



## AGENDA

**SAN RAFAEL PLANNING COMMISSION  
REGULAR MEETING  
TUESDAY, October 15, 2019, 7:00 P.M.  
COUNCIL CHAMBERS, CITY HALL, 1400 FIFTH AVENUE  
SAN RAFAEL, CALIFORNIA**

**CALL TO ORDER  
PLEDGE OF ALLEGIANCE  
RECORDING OF MEMBERS PRESENT AND ABSENT  
APPROVAL OR REVISION OF ORDER OF AGENDA ITEMS  
PUBLIC NOTIFICATION OF MEETING PROCEDURES**

### **URGENT COMMUNICATION**

Anyone with an urgent communication on a topic not on the agenda may address the Commission at this time. Please notify the Community Development Director in advance.

### **CONSENT CALENDAR**

1. Minutes, September 24, 2019

### **STUDY SESSION**

2. **9000 Northgate Dr (Costco at Northgate Mall)** – Pre-Application/Conceptual Design Review for a proposal to demolish the existing multi-story Sears building at the southern portion of Northgate Mall and build a new 146,985 sq. ft. Costco Warehouse Center, including a 141,773 sq ft warehouse, 5,185 sq. ft. attached tire center, along with a detached fueling station. The proposal also calls for 2-3 levels of rooftop parking on top of the proposed Costco warehouse; APN: 175-060-40; General Commercial (GC) Zoning District; Merlone Geier, owner; Michael Okuma, Costco, applicant; File No(s): PA19-008/CDR19-004.; Downtown Neighborhood. Project Planner: Raffi Boloyan

### **DIRECTOR'S REPORT COMMISSION COMMUNICATION ADJOURNMENT**

- I. Next Meeting: October 29, 2019
- II. I, Anne Derrick, hereby certify that on Friday, October 11, 2019, I posted a notice of the October 15, 2019 Planning Commission meeting on the City of San Rafael Agenda Board.

- Any records relating to an Agenda Item, received by a majority or more of the board or commission less than 72 hours before the meeting, shall be available for inspection in the CDD Dept, at 1400 Fifth Ave, Third Floor, San Rafael, CA
- Sign Language and interpretation and assistive listening devices may be requested by calling (415) 485-3066 (voice), emailing Lindsay.lara@cityofsanrafael.org, or using the California Telecommunications Relay Service by dialing "711" at least 72 hours in advance. Copies of documents are available in accessible formats upon request.
- Public transportation to City Hall is available through Golden Gate Transit, Line 22 or 23. Para-transit is available by calling Whistlestop Wheels at (415) 454-0964.
- To allow individuals with environmental illness or multiple chemical sensitivity to attend the meeting/hearing, individuals are requested to refrain from wearing scented products. To allow individuals with environmental illness or multiple chemical sensitivity to attend the meeting/hearing, individuals are requested to refrain from wearing scented products.

*THE PLANNING COMMISSION WILL TAKE UP NO NEW BUSINESS AFTER 11:00 P.M. AT REGULARLY SCHEDULED MEETINGS. THIS SHALL BE INTERPRETED TO MEAN THAT NO AGENDA ITEM OR OTHER BUSINESS WILL BE DISCUSSED OR ACTED UPON AFTER THE AGENDA ITEM UNDER CONSIDERATION AT 11:00 P.M. THE COMMISSION MAY SUSPEND THIS RULE TO DISCUSS AND/OR ACT UPON ANY ADDITIONAL AGENDA ITEM(S) DEEMED APPROPRIATE BY A UNANIMOUS VOTE OF THE MEMBERS PRESENT. APPEAL RIGHTS: ANY PERSON MAY FILE AN APPEAL OF THE PLANNING COMMISSION'S ACTION ON AGENDA ITEMS WITHIN FIVE BUSINESS DAYS (NORMALLY 5:00 P.M. ON THE FOLLOWING TUESDAY) AND WITHIN 10 CALENDAR DAYS OF AN ACTION ON A SUBDIVISION. AN APPEAL LETTER SHALL BE FILED WITH THE CITY CLERK, ALONG WITH AN APPEAL FEE OF \$350 (FOR NON-APPLICANTS) OR A \$4,476 DEPOSIT (FOR APPLICANTS) MADE PAYABLE TO THE CITY OF SAN RAFAEL, AND SHALL SET FORTH THE BASIS FOR APPEAL. THERE IS A \$50.00 ADDITIONAL CHARGE FOR REQUEST FOR CONTINUATION OF AN APPEAL BY APPELLANT.*

**In the Council Chambers of the City of San Rafael, September 24, 2019**



**Regular Meeting  
San Rafael Planning Commission Minutes**

**For a complete video of this meeting, go to <http://www.cityofsanrafael.org/meetings>**

Present: Barrett Schaefer  
Aldo Mercado  
Berenice Davidson  
Shingai Samudzi  
Mark Lubamersky  
Sarah Loughran

Absent: Jeff Schoppert

Also Present: Raffi Boloyan, Planning Manager  
Alicia Giudice, Senior Planner  
Sean Kennings, Contract Planner  
Amy Skewes-Cox, Project Consultant

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**RECORDING OF MEMBERS PRESENT AND ABSENT**

**APPROVAL OR REVISION OF ORDER OF AGENDA ITEMS**

**PUBLIC NOTIFICATION OF MEETING PROCEDURES**

**URGENT COMMUNICATION**

**CONSENT CALENDAR**

**1. Minutes, August 27, 2019**

Barrett Schaefer moved and Berenice Davidson seconded to approve Motion as presented. The vote is as follows:

AYES: Barrett Schaefer, Aldo Mercado, Berenice Davidson, Shingai Samudzi, Sarah Loughran  
NOES: None  
ABSTAIN: Mark Lubamersky  
ABSENT: Jeff Schoppert

**2. Minutes, September 10, 2019**

Barrett Schaefer moved and Berenice Davidson seconded to approve Minutes as presented. The vote is as follows:

AYES: Barrett Schaefer, Aldo Mercado, Berenice Davidson, Shingai Samudzi, Sarah Loughran  
NOES: None  
ABSTAIN: Mark Lubamersky  
ABSENT: Jeff Schoppert

**STUDY SESSION**

3. **999 3rd Street (BioMarin R&D building / Whistlestop Senior Center / Senior Housing) – Public hearing on Draft Environmental Impact Report (EIR) for a request for approval of two 72-foot tall, four-story Research and Development buildings on a 133,099 sq. ft. parcel, currently developed as a vacant lot, and a 67-unit, 70-foot tall, six-story senior center and affordable senior housing building on a 15,000 sq. ft. portion of the northwestern corner of the parcel; APN: 011-265-01; Second/Third Mixed Use (2/3 MUE) Zone; Shar Zamanpour, Applicant; BioMarin / CCCA, LLC, Owner; Downtown Activity Center neighborhood area. Project Planner: Sean Kennings**

[Staff Report](#)

Barrett Schaefer moved and Aldo Mercado seconded to direct staff to move forward and prepare the Final EIR and respond to public comments. The vote is as follows:

AYES: Barrett Schaefer, Aldo Mercado, Berenice Davidson, Shingai Samudzi, Mark Lubamersky, Sarah Loughran  
NOES: None  
ABSTAIN: None  
ABSENT: Jeff Schoppert

**DIRECTOR'S REPORT**

**COMMISSION COMMUNICATION**

**ADJOURNMENT**

\_\_\_\_\_  
ANNE DERRICK, Administrative Assistant III

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2019

\_\_\_\_\_  
Sarah Loughran, Chair







**SAN RAFAEL**  
THE CITY WITH A MISSION

Community Development Department – Planning Division

**Meeting Date:** October 15, 2019  
**Agenda Item:**  
**Case Numbers:** PA19-008/CDR19-004  
**Project Planner:** Raffi Boloyan/ 415-485-3095

## REPORT TO PLANNING COMMISSION

**SUBJECT: 9000 Northgate Dr (Costco at Northgate Mall)** – Pre-Application/Conceptual Design Review for a proposal to demolish the existing multi-story Sears building at the southern portion of Northgate Mall and build a new 146,985 sq. ft. Costco Warehouse Center, including a 141,773 sq ft warehouse, 5,185 sq. ft. attached tire center, along with a detached fueling station. The proposal also calls for 2-3 levels of rooftop parking on top of the proposed Costco warehouse; APN: 175-060-40; General Commercial (GC) Zoning District; Merlone Geier, owner; Michael Okuma, Costco, applicant; File No(s): PA19-008/CDR19-004.; Downtown Neighborhood.

### PRE-APPLICATION/CONCEPTUAL REVIEW PURPOSE AND FORMAT

The Pre-Application/Conceptual Review is intended to provide an opportunity for early Planning Commission feedback on land use and policy questions and overall merits of the project and allows early opportunity for public input. Given that most public comments on this project focus on land use matters, it was determined to first bring this matter to the Commission as a Conceptual Review for their review and comment on major topical areas and to allow for public comment on these areas, before the project is presented to the DRB for Conceptual Review on design matters. This Conceptual Review will not result in any decisions regarding the project merits or official action on the project, but rather would allow the Commission to provide preliminary feedback on the project scope and size and other design and land use matters. In addition, this conceptual process also provides the public with an opportunity to share their input on a project, before it gets too far along.

Given some of the policy questions, the input by the Commission would assist the DRB in understanding whether size and intensity are appropriate and thus allow them to focus their review on the architectural details. Therefore, the purpose of the study session is to elicit comments and suggestions on the project, including:

- Land Use
- Traffic
- On-site Circulation
- Height
- Mass/Bulk
- Design
- Other Comments

Staff recommends the Planning Commission conduct the review in the following manner:

- Staff presentation
- Applicant presentation
- Accept public comments

- Planning Commission discussion and feedback on the topics listed above and specific questions identified in the Discussion section below. The Commission may also have additional comments, aside from those identified by staff.

Although the study session is not an official public hearing since no official action is being taken, public comment will be encouraged prior to discussion by the Commission.

The conceptual project will also be reviewed by the Design Review Board (DRB) on October 22, 2019. The DRB's purview and focus will be on design-related matters, and not land use (ie land use, parking, traffic, noise, air quality, etc).

**PROPERTY FACTS**

<b>Address/Location:</b>	5800 Northgate Drive	<b>Parcel Number(s):</b>	175-060-12, 40, 59, 60 & 61
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<b>Property Size:</b>	44.75 Acres	<b>Neighborhood:</b>	North San Rafael Commercial Center
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<b>Site Characteristics</b>			
	<b>General Plan Designation</b>	<b>Zoning Designation</b>	<b>Existing Land-Use</b>
<b>Project Site:</b>	<b>General Commercial (GC)</b>	<b>GC</b>	<b>Shopping Mall (e.g., Shopping Center)</b>
North:	GC, Office (O)	GC, Office (O), Commercial/Office (C/O)	Gas station and office buildings
South:	O, Low Density Residential	O, Single-Family Residential (R7.5-EA), PD (1821), PD (1635), Parks/Open-Space (P/OS)	Elderly care facility, office building, single-family residences
East:	GC, Public/Quasi-Public (P/QP)	GC, O, P/QP	Retail stores, offices, restaurants, financial institution, and cemetery
West:	O, Open Space	O, P/OS, PD (1639), High Density Residential (HR 1.8)	Offices, hillside open space, multi-family residential

**Site Description/Setting:**

The 44.75 acre site is comprised of five parcels, including 3 individual department store lots. The site is located in the North San Rafael Commercial Center neighborhood area, immediately adjacent to the Terra Linda neighborhood. The property has a moderate 3% cross-slope that runs from the southwest to northeast corner of the site, with an overall grade change of 23-feet, and is bounded by collector streets on all sides. Nearby development is as described in the summary table above.

The existing department store buildings exceed the 36-foot height limit (Macy's-57', Mervyn's-43' and Sears-56'). Approximately 95-percent of the entire Mall site (including the 10.4-acre Sears parcel) is covered with permeable surfaces, consisting of the buildings, walkways and parking lot (currently providing parking for 2,942 spaces).

The site is allowed a maximum FAR of 0.40 which translates to a total building floor area of 779,724 sq. ft (pursuant to the current Development Agreement DA07-001 and Master Use Permit). The site currently contains 761,090 sq. ft. of building areas, as shown in the inventory below. Of the total existing floor area

on the site, 134,976 sq. ft. is occupied by the Sears building (main 106,676 sq. ft. Sears building. ft. and two detached accessory Sears buildings, 16,300 sq. ft. and 12,000 sq. ft.)

This unbuilt amount includes 10,934 sq. ft. of unallocated build-back space plus a future 7,700 sq. ft. building identified for the vacant "Pad 30" site located along the Oak Plaza driveway. The Mall currently hosts 761,090 gross sq. ft., consisting of a central mall building with numerous retail tenants, anchored by the 3 major department store tenants Sears (former), Kohl's and Macys. Sears also had 2 detached accessory retail service buildings which still remain; a minor automotive repair and service facility and an appliance parts/service building. A two-story parking structure is also located on the southwestern portion of the Sears parcel adjacent to Kohl's. Two additional freestanding buildings are located on the eastern edge of the site, a freestanding Rite-Aid drug store building and a freestanding Home Goods retail building.

The current inventory of the existing and entitled buildings on the site is composed of:

Anchor Tenants:

- Sears Department Store 134,976 sq. ft.
  - Main Sears Store - 3 levels (106,676 sq. ft).\*
  - Automotive Service – 16 service bays (16,300 sq. ft)
  - Seasonal Sales/Appliance Repair (12,000 sq. ft.)
- Kohl's Department Store (2 Levels): 81,340 sq. ft.
- Macy's (3 Levels): 254,015 sq. ft.

Mall

- Mall Gross Leasable Multi-Tenant Building Areas\*: 243,881 sq. ft.  
*(\*This includes the renovated mezzanine level for the mall administrative offices, mezzanine levels where permitted for interior mall retail tenants, food court tenants, existing theater space, as-built 6,788 square foot multi-tenant pad building constructed and occupied adjacent to Kohl's)*
- Unbuilt Future Pad Building (7,700 sq. ft).  
*(Future 7,700 sq. ft. pad building located adjacent to the main mall building, along the Oak Plaza drive)*

Freestanding Pad Buildings

- Rite-Aid Drug Store & Drive-Through: 17,340 sq. ft.
- Home Goods pad retail building: 29,538 sq. ft.

Unbuilt, approved building area

- Remaining (Unutilized) Build-back Retail Space: (10,934 sq. ft.)

**Total (Existing Built) 761,090 sq. ft.**  
**Total (Allowed @0.40 FAR) 779,724 sq. ft.**

\*Staff notes that there is a bit of discrepancy in the Master Use Permit and the actual building sizes at the Mall. As-built plans for the Sears building reveal there are three floors (a basement and two levels), with each floor being 59,646 sq. ft., for a total of 178,938 sq ft for the main Sear building. The Master Use Permit references that the Sears building included three stories, but only lists 106,676 sq. ft as the floor

area for the main building. So, there is a discrepancy of approximately 72,300 sq ft between the existing built floor area identified in the Master Use Permit and the actual on the ground conditions. This is an item staff will need to investigate.

## **BACKGROUND**

The Mall was originally developed in the 1960's. A Master Use Permit and Design approvals were granted in 1986 at which time included the enclosure of the walkways and building additions that resulted in the current gross building area. At that time, the former Payless Drug Store (currently Rite-Aid) was also relocated to the east side of the site in a new freestanding building.

In the 1990's the 2,600 seat, 15-screen theater was incorporated within a portion of the existing Mall (converting approximately 45,000 sq. ft. of retail space, ED93-129/UP93-61).

In 2008, the former Mall owners, Macerich, LLC, submitted applications for exterior renovation of the mall, included the following components: a) initial demolition of existing leasable building floor area, b) Development Agreement allowing the right to build-back floor area removed as part of the project, up to 0.40 FAR, and c) renovation of site parking using non-standard space and aisle dimensions. Specifically, the project included:

- Architectural renovation of the main leasable mall building (which connects the major department store buildings Macys, Sears and Kohl's)
- Development of architectural guidelines and sign program for future retenanting of mall tenants
- Refacing the east, north and west exterior facades of the leasable mall building to create more inviting storefronts and gathering spaces.
- Construction of a new freestanding Rite Aid building further north and east on the site than it's current location, and subsequent demolition of the former building.
- Demolition of the former enclosed food court on the west side of the building, which connected the multi-tenant building area with Kohl's department store building, for the purpose of creating a new outdoor plaza public gathering space.
- Upgraded landscaping and reconfigured parking areas, along with construction of a 2,300 linear ft portion of the North San Rafael Promenade along the property frontage. The promenade improvement was proposed and provided as a public benefit, consistent with the terms of the DA.
- No changes were proposed or approved to the three anchor tenants at the time (Macy's, Sears, and Kohl's)

The Design Review Board, Planning Commission and City Council considered that project and ultimately approved the project in April 2008.

Over the few years that followed, the Mall renovation project was substantially completed with the exception of the following: i) construction of a pad building along Oak Plaza, ii) previously approved demolition of the former Rite Aid building located in the east parking lot, and iii) construction of a portion of the San Rafael Promenade in front of the former Rite Aid building.

In 2013, the former Mall owners, Macerich, LLC, proposed to re-purpose the vacated Rite Aid building in lieu of its demolition, and recapture a majority of the building square footage removed as part of the renovation work. In addition, they proposed:

- Exterior façade upgrades on all four sides of the building, to be compatible with the approved Tenant Design Criteria.

- Reduction in parking standards from 4 spaces per 1,000 sq. ft. of gross building area to 3.8 spaces per 1,000 sq. ft. for the regional shopping center.
- Parking space renovation that would continue to utilize the 8.5-ft. wide standard space dimension, 65-degree angled space and 24 ft. backup space dimension.
- Completion of the frontage landscaping and promenade improvements.

The amendment to the Mall renovation project approvals were pursued to re-tenant the existing vacated Rite Aid building in the east parking lot with a new retail tenant (Home Goods) in the existing 29,538 sq. ft. building. This request constituted a revision to the approved renovation work (aka, Phase I), which was not completed. Therefore, an application for amendment to the Master Use Permit and Master Environmental and Design Review Permit were submitted and subsequently approvals granted by the City Council in 2013.

Based on the 2013 action, the Mall site is approved with the following maximum floor area and parking requirements:

- Max Floor Area Ratio (FAR) of 0.40 FAR maximum, or 779,724 sq. ft. (allowed pursuant to the current Development Agreement DA07-001). This amount includes 10,934 sq. ft. of unallocated build-back space plus a future 7,700 sq. ft. building identified for the vacant "Pad 30" site located along the Oak Plaza driveway.
- Approximately 3,000 parking spaces for the entire project, with parking standard of 3.8 space/1,000 sq. ft.

In 2017, Merlone Geier purchased Northgate Mall. Soon after, Sears closed their store in 2018 and the ground floor of the former Sears space has been used as a Restoration Hardware Outlet.

## **PROJECT DESCRIPTION**

Costco has submitted a Pre-Application/Conceptual Design Review for a proposal to demolish the Sears building and construct a new Costco warehouse store, with a tire center and detached fueling station. It is important to note, as a Conceptual Review/Pre-Application, the purpose of this preliminary process is for the City and the public to provide preliminary comments on a project, before more detailed plans are developed. The goal of this process is for an applicant to receive the preliminary comments from the City and public and be aware of any issues and incorporate/address concerns in their formal submittal. Therefore, as a Conceptual Review/Pre-Application, the submittal information is as follows:

### **Use:**

The project proposes demolition of the existing multi story Sears building along with the two associated freestanding buildings (Automotive repair and catalog sales) and the construction of a new 146,985 sq. ft. Costco Warehouse building, with three levels of parking above.

#### Warehouse Building

Ground floor	141,773 sq. ft. warehouse sales floor and 5,185 sq. ft. tire center
Level 2	306 covered parking spaces
Level 3	303 covered parking spaces
Level 4 *	309 uncovered rooftop parking spaces

\* 4<sup>th</sup> level (3<sup>rd</sup> level of parking) is noted as optional in plans and materials. Applicant has indicated that the 3<sup>rd</sup> level of parking, although noted optional, is currently proposed as part of the project.

#### Fueling station

15 fueling dispensers with 30 fueling positions are proposed under a 11,944 sq. ft. canopy.

Costco expects to employ a total of 165-170 employees to staff both the warehouse and fueling station.

The use of the proposed Costco is similar to other Costco facilities, including retail/wholesale of goods, bakery, pharmacy, optical center, hearing aid testing center, food court and photo center. Costco is also requesting a Type 86 alcohol license to allow tasting of beer, wine or spirits in the warehouse.

Access to the tire center is from a separate entrance on the south side of the building and would include 4 service bays. Promotional vehicles would also be displayed near entry to the building, but no vehicles would be sold on site

**Hour of operation:**

Hours of operation for the warehouse portion of the facility is proposed as follows:

Mon-Fri	10:00am – 8:30pm
Sat	9:30am – 6pm
Sun	10am – 6pm

Although not in the preliminary project description, the applicant has indicated that they are considering a start time to 9am (7 days a week) for the warehouse/retail use.

Deliveries for the warehouse are identified to occur between 2am and 1pm daily, averaging 2-3 trucks per hour, with most being completed prior to the opening. Deliveries would be predominately 26 ft single axle trailers to 70-ft long double-axle trailers.

The fueling station is proposed to be open to customers from 5am – 10pm, daily. It is estimated that there would be 2-3 deliveries to the fueling facility per day, with fuel trucks being 70 ft. long, double-axle trailers. Fuel deliveries would occur over the fueling tanks, which are proposed on the eastern side of the fueling area.

Hours of operations are not identified for the tire center, but would be similar to the warehouse. It is anticipated that there would be 1-2 deliveries a week for tires by 70 ft. long, double-axle trailers and these would also pick up used tires. Deliveries are anticipated to occur before opening, about 6am

**Site Plan:**

The proposed site plan would replace the current 134,976 sq. ft. Sears building with a new 146,958 sq. ft. Costco building (excluding parking area) that is generally in the same location on the site, but would be a larger footprint than the current building, 87,946 sq. ft. (current Sears) to 150,082 sq. ft lot (proposed Costco) coverage. In addition, that does not include the 11,944 sq. ft. fuel canopy, which does not count as floor area, but does count as lot coverage. The western edge of the proposed Costco building would extend to the edge of the existing Sears catalog building, while the eastern and southern portions of the building would extend past the current Sears footprint. The setback along Northgate Dr would be 33.5 ft. The proposed Costco structure would not be connected to the mall, instead is proposed to be separated by a vehicular access. The primary building entry for customers is proposed at the northeast corner, inward facing the main Mall. Elevators and stairs/ramping would provide customers with access to the entry from the parking on the upper levels

Vehicular access to the Costco site is proposed as follows:

- Primary access to the retail warehouse use from two access points along Northgate Dr,

- New access point, just south of the two-story parking structure (at Northgate Dr./Thorndale Dr);
  - New entry at Northgate Dr/Nova Albion Way.
  - A new drive aisle between the proposed Costco and Mall would be 35.5 ft in width.
- There are two sets of ramps proposed on the northern and southern edges of the building, with each providing two-way access to the upper levels of parking above the Costco. The northern ramp system is proposed to be a speed ramp, providing ability to both enter and exit from the different levels. The southern ramp will be more circular, with ramp levels stacked above each other and vehicles will have to circulate through the parking levels to get to a different levels.
  - Access from the upper levels of parking to the ground floor would be from a traveller (moving walkway/escalator) located on the eastern side of the building, or elevators at the northeast corner of the building
  - Primary access to the fueling station is shown to be from the eastern most driveway on Northgate Ave, near Las Gallinas.
    - Vehicles using the fueling station would be one way in off Northgate Drive, driving through the fueling pumps and then fueling area by turning left or right at the drive aisle to the rear of the proposed Costco portion of the site.
    - The fueling station is designed to accommodate 30 vehicles fueling, with room for 42 vehicles to que outside the fueling station.
  - The proposed loading dock is proposed at the eastern end of the building, facing Northgate Dr, near Nova Albion Way, and is in the same location as the current Sears loading dock.

**Architecture:**

The project proposes a contemporary design with use of pre cast concrete as the primary building material and combination of perforated metal screens, ribbed metal panels and steel beams. Proposed color palette is shown to be variety of grey and tan colors, with a red accent on the top of the building entry feature. The building provides a variety of wall planes, that are offs set at varying points. Building entry is proposed to be located at the northeast corner of the building, facing the Mall and fueling station.

**Building Height:**

The project proposes a building height of 44 ft to the top deck of the concrete parking structure. The top of the parking structure on level 3, would have parapet that surrounding the parking deck, and would reach 52 ft. to the top of the parapet. The proposed elevator core exhibits a height of 58 ft. to the peak at northeast corner.

**Parking:**

The project would remove approximately 580 surface parking spaces and proposes to add 971 space in three levels of parking above the warehouse plus 38 surface spaces around the tire center. The parking spaces are proposed to be sized larger than the minimum size required by the City of San Rafael to provide patrons with easier accessibility to vehicles while loading purchases.

**Landscaping:**

The preliminary landscape plan identifies that landscaping would be provided along a 15-ft landscape planter at the southwestern and southeastern corners of the building, and along the southern frontage/ Additional landscaping is proposed along the eastern edge of the building and the building entry and along the eastern edge of the fueling station.

### Signage:

Preliminary signage is proposed to include 4 wall mounted signs, 280 sq. ft. each, each stating "Costco Wholesale". Two are proposed at the corners of the elevation along Northgate Dr. One is proposed above the loading dock on the northern corner of the west elevation and one is proposed on the entry tower on the east elevation.

Each sign would be 6 ft tall x 31 ft wide. In addition, a 31 sq. ft. sign is proposed at the tire center. Total signage for the Costco is proposed to be 5 signs, totaling 1,151 sq. ft.

## ANALYSIS

### San Rafael General Plan 2020 Consistency:

There are numerous General Plan policies applicable to this project. The General Plan contains many competing policies that need to be weighed and considered collectively. Consistency with a General Plan is determined by reviewing and weighing the goals and policies of *all* elements of the [San Rafael General Plan 2020](#) in determining consistency of a project with the Plan. At this point, it is difficult to evaluate the project for consistency with the General Plan. A table outlining the applicable General Plan policies, is attached, however, much of the evaluation on consistency will not be able to be performed until a formal application is received, with more detailed plans and technical studies.

Below is a summary of the major policies Overall, the project would be consistent with most of the applicable San Rafael General Plan 2020 policies.

#### Land Use Element

[Land Use Element](#) Policy **LU-23 (Land Use Map and Categories)** and the map designate the Mall property as General Commercial (GC) land use designation. This is the primary commercial/retail designation in the City of San Rafael and allows general retail and service uses, restaurants, automobile sales and service uses, and hotels/motels. Offices are allowed as secondary uses. This designation also allows multi-family housing. A regional shopping center, department stores, big box retail use, gasoline fueling stations and auto repair (tire service) are all allowable uses by the General Commercial land use designation. Therefore, the Costco use would be consistent with the land use designation for this site.

The site currently exceeds the maximum non-residential intensity of 0.30 floor area ratio (FAR) (Land Use Element Policy **LU-9 (Intensity of Non Residential Development)**), however, the site is considered legal, non-conforming and is authorized to have up to a 0.40 FAR, or 779,724 sq. ft. in total. The 0.40 FAR was legally built at a time when it was allowed and the ability to maintain and build back up to 0.40 FAR was memorialized in the 2008 Development Agreement and Master Use Permit for the site. This proposal would demolish the existing 134,976 sq. ft. of floor area contained in Sears and its two outbuildings and proposes to build a 146,958 sq. ft. Costco warehouse building. The Master Use Permit for the mall includes 18,634 of unused building back floor area, so in counting the demolished Sears floor area and unused building, the proposed Costco would be within the maximum 0.40 FAR allocated to this site.

Per LU-9, the definition of floor area ration is "*...the total gross building square footage divided by the land area, exclusive of public streets. Parking areas, covered or uncovered, and non-leasable covered atriums are not included in calculating FARs.*" Therefore, the parking levels, canopy over the fueling station would not be counted as FAR.



The existing Sears building currently measures 56 ft in height, and thus exceeds the current height limit of 36 ft for North San Rafael (Land Use Element Policy **LU-12 (Building Heights)**). However, two of the anchor tenant buildings at the Mall (Sears and Macy's) are recognized by the Zoning Ordinance as pre-dating the height limit and are considered confirming buildings ([SRMC 14.16.040](#)). This proposal would demolish the 56 ft. tall Sears building and build a new Costco building that measures no more than 52 ft in height.\* The difference is that the new Costco building is larger in it's footprint. Therefore, as proposed, a Height Exception will need to be requested and ultimately granted by the City.

*\*Height is measured using the definition of height in the 1997 Uniform Building Code (UBC) and in this case, height would total 52 ft.*

#### Housing Element

The [Housing Element](#) includes policies to protect existing housing stock, but also to grow the supply of housing throughout the City. Although this project does not propose any new housing, there is an applicable policy which needs to be identified and be considered. Housing Policy **H-14 (Adequate Site)** is a policy that addresses state law to ensure that Cities/Counties have enough sites identified to accommodate the housing growth mandated by the State. This policy requires the City to maintain an adequate supply of land to meet the housing needs of all economic segments. Program **H-14a (Residential and Mixed Use Sites Inventory)** identifies the inventory of land. The policy also encourages development of residential uses in commercial areas where 1) vitality of the area will not be adversely affected, 2) area would be enhanced by linking workers to jobs, and 3) by providing shared use of the site or area. **Policy H-15 (Infill Near Transit)** also encourage housing near transit hubs.

[Appendix B of the Housing Element](#), includes the inventory of housing opportunity sites and the Mall is listed in this inventory with a maximum zoning capacity of 1,333 units and a total realistic potential for 200 units (Page B3-20 of Appendix B). Although this project would not eliminate the potential for housing, the location of the proposed Costco on the southern end of the Mall was thought to be the most feasible for addition of housing, given it would serve as a transitional use from the Mall to the adjacent residential and low scale commercial uses.

During the hearings on the exterior renovation of the Mall in 2008, there was a great deal of discussion on the potential and need for housing at the Mall. Although the Mall owner at the time did not propose to add housing, the terms of the Development Agreement included a requirement that the Mall explore and submit preliminary plans to add housing to their site and fund a traffic study to evaluate potential traffic impacts. This analysis was completed for 96 units at the southern end of the Mall site and the traffic study was completed and did not show any significant impacts.

#### Neighborhoods Element

As part of the adoption of the General Plan 2020 in 2004, a new element, the [Neighborhoods Element](#), was created and consolidated all policies in various neighborhood plans throughout the City. In addition, the element also incorporated the policy recommendations in *Vision North San Rafael*. The Vision policies were included in the Terra Linda neighborhood section, but the majority were in the North San Rafael Commercial Center policies (NH-131- NH-142). Since the Mall is located in the North San Rafael Commercial Center, the following Neighborhood Element policies are applicable:

**NH-131 (North San Rafael Town Center).** *Create an attractive, thriving heart for the North San Rafael community: a centerpiece of commerce and activity with a diversity and synergy of*

*activities for all ages.*

**NH-132 (Town Center Activities).** *Create a Town Center with high quality retail stores for local residents as well as the broader community. Broaden the appeal of the Town Center area by improving pedestrian traffic, increasing the number of local shoppers, and attracting a mix of high quality stores, entertainment, and services.*

- a. Encourage a distinctive commercial niche for the Town Center consistent with the area's characteristics.*
- b. Encourage a variety of stores and services to foster local patronage. Examples include a library; restaurants; a produce market; and music, book, family clothing, housewares, and variety stores.*
- c. Encourage upgrading of anchor stores and specialty stores.*
- d. Support an additional high quality retail anchor store if necessary for economic vitality, consistent with traffic circulation.*
- e. Support nightlife activities, such as a late-night restaurant, diner or coffee shops that harmonize with existing theaters and cultural activities.*

**NH-133 (Northgate Mall).** *Revitalize the economic health of the Northgate Mall and surrounding business areas. Encourage efforts to revitalize and expand Northgate Mall, including improving the mix of activities and the quality of shops, and upgrading the appearance of the buildings and landscaping, while maintaining a scale consistent with the surrounding community and not exceeding infrastructure capacity. Allow the addition of residences, maximize the potential for affordable housing, and incorporate promenade improvements as described in the North San Rafael Promenade Conceptual Plan in any substantial rehabilitation or expansion of the mall.*

**NH-134 (Outdoor Gathering Places).** *Encourage outdoor public places that support activities and facilities that will encourage people to gather (such as outdoor cafes with music, entertainment for children as families dine and shop, and periodic cultural and arts events), promote a public plaza, a small music venue, and/or a children's feature, and provide outdoor cafes, sidewalk restaurants, or other uses that provide outdoor seating.*

**NH-136 (Design Excellence).** *Assure quality of design by supporting policies that encourage harmonious and aesthetically pleasing design for new and existing development. Upgrade and coordinate landscaping, signage, and building design in the Town Center area, as well as improving building and landscaping maintenance.*

During the last two renovation projects in 2008 and 2013, there was a great deal of discussion on these policies, to create outdoor gathering places, improve design of the Mall and continue the development of the promenade. As part of this project, these policies should also be considered. The economic vitality of the Mall is important, not only to North San Rafael, but as a regional center, the Mall provides a service to all residents of the County and helps support San Rafael's economic tax base. Given the changing retail environment, improving the Mall to attract new businesses and fill vacancies is important to the community. The proposed Costco would go a long way to improve the future of the Mall and would be followed by other retail tenants to fill other space. These important benefits, will need to be considered with any potential impacts from the project and as NH-133 states, encourage efforts to revitalize and expand the mall, while maintain scale consistent with the surrounding community and not exceeding infrastructure capacity

Economic Vitality Element

The [Economic Vitality Element](#) includes multiple policies that would be applicable to this project. Three of the key policies include:

**EV-2 (Seek, Retain, and Promote Businesses that Enhance San Rafael).** *Recruit and retain businesses that contribute to our economic vitality, thus helping to provide needed local goods, services and employment, and enhance the City's physical environment.*

**EV-4. (Local Economic and Community Impacts).** *In addition to review of environmental, traffic and community design impacts, take the following into account when major projects, policies and land use decisions are under review.*

**EV-6. (Shop Locally)** *Encourage local purchase of goods and services by residents, workers, businesses and City government so as to cycle dollars back into our local economy and generate revenue for the City.*

**EV-7. (Environmentally-Friendly Business Practices)** *Promote environmentally friendly business practices that reduce the need for nonrenewable resources.*

**EV-8. (Diversity of our Economic Base)** *Keep San Rafael a full-service city by retaining and supporting a broad and healthy range of businesses.*

A new Costco at the Mall would significantly strengthen the City's economic base and stabilize the Mall. As part of the formal review, the economic and community impacts of a new Costco should be considered per EV-4 and ensure that the business practices for the new use are environmentally friendly per EV-7.

Circulation Element

Traffic will be one of the major areas of focus and at this preliminary stage, there is not much to discuss until a traffic study is submitted and reviewed by the City and a third party traffic engineer. The General Plan includes [Circulation Element](#) Policy **C-5 (Traffic Level of Service Standards)**, which establishes Level of Service (LOS) standards as the current threshold for evaluating transportation impacts. LOS is a measurement of the seconds of delay at signalized intersections, and is measured by a standard of A-F. The Citywide LOS standard is LOS D, with the exception of the intersections of Merrydale/Civic Center and Merrydale/Las Gallinas, which have a LOS E Standard. The city's LOS policy evaluates traffic impacts during the AM and PM peak periods, which are 7am-9am and 4pm-6pm, Mondays through Fridays. Aside from a review of a project's impacts on surrounding roadway network, the traffic evaluation will also consider the more local impacts on the site and its frontages. Access points into the site, pedestrian safety, adequacy of vehicle stacking for the fueling station, and ramp systems and delivery will all be evaluated as part of the formal review with more detailed information and studies.

A complete listing of all applicable General Plan policies in all the Elements and a preliminary response is presented in the attached *General Plan Consistency Table* (Exhibit 3).

**North San Rafael Vision:**

A Community based planning effort in the late 1990's resulted in the adoption of the North San Rafael Vision. The Vision established policies to guide the North San Rafael area, through the year 2010. One of the key facets of the Vision was a plan to develop a promenade, leading from upper Terra Linda, through the commercial areas around the two shopping centers and the mall, and ending at Civic Center. The Mall and commercial areas around it, are identified as the Town Center.

A copy of the entire North San Rafael Vision is provided [here](#). The key applicable components of the Vision document, include

- Vision Statement and Concepts, Goals & Actions (pages 3-4)
- Easy to Get Around (EGA) policies (pages 8-9)
- Northgate Promenade (NP) policies (page 11)
- Gathering Places (GP) policies (pages 12-13)
- Town Center (TC) policies (pages 14-15)
- Business Vitality (BV) policies (pages 16-17)
- Design, Beautification and Maintenance (DB&M) policies (pages 23-25).

In general, a proposed Costco does not appear to conflict with any of the major Vision policies. Numerous public comments received to date cite that a big box store is not allowed by the Vision. A review of the Vision document does not reveal there is any prohibition to a major department store or big box retail at the Mall. There are some specific, design-related policies from the plan that need to be addressed, to improve pedestrian and vehicular circulation. Some policies from the Vision that warrant consideration include:

- Better pedestrian access from sidewalk to commercial sites and within commercial parking lots (EGA - Goal A),
- Locate building entrances so that people do not have to walk across parking lots to enter building (EGA - Goal A).
- Further development of promenade (NP).
- Create and enhance gathering places (GP – Goal A)
- Create a Town Center with high quality retail stores for local residents as well as the broader community (TC – Goal A).
- Allow uses that will enhance the Town Center, including retail, office, housing and community services (TC – Goal A).
- Assure quality of design (TC – Goal A).
- Create a sense of enclosure, pedestrian-scale and easy accessibility (TC)
- Make businesses areas function better with a mix pf uses, improvement to make these places more attractive and changes that support a business-friendly community (BV)

### **Zoning Ordinance Consistency:**

The project has been reviewed for consistency with the San Rafael Zoning Ordinance. Overall, the project would be consistent with all applicable regulations of the Zoning Ordinance for the General Commercial (GC) Zoning District, with the exception of height, and the applicant will need to request an Exception to the to this standard.

### Chapter 5 – Commercial and Office Districts

The project site is located within the (GC) Zoning District. The proposed project will require consistency with the property development standards and land use regulations for the GC District.

In terms of land use, the proposed Costco, including it's ancillary uses, are all permitted or conditionally allowable uses typically found in the GC District ([SRMC 14.05.020](#)). As a shopping center, the Mall currently operates under a Master Use Permit and the proposed change to eliminate the Sears use and build the new Costco, with a fueling station and tire center, would require an amendment to the Master Use Permit for the Center. The current Master Use Permit is attached (Exhibit 4) as part of Planning Commission Resolution 13.08 (pages 9-14 of this Exhibit).

In terms of the GC development standards, setbacks and maximum lot coverage are not required in the GC District ([SRMC 14.05.030](#)). The District has a maximum height limit of 36 feet and minimum landscaping of 15%. As noted above, the existing Sears building exceeds the current height limit and is considered a conforming building. The proposal would result in a larger building that continues the grandfathered height, and would thus require application for and approval of an Exception. See Exception section below for required findings.

## Chapter 16 – Site and Use Regulations

### *Section 16.040 (Buildings over Three Stories)*

This section lists all the buildings that were built or approved prior to January 1, 1987 that exceed three stories. These buildings are considered conforming uses. The Sears building is listed in this section and currently totals 56 feet in height. Since it is considered conforming by this section, rebuilding of a new building to that height is allowed. However, the project proposes to develop a new structure that would be much larger than the current building, and therefore, would need to request relief from the height limit.

### *Section 16.120 (Exclusions to Maximum Height)*

This section excepts certain features and parts of a building from the maximum height limits, including architectural features and screening for mechanical equipment. The elevator over run area over the main entry would not be counted towards the maximum building height.

### *Section 16.160 (Fuel and Service Stations)*

Requires a Use Permit for any newly constructed fueling station to assure compatibility of such uses with existing and planned uses in the surrounding area.

## Chapter 18 – Parking Standards

The site is developed as a shopping center and operates under a Master Use Permit. The Current Master Use Permit specifies the Mall and all the uses on the site have a parking requirement of 3.8 space/1,000 sq. ft. As part of the formal application, the adequacy of the parking will be evaluated. There are currently 2,942 parking spaces on the entire Mall site. The new project would remove 614 surface parking spaces along the southern end of the Mall site and add 971 new parking spaces. The proposed number of parking spaces would total 3,299, which would exceed the current requirement of 3.8/1,000 (2,892 spaces)

## Chapter 22 – Use Permits

As discussed previously, the project will require an amendment to the Master Use Permit for the shopping center to add a Costco, fueling station and tire center. Use Permit will be used to evaluate compatibility of uses with the surrounding area. The Master Use Permit would evaluate the compatibility of the proposed uses with other uses on site and in the surrounding area, establish the appropriate mixture of uses and parking requirements based on that mixture, and establish operating condition of approval to minimize impacts. In order to approve a Master Use Permit amendment, the City will need to make the following findings

1. *That the proposed use is in accord with the general plan, the objectives of the zoning ordinance, and the purposes of the district in which the site is located;*
2. *That the proposed use, together with the conditions applicable thereto, will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity, or to the general welfare of the city;*
3. *That the proposed use complies with each of the applicable provisions of the zoning ordinance.*



### Chapter 24 - Exception

The General Plan policy on height (LU-12), defers any deviations to height limits to be administered through an Exception application. [SRMC 14.24.020.E](#) provides the authority for a height Exception and states:

*In all nonresidential zoning districts, building height may be increased beyond the height limit where: (1) additional building height is required for a special use or function, and the building is designed specifically for that use; or (2) there are special circumstances related to the site and topography which warrant the exception. For a public or quasi-public structure, a higher height may be permitted where necessary for health or safety purposes. In addition, in all cases, nonresidential height exceptions may only be approved where scenic views are not adversely affected, and where exceptional design is provided. If the height exception is more than five feet (5'), the exception must be approved by the Planning Commission as part of approval of an Environmental and Design Review Permit.*

As part of formal application, the applicant will need to request an Exception and provide the findings listed above. What will have to be provided is that the justification that the additional height is required for a special use or function or there are special circumstances related to the site and topography that warrant the Exception. Initially, staff does not believe there are any special circumstances related to the site or topography that warrant the Exception, but there may be a case that a special use/function necessitates the additional height (parking).

A height Exception may only be granted where scenic vistas are not adversely affected and exceptional design is proposed. The quality of the building design, architecture will need to be reviewed and recommended by the City's Design Review Board. A preliminary review does not reveal any scenic vistas in and around the Mall site which this project would impact.

### **Chapter 25 – Environmental and Design Review Permit:**

Construction of a new non-residential building is considered a Major Physical Improvement, and thus requires an Environmental and Design Review Permit with final action by the Planning Commission. Prior to action by the Planning Commission, the City's Design Review Board (DRB) will review and make their recommendation on the design of the structure, and the project's consistency with design related policies in the General Plan and design guidelines.

The Design Review chapter includes review criteria ([SRMC 14.25.050](#)) and requires that a proposed design (architecture, form, scale, materials and color, etc.) of all new development 'relate' to the predominant design or 'character-defining' design elements existing in the vicinity. Many of the review criteria are similar to the Non-residential Design Guidelines referenced below.

The scale and quality of the proposed design located at the southern end of a Regional Mall should be evaluated. The proposed project does introduce a larger structure along the southern flank of the mall, and careful review of the design, bulk and mass as it relates to the Mall and the surrounding structures will be necessary.

### **San Rafael Design Guidelines:**

The San Rafael Design Guidelines (City Council Resolution No. 11667; adopted November 15, 2004) strive to improve the design of all residential and non-residential development. The [San Rafael Design Guidelines](#) were developed as interim criteria that implement design-related General Plan Policies. The

site is subject to the non-residential design guidelines. The applicable *Non Residential Design Guidelines* are provided in the prior link (pages 5-7). Most of the criteria would apply to this project.

A preliminary review by staff shows that there are some areas where the project needs improvement, including:

#### Parking lots

- Access into and out of the site appears confusing and limited. Patrons that enter the site to get fuel, would have a difficult time getting to the parking structure, without exiting back onto Northgate Dr.
- The small parking lot in front of the tire center is limited in size and may draw users to the dead-end parking lot.
- Access points are at uncontrolled intersections and depending on traffic volumes, may cause conflicts.

#### Pedestrian Circulation

- The main entry is on the internal mall facing elevation and there is not adequate prominence for this entry.
- Although most users of Costco would appear to access the main entry from the rooftop parking via the elevators or traveller, there is no prominent pedestrian entry from the mall. The access is across a small access road, between the proposed Costco and the back side of the mall, crossing the exit from the fueling station.
- Adequacy of the size and location of the outdoor gathering seating should be evaluated.

#### Building Form

- Although the building does have some vertical and horizontal relief, the bulk and mass, the adequacy of the building articulation to reduce bulk/mass should be reviewed.
- Pedestrian experience and connectivity from the Mall is limited.
- Building is set closer to the Northgate Dr, which creates a spatial enclosure in relation to the street.
- Pedestrian experience on the ground floor of the building on all sides should be considered.

#### Entryways and Towers

- A defined sense of entry is provided, but the location of the entry is not prominent from off site and may not be easy to access without conflicts.
- The entry tower does provide a function and provides a distinctive silhouette.
- The bulk of the tower should be evaluated if it is appropriate.

## **DISCUSSION**

This Pre-application/Conceptual Review is intended to solicit the Commission's initial review and preliminary feedback on the main land use/policy matters associated with this project (i.e., land use, mass/bulk, height, traffic, on-site circulation, design, etc.). Typically, Conceptual Design Review applications are only reviewed by the Design Review Board (DRB). However, given that some of the key issues and the majority of the public comments are related to land use matters, staff is first referring the Conceptual Design Review application to the Commission for input, by both the Commission and the community regarding policy concerns earlier in the process so that those issues can be better addressed as the application transition to the formal phase. Following the Commission's review and preliminary input, the item is

scheduled to be reviewed by the DRB on October 22, 2019 for design-related input. Once the Commission and DRB conclude their Conceptual Review, their comments, along with technical review by staff, will be provided to the applicant.

It is important to note that Conceptual Review is required by the City for major projects, so that there is early feedback from the Design Review Board (and Planning Commission in this case) before extensive investment is made by an applicant into the detailed and extensive plans and technical studies that are required for formal submittal. This requirement for Conceptual Review was instilled by the City in 2010, based on public feedback, that projects were submitted at time of formal submittal with extensive investment put into the plans, materials and technical studies and the public and decision-makers did not have a chance to weigh in on a project during its early stages. Conceptual Review was therefore meant to be conceptual in nature, with limited detail on plans and without technical studies. Therefore, there will remain many questions for which answers will not be known until the City receives the formal application, and all the detailed submittal requirements (i.e. detailed plans, technical studies, etc).

The following are the main topical areas that warrant some preliminary feedback from the Commission:

**Land Use:**

Northgate Mall operates under a Master Use Permit. In the GC Zoning District, shopping centers are required to obtain a Master Use Permit to establish the range and intensity of uses in the center. The Master Use Permit currently outlines the allowable uses, maximum building sizes, hours of operation, and other limitations on uses of the site. A copy of the Master Use Permit is attached (Exhibit 4), and the conditions of the Master Use Permit are on pages 9-14 of this Exhibit.

The Master Use Permit establishes the allowable type of uses for a shopping center.

- The Sears use, which is identified in the Master Use Permit was a regional department store and provided a wide range of retail goods for sale and is listed as an allowable type of use.
- In addition, Sears had an automotive center component of their use, in a detached building, which included 16 service bays, and performed auto repair, tune ups and tire service. Therefore, the retail/warehouse and tire center are consistent with the historical Sears uses on the site and the type of use allowed by the Master Use Permit.

The current Master Use Permit does not have any current allowance for a fueling station. Therefore, the proposed fueling station as part of Costco is not consistent with the current Master Use Permit, and an amendment to the Master Use Permit would be required and through the amendment process, an evaluation of its appropriateness for the site and its surroundings would be conducted. Fueling stations are conditionally permitted uses in many of the Zoning Districts in the City, including the General Commercial District in which the site is located.

As noted in other sections of this report, a new structure would be built to accommodate the proposed Costco and this structure, would encompass more coverage of the site, but would have the same floor area intensity as the former Sears use.

Northgate Mall has operated as a regional shopping center since the 1960's. The existing Mall has not been operating at its full capacity in many years and the new Costco use, with ancillary uses, would provide a regional serving retail use that is typical of the type of uses found at many shopping centers. In this case, the specific location of the proposed use needs to be evaluated and its proximity to the residential uses that exist to the west and other commercial and assisted living uses to the south.



Many of the public comments received so far are focused on the fueling station and the potential impacts to traffic/circulation, sustainability measures, concern with promotion of fossil fuel use, health concerns with the storage tanks, and impacts on existing fueling stations in the surrounding area. The specifics of those concerns would be addressed through the review of the formal application, once additional information is provided.

#### Fueling Station

In regards to the potential impact of a new gas station on other existing gas stations, the City does not have any policy to limit certain types of uses or to determine the private marketplace (ie caps on certain types of uses in an area). Every property has as a zoning designation and for each designation, has a list of allowable and conditionally allowable uses. However, the appropriateness of a land use that is listed as conditionally permitted, including review of potential impacts (traffic, noise, etc), can be considered through the review process.

The appropriateness of adding a fueling station at this site, where it is located, and the on-site circulation are all important points to consider.

- **The Commission is requested to provide input on the proposed fueling station and whether it is an appropriate use for the site and its surrounding area and any other preliminary comments on the siting and functionality of this use.**

#### Retail/Warehouse Use

In terms of the warehouse retail /wholesale use, there has been less public concern than that with the fueling station, but the public concern expressed about the Costco retail/warehouse use focuses on traffic and impacts of a large warehouse use on other businesses in the area (ie grocery stores, small retail stores, etc). The current Master Use Permit allows for a 147,000 sq. ft. anchor department store (Sears), which was a regional-serving, major department store. The proposed Costco use would be consistent with a major retail anchor use as allowed by the Master Use Permit, along with the type of uses allowed in the GC Zoning District.

#### Tire Center

The current Master Use Permit allows for a 16,000 sq. ft. Sears Automotive repair use, which was an auto repair center with 16 service bays, including tire sales and installation, tune up/oil change, repair, batteries and other maintenance needs. The proposed Costco would include an approximately 5,000 sq. ft. tire center, to perform tire installations and would host 5 service bays. This is less intense than the auto repair center allowed by the current Master Use Permit. In addition, tire repair/installation and auto repair are a type of uses allowed in the GC Zoning District.

The location of the auto repair-tire center is proposed to move with the project, closer to residential areas, and is a type of use that needs to be carefully evaluated, as tire shops have a tendency to generate noise with the tools associated with tire installation and given the location of the proposed tire center right along Northgate Dr and proximity to the single-family residential homes on Nova Albion Way and Quail Hill.

- **The Commission is requested to confirm the retail warehouse and tire center uses are consistent with the allowances under the current Master Use Permit for the center.**

In addition, although housing is not proposed as part of this project, the addition of housing to the Mall has been a topic of discussion on housing since the adoption of General Plan 2020, in 2004. The Mall site was

identified on the City's housing opportunity site list in [Appendix B of the Housing Element](#) and the site was identified to have a total realistic potential for 200 units.

Subsequently, during the review of the last major renovation of the Mall in 2008, the Development Agreement required the former owner to investigate the feasibility of adding housing to the Mall site and fund a traffic study to evaluate the addition of housing. During that exercise and through other discussions, the southern end of the Mall site has always been thought to be the most likely location for new housing on the Mall site. Given that the Mall is a housing opportunity site, any action for redevelopment of the mall would need to ensure that the housing opportunity is not lost, otherwise, the City would have to make special findings to identify another site to accommodate the housing opportunity lost at this site.

- **The Commission is requested to weigh in on the effects of the project on the potential for building housing at the Mall in the future.**

**Traffic:**

There has been a significant amount of discussion of potential traffic impacts. As a conceptual application, we do not have enough information to provide informed input on whether the project would have traffic impacts. At the time of formal submittal, a complete traffic study, evaluating traffic impacts on surrounding streets and intersections will be required to be submitted. This study will be reviewed by the City's Public Works Department and will be peer reviewed by an independent traffic engineer hired by the City.

The study will evaluate the historical traffic generation from the existing retail building and two out building and then establish the trip generation for the proposed Costco. The difference between the two will be the new traffic generation that will be input into the City's traffic model to evaluate whether the project would generate any potential impacts. The traffic threshold established by the City's General Plan (Policy C-5) is Level of Service (LOS), which is a measure of the seconds of delay on signalized intersections and arterial segments. LOS is rated between A-F, based on the seconds of delay. The City's has established LOS standards for the AM (7-9am) and PM (4-6pm) peak periods on weekdays. The Citywide standards is LOS D, although two signalized intersections in the surrounding area are allowed to operate at LOS E.

- **The Commission is requested to provide any preliminary comments on traffic generation.**

**On-Site Circulation:**

Conceptual Plans indicate there are three primary entries into the Costco site, all from Northgate Dr. The first, leading to the fueling station, would utilize the existing driveway leading to the Sears automotive building. Vehicles entering the fueling station would line up at the three, double-sided rows of pump dispensers. Plans are unclear, but it appears that once vehicles complete fueling, they would exit by making a left or right at the end of the fueling station.

The two main entries to the Costco warehouse use would be via a new driveway at the intersection of Northgate Dr /Nova Albion Way and one further north at an existing entry just south of the two-story parking garage at the intersection of Northgate Dr/Thorndale Dr. The entry at Nova Albion Way would lead patrons to the ramp up to parking levels or to a surface parking lot in front of the tire center. The parking lot in front of the tire center has no separate exit and hosts 53 spaces.

The second entry from Northgate Dr/Thorndale Dr leads through the Mall parking lot to the west side of the building, where the speed ramp is located to access the parking on the upper levels.

As part of preliminary review of the on-site circulation, Department of Public Works has identified some concern with the on-site circulation system. The location of the ingress/egress along Northgate Dr are all at

uncontrolled intersections. So, depending on the volume of vehicles exiting the site, there could be safety concerns with vehicles turning left out of these access points,

In addition, the feasibility of the access from the fueling station to the parking on upper levels of the Costco building. For patrons that fuel their vehicle first, one of the exits from the fueling station leads between the Costco and Mall buildings, leading to one of the ramps to the parking levels. There appears to be an inaccessible turn onto the ramp by the loading area, which could cause patrons to have to exit the site to access the ramp system. The location of the proposed entries and adequacy of on-site circulation for patrons will need to be thoroughly studied in the traffic study.

Lastly, the proposed pedestrian entry to the Costco building is at the northeast corner of the building, which faces inward toward the Mall and Las Gallinas Ave. There is a large surface parking lot for the mall, directly across the access road that would most likely be utilized by patrons. The concern with patrons parking in the mall's surface parking lot and accessing the Costco building is that they would need to cross the fueling station exit area and an access road and plans to not appear to have pedestrian access designed in this area.

- **The Commission is requested to provide any preliminary comments on-site circulation.**

**Height:**

The general height limit in this portion of North San Rafael is 36 ft. The existing Sears building is currently 56 ft tall has grandfathered rights and considered conforming per ([SRMC 14.16.040](#)). As designed, the project proposes a building that measures 44 ft tall to the top of the main structure and 52 ft to the top of the parapet. Based on City's height definition, the actual height of the proposed building would be measured to the top of the wall surrounding the upper parking deck, which is 52 ft, The elevator core/entry tower reaches 58 ft, however this feature does not count towards measurement of height due to an exclusion to the height limits per [SRMC 14.16.120](#) (Exclusions to maximum height requirements) since it is considered an architectural feature/mechanical equipment.

Since the new 52 ft tall building is a larger in footprint than the current Sears building, the height limit for the new portions of the building (more than the current Sears footprint) would be 36 ft. Therefore, the project must request an Exception to the height limit. [SRMC 14.24.020.E](#) provides the authority for an Exception to height limits if: 1) *additional building height is required for a special use of function and the building is designed specifically for that use, or 2) there are special circumstances related to the site and topography which warrant the exception.* In addition, Height Exceptions may only be approved where scenic views are not adversely affected, and where exceptional design is provided. Exception requests of more than 5 ft. must be approved by the Planning Commission as part of the Design Review Permit.

Therefore, as designed, the project will require an Exception. The additional height on the building is used for parking. Given the location, there are no scenic vistas surrounding the site.

- **The Commission is requested to provide preliminary comments on:**
  - **Building height and whether appropriate for the site;**
  - **Whether the height is warranted for a special use or special circumstances on the site;**
  - **Whether the additional height would adversely affect scenic vistas; and**
  - **Whether the project proposes exceptional design.**

**Mass/Bulk:**

The proposal would demolish a 56-ft tall building and in its place, build a 52-ft (at top of concrete parapet) building, but would encompass a much larger footprint. The bulk and mass of the taller building should be considered. The proposed building is generally a large box, but includes many features to articulate the wall planes, thereby reducing the perceived mass. The design incorporates off-set wall planes, differing building heights and materials/colors to address articulation

- **The Commission is requested to provide preliminary feedback on the proposed bulk and mass, and its relation to the adjacent buildings on the site and compatibility with the surrounding area.**

The mass/bulk discussion is also directly related to design and discussed below.

**Design:**

Although the proposed structure is a big box structure, the proposed design incorporates a great deal of articulation, both horizontal and vertical, using off set wall and differing materials/color. This goes a long way to help reduce the perceived mass. A variety of design criteria are identified above, through various design criteria, design guidelines, etc. Preliminary feedback should be provided on the overall design direction of the project, whether the new building is compatible with the adjacent Mall, and other buildings in the surrounding area. Along Northgate Dr, there are mostly one to three story commercial buildings, while at the intersection with Nova Albion, there are one story, single-family residential structures. The proposed project would place a larger structure, closer to the street, and adjacent uses.

Building entry is a topic that should be evaluated. As proposed, the entry to the building is located at the northeast corner of the building, facing the interior of the Mall. However, the entry is located at a very busy portion of the site, directly adjacent to the fueling station and abutting the exit lanes from the fueling station. In addition, it is located near surface parking at the Mall, which may lead to a tendency of patrons to park in the surface parking lots in front of the Theaters to access the entry.

- **The Commission is requested to provide preliminary feedback on the conceptual design, including:**
  - **General design direction of the project;**
  - **Compatibility with adjacent Mall and surrounding structures**
  - **Quality of design**
  - **Material/color palette**
  - **Articulation of the building**
  - **Location and design of building entry;**
  - **Site plan, on site circulation and pedestrian features**

**Other Comments:**

The above items are the major topic areas that staff has identified as areas of concern and where staff would like input from the Commission. However, the Commission in its role as the land use body for the city, may have other comments on other topic areas that staff would welcome.

**INTER-DEPARTMENTAL REVIEW**

The Pre-Application process is intended to also allow a technical review of preliminary plans by various City Departments and other governmental and quasi-governmental agencies, to identify any technical code issues, utility capacity and other factors that could affect a project or it's design. The Pre-Application was

routed to other City Departments (Fire, Police, Department of Public Works) and staff is still awaiting comments.

These comments will be consolidated and provided to the applicant at the conclusion of the Pre-Application/Conceptual Review process. The following technical studies are the type of studies that could be required at the time of formal application:

- Traffic study
- Noise study
- Air Quality/Green House Gas (GHG) Emissions
- Phase I environmental assessment/hazardous materials
- Geotechnical/soils Report (preliminary)
- Fiscal Impact/Cost-Revenue Analysis
- Parking analysis

## **DESIGN REVIEW BOARD REVIEW**

As a Conceptual Design Review application, this preliminary project will also be reviewed by the Design Review Board on Tuesday, October 22, 2019. The DRB's purview is design matters and at their meeting on October 22<sup>nd</sup>, they will provide preliminary comments on design-related matters, such as architecture, bulk/mass, colors and materials, site planning, landscaping, etc. Comments from the DRB review will be compiled with the Commission's comments on the project and provided to the applicant.

## **CALIFORNIA ENVIRONMENTAL QUALITY ACT**

The review of a Pre-Application/Conceptual Review application is not considered "project" under the California Environmental Quality Act (CEQA), and therefore, CEQA is not required for this conceptual review. This is due to the fact that no decisions to approve or deny the project will be made on the Pre-Application/Conceptual review application.

Once a formal application is received, complete and detailed plans and all required technical studies will be required to be submitted, from which staff can review the project and determine the level of CEQA review that will be required. Any formal application will have to undergo a CEQA review, and based on the project proposal and potential impacts, the appropriate CEQA document will be prepared.

After the formal application is deemed complete, the first step for CEQA review is to review the list of exemptions to see if the project is Categorically Exempt. If a project is not Categorically Exempt from CEQA, then an Initial Study will be prepared. Based on the results of the Initial Study, either a Negative Declaration/mitigated Negative Declaration or an Environmental Impact Report (EIR) will be prepared.

## **NEIGHBORHOOD MEETING / CORRESPONDENCE**

A neighborhood meeting is not required during Pre-Application/Conceptual Review. However, the applicant has met with numerous community groups and neighborhood associations on their own. In addition, Costco and Northgate held two community open houses (September 25<sup>th</sup> and 26<sup>th</sup>) at the Mall, to present their project and answer any questions. Both sessions were well attended, with over 250 visitors.

Notice of Conceptual Review for the project, by both the Board and the Commission, was conducted in accordance with and in excess of noticing requirements contained in Chapter 29 of the Zoning Ordinance. A Notice of Public Meeting was mailed more than 15 days in advance of the meetings to all property owners, residents, businesses and occupants within a 500-foot radius of the project site and all neighborhood groups in North San Rafael (Drake Terrace, Hartzell HOA, Quail Hill Townhomes, Terra Linda HOA, Los Ranchitos Impvt Assn, Mont Marin/SR Park Neighborhood Association, Contempo Marin, Redwood Village HOA) along with the Federation of SR Neighborhoods. Other organizations such as Chamber of Commerce, Marin Economic Forum and Marin Environmental Housing Collaborative, School Districts, were also included on the mailing list. In addition, anyone who asked to be on the mailing list was added and provided notice. Additionally, notice was posted on the project site in two locations along Northgate Dr.

Notice of this Commission and upcoming DRB meeting was also provided through emailed notices to interested parties who signed up to receive notice and posted on both the City's project page ([www.cityofsanrafael.org/costco](http://www.cityofsanrafael.org/costco)) and on NextDoor.

Staff has received extensive public comments on this project, via phone calls, letters and emails. It seems that the fueling station is the major concern listed, but in the opposition letters, there is also concern cited with locating a Costco warehouse at the proposed location. The City has received approximately 300 written comments and all written public comments received prior to the reproduction of this report are provided [here](#). Additional comments received after Thurs 10/7 will be added to the website

The majority of the comments written comments received to date are in opposition to the project and cite concerns with traffic capacity in the area, traffic impacts to surrounding residential areas, adequacy of roadways to support increased traffic, conflict with City's sustainability goals, noise, impacts to other gas stations and retails uses in surrounding area, greenhouse gas emissions, air quality and hazardous materials, emergency access, proximity to low scale residential neighborhood, inconsistency with what was envisioned by the north San Rafael Vision, and conflicts with elderly users across the street/ students in area.

There have been a few written letters of support submitted, and included in the packets of comments, and those cite the positives of reactivating the mall, bringing a service for which many San Rafael residents travel to Novato closer to home and that the mall is a regional shopping center that used to have a highlight active Sears use.

Staff has also received approximately 15 verbal comments, which are not reflected in any of the written comments, that provide a different perspective than those in opposition and those in support. These are comments that seems to support the replacement of the Sears with a Costco, but suggest that it should be considered as a larger project to provide housing on the site as well. They've expressed support for reactivating the mall with a Costco, but concern that it may be premature to consider the Costco without any additional housing on the site.

## **CONCLUSION**

Northgate Mall has been a regional shopping center since it's construction in the 1960's, and functions as the core to North San Rafael. The Mall serves not only the shopping and entertainment needs for both San Rafael and Marin County residents, serves as a gathering place for North San Rafael residents and also functions as a key economic engine for the City. With the change in the retail environment, activation and transformation of the Mall are key to the future of the City.

Introducing a Costco to the Mall can go a long way to help activate the Mall, generating new retail and entertainment businesses to locate at the Mall. But, as with any new development, it has to be evaluated for: 1) compatibility with surrounding uses, 2) quality of design (site and architecture), 3) consistency with the City's General Plan, Zoning Ordinance and other requirements and 4) potential environmental impacts (traffic, noise, air quality, etc).

This Conceptual Review/Pre-application is the first step for the City and the public to provide feedback on the preliminary plans. This staff report outlines some of the major discussion points for which staff is seeking high-level Commission input.

## **EXHIBITS**

1. Vicinity/Location map
2. Applicant's Project Description
3. GP Consistency table
4. Planning Commission Resolution 13-08, October 15, 2013

[Written Public Comments](http://www.cityofsanrafael.org/costco) received on this project can be found at [www.cityofsanrafael.org/costco](http://www.cityofsanrafael.org/costco) under the public comments section

*Reduced (11" x 17") color plan sets have been provided to the Planning Commissioners only. Digital copy of the project plans can be viewed at <https://www.cityofsanrafael.org/costco/>.*



Exhibit 1

# Vicinity Map - Costco @Northgate Mall

While we strive to produce maps with good accuracy and with current accompanying data, the accuracy of the information herein cannot be guaranteed. This map was prepared using programetric computer aided drafting techniques, and it does not represent legal boundary survey data.





# San Rafael Project Description Memo

TO	<b>City of San Rafael</b>	DATE	7.30.19
FROM	MG2	PROJECT	San Rafael, CA
CC	Costco	PROJECT NUMBER	18-5086-01

## Site Information

**JURISDICTION:**

City of San Rafael

**Zoning:**

GC- General Commercial

**SITE ACCESS:**

Access from Northgate Road

Access from Las Gallinas Avenue

**PROJECT COMPONENTS:**

- Warehouse Retail sales area of 147,000 sq. ft., with three levels of parking above the warehouse retail space.
- Retail space for Costco is a One-to-One replacement with the existing Sears/Mall retail space.
- Proposed Uses include, without limitation, warehouse retail, tire sales and installation, motor vehicle fuel sales including diesel, optical exams and optical sales, photo center and processing, hearing aid testing and sales, food service preparation and sales, meat preparation and sales, bakery and sales of baked goods, alcohol sales and tasting, and propane refueling and sales adjacent to tire sales and installation facility. Temporary outdoor sales within the parking field adjacent to the warehouse will be available for seasonal sales, such as Christmas trees from late November through December...
- Vehicle display at the Costco warehouse entry for on-line or off-site automobile (referred) sales.
- Signage to include the Costco warehouse typical signage consistent with the Northgate Mall signage program.
- The Costco warehouse parcel would be entitled and constructed in one phase.
- Demolition of 147,000 sq. ft. of existing mall tenant structures (Sears Retail and Sear Tire Center) and additional earthwork activity to establish new design grades for new project.



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# Project Description

## **COSTCO EMPLOYMENT:**

- It is anticipated that the San Rafael Costco warehouse and gas station will employ approximately 165 to 170 employees.

## **COSTCO SITE/LANDSCAPE PLAN:**

- The warehouse is sited to help maintain the existing programming of the Northgate Mall, located at the far south side of the existing mall site and keeping the receiving activities similarly located to the current orientation. The parking lot design has incorporated a perimeter landscape buffer adjacent to the existing residential area to the south that varies in depth with the narrowest portion maintaining the 15-foot landscape buffer requirement. Parking lot trees and landscaping per City requirements will enhance the site and surrounding area and assist to minimize the visual impact to the development. Access to the warehouse and fuel facility will be from Northgate Road to the west and Las Gallinas to the east. Approximately 970 parking stalls will be provided on-site. There are 53 stalls at grade adjacent to the tire center and the remaining 917 stalls provided on three levels of parking above the warehouse space. This total substantially exceeds the required City of San Rafael parking requirement. An ADA compliant pedestrian pathway will extend from the new warehouse to the appropriate right-of-way (ROW) frontage. The project provides oversized parking stalls that are larger than the minimum requirements for the City of San Rafael to provide members with easier accessibility to vehicles.
- The parking lot will be illuminated with standard downward pointing lights, each containing two LED fixtures affixed to a 37' foot light pole. The lighting fixtures are of a "shoe-box" style. Parking lot light standards are designed to provide even light distribution for vehicle and pedestrian safety. The parking lot lights will be timer controlled to limit lighting after the warehouse has closed and most employees are gone from the warehouse. Parking lot lighting will only remain on to provide security and emergency lighting along the main driveways. Lighting fixtures will also be located on the building approximately every 40 feet around the exterior of the building to provide safety and security. Parking and site lighting will incorporate the use of cutoff lenses to keep light from overflowing beyond the project boundaries.
- The landscape plan includes a mix of drought tolerant shrubs and grasses, and a variety of shade trees will be used throughout the site and along the project perimeter that are appropriate for the climate in San Rafael.

## **COSTCO WAREHOUSE ARCHITECTURE:**

- The warehouse design is contemporary and has set the standard for large format retail facades with a variety of massing and appropriate materials for the building. By combining precast concrete and architectural metal panels, Costco can create a variation in scale and architectural interest to minimize the visual impact of a large retail warehouse. Incorporating design techniques that utilize building materials, landscaping, and the incorporation of various massing techniques, Costco can successfully break the long elevations both horizontally and vertically at the appropriate height to create a visually appealing building. The technique of breaking a long elevation into smaller elements helps to create a more pedestrian-friendly scale as well. The color palette will relate to the proposed surrounding



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development by utilizing similar building materials and architectural detailing. The building entrance, located on the northeast corner of the building, creates a visual queue to the warehouse entry.

- Building signage consists of the signature Costco red and blue corporate colors. The signage is scaled appropriately to the mass of the building elevations to not overwhelm but to reinforce the brand that Costco has established. The warehouse wall signage will consist of externally illuminated reverse pan channel letters, and the gas station signage will also be externally illuminated.
- The warehouse has one customer entrance to the main Costco store located at the northeast corner. The San Rafael Costco will include a bakery, pharmacy, optical center with optical exams and retail optical sales, hearing aid testing center, food court, and a photo center along with the sales of approximately 4,000 products. The warehouse also includes a Tire Center, a 5,185 square-foot facility with member access via a separate entrance on the south side of the Costco building, that includes tire sales and a tire installation facility. The installation facility has four bays that face south to allow Costco employees to drive the cars into the installation facility. A promotional vehicle may be on display near the entry to the building. This vehicle is only to promote online or offsite vehicle sales; no vehicles are sold on site.
- The truck loading dock is located at the west side of the building with the dock doors facing west as well to buffer noise to the adjacent residences to the south. The bay doors will be equipped with sealed gaskets to limit noise impacts. A smaller on grade door is located on the west side of the building. This door is to receive bread delivery and Federal Express type trucks. A transformer and two trash compactors will also be located along the west edge of the building. Dense landscape material provides the necessary screening to this area.
- Most of the site parking will be provided with having three levels of parking above the warehouses. The north ramp will be a speed ramp providing ability to exit and enter the ramp from the various parking levels. The south ramp will ramp separately between the three levels with the ramp footprints stacked on top of each other. The remaining parking stalls are located adjacent to the tire center and the south ramp access and will be at grade.

#### **COSTCO FUEL FACILITY:**

- The fuel facility includes an approximately 11,000 square-foot canopy and a 106 square-foot controller enclosure that will be located on the eastern portion of the planting island of the fuel station to house the control equipment. The controller enclosure will be built with steel walls and finished with paint to match the warehouse building colors. There will be three covered fueling bays, each with five two-sided fuel dispensers which will provide for the fueling of ten cars at each island. The fueling station will also have 6 stacking lanes, which will allow approximately 42 cars to wait for pumps at any given time, in addition to the 30 vehicles at the dispensers, meaning the capacity to queue 72 vehicles. The gas station will have fueling capacity for 15 dispensers. The dispensers are fully automated and self-service for Costco members only, with a Costco attendant present to oversee operations and assist members with problems. Five underground fuel tanks will also be installed at the northern edge of the gas station. Lights will be recessed into the canopy and provide both lighting during operating hours and a lower level of security lighting after hours.



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### **COSTCO OPERATIONS:**

- Costco Wholesale is a membership-only retail/wholesale business, selling high quality national brands and private label merchandise for commercial and personal use. The warehouse hours are anticipated to be: Monday through Friday from 10:00 am to 8:30 pm, Saturday from 9:30 am to 6:00 pm, and Sunday from 10:00 am to 6:00 pm. The fuel facility hours are anticipated to be daily from 5:00 am to 10:00 pm.
- Costco anticipates an average of about 10 trucks delivering goods on a typical weekday. The trucks range in size from 26 feet long for single-axle trailers to 70 feet long for double-axle trailers. Receiving time is from 2:00 a.m. to 1:00 p.m., averaging 2 to 3 trucks per hour, with most of the deliveries completed before the 10:00 a.m. opening time. Deliveries to the warehouse are made primarily in Costco trucks from its freight consolidation facility in Tracy, California, coming to the site from US Highway 101, and accessing the site from Northgate Road.
- It is estimated that fuel will be delivered to the gasoline facility in two to three trucks per day. The largest fuel trucks are approximately 70 feet long. While delivering the fuel, the truck will be parked over the underground tanks located on the east side of the gas facility. The truck will not block access to any of the fueling positions or occupy any queuing space. The fuel facility is located and specifically designed to avoid traffic and queuing conflicts with the warehouse and adjacent retail commercial uses.
- To open and operate the gas facility, Costco will have to meet requirements of local, state and federal regulators and agencies, including the City Fire Department, the County Department of Environmental Health, the Air Quality Management District, the State Water Resources Control Board, the California Environmental Protection Agency, and the United States Environmental Protection Agency.
- The tire center typically will receive shipments of tires one to two times per week in single- or double-trailer trucks of up to 70 feet in length, and the same delivery truck will pick up old tires for recycling. Deliveries to and pickups from the tire center will be scheduled for pre-opening hours, typically about 6:00 a.m.

### **ANCILLARY USES: ALCOHOL TASTING LICENSE:**

- Costco has recently developed an alcohol tasting protocol to be performed by authorized vendors within the warehouse to allow members to sample no more than three types of beer, wine or spirits in the warehouse prior to purchase. Costco is in the process of obtaining Type 86 Tasting licenses from California State Alcoholic Beverage Control in 16 locations in Southern and Northern California.
- The tastings will be performed in a small area within the warehouse that has been sectioned off by a rope/cord that allows only members over the age of 21 to enter. Unlike the more formal tasting area with seating or bar area that you may see in stores such as Whole Foods, these areas are smaller and less formal, more like a typical Costco sampling area (except with a few more rules and precautions). Costco has taken significant steps to assure that this particular product is sampled responsibly and safely.
- The following protocol will be followed:
  - The tasting area (approximately 8' x 8') is physically separated from the rest of the sales area
  - No one under 21 years of age may enter the tasting area
  - Tastings are operated by authorized vendor personnel; one ID Checker and two Pourers
  - Only one event per warehouse per day

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- o Tastings are limited to a single type alcoholic beverage, either beer, wine or spirit, by one particular vendor
  - o Amounts served cannot exceed 3 tastings PER person PER day; a serving is:
    - Wine: not to exceed one (1) oz.
    - Beer: not to exceed one (1) oz.
    - Spirits: not to exceed ¼ of one (1) oz.
  - o Open containers (glasses, etc.) may NOT leave the tasting area
  - o Tastings will take place during regular warehouse hours
  - o Like existing samplings there is no charge for tasting

**COSTCO ENERGY-EFFICIENT PROJECT COMPONENTS:**

- To reduce energy consumption and promote sustainability, Costco will incorporate many energy saving measures when constructing a new facility. Below are some of the significant practices that Costco currently incorporates into new buildings that help conserve energy and other natural resources:
- Energy Conservation:
  - o Parking lot light standards are designed to provide even light distribution, and utilize less energy compared to a greater number of fixtures at lower heights. The use of LED lamps provides a higher level of perceived brightness with less energy than other lamps such as high-pressure sodium.
  - o New and renewable building materials are typically extracted and manufactured within the region. When masonry and concrete are used, the materials purchased are local to the project, minimizing the transportation and impact to local road networks.
  - o The use of pre-manufactured building components, including structural framing and metal panels, helps to minimize waste during construction.
  - o Pre-manufactured metal wall panels with insulation carry a higher R-Value and greater solar reflectivity to help conserve energy. Building heat absorption is further reduced by a decrease in the thermal mass of the metal wall when compared to a typical masonry block wall.
  - o A substantial amount of the proposed plant material for the new site is native drought tolerant and will use less water than other common species.
  - o The irrigation system includes the use of deep root watering bubblers for parking lot trees to minimize usage and ensure that water goes directly to the intended planting areas.
  - o Storm water management plans are designed to maintain quality control and storm water discharge rates based on the City's requirements.
  - o Use of native species vegetation and drip irrigation systems greatly reduces potable water consumption.
  - o High-efficiency restroom fixtures achieve Achievement of a 40% decrease and water savings over U.S. standards by using highly efficient restroom fixtures.
  - o The building is insulated to meet or exceed current energy code requirements.
  - o Commissioning of mechanical systems will occur to ensure that the HVAC systems are performing as designed.
  - o HVAC comfort systems are controlled by a computerized building management system to maximize efficiency.
  - o Parking lot and exterior lights are controlled by a photo sensor and time clock.
  - o Lighting is controlled by the overall project energy management system.



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- Energy efficient Transformers (i.e., Square D Type EE transformers) are used.
  - Variable speed motors will be used on make-up air units and booster pumps.
  - Gas water heaters are direct vent and 94% efficient or greater.
  - Reclaim tanks are used to capture heat released by refrigeration equipment to heat domestic water in lieu of venting heat to the outside.
  - Main Building structure is a pre-engineered system that uses 100% recycled steel materials and is designed to minimize the amount of material utilized.
  - Construction waste is recycled whenever possible.
  - Floor sealant is No-VOC and represents over 80% of the floor area.
  - Lighting systems are designed with employee controllability in mind. Lighting is controlled by timers, but over-ride switches are provided for employee use.
  - CO2 is monitored throughout the warehouse.
  - Extensive recycling/reuse program is implemented for warehouse and office space including tires, cardboard, grease, plastics and electronic waste.
  - Use of plastic shopping bags is avoided.
  - Suppliers are required to reduce packaging and consider alternative packaging solutions.
  - Distribution facilities are strategically located to minimize miles traveled for delivery.
  - Deliveries are made in full trucks.
  - All Costco trucks are equipped with an engine idle shut off timers.

## Project Objectives

### **OBJECTIVES OF THE PROPOSED PROJECT:**

- The proposed project has been designed to meet a series of objectives:
  - Construct and operate a new Costco warehouse that serves the local community with goods and serves from both nationally known businesses but also more regional and local businesses.
  - Reduce energy consumption by incorporating sustainable design features and systems with enhanced energy efficiencies meeting State and Federal code requirements.
  - Provide a Costco warehouse in a location that is convenient for its members, the community, and employees to travel to shopping and work.
  - Increase the number of employees and contribute to the local job/housing balance.
  - Provide a state-of-the-art Costco warehouse to better serve the membership in the greater San Rafael/Marin County area.
  - Enhance the area with a warehouse that is architecturally designed to blend into the mall development and create a strong anchor presence. While always remaining sensitive to the adjacent community, future development(s) and compatible with the need for a new warehouse in this market area.
  - Continue and increase contribution to the City's tax base by Costco.
  - Expand the space available for integrated retail sales of goods and services in the City of San Rafael.
  - Design a site plan that minimizes circulation conflicts between automobiles and pedestrians.

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- o Provide a Costco warehouse in a location that is serviced by adequate existing infrastructure including roadways and utilities.
  - o Develop a Costco warehouse that is large enough to accommodate all the uses and services Costco provides to its members elsewhere.

## Merlone Geier Partners:

### Costco at Northgate Mall

Merlone Geier Partners purchased Northgate Mall in 2017. Since that time, we have been exploring various ways to revive this important community destination. Along the way, we have received a tremendous amount of community input, which has helped guide our long-term vision for Northgate.

In today's changing retail landscape, we believe that Northgate must transform itself from an old-fashioned, suburban mall into a vibrant town center with diverse retail, restaurants, and entertainment uses. Northgate must be something for everyone.

Remaking an existing mall like Northgate is a complex puzzle. In our efforts to take the first step in bringing the right collection of retailers to Northgate, we need to bring a true anchor to the mall that will attract the level of stores and unique restaurants that everyone wants to see.

That is why we are very excited to have reached a partnership with one of the most desired cornerstone retailers in Costco Wholesale. Of everyone we have talked to, Costco is the ideal fit as it will immediately enhance the attraction of Northgate as a whole.

As a company, Costco is increasingly bringing stores closer to its members. They also are adapting to the retail landscape by entering existing centers in the right locations for their members. With that, the new Costco San Rafael store will be state-of-the-art, replacing the former Sears department store, catalogue sales building, and the tire center.

The local economic benefits of Costco in San Rafael are quite substantial. In addition to the anticipated increases in tax revenue and jobs, Costco supports many local small businesses and merchants through its successful Business Membership program.

Our partnership with Costco represents a vital step in a long-term process to reimagine Northgate into a town center vision, which may include new (currently unidentified) uses in the future. Merlone Geier is eager to partner with Costco and the City of San Rafael to begin the revival of Northgate Mall with this application.



**Exhibit 3**

**TABLE ANALYZING PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020**

GENERAL PLAN POLICY/PROGRAMS	STAFF RESPONSE
<b>LAND USE ELEMENT</b>	
<p><b>LU-2. Development Timing.</b>            For health, safety and general welfare reasons, new development should only occur when adequate infrastructure is available consistent with the following findings:</p> <ul style="list-style-type: none"> <li>a. Project-related traffic will not cause the level of service established in the Circulation Element to be exceeded;</li> <li>b. Any circulation improvements needed to maintain the level of service standard established in the Circulation Element have been programmed and funding has been committed;</li> <li>c. Environmental review of needed circulation improvement projects has been completed;</li> <li>d. The time frame for completion of the needed circulation improvements will not cause the level of service in the Circulation Element to be exceeded, or the findings set forth in Policy C-5 have been made; and</li> <li>e. Sewer, water, and other infrastructure improvements will be available to serve new development by the time the development is constructed.</li> </ul> <p><b>LU-2a. Development Review.</b> Through the development and environmental review processes, ensure that policy provisions are evaluated and implemented. The City may waive or modify any policy requirement contained herein if it determines that the effect of implementing the same in the issuance of a development condition or other approvals would be to preclude all economically viable use of a subject property.            Responsibility: Community Development, Public Works, Fire, Police, City Attorney            Timeframe: Ongoing            Resources: Fees</p>	<p><i>TBD</i></p> <p>The main purpose of this policy is to ensure that infrastructure is in place, before development occurs. The main topic of this policy will be based on the results and analysis of the traffic study.</p>
<b>LU-8. Density of Residential Development.</b>	<i>N/A</i>

**Exhibit 3**

**TABLE ANALYZING PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020**

<b>GENERAL PLAN POLICY/PROGRAMS</b>	<b>STAFF RESPONSE</b>
<p>Residential densities are shown in Exhibit 11, Land Use Categories. Maximum densities are not guaranteed but minimum densities are generally required. Density of residential development on any site shall respond to the following factors: site resources and constraints, potentially hazardous conditions, traffic and access, adequacy of infrastructure, City design policies and development patterns and prevailing densities of adjacent developed areas.</p> <ul style="list-style-type: none"> <li>• When development is clustered to avoid sensitive areas of a site, density provided to the entire site may be transferred to the remaining portion of the site, providing all factors listed above can be met.</li>   <li>• Transfer of density among properties shall only be permitted when unique or special circumstances (e.g., preservation of wetlands or historic buildings) are found to exist which would cause significant environmental impacts if the transfer were not allowed.</li> </ul>	<p>The current proposal does not have any housing proposed. Given that there is no housing proposed, this policy is not applicable.</p> <p>The site is designated as General Commercial and based on that designation, the maximum residential density (without a state density bonus) is 1,949 units. However, the total realistic housing units that were included in the Housing Opportunities site list in the Housing Element of the General Plan is 200</p>
<p><b>LU-9. Intensity of Nonresidential Development.</b>            Commercial and industrial areas have been assigned floor area ratios (FARs) to identify appropriate intensities (see Exhibits 4, 5 and 6). Maximum allowable FARs are not guaranteed, particularly in environmentally sensitive areas. Intensity of commercial and industrial development on any site shall respond to the following factors: site resources and constraints, traffic and access, potentially hazardous conditions, adequacy of infrastructure, and City design policies.</p> <p>a. Where the existing building is larger than the FAR limit and no intensification or change of use is proposed, the property may be redeveloped at the same size as the existing building if parking and design requirements in effect at the time of the new application can be met.</p>	<p><i>Consistent</i>            Based on Exhibit 5 (Floor Area Ratios (FAR) in North San Rafael, the maximum FAR for this site is 0.30 FAR. However, the site hosts a greater FAR (0.40 or 779,724 sq. ft.) than the current General Plan limit of 0.30. This greater FAR was memorialized in the Development Agreement and Master Use Permit in 2008 and therefore the site is entitled to have upto 0.40 FAR or 779,724 sq. ft.</p> <p>As proposed, with the demolition of the Sears and two outbuildings and construction of the new 146,958 sq. ft. Costco, the site would not exceed the 0.40 FAR</p>
<p><b>LU-10. Planned Development Zoning.</b></p>	<p>Although the site is greater than 5 acres, the site was designated as General Commercial.</p>

**Exhibit 3**

**TABLE ANALYZING PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020**

<b>GENERAL PLAN POLICY/PROGRAMS</b>	<b>STAFF RESPONSE</b>
<p>Require Planned Development zoning for development on a lot larger than five acres in size, except for the construction of a single-family residence.</p>	<p>The Planned Development promotes clustered development on large sites to avoid sensitive areas, or deals with sites owned by multiple properties and allows flexibility in property development standards. The applicant has the opportunity to propose a Rezoning to a Planned Development, but no such request has been made at this point.</p>
<p><b>LU-12. Building Heights.</b>            Citywide height limits in San Rafael are described in Exhibits 7 and 8. For Downtown height limits see Exhibit 9:</p> <ul style="list-style-type: none"> <li>a. Height of buildings existing or approved as of January 1, 1987 shall be considered conforming to zoning standards.</li> <li>b. Hotels have a 54-foot height limit, except where a taller height is shown on Exhibit 9 (Downtown Building Height Limits).</li> <li>c. Height limits may be exceeded through granting of a zoning exception or variance, or through a height bonus as described in LU-13 (Height Bonuses).</li> </ul>	<p><i>Consistent if Height Exception granted</i>            Exception Based on Ehbhit 8, the maximum height limit for this portion of North San Rafael is 36 ft. As noted in subsection “a”, taller buildings existing or approved as of 1987, are considered conforming building. Therefore, the existing 56 ft tall Sears building predates 1987 and is recognized as a conforming structure.</p> <p>The applications propose to demolish the 56 ft tall Sears building and build a new structure for Costco that would be 52 ft. tall (58 ft. at the entry/elevator core feature and this does not count toward height limits as an architectural feature and mechanical area. However, since the proposal would expand the amount of building that would exceed the 36 ft height limit, the project will need to apply for an Exception, per subsection “c”.</p>
<p><b>LU-14. Land Use Compatibility.</b>            Design new development in mixed residential and commercial areas to minimize potential nuisance effects and to enhance their surroundings.</p> <p><b>LU-14a. Land Use Compatibility.</b> Evaluate the compatibility of proposed residential use in commercial areas through the development review process.            Responsibility: Community Development            Timeframe: Ongoing            Resources: Fees</p>	<p><i>TBD</i>            Specific impacts of noise, traffic, air quality, etc will be reviewed as part of the formal submittal with the submittal of additional details on the project and technical studies. This review will occur through the Use Permit and Design Review process.</p>

**Exhibit 3**

**TABLE ANALYZING PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020**

GENERAL PLAN POLICY/PROGRAMS	STAFF RESPONSE
<p><b>LU-23. Land Use Map and Categories.</b>            Land use categories are generalized groupings of land uses and titles that define a predominant land use type (See Exhibit 11). All proposed projects must meet density and FAR standards (See Exhibits 4, 5 and 6) for that type of use, and other applicable development standards. Some listed uses are conditional uses in the zoning ordinance and may be allowed only in limited areas or under limited circumstances. Maintain a Land Use Map that illustrates the distribution and location of land uses as envisioned by General Plan policies. (See Exhibit 11).</p>	<p><i>Consistent</i>            Based on this policy and the Land Use Map, Mall property is designated as General Commercial (GC) land use designation. This is the primary commercial/retail designation in the City of San Rafael and allows general retail and service uses, restaurants, automobile sales and service uses, and hotels/motels. Offices as secondary uses. This designation also allows multi family housing. A regional shopping center, big box retail use, gasoline fueling stations and auto repair (tire service) are all allowable uses by the General Commercial land use designation.</p>
<p><b>HOUSING ELEMENT</b></p>	
<p><b>H-6. Funding for Affordable Housing.</b>            Given the loss of Redevelopment funds, combined with reductions in federal housing funding, the City's ability to directly finance affordable housing is significantly diminished. San Rafael's primary tool to support the development of affordable housing is through its Affordable Housing Ordinance, which produces both affordable units and generates in-lieu fees. The City will continue to actively pursue outside funding sources to leverage local funds and maximize assistance. In addition to applying for those funds directly available to municipalities, the City plays an important role in supporting developers to secure outside funds.</p> <p><b>H-6a. In-Lieu Fees for Affordable Housing.</b> Affordable Housing In-Lieu Fees generated from non-residential development and fees generated from residential developments pursuant to San Rafael Zoning Code Section 14.16.030 are placed in a citywide housing in-lieu fee fund to be used to increase the supply of housing affordable to very low, low, and moderate income households. As of the end of fiscal year 2013/14, San Rafael's Housing In-Lieu Fee Fund has a current balance of approximately \$1.2 million, with an estimated \$100,000 in additional fees which could be generated</p>	<p><i>Consistent with Conditions</i>            Based on this policy and the zoning ordinance (SRMC <a href="#">14.16.030.I</a>), new non residential development is required to provide affordable housing to offset impact of the generation of new jobs and housing demand. Therefore, as part of the development, the project would be required to either build the required number of affordable units or pay a commercial linkage fee. Based on a 147,00 sq ft retail building, the project would be required to build 3.3 affordable units (147 x 0.225 factor), or pay the in-lieu fee of \$1,137,679.02</p>

**Exhibit 3**

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GENERAL PLAN POLICY/PROGRAMS	STAFF RESPONSE
<p>during the planning period. Given this relatively limited amount of funding, the City will focus these resources on projects which emphasize leverage with outside funds and maximize the number and affordability of units provided. Funded activities may include: acquisition and rehabilitation of existing housing through non-profits; new construction of affordable housing; and provision of rehabilitation funds to privately owned rental housing in exchange for affordability covenants. Pursuant to State Law, the City will dedicate a portion of these in lieu fees for housing for extremely low and very low income households.</p> <p>Program Objective: Contribute funding towards at least one affordable rental project for lower income households.                      Responsibility: Community Development, Economic Development                      Timeframe: Ongoing                      Resources: Housing in-lieu fees</p>	
<p><b>H-14. Adequate Sites.</b> Maintain an adequate supply of land designated for all types of residential development to meet the housing needs of all economic segments in San Rafael. Within this total, the City shall also maintain a sufficient supply of land for multifamily housing to meet the quantified housing need of very low, low, and moderate income housing units. Encourage development of residential uses in commercial areas where the vitality of the area will not be adversely affected and the site or area will be enhanced by linking workers to jobs, and by providing shared use of the site or area.</p> <p><b>H-14a. Residential and Mixed Use Sites Inventory.</b> Encourage residential development in areas appropriate and feasible for new housing. These areas are identified in Appendix B, Housing Element Background, Summary of Potential Housing Sites (available for view on the City’s website). Explore effective ways to share housing site information and developer and financing information to encourage development of underutilized institutional</p>	<p><i>N/A, but should be discussed</i></p> <p>Although this project does not propose any new housing, there is an applicable policy which needs to be identified and be considered. This policy addresses state law to ensure that Cities/Counties have enough sites identified to accommodate the housing growth mandated by the State. This policy requires the City to maintain an adequate supply of land to meet the housing needs of all economic segments. The program (<b>H-14a</b> identifies the inventory of land The policy also encourages development of residential uses in commercial areas where 1) vitality of the area will not be adversely affected, 2) area would be enhanced by linking workers to jobs, and 3) by providing shared use of the site or area.</p> <p>Appendix B of the Housing Element, includes the inventory of housing opportunity sites and the Mall is listed in this inventory with a maximum zoning capacity of 1,333 units and a total realistic potential for 200 units (Page B3-20 of Appendix B). Although this project would not eliminate the potential for housing, the location of the proposed Costco on the southern end of the Mall was thought to be the most feasible for addition of housing, given it would serve as a transitional use from the Mall to the adjacent residential and low scale commercial uses.</p>

**Exhibit 3**

**TABLE ANALYZING PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020**

GENERAL PLAN POLICY/PROGRAMS	STAFF RESPONSE
<p>land. The City has employed different strategies to find the most effective way to deliver information about development. It is an ongoing and evolving process that has included practices such as preparing fact sheets for sites with multiple inquiries.</p> <p>Program Objective: Maintain a current inventory of suitable sites, and provide this information to interested developers along with information on incentives.</p> <p>Responsibility: Community Development, Economic Development</p> <p>Timeframe: Ongoing</p> <p>Resources: Staff Time</p>	<p>During the hearings on the exterior renovation of the Mall in 2008, there was a great deal of discussion on the potential and need for housing at the Mall. Although the Mall owner at the time did not propose to add housing, the terms of the Development Agreement included a requirement that the Mall explore and submit preliminary plans to add housing to their site and fund a traffic study to evaluate potential traffic impacts. This analysis was completed for 96 units at the southern end of the Mall site and the traffic study was completed and did not show any significant impacts.</p>
<p><b>H-15. Infill Near Transit.</b> Encourage higher densities on sites adjacent to a transit hub, focusing on the Priority Development Area surrounding the San Rafael Transportation Center and future Downtown SMART station.</p> <p><b>H-15b. Civic Center Station Area Plan.</b> The City completed the Civic Center Station Area Plan, which was accepted by the City Council in August 2012 and amended in 2013. Development around the station area will be guided by considerations for station access and transportation connections by various modes, as well as promotion of land uses that embrace the opportunities of a transit-oriented site and are compatible with the character of the surrounding area.</p> <p>Following the commencement of the operation of SMART (2016), study Station Area Plan recommendations to facilitate housing opportunities near transit, and implement through General Plan amendments and Zoning Code changes where appropriate.</p> <p>Responsibility: Community Development</p> <p>Timeframe: One year after the start of SMART operation in the city.</p> <p>Resources: Staff Time, PDA Funding</p>	<p>N/A, This project does not propose any new housing</p>

**Exhibit 3**

**TABLE ANALYZING PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020**

GENERAL PLAN POLICY/PROGRAMS	STAFF RESPONSE
<b>NEIGHBORHOOD ELEMENT</b>	
<p><b>NH-10. Neighborhood Centers.</b>            Support the vitality of attractive, viable neighborhood centers by using incentives to encourage desired mixed-use, local-services and to create areas for the community to gather. Assist these centers to adapt to changing community needs. Retain existing neighborhood centers unless it can be clearly demonstrated that local-serving uses are not economically feasible.</p>	<p><i>N/A</i>            This policy is primarily focused on smaller neighborhood shopping centers, such as Scotty’s Market. The Northgate Mall site is located in a General Commercial land use designation and operates as a regional mall. Although the mall serves the region, it also serves as a hub for the North San Rafael community. The mall in their last renovation, did include features (Oak Plaza) to create neighborhood gathering points for the community. This project would not displace a existing neighborhood center. This project by itself does not only serve the local community, but also serves the entire San Rafael and county as a whole.</p>
<p><b>NH-11. Needed Neighborhood Serving Uses.</b>            Give priority to "needed neighborhood serving uses". Examples of needed neighborhood serving uses are: supermarkets; craft stores; cafes; restaurants; drug stores; neighborhood shopping centers which include uses such as dry cleaners, delis and markets, video stores, etc.; health and medical facilities and services; as well as improved public uses and services such as parks, schools, child care, and police services. Other similar uses that serve primarily neighborhood residents and/or employees and receive broad neighborhood support may also qualify.</p>	<p><i>N/A</i>            See NH-10 above</p>
<p><b>NH-14. Gathering Places and Events.</b>            To spark social interaction and create a greater sense of community, encourage both daytime and nighttime gathering places and events in appropriate locations, such as cafes, restaurants, outdoor eating places, bookstores, shopping facilities, libraries, schools, churches, parks, recreation facilities, community gardens, farmers’ markets, transit stops, parks, recreation facilities, commercial facilities, cultural facilities, teen facilities, and City-sanctioned street closures for festivals, parades, and block parties.</p>	<p>See NH-10 above</p>

**Exhibit 3**

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<p>Improve parks and their facilities to include active recreation and passive social interaction areas, and, where appropriate, incorporate areas that can accommodate group activities such as social events, picnics and concerts in a manner respectful of nearby residents.</p> <p><b>NH-14a. Community Events.</b> Explore supporting neighborhood and homeowner associations by promoting community events on the City’s website.                      Responsibility: City Manager, Community Services                      Timeframe: Ongoing                      Resources: Staff Time</p> <p><b>NH-14b. Gathering Spaces.</b> Through the Design Review process, consider opportunities for public gathering places, where appropriate.                      Responsibility: Community Development                      Timeframe: Ongoing                      Resources: Fees</p>	
<p><b><u>North San Rafael Commercial Center</u></b></p> <p><b>NH-131. North San Rafael Town Center.</b>                      Create an attractive, thriving heart for the North San Rafael community: a centerpiece of commerce and activity with a diversity and synergy of activities for all ages.</p>	<p><i>TBD</i></p> <p>The Mall has long been viewed as a neighborhood hub and town center. The Mall, and two other nearby shopping centers, and commercial areas are identified as the town center in the North San Rafael Vision 2010. During the 2008 exterior renovation of the Mall, outdoor gathering place was added to the mall, on the Kohl’s side, Oak Plaza, to serve as a neighborhood gathering location</p>
<p><b>NH-132. Town Center Activities.</b>                      Create a Town Center with high quality retail stores for local residents as well as the broader community. Broaden the appeal of the Town Center area by improving pedestrian traffic, increasing the number of local shoppers, and attracting a mix of high quality</p>	<p><i>Consistent</i></p> <p>This policy is derived from the North San Rafael Vision 2010 and seeks to improve the town center concept. The policy seeks to encourage a commercial niche, encourage a variety of stores to foster local patrons, encourages upgrading of anchor store, support an</p>



**Exhibit 3**

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GENERAL PLAN POLICY/PROGRAMS	STAFF RESPONSE
<p>stores, entertainment, and services.</p> <ul style="list-style-type: none"> <li>A. Encourage a distinctive commercial niche for the Town Center consistent with the area’s characteristics.</li> <li>B. Encourage a variety of stores and services to foster local patronage. Examples include a library; restaurants; a produce market; and music, book, family clothing, housewares, and variety stores.</li> <li>C. Encourage upgrading of anchor stores and specialty stores.</li> <li>D. Support an additional high quality retail anchor store if necessary for economic vitality, consistent with traffic circulation.</li> <li>E. Support nightlife activities, such as a late-night restaurant, diner or coffee shops that harmonize with existing theaters and cultural activities.</li> </ul>	<p>additional high quality retail anchor store if necessary for economic vitality (and consistent with traffic policies), and support night life.</p> <p>A new Costco would address upgrading of anchor store and adding a high quality retailer anchor. Whether the traffic circulation would be impacted is yet to be determined and the City will need more information that will come as part of formal application. Even with the addition of a Costco, the Mall would continue to provide a mixture more local serving retail uses and regional based retail uses.</p>
<p><b>NH-133. Northgate Mall.</b> Revitalize the economic health of the Northgate Mall and surrounding business areas. Encourage efforts to revitalize and expand Northgate Mall, including improving the mix of activities and the quality of shops, and upgrading the appearance of the buildings and landscaping, while maintaining a scale consistent with the surrounding community and not exceeding infrastructure capacity. Allow the addition of residences, maximize the potential for affordable housing, and incorporate promenade improvements as described in the North San Rafael Promenade Conceptual Plan in any substantial rehabilitation or expansion of the mall.</p>	<p><i>TBD</i></p> <p>In 2008, the Mall undertook extensive exterior renovations to improve the appearance of the Mall. The west side of the Mall was developed with more local serving shops, and restaurants, and serves as a gathering point for the local community,</p> <p>This policy seeks to encourage efforts to revitalize and expand the Mall. Addition of a Costco would bring new patrons to the mall side and with that, will come new businesses to take over vacancy’s in existing space.</p> <p>This policy does continue on to suggest that any upgrades or improvements must be in a scale consistent with surrounding community and not exceeding infrastructure and traffic capacity</p> <p>The policy further prescribes that housing should be allowed on the site and that prescribes improvements to the promenade be performed in any substantial rehab or expansion</p>
<p><b>NH-134. Outdoor Gathering Places.</b></p>	<p>See NH-14</p>

**Exhibit 3**

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<p>Encourage outdoor public places that support activities and facilities that will encourage people to gather (such as outdoor cafes with music, entertainment for children as families dine and shop, and periodic cultural and arts events), promote a public plaza, a small music venue, and/or a children’s feature, and provide outdoor cafes, sidewalk restaurants, or other uses that provide outdoor seating.</p>	
<p><b>NH-135. Incentives.</b> Provide planning incentives for uses that will enhance the Town Center, including retail, office, housing, and community services. Allow a height bonus of two stories for affordable housing.</p> <p><b>NH-135a. Development Review Process.</b> Through the development review process, encourage improvements consistent with this policy. For example, encourage flexibility in design of retail to incorporate features, such as plazas, pedestrian walkways, entertainment, cultural events, and other community services. Foster partnership among property owners, business owners, community residents, and government agencies to plan and implement future development and changes.                      Responsibility: Community Development                      Timeframe: Long Term                      Resources: Staff Time</p>	<p><i>TBD</i> This will be pursued through the formal application process</p>
<p><b>NH-136. Design Excellence.</b> Assure quality of design by supporting policies that encourage harmonious and aesthetically pleasing design for new and existing development. Upgrade and coordinate landscaping, signage, and building design in the Town Center area, as well as improving building and landscaping maintenance.</p>	<p><i>TBD</i> This Conceptual Review, particularly the Design Review Board’s review and comments, will provide the applicant with preliminary design related comments on bulk/mass, architecture, colors and materials for the proposed project</p>
<p><b>NH-139. Pedestrian and Bicycle Safety and Accessibility.</b> Improve access and bicycle/pedestrian connections between Northgate One, the Mall at Northgate and Northgate Three.</p>	<p><i>TBD</i> As part of the 2008 renovations to improve the appearance of the Mall, new sections of</p>

**Exhibit 3**

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<p><b>NH-139a. Promenade and Other Improvements.</b> Through the development review process, encourage improvements consistent with this policy. Considerations include:</p> <ol style="list-style-type: none"> <li>1. Support routing of the North San Rafael Promenade in the Town Center area to include safer and more convenient pedestrian and bike crossings from the Civic Center to Northgate Three, Northgate Mall, Northgate One, and along Freitas Parkway.</li> <li>2. Support routing of Marin County north-south bicycle route along Northgate Drive, and increased availability of bicycle racks at the Town Center.</li> <li>3. Support increased public transit to and from the Town Center.</li> <li>4. Align crosswalks with bus stops.</li> <li>5. Encourage shuttle service within the Town Center area during holiday season.</li> <li>6. Implement traffic calming as needed on roadways in parking lots and redesign traffic flow to minimize conflict between vehicles, bicycles, and pedestrians.</li> <li>7. Encourage design for additional stores and parking structures to maximize pedestrian access and minimize traffic conflicts.</li> <li>8. Improve pedestrian safety along Redwood Highway with improved sidewalks and parking lot landscaping.</li> </ol> <p>Responsibility: Community Development            Timeframe: Long Term            Resources: Donations, Grants, Staff Time</p>	<p>the Promenade from Las Gallinas Ave/Northgate Dr .through Las Gallinas Ave/Merrydale were installed. Any additional promenade will be reviewed and if required, will be conditioned on this project.</p>
<p><b>NH-140. Pedestrian Scale.</b>            Create a sense of enclosure, pedestrian-scale and easy accessibility by improving the pedestrian “feel” of the Town Center area. Examples include welcoming, pedestrian-friendly entrances to the shopping areas; pleasant, landscaped walkways between the shopping areas as part of the North San Rafael Promenade; and a</p>	<p><i>TBD</i>            The pedestrian scale of the proposed development will be reviewed as part of the formal Design Review. As currently designed, the new Costco structure does not exhibit a great deal of pedestrian scale. Preliminary comments through the Conceptual review should be provided</p>

**Exhibit 3**

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focal point at a public plaza.	
<p><b>NH-141. Mall Entrance.</b> Consider ways to improve the entrance into the mall.</p> <p><b>NH-140a. Improved Entrance to the Mall.</b> Support redesign of traffic flow and intersection improvements along Las Gallinas, Northgate Drive, Del Presidio, and Merrydale to expedite traffic to and from the shopping areas and to improve safety for pedestrians and bicycles. Support realignment of driveways along Las Gallinas to form safer intersections and pedestrian crossing.                      Responsibility: Public Works                      Timeframe: Long Term                      Resources: Fees</p>	<p><i>N/A</i> This project does not propose to modify the mall, therefore it is not anticipated that there would be any proposed changes. As part of the 2008 renovation, certain upgrades to the mall entries were made, to make their more visible and identifiable.</p>
<b>COMMUNITY DESIGN ELEMENT</b>	
<p><b>CD-1. City Image.</b> Reinforce the City’s positive and distinctive image by recognizing the natural features of the City, protecting historic resources, and by strengthening the positive qualities of the City’s focal points, gateways, corridors and neighborhoods.</p>	<p><i>N/A</i> Based on Exhibit 17 of the Community Design Element, the Mall site is not located in a gateway. Northgate Dr and Las Gallinas Ave., around the mall, are both identified as transportation corridors on Exhibit 17</p>
<p><b>CD-5. Views.</b> Respect and enhance to the greatest extent possible, views of the Bay and its islands, Bay wetlands, St. Raphael’s church bell tower, Canalfront, marinas, Mt. Tamalpais, Marin Civic Center and hills and ridgelines from public streets, parks and publicly accessible pathways.</p>	<p><i>TBD</i> The mall site does and streets immediately surrounding it do not have views of the Bay, Mt Tamalpias. There is a ridgeline show on Exhibit 17, but the ridgeline is nearly completely developed with 1 Thorndale commercial office building, Villa Marin retirement community and Quail Hill townhomes</p>
<p><b>CD-8. Gateways.</b> Provide and maintain distinctive gateways to identify City entryways.</p>	<p>See CD-1 above</p>

**Exhibit 3**

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<p><b>CD-8a. Gateways.</b> Evaluate each of the gateways defined on the design element maps to determine what natural, architectural, signage or landscape treatments should further establish these locations as identifiable gateways within the City, and implement the desired improvements as part of the City’s Capital Improvement program.</p> <p>Responsibility: Public Works            Timeframe: Long Term            Resources: Economic Development, Grants, Staff Time, Capital Improvement Program</p>	
<p><b>CD-9. Transportation Corridors.</b>            To improve the function and appearance of corridors, recognize those shown on Exhibits 17 and 18 and define each corridor's contribution to the City based upon its land use and transportation function and how it is experienced by the public.</p> <p><b>CD-9a. Corridor Design Guidelines.</b> Develop specific design guidelines for each corridor that address building massing, articulation of building facades, detailing, lighting, landscaping, street trees and other desired infrastructure and characteristics. Include appropriate zoning code provisions.</p> <p>Responsibility: Community Development, Public Works            Timeframe: Long Term            Resources: Staff Time</p>	<p><i>TBD</i></p> <p>See CD-1. This site is surrounded by streets (Northgate Dr and Las Gallinas Ave) that are identified as transportation corridors on Exhibit 17. This policy will need to be evaluated through formal Design Review process</p>
<p><b>CD-10. Nonresidential Design Guidelines.</b>            Recognize, preserve and enhance the design elements that contribute to the economic vitality of commercial areas. Develop design guidelines to ensure that new nonresidential and mixed-use development fits within and improves the immediate neighborhood and the community as a whole.</p> <p><b>CD-10a. Visual Compatibility.</b> Ensure that new structures are</p>	<p>The San Rafael Design Guidelines (City Council Resolution No. 11667; adopted November 15, 2004) strive to improve the design of all residential and non-residential development. The <a href="#">San Rafael Design Guidelines</a> were developed as interim criteria that implement design-related General Plan Policies. The site is subject to the non-residential design guidelines. The applicable <i>Non Residential Design Guidelines</i> are provided in the prior link (pages 5-7). Most of the criteria would apply to this project, Given staffing resources and financial, the guidelines were not further developed as this program outlines.</p>

**Exhibit 3**

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<p>visually compatible with the neighborhood and encourage neighborhood gathering places. Guidelines may address screening of service functions, materials and detailing, screening of roof equipment, lighting, landscaping, outdoor café seating and pedestrian amenities.                      Responsibility: Community Development                      Timeframe: Ongoing                      Resources: Staff Time</p> <p><b>CD-10b. Compatibility of Patterns.</b> Adopt design guidelines to ensure compatibility of nonresidential building patterns. Guidelines may address setback patterns, parking and driveway patterns, building scale, height and building stepbacks, transition between commercial and residential districts, signage and landscaping.                      Responsibility: Community Development                      Timeframe: Long-Term                      Resources: Staff Time</p>	<p>A thorough review of the Non-Residential Design Guidelines will be performed as part of the formal review. During the Conceptual Review, the non residential design guidelines were provided and key aspects were highlighted for review and comment by the Planning Commission and DRB. A preliminary review by staff shows that there are some areas where the project needs improvement, including:</p> <p><u>Parking lots</u></p> <ul style="list-style-type: none"> <li>• Access into and out of the site appears confusing and limited. Patrons that enter the site to get fuel, would have a difficult time getting to the parking structure, without exiting back onto Northgate Dr.</li> <li>• The small parking lot in front of the tire center, is limited in size and may draw users to the dead end parking lot.</li> <li>• Access points are at uncontrolled intersections and depending on traffic volumes, may cause conflicts.</li> </ul> <p><u>Pedestrian Circulation</u></p> <ul style="list-style-type: none"> <li>• The main entry is on the internal mall facing elevation and there is not adequate prominence for this entry.</li> <li>• Although most users of Costco would appear to access the main entry from the rooftop parking via the elevators or travellator, there is no prominent pedestrian entry from the mall. The access is across a small access road, between the proposed Costco and the back side of the mall, crossing the exit from the fueling station.</li> <li>• Adequacy of the size and location of the outdoor gathering seating should be evaluated.</li> </ul> <p><u>Building Form</u></p> <ul style="list-style-type: none"> <li>• Although the building does have some vertical and horizontal relief, the bulk and mass and it's should be reviewed.</li> <li>• Pedestrian experience and connectivity from the mall is limited.</li> <li>• Building is set closer to the Northgate Dr, which creates a spatial enclosure in relation to the street.</li> <li>• Pedestrian experience on the ground floor of the building on all sides should</li> </ul>

**Exhibit 3**

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	<p align="center">be considered.</p> <p><u>Entryways and Towers</u></p> <ul style="list-style-type: none"> <li>• A defined sense of entry is provided, but the location of the entry is not prominent from off site and may not be easy to access without conflicts.</li> <li>• The entry tower does provide a function and provides a distinctive silhouette.</li> <li>• The bulk of the tower should be evaluated if it is appropriate.</li> </ul>
<p><b>CD-15. Participation in Project Review.</b> Provide for public involvement in the review of new development, renovations, and public projects with the following:</p> <ul style="list-style-type: none"> <li>• Design guidelines and other information relevant to the project as described in the Community Design Element that would be used by residents, designers, project developers, City staff, and City decision makers;</li> <li>• Distribution of the procedures of the development process that include the following: submittal information, timelines for public review, and public notice requirements;</li> <li>• Standardized thresholds that state when design review of projects is required (e.g. residential conversions, second-story additions); and</li> <li>• Effective public participation in the review process.</li> </ul> <p><b>CD-15a. Notification and Information about Development Projects.</b> Continue to enhance San Rafael’s public notification and neighborhood meeting process to encourage early participation in the review of projects. Create succinct and understandable written handouts to guide property owners, designers, residents and business owners through the City submittal, review and approval processes. Continue notifying neighborhood and homeowner associations about proposed projects in nearby nonresidential areas. Evaluate the adequacy of notification procedures and enhance as needed. For example, consider requiring notification of non-owner</p>	<p><i>Consistent</i></p> <p>The Conceptual Review and Pre Application is the significant contribution to this policy. It allows preliminary feedback from the public, and City Board’s and Commissions, into conceptual projects, before a great deal of investment is made into developing plans and technical studies as required for formal application.</p> <p>The City has created an extensive mailed and emailed noticing list for this project, reaching out to over businesses, residents, property owners and homeowners associations within 500 feet of the site. In addition, people outside of the 500 ft radius were included, including those who have expressed interest in the project and all north San Rafael neighborhood associations. The mailing list is currently at about 1300 persons and the email list is over 100 persons. In addition, the City has been proactively posting updates, FAQ’s on NextDoor and hosting a project web page to consolidate all information about the project</p>



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**TABLE ANALYZING PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020**

GENERAL PLAN POLICY/PROGRAMS	STAFF RESPONSE
<p>occupants and requiring large on-site visible notice of projects under review.</p> <p>Responsibility: Community Development                      Timeframe: Ongoing; Short Term (evaluation of notification process)                      Resources: Staff Time, Fees</p>	
<p><b>CD-18. Landscaping.</b>                      Recognize the unique contribution provided by landscaping, and make it a significant component of all site design.</p> <p><b>CD-18a. Zoning Regulations for Landscaping.</b> Evaluate and amend as necessary, the Zoning Ordinance’s landscaping provisions to promote development with a strongly landscaped character. The intent is that individual neighborhood character be developed and maintained, architecture be softened by plant materials where appropriate, conflicting uses be buffered, parking areas be screened, comfortable outdoor living and walking spaces be created, air pollution be mitigated and developments be made water efficient through the use of a variety of site-appropriate plant material.</p> <p>Responsibility: Community Development                      Timeframe: Short Term                      Resources: Staff Time</p>	<p><i>TBD</i></p> <p>Landscape plan on the site and in its surrounding will be evaluated. The project as designed, does appear to meet the current landscaping requirement for the General Commercial zoning District, which is 15%.</p>
<p><b>CD-19. Lighting.</b>                      Allow adequate site lighting for safety purposes while controlling excessive light spillover and glare.</p> <p><b>CD-19a. Site Lighting.</b> Through the design review process, evaluate site lighting for safety and glare on proposed projects.</p> <p>Responsibility: Community Development                      Timeframe: Ongoing                      Resources: Planning application fees, Staff Time</p>	<p><i>TBD</i></p> <p>Site lighting will be evaluated. At this point, there are no lighting details to evaluate, but will be submitted if a formal application is made.</p>

**Exhibit 3**

**TABLE ANALYZING PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020**

GENERAL PLAN POLICY/PROGRAMS	STAFF RESPONSE
<p><b>CD-19b. Lighting Plan.</b> Require new development and projects making significant parking lot improvements or proposing new lighting to prepare a lighting plan consistent with the Design Guidelines for review by City planning staff.                      Responsibility: Community Development                      Timeframe: Short Term                      Resources: Staff Time</p>	
<p><b>CD-20. Commercial Signage.</b>                      Provide sign regulations and guidelines that allow adequate visual identification necessary for successful commercial uses, while also taking into consideration the visual impact along any given roadway.</p>	<p><i>TBD</i>                      The Mall currently operates under a Sign Program, specific to the site. The proposed Costco project would add 5 wall signs, totaling 1,151 sq ft. The amount, location and type of signage will be reviewed by the DRB during Conceptual Review and a Sign Program amendment will be required for the project during formal application.</p>
<p><b>CD-21. Parking Lot Landscaping.</b>                      Provide parking lot landscaping to control heat build-up from pavement, reduce air pollution, provide shade cover for vehicles and soften the appearance of the parking lot. Emphasize the use of trees, and limit the height of shrub plantings so as to avoid creating security problems.</p> <p><b>CD-21a. Parking Lot Landscaping Requirements.</b> Update parking lot landscape requirements to increase the screening of parking lots from the street and nearby properties. Requirements would address appropriate size and location of landscaping, necessary screening consistent with security considerations, tree protection measures, and appropriate percent of shade coverage required of parking lot trees. Include maintenance requirements in all approvals.                      Responsibility: Community Development                      Timeframe: Short Term                      Resources: Staff Time</p>	<p><i>TBD</i>                      Parking lot landscaping plan is shown on the plan, but not clear whether the 1 tree per 4 spaces is provided. In addition, it is unclear whether landscaping is proposed on the rooftop parking deck.</p>

**Exhibit 3**

**TABLE ANALYZING PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020**

GENERAL PLAN POLICY/PROGRAMS	STAFF RESPONSE
<b>ECONOMIC VITALITY ELEMENT</b>	
<p><b>EV-1. Economic Health and Quality of Life.</b>            Understand and appreciate the contributions essential to our quality of life made by a healthy economy, especially to public safety, our schools, recreation, and government services.</p>	<p><i>Consistent</i>            Addition of a Costco to the Mall would help activate the Mall, attracting new patrons and other businesses. In addition, the replacement of the former Sears with a new Costco would generate a significant amount of new sales tax, to help support the City and provides public services, which are highly dependent on sales tax as a source of revenue.</p>
<p><b>EV-2. Seek, Retain, and Promote Businesses that Enhance San Rafael.</b>            Recruit and retain businesses that contribute to our economic vitality, thus helping to provide needed local goods, services and employment, and enhance the City’s physical environment.</p> <p><b>EV-2a. Business Retention.</b> Continue the business retention program in partnership with the Chamber of Commerce to keep existing businesses thriving in San Rafael.                Responsibility: Economic Development                Timeframe: Ongoing                Resources: Staff Time, Partnership</p> <p><b>EV-2b. Infill and Reuse Opportunities.</b> Identify redevelopment opportunities and expansion potential and make this information available for the real estate community. Prepare an inventory of vacant and underutilized sites that could be redeveloped for more beneficial use. Address the type of infill appropriate, intensity of use, fiscal impacts, other likely impacts, and timing/phasing issues.                Responsibility: Economic Development, Community Development                Timeframe: Ongoing (Inventory: Long Term)                Resources: Staff Time</p> <p><b>EV-2d. Promoting Revenue-Generating Businesses.</b> Enhance San Rafael’s fiscal climate by promoting high revenue-generating industries, such as automotive sales, building trades and home furnishings.</p>	<p><i>Consistent</i>            See EV-1 above. With the closure of Sears, Costco would fill the loss of the third major anchor tenant at the Mall. A Costco use is a high sales tax generating use, which is considered a Program EV-2d.</p>

**Exhibit 3**

**TABLE ANALYZING PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020**

GENERAL PLAN POLICY/PROGRAMS	STAFF RESPONSE
<p>Responsibility: City Manager, Economic Development, Community Development                      Timeframe: Ongoing                      Resources: Staff Time</p>	
<p><b>EV-4. Local Economic and Community Impacts.</b>                      In addition to review of environmental, traffic and community design impacts, take the following into account when major projects, policies and land use decisions are under review:</p> <ul style="list-style-type: none"> <li>● Fiscal impacts on the City’s ability to provide and maintain infrastructure and services.</li> <li>● Impacts on the community such as the provision of jobs which match the local workforce, commute reduction proposals, and affordable housing.</li> <li>● Additional or unique economic, fiscal and job-related impacts.</li> <li>● Fiscal and community impacts of not approving a project, plan or policy.</li> </ul> <p><b>EV-4a. Economic Impacts.</b> Continue and expand identification and evaluation of relevant economic impacts in staff reports to Planning Commission and City Council.                      Responsibility: Community Development, Economic Development, City Manager                      Timeframe: Ongoing                      Resources: Staff Time</p>	<p><i>TBD</i></p> <p>A community impact report o the local economy would be required to understand the criteria in Policy EV-4. This report would assess the fiscal benefits and needs for a Costco use, and any fiscal impacts, and impacts of not approving the project. This report would assist decision makes in making informed decisions on the project. This report would be required as part of formal submittal of an application.</p>
<p><b>EV-8. Diversity of our Economic Base.</b>                      Keep San Rafael a full-service city by retaining and supporting a broad and healthy range of businesses.</p> <p><b>EV-8b. Industrial Zoning.</b> Maintain zoning for industrial areas to the extent feasible to prevent a loss of industrial businesses.                      Responsibility: Community Development                      Timeframe: Short Term</p>	<p><i>Consistent</i></p> <p>As a full-service City, Costco would add to the current breadth of businesses in San Rafael. A significant portion of San Rafael residents currently shop at the closest Costco (Novato), and an addition of a Costco at the Mall would help retain the sales tax generation to the City of San Rafael, instead of another community.</p> <p>In addition, a Costco at the mall would introduce a type of retail use which is not currently offered in San Rafael, thus attracting patrons to the Mall and</p>

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GENERAL PLAN POLICY/PROGRAMS	STAFF RESPONSE
Resources: Staff Time	
<p><b>EV-16. Partnerships for Infill Development.</b> Encourage public/private partnerships as one means of redeveloping and revitalizing deteriorated and underdeveloped areas.</p> <p><b>EV-16a. Public/Private Partnerships.</b> Identify and pursue promising public/private opportunities for partnerships in infill development.                      Responsibility: Community Development, Economic Development                      Timeframe: Ongoing                      Resources: Staff Time</p>	<p><i>Consistent</i> The project would replace a underutilized Sears building with a new major anchor tenant use</p>
<p><b>EV-17. Development Review.</b> Expedite the development review process by encouraging design excellence, and effective community involvement.</p> <p><b>EV-17a. Pre-submittal Process.</b> Review the pre-submittal process to identify ways to foster quality project submittals. Refine the neighborhood notification and meeting procedures to ensure productive involvement in the development review process. Periodically update the pre-application process and public notice requirements for streamlining and consistency.                      Responsibility: Community Development                      Timeframe: Ongoing                      Resources: Staff Time, Fees</p>	<p><i>Consistent</i> The Pre-Application/Conceptual Review process serve as a early opportunity for both City and public feedback on this project. The conceptual process allows both the city and public to weigh in on a project, before plans are fully developed with all the details and technical studies required for a formal submittal. Preliminary comments from the Planning Commission and Design Review Board, along with technical comments from City staff will be provided to the applicant at the end of the conceptual review process.</p>
<b>CIRCULATION ELEMENT</b>	
<p><b>C-4. Safe Roadway Design.</b> Design of roadways should be safe and convenient for motor vehicles, transit, bicycles and pedestrians. Place highest priority on</p>	<p><i>TBD</i> The scope of potential traffic impacts to the roadway, pedestrian and bicycle circulation systems will not be known until the City receives a full traffic study and has the</p>

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GENERAL PLAN POLICY/PROGRAMS	STAFF RESPONSE
<p>safety. In order to maximize safety and multimodal mobility, the City Council may determine that an intersection is exempt from the applicable intersection level of service standard where it is determined that a circulation improvement is needed for public safety considerations, including bicycle and pedestrian safety, and/or transit use improvements.</p> <p><b>C-4a. Street Pattern and Traffic Flow.</b> Support efforts by the City Traffic Engineer to configure or re-configure street patterns so as to improve traffic flow and turning movements in balance with safety considerations and the desire not to widen roads.                      Responsibility: Public Works                      Timeframe: Ongoing                      Resources: General Fund</p> <p><b>C-4b. Street Design Criteria to Support Alternative Modes.</b> Establish street design criteria to the extent permitted by State law to support alternative transportation modes to better meet user needs and minimize conflicts between competing modes.                      Responsibility: Public Works, Fire                      Timeframe: Long Term                      Resources: Staff Time, Grants</p> <p><b>C-4c. Appropriate LOS Standards.</b> At the time City Council approves a roadway improvement and safety exemption from the applicable LOS standard, the appropriate LOS will be established for the intersection.                      Responsibility: Public Works                      Timeframe: Ongoing                      Resources: Staff Time</p>	<p>opportunity to review the study. Based on the results of the traffic study, certain improvements may be necessary to the roadway network. As a conceptual review process, traffic studies are not submitted. This will be determined once a traffic study is provided, if a formal application for this project is submitted.</p>
<p><b>C-5. Traffic Level of Service Standards.</b></p> <p><b>A. Intersection LOS.</b> In order to ensure an effective roadway network, maintain adequate traffic levels of service (LOS)</p>	<p><i>TBD</i></p> <p>Traffic will be one of the major areas of focus and at this preliminary stage, there is not much to discuss until a traffic study is submitted and reviewed by the City and a third-party traffic engineer. The study will evaluate the historical traffic generation from the</p>

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GENERAL PLAN POLICY/PROGRAMS	STAFF RESPONSE																						
<p>consistent with standards for signalized intersections in the A.M. and P.M. peak hours as shown below, except as provided for under (B) Arterial LOS.</p> <p><b>Intersection Level of Service Standards, A.M. and P.M. Peak Hours</b></p> <table border="0"> <thead> <tr> <th align="left"><u>Location</u></th> <th align="left"><u>LOS</u></th> </tr> </thead> <tbody> <tr> <td>Citywide, except as noted below</td> <td>(D)</td> </tr> <tr> <td>a) Downtown except as noted below</td> <td>(E)</td> </tr> <tr> <td>    1. Mission Ave. and Irwin</td> <td>(F)</td> </tr> <tr> <td>b) Irwin Street and Grand Avenue between Second Street and Mission Avenue</td> <td>(E)</td> </tr> <tr> <td>c) Third and Union Streets</td> <td>(E*)</td> </tr> <tr> <td>d) Andersen and West Francisco</td> <td>(E)</td> </tr> <tr> <td>e) Andersen and Bellam</td> <td>(E)</td> </tr> <tr> <td>f) Freitas at Civic Cntr/Redwood Hwy</td> <td>(E)</td> </tr> <tr> <td>g) Merrydale at Civic Center Drive</td> <td>(E)</td> </tr> <tr> <td>h) Merrydale at Las Gallinas</td> <td>(E)</td> </tr> </tbody> </table> <p>*Maximum 70 seconds of delay during peak hours.</p> <p><b>B. Arterial LOS.</b> The City Traffic Engineer may apply arterial level of service analysis as the primary method of analysis for any proposed development project. The City Traffic Engineer will make this determination based on intersection spacing and other characteristics of the roadway system where conditions are better predicted by arterial analysis. Where arterial LOS analysis is warranted, a proposed development must be consistent with the following arterial LOS standards. If an intersection LOS is above or below the standard, the project shall be considered consistent with this policy if the arterial LOS is within the standard. The project will not be deemed consistent with this policy if the arterial LOS fails to meet the standard.</p> <p>When arterial level of service is applied as the primary method of analysis for a proposed project, the project shall be deemed to be</p>	<u>Location</u>	<u>LOS</u>	Citywide, except as noted below	(D)	a) Downtown except as noted below	(E)	1. Mission Ave. and Irwin	(F)	b) Irwin Street and Grand Avenue between Second Street and Mission Avenue	(E)	c) Third and Union Streets	(E*)	d) Andersen and West Francisco	(E)	e) Andersen and Bellam	(E)	f) Freitas at Civic Cntr/Redwood Hwy	(E)	g) Merrydale at Civic Center Drive	(E)	h) Merrydale at Las Gallinas	(E)	<p>existing retail building and two out building and then establish the trip generation for the proposed Costco. The difference between the two will be the new traffic generation that will be input into the City’s traffic model to evaluate whether the project would generate any potential impacts.</p> <p>The General Plan includes Circulation Element Policy <b>C-5 (Traffic Level of Service Standards)</b>, which establishes Level of Service (LOS) standards as the current threshold for evaluating transportation impacts. LOS is a measurement of the seconds of delay at signalized intersections, and is measured by a standard of A-F. The Citywide LOS standard is LOS D, with the exception of the intersections of Merrydale/Civic Center and Merrydale/Las Gallinas, which have a LOS E Standard. The City’s LOS policy evaluates traffic impacts during the AM and PM peak periods, which are 7am-9am and 4pm-6pm, Mondays through Fridays.</p> <p>In addition, this policy allows the City Traffic Engineer to apply arterial LOS analysis as the primary method of analysis for any proposed development project based on intersection spacing and other characteristics of the roadway system where conditions are better predicted by arterial analysis. If Arterial LOS analysis is used as the primary method of evaluation, the arterial LOS standard Citywide is LOS D, except for Del Presidio (from Las Gallinas Ave to Freitas Pkwy), which is allowed to operate at LOS F (per note <sup>1</sup> of C-5.B)</p> <p>Aside from a review of a project’s impacts on surrounding roadway network, the traffic evaluation will also consider the more local impacts on the site and its frontages. Access points into the site, pedestrian safety, adequacy of vehicle stacking for the fueling station, and ramp systems and delivery will all be evaluated as part of the formal review with more detailed information and studies.</p>
<u>Location</u>	<u>LOS</u>																						
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<p>consistent with this policy if it is demonstrated that the arterial LOS standards described below are met regardless of the intersection LOS, or the project shall be deemed to be inconsistent with this policy if the arterial LOS standards are not met regardless of the intersection LOS.</p> <p><b>Arterial Level of Service Standards, A.M. and P.M. Peak Hours</b></p> <table border="0"> <thead> <tr> <th align="left"><u>Location</u></th> <th align="center"><u>LOS</u></th> </tr> </thead> <tbody> <tr> <td>Citywide, except as noted below</td> <td align="center">(D)</td> </tr> <tr> <td>a) Downtown except as noted below</td> <td align="center">(E)</td> </tr> <tr> <td>    Congestion Management Segments     (Second, Third and Fourth Streets)     (as established by the Marin County     Congestion Management Agency</td> <td align="center">(D)</td> </tr> <tr> <td>b) Arterials operating at LOS E outside     Downtown, and F <sup>(1)</sup></td> <td align="center">(F)</td> </tr> </tbody> </table> <p><sup>(1)</sup> For arterials operating at LOS E outside Downtown, and F as of the date of adoption of General Plan 2020, see Appendix C.</p> <p><b>C. Exemptions.</b> Signalized intersections at Highway 101 and Interstate 580 onramps and offramps are exempt from LOS standards because delay at these locations is affected by regional traffic and not significantly impacted by local measures.</p> <p><b>D. Evaluation of Project Merits.</b> In order to balance the City’s objectives to provide affordable housing, maintain a vital economy and provide desired community services with the need to manage traffic congestion, projects that would exceed the level of service standards set forth above may be approved if the City Council finds that the benefits of the project to the community outweigh the resulting traffic impacts.</p> <p><b>C-5a. LOS Methodology.</b> Use appropriate methodologies for</p>	<u>Location</u>	<u>LOS</u>	Citywide, except as noted below	(D)	a) Downtown except as noted below	(E)	Congestion Management Segments (Second, Third and Fourth Streets) (as established by the Marin County Congestion Management Agency	(D)	b) Arterials operating at LOS E outside Downtown, and F <sup>(1)</sup>	(F)	
<u>Location</u>	<u>LOS</u>										
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<p>calculating traffic Levels of Service, as determined by the City Traffic Engineer.                      Responsibility: Public Works                      Time Frame: Ongoing                      Funding: General Fund</p> <p><b>C-5b. Monitoring Traffic.</b> To assure acceptable traffic operating standards over time, monitor traffic conditions throughout San Rafael on an ongoing basis. Based on such evaluation, the City Traffic Engineer shall identify traffic mitigations to reduce congestion and address safety concerns.                      Responsibility: Public Works                      Timeframe: Ongoing                      Funding: General Fund</p> <p><b>C-5c. Exception Review.</b> When the City Council finds that a project provides significant community benefits yet would result in a deviation from the LOS standards, the City Council may approve such a project through adoption of findings, based on substantial evidence, that the specific economic, social, technological and/or other benefits of the project to the community substantially outweigh the project’s impacts on circulation, and that all feasible mitigation measures have been required of the project.                      Responsibility: Community Development                      Timeframe: Ongoing                      Funding: Fees</p>	
<p><b>C-6. Proposed Improvements.</b>                      The proposed circulation improvements in Exhibit 21 have been identified as potentially needed to improve safety and relieve congestion in San Rafael over the next 20 years. Major Proposed Circulation Improvements include those improvements deemed necessary to maintain City LOS standards. Other recommended roadway improvements, include additional improvements that may</p>	<p><i>TBD</i>                      Policy C-6 identifies required mitigations/improvements to the circulation network that were required to adopt the General Plan and the build out assumptions through the year 2020 to maintain the established Level of Service standards. As development occurs, all development projects are required to pay their fair share for the roadway capacity improvements identified in this policy, through a traffic mitigation fee requirement. The fee is based on the net new trip AM (7-9am) and PM (4-6pm) traffic generation,</p>

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<p>become necessary in the long-term and are desirable to enhance San Rafael’s circulation system, but are not necessary to maintain LOS standards. Specific improvements will be implemented as conditions require, and will be refined during the design phase. Recognize that other feasible design solutions may become available and be more effective in achieving the same goals as the improvements listed in Exhibit 19, and allow for their implementation, consistent with the most recent engineering standards. As conditions change, planned roadway improvements may be amended, through the annual General Plan Review. Roadway improvements are implemented through the Capital Improvements Program, and are typically funded through a variety of sources, including Traffic Mitigation Fees. Environmental review is required.</p> <p><b>C-6a. Update Proposed Circulation Improvements.</b> On a regular basis, monitor and update the list of Proposed Circulation Improvements.</p> <p style="padding-left: 40px;">Responsibility: Public Works Timeframe: Ongoing Resources: Staff Time</p> <p><b><u>Exhibit 21</u></b></p> <p><b>1. Smith Ranch Road/Lucas Valley Road</b> - Widen roadway to provide two westbound and two eastbound lanes between Redwood Highway and Los Gamos and provide pedestrian and bicycle facilities. Widen northbound 101 off ramp and southbound 101 off ramp for additional right and left turn lanes.</p> <p><b>2. Lucas Valley/Los Gamos</b> - Widen Lucas Valley Road to provide two through lanes for eastbound and westbound, and reconfigure Highway 101 ramps and provide pedestrian and bicycle facilities. Signalize intersection and coordinate with adjacent intersections.</p>	<p>multiplied by the mitigation fee of \$4,246 for every net new AM + PM peak hour trip</p> <p>If a project results in impacts to other roadway segments, the project by itself would be required to make those improvements.</p>

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<p><b>3. Las Gallinas Avenue (Merrydale to Del Presidio) -</b> Remove parking and widen street to provide four lanes (one southbound, two northbound and one two-way left turn).</p> <p><b>4. Freitas/Las Gallinas -</b> Upgrade the traffic signal system and operation. Improve intersection geometry, cover portions of drainage ditch and provide pedestrian and bicycle facilities.</p> <p><b>5. Freitas/Del Presidio -</b> Explore feasibility of double northbound right turn and southbound 101 on ramp widening.</p> <p><b>6. Freitas/ Northbound 101 Ramps- Redwood- Civic Center widening and signalization -</b> Interim interchange improvement and signalization.</p> <p><b>7. Grand Avenue (south of Grand Avenue bridge to Fourth Street) -</b> Widen north/south, add one lane as required, and upgrade traffic signal system. Requires right of way and major bridge widening. Signalize Grand/ Fifth, and restrict parking to provide turn lanes. Signalize Grand/ Mission, and restrict parking to provide turn lanes.</p> <p><b>8. Francisco Blvd. East (Bellam to Grand Avenue Bridge) -</b> Four lanes required. One southbound, one two-way left turn and two northbound lanes. Major right of way required. Signalize Francisco Blvd. East/Harbor.</p> <p><b>9. Lincoln Avenue (Second Street to southbound 101 ramps - Hammondale or as required) -</b> Extend the existing PM peak northbound Tow-Away zone for AM peak as well (four lanes may be required). This parking restriction is likely to be extended north toward the southbound 101 ramps. Signalize Lincoln/ Grand, and restrict parking to provide turn lanes.</p> <p><b>10. Mission/Lincoln-</b> Provide additional lanes for northbound, and</p>	

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<p>westbound; upgrade traffic signal system, requires right of way.</p> <p><b>11. Fourth Street (Miracle Mile)-</b> Re-align Ross Valley and Santa Margarita and re-design intersection operation. LOS may deteriorate but community access will be provided.</p> <p><b>Additional Signalization</b></p> <p>12. Signalize Fifth &amp; H Street, and restrict parking to provide turn lanes.</p> <p>13. Signalize First/C Street, and restrict parking to provide turn lanes.</p> <p>14. Signalize First/ D Street, and restrict parking to provide turn lanes. Roadway configuration changed on D Street between First and Second.</p> <p>15. Signalize Fourth/Union Street, and restrict parking to provide turn lanes.</p> <p>16. Signalize or Roundabout Mission/Court Street.</p> <p>17. Signalize Merrydale/Southbound 101 Ramps, and provide turn lanes. (Intersection under monitor)</p> <p>18. Signalize Lincoln/DuBois/Irwin and re-align intersection. Right of way required.</p> <p><b>19. Third/Union Street –</b>  Widen Union Street to provide 4 lanes between Third and Fourth.  Fire Station 4 modification required.  Reconfigure Third/Union eastbound left turn pocket.  Provide westbound right turn pocket.  Upgrade the traffic signal system and operation.</p>	

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<p><b>20. Kerner Blvd or Francisco Blvd. East To Andersen Drive Undercrossing</b> - Provide a minimum 3-lane connector near Shoreline Parkway. Signalize at both ends.</p> <p><b>21. Andersen/East Sir Francis Drake-eastbound 580 Ramps</b> - Major widening and signalization.</p> <p><b>22. Upgrade traffic signal system</b></p> <p><b>23. Install traffic monitoring sensors and camera system</b></p> <p><b>24. Install Fiber Optic network throughout the traffic system</b></p> <p><b>25. Implement Bicycle and Pedestrian Master Plan</b></p> <p><b>26. Pedestrian bridge at Third/Hetheron – GGT Transportation Center</b></p> <p><b>27. Pedestrian and bicycle bridge to connect Canal Neighborhood to Andersen Drive/Downtown</b></p> <p><b>28. Pedestrian and bicycle bridge to connect Canal Neighborhood to Montecito Shopping Center</b></p> <p><b>29. Freitas / Northbound 101 Ramps - Redwood-Civic Center or a new flyover from Civic Center Dr. to Freitas</b> - Long term improvement.</p> <p><b>30. Second Street (from E Street to east side of A Street)</b> - The projected volume requires right turn lanes or through/right lanes be added in the long term. Right of way required.</p> <p><b>31. North San Rafael Promenade</b></p> <p>(a) Priorities for circulation improvements are set in the Capital</p>	

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<p>Improvements Program. This list may be amended as part of the five-year General Plan update.                      (b) The timing for the improvements depends on the size, type and phasing of additional development. Policies LU-2 (Development Timing) requires findings when project-related traffic will not cause the LOS to be exceeded.                      Source: San Rafael Public Works Department</p>	
<p><b>C-7. Circulation Improvements Funding.</b>                      Take a strong advocacy role in securing funding for planned circulation improvements. Continue to seek comprehensive funding that includes Federal, State, and County funding, among other funding sources; Local Traffic Mitigation Fees; and Assessment Districts. The local development projects’ share of responsibility to fund improvements is based on: (1) the generation of additional traffic that creates the need for the improvement; (2) the improvement’s role in the overall traffic network; (3) the probability of securing funding from alternative sources; and (4) the timing of the improvement.</p> <p><b>C-7a. Traffic Mitigation Fees.</b> Continue to implement and periodically update the City’s Traffic Mitigation Program.                      Responsibility: Public Works, Community Development                      Timeframe: Ongoing                      Resources: Staff Time</p>	<p><i>TBD</i>                      See C-5 above</p>
<p><b>C-8. Eliminating and Shifting Peak Hour Trips.</b>                      Support efforts to limit traffic congestion through eliminating low occupancy auto trips or shifting peak hour trips to off-peak hours. Possible means include telecommuting, walking and bicycling, flexible work schedules, car and vanpooling and other Transportation Demand Management approaches.</p>	<p><i>TBD</i>                      The traffic study will identify the number of peak hour trips (weekdays, AM = 7-9am and PM = 4-6pm). In general, the retail/warehouse component of the project would have minimal AM peak hour trip generation, as the store does not open until 10am. The number of weekday PM peak hour trips would be established through the traffic study. Shifting of peak hour trips is difficult for detail uses, and is more commonly utilized for office projects.</p>
<p><b>C-9. Access for Emergency Services.</b></p>	<p><i>TBD</i></p>

**Exhibit 3**

**TABLE ANALYZING PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020**

GENERAL PLAN POLICY/PROGRAMS	STAFF RESPONSE
<p>Provide safe routes for emergency vehicle access so that that emergency services can be delivered when Highway 101 or 580 are closed or congested with traffic.</p> <p><b>C-9b. Roadway Monitoring.</b> Support local traffic monitoring and control approaches, such as closed-circuit cameras and high-tech traffic signal systems that can be used to relieve congestion around incident sites or support emergency vehicle access. Responsibility: Public Works Timeframe: Ongoing Resources: Staff Time</p>	<p>This will be evaluated through the traffic study, with review by the Fire Department, Police DEpartment and Public Works.</p>
<p><b>C-12. Transportation Demand Management.</b> Work cooperatively with governmental agencies, non-profits, businesses, institutions and residential neighborhoods to create new and effective Transportation Demand Management (TDM) programs to minimize single occupancy automobile use and peak period traffic demand.</p>	<p><i>N/A</i> Retail uses are not usual candidates for TDM programs. There may be some oppotunity to require TMD type measures for employees.</p>
<p><b>C-14. Transit Network.</b> Encourage the continued development of a safe, efficient, and reliable regional and local transit network to provide convenient alternatives to driving.</p> <p><b>C-14a. Transit Network.</b> Support Countywide efforts to sustain and expand Marin County’s transit network. Work with neighborhoods, employers, transit providers, transportation planning agencies and funding agencies to improve and expand regional transit to and from adjacent counties, increase local transit services, and provide responsive paratransit services. Responsibility: Public Works Timeframe: Ongoing Resources: Staff Time</p>	<p><i>Consistent</i> The Mall site is in close proximity to SMART and is supported by transit opportunities.</p>
<p><b>C-21. Residential Traffic Calming.</b></p>	<p><i>TBD</i></p>



**Exhibit 3**

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GENERAL PLAN POLICY/PROGRAMS	STAFF RESPONSE
<p>Protect residential areas from the effects of traffic from outside the neighborhood by continuing to evaluate and construct neighborhood traffic calming solutions as appropriate such as speed humps, bulb outs, speed limits, stop signs and roundabouts. Ensure that traffic calming approaches do not conflict with emergency response.</p> <p><b>C-21a. Traffic Calming Program.</b> Maintain a neighborhood traffic calming program under the direction of the City Traffic Engineer, and seek funding for its implementation. Ensure neighborhood participation in the development and evaluation of potential traffic calming solutions.</p> <p style="padding-left: 40px;">Responsibility: Public Works Timeframe: Ongoing Resources: Contributions, Staff Time</p>	<p>Based on the traffic studies, any impacts on surrounding residential areas would be identified and appropriate conditions or requirements would be placed on the project, if applicable.</p>
<p><b>C-24. Connections Between Neighborhoods and Activity Centers.</b> Seek opportunities to increase connectivity between San Rafael neighborhoods and activity centers.</p> <p><b>C-24a. North San Rafael Promenade.</b> Support the creation of a promenade that connects the Terra Linda Shopping Center and Community Center to the Marin Civic Center as described in the North San Rafael Vision Promenade Conceptual Plan. Require sections to be built in conjunction with new development along the Promenade route. Work with community groups to seek funding for improvements in the public right-of-way, and for recreational facilities consistent with the Capital Improvements program.</p> <p style="padding-left: 40px;">Responsibility: Community Development, Public Works Timeframe: Ongoing Resources: Staff Time, Grants, Donations</p>	<p><i>TBD</i></p> <p>The major component of the Promenade along the Mall frontage has been completed, but there may be opportunities for enhancement to the current sections or additional segments to be installed, if a nexus between this project can be identified or the applicant.</p>
<p><b>C-26. Bicycle Plan Implementation.</b> Make bicycling and walking an integral part of daily life in San</p>	<p><i>TBD</i></p> <p>As part of the review of the proposed development, if there are portions of the</p>

**Exhibit 3**

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GENERAL PLAN POLICY/PROGRAMS	STAFF RESPONSE
<p>Rafael by implementing the San Rafael’s Bicycle and Pedestrian Master Plan.</p> <p><b>C-26a Implementation.</b> Implement provisions of the Bicycle and Pedestrian Master Plan in conjunction with planned roadway improvements or through development or redevelopment of properties fronting on the proposed routes.                      Responsibility: Public Works, Community Development                      Timeframe: Ongoing                      Funding: Staff time, Capital Improvement Program</p>	<p>bicycle/pedestrian master plan that abut the mall site, those improvements can be required of the project</p>
<p><b>C-27. Pedestrian Plan Implementation.</b>                      Promote walking as the transportation mode of choice for short trips by implementing the pedestrian element of the City’s Bicycle and Pedestrian Master Plan. In addition to policies and programs outlined in the Bicycle and Pedestrian Plan, provide support for the following programs:</p> <p><b>C-27a. Implementation.</b> Monitor progress in implementing the pedestrian-related goals and objectives of the Bicycle and Pedestrian Master Plan on an annual basis.                      Responsibility: Public Works, Community Development                      Timeframe: Ongoing                      Resources: Grants</p> <p><b>C-27b. Prioritizing Pedestrian Improvements.</b> Develop a program for prioritizing the maintenance of existing pedestrian facilities based on pedestrian use and connectivity as well as maintenance need, and secure funding sources for its implementation.                      Responsibility: Public Works                      Timeframe: Short Term                      Resources: Staff Time</p>	<p><i>TBD</i>                      See C-26 above</p>

**Exhibit 3**

**TABLE ANALYZING PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020**

GENERAL PLAN POLICY/PROGRAMS	STAFF RESPONSE
<b>GOVERNANCE ELEMENT</b>	
<p><b>G-1. Jobs and Diversity.</b> Encourage the creation and retention of a wide variety of job opportunities at a mix of economic levels.</p>	<p><i>TBD</i> The project would introduce approximately 160-170 retail jobs.</p>
<b>CULTURE AND ARTS ELEMENT</b>	
<p><b>CA-12. Community-Based Libraries.</b> Expand community-based library services in east and north San Rafael to assure that library services are provided throughout the city.</p> <p><b>CA-12a. Opportunities for Community-Based Libraries.</b> Look for opportunities, such as the expansion of Pickleweed Park Community Center and The Mall at Northgate, for community-based libraries. Consider partnerships with the school districts to make high school libraries available to the public.                      Responsibility: Library                      Timeframe: Long Term                      Resources: Staff Time, Grants, Bonds, Tax</p>	<p><i>TBD</i> The City has recently initiated pop up library for the North San Rafael area. Library staff will evaluate if there are additional opportunities, needs for facilities at the Mall and work with the developer.</p>
<b>SUSTAINABILITY ELEMENT</b>	
<p><b>SU-1. Land Use.</b> Implement General Plan land use policies to increase residential and commercial densities within walking distance of high frequency transit centers and corridors.</p> <p><b>SU-1a. Transportation Alternatives.</b> Consider land use and transportation alternatives (better bicycle and pedestrian access and increased transit feeder service) to best use the future Civic Center</p>	<p><i>Consistent</i> The Mall is located within walking distance of SMART. The proposed Costco use is not a type of use that would typically exhibit patrons using transit, but the proposed project is located near transit opportunities.</p>

**Exhibit 3**

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GENERAL PLAN POLICY/PROGRAMS	STAFF RESPONSE
<p>SMART Station.                      Responsibility: Community Development, Public Works                      Timeframe: Short Term                      Resources: Grants, Transportation Agencies</p> <p><b>SU-1b. Walkable Neighborhoods.</b> Determine areas in need of sidewalk improvements, land use changes, or modified transit stops to create walkable neighborhoods.                      Responsibility: Community Development, Public Works                      Timeframe: Long Term                      Resources: Staff Time</p>	
<p><b>SU-3. Alternative Fuel and Fuel Efficient Vehicles.</b>                      Promote the use of alternative fuel and fuel efficient vehicles.</p> <p><b>SU-3a. Public Charging Stations.</b> Install charging stations for plug-in electric vehicles in City garages and parking lots.                      Responsibility: Public Works, Parking Services, Community Development                      Timeframe: Ongoing                      Resources: Grants, Parking District</p> <p><b>SU-3c. Regional Charging Stations.</b> Support regional efforts to encourage use of plug-in electric vehicles and widespread availability of charging stations for electric vehicles.                      Responsibility: Public Works, Community Development                      Timeframe: Ongoing                      Resources: Staff Time</p>	<p><i>TBD</i></p> <p>No charging stations are proposed as part of this project. The City has requirements for setting aside a certain number of clean air vehicle parking spaces within a development and pre-wiring of conduit for charging stations (SRMC 14.18.045.D). Staff will work with the applicant to seek installation of charging stations.</p>
<p><b>SU-5. Reduce Use of Non-Renewable Resources.</b>                      Reduce dependency on non-renewable resources.</p> <p><b>SU-5b. Use of Alternative Building Materials.</b> Evaluate the benefits and impacts of amending the City’s building codes and zoning ordinances to allow the use of acceptable resource-efficient</p>	

**Exhibit 3**

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GENERAL PLAN POLICY/PROGRAMS	STAFF RESPONSE
<p>alternative building materials and methods.                      Responsibility: Community Development                      Timeframe: Ongoing                      Resources: Staff Time</p> <p><b>SU-5f. Reflective Surfaces.</b> Encourage the use of high albedo (reflectivity) materials for future outdoor surfaces such as parking lots, roadways, roofs and sidewalks.                      Responsibility: Community Development                      Timeframe: Ongoing                      Resources: Staff Time</p>	
<p><b>SU-6. Resource Efficiency in Site Development.</b>                      Encourage site planning and development practices that reduce energy demand, support transportation alternatives and incorporate resource- and energy-efficient infrastructure.</p> <p><b>SU-6a. Site Design.</b> Evaluate as part of development review, proposed site design for energy-efficiency, such as shading of parking lots and summertime shading of south-facing windows.                      Responsibility: Community Development                      Timeframe: Ongoing                      Resources: Fees</p>	<p><i>Consistent with Conditions</i>                      All new development is required to comply with the green building requirements of the California Building Code (CBC), Tier 1. As part of building permit review, the project would need to demonstrate compliance with the threshold required by the CBC</p>
<p><b>SU-7. New and Existing Trees.</b>                      Plant new and retain existing trees to maximize energy conservation and carbon sequestration benefits.</p> <p><b>SU-7c. Parking Lot Landscaping.</b> Maintain zoning regulations for parking lot landscaping to increase shading and reduce thermal gain.                      Responsibility: Community Development                      Timeframe: Ongoing                      Resources: Staff Time</p>	<p><i>TBD</i>                      More information is necessary at the time for formal submittal</p>

**Exhibit 3**

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GENERAL PLAN POLICY/PROGRAMS	STAFF RESPONSE
<p><b>SU-10. Zero Waste.</b> Reduce material consumption and waste generation, increase resource re-use and composting of organic waste, and recycle to significantly reduce and ultimately eliminate landfill disposal.</p> <p><b>SU-10e. Recycling.</b> Encourage efforts to promote recycling, such as encouraging businesses to recycle building and other materials, promoting composting by restaurants, institutions and residences, and supporting Marin Conservation Corps’ work to promote recycling.                      Responsibility: City Manager, Community Development                      Timeframe: Ongoing                      Resources: Staff Time</p> <p><b>SU-10g. Recycling for Apartments and Nonresidential Buildings.</b> Encourage recycling facilities and programs for apartment and nonresidential buildings. Consider the cost and benefits of expanding recycling facilities and programs for apartment and nonresidential buildings.                      Responsibility: City Manager                      Timeframe: Ongoing                      Resources: Staff Time</p>	<p><i>TBD</i>                      More information is necessary at the time for formal submittal. Any new development would need to comply with the waste and recycling standards established by the Marin Sanitary Service</p>
<p><b>SAFETY ELEMENT</b></p>	
<p><b>S-1. Location of Future Development.</b> Permit development only in those areas where potential danger to the health, safety, and welfare of the residents of the community can be adequately mitigated.</p> <p><b>S-1a. Entitlement Process.</b> Through the entitlement process, evaluate applications for geoseismic and hazardous materials dangers and require appropriate mitigations.                      Responsibility: Community Development, Fire</p>	<p><i>TBD</i>                      Community Development Department, Building Division and Department of Public Works, Land Development Division, will review the formal submittal and evaluate the geotechnical and soils report for the project</p>

**Exhibit 3**

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GENERAL PLAN POLICY/PROGRAMS	STAFF RESPONSE
<p>Timeframe: Ongoing Resources: Fees</p>	
<p><b>S-3. Use of Hazard Maps in Development Review.</b> Review Slope Stability, Seismic Hazard, and Flood Hazard Maps at the time a development is proposed. Undertake appropriate studies to assure identification and implementation of mitigation measures for identified hazards.</p>	<p><i>TBD</i> Community Development Department, Building Division and Department of Public Works, Land Development Division, will review the hazards maps in the Safety Element at the time of formal submittal and evaluate the geotechnical and soils report for the project.</p>
<p><b>S-4. Geotechnical Review.</b> Continue to require geotechnical investigations for development proposals as set forth in the City's Geotechnical Review Matrix (Appendix F). Such studies should determine the actual extent of geotechnical hazards, optimum design for structures, the advisability of special structural requirements, and the feasibility and desirability of a proposed facility in a specified location.</p> <p><b>S-4a. Geotechnical Review of Proposed Development.</b> Require soils and geologic peer review of development proposals in accordance with the Geotechnical Review Matrix to assess such hazards as potential seismic hazards, liquefaction, landsliding, mudsliding, erosion, sedimentation and settlement in order to determine if these hazards can be adequately mitigated. Levels of exposure to seismic risk for land uses and structures are also outlined in the Geotechnical Review Matrix, which shall be considered in conjunction with development review.                      Responsibility: Community Development                      Timeframe: Ongoing                      Resources: Fees</p> <p><b>S-4b. Geotechnical Review Matrix.</b> Periodically review and update the Geotechnical Review Matrix, which describes procedures for site-specific investigations for projects being reviewed according to proposed occupancy, type and hazard zone(s) within which the site is located.</p>	<p>See S-1 and S-3 above</p>

**Exhibit 3**

**TABLE ANALYZING PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020**

GENERAL PLAN POLICY/PROGRAMS	STAFF RESPONSE
Responsibility: Community Development Timeframe: Ongoing Resources: Staff Time	
<p><b>S-5. Minimize Potential Effects of Geological Hazards.</b>                      Development proposed within areas of potential geological hazards shall not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties. Development in areas subject to soils and geologic hazards shall incorporate adequate mitigation measures. The City will only approve new development in areas of identified hazard if such hazard can be appropriately mitigated.</p> <p><b>S-6. Seismic Safety of New Buildings.</b>                      Design and construct all new buildings to resist stresses produced by earthquakes. The minimum level of seismic design shall be in accordance with the most recently adopted building code as required by State law.</p> <p><b>S-6a. Seismic Design.</b> The minimum seismic design of structures should be in accordance with the building code, as adopted in accordance with State law.                      Responsibility: Community Development                      Timeframe: Ongoing                      Resources: Permit Fee</p>	See S-1 and S-3 above. In addition, any new construction will be required to comply with the most current California Building Code for construction standards.
<p><b>S-11. Restriction of Businesses.</b>                      Restrict siting of businesses or expansion of businesses that have the potential for a significant hazardous materials release within one- quarter mile of schools.</p>	
<p><b>S-12. Use of Environmental Databases in Development Review.</b>                      When development is proposed, determine whether the site has been recorded as contaminated. Undertake appropriate studies to assure identification and implementation of mitigation measures for</p>	<p><i>TBD</i>                      The Fire Department will utilize the environmental database, maintained by the County CUPA and other governmental agencies to assess any hazardous materials on the site. It is highly unlikely that there are any such materials at the main Sear building or the</p>



**Exhibit 3**

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GENERAL PLAN POLICY/PROGRAMS	STAFF RESPONSE
<p>sites on or near identified hazards.</p> <p><b>S-12a. Environmental Database.</b> Maintain environmental and hazardous materials-related databases, and update information on an ongoing basis. In addition, include the information in the State GeoTracker database (database of contaminated Underground Storage Tanks sites).                      Responsibility: CUPA                      Timeframe: Ongoing                      Resources: Staff Time</p> <p><b>S-12b. Environmental History.</b> Through the environmental review process, provide information about available environmental history of a site and proposed mitigation measures if warranted.                      Responsibility: CUPA                      Timeframe: Ongoing                      Resources: Staff Time</p>	<p>appliance repair, but the automotive repair building may have hazardous materials or tanks. A Phase I assessment will also be required to be submitted at the time of formal submittal.</p>
<p><b>S-13. Potential Hazardous Soils Conditions.</b>                      Where development is proposed on sites with known previous contamination, sites filled prior to 1974 or sites that were historically auto service, industrial or other land uses that may have involved hazardous materials, evaluate such sites for the presence of toxic or hazardous materials. The requirements for site-specific investigation are contained in the Geotechnical Review Matrix.</p> <p><b>S-13a. Potentially Hazardous Soils Map.</b> Prepare a map showing sites with known soil and groundwater contamination, in order to identify new developments that warrant environmental investigation and testing.                      Responsibility: CUPA                      Timeframe: Long Term                      Resources: Staff Time</p> <p><b>S-13b. Hazardous Soils Cleanup.</b> Require remediation and</p>	<p>See S-12 above</p>

**Exhibit 3**

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GENERAL PLAN POLICY/PROGRAMS	STAFF RESPONSE
<p>cleanup in accordance with regional and local standards in order to develop on sites where hazardous materials have impacted soil or groundwater. At a minimum, remediation and clean up of contaminated sites shall be in accordance with regional and local standards. The required level of remediation and clean-up shall be determined by the Certified Unified Program Agency (CUPA) based on the intended use of the site and health risk to the public.</p> <p>Responsibility: CUPA Timeframe: Short Term Resources: Staff Time</p> <p><b>S-13c. Local Implementing Agency.</b> The Certified Unified Program Agency (CUPA) shall oversee the investigation and closure of contaminated underground storage tank sites.</p> <p>Responsibility: CUPA Timeframe: Ongoing Resources: Staff Time</p>	
<p><b>S-14. Hazardous Materials Storage, Use and Disposal.</b> Enforce regulations regarding proper storage, use and disposal of hazardous materials to prevent leakage, potential explosions, fires, or the escape of harmful gases, and to prevent individually innocuous materials from combining to form hazardous substances, especially at the time of disposal.</p> <p><b>S-14a. CUPA Program.</b> Continue to participate in the CUPA program.</p> <p>Responsibility: City Manager Timeframe: Ongoing Resources: Staff Time, Fees</p>	<p><i>TBD</i></p> <p>Any new use of hazardous materials, which could include the fueling station or the tire center, will be reviewed by the Fire Department and would be required to comply with all applicable standards.</p>
<p><b>S-18 Storm Drainage Improvements.</b> Require new development to improve local storm drainage facilities to accommodate site runoff anticipated from a “100-year” storm.</p>	<p><i>TBD</i></p> <p>All new development would need to comply with current storm drain standards and design. The site is currently 100% non-permeable and would not change under the proposed condition. Therefore, adequate storm drain facility would need to be maintained,</p>

**Exhibit 3**

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GENERAL PLAN POLICY/PROGRAMS	STAFF RESPONSE
<p><b>S-18a. Storm Drainage Improvements.</b> Require that new development proposals which are likely to affect the limited capacity of downstream storm drainage facilities provide a hydrological analysis of the storm drain basin of the proposed development and evaluate the capacity of existing downstream storm drainage facilities and fund improvements to accommodate increased drainage from the project site resulting from a 100-year storm, where practical.</p> <p>Responsibility: Community Development            Timeframe: Ongoing            Resources: Fees</p>	<p>or improved to continue to accommodate run off</p>
<p><b>S-25. Regional Water Quality Control Board (RWQCB) Requirements</b>            Continue to work through the Marin County Stormwater Pollution Prevention Program to implement appropriate Watershed Management plans as dictated in the RWQCB general National Pollutant Discharge Elimination System permit for Marin County and the local stormwater plan.</p> <p><b>S-25a. Compliance with RWQCB.</b> Review development plans for compliance with RWQCB permit, in conjunction with Marin County Stormwater Pollution Prevention Program (MCSTOPP).</p> <p>Responsibility: Public Works            Timeframe: Ongoing            Resources: Stormwater funds, Fees</p>	<p><i>TBD</i>            Any redevelopment of the site would need to comply with the RWQCB requirements for storm water facilities to ensure that all site run off is treated on site, before release into the storm drain system.</p>
<p><b>S-26. Fire and Police Services.</b>            Maintain adequate cost-effective fire protection, paramedic and police services. Minimize increases in service needs from new development through continued fire prevention and community policing programs.</p> <p><b>S-26c. Fire Prevention and Safe Design.</b> Through the development review process, require review by Fire Department</p>	<p><i>TBD</i>            The Police and Fire Department have reviewed the preliminary proposal and have no identified any issues with continuing to provide services to the site and it's surroundings. Any new development would be required to comply with the most current Fire Codes, including fire sprinklers for the building, building existing, fire dept apparatus access to and around the building, etc.</p>

**Exhibit 3**

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<b>GENERAL PLAN POLICY/PROGRAMS</b>	<b>STAFF RESPONSE</b>
<p>and Police Department for fire prevention and safe design.                      Responsibility: Fire, Police                      Timeframe: Ongoing                      Resources: Fees</p>	
<p><b>S-32. Safety Review of Development Projects.</b>                      Require crime prevention and fire prevention techniques in new development, including adequate access for emergency vehicles.</p> <p><b>S-32a. Safe Buildings.</b> Continue to review development applications to insure that landscaping, lighting, building siting and design, emergency access, adequate water pressure and peakload storage capacity, and building construction materials reduce the opportunity for crime and fire hazards.                      Responsibility: Fire, Community Development, Police                      Timeframe: Ongoing                      Resources: Fees</p>	<p>See S-32 above</p>
<p><b>NOISE ELEMENT</b></p>	
<p><b>N-1. Noise Impacts on New Development.</b>                      Protect people in new development from excessive noise by applying noise standards in land use decisions. Apply the Land Use Compatibility Standards (see Exhibit 31) to the siting of new uses in existing noise environments. These standards identify the acceptability of a project based on noise exposure. If a project exceeds the standards in Exhibit 31, an acoustical analysis shall be required to identify noise impacts and potential noise mitigations. Mitigation should include the research and use of state-of-the-art abating materials and technology.</p>	<p><i>N/A</i>                      This project does not propose new residential development, therefore this policy does not apply</p>

**Exhibit 3**

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<p><b>N-1a. Acoustical Studies.</b> Require acoustical studies for all new residential projects within the projected Ldn 60 dB noise contours (see Exhibit 31) so that noise mitigation measures can be incorporated into project design. Acoustical studies shall identify noise sources and contain a discussion of the existing and future noise exposure and the mitigation measures that may be used to achieve the appropriate outdoor and indoor noise standards.                      Responsibility: Community Development                      Timeframe: Ongoing                      Resources: Fees</p>	
<p><b>N-2. Exterior Noise Standards for Residential Use Areas.</b>                      The exterior noise standard for backyards and/or common usable outdoor areas in new residential development is up to Ldn of 60 dB. In common usable outdoor areas in Downtown, mixed-use residential, and high density residential districts, up to Ldn of 65 dB may be allowed if determined acceptable through development review.</p>	<p><i>N/A.</i>                      See N-1 above</p>
<p><b>N-4. Noise from New Nonresidential Development.</b>                      Design nonresidential development to minimize noise impacts on neighboring uses.</p> <ul style="list-style-type: none"> <li>a. <b>Performance Standards for Uses Affecting Residential Districts.</b> New nonresidential development shall not increase noise levels in a residential district by more than Ldn 3 dB, or create noise impacts that would increase noise levels to more than Ldn 60 dB at the property line of the noise receiving use, whichever is the more restrictive standard.</li> <li>b. <b>Performance Standards for Uses Affecting Nonresidential and Mixed Use Districts.</b> New nonresidential projects shall not increase noise levels in a nonresidential or mixed-use district by more than Ldn 5 dB, or create noise impacts that would increase noise</li> </ul>	<p><i>TBD</i>                      A noise study will be required to evaluate the potential noise impacts from the new use on surrounding uses. The Mall is bordered by single family residential to the west, and the potential noise generation from the vehicular traffic and tire center will be evaluated to determine compliance with the adjacent uses per this policy.</p>

**Exhibit 3**

**TABLE ANALYZING PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020**

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<p>levels to more than Ldn 65 dB (Office, Retail) or Ldn 70 dB (Industrial), at the property line of the noise receiving use, whichever is the more restrictive standard.</p> <p>c. <b>Waiver.</b> These standards may be waived if, as determined by an acoustical study, there are mitigating circumstances (such as higher existing noise levels), and no uses would be adversely affected.</p> <p><b>N-4a. Require Acoustical Study.</b> Identify through an acoustical study noise mitigation measures to be designed and built into new nonresidential and mixed-use development, and encourage absorptive types of mitigation measures between noise sources and residential districts.                      Responsibility: Community Development                      Timeframe: Ongoing                      Resources: Fees</p>	
<p><b>N-5. Traffic Noise from New Development.</b> Minimize noise impacts of increased off-site traffic caused by new development. Where the exterior Ldn is 65 dB or greater at a residential building or outdoor use area and a plan, program, or project increases traffic noise levels by more than Ldn 3 dB, reasonable noise mitigation measures shall be included in the plan, program or project.</p> <p><b>N-5a. Traffic Noise Studies.</b> Require acoustical studies to evaluate potential off-site noise impacts resulting from traffic generated by new development.                      Responsibility: Community Development                      Timeframe: Ongoing                      Resources: Fees</p>	<p><i>TBD</i>                      See N-4 above</p>
<p><b>N-6. Traffic Noise.</b> Attempt to minimize traffic noise through land use policies, law enforcement, and street improvements.</p>	

**Exhibit 3**

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GENERAL PLAN POLICY/PROGRAMS	STAFF RESPONSE
<b>AIR AND WATER QUALITY ELEMENT</b>	
<p><b>AW-2. Land Use Compatibility.</b> To ensure excellent air quality, promote land use compatibility for new development by using buffering techniques such as landscaping, setbacks, and screening in areas where different land uses abut one another.</p> <p><b>AW-2a. Sensitive Receptors.</b> Through development review, ensure that siting of any new sensitive receptors provides for adequate buffers from existing sources of toxic air contaminants or odors. If development of a sensitive receptor (a facility or land use that includes members of the population sensitive to the effects of air pollutants, such as children, the elderly and people with illnesses) is proposed within 500 feet of Highway 101 or I-580, an analysis of mobile source toxic air contaminant health risks should be performed. Development review should include an evaluation of the adequacy of the setback from the highway and, if necessary, identify design mitigation measures to reduce health risks to acceptable levels.                      Responsibility: Community Development                      Timeframe: Ongoing                      Resources: Fees</p> <p><b>AW-2b. Buffers.</b> Through development review, ensure that any proposed new sources of toxic air contaminants or odors provide adequate buffers to protect sensitive receptors and comply with existing health standards.                      Responsibility: Community Development                      Timeframe: Ongoing                      Resources: Fees</p>	<p>TBD</p> <p>An air quality assessment will be required as part of formal application. AS proposed, the project does not require a General Plan amendment. The Bay Area Clean Air Plan has evaluated the City’s general Plan and incorporated the land use assumptions and types of uses in the adopted General Plan into the Clean Air Plan</p> <p>However, more local air quality impacts on sensitive receptors in the surrounding areas will be assessed through an air quality study. There are known facilities that include sensitive receptors nearby (children, elderly persons and people with illnesses).</p>

**Exhibit 3**

**TABLE ANALYZING PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020**

GENERAL PLAN POLICY/PROGRAMS	STAFF RESPONSE
<p><b>AW-3. Air Quality Planning with Other Processes.</b> Integrate air quality considerations with the land use and transportation processes by mitigating air quality impacts through land use design measures, such as encouraging project design that will foster walking and biking.</p> <p><b>AW-3a. Air Pollution Reduction Measures.</b> Consider revisions to zoning regulations to require developers to implement strategies for air quality improvement described in the BAAQMD/ABAG’s guide “Design Strategies for Encouraging Alternatives to Auto Use Through Local Development Review” or subsequent standards. Responsibility: Community Development Timeframe: Short Term Resources: Fees</p>	<p>TBD See AW-2</p>
<p><b>AW-4. Particulate Matter Pollution Reduction.</b> Promote the reduction of particulate matter pollution from roads, parking lots, construction sites, agricultural lands and other activities.</p> <p><b>AW-4a. Pollution Reduction.</b> Through development review, ensure that any proposed new sources of particulate matter use latest control technology (such as enclosures, paving unpaved areas, parking lot sweeping and landscaping) and provide adequate buffer setbacks to protect existing or future sensitive receptors. Responsibility: Community Development Timeframe: Ongoing Resources: Fees</p>	<p>TBD See AW-2</p>
<p><b>AW-5. Circulation Alternatives.</b> Promote circulation alternatives that reduce air pollution.</p>	
<p><b>AW-7. Local, State and Federal Standards.</b> Continue to comply with local, state and federal standards for water quality.</p>	<p>TBD Any new development would be required to comply with current water quality standards, through storm water run off from parking lots. On site filtration would be required before</p>



**Exhibit 3**

**TABLE ANALYZING PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020**

GENERAL PLAN POLICY/PROGRAMS	STAFF RESPONSE
<p><b>AW-7b. Stormwater Runoff Measures.</b> Continue to incorporate measures for stormwater runoff control and management in construction sites.                      Responsibility: Public Works                      Timeframe: Ongoing                      Resources: Fees (Clean Water Program)</p>	<p>any run off is allowed to enter the City’s storm drain system.</p>
<p><b>AW-8. Reduce Pollution from Urban Runoff.</b>                      Address non-point source pollution and protect receiving waters from pollutants discharged to the storm drain system by requiring Best Management Practices quality.</p> <ul style="list-style-type: none"> <li>● Support alternatives to impervious surfaces in new development, redevelopment, or public improvement projects to reduce urban runoff into storm drain system, creeks, and the Bay.</li> <li>● Require that site designs work with the natural topography and drainages to the extent practicable to reduce the amount of grading necessary and limit disturbance to natural water bodies and natural drainage systems.</li> <li>● Where feasible, use vegetation to absorb and filter fertilizers, pesticides and other pollutants.</li> </ul> <p><b>AW-8a. Proper Disposal of Pollutants.</b> Continue to promote proper disposal of pollutants to the sanitary sewer or hazardous waste facilities rather than to the storm drainage system.                      Responsibility: Public Works                      Timeframe: Ongoing                      Resources: Fees (Clean Water Program)</p> <p><b>AW-8b. Compliance by Contractors.</b> Continue to require contractors to comply with accepted stormwater pollution prevention planning practices for all projects subject to erosion potential. Also, continue to require the proper use, storage and disposal of on-site materials.</p>	<p>TBD                      See AW-7 above</p>

**Exhibit 3**

**TABLE ANALYZING PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020**

<b>GENERAL PLAN POLICY/PROGRAMS</b>	<b>STAFF RESPONSE</b>
Responsibility: Public Works, Community Development Timeframe: Ongoing Resources: Fees (Clean Water Program)	
<b>AW-9. Erosion and Sediment Control.</b> Establish development guidelines to protect areas that are particularly susceptible to erosion and sediment loss.	<i>TBD</i> Any new construction would be required to comply with Best Management Practices for erosion and sediment control during construction.

RESOLUTION NO. 13-08

RESOLUTION OF THE SAN RAFAEL PLANNING COMMISSION APPROVING AN ENVIRONMENTAL AND DESIGN REVIEW PERMIT (ED13-027) AND A USE PERMIT (UP13-001) FOR AMENDMENTS TO THE NORTHGATE MALL RENOVATION PROJECT LOCATED AT 1500, 5000, 5800, 6000, 7000 and 9000 NORTHGATE MALL DRIVE  
APN: 175-12, 40, 59, 61, 66, & 67

WHEREAS, on April 21, 2008, the City Council adopted Ordinance 1866 and Resolution 12479 approving a Development Agreement (DA07-001), Design Review Permit (ED07-090), Use Permit (UP07-56) and Sign Program (SR07-91) for the Northgate Mall Renovation Project; and

WHEREAS, building permits were issued for the mall renovation work, designated as Phase I that comprised renovation of the main mall building including an initial reduction in gross leasable building area (which could be rebuilt pursuant to the terms of DA07-001 as a future Phase II), construction of a new Rite Aid building with demolition of the existing Rite Aid Building for additional parking, and construction of San Rafael Promenade pedestrian frontage improvements. The project has been diligently pursued toward completion, with outstanding work remaining to complete Phase I, including demolition of the former Rite Aid building for replacement with parking and completion of the San Rafael Promenade improvement; and

WHEREAS, on April 26, 2013, Macerich applied for amendments to the Master Use Permit and Design Review Approvals granted by the City Council by Resolution 12479, requesting approval to repurpose the vacated Rite Aid building and reduce the parking ratio from 4/1,000 to 3.8/1,000; and

WHEREAS, on September 17, 2013 and October 8, 2013, the Design Review Board reviewed the project and voted unanimously to recommend approval of the project, with conditions; and

WHEREAS, upon review of the application, the project has been determined to be exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines which exempts modifications made to existing structures; and

WHEREAS, on October 15, 2013, the San Rafael Planning Commission held a duly noticed public hearing on the proposed Use Permit (UP13-001) and Environmental and Design Review Permit (ED13-027) amendments, accepting all oral and written public testimony and the written report of the Community Development Department staff.

NOW THEREFORE BE IT RESOLVED, the Planning Commission makes the following findings relating to the Use Permit and Environmental and Design Review Permit amendments:



### Use Permit Findings (UP13-001)

- A. The proposed redevelopment of the retail shopping center use, as amended and with no intensification proposed, is in accord with the General Plan 2020, the objectives of the zoning ordinance, and the purposes of the GC district in which the site is located, based on the analysis in the current October 15, 2013 staff report and the prior March 25, 2008 Staff Report to the Planning Commission and the prior April 21, 2008 Staff Report to the City Council, the attachments and discussion at the public hearings held on this project in that;
- a. The shopping center redevelopment, and the existing and proposed mix of uses are consistent with the General Plan 2020 General Commercial Land Use Designation which designates the site for commercial use, the project has been evaluated for consistency with all General Plan policies and based on the analysis of the City contained in staff's reports to the Commission and Council the project does not conflict with any General Plan 2020 Policies, and the project is consistent with all applicable Policies including;
    - i. Land Use Element Goals and Policies LU9a (*Intensity of Nonresidential Development*), LU-15 (*Convenience Shopping*), LU-23 (*GC Land Use Category*), which support and encourage the renovation and redevelopment of the Northgate Regional shopping center, as proposed with no intensification or change in use;
    - ii. Neighborhoods Element Policies NH-14 (*Gathering Places and Events*), NH-131 (*North San Rafael Town Center*), NH-132 (*Town Center Activities*), NH-133 (*Mall at Northgate*), NH-134 (*Outdoor Gathering Places*), NH-136 (*Design Excellence*), NH 139 (*Pedestrian and Bicycle Safety and Accessibility*), NH 139a (*Promenade and Other Improvements*), NH 140 (*Pedestrian Scale*), NH 141 (*Mall Entrance*), NH 141a (*Improved Entrance to the Mall*), NH 159 (*North San Rafael Promenade*), which further support the renovation of the center as proposed with enhancements to the site parking, revised entryways, landscaping, pedestrian pathways, promenade improvement and enhanced outdoor gathering areas;
    - iii. Community Design Element Policies CD-10 (*Nonresidential Design Guidelines*), CD-17 (*Street Furnishings*), CD-18 (*Landscaping*), CD-19 (*Lighting*), CD-21 (*Commercial Signage*), CD-21 (*Parking Lot Landscaping*), which support the building, parking and sign upgrades to the appearance of the mall, particularly where this would enhance the quality of life by providing pleasing and convenient shopping areas, and places for residents to gather in the community;
    - iv. Economic Vitality Element Policies EV-4 (*Local Economic and Community Impacts*), EV-6 (*Shop Locally*), EV-13 (*Business Areas*), EV-14 (*Support for Business Areas*), EV-15b (*Neighborhood Upgrades*), which support renovations to improve the success and vitality of the mall;
    - v. Sustainability Element Goals and Policies addressing climate change and greenhouse gas reduction in that the project would reuse an existing building, achieve LEED Silver certification and implement all of required greenhouse gas reduction strategies necessary to be compliant with the City Climate Change Action Plan, which meets the requirements of the Bay Area Air Quality Management District;
    - vi. Traffic Element Goal 13 (*Mobility for All Users*), and Policies C-5 (*Traffic Level of Service*), C-24 (*Connections between Neighborhoods and Activity Centers*), C-24a (*North San Rafael Promenade*), C-26a (*Bicycle Plan Implementation*), C-27 (*Pedestrian Plan Implementation*), which further support the proposed promenade



- improvement, and enhanced pedestrian connections, walkways, and convenient bicycle parking areas that would be provided near the new entryways at the mall; and
- vii. Infrastructure, Conservation and Air & Water Quality Elements Policies I-8 (*Street Trees*), CON-18 (*Resource-Efficient Building Design*) and AW-8 (*Reduce Pollution from Urban Runoff*), which support the proposed street tree plantings along the frontage, intent of the owner to incorporate green building practices and techniques in the renovation and parking lot improvements, and incorporation of stormwater pollution treatment equipment on the site.
- b. The project and use is consistent with the objectives of the Zoning Ordinance in that the Purposes of the Zoning Ordinance, specified in Chapter 14.01, which are to promote and protect the public health, safety, peace, comfort and general welfare, will be met by the proposed design and use in that the project, as designed and conditioned, complies with the zoning code as further discussed in Finding C below; and each of the specific purposes will be met as follows:
- i. The project implements and promotes the goals and policies of the San Rafael General Plan 2020, so as to guide and manage future development in the city in accordance with such plan, as discussed in Finding A.a above;
- ii. The renovation and use will foster harmonious and workable relationships among land uses, in that it continues a permitted and desirable commercial land use in a location that is deemed suitable for the regional shopping center use, that has been designed to satisfy and achieve greater conformance with City design standards as discussed further in Use Permit Finding C as well as the Environmental and Design Review findings below;
- iii. The project reduces negative impacts caused by inappropriate location, use or design of buildings and improvements in that it would improve existing landscaping and pedestrian walkways to conform more closely to City standards, and it is intended to revitalize the shopping center which is appropriately sited consistent with the specific purpose of the GC district as stated in Finding A.c below, but which is currently under-performing;
- iv. The project protects, strengthens and diversifies the economic base of the city, in that it is intended to revitalize the mall and increase commercial shopping opportunities at the mall which is identified in the General Plan as an important retail area of the City;
- v. The mall renovation project promotes viable commercial enterprises that provide diverse employment opportunities for city residents;
- vi. The renovation project ensure the adequate provision of light, air, space, fire safety and privacy between buildings in that buildings will be upgraded to meet current building and fire codes;
- vii. The project will provide adequate, safe and effective off-street parking and loading facilities in that existing facilities will be upgraded to provide better circulation with new driveway entries and drive aisles that lead cars more efficiently and directly to parking areas, and will include way-finding signage in appropriate locations at main driveway intersections, and additional loading areas will be provided with new buildings, such as the proposed relocated Rite Aid drug store building at the northeast corner of the site;
- viii. The project will promote a safe, effective traffic circulation system, and maintain acceptable local circulation system operating conditions in that it does not intensify



the existing use, and will provide alternative bicycle and walkway paths to encourage walking, and will improve driveway crossings to reduce potential vehicle and pedestrian conflicts;

- ix. The project will promote design quality in the development in that it includes renovation of building facades to create more inviting, well articulated and defined, and pedestrian oriented storefronts along the east, north and west elevations of the mall;
  - x. The project will preserve and enhance natural resources and key visual features in the community, including the bay shoreline, canal, wetlands, and hillsides in that the redevelopment will not affect any of these resources;
  - xi. The project will protect and conserve the city's existing housing stock in that the commercial shopping center renovation does not affect housing stock;
  - xii. The project will promote housing development to meet housing needs, including affordable housing and special housing needs in that the commercial renovation project does not trigger the need for additional housing, but will maintain the ability to provide housing on the site if future development occurs on the property;
  - xiii. The project coordinates the service demands of new development with the capacities of existing streets, utilities and public services in that the renovation involves no intensification of use, but will upgrade its street frontage, storm drainage treatment facilities and driveway entries into the site to improve circulation;
  - xiv. The project has provided for effective citizen participation in decision-making in that the applicant has held 10 community meetings, has been reviewed by the Design Review Board at three noticed public meetings to receive additional input on the concept, and noticing has been conducted as required by Chapter 14.29 for all public hearings, including extending noticing to residents and owners (within 1,000 feet of the site for the major renovation and within 500 feet for the current amendment to reuse the existing building), as well as notice to pertinent neighborhood groups in North San Rafael, bicycle and other community interest groups.
- c. The project is consistent with the purposes of the GC district in which the site is located given that it satisfies Section 14.05.010.I, which states the general commercial district promotes a full range of retail and service uses in major shopping centers and certain areas of the city which have freeway and major street access and visibility, and the subject site is an existing regional shopping mall located on major streets in the North San Rafael Commercial Center neighborhood.
- B. The proposed use, as amended, together with the conditions applicable thereto, will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity, or to the general welfare of the city in that:
- a. The amendment to the renovation to the existing Northgate Mall Renovation Project involves no intensification of use and, therefore, the revised project remains exempt from the California Environmental Quality Act (CEQA) guidelines pursuant to the CEQA Guidelines, Class 1 Existing Facilities exemption (pursuant to CEQA Guidelines Section 15301) which allows interior and exterior alterations of existing structures and covers the proposed exterior and interior renovation work for the existing commercial building. Furthermore, the exemption is not subject to any of the "Exceptions" qualifications in



Section 15300.2 of the guidelines, which would preclude use of the above exemptions, given that the project is not located in a particularly sensitive environment; and

- b. The scope of work does not intensify the existing use of the site, and all work would be conducted in conformance with City standards for design, use, construction and noise. Based on the application submittal and environmental checklist, proposed work would comply with City standard hours and noise thresholds for construction. No work is proposed outside of daytime hours, except some interior demolition and renovation work which would not exceed 90dBA exterior noise thresholds or thresholds identified in the San Rafael Municipal Code Section 8.13.040 General Noise Limits, thus no undue noise generating activities would occur. The project phasing and staging has been provided in plan sets, which placed activities as far from the nearest residential uses as feasible. Additionally, as discussed above, the project shall install new storm drain treatment equipment that will address site run-off in compliance with storm water runoff requirements, as well as portions of uphill properties off-site. Lastly, the project applicant has incorporated Green Building construction techniques, and has informed staff and the Commission that they have registered with Leadership in Energy and Environmental Design (LEED) to get a LEED green building certification for the project, which is supported by City regulations. Staff notes that this is not required since no new development is proposed, but that the steps taken herein further support the conclusion that the project does not trigger any exceptions to the categorical exemptions that apply to this development.
- C. The proposed use complies with each of the applicable provisions of the zoning ordinance, as detailed in the October 15, 2013 report to the Planning Commission in that:
- a. The shopping center use is wholly consistent with the GC zoning district and satisfies all of the applicable development standards in table 14.05.020 in that it will achieve greater conformance with the minimum 15% landscaping requirements by increasing landscaping areas from 5.3% (2.35 ac.) to 7% (3.11 ac.) and increasing the frontage landscape setback from approximately 8 to 12 feet in dimension to up to 24-feet in dimension, with 5-foot buffer landscaping adjacent the street frontage and parking lot; maintains compliance with the 36 foot height limit following the building changes, with main building height of 33' and architectural tower elements that extend up to 50-feet including a clerestory roof feature which would add interest to and enhance the building as allowed through design review pursuant to Zoning Code Section 14.16.120; and maintains the existing non-conforming 0.40 FAR which is allowed for redevelopment pursuant to General Plan Policy LU-9 and consistent with the Non-Conforming Structure regulations in Zoning Code Chapter 14.16.
  - b. Redevelopment of nonconforming sites is allowed under Section 14.16.150.F and 14.16.270.C.6 where the discrepancy between existing conditions and the development standards would not increase. The renovation would not increase the existing FAR nor intensify use of the site, nor increase an existing non-conforming parking or landscaping standard. The proposal would maintain the same nonconforming layout and design for the majority of the reconfigured parking lot with 65 degree angled spaces and 8.5-foot wide standard spaces where the current code establishes 60 degree and 9-foot dimensions, which is permissible under Section 14.18.240 (Grandfathered Parking) if approved by the



review authority upon consideration of relevant constraints and limitations. The applicant has modified compact parking to comply with the code allowance (30% of parking supply), and maintaining an 8.5 foot standard space dimension and 65 degree angle would enable them to maintain an adequate parking ratio for the center while accommodating increased frontage setbacks of 12-feet, the San Rafael Promenade frontage improvement, and an increase in the size and number of parking lot landscape planters to conform more closely with the Zoning Code.

- c. The drive-through approved for the Phase I Rite Aid project has satisfied requirements of Section 14.16.110 by providing adequate separation of vehicle aisles, adequate room for vehicle stacking out of drive aisles, and avoiding conflicts with pedestrians; and will be subject to further review by the City under a separate design review permit which will ensure compliance is achieved.
- d. Parking requirements of Chapter 14.18, as proposed and conditioned, would be satisfied for the project as follows:
  - i. A parking modification has been requested pursuant to San Rafael Municipal Code 14.18.040 that has been supported by documentation, including a detailed parking demand survey and evaluation completed July 31, 2013 by Kimley-Horn and Associates, Inc. The parking demand study has been reviewed by the Community Development Department and Public Works Department staff, and its analysis and conclusions have been accepted as adequate to demonstrate that peak demand of the regional shopping mall would be satisfied by the proposed parking supply, at a ratio of 3.8 spaces per 1,000 sq. ft. of building area. This analysis has included conservative review of the mall by assuming a maximum 5% vacancy rate for the mall based on full build-out up to 773,238 floor area, with a proposed supply of 2,942 spaces for customers and employees (including 6 grandfathered parking spaces). As such, the project analysis concludes that the parking supply (adjusted to consider the more conservative vacancy factors) would fall below the City standard by 151 spaces, but would still maintain excess available parking capacity during peak weekday, weekend and holiday shopping periods, with over 400 unused parking spaces. Employees would continue to be required as a condition to be encouraged to park in the more remote and under-utilized locations of the site, which occur at the northwest, west, and south west areas of the site.
  - ii. Designated parking for clean are vehicles could be accommodated, and are encouraged, although they are not required for this project because it involves reuse of an existing building.
  - iii. Compact parking spaces comply with the 30% maximum allowance.
  - iv. ADA parking has been provided in compliance with requirements (e.g., roughly equivalent to 2% of total parking provided).
  - v. Loading areas have been accommodated with the relocated Rite Aid building at the northeast corner, and for the new restaurant buildings in the oak plaza driveway
  - vi. Short term bicycle parking has been accommodated in walkways near the main entrances to buildings and on the east, north and west sides of the building, and can be increased as need arises.
  - vii. While preferable to meet current City standard 9-foot parking space dimension and 60 degree angled space configuration, the applicant's request to continue using the



nonconforming 8.5 foot wide standard space dimension and 65 degree angled parking stalls for renovation in the majority of the existing parking areas can be supported for a renovation project under Section 14.18.240.E given that it does not involve an intensification of use, the new parking layout and drive aisles should improve on-site circulation, and the design will enable desired Promenade frontage improvements and increased parking lot landscaping to be provided which more closely conforms to the code.

- e. The project will provide more trees to satisfy the 1 tree per 4 parking space ratio and wider 7' by 7' dimension landscape planters in the parking lot to meet the minimum 6-foot interior dimension and 36 square feet of planter area standards.
- f. The project remains subject to a well designed sign program, in compliance with Chapter 14.19, which substantially complies with the sign regulations, but allows some flexibility to increase the number of monument entry signs, building identification signs at building entryways, and establishment of sign design criteria that ensures uniform, high quality, individual lettered signage will be installed.
- g. The use permit, as conditioned, adequately regulates the proposed mix of commercial uses for the shopping center as required pursuant to Chapter 14.22.
- h. A Development Agreement has been reviewed and approved by adoption of separate Ordinance 1866, which was effective June 4, 2008, in compliance with Chapter 14.16, that preserves ability to build back commercial space removed as part of the initial phase of the renovation project, subject to provision of specific public benefits (i.e., approximately 50,000 square feet of commercial space was initially to be removed that has been reduced to approximately 4,448 square feet with this amendment to the initial phase, and that may be restored during the term of the Agreement ending June 4 2023, subject to certain rights and limitations).
- i. Findings for Environmental and Design Review Permit approval ED13-027 have been made as required pursuant to Chapter 14.25, as discussed in detail below.

#### **Environmental and Design Review Permit Findings (ED13-027)**

- A. The project design is in accord with the General Plan 2020, as discussed in Use Permit UP07-56 Findings A.a above.
- B. The project design, as amended and conditioned, remains consistent with all applicable site, architecture and landscaping design criteria and guidelines for the GC district, as discussed in staff's current October 15, 2013 report to the Planning Commission and prior March 25, 2008 and April 21, 2008 reports to the Planning Commission and City Council, in that the criteria in Section 14.25.050 would remain satisfied, particularly the following:
  - a. Criteria E, Site Design, is satisfied in that the modified drive aisles, new entry at Del Presidio, relocated entry on Las Gallinas Drive, and reconfigured entry at Merrydale improve site circulation and access, and the new design of the building will result in a harmonious relationship between structures with more articulated, varied and interesting



buildings, creation of public gathering spaces on walkways with differentiated paving materials, and creation of more well-defined pedestrian walkways, plazas and paths through the center and along the frontage.

- b. Criteria F, Architecture, in that the new building design and Tenant Design Criteria, and architectural building projections and elements proposed create more interest, result in a pedestrian scale for storefronts with at least 80% covered awnings and similar features provided over the walkways and entry's for visitor comfort and convenience, high quality materials and a variety of styles is required for the building and individual shops, service areas will be screened within the building features, new decorative and textured hardscape treatments are proposed as well as enhanced landscaping throughout the parking lot with landscaped planters and seating areas near the building on the walkway and plaza areas, new high quality signage and improved lighting is proposed to clearly direct visitors, enhance the ambience and provide better security and sense of well being.
- C. The project design minimizes adverse environmental impacts in that the renovation, as amended, involves no intensification of use and will upgrade the existing site conditions as follows:
- a. Existing circulation continues to be improved with the reconfigured drive aisles and parking layout, including the revised orientation and 90-degree parking provided in front of Mervyns.
  - b. Provides greater shading of parking areas with more trees uniformly dispersed throughout the parking lot to reduce heat gain and improve comfort.
  - c. Improves ADA accessibility with new walkways and safer crossings at driveways, which have been evaluated by the City Building and Public Works Divisions.
  - d. Proposes to implement green building techniques and practices.
- D. The renovation project design as amended will not be detrimental to the public health, safety or welfare, nor materially injurious to properties or improvements in the vicinity, in that:
- a. As discussed in the updated Use Permit 13-001 Finding A.b and Finding B, the project meets the objectives of the Zoning Ordinance which ensures no detrimental affects to the public would result.
  - b. The lighting upgrades as proposed would not create glare or result in levels that are insufficient for adequate security.
  - c. Site improvements and new walkways require review with final improvement plans and include appropriate ADA design features such as smooth surfaces, minimal slopes and truncated domes.
  - d. New and reconfigured drive aisles have been evaluated by the City ~~traffic engineer~~ Public Works Department and conceptually found to satisfy criteria for adequate vehicle and pedestrian sight distance at intersections, safety and design criteria, and such features



have been adequately conditioned and will be further refined with final project improvement plans.

- e. Upgrades to the building will be included and are required to comply with current Building and Fire codes.
- f. The project is exempt from the provisions of CEQA, as discussed in Use Permit 13-001 Finding B.

BE IT FURTHER RESOLVED, that the Planning Commission of the City of San Rafael approves the revised Master Use Permit and Master Environmental and Design Review Permit subject to the following updated conditions of approval:

**Master Use Permit Conditions of Approval (UP13-001)**  
**(Amendment to Master Use Permit UP07-56)**

Community Development Department, Planning Division

*Allowed Uses and Limitations*

1. This approval shall supersede and replace UP07-56 in its entirety, granting revised Master Use Permit approval for the Northgate Mall regional shopping center on a 44.75 acre site, comprised of the following uses and gross building areas:

A. Existing Buildings and Uses to Remain Unchanged:

- Sears Department Store (3 Levels plus 2 outbuildings\*): 134,976 sq. ft.  
*(\*Sears outbuildings include a 16,300 sq. ft. 3-bay automotive service facility and 12,000 sq. ft. seasonal sales or appliance repair service facility)*
- Kohl's Department Store (2 Levels): 81,340 sq. ft.
- Macy's (3 Levels): 254,015 sq. ft.

B. New & Reconfigured Building Areas\*:

- Rite-Aid Drug Store & Drive-Through: 17,340 sq. ft.
- Mall Gross Leasable Multi-Tenant Building Areas\*: 251,581 sq. ft.  
*(\*This includes the renovated mezzanine level for then mall administrative offices, mezzanine levels where permitted for interior mall retail tenants, food court tenants, existing theater space, as-built 6,788 square foot multi-tenant pad building constructed and occupied adjacent to Kohl's and the future 7,700 square foot pad building located adjacent to the main mall building, along the Oak Plaza drive)*
- Home Goods pad retail building: 29,538 sq. ft.

- Remaining (Unutilized) Build-back Retail Space: (4,448 sq. ft.)

C. Gross Floor Areas.

- The Mall Gross Leasable Building Areas (i.e., gross floor area) includes the following:

The leasable multi-tenant shops including mezzanine levels and food court spaces, current 2,200 seat theater occupying 45,000 sq. ft., the new retail pad buildings on Oak Plaza, the mall management offices located on the 2<sup>nd</sup> level, food court restrooms and the tray wash dedicated area.

- The Gross Leasable Building Area (i.e., gross floor area) does not include the following:

The open “public concourse” and “food court dining area”, required “exiting and service corridors”, and the “service/trash areas”; which have been relocated from parking areas and incorporated into the building footprint. Further, temporary kiosk retail uses (generally less than 300 square feet in size) may be placed within the interior concourse without being counted as floor area, subject to compliance with Fire and Building requirements for access, circulation and safety.

2. In general, hours of operation shall be established as follows:

Standard Retail Business Hours:

Mon-Sat.	10:00 AM – 9:00 PM
Sunday	11:00 AM – 6:00 PM

Century Theater: Mon-Sun. 11:00 AM – 1:00 AM

Major (Anchor) Department Store Hours:

Macy’s:	Mon-Sat.	10:00 AM – 9:00 PM
	Sunday	11:00 AM – 7:00 PM
Kohl’s:	Mon-Sat.	9:00 AM – 10:00 PM
	Sunday	9:00 AM – 9:00 PM
Sears:	Mon-Fri.	9:30 AM – 9:00 PM
	Saturday	9:00 AM – 9:00 PM
	Sunday	10:00 AM – 7:00 PM

Sears Auto Service:

Mon-Sun.	8:00 AM – 8:00 PM
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Rite-Aid Store & Drive-Through Hours:

Mon-Sun.	9:00 AM – 10:00 PM
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Restaurant Hours:

Applebee’s:	Sun-Fri.	11:00 AM – 10:00 PM
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	Saturday	11:00 AM – 1:00 PM
China Villa:	Sun-Tues.	11:00 AM – 9:30 PM
	Fri&Sat.	11:00 AM – 10:00 PM

Exceptions and Deviations to Hours:

The hours of operation for retail uses may flex with the holidays (generally mid-November through December), and theater and restaurant hours may vary based on seasonal demand or change in services. In particular, restaurants may offer a breakfast service as early as 6:00 AM and stay open as late as 1:00 AM on Friday and Saturdays, subject to the approval of the City Public Works Director and determination that the hours would not create traffic congestion concerns.

3. Pursuant to the terms of a Development Agreement DA07-01, the mall shall be permitted to build-back the remaining commercial retail space removed as part of the renovation up to the existing 0.40 FAR, or 773,238 square feet of building area. Such additions shall be subject to the current zoning development standards and design requirements in effect at that that time, including compliance with the Tenant Design Criteria adopted for the Northgate Mall Renovation Project.

The development agreement may be reviewed annually and can be referred to the City Council for a hearing and review if the terms of the agreement are not being met.

4. The mall shall be used for a group of commercial establishments as listed in the GC district's commercial land use tables, managed as a unit with a covered common gathering area and on-site parking.
5. The exterior storefront spaces shall be reserved for the primary commercial retail tenants and services uses, including food service, financial service and theater uses.
6. Separate design review approvals may be required for further building changes, as stipulated Environmental and Design Review Permit approval ED13-027.
7. The mall shall maintain security and public safety measures for the facility.
8. The mall shall maintain trash and litter control of the premises at all times, including parking lot and sidewalk sweepers.

*Theater Use Provisions*

Fire Department

9. The Theater use shall be subject to annual fire inspection by the Fire Marshall, and shall address any potential life safety issues that may be identified as a result of such inspections.

Police Department

10. Public telephones shall be available, and functional, on each side of the theater, preferably inside the lobby of the opposing theaters or within 75' of the ticket sales booth.



11. A "time drop" or other money safe type device shall be provided at the box office and refreshment sales counter. The device shall be securely fastened to the floor or other non-movable fixture.
12. The staffing of private security officers shall include an additional officer solely assigned to patrol the theaters. This shall include random patrols of parking areas normally frequented by theater patrons (south, east and west lots), and within theater lobbies and ticket booth area. The officer shall be on duty from 6:00 PM to thirty minutes after the conclusion of the last movie. Consideration shall be given to increase staffing during weekend matinees and holiday season extending from November 26 to December 30. Officers shall discourage loitering, vandalism, littering and noise. Security levels may be reassessed by the Mall and Police Department on a quarterly basis in order to assess the need for more security officers. Upon written agreement of both parties it may be desirable to increase or decrease the number of days/hours for the security personnel.

#### Planning Division

13. The mall may continue operation of a 15 screen, 2,600 seat maximum theater complex as indicated on approved site plans. This includes second story mezzanine levels for film projection areas, storage and employee offices. Hours shall be 11:00 AM to 1:00 AM, 7 days a week. Any change in use shall require an amendment to this permit.
14. Employees whose shifts end after 10:00 PM shall be required to park in the east and west parking lots.
15. Mall management shall coordinate quarterly meetings with mall management, security staff, Police Department, and adjacent residential neighborhood association group representatives to discuss and address security and noise related issues, as needed. If complaints in this regard are received by the City, City staff will contact mall management to take action in compliance with this condition.
16. Screenings shall be staggered to limit high volumes of cars exiting the site simultaneously.
17. The theater shall assist the mall in maintaining the parking lots in their area of influence free of litter and debris.
18. Mall management shall monitor parking on weekend days during the holiday season on an hourly basis (week of Thanksgiving through December). Should the available on-site parking stalls drop below 100, the mall shall implement measures to provide off-site employee parking, off-site customer parking, and/or valet parking. Consideration shall be given to providing employees with bus passes, and use of shuttle services to relieve parking congestion.

#### *Existing Uses and Public/Quasi-Public Uses*

19. A meeting and assembly space of approximately 1,300 square feet shall be allowed to be provided for public/non-profit groups throughout Marin County. Minor modifications or revisions of the meeting area use shall be subject to review and approval of the Planning



Division. Modifications deemed major shall be referred to the appropriate reviewing body. Any public meeting space provided shall be located in an interior or upper floor space.

20. Any existing public and quasi-public uses or other conditionally permitted uses that are currently operating within the mall may be allowed to re-occupy the new mall area upon completion of the renovation work. If any such uses do not secure a new lease to reoccupy the mall when the renovation is completed, their prior approvals shall become null and void.
21. An office for the San Rafael Police Department shall be permitted, as provided under Development Agreement DA07-01. The area shall be directly accessible to the common area, shall have internet access and be at least 200 square feet in area.
22. Public/quasi-public, administrative office or other non-retail serving commercial uses should be located in interior space or upper level locations.

*Outdoor Event Provisions and Limitations*

23. The oak plaza area shall maintain bollards so the area can be closed off for events. The area may be programmed for events during normal mall business hours.
24. A permit shall be obtained from the Police Department for amplified music or live entertainment.
25. Other special events, or events outside of normal mall business hours, shall require a temporary use permit.
26. Outdoor events shall not create a noise nuisance to residential neighborhoods.

*Restaurant Use Provisions and Limitations*

27. A maximum of 20% of the mall gross leasable area shall be allowed to be used for large sit down, table-service restaurant uses over 2,000 square feet in size (e.g., 238,186 sq. ft. x .20 = 47,637 sq. ft.). Additional large sit down table-service restaurant uses may be approved subject to an administrative use permit and review by the City traffic engineer to ensure that compliance with shopping center trip and traffic generation rates is maintained. Small café, specialty food, and food court uses are not included in this calculation.
28. Ancillary outdoor seating areas for restaurant uses may be allowed up to 25% of their indoor seating area. Seating areas shall be adjacent to the respective restaurant use.
29. Additional ancillary outdoor seating area(s) may be provided for food court, café's and other small food service uses within exterior walkways, outdoor plaza and gathering areas. Generally, outdoor seating shall not be more than 50% of combined indoor seating capacity for these uses.
30. Clear pedestrian walkways shall be maintained around all ancillary outdoor seating areas.



31. Furnishings and enclosures used for outdoor seating areas shall be consistent with the design criteria established for the mall.
32. Entertainment may be considered as ancillary to the large restaurant uses, during normal business hours.

*Parking Provisions and Limitations*

33. The existing 8.5-foot wide standard space dimension and 65 degree angled parking configuration may be maintained for the renovation project. Any intensification in use that requires more parking stalls to be provided on-site shall be subject to compliance with current parking standards, and would require grant of appropriate approvals to vary from current standards.
34. The Mall at Northgate shall be permitted to maintain a minimum ratio of 3.8 parking spaces per 1,000 gross square feet of leasable mall space, based on the maximum potential build-out of 773,238 square feet (0.40 FAR).
35. Bicycle parking shall be provided in compliance with regulations, which establishes bicycle parking shall be equivalent to 3% of the vehicle parking amount, and spaced in convenient locations near the building entryways.
36. The mall shall continue to monitor and encourage employees to park within the underutilized parking locations at the northwest corner, southwest corner and parking structure. In addition, the 36 spaces at the back of the Kohl's department store building and the 9 spaces proposed within the Sears loading dock shall be designated and used for employee parking.
37. The mall shall consider implementation of a transportation management system program to reduce employee traffic and manage parking on-site, as necessary, particularly during holiday seasons; consistent with the parking monitoring requirements established as a condition of the theater use.

*Promenade Construction*

38. The North San Rafael Promenade improvement proposed along the project frontage shall be implemented in substantial conformance with approved plans and in accordance with the terms of the Development Agreement.

*Duration, Expiration and Applicability*

39. The Master Use Permit approval for the Northgate Mall has been inaugurated and shall remain valid for the duration of the use. This approval shall supersede and replace Master Use Permit UP07-56). Any changes or modifications shall be subject to prior review and approval by the Community Development Director to verify compliance with applicable zoning regulations and all active zoning entitlements.



**Master Environmental and Design Review Permit Conditions of Approval (ED13-027)**  
**(Amendment to Master Environmental and Design Review Permit ED07-90)**

Community Development Department, Planning Division

1. This Master Environmental and Design Review Permit for the Northgate Mall Renovation Project shall supersede ED07-90 granted for the project, except that the existing approved signage, building design and uses of the Macy's, Kohl's and Sears department store buildings and the 10.4 acre Sears property shall not be required to be redesigned unless or until they submit separate plans for renovation, modification or improvement of their buildings and facilities.
2. This Environmental and Design Review Permit approval shall be subject to Master Sign Program approval SR07-91 and amended Master Use Permit Approval UP13-001.

*Building and Site Design Requirements*

3. The renovation of the mall shall be implemented in compliance with the following project plans, as amended and subject to further modification based on the conditions herein:
  - a) Plans for renovation of the mall (Phase I) dated March 2008, consisting of Civil Plans C.PC.01.01 through 19, Architectural Plans A.SD.CS.01 through A.SD.45.02, Landscape Plans L.SD.01.01 through 12, the Mall at Northgate Materials Board exhibit, exterior site furnishings and Exterior In-Line Tenants Design Criteria – Updated: January 29<sup>th</sup> 2008. Plans submitted for building permit shall conform to approved project plans, except as modified by conditions herein.
  - b) Plans for revision to renovation of the mall (Phase I), approving the Home Goods building re-use in lieu of demolition, date stamped approved October 15, 2013, consisting of Kimley-Horn Sheet 1 of 5 through 5 of 5, RHAA Concept Landscape Plans Sheet 1 of 3 through 3 of 3, Kimley-Horn Site Plan Sheet 1 of 2 and 2 of 2, 505 Design Elevations Sheet 1 of 2 and 2 of 2, 505 Design Colors and Materials Board Sheet, Kimley-Horn Sheet C1 through C5, RHAA Tree Removal and Landscape Plans Sheet L0.0 through L2.5, and the Northgate Site and Lease Plan exhibits.
4. The mall architectural control committee (ARC) shall review and approve new exterior in-line tenant storefront designs and tenant signs for compliance with the Exterior In-Line Tenants Design Criteria – Updated: January 29<sup>th</sup> 2008. City staff shall review these improvements with building permit plans. Verification of ARC approval of the tenant plans shall be provided at time of building permit application.
5. This design approval shall be applicable to exterior building and site improvements. Interior work shall be under the purview of the Northgate Mall architectural control committee.
6. ~~The design details shall show the finish of the retaining wall at the northeast corner of the site, which shall be screened with landscaping (as currently built) or~~ faced with stone or similar treatment to match the improvements along the site frontage.



7. A detail ~~showing the treatment for vacant or interim exterior storefronts shall be provided on renovation plans submitted for building permit.~~ This detail shall be and used for any initial vacancies following the renovation work, and shall propose a scheme that is in keeping with the main façade.
8. Future additions, alterations and modifications to the site shall be consistent with the Exterior In-Line Tenants Design Criteria – Updated: January 29<sup>th</sup> 2008. The Community Development Director may required further design review permit approvals in order to modify the approved design of the Rite Aid or Home Goods pad buildings, or for any future pad buildings not contemplated as part of the original project, or for significant exterior façade changes that may be proposed for in-line or “anchor” tenants.
9. The parking lot, landscaping and related site improvements on the southerly 10.4 acre Sears owned property may be upgraded in a manner to be consistent with the details shown on the plans approved for the remainder of the mall property, through staff review of an administrative environmental and design review.
10. Bicycle parking areas and amounts shall be indicated on plans for building permit, and shall include details that show compliance with the minimum clearance and dimension standards, outside of required walkways, as specified in the Parking Regulations.
11. All site and building improvements shall be maintained in good repair and condition for the duration of the use.
12. The revised parking lot shall include restriping to increase the parking supply as shown on the Kimley Horn Sheet 4 of 5, with the following exceptions:
  - a. The parking spaces adjacent to Pad 30 shall remain as parallel parking spaces, in the existing configuration installed as part of the mall renovation initial phase.
  - b. Revised parking improvements proposed to be completed for the new Home Goods store shall include two 8.5 foot wide finger islands to break up the row of parking along the west side of the building and two typical 7’ by 7’ rectangular landscape wells in the parking rows north of the building.
  - c. Revise the proposed parking lot near the proposed Home Goods building as necessary to satisfy recommendations of the Department of Public Works regarding circulation and access (including requirement that drive-aisles should be upgraded to meet current standards of 20 feet for one-way and 26-feet for two-way), and requirements of the Fire Prevention Bureau to assure adequate fire lanes and turning radii are provided through the revised parking layout.

*Sign Program Requirements*

13. All new/replacement exterior tenant identification signage shall conform to the criteria as indicated on approved plans and contained in the In-Line Tenants Design Criteria – Updated: January 29<sup>th</sup> 2008; subject to issuance of a separate sign review permit.



14. The monument entry signs (i.e., boundary, primary and secondary monument signs) and way finding signage shall be approved as indicated on the Site Plan Sheet C.SD.01.03 for the driveway entrances and internal intersections, and designed as indicated on Sheet A.SD.20.13, with low profile stone walls and high quality individual cutout lettering.
15. The mall entry signs identifying "Northgate" shall be approved for installation on the building walls above the three entryways (as indicated on the approved elevations Sheets A.SD.04 through .06); generally consisting of 2' tall painted metal letters pinned off frosted glass background, illuminated with concealed light source; as well as 1' by 12' cut out letters, externally illuminated, located above the mall doorway entries.
16. The anchor department store tenants may replace their existing signage with the new signage of a similar size, scale and design. The anchor tenants are encouraged to upgrade signage to match the criteria set for the center.

#### *Landscaping*

17. All landscaping shall be maintained in good condition and any dead or dying plants, bushes, or trees shall be replaced with new healthy stock of a size compatible with the remainder of the growth at the time of replacement.
18. Landscaping must meet the Marin municipal water district's (MMWD) water conservation rules and regulations. Prior to the issuance of a building permit or other authorization to proceed, the applicant must provide verification from MMWD stating that the landscape plan has been approved.
19. Tree selections and planting details shall be subject to review and approval by the City, and may require the recommendation and certification of a consulting arborist.
20. Planting details for new tree wells shall be included on construction plans. The detail shall be prepared by a licensed landscape architect based on a soils analysis prepared for the site, to ensure trees will thrive to the maximum extent feasible.

#### *Lighting*

21. Design of lighting fixtures and levels shall be as indicated on the approved project plans (e.g., Site Plans, Elevations and Photometrics); e.g., with the intent to provide a uniform, low level scheme for parking lots, building entries and pedestrian areas.
22. All new lighting fixtures shall be subject to a 90 day review period following grant of final occupancy to ensure lighting conforms to the approved plans and City standards.

#### *Construction Hours*

23. All exterior work shall occur within the City of San Rafael's established work hours, with no noise generating activities that would exceed the 90 dBA threshold at the property line. Interior construction and demolition may occur outside of the established work hours, provided that such work shall not be significant noise generating activities and shall comply with the noise thresholds as specified in San Rafael Municipal Code Chapter 8.13 (Noise).



24. To expedite work and minimize impact on mall tenants, some nighttime work may be allowed for such things as minor demolition by hand, electrical wiring, and other similar construction finish work that does not require generators, engines, mechanical equipment or power tools that would generate significant noise perceptible outside of the mall building. No outdoor activities such as materials deliveries or debris hauling, employee gathering, or preparation activities shall occur after daylight hours.

*Building Permit Requirements*

25. The building materials and colors as presented for approval shall be the same as required for the issuance of a building permit. Any future changes in materials or color shall be subject to prior review and approval by the Planning Division to confirm compliance with this approval and city codes. This may include referral to the Design Review Board and administrative, minor or major design review.
26. Minor modifications to the design and sign program approvals may be approved by the Community Development Department, Planning Division. Changes deemed to be major shall be subject to review by the appropriate authority, as determined by the Planning Division.

Community Development Department - Building and Fire Prevention Divisions

*The following conditions shall be satisfied for issuance of building permits, as determined by the Building Division and/or Fire Prevention Bureau, and subject to further review at time of building permit:*

27. The design and construction of all site alterations shall comply with all applicable codes and regulations in effect at the time of plan submittal for building permit. .
28. Whenever the distance of travel to the mall from any location within a tenant space used by persons other than employees exceeds 75 feet or the tenant space has an occupant load of 50 or more, not less than 2 means of egress shall be provided CBC 402.4.2. The maximum distance of travel from any point within a tenant space to an exit or entrance to the mall shall not exceed 75 feet. The maximum distance of travel from any point within a mall to an exit shall not exceed 200 feet. Show the means of egress and dimension distances.
29. Dimension the width of all corridors and exit passageways CBC 402.4.5. The minimum width is 66 inches.
30. Dimension plans to show minimum walkway clearances. Minimum width is 20 feet. Minimum width is 10 feet between any projection of tenant space bordering the mall and nearest kiosk, vending machine, bench, display, food court, or other obstruction CBC 402.5.1.
31. Dimension the kiosks and required separations per CBC 402.10. Each kiosk or grouping shall have a maximum area of 300 sq. ft. and a minimum horizontal separation of 20 feet.



32. Assembly occupancies such as the theater, if the occupant load exceeds 500 or more shall be located in the covered mall building that their entrance will be immediately adjacent to a principle entrance to the mall and have not less than one-half of their required means of egress opening directly to the exterior of the covered mall building CBC 402.4.3.
33. Fire sprinklers will be required throughout the mall designed and installed in accordance to NFPA 13 (2002 edition). The system shall provide protection for the mall area independent from the tenant spaces or anchor stores. This will include sprinkler coverage for all Kiosks or similar structures. (see CBC 402.10 for required installation criteria) A Separate application by a C-16 contractor is required.
34. Fire Standpipe System shall be required throughout the Mall, and installed in accordance to NFPA 14 (2002 edition) with a class I hose connections connected to a system sized to deliver 250 gallons per minute at the hydraulically most remote outlet. The location of standpipe outlets shall be installed at the main entrance, within each exit passageway or corridor, at each floor level, at any catwalk accessing service area's, within enclosed stairwells that open onto the mall, and at exterior entrances to the mall. (see CBC Sec 402.8.1 & Sec 905.3.3 for installation criteria) Separate application by a C-16 contractor is required.
35. Manual and automatic Fire detection system will be required throughout the mall and tenant spaces. This will include detection devices installed within all Kiosks or similar structures. (see CBC Sec 402.10 for required installation criteria) A separate application by a C-10 contractor is required.
36. Provide a Smoke Control System within the enclosed mall. The provisions for the smoke control system shall comply with CBC Sec 402.9 & Sec 404.
37. Provide a single fire department control room containing controls for air handling system, smoke control system, fire alarm control panel, relocated from the attic area, and fire suppression system control.
38. Provide an approved vestibule area for attic access areas. These areas shall be designed to maintain a minimum fire resistive construction at two hours. A single Standpipe outlet, the configuration shall be designed to accommodate a single *Engine Company* crew with fire fighting equipment. The specific dimensions to be determined at building permit review.
39. Rite Aide building shall be protected by an automatic fire sprinkler system as required by the California Building Code, as amended by the Municipal Fire Code, and designed in accordance to NFPA 13 (2002 edition). It shall be provided with central station alarm monitoring, that has an Underwriters Laboratory Serially Numbered Certificate which will notify the fire department in the event of activation of one of the water flow switches. In addition, a local alarm shall be provided on the exterior and at a normally occupied location in the interior of the building.
40. Each building shall have address numbers located in a position that is plainly visible from the street or road fronting the property. Numbers must be Arabic numerals or alphabetical



letters, be minimum 4" in height with a minimum stroke width of 0.5 inch, contrasting in color to their background, and either internally or externally illuminated.

41. Knox box keyed entry system is required at designated access doors.
42. Any demolition of existing structures will require a permit. Submittal shall include three (3) copies of the site plan, asbestos certification and PG&E disconnect notices. Also, application must be made to the Bay Area Air Quality Management District prior to obtaining the permit and beginning work.
43. School fees, if required, shall be paid for the project. School fees for commercial space are computed at \$0.33 per square foot of new building area. Calculations are done by the San Rafael City Schools, and those fees are paid directly to them prior to issuance of the building permit.
44. With regard to any grading or site remediation, soils export, import and placement; provide a detailed soils report prepared by a qualified engineer to address these procedures. In particular the report should address the import and placement and compaction of soils at future building pad locations and should be based on an assumed foundation design. This information should be provided to Building Division and Department of Public Works for review and comments prior to any such activities taking place.
45. A grading permit may be required for the above-mentioned work.
46. Prior to building permit issuance for the construction of each building, geotechnical and civil pad certifications are to be submitted.
47. Walls separating purposed tenant space from existing neighboring tenant spaces must be a minimum of 1-hour construction.
48. All site signage as well as wall signs require a separate permit and application (excluding address numbering).
49. Monument sign(s) located at the driveway entrance(s) shall have address numbers posted prominently on the monument sign.
50. Facilities in mercantile and business occupancies, toilet facility requirements for customers and employees shall be permitted to be met with a single set of restrooms accessible to both groups. The required number of fixtures shall be the greater of the required number for employees or the required number for customers. Fixtures for customer use shall be permitted to be met by providing a centrally located toilet facility within a max distance not to exceed 500 feet. In stores with a floor area of 150 square feet or less the requirement to provide facilities for employees shall be permitted to be met by providing a centrally located toilet facility within a max distance not to exceed 300 feet.
51. Food service establishments with an occupant load of 100 or more shall be provided with separate toilet facilities for employees and customers.



52. Minimum elevator car size (interior dimension) is 68" wide and 51" deep, with a clear door width of 36".
53. This site may contain particularly caustic and/or corrosive soils. Mitigating design for any in-ground piping systems or reinforcing elements which may be detrimentally affected will need to be addressed during design.
54. The proposed facility shall be designed to provide access to the physically disabled in accordance with the requirements of Title-24, California Code of Regulations; i.e., accessible parking stalls, path of travel, primary entrance, interior travel path and restrooms.
55. All areas within the site must be accessible for persons with disabilities. All newly constructed buildings on a site shall have, but are not limited to, the following accessible features:
  - a) Path of travel from public transportation point of arrival
  - b) Routes of travel between buildings
  - c) Accessible parking
  - d) Ramps
  - e) Primary entrances
  - f) Sanitary facilities (restrooms)
  - g) Drinking fountains & Public telephones (when provided)
  - h) Accessible features per specific occupancy requirements
  - i) Accessible special features, i.e., ATM's point of sale machines, etc.
56. Pedestrian access provisions should provide a minimum 48" wide unobstructed paved surface to and along all accessible routes. Items such as signs, meter pedestals, light standards, trash receptacles, etc., shall not encroach on this 4' minimum width. Also, note that sidewalk slopes and side slopes shall not exceed published minimums per California Title 24, Part 2.
57. The site development of such items as common sidewalks, parking areas, stairs, ramps, common facilities, etc. are subject to compliance with the accessibility standards contained in Title-24, California Code of Regulations. The civil, grading and landscape plans shall address these requirements to the extent possible.
58. Fire lanes must be designated; painted red with contrasting white lettering stating "No Parking Fire Lane" A sign shall be posted in accordance to City of San Rafael standard #204.
59. If a Dry Cleaning Operation moves in the provisions listed in Chapter 12 of the California Fire Code shall be required.
60. Hazardous Materials Placard shall be installed for those areas of the facility that are *storing*, *using*, or *handling* hazardous materials. This in accordance with NFPA 704. There would additionally be requirement to provide a Hazardous Materials Management Plan submitted to Marin County Department of Public Works, CUPA.
61. Storage height in excess of 12 feet shall require a "High Pile Storage" permit.



62. Provide an approved Fire Department Equipment access through the Mervyns Plaza Plan. There shall be a minimum road design of 20 foot width with 13.5 foot head clearance with a road surface capable of supporting an imposed load of 75,000 lbs. Contact Fire Prevention Bureau for specific details.
63. Fire Department access shall be maintained to all parking areas with the exception of the existing covered parking that is protected with a standpipe and sprinkler systems. If curbs are created that inhibit fire department access it will be the responsibility of the installing contractor that has applied for the permit to maintain the proper dimensions for a fire engine to access any parked vehicle.
64. In-ground grease separator(s) will be required outside the building perimeter to handle waste water from the restaurants and food court area.
65. Review and approval by the Marin County Health Department may be required prior to submittal for building permit plan review.
66. Comply with the additional comments and requirements contained in memorandum from David Heida regarding Planning File ED13-027 – 5800 Northgate Dr Northgate Mall Renovation Amendment.

Public Works Department – Land Development Division

*The following conditions shall be satisfied for issuance of building permits, as determined by the Public Works Department, and subject to further review at time of building, grading or encroachment permit:*

67. In response to the applicant's memo received February 25, 2008, Public Works accepts the "Contech CDS Hydrodynamic Separator" as a means to treat the stormwater runoff from the site; this is based on existing site conditions and constraints where presently no water is being treated at all. The applicant is requested to submit calculations to verify that the proposed structure is adequately designed and to further address the other issues listed below:
68. An engineered plan for the frontage improvements to be reviewed and approved by the Department of Public Works, prior to issuance of the building permit. The plan must show existing and proposed curb and gutter, sidewalk, bike lane, driveway, crosswalk in the public right of way and on the private property fronting Northgate Drive, Las Gallinas Road and Los Ranchitos Road and the following:
  - a) Show flowline elevations of curb and gutter fronting the said streets.
  - b) Replace damaged curb and gutter caused by settlement, upheaval, crack, displacement, lateral movement, etc. to ensure no "ponding"/"birdbath" in gutter. Suggestion: Flood existing gutter with water to determine which sections of curb and gutter to be replaced.
  - c) Replace damaged sidewalk caused by settlement, upheaval, crack, displacement, lateral movements, incorrect cross slope, etc. All existing sidewalk along the promenade must be replaced. New sidewalk fronting the promenade must be 6' wide.



- d) Provide a widen 5' x10' sidewalk between every 150'-250' for wheelchair passing area.
- e) Provide curb and/or railing at back of existing on Northgate Drive near Mervyn's where there is different in grade between the back of sidewalk and the parking lot.
- f) Modify and/or replace existing curb ramps at crosswalks to comply with ADA requirements. Show details and provide elevations.
- g) Modify and/or replace existing driveways (12 each) and curb returns to comply with ADA requirements. Show details and provide elevations.
- h) Repair asphalt pavement failure within 5' from the lip of gutter.
- i) Replace all existing frontage improvements including curb and gutter within the limits of the promenade. Sidewalk along the new promenade shall be 5' wide except at obstructions such as trees, light pole, above ground traffic control boxes, etc. Grind, reinforced fabric and repave the travel lane closest to the gutter for uniform width and conformance.
- j) Frontage improvements and new improvements must be in accordance with the City's standard plans and specifications and must also comply with the Americans with Disabilities Act (ADA) requirements.

69. Frontage improvements must be completed, prior to issuance of certificate of occupancy.

70. City will require a license agreement (or equivalent permanent public access right, e.g., easement or grant of right-of-way), where the frontage improvements such as sidewalk, bike lane, access ramp, crosswalks are located on private property. Frontage improvements will be maintained by applicant/property owners, prior to issuance of final building inspection.

71. The applicant shall ensure no permanent structure is placed over any easement.

72. A Storm Water Pollution Prevention Plan (SWPPP) to include erosion controls is required.

73. A Notice of Intent (NOI) from Regional Water Quality Control Board is required.

74. Prevent storm runoff over the sidewalk/driveway apron.

75. Cover and berm refuse area (if any). Plumb to existing nearby sewer, if available.

76. Prior to issuance of building permit, applicant shall enter into a maintenance agreement with City to maintain storm water controls and yearly report.

77. A Best Management Practice plan shall be included in the building plans.

78. The revised project shall address the comments provided by the Department of Public Works, Kevin McGowan, in Memorandum dated October 1, 2013 for the Home Goods Store/Promenade.

Public Works Department - Traffic Requirements

79. Final improvement plan details shall be submitted for final review and approval by the City Traffic Engineer for the proposed roadway and traffic related improvements including the

pedestrian and driveway crossings, restriping and alignment of the new driveway entry at Del Presidio, proposed bus turnout location, and analysis of vehicle sight distance at driveways, etc. The applicant shall make all the necessary site, frontage and intersection improvements necessary to accommodate the project changes.

80. The applicant shall pay for roadway improvements required for the new entrance at Del Presidio and Las Gallinas.

81. As designed, the new driveway entry at Del Presidio is intended as an entry only for south bound traffic from Del Presidio. Eastbound right-turn and westbound left-turn movement's from Las Gallinas Drive are not allowed. Final details and future modifications shall be subject to review and approval by the City Traffic Engineer.

The foregoing Resolution was adopted at the regular City of San Rafael Planning Commission meeting held on the 15<sup>th</sup> day of October, 2013.

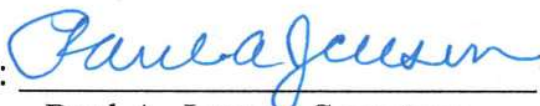
Moved by Commissioner Schaefer and seconded by Commissioner Belletto as follows:


AYES: COMMISSIONERS Belletto, Lubamersky, Pick, Schaefer and Chair Paul

NOES: COMMISSIONERS None

ABSENT: COMMISSIONERS Robertson, Wise

SAN RAFAEL PLANNING COMMISSION

ATTEST:   
Paul A. Jensen, Secretary

BY:   
Larry Paul, Chair