



**Planning Commission
Regular Meeting**

January 13, 2026 - 7:00 P.M.

AGENDA

Participate In-Person:
San Rafael City Council Chambers
1400 Fifth Avenue, San Rafael, CA 94901

Watch Online:

Watch on Zoom Webinar: <https://cityofsanrafael-org.zoom.us/j/82686028480>

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This meeting will be held in-person. This meeting is being streamed to YouTube at www.youtube.com/cityofsanrafael.

How to participate in the meeting:

- You are welcome to come to the meeting and provide public comment in person. Each speaker will have 2-minutes to provide public comment.
- Submit your comments by email to: PlanningPublicComment@cityofsanrafael.org by 4:00 p.m. the day of the meeting.

If you experience technical difficulties during the meeting, please contact PlanningPublicComment@cityofsanrafael.org.

A. CALL TO ORDER

B. RECORDING OF MEMBERS PRESENT AND ABSENT

C. APPROVAL OR REVISION OF ORDER OF AGENDA ITEMS

D. PUBLIC NOTIFICATION OF MEETING PROCEDURES

E. ORAL COMMUNICATIONS FROM THE PUBLIC

Remarks are limited to two minutes per person and may be on anything within the subject matter jurisdiction of the body. Remarks on non-agenda items will be heard first, remarks on agenda items will be heard at the time the item is discussed.

F. CONSENT CALENDAR

The Consent Calendar allows the Commission to take action, without discussion, on Agenda items for which there are no persons present who wish to speak, and no Commission members who wish to discuss.

1. None

G. ACTION ITEM

1. Item 1 700 Irwin Street – New Mixed-Use Building. Request under SB330, the California State Density Bonus Law, and AB 130 for an Environmental and Design Review Permit for a new mixed-use 17-story building proposed with 200 units, 30 of which are Below Market Rate; APN: 014-132-18; T5N 50/70 Zoning District; Irwin Street Partners, LLC, applicant.

Project Planner: Christina Ratcliffe, Contract Planner

Recommended Action

It is recommended that the Planning Commission approve the Environmental and Design Review application, subject to findings and conditions of approval.

[STAFF REPORT](#)

ATTACHMENT 1

[DRAFT RESOLUTION AND DRAFT CONDITIONS OF APPROVAL](#)

[EXHIBIT 1](#)

[EXHIBIT 2](#)

ATTACHMENT 2

[CEQA AB 130 STATUTORY EXEMPTION CHECKLIST](#)

ATTACHMENT 3

[EXHIBIT 1](#)

[EXHIBIT 2](#)

[EXHIBIT 3](#)

[EXHIBIT 4](#)

ATTACHMENT 4

[PUBLIC COMMENT](#)

H. DIRECTOR'S REPORT

I. COMMISSION COMMUNICATION

J. ADJOURNMENT

Any records relating to an agenda item, received by a majority or more of the Commission less than 72 hours before the meeting, shall be available for inspection online. Sign Language interpreters may be requested by calling (415) 485-3066 (voice), emailing city.clerk@cityofsanrafael.org or using the California Telecommunications Relay Service by dialing "711", at least 72 hours in advance of the meeting. Copies of documents are available in accessible formats upon request.

The Planning Commission will take up no new business after 11:00 p.m. at regularly scheduled meetings. This shall be interpreted to mean that no agenda item or other business will be discussed or acted upon after the agenda item under consideration at 11:00 p.m. The Commission may suspend this rule to discuss and/or act upon any additional agenda item(s) deemed appropriate by a unanimous vote of the members present.

Appeal rights: any person may file an appeal of the Planning Commission's action on agenda items within five business days (normally 5:00 p.m. on the following Tuesday) and within 10 calendar days of an action on a subdivision.



SAN RAFAEL
THE CITY WITH A MISSION

Meeting Date: January 13, 2026

Agenda Item: G-1

Case Number: PLAN25-046
(ED25-031)

Project Planner: Christina
Ratcliffe,
Consulting
Planner

REPORT TO PLANNING COMMISSION

SUBJECT: 700 Irwin Street – New Mixed-Use Building. Request under SB330, the California State Density Bonus Law, and AB 130 for an Environmental and Design Review Permit for a new mixed-use 17-story building proposed with 200 units, 30 of which are Below Market Rate; APN: 014-132-18; T5N 50/70 Zoning District; Irwin Street Partners, LLC, applicant.

EXECUTIVE SUMMARY

Irwin Street Partners, LLC (“Applicant”) has submitted an application to redevelop a 25,550 square-foot (0.58-acre) site on the southeast corner of Irwin Street and Second Street within the Downtown Mixed Use (DMU) district. The proposed project (“Project”) would demolish the existing 4-story, 25,550 square-foot office building and replace it with a 17-story, 180-foot tall, 200-unit mixed-use building approximately 201,700 square feet in size. The building would also include up to 4,000 square feet of commercial uses.

The application for the Project is subject to SB 330, the State Density Bonus Law, the CEQA exemption for infill development specified in AB 130, and the Housing Accountability Act (“HAA”), among other state housing laws.

Under the HAA, if a proposed housing development project complies with the applicable, objective general plan and zoning standards and criteria, a city can only deny the project or condition its approval on decreased density if the city can make written findings that

(1) the project would have “a significant, quantifiable, direct, and unavoidable impact” upon public health or safety, “based on objective, identified written public health or safety standards, policies,” and

(2) there is no feasible method to satisfactorily mitigate or avoid the adverse impact other than by denying the project or requiring lower density. (Gov. Code § 65589.5(j)(1).) Such findings must be supported by evidence that the impacts are more likely than not to occur. (Gov. Code § 65589.5(j)(1).) Such findings cannot be based on subjective criteria. (Gov. Code § 65589.5(j)(1).)

The receipt of a density bonus, incentive, concession, or waiver under the State Density Bonus Law is not a valid basis to find that a proposed project is inconsistent with applicable objective standards. (Gov. Code § 65589.5(j)(3).) The Project complies with all applicable, objective general plan and zoning standards and criteria, as modified by a density bonus, concessions, and

waivers under the State Density Bonus Law. Staff have not identified any significant, quantifiable, direct, and unavoidable impacts upon public health and safety based on objective, written standards that would result from development of the Project.

Under the new CEQA exemption created by AB 130, infill housing development projects that satisfy specified criteria are exempt from CEQA. Staff has determined that the proposed Project meets all the qualifications for AB 130 (see Attachment 2, AB 130 CEQA checklist), such that the Project is statutorily exempt from CEQA. The City conducted the tribal consultation required as part of the new CEQA exemption (see PRC § 21080.66(b)) with the Federated Indians of Graton Rancheria.

Per the new project processing deadlines created by AB 130, the City must approve or disapprove the Project within 30 days from the later of

(1) the conclusion of tribal consultation and

(2) the date on which the Project was deemed consistent with applicable objective standards. (Gov. Code § 65950.)

Tribal consultation concluded on November 25, 2025 and the Project was deemed consistent with all applicable objective standards on December 19, 2025. Thus, the City must approve or disapprove the Project by Friday, January 16, 2026, at the latest. Because of the City's 20-day public noticing requirement, January 13, 2026, was the first and last possible hearing date for this Project after the consistency determination was made.

Staff has observed all deadlines relating to the Project in a timely manner. Failure to approve or disapprove the Project by Friday, January 16, 2026 constitutes a disapproval as a matter of law (Gov. Code § 65589.5(h)(6)(B)), for which Applicant could claim a violation of the HAA.

REQUESTED ENTITLEMENTS

The Project requires Planning Commission approval of a Major Environmental and Design Review Permit pursuant to San Rafael Municipal Code (SRMC) Section 14.25.040(A)(1)(b) and Downtown San Rafael Precise Plan, Chapter 9, Downtown Form Based Code (DTFBC), Table 1.1.030A (Permit Requirements).

The applicant had requested that the project be processed ministerially under AB 2011, however after thorough review and consideration, the City determined that the project was inconsistent with AB 2011 (See Attachment 1, Exhibit 1 b and c).

The applicant also invoked the statutory exemption from the California Environmental Quality Act under AB 130. After careful review and consideration the City determined that the Project met the requirements and it therefore was processed as a statutory exemption.

RECOMMENDATION

It is recommended that the Planning Commission approve the Environmental and Design Review application, subject to findings and conditions of approval.

PROPERTY FACTS

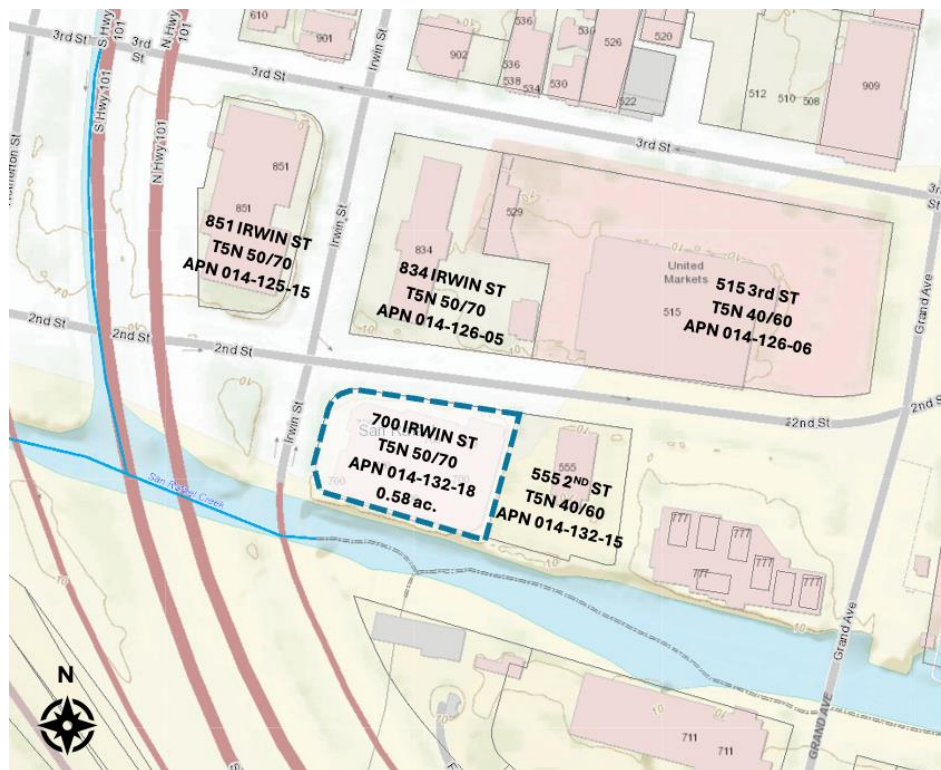
Table 1

Address/Location:	700 Irwin Street	Parcel Numbers:	014-132-18
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Property Size:	25,550 square feet / 0.58 acres	Neighborhood:	Downtown – Montecito Commercial District
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Site Characteristics			
	General Plan Designation	Zoning District	Existing Land-Use
Project Site:	DMU	T5N 50/70,	Commercial Office
North:	DMU (across 2 nd St.)	T5N 50/70	Commercial – Gas station
South:	None – San Rafael Creek	None	None
East:	DMU	T5N 40/60	Commercial – Fast food
West:	None - Highway 101 & Irwin Street frontage	None	None

Figure 1: Vicinity Map



Site Description/Setting:

Adjacent Characteristics

The Project site is comprised of one 0.58-acre lot (APN 014-132-18) at the southeast corner of Irwin St. and Second St. in the Montecito Commercial District of the Downtown San Rafael neighborhood. The surrounding urbanized area includes existing commercial and roadway development. The Irwin Street frontage abuts the transition of Highway 101 off-ramp as it becomes Irwin Street. Undeveloped land lies between the highway and Irwin Street on the west side. The south property line abuts San Rafael Creek, often referred to as the San Rafael canal. The east property line abuts an existing fast-food establishment with drive-through activities. To the north, a Shell gas station operates directly across the street.

Flood Hazard

FEMA flood mapping shows the floodplain designated AE surrounding and partially on the site. Site development is subject to FEMA regulations and has utilized flood analysis processes to inform the design of the building.

Figure 2: FEMA Flood Hazard Zones

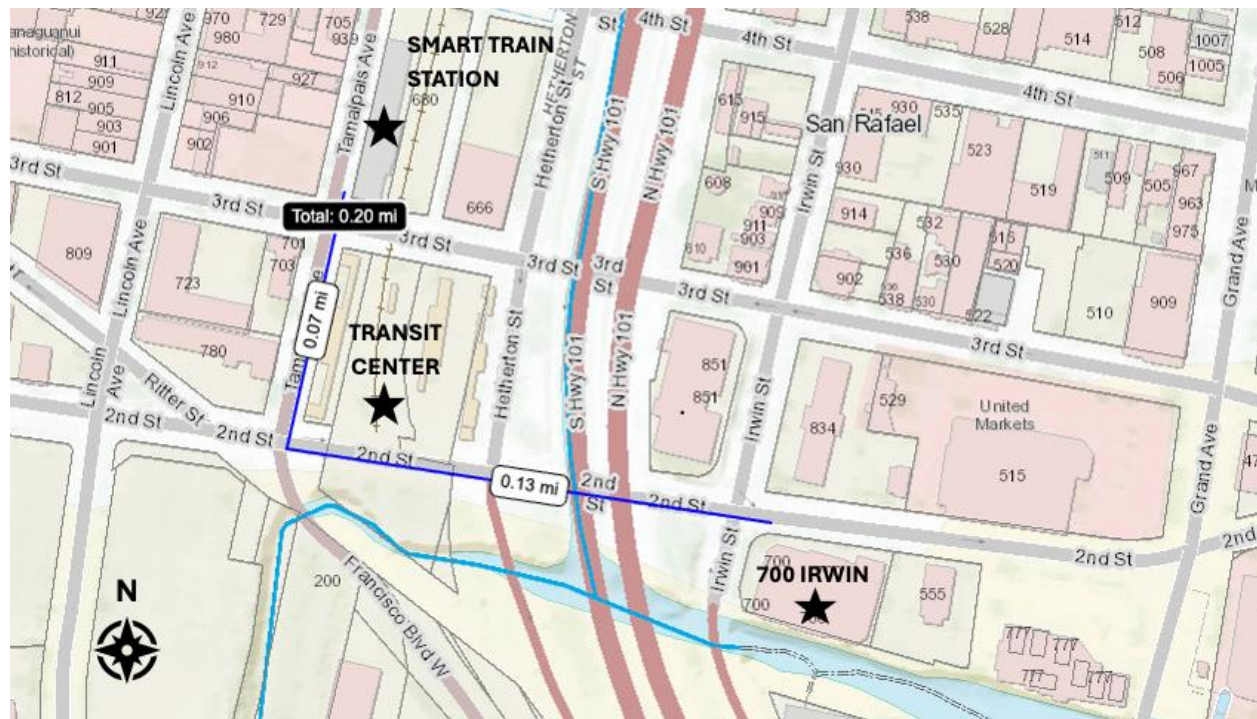


Source: MarinMap Viewer, FEMA flood hazard layer

Transit Proximity

California Assembly Bill 2097 exempts local jurisdictions from imposing minimum vehicle parking quantities for residential, commercial, and most other developments within ½-mile of a major transit stop. The Project site is located less than ¼-mile from the San Rafael Transit Center and SMART train station, exempting the development from minimum vehicle parking required by the Downtown Precise Plan or SRMC. However, the Project voluntarily provides 226 vehicle spaces.

Figure 3: Transit Proximity Map



Source: MarinMap Map Viewer and measurement tool

PROJECT DESCRIPTION

Project Summary

The Project proposes redevelopment of a 25,550 SF (0.58-acre) site on the southeast corner of the Irwin Street and Second Street intersection within the Downtown Mixed Use (DMU) district. The proposal demolishes the existing 4-story, 25,550 SF office building, replacing it with a 17-story, 180-foot tall, 200-unit mixed-use residential building approximately 201,700 square feet in size. The 4,000 square-foot specific commercial uses have not yet been determined, but must meet the commercial use allowance and limitations of Downtown Precise Plan Section 2.3.070.A.

The provisions of California State Density Bonus Law Government Code 65915 are utilized to achieve a 100% density bonus and request a total of eight waivers to development standards and three concessions to local affordable housing policy requirements.

The dwelling unit mix proposed includes 41 studio, 96 one-bedroom, 55 two-bedroom, and 8 three-bedroom units. Thirty (30) of the dwelling units are designated as deed-restricted below market rate (BMR) affordable housing. Fifteen (15) units are specified for very low-income households (50% AMI), with the remaining fifteen (15) units specified for moderate income households (120% AMI).

Onsite vehicle parking includes two (2) loading spaces and five (5) standard stalls in the ground floor auto court, plus capacity for 221 vehicles through an automated guided vehicle (AGV) parking system on floors 3 through 5 which delivers cars to the ground floor auto court via car lift.

Onsite amenities include a 6th floor common area with amenity spaces of approximately 4,500 SF that are not yet designated for a specific type of activity. Also proposed on the 6th floor is a large common terrace comprised of approximately 8,000 SF of common passive recreation area.

The applicant's preferred plan ("Preferred Plan") includes a cantilevered terrace and portion of the commercial space that are proposed to be constructed over the property line on the canal side. The canal side terrace is approximately 1,900 SF in area, with approximately 600 SF cantilevering over the San Rafael Canal. The proposed commercial space is specified at 4,000 SF. An adjacent pedestrian boardwalk – approximately 7-1/2 feet wide - is proposed with the cantilevered improvements, which would replace an existing boardwalk, which is in disrepair. The San Rafael Canal is owned by the U.S. Government and not under control of the applicant. Development of the Preferred Plan is only possible if the applicant obtains permission and any required permits from the U.S. to allow construction over the San Rafael Canal.

If the applicant cannot obtain the required permissions and permits from the U.S. Government, the applicant has proposed an alternative plan ("Alternative Plan") that would not include any development beyond the Project site's property line and over the San Rafael Canal. The Alternative Plan is depicted in Attachment 3, Exhibit 1 pages A2.01-OP through A3.07.OP. The Alternative Plan would not affect the number, size, or affordability level of the required affordable housing units.

The Project has been conditioned to allow development of the Preferred Plan only if the applicant obtains the required federal approvals and permits. Otherwise, the Alternative Plan will be developed.

Residential Units

The Table below contains the square footage of the various market rate and affordable units in the proposed Project. The average floor area of the affordable studios is slightly larger than the average for the market rate studios by about 50 SF. Likewise, the average SF for the affordable 1-Bedroom units is anywhere from 35-143 SF larger than the average SF for the average 1-bedroom market rate units. The affordable 2-bedroom units are around 150 SF smaller than the average market rate 2-bedrooms. There are no affordable 3-bedrooms.

AVERAGE SQUARE FOOTAGE

Table 6: Proposed Project Average Square Footage Summary (200 Units)					
Averages	Studio	1-Bdrm	2-Bdrm	3-Bdrm	Bldg Unit Avg
Avg SF Overall	512	688	990	1,423	753
Avg SF w/o Penthouse	Same	Same	964	1,330	
Avg SF 5th Floor	511	713	-	-	
Market Rate	490	665			
Affordable	543	808			
50% AMI	560	750			
120% AMI	525	808			
Avg SF 6th Floor	516	698	1,035	-	
Market Rate	516	694	-		
Affordable	-	730	1,035		
50% AMI	-	-	-		
120% AMI	-	730	1,035		
Avg SF 7th Floor	516	682	950	-	
Market Rate	516	682	1,045		
Affordable	-	680	887		
50% AMI	-	720	865		
120% AMI	-	640	930		
Avg SF 8th Floor	516	682	950		
Market Rate	516	649	1,007		
Affordable	-	723	865		
50% AMI	-	725	890		
120% AMI	-	720	840		
Avg 9th-11th Floor	516	682	950		
Market Rate	490	678	950		
Affordable	543	695	-		
50% AMI	525	720	-		
120% AMI	560	670	-		
All Market Rate Floors 12-17					
Avg 12th Floor	516	682	950	-	
Avg 13th-16th Floor	500	691	1,005	1,330	
Avg 17th Floor	-	-	1,206	1,516	Unit Total
Unit Count by Type	41	96	55	8	200

The applicant has requested three concessions to the SRMC Section 14.16.030 and City Council Resolution 14890(C)(1). One for unit size, one for unit type and one for amenities. These are discussed in the Analysis Section, below.

Architecture, Colors, and Materials

Figure 4: North Elevation - Second Street Façade



Street-Facing Facades

The proposed building provides articulation on the street-facing facades (e.g. north and west) using a combination of offset wall planes, a recessed stoop façade type at the building entrance, stepped parapet height, and a variety of neutral-tone colors and materials on the exterior finish. The ground floor is recessed from the upper floors of the building, maintaining areas for pedestrian circulation within the public sidewalk easement adjacent to Irwin St. and new stairs and ADA ramp access along Second Street. The auto court on the east side of the ground level also contributes to the building recesses; however, it is more visible on the non-street-facing sides.

Starting at the 3rd floor, the façade contains a series of wall plane offsets that project by approximately 3 feet. The wall lengths range between 30 feet and 36 feet and extend up to the property line along Second Street. The façade periodically encroaches up to 3 feet into the right-of-way. Similar façade projections begin at the 5th floor along Irwin St. but maintain approximate setbacks between 6 to 12 feet from the lot line.

On the 1st through 4th floor, the exterior finish materials feature board formed concrete walls, light and dark composite wood panels with vertical grooves, storefront glazing, and accents of plant materials as a “green wall”. Glass guardrails are proposed along pedestrian ramps. Above the 4th

floor of the building, a continuation of wood panels is proposed and combined with composite metal panels. Utilization of glass guardrails continues at the edge of common and private terrace locations. Elevations and exterior materials are provided on Sheets A3.01-A3.04 of the plan set.

Canal (South) and East Facing Facades

The canal-facing (south) façade and interior side-facing (east) façade provide less articulation and visual interest on the 1st through 5th floors than the street-facing facades. The massing of the flat wall enclosing the parking areas on floors 3 through 5 creates bulk near the base of the building, with an exterior finish of wood slat and wood panel screening. However, small areas of green wall material are proposed on the recessed ground floor concrete wall of the auto court and approximately 30-feet of glass storefront from the community room wrap around the canal frontage. These elements contribute to visual breaks in massing and material on the ground level.

Starting at the 6th floor, articulation and massing improve on these facades. The common terrace (approximately 8,000 SF) creates a significant building setback, visible on both elevations. Walls for dwellings on these facades provide frequent and varied offsets between 3 to 4 feet in depth and 12 to 41 feet in length. Private balconies with glass railings are featured on these elevations, further enhancing articulation.

The same composite metal panels and vertical wood grove panels proposed on the street-facing facades are also proposed on the canal-facing (south) and east facades.

Waivers to Building Form

The Downtown Precise Plan includes a combination of several objective and subjective standards associated with building form and maximum envelope. As noted in the Executive Summary, subjective measures cannot be enforced, nor may they be used to deny the Project. The Applicant has requested SDBL waivers for eight of the objective standards in the Downtown Precise Plan and the Zoning Code, which are detailed in the Development Standards Table in the Analysis Section of this Report, below.

Parking, Access, and Circulation

Vehicular Parking

Based on the quantity and mix of units proposed, the Downtown Precise Plan requires a minimum of 170 vehicle parking spaces. However, as previously noted, the Project's location within ½-mile of a major transit stop exempts it from local government minimum requirements for onsite vehicle parking pursuant to AB2097.

In any case, the Project proposes a total of 226 vehicle parking spaces: five (5) standard stalls in the ground floor auto court, plus capacity for 221 vehicles through an automated guided vehicle (AGV) parking system. Two ADA spaces are assigned among the five spaces in the ground floor auto court. The remaining parking spaces are located on floors 3 through 5 – as storage - and are not accessible for self-parking by residents. Vehicle access ramp connections are not provided to the vehicle storage areas. The AGV system delivers and retrieves vehicles in the ground floor auto court via two car lifts serviced by valet robots.

The layout of parked vehicles on the floors operated by the AGV system are stacked in tandem and triple tandem, with parking spaces and maneuvering aisles narrower than the minimum dimensions required by SRMC 14.18. The Applicant requests an SDBL waiver to the dimensional standards and the prohibition on tandem parking to achieve more efficient vehicle storage capacity onsite.

Bicycle Parking

Based on the quantity and mix of units proposed, the Downtown Precise Plan requires a minimum of 271 onsite bicycle parking spaces (DPP Section 2.3.050, Table H). The Project is inconsistent with this standard, proposing only 60 bicycle parking spaces in a 22'-4" wide x 22'-2" long enclosed room accessed from the auto court. The spacing of bicycle racks in the bicycle storage room is also inconsistent with clearance and maneuvering requirements of SRMC 14.18.090. The Applicant requests a SDBL waiver to reduce the onsite bicycle requirements.

Access & Circulation

Vehicle access for the Project is provided by one two-way driveway on Second Street. The Local Transportation Analysis prepared by Hexagon Transportation Consultants projects that the Project would generate 817 daily trips and 112 peak hour trips.

Key recommendations and determinations by the transportation engineering consultant in the current analysis are as follows:

- The estimated processing time of the AGV parking system is 24-33 vehicles per hour per day, resulting in approximately 48-66 total vehicles per hour. With 58 trips estimated during the PM peak hour, demand may exceed the lower estimate of processing capabilities. Consultation with AGV parking vendors and Public Works staff is recommended to adopt strategies that prioritize inbound vehicles and prevent queuing spillover onto Second Street.
- The 60-foot-long driveway should provide queuing space for two vehicles exiting the site.
- Outbound driveway operations during peak hours should be equivalent to an average of one vehicle exiting the Project site every 102 seconds. The relatively low number of exiting vehicles is not expected to affect on-site circulation.
- The driveway should have a minimum clear sight distance of 155 feet, with 15 feet of adjacent red curb.
- Three-point turns are likely necessary to turn around in the auto court.

The Project may cause impacts on traffic in San Rafael, particularly in the vicinity of the Project site. At a future date, the City will likely need to address such impacts. To provide the City with information about such impacts, a Condition of Approval requires Applicant to prepare a Tier 3 Transportation Analysis within five (5) years after the issuance of the Certificate of Occupancy for the Project. Such analysis shall take into account the Local Transportation Analysis trip generation estimates prepared by Hexagon Transportation Consultants dated April 3, 2025 and shall include information about the pre-project and post-project intersections' LOS. Multimodal circulation and safety analysis shall also be included in the Tier 3 Transportation Analysis.

Landscaping and Lighting

Landscaping

Because no minimum setback is required in the T5N Neighborhood transect, the maximized building footprint creates less opportunity for plant material onsite. Preservation of the existing four trees along the east property line is not feasible with the new building footprint. New vegetation is integrated into bio-retention planters along the ground floor street frontage, around the perimeter of the auto court, and within the two common space outdoor patio terraces. A total of 20 overall trees is proposed.

On the ground floor, twelve (12) street trees are depicted on Sheet L2.01: five (5) along Second Street and seven (7) along Irwin Street. Three (3) additional trees are proposed for the ground floor canal side terrace behind the community room. The 6th floor amenity terrace contains five (5) more trees, most within bio-retention planters. The plant schedule on Sheet L2.00 specifies primarily California native species. Prior to issuance of a building permit, the applicant will be required to provide written approval from MMWD that the proposed landscaping complies with MMWD requirements and with the California Model Water Efficient Landscape Ordinance (MWELO). All proposed plants in the public right of way are subject to review and approval of the City's Department of Public Works.

Hardscape landscaping is a prominent element of this Project. Right-of-way furnishings are limited to four (4) short-term bicycle racks. A fenced dog run area is called out along the edge of the west property line between the sidewalk and Irwin Street on Sheet L1.02 of the 6/11/25 plan set. It is unclear whether the dog run amenity will remain with the shift in sidewalk paving shown in the updated site plan contained in the 10/24/25 plan set.

Onsite common area terraces feature hardscaping elements with a variety of lounge seating, tables, and shade sources available for resident leisure and picnic activities. BBQ and sink facilities are included on both the ground floor and 6th floor terrace.

Lighting

The Project proposes a variety of light fixtures, including wall-mounted sconces, ceiling mounted downlights at entries and outdoor canopies, bollards, step lights, linear LED, and lantern lights. The lighting plan is provided on Sheets L3.00 through L3.03. Light fixture cut sheets provided on Sheets L6.01 & L6.02 depict fixtures with downcast lighting orientation. All proposed lighting will be required to be designed and/or shielded to conceal light sources from view off-site and avoid spillovers onto adjacent properties, consistent with SRMC Section 14.16.227.

ANALYSIS

As stated previously, the Project requires Planning Commission approval of a Major Environmental and Design Review Permit pursuant to Section 14.25.040(A)(1)(b) of the SRMC and Table 1.1.030A (Permit Requirements) of the Downtown San Rafael Precise Plan, Chapter 9, Downtown Form Based Code (DTFBC).

This section includes an analysis of the Project's consistency with the following applicable plans, policies, and regulations as required under SRMC 14.025.050. San Rafael General Plan 2040

- General Plan Consistency
- SRMC Title 14 (Zoning)
- Downtown Form Based Code
- State Density Bonus Law

San Rafael General Plan 2040 Consistency

The Project site is designated Downtown Mixed Use in the General Plan, which corresponds to properties in Downtown San Rafael. 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 San Rafael Precise Plan, which includes further detail on building form, development intensity, height, and allowable uses.

There is no residential density limit for areas designated Downtown Mixed Use. This allows for greater flexibility in terms of housing types, encourages smaller units, and maximizes housing opportunities. Height limits and setbacks define the maximum building envelope on each site with this designation. The Project is consistent with key General Plan Goals, Policies, and Programs in that it focuses high-density housing, including 15 units for very low-income households and 15 units of moderate-income households within the transit-served Downtown core (General Plan Policies LU-1.3, H-3.5, M-3.1, LU-1.8, NH-1.3), thereby fulfilling goals to reduce vehicle miles traveled (VMT) and greenhouse gas emissions.

The Project will revitalize an underutilized commercial site, supporting a thriving mixed-use neighborhood (General Plan Policies NH-1.1, LU-2.2), maintaining pedestrian orientation through the integration of parking into an enclosed garage with dedicated bicycle facilities. (General Plan Policies NH-1.10, NH-1.11, M-7.3, M-7.8, M-2.5, M-2.6, CDP-4.9, CDP-4.11). The Project provides on-site recreation amenities (General Plan Policies CDP-4.6, PROS-1.11, PROS-1.13), incorporates Low Impact Development and water conservation through use of very low to moderate water use species and, as conditioned is compliant with stormwater management requirements (General Plan Policies CDP-3.5, C-3.3, C-3.8, C-3.9).

Finally, as proposed and conditioned, the Project meets health, safety, and infrastructure standards for seismic safety, noise control, and connection to existing utilities (General Plan Policies C-2.4, N1.1, N-1.2, N-1.11, CSI-4.2, CSI-4.8, CSI-4.9). As such, the Project is consistent with all applicable General Plan policies. In addition, the site is identified in the adopted Housing Element as an opportunity site. A full analysis of the Project's consistency with the General Plan, as well as the Zoning Code and Downtown Precise Plan is provided in the Consistency Table, see Attachment 1, Exhibit 2.

Zoning Ordinance Consistency

As detailed in Attachment 1, Exhibit 2, the Project as proposed and conditioned is consistent with applicable development standards of the City's Zoning Ordinance, as modified through the requested concessions and waivers pursuant to State Density Bonus Law. An overview of the applicable standards and the Project's consistency is provided below.

Site and Use Regulations Refuse Enclosure Requirements: Section 14.16.025 of the SRMC requires that refuse areas be screened from view and that the area be designed to meet the minimum recommended dimensional standards of the local refuse collection agency. The Planning Division referred the Project to Marin Sanitary Service who confirmed that service for the Project can be provided. Consistent with Marin Sanitary Service requirements, a condition of approval requiring that all refuse containers be placed at the curb on Irwin Street by 6:00 AM the day of collection is included. As proposed and conditioned, the Project meets the requirements of SRMC Section 14.16.025.

Affordable Housing: Affordable housing requirements are contained in SRMC Section 14.16.030 (Affordable housing requirement) and governed by Ordinance 1990 and associated Resolutions 14890 and 14891 that amended the affordable housing obligation for residential projects. Residential development projects greater than fifteen (15) units are required to meet a primary and secondary requirement as follows:

- *Primary Requirement. The Project is required to provide five percent (5%) of the proposed units as deed restricted BMR units (excluding density bonus units) affordable to and occupied by low-income households.*
- *Secondary Requirement. This requirement can be satisfied by providing an additional five percent (5%) low-income units (excluding density bonus units).*

The hypothetical base project provided 100 units. 15 units (15% of the base project) are deed-restricted to very low-income households and 15 units in the base project (15% of the base project) are deed-restricted to moderate-income households. This more than meets SRMC Section 14.16.030 (Affordable housing requirement) and governed by Ordinance 1990 and associated Resolutions 14890 and 14891. The deed restriction is in the form of the Below Market Rate ("BMR") Agreement (Exhibit 2 to the Draft Resolution and Conditions of Approval), which the applicant is required to execute before building permit issuance. The purpose of the BMR Agreement is to ensure compliance with the State Density Bonus Law by ensuring that the 30 units remain affordable to very low-income and moderate income households for at least 55 years and minimizing risk of displacement for those households occupying those units, even if the property changes ownership.

Geotechnical Review: The applicant has provided a Preliminary Geotechnical Report, prepared by Rockridge Geotechnical, dated February 28, 2025. The report has been reviewed by the Department of Public Works and recommendations will be incorporated during the building permit process. Therefore, the Project meets the requirements of Section 14.16.170.

Light and Glare: Section 14.16.227 of the SRMC requires that colors, materials and lighting are designed to avoid creating undue off-site light and glare impacts. As proposed, the Project includes neutral-colored finishes and down cast light fixtures that are designed and/or shielded to conceal light sources from view off-site and avoid spillover onto adjacent properties. Additionally, as conditioned, all new lighting shall be subject to a 90-day post installation inspection to allow

for adjustment and ensure compliance with this section. Therefore, as proposed and conditioned, the Project complies with SRMC Section 14.16.227.

Mechanical Equipment Screening: SRMC Section 14.16.243 requires that mechanical equipment placed on the rooftop of a building be adequately screened from public view. The Precise Plan also contains mechanical equipment screening requirements and standards applicable to properties within the downtown mixed use (DMU) district. The Project includes mechanical equipment located on the rooftop that is screened from public view by parapet walls and therefore the Project complies with Section 14.16.243 of the SRMC.

Noise: Chapter 8.13 and Section 14.16.260 of the SRMC require compliance with general noise standards, construction standards, and noise standards contained in the General Plan. In general, noise at residential properties may not exceed 60 dBA (Intermittent) and 50 dBA (Constant) during daytime and 50 dBA (Intermittent) and 40 dBA (Constant) at nighttime. Construction is limited to between the hours of seven a.m. (7:00 a.m.) and six p.m. (6:00 p.m.), Monday through Friday, and nine a.m. (9:00 a.m.) and six p.m. (6:00 p.m.) on Saturdays, provided that the noise level at any point outside of the property plane of the Project shall not exceed ninety (90) dBA. No construction is allowed on Sundays and holidays. The City's standard conditions of approval require compliance with the noise ordinance and compliance will be verified through the building permit process. See conditions of approval related to noise.

Water-efficient Landscape: Section 14.16.370 of the SRMC requires certain new construction and rehabilitation projects that include landscape and irrigation improvements to comply with water-efficient landscape requirements and to monitor water usage for irrigation, as mandated under California Government Code Section 65595(c). For the purpose of administering this state mandate, the City of San Rafael has adopted by reference, the MMWD Ordinance (Water Conservation) and designates MMWD to implement, enforce, and monitor the requirements of this ordinance. As conditioned, the applicant will be required to certify that the landscape plan complies with applicable regulations of the City of San Rafael and MMWD. As such, the Project as conditioned complies with Section 14.16.370 of the SRMC.

Parking Standards

Bicycle Parking:

Section 14.18.090(E) of the SRMC specifies design criteria for short- and long-term bicycle parking facilities. Section 14.18.090(E)(4) requires at least ten inches clearance (10") to walls or other obstructions. As proposed, bicycle racks are abutting the wall, which does not meet the 10" clearance requirement. The Applicant has stated that requiring compliance with SRMC Section 14.18.090.E.4 would physically preclude construction of the Project at the proposed density because it would require additional space for bicycle parking and thereby require the Project to be modified to reduce the number of residential units.

The applicant has requested a waiver of the dimensional design requirements for bicycle racks, approving rack spacing with less than 18-inches of separation and clearance less than 10-inches from adjacent walls or other obstructions.

Applicant has stated that requiring compliance with DPP Section 2.3.050 (bicycle parking) would physically preclude construction of the Project at the proposed density because it would require additional space for bicycle parking and thereby require the Project to be modified to reduce the number of residential units. The applicant has requested a waiver from this requirement.

Downtown Form Based Code Consistency

Development review criteria of the Downtown San Rafael Precise Plan (Precise Plan) are contained within Chapter 9 (Downtown Form-Based Code). The Precise Plan was adopted by the City with the intent of accommodating higher density mixed use development in the City’s Downtown. Development standards of the Precise Plan that are applicable to the Project are discussed below. The Project’s consistency with the Precise Plan, as well as the General Plan and Zoning Code can be found in Attachment 1, Exhibit 1.

Table 2: Development Standards –T5N 50/70 (DPP Section 2.3.050)

Standard	Required	Proposed	Notes
BUILDING PLACEMENT			
Setbacks			
Front <i>Second St.</i>	0 ft. min. 15 ft. max.	Varies 0 ft. - 20 ft., plus ROW encroachments	Complies ¹
Side Street <i>Irwin St.</i>	0 ft. min. 15 ft. max.	Varies 14 ft. - 20 ft.	Complies
Side <i>East Property Line</i>	0 ft. min. no max.	1.5 ft. or more	Complies
Rear <i>Southern, Canal Frontage</i>	0 ft. min. no max.	Varies 0 ft. - 75 ft. Canal encroachments up to 28 ft. ²	Complies, as conditioned. ³
Front Façade Length <i>Second St.</i>	70% min.	56%-100% ⁴	Complies
BUILDING FORM AND MAXIMUM ENVELOPE CONTINUED			
Standard	Required	Proposed	Notes
BUILDING FORM AND MAXIMUM ENVELOPE CONTINUED			

¹ SRMC 11.04.030.020(I) allows for encroachments without a permit or license for: “Awnings, signs, eaves or other minor architectural features of buildings extending no more than four feet (4’) into the public right-of-way; provided that nothing herein shall authorize the placement of signs directly on any street or the right-of-way.”

² Canal encroachments include up to 600 SF and 20 feet of depth from the commercial space, a cantilevered patio extending approximately 28 feet over the canal, and approximately 100 SF of living area from dwelling units encroaching up to 3 feet over the canal.

³ Conditioned to ensure canal encroachments are reviewed and approval by all applicable state and federal agencies with authority over the San Rafael Creek/Canal. If permits are not granted, applicant will pursue Optional Plan (see A2.01-OP through A3.07-OP in plan set, Attachment 3, Exhibit 1)

⁴ Approximately 110 feet (56%) of ground floor façade wall plane is within the façade zone. The standard is consistent based on façade location of floors 3 through 17.

Side Street Façade Length <i>Irwin St.</i>	60% min.	71%-100% ⁵	Complies
Civic Space			
Size of Civic Area Required	200 SF min.	200 SF along Second St.	Complies
BUILDING FORM AND MAXIMUM ENVELOPE			
Height			
Overall Building Height	70 ft. max. (50 ft. base + 20 ft. bonus ⁶)	180 ft. +/- (to roof) 198 ft. +/- (top of mech)	SDBL Waiver
Stepback			
Front	10 ft. at 45 ft.	0 ft.	SDBL Waiver for Stepbacks
Side Street	10 ft. at 45 ft.	0 ft.	
Rear	10 ft. at 45 ft.	Partial stepback of 60 ft. +/- at 6 th floor (53 ft. tall)	
Side (interior)	N/A	9 ft. to 13 ft. at 53 ft. tall	N/A
Ground Floor Standards			
Finish Level - Residential	1 ft. min	Varies. At least 2 ft.	Complies
Non-Residential	Flush w/ sidewalk or as required to comply with FEMA BFE.	Not flush. Varies up to 4.5 ft +/- above sidewalk grade.	Complies, as conditioned. ⁷
Ground Floor Ceiling	10 ft. min.	18-ft 8-inch	Complies
Ground Floor Depth Front (Second St.) Other (Irwin St)	30 ft. min. 12 ft. min.	Varies 13 ft. to 30 ft. 29-ft +/-	Complies Complies
FRONTAGES			
Frontage Type: Street-Facing Façade	1 min. per street-facing façade	Second St - Stoop Irwin St – Storefront glazing, not an eligible type in T5.	Second St.: Complies Irwin St: SDBL Waiver
PARKING			
Vehicle Quantities			
Residential Use	170 spaces total o <i>Studio/1bd: 102.75 spaces</i> <i>(0.75 ea. x 137 d/u)</i>	226 spaces total o 221 mechanical	Complies. Also exempt per Government

⁵ Approximately 89 feet (71%) of the ground floor façade is within the façade zone. On floors 3 through 17, 100% of the street-facing façade wall is within the façade zone.

⁶ SRMC 14.16.190.A.1 allows a 20-foot height bonus for projects in the DMU District that restrict more than 10% of unites to low-income households in the Tier 2 area of the DPP.

⁷ Conditioned to require compliance with standard for 4,000 SF of ground floor area proposed as commercial use in the Applicant narrative but not yet delineated as a purpose other than “community room” on the existing plans.

	<ul style="list-style-type: none"> ○ 2 bd: 55 spaces (1 ea. x 55 d/u) ○ 3+ bd: 12 spaces (1.5 ea. x 8 d/u) 	<ul style="list-style-type: none"> ○ 5 standard at grade, non-mechanical 	Code Section 65863.2(a) as site within ½-mile of major transit facility. SDBL Waiver
Commercial Use	<p>11 spaces total</p> <ul style="list-style-type: none"> ○ > 2,500 SF: 2.75 per 1,000 SF per tenant (4,000 SF x 2.75 = 11) ○ < 2,500 SF: none 		
PARKING CONTINUED			
Bicycle Quantities			
Bicycle Spaces, Residential Use	<p>271 spaces total</p> <p><i>Studio/1bd: 1 ea.</i> <i>137d/u x 1 = 137</i></p> <p><i>2 bd: 2 ea.</i> <i>55 d/u x 2 = 110</i></p> <p><i>3+ bd: 3 ea.</i> <i>8 d/u x 3 = 24</i></p>	60 spaces inside ground floor bike storage room.	SDBL Waiver
Bicycle Spaces, Commercial Use	<p>11 spaces total</p> <ul style="list-style-type: none"> ○ > 2,500 SF: 2.75 per 1,000 SF per tenant (4,000 SF x 2.75 = 11) ○ < 2,500 SF: none 		

Height: According to the definitions specified in the SRMC and the Downtown Precise Plan (“DPP”), the height of the Project is 180 feet. Specifically, “height, downtown mixed use district” means the height of all structures, fences and walls located within the downtown mixed use district measured in accordance with the methodology presented in the DPP. (SRMC Ch. 14.16.120.) Per Division 4.1 of the definitions section of the DPP, “height, overall” means the vertical distance between adjacent finished grade and the highest part of the structure directly above. Section 2.3.050 E, Footnote 4 of the DPP refers to SRMC Section 14.16.120 for exclusions to overall building height. SRMC Section 14.16.120 states that “aboveground utility distribution facilities including communications towers and public water tanks, windmills, monuments, mechanical appurtenances, satellite dishes in multifamily and nonresidential districts and architectural features such as screening for mechanical equipment, chimneys, steeples and cupolas are not included in height calculations.” Accordingly, parapets that act as screening for mechanical equipment are excluded from the calculation of overall height. The Project proposes a building with a “height” of 180 feet, and mechanical equipment and parapets that reach up to 198 feet. For the purposes of determining consistency with applicable standards, the Project’s height is 180 feet. Applicant has requested a waiver under the State Density Bonus Law to allow for noncompliance with the 50-foot height standard applicable in the T5N 50/70 district.

T5 Neighborhood Development Standards

Building Placement and Building Form and Maximum Envelope: Section 2.3.050 of the Downtown Form-Based Code provides development standards related to building placement (setbacks and civic space) and building form and maximum envelope (overall building height, stepbacks, ground floor standards) for each zone. A summary of the Project's consistency with these development standards are included in the Table above. For purposes of the setback analysis Second Street is the front, Irwin Street (Freeway off-ramp) is the street side, the southern property line (Canal) is the rear, and the adjacent property is the interior side.

Automobile Parking: Requirements for parking are contained in Section 2.3.050(H) of the Precise Plan. The Project site is within ½ mile of transit, and pursuant to Government Code Section 65863.2(a), no automobile parking minimums apply. As such, the Project is not subject to parking development standards and is considered to comply with the Precise Plan. Although the Project is not subject to parking minimums, the Project's voluntary inclusion of parking requires review of consistency with applicable development standards contained within the Downtown Form Based Code (see Table above). While the Project satisfies the number of automobile parking spaces, the size of the spaces and the design and layout of the parking lot require waivers. As indicated above, and as discussed in greater detail below, the Project is requesting waivers from development standards related to auto and bicycle parking standards.

Bicycle Parking: Bicycle parking requirements are also contained Section 2.3.050(H) of the Precise Plan. The minimum bicycle parking requirements are based on the number of bedrooms. Based on the size and number of units proposed, the Project is required to provide a total of 282 bicycle parking spaces and provides 60 interior spaces. It should be noted that although the Project provides 60 bicycle parking spaces within the parking garage, these spaces do not meet the city's design requirements (see discussion below under Zoning Ordinance Consistency, Parking Standards).

Division 3.1 – Site Standards

Screening: Section 3.1.020 prescribes standards for screening for the conservation and protection of property, the assurance of safety and security, the enhancement of privacy, the attenuation of noise, and the improvement of the visual environment of the neighborhood. Related to roof-mounted equipment, new buildings are required to be designed to provide a parapet or other architectural element that is as tall or taller than the highest point on any new mechanical equipment to be located on the roof of the building. As proposed, the Project meets the screening requirements set forth in Section 3.1.020 of the form-based code.

Landscaping: Section 3.1.030 prescribes landscaping standards for protection and enhancement of the environmental and visual quality of the Downtown, enhancement of privacy, and the control of dust. The Design Standards subsection requires shrubs to be one-gallon size or larger and trees to be 15-gallon size or larger and requires species to meet the minimum standards set forth in MMWD Water Conservation Ordinance 414. As proposed and conditioned, the Project meets the landscaping requirements set forth in Section 3.1.030 of the form-based code.

Division 3.2 - Massing and Façade Articulation Standards

Corner Elements: Section 3.2.050 requires new facades to be designed to include a corner element to give visual importance to the corner and enhance the public realm. The Project incorporates a corner element at the Second Street/Irwin Street intersection adding visual definition to the corner. As such, the Project meets the corner element requirements set forth in Section 3.2.050 of the form-based code.

Division 3.3 – Frontage Standards

Division 3.3 establishes permitted frontage types in each zone. The Project does not incorporate a permitted frontage type, and the applicant is requesting a waiver from this development standard, as noted in the Table above and the State Density Bonus Law Consistency section below.

State Density Bonus Law Consistency

This Project utilizes the State Density Bonus Law (Government Code Section 65915 and San Rafael City Council Resolution 14891). The law allows increased density, or bonus units, for a project that provides a minimum percentage of affordable, or below market rate, units on-site. In addition, a density bonus project is afforded a certain number of concessions or incentives based on the percentage and the affordability of the below market rate units provided. A concession or incentive is defined as: (1) a reduction in site development standards or a modification of zoning code or architectural design requirements that exceed the minimum building standards; or (2) approval of mixed-use zoning; or (3) other regulatory incentives or concessions which actually result in identifiable and actual cost reductions. (Gov. Code § 65915(k)).

Additionally, a density bonus project is permitted unlimited waivers of any development or design standards that would physically preclude the construction of a project at the density permitted under the State Density Bonus Law and with the permissible concessions and incentives. (Gov. Code § 65915(e)(1).)

The Downtown Precise Plan area does not establish a dwelling unit per acre density standard. Therefore, to determine allowable base density, an applicant is required to demonstrate how many units can be constructed on the site in a manner that complies with all objective development standards and that provides average unit sizes comparable to the actual proposed Project. (Gov. Code § 65915(o)(6).) The hypothetical project that complies with objective development standards is called the base project. The hypothetical base project for the proposed Project is described below and included as part of the plan set in Attachment 3, Exhibit 1, Page A0.41-A.

Base Project

The Project site is comprised of a single lot zoned T5N 50/70. The applicant has provided plans for a hypothetical five-story, multi-family residential building with 100 residential units that complies with all of the objective standards applicable to buildings in the T5N 50/70 district. Such hypothetical project is the base project here. As shown on Sheet A0.41A of Attachment 3, Exhibit 1, the base project meets all required vehicle and bicycle parking and civic area requirements and can be accommodated within the building envelope. As such, for purposes of reviewing consistency with State Density Bonus Law, the base project includes 100 units.

Allowed Density Bonus

Based on the commitment to deed restrict 15% of the base units for very low-income households, and 15% of the base units for moderate-income households, the Project qualifies for a 100% density bonus (Gov. Code § 65915(f)(2), (v)), 3 concessions (Gov. Code § 65915(d)(2)(C)), and unlimited waivers. (Gov. Code § 65915(e)(1).) Therefore, the proposed Project is permitted a density bonus of 100 units. The total allowed units are calculated as the sum of the base project plus the density bonus units (100 + 100 = 200 units). As the Project proposes a total of 200 units, it does not exceed the total number of units allowed with the applicable density bonus.

As noted previously, the applicant is requesting three concessions and eight waivers for this Project. These are discussed below.

Requested Incentives, Concessions, and Waivers of Development Standards

The applicant has requested three concessions from objective standards included in the BMR Guidelines and eight waivers from objective standards related to bicycle parking, car parking, maximum height, building setbacks, façade frontage standards. The following analysis provides details about the requested waivers, including supporting information from the applicant's Narrative (Attachment 3, Exhibit 2).

Under the State Density Bonus Law, a city or county must grant requested incentives or concessions unless it can make specific findings to justify denial. The law allows a city to deny a requested incentive or concession only if it can establish any of the following: (1) the incentive/concession would not result in identifiable and actual cost reductions necessary to make the development affordable, (2) the incentive/concession would have a specific, adverse impact upon public health or safety or the physical environment, and there is no feasible method to mitigate or avoid that impact, or (3) the incentive/concession would conflict with a state or federal law. (Gov. Code § 65915(d)(1).) Per the HAA, these findings must be supported by substantial evidence in the record. "Specific, adverse impact" is defined narrowly and must relate to quantifiable harm (e.g., a violation of environmental laws or endangerment of public safety), not general policy conflicts or community opposition. (Gov. Code § 65589.5(d)(2).) A "specific, adverse impact" is defined as "a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete." (Gov. Code § 65589.5(d)(2).) State law further specifies that inconsistency with the zoning ordinance or general plan land use designation is not a specific, adverse impact. (Gov. Code § 65589.5(d)(2).)

Likewise, a city or county must grant a requested waiver unless granting the waiver would (1) have a specific, adverse impact upon health or safety, and there is no other feasible method to satisfactorily mitigate or avoid the specific, adverse impact; or (2) have an adverse impact on any real property that is listed in the California Register of Historical Resources; or (3) be contrary to state or federal law.

Staff has reviewed the density bonus application materials for the Project and as detailed below, has confirmed that the requested waivers or reduction of development standards comply with Government Code Section 65915 and San Rafael City Council Resolution 14891.

Requested Concessions

1. A concession from the “size” requirement of Section C(1) of Resolution 14890. Resolution 14890(C)(1) requires “[t]he same or substantially similar mix of unit size (e.g., number of bedrooms, square footage)” between affordable units and market rate units. The City requires 1-to-1 proportionality in square footage between market rate and affordable units.

The Project does not meet this standard. There are no affordable 3-bedroom units, and the 2-bedroom market units tend to be larger than the 2-bedroom affordable units. The applicant has requested a concession to allow for noncompliance with this standard, and has stated that larger market rate units will help the Project subsidize the lower rents of the affordable units, furthering the affordable housing opportunities within the Project. The unit sizes proposed will result in “identifiable and actual cost reductions to provide for affordable housing costs.” (Govt. Code § 65915(k).)

2. A concession from the “type” requirement of Section C(1) of Resolution 14890. Resolution 14890(C)(1) requires that affordable units be dispersed throughout the Project, except that “[u]nits may be clustered within the residential project when the city determines that such clustering furthers affordable housing opportunities.”

The Project does not meet this standard. The affordable units are located only on the lower seven residential floors (Floors 5-11) and there are no affordable units on floors 12-17. The applicant has requested a concession to allow for noncompliance with this standard, and has stated that the 3-bedroom and penthouse units (a mix of 2 and 3 bedroom units) and the higher proportion of market rate units situated in the upper portion of the Project help subsidize the lower rents of affordable units, furthering the affordable housing opportunities within the Project. They further state that concentrating the affordable units on floors 5-11 and not providing 3-bedroom or penthouse affordable units will result in “identifiable and actual cost reductions to provide for affordable housing costs.” (Govt. Code § 65915(k).)

3. A concession from the “amenities” requirement of Section C(2) of Resolution 14890. Resolution 14890(C)(1) requires the exterior and interior design of the affordable housing units to be of the same design, materials, amenities, quality of finish, and appearance of the market rate units.

The Project does not meet this standard. A much smaller proportion of affordable units in the Project have balconies than the proportion of market-rate units that contain balconies. The applicant has requested a concession to allow for noncompliance with this standard, and states that the Project has been designed to provide high-quality and desirable affordable units, and that consistent with Resolution 14890, all of the affordable units will have access to the same building amenities as the market rate units, including the 6th floor amenity terrace, and will have the same quality of materials as the market rate units. The applicant states that providing fewer affordable units with private balconies will result in “identifiable and actual cost reductions to provide for affordable housing costs.” (Govt. Code § 65915(k).)

Requested Waivers

1. SRMC Section 14.18.090.E.4 (Bicycle Parking). Waiver of the dimensional design requirements for bicycle racks, approving rack spacing with less than 18-inches of separation and clearance less than 10-inches from adjacent walls or other obstructions.

Applicant has stated that requiring compliance with SRMC Section 14.18.090.E.4 would physically preclude construction of the Project at the proposed density because it would require additional space for bicycle parking and thereby require the Project to be modified to reduce the number of residential units.

2. DPP Section 2.3.050 (Bicycle Parking). Waiver of requirement to provide a minimum of 271 bicycle parking spaces, authorizing a reduced total quantity of 60 on-site bicycle parking spaces.

Applicant has stated that requiring compliance with DPP Section 2.3.050 (bicycle parking) would physically preclude construction of the Project at the proposed density because it would require additional space for bicycle parking and thereby require the Project to be modified to reduce the number of residential units.

3. SRMC Section 14.18.100.A & B (Parking Space Dimensions). Waiver of minimum dimensional standards for parking spaces to allow for the use of a mechanized parking system on floors 3 through 5.

Applicant has stated that requiring larger parking spaces in compliance with SRMC Section 14.18.100.A & B would physically preclude construction of the Project at the proposed density because it would require additional space for car parking and thereby require the Project to be modified to reduce the number of residential units.

4. SRMC Section 14.18.130.A (Parking Facility Dimensions and Design). Waiver of minimum dimensions for parking lot layout and drive aisle width in vehicle parking areas managed by the mechanized parking system on floors 3 through 5, to allow for the use of a space-saving mechanized parking system.

Applicant has stated that requiring wider drive aisle width in compliance with SRMC Section 14.18.100.A would physically preclude construction of the Project at the proposed density because it would require additional space for car parking and thereby require the Project to be modified to reduce the number of residential units.

5. DPP Section 2.3.050(H) (Parking). Waiver of the parking controls established in DPP Section 2.3.050(H). The Project requires 170 parking spaces for the residential component and 11 for the commercial component (total of 181). The project proposes to provide 226 spaces accessed via a mechanical lift system, plus 5 conventional spaces. Because the applicant is proposing a mechanical parking system, the requested waiver is also from the drive aisle width requirements. The applicant states that providing additional parking spaces and compliant drive aisle widths and parking space dimensions as required by DPP Section 2.3.050(H) would require dedicating substantially more floor area to parking, which would result in a loss of residential space within the building. Accordingly, the parking requirements established in DPP Section 2.3.050(H) would physically preclude the Project from being constructed at the proposed density.
6. DPP Section 2.3.050 (Building Form and Maximum Envelope – Overall Building Height). Waiver of 50-foot height limit in T5N 50/70 to allow an overall roof height of 180 feet (excluding parapet) that accommodates the 100 percent bonus density allowed by the state.

Applicant has stated that requiring the Project to comply with the 50-foot height limit specified in DPP Section 2.3.050 would physically preclude construction of the Project at the proposed density because it would require the Project to be modified to reduce the number of residential units, as many fewer units would fit in a 50-foot tall building compared to a 180-foot tall building.

7. DPP Section 2.3.050 (Building Form and Maximum Envelope – Stepbacks). Waiver of 10-foot minimum setback requirement on the front, side street and rear facades at heights 45-feet and above, to allow for a vertical façade without setbacks.

Applicant has stated that requiring the Project to comply with the 10-foot setback requirement in DPP Section 2.3.050 would physically preclude construction of the Project at the proposed density because it would require the Project to be modified to reduce the number of residential units, as a number of units would need to be eliminated to accommodate for the reduced floor area due to the setbacks.

8. DPP Section 3.3.010 (Frontage Standards). Waiver of the requirement for the side street façade (e.g. Irwin St.) to provide at least one eligible DPP frontage-type on the façade, to allow for a façade type not specified in DPP Section 2.3.050, Table F or Table 3.3.020.B.

Applicant has stated that requiring the Project to comply with the frontage standard requirement specified in DPP Section 3.3.010 would physically preclude construction of the Project at the proposed density because it would require the Project to be modified to reduce the number of residential units.

HOUSING ACCOUNTABILITY ACT

Under the HAA, if a proposed housing development project complies with the applicable, objective general plan and zoning standards and criteria, a city can only deny the project or condition its approval on decreased density if the city can make written findings that (1) the project would have “a significant, quantifiable, direct, and unavoidable impact” upon public health or safety, “based on objective, identified written public health or safety standards, policies,” and (2) there is no feasible method to satisfactorily mitigate or avoid the adverse impact other than by denying the project or requiring lower density. (Gov. Code § 65589.5(j)(1).) Such findings must be supported by evidence that the impacts are more likely than not to occur. (Gov. Code § 65589.5(j)(1).) Such findings cannot be based on subjective criteria. (Gov. Code § 65589.5(j)(1).) The receipt of a density bonus, incentive, concession, or waiver under the State Density Bonus Law is not a valid basis to find that a proposed project is inconsistent with applicable objective standards. (Gov. Code § 65589.5(j)(3).) The Project complies with all applicable, objective general plan and zoning standards and criteria, as modified by a density bonus, concessions, and waivers under the State Density Bonus Law. Staff have not identified any significant, quantifiable, direct, and unavoidable impacts upon public health and safety based on objective, written standards that would result from development of the Project.

ENVIRONMENTAL DETERMINATION

The Project is statutorily exempt from CEQA pursuant to PRC Section 21080.66 (AB 130). Support for this determination is provided in the AB 130 Checklist found as Attachment 2.

COMMUNITY CORRESPONDENCE

Emails that have been submitted are included as Attachment 4.

OPTIONS

The Planning Commission has the following options:

1. Approve the application as presented, subject to conditions of approval (staff recommendation)
2. Approve the application with certain modifications, changes, or additional conditions of approval.
3. Deny the Project and direct staff to return with a revised Resolution of denial.

ATTACHMENTS

1. [Draft Resolution and Draft Conditions of Approval](#)
[Exhibit 1 - General Plan, Zoning and Downtown Precise Plan Consistency Analysis](#)
[Exhibit 2 – Draft Affordable Housing Agreement](#)
2. [CEQA AB 130 Statutory Exemption Checklist](#)
3. **Application Materials**
[Exhibit 1 – Full Plan Set, 12/23/2025](#)
[Exhibit 2 – Project Narrative, Density Bonus Statement and Concession and Waiver Request, 12/23/2025](#)
[Exhibit 3 – Preliminary Geotechnical Report](#)
[Exhibit 4 – Transportation Analysis](#)
4. [Public Comment](#)