

ORDINANCE NO. 1933

AN ORDINANCE OF THE CITY OF SAN RAFAEL REZONING CERTAIN REAL
PROPERTY FROM THE PLANNED DEVELOPMENT DISTRICT (PD1580) AND
THE INDUSTRIAL (I) DISTRICT
TO A REVISED PD DISTRICT AND A P/QP DISTRICT (ZC09-001) AMENDING
SAN RAFAEL MUNICIPAL CODE TITLE 14 – ZONING, SPECIFICALLY
AMENDING THE TEXT AND MAP OF THE MARIN SANITARY SERVICE
MASTER PLAN FOR PROPERTY LOCATED AT 1050 ANDERSEN DRIVE AND
535-565 JACOBY STREET
APN'S: 018-180-72 THROUGH -76, AND 018-141-03

WHEREAS, Marin Sanitary Service (MSS) submitted zoning applications ZC09-001, UP09-020, ED09-031 and S09-002 to amend its current Master Plan in order to address minor changes to its operational use areas, open space lands, and an unpermitted expansion of mini-storage uses on its properties at 1050 Andersen Drive and 535-565 Jacoby Street, totaling 82.15 acres and located within the PD1580 and I zoning districts; and

WHEREAS, the zoning applications include a concurrent request by MSS and the Golden Gate Bridge Highway & Transportation District (GGBHTD) to rezone 2.78 acres of lands owned by GGBHTD from PD1580 to P/QP and separately to permit (UP14-006) the existing outdoor storage uses as interim uses on the property; and

WHEREAS, on June 23, 2015, the Planning Commission held a duly-noticed public hearing on the proposed amendments to the San Rafael Municipal Code, Title 14, accepting all public testimony and the written report of the Department of Community Development, and recommended to the City Council the approval of the amendments; and

WHEREAS, by adoption of a separate resolution, the Planning Commission recommended adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MMRP) prepared for the MSS Master Plan Amendment Project as the CEQA environmental document for the project; and

WHEREAS, on July 20, 2015, the San Rafael City Council held a duly-noticed public hearing on the proposed Rezoning, 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 Council by separate resolution has adopted the Mitigated Negative Declaration and MMRP for the Marin Sanitary Service Master Plan Amendment Project; 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:

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 findings of the Planning Commission Resolution 15-06 recommending to the Council adoption of this ordinance, are true and correct.

DIVISION 2. Approval.

The City Council of the City of San Rafael hereby adopts the ordinance approving the Marin Sanitary Service Master Plan PD rezoning map and development standards from PD1580 to revised PD for the 82.15 acre property (APN'S: 018-180-72 through -76), and rezoning map of the 2.78 acre Golden Gate Bridge District Property (APN: 018-141-03) from PD1580 to P/QP, and property 'Legal Descriptions' as presented in Attachments "A" through "C" 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.

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.

GARY O. PHILLIPS, Mayor

ATTEST:

ESTHER C. BEIRNE, City Clerk

The foregoing Ordinance No.1933 was read and introduced at a regular meeting of the City Council of the City of San Rafael on Monday, the 20th day of July, 2015, and was ordered passed to print by the following vote, to wit:

AYES: Councilmembers: Bushey, Colin, McCullough & Mayor Phillips

NOES: Councilmembers: None

ABSENT: Councilmembers: Gamblin

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 3rd day of August, 2015.

ESTHER C. BEIRNE, City Clerk

Attachment A

**Marin Sanitary Service (MSS) Planned Development (PD)
Zoning District & Development Standards**

A. Planned Development District Area

The land area included in the MSS PD zoning district shall include 82.15 acres of the MSS property depicted on the attached Land Use Map exhibit (attachment B) incorporated by reference, and legal MSS property description exhibit (in attachment C) incorporate by reference, encompassing approximately 82.15 acres.

B. Purposes

The primary purposes of this PD district are to implement the properties General Plan 2020 Industrial and Conservation land use designations as follows:

- 1) Establish permanent and interim uses and activities on the industrial designated Marin Sanitary Service waste management facility property that serves City of San Rafael and Marin County residents by providing municipal waste handling and recycling facilities, composed of a variety of waste management activities and uses including but not limited to solid waste and hazardous materials collection, processing, transfer, storage, treatment, disposal, composting, resource recovery and recycling operations, debris box and interim storage container and ancillary animal keeping activities; and
- 2) Continue to protect and preserve the existing prominent scenic hillside open space and San Quentin ridgeline area located on the open space/conservation designated portion of the Marin Sanitary Service property in a natural state.

C. Master Use Permit Requirement

To promote the purposes of this PD district, all uses on the property shall be conditionally permitted under a Master Use Permit, which shall identify the activities permitted within designated land use areas shown on the Zoning District and Land Use Map exhibit and described herein.

D. Land Use Areas

Industrial - Operational Areas: The operation areas (Areas A through D) may be used for municipal waste management. Uses shall be established by conditional use permit.

Conservation - Open Space Areas: The open space (Area E) shall be restricted as private open space, and may only maintain an existing legal nonconforming 1,886 square foot private maintenance storage shed, a small bee keeping use, animal grazing for vegetation management, and maintenance of permitted paved and

unpaved fire access roads. Routine maintenance of trees and vegetation is also permitted for fire management purposes. Fencing, signage and boundary markers shall designate the open space area boundary and prevent encroachment with operational activities.

E. General Development Standards

Floor Area: Industrial use Areas A through D shall be subject to a 0.38 industrial floor area limitation for storage and industrial facility operations, including up to twenty-five percent (25%) administrative office space allowance. Mini-storage uses may be permitted to exceed the floor area limitation, consistent with the provisions of the Zoning Ordinance.

The open space/conservation use Area E shall be subject to a 0.0 floor area allowance; except that one existing legal non-conforming 1,886 square maintenance/storage structure may be maintained in good repair and condition consistent with the nonconforming use and structure provisions of the Zoning Ordinance.

Yards: The minimum required front yard setback from Andersen Drive shall be 10 feet. This setback shall be landscaped.

Maximum Building Height: 36 feet

Minimum Landscaping: 10%

Development of the site with additional structures, uses or improvements shall be reviewed based on the San Rafael Zoning Ordinance requirements (i.e., Site and Use Regulations, Performance Standards, Signs, and Environmental and Design Review). Should any conflicts arise between the provisions of this PD district and the additional Zoning Ordinance development standards, the community development director shall which standard is appropriate.

F. Parking Requirements:

Parking for uses shall be established by the Master Use Permit, based on the San Rafael Zoning Ordinance Parking Tables.

G. Amendments

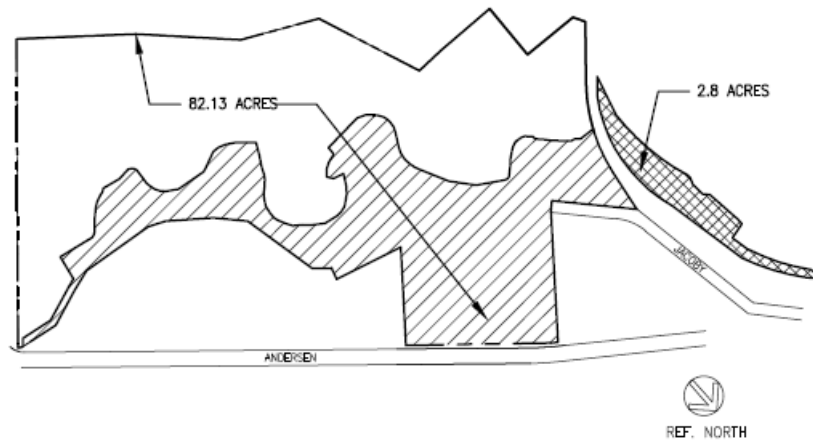
Revisions to these MSS PD Development District and Zoning Standards document may be considered consistent with the provisions established in the Zoning Ordinance

[End of PD Document Text]

Attachment B

PD and P/QP Zoning District and Land Use Map

MARIN SANITARY SERVICE (MSS) PD REZONING AND GOLDEN GATE BRIDGE AND HIGHWAY TRANSPORTATION DISTRICT (GGBHTD) P/QP REZONING



P-D PERMITTED USES:

- ☐ PD - OPEN SPACE
- ☒ PD - INDUSTRIAL
- ☒ GGBHTD PROPERTY P/QP

USES AS SPECIFIED BY A USE PERMIT
APPROVED BY THE PLANNING COMMISSION

Exhibit C

Legal Descriptions

Oberkamper & Associates
Civil Engineers, Inc.

June 16, 2015
Job No. 10-121

Legal Description

Lands of Golden Gate Bridge Highway and Transportation District

AP# 18-141-03

That certain parcel of land conveyed to the Golden Gate Bridge, Highway and Transportation District by deed recorded May 13, 1997 as 97-024884, Marin County Records, more particularly described as follows.

Beginning at the most northerly corner of said property as shown and delineated by the Record of Survey recorded in Book 2007 of Maps at page 21, Marin County Records; thence southerly along the easterly line of said property being a curve concave to the West, having a radius of 1096.21 feet, through a central angle of $22^{\circ}04'47''$ for a distance of 422.44 feet; thence South $11^{\circ}54'28''$ East, 446.97 feet; thence along a curve concave to the West, tangent to the preceding course, having a radius of 768.97 feet, through a central angle of $24^{\circ}37'58''$ for a distance of 330.60 feet; thence on a radial bearing of North $77^{\circ}16'30''$ West, 25.00 feet; thence southerly along a curve concave to the West, having a radial bearing of North $77^{\circ}16'30''$ West, having a radius of 743.97 feet, through a central angle of $24^{\circ}18'47''$ for a distance of 315.70 feet; thence on a radial bearing of South $52^{\circ}57'43''$ East, 25.00 feet; thence southerly along a curve concave to the West, having a radial bearing of North $52^{\circ}57'43''$ West, having a radius of 768.97 feet, through a central angle of $3^{\circ}33'15''$ for a distance of 47.70 feet; thence South $40^{\circ}35'32''$ West, 107.98 feet to the most southerly corner of said property; thence along the westerly line of said property, North $15^{\circ}03'01''$ East, 226.59 feet; thence northerly along a curve concave to the West, tangent to the preceding course, having a radius of 1159.92 feet, through a central angle of $20^{\circ}04'00''$ for a distance of 406.24 feet; thence North $20^{\circ}06'07''$ East, 147.73 feet; thence North $5^{\circ}53'53''$ West, 69.60 feet; thence North $46^{\circ}19'53''$ West, 83.53 feet; thence North $07^{\circ}19'52''$ West, 45.60 feet; thence North $08^{\circ}49'07''$ East, 69.32 feet; thence North $11^{\circ}04'53''$ West, 69.20 feet; thence North $74^{\circ}58'07''$ East, 59.60 feet; thence North $11^{\circ}45'56''$ West, 91.10 feet; thence northerly along a curve concave to the West, having a radius of 1066.21 feet, through a central angle of $18^{\circ}36'41''$ for a distance of 346.34 feet; thence North $07^{\circ}19'56''$ West, 71.26 feet to the point of beginning.

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LEGAL DESCRIPTION
MARIN SANITARY SERVICE
APN 18-180-72, 73, 74, 75, 76

All that certain real property situate in the State of California, County of Marin, City of San Rafael, and is described as follows:

BEGINNING at a point on the Northerly line of the Old County Road leading from San Rafael to San Quentin, now known as Jacoby Street, said point being distant South 44° 17' East 206.943 feet from the most Southerly corner of that certain parcel described in Deed from J.E. Davis to Roland N. Fisher and recorded April 4, 1947 in Book 544 of Official Records at Page 374, Marin County Records; running thence along the Northerly right of way line of Jacoby Street South 42° 48' 27" East 88.09 feet; South 56° 08' 23" East 131.50 feet; South 70° 35' East 268.82 feet; thence South 38° 26' 50" West 63.48 feet to a point on the Southerly right of way line of Jacoby Street; thence along said right of way line North 70° 35' West 255.19 feet; North 57° 09' West 145.96 feet; North 43° 01' West 530.23 feet; thence South 09° 01' 34" West 219.52 feet to a point on the Easterly right of way line of the former Northwestern Pacific Railroad; thence Southwesterly along a curve to the right, tangent to the preceding course an arc distance of 475.13 feet having a radius of 869.00 through a central angle of 31° 19' 36"; thence tangent to the curve South 40° 21' 10" West 316.80 feet to a point on the Easterly right of way of Highway 101; thence along said right of way South 15° 02' 37" West 1.66 feet; thence South 28° 51' 40" East 67.25 feet to the corner of the property conveyed to Marin Municipal Water District by deed recorded as 95-055234, Marin County Records; thence along said MMWD property line South 89° 11' 31" East, 300.00 feet; thence South 00° 48' 29" West, 309.61 feet to a point on the crest of Southern Heights Ridge and the City Limits of San Rafael; ; South 89° 20' 01" East 321.60 feet; North 88° 04' 28" East 150.06 feet; South 21° 17' 14" East 577.12 feet; South 63° 50' 42" East 412.69 feet; South 44° 42' 50" East 129.64 feet' South 45° 27' 42" East 396.10 feet; South 50° 57' 42" East 607.53 feet; thence leaving said City Limits Line North 41° 27' 18" East 1576.76 feet to a point on the former centerline of the 60' right of way once known as the San Rafael-San Quentin Toll Road; thence along said centerline North 57° 15' West 20.47 feet; thence North 81° 32' West 204.80 feet; thence South 69° 54' West, 203.50 feet; thence South 72° 59' West, 116.60 feet; thence North 84° 06' West, 384.90 feet; thence North 66° 49' West, 92.20 feet; thence North 52° 28' West, 245.10 feet; thence North 43° 10' West, 176.80 feet; thence North 12° 13' West, 406.10 feet; thence North 48° 36' West, 95.60 feet; thence North 77° 03' West, 3.54 feet; thence leaving said centerline, North 15° 52' East 63.05 feet; thence North 74° 58' West 365.12 feet; thence North 38° 26' 50" East 500.96 feet to the Southerly right of way line of Andersen Drive; thence along said right of way line North 49° 05' West 647.27 feet; thence Northwesterly along a curve to the left, tangent to the preceding course an arc distance of 91.58 feet having a radius of 964.00 feet through a central angle of 05° 26' 35"; thence North 58° 32' 35" West 36.27 feet; thence South 38° 18' 17" West 663.47 feet to the point of beginning.

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