

RESOLUTION NO. 18-04

RESOLUTION OF THE CITY OF SAN RAFAEL PLANNING COMMISSION CONDITIONALLY APPROVING A USE PERMIT (UP17-030) AND AN ENVIRONMENTAL AND DESIGN REVIEW PERMIT (ED17-090) TO ALLOW THE CONSTRUCTION OF A NEW, FOUR-STORY, 88-BED, ASSISTED LIVING FACILITY WITH 40 GARAGE PARKING SPACES AND SITE IMPROVEMENTS ON TWO VACANT DOWNTOWN LOT TOTALING 29,885 SQ. FT. IN AREA AT 800 MISSION AVE. (FORMERLY 1203 AND 1211 LINCOLN AVE.; APNS: 011-184-08 & -09)

WHEREAS, on August 7, 2006, the City Council certified an Environmental Impact Report (EIR), adopted a Statement of Overriding Considerations, and conditionally approved an Environmental and Design Review Permit, Use Permit and Vesting Tentative Subdivision Map to allow demolition of an historic motor court and construction of a 36-unit multifamily residential condominium building on the project site; and

WHEREAS, on July 11, 2007, a building permit was issued for the demolition of the prior historic motor court at 1203 Lincoln Ave. and the residential building on the adjacent parcel, at 1211 Lincoln Ave., and all improvements on these parcels were subsequently demolished and removed; and

WHEREAS, in 2008, 2009, 2011, 2013, 2015 and 2016, the project entitlements were extended either automatically by the State legislature, through extension of the approved subdivision map, and by the Planning Commission; and

WHEREAS, the approved entitlements on the site expire on August 7, 2018 and no additional time extension is allowed under the Subdivision Map Act; and

WHEREAS, on October 19, 2017, the new owners of the site and the project entitlements submitted Use Permit (UP17-030) and Environmental and Design Review Permit (ED17-090) applications, proposing modifications to the project, in both design and use, for a four-story, 88-bed, assisted living facility with memory care services, 40 garage parking spaces, landscaping, drainage and vehicle access improvements on the site; and

WHEREAS, on June 5, 2018, the City of San Rafael Design Review Board (Board) conducted a duly-noticed public meeting and reviewed the proposed modifications to the project design and unanimously recommended approval conditioned on the project returning to the Board for final review of details on landscaping, exterior lighting and outdoor terrace finishes details, prior to building permit issuance; and

WHEREAS, the proposed project changes have been reviewed with the requirements of the California Environmental Quality Act (CEQA) and found; since the historic motor court was demolished in 2007, the proposed project is now eligible for a category exemption to CEQA review (*Class 32; In-Fill Development Projects*) with the mitigation measures from the original EIR requiring documentation of the prior historic motor court on the project site as a condition to allow the CEQA exemption; and

WHEREAS, on July 10, 2018, the City of San Rafael Planning Commission (Planning Commission) held a duly-noticed public hearing on the project, including a Use Permit (UP17-030) and an Environmental and Design Review Permit (ED17-090) and accepting all oral and written public testimony and the written report of the Community Development Department Planning staff and closed said hearing on that date; and

NOW, THEREFORE BE IT RESOLVED, that the Planning Commission hereby makes the following findings related to the applications for the Use Permit (UP17-030) and the Environmental and Design Review Permit (ED17-090):

**Use Permit (UP17-030)
Findings**

A. The proposed use is in accord with the General Plan, the objectives of the Zoning Ordinance, and the purposes of the Multifamily Residential-High Density (HR1) District in which the project site is located in, given that:

1. As documented in the General Plan 2020 Consistency Table attached to the staff report (Exhibit 4) to the Planning Commission, the project will be consistent with all pertinent General Plan policies with the exception of Housing Policy H-9 (*Special Needs*), which is intended to encourage providing mix of housing options for San Rafael's most vulnerable residents:

Housing Policy H-9 (Special Needs). Encourage a mix of housing unit types throughout San Rafael, including very low- and low-income housing for families with children, single parents, students, young families, lower income seniors, homeless and the disabled. Accessible units shall be provided in multi-family developments, consistent with State and Federal law.

In 2006, the City Council approved a project on the site to allow construction of a 36-unit multifamily residential condominium building on the site with six (6) BMR (Below Market Rate) units (4 units at the low-income household level and 2 units at the moderate-income household level). The project now proposes to provide residential housing for seniors, though at market-rate rather than low-income household levels. **Neighborhoods Policy NH-17 (Competing Concerns)** states that, in reviewing and making decisions on projects, competing economic, housing, environmental and design concerns must be balanced. No one factor should dominate, though economic and housing development are high priorities to the health of Downtown. Through multiple Housing Policies, such as **H-13 (Senior Housing)**, the City supports the development of housing to help meet the needs of all San Rafael residents, including seniors. The proposed project assists in the City's goal of providing options for older residents who wish to "age-in-place".

Overall, while the project has the potential to conflict with one or more General Plan policies, it would be consistent with most of the applicable San Rafael General Plan 2020 policies. The project site is a choice housing site due to its close proximity to the Downtown and the project proposes residential development, where residents, guests and staff would re-activate a portion of Lincoln and Mission Aves to help support the City's long-term goal of creating 'Alive after 5' activity in the Downtown and provide economic opportunities to Downtown businesses, particularly restaurants. The City supports the development of housing, at all levels, to help meet the needs of all San Rafael residents. This includes our older population.

2. As documented in the Zoning Ordinance Consistency Table attached to the staff report to the Planning Commission, the proposed project will be consistent with the objectives of the Zoning Ordinance, which is to promote and protect the public health safety, peace, comfort and general welfare, given that;
 - a. The project will implement and promote the goals and policies of the San Rafael General Plan 2020, as identified in Finding A1 above;

- b. The project will reduce or remove negative impacts caused by inappropriate location, use or design of building and improvements, given that; 1) The project design includes aesthetic elements to improve the pedestrian environment, including new street trees, landscaping within the 10-15' building setback and uncovered ground-floor patio terraces along both the Lincoln and Mission Ave. frontages; 2) The project design also includes safety features to improve the pedestrian environment, including a 85'-long dedicated fire lane pull-out/deceleration turn pocket lane along Mission Ave. with directional controls allowing right turns only in and out of the primary driveway to the project; 3) The Board is recommending approval of the project subject to follow-up review of final details on landscape, exterior lighting and outdoor terrace finishes; and 4) The proposed project changes have been reviewed with the requirements of the California Environmental Quality Act (CEQA) and found; since the historic motor court was demolished in 2007, the proposed project is now eligible for a category exemption to CEQA review (*Class 32; In-Fill Development Projects*) with the mitigation measures from the original EIR requiring documentation of the prior historic motor court on the project site as a condition to allow the CEQA exemption;
- c. The project will ensure the adequate provision of light, air space, fire safety and privacy between buildings, given that; 1) the proposed site development will be consistent with the allowable Public/Quasi-Public (P/QP) District development standards; and 2) construction of the project is conditioned to be designed and built in accordance with the most current building, fire and seismic codes;
- d. The project will provide for adequate, safe and effective off-street parking and loading facilities, given that; 1) The project requests a *Parking Modification* to reduce the required on-site parking for the project, from 42 to 40 parking spaces; 2) The project proposes Transportation Demand Management (TDM) programming into the operation of the assisted living facility. Staffing projections include three (3) separate shifts (6 am- 2 pm; 2 pm – 10 pm; 10 pm – 6 am) which would be all off-peak trip hours; 3) The location of the project site itself has TDM influences since it is located in close proximity to public transit options (less than 1,000' feet north of both the Downtown SMART station and Bettini transit center; 4) The project supports their requested *Parking Modification* with a traffic analysis which anticipates that 31 parking spaces are required for similar sized assisted living facilities operated by Aegis Living; and 5) On June 5, 2018, the Board reviewed the proposed project design and unanimously recommended approval, including the requested *Parking Modification*, conditioned on the project return to the Board for final review of details on landscaping, exterior lighting and outdoor terrace finishes, prior to building permit issuance;
- e. The proposed project will promote a safe, effective traffic circulation system, and maintain acceptable local circulation system operating condition, given that; 1) The City Engineer has determined the proposed project would not adversely affect the LOS for the nearby intersections, based on the eight (8) new AM and PM peak hour vehicle trips that would be generated by the project, and conditioned on the payment of traffic mitigation fees to fund the project's fair share of local circulation improvement projects by the City; and 2) The proposed project has been conditioned to require all "off-haul" of excavation during off-peak traffic trip hours – between 9:00 a.m. and 4:00 p.m. – only;
- f. The proposed project will provide for effective citizen participation in decision-making, given that; the City has provided opportunities for public involvement in the review of the project through the referral of the project to the appropriate neighborhood group (Lincoln-San Rafael Hill Neighborhood Association), and the notice of the Board meeting and this Planning Commission hearing in compliance with Chapter 29 of the Zoning Ordinance

(Public Notice). Notice of both the Board meeting and this hearing were mailed to all property owners and occupants within a 300-foot radius of the site, and the appropriate neighborhood groups, a minimum of 15 calendar days prior to the meeting or hearing, and notice was posted on the project site at the northwest corner of the Lincoln and Mission Avenue intersection. At the time of the printing and distribution of staff's report to the Commission, 25 public comments have been received in support of the project and one (1) verbal comment which is neither in support or opposition of the project but, rather, concerned the proposed on-site parking (40 parking spaces) is inadequate, particularly for visiting family and friends of future residents; and

- g. The project has been reviewed by Community Development Department, other appropriate City Departments and non-City agencies and conditions have been created to minimize potential impacts to the public health, safety and welfare;
3. As documented in the Zoning Ordinance Consistency Table attached to the staff report to the Planning Commission, the proposed project would be consistent with the purposes of the HR1 District, given that:
- a) The project will help meet the City's goal of providing a wide variety of housing opportunities in terms of housing types, and neighborhoods with varying densities, lot sizes, and development standards, given that; the project will provide housing options for our older residents who wish to "age-in-place".
 - b) The project will protect and enhance existing residential neighborhoods through retention of existing land development patterns and retention of their varied design character, given that; 1) The scale and mass of the proposed project would be similar to the project that is approved for the site, which was previously determined to be compatible with the adjacent, four-story residential condominium building immediately to the west of the project site, at 820 Mission Ave. (The two blue-tiled dome towers are proposed to exceed the height allowance as architectural features, which is permitted with an Environmental and Design Review Permit); 2) The proposed project is consistent with the height limits for this site; and 3) The project proposes a Mission Revival-like architecture with predominant design features including large arched windows, whitewashed stucco walls, red clay roof tiles, blue-tiled dome towers, decorative heavy-timber rafter 'tails' under the eaves, and decorative wrought iron balconies, railings, fencing and gates. This proposed new design is similar to that of the Mission San Rafael Archangel, which is located approximately 1,000' west of the project site, though unique for the immediate neighborhood. The Board has reviewed the proposed project design and unanimously recommended approval conditioned on the project return to the Board for final review of details on landscaping, exterior lighting and outdoor terrace finishes, prior to building permit issuance.
 - c) The project will provide opportunities for churches, day care facilities, residential care facilities and other uses which are considered to be compatible and desirable land uses within residential neighborhood;
 - d) The project will provide outdoor recreational amenities for residents and guests, given that; common outdoor areas are proposed on the ground-floor and on the roof deck for the assisted living residents (The project also proposes private outdoor terrace deck area for many of the assisted living residential rooms on the fourth floor). The project also proposes a large common outdoor terrace on the second floor for the memory care residents. If these were residential units with individual kitchens, 7,700 sf of private or common outdoor area

would be required (77 residential units x 100 sf outdoor area per unit). Since this is a commercial project proposing 77 residential 'suites' with common food service, the 6,032 sf of private or common outdoor area is voluntary; and

- e) The project will ensure the provision of public services and facilities needed to accommodate planned residential densities, given that; all service providers, including PG&E, Marin Sanitary Service, Marin Municipal Water District, San Rafael Sanitation District, Central Marin Sanitation Agency, and the City's Traffic Engineer, have reviewed the project and indicated that adequate infrastructure capacity exists for the project.
- B. The proposed use will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity, given that: 1) The project has been reviewed by appropriate City departments, non-City agencies, the appropriate surrounding neighborhood group (Lincoln-San Rafael Hill Neighborhood Association) and the Board; and 2) Conditions of approval have been included to mitigate any potential negative impacts anticipated to be generated by the proposed use and construction to the proposed use; 3) The project would not significantly change the type of use (residential development) or the scale and mass of the approved design on the project site; and
- C. The proposed use complies with each of the applicable provisions of the Zoning Ordinance, as documented in the Zoning Ordinance Consistency Table attached to the staff report (Exhibit 5) to the Planning Commission.

Environmental and Design Review Permit (ED17-090) Findings

- A. The project design is in accord with the General Plan, the objectives of the Zoning Ordinance, and the purposes of Chapter 14.25 of the Zoning Ordinance; in that:
- 1. As documented in the General Plan 2020 Consistency Table attached to the staff report (Exhibit 4) to the Planning Commission, the proposed project will implement and promote the goals and policies of the San Rafael General Plan 2020, as identified in Finding A1 (Use Permit UP17-030) above;
 - 2. As documented in the Zoning Ordinance Consistency Table attached to the staff report (Exhibit 5 to the Planning Commission, the proposed project will be consistent with the objectives of the Zoning Ordinance, which is to promote and protect the public health safety, peace, comfort and general welfare, as identified in Finding A2 (Use Permit UP17-030) above;
 - 3. As documented in the Zoning Ordinance Consistency Table attached to the staff report to the Planning Commission, the proposed project will be consistent with the purposes of Environmental and Design Review Permits, given that; the project will maintain and improve the quality of, and relationship between, development and the surrounding area to contribute to the attractiveness of the City, as determined during the review of the project by the Board. On June 5, 2018, the Board reviewed the proposed project design and unanimously recommended approval, conditioned on the project return to the Board for final review of details on landscaping, exterior lighting and outdoor terrace finishes, prior to building permit issuance. Staff has formalized the Board's request to review these final details as a condition (Condition #15; ED17-090) of approval.

B. The project design is consistent with all applicable site, architecture and landscaping design criteria and guidelines for the HR1 District in which the project site is located, given that;

1. The project design will be consistent with the maximum allowable density for the site, which is 29 units based on 29,885 sq. ft. of total lot area. The project proposes no density. The project proposes an assisted living facility with memory care services which is comparable to a hotel use. The proposed facility would provide rooms or suites without individual kitchens but, rather, individual 'wet bar' amenities and offer ancillary services to the residents like communal food service opportunities;
2. The project will be consistent with the minimum required yard setbacks (15' front, 10' street side, 5' interior side and rear) for the project site;
3. The project will be consistent with the maximum 36' height allowed for the project site;
4. The project will be consistent with the maximum 60% lot coverage for the project site;
5. The project will be consistent with the minimum 50% landscaping requirement for the front and street side yard setbacks for the project site;
6. The project will be consistent with the parking requirement, subject to the approval of the requested *Parking Modification*, by reducing the required parking from 42 to 40 parking spaces;
7. The provisions of Marin Municipal Water District's (MMWD) most recent water conservation and new 'graywater' requirements apply to the project, where MMWD approval is required prior to the issuance of any building or grading permit (see Condition 79; ED17-090);
8. The proposed project will be consistent with review criteria for Environmental and Design Review Permits (*Chapter 14.25 of the Zoning Ordinance*), given that; on June 5, 2018, the Board reviewed the proposed project design and unanimously recommended approval, including the requested *Parking Modification*, conditioned on the project return to the Board for final review of details on landscaping, exterior lighting and outdoor terrace finishes, prior to building permit issuance (see Condition 15; ED17-090).

C. The project design minimizes adverse environmental impacts, given that;

1. The 2007 building permit resulted in the demolition of all structures and vegetation on the project site. The project now proposes to remove five (5) exist street trees and replace with three (3) new street trees. The proposed landscape design includes new trees shrubs, grasses and vines, within the 10-15' building setback. In their review of the project, the Board requested further refinements to the proposed landscape design, including more landscaping generally throughout the project site. Board reviewed the proposed project and unanimously recommended approval, including the preliminary landscape design, conditioned on the project return to the Board for final review of details on the landscaping, exterior lighting and outdoor terrace finishes, prior to building permit issuance.
2. The project design includes storm water retention areas or 'bioswales' which will have the effect of creating a 'no net change' in the rate of storm water drainage on the project site, as determined by the drainage report submitted on the project and the review and recommendation by the City Engineer;

3. The project site neither contains, nor is immediately contiguous to, recognizable wetlands, creeks or similarly sensitive environmental features, and it has not been identified in the San Rafael General Plan 2020 (*Exhibit 38 – Threatened and Endangered Species*) as a general location where threatened and endangered species have been previously observed or maintain a suitable habitat for their likely presence to be found.
 4. In 2006, the City Council certified an EIR, adopted a Statement of Overriding Considerations, and conditionally approved an Environmental and Design Review Permit, Use Permit and Vesting Tentative Subdivision Map to allow construction of a 36-unit multifamily residential condominium building on the site, with landscaping and drainage improvements. The EIR was required, essentially, in response to the prior motor court on the project site which was determined to be historic. In 2007, a building permit was issued for the demolition of the historic motor court at 1203 Lincoln Ave. and the single-family residence on the adjacent parcel, at 1211 Lincoln Ave. and all improvements on these parcels were subsequently demolished and removed. While the proposed project is now eligible for a category exemption to CEQA review (*Class 32; In-Fill Development Projects*), mitigation measures from the original EIR requiring documentation of the prior historic motor court on the project site, is required to allow the CEQA exemption (see Condition 19; ED17-090).
- D. The project design, together with the conditions applicable thereto, will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity, or to the general welfare of the City, as identified in Finding B2 (Use Permit UP17-030) above.

California Environmental Quality Act (CEQA) Finding

The proposed project is exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Sections 15305(a) (*Class 5; Minor Alterations to Land Use Limitations*) and 15332 (*Class 32; In-Fill Development Project*) of the CEQA Guidelines which exempts: 1) Minor lot line adjustments on lots with an average slope of less than 20%; and 2) In-fill development meeting the following conditions: (a) The project is consistent with the applicable General Plan land use designation and all applicable General Plan policies and all applicable Zoning Ordinance standards and regulations; b) The proposed development occurs within the San Rafael city limits on a project site of no more than five acres substantially surrounded by urban uses; c) The project site has no value as habitat for endangered, rare or threatened species; d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality or water quality; and e) The site can be adequately served by all required utilities and public services.

The project will require the consolidation of two separate legal lots, with an average cross-slope of approximately 10%, so that all of the proposed new construction is located within a single parcel. Additionally, the project qualifies for Class 32 In-Fill exemption based on the following: a) The project is consistent with the applicable General Plan policies and the Zoning Ordinance land use designation for the project site and all applicable Zoning Ordinance standards and regulations, as identified in the attached *Zoning Ordinance Consistency Table* (see Exhibit 5); b) The project site is comprised of two adjacent vacant legal lots with a combined area of 29,885 sf (0.69 acre) and is located in an urban area that is immediately surrounded by development (i.e., multifamily residential development immediately to the north and west, Mission Ave. to the south and Lincoln Ave. to the east); c) The project site has no creeks, drainageways, seasonal freshwater wetlands, tidal wetlands, or riparian areas that are valued resources as wildlife or plant habitat for endangered, rare or threatened species, and it is not identified as a general location for threatened and endangered species based on past observations or the presence of suitable habitat per the General Plan 2020 (see Exhibit 38; Conservation Element); d) The additional traffic generated by the project has been deemed insignificant by the City's Traffic Engineer

conditioned on the payment of the appropriate traffic mitigation fee (8 total peak hour trips), any additional noise or impacts to air and water quality created by the project will be temporary and limited to the period of construction period, the new residential uses for the site would generate noise levels that are similar to the other multi-family residential uses in the surrounding neighborhood, and e) All utility agencies have indicated that they have adequate capacity to provide services to the new development on the site.

BE IT FURTHER RESOLVED, that the Planning Commission hereby approves the Use Permit (UP17-030) and Environmental and Design Review Permit (ED17-090), subject to the following conditions of approval:

**Use Permit (UP17-030)
Conditions of Approval**

Community Development Department, Planning Division

1. This Use Permit approves an assisted living facility, with memory care services, to operate on the project site with up to 77 residential 'suites' and 88-beds of capacity.
2. This Use Permit includes a "Parking Modification" reducing the number of required on-site parking spaces, from 42 to 40 'standard' dimensional garage parking spaces, which has been reviewed and is supported by both the Community Development Director and the Public Works Director.
3. Prior to issuance of the building permit, the applicant shall submit a Transportation Demand Management Plan (TDMP), prepared by a licensed traffic engineer, identifying strategies and recommendations to reduce employee/staff trips and minimize parking and/or traffic impacts. The TDMP shall be subject to review and approval of the Department of Public Works and Community Development Department, who reserves the right to require modifications to the TDMP. The applicant agrees to incorporate all recommendations outlined in the TDMP, including modifications required by the City, during the occupancy of the site by the approved use.
4. This Use Permit shall run with the land and shall remain valid regardless of any change of ownership of the project site, subject to these conditions, provided that a grading permit or building permit is issued by the City and work commenced or a time extension request is submitted to the City's Community Development Department, Planning Division, **within two (2) years** of this approval, or until **July 10, 2020**. Failure to obtain a grading permit or building permit or submit a time extension request by the specified date will result in the expiration of this Use Permit.

**Environmental and Design Review Permit (ED17-090)
Conditions of Approval**

General and On-Going

Community Development Department, Planning Division

1. The building techniques, colors, materials, elevations and appearance of the project, as presented to the Planning Commission at their July 10, 2018 hearing, labeled *Aegis San Rafael; 800 Mission Avenue; San Rafael, CA 94901*, stamped "approved" and on file with the Community Development Department, Planning Division, shall be the same as required for issuance of all building and grading permits, subject to these conditions. Minor modifications or revisions to the project shall be subject to review and approval of the Community Development Department, Planning Division. Further modifications deemed not minor by the Community Development Director shall require

review and approval by the original decision-making body, the Planning Commission, and may require review and recommendation by the City's Design Review Board on design-related changes.

2. The approved colors for the project are on file with the Community Development Department, Planning Division. Any future modification to the color palette shall be subject to review and approval by the Planning Division and those modifications not deemed minor shall be referred to the Design Review Board for review and recommendation prior to approval by the Planning Division.
3. This Environmental and Design Review Permit approves development of an 88-bed, 77-residential 'suites' assisted living facility, with memory care services, on the project site with 40 garage parking spaces and miscellaneous site improvements, including new landscaping, grading and drainage.
4. This Environmental and Design Review Permit approves a 'wet bar' in each residential 'suite' rather than full kitchens since the project proposes to include common dining areas with the other service amenities for residents and guests.
5. All 'off-haul' of excavation and delivery/pick-up of construction equipment shall occur during off-peak weekday hours, between 9:00 a.m. and 4:00 p.m., Monday through Friday only.
6. All grading and construction activities shall comply with the City's adopted noise limits at all times. All grading and construction activities shall occur Mondays – Fridays, 7 a.m. – 6 p.m. Low-noise construction, occurring entirely within the interior of the building, may be permissible beyond the allowable construction hours of operation with prior approval by the Planning Division and only after the building is completely enclosed (walls, roof, doors and windows). If requested and approved, Saturday work shall be limited to 9 a.m. to 6 p.m. Any work on Sundays and federally-recognized holidays is strictly prohibited.
7. All new landscaping shall be irrigated with an automatic drip system and maintained in a healthy and thriving condition, free of weeds and debris, at all times. Any dying or dead landscaping shall be replaced in a timely fashion.
8. All public streets and sidewalks and on-site streets which are privately owned that are impacted by the grading and construction operation for the project shall be kept clean and free of debris at all times. The general contractor shall sweep the nearest street and sidewalk adjacent to the site on a daily basis unless conditions require greater frequency of sweeping.
9. All submitted building permit plan sets shall include a plan sheet incorporating these conditions of approval.
10. If archaeological or cultural resources are accidentally discovered during excavation/grading activities, all work will stop within 100 feet of the resource and the qualified archaeologist will be notified immediately. The qualified archaeologist will contact Federated Indians of Graton Rancheria (FIGR) and the Planning Division and coordinate the appropriate evaluation of the find and implement any additional treatment or protection, if required. No work shall occur in the vicinity until approved by the qualified archaeologist, FIGR and Planning staff. Prehistoric resources that may be identified include, but shall not be limited to, concentrations of stone tools and manufacturing debris made of obsidian, basalt and other stone materials, milling equipment such as bedrock mortars, portable mortars and pestles and locally darkened soils (midden) that may contain dietary remains such as shell and bone, as well as human remains. Historic resources that may be identified

include, but are not limited to, small cemeteries or burial plots, structural foundations, cabin pads, cans with soldered seams or tops, or bottles or fragments or clear and colored glass

11. If human remains are encountered (or suspended) during any project-related activity, all work will halt within 100 feet of the project and the County Coroner will be contacted to evaluate the situation. If the County Coroner determines that the human remains are of Native American origin, the County Coroner shall notify FIGR within 24-hours of such identification who will work with Planning staff to determine the proper treatment of the remains. No work shall occur in the vicinity without approval from Planning staff.
12. This Environmental and Design Review Permit shall run with the land and shall remain valid regardless of any change of ownership of the project site, subject to these conditions, provided that a building or grading permit is issued and construction commenced or a time extension request is submitted to the City's Community Development Department, Planning Division, **within two (2) years** of approval, or **July 10, 2020**. Failure to obtain a building permit or grading permit and construction or grading activities commenced, or failure to obtain a time extension within the two-year period will result in the expiration of this Environmental and Design Review Permit
13. This Environmental and Design Review Permit shall run concurrently with the Use Permit (UP17-030) approval. If the Environmental and Design Review Permit expires, Use Permit approval shall also expire and become invalid.

Prior to Issuance of Grading/Building Permits

Community Development Department, Planning Division

14. The project sponsor, or its successor, shall pay all outstanding balances of fees due the City in the review, approval and/or issuance of Planning and/or Building Permits for entitlements on the project site.
15. Details of the proposed site landscaping, the exterior lighting and outdoor terrace finishes, on both the 2nd floor podium and the 4th floor roof level, shall require final review and approval by the Design Review Board prior to building permit issuance.
16. Final landscape and irrigation plans for the project shall comply with the provisions of Marin Municipal Water District's (MMWD) most recent water conservation ordinance (District Code Title 13). Construction plans submitted for issuance of building/grading permit shall be pre-approved by MMWD and stamped as approved by MMWD or include a letter from MMWD approving the final landscape and irrigation plans. Modifications to the final landscape and irrigation plans, as required by MMWD, shall be subject to review and approval of the Community Development Department, Planning Division prior to building permit issuance
17. An acoustical analysis is required indicating the internal noise level of the residential rooms or suites and common outdoor terrace areas are consistent with the applicable City's noise standards.
18. A Construction Management Plan (CMP) shall be prepared and submitted to the Planning Division for review and approval. The CMP shall include, but is not limited to, a projected schedule of work, projected daily construction truck trips, proposed construction truck route, location of material staging areas, location of construction trailers, location of construction worker parking, dust control plan or program, air quality best management practices recommended by project's air quality analysis (see Illingworth & Rodkin, dated November 30, 2017), a statement that the project shall conform to the City's Noise Ordinance (Chapter 8.13 of the San Rafael Municipal Code), a

statement that no construction truck traffic shall encroach into any of the surrounding residential neighborhood streets at any time, and a statement that the existing roadway conditions on both Lincoln and Mission Avenues shall be memorialized on digital recording format prior to the start of construction and that the project sponsor shall be required to repair any roadway damage created by the additional construction truck traffic. In the event that the CMP is conflicting with any conditions imposed by the grading permit for the project, the more restrictive language or conditions shall prevail.

19. Per Condition #7 of City Council Resolution #12018, the project sponsor, or its successors, shall document the prior buildings at 1203 Lincoln Avenue to Historic American Buildings Survey (HABS) Level 3 standards, according to the Outline Format described in the *Historic American Buildings Survey Guidelines for Preparing Written Historical Descriptive Data*, or equivalent action as determined by a licensed historic architect or architectural historian. Photographic documentation shall follow the *Photographic Specifications – Historic American Building Survey*, including 15 to 20 archival quality large-format photographs of the exterior and interior of the building and its architectural elements. Construction techniques and architectural details shall be documented, especially noting the measurements of structural members, hardware, and other features that tie the architectural elements to a specific date. A copy of the documentation, with original photo negatives and prints, shall be placed in a historical archive or history collection accessible to the general public. Additionally, the developer shall fund an exhibit of the historical survey at the Marin Historical Society, the Anne T. Kent California Room at the Marin County Library Civic Center Branch. Five copies of the documentation with archival photographs shall be produced for distribution to local and regional repositories. One copy shall be provided to the Northwest Information Center of the California Historical Resources Information System, Sonoma State University, Rohnert Park, California.
20. The project shall comply with the City's affordable housing requirement, using a hybrid rate that includes both the hotel rate (0.0075 affordable units per 1,000 gross sq. ft.) and the personal service rate (0.0225 affordable units per 1,000 gross sq. ft.) as adopted in Table 14.16.030 – 3 of the San Rafael Zoning Ordinance. The Community Development Director has determined an average nonresidential affordable housing rate of 0.015 affordable units per 1,000 gross sq. ft. is required of the project, which translates to 0.96 low income units or an affordable housing in-lieu fee of approximately \$318,095.36 for the project, using the current affordable housing in-lieu fee of \$331,070.00 per unit. However, the applicant has voluntarily proposed to increase the affordable housing in-lieu fee to \$500,000, which was accepted by the Planning Commission as a condition of project approval and shall be required to be submitted prior to issuance of a building permit.

Department of Public Works

21. A grading permit is required for the project from the Department of Public Works Department (111 Morpew St.).
22. Final details, including directional controls (i.e., signage and striping for right turns in and out of the garage) on the driveways, pull outs and turn pockets shall be reviewed by the Department of Public Work prior to building permit issuance.
23. The project proposes over 5,000 sq. ft. of impervious surface and is a regulated project under MCSTOPPP requirements. Provide a stormwater control plan, which includes a written narrative. A stormwater facility maintenance agreement shall be required. More specific information is available from MCSTOPPP, on the Marin County website. See tools and guidance, and post construction requirements at <http://marincounty.org/depts/pw/divisions/mcstoppp/development/new-and-redevelopment-projects>

24. While the preliminary design of the proposed stormwater control plan is acceptable, limited use of pumping and piping through the interior building is recommended.
25. The proposed project results in 15 AM and 19 PM peak hour trips. After crediting the project for the peak hour trips generated by the prior development on the site (13 AM and 13 PM peak hour trips from 24 residential apartments and one single-family residence). The traffic mitigation fee for the resulting increase of eight (8) peak hour trips is \$33,968 (8 x \$4,246) shall be paid prior to building permit issuance.
26. An encroachment permit is required for any work within the public Right-of-Way (ROW) from the Department of Public Works. Please note that Mission Ave. and a portion of Lincoln Ave., fourth of Mission Ave., are currently moratorium streets.
27. A construction vehicle impact fee shall be required at the time of building permit issuance, which is calculated at 1% of the valuation with the first \$10,000 of valuation exempt.

Community Development Department, Building Division

28. The proposed project contains several different occupancy types. The existing occupancy types appear to be S-2 whereas the proposed adult day care is an I-2.1, and the senior housing on the upper floors is R-2. Individual occupancies are categorized with different levels of hazard and typically need to be separated from other occupancy types for safety reasons. These separations are required to be a minimum 1- or 2-hour fire resistive construction. Under mixed-occupancy conditions the project architect has available several design methodologies (accessory occupancies, nonseparated occupancies, and separated occupancies) to address the mixed-occupancy concerns.

This concern is raised during the Planning Division's review because these fire separations increase costs. During the Planning Division process, the project architect's forethought will hopefully prevent issues during the building permit process because a definitive answer will not be available until the Building Permit application's plan review process occurs.

29. School fees will be required for the project. Calculations are done by the San Rafael City Schools, and those fees are paid directly to them and proof of payment shall be submitted to the Building Division prior to issuance of the building permit.
30. The design and construction of all site alterations shall comply with the current editions of the California Building Code, Plumbing Code, Electrical Code, California Mechanical Code, California Fire Code, California Energy Code, Title 24 California Energy Efficiency Standards, California Green Building Standards Code and City of San Rafael Ordinances and Amendments
31. A building permit is required for the proposed work. Applications shall be accompanied by four (4) complete sets of construction drawings to include:
 - a) Architectural plans
 - b) Structural plans
 - c) Electrical plans
 - d) Plumbing plans
 - e) Mechanical plans
 - f) Site/civil plans (clearly identifying grade plan and height of the building)
 - g) Structural Calculations

- h) Truss Calculations
- i) Soils reports
- j) CalGreen documentation
- k) Title-24 energy documentation

32. The occupancy classification (in mixed occupancies-each portion of the building shall be individually classified), construction type and square footage of each use within the building shall be specified on the plans.
33. The building height shall comply with CBC Section 504 and Table 503. On the plan justify the proposed building height.
34. Building areas are limited by CBC Table 503. On the plan justify the proposed building area. For this mixed use, the maximum allowable area will be a "sums of ratios". Please verify that your building size and construction type are within allowable maximums.
35. The maximum area of unprotected and protected openings permitted in the exterior wall in any story of a building shall not exceed the percentages specified in CBC Table 705.8 "Maximum Area of Exterior Wall Openings Based on Fire Separation Distance and Degree of Opening Protection." In order to calculate the maximum area of exterior wall openings you must provide the building setback distance from the property lines and then justify the percentage of proposed wall openings and include whether the opening is unprotected or protected. The elevations appear to indicate openings in the areas where rated walls are required.
36. Multiple exit pathways on several floors are thru "lounge" areas. In addition, a kitchen is located in the exit pathway on the first floor. This is problematic, as these areas often have moveable furniture, are often occupied with large numbers of tenants for group activities. Further, based on the nature of the tenants, there are often wheelchairs and walkers strewn about which cause additional obstruction to the path of egress. Please consider a redesign of the exit way.
37. Areas of refuge will be required at stairway vestibules. It appears that they may be adequately sized, but ensure that code required clearances area met.
38. The elevator will require separation from the corridor/lobby except at the ground floor.
39. All sleeping rooms shall have an egressable window, and a related pathway to the public way. Ensure that all gates, walkways, etc. around the building perimeter meet this requirement.
40. Due to ambient noise from the two arterial roadways that front on the property, sound attenuation will likely be required for those units that face Mission and Lincoln Avenues. An acoustical analysis will be required as part of the building permit submittal.
41. Requirements for the memory care unit are somewhat unique, and will require both approval from the Building and Fire Prevention Divisions for such things as delayed egress, lack of access to egressable windows/balconies, minimum staffing levels to provide assisted egress in the event of a fire or other catastrophic event, and so forth.
42. The address for structures is determined by the Chief Building Official. The tentative address for the proposed project is 800 Mission Avenue. This address will be legalized as we approach completion of the project construction. A written request from the property owner should be sent to the Chief Building

Official. Each page of the plan's title block and all permit application documents must show the proposed building's address identification information.

43. If proposed fencing/gates exceed 7' in height, a building permit is required.
44. A grading permit is required for any grading or site remediation, soils export, import and placement. Provide a detailed soils report prepared by a qualified engineer to address these procedures. In particular, the report should address the import and placement and compaction of soils at future building pad locations and should be based on an assumed foundation design. This information should be provided to Building Division and Department of Public Works for review and comments prior to any such activities taking place.
45. Prior to building permit issuance for the construction of each building, geotechnical and civil pad certifications are to be submitted. Property lines must be staked for inspection of foundations.
46. Property lines shown through proposed buildings must be eliminated by consolidation or buildings must be relocated or redesigned to fall within property line boundaries. Parcels 011-184-09 & 011-184-08 must be consolidated, and new map recorded prior to issuance of a building permit.
47. Based on the distance to the property line (and/or adjacent buildings on the same parcel), the building elements shall have a fire resistive rating not less than that specified in CBC Table 601 and exterior walls shall have a fire resistive rating not less than that specified in CBC Table 602.
48. Cornices, eaves overhangs, exterior balconies and similar projections extending beyond the floor area shall conform to the requirements of CBC 705.2. Projections shall not extend beyond the distance determined by the following two methods, whichever results in the lesser projection:
 - a. A point one-third the distance from the exterior face of the wall to the lot line where protected openings or a combination of protected openings and unprotected openings are required in the exterior wall.
 - b. A point one-half the distance from the exterior face of the wall to the lot line where all openings in the exterior wall are permitted to be unprotected or the building is equipped throughout with an automatic sprinkler system.
 - c. More than 12 inches into areas where openings are prohibited.
49. Walls separating sleeping rooms from each other and other occupancies contiguous must be a minimum of 1-hour construction.
50. All site signage as well as wall signs require a separate permit and application (excluding address numbering).
51. Any monument sign(s) shall have address numbers posted prominently on the monument sign.
52. It appears that at least the lower level of parking in the parking garage will require mechanical ventilation capable of exhausting a minimum of .75 cubic feet per minute per square foot of gross floor area CMC Table 403.7.
53. In the parking garage, in areas where motor vehicles are stored, floor surfaces shall be of noncombustible, nonabsorbent materials. Floors shall drain to an approved oil separator or trap discharging to sewers in accordance with the Plumbing Code and SWIPP.

54. The parking garage ceiling height shall have a minimum vertical clearance of 8' 2" where required for accessible parking.

55. Minimum elevator car size shall meet CBC 11A and 11B for accessibility.

56. This project shall provide not less than one medical emergency service elevator. The medical emergency service elevator shall accommodate the loading and transport of an ambulance gurney or stretcher.

57. In the service areas, mechanical ventilation will be required capable of exhausting a minimum of 1.5 cubic feet per minute per square foot of gross floor area. Connecting offices, waiting rooms, restrooms, and retail areas shall be supplied with conditioned air under positive pressure.

58. The proposed facility shall be designed to provide access to the physically disabled in accordance with the requirements of Title-24, California Code of Regulations. For existing buildings and facilities when alterations, structural repairs or additions are made, accessibility improvements for persons with disabilities may be required. Improvements shall be made, but are not limited to, the following accessible features:

- a. Path of travel from public transportation point of arrival
- b. Routes of travel between buildings
- c. Accessible parking
- d. Ramps
- e. Primary entrances
- f. Sanitary facilities (restrooms)
- g. Drinking fountains & Public telephones (when provided)
- h. Accessible features per specific occupancy requirements

59. The site development of items such as common sidewalks, parking areas, stairs, ramps, common facilities, etc. are subject to compliance with the accessibility standards contained in Title-24, California Code of Regulations. Pedestrian access provisions should provide a minimum 48" wide unobstructed paved surface to and along all accessible routes. Items such as signs, meter pedestals, light standards, trash receptacles, etc., shall not encroach on this 4' minimum width. Also, note that sidewalk slopes and side slopes shall not exceed published minimums per California Title 24, Part 2. The civil, grading and landscape plans shall address these requirements to the extent possible.

60. Multifamily dwelling and apartment accessible parking spaces shall be provided at a minimum rate of 2 percent (2%) of the covered multifamily dwelling units. At least one space of each type of parking facility shall be made accessible even if the total number exceeds 2 percent (2%).

61. When parking is provided for multifamily dwellings and is not assigned to a resident or a group of residents, at least 5 percent (5%) of the parking spaces shall be accessible and provide access to grade-level entrances of multifamily dwellings and facilities (e.g. swimming pools, club houses, recreation areas and laundry rooms) that serve the dwellings. Accessible parking spaces shall be located on the shortest accessible route to an accessible building, or dwelling unit entrance.

62. Public accommodation disabled parking spaces must be provided according the following table and must be uniformly distributed throughout the site:

Total Number of Parking	Minimum Required Number of
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Spaces Provided	H/C Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	Two percent of total
1,001 and over	Twenty, plus one for each 100 or fraction thereof over 1,001

63. At least one disabled parking space must be van accessible; 9 feet wide parking space and 8 feet wide off- load area, or 17' wide overall. Additionally, one in every eight required handicap spaces must be van accessible.

64. This project will need to meet CalGreen building standards for new construction and in addition, will be subject to Tier 1 requirements.

San Rafael Sanitation District

65. The building permit plans shall include Civil/Utility drawings which shows the sewer lateral design in compliance with the San Rafael Sanitation District Standard Specifications, including pipe information (pipe type, pipe size, inverts and slope) and a backflow preventer near the building.

66. Please add the following note to the Utility Plans: Notify the San Rafael Sanitation District Inspector, Rolando Calvo (415.485.3194 or Rolando.calvo@cityofsanrafael.org), 72 hours prior to start of sanitary sewer construction.

San Rafael Fire Department, Fire Prevention Bureau

67. The design and construction of all site alterations shall comply with the current editions of the California Fire Code and City of San Rafael Ordinances and Amendments.

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

- a) Fire sprinkler plans (Deferred submittal to the Fire Prevention Bureau)
- b) Fire standpipe system plans (Deferred submittal to the Fire Prevention Bureau)
- c) Fire Alarm system plans (Deferred submittal to the Fire Prevention Bureau)
- d) Fire Underground plan (Deferred submittal to the Fire Prevention Bureau)
- e) Kitchen Hood Automatic Fire-Extinguishing System plans (Deferred submittal to the Fire Prevention Bureau).

69. A Fire apparatus access plan shall be prepared for this project. The fire apparatus plans shall show the location of the following:

- a) Designated fire apparatus access roads.

- b) Red curbs and no parking fire lane signs.
- c) Onsite fire hydrants.
- d) Fire Department Connection (FDC).
- e) Double detector check valve.
- f) Street address sign.
- g) Recessed Knox Box
- h) Fire Alarm annunciator panel.
- i) NFPA 704 placards
- j) Note the designated fire apparatus access roads and fire hydrant shall be installed and approved by the Fire Prevention Bureau prior construction of the building.

70. A Knox Box is required at the primary point of first response to the building. A recessed mounted Knox Box #3275 Series is required for this project. The Knox Box shall be clearly visible upon approach to the main entrance from the fire lane. Note that the Knox Box must be installed between 72-78" above finished grade. Please show the location of the Knox Box on the plans.

71. If the garages will be gate controlled, the project must provide a Knox key gate control. Please show the location of the key gate control on the plans.

72. When a building is fully sprinklered all portions of the exterior building perimeter must be located within 250-feet of an approved fire apparatus access road:

- a) The minimum width of the fire apparatus access road is 20-feet.
- b) The minimum inside turning radius for a fire apparatus access road is 28-feet.
- c) The fire apparatus access road serving this building is more than 150-feet in length so an approved turn-around is required.

73. As the building is over 30 feet in height, an aerial fire apparatus access roadway is required parallel to one entire side of the building:

- a) The Aerial apparatus access roadway shall be located within a minimum 15 feet and a maximum of 30 feet from the building.
- b) The minimum unobstructed width for an aerial fire apparatus access road is 26-feet..
- c) Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway, or between the roadway and the building.

74. Fire lanes must be designated with curbs painted red and contrasting white lettering stating "No Parking Fire Lane" and signs shall be posted in accordance CFC 503.3.

75. Hazardous Materials Placards shall be installed in accordance with NFPA 704.

76. Provide a Hazardous Materials Management Plan to be submitted to the Marin County Department of Public Works, CUPA.

77. Ensure that elevators are gurney accessible.

78. Fire extinguishers are required as per CFC provisions.

79. Contact the Marin Municipal Water District (MMWD) to make arrangements for MMWD to provide adequate water supply service for the required fire protection system.

During Construction

Marin Municipal Water District

80. District records indicate that the property's current annual water entitlement is insufficient to meet the water demand for the project and the purchase of additional water entitlement will be required. Additional water entitlement will be available upon request and fulfillment of the following requirements:
- a) Pay the appropriate fees and charges.
 - b) Comply with all indoor and outdoor requirements of District Code Title 13 – Water Conservation. Indoor plumbing fixtures shall meet specific efficiency requirements. Landscape, irrigation, grading and fixture plans shall be submitted to the District for review and approval. Any questions regarding District Code Title 13 – Water Conservation should be directed to the District's Water Conservation Department at (415) 945-1497. You may also find information on the District's water conservation requirements online at www.marinwater.org.
 - c) Comply with the backflow prevention requirements, if upon the District's review backflow protection is warranted, including installation, testing and maintenance. Questions regarding backflow requirements should be directed to the Backflow Prevention Program Coordinator at (415) 945-1558.
 - d) Use of recycled water is required, where available, for all approved uses, including irrigation and the flushing of toilets and urinals. Questions regarding the use of recycled water should be directed to (415) 945-1558.
 - e) Installation of gray water recycling systems is required when practicable.

Pacific Gas & Electric

81. Electric and gas service to the project site will be provided in accordance with the applicable extension rules, which are available on PG&E's website at <http://www.pge.com/myhome/customerservice/other/newconstruction> or contact (800) PGE-5000. It is highly recommended that PG&E be contacted as soon as possible so that there is adequate time to engineer all required improvements and to schedule any site work.
82. The cost of relocating any existing PG&E facilities or conversion of existing overhead facilities to underground shall be the sole responsibility of the applicant or property owner.
83. Prior to the start excavation or construction, the general contractor shall call Underground Service Alert (USA) at (800) 227-2600 to have the location of any existing underground facilities marked in the field.

Community Development Department, Planning Division

84. The project shall minimize the potential air quality impacts to adjacent residences during all grading and construction activities by implementing best management practices (BMPs), as identified in the air quality analysis submitted with the project application (Illingworth & Rodkin, dated November 30, 2017, Page 3).

Prior to Occupancy

Community Development Department, Planning Division

85. The project sponsor, or its successor, shall submit a lighting plan with photometric study, showing compliance with the City's adopted lighting standards.

- 86. Final inspection of the project by the Community Development Department, Planning Division, is required. The applicant shall contact the Planning Division to request a final inspection upon completion of the project. The final inspection shall require a minimum of 48-hour advance notice.
- 87. All landscaping and irrigation shall be installed prior to occupancy.
- 88. The landscape architect for the project shall submit a letter to the Planning Division, confirming the landscaping has been installed in compliance with the approved project plans and the irrigation is fully functioning.
- 89. All ground- and rooftop-mounted mechanical equipment shall be fully screened from public view.
- 90. All trash enclosures shall be fully screened from public view.

After Occupancy

Community Development Department, Planning Division

- 91. Following the issuance of a Certificate of Occupancy, all new exterior lighting shall be subject to a 90-day lighting level review period by the City to ensure that all lighting sources provide safety for the building occupants while not creating a glare or hazard on adjacent streets or be annoying to adjacent residents. During this lighting review period, the City may require adjustments in the direction or intensity of the lighting, if necessary. All exterior lighting shall include a master photoelectric cell with an automatic timer system, where the intensity of illumination shall be turned off during daylight.
- 92. Following the issuance of a Certificate of Occupancy, the City reserves the right to review traffic conditions, both on-site and off-site circulation patterns generated by this use and any conflicts that arise with existing traffic patterns on city streets, and the applicant agrees to incorporate all recommended improvements, including, but not limited to, pavement striping and signage, both on and off site, as determined by the Department of Public Works/City Engineer.

The foregoing Resolution was adopted at the regular meeting of the City of San Rafael Planning Commission held on the 10th day of July 2018.

Moved by Commissioner Davidson and seconded by Commissioner Schaefer

AYES:	COMMISSIONERS	Loughran, Mercado, Schaefer, and Chair Davidson
NOES:	COMMISSIONERS	Robertson and Schoppert
ABSENT:	COMMISSIONERS	Lubamersky

SAN RAFAEL PLANNING COMMISSION

ATTEST: *Paul A. Jensen*
Paul A. Jensen, Secretary

BY: *Berenice Davidson*
Berenice Davidson, Chair