



## AGENDA

**SAN RAFAEL PLANNING COMMISSION  
REGULAR MEETING  
TUESDAY, March 12, 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 26, 2019

**PUBLIC HEARING**

2. **999 3rd Street (BioMarin R&D building & Whistlestop Senior Center/Senior Housing)** – Scoping hearing for the Notice of Preparation of an Environmental Impact Report (EIR) to assess the impacts of two, approximately 70-foot tall, four-story Research and Development buildings on a 133,099 SF parcel, currently a vacant lot, and a 70-foot tall, six-story senior center and affordable senior housing building with 67 senior units on a 15,000 SF portion of the northwestern corner of the parcel; APN: 011-265-01; Second/Third Mixed Use (2/3 MUE) Zone; Shar Zamanpour, Applicant; BioMarin / CCCA, LLC, Owner; Downtown Activity Center neighborhood area. Case Number(s): ED18-087, ZO18-003, ZC18-002, UP18-034, SP18-006, S18-001, DA18-001. Project Planner: Sean Kennings
3. **1200 Irwin St. (“Dominican Townhomes”)** – Appeal of Planning staff’s December 7, 2018 denial without prejudice of an Environmental and Design Review Permit (ED17-073) proposing to legalize and modify miscellaneous design changes incorporated into an existing approved, constructed and occupied 15-unit multifamily residential development; APN: 011-013-05; Multifamily Residential – Medium Density (MR2) District; 524 Mission Street, LLC, owner; Casey Clements for Thompson Development, Inc., applicant and appellant; File No.: AP18-004 and ED17-073. Project Planner: Steve Stafford

**DIRECTOR’S REPORT  
COMMISSION COMMUNICATION  
ADJOURNMENT**

- I. Next Meeting: March 26, 2019
- II. I, Anne Derrick, hereby certify that on Friday, March 8, 2019, I posted a notice of the March 12, 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 26, 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  
Aldo Mercado  
Jeff Schoppert  
Sarah Loughran  
Berenice Davidson  
Mark Lubamersky

Absent: Barrett Schaefer

Also Present: Raffi Boloyan, Planning Manager  
Steve Stafford, Senior Planner  
Cory Bytof, Sustainability Coordinator

**APPROVAL OR REVISION OF ORDER OF AGENDA ITEMS**

**PUBLIC NOTIFICATION OF MEETING PROCEDURES**

**URGENT COMMUNICATION**

**CONSENT CALENDAR**

**1. Minutes, February 12, 2019**

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

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

## **PUBLIC HEARING**

### **2. Presentation on Climate Action Plan Update: Staff Person – Cory Bytof**

#### **Staff Report**

Jeff Schoppert moved and Mark Lubamersky seconded to accept the report and presentation. The vote is as follows:

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

### **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**

#### **Staff Report**

There was no vote on this Item, as it was a Study Session. The Commission made the following comments:

#### **Density**

- Density is ok, especially at this location.
- However, the extra density bonus, coupled with the extra height and setback waiver are a significant amount of asks and the affordability provided in the project needs to be increased to support the significant asks.
- An idea was floated that 20% of the 59 extra above state density bonus units ) should be affordable in addition to the 9 affordable units provided for the base project

#### **Land Use**

- Land use and mix of uses is ok and consistent with the requirements.
- A few commissioners suggested exploration of adding a retail space on the corner of Lincoln Ave/3rd St and maybe reducing one block of stacked parking lifts to accommodate space for the retail.

#### **Height**

- Height, density and setback all connected.
- Generally ok with the height, but as noted above for the density, there are significant asks for deviation and additional affordability or public benefit needed to consider those asks

**Bulk/Mass**

- Bulk and mass are generally ok. A few individual comments
- Explore greater gateway prominense at the Tam/3rd corner of the building.

**Setback Waiver**

- Ok with the setback waiver, but as noted above for the density, there are significant asks for deviation and additional affordability or public benefit needed to consider those asks

**Stacked Parking**

- General support for the stacked parking concept.
- A few Commissioners ok with less parking than provided, especially to improve ground floor retail/pedestrian experience

**CEQA Exemption**

- The Infill exemption as drafted seems appropriate course for CEQA review based in information at this time

**DIRECTOR'S REPORT****COMMISSION COMMUNICATION**

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ANNE DERRICK, Administrative Assistant III

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2019

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Sarah Loughran, Chair





**SAN RAFAEL**  
THE CITY WITH A MISSION

Community Development Department – Planning Division

**Meeting Date:** March 12, 2019  
**Agenda Item:** 2  
**Case Numbers:** GPA18-001//ZO18-003/ZC18-002,ED18-087/UP18-034/SP18-006/S18-001/DA18-001  
**Project Planner:** Sean Kennings:  
(415) 533-2111

## REPORT TO PLANNING COMMISSION

**SUBJECT: 999 3rd Street (BioMarin R&D building & Whistlestop Senior Center/Senior Housing)** – Scoping hearing for the Notice of Preparation of an Environmental Impact Report (EIR) to assess the impacts of two, approximately 70-foot tall, four-story Research and Development buildings on a 133,099 SF parcel, currently a vacant lot, and a 70-foot tall, six-story senior center and affordable senior housing building with 67 senior units on a 15,000 SF portion of the northwestern corner of the parcel; APN: 011-265-01; Second/Third Mixed Use (2/3 MUE) Zone; Shar Zamanpour, Applicant; BioMarin / CCCA, LLC, Owner; Downtown Activity Center neighborhood area. Case Number(s): ED18-087, ZO18-003, ZC18-002, UP18-034, SP18-006, S18-001, DA18-001

### EXECUTIVE SUMMARY

The City of San Rafael is the lead agency for preparing an environmental impact report (EIR) for the BioMarin/Whistlestop Senior Housing and Healthy Aging Center project to be located at 999 3<sup>rd</sup> St. The project would involve construction of two new office, research and development buildings totaling 207,000 sq ft and a 18,000 sq ft health aging center for Whistlestop, with 67 senior housing units above the first and second floors. The project applicant requests a General Plan Amendment, Rezoning to Planned Development for a portion of the site, an Environmental Design Review Permit, a Use Permit, Minor Subdivision and a Development Agreement.

The project was reviewed as a conceptual application by both the Design Review Board and Planning Commission in spring of 2018 and subsequently, formal planning applications were submitted to the City in October 2018.

A Notice of Preparation (NOP) was issued on February 8, 2019 and mailed to the State Clearinghouse, responsible and trustee agencies and interested parties and groups, to announce the initiation of the EIR process and to solicit comments regarding the scope of issues to be addressed and alternatives that should be considered in the EIR. The purpose of tonight's public meeting is also to solicit those comments. Scoping comments should focus on issues and alternatives to be studied in the EIR, rather than on preferences for a particular alternative, or on the merits of the project.

The EIR will then be prepared based on the scope established during this notice of preparation process and analyze the extent to which the project design and alternatives would result in significant environmental impacts and will identify appropriate project modifications or mitigation measures to reduce or eliminate these impacts. Issues that have so far been determined to be examined in the EIR include the following:

*Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards, Noise, Public Services, Recreation, Greenhouse Gases, Hydrology and Water Quality, Land Use and Planning, Transportation/Traffic, Energy, Utilities, cumulative effects and a reasonable range of alternatives.*

The Notice of Preparation has made a preliminary determination that the following topic areas would not require discussion in the EIR:

*Agriculture and Forestry Resources, Mineral Resources, and Population and Housing.*

Comments in response to the NOP for this project should focus on potentially significant environmental effects the project may have on the physical environment, ways in which those effects might be minimized, and potential alternatives to the project that should be addressed in the EIR.

Amy Skewes-Cox, AICP, has been selected by the City to prepare the EIR for the project. The Commission is asked to provide direction on revisions or expansion of the anticipated scope of work as presented by Ms. Skewes-Cox and as summarized in the Analysis section of this report.

This NOP is unique from others previously considered by the Commission in that typically, an Initial Study would have been prepared to evaluate various environmental issues and potentially screen out certain topics from the EIR focus. However, in this case, the decision was made to have the EIR consider all the environmental topics (with the exception the three areas listed above that clearly have no potential impact). Once comments have been received, the scope of the EIR will be finalized.

After March 12, 2019, the last scheduled date for the receipt of scoping comments, the preparation of the Draft EIR (DEIR) will begin. The DEIR is expected to be completed within approximately four months, followed by a 45-day public review period and further Commission hearings on the DEIR, Final EIR (FEIR), and the project merits before the Design Review Board (DRB), Planning Commission and ultimately the City Council.

**RECOMMENDATION**

is recommended that the Planning Commission take the following action:

1. Accept public testimony on the Notice of Preparation (NOP) and scope of issues to be addressed in the EIR.
2. Direct staff to prepare a Draft Environmental Impact Report (DEIR), taking into consideration verbal and written comments received during the scoping period.

**PROPERTY FACTS**

Location	General Plan Designation	Zoning Designation	Existing Land-Use
<b>Project Site:</b>	<b>2/3 MU</b>	<b>2/3 MUE</b>	<b>Vacant lot / Vacant office</b>
North:	2/3 MU / 4SRC	2/3 MUE	Parking structure / commercial
South:	2/3 MU / P/QP	2/3 MUE / P/QP	Parking structure / PG&E corp yard. Multi-family residential
East:	2/3 MU	2/3 MUE	Commercial
West:	2/3 MU	2/3 MUE	Commercial / office

**REPORT TO PLANNING COMMISSION –**

**Case No: GPA18-001//ZO18-003/ZC18-002, ED18-087/UP18-034/SP18-006/S18-001/DA18-001**

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**Lot Size**

Required: 6,000 sf  
Proposed: 133,099 sf combined

**Floor Area Ratio (Max.)**

Allowed: 1.5 FAR (199,648 sq. ft.)  
Proposed: 225,000 (207,000 BioMarin, 18,000 Whistlestop)

**Height \***

Allowed: 54-ft + 12-ft Height Bonus  
Proposed: 70-ft BioMarin and Whistlestop (incl proposed 20-ft Height Bonus)

**Residential Density**

Allowed: 221 units (1 unit per 600 sf of total lot area)  
25 (Whistlestop area only) – (1 unit /600 sf of 15,000)  
Proposed: 67 units (Whistlestop) (15,000 w/density bonus = 25 +42-unit concession for 100% affordable housing as allowed)

**Parking**

Required: 293 parking spaces (BioMarin required per 3.3/1000 sq ft for office. (Minus 1.0 FAR for Downtown Parking District = 88,901 sq ft)  
Proposed: 41 (29 BioMarin; 12 Whistlestop)

**Landscaping (Min.)**

Required: 10% (13,309 sq. ft.; plus 5' front setback)  
Proposed: TBD BioMarin; Whistlestop 0% (concession as allowed w/Density Bonus)

**Setbacks**

	Required	Proposed
Front:	5'	5'
Side(s):	n/a	0'
Street side	n/a	0'
Rear:	n/a	0'

**BACKGROUND**

**Site Description & Setting:**

The project site is comprised of a 133,099 sq. ft. parcel. The project site has four frontages: Third St. on the north, Second St. on the south, Lindaro St. on the east, and Brooks St. on the west. It is a relatively flat (<1% average cross-slope) and located within the Downtown Parking District. The site was previously developed with two, 1-2-story office buildings (now demolished) and a vacant surface parking lot. The vacant surface area is the result of a PG&E remediation process as required by the Department of Toxic Substances Control (DTSC). Earlier uses of the site are discussed below.

**History:**

BioMarin, a global biotechnology company, was founded in Marin County in 1997. In 2013, BioMarin moved its headquarters to the nearby San Rafael Corporate Center (SRCC), a campus of over 400,000 sq. ft. on approximately 15.5 acres. In 2015, BioMarin completed construction of its first new research laboratory building at 791 Lincoln Avenue. Currently, BioMarin has completed the construction of all buildings approved by the current SRCC Master Plan, with the exception of the recently approved office building at 755 Lindaro St and the 2<sup>nd</sup> phase expansion of the parking garage at 788 Lincoln Ave.

In 2015, BioMarin purchased the approximately three-acre 999 3<sup>rd</sup> Street property in downtown San Rafael from PG&E. This site, located adjacent to SRCC, was once used by the historical Manufactured Gas Plant (MGP) for support activities and is currently vacant and awaiting completion of environmental remediation (for the area of Whistlestop/Eden Housing only). Soil and groundwater onsite conditions containing polynuclear aromatic hydrocarbons (PNAs) and volatile organic compounds (VOCs) have been remediated in accordance with the California Department of Toxic Substances Control (DTSC) and

continue to be monitored. The remediation process, when completed, will allow for residential development as proposed.

BioMarin is one of the largest and fastest growing employers in San Rafael and Marin County, and a significant share of its workforce resides locally. BioMarin is planning for future space needs by addressing San Rafael's goals of economic development, downtown vibrancy, affordable senior housing, and transit-oriented development. Toward this end, BioMarin submitted a Pre-Application in August of 2016. Following subsequent City comments, BioMarin modified its project by reducing the requested total development square footage on 999 3<sup>rd</sup> Street as well as the height increase bonus request.

Whistlestop had previously submitted a Conceptual review (and later formal planning entitlements) to redevelop their current senior center at 930 Tamalpais Avenue with a 66 ft. tall building, including a senior center and 50 senior housing units. The City, including the DRB, had provided feedback on that project when the application was put on hold prior to the initiation of the required environmental review process. Although there was overwhelming support for Whistlestop and their desire to add senior housing, there was overwhelming concern that the proposed project was not appropriate for that site.

BioMarin subsequently started working with Whistlestop to find a solution to provide availability on the 999 3<sup>rd</sup> Street property for Whistlestop/Eden to pursue a new senior center and senior housing. The two parties have entered into a Memorandum of Understanding (MOU) to pursue this project that is before you this evening.

The applicants submitted a preliminary design concept in late 2017 that was reviewed by the DRB on February 6, 2018 and the Planning Commission on February 27, 2018. In general, the project was well received by both the DRB and the Planning Commission and comments provided to the applicants were incorporated into the final design and formal application submitted to the City in October 2018.

## **PROJECT DESCRIPTION**

The applicant, BioMarin, intends to develop the parcel to increase laboratory and R&D space. The proposed buildings would satisfy the R&D and lab functionality for BioMarin in conjunction with the existing SRCC campus to the south of the project site. In connection with the project described here, BioMarin will transfer a portion of the project site to Whistlestop/Eden Housing for development of affordable senior housing and senior services, provided no loss of development potential to BioMarin results. Preliminary details of the proposal are reflected in the project plans, a copy of which are provided on the project web site.

The proposed project would be constructed by two different entities in different phases. BioMarin is considering a proposed project that includes:

- Expansion of the existing Planned Development (PD) zoning designation that applies to the SRCC to encompass the 999 3<sup>rd</sup> Street property, so that planning for all of BioMarin's facilities are governed under one PD. Within the expanded PD, BioMarin is proposing a GP amendment to allow for a new density calculation/floor area ratio (FAR) for all BioMarin parcels.
- 15,000 sq ft of the 133,000 sq ft 999 3<sup>rd</sup> Street property will be allocated to Whistlestop/Eden Housing for development of a senior center and senior affordable housing in a 70-ft tall, six-story building, which includes a senior center on the first and second floors (18,000 sq ft) and 67 affordable residential units on the third, fourth and fifth floors.

- The remaining 118,100 sq ft of the site will be developed as an extension of the Bio Marin campus that is currently located at the SRCC. BioMarin proposes to develop a total of approximately 207,000 sq ft of R&D laboratories and office space (split approximately equally between the two uses) in two, four-story approximately 70-ft tall buildings. The ground floor of these buildings will contain amenities to support the BioMarin campus, which may include: lobbies, an auditorium, conference rooms, a small cafe, and dining space. A useable roof top deck (above the ground floor between the two buildings) is proposed for employee use (see concept site plan).
- As part of the amended SRCC PD, BioMarin is requesting a height bonus of 20-ft (above the 54-ft maximum) for the 999 3<sup>rd</sup> Street property to allow construction of the R&D/laboratory buildings at 70-ft. As laboratory buildings typically require additional floor to floor space to support the required infrastructure, BioMarin is seeking the minimum required additional height for this development. BioMarin is requesting the height bonus pursuant to providing senior housing, in accordance with Section 14.16.190 of the Zoning Ordinance; however, a GP Amendment will most likely be required for the subject parcel.
- BioMarin is proposing a “blended” parking ratio to allow for the total SRCC (combined with the subject site) development based on the different types of uses on the combined properties. Parking ratios for specific uses, such as R&D laboratories, are not specified in the Zoning Ordinance. Thus, final parking is proposed to be based on industry standards and utilization surveys provided in the formal application submittal.

### **New BioMarin R&D Buildings**

**Use:** BioMarin proposes two, four-story, 70-ft tall, R&D buildings connected by a common ground floor “amenity” space with rooftop garden/open area above the first floor. Each R&D building would include combined office/laboratory spaces on the ground floor with three stories of laboratory spaces above.

**Site Plan:** The BioMarin R&D project includes new research and development, laboratory, and office space adjacent to the existing BioMarin SRCC campus. The proposed project would provide a setback and green space along Lindaro Street to address pedestrian scale and provide a focal entry to the site. A visitor drop-off and parking area at the corner of Second Street and Lindaro Street is designed to provide a clear entry to the building. An architectural cantilever feature for the north R&D building at the corner of Lindaro Street and Third Street would create a “Front Porch” of open space used for employee activities. This open area is designed to connect the site to downtown. A mid-level rooftop space between the two R&D buildings and neighboring senior housing and the additional setback on the upper floor of the north R&D building is proposed to set back the R&D buildings from the senior residences and to provide natural light. Both buildings would be set back from Second/Third Streets for a pedestrian scale and to provide a landscaped street edge. A proposed rooftop deck between the two R&D buildings (above the first floor) would be used for employee gatherings and daytime activities including seating for eating periods. The R&D buildings would be oriented with the long east/west axis of the project site to maximize energy savings.

**Architecture:** The design of the building responds to the site via the use of corner and cantilever elements that frame the site. The design intent is to create a state-of-the-art research and development facility in the heart of San Rafael office district. Buildings would be clad with glass to maximize natural light and views outward from the site. Window overhangs on south facades would create shading over windows and glass areas. An architectural “shading skin” would be proposed on east and west facades to protect these areas from heat gain.

The proposed buildings are located within the 2/3 MUE District and has a mandated building height limit of 54-ft for the primary structure as measured by 1997 Uniform Building Code (UBC) standards. The preliminary design includes extra tall floorplates of 17-ft to accommodate the specific needs of laboratory spaces for BioMarin. Therefore, the proposed design requires a height extension to 70-ft. Additional architectural features including mechanical enclosures and towers are designed to extend above the maximum 70-ft height limit. Rooftop equipment would be screened according to City of San Rafael requirements.

**Landscaping:** The BioMarin landscape plan would introduce new landscaping site features, paving, ground covers, and trees for continuity throughout the project site. Although preliminary in nature, the plant palette would be required to consist of trees, shrubs, ground covers, grasses and perennials that conform to Marin Municipal Water District requirements, the California water efficient landscape ordinance (WELO) and Marin County Storm Water Pollution Prevention Plan (MCSTOPPP) practices. Bioretention areas appear to be proposed in pedestrian areas in the Lindaro Street plaza. The tree palette would be a continuation of street and shade trees consistent with the SRCC campus development and include zelkova and ginkgo varieties.

**Parking:** The R&D buildings are proposed to be constructed in two phases. After completion of the north building (Building “A”), BioMarin would provide approximately 75 parking spaces at the south side of the project site. After completion of Building “B” in Phase II, the project would include only 29 spaces located in the southeast corner of the site. The proposed project is within the Downtown Business Parking District which exempts parking requirements for the first 1.0 FAR. Per the San Rafael Municipal Code Section 14.18.040, parking requirements for laboratory uses are not specifically listed. Assuming general office use for the project site, the proposed project would require a 3.3/1000 (3.3 auto spaces to 1,000 square feet of occupied space) requirement for general office. The BioMarin portion of the project would entail 207,000 SF of total R&D/lab space, but with the 1.0 FAR reduction for the Downtown Parking District, would be required to provide parking for 88,901 sq ft.

<b>999 3<sup>rd</sup> Street: Lot Size</b>	<b>Project Size</b>	<b>1.0 FAR Requirement</b>
133,099	225,000 (18,000 sq ft for Whistlestop; 207,000 BioMarin)	225,000 – 133,099 (1.0 FAR) = 91,901
118,099 (133,099 minus 15K sq ft for Whistlestop)	207,000 (BioMarin)	207,000 – 118,099 (1.0 FAR) = 88,901

Assuming a general office use ratio of a 3.3/1000 sq ft, the proposed R&D buildings would require approximately 293 surface parking spaces. However, BioMarin has stated that the demand for laboratory space is much lower than typical general office and that most employees who use lab space also have an office elsewhere on campus (ie – parking allotment is tailored to office space and should not be counted twice for the lab space). As such, BioMarin has submitted information and materials as part of their formal application documenting demand and usage for the SRCC/project site and includes a “blended” parking ratio that addresses the parking needs for all allocated FAR.

**Whistlestop Senior Center / Eden Housing Senior Housing**

**Use:** A six- story senior center and affordable senior housing is proposed on the northwest portion of the subject property. Whistlestop, in partnership with Eden Housing, is proposing a new facility that will include 67 units of onsite affordable senior housing to complement the onsite Active Aging Center. The approximately 18,000 sq.ft area on the first and second floors includes adult services for Whistlestop's service program with meeting rooms, classrooms and service offices within a contemporary facility.

There are 11 parking spaces for the Whistlestop facility with a single parking space for the resident manager; the senior housing is proposed as a car-free community and no parking spaces are included.

The proposed affordable housing is located on the third through sixth floors and provides very low and extremely low-income units for seniors, aged 62 and older, and who earn less than 50% of the Area Median Income. The housing, which will be a mix of one bedroom and studio apartments, will also include amenities such as a community room, residential courtyard for gatherings and gardening, a computer center and exercise room, central laundry facility and furnished lobbies. A unit for an on-site resident manager is also included in the residential component of the proposed project.

**Architecture:** The building's design is a contemporary/traditional building form of base/middle/top. The building's two-story base will be a solid form and material, with commercial storefronts on the ground floor, with decorative grilles that allow the parking garage to be well lit and ventilated. There will be similar larger windows for classrooms offices on the main Whistlestop floor. The four residential floors will be vertically proportioned and scaled massing; with the corner mass highlighted by a change in material and accented by a trellis or framing element.

The entrance and lobby created by an arcaded walk allows for a ramp to the raised floor elevation above the areas base flood elevation. The lobby has a glass storefront entry which extends through each floor of the building providing natural light to the lobby of the Whistlestop Center. The building will be designed to meet Green-Point Rated or LEED standards of sustainability, with reduced energy and water use.

**Landscaping:** The proposal includes a concession (under State Density Bonus law) to reduce the required site landscaping from the required 10%. A 2,800 sq ft courtyard rooftop garden above the second floor would provide private outdoor space for the residents. The landscaping plan is designed to be integrated with the overall project site landscape plan to create a singular pallet between the two main developments.

**Parking:** The proposed project includes 11 ground level spaces for users of the senior center (located on the first and second floor). One space would be allocated for the on-site residential manager's unit. Consistent with affordable housing units, no parking spaces are proposed for the affordable housing component of the project.

## ENVIRONMENTAL ANALYSIS AND REVIEW

### Notice of Preparation:

Pursuant to Section 15082 of the California Environmental Quality Act (CEQA) Guidelines, the Notice of Preparation (NOP) was initiated on February 8, 2019, to announce the commencement of the EIR process and to solicit comments from responsible and trustee agencies, utility providers, organizations, environmental groups, neighboring property owners, homeowners associations in the Central San Rafael area, and interested parties concerning the scope of issues to be addressed in the EIR. (Exhibit 2)

Notice of the Scoping Meeting was posted on the project site, published in the Marin Independent Journal on February 10, 2019, and mailed to all property owners, business owners, and residents within 500 feet of the subject property.

Pursuant to the CEQA-mandated 30-day public review period from receipt of the NOP, the City will accept written comments through March 11, 2019. Verbal comments will be accepted at the Planning Commission meeting on March 12, 2019, although the public is encouraged to submit written comments in addition to verbal comments provided at the meeting.

Comments should be restricted to the scope of environmental issues to be addressed in the EIR, and not on the merits of the project. There will be subsequent hearings for the purpose of merits review, following preparation of an EIR. A primary purpose of the EIR is to disclose and evaluate project impacts and to inform decision makers for the project. Following the close of the NOP review period, City staff and the EIR consultant will review comments received for consideration in preparation of the Draft Environmental Impact Report (DEIR).

The purpose of the scoping meeting is to afford agencies and the general public an opportunity to provide verbal comments on the scope of issues to be addressed in the EIR for the proposed project. Although such a meeting is not required under CEQA, it offers another vehicle for public participation in addition to the submittal of written comments.

Typically, an Initial Study is prepared to determine if an EIR is required for a project. However, the applicants for this project have agreed to prepare an EIR without preparing an Initial Study. The City staff and the City's EIR consultant identified the following issues below as having the potential to significantly impact the environment and, therefore, require analysis in the EIR:

**Probable Environmental Effects:**

The primary purpose of CEQA is to provide full disclosure and information regarding a project's potential physical impacts on the environment, in advance of making a decision on a project, and to require feasible mitigation to reduce or eliminate impacts that have been identified. The CEQA review process is not conducted to determine whether a project should be approved or denied (supported or rejected).

The following environmental impact categories are relevant, and preliminary determinations have been made for this project as follows:

**No Impact Determination**

The preliminary determination was made to prepare an EIR to address potential anticipated impacts associated with development of 999 3<sup>rd</sup> Street with new laboratory buildings and a residential mixed-use development at this downtown infill location. Based on the preliminary review of project application materials including the Applicant's Project Description and Project Plans (Exhibit 5), the following Environmental Impact factors were determined to clearly not apply to this project, would result in No Impact on the environment and would not warrant further discussion in the EIR:

- Agriculture and Forestry Resources
- Mineral Resources
- Population/Housing

This determination was based on the fact that there are no agricultural, forestry uses, mapped mineral resources or existing housing on the site. Growth inducement would be addressed as its own topic in the EIR.

Should there be evidence presented that any of the above impact categories could result in environmental impacts, the environmental factors would be addressed in the EIR.

**Less than Significant or Potentially Significant Impact Determination**

The EIR will analyze the extent to which the project design and alternatives would result in "Less than Significant", "Less than Significant with Mitigation Incorporation", and "Potentially Significant"



environmental impacts and will identify appropriate project modifications or mitigation measures to reduce or eliminate these impacts. If an impact remains “Potentially Significant” even with mitigation incorporated, the City would have to consider adoption of findings of overriding consideration if it were to support the project. Preliminary review has determined the following environmental impact categories to be addressed in the EIR:

- Aesthetics - The project will have potential effects related to scenic vistas (e.g., distant views toward Mt Tam in the project vicinity), existing character of the site and its surroundings (e.g., passing views of site from U.S. Highway 101, and location in a highly visible location visible from nearby roadways and upper open space areas), potential substantial light or glare in the area (evaluation of residential and commercial lighting impacts at night). The environmental consultant proposes to produce four visual simulations for project evaluation from several vantage points.
- Air Quality - The EIR will include analysis of potential construction and operation-related air emissions and needed mitigation measures. Potential temporary and cumulative mitigation measures necessary to reduce potential air quality impacts to less than significant levels will also be addressed.
- Hazards - A review of hazardous materials investigation reports and databases for the site and area would be reviewed. This would include review of the Phase I assessment prepared for the site to determine whether any further follow-up investigation is required. The majority of the project site has previously been remediated pursuant to the requirements from the Department of Toxic Substances Control (DTSC). However, further testing indicated areas on the western side of the property also will require remediation to allow for residential uses on the site. The project applicants are currently pursuing approvals to clean up hazardous areas on the site.
- Land Use and Planning - The EIR will include analysis of the requested Code and Policy amendments required to achieve the proposed development. Consistency with the adopted San Rafael Climate Action Plan will be addressed (also under Greenhouse Gas Emissions section). The EIR consistency analysis will focus on policies related to protection of the environment.
- Noise - The project applicant has submitted a Traffic Impact Analysis of the proposed project that will be used for part of the noise impact analysis. The EIR will provide analysis of potential traffic, construction, and operational noise impacts and the need for specific mitigation.
- Traffic and Transportation - The Applicant’s traffic consultant, Fehr & Peers, has prepared a Draft Traffic Impact Analysis (DTIA) of the proposed project on the local circulation network. Fehr & Peers determined that the proposed project would result in transportation impacts at several intersections. The DTIA study analyzed expected conditions with the proposed project condition in place under Existing, Baseline, and Cumulative conditions. The EIR will evaluate traffic generation against the Level of Service (LOS) thresholds in the General Plan, as well Vehicle Miles Travelled (VMT) metrics. As such, the DTIA includes potential mitigation measures to reduce the proposed project’s impacts to less than significant with mitigation incorporated, where feasible. Potential mitigation measures include improving local intersections, consistent with the improvements identified in the San Rafael General Plan 2020, and a Transportation Demand Management (TDM) program to reduce peak hour employee single-occupant vehicle trips.

The preliminary evaluation of the DTIA recognizes that a full analysis, complete with revisions and updated data and discussions, will be prepared as a Final TIA and will be included as part of the EIR process. Although, the DTIA may be referenced in the EIR, the Final TIA would be the source document for the final analysis. The EIR also will analyze the impact of recommended mitigation measures, as necessary. Project and cumulative traffic impacts will be assessed, and mitigation measures developed as appropriate to reduce potential transportation impacts to less than significant levels. Bicycle and pedestrian circulation will also be addressed.

- Biological Resources - This topic will be only briefly addressed in the EIR as the site is in an urbanized downtown area of San Rafael and devoid of vegetation. No impacts on biological resources are anticipated.
- Cultural/Tribal Resources - The EIR will assess if the project could cause a significant adverse change to a historical or archaeological/tribal resource. The subject property has been previously disturbed and developed as part of the historical PG&E Gas Plant. No historic resources are located on the site. It is highly unlikely that there are previously unknown cultural or archaeological resources on site. However, the project is subject to standard mitigation for accidental discovery of any undocumented cultural or tribal resource remains. This would be included in the environmental document, consistent with CEQA Section 15064.5. The City of San Rafael has initiated a Tribal Consultation pursuant to California Assembly Bill (AB) 52 requirements.
- Geology and Soils - The EIR will address if the project could expose people or structures to risk, seismic ground shaking, etc. The site is located in a low-lying area and subject to ground shaking. Geotechnical investigation is necessary to identify and confirm suitable construction techniques for the site. Site specific geotechnical reports will be used as the basis for the geologic and soils analyses.
- Greenhouse Gas Emissions - The EIR will address the potential for increased greenhouse gas emissions generated by the project, using approved methodologies.
- Hydrology and Water Quality - The site will have to meet FEMA flood elevation and water discharge requirements. A portion of the site is within the 100-year flood zone. The project applicant proposes to meet minimum 13-foot flood elevation for areas proposed for occupancy and use. The project may require additional study and information to verify compliance with local, regional and state water quality control standards that are enforced by the City through the Department of Public Works. The project plans provide preliminary water detention and runoff measures. Additional details on landscape and bioretention areas is likely warranted. Bioretention areas have been proposed on the site to detain peak stormwater runoff.
- Public Services - The EIR will include discussion to confirm existing City services, utilities and infrastructure are in place to serve the use. This would include police and fire service and ability to serve the buildings, as well as potential impacts related to schools and parks.
- Parks and Recreation - The EIR will include discussion to confirm the project would not exceed or adversely affect recreation facilities in the City.
- Energy - The EIR will include discussion of the projects proposed and potential energy conservation features; and confirmation whether the facility is within the

service capacities of energy providers. Energy use during construction and operation will be assessed.

- Utilities and Services Systems - The EIR will assess potential project impacts related to water demand, wastewater, and solid waste.
- Wildfire - The EIR will first determine if the site is located near lands classified as very high fire hazard severity zones. The potential to impair emergency response, or to interfere with an emergency evacuation plan will be assessed. Significance criteria related to exacerbating any fire risk will be addressed/
- Growth Inducement and Cumulative - The consultant scope of work will evaluate any growth inducing effects of the proposal, and the cumulative effects for each topic area.

### **Project Alternatives**

CEQA requires that an EIR describe a range of reasonable alternatives to a project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project. One of the intents of the NOP and the Commission's scoping session is to help determine 'legitimate' potential alternatives to the project for discussion in the EIR. The EIR will discuss as yet unknown potential alternatives to the proposed project in addition to a no-project alternative. Staff has preliminarily identified four (4) potential alternatives:

1. 'No project' (as required by CEQA).
2. A 'Reduced BioMarin and Whistlestop/Eden Housing project' which decreases the amount of overall proposed laboratory spaces and residential units, thereby reducing the anticipated peak hour traffic trips and other impacts;
3. A 'Reduced BioMarin-Only project' which would include the project as proposed, but no residential or senior center uses on site. For this alternative, the Whistlestop/Eden Housing project would be assumed to occur at their existing site on Tamalpais Avenue in San Rafael near U.S. Highway 101. This alternative would assume a reduced height BioMarin project that would not require General Plan amendments for FAR, height bonuses, or parking modifications;
4. A 'Reduced BioMarin plus Full Whistlestop/Eden Housing project' which would include the senior center/senior housing project but also a smaller BioMarin development that would not require a General Plan amendment for FAR, height, or parking. This alternative would assume that the Whistlestop/Eden Housing project would have the same number of units as proposed.

## **NEXT STEPS**

### **Draft EIR**

Preparation of a Draft EIR (DEIR) will be initiated once the scoping period has been completed and will be used to identify appropriate project modifications and/or mitigations that would reduce environmental impacts. The DEIR will also evaluate the extent project alternatives would avoid or eliminate potential impacts, and how the alternative do/do not meet project objectives identified in the Project Description chapter of the DEIR.

Once the DEIR is completed, there will be a 45-day public review period, concluding with a hearing before the Commission, on the adequacy of the DEIR.

### **Study Session on Merits and DRB Review**

Tentatively scheduled for a Commission meeting in late April 2019 will be a study session to provide some preliminary feedback and comments on the merits of the project and major policy components of the project. The study session will then be followed by a review and recommendation by the DRB on the design, architecture and site planning.

### **Final EIR and Project Merits**

Following the completion of the DEIR and hearing, the environmental consultant will respond to the comments raised at the DEIR hearing and prepare a Final EIR (FEIR). The FEIR, along with the project merits, will be considered by the Commission at the public hearing. Following the Commission's review and recommendation, the City Council will hold a hearing to consider the FEIR and project merits take action on the project applications.

## **CORRESPONDENCE**

Correspondence in response to the NOP received as of Wednesday, March 6, 2019, the time of printing and releasing the staff report, are attached as Exhibit 3. Comments received include:

- Office of Planning and Research State Clearinghouse, dated February 8, 2019, acknowledging receipt of the NOP;
- Letter from Federate Indians of Graton Rancheria, Feb 28, 2019

Correspondence received after Wednesday, March 6, 2019 to March, 11, 2019 will be forwarded to the Commission under separate cover. Correspondence received on Tuesday, March 12, 2019, until the hearing date (Tuesday, March 12, 2019), will be presented to the Commission during the scoping session.

## **EXHIBITS**

1. Vicinity Map
2. Notice of Preparation BioMarin/Whistlestop/Eden Housing Project, February 8, 2019
3. Correspondence/Public Comments

Plans/Documents provided on web site ([www.cityofsanrafael.org/999-3rd](http://www.cityofsanrafael.org/999-3rd))

- Project Plans (11" x 17" color plan sets distributed to the Planning Commission only)
- Applicants Preliminary Environmental Studies



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 programmatic computer aided drafting techniques, and it does not represent legal boundary survey data.

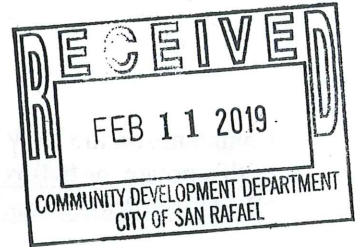
### 999 3rd St - Vicinity Map







**SAN RAFAEL**  
 THE CITY WITH A MISSION



**NOTICE OF PREPARATION**

Date of Mailing: February 8, 2019

<b>TO:</b>	Office of Planning and Research State Clearinghouse 1400 Tenth Street, Room 212 Sacramento, CA 95814	<b>FROM:</b>	Sean Kennings, Contract Planner LAK Associates, LLC  City of San Rafael Community Development Department Attn: Sean Kennings, Contract Planner 1400 Fifth Ave San Rafael, CA 94901
	Responsible and Trustee Agencies, Utility Providers, Organizations, Neighboring Property Owners, Neighboring Occupants, and Interested Parties		

**NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT AND SCHEDULED SCOPING MEETING FOR THE BIOMARIN AND WHISTLESTOP/EDEN HOUSING PROJECT EIR**

The City of San Rafael (City) is preparing an Environmental Impact Report (EIR) for the BioMarin (a global biotechnology company) and Whistlestop Senior Center/Eden Housing Project (project), which consists of a proposed expansion of the BioMarin/San Rafael Corporate Center campus (750/770/790 Lindaro St and 781/791 Lincoln Ave) onto 999 3<sup>rd</sup> St and the construction of the Whistlestop/Eden Housing Healthy Aging Center and Affordable Housing project on a 3.05-acre site located at 999 3<sup>rd</sup> Street, San Rafael, California. The California Environmental Quality Act (CEQA) requires that the City conduct environmental review of the project, which has the potential to result in physical change in the environment. The City is the "Lead Agency" for the project and is the public agency with the principal responsibility for approving and carrying out the project. The City has determined that an EIR will be the required CEQA document for the project.

The City is issuing this Notice of Preparation (NOP) to invite comments on the scope and content of study for the EIR. This NOP is being sent to local agencies, nearby residents, and other interested parties. When the draft EIR is published, it will be sent to all parties who respond to this NOP or who otherwise indicate that they would like to receive a copy of the draft EIR.

**RESPONDING TO THIS NOP:** Responses to this NOP and any related questions or comments regarding the scope or content of the Draft EIR must be directed in writing to: **Sean Kennings, Contract Planner, City of San Rafael, 1400 Fifth Avenue, San Rafael, CA 94901** or by e-mail to [sean@lakassociates.com](mailto:sean@lakassociates.com)

Comments on the NOP must be received at the above mailing or e-mail address within 30 days of receipt of this notice, or **before Monday, March 11, 2019, at 5:00 PM**. Please reference the project title of "BioMarin/Whistlestop" in all correspondence.

Responses to this NOP should focus, specific to this project, on the potentially significant environmental effects that the project may have on the physical environment, ways in which those effects might be minimized, and potential alternatives to the project that should be addressed in the EIR. This focus aligns with the purpose of the EIR to inform the public about these aspects of the project.

**EXISTING CONDITIONS:** The 3.05-acre project site (Assessor's Parcel Number 011-265-01) is currently vacant and paved with an asphalt surface. The site was previously used by Pacific Gas & Electric Company (PG&E) as a manufactured gas plant and has been undergoing environmental remediation. In late 2017, PG&E completed soil excavation as defined in its Remedial Action Plan (RAP) on two acres of the 3-acre project site, backfilled the excavation with clean material, restored the project site, and conducted soil vapor sampling. The project site is now paved with asphalt and monitors are in place to test groundwater. The western portion of the project site, where buildings were once located, has yet to be remediated, and BioMarin will be responsible for this second phase of remediation (site soils and soil vapor monitoring and all other remediation except groundwater for which PG&E will remain responsible).

The surrounding neighborhood is largely commercial. The existing BioMarin campus is located immediately southeast of the project site, and Whistlestop operates an active aging center in a building next to the Sonoma Marin Area Rail Transit (SMART) station about one-quarter mile east of the project site. The two main transportation arterials in the vicinity are 3<sup>rd</sup> Street and 2<sup>nd</sup> Street. Smaller collector streets such as Brooks Street and Lindaro Street intersect with these one-way arterials. The 4<sup>th</sup> Street downtown core is one block north of the project site. Residential uses are located southwest of the site.

**PROJECT DESCRIPTION:** The BioMarin portion of the project would be constructed in two phases as follows:

- **Phase I** would consist of construction of Building A, which would be located on the north side of the project site and would include 77,000 square feet of office space and 33,000 square feet of amenities for employees and visitors of the overall BioMarin campus. The 33,000 square feet of amenities would be located on the ground floor and would include lobbies, conference rooms, a fitness center, dining space, and retail space. The retail space, consisting of about 3,500 square feet, would be open to the public. Additional public use space would be an adjacent landscaped plaza (approximately 6,000 square feet) that could be an outdoor public gathering area during daytime hours.
- **Phase II** would consist of construction of Building B, which would provide 97,000 square feet of laboratory (research and development [R&D]) space in the southern portion of the project site.

Both Building A and Building B would be 69 feet (four stories) in height. Building A would have approximately 262 feet of frontage on 3<sup>rd</sup> Street and 180 feet of frontage on Lindaro Street. Building B would have approximately 244 feet of frontage on 2<sup>nd</sup> Street and 109 feet of frontage on Lindaro Street.

Whistlestop/Eden Housing would develop its building on 0.34 acre at the northeast corner of the project site. The building would provide approximately 18,000 square feet of space for a Healthy Aging Center and 67 affordable senior housing units. The building would be developed at the same time as BioMarin Building A (Phase I). The proposed 67 housing units would be leased at affordable rents to those aged 62 and over who earn less than 60 percent of the area median income. Residential amenities would include a community room, dance/exercise studio, computer center and library, and landscaped courtyards with community gardens for residents to grow vegetables and herbs. A roof deck would be provided on the northwest and southwest corners of the sixth floor.



A total of 22 surface parking spaces would be provided for the BioMarin portion of the project at the southwest corner of the site, with access from 3<sup>rd</sup> Street. Cars would enter the site from 3<sup>rd</sup> Street, travel south to the parking area, and then exit onto Brooks Street. The 12 ground-floor parking spaces provided within the Whistlestop/Eden Housing project would have ingress and egress points on Brooks Street, north of the exit point for the surface parking area. In Phase I, when only BioMarin Building A and the Whistlestop/Eden Housing project would be located on the site, a total of 78 surface parking spaces would be provided since space would be available where Building B (Phase II) is proposed.

Approvals requested for the project include a General Plan amendment to modify the maximum intensity of non-residential development and a rezoning to expand the Planned Development District boundary.

Project plans, project description and technical studies for this project can be found on the project web page at <https://www.cityofsanrafael.org/999-3rd/>

**POTENTIAL ENVIRONMENTAL EFFECTS:** The EIR will address the following potential environmental effects: Aesthetics, Air Quality, Biological Resources, Cultural Resources, Energy, Geology/Soils, Hazards, Noise, Public Services, Recreation, Greenhouse Gas Emissions, Hydrology and Water Quality, Land Use, Transportation/Traffic, and Utilities. The EIR will examine project and cumulative effects and a reasonable range of alternatives to the project that may be capable of reducing or avoiding potential environmental effects that may be identified for the project. The topics of Agricultural and Forestry Resources, Mineral Resources, and Population/Housing will not be addressed in the EIR as these do not apply to the project or project site.

**SCOPING MEETING:** A scoping meeting will be held before the City of San Rafael Planning Commission on **Tuesday, March 12, 2019 at 7 PM at the City Council Chambers at 1400 Fifth Avenue, San Rafael, CA.** This meeting will include a brief overview of the EIR process and allow time for oral comments on the scope of the EIR.

**For More Information:** For additional information on the project or if you wish to be placed on a mailing list to receive further information as the project progresses, please contact Sean Kennings, Contract Planner, at (415) 533-2111, [sean@lakassociates.com](mailto:sean@lakassociates.com) or the mailing address above.

Date: February 8, 2019

Signature: \_\_\_\_\_

Name/Title: Raffi Boloyan, Planning Manager

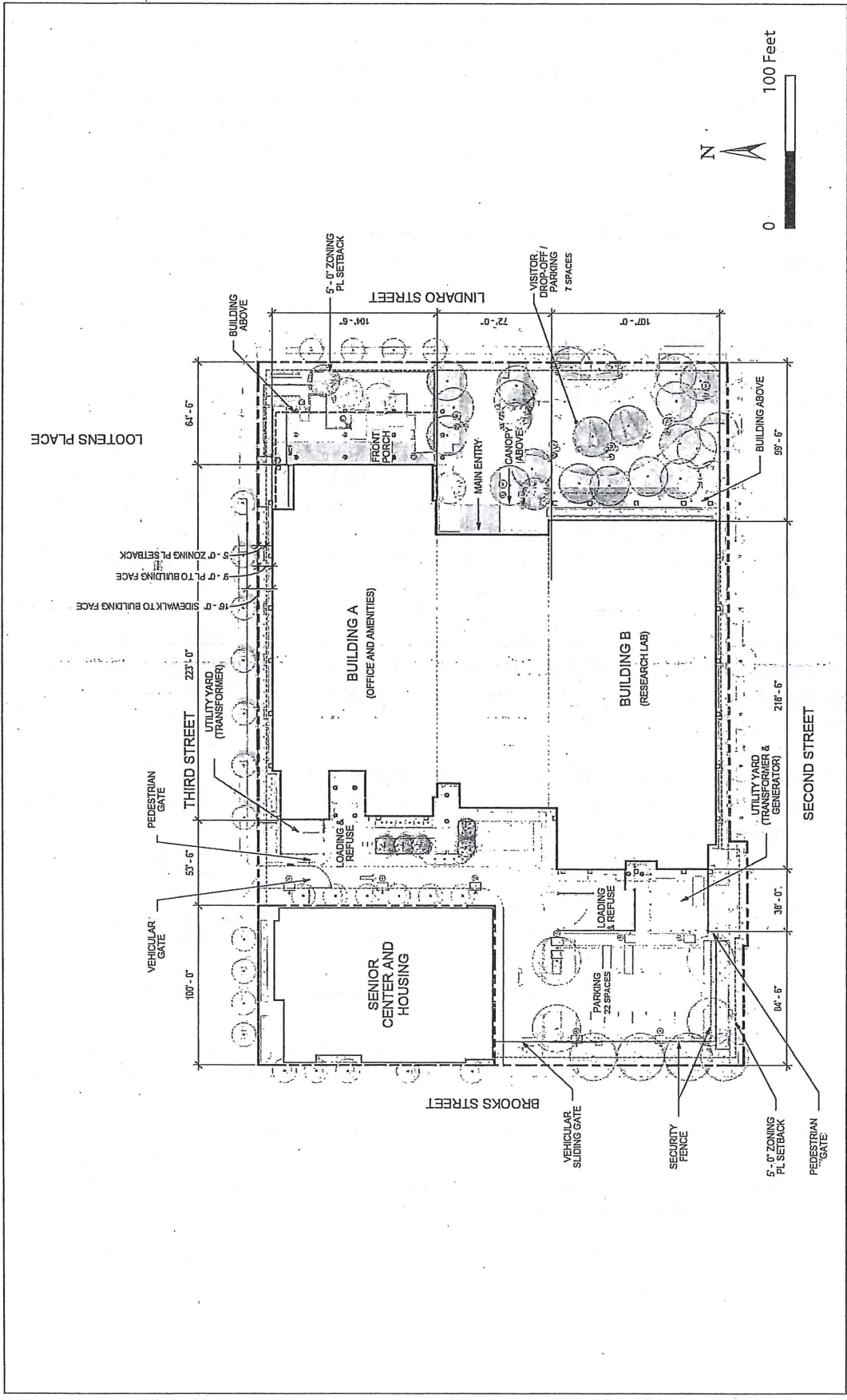
Reference: California Code of Regulations, Title 14, (State CEQA Guidelines) Sections 15082(A), 15103, 15375

*Sign Language and interpretation 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 22 or 23. Para-transit is available by calling Whistlestop Wheels at (415) 454-0964.*

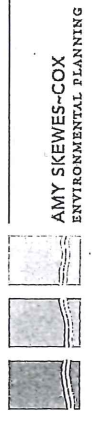
*To allow individuals with environmental illness or multiple chemical sensitivity to attend the meeting/hearing, individuals are requested to refrain from wearing scented products.*





**PROPOSED SITE PLAN**

SOURCE: Johnson Fair, 2018





Gavin Newsom  
Governor

STATE OF CALIFORNIA  
Governor's Office of Planning and Research  
State Clearinghouse and Planning Unit



Kate Gordon  
Director

**Notice of Preparation**

February 8, 2019

To: Reviewing Agencies  
Re: Biomarin and Whistlestop/Eden Housing Project  
SCH# 2019029046

Attached for your review and comment is the Notice of Preparation (NOP) for the Biomarin and Whistlestop/Eden Housing Project draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

**Sean Kennings**  
City of San Rafael  
1400 Fifth Avenue  
San Rafael, CA 94901

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan  
Director, State Clearinghouse

Attachments  
cc: Lead Agency

RECEIVED  
FEB 13 2018  
PLANNING

FEB 13 2018  
PLANNING



**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2019029046  
**Project Title** Biomarin and Whistlestop/Eden Housing Project  
**Lead Agency** San Rafael, City of

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**Type** **NOP** Notice of Preparation

**Description** The BioMarin portion of the project would be constructed in two phases as follows:  
- Phase I would consist of construction of Building A, which would be located on the north side of the project site and would include 77,000 sf of office space and 33,000 sf of amenities for employees and visitors of the overall BioMarin campus. The 33,000 sf of amenities for employees and visitors of the overall BioMarin campus. The 33,000 sf of amenities would be located on the ground floor and would include lobbies, conference rooms, a fitness center, dining space, and retail space. The retail space, consisting of about 3,500 sf, would be open to the public. Additional public use space would be an adjacent landscaped plaza (approx 6,000 sf) that could be an outdoor public gathering area during daytime hours.  
- Phase II would consist of construction of Building B, which would provide 97,000 sf of laboratory (research and development [R&D]) space in the southern portion of the project site.  
Both Building A & B would be 69 ft (4 stories) in height. Building A would have approx 262 ft of frontage on 3rd St and 180 ft of frontage on Lindaro St. Building B would have approx 244 ft of frontage on 2nd St and 109 ft of frontage on Lindaro St.

---

**Lead Agency Contact**

**Name** Sean Kennings  
**Agency** City of San Rafael  
**Phone** 415 485-3095 **Fax**  
**email** sean@lakassociates.com  
**Address** 1400 Fifth Avenue  
**City** San Rafael **State** CA **Zip** 94901

---

**Project Location**

**County** Marin  
**City** San Rafael  
**Region**  
**Cross Streets**  
**Lat / Long**  
**Parcel No.** 011-265-01  
**Township** **Range** **Section** **Base**

---

**Proximity to:**

**Highways**  
**Airports**  
**Railways**  
**Waterways**  
**Schools**  
**Land Use**

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**Project Issues** Aesthetic/Visual; Air Quality; Biological Resources; Soil Erosion/Compaction/Grading; Toxic/Hazardous; Noise; Public Services; Recreation/Parks; Water Quality; Landuse; Traffic/Circulation; Other Issues

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**Reviewing Agencies** Resources Agency; Department of Conservation; Department of Parks and Recreation; Department of Water Resources; Department of Fish and Wildlife, Region 3; Native American Heritage Commission; Department of Housing and Community Development; Public Utilities Commission; Caltrans, District 4; Regional Water Quality Control Board, Region 2; Air Resources Board, Transportation Projects; State Water Resources Control Board, Division of Water Quality; Department of Toxic Substances Control



Resources Agency

Resources Agency  
Nadell Gayou

Dept. of Boating & Waterways  
Denise Peterson

California Coastal Commission  
Alyson Hitt

Colorado River Board  
Elsa Contreras

Dept. of Conservation  
Crina Chan

Cal Fire  
Dan Foster

Central Valley Flood Protection Board  
James Herola

Office of Historic Preservation  
Ron Parsons

Dept of Parks & Recreation Environmental Stewardship Section

S.F. Bay Conservation & Dev't. Comm.  
Steve Goldbeck

Dept. of Water Resources  
Resources Agency  
Nadell Gayou

Fish and Game

Dept. of Fish & Wildlife Environmental Services Division

Fish & Wildlife Region 1  
Curt Babcock

Fish & Wildlife Region 1E  
Laurie Harnsberger

Fish & Wildlife Region 2  
Jeff Drongesen

Fish & Wildlife Region 3  
Craig Weightman

Fish & Wildlife Region 4  
Julie Vance

Fish & Wildlife Region 5  
Leslie Newton-Reed  
Habitat Conservation Program

Fish & Wildlife Region 6  
Tiffany Ellis  
Habitat Conservation Program

Fish & Wildlife Region 6 I/M  
Heidi Calvert  
Inyo/Mono, Habitat Conservation Program

Dept. of Fish & Wildlife M  
William Paznokas  
Marine Region

Other Departments

California Department of Education  
Lesley Taylor

OES (Office of Emergency Services)  
Monique Wilber

Food & Agriculture  
Sandra Schubert  
Dept. of Food and Agriculture

Dept. of General Services  
Cathy Buck  
Environmental Services Section

Housing & Comm. Dev.  
CEQA Coordinator  
Housing Policy Division

Independent Commissions, Boards

Delta Protection Commission  
Erik Vink

Delta Stewardship Council  
Anthony Navasero

California Energy Commission  
Eric Knight

Native American Heritage Comm.  
Debbie Treadway

Public Utilities Commission  
Supervisor

Santa Monica Bay Restoration  
Guangyu Wang

State Lands Commission  
Jennifer Deleong

Tahoe Regional Planning Agency (TRPA)  
Cherry Jacques

Cal State Transportation Agency CalSTA

Caltrans - Division of Aeronautics  
Philip Crimmins

Caltrans - Planning HQ LD-IGR  
Christian Bushong

California Highway Patrol  
Suzann Ikeuchi  
Office of Special Projects

Dept. of Transportation

Caltrans, District 1  
Rex Jackman

Caltrans, District 2  
Marcelino Gonzalez

Caltrans, District 3  
Susan Zanchi

Caltrans, District 4  
Patricia Maurice

Caltrans, District 5  
Larry Newland

Caltrans, District 6  
Michael Navarro

Caltrans, District 7  
Dianna Watson

Caltrans, District 8  
Mark Roberts

Caltrans, District 9  
Gayle Rosander

Caltrans, District 10  
Tom Dumas

Caltrans, District 11  
Jacob Armstrong

Caltrans, District 12  
Maureen El Harake

Cal EPA

Air Resources Board

Airport & Freight  
Jack Wursten

Transportation Projects  
Nesamani Kalandiyyur

Industrial/Energy Projects  
Mike Tollstrup

California Department of Resources, Recycling & Recovery  
Kevin Taylor/Jeff Esquivel

State Water Resources Control Board  
Regional Programs Unit  
Division of Financial Assistance

State Water Resources Control Board  
Cindy Forbes - Asst Deputy  
Division of Drinking Water

State Water Resources Control Board  
Div. Drinking Water # \_\_\_\_\_

State Water Resources Control Board  
Student Intern, 401 Water Quality Certification Unit  
Division of Water Quality

State Water Resources Control Board  
Phil Crader  
Division of Water Rights

Dept. of Toxic Substances Control Reg. # \_\_\_\_\_  
CEQA Tracking Center

Department of Pesticide Regulation  
CEQA Coordinator

Regional Water Quality Control Board (RWQCB)

RWQCB 1  
Cathleen Hudson  
North Coast Region (1)

RWQCB 2  
Environmental Document Coordinator  
San Francisco Bay Region (2)

RWQCB 3  
Central Coast Region (3)

RWQCB 4  
Teresa Rodgers  
Los Angeles Region (4)

RWQCB 5S  
Central Valley Region (5)

RWQCB 5F  
Central Valley Region (5)  
Fresno Branch Office

RWQCB 5R  
Central Valley Region (5)  
Redding Branch Office

RWQCB 6  
Lahontan Region (6)

RWQCB 6V  
Lahontan Region (6)  
Victorville Branch Office

RWQCB 7  
Colorado River Basin Region (7)

RWQCB 8  
Santa Ana Region (8)

RWQCB 9  
San Diego Region (9)

Other \_\_\_\_\_

Conservancy \_\_\_\_\_



Submitted via electronic email: Sean Jennings (sean@lakassociates.com)

February 28, 2019

RE: Formal Request for Tribal Consultation Pursuant to the California Environmental Quality Act (CEQA), Public Resources Code section 21080.3.1, subs. (b), (d) and (e) for the BioMarin/Whistelstop/Eden Housing Project in San Rafael, APN 011-265-01, at 999 3rd Street, San Rafael.

Dear Agency Representative:

This letter constitutes a formal request for tribal consultation under the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code section 21080.3.1 subdivisions (b), (d) and (e) for the mitigation of potential project impacts to tribal cultural resource for a project within the Federated Indians of Graton Rancheria's ancestral lands.

Receiving this letter sets forth the Tribe's formal request for consultation on the following topics checked below, which shall be included in consultation if requested (Public Resources Code section 21080.3.2, subd. (a):

- Alternatives to the project
- Recommended mitigation measures
- Significant effects of the project

The Tribe also requests consultation on the following discretionary topics checked below (Public Resources Code section 21080.3.2, subd. (a):

- Type of environmental review necessary
- Significance of tribal cultural resources, including any regulations, policies or standards used by your agency to determine significance of tribal cultural resources
- Significance of the project's impacts on tribal cultural resources
- Project alternatives and/or appropriate measures for preservation or mitigation that we may recommend, including, but not limited to:

- (1) Avoidance and preservation of the resources in place, pursuant to Public Resources Code section 21084.3, including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks or other open space, to incorporate the resources with culturally appropriate protection and management criteria;
- (2) Treating the resources with culturally appropriate dignity taking into account the tribal





FEDERATED INDIANS OF  
**GRATON**  
R A N C H E R I A

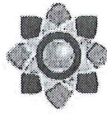
cultural values and meaning of the resources, including but not limited to the following:

- a. Protecting the cultural character and integrity of the resource;
  - b. Protection the traditional use of the resource; and
  - c. Protecting the confidentiality of the resource.
- (3) Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- (4) Protecting the resource.

Additionally, the Tribe would like to receive any cultural resources assessments or other assessments that have been completed on all or part of the project's potential "area of project effect" (APE), including, but not limited to:

- 1). The results of any record search(es) conducted at an archaeological information center of the California Historical Resources Information System (CHRIS), including, but not limited to:
  - (a) Any known cultural resources that have already been recorded on or adjacent to the potential APE;
  - (b) Whether the probability is low, moderate or high that cultural resources are located in the potential APE; and
  - (c) If a survey is required to determine whether previously unrecorded cultural resources are present in the potential APE.
- 2). The results of any archaeological inventory survey that was conducted of all or part of the potential APE, including, but not limited to:
  - (a) Any report that may contain site forms, site significance, and suggested mitigation measures.
- 3). The results of any Sacred Lands File searches conducted through the Native American Heritage Commission for all or part of the potential APE;
- 4). Any ethnographic studies conducted for any area including all or part of the potential APE; and
- 5) Any geotechnical reports regarding all or part of the potential APE.

We would like to remind your agency that CEQA Guidelines section 15126.4, subdivision (b)(3) states that preservation in place is the preferred manner of mitigating impacts to archaeological sites. Section 15126.4, subd. (b)(3) of the CEQA Guidelines has been interpreted by the California Court of Appeal to mean that "feasible preservation in place must be adopted to mitigate impacts to historical resources of an archaeological nature unless the lead agency determines that another form of mitigation is available and provides superior mitigation of impacts." *Madera Oversight Coalition v. County of Madera* (2011) 199 Cal.App.4th 48,



FEDERATED INDIANS OF  
**GRATON**  
RANCHERIA

disapproved on other grounds, *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439.

The Tribe would like to begin consultation within 30 days of your receipt of this letter. Please contact my office at (707) 566-2288 or by email at [bmcquillen@gratonrancheria.com](mailto:bmcquillen@gratonrancheria.com) as the person who will serve as the lead contact on behalf of the Tribe.

Sincerely,

Buffy McQuillen, THPO/NAGPRA  
Federated Indians of Graton Rancheria



**SAN RAFAEL**  
THE CITY WITH A MISSION

Community Development Department – Planning Division

**Meeting Date:** March 12, 2019  
**Agenda Item:** 3  
**Case Numbers:** AP18-004; ED17-073  
**Project Planner:** Steve Stafford –  
(415) 458-5048

## REPORT TO PLANNING COMMISSION

**SUBJECT: 1200 Irwin St. (“Dominican Townhomes”)** – Appeal of Planning staff’s December 7, 2018 denial without prejudice of an Environmental and Design Review Permit (ED17-073) proposing to legalize and modify miscellaneous design changes incorporated into an existing approved, constructed and occupied 15-unit multifamily residential development; APN: 011-013-05; Multifamily Residential – Medium Density (MR2) District Zone; Casey Clements for Thompson Development, Inc., applicant and appellant; 524 Mission Street, LLC, owner; File No.: AP18-004 and ED17-073.

### EXECUTIVE SUMMARY

The project proposes to legalize and modify existing design changes to an approved, constructed and occupied 15-unit, multifamily residential development, located at the northeast corner of Irwin St. and Mission Ave. (1200 Irwin St.; “Dominican Townhomes”). The project was approved in 2007 and the entitlements were extended through several time extensions. Design changes were requested by the current owner/applicant in 2015 and approved by staff with the recommendation of the Design Review Board (Board) in order to help make the project more efficient to construct. In 2016, building and grading permits were issued for the project. During construction of the project, staff notified the owner/applicant that additional design changes were incorporated without approval and inconsistent with the building permit. In 2017, construction of the project was completed with the ‘as-built’ design changes and the owner/applicant submitted an Environmental and Design Review Permit (ED17-073) to legalize these additional design changes. Dominican University of California (Dominican University) subsequently leased the project and a TCO (Temporary Conditional Occupancy) was quickly issued to allow occupancy for Fall 2017 academic term.

In October 2017, staff referred the ‘as-built’ design changes to the Design Review Board (Board) for review. At that meeting, the Board continued their review though indicated that they generally did not support legalizing the additional design changes because it did not meet the original design quality of the project. After more than one (1) year of inaction by the owner/applicant, staff scheduled the project to return to the Board for follow-up review and recommendations. In December 2018, the Board determined the applicant’s efforts to resolve the outstanding design issues lacked sincerity to address the lack of design quality and unanimously (5-0 vote) recommended denial of the project without prejudice. Staff subsequently denied the proposed legalization of these ‘as-built’ design changes, without prejudice, based on the recommendation of the Board.

The owner/applicant has appealed staff’s denial of the proposed design changes to the Planning Commission (Commission), citing the project “substantially conforms to the design intent” of the approved design. Staff disagrees. While the appeal fails to provide specific appeal points making it difficult for staff to defend its decision to deny the proposed design changes, the Board has provided clear directions to the owner/applicant/appellant to construct the project as approved without further modifications that lessen the quality of the project. Therefore, staff recommends that the appeal has no merit.



**RECOMMENDATION**

It is recommended that the Planning Commission adopt the attached draft Resolution denying the appeal (AP18-004) and upholding Planning staff’s December 7, 2018 denial without prejudice of an Environmental and Design Review Permit (ED17-073) proposing to legalize and modify miscellaneous design changes incorporated into an existing approved, constructed and occupied 15-unit multifamily residential development, located at 1200 Irwin St. (Exhibit 1).

**PROPERTY FACTS**

<b>Address/Location:</b>	1200 Irwin St.	<b>Parcel Number(s):</b>	011-013-06
<b>Property Size:</b>	26,400 sq. ft. (approx.)	<b>Neighborhood:</b>	Montecito/Happy Valley

Site Characteristics			
	General Plan Designation	Zoning Designation	Existing Land-Use
<b>Project Site:</b>	MDR	MR2	Multifamily Residential
North:	HDR	HR1.5	Multifamily Residential
South:	RO/MDR	R/O / MR2.5	Office, Single-Family and Multifamily Residential
East:	LDR	R5	Single-Family Residential
West:	NA	NA	Northbound U.S. 101 On-Ramp

**Site Description/Setting:**

The subject site is located adjacent to the northbound on-ramp to U.S. Highway 101, in the Montecito neighborhood. It has three (3) frontages with Mission Avenue to the immediate south, Irwin St. to the immediate west and Green Way to the immediate east. The site is 26,400 sq. ft. in size (approx.) and is relatively flat, sloping <2% from north to south. It is currently developed with 15, two-bedroom residential condominium units within three (3) structures.

The site is surrounded primarily by a mixture of multifamily and single-family residence to the north and east, a mixture of multifamily residential and commercial office to the south and the Highway 101 onramp to the west.

**BACKGROUND**

On July 16, 2007, the City Council conditionally approved the redevelopment of the subject site, through the following actions:

- Rezoning (ZC06-002) the site from MR2.5 to MR2 to allow for higher density proposed by the project; and
- Environmental and Design Review Permit (ED06-024) and Tentative Map (TS06-001) to demolish the existing residences, which had been determined to be ‘cultural resources’ under CEQA, and to construct 15, ‘carriage house’ attached townhome condominium units (13 ‘market-rate’ units and 2 ‘affordable’ units at low-income housing levels) within three buildings and associated parking and landscape improvements.

The State legislature subsequently approved a series of one- and two-year automatic time extensions on all subdivision map approvals for which the City also automatically extended all Planning approvals related to the State-approved map. The project approvals were set to expire on July 16, 2016.

In 2015, the site and these entitlements came under new ownership, who is the current owner of the site.

On July 7, 2015, Planning staff, with the recommendation of the Board, approved design changes (Environmental and Design Review Permit ED15-017) requested by the new owner in order to make the project easier to construct and more cost-effective.

In 2016, building permits were issued for the project. A TCO was issued after the completion of construction (The TCO has expired and the building permits were never finalized).

On September 5, 2017, an application for an Environmental and Design Review Permit (ED17-073) was submitted to legalize and approve additional 'as-built' changes to the project design that were installed during construction without the required prior approval from the City, including 1) Deviations from the approved exterior colors and materials; 2) Deviations to the approved finishes of the driveway and motor court; 3) Deviations to the approved design, size and location of wood trellis features; and 4) Conversion of one (1) required and approved guest parking space to a common trash enclosure.

On October 17, 2017, staff referred these additional proposed design changes to the Design Review Board (Board; Paul, Planning Commissioner Liaison) for review. At that meeting, the Board continued their review to a date uncertain to allow staff to work with the applicant to help meet the original design quality of the project. Specifically, the Board provided the following recommendations:

- The project should incorporate the approved colors and materials;
- The design quality of the wainscot needs to be improved, including building-up the thickness so that it projects further out from the shingle façade, greater texturing and elimination of the trim boarding;
- The asphalt driveway entry and motor court should be stamped and colored as approved;
- The entry trellises to individual units need to be constructed as approved;
- The project shall include a new trash enclosure which should match the approved colors and materials; and
- The site lighting needs follow-up from staff to either reduce the lighting levels and/or shield the light fixtures

After the Board meeting, the applicant agreed to install mock-ups to assist the Board in reviewing the proposed design changes to the wainscot base and entry trellises.

On October 1, 2018, the applicant resubmitted the proposed design changes to the approved project at the insistence of staff and after more than one (1) year of inaction by the owner/applicant.

On December 4, 2018, staff referred the resubmittal to the project to the Board for review. Staff requested the Board provide a recommendation of denial on the proposed design changes due to the inadequacy of the resubmittal in responding to the Board's prior recommendations. In the late afternoon on the date of the Board meeting, the applicant provided staff with a request for continuance, citing a scheduling conflict and illness. Without acting on the applicant's request to continue their review of the item, the Board unanimously (5-0 vote; Schaeffer, Planning Commissioner Liaison) voted to recommend denial of the 'as-built' design changes proposed by Environmental and Design Review Permit ED17-073, given that; they did not meet the design quality of the approved project.

On December 7, 2018, staff denied the proposed design changes (Environmental and Design Review Permit ED17-073) to the project, based on the recommendation of the Board that the design changes did not meet the design quality of the approved project.

On December 14, 2018, the owner/applicant appealed staff's denial of the proposed design changes, citing the project "substantially conforms to the design intent" of the approved design.

## PROJECT DESCRIPTION

In their Environmental and Design Review Permit (ED17-073) submittal, the owner/applicant/appellant is proposing to legalize or modify 'as-built' design changes that were incorporated into the construction of the project and without City approvals, including:

- White color window trim where dark green color window trim was approved;
- Window dimensions increased slightly, approximately six inches (6"), both vertically and horizontally;
- HardieShingle woodgrain fiber cement shingle siding painted a dark brown where cedar wood shingles and natural finish was approved;
- Off-white or crème color board-and-batten' sided gable ends and roof eaves where dark brown color was approved;
- Off-white or crème color exterior doors where dark brown color was approved to match the gable ends and roof eaves;
- Reduce and relocate the approved wood trellis features from the staircase landings to the entries to each unit;
- HardiePanel stucco fiber cement siding panels, framed by 2" x 2" wood trim in a grid pattern where 'dimensional' stucco cement plaster finish with control joints was approved;
- Install black asphalt throughout the motor court where stamped or scored colored concrete was approved; and
- Eliminate one (1) 'guest' parking space and construct a trash enclosure with wood screening to match the project fencing.

## ANALYSIS

### Appeal of Staff's Decision on December 7, 2018:

An appeal of Planning staff's denial, without prejudice, of the proposed design changes (Environmental and Design Review Permit ED17-073) was filed by the current owner and applicant. On its face, the appeal letter (Exhibit 3) mistakenly appeals the Design Review Board action; however, the Board only recommends action and its recommendations cannot be appealed. For the project, the Board recommended denial of the design changes to Planning staff. Staff believes the intent of the appeal is to appeal staff's denial of the project, based on the Board recommendation.

The single appeal point is that the project "substantially conforms to the design intent" of the original design review approval (Environmental and Design Review Permit ED06-024) and approved design change (Environmental and Design Review Permit ED15-017).

Staff and the Board disagrees. In October 2017, the Board continued their review of the 'as-built' design changes, indicating that they generally did not support these additional design changes, given that; they did not meet the original design quality of the project. After more than one (1) year of inaction by the owner/applicant, staff scheduled the project to return to the Board for follow-up review and recommendations. In December 2018, the Board determined the applicant's efforts to resolve the outstanding design issues lacked sincerity to address the lack of design quality and unanimously (5-0 vote; Schaeffer, Planning Commission Liaison) recommended denial of the project without prejudice. Staff

subsequently denied the proposed legalization of these 'as-built' design changes, without prejudice, based on the recommendation of the Board

The appeal fails to provide specific appeal points making it difficult for staff to defend its decision to deny the proposed design changes. Instead, staff is providing the Board's recommendations on the proposed design changes in **bold** followed by staff's response. The Board supported staff's responses and recommended denial of the proposed design changes, without prejudice:

### **Colors and Materials**

The project proposes to legalize a darker brown shade exterior wall color than what was approved. The project was approved with a wood shingle siding with natural clear treatment and a medium shade of gray stucco wainscot base trim. A dark brown color HardieShingle siding and a medium shade of taupe HardiePanel stucco sheets were installed on the exterior instead. During their December/October 17, 2017 review, the Board did not support the new color palette and recommended a return to the original approval color scheme: a light brown shingle siding over dark gray stucco wainscot base. More specifically, the Board recommended a new light brown paint-out of the exterior siding and a new dark gray stucco skim coat of the wainscot base. The applicant's subsequent resubmittal proposes to add a skim coat of stucco to the HardiePanel sheets in a new dark shade of gray (Dryvit 454A "Stone Gray"), as originally approved, though no changes are proposed to the dark brown HardieShingle siding. The applicant submitted a large (16" x 19") sample of the proposed new dark gray stucco that has been applied to Styrofoam board, which staff presented at the Board meeting for review. In addition, the resubmittal proposes to repaint the existing light beige color shade of the gable end walls to the same dark brown color as the HardieShingle siding. The project resubmittal includes a partial color elevation rendering representing these requested color changes (see Attachment E of the applicant's resubmittal).

**Staff's Response** During their earlier review of proposed design changes to the project, the Board was not satisfied with the request to legalize the existing color scheme painted on the residential building and recommended a return to the original color palette approved for the project. The applicant has made efforts to return the wainscot base to the approved material and color, dark gray stucco skim coat. This is the original approved color tone for the wainscot building base. Staff supports the color change back to the original approved material and color for the wainscot base; however, staff found the applicant's failure to also correct the exterior siding to its original approved light brown color falls short of the Board's recommendation on the color of the shingle walls. At their October 17, 2017 meeting, the Board was clear that they wanted to see the exterior colors painted to match those previously approved for the project. The resubmitted project does not comply with the Board's recommendation and, therefore, the proposed project changes were denied by staff.

### **Wainscot Base**

The approved project design included textured cement plaster or "dash finish" stucco wainscot along the base of each building with scored into 2' x 4' sections and separated from the fiber cement shingles by a beveled wood transition band. In lieu of the approved design, HardiePanel stucco fiber cement siding, in 2' x 4' panels, were installed with each panel framed in wood 2" x 2" trim. The resubmittal proposed to apply a skim coat of stucco treatment (Dryvit "Stone Gray") with a "Quarzputz" finish and scored into 2' x 4' sections. The applicant submitted a large (16" x 19") sample of the proposed stucco applied to Styrofoam board, which staff presented at the Board meeting for review. In addition, the applicant created an even larger sample (4' x 8') of the new dark gray stucco treatment and attached it to the wainscot base along the Green Way frontage, which remains.

**Staff's Response.** Immediately after the October 17, 2017 Board meeting, the applicant agreed to construct a mock-up on the building to assist the Board in their review of the proposed changes to the

wainscot but, more importantly, as an exercise to assist the applicant in determining the appropriate 'build up' of the building base prior to stucco skim coating. The Board required additional build-up of the wainscot base to create a thicker, more substantial base for the buildings which project beyond the exterior wall plane of the fiber cement shingle siding. The resubmittals did not include plans showing details on the additional build-up of the wainscot base and no detailed mock-up of the wainscot base was constructed. Instead, the owner/applicant/appellant created a large (4' x 8') sample of the new dark gray stucco treatment and attached it to the wainscot base along the Green Way frontage, which remains. The applicant's efforts fell short of the Board's recommendation to mock-up the wainscot to show how the it can be made to be a more substantial 'dimensional base to the buildings on the site. At the October 17, 2017 meeting, the Board was clear on the quality of improvements they wanted to see applied to the wainscot base; the design quality of the wainscot needed to be improved, including building-up the thickness so that it projected beyond the shingle wall plane façade, providing greater texturing to create dimensionality and eliminating the existing trim boards that currently divide the HardiePanel sheets. Staff and the Board found the resubmittals did not comply with the Board's recommendation and, therefore, denied the proposed project changes.

### **Driveway and Motor Court**

The project proposes to reduce the use of colored and textured paving from the entire driveway and motor court, as originally approved, to the driveway entry only (approx. 20' x 20' in size; see Attachments A and D of the applicant's resubmittal). The applicant's proposed justification for the reduced paving treatments in the motor court area is that: 1) the motor court area is not visible from the public streets (Mission Ave. and Irwin St.); and 2) use of the site is now rental residential which does not support the additional costs.

**Staff's Response.** During their earlier review of proposed design changes to the project, the Board supported the removal of a specimen tree which was approved to be located in the center of the motor court. The owner/applicant/appellant made the request to help improve maneuverability within the motor court. The Board was initially reluctant to allow the elimination of the approved specimen tree though ultimately justified the loss by requiring the approved, high-quality, paving treatments to remain within the driveway entry and motor court areas. The resubmittals fell short of the Board's recommendation that the stamped and colored pavement treatments, approved for the driveway entry and motor court areas, should remain in the project design. At the October 17, 2017 meeting, the Board was clear on the extent and quality of paving treatment they wanted to see preserved from the original approval in order to support the removal of the approved specimen tree. Staff and the Board found the resubmitted project did not comply with the Board's recommendation and, therefore denied the proposed project changes.

### **Entry Trellis**

The approved project design included wood trellises, approx..25 sq. ft. (5' x 5') in size and painted dark green in color, located on the staircases, at the lower landing, and above the unit entrances. The design change proposed to eliminate the trellis features located at the lower landings of each staircase while preserving the trellis features above the unit entrances, though reducing to approx. half their approved size while maintaining the dark green color. No drawings were submitted with details on the specific design of the proposed relocated and reduced entry trellis features though Attachment C of the applicant's resubmittal provided a photo of a mock-up installed between Units #13 and #14 along the east elevation of the site, along the Green Way frontage. This photo showed 2" x 4" laterals over double, 2" x 6" stringers and mounted to the building face with 2": x 8" extensions.

**Staff's Response.** During their earlier review of proposed design changes to the project, the Board was not supportive of the reduction in the number and size of the approved wood trellis features. At the October 17, 2017 meeting, the Board was clear that the approved trellis features were important to

reducing the perceived visual bulk/mass on the project. Staff and the Board found the resubmitted project did not comply with the Board's recommendation and, therefore denied the proposed project changes.

### **Trash Enclosure**

The approved project design included three (3) required 'guest' parallel parking spaces located along the north property line, where the driveway entrance and the motor court areas meet. The design change proposed to legalize the conversion of one (1) of these three (3) existing 'guest' parking spaces to a trash enclosure providing common refuse collection service. The site currently relies on an unscreened dumpster for trash pick-up. The proposed trash enclosure included 6'-tall wood fencing, 112 sq. ft. (8' x 14') in area, that would match the design of the existing rear 'privacy' fence, and a clear, corrugated plastic roof. No Material and Color Board or drawings were submitted with details on the proposed design of the trash enclosure though Attachment B of the applicant's resubmittal is a photo of the existing rear fencing on the site.

**Staff's Response.** During their earlier review of proposed design changes to the project, the Board was initially reluctant to eliminate a guest parking space though justified the loss by requiring the design of the proposed trash enclosure to meet the same high-quality exterior finishes (colors and materials) as the residential buildings on the site (stucco and/or shingle siding painted to match with composition fiberglass roof shingles). Staff and the Board found the resubmitted project does not comply with the Board's recommendation and, therefore, denied the proposed project changes.

### **Off-Site Glare**

At the October 17, 2017 Board meeting, public comments were made that the site lighting needed refinement to reduce off-site glare, which the Board incorporated as a recommendation. The applicant subsequently made adjustments to the site lighting to respond to the public's and the Board's lighting concerns.

**Staff's Response.** At the urgent request of the owner/applicant/appellant, the City issued a TCO Permit to allow Dominican University occupancy for Fall 2017 academic term. This TCO Permit has expired and Building Permit has not been finalized. The original project approvals included a lighting review period, to commence once the Building Permit is finalized. This allows staff to make further refinements in the site lighting levels and/or require shields on light fixtures within 90 days of building permit final.

## **DESIGN REVIEW BOARD RECOMMENDATION**

On October 17, 2017, staff referred the proposed 'as-built' design changes to the Board for review. At that meeting, the Board continued their review (Paul, Planning Commissioner Liaison) though indicated that they generally did not support legalizing or recommending approval of the design changes because they did not meet the original design quality of the project. Specifically, the Board provided the following recommendations:

- The project should incorporate the approved colors and materials;
- The design quality of the wainscot needs to be improved, including building-up the thickness so that it projects further out from the shingle façade, greater texturing and elimination of the trim boarding;
- The asphalt driveway entry and motor court should be stamped and colored as approved;
- The entry trellises to individual units need to be constructed as approved;
- The project shall include a new trash enclosure which should match the approved colors and materials of the buildings; and

- The site lighting needs follow-up from staff to either reduce the lighting levels and/or shield the light fixtures

After the Board meeting, the applicant agreed to install mock-ups to assist the Board in the review of the proposed design changes to the wainscot base and entry trellises.

On December 4, 2018, staff referred the resubmitted project to the Board for review. Staff requested the Board provide a recommendation of denial on the proposed design changes due to the inadequacy of the resubmittal in responding to the Board's prior recommendations. In the late afternoon on the date of the Board meeting, the applicant provided staff with a request for continuance, citing a scheduling conflict and illness. Without acting on the applicant's request to continue their review of the item, the Board unanimously (5-0 vote; Schaeffer, Planning Commissioner Liaison) voted to recommend denial of the 'as-built' design changes proposed by Environmental and Design Review Permit ED17-073.

## ENVIRONMENTAL DETERMINATION

The proposed project is exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15301 (*Class 1; Existing Facilities*) of the CEQA Guidelines which exempts minor alteration of existing public or private structures, facilities, involving negligible or no expansion of use beyond that existing at the time the lead agency's determination. The project proposes minor alterations to the existing 15-unit multifamily residential development involving no expansion of use.

## NEIGHBORHOOD MEETING / CORRESPONDENCE

A neighborhood meeting is not required, given that; the project application does not include a General Plan Amendment, Rezoning or the preparation of an EIR (Environmental Impact Report).

Notice of hearing for the project was conducted in accordance with noticing requirements contained in Chapter 29 of the Zoning Ordinance. A Notice of Public Hearing was mailed to all property owners and occupants within a 300-foot radius of the project site, the appropriate neighborhood group (the Montecito Area Residents Association or MARA), and all other interested parties, 15 calendar days prior to the date of this hearing. In addition, notice was posted on the site, on all three frontages, 15 calendar days prior to this hearing.

At the time of printing staff's report, no comments have been received as a result of this noticing.

## OPTIONS

The Planning Commission has the following options:

1. Deny the appeal and uphold staff's denial of the project and the Board's recommendation, without prejudice (staff recommendation);
2. Uphold the appeal and overturn staff's denial of the project and the Board's recommendation, reversing the decision of staff, and direct staff to return with a revised Resolution; or
3. Continue the matter to allow the applicant, appellant and/or staff to address any comments or concerns of the Planning Commission.

## EXHIBITS

1. Vicinity/Location Map
2. Draft Resolution, Denying the Appeal and Upholding Staff's Denial Without Prejudice
3. Letter of Appeal Dated December 14, 2019
4. Applicant's 9/28/18 Response to Board's Recommendations with Attachments
5. Staff's Project Denial with Findings Dated December 7, 2018

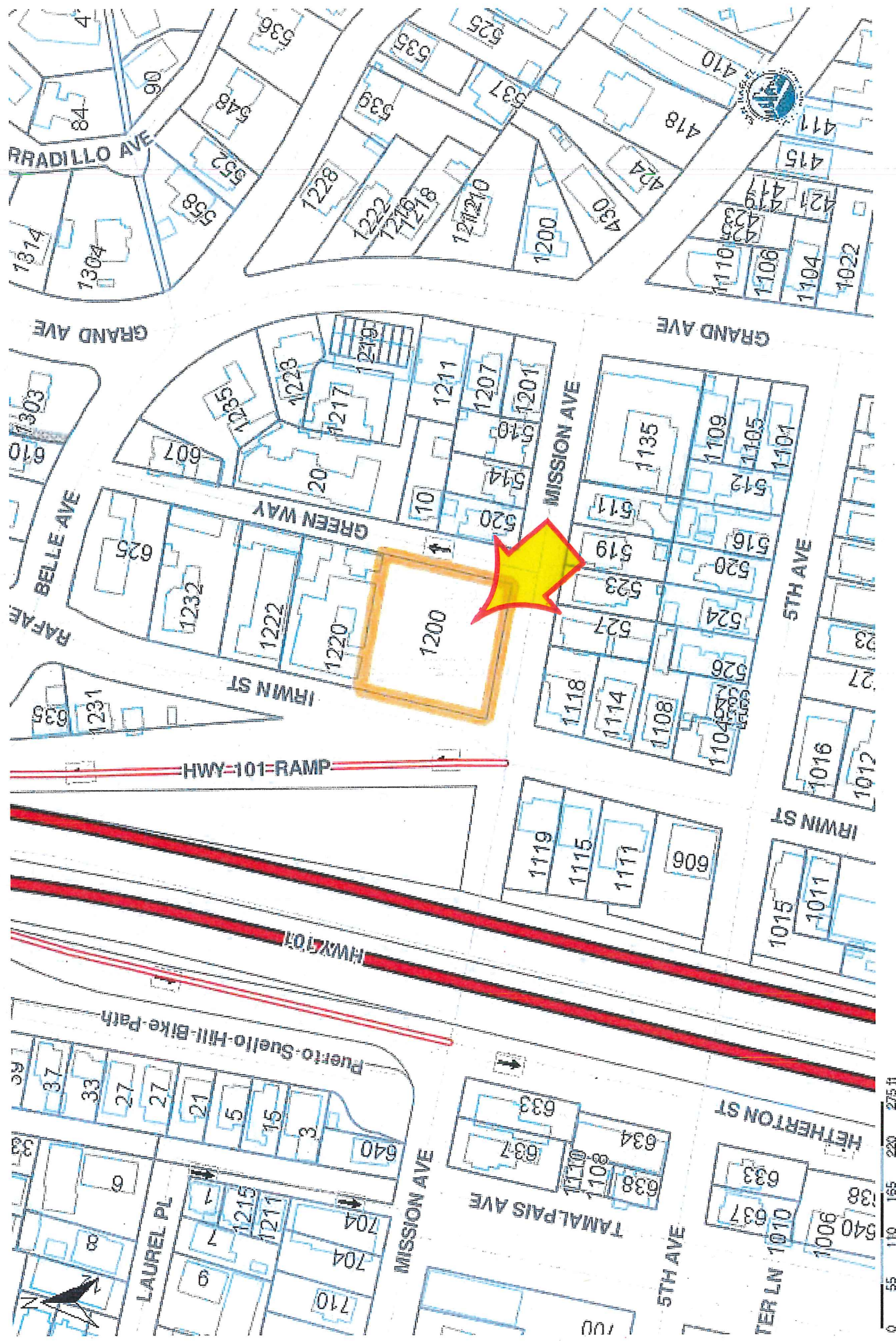
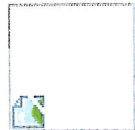
*Reduced (11" x 17") plans of the prior approved (7/7/15) design changes and the proposed (10/17/17) additional design changes have been provided to the Planning Commission only*

- cc. Casey Clements – Thompson Development, Inc.; 250 Bel Marin Keys, Bldg. A; Novato, CA 94949  
524 Mission Street. LLC – 250 Bel Marin Keys, Bldg. A; Novato, CA 94949



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 programetric computer aided drafting techniques, and it does not represent legal boundary survey data.

# 1200 Irwin St. ('Dominican Townhomes')



**RESOLUTION NO. 19-\_\_\_\_\_**

**RESOLUTION OF THE SAN RAFAEL PLANNING COMMISSION DENYING AN APPEAL  
(AP18-004) AND UPHOLDING STAFF'S DECEMBER 7, 2018 DENIAL WITHOUT  
PREJUDICE OF AN ENVIRONMENTAL AND DESIGN REVIEW PERMIT (ED17-073)  
PROPOSING TO LEGALIZE AND MODIFY MISCELLANEOUS DESIGN CHANGES  
INCORPORATED INTO AN EXISTING APPROVED, CONSTRUCTED AND OCCUPIED 15-  
UNIT MULTIFAMILY RESIDENTIAL DEVELOPMENT ("DOMINICAN TOWNHOMES"),  
LOCATED AT 1200 IRWIN ST.  
(APN: 011-013-05)**

**WHEREAS**, on July 16, 2007, the City Council conditionally approved the redevelopment of 1200 Irwin St., through the following actions:

- Rezoning (ZC06-002) the site from MR2.5 to MR2 to allow for higher density proposed by the project; and
- Environmental and Design Review Permit (ED06-024) and Tentative Map (TS06-001) to demolish the existing residences, which have been determined to be 'cultural resources' under CEQA, and to construct 15, 'carriage house' attached townhome condominium units (13 'market-rate' units and 2 'affordable' units at low-income housing levels) within three buildings and associated parking and landscape improvements; and

**WHEREAS**, the State legislature subsequently approved a series of one- and two-year automatic time extensions on all subdivision map approvals for which the City also automatically extends all Planning approvals related to the State-approved map extensions, for which the project approvals were set to expire on July 16, 2016; and

**WHEREAS**, in 2015, the site and these entitlements came under new ownership, who remains the current owner of the site; and

**WHEREAS**, on July 7, 2015, Planning staff, with the recommendation of the Board, approved certain design changes (Environmental and Design Review Permit ED15-017) requested by the new owner in order to make the project easier to construct and more cost-effective.

**WHEREAS**, on July 18, 2016, a building permit was issued for the construction of the new 15-unit townhome. The project was subsequently constructed and during construction, City building inspectors informed the contractor/owner of inconsistencies with building materials and other exterior design features that were not in accordance with the approved building permit plans, and approved Design Review.

**WHEREAS**, on September 5, 2017, the owner/applicant submitted an application for an Environmental and Design Review Permit (ED17-073) to request legalization of the additional changes to the project design that were installed during construction without the required prior approval from the City, including 1) Deviations from the approved exterior colors and materials; 2) Deviations to the approved finishes of the driveway and motor court; 3) Deviations to the approved design, size and location of wood trellis features; and 4) Conversion of one (1) required and approved guest parking space to a common trash enclosure; and

**WHEREAS**, on October 17, 2017, the San Rafael Design Review Board (Board) (Commissioner Pau as Planning Commission (PC) Liaison) held a duly-noticed public hearing

on Environmental and Design Review Permit ED17-073, accepting all oral and written public testimony and the written report of Planning staff, and continued their review to a date uncertain to allow staff to work with the applicant to help meet the original design quality of the project. Specifically, the Board provided the following recommendations:

- The project should incorporate the approved colors and materials;
- The design quality of the wainscot needs to be improved, including building-up the thickness so that it projects further out from the shingle façade, greater texturing and elimination of the trim boarding;
- The asphalt driveway entry and motor court should be stamped and colored as approved;
- The entry trellises to individual units need to be constructed as approved;
- The project shall include a new trash enclosure which should match the approved colors and materials of the buildings; and
- The site lighting needs follow-up from staff to either reduce the lighting levels and/or shield the light fixtures; and

**WHEREAS**, after the Board meeting, the applicant agreed to construct mock-ups of the proposed design changes to the wainscot base and entry trellises; and

**WHEREAS**, in November 2017, the construction was completed, and the owner/contractor requested a temporary occupancy, while they seek to finalize their request to legalize the design changes and their need to meet lease obligations with Dominican University who had leased the units for as independent student housing; and

**WHEREAS**, over the next year following the DRB's review of the proposed revisions, the applicant had not resubmitted any design changes or additional information as requested by the DRB in October 2017

**WHEREAS**, on October 1, 2018, at the urging of Community Development department staff and code enforcement action, the applicant resubmitted the proposed design changes to the approved project; and

**WHEREAS**, on December 4, 2018, the Board held a duly-noticed public hearing to continue their review on resubmitted Environmental and Design Review Permit (ED17-073), accepting all oral and written public testimony and the written report of Planning staff, and unanimously (5-0 vote; Commissioner Schaeffer as PC Liaison) recommended denial of the proposed design changes, without prejudice, due to the inadequacy of the resubmittal in responding to the Board's prior recommendations of wanting to preserve the project's original approved high-quality design; and

**WHEREAS**, on December 4, 2018, the Board also reviewed a request for continuance from the owner/applicant, citing a scheduling conflict and illness, for which the Board recommended denial of the design changes proposed by Environmental and Design Review Permit ED17-073, without prejudice, and without acting on the request for continuance; and

**WHEREAS**, on December 7, 2018, staff issued a letter of action on the Environmental and Design Review Permit (ED17-073), denying the application, based on the recommendation of the Board that the design changes did not meet the design quality of the approved project and finding project was inconsistent with the applicable General Plan policies, residential design guidelines, and review criteria for Environmental and Design Review Permits: and



**WHEREAS**, on December 14, 2018, the owner/applicant filed an appeal of staff's denial of the design changes proposed by Environmental and Design Review Permit (ED17-073), citing the project "substantially conforms to the design intent" of the approved design and,

**WHEREAS**, on March 12, 2019, the San Rafael Planning Commission (Planning Commission) held a duly noticed appeal hearing to consider the Appeal (AP18-004), accepted and considered all oral and written public testimony and the written report of Planning staff; and

**WHEREAS**, the custodian of documents which constitute the record of proceedings upon which this decision is based is the Community Development Department; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Commission hereby denies the Appeal (AP18-004) by the project applicant/owner and upholds the December 7, 2018 staff decision denying, without prejudice, the design changes requested by Environmental and Design Review Permit (ED17-073). The Planning Commission finds and determines that the appeal fails to provide any specific appeal points to support or refute the staff denial and that the numerous design changes cannot be supported for the following reasons. The Commission also finds and determines that the proposed design changes (in **bold**) did not meet the design quality of the approved project, as recommended by the Board.

**Appeal Point – Design changes are in substantial compliance with the approved project.** The appeal letter provides no information or details to support this assertion. Both Board and staff reviewed the requested changes on multiple occasions and did not conclude that the requested changes: 1) are in substantial compliance with the previously approved design. 2) are appropriate for the architecture of the building or for this prominent location. and 3) do not comply with established design guidelines and policies. All the changes were made without prior city authorization, during construction.

### **Colors and Materials**

The project proposes to legalize a darker brown shade exterior wall color than what was approved. The project was approved with a wood shingle siding with natural clear treatment and a medium shade of gray stucco wainscot base trim. A dark brown color HardieShingle siding and a medium shade of taupe HardiePanel stucco sheets were installed on the exterior instead. During their December/October 17, 2017 review, the Board did not support the new color palette and recommended a return to the original approval color scheme: a light brown shingle siding over dark gray stucco wainscot base. More specifically, the Board recommended a new light brown paint-out of the exterior siding and a new dark gray stucco skim coat of the wainscot base. The applicant's subsequent resubmittal proposes to add a skim coat of stucco to the HardiePanel sheets in a new dark shade of gray (Dryvit 454A "Stone Gray"), as originally approved, though no changes are proposed to the dark brown HardieShingle siding. The applicant submitted a large (16" x 19") sample of the proposed new dark gray stucco that has been applied to Styrofoam board, which staff presented at the Board meeting for review. In addition, the resubmittal proposes to repaint the existing light beige color shade of the gable end walls to the same dark brown color as the HardieShingle siding. The project resubmittal includes a partial color elevation rendering representing these requested color changes.

**The Commission finds and concurs with staff and the Board that color and material changes are not appropriate for the site and the other building materials and colors.** During their earlier review of proposed design changes to the project, the Board was not satisfied with the request to legalize the existing color scheme painted on the residential building and recommended a return to the original color palette approved for the project.

The applicant had made efforts to return the wainscot base to the approved material and color, dark gray stucco skim coat (the original approved color tone for the wainscot building base); however, the applicant's failure to also correct the exterior siding to its original approved light brown color fell short of the Board's recommendation on the color of the shingle walls and did not provide a congruous design. At their October 17, 2017 meeting, the Board was clear that they wanted to see the exterior colors painted to match those previously approved for the project.

### **Wainscot Base**

The approved project design included textured cement plaster or "dash finish" stucco wainscot along the base of each building with scored into 2' x 4' sections and separated from the fiber cement shingles by a beveled wood transition band. In lieu of the approved design, HardiePanel stucco fiber cement siding, in 2' x 4' panels, were installed with each panel framed in wood 2" x 2" trim. The resubmittal proposed to apply a skim coat of stucco treatment (Dryvit "Stone Gray") with a "Quarzputz" finish and scored into 2' x 4' sections. The applicant submitted a large (16" x 19") sample of the proposed stucco applied to Styrofoam board, which staff presented at the Board meeting for review. In addition, the applicant created an even larger sample (4' x 8') of the new dark gray stucco treatment and attached it to the wainscot base along the Green Way frontage, which remains.

Following the first Board meeting (October 17, 2017), the applicant agreed to construct a mock-up on the building to assist the Board in their review of the proposed changes to the wainscot but, more importantly, as an exercise to assist the applicant in determining the appropriate 'build up' of the building base prior to stucco skim coating. The Board required additional build-up of the wainscot base to create a thicker, more substantial base for the buildings which project beyond the exterior wall plane of the fiber cement shingle siding. The October 1, 2018 resubmittal did not include plans showing details on the additional build-up of the wainscot base not was a detailed mock-up of the wainscot base constructed. Instead, the owner/applicant/appellant created a large (4' x 8') sample of the new dark gray stucco treatment and attached it to the wainscot base along the Green Way frontage, which remains. The applicant's efforts fell short of the Board's recommendation to mock-up the wainscot to show how the it can be made to be a more substantial 'dimensional base to the buildings on the site. At the October 17, 2017 meeting, the Board was clear on the quality of improvements they wanted to see applied to the wainscot base; the design quality of the wainscot needed to be improved, including building-up the thickness so that it projected beyond the shingle wall plane façade, providing greater texturing to create dimensionality and eliminating the existing trim boards that currently divide the HardiePanel sheets.

The Commission finds that the alternate base material does not provide strong design element to ground the structure and concurs with the Board's concerns regarding degradation of design quality.

### **Driveway and Motor Court**

The project proposes to reduce the use of colored and textured paving from the entire driveway and motor court, as originally approved, to the driveway entry only (approx. 20' x 20' in size). The applicant's proposed justification for the reduced paving treatments in the motor court area is that: 1) the motor court area is not visible from the public streets (Mission Ave. and Irwin St.); and 2) use of the site is now rental residential which does not support the additional costs.

During the previous review of design changes prior to the issuance of the building permit, the Board and staff supported the removal of a specimen tree which was approved to be

located in the center of the motor court. The owner/applicant/appellant made the request to help improve maneuverability within the motor court. The Board was initially reluctant to allow the elimination of the approved specimen tree though ultimately justified the loss by requiring the approved, high-quality, paving treatments to remain within the driveway entry and motor court areas.

During construction, the high-quality paving materials were eliminated, without city approval and the post construction application submittals fell short of the Board's recommendation that the stamped and colored pavement treatments, approved for the driveway entry and motor court areas, should remain in the project design. At the October 17, 2017 meeting, the Board was clear on the extent and quality of paving treatment they wanted to see preserved from the original approval in order to support the removal of the approved specimen tree. The applicant did not comply with this direction to return the high quality paving material back to the courtyard and therefore, the board and staff found that 1) the applicant did not address the Board's comments, 2) the as built situation eliminated a quality on site amenity for users and residents of the site, and 3) eliminated the one feature that was used to support the applicant's previous request to eliminate a specimen tree in the courtyard

### **Entry Trellis**

The approved project design included wood trellises, approx..25 sq. ft. (5' x 5') in size and painted dark green in color, located on the staircases, at the lower landing, and above the unit entrances. The design change proposed to eliminate the trellis features located at the lower landings of each staircase while preserving the trellis features above the unit entrances, though reducing to approx. half their approved size while maintaining the dark green color. No drawings were ever submitted with details on the specific design of the proposed relocated and reduced entry trellis features though Attachment C of the applicant's resubmittal provided a photo of a mock-up installed between Units #13 and #14 along the east elevation of the site, along the Green Way frontage. This photo showed 2" x 4" laterals over double, 2" x 6" stringers and mounted to the building face with 2": x 8" extensions.

The Commission finds that the larger trellis is necessary to reduce visual bulk/mass. During their earlier review of proposed design changes to the project, the Board was not supportive of the reduction in the number and size of the approved wood trellis features. At the October 17, 2017 meeting, the Board was clear that the approved trellis features were important to reducing the perceived visual bulk/mass on the project. Staff and the Board found the resubmitted project did not comply with the Board's recommendation and, therefore denied the proposed project changes. The Commission concurs with the Board's and staff's review and determination.

### **Trash Enclosure**

The approved project design included three (3) required 'guest' parallel parking spaces located along the north property line, where the driveway entrance and the motor court areas meet. The design change proposed to legalize the conversion of one (1) of these three (3) existing 'guest' parking spaces to a trash enclosure providing common refuse collection service. The site currently relies on an unscreened dumpster for trash pick-up. The proposed trash enclosure included 6'-tall wood fencing, 112 sq. ft. (8' x 14') in area, that would match the design of the existing rear 'privacy' fence, and a clear, corrugated plastic roof. No Material and Color Board or drawings were submitted with details on the proposed design of the trash enclosure though Attachment B of the applicant's resubmittal is a photo of the existing rear fencing on the site.

The Commission concurs that changes to the trash enclosure create a inequivalent quality of design between the residential structures and the accessory structure. During their earlier review of proposed design changes to the project, the Board was initially reluctant to eliminate a guest parking space though justified the loss by requiring the design of the proposed trash enclosure to meet the same high-quality exterior finishes (colors and materials) as the residential buildings on the site (stucco and/or shingle siding painted to match with composition fiberglass roof shingles). Staff and the Board found the resubmitted project did not comply with the Board's recommendation and, therefore, denied the proposed project changes and the Commission concurs.

### **Off-Site Glare**

At the October 17, 2017 Board meeting, public comments were made that the site lighting needed refinement to reduce off-site glare, which the Board incorporated as a recommendation. The applicant subsequently made adjustments to the site lighting to respond to the public's and the Board's lighting concerns.

At the urgent request of the owner/applicant/appellant, the City issued a Temporary Certificate of Occupancy (TCO) to allow Dominican University occupancy for Fall 2017 academic term. This TCO Permit has expired and Building Permit has not been finalized. The original project approvals included a lighting review period, to commence once the Building Permit is finalized. This allows staff to make further refinements in the site lighting levels and/or require shields on light fixtures within 90 days of building permit final.

**BE IT FURTHER RESOLVED**, that the Planning Commission upholds the staff's December 7, 2018 denial of the requested design changes proposed by Environmental and Design Review Permit (ED17-073), without prejudice, based on the following findings:

### **Environmental and Design Review Permit Findings (ED17-073)**

- A. The design changes to the approved project, as proposed, is not in accordance with the City of San Rafael General Plan 2020, the objectives of the Zoning Ordinance, and the purposes of Chapter 25 of the Zoning Ordinance (*Environmental and Design Review Permits*), in that;
1. The project will not be consistent with Community Design Policies CD-3 (*Neighborhoods*), CD-11a (*Compatibility of Building Patterns; Multifamily Design Guidelines*) and CD-19 (*Lighting*) of the General Plan, in that; a) The proposed design changes will not respect the context of the existing neighborhood in the vicinity, which includes an assortment of residential structures with high-quality site and building design; b) The proposed design changes are incompatible with the neighborhood building patterns in the vicinity, which include detailed texturing of exterior building materials; and c) At the October 17, 2017 Board meeting on the project, public comments were made that the site lighting needed refinement to reduce off-site glare, which the Board incorporated as a recommendation. The original project approvals included a lighting review period, to commence once the building permit is finalized. This allows staff to make further refinements in the site lighting levels and/or require shields on light fixtures within 90 days of building permit final. The original building permit for the project has not been finalized. Staff is unable to final the building permit for the project, or require modifications to reduce the off-site glare on the site, until the project is constructed consistent with the approved design; and

2. The project will not be consistent with the objectives of Title 14 of the San Rafael Municipal Code (*the Zoning Ordinance*), in that:

As discussed in Finding #A1 above, the project will not implement, support and promote, generally, all applicable goals and policies of the San Rafael General Plan 2020 that are intended to protect the public health, safety and welfare;

As discussed in Finding #A1 above, the project will not be particularly consistent with all applicable Community Design Policies of the General Plan; and

As discussed in Finding #A1 above, the project will not promote design quality in all development;

3. The project will not be consistent with the specific purposes of Chapter 25 (*Environmental and Design Review Permits*) of the Zoning Ordinance, in that: the project will not promote design excellence. The project has been previously reviewed by the Board during two (2) separate, noticed meetings and, on December 4, 2018, the Board recommended denial of the project, finding the proposed design changes did not adequately meet the same design quality as the approved project design; and;

- B. The design changes to the approved project, as proposed, are not consistent with all applicable site, architecture and landscaping design review criteria and guidelines for the Multifamily Residential – Medium Density (MR2) District in which the site is located, in that;

1. As discussed above, the proposed design changes will not be consistent with design-related General Plan policies, including, but not limited to:

- a) Community Design Policy CD-3 (Neighborhoods);
- b) CD-11 (Multifamily Residential Guidelines); and
- c) CD-19 (Lighting); and

2. The proposed design changes will not be consistent with San Rafael Design Guidelines, in that;

- a) *Lighting sources should be shielded to prevent glare and illumination beyond the boundaries of the property.* At the October 17, 2017 Board meeting on the project, public comments were made that the site lighting needed refinement to reduce off-site glare, which the Board incorporated as a recommendation. The original project approvals included a lighting review period, to commence once the building permit is finalized. This allows staff to make further refinements in the site lighting levels and/or require shields on light fixtures within 90 days of building permit final. The original building permit for the project has not been finalized. Staff is unable to final the building permit for the project, or require modifications to reduce the off-site glare on the site, until the project is constructed consistent with the approved design;

- b) *Additions and alterations to a residential building should relate to the original building design, including materials, and the quality of materials and detailing should be consistent with or better than the original design.* The project has been previously reviewed by the Board during two (2) separate, noticed meetings and,



on December 4, 2018, the Board recommended denial of the project, finding the proposed design changes did not adequately meet the same design quality as the approved project design; and

3. The proposed design changes will not be consistent with the site and architectural review criteria for Environmental and Design Review Permits, in that;
  - a) *There should be a harmonious relationship within the development, between all structures on the site and there should be consistent organization of materials and a balanced relationship of design elements.* The project has been previously reviewed by the Board during two (2) separate, noticed meetings and, on December 4, 2018, the Board recommended denial of the project, finding the proposed design changes did not adequately meet the same design quality as the approved project design;
  - b) *Design elements and approaches are encouraged to create interest in the building elevations. Equal attention to design of all facades. High-quality building materials are required.* The project has been previously reviewed by the Board during two (2) separate, noticed meetings and, on December 4, 2018, the Board recommended denial of the project, finding the proposed design changes did not adequately meet the same design quality as the approved project design.

*Lighting sources should be shielded to prevent glare and illumination beyond the boundaries of the property.* At the October 17, 2017 Board meeting on the project, public comments were made that the site lighting needed refinement to reduce off-site glare, which the Board incorporated as a recommendation. The original project approvals included a lighting review period, to commence once the building permit is finalized. This allows staff to make further refinements in the site lighting levels and/or require shields on light fixtures within 90 days of building permit final. The original building permit for the project has not been finalized. Staff is unable to final the building permit for the project, or require modifications to reduce the off-site glare on the site, until the project is constructed consistent with the approved design; and

*Additions and alterations to a residential building should relate to the original building design, including materials, and the quality of materials and detailing should be consistent with or better than the original design.* The project has been previously reviewed by the Board during two (2) separate, noticed meetings and, on December 4, 2018, the Board recommended denial of the project, finding the proposed design changes did not adequately meet the same design quality as the approved project design; and

- C. The design changes to the approved project, as proposed, will not minimize potential adverse environmental impacts; in that; the project has been previously reviewed by the Board during two (2) separate, noticed meetings and, on December 4, 2018, the Board recommended denial of the project, finding the proposed design changes did not adequately meet the same design quality as the approved project design; and
- D. The design changes to the approved project, as proposed, will be detrimental to the public health, safety or welfare, nor materially injurious to properties or improvements in the vicinity, in that: in that:; the project has been previously reviewed by the Board during two (2) separate, noticed meetings and, on December 4, 2018, the Board recommended denial of

the project, finding the proposed design changes did not adequately meet the same design quality as the approved project design.

**California Environmental Quality Act (CEQA) Findings**

The project, which proposes legalization of design changes to an existing approved, constructed and occupied 15-unit multifamily residential development and which was denied by staff, is statutorily exempt from the California Environmental Quality Act (CEQA), pursuant to Section 153270 (a) (*Project Which Are Disapproved; Statutory Exemptions*) of the CEQA Guidelines. Therefore, no further environmental review is required

The foregoing Resolution was adopted at the regular City of San Rafael Planning Commission meeting held on the 12<sup>th</sup> day of March 2019.

Moved by Commissioner \_\_\_\_\_ and seconded by Commissioner \_\_\_\_\_

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners:

SAN RAFAEL PLANNING COMMISSION

ATTEST: \_\_\_\_\_  
Paul A. Jensen, Secretary

BY: \_\_\_\_\_  
Sarah Loughran, Chair

**THOMPSON**  
DEVELOPMENT INC.

AN AFFILIATE OF WEST BAY BUILDERS INC.

250 BEL MARIN KEYS BLVD. BLDG. A  
NOVATO, CALIFORNIA 94949  
415.456.8972 TEL.  
415.382.9896 FAX.

December 14, 2018

*Hand Delivered*

Attn: Steve Stafford  
City of San Rafael  
1400 Fifth Ave  
San Rafael, CA 94901

RE: 1200 Irwin Street – Appeal of 12/4/18 Design Review Decision

Dear Mr. Stafford,

On December 4<sup>th</sup>, 2018, the City's Design Review Board denied the application to legalize several design modifications incorporated into the 15 unit residential complex located at 1200 Irwin Street.

We believe the project substantially conforms to the design intent. Thus, with respect, we would like to appeal this decision made by the Design Review Board so that a more complete discussion of the issues may be held. Please find attached a check in the amount of \$4,834 to cover the fee for the appeal.

Thank you for your time, and we look forward to hearing from you regarding next steps.

Sincerely,



Casey Clement

**RECEIVED**  
DEC 14 2018  
PLANNING

AP18-004

**EXHIBIT 3**

September 28, 2018

*Hand Delivered*

Attn: Steve Stafford  
City of San Rafael  
1400 Fifth Ave  
San Rafael, Ca 94901

RE: 1200 Irwin Street – Design Revision

RECEIVED  
OCT 01 2018  
PLANNING

Dr. Mr. Stafford,

During the 10/17/17 Design Review Hearing for the above referenced project, we received valuable feedback from the Board regarding the proposed design revisions. After carefully considering their feedback, we have worked with our architects Bob Wright and Jessica Smith (color consultant) to prepare a new proposal. We would like to propose making the following design revisions to the finished project:


1. **Trash Enclosure** – In accordance with the recommendation made in your Staff Report for the 10/17/17 DRB Hearing, we will construct and 8' x 14' wood trash enclosure with a clear, corrugated plastic roof. The enclosure will mimic the existing property line fence. The proposed location is shown on the revised courtyard plan included as ATTACHEMNT A. A photograph of existing conditions is included as ATTACHMENT B.
2. **Entry Trellises** – We would like to propose constructing a trellis element over the street-facing entryway to each unit. We have mocked up one such trellis over units 13 & 14 and have included photograph for your reference as ATTACHMENT C. Note that the trellis has been painted Kelly Moore Greene & Greene to match existing trim.
3. **Lightning** – During the 10/17/17 hearing, neighbor Debbie Fuqua expressed concern about the brightness of the exterior lights. Since then, we have been in close communication with Debbie as we have made incremental adjustments to the lightning. The flood lights and landscape bollards on Mission Ave have been dimmed, and the interior courtyard lights have been dimmed as well. Ms. Fuqua is pleased with the final product.
4. **Interior Courtyard** – The original design included colored, stamped asphalt throughout the interior courtyard, which would have been appropriate for a for-sale product. Because the units are occupied by renters, and the interior courtyard is not visible from the street, we will provide a colored and stamped asphalt entrance as illustrated in ATTACHMENT A. Note that this revised plan includes colored stamped asphalt elements

at the vehicular entrance which is visible from the street. Also included as ATTACHMENT D is an excerpt from the Integrated Paving Concepts Catalogue. We propose a standard herringbone pattern with a stacked brick border in the color of 'Sienna'.

5. **Stucco Base** – In accordance with the recommendation made in your 10/17/17 Staff Report, we would like to propose that a skim coat of stucco finish be applied to the base and scored in 2' x 4' sections. A sample of the proposed Dryvit Stone Grey stucco with a quartz putz finish is attached for your reference.
6. **Color** – During the building permit review process, we submitted a colored elevation to the City which depicted the dark brown siding (ATTACHMENT E). The color of the siding matches the color reflected in this elevation. We retained the services of Jessica Smith of Polsky Perlstein Architects to select a new color for the stucco base. The color she chose, Dryvit 454A in Stone Gray, has more gray undertones as opposed to taupe, and is more complimentary to the dark brown siding.

Thank you for your time and consideration of our proposal. Please let me know if you require any additional information. We look forward to hearing from you regarding a possible hearing date.

Sincerely,



Casey Clement



# ATTACHMENT A

## 1200 Irwin Street Proposed Revised Motorcourt Plan

9/26/18

Colored, stamped concrete at vehicular entrance that terminates at the end of the planter on the NW corner of the site. Roughly 25' x 20'. Standard Herringbone with Stacked Brick Border in 'Sienna'.

New 8' x 14' trash enclosure with corrugated plastic roof

EXISTING BUILDING

BLACK ASPHALT  
WITH CONCRETE VALLEY GUTTERS



GREEN WAY

MISSION AVENUE

1 SITE PLAN  
SCALE: 1" = 10'-0"

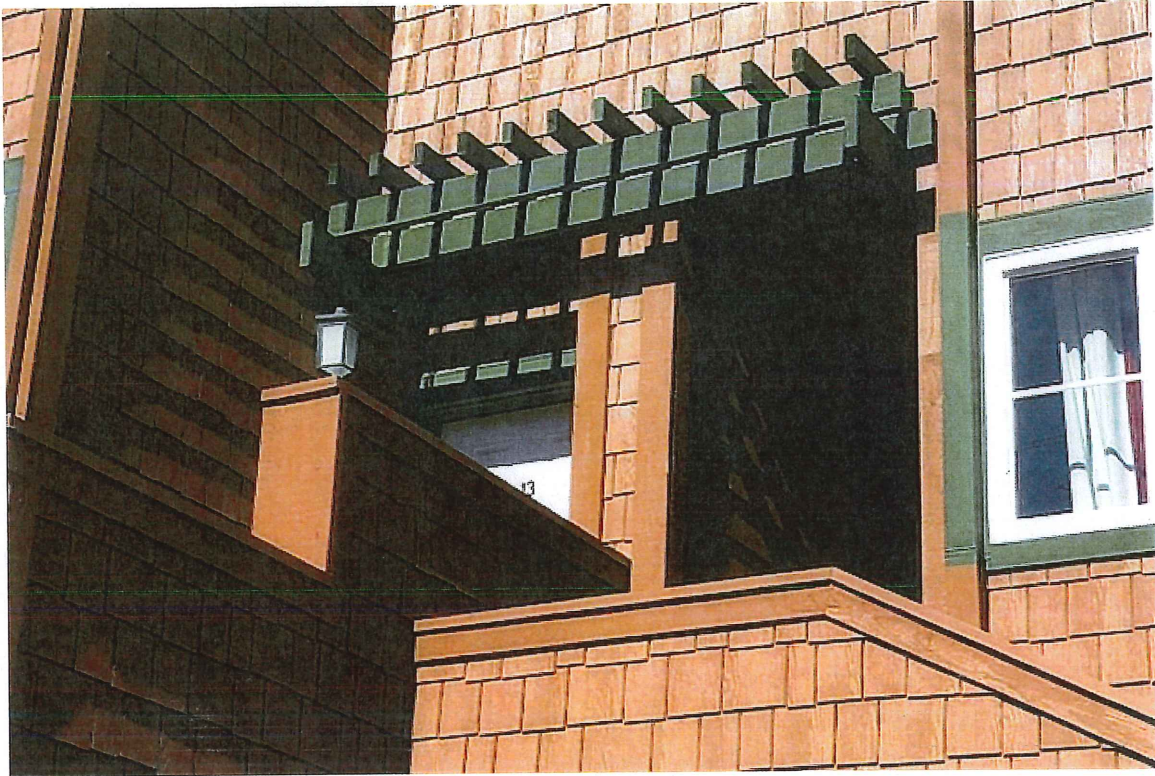


# ATTACHMENT B





# ATTACHMENT C

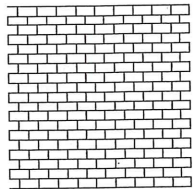




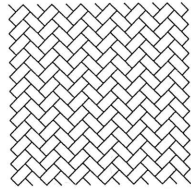
## template catalog

Templates shown in this catalog are the most popular templates ordered.. For a more expansive library, shipping lead times, and pricing please visit our website at [www.streetprint.com](http://www.streetprint.com). For custom template options please call 1.800.688.5652

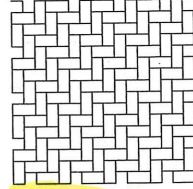
### Popular Patterns



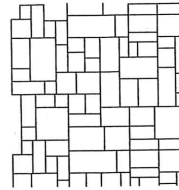
**Offset  
Brick**  
Section 1.0



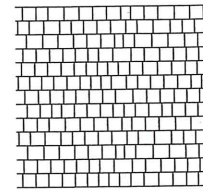
**Diagonal  
Herringbone**  
Section 2.0



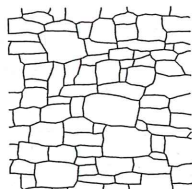
**Standard  
Herringbone**  
Section 3.0



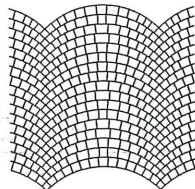
**Ashlar  
Slate**  
Section 4.0



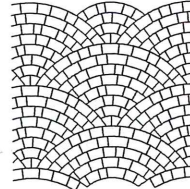
**British  
Cobble**  
Section 5.0



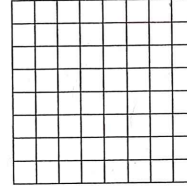
**Stone  
Templates**  
Section 6.0



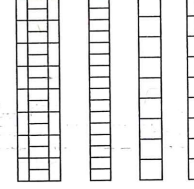
**Eurofan  
Templates**  
Section 7.0



**Scallop  
Templates**  
Section 8.0

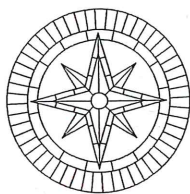


**Tile  
Sets**  
Section 9.0

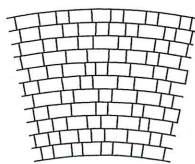


**Border  
Templates**  
Section 10.0

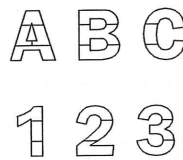
### Special Purpose



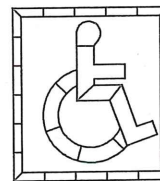
**Accent  
Templates**  
Section 11.0



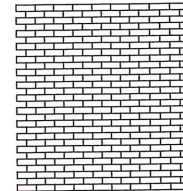
**Radial &  
Arch Extensions**  
Section 12.0



**Numbers &  
Letters**  
Section 13.0



**Signage &  
Playground**  
Section 14.0



**International  
Templates**  
Section 15.0

When you see these symbols

#### Interlocking

means template interlocks on one or more sides -standard practice with use of StreetHeat equipment

#### end-to-end

means template fits end to end - ideal for behind a paver or printing 2 templates at once

#### SR-120

template sized for a SR-120

#### SR-60

template sized for a SR-60

#### SR-20

template sized for a SR-20

#### paver

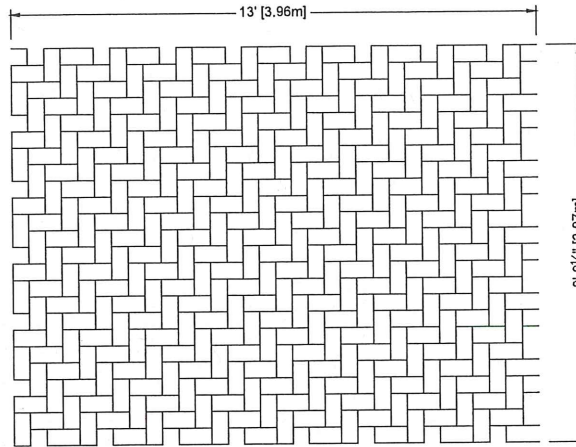
template can be used behind a paver

# standard herringbone

## STANDARD PATTERN

Classic standard Herringbone pattern designed to fit end-to-end **and** interlock on all sides

Section  
3.0

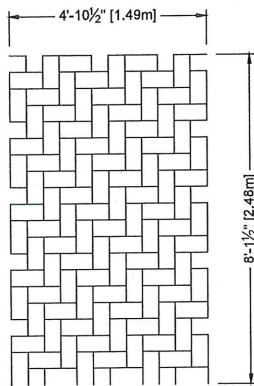


11-120-120

SR-120

all sides

all sides

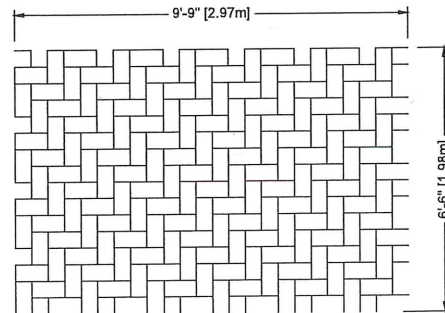


11-1-121

SR-60

all sides

all sides



11-1-219

SR-60

all sides

all sides



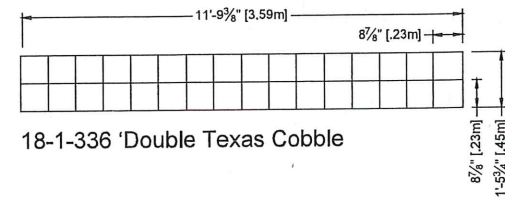
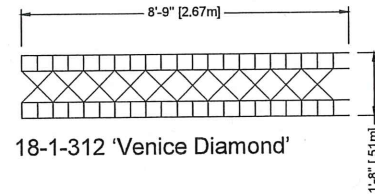
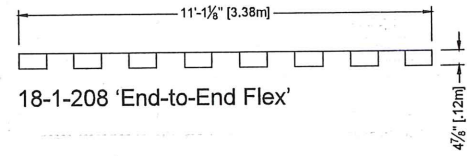
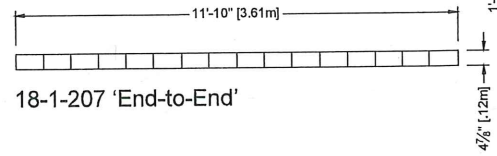
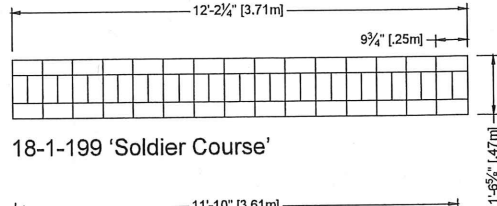
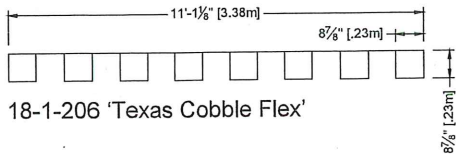
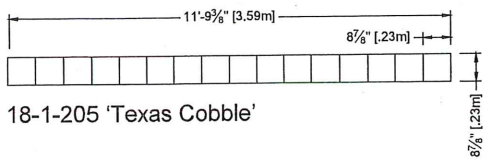
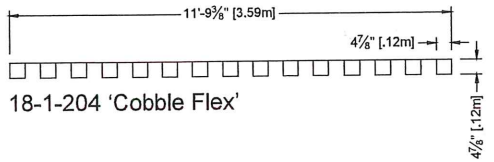
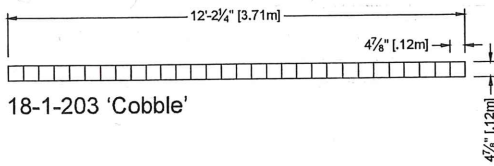
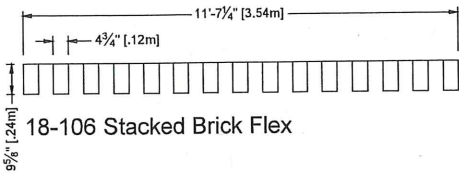
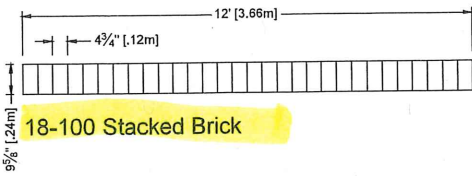
border  
templates

STANDARD PATTERN

Section  
10.0

any SR

all ends





# TRADITIONAL

San Diego Buff	Taupe
Burnt Sienna	Nutmeg
Terra Cotta	Bedrock
Brick	Brown Suede
Sunset Blush	Concrete Gray
Marigold	Pewter
Sierra	Hunter Green
Black	Slate
Granite	



# SOLAR-REFLECTIVE

SR Sandstone Reflectance: 32 Emission: 64	SR Khaki Reflectance: 33 Emission: 64	(SRI = 37)
SR Irish Cream Reflectance: 43 Emission: 64	SR White Reflectance: 60 Emission: 64	(SRI = 73)
SR Fawn Reflectance: 31 Emission: 63	SR Sun Baked Clay Reflectance: 44 Emission: 63	(SRI = 52)
SR Brownstone Reflectance: 30 Emission: 60	SR Terra Cotta Reflectance: 31 Emission: 62	(SRI = 23)
SR Evergreen Reflectance: 30 Emission: 68	SR Safety Blue Reflectance: 30 Emission: 62	(SRI = 33)
SR Slate Reflectance: 31 Emission: 61		(SRI = 34)

Specialty SR colorants contribute to LEED® points.  
 The colors shown here are reflective and have a total reflectance of 30% or greater. The colors are available in a range of finishes and are available in a range of colors.



# CYCLE LANE

CL Shamrock Green	CL Celtic Green
CL Emerald Green	



# SIGNATURE

Sandy Beige	Butterscotch	Chestnut Brown	Mustard	Paprika	Sea Foam	Sage	Truffle	Cobalt Blue	Merlot	Graphite
Driftwood	Pumpkin Spice	Mocha	Down To Earth	Avocado	Aqua					

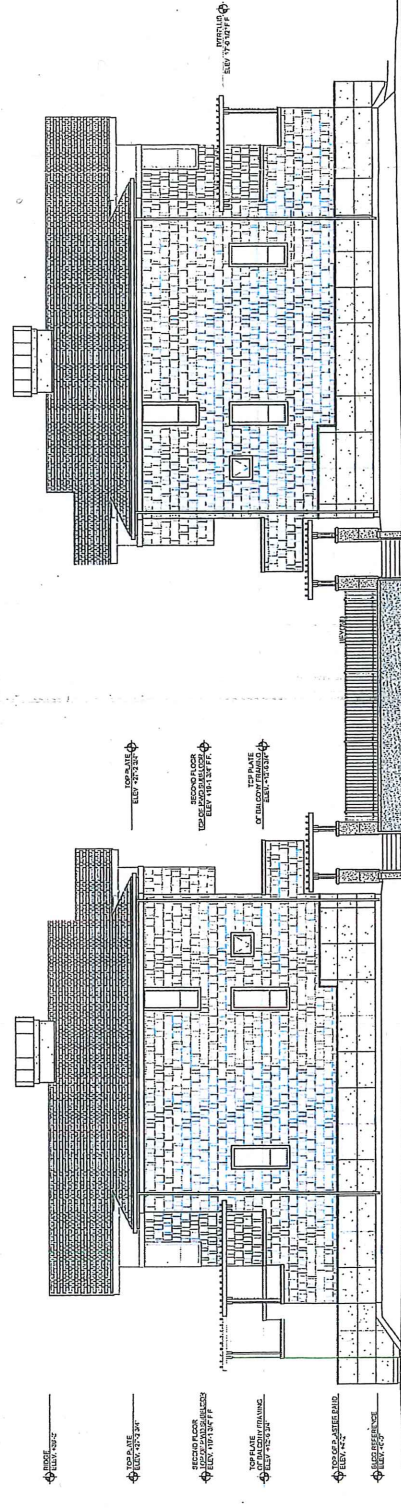


# ATTACHMENT E



**1 BUILDING 2 / WEST ELEV / FROM GREEN WAY**  
SCALE: 3/4" = 1'-0"

**2 BUILDING 3 / WEST ELEV / FROM GREEN WAY**  
SCALE: 3/4" = 1'-0"



**1 BUILDING 1 / SOUTH ELEV / FROM MISSION AVE.**  
SCALE: 3/4" = 1'-0"

**2 BUILDING 2 / SOUTH ELEV / FROM MISSION AVE.**  
SCALE: 3/4" = 1'-0"



<p><b>REVISIONS</b></p> <table border="1"> <tr> <td>NO.</td> <td>DATE</td> <td>DESCRIPTION</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	DATE	DESCRIPTION																			<p><b>ARCHITECT</b>    <b>WIGNON ARCHITECTS INC.</b>          1200 IRWIN STREET, SAN RAFAEL, CA 94901          TEL: (415) 452-1111          FAX: (415) 452-1112          WWW.WIGNONARCHITECTS.COM</p>	<p><b>PROJECT OWNER</b>  <b>SAN RAFAEL CARRIAGE HOUSES</b>          1200 IRWIN STREET, SAN RAFAEL, CA 94901          PROJECT NUMBER: 162410</p>	<p><b>PLANNING/ARCHITECT/ENGINEER</b>  <b>WIGNON ARCHITECTS INC.</b>          1200 IRWIN STREET, SAN RAFAEL, CA 94901          PROJECT NUMBER: 162410</p>	<p><b>CE 1</b>          CALIFORNIA          REGISTERED          ARCHITECT</p>
NO.	DATE	DESCRIPTION																							

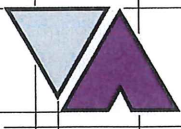


NO.	DATE	REVISIONS
1	11/27/2016	PLANCHER COMMENTS
2	12/14/2016	PLANCHER COMMENTS
3	1/10/2017	PLANCHER COMMENTS
4	1/10/2017	PLANCHER COMMENTS
5	1/10/2017	PLANCHER COMMENTS
6	1/10/2017	PLANCHER COMMENTS
7	1/10/2017	PLANCHER COMMENTS
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19	1/10/2017	PLANCHER COMMENTS
20	1/10/2017	PLANCHER COMMENTS



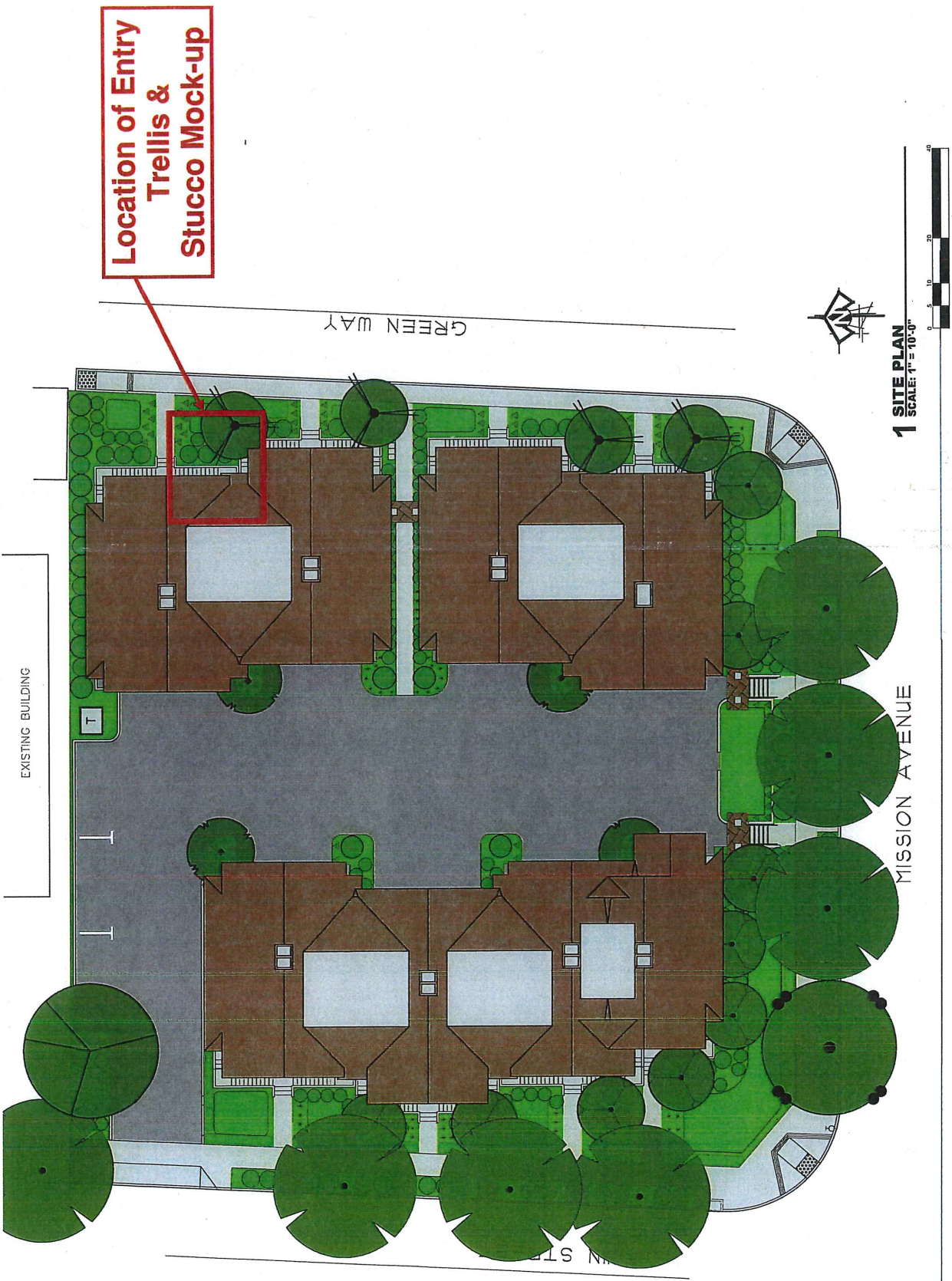
PROJECT OWNER ■ ■ ■  
**SAN RAFAEL CARRIAGE HOUSES**  
 1200 IRWIN STREET SAN RAFAEL, CA 94901  
 PROJECT NUMBER 1522-010  
 NOVATO, CA 94945  
 PROJECT OWNER: THOMPSON DEVELOPMENT, INC.  
 230 BEL HAVEN BLVD SUITE 200 A  
 NOVATO, CA 94945  
 TEL: (925) 752-0000 FAX: (925) 752-0001

**VIGEN**  
 INCORPORATED  
 PLANNING ARCHITECTURE INTERIOR  
 ENGINEERING  
 1511 BROADWAY SUITE 200  
 SAN RAFAEL, CA 94901  
 TEL: (415) 452-1111 FAX: (415) 452-1112



THIS PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION OR AS A BASIS FOR OBTAINING PERMITS WITHOUT THE WRITTEN CONSENT OF VIGEN INCORPORATED. THE CLIENT AGREES TO HOLD VIGEN INCORPORATED HARMLESS FROM AND AGAINST ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING OUT OF OR RESULTING FROM THE USE OF THIS PLAN FOR ANY PURPOSE OTHER THAN THAT AUTHORIZED BY VIGEN INCORPORATED.

SHEET NO. **CS-1**  
 COLORED SITE  
 DRAWN BY: James Dickinson







December 7, 2018

Via Email and U.S. First Class Mail

Casey Clement  
Thompson Development Inc.  
250 Bel Marin Keys Blvd., Bldg. A  
Novato, CA 94949

**RE: [ED17-073] Modifications to (E) Approved Project Design ("Dominican Townhomes"); Denial Without Prejudice**  
1200 Irwin St.; APN: 014-013-05

Dear Casey:

Thank you for your application to the Community Development Department, Planning Division, requesting an administrative/staff-level Environmental and Design Review Permit (ED17-073) to allow proposed design modifications to the approved, constructed and occupied 15-unit multifamily residential project located at 1200 Irwin St.

Based on numerous site inspections conducted by staff since the application was submitted on September 5, 2017, the recommendation of the City's Design Review Board on December 4, 2018) and the following findings, Environmental and Design Review Permit (ED17-073) is **denied without prejudice**.

### **Background**

In 2007, the City Council, with the recommendation of both the Design Review Board (Board) and the Planning Commission, conditionally approved a project to demolish a cluster of five (5) duplex residences and garage buildings on the site, which had been determined to be historic resources under CEQA, and to construct 15, attached townhome condominium units (13 'market-rate' units and 2 'affordable' units at low-income housing levels) within three (3) buildings and associated parking and landscape improvements. In 2015, the site and these entitlements came under new ownership, who is the current owner of the site. In 2015 and 2016, Planning staff, with the recommendation of the Board, approved design changes requested by the new owner in order to make the project easier to construct and more cost-effective. The project has been constructed and is occupied. The project is currently leased to Dominican University of California (Dominican University) and is occupied as student housing. On September 5, 2017, an application for an Environmental and Design Review Permit (ED17-073) was submitted to legalize and approve additional changes to the project design that were installed during construction without the required prior approval from the City, including 1) Deviations from the approved exterior colors and materials; 2) Deviations to the approved finishes of the driveway and motor court; 3) Deviations to the approved design, size and location of wood trellis features; and 4) Conversion of one (1) required and approved guest parking space to a common trash enclosure.

**EXHIBIT 5**

[ED17-073] – Modifications to (E) Approved Project Design; Denial  
"Dominican Townhomes"  
1200 Irwin St.  
December 7, 2018

### **Design Review Board**

*October 17, 2017*

On October 17, 2017, staff referred these additional proposed design changes to the Design Review Board (Board) for review. At that meeting, the Board continued their review to a date uncertain to allow staff to work with the applicant to help meet the original design quality of the project. Specifically, the Board provided the following recommendations:

- The project should incorporate the approved colors and materials;
- The design quality of the wainscot needs to be improved, including building-up the thickness so that it projects further out from the shingle façade, greater texturing and elimination of the trim boarding;
- The asphalt driveway entry and motor court should be stamped and colored as approved;
- The entry trellises to individual units need to be constructed as approved;
- The project shall include a new trash enclosure which should match the approved colors and materials; and
- The site lighting needs follow-up from staff to either reduce the lighting levels and/or shield the light fixtures

After the Board meeting, both staff and the applicant agreed that mock-ups would be helpful in the review of any proposed design changes to the wainscot base and entry trellises. On October 1, 2018, the applicant resubmitted the proposed design changes to the approved project.

*December 4, 2018*

On December 4, 2018, staff referred the resubmittal to the project to the Board for review. Staff requested the Board provide a recommendation of denial on the proposed design changes due to the inadequacy of the resubmittal in responding to the Board's prior recommendations. In the late afternoon on the date of the Board meeting, the applicant provided staff with a request for continuance, citing a scheduling conflict and illness. Without acting on the applicant's request to continue their review of the item, the Board unanimously (5-0 vote) voted to recommend denial of the design changes proposed by Environmental and Design Review Permit ED17-073.

### **Environmental and Design Review Permit (ED17-073) Findings**

- A. The proposed miscellaneous design changes to the approved project are not in accordance with the San Rafael General Plan 2020, the objectives of Title 14 of the San Rafael Municipal Code (*the Zoning Ordinance*) and the purposes of Chapter 25 of the Zoning Ordinance (*Environmental and Design Review Permits*), in that: On December 4, 2018, the Design Review Board recommended denial of the project, finding the proposed design changes did not adequately respond to their prior recommendations that the proposed design changes meet the same high-quality design as the original project design.
- B. The proposed miscellaneous design changes to the approved project are not consistent with all applicable site, architecture and landscaping design review criteria and guidelines



[ED17-073] – Modifications to (E) Approved Project Design; Denial  
"Dominican Townhomes"  
1200 Irwin St.  
December 7, 2018

for the Multifamily Residential – Medium Density (MR2) District in which the site is located, in that; On December 4, 2018, the Design Review Board recommended denial of the project, finding the proposed design changes did not adequately respond to their prior recommendations that the proposed design changes meet the same high-quality design as the original project design.

- C. The proposed miscellaneous design changes to the approved project creates potential adverse environmental impacts, in that: On December 4, 2018, the Design Review Board recommended denial of the project, finding the proposed design changes did not adequately respond to their prior recommendations that the proposed design changes meet the same high-quality design as the original project design.
- D. The proposed miscellaneous design changes to the approved project will be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity of the subject site, in that; On December 4, 2018, the Design Review Board recommended denial of the project, finding the proposed design changes did not adequately respond to their prior recommendations that the proposed design changes meet the same high-quality design as the original project design.

Should you have any questions or comments, please do not hesitate to contact me at (415) 458-5048 or [steve.stafford@cityofsanrafael.org](mailto:steve.stafford@cityofsanrafael.org).

Sincerely,



Steve Stafford  
CITY OF SAN RAFAEL  
Senior Planner

Cc: 524 Mission Street, LLC – 448 Ignacio Blvd., Box 504; Novato, CA 94949  
Paul Jensen, Community Development Director  
Raffi Boloyan, Planning Manager  
Don Jeppson AIA, Chief Building Official