

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL
AMENDING SAN RAFAEL MUNICIPAL CODE TITLE 14 – ZONING, SPECIFICALLY
AMENDING SELECTED CHAPTERS AND SECTIONS TO: A) CORRECT ERRORS
AND INTERNAL INCONSISTENCIES; B) DELETE OBSOLETE PROVISIONS; C)
UPDATE ZONING FOR SELECTED PROPERTIES ON THE CITY-ADOPTED
ZONING MAP D) EXPAND AND MODIFY LAND USE DEFINITIONS; E)
INCORPORATE PROVISIONS TO ADDRESS A STATE-MANDATE FOR WATER
CONSERVATION; AND F) AMEND PROVISIONS AND LAND USE REQUIREMENTS
TO ADDRESS CITY BUDGET CUTS AND TO ASSIST BUSINESS DEVELOPMENT IN
RESPONSE TO A NATIONWIDE ECONOMIC RECESSION
(ZO09-001)**

WHEREAS, in 2009, City staff initiated amendments to San Rafael Municipal Code (SRMC) Title 14- Zoning (Zoning Ordinance) as a general ‘clean-up’ of the provisions. Through daily use, general application and interpretation, minor errors, omissions and internal inconsistencies are discovered, which necessitate correction. In addition, it has been determined that the zoning for selected properties needs to be updated and/or corrected on the City-adopted Zoning Map. Lastly, over time, certain provisions and code sections become obsolete or need revision to improve use and interpretation; and

WHEREAS, in 2009, Assembly Bill 1881 (AB 1881) was signed by the Governor Schwarzenegger adding: Section 1353.8 of the Civil Code; Article 10.8 of the Government Code; and Section 15401.9 of the Public Resources Code, which established a statewide mandate for water conservation. AB 1881 requires that each local agency adopt a water-efficient landscape ordinance, which: a) sets thresholds for landscape projects that are subject to water conservation; b) requires that water use for landscape irrigation be based on a water allowance that is determined on a site-by-site basis; and c) requires the monitoring of water use for irrigation only landscapes and irrigation are installed. As a result, amendments to Title 14 have been prepared, in coordination with Marin Municipal Water District (MMWD) Ordinance 414 (Water Conservation) to incorporate water-efficient landscape requirements; and

WHEREAS, in 2009 and early 2010, the City experienced citywide budget cuts resulting from a nationwide economic recession. The citywide budget cuts resulted in reductions in Community Development Department staff. In order to provide efficient service to the community with reduced staff, amendments to the Zoning Ordinance have been prepared to streamline and modify certain types of discretionary permit review and to broaden and improve use and interpretation; and

WHEREAS, as a result of a nationwide economic recession, the City has experienced increased commercial vacancies from business closures and downsizing. In response, the City initiated a business promotion program to assist new business development and to retain existing businesses. This program includes, among others, recommendations to amend the Zoning Ordinance to simplify the City’s zoning review and reduce the discretionary permit process for new and existing businesses; and

WHEREAS, a collective group of amendments to Title 14 – Zoning have been prepared to address all of the above issues. The proposed amendments to the Zoning Ordinance were published on March 5, 2010; and

WHEREAS, the amendments to the San Rafael Municipal Code, Title 14, do not propose any 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 amendment is covered by the general rule that the California Environmental Quality Act (CEQA) applies only to projects which have the potential for causing a significant effect on the environment pursuant to CEQA Guidelines Section 15061(b)(3), and is not subject to environmental review; and

WHEREAS, on March 23, 2010, 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, on _____, 2010, the City Council held a duly noticed public hearing to consider the proposed ordinance amendment and considered all oral and written public testimony and the written report of the Community Development Department; and

WHEREAS, the City Council hereby finds that the proposed amendments to San Rafael Municipal Code Title 14 – Zoning are consistent with the policies and programs of the San Rafael General Plan 2020 in that:

1. As proposed, the amendments would: a) correct errors and omissions in the Zoning Ordinance; b) delete obsolete provisions; c) update and correct property zoning on the City-adopted Zoning Map; and d) revise provisions to improve use and interpretation. This action would be consistent with General Plan Program LU-23a (Zoning Ordinance Amendments), which encourages periodic updates to the Zoning Ordinance in order to maintain a current and internally consistent code.
2. As proposed, the amendments would meet the requirements of state law, specifically Section 1353.8 of the Civil Code, Article 10.8 of the Government Code, and Section 15401.9 of the Public Resources Code by establishing water conservation requirements for water-efficient landscape design. This action would be consistent with General Plan Policy LU-23 (Land Use Map and Categories) and Program LU-23a (Zoning Ordinance Amendments), which directs that the Zoning Ordinance be updated periodically, and as needed, to address changes in state law.
3. As proposed, the amendments would revise the minimum threshold requirements for Environmental and Design Review Permits, specifically for certain residential and commercial uses and improvements. This action would be consistent and not in conflict with: a) General Plan Policy NH-2 (New Development in Residential Neighborhoods) in that the amended provisions would continue to maintain and require City review of improvements to protect neighborhood image and quality of life, transitions in building heights and setbacks, and provisions for adequate parking; b) General Plan Policy H-3 (Design that Fits into the Neighborhood Context), Program H-3a (Design Concerns for Single-Family Homes) and Program H-3b (Compatibility of Building Patterns) in that, while the amendments would change the threshold for requiring Environmental and Design Review Permit, there would be no changes in the design criteria for review or the findings that are required to approve such permits.

4. As proposed, the amendments would revise the City’s off-street parking standards and the review process for assessing parking for the purpose of assisting existing businesses and promoting new businesses in San Rafael by streamlining project review. Specifically, the amendments include, among others, establishing new, off-street parking provisions for the Downtown West End Village, which would allow changes in land use of existing buildings (along the 4th Street frontage) without requiring new or additional parking. This action would be consistent with General Plan Policy NH-27 (Parking) and Program H-18h (Revisions to Parking Standards), which encourage seeking solutions to Downtown urban parking conditions and directs revisions to the Zoning Ordinance parking standards, as needed, for the purpose of promoting flexibility in the requirements. Further, this specific amendment, and other amendments to off-street parking standards would be consistent with General Plan Policy NH-15 (Downtown Vision), NH-16 (Economic Success), NH-18 (Economic Center), EV-4 (Local Economic and Community Impacts), and EV-9 (Business Assistance Programs) in that the amendments would simply and streamline the land use permit review process and requirements for existing and new businesses.

5. As proposed, the amendments revise the Conditional Use Permit review process for selected and commonly proposed non-residential land uses in commercial, light industrial/office and Downtown zoning districts, which would reduce permit processing time and costs to existing and new businesses. This action would be consistent with: a) General Plan Policy LU-15 (Convenience Shopping) in that it would encourage retention and improvement of existing retail stores and services by reducing the timing and cost for permit review; b) Policy LU-23d (Industrial Zoning Districts) by broadening the types of land uses that would be permitted in the Industrial Light Industrial/Office zoning districts; c) and Policies NH-16 (Economic Success), NH-18 (Economic Center), EV-4 (Local Economic and Community Impacts), and EV-9 (Business Assistance Programs) by simplifying and streamlining the land use permit review process and requirements for existing and new businesses.

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

DIVISION 1.

San Rafael Municipal Code Title 14 – Zoning (Zoning Ordinance) is hereby amended to incorporate edits, additions and deletions to selected chapters and sections presented in attached Exhibit A:

* * * *

DIVISION 2.

If any subsection, sentence clause or phrase of this ordinance amendment is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this added ordinance section.

DIVISION 3.

This Ordinance shall be published and a certified copy of this ordinance amendment 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 amendment shall be in full force and effect thirty (30) days after its final passage, and 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 amendment along with the names of those Councilmembers voting for or against the amendment.

ALBERT J. BORO, Mayor

ATTEST:

ESTHER C. BEIRNE, City Clerk

The foregoing Ordinance No. ____ was read and introduced at a regular meeting of the City Council of the City of San Rafael on _____, 2010, and was ordered passed to print by the following vote, to wit:

- AYES: Councilmembers:
- NOES: Councilmembers:
- ABSENT: Councilmembers:

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 ____ day of _____ 2010.

ESTHER C. BEIRNE, City Clerk

ATTACHMENT: EXHIBIT A

ZOamend.Ordinance_Phase I_3-2010