



AGENDA

**SAN RAFAEL PLANNING COMMISSION
REGULAR MEETING
TUESDAY, December 10, 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, October 15, 2019

PUBLIC HEARING

2. **815 B St. (Formerly 809 B St and 1212 and 1214 2nd St.)** – Follow-up review to determine the most appropriate organization to receive the one-time \$25,000 charitable contribution accepted by the City in adopting a Statement of Overriding Considerations previously approving a 41-unit mixed-use building; APNS: 011-256-12, -14, -15 & -32; Second/Third Mixed-Use West (2/3MUW) and Cross-Street Mixed-Use (CSMU) Zoning Districts; Tom Monahan, Applicant; 1200 Second Street Investors. LLC., Owner; Downtown Neighborhood. Project Planner: Steve Stafford
3. **350 Merrydale Rd/3833 Redwood Hwy**– Requests for a Planned Development Rezoning, Environmental Design Review Permit, Tentative Subdivision Map and Use Permit and Exception to allow the demolition of the existing one-story classroom buildings on site and new construction of nine (9) three-story buildings with a total of 45 condominium townhome units (including nine (9) affordable BMR (Below Market Rate) units). Total parking proposed on-site would be 94 spaces. The project requires a Rezoning of the property from a Planned Development (PD1594) which allowed the existing use (services for disabled adults), to a new PD that would allow residential development. APN's: 179-041-27 and 28; Planned Development (PD1594) Zoning District; Francine Clayton, owner, Michael Hooper, applicant; San Rafael Meadows Neighborhood. Project Planner: Caron Parker
4. **190 Mill Street**–Study Session for a request for General Plan Amendment, Zoning Amendment, and Use Permit. The amendments would extend the existing high density residential general plan land use (HDR) and zoning district (HR1) boundary to include this site; would establish a “by-right” process for 100% affordable supportive housing as called for under AB2162; and would allow for a tiered height bonus available for qualifying projects. The project would also request a Use Permit to allow expansion of the existing emergency shelter. The development project would include construction of a 24,042 square foot building to accommodate the 60-bed emergency shelter plus 32 supportive housing units; APN: 014-192-12; Canal Industrial/Office (CCI/O) District; Homeward Bound owners/applicant; File No(s): GPA19-001/ZC19-001/UP19-001. Project Planner: Alicia Giudice
5. Preparation in advance of Annual Meeting of Planning Commission to include: a) distribution of Planning Commission “Rules and Procedures” for review before annual meeting in January 2020; and b) assignment of Planning Commission liaisons for 2020 DRB meetings. Project Planner: Alicia Giudice

DIRECTOR'S REPORT COMMISSION COMMUNICATION ADJOURNMENT

- 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.

- I. Next Meeting: December 24, 2019.
- II. I, Anne Derrick, hereby certify that on Friday, December 6, 2019, I posted a notice of the December 10, 2019 Planning Commission meeting on the City of San Rafael Agenda Board.

In the Council Chambers of the City of San Rafael, October 15, 2019



**Regular Meeting
San Rafael Planning Commission Minutes**

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

CALL TO ORDER

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

Absent: None

Also Present: Raffi Boloyan, Planning Manager
Alicia Giudice, Senior Planner
Paul Jensen, CDD Director

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, September 24, 2019

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

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

PUBLIC HEARING

- 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**

Staff Report

This was a Conceptual Item, so there was no vote. The Commission made the following comments:

- Confirmed the main Costco retail use and tire center are consistent with the current Master Use Permit, but not as designed (lack of integration with mall, circulation issues, height/bulk/mass);
- Expressed lack of support for proposed addition of a fueling station at this site;
- Concerned with lack of a plan for rest of the Mall, and how this project could impact that, especially as it relates to addition of housing. Need for a master plan;
- Need for data to support the benefits to the community and support claims that Costco will bring shoppers to mall;
- Concern with the increased height (Exception findings) which result in bulk and mass coming so close to Northgate Dr.;
- Need for better integration of the Costco with rest of Mall;
- Concern with on-site circulation access as noted by staff;
- Need project to better respect the design and character of surrounding area;
- Project is solely designed for car access and needs to pay attention to pedestrians;
- Ensure that traffic study is comprehensive and extends to greater are than just around mall.

DIRECTOR'S REPORT

COMMISSION COMMUNICATION

ADJOURNMENT

ANNE DERRICK, Administrative Assistant III

APPROVED THIS ____ DAY OF _____, 2019

Sarah Loughran, Chair



REPORT TO PLANNING COMMISSION

SUBJECT: 815 B St. (Formerly 809 B St and 1212 and 1214 2nd St.) – Follow-up review to determine the most appropriate organization to receive the one-time \$25,000 charitable contribution accepted by the City in adopting a Statement of Overriding Considerations previously approving a 41-unit mixed-use building; APNS: 011-256-12, -14, -15 & -32; Second/Third Mixed-Use West (2/3MUW) and Cross-Street Mixed-Use (CSMU) Zoning Districts; Tom Monahan, Applicant; 1200 Second Street Investors. LLC., Owner; Downtown Neighborhood.

BACKGROUND

On May 10, 2016, the Planning Commission (Commission) conditionally approved a new, 41-unit, mixed-use building at northwest corner of B and 2nd Streets (815 B St; formerly 809 B St. and 1212 and 1214 2nd St.). The Zoning Administrator subsequently approved a time extension on April 25, 2018 and the Commission recently approved a condominium map for the project on May 14, 2019.

The environmental review for the project included an Environmental Impact Report (EIR) for the demolition of two Victorian-era structures on the site which were determined to be historic resources. A Statement of Overriding Considerations (Exhibit 2; Planning Commission Resolution No. 16-08) was adopted by the Commission based on the EIR, in which the Commission determined the economic and social benefits of the project outweighed the significant unavoidable impacts due to the loss of the cultural resources. One of these Considerations to support the Override (Consideration #4; Page 17 of Exhibit 2) encapsulates the property owner's voluntary pledge of a one-time \$25,000 charitable contribution, which is subject to final review and approval by the Commission prior to issuance of the building permits for the project.

Building permits have been issued for the demotion, grading, shoring, utilities and foundation work on the site. The building permit for the building itself has not been approved.

ANALYSIS

Consideration #4 of Planning Commission Resolution No. 16-08, adopting a Statement of Overriding Consideration and approving the Mitigation Monitoring Program for the project, states:

4. Charitable Contributions

The project would provide a one-time charitable contribution of \$25,000 to the San Rafael Fire Department, the Marin History Museum, or any group the City determines to be appropriate to help offset the loss of the two cultural resources. The most appropriate organization to receive the one-time \$25,000 charitable contribution shall be subject to final review and approval by the Planning Commission prior to issuance of grading or building permits for the project, with a preference to historic preservation. Payment shall be made to the selected organization prior to issuance of grading or building permits for the project.

The property owner has previously expressed preference that the one-time charitable contribution should be designated to the San Rafael Fire Department (SRFD). And the property owner continues to express that the beneficiary of the voluntary contribution be SRFD (Exhibit 3).

Planning staff believes the most appropriate recipient for the charitable contribution would be an organization with focus on historic preservation, since the Override was specific to the demolition of the two historic resources. During the May 2016 Commission hearing approving the project, two non-profit organizations focused on historic preservation - the Marin History Museum and San Rafael Heritage – both expressed interest in receiving the charitable contribution. The Marin History Museum continues to welcome the one-time charitable contribution and has submitted a letter (Exhibit 4) in support of their efforts. Staff has not received up-to-date comments from San Rafael Heritage on the charitable contribution.

Staff has noticed this hearing in accordance with noticing requirements contained in Chapter 29 of the Zoning Ordinance. A Notice of Public Hearing was mailed to all property owners and occupants within a 300-foot radius of the project site, the appropriate neighborhood groups (Federation of San Rafael Neighborhoods, Downtown BID and Gerstle Park Neighborhood Association), and all other interested parties (Marin History Museum and San Rafael Heritage), a minimum of 15 calendar days prior to the hearing.

CONCLUSION

Planning staff believes nexus exists between the removal of historic resources from the project site and the most appropriate beneficiary to receive the one-time charitable contribution to be an organization whose focus is historic preservation. Marin History Museum is actively interested in receiving this gift. San Rafael Heritage expressed prior interest also in receiving the charitable contribution, though staff believes both non-profit organizations are distinct in their approach to historic preservation. Marin History Museum has amassed a considerable collection of historical items central to exhibitions and educational programs for both the public and historians. While San Rafael Heritage is more of an advocacy group supporting greater historic preservation in San Rafael. The SRFD has indicated a desire to preserve many artifacts from the old Downtown fire station (#51) for an exhibit at the new Downtown Public Safety building, which is currently unfunded. In that regard, the SRFD concurs that the best use of the charitable contribution would be for historic preservation. While staff has no preference to whom should receive the one-time charitable contribution, staff believes it should be earmarked for historic preservation.

EXHIBITS

1. Vicinity Map
2. Planning Commission Resolution No. 16-08
3. Letter from Property Owner dated November 13, 2019
4. Letter from Marin History Museum dated December 3, 2019

cc: 1200 Second Street Investors, LLC – Attn: Tom Monahan; 1101 Fifth Ave., Suite 300; San Rafael, CA 94901

RESOLUTION NO. 16-08

RESOLUTION OF THE CITY OF SAN RAFAEL PLANNING COMMISSION ADOPTING CEQA FINDINGS OF FACT, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS AND APPROVING THE MITIGATION MONITORING PROGRAM (MMRP) FOR THE PROJECT REQUESTING AN ENVIRONMENTAL AND DESIGN REVIEW PERMIT (ED12-060), A USE PERMIT (UP12-029) AND A LOT CONSOLIDATION (LLA12-003) TO ALLOW THE DEMOLITION OF TWO RESIDENTIAL AND ONE COMMERCIAL STRUCTURES AND CONSTRUCTION OF A NEW, FOUR-STORY, MIXED-USE BUILDING WITH 41 RENTAL RESIDENTIAL UNITS ABOVE 1,939 SQ. FT. OF GROUND-FLOOR COMMERCIAL SPACE AND 48 GARAGE PARKING SPACES AT 815 B ST. (FORMERLY 809 B ST., AND 1212 AND 1214 2ND ST.; APNS: 011-256-12, -14, -15 & -32)

WHEREAS, on August 31, 2012, project applications for a Use Permit (UP12-029), Environmental and Design Review Permit (ED12-060), Lot Consolidation (LLA12-003) and environmental review (IS12-001) were submitted to the Community Development Department by the project sponsor, Monahan Parker, Inc., proposing to demolish two residential and one commercial structures and construct a new a four-story, mixed-use building with 41 residential rental units above 21,939 sq. ft. of ground-floor commercial space and 498 garage parking spaces on four (4) adjacent Downtown parcels, at 815 B St.(formerly 809 B St. and 1212 and 1214 2nd St.); and

WHEREAS, on July 23, 2013, the Planning Commission (Commission) held an appropriately noticed (Notice of Preparation or NOP) Public Meeting for Scoping the Environmental Impact Report to assess the impacts of the project. The Planning Commission directed staff to prepare an Environmental Impact Report (EIR) for the project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.), which was to address the following issues: Aesthetics, Cultural Resources (Historic), and Project Alternatives; and

WHEREAS, the Draft EIR (DEIR) was circulated for a 45-day public review period beginning September 18, 2015, and ending November 9, 2015 (SCH # 201306053). As part of this review, on November 10, 2015, the Planning Commission held a duly-noticed public hearing to consider and accept comments on the DEIR. The DEIR concluded that the project would result in significant, unavoidable impacts associated with Aesthetics and Cultural Resources (Historic). All other significant impacts identified in the DEIR can be mitigated to less-than-significant levels with implementation of the mitigation measures recommended in the DEIR; and

WHEREAS, based on written and oral comments received from the public on the DEIR and its own review of the DEIR, the Planning Commission directed staff to prepare a Final Environmental Impact Report (FEIR) and respond to comments received on the DEIR; and

WHEREAS, pursuant to Public Resources Code Section 21091(d)(2)(A) and CEQA Guidelines Sections 15088, 15089 and 15132, the City responded to all the environmental comments that were submitted on the DEIR during the public review period and a FEIR was completed. On April 22, 2016, a Notice of Availability for the FEIR/Response to Comments was mailed to interested persons and property owners and occupants within 300 feet of the property and written responses to public agency comments were provided to agencies who commented on the DEIR; and;

WHEREAS, consistent with the requirements of the CEQA Guidelines, a Mitigation Monitoring and Reporting Program (MMRP) has been prepared, which outlines the procedures and requirements for implementing all mitigation measures identified in the FEIR, and is provided in attached Exhibit A of this Resolution; and

WHEREAS, the FEIR concludes that all impacts identified in the FEIR have been or can be mitigated to a level of less-than-significant, with the exception one impact to Cultural Resources in that that the project would result in the demolition of two structures which are eligible for the California Register of Historic Places and are considered cultural resources for purposes of CEQA; and

WHEREAS, CEQA Guidelines Section 15093 requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve a project. If these benefits outweigh the unavoidable adverse environmental effects, the adverse effects may be considered "acceptable." The decision-making agency must state in writing the specific reasons to support its action based on the FEIR and/or other information in the record. The statement of overriding considerations must be supported by substantial evidence in the record; and

WHEREAS, on May 10, 2016, the Planning Commission held a duly-noticed public hearing on the proposed planning applications for the 815 B St project, accepting all public testimony and the written report of the Community Development Department staff. As part of this hearing process the Planning Commission considered draft CEQA Findings of Fact, a draft Statement of Overriding Considerations, as well as a draft Mitigation Monitoring and Reporting Program (MMRP), which is presented in attached Exhibit A of this resolution;

WHEREAS, on May 10, 2016, the Planning Commission through the adoption of a separate resolution, certified the FEIR for the project.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of San Rafael does hereby: a) approve the following CEQA Findings of Fact; b) adopt the following Statement of Overriding Considerations; and c) approve the MMRP presented in Exhibit A, finding that the MMRP has been prepared in accordance with the CEQA Guidelines:

FINDINGS OF FACT

I. California Environmental Quality Act (CEQA)

A. Final EIR and Addendum

By separate resolution (Planning Commission Resolution No. 16-XX), the Planning Commission has reviewed t adopted an Final EIR (FEIR). As part of this action and as outlined in this separate resolution, the Planning Commission: a) reaffirmed the findings made in Planning Commission Resolution No. 16-XX, which supported the certification of the FEIR; and b) found that the FEIR has been prepared in accordance with the CEQA Guidelines and the City of San Rafael Environmental Assessment Procedures Manual. Further, this separate resolution finds and concludes that the FEIR adequately assess the environmental effects of the proposed 815 B St. project.

B. Incorporated Documents/ Record of Proceedings

1. The following information is incorporated by reference and made part of the record supporting these findings:

- All project plans and application materials including supportive technical reports;
- The Draft EIR and Appendices (September 2015) and Final EIR (April 25, 2016), the Initial Study (June 2013) and all documents relied upon or incorporated by reference;
- The mitigation monitoring and reporting program (MMRP) prepared for the project;
- The City of San Rafael *General Plan 2020* and Final EIR;
- Zoning Ordinance of the City of San Rafael (SRMC Title 14);
- Subdivision Ordinance of the City of San Rafael (SRMC Title 15);
- San Rafael Downtown Community Plan; Our Vision of Downtown San Rafael and Our Implementation Strategy;
- City Council Ordinance No. 1772, City Council Resolution No. 10980 and the City of San Rafael Archaeological Sensitivity map
- All records of decision, resolutions, staff reports, memoranda, maps, exhibits, letters, synopses of meetings, summaries, and other documents approved, reviewed, relied upon, or prepared by any City commissions, boards, officials, consultants, or staff relating to the project;
- Any documents expressly cited in these findings, in addition to those cited above; and
- Any other materials required for the record of proceedings by Public Resources Code section 21167.6, subdivision (e).

2. Pursuant to CEQA Guidelines Section 15091(e), the documents and other materials that constitute the record of proceedings upon which the City has based its decision are located in and may be obtained from Department of Community Development, Planning Division. The Community Development, Planning Division is the custodian of records for all matters before the Planning Commission.

II. Findings of Fact in Support of Project Action

The FEIR, prepared in compliance with CEQA, evaluate the potentially significant and significant adverse environmental impacts that could result from approval of the project. Because the FEIR conclude that implementation of the project would result in adverse impacts, the City is required by CEQA to make certain findings with respect to these impacts. (CEQA Guidelines Section 15091) These findings list and describe the following, as analyzed in the EIR: a) impacts determined to be insignificant or less-than-significant in the initial study/notice of preparation checklist; b) impacts found to be less than significant after individual analysis in the EIR; c) significant impacts that can be avoided or reduced with mitigation; d) significant impacts that cannot be avoided; e) project alternatives that were developed and studied as provided in the CEQA Guidelines.

These findings are supported by substantial evidence in the record of proceedings before the City as summarized below. Further explanation of these environmental findings and conclusions can be found in the Draft EIR and FEIR, and these findings hereby incorporate by reference the discussion and analysis in those documents supporting the FEIR determinations regarding mitigation measures and the projects' impacts and mitigation measures designed to address

those impacts. In making these findings, the City ratifies, adopts and incorporates in these findings the determinations and conclusions of the Draft EIR and FEIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.

A. IMPACTS DETERMINED TO BE LESS THAN SIGNIFICANT AND NOT INDIVIDUALLY ANALYZED

During the preparation of the Notice of Preparation (NOP) and scoping period, the City determined that a number of potential environmental effects of the project would be insignificant, less-than-significant or would be adequately addressed through the City review process, including Biological Resources, Greenhouse Gas Emissions, Land Use/Planning, Population/Housing, Agriculture Resources, Mineral Resources, Public Services, Utilities/Service Systems, Geology/Soils, Hydrology/Water Quality and Recreation. For these topics, in accordance with CEQA Guidelines Section 15128, no need for further environmental assessment was required for the preparation of the FEIR.

Finding:

Draft EIR citing the Initial Study (IS) for the project, contains brief statements identifying possible impacts that were determined to be insignificant or less-than-significant, along with the reasons for that determination.

B. IMPACTS DETERMINED TO BE LESS-THAN-SIGNIFICANT AFTER INDIVIDUAL ANALYSIS.

The NOP and scoping period identified a number of potential environmental impacts to be analyzed in the Draft EIR. Through that analysis, none of these impacts were determined to be less-than-significant and no mitigation measures are necessary or required.

Finding:

Draft EIR citing the Initial Study for the project, contains brief statements identifying possible impacts that were determined to be insignificant or less-than-significant, along with the reasons for that determination

C. SIGNIFICANT IMPACTS THAT CAN BE AVOIDED OR REDUCED WITH MITIGATION

The City, as authorized by Public Resources Code Section 21081 and CEQA Guidelines Sections 15091 and 15092, identifies the significant impacts that can be eliminated or reduced to a less-than-significant level with the implementation of mitigation measures recommended in the EIR. These mitigation measures are hereby adopted and incorporated into the description of the project and their implementation will be monitored through the MMRP.

1) Aesthetics

a. Visual Quality/Historic Context

Significant Impact.

As analyzed in Chapter IV. A (pages 33 - 43) of the DEIR, the project design would create a significant impact Aesthetics and the visual quality or historic context of the surrounding neighborhood. As outlined in the DEIR, Painter Preservation & Planning, Architectural Historians, prepared a comprehensive Historic Resource Report (dated June 2013) as part of the environmental review

of the project and determined the neighborhood surrounding the 2nd and B Street intersection retains its unique historic identity or character (i.e., train depot and surrounding railroad housing and commercial services) and appears eligible for listing as a Historic District under the California Register of Historic Resources under Criteria 1 (associated with events making significant contribution to local or regional history) and 3 (distinctive architectural or design characteristics).

Painter Preservation & Planning first analyzed aesthetics and visual quality impacts of the project design prior the Design Review Board's review (DRB) reviewed the project design on August 20, 2013, and after project modifications, again on July 8, 2014 and recommended approval of the project design with minor changes and conditions on August 5, 2014) and determined:

"The proposed new structure has a negative effect on the present historic character of the neighborhood in the vicinity of the intersection of 2nd and B Streets. It has a particularly negative effect on 2nd Street, due to the loss of residential scale and amenities along this street, including front porches, architectural features such as bay windows, small scale architectural detailing, and the opportunity for interaction between people and the built environment in this location. The proposed design features at the corner of 2nd and B Street, and the retail frontages along B Street do not relate to the traditional historic character of this street and late 19th century commercial streets in general, which are typically more conducive to pedestrian activity. In addition, the historic character of the neighborhood, the late 19th century setting for the project, is significantly impacted with this proposal, due in part to the cumulative effect of prior demolitions in what was a highly intact neighborhood centered around the railroad station and early commercial development in this area." (page 38)

Partially in response to the City Engineer's refusal to allow bay windows or any other construction creating FAR (Floor Area Ratio) over the public sidewalk/right-of-way (ROW), design modifications were incorporated into the project throughout the review of the project by the DRB which also reduced the scale of the building by stepping back the fourth floor and eliminated most deck and eave projections into the required setback and over the ROW.

Painter Preservation & Planning re-analyzed potential aesthetic and visual quality impacts of the final project design (after the DRB recommended approval of the project design with minor changes and conditions) and determined the final project design:

"...presents a more positive scale relationship to 2nd and B Street at this important intersection. Corresponding changes in building articulation and form, however, present a negative appearance and therefore less positive relationship to the historic neighborhood than the design scheme presented in January 2013. The loss of such features as vertical bays, 'real' balconies, deep eave overhangs and sidewalk canopies has affected the design of the building, as have significant setbacks at the 2nd, 3rd and 4th floor levels. The materials, workmanship and architectural detailing of the building do not mitigate for this change in architectural design. The pedestrian environment, also an important positive feature of the built environment in this neighborhood, is not adequately addressed in this design scheme." (page 42)

The DEIR concludes that the final project design does not enhance the aesthetic setting of the historic built environment of the 2nd and B Street neighborhood and remains a potentially significant Aesthetic impact, in addition to causing the loss of historic resources. However, these impacts can be mitigated to a less-than-significant level with the addition of more and greater projections (upper-story bay windows, usable balconies, deep eaves and ground-floor canopies) over the sidewalk ROW from the building façade (Exhibit A; Mitigation Measure AES-1).

Finding

As authorized by Public Resources. Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

(2) Air Quality

Significant Impact.

As summarized in Chapter II (pages 7 - 13) of the DEIR, citing the IS for the project, grading and construction activities on the site related to the project would create a temporary potentially-significant Air Quality impact, which can be mitigated to a less-than-significant level with the preparation, approval and implementation of a Dust Control Plan (Exhibit A; Mitigation Measure AIR-1)

Finding

As authorized by Public Resources. Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

(3) Cultural Resources

a. Historic

Significant Impact.

As analyzed in Chapter IV. B (pages 43 - 60) of the DEIR, the project design would create a significant Aesthetics impact due to the proposed demolition of the two existing two-story residential buildings at 1212 and 1214 2nd Street, which are listed in the local register of historical resources (1212 2nd Street) and has been determined eligible for listing on the California Register of Historical Resources by survey evaluation (1214 2nd Street). The Victorian-era residences at 1212 and 1214 2nd Street are historically significant for their association with patterns of local history under Criterion 1 of the California Register Eligibility Criteria, and for their architecture, meeting Criterion 3 of the California Register

Eligibility Criteria. Demolition of the buildings will constitute a significant adverse impact as demolition of a historic resource cannot be mitigated to a less-than-significant level.

Mitigation measures are recommended as reasonable and feasible, and appropriate for the resources, given their significance and integrity. These mitigation measures would reduce the significant adverse impact of demolition of the Victorian buildings but not to a level of insignificance. Therefore, without an action to adopt the Environmentally Superior Alternative, the Planning Commission would need to adopt a Statement of Overriding Considerations prior to approval of the project as proposed (Exhibit A; Mitigation Measures CULT-1A-E).

b. Archaeological

Significant Impact.

As summarized in Chapter II (pages 7 - 13) of the DEIR, citing the IS for the project, grading activities on the site related to the project would result in potential Aesthetic impacts to unknown, potentially-significant, archaeological resources. The project site is identified as having a "low" archaeological sensitivity rating, pursuant to the City's adoptive City of San Rafael Archaeological Sensitivity map. City Council Ordinance No. 1772 and Resolution No. 10980 prescribes required conditions for discretionary permits on sites with "low" archaeological sensitivity rating. These conditions are incorporated as mitigation measures for discretionary permits with an environmental document. These potential Aesthetic impacts can be mitigated to a less-than-significant level by providing protocols when archaeological artifacts or human remains are accidentally discovered during grading/excavation activities (Exhibit A; Mitigation Measures CULT-2 and CULT-3).

Finding

As authorized by Public Resources. Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

(4) Hazards and Hazardous Materials

Significant Impact.

As summarized in Chapter II (pages 7 - 13) of the DEIR, citing the IS for the project, demolition activities on the site related to the project would create a temporary, potentially-significant, Hazards and Hazardous Materials impact by exposing the public to the release of hazardous materials, such as asbestos and/or lead, which can be mitigated to a less-than-significant level with the preparation, approval and implementation of a Materials Remediation Plan (Exhibit A; Mitigation Measure HAZ-1)

Finding

As authorized by Public Resources. Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

(5) Noise

a. Operational

Significant Impact.

As summarized in Chapter II (pages 7 - 13) of the DEIR, citing the IS for the project, existing operational noise on the site related to the project would create a significant Noise impact by exposing the public to the interior and exterior noise exposures greater than allowable limits established by the General Plan (Noise Policies N-1 and N-2, pages 270-272), the City's Noise Ordinance (Chapter 8.13 of the San Rafael Municipal Code) and the California Building Code (Title 24), which can be mitigated to a less-than-significant level with incorporating OITC24 (Outdoor-Indoor Transmission Class) windows along and near the 2nd Street frontage, standard double-pane windows along all other frontages, and alternative ventilation, as necessary (Exhibit A; Mitigation Measure **NOISE-1**).

b. Construction

Significant Impact.

As summarized in Chapter II (pages 7 - 13) of the DEIR, citing the IS for the project, construction noise related to grading and construction activities on the site related to the project, would create a temporary, potentially-significant, Noise impact by exposing adjacent residences to construction noise which exceeds the limits allowed by the Noise Ordinance, which can be mitigated to a less-than-significant level informing the neighbors before grading and construction activities, incorporating their input into the scheduling of these activities, equipping all equipment with sound suppression features, and limiting idling time on all equipment, all to minimize exposure time (Exhibit A; Mitigation Measures **NOISE-2 and NOISE-3**).

Finding

As authorized by Public Resources. Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible

(6) Transportation/Traffic

Significant Impact.

As summarized in Chapter II (pages 7 - 13) of the DEIR, citing the IS for the project, the additional 31 net new a.m. and p.m. peak hour trips generated by the project would create a potentially-significant Transportation/Traffic impact, greatest at the 2nd and B Street intersection during peak periods when site-generated traffic may extend past the driveway for a reasonably short duration, which can be mitigated to a less-than-significant level with the payment of required traffic mitigation fees for use in making unknown circulation improvements in the Downtown (Exhibit A; Mitigation Measures (TRANS-1).

Finding

As authorized by Public Resources Code Section 21081(a)(1) and Title 14, California Code of Regulations Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the project, or required as a condition of project approval, which mitigate or avoid the significant environmental impact listed above. The City further finds that the change or alteration in the project or the requirement to impose the mitigation as a condition of project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible

D. SIGNIFICANT IMPACTS THAT CANNOT BE AVOIDED

As authorized by Public Resources Code Section 21081(a)(1) and CEQA Guidelines Sections 15091 and 15092, the FEIR is required to identify the significant impacts that cannot be reduced to a less-than-significant level through mitigation measures. These FEIR concluded that impacts are considered significant and unavoidable, thereby requiring a statement of overriding considerations.

(1) Cultural Resources

a. Potential Conflict with Goals, Policies and Programs of the *General Plan 2020*

Significant Impact.

The Draft EIR identified several policies of the *General Plan 2020* with which the project potentially conflicts., which are intended to protect and preserve buildings and areas with special and recognized historic, architectural or aesthetic value, including but not limited to those 'listed' on the *San Rafael Historical/Architectural Survey*:

- **Community Design Policy CD-1; City Image.** Reinforce the City's positive and distractive 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.
- **CD-2; Neighborhood Identity.** Recognize and promote the unique character and integrity of the City's residential neighborhoods and Downtown. Strengthen the "hometown" image of San Rafael by:
 - Maintaining the urban, historic, and pedestrian character of the Downtown;
 - Preserving and enhancing the scale and landscaped character of the City's residential neighborhoods;
 - Improving the appearance and function of commercial areas; and

- *Allowing limited commercial uses in residential neighborhoods that serve local residents and create neighborhood-gathering places.*
- **CD-4; Historic Resources.** *Protect San Rafael's positive and distinctive image by recognizing, preserving and enhancing the City's historic resources.*
- **Culture and Arts Policy CA-13; Historic Buildings and Areas.** *Preserve buildings and areas with special and recognized historic, architectural or aesthetic value, including but not limited to, those on the San Rafael Historical/Architectural Survey. New development and redevelopment should respect architecturally and historically significant buildings and areas.*
- **CA-14; Reuse of Historic Buildings.** *Encourage the adaption and reuse of historic buildings, in order to preserve the historic resources that are a part of San Rafael's heritage.*

The project proposes to demolish the two existing Victoria-era residential structures on the site at 1212 and 1214 2nd Street, one of which is listed in the local register of historical resources (1212 2nd Street) and the other has been determined eligible for listing on the California Register of Historical Resources by survey evaluation (1214 2nd Street). The Victorian-era residences at 1212 and 1214 2nd Street are historically significant for their association with patterns of local history under Criterion 1 of the California Register Eligibility Criteria, and for their architecture, meeting Criterion 3 of the California Register Eligibility Criteria. CEQA does not allow mitigation for the loss of historic resources, and this impact to Cultural Resources would remain significant and unavoidable.

According to Public Resources Code, Section 21082.2, subdivisions (a) and (e), the lead agency (City) is tasked with determining the significance of impacts and statements in an FEIR are not determinative of significance.

Finding

As discussed in Chapter IV. B (pages 43 - 60) of the DEIR, no feasible mitigation is available to reduce this significant and unavoidable impact to Cultural Resources to a less-than-significant level. Specifically, the two historic structures cannot be replaced or replicated once demolished. Therefore, it is not feasible to mitigate this impact.

While the project has the potential to conflict with General Plan 2020 Community Design Policies CD-1, CD-2 and CD-4, and Culture and Arts Policies CA-13 and CA-14, which are intended to protect or preserve the City's inventory of listed and unlisted historic resources, General Plan consistency is determined by weighing the goals and policies of all elements, including, but not limited to, the Land Use Element, Housing Element, Neighborhoods Element, Community Design Element, Circulation Element, Infrastructure Element, Sustainability Element, Park and Recreation Element, Safety Element and Air and Water Element. The General Plan is recognized as a collection of competing goals and policies, which must be read together, as a whole, and not in isolation. Although the project is not in perfect conformity with each and every goal, policy and program, in balancing each, and in consideration of the project benefits summarized below, the City has found and determined that the project is consistent with the San Rafael General Plan 2020::

As conditioned and analyzed in the General Plan Consistency Table (Exhibit 5 to staff's report), the project would be consistent with the following General Plan policies:

- Land Use Policies **LU-2** (*Development Timing*), **LU-8** (*Density of Residential Development*), **LU-9** (*Intensity of Nonresidential Development*), **LU-12** (*Building Heights*), **LU-18** (*Lot Consolidation*), and **LU-23** (*Land Use Map and Categories*);
- Housing Policies **H-2** (*Design That Fits into the Neighborhood Context*), **H-3** (*Public Information and Participation*), **H-14** (*Adequate Sites*), and **H-19a** (*Inclusionary Housing*),
- Neighborhood Policies **NH-15** (*Downtown Vision*), **NH-16** (*Economic Success*), **NH-17** (*Competing Concerns*), **NH-22** (*Housing Downtown*), **NH-25** (*Pedestrian Comfort and Safety*), **NH-28** (*Special Places*), **NH-29** (*Downtown Design*), **NH-30** (*Pedestrian Environments*), **NH-31** (*Ground Floor Designed for Pedestrians*), **NH-32** (*Historic Character*), **NH-40** (*Second/Third Mixed-Use District*) and **NH-41** (*Second/Third Mixed-Use District Design Considerations*);
- Community Design Policies **CD-3** (*Neighborhoods*), **CD-5** (*Views*), **CD-8** (*Gateways*), **CD-11** (*Multifamily Design Guidelines*), **CD-14** (*Recreational Areas*), **CD-15** (*Participation in Project Review*), **CD-18** (*Landscaping*), **CD-19** (*Lighting*) and **CD-20** (*Commercial Signage*);
- Circulation Policies **C-5** (*Traffic Level of Service Standards*) and **C-7** (*Circulation Improvement Funding*);
- Infrastructure Policy **I-2** (*Adequacy of City Infrastructure and Services*)
- Sustainability Policies **SU-5** (*Reduce Use of Nonrenewable Resources*) and **SU-6** (*New and Existing Trees*);
- Culture and Arts Policy **CA-15** (*Protection of Archaeological Resources*);
- Park and Recreation Policy **PR-10** (*Onsite Recreation Facilities*);
- Safety Policies **S-1** (*Location of Future Development*), **S-3** (*Use of Hazard Maps in Development Review*), **S-4** (*Geotechnical Review*), **S-6** (*Seismic Safety of New Buildings*), **S-17** (*Flood Protection of New Development*), **S-18** (*Storm Drainage Improvements*), **S-25** (*Regional Water Quality Control Board (RWQCB) Requirements*) and **S-32** (*Safety Review of Development Projects*);and
- Air and Water Quality Policies **AW-1** (*State and Federal Standards*), **AW-7** (*Local, State and Federal Standards*) and **AW-8** (*Reduce Pollution from Urban Runoff*)

Mitigation measures are recommended for the impacts to Cultural Resources (see Section II .C. (3) (a) and (b) discussion above) as reasonable and feasible, and appropriate, given the significance and integrity of the two historic structures, as determined by the comprehensive Historic Resource Report on the project (Painter Preservation and Planning; June 2013). These mitigation measures would reduce the significant adverse impact of demolition of the Victorian-era buildings but not to a level of insignificance. Therefore, without an action to adopt the Environmentally Superior Alternative, the Planning Commission would need to adopt a Statement of Overriding Considerations prior to approval of the project.

E. REVIEW OF PROJECT ALTERNATIVES

CEQA Guidelines Section 15126.6 mandates that every EIR evaluate a no-project alternative, plus a feasible and reasonable range of alternatives to the project or its location.

The Alternatives were formulated considering the Objectives of the City of San Rafael and the Project Sponsor Objectives outlined in Section V of the DEIR (pages 61-78). Alternatives provide a basis of comparison to the project in terms of beneficial, significant, and unavoidable impacts. This comparative analysis is used to consider reasonable, feasible options for minimizing environmental consequences of a project.

These findings describe and reject, for reasons documented in the EIR and summarized below, each of the project alternatives, and the City finds that approval and implementation of the initial project design as described and assessed in the EIR is appropriate. The evidence supporting these findings is presented in Section V of the Draft EIR.

(1) Alternative 1: No Project/No Build (Status Quo)

This alternative would result in no physical or operational changes to the project site. Existing conditions at the project site would remain unchanged with the implementation of this alternative. Additionally, Housing policies embodied in the General Plan , encouraging Downtown housing, particularly along B Street, would not be implemented.

Finding

Specific economic, social and other considerations make Alternative 1, identified in the EIR and described above, an infeasible alternative.

Facts in Support of Finding

1. This alternative would not help the City meet its RHNA (Regional Housing Needs Allocation) target of providing 1,007 additional housing units in the City by 2023.
2. The City would not receive a total of six (6) of 'affordable' or below market rate (BMR) housing units (four (4) units at very low-income household levels and two (2) units at low-income household levels) which would help meet its RHNA target of providing 240 additional very low-income units and 148 additional low-income units in the City by 2023.
3. An under-utilized Downtown site and area would not be 're-activated' or re-energized along B Street, an important pedestrian connection between the Gerstle Park neighborhood and the Fourth Street Retail Core. with town or increase the economic vitality of the Downtown area..
4. The General Plan's focus on the "alive-after-five" program for the Downtown would not be furthered and the project's commercial customers and residential tenants would not help keep Fourth Street active and busy after 5 p.m. .
5. The No Project Alternative would not meet the project sponsor's objectives in that no development would occur on the project site.

(2) Alternative 2: Preservation Onsite

This alternative assumes the Victorian-era residential structures would be maintained and rehabilitated to meet the applicable health and safety codes The remainder of the site would be redeveloped to provide a reduced scale, mixed-use residential/commercial development focused on the corner of 2nd and B Streets.

Finding

Specific economic considerations make this alternative a less desirable alternative for the project sponsor and the City of San Rafael.

Facts in Support of Finding

1. This alternative largely achieves all five of the project objectives.
2. The DEIR determined this alternative as the Environmentally Superior Alternative.
3. This alternative preserve and rehabilitate the Victorian-era residential structures, both cultural or historic resources
4. The historic context of the surrounding neighborhood, particularly along B Street, would not be reduced with the removal of two historic structures, which contribute to the concentration of historic structures in the immediate area.
5. This alternative would help the City meet its RHNA target of providing 1,007 additional housing units in the City by 2023.
6. The City would receive between two (2) and six (6) 'affordable' or BMR housing units (The project sponsor's financial feasibility study assumes a loss of 14 units or 34% density for this alternative, based on the same units sizes but with a smaller building; however, the smaller building would likely maintain the same density though with smaller units). This unknown number of 'affordable' housing units would, again, help the City meet its RHNA target of providing 240 additional very low-income units and 148 additional low-income units in the City by 2023.
7. This alternative would 're-activate' or re-energize an under-utilized Downtown site and area along B Street, an important pedestrian connection between the Gerstle Park neighborhood and the Fourth Street Retail Core. .
8. The General Plan's focus on the "alive-after-five" program for the Downtown would be furthered and the project's commercial customers and residential tenants would help keep Fourth Street active and busy after 5 p.m.
9. This alternative would affect the setting of the structures, particularly for the historic structure at 1212 2nd Street, as the proposed 4-story project would immediately abut the 2-story house and overshadow it. However, design modifications to the proposed project that mitigate the impact by reducing or 'stepping back' the building mass further from the Victorian-era residences. This alternative would result in reducing any potential significant environmental impacts to less-than-significant levels. .

(3) Alternative 3: Preservation Offsite

This alternative assumes the existing Victorian-era residences would be relocated to another suitable, privately-owned location off-site within the Downtown. This alternative could require significant work to prepare the new site prior to relocating the structures, including but not limited to: purchasing the property, grading and drainage improvements, utilities connections, construction of new foundations for the structures, and moving the structures to the new site. Once the existing structures were relocated to the new site, this alternative would require significant repairs to the exterior and interior of the structures to comply with Historic as well as California Building Code requirements, consistent with the Secretary of Interior's Standards, plus the installation of access and landscaping improvements.

Finding

Specific economic, social and environmental considerations make this alternative a less desirable alternative for the project sponsor and the City of San Rafael.

Facts in Support of Finding

1. None of the property owners of the four (4) alternative sites identified in the DEIR has shown interest in accepting the two Victorian-era residential structures.
2. This alternative preserves and rehabilitates the Victorian-era residential structures as cultural or historic resources.
3. The historic context of the surrounding neighborhood may or may not be reduced with the relocation and rehabilitation of two historic structures, which contribute to the concentration of historic structures in the immediate area, depending on which of the four identified alternative sites accept the historic structures.
4. This alternative would help the City meet its RHNA target of providing 1,007 additional housing units in the City by 2023.
5. The City would receive a total of six (6) of 'affordable' or below market rate (BMR) housing units (four (4) units at very low-income household levels and two (2) units at low-income household levels) which would help meet its RHNA target of providing 240 additional very low-income units and 148 additional low-income units in the City by 2023.
6. This alternative would 're-activate' or re-energize an under-utilized Downtown site and area along B Street, an important pedestrian connection between the Gerstle Park neighborhood and the Fourth Street Retail Core.
7. The General Plan's focus on the "alive-after-five" program for the Downtown would be furthered and the project's commercial customers and residential tenants would help keep Fourth Street active and busy after 5 p.m.
8. This alternative would allow for the existing historically significant structures to be maintained off-site in a location and manner that protects their historic significance and reduces the project's significant unavoidable impact upon historic resources to a less than significant level.

(4) Alternative 4: Adaptive Reuse

This alternative assumes that substantial elements of the existing Victorian-era buildings, such as the building facades, would be incorporated into the new building.

Finding

Specific economic, social and environmental considerations make this alternative a less desirable alternative for the project sponsor and the City of San Rafael.

Facts in Support of Finding

1. This alternative would largely meet project objectives to revitalize this area of Downtown; meet the City's affordable housing objectives.
2. This alternative cannot reduce the loss of historic resources to a less-than-significant level.
3. The potential of this alternative to mitigate potentially significant Aesthetic impacts cannot be analyzed at this time based on the current project design which does not attempt to incorporate any of the substantial elements from the existing Victorian-era buildings into the project design.
4. This alternative would likely help the City meet its RHNA target of providing 1,007 additional housing units in the City by 2023; however, it is unknown at this time based on the current project design which does not attempt to incorporate any of the substantial elements from the existing Victorian-era buildings into the project design.

5. The City would likely receive an unknown number of 'affordable' or below market rate (BMR) housing units which would help meet its RHNA target of providing 240 additional very low-income units and 148 additional low-income units in the City by 2023; however, it is unknown at this time based on the current project design which does not attempt to incorporate any of the substantial elements from the existing Victorian-era buildings into the project design.
6. This alternative would 're-activate' or re-energize an under-utilized Downtown site and area along B Street, an important pedestrian connection between the Gerstle Park neighborhood and the Fourth Street Retail Core.
7. The General Plan's focus on the "alive-after-five" program for the Downtown would be furthered and the project's commercial customers and residential tenants would help keep Fourth Street active and busy after 5 p.m.

Consistent with CEQA Guidelines Section 15126.6(e), an environmentally superior alternative must be identified among the alternatives that were studied. The DEIR concludes (Section V.F; page 78;) that the Environmentally Superior Alternative is the Preservation Onsite alternative, which is the preferred method of treating historic resources, as it preserves the two Victorian structures in place, rehabilitates them according to the Secretary of Interior's Standards for Rehabilitation, and restores them to a safe and habitable condition through a renovation that meets the Historic Building Code. The Preservation Onsite alternative provides a mixed-use project that better addresses the architectural scale of the neighborhood and, although reduced in scope and therefore the ability to maximize project objectives, would still reasonably achieve the project objectives. Consistent with the recommended Mitigation Measures to reduce potentially significant Aesthetic impacts to a less-than-significant level, re-design of the project to achieve architectural compatibility with the 2nd and B Street neighborhood is feasible, and was, in fact, the original project design when the Design Review Board initiated their review of the project in 2012. This alternative would result in a design that achieves key project objectives, although at a smaller scale. The Preservation Onsite alternative would also preserve the historic character of the neighborhood and enhance the integrity of a potential historic district in this area

The Planning Commission should, in their review of the Final EIR/Response to Comments (FEIR), consider which, if any, alternative would be preferable to the project as proposed or which combination of alternatives and the project would best achieve the goal of reducing the identified significant adverse impacts to cultural resources (historic).

BE IT FURTHER RESOLVED, that the Planning Commission a) adopts the following Statement of Overriding Considerations; and b) approves of the MMRP presented in attached Exhibit A, finding that the MMRP has been prepared in accordance with the CEQA Guidelines:

STATEMENT OF OVERRIDING CONSIDERATIONS

The City of San Rafael adopts the following Statement of Overriding Considerations based on information in the FEIR and other information in the project record. The City recognizes that implementation of the proposed project would result in significant adverse environmental impacts that cannot be avoided even with the adoption of all feasible mitigation measures. Despite the occurrence of these effects, however, the City chooses to approve the project because, in its view, the economic, social, and other benefits that the project will produce will render the significant effects acceptable.

The following statement identifies why, in the City's judgment, the benefits of the project as approved outweigh its unavoidable significant effects. Any one of these reasons is sufficient to

justify approval of the project. Thus, even if a court were to conclude that not every reason is supported by substantial evidence, the City would stand by its determination that each individual reason is sufficient. The substantial evidence supporting the various benefits can be found in the preceding findings, which are incorporated by reference into this section, and into the documents found in the Record of Proceedings.

As discussed above, the EIR identified significant and unavoidable impacts to Cultural Resources that would result from the demolition of the two historic residential structures on the project site.

The City finds that these impacts on Cultural Resources would be acceptable because mitigation measures have been required to reduce these impacts to the extent feasible, and on balancing the benefits to be realized by approval of the project against the remaining environmental risks, the following economic, social, and other considerations outweigh the impacts and support approval of the project:

1. Downtown Housing

The project sponsor proposes to construct 41 new residential 'rental housing' units in Downtown. The General Plan specifically identified the project site as both a "Underutilized Mixed Use Site Available for Development" (Table B3.11; Appendix B of the General Plan) and a "Housing Opportunity Site" (Figure B3.3; Appendix B of the General Plan), signifying the City's intent to encourage and allow redevelopment of the project site with the proposed density and applicable incentives for creation of affordable housing. Furthermore, the residential focus of the project serves to help the City in meeting their projected Regional Housing Needs Allocation or RHNA target of providing 1,007 additional housing units in the City by the year 2023 (Page B-5, Appendix B of General Plan). Twenty percent (20%) of the base density allowed for the project site (30 units base density), or a total of six (6) rental housing units, would be deed-restricted as 'affordable' housing, as required by the City's affordable housing requirement (Section 14.16.030 of the Zoning Ordinance); four (4) of these 'affordable' units would be for rent to very low-income households and two (2) 'affordable' units would be for rent to low-income households. The 6 'affordable' units would also contribute to the City's RHNA needs projections of providing an additional 240 very low-income housing units and 148 low-income housing units by the year 2023 (Table B3.1; Appendix B of the General Plan). The City's approval of the project, would implement the Housing policies embodied in the San Rafael General Plan 2020. Additionally, the residential component of the proposed project would be consistent with the 'vision' presented in the San Rafael Downtown Community Plan; Our Vision of Downtown San Rafael and Our Implementation Strategy, which recognizes residential development (in both mixed-use and multifamily development) on the cross streets west of B Street as a major opportunity.

2. Re-activate Pedestrian Environment

The project would 're-activate' the site and a portion of B Street, both of which suffer from a degraded appearance or a degree of urban decay which seems to have the effect of dissuading owners from investing in their properties. The Downtown 'Vision' Plan identifies B Street as the primary pedestrian connection between the Gerstle Park neighborhood and the Fourth Street Retail Core. The project would replace four (4) sparsely developed (two residential structures, one uninhabitable since suffering fire damage in 2007, one commercial structure and a 45-stall surface parking lot) and occupied Downtown lots with a four-story mixed-use building with 2-5'-wide landscape planter areas along both the 2nd and B Street frontages.

3. Support 'Alive-After-Five'

The project would support the General Plan's focus on the "alive-after-five" program for the Downtown (Neighborhood Policy NH-34(c) of the General Plan). The "alive-after-five" program seeks to maintain a mix of businesses and residences in the Downtown to create activity at different days and times of the week, to help keep Fourth Street active and busy after 5 p.m. The project would further this long-term goal of invigorating the Downtown with activity, primarily on weekdays after 5 p.m. and weekends, as new residents frequent the Downtown and provide economic opportunities to businesses, particularly restaurants

4. Charitable Contributions

The project would provide a one-time charitable contribution of \$25,000 to the San Rafael Fire Department, the Marin History Museum, or any group the City determines to be appropriate to help offset the loss of the two cultural resources. The most appropriate organization to receive the one-time \$25,000 charitable contribution shall be subject to final review and approval by the Planning Commission prior to issuance of grading or building permits for the project, with a preference to historic preservation. Payment shall be made to the selected organization prior to issuance of grading or building permits for the project.

The foregoing Resolution was adopted at the regular meeting of the City of San Rafael Planning Commission held on the 10th day of May 2016.

Moved by Commissioner Davidson and seconded by Commissioner Belletto

AYES: COMMISSIONERS Belletto, Davidson, Robertson and Chair Lubamersky

NOES: COMMISSIONERS None

ABSENT: COMMISSIONERS Schaefer, Paul and Wise

SAN RAFAEL PLANNING COMMISSION

ATTEST: Paula A. Jensen
Paul A. Jensen, Secretary

BY: Mark Lubamersky
Mark Lubamersky, Chair

Exhibit A – Mitigation Monitoring and Reporting Program (MMRP)

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM <i>Second and B Streets Housing Development Final EIR</i>					
<i>Mitigation Measure</i>	<i>Implementation Procedure</i>	<i>Monitoring Responsibility</i>	<i>Monitoring Action & Schedule</i>	<i>Non-Compliance Sanction/Activity</i>	<i>Monitoring Compliance Record (Name/Date)</i>
I. AESTHETIC RESOURCES					
AES-1: Incorporate building elements that relate the new building to its historic context through the use of projecting bays, usable building balconies, deep eave overhangs, a substantial element at the building corner at 2 nd and B Street, and canopies at the ground floor that extend over the sidewalk. Submit for review and approval by Planning Commission prior to issuance of a Building Permit and revocable licensing agreement, or an alternative method to allow private encroachments to project over the sidewalk or right-of-way (ROW).	<i>Require as a condition of approval</i>	<i>Planning Division and Public Works Department</i>	<i>Revised plans to be evaluated by staff and DRB for compliance prior to building permit issuance</i>	<i>Deny issuance of building permit</i>	
II. AIR QUALITY					
AIR-1: Mitigate potential air quality impacts associated with construction and grading activities by preparing and submitting a Dust Control Plan to the City of San Rafael Community Development Department for review and approval, prior to issuance of a grading permit.	<i>Require as a condition of approval</i>	<i>Planning and Building Division</i>	<i>Review and Approve Plan;</i> <i>Ongoing monitoring during construction</i>	<i>Deny issuance of grading permit;</i> <i>Stop Work Order issued</i>	
IV. CULTURAL RESOURCES					
CULT-1A: Document the buildings at the subject property. Documentation shall include a narrative, which may consist of the Historic Resource Report, and archivally-stable black and white photographs documenting the building	<i>Require as a condition of approval</i>	<i>Planning Division</i>	<i>Applicant submits funds to City prior to issuance of building permit</i> <i>Documentation Report submitted</i>	<i>Deny issuance of building permit</i>	

MITIGATION MONITORING AND REPORTING PROGRAM
Second and B Streets Housing Development Final EIR

<i>Mitigation Measure</i>	<i>Implementation Procedure</i>	<i>Monitoring Responsibility</i>	<i>Monitoring Action & Schedule</i>	<i>Non-Compliance Sanction/Activity</i>	<i>Monitoring Compliance Record (Name/Date)</i>
<p>exterior and interiors as they exist today, and the building's general setting. It is not necessary to photograph the property to HABS standards, as the integrity of the property does not warrant this level of documentation. This documentation will be produced and submitted to the California Room of the Marin County Free Library, and the Marin History Museum. Photographic negatives should be retained by the City of San Rafael. Costs associated with CULT-1A are expected to be no greater than \$5,000.</p>	<p><i>City hires architectural historian consultant to prepare documentation and presentation to libraries</i></p>		<p><i>to the City</i></p>		
<p>CULT-1B: Update the historic survey of the San Rafael with a focus on the San Rafael Original Townsite area by performing a reconnaissance level survey of an approximately 16-block area. Cost to be approximately \$16,000. Create a historic context and evaluate the area in the immediate vicinity of 2nd and B Street (boundaries to be determined by the survey; a minimum of a four-block area) for a potential historic district. Costs to be approximately \$28,000.</p>	<p><i>Require as a Condition of Approval</i></p> <p><i>Project sponsor submits funds to City and City hires architectural historian consultant to perform survey and evaluation</i></p>	<p><i>Planning Division</i></p>	<p><i>Payment required prior to Building Permit approval</i></p> <p><i>Survey prepared within the calendar year after project approval for City review and acceptance</i></p>	<p><i>Deny issuance of building permit</i></p>	
<p>CULT-1C: Develop an interpretive panel, to be installed at one of the corners at 2nd and B Street, preferably the southeast corner, that depicts historic photos of the area, including historic buildings and the train track, a map of the resources, and provides information about the historic buildings and streetscape in the</p>	<p><i>Require as a Condition of Approval</i></p> <p><i>Project sponsor submits funds to City. City hires architectural historian consultant to advise and/or</i></p>	<p><i>Planning Division</i></p>	<p><i>Payment required prior to Building Permit approval</i></p> <p><i>Panel prepared within the calendar year after project approval for City review and acceptance</i></p>	<p><i>Deny issuance of building permit</i></p>	

MITIGATION MONITORING AND REPORTING PROGRAM
Second and B Streets Housing Development Final EIR

<i>Mitigation Measure</i>	<i>Implementation Procedure</i>	<i>Monitoring Responsibility</i>	<i>Monitoring Action & Schedule</i>	<i>Non-Compliance Sanction/Activity</i>	<i>Monitoring Compliance Record (Name/Date)</i>
area. Costs associated with CULT-1C are expected to be approximately \$20,000.	<i>manage project</i>				
CULT-1D: Provide a duplicate of the photographs and information to be used in the on-street interpretation of the 2 nd and B Street area to be mounted in a prominent location, such as the lobby, of the proposed building. Costs associated with CULT-1D are expected to be no greater than \$5,000.	<i>Require as a Condition of Approval</i> <i>Project sponsor submits funds to City. City hires architectural historian consultant to manage project</i>	<i>Planning Division</i>	<i>Payment required prior to Building Permit approval</i> <i>Materials prepared within the calendar year after project approval</i>	<i>Deny issuance of building permit</i>	
CULT-1E: Work with the Marin History Museum or an equivalent historical society or organization, to develop programming that commemorates the history of the 2 nd and B Street area, including the railroad station, to be presented as a lecture, exhibit, online video, or similar public presentation. Costs associated with CULT-1E are anticipated to be no greater than \$5,000, assuming some volunteer time on the part of the partnering organization.	<i>Require as a Condition of Approval</i> <i>Project sponsor submits funds to City. City hires historian or museum professional consultant to manage project</i>	<i>Planning Division</i>	<i>Payment required prior to Building Permit approval</i> <i>Materials prepared within the calendar year after project approval</i>	<i>Deny issuance of building permit</i>	
CULT-2: If archeological or cultural resources are accidentally discovered during excavation/grading activities, all work will stop within 100 feet of the resource and a qualified archaeologist will be notified immediately. The qualified archaeologist will contact Federated Indians of Graton Rancheria (FIGR) and the Planning Division and coordinate the appropriate evaluation of the find and implement any additional	<i>Require as a Condition of Approval</i>	<i>Building and Planning Divisions</i>	<i>Ongoing during project grading and construction activities</i>	<i>Stop Work Order Issued</i>	

MITIGATION MONITORING AND REPORTING PROGRAM
Second and B Streets Housing Development Final EIR

<i>Mitigation Measure</i>	<i>Implementation Procedure</i>	<i>Monitoring Responsibility</i>	<i>Monitoring Action & Schedule</i>	<i>Non-Compliance Sanction/Activity</i>	<i>Monitoring Compliance Record (Name/Date)</i>
<p>treatment or protection, if required. No work shall occur in the vicinity until approved by the qualified archaeologist, FIGR and Planning staff. Prehistoric resources that may be identified include, but shall not be limited to, concentrations of stone tools and manufacturing debris made of obsidian, basalt and other stone materials, milling equipment such as bedrock mortars, portable mortars and pestles and locally darkened soils (midden) that may contains dietary remains such as shell and bone, as well as human remains. Historic archaeological resources that may be identified include, but are not limited to, small cemeteries or burial plots, structural foundations, cabin pads, cans with soldered seams or tops, or bottles or fragments of clear and colored glass.</p>					
<p>CULT-3: If human remains are encountered (or suspended) during any project-related activity, all work will halt within 100 feet of the project and the County Coroner will be contacted to evaluate the situation. If the County Coroner determines that the human remains are of Native American origin, the County Coroner shall notify FIGR within 24-hours of such identification who will work with Planning staff to determine the proper treatment of the remains. No work shall occur in the vicinity without approval from Planning staff.</p>	<p><i>Require as a Condition of Approval</i></p>	<p><i>Planning and Building Divisions</i></p>	<p><i>Ongoing during project grading and construction activities</i></p>	<p><i>Stop Work Order issued</i></p>	
<p>IV. HAZARDS AND HAZARDOUS MATERIALS</p>					
<p>HAZ-1: Reduce the potential</p>	<p><i>Require as a</i></p>	<p><i>Planning and</i></p>	<p><i>City approval</i></p>	<p><i>Deny issuance of</i></p>	

MITIGATION MONITORING AND REPORTING PROGRAM
Second and B Streets Housing Development Final EIR

<i>Mitigation Measure</i>	<i>Implementation Procedure</i>	<i>Monitoring Responsibility</i>	<i>Monitoring Action & Schedule</i>	<i>Non-Compliance Sanction/Activity</i>	<i>Monitoring Compliance Record (Name/Date)</i>
<p>exposure of the public to hazardous materials such as asbestos or lead during proposed demolition activities, by preparing a hazardous material remediation plan . Submit the plan to the City of San Rafael Community Development Department for review and approval prior to issuance of a demolition permit.</p>	<i>Condition of Approval</i>	<i>Building Divisions</i>	<p><i>required prior to issuance of demolition permit</i></p> <p><i>Ongoing monitoring during demolition activities</i></p>	<p><i>Demolition permit</i></p> <p><i>Stop work order issued</i></p>	
V. NOISE					
<p>NOISE-1: Mitigate operational noise by incorporating OITC24 windows along and near the Second Street façade and standard double-paned windows at all other facades into the construction drawings. Further, all habitable rooms with exterior noise exposures greater than Ldn 60 will require alternative ventilation per Title 24.</p>	<i>Require as a Condition of Approval</i>	<i>Planning and Building Divisions</i>	<i>Provide as part of building permit plans</i>	<i>Deny issuance of building permit</i>	
<p>NOISE-2: Implement the City of San Rafael Noise Ordinance construction noise requirements to minimize noise impacts during construction. Construction noise related to demolition and grading work done within 15 feet of the west property line could exceed the Ordinance requirements. Neighbors shall be informed before any construction activities and any input they have on construction scheduling shall be incorporated to the extent feasible, and the work should be conducted as quickly as possible to minimize exposure time.</p>	<p><i>Require as a Condition of Approval</i></p> <p><i>Project sponsor to post and mail notices to adjacent neighbors and on the blocks facing the project site</i></p>	<i>Planning and Building Divisions</i>	<i>Ongoing monitoring during demolition and grading</i>	<i>Issue Stop Work Order</i>	
<p>NOISE-3: Minimize the potential noise impact on adjacent residences when the</p>	<i>Require as a Condition of Approval</i>	<i>Planning and Building Divisions</i>	<i>Ongoing monitoring during construction</i>	<i>Issue Stop Work Order</i>	

MITIGATION MONITORING AND REPORTING PROGRAM
Second and B Streets Housing Development Final EIR

<i>Mitigation Measure</i>	<i>Implementation Procedure</i>	<i>Monitoring Responsibility</i>	<i>Monitoring Action & Schedule</i>	<i>Non-Compliance Sanction/Activity</i>	<i>Monitoring Compliance Record (Name/Date)</i>
<p>existing structures on the project site are demolished and when site preparation work is done, through implementation of the following measures:</p> <ol style="list-style-type: none"> 1. The contractors shall provide heavy machinery and pneumatic tools equipped with mufflers and other sound suppression technologies. 2. The contractors shall shut down equipment expected to idle more than 5 minutes. 3. The name and telephone number of the Construction Project Manager responsible person to contact shall be posted at the site throughout construction activities. 	<p><i>Project sponsor to coordinate with contractors and post notice on project site</i></p>		<p><i>activities</i></p>		
VI. TRANSPORTATION/ TRAFFIC					
<p>TRANS-1: The applicant shall pay a traffic mitigation fee in the amount of \$131,626 for 31 net new a.m. and p.m. peak hour trips. Payment shall be required prior to issuance of a building permit.</p>	<p><i>Require as a condition of approval</i></p> <p><i>Project sponsor pays mitigation fee</i></p>	<p><i>Planning Division</i></p>	<p><i>Payment made prior to issuance of building permit</i></p>	<p>Deny issuance of building permit</p>	

Source: Newman Planning Associates, 2016

MONAHAN PARKER INC.
1101 FIFTH AVENUE #300
SAN RAFAEL, CA 94901

November 13, 2019

Steve Stafford
Senior Planner
RE: 815 B Street Donation

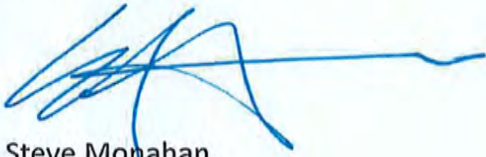
Dear Steve,

Per your meeting today with Isis Spinola-Schwartz, this letter is to confirm that Monahan Parker Inc. and 1200 Second Street Partners would like to make the donation to the Fire Department outlined in the COA for the 815 B Street project.

Per COA, the partners will pay \$25,000.00 to the City of San Rafael which will be a donation to Fire Department. If you can please confirm this is the correct assessment spelled out in the COA we can provide you a check at the time of pulling the Building Permit.

Thank you so much for your prompt reply and confirmation,

Sincere Regards,



Steve Monahan,

Monahan Parker Inc.



December 3, 2019

Steve Stafford
City of San Rafael, Planning Division
1400 Fifth Avenue
San Rafael, CA 94901

RECEIVED
DEC 03 2019
PLANNING

Dear Steve,

Thank you for inviting the Marin History Museum to apply for the one-time charitable contribution that will be distributed by the City of San Rafael on December 10th. We understand that these monies have been given to the City to help off-set the impact of losing a historic resource at 815 B Street.

The Marin History Museum was founded in 1935 with the express purpose of preserving the County's history. Founders Bell Brown and Florence Donnelly, along with families such as the Pachecos, Burdells, Murrays, and the Vanderbilts, recognized Marin's history was being lost. Today, 84 years later, we continue to recognize, conserve and curate the County's happenings and history.

Part of preserving local history includes documenting and preserving its architectural heritage. A proud moment for MHM is when the Museum paid to rebuild the Boyd Gate House's front porch. The Boyd Gate House was constructed by Adam Murray in 1879 and added to the National Register of Historic Places almost exactly 45 years ago, on December 17th, 1974.

The Marin History Museum - A 501(c)(3) Non-profit Corporation

Craemer Family Collections & Research Facility ▪ 45 Leveroni Court ▪ Novato, CA 94949 ▪ 415.382.1182
www.marinhistory.org ▪ info@marinhistory.org

EXHIBIT 4

It stood resolutely for 140 years, but by 2012, time and weather had taken a toll and undermined the porch's supports, railing and gingerbread detailing. The Museum staff partnered with a private donor who paid \$35,000 to rebuilt the porch in accordance with historic and archival standards.

This is just one example, but it illustrates the Museum's dedication to preserving history and, specifically, its passion for preserving local architectural gems. It seems very fitting that monies given to off-set the razing of a historic resource would be donated to an institution that values and pro-actively preserves the County's remarkable history.

The Museum is still recovering from some very turbulent times and if the City of San Rafael were to award the \$25,000 to the Marin History Museum, that money would have a significant impact on the Museum's ability to continue to meet its mission to preserve the County's local history.

The current Board of Directors, staff, volunteers, Museum members would be very grateful if the City of San Rafael were to show this kind of support and faith in our striving operation.

Sincerely,



Al Boro
President, Board of Directors



Michelle Sarjeant Kaufman
Director



MARIN HISTORY MUSEUM MONTHLY HIGHLIGHTS



Past Events

October 17 – Fall Fundraiser
(Checkers)

October 23 – Senior Fair
(Civic Center)

October 26 – Walking Tour –
Olivette Cemetery

Upcoming Events

January 23–Lecture: *The
History of Fairfax’s Arequipa
Sanitorium*

Departments

Michelle:

- Meet with MCF re: potential exhibition collaboration in 2020.
- Approve release of \$25,000 from County
- Develop 2020 Budget proposal
- Update website
- Edit newsletter
- Set up PayPal on online store
- Work on Year-End Appeal with Jeri
- Meet with Sara Pearson re: Development
- Fall Fundraiser 2019 Reconcile/Follow-up

Collections (Heather Powell):

- Working with new volunteer Carolyn to create dust covers to protect furniture in collection
- Training new volunteer Mena in cataloging of textiles/clothing
- Working with volunteer Rob to catalog Du Bois family collection (silver, photographs, books, bibles, etc.01)
- Cataloging of new July accessions nearly complete
- Working with Jo and Brian on Pioneer journal book

Community/Education (Marcie Miler):

- Finished last lecture for the year on September 20
- Planning for next season lectures
- Research appts have increased.
- Updating library catalog of biographies continues

- Scheduling 3rd grade classroom education programs and walking tours

Administration (Lane):

- Phenomenal amount of follow-up for silent auction and paddle raise.
- Working with Jim Wood (Marin Magazine)-monthly article “Looking Back”
- Lane & Carol Gordon (volunteer) sent out letters with membership form/return envelope to all lapsed members.
- Ordered 200 more 2020 nostalgic calendars (selling for \$20)
- Planning photo selection of 2021 calendar.

Publicity:

- Newsletter (E-Blast)
- Marin Magazine article
- Facebook
- Bulletin
- Trivia contest
- Planning social media calendar



SAN RAFAEL

THE CITY WITH A MISSION

Community Development Department – Planning Division

Meeting Date: December 10, 2019
Agenda Item: 3
Case Numbers: ZC19-002/ED18-100/TS18-006/UP18-039/IS18-001/EX19-012
Project Planner Caron Parker – 415-485-3094

REPORT TO PLANNING COMMISSION

SUBJECT: 350 Merrydale Rd/3833 Redwood Hwy– Requests for a Planned Development Rezoning, Environmental Design Review Permit, Tentative Subdivision Map, Use Permit and Subdivision Exception to allow the demolition of the existing one-story classroom buildings on site and new construction of nine (9) three-story buildings with a total of 45 condominium townhome units (including nine (9) affordable BMR (Below Market Rate) units). Total parking proposed on-site would be 94 spaces. The project requires a Rezoning of the property from a Planned Development (PD1594) which allowed the existing use (services for disabled adults), to a new PD that would allow residential development. APN's: 179-041-27 and 28; Planned Development (PD1594) Zoning District; Francine Clayton, owner, Michael Hooper, applicant; San Rafael Meadows Neighborhood.

EXECUTIVE SUMMARY

The proposed project is being referred to the Planning Commission for review of a proposed 45-unit “for-sale” townhome and stacked flat development with new landscaping and creekside enhancements at 350 Merrydale Rd/3833 Redwood Hwy (see Exhibit 1: Project Vicinity Map). The project proposes to demolish the existing one-story buildings on the site and to construct nine (9) three-story buildings with a total of 45 townhome units and stacked flats (a mixture of two-bedroom, three-bedroom and four-bedroom units) with garages and uncovered parking. The project is proposed as a “phased” development with a tentative start date of Spring 2020 ((25 units, including five (5) BMR units) and a completion date of Summer 2022. The project would provide 20% of the units as affordable (a of total 9 below-market-rate (BMR) units), in compliance with San Rafael Municipal Code (SRMC) Section 14.16.030. The development qualifies for one concession and unlimited number of modifications under the State Density bonus law. The project is requesting to use this concession for tandem parking/uncovered parking on the project site. A total of 94 on-site parking spaces are proposed.

The project site currently has a Planned Development (PD1594) zoning classification that allows the site to be used as a day care center for developmentally disabled adults. The site has operated since 1990, under a Use Permit approved by the Planning Commission (UP90-22). However, since the PD 1594 zoning does not allow for residential uses, a PD rezoning is requested to allow for the proposed residential use and to allow redevelopment of a site with an existing 2.28 non-conforming minimum lot size (minimum lot size for the PD zone is 2.5 acres).

The City supports the proposed re-zoning to a new PD District and has determined that the most compatible density would be one that incorporates the multi-family use style of the surrounding two-story and three story, multi-family properties on the east side of Merrydale, an area zoned HR1 (High Density Residential). Therefore, the PD proposes to follow the HR1 standards in terms of density and other development standards. Based on the HR1 Development Standards (1 unit per 1,000 square feet of lot area), the maximum number units allowed for the base density would be 99 units on the 99,150 sq. ft. site. The proposed 45 units is below the maximum base density under both the proposed HR1 standards and the underlying General Plan land use designation of General Commercial. The project

would therefore be consistent with the allowable density range of residential development. No Variances to the HR1 property development standards are requested. However, the project is requesting an Exception to the Subdivision Ordinance Section 15.06.050(d) – minimum 60' street width required right-of-way for local streets and 40' minimum pavement width. The project requests a reduction in the standard to a proposed minimum street width right-of-way of 30 feet and minimum pavement width of 20 feet. The City's Public Works Department and Fire Prevention Bureau have reviewed the proposed reduction and support the proposal.

A Conceptual Design Review application was submitted and reviewed by the Design Review Board on July 17, 2018. The Board was generally supportive of the conceptual design presented and provided comments to the applicant on recommended changes to the project design. An informational Neighborhood Meeting with local residents was subsequently held on July 25, 2019. Based on comments from the Board and the public, the project plans were revised and a formal Design Review Permit application was submitted in November 2018, which was reviewed by the Board on August 6, 2019. The Board recommended project approval, with changes to the site with respect to location of A/C units, upgrades to the proposed Community Room, updating the units to be pre-wired for PV roof-top solar systems, and adding EV charging capacity in the garages. The current plans presented include all revisions recommended by the Board.

The action of rezoning the property triggered the preparation of an Initial Study under the California Environmental Quality Act (CEQA) to evaluate potential impacts on the environment. The Initial Study concluded that all potentially significant impacts could be mitigated to a less-than-significant level. Therefore, a Draft Mitigated Negative Declaration was prepared for the proposed project and was released for a 30-day public review period, starting on November 8, 2019 through the Planning Commission hearing date of December 10, 2019.

This project proposes a creative redevelopment to an underutilized infill site with much needed housing, on a site that is located near major employment and services and with a variety of transportation options. As demonstrated in the analysis throughout this report, the project is consistent with the General Plan, Zoning Ordinance, Subdivision Ordinance and Civic Center Station Area Plan. Therefore, staff recommends approval of the project.

RECOMMENDATION

It is recommended that the Planning Commission take the following action:

1. Adopt the attached Draft Resolution (Exhibit 2) recommending to the City Council the adoption of the Initial Study/Mitigated Negative Declaration and approval Mitigation Monitoring and Reporting Program (MMRP) for the residential development on the site; and
2. Adopt the attached Draft Resolution (Exhibit 3) recommending to the City Council the adoption the Planned Development Rezoning to a revised Planned Development District allowing residential development on the site; and
3. Adopt the attached Draft Resolution (Exhibit 4) recommending to the City Council the approval of the Environmental and Design Review Permit, Use Permit, Tentative Subdivision Map and Subdivision Exception.

PROPERTY FACTS

Address/Location:	350 Merrydale Rd/ 3833 Redwood Hwy	Parcel Number(s):	174-041-27 & 28
Property Size:	2.28 acres (99,150 sf)	Neighborhood:	Adjacent to San Rafael Meadows

Site Characteristics			
	General Plan Designation	Zoning Designation	Existing Land-Use
Project Site:	General Commercial (GC)	PD(1594)	Adult day care
North:	L/O (Light Industrial/Office)	PD (1436)	Public Storage
South:	GC/HDR (High Density Residential)	HRI (High Density Residential)/GC	Retail, Restaurant, Residential
East:	N/A (Hwy 101)	N/A	State Highway
West:	Low Density Residential (LDR)	R7.5 (Single Family)	Residential

Site Description/Setting:

The project site is a flat “through” lot, fronting on both the east side by Merrydale Rd. and the west side of Redwood Highway. There are two existing easements on the project site: 1) a 25-foot wide Marin County Flood Control easement (and a 15-foot-wide maintenance access easement assigned to the City of San Rafael) along the north side of the property; and 2) a minimum 22-ft. wide roadway/utility easement along the east side of the property (running north to south) to be quit claimed on recordation of a final map providing similar access rights. The project site is bordered on the north by Las Gallinas Creek - a “blue line” creek on the USGS maps and also listed as a creek in Exhibit 37 of Conservation Element in the San Rafael General Plan 2020. The creek straddles the northern property line of the site, with existing rip rap on the southern bank. Las Gallinas Creek has been described by the Marin County Flood Control District staff as a “highly disturbed” creek that flows into the South Fork of Las Gallinas Creek.

To the north of the project site is a one-story Public Storage building complex. To the south of the project site are several two (2) and three (3) story apartment complexes located on the east side of Merrydale Rd, between Las Gallinas Ave. and Willow Ave. Across Merrydale (west of the project site) is the continuation of the Las Gallinas Creek and the fenced rear yards of several one-story, single-family homes fronting on Las Flores Avenue. Also, one block south at 3773 Redwood (fronting on Redwood Highway) is Oakmont of San Rafael, a three-story (35’ in height) senior living facility approved by the Planning Commission in January 2018 (construction drawings are currently in Building Permit Plan Check).

BACKGROUND

The project site is currently zoned Planned Development (PD1594) and has an underlying General Plan land use designation of General Commercial. This PD(1594) zoning is specific to the existing use on site- a day care for up to 120 developmentally disabled adults. The existing site is developed with three (3) one-story classroom buildings and a parking lot. The site has operated since 1990, under a Use Permit approved by the Planning Commission (UP90-22). However, this Use Permit does not allow residential uses and therefore the project site is required to be *rezoned* to a new PD to accommodate the proposed residential development project.

The proposed project was reviewed by Planning staff as a Pre-Application in January 2018, where city staff provided technical feedback on compliance with various codes and regulations based on a preliminary design. The project was then reviewed by the Design Review Board as a Conceptual Design on July 17, 2018. The Board took public comments and provided information to the applicant on potential changes to the project design.

On July 25, 2018, the applicant also hosted a Neighborhood Meeting, with staff in attendance. Those members of the public in attendance were generally supportive of the proposed project with the changes since the conceptual design was presented and felt that it was good to have an investment in the community. However, they did have questions about traffic circulation and parking impacts to San Rafael Meadows residents, cumulative impacts from the Oakmont development traffic, potential future changes to the Hwy 101 freeway on/offramps, and future plans to widen Redwood Highway.

The applicant revised the project in response to the Board's comments, as well as to public comments. Changes to the plan included: 1) providing a broader range of unit types and sizes, 2) providing a community room and outdoor patio complete with furnishings, 3) increasing the creek setback to a minimum of 25 ft; 4) providing crane pads for creek maintenance; 5) increasing the front setback on the Merrydale frontage from 8 feet 1 inch to 15 feet, 2 inches from the Merrydale frontage property line; 6) eliminating the proposed roof decks; 7) eliminating the proposed ADU's; 8) eliminating the California Pepper tree species; 9) providing more details on the creek promenade area (which will also have amenities for youth to play); and 10) adding bio-retention information to landscape plan. The side yard setback along the south property line was *reduced* from 10 feet to a setback of 7-9 feet (approximately) and some street parking spaces were eliminated in order to re-design and eliminate the proposed building encroachment into the required 25' creek setback.

On November 8, 2018, the applicant submitted their formal application to the City for consideration.

The Design Review Board reviewed the formal application submittal on August 6, 2019. The Board was supportive of the project and recommended approval with additional minor modifications to relocate A/C units, improve access to the outdoor patio from the Community Room; and improve sustainability by incorporating pre-wiring in the units for PV roof-top solar systems and adding EV charging capacity in the garages. The current application reflects all changes requested by the Board.

PROJECT DESCRIPTION

Use: The project proposes to construct nine (9) three-story buildings, with 45 "for-sale" townhomes and stacked flat units. Each building will have a garage (1-car and 2-car) and a mix of two-bedroom units (25), three-bedroom units (12) and four-bedroom units (8). The 25 three-bedroom units include two Plan 3 floor plans that are typically 4 bedroom units restricted to 3 bedroom units with the lower level used as a bonus room. There are four (4) different floor plans each with variations proposed (see Plan Sheets A3 to A12). Unit sizes range from 836 sf to 2,119 sf. A total of 9 units would be Below Market Rate (BMR) units – Units #4, #9, #18, #19, #24, #29, #30, #36 and #43 (See Plan SP-2 for BMR unit location). Also see the Applicant's Project Description (Exhibit 8).

Affordability: The project would comply with the City's affordable housing requirement by providing 20% of the units as affordable - a total of nine (9) as below market rate or BMR units. The project will provide five (5) of the 9 BMR units for sale to persons of low-income earning 50-80% of the area wide median income and four (4) of the 9 BMR units to persons of moderate-income earning 80-120% of the area wide median income adjusted for family size.

Density: The project proposes to construct 45 for-sale townhome units. The underlying General Plan Designation for the property is General Commercial, which allows a residential density of 15-32 units/gross acre. This equates to between 34 units to 72 units allowed on the approximately 2.28 gross acre site. The Civic Center Station Area Specific Plan allows a density of up to 45 units/acre which results in 102 units. As such, the proposed 45 units would be consistent with the allowable density range under the GP 2020. State Density Bonuses for affordable housing are allowed if the project qualifies and requests a state density bonus. The applicant is not requesting a State Density Bonus to increase the number of units on

site, but is nevertheless entitled to one Concession and an unlimited number of Modifications to standards that would physically preclude the construction of the project. The applicant has proposed that the PD zoning mirror the development and density standards of the High Density Residential (HR1) zoning district, (1 unit per 1,000 sq. ft. of lot area). Based on the HR1 district, the maximum number units allowed for the base density would be 99 units on the 99,150 sq. ft. project site. The proposed 45 units is well below the maximum HR-1 base density and the Civic Center Plan density.

Site Plan: The proposed project is designed with nine (9) three-story buildings on the 2.28-acre project site (see Plan Sheet SP-1). Access to the site is proposed from both Merrydale Rd. and from Redwood Highway. The project would enhance the existing creek/maintenance easement area along the north side of the property with pedestrian improvements, landscaping and passive play activities for children. A total of 94 parking spaces are proposed on site. A total of 87 spaces are garages (including 20 tandem garage spaces), and 7 spaces are uncovered parking spaces (including one (1) ADA space). Three units are designed with one-car garages, but each will have access to one of the uncovered spaces on site. Separate guest parking is not required for projects that qualify for parking "concessions" in affordable housing projects, pursuant to SRMC Section 14.16.030.H. Required curb and gutter improvements will allow the creation of an additional four (4) on-street parking spaces along the east side of Merrydale Rd. that will be available as public parking. This is in addition to the existing 5 on-street parking spaces along the property frontage, for a total of nine (9) on-street parking spaces available for public parking.

Architecture: With direction from the Design Review Board, the project is proposing a contemporary architectural style, using a mix of modern and traditional materials: stone, glass, and plaster. The plaster walls are further enhanced with strategically placed score lines and a rich palate of three different colors that provide interest and variety while maintaining a continuity of design. Accents of different materials such as horizontal wood toned siding appear at the projections as well as a neutral colored cut stone that grounds the buildings at the base and provides a rich texture for the pedestrian. Additional details consist of contemporary windows, simple posts, wire mesh railings and composition shingle roofing. The design includes recessed balconies (i.e., that do not extend beyond the building roof) and stepbacks to provide articulation and reduce building mass. Furthermore, each unit attains an identity through varied entry door colors. The proposed project design was reviewed and recommended for approval by the Design Review Board (see color renderings). A Colors and Materials Board will be distributed at the hearing. The applicant has submitted a discussion of his architectural design as part of the project description (see Exhibit 8).

Landscaping: Plan Sheet L1 shows the proposed planting plan and landscape details for the project site. Also included are details for the existing creek area along the north side of the property. The project proposes to create a "dual use" Creek Promenade, combining pedestrian access, passive outdoor activity and children play opportunities (see Plan Sheet L2), a dual use 10' wide pedestrian and vehicular access for creek maintenance. Sheet L4 shows examples of proposed fencing, benches, decking and furniture along the new Creek Promenade, as well as the patio area adjacent to the Community Room. A total of 28 trees are proposed to be removed from the site. Several existing trees will remain along the north side of the property near the creek and in other perimeter locations, as shown on Plan Sheet L1. A total of 55 trees are proposed throughout the project site: Wilson Olive, Brisbane Box, Capitol Pear, Strawberry Tree, Carolina Cherry and Sweet Bay. Also, Pacific Dogwood and Madrone Trees would be planted specifically along the "boardwalk" creek promenade. In addition to the soft landscaping, there is also hardscape proposed throughout the project site, including special paving at entries and cross walks, scored concrete paving, "permatrak" decking across the bio-retention areas, paseos, and permeable pavers along the creek promenade and driveways.

Lighting: The project proposes to add a total of nine (9) light poles at a height of 12 feet and 46 light bollards (see Plan Sheet L11) as well as building wall sconce lighting as shown on Plan Sheet A-33. A Photometric Lighting Plan was provided.

Grading/Drainage: A total of 7,500 cu. Yds. of material are estimated to be moved on the project site, with approximately 4,500 cu.yds. of import and 2,000 cu.yds. of export.

Planning Entitlements: The project includes requests for the following Planning entitlements:

1. Rezoning (ZC19-002) to a new Planned Development (PD) that mirrors the HR1 District standards, allowing residential use on the property and allowing redevelopment of a site with an existing non-conforming minimum lot size (less than the 2.5 acres required).
2. Environmental and Design Review Permit (ED18-100) to allow the construction of the proposed new buildings and the site improvements.
3. Tentative Subdivision Map (TS18-006)) to allow the creation of 45 "for sale" air space condominium units.
4. Subdivision Exception (EX19-012) to the local street width and pavement width requirement.
5. Use Permit (UP18-039) to allow phased and/or multi-tenant development.
6. Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MMRP) demonstrating all identified potential impacts to the environment can be mitigated to a less-than-significant level.

ANALYSIS

San Rafael General Plan 2020 Consistency:

The proposed residential development project has been reviewed for consistency with the General Plan 2020. There are numerous policies and programs that are pertinent to the site and the project. The General Plan contains many competing policies that need to be weighed and considered. 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. On balance, the proposed residential development would be consistent with the pertinent policies and programs of the General Plan 2020.

The General Plan land use designation of General Commercial (GC) allows residential uses at a density of 15-32 units/gross acre. Based on this density, the 99,150 sq. ft. site (2.28 acres) would be allowed 34 to 72 units. Gross density is used for long-range planning purposes and is the number of units per acre devoted to a site plus the area of streets and other public improvements (parks public facilities, etc serving those areas). Gross density is approximately 20 to 30 percent lower than net density. Net density is used in the Zoning Ordinance to determine project-specific densities and is the number of dwelling units per acre of land devoted to the site. Net density does not include the area of streets and other public improvements serving those sites and is approximately 20 to 30 percent higher than gross density. The proposed zoning designation for this site is to remain a PD District, but utilize the development standards and density to mirror the HR1 (High Density Residential) zoning district which allows 1 unit for every 1,000 sq. ft. of land area. Based on this standard, the site would be allowed up to 99 units (99,150 sq. ft. of land area/ 1,000 density). The project proposes a total of 45 units and would therefore be consistent with the allowable density range. In general, the density is appropriate for the site given site given the compatibility of the surrounding area, and infrastructure and traffic capacity to support the residential development.

Staff has evaluated the project and found it to be consistent or consistent with conditions for the applicable San Rafael General Plan 2020 Policies and Programs, including the following Elements: Land Use, Housing, Neighborhoods, Community Design, Circulation, Infrastructure, Sustainability, Culture and Arts, Parks and Recreation, Safety, Noise, Conservation, and Air and Water Quality. A brief summary of staff's analysis of key policies is below. A complete analysis of all pertinent policies and programs is presented in the attached *General Plan Consistency Table* (Exhibit 5).

Land Use Policies

According to Exhibit 11 (*Land Use Categories*) of the General Plan, the General Commercial (GC) use category defines allowable land uses as "General retail and services uses, restaurants, automobile sales and service uses, and motel/hotels. Residential Land Uses are allowed at a density of 15-32 units/acre.

The project site is comprised of 2.28 acres, which would equate to an allowable density of 34-72 units. The proposed 45 residential units would be consistent with the allowable density range allowed by Policy LU-8 (***Intensity of Residential Development***). Furthermore, the project, as proposed would be compatible with the existing uses, and specific project impacts have been analyzed as part of the required CEQA review, with an Initial Study/Mitigated Negative Declaration detailing appropriate mitigation measures that reduce any impact identified to a less-than-significant level.

Housing Element

The project proposes to construct a nine (9) new, three-story residential buildings with a total of 45-units. The proposed new residential development serves to accommodate the projected need for 1,007 additional housing units in the City by the year 2023 by adding 45 additional for-sale housing units to the City's housing stock. A total of nine (9) of these housing units would be deed-restricted as "affordable" housing; five (5) of these housing units would be deed-restricted for sale or rent to low-income households and four (4) units deed-restricted for sale or rent to moderate-income households. These would contribute to the City's need for 148 low-income housing units and 181 moderate housing units by the year 2023. The proposed project is a lot located close to public transit and the Civic Center SMART station.

Community Design Element

The project site is located across the street from the San Rafael Meadows neighborhood, an established and predominantly singly family neighborhood on the west side Merrydale Rd. The project would re-activate the site and bring a greater level of pedestrian activity along Merrydale Rd. The project would also add landscaping, improve sidewalks and add new lighting to the project site. The design of the project has been revised based on resident comments at multiple neighborhood meetings and from comments from the Design Review Board. The Board formally recommended approval of the project on August 6, 2019. The IS/MND has identified light and glare from the new development as a potential project impact. Implementation of Mitigation Measure AES-1 (Aesthetics) in the MMRP would reduce impacts to a less-than-significant level.

Circulation Element

Circulation Policy C-5 (***Traffic Level of Service Standards***) establishes level of service (LOS) E as the acceptable LOS for the intersection at Merrydale Rd. and Las Gallinas Ave. Proposed project impacts on circulation have been analyzed as part of the required CEQA review, and the Initial Study/Mitigated Negative Declaration prepared determined the following:

- Existing Plus Project Conditions: Upon the addition of project-related traffic to Existing volumes, both study intersections are expected to operate acceptably at the same levels of service as under Existing Conditions. If signalized, Merrydale Rd./US 101 South Ramps would be anticipated to operate at LOS C during both peak hours.
- Future Plus Project Conditions: The addition of project-generated traffic to the anticipated Future volumes the study intersections are expected to continue operating acceptably overall and at the same acceptable levels of service. With signalization, Merrydale Rd./US 101 South Ramps would be expected to operate at LOS C or D during both peak hours.

A licensed traffic-engineering firm, W-Trans, reviewed the proposed project and prepared a traffic impact report, dated October 3, 2019. The proposed project will result in additional trips generated at the site. The project is within the intensity of development and maximum density of development assumed under the San Rafael General Plan 2020 (15-32 units per acre or 34-72 dwelling units) and, therefore, cumulative impacts have been analyzed and found to be acceptable. The City's Traffic Engineer has determined that the project would result in a total of 35 net new peak hour trips (17 AM peak hour and 19 PM peak hour trips). A complete analysis of the project's potential impact on Transportation is detailed on Pages 80-85 in the IS/MND. The IS/MND determined *Transportation/Traffic* impacts resulting from the

project would result in a less-than-significant impact with mitigation measures. As such, the project as proposed is consistent with General Plan Policy C-5.

Policy C-7 (Circulation Improvement Funding): The project would result in a total of 35 peak hour trips (17 AM peak hour and 19 PM peak hour trips). As a condition of approval (using current traffic mitigation fee rates), the project would be required to pay an estimated \$152,856 in traffic mitigation fees, which would contribute to planned improvements in the area. This fee shall be calculated and due at the time of building permit issuance.

Policy C-26 (Bicycle Plan Implementation): The goal of this policy is to make bicycling and walking an integral part of daily life in San Rafael by implementing the San Rafael's Bicycle and Pedestrian Master Plan. The proposed project will be required to provide bicycle improvements along Merrydale Rd. in keeping with the 2018 adopted update of the San Rafael Bicycle/Pedestrian Master Plan. The Plan identifies Merrydale Rd. for a Class III Bike Route. The applicant will be required to install the appropriate signage and striping along Merrydale to signify that the street is a Class III Bike Lane. Cyclists and pedestrians will be able to use the existing "link" to the SMART train by heading west down Las Gallinas Ave, where they would reach the signalized pedestrian grade crossing, allowing them to legally cross the railroad tracks and access the existing SMART Multi-Use Path (MUP) on the west side of the tracks. The proposed project will add a new sidewalk along the portion of Merrydale fronting on the project site. However, the IS/MND analysis found that existing pedestrian facilities in the project area are discontinuous, including gaps in the in Merrydale Rd and Redwood Highway south of the project site. To reduce potential impacts related to circulation systems, implementation of Mitigation Measure TRANS-1 (Transportation) in the MMRP would reduce impacts to a less-than-significant level.

Noise Element

The Noise Element of the General Plan 2020 includes policies that determine the suitability of new land uses depending upon the extent of noise exposure in the area and limit the extent of new noise sources that proposed development can add to existing noise levels.

Noise Policies N-1 (Noise Impacts on New Development) and N-3 (Planning and Design of New Development): The primary noise source at the site is vehicular traffic along US-101 and local traffic along Merrydale Rd. US-101 is elevated by about 10 feet above the project site. Residential and commercial structures surround the project site. A noise monitoring survey was performed by Illingworth and Rodkin in the vicinity of the project site beginning Monday, May 21, 2018 and concluding on Thursday, May 24, 2018. The monitoring survey included two long-term noise measurements and five short-term measurements and are documented in the Report.

- **Interior Noise Levels:** The City of San Rafael requires that interior noise levels be maintained at 40 dBA Ldn for bedrooms in residential units not in downtown and 45 dBA Ldn otherwise. Although the project is not located in downtown San Rafael, it is recommended that the 45 dBA Ldn criteria be used due to its proximity to US-101. The east facades of buildings 3, 4, 5, and 6, facing US-101, would be exposed to 70 dBA Ldn. The east facade of Buildings 2 and 7 would be partially shielded by the buildings to the east and would be exposed to 67 dBA Ldn. The west facade of Buildings 1 and 9 would be exposed to traffic noise from Merrydale Rd up to 58 dBA Ldn.

Interior noise levels would vary depending upon the design of the buildings (relative window area to wall area) and the selected construction materials and methods. Standard residential construction provides approximately 15 dBA of exterior-to-interior noise reduction, assuming the windows are partially open for ventilation. Standard construction with the windows closed provides approximately 20 to 25 dBA of noise reduction in interior spaces. The calculated interior noise levels of all townhomes would exceed the 40 dBA Ldn threshold with windows partially open. Building 2 through Building 7 would also exceed the 45 dBA Ldn threshold with windows

partially open. With standard construction and forced-air ventilation, allowing occupants the option of keeping windows closed to control noise, Buildings 1, 2, 8, and 9 would achieve the 40 dBA Ldn and 45 dBA Ldn thresholds. The minimum STC ratings required for windows in Buildings 3 through 7 to achieve the 40 dBA Ldn and 45 dBA Ldn thresholds is summarized in Table 5 (Page 22) of the Illingworth & Rodkin Report. Where STC rated windows are recommended, windows are assumed to be in the closed position, requiring forced-air ventilation to allow occupants the option of keeping windows closed. As a result, to ensure consistency with the San Rafael General Plan, Illingworth & Rodkin recommends incorporation of conditions of approval including providing suitable form or forced-air mechanical ventilation, and sound rated construction for Building 3 through Building 7 to maintain interior noise levels at acceptable levels. These conditions are included in Design Review Permit COA #25 would be implemented prior to issuance of building permits by the San Rafael Building Department. Where exterior noise levels range from 60 to 65 dBA Ldn, the inclusion of adequate forced-air mechanical ventilation can reduce interior noise levels to acceptable levels by allowing occupants the option of closing the windows to control noise. Where noise levels exceed 65 dBA Ldn, forced-air mechanical ventilation systems and sound-rated construction methods are normally required.

- Exterior Noise Levels: The City's acceptable exterior noise level objective is 60 dB Ldn or less for residential, hotels, schools, playgrounds and outdoor areas, 65 dB Ldn for office and commercial land use, 70 dB Ldn for industrial, agricultural and manufacturing land use (Exhibit 31 of the San Rafael General Plan).

The community open space area between Building 2 and Building 3 would be exposed to 52 dBA Ldn. Exterior noise levels would meet the City's acceptable exterior noise level criteria of 60 dBA Ldn for residential use at the community open space area between Buildings 2 and Building 3, but would exceed the criteria at the community open space area along the proposed creek promenade adjacent to US Hwy-101. Due to the elevation differences between US Hwy-101 and the community open space area, noise barriers constructed outside of the Caltrans right-of-way would provide only minimal noise reduction in this area. The community open space between Building 2 and Building 3 would meet the City's acceptable exterior noise level objectives with no additional noise reduction measures.

The primary noise sources at the site would continue to be vehicular traffic on US- 101 and Merrydale Rd. US-101 is elevated by about 10 feet above the site. Based on traffic volumes provided in the Traffic Impact Assessment Report prepared for the proposed project, traffic noise levels are calculated to increase by 1 dBA along Merrydale Rd. under future conditions (2040) due to increases in traffic volumes on Merrydale Rd. An increase in 1 dBA would be barely detectable to typical human hearing and is not considered a significant increase and as such, the impact would be less-than-significant. However, to reduce potential impacts from construction noise implementation of Mitigation Measure NOISE-1 (Noise) in the MMRP would reduce impacts to a less-than-significant level.

Conservation Element

Policies in the Conservation Element require that environmental resources be protected.

Policy **CON-6 (Creek and Drainageway Setbacks)**: Requires development-free setbacks, except for specific access points as approved per policy **CON-7 (Public Access to Creeks)**, from existing creeks and drainageways. Appropriate erosion control and roadway crossings may encroach into the development setback. Additionally, a 25-foot development-free setback from the top of creek banks for all new development and setbacks up to 100 feet may be required on lots or development projects two or more acres in size where development review determines a wider setback is needed to maintain functions and resulting habitat values and in areas where high quality riparian habitat exists.

The northern portion of the project site includes a portion of Las Gallinas Creek, running east to west across the project site. Las Gallinas Creek is identified as a blue-line creek. The project applicant contracted the services of WRA, Inc. to prepare a Biological Constraints Report. On March 5, 2015, WRA biologists conducted a field assessment of the Study Area. The subsequent report (dated March 28, 2019) determined no federally-protected species or habitats existed on the project site. However, the report recommended a condition of approval be included requiring pre-construction nesting bird surveys and a timeline for any trees proposed for removal and protections for roosting bats. See discussion under Policy CON-13 below.

Three (3) of the proposed nine (9) buildings are located near the existing creek on the north side of the property. None of the buildings would encroach into the 25' creek setback. The project is proposing to create a "dual purpose" creek promenade which would be designed to allow both provide pedestrian access and a 10' wide dedicated maintenance easement along the south side of the creek. These improvements would encroach into the 25' creek setback. However, SRMC Section 14.16.080.D (Creeks and Other Watercourses) specifically encourages pedestrian and bicycle access along creeks and drainageway, and the proposed project design is designed with new landscaping, benches, fencing, and active children play areas that will serve to enhance the creekside area. The fencing would be removable so that maintenance vehicles can access a 10' wide permeable paver pathway. The proposed improvements have been reviewed and collectively supported by Planning staff and DPW. The applicant has also presented the project to the County at their Marin Project Coordination Meeting (MPC). This is a monthly meeting hosted by the Marin County Stormwater Pollution Prevention Program (MCSTOPPP) to review and guide projects through the environmental and regulatory process. The proposed project received input from staff representing the Army Corps of Engineers, Regional Water Quality Control Board, California Department of Fish and Wildlife, NOAA Fisheries and Marin County Flood Control District. The proposed creek promenade features and proposed landscaping along the south bank of the creek were re-designed based on input from these agencies.

Policies **CON-13 (*Threatened and Endangered Species*)** and **CON-14 (*Special Status Species*)** encourage the preservation and protection of threatened and endangered species of plants and animals formally listed consistent with the state and federal endangered species acts including protection of their habitat as well as candidate species for listing. As documented in the Biological Section of the Initial Study, the biological assessment prepared for this project found there were no threatened/endangered or special status species on the project site. However, to reduce potential impacts to nesting birds and bats, implementation of Mitigation Measure BIO-1 (Biological Resources) in the MMRP would reduce impacts to a less-than-significant level.

Zoning Ordinance Consistency:

The project has been reviewed for consistency with the San Rafael Zoning Ordinance. A complete analysis of the pertinent regulations (standards, criteria and findings) is presented in the attached *Zoning Ordinance Consistency Table* (Exhibit 6). Overall, the project would be consistent with all applicable regulations of the Zoning Ordinance, including property development standards, affordable housing requirements, creek setbacks, parking requirements and design, and design and review criteria. A summary of the pertinent regulations are discussed below.

Chapter 14.07 (Planned Development)

The project site is currently zoned PD(1594), which does not allow residential uses. Therefore, both parcels would have to be rezoned to accommodate the proposed project, as well as to allow redevelopment of a site with an existing non-conforming minimum lot size (minimum lot size for the PD zone is 2.5 acres and the project site is 2.28 acres). The purpose of the Planned Development (PD) is to allow innovative design on large sites, by allowing flexibility in development standards, promote clustering on large sites to avoid sensitive areas, as well as other reasons cited in SRMC 14.07.010.

Pursuant to Zoning Ordinance 14.07.035: *"the Community Development Director shall determine based on development characteristics, use and density, and the contiguous zoning districts, a zoning district adopted within this title that is most compatible to the PD district. The regulations and spatial standards of the most compatible zoning district shall be applied, subject to the approval of an environmental and design review permit."* The City supports the proposed re-zoning to a new PD District but has determined that the most compatible *project design* would be one that incorporates the style of the surrounding two- and three-story, multi-family properties on the east side of Merrydale, which are zoned HR1 (High Density Residential). This design choice is more appropriate than using the R7.5 (Single Family Zoning) design of the residential homes along the west side of Merrydale. The required rezoning will trigger Environmental (CEQA) Review (Initial Study/Negative Declaration), and City Council approval with the recommendation of both the Design Review Board and Planning Commission.

In terms of density, SRMC Section 14.17.030 stipulates that *"the total number of dwelling units in a PD plan shall not exceed the maximum permitted by the General Plan 2020 density for the total site area."* The underlying General Plan Designation for the property is General Commercial, which allows a residential density of 15-32 units/gross acre. This equates to between 34 units to 72 units allowed on the approximately 2.28 gross acre site. In addition, as noted above, the General Plan density ranges are gross density, which are 20-30% less than the net density (once public roadways, public facilities, etc. are removed). Regardless of the net density which would allow up to 99 units on the site, the proposed 45 units would be consistent with the allowable density range under the GP 2020. State Density Bonuses for affordable housing are allowed if the project qualifies and requests a state density bonus. The applicant is not requesting a State Density Bonus to increase the number of units on site. Based on the HR-1 Development Standards (1 unit per 1,000 sq. ft. of lot area) the maximum number units allowed for the base density would be 99 units on the 99,150 sq. ft. project site. The proposed 45 units is well below the maximum HR1 base density. In terms of height, the proposed height (33.5') is below the maximum 36' maximum height allowed per Exhibit 8 in the GP 2020.

The project is proposing to be a "phased" development, tentatively commencing in the Spring of 2020 with Phase One (Buildings 1-4 on the north portion of the property, including creek enhancement). All necessary infrastructure improvements would be constructed as part of a "pre-phase" prior to the Phase One development. Staff is supportive of the phased development, and specific timelines for development are stipulated in the Master Use Permit (UP18-039). See additional details on project phasing in the Use Permit discussion on Page 12.

Chapter 16 - Noise Standards

Based on information in the Acoustical Report by Illingworth and Rodkin, the IS/MND analysis indicated that with standard construction and forced-air ventilation, interior noise for Buildings 1, 2, 8 and 9 would meet the 40 dBA and 45 dBA threshold. With proper project design as recommended in the Illingworth and Rodkin Noise Assessment (forced-air mechanical ventilation and sound rated construction for all buildings on site) interior noise levels are would be maintained at acceptable levels. A full discussion of noise impacts are detailed in the IS/MND and also in the General Plan Consistency Analysis section of this staff report (Page 6).

Chapter 16 – Site and Use Regulations (Creeks and Other Watercourses)

The Las Gallinas Creek straddles the property boundaries, on the north side of the project site. SRMC Section 14.16.080 requires a twenty-five foot (25') or greater setback between any structure and the high top of the creek bank. None of the proposed residential buildings would encroach into the 25' creek setback. The proposed 25' creek setback does permit the provision of adequate and attractive natural landscaping as well as necessary walkways. The plan proposes to create a "dual use" creekside area, providing a 10' vehicular access Rd (with permeable pavers) for trucks to be able to access the creekside and also provide pedestrian promenade with new landscaping, children activities, removable bollards/fencing and benches on the south side of the creek. The proposes a 25' creek setback is sufficient to construct a project that will not negatively impact the existing creek.

Chapter 18 – Parking

The parking requirement for the project is based on the number of bedrooms proposed. The parking required (per SRMC Section 14.18.040) for 2-bedroom units and 3-bedrooms units (or more) is the same: 2 parking spaces per unit (including 1 covered space). However, the State Density Bonus parking requirement is 2.5 parking spaces for 4 bedroom units. The project is proposing a total of 45 units with the following breakdown:

Table 1: 350 Merrydale Rd/3833 Redwood Hwy Parking

Bedrooms	Total Quantity	City Requirement	State Requirement	Proposed
2-bedroom	25 units	50 (2 spaces/unit)	50 (2 spaces/unit)	50
3-bedroom	12 units	24 (2 spaces/unit)	24 (2 spaces/unit)	24
4-bedroom	8 units	16 (2 spaces per unit)	20 (2.5 spaces per unit)	20
Total	45 units	90 spaces	94 spaces	94 spaces

The project complies with both the Chapter 18 standards and the State Density Bonus standards by providing 94 parking spaces on site (including one ADA space). As an affordable housing project providing 9 BMR units, the project qualifies for one (1) parking concession, which allows the parking on site to be provided through tandem and uncovered spaces (pursuant to SRMC Section 14.16.030.H.3.a.i).

Guest parking and ADA parking are considered inclusive of the required parking as part of the parking concession. The project proposes to provide a total of 20 tandem parking spaces (for Plan 1 and Plan 5X) and also 7 uncovered parking spaces (including 1 ADA space). The location of the uncovered parking spaces is shown on Plan Sheet SP-2 which shows four (4) spaces on Private Street “A” near Building 5, two (2) spaces on Private Street “B” on the south east corner of Redwood Hwy (across from Buildings #5 and #6) and 1 ADA space on private Street “B” (east of Building #4). See table on Plan Sheet SP-1 for parking breakdown for each building. In addition, the re-design of the street and curb cut for the proposed development will provide additional on-street parking along the east side of Merrydale. Currently there are five (5) on-street parking spaces and the project would add four (4) additional parking spaces for a total of nine (9) on-street parking spaces along Merrydale.

Chapter 22- Use Permit

Section 14.22.040 of the Zoning Ordinance permits the approval of a Master Use Permit, where multiple land uses or phasing are proposed on a site and the PD District requires approval of a Master Use Permit. The Master Use Permit is logical and reasonable for the site given that the Master Use Permit would : 1) authorize and address the proposed change in use on the site from the approved day care use for developmentally disabled adults to redevelopment as a 45-unit residential condominium project; 2) authorize the proposed phased development of the project site from a “pre-phase” (on and off-site improvements) to complete building Phase 1 -construction of Buildings 1-4 and all landscaping north of Private Street “A” (Fall 2021) and Phase 2- construction of Buildings 5-9, tree removal along the south property line and all remaining landscaping (Summer 2022), and 3) sets time limits for each phase of the development and specifies requirements timelines (and extensions) needed to vest development on the site. Also see Page 14 of the applicant’s project Narrative for more details on the phased developed (Exhibit 8). The Master Use Permit identifies permitted uses, how future changes to uses are processed, and establishes conditions of approval. Findings necessary to approve the Use Permit are discussed in the Draft Resolution (Exhibit 5).

Chapter 25 - Environmental and Design Review Permit

The Development Plan, building architecture and site improvements are subject to Design Review. The Environmental and Design Review Permit would accompany the site development plan and approve the building design, site plan and design-related improvements pursuant to Chapter 25 (*Environmental and Design Review of Major Physical Improvements*). The design criteria applicable to the development include review of the project for high quality design that is sensitive to the neighborhood and surrounding environment.

The City of San Rafael Design Review Board (DRB) has reviewed the design of the proposed 45-unit residential project for consistency with applicable design review criteria Chapter 25 of the Zoning Ordinance and the San Rafael Residential Design Guidelines and Civic Center Station Area Plan. The Board has recommended project approval, as noted in the Design Review Board section below (Page 14).

Chapter 15 -Subdivision Ordinance Consistency

The project has been reviewed for consistency with the San Rafael Subdivision Ordinance. Overall, the project would be consistent with all applicable regulations of the Subdivision Ordinance, including the provision of an indoor "Community Room" (with kitchen/bathroom, chairs and tables and outdoor patio area with BBQ thus meeting the requirement for recreational facilities for condominiums. However, the proposed street width is not consistent with the requirements per Chapter 15.06.050 (Street classification and requirements). The City standard per 15.06.050 (c) is that local streets provide a minimum ROW of 60' and a minimum pavement width of 40'. This project is requesting an exception to allow a private street with an easement of 30' and a minimum pavement width of 20' and also providing at least one sidewalk. This requires approval of an Exception request, pursuant to SRMC Section 15.01.120 (c). The City Engineer has reviewed the project and is in support of the Exception request. A complete analysis of the pertinent regulations (standards, criteria and findings) is presented in the attached *Subdivision Ordinance Consistency Table* (Exhibit 7). Findings necessary to approve the Subdivision Exception are discussed in the Draft Resolution (Exhibit 4).

Civic Center Station Area Plan Consistency:

The [Civic Center Station Area Plan](#) as amended by the City Council on September 16, 2013, puts forth a "vision" for the ½ mile area surrounding the Civic Center SMART Station, which includes the following:

- Maximum residential density of 44 units/acre: The project site proposes 19 units/acre.
- Building heights are limited to 36 feet, except in the neighboring single family residential neighborhood, where the height limit is 30 feet. The project site is not located in a single family zoning district. However, the project proposes a building height of 33.5' and also eliminated the proposed roof decks based on concerns by neighbors about lack of privacy. At the recommendation of the Community Development Director (per SRMC Section 14.07.035), the rezoned PD will follow the development standards for the similarly zoned HR1 properties to the south of the project site.
- Building articulation and varied setbacks to prevent a solid wall appearance: The proposed buildings along Merrydale Rd. are setback 15 feet from the front property line, and planted with trees and low shrubs. The buildings are designed with articulation (windows and balconies), as well as varied building materials to provide visual interest. In addition, new street trees will be planted along the Merrydale Rd. frontage and additional shrubs will be planted throughout the project site.
- Encourage multi-family housing on properties closest to the Civic Center SMART station. The project site is located adjacent to the last developed lot on the east side of Merrydale Rd. (Public Storage business).

ENVIRONMENTAL DETERMINATION

The project site is zoned Planned Development (PD1594) and is specific to the existing use on site - a day care for up to 120 developmentally disabled adults. The proposed 45-unit residential development would require a re-zoning of the property to establish a new Planned Development zoning district. Re-zoning actions are not categorically exempt from California Environmental Quality Act (CEQA) and as such, an Initial Study was required to identify and evaluate potential significant impacts to the environment.

Pursuant to CEQA Guidelines Section 15060, staff (with the assistance of a third-party environmental planning consultant Sean Kennings, LAK Associates) has conducted a preliminary review of the project application, plans and supportive studies and reports to determine whether the proposed project is subject to environmental review (CEQA). Based on this review, staff has prepared an Initial Study/Mitigated Negative Declaration (IS/MND).

Consistent with CEQA Guidelines Section 15073, the IS/MND was published and made available on November 8, 2019 to meet the minimum 30-day public review period prescribed by CEQA Guidelines. A notice of Completion was filed with the State Clearinghouse and Notice of Availability of the IS/MND was mailed to all responsible or trustee agencies, and other interested parties. The public review period typically coincides with the Planning Commission public hearing; therefore the 30-day public review period is set to end on December 10, 2019. A copy of the IS/MND was distributed to the Commission at the start of the public review period, and a copy of the document can be found [here](#). To date, the City has received no comments on the Initial Study/Negative Declaration.

The Initial Study/Mitigated Negative Declaration (IS/MND) concluded that the proposed project would result in *potentially* significant impacts in Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hydrology and Water Quality, Noise, Transportation, and Tribal Resources. The draft IS/MND, along with copies of all studies used in preparing the Initial Study, are provided on the project page (www.cityofsanrafael.org/350merrydale). The project impacts would be mitigated to a less-than-significant level through implementation of recommended mitigation measures or through compliance with existing Municipal Code requirements or City standards. Recommended measures are summarized in the attached Mitigation Monitoring and Reporting Plan (MMRP) and IS/MND. The IS/MND document has been prepared in consultation with local, and state responsible and trustee agencies and in accordance with Section 15063 of the California Environmental Quality Act (CEQA). Furthermore, the IS/MND will serve as the environmental compliance document required under CEQA for any subsequent phases of the project and for permits/approvals required by a responsible agency.

The draft resolution adopting the Mitigated Negative Declaration and approving the Mitigation Monitoring and Reporting Program is attached as Exhibit 2. All mitigation measures prescribed by the IS/MND have also been incorporated as conditions of approval of the project entitlements in the Resolution conditionally approving the Design Review Permit, Use Permit, Tentative Map and Subdivision Exception (Exhibit 4).

DESIGN REVIEW BOARD RECOMMENDATION

The Design Review Board (Board) reviewed the proposed project as a Conceptual Design (July 17, 2018) and later as a formal project review on August 6, 2019. Both Design Review Board meetings may be reviewed online at: <http://www.cityofsanrafael.org/meetings/> by clicking on "Design Review Board" under "Archived Meetings" and click on the "video" link to the specific meeting date.

On July 17, 2018, the Board reviewed the project as a conceptual review (*Commissioner Schoppert as PC liaison*). The Board heard public comments from five (5) local residents who expressed concern

about reduced privacy from the proposed roof decks, building height, lack of adequate landscaping, potential creek flooding, noise from the proposed decks, light pollution, impacts to on-street parking, and the lack of off-site improvements for a bike path. There were also comments in support for the number of units proposed, the project design and support for the option of allowing future ADU's on the site. The Board was largely supportive of the proposed building design but recommended changes, including reducing bulk and mass, replacing one proposed tree species, greater sensitivity to potential privacy impacts on neighbors resulting from the proposed roof decks, increasing the front setback along Merrydale to comply with the required 15' front setback, improving recreational activities for children on the site, addition of a Community Room, and provide information for the required trash enclosure.

On August 6, 2019, the Board considered the formal application. The Board's recommendations from the conceptual review were incorporated into the formal design review permit application. The Board heard comments from five (5) residents and a representative from the Board of the Civic Center Arms HOA (a townhome development located south of the project site at 260 Merrydale Rd). Two of the people spoke as representatives of Sustainable San Rafael and expressed support of having residential development close to transit, but were concerned about the lack of solar options (pre-wiring the building) and the lack of EV charging stations. Other comments expressed support for the new housing and also expressed concern about light pollution and needing better public access to the new creek promenade. One resident on the Board of the Civic Center Arms HOA (located to the south of the project site at 260 Merrydale Rd) presented 14 points in support of the project and also 8 points of concern in a 3-page letter (see Exhibit 9).

The Board was supportive of the revised project and recommended conditional approval with the following revisions: 1) relocation of some ground level A/C units to minimize visual impacts; 2) improve access to the outdoor patio from the Community Room; 3) improve sustainability by updating the units to be pre-wired for PV roof-top solar systems and add EV charging capacity in the garages. The Board voted 3-0-2 (*Commissioner Schoppert served as PC liaison*) to recommend project approval to the Planning Commission (Saude motion with Rege 2nd. 3-0-2 vote (Members Paul, Rege and Saude "ayes" and Members Kent and Summers absent) with the following consensus recommendations:

- Community /Recreation Room and adjacent Paseo promenade needs to provide a more integrated indoor/outdoor common amenity for the residents.
- Visual impacts of A/C units need to be mitigated better along public areas (paseo and creek promenade) and Merrydale frontage. The applicant is encouraged to explore greater landscape screening and/or relocating and grouping the A/C units to the interior ends of the buildings.
- The project needs to incorporate greater sustainability into the design, including, but not limited to, pre-wiring all garages for EV charging stations and pre-wiring all roofs for PV rooftop solar systems.

In evaluating this proposed project and whether the findings to grant an Environmental and Design Review Permit can be made, staff has provided analysis on the certain issues relating to the design of the proposed project. These issues are a culmination of design-related issues that have been raised through the neighborhood meetings, Design Review Board meetings, and correspondence received on the project. Staff is generally support of the project design choices and has determined that the project is consistent with the intent of both Chapter 25 and the San Rafael Residential Design Guidelines in that: 1) the proposed development has been designed with elements recommended by the Board during both Conceptual Design Review and formal review; 2) the exterior materials are a mixture of several materials to add interest to all building elevations and create a contemporary look for the site; 3) the buildings along Merrydale Rd. are oriented to the street with a define primary entry pathway; 4) paseos on site and the creek promenade will promote pedestrian gathering; 5) landscaping would be added to the site, including a total of 55 trees and a variety of shrubs and perennials; and 6) the existing Las Gallinas Creek has been enhanced and incorporated into the project site as a recreational amenity. A complete analysis of the pertinent Chapter 25 regulations (standards, criteria and findings) is presented in the attached *Zoning Ordinance Consistency Table* (Exhibit 6). Findings necessary for approval of the Design Review Permit are also detailed in the Draft Resolution (Exhibit 4).

NEIGHBORHOOD MEETING / CORRESPONDENCE

The proposed rezoning of the project site triggers the requirement for a Neighborhood Meeting (including a public notice and a sign posted at the site). The Neighborhood Meeting was held on July 25, 2019 at the project site and notice of meeting was conducted in accordance with noticing requirements contained in Chapter 29 of the Zoning Ordinance. A Notice of Public Hearing was mailed to all property owners and occupants within a 400-foot radius of the project site, the appropriate neighborhood groups (San Rafael Meadows), and all other interested parties, 15 calendar days prior to the date of this hearing. Additionally, a notice was posted on the project site, along both Merrydale Rd. and Redwood Highway frontages a minimum of 15 calendar days prior to the date of the meeting.

Staff project planner Caron Parker was in attendance at the meeting to answer general questions about the planning process and take notes. There were eight (8) persons in attendance at the meeting. The project applicant presented the proposed project, including revisions to the project since the Conceptual Design Review Board hearing on July 17, 2018. Those in attendance were generally supportive of the proposed project with the changes since the conceptual design was presented to the Board and felt that it was good to have an investment in the community. However, they did have questions about traffic circulation and parking impacts to San Rafael Meadows residents, cumulative impacts from the Oakmont development traffic, potential future changes to the Hwy 1010 freeway on/offramps, and future plans to widen Redwood Highway. The applicant also scheduled several informal meetings with neighbors which staff did not attend.

Notice of hearing for the August 6, 2019 Design Review Board hearing and this December 10, 2019 Planning Commission hearing were conducted in accordance with noticing requirements contained in Chapter 29 of the Zoning Ordinance. A Notice of Public Hearing was mailed to all property owners and occupants within a 400-foot radius of the subject site and the San Rafael Meadows HOA and all other interested parties, 15 calendar days prior to the date of all Design Review Board meetings, and 30-days prior to this Planning Commission hearing due to the public review period for the Mitigated Negative Declaration. Staff received a several comments about the project as part of the Design Review Board hearings. All comments received to date are attached as Exhibit 9.

As a result of noticing on this Planning Commission hearing, staff received one (1) letter in support of the project. Any public comments on the project received after the printing of staff's report will be provided to the Commission under separate cover.

OPTIONS

The Planning Commission has the following options:

1. Recommend approval of the applications to the City Council as presented (*staff recommendation*)
2. Recommend approval of the applications to the City Council with certain modifications, changes or additional conditions of approval.
3. Continue the applications to allow the applicant to address any of the Commission's comments or concerns
4. Deny the project and direct staff to return with a revised Resolutions.

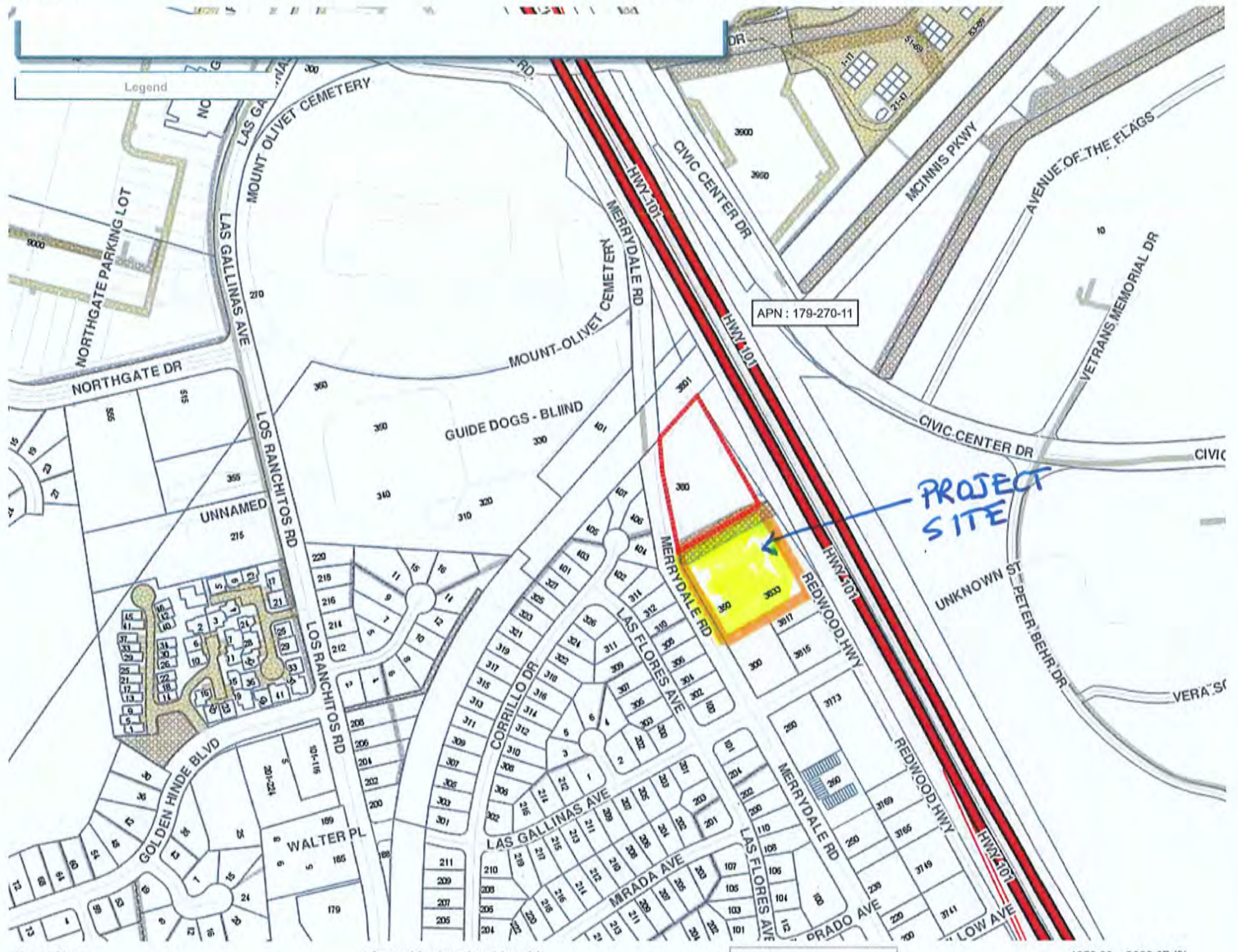
EXHIBITS

1. Vicinity/Location Map
2. Draft Resolution Recommending Adoption of a Mitigated Negative Declaration and approval of a Mitigation Monitoring and Reporting Program
3. Draft Resolution for recommending adoption of a Planned Development (PD) Rezoning
4. Draft Resolution recommending approval of the Design Review Permit, Use Permit, Tentative Subdivision Map and Subdivision Exception
5. General Plan 2020 Consistency Table
6. Zoning Ordinance Consistency Table
7. Subdivision Ordinance Consistency Table
8. Project description: Applicant's narrative
9. Public Comments

11" x 17" plans (distributed to the Planning Commission only)

Initial Study/Mitigated Negative Declaration (distributed to Planning Commission only)

Please note, copies of the plans and the Initial Study/mitigated Negative Declaration can be viewed at www.cityofsanrafael.org/350merrydale



X: —, Y: —

1 feature(s) selected on 1 layer(s)

1: 3826.9226

4252.08 x 2826.97 (ft)

EXHIBIT 1

RESOLUTION NO. _____

**RESOLUTION OF THE CITY OF SAN RAFAEL PLANNING COMMISSION
RECOMMENDING TO THE CITY COUNCIL ADOPTION OF AN INITIAL STUDY/
MITIGATED NEGATIVE DECLARATION AND APPROVAL OF THE MITIGATION
MONITORING AND REPORTING PROGRAM FOR A REZONING (ZC19-002),
ENVIRONMENTAL AND DESIGN REVIEW PERMIT (ED18-100), TENTATIVE MAP (18-
006), MASTER USE PERMIT (UP18-039), AND SUBDIVISION EXCEPTION (EX19-012) FOR
THE DEMOLITION OF THE EXISTING ONE-STORY BUILDINGS ON SITE AND
CONSTRUCTION OF NINE (9) THREE-STORY RESIDENTIAL BUILDINGS WITH A
TOTAL OF 45 “FOR SALE” MULTI FAMILY RESIDENTIAL UNITS (INCLUDING 9
BELOW-MARKET-RATE (BMR) UNITS), 94 PARKING SPACES, WITH NEW
LANDSCAPING AND CREEKSIDE ENHANCEMENTS ON AN EXISTING 2.28 ACRE
PARCEL LOCATED AT 350 MERRYDALE RD/3833 REDWOOD HWY
(MERRYDALE TOWNHOMES)
(APN’S: 179-041-27 AND 179-041-28)**

WHEREAS, on October 16, 2017, Michael Hooper of Campus Properties, on behalf of the property owner, Ridgewood Properties, submitted plans for a Pre-Application review of a proposed demolition of existing buildings and redevelopment of the site with 9 new buildings with a total of 44 residential townhome units the 2.28 acre site, including parking, landscaping and creekside enhancements; and

WHEREAS, on January 18, 2018, Planning staff provided comments on the pre-application, with additional comments from other City departments and relevant outside Agencies; and

WHEREAS, on April 25, 2018, Michael Hooper of Campus Properties, on behalf of the property owner, Ridgewood Properties, submitted an application for a Conceptual Design Review for the construction of 45 for sale townhome units, and associated site improvements; and

WHEREAS, on July 17, 2018, the Design Review Board held a duly noticed public hearing on the conceptual design of the proposed project and provided recommendations to the applicant; and

WHEREAS, on November 8, 2018, Michael Hooper of Campus Properties, on behalf of the property owner, Ridgewood Properties, submitted a formal application for Planned Development (PD) Rezoning (ZC18-002), Environmental and Design Review Permit (ED18-100), Tentative Map (TS18-006), Master Use Permit (UP18-039) and Subdivision Exception (EX19-012); and

WHEREAS, on July 25, 2019, the applicant held a Neighborhood Meeting at the project site, which was duly noticed by the City to residents and property owners within 400’ of the project site; and

WHEREAS, on July 6, 2019, the Design Review Board held a duly noticed public hearing on the proposed project, accepting all oral and written public testimony and the written report of the Department of Community Development; and

WHEREAS, as required by the California Environmental Quality Act (CEQA) Guidelines, staff determined that the proposal is defined as a ‘project,’ making it subject to environmental review. Pursuant to CEQA Guidelines Section 15063, an Initial Study was prepared to determine the potential environmental impacts of the project. The Initial Study is supported by several technical studies and reports (traffic, noise, biological, geotechnical, air quality, cultural resources, hydrology, fire flow analysis, and storm water control plan); and

WHEREAS, as demonstrated in the preparation of an Initial Study, all potentially significant effects on the environment identified in the IS/MND can be mitigated to less-than-significant levels with implementation of the recommended mitigation measures; including impacts to Air Quality, Biological Resources, Cultural Resources, Hydrology and Water Quality, Noise, Transportation, and Tribal Resources./ Therefore, consistent with CEQA Guidelines Section 15070, the Initial Study supports and recommends the adoption of a Mitigated Negative Declaration; and

WHEREAS, consistent with the requirements of the CEQA Guidelines, a Mitigation Monitoring and Reporting Program (MMRP) has been prepared, which outlines the procedures/steps and requirements for implementing all mitigation measures identified in the IS/MND. The MMRP is attached as Attachment A; and

WHEREAS, the subject site was posted with a public notice regarding the Mitigated Negative Declaration prepared for this project and notices were published in a local newspaper of general circulation in the area and mailed to surrounding property owners within 400 feet, pertinent agencies (including responsible and trustee agencies), organizations and special interest groups pursuant to CEQA Guidelines Section 15072; and

WHEREAS, copies of the Initial Study/Mitigated Negative Declaration were submitted to the State Office of Planning and Research (OPR) and made available for a 30-day review period by pertinent agencies and interested members of the public, commencing on November 8, 2019 and concluding on December 10, 2019; and

WHEREAS, on December 10, 2019, the Planning Commission held a public hearing on the proposed project, the planning applications for the 45-unit residential townhome development at 350 Merrydale Street/3833 Redwood Hwy and the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, accepting all oral and written public testimony and the written report of the Department of Community Development. The Planning Commission considered all oral and written public testimony and the written report of the Community Development Department. As part of this hearing process, the Planning Commission considered adoption of the IS/MND and the draft MMRP, which is presented in attached Attachment A of this Resolution; and

WHEREAS, the City has evaluated the comments received by public agencies, utilities, organizations, special interest groups and persons who have reviewed the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program; and

WHEREAS, the custodian of documents which constitute the record of proceedings upon which this decision is based is the Community Development Department of the City of San Rafael.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of San Rafael does hereby recommend to the City Council adoption of the Mitigated Negative Declaration and approval of the Mitigation Monitoring and Reporting Program as presented in Attachment "A" based on the findings that:

- a) The Planning Commission exercised its independent judgment in evaluating the Mitigated Negative Declaration and the Mitigated Negative Declaration has been considered in conjunction with comments received during the public review period and at the Planning Commission hearing. Based on this review, the Planning Commission has determined that: 1) there is no substantial evidence that the project will have a significant impact on the environment; and 2) revisions have been made to the project and have been included in the project as mitigation measures which reduce the potential impacts to a less-than-significant level.
- b) A Mitigation Monitoring and Reporting Program has been prepared for adoption to ensure implementation of, and compliance with, all conditions required to mitigate any impact to a level of less than significant. All mitigation measures have also been included as conditions of the project's approval in the separate Resolution.

The foregoing Resolution was adopted at the regular meeting of the City of San Rafael Planning Commission held on the 10th day of December 2019.

Moved by _____ and seconded by _____.

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

SAN RAFAEL PLANNING COMMISSION

ATTEST: _____
Paul A. Jensen, Secretary

BY: _____
Sarah Loughran, Chair

Attachment A Mitigation Monitoring and Reporting Program

Attachment A

MITIGATION MONITORING AND REPORTING PROGRAM

**MITIGATION MONITORING AND REPORTING PROGRAM
350 Merrydale Road**

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
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I. AESTHETICS

I(d). Mitigation Measure AES-1: Prior to the Building Permit final inspection, the project applicant shall submit to the satisfaction of the Community Development Department Director, a post-installation photometric lighting study showing that the lighting on site complies with the approved lighting levels per ED18-100 and the requirements of SRMC 14.16.227. The project applicant shall also demonstrate to the Building Department that outdoor lighting fixtures meet the requirements of the California Energy Code (known as Part 6, Title 24 of the California Code of Regulations)

Require as a condition of approval	Planning Division	Incorporate as condition of project approval	Deny project	
	Building Division	Planning Division verifies appropriate plan/study obtained prior to issuance of building permit	Deny issuance of building permit	

III. AIR QUALITY

III (b). Mitigation Measure AQ-1: Include basic measures to control dust and exhaust during construction. During any construction period ground disturbance, the applicant shall ensure that the project contractor implement measures to control dust and exhaust. Implementation of the measures recommended by BAAQMD and listed below would reduce the air quality impacts associated with grading and new construction to a less-than-significant level. The contractor shall implement the following best management practices that are required of all projects:

Require as a condition of approval	Planning Division	Incorporate as condition of project approval	Deny project	
Project sponsor obtains approvals from appropriate agencies prior to issuance of building permits	Building Division	Building Division verifies appropriate approvals obtained prior to issuance of building permit	Deny issuance of building permit	

Attachment A

MITIGATION MONITORING AND REPORTING PROGRAM
350 Merrydale Road

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
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1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
4. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).
5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
8. Post a publicly visible sign with the telephone number

Attachment A

**MITIGATION MONITORING AND REPORTING PROGRAM
350 Merrydale Road**

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
<p>and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.</p>					
<p>III(b). Mitigation Measure AQ-1a: All diesel-powered off-road equipment, larger than 25 horsepower, operating on the site for more than two days continuously shall, at a minimum, meet U.S. EPA particulate matter emissions standards for Tier 2 engines with CARB-certified Level 3 Diesel Particulate Filters or equivalent.</p> <ul style="list-style-type: none"> The use of equipment meeting U.S. EPA Tier 4 standards for particulate matter would also meet this requirement. Use of equipment that includes alternatively-fueled equipment (i.e., non-diesel) would meet this requirement. Other measures may be the use of added exhaust devices, or a combination of measures, provided that these measures are approved by the City and demonstrated to reduce community risk impacts to less-than-significant. 	<p>Require as a condition of approval</p> <p>Project sponsor provides equipment list prior to issuance of building permits</p>	<p>Planning Division</p> <p>Public Works Division / Building Division</p>	<p>Incorporate as condition of project approval</p> <p>Building Division verifies appropriate approvals obtained prior to issuance of building permit</p>	<p>Deny project</p> <p>Deny issuance of building permit</p>	

Attachment A

MITIGATION MONITORING AND REPORTING PROGRAM

350 Merrydale Road

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
<p>III(c) Mitigation Measure AQ-2: Include high-efficiency particulate filtration systems in residential ventilation systems.</p> <p>The significant exposure for new project receptors is judged by two effects: (1) increased cancer risk, and (2) annual PM2.5 concentration. Exposure to cancer risk from U.S. Highway 101 are significant. Cancer risk is based on exposure to exhaust emissions while annual PM2.5 concentrations are based on the exposure to PM2.5 resulting from emissions attributable to truck and auto exhaust, the wearing of brakes and tires and re-entrainment of roadway dust from vehicles traveling over pavement. PM2.5 exposure drives the mitigation plan. Reducing PM2.5 exposures to less than significant would also reduce cancer risk to less than significant levels. The project shall include the following measures to minimize long-term annual PM2.5 exposure for new project occupants:</p>	<p>Require as a condition of approval</p> <p>Project sponsor obtains approvals from appropriate agencies prior to issuance of building permits</p>	<p>Planning Division</p> <p>Building Division</p>	<p>Incorporate as condition of project approval</p> <p>Building Division verifies appropriate approvals obtained prior to issuance of building permit</p>	<p>Deny project</p> <p>Deny issuance of building permit</p>	

1. Install air filtration in residential dwellings. Air filtration devices shall be rated MERV 13 or higher. To ensure adequate health protection to sensitive receptors (i.e., residents), this ventilation system, whether mechanical or passive, all fresh air circulated into the dwelling units shall be filtered, as described above.
2. As part of implementing this measure, an ongoing maintenance plan for the buildings' heating, ventilation, and air conditioning (HV AC) air filtration system shall be required.
3. Ensure that the use agreement and other property

Attachment A

MITIGATION MONITORING AND REPORTING PROGRAM

350 Merrydale Road

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
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documents: (1) require cleaning, maintenance, and monitoring of the affected buildings for air flow leaks, (2) include assurance that new owners or tenants are provided information on the ventilation system, and (3) include provisions that fees associated with owning or leasing a unit(s) in the building include funds for cleaning, maintenance, monitoring, and replacements of the filters, as needed.

IV. BIOLOGICAL RESOURCES

IV(a). Mitigation Measure BIO-1: Pre-construction nesting bird and bat surveys

The nesting season is defined here as being from February 1 to August 31 and therefore work should commence between September 1 and January 31.

- If this is not possible, and project activities are initiated during the nesting season, then a nesting bird survey shall be conducted by a qualified wildlife biologist no more than 14 days prior to the start of

Require as a condition of approval.	Project sponsor designates qualified professional prior to start of construction and obtains approvals from appropriate agencies prior to issuance of building permits	Planning Division	Incorporate as condition of project approval. Project applicant conducts pre-construction survey before permit issuance.	Deny project	
		Planning / Building Division	Deny issuance of building permit		

File #: ZC19-002/ED18-100/TS18-006/EX19-012/UP18-039/
 Title: Resolution Recommending Adoption of Mitigated Negative Declaration
 Exhibit: 3 Attachment A-5

Attachment A

MITIGATION MONITORING AND REPORTING PROGRAM

350 Merrydale Road

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
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project activities.

- If nests are identified, a no-disturbance buffer should be implemented to avoid impacts to nesting birds and should remain in place until all young are fledged or the nest otherwise becomes inactive.
- Buffers typically range from 25 feet to 500 feet depending on the species.
- If work is to be initiated within the bat breeding/winter roosting season, an assessment of existing buildings should be performed prior to construction activities to determine if a roost is present.
- If a roost is observed, construction activities should be postponed until a qualified biologist determines the bats are excluded from the roost location.

V. CULTURAL RESOURCES

V(b). Mitigation Measure CULT-1: Protect Archaeological Resources Identified during Construction: The project sponsor shall ensure that construction crews stop all work within 100 feet of the discovery until a qualified archaeologist can assess the previously unrecorded discovery and provide recommendations. Resources could include subsurface historic features such as artifact-filled privies, wells, and refuse pits, and artifact deposits, along with concentrations of adobe, stone, or concrete walls or foundations, and concentrations of ceramic, glass, or metal

Require as a condition of approval	Planning Division	Incorporate as condition of project approval	Deny project
Project sponsor designates qualified professional pursuant to NAHC requirements and obtains approvals from appropriate agencies prior to issuance of building permits	Planning /Building Division	Project sponsor to halt work immediately upon discovery of unknown resources	Deny issuance of building permit
		Planning / Building Division verifies	

Attachment A

MITIGATION MONITORING AND REPORTING PROGRAM

350 Merrydale Road

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
<p>materials. Native American archaeological materials could include obsidian and chert flaked stone tools (such as projectile and dart points), midden (culturally derived darkened soil containing heat-affected rock, artifacts, animal bones, and/or shellfish remains), and/or groundstone implements (such as mortars and pestles).</p>			<p>appropriate professionals/approvals obtained prior to issuance of building permit</p>		
<p>V(c). Mitigation Measure CULT-2: Protect Human Remains Identified During Construction: The Project proponent shall treat any human remains and associated or unassociated funerary objects discovered during soil-disturbing activities according to applicable State laws. Such treatment includes work stoppage and immediate notification of the Marin County Coroner and qualified archaeologist, and in the event that the Coroner's determination that the human remains are Native American, notification of NAHC according to the requirements in PRC Section 5097.98. NAHC would appoint a Most Likely Descendant ("MLD"). A qualified archaeologist, Project proponent, County of Marin, and MLD shall make all reasonable efforts to develop an agreement for the treatment, with appropriate dignity, of any human remains and associated or unassociated funerary objects (CEQA Guidelines Section 15064.5[d]). The agreement would take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, and final disposition of the human remains and associated or unassociated funerary objects. The PRC allows 48 hours to reach agreement on these matters.</p>	<p>Require as a condition of approval</p> <p>Project sponsor designates qualified professional pursuant to NAHC requirements and obtains approvals from appropriate agencies prior to issuance of building permits</p>	<p>Planning Division</p> <p>Planning /Building Division</p>	<p>Incorporate as condition of project approval</p> <p>Project sponsor to halt work immediately upon discovery of unknown resources</p> <p>Planning / Building Division verifies appropriate professionals/approvals obtained prior to issuance of building permit</p>	<p>Deny project</p> <p>Deny issuance of building permit</p>	

Attachment A

MITIGATION MONITORING AND REPORTING PROGRAM
350 Merrydale Road

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
VII. GEOLOGY AND SOILS					
VII(a)(ii). Mitigation Measure GEO -1: Prior to a grading or building permit submittal, the project sponsor shall prepare a design-level geotechnical investigation prepared by a qualified and licensed geotechnical engineer and submit the report to the City Engineer. Minimum mitigation includes design of new structures in accordance with the provisions of the current California Building Code or subsequent codes in effect when final design occurs. Recommended seismic design coefficients and spectral accelerations shall be consistent with the findings presented in Section 4 of the May 8, 2018 ENGEO report.	Require as a condition of approval Project sponsor prepare a design-level geotechnical investigation prepared by a qualified and licensed geotechnical engineer and submit the report to the City Engineer	Planning Division Public Works Division	Incorporate as condition of project approval Public Works / Building Division verifies appropriate design-level report prior to issuance of building permit	Deny project Deny issuance of building permit	
VII(a)(iii). Mitigation Measure GEO-2: Prior to a grading or building permit submittal, the project sponsor shall prepare a design-level geotechnical investigation prepared by a qualified and licensed geotechnical engineer and submit the report to the City Engineer for review and approval. In order to reduce the effects of the potentially expansive soils and/or liquefaction settlement, foundations should be designed to withstand minimum differential movements. Foundation design recommendations are presented in Section 4 of the May 8, 2018 ENGEO report.	Require as a condition of approval Project sponsor prepare a design-level geotechnical investigation prepared by a qualified and licensed geotechnical engineer and submit the report to the City Engineer	Planning Division Public Works Division	Incorporate as condition of project approval Public Works / Building Division verifies appropriate design-level report prior to issuance of building permit	Deny project Deny issuance of building permit	
VII(b). Mitigation Measure GEO-3: Prior to a grading or building permit submittal, the project sponsor shall prepare a site drainage system prepared by a qualified and licensed	Require as a condition of approval	Planning Division	Incorporate as condition of project approval	Deny project	

Attachment A

MITIGATION MONITORING AND REPORTING PROGRAM

350 Merrydale Road

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
<p>civil engineer and submit the report to the City Engineer. The site drainage system will demonstrate the ability to collect surface water and discharge into an established storm drainage system. The project Civil Engineer of Architect is responsible for designing the site drainage system and, an erosion control plan shall be developed prior to construction per the current guidelines of the City of San Rafael Public Works Department (DPW) Grading and Construction Erosion and Sediment Control Plan Permit Application Package and the Regional Water Quality Control Board standards.</p>	<p>Project sponsor prepare a design-level drainage system design prepared by a qualified and licensed civil engineer and submit the report to the City Engineer</p>	<p>Public Works Division</p>	<p>Public Works / Building Division verifies appropriate design-level report prior to issuance of building permit</p>	<p>Deny issuance of building permit</p>	
<p>VII(c). Implementation of GEO-1 & GEO-2</p>	<p>See MM GEO-1 and GEO-2 above</p>				
<p>VII(d). Mitigation Measure GEO-4: Soils shall be moisture conditioned to above the optimum moisture content during site grading and maintained at this moisture content until imported aggregate base and/or surface flatwork is completed.</p>	<p>Require as a condition of approval</p> <p>Project sponsor obtains approvals from appropriate agencies prior to issuance of building permits</p>	<p>Planning Division</p> <p>Building Division</p>	<p>Incorporate as condition of project approval</p> <p>Public Works / Building Division verifies appropriate approvals obtained prior to issuance of building permit</p>	<p>Deny project</p> <p>Deny issuance of building permit</p>	
<p>VII(f). Mitigation Measure GEO-5: Should paleontological resources be encountered during project subsurface construction activities located in previously undisturbed soil and bedrock, all ground-disturbing activities within 25 feet shall be halted and a qualified</p>	<p>Require as a condition of approval</p> <p>Project sponsor shall designate qualified</p>	<p>Planning Division</p> <p>Building Division</p>	<p>Incorporate as condition of project approval</p> <p>Should paleontological resources be encountered during</p>	<p>Deny project</p> <p>Halt building permit</p>	

File #: ZC19-002/ED18-100/TS18-006/EX19-012/UP18-039/
 Title: Resolution Recommending Adoption of Mitigated Negative Declaration
 Exhibit: 3 Attachment A-9

Attachment A

MITIGATION MONITORING AND REPORTING PROGRAM

350 Merrydale Road

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
<p>paleontologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. For purposes of this mitigation, a "qualified paleontologist" shall be an individual with the following qualifications: 1) a graduate degree in paleontology or geology and/or a person with a demonstrated publication record in peer-reviewed paleontological journals; 2) at least two years of professional experience related to paleontology; 3) proficiency in recognizing fossils in the field and determining their significance; 4) expertise in local geology, stratigraphy, and biostratigraphy; and 5) experience collecting vertebrate fossils in the field.</p>	<p>paleontologist, consult with agencies as appropriate prior to issuance of building permits</p>		<p>project subsurface construction activities located in previously undisturbed soil and bedrock, all ground-disturbing activities within 25 feet shall be halted. Planning / Building Division contacted and appropriate agencies alerted to discoveries</p>		

If the paleontological resources are found to be significant and project activities cannot avoid them, measures shall be implemented to ensure that the project does not cause a substantial adverse change in the significance of the paleontological resource. Measures may include monitoring, recording the fossil locality, data recovery and analysis, a final report, and accessioning the fossil material and technical report to a paleontological repository. Upon completion of the assessment, a report documenting methods, findings, and recommendations shall be prepared and submitted to the City for review. If paleontological materials are recovered, this report also shall be submitted to a paleontological repository such as the University of California Museum of Paleontology, along with significant paleontological materials. Public educational outreach may

Attachment A

MITIGATION MONITORING AND REPORTING PROGRAM

350 Merrydale Road

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
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also be appropriate.

The project applicants shall inform its contractor(s) of the sensitivity of the project site for paleontological resources and shall verify that the following directive has been included in the appropriate contract specification documents:

“The subsurface of the construction site may contain fossils. If fossils are encountered during project subsurface construction, all ground-disturbing activities within 25 feet shall be halted and a qualified paleontologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. Project personnel shall not collect or move any paleontological materials. Fossils can include plants and animals, and such trace fossil evidence of past life as tracks or plant imprints. Marine sediments may contain invertebrate fossils such as snails, clam and oyster shells, sponges, and protozoa; and vertebrate fossils such as fish, whale, and sea lion bones. Vertebrate land mammals may include bones of mammoth, camel, saber tooth cat, horse, and bison. Contractor acknowledges and understands that excavation or removal of paleontological material is prohibited by law and constitutes a misdemeanor under California Public Resources Code, Section 5097.5.”

Attachment A

MITIGATION MONITORING AND REPORTING PROGRAM

350 Merrydale Road

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
<p>IX. HAZARDS AND HAZARDOUS MATERIALS</p> <p>IX(a). Mitigation Measure HAZ-1: Prior to submittal for a demolition permit, the project sponsor shall use a qualified and licensed professional to prepare a hazardous building materials survey for all structures proposed for demolition or renovation as part of the project. All lead-based paint and asbestos-containing materials (ACM) shall be abated by a certified contractor in accordance with local, state, and federal requirements. All hazardous materials shall be removed from buildings prior to demolition in accordance with California Division of Occupational Safety and Health (DOSH) and California Department of Toxic Substances Control (DTSC) regulations. A completion of abatement activities report shall be prepared by a qualified professional and submitted to the City prior to permit approval.</p>	<p>Require as a condition of approval</p> <p>Project sponsor obtains approvals from appropriate agencies prior to issuance of building permits</p>	<p>Planning Division</p> <p>Building Division</p>	<p>Incorporate as condition of project approval</p> <p>Building Division verifies appropriate approvals obtained prior to issuance of building permit</p>	<p>Deny project</p> <p>Deny issuance of building permit</p>	
<p>IX(b). Mitigation Measure HAZ-2: Prior to submittal for a demolition permit, the project sponsor shall use a qualified and licensed professional to prepare a Soil Management Plan to develop protocols and procedures for handling potentially impacted soils or underground structure/equipment that may be encountered during grading operations and other construction activities as part of the project. If impacted soils or underground structure/equipment are encountered during construction activities, all construction shall stop, and a qualified and licensed professional shall be contacted to conduct a site visit to make observations and prepare recommendations for</p>	<p>Require as a condition of approval</p> <p>Project sponsor obtains approvals from appropriate agencies prior to issuance of building permits</p>	<p>Planning Division</p> <p>Building Division</p>	<p>Incorporate as condition of project approval</p> <p>Building Division verifies appropriate approvals obtained prior to issuance of building permit</p>	<p>Deny project</p> <p>Deny issuance of building permit</p>	

Attachment A

MITIGATION MONITORING AND REPORTING PROGRAM

350 Merrydale Road

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
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proper handling of soils and/or structures/equipment

X. HYDROLOGY AND WATER QUALITY

X(a). Mitigation Measure HYDRO-1: Prior to issuing a grading or building permit, the project applicant shall prepare a Stormwater Pollution Prevention Plan (SWPPP) and/or Erosion and Sediment Control Plan (ESCP) in accordance with the requirements of the statewide Construction General Permit and the City of San Rafael Department of Public Works. The SWPPP shall be prepared by a Qualified SWPPP Developer (QSD). The SWPPP shall include the minimum Best Management Practices (BMPs) required for the identified risk level. The SWPPP shall be designed to address the following objectives:

- 1) All pollutants and their sources, including sources of sediment associated with construction, construction site erosion, and all other activities associated with construction activity are controlled;
- 2) Where not otherwise required to be under a Regional Water Quality Control Board permit, all non-stormwater discharges are identified and either eliminated, controlled, or treated;
- 3) Site BMPs are effective and result in the reduction or elimination of pollutants in stormwater discharges and authorized non-stormwater discharges from construction activity. The erosion and sediment control

Require as a condition of approval	Planning Division	Incorporate as condition of project approval	Deny project		
Project sponsor submits SWPP/ESCP to San Rafael Department of Public Works prior to issuance of building permits	Public Works Division	Public Works Division verifies appropriate approvals obtained prior to issuance of building permit	Deny issuance of building permit		

Attachment A

MITIGATION MONITORING AND REPORTING PROGRAM

350 Merrydale Road

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
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plan shall include the rationale used for selecting BMPs including supporting soil loss calculations, as necessary;

- 4) Stabilization BMPs installed to reduce or eliminate pollutants after construction are completed.
- 5) BMP implementation shall be consistent with the BMP requirements in the most recent version of the California Stormwater Quality Association Stormwater Best Management Handbook-Construction or the Caltrans Stormwater Quality Handbook Construction Site BMPs Manual.

X(a). Mitigation Measure HYDRO-2: Prior to a certificate of occupancy, the Project applicant shall verify that operational stormwater quality control measures that comply with the requirements of the current Phase II Small MS4 Permit have been implemented. Responsibilities include, but are not limited to:

- 1) Designing BMPs into Project features and operations to reduce potential impacts to surface water quality and to manage changes in the timing and quantity of runoff associated with operation of the project. These features shall be included in the design-level drainage plan and final development drawings.
- 2) The proposed project shall incorporate site design measures and Low Impact Development design standards, including minimizing disturbed areas and impervious surfaces, infiltration, harvesting,

Require as a condition of approval

Planning Division

Incorporate as condition of project approval

Deny project

Project sponsor submits Phase II Small MS4 Permit to San Rafael Department of Public Works prior to issuance of certificate of occupancy

Public Works Division

Public Works verifies appropriate approvals obtained prior to issuance of certificate of occupancy

Deny issuance of certificate of occupancy

Attachment A

MITIGATION MONITORING AND REPORTING PROGRAM
350 Merrydale Road

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
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- evapotranspiration, and/or bio-treatment of stormwater runoff.
- 3) The Project applicant shall establish an Operation and Maintenance Plan. This plan shall specify a regular inspection schedule of stormwater treatment facilities in accordance with the requirements of the Phase II Small MS4 Permit.
- 4) Funding for long-term maintenance of all BMPs shall be specified.

XIII. NOISE

XIII(a). Mitigation Measure NOISE-1: Implementation of the following measures would reduce construction noise levels emanating from the site, limit construction hours, and minimize disruption and annoyance.

- a. Construction activities shall be limited to the hours specified in the City of San Rafael's Municipal Code (7 am to 6 pm on weekdays and 9 am to 6 pm on Saturdays). No construction activities are permitted on Sundays and holidays.
- b. Limit use of the concrete saw to a distance of 50 feet or greater from residences, where feasible. Construct temporary noise barriers to screen stationary noise-generating equipment, such as the concrete saw, when located near adjoining sensitive land uses. Temporary noise barriers could reduce construction noise levels by 5 dBA.

Require as a condition of approval	Planning Division	Incorporate as condition of project approval	Deny project
Project sponsor obtains approvals from appropriate agencies prior to issuance of building permits	Building Division	Building Division verifies appropriate approvals obtained prior to issuance of building permit	Deny issuance of building permit

Attachment A

MITIGATION MONITORING AND REPORTING PROGRAM

350 Merrydale Road

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
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- c. Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- d. Unnecessary idling or internal combustion engines should be strictly prohibited.
- e. Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors.
- f. Utilize "quiet" air compressors and other stationary noise sources where technology exists.
- g. Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
- h. Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of "noisy" construction activities to the adjacent land uses and nearby residences.
- i. Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include in it the notice sent to neighbors regarding the construction schedule.

Attachment A

MITIGATION MONITORING AND REPORTING PROGRAM

350 Merrydale Road

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
XVII. TRANSPORTATION					
<i>XVII(a). Mitigation Measure TRANS-1:</i> The project sponsor shall construct a pedestrian sidewalk, subject to the availability of right-of-way and the feasibility of the drainage design, on the west side of Redwood Road directly adjacent to the project driveway connecting to the existing sidewalk.	Require as a condition of approval Project sponsor obtains approvals from appropriate agencies prior to issuance of building permits	Planning Division Public Works Division	Incorporate as condition of project approval Public Works Division verifies appropriate approvals obtained prior to issuance of building permit	Deny project Deny issuance of building permit	

XVIII. TRIBAL CULTURAL RESOURCES

Attachment A

MITIGATION MONITORING AND REPORTING PROGRAM

350 Merrydale Road

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
<p>XVIII(a). Mitigation Measure TRIBAL-1: Implementation of the unanticipated discovery measures outlined in Section V(b) and (d) above, address the potential discovery of previously unknown resources within the project area. If significant tribal cultural resources are identified onsite, all work would stop immediately within 50 feet of the resource(s) and the project applicant would comply with all relevant State and City policies and procedures prescribed under PRC Section 21074.</p>	<p>Require as a condition of approval</p> <p>Project sponsor designates qualified professional pursuant to NAHC requirements and obtains approvals from appropriate agencies prior to issuance of building permits</p>	<p>Planning Division</p> <p>Planning /Building Division</p>	<p>Incorporate as condition of project approval</p> <p>Project sponsor to halt work immediately upon discovery of unknown resources</p> <p>Planning / Building Division verifies appropriate professionals/approvals obtained prior to issuance of building permit</p>	<p>Deny project</p> <p>Deny issuance of building permit</p>	

Attachment A

File #: ZC19-002/ED18-100/TS18-006/EX19-012/UP18-039/
Title: Resolution Recommending Adoption of Mitigated
Negative Declaration
Exhibit: 3 Attachment A-19

RESOLUTION NO. ____

**RESOLUTION OF THE CITY OF SAN RAFAEL PLANNING COMMISSION
RECOMMENDING TO THE CITY COUNCIL ADOPTION OF AN ORDINANCE REZONING
CERTAIN REAL PROPERTY FROM PLANNED DEVELOPMENT (PD) DISTRICT (PD1594)
TO A REVISED PD (ZC19-002), INCLUDING THE RESCISSION OF PD 1594 AND CREATION
OF A NEW PD DISTRICT. TO ALLOW THE DEMOLITION OF EXISTING ONE-STORY
BUILDINGS AND CONSTRUCTION OF NINE (9) THREE-STORY RESIDENTIAL
BUILDINGS WITH A TOTAL OF 45 “FOR SALE” MULTI-FAMILY RESIDENTIAL UNITS
(INCLUDING 9 BELOW-MARKET-RATE (BMR) UNITS), 94 PARKING SPACES, WITH
NEW LANDSCAPING AND CREEKSIDE ENHANCEMENTS ON AN EXISTING 2.28 ACRE
PARCEL LOCATED AT 350 MERRYDALE RD/3833 REDWOOD HWY
(MERRYDALE TOWNHOMES)
(APN’S: 179-041-27 AND 179-041-28)**

WHEREAS, on September 17, 1990, the City Council adopted Ordinance No. 1594, which established a Planned Development (PD) allowing the land use regulations for use of the property as a day care for training up to 120 developmentally disabled adults consistent with conditions of approval in the Use Permit (UP90-22) approved by the Planning Commission on August 14, 1990; and

WHEREAS, the current Planned Development (PD1594) District zoning for this site does not allow residential development and does not contain appropriate land use limitations and development standards, as required by Section 14.07.060 of the Zoning Ordinance; and.

WHEREAS, on November 8, 2019, Michael Hooper of Campus Properties, on behalf of the property owner, Ridgewood Properties, submitted an application for PD Rezoning (ZC19-002) requesting to establish the required development standards for the proposed redevelopment of the site to allow the construction of 45 residential “for sale” condominium units, parking, landscaping and creekside enhancements; and

WHEREAS, on November 8, 2019, Michael Hooper of Campus Properties, on behalf of the property owner, Ridgewood Properties, also submitted accompanying applications for Environmental and Design Review Permit (ED18-100), Tentative Subdivision Map (TS18-006), Subdivision Exception (EX19-012), Use Permit (UP18-039) and Environmental Review/Initial Study (IS18-001) and these accompanying applications and are being processed concurrent with the Rezoning application, as required by the Zoning Ordinance; and

WHEREAS, the application for the PD rezoning proposes to rescind the current PD 1594 and establish a new PD District for the property that would allow for multi-family residential use; and

WHEREAS, the proposed PD District land use and development regulations for the property are presented in Attachment B. The PD proposes:

- a. Rescind the current PD 1594
- b. Create a new PD Zoning District for the 350 Merrydale Rd/3833 Redwood Highway property;
- c. Establish permitted land uses in the new PD, that would mirror the current allowances in the High Density Residential (HR1) Zoning District; and
- d. Establish development standards, including parking requirements, consistent with the HR1 Zoning District.

WHEREAS, consistent with the requirement of the City of San Rafael Environmental Assessment Procedures Manual and the California Environmental Quality Act (CEQA) Guidelines, an Initial Study was prepared finding that the proposed new 45-unit townhome development would not result in significant environmental effects, in that revisions to the project have been made and mitigation measures are required to

mitigate any potential adverse impacts to less-than-significant levels. Mitigation Measures were identified to reduce the level of significance to less than significant in the following topical areas (Aesthetics, Air Quality, Biological Resources, Cultural Resources, Hydrology and Water Quality, Noise, Transportation, and Tribal Resources); and

WHEREAS, consistent with the provisions of CEQA, a Mitigation Monitoring and Reporting Program has been prepared to implement the project mitigation measures and to accompany the Mitigated Negative Declaration; and

WHEREAS, on July 17, 2018, the Design Review Board (DRB) reviewed the project as a conceptual review item. The Board was largely supportive of the proposed building design but recommended changes, including greater sensitivity to the neighbors resulting from the roof decks, increasing the front setback along Merrydale Rd. to comply with the required 15' front setback, improving recreational activities for children on the site, addition of a Community Room, and provide information for the required trash enclosure; and

WHEREAS, on July 25, 2019, the applicant hosted a neighborhood meeting to have a more informal presentation and discussion with surrounding neighbors.

WHEREAS, the applicant revised the project in response to the Board's comments, as well as to public comments during the DRB and neighborhood meeting, including 1) providing a broader range of unit types and sizes, 2) providing a community room and outdoor patio complete with furnishings, 3) increasing the creek setback to a minimum of 25 ft.; 4) providing crane pads for creek maintenance; 5) increasing the front setback on the Merrydale frontage from 8 feet 1 inch to 15 feet, 2 inches from the Merrydale property line; 6) eliminating the proposed roof decks; 7) eliminating the proposed Accessory Dwelling Units (ADU's); 8) eliminating the California Pepper tree species; 9) providing more details on the creek promenade area (which will also have amenities for youth to play); and 10) adding bio-retention information to landscape plan. The side yard setback along the south property line was *reduced* from 10 feet to a setback of 7-9 feet (approximately) and some street parking were eliminated in order to re-design and eliminate the proposed building encroachment into the required 25' creek setback

WHEREAS, on August 6, 2019, the City of San Rafael Design Review Board (DRB) conducted a duly-noticed public meeting and reviewed the formal application and plans submitted for the project. The Board found that the changes had adequately addressed their prior comments during conceptual review and in conclusion, the Board voted to recommend approval of the project design, with some minor changes. The motion was made by Member Saude and second by Member Rege. Motion to recommend approval of the project design passed 3-0-2 with Members Paul, Rege and Saude voting "aye" and Members Kent and Summers absent. The recommended modifications included:

- Community /Recreation Room and adjacent Paseo promenade needs to provide a more integrated indoor/outdoor common amenity for the residents.
- Visual impacts of AC units need to be mitigated better along public areas (Paseo and creek trail) and Merrydale frontage. The applicant is encouraged to explore greater landscape screening and/or relocating and grouping the AC units to the interior ends of the buildings.
- The project needs to incorporate greater sustainability into the design, including, but not limited to, pre-wiring all garages for EV charging stations and pre-wiring all roofs for PV rooftop solar systems.

WHEREAS, the applicant has incorporated all recommended changes in the revised plan submitted to the Planning Commission;

WHEREAS, the project, including the Notice of Availability of the Initial Study/Mitigated Negative Declaration, along with the planning applications were publicly noticed 30 days in advance of the Planning Commission hearing, through the following means: 1) publishing a legal ad in the Marin Independent Journal on November 9, 2019; 2) subject site was posted with a public notice regarding the Mitigated Negative Declaration

and the project applications; and 3) notices were published in a local newspaper of general circulation in the area and mailed to surrounding property owners within 400 feet, pertinent agencies (including responsible and trustee agencies), organizations and special interest groups pursuant to CEQA Guidelines Section 15072; and

WHEREAS, on December 10, 2019, the Planning Commission held a duly noticed public hearing on the proposed project, the planning applications for the 45-unit residential townhome development at 350 Merrydale Rd/3833 Redwood Hwy, considering the PD rezoning application, accepting all oral and written public testimony and the written staff report of the Department of Community Development relevant to the proposal; and

WHEREAS, on December 10, 2019, by adoption of a separate resolution, the Planning Commission recommended to the City Council adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the project; and

WHEREAS, on December 10, 2019, by adoption of a separate resolution, the Planning Commission recommended to the City Council approval of the Environmental and Design Review Permit (ED18-100), Master Use Permit (UP19-039), Tentative Subdivision Map (TS18-006) and Subdivision Exception (EX19-012) to the City Council, which approve the proposed site plan, architecture, site improvements and landscaping and would establish the appropriate development regulations and land use limitations for the residential use; and

WHEREAS, the custodian of documents which constitute the record of proceedings upon which this decision is based is the Community Development Department of the City of San Rafael.

NOW THEREFORE BE IT RESOLVED, that the Planning Commission recommends to the City Council that the existing Planned Development (PD) District (PD 1594) as shown on the map contained in Attachment "A" and further described in Attachment "C" be rescinded and a new PD District as outlined in Attachment "B" (350 Merrydale Residential Townhomes) be established based on the following findings, as required under Zoning Ordinance Sections 14.07.090 and 14.27.060:

1. The Development Plan is consistent in principle with the San Rafael General Plan 2020 and other applicable City plans or policies in that the 350 Merrydale Rd. Residential Townhomes - *Planned Development District* document includes appropriate development standards, and is subject to an Environmental and Design Review Permit and a Master Use Permit, implementing the intent of Chapters 22 (Use Permit) and 25 (Environmental and Design Review Permit) of the San Rafael Zoning Ordinance, Subdivision Ordinance (Title 15 of San Rafael Municipal Code, and the applicable General Plan land use policies, including:
 - a) The proposed project as designed and conditioned would be consistent with Land Use Element Policies LU-2 (*Development Timing*), LU-8 (*Density of Residential Development*), LU-10 (*Planned Development Zoning*), LU-12 (*Building Heights*), LU-23 (*Land Use Compatibility*), LU-23 (*Land Use Map and Categories*) given that the project: 1) would be approved at a time when there is adequate infrastructure to serve the proposed development; 2) 3) would not exceed the maximum density allowed in the GC Land Use category (34-72 units); 4) would not exceed the maximum building height of 36 feet allowed for this area of San Rafael; and 5) has been designed to minimize potential visual impacts on the surrounding residential properties by limiting bulk, mass and height;
 - b) The proposed project as designed and conditioned would be consistent with Housing Element Policies H-2 (*Designs that Fit Into Neighborhoods*), H-3 (*Public Information and Participation*), H-14 (*Adequate Sites*), H-15 (*Infill Near Transit*), and H-19 (*Inclusionary Housing*), in that: 1) residential development is allowed on the site per the General Commercial General Plan Land Use designation; 2) the project design has been subject to review by the public and has been recommended for approval by the Design Review Board; 3) the project would add 45 units of housing within walking distance of mass transit, including the Civic Center SMART Train station, ½ mile from the project site of the SMART Train; and 4) the project would include nine (9) below-market-rate (BMR) units, five (5) affordable at the low-income level and four (4) at moderate-income level.

- c) The project is partially consistent with the applicable Neighborhoods Element Policy NH-2 (*New Development in Residential Neighborhoods*), NH-3 (*Housing Mix*), NH-17 (*Competing Concerns*), NH-151 (*New Development*), NH-86 (*Design Considerations for Development in the Vicinity of the Civic Center*), NH-128 (*Sidewalk Improvements*), NH-129 (*Neighborhood Parking*), NH-142 (*Redwood Highway Improvements*), and NH-148 (*Residential Uses at the end of Merrydale Rd.*) in that: 1) the proposed new 45-unit development has been designed to be a transitional use between existing commercial development and residential development on Merrydale Rd. The building design minimizes impacts to surrounding residential properties by providing code compliant front and side setbacks and preserving some existing trees at the perimeter of the project site and proposing 55 new trees on site; 2) 94 parking spaces are provided on the site in compliance with the required parking requirement for 45 units, and 4 new on-street parking spaces would be created along the east side of Merrydale Rd.; and 3) Redwood Highway would be extending and provide secondary access through the project site, allowing pedestrian access to the proposed new “creek promenade” on the north side of the site as well as vehicular access to Merrydale Rd.
- d) The project as proposed and as conditioned would be consistent with Community Design Element Policies CD-2 (*Neighborhood Identity*), CD-3 (*Neighborhoods*), CD-5 (*Views*), , CD-11 (*Multifamily Design Guidelines*), CD-14 (*Recreational Facilities*), CD-15 (*Participation in Project Review*), CD-18 (*Landscaping*), CD-19 (*Lighting*) in that the project design: 1) preserves, to the greatest extent possible, views the Civic Center from the adjacent one-story residential neighborhood. The building height is 33.5’ (less than the 36’ height limit allowed); 2) is generally in keeping with the mass and scale of adjacent commercial and residential development on the east side of Merrydale Rd. and would introduce a higher quality architectural design than currently present on the site; 3) provides landscaping to screen and enhance the project and site; 4) provides new “creek promenade” with landscaping and recreational amenities along Las Gallinas Creek to the north of the development; 5) creates adequate lighting without spillover onto adjacent properties or natural areas; and 6) has been reviewed by the Design Review Board and found to be consistent the applicable design policies of the General Plan and the City’s Residential Design Guidelines.
- e) The project as proposed and as conditioned would be consistent with Circulation Policies C-5 (*Traffic level of Service Standards*), C-7 (*Circulation Improvements Funding*), C-8 (*Eliminating and Shifting Peak Hour Trips*), C-9 (*Access for Emergency Services*), C-26 (*Bicycle Plan Implementation*) and C-31 (*Residential Area Parking*) in that the project: 1) would not exceed the acceptable level of service standards (LOS), LOS E, for both intersections or arterials; 2) would be required to pay its fair share towards traffic impacts to fund circulation impacts in order to maintain acceptable LOS standards for the General Plan; 3) would maintain adequate access for emergency services as determined by the City’s Public Safety Departments; and 4) would create a new Class III Bike Lane along Merrydale Rd. and install a new sidewalk along the east side of Merrydale, thereby facilitating better pedestrian access along Merrydale Rd. as well as pedestrian access to the new creek promenade area,
- f) The project as proposed and as conditioned would be consistent with Infrastructure Element Policies I-2 (*Adequacy of City Infrastructure and Services*), and I-10 (*Sewer Facilities*) in that: 1) the appropriate utility agencies have reviewed the project and determined that the property is currently being served. However, 1) Marin Municipal Water District (MMWD) has determined that the property’s current annual water entitlement may be insufficient for the new uses and the purchase of additional water entitlement may be required, as well as compliance with all indoor and outdoor requirements of District Code Title 13 for water conservation; and 2) the Las Gallinas Valley Sanitation District (LGVSD) would continue to provide service to the project site, although the 45 proposed residential townhome units would result in an increase in intensity of development over existing uses. The LGVSD has reviewed the project, provided comments and will require that the development project submit an Application for Allocation of Capacity and pay additional capacity fees prior to submittal of a building permit. The project design incorporates sanitary sewer infrastructure that connects all residences to the current LGVSD sanitary system, including two possible infrastructure improvements: a) a gravity system and flow diversion with an updated LGVSD pump station, or b) a lift-station (with control cabinet) located in the southeastern

corner of the project site for pumping sanitary sewer to the main LGVSD pump station (which would also be updated). Either design solution would satisfy LGVSD requirements for sanitary sewer service.

- g) The project as proposed and as conditioned would be consistent with the Sustainability Element Policies SU-5 (*Reduce Use of Non-Renewable Resources*), SU-6 (*Resource Efficiency in Site Development*), SU-7 (*New and Existing Trees*), SU-10 (*Zero Waste*) in that given that: 1) the revised project plans include a provision that all townhome units and stacked flats (to the extent practicable) will be provided with pre-wiring for photovoltaic rooftop solar systems; 2) all garage units will be provided with 220-volt power points suitable for EV charging; 3) the project will comply with the most recently adopted CBC (California Building Code) CalGreen and Title-24 Energy regulations; 4) conditions subject the project to the Marin Municipal Water District's most recently adopted water conservation and gray water regulations; 5) 55 new trees will be planted on site and 13 existing trees will be preserved on site; and 6) The project is proposing a covered and screened trash enclosure, the design and location of which has been reviewed and approved by Marin Sanitary Service (MSS).
- h) The project as proposed and as conditioned would be consistent with the Culture and Arts Element Policy CA-15 (*Protection of Archaeological Resources*) in that: 1) The existing buildings were constructed in 1967 or 1968 as a school facility but does not meet criteria as defined in CEQA Guidelines Section 15064.5. The existing structures and site have been modified over the years and do not appear to have any historical significance; and 2) the site for original construction of existing buildings would have disrupted any archaeological deposits if they were present. Indications of the disturbance would likely still be apparent when examining remnant soils. Based on the results of the cultural resources investigation conducted for the proposed project, no prehistoric or historic-period archaeological resources were identified within the project area. However, mitigation measures have been included in the IS/MND MMRP (CULT-1 and CULT-2) to protect any resources found during construction activities.
- i) The project as proposed and as conditioned would be consistent with Park and Recreation Element Policy PR-10 (*On-site Recreation Facilities*) in that the project will provide a 500 sq. ft. "community room" for the residents which will include a kitchen area and bathroom. The community room will also have sliding glass doors that open onto an approximately 500 sq. ft. patio area, with planters seating, and a BBQ area.
- j) The project as proposed and as conditioned would be consistent with Safety Element Policies: S-1 (*Location of Future Development*), S-3 (*Use of Hazard Maps in Development Review*), S-4 (*Geotechnical Review*), S-6 (*Seismic Safety of New Buildings*), S-18 (*Storm Drainage Improvements*), S-25 (*Regional Water Quality Control Board (RWQCB) Requirements*), and S-32 (*Safety Review of Development Projects*) in that: 1) the project has been reviewed using the hazard maps and Geotechnical Review Matrix; 2) the geotechnical review and peer review concluded that the development on this site, with conditions, is feasible and appropriate from a geotechnical engineering standpoint; 3) the project would not include any hazardous materials or uses in its operations; 4) the development would be built to conform to current building and seismic safety codes; 5) the structure would be built in accordance with the Federal Emergency Management Agency (FEMA) regulations for this type of structure and use in a 500-year flood zone; 6) an erosion control plan would be required during construction of the project; 7) the drainage plan would direct all new run-off from the site into vegetative bio-retention areas before being released into the storm drain system; and 8) the project has been reviewed by the Police and Fire Department and found to be in conformance with their fire and crime prevention standards and would not pose a risk to public safety or impact their levels of service.
- k) The project as proposed and as conditioned would be consistent with Noise Element Policies N-1 (*Noise Impacts on New Development*), N-2 (*Exterior Noise Levels for Residential Use*), N-3 (*Planning and Design of New Development*), N-4 (*Noise from New Nonresidential Development*), and N-5 (*Traffic Noise from New Development*) in that the project: 1) Based on information in the Acoustical Report by Illingworth and Rodkin, the IS/MND analysis indicated that Building 2 through Building 7 would also exceed the 45 dBA Ldn threshold with windows partially open. With standard construction and forced-air ventilation, allowing occupants the option of keeping windows closed to control noise, Buildings 1, 2

8, and 9 would achieve the 40 dBA Ldn and 45 dBA Ldn thresholds. The east facades of buildings 3, 4, 5, and 6, facing US-101, would be exposed to 70 dBA Ldn. The east facade of Buildings 2 and 7 would be partially shielded by the buildings to the east and would be exposed to 67 dBA Ldn. The west facade of Buildings 1 and 9 would be exposed to traffic noise from Merrydale Rd. up to 58 dBA Ldn. These levels are in the “Clearly Unacceptable” range in Exhibit 31 of the General Plan 2020. Therefore, the Acoustical Report recommended additional mitigation measures required prior to issuance of the building permit to required force-air ventilation and the appropriate STC window ratings to maintain interior noise levels at acceptable levels (see Environmental and Design Review Permit COA #25; 2) conditions and mitigations have been incorporated to reduce any temporary impacts due to construction (Initial Study Mitigation Measure NOISE-1); and 3) the Acoustical Report determined that the primary noise sources at the site would continue to be vehicular traffic on US- 101 and Merrydale Rd. US-101 is elevated by about 10 feet above the site. Based on traffic volumes provided in the Traffic Impact Assessment Report prepared for the proposed project, traffic noise levels are calculated to increase by 1 dBA along Merrydale Rd. under future conditions (2040) due to increases in traffic volumes on Merrydale Rd.. An increase in 1 dBA would be barely detectable to typical human hearing and is not considered a significant increase.

- l) The project as proposed and as conditioned would be consistent with Conservation Element Policies CON-6 (*Creek and Drainageway Setbacks*), CON-7 (*Public Access to Creeks*), CON-8 (*Enhancement of Creeks and Drainageways*), CON-9 (*Native and/or Sensitive Habitats*), CON-14 (*Special Status Species*), and CON-16 (*Landscape with Native Plant Species*) in that the proposed project: 1) would maintain setbacks from the creek and provide creek enhancements with added landscaping and pedestrian access point; 2) would not impact a wildlife corridor since the site is currently developed and biological assessments have found no such corridors; 3) would not impact any sensitive or threatened/endangered species or habitats; 4) has been conditioned to ensure that disturbance to any potential nesting birds be avoided during construction; and 5) would provide new trees and shrubs throughout the site, as well as bio-retention areas to facilitate proper site drainage.
 - m) The project as proposed and as conditioned would be consistent with Air and Water Quality Element Policies: AW-1 (*State and Federal Standards*), AW-2 (*Land Use Compatibility*), AW-4 (*Particulate Matter Pollution Reduction*), AW-7 (*Local, State and Federal Standards*), and AW-8 (*Reduce Pollution from Urban Runoff*) since the project: 1) would comply with local, state and federal air quality standards; 2) mitigation measures have been incorporated to address temporary air quality impacts during construction; 3) drainage systems have been designed to utilize vegetated swales before discharging drainage into storm drain systems or the creek; and 4) methods consistent with the Storm Water Pollution Prevention Standards of the Regional Water Quality Board have been incorporated into the design and conditions have been included to require compliance with these standards.
2. The applicant proposes to add 45-units of new residential development (market rate and BMR units) which will help serve to accommodate the projected need for 1,007 additional housing units in the City by the year 2023. The 3-story development will serve as a transition between the existing 2-story residential properties, commercial development and the single family lots in the interior Rafael Meadows neighborhood. The existing creek has been protected by providing a 25’ setback and also will be enhanced with new vegetation along the south bank and designed with a shared maintenance and pedestrian promenade. Further, the development plan has been reviewed and recommended for approval by the Design Review Board.
 3. The applicant has demonstrated that the proposed development can be served by public facilities such as sewer, water, refuse services and other infrastructure resources that currently serve the existing development and are available to serve the proposed redeveloped site.
 4. The applicant has accepted the City’s direction to use the HR1 property development standards for the new PD zoning, as this zoning district most closely approximates the adjacent property development standards. The proposed new development has designed to be in compliance with the applicable HR1 property development standards, and the proposed project is not requesting any deviations (Variances) from the HR1

setbacks. However, the City standard per Chapter 15.06.050 (c) is that local streets provide a minimum ROW of 60' and a minimum pavement width of 40'. Due to site constraints (creek and utility easements) the applicant is requesting an exception to allow a private street with an easement of 30' and a minimum pavement width of 20' and also providing at least one sidewalk. This requires approval of an Exception request, pursuant to SRMC Section 15.01.120 (c). The City Engineer has reviewed the project and is in support of the Exception request.

5. The auto, bicycle and pedestrian traffic systems presented on the Development Plan is adequately designed for circulation needs and public safety in that: a) with Development Plan proposes sidewalks throughout the development for pedestrian access, including access to the proposed new creek promenade area; b) the project triggers the creation of a new Class III Bike Lane along Merrydale Rd.; c) the emergency vehicle ingress and egress from the development would be provided through the existing roadway, as well as from an extension of Redwood Highway (allowing traffic to pass through the development and access Merrydale Rd.) and has been found to be adequate by the City of San Rafael Fire and Police Departments; d) the access and site layout has been reviewed by the appropriate City Departments and has been determined that an Exception to street width standards is appropriate and acceptable and e) code compliant parking (94 spaces) will be provided on site, with an additional 4 new on-street spaces added to the east side of Merrydale Rd.
6. The public health, safety and welfare are served by the adoption of the proposed PD District, in that the project as proposed and conditioned: a) would implement housing and environmental goals and policies adopted for this site in the San Rafael General Plan 2020; b) would conform to City standards for safety; c) as proposed, and conditioned, it would be consistent with the recommended mitigation measures presented in the Initial Study/Mitigated Negative Declaration prepared for this project; and d) would address project impacts to privacy, traffic, parking through the inclusion of condition of approval on the Master Use Permit and Environmental and Design Review Permit.

The foregoing Resolution was adopted at the regular meeting of the City of San Rafael Planning Commission held on the 10th day of December 2019.

Moved by _____ and seconded by _____.

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

SAN RAFAEL PLANNING COMMISSION

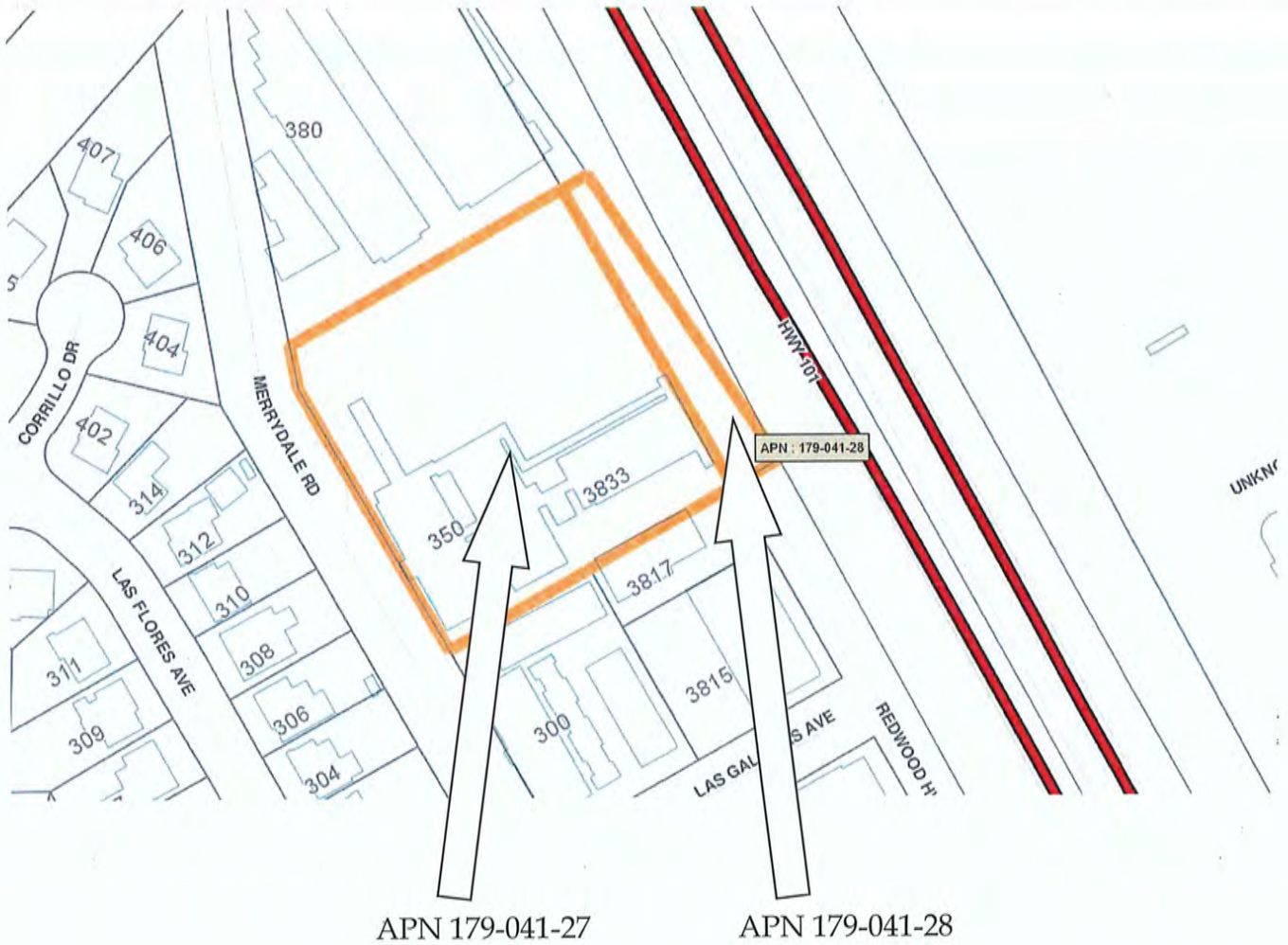
ATTEST: _____
Paul A. Jensen, Secretary

BY: _____
Sarah Loughran, Chair

- Attachment A: Rezoning Map
- Attachment B: Planned Development District Standards
- Attachment C: Legal Property Description

Attachment A

REZONING MAP



PD Rezoning to Rescind PD 1594 to create a new PD for these two properties known as 3833 Redwood Highway/350 Merrydale Rd

Attachment B

MERRYDALE TOWNHOMES – PLANNED DEVELOPMENT DISTRICT

1. PURPOSE OF PLANNED DEVELOPMENT DISTRICT

The purpose of the Planned Development District for the 45-unit residential development is to regulate the development of a 2.28-acre site known as the Merrydale Townhomes located at 350 Merrydale Road/38833 Redwood Highway.

2. LAND USE REGULATIONS

- a) This PD permits a 45-unit residential condominium development on the 2.28-acre site, a 500 square foot Community Room for tenant use and a “Creek Promenade” area for use as a recreational amenity, as per approved plan Sheet SP-2.
- b) All other land uses shall follow the land use regulations set forth in the High Density Residential (HR1) District land use classification as contained in Zoning Ordinance (SRMC 14.04.020).
- c) Private Usable Open Space: Balconies provided for the units shall remain open and not be enclosed or otherwise screened with mesh or other materials.
- d) Common Usable Open Space on site to include:
 - Community Room: A flexible space to be used by residents with a clear interior dimension of 14’ 6” x 20’ 6” space, a kitchen area (with sink, stove and refrigerator) and bathroom and storage area. A ping pong table and stacking tables shall be provided for the space. The Community Room would have access to an exterior 500 sf patio area with planters, seating and a BBQ as shown in approved Plan Sheet L4. This community room shall remain available as a recreational space to all residents and shall not be converted into a living unit or a leasing office or storage space.
 - Creek Promenade: A creek promenade area shall be established along the north side of the project site, adjacent to the Las Gallinas Creek. The creek promenade shall be design with landscaping, removable fencing/benches/light bollards as per approved Plan Sheet L1 through L3. Passive play area activities shall be installed for children as per approved Plan Sheet L3. The promenade shall be used as a recreational amenity and is also designed to provide access to equipment for creek maintenance activities.
- e) Site Lighting fixtures (number and type) shall be installed as per approved Plan Sheet L11.

3. DEVELOPMENT STANDARDS

The Planned Development shall be developed in conformance with the development plans, associated drawings and reports submitted with the Planned Development as listed in the Exhibit section and the development standards set forth below.

a) Maximum Lot Coverage

The maximum lot coverage for the site shall be 60% as shown on the development plan.

b) Floor Area Ratio: N/A

Attachment B

MERRYDALE TOWNHOMES – PLANNED DEVELOPMENT DISTRICT

- c) **Residential Density:** Maximum of 45 residential units. Accessory dwelling units (ADU's) or Junior Dwelling Unit (JDU's) are allowed on the site and do not count against the maximum residential density. Future ADU's on site shall be subject to the same regulations stipulated in the Zoning Ordinance or as modified by State law.
- d) **Minimum Yards:**
 - Front: 15'
 - Side: 5'
 - Rear: 5'
- e) **Maximum Building Height**
 - Building height limits for this site is 36' per Exhibit 7 in San Rafael General Plan 2020.
 - Exclusions to the maximum height limits shall be as prescribed by Section 14.16.120 of the Zoning Ordinance, as amended.
- f) **Parking**
 - Residential parking shall be provided as proposed: 94 on-site parking spaces (87 garage spaces, including 20 tandem spaces) and 7 uncovered on-site, on-street spaces (including 1 ADA space). The ADA space and on-street spaces on site shall be located as shown on approved Plan Sheet SP-2.
 - Parking for ADU or JADU's shall follow the prescribed parking requirement in the Zoning Ordinance.

4. EXHIBITS

- a) Architectural Plans prepared by WHA Architects - Sheets SP1 through SP-7, and Architectural Plan Sheets A-1 through A-13.
- b) Civil Engineering Plans prepared by Oberkamper & Associates consisting of Sheet C-1 through C-5.
- c) Landscape Plan prepared by Ripley Design Landscape Architects, consisting of Sheets L1 through L12.
- d) Photometric Study prepared by Associated Lighting Representatives consisting of Sheet 1.

5. AMENDMENTS

- a) Amendments to uses that exceed the standards prescribed by this PD or propose uses that are not consistent with the land use regulations of the PD shall require an amendment to the PD District.
- b) Amendments to the design, color or materials of the structures or minor site modifications to site improvements or addition of minor accessory structures, shall be administered through an Environmental and Design Review Permit.

Attachment C

Legal Property Description

To be inserted at time of City Council hearing

RESOLUTION NO. _____

**RESOLUTION OF THE CITY OF SAN RAFAEL PLANNING COMMISSION
RECOMMENDING TO THE CITY COUNCIL APPROVAL OF AN ENVIRONMENTAL AND
DESIGN REVIEW PERMIT (ED18-100), TENTATIVE SUBDIVISION MAP (TS18-006),
MASTER USE PERMIT (UP18-039). AND SUBDIVISION EXCEPTION (EX19-012) TO
ALLOW THE DEMOLITION OF EXISTING ONE-STORY BUILDINGS AND
CONSTRUCTION OF NINE (9) THREE-STORY RESIDENTIAL BUILDINGS WITH A
TOTAL OF 45 “FOR SALE” MULTI-FAMILY RESIDENTIAL UNITS (INCLUDING 9
BELOW-MARKET-RATE (BMR) UNITS), 94 PARKING SPACES, WITH NEW
LANDSCAPING AND CREEKSIDE ENHANCEMENTS ON AN EXISTING 2.28 ACRE
PARCEL LOCATED AT 350 MERRYDALE RD/3833 REDWOOD HWY
(MERRYDALE TOWNHOMES)
(APN’S: 179-041-27 AND 179-041-28)**

WHEREAS, on September 17, 1990, the City Council adopted Ordinance No. 1594, which established a Planned Development (PD) allowing the land use regulations for use of the property as a day care for training up to 120 developmentally disabled adults consistent with conditions of approval in the Use Permit (UP90-22) approved by the Planning Commission on August 14, 1990; and

WHEREAS, the current Planned Development (PD1594) District zoning for this site does not allow residential development and does not contain appropriate land use limitations and development standards, as required by Section 14.07.060 of the Zoning Ordinance; and.

WHEREAS, on November 8, 2019, Michael Hooper of Campus Properties, on behalf of the property owner, Ridgewood Properties Inc, submitted accompanying applications for Environmental and Design Review Permit (ED18-100), Master Use Permit (UP18-039) Tentative Subdivision Map (TS18-006), and Subdivision Exception (EX19-012), and these applications and are being processed concurrent with the Rezoning application, as required by the Zoning Ordinance; and

WHEREAS, on November 8, 2019, Michael Hooper of Campus Properties, on behalf of the property owner, Ridgewood Properties, concurrently submitted an application for PD Rezoning (ZC19-002) requesting to establish the required development standards for the proposed redevelopment of the site to allow the construction of 45 residential “for sale” condominium units, parking, landscaping and creekside enhancements; and

WHEREAS, consistent with the requirement of the City of San Rafael Environmental Assessment Procedures Manual and the California Environmental Quality Act (CEQA) Guidelines, an Initial Study was prepared finding that the proposed new 45-unit townhome development would not result in significant environmental effects, in that revisions to the project have been made and mitigation measures are required to mitigate any potential adverse impacts to less-than-significant levels. Mitigation Measures were identified to reduce the level of significance to less than significant in the following topical areas (Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hydrology and Water Quality, Noise, Transportation, and Tribal Resources); and

WHEREAS, consistent with the provisions of CEQA, a Mitigation Monitoring and Reporting Program has been prepared to implement the project mitigation measures and to accompany the Mitigated Negative Declaration; and

WHEREAS, on July 17, 2018, the Design Review Board (DRB) reviewed the project as a Conceptual Review item. The Board was largely supportive of the proposed building design but recommended changes,

including greater sensitivity to the neighbors resulting from the roof decks, increasing the front setback along Merrydale Rd. to comply with the required 15' front setback, improving recreational activities for children on the site, addition of a Community Room, and provide information for the required trash enclosure; and

WHEREAS, on July 25, 2019, the applicant hosted a neighborhood meeting to have a more informal presentation and discussion with surrounding neighbors.

WHEREAS, the applicant revised the project in response to the Board's comments, as well as to public comments during the DRB conceptual design review and neighborhood meeting, including 1) providing a broader range of unit types and sizes, 2) providing a community room and outdoor patio complete with furnishings, 3) increasing the creek setback to a minimum of 25 ft. 4) providing crane pads for creek maintenance. 5) increasing the front setback on the Merrydale frontage from 8 feet 1 inch to 15 feet, 2 inches from the Merrydale property line; 6) eliminating the proposed roof decks; 7) eliminating the proposed ADU's; 8) eliminating the California Pepper tree species; 9) providing more details on the creek promenade area (which will also have amenities for youth to play); and 10) adding bio-retention information to landscape plan. The side yard setback along the south property line was *reduced* from 10 feet to a setback of 7-9 feet (approximately) and some street parking were eliminated in order to re-design and eliminate the proposed building encroachment into the required 25' creek setback

WHEREAS, on August 6, 2019, the City of San Rafael Design Review Board (DRB) conducted a duly-noticed public meeting and reviewed the formal application and plans submitted for the project. The Board found that the changes had adequately addressed their prior comments during conceptual review and in conclusion, the Board voted to recommend approval of the project design, with some minor changes. The motion was made by Member Saude and second by Member Rege. Motion to recommend approval passed 3-0-2, with Members Paul, Rege and Saude voting "aye" and Members Kent and Summers absent. The recommended modifications included:

- Community/Recreation Room and adjacent Paseo promenade needs to provide a more integrated indoor/outdoor common amenity for the residents.
- Visual impacts of A/C units need to be mitigated better along public areas (Paseo and creek trail) and Merrydale frontage. The applicant is encouraged to explore greater landscape screening and/or relocating and grouping the A/C units to the interior ends of the buildings.
- The project needs to incorporate greater sustainability into the design, including, but not limited to, pre-wiring all garages for EV charging stations and pre-wiring all roofs for PV rooftop solar systems.

WHEREAS, the applicant has incorporated all recommended changes in the revised plan submitted to the Planning Commission.

WHEREAS, the project, including the Notice of Availability of the Initial Study/Mitigated Negative Declaration, along with the planning applications were publicly noticed 30 days in advance of the Planning Commission hearing, through the following means: 1) publishing a legal ad in the Marin Independent Journal on November 9, 2019 pursuant to CEQA Guidelines Section 15072; 2) subject site was posted with a public notice regarding the Mitigated Negative Declaration and project applications; and 3) notices were mailed to surrounding property owners within 400 feet, pertinent agencies (including responsible and trustee agencies), organizations and special interest groups; and

WHEREAS, on December 10, 2019, the Planning Commission held a duly noticed public hearing on the proposed project, the planning applications for the 45-unit residential townhome development at 350 Merrydale Rd/3833 Redwood Hwy, considering the PD rezoning application, accepting all oral and written public testimony and the written staff report of the Department of Community Development relevant to the proposal; and

WHEREAS, on December 10, 2019, by adoption of a separate resolution, the Planning Commission recommended to the City Council adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the project; and

WHEREAS, on December 10, 2019, by adoption of a separate resolution, the Planning Commission recommended adoption of a PD Rezoning (ZC19-002) approval to rescind the current PD zoning and establish a new PD to allow for the multi-family development as presented in the proposed development plans, with appropriate development regulations and land use limitations for the residential use; and

WHEREAS, the custodian of documents which constitute the record of proceedings upon which this decision is based is the Community Development Department of the City of San Rafael.

NOW, THEREFORE, BE IT RESOLVED, the Planning Commission of the City of San Rafael does hereby recommend approval to the City Council approval of the applications for the Environmental and Design Review Permit (ED18-100), Master Use Permit (UP18-039) Tentative Subdivision Map (TS18-006), and Subdivision Exception (EX19-012) based on the following findings:

**Environmental and Design Review Permit Findings
(ED18-100)**

In accordance with San Rafael Municipal Code (SRMC) Section 14.25.090. Findings, the following findings are required for approval of an Environmental and Design Review Permit:

1. The Project design is in accord with the General Plan, the objectives of the Zoning Ordinance, and the purposes of the zoning district in which the site is located as noted above. A detailed discussion of the Project's consistency with the applicable General Plan policies is provided in detail in matrix format in the attached General Plan Consistency Analysis (Exhibit 5).
 - a) The proposed project as designed and conditioned would be consistent with Land Use Element Policies LU-2 (*Development Timing*), LU-8 (*Density of Residential Development*), LU-10 (*Planned Development Zoning*), LU-12 (*Building Heights*), LU-14 (*Land Use Compatibility*), LU-23 (*Land Use Map and Categories*) given that the project: 1) would be approved at a time when there is adequate infrastructure to serve the proposed development; 2) the proposed 45-units would not exceed the maximum density allowed in the GC Land Use category (34-72 units); 3) would not exceed the maximum building height of 36 feet allowed for this area of San Rafael; and 4) has been designed to minimize potential visual impacts on the surrounding residential properties by limiting bulk, mass and height.
 - b) The proposed project as designed and conditioned would be consistent with Housing Element Policies H-2 (*Designs that Fit Into Neighborhoods*), H-3 (*Public Information and Participation*), H-14 (*Adequate Sites*), H-15 (*Infill Near Transit*), and H-19 (*Inclusionary Housing*), in that: 1) residential development is allowed on the site per the General Commercial General Plan Land Use designation; 2) the project design has been subject to review by the public and has been recommended for approval by the Design Review Board; 3) the project would add 45-units of housing within walking distance of mass transit, including the Civic Center SMART Train station (½ mile from the project site of the SMART Train); and 4) the project would include nine (9) below-market-rate (BMR) units (five (5) affordable at the low-income level and four (4) at moderate-income level). The project is partially consistent with the applicable Neighborhoods Element Policy NH-2 (*New Development in Residential Neighborhoods*), NH-3 (*Housing Mix*), NH-17 (*Competing Concerns*), NH-151 (*New Development*), NH-86 (*Design Considerations for Development in the Vicinity of the Civic Center*), NH-128 (*Sidewalk Improvements*), NH-129 (*Neighborhood Parking*), NH-142 (*Redwood Highway Improvements*), and NH-148 (*Residential Uses at the end of Merrydale Rd.*) in that: 1) the proposed new 45-unit development has been designed to be a transitional use between existing commercial development and residential development on Merrydale Rd.

The building design minimizes impacts to surrounding residential properties by providing code compliant front and side setbacks and preserving some existing trees at the perimeter of the project site and proposing 28 new trees on site; 2) 94 parking spaces are provided on the site in compliance with the required parking requirement for 45-units, and 4 new on-street parking spaces would be created along the east side of Merrydale Rd.; 3) Redwood Highway would be extending and provide secondary access through the project site, allowing pedestrian access to the proposed new “creek promenade” on the north side of the site as well as vehicular access to Merrydale Road.

- c) The project as proposed and as conditioned would be consistent with Community Design Element Policies CD-2 (*Neighborhood Identity*), CD-3 (*Neighborhoods*), CD-5 (*Views*), CD-11 (*Multifamily Design Guidelines*), CD-14 (*Recreational Facilities*), CD-15 (*Participation in Project Review*), CD-18 (*Landscaping*), and CD-19 (*Lighting*) in that the project design: 1) preserves, to the greatest extent possible, views the Civic Center from the adjacent one-story residential neighborhood. The building height is 33.5’ (less than the 36’ height limit allowed); 2) is generally in keeping with the mass and scale of adjacent commercial and residential development on the east side of Merrydale Road and would introduce a higher quality architectural design than currently present on the site; 3) provides landscaping to screen and enhance the project and site; 4) provides new “creek promenade” with landscaping and recreational amenities along Las Gallinas Creek to the north of the development; 5) creates adequate lighting without spillover onto adjacent properties or natural areas; and 6) has been reviewed by the Design Review Board and found to be consistent the applicable design policies of the General Plan, the City’s Residential Design Guidelines and Civic Center Station Plan.
- d) The project as proposed and as conditioned would be consistent with Circulation Policies C-5 (*Traffic Level of Service Standards*), C-7 (*Circulation Improvements Funding*), C-8 (*Eliminating and Shifting Peak Hour Trips*), C-9 (*Access for Emergency Services*), C-26 (*Bicycle Plan Implementation*) and C-31 (*Residential Area Parking*) in that the project: 1) would not exceed the acceptable level of service standards (LOS); LOS E, for both intersections or arterials; 2) would be required to pay its fair share towards traffic impacts to fund circulation impacts in order to maintain acceptable LOS standards for the General Plan; 3) would maintain adequate access for emergency services as determined by the City’s Public Safety Departments; and 4) would create a new Class III Bike Lane along Merrydale Road and install a new sidewalk along the east side of Merrydale, thereby facilitating better pedestrian access along Merrydale Road as well as pedestrian access to the new creek promenade area,
- e) The project as proposed and as conditioned would be consistent with Infrastructure Element Policies I-2 (*Adequacy of City Infrastructure and Services*), and I-10 (*Sewer Facilities*) in that: 1) the appropriate utility agencies have reviewed the project and determined that the property is currently being served. However, 1) Marin Municipal Water District (MMWD) has determined that the property’s current annual water entitlement may be insufficient for the new uses and the purchase of additional water entitlement may be required, as well as compliance with all indoor and outdoor requirements of District Code Title 13 for water conservation.; and 2) the Las Gallinas Valley Sanitation District (LGVSD) would continue to provide service to the project site, although the 45 proposed residential townhome units would result in an increase in intensity of development over existing uses. The LGVSD has reviewed the project, provided comments and will require that the development project submit an Application for Allocation of Capacity and pay additional capacity fees prior to submittal of a building permit. The project design incorporates sanitary sewer infrastructure that connects all residences to the current LGVSD sanitary system, including two possible infrastructure improvements, 1) a gravity system and flow diversion with an updated LGVSD pump station, or 2) a lift-station (with control cabinet) located in the southeastern corner of the project site for pumping sanitary sewer to the main LGVSD pump station (which would also be updated). Either design solution would satisfy LGVSD requirements for sanitary sewer service.
- f) The project as proposed and as conditioned would be consistent with the Sustainability Element Policies SU-5 (*Reduce Use of Non-Renewable Resources*), SU-6 (*Resource Efficiency in Site Development*), SU-7 (*New and Existing Trees*), and SU-10 (*Zero Waste*) in that given that: 1) the revised project plans include a provision that all townhome units and stacked flats (to the extent practicable) will

be provided with pre-wiring for photovoltaic rooftop solar systems; 2) all garage units will be provided with 220-volt power points suitable for EV charging; 3) the project will comply with the most recently adopted CBC (California Building Code) CalGreen and Title-24 Energy regulations; 4) conditions subject the project to the Marin Municipal Water District's most recently adopted water conservation and gray water regulations; 5) 55 new trees will be planted on site and 13 existing trees will be preserved on site; and 6) the project is proposing a covered and screened trash enclosure, the design and location of which has been reviewed and approved by Marin Sanitary Service (MSS).

- g) The project as proposed and as conditioned would be consistent with the Culture and Arts Element Policy CA-15 (*Protection of Archaeological Resources*) in that: 1) The existing buildings were constructed in 1967 or 1968 as a school facility but does not meet the criteria for a "historic resource" as defined in CEQA Guidelines Section 15064.5. The existing structures and site have been modified over the years and do not appear to have any historical significance; and 2) the site for original construction of existing buildings would have disrupted any archaeological deposits if they were present. Indications of the disturbance would likely still be apparent when examining remnant soils. Based on the results of the cultural resources investigation conducted for the proposed project, no prehistoric or historic-period archaeological resources were identified within the project area. However, mitigation measures have been included in the IS/MND MMRP (CULT-1 and CULT-2) to protect any resources found during construction activities.
- h) The project as proposed and as conditioned would be consistent with Park and Recreation Element Policy PR-10 (*On-site Recreation Facilities*) in that the project will provide a 500 square foot "community room" for the residents which will include a kitchen area and bathroom. The community room will also have sliding glass doors that open onto an approximately 500 square foot patio area, with planters seating, and a BBQ area.
- i) The project as proposed and as conditioned would be consistent with Safety Element Policies: S-1 (*Location of Future Development*), S-3 (*Use of Hazard Maps in Development Review*), S-4 (*Geotechnical Review*), S-6 (*Seismic Safety of New Buildings*), S-18 (*Storm Drainage Improvements*), S-25 (*Regional Water Quality Control Board (RWQCB) Requirements*), and S-32 (*Safety Review of Development Projects*) in that: 1) the project has been reviewed using the hazard maps and Geotechnical Review Matrix; 2) the geotechnical review and peer review concluded that the development on this site, with conditions, is feasible and appropriate from a geotechnical engineering standpoint; 3) the project would not include any hazardous materials or uses in its operations; 4) the development would be built to conform to current building and seismic safety codes; and 5) the structure would be built in accordance with the Federal Emergency Management Agency (FEMA) regulations for this type of structure and use in a 500-year flood zone; 6) an erosion control plan would be required during construction of the project; 7) the drainage plan would direct all new run-off from the site into vegetative bio-retention areas before being released into the storm drain system; and 8) the project has been reviewed by the Police and Fire Department and found to be in conformance with their fire and crime prevention standards and would not pose a risk to public safety or impact their levels of service.
- j) The project as proposed and as conditioned would be consistent with Noise Element Policies N-1 (*Noise Impacts on New Development*), N-2 (*Exterior Noise Levels for Residential Use*), N-3 (*Planning and Design of New Development*), N-4 (*Noise from New Nonresidential Development*), and N-5 (*Traffic Noise from New Development*) in that the project: 1) Based on information in the Acoustical Report by Illingworth and Rodkin, the IS/MND analysis indicated that Building 2 through Building 7 would exceed the 45 dBA Ldn threshold with windows partially open. With standard construction and forced-air ventilation, allowing occupants the option of keeping windows closed to control noise, Buildings 1, 2, 8, and 9 would achieve the 40 dBA Ldn and 45 dBA Ldn thresholds. The east facades of buildings 3, 4, 5, and 6, facing US-101, would be exposed to 70 dBA Ldn. The east facade of Buildings 2 and 7 would be partially shielded by the buildings to the east and would be exposed to 67 dBA Ldn. The west facade of Buildings 1 and 9 would be exposed to traffic noise from Merrydale Road up to 58 dBA Ldn. These levels are in the "Clearly Unacceptable" range in Exhibit 31 of the General Plan 2020. Therefore, the

Acoustical Report recommended incorporation of conditions of approval including providing suitable form or forced-air mechanical ventilation, and sound rated construction for Building 3 through Building 7 to maintain interior noise levels at acceptable levels; and 2) conditions and mitigations have been incorporated to reduce any temporary noise impacts due to construction (Initial Study Mitigation NOISE-1). The 2) the Acoustical Report determined that the primary noise sources at the site would continue to be vehicular traffic on US-Hwy 101 and Merrydale Rd. US Hwy-101 is elevated by about 10 feet above the site. Based on traffic volumes provided in the Traffic Impact Assessment Report prepared for the proposed project, traffic noise levels are calculated to increase by 1 dBA along Merrydale Rd. under future conditions (2040) due to increases in traffic volumes on Merrydale Road. An increase in 1 dBA would be barely detectable to typical human hearing and is not considered a significant increase..

- k) The project as proposed and as conditioned would be consistent with Conservation Element Policies CON-6 (*Creek and Drainageway Setbacks*), CON-7 (*Public Access to Creeks*), CON-8 (*Enhancement of Creeks and Drainageways*), CON-9 (*Native and/or Sensitive Habitats*), CON-14 (*Special Status Species*), and CON-16 (*Landscape with Native Plant Species*) in that the proposed project: 1) would maintain setbacks from the creek and provide creek enhancements with added landscaping and pedestrian access point; 3) would not impact a wildlife corridor since the site is currently developed and biological assessments have found no such corridors; 3) would not impact any sensitive or threatened/endangered species or habitats; 4) has been conditioned to ensure that disturbance to any potential nesting birds be avoided during construction; and 5) would provide new trees and shrubs throughout the site, as well as bio-retention areas to facilitate proper site drainage.
- l) The project as proposed and as conditioned would be consistent with Air and Water Quality Element Policies: AW-1 (*State and Federal Standards*), AW-2 (*Land Use Compatibility*), AW-4 (*Particulate Matter Pollution Reduction*), AW-7 (*Local, State and Federal Standards*), and AW-8 (*Reduce Pollution from Urban Runoff*) since the project: 1) would comply with local, state and federal air quality standards; 2) mitigation measures have been incorporated to address temporary air quality impacts during construction; 3) drainage systems have been designed to utilize vegetated swales before discharging drainage into storm drain systems or the creek; 4) methods consistent with the Storm Water Pollution Prevention Standards of the Regional Water Quality Board have been incorporated into the design and conditions have been included to require compliance with these standards.

2. The project design, as proposed and as conditioned, is consistent with the objectives and criteria of the Zoning Ordinance, and the purposes of Chapter 25 (*Environmental and Design Review Permit*) in that:

- a) The development presents a competent design that has been thoughtfully studied and presented to the Design Review Board, both as a conceptual design and then as a formal application design. The proposed project site plan, building design and landscaping were revised to incorporate recommendations by the Board. The proposed 3-story buildings have been design to minimize bulk and mass, and the height (33.5') is 2.5' lower than the 36' height limit allowed. A Community Room was added to the site and pedestrian walkways throughout the site were enhanced. The buildings comply with all required setbacks (front, side and rear yards) and decks have been designed as recessed decks to preserve privacy to adjacent property windows along the south property line. The project has also be reviewed by the San Rafael Meadows Neighborhood Association, as well as local residents during informal project meetings with the applicant and a formal Neighborhood Meeting (including a 15-day noticed sent to property owners and tenants within 400 feet of the project site). The design of the project has been modified based on comments from both residents and the Board.
- b) The site plan respects site features and constraints by maintaining a 25' setback from Las Gallinas Creek and at the same time, enhancing and incorporating the creek into the project site design. The south bank of the creek will be enhanced with vegetation and will be designed as a "creek promenade" area, with passive recreational amenities for children and a pedestrian pathway with lighting and benches. The pathway is designed to also accommodate access as required by maintenance vehicles. Several existing

trees (13) will be preserved at the perimeter of the site and new trees (55 total) will be planted, including new trees along both the Merrydale Road and Redwood Highway frontage. Additional trees will be planted along the south property line to provide additional privacy to the adjacent residential development.

- c) The materials and colors that have been included in the proposed architecture are consistent with the context of the surrounding area. Specifically, building materials are flush, textured and vertical metal panels and roofing and building colors would be a combination of green, tan and brown colors. The lower portion of the buildings will include manufactured stone on the façade. The proposed colors and materials would effectively blend the proposed building with the predominant colors of the surrounding natural setting.
 - d) The proposed site plan would utilize the existing drainage facilities and would not alter the drainage patterns of the site. Furthermore, the plan would direct all new run-off to vegetated swales to filter any pollutants from the run-off consistent with storm water pollution prevention standards.
3. The project design with conditions minimizes adverse environmental impacts in that:
- a) The building and site improvement are sited to provide adequate setbacks from the creek to the north.
 - b) The project would not cause the level of service at nearby intersections to exceed the standards of the General Plan. Furthermore, the project would be required to pay its fair share of traffic mitigation fees to contribute to a planned, area-wide traffic improvements in the North San Rafael area.
 - c) Potential environmental impacts have been addressed through the preparation of an Initial Study and Mitigated Negative Declaration (IS/MND) consistent with the requirements of the California Environmental Quality Act (CEQA). The IS/MND concluded that the proposed project would result in potentially significant impacts in Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hydrology and Water Quality, Noise, Transportation, and Tribal Resources. The project impacts would be mitigated to a less-than-significant level through implementation of recommended mitigation measures or through compliance with existing Municipal Code requirements or City standards. Recommended measures are summarized in the Mitigation Monitoring and Reporting Plan (MMRP) and IS/MND (Exhibit 2).
4. The project design, as proposed and as conditioned, will not be detrimental to the public health, safety or welfare, nor materially injurious to properties or improvements in the vicinity in that:
- a) The environmental impacts associated with the development of the project have been assessed and the project impacts can be mitigated to less-than-significant levels with the implementation of specific mitigation measures as discussed in Environmental and Design Review Permit Finding #3 above.
 - b) The project design would blend with the surrounding neighborhood on Merrydale Road, acting as a transitional use in an area which has both commercial, single-family and multi-family development. The project would also preserve the natural environment of the existing Las Gallinas Creek on the north side of the property by planting trees and creating a pedestrian walkway/passive children's recreational play area. Furthermore, the project's siting, scale and mass has been designed to minimize visual impacts on adjacent properties, and the new lighting is within the 1-foot candle (Fc) limit along the property line. The site is subject to a condition of approval requiring a 90-day lighting review to adjust lighting levels and reduce glare as needed to eliminate spillover glare onto adjacent properties.

**Tentative Map Findings
(TS18-006)**

1. The proposed map is consistent with the San Rafael General Plan and any applicable, adopted specific plan or neighborhood plan as noted in Environmental and Design Review Permit Finding #1 above and the General Plan Consistency Table (Exhibit 5) included in the December 10, 2019 staff report to the Planning Commission and as noted in Environmental and Design Review Permit finding #1 above. The purpose of the map is to allow the creation of 45 residential air space condominium units. The development is proposed as a “phased” development, consisting of a Phase One (“pre-phase”) commencing in Spring of 2020 for on and off-site improvements to complete building Phase Two construction of Buildings 1-4 and all landscaping north of Private street “A” by fall of 2021, and Phase Three construction of Buildings 5-9, tree removal along the south property line and all remaining landscaping by Summer 2022.
2. The design or improvement of the subdivision is consistent with the San Rafael General Plan and any pertinent, adopted specific plan or neighborhood plan in that: 1) the subdivision would create 45-units on the 2.28-acre parcel, which is in keeping with the allowable density (15-32 units/acre or 34-72 units) per the General Commercial Land Use Designation as well as consistent with the Civic Center Station Area Plan, which encourages multi-family housing in this location. The proposed project is consistent with the applicable development standards for HR1 (High Density Residential) required setbacks (used as most similarly zoned district with which to set development standards, based on adjacent multi-family development similarly zoned HR1); and 2) the City has balanced the regional and local housing needs against the public service needs of its residents, as well as available fiscal and environmental resources, and concludes that adequate public services are available to the site based on existing service providers that have reviewed the project and indicated that subject to conditions of approval, the system has the capacity to provide service.
3. The property subject to subdivision is physically suitable for the density of development that is proposed in that: a) the proposed subdivision would create 45 air condominium units on site, which is below the maximum density allowable per General Plan 2020 (72 units); b) the project would also provide two-car garages for all units, which complies with the required parking in the zoning ordinance and all qualifying concessions allowed for affordable housing projects; c) ample, code compliant private and common usable open space is provided for the project; and d) the proposed subdivision would create air condominiums, with no impact on the actual orientation of the physical lots on the ground level in terms of property lines.
4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat in that: a) the site is currently graded and developed with no known environmental resources on the site; b) the site is an in-fill site that has been designated in the General Plan as General Commercial Land Use. Residential development is allowed at a density of 15-32 units per acres; and c) An Initial Study/Mitigated Negative Declaration has been prepared and appropriate mitigation measures identified in the Mitigation Monitoring and Reporting Program (BIO-1) to reduce any impacts identified to a less-than-significant.
5. The design of the subdivision or the type of the proposed improvements is not likely to cause serious health problems in that: a) it is a residential project in keeping with the existing residential zoning in the project vicinity; b) the proposed project would be built in accordance with the latest Building and Fire codes to ensure the health and safety of future residents and adjacent neighbors; c) the City’s Public Works Department and Las Gallinas Valley Sanitation District have reviewed the drainage and proposed sewer connections for the project site and deemed the project design to be in keeping with City standards, subject to conditions of approval; and d) as conditioned, the proposed subdivision would not result in impacts to water quality or impacts to environmental resources in that an erosion control plan is required as a condition of project approval, which must be implemented before any grading or construction commences on the site.

6. The design of the subdivision or the type of proposed improvements will not conflict with existing identified easements on site (including a 25' Marin County Flood Control easement and a 15' wide maintenance easement immediately adjacent to the 25' flood control easement). A north/south roadway easement (along Redwood Highway on the east side of the site) is to remain. In addition, the project proposes to provide a new Public Access Easement/Public Utility Easement (PAE/PUE) which will be provided at the time of recordation of the Final Map. This PAE/PUE comprises Private Street B providing pedestrian, vehicular, fire truck and trash truck access and required parking.

**Master Use Permit Findings
(UP18-039)**

1. The proposed 45-unit residential townhome development at 350 Merrydale/3833 Redwood Hwy, landscaping, Community Room and the associated 94 parking spaces on site will be in accord with the San Rafael Municipal Code (the Zoning Ordinance) and the purpose of the rezoned Planned Development District in which the site is located, given that:
 - a) As documented in the General Plan 2020 Consistency Table (Exhibit 5 of the 12/10/19 Staff Report to the Planning Commission) and as noted in Environmental and Design Review Permit Finding #1 above, the proposed project would implement and promote the goals as policies of the San Rafael General Plan 2020.
 - b) As documented in the Zoning Ordinance Consistency Table (Exhibit 6 of the 12/10/19 Staff Report to the Planning Commission), the proposed project would be consistent with the objectives of the Zoning Ordinance; and 3) the proposed project would be consistent and compatible with the purposes of the PD District and the High Density Residential (HR1) Zoning District development standards (comparable to the adjacent properties to the south) given that:
 - i. the project site will be rezoned to accommodate the proposed residential development, with setbacks, height and parking provided in keeping with the high-density residential development on adjacent properties on the south eastern side of Merrydale Rd;
 - ii. The project would provide a wide variety of housing types (market rate and affordable "for-sale" condominium units) and sizes (ranging from 741 to 836 sf for the 1-bedroom units, 1,285 to 1,461 sf for the 2-bedroom units, 1,461 to 2,119 sf for the 3-bedroom units and 2,119 sf for the 4-bedroom units);
 - iii. The project would comply with the creek setback standard pursuant to SRMC Section 14.16.080 by providing a 25' creek setback along the south side of the existing Las Gallinas Creek;
 - iv. The proposed project would create a new "creek promenade", with improvements to the area adjacent to the creek that would accommodate a "dual use" for both required creek maintenance activities by the City and recreational uses for adults with walkways and benches and a passive play area for children; and
 - v. the project has been reviewed by appropriate City departments and non-city agencies and determined that adequate infrastructure exists to meet all new service demands.
2. The proposed new residential buildings would 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, given that the project has been reviewed by appropriate City departments, non-City agencies, and the appropriate surrounding neighborhood groups, interested parties, the Design Review Board at two separate meetings (Conceptual Design Review on July 17, 2018 and Design Review on the formal application on August 6,

2019). In addition, pursuant to CEQA regulations, the project required preparation of an Initial Study to review potential project impacts on the environment. Potential impacts were identified to Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, Transportation, and Tribal Cultural Resources that would require mitigation to reduce the potential negative impacts from the proposed project to a less-than-significant level. The required mitigation measures for each are identifies in the IS/MND Mitigation Monitoring and Reporting Program (Exhibit 2, Pages A-1 through A-18).

3. The proposed use of the site would comply with each of the applicable provisions of the PD District, as amended, and other applicable provisions of the Zoning Ordinance in that Findings to grant an amendment to the current PD (1594) Zoning has been made through the adoption of a separate Resolution.

Subdivision Exception Findings (EX19-012)

1. As documented in the Subdivision Ordinance Compliance Table (Exhibit 7), there are special circumstances and/or conditions of the property proposed for subdivision that warrant the approval of the exception to requirements per Chapter 15.06.050 (c) which requires a minimum right-of-way of 60 feet for local streets, and a minimum pavement width of 40'. The project site is located at the terminus of Redwood Hwy and near the end of Merrydale Rd. The site comprises 2.28 acres but is encumbered by the Marin County Flood Control District (Creek) easement and the City of San Rafael maintenance easement totaling 0.32 acres, reducing the net area of the Project Site available for development to 1.96 acres. In addition, the east property line is bounded by the Caltrans right-of-way (ROW) for US Hwy 101, which limits access. The project is requesting an exception to allow a private street with an easement of 30' and a minimum pavement width of 20' and providing at least one sidewalk. In order to provide the required back-up distance for the garages and provide sidewalks to allow pedestrian walkways, the exception to the roadway width was proposed. In addition, the site design included the creation of a new "through" street, providing access from Redwood Highway (Private Street "B") via Private Street "A" to Merrydale Rd.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right of the subdivider or property owner. The property is designed as for-sale condominiums. In order to provide quality of design that fits into the character of the neighborhood, with ample access to a garage, common open space and private patios, the proposed exception would preserve the owner's ability to align the proposed subdivision more closely with the target density.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the vicinity in which the property is situated. The reduced ROW and pavement width would have minimal impacts as the site is near the terminus of Merrydale Road and the City streets of Merrydale Road and Redwood Hwy are the primary routes for adjacent properties and the proposed privately maintained roads primarily serve the residential development itself. Future through traffic is hindered by the nearby SMART train ROW and Caltrans ROW. The 30' wide roadway provides the full width necessary for emergency vehicle access. Therefore, there is no detriment to public welfare and does not cause injury to adjacent properties.

BE IT FURTHER RESOLVED, that the Planning Commission recommends to the City Council approval of the applications for the Environmental and Design Review Permit (ED18-100), Master Use Permit (UP18-039) Tentative Subdivision Map (TS18-006), and Subdivision Exception (EX19-012), subject to the conditions of approval listed below:

**Environmental and Design Review Permit Conditions of Approval
(ED18-100)**

General Project Conditions

Community Development Department - Planning Division

- 1) The proposed 45-unit townhome development shall be installed and designed in substantial conformance with the proposed site plan and elevations and landscape plan as presented for approval on plans prepared by WHA Architects, date stamped ***Approved, December 10, 2019***, and shall be the same as required for issuance of a building permit, subject to the listed conditions of approval. Minor modifications or revisions to the project shall be subject to review and approval of the Community Development Department, Planning Division. Modifications deemed not minor by the Community Development Director shall require review and approval by the original decision making body.
- 2) Approved colors for the main body, trim and accent colors are as shown on the approved Color and Material Board: a) Sherman Williams Paint for Body Colors- High Reflective White (SW 7757), Gossamer Veil (SW 9165), Tin Lizzie (SW9163), Jute Brown (SW 6096); b) Trim Color -Thunder Gray (SW 7645); c) Accent Colors-Deep Sea Dive (SW 7618), Rookwood Terra Cotta (SW2803), and Raisin (SW7630); and d) Manufactured Stone (Timberwolf). Any future modification to colors shall be subject to review and approval by the Planning Division. Modifications deemed not minor by the Community Development Director shall require review and approval by the Design Review Board.
- 3) Applicant shall remit payment of the State Fish and Game fees in order for staff to file a Notice of Determination with the County Clerk within 5 days of project approval. The current fee amounts are \$2,354.74 (current fee as of 2018) payable to the State Fish and Game and \$50.00 payable to the Marin County Clerk and are subject to increase on January 1st of each year.
- 4) Applicant and property owner shall be responsible for implementing all mitigation measures presented in the Project's Mitigated Negative Declaration, on file with the Community Development Department, including any mitigation measures that may not have been incorporated into the Project conditions of approval. A deposit for Mitigation Monitoring shall be paid as required by ED18-100 project Conditions of Approval #31, herein.
- 5) The project shall comply with all mitigation measures as identified in the IS/MND Mitigation Measure Monitoring and Program, dated November 8, 2019. All required mitigation measures are identified in the Mitigation Monitoring and Reporting Program (MMRP) as recommend for adopted by separate Resolution and included as conditions of approval. The IS/MND determined that the proposed project would result in potentially significant impacts in Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, Transportation and Tribal Resources. The IS/MND identifies Mitigation Measures that, when implemented, would reduce the impacts identified to a less-than-significant level. These mitigation measures are also identified as conditions of approval in the relevant sections herein and detailed in the IS/MND Mitigation Monitoring and Reporting Program (Exhibit 2-Attachment A).
- 6) Property owner and applicant agree to defend, indemnify, release and hold harmless the City, its agents, officers, attorneys, employees, boards and commissions from any claim, action or proceeding brought against any of the foregoing individuals or entities ("indemnities"), the purpose of which is to attack, set aside, void or annul the approval of this application or the certification of any environmental document which accompanies it. This indemnification shall include, but not be limited to, damages, costs, expenses, attorney fees or expert witness fees that may be asserted or incurred by any person or entity, including the applicant,

third parties and the indemnities, arising out of or in connection with the approval of this application, whether or not there is concurrent, passive or active negligence on the part of the indemnities.

- 7) In the event that any claim, action or proceeding as described above is brought, the City shall promptly notify the Property owner and applicant of any such claim, action or proceeding, and the City will cooperate fully in the defense of such claim, action, or proceeding. In the event applicant/property owner is required to defend the City in connection with any said claim, action or proceeding, the City shall retain the right to: 1) approve the counsel to so defend the City; 2) approve all significant decisions concerning the manner in which the defense is conducted; and 3) approve any and all settlements, which approval shall not be unreasonably withheld. Nothing herein shall prohibit the City from participating in the defense of any claim, action or proceeding, provided that if the City chooses to have counsel of its own to defend any claim, action or proceeding where Property owner and applicant already has retained counsel to defend the City in such matters, the fees and the expenses of the counsel selected by the City shall be paid by the City.
- 8) As a condition of this application, applicant/property owner agree to be responsible for the payment of all City Attorney expenses and costs, both for City staff attorneys and outside attorney consultants retained by the City, associated with the reviewing, process and implementing of the land use approval and related conditions of such approval. City Attorney expenses shall be based on the rates established from time to time by the City Finance Director to cover staff attorney salaries, benefits, and overhead, plus the actual fees and expenses of any attorney consultants retained by the City. Applicant shall reimburse City for City Attorney expenses and costs within 30 days following billing of same by the City.
- 9) All site improvements, including but not limited to, site lighting, fencing, landscape islands and paving striping shall be maintained in good, undamaged condition at all times. Any damaged improvements shall be replaced in a timely manner.
- 10) The Project site shall be kept free of litter and garbage. Any trash, junk or damaged materials that are accumulated on the site shall be removed and disposed of in a timely manner.
- 11) All new landscaping shall be irrigated with an automatic drip system and maintained in a healthy and thriving condition, free of weeds and debris, at all times. Any dying or dead landscaping shall be replaced in a timely fashion.
- 12) Final landscape and irrigation plans for the Project shall comply with the provisions of Marin Municipal Water District's (MMWD) most recent water conservation ordinance. Construction plans submitted for issuance of building/grading permit shall be pre-approved by MMWD and stamped as approved by MMWD or include a letter from MMWD approving the final landscape and irrigation plans. Modifications to the final landscape and irrigation plans, as required by MMWD, shall be subject to review and approval of the Community Development Department, Planning Division.
- 13) All public streets and sidewalks and on-site streets which are privately owned that are impacted by the grading and construction operation for the Project shall be kept clean and free of debris at all times. The general contractor shall sweep the nearest street and sidewalk adjacent to the site on a daily basis unless conditions require greater frequency of sweeping.
- 14) This Environmental and Design Review Permit shall run with the land and shall remain valid regardless of any change of ownership of the Project site, subject to these conditions, provided that a building/grading permit is issued, and construction commenced, or a time extension request is submitted to the City's Community Development Department, Planning Division, **within three (3) years** of the City Council approval, or on December 10, 2022. Failure to obtain a building permit and grading permit and construction or grading activities commenced, or failure to obtain a time extension within the three-year period will result in the expiration of this Environmental and Design Review Permit.

- 15) Phasing of the project is allowed, subject to the terms and conditions of approval of the Master Use Permit (UP18-039) below.
- 16) This Environmental and Design Review Permit (ED18-100) approving the Project shall run concurrently with the approved Master Use Permit (UP18-039). If either entitlement expires, this Environmental and Design Review Permit approving the Project, as depicted on Project plans, shall also expire and become invalid.

Prior to the Issuance of a Demo/Building/Grading Permit

Community Development Department - Planning Division

- 17) A copy of the Conditions of Approval for ED18-100 shall be included as a plan sheet with the building permit plan submittal.
- 18) The project proponent shall demonstrate and notate on the building permit plans that Air Quality measures III (a), III (b) and III(c) (**AQ-1, AQ1a and AQ-2**) to eliminate dust control and exhaust during construction, set standards for diesel equipment over 25 horsepower to meet U.S. particle emission standards, and requires that the project include high-efficiency particulate filtration systems in residential ventilation systems will be completed during construction.
- 19) **(GEO-1):** Prior to a grading or building permit submittal, the project sponsor shall prepare a design-level geotechnical investigation prepared by a qualified and licensed geotechnical engineer and submit the report to the City Engineer. Minimum mitigation includes design of new structures in accordance with the provisions of the current California Building Code or subsequent codes in effect when final design occurs. Recommended seismic design coefficients and spectral accelerations shall be consistent with the findings presented in Section 4 of the May 8, 2018 ENGEO report.
- 20) **(GEO-2):** Prior to a grading or building permit submittal, the project sponsor shall prepare a design-level geotechnical investigation prepared by a qualified and licensed geotechnical engineer and submit the report to the City Engineer for review and approval. In order to reduce the effects of the potentially expansive soils and/or liquefaction settlement, foundations should be designed to withstand minimum differential movements. Foundation design recommendations are presented in Section 4 of the May 8, 2018 ENGEO report.
- 21) **(GEO-3):** Prior to a grading or building permit submittal, the project sponsor shall prepare a site drainage system prepared by a qualified and licensed civil engineer and submit the report to the City Engineer. The site drainage system will demonstrate the ability to collect surface water and discharge into an established storm drainage system. The project Civil Engineer of Architect is responsible for designing the site drainage system and, an erosion control plan shall be developed prior to construction per the current guidelines of the City of San Rafael Public Works Department (DPW) Grading and Construction Erosion and Sediment Control Plan Permit Application Package and the Regional Water Quality Control Board standards.
- 22) **(GEO-4):** Soils shall be moisture conditioned to above the optimum moisture content during site grading and maintained at this moisture content until imported aggregate base and/or surface flatwork is completed.
- 23) **(TRANS-1):** demonstrate on building permit or improvement plans the design of the pedestrian sidewalk, subject to the availability of right-of-way and the feasibility of the drainage design, on the west side of Redwood Road directly adjacent to the project driveway connecting to the existing sidewalk.
- 24) **(HYDRO-1):** Prior to issuing a grading or building permit, the project applicant shall prepare a Stormwater Pollution Prevention Plan (SWPPP) and/or Erosion and Sediment Control Plan (ESCP) in

accordance with the requirements of the statewide Construction General Permit and the City of San Rafael Department of Public Works. The SWPPP shall be prepared by a Qualified SWPPP Developer (QSD). The SWPPP shall include the minimum Best Management Practices (BMPs) required for the identified risk level. The SWPPP shall be designed to address the following objectives:

- a) All pollutants and their sources, including sources of sediment associated with construction, construction site erosion, and all other activities associated with construction activity are controlled;
 - b) Where not otherwise required to be under a Regional Water Quality Control Board permit, all non-stormwater discharges are identified and either eliminated, controlled, or treated;
 - c) Site BMPs are effective and result in the reduction or elimination of pollutants in stormwater discharges and authorized non-stormwater discharges from construction activity. The erosion and sediment control plan shall include the rationale used for selecting BMPs including supporting soil loss calculations, as necessary;
 - d) Stabilization BMPs installed to reduce or eliminate pollutants after construction are completed.
 - e) BMP implementation shall be consistent with the BMP requirements in the most recent version of the California Stormwater Quality Association Stormwater Best Management Handbook-Construction or the Caltrans Stormwater Quality Handbook Construction Site BMPs Manual.
- 25) The applicant shall provide information on the building permit plans to show compliance with noise Mitigation Measures recommended on Page 74 of the Illingworth and Rodkin Noise Assessment regarding required forced-air ventilation and STC rated windows on all buildings. Minimum STC Ratings required to reduce noise levels are listed in Table 5 on Page 22 of the Noise Report.
- 26) **(BIO-1): Pre-construction nesting bird and bat survey.** The nesting season is defined here as being from February 1 to August 31 and therefore work should commence between September 1 and January 31.
- i) If this is not possible, and project activities are initiated during the nesting season, then a nesting bird survey shall be conducted by a qualified wildlife biologist no more than 14 days prior to the start of project activities.
 - ii) If nests are identified, a no-disturbance buffer should be implemented to avoid impacts to nesting birds and should remain in place until all young are fledged or the nest otherwise becomes inactive.
 - iii) Buffers typically range from 25 feet to 500 feet depending on the species.
 - iv) If work is to be initiated within the bat breeding/ winter roosting season, an assessment of existing buildings should be performed prior to construction activities to determine if a roost is present.
 - v) If a roost is observed, construction activities should be postponed until a qualified biologist determines the bats are excluded from the roost location.
- 27) **(HAZ-1):** Prior to submittal for a demolition permit, the project sponsor shall use a qualified and licensed professional to prepare a hazardous building materials survey for all structures proposed for demolition or renovation as part of the project. All lead-based paint and asbestos-containing materials (ACM) shall be abated by a certified contractor in accordance with local, state, and federal requirements. All hazardous materials shall be removed from buildings prior to demolition in accordance with California Division of Occupational Safety and Health (DOSH) and California Department of Toxic Substances Control (DTSC) regulations. A completion of abatement activities report shall be prepared by a qualified professional and submitted to the City prior to permit approval.
- 28) **(HAZ-2):** Prior to submittal for a demolition permit, the project sponsor shall use a qualified and licensed professional to prepare a Soil Management Plan to develop protocols and procedures for handling potentially impacted soils or underground structure/equipment that may be encountered during grading

operations and other construction activities as part of the project. If impacted soils or underground structure/equipment are encountered during construction activities, all construction shall stop, and a qualified and licensed professional shall be contacted to conduct a site visit to make observations and prepare recommendations for proper handling of soils and/or structures/equipment.

- 29) Bicycle parking shall be provided in compliance with San Rafael Municipal Code Section 14.18.090. This requires bicycle spaces provided on site at a minimum of 5% of total vehicle parking, including a minimum of one two bike capacity rack for short term bicycle parking. Final plans shall include a design detail for proposed bicycle parking spaces, proposed number and location subject to final review and approval by the Community Development Department and Traffic Engineer.
- 30) The proposed project will be required to provide bicycle improvements along Merrydale Rd. in keeping with the 2018 adopted update of the San Rafael Bicycle/Pedestrian Master Plan, which identifies Merrydale Rd. for a Class III Bike Route. The applicant will be required to install the appropriate signage and striping along Merrydale Road (fronting the project site) to signify that the street is a Class III Bike Lane. Specifics of the bike lane striping are subject to final review and approval by the Community Development Department and Traffic Engineer.
- 31) Property Owner/applicant shall be responsible for all costs associated with mitigation monitoring and shall remit an initial deposit in the amount of \$5,000.00 for mitigation monitoring and condition compliance. Staff shall bill time against this deposit amount during Project review and implementation of the Project and monitoring of Project conditions, to assure compliance with conditions and mitigation measures has been achieved.
- 32) All mechanical equipment (i.e., air conditioning units, meters and transformers) and appurtenances not entirely enclosed within the structure (on side of building or roof) shall be screened from public view. The method used to accomplish the screening shall be indicated on the building plans and approved by the Planning Division.
- 33) Any outstanding Planning Division application processing fees shall be paid.
- 34) A construction logistics plan shall be submitted demonstrating how construction conditions shall be met. The plan must be approved by the Public Works Department and Community Development Director and shall include the conditions of approval and mitigation measures that are applicable to the construction of the Project.
- 35) The project shall be subject to the affordable housing requirements prescribed in Section 14.16.030 of the San Rafael Zoning Ordinance and is therefore required to provide nine (9) of the 45 for-sale units as affordable. Prior to the issuance of a building permit or recordation of the final map, whichever occurs first, a Below Market Rate (BMR) agreement for the nine (9) affordable unit shall be approved by the City Council and recorded on the property. Consistent with the affordable housing requirements, five (5) of the units shall be affordable to low-income household and four (4) of the units shall be affordable at the moderate-income level. The location of the BMR units shall be identified on the project plans and the final location shall be subject to review and approval of the City as part of the City's consideration of the BMR agreement. Please contact the Marin Housing Authority to commence the agreement process.
- 36) Protective barrier fencing shall be installed during construction to protect existing trees that are to remain on site, as per the approved landscape plan. Plans showing the fencing, signage and barrier details shall be included on Project plans. The fencing shall be a minimum four-foot orange mesh protected by hay bales and signage designed to avoid intrusion by construction workers and equipment.

37) The project shall be subject to the affordable housing requirements prescribed in Section 14.16.030 of the San Rafael Zoning Ordinance and is therefore required to provide nine (9) of the 45 for-sale units as affordable. Prior to the issuance of a building permit or recordation of the final map, whichever occurs first, a Below Market Rate (BMR) agreement for the nine (9) affordable unit shall be approved by the City Council and recorded on the property. Consistent with the affordable housing requirements, five (5) of the units shall be affordable to low-income household and four (4) of the units shall be affordable at the moderate-income level. The location of the BMR units shall be identified on the project plans and the final location shall be subject to review and approval of the City as part of the City's consideration of the BMR agreement. Please contact the Marin Housing Authority to commence the agreement process. Should the project not record a final map, the BMR agreement will be modified to a rental agreement and comply with the affordable housing requirements for rental, which would be five (5) units affordable at very-low income level and (4) at low-income level.

Public Works Department - Land Development Division

General

- 38) The proposed private roads do not meet the requirements for Right-of-Way/Easement width or paving width per Municipal Code (MC) section 15.06.050. An exception request pursuant to Municipal Code 15.01.120 has been received and we have no objection to the proposed widths based on the necessary findings.
- 39) It is our understanding that the applicant has provided the minimum garbage facilities required. However, the location and potential for higher demand may necessitate additional storage for a condominium project of this size. We recommend the applicant provide a method to address this in the future if the project is approved as currently proposed.
- 40) Redwood Hwy and Merrydale Rd do not currently have a cul-de-sac or other vehicular turn around for the dead ends, this project proposes a public access easement over the privately maintained roadways to connect the two which will allow for through circulation. With through public access provided, turnarounds are not required at the end of the publicly maintained roadways.
- 41) The site is located in or near areas that may be susceptible to localized flooding, or the drainage of the site may be influenced by larger flooding events. We recommend that the applicant consider these concerns, as well as potential impacts due to sea level rise.
- 42) Third party peer review of geotechnical and engineering reports and inspection throughout construction shall be required, paid for by the project sponsor and contracted by the City. Provide a proposed project schedule for the duration of work, so that an estimate may be prepared for the required deposit amount.
- 43) Provide will serve letters from the various utilities for the proposed subdivision.
- 44) It is our understanding that there the sanitary sewer system is currently proposed as a gravity flow. However, LGSVD may require mitigation to alleviate flow in the downstream sewer, or that a pump station may be necessary. We recommend that as a condition of approval the applicant provide the will serve letter showing that all requirements from LGSVD shall be met prior to issuance of a permit.

Access

- 45) Provide the lighting analysis, include the frontage for Merrydale Rd and Redwood Hwy.

Grading

- 46) Show the estimate of proposed grading on the plan. This project is located along an open creek. Therefore, all mass grading shall be limited to April 15 through October 15, unless otherwise approved in writing by the Department of Public Works.

- 47) A grading permit shall be obtained for all grading and site improvement work. Trucking trips during peak hours may be limited.
- 48) A preliminary geotechnical report has been provided. This does not thoroughly analyze the geotechnical concerns but references that design-level explorations should be conducted prior to site development once more detailed plans have been prepared. The project is in application for design. Therefore, the subsequent geotechnical report shall be a condition of approval. However, the findings of that report may affect the design of the project, which may require re-review of the project.
- 49) All plans, reports, monitoring, inspection and testing for the proposed project will be reviewed by an independent Geotechnical Engineer and/or Engineering Geologist retained by the City, at the expense of the project sponsor. This third-party consultant will review all plans, reports, monitoring, inspection and testing data prior to appropriate approvals and/or certifications. A letter report summarizing findings and recommendations shall be submitted by the geotechnical engineer to the City Engineer for review and approval, as well as incorporation into grading plans. Final grading and foundation techniques shall be developed by a certified geotechnical engineer or engineering geologist and reviewed and approved by the City.
- 50) A construction management plan shall be provided for review and approval by the City.
- All materials and equipment shall be staged on-site.
 - The construction management plan shall include the traffic control plan to address on-site and off-site construction traffic.
 - A screened security fence approved by the City shall be placed and maintained around the perimeter of the project and removed immediately following construction work
 - Truck routes shall be reviewed and approved by the City. Hauling shall be limited to 1 truck in and 1 truck out per 15 minutes during the AM and PM peak, which may be revised at the time of grading permit issuance.
- 51) This project includes over one (1) acre of disturbance. A SWPPP shall be required.
- 52) Phasing of the project shall be configured to develop the area adjacent to the creek first along with the infrastructure. This area is required for access, maintenance and drainage. This would allow for early establishment of vegetation in this area to reduce potential impacts to the creek. Due to the size of the project and configuration, the infrastructure required on and off site shall be developed as part of phase one. Infrastructure items that are commonly delayed to later phases shall be reviewed by the Department of Public Works, such as final lift of asphalt.

Drainage

- 53) This site includes work in or immediately adjacent to a creek. The applicant shall comply with requirements of the various creek permitting agencies and obtain all necessary permits.

Pet waste bags, signage and trash receptacles shall be provided in convenient locations to reduce the likelihood of litter near the creek path.

- 54) The final drainage plan shall be subject to review and approval by the City Engineer. The final drainage plan shall address the following:
- The plans shall show the existing drainage facilities
 - Runoff shall not be increased, leaving the project boundary
 - Filtration shall be required for particles equal to or larger than 5mm, so they do not enter into the City's storm drainage system

- d) Placards (medallions) shall be installed on all new drainage inlets to prohibit dumping of pollutants. These are available from the City or MCSTOPPP
 - e) A stormwater facilities maintenance agreement shall be required
 - f) How the project's drainage system shall be maintained, whether separate for each site or together along with the other development improvements.
 - g) The drainage plan shall be developed in consideration with the findings of the geotechnical report.
- 55) The site drainage system is located at elevations that may be subject to tidally influenced surcharge events. The drainage system shall include backflow prevention.
- 56) Frontage improvements shall include where necessary, street lighting, conduit for City facilities, accessible curb ramp pairs, drainage facilities, street trees, sidewalk, curb and gutter. This shall be reviewed at the time of permit issuance.
- 57) Due to the level of improvements we recommend that as a condition of approval the full width of Merrydale Rd be resurfaced with this project, additionally we suggest that this be extended to the intersection with Las Gallinas, as this is one of the only two sites that currently take access from this end of Merrydale Rd. The extents of resurfacing shall be reviewed based on existing conditions at the time of permit issuance.
- 58) An encroachment permit is required for any work within the Right-of-Way, from the Department of Public Works located at 111 Morphew Street. Restriping of public streets shall be of thermoplastic, as approved by the Department of Public Works.

Traffic

- 59) The Traffic Impact Study (TIS) has been updated, dated October 3, 2019 and previous comments have been addressed.
- 60) The proposed project results in additional trips generated at the site. Based on the draft traffic impact study and the additional proposed unit, this results in an estimated **17 AM and 19 PM** peak hour trips. Using the current traffic mitigation fee rate this results in an estimated fee of (36*\$4,246) \$152,856 which shall be calculated and due at the time of building permit issuance.
- 61) A construction vehicle impact fee shall be required at the time of building permit issuance; which is calculated at 1% of the valuation, with the first \$10,000 of valuation exempt.

Community Development Department – Building Division

- 62) The design and construction of all site alterations shall comply with the 2016 California Building Code (CBC), 2016 California Plumbing Code (CPC), 2016 California Electrical Code (CEC), 2016 California Mechanical Code CCMC), 2016 California Fire Code (CFC), 2016 California Energy Code, 2016 California Green Building Standards Code and City of San Rafael Ordinances and Amendments.
- 63) A building permit is required for the proposed work. Applications shall be accompanied by four (4) complete sets of construction drawings to include:
- a) Architectural plans
 - b) Structural plans
 - c) Electrical plans
 - d) Plumbing plans
 - e) Mechanical plans
 - f) Site/civil plans (clearly identifying grade plane and height of the building)
 - g) Structural Calculations
 - h) Truss Calculations

- i) Soils reports
 - j) Green Building documentation
 - k) Title-24 energy documentation
- 64) Building height and story must comply with CBC Section 504. On the plan justify the proposed building area and height.
- 65) Building areas are limited by CBC Table 506.2. On plan justify the proposed building area.
- 66) The maximum area of unprotected and protected openings permitted in the exterior wall in any story of a building shall not exceed the percentages specified in CBC Table 705.8 "Maximum Area of Exterior Wall Openings Based on Fire Separation Distance and Degree of Opening Protection." To calculate the maximum area of exterior wall openings you must provide the building setback distance from the property lines and then justify the percentage of proposed wall openings and include whether the opening is unprotected or protected.
- 67) Townhouses more than three stories above grade in height must comply with the CBC. CBC Table 705.8 allows:
- a) 15% exterior wall openings (in any story) in sprinklered buildings where the openings are 3' to less than 5' from the property line or buildings on the same property.
 - b) 25% exterior wall openings (in any story) in sprinklered buildings where the openings are 5' to less than 10' from the property line or buildings on the same property.
 - c) 45% exterior wall openings (in any story) in sprinklered buildings where the openings are 10' to less than 15' from the property line or buildings on the same property.
- 68) Each building must have address identification placed in a position that is plainly legible and visible from the street or road fronting the property. Numbers painted on the curb do not satisfy this requirement. In new construction and substantial remodels, the address must be internally or externally illuminated and remain illuminated at all hours of darkness. Numbers must be a minimum 4 inches in height with ½ inch stroke for residential occupancies and a minimum 6 inches in height with ½ inch stroke for commercial applications. The address must be contrasting in color to their background SMC 12.12.20.
- 69) Bollards must be placed in the garage to protect mechanical equipment, water heater, and washer dryer from vehicular damage when located in the path of a vehicle.
- 70) 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.
- 71) School fees will be required for the project. Calculations are done by the San Rafael City Schools, and those fees are paid directly to them prior to issuance of the building permit.
- 72) Based on the distance to the property line (and/or adjacent buildings on the same parcel), the building elements shall have a fire resistive rating not less than that specified in CBC Table 601 and exterior walls shall have a fire resistive rating not less than that specified in CBC Table 602.
- 73) Walls separating purposed tenant space from existing neighboring tenant spaces must be a minimum of 1-hour construction.
- 74) Multifamily dwelling and apartment accessible parking spaces shall be provided at a minimum rate of 2 percent of the covered multifamily dwelling units. At least one space of each type of parking facility shall be made accessible even if the total number exceeds 2 percent.

- 75) When parking is provided for multifamily dwellings and is not assigned to a resident or a group of residents, at least 5 percent of the parking spaces shall be accessible and provide access to grade-level entrances of multifamily dwellings and facilities (e.g. swimming pools, club houses, recreation areas and laundry rooms) that serve the dwellings. Accessible parking spaces shall be located on the shortest accessible route to an accessible building, or dwelling unit entrance.
- 76) Public accommodation disabled parking spaces must be provided according the following table and must be uniformly distributed throughout the site.

Total Number of Parking Spaces Provided	Minimum Required Number of H/C Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	Two percent of total
1,001 and over	Twenty, plus one for each 100 or fraction thereof over 1,001

- 77) At least one disabled parking space must be van accessible; 9 feet wide parking space and 8 feet wide off-load area. Additionally, one in every eight required handicap spaces must be van accessible.
- 78) This project is subject to the City of San Rafael Green Building Ordinance. A sliding scale is applied based on the average unit square footage. New multi-family dwellings must comply with the “Green Building Rating System” by showing a minimum compliance threshold between 65 and 75 points. Additionally, the energy budget must also be below Title 24 Energy Efficiency Standards a minimum 15%.

Fire Department – Fire Prevention Bureau

- 79) Prior to issuance of building permit, the following requirements shall be added to the building permit plans as Sheet SP-6:
- a) Fire Lane signage shall be installed at both entrances that meet City of San Rafael Parking Enforcement standards.
 - b) KNOX box installation at Community Rec Room exterior wall.
 - c) Fire Sprinkler system conforming to NFPA standards installed throughout.
 - d) all hydrants to be Clow model 960 appliances.
- 80) Plan Sheet SP-6 (Fire Engine Truck Access Plan) shall be part of the building permit submittal packet and reviewed by the Fire Department as part of the building permit review.

Las Gallinas Valley Sanitation District

- 81) Las Gallinas Valley Sanitation District has determined that the proposed project is within the Sphere of Influence and District facilities boundary. The proposed project must apply for and receive an allocation of sewer capacity from this District before it can receive sewer services. The proposed project must make satisfactory arrangements with this District for the construction of any off-site or on-site sewers which may

be required. The District has provided the following comments, as of October 15, 2019: The District will consider a gravity option with the following conditions:

- a) The initial report from Nute Engineering has indicated that a gravity option is not feasible without flow diversion within the District collection system and upgrades to Rafael Meadows Pump Station. This option is subject to final review by Nute Engineering. The District anticipates receiving the Nute's final recommendation and preliminary construction cost estimate by end of October 2019.
- b) The District has considered constructing flow diversion structures at its own expense to alleviate surcharging of sanitary sewers in the area. However, at the minimum, applicant may be required to cost-share the electrical and pump upgrades to the Rafael Meadows Pump Station, pending District Board approval.
- c) If a gravity option is not feasible, the District will require a dedicated private pump station in addition to the Rafael Meadows Pump Station upgrades as described above. The private pump station option shall comply with the following conditions:
 - i) The pump station design shall meet the requirements set by the Regional Water Quality Control Board and other regulatory agencies.
 - ii) The pump station shall include backup generator and pumps with series of sensors and alarm systems to alert District staff of pump failure and potential sewage overflows.
 - iii) The pump station shall comply with city ordinance general noise limits (chapter 8.13), which at a minimum are 60dBA intermittent daytime and 50dBA intermittent nighttime.
- d) Applicant shall submit plans **electronically** to LGVSD for review and approval. A Will Serve Letter will be issued based on the following:
 - i) Approved plans designed with District standard details and specifications.
 - ii) Compliance with District requirements outlined in previous plan reviews.
 - iii) Other requirements based on future submittals.

Marin Municipal Water District

82) The applicant must enter into a pipeline extension agreement with the Marin Municipal Water District for the installation of the necessary facilities and said agreement must be approved by the District's Board of Directors. All costs associated with a pipeline extension are borne by the applicant.

83) Complete a High pressure Water Service Application

- 84) Pay appropriate fees and charges
- 85) Complete the structure's foundation within 120 days of the date of application
- 86) Comply with the District's rules and regulations in effect at the time service is requested, including the installation of a separate water service for each residential structure.
- 87) Comply with all indoor and outdoor requirements of District Code Title 13 – Water Conservation. This may include ventilation of specific indoor fixture efficiency compliance.
- 88) If you are pursuing a landscaping project subject to review by your local planning department and/or subject to a city permit, please contact the district water conservation department at 415-945-1497 or e-mail to plancheck@marinwater.org. More information about district water conservation requirements can be found online at www.marinwater.org.
- 89) Comply with the backflow preventer requirements, if upon the District's review backflow protection is warranted, including installation, testing and maintenance. Questions regarding backflow requirements should be directed to the Backflow Prevention Program Coordinator at 415-945-1558.
- 90) Comply with Ordinance No.429 requiring the installation of gray water recycling systems when practicable for all projects required to install new water service and existing structures undergoing "substantial remodel" that necessitates an enlarged water service.
- 91) Comply with California water Code – Division 1, Chapter 8, Article 5, Section 537; which requires individual metering of multiple living units within newly constructed structures.

During Construction and Grading

Community Development Department – Planning Division

- 92) Construction hours and activity (including any and all deliveries) are limited to the applicable requirements set forth in Chapter 8.13 of the San Rafael Municipal Code.
- 93) **AIR QUALITY (AQ-1)**: Include basic measures to control dust and exhaust during construction. During any construction period ground disturbance, the applicant shall ensure that the project contractor implement measures to control dust and exhaust. Implementation of the measures recommended by BAAQMD and listed below would reduce the air quality impacts associated with grading and new construction to a less-than-significant level. The contractor shall implement the following best management practices that are required of all projects:
 - a) All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - b) All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - c) All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - d) All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).
 - e) All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - f) Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.

- g) All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
 - h) Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
- 94) **AIR QUALITY (AQ-1a)**: All diesel-powered off-road equipment, larger than 25 horsepower, operating on the site for more than two days continuously shall, at a minimum, meet U.S. EPA particulate matter emissions standards for Tier 2 engines with CARB-certified Level 3 Diesel Particulate Filters or equivalent.
- a) The use of equipment meeting U.S. EPA Tier 4 standards for particulate matter would also meet this requirement.
 - b) Use of equipment that includes alternatively-fueled equipment (i.e., non-diesel) would meet this requirement.
 - c) Other measures may be the use of added exhaust devices, or a combination of measures, provided that these measures are approved by the City and demonstrated to reduce community risk impacts to less-than-significant.
- 95) **AIR QUALITY (AQ-2)**: Include high-efficiency particulate filtration systems in residential ventilation systems. The significant exposure for new project receptors is judged by two effects: (1) increased cancer risk, and (2) annual PM2.5 concentration. Exposure to cancer risk from U.S. Highway 101 are significant. Cancer risk is based on exposure to exhaust emissions while annual PM2.5 concentrations are based on the exposure to PM2.5 resulting from emissions attributable to truck and auto exhaust, the wearing of brakes and tires and re-entrainment of roadway dust from vehicles traveling over pavement. PM2.5 exposure drives the mitigation plan. Reducing PM2.5 exposures to less than significant would also reduce cancer risk to less than significant levels. The project shall include the following measures to minimize long-term annual PM2.5 exposure for new project occupants:
- 1. Install air filtration in residential dwellings. Air filtration devices shall be rated MERV 13 or higher. To ensure adequate health protection to sensitive receptors (i.e., residents), this ventilation system, whether mechanical or passive, all fresh air circulated into the dwelling units shall be filtered, as described above.
 - 2. As part of implementing this measure, an ongoing maintenance plan for the buildings' heating, ventilation, and air conditioning (HVAC) air filtration system shall be required.
 - 3. Ensure that the use agreement and other property documents: (1) require cleaning, maintenance, and monitoring of the affected buildings for air flow leaks, (2) include assurance that new owners or tenants are provided information on the ventilation system, and (3) include provisions that fees associated with owning or leasing a unit(s) in the building include funds for cleaning, maintenance, monitoring, and replacements of the filters, as needed.
- 96) **BIOLOGICAL RESOURCES (BIO-1)**: **Pre-construction nesting bird and bat survey**: The nesting season is defined here as being from February 1 to August 31 and therefore work should commence between September 1 and January 31.
- i) If this is not possible, and project activities are initiated during the nesting season, then a nesting bird survey shall be conducted by a qualified wildlife biologist no more than 14 days prior to the start of project activities.
 - ii) If nests are identified, a no-disturbance buffer should be implemented to avoid impacts to nesting birds and should remain in place until all young are fledged or the nest otherwise becomes inactive.
 - iii) Buffers typically range from 25 feet to 500 feet depending on the species.

- iv) If work is to be initiated within the bat breeding/ winter roosting season, an assessment of existing buildings should be performed prior to construction activities to determine if a roost is present.
- v) If a roost is observed, construction activities should be postponed until a qualified biologist determines the bats are excluded from the roost location.

97) **CULTURAL RESOURCES (CULT-1): Protect Archaeological Resources Identified during Construction:** The project sponsor shall ensure that construction crews stop all work within 100 feet of the discovery until a qualified archaeologist can assess the previously unrecorded discovery and provide recommendations. Resources could include subsurface historic features such as artifact-filled privies, wells, and refuse pits, and artifact deposits, along with concentrations of adobe, stone, or concrete walls or foundations, and concentrations of ceramic, glass, or metal materials. Native American archaeological materials could include obsidian and chert flaked stone tools (such as projectile and dart points), midden (culturally derived darkened soil containing heat-affected rock, artifacts, animal bones, and/or shellfish remains), and/or groundstone implements (such as mortars and pestles).

98) **CULTURAL RESOURCES (CULT-2): Protect Human Remains Identified During Construction:** The Project proponent shall treat any human remains and associated or unassociated funerary objects discovered during soil-disturbing activities according to applicable State laws. Such treatment includes work stoppage and immediate notification of the Marin County Coroner and qualified archaeologist, and in the event that the Coroner's determination that the human remains are Native American, notification of NAHC according to the requirements in PRC Section 5097.98. NAHC would appoint a Most Likely Descendant ("MLD"). A qualified archaeologist, Project proponent, County of Marin, and MLD shall make all reasonable efforts to develop an agreement for the treatment, with appropriate dignity, of any human remains and associated or unassociated funerary objects (CEQA Guidelines Section 15064.5[d]). The agreement would take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, and final disposition of the human remains and associated or unassociated funerary objects. The PRC allows 48 hours to reach agreement on these matters.

99) **GEOTEHCHNICAL (GEO-5):** Should paleontological resources be encountered during project subsurface construction activities located in previously undisturbed soil and bedrock, all ground-disturbing activities within 25 feet shall be halted and a qualified paleontologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. For purposes of this mitigation, a "qualified paleontologist" shall be an individual with the following qualifications: 1) a graduate degree in paleontology or geology and/or a person with a demonstrated publication record in peer-reviewed paleontological journals; 2) at least two years of professional experience related to paleontology; 3) proficiency in recognizing fossils in the field and determining their significance; 4) expertise in local geology, stratigraphy, and biostratigraphy; and 5) experience collecting vertebrate fossils in the field.

a) If the paleontological resources are found to be significant and project activities cannot avoid them, measures shall be implemented to ensure that the project does not cause a substantial adverse change in the significance of the paleontological resource. Measures may include monitoring, recording the fossil locality, data recovery and analysis, a final report, and accessioning the fossil material and technical report to a paleontological repository. Upon completion of the assessment, a report documenting methods, findings, and recommendations shall be prepared and submitted to the City for review. If paleontological materials are recovered, this report also shall be submitted to a paleontological repository such as the University of California Museum of Paleontology, along with significant paleontological materials. Public educational outreach may also be appropriate.

b) The project applicants shall inform its contractor(s) of the sensitivity of the project site for paleontological resources and shall verify that the following directive has been included in the appropriate contract specification documents: "The subsurface of the construction site may contain

fossils. If fossils are encountered during project subsurface construction, all ground-disturbing activities within 25 feet shall be halted and a qualified paleontologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. Project personnel shall not collect or move any paleontological materials. Fossils can include plants and animals, and such trace fossil evidence of past life as tracks or plant imprints. Marine sediments may contain invertebrate fossils such as snails, clam and oyster shells, sponges, and protozoa; and vertebrate fossils such as fish, whale, and sea lion bones. Vertebrate land mammals may include bones of mammoth, camel, saber tooth cat, horse, and bison. Contractor acknowledges and understands that excavation or removal of paleontological material is prohibited by law and constitutes a misdemeanor under California Public Resources Code, Section 5097.5."

- 100) **NOISE (NOISE-1):** Implementation of the following measures would reduce construction noise levels emanating from the site, limit construction hours, and minimize disruption and annoyance.
- a) Construction activities shall be limited to the hours specified in the City of San Rafael's Municipal Code (7 am to 6 pm on weekdays and 9 am to 6 pm on Saturdays). No construction activities are permitted on Sundays and holidays.
 - b) Limit use of the concrete saw to a distance of 50 feet or greater from residences, where feasible. Construct temporary noise barriers to screen stationary noise-generating equipment, such as the concrete saw, when located near adjoining sensitive land uses. Temporary noise barriers could reduce construction noise levels by 5 dBA.
 - c) Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
 - d) Unnecessary idling or internal combustion engines should be strictly prohibited.
 - e) Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors.
 - f) Utilize "quiet" air compressors and other stationary noise sources where technology exists.
 - g) Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
 - h) Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of "noisy" construction activities to the adjacent land uses and nearby residences.
 - i) Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include in it the notice sent to neighbors regarding the construction schedule.
- 101) **TRIBAL-1:** Address the potential discovery of previously unknown resources within the project area. If significant tribal cultural resources are identified onsite, all work would stop immediately within 50 feet of the resource(s) and the project applicant would comply with all relevant State and City policies and procedures prescribed under PRC Section 21074.

Prior to Final Occupancy

Community Development Department – Planning Division

- 102) A post-construction Acoustical Study shall be performed and submitted to the Planning Division to confirm that the project was constructed compliant with noise reducing materials and construction techniques as recommended in the Illingworth and Rodkin Acoustical Study.

- 103) **AESTHETICS (AES-1)**: Prior to the Building Permit final inspection, the project applicant shall submit to the satisfaction of the Community Development Department Director, a post-installation photometric lighting study showing that the lighting on site complies with the approved lighting levels per ED18-100 and the requirements of SRMC 14.16.227. The project applicant shall also demonstrate to the Building Department that outdoor lighting fixtures meet the requirements of the California Energy Code (known as Part 6, Title 24 of the California Code of Regulations).
- 104) Install any improvements required by **TRANS-1** prior to final occupancy
- 105) **HYDROLOGY (HYDRO-2)**: Prior to a certificate of occupancy, the Project applicant shall verify that operational stormwater quality control measures that comply with the requirements of the current Phase II Small MS4 Permit have been implemented. Responsibilities include, but are not limited to:
- a) Designing BMPs into Project features and operations to reduce potential impacts to surface water quality and to manage changes in the timing and quantity of runoff associated with operation of the project. These features shall be included in the design-level drainage plan and final development drawings.
 - b) The proposed project shall incorporate site design measures and Low Impact Development design standards, including minimizing disturbed areas and impervious surfaces, infiltration, harvesting, evapotranspiration, and/or bio-treatment of stormwater runoff.
 - c) The Project applicant shall establish an Operation and Maintenance Plan. This plan shall specify a regular inspection schedule of stormwater treatment facilities in accordance with the requirements of the Phase II Small MS4 Permit.
 - d) Funding for long-term maintenance of all BMPs shall be specified.
- 106) The applicant shall contact the Planning Division to request a final inspection, prior to the issuance of the final building permit. The final inspection shall require a minimum of 48-hours advance notice. All landscaping and irrigation shall be installed prior to the occupancy of the building or the property owner shall post a bond in the amount of the estimated landscaping/ irrigation cost with the City of San Rafael. In the event that a bond is posted, all areas proposed for landscaping must be covered with bark or a substitute material approved by the Planning Division prior to occupancy. The landscape architect shall certify in writing and submit to the Planning Division, and call for inspection, that the landscaping has been installed in accordance with all aspects of the approved landscape plans, that the irrigation has been installed and been tested for timing and function, and all plants including street trees are healthy. Any dying or dead landscaping shall be replaced.
- 107) All exterior lighting shall be shielded down. Following the issuance of a certificate of occupancy, all exterior lighting shall be subject to a 90-day lighting level review by the Police Department and Planning Division to ensure compatibility with the surrounding area.
- 108) All plan details shall be implemented as indicated plans approved for building permit, in compliance with all conditions of approval and applicable City zoning code requirements, to the satisfaction of the Community Development Director. Any outstanding fees including planning review fees, inspection fees, etc. shall be paid.

Fire Department – Fire Prevention Bureau

- 109) Prior to Final occupancy, the following requirements shall be installed in addition to all Fire code Requirements on the site and shown on the Fire Engine Truck Access Plan Sheet SP-6:
- a) Fire Lane signage shall be installed at both entrances that meet City of San Rafael Parking Enforcement standards.
 - b) KNOX box shall be installed at Community Rec Room exterior wall.
 - c) Fire Sprinkler system conforming to NFPA standards installed throughout.

- d) All hydrants installed on site shall be Clow model 960 appliances.

**Tentative Subdivision Map Conditions of Approval
(TS18-006)**

Community Development Department - Planning Division

1. The Tentative Subdivision Map (TS18-006) shall be valid for a period of three (3) years from the date of City Council approval, or until December 10, 2022 and shall become null and void unless a Final Map has been recorded or a time extension is granted.
2. The proposed project is approved as a Three-Phase development, consisting of a Phase One “pre-phase” (on and off-site improvements) to complete building Phase One -construction of Buildings 1-4 and all landscaping north of Private street “A” (Fall 2021) and Phase Three- construction of Buildings 5-9, tree removal along the south property line and all remaining landscaping (Summer 2022). The Final Map may be recorded in phases or all at once.
3. The project shall be subject to the affordable housing requirements prescribed in Section 14.16.030 of the San Rafael Zoning Ordinance and is therefore required to provide nine (9) of the 45 for-sale units as affordable. Prior to the issuance of a building permit or recordation of the final map, whichever occurs first, a Below Market Rate (BMR) agreement for the nine (9) affordable unit shall be approved by the City Council and recorded on the property. Consistent with the affordable housing requirements, five (5) of the units shall be affordable to low-income household and four (4) of the units shall be affordable at the moderate-income level. The location of the BMR units shall be identified on the project plans and the final location shall be subject to review and approval of the City as part of the City’s consideration of the BMR agreement. Please contact the Marin Housing Authority to commence the agreement process.
4. Prior to issuance of building permits or prior to the recordation of a Final Map, whichever occurs first, the developer shall pay to the City in lieu parkland dedication fees for 45 new units in accordance with the provisions of City Council Ordinance No. 1558, which would be $45 \times 2.5 \text{ persons/dwelling unit} \times 3 \text{ acres per } 1,000 \text{ persons} \times \$262,396.80 = \$88,558.92$
5. Conditions, Covenants and Restrictions (CC&R’s) shall be prepared and submitted with an application for a Final Parcel Map. The CC&R’s shall include the following requirements and provisions:
 - a. The formation of a homeowner’s association (HOA).
 - b. Project will be governed by a home owners association (HOA) which will manage, maintain and operate the Project in accordance with Conditions, Covenants and Restrictions (CC&Rs) to be recorded against each unit and the common areas, Articles of Incorporation (Articles) and Bylaws. The HOA will have the right to adopt rules, regulations and guidelines, including design guidelines and community space rules to implement the CC&Rs. HOA responsibilities for ongoing maintenance of the shared or common facilities, including but not limited to the common driveway, common landscaping and irrigation, fencing, subdivision infrastructure improvements (storm water and sanitary sewer facilities) and exterior building and lighting improvements. All common areas including the Creek Promenade and the Paseos will be owned, managed and controlled by the HOA. Initially the builder will own all units within the project and will control the HOA until sufficient units have been sold for a HOA Board of Directors to be elected. The builder will pay HOA dues to the HOA for each unit until each unit is sold. Restrictions and regulations imposed on each lot owner. The CC&R’s shall include provisions, which restrict the use of the parking spaces to vehicle parking.
 - c. Requirements and provisions for professional management services or the services of a Certified Public Accountant to oversee the HOA responsibilities and budget.

- d. Include an article providing for rights of the City of San Rafael, as follows:

ARTICLE ____ . RIGHTS OF THE CITY OF SAN RAFAEL

1. Use Restrictions. In furtherance of the police power of the City of San Rafael, the following provisions will apply to the Property:

(a) no re-subdivision of any Lot shown on the Map will be done without the approval and consent of the City of San Rafael.

(b) the restrictions set out in this Declaration will burden the Property, for the benefit of the City of San Rafael, and the same are enforceable by and will inure to the benefit of the City of San Rafael.

2. Right to Remedy Failure to Maintain Common Area. In the event that there is a failure to maintain the Common Area so that owners, lessees, and their guests suffer, or will suffer, substantial diminution in the enjoyment, use, or property value of their Project, thereby impairing the health, safety and welfare of the residents in the Project, the City, by and through its duly authorized officers and employees, will have the right to enter upon the subject Property, and to commence and complete such work as is necessary to maintain said Common Area. The City will enter and repair only if, after giving the Association and Owners written notice of the failure to maintain the Common Area, they do not commence correction of such conditions in no more than thirty (30) days from the giving of the notice and proceed diligently to completion. All expenses incurred by the City shall be paid within thirty (30) days of written demand. Upon a failure to pay within said thirty (30) days, the City will have the right to impose a lien for the proportionate share of such costs against each Lot in the Project.

It is understood that by the provisions hereof, the City is not required to take any affirmative action, and any action undertaken by the City will be that which, in its sole discretion, it deems reasonable to protect the public health, safety and general welfare, and to enforce it and the regulations and ordinances and other laws.

It is understood that action or inaction by the City, under the provisions hereof, will not constitute a waiver or relinquishment of any of its rights to seek redress for the violation of any of the provisions of these restrictions or any of the rules, regulations and ordinances of the City, or of other laws by way of a suit in law or equity in a court of competent jurisdiction or by other action.

It is further understood that the remedies available to the City by the provision of this section or by reason of any other provisions of law will be cumulative and not exclusive of the maintenance of any other remedy. In this connection, it is understood and agreed that the failure to maintain the Common Area will be deemed to be a public nuisance and the City will have the right to abate said condition, assess the costs thereof, and cause the collection of said assessments to be made on the tax roll in the manner provided by appropriate provisions of the San Rafael Municipal Code or any other applicable law.

The City Council of the City may, at any time, relinquish its rights and interest in the Project as herein set forth by appropriate resolution. Any such relinquishment by the City Council will be effective on the date that the resolution is adopted, and a copy thereof is placed in the United States mail, postage prepaid, addressed to the Association. The Owner will execute and record a declaration reflecting such relinquishment within ten (10) days of receipt of a copy of the resolution.

3. **No Waiver.** No failure of the City of San Rafael to enforce any of the covenants or restrictions contained herein will in any event render them ineffective.

4. **Third-Party Beneficiary.** The rights of the City of San Rafael pursuant to this Article will be the rights of an intended third party beneficiary of a contract, as provided in Section 1559 of the California Civil Code, except that there will be no right of Declarant, the Association, or any Owner(s) to rescind the contract involved so as to defeat such rights of the City of San Rafael.

5. **Hold Harmless.** Declarant, Owners, and each successor in interest of Declarant and said Owners, hereby agree to save and hold the City of San Rafael harmless from any and all liability for inverse condemnation which may result from, or be based upon, City's approval of the Development of the subject Property.

6. **Amendments.** The City of San Rafael will be given reasonable advance notice in writing of any amendments to the Declaration affecting the rights of the City as provided herein, and no such amendment will be deemed effective without the written consent of the San Rafael City Council.

6. Prior to recordation of the final map, the CC&R's shall be reviewed and approved by the Department of Community Development and the City Attorney's Office.

7. Approved CC&R's shall be recorded concurrently with the final map.

Department of Public Works - Land Development Division

8. A Final Map shall be required to be filed and approved by the Department of Public Works.

9. Should the applicant elect to record the final map prior to completion of the subdivision improvements, a subdivision improvement agreement shall be required. As part of this agreement bonds shall be required based on the engineer's estimate. The current fees for the subdivision:

- \$2,615.00 Improvement Plan Check
- \$3,285.00 minimum, (or actual cost if greater) for Final Map Plan Check.
- \$1,464.00 Subdivision Improvement Inspection Fees.

**Master Use Permit Conditions of Approval
(UP18-039)**

1. Except as modified herein, the Master Use Permit (UP18-039) authorizes redevelopment of the existing 2.28 acre site for residential use as shown in the approved plans in a maximum of three (3) phases. Although phasing is not required, this Use Permit authorizes that the project may be phased as follows, subject to the conditions of approval
 - a) Phase One (Pre-Phase) which entails site preparation, demolition, landscaping/tree removal (except no removal of existing trees along the southern property line).
 - b) Phase Two – Construction of Buildings 1- through Building 4 (a total of 25 units, including five (5) BMR units), trash enclosure, and creek promenade enhancements including landscaping, hardscape and recreational amenities.
 - c) Phase Three - Construction of Building 5 through Building 9 (a total of 20 units, including four (4) BMR units), removal of existing trees along southern property line and the remaining landscaping.

2. Should the project proceed in a phased development approach, the following requirements shall apply
 - a) All site improvement, roadways, sidewalk, utilities shall be installed and completed no later than the completion of Phase Two.
 - b) Landscaping may be installed by each phase:
 - i. Prior to final occupancy of Phase Two, the approved landscaping along the Merrydale Rd border (along Building 1) and along the Highway 101 frontage (Building 3 and Building 4) along with all other on site landscaping in that phase, shall be installed.
 - ii. Prior to final occupancy of Phase Three, the approved landscaping along the Merrydale Rd border (along Building 9) and along the Highway 101/Redwood Hwy frontage (Building 5 and Building 6), along with all other on site landscaping in that phase, shall be installed.
 - c) This Master Use Permit (UP18-039) shall be valid for three (3) years from the date of City Council approval, or until December 10, 2022 and shall become null and void if: 1) a building permits(s) have not been obtained and construction diligently commenced and pursued for all 9 buildings (45 units); 2) construction has not commenced on both Phase Two and Phase Three; 3) the project has not substantially progressed in constructions of Phase Two and Three; or 4) a time extension request has not been received before December 10, 2022. The time extension application (including project plans) must be submitted to the Planning Department with all associated fees. The time extension is subject to a public hearing and review and approval by the Planning Commission.
 - d) Once the building permit(s) is/are issued and construction and framing are commenced within the three (3) year period, then the Use Permit shall become valid and run with the land and will not have an expiration date. On-going compliance with all conditions of approval shall be required to keep the Use Permit valid.
3. Prior to completion of Phase Two, an "Interim Site Plan" for the area of Phase Three shall be submitted, to address visual conditions, dust/erosion control, security and drainage and site maintenance. This plan shall be subject to review and approval of the Community Development Department and Department of Public Works.
4. Once the Interim Site Plan is approved, all specific conditions of the interim plan for the area of Phase Three shall be installed per the approved plan, prior to final occupancy of Buildings 1 through Building 4, as approved per Phase Two construction.

The foregoing Resolution was adopted at the regular meeting of the City of San Rafael Planning Commission held on the 10th day of December 2019.

Moved by _____ and seconded by _____.

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

SAN RAFAEL PLANNING COMMISSION

ATTEST: _____
Paul A. Jensen, Secretary

BY: _____
Sarah Loughran, Chair

Exhibit 5

TABLE ANALYZING PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020

LAND USE ELEMENT	
<p>LU-2. Development Timing. 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"> a. Project-related traffic will not cause the level of service established in the Circulation Element to be exceeded; 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; c. Environmental review of needed circulation improvement projects has been completed; 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 e. Sewer, water, and other infrastructure improvements will be available to serve new development by the time the development is constructed 	<p><i>Consistent with conditions</i></p> <p>The project proposes to redevelop a lot currently developed with existing buildings used as a day care for developmentally disabled adults. The site is currently served by City infrastructure and services. The quasi-governmental agencies that would provide water and sewer service to the site have reviewed the proposed project and determined that there is adequate capacity to service the new project. Marin Municipal Water District (MMWD) has indicated that while the site is currently being served, a pipeline extension from the end of the District's existing facilities. Specific MMWD conditions of approval are included in the Design Review Permit ED18-100 (see Exhibit 4). Also, Las Gallinas Valley Sanitation District (LGVSD) has determined that the proposed project is within the Sphere of Influence and District facilities boundary. The proposed project must apply for and receive an allocation of sewer capacity from this District before it can receive sewer services. The proposed project must make satisfactory arrangements with this District for the construction of any off-site or on-site sewers which may be required. Specific LGVSD conditions of approval are included in the Design Review Permit ED18-100 (see Exhibit 4).</p> <p>The project proposes to demolish the existing one-story buildings on the site and to construct nine (9) three-story buildings with a total of 45 townhome units (a mixture of two-bedroom, three-bedroom and four-bedroom units) with garages and uncovered parking. The City Traffic Engineer has reviewed the project and the Traffic Impact Study prepared by W-Trans. The City Traffic Engineer concurs that this project would generate 17 additional a.m. and 19 additional p.m. peak hour vehicular trips beyond those that have historically existed on the site. The City Traffic Engineer concurs with the conclusion made in the Traffic Impact Study, that the project would have a less-than-significant impact for LOS levels at the study intersections. The project approval was conditioned on the payment of traffic mitigation fees based on the 36 total new a.m./p.m. peak hour vehicle trips that would be generated by the project.</p> <p><i>Consistent</i></p> <p>The site is assigned a General Plan Land Use Designation of General Commercial (GC). The GC land use designation allows residential densities of between 15-32 units per gross acre. Based on this density, the 99,150 sq. ft. site (2.28 acres) would be allowed 34 to 72 units. Gross density is used for long-range planning purposes and is the number of units per acre devoted to a site plus the area of streets and other public improvements (parks public facilities, etc. serving those areas). Gross density is approximately 20 to 30 percent lower than net density. Net density is used in the Zoning Ordinance to determine project-specific densities and is the number of dwelling units per acre of land devoted to the site. Net density does</p>
<p>LU-8. Density of Residential Development.</p> <p>Residential densities are shown in Exhibit 11, Land Use Categories, pages 38-40. 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</p>	

New 45-Unit Residential Condominium Townhomes
350 Merrdale Rd./3833 Redwood Highway

File #: ZC19-002/ED18-100/TS18-006/EX19-012/UP19-039
Title: General Plan 2020 Consistency Table
Exhibit: 5-1

Exhibit 5

TABLE ANALYZING PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020

<p>development patterns and prevailing densities of adjacent developed areas.</p>	<p>not include the area of streets and other public improvements serving those sites and is approximately 20 to 30 percent higher than gross density. The proposed zoning designation for this site is to remain a PD District but utilize the development standards and density to mirror the HR-1 zoning district which allows 1 unit for every 1,000 sq. ft. of land area. Based on this standard, the site would be allowed up to 91 units (91,150 sq. ft. of land area/ 1,000 density). The project proposes a total of 45 units and would therefore be consistent with the allowable density range. In general, the density is appropriate for the site given site given the compatibility of the surrounding area, and infrastructure and traffic capacity to support the residential development.</p> <p>As such, the 45 units proposed would be consistent with the allowable density range. The Zoning designation for the site is Planned Development (PD1594). This PD(1594) zoning is specific to the existing use on site - a day care for up to 120 developmentally disabled adults. The site has operated since 1990, under a Use Permit approved by the Planning Commission (UP90-22). However, this Use Permit does not allow residential uses and therefore the project site is required to be rezoned to a new PD to accommodate the proposed residential development project.</p> <p>Pursuant to Zoning Ordinance 14.07.035: <i>"the Community Development Director shall determine based on development characteristics, use and density, and the contiguous zoning districts, a zoning district adopted within this title that is most compatible to the PD district. The regulations and spatial standards of the most compatible zoning district shall be applied, subject to the approval of an environmental and design review permit."</i> The City supports the proposed re-zoning to a new PD District but has determined that the most compatible density would be one that incorporates the multi-family use style of the surrounding two-story, multi-family properties on the west side of Merrydale, which are zoned HR-1 (High Density Residential). Based on the HR-1 Development Standards (1 unit per 1,000 square feet of lot area) the maximum number units allowed for the base density would be 99 units on the 99,150 square foot project site. The proposed 45 units is well below the maximum HR-1 base density and the project would therefore be consistent with the allowable density range of residential development.</p> <p>State Density Bonuses for affordable housing are allowed if the project qualifies and requests a state density bonus. By providing 20% of the units as affordable 9 below market rate (BMR) units in compliance with SRMC Section 14.16.360, the project qualifies for a State Density Bonus of 21.5%. However, the applicant is not requesting a State Density Bonus to increase the number of units on site, but is proposing to use a concession</p>
<p>LU-10. Planned Development Zoning. Require Planned Development zoning for development on a lot larger than five acres in size, except for the</p>	<p><i>Consistent with Conditions</i> The existing project site is 2.28 acres, which is less than the minimum acres required for a Planned Development zoning District. However, the proposed project is an amendment to the previously approved</p>

*New 45-Unit Residential Condominium Townhomes
350 Merrydale Rd./3833 Redwood Highway*

File #: ZC19-002/ED18-100/TS18-006/EX19-012/UP19-039
Title: General Plan 2020 Consistency Table
Exhibit: 5-2

Exhibit 5

TABLE ANALYZING PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020

<p>construction of a single-family residence.</p>	<p>PD(1594) and would not further reduce lot size. The proposed development is consistent with the HRI development standards and has been recommended for approval by the Design Review Board.</p>
<p>LU-12. Building Heights. Citywide height limits in San Rafael are described in Exhibits 7 and 8. For Downtown height limits see Exhibit 9.</p>	<p><i>Consistent</i> According to Exhibit 8 (<i>Building Heights Limits in North San Rafael</i>) of the General Plan, the maximum height limit for this property is 36 feet. The General Plan defines height of a building for non-hillside as the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof. The reference datum is determined as follows: if the difference in grade between the lowest and highest grade point is greater than 10', the reference datum is located 10' vertically from the lowest grade point. The project site is nearly flat with an average cross-slope of 4.92%. The project design proposes to construct nine (9) new three-story buildings with a gable roof and a maximum height of 33.5' above finished grade. The proposed project is therefore consistent with the height limits for this site.</p>
<p>LU-14. Land Use Compatibility. Design new development in mixed residential and commercial areas to minimize potential nuisance effects and to enhance their surroundings.</p>	<p><i>Consistent</i> See H-2 discussion below. Residential Land Uses are allowed at a density of 15-32 units/acre. The project site is comprised of 2.28 acres, which would equate to an allowable density of 34-72 units. The proposed 45 residential units would be consistent with the allowable density range. The proposed project would provide a transition between the existing commercial development, two to three story residential development, and single family development in vicinity of Merrydale Road</p>
<p>LU-23. Land Use Map and Categories. 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> According to Exhibit 11 (<i>Land Use Categories</i>) of the General Plan, the General Commercial (GC) use category defines allowable land uses as "General retail and services uses, restaurants, automobile sales and service uses, and motel/hotels. Residential Land Uses are allowed at a density of 15-32 units/acre. The project site is comprised of 2.28 acres, which would equate to an allowable density of 34-72 units. The proposed 45 residential units would be consistent with the allowable density range.</p>

Exhibit 5

TABLE ANALYZING PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020

HOUSING ELEMENT	
<p>H-2. Design That Fits into the Neighborhood Context. Design new housing, remodels and additions to be compatible in form to the surrounding neighborhood. Incorporate transitions in height and setbacks from adjacent properties to respect adjacent development character and privacy. Respect existing landforms and minimize effects on adjacent properties.</p>	<p><i>Consistent with Condition</i></p> <p>The project is located adjacent to the San Rafael Meadows Neighborhood, in a mixed commercial area, is characterized by one, two and three story apartment complexes and commercial buildings, Hwy 101 freeway and highway on/off ramps, a residential care facility and restaurants along the southern portion of Merrydale Road, and single family development to the west of Merrydale Road. The project site itself is bounded by a blue-line creek to the north, multi-family residential to the south and State Hwy 101 to the east, along Redwood Highway. The Design Review Board (DRB) reviewed the project as in two meetings- once as a concept review (July 17, 2018) and once as a formal project review (August 6, 2019). The DRB recommended approval of the project design with some modifications to the site plan, community room and the creek promenade area.</p>
<p>H-3. Public Information and Participation. Provide information on housing programs and related issues. Require and support public participation in the formulation and review of the City's housing policy, including encouraging neighborhood involvement in development review. Work with community groups to advocate programs that will increase affordable housing supply and opportunities. Ensure appropriate and adequate involvement so that the design of new housing will strengthen the character and integrity of the neighborhood.</p>	<p><i>Consistent</i></p> <p>The project has been reviewed by the public during a Neighborhood Meeting with the project sponsor on July 25, 2019. City staff also attended this meeting to answer questions about the design review process. The project sponsor also met separately with the San Rafael Meadows Neighborhood Association and other neighbors to present the project. The public also participated in reviewing the project during the Conceptual Design Review public hearing (July 17, 2018) and the formal Design Review Board hearing (August 6, 2019). The project design has, generally, not changed over the course of the public review in terms of bulk and mass. The number of units proposed changed from 44 units to 45 units, and the proposed roof decks were eliminated due to public concerns about privacy and to reduce bulk and mass on site. The project has consistently proposed to demolish the existing one-story classroom buildings on site and construct a nine (9) new, three-story residential buildings with a total of 45-units, with 94 on-site garage parking spaces and 7 on-site uncovered parking spaces.</p>
<p>H-14. Adequate Sites. 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</p>	<p><i>Consistent</i></p> <p>See LU-8 discussion above. The proposed new residential development serves to accommodate the projected need for 1,007 additional housing units in the City by the year 2023 (Regional Housing Needs Allocation or RHNA, Page B-5, Appendix B of General Plan) by adding 45 additional for-sale housing units to the City's rental housing stock. A total of nine (9) of these housing units would be deed-restricted as 'affordable' housing; five (5) of these housing units would be deed-restricted for sale or rent to low-income households and four (4) units deed-restricted for sale or rent to moderate-income households. These would contribute to the City's need for 148 low-income housing units and 181 moderate housing units by the year 2023.</p>

Exhibit 5

TABLE ANALYZING PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020

<p>providing shared use of the site or area.</p> <p>H-14a. Residential and Mixed Use Sites Inventory. 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 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>H-14b. Efficient Use of Multifamily Housing Sites. Do not approve residential-only development below minimum designated General Plan densities unless physical or environmental constraints preclude its achievement. Residential-only projects should be approved at the mid- to high-range of the zoning density. If development on a site is to occur over time the applicant must show that the proposed development does not prevent subsequent development of the site to its minimum density and provide guarantees that the remaining phases will, in fact, be developed.</p>	<p>This site is not an existing multi family housing site, therefore does not need to be approved and the mid to high point of the density range. Furthermore, this site is not listed in the housing opportunity site in Appendix B of the Housing element.</p>
<p>H-15. Infill Near Transit. 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>H-15b. Civic Center Station Area Plan. 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</p>	<p><i>Consistent</i></p> <p>The new residents at 350 Merrydale will have easy access to nearby Golden Gate Transit bus stop routes along Merrydale, North San Pedro Road, Lincoln Avenue as well and regional transit options at the nearby bus stops along Hwy 101 North and South on/off-ramps.</p> <p>The legal existing access to the SMART Civic Center Station from the project site for pedestrian/bicyclists would be to head west down Las Gallinas Avenue to the signalized pedestrian crossing and then access the multi-use pathway (MUP) and go northeast to the station. The proposed project is located approximately .6 miles from the Civic Center SMART station, about an 11 minute walk. SMART staff (Libby Payan, Assistant Planner) has reviewed the proposed project and indicated that there is no plan by SMART to provide any kind of formal link from the Civic Center Station to the project site to Merrydale Road. There</p>

Exhibit 5

TABLE ANALYZING PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020

<p>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>is an existing MUP on the west side of the tracks from Smith Ranch Road to the Civic Center. However, there is no formal plan to construct a MUP on the east side of the tracks.</p>								
<p>H-19a. Inclusionary Housing. The City requires residential projects to provide a percentage of affordable units on site and/or pay in-lieu of fees for the development of affordable units in another location. The City's program requires the units remain affordable for the longest feasible time, or at least 55 years. The City's primary intent is the construction of units on-site. The units should be of a similar mix and type to that of the development as a whole and dispersed throughout the development. If this is not practical or not permitted by law, the City will consider other alternatives of equal value, such as in-lieu fees, construction of units off-site, donation of a portion of the property for future non-profit housing development, etc. Allow for flexibility in providing affordable units as long as the intent of this policy is met. Specific requirements are:</p> <table border="1" data-bbox="397 128 568 787"> <thead> <tr> <th>Project Size</th> <th>% Affordable Units Req'd</th> </tr> </thead> <tbody> <tr> <td>2 – 10 Housing Units*</td> <td>10%</td> </tr> <tr> <td>11 – 20 Housing Units</td> <td>15%</td> </tr> <tr> <td>21+ Housing Units</td> <td>20%</td> </tr> </tbody> </table> <p>* Exemptions for smaller projects units may be provided for in the</p> <p>Rental Units. Provide, consistent with State law, a minimum of 50% of the BMR units affordable to very low-income households at below 50% of median income, with the remainder affordable to low income households at</p>	Project Size	% Affordable Units Req'd	2 – 10 Housing Units*	10%	11 – 20 Housing Units	15%	21+ Housing Units	20%	<p><i>Consistent</i></p> <p>See H-14 discussions above. The project would comply with the City's affordable housing requirement by providing 20% of the units as affordable - a total of nine (9) below market rate or BMR units. According to Marin Housing, the sale price for these units would be 65% of the Median Income for low-income units and 90% of the Area Median Income for the moderate-income units.</p>
Project Size	% Affordable Units Req'd								
2 – 10 Housing Units*	10%								
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<p>50-80% of median income. Sale/Ownership Units. Provide a minimum of 50% of the BMR units affordable to low income households at 50-80% of median income, with the remainder affordable to moderate income households at 80-120% of median income. Calculation of In-lieu Fee. Continue to provide a calculation for in-lieu fees for affordable housing. For fractions of affordable units, if 0.5 or more of a unit, the developer shall construct the next higher whole number of affordable units, and if less than 0.5 of a unit, the developer shall provide an in-lieu fee.</p>	
<p align="center">NEIGHBORHOODS ELEMENT</p> <p>NH-2. New Development in Residential Neighborhoods. Preserve, enhance and maintain the residential character of neighborhoods to make them desirable places to live. New development should:</p> <ul style="list-style-type: none"> • Enhance neighborhood image and quality of life, • Incorporate sensitive transitions in height and setbacks from adjacent properties to respect adjacent development character and privacy, • Preserve historic and architecturally significant structures, • Respect existing landforms and natural features, • Maintain or enhance infrastructure service levels, and • Provide adequate parking. 	<p align="center"><i>Consistent</i></p> <p>See H-2 discussion above. The project design, as revised and conditioned will add a three-story residential development with 94 parking spaces to a site with existing one-story buildings. This will be a change in the existing aesthetic in the area. However: 1) the proposed 4.5 unit development will be consistent with the maximum allowable General Plan 2020 density for the site (1.5-3.2 units/acre = 3.4-7.2 units), based on 2.28 acres of total lot area, 2) the project will be consistent with the minimum required yard setbacks, lot coverage and usable open space per unit for the most comparable zoning district (the adjacent HRI 1 Zoning District), 3) the proposed height of the buildings is 33.5', which is less than the maximum height allowed for the project site (36'); and 4) the project will be consistent with the minimum landscaping requirement for the project site, which is 50% of the required front and street side yards in the HRI 1 District. In addition, 13 existing trees (including Redwoods) would be preserved along the perimeter of the site and new landscaping would be added to the site, including 55 new trees and 2,651 shrubs.</p> <p>The south side of the creek promenade is proposed to be enhanced, transformed from the existing paved parking lot to a landscaped area which will offer benches, removable bollards/fencing, walkways and passive play areas for children. The creek promenade will serve as a "dual use" area, designed for both pedestrian open space areas with a 10' maintenance easement (designed with permeable pavers) to allow creek maintenance when necessary. At the request of the DRB, the applicant added a "Community Room" on the ground level of Building #4. The community room will include indoor space as well as a 480 sf outdoor patio area with a BBQ area.</p>

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<p>NH-3. Housing Mix. Encourage a housing mix with a broad range of affordability, character, and sizes. In areas with a predominance of rental housing, encourage ownership units to increase the variety of housing types.</p>	<p><i>Consistent</i> The proposed project is a 45-unit for-sale condominium project and would include nine (9) below market rate (BMR) unit. Five units would be available to low-income households and four (4) would be available to moderate-income households. There will be five (5) different Floor Plan Types comprising a mixture of 2-, 3- and 4-bedroom units ranging in size from 1,285 sf to 2,119 sf. The BMR units will be available as 1 bedroom, 2-bedroom and 3 bedroom units throughout the project site.</p>
<p>NH-17. Competing Concerns. In reviewing and making decisions on projects, there are competing economic, housing, environmental and design concerns that must be balanced. No one factor should dominate; however, economic and housing development are high priorities to the health of Downtown.</p>	<p><i>Consistent</i> See LU-8, H-2, H-14 and NH-15 discussions above. The project proposes to demolish all existing structures on the site and construct a residential development that complies with the City's affordable housing requirement, providing a total of nine (9) below market rate or BMR units. The existing creek at the south end of the property would be protected and enhanced by creating a pedestrian walkway and additional landscaping along the creek bank.</p>
<p>NH-151. New Development. New development and significant remodels should retain the existing neighborhood character, particularly in areas of smaller or historic homes.</p>	<p>See H-2 Discussion</p>
<p>NH-86. Design Considerations for Development in the Vicinity of the Civic Center.</p> <ul style="list-style-type: none"> A. Require urban design analysis to assure compatibility of materials, color and building masses with Civic Center. B. Require functional inter-connection with Civic Center. C. Design to complement Civic Center architecture rather than compete. D. Site design should retain vistas where feasible to Mt. Tamalpais. E. Encourage retention of existing historic structures. F. Encourage the County to enhance the Civic Center Drive area with safe and pleasant 	<p><i>Consistent</i> The amended Civic Center Station Area Plan was adopted by the City Council on September 16, 2013. The plan was put forth a "vision" for the ½ mile area surrounding the Civic Center SMART station, which includes: 1) maximum residential density of 44 units/acre (project site proposes 19 units/acre), 2) building heights limited to 36 feet, except in the neighboring single family residential neighborhood, where the height limit is 30 feet (the project proposes a building height of 33.5' and eliminated the proposed roof decks based on concerns by neighbors about lack of privacy), 4) building articulation and varied setback to prevent a solid wall appearance (the proposed buildings along Merrydale are setback 15 feet from the property line, are designed with articulation with windows and terraces, trees and low shrubs. In addition, varied building materials will provide visual interest. In addition, new street trees will be planted along the Merrydale frontage and additional shrubs will be planted throughout the project site); and 5) encourage multi-family housing on properties closest to the Civic Center SMART station (the project site is located adjacent to the last developed lot on the east side of Merrydale Street (Public Storage business)).</p>

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<p>G. Encourage the County to have proposals go through Design Review process, and involve North San Rafael community in evaluation of design, etc.</p> <p>H. Implement the recommendations identified in the Civic Center Station Area Plan completed in 2011.</p>	
<p>NH-128. Sidewalk Improvements. Provide sidewalks that are safe and attractive to walk along</p>	<p><i>Consistent</i></p> <p>The proposed project would include installation of a new sidewalk along a portion of the east side of Merrydale Road fronting on the project site. Also, the project will be required to provide improvements along Merrydale Road in keeping with the 2018 adopted update of the San Rafael Bicycle/Pedestrian Master Plan. The Plan identifies Merrydale Road for a Class III Bike Route. Currently, the “link” to the SMART train for a pedestrian/cyclist would be to head west down Las Gallinas Ave, where they would reach the signalized pedestrian grade crossing, allowing them to legally cross the railroad tracks and access the existing SMART Multi-Use Path (MUP) on the west side of the tracks. SMART has reviewed the project and indicated to Planning staff that at this time, there are no plans to construct an additional MUP on the east side of the tracks, and no plans for a pedestrian path from Merrydale Road.</p>
<p>NH-129. Neighborhood Parking. Provide street parking that is convenient and does not dominate the neighborhood. Require that all new residential developments provide for attractive and adequate off- street parking.</p>	<p><i>Consistent</i></p> <p>As a result of the new development, the existing curbs providing entry into the project site along the east side of Merrydale Road would be reconfigured. There are five (5) existing on-street spaces and the project would add four (4) additional spaces for a total of 9 on-street parking spaces.</p>
<p>NH-142. Redwood Highway Improvements. Upgrade and unify the architecture, signage and landscaping along Redwood Highway on the east side of Highway 101.</p>	<p><i>Consistent</i></p> <p>The proposed project is accessible from Redwood Highway. The existing Redwood Hwy public right-of-way ends at the project site, which is currently fenced. However, the project proposes to create a new roadway to serve the development, which will continue north and terminate at the creek. The new private street will also provide an access roadway through the development to Merrydale Road. Pedestrians and bicyclists can access the creek promenade via this newly created private portion of Redwood Highway. Only one (1) existing tree will be removed along the Redwood Highway frontage. Four (4) existing trees will remain along the Redwood Highway frontage (Pine, Oak and Redwood), and new evergreen trees would be planted along the Redwood Highway frontage.</p>

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<p>NH-148. Residential Use at the End of Merrydale Road. Evaluate amending the General Plan and Zoning Ordinance to promote residential uses at the end of Merrydale Road.</p>	<p><i>Consistent</i> The proposed project would introduce 45 new residential units adjacent to existing multi-family and single family housing, replacing an existing under-utilized school site.</p>
<p align="center">COMMUNITY DESIGN ELEMENT</p> <p>CD-2. Neighborhood Identity. Recognize and promote the unique character and integrity of the city's residential neighborhoods and Downtown. Strengthen the "hometown" image of San Rafael by:</p> <ul style="list-style-type: none"> • Maintaining the urban, historic, and pedestrian character of the Downtown; • Preserving and enhancing the scale and landscaped character of the City's residential neighborhoods; • Improving the appearance and function of commercial areas; and • Allowing limited commercial uses in residential neighborhoods that serve local residents and create neighborhood-gathering places. 	<p><i>Consistent</i> See H-2, NH-2, NH86 and NH-148 discussion above. The project site is located across the street from The San Rafael Meadows, an established and predominantly singly family neighborhood on the west side Merrydale Road. The identity of this neighborhood is essentially in the interior lots of the area, which are quiet and tree lined. The project site is also adjacent to an existing multi-family two-story residential building and a storage facility. The "neighborhood identity" of the vicinity on Merrydale (south of North San Pedro Road) is a mixture of restaurants, senior housing for adults needing care, multi-family residential buildings, Hwy 101 free-way on/off ramps, and a storage facility at the terminus of Merrydale Rd street terminus. The proposed project would be a transition between the multitude of uses. The project would re-activate the site and bring a greater level of pedestrian activity along Merrydale Road.</p>
<p>CD-3. Neighborhoods. Recognize, preserve and enhance the positive qualities that give neighborhoods their unique identities, while also allowing flexibility for innovative design. Develop programs to encourage and respect the context and scale of existing neighborhoods.</p>	<p><i>Consistent</i> See CD-2 and NH-2 discussion above.</p>
<p>CD-5. Views. 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>Consistent</i> See NH-86 discussion above. The western portion of the project site is located adjacent to the Hwy 101 freeway. Photosimulations were submitted with the project application, from locations requested by staff, to show the impacts from the scale of the project design on views on the surrounding areas from public streets. The Design Review Board (DRB) has reviewed potential view impacts resulting from the project design, in addition to all applicable development standards and design criteria and guidelines, and recommended approval of the project on August 6, 2019, subject to changes to the location of outdoor air</p>

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	<p>conditioning units and the design of the "Community Room". The applicant implemented the requested changes, which were reviewed by Planning staff.</p> <p align="center"><i>Consistent</i></p> <p>See H-2, and NH-2 discussion above. The project site is proposing to rezone the site to HR1, and complies with the HR-1 development standards, similar to the adjacent properties on the east side of Merrydale Road. The original proposal for roof decks were eliminated in response to neighbor concerns about privacy. The height is 33'6", which is below the 36 foot height limit allowed in the HR1 Zoning District neighborhoods.</p>
<p>CD-11. Multifamily Design Guidelines. Recognize, preserve and enhance the design elements that ensure multifamily housing is visually and functionally compatible with other buildings in the neighborhood. Develop design guidelines to ensure that new development fits within and improves the character defining elements of neighborhoods.</p>	<p align="center"><i>Consistent</i></p> <p>The project is designed with private balconies as well as pedestrian "paseos" throughout the project site. These paseos will provide a place for residents to walk within the site and also tie in to access for the open space along the newly enhanced creek promenade area. The south side of the creek promenade will be transformed from the existing paved parking lot to a landscaped area which will offer benches, removable bollards/fencing, walkways and passive play areas for children. The creek promenade will serve as a "dual use" area, designed for both pedestrian open space areas with a 10' maintenance easement (designed with permeable pavers) to allow creek maintenance when necessary. At the request of the DRB, the applicant added a "Community Room" on the ground level of Building #4. The community room will include indoor space as well as a 500 sf outdoor patio area with a BBQ area.</p>
<p>CD-14. Recreational Areas. In multifamily development, require private outdoor areas and on-site common spaces for low and medium densities. In high density and mixed-use development, private and/or common outdoor spaces are encouraged. Common spaces may include recreation facilities, gathering spaces, and site amenities such as picnicking and play areas.</p>	<p align="center"><i>Consistent</i></p> <p>See H-3 discussion above. The proposed project has provided for effective citizen participation in decision-making, given that: the City has provided opportunities for public involvement in the review of the project through the referral of the Pre-application to the appropriate neighborhood group (San Rafael Meadows Neighborhood Association), notice of the Conceptual Design Review, and the referral, notice and hearings of formal project review in compliance with Chapter 29 of the Zoning Ordinance (<i>Public Notice</i>). Notice of the Design Review Board (DRB) meeting and this Planning Commission hearing were mailed to all property owners and occupants within a 300-foot radius of the site, and the appropriate neighborhood groups, 15 calendar days prior to the meetings (DRB) or PC hearing (20 day review time, due to the added review of the CEQA Initial Study/Mitigated Negative Declaration. In addition, a public hearing notice was posted on the project site at two (2) locations along both the Merrydale frontage and the Redwood Highway frontage. Comments were provided during the DRB review process, and these and any additional comments are included in the staff report to the Commission.</p>
<p>CD-15. Participation in Project Review. Provide for public involvement in the review of new development, renovations, and public projects with the following</p> <ul style="list-style-type: none"> • 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; • Distribution of the procedures of the development process that include the following: submittal information, timelines for public review, and public notice requirements; • Standardized thresholds that state when design review of projects is required (e.g. residential conversions, second-story additions); and 	

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<ul style="list-style-type: none"> • Effective public participation in the review process. 	
<p>CD-18. Landscaping. Recognize the unique contribution provided by landscaping and make it a significant component of all site design.</p>	<p><i>Consistent with conditions</i></p> <p>A total of 28 trees are proposed to be removed from the project site, primarily in the interior portion of the site. However, 13 existing trees around the perimeter of the site will remain. In addition, a total of 55 trees are proposed to be planted, in addition to 2,651 new shrubs throughout the project site (including in the bio-retention areas on site). The DRB reviewed the project design (including landscaping) and on August 6, 2019, the DRB recommended approval of the project design.</p>
<p>CD-19. Lighting. Allow adequate site lighting for safety purposes while controlling excessive light spillover and glare.</p>	<p><i>Consistent with Condition</i></p> <p>The project design includes a total on nine (9) new light poles 12 feet in height and 46 small light bollards along the creek promenade and throughout the project site. A photometric Plan was submitted and reviewed by the DRB and recommended for approval. SRMC Section 14.16.227 (Light and Glare) stipulates the following standards:</p> <p>14.16.277.A. Glossy finishes and reflective glass such as glazed or mirrored surfaces are discouraged and prohibited where it would create adverse impact on pedestrian or automotive traffic or on adjacent structures.</p> <p>14.16.227. B. Lighting fixtures should be appropriately designed and/or shielded to conceal light sources from view off-site and avoid spillover onto adjacent properties.</p> <p>14.16.227.C. The foot-candle intensity of lighting should be the minimum amount necessary to provide a sense of security at building entryways, walkways and parking lots. In general terms, acceptable lighting levels would provide one (1) foot candle at ground level overlap at doorways, one-half (1/2) foot candle at ground level overlap at walkways and parking lots and fall below one (1) foot-candle at the property line area.</p> <p>14.16.227.F. Maximum wattage of lamps shall be specified on the plans submitted for electrical permits</p> <p>14.16.227.G. All new lighting shall be subject to a 90-day post-installation inspection by the City to allow for adjustment and assure compliance with this section. The DRB review of the proposed lighting plan, coupled with the post-installation lighting review will ensure that all lighting sources provide safety for the building occupants while not creating a glare or hazard on adjacent streets or be annoying to adjacent residents.</p>

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CIRCULATION ELEMENT	
<p>C-7. Circulation Improvements Funding. 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>C-7a. Traffic Mitigation Fees. Continue to implement and periodically update the City's Traffic Mitigation Program.</p>	<p><i>Consistent with Conditions</i> See LU-2 discussion above. The proposed project will result in additional trips generated at the site. Based on the Traffic Impact Study, the project would result in a total of 36 trips (17 AM peak hour and 19 PM peak hour trips). Using current traffic mitigation fee rates, the proposed project has been conditioned to require a payment of an estimated traffic mitigation fee of \$152,856. This fee shall be calculated and due at the time of building permit issuance.</p> <p>The IS/MND determined <i>Transportation/Traffic</i> impacts resulting from the project would result in a less-than-significant impact with mitigation measures. These mitigation measures have been included under Transportation as TRANS-1 in the Mitigation Monitoring and Reporting Program Exhibit 2. Furthermore, the project is within the intensity of development and maximum density of development assumed under the San Rafael General Plan 2020 (1.5-32 units per acre or 34-72 dwelling units) and, therefore, cumulative impacts have been analyzed and found to be acceptable.</p>
<p>C-26. Bicycle Plan Implementation. Make bicycling and walking an integral part of daily life in San Rafael by implementing the San Rafael's Bicycle and Pedestrian Master Plan.</p>	<p><i>Consistent</i> The proposed project will add a new sidewalk along the portion of Merrydale fronting on the project site. Also, the project will be required to provide improvements along Merrydale Road in keeping with the 2018 adopted update of the San Rafael Bicycle/Pedestrian Master Plan. The Plan identifies Merrydale Road for a Class III Bike Route. The project will be required to provide signage for a Class III Bike Lane along the Merrydale project frontage, as determined by the City Traffic Engineer. Currently, the "link" to the SMART train for a pedestrian/cyclist would be to head west down Las Gallinas Ave, where they would reach the signalized pedestrian grade crossing, allowing them to legally cross the railroad tracks and access the existing SMART Multi-Use Path (MUP) on the west side of the tracks. SMART has reviewed the project and indicated to Planning staff that at this time, there are no plans to construct an additional MUP on the east side of the tracks, and no plans for a pedestrian path from Merrydale Road.</p>
<p>C-31. Residential Area Parking. Evaluate effective means to manage residential parking to minimize the impacts of excess demand.</p>	<p><i>Consistent</i> The project proposes to provide on-site parking for all 45-units and complies with the SRMC Chapter 18 parking requirements for multi-family housing and also complies with the State Density Bonus parking requirements (which allows tandem parking) by providing a total of 94 parking spaces on site. The project would also add four (4) new on-street parking spaces to the existing five (5) spaces on the east side of</p>

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	Merrydale as a result of the curb cut reconfiguration for the project.
INFRASTRUCTURE ELEMENT	
<p>I-2. Adequacy of City Infrastructure and Services. Assure that development can be adequately served by the City's infrastructure and that new facilities are well planned and well designed.</p>	<p><i>Consistent</i> See LU-2 discussion above. All service providers, including PG&E, Marin Sanitary Service, Marin Municipal Water District, and the City Engineer, have reviewed the project and indicated that adequate infrastructure capacity exists for the project.</p>
<p>I-10. Sewer Facilities. Existing and future development needs should be coordinated with responsible districts and agencies to assure that facility expansion and/or improvement meets Federal and State standards and occurs in a timely fashion.</p>	<p><i>Consistent</i> See discussion I-2 above</p>
SUSTAINABILITY ELEMENT	
<p>SU-5. Reduce Use of Nonrenewable Resources. Reduce dependency on non-renewable resources.</p>	<p><i>Consistent with Conditions</i> Though not initially proposed as part of the project, the project was revised at the request of the DRB to provide more sustainability on site. The revised project plans include a provision that all townhome units and stacked flats (to the extent practicable) will be provided with pre-wiring for photovoltaic rooftop solar systems. In addition, all garage units will be provided with 220-volt power points suitable for EV charging. The project will comply with the most recently adopted CBC (California Building Code) CalGreen and Title-24 Energy regulations. Conditions subject to the project to the Marin Municipal Water District's most recently adopted water conservation and gray water regulations.</p>
<p>SU-6. Resource Efficiency in Site Development. Encourage site planning and development practices that reduce energy demand, support transportation alternatives and incorporate resource- and energy-efficient infrastructure.</p>	<p><i>Consistent with Condition</i> See SU-5 discussion above.</p>
<p>SU-7. New and Existing Trees. Plant new and retain existing trees to maximize energy</p>	<p><i>Consistent</i> See CD-18 discussion above.</p>

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<p>conservation and carbon sequestration benefits.</p>	<p>A total 13 existing trees around the perimeter of the site will remain. These include seven (7) Redwoods trees. A total of 55 trees are proposed to be planted, primarily Carolina Cherry (11), Pacific Dogwood ((10) and Sweet Bay (11).</p>
<p>SU-10. Zero Waste. 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><i>Consistent</i> The project is proposing a covered and screened trash enclosure, the design and location of which has been reviewed and approved by Marin Sanitary Service (MSS). The enclosure is designed to accommodate a 4-yard bin for trash and a 2-yard bin for cardboard. It will also include a minimum of three (3) carts for glass, cardboard and food wastes. The development will be a condominium, and the HOA will be able to coordinate with MSS to determine the appropriate level of service for the site, including increases in the number of pick-ups during the week.</p>
<p>CULTURE AND ARTS ELEMENT</p> <p>CA-15. Protection of Archaeological Resources. Recognize the importance of protecting significant archaeological resources by:</p> <ul style="list-style-type: none"> • Identifying, when possible, archaeological resources and potential impacts on such resources. • Providing information and direction to property owners in order to make them aware of these resources. • Implementing measures to preserve and protect archaeological resources. <p>CA-15a. Archeological Resources Ordinance. Continue to implement the existing Archeological Resources Ordinance.</p>	<p><i>Consistent with Condition</i> See Initial Study/Mitigation Negative Declaration Mitigation Monitoring Reporting Program (CULT-1 and CULT-2), Attachment A in Exhibit 2.</p> <p>The project site consists of two adjacent parcels that will be merged as part of the proposed Tentative Map creating the condominiums. APN #179-041-27 is identified as having a “medium” archaeological sensitivity rating, APN #179-041-28 is identified as having a “high” archaeological sensitivity rating, pursuant to the City’s adoptive City of San Rafael Archaeological Sensitivity map. These Mitigation Measures will ensure that the project identify any archaeological resources if present and follow the protocol as listed in CULT-1 and CULT-2.</p> <p>Pursuant to Public Resources Code section 21080.3.1. The City of San Rafael sent a letter to the Graton Rancheria of Federated Indians on November 21, 2018 to formally begin the consultation process. The Tribe responded via letter on December 28, 2019 requesting updated consultation. San Rafael staff responded on January 29, 2019 with clarifying information and requested that Graton Rancheria of Federated Indians provide additional information if they wanted to augment or edit the City’s standard mitigation measures. The Tribe has not responded with subsequent comments. Mitigation Measure TRIBAL-1 is included in the IS/MND Mitigation Monitoring Reporting Program.</p>
<p>PARK AND RECREATION ELEMENT</p> <p>PR-10. Onsite Recreation Facilities. Require onsite</p>	<p><i>Consistent</i></p>

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<p>recreation facilities in new multifamily residential projects and encourage construction of onsite recreation facilities in existing multifamily residential projects, where appropriate.</p>	<p>See CD-14 discussion above. The project will provide a 500 square foot "community room" for the residents which will include a kitchen area and bathroom. The community room will also have sliding glass doors that open onto an approximately 500 square foot patio area, with planters seating, and a BBQ area. As a residential subdivision, the Subdivision Ordinance requires that the project pay (prior to recordation of final map, or building permit, whichever occurs first) it's fair share towards parkland dedications fees. This fee is based on the creation of 45 new lots, and is estimated at \$88,558.92</p>
<p>SAFETY ELEMENT</p>	
<p>S-1. Location of Future Development. 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><i>Consistent</i> See discussion under S-4 below. A Preliminary Geotechnical Report for the project was prepared by ENGEO (November 5, 2018). The report provided recommendations for liquefaction susceptibility, slope setback, foundations, seismic design, pavement design, drainage and stormwater retention areas. No evidence of Underground Storage Tanks (UST's) was found during subsurface exploration. The report concluded that the proposed development was feasible provided preliminary recommendations in the report and future design-level geotechnical studies are incorporated into the development during preparation of the construction plans and construction of the project. The City Engineer reviewed the Geotechnical report and recommended approval subject to conditions, would be incorporated into conditions of approval.</p>
<p>S-3. Use of Hazard Maps in Development Review. 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>Consistent</i> See discussion S-1 above.</p>
<p>S-4. Geotechnical Review. 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</p>	<p><i>Consistent with Conditions</i> See discussion under S-1 above. Mitigation Measures GEO-1, GEO-2, GEO-3, GEO-4 and HAZ-2 are included in the IS/MND as Mitigation to reduce potential impacts to a less-than-significant levels.</p>

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<p>requirements, and the feasibility and desirability of a proposed facility in a specified location.</p>	
<p>S-6. Seismic Safety of New Buildings. 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><i>Consistent with Conditions</i> The project would entail all new construction and would be built in accordance with the most current building and seismic codes as required by the City's Municipal Code.</p>
<p>S-18 Storm Drainage Improvements. Require new development to improve local storm drainage facilities to accommodate site runoff anticipated from a "100-year" storm.</p>	<p><i>Consistent with Conditions</i> The project site contains existing storm drain systems serving the surface parking lot and office building roof areas. The new development will replace an existing parking lot and similar structures on site but add more landscaping. The project proposes new storm water management including adding new bio-retention areas to control stormwater runoff. As a result, there would be a net decrease in the impervious surface area on site. The preliminary stormwater control plan has been reviewed and recommended for approval by the City Engineer. A final drainage plan is required to be reviewed and approved by the City Engineer for compliance with the Stormwater Pollution prevention program (SWPPP). A Drainage Analysis was prepared and submitted with the project application. This Drainage Analysis has been reviewed by the City Engineer which implements the Stormwater Pollution Prevention standards and regulations. As designed, the proposed project includes adequate measures to reduce stormwater run-off consistent with the standards established by the RWQCB.</p>
<p>S-25. Regional Water Quality Control Board (RWQCB) Requirements. 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><i>Consistent with conditions</i> See discussion S-18 above</p>
<p>S-32. Safety Review of Development Projects. Require crime prevention and fire prevention techniques in new development, including adequate access for emergency vehicles.</p>	<p><i>Consistent with Conditions</i> The San Rafael Fire Department, Fire Prevention Bureau, and the San Rafael Police Department have both reviewed the project plans and either required revisions to improve fire prevention and safe design, which have been incorporated in the project plans being reviewed by the Commission, or conditions have been included to require revisions to improve fire prevention and safe design.</p>

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TABLE ANALYZING PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020

NOISE ELEMENT	
<p>N-1. Noise Impacts on New Development. 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>Consistent with conditions</i> Based on information in the Acoustical Report by Illingworth and Rodkin, the IS/MND analysis indicated that Building 2 through Building 7 would also exceed the 45 dBA Ldn threshold with windows partially open. With standard construction and forced-air ventilation, allowing occupants the option of keeping windows closed to control noise, Buildings 1, 2, 8, and 9 would achieve the 40 dBA Ldn and 45 dBA Ldn thresholds. The east facades of buildings 3, 4, 5, and 6, facing US-101, would be exposed to 70 dBA Ldn. The east facade of Buildings 2 and 7 would be partially shielded by the buildings to the east and would be exposed to 67 dBA Ldn. The west facade of Buildings 1 and 9 would be exposed to traffic noise from Merrydale Rd. up to 58 dBA Ldn. These levels are in the “Clearly Unacceptable” range in Exhibit 31 of the General Plan 2020. Therefore, the Acoustical Report recommended incorporation of conditions of approval including providing suitable form or forced-air mechanical ventilation, and sound rated construction for Building 3 through Building 7 to maintain interior noise levels at acceptable levels. These conditions are listed as COA #25 in the design review Permit (ED18-100). In addition, Mitigation Measure NOISE-1 is included in the IS/MND to educe any temporary impacts due to construction noise to a less-than-significant level.</p>
<p>N-2. Exterior Noise Standards for Residential Use Areas. 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>Consistent with conditions</i> See discussion N-1 above</p>
<p>N-3. Planning and Design of New Development. Encourage new development to be planned and designed to minimize noise impacts from outside noise sources.</p>	<p><i>Consistent with conditions</i> See discussion N-1 above</p>
<p>N-5. Traffic Noise from New Development. Minimize noise impacts of increased off-site traffic caused by new development. Where the exterior L_{dn} 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</p>	<p><i>Consistent with Conditions</i> An Acoustical Assessment was prepared and submitted with the project application. The IS/MND for the project determined the existing surrounding traffic and construction noise impacts would result in a less-than-significant impact with mitigation measures. These mitigation measures have been included as NOISE-1 in the Mitigation Monitoring and Reporting Program (MMRP).</p>

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TABLE ANALYZING PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020

<p>than L_{eq} 3 dB, reasonable noise mitigation measures shall be included in the plan, program or project.</p>	
<p>CONSERVATION ELEMENT</p>	
<p>CON-6. Creek and Drainageway Setbacks. Require development-free setbacks, except for specific access points as approved per policy CON-7 (Public Access to Creeks), from existing creeks and drainageways that will maintain the functions and resulting values of these habitats. Appropriate erosion control and roadway crossings may encroach into the development setback. In the absence of vegetation, promote new growth of natural habitat.</p> <p>a. Creek Setback. Maintain a minimum 25-foot development-free setback from the top of creek banks for all new development (including, but not limited to, paving and structures), except for Miller Creek and its tributaries, where a minimum 50-foot setback shall be maintained. Setbacks up to 100 feet may be required on lots or development projects two or more acres in size where development review determines a wider setback is needed to maintain functions and resulting habitat values and in areas where high quality riparian habitat exists. The City may waive this requirement for minor encroachments if it can be demonstrated that the proposed setback adequately protects the functions of the creek to the maximum extent feasible and resulting values to the satisfaction of the City after review by the appropriate regulatory agencies.</p> <p>b. Drainageway Setbacks. Drainageway setbacks shall be established through individual development review, taking into account existing habitat functions and resulting values.</p>	<p><i>Consistent with conditions</i></p> <p>The northern portion of the project site also includes a portion of Las Gallinas Creek, running east to west across the project site. Las Gallinas Creek is identified as a blue-line creek, and SRMC Section 14.16.080 requires a twenty-five foot (25') or greater setback between any structure and the high top of the creek bank. Three (3) of the proposed 9 (nine) buildings are located near the existing creek on the north side of the property. None of the buildings would encroach into the 25' creek setback.</p> <p>The project is proposing to create a "Dual Purpose Creek Promenade" which would be designed to allow both provide pedestrian access and a 10' wide dedicated maintenance easement along the south side of the creek. These improvements would encroach into the 25' creek setback. However, SRMC Section 14.16.080.D (Creeks and Other Watercourses) specifically states that "<i>Pedestrian and bicycle access is encouraged along creek and drainageway corridors where feasible. However, they should be designed and located so as not to adversely affect important habitat areas. Creeks and drainageways should also be enhanced where feasible to serve as wildlife habitat as well as drainage facilities</i>". In terms of "encroachments", the project proposes to include new landscaping, removable benches, fencing, and active children play areas that will serve to enhance the creekside area. The fencing would be removable so that vehicles can access a 10' wide permeable paver pathway. Reinforced concrete pads would be installed on Private Alley 1 and Private Street A to support the weight of a crane if necessary for tree removal in the event of storm damage. The creek and freeway drainageway to the east would be protected from migration of debris from miscellaneous objects by a continuous mesh fence along the top of the bank. The proposed improvements have been reviewed and collective supported by Planning staff and DPW. The applicant has also presented the project to the County at their Marin Project Coordination Meeting (MPC). This is a monthly meeting hosted by the Marin County Stormwater Pollution Prevention Program (MCSTOPP) to review and guide projects through the environmental and regulatory process. The proposed project received input from staff representing the Army Corps of Engineers, Regional Water Quality Control Board, California Department of Fish and Wildlife, NOAA Fisheries and Marin County Flood Control District. The proposed creek promenade features were re-designed based on input from these agencies. The meeting is informal and is meant to provide guidance and feedback only. Formal comments and input for projects is provided once a permit application is submitted (if required). Based on the design as presented, staff has determined that the proposed development would be conditionally consistent with General Plan 2020 CON-6.</p>

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TABLE ANALYZING PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020

<p>CON-7. Public Access to Creeks. Provide pedestrian access to points along creeks throughout the City where such access will not adversely affect habitat values.</p>	<p><i>Consistent</i> See CON-6 discussion above.</p>
<p>CON-8. Enhancement of Creeks and Drainageways. Explore enhancement of, and support continuous upgrades to, drainageways to serve as wildlife habitat corridors for wildlife movement and to serve as flood control facilities to accommodate storm drainage. Require creek enhancement and associated riparian habitat restoration/creation for projects adjacent to creeks to maintain storm flows, reduce erosion and maintenance and improve habitat values, where feasible.</p>	<p><i>Consistent</i> The proposed project is consistent in that it would: 1) maintain setbacks from the creek and provide creek enhancements with added landscaping and pedestrian access point; 2) not impact a wildlife corridor since the site is currently developed and biological assessments submitted by WRA Consultants found no such corridors; 3) not impact any sensitive or threatened/endangered species or habitats; 4) has been conditioned to ensure that disturbance to any potential nesting birds be avoided during construction; 5) provide new trees and shrubs throughout the site, as well as bio-retention areas to facilitate proper site drainage; and 6) The project would provide upgraded access to the creek for emergency vehicles.</p>
<p>CON-9. Native and/or Sensitive Habitats. Protect habitats that are sensitive, rare, declining, unique or represent a valuable biological resource.</p>	<p><i>Consistent with conditions</i> See discussion CON-8 above. The IS/MND includes Mitigation Measure BIO-1 to ensure any potential impacts to nesting birds or bats and reduces to a less-than-significant level.</p>
<p>CON-14. Special Status Species. Preserve and protect special status plants and animals, including candidate species for listing under the state and federal endangered species acts, California species of special concern, California Native Plant Society List 1B plants, and other species protected under provisions of California Fish and Game Code.</p>	<p><i>Consistent</i> See discussion CON-8 above.</p>
<p>CON-16. Landscape with Native Plant Species. Encourage landscaping with native and compatible non-native plant species, especially drought-resistant species.</p>	<p><i>Consistent</i> The proposed landscape planting species were reviewed by the Design Review Board to ensure appropriate species were proposed. In addition, appropriate Agencies participating in the Marin Project Coordinating Program Meeting have provided recommendation for planting near the top of the creek bank.</p>
<p>AIR AND WATER QUALITY ELEMENT</p>	

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<p>AW-1. State and Federal Standards. Continue to comply and strive to exceed state and federal standards for air quality for the benefit of the Bay Area.</p>	<p><i>Consistent with Condition</i></p> <p>The IS/MND for the project determined <i>Air Quality</i> impacts during temporary construction and grading activities required by the project would result in a less-than-significant impact with mitigation measures. The required Air Quality mitigation measures (AQ-1, AQ-1a and AQ-2) are listed in the IS/MND Mitigation Monitoring and Reporting Program (see Exhibit 2).</p>
<p>AW-2. Land Use Compatibility. 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 about one another.</p>	<p><i>Consistent with conditions</i></p> <p>See AW-1 discussion above.</p> <p>The project will comply with all HRI development setback standards for front, side and rear yard setbacks. However, the site is located within 375 feet of the SMART railroad line. The IS/MND had determined that the air quality at this distance from the SMART train tracks would not exceed BAAQMD significance thresholds. The project site the site is located approximately 100 feet west of Hwy 101. The IS/MND has indicated that the proposed residential use would expose potential "sensitive receptors" to Toxic Air Contaminants (TAC's) at a level that would be a potentially significant impact. Sensitive receptors are defined by BAAQMD as children, the elderly, the acutely ill and the chronically ill. It essentially can also be applied to any residential development as well. The IS/MND determined that the "cumulative community risk" at the project site from the SMART train and the combined TAC and particulate matter (PM 2.5 sources) would not exceed BAAQMD risk levels. Implementation of Mitigation Measure AQ-2 would reduce the risk to a less-than-significant level.</p>
<p>AW-4. Particulate Matter Pollution Reduction. Promote the reduction of particulate matter pollution from roads, parking lots, construction sites, agricultural lands and other activities.</p>	<p><i>Consistent</i></p> <p>See discussion AW-1 above.</p>
<p>AW-7. Local, State and Federal Standards. Continue to comply with local, state and federal standards for water quality.</p>	<p><i>Consistent</i></p> <p>The project would be required to comply with the City's Stormwater Pollution Prevention standards which are derived from the Regional Water Quality Board. The drainage plan is designed to be consistent with the stormwater pollution standards by treating roof rainwater runoff on-site in landscape bioswale filtration areas, located through the project, before it enters into the City's storm drain system.</p>
<p>AW-8. Reduce Pollution from Urban Runoff. Address non-point source pollution and protect receiving waters from pollutants discharged to the storm drain system by</p>	<p><i>Consistent</i></p> <p>See AW-7 discussion above. Furthermore, a standard condition of approval has been included requiring the project implement a storm water pollution and prevention plan (SWPPP) and Best Management Practices</p>

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<p>requiring Best Management Practices quality.</p> <ul style="list-style-type: none"> • 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. • 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. • Where feasible, use vegetation to absorb and filter fertilizers, pesticides and other pollutants. 	<p>to minimize impacts on water quality and non-point source pollution discharge into the storm water system.</p>
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Exhibit 6

TABLE ANALYZING PROJECT COMPLIANCE WITH SAN RAFAEL ZONING ORDINANCE (TITLE 14)

CHAPTER 14.07 – PLANNED DEVELOPMENT (PD)	
<p>14.07.010 - Specific Purposes. The specific purposes of the planned development (PD) district are to:</p> <p>A. Promote and encourage cluster development on large sites to avoid sensitive areas of property;</p> <p>B. Encourage innovative design on large sites by allowing flexibility in property development standards;</p> <p>C. Encourage the establishment of open areas in land development;</p> <p>D. Encourage the assembly of properties that might otherwise be developed in unrelated increments to the detriment of surrounding neighborhoods;</p> <p>E. Establish a procedure for the development of large lots of land in order to reduce or eliminate the rigidity, delays and conflicts that otherwise would result from application of zoning standards and procedures designed primarily for small lots;</p> <p>F. Accommodate various types of large-scale, complex, mixed-use, phased developments;</p> <p>G. Enable affected governmental bodies to receive information and provide an integrated response to both the immediate and long-range impacts of such proposed developments.</p>	<p><i>Consistent</i></p> <p>The property is being rezoned to a new PD in order to accommodate the proposed residential use on site. The project proposes to demolish the existing single-story classroom buildings on site and construct nine (9) three-story residential buildings with a total of 45 residential units and 94 on-site parking spaces. The project is proposing to be a “phased” development, with “pre-phase” on and off site improvements tentatively commencing in the Spring of 2020, and Phase 1 (Buildings 1-4 on the north portion of the property) commencing in the Summer of 2020. The project description (Page 14) indicates that final construction of Buildings 5-9 would be completed by the Summer of 2022. The Master Use Permit (UP18-039) contains conditions of approval for the phasing timelines.</p> <p>The project site also includes the Las Gallinas Creek on the north (within the property) and is subject to a 25’ creek setback regulation. The project proposes enhancements to the creek, providing a “dual use” creek promenade that would provide landscaping and new recreational amenities for residents and the public, as well as a 15’ roadway for maintenance access. The project proposes common outdoor “paseos” within the project site as pedestrian walkways connecting to the creek, as well as individual private balconies as amenities for each building. There is also a 500 sf “community room” and 500 sf outside patio with BBQ equipment.</p> <p>A Draft Initial Study/Mitigated Negative Declaration was prepared for the proposed development and circulated to the public as well as governmental agencies for review within the required 30-day public review period.</p>
<p>14.07.020 - Land Use Regulations (PD)</p> <p>A. No use other than an existing use or a temporary use approved pursuant to section D, below, shall be permitted in a PD district except in accord with a valid development plan. Any permitted or conditional use authorized by this title may be included in an approved development plan, consistent with the general plan land use designation(s) and intensities for</p>	<p><i>Consistent</i></p> <p>The project proposes to redevelop the project site with 45 for-sale townhome units. The project site is currently zoned PD(1594), which does not allow residential uses. Therefore, both parcels would have to be rezoned to accommodate the proposed project. When a PD zoning does not allow for a proposed development, the applicant needs to either: 1) request a Rezoning to a standard (conventional zoning district, such as High Density Residential);</p>

New 45-Unit Residential Condominium Townhomes
350 Merrydale Rd/3833 Redwood Hwy.

File #: ED18-100/TS18-006/EX19-012/UP18-039
Title: Zoning Ordinance Consistency Table
Exhibit: 6-1

EXHIBIT 6

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TABLE ANALYZING PROJECT COMPLIANCE WITH SAN RAFAEL ZONING ORDINANCE (TITLE 14)

<p>land within the PD district. The PD zoning approval shall establish the range of allowable land uses for the development.</p> <p>B. A master use permit or individual use permits may be required to establish specific uses on the property consistent with general plan land uses and parking standards. A master use permit shall be required for nonresidential, phased and/or multi-tenant development.</p>	<p>or 2) amend the PD to a new PD District, with appropriate standards set forth specifically to specifically allow residential use.</p> <p>Pursuant to Zoning Ordinance 14.07.035: <i>"the Community Development Director shall determine based on development characteristics, use and density, and the contiguous zoning districts, a zoning district adopted within this title that is most compatible to the PD district. The regulations and spatial standards of the most compatible zoning district shall be applied, subject to the approval of an environmental and design review permit."</i></p> <p>The City supports the proposed re-zoning to a new PD District and determined that the most compatible rezoning would be one that incorporates the style of the surrounding two-story, multi-family properties on the west side of Merrydale Road, which are zoned HR1 (High Density Residential). This design choice is more appropriate than using the R7.5 (Single Family Zoning) design of the single-family residential homes along the east side of Merrydale Road.</p> <p>In terms of density, SRMC Section 14.17.030 stipulates that <i>"the total number of dwelling units in a PD plan shall not exceed the maximum permitted by the General Plan 2020 density for the total site area."</i> The underlying General Plan Designation for the property is General Commercial, which allows a residential density of 15-32 units/gross acre. This equates to between 34 units to 72 units allowed on the approximately 2.28 gross acre site. As such, the proposed 45 units would be consistent with the allowable density range under the GP 2020. State Density Bonuses for affordable housing are allowed if the project qualifies and requests a state density bonus. The applicant is not requesting a State Density Bonus to increase the number of units on site. Based on the HR1 Development Standards (1 unit per 1,000 square feet of lot area) the maximum number units allowed for the base density would be 99 units on the 99,150 square foot project site. The proposed 45 units is well below the maximum HR1 base density.</p> <p>The project is proposing to rezone the parcel to a new PD. The new PD would designate the proposed 45-unit condominium project as the new development on the site. As designed, the project is consistent with all of the applicable property development standards for the HR1 Zoning District, including required front/rear/side yard setbacks, maximum building height (36"), maximum lot coverage (60%), minimum landscaping (50%), useable open space (minimum 100 sf/unit for private and/or public open space) and required parking. The required rezoning will trigger Environmental (CEQA) Review (Initial Study/Negative Declaration), and City Council approval with the recommendation</p>
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CHAPTER 16 – SITE DEVELOPMENT STANDARDS	
<p>14.16.030 - Affordable Housing Requirement. Any new residential and mixed-use development projects with 21 or more housing units shall provide a minimum 20% ‘affordability’. Residential ‘ownership’ projects shall provide a minimum 50% of the required affordable units at the <u>low-income</u> household level and the remainder at the <u>moderate-income</u> household levels. By meeting specific affordability requirements at the low-income household level, a project is eligible for a State Density bonus of up to 35% and three (3) concessions.</p>	<p><i>Consistent</i> Both the City’s General Plan (Housing Policy H-19: <i>Inclusionary Housing Requirement</i>) and Zoning Ordinance (Section 14.16.030: <i>Affordable Housing Requirement</i>) further require that housing projects, which propose more than 20 new units, provide 20% of the total units at ‘below market rates’ (BMR units). Based on the 20% “affordability” requirement, the project would be required to provide 9 BMR units (20% x 45units = 9 units). For ownership units, a minimum of 50% of the required BMR units (5 units) shall be made affordable to <i>low-income</i> households with the remainder (4 units) affordable to <i>moderate-income</i> households. The applicant will coordinate with Marin Housing to create a formal BMR agreement that will be approved by the City Council. As an affordable housing project providing 9 BMR units, the project qualifies for one (1) parking concession, which allows the parking on site to be provided through tandem and uncovered spaces. Guest parking and ADA parking are considered inclusive of the required parking as part of the parking concession. Out of the 94 parking spaces on site, most will be two-car side-by-side garage parking, with 20 of the garages designed as tandem spaces. There will also be seven (7) uncovered parking spaces (including 1 ADA space) located on Privates Street “A” and “B”.</p>
<p>14.16.080 – Creeks and Other Watercourses. Improvements on a lot which is adjacent to, or contains, a creek, drainage way, or the San Rafael Canal shall be subject to the following provisions: A. Setback. Creek setbacks shall be determined based on the setback criteria in subsection C below. These setbacks should include a twenty-five foot (25’) or greater setback between any structure and the high top of the creek bank. On lots two (2) or more acres in size, a twenty-five-foot (25’) to one hundred-foot (100’) setback between any structure and the high top of the creek bank shall be provided.</p>	<p><i>Consistent with conditions</i> SRMC Section 14.16.080 requires a twenty-five foot (25’) or greater setback between any structure and the high top of the creek bank. None of the proposed residential buildings would encroach into the 25’ creek setback. The project proposes to enhance the creek by designing a dual purpose 10’ wide linear paved path. Vehicular access for Marin County Flood Control District (MCFCD)/City of San Rafael creek maintenance vehicles will be provided from Private Alley 1 and Private Street B at which points there will be reinforced paved concrete pads for a crane to use in the event a tree needs to be removed from the creek. Three sections of removable fence will be provided for direct creek access. The creek and the freeway drainage way will be protected from the migration of debris and other objects with a continuous mesh fence along the top of bank.</p>

New 45-Unit Residential Condominium Townhomes
350 Merrydale Rd/3833 Redwood Hwy.

File #: ED18-100/TS18-006/EX19-012/JP18-039
Title: Zoning Ordinance Consistency Table
Exhibit: 6-3

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TABLE ANALYZING PROJECT COMPLIANCE WITH SAN RAFAEL ZONING ORDINANCE (TITLE 14)

<p>C. Setback Criteria. Adequate setback between creeks and/or drainageways and a structure shall be determined based on the following criteria:</p> <ol style="list-style-type: none"> 1. The setback provides for adequate maintenance, emergency vehicle access, adequate debris flow avalanche corridors, flood control and protection from damage due to stream bank undercutting; 2. The setback adequately protects and preserves native riparian and wildlife habitat; 3. The setback protects major view corridors and provides for recreation opportunities where appropriate; and 4. The setback permits provision of adequate and attractive natural landscaping. <p>D. Setback, San Rafael Canal. No new building or substantial reconstruction of an existing building should be located within twenty-five feet (25') of the top of the bank or bulkhead along both sides of the San Rafael Canal between Highway 101 and the mouth of the canal. Upon adoption of a design plan for the San Rafael Canal, the design plan provisions shall control-----</p> <p>E. Development Guidelines. Pedestrian and bicycle access are encouraged along creek and drainageway corridors where feasible. However, they should be designed and located so as not to adversely affect important habitat areas. Creeks and drainageways should also be enhanced where feasible to serve as wildlife habitat as well as drainage facilities.</p>	<p>The south side of the creek would also provide a pedestrian promenade with new landscaping, passive children play activities, removable bollards/fencing and benches. The proposed project has been reviewed by the County of Marin Flood Control District, and the City's DPW and Planning staff.</p> <p>A Biological Site Constraints Report and field assessment was submitted by WRA, Inc in March 2018. The report determined no federally-protected species or habitats existed on the project site. However, the report recommended a condition of approval to require pre-construction nesting bird surveys and surveys of any trees proposed for removal in order to protect potential bat roosting locations. Specific language is included in the IS/MND Mitigation as BIO-1 in the Mitigation Monitoring Report Program.</p>
<p>14.16.170 - Geotechnical Review</p> <p>Development applications require geotechnical reports consistent with the geotechnical matrix in the general plan appendices to assess such hazards as potential seismic hazards, liquefaction, landsliding, mudsliding, erosion, sedimentation and settlement and hazardous soils conditions to determine the optimum location for structures, to advise of special structural requirements and to evaluate the feasibility and desirability of a proposed facility in a specific location</p>	<p><i>Consistent with conditions</i></p> <p>A Preliminary Geotechnical Report for the project was prepared by ENGEO (November 5, 2018). The report provided recommendations for liquefaction susceptibility, slope setback, foundations, seismic design, pavement design, drainage and stormwater retention areas.</p> <p>The report included recommendations that would have to be incorporated during preparation of the construction plans and construction of the project. The City Engineer reviewed the Geotechnical report and recommended approval subject to conditions, would be incorporated into conditions of approval.</p>

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<p>14.16.227 – Light and Glare</p> <p>Colors, materials and lighting shall be designed to avoid creating undue off-site light and glare impacts. New or amended building or site colors, materials and lighting shall comply with the following standards, subject to review and recommendation by the police department, public works department, and community development department:</p> <p>A. Glossy finishes and reflective glass such as glazed or mirrored surfaces are discouraged and prohibited where it would create an adverse impact on pedestrian or automotive traffic or on adjacent structures; particularly within the downtown environs and in commercial, industrial and hillside areas.</p> <p>B. Lighting fixtures shall be appropriately designed and/or shielded to conceal light sources from view off-site and avoid spillover onto adjacent properties.</p> <p>C. The foot-candle intensity of lighting should be the minimum amount necessary to provide a sense of security at building entryways, walkways and parking lots. In general terms, acceptable lighting levels would provide one (1) foot-candle ground level overlap at doorways, one-half (½) foot-candle overlap at walkways and parking lots, and fall below one (1) foot-candle at the property line.</p> <p>D. Lighting shall be reviewed for compatibility with on-site and off-site light sources. This shall include review of lighting intensity, overlap and type of illumination (e.g., high-pressure sodium, LED, etc.). This may include a review by the city to assure that lighting installed on private property would not cause conflicts with public street lighting.</p> <p>E. Installation of new lighting fixtures or changes in lighting intensity on mixed use and non-residential properties shall be subject to environmental and design review permit review as required by Chapter 14.25 (Design Review).</p> <p>F. Maximum wattage of lamps shall be specified on the plans submitted for electrical permits.</p> <p>G. All new lighting shall be subject to a 90-day post installation</p>	<p><i>Consistent with conditions</i></p> <p>There are existing street light fixtures along the east and west right-of-way on Merrydale Road. There are no street lights currently directly in front of the project site. However, the project proposes to add a total of nine (9) light poles throughout the project site (12' in height) and 46 light bollards, as well as building and wall sconces. A Lighting Photometric Study was conducted by Ripley Design Group in 2019. The study comprehensively measured the lighting levels throughout the project site, based on the location, type and wattage of the proposed lighting fixtures. The study measured lighting levels at the property line at or near 1 Fc (foot-candle) as required pursuant to San Rafael Municipal Code Section 14.16.227.D. A condition of approval would be included requiring the submittal of a follow-up post-construction Lighting Photometric Study to confirm the projected lighting levels for the project site comply with adopted light and glare standards. The 90-day lighting review period would commence after the Building final inspection/occupancy. Adjustments can be made by staff to reduce off-site glare, if necessary.</p>
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TABLE ANALYZING PROJECT COMPLIANCE WITH SAN RAFAEL ZONING ORDINANCE (TITLE 14)

<p>inspection to allow for adjustment and assure compliance with this section</p>	
<p>14.16.260 - Noise Standards A. Residential Development. The following standards apply to residential development: ----- 3. In high density and downtown residential districts residential interior standards shall be met, and common usable outdoor areas shall be designed to minimize noise impacts. Where possible, a 60 dBA (Ldn) standard shall be applied to usable outdoor areas 4. Interior noise standards for new single-family residential and residential health care development shall be 40 dBA (Ldn) for bedrooms and 45 dBA (Ldn) for other rooms. New hotels and motels shall meet a 45 dBA (Ldn) standard. For new multifamily development, hotels and motels, interior noise standards shall be described by State Administrative Code standards, Title 25, Part 2. ----- 6. Post-construction monitoring and approval by an acoustical engineer shall be required in residential development near high noise sources to ensure that city standards have been met.</p>	<p><i>Consistent with conditions</i> The primary noise source at the site would continue to be vehicular traffic on US Hwy 101 and Merrydale Road. US Hwy 101 is elevated about 10 feet above the project site. A Noise Study by Illingworth and Rodkin (November 1, 2018) was prepared for the project site. Based on information in the Acoustical Report by Illingworth and Rodkin, the IS/MND analysis indicated that Building 2 through Building 7 would also exceed the 45 dBA Ldn threshold with windows partially open. With standard construction and forced-air ventilation, allowing occupants the option of keeping windows closed to control noise, Buildings 1, 2, 8, and 9 would achieve the 40 dBA Ldn and 45 dBA Ldn thresholds. The east facades of buildings 3, 4, 5, and 6, facing US-101, would be exposed to 70 dBA Ldn. The east facade of Buildings 2 and 7 would be partially shielded by the buildings to the east and would be exposed to 67 dBA Ldn. The west facade of Buildings 1 and 9 would be exposed to traffic noise from Merrydale Road up to 58 dBA Ldn. These levels are in the "Clearly Unacceptable" range in Exhibit 31 of the General Plan 2020. Therefore, the Acoustical Report recommended incorporation of conditions of approval including providing suitable form or forced-air mechanical ventilation, and sound rated construction for Building 3 through Building 7 to maintain interior noise levels at acceptable levels. Conditions and mitigations have been incorporated to reduce any temporary impacts due to construction (Initial Study Mitigation Measure NOISE-1). The Acoustical Report determined that the primary noise sources at the site would continue to be vehicular traffic on US-101 and Merrydale Road. US-101 is elevated by about 10 feet above the site. Based on traffic volumes provided in the Traffic Impact Assessment Report prepared for the proposed project, traffic noise levels are calculated to increase by 1 dBA along Merrydale Road under future conditions (2040) due to increases in traffic volumes on Merrydale Road. An increase in 1 dBA would be barely detectable to typical human hearing and is not considered a significant increase. A condition of approval has been included in the Design Review Permit ED18-100 approval requiring a post-construction noise or acoustic study to confirm the project was constructed compliant with noise reducing materials and construction techniques (COA #102).</p>

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14.16.70- Water – Efficient Landscape
 All new development projects providing 500 sq. ft. or greater of landscaping shall be reviewed and obtain approval by the Marin Municipal Water District (MMWD) prior to building permit issuance. MMWD shall review all project landscaping, irrigation and grading plans for compliance with the most recently adopted MMWD water-conservation ordinance.

Consistent with conditions.
 The proposed project has been reviewed by MMWD and the District verified that the project site is currently being served. However, the proposed change would intensify water usage on site and therefore the District has required that the applicant enter into a pipeline extension agreement for the installation of the necessary facilities and said agreement must be approved by the District's Board of Directors. Additional MMWD conditions are included as Conditions of Approval in the Design Review Permit.

CHAPTER 18 – PARKING STANDARDS

- 14.18.040 - Parking Requirements**
 Off-street parking shall be provided in accord with the following chart:
- New "senior housing projects" are required to provide .75 space per unit;
 - New, 1-bedroom units, located outside the Downtown, are required to provide 1.5 spaces;
 - New, 2-bedroom units, located outside the Downtown, are required to provide 2 spaces; and
 - 1 'guest' space per every 5 units is required outside the Downtown.

Consistent
 The project proposes to provide 94 parking spaces on site, complying with the Chapter 18 parking requirement for the number of bedrooms proposed in the 45-unit development. The project also complies with the State density Bonus parking standards by providing a total of 94 parking spaces on site (including one ADA space). As an affordable housing project providing 9 BMR units, the project qualifies for one (1) parking concession, which allows the parking on site to be provided through tandem and/or uncovered spaces (pursuant to SRMC Section 14.16.030.H.3.a.i.).

Table 1: 350 Merrydale/3833 Redwood Parking

Bedrooms	Total Quantity	City Requirement	State Requirement	Proposed
2-bedroom	25 units	50 spaces/unit	50 spaces/unit	2 50
3-bedroom	12 units	24 spaces/unit	24 spaces/unit	2 24
4-bedroom	8 units	16 (2 spaces per unit)	20 (2.5 spaces per unit)	20
Total	45 units	90 spaces	94 spaces	94 spaces

Guest parking spaces and ADA parking are considered inclusive of the required parking as part of the parking concession allowance. The project proposes a total of 20 tandem garage spaces and also seven (7) uncovered parking spaces (including one ADA space) along Private Street "A" (4 parking spaces) and Private Street "B" frontage (2 parking spaces and

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<p>CHAPTER 22 – USE PERMITS</p>	<p>the ADA space). In addition, the new curb cut for the project driveway will provide additional on-street parking on the east side of Merrydale Road. Currently there are five (5) on-street parking spaces and the project would add four (4) additional spaces for a total of nine (9) on-street spaces along Merrydale Road.</p>
<p>14.22.080 – Findings The Zoning Administrator or Planning Commission may issue a Use Permit if the following findings can be made: A. 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; B. 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; and C. That the proposed use complies with each of the applicable provisions of the zoning ordinance.</p>	<p><i>Consistent</i> The project is a multi-family development in a PD zone and is also proposing a “phased” development over 2.5 years. Pursuant to SRMC Section 14.07.020.B, a Master Use Permit is required. Findings for approving the Master Use Permit are listed below: A. The proposed 45-unit residential townhome development at 350 Merrydale/3833 Redwood Hwy, landscaping, Community Room and the associated 94 parking spaces on site will be in accord with the San Rafael Municipal Code (the Zoning Ordinance) and the purpose of the rezoned Planned Development District in which the site is located, given that: 1. As documented in the General Plan 2020 Consistency Table (Exhibit 5), the proposed project would implement and promote the goals as policies of the San Rafael General Plan2020; 2. As documented in the Zoning Ordinance Consistency Table, the proposed project would be consistent with the objectives of the Zoning Ordinance; and 3. The proposed project would be consistent and compatible with the purposes of the PD District and the High density residential (HR1) Zoning District development standards (comparable to the adjacent properties to the south) given that: a) the project site will be rezoned to accommodate the proposed residential development, with setbacks, height and parking provided in keeping with the high-density residential development on adjacent properties on the south eastern side of Merrydale Road; b) the project would provide a wide variety of housing types (market rate and affordable “for-sale” condominium units) and sizes (ranging from 741 to 836 sf for the 1-bedroom units, 1,285 to 1,461 sf for the 2-bedroom units, 1,461 to2,119 sf for the 3-bedroom units and 2,119 sf for the 4-bedroom units; c) the project would comply with the creek setback standard</p>

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	<p>pursuant to SRMC Section 14.16.080 by providing a 25' creek setback along the south side of the existing Las Gallinas Creek; d) the proposed project would create a new "creek promenade", with improvements to the area adjacent to the creek that would accommodate a "dual use" for both required creek maintenance activities by the City and also recreational uses for adults with landscaped walkways and benches and a passive play area for children, and e) the project has been reviewed by appropriate City departments and non-city agencies and determined that adequate infrastructure exists to meet all new service demands.</p> <p>B. The proposed new residential buildings would 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, given that the project has been reviewed by appropriate City departments, non-City agencies, the appropriate surrounding neighborhood groups, interested parties, the Design Review Board at two separate meetings (Conceptual Design Review on July 17, 2018 and Design Review on the formal application on August 6, 2019). In addition, pursuant to CEQA regulations, the project required preparation of an Initial Study to review potential project impacts on the environment. Potential impacts were identified to Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, Transportation, and Tribal Cultural Resources that would require mitigation to reduce the potential negative impacts from the proposed project to a less-than-significant level. The required mitigation measures for each are identified in the IS/MND Mitigation Monitoring and Reporting Program.</p>
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CHAPTER 25 – ENVIRONMENTAL AND DESIGN REVIEW PERMIT	
<p>14.25.010 – Specific Purposes Environmental and design review implements general plan policies concerning the environment and design by guiding the location, functions and appearance of development. The key environmental and design goal of the city is to respect and protect the natural environment and assure that development is harmoniously integrated with the existing qualities of the city. The purposes of environmental and design review are to:</p> <p>A. First and foremost, maintain a proper balance between development and the natural environment;</p> <p>B. Ensure that the location, design and materials and colors of development blends with and enhances the natural settings;</p> <p>C. Maintain and improve the quality of, and relationship between, development and the surrounding area to contribute to the attractiveness of the city;</p> <p>D. Preserve balance and harmony within neighborhoods.</p> <p>E. Promote design excellence by encouraging creative design and the innovative use of materials and methods and techniques; and</p> <p>F. Preserve and enhance views from other buildings and public property</p>	<p><i>Consistent</i> The project site is a transitional site, located between existing two-story residential townhome development, a commercial storage business, Hwy 101, and single-family residential neighborhood to the west. The proposed development has been re-designed with elements recommended by the Design Review Board, including eliminating the roof decks to reduce bulk and mass and increase privacy for adjacent properties, and the addition of a “Community Room” (with outdoor patio and BBQ) to create a gather place to residents. In addition, private decks were limited to the second floor only and recessed in order to increase privacy.</p> <p>Other consistency elements include: 1) the exterior materials are a mixture of several materials to add interest to all building elevations and create a contemporary look for the site; 2) the buildings along Merrydale Road frontage are oriented to the street with a defined primary entry pathway; 3) patios on the site and the creek promenade would promote pedestrian gathering; and 4) a total of 13 existing trees would be preserved and new landscaping would be added to the site, including 55 new trees and a variety of shrubs, enhancing the existing area with foliage.</p>
<p>14.25.050 - Review Criteria Projects must meet the following design review criteria:</p> <ul style="list-style-type: none"> • Consistency with General Plan design policies. • Consistency with Specific Plans • Design criteria must meet the objectives of Chapter 25 (Design Review), which include ensuring that the design blends with the natural setting, maintains and improves the quality of and relationship between the development and the surrounding area, preserve the balance and harmony within a neighborhood, promotes excellence in design, and preserves and enhances views. • Site design is harmonious amongst structures within the development 	<p><i>Consistent</i> See General Plan Consistency Table (Exhibit 5) and Section 14.25.090 Findings discussion below.</p>

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<p>and existing development in the vicinity, natural site features should be protected and preserved, safe access and adequate parking should be provided, drainage should be designed to be ensure proper surface drainage</p>	
<p>14.25.090 - Findings The following findings must be made to approve a Design Review Permit</p> <ul style="list-style-type: none"> • Project design is in accord with the general plan, the objectives of the zoning ordinance and the purposes of this chapter; • Project design is consistent with all applicable site, architecture and landscaping design criteria and guidelines for the district in which the site is located • Project design minimizes adverse environmental impacts • Project design will not be detrimental to the public health, safety or welfare nor materially injurious to properties or improvements in the vicinity. 	<p><i>Consistent</i></p> <p>1. The proposed project as designed and conditioned would promote the goals and policies of the San Rafael General Plan 2020 (as summarized below and discussed in detail in the General Plan Consistency Table (Exhibit 5). The project would be consistent with the following: Land Use Element Policies LU-2 (Development Timing), LU-8 (Density of Residential Development), LU-10 (Planned Development Zoning), LU-12 (Building Heights), LU-23 (Land Use Compatibility), LU-23 (Land Use Map and Categories), Housing Element Policies H-2 (Designs that Fit Into Neighborhoods), H-3 (Public Information and Participation), H-14 (Adequate Sites), H-15 (Infill Near Transit), and H-19 (Inclusionary Housing), Neighborhoods Element Policy NH-2 (New Development in Residential Neighborhoods), NH-3 (Housing Mix), NH-17 (Competing Concerns), NH-151 (New Development), NH-86 (Design Considerations for Development in the Vicinity of the Civic Center), NH-128 (Sidewalk Improvements), NH-129 (Neighborhood Parking), NH-142 (Redwood Highway Improvements), and NH-148 (Residential Uses at the end of Merrydale Road), Community Design Element Policies CD-2 (Neighborhood Identity), CD-3 (Neighborhoods), CD-5 (Views), CD-11 (Multifamily Design Guidelines), CD-14 (Recreational Facilities), CD-15 (Participation in Project Review), CD-18 (Landscaping), CD-19 (Lighting), Circulation Policies C-5 (Traffic level of Service Standards), C-7 (Circulation Improvements Funding), C-8 (Eliminating and Shifting Peak Hour Trips), C-9 (Access for Emergency Services), C-26 (Bicycle Plan Implementation) and C-31 (Residential Area Parking), Infrastructure Element Policies I-2 (Adequacy of City Infrastructure and Services), and I-10 (Sewer Facilities), Safety Element Policies: S-1 (Location of Future Development), S-3 (Use of Hazard Maps in Development Review), S-4 (Geotechnical Review), S-6 (Seismic Safety of New Buildings), S-18 (Storm Drainage Improvements), S-25 (Regional Water Quality Control Board (RWQCB) Requirements), and S-32 (Safety Review of Development Projects), Sustainability Element Policies SU-5 (Reduce Use of Non-Renewable Resources), SU-6 (Resource Efficiency in Site Development), SU-7 (New and Existing Trees), SU-10 (Zero Waste), Culture and Arts Element Policy CA-15 (Protection of Archaeological Resources), Park and Recreation Element Policy PR-10 (On-site</p>

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TABLE ANALYZING PROJECT COMPLIANCE WITH SAN RAFAEL ZONING ORDINANCE (TITLE 14)

	<p><i>Recreation Facilities), Noise Element Policies N-1 (Noise Impacts on New Development), N-2 (Exterior Noise Levels for Residential Use), N-3 (Planning and Design of New Development), N-4 (Noise from New Non-residential Development), N-5 (Traffic Noise from New Development, Conservation Element Policies CON-6 (Creek and Drainageway Setbacks), CON-7 (Public Access to Creeks), CON-8 (Enhancement of Creeks and Drainageways), CON-9 (Native and/or Sensitive Habitats), CON-14 (Special Status Species), and CON-16 (Landscape with Native Plant Species), Air and Water Quality Element Policies: AW-1 (State and Federal Standards), AW-2 (Land Use Compatibility), AW-4 (Particulate Matter Pollution Reduction), AW-7 (Local, State and Federal Standards), and AW-8 (Reduce Pollution from Urban Runoff)</i></p> <p>2. The project design, as proposed and as conditioned, is consistent with the objectives and criteria of the Zoning Ordinance, and the purposes of Chapter 25 (<i>Environmental and Design Review Permit</i>) in that:</p> <p>a) The development presents a competent design that has been thoughtfully studied and presented to the Design Review Board, both as a conceptual design and then as a formal application design. The proposed project site plan, building design and landscaping were revised to incorporate recommendations by the Board. The proposed 3-story buildings have been design to minimize bulk and mass, and the height (33.5') is 2.5' lower than the 36' height limit allowed. A Community Room was added to the site and pedestrian walkways throughout the site were enhanced. The buildings comply with all required setbacks (front, side and rear yards) and decks have been designed as recessed decks to preserve privacy to adjacent property windows along the south property line. The project has also be reviewed by the San Rafael Meadows Neighborhood Association, as well as local residents during informal project meetings with the applicant and a formal Neighborhood Meeting (including a 15-day notice sent to property owners and tenants within 400 feet of the project site). The design of the project has been modified based on comments from both residents and the Board.</p> <p>b) The site plan respects site features and constraints by maintaining a 25' setback from Las Gallinas Creek and at the same time, enhancing and incorporating the creek into the project site design. The south bank of the creek will be enhances with vegetation and will be designed as a "creek promenade" area, with passive recreational amenities for children and a pedestrian pathway with lighting and</p>
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	<p>benches. The pathway is designed to also accommodate access as required by maintenance vehicles. Several existing trees (13) will be preserved at the perimeter of the site and new trees (55 total) will be planted, including new trees along both the Meerydale Road and Redwood Highway frontage and trees along the south property line to provide additional privacy to the adjacent residential development.</p> <p>c) The materials and colors that have been included in the proposed architecture are consistent with the context of the surrounding area. Specifically, building materials are flush, textured and vertical metal panels and roofing and building colors would be a combination of green, tan and brown colors. The proposed colors and materials would effectively blend the proposed building with the predominant colors of the surrounding natural setting.</p> <p>d) The proposed site plan would utilize the existing drainage facilities and would not alter the drainage patterns of the site. Furthermore, the plan would direct all new run-off to vegetated swales to filter any pollutants from the run-off consistent with storm water pollution prevention standards.</p> <p>3. The project design with conditions minimizes adverse environmental impacts in that:</p> <p>a) The building and site improvement are sited to provide adequate setbacks from the creek to the north.</p> <p>b) The project would not cause the level of service at nearby intersections to exceed the standards of the General Plan. Furthermore, the project would be required to pay its fair share of traffic mitigation fees to contribute to a planned, area-wide traffic improvements in the North San Rafael area.</p> <p>c) Environmental impacts have been addressed through the preparation of an Initial Study and Mitigated Negative Declaration (IS/MND) prepared for the project consistent with the requirements of the California Environmental Quality Act (CEQA). The IS/MND concluded that the proposed project would result in potentially significant impacts in Aesthetics, Air Quality, Biological Resources, Cultural Resources, Hydrology and Water Quality, Noise, Transportation, and Tribal Resources. The project impacts would be mitigated to a less-than-significant level through implementation of recommended mitigation measures or through compliance with existing Municipal Code requirements or City standards. Recommended measures are summarized in the attached Mitigation Monitoring and Reporting Plan (MMRP) and IS/MND.</p>
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	<p>4. The project design, as proposed and as conditioned, will not be detrimental to the public health, safety or welfare, nor materially injurious to properties or improvements in the vicinity in that:</p> <ul style="list-style-type: none">a) The environmental impacts associated with the development of the project have been assessed and the project impacts can be mitigated to less-than-significant levels with the implementation of specific mitigation measures as discussed in Environmental and Design Review Permit Finding #3 above.b) The project design would blend with the surrounding neighborhood on Merrydale Road, acting as a transitional use in an area which has both commercial, single-family and multi-family development. The project would also preserve the natural environment of the existing Las Gallinas Creek on the north side of the property by planting trees and creating a pedestrian walkway/passive recreational play area. Furthermore, the project's siting, scale and mass has been designed to minimize visual impacts on adjacent properties, and the new lighting is within the 1 foot-candle (Fc) limit along the property line. A site is subject to a condition of approval requiring a 90-day lighting review to adjust lighting levels and reduce glare as needed to eliminate spillover glare onto adjacent properties.c) The project site (rezoned as a new PD) would meet all development standards for the HRI zoning district and will comply with the 25' creek setback requirement while enhancing the creek and providing for recreational amenities. The creek promenade is also design to accommodate a "dual use path" to allow a 10' wide pathway for maintenance vehicle access.d) The project site contains existing storm drain systems serving the surface parking lot and office building roof areas. The new development will replace an existing parking lot and similar structures on site but add more landscaping. The project proposes new storm water management including adding new bio-retention areas to control stormwater runoff. As a result, there would be a net decrease in the impervious surface area on site. The preliminary stormwater control plan has been reviewed and recommended for approval by the City Engineer. A final drainage plan is required to be reviewed and approved by the City Engineer for compliance with the Stormwater Pollution prevention program (SWPPP).
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**TABLE ANALYZING PROJECT COMPLIANCE WITH SAN RAFAEL SUBDIVISION
ORDINANCE (TITLE 15)**

CHAPTER 15.02 – MAJOR SUBDIVISIONS

15.01.120 (Findings for Exceptions)

The Planning Commission shall make the following findings, which shall be included in the record of action on the map application:

- (1) That there are special circumstances and/or conditions of the property proposed for subdivision that warrant the approval of the exception;
- (2) That the exception is necessary for the preservation and enjoyment of a substantial property right of the subdivider or property owner; and
- (3) That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the vicinity in which the property is situated.

Conforms

1. That there are special circumstances and/or conditions of the property proposed for subdivision that warrant the approval of the exception to requirements per Chapter 15.06.050 (c) which requires a minimum right-of-way of 60 feet for local streets, and a minimum pavement width of 40'. The project site is located at the terminus of Redwood Hwy and near the end of Merrydale Road. The site comprises 2.28 acres but is encumbered by the Marin County Flood Control District (Creek) easement and the City of San Rafael maintenance easement totaling 0.32 acres reducing the net area of the Project Site available for development to 1.96 acres. In addition, the east property line is bounded by the Caltrans right-of-way (ROW) for US Hwy 101, which limits access. The project is requesting an exception to allow a private street with an easement of 30' and a minimum pavement width of 20', and also providing at least one sidewalk. In order to provide the required back-up distance for the garages and provide sidewalks to allow pedestrian walkways, the exception to the roadway width was proposed. In addition, the site design included the creation of a new "through" street, providing access from Redwood Highway (Private Street "B") via Private Street "A" to Merrydale Road.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right of the subdivider or property owner. The property is designed as for-sale condominiums. In order to provide quality of design that fits into the character of the neighborhood, with ample access to a garage, common open space and private patios, the proposed exception would preserve the owner's ability to align the proposed subdivision more closely with the target density.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the vicinity in which the property is situated. The reduced ROW and pavement width would have minimal impacts as the site is near the terminus of Merrydale Road and the City streets of Merrydale Road and Redwood Hwy are the primary routes for adjacent properties and the proposed privately maintained roads primarily serve the residential development itself. Future through traffic is hindered by the nearby SMART train ROW and Caltrans ROW. The 30' wide roadway provides the full width necessary for emergency vehicle access.

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ORDINANCE (TITLE 15)**

	Therefore, there is no detriment to public welfare and does not cause injury to adjacent properties.
<p>15.02.080 Findings required. (a) Findings for Approval. Approval or conditional approval of a tentative map shall be supported by the following findings:</p> <p>(1) The proposed map including the design or improvement of the proposed subdivision is consistent with the San Rafael general plan and any applicable, adopted specific plan or neighborhood plan. (2) The property subject to subdivision is physically suitable for the type, density and intensity of development that is proposed. (3) The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. (4) The design of the subdivision or the type of proposed improvements is not likely to cause serious health problems. (5) The design of the subdivision or the type of proposed improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the city may approve the map if it is determined that alternative easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired or secured for public use.</p>	<p><i>Conforms</i></p> <p>1. The proposed map is consistent with the San Rafael General Plan as noted on Page XX of the staff to the Planning Commission. There is no adopted specific plan or neighborhood plan for the project area. However, staff has evaluated the site for consistency with the Civic Center Area Station Plan, which covers areas within ½ mile of the Civic Center SMART Station. See discussion in the General Plan 2020 Consistency Table (Exhibit 6).</p> <p>2. The property is currently zoned PD(1594) and operates under a Use Permit for a training facility and office use on site. The project site is physically suitable for the type, density and intensity of the proposed 45-unit residential development project in that:</p> <p>a) Adequate water, sewer and other utility services systems are available to serve the proposed site. Each of the agencies have reviewed the uses and improvements of the project and indicated that there is adequate capacity for this development.</p> <p>b) More than adequate landscaping and usable open space area is provided as indicated in the landscape plan and through the provision of a combination of private decks, common usable space and a new enhanced “creek promenade” area adjacent to Las Gallinas Creek that would provide a landscaped walkway, benches and passive recreational activities for children.</p> <p>c) The project is consistent with the General Plan density requirements on the project site (15-23 units/acre or 34-72 units). The project also would provide nine (9) affordable units (5 low-income and 4 moderate-income level) thereby qualifying for 1 concession.</p> <p>d) The project proposes to construct 45 condominium units. Using the one concession allowed under the state density bonus for the percentage of dedicated units on the project site, the project is proposing to provide a total of 20 tandem garage parking spaces out of the 94 total parking spaces on site.</p> <p>3. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat in that the subject property: a) is currently a graded and</p>

**TABLE ANALYZING PROJECT COMPLIANCE WITH SAN RAFAEL SUBDIVISION
ORDINANCE (TITLE 15)**

developed site and no known environmental resources are found on this site or immediately surrounding the site; b) a Biological Site Constraints Report and field assessment was submitted by WRA, Inc in March 2018. The report determined no federally-protected species or habitats existed on the project site. However, the report recommended a condition of approval to require pre-construction nesting bird surveys and surveys of any trees proposed for removal in order to protect potential bat roosting locations. Specific language is included in the IS/MND Mitigation as BIO-1 in the Mitigation Monitoring Report Program.

4. The design of the subdivision or the type of proposed improvements is not likely to cause serious health problems in that: a) the project is an infill site located in an urban area that is surrounded by development on all sides; b) the entire site has been formerly graded and developed and there are no known endangered, rare or threatened species on the site or in the immediate surroundings; c) the project has been reviewed by the City's Traffic Division and determined to result in 17 additional AM peak hour trips and 19 PM peak hour trips and determined to have no impact on LOS in the area; d) all utility agencies have indicated that they can provide required services to the new development, and e) an Initial Study/Mitigated Negative Declaration has been prepared and all impacts identified have been mitigated to a less-than-significant level.

5. The site comprises 2.28 acres but is encumbered by the Marin County Flood Control District (Creek) easement and the City of San Rafael maintenance easement totaling 0.32 acres reducing the net area of the Project Site available for development to 1.96 acres. In addition, the east property line is bounded by the Caltrans right-of-way (ROW) for US Hwy 101, which limits access. The project is requesting an exception to allow a private street with an easement of 30' and a minimum pavement width of 20' and also providing at least one sidewalk. In order to provide the required back-up distance for the garages and provide sidewalks to allow pedestrian walkways, the exception to the roadway width was proposed. In addition, the site design included the creation of a new "through" street, providing access from Redwood Highway (Private Street "B") via Private Street "A" to Merrydale Road.

**TABLE ANALYZING PROJECT COMPLIANCE WITH SAN RAFAEL SUBDIVISION
ORDINANCE (TITLE 15)**

<p>15.06.050 (Street Classification and Requirements)</p>	<p><i>Conforms with Exception approval</i> Chapter 15.06.050 (c) which requires a minimum right-of-way of 60 feet for local streets, and a minimum pavement width of 40'. The project is requesting an Exception to allow a private street with an easement of 30' and a minimum pavement width of 20' and also providing at least one sidewalk. See Exception Findings discussion above.</p>
<p>CHAPTER 12 – CONDOMINIUMS</p>	
<p>15.12.030 Subdivision map. All condominiums of two (2) or more units shall be subject to planning commission approval of a tentative map filed in accordance with this title.</p>	<p><i>Conforms</i> The applicant has submitted for a Tentative Map approval for 45 air condominiums on the site. The development proposal has already received conditional design review approval and the Commission is now only reviewing the proposed Tentative Map for a major subdivision.</p>
<p>15.12.050 Property owner's association a) For all condominiums, a property owners' association shall be established by recordation of the following: (1) Articles of incorporation of the association;</p>	<p><i>Conforms</i> As proposed, this project would comply with Section 15.12.050 in that the project would establish a property owners' association for the management of</p>

**TABLE ANALYZING PROJECT COMPLIANCE WITH SAN RAFAEL SUBDIVISION
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- (2) Declaration of covenants, conditions and restrictions (CC & Rs);
- (3) Bylaws of the association.

the common area proposed within the development and the establishment of declaration of covenants, conditions and restrictions (CC&R's), and bylaws of the association. The CC&R's would include language for maintenance, access, utilities, shared costs and proposed use within the condominiums. CC&R's would have to be submitted and reviewed to the satisfaction of the City Attorney's office prior to recordation of the Final Map if this project is approved.

15.12.060 Recreational facilities, residential condominiums

All residential condominium developments shall be designed to include the following recreational facilities:

- (a) Community center or recreational center buildings shall be provided within the development.
- (b) Bicycle and pedestrian paths shall be provided through the open, common areas of the development.
- (c) Common areas for outdoor, active and passive recreation shall be provided in central locations throughout the development. For small residential condominium developments, these recreational facility requirements may be reduced or waived based on development size, location and physical property conditions. Should a waiver from these requirements be requested by the subdivider, an exception to the provisions of this title shall be filed and processed consistent with Section 15.01.120 of this title.

Conforms

The project would provide a 500 sf Community Room equipped with a kitchen area, bathroom, storage area and interior space for tables/chairs and a ping pong table. The Community Room would open up to an additional 500 sf outdoor deck/BBQ area. The site would have pedestrian walkways ("paseos") throughout the site, connecting residents with the new creek promenade area, which is also designed with benches and passive recreational areas for children.

15.12.070 Noise attenuation, residential condominiums.

All condominiums shall meet the sound transmission control requirements of the Uniform Building Code.

Conforms

The compliance with section would be required with the building permit process. In addition, recommendations in the Illingworth and Rodkin Acoustical Report, specify requirements regarding noise reduction construction design. Per Design Review Permit (ED18-100) COA #26, Prior to issuance of the building permit, the project plans shall provide information on the building permit plans to show compliance with noise Mitigation Measures recommended on Page 74 of the Noise Assessment regarding required forced-air ventilation and STC rated windows on all buildings. Minimum STC Ratings required to reduce noise levels are listed in Table 5 on Page 22 of the Noise Report.

350 MERRYDALE ROAD, SAN RAFAEL

NOVEMBER 2019

Environmental and Design Review
Tentative Map
Re-Zoning to new Planned Development
Environmental Review
Affordable Housing Ordinance/Density Bonus Law Requests

ED18-100/TS18-006/UP18-039/1518 -001/NM18-001

PROJECT SETTING

The proposed Project is located at the end of the south portion of Merrydale Road and Redwood Highway close to the new Civic Center SMART station in an area comprising a combination of commercial and residential uses. Redwood Highway presently dead ends into the Project site. Nearby commercial uses are generally located to the south along the Highway 101 frontage road, Redwood Highway, the exception being the soon to be built Oakmont senior living facility. A public storage facility is located directly to the north. Multifamily residential condos and apartments are located to the south along the east side of Merrydale Road. The predominantly one-story Rafael Meadows residential neighborhood is to the west. The Highway 101 right-of-way forms the Project site's eastern boundary, though the Highway is elevated by as much as 18 feet to 8 feet above the Project site.

Las Gallinas Creek straddles the northern property line and an unidentified drainageway straddles the eastern property line. The southern bank of Las Gallinas Creek generally comprises rip rap placed there some years ago by the City of San Rafael for erosion control. The western bank of the drainageway is unimproved. The top of bank of each is almost 100% well defined with a 6" curb.

The Project site was improved in the late 1950s with school buildings and playground/parking lot.

The Project site enjoys excellent views of the surrounding hills, the Civic Center and the wetlands to the east over the freeway.

The Project site is easily walkable to the SMART station, commuter and local buses, Civic Center area employment opportunities, Northgate Mall and local shops, restaurants and service businesses. School children attend Venetia Valley (K-8) Elementary School and San Rafael High or Terra Linda High School.

PROJECT DESCRIPTION

The goal of the Project is to provide attractive yet affordable work force housing for a range of family sizes at a density that is appropriate to its location and to community goals.

The project consists of a mixture of 45 for-sale townhomes and stacked flats, and a Community Room on an approximate 2.28-acre site. The Project site has primary access from Merrydale Road and secondary access from Redwood Highway. A new T-shaped private road will link Merrydale Road with Redwood Highway.

There are 41 three-story townhomes proposed and 4 stacked flats in 5 different building types. A total of 9 buildings will range from 4 to 8 units. Building 4 will include 4 stacked flats over parking at one end, and over parking and the Community Room at the other end.

The project will provide 20% of the units (9 units) for sale to persons of Low and Moderate Income earning 50–80% and 80–120 % respectively of the Area Wide Median Income adjusted for family size. Five (5) units will be affordable to persons of Low Income and four (4) units affordable to persons of Moderate Income. The location of the Low and Moderate Income units are shown on the plans.

The Project has generally been oriented to the north and west to take advantage of the view opportunities and to provide an attractive Merrydale Road street frontage, and to celebrate the creek with a dual-purpose Creek Promenade. This orientation has the additional advantage of limited exposure to the freeway and providing a noise block to the adjacent Rafael Meadows neighborhood.

The Merrydale Road frontage will be improved with new curb, gutter, sidewalk and landscaping providing for 9 street parking spaces. In addition to the new Merrydale Road sidewalk, pedestrian access will be available along the Creek Promenade and Private Street A and Private Street B providing continuous pedestrian access from Redwood Highway to Merrydale Road.

Primary vehicular access will be from Merrydale Road via a two-way street (Private Street A), and from Redwood Boulevard via a two-way street (Private Street B). All sides of each building will be within 150 feet fire hose pull length of any fire apparatus parked equipment. At least one side of each building will have an eave height not to exceed 30 feet. Therefore, no aerial ladder fire truck access will be necessary.

Architecture

The architecture for 350 Merrydale Road is inspired by its dynamic, transitional setting which is nestled between an existing neighborhood of single-family homes, apartments, commercial buildings and Highway 101. Fresh, contemporary styling is created through the use of a mix of modern and classic materials: stone, glass, and plaster. The elegant, rectilinear massing of the building is balanced by numerous projections and recesses; positive and negative planes that

produce articulation, movement, and deep shadows. A playful and interesting façade that continues on all four sides of each building is enhanced with the use of a smooth plaster wall surface. The plaster walls are further enhanced with strategically placed score lines and a rich palate of three different colors that provide interest and variety while maintaining a continuity of design. Accents of different materials such as horizontal wood toned siding appear at the projections as well as a neutral colored cut stone that grounds the buildings at the base and provides a rich texture for the pedestrian. To achieve an elegant and timeless look, additional details consist of contemporary windows, simple posts, wire mesh railings and composition shingle roofing. Furthermore, each unit attains an identity through varied entry door colors.

The fourth level roof decks have been eliminated to reduce the height, mass and bulk and to enhance the privacy of adjacent properties. To further protect privacy, the private, useable outdoor living spaces are limited to decks at the second level rather than at the fourth level.

Landscape Plan

The proposed landscape plan includes Merrydale Road frontage, two pedestrian Paseos, and the dual-purpose Creek Promenade. The homes along Merrydale Road are proposed to have private front patios with low stucco walls and gates to promote interface with neighbors, while creating a sense of separation from the street. The Paseo between Buildings 7 and 8 is 23 feet wide and provides access to the entries of the homes at either side. It has a central planter which serves as a bio-filtration treatment area. Two decks span the central planter, creating points of connection from the front walks. These decks have bench seating to foster neighbor interaction. The Paseo between Buildings 2, 3 and 4 is 29 feet wide and provides access to the entries of Building 2 and connectivity to the Creek Promenade. This Paseo also has a central planter which serves as a bio-filtration treatment area. There is a Boardwalk proposed which spans the center of the planter and provides a connection from the Paseo walk to Private Alley 2. A large 480 sq. ft. deck area is proposed off of the Community Room to serve as space for the residents to gather. This deck is furnished with tables and planters with vertical screens and vine plantings to provide separation to the adjacent entries at Building 2.

Dual Purpose Creek Promenade

A key feature of the Project is the Creek Promenade. The Creek Promenade has been designed to celebrate the Creek as opposed to turning the Project's back or side onto it. The Creek Promenade will be dual purpose combining pedestrian access, passive outdoor use and children's play opportunities with the occasional creek maintenance requirements. A segregated dual purpose 10' wide linear path will be provided with trees on the creek side. Vehicular access for Marin County Flood Control District (MCFCD)/City of San Rafael creek maintenance vehicles will be provided from Private Alley 1 and Private Street B at which points there will be reinforced paved concrete pads for a crane to use in the event a tree needs to be removed from the creek. Three sections of removable fence will be provided for direct creek access. The creek and the freeway drainageway will be protected from the migration of debris

and other objects with a continuous mesh fence along the top of bank. The top of creek bank will be lined with trees.

Privacy Concerns

At the August 2018 Conceptual Design Review Meeting a small number of homeowners from the San Rafael Meadows neighborhood expressed concerns about potential view and privacy impacts to their homes on Las Flores. All but one of the Las Flores homes have one or more mature trees that at least partially block views of the Project. Further to address those concerns the proposal for roof top decks on Buildings 1 and 9 units was dropped and a line of trees has been included on the Merrydale frontage. Views of the July 4th fireworks from the Las Flores homes should not be materially blocked.

At the same DRB meeting, one tenant of the northernmost building of the Monte Vista Apartments (300 Merrydale Road) expressed concerns about the potential loss of privacy resulting from the side windows of Buildings 7, 8 and 9. There are 8 units in this two story building, each with one or two bedroom windows (and a small high level frosted bathroom window) facing the Project. Five mature and tall (40') California Bays and a substantial and mature property line shrub screen (15') are located between the Monte Vista building and the property line providing adequate privacy screening.

Additionally, a substantial and mature property line shrub screen (15') along with three trees (#42, #43 and #44) are located to the east screening the Monte Vista Apartments pool. Trees #42, #43 and #44 were previously proposed for removal but are now proposed to be retained. However tree #34 located on the south west corner of the Project site is proposed to be removed because of its poor health and condition, and the manner in which it encroaches into the public right of way. This should not impact privacy of the pool area from the Project.

To further address the privacy concerns of the Monte Vista apartment tenants we will provide high level windows, with frosted glass on bathroom windows, only on the south side of Buildings 7, 8 and 9.

Townhomes (All Buildings)

Individual homes will all generally be accessed from Merrydale Road, the new T-shaped private street, the Creek Promenade and the Paseos. In all cases garage access will be from the opposite side of the primary access, and all units, except the flats, will have direct access from the garages to the homes.

Generally, bedrooms are located on the top floor with living spaces on the middle floor. Only access and garage spaces are on the ground floor of Plans 1 and 2. Plan 3 is a deeper unit allowing for a 4th bedroom option on the ground floor along with access and garage spaces. There are 10 of these units, up to 8 will have the 4th bedroom option. In the other 2, that space

will be a bonus room used for any one of a variety of home-based uses such as a kid's playroom, home office, TV room or even storage.

Building 4/Stacked Flats/Community Room

Building 4 comprises one Plan 1, two Plan 3s, four stacked flats and a Community Room. The Community Room will be located at the west end of the building adjoining the Paseo so that a patio over a portion of the bio-retention area can be provided. A kitchen, bathroom and storage area will be provided as part of the Community Room. The intent of the Community Room is to keep it flexible so that a variety of uses may be accommodated, such as meetings, card games, after school homework room and the like. Two single car garages will be located to the rear and two stacked flats will be located above (Plan 4 and Plan 5) the Community Room. At the east end of Building 4 there will also be two stacked flats (Plan 4X and Plan 5X slightly modified for this location closer to the freeway and close to the trash enclosure). In this location, Plan 4X will have a one-car garage and Plan 5X will have a 2-car tandem garage.

Plan Types

There will be 5 different Plan Types comprising a mixture of 2-, 3- and 4-bedroom units (with some variations).

Plan 1 (1,285 sq. ft.) is a three-story 2-bed/ 2.5 bath with tandem garage townhome unit. Plan 2 (1,461 sq. ft.) is also a three-story 2-bed/2.5 bath townhome unit but with a conventional side by side 2-car garage. Plan 2X (1,461 sq. ft.) is the same as Plan 2 but with 3 beds/3.5 baths. Plan 3 (2,116 sq. ft.) is a three-story 3-bed/2.5 bath plus bonus room with a 2-car side by side garage townhome unit with an option for a 4th bedroom in lieu of a bonus room. The 4th bedroom option will be available for up to 8 of the 10 Plan 3 units.

Plan 4 (785 sq. ft.) and Plan 4X (741 sq. ft.) is a second level 2-bed/1 bath stacked flat with a 1-car garage. Plan 5 (836 sq. ft.) and Plan 5X (836 sq. ft.) is a third level 2-bed/2 bath stacked flat. Plan 5 has a one-car garage, Plan 5X has a two-car tandem garage.

UNIT SUMMARY									
Unit Type	QTY	# of Bedrooms/ Unit	# of Bathrooms/ Unit	Garage Parking/ Unit	Private Open Space/ Unit (s.f.)	Private Open Space (s.f.)	Unit Area/ Unit (s.f.)*	Unit Area (s.f.)	# of BMR Units**
PLAN 1	9	2	2.5	2	117	1,053	1285	11,565	2
PLAN 2	12	2	2.5	2	82	984	1,461	17,532	1
PLAN 2X	10	3	3.5	2	82	820	1,461	14,610	3
PLAN 3	2	3	2.5	2	108	216	2,119	4,238	1

PLAN 3X	8	4	3.5	2	108	864	2,119	16,952	0
PLAN 4	1	2	1	1	0	0	785	785	1
PLAN 4X	1	2	1	1	132	132	741	741	1
PLAN 5	1	2	2	1	0	0	836	836	0
PLAN 5X	1	2	2	2	132	132	836	836	0
Total	45	-		-	-	4,201	-	68,095	9

* Measured from the exterior wall, excluding garage

** Units 4, 9, 18, 24 (2nd floor), 19 (second floor), 29, 30, 36 and 43 are BMR units. See SP2 for details.

Parking

Since the Project is a residential development project of five (5) or more units, providing 20% of the units as affordable to persons of Low and Moderate Income, the applicable parking standards are those provided in San Rafael Municipal Code s.14.16.030.H.3.a.i.

Maximum Affordable Housing Required Parking: San Rafael Municipal Code s. 14.16.030. H. 3. a. i. Concession not requiring Financial Pro Forma inclusive of tandem, handicapped and guest:

0—1 bedroom dwelling unit	1 on-site parking space
2—3 bedroom dwelling units	2 on-site parking spaces
4 or more bedroom dwelling units	2.5 parking spaces

San Rafael Municipal Code s. 14.18.040. A Table 14.18.040 does not apply.

REQUIRED PARKING				
Unit Type	Quantity	# of Bedrooms	Required Parking/Unit	Total Required Parking
PLAN 1	9	2	2.0	18
PLAN 2	12	2	2.0	24
PLAN 2X	10	3	2.0	20
PLAN 3	2	3	2.0	4
PLAN 3X	8	4	2.5	20
PLAN 4	1	2	2.0	2
PLAN 4X	1	2	2.0	2
PLAN 5	1	2	2.0	2

PLAN 5X	1	2	2.0	2
Total	45	-	-	94

PROVIDED PARKING					
Unit Type	Quantity	Provided Garage Parking/Unit	Provided Garage Parking	Provided On-street On-site Parking	Total Provided Parking
PLAN 1	9	2	18	7	94
PLAN 2	12	2	24		
PLAN 2X	10	2	20		
PLAN 3	2	2	4		
PLAN 3X	8	2	16		
PLAN 4	1	1	1		
PLAN 4X	1	1	1		
PLAN 5	1	1	1		
PLAN 5X	1	2	2		

Note that there is a total of 10 Plan 3s, up to 8 of which will have the option of having a ground level 4th bedroom, increasing the parking requirement to 2.5 spaces per unit inclusive of guest and handicap parking. These 8 units will be selected at the time of sale. The remaining 2 units will have a ground level bonus room instead of a 4th bedroom.

Of the 7 on street parking spaces one will be assigned to Unit 25. Units 19 and 24 will not have an assigned on-street parking space.

All units have at least one covered space in garages. Garages will be provided with Electric Vehicle hookups.

Easements

The property is constrained by 5 easements, 3 of which are currently paved:

1. A 25 feet wide Marin County Flood Control District (MCFCD) flood control easement (the creek). This easement is to remain.
2. A 15 feet wide Marin County Flood Control District (MCFCD) maintenance access easement immediately adjacent to the 25 feet wide MCFD flood control easement. This easement was Quit Claimed to the City of San Rafael in 1977. Maintenance appears to be administered by the MCFCD but is expected to be the responsibility of the City of San Rafael in the future. This easement is to remain unless the City of San Rael or Marin County reuire that it be re-written. In addition a Public Access Easement/Public Utility Easement (PAE/PUE) will be provided at the time of recordation of the Final Map. This PAE/PUE will cover a portion of the Creek Promenade.
3. A north south easement of variable width for Roadway and Utility purposes to an unstated party but presumably to the City of San Rafael along the eastern (freeway) property line. This easement is to remain. In addition, a Public Access Easement/Public Utility Easement (PAE/PUE) will be provided at the time of recordation of the Final Map. This PAE/PUE comprises Private Street B providing pedestrian, vehicular, fire truck and trash truck access and required parking.
4. A north south Las Gallinas Valley sewer easement, a portion of which is currently unoccupied. This easement is to be Quit Claimed and replaced with a PAE/PUE at the time of recordation of the Final Map.
5. An east west private water line easement serving the property to the south. This easement is to remain.

Upon recordation of the Final Map, all maintenance responsibilities of the PAE/PUE easement areas will become the responsibility of the owner, and subsequently the Home Owners Association.

Site Area

The gross acreage of the Project site is reduced by the MCFCD/City of San Rafael easements as follows:

Gross Area:	2.28 acres
Less:	
MCFCD 25-foot wide flood control easement	(0.21 acres)
MCFCD 15-foot wide maintenance easement	(0.11acres)

City of San Rafael Roadway/Utility easement	(0.25 acres)
Overlap of easements	0.03 acres
Net Area exclusive of easements	1.74 acres

The existing improvements cover almost 100% of the Project site when the MCFCD easement (creek) and the freeway drainage drainageway are excluded.

The Project is contained within the existing development envelope. No encroachment is proposed within the MCFCD (creek) Easement or the freeway drainageway except that a new storm water outfall will be required with a s.1602 permit from the California Department of Fish and Wildlife (CDFW) to replace an existing one. The new storm water outfall will be above the High Tide Mark of the Las Gallinas Creek. Therefore, no Army Corps of Engineers (ACE) s. 404 permit will be required.

Both the MCFCD and the City of San Rafael require that the Project respect the creek and the maintenance easement, and that no fixed vertical improvements be installed in them, though the planting of trees at the top of bank has been allowed. The MCFCD/City of San Rafael February 2019 Joint Agencies Guidelines were used to design the most user-friendly dual-purpose Creek Promenade possible while providing adequate vehicular access for maintenance purposes.

Jurisdictional Agencies

The Applicant met with the Marin Interagency Project Coordination Committee on January 4, 2019 and April 2, 2019. On each occasion the focus was on anything that might encroach into the relevant agency’s jurisdiction such as the storm water outfall and any planting at the top of bank. Since the proposed outfall does not fall below the High Tide Mark, ACE will not take jurisdiction and will provide written confirmation of this when requested. The other agencies said that they are not allowed to comment in writing without a permit application. There was no objection from any agency to planting trees at the top of bank provided they do not destabilize the bank.

Creek Setback: No Concession/Incentive or Modification/Waiver required.

San Rafael Municipal Code s. 14.16.080 Creeks and Other Watercourses requires a setback of between 25’ and 100’ between any structure and high top of bank. To accommodate the proposed Project at the density proposed and with the Concessions/Incentives, Modifications/Waivers and Parking Reductions allowed, Applicant is requesting a creek setback of 25 feet.

The criteria for determining the amount of setback is set forth in San Rafael Municipal Code s. 14.16.080. C.

1. The setback provides for adequate maintenance, emergency vehicle access, adequate debris flow avalanche corridors, flood control and protection from damage due to stream bank undercutting.

The proposed 25-foot setback from top of bank including the existing 15-foot MCFCD maintenance easement from top of bank in addition to two reinforced concrete crane pads provides MCFCD maintenance access, emergency vehicle access, adequate debris flow avalanche corridors, flood control and protection from damage due to stream bank undercutting.

2. The setback adequately protects and preserves native riparian and wildlife habitat.

According to the biological report prepared by WRA dated March 28, 2018 neither the portion (south bank) of the creek or the portion (west bank) of the freeway drainageway located on the Project site support any native riparian vegetation and provide only marginal habitat for wildlife. The Project does not propose to impact either the creek, the banks of the creek or the freeway drainageway. Development will be confined to the existing developed envelope.

3. The setback protects major view corridors and provides for recreation opportunities where appropriate.

There are presently no major view corridors from the Project site or the proposed setback. A one- and two-story storage facility is located directly to the north, the elevated freeway is located to the east, the area to the south is completely developed with residential and commercial uses and the area to the west comprises the Rafael Meadows neighborhood.

4. The setback permits the provision of adequate and attractive natural landscaping.

The setback is at least partially constrained by the MCFCD maintenance easement and the City of San Rafael roadway and utility easement. The Project proposes the use of adequate and natural landscaping to the extent permitted by the February 2019 Joint Agencies Guidelines.

San Rafael Municipal Code s. 14.16.080. E provides development guidelines for improvements within creek setbacks:

Development Guidelines. Pedestrian and bicycle access is encouraged along creek and drainage way corridors where feasible. However, they should be designed and located so as not to adversely affect important habitat areas. Creeks and drainageways should also be enhanced where feasible to serve as wildlife habitat as well as drainage facilities.

All of the proposed improvements within the 25-foot creek setback are feasible and appropriate.

Utility closet doors at the north end of Buildings 1 and 2, when opened, do encroach into the 25-foot creek setback by up to the full width of the door (3 feet). This would occur on a few occasions each month and is better than leaving the closets open. Metal roll up shutter doors cannot be used to screen gas meters. While closet doors are technically part of the building structure, the doors themselves are not structures. San Rafael Municipal Code s. 14.16.080 Creeks and Other Watercourses requires a setback of between 25' and 100' between any structure and high top of bank, not appurtenances to the structure.

Tentative Map San Rafael Municipal Code s.15.02.040

The Tentative Map shows just one Common Parcel with PAE and PUE in addition to the existing waterline easement benefiting the adjoining property which is to remain.

Proposed site improvements (at a conceptual level) are shown on the Tentative Map prepared by BKF Engineers dated April 2019. Private site improvements are anticipated to consist of private streets and drive alleys serving the residential buildings, pedestrian sidewalks winding through the site, and supporting infrastructure including private sewer, water and storm drain pipes in addition to bioretention facilities to comply with storm water quality regulations. Public improvements are anticipated to consist of re-paving and the installation of public sidewalk along the project side of Merrydale Road along the project frontage.

s. 15.01.120 Exception to San Rafael Municipal Code s. 15.06.050 (d)

s. 15.06.050 (d) of the San Rafael Municipal code requires that all new public streets that are local streets have a minimum pavement width of 40 feet in a minimum Right of Way of 60 feet. S. 15.01.050 (h) of the San Rafael Municipal Code provides that all new private streets be developed to the same standard.

The Project requests a reduction in the Right of Way and pavement width standards in s. 15.06.050 (d) to a minimum pavement width of 20 feet and minimum Right of Way of 30 feet.

Required Findings:

Findings. In reviewing and approving an exception from the regulations and provisions of this title, the planning commission shall make the following findings, which shall be included in the record of action on the map application:

- (1) That there are special circumstances and/or conditions of the property proposed for subdivision that warrant the approval of the exception;

The Project Site comprises 2.28 acres but is encumbered by two Marin County Flood Control District easements comprising 0.32 acres reducing the net area of the Project Site available for development to 1.96 acres. The proposed project comprises 45 townhomes and stacked flats resulting in a net density of 22.5 du/a. The two MCFCD easements present a special circumstance.

- (2) That the exception is necessary for the preservation and enjoyment of a substantial property right of the subdivider or property owner; and

The Project site has been identified in the SMART Station area Specific Plan as a target residential site at a density of up to 43 du/a.

- (3) That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the vicinity in which the property is situated.

The development standard for the construction of new private streets is the same as those for public streets and was adopted in the 1950's. Since that time narrower streets have become commonplace in San Rafael, California and throughout the United States as being effective in increasing densities while not compromising public welfare or public safety.

Infrastructure Improvements.

The Project proposes to connect four new water line laterals to the existing water lines in Merrydale, install new curb, gutter and sidewalk along the Project frontage and reinstate the Merrydale Road right of way affected by the installation. This section of Merrydale is lightly trafficked, access being provided only to the Project site and the storage facility beyond. The existing road surface is generally in good condition with no pot holes whatsoever. The Project proposes to resurface the section of Merrydale in front of the Project site shown on the Tentative Map and slurry coat full width of Merrydale to Las Gallinas Ave.

The Project proposes to extend a gravity sewer line from the so called Mulligan Line in Las Gallinas Ave to the Project site in the Redwood Highway right of way enabling all the property owners along that frontage to connect thereto enabling the future abandonment of the existing old undersized sewer located on private property between the Redwood Highway and Merrydale Road property frontages. The Project will reinstate the Redwood Highway right of way affected by the installation.

If the proposed gravity line proves infeasible, the Project proposes to extend a force main line from the Project site in Redwood Highway and Las Gallinas Avenue to Las Flores Avenue to connect to the Las Flores Avenue gravity line to the Las Flores pump station.

Home Owners Association/CC & Rs

The common areas of the Project will be governed by a home owners association (HOA) which will manage, maintain and operate the Project in accordance with Conditions, Covenants and Restrictions (CC&Rs) to be recorded against each unit and the common areas, Articles of

Incorporation (Articles) and Bylaws. The HOA will have the right to adopt rules, regulations and guidelines, including design guidelines and community space rules to implement the CC&Rs. All common areas including the Creek Promenade and the Paseos will be owned, managed and controlled by the HOA.

Initially the builder will own all units within the project and will control the HOA until sufficient units have been sold for a HOA Board of Directors to be elected. The builder will pay HOA dues to the HOA for each unit until each unit is sold.

Trash Removal Plan

Space has been allocated in garages for the storage of waste and recyclables in bags or bins. Homeowners will take bags to the central trash enclosure for disposal. Marin Sanitary Service will not provide carts to homeowners where there is a central trash enclosure. The HOA CC&R's will allow for the use of a concierge service to collect the trash bags one or more times per week at additional cost to the HOA upon a vote of approval of the HOA. The trash enclosure is located on Private Street B and has been designed with a separate home owners access and a covered screen. The trash enclosure has been expanded from the earlier proposal to address the concerns of Marin Sanitary District. The trash enclosure will now include the following:

Two Bins one 4-yard bin for trash and a second 2-yard bin for cardboards.
A minimum of 3 carts, 1- Blue 96 gal., 1-Brown 64 gal. cart, and 1-Green 64-gal. cart.

Marin Sanitary Service garbage pick-up will occur one or two times per week. Recyclables will be picked as frequently as requested by the HOA at no additional cost.

Front loading service trucks will typically enter from Redwood Boulevard (along Private Street B) and park at the Trash enclosure for as long as it takes to load. A reinforced concrete pad sufficient to take the weight of service trucks will be provided at the trash enclosure. Marin Sanitary Service personnel will wheel out (and wheel back) the bins and carts, closing the trash enclosure gate before leaving. Service trucks will typically reverse into Private Street A, picking up from a recyclable paper bin next to the mail boxes before leaving along Private Street B to Redwood Blvd.

Marin Sanitary Service offers new communities an informational workshop to new home owners on the proper handling and disposal of garbage and recyclables. One or more workshops will be arranged through the HOA during the sales period using the new Community Room as a venue.

Open Space 14.07.060 K.

All units with the exception of the two freeway-oriented stacked flats (Plans 4X and 5X) will have private decks. In addition, the Project will provide a Community Room with an outdoor

patio, and the amenity laden Creek Promenade. The Project exceeds the open space requirement.

Community Room: San Rafael Municipal Code s.15.12.060

A flexible use Community Room comprising +/- 500 sq. ft. that includes a clear 14' 6" x 20' 6" space, kitchen and storage with access to an almost 500 sq. ft. outdoor patio is being provided at the center of the Project. A ping pong table and an appropriate number of stackable tables and chairs will be provided.

Phasing

- Pre – Phase: All on and off site improvements, except tree removal along the southwest property line, landscaping, the final lift of on site pavements and the resurfacing and slurry coat of Merrydale Avenue)
- Building Phase 1: Buildings 1 – 4, all landscaping and the final lift of pavements north of and including Private Street A, and the resurfacing and slurry coat to Merrydale Avenue.
- Building Phase 2: Buildings 5 – 9, tree removal along the southwest property line, all remaining landscaping and paving.

All construction will be completed within +/- 2.5 years from issuance of the first building permit subject to market condition remaining positive. Two phases of building construction are required given the size of the Project and the possibility of market conditions deteriorating. The following is a preliminary estimate of the schedule:

Start Pre - Phase	Spring 2020
Substantially Complete Pre - Phase	Summer 2020
Start Building Phase 1	Summer 2020
Start Building Phase 2	Summer 2021
Complete Building Phase 1	Fall 2021
Complete Building Phase 2	Summer 2022

Tree Removal

A total of 43 mature trees and 1 dead tree of varying condition located on the Project site. All trees have been proposed for removal except the grove of Redwoods on the northwest and northeast corners of the Project site, three on the south property line and the Bishop Pines and Coast Live Oak at the Redwood Highway entry. The trees proposed for removal are highlighted on the Tree Inventory. There is a total of 28 trees proposed for removal. A total of 16 trees will be retained. More than 50 replacement trees will be planted.

Initial Study/CEQA Review

All requested studies have been submitted updated as appropriate for the Initial Study to commence.

Summary

The project will provide 45 much needed workforce for-sale townhomes and stacked flats of varying size, that should be very attractive to a wide variety of home buyers. In addition, the Project will provide a Community Room with outdoor community gathering space, and a dual-use Creek Promenade with activity areas. The Project will start the transformation of the north end of the Merrydale Road/Redwood Highway corridor close to the SMART station from commercial to residential in character.

Caron Parker

From: Steve Stafford
Sent: Wednesday, August 7, 2019 11:54 AM
To: Caron Parker
Cc: Michael Hooper
Subject: FW: Letter of Support for 350 Merrydale Project

FYI

Steve Stafford
COMMUNITY DEVELOPMENT DEPARTMENT
Senior Planner

City of San Rafael
1400 Fifth Avenue
San Rafael, CA 94915-1560
415.458.5048 (o)
415.485.3184 (f)



Did you know San Rafael zoning information is available on-line. Please go to www.cityofsanrafael.org/zoning



From: [REDACTED]
Sent: Wednesday, August 7, 2019 11:50 AM
To: Steve Stafford <Steve.Stafford@cityofsanrafael.org>
Subject: Letter of Support for 350 Merrydale Project

Dear Members of the Design Review Board,

My name is Dylan and I am a San Rafael resident who lives on Merrydale Road. I wanted to express my support for this project and the overall design. While I understand that housing politics not your purview, our community desperately needs housing for our workforce.

In terms of the design, I foreshadow that there will be complaints relating to 1) traffic and 2) the project not matching the "character" of the neighborhood. To address the first possible concern, it falls below the maximum height limit and fits the general size of the other multi-family buildings in the neighborhood. I personally think the design is gorgeous, but even if someone is opposed to the design it is far from a highly-trafficked area.

Thanks!

[REDACTED]
[REDACTED]

Caron Parker

From: [REDACTED]
Sent: Thursday, November 21, 2019 11:21 AM
To: Caron Parker
Subject: Project: 350 Merrydale Road

Hello!

I live in the Rafael Meadows neighborhood, my backyard will face the new proposed development. My question is this:

Does the developer | owner plan to add retail, such as a cafe or small grocery shop to the new project?

The reason I ask is because the current food establishments surrounding the neighborhood (with the exception of La Toscana) are completely dated. Usually with new developments the developer adds retail as a bonus for potential buyers, which creates a sense of community. I feel this would also benefit the surrounding neighborhood.

I'm not sure if the 350 Merrydale Rd project is zoned for retail, but it would be great to add something new.

Thanks for your time and I look forward to hearing from you.



August 7, 2019

Dear City Staff, San Rafael Design Review Board Members & Planning Commissioners,

We are writing to you in support of the planning project at 350 Merrydale Road. The proposed project area is an infill site, which makes use of a currently underutilized parcel and does not challenge the County's Urban Growth Boundary. The location of the site is optimal due to its proximity to transportation options such as Highway 101, the SMART train station located at the Civic Center, and nearby bus transit stops. This location on Merrydale Road is a great place for more housing because it is in San Rafael with easy access to the freeway and is between Northgate Mall and downtown San Rafael, two central hubs in the city.

The project's design is attractive in multiple aspects: its sleek lines and modern style elements make this a desirable place to live; the earth tones ensure that the building doesn't stand out too much to passersby on the freeway; a large amount of landscaping on and surrounding the parcel continues Marin's green aesthetic; the creek promenade highlights the creek while protecting the habitat; the paseos and community room provide the community for areas to congregate and meet their neighbors. The 9 BMR units give low- and moderate-income earners a prime opportunity to become permanent residents of Marin County.

We recognize that more housing needs to be built in Marin due to the low supply and extreme housing costs and we think that 350 Merrydale Road is a great example of a well-designed project that helps to address those needs. Thank you for considering this project.

Sincerely,

NextGen Marin

Kelley Kromholz
John May
Danny Forster
Henny Min
Debra Smith
Marianna Aleva

Nicholas Zaldin

Caron Parker

From: [REDACTED]
Sent: Sunday, July 28, 2019 4:08 PM
To: Caron Parker
Subject: 350 Merrydale Condos, comments for your staff report

Dear Carone,

Thanks for the invitation to send comments for inclusion in your staff report on this project, which will have a hearing by the DRB on August 6.

I am a neighbor from the Rafael Meadows neighborhood, with concerns about the traffic, parking, walkability --or lack thereof when referring to Merrydale--, and the general aesthetics of Merrydale. There has been a lot of infill development along Merrydale in the last couple of decades: Redwood Village and other apartments between N San Pedro and the freeway on/off ramps. None of these look anything like the project proposed for 350 Merrydale.

I liked the layout and plan for how the buildings will be placed on the site, but I am not a fan of the look of the proposed buildings' exterior, which resemble boxes put together and look more like a mall exterior. I wonder if somehow that impression could be lessened by design tweaks to the roofline so that the roof overhangs the corners of the building and those in between, rather than those boxy turret-like protrusions that currently hide the roofline edge.

The other thing I have concerns about but forgot to ask at the presentation on Thursday, is how much of a setback is planned from the street, such that a wider sidewalk than currently exists on Merrydale can be built. The reason for this is, although it's not the concern of this developer, it should be for city planners. The entire stretch of Merrydale is in dire need of good walking infrastructure. Any new development should be designed with an increased sidewalk width over what currently exists. It's an opportunity to set a new standard to emulate when Merrydale gets the long overdue multimodal upgrade it deserves given how much infill housing it has absorbed and for being so close to SMART and the Civic Center.

Lastly, is the parking. We need to ensure there is little to no parking from the new residents that routinely spills over onto the existing rustic mudpit where overflow parking from the existing apartment buildings is constant, and into the Meadows where there are no sidewalks whatsoever. 2.5 parking spots for a 4 bedroom with multiple baths is likely to result in at least 3 cars for that unit. Mike Cooper said this was also a concern for the infamous Wincup project in Corta Madera, but claims that fear never panned out. I would like some verification of his statement. Do you have any ideas a neutral party who could verify that claim?

Those are my comments and concerns. Thank you again for the invitation to send in comments for your upcoming staff report.

[REDACTED]
Resident of San Rafael Meadows Neighborhood
[REDACTED]

Caron Parker

From: [REDACTED]
Sent: Tuesday, July 17, 2018 5:18 PM
To: Caron Parker
Subject: Marydale Road project

Hello,

I will not be able to attend tonight's meeting but I wanted to share my concerns with you.

They are four fold:

1. Privacy. I live at 308 Las Flores ave in a two story house. A three story building with a roof deck will seriously impair my privacy as people on the deck will not only be able to see in my backyard but also in our bedrooms! I would like to make sure the building design does address this issue.
2. Parking. I would like to be sure these townhouses have off street parking. The area is becoming increasingly congested and not having parking on the premises would make matters worse.
3. Traffic. People coming from that side of the street tend to run straight through and not pay attention to the stop sign. I get cut off on a regular basis at the corner of Marydale and Las gallinas. Also one of the selling point of my property is the easy and quick access to the freeway. How would that impact me and the price of my property?
4. Length of construction noise. I work from home most of the time, advising clients who require a calm and peaceful environment. I believe the noise from the construction will impact my business in a very negative way. Furthermore, after having to put up with the noise of the train (construction and testing) for so long, I have seen the impact on my (and my neighbors) quality of life. I do not want a repeat of that as it can impact our health as well.

What can be done to alleviate these concerns?

Sincerely,

[REDACTED]

[REDACTED]

August 6, 2019

Caron Jo Parker
Associate Planner
City of San Rafael
1400 Fifth Avenue
San Rafael, CA 94901
415-485-3094 office
415-485-3184 fax
caron.parker@cityofsanrafael.org

Dear Ms. Parker:

RE: 350 Merrydale Road /3833 Redwood Highway Townhome Development Project. APN's: 179-041-27 and 179-041-28; Planned Development (PD1594) Zoning District; Francine Clayton, owner, Michael Hooper, applicant; File No(s): ED18-100/TS18-006/UP18-039/IS18-001.

I live in the nearby Civic Center Arms 3-story building at 260 Merrydale Road and immediately adjacent and west of the Oakmont Senior Building (former Hudson Street Design Commercial Building and property at 3773 Redwood Highway) that as approved will stand between our building at the views to the historic Marin County Civic Center.

Project Support:

I serve on the Board for the Civic Center Arms HOA down the street from the subject Townhome development and in support of this project for a variety of reasons but these are main reasons:

1. Owners and Architect have made themselves available at a variety of meetings to field all questions. This has included a recent non-mandatory Neighborhood Meeting that allowed for a more relaxed Q/A and better understanding of project following an initial, formal, unilateral discussions at DRB meetings;
2. Owner and Project Architect have made project design adjustments such as elimination of roof top use to mesh better with adjacent single family home owners and a thoughtful circulation plan for public safety, tree plan that saves our State Designated Redwood Trees and design elements to prevent incursions into common household trash areas;
3. Project Architect has offered to attend our building HOA meeting on September 16 to present project and offer Q/A to building unit owners;
4. Project Architect indicated that higher valued live work options will be available within this development;
5. Development wants to better connect with SMART station from South Merrydale Road area and understands the North San Rafael Vision Plan and importance of vision of a connected, safe Promenade;
6. Development will replace a well-used school building with higher property tax base development;
7. Development will abate the seemingly constant flow of shuttle buses on Merrydale to/from this site;
8. Development will create construction jobs, purchase of building materials and create a higher level and much needed ongoing tax base to support general fund draws from City areas such as Police, Fire, Libraries, Parks and non-sworn General fund City employees;
9. Development will replace aging infrastructure;
10. Development will enhance adjacent Creekside and flexible open space area;

11. Development will not create 100 Apartments in an already saturated area but create 45 quality owner-occupied townhomes;
12. Development will attract new homeowners to support local restaurants, shops and service industry jobs;
13. Development will not make a payment into the City's In-Lieu of Affordable Housing fund and these funds often become muddled in their use within the General Fund budget and City priority applications;
14. Development will instead actually create nine (9) much needed below market rate housing units for City;

Other Important Project Considerations:

1. City needs to measure and ask for developer mitigations for cumulative area development affects Northgate Mall was built in 1966 and City annexed areas north of Puerto Suello in 1970s including Guide Dogs, historic home tracts, commercial areas. Many of these areas are seeing regrowth and many residents will be impacted. Area projects include Oakmont Sr. Housing, former Cuneo Pool redevelopment, Northgate Walk, proposed Sears reuse and this project. Projects such as Northgate Walk removing sales tax generating gas station, market, UPS store, restaurant for 136 units need cost/benefit like this project need City-driven economic analysis to ensure that future impacts on public infrastructure and not a net loss to critical sales and property tax is lost by cut of each approved project;
2. City needs to perform Economic Analysis on this project and each project. City of San Rafael has a Policy that each Housing Unit that is removed for commercial, needs to have that housing unit replaced. There is no overt policy that requires that the tax base of a commercial property be replaced when it is converted to residential. Some cities look at the lost tax base and require the owner to make a payment to the City called a Payment In Lieu of Taxes (Pilot). City of San Rafael should look at creation of such a policy for its long term economic health and make sure that projects meet minimum economic performance standards. Request is for City of San Rafael to perform an Economic Analysis on each development project converting property and the current and proposed site property tax and use benefits to City of San Rafael. For this project, an economic analysis would be required in order to allow the demolition of the existing 3-story classroom building on site and new construction of 45 condominium townhomes, including nine (9) affordable BMR (Below Market Rate) units on site. The project requires a Design Review Permit and a Rezoning of the property from a Planned Development (PD1594) to a new PD that would allow residential development. Many developments are coming online in North San Rafael and economic analysis to meet City economic goals is important.
3. City needs policies on requesting specific project and area-wide impact contributions. to show how a particular development will affect a neighborhood or cumulative impacts of nearby projects will affect neighborhood quality of living and costs for public improvements that each project should bear. For Merrydale Road, it is important that area circulation is looked at. For traffic, consider converting Merrydale Road and Redwood Highway into one way streets to provide adequate right of way and parking options. This could be similar to "The Loop" in the Canal Area. This and other North San Rafael projects can contribute to needed area infrastructure such as the approved Bike/Ped Plan designated diagonal paved parking in the dirt strip across from 260 Merrydale; a safe and continuous path from North and South Merrydale for pedestrians and bicyclists to construct the North Promenade to Civic Center SMART and to connect to the built North/South Greenway immediately south of North San Pedro Road; to underground the fully depreciated utility poles along South Merrydale Road; to now put in sidewalks in front of commercial apartments at 238, 220 Merrydale and Herbs Pool Service Lot on Merrydale and fix the greater than 1 ½% cross slope at McDonalds sidewalk at 190 Merrydale Road; other impact requests could include reconfigured roads with signals, round about, utility and right of way improvements.
4. City and Project Developers need to now ensure that State of CA builds soundwall from its portions just north of Puerto Suello Hill to the existing and new housing areas along Redwood Highway and Merrydale Road. This new Soundwall will also block noises from the across the freeway County Corporation Yard and future planned developments on that side of the 101 Freeway;

5. This project will Encourage Live/Income Opportunities such as ground floor commercial flex office space, parking as allowed for in the City adopted Housing Element of Jan.5, 2015, page 53:

H-10d. Zoning for Live/Work Opportunities. Continue to accommodate live/work quarters in commercial districts, and allow for flexibility in parking requirements as supported by a parking study.

Responsibility: Community Development

Timeframe: Ongoing

Resources: Staff Time

6. Ensure that any future permit parking needed for the neighborhood becomes the responsibility of the new projects not the current residents. New projects that are now (Oakmont Sr. Center, 350 Merrydale) that will add additional pressure to area street parking along Merrydale, Redwood Highway and the adjacent single family home neighborhood. Check and verify that all parking needs are absorbed in the proposed project parking. The project consists of a total of nine (9) buildings ranging from 4-8 units. Total parking provided on-site will be 94 spaces. All units will have at least one garage space, and some 2-car garage spaces will be tandem spaces.
7. Provide parking bonuses for project if site provides site benefits that encourage the use of non-motorized travel including bicycle lockers, racks, maintenance areas and inside secure storage and showers if any employees commute to the location.
8. Request Projects to support approved plans and Area Circulation needs: need to develop the path connecting the north end of S. Merrydale for ADA quality passage under the 101 overpass so neighbors can easily walk from S. Merrydale housing to SMART and the Civic Center. Bike/Pedestrian connections to North Promenade, SMART and the nearby North-South Greenway.

Thank-you for the opportunity to present on this development.

[Redacted Signature]



SAN RAFAEL

THE CITY WITH A MISSION

Community Development Department – Planning Division

Meeting Date:	December 10, 2019
Agenda Item:	4
Case Numbers:	GPA19-001/ZC19-001/UP19-014
Project Planner:	Ali Giudice/ 415-485-3095 Jayni Allsep

REPORT TO PLANNING COMMISSION

SUBJECT: 190 Mill Street (Homeward Bound) – Study Session for a request for General Plan Amendment, Zoning Amendment, and Use Permit. The proposed amendments would: a) extend the existing high density residential general plan land use (HDR) and zoning district (HR1) boundary to include this site; b) would establish a “by-right” process for 100% affordable supportive housing as called for under AB2162; and c) would allow for a tiered height bonus available for qualifying projects. The project would also request a Use Permit to allow expansion of the existing emergency shelter. The development project would include construction of a 24,042 square foot building to accommodate the 60-bed emergency shelter plus 32 supportive housing units; APN: 014-192-12; Canal Core Industrial/Office (CCI/O) District; Homeward Bound owners/applicant; File No(s): GPA19-001/ZC19-001/UP19-001

STUDY SESSION PURPOSE AND FORMAT

The Study Session 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. This Study Session is not intended to 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 land use matters. Staff is seeking Planning Commission input on the following:

1. Consistency of the applicant’s requested amendments to the land use map and zoning district map would not conflict with Policy NH-49
2. Consistency of the applicant’s requested amendments to the General Plan Land Use Map and General Plan Policies, and requested changes to the Zoning Ordinance (text and map) with General Plan Policies related to overconcentration of emergency shelters and or supportive housing.
3. Consistency of the applicant’s requested height bonus and City-initiated Amendments to Height Bonus allowances in Exhibit 10 (General Plan Amendment to modify General Plan Policies LU-13 and Exhibit 10, H-17b and NH-48 and NH116) with General Plan that support height bonus for affordable housing elsewhere in the City.
4. The project’s consistency with adopted, published Objective standards:
5. Consistency of the City-initiated by-right zoning process for 100% affordable housing projects with General Plan Policies that support more efficient streamlined review for affordable housing projects within the City
6. Other Comments

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

- Staff presentation
- Applicant presentation
- Receive public comments

- Planning Commission discussion and feedback on the topics listed above and specific questions identified in the *Discussion* section below.

The study session is not an official public hearing since no official action is being taken. However, the City is committed to providing opportunities for community engagement during all phases of a development review process. As such, public comment is encouraged prior to discussion by the Commission.

PROPERTY FACTS – Homeward Bound Project

Address/Location:	190 Mill	Parcel Number(s):	014-192-12
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Property Size:	13,500 Square Feet	Neighborhood:	Canal Neighborhood
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Site Characteristics			
	General Plan Designation	Zoning Designation	Existing Land-Use
Project Site:	Light Industrial/Office (LI/O)	CCI/O	Emergency Shelter (55 beds)
North:	High Density Residential (HDR)	HR-1	Multi-Family Residential
South:	Light Industrial/Office (LI/O)	CCI/O	Auto Repair
East:	GC, Public/Quasi-Public (P/QP)	CCI/O	Auto Repair/Storage
West:	Marine Related	M-C	Auto Repair

Site Description/Setting:

The property is a 13,500 square foot parcel located at 190 Mill Street, on the corner of Mill Street and Harbor Street. The site was developed in the early 1960s with the existing 4,792 square foot single-story building and associated parking lot containing 12 spaces. The site has operated as an emergency shelter since 1986 and is currently being used as a 55-bed emergency shelter operated by Homeward Bound. There are several outbuildings located along the north east corner of the property. The property has a General Plan land use designation of LI/O and a zoning classification of CCI/O, both of which are Industrial land use classifications. Emergency shelters are allowed within this designation with a Use Permit (see Background section for Use Permit discussion).





575 Canal Street

Uses surrounding the property are mostly auto repair shops, automobile storage and some marine related uses. However, to the north of the property at 575 Canal Street is an existing 12-unit multi-family residential building with covered parking located on the first level. From the corner of Harbor and Canal going east, developed properties consist of predominately multi-family residential uses.

BACKGROUND

Use of the Site

The project site was developed in the 1960s as an office building and originally was used as a physical therapist office. In 1986, a use permit was issued to allow the site to be used as an emergency shelter managed by Marin Housing Center. This site has been used for such use since that time and is now managed by Homeward Bound, the current property owners.

Homelessness

Homelessness is an increasingly urgent regional, state, and national crisis. California in particular has been significantly impacted by this issue. Despite being home to just 12% of the country's population, California has over 25% of the nation's homeless population. Of the close to 150,000 people who now find themselves without housing in California, only 1/3 have access to emergency shelter, which means the other 2/3 reside on the streets, in cars/RVs, and in other places not meant for human habitation.

In 2003, the Department of Housing and Urban Development (HUD) began requiring Point-In Time (PIT) counts in order for local agencies to receive federal funding to support programs related to homelessness. A PIT is a one-time census of people living sleeping on the street, in vehicles, in encampments, and in emergency shelters and transitional housing programs.

From 2017 to 2019, 80% of communities in California saw increases in homelessness. Fortunately, Marin was not one of them. Over the last several years, there has been a dramatic transformation of the local system of care. A new framework called Coordinated Entry, established by HUD, has been prioritizing the most vulnerable, high-impact, chronically homeless people for permanent supportive housing while also right-sizing housing interventions more generally (e.g. if someone is homeless but working, they might simply need security deposit assistance). From 2017 to 2019, Marin County had a 7% overall decrease in homelessness, a 28% decrease in chronic homelessness, and San Rafael had a 30% reduction in unsheltered homelessness (source: <https://www.marinhhs.org/point-time-count-marin>).

Marin's Coordinated Entry system has put a strong focus on chronic homelessness, which is defined as long-term homelessness accompanied by some type of disabling condition. According to the County of Marin's Health and Human Services Department, the average chronically homeless person costs the community \$65,000 per year in the form of criminal justice interventions, emergency rooms, inpatient hospitalization, etc. By comparison, it can be more than 50% cheaper to provide subsidized housing with

wraparound supportive services. Visit the following City of San Rafael website <https://www.cityofsanrafael.org/departments/homelessness/> for more information on homelessness.

Homeward Bound

Homeward Bound of Marin operates emergency shelters and supportive housing for families and adults throughout the County. The Mill Street property is Marin County's only year-round emergency shelter for adults. The facility maintains dormitory-style rooms providing beds for both men and women. The facility serves nightly meals and provides support for homeless adults. As discussed in the *Project Description* section, Homeward Bound proposes to expand the services available at the Mill Street property to include housing with the wraparound support services that are often needed to supportive the homeless community.

Recent Legislation Supporting the Production of Affordable Housing

In 2017, the State adopted a number of State Bills related to housing and housing production and in some cases obligating municipalities to establish streamlined "by right" processes for review of qualifying affordable housing projects. Two relevant Bills are discussed below:

Assembly Bill 2162 (AB2162)

AB2162, adopted in 2018, amended Government Code Section 65583 and added Code Section 65650 to require local agencies establish a streamlined process for the approval of qualifying supportive housing projects within multi-family or mixed use zoning districts. The process is intended to remove the discretionary process and remove the requirement for CEQA review. A qualifying project includes the following:

- Affordability. All of the proposed residential units must be dedicated as affordable for a period of at least 55 years. At least 25% of the total number of units, or 12 units (whichever is greater) must be restricted for residents of supportive housing;
- Supportive Services must be provided on sites. For projects with more than 20 units at least 3% of the non-residential floor area must be dedicated to supportive services.

Projects that meet the above criteria must be evaluated through a by-right process where only objective standards are applied. These objective standards must be from a list of standards that have already been adopted by the City at the time of project application. The City is currently working with a consultant to prepare a list of objective standards that could be used to evaluate all projects that qualify for by-right ministerial review. Staff presented a first draft at these standards earlier this year and received feedback from both the Design Review Board and the Planning Commission with direction that more work was needed to focus the standards. As such the City does not have a consolidated list of objective standards to use at this time.

However, the City can use standards that are part of a larger published and available list of objective and subjective standards so long as the project is measured against only those standards that are objective. Current objective standards that may be used by the City include:

- Zoning Development Standards;
- Objective Performance Standards contained in the Zoning Ordinance;
- Objective Design Standards contained in the San Rafael Design Guidelines for Residential Projects; and
- Objective Design Standards that are part of the General Plan 2020

A more in-depth discussion of existing objective standards are discussed in the *Analysis* section below.

Senate Bill 2 (SB2)

On March 28, 2019, California Housing and Community Development Department (HCD) launched the SB 2 Planning Grants Program (PGP). A Notice of Funding Availability (NOFA) was released for approximately \$123 million, the statewide revenue earmarked for local government grants. The purpose of the Planning Grants Program is to provide financial and technical assistance to local governments to update planning documents to:

- Accelerate housing production;
- Streamline the approval of housing development;
- Facilitate housing affordability;
- Promote the development of housing; and
- Ensure geographic equity in the distribution and expenditure of allocated funds

Under this grant program, local governments are provided an eligibility allowance based on community population. The City of San Rafael falls within the “medium localities” category (defined as a locality with a population between 60,000 and 200,000), which is eligible for up to \$310,000 in grant funding.

On October 30th, 2019, The City was successfully awarded all \$310,000 in grant funding for the following projects to facilitate future housing development:

1. Countywide Inclusionary Zoning Study and Housing Mitigation and Commercial Linkage Fees grant project;
2. SB35 Objective Design and Development Standards toolbox and manual;
3. By-Right Affordable Housing Overlay Zone;
4. Online Permit Guide;
5. Web-Based Permit Management System.

As part of the By-Right Affordable Housing Overlay Zone project, the City will use SB2 funds to develop a ‘by-right’ zoning process and overlay zone for the review and approval of affordable housing development projects located within the HR-1 (High Density Residential) Zoning District. The intent is to streamline the review of such projects, which will significantly reduce soft costs and the process timing for developers/applicants. As part of this project, the City will work with Homeward Bound of Marin on the 190 Mill Street development, using this development as a pilot for the affordable “by-right” processing.

City Response to Housing Crisis

In the past two years the City Council has received two reports that discuss the State-mandated legislation and identify the City’s commitment to encourage housing production. These reports entitled, [Housing Topics and Issues](#) (August 2018) and [Challenges to Housing Development](#) (September 2019) outline the challenges with production of housing and commit finding ways to streamline the review process for affordable housing projects. With support from the City Council, the City has implemented some of the action items identified in the reports. Staff continues to work on finding ways to streamline the review process for all housing types. Some examples include:

- Pre-application meetings: In the past year the city began offering cross departmental coordinated preapplication review meetings that allows applicants to receive early guidance on project proposals in order to improve chances of successful submittal of formal applications.
- Study Sessions- Study Sessions on individual projects are conducted by the Planning Commission 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. This early input allows the applicant to address issues as they prepare the formal review of the project.

- Funding -Seek funding opportunities that support process improvement and streamlined review programs (see SB2 discussion above).

PROJECT DESCRIPTION

Applicant Requested Amendments and Proposed Development Project:

The applicant's project includes the following elements

- General Plan Amendment to modify the existing LI/O land use designation of the site and extend the high-density residential (HDR) land use designation of the adjacent site such that it would encompass this entire 190 Mill Street property.
- A Zoning Map Amendment to modify the existing CCI/O zoning classification of the site and extend the existing high-density residential zoning (HR1) of the adjacent site such that it would encompass this entire 190 Mill Street property;
- Use Permit to allow expansion of the existing emergency shelter to allow up to 60 beds
- Separately-as a by-right project under AB2162, the project would include development of a 32-unit supportive housing project

Development Project

With approval of the requested amendments, the applicant would seek approval of a by-right development proposal. The proposed project would include demolition of the existing single-story 4,792 square foot emergency shelter building and construction new building (three floors over a podium-style parking structure) that would include the following:

- Ground floor podium parking accommodated 18 parking spaces for use by Homeward Bound staff, visiting service providers, and guests. Residents will not have cars;
- A new 60-bed emergency shelter to replace the existing shelter would be located on the second floor above the ground-floor concrete podium parking structure;
- The third and fourth floors would contain a total of 32 single-room occupancy units which would be dedicated as low-income supportive housing, with shared common areas including lounge, communal kitchen, terraces, and bathroom facilities;
- New irrigated landscaping, hardscape, and fencing on the property;
- The ground floor parking structure would have 18 parking spaces.

The applicant is requesting by-right review for this development. The following contains more details about the development project:

Site Plan:

The proposed building is a rectangular shape 76.66-foot x 114.66-foot building with a total building footprint of 8,789 square feet. The building would comply with the minimum required setbacks that apply to the proposed HR1 zoning district. Access to the building would be from Harbor Street at the street level as well as at the second floor. Both access points would enter into a lobby with access to an elevator.

Driveway access to the covered parking would be from Mill Street. There are 18 vehicle parking spaces proposed and 20 bicycle parking racks within the garage. Garbage and recycling facilities are also located within the garage. The applicant has submitted a landscape plan prepared by a licensed Landscape Architect. Perimeter landscaping is proposed on all sides of the lot. Three bioretention areas are proposed along Harbor Street. The applicant will need to comply with Marin Municipal Water District water conservation requirements. New fencing is proposed along the northern and eastern property line. Along

the north property line adjacent to existing residential, the applicant proposes a new 6-foot high wood fence. Along the east property line adjacent to the auto storage lot the applicant proposes a 6-foot high steel fence.

Architecture: The proposed building is a 4-story building with a maximum building height of 45.75 feet. The first level is dedicated entirely to parking, the second story would be used for emergency shelter beds and the 3rd and 4th floors would be for the supportive housing units.



The building materials include a tan concrete base, the second level would be treated with a lighter tan color shingle and the third and fourth floor would be a horizontal fiber cement boards painted a light beige/white. Two tower-like features at the entry would also be painted a lighter tan color. The roof would be a beige color metal roof.

City Sponsored General Plan and Zoning Amendments

In concert with the above project, the City of San Rafael is proposing amendments to text and exhibits contained in the City's General Plan, as well as amendments to the City of San Rafael Municipal Code (Zoning Ordinance) that would allow a 24-foot height bonus for 100% affordable housing projects located in the Lincoln Avenue and Canal Neighborhoods and that are zoned HR1. The proposed amendments would also allow a 12-foot height bonus with a use permit, for residential projects located in the Lincoln Avenue and Canal Neighborhoods that provide less than 100% affordable housing. A summary of all the general plan and zoning amendments is provided below:

1. General Plan Exhibit 10 would be amended to include two lines for height bonus on Lincoln Avenue and within the Canal Neighborhood as follows:

- 12-foot height bonus for projects with less than 100% affordable housing with a use permit. This height bonus is already available for properties along Lincoln Avenue. The amendment would include properties in the Canal that are zoned HR1
- 24-foot height bonus for projects with 100% affordable housing --- no discretionary review

2. General Plan Policies NH-116 and NH 48 (See Exhibit 3)

The Neighborhood Element of the General Plan would be amended to include the neighborhood specific Height bonuses that would be allowed through the GP Exhibit 10 modifications.

- General Plan Policy NH-116 would be amended as follows:
 - A 24-foot height bonus for 100% affordable housing projects within the HR1 Zoning District through a by-right process – No discretionary review.
 - A 12-foot height bonus with use permit, for residential projects that provide less than 100% affordable housing.
- General Plan Policy NH-48a would be amended to add specific language to allow
 - A 24-foot height bonus for 100% affordable housing projects within the HR1 Zoning District (but not within -C overlay) through a by-right process – No discretionary review.
 - A 12-foot height bonus with use permit, for residential projects that provide less than 100% affordable housing.

3. Amend the Zoning Code Tables to add supportive/transitional Housing within the medium density, high density and mixed used districts. (see Exhibit 3)

4. Amend Zoning Code to add Height Bonus Provisions

Amendments to Section 14.16.190 would be made to codify the General Plan Amendments mentioned above. These changes would echo the 12-foot height bonus allowed for affordable housing projects with less than 100% affordable housing and would allow a 24-foot height bonus for projects with 100% affordable housing for projects that are located in the areas of the Canal Neighborhood and within the Lincoln Avenue corridor mentioned above. (See Exhibit 3)

6. Add Section 14.16.315 – Supportive Transitional Housing

Section 14.16.315 – *Supportive/Transitional Housing* Would be a new section added to the Zoning code to include provision of Supportive Transitional Housing. This section would establish that a such housing would be a use by right in Multi-family and mixed use districts so long as certain requirements are met. See Exhibit 3 for more details.

ANALYSIS

San Rafael General Plan 2020 Consistency:

There are numerous General Plan policies applicable to this project. Consistency with a General Plan is determined by reviewing the project proposal and weighing the goals and polices of all elements of the [San Rafael General Plan 2020](#) in relation to the project. A table outlining the applicable General Plan policies will be provided as part of the formal review of the project. The Planning Commission is being asked to provide feedback on certain General Plan Policies as outlined below. A more detailed analysis will be provided at a future date when the project is brought back for a formal recommendation. Overall, the project would be consistent with most of the applicable San Rafael General Plan 2020 policies as follows:

Amendments to General Plan Land Use and Zoning Map

Homeward Bound proposes a General Plan Land Use Map Amendment and a Zoning Map amendment that would modify the existing High-Density Residential land use and zoning district boundaries of the adjacent site to include this project site at 190 Mill. The request would allow the site to be developed with a combination emergency shelter (up to 66 emergency beds) and permanent supportive housing (32 single

room occupancy units). Typically, when reviewing request for General Plan and Zoning Map amendments we are supportive of amendments that involve a modification to the land use boundary line of an adjacent parcel. This helps avoid Land Use changes that could be classified as spot zoning. Spot zoning is the process of reclassification of a single parcel a use classification totally different from that of the surrounding lot to the detriment of other lots/owners. In this case, The applicant is requesting the land use and zoning classification of the adjacent and nearby parcels which allow high density residential development. The request amendments would allow development of the project mentioned above. This request is consistent with the following General Plan Polices:

H-9. Special Needs. This policy supports the added affordable housing in the very-low and low income categories including housing that supports the homeless population.

H-9d. Housing for Extremely Low Income Households. This policy supports funding opportunities that support the development of housing affordable to extremely low-income households including funding for projects that will facilitate the construction of multifamily and supportive housing.

H-10. Innovative Housing Approaches and H-10c. Single Room Occupancy (SRO) Units. These policies support opportunities for innovative housing approaches the increase the availability of low- and moderate-income housing and promote construction of SRO apartments by eliminated them from density limits reduction in parking standards and encourage linkages to social services for this type of housing.

H-12. Residential Care Facilities and Emergency Shelters. Encourage a dispersion of residential care facilities and emergency shelters, and avoid an over concentration of residential care facilities and shelters for the homeless in any given area, This policy also recognize the value of eliminating governmental constraints in the operation or construction of transitional, supportive, and emergency housing consistent with State law.

G-2. Variety of Housing. This policy supports the creation and retention of a wide variety of housing types serving people of all economic levels.

G-3. Housing Agencies, G-18. Support for Special Needs Groups, and G-18a. Collaboration with Local Agencies. These policies encourage collaboration and support of housing agencies, non-profits and other organizations that provide shelter, housing, and related services to very low-, low-, and moderate-income households as well as emergency shelter and supportive housing for the homeless and those with special needs.

G-18c. Zoning Allowance. Encourages zoning allowance for group homes, transitional housing and treatment facilities. It recognizes the use of SB2 as a method for supporting programs in support of transitional and supportive housing projects.

Overall the above policies support the development of very low-income housing, supportive housing, and innovative approaches to providing housing for all income levels within the city. There are two General Plan Policies that Staff and the applicant is seeking input on as follows:

- *NH-49. Conflicting Uses. Prevent the encroachment of new residential development into the Light Industrial/Office District to minimize conflicts. Businesses locating adjacent to residential areas shall be designed to minimize nuisance impacts.*

The property at 190 Mill is currently zoned Core Canal Industrial/Office (CCI/O). The requested General Plan Land Use Map and Zoning Map amendment would change the land use and zoning classification from to a High Density Residential (HR1) district. This policy has existing in some form since the 1960s. However, project site has been used as an Emergency Shelter since 1986 and was a physical therapist office prior to that. Emergency shelters are considered a form of housing. Thus, shifting the High-density residential land use classification of the adjoining lot adding supportive housing to the mix of uses on this site would be consistent with the use of the site and the use of the adjoining residential properties. In addition, because site has not been used for industrial type uses since at least the 1960s, the requested amendments would not result in encroachments into or reduction of actively used industrial sites.

- *H-12. Residential Care Facilities and Emergency Shelters.* Encourage a dispersion of residential care facilities and emergency shelters, and avoid an over concentration of residential care facilities and shelters for the homeless in any given area consistent with state and federal laws. Allow emergency shelter beds in appropriate zoning districts in order to accommodate San Rafael's unsheltered homeless population. Recognize transitional and supportive housing units as residential units, and eliminate governmental constraints to the operation or construction of transitional, supportive, and emergency housing consistent with State law. Support the implementation of the San Rafael Homeless Action Plan.

According to Homeward Bounds [Website](#), Mill Street Center located at 190 Mill Street is Marin County's only year-round emergency shelter for adults. The applicant is seeking a use permit to expand the 55-bed emergency shelter to allow up to 60 beds. In addition, the applicant proposes construction of 32 single room occupancy units for permanent supportive housing. Permanent supportive housing is a permitted by-right use within multi-family residential projects but is not within the CCI/O zoning district. In accordance with Assembly Bill 2162, supportive housing must be allowed within multi-family zoning districts through a by right process without discretionary review. Adjusting the High-density residential boundary to encompass the project site would allow the existing facility to provide both emergency shelter and supportive housing for the homeless within one facility.

Staff is seeking Planning Commission concurrence that the requested amendments to the General Plan Land Use Map and General Plan Policies, and requested changes to the Zoning Ordinance (text and map) would be consistent with NH-49 and H-12 because the project site is currently being used as an emergency shelter rather than industrial uses and expanding the number of emergency shelter beds would not result in an overconcentration of emergency shelters and or supportive housing.

Requested Height Bonus

The applicant is seeking a 12-foot height bonus for this project as a concession for providing a 100% affordable housing project. The following General Plan Policies support the issuance of 12-foot height bonus for residential projects that provide some level of affordability (see Exhibit 3).

- *LU-13. Height Bonuses.* A height bonus may be granted with a use permit for a development that provides one or more of the amenities listed in Exhibit 10, provided the building's design is consistent with Community Design policies and design guidelines. No more than one height bonus may be granted for a project.
- *H-17b. Height Bonuses.* Continue to offer height bonuses for projects that include affordable housing units as provided in Exhibit 10 of the Land Use Element. Provide early design review to assist with potential design issues. Height increases may be granted with a use permit. Evaluate utilizing height bonuses as a tool to incentivize lot consolidation.

While the project site is not included in Exhibit 10, this exhibit does specify affordable housing as an amenity for allowing a height bonus in certain districts. In accordance with AB2162 supportive housing projects may request concessions including concessions for height without triggering a discretionary process. For this reason staff is supporting the requested 12-foot height bonus as it is consistent with the city's allowances for additional height for 100% affordable housing projects. Staff is seeking Planning Commission concurrence on this topic.

Although, not proposed by the applicant at this time, the City is partnering with Homeward Bound to include amendments to the General Plan and Zoning Ordinance that would allow a 24-foot height bonus for 100% affordable residential projects located within the HR1 district in certain areas of San Rafael (see also *General Plan Policies in support of by-right zoning* section below). This amendment demonstrates the City's ongoing commitment to streamlining review of affordable housing projects in hopes of boosting production of housing for all income levels.

Earlier this year, the City applied for state funded grants to fund the creation of programs that would contribute toward our streamlining efforts (See SB2 discussion above). This funding is a non-competitive grant intended "to help cities and counties prepare, adopt, and implement plans and process improvements that streamline housing approvals and accelerate housing production." The grant request required an application that included a signed resolution from the City Council attesting to their commitment to use the requested funding for projects that support streamlined review of affordable housing projects, which as presented to the City Council included a "by right" process for affordable housing projects. On October 30, 2019, the City received notification that our request for funding was approved. This funding will be used for 5 City-sponsored programs including the City's proposal to establish a streamlined "by right" process that would allow the 24-foot height bonus for residential projects that designate 100% of the project's units as affordable units. This height bonus would be available as part of a pilot program within certain sites that also have a Land Use classification of HDR and a zoning designation of HR1 (including the site at 190 Mill Street). This height bonus would require a General Plan Amendment to modify General Plan Policies LU-13 and Exhibit 10, H-17b and NH-48 and NH116 (see Exhibit 3). With these amendments to the General Plan the requested height bonus would be consistent with the General Plan.

Assembly Bill 2162 (AB2162) and Objective Standards

AB2162 adopted in 2018, requires local agencies to consider supportive housing projects through a ministerial "by right" process without discretionary review. Jurisdictions may apply objective standards when considering these types of projects if those standards are adopted at time of application. The proposed project includes a 32-unit supportive housing/60-bed emergency shelter. To date the city has not adopted objective design standards, however, the applicant has been deemed to comply with the following:

Objective Development Standards (Zoning Ordinance Consistency):

The following Zoning Ordinance Development Standards apply to the project. The applicant has demonstrated compliance with the standards listed below as shown on proposed project plans (Exhibit 6):

- Setbacks –
 - Front - 10 (average of lot on block)
 - Side - 5 feet
 - Street Side - 10 feet
 - Rear -10 feet
- Height max -36 feet with concessions that allow up to 48 feet;
- Minimum usable outdoor area or common indoor areas (100 square feet per unit);
- 50% of front and side yard shall be landscaped
- Parking -non required per AB2162 except for employee parking;18 parking spaces have been provided for employee parking;

- Glossy finishes and reflective glass such as glazed or mirrored surfaces are discouraged, and prohibited.
- Equipment placed on the rooftop of a building or in an exterior yard area shall be screened from public view.
- Satellite dishes shall comply with the following:
 - Only one satellite dish is permitted on a lot.
 - Location in any required yard adjacent to a street is prohibited
 - The satellite dish shall meet the setback and height requirements for accessory structures, except that any satellite dish which is higher than eight feet (8') shall meet the setback requirements for the district.
 - The satellite dish shall be screened from view from a public or private street.

San Rafael Design Guidelines for Residential Projects

The San Rafael Design Guidelines contain a number of criteria that are used to evaluate projects within the city. The guidelines are discretionary (subjective) and are intended to assist projects in achieving high quality design. The following objective standards have been taken/adapted from the San Rafael Design Guidelines:

- Design techniques should break up the volume of larger building into smaller units;
- Incorporate transitional elements, such as stepped facades, roof decks and architectural details;
- Entrances shall be oriented toward the street rather than to the interior of the lot or parking lot;
- Windows should overlook the street, parking and public areas to permit surveillance and increased safety;
- Driveway cuts and widths should be minimized;
- Ground level parking should be recessed or place to the rear of building;
- Design for vehicle maneuverability within the parking areas; vehicles should not back out from parking areas onto street;
- Use alternative pavement materials such as turf block, stamped concrete or pavers for driveways;
- Light sources shall be shielded to prevent glare.

Objective General Plan Policies

The following General Plan design related policies apply to the project. While a some of these policies are not considered objective, a consistency finding can be made that when combined with the objective development standards related to a)minimum landscaping requirements; b)minimum requirement for recreation areas in multi-family housing; and c)lighting requirements, contained in the zoning ordinance, the proposed project, including map and text amendments and the proposed development project can be deemed consistent with the following General Plan Policies:

- *CD-12. Industrial Areas.* Recognize the economic importance of industrial areas to the community. Require building and landscape improvements to create a visually comfortable and welcome appearance of the streetscape along roadways in industrial areas adjacent to residential neighborhoods;
- *CD-18. Landscaping.* Recognize the unique contribution provided by landscaping, and make it a significant component of all site design;
- *CD-19. Lighting.* Allow adequate site lighting for safety purposes while controlling excessive light spillover and glare;
- *CD-14. Recreational Areas.* In multifamily development, require private outdoor areas and on-site common spaces for low and medium densities. In high density and mixed-use development, private

and/or common outdoor spaces are encouraged. Common spaces may include recreation facilities, gathering spaces, and site amenities such as picnicking and play areas.

General Plan Policies in support of by-right zoning

The project includes a City-initiate General Plan Amendment that creates a by-right process for projects that commit 100% of the units as affordable. This city-initiated amendment is 1 of 5 programs that received SB2 funding late 2019. This SB2 funding is intended to be used for programs that streamline development review process for housing production. The City-initiated amendments are consistent with the following General plan policies because it would create a more efficient streamlined review for affordable housing projects commit 100% of the units as affordable, at the project would allow expansion of a much needed housing and support service within the City:

H-17d. Efficient Project Review. San Rafael has fully implemented the provisions of the Permit Streamlining Act (AB 884), continue to inform developers of density bonus incentives for affordable housing, and consistent with State requirements, any modified development standards as part of a density utilizes allowable California Environmental Quality Act (CEQA) exemptions for qualified urban infill and other residential projects where site characteristics and an absence of potentially significant environmental impacts allow.

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:

- Fiscal impacts on the City's ability to provide and maintain infrastructure and services.
- Impacts on the community such as the provision of jobs which match the local workforce, commute reduction proposals, and affordable housing.
- Additional or unique economic, fiscal and job-related impacts.
- Fiscal and community impacts of not approving a project, plan or policy.

Community Engagement

The project is includes Amendment to the General Plan Land Use Map and Zoning Districts Map for an area located within the Canal. The Canal neighborhood has a high percentage of Spanish speaking community members. The City is committed to providing adequate outreach to encourage participation by all members of the community in the development review process. The following General Plan policies speak to this commitment:

CD-15. Participation in Project Review. Provide for public involvement in the review of new development, renovations, and public projects with the following:

- 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;
- Distribution of the procedures of the development process that include the following: submittal information, timelines for public review, and public notice requirements;
- Standardized thresholds that state when design review of projects is required (e.g. residential conversions, second-story additions); and
- Effective public participation in the review process.

G-6. Broad-Based Involvement. Establish methods to encourage broad-based, meaningful community involvement. Encourage residents who historically have not been involved in political processes to become engaged in government, consistent with the Community Engagement Action Plan.

To encourage participation from non-English speaking community members, the City has provided the following outreach:

- Provided notification of the proposed project to Canal Community Alliance Representatives;
- Public notices advise of the availability of interpretation service if sufficient notice is provide to the City;
- Posted on-site signage in English and Spanish;
- Included information about this project in English and Spanish, on the City's Major Projects website.

Zoning Ordinance Consistency:

The project would be generally consistent with all applicable regulations of the Zoning Ordinance for the HR1 Zoning District. This includes the requested height bonus if the City-initiated amendments are adopted by the City Council. A more detailed Zoning Consistency discussion will be provided as part of the formal review for the project.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

As a Study Session review, no environmental review is required. The project is currently undergoing environmental review, prepared by an outside consultant, which provides evaluation of the project pursuant to the California Environmental Quality Act (CEQA). A Notice of Availability/Intent will be published once this document is ready for public review. The CEQA document will be available for public review prior to a formal review by the Planning Commission.

PUBLIC NOTICE/ CORRESPONDENCE

Notice for this Study Session was by the Planning Commission, was conducted in accordance noticing requirements contained in Chapter 29 of the Zoning Ordinance. A Notice of Public Meeting was mailed 15 days in advance of the meetings to all property owners, residents, businesses and occupants within a 300-foot radius of the project site and to representatives of the Canal Community Alliance and to the Federation of San Rafael Neighborhoods.

The project includes Amendment to the General Plan Land Use Map and Zoning Districts Map for an area located within the Canal Neighborhood. The Canal Neighborhood has a high percentage of Spanish speaking community members. The City is committed to providing adequate outreach to encourage participation by all members of the community in the development review process.

To encourage participation from non-English speaking community members, the City has provided the following outreach:

- Provided notification of the proposed project to Canal Community Alliance Representatives;
- Public notices advise of the availability of interpretation service if sufficient notice is provide to the City;
- Posted on-site signage in English and Spanish;
- Included information about this project in English and Spanish, on the City's Major Projects website.

No Comments have been received to date.

CONCLUSION

Study Session Review is part of the City's ongoing commitment to find ways for early feedback in hopes of streamlining the project review process. This concept has been used for the past couple of years and has been effective in providing guidance to the applicant as they prepare for a formal review. Staff continues to encourage applicants to bring projects before the Commission for their review so that they may provide comments which may also have land use policy implications. The project presented in this report is a coordinated effort by the City and the applicants to establish a streamlined approach for affordable supportive housing and to apply that streamlined process to the applicant sponsored project.

In general, staff is looking for Planning Commission concurrence that both the applicant-sponsored and City-initiated General Plan and Zoning amendments are consistent with the General Plan. In addition, staff is seeking comments and concurrence regarding the development project's consistency with existing objective standards and consistency with the proposed amendments. Staff believes that adopted General Plan 2020 policies noted in this staff report, support the development of very low-income housing, supportive housing, and innovative approaches to providing housing for all income levels within the city. Staff is seeking Planning Commission concurrence on the following:

1. That that the applicants requested amendments to the land use map and zoning district map would not conflict with Policy NH-49 because the project site has been used as an Emergency Shelter since 1986 and was a physical therapist office prior to that. Emergency shelters are considered a form of housing. Thus, adding supportive housing to the mix of uses on this site would be consistent with the use of the site. In addition, because site has not been used for industrial type uses since at least the 1960s, the requested amendments would not result in encroachments into or reduction of actively used industrial sites. The requested General Plan Land Use Map and Zoning Map amendments would apply the adjacent high density residential classification to the project site.
2. That the requested amendments to the General Plan Land Use Map and General Plan Policies, and requested changes to the Zoning Ordinance (text and map) would not result in an overconcentration of emergency shelters and or supportive housing because 190 Mill Street is currently Marin County's only year-round emergency shelter for adults. The applicant is seeking a use permit to expand the 55-bed emergency shelter to allow up to 60 beds and to add 32 single room occupancy units for permanent supportive housing. Permanent supportive housing is a permitted by-right use within multi-family residential projects. In accordance with Assembly Bill 2162, supportive housing must be allowed within multi-family zoning districts through a by right process without discretionary review.
3. That the requested height bonus and City-initiated Amendments to Height Bonus allowances in Exhibit 10 are generally consistent with General Plan policies that support height bonuses for affordable housing projects because the General Plan currently supports a height bonus for affordable housing elsewhere in the City. In addition, the City's proposal to establish a streamlined "by right" process would allow the 24-foot height bonus for residential projects that designate 100% of the project's units as affordable units. This height bonus would be available as part of a pilot program within certain sites that also have a Land Use classification of HDR and a zoning designation of HR1 (including the site at 190 Mill Street). This height bonus would require a General Plan Amendment to modify General Plan Policies LU-13 and Exhibit 10, H-17b and NH-48 and NH116 (see Exhibit 3). With these amendments to the General Plan the requested height bonus would be consistent with the General Plan.
4. That the project has adequately demonstrated compliance with the following existing published Objective standards:

- Objective Development Standards (Zoning Ordinance Consistency)
 - Objective Standards contained in the San Rafael Design Guidelines
 - Objective General Plan Policies
5. That project is consistent with General Plan Policies that support adoption of a by-right zoning process for affordable housing projects because it would create a more efficient streamlined review for affordable housing projects commit 100% of the units as affordable, at the project would allow expansion of much needed housing and support service within the City

Other Comments:

The above items are the major topic areas 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.

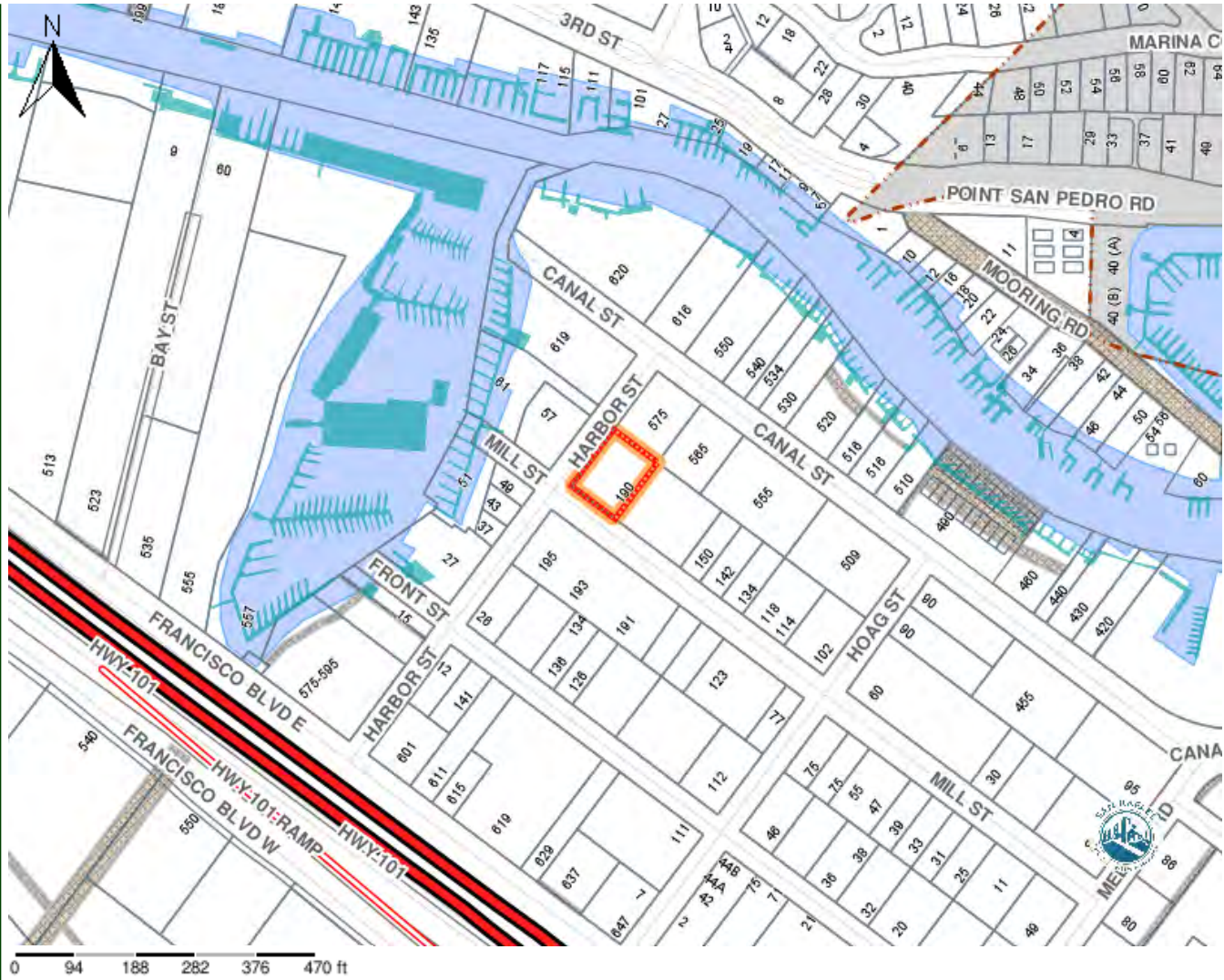
The applicant and the City will use the Planning Commission's comments to guide the next phase of development review for this project.

EXHIBITS

1. Vicinity/Location map
2. Applicant's Project Description
3. General Plan and Zoning Amendment (Text changes only)
4. General Plan and Zoning Map Amendment
5. General Plan Consistency Table
6. Project Plans *Reduced (11" x 17") color plan sets have been provided to the Planning Commissioners only. Digital copy of the project plans can be viewed using the following link:*
https://www.cityofsanrafael.org/homeward_bound/

Legend

- Marin Cities**
 - Marin Cities
- Bay Waters**
 - Bay Waters
- Parcels**
 - Parcels
- ROW**
 - ROW
- Other Easements**
 - EASEMENTS
- MMWD Easements**
 - EASEMENTS
- Boat Docks**
 - Boat Docks
- OneWayArrows**
 - One Way Arrows
- Street Centerline**
 - Street Centerline
- Street Names**
 - Street Names
- Label**
 - SITUS
- San Rafael Sphere of Influence**
 - San Rafael Sphere of Influence
- San Rafael City Limit**
 - City Limit Line
- Query Results**
 - Results



PROPOSAL FOR MILL STREET CENTER
SHELTER EXPANSION AND DEVELOPMENT OF AFFORDABLE HOUSING UNITS, SAN RAFAEL, CALIFORNIA
A Project of Homeward Bound of Marin

Homeward Bound: History and Experience

Homeward Bound is the main provider of shelter and supportive housing for people experiencing homelessness in Marin County, California. Serving 1,200 people a year through 16 interrelated residential programs, Homeward Bound has proven ability in the planning, construction, and management of affordable housing and shelter. This includes the 2016 completion of Oma Village—a 14-unit affordable housing community for families transitioning out of homelessness. In 2008, Homeward Bound constructed the 32-unit Next Key Center (including affordable apartments, medical respite beds, and a culinary job training and events center), which expanded from the 80-bed New Beginnings Center shelter built by the agency in 2000. Homeward Bound recently completed renovations on a vacant former convent in Larkspur to provide permanent supportive housing for 12 low-income seniors.

Existing Mill Street Center

Located in San Rafael, Mill Street Center is the “front door” to Homeward Bound’s adult services. With 40-55 beds, the facility is Marin County’s only year-round emergency shelter for homeless adults. Mill Street Center serves both men and women in separate dormitory-style rooms, and homecooked meals are served nightly by volunteers from a network of three dozen churches and community groups. Homeward Bound has operated Mill Street Center since 1986, and in that 30-year period, the facility has endured substantial wear-and-tear from daily use, in addition to structural problems that existed before Homeward Bound acquired the building. Staff are currently fixing as much as they can on their own, but the need for a new facility is imminent. In addition to rebuilding the structure itself, substantial upgrades are also needed to replace aging equipment and furnishings.



Mill Street Center, San Rafael

Project Scope for New Mill Street Center

The goal of this project is to rebuild Mill Street Center by expanding and improving the existing shelter while also adding 32 units of permanent supportive housing. This will add critically needed affordable housing in a county consistently ranked as the least affordable rental market in the nation (Source: National Low Income Housing Coalition).

Homeward Bound proposes developing a four-story building at the site. The expanded 60-bed shelter will be situated on the first floor above a ground level parking structure. The second and third floors will mirror each other in design and have 16 small housing units each—a total of 32 new units of permanent supportive housing.

An architectural proposal for the site has been developed by Frederic C. Divine Associates, a local firm with whom Homeward Bound has effectively partnered in the past.

The City of San Rafael has expressed their full support for rebuilding Mill Street Center, and Homeward Bound has been in direct communication about the project with City Council Member Kate Colin. The decision to rebuild Mill Street Center was made following nine months of visiting area properties with the real estate subcommittee of Homeward Bound’s Board of Directors. This group reached consensus that developing Mill Street Center is a more feasible option than purchasing new property, considering the high cost of real estate in Marin and the presence of organized anti-affordable housing groups in many area neighborhoods. Mill Street Center faces neither of these challenges because Homeward Bound already owns the property, which eliminates the expense of purchasing a new site, and the agency has excellent relationships with Mill Street Center’s neighbors as they have been operating shelter services there for the

past 30+ years.

Last year, Homeward Bound completed a site investigation of Mill Street Center funded by Tamalpais Pacific. This included soil boring and analysis, as well as boundary and topographic assessments. These feasibility studies found that the site is viable for development. Conceptual designs have been shared with the City of San Rafael resulting in initial positive responses. Next steps include a 12-month process securing approvals for setbacks, building height, lot coverage, and parking. The City of San Rafael has provided a matrix to guide this filing and review process with details regarding timelines, requirements, concessions, and allowances.

At this preliminary stage, Homeward Bound's goal as an agency is to complete all construction by early 2021.

Tenants

Residents of the 32 permanent supportive housing units will be chronically homeless individuals identified and placed into housing through the County's Coordinated Entry system, which uses a 'Housing First' model and prioritizes people based on their vulnerability. 'Housing First' targets people with the longest periods of homelessness and focuses on moving them into housing as quickly as possible to improve their quality of life, decrease healthcare costs, and reduce the number of people on the streets.

Client vulnerability is measured using the VI-SPDAT, a nationally-recognized, evidence-based triage tool for people experiencing homelessness. The VI-SPDAT includes physical, mental, and behavioral health issues, as well as length of time homeless, and interaction with high-cost emergency services.

Residents will be further prioritized using criteria determined by the Coordinated Entry committee, a stakeholder group that includes Marin County Health and Human Services, and all homeless housing providers. These additional prioritization criteria will take into account extreme medical need and frequent use of emergency services. Currently, Marin County is working with hospitals and law enforcement to identify those clients whose behavioral health makes them frequent utilizers of multiple emergency services. This information will also be taken into consideration when prioritizing clients for housing at Mill Street Center.

Residents seeking emergency shelter services at Mill Street Center will be also be admitted by referral via community partners. An initial seven-day stay will be offered to all, and if within that timeframe an individual or family has resolved to end their own homelessness, they will be offered a 28-day stay based on their vulnerability and their motivation to move into permanent housing. During that period, staff will work diligently with these residents to develop personalized housing plans, increase their income, and set individual goals.

Effectiveness

Permanent supportive housing is the most effective intervention for high-needs people experiencing homelessness. Homeward Bound is a seasoned permanent supportive housing provider with more than 40 years of experience housing and stabilizing the hardest to serve. Clients housed in Mill Street Center's shelter and permanent supportive housing will receive individualized trauma-informed care and housing-based case management. By placing high-needs, resource-intensive individuals in low-barrier permanent housing, clients will be able to not only avoid costly emergency interventions but will also receive help securing preventative care access to improve their overall health.

Marin has no single-room occupancy sites with supportive housing that prioritize the most vulnerable people who are experiencing homelessness. This project will expand access to housing through 32 permanent supportive housing units on a single-site nearby transportation and services.

Mill Street Center Staffing

Current staffing levels at the existing shelter include a Program Director who oversees a staff of 4 Housing Case Managers and 4 Resource Counselors. This staff provides 24/7 coverage, with a variety of skill sets from Shelter Management, to Housing and Social Service support, to Clinical Support. Homeward Bound's Leadership Team provides

supervision over the whole program and meets with the Program Director at least twice per week, and often daily. Homeward Bound of Marin's extended team provide supplemental resources including workforce development training, a maintenance team, HR and IT support, and much more. We also partner with many local agencies to provide additional case management and support including the Probation and Parole departments, the County of Marin's Behavioral Health and recovery Services, Ritter Center and many additional nonprofits.

In the new Mill Street Center, the shelter staffing model will remain basically the same.

There will be an additional Housing Stabilization staff member on each of the new floors of permanent supportive housing, on each shift, providing 24/7 staffing.

There will also be a Behavioral Health & Recovery Services "Full Service Partnership" team working solely with the residents based in these new units of permanent supportive housing, as well as additional Whole Person Care staff working with folks referred through the Coordinated Entry System.

Funding

The anticipated total construction costs of this project are \$15.6 million. The site, while owned by Homeward Bound of Marin, is in a flood zone, requiring additional costly structural components.

Homeward Bound has already been conditionally awarded \$1,567,065 from Partnership HealthPlan for this development in addition to the required \$1,500,000 in noncompetitive No Place Like Home funding match. CDBG awarded funding is 141,000.

The Homeless Emergency Aid Program (HEAP) award is \$4,523,891 as well as NPLH technical assistance grant of \$100,000. Other requests from Marin Community Foundation, the City of San Rafael, the Federal Home Loan Bank are pending. In addition, other funding requests will be made to foundations, corporate partners, and individual supporters.

Sustainability

Homeward Bound's previous construction projects are all self-sustaining by fully paying construction costs up front rather than taking on loans. With the new Mill Street Center design, some additional funding for case management of clients living in permanent supportive housing will be provided by Marin County Behavioral Health and Recovery Services, as required by the No Place Like Home Initiative.

In addition, vouchers may be paired with each unit to provide an additional income source.

The emergency shelter on the first floor beneath the permanent housing units will continue to be funded in part by Marin County Health & Human Services. This funding allows on-site overnight staffing, which will make it possible for Homeward Bound to house the higher-need, more vulnerable individuals addressed in this proposal.

Rebuilding Mill Street Center will create a model that is missing in Marin County. Currently, permanent supportive housing for chronically homeless adults is provided through scattered-site units without onsite staff. By providing centralized housing with onsite 24-hour staffing, this project will successfully serve the highest-need individuals in our community with the resources they need to get off the streets for good, remain stably housed, and lead thriving lives.

If you have any questions or need additional information, please feel free to contact Homeward Bound Deputy Executive Director Paul Fordham: 415.382.3363, ext. 211 or pfordham@hbofm.org

LU-13. Height Bonuses.

A height bonus may be granted with a use permit (except as noted below) for a development that provides one or more of the amenities listed in Exhibit 10, provided the building's design is consistent with Community Design policies and design guidelines. No more than one height bonus may be granted for a project.

See LU-2a. (Development Review)

Exhibit 10: Height Bonuses

Location	Maximum Height Bonus	Amenity (May provide one or more of the following)
Fourth Street Retail Core Zoning District	12 feet	Affordable housing Public courtyards, plazas and/or passageways (consistent with Downtown Design Guidelines) Public parking (not facing Fourth Street)
PG&E site in the Lindero Office land use district	24 feet	Park (privately maintained park with public access, adjacent to Mahon Creek; an alternative is tennis courts tied to Albert Park.) Community facility (10,000 sq. ft. or more in size)
Second/Third Mixed Use East Zoning District	12 feet	Affordable housing Public parking Overhead crosswalks Mid-block passageways between Fourth Street and parking on Third Street
Second/Third Mixed Use West District, north of Third Street and east of C Street	18 feet	Public parking
West End Village	6 feet	Affordable housing Public parking Public passageways (consistent with Downtown Design Guidelines)
Lincoln Avenue between Hammondale and Mission Avenue	12 feet	Affordable Housing See NH- 120 -116 (Lincoln Avenue)
<u>Canal Neighborhood</u>	<u>12 feet</u>	<u>See NH-48 (New Residential Areas)</u>
<u>Lincoln Avenue between Hammondale and Mission Avenue and Canal Neighborhood</u> ⁽²⁾	<u>24 feet</u>	<u>100% Affordable Housing</u> <u>See NH-116 (Lincoln Avenue) and NH-48 (New Residential Areas)</u>
Marin Square	12 feet	Affordable housing
North San Rafael Town Center	24 feet	Affordable housing
Citywide where allowed by zoning.	12 feet	Hotel ⁽¹⁾

(1) See policy LU-20 (Hotels, Motels and Inns)

(2) Height bonus permitted through a non-discretionary process if certain criteria are met.

NH-116. Lincoln Avenue.

Maintain low-density development in the hillside areas, consistent with the existing density and environmental constraints. Allow higher density residential development along Lincoln Avenue between Hammondale Court and Mission Avenue given its good access to public transit. Promote lot consolidations to achieve higher densities while providing adequate on-site parking and circulation and minimizing ingress/egress to Lincoln Avenue; minimize additional office conversions of residential sites; maintain 15-foot setbacks and street trees as corridor amenities to provide a landscaped streetscape. The following are more specific policies for Lincoln Avenue:

- a. Promote high-density residential development along Lincoln Avenue, consistent with its existing character and good access to public transit. Encourage redevelopment of these sites for residential use, consistent with the surrounding neighborhood. Encourage lot consolidations to achieve more efficient redevelopment project designs. Encourage underground parking for any new or substantial redevelopment project along Lincoln Avenue.
- b. Prohibit additional office conversions of residential units in residential/office areas except for mixed office/residential projects where the same or additional residential units are provided. Prohibit retail uses.
- c. Design all new projects and substantial remodels in accordance with Noise Element policies.
- d. Require setbacks and other project design features that visually reduce the wall effect along Lincoln Avenue. Encourage underground parking in new development to reduce building mass and height.
- e. Allow a 24-foot height bonus for 100% affordable supportive housing projects through a by right process.
- f. Allow a 12-foot height bonus with use permit, for residential projects that provide less than 100% affordable housing.

NH-48. New Residential Areas.

Develop well-designed new residential areas at medium to high densities in the neighborhood. Provide residential development opportunities close to jobs, and support and enhance the existing residential neighborhood.

NH-48a. Height bonus for affordable housing projects

Allow a height bonus for affordable housing in the Canal Neighborhood as outlined in Exhibit 10 as follows:

- a. Allow a 24-foot height bonus for 100% affordable supportive housing projects within the HR1 zoning District through a by right process.
- b. Allow a 12-foot height bonus with use permit, for residential projects that provide less than 100% affordable housing.

14.04.010 - Specific purposes.

In addition to the general purposes listed in Section 14.01.030, the specific purposes of the residential zoning districts include the following:

- A. To provide a wide variety of housing opportunities in terms of housing types, and neighborhoods with varying densities, lot sizes, and development standards;
- B. To protect and enhance existing residential neighborhoods through retention of existing land development patterns and retention of their varied design character;
- C. To promote new residential development compatible with environmental site constraints and nearby neighborhood development;
- D. To provide opportunities for churches, day care facilities, residential care facilities and other uses which are considered to be compatible and desirable land uses within residential neighborhoods;
- E. To provide outdoor recreational amenities for residents;
- F. To ensure the provision of public services and facilities needed to accommodate planned residential densities;
- G. To promote sensitive hillside residential design.

The additional purposes of each residential zoning district follow.

- H. Single-Family Residential Districts (R5, R7.5, R10, R20, R1a, R2a).
 - 1. The single-family residential districts provide opportunities for low-density, detached single-family residential development. Development densities are based on existing development patterns in the area and environmental site constraints. In hillside areas, development shall conform to the hillside development standards and review procedures established in Chapter 14.12, Hillside Development Overlay District.
 - 2. Single-family residential districts include hillside resource residential land use categories with minimum densities of two (2) or more acres for minimum lot sizes; hillside residential and residential estate categories with densities from twenty thousand (20,000) square foot to two (2) acre lot minimums; and low-density residential land use categories with densities ranging from five thousand (5,000) square foot to twenty thousand (20,000) square foot lot minimums.
- I. Duplex Residential District (DR).
 - 1. The duplex residential district provides opportunities for single-family and duplex residential development. As a transitional area between single-family and multifamily districts, an intent of the district is to maintain the design character of single-family districts.
 - 2. The duplex residential district is included in the medium-density residential land use category with a density of two thousand five hundred (2,500) square feet per dwelling unit.
- J. Multifamily Residential Districts: Medium-Density (MR2, MR2.5, MR3, MR5).
 - 1. The medium-density residential districts provide opportunities for a mixture of residential types, including detached single-family residences, duplexes and multifamily dwellings at medium densities and transitional and supportive housing. Desired styles of development within this district include garden apartments and condominiums.
 - 2. Medium-density multifamily residential districts are included in the medium-density residential land use category with densities ranging from two thousand (2,000) square feet to three thousand (3,000) square feet per dwelling unit.
- K. Multifamily Residential Districts: High-Density (HR1, HR1.5, HR1.8).

1. The high-density residential districts provide opportunities for high-density multifamily residential development and transitional and supportive housing.
 2. High-density multifamily residential districts are included in the high-density residential land use category with densities ranging from one thousand (1,000) square feet to one thousand eight hundred (1,800) square feet per dwelling unit.
- L. Planned Development District (PD). Planned development districts on large residential lots promote clustering of residences to avoid sensitive portions of the site. Densities are consistent with the general plan and typically are low. See Chapter 14.07, Planned Development District, for additional information.

(Ord. 1625 § 1 (part), 1992).

14.04.020 - Land use regulations (R, DR, MR, HR, PD).

P: Permitted by right; C: Conditional use permit; A: Administrative use permit; Blank: Not allowed.

Table 14.04.020

Type of Land Use	R	DR	MR	HR	PD	Additional Use Regulations
Residential Uses						
Single-family residential	P	P	P	P	C	
Duplex residential		P	P	P	C	
Multifamily residential			P	P	C	
<u>Supportive/Transitional Housing</u>			<u>P</u>	<u>P</u>		<u>See Section 14.16.190 (Height Bonus)</u> <u>See Site and Use Regulations Section 14.16.315 (Supportive/Transitional Housing)</u>
Animal keeping	A	A	A	A	A	See standards, Chapter 14.17.020 See Chapter 6.04
Boardinghouse or rooming house			C	C	C	<u>Does not include supportive/transitional housing which is defined separately</u>
Conversion of senior housing to nonsenior housing	C	C	C	C	C	
Emergency shelters for the homeless						
Permanent				C		See standards, Section 14.16.115
Temporary or rotating	C	C	C	<u>C*</u>	C	<u>*May be approved by right when combined with a supportive housing project.</u>
Home occupations	P	P	P	P	P	See standards, Chapter 14.16

TABLE 14.05.020

Type of Land Use	GC	NC	OC/O	R/O	FBWC*	Additional Use Regulations
Multifamily residential	A(3)	A(3)	P	A(3)	P	A(3)
<u>Supportive/Transitional Housing</u>			<u>P</u>		<u>P</u>	<u>See Section 14.16.190 (Height Bonus)</u> <u>See Site and Use Regulations Section 14.16.315 (Supportive/Transitional Housing)</u>

TABLE 14.05.022

Type of Land Use	4SRC	HO	CSMU	2/3 MUE	2/3 MUW	WEV	5/M R/O
Multifamily residential (19)	A	A(29)	A	A(20)	A	A	P
<u>Supportive/Transitional Housing</u>							<u>P</u>

(32) See Section 14.16.190 and Section 14.16.315 for height limits and use regulations

14.16.190 - Height bonus.

- A. Downtown Height Bonuses. A height bonus may be granted by a use permit approved by the planning commission in the following downtown zoning districts. No more than one height bonus may be granted for a project.
1. In the Fourth Street retail core, a twelve-foot (12') height bonus for any of the following:
 - a. Affordable housing, consistent with Section 14.16.030 (Affordable housing);
 - b. Public courtyards, plazas and/or passageways, with the recommendation of the design review board that the public improvements are consistent with downtown design guidelines;
 - c. Public parking, providing it is not facing Fourth Street and it is consistent with the downtown design guidelines.
 2. In the Lindaro district, on lots south of Second Street and fronting Lindaro Street, a twenty-four-foot (24') height bonus for any of the following:
 - a. Park area adjacent to Mahon Creek, accessible to the public and maintained by the property owner;
 - b. Community facility, ten thousand (10,000) square feet or more in size. The facility must be available to the public for cultural and community events, and maintained and operated by the property owner.
 3. In the Second/Third mixed use east district, a twelve-foot (12') height bonus for any of the following:
 - a. Affordable housing, consistent with Section 14.16.030 (Affordable housing);
 - b. Public parking, providing it is consistent with the downtown design guidelines;
 - c. Skywalks over Second or Third Streets, with the approval of the traffic engineer, and the recommendation of the design review board;
 - d. Mid-block passageways between Fourth Street and parking lots on Third Street, with the recommendation of the design review board that the design is attractive and safe.
 4. In the West End Village, a six-foot (6') height bonus for any of the following:
 - a. Affordable housing, consistent with Section 14.16.030 (Affordable housing);
 - b. Public parking, providing it is consistent with the downtown design guidelines;
 - c. Public passageways, with the recommendation of the design review board that the public passageway serves an important public purpose and is attractive and safe.
 5. In the Second/Third mixed use west district, on lots located on the north side of Third Street and east of C Street, an eighteen-foot (18') height bonus for the following:
 - a. Public parking, providing it is consistent with the downtown design guidelines.
- B. Lincoln Avenue and Canal Neighborhood Height Bonus
1. For projects with less than 100% affordable housing. A twelve-foot (12') height bonus may be granted for affordable housing on Lincoln Avenue between Mission Avenue and Hammondale Ct., on lots greater than one hundred fifty (150') in width and twenty thousand (20,000) square feet in size, and within the HR1 zoning district in the Canal Neighborhood (defined by General Plan Exhibit 16). consistent with Section 14.16.030, (Affordable housing) subject to approval by the City Council through a Use permit.
 2. For projects with 100% affordable housing. A twenty-four foot (24') height bonus may be granted for 100% affordable housing projects located within the HR1 zoning district along Lincoln Avenue

between Mission Avenue and Hammondale Ct and within the HR1 zoning district in the Canal Neighborhood (defined by General Plan Exhibit 16), consistent with Section 14.16.030, (Affordable housing) through a non-discretionary process if the following criteria apply:

- a. Must be 100% affordable;
 - b. Must be located within ½ mile of a transit route or transit center;
 - c. Shall not be located within the -C overlay or the -H overlay.
- C. Marine Square Height Bonus. A twenty-four-foot (24') height bonus may be granted for affordable housing at the Marin Square and Gary Place properties, consistent with Section 14.16.030 (Affordable housing).
- D. North San Rafael Town Center Height Bonus. A twenty-four-foot (24') height bonus may be granted for affordable housing in the North San Rafael Town Center, consistent with Section 14.16.030 (Affordable housing).
- E. Hotel Height Bonus. A height bonus of twelve feet (12') may be granted for a hotel provided the planning commission finds that the hotel will be a significant community benefit and the design is consistent with design review board recommendations.

14.16.315 – Supportive/Transitional Housing

Supportive/Transitional housing shall be a use by right in zones where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses, if the proposed housing development satisfies all of the following requirements:

1. The project shall comply with all property development standards contained in Table 14.04.040, except as allowed therein;
2. Units within the development are subject to a recorded affordability restriction for 55 years;
3. One hundred percent of the units, excluding managers' units, within the development are dedicated to lower income households;
4. At least 25 percent of the units in the development or 12 units, whichever is greater, are restricted to residents in supportive housing who meet criteria of the target population. If the development consists of fewer than 12 units, then 100 percent of the units, excluding managers' units, in the development shall be restricted to residents in supportive housing.
5. The developer provides the planning agency with the information required by Section 65652.
6. Nonresidential floor area shall be used for onsite supportive services in the following amounts:
 - (A) For a development with 20 or fewer total units, at least 90 square feet shall be provided for onsite supportive services.
 - (B) For a development with more than 20 units, at least 3 percent of the total nonresidential floor area shall be provided for onsite supportive services that are limited to tenant use, including, but not limited to, community rooms, case management offices, computer rooms, and community kitchens.

"Target population" means persons, including persons with disabilities, and families who are "homeless," as that term is defined by Section 11302 of Title 42 of the United States Code, or who are "homeless youth," as that term is defined by paragraph (2) of subdivision (e) of Section 11139.3 of the Government Code.

4-23-19

Project: Mill Street Center
190 Mill Street APN 014-19-012

Zoning Amendment and General Plan Amendment
Statement of Reasons for Change

ZONING CHANGE: CCI/O to HR-1

The reason for the change is to allow development of housing at 190 Mill St. The primary justification is the value to the community of the proposal for affordable housing and the direct adjacency of APN 014-192-10, a parcel developed with multifamily housing having the same zoning requested, it being part of a larger district of similar zoning.

GENERAL PLAN CHANGE: LI/O to HDR

The change is required to allow the zoning change requested. The primary justification is the value to the community of the proposal for affordable housing and the direct adjacency of APN 014-192-10, a parcel with the General Plan Designation requested, it being part of a larger district of similar General Plan Designation.

RECEIVED
APR 26 2019
PLANNING

190 MILL STREET

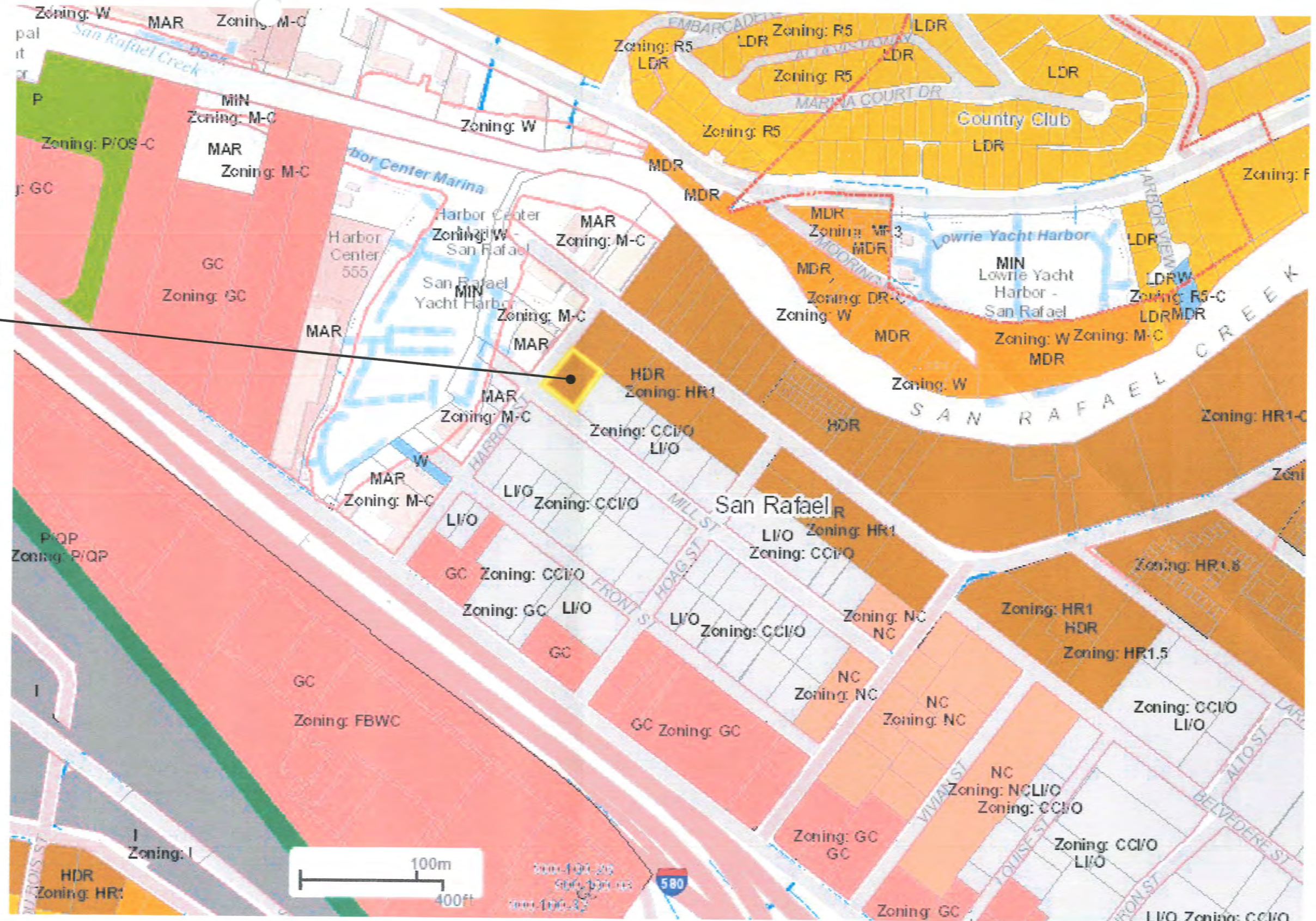
APN: 014-19-012

ZONING

EXISTING: CCI/O
 PROPOSED: HR-1

GENERAL PLAN

EXISTING: LI/O
 PROPOSED: HDR



A R C H I T E C T S
 FREDRIC C. DIVINE ASSOCIATES
 1924 FOURTH ST., SAN RAFAEL, CA 94901
 Phone: (415) 457 - 0220 Fax: (415) 454 - 9581

DATE: 4/26/19
 SCALE: AS NOTED
 DRAWN: JR/PC
 JOB #: 16032

PROPOSED MILL STREET CENTER
 EMERGENCY HOMELESS SHELTER /
 SINGLE RESIDENT OCCUPANCY UNITS
 190 MILL STREET, SAN RAFAEL, CA
 FOR: HOMEWARD BOUND OF MARIN
 APN# 014-19-012

1
A1 EXHIBIT - ZONING AND GENERAL PLAN MAP

SCALE: AS NOTED

Exhibit 5

**PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020
FOCUSED**

LAND USE ELEMENT	
<p>LU-2. Development Timing. 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"> a. Project-related traffic will not cause the level of service established in the Circulation Element to be exceeded; 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; c. Environmental review of needed circulation improvement projects has been completed; 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 e. Sewer, water, and other infrastructure improvements will be available to serve new development by the time the development is constructed 	<p><i>Consistent</i> <i>A more in depth discussion will provided as part of the formal review and environmental review for this project</i></p>
<p>LU-12. Building Heights. Citywide height limits in San Rafael are described in Exhibits 7 and 8. For Downtown height limits see Exhibit 9.</p>	<p><i>Consistent</i> <i>The project includes a request for a 12-foot height bonus as well as a city-initiated General Plan and Zoning Code amendment to allow a 24-foot height bonus for 100% affordable residential projects located within the HR1 district in certain areas of San Rafael (see also General Plan Policies in support of by-right zoning section below). This amendment demonstrates the City's ongoing commitment to streamlining review of affordable housing projects in hopes of boosting production of housing for all income levels. The proposed development project would be consistent with this policy if the City initiated amendment is adopted by the City Council</i></p>
<p>LU-13. Height Bonuses. A height bonus may be</p>	<p><i>Consistent</i></p>

Exhibit 5

**PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020
FOCUSED**

<p>granted with a use permit for a development that provides one or more of the amenities listed in Exhibit 10, provided the building's design is consistent with Community Design policies and design guidelines. No more than one height bonus may be granted for a project.</p>	<p><i>See Policy LU12 above.</i></p>
<p>LU-18. Lot Consolidation Commercial and higher density residential parcels less than 6,000 square feet in size should be encouraged to be combined to provide adequate parking and circulation, minimize driveway cuts on busy streets, and maximize development and design potential.</p>	<p><i>Consistent</i> <i>Property contains 2 historic lots that will need to be combined to accommodate the project.</i></p>
<p>LU-23. Land Use Map and Categories. 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> <i>The project consists of and Emergency Shelter and 32 Single Room Occupancy (SRO) units. SRO units do not contribute to residential density [see Housing Element Policy H10c]</i></p>
<p>HOUSING ELEMENT</p>	

Exhibit 5

**PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020
FOCUSED**

<p>H-3. Public Information and Participation. Provide information on housing programs and related issues. Require and support public participation in the formulation and review of the City’s housing policy, including encouraging neighborhood involvement in development review. Work with community groups to advocate programs that will increase affordable housing supply and opportunities. Ensure appropriate and adequate involvement so that the design of new housing will strengthen the character and integrity of the neighborhood.</p>	<p><i>Consistent</i> <i>See CD-15</i></p>
<p>H-4b. Community Collaboration. Encourage cooperative and joint ventures in the provision of affordable housing. Give technical assistance to non-profit developers by providing information on other local sources of funding for affordable housing and introductions to other funders. As appropriate, write letters of support and serve as a co-applicant for project funding, such as for affordable housing funds available through California’s cap-and-trade system.</p>	<p><i>Consistent</i> Earlier this year, the City applied for state funded grants to fund the creation of programs that would contribute toward our streamlining efforts (See SB2 discussion above). This funding is a non-competitive grant intended “to help cities and counties prepare, adopt, and implement plans and process improvements that streamline housing approvals and accelerate housing production.” The grant request required an application that included a signed resolution from the City Council attesting to their commitment to use the requested funding for projects that support streamlined review of affordable housing projects, which as presented to the City Council included a “by right” process for affordable housing projects. On October 30, 2019, the City received notification that our request for funding was approved. This funding will be used for 5 City-sponsored programs including the City’s proposal to establish a streamlined “by right” process that would allow the 24-foot height bonus for residential projects that designate 100% of the project’s units as affordable units. This height bonus would be available as part of a pilot program within certain sites that also have a Land Use classification of HDR and a zoning designation of HR1 (including the site at 190 Mill Street). This height bonus would require a General Plan Amendment to modify General Plan Policies LU-13 and Exhibit 10, H-17b and NH-48 and NH116. With these amendments to the General Plan the requested height bonus would be consistent with the General Plan.</p>
<p>H-6. Funding for Affordable Housing. H-6c. Funding Applications. As opportunities for funding become available, coordinate applications for State and Federal subsidies for affordable housing, and (1) provide technical assistance in public funding</p>	<p><i>Consistent</i> <i>See Policy H4b</i></p>

Exhibit 5

**PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020
FOCUSED**

<p>resources and local processing requirements, including community involvement; (2) consider project funding and timing needs in the processing and review of the application; and (3) work with applicants to identify appropriate submittal materials to enable a timely determination of application completeness.</p>	
<p>H-9. Special Needs. Encourage a mix of housing unit types throughout San Rafael, including very low- and low-income housing for families with children, single parents, students, young families, lower income seniors, homeless and the disabled. Accessible units shall be provided in multi-family developments, consistent with State and Federal law.</p> <p>H-9c. Housing Opportunities for Persons Living with Disabilities: The Golden Gate Regional Center (GGRC) provides services and support for adults and children with developmental disabilities, including over 400 San Rafael residents. The GGRC reports that 60 percent of their adult clients with developmental disabilities live with their parents, and as these parents age and become frailer their adult disabled children will require alternative housing options. The City will coordinate with the GGRC to implement an outreach program informing San Rafael families of housing and services available for persons with developmental disabilities, including making information available on the City's website.</p> <p>H-9d. Housing for Extremely Low Income Households. Prioritize some housing fees for the development of housing affordable to extremely low-income households, to encourage the development of programs to assist age-in-place seniors, to</p>	<p><i>Consistent</i> <i>Homeward Bound proposes a General Plan Land Use Map Amendment and a Zoning Map amendment that would modify the existing High-Density Residential land use and zoning district boundaries of the adjacent site to include this project site at 190 Mill. The request would allow the site to be developed with a combination emergency shelter (up to 66 emergency beds) and permanent supportive housing (32 single room occupancy units). Typically, when reviewing request for General Plan and Zoning Map amendments we are supportive of amendments that involve a modification to the land use boundary line of an adjacent parcel. This helps avoid Land Use changes that could be classified as spot zoning. Spot zoning is the process of reclassification of a single parcel a use classification totally different from that of the surrounding lot to the detriment of other lots/owners. In this case, The applicant is requesting the land use and zoning classification of the adjacent and nearby parcels which allow high density residential development. The request amendments would allow development of the project mentioned above.</i></p>

Exhibit 5

**PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020
FOCUSED**

<p>increase the amount of senior housing, to increase the production of second units, and to facilitate the construction of multifamily and supportive housing.</p>	
<p>H-10. Innovative Housing Approaches. Provide opportunities and facilitate innovative housing approaches in financing, design and construction of units to increase the availability of low- and moderate-income housing and especially for housing that meets the city's housing needs.</p> <p>H-10c. Single Room Occupancy (SRO) Units. Actively promote existing incentives for SRO apartments, such as no density regulations and lower parking standards, in multifamily and mixed use districts in recognition of their small size and low impacts. Where needed, encourage linkages to social services.</p>	<p><i>Consistent</i> <i>See Policy H-12</i></p>
<p>H-12. Residential Care Facilities and Emergency Shelters. Encourage a dispersion of residential care facilities and emergency shelters, and avoid an over concentration of residential care facilities and shelters for the homeless in any given area consistent with state and federal laws. Allow emergency shelter beds in appropriate zoning districts in order to accommodate San Rafael's unsheltered homeless population. Recognize transitional and supportive housing units as residential units, and eliminate governmental constraints to the operation or construction of transitional, supportive, and emergency housing consistent with State law.</p>	<p><i>Seeking PC Input that Project is Consistent</i> <i>According to Homeward Bounds Website, Mill Street Center located at 190 Mill Street is Marin County's only year-round emergency shelter for adults. The applicant is seeking a use permit to expand the 55-bed emergency shelter to allow up to 60 beds. In addition, the applicant proposes construction of 32 single room occupancy units for permanent supportive housing. Permanent supportive housing is a permitted by-right use within multi-family residential projects but is not within the CCI/O zoning district. In accordance with Assembly Bill 2162, supportive housing must be allowed within multi-family zoning districts through a by right process without discretionary review. Adjusting the High-density residential boundary to encompass the project site would allow the existing facility to provide both emergency shelter and supportive housing for the homeless within one facility.</i></p>

Exhibit 5

**PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020
FOCUSED**

Support the implementation of the San Rafael Homeless Action Plan.

H-12a. Countywide Efforts to Address Homeless Needs. Work with other jurisdictions and agencies in Marin to provide emergency, transitional, and supportive housing and assistance throughout Marin, and continue City staff's role as the homeless coordinator for the County.

H-12b. Good Neighborhood Relations Involving Emergency Shelters and Residential Care Facilities. Where determined necessary during review of an application, encourage positive relations between neighborhoods and providers of emergency shelters and residential care facilities by requiring shelter outreach communication programs with the neighborhoods.

H-12d. Emergency Shelters, Transitional and Supportive Housing. Implement Zoning Code Section 14.16.115 to allow emergency shelters as a permitted use in the General Commercial (GC) and Light Industrial (LI/O) zoning districts south of Bellam and east of Highway 580 and with appropriate performance standards as allowed by State law. Continue to allow emergency shelters with a use permit in areas zoned for office, commercial, light industrial and public/quasi-public use. Implement the City's Zoning Code (Zoning Code Chapter 14.03 - Definitions), consistent with State and Federal law, to recognize transitional and supportive housing as residential uses, subject to the same restrictions and standards of similar residential dwellings in the same zone.

Based on input from State HCD, amend Zoning Code Section 14.16.115 to clarify requirements for staff and services to be provided to assist residents in obtaining permanent shelter and income are

Exhibit 5

**PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020
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<p>permissive, rather than mandatory. In addition, clarify that while a written Management Plan is required, it is not subject to discretionary approval.</p>	
<p>H-17b. Height Bonuses. Continue to offer height bonuses for projects that include affordable housing units as provided in Exhibit 10 of the Land Use Element. Provide early design review to assist with potential design issues. Height increases may be granted with a use permit. Evaluate utilizing height bonuses as a tool to incentivize lot consolidation.</p>	<p><i>Consistent</i> <i>The applicant is seeking a 12-foot height bonus for this project as a concession for providing a 100% affordable housing project. The following General Plan Policies support the issuance of 12-foot height bonus for residential projects that provide some level of affordability (see Exhibit 10). While the project site is not included in Exhibit 10, this exhibit does specify affordable housing as an amenity for allowing a height bonus in certain districts. In accordance with AB2162 supportive housing projects may request concessions including concessions for height without triggering a discretionary process. For this reason staff is supporting the requested 12-foot height bonus as it is consistent with the city's allowances for additional height for 100% affordable housing projects. Staff is seeking Planning Commission concurrence on this topic.</i></p> <p><i>Although, not proposed by the applicant at this time, the City is partnering with Homeward Bound to include amendments to the General Plan and Zoning Ordinance that would allow a 24-foot height bonus for 100% affordable residential projects located within the HR1 district in certain areas of San Rafael (see also General Plan Policies in support of by-right zoning section below). This amendment demonstrates the City's ongoing commitment to streamlining review of affordable housing projects in hopes of boosting production of housing for all income levels.</i></p>
<p>H-17c. Waiver or Reduction of Fees. Continue to offer fee waivers and reductions for applications including affordable units, consistent with Resolution 11025. Facilitate the production of second units through elimination of the traffic mitigation fee (adopted in 2012), and coordination with local jurisdictions to lobby Las Gallinas Valley Sanitary District to reduce sewer connection fees for second units and affordable housing.</p>	<p><i>The applicant has submitted a request for fee waiver. This fee waiver is pending review by the City Council and will be process concurrently with the rest of the project.</i></p>
<p>H-17d. Efficient Project Review. San Rafael has fully implemented the provisions of the Permit Streamlining Act (AB 884), continue to inform developers of density bonus incentives for affordable</p>	<p><i>Consistent</i> <i>The project includes a City-initiate General Plan Amendment that creates a by-right process for projects that commit 100% of the units as affordable. This city-initiated amendment is 1 of 3 programs that received SB2 funding late 2019. This funding is intended to be used for programs</i></p>

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<p>housing, and consistent with State requirements, any modified development standards as part of a density utilizes allowable California Environmental Quality Act (CEQA) exemptions for qualified urban infill and other residential projects where site characteristics and an absence of potentially significant environmental impacts allow.</p>	<p><i>that streamline development review process for housing production. The City-initiated amendments are consistent with the following General plan policies because it would create a more efficient streamlined review for affordable housing projects commit 100% of the units as affordable, at the project would allow expansion of a much needed housing and support service within the City</i></p>
<p>H-18a. Inclusionary Housing. The City requires residential projects to provide a percentage of affordable units on site and/or pay in-lieu of fees for the development of affordable units in another location.</p>	<p><i>Consistent The project is a 100% affordable supportive housing project.</i></p>
<p>NEIGHBORHOODS ELEMENT</p>	
<p>NH-3. Housing Mix. Encourage a housing mix with a broad range of affordability, character, and sizes. In areas with a predominance of rental housing, encourage ownership units to increase the variety of housing types.</p>	<p><i>Consistent The project proposes a combination of emergency shelter beds along with supportive housing units. More specifically a total of 66 emergency shelter beds would be provided on the second floor while the 3rd and 4th floors would accommodate a total of 32 single room occupancy units.</i></p>
<p>NH-17. Competing Concerns. In reviewing and making decisions on projects, there are competing economic, housing, environmental and design concerns that must be balanced. No one factor should dominate; however, economic and housing development are high priorities to the health of Downtown.</p>	<p><i>The General Plan recognizes the enormous task of having to balance competing concerns related to factors such as design, environmental changes, housing, and economics. The General Plan identifies economic and housing development as high priorities to the health of Downtown. While this project is not located within the downtown it is within walking distance of downtown amenities and its development could result in long-term mutual benefits.</i></p>
<p>Canal Neighborhood</p>	
<p>NH-49. Conflicting Uses. Prevent the encroachment of new residential development into the Light Industrial/Office District to</p>	<p><i>Seek PC Input that Project is Consistent The property at 190 Mill is currently zoned Core Canal Industrial/Office (CCI/O). The requested General Plan Land Use Map and Zoning Map amendment would change the land use and</i></p>

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<p>minimize conflicts. Businesses locating adjacent to residential areas shall be designed to minimize nuisance impacts.</p>	<p><i>zoning classification from to a High Density Residential (HR1) district. This policy has existing in some form since the 1960s. However, project site has been used as an Emergency Shelter since 1986 and was a physical therapist office prior to that. Emergency shelters are considered a form of housing. Thus, shifting the High-density residential land use classification of the adjoining lot adding supportive housing to the mix of uses on this site would be consistent with the use of the site and the use of the adjoining residential properties. In addition, because site has not been used for industrial type uses since at least the 1960s, the requested amendments would not result in encroachments into or reduction of actively used industrial sites</i></p>
<p>COMMUNITY DESIGN ELEMENT</p>	
<p>CD-5. Views. 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> <ul style="list-style-type: none"> • 	<p><i>Consistent Neither the applicant sponsored project nor the City sponsored amendments to allow a 24-foot height bonus for 100% affordable housing projects would result in impact to public views to any of the resources described.</i></p>
<p>CD-14. Recreational Areas. In multifamily development, require private outdoor areas and on-site common spaces for low and medium densities. In high density and mixed-use development, private and/or common outdoor spaces are encouraged. Common spaces may include recreation facilities, gathering spaces, and site amenities such as picnicking and play areas.</p>	<p><i>Consistent The applicant proposes to comply with the minimum recreation requirements through indoor and outdoor spaces.</i></p>
<p>CD-15. Participation in Project Review. Provide for public involvement in the review of new development, renovations, and public projects with the following</p> <ul style="list-style-type: none"> • 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; 	<p><i>Consistent To encourage participation from non-English speaking community members, the City has provided the following outreach:</i></p> <ul style="list-style-type: none"> • <i>Provided notification of the proposed project to Canal Community Alliance Representatives;</i> • <i>Public notices advise of the availability of interpretation service if sufficient notice is provide to the City;</i>

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<ul style="list-style-type: none"> • Distribution of the procedures of the development process that include the following: submittal information, timelines for public review, and public notice requirements; • Standardized thresholds that state when design review of projects is required (e.g. residential conversions, second-story additions); and • Effective public participation in the review process. 	<ul style="list-style-type: none"> • <i>Posted on-site signage in English and Spanish;</i> • <i>Included information about this project in English and Spanish, on the City's Major Projects website.</i>
<p>CD-18. Landscaping. Recognize the unique contribution provided by landscaping, and make it a significant component of all site design</p> <p>CD-19. Lighting. Allow adequate site lighting for safety purposes while controlling excessive light spillover and glare.</p>	<p><i>Consistent</i> <i>The project will comply with landscape and lighting requirements established by the Zoning Code</i></p>
<p align="center">ECONOMIC VITALITY ELEMENT</p>	
<p>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.</p>	<p><i>Consistent</i> <i>The project includes a City-initiate General Plan Amendment that creates a by-right process for projects that commit 100% of the units as affordable. This city-initiated amendment is 1 of 3 programs that received SB2 funding late 2019. This funding is intended to be used for programs that streamline development review process for housing production. The City-initiated amendments are consistent with the following General plan policies because it would create a more efficient streamlined review for affordable housing projects commit 100% of the units as affordable, at the project would allow expansion of a much needed housing and support service within the City</i></p>
<p>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:</p> <ul style="list-style-type: none"> • Fiscal impacts on the City's ability to provide 	<p><i>Consistent</i> <i>See Policy EV-2 above</i></p>

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<p>and maintain infrastructure and services.</p> <ul style="list-style-type: none"> • Impacts on the community such as the provision of jobs which match the local workforce, commute reduction proposals, and affordable housing. • Additional or unique economic, fiscal and job-related impacts. • Fiscal and community impacts of not approving a project, plan or policy. 	
<p>CIRCULATION ELEMENT</p>	
<p>C-31. Residential Area Parking. Evaluate effective means to manage residential parking to minimize the impacts of excess demand.</p>	<p><i>Consistent</i> <i>No parking is required for 100% affordable supportive housing per AB2162.</i></p>
<p>INFRASTRUCTURE ELEMENT</p>	
<p>I-2. Adequacy of City Infrastructure and Services. Assure that development can be adequately served by the City's infrastructure and that new facilities are well planned and well designed.</p>	<p><i>Consistent</i> <i>The project was referred to all service providers. No issues have been presented. A more in-depth discussion will be provided during formal review.</i></p>
<p>I-10. Sewer Facilities. Existing and future development needs should be coordinated with responsible districts and agencies to assure that facility expansion and/or improvement meets Federal and State standards and occurs in a timely fashion.</p>	<p><i>Consistent</i> <i>Project has been reviewed by San Rafael Sanitary District</i></p>

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GOVERNANCE	
G-2. Variety of Housing. Encourage the creation and retention of a wide variety of housing types serving people of all economic levels.	<i>Consistent</i> <i>See H-9 and H-12</i>
G-3. Housing Agencies. Support agencies and organizations that provide shelter, housing, and related services to very low-, low-, and moderate-income households.	<i>Consistent</i> <i>See H-9 and H-12</i>
G-6. Broad-Based Involvement. Establish methods to encourage broad-based, meaningful community involvement. Encourage residents who historically have not been involved in political processes to become engaged in government, consistent with the Community Engagement Action Plan. G-6a. Community Stakeholders. Actively seek community-wide representation and public involvement opportunities on City issues through vigorous outreach programs to engage residents who are not typically involved, such as young people and residents not fluent in English.	<i>Consistent</i> <i>See CD-15</i>
G-18. Support for Special Needs Groups. Encourage government and business support for non-profit and other organizations that provide services to the elderly, people with disabilities, homeless people, and others in need. Support efforts of Marin County to encourage the availability of social	<i>Consistent</i> <i>See Policies H-4b, H-6 and H-17b</i>

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<p>services throughout the County.</p> <p>G-18a. Collaboration with Local Agencies. Work with non-profits and other organizations on priorities, services and facilities. Assist in establishing avenues of communication between non-profits and neighbors. Current examples include supporting efforts to provide emergency shelter and transitional housing to homeless individuals, families and victims of domestic violence, and working with local organizations on sidewalk accessibility.</p> <p>G-18c. Zoning Allowance. Provide zoning allowance for group homes, transitional housing and treatment facilities, but preclude over-concentration of such facilities in residential neighborhoods as allowed by state law. Per the requirements of SB2, Zoning Ordinance amendments have been drafted to incorporate new definitions for “transitional housing” and “supportive housing”</p>	
<p>SUSTAINABILITY ELEMENT</p>	
<p>SU-5. Reduce Use of Nonrenewable Resources. Reduce dependency on non-renewable resources.</p> <p>SU-6. Resource Efficiency in Site Development. Encourage site planning and development practices that reduce energy demand, support transportation alternatives and incorporate resource- and energy-efficient infrastructure.</p>	<p><i>Consistent with Conditions</i> <i>The project will comply with the most recently adopted ICC(International Code Council) code requirements related to green building and waste reduction. In addition, the applicant will be required to comply with Marin Municipal Water District’s most recently adopted water conservation and gray water regulations.</i></p> <p><i>The applicant proposes installation of 20 bicycle parking racks.</i></p>
<p>SU-10. Zero Waste. Reduce material consumption and waste generation, increase resource re-use and composting of organic</p>	<p><i>Consistent</i> <i>The project is proposing a garbage and recycling facilities within the garage parking area. The site plan and proposed location have been reviewed and approved by Marin Sanitary Service</i></p>

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waste, and recycle to significantly reduce and ultimately eliminate landfill disposal.	(MSS).
CULTURE AND ARTS ELEMENT	
<p>CA-15. Protection of Archaeological Resources. Recognize the importance of protecting significant archaeological resources by:</p> <ul style="list-style-type: none"> • Identifying, when possible, archaeological resources and potential impacts on such resources. • Providing information and direction to property owners in order to make them aware of these resources. • Implementing measures to preserve and protect archaeological resources. <p>CA-15a. Archeological Resources Ordinance. Continue to implement the existing Archeological Resources Ordinance.</p>	<p><i>Consistent with Condition</i> <i>Standard conditions of approval would be applied to the project</i></p>
PARK AND RECREATION ELEMENT	
<p>PR-10. Onsite Recreation Facilities. Require onsite recreation facilities in new multifamily residential projects and encourage construction of onsite recreation facilities in existing multifamily residential projects, where appropriate.</p>	<p><i>Consistent</i> <i>See CD-14 discussion above.</i> <i>The project will include several terraces and indoor recreation rooms to accommodate the total required recreation areas.</i></p>
SAFETY ELEMENT	
<p>S-1. Location of Future Development. Permit development only in those areas where potential danger to the health, safety and welfare of the</p>	<p><i>Consistent</i> <i>The applicant has submitted Geotechnical Report and Environmental Health Assessment. An in depth discussion will be provide as part of the formal review and the environmental review</i></p>

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residents of the community can be adequately mitigated.	<i>document.</i>
S-3. Use of Hazard Maps in Development Review. 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.	<i>Consistent See Policy S-1</i>
S-4. Geotechnical Review. 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.	<i>Consistent See Policy S-1</i>
S-6. Seismic Safety of New Buildings. 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.	<i>Consistent with Condition The project would entail all new construction and would be built in accordance with the most current building and seismic codes as required by the City's Municipal Code.</i>
S-13. Potential Hazardous Soils Conditions. 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.	<i>Consistent See Policy S-1</i>
S-17. Flood Protection of New Development.	<i>Consistent</i>

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<p>Design new development within the bay mud areas to minimum floor elevation that provides protection from potential impacts of flooding during the “100-year” flood. The final floor elevation (elevation of the first floor at completion of construction) shall account for the ultimate settlement of the site due to consolidation of the bay mud from existing and new loads, taking into account soils conditions and the type of structure proposed. Design for settlement over a 50-year period is typically considered sufficient.</p>	<p><i>The project is located in Special Floo Hazard Area Zone AE. The project will be required to comply with flood elevation requirements and flood proofing. An in-depth discussion will be provided as part of the formal application and environmental document.</i></p>
<p>S-18 Storm Drainage Improvements. Require new development to improve local storm drainage facilities to accommodate site runoff anticipated from a “100-year” storm.</p>	<p><i>Consistent Public works has reviewed the proposed site drainage and bioretention and supports the proposed drainage design. A more in depth discussion will be part of the formal review and environmental document.</i></p>
<p>S-25. Regional Water Quality Control Board (RWQCB) Requirements. 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><i>Consistent The project will be required to comply with MCSTOPP pollution prevention requirements as a standard condition of approval. A more in depth discussion will occur as part of the environmental document.</i></p>
<p>S-32. Safety Review of Development Projects. Require crime prevention and fire prevention techniques in new development, including adequate access for emergency vehicles.</p>	<p><i>Consistent with Conditions The San Rafael Fire Department, Fire Prevention Bureau, and the San Rafael Police Department have both reviewed the project plans and either required revisions to improve fire prevention and safe design, which have been incorporated in the project plans being reviewed by the Commission, or conditions have been included to require revisions to improve fire prevention and safe design.</i></p>

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NOISE ELEMENT	
<p>N-1. Noise Impacts on New Development. 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>N-2. Exterior Noise Standards for Residential Use Areas. 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>Consistent</i> <i>Standard Conditions of approval would require compliance construction operational noise standards.</i></p>
<p>N-3. Planning and Design of New Development. Encourage new development to be planned and designed to minimize noise impacts from outside noise sources.</p>	<p><i>Consistent</i> <i>The project will comply with indoor noise standards established by the building code.</i></p>
AIR AND WATER QUALITY ELEMENT	
<p>AW-1. State and Federal Standards. Continue to comply and strive to exceed state and federal</p>	<p><i>Consistent</i> <i>An in depth discussion regarding air quality requirements will be part of the environmental</i></p>

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<p>standards for air quality for the benefit of the Bay Area.</p> <p>AW-2. Land Use Compatibility. 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>AW-4. Particulate Matter Pollution Reduction. Promote the reduction of particulate matter pollution from roads, parking lots, construction sites, agricultural lands and other activities.</p>	<p><i>document.</i></p>
<p>AW-7. Local, State and Federal Standards. Continue to comply with local, state and federal standards for water quality.</p>	<p><i>Consistent See Policy S-25</i></p>
<p>AW-8. Reduce Pollution from Urban Runoff. 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">• 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.• 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.• Where feasible, use vegetation to absorb and filter fertilizers, pesticides and other pollutants.	<p><i>Consistent See Policy S-25</i></p>

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SAN RAFAEL
THE CITY WITH A MISSION

Community Development Department – Planning Division

Meeting Date: December 10, 2019
Agenda Item: 5
Case Numbers: P19-012
Project Planner: Ali Giudice (415) 485-3092

REPORT TO PLANNING COMMISSION

SUBJECT: Preparation in advance of Annual Meeting of Planning Commission to include: a) distribution of Planning Commission “Rules and Procedures” for review before annual meeting; and b) assignment of Planning Commission liaisons for 2020 DRB meetings

The Commission is required to hold its annual meeting at their first meeting of a calendar year. The first scheduled meeting in 2020 will be January 14, 2020. The purpose of the annual meeting is to elect new officers and review its Rules and Procedures and typically to sign up Commissioners to serve as DRB liaison for the next year.

Rules and Procedures

I am distributing the current rules and procedures (attached). These procedures were last revised on January 2018. The Commission can consider further modifications or request that staff investigate possible changes. Please review the current rules and procedures and if there are any changes that you would like to suggest or possible modifications that warrant staff research, please inform staff before the annual meeting, so that we can research the item and provide any draft revisions at the Annual Meeting. If we hear no suggestions for edits, we will present the current Rules and Procedures for adoption as is.

Selection of PC liaison to DRB meetings for 2020

Since the annual meeting will be after the 1st scheduled DRB meeting (Jan 7th), we need to have PC liaisons for DRB already established by early January, we are distributing the 2020 DRB meeting schedule (attached) now and plan to get signups at for the January and February slots at the December 10th Planning Commission meeting.

Commissioners (with the exception of the new Chair) will be requested to serve as liaison in two month increments, which involve attendance at up to four, regular DRB meetings during the two selected months of service. Although we don't yet have the Chair elected, the current Vice Chair for 2019 is technically in line to be the Chair for 2020.

At this time, we are looking for a volunteer to assume the January/February slot and the remaining months can be filled after the election at the 1st Commission meeting in January

Attachments

1. Current Planning Commission “Rules and Procedures,” adopted January 2018
2. PC liaison for DRB meeting 2020 Signup Sheet

**- DESIGN REVIEW BOARD MEETINGS –
2020 PLANNING COMMISON LIAISON**

Months	Commission Liaison
January 7 & 22 (Wednesday) February 4 & 19 (Wednesday)	
March 3 & 7 April 7 & 21	
May 5 & 19 June 2 & 16	
July 7 & 21 August 4 & 18	
September 9 (Wednesday) & 22 October 6 & 20	
November 4 (Wednesday) & 17 December 8 & 22	

Notes:

- Chair does not serve as liaison
- All DRB meetings are the 1st and 3rd Tuesday of each month, starting with the first full week (a week includes a Monday).
- All dates above are Tuesday's except as noted. If there is a holiday on Monday, the DRB meeting gets pushed to Wednesday for that week.