

# 3 Land Use

The Land Use Element includes policies guiding the physical form of the city and provides direction on growth management, development, and land use compatibility. It includes the San Rafael Land Use Map, which shows the location and intensity of land uses envisioned for the future. The Element identifies those areas of the city where change will be encouraged as well as those areas where existing uses will be maintained and enhanced. The intent is to direct growth and reinvestment strategically, reinforcing San Rafael's best qualities while revitalizing areas in need of improvement.

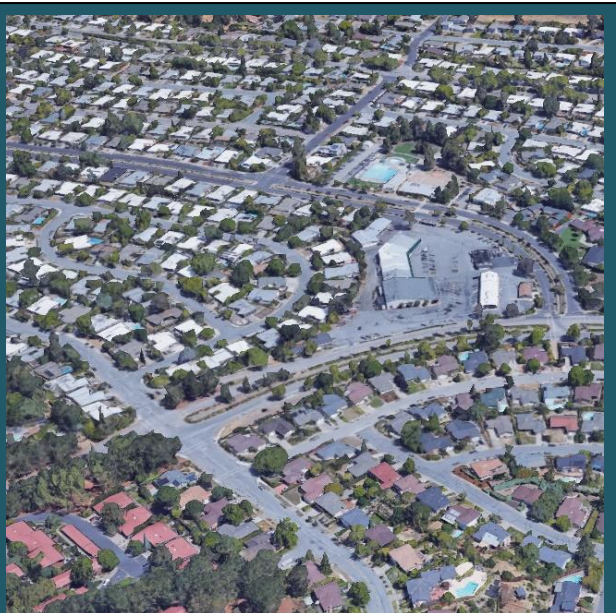
Government Code Section 65302 (a) defines the requirements for the Land Use Element. State law requires that the Element designate the general distribution, location, and extent of land used for housing, business, industry, open space, recreational facilities, education, public buildings and lands, mineral extraction, and waste disposal. It must also contain standards for population density and building intensity. These standards must be coordinated with plans for transportation and infrastructure and must reflect environmental constraints such as sea level rise and wildfire hazards.

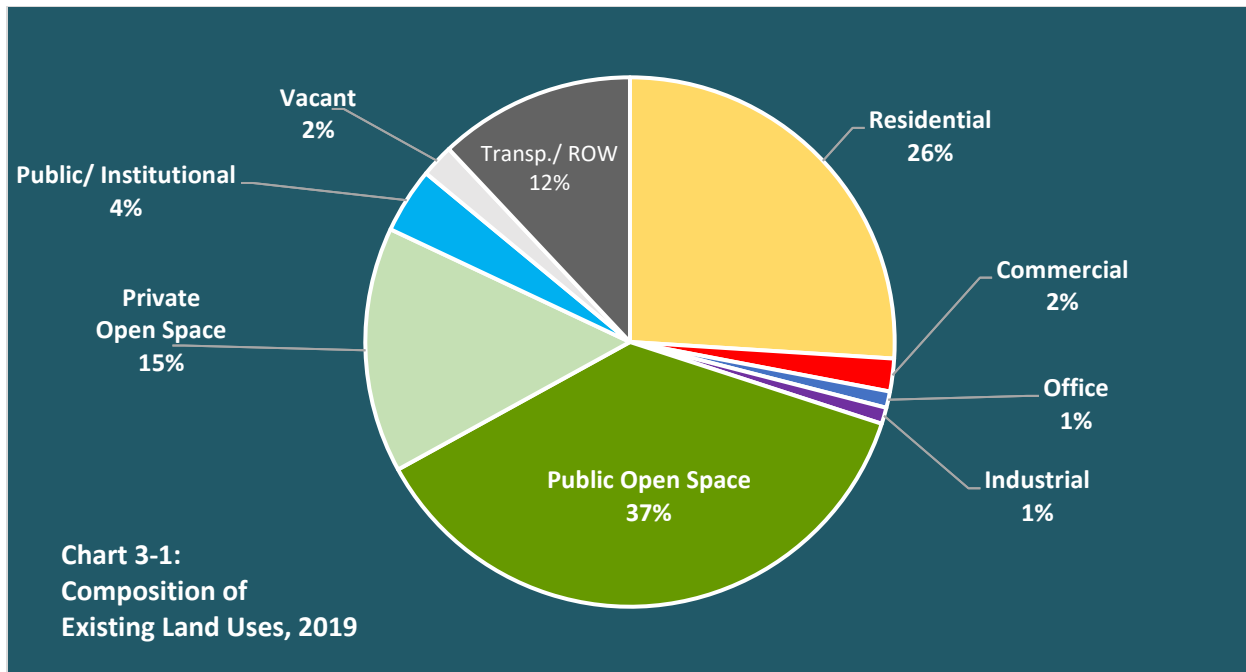
The Land Use Element is closely aligned with other elements of the General Plan. The Mobility Element has been calibrated with the Land Use Element to ensure that transportation capacity is adequate to support new development. At the same time, the Land Use Element shifts development patterns to make walking, bicycling, and transit use a more viable way to get around. The Land Use Element similarly aims to reduce the hazards identified in the Safety and Resilience Element, while preserving the natural resources addressed in the Conservation and Climate Change Element. It includes Map designations and policies to meet the housing needs identified in the Housing Element.

The Land Use Element guides future change to fit the desired character of San Rafael, preserve the city's historic qualities and natural environment, serve community needs, sustain the local economy, and enhance the quality of life. Its goals and policies provide the direction needed to strengthen San Rafael's sense of place and keep the city a place that feels like "home."

## Land Use and the Quality of Life

San Rafael is a desirable place to live, work, or own a business in part due to the variety of land uses that can be found in the city. It offers older neighborhoods with traditional city blocks and mixed uses, as well as mid- to late- 20<sup>th</sup> Century suburban areas where residential and commercial uses have been separated. Its neighborhoods are complemented by multiple business districts, ranging from industrial areas to office parks to neighborhood shopping centers. Its developed areas are complemented by a network of open spaces, connecting the city to nature and making it more interesting and scenic. Past land use decisions have maintained a balance of uses that give the city a "hometown" quality and make San Rafael what it is today.





## Profile of Existing Land Uses

Chart 3-1 shows existing land uses in San Rafael in 2019. The Planning Area includes 19,345 acres of land, or about 30 square miles. Roughly 52 percent of this acreage is open space. About two-thirds of the open space (7,100 acres) is public while about one-third (2,800 acres) is private, including ranchland, golf courses, cemeteries, quarries, and common areas within planned development. Residential uses represent 26 percent of the Planning Area acreage. This includes 4,200 acres of low density or single-family housing development, 400 acres of medium density housing development, and 400 acres of high-density housing development. Streets and other transportation and utility uses represent about 12 percent of the Planning Area. Commercial, office, and industrial uses represent less than five percent.

Within the San Rafael city limits, the percentage of open space is lower and the percentage of urbanized uses are higher. Even so, 36 percent of the land area within the city limits is open space. Residential uses represent 32 percent of the area within the city limits. Transportation and utilities represent 16 percent, while commercial and industrial uses are about eight percent. Only about three percent of the land within the city limits—or 290 acres—is vacant. Vacant land includes properties that are zoned for urban uses such as housing or industry but have minimal or no improvements.

## Land Use Planning Concepts

The Land Use Element reflects the Guiding Principles of General Plan 2040 (see P. 2-19). It strategically directs San Rafael's growth to areas where it will strengthen the city, protect natural resources, reduce exposure to environmental hazards, support climate change initiatives, and conserve and strengthen existing neighborhoods. The land use goals and policies are underpinned by a basic belief that change is both inevitable and necessary and should be harnessed to achieve the vision of a thriving city. Standing still is not an option for San Rafael. The city has always been the vanguard of change in Marin County, and will lead the way in the future. Several basic planning concepts inform this element.

## Transit-Oriented Development

The 2040 Plan adapts the concept of “transit-oriented development” (or “TOD”) to the context of San Rafael. This concept allows for higher residential densities and a greater variety of land uses (offices, housing, retail, services, etc.) in a limited number of geographic areas. By strategically directing future development to these areas, and siting different uses close together, more trips can be made through a short walk, bicycle ride, or bus ride instead of a car. TOD provides the additional advantage of creating more interesting and diverse places, with housing, restaurants, shopping, and workplaces in close proximity. Building at higher densities can use land more efficiently and make housing more affordable, accommodating smaller housing units and reducing the number of necessary parking spaces.

In the context of San Rafael, the TOD concept must be tailored to avoid a “one size fits all” approach and recognize the limitations of transit. Even in TOD areas, it is expected that many residents will still own cars and drive to work. But driving becomes a choice for these residents, and not the only option available. Even a small decrease in auto dependency can help move the City toward its greenhouse gas reduction goals.

The focus is on Downtown San Rafael where a robust network of bus routes provides access to many destinations in Marin County as well as San Francisco and the East Bay, and the SMART train provides an option for those commuting from points north. A more limited version of TOD is envisioned at the Civic Center Station, particularly at and around Northgate Mall to the northwest of the Station. In southeast San Rafael, the transit network is less robust but there are still opportunities to develop housing and commercial uses that are less auto-dependent. There are also opportunities to improve transit and develop a more complete network of sidewalks and bike lanes, making it more practical to get around without a car.



### What’s a “Vibrant” City, Anyway?

During General Plan community meetings, participants were asked to name the one word that best described their aspirations for Downtown. At each meeting, the most commonly mentioned word was “vibrant.” But what does that really mean?

While there is no common metric for vibrancy, the word conjures up images of energy and enthusiasm. A vibrant city is full of life. It has outdoor events like concerts and farmers markets, and a diverse range of restaurants and shops. There are few vacant storefronts. There are interesting buildings and architecture. There’s a strong sense of place that draws people back. There’s art, film, music, and other forms of culture. Most of all, there’s a strong sense of place that lifts the spirit and draws people back.

## Resilience

The Land Use Element responds to the chronic risks that come from living with natural disasters, including wildfires, earthquakes, and floods. This requires more than just being prepared for emergencies. The Land Use Map itself responds to hazard levels in different parts of the city, limiting development in high fire-hazard areas and on steep landslide-prone hillsides. Policies in the General Plan require elevated foundations in low-lying areas, and flood-proofing buildings where sea level rise is an issue. The Land Use Map includes a sea level rise overlay area, providing a reminder of where extra steps may be necessary to ensure the safety of life and property.

## Growth Management and Community Benefits

Policies in this Element carry forward the prior General Plan’s emphasis on growth management, particularly the idea that development should be permitted only when adequate transportation, infrastructure, and public services are available, or will be in place when the project is built. The concept has been updated to reflect current resource constraints, as well as the evolving notion of what constitutes an “adequate” level of service. There are locations in San Rafael—Downtown, for example—where “adequate” transportation may mean reliable transit and bike lanes, rather than free-flowing arterials. Growth management also means balancing job growth and housing growth and providing housing that meets the needs of the local workforce.

This Element also supports the idea that new development may receive incentives or bonuses if it provides “community benefits.” In other words, a project may be able to add housing units or floor space beyond what is allowed by zoning if it provides amenities like affordable housing, childcare, or community meeting space. In some cases, this may mean allowing a taller building, reduced setbacks, or other project features that make the project more viable. This approach to project entitlement has become more important since the dissolution of redevelopment agencies in California in 2012, as cities seek creative approaches to finance capital projects, build affordable housing, and provide other improvements that were formally funded through tax increments. State law already requires density bonuses for affordable housing; San Rafael has also developed policies that allow bonuses for other types of improvements.

## Complete Community

The General Plan embraces the idea that San Rafael should remain a “complete community” that includes a diversity of land uses. The Plan includes strong policies to preserve industrial land, retain neighborhood centers, sustain employment districts, and provide a variety of neighborhood, community, and regional commercial uses. Similarly, the Plan recognizes the importance of providing diverse housing choices, including affordable housing and multi-family development as well as single family neighborhoods. Land use policies particularly support “missing middle” housing types such as duplexes, triplexes, and townhomes.

Another aspect of the complete community concept is that a full range services are available within a short distance from all residents. In Downtown San Rafael, this might mean a 15-minute walk. In Terra Linda, it might mean a 5-minute drive. Within that radius, one should be able to get to school, a park, a grocery store, and other facilities that provide basic daily needs. Having these services readily available can reduce social isolation and vehicle trip lengths while also promoting more equitable development patterns.

Sustaining a diverse mix of land uses means that policies addressing specific uses may be required. In some cases, the intent is to identify the uses to be attracted and strategies for sustaining them. In other cases, the policies may address compatibility issues, with the objective of ensuring that new uses fit in and enhance the community. Land use compatibility is one of the major purposes of the Land Use Element.

Accordingly, there are specific policies in this Element for hotels, self-storage facilities, childcare, mixed use development, short-term rentals, industry, wastewater plants, and other uses that one finds in a complete community. As the City recovers from the COVID-19 pandemic and prepares its Housing Element, new policies may also be needed for the repurposing of vacant office and retail space to housing and other uses.

## Neighborhood Conservation

The Land Use Element recognizes that neighborhoods are the essence of San Rafael and the building blocks of the city. Focusing future growth Downtown, in the North San Rafael Town Center, and on underutilized commercial sites will relieve some of the pressure on our neighborhoods to accommodate San Rafael's future growth. For the most part, San Rafael neighborhoods will be conserved and enhanced. Compatible infill development will take place on vacant sites that have been skipped over in the past. This development should be compatible with the character-defining features of the surrounding neighborhood.

Neighborhood conservation does not mean that things will stay exactly as they are today. Residents may modernize their properties, add on to their homes, build accessory dwelling units (ADUs), or start a home business. This kind of reinvestment is both desired and encouraged, as neighborhoods continue to evolve and thrive. The General Plan recognizes that there may be inherent tension between conserving neighborhoods and achieving growth and development goals. The Plan's policies strive for balancing these goals. Land use programs emphasize the use of zoning, density limits, design standards, and development review as tools for maintaining compatibility between new development and existing uses,

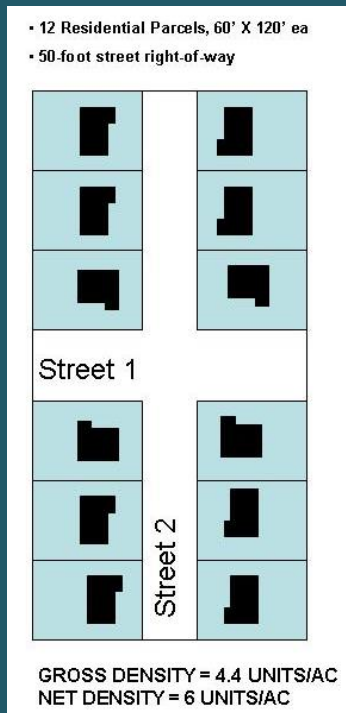
## Land Use Map

Figure 3-1 is the General Plan 2040 Land Use Map for San Rafael. It shows the pattern of uses envisioned in the horizon year of the Plan (e.g., 2040). Because San Rafael is mostly built out, this pattern matches existing land uses in most locations. However, there are a number of areas where the Map allows different uses or more intense uses in the future, reflecting the policies that appear throughout this Plan. The Map identifies areas planned for residential, commercial, industrial, public, institutional, and open space uses, and includes a number of specialized categories.

Zoning maps are required to be "consistent" with General Plan Maps, but they do not need to match them exactly. A zoning map depicts what is allowed today, while a General Plan Map depicts the vision for 2040. Decision-makers may use the General Plan Map to evaluate requests for rezoning, and for coordinating infrastructure and capital improvement decisions with anticipated patterns of growth.

Early General Plans for San Rafael used a few simple categories to express the desired pattern of future growth. The 1963 Plan used five categories: residential, commercial, industrial, institutions, and park and open space. Each successive plan added more categories, reflecting a finer-grain map and greater direction on future land use and development. By General Plan 2020, there were 28 categories on the Map. General Plan 2040 carries most of those categories forward but consolidates Downtown categories and a few others. There are 19 categories shown on the Map.

### Gross and Net Densities



Prior General Plans for San Rafael used “gross” density to express residential development potential. Gross densities include streets, utilities, and easements and are usually used in communities with large single family subdivisions being developed on former open spaces.

General Plan 2040 shifts to “net” densities. This is a more appropriate metric in mature cities where streets are already in place and most development is expected to occur on infill sites. Net densities exclude streets and easements. As a rule of thumb, gross densities are typically 20 to 30 percent lower than net densities.

### Density and Intensity Metrics

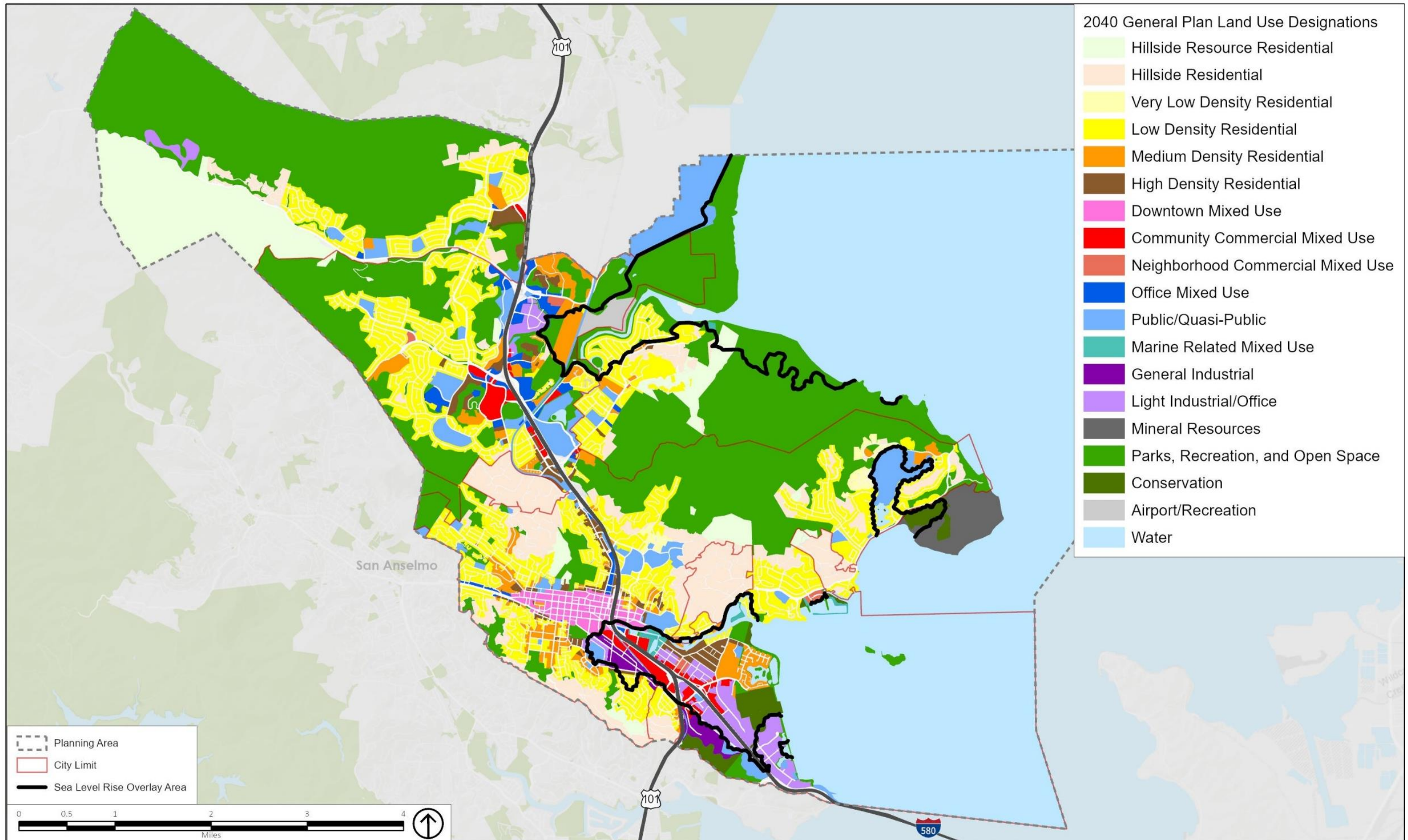
State law requires that the Land Use Element of the General Plan define the “*standards of population density and building intensity for the various districts and other territory covered by the Plan*” (Gov. Code § 65302(a)). Practically speaking, this means that multiple residential categories are shown on the map, each differentiated by the number of housing units allowed per acre (density). Commercial and industrial categories are differentiated by the types of uses present, along with a metric such as floor area that determines the maximum size of buildings.

Density is expressed as the number of housing units permitted on each *net* acre of land (this is also referred to as “net density.”) A net acre of land excludes public and private streets, easements, and areas that are considered “unbuildable” due to natural constraints such as wetlands and steep slopes. Areas that are used for facilities serving residents of the development (including recreational features such as swimming pools and private playgrounds) driveways and accessways, parking lots, and parcels developed with housing are considered “developable” and are included in net acreage and the net density calculation.

For non-residential uses, the amount of floor area that may be built on any given site is regulated by Floor Area Ratio, or FAR. This is the measurement of a building’s floor area relative to the size of the parcel on which it is located. FAR is expressed as a decimal number and is derived by dividing building area by lot area. A 10,000 parcel with a 5,000 square foot building would have an FAR of 0.5. While a maximum allowable FAR is included in the definitions for each of the commercial, industrial, and mixed use categories, this maximum is not permitted in all cases. There are maps in this Element that indicate where lower limits apply.

Mixed use buildings—in other words, those combining residential and commercial uses on the same property—are subject to special requirements. The residential portion of the building is subject to residential density standards, while the commercial portion is subject to FAR standards. This provides an incentive for mixed use projects on commercially zoned sites, as the total allowable floor area is greater when housing is included.

A different standard applies in Downtown San Rafael, where a “Downtown Mixed Use” General Plan designation applies. There are no limits on residential density in this designation, but a maximum allowable FAR applies. The Downtown FAR limit includes both non-residential *and residential* space, creating more flexibility for future development. The intensity of buildings is primarily determined by height limits, which vary across the Downtown area.





## Residential Categories

There are six residential designations used on the General Plan Map. Five of these correspond to traditional residential neighborhoods while the sixth is applied to constrained, mostly undeveloped lands with very limited development potential. The color bands below correspond to the colors displayed on the map, and the “Google Earth” photos show typical areas with each designation.

In all residentially-designated areas, the following general conditions apply:

1. Some of the categories on the General Plan Map have multiple corresponding zoning districts. The designation of an area with a particular category does not mean that the most intense zoning district consistent with that category is automatically permitted.
2. The maximum density stated in each case is subject to State density bonus laws. These laws allow an increase in the number of permitted units for projects meeting specific criteria with respect to the inclusion of affordable housing units.
3. Pursuant to state law, accessory dwelling units do not count as a dwelling unit when calculating the number of units permitted on a property under the General Plan.
4. Other compatible uses, such as schools, childcare centers, parks, and religious facilities, may also locate in areas with this designation, subject to a Floor Area Ratio limit of 1.0.
5. To translate the density standard to a population standard (e.g., number of persons per acre), the unit/acre range should be multiplied by 2.5, which is the average number of persons per household in San Rafael.

### Hillside Resource Residential (Maximum 0.5 units per net acre)

This designation is intended for privately owned land, typically with geologic or seismic constraints that limit development potential. Such areas are often located on steep hillsides that are visually significant and have been identified as having very limited potential through prior development proposals. Hillside Resource Residential Areas include single family homes on very large lots, as well as undeveloped properties.



### Hillside Residential (0.5 to 2.2 units per net acre)

Hillside Residential areas are residential neighborhoods characterized by moderate to steep slopes, with lots that are generally larger than 20,000 square feet. These areas may have geologic and seismic constraints, local visual significance, and access constraints that limit their suitability for development at greater densities. Many of these areas are in unincorporated Marin County, within the San Rafael sphere of influence. Examples include the Country Club and Los Ranchitos neighborhoods.



### Very Low Density Residential (0.5 to 2.2 units per net acre)

These areas are similar in density to Hillside Residential areas but are on flat or gently sloping terrain. Lots are generally larger than 20,000 square feet and are developed with single family detached homes. Subdivision potential is limited. Land with this designation is concentrated in the Dominican area and Peacock Gap.





### Low Density Residential (2.2 to 8.7 units/net acre)

This designation permits detached single family homes and is characterized by lots of 5,000 to 20,000 square feet. This is the predominant residential development type in San Rafael and includes most of the city's single family neighborhoods. Multiple zoning districts apply within Low Density Residential areas, distinguishing areas with different minimum lot sizes.



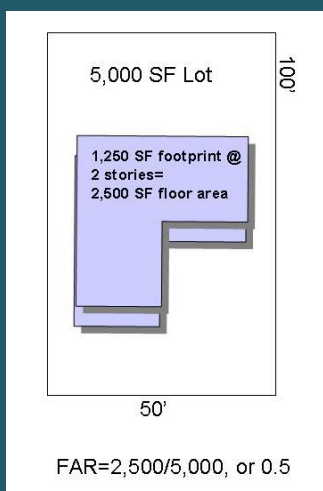
### Medium Density Residential (8.7-21.8 units/net acre)

This designation applies to patio home and small lot subdivisions, townhomes, mobile home parks, duplexes, triplexes, fourplexes, attached units in planned developments, and areas characterized by a mix of single family homes and small multi-unit buildings. A variety of lot sizes may be present, but overall net densities may not exceed one unit per 2,000 square feet of lot area (21.8 units/acre). Many areas with this designation possess the qualities of single family neighborhoods, including landscaped yards, off-street parking, and low building heights.



### High Density Residential (21.8-43.6 units/net acre)

This is the highest density category that applies in residential areas. Densities above this range may be permitted in the Downtown Mixed Use area only, or where otherwise allowed as a result of density bonuses. The designation applies to multi-family residential areas and includes a mix of housing types, including apartments, flats, condominiums, and townhomes. Overall net densities may not exceed one unit per 1,000 square feet of lot area (43.6 units per acre). On larger parcels with this designation, amenities such as swimming pools, community rooms, and common open space are often included.



## Understanding Floor Area Ratio

Floor area ratio refers to the ratio of building area to land area on any given site. For calculation purposes, building area excludes basements, garages, non-leasable covered atriums, and other non-habitable spaces. The example to the left shows a two-story building with 2,500 square feet of habitable space on a 5,000 square foot lot. The FAR is 0.5.

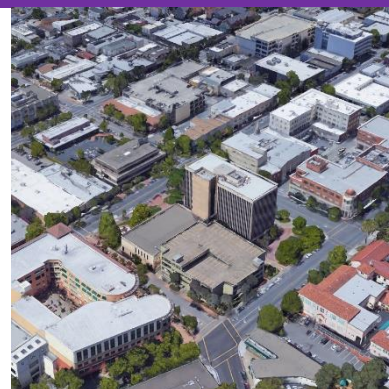
Each of the mixed use and industrial categories in the General Plan has a maximum FAR. These maximums are further limited by Figure 3-2, which establishes lower maximum FARs in some parts of the city.

## Mixed Use Categories

There are five mixed use categories on the map. Each category allows both residential and non-residential uses. Residential uses may be subject to specific requirements related to compatibility with adjacent commercial uses and the City's desire to sustain retail, service, office, and similar economically-productive uses. Multiple zoning districts may be used in each category to differentiate the intensity or mix of activities allowed in given areas. The most intense zoning district deemed consistent with a given category is not automatically permitted. As in residential areas, projects incorporating affordable housing are subject to State density bonus allowances. Other compatible uses, such as schools, childcare centers, parks, and religious facilities, may locate in each designation, subject to specific requirements codified through zoning.

### **Downtown Mixed Use (Sliding Scale with Maximum FAR of 3.0 to 6.0)**

This category corresponds to properties in Downtown San Rafael. It includes the highest development intensities in the city, and contains a mix of housing, office, retail, service, and public land uses. Development in this area is guided by the Downtown San Rafael Precise Plan, which includes further detail on building form, development intensity, height, and allowable uses. The maximum allowable FAR is 3.0 in areas with height limits of 40' or lower, 4.0 in areas with height limits of 50' or lower, 5.0 in areas with height limits of 60' or lower, and 6.0 in areas where allowable heights exceed 60 feet. This includes residential space as well as non-residential space but excludes space allowed through density bonuses. There is no residential density limit in the Downtown Mixed Use area. This allows for greater flexibility in terms of housing types, encourages smaller units, and maximizes housing opportunities. Height limits define the maximum building envelope on each site with this designation.. Consistent with the General Plan and Downtown Precise Plan and EIR, the total number of net new residential units added within the Downtown Precise Plan boundary between 2020 and 2040 shall not exceed 2,200.



### **Community Commercial Mixed Use (21.8-43.6 units/net acre; maximum FAR 0.3)**

This category corresponds to general retail and service uses, restaurants, automobile sales and service uses, hotels/ motels, and other commercial activities. Offices are also permitted, except where specifically precluded by General Plan policies. Mixed use projects that combine housing and commercial uses are encouraged. Projects that are entirely residential are permitted, although limitations may apply in certain zoning districts to ensure that adequate land is provided for activities generating sales tax, jobs, and local service opportunities. Residential development is subject to a maximum net density of 43.6 units per acre. The FAR limit of 0.3 applies to non-residential square footage only, and excludes square footage associated with housing in mixed use projects. Lower FAR limits may apply on some parcels, as indicated on Figure 3-2 (Floor Area Ratio map).



Areas with this designation include the Northgate Town Center, Merrydale Road area, and portions of Francisco Boulevard East and West.

**Neighborhood Commercial Mixed Use (8.7 to 24.2 units/net acre; maximum non-residential FAR 0.32)**



This category corresponds to neighborhood-serving retail and service uses such as pharmacies, supermarkets, and dry cleaners. Residential and ancillary office uses are allowed, subject to policies in the General Plan and zoning standards establishing the conditions for these uses. A maximum net density of 24.2 units per acre applies to projects that include residential uses. The FAR limit of 0.32 applies to non-residential square footage only, and excludes square footage associated with housing in mixed use projects. Lower FAR limits may apply on some parcels, as indicated on Figure 3-2 (Floor Area Ratio map). Areas with this designation include small neighborhood shopping centers, and pockets of local retailers, the Regency Theater, and the B Street corridor south of Downtown.

**Office Mixed Use (21.8-43.6 units/net acre; maximum non-residential FAR 0.40)**



This category corresponds to areas where office is the prevailing land use. Typical activities include general offices, medical and professional offices, and administrative or headquarters offices. Different zoning districts have been developed to reflect the specific combinations of uses that are desired in each area. These include office-residential areas and office-retail areas, as well as a general office district. Residential uses are allowed in all of these areas, subject to specific zoning standards and permitting requirements as well as policies in the General Plan. A maximum net density of 43.6 units per acre applies to projects that include residential uses. The non-residential portion of such properties is subject to an FAR limit of 0.4. Lower FAR limits may apply on some parcels, as indicated on Figure 3-2 (Floor Area Ratio map).

**Marine Related Mixed Use (8.7 to 21.8 units/net acre; maximum non-residential FAR 0.32)**



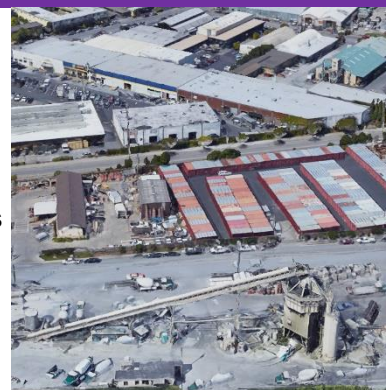
This category includes water dependent businesses such as boat building; boat repair, sales and service uses; and boat charter services. Other uses that draw people to the waterfront are allowed, including shopping centers, restaurants, hotels/ motels; retail and parks. Residential use and non-marine related offices are permitted in this category but may be subject to conditions to ensure they do not interfere with marine-related uses. Where residential uses are included, they are subject to a maximum density of 21.8 units per net acre. The non-residential square footage on any given site is subject to a FAR limit of 0.32. Lower FAR limits may apply on some parcels, as indicated on Figure 3-2 (Floor Area Ratio map).

## Industrial Categories

There are two industrial categories on the General Plan Map. Residential uses are generally not permitted in these areas, so a density standard is not included.

### General Industrial (Maximum FAR 0.33)

This is the broader of the two industrial categories, with a variety of production, distribution, and repair uses allowed. These areas play an essential role in the Marin County economy, create local jobs, and provide a high volume of tax revenue for San Rafael. General Industrial areas include activities such as manufacturing, storage and warehouse facilities, motor vehicle service and repair, contractor uses and yards, wholesalers, sand and gravel plants, solid waste management and recycling facilities, and trucking yards or terminals. Uses that are incidental or ancillary to these activities also may occur, including offices related to the primary use and employee-oriented retail uses. Given the potentially impactful nature of these uses, buffering and screening may be required to enhance public rights of way and ensure land use compatibility. A maximum FAR of 0.33 applies, although lower limits may apply on some parcels as indicated on Figure 3-2 (Floor Area Ratio map).



### Light Industrial/Office (Maximum FAR 0.38)

Like the General Industrial areas, the Light Industrial/ Office (LI/O) areas are characterized by a variety of production, distribution, and repair activities. However, the range of industrial uses is more limited than in General Industrial areas, reflecting the design of these areas as business parks or their proximity to more sensitive uses such as housing. Typical uses include repair and servicing, “maker” activities (woodworking and carpentry shops, creative businesses, etc.), research and development, e-commerce activities, light manufacturing, and tech-related activities. On sites larger than 10 acres with this designation, and in buildings of 50,000 square feet or greater, region-serving specialty retail uses (including “big box” type uses) may be appropriate.



Other specialty retail uses may be allowed to occupy minor portions of the LI/O districts provided that intensity and traffic standards are met and the integrity of the district is not threatened. LI/O districts are subject to a maximum FAR of 0.38, although lower limits may apply on some parcels as indicated on Figure 3-2 (Floor Area Ratio map). Multiple zoning districts apply within LI/O areas. At least one of these districts, mapped in the Lindero Street/ Jordan Road area, allows live-work development.

## Public and Open Space Categories

### Public/ Quasi Public (Maximum FAR 1.0)



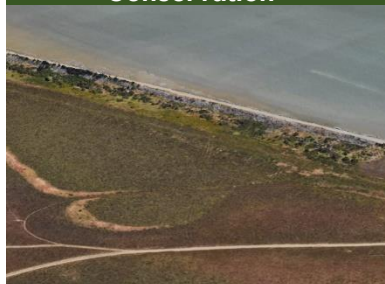
This designation denotes public schools, libraries, post offices, churches, public hospitals, and institutional facilities such as Dominican University and Marin Academy. It also is applied to major utility properties and public facilities. The maximum FAR is 1.0, although this level of intensity is not appropriate in all instances. Additionally, exemptions from development standards may be granted if findings are made that a higher FAR is necessary for public health or safety purposes. While housing is not envisioned on land with this designation, it may be acceptable in circumstances prescribed by the General Plan or zoning regulations. In such instances, net densities should be compatible with prevailing allowable densities in the vicinity and existing improved open space should be retained for public use where possible.

### Parks, Recreation, and Open Space



This designation denotes land dedicated as parks, recreation, and open space (PROS), including City parks, County and State Parks, common open space within private development, cemeteries, and areas acquired for resource conservation, hazard reduction, and passive recreation such as hiking. Permitted uses include athletic fields, sports facilities, civic buildings with a primarily recreational or social function, and leisure-oriented uses such as picnic areas, boat slips, and tot lots. Land with this designation is further classified in the PROS Element of the General Plan as “improved” or “natural.” Park, Recreation, and Open Space areas provide important habitat for plant and animal life and should be managed to reduce the potential for conflicts between people and wildlife.

### Conservation



This designation denotes land which is to remain undeveloped due to high environmental sensitivity, exceptional visual resource value, or hazards such as wildfire, slope instability, and flooding, including inundation related to sea level rise. Areas with this designation include a combination of privately owned properties and areas owned by utilities and conservation groups. On private properties, this designation is generally applied to the portion of the site that has been determined to be undevelopable due to the factors listed above. The primary objectives in Conservation areas are to manage and restore natural resources, protect plant and animal habitat, and minimize environmental hazards and associated threats to life and property. Where appropriate, compatible activities such as agriculture and recreation may be considered.

### Mineral Resources (Maximum FAR 0.02)



This designation applies to quarry and brick yard uses which utilize mineral resources of regional significance. It applies only to the San Rafael Rock Quarry and McNear Brick and Block properties on the San Pedro Peninsula. Future activities on these lands are subject to further policy guidance as provided by the General Plan.

## Miscellaneous Categories

### Airport/Recreation

This designation applies to the San Rafael Airport. Land uses are governed by a covenant agreed to by the City, County of Marin, and the property owner. The agreement recognizes the unique and valuable recreational and environmental characteristics of the airport site and identifies a limited range of uses including airport and ancillary airport services, light industry, utilities, and private and public recreation.



### Water

This designation applies to the navigable waters of San Francisco and San Pablo Bays, the San Rafael Canal, and associated marinas along the San Rafael shoreline. The designation provides an opportunity for a limited number of water dependent uses which require water access as a central element of their function and which contribute to the maritime character of the area. Live-aboards and other types of floating homes are allowed in this category, subject to permitting and water quality requirements.<sup>1</sup>



### Undesignated Areas

“Undesignated” areas include street rights-of-way and State property associated with US Highway 101 and Interstate 580. In the event that such land is leased or otherwise used for purposes other than transportation, the activities should be consistent with the General Plan designations on adjoining private properties.



### Sea Level Rise Overlay

The General Plan includes a “Sea Level Rise Overlay” designation corresponding to the upper range of sea level rise determined to be possible by 2050 based on the BayWAVE model. Areas within this zone may be subject to policies, standards, and code requirements to reduce the potential for tidal flooding.



Table 3-1 shows the total acreage in each land use designation, broken down for the city limits and for the entire planning area.

<sup>1</sup> Because this is a non-residential land use category, a density range is not stated. In the event residential uses (e.g. floating homes) are proposed, they may not exceed the Medium Density Residential range.

Table 3-1: General Plan 2040 Land Use Acreage Totals

	City of San Rafael		San Rafael Planning Area	
	Acres	% of Total	Acres	% of Total
<b>Residential Categories</b>				
Hillside Resource	194	2.1%	1,475	8.3%
Hillside	642	6.9%	1,437	8.1%
Very Low Density	82	0.9%	82	0.5%
Low Density	2,149	23.3%	2,964	16.8%
Medium Density	527	5.7%	581	3.3%
High Density	240	2.6%	283	1.6%
<b>Commercial and Mixed Use Categories</b>				
Downtown	163	1.8%	163	0.9%
Community Commercial	193	2.1%	201	1.1%
Neighborhood Commercial	35	0.4%	36	0.2%
Office	185	2.0%	194	1.1%
Marine Related	39	0.4%	45	0.3%
<b>Industrial Categories</b>				
General Industrial	103	1.1%	103	0.6%
Light Industrial/ Office	316	3.4%	359	2.0%
<b>Public/ Open Space Categories</b>				
Public/Quasi-Public	676	7.3%	1,059	6.0%
Parks and Open Space	3,455	37.4%	8,111	45.9%
Conservation Areas	171	1.9%	248	1.4%
Mineral Resources	0	0	246	1.4%
<b>Miscellaneous Categories</b>				
Airport/ Recreation	68	0.7%	78	0.4%
<b>TOTAL</b>	<b>9,238</b>	<b>100.0%</b>	<b>17,665</b>	<b>100.0%</b>
Water	3,775	N/A	15,204	N/A
Undesignated	1,465	N/A	1,681	N/A
<b>GRAND TOTAL</b>	<b>14,478</b>		<b>34,550</b>	

Source: City of San Rafael, 2020

ote: Percentages exclude open water and "undesignated" land (rights-of-way, etc.)

## Goals, Policies, and Programs

### Goal LU-1: Well-Managed Growth and Change

Grow and change in a way that serves community needs, protects the environment, improves fiscal stability, and enhances the quality of life.

*San Rafael values its natural setting, heritage, and cultural diversity, as well as its role as the economic, civic, and entertainment center of Marin County. The City will maintain and improve the features that make it a desirable place today, while adapting to future change. It will remain committed to environmental protection as growth occurs. This will require embracing creativity and innovation, and fully engaging residents in land use decisions.*

It is tremendously important to San Rafael residents that growth is well managed and harmonious with community needs. New development and other physical alterations must respect the character and scale of the city. Change and development should be accomplished in ways that enhance and blend with San Rafael's existing physical and social qualities. Development should respect the *physical* fabric of the city, while improving its *social* fabric through new housing and economic opportunities that reach all residents.

General Plan 2040 leaves in place most zoning standards but makes a few important changes. New Downtown zoning will enable higher densities and more housing without losing the area's hometown character. Northgate Mall and its environs will retain their General Plan Map designations, but policies are more emphatic about future changes that respond to retail trends, the desire for a North San Rafael Town Center, and the need for housing. Greater investment in the Canal area and Southeast San Rafael will improve living conditions for many residents, provide job opportunities, and create additional revenue, while responding to the challenges of rising sea level. Intentionally guiding growth allows areas needing improvement to be enhanced without reducing neighborhood quality.



### Policy LU-1.1: Balancing Growth with Infrastructure

Plan and fund local circulation and infrastructure systems to provide capacity for development expected by 2040. The City's plans and capital improvement budgets should reflect the goal of more sustainable transportation and infrastructure.

**Program LU-1.1A: General Plan Evaluations.** *Complete an evaluation of the General Plan at least once every five years. As part of this process, assess San Rafael's growth data and trends, population and employment forecasts, and progress toward meeting its housing, mobility, sustainability, and other goals. Recommend changes to policies, and adjustments to fees and capital improvement projects based on the findings.*

### Policy LU-1.2: Development Timing

For health, safety, and general welfare reasons, new development should only occur when adequate infrastructure is available, consistent with the following findings:

- a) The project is consistent with adopted Vehicle Miles Traveled (VMT) standards, as well as the requirements for Level of Service (LOS) specified in the Mobility Element.
- b) Planned circulation improvements necessary to meet City standards for the project have funding commitments and completed environmental review.
- c) Water, sanitary sewer, storm sewer, and other infrastructure improvements needed to serve the proposed development have been evaluated and confirmed to be in place or to be available to serve the development by the time it is constructed.
- d) The project has incorporated design and construction measures to adequately mitigate exposure to hazards, including flooding, sea level rise, and wildfire.

**Program LU-1.2A: Development Review.** *Implement Policy LU-1.2 through the development review and environmental review processes. The City may modify the requirements associated with this policy if it determines that its application as stated would preclude all economically viable use of a subject property.*

See also Mobility Element Programs M-2.5B and M-3.2D for LOS and VMT exceptions

### Policy LU-1.3: Land Use and Climate Change

Focus future housing and commercial development in areas where alternatives to driving are most viable and shorter trip lengths are possible, especially around transit stations, near services, and on sites with frequent bus service. This can reduce the greenhouse gas emissions associated with motor vehicle trips and support the City's climate action goals.

See the Mobility Element for additional policies and programs to reduce dependence on fossil fuel vehicles and encourage more active travel modes such as walking and cycling.

**Program LU-1.3A: Benefits of Transit-Oriented Development.** *Seek ways to objectively quantify and monitor the benefits of focusing new development around transit nodes and corridors and shifting trips from cars to active (non-car) transportation modes. Programmatic changes and recommendations should be supportable by objective data and quality of life measures. This should include data on modes of travel, trip origins and destinations, trip lengths, vehicle ownership, traffic congestion and duration of idling traffic, greenhouse gas emissions, and other metrics in areas that are well served by transit.*

### Policy LU-1.4: Reasonable Interim use of Property

Allow a landowner reasonable interim use of property in areas where development is presently constrained by factors such as circulation system capacity, infrastructure, and natural hazards such as flooding.

**Program LU-1.4A: Reasonable Interim Uses.** *Ensure that zoning regulations include provisions for reasonable interim uses for properties where the highest and best use allowed by zoning is not presently attainable due to traffic capacity, infrastructure, natural hazards (including sea level rise), and other factors. Examples of reasonable interim uses include contractor's yards, modular or mobile uses, new car storage, parking, and outdoor recreation.*

### Policy LU-1.5: Development Beyond the Urban Service Area

Retain undeveloped areas outside of San Rafael's Urban Service Area boundary but within its Planning Area in agricultural or open space uses.

### Policy LU-1.6: Annexation

Prior to urban development, unincorporated areas that can be reasonably served through extension of existing City services should first be annexed. Annexation of already developed unincorporated land in the San Rafael Planning Area should be dependent on neighborhood interest, the cost/revenue implications of providing services and assuming liabilities for the area, and the availability of City services.

#### LAFCO in a Nutshell

All 58 counties in California have Local Agency Formation Commissions (LAFCOs). These commissions were created to discourage urban sprawl by regulating annexations and extensions of utilities and municipal services. The Marin County LAFCO coordinates changes to local government boundaries, including annexations and changes to local spheres of influence. It is also responsible for preparing Municipal Service Reviews (MSRs) of local agencies and services. LAFCO regulates cities and districts' ability to provide services outside of their boundaries by contract or agreement. Most LAFCOs are governed by a Commission comprised of city and county elected officials and special district representatives.

**Program LU-1.6A: LAFCO.** *Encourage LAFCO to adopt Urban Service Area and annexation policies for the San Rafael Planning Area that are consistent with General Plan policies.*

### Policy LU-1.7: Land Use Planning in Surrounding Jurisdictions

Continue to work with the County of Marin and the cities of Larkspur, Novato, Ross, and San Anselmo to ensure that land use changes outside the San Rafael city limits will positively affect San Rafael.

**Program LU-1.7A: Development Adjacent to San Rafael.** *Work with the County, other jurisdictions, neighborhood groups, and residents to review applications for development in areas adjacent to San Rafael's city limits or within the Sphere of Influence.*

### Policy LU-1.8: Density of Residential Development

Use the density ranges in the Land Use Element to determine the number of housing units allowed on properties within the Planning Area.<sup>2</sup> The following provisions apply:

- a) The density “range” includes a maximum and minimum. A given General Plan designation may have multiple corresponding zoning districts, including at least one district in which the maximum density may be achieved. Other zoning districts may have maximum densities that are less than the maximum indicated by the General Plan.
- b) Calculation of allowable units shall be rounded to the nearest whole number. Where the number is less than 0.5, it shall be rounded down. Where the number is 0.5 or greater, it may be rounded up.
- c) The number of units permitted on a given parcel may be affected by site resources and constraints, potentially hazardous conditions, climate-related factors (sea level rise, fire hazards, etc.), traffic and access (including wildfire evacuation constraints), the adequacy of infrastructure, City design policies, and prevailing densities in adjacent areas.
- d) The maximum net density shown on the General Plan excludes density bonuses that may be provided for affordable housing or other community benefits, in accordance with State law and local policies.
- e) As required by State law, an accessory dwelling unit (ADU) or junior ADU shall not be counted as a dwelling unit for the purposes of calculating net density.
- f) Areas in the “Downtown Mixed Use” General Plan category shall be exempt from the requirements of this policy and are instead subject to standards defined by the Downtown Precise Plan.

**Program LU-1.8A: Codifying Residential Density Limits.** *Implement General Plan densities by setting allowable lot sizes and densities in the zoning ordinance and by including height limits and an area-wide dwelling unit “cap” in the Downtown Precise Plan (see text box).*

**Program LU-1.8B: Minimum Densities.** *The net density of new development shall be no less than the lower end of the density range specified by the General Plan for that property.*

**Program LU-1.8C: Small Multi-Family Lots.** *Amend Section 14.16.300 of the Zoning Regulations to allow more than one housing unit per lot on lots that are smaller than 5,000 square feet, provided the density is consistent with the General Plan (these lots are currently limited to one unit each, unless located Downtown).*

### Policy LU-1.9: Clustering

Allow clustering of development as a way to conserve environmentally sensitive or hazardous portions of a site (such as unstable slopes or flood plains) and enhance wildlife corridors. In such instances, the density calculation shall be made based on the area of the entire site (minus streets and easements), with the resulting number of units transferred to the less sensitive areas. The result would be a denser housing product on a portion of the site, with the balance conserved as open space.

<sup>2</sup> See page 3-6 for explanation of net density.

### Downtown Housing Assumptions

The Downtown Precise Plan identified the potential for 2,200 new housing units on scattered sites located throughout the Downtown area. The Environmental Impact Report (EIR) for the General Plan and Downtown Precise Plan are based on this quantity of housing within the Downtown area. In the event the number of new Downtown units exceeds 2,200, an amendment to the Precise Plan and EIR will be required.

Rather than establishing a strict density limit for each Downtown site, the Precise Plan uses height limits and a Form-Based Code to regulate development. This provides more flexibility and allows housing to be more responsive to market demand. It makes it easier to provide smaller and more affordable units, as well as market-rate units and units for larger households. Design standards for Downtown are responsive to new state housing laws while respecting the character and historic context of the area.



### Policy LU-1.10: Intensity of Non-Residential Development

Use the Floor Area Ratio limits on Figure 3-2 to determine the square footage of building space allowed on properties with non-residential General Plan designations. The following provisions apply:

- a) As with density, FAR is calculated on a “net” basis, and is based on the area of each parcel excluding streets and easements.
- b) The maximum FAR stated by the General Plan is not guaranteed. The square footage permitted on a given parcel may be affected by site resources and constraints, potentially hazardous conditions, climate-related factors (sea level rise, fire hazards, etc.), traffic and access (including wildfire evacuation constraints), the adequacy of infrastructure, and City design policies.
- c) The maximum FARs shown in Figure 3-2 exclude any residential development on the property. In the event that residential uses or mixed use projects are proposed on these sites, the maximum area is the sum of the FAR allowance plus the residential density allowance for the property. This Clause does not apply to Downtown San Rafael, which is regulated by the Downtown Precise Plan.

**Program LU-1.10A: Codifying General Plan Floor Area Ratio Limits.** Implement General Plan floor area ratio (FAR) limits by setting appropriate FAR limits in the zoning ordinance.

### Policy LU-1.11: Replacement of Uses in Non-conforming Buildings

Where an existing building is larger than the FAR limit and no intensification or change of use is proposed, allow the property to be reused or redeveloped at the same size as the existing building, provided that the parking and design review requirements in effect at the time of the new application can be met.

**Hillside Areas**  
 Undeveloped commercial or industrial properties shall be limited to the following development intensities based on slope:

Portions with less than 5% slope	100% of applicable FAR
Portions with 5-15% slope	50-75% of applicable FAR
Portions with slope over 15%	0.01 FAR

Clustering is encouraged and may be required to avoid sensitive areas.

City Limit  
 Downtown Precise Plan Area  
 Sphere Of Influence  
 Planning Area

**FAR**

0.02  
 0.3  
 0.32  
 0.4

Area 1 (see notes)  
 Area 2 (see notes)



Downtown Precise Plan Area subject to FARs ranging from 3.0 to 6.0 FAR, inclusive of residential uses, depending on height limits. See Downtown Precise Plan for further detail.

Area 1		
Use		FAR
General / Neighborhood Commercial		
	Commercial Sales of Bulk Items and Specialty Retail	.32
	General Retail and Service	.21
	Office	.26
Light Industrial/ Office		
% Light Industrial	% Office	FAR
75-100%	0-25%	.38
50-75%	25-50%	.30
25-50%	50-75%	.28
0-25%	75-100%	.26

Area 2		
Use		FAR
General / Neighborhood Commercial		
	Commercial Sales of Bulk Items and Specialty Retail	.26
	General Retail/ Service	.18
Office		.22
Light Ind. / Office and Ind.		.33

Source: City of San Rafael, 2019; County of Marin, 2009; ESRI, 2017; PlaceWorks, 2019.



**Figure 3-2:**  
**Floor Area Ratio (FAR) Limits**

## TDR Explained

Transfer of Development Rights (TDR) is a zoning technique that conserves land, historic properties, or other constrained sites by redirecting the development that could otherwise occur on the land to another property that is more suitable for development. The development rights are “transferred” to a “receiving site” that is given a height bonus or allowance for greater density. A conservation easement or covenant is then placed on the “sending” site.



### Policy LU-1.12: Transfer of Development Rights

Allow transfer of development rights (TDR) or density/ FAR from one property to another in cases where:

- a) Special circumstances (e.g., historic preservation, wetlands protection, sea level rise) are found to exist, potentially causing significant environmental impacts if the transfer was not allowed; or
- b) A significant public benefit would be provided as a result of the transfer.

In such cases, the TDR should be consistent with the goals and policies of General Plan 2040 and should comply with zoning and design parameters to the greatest extent feasible, except that maximum FARs, densities, or heights may be exceeded on the receiving property.

*See also Policy LU-1.15 (Planned Development), which covers modified development standards for large properties in common ownership.*

**Program LU-1.12A: Transfer of Development Rights (TDR) Program.** Evaluate opportunities for TDR as a response to issues such as sea level rise, historic preservation, and wildfire hazards. This evaluation also should address how TDRs are conveyed and recorded.

### Policy LU-1.13: Increases in Floor Area Ratio

Consider allowing floor area ratios (FAR) bonuses that exceed the levels permitted by Figure 3-2 through the Planned Development (PD) zoning process for projects that meet all three of the following criteria:

- a) The higher FAR is necessary to facilitate redevelopment with improved parking, access, landscaping, building design, and economically productive uses.
- b) The project will provide significant community benefits, such as affordable housing.
- c) The project is consistent with policies in the General Plan related to transportation capacity, infrastructure, sea level rise, greenhouse gas reduction, and other factors related to the safety of future occupants and quality of life in the city.

### Policy LU-1.14: FAR Exemptions

Provide the following exemptions from FAR requirements:

- a) Hotels and motels.
- b) Any portion of a building or development project devoted to childcare or senior care may be subtracted from the total building area when calculating that building’s FAR.

### Policy LU-1.15: Planned Development Zoning

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.

**Program LU1.15A: Planned Development Zoning.** *Continue to maintain Planned Development (PD) zoning districts.*

### Policy LU-1.16: School Site Reuse or Redevelopment

In the event a school site is made available for reuse, work with the School District and surrounding community to determine the desired uses. Given the public ownership of the land, uses that provide a public benefit should receive priority. This includes affordable housing, childcare facilities, neighborhood parkland, and facilities that accommodate public and quasi-public uses, such as adult day care, education, recreation, arts and cultural programs.

**Program LU-1.16A: Zoning for School Sites.** *Continue to implement school site reuse and redevelopment through zoning regulations and the development review process.*

*See also Program PROS-1.3B on the retention of former school recreation areas*

### Policy LU-1.17: Building Heights

Use General Plan Figures 3-3 and 3-4 as the basis for determining “baseline” maximum building heights in San Rafael. Maximum heights should continue to be codified through zoning and any applicable Specific Plans or Precise Plans. In addition, the following specific provisions related to building heights shall apply:

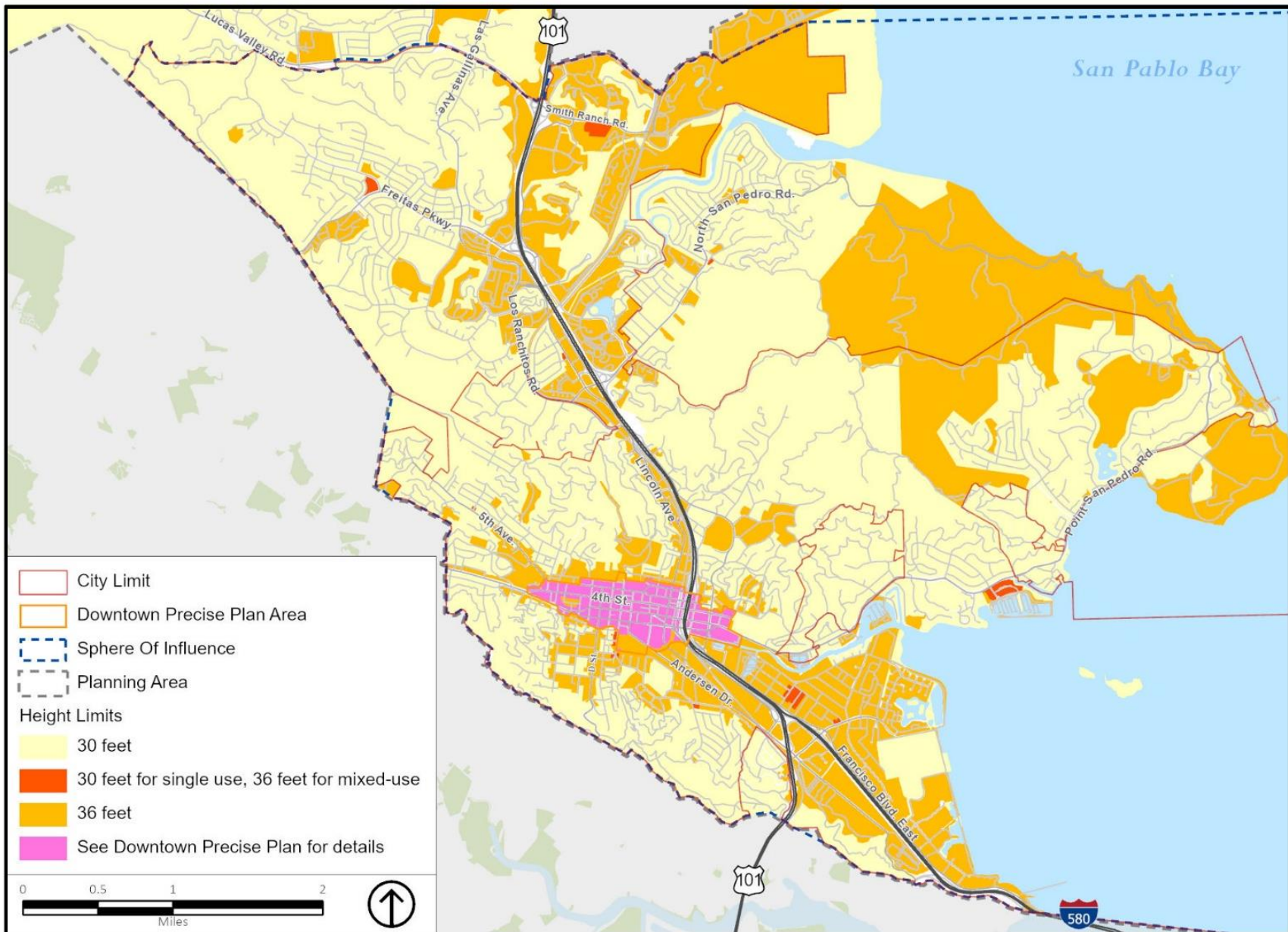
- a) Height of buildings existing or approved as of January 1, 1987 shall be considered as conforming to zoning standards.
- b) Hotels outside of the Downtown Precise Plan boundary have a 54-foot height limit. Within Downtown, the height provisions of the Downtown Precise Plan apply (see Figure 3-4).
- c) As provided for by Policy LU-1.18, “baseline” building heights are subject to height bonuses where specific community benefits are provided, where a Variance or zoning exception is granted, or where a Transfer of Development Rights (TDR) is being implemented.
- d) Heights may be increased by up to six (6) feet above the baseline building heights as necessary to mitigate the exposure of properties to sea level rise and other flooding hazards (e.g., raising the first floor of habitable floor space above anticipated tidal flood elevations).

### Policy LU-1.18: Height Bonuses

Allow the granting of height bonuses for development that provides one or more of the amenities listed in Table 3-2, provided that the building’s design is consistent with applicable design guidelines and standards. No more than one height bonus may be granted on each site.

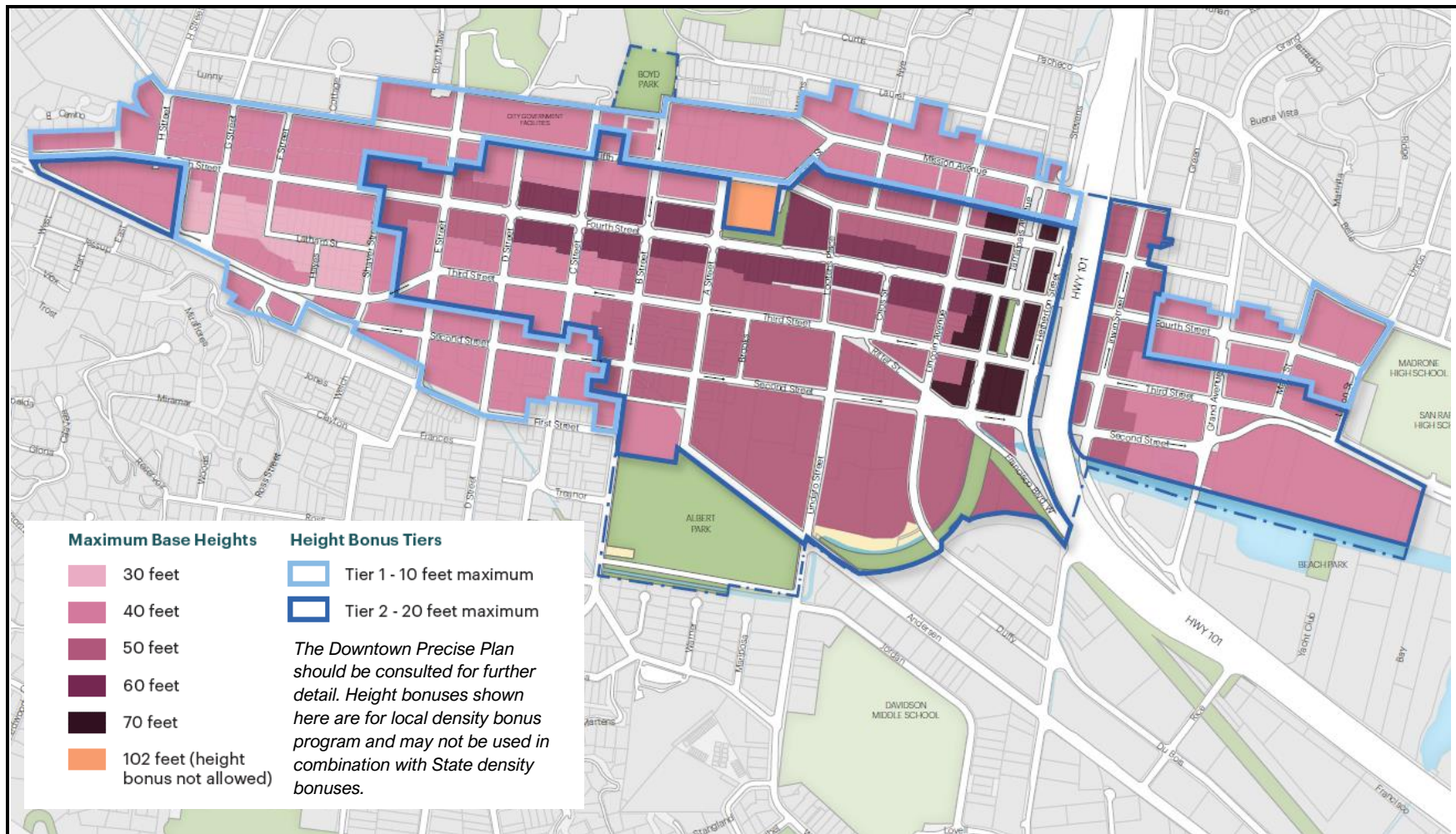
Use permit requirements for height bonuses are shown in Table 3-2. The bonuses may be used in lieu of those provided by State density bonus programs for affordable housing. Bonuses are not additive. In other words, an applicant using State density bonuses is not eligible for additional bonuses offered through local programs.

*See also Policy CDP-1.5 on views*



Source: City of San Rafael, 2019; County of Marin, 2009; ESRI, 2017; PlaceWorks, 2019.

**Figure 3-3:**  
**Height Limits**

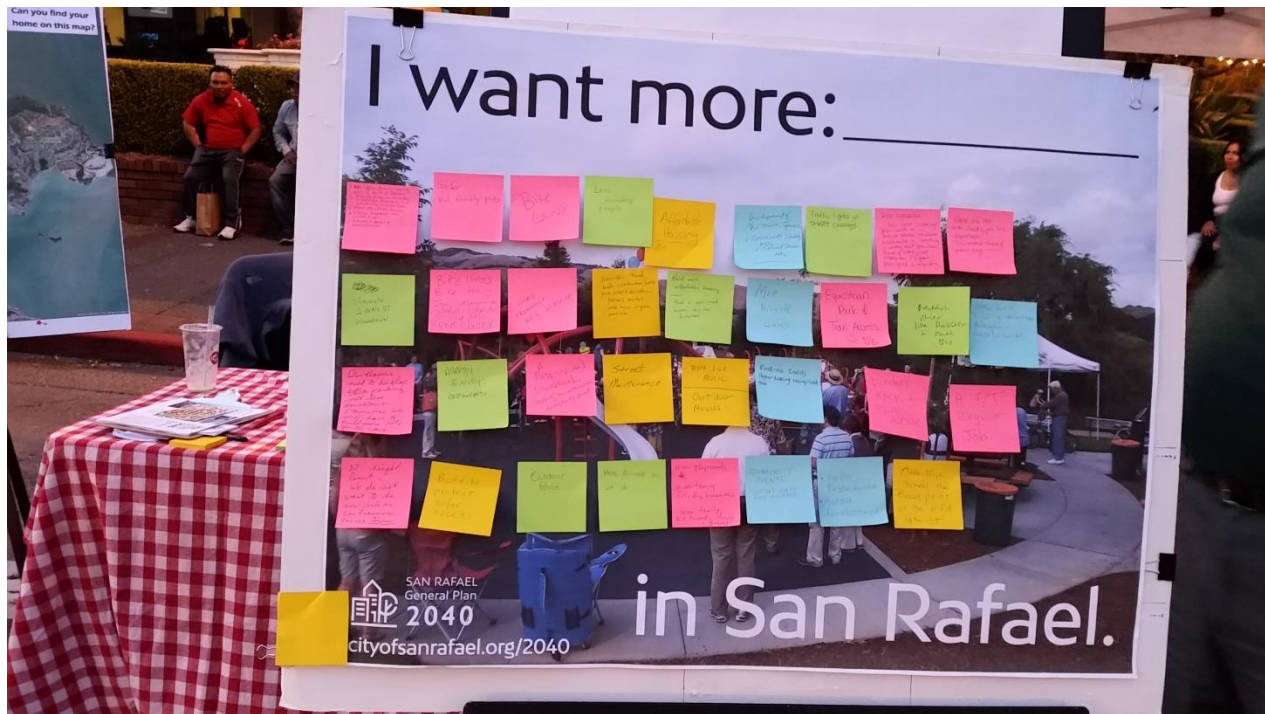


**Figure 3-4:**  
**Downtown Precise Plan Height Limits**

**Table 3-2: Height Bonuses**

Location	Maximum Height Bonus	Use Permit Required (PC Hearing)	Amenities (may provide one or more of the following)
Downtown San Rafael	As determined by the Downtown Precise Plan		
Lincoln Avenue from Hammondale to Mission	12 feet	Yes	Affordable housing units exceeding the minimum required by Municipal Code Section 14.16.030.
Marin Square	24 feet	Yes	
North San Rafael Town Center (including Northgate Mall)	24 feet	Yes	
All sites where multi-family housing is permitted	24 feet (*)	No	100% affordable housing
	12 feet (*)	Yes	50% or greater affordable housing, up to 100%
Sea Level Rise Overlay area	6 feet	Yes	Base elevation raised or used as non-habitable space to mitigate flood hazards

(\*) Bonuses are not additive, i.e., a project that uses a bonus in one category would not also be eligible for additional bonuses in the other categories. Projects using state-mandated height bonuses for housing development are also not eligible to add the bonuses listed in this table.



## Goal LU-2: A Complete Community

**San Rafael is a complete community, with balanced and diverse land uses.**

*San Rafael reflects a mosaic of land use patterns that have changed over time and will continue to evolve in the future. Our desire to maintain existing land use patterns must be balanced with the development necessary to provide jobs, meet housing needs, respond to the challenges of a changing economy, and sustain an evolving, vital community. We continue to value and cherish our diverse neighborhoods, while making them more resilient and adapting to changing conditions.*

San Rafael's high quality cultural, business, entertainment, and educational resources directly benefit the city's residents and draw businesses, customers, visitors, and students from beyond the city limits, to the benefit of the entire community. These resources not only culturally enrich San Rafael residents, they enhance the city's regional position, improve the business climate, and provide revenue for City services and infrastructure.

To maintain our unique character and quality of life, the City must strive to maintain its cultural, social, and economic diversity. Steps must be taken to maintain an adequate supply of decent, affordable housing, a range of jobs, and a variety of local goods and services. The policies below focus on the non-residential land uses that make San Rafael a "complete community" with a balanced, diverse mix of uses.

## Policy LU-2.1: Land Use Map and Categories

Use the General Plan Map as the framework for future land use decisions (see Figure 3-1). The Map displays the distribution of different land use categories in the San Rafael Planning Area. Each category is associated with a particular set of uses and densities/ intensity standards. All proposed projects must meet these standards, as well as other applicable standards established by the City's zoning regulations. Some uses in each category are "conditional," meaning they are allowed only in limited areas or may be subject to specific conditions

**Program LU-2.1A: Zoning Ordinance Amendments.** *Revise the zoning ordinance, including the zoning map, to implement General Plan land use designations and policies, incorporate provisions from other recently adopted City plans and programs, and ensure that all provisions are consistent with state law. This should include creation of a new overlay district corresponding to areas expected to be affected by sea level rise (see Program S-3.1C).*

**Program LU-2.1B: Subdivision Ordinance Amendments.** *Revise the subdivision ordinance where necessary for conformance with General Plan land use designations and policies. Provisions for the enforcement of conditions of subdivision map approval should be included in the Ordinance.*

*See also Program LU-2.4A on Industrial Zoning standards*

## Policy LU-2.2: Mixed Use Development

Encourage mixed-use development (combining housing and commercial uses) in Downtown San Rafael and on commercially designated properties elsewhere in the city. Mixed-use development should enhance its surroundings and be compatible with adjacent properties.

**Program LU-2.2A: Development Review.** *Use the development review process to evaluate the compatibility of residential uses in commercial areas.*

**Program LU-2.2B: Innovation Districts.** *Evaluate creation of an overlay zone or "innovation" district (see text box) to be applied to a limited number of Light Industrial-Office (LI-O) properties located near Downtown (including the existing Lindero Mixed Use District) and/or Northgate Industrial Park. In addition to allowing a wide range of employment uses, multi-family residential and live-work uses could also be allowed in these areas, subject to performance standards, use permit requirements, and a finding that there will be no net loss of industrial floor space. The area covered by such a zone would be strictly limited in order to preserve the supply of land needed for local and region-serving businesses, minimize potential conflicts between adjacent uses, and avoid impediments to established businesses.*

### Innovation Districts

The concept behind an Innovation District is to identify a specific geographic area where land use, and zoning standards can be relaxed in order to accommodate innovative activities and building types that might be difficult to achieve elsewhere. New zoning standards are combined with economic development incentives to support private investment. Innovation Districts are often cited on underutilized industrial land, providing opportunities for new industry, but expanding the array of possible uses to specifically encourage technology, arts-related uses, craft and maker spaces, live-work housing, co-working spaces, and similar creative uses.

### Policy LU-2.3: Neighborhood-Serving Commercial Uses

Encourage the retention and improvement of neighborhood-serving retail stores and services. In the event such spaces become vacant, consider other activities that reinforce their role as neighborhood centers. Neighborhood-serving commercial areas should reinforce the City's goal of reducing greenhouse gas emissions and traffic congestion by providing walkable, bikeable services and shopping close to residents.

**Program LU-2.3A: Neighborhood Centers.** Use the development review process to evaluate future proposals for existing neighborhood commercial centers, including the addition of new uses such as housing. Neighbors should be involved early in the development review process.

**Program LU-2.3B: Revitalization Incentives.** Develop zoning and economic development incentives that keep local neighborhood centers viable, such as allowing additional floor area and housing units when neighborhood-serving uses are included or retained.

See the Neighborhoods Element for policies related to specific centers. See the Economic Vitality Element for policies on retail retention and incentives.

#### Did You Know?

**San Rafael had 4,207,520 square feet of industrial/ flex floor space in 2019, representing 51 percent of Marin County's total**

-- CoStar, BAE, 2019.

### Policy LU-2.4: Production, Distribution, and Repair (PDR) Services

Maintain the availability of sites for PDR businesses and recognize the value of these businesses to San Rafael's economy and residents.

**Program LU-2.4A: Industrial Zoning.** Periodically evaluate zoning standards for Light Industrial-Office and General Industrial areas in response to business and economic trends, market demand, changes in technology and the transportation sector, greenhouse gas reduction goals, and climate-related hazards such as sea level rise.

### Policy LU-2.5: Limited Retail and Service Uses in Industrial and Office Areas

Allow limited retail and service uses that cater to area businesses and workers within industrial/office and industrial areas. Such uses create amenities for the local workforce and reduce vehicle miles traveled.

**Program LU-2.5A: Industrial Zoning Standards for Ancillary Retail and Service Uses.** Continue to provide opportunities for small local-serving retail and service businesses in industrial zoning districts.

### Policy LU-2.6: Lot Consolidation

Encourage the consolidation of small (<6,000 SF) lots zoned for higher density residential, commercial, and mixed uses in order to create more viable development sites. Lot consolidation can provide greater flexibility in site planning, make it easier to meet parking and access requirements, and enable building sizes and dimensions that are more economically viable.

**Program LU-2.6A: Lot Consolidation Incentives.** Continue to encourage small lot consolidation through zoning regulations. Incentives such as height and floor area bonuses and reduced parking should be considered, provided they do not result in the loss of unique or historic buildings.

### Policy LU-2.7: Child Care Facilities

Encourage the development of new child care facilities and the retention of existing child care facilities to meet neighborhood and citywide needs. Work with the school districts to encourage child care and early childhood education programs at schools, recognizing their suitability for such uses and convenient locations in residential neighborhoods.

**Program LU-2.7A: Large and Small Family Child Care Regulations.** *Ensure that regulations for large and small family child care facilities comply with all applicable State laws. To the extent permitted by law, the siting and operation of larger facilities in single family neighborhoods should mitigate the potential for off-site impacts (parking, noise, etc.).*

**Program LU-2.7B: Fees for Child Care Programs.** *Where feasible, consider waiving application, permit, and traffic mitigation impact fees for child care uses.*

*See also Policy LU-1.13 on FAR exemptions for child care. See Policy PROS-2.4 and Policy EDI-5.1 for additional guidance on child care.*

### Policy LU-2.8: Senior and Disabled Care Facilities

Encourage facilities and services to meet the needs of older and disabled residents, including senior housing, assisted living, and convalescent care facilities; and facilities providing adult day care and social services, and health care for older adults and people with disabilities.

*See Goal EDI-6 for additional policies and programs addressing the needs of older adults*

### Policy LU-2.9: Hotels, Motels, and Inns

Encourage redevelopment and upgrading of existing hotels and motels. These uses are desired because they are a source of jobs and tax revenue, help sustain local businesses, and provide lodging for visitors, tourists, and business travelers. Hotels, motels, and inns should be allowed with a Use Permit in most commercial, multi-family, and industrial zoning districts. Bed and breakfasts should be allowed with a Use Permit in High Density, Medium Density, and Large Lot Residential zoning districts. As noted in Policies LU-1.13 and 1.16, hotels are exempt from floor area ratio requirements and are subject to a 54-foot height limit outside of Downtown. The City Council may also grant Zoning Exceptions and Variances for projects that provide significant community benefits and are consistent with City design policies and guidelines.

**Program LU-2.9A: Motel Conversions** *In cases where an existing motel is no longer viable for that purpose, encourage conversion to multi-family residential use, including affordable housing.*



### Program LU-2.10: Short-Term Rentals

Permit short-term rentals, subject to registration and licensing requirements, payment of transient occupancy taxes, and standards for eligibility, parking, number of guests, and other factors deemed necessary to ensure neighborhood compatibility and limit adverse impacts on the rental housing supply.

**Program LU-2.10A: Monitoring Program.** *Monitor the effectiveness of short-term rental regulations on issues such as parking, rental housing supply, and neighborhood compatibility. Refine these regulations as needed to address issues and concerns.*

### Policy LU-2.11: Mini-Storage Facilities

Allow mini-storage (“self-storage”) in light industrial/ office and light industrial districts. For lots facing Highways 101 or 580 or the Bay, the mini-storage use may not be located along the street or bay frontages. New ministorage may be permitted with a Floor Area Ratio (FAR) of up to 1.0 if the following findings can be made:

- a) The facility is needed in the community.
- b) The project is compatible with surrounding uses.
- c) The project is designed so that it cannot be converted to other, more intensive uses – or includes approval conditions which limit and mitigate off-site impacts in the of future event conversion.
- d) The location is appropriate for this type of use.

Mini-storage is not permitted in other districts, except that it may be considered in existing commercial buildings if not located along the street frontage.

### Policy LU-2.12: Innovative Housing Types

Encourage non-traditional and innovative forms of housing that respond to local housing needs, changing demographics, high housing costs, remote work trends, and sustainability goals.

**Program LU-2.12A: Live-Work Regulations.** *Revise zoning regulations for live/work uses to make this a more viable housing type and facilitate its development.*

**Program LU-2.12B: Alternative Housing Types.** *Explore regulatory and cost barriers and potential opportunities for innovative housing types such as co-housing, tiny homes, micro units, modular and movable construction, mobile homes, and other forms of habitation which may be easier and less expensive to build than traditional housing. Consider zoning and building code changes to support the conversion of existing underutilized buildings to these uses in commercial and mixed use areas. This should include changes that facilitate the conversion of underutilized office buildings or vacant retail buildings to residential use.*

**Program LU-2.12C: Floating Homes.** *Consider changes to the Municipal Code, including zoning regulations, that support houseboats, live-aboards, and other types of floating homes in areas designated as “Water” on the General Plan Map.*

**Program LU-2.12D: Accessory Dwelling Units.** *Continue to support the conversion of underutilized residential space into accessory dwelling units (ADUs) and Junior Accessory Dwelling Units (JADUs), as well as the development of new ADUs and JADUs in residential areas, except where access difficulties for fire and emergency vehicles pose risks to public health and safety.*

**Policy LU-2.13: Odor Impacts**

Consider odor impacts when evaluating land uses and development projects near wastewater treatment plants, treatment plant expansion projects, waste transfer stations, and other odor potential sources.

**Program LU-2.13A: Evaluation of Odor Impacts.** Evaluate odor impacts as part of development review.

**Goal LU-3: Distinctive Neighborhoods**

Create and sustain neighborhoods of integrity and distinctive character.

*San Rafael is Marin's hometown. It is a city of livable neighborhoods that support each other and provide a network of parks, natural amenities, gathering places and services. The unique identity, distinctive design, and upkeep of each neighborhood will continue to be a source of pride.*

Each of San Rafael's neighborhoods is unique in its character, design, and physical amenities, and each contributes to the diversity and vitality of the city. This uniqueness should be celebrated and opportunities to enhance neighborhood quality should be taken when possible. Only through active participation among residents, property owners, and the City can effective neighborhood planning occur and common issues be addressed.

**Policy LU-3.1: Area Plans**

Encourage the preparation of plans for areas of San Rafael with unique local issues or significant potential for future change. The purpose of such plans is to provide more specific and detailed direction on long-range planning, zoning, and site-specific development issues than can be provided by the General Plan.



**Program LU-3.1A: Area Planning Process.** Engage neighborhood associations, community groups, residents, businesses, and service providers in the development of area plans, including neighborhood plans. A priority should be placed on plans for the North San Rafael “Town Center” area and the Canal neighborhood. In the event funding for these plans is delayed, projects that would increase housing supply in these areas should be allowed to proceed, with community engagement as described above.

See the Neighborhoods Element for additional policies and programs relating to area plans

### **Policy LU-3.2: New Development in Residential Neighborhoods**

Preserve, enhance, and maintain the residential character of neighborhoods to keep them safe, desirable places to live. New development, redevelopment of existing buildings, and land use changes within and adjacent to residential areas should:

- Enhance neighborhood image and design quality
- Incorporate sensitive transitions in height and setbacks from adjacent properties
- Preserve historic, unique, and architecturally significant structures
- Respect and enhance natural features and terrain
- Reduce exposure to hazards, including limited emergency vehicle access
- Include amenities such as sidewalks, pathways, trees, and other landscape improvements
- Maintain or enhance infrastructure service levels
- Meet expected parking demand
- Minimize reduction of views, privacy, and solar access for neighboring properties

While these principles are fundamental, they do not preclude neighborhood change. Neighborhoods are dynamic places, and should adapt to changing tastes, styles, technology, and needs as they evolve.

**Program LU-3.2A: Zoning Ordinance.** Periodically update the zoning ordinance to address neighborhood issues and concerns.

### **Policy LU-3.3: Housing Mix**

Encourage a diverse mix of housing choices in terms of affordability, unit type, and size, including opportunities for both renters and owners.

### **Policy LU-3.4: Property Maintenance**

Require owners to maintain their properties in good condition and appearance and to eliminate unsafe and unhealthy conditions.

**Program LU-3.4A: Code Enforcement.** Maintain an effective Code Enforcement program that engages with neighborhoods and business groups and works in partnerships with appropriate City staff to address nuisances, mitigate problems with vacant and blighted properties, and correct zoning code violations.

**Program LU-3.4B: Conditions of Approval.** Use the development review process to establish conditions of approval, including maintenance of landscaping and other improvements. Use building inspection and code enforcement processes to ensure that these conditions and other mitigation or monitoring responsibilities are carried out.

**Program LU-3.4C: Community Appearance.** Continue and enhance programs to abate illegal dumping and remove graffiti.

See also Policy EDI-4.2 on maintenance of streets and public space and Policy EDI-3.5 on property maintenance

### **Policy LU-3.5: Neighborhood Identity**

Enhance neighborhood identity and sense of community by retaining and creating gateways, landscape features, and other improvements that help define neighborhood entries and focal points.

See the Community Design Element for additional policies on neighborhood gateways and landscaping

### **Policy LU-3.6: Transitions Between Uses**

Outside of mixed use developments, maintain buffers between residential uses and adjacent commercial and institutional uses. Parking lots, loading areas, trash facilities, and similar activities associated with non-residential uses should be appropriately screened.

**Program LU-3.6A: Parking Lot Design.** Maintain design guidelines for parking lots that address landscaping, buffering, environmental quality, and neighborhood compatibility. Parking lots should not be the dominant visual feature from the street frontage.

### **Policy LU-3.7: On-Street Parking**

Manage on-street parking in a way that meets resident and business needs, minimizes potential conflicts with emergency vehicles, and avoids future conflicts, safety issues, and shortages.

**Program LU-3.7A: Neighborhood Parking Measures.** In neighborhoods with excessive on-street parking demand or where a proposed project would result in a substantial increase in demand:

- a) Work with property owners to add off-street parking and allow shared parking during off-peak hours.
- b) Where feasible, require additional off-street parking as a condition of approval for expansion or remodels.
- c) Update permit parking programs and on-street parking time limits to improve their effectiveness.

**Program LU-3.7B: Parking Regulations.** Periodically evaluate and amend parking regulations to respond to new technologies and trends in car ownership and design, while still ensuring adequate on-site parking.

See Goal M-7 (Mobility Element) for additional policies and programs on parking, including amendments to parking standards.



### Policy LU-3.8: Nuisance Vehicles

Minimize the number of abandoned and non-functioning vehicles on City streets.

**Program LU-3.8A: Abandoned Vehicle Program.** Continue the abandoned vehicle abatement program.

**Program LU-3.8B: Vehicles as Residences.** Continue the prohibition on the overnight residential use of vehicles in the public right of way.

### Policy LU-3.9: Neighborhood Centers

Support the vitality of attractive, viable neighborhood centers and assist these centers as they adapt to changing economic conditions and community needs. Existing neighborhood centers should be retained unless it can be clearly demonstrated that they are not economically viable or useful to the neighborhood. Where commercial uses are no longer feasible, other uses that are compatible with the neighborhood such as housing and local services should be accommodated.

**Program LU-3.9A: Neighborhood Serving Uses.** Prioritize neighborhood serving uses and places that support neighborhood interaction on small commercial sites in residential areas. Examples of such uses are cafes, grocery stores, hair salons, hardware stores, household goods and maintenance services, restaurants, drug stores, local medical and health care services, farmers markets, child care facilities, public facilities, and similar activities that meet the day to day needs of local residents. Also encourage uses that facilitate remote work, such as postal and telecommunication services. Maintaining these uses near residents can potentially help reduce vehicle miles traveled (VMT) and encourage walkable neighborhoods.

**Program LU-3.9B: Housing in Neighborhood Commercial Centers.** *In the event housing is proposed on neighborhood commercial sites, encourage the integration of neighborhood-oriented commercial or service uses on the ground floor or a portion of the site.*

### **Policy LU-3.10: Relationships with Local Institutions**

Support collaborations and partnerships among neighborhoods, schools, religious uses, and other institutions to enhance mutual understanding and resolve operational issues such as parking, noise, traffic, and privacy.

**Program LU-3.10A: Community Partnerships.** *Encourage the establishment of local committees to resolve conflicts and improve relationships between neighborhoods and local institutions. Public-private partnerships with local institutions should be encouraged as a way to generate community benefits and improvements.*

### **Policy LU-3.11: Neighborhood Pride**

Promote events and activities that support neighborhood pride, create a sense of community, and build connections between residents. These events and activities could include block parties, festivals, parades, picnics, concerts, and similar activities that bring residents together. City parks should include areas where such activities can be hosted, in a manner respectful of nearby residents.

**Program LU-3.11A: Neighborhood Websites.** *Support the development of neighborhood websites and provide links to these sites on the City's website.*

