

Responses to Written Comments Received 6/24/21 to 6/29/21, and to Planning Commission public comments on 6/15 and 6/29 (yellow highlight = action required)

Oral Comments from 6/15 public hearing	
Comment	Response/Revision
<p>Bill Carney. The GHG finding of the DEIR raises a red flag regarding the importance of implementing the Climate Action Plan. If the City is vigilant about implementing the CAP early in this decade, it can avoid these impacts and meet its GHG reduction goals. A firm commitment is essential. SSR asks that the Planning Commission amend the resolution under consideration to note that implementing specific GHG reduction measures is imperative.</p>	<p><i>Resolutions 2021-02 and 2021-03 were both amended as requested by Sustainable San Rafael. Both resolutions underscore the importance of aggressively implementing the CCAP to recognize the urgency of the climate crisis and avoid the potential for significant GHG impacts.</i></p>
<p>Victoria DeWitt:</p> <ol style="list-style-type: none"> (1) LU-2.1 (lot consolidation) should mention hillside lots. They need to be combined to create reasonable development sites. (2) LU-2.6A: reduced parking should only be allowed only where it will not adversely affect emergency vehicle access (3) LU-2.12D: limit ADUs where there would be risks to public health and safety (4) West End neighborhood text needs some corrections. Bike improvements are needed along 2nd Street, not in the West End Village. (5) Tree protection ordinance is needed. (6) Path improvements—add Grove Hill Estates path. Has been on the books since 1983. (7) Reference the hillside development standards in the geotechnical matrix 	<p><i>Comments annotated here were also provided in writing in a letter dated June 15, 2021. Written responses were provided in a separate document. A number of edits to the Plan will be made in response to the comments.</i></p>
<p>Belle Cole. Supports Bill Carney’s comments. The City can avoid significant GHG impacts if it adopts CCAP measures NOW, including mandatory composting of organics (SB 1383). We are pleased to see this in the General Plan but need strong City leadership to make it happen.</p>	<p><i>See response to Bill Carney comments.</i></p>
<p>Barbara Salzman (Marin Audubon):</p> <ol style="list-style-type: none"> (1) We appreciate the changes made to the Canalways text. (2) Redwoods are essential to habitat and carbon sequestration and should be protected 	<p><i>(1) So noted. (2) Comment noted. The program on tree protection has been strengthened in response to this and similar comments.</i></p>

<p>(3) Just because a policy is being carried forward from GP 2020 doesn't mean it's a good or current policy. Standards have changed, and the policies should have been strengthened.</p> <p>(4) language such as "if it's not practical" should not be included (unless there's a 'take')</p> <p>(5) We still favor the Baylands corridor over the wetlands overlay zone. It's based on historic wetlands, not current wetlands, and so it's weaker.</p>	<p>(3) <i>The starting point for all GP 2040 policies has been GP 2020, with revisions vetted and discussed with the GP 2040 Steering Committee. Potential changes to this policy were discussed in 2019.</i></p> <p>(4) <i>Noted. The language provides the flexibility necessary to meet multiple City goals and was discussed through the Steering Committee process. We recognize that there are different views on the issue.</i></p> <p>(5) <i>Noted. The Plan text acknowledges the Baylands Corridor is the best fit for the unincorporated areas, while the wetlands overlay is more appropriate in the City areas given the urbanized context.</i></p>
<p>Leslie Simons. Concurs with earlier speaker regarding heritage trees. They do need an ordinance to protect them.</p>	<p><i>See response to earlier comments (DeWitt)</i></p>

Letters, 6/24/21 to 6/29/21	
Sustainable San Rafael (Bill Carney) – Letter 6/28/21	
<p>We are gratified that the recommended plans and environmental documents both now include effective policies and actions to address the climate change that will continue to affect us with increasing intensity over the next twenty years – and that must be mitigated within this timeframe. These policies, programs and commitments include: 1. Concentrating housing and commercial development near transit, in walkable, bike-friendly town centers. 2. Achieving significant reductions of greenhouse gas emissions by rapid implementation of the programs in General Plan 2040 and Climate Change Action Plan 2030, especially those that target the primary sectors driving emissions, including: <i>a. Building electrification. b. EV infrastructure, promotion, and adoption. c. Mandatory organics recycling.</i> 3. Moving quickly to adopt and codify these GHG programs, in accordance with the 2021-2022 priorities of CCAP 2030, so that the large reductions required can be achieved during the term of the Plans, with new development and renovations contributing to the reduction of GHGs rather than</p>	<p><i>Comments noted. The referenced programs were strengthened in the redlined draft per prior correspondence and input on this issue from Sustainable San Rafael and others.</i></p>

<p>their growth. 4. Closely monitoring GHG reductions in order to adjust, strengthen, and expand CCAP programs as needed to meet City and State emission goals.</p>	
<p>With these steps firmly in place and proactively applied to both existing and anticipated development, we believe that the significant GHG impacts predicted by the General Plan 2040 EIR can be avoided. The EIR projects a 20% reduction of GHG by 2040, while stating that a 60% reduction by then would be required to meet state law (table 4.5-5). However, CCAP 2030 already provides viable ways to attain a 40% reduction in the next ten years. Sustainable San Rafael calculations (6/14/21) indicate that the remaining 20% needed to reach the full 60% reduction by 2040 (a total reduction of 360,000 MTCO₂e from current levels) can be accomplished by early adoption and diligent application of low-emission building electrification, mobility, and organic waste programs already identified. Additional actions and approaches will no doubt enhance these efforts, but the technologies needed to reach 60% emission reductions locally are readily available and affordable, from EVs, to heat-pump HVAC, to Marin Sanitary green carts. Even the long-sought ‘political will’ to engage climate change is growing with each new wildfire, drought, flood, and heat wave. What’s needed now are the leadership, laws, and incentives to integrate these practical solutions into the fabric of our community.</p>	<p><i>All comments are duly noted</i></p>
<p>We remain disappointed that the EIR did not include these and similar solutions as mitigations to the greenhouse gas impacts it identifies. Nonetheless, the fact that the EIR continues to find the GHG impacts of General Plan 2040 to be “significant and unavoidable” raises a bright red flag spurring San Rafael to meet its climate goals and thereby prove those predictions wrong. Accordingly, we urge the Planning Commission, and the City as a whole, to carefully weigh the GHG impacts of every action that comes before you pursuant to these Plans, and to reduce those impacts to retain our city’s trajectory to net-zero emissions. General Plan 2040 and the Downtown Plan/Form-based Code provide a comprehensive framework for such considerations, and Sustainable San Rafael supports their adoption. In applying them going forward, we ask that you bear in mind that the 20-year term of the new General Plan coincides with what many scientists consider the final two decades left to cut greenhouse gas emissions sufficiently to avoid irreversible tipping points that would move climate change beyond human control.</p>	<p><i>All comments are duly noted</i></p>

Point San Pedro Coalition (Bonnie Marmor, Denise Lucy) – Letter 6/29/21	
<p>Program NH-5.6B: To ensure that the benefits of state land use law and the permit conditions that regulate Quarry operations are conferred on local residents, and to avoid slipping back into the adversarial relationship that local residents had with the Quarry before the 2010 permit was approved, we suggest GP2040 include the following text (edit to Program NH-5.6B):</p> <p><i>e) With input from residents, confirm that Quarry Operations and any proposed Operating Permit changes do not violate, and are in conformance with, applicable court orders and non-conforming use restrictions.</i></p>	<p><i>The requested clause will be added to Program NH-5.6B</i></p>
<p>We suggest the following text be included in GP2040 (through an amendment to Policy NH-5.7, clause f):</p> <p><i>f) Protect and enhance the freshwater marsh and ponds, taking sea level rise impacts into consideration. Consider some degree of tidal action in the restoration of the saltwater marsh as options both for habitat improvement and potential sea level rise mitigation as part of a larger adaption plan.</i></p>	<p><i>The requested clause will be added to Policy NH-5.7</i></p>
San Rafael Heritage Comments for PC hearing June 29, 2021	
<p>1st point: Regarding the Downtown Precise Plan (DPP) staff response to the SRH letter of January 6, 2021, Staff response Number 1. Our SRH letter states (originally referring to Section 5.): “that a building important to the local community may be protected as a local landmark whether or not it meets Secretary of the Interior standards.” The staff response: “Per the recommendation of the City’s historic preservation consultant (Garavaglia Associates), the Plan recommends using the Secretary of the Interior Standards in order to make the Ordinance more predictable, consistent with state and federal law, and legally defensible.” Even though this response is not in the recent redlined version of the DTPP, the staff comment should be stricken as it is unnecessarily harsh. It creates a situation that may attract a cause of action. It is not an actionable offense to call for local landmark status.</p>	<p><i>The responses to comments on the DPP are only intended as informal staff-level assessments of the comment. They are separate from the more formal CEQA responses and are not intended to represent City policy. In this instance, the response merely repeats the feedback provided by the architectural historian retained by the City for the Precise Plan. As the SRH comment notes, the Downtown Plan itself does not preclude any building from being nominated, nor does it preclude the City from landmarking a building that does not meet the federal SOI standards.</i></p>
<p>2nd point: Regarding the various incentives possible for historic preservation, these programs are meant to encourage property owners to seek a higher rating and possible landmark status for their property. The intent is to allow a building that may not qualify for either state or national status, but is important to the history and development of San Rafael, to qualify locally. The use of incentives would allow lesser (“C” rated) buildings to upgrade</p>	<p><i>The revisions to the Downtown Plan are consistent with the direction provided by this comment. P 120 states that “Preservation incentives should be structured to apply to all designated and potential historic resources, including lower-rated buildings and</i></p>

<p>and possibly become eligible for State or Federal listing. It could take the economic pressure off owner’s desire to demolish versus restoration by using tax reduction incentives.</p>	<p><i>contributors to historic districts, where sensitive restoration or rehabilitation would achieve Downtown's urban design and placemaking objectives.”</i></p>
<p>And so, with the General Plan 2040, we will continue to collaborate with city staff, and soon with the City Council for inclusion of additional points we consider important. We have accommodated certain parts of the DTPP for it to be more flexible and less restrictive on neighboring properties. We fully expect the City Council will follow through with certain revisions. San Rafael Heritage is forward-looking and fully understands the need to balance new development with historic preservation.</p>	<p><i>Comments noted.</i></p>
<p>Victoria DeWitt – Letter, 6/28/21</p>	
<p>Edit Program Program C-1.15A as follows: Education on Desirable Plant Species. Leverage the educational and website materials on “water-wise” plants developed by the Marin Municipal Water District, and fire-prone plants from FireSafe Marin, <u>and plants with high carbon sequestration (to reduce climate change)</u>, as resources for San Rafael property owners.</p>	<p><i>Prog C-1.15A references specific documents prepared by MMWD and Fire Safe Marin. The suggested edit does not reference a specific source (such as an inventory of carbon-absorbing plants prepared by a local agency) and would not be consistent with the rest of the program. The importance of trees for sequestering carbon is stated on Page 5-18 (and is being added per the request below).</i></p>
<p>Edit Policy C-1.16: Urban Forestry as follows: Tree planting and preservation should be coordinated with programs to reduce fire hazards, <u>reduce greenhouse gas emissions</u>, expand solar opportunities, and ensure public safety, resulting in a community that is both green and fire-safe.</p>	<p><i>This change will be made.</i></p>
<p>Edit Program C-1.17A: Tree Preservation as follows: The regulations should strongly support the protection of California redwoods (Sequoia sempervirens) and other native trees. <u>Define California redwoods (Sequoia sempervirens) as a protected species, along with other native trees.</u></p>	<p><i>Per previous responses, the list of protected species (as well as thresholds and standards for eligibility) will need to be determined through a follow-up process, additional technical analysis, and community input. Such a process is recommended by the General Plan.</i></p>
<p>Correct typo: In Program C-1.17B (Tree Management Plan), the word “substantial” should be “substantially”</p>	<p><i>This change will be made.</i></p>

Oral Comments from 6/29 public hearing

<p>Linzy Klumpp – Comments expressed during public comment were also submitted in writing and are included there</p>	<p>See response to written comments on P.4</p>
<p>Riley Hurd:</p> <p>(1) Raise the height limits on the parcel at 1230-1248 5th Ave on C Street between 5th and Mission in order to make development of this site more feasible. The site is sloped, and we’ve asked that either the methodology for calculating height on sloped sites be changed or the height limit itself (or bonus) be increased. We understand the desired lower heights on Mission, but 5th Av is different and can support taller buildings. Keep upper part T4N 40/50 and make the lower part T5N 40/60;</p> <p>(2) Include the methodology for calculating density bonuses in the Plan itself, rather than in a separate document that is not adopted. The interplay of the State density bonus and Downtown Plan should be in the Plan. If it’s not, please state that if there’s a conflict between state law and the Precise Plan, then state law prevails.</p>	<p>(1) <i>The Planning Commission expressed support for the split height designation on the referenced site, per the map below:</i></p>  <p>(2) <i>The Planning Commission and staff concluded that the methodology for calculating density bonuses should remain a separate document, given the potential for future changes to state density bonus regulations.</i></p>
<p>Victoria DeWitt</p> <p>(1) Please include stronger language regarding California redwoods, recognize their potential to eliminate GHGs, and establish them as protected trees.</p> <p>(2) Reduce the allowable heights on the triangle bounded by 4th, 2nd, and Ida from 40/60. The triangular shape area consists of 8 parcels and 7 owners. It should not have high density, as it’s bordered by lower density all around it and abuts SF homes.</p>	<p>(1) <i>See response to written comment on Program C-1.17A on prior page.</i></p> <p>(2) <i>At the 6/29 PC meeting, Staff noted that the extra 10 feet of bonus height on these sites had been proposed because this is a gateway area with larger parcels, low building coverage, and sites that are more viable for housing relative to the smaller, finer-grain parcels elsewhere in the West End Village.</i></p>
<p>Bill Carney - We are gratified that the Plan now includes the requested commitment to implementing the GHG reduction measures that are essential to avoid significant GHG impacts. The Plan provides the tools to meet our climate goals if we are vigilant about implementing key GHG reduction measures. Time is of the essence, and we must adopt these ordinances now. Weigh the greenhouse gas impacts of every action that comes before you, moving forward.</p>	<p><i>Comments noted.</i></p>

<p>Leslie Simons – Doesn’t agree entirely with prior speaker— don’t rely too heavily on electricity alone due to reliability issues and limited access to solar for many people. Natural gas is still a clean, reliable option. (2) Typo in Chart 6-1? Should “on-road” vehicle equipment be “off-road”? What are we referring to here? (3) P 382 states that Albert Park is the preferred alternative for the Downtown library. This is premature since the study hasn’t been completed yet. (4) The Lindaro/3rd intersection requires a redesign for pedestrian safety.</p>	<p>(1) <i>Comments noted</i> (2) <i>Should be “off-road”. Will be corrected.</i> (3) <i>GP 2040, Page 11-8 will be edited as follows: “The currently preferred One alternative under consideration is to develop a new library integrated...”</i> (4) <i>The signal timing and design of the 3rd/Lindaro crosswalks and signal timing intersection is beyond the scope being addressed through separate process</i></p>
<p>Belle Cole – Supports Bill Carney’s remarks. Need to achieve significant GHG reductions through building electrification, additional EV infrastructure, and mandatory organics composting. Supports GP 2040’s emphasis on these programs.</p>	<p><i>Comments noted.</i></p>
<p>Annika Osborn – Cool the Earth. Supports Bill Carney’s remarks and the General Plan’s aggressive GHG reduction policies. Need to speed them up even more. Need to transition away from gas-driven cars ASAP—50% of all cars need to be electric by 2030.</p>	<p><i>Comments noted.</i></p>

Staff Correction to P. 189 of Precise Plan

The following sentence in the Precise Plan will be edited:

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

Staff edit to General Plan Policy LU-1.15 (planned development)

Encourage the use of Planned Development (PD) zoning for development on parcels greater than five acres when the application of traditional zoning standards would make it more difficult to achieve General Plan goals. The PD zoning designation allows flexible design standards that are more responsive to site conditions **as well as the transfer of allowable General Plan and zoning density between contiguous sites under common ownership.**