

ATTACHMENT 4

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)

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.

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

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

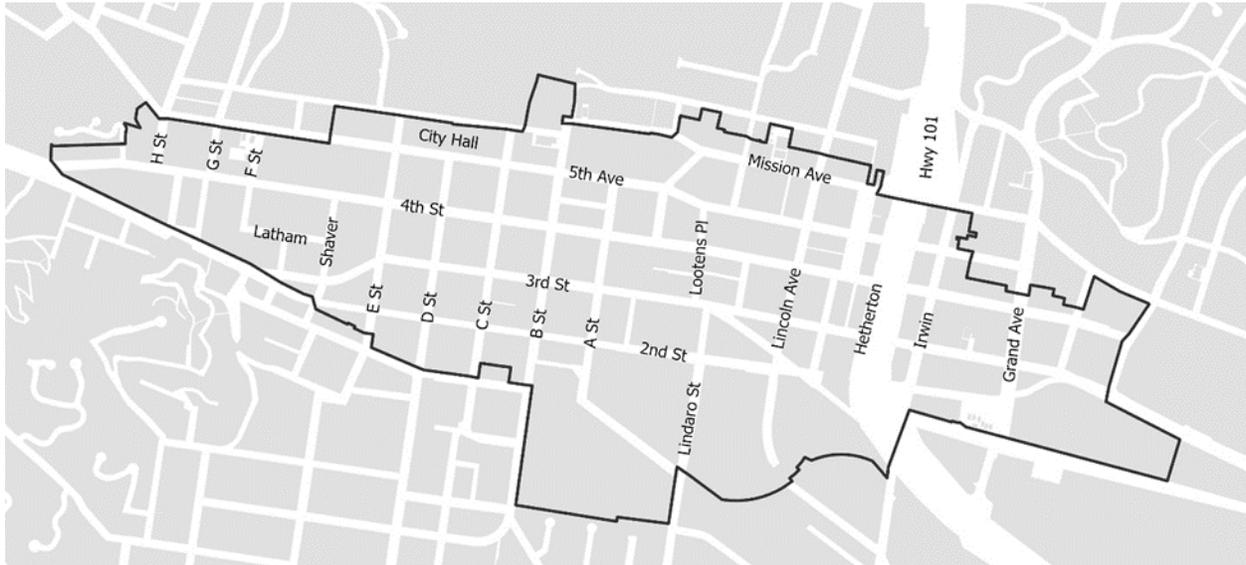
Base District Designator	Base District Name	Chapter
CCI/O	Core Canal Industrial/Office District	14.06
LMU	Lindaro Mixed Use District	14.06
PD	Planned Development District	14.07
M	Marine District	14.08
P/QP	Public/Quasi-Public District	14.09
P/OS	Parks/Open Space District	14.10
W	Water District	14.11

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:



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:

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
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.

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;
- 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 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:

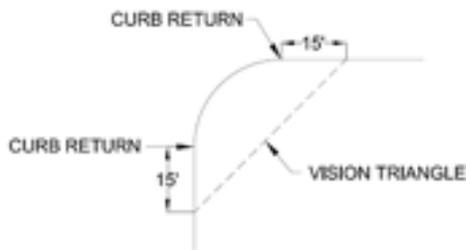
14.16.295 - Sight distance.

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](#)



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. 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.

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	
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)

Use Classification	Off-Street Parking Required
Three or more bedroom units	2 spaces per unit (including 1 covered space).
Guest parking, multifamily	1 space per 5 units.
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.
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.

Use Classification	Off-Street Parking Required
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.
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.

Use Classification	Off-Street Parking Required
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.
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),

Use Classification	Off-Street Parking Required
	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)	
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.

Use Classification	Off-Street Parking 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:	
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.

Use Classification	Off-Street Parking Required
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.
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, sub-section 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:

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').
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

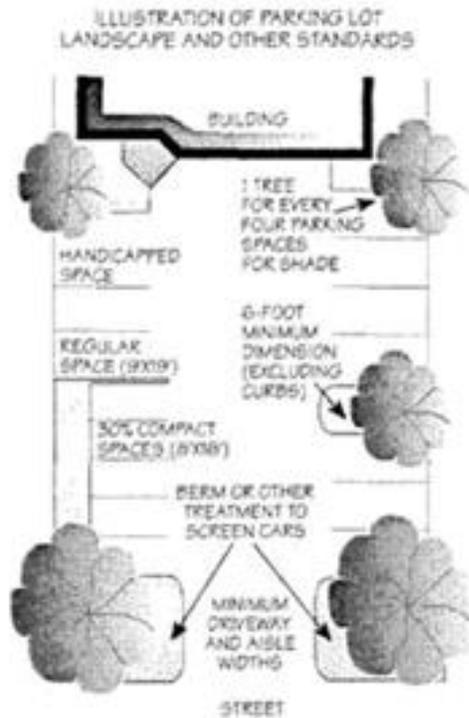
director that excavation, soil preparation and tree planting have complied with the standards established by this subsection to promote normal healthy tree growth. Such written verification shall be received by the community development director prior to use of the parking facility and/or occupancy of 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.

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](#)



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

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:
 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:

**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	Wall [permitted uses, see Section 14.19.062(A)]	One (1) per residence	Five (5) square feet	NA	No illumination+

Zoning District	Permitted Sign Type	Permitted Number of Signs	Maximum Sign Area**	Maximum Sign Height (freestanding)	Permitted Illumination
Residential Districts					
	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 Districts (NC, GC, O, C/O, FBWC, LI/O, I, CCI/O, M and MC)	Wall, Window, Projecting/Blade, Awning, Marquee, Mansard, Monument, Directory, Changeable Copy and Pole/Pylon signs	For nonresidential uses except office uses: Two (2) per frontage of business or use**	For nonresidential uses except office uses: One (1) square foot for each linear foot of building width of business or use frontage** Minimum sign area of twenty-	Six feet (6') for monument signs Twenty-one feet (21') for pole/pylon signs Twenty-five feet (25') for freeway-oriented	External illumination, Internal illumination, Reflective illumination and Neon

Zoning District	Permitted Sign Type	Permitted Number of Signs	Maximum Sign Area**	Maximum Sign Height (freestanding)	Permitted Illumination
			five (25) square feet. See 14.19.064 .	pole/pylon signs*	
		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 similar to the subject zoning district.	Compliance with standards and provisions of district most similar to the subject zoning district.	Compliance with standards and provisions of district most similar to the subject zoning district.	Compliance with standards and provisions of district most similar to the subject zoning district.	Compliance with standards and provisions of district most similar to the subject zoning district.

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

* 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:

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:
 - 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.
 - 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.
 - 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](#).
 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.

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:

B. 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.

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).

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:

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

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.