods	Neighborhoods
Community Design	Community Design and Preservation
Conservation (*)	Conservation and Climate Change (*)
Air and Water Quality	
Sustainability	
Parks and Recreation	Parks, Recreation and Open Space (*)
Open Space (*)	
Safety (*)	Safety and Resilience (*)
Noise (*)	Noise (*)
Circulation (*)	Mobility (*)
Infrastructure	Community Services and Infrastructure
Culture and Arts	Arts and Culture
Economic Vitality	Economic Vitality
Governance	Equity, Diversity, and Inclusion (*)
Housing (*)	Housing (*) –

(*) *mandatory element*

General Plan 2040 retains the same basic structure for each Plan Element. The initial section of each Element provides “existing conditions” information. This is followed by numbered goals, policies, and programs. The goals are broad, aspirational statements. The policies provide general direction on day-to-day activities. The programs indicate specific actions to be carried out to implement the policies. Many of the programs are ongoing practices and operating procedures, but a few are new plans, initiatives, activities, or capital improvements that may require future commitments of resources. The General Plan has a 20-year horizon and some of its programs may not be implemented until later in the planning period as resources become available. A report on General Plan progress is provided to the City Council annually, and Plan updates and amendments may be considered as conditions change.

Maps and graphics are included throughout the document to communicate policies spatially or provide background data. The Plan includes several appendices, including a Sea Level Rise Adaptation Report, background data on noise and transportation, geotechnical report requirements, and an Implementation Matrix identifying responsible parties and timing for key Plan programs.

As required by State law, General Plan 2040 includes a future [Land Use Map](#). The Map uses 19 color-coded categories to illustrate the land uses and densities (or intensities) permitted across the San Rafael Planning Area. The Map provides the basis for San Rafael’s zoning map. Several changes to the category definitions have been made through the General Plan Update and a number of categories on the 2020 General Plan Map have been merged. These changes will have minimal effects on the built environment and are mostly administrative. A “Sea Level Rise” Overlay has been added to the map indicating areas that may be impacted by sea level rise by 2050.

General Plan 2040 is based on population and employment forecasts for San Rafael developed by the Association of Bay Area Governments (ABAG) as part of Plan Bay Area 2040. The Plan accommodates approximately 4,400 new housing units and 4,100 jobs between 2020 and 2040. This growth will largely occur through reuse of previously developed and underutilized properties, with about half of the city’s growth anticipated in the Downtown area. The Plan does not convert any previously designated “greenfield” or open space land to urban uses.

The policies and programs that form the core of General Plan 2040 were completed in May 2020, following extensive input from the Steering Committee and San Rafael residents and businesses. The Plan itself was published in October 2020. Planning Commission public hearings were held on September 15, October 27, November 12, and December 15, 2020. Comments were received throughout this period, and into early 2021. Staff identified and responded to more than 600 comments, including those from the Planning Commission. The Plan was edited extensively to reflect public comment, and a “redlined” draft was produced in May 2021.

A number of additional edits were made to the May 2021 draft prior to the Planning Commission’s final hearing on the General Plan on June 29, 2021, including strengthening of tree protection language and greenhouse gas reduction measures. On June 29, the Planning Commission adopted Resolution No. 2021-04 recommending that the City Council adopt General Plan 2040.

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. Downtown development is currently guided by a Downtown Vision Plan adopted in 1993 (the Vision was previously incorporated into General Plan 2020). While the 1993 Plan had many positive outcomes, it is 28 years old and does not reflect Downtown’s current issues and potential.

Downtown was designated a Priority Development Area (PDA) by the City Council in 2009, recognizing its potential for sustainable, transit-oriented growth and making it eligible for planning grants and transportation investments. A number of studies and plans were completed between 2010 and 2020, including the SMART Station Area Plan (2012), “Good Design Guidelines” recommendations (2017), and the Downtown Parking and Wayfinding Study (2018). There are also Downtown-focused recommendations in the Bicycle and Pedestrian Master Plan (2018), the Housing Element (2014), the Climate Change Action Plan (2019), and the Third Street Rehabilitation and Safety Studies (2019-20). Collectively, these plans and studies pointed to the need for a higher-level framework that updated the 1993 Plan and synthesized policies for Downtown into a forward-looking, cohesive document.

In 2018, the City received a \$500,000 grant from ABAG/MTC to update the 1993 Plan. The grant also covered an updated inventory of Downtown historic resources and new recommendations for transportation, affordable housing, economic development, and climate resilience. The updated Downtown Plan (called a “Precise Plan”) includes a Form-Based Code (FBC) for Downtown, which will replace existing zoning regulations. There were “economies of scale” associated with doing this work concurrently with General Plan 2040, including a combined EIR addressing the impacts of both projects and a coordinated public outreach effort.

Like General Plan 2040, the Precise Plan has a 20-year planning horizon. Since it covers a smaller geographic area than the citywide Plan, its focus is more granular. The area covered by the Precise Plan is 265 acres, extending from the 2nd/ 4th Street intersection on the west to Montecito Plaza on the east, and from Mission Avenue on the north to First Street/ Albert Park on the south. Much of this area falls within the designated PDA (e.g., a one-half mile radius from the SMART Station). However, the Precise Plan includes the West End Village, which is outside the PDA.

The Draft Downtown Precise Plan serves a number of functions:

- It is a policy document providing a 20-year vision for Downtown.
- It is a regulatory document intended for reviewing and permitting future development and changes to existing buildings. It replaces many regulations and provisions of the San Rafael Municipal Code Title 14 – Zoning.

- It incorporates design standards, which are typically in a separate document and advisory.
- It incorporates specific recommendations for improvements to streets and public spaces.
- It creates a predictable development review process to facilitate project streamlining.
- It helps the City meet its future housing needs by providing substantial capacity for new residential development.

The document includes nine chapters, plus a glossary and technical appendices. Key chapters include existing conditions, design principles, the Downtown “design vision,” historic preservation, and transportation. The Plan also includes an affordable housing and anti-displacement strategy. Chapter 9 of the Precise Plan is the Form-Based Code (FBC). The Code includes a “Regulating Plan” (zoning map) for Downtown, including new height limits and opportunities for height bonuses. The FBC creates new districts that distinguish “Main Street” areas such as Fourth Street from “Neighborhood” areas such as Fifth Avenue in the West End Village.

Upon adoption of the Precise Plan and Form-Based Code, residential density limits will no longer apply in Downtown San Rafael. Development intensity will be guided by the height map, setback and parking requirements, upper story step-back requirements, and the design standards of the Plan itself. The FBC emphasizes the importance of public space (including streets) to the quality and success of Downtown. It identifies specific improvements to make Downtown more pedestrian-friendly, including a new civic plaza adjacent to the SMART station.

The Precise Plan was published on December 21, 2020. Planning Commission public hearings were held on January 12, January 26, and February 9, 2021. Staff reports prepared for each meeting (see page 2 of this report for links) provide additional detail on the content of the two plans, as well as public comments and responses. Based on public comments received between January and May 2021, a revised version of the Precise Plan was published in June 2021. On June 29, 2021, the Planning Commission adopted Resolution 2021-05 recommending adoption of the revised Precise Plan by the City Council.

Environmental Impact Report

The San Rafael General Plan 2040 and 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. A Notice of Preparation was issued on March 29, 2019 and the Planning Commission held a Scoping Session on April 23, 2019. The DEIR was published on January 7, 2021 with a 61-day public review period closing on March 9, 2021.

The DEIR evaluated the impacts of adopting the General Plan 2040 and Downtown Precise Plan. The General Plan does not entitle any specific development project on any specific site; rather, it creates opportunities for future development based on Land Use Map designations and planning policies. Thus, the DEIR is a “program” EIR, meaning it evaluates the cumulative effects of adopting a particular set of policies over a 20-year period, rather than the impacts of approving a development on an individual site. Essentially, 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.

The DEIR found that adoption of the General Plan 2040 and Downtown Precise Plan may have significant, unavoidable impacts on air quality, cultural resources, greenhouse gas emissions, and transportation. The plans may have significant, but mitigable, impacts on biological resources, geologic resources, hazards/ hazardous materials, and noise/ vibration. The Plan(s) would have less than significant impacts on aesthetics, agriculture and forestry, energy, hydrology/ water quality, land use and

planning, mineral resources, population and housing, public services and recreation, utilities and service systems, and wildfire. A finding that an impact is “less than significant” does not mean that the issue is not a concern. In almost all cases, the General Plan itself includes policies specifically intended to address an impact, risk, or hazard. For example, the General Plan adopts the City’s Local Hazard Mitigation Plan by reference, providing a stronger policy framework to reduce impacts associated with wildfires, flooding, and earthquakes.

In some cases, the DEIR identified additional policies and programs to be added to the General Plan and Downtown Precise Plan prior to their adoption. The May 2021 version of General Plan 2040 adds these policies and programs, making the General Plan “self-mitigating” for most potential impacts.

A Final EIR incorporating the responses to comments was published on May 23, 2021. On June 15, 2021, the Planning Commission approved Resolution 2021-02, finding that the Final EIR was adequate and met the requirements of CEQA. The Resolution recommends that the City Council certify the Final EIR.

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 (SOC), and a Mitigation Monitoring and Reporting Program for General Plan 2040 and the Downtown Precise Plan. The SOC identifies the economic, environmental, and social benefits that would occur through General Plan adoption and concludes that these benefits outweigh the Plan’s potential significant, unavoidable environmental impacts. The City Council will be asked to adopt a similar resolution on August 2, 2021, making the same findings.

Amendments to the San Rafael Municipal Code (SRMC)

The Downtown Precise Plan is a regulatory document as well as a policy document. Its adoption requires the adoption of two ordinances that amend the San Rafael Municipal Code (SRMC). On June 29, 2021, the San Rafael Planning Commission adopted Resolution No. 2021-06 recommending that the City Council adopt both ordinances.

Ordinance 1: 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. All references to the former Downtown zones, which were first 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.

Ordinance 2: Adoption of the 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.

ANALYSIS:

This section of the staff report highlights the issues raised during the Planning Commission review process. Most of these issues have been resolved through revisions to the Plans or discussions with the Commission, but a few remain. General Plan 2040 and the Downtown Precise Plan are complex, comprehensive, multi-faceted documents. Both plans have been thoroughly vetted and extensively revised in response to public comment.

General Plan 2040

Approximately 30 comment letters on General Plan 2040 were received between October 2020 and May 2021, including letters from the Audubon Society of Marin, Responsible Growth in Marin, Sustainable San Rafael, the Marin Conservation League, Sierra Club, San Rafael Heritage, Terra Linda Homeowners Association, West End Neighborhood Association, and various individuals. Some of the issues raised by these letters included tree removal requirements, wetlands protection, neighborhood character, emergency access, fire safety, historic resources, parking, and traffic. There were also general comments relating to the use of the word “should” vs “shall” in the Plan’s policies and the tension between the Plan’s accommodation of growth and policies supporting neighborhood conservation. Residents and community groups provided specific comments on Plan text and policies for Northgate Mall, Canalways, the West End area, and the San Rafael Rock Quarry.

The Planning Commission did a chapter-by-chapter review of the General Plan 2040 during its Fall 2020 public hearings. Among the issues raised were the possibility of adding more metrics to the document, highlighting interconnected Plan themes and concepts, further assessing the City’s vision for its economy, providing more direct links to the related documents that implement General Plan policies, and strategically editing the new Equity, Diversity, and Inclusion Element. One of the Commission’s suggestions was that the Plan include a “call to action” to prepare a citywide economic development strategy that aligned its social equity goals with its economic vitality goals. This has been added.

In response to public and Commission input, staff revised each element of the General Plan, along with the introduction, framework, and appendices. New diagrams and figures have been added where necessary. Mitigation measures from the General Plan EIR have been incorporated into the Plan in the form of new policies and programs, particularly in the Conservation and Climate Change Element and the Safety and Resilience Element.

The Conservation and Climate Change Element has been modified to respond to public comments on trees, wildlife protection, and wetlands conservation. Additional historic preservation programs were added in response to public comments and EIR findings. Minor revisions to the Mobility Element were made in response to public comment. The Equity, Diversity, and Inclusion Element was revised in

response to Planning Commission feedback. The Implementation Matrix (Appendix A) now identifies metrics for each element so that progress on Plan implementation can be measured and tracked.

Public comment at the June 15 and June 29 Planning Commission meetings included continued requests for stronger General Plan language on tree preservation (including protection of redwood trees and “heritage” trees), stronger hillside protection policies, stronger wetlands conservation policies, and greater vigilance in reducing greenhouse gas emissions to achieve the reduction targets in the City’s 2030 Climate Change Action Plan. Many other issues raised during the Fall 2020 Commission hearings were resolved through edits made to the Plan during Spring 2021.

Downtown Precise Plan

Public comments on the Precise Plan fell into several categories, discussed below:

- A minor revision to the Precise Plan boundary was requested (and subsequently made) to add a parcel at 1010 Grand Avenue, thereby keeping three parcels under common ownership within the boundary and facilitating their future development.
- The method for calculating State-allowed density bonuses in the Plan area was clarified (since the Precise Plan does not regulate density, it was unclear how bonuses for affordable housing would be calculated).
- The Precise Plan offers height bonuses of 10 to 20 feet to projects including certain percentages of affordable housing. The relationship between these bonuses and State density bonuses was clarified. An applicant may use either the Plan’s height bonus or the State density bonus but may not combine the two.
- The percentages of affordable units required to qualify for the Plan’s height bonus were lowered to align with recent revisions to the Inclusionary Zoning ordinance and to facilitate housing development.
- The method for calculating allowable building heights on sloped sites was clarified.
- Standards for upper story additions to historic buildings and for new buildings adjacent to historic buildings were revised in response to public comment.
- There was strong support for making 4th Street more pedestrian-focused, including redesigning the street for more regular closures and public events.
- Requirements for solar access studies were requested (and subsequently added) for taller buildings, with exceptions for projects including affordable housing.
- Miscellaneous edits to the text and specific urban design improvements were requested and made.

One of the issues regularly raised during the public hearings was allowable building height. Some members of the Planning Commission and public supported taller heights while others expressed concerns about shadows, visual impacts, and the character of Downtown. Most of these issues were resolved, but there continue to be issues about height in the West End Village (at the triangle formed by 2nd, 4th, and Ida Streets) and in the area along the west side of US 101.

The only change to the height map resulting from these discussions was to allow for a 20’ height bonus (rather than a 10’ bonus) on the south half of the block bounded by 5th Avenue, B Street, C Street, and Mission Avenue. This was in response to a public comment received at the June 29, 2021 hearing.

As noted earlier, the Precise Plan included the first comprehensive field survey of Downtown’s historic resources since 1976-1977. More than 572 properties were evaluated by the consultant team. Approximately 160 of these properties received a more detailed assessment based on their age and condition. A one-page profile sheet was prepared for each of these 160 properties, and approximately 90 were identified as potential historic resources. The inventory also identified two areas eligible as

historic districts, including a “west” district in the vicinity of 4th and B Streets in the Downtown Core and an “east” district along 4th Street between Court Street and Lincoln Avenue.

San Rafael Heritage provided extensive comments on the survey findings through the EIR process. The EIR consultant’s architectural historian re-evaluated approximately 35 buildings that were surveyed by the Downtown Plan consultant in 2019. A number of buildings were reclassified as a result of the supplemental survey, more closely aligning the survey with San Rafael Heritage’s expectations.

Modifications also were made to the boundaries of the two eligible historic districts. Staff provided additional outreach to property owners as part of this process, including a post-card mailing and a series of webinars on the historic inventory and standards for eligible properties.

Draft and Final Environmental Impact Reports (DEIR/FEIR)

The City received 14 comment letters on the DEIR, plus oral testimony at public hearings. Comments were received from Caltrans, the Transportation Authority of Marin, the Golden Gate Bridge Highway and Transportation District, the California Department of Fish and Wildlife, Marin Audubon Society, Raghianti and Freitas (attorneys), the San Rafael Rock Quarry, Sustainable San Rafael, San Rafael Heritage, and several individuals. Most of the comment letters requested clarifications or minor corrections to the Draft EIR, or revisions to mitigation measures related to biological resource impacts (wildlife and wetlands) and climate change.

As noted above, San Rafael Heritage provided extensive comments on the historic resources inventory. Sustainable San Rafael expressed concerns about the DEIR’s conclusion of a significant unavoidable impact on greenhouse gas (GHG) emissions and requested stronger mitigation measures to implement the City’s Climate Change Action Plan. Most of the requested changes were made through the Final EIR process. There continues to be advocacy for strengthening the City’s GHG reduction measures in response to the climate crisis, and for stronger City protection of redwood trees and other mature native trees.

Municipal Code Amendments

The Municipal Code Amendments were introduced at the Planning Commission meeting on June 29, 2021. As noted earlier in this report, the Planning Commission passed Resolution No. 2021-06 at that meeting, recommending City Council adoption of these Amendments.

There were no public speakers on the Code amendments at the Planning Commission hearing. Commissioner comments addressed the supplemental amendments on cannabis manufacturing and the rationale for the proposed changes. There were no specific comments on the new Form-Based Code or the associated Ordinances rescinding the former Downtown zones and adopting the new Code.

Next Steps

Adoption of the General Plan and Downtown Precise Plan requires City Council approval of four resolutions and two ordinances. At the July 19 meeting, the City Council will be asked to consider the first of the four resolutions, which certifies the Final EIR. The City Council will receive a presentation on the General Plan/ Downtown Precise Plan and will have an opportunity for questions and discussion. The July 19 public hearing also provides an opportunity for public comment on the General Plan, Precise Plan, and EIR.

On August 2, 2021, staff will return to the Council with the remaining resolutions and the two ordinances. These resolutions adopt the CEQA Findings and Statement of Overriding Considerations, the General Plan 2040, and the Downtown Precise Plan. The Ordinances adopt amendments to the Municipal Code which will make the Precise Plan Form-Based Code the official zoning regulations for Downtown. The two Ordinances will require a second reading on September 7, 2021.

COMMUNITY OUTREACH:

The General Plan 2040 and Downtown Precise Plan are the outcome of a three-year community engagement process. As noted earlier in the staff report, this process included 25 meetings of a 24-member Steering Committee; three community-wide workshops; numerous meetings with stakeholder groups, homeowners associations and neighborhood groups; regular presentations to the City Council, Planning Commission, and other City boards and commissions; “pop-up” workshops and displays throughout 2018 and 2019; a project website and on-line engagement platform; Spanish language workshops and interviews; on-line surveys; a youth engagement program; project-related videos and webinars; and direct communication with hundreds of residents and businesses. In March 2020, City staff adapted the community engagement process to reflect the constraints of the COVID-19 pandemic, hosting on-line workshops and meetings through the remainder of 2020 and providing opportunities for participation via Zoom and other platforms.

Additionally, the City Council’s adoption hearings were preceded by ten (10) noticed public hearings of the San Rafael Planning Commission, convened on September 15, October 27, November 12, December 15, 2020; and January 12, January 26, February 9, March 9, June 15, and June 29, 2021. A public notice of the July 19, 2021 City Council meeting was mailed to stakeholders, agencies and special interest groups 15 days prior to the meeting date. Those noticed included, among others, all neighborhood associations in the city, the San Rafael Chamber of Commerce, and members of the General Plan 2040 Steering Committee. Notice of this report was also placed in the Marin Independent Journal and was provided to an email list of approximately 380 subscribers on July 2, 2021.

FISCAL IMPACT:

Funding for General Plan 2040 was apportioned from General Plan Revenue Fund #218. This fund includes revenue for ongoing Plan implementation (the General Plan “Implementation Fee”), as well as the General Plan update process (the General Plan “Maintenance Fee”). Collectively, these fees represent a 1.219% surcharge on building permit fees. In addition, the City received a \$500,000 grant from the Association of Bay Area Governments/ Metropolitan Transportation Commission to prepare the Downtown Precise Plan and Form-Based Code, including the updated historic resources inventory.

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 has the following options to consider regarding this matter:

1. Approve the resolution certifying the FEIR as presented;
2. Approve a modified version of the resolution certifying the FEIR;
3. Direct staff to return to the August 2 meeting with changes to the resolution or changes to the Final EIR.

RECOMMENDED ACTION:

Approve the resolution as presented.

ATTACHMENTS:

1. Resolution Certifying the Final EIR for General Plan 2040

LINKS:

- [San Rafael General Plan 2040](#) (showing redlined changes made since October 2020)
- Downtown Precise Plan, including Form-Based Code- [Part 1](#) and [Part 2](#) (June 2021 Final Draft)
- Draft Environmental Impact Report – [Part 1](#) and [Part 2](#)
- [Final Environmental Impact Report](#)

RESOLUTION NO.

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

WHEREAS, every city and county in California is required to prepare a long-range comprehensive, general plan for its future. San Rafael's existing General Plan 2020 was adopted in 2004 with a horizon year of 2020. In 2017, the City initiated a General Plan Update (San Rafael General Plan 2040) in order to move the Plan's horizon forward 20 years to 2040; and

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

WHEREAS, in Fall 2020, the City completed and released the Draft General Plan 2040 and the Downtown Precise Plan for public review. City staff prepared and released accompanying amendments to the San Rafael Municipal Code (SRMC Title 14 – Zoning) to establish a new zoning district for Downtown, and address and incorporate the Downtown Precise Plan "form-based code;" and

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

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

WHEREAS, on March 29, 2019, the City of San Rafael issued a Notice of Preparation (NOP) that announced the initiation of the EIR process and solicited

comments regarding the scope of issues to be included and studied in the EIR. The NOP provided a 30-day review period for public comment. On April 23, 2019, the Planning Commission held an appropriately noticed public scoping hearing on the NOP. The Planning Commission directed staff to prepare an EIR for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) to address the following issues: Aesthetics, Agricultural and Forestry Resources, Air Quality, Biological Resources, Cultural and Tribal Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise and Vibration, Population and Housing, Public services and Recreation, Transportation, Utilities and Service Systems, Wildfire, and a reasonable range of alternatives to the project; and

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

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

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

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

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

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

and b) FEIR/Response to Comments to Draft EIR prepared by Placeworks, May 21, 2021; and

WHEREAS, the City intends that the FEIR, and all applicable mitigation measures therein, shall be used as: a) the environmental documentation required by CEQA for adopting the San Rafael General Plan 2040 and Downtown San Rafael Precise Plan; and b) a Program EIR for all subsequent actions required to either implement these Plans and for individual, site-specific development project review within the geographic areas covered by these Plans; and

WHEREAS, the City is committed to vigorous implementation of all programs it considers necessary to lessen impacts found to be significant and unavoidable, including implementation of its Climate Change Action Plan to reduce greenhouse gas emissions in order to achieve or exceed State climate goals; and

WHEREAS, on June 15, 2021, the Planning Commission held a duly noticed public hearing on the FEIR/Response to comments and considered the FEIR along with the San Rafael General Plan 2040 and Downtown San Rafael Precise Plan, accepting all public testimony and the written report of the Community Development Department staff. Following its discussion, the Commission approved Resolution 2021-02 recommending City Council certification of the FEIR; and

WHEREAS, on July 19, 2021, the City Council held a duly noticed public hearing on the proposed project, accepting and considering all oral and written public testimony and the written report of the Department of Community Development; and

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

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby certifies the FEIR, appended to this Resolution as Exhibit A, based upon the following findings required by CEQA Guidelines Section 15090:

1. The Final Environmental Impact Report (FEIR), which consists of the Draft Environmental Impact Report (DEIR) dated January 7, 2021, and the Response to Comments Document dated May 21, 2021 has been prepared in accordance with CEQA, including Public Resources Code Section 21083.3, and the provisions of the City of San Rafael Environmental Assessment Procedures Manual.
2. The FEIR has been prepared and completed in compliance with the California Environmental Quality Act (CEQA) Guidelines and the City of San Rafael Environmental Assessment Procedures Manual by following the appropriate format, content, technical analysis of the potential impact areas and project alternatives identified in the initially authorized scope of work. Further, all prescribed public review periods and duly noticed hearings were held for the project Notice of Preparation (NOP), Notice of Completion (NOC) for public review of the DEIR and Notice of Availability following publication of the FEIR.

3. The City Council has exercised its independent judgment in evaluating the FEIR and has considered the comments received during the public review period on the DEIR.
4. The FEIR reflects the independent judgment and analysis of the City of San Rafael Community Development Department and City Council. The City Council has reviewed and considered all information contained in the FEIR prior to taking action on the San Rafael General Plan 2040, Downtown Precise Plan, and amendments to SRMC Title 14, Zoning finding that the FEIR:
 - a) Appropriately analyzes and presents conclusions on the impacts of the project;
 - b) Analyzes a reasonable range of alternatives to the project that could feasibly attain most of the basic objectives of the project while avoiding or substantially lessening any significant effect of the project;
 - c) Identifies or recommends mitigation measures to substantially lessen, eliminate or avoid the otherwise significant adverse environmental impacts of the project, and
 - d) Includes findings and recommendations supported by technical studies prepared by professionals experienced in the specific areas of study, and which are contained within the document and/or made available within the project file maintained by the City of San Rafael Community Development Department, the custodian of all project documents.
5. The information contained in the FEIR is current, correct, and complete for document certification. As a result of comments submitted on the DEIR, the FEIR provides responses to comments received on the DEIR and provides clarification to and incorporates edits to the DEIR text. No significant new information has been added to the DEIR that would deprive the public of meaningful opportunity to comment upon the significant adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the City has declined to implement. Specifically, no new, significant information is presented in the FEIR that would result in, disclose, or result in following:
 - a) A new, significant environmental impact resulting from the project or a new mitigation measure needed to implement a new significant environmental impact;
 - b) A substantial increase in the severity of the impacts that were disclosed and analyzed in the DEIR;
 - c) Any new feasible project alternatives or mitigation measures considerably different from others previously analyzed that would clearly lessen significant environmental impacts of the project, but which the City refuses to adopt; and
 - d) A finding that the DEIR is so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.
6. The FEIR presents factual, quantitative, and qualitative data and studies, which find and support the conclusion that the project will result in several potentially significant impacts that necessitate mitigation. At the time the City considers action on the San

Rafael General Plan 2040, Downtown Precise Plan, and amendments to SRMC Title 14, Zoning, it will be necessary to make complete and detailed findings pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a). For each significant effect identified in the EIR, the City will be required to make one or more of the following findings:

- a) That changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR; that such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and that such changes have been adopted by such other agency or can and should be adopted by such other agency;
 - b) That specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR; and
 - c) As the project would result in several significant, unavoidable impacts, findings of overriding consideration will be required. Such findings will require that the City weigh the benefits of the project with the environmental impacts that cannot be mitigated.
7. The City Council is taking an action to certify the FEIR for the project, recognizing it as an informational document for assessment of the project. The CEQA Guidelines recognize that an environmental document is prepared for public disclosure of potential project impacts and that it is used as an informational document to guide decision-makers in considering project merits. Certification of the FEIR, as presented, would not result in a land use entitlement or right of development for a specific project or site. When taking action on future development projects the FEIR document must be reviewed to determine whether it adequately assesses the impacts of the project, and whether the circumstances presented in Public Resources Code section 21166, as amplified by its corresponding CEQA Guidelines Sections 15162 to 15163 are present with respect to the project to determine whether: a) a Subsequent EIR, a Supplement to the EIR, Addendum to the EIR, or a Negative Declaration will need be prepared; or b) further environmental review under CEQA is not required. Certification of the FEIR prior to consideration of and taking action on future development projects does not prejudice or bias review or actions on the proposed development project.

I, LINDSAY LARA, Clerk of the City of San Rafael, hereby certify that the foregoing resolution was adopted at a regular meeting of the City Council on the 19th day of July 2021.

AYES:
NOES:
ABSENT:

LINDSAY LARA, City Clerk

EXHIBIT A (by hyperlink): [FINAL ENVIRONMENTAL IMPACT REPORT](#)