

**ORDINANCE NO. 1964**

**AN ORDINANCE OF THE CITY OF SAN RAFAEL AMENDING TITLE 11 (PUBLIC WORKS),  
TITLE 14 (ZONING ORDINANCE) AND THE ZONING MAPS OF THE SAN RAFAEL  
MUNICIPAL CODE TO: A) ADD A PERMIT EXEMPTION FOR CERTAIN  
ENCROACHMENTS INTO THE PUBLIC RIGHT OF WAY; B) MAKE MINOR  
CLARIFICATIONS AND CORRECTIONS OF TEXT; C) MODIFY LAND USES AND LAND  
USE DEFINITIONS AND STANDARDS; AND D) MODIFY THE ZONING DISTRICT  
BOUNDARY LINE FOR THREE PROPERTIES LOCATED AT RICE DIVE/FRANCISCO  
BLVD (APN'S 013-041-52, -55, -67) AND 2 PROPERTIES LOCATED AT LINCOLN  
AVE/PROSPECT DR (APN'S 011-092-15 AND -26)  
(ZO18-002/ZC18-001)**

**WHEREAS**, the City staff has initiated amendments to San Rafael Municipal Code (SRMC) Title 11- (Public Works), Title 14- Zoning (Zoning Ordinance) and Zoning Maps as a general 'clean-up' of the maps and provisions to correct minor errors, omissions and internal inconsistencies, to update the zoning for selected properties on the City-adopted Zoning Map, and to revise obsolete provisions to improve use and interpretation of the Municipal Code; and

**WHEREAS**, on August 21, 2018, the Design Review Board held a duly noticed public meeting on the design-related amendments, accepting all public testimony and the written report of the Community Development Department; and

**WHEREAS**, on August 21, 2018, the Design Review Board provided their recommendations to the Planning Commission, unanimously recommending adoption of the design-related criteria as modified, with the exception of proposed changes to the hillside ordinance step-back requirements, for which the Design Review Board recommended further refinement by staff; and

**WHEREAS**, on September 25, 2018, the Planning Commission held a duly-noticed public hearing on the proposed amendments to the San Rafael Municipal Code, Title 11 and Title 14, and the Zoning Maps accepting all public testimony, the recommendations of the Design Review Board, and the written report of the Community Development Department, and recommended to the City Council the approval of the amendments; and

**WHEREAS**, on November 5, 2018, the City Council held a duly-noticed public hearing to consider the proposed amendments to San Rafael Municipal Code (SRMC) Title 11- (Public Works), Title 14- Zoning (Zoning Ordinance) and Zoning Maps as outlined in Exhibits A-C, accepting all public testimony and the written report of the Community Development Department; and

**WHEREAS**, the City Council finds that the proposed amendments to the San Rafael Municipal Code, Title 11, Title 14, and Zoning Maps, do not make changes to City policies or regulations that would result in a direct or indirect physical, environmental impact; therefore it has been determined that this ordinance qualifies for exemption from environmental review pursuant to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15183(a) because it entails a project that can be found consistent with the General Plan policies, and Section 15061(b)(3), which states that as a 'general rule' CEQA applies only to projects which have the potential to cause a significant, physical environmental; and

**WHEREAS**, the City Council makes the following findings, pursuant to SRMC Section 14.27.060 for adoption of the amendments to San Rafael Municipal Code (SRMC) Title 11- (Public Works), Title 14- Zoning (Zoning Ordinance) and Zoning Maps as outlined in Exhibits A-C:

1. The amendments to San Rafael Municipal Code Title 11 – Public Works, Title 14 – Zoning Ordinance and Zoning Map and are consistent with the policies and programs of the San Rafael General Plan 2020 in that:
  - a. The amendments will: i) clarify code requirements; ii) correct minor text errors and internal inconsistencies; iii) implement standards that have already been vetted through adopted plans or policies; iv) update and correct property zoning on the City-adopted Zoning Map; and v) revise provisions to improve use and interpretation. This action is consistent with General Plan Program LU-23a (Zoning Ordinance Amendments), and Policy NH-2a (Zoning Ordinance), which encourages periodic updates to the Zoning Ordinance in order to maintain a current and internally consistent code;
  - b. The amendments are consistent with General Plan Policy LU-9 (Intensity of Nonresidential Development) in that they codify a process for evaluating transfers of Floor Area Ratios amongst properties;
  - c. The amendments are consistent with General Plan Policies NH-2 (New Development in Residential Neighborhoods), CD-3 (Neighborhoods), CD-3b (Development Standards), and CD-6a (Hillside Design Guidelines) because the proposed amendments would clarify existing design-related policies and adopt standards intended to recognize, preserve and enhance the positive qualities that give neighborhoods their unique identities;
  - d. The amendments are consistent with General Plan Policies C-29c (Innovative Off-Street Parking) and C-30a (Downtown Parking District) because they include amendments to the parking provisions within the downtown zoning districts that include recommendations outlined in the City’s Downtown Parking and Wayfinding Study;
  - e. The amendments are consistent with General Plan Policies SU-8 (Local Food Production), SU-8b (Home and Community Gardens), SU-8c (Community Garden Standards) and PR-16 (Community Gardens) because they create a ministerial review process to encourage the creation of home and community gardens;
  - f. The amendments are consistent with General Plan Policy G-6a (Community Stakeholders) which encourages the City to “Actively seek community-wide representation and public involvement opportunities on City issues through vigorous outreach programs to engage residents who are not typically involved, such as young people and residents not fluent in English.”
2. The public health, safety and general welfare are served by adoption of the proposed Municipal Code amendments, in that they would: i) correct minor text errors and internal inconsistencies; ii) implement standards that have already been vetted through adopted/accepted plans or policies; iii) update and correct property zoning on the City-adopted Zoning Map; and iv) revise provisions to improve use and interpretation; and vi) ensure consistency with the General Plan.

**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 findings of Planning Commission Resolution 18-10,

adopted September 25, 2018, recommending to the City Council adoption of this Ordinance are true and correct.

## **DIVISION 2. Approval**

The City Council of the City of San Rafael hereby approves and adopts the amendments to SRMC Title 11- (Public Works), Title 14- Zoning (Zoning Ordinance) and Zoning Maps as presented in Exhibits A-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, 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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GARY O. PHILLIPS, Mayor

ATTEST:

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LINDSAY LARA, City Clerk

The foregoing Ordinance No. 1964 was read and introduced at a regular meeting of the City Council of the City of San Rafael on Monday, November 5, 2018 and was ordered passed to print by the following vote, to wit:

AYES: Councilmembers: Bushey, Colin, Gamblin, McCullough & Mayor Phillips  
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 City Council to be held on the 19<sup>th</sup> day of November 2018.

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LINDSAY LARA, City Clerk

Exhibits:

- A. Amendments to San Rafael Municipal Code Title 11 Public Works
- B. Amendments to San Rafael Municipal Code Title 14 Zoning Ordinance
- C. Amendments to San Rafael Municipal Code Title 14 Zoning Map

## EXHIBIT A

### Amendments to San Rafael Municipal Code (SRMC) Title 11 –Public Works

The following sections of the San Rafael Municipal Code (SRMC) Title 11 – Public Works are hereby amended as follows:

#### **Chapter 11.04 (Encroachments in the Public Right-of-Way)**

**Amend Section 11.04.030.020 (Exceptions to permit requirement) as noted below by underline/italics to show insertions:**

#### **11.04.030.020 – Exceptions to permit requirement.**

Notwithstanding Section 11.04.030.010 above, no permit or license shall be required pursuant to this chapter for any of the following:

- A. The actions of any officer or employee of the city engaged in the discharge of official duties.
- B. The performance of work under contracts to the city, including work for City projects.
- C. Encroachments existing prior to the effective date of this chapter; provided, however, that nothing in this chapter shall preclude the director from requiring an appropriate encroachment permit for or removal of any such preexisting encroachment where the director determines the encroachment adversely affects the safety, capacity or integrity of the city's right-of-way.
- D. Maintenance or repair of existing pipes, facilities, conduits or other structures lawfully on or under a public right-of-way by a utility or special district, where such maintenance or repair work will not affect traffic in an arterial street.
- E. Performing the actual emergency street cut or excavation in the public right-of-way by a utility or special district to repair a broken or defective pipe, facility or conduit lawfully on or under any public street, as may be necessary for the preservation of life and property when an urgent necessity therefore arises and the offices of the city are closed, provided that reasonable vehicular and pedestrian barriers or other traffic controls shall be provided during the performance of any such repairs. The utility or special district performing the repair work shall notify the city's public works department by telephone at the time any such repair work is commenced and apply for an encroachment permit retroactively as specified in [Section 11.04.060](#) of the Municipal Code for each emergency location within seventy-two (72) hours of performing the work. The utility shall pay all encroachment permit fees for emergency work as described by the latest schedule of fees developed by the city and described herein.
- F. Tree work, including but not limited to planting, trimming, or removal of any new or existing tree within the public right-of-way where a permit has been issued for such work pursuant to [Chapter 11.12](#), and no traffic lane closure is anticipated.
- G. Sidewalk cafes and restaurants, which shall be governed by the provisions and requirements of this code for outdoor dining license agreements.
- H. Street closures for special events specifically approved by the city council.

- I. Awnings, signs, eaves or other minor architectural features of buildings extending no more than four feet (4') into the public right-of-way; provided that nothing herein shall authorize the placement of signs directly on any street or the right-of-way.
- J. In the downtown zoning districts where buildings are permitted to be constructed to the property line (see title 14, zoning), ~~no permit~~ no license agreement is required for bay windows, balconies and projecting awnings provided that these architectural features: 1) are approved through design review; 2) extend no more than four feet (4') into the public right-of-way; 3) are designed to provide adequate vertical clearance from the street grade; and 4) do not obstruct or impair above-ground utilities, street lights or street signals. A permit may be required for construction activities.

## EXHIBIT B

### Amendments to San Rafael Municipal Code (SRMC) Title 14 -Zoning

The following sections of the San Rafael Municipal Code (SRMC) Title 14 – Zoning are hereby amended as follows:

1. **Chapter 14.03 - Definitions** Amend the list of definitions in Section 14.03.030 by amending and inserting new definitions, as shown below by ~~strikethroughs~~ for deletions and underline/italics for insertions, in alphabetical order, as follows:

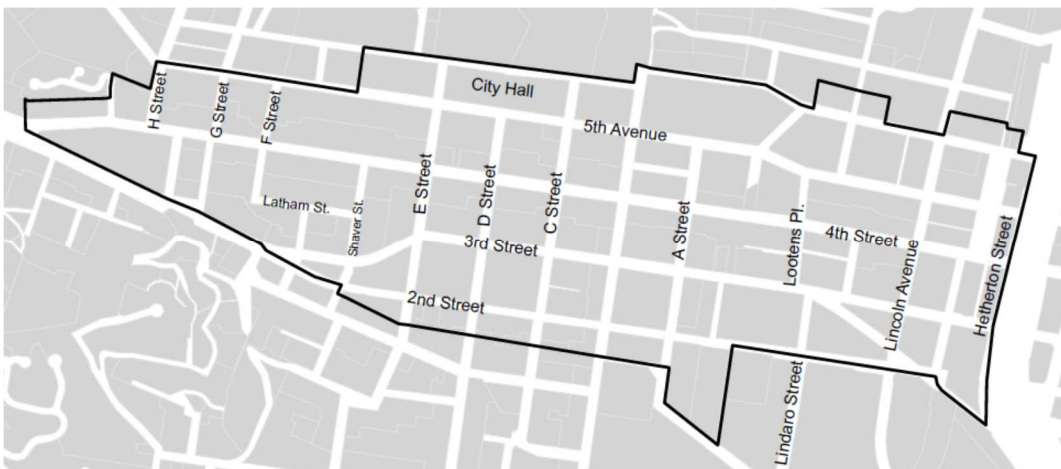
*“Cannabis Distribution” Distributor: Purchases, sells, arranges for testing, conducts quality assurance review of packaging and labeling, stores/warehouses and transports cannabis goods between medicinal licensees.*

*“Carport” means a roofed structure providing space for the parking or storage of motor vehicles and enclosed on not more than ~~three (3)~~ two (2) sides.*

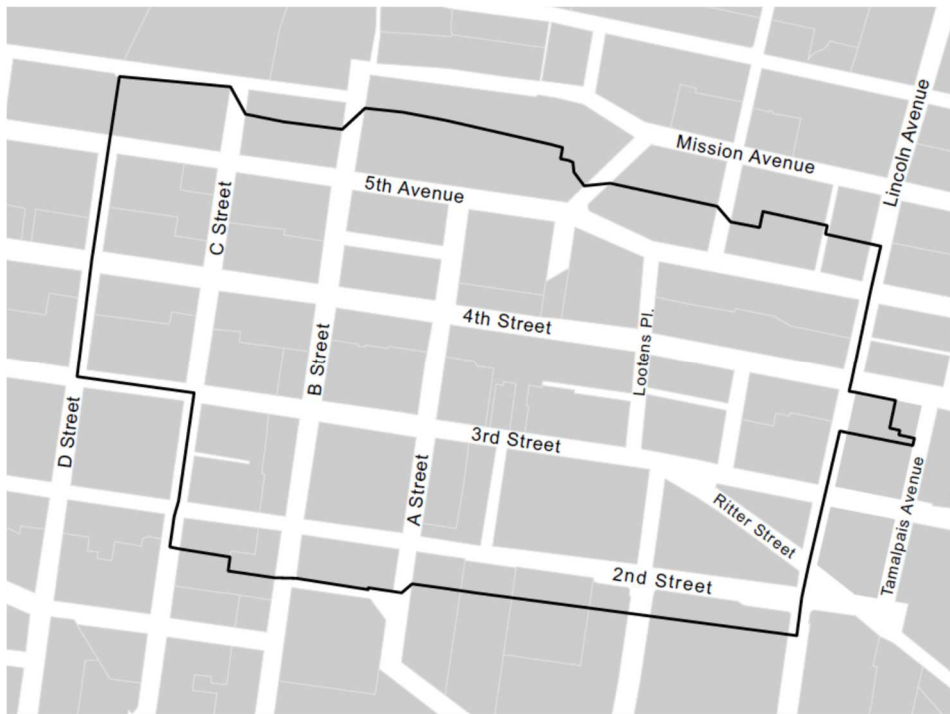
*“Clinic” means a place where patients are studied or treated by physicians specializing in various ailments and practicing as a group; the dispensary or outpatient department of a hospital or medical school, where patients are treated free or for a small fee; a place where a group of physicians are available for extended hours, on a drop-in basis with no regular patients.*

*“Community garden.” Community garden means any piece of land gardened by a group of people, utilizing either individual or shared plots on private or public land. The land may produce fruit, vegetables, and/or ornamentals. Community gardens may be found in neighborhoods, schools, connected to institutions such as hospitals, and on residential housing grounds subject to defined standards, as specified in Section 14.16.286 of this title. A community garden shall be operated by a public entity or non-profit organization.*

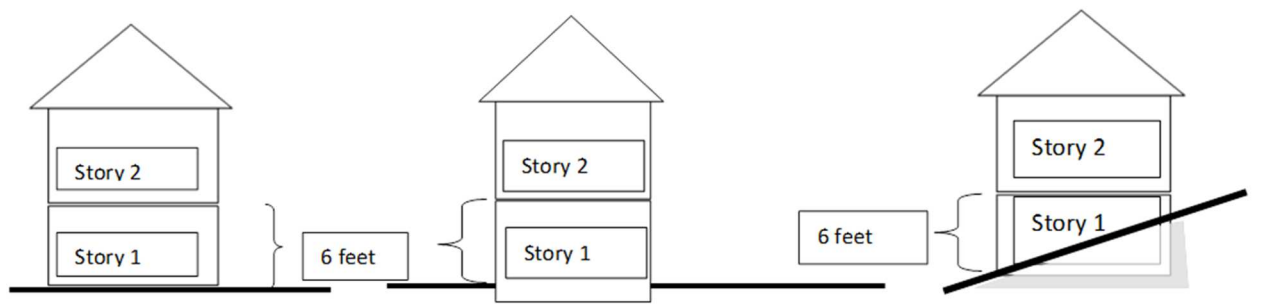
*“Downtown Zoning Districts” means those lots located in the downtown commercial zoning district and within the area generally between Hetherton Street & Mission (easterly boundary) and Fourth Street & Second Street (westerly boundary) and encompassing that area between Mission Avenue and Second Street as shown on the following map:*



*"Downtown parking ~~assessment~~ district" means the ~~downtown parking assessment~~ district, title ~~Parking District No. 1~~, the area which encompasses an ~~area~~ the boundary generally between Lincoln and D, and Second and Fifth, as shown on the following map:*



*"Story" means any floor having its finished floor surface entirely above grade and at least 6 feet in height; or any floor that is partially below grade and where the finished surface of the floor above it is at least 6 feet above the lowest grade:*



"Structure" means anything constructed or erected that requires a foundation or a structural support on the ground, including a building or public utility, but not including: a fence or a wall used as a fence if the height does not exceed seven (7) feet ~~six feet (6')~~; retaining walls four (4)

feet or less in height; in-ground swimming pools; and improvements built at-grade such as parking lots and access drives or walks.



2. **Chapter 14.04 – Land Use Regulations (R, DR, MR, HR, and PD)**

Amend Table 14.04.020 by inserting new land use classifications, land use allowance and additional use regulations, as noted by *underline/italics*, in the location specified below, as indicated below:

Table 14.04.020

Type of Land Use	R	DR	MR	HR	PD	Additional Use Regulations
<b>Public, &amp; Quasi-Public &amp; Community Uses</b>						
Clubs and lodges, including youth groups			P	P	P	
<u>Community Gardens</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Subject to Performance Standards Outlined in Chapter 14.17</u>
Open space	P	P	P	P	P	

3. **Chapter 14.05 – Land Use Regulations (GC, NC, O, C/O, R/O, and FBWC)**

Amend Table 14.05.020 by inserting new land use classifications, land use allowance and additional use regulations, as noted by *underline/italics*, in the location specified below, as indicated below:

Table 14.05.020

Type of Land Use	GC	NC	O	C/O	R/O	FBWC*	Additional Use Regulations
<b>Public, &amp; Quasi-Public &amp; Community Uses</b>							
Clubs and lodges, including youth groups	C		C	C			
<u>Community Gardens</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Subject to Performance Standards Outlined in Chapter 14.17</u>
Public facilities							
Administrative offices	C		P	P*	P		*Rear ground level or 2nd floor or above.

Type of Land Use	GC	NC	O	C/O	R/O	FBWC*	Additional Use Regulations
<b>Residential Uses</b>		*		*	*		<b>*See Chapter 14.17 standards</b>
Single-family residential		<u>C</u>			C		
Duplex Residential					C		
Multifamily residential	<u>A(3)</u>	<del>C</del> <u>A(3)</u>	P	<u>A(3)</u>	P	<u>A(3)</u>	<del>Only in a mixed-use development. See Chapter 14.17 standards.</del>

1. Shall not be located within three hundred (300) feet away of a residential zoning district (R, DR or HR), as measured from the property lines of each parcel. If within three hundred (300) feet, then use is prohibited.
  2. Shall not be located within six hundred (600) feet from schools (public and private), as measured from the property lines of each parcel.
  3. See Section 14.17.100 (Residential uses in commercial districts).
4. **Chapter 14.05 – Land Use Regulations (GC, NC, O, C/O, R/O, and FBWC)**  
**Amend Table 14.05.020 by inserting new land use classifications, land use allowance and additional use regulations, as noted by underline/italics, in the location specified below, as indicated below:**

**Table 14.05.020**

Type of Land Use	GC	NC	O	C/O	R/O	FBW C*	Additional Use Regulations
Printing shops	P		P	P	CZ		
Cannabis Related Uses							
Cannabis Testing/lab			P	P			*Subject to additional regulations and permitting (See

							SRMC Chapter 10.96)
Cannabis Delivery			P	P			*Subject to additional regulations and permitting (See SRMC Chapter 10.96)
Cannabis Infused Products				P (32)			
<u>Cannabis Distribution</u>							
Card rooms							See Chapter 10.36

**5. Chapter 14.05**

**Amend Section 14.05.030 – Property development standards (GC, NC, O, C/O, R/O, FBWC) Footnotes as shown below by ~~striketroughs~~ for deletions and underline/italics for insertions:**

Footnotes

- (A) There is no minimum lot area requirement for a boarding house.
- (B) Where the frontage of a block is partially in an R district, the front yard shall be the same as required for that R district, and when the side and/or rear of the lot(s) abuts an R district, the respective side and/or rear yard shall be ten feet (10'). Parking or maneuvering shall be permitted within the required side and rear yards provided that a minimum six-foot wide landscape buffer area, excluding curbs, is provided adjacent to the side and rear property lines.
- (C) Exceptions may be granted for a height above thirty-six feet (36'), subject to the provisions of Chapter 14.24, Exceptions.
- (D) Hotels have a four (4) story 54-foot height limit. A one-story 12-foot height bonus may be approved as part of a design review permit by the planning commission if it finds that the hotel will provide a significant community benefit, and the design is consistent with this title.
- (E) Repealed 3/18/96.
- (F) Buildings existing or approved as of January 1, 1987 which are more than three (3) stories in height shall not be considered nonconforming, and are listed in Section 14.16.040, Buildings over three (3) stories.

- (G) See general plan downtown height map for lot-specific height limits.
- (H) A height bonus may be permitted in residential development as provided for in Section 14.16.190, Height bonus.
- (I) Where the frontage of the lot(s) is adjacent to or across from an R district, fifty percent (50%) of the front yard shall be landscaped. Where the side yard abuts an R district, a minimum three feet (3') of buffer landscaping must be provided. Where the rear of the lot abuts an R district, ten feet (10') of buffer landscaping must be provided.
- (J) In the GC district, a minimum fifteen feet (15') of the front setback must be landscaped. Landscaped portions of the public right-of-way may be included, subject to approval by the hearing body.
- (K) For parking lot landscaping, see Section 14.18.160, Parking lot screening and landscaping.
- (L) A landscaped amenity area for employees and the public is encouraged in office and commercial projects.
- (M) Provision of usable outdoor area is encouraged in residential development as part of a mixed-use project.
- (N) Outside of downtown, only one (1) unit is permitted, and no additional units are permitted, on lots less than five thousand (5,000) square feet, per Section 14.16.300 (Small lots).
- (O) A density bonus may be granted, as provided for in Section 14.16.090.
- (P) The maximum lot coverage restriction established for the Office (O) district shall not apply to solar panels installed over existing paved parking spaces; consistent with Section 14.16.307.

**6. Chapter 14.06 – Land Use Regulations (I, LI/O, CCI/O, and LMU)**

**Amend Table 14.06.020 by inserting new land use classifications, land use allowance and additional use regulations, as noted by underline/italics, in the location specified below, as indicated below:**

**Table 14.06.020**

Type of Land Use	I	LI/O	CCI/O	LMU	Additional Use Regulations
<b>Public, &amp; Quasi-Public &amp; Community Uses</b>					
Clubs and lodges, including youth groups		C	C	C	
<u>Community Gardens</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Subject to Performance Standards Outlined in Chapter 14.17</u>
Public facilities					

Administrative offices	C*	P	P	P	*Rear ground level or 2nd floor or above.
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7. **Chapter 14.06.020 – Land Use Regulations (I, LI/O, CCI/O, LMU)**  
Amend the Table 14.06.020 by inserting new land use classifications, permitting authority, as noted by *underline/italics*, in the location specified below, as indicated below:

**Table 14.06.020**

<b>Types of Land Use</b>	<b>I</b>	<b>LI/O</b>	<b>CCI/O</b>	<b>LMU</b>	<b>Additional Use Regulations</b>
Printing Shops	P	P	P	P	
Cannabis Related Uses					
Cannabis Testing/lab	P (1)	P (1)	P (1)		*Subject to additional regulations and permitting (See SRMC Chapter 10.96)
Cannabis Delivery	P (1)	P (1)	P (1)		*Subject to additional regulations and permitting (See SRMC Chapter 10.96)
Cannabis Infused Products	P (1)	P (1)	P (1)		*Subject to additional regulations and

					permitting (See SRMC Chapter 10.96)
<u>Cannabis Distribution</u>	<u>P (1)</u>	<u>P (1)</u>	<u>P (1)</u>		
Card Rooms	C				See Chapter 10.36

**8. Chapter 14.09.020 – Land Use Regulations (P/QP)**

Amend Table 14.09.020 by inserting new land use classifications, land use allowance and additional use regulations, as noted by underline/italics, in the location specified below, as indicated below:

**Table 14.09.020**

Type of Land Use	P/QP	Additional Use Regulations
<b>Public, &amp; Quasi-Public &amp; Community Uses</b>		
<u>Community Gardens</u>	<u>P</u>	<u>Subject to Performance Standards Outlined in Chapter 14.17</u>
Public facilities		
Administrative offices (city and county, special district, public utility, etc.)	P	

**9. Chapter 14.10.020 – Land Use Regulations (P/QP)**

Amend Table 14.10.020 by inserting new land use classifications, land use allowance and additional use regulations, as noted by underline/italics, in the location specified below, as indicated below:

**Table 14.10.020**

Type of Land Use	P/OS	Additional Use Regulations
<b>Open Space/Public</b>		
Animal husbandry	C	
<u>Community Gardens</u>	<u>CZ</u>	<u>Subject to Performance Standards Outlined in Chapter 14.17</u>

Horse keeping	C	
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#### **10. Chapter 14.12 (Hillside Development Overlay District (-H))**

**Amend Section 14.12.030 (Property development standards (-H)) subsection A as noted below by ~~strikethroughs~~ for deletions and underline/italics for insertions:**

A. Building Stepback. A building stepback is established to limit the height of structures to avoid excessive building bulk. The required stepback shall be follows:

1. On ~~the~~ any downhill slope a 20-foot height limit measured from existing grade shall be observed. This height limit shall be construed to mean that wall planes shall be broken into single wall heights of no more than 20 feet beyond which a stepback of at least 5 feet is required, unless otherwise determined through the Environmental and Design Review permit process. Regardless, the maximum overall building height shall not exceed the height allowed by the zoning district ~~and~~

2. On non-downhill slope, walls facing front and side property lines shall have a 20-foot height limit measured from existing grade shall be observed within all areas within fifteen feet (15') of the maximum building envelope limit. To allow for design flexibility on non-downhill slopes, an encroachment into the street front, street side and interior side stepback is permitted along twenty-five percent (25%) of the building length.

Note: please refer to the San Rafael Hillside Design Guidelines for examples

#### **11. Chapter 14.16 (Site and Use Regulations)**

**Amend Sections 14.16.020 (Accessory Structures) subsection E.1 and E.5, 14.16.120 (Exclusions to the maximum height measurement), replace Section 14.16.140 (Fences and Walls) in its entirety and add Section 14.16.335 (Transfer of floor area ratio (FAR) between or among properties) in its entirety as noted below by ~~strikethroughs~~ for deletions and underline/italics for insertions:**

E. Residential Accessory Structures. The following standards shall apply to accessory structures in residential districts:

1. Front and street side yard setbacks.
  - a. Fountains, trellises, statues and similar decorative yard improvements up to four feet (4') in height, fences, small retaining walls and minor decorative entryway treatments as permitted pursuant to Section 14.16.140.A.1, decks less than twelve inches (12") above grade, and access driveways and walkways may be located within the required front yard setback and/or street side yard setback; provided that such accessory structure shall not conflict with the sight distance triangle of an intersections or driveway required pursuant to Section 14.16.295.
  - b. No other structures or improvements shall be placed within a required front yard or street side yard.
  - c. No swimming pool, hot tub, air conditioning unit or mechanical equipment shall encroach into any front yard or street side yard setback.
  - d. Accessory structures shall meet the setback requirements for reverse corner lots, contained in Section 14.04.030(D).
  - e. Detached accessory structures may only be placed between the front-facing wall of the primary structure and the front setback with Administrative Design Review, except as allowed by Section 14.16.020.E.1.a. This requirement does not apply to garage or carport structures which must comply with the setbacks established by the applicable Zoning District.

2. Interior Side and Rear Yard Setbacks.

a. ~~Zero-foot (0') Setback.~~ The following accessory structures may be located within the required ~~rear and interior side~~ interior side and rear yard setbacks, and up to the property line, subject to conformance with any applicable building code limitations and provision of an unobstructed walkway clearance of at least three feet (3') between above-grade accessory structures and adjacent buildings or the property line in order to provide access around the primary building:

- i. Accessory structures, unconditioned (e.g., not intended for human occupancy) with a maximum floor area of one hundred twenty (120) square feet and up to eight feet (8') in height measured from grade to roof peak;
- ii. Fountains, trellises, statues and decorative yard improvements no taller than six feet (6') in height;
- iii. Retaining walls up to four feet (4') in height above grade (e.g., exposed wall height above finished grade, as determined by the community development director);
- iv. At-grade walkways and decks less than twelve inches (12") above grade.

b. ~~Three-foot (3') Minimum Setback.~~ The following accessory structures may be located within three (3) feet of the rear and interior side yard property line:

- i. Accessory structures greater than one hundred twenty (120) square feet in floor area and up to fifteen feet (15') in height measured from grade to roof peak;
- ii. Fireplaces, barbecues, self-contained portable spas, spa/pool equipment (additional setbacks and limitations on the placement of spa/pool pump and filtration systems shall be as specified in Section 14.16.320);
- iii. Uncovered decks twelve inches (12") or more above grade.

c. ~~Pools/in-ground spas.~~ A setback of at least three feet (3') or a distance equal to one-half ( $\frac{1}{2}$ ) the depth of the pool, whichever is greater, shall be provided from the property line.

d. ~~Easements and Property Lines.~~ No structure or portion thereof, including overhangs and foundations, shall obstruct an easement or cross a property line.

e. ~~Accessory Structure with Sanitary Facilities.~~ A residential accessory structure that exceeds one hundred twenty (120) square feet in size and includes sanitary facilities shall require (prior to issuance of a building permit) recordation of a deed restriction with the County of Marin to reflect that the detached accessory structure cannot be utilized as a second dwelling unit, unless it complies with the requirements of Section 14.16.285.

f. ~~Mechanical equipment shall subject to additional screening and setback requirements, as specified in Section 14.16.320.~~

3. ~~Alley Setback.~~ An accessory structure shall be located a minimum of five feet (5') from an alley.

4. ~~Coverage.~~ In addition to counting toward the total lot coverage limit that applies to all structures on a parcel, residential accessory structures shall not exceed a maximum of thirty percent (30%) of the required side or rear yard areas. Required front yard areas shall maintain at least forty-percent (40%) pervious landscape area.

5. *Height. The height of an accessory structure shall not exceed a height of 15 feet except as permitted through Design Review.*



## **12. Chapter 14.16.045 – Cannabis Uses**

**Amend Section 14.16.045, by inserting new text, as noted by underline/italics, as indicated below:**

### **14.16.045 - Cannabis Uses**

Specific medical cannabis uses are allowed by the Zoning Ordinance, as specified in the land use tables and as defined by the definition chapter, including and limited to cannabis testing/lab (both medicinal and recreational adult use), cannabis infused products (medicinal only), ~~and cannabis delivery (medicinal only)~~ and cannabis distribution (medicinal only). All other medicinal or recreational medical cannabis uses, such as dispensaries, cultivation, and processing are prohibited.

The land use regulations contained pertaining to cannabis in this Title do not apply to personal cultivation or use of cannabis. Personal cultivation and use of cannabis shall be subject to State law and any limitation imposed by state law.

## **13. Chapter 14.16 (Site and Use Regulations)**

**Amend Section 14.16.120 (Exclusions to the maximum height requirement) as noted below by ~~striketroughs~~ for deletions and underline/italics for insertions:**

Flagpoles not exceeding a height of 24 feet, aboveground utility distribution facilities including communications towers and public water tanks, windmills, monuments, mechanical appurtenances, satellite dishes in multifamily and nonresidential districts and architectural features such as screening for mechanical equipment, chimneys, steeples and cupolas are not included in height calculations. However, structures and architectural features which extend above the established building height limit may require an environmental and design review permit, pursuant to Chapter 14.25, Environmental and design review permits.

## **14. Chapter 14.16 (Site and Use Regulations)**

**Amend Section 14.16.140 (Fences and Walls) in its entirety as noted below by underline/italics:**

### **14.16.140 - Fences and walls.**

*This section establishes regulations for the height, location and materials of fences, retaining walls and privacy walls. The regulations are intended to prevent fences or walls which are a detriment to the appearance and character of the community and to protect the public health, safety and welfare by assuring adequate sight distance is provided and maintained at street intersections and driveways.*

*A. Residential Districts. The following height limitations shall apply to the height of fences and walls **in Residential Districts**:*

#### *1. Permitted*

*a. Front and Street Side Yard Areas - The following may be located within the required front and street side yard:*

i. Fences and retaining walls not exceeding four feet (4') in height, may be located within the front or street side yard setback, provided that the fence or wall shall not conflict with the sight distance requirements of Section 14.16.295:

ii. Minor decorative entryway treatments no taller than eight and one-half feet (8.5') in height, such as a trellis arch or a lattice arch, are permitted within the front or street side yard, provided that there is no vehicular view obstruction (i.e., adequate sight distance shall be provided and maintained, pursuant to the provisions of Section 14.16.295).

b. Rear Yard and Interior Side Yard - The following may be located within the required rear yard and interior side yard.

i. Fences not exceeding ~~six feet (6')~~ seven (7) feet in height may be located within the required rear yard or interior side yard:

ii. Retaining walls not exceeding a height of four feet (4') in height may be located within the required rear yard and interior side yard.

2. With Required Planning Permits. The following may be permitted in Residential Districts with prior approval of Design Review (Pursuant to Section 14.25.040.C.) and/or Exception (Pursuant to Chapter 14.24) as noted

a. Retaining walls over four feet (4') in height on hillside parcels (i.e., property that contains a slope of twenty-five percent (25%) or greater or designated -H Overlay) may be permitted with Environmental and Design Review subject to Design Review Board recommendation, if the community development director finds it necessary to minimize grading and/or tree removal impacts. Retaining walls located outside of required setbacks shall otherwise be reviewed subject to the regulations that apply to an accessory structure, in Section 14.16.020.

b. ~~Fences exceeding seven (7) feet in height up to nine (9) feet in height~~ may be located in the required interior side or rear yard ~~where topography or difference in grade between adjoining sites warrants such increase~~, subject to Administrative Design Review and Exception.

c. ~~Fences in the front yard or street side yard may be increased by a maximum of two feet (2') to prevent access to natural or physical hazardous conditions either on the lot or on an adjacent lot, subject to Administrative Design Review and Exception.~~

d. Exception. An exception to the residential fence and walls height standards may be allowed as noted above, subject to the provisions of Chapter 14.24-Exceptions; Exceptions for height should include a landscape setback buffer between the fence or wall and the public right of way, in order to mitigate the impact of a taller fence or wall along the streetscape. A minimum setback buffer of six inches (6") should be provided for each one-foot (1') of increased height.

e. Note: A building permit may be required for fences over ~~six~~ seven (7) feet ~~(6')~~ in height and retaining walls over four feet (4') or walls that support the adjacent hillside or property improvements, as determined by the building code.

B. Non-Residential Districts ~~Fences~~. An administrative environmental and design review permit shall be required for all non-residential fences ~~over seven feet (7') in height~~ to ensure the fence conforms to the design and development standards of the underlying ~~district~~, and is compatible with the immediate surrounding properties in the neighborhood. ~~Where a property is located in a non-residential zoning district and is developed with, abutting, or~~

surrounded by, a residential use, fence heights shall be the same as required for residential districts unless an alternate fence height can be justified through the administrative design review process.

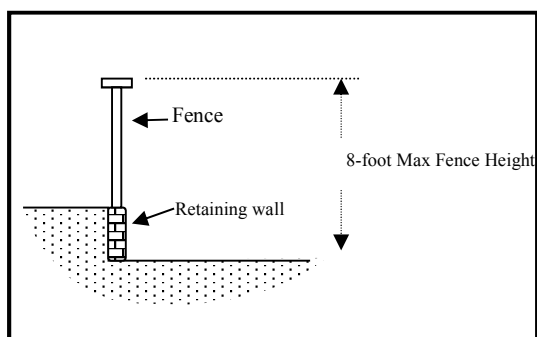
C. All Districts. The following standards shall apply to all districts

1. Measurement of Height. The height of a fence and/or ~~vegetation~~ or retaining wall and associated structural and/or decorative elements shall be the combined height measured vertically from finished ground level, as determined by the building or planning official, to the top of the structure at any given point (see illustration "Maximum Allowed Fence Height Measurement). Except as follows:

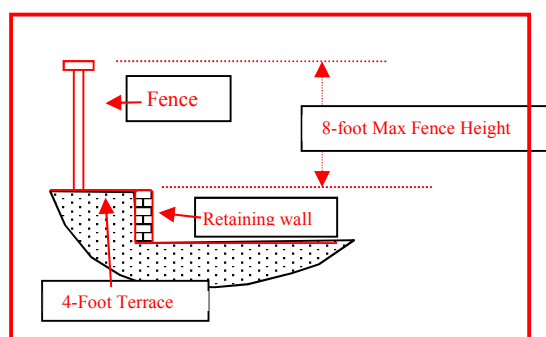
a. Minor decorative entryway treatments are permitted in the setback as noted above (Section 14.16.140 A.1.ii).

b. Terraced fences and/or retaining walls that provide a landscaped horizontal separation of at least four feet (4') may be measured separately at the base of each terrace.

**Maximum Allowed Fence Height Measurement**



**Non-Terraced**



**Terraced**

Recreation Fences

a. Fences for swimming pools are subject to the requirements of the building code.  
b. Fences for tennis courts shall not exceed maximum height limits established for accessory structures and shall in no case exceed a height of twelve feet (12').

3. Sight Distance. Fencing, vegetation and retaining walls located near a driveway or street intersection shall not conflict with the vision triangle requirements established to assure adequate sight distance is maintained for vehicles and pedestrians, pursuant to the provisions of Section 14.16.295.

4. Prohibited Materials. In all districts, concertina wire, razor wire, broken glass on top of a fence, and electrified fences are prohibited. Barbed wire shall not be permitted where abutting residential uses. In residential districts, wire mesh, chain link and similar fences are

prohibited within any yard which fronts a public street, right-of-way or waterway, except as may be required as an environmental mitigation measure.

5. Temporary Fences. Temporary security fences may be erected around construction sites during the time a valid building permit is in effect for construction on the premises. Temporary security fences need not comply with the above regulations and must be immediately removed upon completion of the construction authorized by the building permit

D. Replacement of Fences and Walls. An existing, nonconforming fence or wall in any district is subject to the following regulations:

1. Ordinary maintenance and repairs may be made to a nonconforming fence as required to keep the fence or wall in sound condition.

Alterations and additions may be made to a nonconforming fence or wall, provided that such addition or alteration is consistent with these fence and wall provisions.

3. No nonconforming fence or landscape retaining wall shall be moved or replaced unless it conforms to these fence and wall provisions, except for certain residential fences as provided below.

4. An existing nonconforming residential fence or wall that is located in a front yard or street side yard may be replaced in the same location provided that:

a. The fence was previously permitted or authorized by the city, or existed on or before January 1, 1992. The property owner shall provide sufficient documentation including photographs, written testimony, etc. to verify the pre-existing condition.

b. The replacement fence or wall may be rebuilt to its previously existing and documented height, subject to request and issuance of a zoning verification review letter by the planning division. However, in no case shall any replacement fence exceed a height of six (6) feet within the required front or street side yard setback and shall be no taller than three (3) feet within a required vision triangle (section 14.16.140.B);

c. The replacement fence or wall is consistent with the prevailing character of both sides of the street for the length of the block; and

d. All necessary permits shall be secured from the city (e.g., approval of a license agreement or encroachment permit if fence is located within the public right-of-way).; and

## **15. Chapter 14.16 (Site and Use Regulations)**

**Amend Section 14.16.245 (Ministerial “by-right” process for multi-family housing projects) as noted below by strikethroughs to show deletions and underline/italics to show insertions:**

14.16.245 – ~~Reserved~~ Ministerial “by-right” process for multi-family housing projects

A residential housing development project that contains two or more residential units located on one or more contiguous parcels may qualify for the state-mandated ministerial, “by-right” approval process. Pursuant to California Government Code Section 65913.4, the “by-right,” ministerial process is applicable to qualifying residential development projects that are located near major transit. The availability of the “by-right” approval process is determined by the city’s annual housing progress report to the state department of housing and community development. Qualifying residential projects must: a) comply with a list of objective planning standards; b) meet specific levels of affordable housing; and c) be subject to a commitment to specific hiring (skilled

and trained workforce) and prevailing wage requirements. The applicability of and requirements for the "by-right" process shall be adopted by resolution of the city council.

#### **16. Chapter 14.16 (Site and Use Regulations)**

**Amend Section 14.16.305 (Small Wind Energy Systems) subsection C.1. and C.2. as noted below by ~~strikethroughs~~ to show deletions and underline/italics to show insertions:**

##### **C. Development Standards.**

1. Height. Tower height of freestanding small wind energy system shall not exceed the maximum height limit above grade established for principal structures in the applicable zoning district, except as may be allowed through design review and consistent with the provisions of Section 14.16.120. The tower height shall not include the wind turbine itself, except as noted in section 14.16.305, C.2. below to determine appropriate setbacks. ~~The total extended height shall include the distance above grade to a blade tip of a wind turbine at its highest point of travel.~~

2. Setbacks. Small wind energy systems shall be located a minimum distance from all property lines equal to one-half (½) of the total extended height of the unit above grade or the roof mounting point. The total extended height shall include the distance above grade to a blade tip of a wind turbine at its highest point of travel. Small wind energy systems may not be located in a front or side yard setback area.

#### **17. Chapter 14.16 (Site and Use Regulations)**

**Add Section 14.16.335 (Transfer of Floor Area Ratio Amongst Properties) in its entirety as noted below by underline/italics, to show insertions:**

##### 14.16.335 - Transfer of floor area ratio (FAR) between or among properties

A. Transfer of floor area ratio (FAR) between or among properties shall not be permitted except under special circumstances as specified below.

B. Use Permit Required. Transfer of FAR among properties shall be reviewed by the City Council, with recommendation by the Planning Commission, through the use permit process.

C. Application. Applications for use permits for transfer of FAR among properties shall include but not be limited to the following information:

1. Affidavits of consent from owners of all donor and receiving properties;

A calculation of the floor area ratio and/or density to be transferred;

3. A description of the proposed dedication, easement or covenant;

4. Any other information deemed necessary by the Community Development

Director.

D. Findings. In order to approve a transfer of floor area ratio (FAR) among properties, the following findings shall be made:

1. The development of the beneficiary parcel is consistent with the General Plan, except that FARs or maximum densities may be exceeded, and

The proposed development will comply with all applicable zoning and design parameters and criteria as well as traffic requirements; and one or both of the following:

- i. A unique or special circumstances are found to exist (e.g. preservation of wetlands or historic buildings) that would cause significant environmental impacts if the transfer is not allowed, and/or
- ii. A significant public benefit, such as securing a new public facility site (e.g. park, school, library, fire station, police station), will be provided

## **18. Chapter 14.17 (Performance Standards)**

**Add new Section 14.17.030 (Community Gardens) in its entirety as noted below by underline/italics to show insertions:**

### 14.17.030 - Community Gardens

A. Purpose. The purpose of the community gardens regulations is to implement specific policies of the neighborhood design, community design, sustainability, and parks and recreation elements of the San Rafael general plan, which:

1. Support social interaction and create a greater sense of community, encourage gathering places and events in appropriate locations, such as community gardens;

Promote efforts to provide places where neighbors can meet each other;

3. In multifamily development, require private outdoor areas and on-site common outdoor spaces. Common spaces may include recreation facilities, gathering spaces, and site amenities;

B. Applicability. Performance standards for community gardens shall apply in the residential, commercial, industrial, public and quasi-public uses, and parks/open space zoning districts with the exception of the downtown zoning districts.

C. Ministerial review required. Except where a use permit is required by the Land Use Tables, a ministerial review is required to determine that the community garden is in compliance with the provisions of this section. If it is determined that the community garden is in full compliance with the provisions of this section, the community garden shall be approved.

D. Standards.

1. Operating Rules. The applicant shall submit a list of Operating Rules for the proposed Community Garden. Hours of operation shall be limited from sunrise to sunset.

Americans with Disabilities Act (ADA). The project shall be designed to provide access to the general public and be ADA-compliant in accordance with the requirements of Title-24, California Code of Regulations.

3. Parking. On-site parking is required and shall including an area for one van accessible parking space located on site (9'x18') with an 8' wide accessible aisle meeting ADA standards and a space to accommodate vehicular delivery and removal of materials.

4. Trash and Recycling. Trash and recycling shall be adequately provided on site and the project sponsor is responsible for implementing a trash recycling program, which shall also include the installation of recycling receptacles for garden users on the project site.

5. Green Waste. Green waste facilities shall be provided on site.

6. Material Storage. Identify on the site plan storage for all garden tools, supplies and compost in a secure manner and screened from view from off-site. Compost and other odorous materials shall be stored in a location and manner that does not affect adjacent property owners.

7. Landscaping. Provide a landscape and irrigation plan for review and approval of the Planning Division and the Department of Public Works which provides trees within the landscape setback along the property frontage with the following detail.

a. The project landscape architect/designer shall select a tree species that is appropriate to the site and soil conditions. Trees shall be planted at a 24-inch box size and spaced at 20-foot intervals.

b. All landscaping shall be maintained in good health through the life of the project. Any dying or dead landscaping shall be replaced in a timely fashion and all landscaping shall be maintained in a healthy and thriving condition, free of weeds and debris.

c. The landscape and irrigation plan must be designed to comply with Marin Municipal Water District (MMWD) Water Conservation Ordinance No. 421.

8. Fences. Fences are allowed subject to the regulations in Chapter 14.16 of the City of San Rafael Municipal Code, Zoning.

9. Lighting. Exterior lighting shall be limited to security lighting as required and approved by the City Police Department.

10. Signage. A sign plan shall be submitted and shall demonstrate location of the following required signage:

a. Two signs shall be posted on the subject property.

b. One sign shall be posted in the common area of the garden noting the name and contact information for the garden management; and

c. One monument-type address sign, not exceed 20 square feet in area and six feet in height, shall be posted at the garden entrance. The property address numbers shall be posted prominently on the monument sign.

11. MCSTOPP/Drainage and Clean Site Water. The site must be designed and maintained so that runoff of surface water will not drain onto adjacent property. The project engineer shall incorporate features that would provide for clean site waters in accordance with RWQCB and Marin County Stormwater Pollution Prevention Program (MCSTOPPP) standards before they enter the City storm water drainage system. Features can include the installation of grassy swales to connect and filter surface water runoff.

12. The project shall comply with the MMWD backflow prevention requirements. If, upon the District's review of the final plans backflow protection is warranted, compliance shall include installation, testing and maintenance. Questions regarding backflow requirements should be directed to the MMWD Backflow Prevention Program Coordinator at (415) 945-1559.

13. Pest Management. The operation of the community garden shall comply with the City's Integrated Pest Management (IPM) program. Signs shall be posted and maintained within the garden area notifying garden users of the rules and consequences for using pesticides and herbicides that are not allowed on the IPM.

## **19. Chapter 14.18**

**Amend Section 14.17.100 (Residential uses in commercial districts) as noted below by ~~strikethroughs~~ to show deletions and underline/italics to show insertions:**

a. Purpose. The purpose of this section is to ensure that residential uses in commercial districts are not adversely impacted by adjacent uses. Residential uses are encouraged in commercial zoning districts, including the downtown area and in mixed-use development to meet local housing needs and because of the environment they create. However, potential traffic noise and safety impacts related to commercial uses may impact nearby residential uses. The proximity of residential and commercial uses require that special regulations be imposed in the interest of businesses and the residents of the housing units.

## **20. Chapter 14.18 (Parking)**

**Amend Sections 14.18.010 (Specific Purpose), as noted below by ~~strikethroughs~~ to show deletions and underline/italics to show insertions:**

14.18.010 - Specific purposes.

In addition to the general purposes listed in Section 14.01.030, the specific purposes of parking regulations are to:

A. Promote the safety and convenience of all land use and circulation systems within the city by providing standards and policies for the creation and maintenance of vehicular off-street parking and loading;

B. Promote more efficient street systems by reducing to a minimum the congestion which may be created by uncontrolled parking;

C. Promote the continued health and vitality of all land uses by providing reasonable satisfaction for normal parking demands;

D. Promote compatibility among adjacent land uses and enhance the appearance of the city through appropriate design and aesthetic standards related to parking;

E. Ensure that off-street parking and loading facilities are provided for new land uses and for major alterations and enlargements of existing uses in proportion to the need for such facilities created by each use;

F. Establish parking standards for commercial and industrial uses consistent with need and with the feasibility of providing parking on specific commercial and industrial sites;

G. Ensure that off-street parking and loading facilities are designed in a manner that will ensure efficiency, protect the public safety and, where appropriate, insulate surrounding land uses from adverse impacts;

H. Establish parking standards which recognize the more urban character of parking downtown;

I. *Implement recommendations envisioned by the Downtown Parking and Wayfinding Study for the downtown zoning districts (see section 14.03.030) by:*

1. *Promoting the use of alternate modes of transportation such as walking and bicycling*

2. *Recognizing that parking standards are unique for downtown zoning districts*

3. *Establishing innovative methods of addressing parking supply and demand by:*

a. *Providing opportunities for shared parking amongst businesses within the downtown zoning districts;*

b. *Encouraging owners of private parking facilities to make parking available for public use in the downtown zoning districts;*

c. *Increasing the parking supply by allowing tandem parking and mechanical/automated parking systems within the downtown zoning districts.*

## **21. Chapter 14.18 (Parking)**

**Amend Section 14.18.040 (Parking Requirements), as noted below by ~~strikethroughs~~ to show deletions and underline/italics to show insertions:**



14.18.040 - Parking requirements.

A. Off-street parking shall be provided in accord with the following chart. Where the specific use in question is not listed, the community development director shall determine if another similar use exists which may be used to select an appropriate parking standard. In order to make this determination, the community development director may require the submission of survey data from the applicant or collected by the community development department, planning division at the applicant's expense. Parking surveys conducted for this purpose shall be subject to the review and recommendation by the department of public works.

B. Parking Modification. The parking requirement for any specific use listed may be modified so as to provide adequate parking which is fair, equitable, logical and consistent with the intent of this chapter. Such modification may also include reduction in parking ratios for businesses in the downtown zoning districts that allow the use of private parking facilities to be used for public parking during evening or weekend hours. Parking modifications shall require an application for a use permit and shall be subject to review by the community development director and public works director, and approval by the zoning administrator.

C. For properties located within the ~~downtown parking assessment district~~ downtown parking district, also see Section 14.18.060, ~~downtown parking assessment district~~ Downtown Parking District, for additional information on parking requirements. For properties located in the downtown, west end and environs area, see Section 14.18.061 (Downtown's West End and environs), for additional information on parking requirements.

D. In addition to the off-street parking requirements listed below, off-street loading and unloading shall be provided for certain uses in accord with Section 14.18.050, Off-street loading and unloading.

E. For properties in the downtown area, residential parking is not required to be covered.

F. Off-street parking is not required for FAR increases up to ten percent (10%) of the building or seven hundred fifty (750) square feet, whichever is larger, as granted under Section ~~14.16.150(G)(2)(b)~~ 14.16.150(G)(1)(b).

G. The parking requirement for non-residential uses within the downtown zoning districts shall be allowed a 20% reduction of the standards required under Table 14.18.040.

H. Operation. Parking in the downtown zoning district approved under this chapter may be operated to serve the uses for which the parking was approved, or may be shared with other uses in the downtown zoning district, and/or be made available to the public, subject to a use permit for parking modifications.

**22. Chapter 14.18 (Parking)**

**Amend Chart 14.18.040 as noted below by ~~strikethrough~~ to show deletions and underline/italics to show insertions**

**Chart ~~Table~~14.18.040**

Use Classification	Off- Street Parking Required
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<b>Residential</b>	Note: No parking is required for up to 3 units in the <u>downtown</u> parking assessment district, provided the units are an infill addition to an existing nonresidential structure, and that the units are 2 bedroom or less and no larger than 900 square feet in size.
Single-family residential	2 covered spaces per unit.
Single-family residential, hillside	On streets less than 26 feet wide, a minimum of two additional on-site parking spaces shall be provided (not on the driveway apron) per unit. These spaces should be conveniently placed relative to the dwelling unit which they serve. This requirement may be waived or reduced by the hearing body when the size or shape of the lot or the need for excessive grading or tree removal make the requirement infeasible.
Studio (duplex unit), 500 sq. ft. or less in size	1 covered space per unit
Studio (duplex unit), more than 500 sq. ft. in size	1.5 spaces per unit (including 1 covered space).
	Downtown: 1 space per unit
Studios (multifamily unit)	1 covered space per unit.
One-bedroom units	1.5 spaces per unit (including 1 covered space). Downtown: 1 space per unit.

**Chart Table 14.18.040**

		<u>Downtown Zoning</u> Parking Assessment District	Downtown (Outside Parking District)	San Rafael (Outside Downtown)
<u>Studio (duplex unit).</u>	<u>500 sq. ft. or less in size</u>	<u>1 space per unit</u>		<u>1 space per unit</u>
<u>Studio (duplex unit).</u>	<u>more than 500 sq. ft. in size</u>	<u>1 space per unit</u>		<u>1.5 spaces per unit (including 1 covered space).</u>

<u>1 bedroom unit</u>		<u>1 space per unit.</u>		<u>1.5 spaces per unit (including 1 covered space).</u>
Two-bedroom units	Less than 900 sq. ft.	1 space	<del>1.5 spaces</del>	2 spaces (1 covered)
	900 or more sq. ft.	1.5 spaces	<del>1.5 spaces</del>	2 spaces (1 covered)

**23. Chapter 14.18.040 (Parking)**

Amend the Chart 14.18.040 by inserting new land use classification for parking requirements, noted by ~~strikethroughs~~ to show deletions and underline/italics in the location specified below, as indicated below:

**Chart 14.18.040**

Use Classification	Off-Street Parking Required
Wholesale and distribution	1 space per 500 sq. ft. gross building sq. ft.
Cannabis testing/lab, cannabis infused products, <del>and</del> <u>cannabis delivery and cannabis distribution</u>	1 space per 500 gross building sq. ft.
Marinas	3 spaces for every 4 boat slips. Plus parking for support uses in the marina, such as restaurants or retail uses.

**24. Chapter 14.18 (Parking)**

Amend Section 14.18.060(A) (Downtown Parking Assessment District), as noted below by ~~strikethroughs~~ to show deletions and underline/italics to show insertions:

14.18.060 - Downtown Parking ~~parking assessment~~ District ~~district~~.

The Downtown Parking District boundaries shall be as defined under Section 14.03.030.  
Parking for nonresidential uses in the Downtown Parking District ~~parking-assessment district~~ shall be provided consistent with the following:

- A. The off-street parking requirement is waived for up to 1.0 FAR of the total square footage of the buildings located within ~~is provided by the downtown parking-assessment district.~~
- B. Off-street ~~P~~parking for building square footage above 1.0 FAR and for all residential uses shall be provided consistent with the parking requirements in Section 14.18.040.
- C. ~~A parking study is required for a development subject to a design review permit pursuant to CEQA requirements, or to a use permit for a change in use, to assist in monitoring parking conditions downtown~~
- D. ~~For projects subject to parking studies, mitigation may be required including provision of on-site parking if it is determined the district has inadequate available parking.~~

## **25. Chapter 14.18 (Parking)**

**Amend Section 14.18.080 (Parking requirements for reciprocal uses with shared parking facilities) as noted below by ~~striketroughs~~ to show deletions and underline/italics to show insertions:**

14.18.080 - Parking requirements for reciprocal uses with shared parking facilities.

When two (2) or more uses share a common parking area and when a significant and complementing variation in period of daily demands occurs (i.e., exclusive day and night uses), the zoning administrator may grant reductions in the total parking required through a use permit; provided, that in no instance shall the total parking required be less than would be required for any one (1) of the independent uses. The zoning administrator shall base a decision to approve or deny a parking reduction on a shared parking demand study prepared by a qualified transportation engineer or other qualified parking professional.

## **26. Chapter 14.18 (Parking)**

**Amend Section 14.18.090 (Bicycle parking) as noted below by ~~striketroughs~~ to show deletions and underline/italics to show insertions**

- A. Applicability. Bicycle parking shall be required for all new nonresidential buildings and in major renovations of nonresidential 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,~~ and multi-family residential uses: five percent (5%) of the requirement for automobile parking spaces, with a minimum of one (1) 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 nonresidential buildings with over ten (10) tenant-occupants: Five percent (5%) of the requirement for automobile parking spaces, with a minimum of one (1) space.

D. Reduction of vehicle parking. Properties that provide bicycle parking in excess of the bicycle parking spaces identified in Section 14.18.090.B. and/or C. may qualify for a reduction to the overall vehicle parking requirements subject to the approval of a use permit for parking modification.

⊖ E. 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 18-inch 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 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 one hundred (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.

## **27. Chapter 14.18 (Parking)**

**Amend Section 14.18.120 (Tandem parking prohibited) as noted below by ~~strikethroughs~~ to show deletions and underline/italics to show insertions:**

14.18.120 - Tandem parking prohibition.

Tandem parking is prohibited, unless approved under this section:

A. Under Section 14.18.150, Alternate parking locations for uses with insufficient parking;

B. With an environmental and design review permit under the Hillside Residential Design Guidelines Manual;

C. For an ~~second~~ accessory dwelling unit, as provided for in Section 14.16.285(C)(8) of this title; or

D. As a concession granted for residential projects which include sufficient affordable housing units, as provided for in Section 14.16.030(H)(3)(a)(i) of this title.

E. Within the downtown zoning district (as defined by section 14.03-030) when the tandem parking spaces are assigned to a single residential unit or where the tandem spaces are assigned to a single tenant subject to Exception Permit as outlined under Section 14.24.020.G.3.

F. As part of a mechanical or automated parking system.

## **28. Chapter 14.18 (Parking)**

**Amend Section 14.18.220 (On-site and Remote Parking) as noted below by ~~strikethroughs~~ to show deletions and underline/italics to show insertions:**

14.18.220 - On-site and remote parking.

A. All off-street parking and loading areas required herein shall be located on the same lot and readily accessible to the specified use, provided that if the strict application of this requirement creates undue hardship and in the opinion of the planning director creates conditions contrary to desirable development practices but all other areas of intent for this chapter are complied with, remote parking areas which satisfy all or part of specific parking requirements may be approved.

B. Remote parking areas shall be located within ~~five hundred feet (500')~~ thirteen hundred (1,300) feet of the specified use and shall possess direct and convenient pedestrian access. Remote areas may serve more than one use, provided that the gross number of spaces available shall not be less than the combined requirements for all uses served.

C. Requests for remote, off-site parking shall require an application for a use permit and shall be subject to a review and recommendations by the community development director and traffic engineer, and approval by the zoning administrator. Upon zoning administrator approval of any remote, off-site parking area, and prior to occupancy of the proposed use, which parking satisfies the parking requirements, the owner of the lot (proposed for remote parking site) shall execute and record a declaration of restriction, legally binding or similar instrument satisfactory to the community development director, to restrict the use of the lot to public and private parking of vehicles so long as the use conducted by applicant, or the applicant's successors in interest, on the original site shall require the furnishing of parking facilities under the terms of the use permit.

## **29. Chapter 14.19 (Signs)**

**Amend Section 14.19.030 (Exempt Signs), Section 14.19.055 (Illumination Standard) Subsection D, Section 14.19.080 (Prohibited Signs) Subsection C, as noted below by ~~strikeouts~~ to show deletions and underline/italics to show insertions:**

14.19.030 - Exempt signs.

The city has a compelling public health, safety and welfare interest in the clear, accurate and effective identification of governmental and private buildings, public streets and public facilities and amenities, the safe and efficient control of traffic and parking within the city, and the

expeditious notification to the public of information affecting essential public services. Therefore, the following signs are exempt from the provisions and regulations of this chapter:

A. Building and Street Address Signs. Each sign shall not exceed five (5) square feet in size and one per building for each street frontage.

B. Official Flags. Official flags of any nation, state or local government. Official flags may be placed on a pole not exceeding ~~twenty four feet (24')~~ the height limit established by the applicable zoning district. Flags over the height limit are subject to Environmental and Design Review pursuant to Section 14.16.120 and Section 14.25.040. The height of the flag shall be no more than one-fourth ( $\frac{1}{4}$ ) the height of the pole. ~~Weather flags, nautical flags and pennants when displayed on boats, in marinas, or on any land area within fifty feet (50') of water frontage, where primarily intended to be viewed from the water and void of any commercial messages.~~

C. Weather flags, nautical flags and pennants when displayed on boats, in marinas, or on any land area within fifty feet (50') of water frontage, where primarily intended to be viewed from the water and void of any commercial messages.

~~CD.~~ On-Site Directional or Informational Signs. Directional or informational signs placed on-site, which are intended to provide public safety or convenience, not exceeding five (5) square feet in area per sign. Examples of such signs include, but are not limited to, parking lot directional signs, posting of business hours and location of restrooms, telephones, "parking in rear," "drive-through service window," and "no-smoking." Premises addressing signs that are larger than five (5) square feet in size shall be exempt if the larger addressing sign is required by the Fire Code.

~~DE.~~ Signs Essential for Public Purposes. Signs installed by the city, a state or federal governmental agency, and public utility or service, which are essential for public purposes. Public purpose signs include, but are not limited to official signs for traffic control (e.g., street signs), fire and police signs, signs for other regulatory purposes, such as for public information and safety, public notices, emblems and other forms of official identification.

~~EE.~~ Interior Signs. Signs located within the interior of a building, lobby, mall or court, when such sign is intended for interior viewing. This provision does not apply to interior signs placed within ten feet (10') of a window, where such sign is visible from a public street.

~~EG.~~ Nonstructural Modifications and Maintenance of Conforming Signs. Modifications and maintenance of a conforming sign that are nonstructural. Modifications do not include a change in sign face or copy, which requires the approval of a sign permit under Section 14.19.041 of this chapter.

~~EH.~~ Signs Regulated by State or Federal Laws. Signs that are regulated by state or federal laws, or other applicable local laws, provided that such signs are sized and located to be consistent with the state, federal, or local applicable laws. Examples of such signs include the posting of gasoline and fueling station price signs.

I. Community Gardens Signs. Informational signage required for community gardens as outlined in section 14.17.030, provided that such signs do not exceed the maximum allowable size contained in said section.

J. Community Service Signs. Signs installed on City owned property by the City of San Rafael for the purpose of providing multi-lingual information of: upcoming events, classes, meetings and/or update on neighborhood/community issues. These signs may be electronic face and contain moving messages for the purpose of allowing dissemination of information in multiple languages and shall be subject to the following standards:

1. Number of Signs: One (1) electronic message signs shall be permitted per site.
2. Size of Signs: Signs shall be a maximum size of 48 Square feet.
3. Height of Signs: Free-standing electronic message signs shall not exceed a height of 6-feet.
4. Sight Distance: Free-standing electronic message signs shall provide an adequate line of sight distance pursuant to Section 14.16.295.
5. Hours of Use: Electronic message signs shall be equipped with a timer to assure the signs are not used between the hours of 10pm and 7am.
6. Length of time for display of each message: Electronic message signs may display changing messages provided that each message is displayed for no less than four seconds.
7. Brightness Sensors: Electronic message signs shall be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim according to ambient light conditions (e.g., photocell technology), or that can be adjusted to comply with the 0.3-foot candle requirement.
8. The signs shall not include neon lights.
9. The signs shall be subject to a 90-day post installation review.

### **30. Chapter 14.19 (Signs)**

**Amend Section 14.19.055 (Illumination Standard) Subsection D as noted below by underline/italics to show insertions:**

D. Illumination that is Prohibited. Except as permitted by Section 14.19.030.I.,the following types of illumination are prohibited:

1. Blinking, flashing or fluttering lights or illumination that has a changing light intensity, brightness or color;
2. Animation or moving messages;
3. Searchlights.

### **31. Chapter 14.19 (Signs)**

**Amend Section 14.19.080 (Prohibited Signs) Subsection C as noted by underline/italics, as indicated below:**

- C. Animated and Moving Signs. Animated and moving signs include:
1. Electronic message display, blinking, flashing, change in light intensity, or moving signs, except time and temperature signs and Community Service Signs as permitted by Section 14.19.030.I.,
  2. Windblown devices such as balloons, inflatable objects, pennants, ribbons, streamers,
  3. Signs producing smoke, sound and other substances;

### **32. Chapter 14.24 (Exceptions)**

**Amend Section 14.24.020 (Authority), Subsection G, as noted below by ~~strikeouts~~ to show deletions and by underline/italics, to show insertions:**

- G. Parking.



1. Minimum driveway width for a residential use may be reduced, subject to review by the traffic engineer and the fire department. Driveway exceptions shall only be allowed where such decrease will not unreasonably affect abutting sites or create a hazardous traffic condition, and where there are special circumstances related to existing site conditions.

2. Minimum aisle width may be reduced, subject to review by the traffic engineer. Aisle width exceptions shall only be allowed where such decrease will not create a hazardous traffic condition, and where such reduction is necessary to provide for additional parking where existing parking does not meet current standards.

3. In downtown residential or non-residential projects, tandem parking may be allowed, subject to review by the traffic engineer and the fire department, where necessary to accommodate the required parking spaces, provided that the tandem spaces are assigned to the same unit or tenant and that the spaces are located convenient to the unit.

4. In any single-family residential district, a recreational vehicle may be parked parallel to the residence in the front yard where there is a curved or circular driveway or where there are special and unique circumstances on the site because of topography or lot shape. Recreational vehicle parking exceptions shall only be allowed where such parking is set back fifteen feet (15') from the front property line and where it will not have an adverse visual impact on adjoining lots or lots across the street.

### **33. Chapter 14.25 (Environmental and Design Review Permits)**

**Amend Section 14.25.040 (Improvements subject to review), Subsection B, C and D, Section 14.25.060 (Public notice and hearing) as noted below by strikethroughs to show deletions and underline/italics to show insertions:**

#### **14.25.040 Improvements subject to review**

##### **B. Minor Physical Improvements.**

1. New construction and modifications, including, but not limited to:
  - a. Any new residence or residential additions over five hundred (500) square feet in size, or any modification that increases the height of the roofline, when located on residential lots with average slopes of twenty-five percent (25%) or greater or located in the hillside resource residential and hillside residential general plan land use designations,
  - b. Any addition or modification that results in lifting the existing ground level floor of a residence to construct a new ground level floor (lift and fill) located on single-family or duplex residential lots (See Section 14.25.050.F.6. for design criteria),
  - c. Accessory structures, or additions or modifications to any residential structure located within one hundred (100) vertical feet of a ridgeline when such improvement increases the height of a roofline, or increases building scale and mass and is determined to be visible from off-site,
  - d. Additions to multifamily residential structures containing three (3) or more dwelling units, where the addition constitutes forty percent (40%) or less than the total square footage of the building,
  - e. New two-story single-family and duplex residential structures proposing an upper story level over five hundred (500) square feet in size (See Section 14.25.050.F.6. for design criteria),
  - f. Upper-story additions to single-family and duplex residential structures over five hundred (500) square feet in size (See Section 14.25.050.F.6. for design criteria),
  - g. Accessory structures on developed non-residential properties over one hundred twenty (120) square feet in size;

- h. Accessory structures on developed multi-family residential properties over two hundred forty (240) square feet in size,
- i. New construction or reconstruction of boat docking facilities,
- j. Additions and Alterations to existing nonresidential structures and/or additions to existing nonresidential structures where the addition is forty percent (40%) or less of the existing square footage and no greater than one thousand two hundred fifty (1,250) square feet. Based on the scope and potential impact of the change(s), the level of review may be decreased by the community development director.
- k. Structures over the height limit, including flagpoles, aboveground utility distribution facilities, including communications towers and public water tanks, windmills, monuments, steeples, cupolas, and screens for mechanical equipment (chimneys are exempt);
- l. Wireless communications facilities, as prescribed under Chapter 14.16.360.B.

#### C. Administrative Design Permits.

1. Decks, or additions to existing decks, higher than thirty inches (30") above grade, located on residential lots with average slopes of twenty-five percent (25%) or greater or located in the hillside resource residential and hillside residential general plan land use designations, except no review is required for decks:

- a. Less than a total of one hundred (100) square feet,
  - b. Not visible from the public street or adjacent properties, or
  - c. Replacing an existing elevated deck with a deck of same size and configuration;
- New single-family residences located on a flag lot,
- 3. New one-story duplexes, or ground floor additions over five hundred (500) square feet in size or that include addition of a bedroom,
  - 4. Conversion of a single-family residence to a duplex,
  - 5. Design changes to projects that previously obtained design review approval. This includes modifications to upper story additions, modifications to windows or architectural, site design or landscaping changes. Based on the scope and potential impact of the change(s), the level of review may be increased by the community development director.
  - 6. Outdoor eating areas (as prescribed by Section 14.17.110)
  - 7. Minor exterior alterations to a structure or development, which are subject to environmental and design review, that, in the opinion of the community development director, have minimal impacts on the visual character or function of the building or development,
  - 8. Satellite dishes over the height limit in a multifamily or nonresidential district,
  - 9. Residential fences over ~~six feet (6')~~ seven (7) feet in height (~~residential and nonresidential~~), and as set forth under the criteria in Section 14.16.140
  - 10. Nonresidential fencing over seven feet (7') in height as set forth under Section 14.16.160 proposed to be located in a front yard or between the principal building and public street frontage(s),
  - 11. Detached accessory structures located on hillside residential lots with slopes of twenty-five percent (25%) or greater or located in areas with a general plan land use designation of hillside residential or hillside resource residential,
  - 12. Retaining walls over ~~three~~ four (4) feet (~~3'~~) in height (measured from the top of the footing or finished grade, as determined by the community development director, to the top of the

wall) and/or minor landscaping or grading modifications on properties located on a hillside lot as identified in Section 14.12.020 (-H hillside overlay district) of this title, or located within one hundred (100) vertical feet of a ridgeline,

~~13. Minor landscaping or grading modifications to a hillside lot or ridgeline lot, including retaining walls three feet (3') or less in height that would potentially impact the hillside character of the site, to assure compliance with the -H overlay district property development standards~~

~~14-13.~~ Minor landscaping revisions to existing or approved multifamily or nonresidential development that are determined to alter the character of the site,

~~15-14.~~ Minor modifications to existing parking lots (reconfiguration or expansion),

~~16-15.~~ Exterior repainting and refinishing on a development which significantly deviates from the color scheme and/or palette previously approved through an environmental and design review permit, or on structures in the hillside area as identified in Section 14.12.020 of this title when the colors or materials are not from the approved earthtone-woodtone list,

~~17-16.~~ Outdoor storage areas,

~~18-17.~~ Design changes to dwelling units that were existing or approved as of January 1991 and that are being replaced pursuant to Section 14.16.060 (conservation of dwelling units), or dwelling units that are being replaced pursuant to Section 14.16.270.B.5 (nonconforming structures) of this title,

~~19-18.~~ Modifications to properties in the Eichler-Alliance (-EA) combining district which increase the height of roof structures by more than six inches (6") or change the roof pitch, including the creation of sloping roofs, covered atriums that exceed the existing roof height, clerestories or exposed exterior ducting, but excluding the review of solar collectors which are flush-mounted or not visible from the street frontage,

~~20-19.~~ Rooftop equipment and screens visible from off-site,

~~21-20.~~ Minor additions or modifications to a wireless communications facility, as prescribed under Section 14.16.360.B,

~~22-21. Residential Accessory Structures to be located between the front-facing wall of the primary structure and the front setback except as permitted by Section 14.16.020.E.~~

~~23-22.~~ Non-residential accessory structure one hundred twenty (120) square feet or less in size.

~~24-23.~~ Ancillary detached accessory structures on a developed multi-family residential property two hundred forty (240) square feet or less in size.

~~25-24.~~ Development subject to review for an administrative design permit pursuant to any other provision of this title.

D. ~~Exceptions~~ Exempt from Design Review.

1. Single-family dwellings when sited on individual lots with frontage on a public street and not otherwise subject to design review as listed above;

Ordinary maintenance and repairs;

3. New decks or additions to decks, except where review is required for decks located in hillside areas as prescribed in Section 14.25.040.C, above;

4. Installation of solar panels on existing structures or grounds, as provided under state law and in compliance with all applicable development standards;

5. The community development director may declare improvements which have been determined to be minor or incidental within the intent and objectives of this chapter to be exempt from review.

**34. Chapter 14.25.060 (Environmental and Design Review Permits)**

**Amend Section 14.25.040 (Improvements subject to review), Subsection B, C and D, Section 14.25.060 (Public notice and hearing) as noted below by ~~striketroughs~~ to show deletions and underline/italics to show insertions:**

14.25.060 (Public notice and hearing)

- C. Administrative Environmental and Design Review Permit. Public notice and hearing are not required for issuance of an administrative environmental and design review permit, except for development subject to Sections 14.14.030 and 14.25.040(C)(19) ~~of this chapter~~, modifications to properties in the EA overlay district, which shall comply with the notice provisions in Chapter 14.29 of this title.

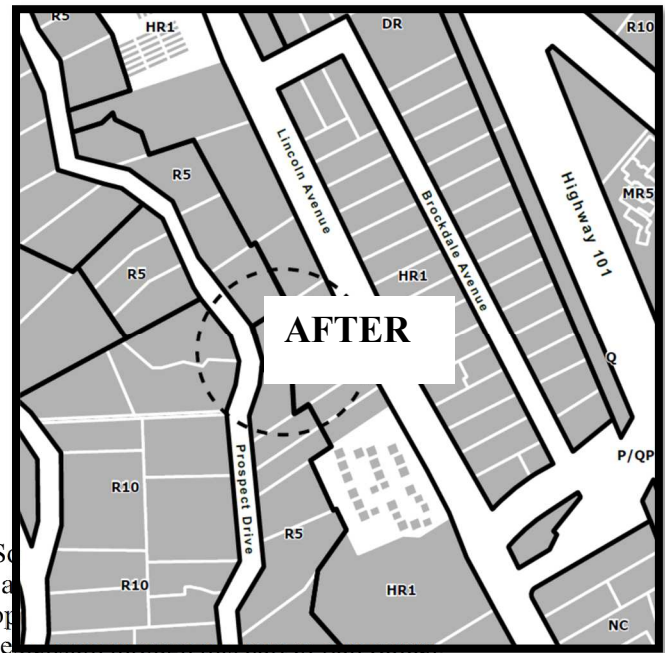
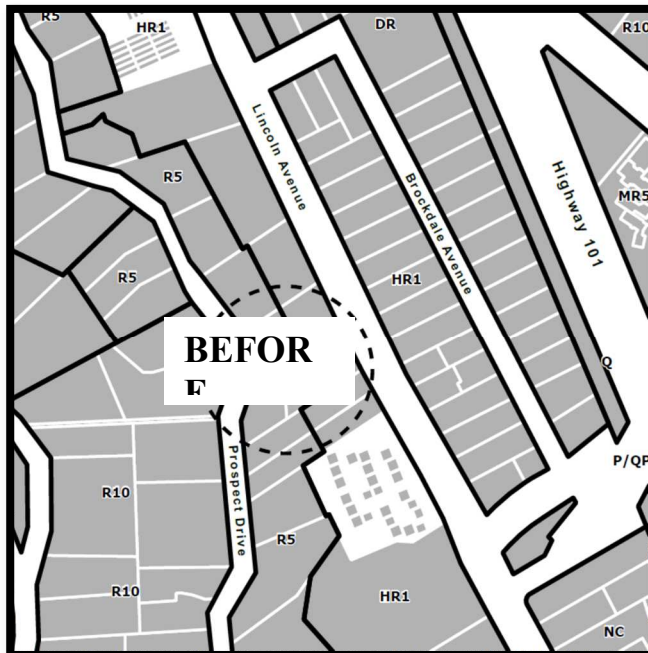
## ATTACHMENT C

### Amendments to San Rafael Municipal Code (SRMC) Title 14 -Zoning Map Amendments

There are two (2) Zoning Map Amendments that are part of the recommended Zoning Amendments as follows:

#### 1526 -1533 Lincoln Avenue

This property has a General Plan Land Use designation of High Density Residential. The Zoning for the property is split with the easterly half falling within the HR1 (High Density Residential) Zoning District, which is consistent with the GP Land Use designation of High Density Residential and the westerly half of the property falling within the R5 (Single-Family Residential) Zoning District, which is not consistent with the GP Land Use designation of High Density Residential.



Pursuant to San Rafael Municipal Code Section 14.02.020- “Public streets, utility and other right-of-ways are the boundaries of the zoning districts.” Where right-of-way abandonments occur, the zoning district boundary defaults to the centerline of the right-of-way. In order to facilitate the additional land transfer to a private property owner, SMART is requesting the adjacent GC (General Commercial) Zoning District boundary be extended over the entire abandoned right-of-way as shown below:

