

Eligibility Requirement	Requirement Satisfied?
<p><b>1. Criterion: Multifamily housing development</b></p> <p><i>Verification:</i> The Project is a 35-unit multifamily housing development.</p>	Yes.
<p><b>2 Criterion: Site location</b></p> <p><b>(A). Is the Project located in an urbanized area or urban cluster?</b></p> <p><i>Verification:</i> San Rafael is located within the U.S. Census Urbanized Area boundary of San Francisco – Oakland.</p> <p>Please also see Eligibility Exhibit 2A.</p>	Yes.
<p><b>(B). Is more than 75% of the Project’s site perimeter developed with urban uses?</b></p> <p><i>Verification:</i> SB 35 defines “urban uses” as “any current or former residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those use.” The Project’s perimeter is developed with residential and commercial uses.</p> <p>Please also see Eligibility Exhibit 2B.</p>	Yes.
<p><b>2 (C)(i). Does the site have either zoning or a general plan designation that allows for residential use or residential mixed-use development?</b></p> <p><i>Verification:</i> The site is located in the zoning district “DMU- Downtown Mixed Use.” Per the San Rafael Downtown Form-Based Code, the Project site is further located in the T4NO- 40’/50’, whose intent is a “walkable neighborhood environment of small-to-medium footprint, moderate-intensity mixed-use buildings and housing choices, supporting and within walking distance of neighborhood-serving retail and services.”</p> <p>Per Table 2.3.070.A of the DTFBC and San Rafael Municipal Code section 14.17.100, residential use is permitted by right in the T4NO- 40’/50’ zoning district.</p> <p>The General Plan land use designation for the site is “DMU- Downtown Mixed Use.” The General Plan states that this “category corresponds to properties in Downton San Rafael. It includes the highest development intensities in the city, and contains a mix of housing, office, retail, service, and public land uses. The maximum allowable FAR is 3.0 in areas with height limits of 40’ or lower, 4.0 in areas with height limits of 50’ or lower, 5.0 in areas with height limits of 60’ or lower, and 6.0 in areas where allowable heights exceed 60 feet. This includes residential space as well as non-residential space but excludes space allowed through density bonuses. There is no residential density limit in the Downtown</p>	

<p>Mixed Use area. This allows for greater flexibility in terms of housing types, encourages smaller units, and maximizes housing opportunities. Height limits define the maximum building envelope on each site with this designation.” (page 3-11 of San Rafael General Plan 2040).</p> <p><b>2 (C)(ii) Is two-thirds of the square footage designated for residential use?</b>  Yes. Two-thirds of the square footage of the development is designated for residential use.</p> <p><b>Verification:</b> Submit a table that lists the proposed square footage of the development divided by:</p> <ul style="list-style-type: none"> <li>• Residential area not including underground space, such as basements or underground parking garages.</li> <li>• Commercial area (if any)</li> <li>• Underground space, such as basement or underground parking (if any)</li> </ul> <p>Residential Units and Corridors</p> <table border="1" data-bbox="191 821 1224 1079"> <thead> <tr> <th>Total Building Area (square feet)</th> <th>Residential Units and Corridors (square feet)</th> <th>Percentage (at least 66.6%)</th> <th>At Grade Garage (square feet)</th> <th>Percentage</th> </tr> </thead> <tbody> <tr> <td>42,885</td> <td>34,805</td> <td>81.2%</td> <td>8,080</td> <td>N/A because above ground</td> </tr> </tbody> </table>	Total Building Area (square feet)	Residential Units and Corridors (square feet)	Percentage (at least 66.6%)	At Grade Garage (square feet)	Percentage	42,885	34,805	81.2%	8,080	N/A because above ground	<p>Yes.</p>
Total Building Area (square feet)	Residential Units and Corridors (square feet)	Percentage (at least 66.6%)	At Grade Garage (square feet)	Percentage							
42,885	34,805	81.2%	8,080	N/A because above ground							
<p><b>3. Criterion: Commitment to land use restriction for the affordable units in the project for the required duration.</b></p> <p><b>Verification:</b> Seagull Prime, LLC, commits to a minimum 55 year land use restriction by recorded deed restriction for the three (3) affordable units.</p>											
<p><b>4. Criterion: Location in the City of San Rafael, which has issued fewer building permits for Above Moderate Income housing units than allocated under RHNA and affordability distribution for residential units in the project that meet RHNA requirements.</b></p> <p><b>Verification:</b> Pursuant to California Government Code § 65913.4(3)(A)(i), Seagull Prime, LLC, hereby commits to record, prior to the issuance of the first building permit for the 4<sup>th</sup> &amp; Grand residential development project, deed restrictions for a minimum duration of fifty-five (55) years for the three (3) units that shall be provided at the low-income affordability level.</p>	<p>Yes.</p>										
<p><b>5. Criterion: Consistency with objective standards in effect at the time that the development project is submitted.</b></p> <p><b>(A) Consistency with objective zoning standards for density.</b></p> <p>Please see Eligibility Exhibit 5.</p>	<p>Yes.</p>										

<p><b>(B) Inconsistency of objective standards.</b></p> <p><i>Verification:</i> The Project will comply with all applicable objective standards, except where the Project is entitled to concessions/incentives or waivers of development standards pursuant to the State Density Bonus Law, as permitted by SB 35.</p>	
<p><b>6. Criterion: Site location in special zones.</b></p> <p><i>Verification:</i> The Project site is not located within any of the below exempt areas.</p> <p>(A) Coastal Zone. <i>Verification:</i> No action needed.</p> <p>(B) Prime farmland or farmland of statewide importance <i>Verification:</i> No action required.</p> <p>(C) Wetlands. <i>Verification:</i> Please see the accompanying Eligibility Exhibit 6C.</p> <p>(D) High or very high fire hazard severity zones. <i>Verification:</i> Please see Eligibility Exhibit 6D.</p> <p>(E) Hazardous waste sites <i>Verification:</i> Please see Eligibility Exhibit 6E.</p> <p>(F) Earthquake fault zone. <i>Verification:</i> Please see Eligibility Exhibit 6F.</p> <p>(G) Special flood hazard area. <i>Verification:</i> The project site is located in flood zone AE. Please see Sheet C2 of the submitted plan set, "Flood Plain Note."</p> <p>(H) Regulatory floodway. <i>Verification:</i> Please see Eligibility Exhibit 6H.</p> <p>(I) Natural community conservation plan. <i>Verification:</i> No action required.</p> <p>(J) Habitat for a state or federally protected species. <i>Verification:</i> Please see Eligibility Exhibit 6J.</p> <p>(K) Land under a conservation easement. <i>Verification:</i> No action required.</p>	<p>Yes.</p>

<p><b>7. Criterion: Site with existing housing or historic significance (none of the following shall apply):</b>  <b>(A) Demolition of rent- or price-controlled housing or housing occupied by tenants within the past 10 years.</b>  <b>(B) Site was used previously for housing that was occupied by tenants that was demolished within ten years of the application submittal.</b></p> <p><i>Verification:</i> The Project would not require the demolition of housing that is subject to recorded rent restrictions, is subject to rent or price control, and/or was occupied by tenants within the last 10 years.</p> <p><b>(C) Demolition of a historic structure that was placed on a national, state, or local historic register.</b></p> <p><i>Verification:</i> The Project would not require the demolition of a historic structure on a national, state, or local register. The City has determined that the Property is not designated historic.</p> <p><b>(D)The property contains tenant occupied housing units and the units are or were subsequently offered for sale to the general public by the subdivider or subsequent owner of the property.</b></p> <p><i>Verification:</i> The Project site does not contain housing units that are occupied by tenants, and units at the property were not offered for sale to the public.</p>	<p>Yes</p>
<p><b>8. Criterion: Commitment to prevailing wage rates and skilled workforce.</b></p> <p><i>Verification:</i>  <b>(A)</b> Seagull Prime, LLC, shall comply with all requirements of SB 35 and commits that all construction workers for the Project will be paid at least the general prevailing wage rate.  <b>(B)</b> The Project does not qualify under any of the conditions listed in Government Code Section 65913.4(8)(B)(i)(I)-(V) regarding use of a skilled workforce.</p>	<p>Yes</p>
<p><b>9. Criterion: Subdivision of a parcel that is subject to the Subdivision Map Act.</b></p> <p><i>Verification:</i> The Project does not involve the subdivision of a parcel.</p>	<p>Yes</p>
<p><b>10. Criterion: Mobile home, recreational vehicle, and other special occupancy parks.</b></p> <p><i>Verification:</i> The Project site is not located on land governed by: the Mobilehome Residency Law; the Recreational Vehicle Park Occupancy Law; the Mobilehome Parks Act; and the Special Occupancy Parks Act.</p>	<p>Yes.</p>





## Eligibility Exhibit Criterion 2(B)



**Eligibility Exhibit 5(A)**

**5(A). Criterion: Consistency with objective standards in effect at the time that the development project is submitted.**

*Verification:* Indicate the General Plan land use designation and associated density standards for development site.

The land use designation of the Property is “Downtown Mixed Use.” There are no limits on residential density in this designation, instead a sliding scale maximum allowable Floor Area Ratio applies. The maximum allowable FAR is 4.0 in areas with height limits of 50’ or lower.

The zoning district for the Property is T4NO 40’/50’.

**Development and Design Standards**

**Compliant with Form Based Code T4NO 40/50.**

Base Units	29
Percentage of Low Income Units provided	10%
Number of Low Income Units provided	3
Percentage of Density Bonus awarded	20%
Number of Bonus Units	6
Proposed Units with Density Bonus	35

WAIVERS	CODE	PROPOSED
<b>2.3.030 D Encroachments</b>		
Balconies	3’max for side	5’
<b>2.3.030 E Building Form and Maximum Envelope</b>		
Height (with Bonus)	50’	60’
Highest Top Plate/Eave Measurement	45’	60’
Side Setback at eastern side	5’	2'-8"
Step-back at rear side	10' min. @ 35'	none
Step-backs at front and side Level 3	10' min. @ 35'	none
Step-backs at front and side Levels 4	10' min. @ 35'	5'
Ground Floor space depth front/other	30'/12'	none*
Parking setbacks at ground floor front/side	25'/25'	7'/7'

\*ground floor space is devoted to required parking

**ZONING SUMMARY**

Zoning	T4NO 40/50	
Parcel area (acres)	0.2595	11,303.34
Number of Units	35	

<b><u>FLOORS 1-2</u></b>	<b>CODE</b>	<b>PROPOSED</b>
Up to 35'		
Setback Front (South)	7'	7'
Setback Side (West)	7'	7'
Setback Side (East)	5'	2'-8"
Setback Rear (North)	15'	15'
<b><u>FLOOR 3 STEP-BACKS (FLOORS ABOVE 35')</u></b>		
Step-back Front (South)	10'	0'
Step-back Side (West)	10'	0'
Step-back Rear (North)	10'	0'
<b><u>FLOOR 4 STEP-BACKS (FLOORS ABOVE 35')</u></b>		
Step-back Front (South)	10'	5'
Step-back Side (West)	10'	5'
Step-back Rear (North)	10'	0'
<b><u>FLOOR 5 STEP-BACKS (FLOORS ABOVE 35')</u></b>		
Step-back Front (South)	10'	33'-1" @ Stair/43'-9" @ Bldg.
Step-back Side (West)	10'	10'
Step-back Rear (North)	10'	0'
Open Space	1658	(Average 47.3 sf/unit)
Parking	0	22
Bicycle Parking	32	32
FAR	4.0	3.27
Maximum Gross Floor Area	45,213.36 sf	36,968 sf





# National Wetlands Inventory

surface waters and wetlands

Eligibility Exhibit 6(C) Project site shown with red arrow

ABOUT

GET DATA

PRINT

FIND LOCATION

BASEMAPS >



Measure



MAP LAYERS >

Wetlands

Riparian

Riparian Mapping Areas

Data Source

○ Source Type

○ Image Scale

○ Image Year

Areas of Interest

FWS Managed Lands

Historic Wetland Data



LEGEND

### Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- Riverine

### Riparian

- Forested/Shrub
- Herbaceous

1:2,257  
37.972 | -122.521

Maxar, Microsoft | Esri, HERE, Garmin, GeoTechnologies, Inc. | U.S. Fish and Wildlife Se...



# Eligibility Exhibit 6D

**FHSZ Viewer**

**LEGEND**

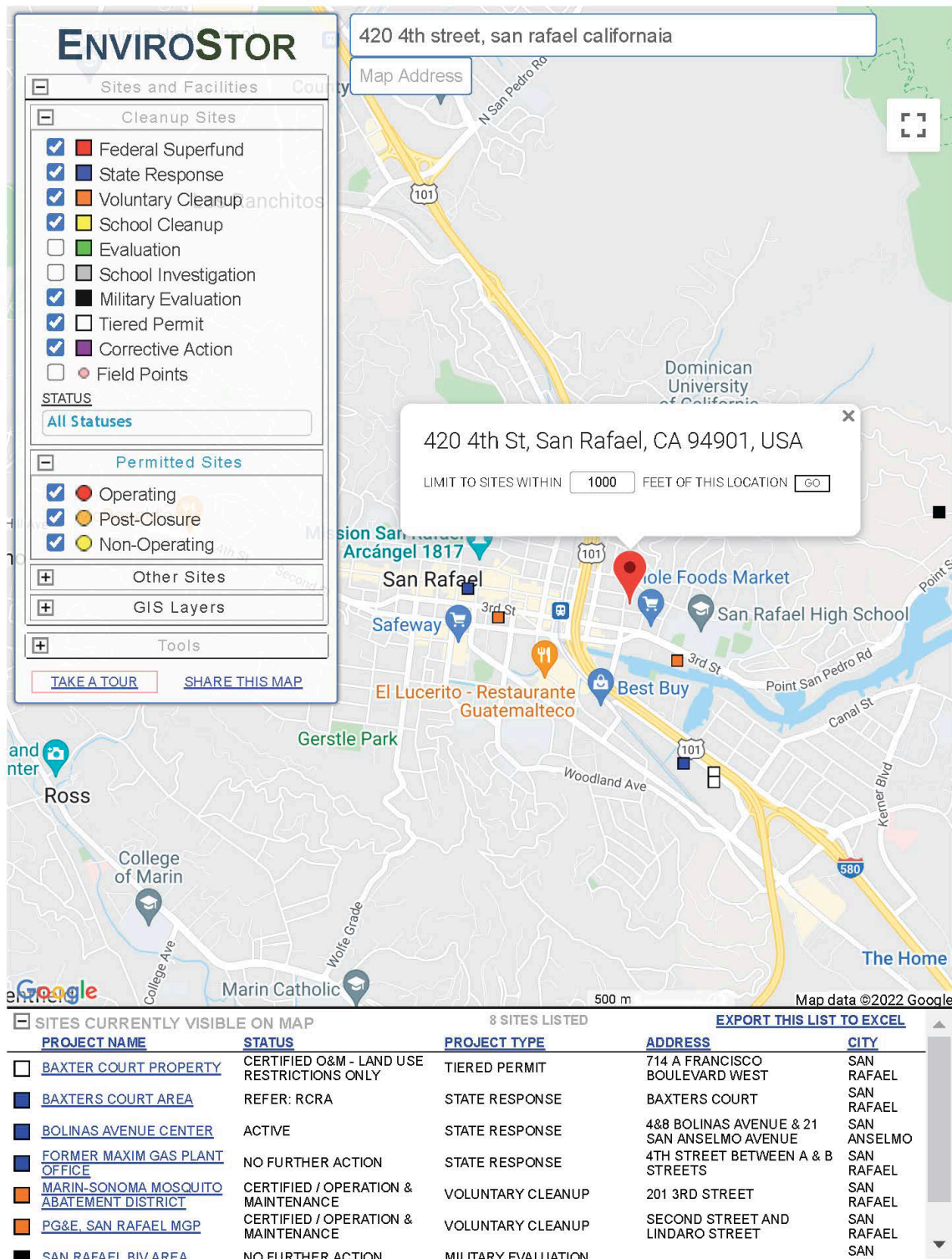
- City Boundaries**
  - Incorporated Area
- County Boundaries**
  -
- FHSZ in LRA**
  - VHFHSZ
- FHSZ in SRA**
  - Very High
  - High
  - Moderate
- SRA**
  - Local Responsibility Area (LRA)
  - State Responsibility Area (SRA)
  - Federal Responsibility Area (FRA)

0 100 200ft

11:52 AM 2/11/2022



**Exhibit (6)(E)**



# Eligibility Exhibit (6)(F)

**Earthquake Zones of Required Investigation** CGS Homepage

420 4th St, San Rafael, CA, 94901

Show search results for 420 4th St, Sa...

**Legend**

- Inferred, Queried
- Concealed
- Concealed, Queried
- Aerial Photo Lineament

**Fault Zone**

- Liquefaction Zone
- Landslide Zone
- Liquefaction Landslide Overlap Zone
- Area Not Evaluated for Liquefaction or Landslides

**Parcels**

- Parcel is in an Earthquake Fault Zone, a Liquefaction Zone, and a Landslide Zone
- Parcel is in an Earthquake Fault Zone and a Liquefaction Zone
- Parcel is in an Earthquake Fault Zone and a Landslide Zone
- Parcel is in an Earthquake Fault Zone
- Parcel is in a Liquefaction Zone and Landslide Zone
- Parcel is in a Liquefaction Zone
- Parcel is in a Landslide Zone
- Parcel is not in a zone or has not been evaluated

**Address: 420 4TH ST**

APN: 014-091-15  
City: SAN RAFAEL  
Address: 420 4TH ST  
Fault Zone: This parcel is NOT WITHIN an Earthquake Fault Zone.  
Liquefaction Zone: This parcel has NOT been EVALUATED by CGS for liquefaction hazards.  
Landslide Zone: This parcel has NOT been EVALUATED by CGS for seismic landslide hazards.

Zoom to

DLRP Important F...html | 1010 Grand urban...pdf | 450 urban surroun...pdf | 420 urban surroun...pdf

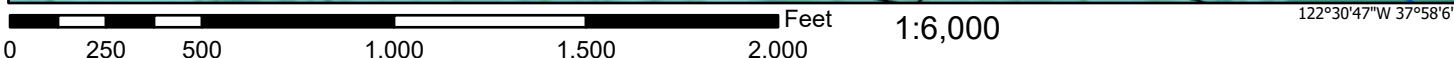
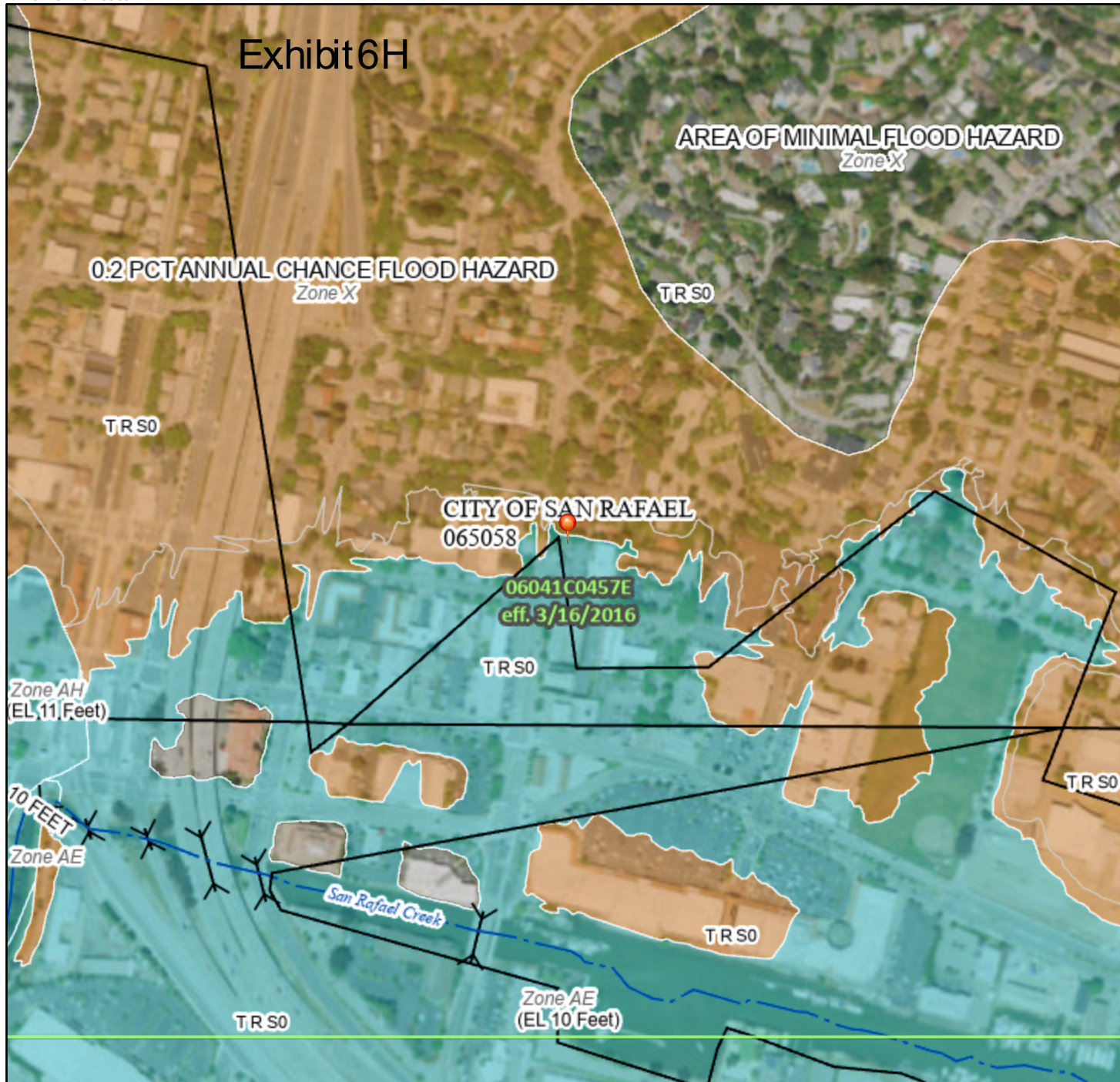
Type here to search | 69°F | 12:07 PM 2/11/2022



# National Flood Hazard Layer FIRMette



122°31'25"W 37°58'35"N



Basemap: USGS National Map: Orthoimagery: Data refreshed October, 2020

## Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes. Zone X
		Area with Flood Risk due to Levee Zone D
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard Zone X
		Effective LOMRs
GENERAL STRUCTURES		Area of Undetermined Flood Hazard Zone D
		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
OTHER FEATURES		20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
		17.5
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
MAP PANELS		Jurisdiction Boundary
		Coastal Transect Baseline
		Profile Baseline
		Hydrographic Feature
MAP PANELS		Digital Data Available
		No Digital Data Available
		Unmapped
		The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

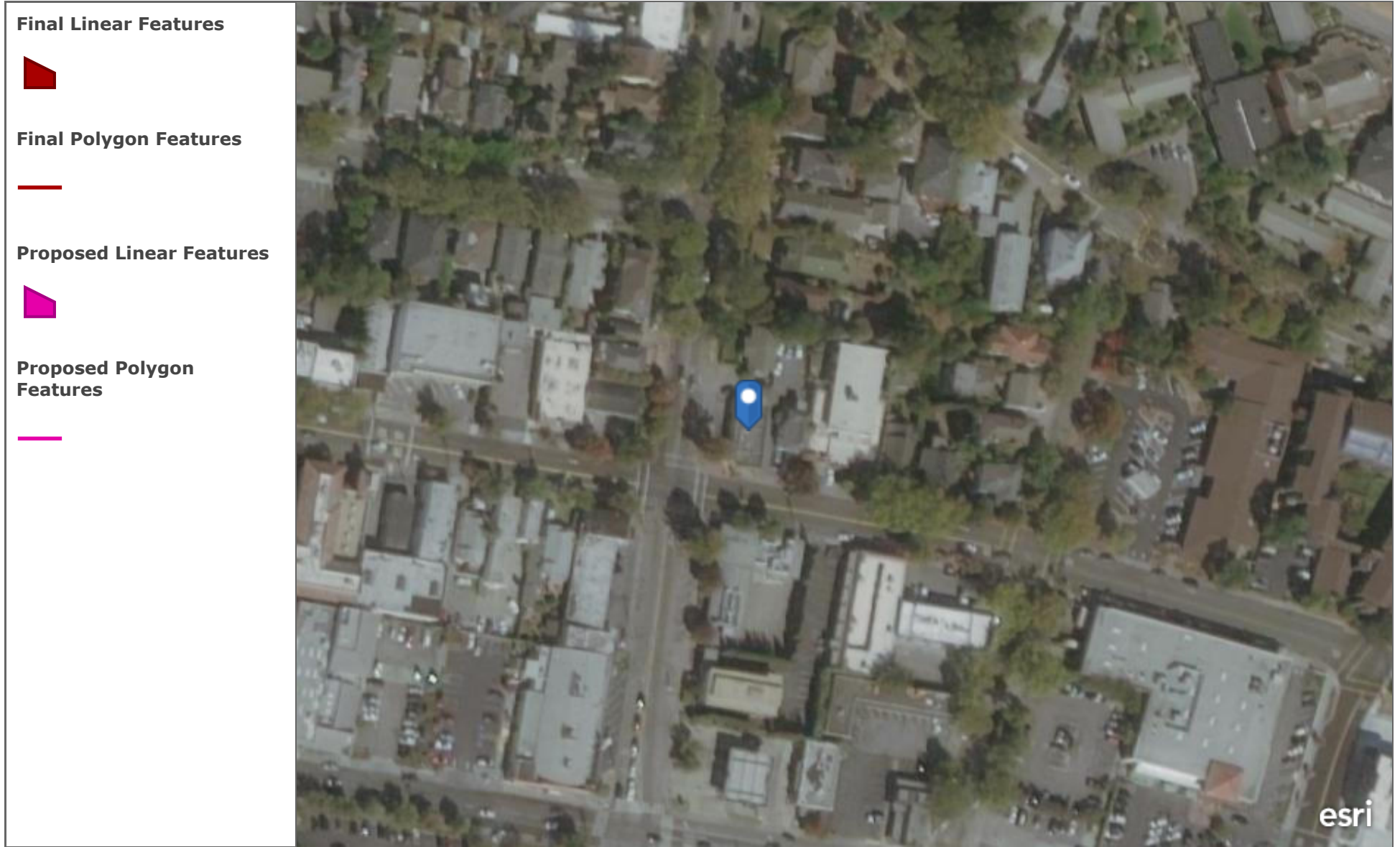
The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 2/16/2022 at 3:42 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



# Eligibility Exhibit 6J

## Critical Habitat for Threatened & Endangered Species [USFWS]



A specific geographic area(s) that contains features essential for the conservation of a threatened or endangered species and that may require special management and protection.