



February 16, 2026

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San Rafael City Council
City Hall
1400 Fifth Avenue
San Rafael, CA 94901

RE: 700 Irwin Appeals

Honorable Mayor and Council Members,
The three appeal letters that you have received seeking to stop or modify the 700 Irwin Street apartments merit close attention. They certainly show the depth of concern that many people have about the project.

The reasons for concern are clear. A 200-foot-high slab facing the main freeway entry to San Rafael will forever alter the character of the city and Marin. The height of the building is quadruple the site's base height set by the Downtown Precise Plan five years ago (50') and nearly three times what the plan provides with its generous affordable housing bonuses (70').

The bulk of the building will hold two hundred residential units that will worsen traffic in what is already the most congested portion of San Rafael. Moreover, the freeway offramp and adjacent building site are already subject to sea level rise flooding. Exposing those new homes to that known danger sidesteps the City's bedrock responsibility to protect public health and safety.

Sustainable San Rafael believes that this public health and safety obligation forms the basis for granting the appeals and requiring the project to be downsized.

At the same time, we recognize that the passage of State housing laws since the City's adoption of the Downtown Precise Plan, Objective Design Standards, and General Plan 2040, require adjustments to these documents and the processes implementing them, in order to reach their intended results as fully as possible.

Going forward, we therefore ask that you consider:

1. Adjusting some building heights downward so that the originally intended heights may be achieved when developers exercise the waivers allowed by State law.
2. Establishing sea-level-rise flood zones that limit residential density, require flood safety features,

assure that buildings are bonded to repair flood damage and to reimburse related public emergency response cost, and mandate that owners join sea level rise protection districts as these are established.

3. Reactivating the Design Review Board to provide non-compulsory advice to the developers' architects during one of the five public hearings still allowed. Our belief, based on long experience with design review, is that collegial discussion among design professionals in most cases leads to improved results.

We remain supportive of attaining as much compact, affordable housing as reasonable in downtown San Rafael and other appropriate infill areas, while at the same time realizing optimal safety, design, and livability throughout the city.

Sincerely,

William Carney

William Carney,
Vice President

From: Aaron Gervais [REDACTED]
Sent: Sunday, February 15, 2026 8:53 AM
To: 700Irwin <700Irwin@cityofsanrafael.org>; Distrib- City Clerk <city.clerk@cityofsanrafael.org>
Subject: Comment for 700 Irwin hearing on 2/17

Hello,

I am a long-time San Rafael resident and want to submit this comment for the hearing on Tuesday. I would come in person but I have a previous commitment.

I was very upset to hear that the city council is contemplating an override of the planning commission's decision on this matter. The state law is clear and San Rafael has no legal basis to block 700 Irwin. Every other municipality that has tried something similar has lost in court.

I was appalled by Mayor Colin's statement that she would rather the city get sued than approve this project. This is irresponsible and childish behavior. I expect my elected officials to follow the law and not waste my tax dollars on unwinnable lawsuits.

California needs more housing and San Rafael is no exception. Children who grew up in San Rafael are moving away because they can't afford to live here as adults. 700 Irwin is a perfectly reasonable project and our elected officials need to get out of its way.

I will be watching this issue closely. Any representative who votes to block 700 Irwin will have lost my vote in the next election.

Best regards,
Aaron Gervais

[REDACTED]
San Rafael

From: Andrea V [REDACTED]
Sent: Tuesday, February 17, 2026 1:14 AM
To: Distrib- City Clerk <city.clerk@cityofsanrafael.org>
Subject: 700 Irwin Street Development - City Council Meeting

I have a number of comments and questions regarding the 700 Irwin Street Development that I think should be addressed by the City of San Rafael. Some of these are concerns that should be addressed with any new projects, but they are immensely magnified when applied to a 17-story building:

- **VEHICLE TRAFFIC:** It's well-known that this area is already a traffic nightmare with very frequent gridlock.
 - The developer has only done a portion of a Traffic Study called a VMT Study (Vehicle Miles Traveled). This pertains only to specific environmental issues.
 - The city should still require a traditional Traffic Study that covers issues such as safety, traffic signals, traffic flow, and more.
- **VEHICLE PARKING:** There is no street parking for several blocks in all directions.
 - Based on my observations in other multi-family housing in San Rafael, a 200-unit building will probably have approximately 300 tenant vehicles, but there are only 215 proposed parking spaces. There also will probably be dozens of guest vehicles at any given time. Most likely, the tenant overflow and the guests will use the KFC and United Market parking lots.
 - The vehicles in the building will be raised and lowered to the parking spaces by vehicle lifts. What will happen if there is a power outage? For instance, in the fall of 2019, there was 5-day planned power outage by PG&E.
- **BUILDING FOUNDATION:**
 - The developer plans to construct footings in the Bay Mud, rather than drill piles into the bedrock. This will result in sinking and tilting similar to the Millennial Tower in San Francisco, and worse if there is an earthquake.
 - The Millennial Tower had to be retrofitted with piles into the bedrock after tenants moved into the building at great expense.
- **LIGHT POLLUTION:** There is already serious light pollution in Central San Rafael
 - Will outside building lights have side shields and top shields and be directed so that they do not shine into the neighbors' windows or create light "leakage" outside of the property?
 - Will apartment windows be treated so that interior lighting does not create "sky glow"?
- **OUT OF PROPORTION:**
 - At the Planning Meeting of 1-13-2026, the developer's team repeatedly compared this project to their other "urban designs" in Houston and Chicago. San Rafael is not an urban area. It's basically a suburban community with a small "downtown" area.
- **VISUAL IMPACT:**
 - Will there be "story poles" set up so that neighbors can visualize 17 stories?
 - Whenever I see houses for sale in my neighborhood, one of the primary features listed on the sales brochures is "Views".
- **INCREASED POPULATION:**
 - Is there any guarantee that the new tenants will be current local residents? If this project attracts people from outside of the local area, there will not be any significant increase in housing availability or affordability.
- **GENTRIFICATION:** This sounds to me like a project that's aimed at a higher-income clientele.
 - There will only be 30 units at "below market rate".
 - Penthouses are included in the approved plans.
 - The developer is also trying to get a boat house approved.
- **ONLY SHORT-TERM BENEFITS:**
 - Most renters will want to purchase homes after 5 or ten years, so we shouldn't increase the number of multi-family rentals unless we increase the number "starter homes" and

detached homes. Otherwise, we'll just continue in the same stagnant situation that we've been in for a long time.

Andrea Valentine
San Rafael, CA


Mayor, Council Members, good evening. My name is Steven Bryant.

[Slide 2 Please]

I'm here for one reason: record traceability – does the entitlement record show its work: the basis and evidence for the City's determinations – especially where approval depends on discretionary relief and a baseline assumption that drives downstream calculations?

[Slide 3 Please]

Two things must be clear: (1) why the five-story, 100-unit base plan is treated as viable under the constraints, and (2) why departures from adopted standards are granted: unit-size comparability, bedroom-type distribution, and balcony access.

[Slide 4 Please]

To make this concrete, I've entered a 15-item traceability matrix into the record. I'm going to highlight four of those items tonight.

[Slide 5 Please]

First: Early in the record, staff flagged below-grade elements in a FEMA Special Flood Hazard Area. The City's civil engineer stated that for an entirely residential structure, subterranean parking is not allowed. Yet the entitlement decision relies on a 100-unit baseline that assumes below-grade feasibility.

So, the question is: where does the record state the floodplain assumption the City relied on – and where is the evidence that closes the loop from “not allowed / not code-compliant” to “feasible baseline”?

[Slide 6 Please]

Second: The City's December 19, 2025 consistency comments state the project remains inconsistent with multiple Resolution 14890 standards unless concessions are granted, including comparable sizing, bedroom-type distribution, and balcony disparity.

One concrete example is clustering. Resolution 14890 allows clustering only if the City determines it furthers affordable housing opportunities. So: where in the record is the City's affirmative determination on clustering and what evidence supports it?

[Slide 7 Please]

The Housing Element identifies an urgent need for affordable three- and four-bedroom rentals. Here, the project includes zero deed-restricted affordable three-bedroom units – an apparent disconnect. So, my record question is narrow: where

does the entitlement record explain the City's basis for approving that outcome – and what did the City rely on?

[Slide 8 Please]

A conclusion isn't the same as support. Here, the staff report concludes that none of the approved concessions or waivers is contrary to state or federal law. So, my narrow question is: for each item of relief, as approved with its conditions, where does the record identify what the City relied on to reach that conclusion?

[Slide 9 Please]

I'm asking for record clarity. The record leans on a recurring "hands were tied" narrative, which can make the decision read like a single bundled approval rather than distinct determinations. That's why traceability matters: each separate determination should have its own pointable basis in the entitlement record.

[Slide 10 Please]

This is happening under an escalated litigation posture reflected in the applicant counsel's November 21 and December 8 letters. In that environment, clarity is how the City protects itself. And when the applicant's correspondence puts Housing Element compliance on the table, the record should be especially clear on the family-sized affordability outcome – because the project is approved with zero deed-restricted affordable three-bedroom units, despite the Housing Element's stated urgent need.

[Slide 11 Please]

So, this brings me to my request: remand to strengthen the record. This is the Council's traceability checkpoint: what the City decided, why, and what in the record supports it. Here, everything turns on two pillars – the foundation and the departures. A remand allows the City to make those pillars explicit:

what assumptions it accepted, what evidence supports them, and – item by item – how each concession and waiver satisfies the standards as approved with conditions.

Thank you.

From: David Kriozere <dkriozere@urbanpacificsf.com>
Sent: Monday, February 16, 2026 8:00 AM
To: Micah Hinkle <Micah.Hinkle@cityofsanrafael.org>
Cc: Paul Navazio <paul.navazio@cityofsanrafael.org>; Rob Epstein <Rob.Epstein@cityofsanrafael.org>; Chris Collins <ccollins@urbanpacificsf.com>; Andrew Junius <ajunius@reubenlaw.com>; Joshua Townsend <JTownsend@32Strategic.com>
Subject: URGENT: 700 Irwin Appeal Hearing – HAA Compliance & COA Record

Dear Micah,

Following up on my correspondence from last week. As we head into tomorrow night's hearing, we want to ensure the staff report and presentation accurately reflect our position regarding the **Housing Accountability Act (HAA)** and our specific comments on the **Affordable Housing Agreement (AHA)** and **Conditions of Approval (COA)**.

Our goal is to ensure the staff presentation remains consistent with the Planning Commission's **4-1 approval** and that there is no misalignment on these legal points before the Council.

We are available today or tomorrow for a brief call to align on these items and ensure a smooth proceeding Tuesday evening.

Thanks,
David



www.urbanpacificsf.com/



Begin forwarded message:

From: David Kriozere <dkriozere@urbanpacificsf.com>
Subject: 700 Irwin: Pre-Hearing Meeting
Date: February 11, 2026 at 10:51:48 AM PST
To: Micah Hinkle <Micah.Hinkle@cityofsanrafael.org>
Cc: Chris Collins <ccollins@urbanpacificsf.com>, Andrew Junius <ajunius@reubenlaw.com>, Josh Townsend <JTownsend@32Strategic.com>

Dear Micah,

We appreciated the opportunity to meet with you in December regarding 700 Irwin ahead of the January Planning Commission hearing.

With our next hearing scheduled for Tuesday, we would value your guidance once more—particularly in light of this morning's announced leadership changes in the City Manager's office. Last week (2/4/26), we submitted a memo responding to inaccuracies regarding the COA/AHA; I have attached that document here, along with the City Manager's previous memo from 9/19/25, for your reference.

I will be in San Rafael tomorrow, Thursday, and can meet at your office anytime after 4:00 PM. Alternatively, our team can be available for a brief Zoom or in-person call on Friday or Monday.

Please let me know if any of these windows work for you.

Thanks,

David



www.urbanpacificsf.com/



To: Cristine Alilovich
From: David Kriozere, Manager, 700 Irwin Street Partners, LLC
Date: February 4, 2026
RE: 700 Irwin – Response to Draft COA and AHA
Hearing Date: January 13, 2026

Hi Cristine,

Good speaking together earlier today. We appreciate your leadership and continue to believe the City processed our application appropriately by deeming it consistent and compliant with AB 130. This project represents a critical solution for San Rafael's housing goals, activating a "Gateway" site that the City's own Housing Inventory Opportunity report identifies as a high-density priority.

Please see RJR's enclosed January 9th brief to the Planning Commission for the January 13th hearing. RJR specifically raised the "No Subordination" (AHA 2.4) and "No Condominium Conversion" (AHA 3.10) issues both with the Staff in the days before the hearing, and with the Planning Commission in the written brief to the Commission. In addition, please see my January 7th memo to Micah Hinkel explaining this, together with Northmarq's attached January 11th letter. We were unambiguous with this request.

We would like you to review how Staff characterized these issues during the Planning Commission hearing. Specifically, between the **45:00 and 46:40 marks** of the hearing video, Staff characterized our request regarding subordination and condo-mapping as "removing clauses," when we had proposed modifications to protect the City's interests:

- **Affordability Protections:** Staff stated we "wanted to remove" the 55-year protection. In fact, our memo (attached) explicitly proposed that the City retain a **"Right of First Refusal"** and notice/cure rights to protect the BMR units.
 - **45:08-45:20** "Part of the request from the applicant was to remove two clauses from the affordable housing agreement, the subordination clause and the no condominium clause...."
 - **45:55-46:00** "They had wanted us to remove that..."
- **Rental Status:** Staff suggested that "condo-izing" meant the units would no longer be rentals. Our memo clarified that even if the building is mapped, the **BMR units must remain as rentals** per the agreement.
 - **46:19-46:40** "...then they are not rental units...it's a different setup...we said no, we want to protect those affordable rental units..."

The characterization of our requests as a "removal" rather than a "revision" has unfortunately created public misperceptions. We kindly request that Staff clarifies this at the upcoming February 17th City Council hearing to clear the record.

Lastly, we look forward to sharing the resources we have cultivated to collaborate with your team on the "Gateway" public realm. This is a unique opportunity to benefit the Canal District, local merchants, the City, and this project.

Best regards,

David Kriozere
700 Irwin Street Partners, LLC

REUBEN, JUNIUS & ROSE LLP

January 9, 2026

Delivered Via Email

San Rafael Planning Commission
1400 Fifth Avenue
San Rafael, CA 94901

Re: 700 Irwin Street (PLAN25-046)
Hearing Date: January 13, 2026
APN 014-132-18
Our File No: 11393.02

Dear Commissioners:

This office represents 700 Irwin Street Partners LLC, the project sponsor (“Applicant”) of the proposed 200-unit residential project (“Project”) located at 700 Irwin Street in San Rafael (“Property”).

The Project proposes to redevelop a vacant office building to create centrally located housing that includes 30 affordable units, provides new pedestrian access to the San Rafael Canal, and is a short walk to the San Rafael Transit Center, Downtown, and Montecito Plaza.

The Project utilizes a Housing Opportunity Site (Housing Site Inventory site No. F45), achieves 6% of the City’s 3,220 unit RHNA allocation and is consistent with the Downtown Precise Plan, the Canalfront Guidelines, and the Housing Element. For the reasons detailed in this letter, we ask that you approve the Project with minor modifications to the affordable housing agreement, as described herein.

A. Project Description

1. Project Overview

The Project proposes a mixed-use multi-family residential building that would replace the existing 4-story vacant office building. The Project will be 17 stories, 180 feet tall and include 200 dwelling units, including 30 below market rate (“BMR”) units, with 221 parking spaces in an automated mechanical parking system. The Project proposes a new expanded boardwalk along the south side of the Property that would connect Second Street to the San Rafael Canal. A 4,000 square foot commercial space (the Boathaus) would cantilever over the Canal and activate the Second, Irwin, and Canal frontages of the Property.

The Project uses the State Density Bonus Law (“SDBL”) to achieve the proposed height and density, as well as several waivers and concessions from otherwise applicable development standards. The Project complies with the City’s affordable housing requirements and qualifies for

the SDBL by providing 15% of the base project units (15 units) at very low income levels (Govt. Code § 65915(b)(1)(B); § 65915(f)(2)) and 15% of the base project units (15 units) at moderate income levels (Govt. Code § 65915(v)(2)). The 30 affordable units qualify the Project for a 100% density bonus, three concessions that would result in “identifiable, financially sufficient, and actual cost reductions,” and unlimited waivers from development standards that would physically preclude construction of a project at the proposed density. (Govt. Code §§ 65915(d)(2)(C); 65915(k)(1); 65915(e)(1).)

The Project is also statutorily exempt from CEQA pursuant to AB 130 (2025) (Public Resources Code § 21080.66) and is consistent with and protected by the Housing Accountability Act (“HAA”) (Govt. Code § 65589.5), Senate Bill 330 (2019) (Govt. Code §§ 65940 et seq.), and the Permit Streamlining Act (Govt. Code §§ 65920 et seq.).

2. Canal Frontage Variant

While we are confident that the Project can obtain the necessary post entitlement permits from the Army Corps of Engineers for the boardwalk and portion of the commercial space that overhangs the Canal, Staff requested that we provide a project variant (“Optional Plans”) showing how the Project would change if permits for the cantilevered elements cannot be obtained. Accordingly, in the event the boardwalk and commercial space cannot be permitted as proposed, the Optional Plans would eliminate those elements of the Project that overhang the Canal and would instead provide a minimum 6-foot setback at the ground floor along the southern border of the Property. Nothing else about the Project would change in the Optional Plans.

B. Project Benefits

The Project provides the following benefits and should be approved for the following reasons:

- **Provides 200 homes with 30 affordable units towards meeting the City’s 3,220 unit RHNA goal:** The City’s RHNA allocation for 2023-2031 calls for 3,220 units. The Project will deliver 6% of the required RHNA allocation.
- **Creates housing consistent with the Housing Element and Downtown Precise Plan:** The Project delivers the high-density housing with the canalfront amenities envisioned by the Downtown Precise Plan and the Housing Element. The Project is exactly the type of project that the Housing Element calls for on this site: *“This is a completely vacant 26,000 SF office building, currently fenced off and closed. Has been discussed as a possible housing site and was identified as such in the Downtown Precise Plan. Waterfront site, with opportunities for shoreline amenities.”* (Housing Sites Inventory ID No. F45.)
- **Implements the City’s canalfront vision:** The Project will be a catalyst for the "Canalfront" vision San Rafael has long championed by replacing a vacant office building,

broken boardwalk and fenced scrubland with 200 high-quality homes, including 30 BMR units, an expanded boardwalk, and commercial "Boathaus" space that cantilevers over the water.

- **Provides mixed-income housing on a walkable transit-oriented site:** The urban infill site is a freeway-adjacent Property in a dense commercial area. The Project will provide housing situated a short walk from the San Rafael Transit Center, Downtown, and Montecito Plaza.
- **Project is endorsed by the San Rafael Chamber of Commerce.**

C. Zoning Ordinance and State Law Require Project Approval

1. Environmental and Design Review Criteria

Projects requesting Environmental and Design Review are subject to four findings: (1) that the project is consistent with the General Plan and Zoning Ordinance, (2) that the project is consistent with all applicable design criteria, (3) that the project minimizes adverse environmental impacts, and (4) that project design will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity. (SRMC § 14.25.090.)

The Project proposes to develop mixed income housing on a site identified for housing by both the Housing Element and the Downtown Precise Plan. After eight months of review, Staff determined that the Project is consistent with the applicable development standards, subject to the waivers and concessions requested under the SDBL. The Project qualifies for a statutory CEQA exemption under AB 130 (Public Resources Code § 21080.66), which provides that CEQA does not apply to urban infill housing projects that meet certain site and project criteria. The redevelopment of a freeway-adjacent property in a dense commercial neighborhood will not be detrimental to public health, safety or welfare, or injurious to properties in the vicinity.

2. State Law Mandate

The Project is consistent with and was filed pursuant to the HAA (Govt. Code § 65589.5.), Senate Bill 330 (2019) (Govt. Code §§ 65940 et seq.), the SDBL (Govt. Code § 65915), the Permit Streamlining Act (Govt. Code §§ 65920 et seq.), and AB 130 (Public Resources Code § 21080.66).

a) HAA and State Density Bonus Law

Under the HAA, housing development projects are only required to comply with the “applicable **objective** general plan, zoning, and subdivision standards and criteria.” (Govt. Code § 65589.5(j).) Objective standards are “criteria that involve no personal or subjective judgment.” (Govt. Code § 65589.5(f)(9).)

For those objective Municipal Code and Downtown Precise Plan standards that apply to the Project, the SDBL prohibits the City from applying standards that would physically preclude construction of the Project at the density (and with the concessions and incentives) allowed by the SDBL. (Govt. Code § 65915(e)(1).) If such standards would physically preclude the Project, the City must waive those standards unless the Project would have a significant, unavoidable impact on the environment or a historic resource, or such waiver would be inconsistent with state or federal law. (Govt. Code § 65915(e).)

Additionally, for projects that include BMR units for very low, low-, or moderate-income households, a City cannot disapprove the project or impose conditions that make the project infeasible, unless the City makes a finding that the project “would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid” that impact. (Govt. Code § 65589.5(d)(2).) No such finding has been made with respect to 700 Irwin.

b) AB 130 CEQA Exemption and the Permit Streamlining Act

As of July 2025, AB 130 provides a statutory exemption from CEQA for urban infill housing developments that meet certain project and site criteria. Under AB 130, cities are required to issue a CEQA exemption for a qualifying project following completion of a tribal consultation process. The tribal consultation process under AB 130 includes strict timelines, such that the process must end a maximum of 60 days following the initiation of discussions with any tribes that respond to the initial notice. (Pub. Resources Code § 21080.66(b).) AB 130 imposes standard conditions regarding the potential discovery of tribal cultural resources, but CEQA otherwise does not apply to a project that is eligible for the AB 130 exemption. (Pub. Resources Code § 21080.66(a).)

This means that under AB 130, the Project is not subject to any project-specific environmental review and CEQA mitigation measures cannot be applied to the construction or operation of the Project.

AB 130 also amended the Permit Streamlining Act, such that cities are required to approve or disapprove a project 30 days after the conclusion of the tribal consultation process or within 30 days of the deadline for the City to provide the applicant with objective standard consistency comments pursuant to the HAA. (Govt. Code § 65950(a)(7).) Planning Staff determined that the Project is consistent with the applicable objective standards on December 19, 2025, which means the City must approve or disapprove the Project by January 18, 2026.

D. Revisions to Proposed Affordable Housing Agreement Terms

As noted, the HAA prevents cities from imposing conditions on mixed-income housing projects that would make the project infeasible, unless the city makes a finding that the project would have a specific adverse health or safety impact that cannot be mitigated. (Govt. Code §

65589.5(d)(2).) Two of the Affordable Housing Agreement (“AHA”) provisions could make the Project unfinanceable and infeasible, as detailed below:

- **AHA Section 2.4 – No Subordination:** We understand that the purpose of the no subordination clause is to ensure that the inclusionary housing covenants survive in the event of foreclosure. However, the current text of this clause would potentially extend far beyond this intended purpose. Accordingly, we recommend the following edits:

No Subordination. Developer hereby represents, warrants and covenants that with the exception of easements of record, absent the consent of the City, the affordability covenants created by this Agreement shall not be subordinated in priority to any lien (other than those pertaining to taxes or assessments), encumbrance, or other interest in the Property or the Project. If at the time this Agreement is recorded, any interest, lien, or encumbrance has been recorded against the Property or the Project in position superior to this Agreement that would frustrate the implementation of the affordability covenants, upon the request of City, Developer hereby covenants and agrees to promptly undertake all action necessary to clear such matter from title or to subordinate such interest to this Agreement consistent with the intent of and in accordance with this Section 2.4, and to provide such evidence thereof as City may reasonably request. No building permit for the Project shall be issued unless and until any superior interests, liens or encumbrances are cleared from title. This clause shall not supersede any rights pursuant to Government Code Section 7060 et seq.

- **AHA Section 3.10 – No Condominium Conversion:**
 - **No Condominium Conversion:** We request that this prohibition be removed. The owner has the right under state law to put a condominium map on the building, which is also critical for financing the Project.

We understand there is some concern about the different affordability rules that apply to rental BMR units and for sale BMR units. This is a rental project, and it is currently envisioned that all units will be rented when the Project opens. We also fully understand that the Project is committed to renting the BMR units in accordance with the final AHA. We do not see how recording a condominium map would in any way compromise these requirements. Yes, all the units would be mapped. But the agreement with the City is that the BMR units be rented. So even if the entire building is mapped, the BMR units cannot be sold.

E. Conclusion

The Project represents an opportunity to convert a blighted site into a vibrant, sustainable, inclusive mixed-income community and gateway experience for San Rafael. Strategically

positioned where the Canal district, Downtown, and the regional transit center converge, the development prioritizes transit-oriented density, environmental stewardship and placemaking activation.

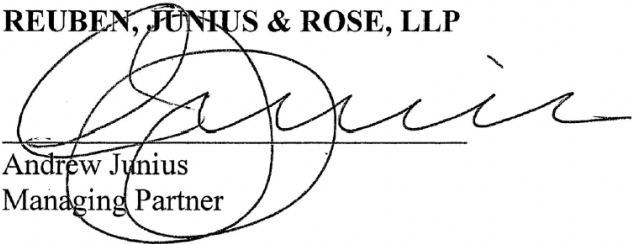
The Applicant has a proven track record of successful commercial and residential investment and development and is eager to transform the underutilized property into 200 high quality, transit-oriented homes that will achieve 6% of the City's 3,220 unit RHNA allocation.

Because the Project has been deemed consistent with the applicable objective development standards and exempt from CEQA under AB 130, the SDBL and the HAA require the Planning Commission to approve the Project subject to the requested SDBL concessions and waivers. Accordingly, and as detailed herein, we request that you approve the Project with the requested amendments to the AHA.

We look forward to presenting the Project on January 13. Please feel free to contact me with any questions before then.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP

A handwritten signature in black ink, appearing to read "Andrew Junius", is written over a horizontal line. The signature is fluid and cursive.

Andrew Junius
Managing Partner

To: Micah Hinkel, San Rafael Planning Department
From: David Kriozere, Manager, 700 Irwin Street Partners, LLC
Date: January 7, 2026
RE: 700 Irwin – Response to Draft Conditions of Approval (COA) for
Hearing Date: January 13, 2026
CC: Cristine Alilovich, Christina Ratcliffe

On behalf of 700 Irwin, we would like to thank Staff for the diligent review of our application and for the determination that the project is complete and compliant with AB 130 and State Density Bonus Law (SDBL). We also understand significant headway was made on a call today with our attorneys. While we are encouraged by the favorable comments received to date, there are still a couple of proposed Conditions of Approval (COAs) that, as currently drafted, would render the project financially unviable and unbankable.

To ensure this project can move from entitlement to construction, we request the following modifications:

1. Subordination: Essential for Construction Financing

The current "No Subordination" clause (Section 2.4) is a structural barrier to development. No senior lender will provide a construction loan if their lien is forced into a junior position to a municipal covenant that cannot be modified in the event of a foreclosure.

- **The Issue:** By requiring all superior liens to be cleared before a building permit is issued, the COA creates an impossible "Catch-22": the developer cannot clear the land or start construction because the financing cannot close under these terms.
- **The Request:** We propose modifying the language to allow for standard subordination to senior lenders, provided the City retains a "Right of First Refusal" or notice and cure rights to protect the BMR units. This is the industry standard that protects both the City's housing stock and the lender's collateral.

2. Property Rights: Condo Mapping and STR Restrictions

Finally, we request the removal of the blanket prohibition on condominium conversion (Section 3.10) and the narrowing of Short-Term Rental (STR) restrictions. We understand there is some concern about the different affordability rules that apply to rental BMR units and for sale BMR units. This is a rental project, and it is currently envisioned that all units will be rented when the project opens. We also fully understand that the project is committed to renting the BMR units in accordance with the final AHA. We do not see how recording a condominium map as in any way compromising these requirements. Yes, all the units would be mapped. But the agreement with the City is that the BMR units be rented. So even if the entire building is mapped...the BMR units cannot be sold.

Recording a condominium map is a vital "exit strategy" for lenders, providing a secondary valuation for the asset even if it is operated as a rental. We request that the prohibition be removed to protect the owner's rights under the **Subdivision Map Act**

STR Restrictions: We agree that BMR units should not be used for short-term rentals. However, applying this restriction to market-rate units unnecessarily limits the operational flexibility needed to stabilize the building during lease-up. We request this restriction be limited strictly to the BMR units.

Conclusion

We are committed to delivering this project and the 30 BMR units it provides to the community. However, the project cannot be built if it cannot be financed. We will also try to provide you with a letter from our capital markets consultant validating the above. Thank you for your continued work with RJR law firm on the comments they provided you on the COAs and AHA. We look forward to working through these last few issues.

Commercial Real Estate

Debt + Equity

Investment Sales

Loan Servicing



January 11, 2026

City of San Rafael Planning Commission
City Hall
1400 Fifth Avenue
San Rafael, CA 94901

RE: 700 Irwin
San Rafael, CA

My name is Dennis Williams, and I am a Managing Director in the San Francisco office of Northmarq Capital. We are a national commercial mortgage banking firm specializing in large-scale project financing. Our firm has been engaged by Urban Pacific to arrange the construction and permanent financing on 700 Irwin in San Rafael, CA.

At the request of Urban Pacific, we have reviewed the Conditions of Approval (COA's) issued by City Planning Staff with an eye toward issues that might be problematic for potential lenders on the project. There are two conditions that in our view would impair our ability to place the financing on 700 Irwin, namely the **No Subordination** and the **No Condominium Conversion** provisions.

Urban Pacific has proposed modifications to these two provisions, and it is our belief that these changes will address concerns with respect to the financability of the project. We strongly recommend adopting these modifications to the COA language.

Please don't hesitate to contact us if we can provide any further information relating to the project financing at 700 Irwin.

Sincerely,

Dennis M. Williams
Managing Director

From: David Kriozere dkriozere@urbanpacificsf.com 
Subject: Re: Urgent & Important - 700 Irwin COA's Review & Revision
Date: January 7, 2026 at 1:44 PM

DK

To: Micah Hinkle Micah.Hinkle@cityofsanrafael.org

Cc: Cristine Alilovich Cristine.Alilovich@cityofsanrafael.org, Rob.Epstein@cityofsanrafael.org Rob.Epstein@CityOfSanRafael.org, Andrea.Visveshwara@cityofsanrafael.org, Christina Ratcliffe christina.ratcliffe@cityofsanrafael.org, cmaclean@bwslaw.com, Doherty, Nira F. ndoherty@bwslaw.com, Chris Collins ccollins@urbanpacificsf.com, Andrew Junius ajunius@reubenlaw.com, Andrew G. Giacomini AGiacomini@hansonbridgett.com, Chloe Angelis cangelis@reubenlaw.com, Ellis F. Raskin ERaskin@hansonbridgett.com, Josh Townsend JTownsend@32Strategic.com

Dear Micah,

We appreciate your prompt attention to our below request, convening the legal teams and Staff today.

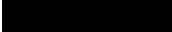
Please carefully review the attached comments, based on our experience working with lenders to finance major projects.

Would it be helpful if we can arrange a phone meeting where you can talk with a lender to confirm these requirements?

**26.01.07 700 Irwin - COAs
comments from Developer.pdf**



Thanks,
David


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On Jan 5, 2026, at 11:04 PM, David Kriozere <dkriozere@urbanpacificsf.com> wrote:

Dear Micah,

We appreciate your guidance earlier today via Josh regarding the need for our respective legal teams to convene immediately.

Per Staff's direction, we have reviewed the Draft Conditions of Approval (COA) and Affordable Housing Agreement (AHA) sent to us on Wednesday, December 31st at 2:34pm, responding to meet their exceptionally short deadline of Monday January 5th at Noon, as attached.

As it stands, several items in the Draft COA's and AHA now render the project unfinanceable and conflict with State law. This effectively asks the Planning Commission to approve a fully-vetted application, subject to new conditions that would render the project unviable.

Given the January 13th hearing and Nira Doherty being out of the country, a meeting between the attorneys as you suggested is the most efficient path forward. I am requesting that Andrew Junius and/or Andrew Giacomini contact Rob Epstein to authorize Andrea Visveshwara to begin work on this immediately.

Please coordinate with your staff and Rob's office to ensure this meeting occurs and that the Planning Commission receives a revised set of documents well in advance of the hearing.

Proposed Timeline:

Tuesday: Confirm meeting time.

Wednesday: Convene to review our legal comments.

Thursday: Finalize revised drafts with our attorneys providing final review

Friday: Distribute final documents to the Planning Commission

Friday: Distribute revised documents to the Planning Commission.

Please accept my apologies for the escalation; we are doing so solely to meet the critical deadlines mentioned above.

PS - For reference, I am also attaching Cristine's September 19th email requesting to be kept informed on these matters.

<26.01.05 FW Draft AHA and COAs for 700 Irwin Street Applicant COMMENTS.pdf>
<25.09.19 From City Manager.pdf>

*Thanks,
David*



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<logo_email.jpg>

Staff's Characterization as "Removal"



SAN RAFAEL
THE CITY WITH A MISSION
established 1874

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Applicant's Request to Change Conditions of Approval

- January 5, 2026, Applicant emailed staff requesting removal or modification to certain Conditions of Approval.
- Staff met with the applicant on January 6th, reviewed the requests and before publication of the packet removed certain conditions and modified others.
- Part of the request by the applicant was to remove the "Subordination" and the "No condominium" requirements from the Affordable Housing Agreement. Staff has retained these requirements in the AHA.

[MORE VIDEOS](#)

Council Chambers

Applicant's Summary of Requested Modifications

Issue	Staff Characterization (Hearing @ 45:00)	Actual Proposed Modification (See Attached Memo)
BMR Protections	Stated project seeks to "remove" the 55-year affordability protection.	Retention of Protection: Project maintains 55-year BMR status. We proposed a Right of First Refusal and notice / cure rights for the City to ensure units remain protected in all financing scenarios.
Condo Mapping	Stated "condo-izing" means units are no longer rentals.	Restricted Use: Proposed mapping for financing / flexibility while explicitly agreeing that BMR units must remain as rentals per the regulatory agreement, regardless of the map.
Subordination	Characterized as a total removal of City oversight.	Standard Financing Alignment: Requested modifications to allow for senior debt while providing the City with specific legal safeguards to prevent any loss of BMR inventory.



Cristine Alilovich

Following up on our meeting

To: Tom Monahan, Chris Hart, David Kriozere, Cc: Josh Townsend

Inbox - Urban Pacific September 19, 2025 at 6:57 PM



[Details](#)

Dear David, Chris, and Tom,

Thank you again for taking the time to meet with me on Thursday. I appreciate your candor and as we work together to advance housing in San Rafael. I want to confirm that I accurately received your feedback by outlining what I heard below. I have heard your frustration with the process, and I want to note that I truly believe our staff is working hard every day to get it right in a difficult and challenging legal and development environment.

What I Heard From:

- You want a process that moves at a faster pace, provides more clarity on when responses will be issued back to you, clarity on the overall process with fewer surprises, commitments for scheduling of public hearings, more predictable fee requirements and reimbursement agreements that can keep momentum and collaboration moving forward.
- Pre-development meetings serve as reliable guides, minimizing any downstream changes or surprises. You shared that this is critical to your ability to use accurate assumptions as you build out proformas, and to secure critical financing to make your projects buildable.
- Predictable application of state housing laws (which we contend we are) and providing applicants with clear definitions for BMR standards (i.e., "substantially same"), concessions, clarity on the CEQA process, and what support you can expect from the City regarding tribal consultations and providing clear mitigation standards as conditions of approval.
- More access to staff and decision makers. And you want to be provided with regular opportunities to meet with planners, Community & Economic Department leadership, and the City Manager, as need to escalate problems in real time, and collaboratively move your projects forward.
- Working together to foster a professional and collaborative tone in our verbal and written communications with intent to keep these projects moving promptly.

My Commitments to You:

- **Our Partnership Principles:** Includes empathy, accountability, candor, collaborative and respectful communications, responsiveness, clarity, consistency, predictability, accessibility...to the greatest extent possible.
- **Process & Organizational Changes:** I will be attending attorney and major project planning meetings, as well as regular major development project meetings to keep my pulse on critical path items and decisions on your projects
 - *Assistant Director Greg Minor, now overseeing the Planning Division, will be reaching out to each of you to develop relationships and better understand your needs firsthand. Additionally, you know that you can reach out to Micah anytime as well.*
- **Communications:** We will do our best to give you advanced notice and opportunity to understand any items we are bringing to the City Council, including policies and fees, etc.; and to follow the partnership principles in our communications.
- **Certainty in Decision-Making:** Predevelopment meetings will provide you with as much upfront guidance as possible, and we will work to ensure staff are empowered to make timely decisions.
- **Access to the City:** We will endeavor for you to have reasonable, direct access when you need it at critical/time-sensitive moments to Greg, Micah or a planner as the situation warrants.
- **Policy Clarity:** We will work expeditiously to clarify the City's policies broadly (i.e., BMR, CEQA, tribal consultations), and to get answers to your project specific questions.
- **Engagement:** We will be scheduling a Housing and Development/State Law Workshop with the City Council in November to facilitate engagement on critical policy issues.

As we discussed, our shared goal is to foster a genuine partnership that advances much needed housing projects which are important to San Rafael's future and economic vitality. Please don't hesitate to reach out directly anytime. Thank you again for your partnership and for your continued investment in San Rafael.

Best regards, Cristine

Cristine Alilovich | City of San Rafael

City Manager

1400 5th Ave, Room 203

San Rafael, CA 94901

415.944.0648

cristine.alilovich@cityofsanrafael.org

Pronouns: she/her ([What are personal pronouns?](#))



From: Rosie Brekke [REDACTED]
Sent: Monday, February 16, 2026 9:55 PM
To: Mayor Kate <kate.colin@cityofsanrafael.org>; John Stefanski <John.Stefanski@cityofsanrafael.org>; Maribeth Bushey <maribeth.bushey@cityofsanrafael.org>; Maika Llorens Gulati <maika@cityofsanrafael.org>; Rachel Kertz <rachel.kertz@cityofsanrafael.org>; Distrib- City Clerk <city.clerk@cityofsanrafael.org>; Eli Hill <EliHill@cityofsanRafael.org>
Subject: 700 Irwin Known Risks

From: Rosie Brekke [REDACTED]
Date: February 16, 2026 at 12:35:22 AM PST
To: [REDACTED]
Subject: Fwd: Known risks: 1. Living by freeways & busy roads risk health & stress issues (corroborated w/ recent gold standard studies-UC Davis, BAAQMD, EPA, LATimes, etc. 2. Traffic chaos per 3 pedestrian deaths in last 5 months at 2 known dangerous downtown crosswalks; 1 at Pt. San Pedro crosswalk 3. Bay Mud fill- instability of Bldg; sharing bay mud fill w/ freeway infrastructure; 4. San Rafael's plan of alternate evacuation

From: Rosie Brekke [REDACTED]
Date: February 16, 2026 at 12:09:35 AM

1. UC DAVIS 3/7/24 "New Report highlights impact of roadway air pollution on indoor air quality" UC Davis Health Researchers told the state legislature "Evidence shows people who live near major roadways & freeways have an increased risk of developing multiple health conditions." - "respiratory (bronchitis, asthma, infections); cardiovascular (heart, stroke, clots, artery disease); reproductive (premature birth w/ poor lung development, miscarriage); cancer (breast, lung & leukemia) in spite of Ca. push for clean air policies "

"Freeway stop & go on/off ramps add toxic exposure indoors even w/ closed doors & windows; outside pollution continually seeps in thru normal exchange. Weather trends, construction gaps & building vents let VOC gases & particulate (super fine particles) build up indoors. Particulate (PM2.5) enters the bloodstream & goes deep into the lungs. Diesel vehicles emit black carbon w/ 50% > chance of asthma than PM 2.5. "Carbon monoxide within 200 meters show cardiovascular & Respiratory damage. Besides air quality, the stressor of traffic & noise elevates heart rate & blood pressure - our fight or flight response to triggers. Tire, road & brake particles release zinc, iron, copper metals, etc. Stop & go traffic causes 3x more pollution than flowing traffic, making very hazardous urban freeway corridors.

Recent stats are 3 pedestrian deaths in 5 months 1 at pt. San Pedro cross walk & 2 at downtown San Rafael crosswalks. Factor accidents, increased chaos of traffic & gridlock, bikes, pedestrians, construction-all increase hazards. A dangerous 18 story bldg proposal -700 Irwin-101 central San Rafael off-ramp, the City used traffic study 2019 baseline w/ 2022 update by Hexagon traffic Consultants. Current traffic studies for all downtown San Rafael developments- not piecemeal- not an obsolete baseline post pandemic, people worked remotely or were laid off. Hexagon didn't use current VMT (Vehicle Miles Traveled) stats for the City of San Rafael. This faulty presumption was the "project would result in a less than significant transportation impact & a detailed VMT is not required. "The intersection of 700 Irwin is already considered dangerous due to: high traffic vehicle volume, pedestrian traffic from 101 freeway off-ramp; chaotic road layout of 101 freeway turning into 5 lanes at Irwin which have confusing turning options at traffic lights; poor infrastructure design impedes driver & pedestrian visibility.

I was almost killed by a car barreling backward into me as I walked south to 3rd & Lincoln (9/16/21) 10+ scans & multiple major injuries & almost 4 1/2 years later, SR still has done 0 to mitigate known dangers of 2nd & Irwin, 3rd & Lincoln & 3rd & Grand, 2nd & A 2nd & Grand; 2nd & Lincoln. Our community is collateral damage to a mayor who is supposed to keep SR safer. In fact the mayor has no idea what a "big picture" really is. Our mayor admitted in Daily Mail interview she didn't take the time to "bring everyone along" on a project that in the works for years. Our city pretended community input mattered. In fact it was a done deal before we went to any meeting. It was going thru the motions the structure of which wasn't transparent. Instead of mitigating known dangers, the city compounds those dangers at Lincoln between 2nd & 3rd. San Rafael roads r falling apart in inches deep crevices & potholes, making a car ride feel like one has flat tires & making crosswalks more dangerous. U the mayor r so excited that u & the SRCC forgot to be transparent or interact w/ current residents re: traffic safety.

"Negligent misrepresentation" by Mayor & city officials is due their acting & communicating incompetently misleading others to loss physically, mentally & financially. . Example is no current traffic study nor a health study of people living on stop/go freeway off-ramp w/ 3x higher Health risks.

Re: 700 Irwin on bay mud fill sharing freeway off-ramp infrastructure also on bay mud fill, sounds like a possible rerun of SF leaning Millenium million\$ tower now worthless that hasn't been fixed, still settling, no market w/ Lawsuits the settlement of which may land on the shoulders of the City of SF or taxpayers. In addition drilling to bedrock likely stirs up sediment with chemicals left by prior industries. The toxic chemical chromium is of concern in that it could affect our environment & the canal waters.

There should be disclosures re: bay fill, as well as toxic exposure so that potential 700 Irwin St. residents are aware of all health & other risks of living there.

Last Th. I had an emergency Dr. appt. In Corte Madera at 3:45 with scans at MGH. I left my house at 2:00. Gridlock at a standstill stopped on Pt. San Pedro. There was a ruptured gas line so that police rerouted all traffic before United market to get to Francisco Blvd. There was no other possible route to get out of San Rafael. It took an hour to get from Montecito to Corte Madera

What alternative safety exit route is planned for one to get out of driving gridlock in the known dangerous San Rafael downtown intersections- due to high density building & a flawed traffic study?. I understand the traffic study was project specific to 700 Irwin, but doesn't include the composite of vehicle count generated by all the remaining residential building. The traffic study isn't accurate or complete, or transparent.

Even with mitigation of toxic pollutants, the risk of cardiovascular, lung, reproductive damage to residents of 700 Irwin is huge collateral damage for the Mayor & SRCC to be accountable for. Low income residents will have less access to medical care for conditions they may develop. 700 Irwin is not a Gateway to San Rafael, rather a gateway to a complete lack of regard for rational decisions & a gateway to a new hell that San Rafael isn't prepared for.

Finally: 1. who benefits from this? 2. Is it an opportunity zone w/ all tax benefits for developers so they let it appreciate for 10 yrs, then bingo, no capital gains if they hold for 10 yrs. Then cash out. 3. Is there any conflict of interest? . 4. Will it go into an LLC formed to receive real estate in California or a Delaware Trust

To conceal who is really benefitting?

if u look at the articles with gold standard corroborating health info, u know this project should not happen.

Rosie Brekke