



Agenda Item No: 6.a
Meeting Date: March 18, 2024

SAN RAFAEL CITY COUNCIL AGENDA REPORT
Department: Community & Economic Development
Prepared by: Micah Hinkle, Community & Economic Development Director **City Manager Approval:** 

TOPIC: CLARIFICATION OF OBJECTIVE DESIGN STANDARDS

SUBJECT: RESOLUTION ADOPTING OBJECTIVE DESIGN STANDARDS FOR CERTAIN RESIDENTIAL DEVELOPMENT PROJECTS

RECOMMENDATION:

Staff recommends that the City Council conduct a public hearing and adopt a resolution adopting objective design standards for certain residential development projects.

BACKGROUND:

In 2017, Governor Brown signed [Senate Bill 35 \(SB35\)](#), which established new housing development legislation under State Government Code Sections 65400, 65582.1 and 65913.4. The legislation created a mandated, ministerial process for qualifying residential development projects. One of the requirements to be eligible as a qualifying project is that developers pursuing a request for streamlined ministerial review are required to pay prevailing wage for construction and meet the following requirements: 1) include two or more dwelling units; 2) be located near a major transit stop; 3) provide certain levels of affordable housing; and 4) meet other specific requirements.

Under SB 35, cities are required to review qualifying projects using a ministerial, “by-right”, review process, which means that no discretionary approvals may be used, and the City must process applications within the time frames specified in Government Code Section 65913.4(c). “No discretionary approvals” means that the City may only evaluate projects based on objective design standard criteria, rather than subjective criteria.

In 2019, Governor Newsom signed [Senate Bill 330 \(SB 330\)](#), also known as the Housing Crisis Act, built on the objective design standards approach utilized in SB 35, and amended the Housing Accountability Act (HAA) and added new sections to the housing laws. It created a non-discretionary “preliminary application” that vests rights upon submission and requires that changes to zoning ordinances not result in a net loss of residential capacity within the jurisdiction. SB 330 also amended the Permit Streamlining Act by placing time limits on an agency’s ability to comment on a project and imposed a rule that qualifying projects must receive a decision (approval or denial) after no more than five hearings after the project application is complete.

FOR CITY CLERK ONLY

Council Meeting: _____

Disposition: _____

Given these regulatory changes, the City needs to further clarify its existing design standards for certain housing projects to make them “objective” and therefore applicable under these new laws.

Existing City Zoning and Design Standards

The City’s Zoning Ordinance (Title 14 of the SRMC) contains a variety of objective development standards. Minimum building setbacks, maximum building height, maximum lot coverage, and minimum off-street parking spaces are examples of existing objective standards within the City’s Zoning Ordinance that are applicable to housing development projects.

However, existing City policy documents contain numerous guidelines that are not considered objective (e.g. neighborhood compatibility, use of earthtone colors, etc.) and therefore are not applicable to certain housing projects. Staff is seeking to provide objective, quantifiable standards that further clarify the aforementioned existing design guidelines.

Previous Public Hearings

The identification and recommendation of objective design standards have been in process prior to the COVID-19 pandemic. On [July 16, 2019](#), draft objective design standards were presented to the Design Review Board for consideration. The Design Review Board primarily asked clarifying questions from City staff and provided comments on the proposed standards. On [August 13, 2019](#), draft objective design standards were then brought to the Planning Commission for consideration. Similarly, the Planning Commission primarily asked clarifying questions from City staff and provided comments on the proposed standards. On [September 7, 2022](#), the objective design standards were brought back to the Design Review Board for discussion. At that meeting, the Design Review Board provided specific comments and direction to staff regarding building mass and articulation standards and requested that staff return with additional information and updates to the draft standards. Comments from the Design Review Board have been incorporated into the proposed standards. [On February 27, 2024](#), the Planning Commission held a public hearing and recommended the City Council approve the objective design standards as proposed. The Planning Commission further requested that staff return to the Planning Commission in 6-9 months with a progress report on the implementation of these new objective design standards and the form-based standards contained within the Downtown Precise Plan

Environmental Determination

In accordance with Section 15060(c)(3) of the California Environmental Quality Act (CEQA) Guidelines, the Resolution, which establishes objective design review standards for all housing development projects in the City, is not subject to CEQA review because the activity is not a project as defined in Section 15378 of the CEQA Guidelines. CEQA Guidelines Section 15061(b)(3) provides that a project is exempt from CEQA if the activity is covered by the commonsense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Future development which is subject to the objective design standards will be analyzed independently under and will be subject to independent CEQA review and determination.

ANALYSIS:

The proposed objective design standards are included as Exhibit A to the Resolution. In developing objective standards, staff used existing design criteria, fine tuning them to be objective and quantifiable. Sources used to develop these standards include: [San Rafael General Plan 2020](#) (primarily the [Neighborhood](#) and [Community Design](#) Elements), San Rafael [Zoning Ordinance](#), [Downtown Vision](#),

[Good Design Principles for Downtown](#), and [Residential Design Guidelines](#). Staff also contracted with planning professionals, Rhoades Planning Group, in 2020 to assist with development of these objective standards.

The proposed objective design standards are structured as a companion document to applicable City planning and zoning regulations, many of which contain subjective requirements. The proposed objective design standards take the subjective requirements and apply a clear, objective, and quantifiable standard for each requirement. The objective design standards will apply to mixed use, single family, multi family, and duplex housing projects. Projects within the Downtown Precise Plan are subject to a specific set of objective form-based design standards that were adopted with the Downtown Precise Plan and are not subject to these objective design standards.

Next Steps

Over the next year, staff will evaluate the effectiveness of the proposed objective design standards, engage the development community for their feedback, and identify any opportunities for improvement. In addition, the General Plan 2040 implementation program calls for a Citywide Zoning Ordinance update. Staff will use the learnings from these objective design standards to guide that work, which is anticipated to begin in Fiscal Year 2024-25.

In the meantime, approval of the proposed objective design standards allows for the City to review certain housing projects for consistency with the following: 1) applicable zoning standards (i.e., lot coverage, setbacks, building height); 2) any existing objective standards within the San Rafael Design Guidelines (2019) and the Design Guidelines Applicable to All Hillside Residential Development Projects (1991); and 3) the proposed objective design standards.

COMMUNITY OUTREACH:

Notice of this meeting was advertised in the Marin Independent Journal on March 8, 2024.

At the time of publication, staff has not received any public comments. Any comments received after the reproduction of this staff report will be forwarded to the City Council under separate cover. As mentioned above, the objective design standards have been presented at the Design Review Board and Planning Commission respectively and comments have been incorporated into the recommended objective design standards.

FISCAL IMPACT:

There is no fiscal impact associated with the adoption of the objective design standards. The City applied for and received grant support from the State of California for the preparation of the objective design standards.

OPTIONS:

The City Council has the following options to consider on this matter:

1. Adopt the resolution.
2. Adopt the resolution with modifications.
3. Direct staff to return with more information.

RECOMMENDED ACTION:

Adopt the Resolution Adopting Objective Design Standards

ATTACHMENTS:

1. Resolution Approving Objective Design Standards for Certain Residential Projects
 - a. Exhibit A: Objective Design Standards

RESOLUTION NO.

RESOLUTION OF THE CITY OF SAN RAFAEL CITY COUNCIL ADOPTING OBJECTIVE DESIGN STANDARDS FOR CERTAIN RESIDENTIAL DEVELOPMENT PROJECTS

WHEREAS, in response to California's housing crisis, several state laws have been enacted to bolster the State's State laws with the intent of stimulating and streamlining housing production; and

WHEREAS, this resolution and the standards adopted herein apply Citywide to all "residential multifamily", "residential single-family", "residential duplex" and residential development as part of a "mixed use project", all of which are terms defined in SRMC section 14.03.030; and

WHEREAS, notwithstanding the above recital, this resolution and the standards adopted herein do not apply to parcels within the Downtown Precise Plan since the Downtown Precise Plan is a form-based development standards document (adopted in August 2021) that already includes sufficient objective design standards; and

WHEREAS, on July 16, 2019, the Design Review Board held a public hearing to review and consider an early draft of the objective design standards; and

WHEREAS, on August 13, 2019, the Planning Commission held a public hearing and provided comments and direction to staff on the objective design standards; and

WHEREAS, on September 7, 2022, the Design Review Board held a public hearing and provided comments and direction to staff on the objective design standards; and

WHEREAS, on February 27, 2024, the Planning Commission held a public hearing and provided a recommendation for approval of the objective design standards, hereby incorporated as Exhibit A to this resolution, to the City Council; and

WHEREAS, in accordance with Section 15060(c)(3) of the California Environmental Quality Act (CEQA) Guidelines, this Resolution, which establishes objective design review standards for all housing development projects in the City, is not subject to CEQA review because the activity is not a project as defined in Section 15378 of the CEQA Guidelines. CEQA Guidelines Section 15061(b)(3) provides that a project is exempt from CEQA if the activity is covered by the commonsense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Future development which is subject to the objective design standards will be analyzed independently under and will be subject to independent CEQA review and determination; and

WHEREAS, on March 18, 2024, the City Council held a duly noticed public hearing on the proposed standards, accepting and considering all oral and written public testimony and the written report of the Department of Community and Economic Development; and

WHEREAS, this resolution and the standards herein shall serve as a companion document to the City's Zoning Ordinance (Title 14 of the SRMC) in review and consideration of mixed use, single family, multi family, and duplex housing units. These standards shall govern should a conflict arise between the existing design standards and the standards adopted herein.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of San Rafael does hereby adopt the Objective Design Standards set forth in Exhibit A to this Resolution.

I, Lindsay Lara, Clerk of the City of San Rafael, hereby certify that the foregoing Resolution was duly and regularly introduced and adopted at a regular meeting of the San Rafael City Council held on the 18th day of March 2024, by the following vote to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

LINDSAY LARA, City Clerk

San Rafael Objective Standards

These standards apply to all “residential multifamily”, “residential single-family”, “residential duplex” and residential development as part of a “mixed use project”, all of which are terms defined in SRMC section 14.03.030. These standards do not apply within the Downtown Precise Plan.

1. Site Planning and Layout

Building Orientation

When buildings are adjacent to a public street or alley, primary building entrances shall be designed to face the public street or alley.

Windows and Privacy

When a new residential development is abutting an existing residential building, windows in the new structure that are within 10 feet vertically or horizontally of facing residential bedroom windows or private open space shall have opaque or translucent glazing at or below 5 feet above finished floor or be offset a minimum of 5 feet horizontally (as measured by nearest edge of existing facing window).

Ensuring Adequate Screening*

When new residential development is adjacent to an existing residential use, the project shall provide screening between the properties to obscure direct sight lines between private yards. Such screening shall consist of a continuous view-obscuring wood fence, masonry wall, or an irrigated and maintained evergreen hedge, not less than four feet in height, and not more than six feet in height, which may be broken only for access driveways and walkways. The width of screens consisting of evergreen hedges shall be at least 40% of their height.

Trash and refuse collection and disposal facilities shall be enclosed by a solid fence or hedge that is no lower than the facilities themselves. These facilities shall also be covered.

Ground Level Utility Location and Utility Screening

Back flow preventers, transformers, and other utilities must be out of sight or in sidewalk vaults. If a back flow preventer cannot be placed in a vault or out of sight, it must be screened from view with either architecture or landscaping. Utility transformers or boxes shall be underground or, if not allowed by PG&E, screened and not visible from the public right of way.

Parking Garage

Parking garage and other service, utility, and loading entries shall be accessed from side streets or rear alleys, where they exist. All parking shall be located on the rear half of a lot. Any parking visible from the public right-of-way, shall be screened by continuous landscaping, or other architectural features (i.e., mesh screening, etc.).

Curb Cuts

Driveway curb cuts and vehicular access from the street to off-street parking shall be a minimum of 10 feet from the front property line, unless a greater distance is required pursuant to the City's Engineer's driveway and parking standards. For sites less than 100 feet in width, no more than one driveway curb cut is permitted. For sites that are greater than 100 feet in width, two driveway curb cuts are permitted and must be at least 40 feet separated from the inside edge to the inside edge of the curb cut.

Ramps

Barrier free ramps shall be located on-site and not extended into public sidewalk or right-of-way

2. Building Design and Architecture

Facades/Massing

For every 50 feet of building length, there shall be a plane-break along the facade no less than 10 feet in length, which shall extend from grade to the highest story. For every 100 feet of building length, the plane break will have at least five feet of depth.

Trim Requirements

Stucco foam trim shall be limited to one element of trim detail and shall not be used as the sole trim molding material.

Colors and Reflective Materials

1. Facades shall include between 2 and 4 colors. One color shall be the 'main color' and be used on no less than 70% of the non-glazed area of a building's façade. The other colors shall be defined each as an 'accent color' each of which shall not be used on more than 30% of the non-glazed area of a building's façade
2. Buildings shall include the same colors and materials on all elevations. At least one accent color is required to appear on all elevations.
3. "Gloss" paint finishes shall not be used for a building's main color but may be used for accent colors and on trim. The highest sheen that may be used for a main color is semi-gloss.
4. The main color shall have a light reflective value of between 20% and 80%. Trim and accent colors may use colors of any light reflective value.
5. Fluorescent, iridescent, or metallic paints are prohibited.
6. Metal seam or other metal roofing, if used, shall be anodized, fluoro-coated, or painted with a non-gloss and non-glare finish. Copper and lead roofs shall be natural or pre-oxidized.
7. Any colors used on stucco walls shall be incorporated into the stucco mixture as an integral color.

Blank Walls

All building walls shall have a minimum 15% transparency on each floor. Ground floors without a lobby shall exhibit a variegated façade with changes in transparencies and materials so that no one form represents more than 75% of the surface area.

- Transparency is defined as any material or area of the façade where it is possible to see through to the next wall or at least 10 ft.
- Blank walls (facades without doors, windows, vertical and irrigated landscaping treatments) shall be less than 30 feet in length.
- Any blank walls adjacent to alleyways or side-property lines shall be treated with graffiti resistance paint that does not use a glossy finish.

Corner Buildings

For all corner buildings, the corner shall have a separate architectural treatment such as a projection or inset to define the building corner. The treatment shall be minimum of 10 feet of width along each street frontage beginning at the corner.

Clearance with Architectural Details

Buildings shall not have architectural features that project more than 4 feet into the public right of way and minimum vertical clearance of 12 feet above sidewalk shall be maintained.

Eaves

Horizontal eaves longer than 40 ft shall be broken-up by roof form articulations with at least a five ft variation.

Minimum Articulation

All street-facing facades shall have at least one horizontal or vertical projection or recess at least three feet in depth, or two projections or recesses at least two feet in depth, for every 50 linear feet of wall. The articulated elements shall occupy at least 50 percent of the height of the structure and may be grouped rather than evenly spaced in 50-foot modules. Exceptions to this rule may be granted by either the Planning Commission via a use permit or through the review of the Design Review Board.

Rooftop Utility Screening

All mechanical equipment shall be screened and shall not project above its enclosure. Roof-mounted mechanical equipment shall be screened from public view by a parapet wall, decorative equipment screen, or other architectural treatment. The point of view for determining visibility shall be five feet above grade at a distance of 200 feet from any point of the structure at ground level.

3. Open Space and Landscape

Useable Outdoor Space

Quantity of Useable Open Space required shall be as shown in San Rafael Municipal Code Table 14.04.040 for the underlying zoning district. In zoning districts without a standard in Table 14.04.040, the minimum standard shall be 100 square feet per dwelling unit.

1. Accessibility and Use. Usable open space shall be accessible to all the occupants of the building for active or passive recreation use.
2. Assignment to Unit. An area which is accessible and/or usable only by the occupants of a particular dwelling unit may satisfy the usable open space area requirements only for that particular dwelling unit.

3. Minimum Dimensions. Except for balconies, a usable open space area must have a minimum clear width and length of 10 feet.
4. Balconies.
 - (a) A maximum of 50 percent of the total required usable open space area may be satisfied by balconies.
 - (b) A balcony must have a minimum clear width and length of 6 feet.
 - (c) At least one exterior side must be open and unobstructed except for required railings.
5. Uncovered. Except for balconies, usable open space shall be at least 75 percent open to the sky.
6. Slope. Usable open space must have a slope of 8 percent grade or less.
7. Landscaping.
 - (a) At least 40 percent of the total required usable open space area, exclusive of balconies above the ground floor, shall be landscaped.
 - (b) A landscaped area shall not include off-street parking spaces, driveways, and other surfaces covered by concrete or asphalt, unless integral to the design of the open space.
 - (c) For multiple dwelling uses, required landscaped areas shall incorporate automatic irrigation and drainage facilities adequate to assure healthy growing conditions for plants.
8. Amenities. Usable open space which is not planted shall be developed to encourage outdoor active or passive recreational use and shall include such elements as decks, sports courts, outdoor seating, decorative paved areas and walkways which do not serve as entrance walkways, unless integral to the design of the open space.
9. Access Features Not Included. Usable open space may not contain area designated for off-street parking and loading, service areas, driveways, required walkways or other features required for access to dwelling units.
10. Other Open Space Areas. Areas of the lot which do not qualify as usable open space and which are not designated as driveways, off-street parking spaces or required walkways, shall be retained as landscaped areas.

Storm water pollution prevention standards

Compliance with storm water pollution prevention standards (MCSTOPP). Required engineered storm water treatment facilities shall not be in areas that are counted toward meeting the minimum common open space requirements.

Street Trees

If there are no street trees on the frontage, street tree(s) are required to be installed and must be shown on the site plan. Street trees shall be installed at intervals of 30 feet on center, as sidewalk utilities and site access allow, in accordance with the City of San Rafael's Approved Street Tree List, and subject to the approval of the Department of Public Works at Building Permit review.

4. Lighting

Light and Glare

Blinking, flashing and oscillating lights are prohibited.

Exterior lights shall have a minimum ground level illumination of 1 foot-candle at doorways and entryways. Elsewhere, exterior lights shall have a maximum ground level illumination of ½ foot-candle. Code required security or pathway lighting is an exception.

All lighting sources shall be shielded from view from the public right of way and from neighboring properties. Exterior lights shall produce with no indirect light extending 5 ft. beyond a property line. Exterior lights shall not be placed higher than the height of the principal structure. Exterior lights placed more than 6 ft high shall have a maximum angle of direct illumination of 60 degrees. Exterior lights shall be rated for 4500 Kelvins or fewer. A photometric study shall be submitted as part of a planning application.