

ORDINANCE NO. 2029

AN ORDINANCE OF THE SAN RAFAEL CITY COUNCIL AMENDING THE ZONING MAP OF THE SAN RAFAEL MUNICIPAL CODE TO CHANGE THE ZONING FOR TWO NON-ADDRESSED PARCELS LOCATED IMMEDIATELY NORTH AND EAST OF 86 CULLODEN PARK ROAD FROM PLANNED DISTRICT 1729 (PD 1729) TO LOW-DENSITY RESIDENTIAL 20,000 SQUARE FOOT LOT MINIMUM (R20) (APN 011-051-31 and APN 011-115-30) (ZC23-001 and ZC23-002)

WHEREAS, the City of San Rafael completed a comprehensive update of its General Plan between 2018 and 2021, moving the time horizon forward from 2020 (General Plan 2020) to 2040 (General Plan 2040); and

WHEREAS, the Plan Update process included a “Call for Amendments” wherein property owners were invited to apply for amendments to the General Plan Map; and

WHEREAS, on June 21, 2019, the owners of Assessor Parcel Number 011-051-31 submitted a request for an amendment to change the designation of this 0.692-acre property from its 2020 General Plan designation of Hillside Resource Residential to a 2040 designation of Low Density Residential; and

WHEREAS, the intent of this request was to harmonize the land use designations of four adjacent properties with the same owner, including one 1.196-acre property with a home (86 Culloden Park Road, APN 011-115-10) which was designated Low Density Residential, two small vacant properties (0.111 acres and 0.194 acres) also designated Low Density Residential, and an adjoining 0.692-acre parcel on the east which was vacant and designated Hillside Resource Residential (011-051-31); and

WHEREAS, staff evaluated the request and determined that the requested change was consistent with best practices, would avoid a “split” General Plan designation on a single-family, single-ownership property; and would not adversely impact surrounding properties; and

WHEREAS, on February 5, 2020, the San Rafael Planning Commission considered this request and several others and supported changing the land use designation as requested; and

WHEREAS, on August 2, 2021, the San Rafael City Council adopted General Plan 2040, including an updated Land Use Map incorporating the Low-Density Residential designation for APN 011-051-31; and

WHEREAS, California Government Code 65860 requires a city’s zoning ordinance, including its zoning map, to be consistent with a city’s general plan; and

WHEREAS, APNs 011-051-31 and 011-115-30 currently have zoning designations of Planned District (PD 1729), a designation that was created to support the adjacent Academy Heights/ Live Oak Estates subdivision, which no longer includes the subject parcels; and

WHEREAS, the best fit zoning designation for APN 011-051-31 and 011-115-30 is R20, which matches the designation of the primary residence at 86 Culloden Park Road and all other parcels along Culloden Park Road; and

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WHEREAS, the R20 designation is consistent with the Low Density General Plan designation and would align the zoning for these parcels with the General Plan; and

WHEREAS, the proposed rezoning implements the San Rafael General Plan 2040, for which a Final Environmental Impact Report was previously prepared and certified on August 2, 2021, Consistent with the California Environmental Quality Act (CEQA) Guidelines and the City of San Rafael Environmental Assessment Procedures Manual, the appropriate steps were followed to complete environmental review of General Plan 2040, including the adoption of Findings and a Mitigation Monitoring and Reporting program. No development is currently proposed on the subject properties and no further impacts will result from the rezoning; and

WHEREAS, the City of San Rafael established zoning case numbers ZC23-001 and ZC23-002 for the two subject parcels to facilitate this rezoning, in order to align the zoning and General Plan Maps; and

WHEREAS, on April 25, 2023, the San Rafael Planning Commission convened a duly noticed public hearing and unanimously (5:0, with one member absent) approved a resolution recommending City Council approval of this rezoning; and

WHEREAS, the City has complied with all noticing requirements for the rezoning action, including providing mailed notices to all property owners within 300 feet of the subject properties; and

WHEREAS, on May 15, 2023, the San Rafael City Council held a duly noticed public hearing on the proposed rezoning, accepting and considering all oral and written public testimony and the written report of the Department of Community Development; and

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

WHEREAS, as required by San Rafael Municipal Code Section 14.27.060, the City Council makes the following findings in support of an ordinance to amend the Zoning Map to change parcels APN 011-051-31 and 011-115-30, located immediately north and east of 86 Culloden Park Road, from Planned District 1729 (PD 1729) to Low-Density Residential 20,000 Square Foot Lot Minimum (R20), as shown on the map contained in Exhibit "A":

1. The proposed amendment to the Zoning Map is consistent in principle with the General Plan in that:
 - a. This action would be consistent with the General Plan Land Use Map, which identifies the subject sites as Low Density Residential.
 - b. This action would implement the General Plan Land Use Map.
 - c. This action would be consistent with the mapping protocol used in the General Plan, including assigning a single General Plan category to properties under single ownership rather than applying multiple designations.
 - d. This action would be consistent with and implement the following General Plan policies:
 - 1) Land Use Element Policy LU-1.8 (*Density of Residential Development*), which supports densities that are aligned with the physical characteristics of the natural landscape and topography.

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- 2) Land Use Element Policy LU-2.1 (*Land Use Map and Categories*), which supports aligning zoning with the General Plan Land Use Map.
- 3) Neighborhoods Element Policy NH-2.11 (*Fairhills Neighborhood*) to retain the character of Fairhills as a scenic hillside neighborhood.
- 4) Community Design and Preservation Policy CDP-1.3 (*Hillside Protection*) to ensure that hillside development protects the natural landscape and supports lot consolidation in hillside areas.
- 5) Housing Element Policy H-4.8 (*Adequately Zoned Sites*) to maintain an adequate supply of residentially zoned land to meet the needs of all economic segments of the community.

2. The public health, safety, and general welfare would be served by the adoption of the proposed amendment to change the existing PD 1729 Zoning Classification to the R20 Zoning Classification for the property in that the Zoning Map change will implement the General Plan Land Use designation and is consistent with the General Plan as noted above.

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

DIVISION 1: Findings

The City Council of the City of San Rafael hereby determines and finds that all of the facts and statements contained in the recitals herein and the finding of Planning Commission Resolution 23-03, adopted April 25, 2023, recommending to the City Council adoption of this Ordinance, are true and correct. The City Council further finds that the zoning map amendment complies with CEQA and is consistent with the certified EIR for San Rafael General Plan 2040.

DIVISION 2: Approval

The City Council of the City of San Rafael hereby approves and adopts the amendment to SRMC Title 14 Zoning Map as presented in Exhibit A attached hereto and incorporated herein by reference.

DIVISION 3: Publication

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

The 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 the same, in the Marin Independent Journal, a newspaper of general circulation published and circulated in the City of San Rafael, Marin County, State of California.

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

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THE FOREGOING ORDINANCE was first read and introduced at a regular meeting of the San Rafael City Council on the 15th day of May 2023, and was passed and adopted at a regular meeting of the San Rafael City Council on the 5th day of June 2023 by the following vote, to wit:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

KATE COLIN, Mayor

ATTEST:

LINDSAY LARA, City Clerk

Exhibits:

A. Rezoning Map

**Attachment A
San Rafael Zoning Map**



SUMMARY OF ORDINANCE NO. 2029

AN ORDINANCE OF THE SAN RAFAEL CITY COUNCIL AMENDING THE ZONING MAP OF THE SAN RAFAEL MUNICIPAL CODE TO CHANGE THE ZONING FOR TWO NON-ADDRESSED PARCELS LOCATED IMMEDIATELY NORTH AND EAST OF 86 CULLODEN PARK ROAD FROM PLANNED DISTRICT 1729 (PD 1729) TO SINGLE FAMILY RESIDENTIAL 20,000 SQUARE FOOT LOT MINIMUM (R20) (APN 011-051-31 and APN 011-115-30) (ZC23-001 and ZC23-002)

This Summary concerns a proposed ordinance of the City of San Rafael, designated as Ordinance No. 2029, which will amend the Zoning Maps in Title 14 of the San Rafael Municipal Code. Ordinance No. 2029 is scheduled for adoption by the San Rafael City Council at its regular meeting of June 5, 2023. 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

The Ordinance will amend Title 14 (Zoning) of the San Rafael Municipal Code to change the zoning district boundary line for the property located within Assessors Parcels 011-051-31 and 011-115-30, and located immediately north and east of 86 Culloden Park Road; said parcels to be rezoned from Planned District 1729 (Pd 1729) to Single-family Residential 20,000 Square Foot Lot Minimum (R20).

Copies of Ordinance No. 2029 will be available for public review as of Wednesday, May 17, 2023, on the City's website: <https://www.cityofsanrafael.org>. You may also contact the City Clerk at (415) 485-3066 or the Planning Department at (415) 485-3085 for information.

LINDSAY LARA
San Rafael City Clerk
Dated: 5/19/23