



AGENDA

**SAN RAFAEL PLANNING COMMISSION
REGULAR MEETING
TUESDAY, February 26, 2019, 7:00 P.M.
COUNCIL CHAMBERS, CITY HALL, 1400 FIFTH AVENUE
SAN RAFAEL, CALIFORNIA**

**CALL TO ORDER
PLEDGE OF ALLEGIANCE
RECORDING OF MEMBERS PRESENT AND ABSENT
APPROVAL OR REVISION OF ORDER OF AGENDA ITEMS
PUBLIC NOTIFICATION OF MEETING PROCEDURES**

URGENT COMMUNICATION

Anyone with an urgent communication on a topic not on the agenda may address the Commission at this time. Please notify the Community Development Director in advance.

CONSENT CALENDAR

1. Minutes, February 12, 2019

PUBLIC HEARING

2. **Presentation on Climate Action Plan Update:** Staff Person – Cory Bytof
3. **703 – 723 Third St. and 898 Lincoln Avenue** – Request for an Environmental and Design Review Permit, Use Permit and Lot Line Adjustment for the redevelopment of two contiguous Downtown parcels, currently developed with 15,000 sq. ft. of commercial space with a new, 6-story, 73 ft tall, multifamily residential building with 120 rental units, 121 ground-floor garage parking spaces and 969 sq. ft retail space. The project includes requests for height and density bonuses, and a front setback waiver; APNS: 011-278-01 & -02; Second/Third Mixed Use East (2/3 MUE) District Zones; Wick Polite of Seagate Properties, Inc., Applicant; 703 Third Street LP, Owners; Case No's: ED18-018; UP18-008, LLA18-001. Project Planner: Steve Stafford

**DIRECTOR'S REPORT
COMMISSION COMMUNICATION
ADJOURNMENT**

- I. Next Meeting: March 12, 2019
- II. I, Anne Derrick, hereby certify that on Friday, February 22, 2019, I posted a notice of the February 26, 2019 Planning Commission meeting on the City of San Rafael Agenda Board.

- Sign interpreters and assistive listening devices may be requested by calling 415/485-3085 (voice) or 415/ 485-3198 (TDD) at least 72 hours in advance. Copies of documents are available in accessible formats upon request.
- Public transportation to City Hall is available through Golden Gate Transit, Line 20 or 23. Paratransit is available by calling Whistlestop Wheels at 415/454-0964.
- To allow individuals with environmental illness or multiple chemical sensitivity to attend the meeting/hearing, individuals are requested to refrain from wearing scented products.

Any records relating to an agenda item, received by a majority or more of the Agency Board less than 72 hours before the meeting, shall be available for inspection in the Community Development Department, Third Floor, 1400 Fifth Avenue, and placed with other agenda-related materials on the table in front of the Council Chamber prior to the meeting.

THE PLANNING COMMISSION WILL TAKE UP NO NEW BUSINESS AFTER 11:00 P.M. AT REGULARLY SCHEDULED MEETINGS. THIS SHALL BE INTERPRETED TO MEAN THAT NO AGENDA ITEM OR OTHER BUSINESS WILL BE DISCUSSED OR ACTED UPON AFTER THE AGENDA ITEM UNDER CONSIDERATION AT 11:00 P.M. THE COMMISSION MAY SUSPEND THIS RULE TO DISCUSS AND/OR ACT UPON ANY ADDITIONAL AGENDA ITEM(S) DEEMED APPROPRIATE BY A UNANIMOUS VOTE OF THE MEMBERS PRESENT. APPEAL RIGHTS: ANY PERSON MAY FILE AN APPEAL OF THE PLANNING COMMISSION'S ACTION ON AGENDA ITEMS WITHIN FIVE BUSINESS DAYS (NORMALLY 5:00 P.M. ON THE FOLLOWING TUESDAY) AND WITHIN 10 CALENDAR DAYS OF AN ACTION ON A SUBDIVISION. AN APPEAL LETTER SHALL BE FILED WITH THE CITY CLERK, ALONG WITH AN APPEAL FEE OF \$350 (FOR NON-APPLICANTS) OR A \$4,476 DEPOSIT (FOR APPLICANTS) MADE PAYABLE TO THE CITY OF SAN RAFAEL, AND SHALL SET FORTH THE BASIS FOR APPEAL. THERE IS A \$50.00 ADDITIONAL CHARGE FOR REQUEST FOR CONTINUATION OF AN APPEAL BY APPELLANT.

In the Council Chambers of the City of San Rafael, February 12, 2019



**Regular Meeting
San Rafael Planning Commission Minutes**

For a complete video of this meeting, go to <http://www.cityofsanrafael.org/meetings>

CALL TO ORDER

PLEDGE OF ALLEGIANCE

RECORDING OF MEMBERS PRESENT AND ABSENT

Present: Jack Robertson
Barrett Schaefer
Aldo Mercado
Berenice Davidson
Jeff Schoppert
Mark Lubamersky
Sarah Loughran

Absent: None

Also Present: Raffi Boloyan, Planning Manager
Alan Montes, Assistant Planner

APPROVAL OR REVISION OF ORDER OF AGENDA ITEMS

PUBLIC NOTIFICATION OF MEETING PROCEDURES

URGENT COMMUNICATION

CONSENT CALENDAR

1. Minutes 01/15/19

Berenice Davidson moved and Mark Lubamersky seconded to approve Minutes as presented. The vote is as follows:

AYES: Jack Robertson, Barrett Schaefer, Aldo Mercado, Berenice Davidson, Mark Lubamersky, Sarah Loughran
NOES: None
ABSTAIN: Jeff Schoppert
ABSENT: None

PUBLIC HEARING

2. **1628 Fifth Avenue (Proposed Development Site) and 1634 Fifth Avenue (Site Ceding 745.5 sq. ft. for Lot Line Adjustment) – Request for an Environmental and Design Review, Lot Line Adjustment, and Tentative Map to add 745.5 sq. ft. to an existing 9,800 sq. ft. vacant lot to construct a new 14,536 sq. ft., 9-unit multi-family residential project; APN: 011-193-06; High Density Residential (HR1.5) District; Vincent and Joseph O’Flynn, owners; Scott Myers for Crome Architecture, applicant; File Nos.: ED18-058, LLA18-004, & TS18-002. Project Planner: Alan Montes**

Staff Report

Jeff Schoppert moved and Barrett Schaefer seconded to adopt resolution approving the project with one modification to Environmental Design Condition #1 to change the date stamped date from 2/21/21 to 2/12/19. The vote is as follows:

AYES: Jack Robertson, Barrett Schaefer, Aldo Mercado, Berenice Davidson, Jeff Schoppert, Mark Lubamersky, Sarah Loughran
NOES: None
ABSTAIN: None
ABSENT: None

DIRECTOR’S REPORT

COMMISSION COMMUNICATION

ADJOURNMENT

ANNE DERRICK, Administrative Assistant III

APPROVED THIS ____ DAY OF _____, 2019

Sarah Loughran, Chair



SAN RAFAEL
THE CITY WITH A MISSION

Community Development Department – Planning Division

Meeting Date: February 26, 2019
Agenda Item: 2
Case Numbers: P19-001
Project Planner: Cory Bytof 485-3407

REPORT TO PLANNING COMMISSION

SUBJECT: Climate Change Action Plan - Informational Report on Climate Change Action Plan (CCAP) update.

EXECUTIVE SUMMARY

Like most communities in the Bay Area, San Rafael has adopted a Climate Change Action Plan (CCAP) identifying measures to reduce locally-generated greenhouse gas emissions. Local CCAPs are an important tool for reaching the State's adopted greenhouse gas reduction targets. They will become even more important during the next two decades as the State targets become more aggressive. The City's existing CCAP was adopted in 2009, with most of its programs to be implemented by 2020. A new Plan has been prepared, establishing new programs and goals for 2030. The City Council is scheduled to adopt the updated CCAP in April 2019.

As in the past, the CCAP is being developed as a Greenhouse Gas Reduction Strategy and will be incorporated into the General Plan. As such, it allows for the City to continue to have a streamlined checklist for certain projects to comply with greenhouse gas reduction requirements. This is a valuable tool for Community Development in that it allows for ease of plan check, while ensuring that critical activities are included or considered in projects such as bike parking, construction demolition debris recycling, and electric vehicle charging.

Staff will provide a presentation highlighting the update process and key recommendations.

RECOMMENDATION

It is recommended that the Planning Commission accept the report.

BACKGROUND

In 2005, Governor Arnold Schwarzenegger issued Executive Order S-3-05 to reduce greenhouse gas emissions (GHGs) by 80% below 1990 levels by 2050, thereby reducing the state's contribution to global climate change. The California Air Resources Board subsequently required local governments to achieve a 15 percent reduction in GHG levels between 2005 and 2020. In 2009, San Rafael adopted a Climate Change Action Plan laying out 48 strategies to reduce GHGs, including setting a stronger 25% reduction target for 2020. Based on the most recent GHG inventory in 2016, the City is on track to meet this target. In 2011, the strategies were incorporated into General Plan 2020 through a General Plan Amendment.

In 2016, the State of California set a target of reducing GHGs to 40% below 1990 levels by 2030. In 2017, Councilmember Colin and the City Manager's Office convened a Working Group, which included

Planning Commission member Sarah Loughran, to update the CCAP to meet the new targets. With the assistance of a consultant and subject matter experts, the Working Group has revised the CCAP to add the necessary measures and move the horizon forward to 2030. The new target is a heavy lift and will require significant effort to achieve. Partnerships with utilities, other agencies, the business community, residents, and non-profit partners will be essential. The City also has an opportunity to be a model for the community by showing leadership and taking action at the municipal level.

One of the major priorities in the updated CCAP is to infuse social equity and economic impacts in the decision-making process. The City will need to engage stakeholders in under-represented and disadvantaged communities as well as the local business community so that efforts to reduce GHG's can limit unintended negative consequences and identify and enhance co-benefits.

ANALYSIS

An Administrative Draft 2030 CCAP was presented to the City Council on October 15, 2018. The October 15 Council meeting provided an opportunity for public comment on the Draft document, as well Council questions and feedback. This [link for the Council presentation](#) includes the public comment as well as a more detailed staff report.

Staff is currently finalizing the document and will be bringing it to Council for final adoption this spring. The Bay Area Air Quality Management District has reviewed the document and although they have not developed final guidance for local governments yet, believes it will qualify as a GHG Reduction Strategy. The will allow the City to use a streamlined compliance checklist for generally smaller and medium-sized development projects instead of requiring a quantified GHG assessment to show compliance under the California Environmental Quality Act (CEQA). The City will also complete a mandatory CEQA review of the updated CCAP as part of the adoption process. Staff anticipates that a final version of the CCAP will be submitted for City Council consideration at an April 2019 Council meeting.

As the 2040 General Plan is drafted, recommendations from the 2009 CCAP will be replaced with new recommendations from the 2019 CCAP. Additional strategies and measures may be added as appropriate.

Key Recommendations

There are eight major sections in the 2030 CCAP, five of which include programs with quantified targets for reducing GHGs. Most of the reductions are anticipated in the transportation, energy, and waste reduction sectors. A brief overview of the strategies is provided below:

- **Low Carbon Transportation** is the largest single area of potential reductions. Much of this relies on a shift to zero emissions vehicles, including electric vehicles and plug-in hybrids. Many of the key actions in this area relate to City support for electric vehicle infrastructure, including charging stations, update of public transit and ridesharing/car-sharing vehicles, and policies to encourage and incentivize the use of zero emission vehicles by the private sector and municipal agencies. Improvements to bicycle and pedestrian infrastructure are also a key strategy.
- **Energy Efficiency** and **Renewable Energy** are the next two largest reduction areas in the Plan. Energy Efficiency is primarily geared toward conservation strategies in the built environment and the electrification of appliances. It includes retrofits to existing buildings and shifting energy sources from natural gas to electricity, which has become a cleaner fuel source due to changes in energy generation. Renewable energy focuses mostly on increasing rooftop solar and encouraging residents to choose 100% renewable options in their electricity purchasing.
- **Waste Reduction** is principally aimed at reducing landfill disposal of organic materials and diverting such waste to composting (along with reducing waste altogether), including mandatory recycling and composting programs.

- **Water Conservation** is principally aimed at reducing GHGs associated with water transportation, primarily through increasing recycled water use and other drought-responsive measures.
- **Sequestration and Adaptation** include actions such as tree planting and wetlands restoration, and actively managing our public lands to draw carbon back down into the soil.

In addition, the CCAP emphasizes areas not captured in a local GHG inventory, but that are significant contributors to climate change, including consumption and purchasing habits. These include things like air travel and online purchasing. Actions residents can take include generally reducing consumption, and consumption of goods with lower carbon footprints such as those made locally and with recycled materials.

A number of measures with direct land use and development implications are included in the Plan, addressing such topics as:

- Developing an Electric Vehicle Plan including a target of 25% of registered passenger vehicles being electric vehicles by 2030
- Considering building energy benchmarking
- Applying energy efficiency building requirements to smaller remodels as well as rebuilds
- Incentivizing building energy reductions and electric vehicle charging infrastructure through financial benefits or streamlined permitting
- Encouraging the installation of greywater systems and the use of recycled water where available.
- Considering lower parking standards in locations where other travel options may be available
- Prioritizing higher density, transit oriented mixed-use development in key locations
- Preparing for and adapting to sea level rise, including consideration of sea level when evaluating development proposals, making capital improvement decisions, and developing new standards for construction in areas with tidal inundation risks.

NEIGHBORHOOD MEETING / CORRESPONDENCE

Staff conducted robust, far-reaching engagement on this project. Input was solicited through ten different community meetings, pop-up workshops, and events, targeting a diversity of constituents including our Spanish and Vietnamese speaking communities, business representatives, students, parents, and older adults, among others. In addition, we collected over 300 responses through an online portal, and engaged hundreds of residents through three NextDoor.com intercept surveys.

OPTIONS

This is an informational report.

EXHIBITS

1. Draft Climate Change Action Plan, February 5, 2019
2. 2013 Streamlined Development Checklist
3. 2011 GHG Emissions Reduction Strategy and Compliance Checklist Memo



SAN RAFAEL

THE CITY WITH A MISSION

CLIMATE CHANGE ACTION PLAN 2030

Administrative Draft



FEBRUARY 5, 2019

Section 1: Executive Summary

Section 2: Plan Measures

Appendix A: Program Calculations

Appendix B: Implementation Matrix

Appendix C: 2009 CCAP Program Status

SECTION 1: EXECUTIVE SUMMARY

What's a Climate Action Plan?

A Climate Action Plan (CAP) is a tool that any organization can use to develop the programs and actions needed to reduce greenhouse gas emissions (GHGs), which are the pollutants that cause climate change. Generally, these CAPs are focused on this *'mitigation'* aspect of climate change, but some also lay out a strategy for *'adaptation'*, or how the organization will plan to deal with the effects of climate change such as sea level rise, or increased flooding, heat waves, and wildfires. San Rafael's CAP is called the Climate Change Action Plan and mainly deals with mitigation.

Background

San Rafael has a rich history of climate action and environmental protection. Mayor Al Boro signed on to the Mayor's Climate Protection Agreement in 2006. The first Climate Change Action Plan was adopted in 2009. San Rafael received the first state-wide [Beacon Award](#) for Sustainability by the Institute for Local Government in 2013. Several hundred citizens volunteer on behalf of the environment each year, totaling thousands of hours of volunteer work worth hundreds of thousands of dollars in in-kind contributions. San Rafael has thousands of acres of open space and parks and is a [Tree City USA](#) community. These are just a few of the actions and programs San Rafael has undertaken over the years.

In 2017 the City Council identified updating the Climate Change Action Plan as a high priority in the annual Sustainability Priorities. A 20-member Green Ribbon Working Group was identified by Councilmember Kate Colin, the City Manager's Office, and the President of Sustainable San Rafael. This Working Group included people from various neighborhoods, businesses, high schools, and organizations in order to get a diverse set of voices and perspectives. Throughout the year they participated in a series of meetings with subject matter experts to develop measures for each section of the Plan. Throughout the summer of 2018, the City solicited input from a variety of community members through meetings, pop-up events at community gathering spots, online surveys, a business mixer, and in-person surveys at organizations and activities. This has all been synthesized into the following Plan.

There is broad scientific agreement that to stave off the worst effects of climate change, communities will need to reduce their greenhouse gas emissions by 80% below 1990 levels by the year 2050. But time is of the essence. We are already seeing the effects of climate change locally and throughout the world with hotter temperatures, more severe storms, and more volatile and unpredictable weather. San Rafael has met the State GHG reduction target for 2020 and is on track to meet its more stringent local target by 2020. These emissions come from residents, businesses, and visitors, with only less than 1% coming from government operations and facilities. Recently, the State of California set interim reduction targets of 40% below 1990 levels by 2030 to stay on track. This updated Plan, coming from broad community input, sets out a road map to do just that. We're all in this together; we can do this.



San Rafael's Beacon Award, the first-ever in the State, given by the Institute for Local Government in 2013. 2013 Councilmembers Damon Connolly & Barbara Heller, Mayor Gary Phillips, and Councilmember Andrew McCullough.

What's Been Done So Far: San Rafael Actions

San Rafael businesses, agencies, and residents have been at the forefront of mitigation efforts such as renewable energy, low-carbon transportation, composting, and water conservation. In 2010 Marin Clean Energy was adopted by the City of San Rafael and most electricity users went immediately to purchasing 50% carbon-free electricity for their homes and businesses. San Rafael was one of the first communities to participate in curbside recycling thanks to Marin Sanitary Service's (MSS) forward-thinking owners. In 2014 MSS and Central Marin Sanitation Agency began converting food scraps into energy through their innovative Food to Energy project. By the end of the 2011-2017 drought, San Rafael water users reduced their water consumption by an average of approximately 17%. And in 2017, Marin Municipal Water District began purchasing 100% renewable Deep Green electricity from MCE Clean Energy, which reduced San Rafael resident and businesses' water-related greenhouse gas emissions dramatically.

The City of San Rafael has implemented 40 of the 48 measures in the original Climate Change Action Plan, completing the majority of those that could be completed and moving most of the rest into an ongoing implementation status. Most measures will need to be continued in order to continue to get emissions reductions! *(See Appendix C for the complete list.)*

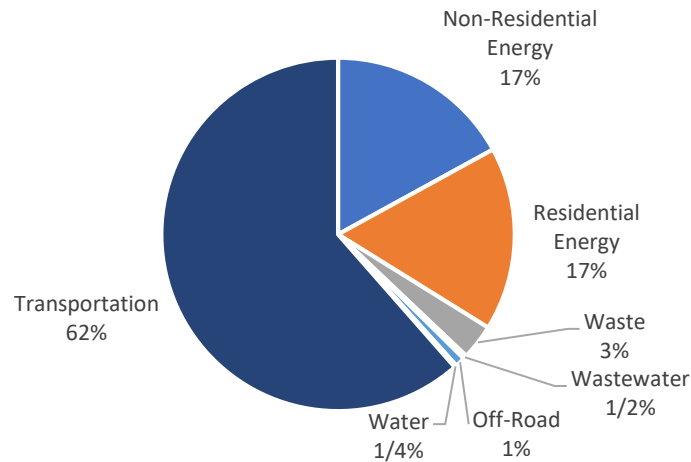


MARIN SANITARY SERVICE'S FOOD TO ENERGY PROGRAM IN CONJUNCTION WITH CENTRAL MARIN SANITATION AGENCY TURNS FOOD SCRAPS INTO ENERGY AND FUELS 100% OF CMSA'S ELECTRICITY USE.

Where We Are At: Emissions Trend and Status

The City prepares an annual community-wide greenhouse gas inventory to track emissions in seven sectors: residential energy, commercial energy, transportation, off-road vehicles and equipment, waste, water and wastewater. As shown in Figure 1, the majority of emissions come from vehicle trips generated by San Rafael residents and businesses. Community emissions totaled 473,440 metric tons of carbon dioxide equivalents (MTCO₂e) in 2005, the State's baseline year. By 2016, emissions had dropped to 389,035 MTCO₂e, an 18% reduction. This is well below the State target for San Rafael, which is 15% below baseline (2005) emissions by 2020, and the trendline shows that emissions are on track to meet the City's local reduction target of 25% below 2005 levels by 2020. While emissions declined in almost all sectors, the largest reductions were due to energy conservation and efficiency, a reduction in the carbon intensity of electricity, and improvements to vehicle fuel efficiency. Emissions from City operations, which make up less than 1% of community-wide emissions, fell 16% by 2016. For more details, see the City's latest Greenhouse Gas Emissions Inventory.

FIGURE1: COMMUNITY EMISSIONS BY SECTOR, 2016

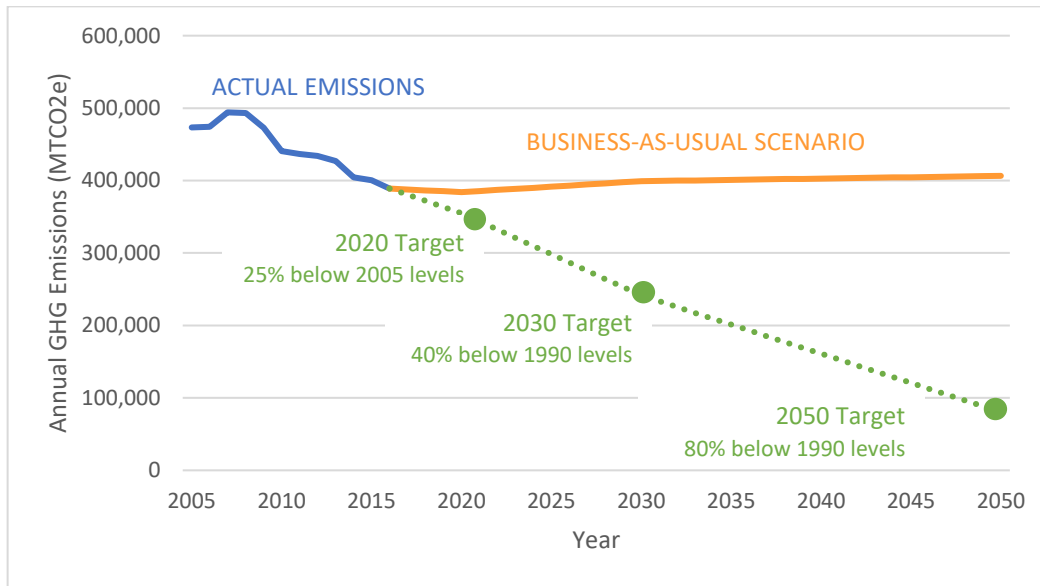


Emissions Forecast and Reduction Targets

The Climate Change Action Plan includes a “business-as-usual” (BAU) forecast in which emissions are projected in the absence of any policies or actions that would occur beyond the base year to reduce emissions. The forecasts are derived by “growing” (increasing) 2016 emissions using forecasted changes in population, number of households, and jobs according to projections developed by the Association of Bay Area Governments. Transportation emissions are projected utilizing data provided by the Metropolitan Transportation Commission, which incorporate the vehicle miles traveled (VMT) reductions expected from the implementation of [Plan Bay Area 2020](#) and the [Regional Transportation Plan](#) adopted in 2017. Emissions are expected to rise about 2.4% by 2030 and 3.3% by 2040. Although the regional agencies have not made official projections for 2050, continuing the trendline suggests emissions would reach approximately 405,530 MTCO₂e by 2050 under the BAU forecast.

The Climate Change Action Plan establishes targets similar to the State’s goals to reduce emissions to 40% below 1990 levels by 2030 and 80% below 1990 levels by 2050. In San Rafael, that means emissions would need to drop to 241,455 MTCO₂e by 2030 and 80,485 MTCO₂e by 2050. The Plan lays out measures that will exceed the 2030 target and put the City on a trajectory to meet the 2050 goal. The community emissions trend, forecast and targets are shown in Figure 2 below.

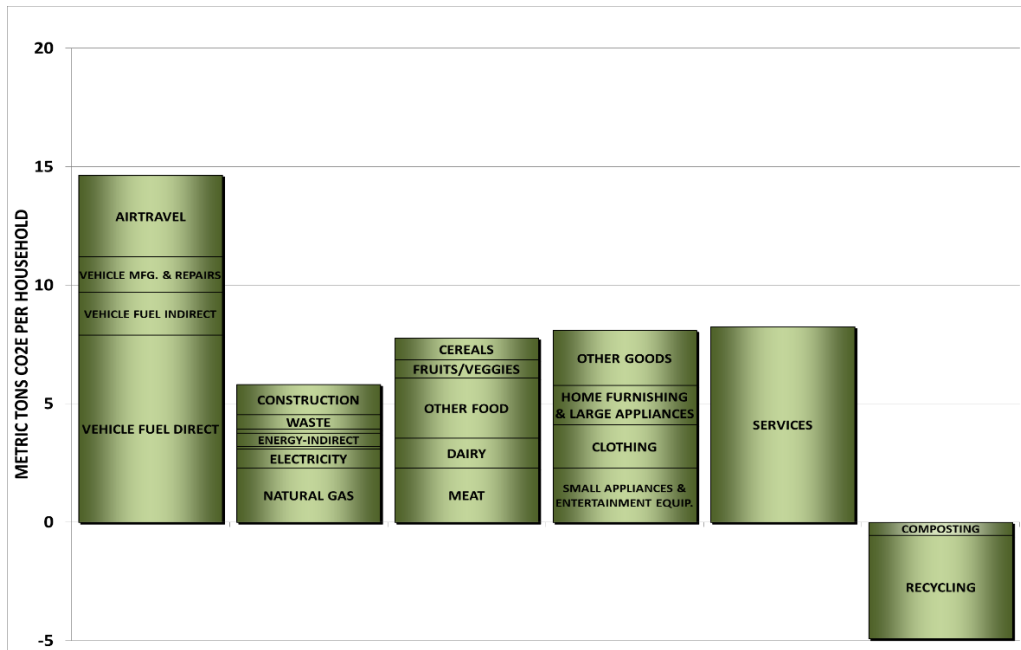
FIGURE 2: EMISSIONS TREND, FORECAST AND TARGETS



Our Carbon Footprint

The Bay Area Air Quality Management District (BAAQMD) and U.C. Berkeley developed a [Consumption-Based Inventory](#) to better understand how our purchasing habits contribute to global climate change. A consumption-based inventory includes emission sources that don't get counted in the typical "in-boundary" GHG inventory, as well as other items that are difficult to quantify like airplane travel and upstream emissions from the production, transport and distribution of food and household goods. Figure 3 shows the results of the consumption-based inventory for San Rafael households. According to this inventory, the average San Rafael household generates 44 MTCO₂e per year. As a comparison, the City's community-wide emissions of 389,035 MTCO₂e works out to about 17 MTCO₂e per household. In essence, our consumption drives climate change more than anything and although San Rafael is meeting its state targets for strict "in-boundary" emissions reductions, we as a community have a long way to go. For more information on this and to see carbon footprints by census tract, visit the [SF Bay Area Carbon Footprint Map](#). To learn how to measure and reduce your household carbon footprint, check out our local [Resilient Neighborhoods](#) program.

FIGURE 3: AVERAGE SAN RAFAEL HOUSEHOLD CARBON FOOTPRINT



This graph shows the relative impact of all the sources of emissions that make up a household carbon footprint. *Source: CoolClimate Network*

State Pillars & DRAWDOWN: Marin

San Rafael doesn't exist in a vacuum. While we are leveraging or trying to combat regional, state-wide, national and even international actions and trends, we also have the ability and responsibility to collaborate with other efforts and campaigns. San Rafael is known for collaborating and it's our collective imagination and cooperative efforts that make San Rafael such a successful and wonderful place to be. If you've ever been to a San Rafael City Council meeting or Climate Change Action Plan quarterly forum you will know this first-hand.

The State of California established the [Six Pillars](#) framework in 2015 when Governor Jerry Brown was inaugurated for his second term as governor. These include (1) reducing today's petroleum use in cars and trucks by up to 50%; (2) increasing from one-third to 50% our electricity derived from renewable sources; (3) doubling the energy efficiency savings achieved at existing buildings and making heating fuels cleaner; (4) reducing the release of methane, black carbon, and other short-lived climate pollutants; (5) managing farm and rangelands, forests and wetlands so they can store carbon; and (6) periodically updating the state's climate adaptation strategy: Safeguarding California. The measures contained in this Climate Change Action Plan are designed to support and implement the Six Pillars and the goals of [California's 2017 Climate Change Scoping Plan](#) on a local level.

CALIFORNIA CLIMATE STRATEGY

An Integrated Plan for Addressing Climate Change



VISION

**Reducing Greenhouse Gas Emissions
to 40% Below 1990 Levels by 2030**

GOALS

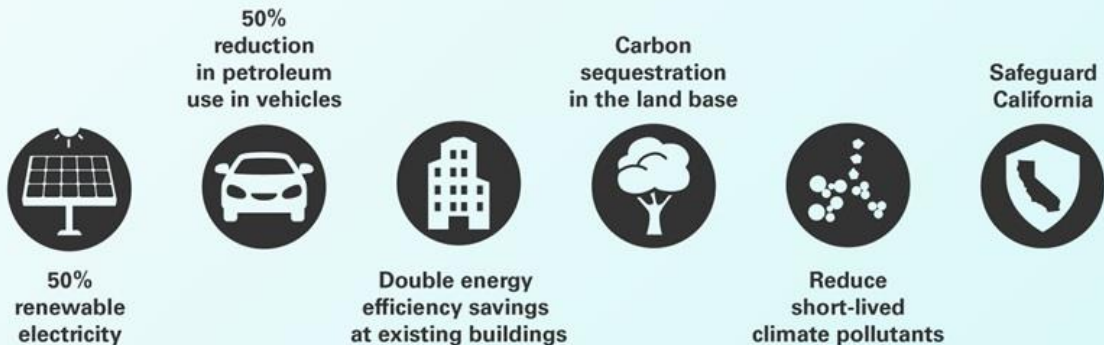


IMAGE: CALIFORNIA'S 6 PILLARS CLIMATE STRATEGY

The County of Marin, noting the need for all residents and businesses to actively reduce emissions and plan for climate adaptation has created an engagement framework based on the research and book by local author, entrepreneur, and environmentalist [Paul Hawken](#) called [DRAWDOWN: Marin](#).

DRAWDOWN: Marin is a comprehensive, science-based, community-wide campaign to do our part to slow the impacts of climate change. It is an effort to recognize our need to reduce our "carbon footprint" and to provide a road map to doing so. Like the State's Six Pillars, there are six areas of focus: (1) 100% Renewable Energy, (2) Low-Carbon Transportation, (3) Energy Efficiency in Buildings and Infrastructure, (4) Local Food and Food Waste, (5) Carbon Sequestration, and (6) Climate Resilient Communities.



IMAGE: DRAWDOWN: MARIN

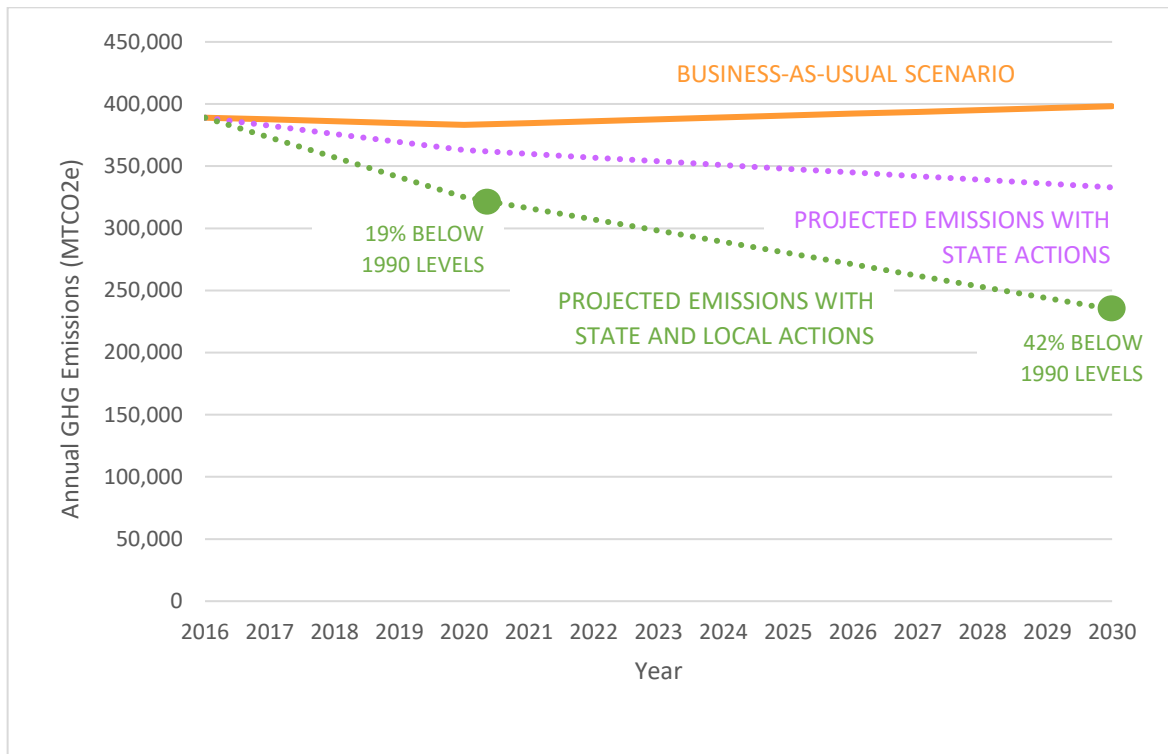
Actions to Reduce Greenhouse Gas Emissions

The Climate Change Action Plan includes a variety of regulatory, incentive-based and voluntary strategies that are expected to reduce emissions from both existing and new development in San Rafael. Several of the strategies build on existing programs while others provide new opportunities to address climate change. State actions will have a substantial impact on future emissions. Local strategies will supplement these State actions and achieve additional GHG emissions reductions. Successful implementation will rely on the combined participation of City staff along with San Rafael residents, businesses and community leaders.

The following sections identify the State and local strategies included in the Climate Change Action Plan to reduce emissions in community and government operations. Emissions reductions are estimated for each strategy; combined, they show that the City could reduce emissions 19% below 1990 levels by 2020 (equivalent to 31% below 2005 levels), and 42% below 1990 levels by 2030, which is enough to surpass the City and State goals for those years. Community emissions are projected to be 233,920 MTCO₂e in 2030 with all State and local actions implemented, while the reduction target is 241,455 MTCO₂e.¹ As shown in Figure 4, State actions represent about 40% of the reduction expected through implementation of the Climate Change Action Plan while local actions represent about 60%.

¹ Some of the local measures included in the plan – specifically, LCT-C10, EE-C2, EE-C3, EE-C4 and WR-C5 – are actions that may be taken after additional study and analysis is undertaken. Estimated GHG reductions from these measures total 5,090 MTCO₂e. Excluding these measures results in community emissions of 239,941 MTCO₂e in 2030, which is still lower than the reduction target of 241,455 MTCO₂e.

FIGURE 4: CUMULATIVE IMPACT OF REDUCTION STRATEGIES



SUMMARY OF STATE ACTIONS

The Climate Change Action Plan incorporates State reduction strategies that have been approved, programmed and/or adopted and will reduce local community emissions from 2016 levels. These programs require no local actions. As such, the State actions are first quantified and deducted from projected community emissions in order to provide a better picture of what still needs to be reduced at the local level to get to the overall reduction targets. State actions and emissions reductions are shown in Table 1 and detailed in the appendix.

TABLE 1: EMISSIONS REDUCTIONS FROM STATE ACTIONS

State Action	Emissions Reductions by 2030 (MTO ₂ e)
Light and Heavy-Duty Vehicle Regulations	56,880
Renewable Portfolio Standard	4,540
Title 24 Energy Efficiency Standards	2,870
Lighting Efficiency	980
Residential Solar Water Heaters	30
Total	65,300

Note: Numbers may not total due to rounding.

SUMMARY OF LOCAL STRATEGIES

The local mitigation measures presented in the following sections, and as summarized in Table 2 below, achieve greenhouse gas emissions reductions in the community of approximately 37,800 MTCO₂e in 2020 and 98,085 MTCO₂e in 2030.

TABLE 2: LOCAL EMISSIONS REDUCTION STRATEGIES

Strategy	GHG Reductions by 2030 (MTCO ₂ e)	Percent of Reductions
Low Carbon Transportation	37,030	38%
Energy Efficiency	18,280	19%
Renewable Energy	31,925	32%
Waste Reduction	10,025	10%
Water Conservation	830	1%
Sequestration and Adaptation	n/a	n/a
Community Engagement	n/a	n/a
Implementation and Monitoring	n/a	n/a
Total	98,085	100%

These local strategies will be detailed in the following sections. Together, the projected reductions from State and local actions total 163,385 MTCO₂e by 2030. Community emissions are projected to be 234,850 MTCO₂e in 2030 with the full implementation of the CCAP. This is 42% below 1990 levels and exceeds the reduction target set by the State.

SECTION 2: MEASURES

Local Measures to Reduce Greenhouse Gas Emissions

Each of the following sections provide a summary table of local measures and associated GHG reductions, followed by a description of the specific actions the City will undertake to implement each measure. The methodologies and implementation targets used to calculate emissions reductions are described in the appendix. Sometimes, there is no direct or reliable way to estimate GHG savings for a particular measure or the savings are embedded in another measure. In this case, the GHG reduction is identified as “not applicable” or “n/a.” For example: Community Engagement is essential for success in many of the measures set forth throughout the Plan, but counting savings in this section would then be double-counting savings from other measures such as those in Low Carbon Transportation or Energy. People need to know about a program to take advantage of it, but the actual emissions reductions will come from participating in the program itself. Therefore, the savings is counted for that program.

Economy and Social Equity

Cities deal with a wide array of issues and pressures and must take all these issues into account when budgeting resources and balancing priorities. Housing, business retention, health and safety, and traffic congestion are some examples. Climate action can address these problems or make them worse, depending on how they are approached. A major theme in the Working Group deliberations and community feedback was around unintended consequences and making sure that measures and programs benefitted the most, not just a few. Sustainability has been described as a three-legged stool, pointing to the need to address not just the environment, but the economy and social equity as well.

One definition of social equity is the “just and fair inclusion into a society in which all can participate, prosper, and reach their full potential” (PolicyLink). Equity is the means to ensure equality for all. An example of how that might work with climate action measures is with energy efficiency. Giving rebates to homeowners to swap out inefficient appliances helps reduce energy consumption and therefore greenhouse gas emissions. But if financial incentives are only available to those with means to purchase new appliances it leaves out a section of the community without means. Programs such as the [Green and Healthy Homes Initiative](#) acknowledges this and works with landlords to upgrade common areas of apartment complexes with the commitment to provide free appliance and building envelope upgrades to renters so that there is a double benefit. First, the property owner can see energy reductions, and second the renter can not only see energy reductions but can also enjoy a healthier home environment, often by increasing comfort, decreasing health hazards such as mold, and providing more reliable appliances.

The economy is the driver of prosperity and equity in a city and provides the revenue necessary for local government to enact programs that are beneficial to the whole community. Half of our community-wide emissions come from the business and commercial sector. But increased regulation can have the unintended consequence of driving up costs, deterring innovation and job growth, and stagnating

business development. However, many measures related to climate action can also have significant return on investment and end up being great business prospects. There is a delicate balance between mandating, incentivizing, and enabling businesses to reduce greenhouse emissions. On the flip side, there is great potential to work together to ensure a robust low-carbon economy that creates good jobs and benefits the whole community. California as a whole is a great example: State emissions have declined 9% since 2006, while the economy has grown 16%.

Throughout the following measures, care was taken to avoid unintended consequences for our under-represented and disadvantaged community members, as well as our business sector, and to enhance the opportunity for equity and prosperity. It is important to consider and include our diverse community members and business interests in the development and implementation of the measures in this plan.



LOW CARBON TRANSPORTATION

38% of potential reductions

More than 60% of San Rafael’s community emissions comes from transportation, and up until the recent commercial success of electric vehicles, it’s been hard to see how we were going to reduce transportation emissions. Sure, improvements in fuel efficiency have driven emissions down – the passenger vehicle fleet in Marin County is about 17% more fuel efficient than it was ten years ago – but vehicle miles traveled by passenger vehicle trips starting and/or ending in San Rafael have actually gone up about 2% over the same period. Surveys show that alternative transportation rates have hardly budged over the years, despite improvements in the bicycle and pedestrian network and public information campaigns to get people to carpool, bicycle, walk and take transit.

All of that is now changing with the viability of zero emission vehicles (ZEVs), especially here in San Rafael where electricity is pretty clean and expected to get cleaner. ZEVs include all-battery as well as plug-in hybrid vehicles. Marin County is a leader in ZEV adoption rates – second only to Santa Clara County – and ZEVs already comprise about 2% of all registered passenger vehicles in Marin. Our plan is to increase that rate to 25% by 2030 by building out the EV charging infrastructure and encouraging ZEV ownership through incentives, public education, and development requirements. This is an aggressive target, but one that complements the State’s goal to put 5 million ZEVs on the road by 2030. Improvements in battery and charging technology, expected cost reductions, and automakers’ commitments to significantly expand ZEV offerings point to an all-electric future. Of course, new cars are typically out of the reach of low-income household budgets, but programs that incentivize used EV car purchases and installation of EV chargers in lower-income neighborhoods can help ensure the benefits of EV ownership are shared by all. That said, we can’t rely on ZEV’s alone to meet our transportation reductions; reducing congestion, enabling better biking and walking opportunities, and incentivizing public transit all carry co-benefits and can be enjoyed by all.

What You Can Do

- #1 Drive an all-electric or plug-in hybrid vehicle.
- #2 Bike, walk or take transit whenever possible.
- #3 Shut your car off when waiting in line at the ATM or school pick up/drop off lane.
- #4 Better yet, have your child walk or bike to school.
- #5 Use an electric leaf blower and lawn mower.

The City will take the following actions to reduce emissions from transportation sources.

TABLE 3: LOW CARBON TRANSPORTATION MEASURES TO REDUCE COMMUNITY EMISSIONS

ID	Measure	GHG Reduction by 2030 (MTCO ₂ e)	Share of Reductions
LCT-C1	Zero Emission Vehicles	30,345	83%
LCT-C2	Bicycling	1,910	5%
LCT-C3	Walking	575	2%
LCT-C4	Safe Routes to School	320	1%
LCT-C5	Public Transit	1,035	3%
LCT-C6	Employee Trip Reduction	1,030	3%
LCT-C7	Parking Requirements	55	<1%
LCT-C8	Traffic System Management and Vehicle Idling	1,075	3%
LCT-C9	Smart Growth Development	n/a*	n/a
LCT-C10	Electric Landscape Equipment	110	<1%
TOTAL		36,455	100%

**Emissions reductions due to smart growth development are embedded in vehicle miles traveled projections utilized in the development of the emissions forecast. In order to avoid double-counting, they are not included here.*

LCT-C1: Zero Emission Vehicles

Develop a Zero Emission Vehicle Plan that will result in 25% of passenger vehicles in San Rafael to be zero emission vehicles (ZEVs), including plug-in electric vehicles (EVs) and hydrogen fuel cell electric vehicles, by 2030. Incorporate the following actions in the plan as feasible:

- a. Provide free parking for ZEVs at City parking lots and metered parking spaces.
- b. Provide wayfinding signage to public EV chargers.
- c. Work with PG&E and other entities to identify multi-family and workplace charging sites appropriate for available incentive programs, such as EV Charge Network.
- d. Participate in a countywide effort by MCE, PG&E and others to provide rebates for new or used electric vehicles and/or charging stations.
- e. Pursue opportunities to expand the City’s EV charging network through innovative programs, such as installing chargers at existing streetlight locations.
- f. Require new and remodeled commercial and multi-family projects to install a minimum number of electric vehicle chargers for use by employees, customers, and residents.
- g. Require new and remodeled single-family and multi-family projects to install electrical service and conduits for potential electric vehicle use.
- h. Consider requiring new and remodeled gas stations to provide EV fast chargers and hydrogen fueling stations.
- i. Participate in regional efforts and grant programs to encourage widespread availability of EV charging stations.
- j. Target policies to support ZEV adoption, including used vehicles, in low income and disadvantaged communities.
- k. Participate in programs to promote EV adoption, including "Drive an EV" events and other media and outreach campaigns.

- l. Encourage or require, as practicable, ride hailing and delivery service companies to utilize zero emission vehicles.
- m. Promote adoption of electric bicycles, scooters and motorcycles.

LCT-C2: Bicycling

Encourage bicycling as an alternative to vehicular travel through outreach channels and partner agencies. Establish and maintain a system of bicycle facilities that are consistent with the City's Bicycle and Master Pedestrian Plan and Complete Streets policies.

- a. Provide bicycle racks and lockers for public use.
- b. Participate in a bike share program.

LCT-C3: Walking

Encourage walking as an alternative to vehicular travel through outreach channels and partner agencies. Establish and maintain a system of pedestrian facilities that are consistent with the City's Bicycle and Pedestrian Master Plan and Complete Streets policies.

LCT-C4: Safe Routes to School

Continue to support the Safe Routes to School Program and strive to increase bicycling, walking, carpooling, and taking public transit to school.

- a. Promote school and student participation.
- b. Identify issues associated with unsafe bicycle and pedestrian facilities between neighborhoods and schools, apply for Safe Routes to School grants, and execute plans to improve pedestrian and bicycle facilities.

LCT-C5: Public Transit

Support and promote public transit by taking the following actions:

- a. Work with Marin Transit and Golden Gate Transit to maximize ridership through expansion and/or improvement of transit routes and schedules.
- b. Work with SMART, TAM, employers and others to provide first and last mile programs to maximize utilization of the train, including shuttle buses.
- c. Support the development of an attractive and efficient multi-modal transit center and provide safe routes to the transit center that encourage bicycle and pedestrian connections.
- d. Support a "Yellow School Bus" program and student use of regular transit to reduce school traffic.
- e. Encourage transit providers, including school buses, to use renewable diesel as a transition fuel and to purchase electric buses whenever replacing existing buses.

LCT-C6: Employee Trip Reduction

Reduce vehicle miles traveled commuting to work through the following actions:

- a. Work with the Transportation Authority of Marin, the Metropolitan Transportation Commission, and the Bay Area Air Quality Management District (BAAQMD) to promote transportation demand programs to local employers, including rideshare matching programs, vanpool incentive programs, emergency ride home programs, telecommuting, transit use discounts and subsidies,

showers and changing facilities, bicycle racks and lockers, and other incentives to use transportation other than single occupant vehicles.

- b. Update the City's Trip Reduction Ordinance to reflect the most recent BAAQMD regulations and to increase the number of employers subject to the ordinance.
- c. Embark on a behavior change and educational campaign to encourage employees to reduce vehicle trips.

LCT-C7: Parking Requirements

Promote a walkable city by reducing parking requirements wherever feasible. Allow new development in the Downtown area to reduce minimum parking requirements by 20 percent from current levels. Elsewhere, reduce parking requirements based on robust transportation demand programs and proximity and frequency of transit services. Encourage unbundling of parking costs.

LCT-C8: Traffic System Management and Vehicle Idling

- a. Implement signal synchronization to minimize wait times at traffic lights and to reduce congestion through increased traffic flow.
- b. Utilize intelligent traffic management systems to improve traffic flow and guide vehicles to available parking.
- c. Encourage drivers and autonomous vehicles to limit vehicle idling through implementing behavior change and engagement campaigns.
- d. Investigate adopting an ordinance to regulate idling beyond State requirements.

LCT-C9: Smart Growth Development

Prioritize infill, higher density, transit-oriented, and mixed-use development.

LCT-C10: Electric Landscape Equipment. Encourage the use of electric landscape equipment instead of gasoline-powered equipment through engagement campaigns.

TABLE 4: LOW CARBON TRANSPORTATION MEASURES TO REDUCE GOVERNMENT OPERATIONS EMISSIONS

ID	Measure	GHG Reduction by 2030 (MTCO _{2e})	Share of Reductions
LCT-M1	Zero and Low Emission City Vehicles	275	48%
LCT-M2	Low Carbon Fuels	270	47%
LCT-M3	City Employee Commute	20	4%
LCT-M4	Municipal Electric Landscape Equipment	5	1%
TOTAL		570	100%

LCT-M1: Zero and Low Emission City Vehicles

Purchase or lease zero-emission vehicles for the City fleet whenever feasible, and when not, the most fuel-efficient models available. Promote City adoption and procurement of zero-emission vehicles and charging infrastructure to the public.

LCT-M2: Low Carbon Fuels

Use low-carbon fuel such as renewable diesel as a transition fuel in the City's fleet and encourage the City's service providers to do the same, until vehicles are replaced with zero-emissions vehicles.

LCT-M3: City Employee Commute

Continue to provide City employees with incentives and/or reduce barriers to use alternatives to single occupant auto commuting, such as transit use discounts and subsidies, bicycle facilities, showers and changing facilities, ridesharing services, vanpools, emergency ride home service, flexible schedules, and telecommuting when practicable.

LCT-M4: Municipal Electric Landscape Equipment

Replace gas-powered leaf blowers and other landscape equipment with electric models.



ENERGY EFFICIENCY

19% of potential reductions

Increasing the efficiency of buildings is often the most cost-effective approach for reducing greenhouse gas emissions. Energy efficiency upgrades, such as adding insulation and sealing heating ducts, have demonstrated energy savings of up to 20 percent, while more aggressive “whole house” retrofits can result in even greater energy savings. Many “low-hanging fruit” improvements can be made inexpensively and without remodeling yet can be extremely cost-efficient, such as swapping out incandescent bulbs to LED bulbs, sealing air leaks, and installing a programmable thermostat. Energy Star-certified appliances and office equipment, high-efficiency heating and air conditioning systems, and high-efficiency windows not only save energy but reduce operating costs in the long run. Nonetheless, some upgrades can be expensive, particularly for low-income households, so the City participates in programs that provide rebates, free energy audits, and financing options for residents and businesses.

New construction techniques and building materials, known collectively as “green building,” can significantly reduce the use of resources and energy in homes and commercial buildings. Green construction methods can be integrated into buildings at any stage, from design and construction to renovation and deconstruction. The State of California requires green building energy-efficiency through the Title 24 Building codes. The State updates these codes approximately every three years, with increasing energy efficiency requirements since 2001. The State’s energy efficiency goals are to have all new residential construction to be zero net electricity by 2020 and all new residential and commercial construction to be zero net energy by 2030. Local governments can accelerate this target by adopting energy efficiency standards for new construction and remodels that exceed existing State mandates, or by providing incentives, technical assistance, and streamlined permit processes to enable quicker adoption.

The City will take the following actions to reduce emissions in the built environment.

What You Can Do

- #1 Replace indoor and outdoor lights with LED bulbs, and turn them off when not in use.
- #2 Have an energy assessment done for your home or business.
- #3 Upgrade insulation, seal leaks, and install a programmable thermostat.
- #4 Purchase Energy Star appliances and equipment.
- #5 Unplug electronic appliances when not in use and set the thermostat to use less heat and air conditioning.

TABLE 5: ENERGY EFFICIENCY MEASURES TO REDUCE COMMUNITY EMISSIONS

ID	Measure	GHG Reduction by 2030 (MTCO ₂ e)	Share of Reductions
EE-C1	Energy Efficiency Programs	17,335	96%
EE-C2	Energy Audits	260	1%
EE-C3	Cool Pavement and Roofs	275	2%
EE-C4	Green Building Reach Code	225	1%
EE-C5	Streamline Permit Process and Provide Technical Assistance	n/a	n/a
TOTAL		18,095	100%

EE-C1: Energy Efficiency Programs

Promote and expand participation in residential and commercial energy efficiency programs.

- a. Work with organizations and agencies such as the Marin Energy Watch Partnership, the Bay Area Regional Network, Resilient Neighborhoods, and the Marin Climate & Energy Partnership to promote and implement energy efficiency programs and actions.
- b. Continue and expand participation in energy efficiency programs such as Energy Upgrade California, California Energy Youth Services, and Smart Lights.
- c. Promote utility, state, and federal rebate and incentive programs.
- d. Participate and promote financing and loan programs for residential and non-residential projects such as Property Assessed Clean Energy (PACE) programs, PG&E on-bill repayment, and California Hub for Energy Efficiency Financing (CHEEF) programs.

EE-C2: Energy Audits

Investigate requiring energy audits for residential and commercial buildings prior to completion of sale, including identification of cost savings from energy efficiency measures and potential rebates and financing options.

EE-C3: Cool Pavement and Roofs

Use high albedo material for roadways, parking lots, sidewalks and roofs to reduce the urban heat island effect and save energy.

- a. Evaluate the use of high albedo pavements when resurfacing City streets or re-roofing City facilities.
- b. Encourage new development to use high albedo material for driveways, parking lots, walkways, patios, and roofing through engagement and behavior change campaigns.

EE-C4: Green Building Reach Code

Investigate adopting a green building ordinance for new and remodeled commercial and residential projects that requires green building methods and energy efficiency savings above the State building and energy codes. Consider utilizing the County's green building ordinance as a model and including the use of photovoltaic systems and all-electric building systems as options to achieve compliance.

EE-C5: Streamline Permit Process and Provide Technical Assistance

Analyze current green building permit and inspection process to eliminate barriers and provide technical assistance to ensure successful implementation of green building requirements. Work county-wide to make it easier for contractors and building counter staff to simplify applications and identify incentives.

TABLE 6: ENERGY EFFICIENCY MEASURES TO REDUCE GOVERNMENT OPERATIONS EMISSIONS

ID	Measure	GHG Reduction by 2030 (MTCO ₂ e)	Share of Reductions
EE-M1	Streetlights	110	58%
EE-M2	Energy Efficiency Audit and Retrofits	45	23%
EE-M3	Energy Conservation	35	19%
TOTAL		185	100%

EE-M1: Streetlights

Complete replacement of inefficient street, parking lot and other outdoor lighting with LED fixtures.

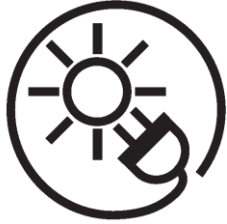
EE-M2: Energy Efficiency Audit and Retrofits

Work with the Marin Energy Management Team to identify and implement energy efficiency projects in municipal buildings and facilities and electrification of existing building systems and equipment that use natural gas.

EE-M3: Energy Conservation

Reduce energy consumption through behavioral and operational changes.

- a. Establish energy efficiency protocols for building custodial and cleaning services and other employees, including efficient use of facilities, such as turning off lights and computers, thermostat use, etc.
- b. Incorporate energy management software, electricity monitors, or other methods to monitor energy use in municipal buildings.
- c. Investigate 9/80 work schedule for City facilities where feasible and where facilities can be shut down entirely.



RENEWABLE ENERGY

33% of potential reductions

Energy that comes from renewable sources, including solar, wind, geothermal, and small hydroelectric, are the cleanest and most-environmentally friendly energy sources. Here in San Rafael, where there is an abundance of sunny days, solar energy is a particularly good energy source. According to [Project Sunroof](#), 94% of San Rafael buildings have roofs that are solar-viable. These 14,700 roofs could generate over 470 million kWh per year, which is more than the total electricity usage in San Rafael in 2016. Solar system costs keep falling, too, which make them an attractive option for home and commercial building owners. Our Climate Change Action Plan projects that we can get about 24% of our electricity from locally produced solar energy systems by 2030, up from about 4% currently, just by maintaining the current growth rate.

When solar is not an option, due perhaps to a shady roof or a reluctant landlord, residents and business owners can purchase 100% renewable electricity from MCE Clean Energy and PG&E. MCE and PG&E electricity have a high percentage of renewable and GHG-free content, which means it's some of the cleanest electricity in the country. What's more, MCE's goal is provide 100% renewable and GHG-free electricity to all its customers by 2025. Considering that MCE currently carries about two-thirds of the total electricity load in San Rafael, that action alone will significantly reduce emissions.

Since our electricity is so clean, and getting cleaner, it's a great idea to swap out appliances and heating and cooling systems that use natural gas for ones that use electricity. If you're constructing a new home or building, consider going all-electric. Battery prices are falling, and will soon be a cost-effective option, too. Eventually, we'll need to replace the majority of natural gas appliance and equipment if we're going to hit our long-term goals. Fortunately, ongoing research and development of energy storage systems are creating new business opportunities and making an all-electric, 100% renewable future possible.

The City will take the following actions to reduce emissions from energy use.

What You Can Do

#1 Switch to MCE Deep Green or PG&E Solar Choice 100% renewable electricity option.

#2 Install a solar energy system on your home or business.

#3 Replace appliances that use natural gas for ones that use electricity.

#4 Investigate electric hot water heaters and heat pumps so you can swap out heaters and furnaces that use natural gas when it's time to replace them.

TABLE 7: RENEWABLE ENERGY MEASURES TO REDUCE COMMUNITY EMISSIONS

ID	Measure	GHG Reduction by 2030 (MTCO ₂ e)	Share of Reductions
RE-C1	Renewable Energy Generation	10,940	35%
RE-C2	GHG-Free Electricity	19,560	62%
RE-C3	Building and Appliance Electrification	895	3%
RE-C4	Innovative Technologies	n/a	n/a
TOTAL		31,415	100%

RE-C1: Renewable Energy Generation

Accelerate installation of residential and commercial solar and other renewable energy systems.

- a. Provide permit streamlining and reduce or eliminate fees, as feasible.
- b. Amend building codes, development codes, design guidelines, and zoning ordinances, as necessary, to facilitate small, medium, and large-scale installations.
- c. Encourage installation of solar panels on carports and over parking areas on commercial projects and large-scale residential developments through ordinance, engagement campaigns, or agency incentives.
- d. Participate and promote financing and loan programs for residential and non-residential projects such as Property Assessed Clean Energy (PACE) programs and California Hub for Energy Efficiency Financing (CHEEF) programs.
- e. Encourage installation of battery storage in conjunction with renewable energy generation projects through engagement campaigns and partner agency incentives.

RE-C2: GHG-Free Electricity

Encourage residents and businesses to switch to 100 percent renewable electricity (MCE Deep Green, MCE Local Sol, and PG&E Solar Choice) through engagement campaigns and partner agency incentives and work with MCE Clean Energy to assure that it reaches its goal to provide electricity that is 100 percent GHG-free by 2025.

RE-C3: Building and Appliance Electrification

Promote electrification of building systems and appliances that currently use natural gas, including heating systems, hot water heaters, stoves, and clothes dryers.

RE-C4: Innovative Technologies

Investigate and pursue innovative technologies such as micro-grids, battery storage, and demand-response programs that will improve the electric grid’s resiliency and help to balance demand and renewable energy production.

TABLE 8: RENEWABLE ENERGY MEASURES TO REDUCE GOVERNMENT OPERATIONS EMISSIONS

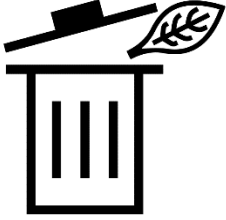
ID	Measure	GHG Reduction by 2030 (MTCO ₂ e)	Share of Reductions
RE-M1	Solar Energy Systems	140	28%
RE-M2	Deep Green Electricity	365	72%
TOTAL		505	100%

RE-M1: Solar Energy Systems for Municipal Buildings

Install solar energy systems at municipal buildings and facilities where feasible and investigate and pursue innovative technologies such as battery storage and demand response programs.

RE-M2: Municipal Deep Green Electricity

Continue to purchase MCE Deep Green electricity for all City facilities.



WASTE REDUCTION

10% of potential reductions

The things we buy, consume, and throw away generate a lot of greenhouse gas emissions during manufacturing, transport, distribution and disposal. The best way to reduce emissions is to purchase and consume less stuff in the first place, and then find someone who can reuse whatever you no longer need before considering recycling or disposal.

Due to the way we account for community emissions, our Climate Change Action Plan does not take credit for reducing upstream emissions. Instead, our GHG accounting is directly concerned with emissions that are created from the anaerobic decomposition of organic waste in the landfill. The decomposition process creates methane, which is 28 times more potent as a greenhouse gas than carbon dioxide. Although landfills capture most of the methane, and some like Redwood Landfill use that methane to create biogas or electricity, about one-quarter of it escapes into the atmosphere.

The good news is that it is relatively easy to divert organic material from the landfill. Paper and cardboard can be recycled. Food scraps, some paper (like napkins and paper towels), and yard waste can be composted, either at home or at the landfill. Surplus food can be donated to non-profits that distribute it to the needy. About half of the organic material that is put into the landfill is “recoverable.” The measures below are geared to making that happen by 2030, starting with encouraging residents and businesses to divert, recycle and compost organic waste. To meet our diversion target, the City will consider adopting an ordinance that mandates recycling and, as a last resort, setting trash collection fees that enable the waste hauler to invest in machinery that can sort trash and recover all compostable and recyclable materials before they are sent to the landfill.

The City will take the following actions to reduce emissions from waste.

What You Can Do

- #1 Buy only as much as you need.
- #2 Buy locally grown food and eat less meat.
- #3 Put your food scraps in the green can and/or compost them at home.
- #4 Donate extra food and used clothing and housewares to charities.
- #5 Don't be a “wishful” recycler. Be scrupulous about how you sort your recyclables.

TABLE 9: WASTE REDUCTION MEASURES TO REDUCE COMMUNITY EMISSIONS

ID	Measure	GHG Reduction by 2030 (MTCO ₂ e)	Share of Reductions
WR-C1	Commercial Organic Waste	1,505	16%
WR-C2	Residential Organic Waste	795	8%
WR-C3	C&D and Self-Haul Waste	170	2%
WR-C4	Mandatory Waste Diversion	2,990	31%
WR-C5	Waste Processing Infrastructure	4,220	44%
WR-C6	Extended Producer Responsibility	n/a	n/a
WR-C7	Inorganic Waste	n/a	n/a
TOTAL		9,680	100%

WR-C1: Commercial Organic Waste

Work with Zero Waste Marin, Marin Sanitary Service, and non-profits such as Extra Food to divert commercial organic waste from the landfill through recycling, composting, and participation in waste-to-energy and food recovery programs.

- a. Conduct outreach and education to businesses subject to State organic waste recycling mandates (AB 1826) and encourage or enforce compliance with the law.
- b. Refer new and major remodel commercial and multi-family residential project proposals to the City's waste hauler for review and comment and require projects to provide adequate waste and recycling facilities and access as feasible.
- c. Encourage and facilitate commercial and multi-family property owners to require responsible use of on-site recycling facilities in lease and rental agreements and to train and regularly evaluate janitorial, landscape, and other property management services.

WR-C2: Residential Organic Waste

Work with Zero Waste Marin, Marin Sanitary Service, and other organizations to educate and motivate residents to utilize curbside collection services and home composting for food waste.

WR-C3: Construction & Demolition Debris and Self-Haul Waste

Require all loads of construction & demolition debris and self-haul waste to be processed for recovery of materials as feasible. Investigate creation of an ordinance requiring deconstruction of buildings proposed for demolition or remodeling when materials of significant historical, cultural, aesthetic, functional or reuse value can be salvaged.

WR-C4: Mandatory Waste Diversion

Adopt an ordinance requiring mandatory subscription to and participation in waste diversion activities, including recycling and organics collection provided by Marin Sanitary Service. Consider including phased implementation of the ordinance, penalties, and practical enforcement mechanisms.

WR-C5: Waste Processing Infrastructure

Review and revise the City’s franchise agreement with Marin Sanitary Service to ensure waste reduction and diversion targets are met. Conduct a feasibility study and consider investing in new solid waste processing infrastructure to remove recoverable materials (recycling and organics) from the waste stream and reduce contamination. Require regular residential and commercial waste audits and waste characterization studies to identify opportunities for increased diversion and to track progress in meeting targets.

WR-C6: Extended Producer Responsibility. Encourage the State to regulate the production and packaging of consumer goods and take-back programs. Encourage on-demand delivery services like Amazon and Blue Apron to reduce packaging waste and investigate requirements and incentives for same through ordinance or engagement campaigns.

WR-C7: Inorganic Waste. Promote reuse, repair, and recycling of inorganic materials, and encourage reduced use of packaging and single use items through engagement campaigns. Investigate supporting a local building material reuse center.

TABLE 10: WASTE REDUCTION MEASURES TO REDUCE GOVERNMENT OPERATIONS EMISSIONS

ID	Measure	GHG Reduction by 2030 (MTCO ₂ e)	Share of Reductions
WR-M1	Waste from Public Facilities	260	76%
WR-M2	Waste from City Operations	85	24%
TOTAL		345	100%

WR-M1: Waste from Public Facilities

Increase opportunities for recycling, reuse, and composting at City facilities.

WR-M2: Waste from City Operations

Embark on an educational and social marketing-based campaign to increase recycling, composting, reuse, and waste reduction within municipal operations. Conduct periodic waste audits of City facilities to understand where opportunities for increased diversion lie and to track progress.



WATER CONSERVATION

1% of potential reductions

San Rafael is no stranger to periodic droughts and the need to conserve water, and the community has responded by reducing per capita water use by about 25%, from 152 gallons per person per day (gpcd) in 2005 to 114 gpcd in 2016. In addition to installing low-flow fixtures (showerheads, faucets and toilets) and water-efficient appliances (clothes washers and dishwashers), residents and businesses are planting native, drought-tolerant species and even replacing lawns with attractive, low-water use gardens. Good thing, because as temperatures continue to rise, we will experience more droughts and more intense heat waves than before.

Our Greenhouse Gas Inventory counts emissions that are generated from the energy used to pump, treat and convey water from the water source to San Rafael water users. Far more emissions are created from the energy that is used to heat water, but those emissions are counted in the residential and commercial sectors. Therefore, the water sector comprises a much smaller share of community emissions than one might expect.

The water agencies that supply San Rafael's water are committed to using 100% renewable energy in their operations. Marin Municipal Water District (MMWD) began purchasing Deep Green electricity from MCE in 2017, and Sonoma County Water Agency, which provides 20-25% of MMWD's water, started purchasing 100% renewable electricity in 2015. As a result, emissions from the water sector will go down to nearly zero, but the overall contribution to community emissions reduction is small.

The City will take the following actions to reduce emissions from water use.

What You Can Do

#1 Replace your lawn with a drought-tolerant garden.

#2 Install a drip irrigation system and check it regularly for leaks.

#3 Install low water flow faucets, showerheads and toilets.

#4 Buy water-efficient dishwashers and clothes washers when it's time to replace them.

TABLE 11: WATER CONSERVATION MEASURES TO REDUCE COMMUNITY EMISSIONS

ID	Measure	GHG Reduction by 2030 (MTCO ₂ e)	Share of Reductions
WC-C1	Community Water Use	830	100%

WC-C1: Community Water Use

Reduce indoor and outdoor water use in residential and commercial buildings and landscaping.

- a. Work with Marin Municipal Water District (MMWD) and other organizations to promote water conservation programs and incentives.
- b. Educate residents and businesses about local and State laws requiring retrofit of non-compliant plumbing fixtures during remodeling and at resale.
- c. Ensure all projects requiring building permits, plan check, or design review comply with State and MMWD regulations.
- d. Encourage the installation of greywater and rainwater collection systems and the use of recycled water where available through ordinance or engagement campaigns.

TABLE 12: WATER CONSERVATION MEASURES TO REDUCE GOVERNMENT OPERATIONS EMISSIONS

ID	Measure	GHG Reduction by 2030 (MTCO ₂ e)	Share of Reductions
WC-M1	Municipal Water Use	<1	100%

WC-M1: Municipal Water Use

Reduce indoor and outdoor water use in municipal facilities and operations.

- a. Replace high water use plants and inefficient irrigation systems with water-efficient landscaping.
- b. Investigate synthetic turf that uses organic infill for ball fields and parks to reduce water, herbicide use, and maintenance costs, while increasing field use throughout the year.
- c. Replace inefficient plumbing fixtures with high-efficiency fixtures.
- d. Use recycled water as available and practicable.



SEQUESTRATION AND ADAPTATION

California is already experiencing the effects of climate change. Every year, it seems like the news gets grimmer: more wildfires, more heat waves, longer droughts, more intense storms, less snow pack, and less fresh water. Annual average air temperatures have already increased by about 1.8 °F in California, and that number will likely double even if the world can reduce emissions 80% by 2050. San Rafael needs to be prepared for the likely impacts of climate change, including flooding from more intense storms and sea level rise, health impacts from heat exposure and poor air quality, and safety risks from the increased likelihood of wildfires and landslides.

Sea level rise is a particular concern to San Rafael, where many homes, businesses, and industrial and recreational facilities are at risk for flooding. Sea level has already risen 8” in San Francisco Bay and is expected to rise another 10 inches by 2040. Within this short time period, the Canal area, the Kerner Business District, and other shoreline development will likely experience tidal flooding. The Canal neighborhood residents, the majority of whom are lower-income and Latino, will be some of the first people impacted by sea level rise at their front doors.

Storm surges coupled with a 10” sea level rise could flood a greater area – up to 10% of San Rafael’s land area – including Peacock Gap and the industrial and commercial area of Anderson Drive. By the end of the century, sea level is projected to rise 2.4 to 3.4 feet, and possibly as much as 5 feet. At the higher end, nearly 2,500 buildings, or 13% of all San Rafael buildings, could face some level of tidal flooding. A comprehensive assessment of San Rafael’s vulnerable assets was completed in 2017. For more information, see the [Marin Shoreline Sea Level Rise Assessment](#). While the Climate Change Action Plan contains some measures that address adaptation, a more complete set of goals, policies and programs are contained in the [San Rafael Local Hazard Mitigation Plan](#) and will be incorporated in the City’s updated General Plan.

In addition to adaptation strategies, this section contains measures to sequester carbon dioxide through planting and preservation of trees and other vegetation and the development of carbon-rich soils. Carbon offsets are often used to fund these types of carbon sequestration projects and can be purchased to offset emissions that are difficult to otherwise mitigate, such as airplane flights. We haven’t credited emission reductions for these actions because we don’t count sequestered carbon in the community greenhouse gas inventory, but we recognize that sequestration is a critical component to meeting our carbon reduction goals.

The City will take the following actions to sequester carbon dioxide and adapt to climate change.

What You Can Do

#1 Plant trees appropriate to your situation.

#2 Add compost to your soil.

#3 Purchase carbon offsets for airplane flights and other emissions that are difficult to mitigate.

#4 Find out if your home or business is vulnerable to sea level rise at [Our Coast Our Future](#).

TABLE 13: SEQUESTRATION AND ADAPTATION MEASURES TO REDUCE COMMUNITY EMISSIONS

ID	Measure
SA-C1	Urban Forest
SA-C2	Carbon Sequestration
SA-C3	Carbon Offsets
SA-C4	Sea Level Rise
SA-C5	Climate Change Adaptation

SA-C1: Urban Forest

Increase carbon sequestration and improve air quality and natural cooling through increasing tree cover in San Rafael.

- a. Plant additional trees on City-owned land, including public parks, open space, medians, and rights of way, where feasible.
- b. Review parking lot landscape standards to maximize tree cover, size, growth, and sequestration potential.
- c. Regulate and minimize removal of large trees and require planting of replacement trees.
- d. Require that the site planning, construction and maintenance of new development preserve existing healthy trees and native vegetation on site to the maximum extent feasible. Replace trees and vegetation not able to be saved.
- e. Encourage community members to plant trees on private land. Consider creating a tree giveaway event or providing lower-cost trees to the public through a bulk purchasing program.
- f. Encourage the creation of community gardens on public and private lands by community groups.
- g. Provide information to the public, including landscape companies, gardeners and nurseries, on carbon sequestration rates, drought tolerance, and fire resistance of different tree species.
- h. Manage trees and invasive species in the open space for forest health and reduction of fuel load.
- i. Require new development, redevelopment, and infrastructure projects to implement best management practices as feasible, including low-impact development techniques, the minimal use of non-pervious surfaces in landscape design, and the integration of natural features into the project design, to naturally filter and biodegrade contaminants and to minimize surface runoff into drainage systems and creeks.

SA-C2: Carbon Sequestration

Increase carbon sequestration in the built environment, developed landscapes, and natural areas.

- a. Encourage use of building materials that store carbon, such as wood and carbon-intensive concrete through agency partnerships and engagement campaigns.
- b. Encourage and support composting to develop healthy, carbon-rich soils.
- c. Manage parks and open spaces to steadily increase carbon in vegetation and soil.
- d. Increase the extent and carbon sequestration potential of bay wetlands, through improvements such as horizontal levees.

SA-C3: Carbon Offsets

Reduce the impact of greenhouse gas emissions through the purchase of carbon offsets.

- a. Encourage community members to purchase carbon offsets to reduce their carbon footprint through engagement campaigns.
- b. Consider partnering with a local non-profit organization to promote a carbon offset program.
- c. Focus on offsetting emissions that are difficult to mitigate otherwise, such as airplane travel.

SA-C4: Sea Level Rise

Prepare for and adapt to a rising sea level.

- a. Consider the potential for sea level rise when processing development applications that might be affected by such a rise. Use current Flood Insurance Rate Maps and National Oceanic and Atmospheric Administration (NOAA) recommendations associated with base flood elevation adjustments for sea level rise in the review of development proposals. Adopt requirements to assess sea level rise risks on new development, infrastructure, and transit corridors.
- b. Prepare a guidance document for incorporating sea level rise into the City's capital planning process.
- c. Work with local, County, state, regional, and federal agencies with Bay and shoreline oversight and with owners of critical infrastructure and facilities in the preparation of a plan for responding to rising sea levels. Make sure all local stakeholders are kept informed of such planning efforts.
- d. Investigate developing flood control projects and modifying the City's land use regulations for areas subject to increased flooding from sea level rise.
- e. Update GIS (Geographic Information System) maps to include new data as it becomes available; utilize GIS as a tool for tracking sea level rise and flooding and make available to the public.
- f. Study the creation of a Bayfront overlay zone or similar that would establish standards for developing in areas subject to flooding from SLR.

SA-C5: Climate Change Adaptation

Prepare for and respond to the expected impacts of climate change.

- a. Continue to incorporate the likelihood of sea level rise and increased risk of wildfire and extreme heat and storm events in the City's Local Hazard Mitigation Plan.
- b. Incorporate the likelihood of climate change impacts into City emergency planning and training.
- c. Coordinate with water districts, wildlife agencies, flood control and fire districts, Marin County, and other relevant organizations to develop a comprehensive plan addressing climate change impacts and adaptation strategies. Address human health and the health and adaptability of natural systems, including the following:
 - Water resources, including expanded rainwater harvesting, water storage and conservation techniques, water reuse, water-use and irrigation efficiency, and reduction of impervious surfaces.
 - Biological resources, including land acquisition, creation of marshlands/wetlands as a buffer against sea level rise and flooding, and protection of existing natural barriers.

- Public health, including heat-related health plans, vector control, air quality, safe water, and improved sanitation.
 - Environmental hazard defenses, including seawalls, storm surge barriers, pumping stations, and fire prevention and suppression.
- d. Ensure fair and robust inclusion of lower-income households and our diverse communities in the planning and response to climate change impacts, including sea level rise, wildfire, public health, and emergency preparedness.



COMMUNITY ENGAGEMENT

The Climate Action Plan contains actions that the City can undertake to reduce its own emissions by about 1,500 MTCO₂e, bringing the emissions from municipal operations down to 56% below 2005 levels. However, since emissions from governmental operations make up less than 1% of community-wide emissions, that is just a drop in the bucket.

The fact is that our residents, businesses, workers, and visitors will have to do their part to ensure we meet our reduction targets. The City can compel some of these actions by adopting ordinances and building regulations, but much of the success of our plan will depend on informing our community members and encouraging them to take action on their own. This section details the ways in which the City will seek public engagement and work with local businesses and community groups to achieve the emissions reductions identified for measures in other sections of the Plan.

What You Can Do

#1 Sign up for Resilient Neighborhoods and join a Climate Action Team.

#2 Commit to reducing your carbon footprint by taking the actions identified in this Plan.

The City has been partnering with [Resilient Neighborhoods](#) since 2009 to educate San Rafael residents on ways they can reduce their carbon footprint. The program organizes Climate Action Teams of up to 12 households that meet five times over two months to learn about strategies and resources to improve home energy efficiency, shift to renewable energy, use low-carbon transportation, conserve water, reduce waste, and adapt to a changing climate. To start, participants calculate their household carbon footprint and then take actions to reduce their greenhouse gas emissions by at least 5,000 pounds or 25%. Over 350 San Rafael residents have participated in the program.

The City will take the following actions to engage the community to reduce emissions.

TABLE 14: COMMUNITY ENGAGEMENT MEASURES TO REDUCE COMMUNITY EMISSIONS

ID	Measure
CE-C1	Community Education
CE-C2	Community Engagement
CE-C3	Advocacy
CE-C4	Innovation and Economic Development
CE-C5	Green Businesses

CE-C1: Community Education

Work with community-based outreach organizations, such as Resilient Neighborhoods, to educate and motivate community members on ways to reduce greenhouse gas emissions in their homes, businesses, transportation modes, and other activities.

CE-C2: Community Engagement

Implement a communitywide public outreach and behavior change campaign to engage residents, businesses, and consumers around the impacts of climate change and the ways individuals and organizations can reduce their GHG emissions and create a more sustainable, resilient, and healthier community. Create an overarching theme to articulate a long-term goal, motivate community members, and brand a comprehensive suite of GHG-reduction programs. Prioritize promotion of programs that have the greatest greenhouse gas reduction potential while utilizing the latest social science on behavior change. Emphasize and encourage citizens' involvement in reaching the community's climate goals, including innovative means of tracking milestones and comparing San Rafael's performance with other communities and with state, national and global benchmarks.

- a. Conduct outreach to a wide variety of neighborhood, business, educational, faith, service, and social organizations.
- b. Conduct outreach and education to the Latino community by using media, organizations, and gathering places favored by Latinos and translating materials into Spanish.
- c. Inform the public about the benefits of installing energy and water efficient appliances and fixtures, electrifying homes and commercial buildings, installing solar energy systems, and purchasing 100% renewable electricity.
- d. Inform the public about the benefits of using carbon-free and low-carbon transportation modes, such as driving electric vehicles, walking, bicycling, taking public transportation, and ridesharing.
- e. Utilize and tailor existing marketing materials when available.
- f. Inform the public about the environmental benefits of eating less meat and dairy products, growing food at home, and purchasing locally-produced food.
- g. Partner with MCE, PG&E, MMWD, Marin Sanitary Service, Transportation Authority of Marin, Marin Transit, Golden Gate Transit, SMART, and other entities to promote available financing, audits, rebates, incentives, and services to the San Rafael community.
- h. Utilize the City's website, newsletters, social media, bill inserts, public service announcements and advertisements, recognition programs, and other forms of public outreach.
- i. Create stories and "shareable content" that can be used by bloggers, businesses, non-profits, social media, and traditional media.
- j. Use creative methods to engage the public, such as games, giveaways, prizes, contests, simple surveys, digital tools, and "pop-up" events.
- k. Develop pilot programs using community-based social marketing and other social science-based techniques to effect behavior change.
- l. Participate in countywide outreach and education efforts, such as Drawdown Marin.

CE-C3: Advocacy

Advocate at the state and federal levels for policies and actions that support the rapid transition to GHG-free energy sources, electrification of buildings and the transportation fleet, and other impactful measures to sharply reduce greenhouse gas emissions.

CE-C4: Innovation and Economic Development

Convene an economic development and innovation working group to explore public-private partnerships and develop ways to decarbonize our local economy while spurring sustainable enterprise and equitable employment.

CE-C5: Green Businesses

Encourage local businesses to participate in the Marin County Green Business Program through partnerships with the County, Chamber, and other business groups.



IMPLEMENTATION AND MONITORING

Plans are only effective if they're implemented and results are carefully evaluated. The City will prepare an annual assessment of the progress it is making on implementing the measures contained in this Climate Change Action Plan and continue to quantify community and greenhouse gas emissions to determine if we are on track to meet our reduction targets.

The City will take the following actions to implement and monitor the Climate Change Action Plan.

What You Can Do

#1 Get involved! Attend City Council meetings, Climate Action Plan implementation forums, and other public forums to voice your support for actions contained in this Plan.

TABLE 15: IMPLEMENTATION AND MONITORING MEASURES TO REDUCE COMMUNITY EMISSIONS

ID	Measure
IM-C1	Annual Monitoring
IM-C2	Update GHG Emissions Inventories
IM-C3	Funding Sources
IM-C4	Update the Climate Change Action Plan
IM-C5	Project Compliance Checklist

IM-C1: Annual Monitoring

Monitor and report on the City's progress annually. Create an annual priorities list for implementation.

IM-C2: Update GHG Emissions Inventories

Update the greenhouse gas emissions inventory for community emissions annually and every five years for government operations.

IM-C3: Funding Sources

Identify funding sources for recommended actions, and pursue local, regional, state and federal grants as appropriate. Investigate creation of a local carbon fund or other permanent source of revenue to implement the Climate Change Action Plan.

IM-C4: Update the Climate Change Action Plan

Update the Climate Change Action Plan regularly to incorporate new long-term reduction targets and strategies to meet those targets.

IM-C5: Project Compliance Checklist

Develop a project compliance checklist to use when reviewing development proposals, use permit applications, and building permit applications to ensure compliance with Climate Action Plan measures.



Greenhouse Gas Reduction Strategy Compliance Checklist

Application Name/Address: _____

Application Nos.: _____

Required Elements				
<i>Regulation</i>	<i>N/A</i>	<i>Project Compliance</i>	<i>Discussion</i>	<i>Responsible Department</i>
Green Building Ordinance (SRMC Chapter 12.44)	<input type="checkbox"/>	<input type="checkbox"/> Project Complies <input type="checkbox"/> Project Does Not Comply		
Water Efficient Landscape Ordinance (SRMC Section 14.16.370)	<input type="checkbox"/>	<input type="checkbox"/> Project Complies <input type="checkbox"/> Project Does Not Comply		
Wood-Burning Appliance Ordinance (SRMC Chapter 12.45)	<input type="checkbox"/>	<input type="checkbox"/> Project Complies <input type="checkbox"/> Project Does Not Comply		
Construction and Demolition Debris Recycling Ordinance (SRMC Chapter 12.46)	<input type="checkbox"/>	<input type="checkbox"/> Project Complies <input type="checkbox"/> Project Does Not Comply		
Commercial/Multi-Family Recycling Regulations (CA State Chapter 476, AB 341; SRMC Chapter 9.19)	<input type="checkbox"/>	<input type="checkbox"/> Project Complies <input type="checkbox"/> Project Does Not Comply		
Take-Out Food Container Ordinance [Restaurant and retail food purveyors only] (SRMC Chapter 10.92)	<input type="checkbox"/>	<input type="checkbox"/> Project Complies <input type="checkbox"/> Project Does Not Comply		
Bicycle Parking Regulations (SRMC Section 14.18.090)	<input type="checkbox"/>	<input type="checkbox"/> Project Complies <input type="checkbox"/> Project Does Not Comply		
Clean-Air Vehicle Parking Regulations (SRMC Section 14.18.040)	<input type="checkbox"/>	<input type="checkbox"/> Project Complies <input type="checkbox"/> Project Does Not Comply		
Affordable Housing Ordinance [Residential and Non-Residential Projects] (SRMC Chapter 12.44)	<input type="checkbox"/>	<input type="checkbox"/> Project Complies <input type="checkbox"/> Project Does Not Comply		
Single-Use Carryout Bag Ordinance [Retail projects only] (SRMC Chapter XXXXX)	<input type="checkbox"/>	<input type="checkbox"/> Project Complies <input type="checkbox"/> Project Does Not Comply		

Recommended Elements				
<i>Regulation</i>	<i>N/A</i>	<i>Project Compliance</i>	<i>Discussion</i>	<i>Responsible Department</i>
Subscribe to Marin Energy Authority "Deep Green" power	<input type="checkbox"/>	<input type="checkbox"/> Project Complies <input type="checkbox"/> Project Does Not Comply		
Wind or solar power generation	<input type="checkbox"/>	<input type="checkbox"/> Project Complies <input type="checkbox"/> Project Does Not Comply		
Installation or wiring for electric vehicle charging stations	<input type="checkbox"/>	<input type="checkbox"/> Project Complies <input type="checkbox"/> Project Does Not Comply		
Rainwater storage and reuse	<input type="checkbox"/>	<input type="checkbox"/> Project Complies <input type="checkbox"/> Project Does Not Comply		
Use of recycled water for landscape or toilets/urinals	<input type="checkbox"/>	<input type="checkbox"/> Project Complies <input type="checkbox"/> Project Does Not Comply		
Natural filtration of parking lot runoff	<input type="checkbox"/>	<input type="checkbox"/> Project Complies <input type="checkbox"/> Project Does Not Comply		
Green roof	<input type="checkbox"/>	<input type="checkbox"/> Project Complies <input type="checkbox"/> Project Does Not Comply		
High albedo (reflective) roofing or paving	<input type="checkbox"/>	<input type="checkbox"/> Project Complies <input type="checkbox"/> Project Does Not Comply		
Preserve significant trees	<input type="checkbox"/>	<input type="checkbox"/> Project Complies <input type="checkbox"/> Project Does Not Comply		
Sidewalk upgrade	<input type="checkbox"/>	<input type="checkbox"/> Project Complies <input type="checkbox"/> Project Does Not Comply		
Bicycle lane upgrade	<input type="checkbox"/>	<input type="checkbox"/> Project Complies <input type="checkbox"/> Project Does Not Comply		
Installation/upgrade of bus shelter	<input type="checkbox"/>	<input type="checkbox"/> Project Complies <input type="checkbox"/> Project Does Not Comply		

Participation in car share program	<input type="checkbox"/>	<input type="checkbox"/> Project Complies <input type="checkbox"/> Project Does Not Comply		
Participation in bike share program	<input type="checkbox"/>	<input type="checkbox"/> Project Complies <input type="checkbox"/> Project Does Not Comply		
Rideshare/TDM coordinator for employees	<input type="checkbox"/>	<input type="checkbox"/> Project Complies <input type="checkbox"/> Project Does Not Comply		
Transit or carpool subsidies for employees	<input type="checkbox"/>	<input type="checkbox"/> Project Complies <input type="checkbox"/> Project Does Not Comply		
Provision of employee/resident shuttle	<input type="checkbox"/>	<input type="checkbox"/> Project Complies <input type="checkbox"/> Project Does Not Comply		
New environmentally preferable ("green") business	<input type="checkbox"/>	<input type="checkbox"/> Project Complies <input type="checkbox"/> Project Does Not Comply		



DATE: July 29, 2011

TO: Planners

FROM: Paul Jensen, Planning Manager *Paul A. Jensen*

SUBJECT: **GHG Emissions Reduction Strategy and Compliance Checklist;
BAAQMD Thresholds of Significance for Screening GHG Emissions and Air
Pollutants**

At the July 27, 2011 Current Planning staff meeting, you were provided a copy of the recently-adopted GHG Emissions Reduction Strategy. This strategy serves as a technical appendix to the 2009-adopted Climate Change Action Plan (CCAP). The CCAP and accompanying strategy are intended to be updated from time to time to report out change and progress on achieving GHG reductions.

As mentioned in the staff meeting, this document was prepared to meet the Bay Area Air Quality Management District (BAAQMD) standards as a "Qualified GHG Reduction Strategy." As a "qualified" strategy, it limits our need to prepare a *quantified* GHG assessment for projects that are consistent with the San Rafael General Plan 2020. Up until now, we have been preparing individual GHG assessments on projects that would not typically meet the threshold of significance for an impact because of their limited site (e.g., Ascona Subdivision, MSS storage); this will no longer be necessary provided that the project demonstrates that it is consistent with the measures and policies of the strategy. Bob Brown has prepared a "compliance checklist" which lists the measures and policies that are pertinent to reviewing projects. This checklist was distributed to you with the strategy. Examples of measures in the compliance checklist are, among others, project compliance with the Green Building Ordinance and compliance with the Water Efficient Landscape Ordinance. However, there are some measures that are yet to be adopted in some form by the City (wind/solar, increasing required tree cover in parking lots, etc.). For now, it is best to have the applicant complete the checklist as part of planning application process. This way, the applicant is obligated to demonstrate compliance in their project design/scope and the project planner can complete a review of the checklist as part of project review. There is no technical formula or rocket science to this checklist compliance.

Please note that while the "qualified" strategy is intended to minimize the need to complete individual GHG assessments, it is not applicable to any project that requires an amendment to the San Rafael General Plan 2020 that proposes changes in land use, results in additional, projected traffic or changes air pollutant projects. For all projects requiring a General Plan Amendment of this type, a quantitative GHG assessment is still required. Further, you might find that even though a project might be consistent with the General Plan, its size or the uniqueness of the use might still warrant the preparation of a quantitative GHG assessment. BAAQMD has published screening criteria for determining potentially significant air/GHG emission impacts (both operational and construction-related) for a broad list of land uses. See attached. Table 3-1 provides the screening levels that would generally trigger an analysis. The thresholds are very high and because San Rafael is a built-out community, will not experience a project that would trigger these thresholds. However, some uses that are high traffic generators (e.g., convenient market or fast food restaurant) have very low thresholds.



GHG emissions

3. SCREENING CRITERIA

The screening criteria identified in this section are not thresholds of significance. The Air District developed screening criteria to provide lead agencies and project applicants with a conservative indication of whether the proposed project could result in potentially significant air quality impacts. If all of the screening criteria are met by a proposed project, then the lead agency or applicant would not need to perform a detailed air quality assessment of their project's air pollutant emissions. These screening levels are generally representative of new development on greenfield sites without any form of mitigation measures taken into consideration. In addition, the screening criteria in this section do not account for project design features, attributes, or local development requirements that could also result in lower emissions. For projects that are mixed-use, infill, and/or proximate to transit service and local services, emissions would be less than the greenfield type project that these screening criteria are based on.

*

If a project includes emissions from stationary source engines (e.g., back-up generators) and industrial sources subject to Air District Rules and Regulations, the screening criteria should not be used. The project's stationary source emissions should be analyzed separately from the land use-related indirect mobile- and area-source emissions. Stationary-source emissions are not included in the screening estimates given below and, for criteria pollutants, must be added to the indirect mobile- and area-source emissions generated by the land use development and compared to the appropriate threshold. Greenhouse gas emissions from permitted stationary sources should not be combined with operational emissions, but compared to a separate stationary source greenhouse gas threshold.

3.1. OPERATIONAL-RELATED IMPACTS

3.1.1. Criteria Air Pollutants and Precursors

The screening criteria developed for criteria pollutants and precursors were derived using the default assumptions used by the Urban Land Use Emissions Model (URBEMIS). If the project has sources of emissions not evaluated in the URBEMIS program the screening criteria should not be used. If the project meets the screening criteria in Table 3-1, the project would not result in the generation of operational-related criteria air pollutants and/or precursors that exceed the *Thresholds of Significance* shown in Table 2-2. Operation of the proposed project would result in a less-than-significant cumulative impact to air quality from criteria air pollutant and precursor emissions.

3.1.2. Greenhouse Gases

The screening criteria developed for greenhouse gases were derived using the default emission assumptions in URBEMIS and using off-model GHG estimates for indirect emissions from electrical generation, solid waste and water conveyance. If the project has other significant sources of GHG emissions not accounted for in the methodology described above, then the screening criteria should not be used. Projects below the applicable screening criteria shown in Table 3-1 would not exceed the 1,100 MT of CO₂e/yr GHG threshold of significance for projects other than permitted stationary sources.

*

If a project, including stationary sources, is located in a community with an adopted qualified GHG Reduction Strategy (see Section 4.3), the project may be considered less than significant if it is consistent with the GHG Reduction Strategy. A project must demonstrate its consistency by identifying and implementing all applicable feasible measures and policies from the GHG Reduction Strategy into the project.



DATE: July 19, 2011

**Table 3-1
Criteria Air Pollutants and Precursors and GHG Screening Level Sizes**

Land Use Type	Operational Criteria Pollutant Screening Size	Operational GHG Screening Size	Construction Criteria Pollutant Screening Size
Single-family	325 du (NOX)	56 du	114 du (ROG)
Apartment, low-rise	451 du (ROG)	78 du	240 du (ROG)
Apartment, mid-rise	494 du (ROG)	87 du	240 du (ROG)
Apartment, high-rise	510 du (ROG)	91 du	249 du (ROG)
Condo/townhouse, general	451 du (ROG)	78 du	240 du (ROG)
Condo/townhouse, high-rise	511 du (ROG)	92 du	252 du (ROG)
Mobile home park	450 du (ROG)	82 du	114 du (ROG)
Retirement community	487 du (ROG)	94 du	114 du (ROG)
Congregate care facility	657 du (ROG)	143 du	240 du (ROG)
Day-care center	53 ksf (NOX)	11 ksf	277 ksf (ROG)
Elementary school	271 ksf (NOX)	44 ksf	277 ksf (ROG)
Elementary school	2747 students (ROG)	-	3904 students (ROG)
Junior high school	285 ksf (NOX)	-	277 ksf (ROG)
Junior high school	2460 students (NOX)	46 ksf	3261 students (ROG)
High school	311 ksf (NOX)	49 ksf	277 ksf (ROG)
High school	2390 students (NOX)	-	3012 students (ROG)
Junior college (2 years)	152 ksf (NOX)	28 ksf	277 ksf (ROG)
Junior college (2 years)	2865 students (ROG)	-	3012 students (ROG)
University/college (4 years)	1760 students (NOX)	320 students	3012 students (ROG)
Library	78 ksf (NOX)	15 ksf	277 ksf (ROG)
Place of worship	439 ksf (NOX)	61 ksf	277 ksf (ROG)
City park	2613 acres (ROG)	600 acres	67 acres (PM10)
Racquet club	291 ksf (NOX)	46 ksf	277 ksf (ROG)
Racquetball/health	128 ksf (NOX)	24 ksf	277 ksf (ROG)
Quality restaurant	47 ksf (NOX)	9 ksf	277 ksf (ROG)
High turnover restaurant	33 ksf (NOX)	7 ksf	277 ksf (ROG)
Fast food rest. w/ drive thru	6 ksf (NOX)	1 ksf	277 ksf (ROG)
Fast food rest. w/o drive thru	8 ksf (NOX)	1 ksf	277 ksf (ROG)
Hotel	489 rooms (NOX)	83 rooms	554 rooms (ROG)
Motel	688 rooms (NOX)	106 rooms	554 rooms (ROG)
Free-standing discount store	76 ksf (NOX)	15 ksf	277 ksf (ROG)
Free-standing discount superstore	87 ksf (NOX)	17 ksf	277 ksf (ROG)
Discount club	102 ksf (NOX)	20 ksf	277 ksf (ROG)
Regional shopping center	99 ksf (NOX)	19 ksf	277 ksf (ROG)
Electronic Superstore	95 ksf (NOX)	18 ksf	277 ksf (ROG)
Home improvement superstore	142 ksf (NOX)	26 ksf	277 ksf (ROG)
Strip mall	99 ksf (NOX)	19 ksf	277 ksf (ROG)
Hardware/paint store	83 ksf (NOX)	16 ksf	277 ksf (ROG)
Supermarket	42 ksf (NOX)	8 ksf	277 ksf (ROG)
Convenience market (24 hour)	5 ksf (NOX)	1 ksf	277 ksf (ROG)
Convenience market with gas pumps	4 ksf (NOX)	1 ksf	277 ksf (ROG)
Bank (with drive-through)	17 ksf (NOX)	3 ksf	277 ksf (ROG)
General office building	346 ksf (NOX)	53 ksf	277 ksf (ROG)



**Table 3-1
Criteria Air Pollutants and Precursors and GHG Screening Level Sizes**

Land Use Type	Operational Criteria Pollutant Screening Size	Operational GHG Screening Size	Construction Criteria Pollutant Screening Size
Office park	323 ksf (NOX)	50 ksf	277 ksf (ROG)
Government office building	61 ksf (NOX)	12 ksf	277 ksf (ROG)
Government (civic center)	149 ksf (NOX)	27 ksf	277 ksf (ROG)
Pharmacy/drugstore w/ drive through	49 ksf (NOX)	10 ksf	277 ksf (ROG)
Pharmacy/drugstore w/o drive through	48 ksf (NOX)	10 ksf	277 ksf (ROG)
Medical office building	117 ksf (NOX)	22 ksf	277 ksf (ROG)
Hospital	226 ksf (NOX)	39 ksf	277 ksf (ROG)
Hospital	334 beds (NOX)	84 ksf	337 beds (ROG)
Warehouse	864 ksf (NOX)	64 ksf	259 ksf (NOX)
General light industry	541 ksf (NOX)	121 ksf	259 ksf (NOX)
General light industry	72 acres (NOX)	-	11 acres (NOX)
General light industry	1249 employees (NOX)	-	540 employees (NOX)
General heavy industry	1899 ksf (ROG)	-	259 ksf (NOX)
General heavy industry	281 acres (ROG)	-	11 acres (NOX)
Industrial park	553 ksf (NOX)	65 ksf	259 ksf (NOX)
Industrial park	61 acres (NOX)	-	11 acres (NOX)
Industrial park	1154 employees (NOX)	-	577 employees (NOX)
Manufacturing	992 ksf (NOX)	89 ksf	259 ksf (NOX)

THE SCREENING VALUES IN THIS TABLE CANNOT BE USED AS SCREENING FOR RISK AND HAZARD IMPACTS

Notes: du = dwelling units; ksf = thousand square feet; NO_x = oxides of nitrogen; ROG = reactive organic gases.

Screening levels include indirect and area source emissions. Emissions from engines (e.g., back-up generators) and industrial sources subject to Air District Rules and Regulations embedded in the land uses are not included in the screening estimates and must be added to the above land uses.

Refer to Appendix D for support documentation.

Source: Modeled by EDAW 2009.

3.2. COMMUNITY RISK AND HAZARD IMPACTS

Please refer to Chapter 5 for discussion of screening criteria for local community risk and hazard impacts. The screening values in Table 3-1 may not be applied as screening for risk and hazard impacts.

3.3. CARBON MONOXIDE IMPACTS

This preliminary screening methodology provides a conservative indication of whether the implementation of the proposed project would result in CO emissions that exceed the *Thresholds of Significance* shown in Table 2-3. The screening criteria do not apply to proposed stationary source projects.

The proposed project would result in a less-than-significant impact to localized CO concentrations if the following screening criteria is met:



SAN RAFAEL
THE CITY WITH A MISSION

Community Development Department – Planning Division

Meeting Date: February 26, 2019
Agenda Item: 3
Case Numbers: ED18-018/UP18-008/LLA18-00
Project Planner: Steve Stafford/ 415-458-5048

REPORT TO PLANNING COMMISSION

SUBJECT: 703 – 723 Third St. and 898 Lincoln Avenue – Request for an Environmental and Design Review Permit and Use Permit and Lot Line Adjustment for the redevelopment of two contiguous Downtown parcels, currently developed with 15,000 sq. ft. of commercial space with a new, 6-story, 73 ft tall, multifamily residential building with 120 rental units, 121 ground-floor garage parking spaces and 969 sq. ft retail space. The project includes requests for height and density bonuses, and a front setback waiver; APNS: 011-278-01 & -02; Second/Third Mixed Use East (2/3 MUE) District Zones; Wick Polite of Seagate Properties, Inc., Applicant; 703 Third Street LP, Owners; Downtown Neighborhood.

EXECUTIVE SUMMARY

During the summer of 2017, this project was reviewed by the Design Review Board (DRB) and Planning Commission (PC) as a Conceptual Design Review application. Since that time, the project has been revised and formal applications were submitted in March 2018. The current project proposes redevelopment of two contiguous Downtown parcels with a new, 6-story, 73 ft tall, multifamily residential building with six stories/120 residential units above a ground floor with 121 garage parking spaces, utility/common rooms and a 3,700 sq. ft. retail space. The project had initially proposed a 6 story, 66 ft tall building with 138 new residential units when first submitted as a conceptual review in 2018, then was subsequently reduced of 120 units, but increased in height from 66 ft to 73 ft (still within 6 stories) to address prior design-related comments and technical code requirements.

The project requests major concessions/waivers to certain development standards including a 19 ft height bonus, a 59-unit density bonus above the state mandated 35% bonus, and a waiver of the 5 ft front setback requirements. Under the State Density Bonus law, projects which provide certain affordability levels are eligible for up to 3 concession/waivers and up to a 35% density bonus. This project seeks greater density, height bonus and front setback reduction than outlined in the City's density bonus regulations, therefore, these are considered 'major' concessions¹ under the City's Density Bonus law and require the submittal of a financial pro forma by the applicant to demonstrate the necessity of the requested modifications. Due to the required financial pro forma, the project will require final action by the City Council (Council), following the review and recommendations of the DRB and Commission.

Overall, staff is supportive of the addition of housing in this part of Downtown and the project would provide much needed housing near services and transit. Housing supply is a major issue, not only in San Rafael, but throughout the region and state. Housing at this location is the most ideal location for housing in San Rafael, given the proximity to transit, downtown services, and other modes of transportation. Staff supports the proposed 6-story scale of the project, primarily based on the scale of the neighboring BioMarin campus which is 48-67' in height and includes a height bonus. Furthermore, given the current economic conditions with costs of land, construction costs, the applicant has demonstrated through a financial pro forma that the number of units are necessary to make the project financially feasible, a standard established by the

State. Although the City has not yet seen mechanical parking lifts in any projects, these are trending in development projects in other Bay Area communities and provide more efficient use of land.

The typical process for formal applications would have this project first reviewed by the DRB and then the Commission. However, given the major land/use policy questions in this particular case, it was determined to first have the Commission weigh in on the major land use topics and provide their input. The project would then proceed in the typical process of review by the DRB on architectural details, material, colors and design and the back to the Commission for review and recommendation and finally, final action by the Council.

Therefore, the purpose of the study session is to elicit comments and suggestions on the project, including: a) Land use, b) Density, c) Building Height. d) Setback waiver, e) Bulk/mass, f) stacked parking, and f) Preliminary environmental findings (CEQA process and determination).

STUDY SESSION PURPOSE AND FORMAT

The study session is primarily intended to provide opportunity for early Commission feedback on the merits of the project and public input. Given the project includes some major policy questions, it was determined to first bring this matter to the Commission as a study session to review some of the major topical area and to allow for public comment on these topic areas, before the project is presented to the DRB for formal review and recommendation. A study session will not result in a decision regarding the project merits or official action, but rather would allow the Commission to weigh in with preliminary feedback on the project scope, size and the California Environmental Quality Act (CEQA) review. Given the major policy questions, the input by the Commission would assist the DRB in understanding size and intensity are appropriate and thus allow them to focus their review on the architectural details. Therefore, the purpose of the study session is to elicit comments and suggestions on the project, including:

- 1) Land use
- 2) Density
- 3) Height
- 4) Front setback
- 5) Bulk and mass
- 6) Stacked Parking
- 7) Environmental (CEQA) findings.

Staff recommends the Planning Commission conduct the study session in the following fashion:

- Staff report presentation
- Applicant presentation
- Accept public comments
- Planning Commission discussion and feedback

Although the study session is not a public hearing, public comment will be encouraged prior to discussion by the Commission.

PROPERTY FACTS

Address/Location:	703 - 723 Third St./ 898 Lincoln Ave.	Parcel Number(s):	011-278-01 & -02
Property Size:	27,367 sf (combined)	Neighborhood:	Downtown

Site Characteristics			
	General Plan Designation	Zoning Designation	Existing Land-Use
Project Site:	Second/Third St. Mixed-Use (2/3 MU)	Second/Third St. Mixed-Use East (2/3 MUE)	Commercial retail; office
North:	Hetherton Office (HO)	HO	Private parking lot; retail
South:	Lindaro Office (LO)	Planned Development (1901)	BioMarin parking structure
East:	Public/Quasi-Public (P/QP)	P/QP	Bettini Transit Center
West:	2/3 MU	2/3 MUE	Goodwill

BACKGROUND

Site Description/Setting:

The project site is comprised of two (2) contiguous developed Downtown parcels with a combined 27,367 sq. ft. lot size. The project site has three frontages: Third St., Lincoln Ave and Tamalpais Ave. It is flat (<1% average cross-slope) and located outside the Downtown parking district. The entire site is located within the 100-year flood plain and must comply with FEMA requirements for finished grade. The site is currently developed with approximately 15,000 sq. ft. of combined commercial space within two, 1-2-story buildings and a surface parking lot.

Access to the project site is currently along all three frontages, Third St., Lincoln Ave and Tamalpais Ave. The west portion of the project site (898 Lincoln Ave.) was originally developed in the 1940s and has a long history of automotive sales and service uses. It is identified in the current General Plan as a ‘housing opportunity’ site. The east portion of the project site (703 Third St.) is relatively newer and was developed in 1995 and until recently long-served the community as “Marin Filmworks”. The east portion of the site is immediately west of the City’s Bettini Transit Center and southwest of the new Downtown SMART station. The BioMarin campus lies south and southwest of the project site.

Project History:

On March 2, 2017, the project obtained Pre-application review comments. A Pre-Application involves City staff review of a project and staff comments on project’s consistency with codes and regulations. The scope of the project at the Pre-App was larger than the current proposal and included 138 units in a new 7 story (74.5 ft tall) building.

Following the Pre-Application, the project was slightly revised and reduced in scope. The numbers of units remained at 138. The parking was provided on one level of the building, and included a total of 143 parking spaces, with 135 spaces provided in the form of a mechanical jig saw parking lift system. The design included projections of the upper floors over the public right-of-way, along all three frontages.

As required by City code, the Conceptual Design Review application was reviewed by the Design Review Board (DRB) on June 20, 2017 (*Planning Commission Liaison Schaefer*). The general theme of the Board's comments included the need for a higher-quality 'Gateway' design with limited sidewalk encroachments, stepped back upper-stories and ground-floor commercial space, particularly along the Tamalpais Avenue, which are discussed below in greater detail below, in the *Design Review Board* section of this report.

At staff's request, the applicant agreed to also present the Conceptual Review application to the Planning Commission. Although not required by the code, both staff and the applicant found that this early feedback by the Commission would be helpful.; given the large scale of the project at such key Downtown location. On July 25, 2017, the Planning Commission reviewed the Conceptual Design Review application project and provided the following comments, which were pretty much in line with the DRB's comments:

- Scale and building height are acceptable, but look to reduce massing with setbacks on the upper two floors;
- Building design needs to be worthy of Gateway location; architecture needs to create a 'signature' or 'statement';
- Site needs an 'iconic' high-quality design.
- Greater density OK with increased affordability though this may or may not amount to a 200% density bonus.
- Retail required on ground-floor, particularly along the Tamalpais frontage and maybe the Lincoln frontage.
- Parking lifts are acceptable, though operational concerns exist.
- Reduction in on-site parking may be supported due to proximity to transit if it improves egress/ingress and circulation. Explore shared parking with BioMarin, establishment of on-site car-share and/or bike-share facility.
- Setback waiver may be supported if improvements included in the design to improve the pedestrian experience (i.e., relocate the required landscape setback from 3rd St to Tamalpais and/or additional street landscaping, etc.).
- Greater vertical and horizontal articulation required on all elevations.
- Minimize sidewalk projections to bay windows/balconies set in an irregular pattern.
- Minimize or eliminate driveways along the Tamalpais frontage.

There are no written minutes of this meeting, however, the video from this meeting can be viewed at www.cityofsanrafael.org/meetings and then clicking on archived Planning Commission meetings, and selecting video of the 7/25/17 meeting.

Formal planning applications were submitted March 2018. Since March, the project has been undergoing completeness review and review of the traffic reports and the density bonus/pro forma.

Changes since Conceptual Review in June/July 2017:

Since the Conceptual Review in July 2018, the project has undergone revisions, including:

- New architect was engaged by the applicant, who in turn redesigned the project;
- Number of units decreased by 18 (from 138 to 120 units);
- The unit configuration remains similar, but the unit sizes have decreased an average of 10% (approx.)
- Height has increased from 66 ft to 73 ft, but still maintain 6 floors;
- Ground-floor retail, bike 'lounge' storage and lobby areas are proposed along the Tamalpais, Third St. and Lincoln Ave frontages;
- All previously proposed projections over the public right-of-way have been eliminated;

- Upper story of the structure has been stepped back;
- Driveway access along the Tamalpais Ave. frontage has been reduced from 52' to 20'
- On-site parking have decreased from 143 to 121 spaces;
- The rooftop common or shared outdoor space has increased;
- Rooftop photovoltaic solar energy system has increased;
- Site landscaping proposed on the ground-floor, podium- (2nd floor) level and roof has increased; and
- Use of varied exterior façade materials, textures and treatments has increased.

PROJECT DESCRIPTION

Use:

The project proposes redevelopment of two contiguous parcels with a new, 6-story, 73 ft-tall, multifamily residential building. The proposed structure would contain a ground floor with 121 parking spaces, common area, lobby, utility areas and a 3,733 sq. ft retail space. Floors 2-6 would host 120 residential rental units. On top of the 6th floor, a roof top deck is proposed with various amenities. The proposed 120 units would be configured as follows:

33	Studio units	342 - 539 sq. ft
44	1-bedroom units	545 - 795 sq. ft.
43	2-bedroom units	899 - 1,068 sq. ft.

The project does not include a condominium map. All existing development on the two parcels are proposed to be demolished.

Affordability:

Nine (9) of the units are proposed to be affordable, with five (5) units affordable to very-low income households and four (4) affordable to low income households. The five (5) very low-income units represent 11% affordability of the base project, while the four (4) low income units represents 9% affordability. The provision of 11% of the base project as very low-income units qualifies the project for up to a 35% density bonus and up to three (3) concessions.

Density:

The project proposes to construct 120 rental units, which is 59 units above the maximum City density allowed, plus the state mandated 35% density bonus. The maximum local density for the site is 1 unit/600 sq. ft of land area, which equals 45 units (45.6 units rounded down to 45). The project proposes to set aside 20% (or 9 units) of the base 45 units as 'affordable'. This amount of affordability makes the project eligible for a density bonus of up to 35% and up to three (3) concessions. The 35% density bonus would result in 16 bonus units, for a total of 61 units. The project requests a concession for the increased density above the 35% bonus, as one of the concessions for which they are eligible.

Given that the site is a mixed-use zoning district, it is also eligible for up to a 1.5 FAR (in addition to the residential density). As proposed, the project would include a 3,711 sq. ft. retail space on the ground floor, which equals a 0.13 FAR.

Site Plan:

Vehicular egress and ingress to the project site would be along two, 20'-wide, two-way driveways on both the Tamalpais and Lincoln Ave frontages. Pedestrian access to the project site would be primarily along the Third St. frontage though secondary pedestrian access is provided along both the Lincoln and

Tamalpais Avenue frontages. The project proposes development to the property lines, including the front property line (Third St.) which requires a minimum 5 ft. landscaped setback. The lack of building setback is mitigated by the architectural design which incorporates a 5 ft wide handicap ramp setback and a 1 ft landscape planter for a total of 6 ft setback along 122 linear ft of third St (62% of the frontage). The upper stories would be built within the property lines and portions of the upper four (4) floors would be stepped back. The project requests a waiver to the 5 ft front setback development, as one of their three eligible density bonus concessions

Architecture:

The project proposes a contemporary design with large, deep-set windows, varied textures of exterior materials and an expansive 'earthtone/woodtone' color palette which would provide a unifying visual form along all of the building elevations. A 22'-tall brick veneer podium supports three (3) upper floors with stucco exterior with horizontal dark brown cementitious wood boards creating accent areas. Dimensional bronze metal coping separates the mid floors of the project and the upper two floors, which is punctuated by more stepback, greater use of the horizontal cementitious wood boards and the introduction of vertical gray corrugated siding at each of the four corners of the proposed new building. Large recessed storefront windows are proposed along the ground floor of all three frontages. Recessed balconies are proposed along all of the upper floors of all three frontages.

An O-shaped landscaped courtyard is proposed on the podium/2nd floor level which opens to the sky. The amenities proposed for the courtyard create a more centralized reflective seating area, The amenities proposed for the rooftop create groups of more intimate seating areas with amenities including cooking/grilling/dining areas, firepits, and skills games (foosball, darts and cornhole) An expansive photovoltaic solar panel energy system is proposed to share the remainder of the roof. The project proposes a tall (22') ground floor, to allow the installation and operation of mechanical parking lifts. At the time of submittal, the applicant provided the attached *Project Description* (Exhibit 2). A Material and Color Board has been prepared by the applicant and will be presented during the Commission study session.

Building Height:

The project proposes a building height of 73 ft to the roof deck, composed of 6 stories. The height limit for the site is 66 ft (54 ft base height plus a 12 ft height bonus identified by the General Plan), for residential projects that provide required affordability. The project proposes an additional 7 ft above the allowed 12 ft height bonus (for a total of 19 ft bonus), and this extra height is being requested as a concession, as one of their concessions under the State Density Bonus law.

Parking:

The project proposes to provide 121 parking spaces on site. All parking would be on the ground floor and that this level would have a taller plate height (22 ft tall) to accommodate the mechanical lifts. 109 of the 121 spaces would be provided through mechanical jig saw lifts and the remaining 12 spaces would be non-mechanical lift spaces for electric vehicle (EV), visitor, ADA and car share

Through State Density bonus law, projects that are within ½ mile of a transit facility are required to provide 0.5 parking space/bedroom. In this case, the project includes 163 bedrooms, therefore 81.5 (82) parking spaces would be required to meet the parking required for the residential portion of the project. Since the project site is located outside the Downtown Parking District, the project is also required to provide 3-4 (969 sq. ft. of ground level commercial space at 1 space per 250-300 gross building sq. ft., generally) parking spaces to meet the parking required for the nonresidential portion of the project. The project proposes to provide 121 parking space, which is 35-36 spaces in excess of the required parking. The reduced parking requirement does not count as a concession or waiver, under State Density Bonus law.

Landscaping:

The project proposes 12,555 sq. ft. (46%) of site landscaping, where a minimum 10% (2,737 sq. ft.) is required. New street trees are proposed along all three building frontages on the ground-floor. A combined 4,528 sq. ft. of landscaped area is proposed on the podium (2nd floor)-level between a central courtyard and common outdoor deck areas along the front (Third St. elevation) and rear (adjacent to the paint store located at 770 Second St.) building elevations. A landscaped rooftop amenities area, 5,317 sq. ft. in size, is also proposed. In addition, the project proposes raised Corten steel planters along the ground-floor of the Third St. frontage. Details on specific landscaping species are not provided at this time.

ANALYSIS

San Rafael General Plan 2020 Consistency:

There are numerous General Plan policies applicable to this project. The General Plan contains many competing policies that need to be weighed and considered. Consistency with a General Plan is determined by reviewing and weighing the goals and polices of *all* elements of the San Rafael General Plan 2020. Overall, the project would be consistent with most of the applicable San Rafael General Plan 2020 policies.

The General Plan land use designation of 2/3MU allows office use, office support and service uses and residential uses as part of mixed-use development. This requirement for mixed use was identified as an issue during Conceptual Review as the project proposed residential-only use at the time. However, the formal submittal has been modified to include reasonable ground-floor commercial space and would therefore be consistent with Land Use Policy **LU-23 (Land Use Map and Categories)**. Although the building height and density exceed the standards established by the General Land Use Element Policies **LU-8 (Density of Residential Development)** and **LU-12 (Building Heights)/LU-13 (Height Bonuses)**, staff finds that there are adequate justifications to support these deviations, including: 1) requesting concessions/waiver under the State Density Bonus law allows the City to consider the deviations through a financial pro forma as it demonstrates that the number of units proposed and the height are needed to make the housing project economically feasible; 2) the project does not utilize the 1.5 FAR allowed for non-residential intensity on the site, but instead provides additional residential density; 3) the FEMA flood zone requirements to raise the building site and plate height needed to support stacked parking cause the need to increase the height about the height limit; and 4) Downtown Station Area plan recommendation to allow higher density in these locations.

The project site is the most appropriate housing site in San Rafael due to its direct proximity to SMART station, Bettini, Transit Center, U.S. Hwy. 101, and Downtown as a whole. As such, the western half of the project site (898 Lincoln Ave) is listed as an underutilized mixed-use site in Appendix B of the General Plan, as a Housing Opportunity site per **H-14 (Adequate Sites)** which requires the City to maintain sufficient supply of land for multi-family housing. Housing Policy **H-15 (Infill Near Transit)** further encourages higher densities adjacent to a transit hub, focusing on the priority development are around the Downtown SMART station. The project also would be in accordance with Housing Policy **H-18 (Inclusionary Housing Requirements)** by providing 20% affordable housing units or 9 units.

The project design likely would be in accordance with Community Design Policy **CD-5 (Views)**, which seeks to respect and enhance to the greatest extent possible, views of St. Raphael's church bell tower, hills and ridgelines from public streets, parks and publicly accessible pathways.

Neighborhoods policy **NH-37 (Hetherton Office District Design Considerations)**, the project site is located within the "Hetherton Gateway" District of Downtown. Design considerations for this area call for

“...high-quality and varied design with landmark features that enhance the District’s gateway image”. New building design should:

- *Emphasize gateway character by incorporating transitional treatments such as accent elements and public art;*
- *Stepback upper stories;*
- *Ground-floors include a pedestrian scale; and*
- *Include useable outdoor areas, courtyards and arcades that are landscaped, in sunny locations and protected from freeway noise.*

The revised design has better responded to the design criteria, in that; 1) the large storefront windows, Corten steel raised landscape planters and the brick veneer podium all contribute to the pedestrian scale of the ground-floor; 2) the upper stories have been setback along with staggered (patios), the partial Third St setback and landscape planter enhances the pedestrian scale of the sidewalk experience, 4) The Third St and Tamalpias corner retail provides outdoor seating and exposures; 5) public access to the proposed bicycle valet and storage provides for enhance pedestrian interaction. 6) the rooftop amenity package provides open air recreational areas protected from the noise of Highway 101, and 7) the podium courtyard and rooftop provide landscaped common or shared outdoor areas which are open to the sky and protected from surrounding ambient noise levels. Staff finds the project complies with the design considerations of the “Hetherington Gateway” District, as adopted in the General Plan.

The project would generate 33 net new AM peak hour trips (7- 9am weekdays) and 26 PM net new peak hour trips (4-6pm weekdays). This number of new trips was modeled and found to comply with the Level of Service (LOS) standards prescribed in **Circulation Element Policy C-5**. The proposed development would occur when adequate infrastructure, including circulation and utilities, are available (**Land Use Policy LU-2**).

A complete analysis of the pertinent policies and programs is presented in the attached *General Plan Consistency Table* (Exhibit 3).

Zoning Ordinance Consistency:

The project has been reviewed for consistency with the San Rafael Zoning Ordinance. A complete analysis of the pertinent regulations (standards and criteria) is presented in the attached *Zoning Ordinance Consistency Table* (Exhibit 4). Overall, the project would be consistent with all applicable regulations of the Zoning Ordinance, with the exception of height, density and front setback, and the applicant has requested concessions to these standards under the State Density Bonus law

Chapter 5 – Commercial and Office Districts

The project site is located within the Second/Third St. Mixed Use East (2/3 MUE) District, a Downtown Zoning district. The proposed project will require consistency with the property development standards for the 2/3 MUE District, including maximum density (600 sq. ft. of lot area/unit), minimum setbacks (5’ front), building height limit of 66 ft. (54 ft. + 12 ft. height bonus) and minimum landscaping (10% including required front setback).

As designed, the project would conditionally comply with the maximum density and height standards for the 2/3 MUE District with a 19 ft. height bonus with the approval of a concession under the State Density Bonus law for a height bonus and a density bonus above the 35% allowed. (see discussion below).

The project also would conditionally comply with the minimum setback requirement with a setback waiver as another concession under the State Density Bonus law for meeting the City’s affordable housing

requirement (20% or 9 units). The project would comply with the 10% minimum landscape requirement through the inclusion of site landscaping, 2nd floor courtyard, rooftop decks, by providing 46% landscaping. Private and common outdoor area is encouraged rather than required in the Downtown districts. The project includes balconies for many of the units and a common courtyard and roof top deck to provide this requirement.

In prior version of the project, there was no retail component provided in the project and there was a consistency issue noted with Section 14.05.022 of the Zoning Ordinance, which clearly states that residential uses in the 2/3 MUE District are allowed only as part of mixed-use projects. The project has been revised to include a reasonable size retail space on the ground floor. Providing more retail on this site is limited through the parking and other utility common functions that are provided on the ground floor.

Chapter 16 – Site and Use Regulations

Affordable Housing Requirement

Pursuant to Section [14.16.030](#) (*Affordable Housing Requirements*) of the Zoning Ordinance, projects proposing 21 or more housing units are required to provide 20% of the proposed units as ‘affordable’ housing units. The base density for this site is 45 units (27,3167 sq. ft. lot/600 sq. ft. density standard). The project proposes to set aside 20% (9 units) of those 45 units as affordable. The City’s inclusionary housing ordinance requires that for rental projects, 50% of the inclusionary units (or 5 units in this case) be eligible to very low-income households (<50% county median income) and the remaining 50% of the affordable units (or 4 units in this case) be eligible for low-income households (50%-80% of county median income)

The provision of five (5) units as affordable to very low-income households represents an affordability of 11% of the base project in that income category. Under the State Density Bonus law, 11% of total base units affordable in the very low-income category entitles the project to a 35% density bonus (15.75 bonus units, rounded up to 16 bonus units). The 35% density bonus would result in a total of 61 units.

This affordability level would also allow the project to seek up to three (3) concessions (concessions requested by the project are: 1) 19’ height bonus, where 12 ft is identified; 2) density bonus above the 35% to allow 59 additional units, above the 16 allowed by state density bonus law; and 3) a front setback waiver under the State Density Bonus law.

All three of the proposed concessions requested by the applicant, are considered major concessions ([SRMC 14.16.030.H.3.b.v](#)) and therefore are subject to approval of the City Council and require that the applicant demonstrate through a financial pro forma that the concessions are needed to make the project financially feasible.

As part of the formal submittal, a financial pro forma was submitted by the developer and has been peer reviewed by a 3rd party economist hired by the city to confirm its conclusions:

Density Bonus (Automatic)

By providing 5 of the 9 ‘affordable’ units as very low income, project is eligible for an automatic 35% density bonus or a total of 16 additional ‘density bonus’ units above the 45 base units, for a total of 61 units.

Additional Density Bonus (Discretionary)

The project proposes a total density of 120 units, 75 units above the maximum allowable density on the site and 59 units above the ‘automatic’ 35% state density bonus provided by complying with

the City's affordable housing requirement. The State Density Bonus law allows a City to establish a procedure to consider a bonus above 35% if it chooses.

At this point, the applicant has indicated that they are not proposing more affordable units than the required 20% and they seek a concession through demonstrating that the project is financially infeasible without 120 total units.

The applicant has provided a financial pro forma demonstrating that the additional density bonus results in "identifiable, financially sufficient and actual cost reductions" (underline added) to the project. This concession requesting a density bonus above the maximum allowed under the State Density Bonus law is discretionary, allows staff to hire a consulting economist for peer review (at the applicant's cost) and requires City Council review and approval. The results of the peer review of the financial pro forma are found below in the discussion section.

Height Bonus Concession (Discretionary)

The project requests a 19 ft. height bonus, from the maximum allowable building height of 54 ft to 73 ft. In the 2/3 MUE District, both the General Plan and Section 14.16.190 allow a height bonus up to 12 ft (from 54 ft to 66 ft) for complying with the City's affordable housing requirement as an automatic concession, which is granted if the project provides 20% affordability.

The project requests a 19 ft bonus, which exceeds the 12 ft automatic concession by 7 feet, therefore the applicant has requested a major concession to the height standard. Under the City's Zoning Ordinance ([SRMC 14.16.030.H.3.b.v.](#)), concessions not identified 14.16.030.H.3.a are considered a major concession and require submittal of a financial pro forma. If approved, the concession counts as a concession under the State Density Bonus law.

Setback Waiver Concession (Discretionary)

The project also requests a waiver of the required 5' landscaped front setback for portions of the Third St frontage as a concession under the State Density Bonus law for meeting their required 20% affordable housing requirement. This concession requesting a waiver of the required 5' landscaped front setback, like the additional 59-unit density bonus above the maximum allowed under the State Density Bonus law, is discretionary, allows staff to hire a consulting economist for peer review (at the applicant's cost) and requires City Council review and approval.

At the time of formal project submittal, the applicant provided a financial pro forma demonstrating that the waiver of the required 5' landscaped front setback results in "identifiable, financially sufficient and actual cost reductions" (underline added) to the project. In addition, the proposed 0 ft front setback for portions of the building front is compatible with the surrounding built environment as discussed below.

Staff supports the requested setback waiver concession.

Building Height Exclusion

Pursuant to Section 14.16.120 (*Exclusions to Maximum Height Requirements*) of the Zoning Ordinance, architectural and screening features, and utilities which extend above the maximum allowable building height, may be excluded from height calculations with an Environmental and Design Review Permit. The project proposes a steel shade trellis over the outdoor seating areas and elevator and staircase over runs on portions of the roof deck area which increases the overall height on portions of the project approximately 10', from 73 ft to 83', where a maximum 54' building height is allowed (66' with height bonus). Similar to the 4' parapet which surrounds the roof, the

rooftop trellis and elevator/staircase over runs are architectural features and are excluded from building height calculations, based on the following:

- It is an integral shade structure for the common roof deck amenities for the residents; and
- It is an architectural or design feature which screens the elevator and staircase shafts for the residential units.

Sight Distance

Pursuant to Section 14.16.295 (*Sight Distance*) of the Zoning Ordinance, driveways shall provide a sight distance triangle of 15' from the curb return, or as determined by the City Engineer. The project proposes a 20'-wide two-way driveway along both the Tamalpais and Lincoln Ave frontages, which also comply with the required 15' sight distance triangle.

Chapter 18 – Parking Standards

The typical parking requirements contained in the Zoning Ordinance (SRMC 14.18.040) does not apply to this project, given that it qualifies for reduced parking through the State Density Bonus law. Through this law, projects that are within ½ mile of a transit facility are required to provide 0.5 parking space/bedroom. In this case, the project includes 163 bedrooms, therefore 81.5 (82) parking spaces are required to meet the residential parking requirement. Since the project site is located outside the Downtown Parking District, the project is required to provide 3-4 parking spaces to meet the nonresidential parking required. The project proposes to provide 121 parking space, which is 35-36 spaces in excess of the required parking. The reduced parking requirement does not count as a concession or waiver, under State Density Bonus law and is inclusive of required ADA and guest spaces. Given that the required parking is established under a state law, this reduced number of parking spaces also does not require a *Parking Modification*.

The project also proposes to use mechanical parking lifts to primarily meet the required parking for the project; 109 of the 121 parking spaces are proposed to be provided by mechanical parking lifts, though not the 12 ADA-accessible parking spaces, loading, ride share/care share or electric vehicle charging spaces. The project proposes to use a three-level, semi-automatic, mechanical parking lift system (Klaus Multiparking TrendVario 4300 model) with horizontal and vertical shifting platforms. The parking space dimensions of this mechanical parking lift are:

- 17' length;
- 7.5' width;
- Up to 7.5' height; and
- 4,000 lbs. load or weight

A pit of up to 7' 10" deep is required. The driver is required to manually engage the system to moves the parking 'platforms' to an empty space. Access may be secured by adding sliding metal wire doors which are opened by the driver only after the shifting process is completed. The Commission may learn more on the Klaus Multiparking TrendVario 4300 through the following link: <http://www.klausparking.com/>. Staff will coordinate a future opportunity to visit an existing apartment building in Berkeley (1797 Shattuck Ave), which is currently operating a Klaus Multiparking TrendVario 4300 mechanical parking lift.

These proposed vertical stacked parking lifts are a departure from the parking facility design envisioned by the Parking Standards of the Zoning Ordinance, which is providing parking on a more established horizontal or side-by-side configuration. A *Parking Modification* will be required, through a Use Permit, with the recommendation of the Public Works Director and the Board, to allow mechanical parking lifts. The

dimensions of the parking spaces provided by the mechanical parking appear to meet the City's minimum standards for Downtown (8.5' x 18') 'standard' parking spaces.

The proposed parking also complies with all other applicable parking standards. Under the Zoning Ordinance, residential projects are not required to provide clean air vehicle parking or EV (electric vehicle) charging stations, an off-street loading/unloading space or bicycle parking. The project proposes 1 tandem loading space, 3 EV ready spaces, 1 tandem ride share drop off space, and 1 car share space, and 2 visitor spaces. The project also proposed 33 bike storage spaces, although only 1 space is required for the nonresidential uses and none for residential uses

Chapter 22 – Use Permits

As discussed previously, the project will require Use Permit approval to allow: 1) Residential uses in a commercial (2/3 MUE) zoning district; and 2) Parking Modification to allow use of mechanical parking lifts to primarily meet the parking requirement for the project.

Residential uses area encouraged in the Downtown and in mixed-use development/redevelopment project to help meet the City's housing needs and "alive-after-five" vision. Automated parking or other mechanical parking devices is one of the strategies identified in the Downtown Parking/Wayfinding Study as an innovative parking solution to maximize valuable parking space areas. Therefore, staff recommends that granting a Use Permit for both these features is appropriate.

Chapter 25 – Environmental and Design Review Permit

This project typically would require Environmental and Design Review Permit approval by the Commission, given that; it proposes to construct a new multifamily residential structure. However, the City Council will have final decision on the project, following the recommendations of both the Board and the Commission, due to the major concessions requested (additional 59-unit density bonus above the state mandated 35% bonus, 19 ft height bonus, and waiver of required 5' landscaped front setback) under the State Density Bonus law. The pertinent review criteria for Environmental and Design Review Permits, pursuant to Section 14.25.050 (*Review Criteria; Environmental and Design Review Permits*), are attached as part of the Zoning Ordinance consistency table (Exhibit 4)

The review criteria for Environmental and Design Review Permits require that the proposed design (architecture, form, scale, materials and color, etc.) of all new development 'relate' to the predominant design or 'character-defining' design elements existing in the vicinity.

The scale and quality of the existing development located south of the core Downtown (Fourth St.) and near U.S Highway 101 is changing, primarily due to the ongoing development of the BioMarin campus. Low profile (1- and 2-story) development is being replaced with much taller (5- and 6-story) buildings. Staff supports the 6-story scale proposed by the project. Determining the predominant design character is a little more difficult. Structures within the adjacent BioMarin campus are integrated with a cohesive architectural design with coordinated façade treatments. The project proposes a similar contemporary design though with unique façade treatments (brick with Corten steel planters at the podium level and a mixture of stucco and vertical and horizontal fiber cement board siding at the upper levels), greater articulation, stepping back the upper stories and a more 'residential' window proportion.

The project design has been revised to include equal, high-quality design attention to all four building elevations. In addition, the formerly proposed building encroachments over the sidewalk have been pulled back and no parts of the upper stories project over the public right-of- way (ROW).

San Rafael Design Guidelines:

The [San Rafael Design Guidelines](#) have been developed as interim criteria that implement design-related General Plan Policies. The site is located within the *Second/Third Corridor and Environs*.

Second/Third Corridor and Environs

Second and Third Streets are to be attractive, landscaped major transportation corridors. While increased pedestrian safety and comfort is desired on Second and Third, greater pedestrian use of the cross streets is encouraged. The project site is located within the boundaries of the *Second/Third and Environs* area of the Downtown, where the following specific design guidelines apply:

- *To provide visual interest, long and monotonous walls should be avoided.*
- *Building walls should be articulated;*
- *To create a boulevard effect along Second and Third Streets, varied landscape setbacks are appropriate;*
- *Additional high-canopy, traffic-tolerant street trees are strongly encouraged;*
- *Where possible, residential buildings in this area should orient to the more pedestrian-friendly side street; and*
- *Driveway cuts and widths should be minimized to prevent vehicular conflicts.*

The project proposes to orient pedestrian activity through the lobby area both through the main entry on Third St and at the northwest corner of Third St./Lincoln Ave. The pertinent *Downtown Design Guidelines* recommends orienting this lobby entrance to one of the more pedestrian-friendly side streets, either Tamalpais or Lincoln Avenues, where possible.

Downtown Station Area Plan.

The project site is identified as a “potential development opportunity site” within the [Downtown Station Area Plan \(SAP\)](#). Maximum development is assumed; a five-story mixed-use building with retail uses on the ground-floor facing Tamalpais Avenue (fronting the SMART station). No on-site parking is assumed for the ground-floor retail uses, even though the site is located outside the Downtown Parking District. Auto access and egress occurs on Lincoln and Tamalpais Avenues. The following are recommended land use policy changes from the SAP that are applicable to the project site:

Short-Term

- Reduce minimum parking requirements to one (1) space for two-bedroom residential units and 1.5 spaces for 3-bedroom units.
- Allow tandem parking spaces.

Long-Term

- Allow one-half space per residential unit to be located off-site in a municipal parking facility.
- Allow off-site parking for ground-floor retail uses.
- Allow unbundled parking, where parking spaces are leased separately from residential units.
- Allow bicycle parking in lieu of some portion of the required on-site parking.
- Adopt a Form-Based Code and eliminate maximum density and FAR (Floor Area Ratio) limits. Together with requiring no more than one parking space per unit, a Form-Based Code may allow up to 200 residential units within maximum allowable building height and setbacks required on the site.
- Allow development ‘bonuses’ (like reduced parking), beyond concessions under the State Density Bonus law, in exchange for community benefits. Examples of community benefits include amenities to support the more transit-oriented surroundings such as wider sidewalks and landscaping, open

space or plazas, provisions for car-sharing, and additional affordable housing units above the minimum 20% requirement.

- Allow shared parking between daytime retail uses and nighttime residential uses.
- Allow stacked parking or parking lifts, to meet required on-site parking.
- Explore reconstruction of Tamalpais Avenue to serve as a “Complete Street” to serve all travel modes. In concept, Tamalpais Avenue may be converted to one-way northbound travel with a Class II bicycle lane, pull-out staging areas and wider sidewalks.

The proposed project would be consistent with most of the applicable recommendations in the Station Area Plan document. The project has been revised to include a small ground-floor commercial use at the northeast corner of Third St/Tamalpais Ave. Some of the short-term and mid-term recommended changes of the SAP were implemented by the City through recent zoning ordinance amendments. The project proposes reduced parking (see discussion above), a wider sidewalk along the Tamalpais Ave. frontage (existing sidewalks along the Lincoln Ave. and Third St. frontages were widened previously.) and increased landscaping (street trees and raised planters) along all three frontages. The project proposes to meet a bulk of its parking requirement with mechanical parking lifts, which create both stacked and tandem parking configurations.

Good Design Principles

On August 14, 2017, an Ad Hoc City Council Sub-Committee convened to discuss “Community Design,” with a primary focus on Downtown development. The Ad Hoc Sub-Committee included Mayor Phillips, Council Member Andrew McCullough, two members of the Design Review Board (Eric Spielman and Stewart Summers) and two members of the Planning Commission (Larry Paul and Jack Robertson). The initial purpose of the meeting was to determine if there are adequate tools and resources to facilitate and achieve good design in development in San Rafael. The Sub-Committee was provided with an inventory of our current resources (all referenced in this report), which are abundant and comprehensive. The inventory of documents and regulations include the following:

- ✓ Downtown San Rafael Vision – 1993
- ✓ General Plan 2020 Policies & Programs for Downtown – 2004
- ✓ San Rafael Design Guidelines (Interim) – 2004
- ✓ Zoning Regulations for Downtown – 2004
- ✓ Downtown San Rafael Station Area Plan – 2012

Mayor Phillips assigned Planning Commissioner Larry Paul the task of forming a working group to review these resources and to develop a more concise and consolidated list of key criteria. The goal was to develop an informational handout (“City of San Rafael Expectations for Good Design”) that can be provided to developers/applicants. Former Commissioner Paul formed a small Working Group of local design professionals and residents to review the above planning documents and regulations and consolidate them into more concise criteria. This working group presented their findings and a [“Good Design Guidelines for Downtown”](#) slideshow to the Council at their February 5, 2018.

There are next steps, which will include making a checklist with these and adopting them, however, staff has provided the applicable criteria from this presentation applicable as Exhibit 5.

The project complies with many of these ‘good design’ criteria. Tamalpais Ave. is identified as a ‘gateway’ to the Downtown with excellent visibility from all transportation modes (pedestrian, bicycle and transit) and the transit center. The project activates the Tamalpais Ave street front by providing a small (969 sq. ft.) ground-level commercial retail space at the corner of Tamalpais Ave. and Third St. The project supports

Tamalpais Ave. as a 'pedestrian street' by minimizing driveway cuts to a single driveway with a 20' width and providing ample street tree pockets with grates. Larger and taller buildings, like the project, are anticipated along the Second and Third St. corridors to create a 'boulevard' setting. A 'base, middle and top' design strategy, similar to the project design, is encouraged though not required. The height and bulk of the project is mitigated by stepbacks, articulation and use of varied exterior materials.

DISCUSSION

This study session is intended to get the Commission's initial review and preliminary feedback on the main land use/policy matters associated with this project (i.e., size, scale, density, parking lifts, level of CEQA, etc.). Typically, a project would first go before the DRB for review and recommendation on design-related matters and then be appear before the Commission and in this case, the Council, for final action. However, since there are some major policy questions regarding the bulk, mass/scale (specifically height and density) as well as level of CEQA review, staff recommended that prior to the normal process, the Commission have a chance to provide their input on the major land use matters. Following the Commission's study session and preliminary input, the item would follow the typical process of DRB, then return to the Planning Commission for formal review and recommendation and then to the Council for final action.

It is important to note, there are many other more routine development specific issues that still need to be addressed and resolved, including items such as specific design details, frontage improvements, conditions of approval, etc. These will be addressed and resolved prior to the matter returning to the Commission for formal merits review and action and will be included the project plans or addressed as condition of approval.

The following are the main topical areas that warrant some preliminary feedback/confirmation from the Commission:

Land Use:

Residential uses are allowed and encouraged in this portion of the City as part of a mixed-use project. During Conceptual Review, the project did not include any retail use on the ground floor. The Commission weighed in on this and encouraged the provision of retail use. The project has been revised to include a 3,711 sq. ft. retail space on the northeast corner of Third St/Tamalpais Ave. The amount of retail that can be provided on the ground floor is physically limited by the parking, drive aisle width requirements and other utility and common areas required to service the residential units.

Staff find that the provision of the retail space at the northeast corner of the building is reasonable and maximized given the other requirements that must be provided on the ground floor.

- **The Commission is asked to weigh in on the land use and proposed retail space and whether it is adequate to satisfy the mixed-use requirement for the zoning district.**

Density:

The project site contains a total lot area of 27,367 sq. ft (0.63 acres). Under the 2/3 MUE zoning, the project site allows a maximum density of one unit per 600 sq. ft. of lot area, which translates to a maximum allowable density of 45 units on the site. The State Density Bonus law allows an additional 35% (16 units) for a total of 61 units. As noted above, the applicant has requested a 59-unit density bonus above the base density and state mandated 35% bonus, for a total of 120 units, which translates to a 97% density bonus.

The currently proposed 120 residential units, has been reduced since the original 138 units proposed during Pre-Application and Conceptual Design Review. Determining the appropriate density for development of a site, typically, is a product of allowable parking (site and building design), traffic capacity, height, design and environmental resources. In this case, the amount of density is further defined by the State density bonus law and a concession requested by the applicant that demonstrates that the 120 units are needed to make the project financially feasible.

There are two factors under which this density bonus is to be considered. First is the City's local provision to consider greater density bonuses than that allowed under State density bonus law. The State Density Bonus provides for bonuses up to 35% for projects that meet certain affordability amounts. The City is not required to grant a density bonus of more than 35%, but it may under State law (GC section 65915(n)), which states: "*If permitted by local ordinance, nothing in this section shall be construed to prohibit a city ... from granting a density bonus greater than what is described in this section.*" The City in enacting the density bonus law, included a local provision ([SRMC 14.16.030.H.2](#)), to allow density bonuses in excess of 35% and states:

"the City in its sole discretion, to consider a density bonus exceeding the state minimum requirements where the applicant agrees to construct a greater number of affordable housing units than required pursuant to subsection 14.16.030.B.2 of this section and necessary to qualify for the density bonus under this section. If such additional density bonus is granted by the City and accepted by the applicant, the additional density bonus shall be considered an additional concession or incentive"

This section was intended to allow for density bonuses greater than 35% to be considered by the City for projects that provide more affordability in a project than the 20% required by the State density bonus, (i.e. a 100% affordable housing project requesting 100% bonus). In this particular case, the applicant has not proposed any more density than the minimum required to obtain a 35% density bonus.

The second factor is consideration of the concession/waiver and whether that concession is necessary to make the project financially feasible, based on State density bonus law. If proven that the waiver is necessary to make the project financially feasible, the city must grant the waiver.

The applicant has asked for additional density (59 units above the state mandated density bonus) as one of their three eligible concessions/waivers, and through the provision of a financial pro forma, they must show that the concession or incentive is necessary to achieve the offered affordability and make the project financially feasible (Government Code, § 65915(k)(3)). In accordance with the City's ordinance, the City has hired an independent 3rd party economist, Seifel Associates, to review the financial pro forma and assess whether the number of units requested are necessary to make the project financially feasible. This includes evaluating all the costs associated with the acquisition, construction and operation of the project. The pro forma also evaluates the Base Case Project (61 units, which includes the 35% density bonus) as well as the Proposed Project (120 units). The actual pro forma and specific numbers contained in the pro forma are proprietary information and the City is not allowed to release those for public review. However, the City's consulting economist has reviewed all the information and prepared their analysis that provides the conclusions of their review (Exhibit 6). In summary, the review finds:

- The Base Case scenario (62 units, which includes the 35% density bonus) is not financially feasible. Based on the development costs, revenues and return metrics, the developer margin would be negative, meaning the development costs would exceed the revenues, and thus make the project not feasible to build. The review also concludes that with even with potential savings

on construction costs through value engineering, the Base Case scenario is not feasible and as the return margin would still be negative.

- The Proposed Project scenario (120 units, including a 59-unit bonus above the state density bonus) does yield a positive margin of return. However, that return is does not achieve a high enough margin to be financially feasible according to typical return metrics. The review does conclude that if construction costs are lowered by 15% would return levels that are within the range of development feasibility, consistent with other project in high demand locations.

In addition to the density bonus request, there are other considerations when evaluating this project's proposed density.

- The zoning for the site not only allows for residential density on this site of 1 unit/600 sq. ft, but also allows for non -residential (commercial) intensity of up to a 1.5 FAR (Floor Area Ratio). These are different metrics, where density is based on number of units, and does not factor size of units, while FAR is based on square footage. For this site, the 1.5 FAR would allow up to 41,051 sq. ft, which for this site would translate to approximately two entire floors worth of the particular building.

In addition, although residential density is not regulated by square footage, the proposed project hosts 120 units in approximately 81,442 sq. ft of building area dedicated to residential use, which translates to an average of 678 sq. ft/unit. As an example, the same size building could be proposed as

- Max City density of 45 units, but average 1,809 sq. ft/unit,
- Max City density plus 35% density bonus of 61 units, but average 1,313 sq. ft/unit.

Given the need for housing in San Rafael as well as throughout the State, staff would assert that a greater number of smaller units would be more beneficial to the community. This is an opportunity site, close to transit, in the heart of downtown and is possibly the most appropriate location for higher density housing

- As noted above, other factors to consider for density include height, design, environmental resources (including historical), parking and traffic capacity:
 - For height discussion, see below.
 - The design will be evaluated and reviewed by the DRB, however, through the conceptual process, there have been changes to provide additional stepping of upper floors as well as horizontal articulation, to reduce perceived bulk and mass from all four building elevations.
 - The site has no historical or environmental resources, given it is fully graded and developed with non-descript, postmodern commercial buildings.
 - The traffic generation from the project was evaluated against the City's level of service standards. A Transportation Impact Analysis report (Fehr & Peers Transportation Consultants, revision dated January 14, 2019) originally submitted for the project was revised to expand the study area and to modify the methodology used in the analysis. The results of the updated trip generation indicate that, based on traffic counts of existing land use trips, and with deductions applied for 'walk, bike and transit' trips due to the site's proximity to the Downtown, the SMART station and the transit center, the project would result in 33 net new AM peak hour trips (7- 9am weekdays) and 26 PM net new peak hour trips (4-6pm weekdays). The Transportation Impact Analysis report indicates surrounding intersections and arterials would continue to operate (existing plus project volumes) acceptably per the City's LOS (Level of Service) standards in the General Plan The results of the Transportation Impact Analysis report have been confirmed

by the City's Traffic Engineer. Staff finds the proposed density (120 units) would result in negligible traffic impacts which are off-set by the payment of traffic mitigation fees on the 59 new peak hour trips anticipated to result from the project.

- In terms of parking, the project would provide excess parking than that required by the State for projects in close proximity to transit. The project is required to provide 82 spaces and would actually provide 121 total spaces (composed of 109 resident parking + 12 ADA, ride share, drop off and EV parking spaces)

Staff recommends that the proposed density is appropriate, given that the project does not utilize most of the non-residential FAR allowance for the site, the smaller size of units, and the project location. Furthermore, the pro forma for the project was independently reviewed and confirmed that the 120 units is needed for this project to be financially feasible

- **The Commission is asked to weigh in on the proposed density bonus request and provide feedback as to whether the proposed density is appropriate for the site and justified through the financial pro forma.**

Height/Scale

The 2/3 MUE zoning allows a 54 ft height limit with a 12 ft height bonus (for a total of 66 ft height limit) for projects that provide the required amount of affordable housing. As designed, the project proposes a building at 73 ft tall, exceeding the height limit by 7 feet. The height is measured to the top of the roof deck and the other architectural features on the roof deck (railing, and elevator overruns, trellises) do not count toward the maximum building height.

The Conceptual Design reviewed by the DRB and Commission in summer of 2017, was designed to meet the 66 ft height limit. That design proposed to bury the garage level by 1 ft below the elevation of the sidewalks. Following the Conceptual Review, technical comments from City Departments and further investigation into the stacked parking lift, the project was increased in height by 7 feet, from 66 feet to 73 feet, based on the following modifications:

- FEMA requirements require the garage level to be a +1 ft above the current grade. Therefore, a +2 ft increase of height resulted by placing the ground level at +1 ft above current elevation
- Further investigation into the stacker systems resulted in the need for 3.5 ft of additional height in the garage level for the proposed stacker system, raising the garage plate height from 18.5 ft to 22 ft in height.
- Plate heights for the residential levels were increased from 9 ft to 9.5 ft, resulting in a 2.5 ft net change to overall height.

Given that the proposed height exceeds the 66 ft height limit, the applicant has requested a major concession under the state density bonus law to request 7 additional feet. Concessions not identified 14.16.030.H.3.a are considered a major concession and require submittal of a financial pro forma [SRMC 14.16.030.H.3.b.v.](#). If approved, the concession counts concession under the State Density Bonus law. Per SRMC 14.16.030. A major concession requires the submittal of a financial pro forma to demonstrate whether the concession or incentive is necessary to achieve the offered affordability and make the project financially feasible (Government Code, § 65915(k)(3)). As noted above, the City hired Seifel Associates to review the financial pro forma and confirm the methodologies, assumptions and conclusions (Exhibit 6). In conclusion, the 3rd party economist has concluded that the pro forma does use sound assumptions, methodologies and financial information, and that the pro forma demonstrates that 62 Base Case project

would not be financially feasible, while the 120-unit Proposed project is needed to make the project financially feasible.

Staff does note that there are two variables to the height needs of this project, amount of parking provided and residential floor plate heights.

- As previously noted, the project is required to provide 82 on-site parking spaces based on State Density Bonus law that requires 0.5 spaces/bedroom. The project proposes to provide 33 more parking spaces than required (121 provided vs 85-86 required) as an amenity and need for the residential units. The amount of proposed parking would generally equal 1 space per unit.

The extra parking necessitates the need to either create two floors of parking or utilize a stacked parking system. Although it is conceivable possible to dig down and provide one floor of parking underground, the small size of the lot, FEMA requirements coupled with the high-water table would make this option nearly impossible. The other option is to only provide one level of parking without stackers, which would only require a 10 ft floor plate (rather than 22 ft) on the ground level. However, this option would not only render the project inconsistent with the parking requirements (only 66 spaces could be provided without use of parking stackers, where 82 are required), but also insufficient to meet the real-life parking demands of potential tenants in this project.

- The second variable is that of the plate height in the residential units. The project proposes to use 9.5 ft plate heights. This plate height is typical of other stacked housing projects and given the smaller size of units, would make the units feel a bit bigger than if a lower plate height was utilized. If the plate height was reduced back to 9 ft, that would reduce overall building height by 3.5 feet, or 69.5 feet total. Although this would be a reduction in height, it would still exceed the height limit (66 ft with height bonus) and would be negligible in the bigger picture. Furthermore, the extra 0.5 feet of plate height would make the units for desirable and comfortable for residents, especially given their smaller size.
- **The Commission is asked to weigh in on building height and whether appropriate for the site and warranted.**

Front Setback

The project requests a waiver of the required 5' landscaped front setback (Third St. frontage) also as a concession under the State Density Bonus law for meeting their required 20% affordable housing requirement. This concession requesting a waiver of the required 5' landscaped front setback, like the additional 75-unit density bonus above the maximum allowed under the State Density Bonus law, is discretionary, allows staff to hire a consulting economist for peer review (at the applicant's cost) and requires City Council review and approval. At the time of formal project submittal, the applicant provided a financial pro forma demonstrating that the waiver of the required 5' landscaped front setback results in "identifiable, financially sufficient and actual cost reductions" (underline added) to the project.

Aside from the state density bonus law provisions for the city to grant a concession to a standard if deemed financially necessary, staff has also reviewed whether the proposed 0 ft setback would be in keeping with the surrounding area. Most of the buildings along 3rd St exhibit a 0-ft setback. A few properties have portions of their sites that include parking lots, which creates a bigger setback for that portion of the site. However, the predominant pattern of building placement is without any setback and this project would be consistent with that pattern. In addition, given the minimum dimensions requires for parking and drive aisles, coupled with the required "back of house" features needed on the ground floor for a project of this type (lobby, retail space, bike lockers, mail, trash, there is not much room to reduce the width of the building

on the ground floor. Lastly, as noted above, the applicant has submitted a financial pro forma and this was reviewed by an independent economist and the conclusion is the number of units are necessary to make the project financially feasible. In regard to the setback, the issue is that there is a minimum width required for a double loaded garage. On top of that, to have the minimally size retail space and lobby and other utility spaces to the front of the garage, there is not enough depth on the lot to also provide a 5 ft setback.

- **The Commission is asked to weigh in on setback waiver and whether appropriate for the site and warranted.**

Bulk/Mass

The currently design project has greatly improved in terms of its impacts to bulk/mass. The prior design included projections over the public right of way, as well as a more vertical building design. The currently proposed design has eliminated all projections over the public right of way, inset balconies and portion of the building back to create horizontal relief, pulled the 6th floor back 5 ft to create a step. In addition, the project uses some varying roof heights on the top level to provide vertical articulation. Staff finds that the revised design has greatly improved in articulation and reduced the impacts to bulk/mass.

- **The Commission is asked to weigh in on project design and it's bulk/mass and whether the proposed design adequately responds to the Commission's prior comments.**

Stacker Parking System:

Stacked parking systems are a new concept to the City of San Rafael but are much more common in other parts of the Bay Area. With the limited availability of land, and high land costs, efficient use of parking should be encouraged. Given that our Zoning Ordinance does not yet acknowledge stacked parking, the applicant has requested a Use Permit for a modification to the parking standards. The type of parking lifts proposed for this site are a puzzle lift system with three-levels of semi-automatic horizontal and vertical shifting platforms. A driver is required to manually engage the system which automatically moves the parking platforms to an available empty space. Access may be secured by adding sliding metal wire doors which are opened by the driver only after the shifting process is completed. Staff is very supportive of stacked parking system

- **The Commission is asked to weigh in on the proposed parking modification to allow stacker parking lift system in this project.**

Environmental Findings:

Per CEQA Guidelines Section 15060, staff conducted a "preliminary review" of the project application, plans and supportive studies and reports. In completing this preliminary review, staff determined that the application is defined as a "project" under CEQA. Next, CEQA Guidelines Section 15061 (*Review for Exemption*) was reviewed to determine whether the project is exempt from CEQA. A project is exempt from CEQA if it qualifies for a Categorical Exemption under Article 19, Section 15300. Given the project location, scope and use, staff has determined that the project qualifies for an exemption under CEQA Guidelines Section 15332. Section 15332 exempts "infill development projects" that meet the following conditions:

- a. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designations and regulations.*
- b. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.*
- c. The project site has no value as habitat for endangered, rare or threatened species.*
- d. Approval of the project would not result in any significant effects related to traffic, noise, air quality, or water quality.*

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

Lastly, CEQA Guideline Section 15300.2 set forth a list of “exceptions” to the application of a Categorical Exemption. There are five exceptions that if any apply, would negate application of the proposed Categorical Exemption. A review of these exceptions reveals that none apply

1. Location: The project site is already developed with commercial and parking uses and is not located in a sensitive environment. The site does not contain sensitive habitat. It is not located in an area of critical or hazardous concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.
2. Cumulative Impact: Based on the lack of significant proposed nearby developments, there is no evidence of a potential significant cumulative impact on the environment from the proposed project. It has been determined that the project will not cumulatively impact traffic, noise, air quality, or water quality.
3. Significant Effect and Unusual Circumstances: The project would not result in any significant effects on the environment due to unusual circumstances. Based on completed environmental studies for the project, the project site does not have any unusual circumstances that would negatively impact the environment.
4. Scenic Highways: The project site is not in proximity or visible to any designated scenic highway based on the State of California’s Scenic Highway program.
5. Hazardous Waste Sites: Based on Phase 1 Environmental Site Assessment prepared for the project (see Section C, item 3), the site is not located on a list of identified hazardous waste sites designated by the State of California.
6. Historical resources: There are no historical resources located on the proposed project site.

Therefore, staff recommends that the project would qualify for a categorical exemption and staff has drafted a Notice of Exemption (NOE) (see Exhibit 7) which provides greater detail on how the project qualifies for a Class 32 CEQA exemption. All the supporting studies used to evaluate the project are provided at <https://www.cityofsanrafael.org/703-3/>.

DESIGN REVIEW BOARD RECOMMENDATION

On June 20, 2017, the Board (*Planning Commission Liaison Schaefer*) reviewed the proposed Conceptual Design Review application and provided the following general comments:

- Site requires a heightened ‘gateway’ design. The concept design is too boxy and should incorporate greater vertical and horizontal articulation.
- Massing of concept design is looming due to crowding of sidewalk right-of-way with upper-story encroachments. Limit ROW encroachments to architectural features only and reduce to maintain pedestrian-friendly cross-streets (Tamalpais and Lincoln Avenues).
- Portions of the upper stories should step back.
- Ext. color palette is too bright.
- Ground floor commercial space along Tamalpais Ave. is important link to pedestrian-friendly vision.
- Provide comprehensive and generous amenities in common areas, including trellis over portions of the courtyard. Consider adding a gym and enlarging the rooftop common area.
- Consider cladding staircase towers in glass or a similar design feature.

- Guest parking, EV charging stations and a loading/unloading area should be provided in the garage.
- Limit the driveway curb cuts on pedestrian-friendly cross-streets by providing a single drive-thru driveway and better garage circulation; and
- Board is supportive of mechanical parking lifts though additional details are needed, including dimensions, queuing, turning access, cross-sections, real-time video of use.

At the Board meeting, PC Liaison Schaefer provided the following additional comments:

- Pedestrian safety is important to project due to proximity to transit center and SMART station. Show location of adjacent crosswalks connecting the project to these sites and proposed improvements if needed.
- Air quality of residents should be evaluated due to proximity to high-traffic corridors and Highway 101.

Like the Commission's review of the Conceptual Review project, the Board provided comments only and took no further action. A video of this June 20, 2017 meeting may be viewed at www.cityofsanrafael.org/meetings and then navigating to the archived section for DRB and selecting the 6/20/17 meeting date

NEIGHBORHOOD MEETING / CORRESPONDENCE

A neighborhood meeting is not required; however, the applicant has previously met with the Gerstle Park Neighborhood Association, the Montecito Homeowners Association and the Federation of San Rafael Neighborhoods to discuss and solicit input on the proposed project

Notice of Conceptual Review for the project, by both the Board and the Commission, was conducted in accordance with noticing requirements contained in Chapter 29 of the Zoning Ordinance. A Notice of Public Meeting was mailed to all property owners, residents, businesses and occupants within a 300-foot radius of the project site and the appropriate neighborhood groups (the Downtown Business Improvement District, Gerstle Park Neighborhood Assn. and the Federation of San Rafael Neighborhoods), a minimum of 15 calendar days prior to the date of this hearing. Additionally, notice was posted on the project site, along the Third St., Tamalpais Ave. and Lincoln Ave. frontages.

Notice of this Commission meeting was also provided through mailed notices to property owner/residents/business within 300 feet of the site, as well as applicable neighborhood/business associations and posted along all three frontages on the site.

All public comments received before Conceptual Review, by both the Board and the Commission, are attached as Exhibit 8. All public comments received after Conceptual Review are attached as Exhibit 9. Staff received one (1) comment on the formal project application, from the Citizens Advisory Committee for Economic Development and Affordable Housing (CAC). The CAC supports the project and recommends further that greater density and greater affordability should be worked into the project. Any comments received after distribution of the staff report, will be forwarded to the Commission under separate cover.

Planning staff has also created a digital webpage on the project which has been uploaded with links to both the current plans and supportive studies and is updated to coordinate with all meeting and hearing notices for the project. This project webpage may be found at <https://www.cityofsanrafael.org/703-3/>.

CONCLUSION

The project has been revised and refined since the Conceptual review in 2017 and appears to have addressed many of the main concerns. Through these revisions, the building no longer projects over the right of way, a commercial space has been added to the ground floor, the building design has changed, and the number of units has been reduced to 120 units. However, through the revisions, the building height has increased from 66 ft to 73 feet to address some technical requirements.

The project request three concessions under the state density bonus provisions (density, height and front setback). A financial pro forma has been submitted and reviewed by an independent economic who concluded that the assumptions and methodologies are sound and that the concessions are necessary to make the project financially feasible.

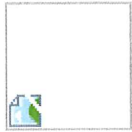
In evaluating the project at this site, staff finds that this site is one of the most appropriate locations in the entire City to add a significant amount of housing. The proximity to transit, downtown and transportation make this an ideal location for new housing. The size of the project has been demonstrated to be necessary to make it economically viable, given the high land and construction costs. In addition, smaller rental units are a housing type that are needed in the community. Furthermore, the site is listed as a housing opportunity site in the General Plan and envisioned for greater height and density through the Station Area Plan.

Before the project proceeds through the required review process, first DRB then Planning commission and ultimately Council, Staff is bringing this forward to the Commission to weigh in on some of the key land use/policy issues. The intention is for the Commission to weigh in on these issues and that will clarify the scope of review for the DRB when the evaluate design, Therefore, staff seeks initial review and feedback from the Planning Commission on the specific topic areas discussed above. Staff seeks only direction from the Commission. No action (approval or denial) is requested at this meeting. Following the guidance provided by the Commission, the project may be revised, as necessary, and/or staff will complete environmental review, if needed. While the Commission may request the project return for further discussion on any of these specific topic areas or any new topic areas, the project will be referred to the Design Review Board for formal review and recommendation on the proposed site and building design and then to the Planning Commission and ultimately to the Council for final action.

EXHIBITS

1. Vicinity/Location map
2. Applicant's Project Description
3. GP Consistency table
4. ZO Consistency table
5. Summary of "Good Design Principals" for Downtown
6. Pro Forma Review and Financial Feasibility Analysis, Seifel & Associates, February 19, 2019
7. Draft Notice of Exemption, January 21, 2019
8. Public comments during DRB and PC Conceptual Review
9. Public comments after Conceptual Review

Reduced (11" x 17") color plan sets have been provided to the Planning Commissioners only. Digital copy of the project plans can be viewed at <https://www.cityofsanrafael.org/703-3/>.

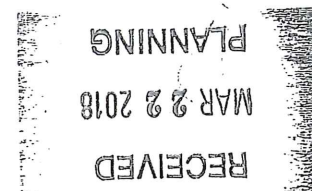


While we strive to produce maps with good accuracy and with current accompanying data, the accuracy of the information herein cannot be guaranteed. This map was prepared using **AutoCAD** aided drafting techniques, and it does not represent legal boundary survey data.

703 Third St. Project (703-723 Third St. / 898 Lincoln Ave.)



EXHIBIT 1



The following is a project description of the key elements and features of the proposed project as well as a narrative on how the revised design addresses previous review comments, by the City, Community and Design Review Board.

Overall Design Concept

The building design of 703 Third Street takes cues from traditional urban buildings which might have been found in downtown many years ago and overlays a modern character based in historic design principles. The building is designed to make a gateway statement while also allowing for an elegant, well-proportioned background building, setting the tone of restraint for other new interventions into the downtown in the future. The building's central site necessitates quality materials and timeless architectural style, designed without a "back" anticipating that it will be viewed from all directions around downtown San Rafael.

The project site is .63 acres, combining a total of 4 parcels, bounded on the North by Third Street, West by Tamalpais, East by Lincoln Avenue and to the South by Marin Color Paint Service property which fronts Second Street. The development proposal includes 120 apartments including studios, one and two bedroom apartments. There will be nine BMR units; five very low and four low income homes. There will be 121 parking spaces including tandem 3-level stackers, 2 loading/drop-off spaces, 3 accessible spaces, 4 spaces prepared for electric vehicles charging, two visitor spaces and one car share space within the garage. The ground floor also includes a retail space fronting on Tamalpais of approximately 970 s.f. as well as a bike lounge which is being looked into as potentially being open to the public, and a lobby and management space for leasing, mail and meetings. The building is 6 stories tall, including a concrete podium and 5 stories of wood frame residential construction above. The 6th floor is stepped back creating private roof decks and there is a large common roof deck above. In addition, the buildings is recessed and stepped back at various locations on all sides.

The design respects the pattern of the downtown by creating a strong base, middle and top to the building. The transparent and active street frontage extends the length of Third Street, anchoring Tamalpais Avenue with a retail space and the corner of Lincoln Avenue with active management and lobby spaces. Just off the central lobby is an innovative bike lounge emphasizing diverse modes of travel in the downtown transit area. To accomplish this active frontage the parking has been designed using tri-level tandem stackers which reduce the garage parking area and minimize the needed access points to one each along Lincoln and Tamalpais Avenues. Utility areas are moved to the rear corners of the building to minimize impacts to the pedestrian realm on Lincoln and Tamalpais Avenues.

The building base is a strong brick veneer podium which is taller than typical to house the parking stackers as well as the raised finish floor required by to address the flood plain, ever present in the downtown area. A partial arcade along Third Street allows for the covered entry to

the lobby as well as a ramp for an accessible entry to the retail space and to the management area. The main lobby entry is accented by a marquee, while the building lobby storefront façade extends up the building as a transparent light organizing the entire Third Street elevation. The active street frontage has strong transparent storefronts, which are set within a column pattern with concrete base and brick above it. The storefronts also have highlights of planters set between the columns below the windows in key locations along the sidewalk. Each column is also highlighted by a light fixture, providing added lighting for pedestrians walking along the street.

Floors two through five make up the building body which is primarily exterior plaster. Floors 2 through 4 are the primary middle form, and level 5 creates a band of lighter colored plaster, reducing the apparent mass and helps to organize the middle of the building. The mid/body has recessed windows which are combined with panels to provide a vertical façade element. The windows are recessed, providing shadows and relief to the façade, rather than bays, which would otherwise extend over the sidewalk. This further reduces the mass of the primary body of the building.

The corners at Tam and Lincoln have been accented by thin vertical corner elements to address the desire for a gateway feature at the entry to the downtown. Balconies have been added at key locations to emphasize the vertical elements and further break up the building massing. The building no longer extends beyond the property line, or over the sidewalk at any location. The lobby glazing and recessed stair elements provide further relief, changing material and breaking down the body mass. The rear façade has been modified, particularly at the corners, where setbacks allow for windows and eliminated the original blank walls which faced second street. The building base extends around the rear property line elevation and screens the Marin Paint Service building. Above, the building body maintains a similar architectural style and detail are as the other street facades. The corners at Lincoln and Tamalpais have small vertical tower elements which signify unique two level townhouse apartments which anchor this very important and visible elevation of the building.

The top floor of the building steps back five to eight feet from the story below, reducing the visual impact of this tall building. This concept was discussed with the City in a Council presentation by Steve and Breeze Kinsey, showing how a building step-back can relieve much of the masses appearance at the upper level. The change of material at the upper floor, the step-back and sunscreen awning provide a strong parapet or "top" to the building, which was a stated desire by the design review committee.

The building has a number of amenities, which support downtown living. One of them is corner retail at Tamalpais and Third Street. A bike lounge, which includes secure bike parking as well as work bench and work stations which allow for routine bike repairs. This area is designed as a lounge where riding enthusiasts can congregate and coordinate rides and events as well as relax and socialize. We are looking into, whether there is the potential or need for SMART riders to use the bike lounge for regular storage of their bikes to reduce the need for commuters to take their bikes on the SMART trains. The podium level includes common spaces for exercise, and a business center/meeting conference room which supports home/work activities. Additional management space on the ground floor may provide future retail or other support once the building is initially leased up and if there is market demand.

The courtyard and roof deck are the two primary open spaces which are part of the building's amenities. The podium courtyard is a more contemplative space with a central sculptural bench and a strong simple form landscape emphasis. It's meant to be a quieter space for residents to be in, or look down upon. Its landscape will be designed anticipating mostly shade, and while lush with color, it is meant as a respite from the urban downtown. The planters will have dual roles as some will be C3 planters to provide stormwater management and improve water quality. While final stormwater management design has not been completed we anticipate a combination of C3 treatment planters and the need for retention and slow release of water from storage facilities under the building, accessed from the garage drive area.

The roof deck, in contrast to the courtyard, is the active amenity laden area which provides wide views of downtown, Mount Tamalpais, the Canal and even the Bay. It includes barbeque areas and large dining table seating. A number of groups can entertain concurrently with various activities such as corn-hole and gaming tables as well as seating areas and fire pits to collect around for evening conversations. The elevator extends to the roof providing easy access for all. It has been combined with a steel frame and trellis which allows for both permanent or temporary covers to provide shade for table seating in more intimate outdoor rooms. The deck areas are defined by both pavers and wood decking and large planters with small trees, which can be seen from below, adding visual interest and highlighting the activity on the top of the building. The active roof deck areas are screened from mechanical equipment by low walls and planters. The remaining portions of the roof are planned for solar thermal and photovoltaic panels for hot water and to offset the electrical house loads as funding allows.

Given the location and construction it is anticipated that the development will achieve a high level of sustainability, anticipating a green point rated building which could also meet LEED Gold standards or above. This development represents a new model of downtown living for the City of San Rafael. Next to the SMART station, transit center, bike corridors, HWY 101 and across from Bio Marin and other employers, In addition the "walkability" to downtown of this new community will add vibrancy to an area of San Rafael, which has spoken to these goals of high density, transit-oriented, market rate and affordable housing for many years, with little results. This is an opportunity for the City of San Rafael to realize its policies and see its vision come to reality.

The project is requesting the following Concessions under the City's and State's density bonus Regulations:

1. No front setback on Third Street in lieu of the 5' setback requirement. Other existing buildings on Third Street do not have this 5' setback.
2. Building Height: 73' height in lieu of 66' which includes the height bonus for affordable housing. This is requested in response to the Public Work's and FEMA's requirement that the occupied and essential facility areas be raised 1+' above the flood plain. In addition, the required height of the parking for three level stackers to be provided above grade, requires additional ground floor podium height of five to seven feet to accommodate mechanical parking stackers and other equipment clearances.

The development is not asking for a parking concession as State legislation allows for parking requirements of not more than .5 spaces per bedroom for housing within one half mile of a major transit facility. This would require 81 parking spaces. Parking, is being provided at 1:1 + ratio for residential units consistent with the Downtown Station Area Plan Private Parking Strategy recommendation in lieu of City-wide parking standards. Also as recommended in the Station

Area Plan, parking is being provided in an innovative way, through parking lifts which are inherently “unbundled”, and the parking will be separate from the residential unit, allowing an individual to select not to own a vehicle. The overall parking strategy also includes loading spaces within the garage, “Uber/Lift” drop off spaces and three spaces will be prepped and one open space provided for electric vehicle charging. There is temporary bike parking on the sidewalks and permanent parking within the building in the bike lounge and possibly in other locations as needed. We believe that this location immediately across from the major transit facility in Marin County is the perfect location to use the policy strategies which the City has proposed for the downtown station area.

Parking lifts are being used to provide the needed parking in a more space efficient manner. The parking lifts are organized into 5-6 groups, that share controls, allowing multiple people to access their vehicles simultaneously. It is estimated that when ordered it will average 45 seconds to retrieve one’s vehicle. You may see a video of how this type of lift works at the following link: <https://www.youtube.com/watch?v=UzAarYWXJHE> , We believe this parking system will be efficient and effective in allowing residents to have their vehicle “on demand” while not requiring expansive parking areas which would make downtown developments less attractive.

There will be backup power for the lifts and, in case of an emergency, it is estimated that the garage could be emptied in approximately 15 minutes. The vehicles ground level spaces could be removed more quickly and the raised vehicles could remain and be protected from water damage in case of a major flood.

703 Third Street represents a model transit oriented development for downtown San Rafael. It is high density and close to transit. It provides a range of housing opportunities and affordability. It balances the desire for less reliance on autos with the need for parking. It will provide for high quality urban living for those that desire to take advantage of downtown San Rafael’s amenities and those that want to be close to transit and/or downtown employment opportunities. The design reflects the traditional principles of buildings in San Rafael, while meeting contemporary desires for urban living and looking into the future as downtown San Rafael continues to improve and expand the quality downtown we all desire.

Exhibit 3

TABLE ANALYZING PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020

LAND USE ELEMENT	
<p>LU-2. Development Timing. For health, safety and general welfare reasons, new development should only occur when adequate infrastructure is available consistent with the following findings:</p> <ol style="list-style-type: none"> a. Project-related traffic will not cause the level of service established in the Circulation Element to be exceeded; b. Any circulation improvements needed to maintain the level of service standard established in the Circulation Element have been programmed and funding has been committed; c. Environmental review of needed circulation improvement projects has been completed; d. The time frame for completion of the needed circulation improvements will not cause the level of service in the Circulation Element to be exceeded, or the findings set forth in Policy C-5 have been made; and e. Sewer, water, and other infrastructure improvements will be available to serve new development by the time the development is constructed 	<p><i>Consistent</i></p> <p>The project proposes to redevelop two adjacent in-fill parcels, currently served by City infrastructure and services. The smaller parcel (703 Third St.) is located at the southwest corner of Third St. and Tamalpais Ave. while the larger parcel (723 Third St. / 898 Lincoln Ave.) is located at the southeast corner of Third St. and Lincoln Ave. Both parcels are located with Second/Third St. Mixed-Use East (2/3 MUE) District zone, a Downtown commercial zoning district. The project proposes to demolish approximately 15,000 sq. ft. of combined commercial space within two, 1-2-story buildings and a surface parking lot and construct a new, six-story, 73-tall mixed-use building with 120 apartment units above 121 garage parking spaces, of which 109 parking spaces will be provided by mechanical parking lifts. The project proposes nine (9) affordable ('below-market-rate or BMR) units.</p> <p>The City's Traffic Engineer has reviewed the project and evaluated its traffic impacts against the City's level of service standards. A Transportation Impact Analysis report (Fehr & Peers Transportation Consultants, revision dated January 14, 2019) originally submitted for the project was revised to expand the study area and to modify the methodology used in the analysis. The results of the updated trip generation indicate that, based on traffic counts of existing land use trips, and with deductions applied for 'walk, bike and transit' trips due to the site's proximity to the Downtown, the SMART station and the transit center, the project would result in 33 net new AM peak hour trips (7- 9am weekdays) and 26 PM net new peak hour trips (4-6pm weekdays). The Transportation Impact Analysis report indicates surrounding intersections and arterials would continue to operate (existing plus project volumes) acceptably per the City's LOS (Level of Service) standards in the General Plan. The results of the Transportation Impact Analysis report have been confirmed by the City's Traffic Engineer. Staff finds the proposed density (120 units) would result in negligible traffic impacts which are off-set by the payment of traffic mitigation fees on the 59 new peak hour trips anticipated to result from the project, which would be a condition of approval. The payment of traffic mitigation fees would be a condition of approval and are intended to help fund the project's fair share of local circulation improvement projects by the City. Lastly, the quasi-governmental agencies that would provide water and sewer service to the site have reviewed the proposed project and determined that there is adequate capacity to service the new project.</p>
<p>LU-8. Density of Residential Development. Residential densities are shown in Exhibit 11, Land Use Categories, pages 38-40. Maximum densities are not guaranteed but minimum densities are generally required.</p>	<p><i>Consistent with conditions</i></p> <p>See LU-2 discussion above. Both parcels within the project site are assigned a General Plan land use designation of Second/Third St. Mixed-Use (2/3 MU). The 2/3MU land use designation allows residential uses as part of mixed-use development at densities between 32 and 62 per gross acre. Based on this</p>

Exhibit 3

TABLE ANALYZING PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020

<p>Density of residential development on any site shall respond to the following factors: site resources and constraints, potentially hazardous conditions, traffic and access, adequacy of infrastructure, City design policies and development patterns and prevailing densities of adjacent developed areas.</p>	<p>allowable density, the 27,367 sq. ft. project site would be allowed 20 to 39 residential units. The Zoning designation for the project site is Second/Third St. Mixed-Use East (2/3 MUE) District, which allows a base residential density of one (1) unit per 600 sq. ft. of lot area or 45 units. By complying with the City’s inclusionary housing requirement (20% of the maximum base density or 9 affordable or BMR units), the project is eligible to request a State Density Bonus of up to 35%, or 16 additional market-rate units, and a maximum of two (2) concessions/incentives. Therefore, by meeting the City affordable housing requirement, the project is allowed a maximum density of 61 units. As noted above, the project has requested a 75-unit density bonus above the base density, for a total of 120 units, which translates to a proposed 162% density bonus. This additional density bonus is one of the two concessions/incentives requested by the project (additional building height is the other concession/incentive requested by the project) and requires the submittal of a financial pro forma which demonstrates that the proposed 120 units are needed to make the project financially feasible to develop. The City has hired an independent 3rd party economist, Seifel Associates, to review the financial pro forma and assess whether the number of units requested are necessary to make the project financially feasible. After reviewing the financial pro forma, the City’s consulting economist has determined the project does need the proposed 162% density bonus, or 120 units, in order for the project to be able to be financially feasible. A maximum 61-unit project (45-unit base density plus a 35% density bonus or 16 additional units) would not be feasible under current development conditions. The City is not required to grant a density bonus of more than 35%, but it may under State law for projects that provided more affordability than the 20% required. For the project, the applicant has not proposed any more density than the minimum required to obtain a 35% density bonus. While the project does not propose additional affordability beyond the minimum required, there are other considerations when evaluating the proposed density, including:</p> <ul style="list-style-type: none">• The 2/3 MUE District zoning for the site not only allows for residential density but also allows for non-residential (commercial) intensity of up to a 1.5 FAR (Floor Area Ratio). For the project site, the 1.5 FAR would allow up to 41,051 sq. ft, which would translate to approximately two entire floors worth of additional commercial development;• Although residential density is not regulated by square footage, the proposed project proposes 120 units in approximately 81,442 sq. ft of building area dedicated to residential use, which translates to an average of 678 sq. ft/unit. The same size building could be proposed at the maximum base density of 45 units, but average 1,809 sq. ft/unit, for instance, or the 35% density bonus of 61 units and average 1,313 sq. ft/unit, for instance. Given the need for housing in San Rafael as well as throughout the State, staff would assert that a greater number of smaller units would be more beneficial to the community. This is an opportunity site, close to transit, in the heart of downtown and is possibly the most appropriate location for higher density; and• The project provides excess parking than that required by the State for projects in close proximity to transit. The project is required to provide 88 spaces though proposes to provide 121 total spaces (composed of 109 resident parking + 12 ADA, ride share, drop off and EV parking spaces.
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Exhibit 3

TABLE ANALYZING PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020

<p>LU-9. Intensity of Nonresidential Development. Commercial and industrial areas have been assigned floor area ratios (FARs) to identify appropriate intensities (see Exhibits 4, 5 and 6). Maximum allowable FARs are not guaranteed, particularly in environmentally sensitive areas. Intensity of commercial and industrial development on any site shall respond to the following factors: site resources and constraints, traffic and access, potentially hazardous conditions, adequacy of infrastructure, and City design policies.</p>	<p><i>Consistent</i> According to Exhibit 6 (<i>Floor Area Ratios in Downtown Environs</i>) of the General Plan, the maximum nonresidential development allowable on the project site is 1.5 FAR (floor area ratio) or 41,505.5 sq. ft. based on 27,367 sq. ft. of combined lot area. The project proposes 969 sq. ft. of ground level nonresidential development or commercial space on the project site.</p>
<p>LU-12. Building Heights. Citywide height limits in San Rafael are described in Exhibits 7 and 8. For Downtown height limits see Exhibit 9.</p>	<p><i>Consistent with conditions</i> According to Exhibit 9 (<i>Building Heights Limits in Downtown San Rafael</i>) and Exhibit 10 (<i>Height Bonuses</i>) of the General Plan, the maximum height limit for the project site is 54 ft. plus a 12 ft height bonus by meeting the affordable housing requirement for a total overall height limit of 66 ft. As designed, the project proposes a building at 73 ft tall, exceeding the height limit by 7 feet. The height is measured to the top of the roof deck and the other architectural features on the roof deck (railing, and elevator overruns, trellises) do not count toward the maximum building height.</p> <p>During Conceptual Design Review by the Design Review Board (DRB) and the Planning Commission (Commission) in 2017, the project proposed to meet the 66 ft height limit. At that time, the design proposed to bury the garage level 1 ft below the elevation of the sidewalks. Following Conceptual Review, technical comments from City Departments and further investigation into the stacked parking lift, the project was increased in height by 7 feet, from 66 feet to 73 feet, based on the following modifications:</p> <ul style="list-style-type: none"> • FEMA requirements require the garage level to be a 1 ft above the existing level. Therefore, a 2 ft increase of height resulted by placing the ground level at +1 ft above current elevations; • Further investigation into the mechanical parking lift stacker system preferred by the applicant resulted in the need for 2.5 ft. of additional height in the garage level, raising the garage plate height from 18.5 ft to 22 ft. and; • Plate height for the residential levels were increased from 9 ft to 9.5 ft, resulting in a 2.5 ft net change to overall height. <p>By meeting the affordability requirement, the project is requesting a State density bonus and two (2) concessions/incentives. One of these concessions is a requested density bonus of 162% and the other is a height bonus of 7'. Like the density bonus, the requested concession for the height bonus requires submittal of a financial pro forma demonstrating the concession/incentive is necessary to make the project financially feasible to develop. As noted above, the City hired a 3rd party economist (Seifel Associates) to</p>

Exhibit 3

TABLE ANALYZING PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020

	<p>review the financial pro forma, who concluded that the financial pro forma does demonstrate a 120-unit project is needed to make the project financially feasible.</p> <p>The project is required to provide 82 on-site parking spaces based on State Density Bonus law that requires 0.5 spaces/bedroom. The project proposes to provide 33 more parking spaces than required (121 provided vs 82 required) as an amenity and need for the residential units. The amount of proposed parking would generally equal 1 space per unit. The extra parking necessitates the need to either create two floors of parking or utilize a stacked parking system. Although it is conceivably possible to dig down and provide one floor of parking underground, the small size of the lot, FEMA requirements coupled with the high-water table would make this option nearly impossible. The other option is to only provide one level of parking without stackers, which would only require a 10 ft floor plate (rather than 22 ft) on the ground level. However, this option would not only render the project inconsistent with the parking requirements (only 66 spaces could be provided without use of parking stackers, where 82 are required), but also insufficient to meet the real-life parking demands of potential tenants in this project.</p>
<p>LU-13. Height Bonuses. A height bonus may be granted with a use permit for a development that provides one or more of the amenities listed in Exhibit 10, provided the building’s design is consistent with Community Design policies and design guidelines. No more than one height bonus may be granted for a project.</p>	<p><i>Consistent</i></p> <p>See LU-12 discussion above. By providing the required affordability (9 affordable or BMR units), the project is eligible for a 12’ height bonus, through a Use Permit, by virtue that the project site is located within the 2/3 MUE District. This height bonus is allowed by zoning. The project requests an additional 7’ height bonus, as a concession/incentive under the State Density Bonus law. The proposed project design will be reviewed by the DRB and evaluated for consistency with all applicable design-related General Plan policies and design criteria and guidelines; however, since conceptual design review, the project design has been revised for better consistency with these applicable design policies and guidelines, including stepping back upper-stories and providing horizontal and vertical articulation to reduce perceived bulk and mass from all four building elevations.</p>
<p>LU-14. Land Use Compatibility. Design new development in mixed residential and commercial areas to minimize potential nuisance effects and to enhance their surroundings.</p>	<p><i>Consistent</i></p> <p>See LU-13 discussion above.</p>
<p>LU-18. Lot Consolidation Commercial and higher density residential parcels less than 6,000 square feet in size should be encouraged to be combined to provide adequate parking and circulation, minimize driveway cuts on busy streets, and maximize development and design potential.</p>	<p><i>Consistent</i></p> <p>The project proposes to construct a mixed-use building over two (2) adjacent Downtown lots. Prior to building permit issuance, the project will need to merge or consolidate the lots into one common parcel by extinguishing the common property line currently separating the lots. A plat map with closure calculations shall be submitted to Planning for review and approval by the Land Development Engineer in the Department of Public Works prior to approval by the Community Development Director and recordation</p>

Exhibit 3

TABLE ANALYZING PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020

	with Marin County by Land Development Engineer.
<p>LU-23. Land Use Map and Categories. Land use categories are generalized groupings of land uses and titles that define a predominant land use type (See Exhibit 11). All proposed projects must meet density and FAR standards (See Exhibits 4, 5 and 6) for that type of use, and other applicable development standards. Some listed uses are conditional uses in the zoning ordinance and may be allowed only in limited areas or under limited circumstances. Maintain a Land Use Map that illustrates the distribution and location of land uses as envisioned by General Plan policies. (See Exhibit 11).</p>	<p><i>Consistent with conditions</i> See LU-2, LU-8 and LU-12 discussions above.</p>
HOUSING ELEMENT	
<p>H-1. Housing Distribution. Promote the distribution of new and affordable housing of quality construction throughout the city to meet local housing needs.</p>	<p><i>Consistent</i> See LU-8 discussion above. The project proposes to construct 120 new residential apartment units in the Downtown, adjacent to the SMART downtown station and in close proximity to the Bettini Transit Center (the exact location of which is unknown at this time). Of these new units, the project proposes a total of nine (9) BMR units (5 BMRs at the very low-income household level and 4 BMRs at the low-income household level). Staff finds the project would help the City meet its RHNA (Regional Housing Needs Allocation) obligations, specifically housing goals in the very low- and low-income household levels.</p>
<p>H-2. Design That Fits into the Neighborhood Context. Design new housing, remodels and additions to be compatible in form to the surrounding neighborhood. Incorporate transitions in height and setbacks from adjacent properties to respect adjacent development character and privacy. Respect existing landforms and minimize effects on adjacent properties.</p>	<p><i>Consistent</i> The scale and quality of the existing development located south of the core Downtown (Fourth St.) and near U.S Highway 101 is changing, primarily due to the ongoing development of the BioMarin campus. Low profile (1- and 2-story) development is being replaced with much taller (5- and 6-story) buildings. Determining the predominant design character is a little more difficult. Structures within the adjacent BioMarin campus are integrated with a cohesive architectural design with coordinated façade treatments. The project proposes a similar contemporary design though with unique façade treatments (brick with Corten steel planters at the ground level, stucco at the mid-levels and a mixture of stucco and vertical and horizontal fiber cement board siding at the upper levels), greater articulation and setbacks of the upper</p>

Exhibit 3

TABLE ANALYZING PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020

	<p>stories and a more ‘residential’ window proportion.</p> <p>The project design has been revised to provide equal, high-quality design attention to all four building elevations, including the rear elevation which is shared with 770 Second St. In addition, previously proposed upper-story projections or encroachments over the sidewalk have been eliminated.</p>
<p>H-3. Public Information and Participation. Provide information on housing programs and related issues. Require and support public participation in the formulation and review of the City’s housing policy, including encouraging neighborhood involvement in development review. Work with community groups to advocate programs that will increase affordable housing supply and opportunities. Ensure appropriate and adequate involvement so that the design of new housing will strengthen the character and integrity of the neighborhood.</p> <p>H-3a. Neighborhood Meeting. Require neighborhood meetings, as provided for by the City Council resolution for Neighborhood Meeting Procedures, for larger housing development proposals and those that have potential to change neighborhood character. In larger projects, the City requests that developers participate in formal meetings with the community. The City facilitates outreach by helping applicants find information on the appropriate neighborhood groups to contact. City staff attends meetings as a staff resource and conducts noticing of meetings.</p>	<p><i>Consistent</i></p> <p>A neighborhood meeting is not required; however, the applicant has previously met with the Gerstle Park Neighborhood Association, the Montecito Homeowners Association and the Federation of San Rafael Neighborhoods to discuss and solicit input on the proposed project</p> <p>Notice of Conceptual Review for the project, by both the Board and the Commission, was conducted in accordance with noticing requirements contained in Chapter 29 of the Zoning Ordinance. A Notice of Public Meeting was mailed to all property owners, residents, businesses and occupants within a 300-foot radius of the project site and the appropriate neighborhood groups (the Downtown Business Improvement District, Gerstle Park Neighborhood Assn. and the Federation of San Rafael Neighborhoods), a minimum of 15 calendar days prior to the date of this hearing. Additionally, notice was posted on the project site, along the Third St., Tamalpais Ave. and Lincoln Ave. frontages.</p> <p>Notice of this Commission meeting was also provided through mailed notices to property owner/residents/business within 300 feet of the site, as well as applicable neighborhood/business associations and posted along all three frontages on the site.</p> <p>All public comments received during this concept review, by both the Board and the Commission, are attached as Exhibit 6. As of the reproduction of this staff report, staff has not received any public comments. Any comment that are received after distribution of the staff report, will be forwarded to the Commission under separate cover.</p> <p>Planning staff has also created a digital webpage on the project which has been uploaded with links to both the current plans and supportive studies and is updated to coordinate with all meeting and hearing notices for the project. This project webpage may be found from the City’s website, using the “Community Development Department” link, then the “Planning Division” link and finally the “Major Planning Project” link. The direct link to the project webpage is: https://www.cityofsanrafael.org/703-3.</p>

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<p>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.</p>	<p><i>Consistent</i> See H-1 discussion above.</p>
<p>H-14. Adequate Sites. Maintain an adequate supply of land designated for all types of residential development to meet the housing needs of all economic segments in San Rafael. Within this total, the City shall also maintain a sufficient supply of land for multifamily housing to meet the quantified housing need of very low, low, and moderate-income housing units. Encourage development of residential uses in commercial areas where the vitality of the area will not be adversely affected, and the site or area will be enhanced by linking workers to jobs, and by providing shared use of the site or area.</p> <p>H-14a. Residential and Mixed-Use Sites Inventory. Encourage residential development in areas appropriate and feasible for new housing. These areas are identified in Appendix B, Housing Element Background, Summary of Potential Housing Sites (available for view on the City’s website). Explore effective ways to share housing site information and developer and financing information to encourage development of underutilized institutional land. The City has employed different strategies to find the most effective way to deliver information about development. It is an ongoing and evolving process that has included practices such as preparing fact sheets for sites with multiple inquiries.</p> <p>H-14b. Efficient Use of Multifamily Housing Sites. Do not approve residential-only development below minimum designated General Plan densities unless physical or environmental constraints preclude its</p>	<p><i>Consistent</i> See H-1 discussion above. The larger (723 Third St./898 Lincoln Ave.) of the two parcels within the project site is listed in the San Rafael General Plan 2020 (2015-2023 Housing Element; Appendix B – Background Report) as a “housing opportunity site” or as an underutilized mixed-use site with the potential to create a large number of affordable units. The project site is uniquely located in the Downtown, across from the SMART downtown station and in close proximity of the relocated Bettini Transit Center (whose future location has not been determined at this time). The project proposes high-density residential development on in-fill parcels which allows high-density residential as part of a mixed-use project. The project would result in the construction of 120 residential apartment units on the project site, including 9 units dedicated as ‘affordable’ or BMR units for very low- and low-income household levels.</p>

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<p>achievement. Residential-only projects should be approved at the mid- to high-range of the zoning density. If development on a site is to occur over time the applicant must show that the proposed development does not prevent subsequent development of the site to its minimum density and provide guarantees that the remaining phases will, in fact, be developed.</p> <p>H-14c. Continue to Implement Zoning Provisions to Encourage Mixed Use. San Rafael has been effective in integrating both vertical mixed use and higher density residential development within its Downtown. As a means of further encouraging mixed use in commercial areas outside the Downtown, General Plan 2020 now allows site development capacities to encompass the aggregate of the maximum residential density PLUS the maximum FAR for the site, thereby increasing development potential on mixed use sites. The City will continue to review development standards to facilitate mixed use, including:</p> <ul style="list-style-type: none"> a. Encourage adaptive reuse of vacant buildings and underutilized sites with residential and mixed use development on retail, office, and appropriate industrial sites b. Explore zoning regulation incentives to encourage lot consolidation where needed to facilitate housing. c. Review zoning requirements for retail in a mixed-use building or site and amend the zoning ordinance as necessary to allow for residential-only buildings in appropriate mixed-use zoning districts. 	
<p>H-15. Infill Near Transit. Encourage higher densities on sites adjacent to a transit hub, focusing on the Priority Development Area surrounding the San Rafael Transportation Center and future Downtown SMART station.</p> <p>H-15b. Downtown Station Area Plan. The coming of</p>	<p><i>Consistent</i> See H-14 discussion above.</p>

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<p>SMART rail service to Downtown San Rafael in 2016 is an opportunity to build on the work that the City has undertaken to revitalize the Downtown and to create a variety of transportation and housing options, economic stability, and vibrant community gathering places in the heart of San Rafael. General Plan 2020, adopted in 2004, allowed for higher residential densities and reduced residential parking standards to encourage housing development within the heart of Downtown that would support local businesses and allow people to live close to their place of work. The Downtown Station Area Plan, accepted by City Council in June 2012, establishes a series of implementing actions, the following of which specifically serve to facilitate higher density residential and mixed use infill in the area.</p>									
<p>H-18. Inclusionary Housing. The City requires residential projects to provide a percentage of affordable units on site and/or pay in-lieu of fees for the development of affordable units in another location. The City's program requires the units remain affordable for the longest feasible time, or at least 55 years. The City's primary intent is the construction of units on-site. The units should be of a similar mix and type to that of the development as a whole and dispersed throughout the development. If this is not practical or not permitted by law, the City will consider other alternatives of equal value, such as in-lieu fees, construction of units off-site, donation of a portion of the property for future non-profit housing development, etc. Allow for flexibility in providing affordable units as long as the intent of this policy is met. Specific requirements are:</p> <table border="0"> <thead> <tr> <th>Project Size</th> <th>% Affordable Units Req'd</th> </tr> </thead> <tbody> <tr> <td>2 – 10 Housing Units*</td> <td>10%</td> </tr> <tr> <td>11 – 20 Housing Units</td> <td>15%</td> </tr> <tr> <td>21+ Housing Units</td> <td>20%</td> </tr> </tbody> </table> <p>* Exemptions for smaller projects units may be</p>	Project Size	% Affordable Units Req'd	2 – 10 Housing Units*	10%	11 – 20 Housing Units	15%	21+ Housing Units	20%	<p><i>Consistent</i> See H-1 discussion above. The project would comply with the City's affordable housing requirement by providing nine (9) of the proposed 120 residential units as BMR units where nine (9) BMR units are required.</p>
Project Size	% Affordable Units Req'd								
2 – 10 Housing Units*	10%								
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<p>provided for in the</p> <p>Rental Units. Provide, consistent with State law, a minimum of 50% of the BMR units affordable to very low-income households at below 50% of median income, with the remainder affordable to low income households at 50-80% of median income.</p> <p>Sale/Ownership Units. Provide a minimum of 50% of the BMR units affordable to low income households at 50-80% of median income, with the remainder affordable to moderate income households at 80-120% of median income.</p> <p>Calculation of In-lieu Fee. Continue to provide a calculation for in-lieu fees for affordable housing. For fractions of affordable units, if 0.5 or more of a unit, the developer shall construct the next higher whole number of affordable units, and if less than 0.5 of a unit, the developer shall provide an in-lieu fee.</p>	
<p>NEIGHBORHOODS ELEMENT</p>	
<p>NH-3. Housing Mix. Encourage a housing mix with a broad range of affordability, character, and sizes. In areas with a predominance of rental housing, encourage ownership units to increase the variety of housing types.</p>	<p><i>Consistent</i> See H-1 discussion above. The project proposes to develop 120 new apartment units in a wide variety of size configurations:</p> <ul style="list-style-type: none"> • 33, studio units, 342 – 539 sq. ft. in size. • 44, 1-bedroom units, 525 – 795 sq. ft. in size. • 43, 2-bedroom units, 520 – 1,068 sq. ft. in size.

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<p>NH-15. Downtown Vision. Continue to implement Our Vision of Downtown San Rafael.</p>	<p><i>Consistent</i> See LU-12 discussion above. The proposed project is located should be consistent with as many of the applicable policies in the adopted <i>Our Vision of Downtown San Rafael; Second/Third Corridor Vision</i>, including:</p> <ul style="list-style-type: none"> • <i>Capitalize on the proximity to the freeway, Transportation Center and vitality of the Lindero District, in the area east of B Street with housing in mixed use projects with ground-floor retail uses to support the needs of the residents and surrounding office uses.</i> • <i>Make Second and Third Street more attractive and safer for pedestrians by: A) Planting for street trees; B) creating a visual buffer between pedestrians and the street; and C) Reducing the number of driveways which interrupt sidewalks.</i> • <i>Encourage safe and efficient auto transportation to and through the Downtown on Second and Third Streets and respect the needs of pedestrians. Second and Third Streets are the county access streets.</i> • <i>Vary building heights and densities, concentrating the most intense development towards the east, closest to the freeway and Transportation Center, including building heights of two to five stories and higher densities east of B Street and heights of one to three stories and lower densities west of B Street.</i> <p>The project would be consistent with the applicable policies in the Downtown Vision by incorporating the following attributes: 1) providing multi-family housing in close proximity to the SMART train and Transit Center, 2) incorporating a mix of retail and housing in the Downtown core, 3) enhancing the pedestrian experience along Tamalpais Ave by widening the sidewalks and 4) providing a retail experience at the corner of Third St/Tamalpais Ave. Furthermore, the project would enhance the streetscape by adding new street trees and raised Corten steel planters along all three frontages to help create a pedestrian scale. Driveway widths have been reduced to the minimum (20') and the number of driveways servicing the project have been limited to one (1) on both the Tamalpais and Lincoln Ave frontages. While the proposed 6-story building height is greater than that encouraged for the site by the vision document, the project includes a request for height bonus as a concession under the State Density Bonus law.</p>
<p>NH-16. Economic Success. Substantially expand Downtown's economic success and increase opportunities for retail, office and residential development</p>	<p><i>Consistent</i> See H-1 and H-14 discussions above. The project proposes to construct a total of 120 new residential in the Downtown, adjacent to the SMART downtown station and in close proximity to the Bettini Transit Center (the exact location of which is unknown at this time). Future residents are anticipated to frequent existing and future businesses in the Downtown and help achieve the City's goal of 'alive-after-five' by activating the Downtown in the evenings and on weekends.</p>
<p>NH-17. Competing Concerns. In reviewing and making</p>	<p><i>Consistent</i></p>

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<p>decisions on projects, there are competing economic, housing, environmental and design concerns that must be balanced. No one factor should dominate; however, economic and housing development are high priorities to the health of Downtown.</p>	<p>See LU-8, H-1 and H-14 discussions above. The project proposes to construct a total of 120 new residential apartment units on the project site, nine (9) of which are proposed to be ‘affordable’ or BMR units. The project proposes a six-story scale and mass similar to that of the existing BioMarin campus located south of the project site. The project site is uniquely located in the Downtown, across from the SMART downtown station and in close proximity to the relocated Bettini Transit Center (whose exact location has not been determined at this time). Future residents are anticipated to frequent existing and future businesses in the Downtown and help achieve the City’s goal of ‘alive-after-five’ by activating the Downtown in the evenings and on weekends.</p>
<p>NH-22. Housing Downtown. Create a popular and attractive residential environment that contributes to the activity and sense of community Downtown. This includes:</p> <ol style="list-style-type: none"> a. Preserving and upgrading existing units, b. Providing incentives to encourage new private sector construction of housing, particularly affordable housing, live/work units, and single room occupancy (SRO) units, c. Designing units that take advantage of Downtown's views, proximity to shopping and services, and transit, and d. Implementing zoning standards that reflect Downtown’s urban character. 	<p><i>Consistent</i></p> <p>See LU-2, LU-8, H-14 and NH-16 discussions above. The project proposes to construct a total of 120 new residential apartment units within the Downtown, across from the SMART downtown station and in close proximity to the relocated Bettini Transit Center (whose exact location has not been determined at this time). By meeting the City’s affordable housing requirement, the project is requesting a density bonus and two (2) concession/incentives under the State Density Bonus law. One of the requested concessions is for a height bonus to allow for the proposed 73’ building height, where a maximum of 66’ is allowed under the General Plan and Zoning Ordinance. The other requested concession is for a density bonus to allow the proposed 120 units where a maximum of 61 units is allowed under the General Plan and Zoning Ordinance.</p>
<p>NH-25. Pedestrian Comfort and Safety. Make Downtown's street systems more comfortable and safer for pedestrians by:</p> <ul style="list-style-type: none"> • Balancing between the needs of pedestrians and the desire for efficient traffic flow, • Slowing traffic where necessary, • Providing two-way traffic where feasible, • Making pedestrian crossings direct and safe, • Establishing pedestrian environments unique to each District, • Improving and/or expanding sidewalks, street trees, landscaping and other sidewalk amenities, • Increasing visibility to storefronts and businesses, 	<p><i>Consistent</i></p> <p>See NH-15 discussions above. Tamalpais Ave. is identified as a ‘gateway’ to the Downtown with excellent visibility from all transportation modes (pedestrian, bicycle and transit) and the transit center. The project helps activate the Tamalpais Ave street front by providing a small (969 sq. ft.) ground-level commercial retail space at the corner of Tamalpais Ave. and Third St. The project helps create a more ‘pedestrian street’ by widening the sidewalk along Tamalpais Ave., minimizing driveway cuts to a single driveway with a 20’ width and providing ample street tree pockets with grates and raised Corten steel planters.</p>

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<ul style="list-style-type: none"> • Seeking innovative solutions and ideas. 	
<p>NH-29. Downtown Design. New and remodeled buildings must contribute to Downtown’s hometown feel. Design elements that enhance Downtown’s identity and complement the existing attractive environment are encouraged and may be required for locations with high visibility or for compatibility with historic structures. Design considerations include:</p> <ul style="list-style-type: none"> • Varied and distinctive building designs, • Sensitive treatment of historic resources, • Generous landscaping to accent buildings, • Appropriate materials and construction, and • Site design and streetscape continuity. <p>NH-29a. Implement Downtown Design Guidelines. Implement the Downtown Design Guidelines through the design review process.</p>	<p><i>Consistent</i> See H-2 discussions above. The project site is located within the “Second/Third Corridor and Environs” of Downtown where the following San Rafael Downtown Design Guidelines apply:</p> <p><i>Second and Third Streets are to be attractive, landscaped major transportation corridors. While increased pedestrian safety and comfort is desired on Second and Third, greater pedestrian use of the cross streets is encouraged. The project site is located within the boundaries of the Second/Third and Environs area of the Downtown, where the following specific design guidelines apply:</i></p> <ul style="list-style-type: none"> • <i>To provide visual interest, long and monotonous walls should be avoided.</i> • <i>Building walls should be articulated;</i> • <i>To create a boulevard effect along Second and Third Streets, varied landscape setbacks are appropriate;</i> • <i>Additional high-canopy, traffic-tolerant street trees are strongly encouraged;</i> • <i>Where possible, residential buildings in this area should orient to the more pedestrian-friendly side street; and</i> • <i>Driveway cuts and widths should be minimized to prevent vehicular conflicts.</i> <p>The project proposes a contemporary design, similar to the nearby BioMarin campus buildings, though with unique façade treatments (brick with Corten steel planters at the ground level and a mixture of stucco and vertical and horizontal fiber cement board siding at the upper levels), greater articulation, stepping back the upper stories and a more ‘residential’ window proportion. The proposed 6-story scale was reviewed by both the DRB and the Commission during conceptual design review and supported. The project design has been revised to provide equal, high-quality design attention to all four building elevations, including the rear elevation which is shared with 770 Second St. In addition, previously proposed upper-story projections or encroachments over the sidewalk have been eliminated. Extensive landscaping in the form of street trees and Corten steel raise planter along all three street fronts is proposed to help create a pedestrian scale. The project proposes to orient pedestrian activity through the lobby area both through the main entry on Third St and at the northwest corner of Third St./Lincoln Ave.</p>
<p>NH-30. Pedestrian Environments. Enhance Downtown’s streets by establishing pedestrian environments appropriate to each District. These environments could include the following:</p> <ul style="list-style-type: none"> • Well-designed window displays and views into retail stores, 	<p><i>Consistent</i> See NH-25 discussion above.</p>

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<ul style="list-style-type: none"> • Outdoor businesses and street vendors, • Signs that are easy for pedestrians to see and read, • Sun-filled outdoor courtyards, plazas and seating areas, • Attractive street furniture and lighting, • Information kiosks and public art. 	
<p>NH-31. Ground Floor Designed for Pedestrians. Ensure that all buildings, regardless of height, are comfortable for people at the street level. This includes:</p> <ul style="list-style-type: none"> • Relating wall and window heights to the height of people, • Use of architectural elements to create visual interest, • Adding landscaping and insets and alcoves for pedestrian interest, and, • Stepping upper stories back as building height increases. 	<p><i>Consistent</i> See NH-15 and NH-29 discussions above. The project proposes to help create a pedestrian scale through the following design measures:</p> <ul style="list-style-type: none"> • The project proposes to provide a small (969 sq. ft.) ground-level commercial retail space at the corner of Tamalpais Ave. and Third St. with entrances along both street fronts; • The project proposes a recessed main lobby entrance along the Third St. frontage; • The project proposes large storefront windows along all three frontages; • The project proposes to minimize driveway cuts to a single 20’-wide driveway along both Tamalpais and Lincoln Ave. frontages; • The project proposes extensive ground-level landscaping in the form of street trees and Corten steel raise planter along all three street fronts; and • The project proposes a ‘base, middle and top’ design strategy, with a brick podium level, stucco mid-levels which are articulated and recessed, and a combination of stucco and fiber-cement siding boards (oriented horizontal and vertical) upper-floors which have greater articulation and further setbacks.
<p>NH-37. Hetherton Office District Design Considerations.</p> <p>c. Hetherton Design. Encourage projects of high quality and varied design with landmark features that enhance the District’s gateway image. Examples include:</p> <ul style="list-style-type: none"> • Building design emphasizing the gateway character and complementing the district’s transitional treatment by incorporating accent elements, public art and other feature items, • Upper stories stepped back, • Ground floor areas have a pedestrian scale, • Retail uses opening onto public areas, • Useable outdoor spaces, courtyards and arcades that are landscaped, in sunny locations and protected 	<p><i>Consistent</i> See NH-15, NH-29 and NH-31 discussions above. Tamalpais Ave. is identified as a ‘gateway’ to the Downtown with excellent visibility from all transportation modes (pedestrian, bicycle and transit) and the transit center. The project activates the Tamalpais Ave street front by providing a small (969 sq. ft.) ground-level commercial retail space at the corner of Tamalpais Ave. and Third St. The project supports Tamalpais Ave. as a ‘pedestrian street’ by minimizing driveway cuts to a single driveway with a 20’ width and providing ample street tree pockets with grates. Larger and taller buildings, like the project, are anticipated along the Second and Third St. corridors to create a ‘boulevard’ setting. A ‘base, middle and top’ design strategy, similar to the project design, is encouraged though not required. The height and bulk of the project is mitigated by stepbacks, articulation and use of varied exterior materials.</p> <p>While the proposed 6-story building height is greater than that which is encouraged for the site by Hetherton Design Guidelines, the project includes a request for height bonus as a concession under the State Density Bonus law. The applicant has submitted a financial pro forma in support of the proposed height concession which has been reviewed by the City’s 3rd party economic consultant who confirms the</p>

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<p>from freeway noise.</p> <p>e. Height. Building heights of three to five stories are allowed west of the rail transitway, and typically up to three stories east of the rail transitway.</p>	<p>financial pro forma provides verified economic data that suggests the proposed 6-story/73' building height is needed to make the project financially feasible.</p> <p>The project proposes 12,555 sq. ft. of landscaped common outdoor space, including 4,528 sq. ft. of landscaped area on the podium (2nd floor)-level between a central courtyard and common outdoor deck areas along the front (Third St. elevation) and rear (adjacent to the paint store located at 770 Second St.) building elevations and a 5,317 sq. ft. landscaped rooftop amenities area,</p>
<p>COMMUNITY DESIGN ELEMENT</p>	
<p>CD-1. City Image. Reinforce the City's positive and distinctive image by recognizing the natural features of the City, protecting historic resources, and by strengthening the positive qualities of the City's focal points, gateways, corridors and neighborhoods.</p> <p>CD-1d. Landscape Improvement. Recognize that landscaping is a critical design component. Encourage maximum use of available landscape area to create visual interest and foster sense of the natural environment in new and existing developments. Encourage the use of a variety of site appropriate plant materials.</p>	<p><i>Consistent</i></p> <p>See NH-37 discussion above. The project proposes 12,555 sq. ft. (46%) of site landscaping, where a minimum 10% (2,737 sq. ft.) is required. New street trees are proposed along all three building frontages on the ground-floor. A combined 4,528 sq. ft. of landscaped area is proposed on the podium (2nd floor)-level between a central courtyard and common outdoor deck areas along the front (Third St. elevation) and rear (adjacent to the paint store located at 770 Second St.) building elevations. A landscaped rooftop amenities area, 5,317 sq. ft. in size, is also proposed. In addition, the project proposes raised Corten steel planters along the ground-floor of the Third St. frontage. Details on specific landscaping species are not provided at this time.</p>
<p>CD-2. Neighborhood Identity. Recognize and promote the unique character and integrity of the city's residential neighborhoods and Downtown. Strengthen the "hometown" image of San Rafael by:</p> <ul style="list-style-type: none"> • Maintaining the urban, historic, and pedestrian character of the Downtown; • Preserving and enhancing the scale and landscaped character of the City's residential neighborhoods; • Improving the appearance and function of commercial areas; and • Allowing limited commercial uses in residential neighborhoods that serve local residents and create 	<p><i>Consistent</i></p> <p>See CD-1, NH-15 and NH-31 discussions above.</p>

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neighborhood-gathering places.	
<p>CD-3. Neighborhoods. Recognize, preserve and enhance the positive qualities that give neighborhoods their unique identities, while also allowing flexibility for innovative design. Develop programs to encourage and respect the context and scale of existing neighborhoods.</p>	<p><i>Consistent</i> See CD-1, NH-15 and NH-31 discussions above.</p>
<p>CD-5. Views. Respect and enhance to the greatest extent possible, views of the Bay and its islands, Bay wetlands, St. Raphael’s church bell tower, Canalfront, marinas, Mt. Tamalpais, Marin Civic Center and hills and ridgelines from public streets, parks and publicly accessible pathways.</p>	<p><i>Consistent</i> Photo simulations were created by the applicant and submitted within the project plans, which indicate minor view impacts of the surrounding hillsides west and north of the project site. These potential view impacts would be similar to those resulting from development of the adjacent BioMarin campus.</p>
<p>CD-7. Downtown and Marin Civic Center. Build upon the character of these areas by controlling land uses to clearly distinguish their boundaries; by recognizing Mission San Rafael Arcangel and St. Raphael Church, Marin Civic Center, and other buildings that help define the City’s character, and requiring that these and other architectural characteristics and land uses that give these areas their identity are strengthened.</p>	<p><i>Consistent</i> See CD-5 discussion above. The project would create limited view impacts of the Puerto Suello Hill, located north of the project site, and the hillside above Gerstle Park, located west of the project site, from viewsheds along westbound Third St, eastbound and westbound Second St., northbound Tamalpais Ave., northbound Lincoln Ave. and southbound U.S. Highway 101.</p>
<p>CD-8. Gateways. Provide and maintain distinctive gateways to identify City entryways.</p>	<p><i>Consistent</i> See NH-15, NH-31 and NH-37 discussions above. Tamalpais Ave. is identified as a ‘gateway’ to the Downtown with excellent visibility from all transportation modes (pedestrian, bicycle and transit). The project proposes to help create a pedestrian scale through a variety of design measures, including ground-level landscaping, storefront windows and a neighborhood-serving commercial space, wide sidewalks, reduced driveway widths, and a ‘base, middle and top’ architecture, with a brick façade on the ground-level which is distinct from the stucco mid-levels and the combination of stucco and fiber-cement siding boards (oriented horizontal and vertical) upper-floors.</p>
<p>CD-9. Transportation Corridors. Provide and maintain distinctive gateways to identify City entryways.</p>	<p><i>Consistent</i> See CD-8 discussion above.</p>

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<p>CD-11. Multifamily Design Guidelines. Recognize, preserve and enhance the design elements that ensure multifamily housing is visually and functionally compatible with other buildings in the neighborhood. Develop design guidelines to ensure that new development fits within and improves the character defining elements of neighborhoods.</p>	<p><i>Consistent</i> See H-2 and NH-29 discussions above. The project proposes a bulk and mass similar to the adjacent BioMarin campus located south of the project site. While the BioMarin campus buildings and structures are 3-4 stories, they are 54 – 76 ft. in height. Of the seven (7) buildings and structures currently existing within the BioMarin campus, three (3) are taller than the proposed height of the project (73’).</p>
<p>CD-14. Recreational Areas. In multifamily development, require private outdoor areas and on-site common spaces for low and medium densities. In high density and mixed-use development, private and/or common outdoor spaces are encouraged. Common spaces may include recreation facilities, gathering spaces, and site amenities such as picnicking and play areas.</p>	<p><i>Consistent</i> Useable outdoor area is encouraged, though not required, in residential development as part of a mixed-use project. The project proposes 2,738 combined sq. ft. of private balconies to select residential units on the upper floors (floor 2 through 6). The project also proposes 4,353 combined sq. ft. of common outdoor area on the podium (2nd floor) level, within a central landscaped courtyard and along the front and rear elevations. The project proposes an additional 5,317 sq. ft. of common outdoor area through a landscaped roof deck. Overall, the project proposes 12,408 sq. ft. of private and common outdoor recreational area or an average of 103.4 sq. ft. of recreational area per unit.</p>
<p>CD-15. Participation in Project Review. Provide for public involvement in the review of new development, renovations, and public projects with the following</p> <ul style="list-style-type: none"> • Design guidelines and other information relevant to the project as described in the Community Design Element that would be used by residents, designers, project developers, City staff, and City decision makers; • Distribution of the procedures of the development process that include the following: submittal information, timelines for public review, and public notice requirements; • Standardized thresholds that state when design review of projects is required (e.g. residential conversions, second-story additions); and • Effective public participation in the review process. 	<p><i>Consistent</i> The proposed project has provided 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 application to the appropriate neighborhood groups (Downtown BID, Federation of San Rafael Neighborhoods, Gerstle Park Neighborhood Assoc., Lincoln-San Rafael Hill Neighborhood Assoc., Bret Harte Community Assoc., Montecito Area Residents Assoc.) and the notice and meeting/hearing of the prior conceptual review by the Design Review Board and the Planning Commission, and the notice and hearing of the Planning Commission’s study session in compliance with Chapter 29 of the Zoning Ordinance (<i>Public Notice</i>). Notice of all 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 meetings or hearing, and notice was posted on the project site, along all three (3) frontages (Third St, Lincoln Ave. and Tamalpais Ave.), a minimum of 15 calendar days prior to the meeting or hearing. All public comments received as a result of this noticing are attached to staff’s report (Exhibit 8) for the Planning Commission’s review. All public comments were received during the prior conceptual review. No additional public comments have been received between the conceptual review and the Planning Commission’s study session.</p>
<p>CD-18. Landscaping. Recognize the unique contribution provided by landscaping and make it a significant</p>	<p><i>Consistent</i> See CD-1 and CD-14 discussions above.</p>

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component of all site design.	
<p>CD-19. Lighting. Allow adequate site lighting for safety purposes while controlling excessive light spillover and glare.</p>	<p><i>Consistent with Conditions</i></p> <p>The project proposes exterior lighting along all three (3) street fronts. LED sconce-type light fixtures are proposed to provide accent lighting for brick pillars at ground level along all three street frontages. Cut sheets for the light fixtures indicate these would use a 10-watt / 3,000 kelvin light source which would create a ‘warm’ light appearance. The light fixtures are proposed to be bronze finished with vertical slats which would match the perforated vertical slat design of the balcony railing and sunshade detailing. A condition of approval would be included establishing a 90-day lighting review period at final inspection/occupancy where adjustments in lighting may be required by staff to reduce off-site glare, if necessary.</p>
CIRCULATION ELEMENT	
<p>C-5. Traffic Level of Service Standards.</p> <p>a. Intersection LOS. In order to ensure an effective roadway network, maintain adequate traffic levels of service (LOS) consistent with standards for signalized intersections in the A.M. and P.M. peak hours as shown below, except as provided for under (B) Arterial LOS.</p>	<p><i>Consistent with conditions</i></p> <p>The City’s Traffic Engineer has reviewed the project and evaluated its traffic impacts against the City’s level of service standards. A Transportation Impact Analysis report (Fehr & Peers Transportation Consultants, revision dated January 14, 2019) originally submitted for the project was revised to expand the study area and to modify the methodology used in the analysis. The results of the updated trip generation indicate that, based on traffic counts of existing land use trips, and with deductions applied for ‘walk, bike and transit’ trips due to the site’s proximity to the Downtown, the SMART station and the transit center, the project would result in 33 net new AM peak hour trips (7- 9am weekdays) and 26 PM net new peak hour trips (4-6pm weekdays). The Transportation Impact Analysis report indicates surrounding intersections and arterials would continue to operate (existing plus project volumes) acceptably per the City’s LOS (Level of Service) standards in the General Plan. The results of the Transportation Impact Analysis report have been confirmed by the City’s Traffic Engineer. Staff finds the proposed density (120 units) would result in negligible traffic impacts which are off-set by the payment of traffic mitigation fees on the 59 new peak hour trips anticipated to result from the project, which would be a condition of approval. The payment of traffic mitigation fees would be a condition of approval and are intended to help fund the project’s fair share of local circulation improvement projects by the City.</p>

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<p>C-7. Circulation Improvement Funding. Take a strong advocacy role in securing funding for planned circulation improvements. Continue to seek comprehensive funding that includes Federal, State, County, and Redevelopment funding, Local Traffic Mitigation Fees, and Assessment Districts. The local development projects’ share of responsibility to fund improvements is based on:</p> <p>C-7a. Traffic Mitigation Fees. Continue to implement and periodically update the City’s Traffic Mitigation Program.</p> <p>C-7b. Circulation Improvements. Seek funding for and construct circulation improvements needed for safety, to improve circulation, or to maintain traffic level of service.</p>	<p><i>Consistent with conditions</i> See C-5 discussion above.</p>
<p>CD-26. Bicycle Plan Implementation. Make bicycling and walking an integral part of daily life in San Rafael by implementing the San Rafael’s Bicycle and Pedestrian Master Plan.</p>	<p><i>Consistent</i> The City’s Traffic Engineer reviewed the project for compliance with the goals and programs identified in the City’s 2018 Bicycle and Pedestrian Master Plan Update 2018. The Tamalpais Avenue Feasibility Study is currently ongoing with the goal to convert West Tamalpais Ave. into a one-way street in the southbound direction; create a Class IV protected bikeway between West Tamalpais and SMART right-of-way; create improved bicycle and pedestrian crossings at intersections and connection to the existing Class I multi-use path to Hetherton St. Alternatively, a continuation of the Class I multi-use path is being considered as part of the SF Bay Trail alignment.</p>
<p>CD-27. Pedestrian Plan Implementation. Promote walking as the transportation mode of choice for short trips by implementing the pedestrian element of the City’s Bicycle and Pedestrian Master Plan. In addition to policies and programs outlined in the Bicycle and Pedestrian Plan, provide support for the following programs.</p>	<p><i>Consistent</i> See C-26 discussion above.</p>
<p>INFRASTRUCTURE ELEMENT</p>	

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<p>I-2. Adequacy of City Infrastructure and Services. Assure that development can be adequately served by the City’s infrastructure and that new facilities are well planned and well designed.</p>	<p><i>Consistent</i> All service providers, including PG&E, Marin Sanitary Service, Marin Municipal Water District, San Rafael Sanitation District, Central Marin Sanitation Agency, and the City Engineer, have review the project and indicated that adequate infrastructure capacity exists for the project.</p>
<p>SUSTAINABILITY ELEMENT</p>	
<p>SU-5. Reduce Use of Non-renewable Resources Reduce dependency on non-renewable resources.</p> <hr/> <p>SU-5d Water Efficiency Programs. Develop and implement water efficiency and conservation programs to achieve a 30% reduction in water use by 2020, including water efficient landscape regulations, PACE financing, water audits, upgrades upon resale, education and outreach. Make available to property managers, designers and homeowners’ information about water-conserving landscaping and water-recycling methods and resources.</p>	<p><i>Consistent</i> The project is subject to a condition requiring compliance with the most recent water conservation ordinance adopted by Marin Municipal Water District (MMWD). Prior the building permit issuance, MMWD is required to review and approve the proposed landscape and irrigation plans, and provide the applicant with a letter of approval or an approved-stamped plan set either of which shall be submitted with the building permit.</p>
<p>SU-7. New and Existing Trees. Plant new and retain existing trees to maximize energy conservation and carbon sequestration benefits.</p>	<p><i>Consistent</i> The landscape plan for the project proposes new street trees and grates along all three (3) frontages. In addition, new trees are proposed within common areas for the central courtyard on the podium (2nd floor) level and on the roof deck. The landscape plan provides no details on the specific trees along the street or within these common areas of the project site. Eight (8) existing street trees (3 along the Tamalpais Ave. frontage, 1 along the Third St. frontage and 4 along he Lincoln Ave. frontage) and four (4) existing trees within the project site are proposed to be removed.</p>
<p>CULTURE AND ARTS ELEMENT</p>	
<p>CA-15. Protection of Archaeological Resources. Recognize the importance of protecting significant archaeological resources by:</p> <ul style="list-style-type: none"> • Identifying, when possible, archaeological 	<p><i>Consistent with conditions</i> The project site is identified as having a “medium” archaeological sensitivity rating, pursuant to the City’s adoptive City of San Rafael Archaeological Sensitivity map. City Council Ordinance No. 1772 and Resolution No. 10980 prescribes referral of the project to the Northwest Information Center at Sonoma</p>

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<p>resources and potential impacts on such resources.</p> <ul style="list-style-type: none"> • Providing information and direction to property owners in order to make them aware of these resources. • Implementing measures to preserve and protect archaeological resources. <p>CA-15a. Archeological Resources Ordinance. Continue to implement the existing Archeological Resources Ordinance.</p>	<p>State University (NWIC) for review. NWIC concluded that, while finding no record of cultural resource study on the project site, the possibility of unrecorded cultural resources exists. NWIC recommends that, prior to demolition or other ground disturbance, a qualified archaeologist conduct further archival research and field study to identify archaeological resources, including a good faith effort to identify archaeological deposits that may show no indication on the surface. In addition, NWIC recommended staff contact the local Native American tribe. These recommendations would become conditions of approval.</p>
PARK AND RECREATION ELEMENT	
<p>PR-10. Onsite Recreation Facilities. Require onsite recreation facilities in new multifamily residential projects and encourage construction of onsite recreation facilities in existing multifamily residential projects, where appropriate.</p>	<p><i>Consistent</i> See CD-14 discussion above. In addition to the common recreational areas proposed by the project on the podium (2nd floor) level and roof deck, the project plans propose both a 593 sq. ft. community room and a 279 sq. ft. gym on the podium level.</p>
<p>PR-24. Contributions by Rental Residential Development. Explore the feasibility of requiring contributions from rental residential development towards park improvements.</p> <p>PR-24a. Rental Residential Contributions. Evaluate the feasibility of adopting an ordinance to require developers of apartments to contribute to park improvements.</p>	<p><i>Consistent</i> Currently, only projects proposing new ownership or condominium units are required to pay Parkland Dedication Fees (currently \$1,967.98 per unit). Currently, no ordinance has been adopted requiring development of rental or apartment units to pay impact fees for new parks or park improvements.</p>
SAFETY ELEMENT	
<p>S-1. Location of Future Development. Permit development only in those areas where potential danger to the health, safety and welfare of the residents of the community can be adequately mitigated.</p>	<p><i>Consistent</i> Geoseismic analysis have been evaluated through the City’s Geotechnical Review process and found that the project would not pose potential danger to the health, safety and welfare of the community.</p>

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<p>S-4. Geotechnical Review. Continue to require geotechnical investigations for development proposals as set forth in the City's Geotechnical Review Matrix (Appendix F). Such studies should determine the actual extent of geotechnical hazards, optimum design for structures, the advisability of special structural requirements, and the feasibility and desirability of a proposed facility in a specified location.</p>	<p><i>Consistent</i> A Geotechnical Investigation Report was prepared and submitted with the project application. After review by the City Engineer and Chief Building Official, it was found to meet the requirements set forth in the Geotechnical Review Matrix and consistent with the City's safety policies and standard engineering practices.</p>
<p>S-6. Seismic Safety of New Buildings. Design and construct all new buildings to resist stresses produced by earthquakes. The minimum level of seismic design shall be in accordance with the most recently adopted building code as required by State law.</p>	<p><i>Consistent with conditions</i> The project would entail all new construction and would be constructed in accordance with the most current building and seismic codes as required by the City's Municipal Code.</p>
<p>S-17. Flood Protection of New Development. Design new development within the bay mud areas to minimum floor elevation that provides protection from potential impacts of flooding during the "100-year" flood. The final floor elevation (elevation of the first floor at completion of construction) shall account for the ultimate settlement of the site due to consolidation of the bay mud from existing and new loads, taking into account soils conditions and the type of structure proposed. Design for settlement over a 50-year period is typically considered sufficient.</p>	<p><i>Consistent</i> The site is currently located in FEMA Zone AH, a 100-year flood zone area. The Public Works Department recommends the project provide a flood elevation of 12'. By meeting the affordable housing requirement (20% or 9 BMR units), the project requests two (2) concessions under the State Density Bonus law. One of the requested concessions is for a 7' height bonus above the maximum 66' allowed by the Zoning Ordinance (54' base height plus and additional 12' height bonus for meeting the affordable housing requirement). This request for additional height bonus under the State Density Bonus law is based, partially, on meeting the FEMA flood elevation requirements (Other justifications for the height bonus request include raising the garage plate height 3.5', from 18.5' to 22', to accommodate the mechanical parking lift system and to increase the plate height of each residential floor one-half foot (1/2'), from 9' to 9.5', resulting in another 2.5' increase in the overall height).</p>
<p>S-25. Regional Water Quality Control Board (RWQCB) Requirements. Continue to work through the Marin County Stormwater Pollution Prevention Program (MCSTPPP) to implement appropriate Watershed Management plans as dictated in the RWQCB general National Pollutant Discharge Elimination System permit for Marin County and the local stormwater plan.</p>	<p><i>Consistent with conditions</i> The City Engineer has reviewed the proposed project, including Stormwater Control Plan, and determined it preliminarily implements the Stormwater Pollution Prevention Program standards and regulations. As designed, the proposed project includes measures likely to reduce stormwater run-off consistent with the standards established by the RWQCB.</p>
<p>S-32. Safety Review of Development Projects. Require crime prevention and fire prevention techniques in new</p>	<p><i>Consistent</i> The San Rafael Fire Department, Fire Prevention Bureau, and the San Rafael Police Department have both</p>

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TABLE ANALYZING PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020

development, including adequate access for emergency vehicles.	reviewed the project plans and recommended modifications to improve fire prevention and safe design which would not affect the current project design being reviewed by the Commission though would become conditions of approval.
NOISE ELEMENT	
<p>N-1. Noise Impacts on New Development. Protect people in new development from excessive noise by applying noise standards in land use decisions. Apply the Land Use Compatibility Standards (see Exhibit 31) to the siting of new uses in existing noise environments. These standards identify the acceptability of a project based on noise exposure. If a project exceeds the standards in Exhibit 31, an acoustical analysis shall be required to identify noise impacts and potential noise mitigations. Mitigation should include the research and use of state-of-the-art abating materials and technology.</p> <p>N-1a. Acoustical Studies. Require acoustical studies for all new residential projects within the projected Ldn 60 dB noise contours (see Exhibit 31) so that noise mitigation measures can be incorporated into project design. Acoustical studies shall identify noise sources and contain a discussion of the existing and future noise exposure and the mitigation measures that may be used to achieve the appropriate outdoor and indoor noise standards.</p>	<p><i>Consistent with conditions</i></p> <p>A Noise Study (RGD Acoustics; dated May 25, 2018) was prepared for the project and determined the noise impacts to the project would be ‘conditional acceptable’ and recommended the following noise reduction and insulation features be included in the project design: 1) The proposed solid 4’-tall parapet sound wall increase in height to 6’ around the roof deck; 2) sound-rated windows and specifically constructed exterior wall assemblies will be required at the time of building permit submittal (i.e., most windows will require an STC (Sound Transmission Class) 36 rating, some corner units will require windows with higher ratings, balcony doors will need to be sound-rated, and some wall assemblies with siding will require additional layers of gypsum); 3) All construction equipment shall operate with maintained mufflers and other state required noise attenuation devices; 4) Property owners and occupants within a 250 ft. radius of the project site shall receive notice 15 days prior commencement of construction of each phase, regarding the construction schedule of the project, subject to review and approval by Planning staff. These notices shall indicate dates and duration of construction activities and provide a contact name and telephone number to inquire about the construction schedule and register complaints;5) The project shall designate a Noise Disturbance Coordinator (NDC) to be present on-site during all grading and construction activities, who name and contact details shall be included in all notices. The NDC shall be responsible for responding to all complaints about grading and construction noise. When a complaint is received, the NDC shall notify Planning staff within 24-hours of the complaint, determine the cause of the complaint and implement reasonable measures to resolve the complaint, as deemed acceptable by Planning staff. In addition, the name and contact information of the NDC shall be posted on the site and legible from a distance of 50 ft.; 6) Noise reduction methods shall be utilized during all grading and construction activities where feasible, including shutting off idling equipment, installing temporary acoustic barriers around stationary construction noise sources, maximizing the distance between construction equipment staging areas and occupied residential areas, and electric air compressors and similar power tools; 7) Grading and construction haul truck routes shall be designated to avoid sensitive receptors, such as residences and convalescent homes, to the greatest extent feasible; and 8) During construction activities, stationary construction equipment shall be located such that emitted noise is directed away from sensitive receptors. These recommendations by the Noise Study will be incorporated as conditions of approval.</p>
N-5. Traffic Noise from New Development. Minimize	<i>Consistent</i>

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TABLE ANALYZING PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020

<p>noise impacts of increased off-site traffic caused by new development. Where the exterior L_{dn} is 65 dB or greater at a residential building or outdoor use area and a plan, program, or project increases traffic noise levels by more than L_{dn} 3 dB, reasonable noise mitigation measures shall be included in the plan, program or project.</p>	<p>Due to the location of the project site in the Downtown, adjacent to the SMART downtown station and in close proximity to the relocated Bettini Transit Center (whose exact location has not been determined at this time), noise impacts of increased traffic caused by the project is anticipated to be negligible.</p>
<p>AIR AND WATER QUALITY ELEMENT</p>	
<p>AW-1. State and Federal Standards. Continue to comply and strive to exceed state and federal standards for air quality for the benefit of the Bay Area.</p>	<p><i>Consistent</i> An Air Quality Analysis and Health Risk Assessment (Ramboll; dated January 19, 2019) was prepared and submitted, determining no significant air quality impacts from construction and operation emissions would result from the project. Based on the size of the project and Bay Area Air Quality Management District (BAAQMD) screening methods, both construction and operational mass emissions are estimated to be below BAAQMD CEQA thresholds. Health risk impacts from both construction and operation are expected to be less than BAAQMD CEQA thresholds based on a conservative screening assessment for operations and dispersion modeling and refined risk analysis for construction. This analysis also shows that areas of the project site will not experience excess lifetime cancer risks, chronic hazard indices, and PM 2.5 (particulate matter of aerodynamic diameter of 2.5 microns or less) concentrations above cumulative threshold of significance.</p>
<p>AW-7. Local, State and Federal Standards. Continue to comply with local, state and federal standards for water quality.</p>	<p><i>Consistent</i> The project would be required to comply with the City’s Stormwater Pollution Prevention standards which are derived from the Regional Water Quality Board. The drainage plan is designed to be consistent with the stormwater pollution standards by treating roof rainwater runoff on-site in landscape bioswale filtration areas, located through the project, before it enters into the City’s storm drain system.</p>
<p>AW-8. Reduce Pollution from Urban Runoff. Address non-point source pollution and protect receiving waters from pollutants discharged to the storm drain system by requiring Best Management Practices quality.</p> <ul style="list-style-type: none"> • Support alternatives to impervious surfaces in new development, redevelopment or public improvement projects to reduce urban runoff into storm drain system, creeks and the Bay. 	<p><i>Consistent</i> See AW-7 discussion above.</p>

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TABLE ANALYZING PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020

<ul style="list-style-type: none">• Require that site designs work with the natural topography and drainages to the extent practicable to reduce the amount of grading necessary and limit disturbance to natural water bodies and natural drainage systems.• Where feasible, use vegetation to absorb and filter fertilizers, pesticides and other pollutants.	
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Exhibit 4

TABLE ANALYZING PROJECT COMPLIANCE WITH SAN RAFAEL ZONING ORDINANCE (TITLE 14)

CHAPTER 5 – COMMERCIAL AND OFFICE DISTRICTS; SECOND/THIRD MIXED USE EAST (2/3 MUE) DISTRICT	
<p>14.05.010 - Specific Purposes. In addition to the general purposes listed in Section 14.01.030, the specific purposes of the commercial and office zoning districts include the following:</p> <p>-----</p> <p>F. To promote San Rafael's downtown area as a viable commercial and financial center, and as an urban center with a mixture of civic, social, entertainment, cultural and residential uses;</p> <p>-----</p> <p>H. To provide housing opportunities by encouraging a variety of housing in mixed-use districts.</p> <p>-----</p> <p>R. Second/Third Mixed Use District East (2/3 MUE):</p> <ol style="list-style-type: none"> 1. Existing Character. The Second/Third mixed use district east is part of a major transportation corridor bordering the southern edge of downtown, from Highway 101 to Brooks Street. The district is comprised of a "one-way pair" of Second and Third Streets carrying traffic through downtown. There is a mix of uses, including large and small-scale offices and retail shops, and residential uses. This area is highly visible to the Marin community, is adjacent to the planned vitality of the Lindero office district and provides many opportunities to enhance the overall impression of downtown. 2. Allowed Uses. The Second/Third mixed use district east is to become more attractive, efficient and better utilized with a mix of compatible uses serving local, community and regional needs. Because of the district's proximity to Highway 101 and the Transportation Center, this area is suitable for office and office-support retail and service uses. Limited auto-serving retail stores 	<p><i>Consistent</i></p> <p>The project proposes to redevelop two adjacent in-fill parcels, currently served by City infrastructure and services. The smaller parcel (703 Third St.) is located at the southwest corner of Third St. and Tamalpais Ave. while the larger parcel (723 Third St. / 898 Lincoln Ave.) is located at the southeast corner of Third St. and Lincoln Ave. Both parcels are located with Second/Third St. Mixed-Use East (2/3 MUE) District zone, a Downtown commercial zoning district. The project proposes to demolish approximately 15,000 sq. ft. of combined commercial space within two, 1-2-story buildings and a surface parking lot and construct a new, six-story, 73-tall mixed-use building with 120 apartment units above 121 garage parking spaces, of which 109 parking spaces will be provided by mechanical parking lifts. The project proposes nine (9) affordable ('below-market-rate or BMR) units.</p> <p>The larger (723 Third St./898 Lincoln Ave.) of the two parcels within the project site is listed in the San Rafael General Plan 2020 (2015-2023 Housing Element; Appendix B – Background Report) as a "housing opportunity site" or as an underutilized mixed-use site with the potential to create a large number of affordable units. The project site is uniquely located in the Downtown, across from the SMART downtown station and in close proximity of the relocated Bettini Transit Center (whose exact location has not been determined at this time). Future residents are anticipated to frequent existing and future businesses in the Downtown and help achieve the City's goal of 'alive-after-five' by helping to activate the Downtown in the evenings and on weekends.</p> <p>The project proposes to develop 120 new apartment units in a wide variety of size configurations:</p> <ul style="list-style-type: none"> • 33, studio units, 342 – 539 sq. ft. in size. • 44, 1-bedroom units, 525 – 795 sq. ft. in size. • 43, 2-bedroom units, 520 – 1,068 sq. ft. in size

Exhibit 4

TABLE ANALYZING PROJECT COMPLIANCE WITH SAN RAFAEL ZONING ORDINANCE (TITLE 14)

<p>are allowed. Housing is encouraged as part of a mixed-use project.</p> <p>3. Design Intent. New development will help create an inviting appearance to Second and Third Streets. Parking areas should be attractive and screened, yet easy-to-find. Because of the high volume of traffic, the street front design should give special attention to pedestrian safety and comfort through setbacks and landscaping. This district has one of the highest levels of development intensity downtown because of its proximity to the Highway and the Transportation Center. Building heights are four (4) stories with height and FAR bonuses possible in limited circumstances to allow buildings up to five (5) stories when desirable amenities are provided.</p>	
<p>14.05.022 - Land Use Regulations (2/3 MUE) A wide variety of commercial uses is permitted-by-right or with Use Permit approval in the 2/3 MUE District. Multifamily residential land uses are allowed in the 2/3 MUE District zone, as part of mixed-use development and subject to administrative Use Permit approval.</p>	<p><i>Consistent</i> The project proposes to redevelop the project site with a mixed-use building with 120 multifamily residential apartment units above 969 sq. ft. of ground-level commercial retail space and 121 garage parking spaces. The project application requests a Use Permit, in addition to an Environmental and Design Review Permit and a Lot Line Adjustment/Consolidation, to allow the multifamily residential land use in a commercial zoning district as part of a mixed-use redevelopment project.</p>
<p>14.05.032 - Property Development Regulations (2/3 MUE)</p> <ul style="list-style-type: none"> • Maximum density: 600 sq. ft. of lot area/unit • Maximum FAR (Floor Area Ratio): 1.5 FAR • Minimum front yard setback: 5' • Maximum height: 54' • Minimum landscaping: 10% • Minimum usable outdoor area: voluntary 	<p><i>Consistent with conditions</i> As designed, the project is generally consistent with the applicable property development standards.</p> <p>By meeting the City's affordable housing requirement (20% or 9 BMR units), the project requests the maximum 35% density bonus (16 additional market-rate units) under the State Density Bonus law and up to two (2) concessions/incentives. One of these requested concessions is a 59-unit density bonus above and beyond the 35% density bonus allowed under the State Density Bonus law. The project has submitted a financial pro forma providing documentation that the proposed 120-unit density is required to make the project financially feasible. This financial pro forma was reviewed by the City 3rd party economic consultant who confirmed the proposed density is necessary to make the project financially feasible.</p>

Exhibit 4

TABLE ANALYZING PROJECT COMPLIANCE WITH SAN RAFAEL ZONING ORDINANCE (TITLE 14)

	<p>By meeting the City’s affordable housing requirement, the project is allowed an automatic height bonus of 12’, increasing the maximum height to 66’ on the project site (54’ + 12’). The second of the two concessions requested by the project under the State Density Bonus law is an additional 7’ height bonus, which increases the building height to a maximum 73’ from finished grade to the top of the roof. The documentation within the submitted financial pro forma also identifies that the additional 7’ height bonus is required to make the project financially feasible. The City’s economist consultant has again concluded the requested additional 7’ height bonus is necessary to make the project financially feasible.</p> <p>The project also requests a waiver of the front setback requirement along the Third St. frontage under the State Density Bonus law. The documentation within the submitted financial pro forma also identifies that the waiver of the front setback is required to make the project financially feasible. The City’s economist consultant has again concluded the requested setback waiver is necessary to make the project financially feasible.</p> <p>The project proposes 12,555 sq. ft. (46%) of site landscaping, where a minimum 10% (2,737 sq. ft.) is required. New street trees are proposed along all three building frontages on the ground-floor. A combined 4,528 sq. ft. of landscaped area is proposed on the podium (2nd floor)-level between a central courtyard and common outdoor deck areas along the front (Third St. elevation) and rear (adjacent to the paint store located at 770 Second St.) building elevations. A landscaped rooftop amenities area, 5,317 sq. ft. in size, is also proposed. In addition, the project proposes raised Corten steel planters along the ground-floor of the Third St. frontage. Details on specific landscaping species are not provided at this time.</p> <p>The project proposes 969 sq. ft. of ground-level commercial space located at the northeast corner of the project site, at the corner of Third St and Tamalpais Ave. This represents 0.035 FAR where a maximum 1.5 FAR or 41,050.5 sq. ft. of nonresidential develop is allowed on the project site in addition to the residential density.</p> <p>Useable outdoor area is encouraged, though not required, in residential development as part of a mixed-use project. The project proposes 2,738 combined sq. ft. of private balconies to select residential units on the upper floors (floor 2 through 6). The project also proposes 4,353 combined sq. ft. of common outdoor area on the podium (2nd floor) level, within a central landscaped courtyard and along the front and rear elevations. The project proposes an additional 5,317 sq. ft. of common outdoor area through a landscaped roof deck.</p>
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Exhibit 4

TABLE ANALYZING PROJECT COMPLIANCE WITH SAN RAFAEL ZONING ORDINANCE (TITLE 14)

	<p>Overall, the project proposes 12,408 sq. ft. of private and common outdoor recreational area or an average of 103.4 sq. ft. of recreational area per unit.</p>
<p>CHAPTER 16 – SITE DEVELOPMENT STANDARDS</p>	
<p>14.16.030 - Affordable Housing Requirement. Any new residential and mixed-use development projects with 21 or more housing units shall provide a minimum 20% ‘affordability’. Residential ‘ownership’ projects shall provide a minimum 50% of the required affordable units at the <u>low-income</u> household level and the remainder at the <u>moderate-income</u> household levels. By meeting specific affordability requirements at the low-income household level, a project is eligible for a State Density bonus of up to 35% and three (3) concessions.</p>	<p><i>Consistent</i> Under both the City’s General Plan (Land Use Policy LU-23; <i>Land Use Map and Categories</i>) and Zoning Ordinance (Sections 14.05.032; <i>Property Development Standards; 2/3 MUE District</i>), the maximum allowable density on the site is 45 units, based on the 27,367 sq. ft. of combined lot area between the two adjacent parcels within the project site. Both the City’s General Plan (Housing Policy H-19; <i>Inclusionary Housing Requirement</i>) and Zoning Ordinance (Section 14.16.030; <i>Affordable Housing Requirement</i>) further require that housing projects, which propose more than 20 new units, provide 20% of the total units at ‘below market rates’ (BMR units) for a minimum of 55 years. Based on the 20% “affordability” requirement, the project would be required to provide nine (9) BMR units. For ‘rental’ units, a minimum of 50% of the required BMR units shall be made affordable to <i>very low-income</i> households at <50% of the median County income, with the remainder affordable to <i>low-income</i> households equal to 51-80% of the median County income level.</p> <p>The project proposes to comply with the minimum affordable housing requirement and provide nine (9) BMR units (5 BMR units at the very low-income household level and 4 BMR units at the low-income household level). By meeting the minimum affordable housing requirement, the project is eligible to request a density bonus of up to a maximum of 35%, or 16 additional market-rate units, and up to two (2) concessions/incentives under the State Density Bonus law. The project is requesting two (2) concessions, an additional density bonus and a height bonus beyond the height bonus allowed under the Zoning Ordinance. In addition, the project requests a front setback (5’) waiver under the State Density Bonus law.</p>

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<p>14.16.150 – Floor Area Ratios.</p> <p>A. General.</p> <ol style="list-style-type: none">1. The intensity and density of development in nonresidential and mixed-use districts is identified by floor area ratio (FAR) and by the number of units allowed per one thousand (1,000) square feet of lot area for the location and zoning district in which a site is located. The FAR is the total building square footage (gross floor area) divided by the lot area excluding public streets. Total building square footage excludes parking areas or garages (covered and uncovered), residential components of a mixed use project, hotels, and non-leasable covered atriums. Floor area for permanent child care facilities in nonresidential structures may be excluded in the FAR, subject to the provisions of Chapter 14.22, Use Permits.2. See subsection G, floor area ratio limit maps for FAR limits in non-residential zoning districts. The maximum allowable FAR is not guaranteed and shall be determined by the following factors: site constraints, infrastructure capacity, hazardous conditions and design policies. <p>B. Mixed-Use Development.</p> <ol style="list-style-type: none">1. Commercial or Office with Residential. FAR limits apply only to the non-residential component of a development. The number of residential units allowed on a lot is based on the minimum lot area required per dwelling unit standard for the zoning district. <p>-----</p> <p>G. Floor Area Ratio Limit Standards and Maps.</p> <ol style="list-style-type: none">1. For lots in the downtown area, the following apply:<ol style="list-style-type: none">a. FARs may be transferred from one portion to another of a parcel split by FAR designations if the transfer results in a scale compatible with surrounding development, as permitted in Section 14.16.340, Transfer of density on-site.b. A one-time increase in FAR up to ten percent (10%) of the building or seven hundred fifty (750) square feet, whichever is	<p><i>Consistent</i></p> <p>The maximum nonresidential development allowable on the project site is 1.5 FAR (floor area ratio) or 41,505.5 sq. ft. based on 27,367 sq. ft. of combined lot area. The project proposes 969 sq. ft. of ground level nonresidential development or commercial space on the project site.</p>
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<p>larger, shall be allowed for expansion of commercial and office structures if consistent with the provisions of this title, consistent with the provisions of Chapter 14.22, Use Permits. A traffic study may be required for a FAR increase for buildings on Fifth or Mission Avenues.</p> <p>2. A higher FAR may be permitted at the intersection of Andersen Drive, Highway 101 and Francisco Blvd. West, if the proposed development would substantially upgrade the area and include bulk and region-serving specialty retail and/or hotel uses, subject to a use permit (Chapter 14.22).</p>	
<p>14.16.190 – Height Bonus.</p> <p>A. Downtown Height Bonuses. A height bonus may be granted by a use permit approved by the planning commission in the following downtown zoning districts. No more than one height bonus may be granted for a project.</p> <p>-----</p> <p>3. In the Second/Third mixed use east district, a twelve-foot (12') height bonus for any of the following:</p> <p>a. Affordable housing, consistent with Section 14.16.030 (Affordable housing);</p> <p>b. Public parking, providing it is consistent with the downtown design guidelines;</p> <p>c. Skywalks over Second or Third Streets, with the approval of the traffic engineer, and the recommendation of the design review board;</p> <p>d. Mid-block passageways between Fourth Street and parking lots on Third Street, with the recommendation of the design review board that the design is attractive and safe.</p>	<p><i>Consistent with conditions</i></p> <p>By meeting the City's affordable housing requirement (20% or 9 BMR units), the project is allowed an automatic height bonus of 12' under the Zoning Ordinance, increasing the maximum height to 66' on the project site (54' + 12'). The project also requests an additional 7' height bonus under the State Density Bonus law as a concession for meeting its affordable housing requirement, increasing the maximum overall height proposed to 73' from finished grade to the roof deck.</p>
<p>14.16.227 – Light and Glare.</p> <p>Colors, materials and lighting shall be designed to avoid creating undue off-site light and glare impacts. New or amended building or site colors,</p>	<p><i>Consistent with conditions</i></p> <p>The project proposes exterior lighting along all three (3) street fronts. LED sconce-type light fixtures are proposed to provide accent lighting for brick pillars at ground level along</p>

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<p>materials and lighting shall comply with the following standards, subject to review and recommendation by the police department, public works department, and community development department:</p> <ul style="list-style-type: none">A. Glossy finishes and reflective glass such as glazed or mirrored surfaces are discouraged and prohibited where it would create an adverse impact on pedestrian or automotive traffic or on adjacent structures; particularly within the downtown environs and in commercial, industrial and hillside areas.B. Lighting fixtures shall be appropriately designed and/or shielded to conceal light sources from view off-site and avoid spillover onto adjacent properties.C. The foot-candle intensity of lighting should be the minimum amount necessary to provide a sense of security at building entryways, walkways and parking lots. In general terms, acceptable lighting levels would provide one (1) foot-candle ground level overlap at doorways, one-half (½) foot-candle overlap at walkways and parking lots, and fall below one (1) foot-candle at the property line.D. Lighting shall be reviewed for compatibility with on-site and off-site light sources. This shall include review of lighting intensity, overlap and type of illumination (e.g., high-pressure sodium, LED, etc.). This may include a review by the city to assure that lighting installed on private property would not cause conflicts with public street lighting.E. Installation of new lighting fixtures or changes in lighting intensity on mixed use and non-residential properties shall be subject to environmental and design review permit review as required by Chapter 14.25 (Design Review).F. Maximum wattage of lamps shall be specified on the plans submitted for electrical permits.G. All new lighting shall be subject to a 90-day post installation inspection to allow for adjustment and assure compliance with this section.	<p>all three street frontages. Cut sheets for the light fixtures indicate these would use a 10-watt / 3,000 kelvin light source which would create a 'warm' light appearance. The light fixtures are proposed to be bronze finished with vertical slats which would match the perforated vertical slat design of the balcony railing and sunshade detailing. A condition of approval would be included establishing a 90-day lighting review period at final inspection/occupancy where adjustments in lighting may be required by staff to reduce off-site glare, if necessary.</p>
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<p>14.16.230 – Lot Consolidation. Where a development project is constructed on more than one adjoining lot, the owner or owners of such lots must merge such lots into a single lot when the building is proposed to cross the property line of the adjoining lots. The lots shall be merged prior to issuance of a building permit.</p>	<p><i>Consistent with conditions</i> The project proposes to construct a mixed-use building over two (2) adjacent Downtown lots. Prior to building permit issuance, the project will need to merge or consolidate the lots into one common parcel by extinguishing the common property line currently separating the lots. A plat map with closure calculations shall be submitted to Planning for review and approval by the Land Development Engineer in the Department of Public Works prior to approval by the Community Development Director and recordation with Marin County by Land Development Engineer.</p>
<p>14.16.243 – Mechanical Equipment Screening. Equipment placed on the rooftop of a building or in an exterior yard area shall be adequately screened from public view. See Chapter 14.16 for exclusions to maximum height requirements and Chapter 14.25 for design review requirements.</p>	<p><i>Consistent</i> The project design proposes a central courtyard on the podium (2nd floor) level which extends to roof. Rooftop mechanical equipment, including a photovoltaic system/solar array, is proposed to be separated from the 5,317 sq. ft of landscaped common outdoor area also on the roof deck by a 5-6’-tall screening wall. The 73’ building height proposed by the project, together with the height of the rooftop screening wall, would adequately mitigate any public views of the rooftop mechanical equipment.</p>
<p>14.16.260 - Noise Standards A. Residential Development. The following standards apply to residential development: ----- 3. In high density and downtown residential districts residential interior standards shall be met, and common usable outdoor areas shall be designed to minimize noise impacts. Where possible, a 60 dBA (Ldn) standard shall be applied to usable outdoor areas 4. Interior noise standards for new single-family residential and residential health care development shall be 40 dBA (Ldn) for bedrooms and 45 dBA (Ldn) for other rooms. New hotels and motels shall meet a 45 dBA (Ldn) standard. For new multifamily development, hotels and motels, interior noise standards shall be described by State Administrative Code standards, Title 25, Part 2. ----- 6. Post-construction monitoring and approval by an acoustical engineer shall be required in residential development near high noise sources to ensure that city standards have been met.</p>	<p><i>Consistent with conditions</i> noise impacts to the project would be ‘conditional acceptable’ and recommended the following noise reduction and insulation features be included in the project design: 1) The proposed solid 4’-tall parapet sound wall increase in height to 6’ around the roof deck; 2) sound-rated windows and specifically constructed exterior wall assemblies will be required at the time of building permit submittal (i.e., most windows will require an STC (Sound Transmission Class) 36 rating, some corner units will require windows with higher ratings, balcony doors will need to be sound-rated, and some wall assemblies with siding will require additional layers of gypsum); 3) All construction equipment shall operate with maintained mufflers and other state required noise attenuation devices; 4) Property owners and occupants within a 250 ft. radius of the project site shall receive notice 15 days prior commencement of construction of each phase, regarding the construction schedule of the project, subject to review and approval by Planning staff. These notices shall indicate dates and duration of construction activities and provide a contact name and telephone number to inquire about the construction schedule and register complaints;5) The project shall designate a Noise Disturbance Coordinator (NDC) to be present on-site during all grading and construction activities, who name and contact details shall be included in all notices. The NDC shall be responsible for responding to all complaints about grading and construction noise. When a compliant is received, the NDC shall notify Planning staff</p>

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	<p>within 24-hours of the complaint, determine the cause of the complaint and implement reasonable measures to resolve the complaint, as deemed acceptable by Planning staff. In addition, the name and contact information of the NDC shall be posted on the site and legible from a distance of 50 ft.; 6) Noise reduction methods shall be utilized during all grading and construction activities where feasible, including shutting off idling equipment, installing temporary acoustic barriers around stationary construction noise sources, maximizing the distance between construction equipment staging areas and occupied residential areas, and electric air compressors and similar power tools; 7) Grading and construction haul truck routes shall be designated to avoid sensitive receptors, such as residences and convalescent homes, to the greatest extent feasible; and 8) During construction activities, stationary construction equipment shall be located such that emitted noise is directed away from sensitive receptors. These recommendations by the Noise Study will be incorporated as conditions of approval.</p>
<p>14.16.295- Sight Distance. Fencing, vegetation and improvements shall be established and maintained only in a manner that does not reduce visibility for the safe ingress and egress of vehicles or pedestrians within a required vision triangle, e.g., fifteen feet (15') from the curb return at any intersection or driveway, or as determined by the director of public works. In general, fencing and improvements or vegetation located within the established vision triangle (as determined below) shall not exceed a height of three feet (3') as measured above the adjacent street pavement. The vision triangle shall be kept free of any visual obstruction between a height of three feet (3') to eight feet (8') above the street grade elevation.</p>	<p><i>Consistent.</i> The project proposes two (2) 20'-wide, two-way, driveways; one along the Tamalpais Ave. frontage and the other along the Lincoln Ave. frontage. The City's Land Development Engineer reviewed the sight distance provided by the project design and has determined it adequate to provide safe ingress and egress of vehicles and pedestrians.</p>
<p>14.16.70- Water – Efficient Landscape All new development projects providing 500 sq. ft. or greater of landscaping shall be reviewed and obtain approval by the Marin Municipal Water District (MMWD) prior to building permit issuance. MMWD shall review all project landscaping, irrigation and grading plans for compliance with the most recently adopted MMWD water-conservation ordinance.</p>	<p><i>Consistent with conditions.</i> The project proposes 12,555 sq. ft. (46%) of site landscaping, where a minimum 10% (2,737 sq. ft.) is required. New street trees are proposed along all three building frontages on the ground-floor. A combined 4,528 sq. ft. of landscaped area is proposed on the podium (2nd floor)-level between a central courtyard and common outdoor deck areas along the front (Third St. elevation) and rear (adjacent to the paint store located at 770 Second St.) building elevations. A landscaped rooftop amenities area, 5,317 sq. ft. in size, is also proposed. In addition, the project proposes raised Corten steel planters along the ground-floor of the Third St. frontage. Details on specific landscaping species are not provided at this time. Prior to building permit issuance, the project will be required to have the</p>

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	<p>landscape and irrigation plans reviewed and approved by MMWD to comply with MMWD’s most recent water-efficiency requirements. A condition of approval would be included requiring submittal of documentation from MMWD review and approval of the project’s landscape details prior to building permit issuance.</p>
<p>CHAPTER 17 – PERFORMANCE STANDARDS</p>	
<p>14.17.100 – Residential Uses in Commercial Districts Applicability. Performance standards for residential uses in commercial districts shall be applied through an administrative use permit in the 4SRC, HO, 2/3 MUE and MUW, CSMU, WEV, GC, FBWC, C/O, and M districts or through a use permit in the NC district. Standards:</p> <ol style="list-style-type: none"> 1. Location. In the 4SRC and WEV districts, residential units may be located above the ground floor, and on rear portions of the ground. Location of residential units in the 2/3 MUE and MUW, GC, FBWC, HO, C/O, CSMU, M and NC districts shall be determined through project review. 2. Access. Residential units shall have a separate and secured entrance and exit. 3. Parking. Residential parking shall comply with Chapter 14.18, Parking Standards, of this title. 4. Noise. Residential units shall meet the residential noise standards in Section 14.16.260, Noise standards, of this title. 5. Lighting. All exterior lighting shall be sufficient to establish a sense of well-being to the pedestrian and one that is sufficient to facilitate recognition of persons at a reasonable distance. Type and placement of lighting shall be to the satisfaction of the police department. The minimum of one foot-candle at ground level shall be provided in all exterior doorways and vehicle parking areas. 6. Refuse Storage and Location. An adequate refuse storage area shall be provided for the residential use. 	<p><i>Consistent with conditions</i> The project site is located with the 2/3 MUE District zone, a Downtown commercial zoning district. The project would comply with the standards to allow residential uses in a commercial district, subject to recommendations to mitigate potential noise impacts as determined in the submitted Noise Study for the project.</p>

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<p>7. Location of new residential units shall consider existing surrounding uses in order to minimize impacts from existing uses.</p>	
<p>CHAPTER 18 – PARKING STANDARDS</p>	
<p>14.18.040 - Parking Requirements</p> <p>A. Off-street parking shall be provided in accord with the following chart:</p> <ul style="list-style-type: none"> • New studio units, located within the Downtown, are required to provide 1 parking space; • New 1-bedroom units, located within the Downtown, are required to provide 1 parking space; • New, 2-bedroom units, located within the Downtown, are required to provide 1.5 parking spaces; • No ‘guest’ parking spaces are required within the Downtown unless the project is located within 200’ of a residential zoning district and then will be required to provide 1 parking space per every 5 units; and • Commercial space, located within the Downtown, is required to provide 1 parking space per 250-300 gross building sq. ft., generally. <p>B. Parking Modification. The parking requirement for any specific use listed may be modified so as to provide adequate parking which is fair, equitable, logical and consistent with the intent of this chapter. Such modification may also include reduction in parking ratios for businesses in the downtown zoning districts that allow the use of private parking facilities to be used for public parking during evening or weekend hours. Parking modifications shall require an application for a use permit and shall be subject to review by the community development director and public works director, and approval by the zoning administrator.</p>	<p><i>Consistent</i></p> <p>The project proposes to provide 121 parking spaces on site. All parking would be on the ground floor and that this level would have a taller plate height (22 ft tall) to accommodate the mechanical parking lifts. 109 of the 121 spaces would be provided through mechanical jigsaw parking platforms and the remaining 12 spaces would be non-mechanical lift spaces for electric vehicle (EV), visitor, ADA and car share</p> <p>Through State Density Bonus law, projects that are within ½ mile of a transit facility are required to provide 0.5 parking space/bedroom. In this case, the project includes 163 bedrooms, therefore 81.5 (82) parking spaces would be required to meet the residential parking requirement. Since the project site is located outside the Downtown Parking District, the project is required to provide 3-4 parking spaces to meet the nonresidential parking required. The project proposes to provide 121 parking space, which is 35-36 spaces in excess of the required parking. The reduced parking requirement <u>does not</u> count as a concession or waiver, under State Density Bonus law.</p> <p>The proposed vertical stacked parking lifts are a departure from the parking facility design envisioned by the Parking Standards of the Zoning Ordinance, which is providing parking on a more established horizontal or side-by-side configuration. A <i>Parking Modification</i> will be required, through a Use Permit, with the recommendation of the Public Works Director and the Board, to allow mechanical parking lifts.</p>

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<p>14.18.045 – Clean Air Vehicles.</p> <p>A. Applicability. Parking spaces serving new nonresidential buildings shall be designated for any combination of low-emitting, fuel-efficient, and carpool/van pool vehicles, as defined by Section 5.102 of the California Green Building Standards Code, California Code of Regulations, Part 11 of Title 24.</p> <p>B. Number of Short-Term Spaces Required. 11 parking spaces for clean air vehicles shall be provided for parking facilities providing 101-150 parking spaces.</p> <p>C. Parking Stall Marking. The following characters shall be painted, using the same paint for stall striping, such that the lower edge of the last word aligns with the end of the stall striping and is visible beneath a parked vehicle: "CLEAN AIR VEHICLE".</p> <p>D. Prewiring for Electric Vehicle Charging Stations. In new or substantially renovated parking facilities of twenty-five (25) or more spaces electrical conduit capable of supporting suitable wiring for an electric vehicle charging station shall be installed between an electrical service panel and an area of clean air vehicle parking spaces as required by this section. The conduit shall be capped and labeled for potential future use.</p>	<p><i>Consistent with conditions</i></p> <p>The project will be conditioned to provide a minimum of 11 clean air vehicle parking spaces, pre-wired for electric vehicle charging stations.</p>
<p>14.18.050 –Off-Street Loading and Unloading.</p> <p>The minimum off-street loading and unloading space required for specific uses shall be as follows:</p> <p>A. Retail and service establishments: one off-street loading and unloading space with minimum dimensions of ten feet (10') in width by thirty-five feet (35') in length, with a fourteen-foot (14') height clearance.</p> <p>-----</p> <p>C. Each loading area shall have adequate driveways, turning and maneuvering areas for access and usability, and shall at all times have access to a public street or alley.</p> <p>-----.</p> <p>E. Off-street loading and unloading spaces shall be adequately screened from view from public rights-of-way to the satisfaction</p>	<p><i>Consistent</i></p> <p>The proposed design of the parking garage includes a loading zone which complies with the applicable standards for loading and unloading spaces.</p>

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<p>of the planning director.</p>	
<p>14.18.090 –Bicycle Parking.</p> <p>A. Applicability. Bicycle parking shall be required for all new nonresidential buildings and in major renovations of nonresidential buildings having thirty (30) or more parking spaces, and for all public/quasi-public uses.</p> <p>B. Number of Short-Term Spaces Required.</p> <ol style="list-style-type: none"> 1. Commercial, office, industrial, and multi-family residential uses: five percent (5%) of the requirement for automobile parking spaces, with a minimum of one two-bike capacity rack. 2. Public/quasi-public uses: as determined by parking study, or as specified by use permit. 3. Exempt uses: animal sales and service; motor vehicle sales and services; building materials and supplies (large-item); catering establishments; funeral and interment services; temporary uses; recycling facilities; other uses as determined by the planning director. <p>C. Number of Long-Term Spaces Required.</p> <ol style="list-style-type: none"> 1. For nonresidential buildings with over ten (10) tenant-occupants: Five percent (5%) of the requirement for automobile parking spaces, with a minimum of one space. <p>D. Reduction of Vehicle Parking. Properties that provide bicycle parking in excess of the bicycle parking spaces identified in Section 14.18.090.B. and/or C. may qualify for a reduction to the overall vehicle parking requirements subject to the approval of a use permit for parking modification.</p> <p>E. Design.</p> <ol style="list-style-type: none"> 1. Short-Term Parking: Bike racks shall be provided with each bicycle parking space. The rack shall consist of a stationary object to which the user can lock the bike. 2. Long-Term Parking: Acceptable parking facilities include: 	<p><i>Consistent</i></p> <p>The project proposes 120 residential units above a small, 969 sq. ft. ground floor commercial space. Since bicycle parking is required for only the nonresidential portion of the project, the minimum short-term bicycle parking is required or one (1) two-bike capacity rack. The project proposes eight (8) two-bike capacity racks evenly distributed along both the Third St. and Tamalpais Ave, frontages, adjacent to the new street trees and grates. The project also proposes to provide a 612 sq. ft. “Bike lounge” on the ground level, adjacent to the commercial space, capable of providing secured long-term parking for up to 24 bicycles.</p>

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<ol style="list-style-type: none">a. Covered, lockable enclosures with permanently anchored racks for bicycles,b. Lockable bicycle room with permanently anchored racks, orc. Lockable, permanently anchored bicycle lockers.3. Parking facilities shall support bicycles in a stable position.4. The facilities shall provide at least an eighteen inch (18") clearance from the centerline of adjacent bicycles on the left and right, and at least ten inches (10") to walls or other obstructions.5. An aisle or other space shall be provided to bicycles to enter and leave the facility. This aisle shall have a width of at least five feet (5') to the front or rear of a standard six-foot (6') bicycle parked in a facility.6. Bicycle parking should be situated at least as conveniently to building entrances as the most convenient car parking area, but a minimum distance of one hundred feet (100') of a visitors' entrance. Bicycle and auto parking areas shall be separated by a physical barrier or sufficient distance to protect parked bicycles from damage by cars.7. Bicycle parking facilities should be located in highly visible, well-lit areas to minimize theft and vandalism.8. Overhead coverage or rain shelters for bicycle parking facilities are encouraged.9. The planning director (or the planning director's designated appointee) shall have the authority to review the design of all bicycle parking facilities required by this title with respect to safety, security and convenience.	
<p>14.18.100 –Parking Space Dimensions</p> <p>A. Standard size parking spaces shall be nine feet (9') by nineteen feet (19') in dimension, except that in downtown, the standard size parking space shall be eight and one-half feet (8.5') by eighteen feet (18') in dimensions;</p> <p>B. Compact parking spaces shall be eight feet (8') by sixteen feet (16') in dimensions.:</p>	<p><i>Consistent</i></p> <p>All on-site parking spaces are designed to comply with the minimum parking space dimensions for 'standard' and 'compact' Downtown parking spaces.</p>

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<p>14.18.110 – Compact Spaces – Allowable Percentage A. Allowable Percentage. A maximum thirty percent (30%) of the required parking spaces may be compact spaces for facilities exceeding five (5) spaces; B. Spaces Labeled. Compact spaces shall be labeled in parking facilities as compact spaces to the satisfaction of the city traffic engineer; C. Distribution. Compact spaces should be distributed throughout the parking lot to the extent feasible.</p>	<p><i>Consistent</i> The project proposes 121 parking spaces of which 36 parking spaces are allowed to meet reduced ‘compact’ space dimensions. The project proposes three (3) parking spaces which will meet reduced ‘compact’ parking space dimensions.</p>
<p>14.18.130 - Parking Facility Dimensions and Design A. Minimum Standards. <ul style="list-style-type: none"> • 90^o, two-way Downtown parking spaces require minimum dimensions to be 8.5’ wide by 18’ deep with a minimum backup aisle between the parking spaces of 26’. <p align="center">-----</p> B. Parking Stall Access. <ul style="list-style-type: none"> • Use of a required parking space shall not require more than two (2) vehicle maneuvers. At the end of a parking facility with four (4) or more parking spaces, an aisle or driveway providing access to the end parking space shall extend at least two feet (2’) beyond the required width of the parking space in order to provide adequate on-site area for turnaround purposes </p>	<p><i>Consistent</i> The proposed parking garage design layouts for the new residential buildings have been reviewed by the City Engineer and found to be consistent with all applicable design standards under Section 14.18.130 of the Zoning Ordinance.</p>
<p>14.18.140 - Access to Public Right-of-Way Driveway Widths. The minimum curb cut for driveways at the face of the curb, for residential uses serving 25 or more spaces, shall have a minimum inside depressed width of 24’.</p>	<p><i>Consistent</i> The project proposes two (2), two-way driveways; one along the Tamalpais Ave. frontage and the other along the Lincoln Ave. frontage. Current ‘vision’ documents (Downtown San Rafael Vision, San Rafael Downtown Design Guidelines, Downtown San Rafael Station Area Plan and the San Rafael Bicycle and Pedestrian Master Plan; 2018 Update) all encourage improving Tamalpais Ave., which is a ‘gateway’ to the Downtown with excellent visibility from all transportation modes (pedestrian, bicycle and transit, as a ‘pedestrian street’ by minimizing driveway cuts and driveway widths. The proposed driveway widths to the parking garage has been reviewed and is supported by the City Engineer.</p>

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CHAPTER 22 – USE PERMITS	
<p>14.22.080 – Findings. The following findings must be made to approve a Use Permit: A. Proposed use is in accord with the general plan, the objectives of the zoning ordinance and the purposes of the district in which the site is located; B. Proposed use 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; and C. Proposed use complies with each of the applicable provisions of the Zoning Ordinance.</p>	<p><i>Consistent</i></p> <p>A. The proposed use is in accord with the General Plan, the objectives of the Zoning Ordinance, and the purposes of the Second/Third Mixed Use East (2/3 MUE) District in which the project site is located in that:</p> <p>1. As documented in the General Plan 2020 Consistency Table attached to the staff report (Exhibit 3) to the Planning Commission, the project will be consistent with all pertinent General Plan policies, subject to requested concessions for additional density and building height under the State Density Bonus law for which the project is eligible after meeting it’s affordable housing requirement. The project would be consistent, or conditionally consistent, with the following General Plan policies:</p> <ul style="list-style-type: none"> • Land Use Policies LU-2 (<i>Development Timing</i>), LU-8 (<i>Density of Residential Development</i>), LU-9 (<i>Intensity of Nonresidential Development</i>), LU-12 (<i>Building Heights</i>), LU-13 (<i>Height Bonuses</i>), LU-14 (<i>Land Use Compatibility</i>), LU-18 (<i>Lot Consolidation</i>), and LU-23 (<i>Land Use Map and Categories</i>); • Housing Policies H-1 (<i>Housing Distribution</i>), H-2 (<i>Design That Fits into the Neighborhood Context</i>), H-3 (<i>Public Information and Participation</i>), H-14 (<i>Adequate Sites</i>), H-15 (<i>Infill Near Transit</i>), and H-18 (<i>Inclusionary Housing</i>); • Neighborhood Policies NH-3 (<i>Housing Mix</i>), NH-15 (<i>Downtown Vision</i>), NH-16 (<i>Economic Success</i>), NH-17 (<i>Competing Concerns</i>), NH-22 (<i>Housing Downtown</i>), NH-25 (<i>Pedestrian Comfort and Safety</i>), NH-29 (<i>Downtown Design</i>), NH-30 (<i>Pedestrian Environments</i>), NH-31 (<i>Ground Floor Designed for Pedestrians</i>) and NH-37 (<i>Hetherton Office District Design Considerations</i>); • Community Design Policies CD-1 (<i>City Image</i>), CD-2 (<i>Neighborhood Identity</i>), CD-3 (<i>Neighborhoods</i>), CD-5 (<i>Views</i>), CD-7 (<i>Downtown and Marin Civic Center</i>), CD-8 (<i>Gateways</i>), CD-11 (<i>Multifamily Design Guidelines</i>), CD-14 (<i>Recreational Areas</i>), CD-15 (<i>Participation in Project Review</i>), CD-18 (<i>Landscaping</i>) and CD-19 (<i>Lighting</i>);

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- Circulation Policies **C-5** (*Traffic Level of Service Standards*), **C-7** (*Circulation Improvement Funding*) **C-26** (*Bicycle Plan Implementation*) and **C-27** (*Pedestrian Plan Implementation*);
- Infrastructure Policy **I-2** (*Adequacy of City Infrastructure and Services*);
- Sustainability Policies **SU-5d** (*Reduce Use of Nonrenewable Resources; Water Efficiency Programs*) and **SU-7** (*New and Existing Trees*);
- Culture and Arts Policy **CA-15** (*Protection of Archaeological Resources*)
- Park and Recreation Policy **PR-10** (*Onsite Recreation Facilities*) and **PR-24** (*Contributions by Rental Residential*);
- Safety Policies **S-1** (*Location of Future Development*), **S-4** (*Geotechnical Review*), **S-6** (*Seismic Safety of New Buildings*), **S-17** (*Flood Protection of New Development*), **S-25** (*Regional Water Quality Control Board (RWQCB) Requirements*) and **S-32** (*Safety Review of Development Projects*); and
- Air and Water Quality Policies **AW-1** (*State and Federal Standards*), **AW-7** (*Local, State and Federal Standards*) and **AW-8** (*Reduce Pollution from Urban Runoff*).

In weighing all of the applicable policies, the project is, generally, consistent with the General Plan. The project would redevelop two (2) Downtown in-fill lots, one of which (723 Third St/898 Lincoln Ave.) is listed as both *Housing Opportunity Sites* and *Underutilized Mixed-Use Site* in Appendix B of the General Plan. The project would construct 120 new residential ‘rental’ units in the Downtown, whose residents and guests would help activate Tamalpais Ave., identified as a ‘gateway’ to Downtown, supporting the City’s long-term goal of creating ‘alive after 5’ evening and weekend activity in the Downtown, and provide economic opportunities to Downtown businesses, particularly restaurants. These new units would help meet the City’s RHNA (Regional Housing Needs Allocation) target of providing 1,007 additional housing units in the City by 2023. A total of six (9) of these housing units would be deed-restricted as ‘affordable’ housing; five (5) of these housing units would be deed-restricted for rent to very low-income households and four (4) units deed-restricted for rent to low-income households. These new below market rate or BMR units would contribute to the City’s need to provide 240 new very low-income housing units and 120 new low-income housing units by 2023. The project would be consistent with several adopted ‘vision’ documents, including the *Downtown Vision*, the *Downtown Design*

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	<p><i>Guidelines</i> and the <i>Downtown San Rafael Station Area Plan</i>, in terms of use, height, scale, stepbacks, and landscaping. .</p> <ol style="list-style-type: none">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;<ol style="list-style-type: none">i. The project will implement and promote the goals and policies of the San Rafael General Plan 2020, as identified in Finding A1 above;ii. The project has been reviewed by Community Development Department, other appropriate City Departments and non-City agencies, as well as the City’s Design Review Board and the Planning Commission as a conceptual project, and conditions have been created or the project has been changed, revised or modified to reduce or negate potential impacts caused by inappropriate location, use or design of the building and improvements;iii. The project would promote housing development to meet the housing needs of current and future residents, including affordable housing, and to meet the City’s RHNA target goals, as identified in Finding A1 above;iv. The project has coordinated the service demands with the capabilities of existing street, utilities and public services. All service providers, including PG&E, Marin Sanitary Service, Marin Municipal Water District, San Rafael Sanitation District, Central Marin Sanitation Agency, and the City Engineer, have review the project and indicated that adequate infrastructure capacity exists for the project3. 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 both the 2/3 MUE Districts, given that:<ol style="list-style-type: none">i. The project will help promote Downtown as a viable urban center with a mixture of civic, social, entertainment, cultural and residential uses by redeveloping the project site with a mixed-use building with 120 new residential apartment units above 121 garage parking spaces and a 969 sq. ft. commercial space;
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	<ul style="list-style-type: none">ii. The project will provide housing opportunities by proposing housing in mixed-use districts which will help meet the housing needs of current and future residents, including affordable housing, and to meet the City’s RHNA target goals, as identified in Finding A1 above;iii. The project will help activate the pedestrian character of Tamalpais Ave., identified as a ‘gateway’ to Downtown with both housing and commercial space in the Downtown, adjacent to the Downtown SMART station and in close proximity to the relocated Bettini Transit Center (whose exact future location is unknown at this time); andiv. The project will help promote Tamalpais Ave. as a ‘pedestrian street’ by minimizing driveway cuts and driveway widths, widening the sidewalk and installing street trees and raised Corten steel landscaped planters along all three (3) street frontages. <p>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 referred to, and reviewed by, the appropriate City departments, non-City agencies, the appropriate surrounding neighborhood group (Downtown Business Improvement District, Federation of San Rafael Neighbors, Gerstle Park Neighborhood Assoc., Montecito Area Residents Assoc. and Lincoln-San Rafael Hill Neighborhood Assoc.) and both the Design Review Board and Planning Commission during separate conceptual design review meetings; and 2) Revisions, modifications or changes to the project have occurred as a result of comments or recommendations provided by these departments, neighborhood groups and hearing bodies, or conditions of approval have been included to mitigate any potential negative impacts anticipated to be generated by the proposed project; and</p> <p>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 4) to the Planning Commission.</p>
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CHAPTER 25 – ENVIRONMENTAL AND DESIGN REVIEW PERMIT	
<p>14.25.010 – Specific Purposes</p> <p>Environmental and design review implements general plan policies concerning the environment and design by guiding the location, functions and appearance of development. The key environmental and design goal of the city is to respect and protect the natural environment and assure that development is harmoniously integrated with the existing qualities of the city. The purposes of environmental and design review are to:</p> <ul style="list-style-type: none"> A. First and foremost, maintain a proper balance between development and the natural environment; B. Ensure that the location, design and materials and colors of development blends with and enhances the natural settings; C. Maintain and improve the quality of, and relationship between, development and the surrounding area to contribute to the attractiveness of the city; D. Preserve balance and harmony within neighborhoods. E. Promote design excellence by encouraging creative design and the innovative use of materials and methods and techniques; and F. Preserve and enhance views from other buildings and public property 	<p><i>Consistent</i></p> <p>The project proposes a contemporary design, similar to the nearby BioMarin campus buildings, though with unique façade treatments (brick with Corten steel planters at the ground level and a mixture of stucco and vertical and horizontal fiber cement board siding at the upper levels), greater articulation, stepping back the upper stories and a more ‘residential’ window proportion. The proposed 6-story scale was reviewed by both the DRB and the Commission during conceptual design review and supported. The project design has been revised to provide equal, high-quality design attention to all four building elevations, including the rear elevation which is shared with 770 Second St. In addition, previously proposed upper-story projections or encroachments over the sidewalk have been eliminated. Extensive landscaping in the form of street trees and Corten steel raise planter along all three street fronts is proposed to help create a pedestrian scale. The project proposes to orient pedestrian activity through the lobby area both through the main entry on Third St and at the northwest corner of Third St./Lincoln Ave.</p> <p>Photo simulations were created by the applicant and submitted within the project plans, which indicate minor view impacts of the surrounding hillsides west and north of the project site. These potential view impacts would be similar to those resulting from development of the adjacent BioMarin campus</p> <p>.</p>
<p>14.25.050 - Review Criteria</p> <p>Projects must meet the following design review criteria:</p> <ul style="list-style-type: none"> • Consistency with General Plan design polices. • Consistency with Specific Plans • Design criteria must meet the objectives of Chapter 25 (Design Review), which include ensuring that the design blends with the natural setting, maintains and improves the quality of and relationship between the development and the surrounding area, preserve the balance and harmony within a neighborhood, promotes excellence in design, and 	<p><i>Consistent</i></p> <p>Overall, the project would be consistent with all applicable San Rafael General Plan 2020 policies. The project site is a choice housing site due to its close proximity to the U.S. Hwy. 101 corridor, the Downtown, the Downtown SMART station and the Bettini Transit Center (whose future specific location is still unknown at this time). The amount of residential density and building height are within the General Plan limits (Land Use Policies <i>LU-8 and LU-12/LU-13</i>), subject to requested density bonus and height bonus concessions/incentives under the State Density Bonus law. The City supports the development of housing, at all levels, to help meet the needs of all San Rafael residents. The project would also help the City meet its RHNA (Regional Housing Needs Allocation)</p>

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<p>preserves and enhances views.</p> <ul style="list-style-type: none"> • Site design is harmonious amongst structures within the development and existing development in the vicinity, natural site features should be protected and preserved, safe access and adequate parking should be provided, drainage should be designed to be ensure proper surface drainage 	<p>requirements by providing a total of 9 affordable housing or BMR units (5 at very low-income levels and 4 at low-income levels; Housing Policy H-18).</p> <p>The scale and quality of the existing development located south of the core Downtown (Fourth St.) and near U.S Highway 101 is changing, primarily due to the ongoing development of the BioMarin campus. Low profile (1- and 2-story) development is being replaced with much taller (5- and 6-story) buildings. Determining the predominant design character is a little more difficult. Structures within the adjacent BioMarin campus are integrated with a cohesive architectural design with coordinated façade treatments. The project proposes a similar contemporary design though with unique façade treatments (brick with Corten steel planters at the ground level, stucco at the mid-levels and a mixture of stucco and vertical and horizontal fiber cement board siding at the upper levels), greater articulation and stepbacks of the upper stories and a more ‘residential’ window proportion.</p> <p>The project design has been revised to provide equal, high-quality design attention to all four building elevations, including the rear elevation which is shared with 770 Second St. In addition, previously proposed upper-story projections or encroachments over the sidewalk have been eliminated.</p> <p>The project is required to provide 82 on-site parking spaces based on State Density Bonus law that requires 0.5 spaces/bedroom. The project proposes to provide 33 more parking spaces than required (121 provided vs 82 required) as an amenity for the residential units. This parking requirement under the State Density Bonus law excludes requiring guest parking. The amount of proposed parking would generally equal 1 space per unit..</p>
<p>14.25.090 - Findings</p> <p>The following findings must be made to approve a Design Review Permit</p> <ul style="list-style-type: none"> • Project design is in accord with the general plan, the objectives of the zoning ordinance and the purposes of this chapter; • Project design is consistent with all applicable site, architecture and landscaping design criteria and guidelines for the district in which the site is located • Project design minimizes adverse environmental impacts • Project design will not be detrimental to the public health, safety or 	<p><i>Consistent</i></p> <p>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:</p> <ol style="list-style-type: none"> 1. As documented in the General Plan 2020 Consistency Table (Exhibit 3), the proposed project will implement and promote the goals and policies of the San Rafael General Plan 2020, 2. As documented in the Zoning Ordinance Consistency Table (Exhibit.4), the proposed project will be consistent with the objectives of the Zoning Ordinance,

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<p>welfare nor materially injurious to properties or improvements in the vicinity.</p>	<p>which is to promote and protect the public health safety, peace, comfort and general welfare;</p> <p>3. As documented in the Zoning Ordinance Consistency Table (Exhibit.4), the proposed project will be consistent with the purposes of Environmental and Design Review Permits, given that; the project will promote design excellence by encouraging creative design and the innovative use of materials and methods and techniques.</p> <p>B. The project design is consistent with all applicable site, architecture and landscaping design criteria and guidelines for the 2/3 MUE District in which the project site is located, given that;</p> <p>1. The project design will be consistent with the maximum allowable density for the site, which is 45 units based on 27,367 sq. ft. of total lot area, subject to requests for automatic and discretionary density bonuses under the State Density Bonus law after meeting mandatory affordable housing requirements;</p> <p>2. The project will be consistent with the maximum height allowed for the project site, which is 54', subject to requests for automatic and discretionary height bonuses under the State Density Bonus law after meeting mandatory affordable housing requirements;</p> <p>3. The project will be consistent with the minimum required yard setbacks, which is limited to a 5' front (Third St. frontage) setback, subject to a request for setback waiver under the State Density Bonus law after meeting mandatory affordable housing requirements;</p> <p>4. The project will be consistent with the minimum landscaping requirement for the project site, which is 10% or 2,737 sq. ft. (The project proposes 12,555 sq. ft. of site landscaping);</p> <p>5. The project will be consistent with the maximum FAR (floor area ratio) allowed on the project site by proposing 969 sq. ft. of ground-level commercial space located at the northeast corner of the project site, at the corner of Third St and Tamalpais Ave. This represents 0.035 FAR where a maximum 1.5 FAR or</p>
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	<p>41,050.5 sq. ft. of nonresidential develop is allowed on the project site in addition to the residential density;</p> <p>6. The project will voluntarily provide 12,408 sq. ft. of private and common outdoor recreational area or an average of 103.4 sq. ft. of outdoor recreational area per unit;</p> <p>7. The provisions of Marin Municipal Water District’s (MMWD) most recent water conservation apply to the project, where MMWD approval is required prior to the issuance of any building or grading permit; and</p> <p>8. The proposed project will be consistent with review criteria for Environmental and Design Review Permits (<i>Chapter 14.25 of the Zoning Ordinance</i>), by proposing a consistent, high-quality architectural design (colors and materials; scale; bulk and mass; fenestration and articulation) throughout the project site.</p> <p>C. The project design minimizes adverse environmental impacts, given that: a California Environmental Quality Act (CEQA) review and clearance was prepared, based on supporting studies submitted with the project, substantiating a Categorical Exemption (Class 32; <i>In-Fill Development Projects</i>), as determined by a draft Notice of Exemption (NOE), dated January 21, 2019.</p> <p>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, given that: the project has been reviewed by appropriate City departments, non-City agencies, the appropriate surrounding neighborhood groups, and the Planning Commission during a February 26, 2019 study session, and conditions of approval have been included to mitigate any potential negative impacts anticipated to be generated by the proposed project.</p>
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“Good Design” Criteria for Downtown San Rafael
****Summary of Applicable Criteria****

General

- Each project should have an internally consistent design vocabulary
- Forms and materials should express the building’s design intent and context
- Design strategies such as “base middle and top” are encouraged but not the sole design alternative
- Height and bulk can be mitigated by step backs, articulation, use of different materials
- Projections over public right of ways shall be limited to bay windows, balconies and marquees *
- Provide architectural interest such as strategic placement of forms and applied features and special treatment at corners especially at intersecting streets
- Concentrate premium materials at points of maximum enjoyment:
 - At street level
 - At building entrances
 - On highly visible architectural forms and elements • Maintain pedestrian scale, especially at the
 - lower floors
- Buildings should relate to established streetscape elements such as cornice lines, fenestration or other shared elements
- New building design may include high quality contemporary architecture
- Use landscape to humanize and frame the built environment
- Use durable, reusable, flexible, permeable and repairable pavement materials
- All mechanical equipment shall be screened and shall not project above its enclosure
- Exceptional design is encouraged and may be allowed to deviate from the design guidelines. However:
 - Projects must be exemplary
 - They must make a significant contribution to their surroundings
 - They must contribute public benefit beyond great design
- Projects should conform with General Downtown Design Guidelines and District Design Guidelines
- Different districts of Downtown have different design priorities

Gateway District:

- Provide active street fronts along Tamalpais
- Articulate elevations to avoid a “building as wall” parallel to the freeway
- Create a sense of arrival with welcoming gateway elements such as:
 - Distinctive building form massing and detailing
 - Public plazas

Gateway – Transit District:

- Enhance the Tamalpais greenway from 2nd to Mission as a complete street
- Anchor the district with a high-quality transit center

2nd /3rd Corridor & Lindero:

- Reduce building mass along the boulevards with 3rd or 4th floor setbacks and at ground level corner entrances
- Use distinctive forms and detailing at corners particularly those facing oncoming traffic
- Locate retail at intersections and along pedestrian N - S streets
- Enhance the boulevard, by providing continuous curbside planting strips and/or ample tree pockets with grates
- Consider increasing the 5' setback requirement along 2nd and 3rd Street
- Varied setback depths are encouraged particularly on NS streets for pedestrian amenities and landscaping Place back flow preventers, transformers, and other utilities out of site or in undersidewalk vaults



Date: February 19, 2019
To: Raffi Boloyan, City of San Rafael
From: Seifel Consulting Inc.
Subject: Financial Feasibility Analysis of 703 Third Street

The City of San Rafael retained Seifel Consulting to provide real estate advisory services in connection with the land use approval process for the proposed development located at 703 Third Street in downtown San Rafael. Seifel Consulting performed an independent review of the development assumptions and financial feasibility for two development scenarios: a 61-unit “Base Case” scenario that is consistent with existing zoning and the use of a 35% density bonus and a 120-unit “Proposed Project” scenario that is consistent with the current planning application for the site.

This memorandum summarizes the findings of our financial analysis and is organized as follows:

- A. Description of Base Case and Proposed Project Scenarios
- B. Review of Pro Forma Assumptions and Methodology
- C. Financial Feasibility Findings

The financial feasibility analysis presented in this memorandum indicates that the proposed development is not financially feasible under the Base Case scenario, and additional density needs to be provided in order for new development to proceed. The additional density being requested in the application for the Proposed Project enhances financial feasibility by reducing development costs per housing unit in the following ways:

- Lowers land cost by allowing the cost of land to be spread among a larger number of units
- Lowers construction costs by facilitating more efficient construction across a larger building envelope and sharing the cost of the concrete podium among more units
- Lowers certain government fees as some fees are fixed and can be spread among more units
- Lowers other indirect soft costs, such as fixed predevelopment, design and engineering costs that can be shared among more units.

Based on the financial analysis described in this memorandum, we find that the higher density and greater number of units provided in the Proposed Project would be necessary to achieve financial feasibility

A. Description of Base Case and Proposed Project Scenarios

The proposed development at 703 Third Street consists of the redevelopment and consolidation of two contiguous parcels that are currently developed with two existing commercial buildings and associated surface parking in downtown San Rafael. The proposed development will be built on a 27,395 square foot lot that is currently zoned at a maximum density of 1 residential unit per 600 square feet of land area.

For this analysis, two development scenarios were analyzed to evaluate financial feasibility:

1. **Base Case Scenario**, which consists of a 61-unit mixed use development as allowed under the City's existing zoning with an assumed maximum 35 percent (%) density bonus, as allowed by State Law for the provision of on-site affordable housing, as further described below.
2. **Proposed Project Scenario**, which consists of a 120-unit mixed-use development as described in the development application submitted by Van Meter Williams Pollack (VMWP) on behalf of the developer of the property, Seagate Properties Inc. (Seagate).

Each of these scenarios is briefly described below.

Base Case Scenario— Given the site acreage, 45 housing units could be built on the property under existing zoning. In addition, the project is eligible to receive a 35% density bonus and two concessions under State Density Bonus Law because the developer would provide 11% of the 45 units at restricted “below market rate” rents that are affordable to very low income households. The 35% density bonus means that an additional 16 units may be built on the site for a total of 61 units.

The City also has an inclusionary housing ordinance that requires 20% of the allowable 45 units to be provided at restricted rent levels.¹ Thus, the base case scenario includes 5 units that are affordable to very low income households (5 VLI units) and 5 units that are affordable to low income households (5 LI units). In summary, the base case scenario consists of the following:²

- 61 rental units (15 Studio units, 25 one-bedroom units and 21 two-bedroom units)
- 10 affordable housing units (5 VLI units and 5 LI units)
- Commercial space of 969 square feet on the ground floor
- 61 garage parking spaces on the ground floor
- Inner courtyards and rooftop plaza

Proposed Project— The proposed project is based on the development application for a six-story, mixed use apartment development with five levels of residential above one level of ground floor commercial and parking. The project applicant is requesting the following modifications to existing zoning:

- An additional density bonus of 59 housing units above what is allowed with a 35% Density Bonus (61 units consistent with the Base Case scenario plus 59 units, for a total of 120 units)
- Reduced parking to 1 space per unit as allowed under the State Density Bonus law
- A height bonus concession of an additional 7 feet, from 66 feet to 73 feet to mitigate flood impacts and facilitate the use of puzzle mechanical lifts for parking
- A waiver of the required five foot front setback along Third Street.

¹ For rental projects such as this, 50% of the affordable units have to be affordable to very low income household (VLI households with incomes that are less than or equal to 50% of county median income) and 50% of the affordable units have to be affordable to low income households (LI households with incomes above 50% and up to 80% of county median income).

² <https://www.cityofsanrafael.org/703-3/>

The proposed project consists of the following proposed uses:³

- 120 rental units (33 Studio units, 44 one-bedroom units and 43 two-bedroom units)
- 10 affordable housing units (5 VLI units and 5 LI units)
- Commercial space of 969 square feet on the ground floor
- 121 garage parking spaces on the ground floor including 112 mechanical parking lifts
- Inner courtyards and rooftop plaza

The proposed project includes the same amount of affordable housing units (10 affordable units, which represents 20% of the 45 units allowed on the project site under existing zoning).

B. Review of Developer Financial Assumptions and Pro Forma

The financial analysis is based on a review of a summary financial pro forma analysis and supporting materials that were provided by the project applicant supplemented by additional data and analysis performed by the City of San Rafael and Seifel Consulting Inc. (Seifel). During the performance of this assignment, Seifel reviewed a series of confidential financial analyses, supporting documents and interviewed City staff, development team representatives and members of the real estate community (including developers, contractors, market specialists and architects) to perform due diligence.

As described above, the financial feasibility of the development is evaluated under two development scenarios: a 61-unit Base Case Scenario and a 120-unit Proposed Project Scenario.

1. Development Costs

Development costs consist of the following key cost categories: land, hard construction costs, government fees, construction financing and other soft costs, such as project design. Some of these development costs are driven primarily by the site characteristics and construction type (such as hard construction costs) while others have a significant fixed-cost component (such as land costs). Seifel performed due diligence on each of the major cost components and found the following:

- **Land costs**– The cost of land in the financial analysis is based on the actual purchase cost for the property without any upward adjustment to reflect additional costs related to debt financing or equity that might be needed to raise sufficient funds to pay for land during the entitlement and/or construction period. The developer indicated that the site is currently generating income that is currently sufficient to pay annual land carrying costs.
- **Hard construction costs**– Hard construction costs include direct construction costs related to site work, building construction, parking, and general contractor charges for general requirements, general conditions, insurance, overhead and profit. Construction costs represent the majority of the development costs, and thus typically have a significant effect on feasibility. Nova Partners Inc. (Nova), a reputable construction estimator with considerable experience throughout the Bay Area, prepared the estimates based on new construction of a wood frame building constructed over a concrete, above-grade podium that includes ground floor retail, parking and a puzzle lift system. While the construction costs per unit and square foot are higher than what we have observed for other similar residential developments in the North Bay and San Francisco, we understand from Nova, VMWP and Seagate that the costs are higher due to the unique soil conditions, high quality level of exterior design (including exterior materials, balconies and rooftop deck), and the assumed use of union labor for carpenter trades, concrete and mechanical/electrical/plumbing (MEP).

³ <https://www.cityofsanrafael.org/703-3/>

- **Government fees**– The project sponsor will be required to pay City planning and development impact fees (such as building permit fees, planning fees and development impact fees) as well as fees that are required to be paid to other government entities (such as fees for schools, water and sewer provision). The City worked with the project applicant and provided a current cost estimate for these government fees based on published fee schedules to be used in the financial analysis.
- **Construction Financing**– Construction financing typically represents the major source of capital that pays for development costs during construction. The construction financing assumptions used in this analysis are generally representative of current construction financing terms for similar projects in the North Bay and San Francisco.
- **Other Soft Costs**– Other soft costs include predevelopment costs (such as environmental review), architectural design, engineering services, legal fees, marketing and other professional fees paid by the developer.

The total development costs projected in the developer’s financial pro forma analysis are considered to be within a reasonable range for new residential development. However, as further described below in the last section, a sensitivity analysis was conducted to see how the financial results would differ under alternative development cost scenarios.

2. Revenues

Revenues for the project come primarily from rental of the apartments. A small amount of revenue is anticipated to occur from the leasing of the commercial space, and no additional revenues are assumed from the leasing of parking given current market conditions in Southern Marin County where most apartment developments provide at least one parking space per unit at no additional charge.

The Concord Group (TCG), real estate and market specialists with considerable experience in evaluating the market for similar developments, performed a market analysis that provided excellent market data on residential apartments and the competitive market for homes that might be rented or sold to potential residents. Given recent market conditions, market rent levels are unlikely to be significantly higher than what is being projected by TCG given rental rates at comparable apartment buildings.

Rents for affordable units are based on a 2018 schedule for affordable rents at below market rents (exclusive of utility costs) that would be affordable to households at various target income levels based on areawide median income (AMI) for the County of Marin.⁴ Based on initial guidance from City staff, the financial pro forma assumes that the affordable rents for the five VLI units would be affordable at 50% AMI and the LI units would be calculated at 60% AMI. The City has the discretion to allow alternative rent levels to be applied as part of the development approval process.

The market rent and affordable rent assumptions by unit type are held constant across both scenarios.

3. Return Metrics

Developers, lenders and investors evaluate and measure returns in several ways. Based on input from real estate developers, equity investors and lenders, development returns are based on two key measures typically used by the real estate community.

⁴ The affordable or BMR rents are based on a rent schedule provided by the County of Marin, which advises on the City of San Rafael’s housing programs. The rent schedule shows affordable rents for households at different household income levels for each bedroom type based on a percentage of areawide median income.

a. Developer Margin and Margin on Cost

Developer margin is equal to the difference between net development value and total development costs (before consideration of developer return or profit).⁵ A developer will not proceed to build a project unless the project generates sufficient developer margin to warrant the risk and private investment needed to undertake the project.

Developers and investors use different target return thresholds depending on the level of complexity of the project, construction types, construction schedule, sales/rental absorption timeline and potential equity sources. Projects with a greater number of units, complexity of construction and longer timelines have higher risk and as a result require a higher margin on cost. This type and size of mixed-use development would likely have a margin on cost threshold that ranges between 18–25%, as measured by developer margin or return divided by development cost.⁶

b. Yield on Cost

Yield on cost (YOC) is used to evaluate development feasibility for apartment development.⁷ YOC is measured based on Net Operating Income (NOI) divided by development costs.⁸ NOI is equal to projected rental revenues less vacancy allowance less operating expenses.

The target YOC for apartments in the North Bay and San Francisco over the past decade has ranged from 5% to 7% based on a review of project pro formas and discussions with developers and equity investors. Currently, developers and investors are using a target 5.5% YOC threshold in the surrounding market area. However, some private owners and investors may be willing to accept lower return thresholds and will move forward with providing debt and equity capital for developments like 703 Third Street in markets like Southern Marin County that has growing housing demand and limited apartment production.

C. Financial Feasibility Findings

The financial analysis compares the anticipated development costs with the potential revenues that could be generated by the proposed project and the two development scenarios described above in order to test the overall financial feasibility using typical return measures. Based on the projected development revenues and costs described earlier, the financial analysis indicates the following:

- The Base Case Scenario is not financially feasible based on the development assumptions used in the financial pro forma, as the developer margin is negative (meaning that development costs exceed revenues).
- Construction cost savings could be potentially achieved with additional value engineering or potentially the use of more innovative construction methods. Even if construction costs are lowered by 10% to 15%, the Base Case Scenario is not feasible as the developer margin is still significantly negative.
- In contrast, the Proposed Project Scenario generates a positive developer margin based on the development assumptions used in the financial pro forma. However, the Proposed Project does not achieve a high enough developer margin or Yield on Cost to be feasible according to the typical return metrics presented above. However, if construction costs are lowered by 15%, the Base Case

⁵ Net development value equals gross development value less transaction expenses.

⁶ This is equivalent to a return threshold of about 15% to 20% when measured as return on net revenues.

⁷ This return metric is also referred to as return on cost by real estate developers, lenders and investors.

⁸ These return metrics are considered the typical “back of the envelope” way of determining real estate feasibility and are typically based on current rent and cost assumptions (not trended upward to reflect potential future increases).

Scenario does begin to achieve return levels that are within the range of development feasibility for Bay Area developments in excellent, high demand locations.

- In summary, financial feasibility is enhanced by allowing a greater number of units and density in the Proposed Project because development costs can be spread among a greater number of housing units, which results in:
 - Lower land costs per unit
 - Lower construction costs per unit, achieved by facilitating more efficient construction across a larger building envelope and spreading the cost of the concrete podium
 - Lowers certain government fees per unit as some fees are fixed
 - Lowers soft costs per unit, such as fixed predevelopment, design and engineering costs

In conclusion, the financial feasibility analysis presented above indicates that the proposed development is not financially feasible under the Base Case scenario. The additional density and housing units being requested in the application for the Proposed Project enhances financial feasibility by reducing development costs per housing unit as described above. Based on the financial analysis described in this memorandum, we find that the higher density and greater number of units provided in the Proposed Project would be necessary to achieve financial feasibility.



Elizabeth (Libby) Seifel, President, Seifel Consulting

Elizabeth (Libby) Seifel has focused her professional career on creating high quality infill developments, structuring successful public-private partnerships and encouraging the revitalization of communities. She has advised public and private clients on the planning, funding and development of a broad variety of mixed use and mixed income communities. Prior to founding her firm, Libby served as Associate-in-Charge of Williams-Kuebelbeck & Associates, overseeing the firm's economic and management consulting practice. She also served as the founding Executive Director of Tent City Corporation, a non-profit developer of mixed income housing in Boston.

Ms. Seifel actively promotes best practice in real estate development and urban revitalization through teaching and writing activities. Libby currently teaches a graduate level course on Public Private Partnerships at the University of California Berkeley. She has chaired the Urban Land Institute (ULI) Urban Revitalization Council and SPUR Regional Policy Board. She serves on the board for ULI's San Francisco District Council and recently served as the local host program co-chair for ULI's 2015 Fall national conference. She served as the editor for *After Redevelopment: New Tools and Strategies to Promote Economic Development and Build Sustainable Communities* and the *California Affordable Housing Handbook*, among other publications. She also has supported the success of women in business, real estate and technology through her work with the Women President's Organization, ULI Women's Leadership Initiative and MIT, where she serves on the MIT Department of Urban Studies and Planning Visiting Committee and MITAA Corporation Nominating Committee.

Throughout her professional career, Ms. Seifel has:

- Advised on most of San Francisco's major public-private partnership projects, including Hunters Point Shipyard/Candlestick Point, Mission Bay, Pier 70, Rincon Point/South Beach, San Francisco Center Expansion, Transbay Transit Center and Treasure Island.
- Counseled other clients on numerous public-private partnerships, including the preparation and review of developer solicitation packages, evaluation of developer responses, development team selection and/or structuring of development agreements for Contra Costa and Sonoma counties and the cities of Berkeley, Emeryville, Folsom, Fremont, Hayward, Livermore, Los Angeles, Mountain View, Richmond, San Mateo, San Rafael, South San Francisco, Presidio Trust and the Hawaii Community Development Authority.
- Prepared site analyses, market research, financial pro formas, asset management strategies and investment opportunity analyses of real estate developments throughout California for clients such as the Bay Area Smart Growth Fund, Hastings College of Law, The RREEF Funds and The Real Estate and Land Use Institute of California and numerous cities throughout California.
- Fostered the creation and revitalization of thriving communities, transit oriented development projects and over 100 successful redevelopment projects in California, including projects in proximity to existing and future transit stations in Concord, El Cerrito, Fremont, Hayward, Lafayette, Livermore, Los Angeles, Richmond, Sacramento, San Mateo, San Fernando, San Francisco, and San Jose.
- Advised on award winning land use plans designed to foster neighborhood revitalization and promote transit oriented development, including Ashland Cherryland Specific Plan, Downtown National City Specific Plan, North Bayshore Precise Plan, Richmond Bay Specific Plan and San Francisco's Transit Center District Plan.
- Assisted in the financing, development and planning of more than 20,000 affordable housing units in California. Helped secure over \$120 million in funding resources to revitalize public housing and help build affordable housing. Developed successful programs and strategies to achieve mixed income housing development.
- Helped communities to secure funding and strategically leverage public funding tools, including federal transportation funds, tax increment financing, community facility districts, assessment districts and development impact fees, drawing on an in-house database of available funding sources.
- Conducted professional training sessions and served as editor/contributing author on publications to promote best practice in affordable housing, public-private partnerships, transit oriented development, and community revitalization. Led ULI training sessions for public officials on the fundamentals of real estate economics and coordinated programs for ULI's Building the Resilient City symposium and its annual conference programs.

Professional Background

1990–present	President, Seifel Consulting, Inc., San Francisco, CA
1982–1989	Associate-in-Charge, Williams-Kuebelbeck & Associates, Belmont, CA
1981–1982	Planner/Economist, Blayney-Dyett, San Francisco, CA
1979–1981	Founding Executive Director, Tent City Corporation, Boston, MA
1977	Urban Intern, Department of HUD, Washington DC
1974–1979	Research Assistant, MIT, Cambridge, MA

Education, Professional Certification and Honorary Recognition

Bachelor of Science in Urban Studies & Planning, Massachusetts Institute of Technology, 1978
Master in City Planning, Massachusetts Institute of Technology, 1979
American Institute of Certified Planners (AICP) Certification, 1983
Harold E. Lobdell Award for Distinguished Service, Massachusetts Institute of Technology, 1995
Lambda Alpha International Honorary Society for Advancement of Land Economics, Elected Member, 2007
California Infill Builders Federation, Leadership Award, 2011
Northern California Real Estate Women of Influence, Hall of Fame, 2015

Professional Instruction, Presentations and Publications

Ms. Seifel has served as a professional instructor and guest lecturer in real estate, public-private partnerships and strategies for infill development and urban revitalization for ULI, UC Berkeley and MIT. She currently teaches a graduate level course on Public Private Partnerships at the University of California Berkeley and has coordinated and presented at conferences and meetings sponsored by the American Planning Association (APA) and California APA, CALED, California and Florida Redevelopment Associations, Ford Foundation, Housing California, League of California Cities, New Partners for Smart Growth, Non-Profit Housing Association of Northern California, Royal Institution of Chartered Surveyors (RICS)–India, Tulane University, Urban Development Institute Pacific Region, ULI and the Victoria Rotary Club.

Ms. Seifel writes on real estate, redevelopment and housing related subjects. She has served as the volunteer editor on publications that promote infill development, affordable housing and redevelopment and reuse of underutilized properties. Her published works include:

After Redevelopment: New Tools and Strategies to Promote Economic Development and Build Sustainable Communities, Urban Land Institute, November 2013 (Lead Editor and Collaborator)
Transbay Transit Center: Key Investment in San Francisco's Future as a World Class City, Transbay Joint Powers Authority, November 2013 (Publication Coordinator and Editor)
Making Affordable Housing Work in India, RICS, November 2010 (Contributing Author)
“Sustainable Communities”, *Urban Land*, September 2009 (Author)
Community Guide to Redevelopment, CRA, 2007 (Editor and Contributing Author)
California Affordable Housing Handbook, CRA, 2006 and prior 1998 edition (Editor and Author)
Designing a Successful Inclusionary Housing Program, *Redevelopment Journal*, January 2005 (Author)
Bay Area Models of Urban Infill Housing, *Urban Land*, September 2003 (Author)

Associations and Professional Activities

Certified Planner (AICP) and Member, American Planning Association (APA) and APA of California
Elected Member, Lambda Alpha International, Honorary Society for Advancement of Land Economics
Board Member, ULI, San Francisco District Council and Local Host Program Co-Chair for 2015 National Meeting
Leadership Team and Former Chair, Urban Land Institute Urban Revitalization Council (URC, formerly ICC)
Founding Steering Committee Member, Urban Land Institute Women's Leadership Initiative (WLI)
Regional Policy and Housing Policy Board Member and Former Board Director, SPUR
Corporation Nominating Committee Member, MIT Alumni Association (MITAA)
Visiting Committee Member, MIT Department of Urban Studies and Planning
Former President and Director Emeritus, MIT Club of Northern California (MITCNC)
Member, Non-Profit Housing Association of Northern California (NPH)
Founding Member, Bay Area Women President's Organization (WPO)
Partner, League of California Cities



SAN RAFAEL
THE CITY WITH A MISSION

**INTER-DEPARTMENTAL
MEMORANDUM**

Community Development Department – Planning Division

Date: January 22, 2019
To: Project File
From: Paul Jensen, Community Development Director
Paul A. Jensen
Subject: 703-723 3rd Street, 120-unit mixed-use development; California Environmental Quality Act (CEQA) Review and Clearance; City Case Nos.: UP18-008, ED18-018; LLA18-001

This memorandum has been prepared to present and substantiate a Categorical Exemption finding for CEQA review and clearance on a proposed mixed-use development project in Downtown San Rafael. The memorandum reviews and considers: the subject property and its setting; the project development plans; zoning and General Plan information pertinent to the site and project; and supportive technical studies and reports that have been prepared for the project.

A. Setting/Background:

The project site is located at 703-723 3rd Street/898 Lincoln Avenue in Downtown San Rafael (see Attachment 1- Area Map). The property is comprised of two parcels (APNs 011-278-01 and 02) totaling 27,367 square feet (0.64 acres) of land area. The property has frontage on three public streets (3rd Street, Tamalpais Avenue and Lincoln Avenue), and is relatively flat (slope gradient of less than 1%).

The site is developed with 15,000 square feet of combined commercial space in two, 1-2-story buildings and a surface parking lot. Access to the project site is currently along both the 3rd St. and Tamalpais Avenue frontages. The west portion of the project site (898 Lincoln Ave.) was originally developed in the 1940s and has a long history of automotive sales and service uses. The east portion of the project site (703 3rd St.) is relatively newer and was developed in 1995 and until recently long-served the community as "Marin Filmworks". The east portion of the site is immediately west of the San Rafael (Bettini) Transit Center and southwest of the new Downtown SMART station. The BioMarin campus lies south and southwest of the project site.

The project site located in an urbanized area and is part of the greater Downtown Priority Development Area (PDA). The site is immediately adjacent to multi-modal transit (the San Rafael Transit Center and the Downtown SMART Commuter Rail Station); other

surrounding uses include the retail, commercial service, office and food service uses to the north, west and south.

The San Rafael General Plan 2020 designates the property in the land use category of Second/Third Street Mixed Use, which is consistent with the current zoning (2nd/3rd Mixed Use District). The property is also identified as a "housing opportunity site" in the San Rafael General Plan 2020 Housing Element. As a housing opportunity site, the General Plan Housing Element Background Report identifies a maximum residential density yield of 36 units, while the city zoning could allow up to 45 units.

Site elevations are generally at +9.7 NAVD. The property is located within the Federal Emergency Management Agency (FEMA) flood hazard zone AH (11 feet).

B. Project Description:

The proposed project presents development of the 27,367 square-foot site with 120 residential apartment units. The project is designed to be contained in one, six-story building (73 feet). The first/ground level is designed to include a parking garage containing 121 parking spaces accessed by both Lincoln Avenue and Tamalpais Avenue. One-hundred-nine (109) of the parking spaces are part of an automated "parking lift" system; some of the parking spaces are equipped with electric vehicle charging stations. The 3rd Street frontage of the first/ground level includes 14,500 square feet of area that includes a small retail space (approximately 1,000 square feet), bicycle lounge and lobby. The second through sixth floors are designed to accommodate 120 residential units with a central courtyard. Of the 120 units, 33 are studios, 44 are one-bedroom, and 43 are two-bedroom units. An outdoor activity area with landscaping and photovoltaic solar panels are proposed for the rooftop.

Specific "green" design elements proposed for the project include: LEED certifiable design; secure bike storage areas; electric vehicle (EV) charging stations; dedicated clean air vehicle spaces; photovoltaic solar panels; and water and power efficient landscaping and appliances.

The project includes a request for a 'density bonus' to exceed the residential density limits set by the San Rafael General Plan 2020 and property zoning. The density bonus is accompanied by a proposal to set aside 20% of the total units for rental to low- and very low-income households. The detailed description of the density bonus is on file with the Community Development Department.

See Attachment 2 (attached) for site plan (landscape and first floor plan). A full set of plans/drawings are on file with the Community Development Department.

C. Supportive Technical Studies and Reports

The planning applications and plans filed with the City have been accompanied numerous supportive technical studies and reports. These technical studies and reports are listed below and were used in the preparation of this memorandum. Copies of the studies and reports are on file with the Community Development Department.

1. Geotechnical Investigation- 703 3rd Street, Rollo & Ridley, Geotechnical Engineers and Scientists; July 2, 2018
2. Draft Acoustical Study, RGD Acoustics, Acoustical & Audiovisual Consultants; May 25, 2018, 1005-1010 Northgate Drive Project, LSA Associates, Inc.; March 2016
3. Phase I Environmental Site Assessment – 898 Lincoln Avenue, San Rafael, AEI Consultants, Environmental & Engineering Services; February 23, 2015/ revised March 10, 2015
4. Seagate Multifamily Housing Transportation Impact Analysis Report, Fehr & Peers, Transportation Consultants; Initial release: April 30, 2018, Revised: December 4, 2018, Second Revision: January 14, 2019
5. Air Quality Analysis for Proposed 703 3rd Street Project (includes Risk Hazard Assessment), San Rafael; Ramboll Environment and Health; July 5, 2018
6. GHG Reduction Strategy Compliance Checklist; 2018
7. Archaeological and Historical Archival Research, California Historical Resources Information Systems; September 4, 2018
8. City of San Rafael Archaeological Sensitivity Maps, Site Rating = Medium Sensitivity, Pastfinder; 2002.
9. Federal Emergency Management Agency (FEMA) Flood Hazard Maps, Site Status = Special Flood Hazard Zone AH (11 feet)- 100-year flood zoning; 2016
10. Memorandum from Josh Minshall, Associate Civil Engineer Public Works Department to Raffi Boloyan, Planning Manager; June 20, 2017
11. View Studies, Views 1-6, Plan Sheets A14.1-A14.6, Van Meter Williams & Pollack August 21, 2018
12. Preliminary Title Reports (2), Fidelity National Title Company; January 2015 and September 2016

D. Planning and Land Use Actions Being Requested:

Use Permit, Environmental and Design Review Permit, Density Bonus, Lot Consolidation

E. Agencies Requiring Action on this Project:

City of San Rafael (lead agency)
San Rafael Sanitation District
Responsible or Trustee Agencies: None

F. Name of Person or Agency Carrying Out Project:

703 3rd Street Associates, LLC

G. CEQA Review and Findings

Per CEQA Guidelines Section 15060, staff conducted a "preliminary review" of the project application, plans and supportive studies and reports. In completing this preliminary review, staff determined that the application is defined as a "project" under CEQA. CEQA Guidelines Section 15061 (Review for Exemption) was reviewed to determine whether the project is exempt from CEQA. A project is exempt from CEQA if it qualifies for a Categorical Exemption under Article 19, Section 15300. Given the project location, scope and use, staff has determined that the project qualifies for an exemption under CEQA Guidelines Section 15332. Section 15332 exempts "infill development projects" that meet the following conditions:

- a. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designations and regulations.
- b. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- c. The project site has no value as habitat for endangered, rare or threatened species.
- d. Approval of the project would not result in any significant effects related to traffic, noise, air quality, or water quality.
- e. The site can be adequately served by all required utilities and public services.

A more in-depth review of the project plans and supportive studies and reports was completed to determine if these five conditions can be met. The following is a discussion and findings on the five conditions:

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

Response: The project meets this condition. The project has been reviewed for consistency with the San Rafael General Plan 2020 (General Plan). A table has been prepared listing all General Plan goals, policies and programs that are pertinent to the site and project. This table is available and on file with the Community Development Department. The table finds that the project is generally consistent with all pertinent goals, policies and programs. A summary of the key issues is provided as follows:

- As discussed above, the General Plan designates the property in the land use category of Second/Third Street Mixed Use, which permits mixed use and housing. While the General Plan caps site density at 45 units, the proposed density bonus, which is permitted by State and local law allows housing projects to exceed this cap.
 - The project would be consistent with Housing Element Policy H-15 in that it would provide higher density housing near transit (San Rafael Transit Center and SMART Station).
 - As discussed above, the subject property is identified as a "housing opportunity site" in the General Plan Housing Element. As proposed, the project facilitates housing development and would far exceed the potential residential unit estimates for the site in the Housing Element.
 - The project would be consistent with Neighborhood Element Policies NG-16 and NH-22 in that it would create additional and needed housing for Downtown San Rafael, which will facilitate the economic success of Downtown
 - The project would be consistent with General Plan Circulation Element Policy C-5 and Program C-7a in that it would not result in significant traffic impacts to Level of Service (LOS) standards and local intersections and would be subject to the Citywide Traffic Mitigation Fee.
- b. *The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.*

Response: The project site meets this condition. The subject property is located within the San Rafael city limits and is 0.64 acres in size.

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

Response: The project site meets this condition. As discussed above and as demonstrated in Attachment 1 (attached), the property is in Downtown San Rafael and is surrounded by urban development. The closest biological resources in the area of the project site are: 1) San Rafael Creek/Canal, which is located approximately 800 feet southwest of the project site; and 2) Mahon Creek, which is located approximately 1,000 feet south of the site. The General Plan 2020 Conservation Element Exhibit 38 (Threatened and Endangered Species) was reviewed finding that the project site is not in an area of known threatened or endangered species.

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

Response: Each of these topic areas have been reviewed and assessed. Based on the following facts, the project would not result in any significant effects related to traffic noise, air quality or water quality.

Traffic/Circulation. A comprehensive traffic study has been completed (referenced above under Section C, item 4) and reviewed by Public Works Department. A summary of the traffic study scope and findings is provided as follows:

- The study assumed and analyzed the development of 138 residential units, which was the scope of an earlier proposal for this site. While the project was scaled back to the current proposal of 120 units, the earlier unit count was assumed to provide a more conservative analysis.
- The study used trip generation rates from the Institute of Transportation Engineers (ITE) Trip Generation Manual – 9th Edition. The trip rates used assumed an average daily trip rate of 6.96 trips per unit and peak hour rates of 0.52/unit and 0.68/unit for the AM and PM peak, respectively. The report finds that the project would result in 960 ADT, 71 AM peak hour trips and 94 PM peak hour trips.
- The trip generation totals were adjusted utilizing the “MXD Trip Internalization Methodology” (MDX). The MDX methodology estimates adjust trip generation to account for built environment conditions such as the size of the mixed-use analysis area, the number of intersections in the area, the distance to transit and employment within a 30-minute transit trip. Factoring in this methodology, trip generation estimates for ADT were reduced by 17%, and AM/PM peak hour trips were reduced by 26%.
- A total of 32 intersections and five (5) arterials in the Downtown area were evaluated in the traffic study to assess: 1) “baseline” conditions (existing traffic + traffic assumed for approved but yet-to-be-built projects); and 2) General Plan 2020 (cumulative) conditions. The study assesses both scenarios with and without the addition of project traffic. The study finds that under baseline conditions with the addition of project traffic: 1) the intersections would continue to operate at acceptable levels of service (LOS); and 2) would not significantly impact or change the level or service operations along the arterials. Regarding cumulative traffic conditions, with the addition of project traffic the intersections would continue to operate at acceptable levels of service, except for the Mission Avenue/Nye Street intersection. The Mission Avenue/Nye Street intersection would operate at LOS F without the addition of project traffic; however, the addition of project traffic as this intersection would be below the threshold of being significant (less than the addition of five seconds of delay). Regarding cumulative traffic conditions for the tested arterials, a number would operate at LOS F, but the addition of project traffic would be below the threshold of significance. In summary, the project would result in less-than-significant traffic impacts at all study intersections and arterials. Nonetheless, the project would be subject to the Citywide Traffic Mitigation Fee.
- The study assessed potential bicycle and pedestrian conditions. The study estimates that the project would generate 19 AM peak hour and 24 PM peak hour non-automotive trips. The study recommends that the project design incorporate short-term bicycle parking and acknowledges that the project design

includes a bicycle lounge (referenced above) to accommodate long-term on-site bicycle parking.

Noise. A noise (acoustical) study for the project was completed (referenced above under Section C, item 2). This study was completed to assess construction-related noise and project exposure to noise (operational noise). The project proposes a residential use (sensitive receptor) in an area that that experiences higher noise levels due stationary sources (US101, SMART commuter rail service and high volume arterial streets). The noise study estimates that exterior noise levels at the proposed building facades could be up to 75 dBA L_{dn}

Construction noise was analyzed. The noise study acknowledges, that based on the soil conditions (geotechnical investigation referenced above under Section C, item 1), pile driving will not be necessary for foundation construction. Rather, the soil conditions are suitable for a slab-on-grade foundation or installation of torque-down piles (drilled piers); neither foundation design measure results in excessive noise or vibration. Although no specific noise data is available for torque-down piles, the noise study finds that they are comparable to an auger drill rig, which generates 84 dBA L_{max} at 50 feet from the source. The City's threshold for construction noise is 90 dBA measured from any point outside the construction property plane.¹ Even though the construction noise is expected to be below the City's criterion, the noise study recommends several measures. The following recommended measures can be included as conditions of approval for the project:

- Construction contracts specify that all construction equipment, fixed or mobile be equipped with properly operating and maintained mufflers and other state-required noise attenuation devices.
- The contractor shall designate a Noise Disturbance Coordinator that is present on site during construction activities. Further, a sign shall be posted at the site specifying expected construction noise, the provisions of the City's noise ordinance and contact information for the Noise Disturbance Coordinator.
- Property owners and occupants located within 250 feet of the property boundary shall be sent a notice 15-days prior to construction informing them of the construction schedule and expected construction noise. The City can include these measures as a condition of approval of the project.
- A construction haul route shall be designated to avoid noise sensitive uses (haul route of 2nd and 3rd Streets to/from US101).

In terms of operational noise exposure, as noted above, it is estimated that exterior noise levels at the proposed building facades could be up to 75 dBA L_{dn} . The San Rafael Noise Ordinance (SRMC Chapter 8.13) specifies an interior noise limit of 45 dBA L_{dn} for habitable residential rooms. Therefore, the noise study recommends that project features such as windows, exterior doors and exterior walls be sound-rated so that the interior levels for habitable residential rooms do no exceed a 45 dBA L_{dn} . As windows and doors in dwelling units are expected to be in a closed position to meet this interior

¹ San Rafael Municipal Code, Chapter 8.13, Section 8.13.050A

noise level standard, the residential units may need to be equipped with mechanical ventilation (e.g., air conditioning in addition to heating). This detail will need to be determined by the mechanical engineer prior to the issuance of a building permit. Lastly, as the project includes a roof top deck, which would be exposed to an L_{dn} of 68 dBA, a parapet wall is recommended around the deck to meet the exterior noise limit of L_{dn} 65 dBA for outdoor use areas. As is the case with construction impacts, these measures recommended for operational noise can be included as conditions of approval for the project.

Air Quality. An air quality impact analysis was completed for the project in (referenced above under Section C, item 5). This analysis concludes that construction emissions would not exceed established criteria pollutant thresholds established by the Bay Area Air Quality Management District (BAAQMD) if the project complies with the Basic Construction Mitigation Measures required by BAAQMD for all projects during construction.

For project operations, no significant impacts were identified, and the project would not exceed the significance criteria for daily or annual ROG, NO₂, PM₁₀ or PM_{2.5} emissions. The project would also not result in any significant impact in CO concentrations at intersections in the project vicinity.

An assessment of health risk was included in scope of the air quality analysis. This assessment was completed as the project proposes residential use (sensitive receptor) close to uses that generate high levels of harmful emissions (US101 and San Rafael Transit Center). The assessment concludes that the health risk exposure would not exceed the BAAQMD criteria for mobile or stationary sources. Therefore, future residents of the project would not be exposed to substantial particulate concentrations that would cause harmful effects.

As the project is consistent with the San Rafael General Plan 2020, a quantified greenhouse gas (GHG) emissions assessment is not required. The project is covered under the City's adopted GHG Emission Reduction Strategy. As required by the City, the project sponsor completed and submitted a GHG Emissions Checklist. The checklist demonstrates that the project would comply with a number regulations and measures intended to reduce GHG emissions (e.g., compliance with the green building ordinance, roof design for accommodating photovoltaic [solar] roof panels, and water-efficient landscape).

Water Quality. The subject property is fully developed with buildings and imperious surfaces. Located in the urban, Downtown San Rafael area, the site is surrounded by urban development. All surface runoff from the site is directed to the City's closed, storm water drainage system. The project proposes to redevelop the entire site. Apart from the landscape planting areas proposed along the street frontage, in the central courtyard and on the rooftop, the site would be covered with imperious surfaces. Therefore, the project is not expected to increase surface water runoff and no new significant impacts would be realized.

To address water quality and runoff, the project is required to comply with the storm water quality requirements of the Marin County Storm Water Pollution Prevention

Program (MCSTOPPP). MCSTOPPP requires that that the project be designed so that there is no increase in impervious surface coverage and that all storm water runoff is treated prior to discharge into the City's storm water drainage system. Due to the current, build-out condition of the site, the final project design will need to consider incorporating water quality filtration measures (filtration can be accommodated in the proposed planter areas). Further, a storm water control plan is required by MCSTOPPP to address controlling and filtering both construction runoff and ultimate project runoff. It is standard practice to require compliance with the MCSTOPPP as a condition of City project approval. Therefore, no special conditions or mitigation measures are required to address water quality.

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

Response: The project site is located within the City of San Rafael and would continue to be served by City and regional services. Fire protection would be provided by the City of San Rafael Fire Department. San Rafael Fire Department Station 51 (Downtown station), which is about 3/4-mile from a project site. The City of San Rafael Police Department operates at City Hall (1400 5th Avenue), which is about 3/4-miles from the project site.

Water service would continue to be provided by the Marin Municipal Water District (MMWD) which gets potable water from a combination of local surface water supplies and water imported from the Russian River and purchased from the Sonoma County Water Agency. As a condition of project approval, the project would be required to install water conservation features that comply with all requirements of MMWD.

Wastewater service would be provided by the San Rafael Sanitation District, a member of the Central Marin Sanitation Agency (CMSA). The CMSA is a public joint powers agency of the San Rafael Sanitation District, Sanitary District No. 2, the Ross Valley Sanitary District, and the City of Larkspur. The CMSA owns and operates the CMSA Wastewater Treatment Plant located off Interstate 580 in southern San Rafael.

H. CEQA Guidelines 15300.2 Exceptions

CEQA Guideline Section 15300.2 set forth a list of "exceptions" to the application of a Categorical Exemption. As discussed below, none of the exceptions apply to the project site or project, which would negate application of the proposed Categorical Exemption.

1. **Location:** The project site is already developed with commercial and parking uses and is not located in a sensitive environment. The site does not contain sensitive habitat. It is not located in an area of critical or hazardous concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.
2. **Cumulative Impact:** Based on the lack of significant proposed nearby developments, there is no evidence of a potential significant cumulative impact on the environment from the proposed project. It has been determined that the project will not cumulatively impact traffic, noise, air quality, or water quality.

3. **Significant Effect and Unusual Circumstances:** The project would not result in any significant effects on the environment due to unusual circumstances. Based on completed environmental studies for the project, the project site does not have any unusual circumstances that would negatively impact the environment.
4. **Scenic Highways:** The project site is not in proximity or visible to any designated scenic highway base on the State of California's Scenic Highway program.
5. **Hazardous Waste Sites:** Based on Phase 1 Environmental Site Assessment prepared for the project (see Section C, item 3), the site is not located on a list of identified hazardous waste sites designated by the State of California.
6. **Historical resources:** There are no historical resources located on the proposed project site.

For the reasons stated above, the project would not result in a significant environmental impact and qualifies for an exemption under Section 15332 of the CEQA Guidelines.

ATTACHMENTS:

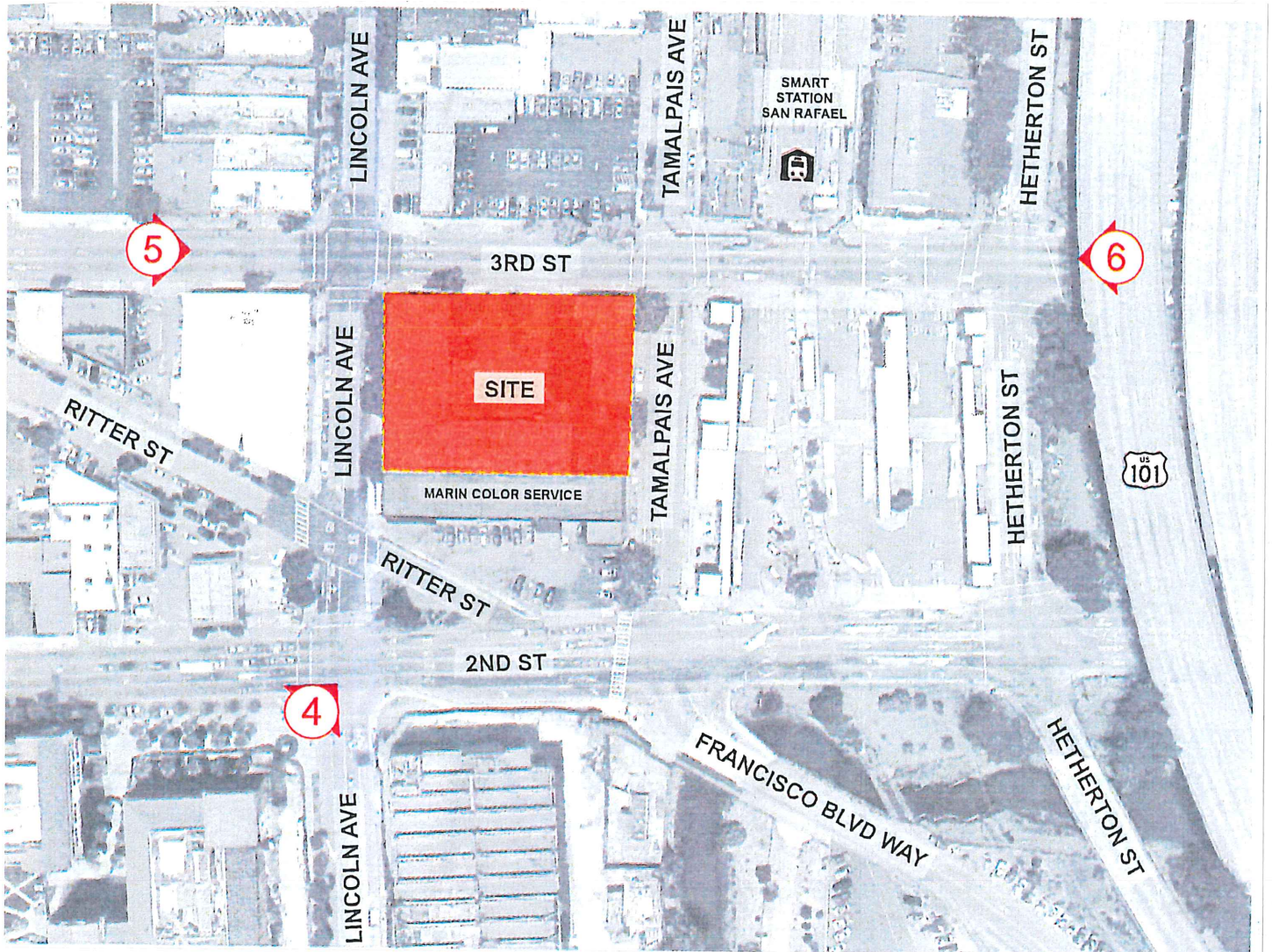
Attachment 1- Area Map

Attachment 2- Site Plan (Landscape Plan/First Floor Plan, Plan Sheets A1.0 and A2.0)

Attachment 3- Before & After Views (Plan Sheets A13.1 and A14.1)

ATTACHMENT 1

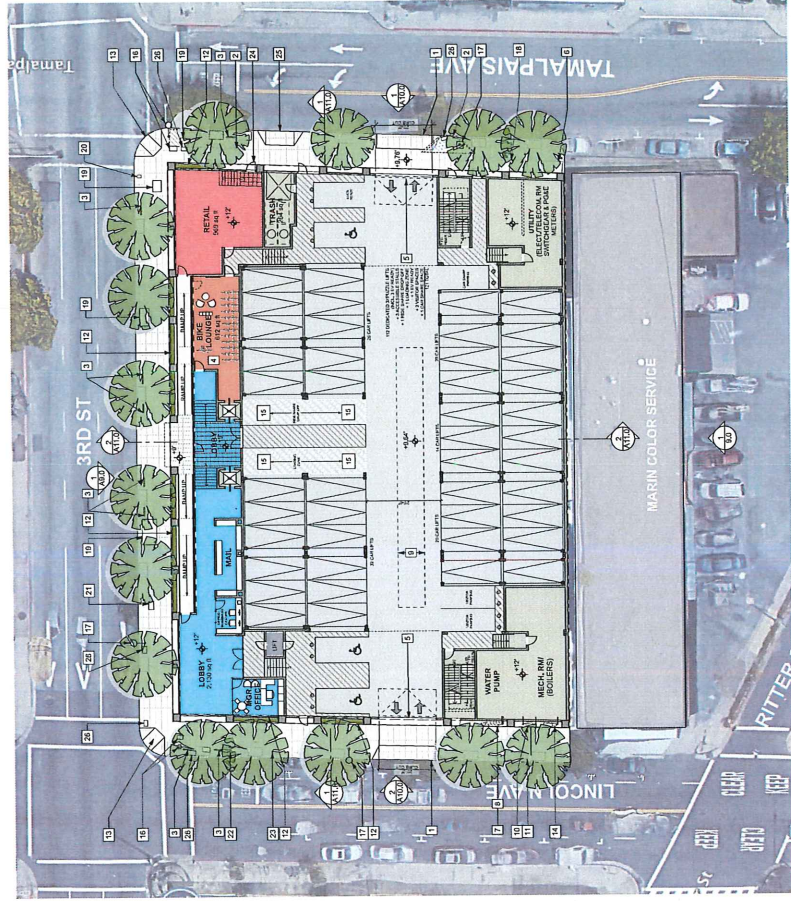
AREA MAP



ATTACHMENT 2

SITE MAP

(Landscape Plan and First Floor Plan)



SITE PLAN
SCALE: 1" = 20'

SHEET NOTES

- 1 NEW VEHICULAR CURB CUT OFF PER CITY OF SAN RAFAEL
- 2 REMOVAL OF (E) STREET TREE PLANTER, BUILD OUT
- 3 BIKE RACK
- 4 LONG TERM BICYCLE PARKING (RESIDENTS)
- 5 VEHICULAR OVERHEAD GATE (SEE ELEVATIONS)
- 6 NEW POSE TRANSFORMER VAULT TO SERVE BUILDING
- 7 POST INDICATOR VALVE (PIV)
- 8 WALL MOUNTED FIRE DEPARTMENT CONNECTION (FDC)
- 9 POTENTIAL STORM WATER VAULT FOR FILTRATION MEDIA UNITS, IF NEEDED. SEE CIVIL DRAWINGS
- 10 DOMESTIC WATER BACK FLOW PREVENTER (BFP)
- 11 DOMESTIC WATER METER LOCATION
- 12 PLANTER. SEE LANDSCAPE DRAWINGS
- 13 (E) ACCESSIBLE CURB RAMP
- 14 GAS METER LOCATION
- 15 POTENTIAL LOADING ZONE
- 16 (E) STREET LIGHT, TYP.
- 17 (E) STREET LIGHT, TYP.
- 18 TELECOM VAULT
- 19 PACIFIC GAS & ELECTRIC
- 20 SANITARY SEWER CLEANOUT
- 21 GAS VAULT
- 22 SIGN
- 23 PARKING METER, (E) OR RELOCATED
- 24 RETAIL ENTRY FROM SIDEWALK
- 25 CURB CUT FOR TRASH REMOVAL
- 26 (E) TRAFFIC STREET LIGHT VAULT

GENERAL NOTES

- 1 FINISH FLOOR ELEVATION: 11'-0" PER CITY OF SAN RAFAEL, A MINIMUM OF 1 FOOT ABOVE FLOOD FINISHED FLOOR ELEVATION, 1'-0" ELEVATION IS REQUIRED FOR ALL CRITICAL FACILITY SPACES)
- 2 FINISHED FLOOR ELEVATIONS OF ALL EXTERIOR TERRACES AND LEVELS AS REQUIRED BY CITY OF SAN RAFAEL AND FEMA BULLETIN.

SYMBOLS

NEW TREE. SEE LANDSCAPE DRAWINGS

OVERALL BUILDING AREA

GROUND FLOOR	LOBBY	RETAIL	BIKE ROOM	PARKING GARAGE	UTILITY & CIRCULATION	TOTAL
GARAGE, BIKE ROOM, RETAIL, LOBBY & UTILITY SPACES CONSTRUCTION TYPE I-A	2,130	969	612	18,026	3,917	24,756

SECOND, THIRD, FOURTH, FIFTH & SIXTH FLOORS: RESIDENTIAL CONSTRUCTION TYPE 3-A

FLOOR	NUMBER OF UNITS PER TYPE						AREA IN SQUARE FEET						TOTAL INCLUDING ROOF DECKS
	STUDIO UNITS	1 BEDROOM UNITS	2 BEDROOM UNITS	RESIDENTIAL SF	LOBBY AREA	GYM	COMMUNITY SPACE	BUSINESS CENTER	UTILITY	CIRCULATION	COURTYARDS/BALCONIES	ROOF DECKS	
SECOND FLOOR	7	6	8	15,458	327	278	583	285	104	3,233	4,528	24,618	
THIRD FLOOR	6	11	8	17,033	327				104	2,729	175	20,968	
FOURTH FLOOR	6	11	10	17,033	327				104	2,757	559	20,328	
FIFTH FLOOR	8	7	8	15,336	327				104	2,758	1,654	20,179	
SIXTH FLOOR	8	7	8	15,336	327				104	2,758	5,317	20,179	
ROOFTOP												5,317	
SUBTOTAL	33	44	43	81,442	1,635	278	583	285	520	14,264	12,408	111,458	
TOTAL													

TOTAL RESIDENTIAL FLOORS (2,3,4,5,6)	TOTAL RETAIL	TOTAL GARAGE & UTILITY AREAS (GROUND FLOOR)	TOTAL BUILDING
111,456	969	23,787	136,192
TOTAL:			

A1.0

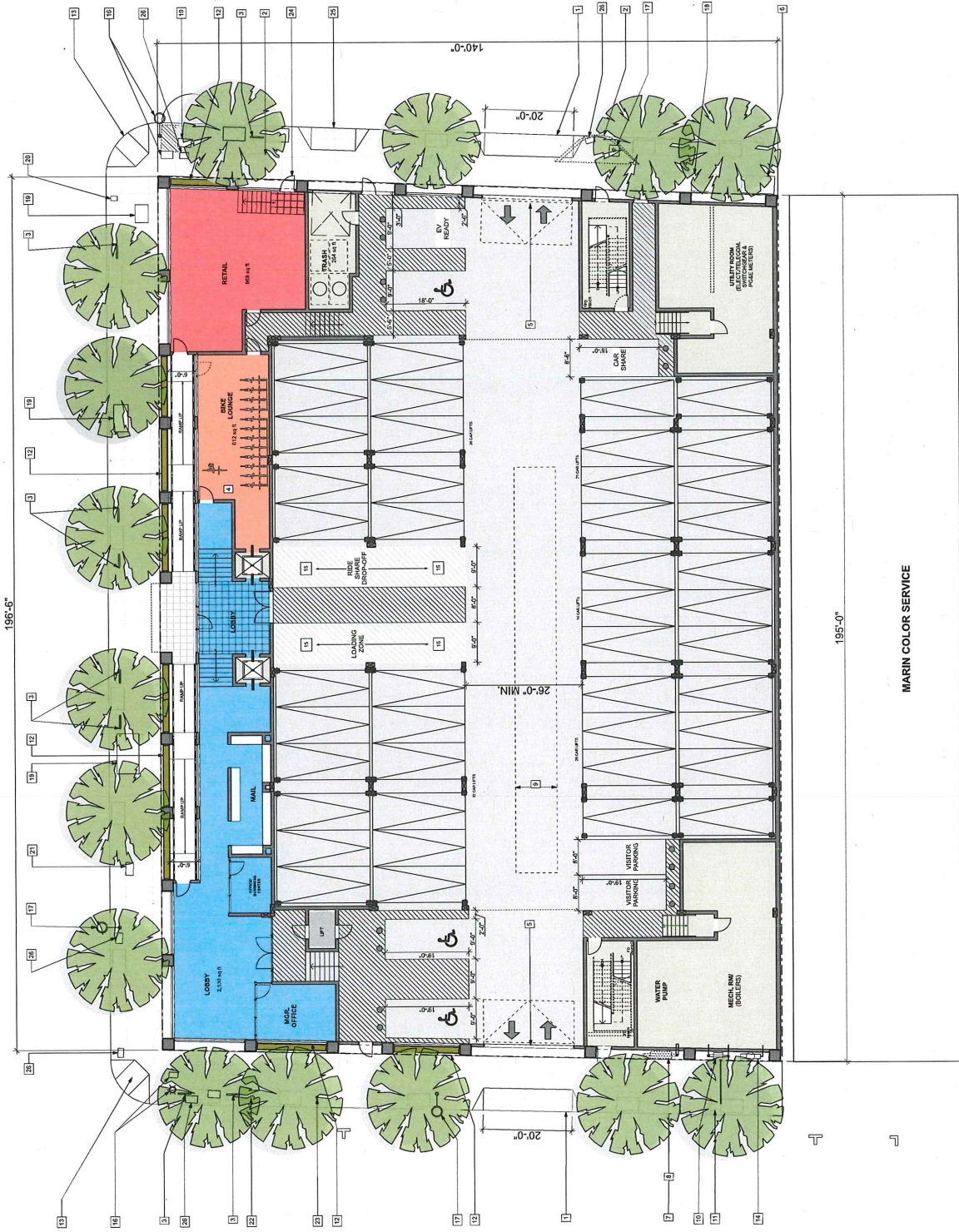
- SHEET NOTES**
- 1 NEW VEHICULAR CURBS CUT PER CITY OF SAN RAFAEL STANDARDS
 - 2 REMOVAL OF (E) STREET TREE PLANTER, BUSH OUT
 - 3 BIKE RACK
 - 4 LONG TERM BIKE PARKING (RESIDENTS)
 - 5 VEHICULAR OVERHEAD GATE (SEE ELEVATIONS)
 - 6 NEW PAGE TRANSFORMER VAULT TO SERVE BUILDING
 - 7 POST INDICATOR VAULT (PIV)
 - 8 WALL MOUNTED FIRE DEPARTMENT CONNECTION (FDC)
 - 9 POTENTIAL STORM WATER VAULT FOR FILTRATION MEDIA UNIT; IF NEEDED, SEE CIVIL DRAWINGS
 - 10 DOMESTIC WATER METER LOCATION
 - 11 DOMESTIC WATER BACK FLOW PREVENTER (BFP)
 - 12 PLANTER, SEE LANDSCAPE DRAWINGS
 - 13 (E) ACCESSIBLE CURB RAMP
 - 14 GAS METER LOCATION
 - 15 POTENTIAL LOADING ZONE
 - 16 (E) TRAFFIC SIGNAL
 - 17 (E) STREET LIGHT, TYP.
 - 18 TELECOM VAULT
 - 19 PACIFIC GAS & ELECTRIC
 - 20 SANITARY SEWER CLEANOUT
 - 21 GAS VALVE
 - 22 SIGN
 - 23 PARKING METER, (E) OR RELOCATED
 - 24 RETAIL ENTRY FROM BIKEWALK
 - 25 CURBOUT FOR TRASH REMOVAL
 - 26 (E) TRAFFIC STREET LIGHT VAULT

GENERAL NOTES

- 1) FINISH FLOOR ELEVATION: 11'-0"
FINISHED FLOOR ELEVATION: 12'-0"
FINISHED FLOOR ELEVATION: 13'-0"
ELEVATIONS ARE REQUIRED FOR ALL CRITICAL FACILITY SPACES!
- 2) FINISHED FLOOR ELEVATIONS OF ALL INTERIOR AREAS EXCLUDING THE GARAGE & TRASH ROOMS ARE 12'-0" ABOVE SEA LEVEL AS REQUIRED BY CITY OF SAN RAFAEL AND FEMA REGULATIONS.

SYMBOLS

NEW TREE, SEE LANDSCAPE DRAWINGS



A2.0

**VAN METER
WILLIAMS
POLLACK**

SCALE: 1/8" = 1'-0"

703 THIRD STREET | 1ST FLOOR PLAN

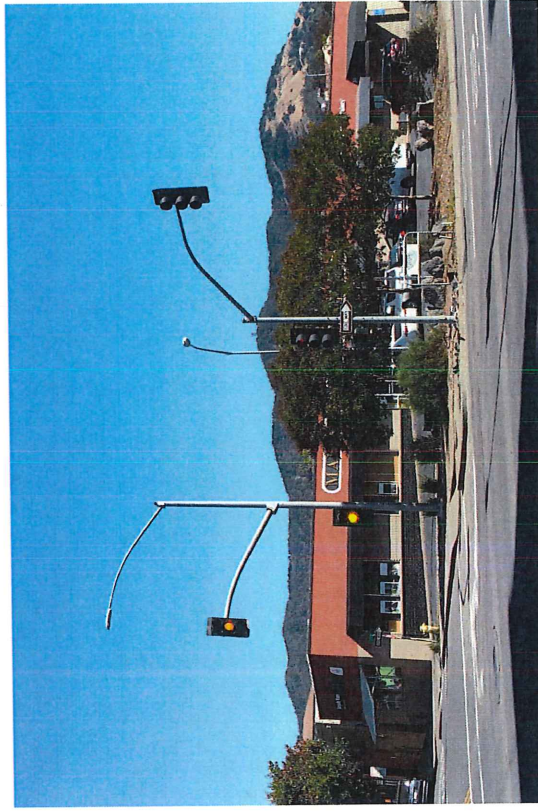
SAN RAFAEL, CA 17/5/18 | 703 THIRD STREET ASSOC. LLC

MARIN COLOR SERVICE

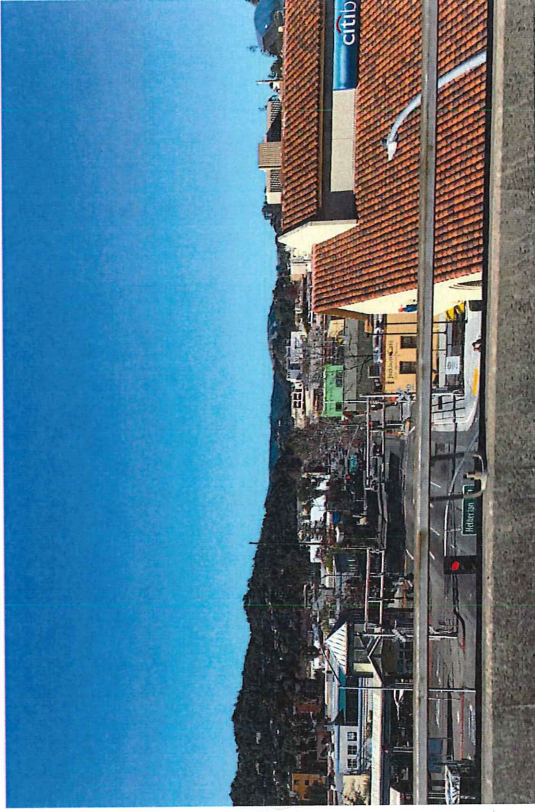
ATTACHMENT 3

BELOW AND AFTER VIEWS

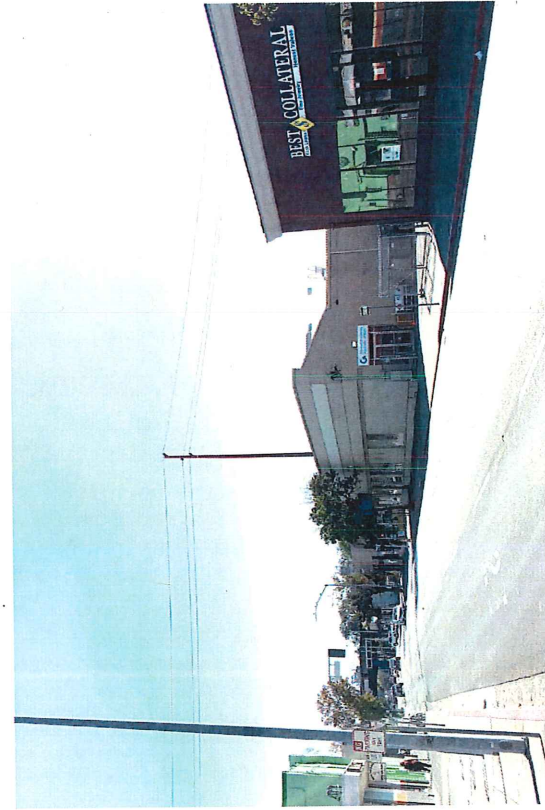
(Plan Sheets A13.1 and A14.0)



4 VIEW FROM 2ND STREET & LINCOLN AVENUE



6 VIEW FROM ELEVATED HIGHWAY (01)



5 VIEW FROM 3RD STREET LOOKING EAST TOWARDS FREEWAY



SITE PLAN



1 VIEW FROM LINCOLN AVENUE



3 VIEW FROM LINCOLN AVENUE LOOKING TOWARD 2ND STREET



2 VIEW DOWN 3RD STREET FROM TRANSIT STATION



SITE PLAN

Steve Stafford

From: Michele Ginn on behalf of Community Development
Sent: Monday, June 26, 2017 7:45 AM
To: Steve Stafford
Subject: FW: SIX STORY HOUSING DOWNTOWN?!

Comments for 703 third

Michele Ginn
CITY OF SAN RAFAEL
Planning Technician

Did you know that you can now check your zoning on line. Please go to <https://www.cityofsanrafael.org/zoning-information/> and you can find the zoning for your property at your leisure

From: Richard and/or Susan [mailto:richmet@pacbell.net]
Sent: Saturday, June 24, 2017 10:57 AM
To: planning
Cc: Gary Phillips
Subject: SIX STORY HOUSING DOWNTOWN?!

TO: Eric Spielman and Board,

I don't know what you are all smoking with your first pass approval of that hideous monstrosity 6 story complex at Third and Lincoln.

Those buildings belong on the OUTSKIRTS of downtown San Rafael, not IN downtown San Rafael. Case in point, the complex at the north end of Lincoln near the Park and Ride. That particular apartment building blends in nicely with the area.

The new apartment building on Mission and Irwin also does not blend well on that lovely tree-lined street with many single family homes.

You should be approving properties in the downtown area that will draw interest and attraction. No one is going to come to downtown San Rafael to view that hideous, overbearing, ugly building. And are you not paying attention to the outcry over the size of the Wincup in Corte Madera?

You are sacrificing our town's character and charm for oversized housing developments. You should be protecting our downtown area and neighborhoods. THAT IS YOUR JOB!

Susan Page
San Rafael, CA
415-456-4151

June 24, 2017

To: San Rafael City Council
San Rafael Design Review Board

RE: Building design for Third and Lincoln, San Rafael

I was dismayed to see in the IJ (June 22, 2017) that yet another cookie-cutter architectural design is being proposed for downtown San Rafael, and worse, that the Design Review Board seems to be looking at it favorably.

The proposed design is yet more boring, pedestrian, and cheap-looking architecture, reinforcing the view that downtown San Rafael is nothing special. It makes no reference to any elements of our historic architecture, as some other projects have done. So now in addition to the mustard-colored canyons created by the Corporate Center, with its propped-up eaves and useless trellises floating over the windows on the upper floors, we look forward to the same quasi-industrial Ikea-like aesthetic repeated for residences as well.

A quick look through the portfolio of the architect, Kava Missih, shows that this design is a rehash of other designs from this office – flat, graceless, and like every other new building you see around BART stations and the like. In 20 years' time this Mondrian-like school of design – aluminum-framed squares and rectangles – will be regarded as we now regard 1960's concrete brutalism: what were we thinking?

Mid-rise apartment buildings, including 6-story buildings, are the perfect size for downtown San Rafael. The City of Toronto conducted an extensive study of best design practices for this size of building – the multiple-award-winning **Toronto Avenues and Mid-Rise Buildings Study**. It covers numerous factors involved in designing good mid-rise buildings, including considerations of sunlight, relationship to nearby shorter buildings, street-level interest, step-backs as the building rises, and height in relation to street width.

This site summarizes the study and provides a video on mid-rise buildings:

<http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=7238036318061410VgnVCM10000071d60f89R>
CRD

The Mid-Rise Buildings Study itself is here:

<http://www1.toronto.ca/City%20of%20Toronto/City%20Planning/Urban%20Design/Mid-rise/midrise-FinalReport2.pdf>

One particularly useful section is "Mid-Rise Site Typologies".

Please read these before considering moving one inch forward on the incredibly boring and cheap-looking design that's been presented for Third and Lincoln.

Please develop written design guidelines for downtown San Rafael, addressing the factors discussed in the Toronto study. This would enable us to achieve our multiple goals of meeting our housing needs, enlivening downtown with residents, and ennobling our city with great architecture.

We can do better. We deserve better.

Sincerely,

- Valerie Taylor v-taylor@pacbell.net 415-827-0800

See next page

Images of 6-story buildings

In response to the image of the proposal for 730 Third St. in San Rafael, I have gathered below images and links of mid-rise designs, all more interesting and attractive than the current proposal. Some of these are still somewhat flat, but all provide more visual interest and connection with the street than the current proposal. A web search for images of "mid rise apartment" or "six story buildings" will show an abundance of interesting and attractive buildings of the size appropriate to 703 Third. These are just a few – I hope you will conduct your own search and see what is possible.

=====

Toronto: This six-floor building is shown in the Mid-Rise Typologies section of the Toronto Mid-Rise Buildings Study. Visually interesting, stepped-back, varied textures and materials.

Fallingbrook
Wayne Olson Architects
Toronto, Ontario



This project consists of a residential condominium on a corner site with a large neighbouring open space, Blantyre Park, to the rear. This is an extremely deep site, and the stepping along the rear façade provides an appropriate transition to the open space at the rear.

<http://www1.toronto.ca/City%20of%20Toronto/City%20Planning/Urban%20Design/Mid-rise/midrise-AppendixE.pdf>

Houston: Interesting materials, variation in materials, arched openings, visual interest on ground floor



<http://swamplot.com/demolished-yoakum-blvd-apartments-make-way-for-6-story-stuccover/2013-04-01/>

Seattle: Wider sidewalks, tall street trees, variations in materials and in building faces. Still a bit flat/cookie-cutter, but better than the current proposed design.



<http://www.myballard.com/2010/11/16/design-review-meeting-for-old-library-site/>

Nashville: glass, balconies, lots of surface texture and variation, wider sidewalks, street trees, ground-level interest. All that glass may not be appropriate for our hotter climate, but perhaps on the north side?



<http://www.skyscrapercity.com/showthread.php?t=138754&page=168>

Nashville: Yes, it's massive, but visually cut it in half almost anywhere and it's still more interesting than the current proposal. The rounding at the corner adds some grace and makes pedestrians more confident as they come around the corner since they can see if anyone is coming toward them. Variation in building face and materials, ground-level interest.



<http://www.skyscrapercity.com/showthread.php?t=138754&page=99>

Hoboken, NJ: Six floors, ground-floor interest, wide sidewalks, variation in forms, materials, and textures, angled cut at the corner. Depth of windows and sills is key to making a building look either elegant or cheap.



This site (linked below) also provides a good read on granularity in urban design. He's actually offering this image as an example of less-desired low-granularity design – but it's superior to what's been proposed.

<https://www.strongtowns.org/journal/2015/10/21/granularity>

Steve Stafford

From: bounce@mail.romuluscrm.com on behalf of Michele Ginn
<bounce@mail.romuluscrm.com>
Sent: Friday, June 23, 2017 8:08 AM
To: Steve Stafford
Cc: Planning Department
Subject: Re: Inquiry #51324 received

Use **Reply-All** when responding to this message.

Hi Steve, see the message below. I will send her an email through Romulus to let her know that we have received the comments and that I am forwarding them to the project planner. Her contact information is below if you want to reach out to her as well.

Case Details

Title: proposed housing on Lincoln

Case Number: 51324

Description:

I wanted to let you know how I feel about the proposed housing on Lincoln. As someone who works downtown, the traffic in the AM and especially the PM is awful on all the main streets. Adding more people to this mix is not a good idea. Residents trying to pull in and out onto already jammed streets just makes the problem only worse. The building is way too big for the area proposed and looks completely out of place. This is a future money maker for the city, which I understand, but we need to fix the problems we have with traffic before we go and make them worse. Having lived in an apartment complex recently, there are always moving trucks coming and going, there is no place for this as well, which will just block traffic in order for residents to move in or out. Parking is always a premium downtown, so maybe a parking garage where people can pull in and out safely rather than parking on the street which blocks traffic as people pull in and out of spots, with restaurants and business below. This would be more traffic friendly and would not need to be so large as well as bringing in revenue from parking and the businesses below. Adding a section for delivery trucks would allow them to deliver safely and not block traffic.

Status: Open

Assigned Staff:

Michele Ginn

Created: **17 hours ago**

Updated: **15 hours ago**

Constituents:

Michelle Southard

jelley2@hotmail.com

Steve Stafford

To: Raoul Isaac
Subject: RE: 703 3rd St DRB

From: Raoul Isaac [mailto:raoulisaac@yahoo.com]
Sent: Tuesday, June 20, 2017 3:46 PM
To: Steve Stafford
Subject: Re: 703 3rd St DRB

Steve,
Please forward our comments to The Design Review Board.

Re: File No. CDR17-005

To:
Members of The Design Review Board, City of San Rafael.
We own the property at 901 Tamalpais (Formerly Salute), which is directly across from the proposed development. Our property's frontage on 3rd street is 148 feet, which faces approximately 75% of the North Elevation of the proposed development at 703 3rd Street.

We find that the design of the project is impressive. The height and dimensions are appropriate. Additionally, adding 138 residential units at this location is a welcome use for this site and the downtown area. Locating the vehicular ingress and egress on Tamalpais is placed well, as it avoids adding to traffic on 3rd Street and Lincoln. We are familiar with the automated parking system and have seen a similar system in operation. We find it to be a good solution for parking needs.

We support this development.

Sincerely,
Thank you,

Raoul Isaac
Managing Member
700-706 3rd LLC
1527 5th Avenue
San Rafael, CA 94901
415.505.2320

**Community Development Department
MEMORANDUM**

DATE: June 20, 2017

TO: Design Review Board Members

FROM: Steve Stafford ^{SS}, Senior Planner

SUBJECT: [CDR17-005] 703 Third St. Project; Additional Public Comments
703-723 Third St. and 898 Lincoln Ave.; APNS: 011-278-01 & -02

On Tuesday, June 20th, the Design Review Board (Board) is scheduled to provide conceptual review of a project proposing to construct a new, 6-story, 66'-tall, multifamily residential apartment building with 138 units above 143 ground-floor garage parking spaces on two adjacent Downtown parcels. The project includes height and density bonuses, mechanical parking lifts and a front setback waiver. After the printing and distribution of its report to the Board, staff received the attached additional public comments from Gerstle Park resident, Sean Mooney. Mr. Mooney generally supports the concept project as being consistent with City's 'vision' of developing high-density housing (including affordable housing) Downtown. However, Mr. Mooney also provides the following concerns:

- **Ground-Floor Commercial.** The proposed lack of ground-floor commercial would reduce the pedestrian friendliness of the corridor between 2nd and 3rd Streets, contributing to the 'freewayification' of these major thoroughfares and, effectively, isolating existing commercial tenants and businesses.
- **Façade Treatment.** The project will be highly viewable, particularly from U.S. Highway 101. The 77'-tall central staircase has little or no design character which would be improved with an embellishment such as an integrated mural, tile or art.

Steve Stafford

From: Sean Mooney <bookworm@gmail.com>
Sent: Monday, June 19, 2017 10:45 AM
To: Steve Stafford
Subject: Public Comment: 703-723 Third St. & 898 Lincoln Ave

Attn: Steve Stafford

I would like to comment in support of the proposed project but I do have some comments for the Design Review Board specifically related to ground floor retail, articulation, and solutions for the freeway view of stairway.

I support the development of high-density residential downtown as I believe it will contribute to the vitality of the downtown core and hopefully add to the stock of affordable housing in San Rafael. The design concept seems to fit a potential future vision for the downtown though it would be nice to see some more articulation along the facade.

My biggest concern for this proposed development is the loss of retail space on the ground floor. There are currently a number of businesses along Lincoln Avenue on this block and the lack of retail on the ground floor reduces the pedestrian friendliness of the corridor between 2nd and 3rd St. Without retail space on this ground floor we are only contributing to the "Freewayification" of these major thoroughfares and discouraging any reason for pedestrians and shoppers to support businesses in the area. I understand that this issue may be more suitable for the Planning Commission to consider but it needs to be raised early and often if this project is to be developed.

Additionally, from a design perspective the Board may want to consider solutions for how the building is perceived from the freeway. Specifically, the view of the central staircase from the freeway could use some attention. The current design shows a massive concrete column dividing the structure with little to no character. Since this building will be a highly visible part of the entryway into the City, some design embellishment on the exterior of this staircase could add character to the building and help create a stronger identity for the area. I would encourage the applicant to consider a mural or tile design on this part of the structure to help create a stronger identity and build character for the neighborhood. I believe this could be the first of many structures like this in the downtown core and it would be wonderful to see the developer consider how to use this otherwise functional and bland part of the design to create a vision for how we can integrate art into this part of the neighborhood since the structure will have so much visibility for freeway drivers and future commuters/visitors using SMART.

All in all, with the arrival of SMART I support dense residential development like this project near transit. I believe that the concern that some people have that the building is out of context or out of character with the neighborhood may be made moot as more developments like this are proposed near the downtown core and near the SMART station.

Thank you for your consideration.

Sean Mooney
Gerstle Park Resident



San Rafael

Community Development Department
MEMORANDUM

DATE: June 16, 2017

TO: Design Review Board Members

FROM: Steve Stafford, ^{SS} Senior Planner

SUBJECT: [CDR17-005] 703 Third St. Project; Additional Public Comments
703-723 Third St. and 898 Lincoln Ave.; APNS: 011-278-01 & -02

On Tuesday, June 20th, the Design Review Board (Board) is scheduled to provide conceptual review of a project proposing to construct a new, 6-story, 66'-tall, multifamily residential apartment building with 138 units above 143 ground-floor garage parking spaces on two adjacent Downtown parcels. The project includes height and density bonuses, mechanical parking lifts and a front setback waiver. After the printing and distribution of its report to the Board, staff received the attached additional public comments from San Mateo Ct. (Terra Linda) residents, Patricia and William Warnock. These comments are neither in support or opposition of the project but, rather, reflect their 'concerns', as follows:

- **Parking.** Adequacy of the proposed parking.
- **Architecture.** Proposed façade designs are not very appealing. Confusion on the proposed material of the building 'slabs' projecting over the sidewalk.
- **Traffic.** Traffic impacts of the project. Were the pedestrian impacts from SMART analyzed in the submitted traffic study for the project.

TO: City of San Rafael Design Review Board 6/16/17
1400 Fifth Avenue
San Rafael, California

RE: Proposed Development at 703 -723 Third St. San Rafael, CA

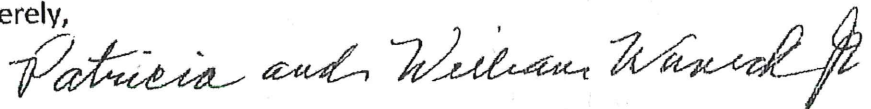
FROM: Patricia and William Warnock
22 San Mateo CT San Rafael, CA 94903

Dear Sirs:

We have looked at the plan for the above development and our concerns are:

- 1) Is there adequate parking for all the residents who will live in the building?
- 2) Is there adequate parking for guests of residents?
- 3) Is there adequate parking for commercial businesses around the area (already very limited).
- 4) Façade does not look very appealing. Perhaps it is the line drawings. Since an index on this document is missing it is difficult to scroll through 44 pages of material to find specific information. An index is needed and should be required on all projects proposed for development in San Rafael.
- 6) Not so sure about the slabs on the exterior of the build. What are they made of? On what page are they described in the proposal? Is there a way that the contractor can be held to replace them if they get shabby/worn looking? This is, after all, the gateway to SR.
- 5) What effect on traffic will there be in this busy corner of downtown? Where do passengers embark and disembark from the Smart Train? Do we not have a lot of congestion right now in that corner of the downtown area?
- 6. The photos and renderings were entered sideways making it difficult for people to actually see them correctly. Can you resend them correctly orientated?

Sincerely,



Patricia and William Warnock Jr.

101 Francisco Boulevard, LLC.

City of San Rafael

RE: Project at 703-723 Third Street and 898 Lincoln Ave.

File # CDR17-005

Dear Design Review Board Members,

A quick explanation of our background and that of our property.....

Marin Color Service has been a family owned business in San Rafael since 1948 when it was started by our Father, Ernest Beckstrom. It has been a landmark paint store in downtown San Rafael, passed down from Father to Son over the last 70 years. It's continued success has been in part due to the ease of access and plentiful parking for it's customers.

Below you will find a partial list of our major concerns regarding the above mentioned project proposed for the property immediately adjacent to our property.

- A towering 66-foot building will be totally out of character with the surrounding buildings. Similar in scope to the unpopular building at the former Handi-Cup site in Corte Madera.
- The project will create a monumental traffic jam on Tamalpais Street, the only entrance and exit to the building for a minimum of 138 new residents. Tamalpais is already a congested two lane street caused by the current Golden Gate Transit, Marin Airporter, Taxis, and now the Smart Train all loading and unloading passengers who will become pedestrians trying to navigate this dangerous area.

- There is no accommodation for a parking area for any guests who may visit the residents, nor is there sufficient area for all the possible deliveries of Amazon packages ordered by the new residents. Yes, this seems like a far-fetched concern but it is something that must be considered as the wave of the future.
- Water supply to the 138 new units plus the additional number of residents in the multi bedroom units is a major concern. We just exited 5 years of drought without any additional storage facilities being built. In previous years there was a moratorium on the number of water hook ups being allowed to address this issue. Possibly now is a good time to implement that again.
- The traffic congestion issues as mentioned previously would dramatically affect the Fire and emergency response time and access to 138 additional residents and those already in the surrounding areas thus creating a safety issue.

Once again, a major concern is that this 66 foot tall behemoth is completely out of character with the architecture in both size and scope of the surrounding buildings. It is also a potential eyesore, similar to that at the former Handi-Cup facility in Corte Madera, located at the entrance to downtown San Rafael. The small town appearance and atmosphere that the city wishes to maintain will succumb to the "Big Box" look.

My Sister, Wife and I all were born and raised in the San Rafael area and my in-laws attended San Rafael High School in the 1940's. We have watched the city evolve over the past 70 years of our lives.....San Rafael does not need this over sold project at the entrance to downtown and we hope that the Design Review Board will continue to maintain the "Down Home" feel of San Rafael and not fall victim to any high pressure tactics that may be put upon them.

Sincerely,

Rick Beckstrom, 101 Francisco Boulevard, LLC

Lynn McIntire, 101 Francisco Boulevard, LLC

July 8, 2018

• • •

Citizens Advisory Committee
San Rafael, CA 94901

Mayor Gary Phillips and City Council
City of San Rafael
1400 Fifth Avenue
San Rafael, CA 94901

Dear Mayor Phillips and Council Members,

On June 7, the CAC received a presentation of revised conceptual plans from Seagate Properties, and we wish to express our support for the project they propose at 703 Third Street. The development would bring much needed housing to San Rafael, while stimulating the economic development of the surrounding area.

The development would act as an additional anchor for Downtown, the emerging Station Area, and the Third Street corridor. Its 120 apartments, located adjacent to transit and a major employment center, would help house the workforce required by local businesses, while bringing life to downtown streets and customers to nearby restaurants, entertainment venues, and other retail. Its proximity to trains, buses, and bike paths provides convenient alternatives to driving.

We would, however, suggest more units in the building and including a greater proportion of moderate income and affordable units. We urge the developer and the City to explore public-private partnerships and other financing mechanisms to increase affordability.

Please see the enclosed minutes of the June 7 meeting for further points made by the CAC and members of the public in attendance.

Respectfully,

William Carney, CAC Chair

Attachment: CAC minutes, June 7, 2018

Citizens Advisory Committee for Economic Development and Affordable Housing (CAC)
City of San Rafael
Third Floor Conference Room, City Hall
June 7, 2018
Meeting Summary Notes

CAC Members Present: Kati Miller, Bill Carney, Gladys Gilliland, Roger Smith, Andrew Naja-Riese, Dirck Brinckerhoff, Bill O'Connell, Andrea de la Fuente, Mari Jones

City Staff Present: Danielle O'Leary

Members of the Public Present: Raul Isaac, Lori Schifrin, Jim Geraghty

Guest Presenters: Wick Polite, Seagate Properties

1. Call to order: Mr. Carney, Chair, called the CAC meeting to order at 7:02 pm.

2. Approval of April 4, 2018 Meeting Notes: Approved as submitted.

3. Seagate Properties Presentation: Returning to the CAC for a follow-up presentation, Mr. Polite shared an overview of the current status of the proposed multi-family housing development at 703 Third Street. The previous design was not well accepted by various stakeholder groups, and Seagate Properties developed a revised proposal with a new architect. Mr. Polite said the proposed development site allowed a building 54 feet high, with a state density bonus allowing an additional 12 feet to reach 66 feet. The building takes up 136,000 square feet, which is a reduction of approximately 37,000 square feet from the previous design. The building would house 120 units. The building has 100% site coverage, with more articulation and upper-story setbacks than the previous design, and is raised above the FEMA flood level. The ground floor would consist of parking, retail, common facilities, and commercial areas. The parking uses a puzzle lift model with mechanical stacking machines, similar to novel parking garages in the East Bay. Other transportation elements would include electric vehicle charging stations, bicycle concierge, Uber/Lyft drop-off locations, and a car/ride space. One advantage of the parking model used may be the flexibility to remove parking and add additional units at a future date.

The residences would vary in size with the smallest unit of 450 - 500 square feet. Rent would cost between \$2,800 to \$3,700 per month. Some of the apartment floorplans would cater to roommates or two single adults to share a unit.

Comments from CAC members

One member of the CAC questioned why there was a reduction in the proposed units from 138 units to 120. Mr. Polite responded that the previous building projected five feet over the public right of way, which had now been cut back on 3 sides, resulting in an overall smaller footprint. Multiple CAC members shared concerns regarding the number of affordable units: only 20 percent of 61 units would be affordable, that is, 10 percent of the total units. Additional units over the 61 allowed by the state density bonus would require City approval of a financial analysis showing that the project would not be feasible without the additional 59 market-rate units. One CAC member shared that tax credit financing would be an extremely powerful tool to increase the percentage of affordable units to 20 percent. Another CAC member inquired about retail space: Mr. Polite shared that the space would likely be a lunch spot or coffee shop.

Comments from the Public:

A local property owner asked about the intended profile of residents (e.g., BioMarin employees). Mr. Polite shared that residents would likely match the salary and education levels of a BioMarin employee. He expects commuters on the ferry/SMART, generally in the 25-35 years age range. A member of the

Bicycle and Pedestrian Advisory Committee (BPAC) recommended that the on-site bicycle concierge include electric bike sales, a charge station for electric bikes, as well as a partnership with Trips for Kids. A third local resident shared support for additional housing in proximity of downtown transit, but wanted more affordable units on this site.

Action: The CAC voted to draft and send a letter of support for the project to the City Council. The CAC sees the project as an additional anchor for downtown San Rafael, noting the economic impact of an additional 120 units to downtown, and a boost to the city's nightlife. Given the site's proximity to the downtown San Rafael Transit Center/SMART, the property represents an important opportunity for housing near transit. However, the broader issue is to understand what the future of this neighborhood would look like, and how Seagate's project fits into the neighborhood as the local area develops. The CAC also strongly recommends that the developers increase the proportion of units that are affordable beyond the current ten percent of total units, while exploring finance mechanisms, such as tax credit financing or other ways to maximize the number of affordable units.

4. Project Updates

- a. **BioMarin/Whistlestop:** Environmental Impact Review work is beginning on the property. The CAC has not heard back from the developers with their parking analysis, as requested during a previous meeting.
- b. **Transit Center and Station Areas.** The following week, CAC members and the public are invited to attend a public meeting to see proposed concepts on the proposed transit center. Steve Kinsey, consultant on the project, will also share updates at the July CAC meeting.
- c. **General Plan progress:** Met a month ago with no major updates to share.
- d. **Other Projects:**
 - i. Jeff Rhoads, working with Resilient by Design, is raising public consciousness of sea level rise, particularly in the Canal and downtown San Rafael. CAC members and the public are encouraged to learn more by visiting the web site of Resilient by Design.
 - ii. 4th and A project: the project went to the BPAC advisory committee, where an hour of public testimony indicated strong views that the public did not support the removal of the current benches, but some suggested using a mosaic treatment for the benches.
 - iii. 1004 4th Street: the City is in conversations with the developer.

5. **Public Comments on Non Agenda Items:** None

6. Suggestions for Future Agenda Items:

- Update on the Transit center.
- Understanding disaster response in the Canal neighborhood
- CAC Annual dinner suggested in August or September?

7. **Meeting Adjourned at 9:03 PM.**

Respectfully submitted by Andrew Naja-Riese