

ORDINANCE NO. 1892

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL AMENDING THE SAN RAFAEL MUNICIPAL CODE INCLUDING 1) AMENDING SECTION 14.16.370 (WATER-EFFICIENT LANDSCAPE); 2) ADDING SECTION 14.18.045 (DESIGNATED PARKING FOR CLEAN AIR VEHICLES) TO CREATE DESIGNATED PARKING FOR CLEAN AIR VEHICLES IN COMPLIANCE WITH THE 2010 CALIFORNIA GREEN BUILDING STANDARDS CODE; AND 3) AMENDING SECTION 14.18.090 (BICYCLE PARKING) TO INCREASE BICYCLE PARKING REQUIREMENTS FOR NEW NON-RESIDENTIAL BUILDINGS TO CONFORM TO REQUIREMENTS OF THE 2010 CALIFORNIA GREEN BUILDING STANDARDS CODE.

WHEREAS, on January 15, 2010 the California Building Standards Commission adopted Title 24 Part 11 of the California Code of Regulations (the 2010 California Green Building Standards Code), which establishes a statewide minimum green building code for new residential and non-residential buildings, and which must be adopted and implemented by all local agencies by January 1, 2011; and

WHEREAS, on November 15, 2010 the San Rafael City Council passed Ordinance 1889 which adopted the 2010 California Green Building Standards Code, and amended that code to allow the implementation of Section 12.44 (Green Building Requirements) of the Municipal Code of the City of San Rafael as being equivalent to, or exceeding the requirements of, the California Green Building Standards Code; and

WHEREAS, the 2010 California Green Building Standards Code also imposes additional requirements on new building construction, including modified parking regulations and water-efficient landscape regulations which are currently addressed in Sections 14.15, 14.16 and 14.18 of Title 14 (Zoning Ordinance) of the San Rafael Municipal Code; and

WHEREAS, the San Rafael Planning Commission held a public hearing on December 14, 2010 and unanimously recommended to the City Council adoption of the proposed Zoning Ordinance amendments; and

WHEREAS, the amendments to the Zoning Ordinance of the City of San Rafael, California, Title 14 – Zoning, of the San Rafael Municipal Code are based on the following findings:

1. The proposed amendments are consistent with the policies and programs of the San Rafael General Plan 2020, including Conservation Element Policy CON-18 (Resource-Efficient Building Design), Policy CON-22 (Resource Efficiency in Site Development), and Circulation Element Policy C-11 (Alternative Transportation Mode Users), Policy C-32 (Parking for Alternative Modes of Transportation) and Program C-26c (Bicycle Parking) in that the proposed green building requirements will result in greater water conservation in new commercial construction, increase in use of alternative transportation modes by providing additional facilities to accommodate bicycle parking, and a reduction in petroleum use through promoting more fuel-efficient vehicles.

The public health, safety and general welfare will not be adversely impacted by the proposed amendments, which promote the use of alternative modes of transportation including bicycle and clean vehicle use, reduce demand for electrical power generation, reduce emissions from burning of petroleum in vehicles including production of greenhouse gases, increase efficient use of the transportation infrastructure by reducing vehicle miles travelled in single-occupant vehicles, and conserve water use for outdoor landscaping.

3. The adoption of this ordinance is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15308 of the CEQA Guidelines (14 Cal. Code Regs. §15308) because it is an action taken by a regulatory agency for the protection of the environment and no exceptions to this categorical exemption apply.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN RAFAEL DOES ORDAIN TO ADOPT MODIFICATIONS TO THE SAN RAFAEL MUNICIPAL CODE AS FOLLOWS:

DIVISION 1: Section 14.16.370 (Water-efficient landscape) of the San Rafael Municipal Code is hereby amended to read as follows:

14.16.370 Water-efficient landscape.

A. Purpose and authority. Effective January 1, 2011, certain new construction and rehabilitation projects that include landscape and irrigation improvements are required to comply with water-efficient landscape requirements and to monitor water usage for irrigation, as mandated under California Government Code Section 65595(c). For the purpose of administering this State mandate, the City of San Rafael hereby adopts by reference, Marin Municipal Water District (MMWD) Ordinance No. 414 (Water Conservation) and designates MMWD, the local water provider, to implement, enforce, and monitor the requirements of this ordinance. For projects that are subject to the water-efficient landscape requirements, the City defers to MMWD to administer the provisions of this ordinance, which include:

1. The application and monitoring of a 'maximum applied water allowance,' that is established for applicable projects.

The review of required landscape and irrigation plans, specifications and supportive documents prepared for applicable projects for compliance with water-efficient landscape restrictions, including limitations on the type and amount of landscape materials and plant species.

3. The review, inspection and approval of landscape and irrigation that is installed for applicable projects to ensure compliance with the approved landscape and irrigation plans and specifications.

4. The post-installation monitoring of water usage for irrigation by applicable projects.

B. Applicability.

The provisions of this section and MMWD Ordinance No. 414 are applicable to the following projects:

1. Any project that proposes new or rehabilitated landscapes which are developer-installed in single-family residential and all other residential developments, regardless of size, where the proposed landscape area is equal to or greater than 2,500 square feet;

2. Any project that proposes new or rehabilitated landscapes which are homeowner provided and/or homeowner-hired in single-family residential, two-family residential and multiple-family residential developments, where the proposed landscape area is equal to or greater than 5,000 square feet;

3. Any new non-residential construction projects exceeding 1,000 square feet of landscaped area;

4. Any project that proposes new or rehabilitated landscapes which are developer-installed in non-residential developments where the proposed landscape area is equal to or greater than 2,500 square feet.

C. City review of applicable projects.

City review of applicable projects shall be processed as follows:

1. Projects requiring approval of an Environmental and Design Review Permit. When an applicable project is subject to an Environmental and Design Review Permit pursuant to Section 14.25 of this title, the landscape and irrigation plans required by and submitted with this permit application shall be designed and prepared to comply with the provisions and requirements of MMWD Ordinance No. 414. The approval of an Environmental and Design Review Permit shall be conditioned to require the applicant to provide written verification of plan approval from MMWD prior to the issuance of a building permit and/or grading permit.

2. Projects requiring a Building Permit and/or Grading Permit only. When an applicable project is not subject to an Environmental and Design Review Permit but is required to secure a Building Permit and/or Grading Permit, such permits shall not be issued until the applicant has secured, in writing, MMWD approval of the landscape and irrigation plans confirming compliance with MMWD Ordinance No. 414.

D. Inspections and Post-Installation Monitoring and Enforcement. MMWD shall be responsible for:

1. Inspecting and approving all landscape and irrigation installed for applicable projects prior to project completion and/or occupancy; and

2. Monitoring water usage for installed landscapes to ensure compliance with MMWD Ordinance No. 414. All enforcement actions for ordinance non-compliance or violations shall be administered by MMWD.

DIVISION 2: A new Section 14.18.045 (Designated Parking for Clean Air Vehicles) of the San Rafael Municipal Code is hereby added to read as follows:

14.18.045 Designated Parking for Clean Air Vehicles.

A. Applicability. Parking spaces serving new non-residential buildings shall be designated for any combination of low-emitting, fuel-efficient, and carpool/van pool vehicles, as defined by Section 5.102 of the California Green Building Standards Code, California Code of Regulations, Part 11 of Title-24.

B. Number of Short-Term Spaces Required. Parking spaces for clean air vehicles shall be provided in accord with the following chart:

Total Number of Parking Spaces	Number of Required Clean Air Vehicle Spaces
0-9	0
10-25	1
26-50	3
51-75	6
76-100	8
101-150	11
151-200	16
201 and over	At least 8% of total

C. Parking stall marking. The following characters shall be painted, using the same paint for stall striping, such that the lower edge of the last word aligns with the end of the stall striping and is visible beneath a parked vehicle: "CLEAN AIR VEHICLE".

DIVISION 3: Section 14.18.090 (Bicycle Parking) of the San Rafael Municipal Code is hereby amended to read as follows:

14.18.090 (Bicycle Parking)

A. Applicability. Bicycle parking shall be required for all new non-residential buildings and in major renovations of non-residential buildings having thirty (30) or more parking spaces, and for all public/quasi-public uses.

B. Number of Short-Term Spaces Required.

1. Commercial, office and industrial uses: five percent (5%) of the requirement for automobile parking spaces, with a minimum of one two-bike capacity rack.
2. Public/quasi-public uses: as determined by parking study, or as specified by use permit.
3. Exempt uses: animal sales and service; motor vehicle sales and services; building materials and supplies (large-item); catering establishments; funeral and interment services; temporary uses; recycling facilities; other uses as determined by the planning director.

C. Number of Long-Term Spaces Required.

1. For non-residential buildings with over 10 tenant-occupants: five percent (5%) of the requirement for automobile parking spaces, with a minimum of one space.

D. Design.

1. Short-Term Parking: Bike racks shall be provided with each bicycle parking space. The rack shall consist of a stationary object to which the user can lock the bike.
2. Long-Term Parking: Acceptable parking facilities include:
 - a. Covered, lockable enclosures with permanently anchored racks for bicycles,
 - b. Lockable bicycle room with permanently anchored racks, or
 - c. Lockable, permanently anchored bicycle lockers.
3. Parking facilities shall support bicycles in a stable position.
4. The facilities shall provide at least an eighteen-inch (18") clearance from the centerline of adjacent bicycles on the left and right, and at least ten inches (10") to walls or other obstructions.
5. An aisle or other space shall be provided to bicycles to enter and leave the facility. This aisle shall have a width of at least five feet (5') to the front or rear of a standard six-foot (6') bicycle parked in a facility.
6. Bicycle parking should be situated at least as conveniently to building entrances as the most convenient car parking area, but a minimum distance of 100 feet of a visitors' entrance. Bicycle and auto parking areas shall be separated by a physical barrier or sufficient distance to protect parked bicycles from damage by cars.
7. Bicycle parking facilities should be located in highly visible, well-lit areas to minimize theft and vandalism.
8. Overhead coverage or rain shelters for bicycle parking facilities are encouraged.
9. The planning director (or the planning director's designated appointee) shall have the authority to review the design of all bicycle parking facilities required by this title with respect to safety, security and convenience.

DIVISION 4:

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

DIVISION 5:

This Ordinance shall be published once in full before its final passage in a newspaper of general circulation, published and circulated in the City of San Rafael, and shall be in full force and effect thirty (30) days after its final passage.

/s/ Albert J. Boro
ALBERT J. BORO, Mayor

ATTEST:

/s/ Esther C. Beirne
ESTHER C. BEIRNE, City Clerk

The foregoing Ordinance No. 1892 was read and introduced at a Regular Meeting of the City Council of the City of San Rafael, California, held on the 7th day of February, 2011 and ordered passed to print by the following vote, to wit:

AYES: Councilmembers: Brockbank, Connolly, Heller, Levine & Mayor Boro
NOES: 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 22nd day of February, 2011.

/s/ Esther C. Beirne
ESTHER C. BEIRNE, City Clerk