

Agenda Item No. 5.d

ORDINANCE NO. 1997

**AN ORDINANCE OF THE CITY OF SAN RAFAEL CITY COUNCIL ADOPTING THE
DOWNTOWN SAN RAFAEL PRECISE PLAN – CHAPTER 9 DOWNTOWN FORM-BASED
CODE TO SERVE AS THE PRIMARY REGULATORY CITY ZONING CODE FOR
DOWNTOWN SAN RAFAEL
(CASE NO. ZO21-004)**

WHEREAS, in 2004, the City adopted the San Rafael General Plan 2020 with a horizon year of 2020. In 2018, the City initiated a General Plan Update (General Plan 2040) to move the Plan’s horizon forward 20 years to 2040; and

WHEREAS, in late 2018, the City received a One Bay Area Grant to fund the preparation of a focused Plan for Downtown San Rafael, the Downtown San Rafael Precise Plan (Downtown Precise Plan), under the umbrella of the San Rafael General Plan 2040. The Downtown Precise Plan was budgeted and scoped to include a “form-based code” to regulate zoning for the Downtown Precise Plan area, replacing the existing property zoning and many of the existing zoning code regulations in San Rafael Municipal Code (SRMC) Title 14, Zoning (Zoning Ordinance) that are applicable to the Downtown area; and

WHEREAS, in Fall 2020, the City completed and released the Draft General Plan 2040 and the Downtown Precise Plan for public review. The Downtown Precise Plan includes Chapter 9 – Downtown Form-Based Code (Form-Based Code); and

WHEREAS, Chapter 9- Downtown Form-Based Code establishes four regulating zones exclusive to the Downtown Precise Plan area that are based on the transects of natural to urban form. Each form-based zone includes, among others, site and buildings standards and regulations, parking standards, and land use regulations; and

WHEREAS, to introduce, incorporate by reference, and establish internal consistency with the overarching, citywide Zoning Ordinance, amendments to SRMC Title 14 were drafted, which include the establishment of a new Downtown Mixed-Use (DMU) District. The DMU District serves as the foundation or “base” zone for Downtown that bridges the Zoning Ordinance with Chapter 9- Downtown Form-Based Code; and

WHEREAS, the Downtown Precise Plan Form-Based Code, together with the amendments to SRMC Title 14 – Zoning and Zoning Map (ZO-21-003 and ZC21-002) adopted by separate ordinance, establish the state-require zoning legislation for Downtown San Rafael within the boundaries of the DMU District; and

WHEREAS, per the provisions of the California Environmental Quality Act (CEQA), the City prepared a Final Environmental Impact Report (FEIR) to assess the environmental impacts of the San Rafael General Plan 2040 and the Downtown Precise Plan including the Form-Based Code. The FEIR has been certified by separate resolution of the City Council; and

WHEREAS, in considering action to adopt the Downtown Precise Plan form-based code, the City Council must first determine if the certified FEIR adequately assesses the environmental impacts of this action. The certified FEIR has concluded that the project, which includes the adoption of the Downtown Precise Plan will result in significant and unavoidable impacts associated with Air Quality, Cultural Resources, Greenhouse Gas Emissions, and Transportation. The City Council has weighed the proposed project benefits against the significant, unavoidable adverse environmental effects. By separate resolution and consistent with the CEQA Guidelines Section 15063, the City Council has approved the CEQA Statement of Findings of Fact and Statement of Overriding Considerations supporting and substantiating

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adoption of the General Plan 2040, the Downtown Precise Plan, and the related amendments to SRMC Title 14 – Zoning. This separate resolution also approved a Mitigation Monitoring and Reporting Program (MMRP) to ensure that the required FEIR mitigation measures are incorporated into the project action; and

WHEREAS, on July 29, 2021, the Planning Commission of the City of San Rafael held a duly noticed public hearing on the proposed Downtown Precise Plan and Form-Based Code, accepting all public testimony and the written report of the Community Development Department. The Planning Commission approved Resolution No. 2021-06 recommending City Council adoption of the Downtown Precise Plan, conforming amendments to the San Rafael Municipal Code, and the Form-Based Code as the zoning regulation for Downtown San Rafael; and

WHEREAS, on August 2, 2021 by action of separate resolution, the City Council adopted the San Rafael General Plan 2040 and the Downtown Precise Plan; and

WHEREAS, on August 2, 2021 by separate ordinance, the City Council adopted amendments to the San Rafael Municipal Code (SRMC) Title 14 – Zoning (Case Nos. ZO21-003 and ZC21-002) to introduce, reference and incorporate the Downtown Precise Plan Form-Based Code by: a) establishing a new Downtown Mixed-Use (DMU) District that encompasses the boundaries of the Downtown Precise Plan area and serves as the base zoning and foundation for the Form-Based Code; b) amending, deleting and replacing certain zoning provisions applicable to Downtown San Rafael; and c) introducing new provisions to address and reference the Downtown Precise Plan Form-Based Code that is proposed to be adopted by this ordinance; and

WHEREAS, on August 2, 2021, the City Council held a duly noticed public hearing through a public notice published in the Marin Independent Journal. The Council considered the proposed Downtown Precise Plan Chapter 9 – Downtown Form-Based Code presented in attached Exhibit A, accepting all public testimony and the written report of the Community Development Department; and

WHEREAS, the City Council makes the following findings, pursuant to SRMC Section 14.27.060 to support the adoption of the Downtown Precise Plan Chapter 9- Downtown Form-Based Code presented in attached Exhibit A:

1. The adoption of the Form-Based Code together with the amendments to the Zoning Ordinance and Zoning Map adopted by separate ordinance (ZO21-003 and ZC21-002) are consistent with the policies and programs of the adopted San Rafael General Plan 2040 and Downtown Precise Plan in that:
 - a. The Form-Based Code presents development form regulations as well as use provisions that are consistent with the Downtown Mixed-Use land use category of the General Plan 2040 and the Downtown Mixed-Use (DMU) District. The Downtown Mixed-Use land use category and the DMU District: 1) call for allowing a mix of land uses at higher development intensities within the City; and 2) depart from the traditional residential density limits through use of building height limits and prescribed building form standards, and transition development allowances along the edges of Downtown. Lastly, the Form-Based Code would implement Land Use Element Program LU-2.1A, which recommends amending the Zoning Ordinance and Zoning Map to incorporate the policies and programs of the General Plan 2040, thus resulting in consistency between the General Plan and zoning.
 - b. The Form-Based Code would be consistent with Land Use Element, specifically Goal LU-1, Policy LU-1.10, Policy LU-1.17, Policy LU-1.18, Policy LU-2.2, and Program LU-2.2B in that it would: 1) support and respond to the Downtown Precise Plan which sets forth well-managed changes and growth for Downtown; 2) codify the recommendations of the Downtown Precise Plan specific to development intensity; 3) codify the building height and height bonus regulations and provisions presented in the Downtown Precise Plan; and 4) support and codify planned mixed-use

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- development in Downtown. Further, the Form-Based Code would implement Policy LU-3.1 (Area Plans), which reinforces the preparation and adoption of community-based Area Plans (e.g., the Downtown Precise Plan) to direct planning and future growth for a specific area.
- c. The Form-Based Code would be consistent with the Neighborhood Element, specifically Policy NH-1.1, Program NH-1.1A, Policy NH-1.3, Policy NH-1.7, Program NH-1.7A, Policy NH-1.8 and Program NH-1.8A in that it would: 1) implement the Downtown Precise Plan by providing a clear guide for development and investment; 2) establish the zoning tool to support and guide the development of mixed-use and needed housing in Downtown; 3) ensure that new construction and development is sensitive to Downtown's context; and 4) provide measures to ensure the protection, preservation and enhancement of Downtown's historic resources.
 - d. Together with the accompanying amendments to SRMC Title 14 – Zoning (Case Nos. ZO21-003 and ZC21-002) adopted by separate ordinance, the form-based code would be consistent with the Community Design policies and programs of the Community Design and Preservation Element, specifically Program CDP-1.5C, Program CDP-2.1A, CDP-2.2A, Policy CDP-3.1, Program CDP-4.1C, Program CDP-4.2A, and Program CDP-4.8A in that they would: a) create a Downtown height profile; b) codify design standards for the “place types” identified in the Downtown Precise Plan; c) adopt a zoning tool that implements the design recommendations of the Downtown Precise Plan; and d) introduce building step-backs as a tool for implementing scale transitions in new development.
 - e. Together with the accompanying amendments to SRMC Title 14 – Zoning (Case Nos. ZO21-003 and ZC21-002) adopted by separate ordinance, the Form-Based Code would be consistent with the Historic Resources policies and programs of the Community Design and Preservation Element, specifically, Policy CDP-5.2, Policy CDP-5.4, in that they would: a) include the adoption of an updated historic resources inventory for Downtown; and b) incorporate incentives for encouraging preservation and stewardship of the Downtown historic resources.
 - f. The Form-Based Code would create consistency with the provisions and regulations of SRMC Title 14 - Zoning provisions, which have been adopted by separate ordinance and incorporated herein by reference.
 - g. The Form-Based Code would be anchored by a newly established DMU District to blanket the Downtown Precise Plan area. The DMU District provides a base zoning and foundation for the Downtown Precise Plan area and Form-Based Code and the other accompanying amendments.
2. The public health, safety and general welfare are served by adoption of the Downtown Precise Plan Chapter 9- Downtown Form-Based Code in that it would:
- a. Establish standards and regulations on building height and bulk to promote a more urban scale for growth of commerce and housing, while protecting the character and scale of the contiguous neighborhoods and surrounding community.
 - b. Establish standards and regulations that would protect San Rafael's historic resources.
 - c. Establish standards and regulations to promote safe and efficient multi-modal travel.
 - d. Establish standards and regulations that would promote orderly growth and facilitate the development of needed housing in Downtown San Rafael.
 - e. Establish consistency with the General Plan 2040 and the policies of the Downtown Precise Plan.

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

DIVISION 1. Findings

The City Council hereby determines and finds that all of the facts and statements contained in the recitals herein, and the findings of Planning Commission Resolution No. 2021-06 adopted June 29, 2021 recommending to the City Council adoption of this Ordinance, are true and correct.

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DIVISION 2. Approval

The City Council hereby approves and adopts the Downtown San Rafael Precise Plan Chapter 9 – Downtown Form-Based Code as presented in Exhibit A, attached hereto and incorporated herein by reference. Exhibit A will be updated as necessary to include the finally approved documents, inclusive of any changes made prior to adoption.

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.

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, 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.


KATE COLÍN, Mayor

ATTEST:


LINDSAY LARA, City Clerk

The foregoing Ordinance No. 1997 was read and introduced at a regular meeting of the City Council of the City of San Rafael on Monday, August 2, 2021 and was ordered passed to print by the following vote, to wit:

AYES: Councilmembers: Bushey, Hill, Kertz, Llorens Gulati & Mayor Kate

NOES: Councilmembers: None

ABSTAIN: Councilmembers: None

ABSENT: Councilmembers: None

And will come up for adoption as an Ordinance of the City of San Rafael at a Regular Meeting of the Council to be held on the 16th day of August 2021.


LINDSAY LARA, City Clerk

Exhibit:

A. [Downtown Form Based Code](#) (hyperlink)