

**ORDINANCE NO. 2015**

**AN ORDINANCE OF THE CITY OF SAN RAFAEL AMENDING THE TEXT OF THE SAN RAFAEL MUNICIPAL CODE, TABLE 14.05.020 UNDER SECTION 14.05.020, LAND USE REGULATIONS (GC, NC, O, C/O, R/O, FBWC) TO ALLOW ANIMAL CARE FACILITIES AS A CONDITIONALLY PERMITTED USE IN THE OFFICE (O) DISTRICT SUBJECT TO PERFORMANCE STANDARDS; AMENDING THE TEXT OF TABLE 14.06.020 UNDER SECTION 14.06.020, LAND USE REGULATIONS (I, LI/O, CCI/O, LMU) TO SUBJECT ANIMAL CARE FACILITIES TO PERFORMANCE STANDARDS; AND AMENDING TEXT OF CHAPTER 14.17 TO ESTABLISH PERFORMANCE STANDARDS FOR ANIMAL CARE FACILITIES**

WHEREAS, the City of San Rafael Community Development Department has received an application requesting a zoning text amendment; and

WHEREAS, on June 28, 2022, the Planning Commission held a duly-noticed public hearing on the proposed amendment to the San Rafael Municipal Code, accepting all public testimony and the written report of the Department of Community Development, and recommended to the City Council the approval of the amendment; and

WHEREAS, on August 1, 2022, the San Rafael City Council held a duly-noticed public hearing on the proposed zoning text amendment, as required by State law, accepting all oral and written public testimony and the written report of the Community Development Department staff reports relevant to the proposal; and

WHEREAS, the City's police power allows it to regulate animals and animal care in accordance with the health, safety, and welfare of the general public (Cal. Const., Art. XI, § 7); and

WHEREAS, the City has determined that amending the City's Zoning Code to allow for animal care facilities, as defined, as a conditionally permitted use in the Office District and to establish performance standards for animal care facilities in the City further the health, safety, and welfare of the general public; and

WHEREAS, upon review of the application, the City Council finds that this project is exempt from the California Environmental Quality Act ("CEQA") pursuant to section 15061(b)(3) of the State CEQA Guidelines because it can be seen with certainty that there is no possibility that adoption of this zoning text amendment or its implementation would have a significant effect on the environment; and

WHEREAS, the Community Development Department of the City of San Rafael is the custodian of documents which constitute the record of proceedings upon which this decision is based.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN RAFAEL DOES ORDAIN AS FOLLOWS:

**Section 1. Findings.**

The City Council of the City of San Rafael hereby determines and finds that all of the facts and statements contained in the recitals herein and findings of the Planning Commission Resolution 22-13 recommending to the Council adoption of this ordinance, are true and correct.

**Section 2. Amendment of Table 14.05.020 of the San Rafael Municipal Code.**

Table 14.05.020, in Section 14.05.020 (“Land Use Regulations (GC, NC, O, C/O, R/O, FBWC)”) of Chapter 14.05 (“Commercial and Office Districts”) of Division II (“Base District Regulations”) of Title 14 (“Zoning”) of the City of San Rafael Municipal Code is hereby amended as set forth below. Deletions are in strikethrough, and additions are in **bold and underline**. Unless indicated below, no other cells or rows within Table 14.05.020 shall be modified by this amendment.

**Table 14.05.020**

Type of Land Use		GC	NC	O	C/O	R/O	FBWC *	Additional Use Regulations
<b>Commercial Uses</b>								
Animal sales and service, excluding exterior kennels, pens								See <a href="#">Chapter 10.24</a>
Animal care facilities		CZ	CZ	<b><u>CZ</u></b>	CZ			See <a href="#">Chapter 14.17 standards.</a>
Animal retail sales		P	P		P			

**Section 3. Amendment of Table 14.06.020 of the San Rafael Municipal Code.**

Table 14.06.020, in Section 14.06.020 (“Land Use Regulations (I, LI/O, CCI/O, LMU)”) of Chapter 14.06 (“Industrial Districts (I, LI/O, CCI/O, LMU)”) of Division II (“Base District Regulations”) of Title 14 (“Zoning”) of the City of San Rafael Municipal Code is hereby amended as set forth below. Deletions are in strikethrough, and additions are in **bold and underline**. Unless indicated below, no other cells or rows within Table 14.06.020 shall be modified by this amendment.

**Table 14.06.020**

Type of Land Use	I	LI/O	CCI/O	LMU	Additional Use Regulations
<b>Commercial Uses</b>					

Animal care facilities (with or without exterior kennels, pens or runs)	CZ	CZ	CZ	CZ	<p><b>See Chapter 14.17 standards.</b>                  *Without exterior kennels, pens or runs (See Chapter 10.24).</p>
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**Section 4. Addition of Chapter 14.17.040 – “Animal Care Facilities” to the San Rafael Municipal Code.**

Section 14.17.040 (“Animal care facilities”) is hereby added to Chapter 14.17 (“Performance Standards”) of Division IV (“Regulations Applying in All or Several Districts”) of Title 14 (“Zoning”) of the San Rafael Municipal Code as set forth below.

Section 14.17.040 - Animal care facilities.

- A. Purpose. Performance standards related to animal care facilities protect the public health, safety and general welfare by minimizing potential nuisance factors that may result from the caring of animals.
- B. Applicability. Performance standards for animal care facilities, unless specifically exempted by this subsection shall apply throughout the City of San Rafael. A use permit approved by the zoning administrator, issued pursuant to Chapter 14.22 of this Division, shall be required for animal care facilities within the City of San Rafael.
- C. Findings. In order to grant a use permit for animal care facilities in an office/commercial district, the following findings shall be made:
  - 1. Compliance with Applicable Laws. The animal care facility will not violate any provision of the San Rafael Municipal Code or any other applicable provision of law. The animal care facility shall maintain an employee handbook outlining best management practices for handling of animals, handling medical waste and disposal of animal waste.
  - 2. Sound Attenuation. The animal care facility shall not result in sound levels that exceed the noise levels established under Chapter 8.13 for any adjacent tenant spaces or properties.
  - 3. Waste. The animal care facility shall include and maintain adequate waste and hazardous waste facilities at all times.
  - 4. Nuisances. The animal care facility will not result in other public or private nuisances.

**Section 5. Severability.**

If any section, subsection, phrase or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

**Section 6. Compliance with CEQA.**

The City Council hereby finds that the action to adopt this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3)

of the CEQA Guidelines, because it can be seen with certainty that there is no possibility the adoption of this Ordinance may have a significant effect on the environment, and pursuant to CEQA Guidelines section 15183 (consistent with the general plan and zoning).

**Section 7. Publication; Effective Date.**

A summary of this Ordinance shall be published and a certified copy of the full text of this Ordinance shall be posted in the office of the City Clerk at least five (5) days prior to the Council meeting at which it is adopted.

This Ordinance shall be in full force and effect thirty (30) days after its final passage, and the summary of this Ordinance shall be published within fifteen (15) days after the adoption, together with the names of those Councilmembers voting for or against same, in the Marin Independent Journal, a newspaper of general circulation published and circulated in the City of San Rafael, County of Marin, State of California.

Within fifteen (15) days after adoption, the City Clerk shall also post in the office of the City Clerk, a certified copy of the full text of this Ordinance along with the names of those Councilmembers voting for or against the Ordinance.

THE FOREGOING ORDINANCE was first read and introduced at a regular meeting of the San Rafael City Council on the 1<sup>st</sup> day of August 2022, and was passed and adopted at a regular meeting of the San Rafael City Council on the 6<sup>th</sup> day of September 2022 by the following vote, to wit:

AYES: Councilmembers:  
NOES: Councilmembers:  
ABSENT: Councilmembers:

KATE COLIN, Mayor

Attest:

LINDSAY LARA, City Clerk

## **SUMMARY OF ORDINANCE NO. 2015**

**AN ORDINANCE OF THE CITY OF SAN RAFAEL AMENDING SAN RAFAEL MUNICIPAL CODE, TABLE 14.05.020 UNDER SECTION 14.05.020, LAND USE REGULATIONS (GC, NC, O, C/O, R/O, FBWC) TO ALLOW ANIMAL CARE FACILITIES AS A CONDITIONALLY PERMITTED USE IN THE OFFICE (O) DISTRICT SUBJECT TO PERFORMANCE STANDARDS; AMENDING THE TEXT OF TABLE 14.06.020 UNDER SECTION 14.06.020, LAND USE REGULATIONS (I, LI/O, CCI/O, LMU) TO SUBJECT ANIMAL CARE FACILITIES TO PERFORMANCE STANDARDS; AND AMENDING TEXT OF CHAPTER 14.17 TO ESTABLISH PERFORMANCE STANDARDS FOR ANIMAL CARE FACILITIES**

This Summary concerns a proposed ordinance of the City Council of the City of San Rafael, designated as Ordinance No. 2015, which will amend the San Rafael Municipal Code to allow “Animal Care Facilities” excluding exterior kennels, pens or runs, as a conditionally permitted use in the Office (O) District, and to establish performance standards for Animal Care Facilities throughout the City.

Ordinance No. 2015 is scheduled for adoption by the San Rafael City Council at its regular meeting of September 6, 2022. The City Clerk has been directed to publish this Summary pursuant to City Charter and California Government Code section 36933(c)(1).

### **SUMMARY OF AMENDMENT TO MUNICIPAL CODE**

Chapter 14.05 of the City’s Municipal Code contains land use regulations for commercial and office districts. Animal Care Facilities, excluding exterior kennels, pens, or runs, are currently permitted in the General Commercial (GC), Neighborhood Commercial (NC), and Commercial Office (C/O) Districts, subject to approval of a use permit by the zoning administrator.

To allow Animal Care Facilities in the Office (O) Zoning District, and to establish performance standards for all Animal Care Facilities proposed within the City, as recommended by the San Rafael Planning Commission, the San Rafael City Council has adopted amendments to the San Rafael Municipal Code. The amendments include changes to Table 14.05.020 under Section 14.05.020, Land Use Regulations (GC, NC, O, C/O, R/O, FBWC) to allow Animal Care Facilities as a conditionally permitted use in the Office (O) District subject to performance standards; and amending the text of Table 14.06.020 under Section 14.06.020, Land Use Regulations (I, LI/O, CCI/O, LMU) to subject Animal Care Facilities to performance standards; and amending text of chapter 14.17 to establish performance standards for Animal Care Facilities.

Copies of the Ordinance are also available for public review by contacting the City Clerk’s office by email to [city.clerk@cityofsanrafael.org](mailto:city.clerk@cityofsanrafael.org). You may also contact Leslie Mendez, Planning Manager, at 415-485-3095 or [leslie.mendez@cityofsanrafael.org](mailto:leslie.mendez@cityofsanrafael.org) for information.

/s/ Lindsay Lara  
LINDSAY LARA  
San Rafael City Clerk  
Dated: 08/04/2022