

## RESOLUTION NO. 25-02

RESOLUTION OF THE SAN RAFAEL PLANNING COMMISSION APPROVING AN ENVIRONMENTAL AND DESIGN REVIEW PERMIT AND LOT MERGER (PLAN24-098; ED24-022; LLA24-002) ) FOR A NEW RESIDENTIAL BUILDING WITH 210 RESIDENTIAL UNITS LOCATED AT 914 IRWIN STREET, 545 4<sup>th</sup> STREET, AND 523 4<sup>th</sup> STREET (APNs 014-123-27, 014-123-28, AND 014-123-21), AND DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO SECTION 15332 (INFILL DEVELOPMENT) OF THE STATE CEQA GUIDELINES

**WHEREAS**, Mill Creek Residential LLC (Applicant) submitted an application to the City of San Rafael on June 14, 2024 for an Environmental and Design Review Permit and Lot Merger (PLAN24-098; ED24-022; LLA24-002) for a new residential building with 210 residential units which seeks waivers to development standards pursuant to State Density Bonus Law at 914 Irwin Street, 545 4<sup>th</sup> Street, and 523 4<sup>th</sup> Street in the T5N 50/70 and the T4N 40/50 zoning districts (Project); and

**WHEREAS**, on December 4, 2024, staff deemed the application complete; and

**WHEREAS**, on December 27, 2024, the applicant submitted minor revisions of the project plans that entailed reducing the number of units from 213 to 210 units and added a swimming pool at the Level 4 courtyard; and

**WHEREAS**, the revised application was deemed complete on March 6, 2025; and

**WHEREAS**, upon review of the application, the Planning Commission finds that the project is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 of the CEQA Guidelines because it involves an infill development project that meets the following criteria and as further elaborated in the CEQA Infill Exemption Memorandum for the project prepared by Rincon Consultants, Inc., dated April 2025:

- a. *The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designations and regulations.*

The Project is a multi-family residential use which is a permissible use in the T5N 50/70 and the T4N 40/50 zoning districts. The Project is consistent with the General Plan, as detailed in the General Plan Consistency Table (Exhibit 3), Zoning Ordinance as detailed in the Zoning Ordinance Consistency Table (Exhibit 2), and Downtown Precise Plan (Exhibit 1). While the project seeks waivers to development standards pursuant to the State Density Bonus Law, the use of waivers does not render the infill exemption inapplicable. Therefore, the project is consistent with the applicable General Plan designation and policies, and applicable zoning designation and regulations.

- b. *The project occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.*

The Project site is comprised of three (3) contiguous lots that will be merged into one (1) lot, totaling approximately 40,200 square feet (sf). The lots include: 914 Irwin Street, which has an area of approximately 21, 900 sf; 523 Fourth Street, which has an area of 13,500 sf; and 910 Irwin Street, which has an area of 4,800 sf. The Project site is located in Downtown San Rafael, within the Downtown San Rafael Precise Plan and is located within an urbanized area. The site is surrounded by existing residential, commercial, and retail

development. Therefore, the Project is within city limits on a project site of no more than five acres substantially surrounded by urban uses.

- c. *The project site has no value as habitat for endangered, rare or threatened species.*

Due to the developed and disturbed nature of the Project site and surroundings, as well as the absence of vegetation or water features on or near the site, the site does not support listed species or their habitat. There is no critical habitat on or adjacent to the site (USFWS 2025a), and the nearest wetland (San Rafael Creek) is approximately 600 feet south of the site (USFWS 2025b). Thus, the Project site has no value as habitat for endangered, rare, or threatened species.

- d. *Approval of the project would not result in any significant effects related to traffic, noise, air quality, or water quality.*

The Class 32 report prepared for the project determined that the Project would not result in any significant effects related to traffic, noise, air quality or water quality. Impacts related to VMT and site circulation and access would be less than significant. Implementation of conditions of approval would ensure there are no significant impacts related to noise. The proposed project would not result in significant impacts to air and water quality as a result of Project compliance with applicable regulations. Therefore, approval of the Project would not result in any significant effects related to traffic, noise, air quality, or water quality.

- e. *The site can be adequately served by all required utilities and public services.*

The Project would be located in an urban area served by existing public utilities and services. The site itself, which is currently developed with commercial buildings and uses, is currently served by such public utilities and services. As discussed in the General Plan 2040 EIR, there are adequate public utilities and services to serve development in the Downtown Precise Plan area. As the Project is generally consistent with the Precise Plan, there are adequate public utilities and services to serve the proposed project

**WHEREAS**, on May 13, 2025, the San Rafael Planning Commission held a duly noticed public hearing on the proposed Environmental and Design Review Permit and Lot Merger, accepting all oral and written public testimony and the written report of the Community and Economic Development Department staff; and

**NOW THEREFORE BE IT RESOLVED**, the Planning Commission makes the following findings relating to the Environmental and Design Review Permit and Lot Merger (PLAN24-098; ED24-022; LLA24-002).

## **SECTION 1. ENVIRONMENTAL AND DESIGN REVIEW FINDINGS (ED24-022)**

- A. The project design is in accord with the general plan, the objectives of the zoning ordinance and the purposes of this chapter:**

The site is designated as Downtown Mixed Use on the General Plan 2040 Land Use Map, which allows for residential and commercial uses. This designation includes the highest development intensities in San Rafael and contains a mix of housing, office, retail, service, and public land uses. The project site is also listed in Appendix B: Housing Site Inventory of the San Rafael Housing Element and was identified for future residential development. The project would introduce housing into Downtown San Rafael and includes a mix of housing

choices based on affordability, unit type, and size, which will support Downtown's continued growth as a mixed-use neighborhood and quality residential environment. The project includes both market rate and deed-restricted affordable housing. The Project is consistent with the General Plan designation and with applicable goals, policies and programs of the General Plan, specifically with design-related policies of the Neighborhoods Element and Community Design and Preservation Element as detailed in the General Plan Consistency Table, Exhibit 3.

**B. The project design is consistent with all applicable site, architecture and landscaping design criteria and guidelines for the district in which the site is located:**

The Project design is consistent with applicable regulations and guidelines applicable to the T5N 50/70 and T4N 40/50 zoning districts.

The project is subject to State Density Bonus Law, which allows applicants to request waivers from applicable development standards in order to achieve the allowed density with allowable density bonus. The Applicant has requested the following waivers:

- Waiver of 50 foot (50') height limit in T5N 50/70 and 40 foot (40') limit in T4N 40/50 to allow building height of 86 feet.
- Waiver of seven foot (7') front and side street setback at the T4N 40/50 portion of site to allow a zero foot (0') setback on the front and street side, as allowed in the T5N 50/70 portion of the Project.
- Waiver of five foot (5') side yard setback at the T4N 40/50 portion of site to allow a zero foot (0') to 10 foot (10') side yard setback.
- Waiver of 15 foot (15') rear yard setback at the T4N 40/50 portion of site to allow a zero (0) to 10 foot (0-10') rear setback.
- Waiver of front and side setbacks above 35 feet (35').
- Waiver of civic area requirement to allow for maximum number of residential units.

The City has determined that strict enforcement of these development standards would preclude the Project from achieving the proposed density by requiring removal of proposed units in order to comply with the development standards. Therefore, the Planning Commission approves the requested waivers.

The Project does not request any concessions. The Project is consistent with the applicable general plan designation, general plan policies, and applicable zoning designation with the exception of those standards, ordinances and regulations for which Applicant seeks waivers; and regulations and conditions of Project approval would ensure compliance with applicable standards.

See Exhibit 3, Exhibit 2, and Exhibit 1 for a complete analysis of the Project 's consistency with applicable General Plan goals, policies and programs, the zoning ordinance, and the Downtown Precise Plan. Conditions of approval will ensure consistency will all applicable standards.

**C. The project design minimizes adverse environmental impacts:**

The Project minimizes adverse environmental impacts as a result of its compact footprint and location, which is in close proximity to transit including the Sonoma Marin Area Rail Transit (SMART) Downtown San Rafael Station and the Golden Gate Transit Center. The Project will

be required to comply with CalGreen standards through the building permit process and incorporates Low Impact Development (LID) Design Strategies. The Project site is located within the City of San Rafael and would continue to be adequately served by City and regional services. The properties are currently being served by water service which will continue to be provided by the Marin Municipal Water District (MMWD), though the purchase of additional water allotment will be required. MMWD has issued a will-serve letter and determined there will be sufficient water supply for the Project. Wastewater service will be provided by the San Rafael Sanitation District. The San Rafael Sanitary District has reviewed the Project and determined the wastewater demand will not exceed the permitted capacity of the Central Marin Sanitation Agency's wastewater treatment plant. The Project has been reviewed by city agencies and is required to comply with all agency regulations. As proposed and conditioned, the Project design minimized adverse environmental impacts.

**D. The project design will not be detrimental to the public health, safety or welfare, nor materially injurious to properties or improvements in the vicinity.**

The Project has been reviewed by the San Rafael Fire Department, Department of Public Works, the Marin Sanitation District, and MMWD. The project will be built in accordance with the applicable California Building Code and conditions of approval have been incorporated to ensure the project will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the project vicinity.

## **SECTION 2. MERGER FINDINGS (LLA24-002)**

**A. The lot merger is consistent with the general plan**

The site is designated as Downtown Mixed Use on the General Plan 2040 Land Use Map, which allows for a mix of housing and retail uses. This designation includes the highest development intensities in the city, and contains a mix of housing, office, retail, service, and public land uses. Development in this area is guided by the Downtown Precise Plan, which includes further detail on building form, development intensity, height, and allowable uses. There is no residential dwelling unit per acre standards in the Downtown Mixed Use area nor on properties designated as Downtown Mixed Use in General Plan 2040. The Project is consistent with key General Plan Policies including those in the Land Use and Community Design and Preservation policies and Housing Element, which encourages new residential development in Downtown San Rafael. The Project would provide 210 residential units, including 18 Below Market Rate (BMR) units. Staff notes that 523 and 545 4th Street were identified in the Housing Element as Site F46, having a realistic capacity of 72 units or 60 units (six [6] low, five [5] moderate and 49 market rate units). A full analysis is provided in the General Plan Consistency Table, see Exhibit 3. The Project is consistent with the General Plan land use designation and goals, policies, and programs contained in the General Plan.

**B. Any applicable coastal plan**

The Project site is not located in the Coastal Zone and therefore there are no applicable coastal plans and this criterion does not apply to the project.

**C. The lot merger is consistent with the Zoning and Building Ordinances.**

The Project is consistent with applicable development standards of the City's Zoning Ordinance and Downtown Precise Plan, subject to conditions of approval. An overview of these standards is listed below and see Resolution Exhibit 2. Compliance with the building code would be verified through the building permit process.

**SECTION 3. CEQA and ENVIRONMENTAL REVIEW**

The Planning Commission makes the following findings, based on its independent judgment after considering the Project, and having reviewed and taken into consideration all written and oral information submitted in this matter, including the CEQA Exemption Memo prepared by Rincon Consultants, Inc:

**A. The Project is categorically except from environmental review pursuant to Cal. Code of Regulations, Title 14, §15332 et seq. (Infill Development) because it satisfies the following conditions.**

1. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. The project is a multi-family residential use which is a permissible use in the T5N 50/70 and the T4N 40/50 zoning districts. The project is consistent with the General Plan, as detailed in the General Plan Consistency Table (Exhibit 3), Zoning Ordinance as detailed in the Zoning Ordinance Consistency Table (Exhibit 2), and Downtown Precise Plan (Exhibit 1). While the project seeks waivers to development standards pursuant to the State Density Bonus Law, the use of waivers does not render the infill exemption inapplicable. Therefore, the project is consistent with the applicable General Plan designation and policies, and applicable zoning designation and regulations.
2. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses. The project site is located within city limits and is approximately 0.92 acres in area. The project site is surrounded by other developed properties in the T5N 50/70 and T4N 40/50 zoning district, which are developed with residential, transportation, and commercial uses, as well as Highway 101.
3. The project site has no value as habitat for endangered, rare or threatened species. Due to the developed and disturbed nature of the project site and surroundings, as well as the absence of vegetation or water features on or near the site, the site does not support listed species or their habitat. There is no critical habitat on or adjacent to the site (USFWS 2025a), and the nearest wetland (San Rafael Creek) is approximately 600 feet south of the site (USFWS 2025b). Thus, the project site has no value as habitat for endangered, rare, or threatened species.
4. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. The Class 32 report prepared for the project determined that the project would not result in any significant effects related to traffic, noise, air quality or water quality. Impacts related to VMT and site circulation and access would be less than significant. Implementation of conditions of approval would ensure there are no significant impacts related to noise. The proposed project would not result in significant impacts to air and water quality as a result of project compliance with applicable regulations.

Therefore, approval of the project would not result in any significant effects related to traffic, noise, air quality, or water quality.

5. The site can be adequately served by all required utilities and public services. The project would be located in an urban area served by existing public utilities and services; the site itself, which is currently developed with commercial buildings and uses, is currently served by such public utilities and services. As discussed in the General Plan 2040 EIR, there are adequate public utilities and services to serve development in the Downtown Precise Plan area. As the project is generally consistent with the Precise Plan, there are adequate public utilities and services to serve the proposed project.

Further, as analyzed in the CEQA Exemption Memo, none of the exceptions to the Class 32 Exemption apply. (CEQA Guidelines Section 15300.2.) The project would not result in significant cumulative impacts, impacts to scenic highways, or historical resources. The project does not involve unusual circumstances or a hazardous waste site. Therefore, none of the exceptions to the Class 32 exemption apply.

#### **SECTION 4. SEVERABILITY**

If any term, provision, or portion of these findings or the application of these findings to a particular situation is held by a court to be invalid, void or unenforceable, the remaining provisions of these findings, or their application to other actions related to the Project, shall continue in full force and effect unless amended or modified by the City.

#### **SECTION 5. CONDITIONS OF APPROVAL**

##### **General Terms and Standard Conditions**

The following are general terms and standard conditions that apply to each severable entitlement of the 930 Irwin Residential Project, hereby the "Project": Environmental and Design Review Permit (PLAN24-098; ED24-022; LLA24-02)

1. For purposes of these Conditions of Approvals, the following terms shall have the following meanings:

"Director" shall mean the Director of the Community and Economic Development Department

"First building permit" shall mean any permit required for construction related activities on a structure including permits for building, foundation, or superstructure, but excluding demolition permits.

"Building permit" shall mean any permit required for construction related activities on a structure including permits for building, foundation, or superstructure, but excluding demolition permits.

"Site development permit" shall mean any permit required for earth-disturbing activities, including, permits for grading, excavation, shoring, utilities, demolition, site preparation, or any other permits required for earth-disturbing activities, but excluding building permits.

"Applicant" shall mean Mill Creek Residential, LLC and/or any successor in interest.

"Property Owner(s)" shall mean Seagull Prime Real Estate Fund, LLC and/or any successor in interest.

“Project” shall mean the 930 Irwin Residential Project as approved by the City of San Rafael. The Project includes 203,233 square feet of residential development (including 7,198 square feet of residential amenities, including 210 units comprised of 44 studio, 70 one-bedroom, 67 two-bedroom, and 29 three-bedroom units. (including 18 deed restricted below market rate units affordable to low-income households) and 85,085 square feet of parking.

“Project Site” shall mean the approximately 40,200 square foot property comprised of APNs 014-123-27, 014-123-28, and 014-123-21 as represented on Sheet 1 of the approved civil plan set (Alta/NSPS Land Title Survey) prepared by Luk and Associates, dated August 2024.

2. Development of the Project. Development of the Project, defined as the project plans and supporting documents attached to the May 13, 2025 Planning Commission staff report (hereinafter the “Plans”), shall be substantially in conformance with the plans prepared by:
  - a. Trachtenberg Architects consisting of 26 plan sheets, dated received on December 27, 2024;
  - b. Luk and Associates consisting of 13 plan sheets, dated received on December 27, 2024;
  - c. Yamasaki Landscape Architecture, consisting of six (6) plan sheets, dated received on 12/27/24; and
  - d. Lite Rite Design consisting of 2 plan sheets, dated received on 12/27/24.

The Plans are incorporated by reference herein. The Plans may only be modified by the conditions contained herein, subject to review and approval of the Community and Economic Development Director or their designee.

3. Fees, Dedication Requirements, Reservation Requirements and Other Exactions. The conditions of Project approval set forth herein include certain fees, dedication requirements, reservation requirements and other exactions. Pursuant to Government Code Section 66020(d)(1), these conditions constitute written notice of the statement of the amount of such fees and a description of the dedications, reservation, and other exactions. You are hereby notified that the 90-day period in which you may protest those fees, the amount of which has been identified herein, dedications, reservations, and other exactions required in connection with the instant approvals has begun. If you fail to file a protest complying with all the requirements of Section 66020, you will be legally barred from later challenging such exaction.
4. Right to Audit of the City's Development Impact Fees. In accordance with Government Code Section 66006(e), the Applicant is hereby notified of the right to file with the City Clerk: (a) a request for an audit of the City's development impact fees in accordance with Government Code Section 66023; and (b) a written request for mailed notices of the City's public meetings to review annual reports of development impact fees under Government Code Section 660066(b)(1). 4. At the times (e.g., building permit) provided for in the City's fee ordinances, the applicant shall pay all applicable City Development Impact fees.
5. All Third Party Fees Shall be Paid. Prior to issuance of any/each building permit, the applicant shall verify for the City that it has paid all third party-outside agency fees applicable to such portion of the Project, including but not limited to any school fees, water capacity fees, and sewer capacity fees. Unless a condition includes a different time for payment, the applicant shall pay all applicable City fees prior to the issuance of each building permit.
6. Conditions of Approval Shall be Printed. All Conditions of Approval shall be printed on the second sheet of each plan set submitted for a building permit. Additional sheets may also be used if the second sheet is not of sufficient size to list all of the conditions. The sheet(s)

containing the conditions shall be of the same size as those sheets containing the construction drawings; 8-1/2" by 11" sheets are not acceptable.

7. Applicant Responsible for Conditions of Approval. Applicant is responsible for conditions of approval. The Applicant shall ensure compliance with all conditions of approval, including submittal to the Project Planner of required approval signatures at the times specified. Failure to comply with any condition may result in construction being stopped, issuance of a citation, and/or modification or other remedies.
8. This Permit authorizes only the proposed Project described in the application. In no way does approval authorize other uses, structures or activities not included in the Project description. When the City approves a new use that replaces an existing use, any prior approval of the existing use becomes null and void when permits for the new use are exercised (e.g., building permit or business license issued). To reestablish the previously existing use, an applicant must obtain all permits required by the Zoning Ordinance for the use.
9. All Plans and Information Become Conditions. All information and representations, whether oral or written, including the building techniques, colors, materials, elevations, and overall appearance of the project, as presented at the Planning Commission meeting dated May 13, 2025 and as presented in the Project plans as outlined below shall be the same as required for the issuance of a building permit, except as modified by these conditions of approval. Minor modifications or revisions to the project shall be subject to review and approval by the Director. Modifications deemed not minor by the Director may require review and approval as an amendment to the approved project entitlements including the Environmental and Design Review Permit (PLAN24-098, ED24-022; LLA24-02), as applicable.
10. Regulation Compliance. Approved use and/or construction is subject to, and shall comply with, all applicable City Ordinances and laws and regulations of other governmental agencies. Compliance with the Zoning Ordinance does not relieve an applicant from requirements to comply with other federal, state, and City regulations that also apply to the property. Prior to any construction, tenant improvement or installation of signage, the applicant shall identify and secure all applicable permits from all federal, state, and City departments.
11. Construction Hours (Ongoing throughout demolition, grading, and/or construction). Consistent with the City of San Rafael Municipal Code Section 8.13.050.A, construction hours on private property shall be limited to 7:00 a.m. to 6:00 p.m. Monday through Friday and 9:00 a.m. to 6:00 p.m. on Saturdays. Construction shall not be permitted on Sundays or City-observed holidays. Construction activities shall include delivery of materials, hauling materials off-site; startup of construction equipment engines, arrival of construction workers, playing of radios and other noises caused by equipment and/or construction workers arriving at, or working on, the site.
12. Construction Noise (Ongoing throughout demolition, grading, and/or construction). During construction, the Project shall:
  - a. Properly muffle and maintain all construction equipment powered by internal combustion engines.
  - b. Prohibit unnecessary idling of combustion engines.
  - c. Locate all stationary noise-generating construction equipment such as air compressors as far as practical from existing nearby residences and other noise-sensitive land uses. Such equipment shall also be acoustically shielded.
  - d. Select quiet construction equipment, particularly air compressors, whenever possible. Fit motorized equipment with proper mufflers in good working order.



- e. The Applicant shall designate a "Project Liaison" responsible for responding to any local complaints about construction noise. This person shall determine the cause of any noise complaint (e.g., starting too early, bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. A telephone number for the Project Liaison shall be posted at the construction site.
  - f. Erect temporary noise barriers to limit construction noise to no more than 90 dBA Lmax at residences. Temporary noise barriers shall be constructed with solid materials (e.g., wood) with a density of at least 1.5 pounds per square foot with no gaps from the ground to the top of the barrier at a minimum height of 12 feet along the southern and eastern project boundaries. If a sound blanket is used, barriers shall be constructed with solid material with a density of at least one pound per square foot with no gaps from the ground to the top of the barrier and be lined on the construction side with acoustical blanket, curtain or equivalent absorptive material rated sound transmission class (STC) 32 or higher.
13. Construction Vibration (Ongoing throughout demolition, grading, and/or construction). During construction, the project shall:
- a. Avoid the use of large earthmoving equipment (greater than 100 hp) within 15 feet of residential buildings and within 12 feet of commercial buildings, as this is the distance where these buildings are susceptible to damage from vibration from this equipment.
  - b. Schedule construction activities with the highest potential to produce vibration to hours with the least potential to affect nearby institutional, educational, and office uses that the Federal Transit Administration identifies as sensitive to daytime vibration (FTA 2006).
  - c. Notify neighbors of scheduled construction activities that would generate vibration.
  - d. Select quiet construction equipment, particularly air compressors, whenever possible. Fit motorized equipment with proper mufflers in good working order.
  - e. Residences adjacent to the project site shall be notified in advance by writing of the proposed construction schedule before construction activities commence.
  - f. The Applicant shall designate a "Project Liaison" responsible for responding to any local complaints about construction noise. The disturbance coordinator shall determine the cause of any vibration complaint (e.g., starting too early, bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. A telephone number for the Project Liaison shall be posted at the construction site.
14. Construction Noise and Vibration Management- Public Notice Required. At least two weeks prior to initiating any construction activities at the site, the Applicant shall provide notice to businesses and residents within 500 feet of the project site. This notice shall at a minimum provide the following: (1) project description, (2) description of construction activities during extended work hours and reason for extended hours, (3) daily construction schedule (i.e., time of day) and expected duration (number of months), (4) the name and phone number of the Project Liaison for the project that is responsible for responding to any local complaints, and (5) that construction work is about to commence. The Project Liaison would determine the cause of all construction-related complaints (e.g., starting too early, bad muffler, worker parking, etc.) and institute reasonable measures to correct the problem. A copy of such notice and methodology for distributing the notice shall be provided in advance to the Planning Manager for review and approval.

15. Encroachment Permit (Ongoing throughout demolition, grading, and/or construction). Any construction work, including on-street traffic control, is subject to review and approval through the Department of Public Works Encroachment Permit process. Truck routes are submitted to review and approval through Department of Public Work's Transportation Permit process and shall comply with City of San Rafael Municipal Code Chapter 5.52.
16. Archaeological Resources (Ongoing throughout demolition, grading, and/or construction). Pursuant to CEQA Guidelines section 15064.5(f), "provisions for historical or unique archaeological resources accidentally discovered during construction" shall be implemented. Further, compliance with the City's Archeological Resources Protection Ordinance and Resolution No. 10988, which implements the Ordinance, requires the following:
- a. In the event that any archaeological resources are inadvertently discovered during ground disturbing activities ("find"), all work within 50 feet of the resources shall be halted. The Federated Indians of Graton Rancheria (FIGR) shall be immediately notified and a qualified archaeologist retained at Developer's sole cost and expense to consult with the City, FIGR, and the Developer and any other applicable regulatory agencies to employ best practices for assessing the significance of the find, developing and implementing a mitigation plan if avoidance is not feasible. Evidence of prehistoric or historic-era subsurface archaeological features or deposits may include ceramic shards, trash scatters, and lithic scatters). All significant, non-Tribal cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by the qualified professional according to current professional standards.
  - b. In considering any suggested measure proposed by the qualified professional, the project applicant shall determine whether avoidance is necessary or feasible in light of factors such as the uniqueness of the find, project design, costs, and other considerations.
  - c. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation measures for cultural resources are carried out.
  - d. If significant materials are recovered, the qualified professional shall prepare a report on the findings for submittal to the Northwest Information Center.
17. Human Remains (Ongoing throughout demolition, grading, and/or construction). In the event of the accidental discovery or recognition of any human remains, the following steps should be taken: (1) There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:
- a. The Marin County Coroner must be contacted to determine that no investigation of the cause of death is required, and
  - b. If the coroner determines the remains to be Native American:
    - i. The coroner shall contact the Native American Heritage Commission within 24 hours.
    - ii. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American.

iii. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98. Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance:

1. The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.
2. The descendant identified fails to make a recommendation; or
3. The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

18. Paleontological Resources (Ongoing throughout demolition, grading, and/or construction). In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards [SVP 1995,1996]). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.

19. Halt Work/Unanticipated Discovery of Tribal Cultural Resources (Ongoing throughout demolition, grading, and/or construction). In the event that cultural resources of Native American origin are identified during construction, all work within 50 feet of the discovery shall be redirected. The project applicant and project construction contractor shall notify the Director of Community and Economic Development Department within 24 hours. The City will again contact any tribes who have requested consultation under AB 52, as well as contact a qualified archaeologist, to evaluate the resources and situation and provide recommendations. If it is determined that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with Native American groups. If the resource cannot be avoided, additional measures to avoid or reduce impacts to the resource and to address tribal concerns may be required.

20. Construction Management Plan. The applicant shall submit a Construction Management Plan (CMP) for review and approval by the Director of Community and Economic Development Department and Director of Public Works prior to issuance of building or grading permit. The construction management plan shall address at a minimum, the following:

- a. Acknowledgement that all materials and equipment shall be staged on-site, unless otherwise approved in writing by the Chief Building Official.
- b. Contact information (phone number and email) for contractor, property owner project liaison shall be posted on site in an all weather sign that is visible to the public right of way.
- c. Another all weather sign shall be posted at all entrances to the construction site to inform all contractors and subcontractors of the requirements of the City's Noise Ordinance in accordance with SRMC 8.13.050.
- d. Traffic Control Plan to address on-site and off-site construction traffic. This plan shall include:
  - i. Any alterations, closures, or blockages to sidewalks, pedestrian paths or vehicle travel lanes (including bicycle lanes);
  - ii. Storage of building materials, equipment, dumpsters, debris anywhere in the public Right of Way;
  - iii. Hauling route for trucks used for the construction of project.

The TCP shall be stamped and signed by a registered engineer prior to submittal. The TCP shall be consistent with any other requirements of the construction phase. A current copy of this Plan shall be available at all times at the construction site for review by City Staff

- e. Designate location of construction worker parking on-site or in another off-street location provided by the applicant. Construction workers may not park on-street in the downtown area or adjacent residential neighborhoods.
- f. A screened security fence approved by the Director of Community and Economic Development Department shall be placed and maintained around the perimeter of the project and removed immediately following construction work.
- g. Proposed construction phasing, schedule of work, and approximate timeline of project.
- h. In the event that the CMP is conflicting with any conditions imposed by the grading permit for the project, the more restrictive language or conditions shall prevail. The applicant shall be responsible for addressing any unanticipated construction impacts to the neighborhood and surrounding residents to the reasonable satisfaction of the Director of Community and Economic Development Department.
- i. Mass grading shall occur between April 15 through October 15, unless otherwise approved in writing by the Department of Public Works.
- j. Acknowledgement that the applicant shall be required to repair any roadway damage created by the additional construction truck traffic.
- k. Acknowledgement that that the location of construction trailers shall be on-site, unless otherwise approved by the Chief Building Official.

- I. Location of construction staging and material storage related to the project.
- m. Environmental and safety measures:
  - i. Construction safety fences around the construction area.
  - ii. Dust control and air pollution control measures.
  - iii. Erosion and sedimentation control measures.
  - iv. Tree protection fencing.
  - v. Construction vehicle parking
- 21. Pre-Construction Meeting. Prior to issuance of the first site development permit for each construction area (e.g., on-site parcel(s) or building site(s), or off-site improvement construction area), a pre-construction meeting shall be held, including representatives from the Applicant and the City to review the CMP and including applicable conditions of approval. The general contractor or Applicant shall ensure that all subcontractors involved in subsequent phases of construction aware of the conditions of approval.
- 22. Applicant to Hold City of San Rafael Harmless. Applicant or permittee shall defend, indemnify, and hold harmless the City of San Rafael or its elected and appointed officials, agents, officers, and employees from any claim, action, or proceeding brought by a third party against the City of San Rafael or its elected and appointed officials, agents, officers, or employees to attack, set aside, void, or annul an approval of the Planning Commission, the City Council, the Director, or any other department, committee, or agency of the City concerning a development, variance, permit or land use approval.
- 23. Conditions of Approval Validity. If any term, provision, or portion of these conditions or the application of these conditions to a particular situation is held by a court to be invalid, void or unenforceable, the remaining provisions of these conditions, or their application to other actions related to the Project, shall continue in full force and effect unless amended or modified by the City.

## **ENVIRONMENTAL AND DESIGN REVIEW CONDITIONS OF APPROVAL (ED24-022)**

### **Planning Division**

- 24. Project Approval. This Environmental and Design Review Permit (ED24-022) approves demolition and construction activities associated with the 210-unit residential development project (930 Irwin), known as the Project. The Project includes the demolition of the three existing buildings and pavement on the Project Site and the construction of a new eight-story residential building with 210 dwelling units; ground level lobby, common areas and amenities; and integrated above-ground, four-level parking garage at 525 and 545 4th Street, and 914 Irwin Street. Plans submitted for building permit shall be in substantial conformance to the plans received on December 27, 2024 with regard to building techniques, materials, elevations, and overall project appearance except as modified by these conditions of approval. Minor modifications or revisions to the Project shall be subject to review and approval by the Community and Economic Development Department, Planning Division.

Modifications deemed greater than minor in nature by the Community and Economic Development Director shall require review and approval by the Planning Commission.

25. Permit Validity. This Permit shall become effective on **5/21/2025** and shall be valid for a period of two (2) years from the date of final approval, or **5/21/2027**, and shall become null and void if a building permit is not issued or a time extension is not applied for prior to the expiration date. A permit for the construction of a building or structure is deemed exercised when a valid City building permit, if required, is issued, and construction has lawfully commenced. A permit for the use of a building or a property is exercised when, if required, a valid City business license has been issued, and the permitted use has commenced on the property.
26. Mechanical Equipment. Plans shall demonstrate compliance with regulations set forth in San Rafael Municipal Code (SRMC) Section 14.16.320, requiring a minimum setback of five feet from the property line for all mechanical equipment.
27. Exterior Lighting. All exterior lighting shall be energy efficient where feasible; and shielded and directed downward and away from property lines to conceal light sources from view off-site and avoid spillover onto adjacent properties pursuant to SRMC §14.16.227. The Project shall be subject to a 90-day post installation lighting inspection to evaluate the need for adjustment and assure compliance with SRMC Section 14.16.227.
28. Landscape Maintenance. All landscaping shall be maintained in good condition and any dead or dying plants, bushes, trees, or groundcover plantings shall be replaced with new healthy stock of a size appropriate and compatible with the remainder of the growth at the time of replacement.
29. Landscape and Irrigation Plan Approval. Prior to the issuance of occupancy, a licensed landscape architect shall submit a letter to the Director of Community and Economic Development certifying that the landscape plan is in compliance with Water Efficient Landscape requirements and the Water Efficient Landscape requirements of San Rafael Municipal Code Section 14.16.370 and MMWD Ordinance No. 414 (including amendments), as applicable.
30. Tree Replacement Plan. Consistent with Program C-1.17B: Tree Management Plan of the General Plan, the applicant shall prepare a tree replacement plan to retain and/or replace all address trees removed during construction and replanting. The Plan shall be prepared by a licensed arborist using published standards and practices for protecting and monitoring tree health during and after construction. The plan shall be subject to review and approval by the Community and Economic Development Director.

Any trees approved for removal shall be replaced at a minimum ratio of 2:1 (24-inch box size) with a 2-inch caliper trunk and shall include root barriers and/or at-grade screens. The plan shall identify:

- a. Trees proposed for removal the project, including species and size
- b. Proposed replacement trees, including species and size and planting measures

Replacement trees shall be planted under the supervision of a certified arborist and all planting measures recommended by the tree replacement plan shall be implemented. Prior to occupancy, the applicant shall submit verification from the certified arborist that the tree replacement plan was implemented according to the specifications required by the tree replacement plan.

31. Affordable Housing. The Project is required to provide eighteen (18) residential units as affordable to low-income households (those earning less than 80% of the Area Median

Income), as proposed by the Applicant pursuant to State Density Bonus Law. As a result, the Project also complies with affordable housing requirements prescribed in Section 14.16.030 of the San Rafael Zoning Ordinance, City Council Resolution 14890, and City Council Resolution 14891.

- a. Prior to issuance of the first building permit for the Project, a Below Market Rate (BMR) agreement for the eighteen (18) affordable units shall be approved by the Community and Economic Development Director and recorded on the property.
32. Outstanding Fees. Prior to Issuance of the first Building Permit for the Project, the Applicant shall pay all outstanding Planning Division application processing fees.
33. Development Impact Fees. Prior to Issuance of the first Building Permit for the Project, the applicant shall pay all applicable development impact fees required for this Project, including those fees mentioned herein and other fees required by ordinance.
34. Applicable Ordinances, Plans, Regulations, and Specifications. The Project shall adhere to all ordinances, plans, regulations and specifications of the City of San Rafael in effect on the date the Project applicant submitted a preliminary application containing all the information required by Government Code section 65941.1(a) and all applicable regional, State, and Federal laws and regulations.
35. City of San Rafael Department Compliance. Prior to first building permit issuance, the Applicant shall comply with all pre-building permit issuance requirements of the Department of Public Works, Community and Economic Development Department, Building Division and Planning Division, and Fire Department that are directly applicable to the project.
36. Outside Agency Compliance. Prior to first building permit issuance, the Applicant shall comply with all San Rafael Sanitation District and Marin Municipal Water District (MMWD) and utility company regulations that are directly applicable to the Project.
37. Project Progress and Completion. The Applicant shall diligently pursue the Project's construction through to completion, and, if at any point after building permits have been issued, the Applicant abandons construction or the building permits expire, the Applicant shall demolish the uncompleted portions of the Project and restore the site to rough grade condition and shall take reasonable measures to protect public health and safety, protect the building structure from the elements, screen unsightly elements from view (such as fencing, painting or attractive screens or coverings), and maintain temporary landscaping, to the satisfaction of the Director of the Community and Economic Development Department.
38. Construction Site Maintenance. If the Applicant leaves any work of construction in an unfinished state for more than seven (7) consecutive days, the Applicant shall keep the construction site clean and properly secured per best management standards and to the satisfaction of the Chief Building Official.
39. Construction Site Safety. If the Applicant leaves any work of construction in an unfinished state for more than one hundred and twenty (120) consecutive days, the Applicant shall take reasonable measures to protect public health and safety, protect the building structure from the elements, screen unsightly elements from view (such as fencing, painting or attractive screens or coverings), and maintain temporary landscaping, to the satisfaction of the Director of the Community and Economic Development Department.

**MERGER CONDITIONS OF APPROVAL  
(LLA24-002)**

40. Notice of Merger. The project shall finalize the lot merger application under the provisions of Government Code Section 66451.12(d). Pursuant to Chapter 15.15 of San Rafael Municipal Code, and Article 1.5 of the State Subdivision Map Act. The associated lot merger shall be completed and recorded prior to issuance of demolition permit.

**Building Division**

41. Building Code. The design and construction of all site alterations shall comply with the latest adopted Building Codes in effect at time of building permit submission. Currently the following codes are adopted: 2022 California Building Code (CBC), 2022 California Plumbing Code (CPC), 2022 California Electrical Code (CEC), 2022 California Mechanical Code CCMC), 2022 California Fire Code (CFC), 2022 California Energy Code, 2022 California Green Building Standards Code and City of San Rafael Ordinances and Amendments.
42. Building Plans. 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
43. Occupancy Details on Plans. The occupancy classification, construction type and square footage of each building shall be specified on the plans. In mixed occupancies, each portion of the building shall be individually classified.
44. Occupancy Calculations. The occupancy classification, construction type and square footage of each building shall be specified on the plans in addition to justification calculations for the allowable area of each building. Site/civil plans prepared by a California licensed surveyor or engineer clearly showing topography, identifying grade plane and height of the building.
45. Mixed Occupancy Type. This building contains several different occupancy types. Individual occupancies are categorized with different levels of hazard and may need to be separated from other occupancy types for safety reasons. Under mixed-occupancy conditions the project architect has available several design methodologies (accessory occupancies, nonseparated occupancies, and separated occupancies) to address the mixed-occupancy concerns.
46. Building Height. Building height and story must comply with CBC Section 504. On the plan justify the proposed building area and height.



47. Building Area. Building areas are limited by CBC Table 506.2. On plan justify the proposed building area. 8. 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. 9. Buildings located 4 or more stories above grade plane, one stairwell must extend to the roof, unless the roof slope exceeds an angle of 4 vertical to 12 horizontal CBC 1011.12.
48. Building Addressing. 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. 11. 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.
49. School Fees. 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.
50. Flood Zone. A portion of the subject property appears to be in a flood zone, which is identified as an area of special flood hazard. All new construction and in some cases, existing improvements, are to be designed to ensure that the potential for flooding is minimized. This may involve grading to elevate the building pad or raising of existing building components to a level above the highest flood level. No new construction, or substantial improvements of a structure which would require a building permit, pursuant to the applicable provisions of the California Building Code as adopted, shall take place in an area of special flood hazard without full compliance with the applicable flood control requirements. Prior to submittal of plans to the Building Division for plan review, the applicant shall determine where the actual flood fringe boundary lines occur on the property. The lines shall be incorporated onto a site/topographical plan which shall be included as part of the required plan information noted above.
51. Soils Report. Regarding any grading or site remediation, soils export, import and placement; provide a detailed soils report prepared by a qualified engineer to address these procedures. The report should address the import and placement and compaction of soils at future building pad locations and should be based on an assumed foundation design. This information should be provided to Building Division and Department of Public Works for review and comments prior to any such activities taking place. A grading permit may be required for the above-mentioned work.
52. Geotechnical and Civil Pad Certification. Prior to building permit issuance for the construction of each building, geotechnical and civil pad certifications are to be submitted.
53. Ventilation Area. Ventilation area required, the minimum openable area to the outdoors is 4 percent of the floor area being ventilated CBC 1203.5.1 or mechanical ventilation in accordance with the California Mechanical Code.

54. Natural Lighting. Natural light, the minimum net glazed area shall not be less than 8 percent of the floor area of the room served CBC 1205.2 or shall provide artificial light in accordance with CBC 1205.3.
55. Signage. All site signage as well as wall signs require a separate permit and application (excluding address numbering).
56. Monument Sign Address Numbers. Monument sign(s) located at the driveway entrance(s) shall have address numbers posted prominently on the monument sign.
57. Parking Garage. In the parking garage, mechanical ventilation will be required capable of exhausting a minimum of .75 cubic feet per minute per square foot of gross floor area CMC Table 4-4. 21. In the parking structure, in areas where motor vehicles are stored, floor surfaces shall be of noncombustible, nonabsorbent materials. Floors shall drain to an approved oil separator or trap discharging to sewers in accordance with the Plumbing Code and SWIPP. 22. Each building shall be provided with sanitary facilities per CPC Sec 412 and Table 4-1 (including provisions for persons with disabilities). Separate facilities shall be required for each sex. 23. Minimum elevator car size (interior dimension) 60" wide by 30" deep with an entrance opening of at least 60" or a car size of 42" wide by 48" deep with an entrance opening of 36" or a car size of 60" wide by 36" deep with an entrance opening of at least 36".
58. Elevators. All buildings with one or more elevators shall be provided with not less than one medical emergency service elevator. The medical emergency service elevator shall accommodate the loading and transport of an ambulance gurney or stretcher. The elevator car size shall have a minimum clear distance between walls and door excluding return panels not less than 80 inches by 54 inches and a minimum distance from wall to return panel not less than 51 inches with a 42-inch side slide door.
59. Exits. A minimum of two exits, with proper separation, are required from the third floor of each unit. The exits must located a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the area served.
60. Accessibility. The proposed facility shall be designed to provide access to the physically disabled. For existing buildings and facilities when alterations, structural repairs or additions are made, accessibility improvements for persons with disabilities shall be required unless CASP report states compliant. Improvements shall be made, but are not limited to, the following accessible features:
- a. Path of travel from public transportation point of arrival
  - b. Routes of travel between buildings
  - c. Parking
  - d. Ramps
  - e. Primary entrances
  - f. Sanitary facilities (restrooms)
  - g. Drinking fountains & Public telephones (when provided)
  - h. Accessible features per specific occupancy requirements i. Accessible special features, i.e., ATM's point of sale machines, etc.
61. Accessibility Requirements. The site development of items such as common sidewalks, parking areas, stairs, ramps, common facilities, etc. are subject to compliance with the accessibility. Pedestrian access provisions should provide a minimum 48" wide unobstructed

paved surface to and along all accessible routes. Items such as signs, meter pedestals, light standards, trash receptacles, etc., shall not encroach on this 4' minimum width. Also, note that sidewalk slopes and side slopes shall not exceed published minimums. The civil, grading and landscape plans shall address these requirements to the extent possible.

62. Parking Garage Vertical Clearance. The parking garage ceiling height shall have a minimum vertical clearance of 8' 2" where required for accessible parking.
63. Multistory Access. Multistory apartment or condominium on the ground floor in buildings with no elevator at least 10 percent but no less than one of the multistory dwellings in apartment buildings with three or more and condos with four or more dwellings shall comply with the following:
  - a. The primary entry to the dwelling unit shall be on an accessible route unless exempted by site impracticality tests in CBC Section 1150A.
  - b. At least one powder room or bathroom shall be located on the primary entry level, served by an accessible route.
  - c. All rooms or spaces located on the primary entry level shall be served by an accessible route. Rooms and spaces located on the primary entry level and subject to this chapter may include but are not limited to kitchens, powder rooms, bathrooms, living rooms, bedrooms or hallways.
64. Multifamily Accessible Parking. 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.
65. Unassigned Accessible Parking. 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 gradelevel entrances of multi family 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.
66. Accessible Parking. 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

67. Accessible Van Parking. 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. 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.

### **Fire Department**

68. Fire Code. The design and construction of all site alterations shall comply with the 2022 California Fire Code, current NFPA Standards, and all applicable City of San Rafael Ordinances and Amendments.

69. Deferred Submittals. Deferred Submittals for the following fire protection systems shall be submitted to the Fire Prevention Bureau for approval and permitting prior to installation of the systems:

- a. Fire Sprinkler plans (Deferred Submittal to the Fire Prevention Bureau)
- b. Fire Standpipe plans (Deferred Submittal to the Fire Prevention Bureau)
- c. Fire Underground plans (Deferred Submittal to the Fire Prevention Bureau)
- d. Fire Alarm plans (Deferred Submittal to the Fire Prevention Bureau)
- e. Kitchen Hood Automatic Fire-Extinguishing System plans (Deferred Submittal to the Fire Prevention Bureau)
- f. ERCCS/DAS Radio Coverage System.

70. Fire Apparatus Access Roadway. The fire apparatus access roadway must conform to all provisions in CFC Section 503 and Appendix D.

71. Fire Apparatus Plan. A fire apparatus access plan shall be prepared for this project. Fire apparatus plan shall show the location the following:

- a. Designated fire apparatus access roads.

- b. Red curbs and no parking fire lane signs.
  - c. Fire hydrants.
  - d. Fire Department Connection (FDC).
  - e. Double detector check valve.
  - f. Street address sign.
  - g. Recessed Knox Box(s).
  - h. Knox gate key switch locations.
  - i. Fire Alarm annunciator panel.
  - j. NFPA 704 placards.
  - k. Provide a note on the plan, as follows: The designated fire apparatus access roads and fire hydrant shall be installed and approved by the Fire Prevention Bureau prior construction of the building.
72. Knox Gate Switch. A Knox key switch is required for driveway or access road automatic gates. <https://www.knoxbox.com/gate-keys-and-padlocks/>
73. Existing Hydrant Upgrades. When additions or alterations are made, the nearest existing fire hydrant shall be upgraded. Residential model: Clow 950. Commercial Model: Clow 960.
74. Distance to Fire Apparatus Access Road. When a building is fully sprinklered all portions of the exterior building perimeter must be located within 250-feet of an approved fire apparatus access road.
- a. The minimum width of the fire apparatus access road is 20-feet.
  - b. The minimum inside turning radius for a fire apparatus access road is 28 feet.
  - c. The fire apparatus access road serving this building is more than 150-feet in length; provide an approved turn-around. Contact the Fire Prevention Bureau for specific details.
75. Fire Apparatus Access Roadway. If the building is over 30 feet in height, an aerial fire apparatus access roadway is required parallel to one entire side of the building.
- a. The Aerial apparatus access roadway shall be located within a minimum of 15 feet and a maximum of 30 feet from the building.
  - b. The minimum unobstructed width for an aerial fire apparatus access road is 26-feet.
  - c. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway, or between the roadway and the building.
76. Fire Lanes. Fire lanes must be designated; painted red with contrasting white lettering stating, "No Parking Fire Lane" A sign shall be posted in accordance with the CFC Section 503.3 and to the satisfaction and approval of the San Rafael Parking Services Division.
77. Hazardous Materials Placards. If applicable, Hazardous Materials Placards shall be installed in accordance with NFPA 704.
78. Hazardous Materials Management Plan. If applicable, provide a Hazardous Materials Management Plan to be submitted to Marin County Department of Public Works, CUPA

79. Address Numbers. Provide address numbers plainly visible from the street or road fronting the property. Numbers painted on the curb do not qualify as meeting this requirement. Numbers shall contrast with the background and shall be Arabic numbers or letters. Numbers shall be internally or externally illuminated in all new construction or substantial remodels. Number sizes are as follows: For residential – 4” tall with ½” stroke. For commercial – 6” tall with ½” stroke. Larger sizes might be required by the fire code official or in multiple locations for buildings served by two or more roads. A clear & understandable building address directory is required.
80. Fire Suppression Water Supply. Contact the Marin Municipal Water District (MMWD) to plan for the water supply serving the fire protection system.
81. Knox Key Access. The contractor shall provide:
- a. Knox key access to the project site during construction.
  - b. 24-hour emergency contact information conspicuously posted on the job site.
  - c. Ensure the site is kept clear of any combustible debris or waste; removed daily.
  - d. Mount fire extinguishers of a 2A10BC rating every 75 feet of travel distance and on each floor throughout the jobsite.
  - e. Ensure the jobsite is kept safe from unauthorized entry during non-construction hours.

## **Department of Public Works**

### *General*

82. Deposit for Third Party Inspections. The Applicant shall provide a deposit to fund the City’s third-party inspection activity during construction of the project. Inspections are required for activities including, but not limited to, grading, traffic, drainage, and encroachment into the public-right-of-way.
83. Reimbursement Agreement Required. The Applicant shall enter into a reimbursement agreement with the City and provide a deposit to fund the City’s third-party plan review fees prior to start of review(s). This may include, but not limited to, fees associated with the review of traffic, civil engineering, geotechnical engineering, and surveying aspects of future project submissions.

### *Special Flood Hazard Area*

84. FEMA Special Flood Hazard Area. 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 San Rafael Municipal Code (S.R.M.C.) Title 18 Protection of Flood Hazard Areas. The following specific conditions apply:
- a. In accordance with S.R.M.C. 18.50.010.C.1, the lowest floor needs to be elevated 1’ above the BFE plus predicted thirty years settlement. The civil plans show that most of the ground level will be set at a finish floor elevation of 11.33’, which is 1.33’ above the BFE. However, the geotechnical report prepared by Cornerstone Earth Group notes that there is the potential for significant settlement of up to 4.5 inches. Prior to issuance of building permit, the applicant shall provide a study by the geotechnical

engineer of the predicted 30 years settlement that considers the final building and foundation design to verify that the lowest floor meets the requirement to be elevated 1' above the BFE plus predicted 30 years settlement.

- b. The architectural plans show that the lobby at the corner of Irwin St and Fourth St will be set at a finish floor elevation of 10.65'. Lobbies are only permitted to be below the required elevation of (BFE + 1' + predicted thirty years settlement) if they solely provide building access. Lobbies with furniture, sitting areas, trash receptacles, or other contents or fixtures change the use of the area to something other than strictly building access. Tenant mailboxes, security desks, and tenant services would be considered uses other than building access. If the lobby is determined to solely provide building access, then it may be allowed to be below the required elevation of (BFE + 1' + predicted thirty years settlement) provided that it is wet floodproofed in accordance with S.R.M.C 18.50.010.C.3 and ASCE 24-14 Section 6.3.
- c. The plans appear to show that the fire pump room will be set at a finish floor elevation below 11.33'. Because this room is set below the required elevation of (BFE + 1' + predicted thirty years settlement), it will be considered an enclosure and will need to be wet floodproofed in accordance with S.R.M.C. 18.50.010.C.3. In addition, the fire pump system will either need to be elevated to (BFE + 1' + predicted thirty years settlement) or be designed to resist flood loads and prevent water from entering or accumulating within the components in accordance with S.R.M.C. 18.50.010.B and ASCE 24-14 Chapter 7.
- d. Elevators with components below the elevation of (BFE + 1' + predicted 30 years settlement) shall be designed in accordance with ASCE 24-14 Section 7.5. If the project design includes such elevators, prior to issuance of building permit, the applicant shall submit project drawings that include a statement by a registered design professional that the elevators are designed in accordance with ASCE 24-14.
- e. Any other ground level areas set below the required elevation of (BFE + 1' + predicted thirty years settlement) may only be used for building access, parking, or storage and shall be wet floodproofed in accordance with S.R.M.C. 18.50.010.C.3 and ASCE 24-14 Section 6.3.
- f. At the conclusion of construction, and prior to issuance of certificate of occupancy, the applicant shall submit an Elevation Certificate (FEMA Form FF-206-FY-22 or updated version) for the development.
- g. At the conclusion of construction, and prior to issuance of certificate of occupancy, the engineer of record shall provide a Wet Floodproofing Letter certifying that construction of enclosures below the elevation of (BFE + 1' + predicted thirty years settlement) is in accordance with ASCE 24-14 Section 6.3. The letter shall include information detailing how the design and construction of the enclosures meet the requirements of ASCE 24-14 Section 6.3, including but not limited to information regarding materials used, number and size of flood openings, and uses of the space.

#### *Public Right-of-Way*

85. Pedestrian and Bicycle Priority Street. 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. The new driveway for the Project will only be allowed on Fourth Street provided that the following safety measures are implemented to reduce adverse impacts on pedestrians and bicycles. Prior to issuance of building permit, the Applicant shall submit project drawings that demonstrate the following:

- a. Right-turn entry and exit only driveway operations is preferable. If the new driveway also allows left-turn entry and exit movements, the applicant shall implement signage, striping, lighting, and/or other improvements to ensure safe driveway access. The proposed improvements shall be to the satisfaction of the City Engineer.
- b. Vehicular warning signals, both auditory and visual, as well as convex mirrors, shall be installed at the garage exit to help alert exiting vehicles of the presence of pedestrians and bikes on the sidewalk and on the road. The auditory warning signals shall be programmable so the noise level can be adjusted if required by the City.
- c. The driveway shall have a 20' inside depressed width.
- d. The gate at the garage entrance shall be set back a minimum of 15' from the back of the sidewalk to ensure waiting vehicles do not block the sidewalk.

86. Frontage Improvements. Prior to issuance of building permit, the Applicant shall submit a separate set of drawings detailing the frontage improvements in the public right-of-way (ROW) adjacent to the proposed development for Department of Public Works review and approval as part of the application for an encroachment permit (e.g., sidewalks, pavement restoration, driveway approach, lighting). Frontage improvements shall be designed in accordance with City of San Rafael design standards, meet accessibility requirements per the California Building Code and Public Right-of-Way Accessibility Guidelines (PROWAG), and reference Marin County Uniform Construction Standards (UCS) where applicable. At a minimum, frontage improvements shall include the following:

- a. New sidewalk, curb, and gutter.
- b. Two new directional curb ramps (one for each crosswalk direction) at the northwest corner of the project site at the Irwin Street/Fourth Street intersection.
- c. In accordance with Department of Justice/Department of Transportation Joint Technical Assistance guidance, directional curb ramps shall be provided at other end of each crosswalk that is altered by the project. This includes the southwest corner and the northeast corner of the Irwin Street/Fourth Street intersection. The crosswalk striping shall be restriped as necessary to align with the direction of the new curb ramps.
- d. Undergrounding of existing overhead utility lines along the property frontage.
- e. Pavement restoration (2"-thick grind and overlay) will be required along the property frontage. The limits of pavement restoration will be to the centerline of the street or as required during the encroachment permit application, whichever is more stringent. For moratorium streets, full width resurfacing shall be required for utility trenching.
- f. New safety light at northwest corner of the project site at the Fourth and Irwin St intersection. In accordance with Table D of the Caltrans Roadway Lighting Manual



(July 2021), the safety light at the intersection shall provide a minimum average illumination level of 1.7 foot candles with a maximum uniformity ratio of 4.0.

- g. Relocate the existing street light adjacent to the existing driveway location on Fourth Street to be adjacent to the proposed new driveway location on Fourth Street.
- h. Prior to issuance of certificate of occupancy, the project sponsor shall replace all existing street signs on Fourth St and Irwin St along the property frontage. The project sponsor shall receive approval on the sign template from the City prior to purchasing and installation of the signs.

Any modification in the frontage improvements shall be determined by the Department of Public Works at the time of issuance of a building permit, or as approved based on field observations during construction.

All public right-of-way improvements, including frontage improvements and the dedication of easements and public right-of-way, shall be completed to the satisfaction of the Department of Public Works prior to building permit final inspection.

- 87. Loading Zone and Trash Pick Up Area Plan. The Applicant shall submit a plan for the proposed loading zones and trash pickup area on Fourth Street as part of the application for an encroachment permit for review by the Department of Public Works and the City Traffic Engineer. The plan shall indicate the proposed colored curb designations, proposed signage, type of loading, and time restrictions for the loading/pickup zones. Proposed loading zones shall comply with all applicable requirements of the California Building Code and PROWAG. The trash pickup area shall only be used for trash staging the evening before scheduled trash pickup (after 8 pm) and must be cleared of bins within four hours of trash pickup the following day.
- 88. Public Right of Way Protrusions. All backflow preventers, fire department connections, and other above ground utility structures shall be placed on private property and shall not be allowed to protrude into the public-right-of-way.
- 89. Public Street and Sidewalk Debris. All public streets and sidewalks that are impacted by the grading and construction operation for the project shall be kept clean and free of debris at all times.
- 90. Encroachment Permits Required. An encroachment permit is required from the Department of Public Works prior to conducting any work within or any time the public ROW is restricted.
- 91. Encroachment Permits for Balconies. Pursuant to S.R.M.C 11.04.030.020.J, balconies that extend more than four feet (4') into the public right-of-way are required to receive a major continuing encroachment permit and license agreement. Prior to issuance of building permit, the Applicant shall apply for a major continuing encroachment permit for any balconies that extend more than four feet into the public right-of-way and receive preliminary approval. Prior to issuance of certificate of occupancy, the Applicant shall complete the approval process for the major continuing encroachment permit and record the license agreement for any balconies that extend more than four feet into the public right-of-way.
- 92. Exterior Doors. Exterior doors shall not be permitted to swing into or project into the public right-of-way.

### *Hydrology and Water Quality*

93. Storm Drain Profile. Prior to building permit issuance, the Applicant shall submit storm drain profiles detailing the connection between the private property and City storm drain pipe to ensure the proposed connection does not conflict with existing infrastructure.
94. Storm Drain Pipe Size. Minimum storm drain pipe size in the public right-of-way is 12". Blind connections to an existing storm drain pipe are not permitted. Prior to issuance of building permit, drainage drawings shall be provided showing that new structures will be provided at connections to the existing storm drain system and that the minimum pipe size in the public right-of-way will be 12". Private maintenance responsibility is for the entire lateral up to the connection point to the City storm drain main.
95. MCSTOPP Requirements. This Project includes more than 5,000 square feet of total impervious area replacement and creation and therefore is considered a regulated project. The following documents are required to be provided in accordance with the Marin County Stormwater Pollution Prevention Program (MCSTOPPP) requirements:
- a. Stormwater Control Plan – A written document/report and exhibit to accompany the plan set used primarily for municipal review to verify compliance with stormwater treatment requirements. (Provide prior to issuance of building or grading permit.)
  - b. Stormwater Facilities Operations and Maintenance (O&M) Plan – A written document/report and exhibit outlining facilities on-site and maintenance activities and responsibilities for property owners. (Provide prior to issuance of building or grading permit.)
  - c. Stormwater Facilities Operations and Maintenance Agreement – A formal agreement between the property owner and the City that shall be recorded with the property deed prior to issuance of final certificate of occupancy. As part of this agreement, the Property Owner, at its own expense, is required to conduct annual inspections of the stormwater facilities and send a report of the annual inspection to the Department of Public Works. (Provide prior to issuance of certificate of occupancy.)
96. Bioretention Basins. Prior to issuance of building permit, the Applicant shall submit building operations documentation to the satisfaction of the City Engineer that demonstrates how on-going access to the proposed bioretention basins located on private patios will be provided through residential units.

### *Grading and Earthwork*

97. Geotechnical Plan Review. Prior to issuance of building permit, the Applicant shall provide a plan review letter from the geotechnical engineer of record confirming that the project drawings are in conformance with their recommendations.
98. Geotechnical Conformance Letter. At the conclusion of construction and prior to issuance of certificate of occupancy, the Applicant shall provide a final conformance letter from the geotechnical engineer of record documenting that the geotechnical aspects of construction (grading, earthwork, foundation prep) were performed under their observation and in accordance with their recommendations.

99. Erosion and Sediment Control Plan. Prior to issuance of building permit or grading permit, the Applicant shall provide an erosion and sediment control plan for review and approval by the City.
100. Grading Permit Required. Prior to start of construction, a grading permit shall be required from the Department of Public Works. Applications can be found on the City's website: <https://www.cityofsanrafael.org/grading-permits/>.
101. Storm Water Prevention Plan. The Project includes more than one acre of land disturbance so a Storm Water Pollution Prevention Plan (SWPPP) shall be required per the state Construction General Permit. The applicant shall submit a copy of the SWPPP and WDID number to the Department of Public Works prior to issuance of a grading permit.

### *Traffic*

102. Traffic Mitigation Fee. Prior to issuance of a building permit, the Applicant shall pay a traffic mitigation fee for 39 net new AM trips and 33 net new PM trips for a total of 72 peak-hour trips. The rate per peak-hour trip and the corresponding amount of the traffic mitigation fee will be determined based on the rate in effect on the date of building permit issuance. For reference, the current rate is \$6,930 per peak-hour trip. The current rate is valid until January 1, 2026. The rate is adjusted annually per Resolution No. 14983 adopted by City Council on 10/4/2021.
103. Construction Vehicle Impact Fee. Prior to issuance of a building permit, the Applicant shall pay a construction vehicle impact fee (Street Maintenance Fee), which is calculated at 1% of the building permit valuation, with the first \$10,000 of valuation exempt.

### **Marin Municipal Water District**

104. Water Service. This Project will be eligible for water service upon request and fulfillment of the requirements listed below:
- a. Complete a High Pressure Water Service Application.
  - b. Submit a copy of the building permit.
  - c. Pay appropriate fees and charges.
  - d. Complete the structure's foundation within 120 days of the date of application.
  - e. Comply with the District's rules and regulations in effect at the time service is requested, including the installation of meter per use, per structure.
  - f. Comply with all indoor and outdoor requirements of District Code Title 13 – Water Conservation. This may include verification of specific indoor fixture efficiency compliance.
  - g. 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 email to [plancheck@marinwater.org](mailto:plancheck@marinwater.org). More information about district water conservation requirements can be found online at [www.marinwater.org](http://www.marinwater.org)

- h. Comply with the backflow prevention 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.
- i. Comply with California Water Code – Division I, Chapter 8, Article 5, Section 537; which requires individual metering of multiple living units within newly constructed structures.

### **San Rafael Sanitation District**

105. Sewer Connection Fee – Fixture Count. In order for the San Rafael Sanitation District (District) to determine sewer connection fees, please provide a fixture count table detailing all existing and new drainage fixtures and their corresponding Drainage Fixture Units (DFU) for public/commercial/retail uses. Fixture unit counts shall be pursuant to Table 702.1 of the 2022 CPC. Also include numbers of existing and proposed living units at each floors/building.
106. Plan Modifications. On sheet C-5.2, please provide the following:
  - a. Indicate that the manholes shown on 4th Street are new manholes. The plans show existing elevation information which may misinterpreted as existing manhole.
  - b. TP usually stands for top of pipe, but the elevation provided appears to be finish grade elevation. If so, please change from "TP" to "FG".
  - c. The plans show manholes on 4th Street as County manholes "205" but new manholes shall conform to the SRSD Standard Specifications and Drawings SD 2. Revise the manhole calls out and replace detail '205' on sheet C-5.4 with detail SD 2.
  - d. On 'Sewer backflow device' detail, remove the references to Central Contra Costa Sanitary District in the detail title and note 1.
  - e. Utility plan calls out for 10" PVC but profile says 8-inch. Revise for consistency.
107. Sewer Lateral Profile. On sewer lateral profile A-A and B-B, can the new laterals be installed between the existing gas line and existing water and communication lines to avoid the process to get the design, review, approval, and construction for the relocation? For your information, if minimum pipe cover is the constraint, pipe protection measures can be used to mitigate the reduction in pipe cover.
108. Sewer Lateral Agreements. Provide the district with proof of agreements with owners of three adjacent buildings at 519, 511, and 509 4th Street to install new sewer laterals and abandon existing sewer laterals.
109. Sewer Easement. To vacate existing sewer easement, a request shall be sent to Doris Toy – the District Manager a letter requesting that the District formally vacate the sewer easement on the property and attach the following:
  - a. An Easement Quitclaim Deed, which includes Plot map and Legal Description of the Sewer Easement; and
  - b. Applicant's Title Report and Grant Deed for the Property
110. Sewerage System Study. Provide the district with proofs such as sewerage system study or CCTV reports that there are only three lateral connections at 519, 511, and 509 4th Street to the existing 6-inch sewer main on the rear to be abandoned.

111. Sewer Connection Fee. Pursuant to District Ordinance No. 56, a sewer connection fee may be imposed prior to issuance of a building permit.

The foregoing Resolution was adopted at the regular City of San Rafael Planning Commission meeting held on the 13<sup>th</sup> day of May, 2025. The Planning Commission's Action is final unless it is appealed to the City Council within five (5) working days pursuant to San Rafael Municipal Code Section 14.28.030 - *Filing and time limit of appeals*.

Moved by \_\_\_\_\_ and seconded by \_\_\_\_\_. The vote is as follows:

AYES:

NOES:

ABSENT:

SAN RAFAEL PLANNING COMMISSION

ATTEST: \_\_\_\_\_ BY: \_\_\_\_\_  
Margaret Kavanaugh-Lynch, Secretary Chair

**EXHIBIT 1**  
**ANALYSIS OF PROJECT CONSISTENCY WITH DOWNTOWN PRECISE PLAN**

<b>Table 1: Development Standards – T4N 40/50 (DPP Section 2.3.030)</b>			
<b>Standard</b>	<b>Required</b>	<b>Proposed</b>	<b>Notes</b>
Building Setbacks			
Front	7 ft. min.; 15 ft. max.	<b>0 ft.</b>	Density Bonus Waiver
Side Street	7 ft. min.; 15 ft. max.	<b>0 ft.</b>	Density Bonus Waiver
Side	5 ft. min.	<b>0-10 ft.</b>	Density Bonus Waiver
Rear	15 ft. min.	<b>0-10 ft.</b>	Density Bonus Waiver
Building Length	75 ft. max.	<b>75 ft.</b>	Complies
Façade length in façade zone. (1) Front (2) Side Street	(1) 70% min. (2) 50% min.	(1) 100% (2) NA <sup>1</sup>	Density Bonus Waiver
Height	40 ft. max.	<b>88 ft.</b>	Density Bonus Waiver.
Stepback			
Front	10 ft. at 35 ft. tall	<b>0 ft.</b>	Density Bonus Waiver
Side Street	10 ft. at 35 ft. tall	<b>0 ft.</b>	Density Bonus Waiver
Rear	10 ft. at 35 ft. tall	<b>0 ft.</b>	Density Bonus Waiver

<sup>1</sup> The portion of property zoned T4 N 40/50 does not front Irwin Street and therefore does not have a façade zone on the front of the building in this zoning district. See below for an analysis for the T5N 50/70 zoning district along Irwin Street.

**EXHIBIT 1**  
**ANALYSIS OF PROJECT CONSISTENCY WITH DOWNTOWN PRECISE PLAN**

<b>Table 2: Development Standards – T5N 50/70 (DPP Section 2.3.050)</b>			
<b>Standard</b>	<b>Required</b>	<b>Proposed</b>	<b>Notes</b>
<b>Building Setbacks</b>			
Front	0 ft. min.; 15 ft. max.	<b>0 ft.</b>	Complies
Side Street	0 ft. min.; 15 ft. max.	<b>0 ft.</b>	Complies
Side	0 ft. min.	<b>0-10 ft.</b>	Complies
Rear	0 ft. min.	<b>0-10 ft.</b>	Complies
Façade length in façade zone. (1) Front (2) Side Street	(1) 70% min. (2) 60% min.	(1) 100% (2) 100%	Complies
Height	50 ft. max.	<b>88 ft.</b>	Density Bonus Waiver
<b>Stepback</b>			
Front	10 ft. at 35 ft. tall	<b>0 ft.</b>	Complies
Side Street	10 ft. at 35 ft. tall	<b>0 ft.</b>	Complies
Rear	10 ft. at 35 ft. tall	<b>0 ft.</b>	Complies

**EXHIBIT 1**  
**ANALYSIS OF PROJECT CONSISTENCY WITH DOWNTOWN PRECISE PLAN**

<b>Table 3. Massing and Façade Articulation (DPP Division 3.2)</b>	
<b>Review Criteria</b>	<b>Proposed</b>
<b>3.2.030. Tripartite Façade Articulation.</b> New facades and façade modifications along a street or civic space shall be designed to visually express a base, middle, and top.	The proposed design includes a clear base, middle and top. Each level includes variation of building materials such that the base and top of the building are distinct. Additionally, the top level is recessed.
<b>3.2.040. Massing and Composition.</b> Building facades shall be arranged in an orderly composition of window bays/openings based on prevalent patterns of 5, 7 or 9 bays.	Each building elevation is arranged in an orderly composition of the following number of window bays/openings: <ul style="list-style-type: none"> <li>• North Elevation – 7 bays/openings</li> <li>• East Elevation – 5 bays/openings</li> <li>• South Elevation – 7 bays/openings</li> <li>• West Elevation – 5 bays/openings</li> </ul>
<b>3.2.050. Corner Elements.</b> New facades and facade modifications shall be designed to include a corner element to give visual importance to the corner and enhance the public realm.	The proposed building includes a corner element that is distinct from other portions of the building.
<b>3.2.060. Windows and Openings.</b> Buildings 100' or more in length along the street are required to include projected or recessed window bays. The recess may be achieved by a partial or complete window surround. Up to 3 bays may be grouped.	The building includes square, recessed window bays.



**EXHIBIT 2**  
**ANALYSIS OF PROJECT CONSISTENCY WITH APPLICABLE STANDARDS OF TITLE 14 – ZONING**

<b>CHAPTER 14.16 - SITE AND USE REGULATIONS</b>	
<b>14.16.030</b> - Affordable housing requirement.	Pursuant to Resolutions 14890 and 14891, adopted by City Council in February 2021, the project is consistent with the City's primary and secondary inclusionary housing requirements which state that housing projects of greater than 15 units must provide 5% of the proposed units (excluding density bonus units) affordable to and occupied by a low-income household (primary requirement) and an additional 5% also affordable to and occupied by low-income households (secondary requirement). The project provides 18 inclusionary housing units, which totals 10.2 percent of the base units (excluding density bonus units) and therefore exceeds the required 10 percent affordable housing requirement. A condition of approval will require the developer to enter into an affordable housing agreement prior to issuance of a building permit which will ensure compliance with this standard.
<b>14.16.170</b> - Geotechnical review.	The applicant has provided a Geotechnical Investigation, prepared by Cornerstone Earth Group, dated August 23, 2024 and updated February 7, 2025. The report has been reviewed by the Department of Public Works and recommendations will be incorporated during the building permit process.
<b>14.16.227</b> - Light and glare.	Neutral-colored stucco finishes are proposed, which will avoid off-site glare impacts. As shown on the Schematic Lighting & Photometric Plans, light fixtures will be shielded to conceal light sources from view off-site and avoid spillover onto adjacent properties.
<b>14.16.243</b> - Mechanical equipment screening.	Proposed roof-mounted mechanical equipment is adequately screened from public view by parapet walls.
<b>14.16.260</b> - Noise standards.	The project site is located in a "normally acceptable" noise exposure area per General Plan 2040, Figure I-9. Noise was evaluated by the Class 32 Report prepared for the project by Rincon Consultants, Inc (dated May 2025). Conditions of project approval will ensure that the project complies with noise standards during both construction and operation of the project.
<b>14.16.320</b> - Swimming pools, hot tubs, and other mechanical equipment.	As proposed and conditioned, all mechanical equipment will be located a minimum of five feet from the property lines, consistent with this requirement.
<b>14.16.370</b> - Water-efficient landscape	Pursuant to 14.16.370, the resolution includes a condition of approval that requires the applicant to provide written verification of plan approval from MMWD prior to the issuance of a building permit and/or grading permit. Through compliance with conditions, the project will be consistent with this water-efficient landscaping requirements.

**EXHIBIT 3**  
**ANALYSIS OF PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2040**

<b>LAND USE ELEMENT</b>	
<b>Policy LU-1.3: Land Use and Climate Change.</b> Focus future housing and commercial development in areas where alternatives to driving are most viable and shorter trip lengths are possible, especially around transit stations, near services, and on sites with frequent bus service. This can reduce the greenhouse gas emissions associated with motor vehicle trips and support the City's climate action goals	The proposed project includes new multifamily residential development in Downtown San Rafael in proximity to bus routes and relative proximity to the Downtown San Rafael SMART train station.
<b>Policy LU2-2: Mixed Use Development.</b> Encourage mixed-use development (combining housing and commercial uses) in Downtown San Rafael and on commercially designated properties elsewhere in the city. Mixed-use development should enhance its surroundings and be compatible with adjacent properties.	The proposed project includes a residential building with 210 residential units with ground floor amenities for residents in Downtown San Rafael.
<b>Policy LU-3.3: Housing Mix.</b> Encourage a diverse mix of housing choices in terms of affordability, unit type, and size, including opportunities for both renters and owners.	The proposed project includes 210 new residential apartment units. 44 of the residential units would be studios, 70 units would have one bedroom, and 67 units would have two bedrooms, and 29 would have three bedrooms. The project would include 18 residential units that are designated as Below Market Rate (BMR) units.
<b>COMMUNITY DESIGN AND PRESERVATION ELEMENT</b>	
<b>Policy CDP-2.2: Downtown Urban Design.</b> Enhance the design qualities that make Downtown San Rafael a unique and special place, including its traditional street grid, street trees, walkable scale, historic building stock, and varied architecture.	The proposed building includes articulation in the forms of: (1) building recesses and projections; (2) variation in color; and (3) variation in materials. There is a recessed courtyard on level four on the northern elevation and balconies project from the face of the building on all elevations. Exterior materials would be neutral colors and include a variety of colors and materials. The main body of the building would be smooth trowel finish plaster, in the color "Craie" by Eco Stucco. The ground level includes a darker accent color plaster, color "Acier", also by Eco Stucco. The vertical accents and top floor of the building would be painted an accent color, Sherwin Williams, SW 7710 Brandywine. The windows and trim would be a dark gray finish.
<b>Policy CDP-4.3: Creative Architecture and Design.</b> Encourage creative architecture while respecting the context of each site.	
<b>Policy CDP-4.7: Larger-Scale Buildings.</b> Design larger scale buildings to reduce their perceived mass. Encourage the incorporation of architectural elements such as towers, arcades, courtyards, and awnings to create visual interest, provide protection from the elements, and enhance orientation.	
<b>Policy CDP-4.6: Open Space in Multi-Family Housing.</b> Require private outdoor areas such as decks and patios, as well as common open space areas, in new multi-family development and mixed use housing. Common open space may include recreation facilities, gathering places, and site amenities such as picnic and play areas.	Amenities for residents include a pool, community room and a terrace on the eighth floor, private patios, a game room, fitness center and yoga room, and a shared coworking space on the ground floor.

**EXHIBIT 3**  
**ANALYSIS OF PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2040**

<p><b>Policy CDP-4.9: Parking and Driveways.</b> Encourage parking and circulation design that supports pedestrian movement and ensures the safety of all travelers, including locating parking to the side or rear of buildings, limiting driveway cuts and widths, and minimizing large expanses of pavement. Parking should be screened from the street by landscaping and should provide easy access to building entrances.</p>	<p>Vehicular access to the parking garage would be provided off 4<sup>th</sup> Street via a new driveway. Parking would be located in the building and would be screened from public view by the building walls.</p>
<p><b>Policy CDP-4.11:</b> Encourage lighting for safety and security while preventing excessive light spillover and glare. Lighting should complement building and landscape design.</p>	<p>The proposed lighting is consistent with the City's regulations which specify that lighting shall be shielded to conceal light sources from view off-site, avoid spillover onto adjacent properties, and shall be of minimum intensity to provide a sense of security. Section 14.16.227 of the SRMC specifies that the foot-candle intensity should fall below one at the property lines. A photometric study is provided in the project plans that verify compliance with these requirements. In addition, a standard condition of approval is included in the resolution that provides for a 90-day post installation inspection to allow for adjustment and assure compliance with the standards set forth in the SRMC.</p>
<p style="text-align: center;"><b>CONSERVATION AND CLIMATE CHANGE ELEMENT</b></p>	
<p><b>Policy C-2.1: State and Federal Air Quality Standards.</b> Continue to comply with state and federal air quality standards.</p>	<p>As demonstrated in the California Environmental Quality Act (CEQA) Class 32 Infill Exemption Memo, the project is below the Bay Area Air Quality Management District's (BAAQMD) established screening criteria for air quality emissions.</p>
<p><b>Policy C-2.2: Land Use Compatibility and Building Standards.</b> Consider air quality conditions and the potential for adverse health impacts when making land use and development decisions. Buffering, landscaping, setback standards, filters, insulation and sealing, home HVAC measures, and similar measures should be used to minimize future health hazards.</p>	
<p><b>Policy C-3.3: Low Impact Development.</b> Encourage construction and design methods that retain stormwater on-site and reduce runoff to storm drains and creeks.</p>	<p>The applicant has provided a Stormwater Control Plan, prepared by Luk and Associates, February 2025 (Exhibit 8), which discusses low impact development design strategies. All storm water runoff will be treated by raised flow-through planters at the podium and private patios prior to discharging to the storm drain catch basin on Irwin St that is connected to the existing city's storm drain system. The storm water control plan is intended to provide the site with runoff treatment to the "maximum extent practicable" per the BASMAA requirement criteria.</p>
<p><b>Policy C-3.9: Water-Efficient Landscaping.</b> Encourage—and where appropriate require—the use of vegetation and water-efficient landscaping that is naturalized to the San Francisco Bay region and compatible with water conservation, fire prevention and climate resilience</p>	<p>The project is conditioned to provide written verification of plan approval from Marin Municipal Water District (MMWD) prior to the issuance of a building permit and/or grading permit. MMWD administers the provisions of 14.16.370 to comply with water-efficient landscape requirements and to monitor water usage for irrigation, as mandated under California</p>

### EXHIBIT 3

#### ANALYSIS OF PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2040

goals.	Government Code Section 65595(c). As conditioned, the project is consistent with this General Plan policy.
<b>NOISE ELEMENT</b>	
<p><b>Policy N-1.1: Land Use Compatibility Standards for Noise.</b> Protect people from excessive noise by applying noise standards in land use decisions. The Land Use Compatibility standards in Table 9-2 are adopted by reference as part of this General Plan and shall be applied in the determination of appropriate land uses in different ambient noise environments.</p> <p><i>Program N-1.1A: Residential Noise Standards. Maintain a maximum noise standard of 70 Ldn DB for backyards, decks, and common/usable outdoor spaces in residential and mixed use areas. As required by Title 24 insulation requirements, interior noise levels shall not exceed 45 Ldn in all habitable rooms in residential units.</i></p>	<p>The project site is located in a “normally acceptable” noise exposure area per General Plan 2040, Figure I-9. Noise was evaluated by the Class 32 Report prepared for the project by Rincon Consultants, Inc (dated May 2025). Conditions of project approval will ensure that the project complies with noise standards during both construction and operation of the project.</p>
<p><b>Policy N-1.2: Maintaining Acceptable Noise Levels.</b> Use the following performance standards to maintain an acceptable noise environment in San Rafael:</p> <ol style="list-style-type: none"> <li>New development shall not increase noise levels by more than 3 dB Ldn in a residential area, or by more than 5 dB Ldn in a non-residential area.</li> <li>New development shall not cause noise levels to increase above the “normally acceptable” levels shown in Table 9-2.</li> <li>For larger projects, the noise levels in (a) and (b) should include any noise that would be generated by additional traffic associated with the new development.</li> <li>Projects that exceed the thresholds above may be permitted if an acoustical study determines that there are mitigating circumstances (such as higher existing noise levels) and nearby uses will not be adversely affected.</li> </ol> <p><i>Program N-1.2A: Acoustical Study Requirements. Require acoustical studies for new single family residential projects within the projected 60 dB Ldn noise contour and for multi-family or mixed use projects within the projected 65 dB Ldn contour (see Figure 9-2). The studies should include projected noise from additional traffic, noise associated with the project itself, and cumulative noise resulting from other approved projects. Mitigation measures should be identified to ensure that noise levels</i></p>	

**EXHIBIT 3**  
**ANALYSIS OF PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2040**

<i>remain at acceptable levels.</i>	
<b>MOBILITY ELEMENT</b>	
<b>Policy M-2.6: Traffic Mitigation Fees.</b> Collect impact fees for new development based on the expected number of trips a project will generate. Fees should be used to implement transportation improvements as directed by City Council resolution.	As a standard condition of approval, the project is required to pay a traffic impact fee according to the fee in place at the time of submittal of a complete development. Fees are based on the expected number of peak trips generated. As conditioned, the project is consistent with this General Plan policy.
<b>Policy M-3.2: Using VMT in Environmental Review.</b> Require an analysis of projected Vehicle Miles Traveled (VMT) as part of the environmental review process for projects with the potential to significantly increase VMT. As appropriate, this shall include transportation projects and land use/policy plans as well as proposed development projects.	An analysis of projected Vehicle Miles Traveled (VMT) for the project is included in the Class 32 Report prepared for the project by Rincon Consultants, Inc (dated May 2025).
<b>HOUSING ELEMENT</b>	
<b>Policy LU-1.3: Land Use and Climate Change.</b> Focus future housing and commercial development in areas where alternatives to driving are most viable and shorter trip lengths are possible, especially around transit stations, near services, and on sites with frequent bus service. This can reduce the greenhouse gas emissions associated with motor vehicle trips and support the City's climate action goals	The proposed project includes new multifamily residential development in Downtown San Rafael in proximity to bus routes and relative proximity to the Downtown San Rafael SMART train station.
<b>Policy LU2-2: Mixed Use Development.</b> Encourage mixed-use development (combining housing and commercial uses) in Downtown San Rafael and on commercially designated properties elsewhere in the city. Mixed-use development should enhance its surroundings and be compatible with adjacent properties.	The proposed project includes a residential building with 210 residential units with ground floor amenities for residents in Downtown San Rafael.
<b>Policy LU-3.3: Housing Mix.</b> Encourage a diverse mix of housing choices in terms of affordability, unit type, and size, including opportunities for both renters and owners.	The proposed project includes 210 new residential apartment units. 44 of the residential units would be studios, 70 units would have one bedroom, and 67 units would have two bedrooms, and 29 would have three bedrooms. The project would include 18 residential units that are designated as Below Market Rate (BMR) units.