



July 12, 2024

Seagull Prime Real Estate Fund
930 Irwin St., Suite 210
San Rafael, CA 94901

**Re: PLAN24-098– Completeness Review; ED24022 and LLA24-002/930
IRWIN STREET/APN 014-123-027, -028 AND -21**

Dear Applicant,

On June 24, 2024, the City of San Rafael received your application to demolish three existing commercial structures, merge three lots, and construct an 8-story residential building supporting 213 residences with ancillary uses and a parking garage including 232 vehicle parking spaces. The project also includes a density bonus and requests waivers to height, setbacks, and civic spaces. This application is a formal SB 330 application following a preapplication that was submitted on December 21, 2023.

Staff needs more information on the ancillary uses in order to determine if a Use Permit is required in addition to the entitlements already identified in the original submittal.

State law requires that within 30 days of an applicant's filing of a development application, the City must review the application and determine whether it is complete. Once the City determines your application is complete, we will begin a formal analysis of the application, including preparing a California Environmental Quality Act (CEQA) determination for the project, identifying any outstanding issues, and scheduling the project for an action.

Staff has finished their review of the plans and application materials that have been submitted to the City of San Rafael. Based on this review, staff has found that your Merger and Design Review application is incomplete. Please provide the following information in order to complete your application:

A. Completeness Comments

I. GENERAL REQUIREMENTS

1. Project Narrative -

- a. Please expand the project narrative to address all aspects of the proposed project.
 - i. Describe the existing lots and proposed lot merger.
 - ii. Describe proposed demolition and site preparation.
 - iii. Describe all proposed onsite uses and how they function in relation to the residences, including hours of operation, employees, public access etc.
 - iv. Describe proposed trash and recycling and how pick up will take place.
 - v. Describe proposed affordable housing and identify number of affordable units and affordability levels.
 - vi. Describe density bonus request, including base project and requested waivers.
 - b. Include the required findings of approval for the Merger and Design Review and demonstrate how the project satisfies all findings of approval.
2. Site Photographs - Provide an adequate number of photos to show entire project site and all adjacent buildings for context. Where possible, take wide-angle shots showing project site and adjacent buildings together. Include captions or a key indicating the location (perspective) of each photo. Photos should be submitted in PDF format.

II. ENVIRONMENTAL & DESIGN REVIEW PERMIT APPLICATIONS

1. Site Plan

- a. Identify existing and proposed property lines and lot dimensions.
- b. Setbacks – note required setbacks for zoning district.
- c. Existing Site Conditions - show existing building and site conditions, including site slope(s), property lines, easements, adjacent street names, roadway and frontage improvements, parking conditions, outdoor improvements, exterior decks, fences and retaining walls, significant trees and vegetation, and any other existing site features.
- d. Proposed Site Conditions - show any proposed building envelope expansion, roadway and frontage improvements, parking modifications, outdoor improvements, fences and retaining walls, hillside natural state, tree and vegetation removal or addition, pools/spas, A/C units/generators, any other mechanical equipment, and any other proposed site features.

- e. Site Work - extent of grading, including filling and cutting or excavation.
 - f. Adjacent Properties - include primary buildings, accessory structures, and uses on parcels adjacent to the subject property
2. Vicinity Map. Amend the vicinity map to mark surrounding features.
 3. Floor Plans. Floor plan(s) must show the following:

All floors, including mezzanines, basements, and attics

- a. Interior dimensions of all rooms. Provide floor plans for floors 5, 6, 7, and 8. Expand unit plans floor plans for all units.
 - b. Use of all rooms (existing and proposed), per the California Building Code
 - c. Location of windows, doors, equipment rooms
4. Roof Plan. Clearly show property lines, rooftop structures (i.e., vents, equipment, screening, access), material, ridge elevations, roof levels and slopes.
 5. Landscape Plan. Identify total landscape area in square feet, soils characteristics, and plant/landscape amenities cut sheets or illustrations (bench, bike rack, and trash receptacles).
 6. Grading Plan. For projects involving cut and fill, provide to-scale plans graphically identifying areas of cut, areas of fill, and total cut/fill amounts, retaining walls and heights, locations of significant trees and driplines. Existing and proposed contour lines shall be indicated with existing contours indicated with a solid line, contours to be eliminated with a dash line and new contour lines with a bold solid line, at intervals as follows:

SLOPE INTERVAL	Under 5%	5-20%	Over 20%
	2'	5'	10'

7. Boundary Survey. Provide a boundary survey for all lots. Required for construction of any new main building or for any construction located within four feet of a property line. The survey must meet the following requirements:
 - a. Wet-stamped, signed by a licensed CA surveyor or appropriately licensed civil engineer
 - b. Minimum scale of 1/10" = 1'
 - c. All property lines, curb and sidewalk, spot elevations, existing structures, building dimensions, and setbacks to all property lines
8. Photometric Study. Projects involving the installation of new or modified lighting may be required to submit a photometric study to show that

proposed/installed lighting complies with the required Light and Glare standards pursuant to SRMC §14.16.227.

In addition to the information provided above from the Planning Division, please see additional comments below from other departments and agencies. I have included contact information for each commenter. If you would like to speak with any of these parties, please let me know and I will facilitate a meeting.

Department of Public Works – Sarah Teplitsky, P.E. - Associate Civil Engineer
sarah.teplitsky@cityofsanrafael.org (415) 725-0176

Building Department – Don Jeppson – Assistant Director and Chief Building Official
don.jeppson@cityofsanrafael.org (415) 485-3357

Fire Department – Bob Sinnott – Deputy Fire Chief
Robert.sinnott@cityofsanrafael.org (415) 485-5067

San Rafael Sanitary District – Tim Tran – Associate Civil Engineer (415) 451-2441
tim.tran@cityofsanrafael.org

B. Courtesy Comments

The following comments are courtesy comments. Although not required for the application to be deemed complete, we strongly recommend addressing these comments.

Planning Division: The Planning Division has the following recommended plan modifications for clarity:

1. Expand the size of the project data table on sheet A0.1 for readability. Consider removing the zoning map on sheet A0.1 in order to expand the size of the project data for the proposed project
2. Move the vicinity map on Sheet A0.6 to the front of the plan set behind the data table. Add additional information identified above.
3. Move the existing and proposed site plans behind the data table and vicinity map.
4. Expand existing site plan to show the zoning districts, existing property lines, and structures, curb cuts, natural features etc. Indicate the size of the buildings to be demolished.
5. Staff recommends moving the base project plans and data to a separate plan set to avoid confusion about the proposed project. Consider including base project data and plans with the density bonus request. Include the number of “base project” units, number and percent of affordable units on site and level of affordability, percent density bonus requested and allowed pursuant to Government Code Section 65915, any requested waivers or

modifications of development standards necessary to physically accommodate “density bonus” units (e.g., increased height, reduced setbacks or parking, etc). Include plans showing a “base project” that complies with all applicable Zoning Ordinance requirements, without any waivers or modification to development standards.

6. Staff recommends moving the Downtown Precise Plan objective standard compliance to the back of the plan set or to the narrative. This information may be most helpful in the narrative to support the findings of approval.
7. See Sheet 22.0 “Plan at Level 2”. This sheet appears to be a basement parking garage. Clarify and rectify with Sheet A2.2 “Plan at Level 2”.

Building Division: The Building Division has the following comments:

1. The submitted application is substantially incomplete and can not be adequately evaluated by the Building Division. Sleeping areas should have an emergency escape and rescue openings. I did not see the construction type on the plans that may allow an exception.
2. See additional comments in Attachment D.

Department of Public Works: The Department of Public Works has the following recommended plan modifications:

1. The project is located within a FEMA Special Flood Hazard Area (SFHA) with a base flood elevation (BFE) of 10’ NAVD88. Therefore, the project shall be designed and constructed in accordance with the applicable provisions of the California Building Code (CBC) Section 1612, ASCE 24-14: Flood Resistant Design and Construction, and S.R.M.C. Title 18 Protection of Flood Hazard Areas. The following specific comments apply:
 - a. The finish floor elevation shown for the “Ground Level” is 11’. This is 1’ above the BFE of 10’. However, per S.R.M.C. 18.50.010.C, the lowest floor needs to be elevated 1’ above the BFE plus predicted 30 years settlement. Provide a study by the geotechnical engineer of the predicted 30 years settlement, and revise the drawings to show the lowest floor raised by the additional height required per the results of the study. The lowest floor for the utility rooms (transformer room, fire pump room, etc.) need to be elevated to BFE + 1’ + predicted 30 years settlement as well.
 - b. Per S.R.M.C. 18.20.010, a “basement” is defined as “any area of the building having its floor subgrade - i.e., below ground level - on all sides.” Per S.R.M.C. 18.50.010.C, the basement must be elevated above the BFE. Therefore, the Lower Level 1 shown on the drawings is not permitted as it is below the BFE. See also the definition of “lowest floor”, which states that “For residential structures, all subgrade enclosed areas are prohibited as they are

considered to be basements (see "Basement" definition). This prohibition includes below-grade garages and storage areas."

c. Elevators must be designed in accordance with all applicable requirements of NFIP Technical Bulletin 4.

2. The project driveway should be relocated from Fourth Street to Irwin Street to be consistent with City policy documents:

a. Per the Downtown San Rafael Precise Plan (DSRPP), Fourth Street is a pedestrian and bicycle priority street that should minimize driveways and curb cuts to the extent possible.

b. The DSRPP identifies a planned two-way cycle track along Fourth Street. Moving the driveway to Irwin Street would reduce potential bike/vehicle conflicts with this planned improvement.

c. In addition, a driveway on Irwin Street provides more direct access within the local circulation network than a driveway on Fourth Street, especially in the outbound direction. A driveway on Fourth Street may prove challenging for drivers to make an outbound left to travel westbound on Fourth Street (noting that the current site plan shows a right out only, which could be modified), which would require outbound vehicles travelling to US-101 or areas westerly to loop around the block via eastbound Fourth Street, southbound Grand Avenue, and westbound Third Street, adding traffic to these streets. With a driveway on Irwin Street, outbound vehicles can more directly access US-101 or areas westerly via Irwin Street and westbound Fourth Street or Fifth Avenue.

d. Given the size of the parking facility that the driveway services, if the driveway is moved to Irwin Street, a 24' minimum inside depressed width should be used for the two-way driveway per S.R.M.C 14.18.140.

3. The parking garage drive aisles should be 26' wide per S.R.M.C. 14.18.130. The project does not meet the provisions for an exception as outlined in S.R.M.C. 14.24.020.G.2.

4. Remove curbside utility uses (trash staging, loading, etc.) shown on the Fourth Street frontage. All loading shall be done on-site.

5. All backflow preventors, fire department connection (FDC), and other above ground utility structures need to be placed on the property. Please update the drawings to show the DCV on private property.

6. Per S.R.M.C 11.04.030.020.J, balconies that extend no more than four feet (4') into the public right-of-way are exempt from the requirement for a major continuing encroachment permit and license agreement. However, the project drawings appear to show that the balconies extend more than five

feet into the public right-of-way, so a major continuing encroachment permit and license agreement will be required.

San Rafael Sanitation District: Please be apprised of the following:

1. A sewer permit from the San Rafael Sanitation District is required independent of a building permit for all proposed sewer lateral work outside the dwelling footprint. The property owner or authorized agent shall apply for a sewer permit by emailing applications to srsd@cityofsanrafael.org or contact SRSD for more information at (415) 454-4001 prior to the start of work.
2. Pursuant to District Ordinance No. 56, a sewer connection fee may be imposed prior to issuance of the building permit.
3. Be apprised that cleanout is required at every 90-ft and 45° bent on all existing and proposed SS pipes

Should you have any questions please do not hesitate to contact me at (415) 458-5048 or kristina.estudillo@cityofsanrafael.org

Sincerely,

Kristina Estudillo, AICP
Principal Planner

Attachment A: City of San Rafael Department of Public Works, comment letter dated June 27, 2024

Attachment B: City of San Rafael Fire Department, comment letter dated June 27, 2024

Attachment C: San Rafael Sanitary District, comment letter dated July 1, 2024

Attachment D: City of San Rafael Building Department, comment letter dated July 10, 2024

Cc: Isaiah Stackhouse (via email)