



AGENDA

**SAN RAFAEL PLANNING COMMISSION
REGULAR MEETING
TUESDAY, July 23, 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, May 14, 2019

PUBLIC HEARING

2. **1007, 1020 and 1030 Northgate Dr. (formerly 1005 and 1010 Northgate Dr.; 'Northgate Walk')**
– Request for an Environmental and Design Review Permit, a Use Permit and a Vesting Tentative Map to allow the construction of 136 units within three, 36'-tall, new residential condominium buildings on three developed or improved parcels with garage parking and miscellaneous site improvements. The existing hotel is proposed to remain on its own parcel; APNS: 178-240-17 & -21; Office (O) District Zone (1005 Northgate Dr.) and Multifamily Residential – High Density (HR1) District Zone (1010 Northgate Dr.); Peter Stackpole for LCA Architects, Applicant; San Rafael Commercial, LLC (1005 Northgate Dr.) and San Rafael Hillcrest, LLC (1010 Northgate Dr.), Owners; File No(s): ED16-038; UP16-018 and S16-001; State law (California Environmental Quality Act) requires that this project be reviewed to determine if a study of potential environmental effects is required. It has been determined that this project will not have a significant effect on the environment and no environmental review will be completed. This project qualifies for a Categorical Exemption from the provisions of the California Environmental Quality Act Guidelines under 14 CRR Section 15332, [Class 32; In-Fill Development Projects]. If the Planning Commission determines that this project is in an environmentally-sensitive area, further study may be required. Project Planner: Steve Stafford

**DIRECTOR'S REPORT
COMMISSION COMMUNICATION
ADJOURNMENT**

- I. Next Meeting: August 13, 2019
- II. I, Anne Derrick, hereby certify that on Friday, July 19, 2019, I posted a notice of the July 23, 2019 Planning Commission meeting on the City of San Rafael Agenda Board.

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| <ul style="list-style-type: none">• Any records relating to an Agenda Item, received by a majority or more of the board or commission less than 72 hours before the meeting, shall be available for inspection in the CDD Dept, at 1400 Fifth Ave, Third Floor, San Rafael, CA• Sign Language and interpretation and assistive listening devices may be requested by calling (415) 485-3066 (voice), emailing Lindsay.lara@cityofsanrafael.org, or using the California Telecommunications Relay Service by dialing "711" 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. To allow individuals with environmental illness or multiple chemical sensitivity to attend the meeting/hearing, individuals are requested to refrain from wearing scented products. |
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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, May 14, 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

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

Absent: Jeff Schoppert

Also Present: Raffi Boloyan, Planning Manager
Steve Stafford, Senior Planner
Sean Kennings, Project Planner

PLEDGE OF ALLEGIANCE

RECORDING OF MEMBERS PRESENT AND ABSENT

APPROVAL OR REVISION OF ORDER OF AGENDA ITEMS

PUBLIC NOTIFICATION OF MEETING PROCEDURES

URGENT COMMUNICATION

CONSENT CALENDAR

1. Minutes, 3/12/19 (Corrected)

Mark Lubamersky moved and Barrett Schaefer seconded approve Minutes as presented. The vote is as follows:

AYES: Jack Robertson, Barrett Schaefer, Sarah Loughran, Mark Lubamersky, Aldo Mercado,
Berenice Davidson

NOES: None

ABSTAIN: None

ABSENT: Jeff Schoppert

2. Minutes, 4/23/19

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

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

PUBLIC HEARING

- 3. 815 B Street (Formerly 809 B St. and 1212 and 1214 2nd St.) – Request for: A Tentative Parcel Map, and Environmental and Design Review Permit and Use Permit Amendments to subdivide a previously approved 41-unit mixed-use building, from residential rental units to residential condominium units, and to update current conditions of approval; APNS: 011-256-12, -14, -15 & -32; Second/Third Mixed-Use West (2/3MUW) and Cross-Street Mixed-Use (CSMU) Zoning Districts; Monahan Parker, Inc., owner; Steve Monahan for Monahan Parker, applicant; File No.:TS19-001, ED19-025, UP19-011; Downtown Neighborhood. Project Planner: Steve Stafford**

[Staff Report](#)

Barrett Schaefer moved and Jack Robertson seconded to recommend adoption of resolution to approve project with modifications to language in Conditions 8 and 9 as noted by staff. The vote is as follows:

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

- 4. 999 3rd Street (BioMarin R&D building / Whistlestop Senior Center / Senior Housing) – Study Session Review of two 70-foot tall, four-story Research and Development buildings on a 133,099 sq. ft. parcel, currently developed as a vacant lot, and a 67-unit, 70-foot tall, six-story senior center and affordable senior housing building on a 15,000 sq. ft. 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. Project Planner: Sean Kennings**

[Staff Report](#)

This was a study session, so there was no Motion/Vote or action. Comments were made by the Commission on this item.

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

ANNE DERRICK, Administrative Assistant III

APPROVED THIS ____ DAY OF _____, 2019

Sarah Loughran, Chair

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

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

PUBLIC HEARING

3. **815 B Street (Formerly 809 B St. and 1212 and 1214 2nd St.) – Request for: A Tentative Parcel Map, and Environmental and Design Review Permit and Use Permit Amendments to subdivide a previously approved 41-unit mixed-use building, from residential rental units to residential condominium units, and to update current conditions of approval; APNS: 011-256-12, -14, -15 & -32; Second/Third Mixed-Use West (2/3MUW) and Cross-Street Mixed-Use (CSMU) Zoning Districts; Monahan Parker, Inc., owner; Steve Monahan for Monahan Parker, applicant; File No.:TS19-001, ED19-025, UP19-011; Downtown Neighborhood. Project Planner: Steve Stafford**

[Staff Report](#)

Barrett Schaefer moved and Jack Robertson seconded to recommend adoption of resolution to approve project with modifications to language in Conditions 8 and 9 as noted by staff. The vote is as follows:

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

4. **999 3rd Street (BioMarin R&D building / Whistlestop Senior Center / Senior Housing) – Study Session Review of two 70-foot tall, four-story Research and Development buildings on a 133,099 sq. ft. parcel, currently developed as a vacant lot, and a 67-unit, 70-foot tall, six-story senior center and affordable senior housing building on a 15,000 sq. ft. 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. Project Planner: Sean Kennings**

[Staff Report](#)

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

ANNE DERRICK, Administrative Assistant III

APPROVED THIS ____ DAY OF _____, 2019

Sarah Loughran, Chair



SAN RAFAEL
THE CITY WITH A MISSION

Community Development Department – Planning Division

Meeting Date: July 23, 2019

Agenda Item:

Case Numbers: ED16-038, UP16-018,
S16-001;

Project Planner: Steve Stafford/ 415-458-5048

REPORT TO PLANNING COMMISSION

SUBJECT: 1007, 1020 and 1030 Northgate Dr. (formerly 1005 and 1010 Northgate Dr.; 'Northgate Walk') – Request for an Environmental and Design Review Permit, a Use Permit and a Vesting Tentative Map to allow the construction of 136 units within three, 36'-tall, new residential condominium buildings on three developed or improved parcels with remote parking for the hotel and miscellaneous site improvements. The existing hotel is proposed to remain on its own parcel; APNS: 178-240-17 & -21; Office (O) District Zone (1005 Northgate Dr.) and Multifamily Residential – High Density (HR1) District Zone (1010 Northgate Dr.); Peter Stackpole for LCA Architects, Applicant; San Rafael Commercial, LLC (1005 Northgate Dr.) and San Rafael Hillcrest, LLC (1010 Northgate Dr.), Owners; Case No's: ED16-038; UP16-018 and S16-001.

EXECUTIVE SUMMARY

A proposal to develop 136 new residential housing units on the portions of the Four Points Sheraton hotel and Gateway Gas sites at 1005 and 1010 Northgate Dr. have been in various stages of the planning process since 2015. The project had initially proposed a total of 227 new residential units within three new residential buildings, each with 12' height bonuses, when first submitted as a conceptual review in 2015, then subsequently reduced in number of units and building height following a Neighborhood Meeting and completeness review.

The current project proposes to build 136 residential condominium units, including 28 affordable or BMR (below-market-rate) units, within 3 new, 36 ft tall buildings. The existing hotel is proposed to remain while a portion of existing hotel surface parking spaces are proposed to be relocated to dedicated parking areas within the garages of two (2) of these new residential buildings. A traffic study was submitted with the project application and has been peer reviewed by the City's third-party traffic consultant and determined resulting traffic impacts would be negligible and surrounding intersections would continue to operate (existing plus project volumes) acceptably per the City's LOS (Level of Service) standards in the General Plan.

Planning staff believes the proposed project meets the applicable General Plan Policies and regulations, standards, criteria and findings of the Zoning Ordinance and Subdivision Ordinance. In short, the project proposes badly needed new housing which meets all applicable development standards with negligible traffic demand impacts.

RECOMMENDATION

It is recommended that the Planning Commission adopt the Draft Resolution conditionally approving of an Environmental and Design Review Permit, Use Permit and Vesting Tentative Map for the project.

PROPERTY FACTS

Address/Location:	1005-1010 Northgate Dr.	Parcel Number(s):	178-240-17 & -21
Property Size:	318,413 sq. ft. (7.3 Acres)	Neighborhood:	North San Rafael Commercial Center

Site Characteristics			
	General Plan Designation	Zoning Designation	Existing Land-Use
Project Site:	O (1005 Northgate Dr.) / HDR (1010 Northgate Dr.)	O (1005 Northgate Dr.) / HR1 (1010 Northgate Dr.)	Service Station (1005 Northgate Dr.) / Hotel (1010 Northgate Dr.)
North:	MDR	MR3	Gallinas Creek / Multifamily Residences (San Rafael Manor)
South:	O	O	Offices and Manuel T. Freitas Pkwy
East:	NA	NA	U.S. Hwy 101
West:	MDR	MR3	Gallinas Creek / Multifamily Residences (San Rafael Manor)

Site Description/Setting:

The subject property is comprised of two (2) adjacent parcels located within the north San Rafael Commercial Area of Terra Linda. The entire property is approximately 7.3 acres in total size (approximately 318,413 sq. ft.). The larger of the two parcels (1010 Northgate Dr.) is relatively flat and currently developed with a 235-room hotel (Four Points Sheraton) and uncovered parking lot with 295 parking stalls (56 of these spaces are located within a parking easement on an adjacent parcel - 1050 Northgate Dr.).

The smaller of the two subject parcels (1005 Northgate Dr.) is located downslope to the larger parcel, is gently sloped (approximate 17% average cross-slope) and is currently developed with a fuel service station and small (approximately 1,736 sq. ft.) commercial building.

The site is generally triangular shaped, with a concrete portion of Gallinas Creek is located along the entire western property boundary of both parcels. U.S. Highway 101 located along the entire eastern property boundary of the larger parcel and Manuel T. Freitas Parkway located along the frontage (southern) of the smaller parcel. There are two properties that are adjacent to the subject site, but not part of this development application. A five-story office building (1050 Northgate Dr.) is located south of the hotel site and a one-story medical office building (1004 Northgate Dr.) is located below 1050 Northgate Dr. and across from the gas station site.

Project site totals 4.8-acres (210,274 sq. ft.), including 43,725 sq. ft. for the existing gas station site with an approx. 19,267 sq. ft. land exchange from the hotel site, new parcels of 85,022 sq. ft. and 81,527 sq. ft. created from the hotel site. No redevelopment or improvements are proposed for the hotel facility and, while a new parcel of 108, 139 sq. ft. is proposed to be created, it is not part of the project site.

BACKGROUND

Project History:

- In July 2015, the applicant submitted a Conceptual Design Review application. This process is required by the City for major projects to solicit preliminary design feedback from the City's Design Review Board (DRB). The Conceptual project proposed 227 residential 'rental' units and a 48'-tall building height with a requested 12' height bonus (The maximum allowed density for the project is 318 residential units and the maximum height is 36').
- In September 2015, the DRB provided conceptual review comments on this larger, taller project. While supporting the proposed contemporary exterior colors and finishes and mechanical stacked parking lifts, the DRB recommended reductions to building bulk and mass and other recommendations.
- In April 2016, formal applications were submitted for an Environmental and Design Review Permit, Use Permit and Vesting Tentative Map. The formal applications submitted reduced density, from 227 to 182 units, though remained proposing three (3) new 48'-tall building heights with a requested 12' height bonus. Additionally, the residential units were now proposed as condominium or 'for sale' units.
- In May 2016, a Neighborhood Meeting was held at the hotel on site. Approximately 200 neighborhood residents attended the meeting who were nearly-unanimous in their rejection of the project as too big, too much density and likely to cause too much traffic impacts.
- On October 23, 2018, the Planning Commission (Commission) held a study session to provide preliminary comments on miscellaneous topic areas, including land use, bulk/mass, density, subdivision, improvements in the creek/landscape setback easement and environmental findings, due to the significant public requests for early feedback on the project. The Commission indicated their support for the project, as proposed, and staff's determination, with the assistance of a third-party environmental consultant, that the project is exempt from CEQA (California Environmental Quality Act), pursuant to CEQA Guidelines Section 15332 (*In-Fill Development Projects*). At the time of the Commission's study session, the proposed density was further reduced to the current 136 units and the building height of the project was reduced to the current 36'.
- On January 23, 2019, the DRB reviewed the formal applications for site and building design. The DRB continued their review and recommended revisions to the proposed building architecture, amenities and site landscaping, the addition of a passenger loading zone for senior residents at 1007 Northgate Dr. and re-evaluation and expansion of the shadow study. The DRB recommendations are provided in more detail in the DRB section below.
- On May 21, 2019, the DRB continued their review of the proposed site and building design, as revised, and recommended approval of the project.

PROJECT DESCRIPTION

Use:

The project proposes redevelopment of a portion of the hotel and the entire gas site with a total of 136 new residential condominium units.

Site Plan:

The project essentially proposes to demolish portions of the existing hotel building (1010 Northgate Dr.) and the existing gas station/retail building (1005 Northgate Dr.). Three new 36 ft. tall buildings with garage parking and associated site improvements (grading drainage and landscaping) are proposed to be added to the site, specifically.

On the smaller parcel located at the entrance of Northgate Dr./Manual T Freitas (current gas station at 1005 Northgate Dr.), the project proposes:

- An exchange of land of approximately 19,265 sq. ft. from the larger parcel;
- Demolish the existing service station and single-story commercial building
- Construct a new 36'-tall residential building with 30 "senior" or age-restricted units above 23 garage parking spaces (to be known as 1007 Northgate Dr.).
- Preserve 156 existing uncovered parking spaces, 56 of which are located within deed-restricted easements on an adjacent parcel (1050 Northgate Dr.; APN: 178-240-20).
- Preserve the existing 35'-wide "greenbelt" or landscape setback easement along the western property boundary adjacent to Gallinas Creek. Vehicular access to both the proposed new buildings on the project site and the existing hotel would continue using Northgate Dr. without modifications to, or widening of, the roadway.

On the larger portion of the site (hotel portion of site at 1010 Northgate Dr), the project proposes to:

- Demolish the existing hospitality portion of the hotel complex (bar, restaurant, fitness, meeting and event space)
- Construct a new 36'-tall mixed-use building on a separate parcel with 48 units above the new (replacement) hospitality amenities and 142 garage parking spaces for both the new residences and the existing hotel (to be known as 1020 Northgate Dr.), and
- Construct a new 36'-tall residential building on the existing surface parking lot with 58 units above 199 garage parking spaces for both the residences and the hotel on the third new parcel (to be known as 1030 Northgate Dr.).
- Maintain the existing hotel building on a separate parcel (to remain as 1010 Northgate Dr.). No changes are proposed to expand or reduce the size of the existing hotel, aside from ;

Floor Plan:

The 136 proposed new units would be located within 3 new building and composed as follows:

1007 Northgate Dr. (Senior Units)

On the smaller parcel where the gas station is located, the new building proposes 30 units
30 - 1-bedroom units (averaging 780 sq. ft. in size).

1020 Northgate Dr.

On the larger parcel, the new mixed-use building (1020 Northgate Dr.), with the replacement of the hospitality amenities for the hotel, proposes 48 units configured as follows:

- 3 - Studio units (averaging 621 sq. ft. in size);
- 11 - 1-bedroom units (averaging 840 sq. ft. in size);
- 26 - 2-bedroom units (averaging 1,090 sq. ft. in size);
- 3 - 3-bedroom units (averaging 1,317 sq. ft. in size);
- 4 - 2-bedroom "townhome" units (averaging 1,480 sq. ft. in size); and

- 1 - 3-bedroom "townhome" unit (1,614 sq. ft. in size).

1030 Northgate Dr.

Also, on the larger parcel, the new residential building (1030 Northgate Dr.) proposes 58 units configured as follows:

- 30 - 1-bedroom units (averaging 716 sq. ft. in size);
- 22 - 2-bedroom units (averaging 1,098 sq. ft. in size);
- 3 - 3-bedroom units (averaging 1,311 sq. ft. in size); and
- 3 - 2-bedroom "townhome" units (averaging 1,381 sq. ft. in size).

Affordable Units:

The project proposes that 28 (or 20.5%) of the 136 new units proposed would be affordable ("below market rate" or BMR units). The location of each BMR unit is, as follows:

1007 Northgate Dr. (Senior Housing) - 6 BMR units (3 at moderate- and 3 at low-income).

1020 Northgate Dr. - 10 BMR units (5 at moderate- and 5 at low-income).

1030 Northgate Dr. - 12 BMR units (6 at moderate- and 6 at low-income)

Architecture:

The project proposes a new mid-century modern architectural design concept which is prevalent in Terra Linda through the Eichler single-family residential subdivisions. The low-scale Eichler aesthetic verbatim proved difficult to apply literally to the three (3) -story multifamily residential scale proposed by the project. Aesthetics instead were chosen to provide a compatible more contemporary soft-modern style which incorporates large window glazing and shallow-sloped roof profiles. The revised architectural design also features dark anodized recessed window profiles, painted cementitious board siding and painted cement plaster (stucco) exterior finishes in colors of light browns and grays (current exterior color of hotel is light tan), ground-level extruded metal awnings and upper-story perforated metal BOK Modern-type panel railings painted to match the dark anodized window finishes. A material and color board will be presented at the Commission's meeting

Parking:

The project proposes to provide a total of 536 on-site parking spaces. The project proposes to preserve 156 of the existing 295 uncovered parking spaces required for the hotel, including 56 existing uncovered parking spaces located within parking easements on the adjacent parcel (1050 Northgate Dr.).

The majority of the proposed on-site parking (370 parking spaces) would be covered or garage parking (23 parking spaces at 1007 Northgate Dr.; 143 parking spaces at 1020 Northgate Dr.; and 204 parking spaces at 1030 Northgate Dr.). The remainder of the required hotel parking spaces, 139 on-site parking spaces (295 existing parking spaces minus 156 preserved parking spaces), are proposed to be located within parking easements within the garages of the new buildings at 1020 Northgate Dr. (48 parking spaces) and 1030 Northgate Dr. (91 parking spaces).

Landscaping:

The project proposes to preserve most of the existing landscaping within the project site, particularly along the 35'-wide creek/landscape easement adjacent to Gallinas Creek and within the uncovered parking areas surrounding the hotel. The project proposes to remove 109 existing trees (23 existing trees at 1005 Northgate Dr. and 86 at 1010 Northgate Dr.). The project proposes new landscaping within the creek/landscape easement, around the new buildings and within the common spaces (rooftop and podium gardens) of the new buildings. New landscaping is also proposed adjacent to U.S. Hwy 101. New landscaping includes trees (min. 126 new trees in 15-gallon, 24"-box and 72"-box container sizes), shrubs

(min. 897 new shrubs and ferns in 5- and 15-gallon container sizes), groundcovers and vines (min. 2,158 new groundcovers and vines in 1- and 5-gallon container sizes) and succulent vertical planter walls (min. 53 new succulents in 1-gallon container size).

Grading/Drainage:

The project proposes a total of 58,580 cubic yards (CYDS) of excavation with 59,160 CYDS of 'cut', 580 CYDS of 'fill' and 58,580 YDS of off-haul.

Planning Entitlements:

The project includes requests for the following Planning entitlements:

1. Environmental and Design Review Permit (ED16-038) to allow the construction of the proposed new buildings and the site improvements;
2. Use Permit (UP16-018) to allow remote parking by relocating portions of the existing required hotel parking to the new garages underneath both 1020 and 1030 Northgate Dr., on separate new parcels; and
3. Vesting Tentative Map (S16-001) to allow the subdivision of 1010 Northgate Dr. into three (3) separate new parcels and to allow the relocation of the shared property boundary between 1005 and 1010 Northgate Dr.

ANALYSIS

San Rafael General Plan 2020 Consistency:

There are numerous General Plan policies applicable to this project. Consistency with the General Plan is determined by reviewing and weighing the goals and policies of *all* elements of the San Rafael General Plan 2020. Overall, the project would be consistent with most of the applicable San Rafael General Plan 2020 policies. The project site is a choice housing site due to its close proximity to the U.S. Hwy. 101 corridor. The amount of residential density and building height are within the General Plan allowable limits (Land Use Policies **LU-8 and LU-12**).

The City supports the development of housing, at all levels, to help meet the needs of all San Rafael residents; this includes our older population. The proposed project would assist the City in its goal of providing options for older residents who wish to "age-in-place" (Housing Policy **H-13**). The project site is not identified as a *Housing Opportunity Site* in the General Plan. The project's proposed density is in the mid-range as allowed by in the General Plan (Housing Policy **H-14b**). The project would also help the City meet its RHNA (Regional Housing Needs Allocation) requirements by providing a total of 28 affordable housing or BMR units (14 at moderate-income levels and 14 at low-income levels), including six (6) BMR units dedicated for seniors (Housing Policy **H-18**).

The project would also comply with the Level of Service (LOS) standards for circulation in that there would be no change to LOS (Circulation Element Policy **C-5**). The proposed development would occur when adequate infrastructure, including circulation and utilities, are available (Land Use Policy **LU-2**).

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

Zoning Ordinance Consistency:

The project has been reviewed for consistency with the San Rafael Zoning Ordinance. A complete analysis of the pertinent regulations (standards, criteria and findings) is presented in the attached *Zoning Ordinance Consistency Table* (Exhibit 4). Overall, the project would be consistent with all applicable regulations of

the Zoning Ordinance, including property development standards, affordable housing requirements, creek setbacks, parking requirements and design, private access (streets) design and review criteria.

Subdivision Ordinance Consistency:

The project has been reviewed for consistency with the San Rafael Subdivision Ordinance. A complete analysis of the pertinent regulations (standards, criteria and findings) is presented in the attached *Subdivision Ordinance Consistency Table* (Exhibit 5). Overall, the project would be consistent with all applicable regulations of the Subdivision Ordinance, including tentative map finding, lot access and recreational facilities for condominiums.

Planning Commission Study Session:

On October 23, 2018, the Planning Commission (Commission) held a study session to provide preliminary comments on miscellaneous topic areas (land use, bulk/mass, density, subdivision, improvements in the setback easement and environmental findings) due to the significant public requests for early feedback on the project. Overall, the Commission provided general support for the project, as currently proposed, while requesting the DRB provide recommendations on the building and site design details.

Land Use

The main portion of project site (1010 Northgate Dr.) is designated as High Density (HR1) Zoning District, while the smaller parcel within the project site (1005 Northgate Dr.) is located within the Office (O) Zoning District. Multifamily residential development is permitted by right in both the HR1 and O Districts, therefore the multifamily residential uses and senior housing are both allowed in that zoning designation.

As stated above, the larger parcel within the project site is encumbered with a Covenants and Restrictions agreement, that runs with the land, with the adjacent neighbors at San Rafael Major (Los Gamos Ave). This agreement was first entered into in 1964 and has been amended four (4) times. In 1967, the third amendment identified approved uses for the project site, including hotel/motel facilities. The third amendment also identified prohibited uses, including "apartment houses." The project has been zoned for multifamily residential land use since at least 1970, first as R-3-G and then renamed to HR1 in 1992 ("Apartment Houses" was an allowable use in the R-3-G District).

The initial Covenants and Restrictions agreement included a "third-party beneficiary", the City of San Rafael, to have the right, though not the obligation, to enforce the agreement. As "third-party beneficiary", the City also had the right to approve or deny any future amendment(s) to the agreement. During the 3rd amendment, the City's refused to take action on the agreement or participate in future amendments of the private agreement. The private parties agreed to the City's withdrawal from the agreement and the agreement continued to be 'in effect' as a private matter between the two parties. The agreement was subsequently amended for a fourth time.

Staff has been advised by the City Attorney's office that the City should not attempt to enforce, interpret or regulate this or any private covenant, nor consider its ramifications upon the project. Staff has been advised that the City's retains the right to enforce any violation of the private agreement which is not consistent with adopted land use policies on the project site. The agreements prohibition to "apartment houses" is inconsistent with the established land use on the site for the past 48+ years, which allows multifamily residential uses. The Covenant and Restrictions agreement is a private matter between the property owner of the project site and San Rafael Manor owners. There is some disagreement between the two parties whether the covenant prohibits the project, as proposed. Staff has advised both parties that the City will proceed with processing the project in accordance with the City's General Plan and Zoning Ordinance and that the City's decision-making cannot factor in the status or interpretation of this private agreement. Staff has further advised the property owners of both the project site and San Rafael Manor of the agreement and suggested they work together to interpret and comply with any terms of the agreement.

Density

The project site contains two adjacent parcels with a total lot area of 318,413 sq. ft (7.31 acres). Both the smaller (1005 Northgate Dr.) and the larger parcel (1010 Northgate Dr.) allow a maximum density of one unit per 1,000 sq. ft. of lot area, which translates to a maximum allowable density of 318 units on the entire site.

The project currently proposes 136 residential units, down from the original 227 units proposed during Conceptual Design Review application in 2015. Determining the appropriate density for development of a site, typically, is a product of allowable parking (site and building design), traffic capacity, height, design and environmental resources.

- The project as designed would meet the parking requirements, both new residences and existing hotel.
- The proposed buildings have been modified to now be within the 36- ft height limit for that part of North San Rafael.
- The design has been evaluated and reviewed by the DRB, and through the conceptual and formal review process, there have been changes to provide additional stepping to reduce perceived bulk and mass from Freitas Parkway, refinements to the building facades, additional outdoor recreational amenities and the creation of a new loading/unloading space for "senior" residents (1007 Northgate Dr.).
- The trip generation analysis submitted for the project was peer reviewed by a third-party traffic engineer hired by the City (Parisi Transportation Associates) to confirm the methodology used in the analysis. The peer review found that trip generation was actually higher than identified in the applicant's traffic study, and determined the appropriate number of trips. This updated trip generation was then used by the City's Traffic Engineer to conduct a comprehensive traffic model. The results of the peer review and model run indicate that, based on traffic counts of existing trips to the gas station, and with deductions applied for pass-by/diverted trips, the project would result in 347 new trips per day, including 36 net new AM peak hour trips (7- 9am weekdays) and 18 PM net new peak hour trips (4-6pm weekdays). City policy is to use net new AM and PM peak hour trips only for evaluation of the project's traffic impacts on the City's LOS (Level of Service) standards in the General Plan. The results of the traffic model indicate surrounding intersections would continue to operate (existing plus project volumes) acceptably per the LOS standards. Staff finds the proposed density (136 units) is within the allowable density for the project site and would result negligible traffic impacts which are off-set by the payment of traffic mitigation fees on the 54 new peak hour trips anticipated to result from the project.

Scale

The project proposes new residential buildings, each a maximum of 36' in height. The scale has been reduced from a proposed 48'-tall building height (36' + 12' height bonus as a concession under the State Density Bonus law) as presented during conceptual review of the project in September 2015. The allowable building height for the project site is a maximum of 36'. Staff finds the proposed scale (3-4 stories) is within the allowable building height as measured by the City's adopted building height standard (1997 Uniform Building Code).

Bulk/Mass

Design changes to the building facades have helped reduce the visual bulk and massing of the project by providing projections and varying exterior wall planes to create horizontal and vertical articulation, large deep-set windows, entry canopies, and a combination of varied material textures (stucco base with fiber

cement wood-grains on the upper stories), sizes (narrow-, medium- and wide-board fiber cement planks) and orientations (both horizontal and vertical oriented fiber cement).

The new building proposed on the smaller parcel (1007 Northgate Dr.), proposes to 'stepback' upper stories along the Manuel T. Freitas Pkwy frontage. The 2nd and 3rd floors are proposed to stepback approximately 4-24' from the ground floor and the 4th floor is proposed to stepback again approximately 24' from the 2nd and 3rd floors.

Subdivision

The project proposes to subdivide the larger parcel within the project site (currently 1010 Northgate Dr.) into three (3) new parcels: two (2) parcels for each of the new residential condominium buildings and one (1) parcel for the existing hotel. The intent of the proposed subdivision is to allow individual ownership of each building, both new and existing, on the project site where shared improvements and amenities, such as access, parking, bike path, and pedestrian path, would be protected within recorded easements. Additionally, the project proposes subdivision of each air-space unit for condominium or private ownership, including the senior residences.

Northgate Dr. is a public street which ends and becomes a private right-of-way within a recorded access easement approximately 175' north of the Freitas Pkwy and Northgate Dr. intersection. The private right-of-way provides access to the larger parcel within the project site. The Subdivision Ordinance requires public street access for all new parcels, Access over a private right-of-way is allowed with Planning Commission approval if the following findings can be made:

- 1) The private right-of-way meets all standards for private streets, including width, grade, drainage, lighting, trees and sidewalks;
- 2) The private right-of-way provides adequate access for emergency service vehicles; and
- 3) The private right-of-way will not be detrimental to the health, safety and welfare of both existing and future residents.

The project proposes to continue access to the three new parcels using the existing private right-of-way. This private right-of-way would provide a 26'-wide two-way access around, through and to each new parcel; a portion of the private right-of-way is proposed to be widened to 30'-wide and restricted to fire vehicle access only.

City staff, including the City's Traffic Engineer, the Department of Public Works and San Rafael Fire Department, Fire Prevention Bureau, support the proposed subdivision layout, the use and sizing of private streets for access and the proposed site improvements.

Setback Easement

The Covenants and Restrictions agreement included a 35'-wide creek landscape easement, located along the entire west property boundary, adjacent to Gallinas Creek, on the larger parcel within the project site.

The agreement limits development within the creek setback easement to the planting of "shrubby" and trees in order to shield San Rafael Manor from lighting impacts. The 3rd amendment of the agreement included language to change the 35'-wide "greenbelt" easement to a 35'-wide "setback" easement where "no building structure will be constructed". Site improvements allowed within the "setback" easement are limited to "plant growth, shrubby, trees and landscape improvements, and underground utilities". The project proposes to preserve nearly all of the existing trees within the setback easement, which are primarily mature oak and eucalyptus trees. Also proposed in the existing setback easement is new landscaping, in a mixture of trees, shrubs, grasses and groundcovers, new underground utilities, a new 6'-wide pedestrian path and new retaining walls up to four feet (4') in height to support the pathway. The

setback easement is also located on the subdivision map for the larger parcel. While the Covenants and Restrictions agreement limits improvements within the setback easement to landscaping and underground utilities, staff finds the Zoning Ordinance allows at-grade improvements and retaining walls up to four feet (4') in height to be located within required setbacks in all residential zoning districts. Ultimately, it will likely be left to the private parties of the agreement to determine if the language in the agreement should be amended to allow the proposed pathway and retaining walls within the setback easement

Environmental Findings

Pursuant to CEQA (California Environmental Quality Act) Guidelines Section 15061, staff has conducted a review to determine whether the proposed project is subject to environmental review (CEQA). Based on this review, and with the assistance of a third-party environmental planning consultant (Amy Skewes-Cox, AICP), staff recommends the proposed project is exempt from CEQA pursuant to CEQA Guidelines Section 15332 (In-Fill Development Projects).

In conducting this review, staff reviewed the plans, documents and studies, which were submitted with the planning applications along with the thresholds for significance. A listing of all the studies, including any of the peer reviews of those studies, are listed in the Draft Notice of Exemption and the actual studies are provided on the project website and some are available for review at the Planning Division offices.

A Class 32 categorical exemption under the CEQA Guidelines applies to in-fill development projects meeting specific criteria listed below:

- a) The project is consistent with all applicable General Plan and policies and Zoning Ordinance regulations as documented by the attached consistency tables (see Exhibits 3 and 4);
- b) The proposed development is located within the city limits on a project site no more than five (5) acres substantially surrounded by urban uses given that the project proposes neither redevelopment nor improvements on the existing hotel site (1010 Northgate Dr.) other than subdividing it into three (3) new smaller parcels and, thereby, reducing the hotel site to a smaller parcel; the project site is a total of 210,274 sq. ft. (4.8 acres) after removing the proposed new hotel parcel (318,413 sq. ft.–108,139 sq. ft.) from the project site. The project is located within the jurisdictional boundaries of the City of San Rafael and is surrounded by urban development
- c) The project site has no value as habitat for endangered, are or threatened species given that a Biological Assessment was completed on the project site which determined no critical habitat exist among the biological resources;
- d) Approval of the project would not result in any significant impacts to traffic, noise, air quality or water quality given that appropriate studies were conducted, submitted and, in the case of the traffic study, peer reviewed. The results are that no significant impacts would result from the project which cannot be mitigated with standard conditions of approvals
- e) The project site can be adequately served by all required utilities and public services given that the site is currently served, and will continue to be served, by City services and non-city agency service providers and the applicable service providers have indicated, through design or conditions, support for the project.

The City's environmental planner has drafted a Notice of Exemption (NOE) (see Exhibit 6) which provides greater detail on how the project qualifies for a Class 32 CEQA exemption. All supporting studies used to evaluate the project are provided at <https://www.cityofsanrafael.org/northgate-walk/>.

DESIGN REVIEW BOARD RECOMMENDATION

On January 23, 2019, following the Planning Commission's study session, the DRB reviewed the proposed building and site design and, generally, supported the project design. They found it was well designed and believed, though the site is challenging, it is the right site for high-density multifamily residential redevelopment. Ultimately, the DRB continued review of the project (4-0 vote; PC Liaison Lubamersky) with the following recommendations

- 1) The architectural of the buildings needs to better relate to the design character elements found in Terra Linda and that of the adjacent hotel. (The applicant is encouraged to pick up elements of the Eichler "vocabulary" and simplify or combined vertical and horizontal articulation.);
- 2) A pullout/drop-off area should be included in the site design for 1007 Northgate Dr.;
- 3) The shadow study needs to be re-analyzed for accuracy and enhanced to make it easier to evaluate the shading impacts. The shadow study shall include a 9 a.m. analysis with the noon and 3 p.m. analysis;
- 4) The project amenities need to include an outdoor cooking/BBQ area. The applicant is encouraged to explore locating this in the vicinity of the proposed pool;
- 5) The project amenities need to include some type of outdoor play structure or area. The applicant is encouraged to explore locating this in the vicinity of the proposed pool;
- 6) The tree species proposed in the Landscape Plan needs to be re-evaluated, including the Texas Privet and Deodar Cedar; and
- 7) In lieu of providing a pool amenity for 1007 Northgate Dr, the senior residents should have access to the proposed swimming pool at 1030 Northgate Dr similar to other residents.

On May 21, 2019, the DRB reviewed the revisions and recommended approval (4-0 vote; PC Liaison absent) of the proposed building and site design, as revised.

The January 23, 2019 and May 21, 2019 DRB meetings on the project may be reviewed online at: <http://www.cityofsanrafael.org/meetings/>, by clicking on "Design Review Board" under "Archived Meetings" and click on the "video" link to the specific meeting date.

NEIGHBORHOOD MEETING / CORRESPONDENCE

While the project does not request a General Plan Amendment, Rezoning or any other action requiring the a Neighborhood Meeting, a Neighborhood Meeting was conducted on May 18, 2016 at the insistence of staff due to the potential for controversy over the project. The Neighborhood Meeting was held at the existing hotel and notice of meeting 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 groups (North San Rafael Coalition of Residents), and all other interested parties, 15 calendar days prior to the date of this hearing. Additionally, notice was posted on the project site, along the Manuel T. Freitas Pkwy and Northgate Dr. frontages a minimum of 15 calendar days prior to the date of the meeting.

At the time of the Neighborhood Meeting, the project had been reduced in density from its conceptual review level (from 227 to 182 units) though remained at 48'-tall building heights with a requested 12' height bonus. Approximately 200 residents attended the meeting who were nearly-unanimous in their rejection of the project as too big, too much density and likely to cause too much traffic impacts. They further requested early review by the Planning Commission, who will act on the project application.

Notice of the DRB's prior conceptual review, the Planning Commission's study session, both DRB meetings and this Commission hearing were 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, staff increased the homeowners groups receiving notice of the meeting to include Terra Linda Homeowners' Assoc., Quail Hill Townhomes Homeowners' Assoc., Meadows at Terra Linda Homeowners' Assoc., Villa Marin Homeowners' Assoc., Mont Marin/San Rafael Park Neighborhood Assoc. and Santa Margarita Homeowners Assoc.) and all other interested parties, 15 calendar days prior to the date of this hearing. Additionally, notice was posted on the project site, along the Manuel T. Freitas Pkwy and Northgate Dr. frontages a minimum of 15 calendar days prior to the date of the meeting.

Staff received a very high volume of public comments between the conceptual review of the project and the Neighborhood Meeting, between September 2015 and May 2016, nearly all in opposition due to traffic, noise, light pollution and environmental (service station on 1005 Northgate Dr.) concerns. Staff continued to receive public comments in opposition to the project due to similar concerns, though far fewer up to the DRB meetings. As a result of noticing on this Planning Commission hearing, staff has received three (3) new public comments, all in support of the project. The Marin Environmental Housing Collaborative, the San Rafael Chamber of Commerce and Roger Smith each state that the project will provide much needed housing and wish it could provide more residential units. All public comments on the project received from inception at the first Neighborhood Meeting to the printing of this staff's report (7/18/19) are provided on the project page on the City's web site (<https://www.cityofsanrafael.org/northgate-walk/>), then clicking on the public comments link. Any public comments on the project received after the printing of staff's report will be provided to the Commission under separate cover.

CONCLUSIONS

Planning staff believes the proposed project meets the applicable General Plan Policies and regulations, standards, criteria and findings of the Zoning Ordinance and Subdivision Ordinance. The project proposes much needed new housing which meets all applicable development standards with negligible traffic demand impacts.

EXHIBITS

1. Vicinity/Location Map
2. Draft Resolution of Conditional Approval
3. GP Consistency Table
4. ZO Consistency Table
5. Subdivision Consistency Table
6. Draft CEQA Notice of Exemption

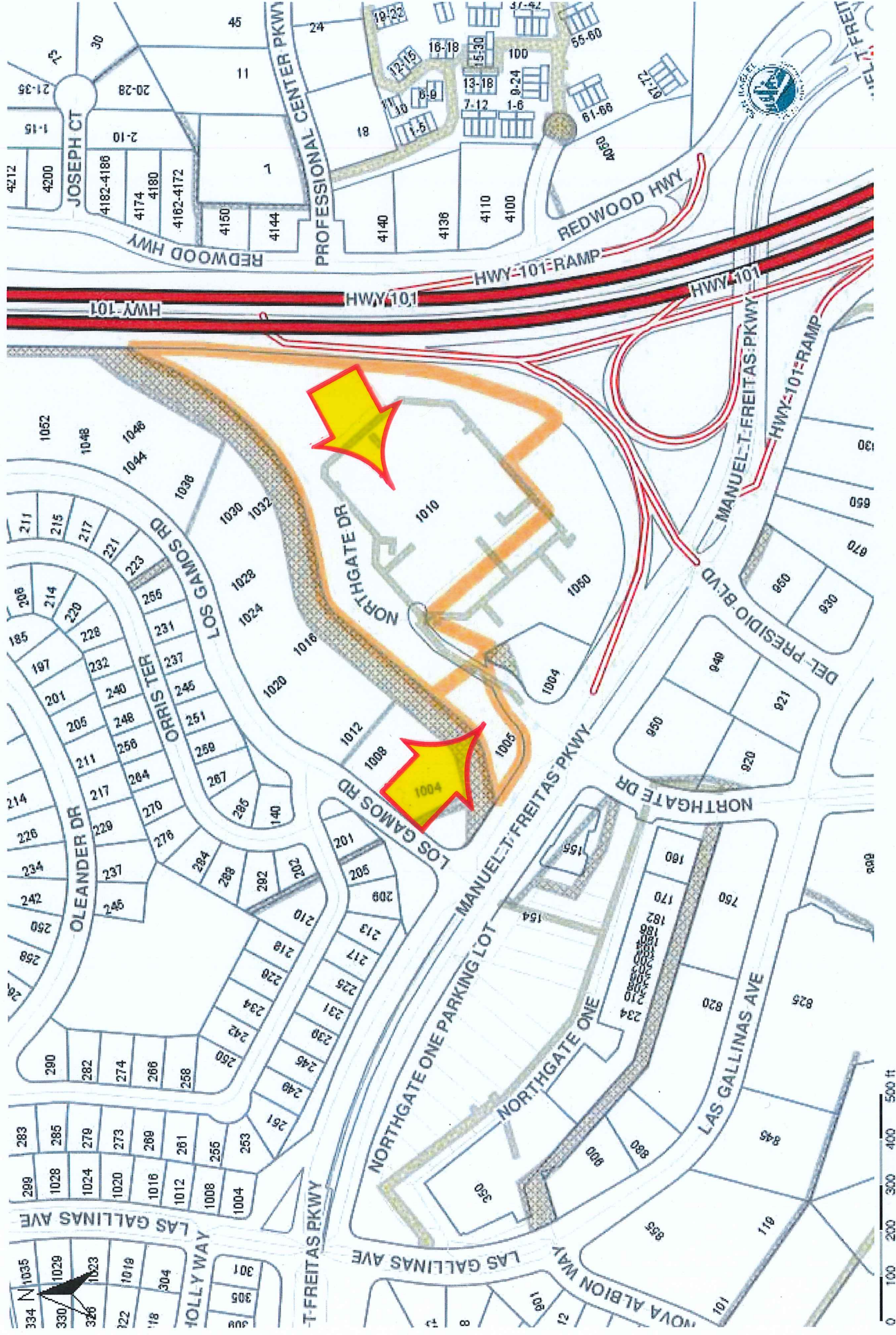
Reduced (11" x 17") color plan sets have been provided to the Planning Commission only

Current plans available for public viewing at <https://www.cityofsanrafael.org/northgate-walk/>



Northgate Walk Project Site

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.



RESOLUTION NO. 19-_____

**RESOLUTION OF THE SAN RAFAEL PLANNING COMMISSION CONDITIONALLY APPROVING AN ENVIRONMENTAL AND DESIGN REVIEW PERMIT (ED16-038), A USE PERMIT (UP16-018) AND A VESTING TENTATIVE MAP (S16-001) TO ALLOW THE CONSTRUCTION OF 136 UNITS WITHIN THREE (3), 36'-TALL, NEW RESIDENTIAL CONDOMINIUM BUILDINGS ON THREE (3) PARCELS AND REMOTE PARKING FOR THE EXISTING HOTEL AND MISCELLANEOUS SITE IMPROVEMENTS LOCATED AT 1007, 1020 AND 1030 NORTHGATE DR.
(FORMERLY 1005 AND 1010 NORTHGATE DR.; APNS: 178-240-17 & -21)**

WHEREAS, on June 25, 2015, Planning staff completed Pre-application review (PA14-008) of a proposal to add three (3) new, 46'-tall, buildings with 10' height bonuses to the project site, containing a total of 227 new residential units (The maximum allowed density for the project is 318 residential units and the maximum height is 36'); and

WHEREAS, on September 9, 2015, the Design Review Board (Board) provided Conceptual Design Review comments on the proposal, which reduced the number of residential units, from 227 to 217 units, though continued to add three (3) new, 46'-tall, buildings with 10' height bonuses to the project site. The Board's comments included: 1) The scale and massing of the new buildings needed refinement, including 'stepbacks' and greater articulation; 2) Eliminate the ground-floor commercial space proposed along the Manuel Freitas Parkway frontage; 3) Relocate the proposed roof decks to mitigate potential noise and light impacts; 4) The project should include guest parking spaces; and 5) The appropriate density will be best determined after a close examination of the traffic analysis; and

WHEREAS, on April 15, 2016, formal project applications were submitted to Planning, requesting an Environmental and Design Review Permit (ED16-038), a Use Permit (UP16-018) and a Vesting Tentative Map (S16-001) and included a reduced number of residential units, from 217 to 182 units, though increased the height of the proposed three (3) new buildings, from 46' to 48' and increasing the requested height bonuses, from 10' to 12'. The project additionally proposed subdividing the project site to create new parcels for each new building while leaving the existing hotel on its own separate parcel; and

WHEREAS, on October 23, 2018, the Planning Commission held a study session to provide preliminary comments on miscellaneous policy areas, including land use, bulk/mass, density, subdivision, improvements in the creek setback easement and environmental findings, due to the significant public requests for early feedback on the project. At that time, the project continued to reduce the number of residential units, from 182 to 136 units, and reduced the height of the proposed three (3) new buildings, from 48' to 36' without height bonuses. The Planning Commission indicated their support for the project, as currently proposed, and staff's determination, with the assistance of a third-party environmental consultant, that the project is exempt from CEQA (California Environmental Quality Act), pursuant to CEQA Guidelines Section 15332 (*In-Fill Development Projects*); and

WHEREAS, on January 23, 2019, the Board reviewed the formal project for site and building design and provided (4-0 vote; PC Liaison Lubamersky) the following comments: 1) The architectural of the buildings needs to better relate to the design character elements found in Terra Linda and that of the adjacent hotel; 2) A passenger loading zone should be included in the site design for 1007 Northgate Dr.; 3) The shadow study needs to be re-analyzed for

accuracy and enhanced to make it easier to evaluate the shading impacts, and expanded to include a 9 a.m. analysis on December 21st; 4) The project amenities need to include an outdoor cooking/BBQ area and a some type of outdoor play structure or area, located preferably adjacent to the proposed pool at 1030 Northgate Dr.; 5) The tree species proposed in the Landscape Plan need to be re-evaluated, including the Texas Privet and Deodar Cedar; and 6) The project should provide access to the pool amenity at 1030 Northgate Dr. to the future senior residents at 1007 Northgate Dr.; and

WHEREAS, on May 21, 2019, the Board continued their review of the project and recommended approval (4-0 vote, PC Liaison absent) of the revisions to the site and building design to the Commission; and

WHEREAS, on July 23, 2019, the San Rafael Planning Commission (Planning Commission) held a duly noticed a hearing to consider the Environmental and Design Review Permit (ED16-038), Use Permit (UP16-018) and Vesting Tentative Map (S16-001) applications, 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, the Planning Commission of the City of San Rafael does hereby make the following findings related to the applications for Environmental and Design Review Permit (ED16-038), Use Permit (UP16-018) and Vesting Tentative Map (S16-001):

**Environmental and Design Review Permit (ED16-038)
Findings**

- A. The project design, as revised and conditioned, will be 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*), given that;
1. As documented in the General Plan 2020 Consistency Table (Exhibit 3), the proposed project will implement and promote the goals and policies of the San Rafael General Plan 2020;
 2. As documented in the Zoning Ordinance Consistency Table (Exhibit 4), the proposed project will be consistent with the objectives of the Zoning Ordinance; and
 3. The proposed project will be consistent with the purposes of Environmental and Design Review Permits, given that; the project will maintain and improve the quality of, and relationship between, development and the surrounding natural landscape setting to contribute to the attractiveness of the City. The project site is encumbered by a 35'-wide creek 'setback' easement which allows landscaping and underground utilities only. The project proposes to enhance this easement with additional landscaping and limited tree removal of unhealthy specimens. Additionally, the project proposes exterior colors and textures in earthtones/woodtones which would enhance the landscape setting of the project site. The project proposes high-quality exterior materials and finishes which would contribute to the attractiveness of the immediate surroundings as a

gateway to the greater Terra Linda neighborhood. The 36'-tall new residential buildings would be in scale with the existing four-story hotel that is proposed to continue on the site. Photo simulations were conducted on the prior, larger project by the applicant, which indicated minor view impacts from public vantage points; the most recent, smaller project size would have reduced view impacts.

B. The project design, as revised and conditioned, is consistent with all applicable site, architecture and landscaping design criteria and guidelines for the Office (O) and High-Density Multifamily Residential (HR1) Districts in which the project site is located, given that;

1. The project design will be consistent with the maximum allowable density for the site, which is 318 units based on 7.3 acres of total lot area;
2. The project will be consistent with the minimum required yard setbacks for the project site, which are 20' front, 6' side, 10 street side and 20 rear in the O District and 15' front, 5' side 10' street side and 5' rear in the HR1 District;
3. The project will be consistent with the maximum height allowed for the project site, which 36' (Uniform Building Code 1997);
4. The project will be consistent with the maximum lot coverage for the project site, which is 40% in the O District and 60% in the HR1 District;
5. The project will be consistent with the minimum landscaping requirement for the project site, which is 25% in the O District and 50% of the required front and street side yards in the HR1 District;
6. The project will be consistent with the minimum common or private outdoor area for the project site, which is 100 sq. ft. per unit in the HR1 District;
7. The provisions of Marin Municipal Water District's (MMWD) most recent water conservation and new 'graywater' requirements apply to the project, where MMWD approval is required prior to the issuance of any building or grading permit;
8. The proposed project will be consistent with review criteria for Environmental and Design Review Permits (*Chapter 14.25 of the Zoning Ordinance*), by proposing a consistent, high-quality architectural design (colors and materials; scale; bulk and mass; fenestration and articulation) throughout the project site; and
9. The formal project design was reviewed by the Design Review Board (DRB) on two separate meetings and was, ultimately, recommended for approval on May 21, 2019.-=

C. The project design, as revised and conditioned, minimizes adverse environmental impacts, given that;

1. The project site is encumbered by a 35'-wide creek setback easement which allows landscaping and underground utilities only. The project proposes to enhance this easement with additional landscaping and limiting tree removal to unhealthy specimens;
2. The project design includes storm water retention areas or 'bioswales' which will have the effect of creating a 'no net change' in the rate of storm water drainage on the project site, as determined by the drainage report submitted on the project and the review and recommendation by the City Engineer; and
3. The project site neither contains, nor is immediately contiguous to, recognizable wetlands, creeks or similarly sensitive environmental features, and it has not been identified in the San Rafael General Plan 2020 (*Exhibit 38 – Threatened and Endangered Species*) as a general location were threatened and

endangered species have been previously observed or maintain a suitable habitat for their likely presence to be found.

- D. The project design, as revised and conditioned, will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity, or to the general welfare of the City, given that; the project has been reviewed by appropriate City departments, non-City agencies, the appropriate surrounding neighborhood groups, interested parties, the Design Review Board at three (3) separate meetings (conceptual review on September 9, 2015 and formal project review on January 23, 2019 and May 21, 2019) and the Planning Commission on two (2) separate occasions (October 23, 2018 study session and July 23, 2019 hearing) and conditions of approval have been included to mitigate any potential negative impacts anticipated to be generated by the proposed project.

Use Permit (UP16-018) Findings

- A. The proposed remote parking between the existing hotel use (1010 Northgate Dr.) and the new residential buildings (1020 and 1030 Northgate Dr.), as revised and conditioned, will be in accord 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 the HR1 District, in which the project site is located, given that;
1. As documented in the General Plan 2020 Consistency Table (Exhibit 3), the proposed project will implement and promote the goals and policies of the San Rafael General Plan 2020;
 2. As documented in the Zoning Ordinance Consistency Table (Exhibit 4), the proposed project will be consistent with the objectives of the Zoning Ordinance; and
 3. The proposed project will be consistent with the purposes of the HR1 District, given that; a) The project will provide for high-density residential development in the HR1 District, a high-density residential zoning district; b) The project will provide a wide variety of housing opportunities in terms of housing type ("senior", market-rate and affordable residential condominium units) and sizes (studio units averaging 621 sq. ft. in size, 1-bedroom units averaging 716-840 sq. ft. in size, 2-bedroom units averaging 1,090 sq. ft. in size, 3-bedroom units averaging 1,315 sq. ft. in size, 2-bedroom townhomes averaging 1,430 sq. ft. in size and 3-bedroom townhomes averaging 1,460 sq. ft. in size); c) The project will comply with the existing 35' landscape setback easement along the west elevation with Gallinas Creek and proposes a 25' creek setback for those portions of the project site not encumbered by the existing landscape setback easement; d) The project proposes to provide a new easement providing pedestrian access for outdoor recreational activities, from Manuel Freitas Parkway and throughout the west elevation of the project site, along Gallinas Creek; and e) The project has been reviewed by the appropriate City department and non-city agencies and determined that adequate infrastructure exists to meet all new service demands.
- B. The proposed remote parking between the existing hotel use (1010 Northgate Dr.) and the new residential buildings (1020 and 1030 Northgate Dr.), as revised and conditioned, will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity, or to the general welfare of the City, given that; the project has been reviewed by appropriate City departments, non-

City agencies, the appropriate surrounding neighborhood groups, interested parties, the Design Review Board at three (3) separate meetings (conceptual review on September 9, 2015 and formal project review on January 23, 2019 and May 21, 2019) and the Planning Commission on two (2) separate occasions (October 23, 2018 study session and July 23, 2019 hearing) and conditions of approval have been included to mitigate any potential negative impacts anticipated to be generated by the proposed project; and

- C. The proposed remote parking between the existing hotel use (1010 Northgate Dr.) and the new residential buildings (1020 and 1030 Northgate Dr.), as revised and conditioned, will comply with each of the applicable provisions of the Zoning Ordinance, given that; as documented in the Zoning Ordinance Consistency Table (Exhibit 4), the proposed project will be consistent with the objectives of the Zoning Ordinance..

Vesting Tentative Map (S16-001) Findings

- A. The proposed Vesting Tentative Map for the proposed project as revised and conditioned, is consistent with the San Rafael General Plan 2020 and any applicable, adopted specific plan or neighborhood plan, given that; as documented in the General Plan 2020 Consistency Table (Exhibit 3), the proposed project will implement and promote the goals and policies of the San Rafael General Plan 2020). The Vesting Tentative Map proposes to subdivide an existing 293,953 sq. ft. (6.75 acre) parcel into three (3) new parcels containing the existing hotel and the new residential condominium buildings at 1020 and 1030 Northgate Dr. The Vesting Tentative Map further proposes to create a total of 136 residential condominium units within the three (3) new residential buildings (30 condominium units at 1007 Northgate Dr., 48 condominium units at 1020 Northgate Dr. and 58 condominium units at 1030 Northgate Dr.);
- B. The design or improvement of the subdivision is consistent with the San Rafael General Plan and any pertinent, adopted specific plan or neighborhood plan; given that, the subdivision will create three (3) new residential buildings with a total of 136 condominium units within the project site, which is consistent with the maximum allowable density (318 units) under the Office (O) and High-Density Residential (HR1) Districts zoning designation. The design of the subdivision also will be consistent with all applicable development standards of the O and HR1 Districts;
- C. The property subject to subdivision is physically suitable for the type of the development proposed, given that; 1) Residential development, either rental units or condominium units, is allowed on the project site "by right"; 2) The project will create a total of 136 new condominium units on the project site, which is consistent with the maximum allowable density (318) under the site zoning (O and HR1 Districts) designation; 3) The proposed subdivision will create airspace condominium units which are distinct from the common areas within the new building in maintenance and repair responsibility through not use; and 4) The project site is an in-fill development location and all service providers have concluded adequate capacity exists to meet service demands for the number of residential units proposed;
- D. The property subject to subdivision is physically suitable for the density of development, given that; 1) The project will create a total of 136 new condominium units on the project site, which is consistent with the maximum allowable density (318) under the site zoning (O and HR1 Districts) designation; and 2) The proposed subdivision will create airspace

condominium units which are distinct from the common areas within the new building in maintenance and repair responsibility through not use;

- E. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat given that: 1) Both the subdivision and the proposed project complies with the existing 35' landscape setback easement along the west elevation of the project site, along Gallinas Creek; 2) Both the subdivision and the proposed project meet the minimum required 25' creek setback along the west elevation of the project site, along Gallinas Creek, not currently encumbered by the easement; and 3) Both the subdivision and the proposed project preserve most of the existing landscaping within the project site, particularly within the 35'-wide landscape setback easement and 25' creek setback along Gallinas Creek and within the uncovered parking areas surrounding the hotel (The project proposes to remove 109 existing trees (23 existing trees at 1005 Northgate Dr. and 86 at 1010 Northgate Dr.) New landscaping includes trees (126 new trees in 15-gallon, 24"-box and 72"-box container sizes), shrubs (897 new shrubs and ferns in 5- and 15-gallon container sizes), groundcovers and vines (2,158 new groundcovers and vines in 1- and 5-gallon container sizes) and succulent vertical planter walls (53 new succulents in 1-gallon container size);
- F. The design of the subdivision or the type of the proposed improvements is not likely to cause serious health problems, given that; 1) Residential development, either rental units or condominium units, is allowed by both the Zoning Ordinance and the General Plan on the project site "by-right"; 2) The San Francisco Bay Regional Water Quality Control Board (RWQCB) has historically regulated environmental activities on the project site (1007 Northgate Dr.) and granted "case closure" on hydrocarbon contamination beneath the site; and 3) Both the subdivision and the proposed project has been reviewed by all appropriate city departments, non-city agencies and the Design Review Board who recommend approval of Environmental and Design Review Permit (ED16-038), Use Permit (UP16-018) and Vesting Tentative Map (S16-001), subject to conditions of approval to mitigate potential adverse impacts; and
- G. The design of the subdivision or the type of proposed improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision, given that; 1)) Both the subdivision and the proposed project complies with the existing 35' landscape setback easement along the west elevation of the project site, along Gallinas Creek, which provide access through the three (3) new parcels (1010 Northgate Dr. – the existing hotel, 1020 Northgate Dr. and 1030 Northgate Dr. from a new easement; 2) Both the subdivision and the proposed project provide a new 25' creek setback along the west elevation of the project site, along Gallinas Creek, which will provide access from Manuel Freitas Parkway, through the existing parcel at 1005 Northgate Dr. and connecting with the new easement through the new parcels; and 3) Both the subdivision and the proposed project provide new access easements throughout the project site, connecting the three (3) new parcels to Northgate Dr.

California Environmental Quality Act (CEQA) Findings

Pursuant to CEQA (California Environmental Quality Act) Guidelines Section 15061, the proposed project is exempt from CEQA pursuant to CEQA Guidelines Section 15332 (In-Fill Development Projects).

Based on supporting studies submitted with the project and as documented in the Notice of Exemption (Exhibit 6 to staff's report), a Class 32 categorical exemption under the CEQA Guidelines applies to this in-fill development project by meeting specific criteria listed below:

- a) The project is consistent with all applicable General Plan and policies and Zoning Ordinance regulations as documented by the attached consistency tables (see Exhibits 3 and 4);
- b) The proposed development is located within the city limits on a project site no more than five (5) acres substantially surrounded by urban uses given that the project proposes neither redevelopment nor improvements on the existing hotel site (1010 Northgate Dr.) other than subdividing it into three (3) new smaller parcels and, thereby, reducing the hotel site to a smaller parcel; the project site is a total of 210,274 sq. ft. (4.8 acres) after removing the proposed new hotel parcel (318,413 sq. ft.–108,139 sq. ft.) from the project site. The project is located within the jurisdictional boundaries of the City of San Rafael and is surrounded by urban development
- c) The project site has no value as habitat for endangered, rare or threatened species given that a Biological Assessment was completed on the project site which determined no critical habitat exist among the biological resources;
- d) Approval of the project would not result in any significant impacts to traffic, noise, air quality or water quality given that appropriate studies were conducted, submitted and, in the case of the traffic study, peer reviewed. The results are that no significant impacts would result from the project which cannot be mitigated with standard conditions of approvals
- e) The project site can be adequately served by all required utilities and public services given that the site is currently served, and will continue to be served, by City services and non-city agency service providers and the applicable service providers have indicated, through design or conditions, support for the project.

BE IT FURTHER RESOLVED, that the Planning Commission of the City of San Rafael does hereby approve the Environmental and Design Review Permit (ED16-038), Use Permit (UP16-018) and Vesting Tentative Map (S16-001), based on the findings of fact above and, subject to the following conditions of approval:

**Environmental and Design Review Permit (ED16-038)
Conditions of Approval**

General and On-Going

Community Development Department, Planning Division

1. The building techniques, colors, materials, elevations and appearance of the project, as presented to the Planning Commission at their July 23, 2019 hearing, stamped "approved" and on file with the Community Development Department, Planning Division, shall be the same as required for issuance of all building permits, subject to these conditions. Minor modifications or revisions to the project shall be subject to review and approval of the Community Development Department, Planning Division. Further modifications deemed not minor by the Community Development Director shall require review and approval by the original decision-making body, the Planning Commission, and may require review and recommendation by the City's Design Review Board.

2. The approved colors for the project are on file with the Community Development Department, Planning Division. Any future modification to the color palette shall be subject to review and approval by the Planning Division and those modifications not deemed minor shall be referred to the Design Review Board for review and recommendation prior to approval by the Planning Division.
3. This Environmental and Design Review Permit approves:
 - a) The demolition of an existing commercial building and self-serve gas station and the construction of a new, 36'-high, residential building for 'senior' residents with 30 condominium units above 29 garage parking spaces at 1007 Northgate Dr.;
 - b) The construction of a new, 36'-high, mixed-use building with 48 condominium units above 147 garage parking spaces for residents and their guests and hotel guest and 'hospitality' space (restaurant, bar and dividable meeting room) for the adjacent hotel (1010 Northgate Dr.) at 1020 Northgate Dr.; and
 - c) The construction of a new, 36'-high residential building with 58 condominium units above 207 garage parking spaces for residents and their guests and hotel guest at 1030 Northgate Dr.
4. All 'off-haul' of excavation and delivery/pick-up of construction equipment shall occur during off-peak weekday hours, between 9:00 a.m. and 4:00 p.m., Monday through Friday only.
5. All grading and construction activities shall be limited to 8 a.m. to 6 p.m., Monday through Friday. Low-noise construction, occurring entirely within the interior of the building, may be permissible on Saturdays with prior approval by the Planning Division and only after the building is completely enclosed (walls, roof, doors and windows). If requested and approved, Saturday work shall be limited to 9 a.m. to 6 p.m. Any work on Sundays and federally-recognized holidays is strictly prohibited.
6. Final landscape and irrigation plans for the project shall comply with the provisions of Marin Municipal Water District's (MMWD) most recent water conservation ordinance and graywater recycling system requirements. Construction plans submitted for issuance of building/grading permit shall be pre-approved by MMWD and stamped as approved by MMWD or include a letter from MMWD approving the final landscape and irrigation plans. Modifications to the final landscape and irrigation plans, as required by MMWD, shall be subject to review and approval of the Community Development Department, Planning Division.
7. All new landscaping shall be irrigated with an automatic drip system and maintained in a healthy and thriving condition, free of weeds and debris, at all times. Any dying or dead landscaping shall be replaced in a timely fashion.
8. All site improvements, including but not limited to the site lighting, hardscape, and paving striping shall be maintained in good, undamaged condition at all times. Any damaged improvements shall be replaced in a timely manner.
9. The site shall be kept free of litter and garbage. Any trash, junk or damaged materials that are accumulated on the site shall be removed and disposed of in a timely manner.

10. All public streets and sidewalks and on-site streets which are privately owned that are impacted by the grading and construction operation for the project shall be kept clean and free of debris at all times. The general contractor shall sweep the nearest street and sidewalk adjacent to the site on a daily basis unless conditions require greater frequency of sweeping.
11. All submitted building permit plan sets shall include a plan sheet incorporating these conditions of approval.
12. If archaeological or cultural resources are accidentally discovered during excavation/grading activities, all work will stop within 100 feet of the resource and the qualified archaeologist will be notified immediately. The qualified archaeologist will contact Federated Indians of Graton Rancheria (FIGR) and the Planning Division and coordinate the appropriate evaluation of the find and implement any additional treatment or protection, if required. No work shall occur in the vicinity until approved by the qualified archaeologist, FIGR and Planning staff. Prehistoric resources that may be identified include, but shall not be limited to, concentrations of stone tools and manufacturing debris made of obsidian, basalt and other stone materials, milling equipment such as bedrock mortars, portable mortars and pestles and locally darkened soils (midden) that may contain dietary remains such as shell and bone, as well as human remains. Historic resources that may be identified include, but are not limited to, small cemeteries or burial plots, structural foundations, cabin pads, cans with soldered seams or tops, or bottles or fragments or clear and colored glass.
13. If human remains are encountered (or suspected) during any project-related activity, all work will halt within 100 feet of the project and the County Coroner will be contacted to evaluate the situation. If the County Coroner determines that the human remains are of Native American origin, the County Coroner shall notify FIGR within 24-hours of such identification who will work with Planning staff to determine the proper treatment of the remains. No work shall occur in the vicinity without approval from Planning staff.
14. The project shall implement, and adhere to, the following recommended Best Management Practices to reduce potential grading and construction noise impacts on nearby sensitive receptors:
 - Equip all grading and construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards;
 - Place all stationary construction equipment so that emitted noise is directed away from sensitive receptor nearest the project site;
 - Locate equipment staging in areas that would create the greatest possible distance between noise sources and noise-sensitive receptor nearest the project site;
 - All noise producing grading and construction activities, including warming-up or servicing equipment and any preparation for grading or construction, shall be limited to the hours between 7 a.m. and 6 p.m. on weekdays and between 9 a.m. and 6 p.m. on Saturdays. No grading or construction activities shall occur on Sundays or federally-recognized holidays.
 - Designate a "disturbance coordinator" who will be responsible for responding to any local complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and determine and implement reasonable measures warranted to correct the noise issue.

15. The project shall implement, and adhere to, the recommended tree protection and tree trimming guidelines at all times, including but not limited to:
- Tree Protection Fencing. All trees to be retained shall receive Tree Protection Fencing (TPF) in order to prevent direct damage to the trees and their growing environment. The TPF shall consist of blaze orange barrier fencing supported by metal "T-tail" fence posts. The TPF shall be placed at a distance that is at or outside the driplines of retained trees to the extent feasible. TPF shall be installed before site preparation, grading, construction or tree trimming activities and shall be installed under the supervision of a qualified arborist.
 - Use of Heavy Equipment. Heavy equipment shall not be allowed to operate or park within or around areas containing retained trees, unless these areas are currently paved surfaces. If it is necessary for heavy machinery to operate within the dripline of retained trees, a layer of mulch or pea gravel at least four inches (4") in depth shall be placed on the ground beneath the dripline. A 3/4-inch (3/4") sheet of plywood shall be placed on top of the mulch. The plywood and mulch shall be removed once grading and/or construction activities are complete.
 - Storage of Construction Materials and Debris. Construction materials (e.g., gravel, aggregate, heavy equipment) or project debris and waste material shall not be placed adjacent to or against the trunks of retained trees.
 - Attachments. The attachment of wires, signs and ropes to any retained tree is strictly prohibited.
 - Trimming. The following trimming guidelines shall be followed at all times:
 - All pruning of retained trees shall be performed by a licensed contractor familiar with International Society of Arboriculture pruning guidelines and shall comply with the guidelines established by the International Society of Arboriculture which includes Best Management Practices for Tree Pruning;
 - All trimming shall be pruned back to an appropriately sized lateral or to the trunk by following proper pruning guidelines; and
 - All trimming shall be conducted by or under the supervision of a certified arborist.
16. All HVAC equipment shall be installed on the rooftop and behind a parapet to create a noise barrier and reduce potential noise levels. In the alternative, ground-mounted HVAC equipment shall be adequately enclosed or shielded.
17. To reduce potential interior noise impacts on the residential units within the project, the following measures are required (Noise Impact Analysis; LSA Associates, Inc., dated March 2016); page 28): a) In order to allow windows and doors to remain closed, mechanical ventilation, such as air conditioning, shall be provided; b) All vent ducts connecting interior spaces to the exterior (i.e., bathroom exhaust, etc.) shall have at least two (2) 90° turns in the duct; and c) All windows and doors shall be installed in an acoustically-effective manner where sliding window panels shall form an air-tight seal when in the closed position, the window frames shall be caulked to the wall opening around the perimeter with a non-hardening caulking compound to prevent sound infiltration and exterior doors shall seal air-tight around the full perimeter when in the closed position.
18. All windows and doors for residential units at 1030 Northgate Dr (closest building to U.S. Highway 101) shall be constructed with Sound Transmission Class (STC) ratings. All windows and doors rated STC 36 or higher shall have glass lite thickness no less than 3/16 inch.

19. Applicant agrees to defend, indemnify, release and hold harmless the City, its agents, officers, attorneys, employees, boards and commissions from any claim, action or proceeding brought against any of the foregoing individuals or entities ("indemnities"), the purpose of which is to attack, set aside, void or annul the approval of this application or the adoption of any environmental document which accompanies it. This indemnification shall include, but not be limited to, damages, costs, expenses, attorney fees or expert witness fees that may be asserted or incurred by any person or entity, including the applicant, third parties and the indemnities, arising out of or in connection with the approval of this application, whether or not there is concurrent, passive or active negligence on the part of the indemnities.
20. In the event that any claim, action or proceeding as described above is brought, the City shall promptly notify the applicant of any such claim, action or proceeding, and the City will cooperate fully in the defense of such claim, action, or proceeding. In the event the applicant is required to defend the City in connection with any said claim, action or proceeding, the City shall retain the right to: 1) approve the counsel to so defend the City; 2) approve all significant decisions concerning the manner in which the defense is conducted; and 3) approve any and all settlements, which approval shall not be unreasonably withheld. Nothing herein shall prohibit the City from participating in the defense of any claim, action or proceeding, provided that if the City chooses to have counsel of its own to defend any claim, action or proceeding where applicant already has retained counsel to defend the City in such matters, the fees and the expenses of the counsel selected by the City shall be paid by the City.
21. As a condition of this application, applicant agrees to be responsible for the payment of all City Attorney expenses and costs, both for City staff attorneys and outside attorney consultants retained by the City, associated with the reviewing, processing and implementing of the land use approval and related conditions of such approval. City Attorney expenses shall be based on the rates established from time to time by the City Finance Director to cover staff attorney salaries, benefits, and overhead, plus the actual fees and expenses of any attorney consultants retained by the City. Applicant shall reimburse the City for City Attorney expenses and costs within 30 days following billing of same by the City.
22. This Environmental and Design Review Permit shall run with the land and shall remain valid regardless of any change of ownership of the project site, subject to these conditions. This Environmental and Design Review Permit will fully vest once a building/grading permit is issued and 'substantial construction' is commenced for all three (3) new residential buildings or a time extension request is submitted to the City's Community Development Department, Planning Division, **within two (2) years** of original approval, or **July 23, 2021** ('Substantial construction' is defined as the pouring of all required foundations and the installation of vertical components, such as exterior walls). Failure to obtain a grading/building permit and commence 'substantial construction' on all three (3) new residential buildings, or failure to obtain a time extension within the two-year period, will result in the expiration of this Environmental and Design Review Permit.
23. This Environmental and Design Review Permit does not approve phasing of the project approvals. Phasing of the project approvals shall require amendment of this Environmental and Design Review Permit and shall be supported with a phasing plan with reasonable and reliable milestones for development of the site, as approved by the project.

24. This Environmental and Design Review Permit shall run concurrently with the Use Permit (UP16-018) approval. If the Environmental and Design Review Permit expires, the Use Permit approval shall also expire and become invalid.

Prior to Issuance of Grading/Building Permits

Community Development Department, Planning Division

25. All trash and recycling facilities shall be approved by Marin Sanitary Service and a letter approving the location and sizing of these facilities shall be submitted with the building permit.
26. The location and dimensional size of all communal refuse and recycling facilities shall be shown on the building permit plans. All communal refuse and recycling facilities shall be screened from public view.
27. The project sponsor shall inform the contractor, general contractor or site supervisor of these requirements and shall be responsible for informing subcontractors of these requirements and for implementing these measures on the site.
28. Any outstanding Planning Division application processing fees shall be paid.
29. All mechanical equipment (i.e., air conditioning units, meters and transformers) and appurtenances not entirely enclosed within the structure (on side of building or roof) shall be screened from public view. The method used to accomplish the screening shall be indicated on the building plans and approved by the Planning Division.
30. Proposed retaining walls along the U.S. Highway 101 elevation will be up to 13' in height. These significant retaining walls shall be redesigned to conform more and work better with existing topography. These retaining walls shall be reduced in height of equal height and staggered or offset with landscape improvements between and below the retaining wall sections.
31. If grading and/or construction activities (e.g., ground disturbance, tree removal or tree trimming) are scheduled during the bird nesting season (typically defined by the California Department of Fish and Wildlife as February 15 to August 31), a qualified licensed biologist shall conduct a preconstruction survey for nesting birds no more than 14 days prior to the start of the work. If the survey indicated the presence of nesting birds, the biologist shall delineate a buffer zone where no grading and/or construction will occur until the biologist has determined that all young have successfully fledged. The size of the buffer shall be determined by the biologist and will be based on the nesting species and its sensitivity to disturbance. Typical buffer zones are 50' for passerines and up to 250' for raptors. Nests shall be monitored regularly to determine if grading and/or construction activities are affecting the nesting activities and when young birds have fledged.
32. When trimming large branches or removing trees from the site, the cut branches and trees will be left in place overnight to allow foliage roosting bats to escape and find new roosting sites in the adjacent habitat. Branches and trees can be removed from the site or chipped the following day.
33. An acoustical test report of all sound-rated windows and doors, by a qualified (licensed) acoustical consultant, shall be submitted to Planning, ensuring that the selected windows

and doors would reduce the interior noise levels to normally acceptable level adopted by the City (i.e., 40 dBA in bedrooms and 45 dBA in all other rooms).

34. A Construction Management Plan (CMP) shall be prepared and submitted to the Planning Division for review and approval. The CMP shall include a projected schedule of work, projected daily construction truck trips, proposed construction truck route, location of material staging areas, location of construction trailers, location of construction worker parking, a statement that the project shall conform to the City's Noise Ordinance (Chapter 8.13 of the San Rafael Municipal Code), a statement that no construction truck traffic shall encroach into any of the surrounding residential neighborhood streets at any time, and a statement that the existing roadway conditions on Northgate Dr. and Manuel Freitas Pkwy shall be memorialized on digital recording format prior to the start of construction and that the project sponsor shall be required to repair any roadway damage created by the additional construction truck traffic. In the event that the CMP is conflicting with any conditions imposed by the grading permit for the project, the more restrictive language or conditions shall prevail.
35. The project shall mitigate potential air quality impacts associated with construction and grading activities by preparing and submitting a Dust Control Plan to the City of San Rafael Community Development Department for review and approval. This Dust Control Plan shall implement BAAQMD (Bay Area Air Quality Management District) established standard measures (*Basic Construction Mitigation Measures*) for reducing fugitive dust emissions, including but not limited to:
- All exposed surfaces (e.g., parking areas, staging areas soil piles, graded areas and unpaved access roads) shall be watered two times per day.
 - All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - All visible mud or dirt tracked-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - All vehicle speeds on unpaved roads shall be limited to 15 mph.
 - All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.
 - Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five (5) minutes (as required by the California airborne toxics control measure; Title 13, Section 2485 of California Code of Regulations (CCR)). Clear signage shall be provided for grading and construction workers at all access points.
 - All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
 - A publicly visible sign shall be posted with the telephone number and the person to contact at the City of San Rafael regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD phone number shall also be visible to ensure compliance with applicable regulations.
36. The project shall complete a soil vapor survey at 1007 Northgate Dr. (prior address, 1005 Northgate Dr.) to determine the necessity of incorporating a chemical or gas impermeable vapor barrier or membrane into the design of the senior residential development. Boring

samples points, generally, shall be taken across the site. Final sampling points shall be determined after consultation with RWQCB (San Francisco Regional Water Quality Control Board). The soil vapor sampling results shall be provided to RWQCB for comparison with RWQCB residential Environmental Screening Levels for Total Petroleum Hydrocarbons for gasoline and benzene.

37. Soil shall be field screened or sampled by an on-site environmental consultant in areas identified or suspected as having the potential to have impacted soil present, in the vicinity of the underground fuel storage tanks and dispenser islands, as deemed appropriate by the environmental consultant or as reported by the grading contractor for the project or subcontractors. If required, soil samples shall be screened for the presence of volatile organic compounds, using a hand-held photo-ionization detector (PID). Samples with PID levels greater than 10 parts per million by volume shall require laboratory testing. If soils are required to be excavated from the impacted areas, such soil will be stockpiled separately on-site pending characterization for offsite disposal. Stockpiled soil shall be covered by a impermeable liner, such as plastic sheeting, to control odors and fugitive dust emissions, reduce potential infiltration by rainwater, and minimize the potential for cross-contamination of underlying soil. Stockpiles shall be checked daily by the contractor to verify that they are adequately covered.
38. The project shall comply with the City's inclusionary or affordable housing requirement (currently Section 14.16.030 of the SRMC) by providing a minimum of 28 affordable 'for sale' housing units.
 - a. If the project proposes to provide condominium units, 14 units shall be required at the low-income household level (3 units at 1007 Northgate Dr., 5 units at 1020 Northgate Dr. and 6 units at 1030 Northgate Dr.) and 14 units shall be required at the moderate-income household level (3 units at 1007 Northgate Dr., 5 units at 1020 Northgate Dr. and 6 units at 1030 Northgate Dr.);
 - b. If the project proposes to provide rental units, 14 units shall be required at the very low-income household level (3 units at 1007 Northgate Dr., 5 units at 1020 Northgate Dr. and 6 units at 1030 Northgate Dr.) and 14 units at the low-income household level (3 units at 1007 Northgate Dr., 5 units at 1020 Northgate Dr. and 6 units at 1030 Northgate Dr.); and
 - c. The project sponsor is required to enter into a BMR (below-market-rate) agreement with Marin Housing Authority, deed-restricting the income level for occupancy of the affordable units and obtain City Council approval of the BMR agreements. The configuration of the BMR units shall reflect the generally configuration of each new building. The 'senior' residential building at 1007 Northgate Dr shall provide a total of 6 BMR units; all 1-bedroom BMR units. The new mixed-use building at 1020 Northgate Dr. shall provide a total of 10 BMR units (2 studio BMR units, 2, 1-bedroom BMR units and 6, 2-bedroom BMR units). The new residential building at 1030 Northgate Dr. shall provide a total of 12 BMR units (2 studio BMR units, 4, 1-bedroom BMR units and 6, 2-bedroom BMR units.). These BMR units shall be spread out evenly throughout the floors of each building. If the project proposes to provide condominium units, the location of these BMR units shall be shown on the final map and shall be subject to review and approval by the City as part of the its consideration of the BMR agreements. If the project proposes to provide rental units, the location of these BMR units may 'float' though they shall be 'bunched' together. These BMR units shall be comparable in size, finishes and unit mixture to the market rate units.

Department of Public Works

39. A grading permit is required for the project from the Department of Public Works (111 Morphew St.). The grading permit submittal shall include a site-specific erosion and sediment control plan
40. The project sponsor shall obtain an encroachment permit for any work within the Right-of-Way (ROW) from the Department of Public Works. Access to the adjacent properties shall be maintained throughout construction unless alternative arrangements are made.
41. The proposed bicycle storage rooms for each building shall be located as close to the garage entrances as possible to provide more direct access and limit the distance traveled through the garages, which thereby, improves safety by reducing potential conflicts with motor vehicles.
42. The proposed stormwater drainage system is designed for multiple parcels. A stormwater maintenance agreement shall be required. Depending on how the stormwater maintenance agreement is proposed for the properties, a drainage easement may be required.
43. Per San Rafael Municipal Code (SRMC) Section 15.07.030, all driveways shall not exceed a grade of 18%. Provide a profile for the driveways and ramps to show that the proposed slopes and transitions are compliant and adequate. Show the driveway vertical curves demonstrating that a vehicle will not scrape or bottom out when accessing the steep driveways.
44. The geotechnical report indicates soil tie-backs may be necessary for construction of some retaining walls, which may extend beyond the property line and into easements Show all retaining wall footing and soil tie-back encroachments on the project plans. Provide easements if crossing property lines.
45. Due to soil conditions and the size of the excavation proposed by the project, a third-party review shall be required for the geotechnical report and design. The project sponsor, or successor, shall provide a \$5,000.00 deposit for this peer review, which shall be completed prior to issuance building or grading permits.
46. Due to the proximity of the first driveway for the proposed building at 1007 Northgate Dr. to Manuel Freitas Parkway, "KEEP CLEAR" pavement striping along Northgate Dr. will be required.
47. To improve pedestrian safety, the existing marked crosswalks and signalized crossings at the Freitas Parkway/Northgate Dr. intersection shall be improved to provide pedestrian signal heads and/or push buttons. The project shall contribute the cost to install these pedestrian facilities to the City.
48. To improve pedestrian circulation, the Freitas Parkway/Northgate Dr. intersection shall be redesigned to eliminate the 'pork chop' islands and tighten the curb radii on the north leg of the intersection. This redesign shall be done in conjunction with the added pedestrian crossing features listed above.
49. The project shall comply with the adopted San Rafael Bicycle and Pedestrian Master Plan Update, which calls for a Class 1 multi-use path and/or six foot (6')-wide sidewalk along Manuel Freitas Parkway. The project shall either provide the Right-of-Way for the City's

future construction of these improvements and/or contribute the cost to construct these pedestrian improvements to the City.

50. The project shall pay a traffic mitigation fee of \$229,284 for 54 additional peak hour (36 a.m. and 18 p.m.) traffic trips (54 x \$4,246).

Community Development Department, Building Division

51. School fees will be required for the project. Calculations are done by the Dixie School District, and those fees are paid directly to them and proof of payment shall be submitted to the Building Division prior to issuance of the building permit.
52. The design and construction of all site alterations shall comply with the current editions of the California Building Code, Plumbing Code, Electrical Code, California Mechanical Code, California Fire Code, California Energy Code, Title 24 California Energy Efficiency Standards, California Green Building Standards Code and City of San Rafael Ordinances and Amendments.
53. A building permit is required for the proposed work. Applications shall be accompanied by four (4) complete sets of construction drawings to include:
- a) Architectural plans
 - b) Structural plans
 - c) Electrical plans
 - d) Plumbing plans
 - e) Mechanical plans
 - f) Site/civil plans (clearly identifying grade plan and height of the building)
 - g) Structural Calculations
 - h) Truss Calculations
 - i) Soils reports
 - j) Green Building documentation
 - k) Title-24 energy documentation
54. The occupancy classification, construction type and square footage of each building shall be specified on the plans in addition to justification calculations for the allowable area of each building. Site/civil plans prepared by a California licensed surveyor or engineer clearly showing topography, identifying grade plane and height of the building.
55. The new buildings contain several different occupancy types. Individual occupancies are categorized with different levels of hazard and may need to be separated from other occupancy types for safety reasons. Under mixed-occupancy conditions the project architect has available several design methodologies (accessory occupancies, non-separated occupancies, and separated occupancies) to address the mixed-occupancy concerns.
56. Site/civil plans prepared by a California licensed surveyor or engineer must clearly show topography and identify grade plane and height of the building. The building height must comply with CBC (California Building Code) Section 504 and Table 503. On the plan, justify the proposed building height.
57. Building areas are limited by CBC Table 503. On the plan justify the proposed building area.

58. Buildings located four (4) or more stories above grade plane shall provide one stairwell extending to the roof, unless the roof slope exceeds an angle of 4 vertical to 12 horizontal CBC 1009.13.
59. The maximum area of unprotected and protected openings permitted in the exterior wall in any story of a building shall not exceed the percentages specified in CBC Table 705.8 "Maximum Area of Exterior Wall Openings Based on Fire Separation Distance and Degree of Opening Protection." To calculate the maximum area of exterior wall openings you must provide the building setback distance from the property lines and then justify the percentage of proposed wall openings and include whether the opening is unprotected or protected:
- 15% exterior wall openings (in any story) in sprinklered buildings where the openings are 3' to less than 5' from the property line or buildings on the same property.
 - 25% exterior wall openings (in any story) in sprinklered buildings where the openings are 5' to less than 10' from the property line or buildings on the same property.
 - 45% exterior wall openings (in any story) in sprinklered buildings where the openings are 10' to less than 15' from the property line or buildings on the same property
60. Each building shall have address identification placed in a position that is plainly legible and visible from the street or road fronting the property. Numbers painted on the curb do not satisfy this requirement. For new buildings, the address shall be internally-illuminated or externally-illuminated and remain illuminated at all hours of darkness. Number shall be a minimum 6 inches in height with ½ inch stroke for commercial applications. The address shall be contrasting in color to their background (SMC 12.12.20).
61. The address for structures is determined by the Chief Building Official. The address of the existing building on this parcel is 1010 Northgate Drive. The building on the adjacent property is 1050. The tentative address for the proposed mixed-use building is **1020 Northgate Drive**. The address for the "New Residential Building" will be **1030 Northgate Drive**; the address of the "Senior Housing Building" will be **1007 Northgate Drive**. These proposed addresses will be legalized upon completion of construction. However, each page of the plan's title block and all permit application documents must show the proposed building's address identification information.
62. Bollards must be placed in the garage to protect mechanical equipment from vehicular damage when located in the path of a vehicle (if applicable).
63. Any demolition of existing structures shall require a permit. Demolition permit submittal shall include three (3) copies of the site plan, asbestos certification and PG&E disconnect notice. All required permits from the Bay Area Air Quality Management District shall be obtained and documentation provided prior to building permit issuance and any work commencing.
64. School fees will be required for the project. School fees for residential construction are currently computed at \$3.79 per square foot of new living area, Commercial space is computed at \$0.61 per square foot of new building area. Calculations are done by the San Rafael City Schools, and those fees are paid directly to them prior to issuance of the building permit.
65. Improvements within on-site privately-owned streets, such as retaining walls, street light standards, and private sewer systems, may require plan review and permits from either the Department of Public Works or the Building Division.

66. A grading permit is required for any grading or site remediation, soils export, import and placement. Provide a detailed soils report prepared by a qualified engineer to address these procedures. In particular, the report should address the import and placement and compaction of soils at future building pad locations and should be based on an assumed foundation design. This information should be provided to Building Division and Department of Public Works for review and comments prior to any such activities taking place.
67. Property lines shown through proposed buildings must be eliminated by consolidation or buildings must be relocated, redesigned to fall within property line boundaries.
68. Prior to building permit issuance for the construction of each building, geotechnical and civil pad certifications are to be submitted. Building pad locations will have to be surveyed and marked prior to placement of foundations.
69. All site signage requires a separate permit (excluding address numbering).
70. Monument sign(s) located at the driveway entrance(s) shall have address numbers posted prominently on the monument sign. This would apply particularly at or near the intersection of Northgate Drive and Freitas Parkway.
71. In the parking garage, mechanical ventilation will be required capable of exhausting a minimum of .75 cubic feet per minute per square foot of gross floor area CMC Table 4-4.
72. In the parking garage, in areas where motor vehicles are stored, floor surfaces shall be of noncombustible, nonabsorbent materials. Floors shall drain to an approved oil separator or trap discharging to sewers in accordance with the Plumbing Code and SWIPP.
73. The parking garage ceiling height shall have a minimum vertical clearance of 8' 2" where required for accessible parking.
74. Any public area within each building shall be provided with sanitary facilities per CPC Sec 412 and Table 4-1 (including provisions for persons with disabilities). Separate facilities may be required for each sex depending on use.
75. Minimum elevator car size (interior dimension) 60" wide by 30" deep with an entrance opening of at least 60" or a car size of 42" wide by 48" deep with an entrance opening of 36" or a car size of 60" wide by 36" deep with an entrance opening of at least 36".
76. All buildings with four (4) or more floors and one or more elevators shall provide not less than one medical emergency service elevator. The medical emergency service elevator shall accommodate the loading and transport of an ambulance gurney or stretcher. The elevator car size shall have a minimum clear distance between walls and door excluding return panels not less than 80" x 54" and a minimum distance from wall to return panel not less than 51" with a 42" side slide door.
77. The project shall be designed to provide access to the physically disabled in accordance with requirements of Title-24, California Code of Regulation. For existing buildings and facilities when alterations, structural repairs or additions are made, accessibility improvements for persons with disabilities may be required. Improvements shall be made, but are not limited to, the following accessible features:
 - a) Path of travel from public transportation point of arrival

- b) Routes of travel between buildings
- c) Accessible parking
- d) Ramps
- e) All public entrances
- f) Sanitary facilities (restrooms)
- g) Drinking fountains & Public telephones (when provided)
- h) Accessible features per specific occupancy requirements
- i) Accessible special features, (i.e., ATM's point of sale machines, etc.)

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

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

80. Multistory apartment with three (3) or more residential units or condominium buildings with four (4) or more residential units shall provide at least 10% of the dwelling units, but no less than one (1) dwelling unit, which comply with the accessible requirements per CBC 1102A.3.

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

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

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

Total Number of Parking Spaces Provided	Minimum Required Number of H/C Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7

301 to 400	8
401 to 500	9
501 to 1,000	Two percent of total
1,001 and over	Twenty, plus one for each 100 or fraction thereof over 1,001

- 84. At least one (1) disabled parking space shall be van-accessible, 9' in width plus an 8'-wide off- load area or 17'-wide overall. Additionally, one in every eight required handicap spaces shall be van accessible.
- 85. Minimum shower size in the fully accessible room must be a minimum of 60" wide by 30".
- 86. This project will be required to employ recycled water for both landscaping and inside the building for water closets for both the residential and commercial spaces. Check with Marin Municipal Water District (MMWD) for details.
- 87. This project will be required to employ a gray water reuse system. Check with MMWD for details.
- 88. The proposed residential units shall meet the sound attenuation requirements of CBC Chapter 12. In particular, the residential units facing both Manuel Freitas Parkway and U.S. Highway 101 will likely require special glazing and/or sound attenuation features to compensate for the adjacent traffic/street noise.

Las Gallinas Valley Sanitation District (LGVSD)

- 89. The proposed project must apply for and receive an allocation of sewer capacity from this District before it can receive sewer services. Please download the application form at: http://www.lgvsd.org/docs/application_allocation.pdf.
- 90. The proposed project must make satisfactory arrangements with this District for the construction of any off-site or on-site sewers which may be required.
- 91. LGVSD requires a special site visit with the applicant to discuss potential capacity and access issues. Applicant shall provide adequate vehicle access to all sanitary manholes on the sewer main for District maintenance activities. The area needs to be paved and accessible with a 39-foot long truck.
- 92. Provide profile and sewer flow calculations for proposed sanitary sewer main.
- 93. The project applicant shall be responsible for preparation of quitclaim deeds and new sewer easement documents necessary for recordation by the District.
- 94. All new precast concrete manholes (MH) shall be HDPE or PVC T-lock lined. As an option, applicant may use fiberglass reinforced plastic manholes. Lateral connection to existing 12" trunk sewer shall have inside drop, if necessary. New SS shall be 8" PVC C905.
- 95. Submit details for all sanitary sewer (SS) facilities, e.g. backwater prevention devices for sewer laterals).
- 96. Add a plumbing fixture unit (PFU) table for each proposed and existing building showing both existing and proposed plumbing fixture unit counts per most current edition of the California Plumbing Code.

97. The applicant shall perform closed circuit television (CCTV) inspection of all existing sanitary sewers and building laterals within the property, which the applicant intends of reusing for the renovated structures and new buildings. Submit a CCTV inspection report in DVD format to the District for review.
98. Resubmit revised plans for LGVSD review.
99. Based on District Ordinance adopted on August 10, 2017, preliminary cost estimates are:
- a) For new buildings, structures, and developments:
 - I. \$5,968 per Equivalent Sewer Unit.
 - II. Actual fees may be adjusted according to specific conditions outlined in the Ordinance.
 - b) For existing buildings, structures, and developments:
 - I. \$298 per Plumbing Fixture Unit (PFU).
 - II. Credit may be given to existing plumbing fixtures.
 - c) Applicant shall reimburse the District for all plan review, field verification before and after construction, and inspection fees accrued associated with this project. The estimate cost is \$7,500. Actual fees may be adjusted according to project specific conditions.
 - d) For more information about District Ordinance and permitting process, please visit <http://www.lgvsd.org/>.

San Rafael Fire Department, Fire Prevention Bureau

100. The design and construction of all site alterations shall comply with the current editions of the California Fire Code and City of San Rafael Ordinances and Amendments.
101. Deferred Submittals for the following fire protection systems shall be submitted to the Fire Prevention Bureau for approval and permitting prior to installation of the systems:
- a) Fire Sprinkler plans (Deferred Submittal to the Fire Prevention Bureau)
 - b) Fire Standpipe plans (Deferred Submittal to the Fire Prevention Bureau)
 - c) Private Fire Service Main plans (Deferred Submittal to the Fire Prevention Bureau)
 - d) Fire Alarm plans (Deferred Submittal to the Fire Prevention Bureau)
102. Show the location of address numbers on the building elevation. Each building shall have address identification placed in a position that is plainly legible and visible from the street or road fronting the property. Please refer to Fire Prevention Bureau Premises Identification Standards 09-1001, Table 1.
103. As the building is over 30 feet in height, an aerial fire apparatus access roadway is required parallel to one entire side of the building. The Aerial apparatus access roadway shall be located within a minimum 15 feet and a maximum of 30 feet from the building.
104. The minimum unobstructed width for an aerial fire apparatus access road is 26'.
105. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway, or between the roadway and the building.

106. Where a fire hydrant is located on a fire apparatus access road, the minimum width of the road shall be 26'. The 26' width is required to remain clear and unobstructed for at least 20' of the roadway on each side of the fire hydrant.
107. Aerial fire apparatus access roads shall be designated "fire lanes"; with curbs painted red and contrasting white lettering stating "No Parking Fire Lane" and signs shall be posted in accordance CFC Section 503.3.
108. When a building is fully sprinklered, all portions of the exterior building perimeter shall be located within 250' of an approved fire apparatus access road.
109. The minimum width of the fire apparatus access road is 20'.
110. The minimum inside turning radius for a fire apparatus access road is 28'.
111. The fire apparatus access road serving this building is more than 150' in length which will require an approved turnaround. Contact the Fire Prevention Bureau for specific details.
112. Provide stairways for roof access to each building.
113. At least one (1) elevator in each building shall be designated as an accessible means of egress and will require emergency power. Please show the locations of the emergency generators. Separate permits will be required to be issued for any above ground fuel storage tanks.
114. Each building shall provide at least one (1) elevator that will accommodate an ambulance stretcher per CBC 3002.4.
115. Hazardous materials placards shall be installed in accordance with NFPA 704.
116. A fire apparatus access plan shall be prepared for this project. Fire apparatus plan shall show the location the following:
 - a) Designated fire apparatus access roads.
 - b) Red curbs and no parking fire lane signs.
 - c) Onsite fire hydrants.
 - d) Fire Department Connection (FDC).
 - e) Double detector check valve.
 - f) Street address sign.
 - g) Recessed Knox Box
 - h) Fire Alarm annunciator panel.
 - i) Provide a note on the plans as follows: "The designated fire apparatus access roads and fire hydrant shall be installed and approved by the Fire Prevention Bureau prior construction of the building".
117. A Knox Box is required at the primary point of first response to the building. A recessed mounted Knox Box # 3275 Series is required for this project; the Knox Box shall be clearly visible upon approach to the main entrance from the fire lane. Note the Knox Box must be installed from 72" to 78" above finish grade; show the location on the plans.

118. It appears that at least two of Post Indicator Valves and Fire Department Connections will need to be relocated to accommodate the construction. Please show the locations of the relocated devices.
119. Contact the Marin Municipal Water District (MMWD) to make arrangements for MMWD to provide adequate water supply service for the required fire protection system.

During Construction

Marin Municipal Water District (MMWD)

120. The project shall require the relocation of existing MMWD water main. All costs associated with relocation of the water facilities are borne by the applicant. The relocated water main shall be included within an appropriate utility easement.
121. District records indicate that the property's current annual water entitlement is insufficient to meet the water demand for the project and the purchase of additional water entitlement will be required. Additional water entitlement will be available upon request and fulfillment of the following requirements:
- a) Complete a High-Pressure Water Service Application.
 - b) Submit a copy of the building permit.
 - c) Pay the appropriate fees and charges.
 - d) Comply with the District's rules and regulations in effect at the time service is requested, including the installation of a meter per structure per use.
 - e) Comply with all indoor and outdoor requirements of District Code Title 13 – Water Conservation. Indoor plumbing fixtures shall meet specific efficiency requirements. Landscape, irrigation, grading and fixture plans shall be submitted to the District for review and approval. Any questions regarding District Code Title 13 – Water Conservation should be directed to the District's Water Conservation Department at (415) 945-1497. You may also find information on the District's water conservation requirements online at www.marinwater.org.
 - f) Comply with the backflow prevention requirements, if upon the District's review backflow protection is warranted, including installation, testing and maintenance. Questions regarding backflow requirements should be directed to the Backflow Prevention Program Coordinator at (415) 945-1558.
 - g) Use of recycled water is required, where available, for all approved uses, including irrigation and the flushing of toilets and urinals. Questions regarding the use of recycled water should be directed to Dewey Sorensen at (415) 945-1558.
 - h) Installation of gray water recycling systems is required when practicable.

Pacific Gas & Electric

122. Electric and gas service to the project site will be provided in accordance with the applicable extension rules, which are available on PG&E's website at <http://www.pge.com/myhome/customerservice/other/newconstruction> or contact (800) PGE-5000. It is highly recommended that PG&E be contacted as soon as possible so that there is adequate time to engineer all required improvements and to schedule any site work.
123. The cost of relocating any existing PG&E facilities or conversion of existing overhead facilities to underground shall be the sole responsibility of the applicant or property owner.

124. Prior to the start excavation or construction, the general contractor shall call Underground Service Alert (USA) at (800) 227-2600 to have the location of any existing underground facilities marked in the field.

Community Development Department, Planning Division

125. To reduce daytime noise impacts due to construction, to the maximum feasible extent, the applicant shall develop a site-specific noise reduction program, subject to City review and approval, which includes the following measures:

- a) Signs shall be posted describing the permitted hours of construction in a conspicuous location near the property entrance legible from the edge of the roadway. The exact wording of the sign is prescribed by the City's Noise Ordinance.
- b) An on-site complaint and enforcement manager shall be designated to respond to and track complaints.
- c) A pre-construction meeting shall be held with the job inspectors and the general contractor/on-site project manager to confirm that noise mitigation and practices are completed prior to the issuance of a building permit (including construction hours, neighborhood notification, posted signs, etc.).
- d) Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds, wherever feasible).
- e) Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed-air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed-air exhaust shall be used. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible.
- f) Stationary noise sources shall be located as far from the adjacent residences as possible, and they shall be muffled and enclosed within temporary sheds, or insulation barriers or other measures shall be incorporated to the extent feasible.

Prior to Occupancy

Community Development Department, Planning Division

126. Private streets are proposed to extend from Northgate Dr. across all four (4) parcels (1007, 1010, 1020 and 1030 Northgate Dr.). This Environmental and Design Review Permit requires the project sponsor, or its successor, to execute and record a declaration of restriction, or similar legally-binding instrument approved by the Community Development Director, on the property titles to all four (4) parcels, providing common shared access for use by residents, hotel guests and staff.

127. A pedestrian path, with exercise stations and seating areas, are proposed to cross all four (4) parcels (1007, 1010, 1020 and 1030 Northgate Dr.). This Environmental and Design Review Permit requires the project sponsor, or its successor, to execute and record a declaration of restriction, or similar legally-binding instrument approved by the Community Development Director, on the property titles to all four (4) parcels, providing common shared access for use by residents, hotel guests and staff.

128. Prior to occupancy of any of the units, a post construction report from an acoustical engineer shall be submitted to the Planning Division verifying that the multifamily residential

units comply with the interior noise standard as prescribed by State Administrative Code standards, Title 25, Part 2.

129. Prior to occupancy of any of the units, a post construction report from a lighting engineer shall be submitted to the Planning Division verifying that the lighting levels comply with the approved photometric plan.
130. Prior to occupancy, the project Geotechnical Engineer shall submit a letter to the City identifying that the project Geotechnical Engineer inspected the project during the construction and the project complied with their recommendations and that all recommendations were properly incorporated during construction of the project
131. Final inspection of the project by the Community Development Department, Planning Division, is required. The applicant shall contact the Planning Division to request a final inspection upon completion of the project. The final inspection shall require a minimum of 48-hour advance notice.
132. All landscaping and irrigation shall be installed prior to occupancy. In the alternative, the applicant or property owner shall post a bond with the City in the amount of the estimated landscaping/irrigation installed cost. In the event that a bond is posted, all areas proposed for landscaping shall be covered with bark or a substitute material approved by the Planning Division prior to occupancy. Deferred landscaping through a bond shall not exceed 3 months past occupancy.
133. The landscape architect for the project shall submit a letter to the Planning Division, confirming the landscaping has been installed in compliance with the approved project plans and the irrigation is fully functioning.
134. All ground- and rooftop-mounted mechanical equipment shall be fully screened from public view.
135. All communal refuse and recycling shall be fully screened from public view.

After Occupancy

Community Development Department, Planning Division

136. Following the issuance of a Certificate of Occupancy, all new exterior lighting shall be subject to a 90-day lighting level review period by the City to ensure that all lighting sources provide safety for the building occupants while not creating a glare or hazard on adjacent streets or be annoying to adjacent residents. During this lighting review period, the City may require adjustments in the direction or intensity of the lighting, if necessary. All exterior lighting shall include a master photoelectric cell with an automatic timer system, where the intensity of illumination shall be turned off during daylight.
137. The three (3) tandem parking spaces approved with the new residential building at 1030 Northgate Dr. shall be relocated from the hotel use to the residents use. These tandem parking spaces shall be reserved for, and used exclusively by, owners of the 2-bedroom or 3.-bedroom units. The project shall assign these tandem parking spaces, through sales agreements, to owners of the 2-bedroom or 3.-bedroom units only.

**Use Permit (UP16-018)
Conditions of Approval**

General and On-Going

Community Development Department, Planning Division

1. This Use Permit approves remote parking to satisfy the parking requirement for the existing hotel. This Use Permit approves the relocation of 139 existing and required surface parking spaces for hotel guest use to 1020 Northgate Dr. (7 surface parking spaces plus 41 garage parking spaces) and 1030 Northgate Dr. (91 garage parking spaces).
2. This Use Permit shall run with the land and shall remain valid regardless of any change- of ownership of the project site, subject to these conditions. This Use Permit will fully vest once a building/grading permit is issued and 'substantial construction' is commenced for all three (3) new residential buildings or a time extension request is submitted to the City's Community Development Department, Planning Division, **within two (2) years** of original approval, or **July 23, 2021** ('Substantial construction' is defined as the pouring of all required foundations and the installation of vertical components, such as exterior walls). Failure to obtain a grading/building permit and commence 'substantial construction' on all three (3) new residential buildings or submit a time extension request by the specified date will result in the expiration of this Use Permit.
3. This Use Permit does not approve phasing of the project approvals. Phasing of the project approvals shall require amendment of this Use Permit and shall be supported with a phasing plan with reasonable and reliable milestones for development of the site, as approved by the project.
4. This Use Permit shall run concurrently with the Environmental and Design Review Permit (ED16-038) approval. If the Use Permit expires, the Environmental and Design Review Permit approval shall also expire and become invalid.

Prior to Occupancy

Community Development Department, Planning Division

5. This Use Permit requires the project sponsor, or its successor, to execute and record a declaration of restriction, or similar legally-binding instrument approved by the Community Development Director, on the property titles to 1020 Northgate Dr. and 1030 Northgate Dr., restricting the use of these 139 remote parking spaces for exclusive use by hotel guests and staff for as long as the hotel exists and is in operation.

**Vesting Tentative Map (S16-001)
Conditions of Approval**

General and On-Going

Community Development Department, Planning Division

1. The Tentative Map (S16-001) shall be valid for a period of two (2) years from the date of Planning Commission approval, or until **July 23, 2021**, and shall become null and void unless a Final Map has been recorded or a time extension is granted.

2. Prior to the issuance of a building or grading permit or prior to recordation of the final map, whichever occurs first, Below Market Rate (BMR) agreements for 28 affordable units shall be approved by the City Council and recorded on the respective properties (1007, 1020 and 1030 Northgate Dr.) and shall be consistent with Condition No. 27 below (Environmental and Design Review Permit ED16-038).
3. Prior to issuance of building or grading permit or prior to the recordation of a Final Map, whichever occurs first, in lieu parkland dedication fees for 136 new cordiaminum units shall be paid to the City (136 units x \$1,967.98, parkland dedication fee as of July 23, 2019 = \$267,645.28) in accordance with the provisions of City Council Ordinance No. 1558. Parkland dedication in lieu fees are, at this time, based on 1989 dollars. Adjustments of this figure may be necessary at the time of fee payment if the fair market value for parkland and associated improvements is adjusted in accordance with Section 15.38.045 of the Ordinance.
4. Conditions, Covenants and Restrictions (CC&R's) shall be prepared and submitted with an application for a Final Map. The CC&R's shall include the following requirements and provisions:
 - a) The formation of a homeowner's association (HOA).
 - b) HOA responsibilities for ongoing maintenance of the shared or common facilities, including but not limited to the common driveway, common landscaping and irrigation, fencing, subdivision infrastructure improvements (storm water and sanitary sewer facilities) and exterior building and lighting improvements.
 - c) HOA financial responsibilities.
 - d) Restrictions and regulations imposed on each lot owner. The CC&R's shall include provisions which restrict the use of the tandem parking spaces (1030 Northgate Dr.) to the parking of motor vehicles to 2-bedroom units only.
 - e) Requirements and provisions for professional management services or the services of a Certified Public Accountant to oversee the HOA responsibilities and budget.
5. Prior to recordation of the Final Map, the CC&R's shall be reviewed and approved by the Community Development Department, Planning Division, and the City Attorney's Office.
6. Approved CC&R's shall be recorded concurrently with the Final Map.

Department of Public Works

7. Prior to the issuance of a building or grading permit or prior to recordation of the final map, the complete road access, pathway, all utility and, possibly, drainage and retaining wall easements shall be adequately shown on the plans. Recordation of all new easements and quitclaim deeds shall be required prior to issuance of a building or grading permit or prior to recordation of the final map.
8. A Final Map shall be required prior to occupancy. Provide a copy of the recent title report. The map shall be reviewed by the City Surveyor and City Engineer. Please see Title 15 of the Municipal Code for Final Map requirements. If the installation of subdivision improvements is not completed prior to recordation of a Final Map, a subdivision improvement agreement and security, such as a bond or deposit shall be required.

The foregoing Resolution was adopted at the regular City of San Rafael Planning Commission meeting held on the 23rd day of July 2019.

Moved by Commissioner XXXX and seconded by Commissioner XXXX.

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners:

SAN RAFAEL PLANNING COMMISSION

ATTEST: _____
Paul A. Jensen, Secretary

BY: _____
Sarah Loughran, Chair

Exhibit 3

TABLE ANALYZING PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020

LAND USE ELEMENT	
<p>LU-2. Development Timing. For health, safety and general welfare reasons, new development should only occur when adequate infrastructure is available consistent with the following findings:</p> <ol style="list-style-type: none"> a. Project-related traffic will not cause the level of service established in the Circulation Element to be exceeded; b. Any circulation improvements needed to maintain the level of service standard established in the Circulation Element have been programmed and funding has been committed; c. Environmental review of needed circulation improvement projects has been completed; d. The time frame for completion of the needed circulation improvements will not cause the level of service in the Circulation Element to be exceeded, or the findings set forth in Policy C-5 have been made; and e. Sewer, water, and other infrastructure improvements will be available to serve new development by the time the development is constructed 	<p><i>Consistent</i></p> <p>The project proposes to redevelop two adjacent in-fill parcels, currently served by City infrastructure and services. Each of the parcels is uniquely zoned; the smaller parcel (1005 Northgate Dr.) located at the corner of Manuel T. Freitas Pkwy and Northgate Dr. is located within the Office (O) District zone, while the larger parcel (1010 Northgate Dr.) is located above the smaller parcel and is located within the High-Density Multifamily Residential (HR1) District zone. The project proposes to demolish an existing service station fuel station and a small (1,736 sq. ft.) commercial building on the smaller parcel and construct three (3) new, 36-tall, residential condominium buildings (one building on the smaller parcel and two buildings on the larger parcel) with a total of 136 units above garage parking. Thirty (30) of these condominium units are proposed to be age-restricted for ‘seniors’ only. The existing hotel (Four Points by Sheraton) is proposed to remain, as well as most of the surface parking spaces which surround the hotel.</p> <p>The City’s Traffic Engineer has reviewed the project and evaluated its impacts using the City’s traffic model. In addition, the methodologies and findings of the City’s Traffic Engineer analysis was peer reviewed and confirmed by a third-party traffic engineering consultant (Parisi). The peer review found that trip generation was actually higher than identified in the applicant’s traffic study and determined the appropriate number of trips. This updated trip generation was then used by the City’s Traffic Engineer to conduct a comprehensive traffic model. The results of the peer review and model run indicate that, based on traffic counts of existing trips to the gas station, and with deductions applied for pass-by/diverted trips, the project would result in 347 new trips per day, including 36 net new AM peak hour trips (7- 9am weekdays) and 18 PM net new peak hour trips (4 -6 pm weekdays). The results of the traffic model indicate surrounding intersections would continue to operate (existing plus project volumes) acceptably per the City’s LOS (Level of Service) standards in the General Plan. Staff finds the proposed density (136 units) is within the allowable density for the project site and would result negligible traffic impacts which are off-set by the payment of traffic mitigation fees on the 54 new peak hour trips anticipated to result from the project, which would be a condition of approval. The payment of traffic mitigation fees would help fund the project’s fair share of local circulation improvement projects by the City. Lastly, the quasi-governmental agencies that would provide water and sewer service to the site have reviewed the proposed project and determined that there is adequate capacity to service the new project.</p>
<p>LU-8. Density of Residential Development. Residential densities are shown in Exhibit 11, Land Use Categories, pages 38-40. Maximum densities are not</p>	<p><i>Consistent</i></p> <p>See LU-2 discussion above. The smaller parcel within the project site (1005 Northgate Dr.) is assigned a General Plan land use designation of Office (O). The 2/3MU land use designation allows residential</p>

Exhibit 3

TABLE ANALYZING PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020

<p>guaranteed but minimum densities are generally required. Density of residential development on any site shall respond to the following factors: site resources and constraints, potentially hazardous conditions, traffic and access, adequacy of infrastructure, City design policies and development patterns and prevailing densities of adjacent developed areas.</p>	<p>densities of between 15 and 32 per gross acre. The larger parcel within the project site (1010 Northgate Dr.) is assigned a General Plan land use designation of High Density Residential (HDR). The HDR land use designation also allows residential densities of between 15 and 32 per gross acre. Based on this allowable density, the 7.3-acre project site, reduced to 4.82 acres by the removal of the existing hotel from the project, would be allowed 72 to 154 residential units. The Zoning designation for the project site is Office (O) District for the smaller parcel and High-Density Multifamily Residential (HR1) District for the larger parcel, which allows a base residential density of 318 units, reduced to 209 units due to the reduced project site. By complying with the City’s affordable housing required (20% or 27.2 below market rate units), the project is eligible to request up to three (3) concessions/incentives under the State Density Bonus law, even though the project is not eligible for any State Density Bonus units. The project is not requesting any concessions under the State Density Bonus law. The project would therefore be consistent with the allowable density range of residential development.</p>
<p>LU-12. Building Heights. Citywide height limits in San Rafael are described in Exhibits 7 and 8. For Downtown height limits see Exhibit 9.</p>	<p><i>Consistent</i> According to Exhibit 9 (<i>Building Heights Limits in Downtown San Rafael</i>) of the General Plan, the maximum height limit for the project site is 36 feet. The General Plan defines height of a building for non-hillside as the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof. The reference datum is determined as follows: if the difference in grade between the lowest and highest-grade point is greater than 10’, the reference datum is located 10’ vertically from the lowest grade point. The project site has an average cross-slope of greater than 10% that trends southeast to northwest. Using this formula, the project site is ‘non-hillside’ with a maximum building height of 36’. The project site still has grade change, Due to this grade change, the project will have the appearance of four-story scale on portions of the building elevations. The scale and mass of the proposed project would be similar to four-story scale of the existing hotel on the project site, which is proposed to remain. The project design proposes to exceed the height allowance for minor architectural features, which are permitted with an Environmental and Design Review Permit. The proposed project is consistent with the height limits for this site.</p>
<p>LU-14. Land Use Compatibility. Design new development in mixed residential and commercial areas to minimize potential nuisance effects and to enhance their surroundings.</p>	<p><i>Consistent</i> The triangular-shaped project site is located on a small knoll which geographically separates the project site from the closest neighbor, the San Rafael Manor co-op residential development on Los Gamos Rd. A 60’-wide creek/drainage/public utilities easement is located on the San Rafael Manor parcel and runs along the entire common or shared west property boundary. Also, the project site is encumbered by an additional 35’-wide setback easement from the top of creek bank, which also has the effect of geographically separating the project site from its closest neighbor. The project would not impact these existing easements; in fact, the project proposes additional landscaping within the 35’-wide setback easement on the project site to enhance the natural setting along the creekbank and to improve screening from off-site.</p>

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<p>LU-23. Land Use Map and Categories. Land use categories are generalized groupings of land uses and titles that define a predominant land use type (See Exhibit 11). All proposed projects must meet density and FAR standards (See Exhibits 4, 5 and 6) for that type of use, and other applicable development standards. Some listed uses are conditional uses in the zoning ordinance and may be allowed only in limited areas or under limited circumstances. Maintain a Land Use Map that illustrates the distribution and location of land uses as envisioned by General Plan policies. (See Exhibit 11).</p>	<p><i>Consistent</i> See LU-8 discussion above. The General Plan land use designation for the project site is O and HDR. Pursuant to Land Use Policy LU-23 (<i>Land Use Map and Categories</i>), residential uses are allowable land uses in the O designation. Residential land uses typical in the HDR designation are “apartment densities”. The proposed 136 units is comparable to the density allowed for apartment-type developments.</p>
<p align="center">HOUSING ELEMENT</p>	
<p>H-1. Housing Distribution. Promote the distribution of new and affordable housing of quality construction throughout the city to meet local housing needs.</p>	<p><i>Consistent</i> See LU-8 discussion above. The project proposes to construct 136 new residential condominium units, including 30 units ‘age-restricted’ for seniors in the Terra Linda neighbor. Of these new units, the project proposes a total of 28 BMR (below-market-rate) units (14 BMRs at the low-income household level and 14 BMRs at the moderate-income household level), including six (6) BMR units dedicated for seniors only (3 BMRs at the low-income household level and 3 BMRs at the moderate-income household level). Staff finds the project would help the City meet its RHNA (Regional Housing Needs Allocation) obligations, including units in the low- and moderate-income household levels.</p>
<p>H-2. Design That Fits into the Neighborhood Context. Design new housing, remodels and additions to be compatible in form to the surrounding neighborhood. Incorporate transitions in height and setbacks from adjacent properties to respect adjacent development character and privacy. Respect existing landforms and minimize effects on adjacent properties.</p>	<p><i>Consistent</i> See LU-14 discussion above. The project proposes to incorporate sensitive transitions in height and setbacks to respect the character and privacy of the adjacent San Rafael Manor residential development. The project proposes also to respect existing urban landforms by proposing a four-story scale to match the existing four-story scale of the existing hotel, which is proposed to be retained. At this time, the project continues to work through the parking. The project provides 536 on-site parking spaces, including maintaining the existing 295 hotel parking spaces.</p>

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<p>H-9. Special Needs. Encourage a mix of housing unit types throughout San Rafael, including very low- and low-income housing for families with children, single parents, students, young families, lower income seniors, homeless and the disabled. Accessible units shall be provided in multi-family developments, consistent with State and Federal law.</p>	<p><i>Consistent</i> See H-1 discussion above.</p>
<p>H-13. Senior Housing. Encourage housing that meets the needs of San Rafael’s older population, particularly affordable units and affordable care facilities that foster aging within the community. Support development that provides housing options so that seniors can find suitable housing to rent or purchase.</p> <p>H-13a. Assisted Living. Evaluate current zoning regulations for new assisted living housing, and assess options to regulate as a residential, rather than a commercial use. Evaluate establishing inclusionary housing requirements for assisted living.</p> <p>H-13b. “Age-in-Place” Assistance. Continue to provide assistance to older residents who want to remain independent and in their homes for as long as possible, such as the Police Department’s “Are You OK?” program, the Fire Department’s “Safety Check” program, Code Enforcement’s continuing cooperation with the Marin County Social Services, and Community Services social activities offered through the Community Centers.</p>	<p><i>Consistent</i> See H-1 discussion above. The City supports the development of housing to help meet the needs of all San Rafael residents, including our older population. The proposed project assists in the City’s goal of providing options for older residents who wish to “age-in-place”.</p>

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<p>H-14. Adequate Sites. Maintain an adequate supply of land designated for all types of residential development to meet the housing needs of all economic segments in San Rafael. Within this total, the City shall also maintain a sufficient supply of land for multifamily housing to meet the quantified housing need of very low, low, and moderate-income housing units. Encourage development of residential uses in commercial areas where the vitality of the area will not be adversely affected and the site or area will be enhanced by linking workers to jobs, and by providing shared use of the site or area.</p> <p>H-14a. Residential and Mixed-Use Sites Inventory. Encourage residential development in areas appropriate and feasible for new housing. These areas are identified in Appendix B, Housing Element Background, Summary of Potential Housing Sites (available for view on the City’s website). Explore effective ways to share housing site information and developer and financing information to encourage development of underutilized institutional land. The City has employed different strategies to find the most effective way to deliver information about development. It is an ongoing and evolving process that has included practices such as preparing fact sheets for sites with multiple inquiries.</p> <p>H-14b. Efficient Use of Multifamily Housing Sites. Do not approve residential-only development below minimum designated General Plan densities unless physical or environmental constraints preclude its achievement. Residential-only projects should be approved at the mid- to high-range of the zoning density. If development on a site is to occur over time the applicant must show that the proposed development does not prevent subsequent development of the site to its minimum density and provide guarantees that the remaining phases will, in fact, be developed.</p>	<p><i>Consistent</i></p> <p>See H-1 discussion above. The City has had high-density residential land use policies on the project site since at least 1971. It is located a little more than one-half (½) mile from the Civic Center SMART Center. The project proposes high-density residential development on in-fill parcels specifically zoned for high-density residential. The project would result in the construction of 136 residential condominium units on the project site, including 30 units dedicated for seniors only and 28 units dedicated for BMR units for low- and moderate-income household levels. The project site <u>is not</u> identified as a <i>Housing Opportunity Site</i> in the General Plan. The project’s proposed density is in the mid-range as allowed by in the General Plan. The increasing longevity of our population, generally, and the increasing number of seniors in both San Rafael and Marin County specifically creates additional need for specialized housing for older residents.</p>
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<p>H-14c. Continue to Implement Zoning Provisions to Encourage Mixed Use. San Rafael has been effective in integrating both vertical mixed use and higher density residential development within its Downtown. As a means of further encouraging mixed use in commercial areas outside the Downtown, General Plan 2020 now allows site development capacities to encompass the aggregate of the maximum residential density PLUS the maximum FAR for the site, thereby increasing development potential on mixed use sites. The City will continue to review development standards to facilitate mixed use, including:</p> <ul style="list-style-type: none"> a. Encourage adaptive reuse of vacant buildings and underutilized sites with residential and mixed use development on retail, office, and appropriate industrial sites b. Explore zoning regulation incentives to encourage lot consolidation where needed to facilitate housing. c. Review zoning requirements for retail in a mixed-use building or site, and amend the zoning ordinance as necessary to allow for residential-only buildings in appropriate mixed-use zoning districts. 	
<p>H-15. Infill Near Transit. Encourage higher densities on sites adjacent to a transit hub, focusing on the Priority Development Area surrounding the San Rafael Transportation Center and future Downtown SMART station.</p> <p>H-15b. Civic Center Station Area Plan. The City completed the Civic Center Station Area Plan, which was accepted by the City Council in August 2012 and amended in 2013. Development around the station area will be guided by considerations for station access and transportation connections by various modes, as well as promotion of land uses that embrace the opportunities of a transit-oriented site and are compatible with the character of the surrounding area..</p>	<p><i>Consistent</i> See H-14 discussion above.</p>

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<p>H-18. Inclusionary Housing. The City requires residential projects to provide a percentage of affordable units on site and/or pay in-lieu of fees for the development of affordable units in another location. The City’s program requires the units remain affordable for the longest feasible time, or at least 55 years. The City’s primary intent is the construction of units on-site. The units should be of a similar mix and type to that of the development as a whole, and dispersed throughout the development. If this is not practical or not permitted by law, the City will consider other alternatives of equal value, such as in-lieu fees, construction of units off-site, donation of a portion of the property for future non-profit housing development, etc. Allow for flexibility in providing affordable units as long as the intent of this policy is met. Specific requirements are:</p> <table border="0"> <thead> <tr> <th>Project Size</th> <th>% Affordable Units Req'd</th> </tr> </thead> <tbody> <tr> <td>2 – 10 Housing Units*</td> <td>10%</td> </tr> <tr> <td>11 – 20 Housing Units</td> <td>15%</td> </tr> <tr> <td>21+ Housing Units</td> <td>20%</td> </tr> </tbody> </table> <p>* Exemptions for smaller projects units may be provided for in the</p> <p>Rental Units. Provide, consistent with State law, a minimum of 50% of the BMR units affordable to very low-income households at below 50% of median income, with the remainder affordable to low income households at 50-80% of median income.</p> <p>Sale/Ownership Units. Provide a minimum of 50% of the BMR units affordable to low income households at 50-80% of median income, with the remainder affordable to moderate income households at 80-120% of median income.</p> <p>Calculation of In-lieu Fee. Continue to provide a calculation for in-lieu fees for affordable housing. For fractions of affordable units, if 0.5 or more of a unit, the developer shall construct the next higher whole number of</p>	Project Size	% Affordable Units Req'd	2 – 10 Housing Units*	10%	11 – 20 Housing Units	15%	21+ Housing Units	20%	<p><i>Consistent</i></p> <p>See H-1 discussion above. The project would exceed the City’s affordable housing requirement by providing 28 of the proposed 136 residential units as BMR units, where only 27 BMR units are required.</p>
Project Size	% Affordable Units Req'd								
2 – 10 Housing Units*	10%								
11 – 20 Housing Units	15%								
21+ Housing Units	20%								

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<p>affordable units, and if less than 0.5 of a unit, the developer shall provide an in-lieu fee.</p>	
<p>NEIGHBORHOODS ELEMENT</p>	
<p>NH-3. Housing Mix. Encourage a housing mix with a broad range of affordability, character, and sizes. In areas with a predominance of rental housing, encourage ownership units to increase the variety of housing types.</p>	<p><i>Consistent</i> See H-1 discussion above. The project would provide new residential ownership units in a wide variety of size configurations: <u>1007 Northgate Dr.</u></p> <ul style="list-style-type: none"> • 1-bedroom senior units averaging 780 sq. ft. per unit. <p><u>1020 Northgate Dr.</u></p> <ul style="list-style-type: none"> • Studio units averaging 621 sq. ft. per unit • 1-bedroom units averaging 840 sq. ft. per unit. • 2-bedroom units averaging 1,090 sq. ft. per unit • 3-bedroom units averaging 1,317 sq. ft. per unit • 2-bedroom “townhome” units (averaging 1,480 sq. ft. per unit • 3-bedroom “townhome” unit (1,614 sq. ft. per unit <p><u>1030 Northgate Dr.</u></p> <ul style="list-style-type: none"> • 1-bedroom units averaging 716 sq. ft. per unit. • 2-bedroom units averaging 1,098 sq. ft. per unit • 3-bedroom units averaging 1,311 sq. ft. per unit • 2-bedroom “townhome” units (averaging 1,1381 sq. ft. per unit
<p>NH-17. Competing Concerns. In reviewing and making decisions on projects, there are competing economic, housing, environmental and design concerns that must be balanced. No one factor should dominate; however, economic and housing development are high priorities to the health of Downtown.</p>	<p><i>Consistent</i> See LU-1 and H-14 discussions above. The project proposes to construct a total of 136 new residential condominium units on the project site, 30 of which are proposed to be dedicated to seniors only. In addition, the project would exceed the City’s affordable housing requirement by providing 28 BMR units where 27 BMR units are required. The project would provide a senior housing opportunity and allow for ‘aging-in-place’. The project proposes a four-story scale and mass similar to the existing hotel located on the site, which is proposed to be retained. Future residents and staff are anticipated to frequent existing and future businesses in the Terra Linda neighborhood, particularly restaurants and retail shops at Northgate Mall and Northgate I and III shopping centers.</p>

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COMMUNITY DESIGN ELEMENT	
<p>CD-1. City Image. Reinforce the City’s positive and distinctive image by recognizing the natural features of the City, protecting historic resources, and by strengthening the positive qualities of the City’s focal points, gateways, corridors and neighborhoods.</p> <p>CD-1d. Landscape Improvement. Recognize that landscaping is a critical design component. Encourage maximum use of available landscape area to create visual interest and foster sense of the natural environment in new and existing developments. Encourage the use of a variety of site appropriate plant materials.</p>	<p><i>Consistent</i></p> <p>See LU-14 discussion above. The project treats site landscaping as an integral part of the proposed redevelopment. While the Arborist Report (LSA 2016) submitted with the project identifies 109 exiting trees for removal, the landscape plan proposes to install 126 new trees (15-gallon to 72”-box container sizes), 897 shrubs (5- to 15 gallons container sizes), 2,158 groundcovers, grasses and vines (1- to 5-gallon container sizes), and vertical planter walls 53 succulents (1-gallon container size). The project site is encumbered by an existing 35’-wide landscape setback easement along the west property boundary, as measured from the top of creek bank. The project would not impact this existing easement; in fact, the project proposes additional landscaping within the setback easement on the project site to enhance the natural setting along the creek bank and to improve screening from off-site.</p>
<p>CD-2. Neighborhood Identity. Recognize and promote the unique character and integrity of the city’s residential neighborhoods and Downtown. Strengthen the "hometown" image of San Rafael by:</p> <ul style="list-style-type: none"> • Maintaining the urban, historic, and pedestrian character of the Downtown; • Preserving and enhancing the scale and landscaped character of the City’s residential neighborhoods; • Improving the appearance and function of commercial areas; and • Allowing limited commercial uses in residential neighborhoods that serve local residents and create neighborhood-gathering places. 	<p><i>Consistent</i></p> <p>See CD-1, LU-14 and NH-17 discussions above.</p>
<p>CD-3. Neighborhoods. Recognize, preserve and enhance the positive qualities that give neighborhoods their unique identities, while also allowing flexibility for innovative design. Develop programs to encourage and respect the context and scale of existing neighborhoods.</p>	<p><i>Consistent</i></p> <p>See CD-1, LU-14 and NH-17 discussions above.</p>

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<p>CD-5. Views. Respect and enhance to the greatest extent possible, views of the Bay and its islands, Bay wetlands, St. Raphael’s church bell tower, Canalfront, marinas, Mt. Tamalpais, Marin Civic Center and hills and ridgelines from public streets, parks and publicly accessible pathways.</p>	<p><i>Consistent</i> Photo simulations were created by the applicant and submitted on the prior, larger and taller reiteration of the project, which indicated minor view impacts; the most recent, smaller and less tall project would have reduced these minor view impacts more.</p>
<p>CD-7. Downtown and Marin Civic Center. Build upon the character of these areas by controlling land uses to clearly distinguish their boundaries; by recognizing Mission San Rafael Arcangel and St. Raphael Church, Marin Civic Center, and other buildings that help define the City’s character, and requiring that these and other architectural characteristics and land uses that give these areas their identity are strengthened.</p>	<p><i>Consistent</i> See CD-5 discussion above. The project may create minor view impacts of the Civic Center from unknown viewsheds along the public trails within the open space areas in Terra Linda; however, staff finds this impact to be negligible in a worst-case scenario.</p>
<p>CD-8. Gateways. Provide and maintain distinctive gateways to identify City entryways.</p>	<p><i>Consistent with Conditions</i> See CD-1 discussion above. Manuel T. Freitas Pkwy is identified as a ‘gateway’ to the Terra Linda neighborhood, requiring exemplary site and building design along its frontage. Staff finds the proposed residential building for seniors at 1007 Northgate Dr. requires additional setbacks of the upper-stories to reduce the visual bulk and mass of the four-story structure along Freitas Pkwy, and to improve the project’s gateway setting.</p>
<p>CD-9. Transportation Corridors. Provide and maintain distinctive gateways to identify City entryways.</p>	<p><i>Consistent with Conditions</i> See CD-8 discussion above.</p>
<p>CD-11. Multifamily Design Guidelines. Recognize, preserve and enhance the design elements that ensure multifamily housing is visually and functionally compatible with other buildings in the neighborhood. Develop design guidelines to ensure that new development fits within and improves the character defining elements of neighborhoods.</p>	<p><i>Consistent</i> See LU-14 and H-2 discussion above.</p>

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<p>CD-14. Recreational Areas. In multifamily development, require private outdoor areas and on-site common spaces for low and medium densities. In high density and mixed-use development, private and/or common outdoor spaces are encouraged. Common spaces may include recreation facilities, gathering spaces, and site amenities such as picnicking and play areas.</p>	<p><i>Consistent</i> The project is consistent with the minimum required private and common outdoor area for the two new residential buildings located on the larger parcel within the project site (1020 and 1030 Northgate Dr.). The project also voluntarily provides private and common outdoor area for the new residential building located on the smaller parcel within the project site (1007 Northgate Dr.). The voluntary private and common outdoor area at 1007 Northgate Dr. exceeds 100 sq. ft. per unit, which is the same standard required for 1020 and 1030 Northgate Dr.</p>
<p>CD-15. Participation in Project Review. Provide for public involvement in the review of new development, renovations, and public projects with the following</p> <ul style="list-style-type: none"> • Design guidelines and other information relevant to the project as described in the Community Design Element that would be used by residents, designers, project developers, City staff, and City decision makers; • Distribution of the procedures of the development process that include the following: submittal information, timelines for public review, and public notice requirements; • Standardized thresholds that state when design review of projects is required (e.g. residential conversions, second-story additions); and • Effective public participation in the review process. 	<p><i>Consistent</i> The proposed project has provided for effective citizen participation in decision-making, given that; the City has provided opportunities for public involvement in the review of the project through the referral of the application to the appropriate neighborhood groups, and the notice and hearings of the prior Neighborhood Meeting, conceptual review by the Design Review Board (DRB) the Planning Commission’s study session, and two DRB meetings in compliance with Chapter 29 of the Zoning Ordinance (<i>Public Notice</i>). Notice of all hearing were mailed to all property owners and occupants within a 300-foot radius of the site, and the appropriate neighborhood groups, a minimum of 15 calendar days prior to the meetings or hearing, and notice was posted on the project site, along both the Freitas Pkwy and Northgate Dr. frontages, a minimum of 15 calendar days prior to the meetings or hearing. All public comments received as a result of this noticing are attached to staff’s report (Exhibit 7) for the Planning Commission’s review.</p>
<p>CD-18. Landscaping. Recognize the unique contribution provided by landscaping and make it a significant component of all site design.</p>	<p><i>Consistent</i> See LU-14 and CD-1 discussions above.</p>
<p>CD-19. Lighting. Allow adequate site lighting for safety purposes while controlling excessive light spillover and glare.</p>	<p><i>Consistent with Conditions</i> The project proposes no improvements to the existing hotel on the project site as well as most of the surface parking spaces which surround the hotel Those surface parking spaces for the hotel that cannot be preserved, and the new parking required for the residential units, are proposed to relocated/located under both of the new residential buildings on the larger parcel (1010 Northgate Dr.) of the project site. Even though the garages in the new residential buildings are fully-enclosed, light and glare may result from vehicle usage and streetlights/pathway along both the new private street network and the new pedestrian path on the project site. A Lighting Photometric Study (BWF Consulting Electrical Engineers, 2016) was conducted on the project site, which comprehensively measured the lighting levels throughout the project</p>

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	<p>site, based on the location, type and intensity of the proposed lighting fixtures. The photometric study indicated the project site would comply with the minimum and maximum lighting levels required on the project site. A condition of approval would be included requiring the submittal of a follow-up post-construction Lighting Photometric Study to confirm the projected lighting levels for the project site comply with adopted light and glare standards. In addition, a condition of approval would be included establishing a 90-day lighting review period at final inspection/occupancy where adjustments in lighting may be required by staff to reduce off-site glare, if necessary.</p>
<p>CIRCULATION ELEMENT</p>	
<p>C-5. Traffic Level of Service Standards. a. Intersection LOS. In order to ensure an effective roadway network, maintain adequate traffic levels of service (LOS) consistent with standards for signalized intersections in the A.M. and P.M. peak hours as shown below, except as provided for under (B) Arterial LOS.</p>	<p><i>Consistent with Conditions</i> The trip generation analysis submitted for the project was peer reviewed by a third-party traffic engineer hired by the City (Parisi Transportation Associates) to confirm the methodology used in the analysis. The peer review found that trip generation was actually higher than identified in the applicant’ traffic study and determined the appropriate number of trips. This updated trip generation was then used by the City’s Traffic Engineer to conduct a comprehensive traffic model. The results of the peer review and model run indicate that, based on traffic counts of existing trips to the gas station, and with deductions applied for pass-by/diverted trips, the project would result in 347 new trips per day, including 36 net new AM peak hour trips (7- 9am weekdays) and 18 PM net new peak hour trips (4-6pm weekdays). The results of the traffic model indicate surrounding intersections would continue to operate (existing plus project volumes) acceptably per the City’s LOS (Level of Service) standards in the General Plan. Staff finds the proposed density (136 units) is within the allowable density for the project site and would result negligible traffic impacts which are off-set by the payment of traffic mitigation fees on the 54 new peak hour trips anticipated to result from the project.</p>

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<p>C-7. Circulation Improvement Funding. Take a strong advocacy role in securing funding for planned circulation improvements. Continue to seek comprehensive funding that includes Federal, State, County, and Redevelopment funding, Local Traffic Mitigation Fees, and Assessment Districts. The local development projects' share of responsibility to fund improvements is based on:</p> <p>C-7a. Traffic Mitigation Fees. Continue to implement and periodically update the City's Traffic Mitigation Program.</p> <p>C-7b. Circulation Improvements. Seek funding for and construct circulation improvements needed for safety, to improve circulation, or to maintain traffic level of service.</p>	<p><i>Consistent with Conditions</i> See C-5 discussion above.</p>
<p>CD-26. Bicycle Plan Implementation. Make bicycling and walking an integral part of daily life in San Rafael by implementing the San Rafael's Bicycle and Pedestrian Master Plan.</p>	<p><i>Consistent with Conditions</i> The City's Traffic Engineer review of the traffic analysis and most recent comment memo requires the project to help implement the City's 2018 Bicycle and Pedestrian Master Plan Update 2018 by requiring the project provide the right-of-way and frontage improvements to widen the sidewalk to 6' and to eliminate the existing 'pork chop' islands along Freitas Pkwy and Northgate Dr. Additionally, the City's Traffic Engineer is requiring the project contribute to the installation of miscellaneous upgrades to the existing pedestrian crossing facilities at the intersection of Freitas Pkwy and Northgate Dr.</p>
<p>CD-27. Pedestrian Plan Implementation. Promote walking as the transportation mode of choice for short trips by implementing the pedestrian element of the City's Bicycle and Pedestrian Master Plan. In addition to policies and programs outlined in the Bicycle and Pedestrian Plan, provide support for the following programs.</p>	<p><i>Consistent with Conditions</i> See C-26 discussion above.</p>
<p>INFRASTRUCTURE ELEMENT</p>	
<p>I-2. Adequacy of City Infrastructure and Services. Assure that development can be adequately served by the City's infrastructure and that new facilities are well</p>	<p><i>Consistent</i> All service providers, including PG&E, Marin Sanitary Service, Marin Municipal Water District, Las Gallinas Valley Sanitation District, Central Marin Sanitation Agency, and the City Engineer, have review</p>

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planned and well designed.	the project and indicated that adequate infrastructure capacity exists for the project.
SUSTAINABILITY ELEMENT	
SU-7. New and Existing Trees. Plant new and retain existing trees to maximize energy conservation and carbon sequestration benefits.	<i>Consistent with Conditions</i> See LU-14 and CD-1 discussions above.
CULTURE AND ARTS ELEMENT	
CA-15. Protection of Archaeological Resources. Recognize the importance of protecting significant archaeological resources by: <ul style="list-style-type: none"> • Identifying, when possible, archaeological resources and potential impacts on such resources. • Providing information and direction to property owners in order to make them aware of these resources. • Implementing measures to preserve and protect archaeological resources. CA-15a. Archeological Resources Ordinance. Continue to implement the existing Archeological Resources Ordinance.	<i>Consistent with Conditions</i> The project site is identified as having a “medium” archaeological sensitivity rating, pursuant to the City’s adoptive City of San Rafael Archaeological Sensitivity map. City Council Ordinance No. 1772 and Resolution No. 10980 prescribes referral of the project to the Northwest Information Center at Sonoma State University (NWIC) for review. NWIC concluded that, while finding no record of cultural resource study on the project site, the possibility of unrecorded cultural resources exists. NWIC recommends that prior to ground disturbance, archival research be conducted to determine the appropriate locations for archaeological monitoring during removal of asphalt or concrete, fill vegetation, or structures. Following the exposure of the original soils, NWIC recommends that a field inspection be conducted and a report containing “next step” recommendations be provided. In addition, NWIC recommended staff contact the local Native American tribe. These recommendations would become conditions of approval.
PARK AND RECREATION ELEMENT	
PR-10. Onsite Recreation Facilities. Require onsite recreation facilities in new multifamily residential projects and encourage construction of onsite recreation facilities in existing multifamily residential projects, where appropriate.	<i>Consistent</i> See CD-14 discussion above.
PR-25. Contributions by Ownership Residential Development. Require developers of new residential	<i>Consistent with Conditions</i> Since the project proposed condominium or ownership units, the City’s Parkland Dedication Fee of

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<p>housing to provide for the recreational needs of future residents of that development in accordance with Recreation Element standards and Quimby Act Subdivision Parkland Dedication Requirements. Needs would be satisfied by the dedication of land and development of recreation facilities to serve the new residents. In-lieu fees will be required if a finding is made that dedication and development of parkland is not a feasible or appropriate option.</p>	<p>\$1,967.98 per unit is applicable and would be a condition of approval.</p>
<p>SAFETY ELEMENT</p>	
<p>S-1. Location of Future Development. Permit development only in those areas where potential danger to the health, safety and welfare of the residents of the community can be adequately mitigated.</p>	<p><i>Consistent</i> Geoseismic analysis have been evaluated through the City’s Geotechnical Review process and found that the project would not pose potential danger to the health, safety and welfare of the community.</p>
<p>S-4. Geotechnical Review. Continue to require geotechnical investigations for development proposals as set forth in the City’s Geotechnical Review Matrix (Appendix F). Such studies should determine the actual extent of geotechnical hazards, optimum design for structures, the advisability of special structural requirements, and the feasibility and desirability of a proposed facility in a specified location.</p>	<p><i>Consistent</i> A Geotechnical Investigation Report was prepared and submitted with the project application. After review by the City Engineer and Chief Building Official, it was found to meet the requirements set forth in the Geotechnical Review Matrix and consistent with the City’s safety policies and standard engineering practices.</p>
<p>S-6. Seismic Safety of New Buildings. Design and construct all new buildings to resist stresses produced by earthquakes. The minimum level of seismic design shall be in accordance with the most recently adopted building code as required by State law.</p>	<p><i>Consistent with Conditions</i> The project would entail all new construction and would be built in accordance with the most current building and seismic codes as required by the City’s Municipal Code.</p>
<p>S-25. Regional Water Quality Control Board (RWQCB) Requirements. Continue to work through the Marin County Stormwater Pollution Prevention Program to implement appropriate Watershed Management plans as</p>	<p><i>Consistent</i> The City Engineer has reviewed the proposed project, including Stormwater Control Plan, and determined it preliminarily implements the Stormwater Pollution Prevention Program standards and regulations. As designed, the proposed project includes measures likely to reduce stormwater run-off consistent with the</p>

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dictated in the RWQCB general National Pollutant Discharge Elimination System permit for Marin County and the local stormwater plan.	standards established by the RWQCB.
S-32. Safety Review of Development Projects. Require crime prevention and fire prevention techniques in new development, including adequate access for emergency vehicles.	<i>Consistent with Conditions</i> The San Rafael Fire Department, Fire Prevention Bureau, and the San Rafael Police Department have both reviewed the project plans and either required revisions to improve fire prevention and safe design, which have been incorporated in the project plans being reviewed by the Commission, or conditions have been included to require revisions to improve fire prevention and safe design.
NOISE ELEMENT	
<p>N-1. Noise Impacts on New Development. Protect people in new development from excessive noise by applying noise standards in land use decisions. Apply the Land Use Compatibility Standards (see Exhibit 31) to the siting of new uses in existing noise environments. These standards identify the acceptability of a project based on noise exposure. If a project exceeds the standards in Exhibit 31, an acoustical analysis shall be required to identify noise impacts and potential noise mitigations. Mitigation should include the research and use of state-of-the-art abating materials and technology.</p> <p>N-1a. Acoustical Studies. Require acoustical studies for all new residential projects within the projected Ldn 60 dB noise contours (see Exhibit 31) so that noise mitigation measures can be incorporated into project design. Acoustical studies shall identify noise sources and contain a discussion of the existing and future noise exposure and the mitigation measures that may be used to achieve the appropriate outdoor and indoor noise standards.</p>	<p><i>Consistent with conditions</i> A Noise Study (LSA, 2016) was prepared for the project and determined the project would not exceed maximum noise levels for construction noise, though conditions of approval would be included recommending implementation of noise-reducing measures. The minor increase in peak hour trips (36 a.m. and 18 p.m. net new peak hour trips) would not result in significant operational noise impacts. Roof-mounted HVAC equipment is proposed to be enclosed with parapets, which would adequately reduce noise. Given the close proximity of U.S. Highway 101 to the project site, conditions of approval would be included: 1) requiring all windows and door remain close and mechanical ventilation only to all units; 2) all vent ducts shall require at least two 90-degree turns in the ductwork; 3) all window and door shall be installed in an acoustically-effective manner with air0-tigh seals; and 4) all units in 1030 Northgate Dr. shall be rated STC (Sound Transmission Class) 36 or higher with glass thickness no less than 3/16th-thick.</p> <p>A condition of approval would require a post-construction noise or acoustic study to confirm the project was constructed compliant with noise reducing materials and construction techniques</p>
N-5. Traffic Noise from New Development. Minimize noise impacts of increased off-site traffic caused by new development. Where the exterior L _{dn} is 65 dB or greater at	<i>Consistent with Conditions</i> See N-1 discussion above.

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<p>a residential building or outdoor use area and a plan, program, or project increases traffic noise levels by more than L_{dn} 3 dB, reasonable noise mitigation measures shall be included in the plan, program or project.</p>	
<p>CONSERVATION ELEMENT</p>	
<p>CON-7. Public Access to Creeks. Provide pedestrian access to points along creeks throughout the City where such access will not adversely affect habitat values.</p>	<p><i>Consistent with Conditions</i> The larger parcel within the project site is encumbered with a Covenants and Restrictions agreement, that runs with the land, with the adjacent neighbors at San Rafael Major (Los Gamos Rd). The agreement included a 35'-wide creek landscape easement, located along the entire west property boundary, adjacent to Gallinas Creek, on the larger parcel within the project site. The agreement limits development within the "greenbelt" easement to the planting of "shrubbery" and trees in order to shield San Rafael Manor from lighting impacts. The agreement was subsequently amended by the private parties to change the 35'-wide "greenbelt" easement to a 35'-wide "setback" easement where "no building structure will be constructed". Site improvements allowed within the "setback" easement are limited to "plant growth, shrubbery, trees and landscape improvements, and underground utilities". The project proposes to preserve nearly all of the existing trees within the setback easement, which are primarily mature oak and eucalyptus trees. Also proposed in the existing setback easement is new landscaping, in a mixture of trees, shrubs, grasses and groundcovers, new underground utilities, a new 6'-wide pedestrian path and new retaining walls up to four feet (4') in height to support the pathway. The setback easement is also located on the subdivision map for the larger parcel. While the Covenants and Restrictions agreement limits improvements within the setback easement to landscaping and underground utilities, staff finds the Zoning Ordinance allows at-grade improvements, such as concrete flatwork, and retaining walls up to four feet (4') in height to be located within required setbacks in all residential zoning districts. Ultimately, it will likely be left to the private parties of the agreement to determine if the language in the agreement should be amended to allow the proposed concrete pathway and retaining walls within the setback easement</p>
<p>AIR AND WATER QUALITY ELEMENT</p>	
<p>AW-1. State and Federal Standards. Continue to comply and strive to exceed state and federal standards for air quality for the benefit of the Bay Area.</p>	<p><i>Consistent with Conditions</i> An Air Quality analysis was prepared and submitted with the project application and determined the project would not generate any permanent air quality impacts and would be consistent with the Bay Area Air Quality District requirements; project impacts to air quality would be limited as temporary during the</p>

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	<p>construction and grading periods only. Furthermore, the project is within the relative intensity of development and maximum density of development assumed under the San Rafael General Plan 2020 and, therefore, cumulative impacts have been analyzed and found to be acceptable.</p>
<p>AW-7. Local, State and Federal Standards. Continue to comply with local, state and federal standards for water quality.</p>	<p><i>Consistent</i> The project would be required to comply with the City’s Stormwater Pollution Prevention standards which are derived from the Regional Water Quality Board. The drainage plan is designed to be consistent with the stormwater pollution standards by treating roof rainwater runoff on-site in landscape bioswale filtration areas, located through the project, before it enters into the City’s storm drain system.</p>
<p>AW-8. Reduce Pollution from Urban Runoff. Address non-point source pollution and protect receiving waters from pollutants discharged to the storm drain system by requiring Best Management Practices quality.</p> <ul style="list-style-type: none"> • Support alternatives to impervious surfaces in new development, redevelopment or public improvement projects to reduce urban runoff into storm drain system, creeks and the Bay. • Require that site designs work with the natural topography and drainages to the extent practicable to reduce the amount of grading necessary and limit disturbance to natural water bodies and natural drainage systems. • Where feasible, use vegetation to absorb and filter fertilizers, pesticides and other pollutants. 	<p><i>Consistent</i> See AW-7 discussion above.</p>

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CHAPTER 4 – RESIDENTIAL DISTRICTS HIGH-DENSITY MULTIFAMILY REISIDENTIAL (HR1) DISTRICTS	
<p>14.04.010 - Specific Purposes. In addition to the general purposes listed in Section 14.01.030, the specific purposes of the residential zoning districts include the following:</p> <p>A. To provide a wide variety of housing opportunities in terms of housing types, and neighborhoods with varying densities, lot sizes, and development standards;</p> <p>B. To protect and enhance existing residential neighborhoods through retention of existing land development patterns and retention of their varied design character;</p> <p>C. To protect and enhance existing residential neighborhoods through retention of existing land development patterns and retention of their varied design character;</p> <p>-----</p> <p>E. To provide outdoor recreational amenities for residents;</p> <p>F. To ensure the provision of public services and facilities needed to accommodate planned residential densities;</p> <p>-----</p> <p>K. Multifamily Residential Districts: High-Density (HR1, HR1.5, HR1.8)</p> <ol style="list-style-type: none"> 1. The high-density residential districts provide opportunities for high-density multifamily residential development 2. High-density multifamily residential districts are included in the high-density residential land use category with densities ranging from one thousand (1,000) square feet to one thousand eight hundred (1,800) square feet per dwelling unit. 	<p><i>Consistent</i></p> <p>The project proposes to redevelop two adjacent in-fill parcels, currently served by City infrastructure and services. Each of the parcels is uniquely zoned; the smaller parcel (1005 Northgate Dr.) located at the corner of Manuel T. Freitas Pkwy and Northgate Dr. is located within the Office (O) District zone, while the larger parcel (1010 Northgate Dr.) is located above the smaller parcel and is located within the Hight-Density Multifamily Residential (HR1) District zone. The project proposes to demolish an existing service station fuel station and a small (1,736 sq. ft.) commercial building on the smaller parcel and construct three (3) new, 36-tall, residential condominium buildings (one building on the smaller parcel and two buildings on the larger parcel) with a total of 136 units above garage parking. Thirty (30) of these condominium units are proposed to be age-restricted for ‘seniors’ only. The existing hotel (Four Points by Sheraton) is proposed to remain, as well as most of the surface parking spaces which surround the hotel.</p> <p>The triangular-shaped project site is developed and zoned independent of the surrounding development. Medium-density residential development (San Rafael Manor; MR3 District) is located west of the project site though a 60’-wide creek/drainage/public utilities easement is located along the common property boundary shared with the project site. Also, the project site is encumbered by an additional 35’-wide setback easement to provide landscape screening of the project site for the benefit of the San Rafael Manor residents. The project would not impact these existing easements; in fact, the project proposes additional landscaping within the 35’-wide creek setback easement on the project site.</p> <p>The project proposes is common outdoor podium and roof decks and individual private balconies as amenities for each building. The project proposes to exceed the minimum requirement to provide 100 sq. ft. of common or private usable outdoor area for each unit.</p>

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<p>14.04.020 - Land Use Regulations (HR) A wide variety of residential uses is permitted-by-right or with Use Permit approval in the HR Districts. Multifamily residential land uses are permitted by right in the HR District zones.</p>	<p><i>Consistent</i> The project proposes to redevelop the project site (both 1005 and 1010 Northgate Dr.) with multifamily residential land uses, which is permitted by right in both the HR and O Districts.</p>
<p>14.04.040 - Property Development Regulations (HR1)</p> <ul style="list-style-type: none"> • Maximum density: 1,000 sq. ft. of lot area/unit • Minimum yards: 15’ front/5’ sides/10’ street sides/5’ rear • Maximum height: 36’ • Maximum lot coverage: 60% • Minimum usable outdoor area: 100 sq. ft./unit • Minimum landscaping: 50% of req. front and street side yards 	<p><i>Consistent</i> As designed, the project is consistent with all of the applicable property development standards including density, setbacks, height, lot coverage, outdoor area and landscaping.</p>
<p>CHAPTER 5 – COMMERCIAL AND OFFICE DISTRICTS OFFICE (O) DISTRICTS</p>	
<p>14.05.010 - Specific Purposes. In addition to the general purposes listed in Section 14.01.030, the specific purposes of the commercial and office zoning districts include the following: ----- K. Office (O) District. The office district provides opportunities for the siting of a variety of administrative, professional, medical and general business offices. This district also allows residential use, and limited convenience retail and service uses to support office uses and serve local employees. The office district is intended to provide an attractive, landscaped environment with outdoor amenities such as courtyards, plazas, benches, seating areas and pedestrian/bicycle paths. FAR, trip allocation and design criteria vary throughout the district in response to localized conditions recognized in the general plan</p>	<p><i>Consistent</i> The project proposes to demolish an existing service station fuel station and a small (1,736 sq. ft.) commercial building on the smaller parcel and construct three (3) new, 36-tall, residential condominium buildings (one building on the smaller parcel and two buildings on the larger parcel) with a total of 136 units above garage parking. Thirty (30) of these condominium units are proposed to be age-restricted for ‘seniors’ only. The existing hotel (Four Points by Sheraton) is proposed to remain, as well as most of the surface parking spaces which surround the hotel.</p> <p>These new residential uses provide direct opportunity to serve the existing single-story medical office building located immediately east of the smaller parcel and the five-story general office building located immediately south of the larger parcel in the project site. In addition, the project provides housing opportunities for the other office and commercial land uses in the greater Terra Linda neighborhood.</p> <p>The project site is encumbered by a 35’-wide creek setback easement to provide landscape screening of the project site for the benefit of the San Rafael Manor residents, located</p>

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	<p>immediately west of the project site. The project proposes additional landscaping within the setback easement.</p> <p>The project proposes is common outdoor podium and roof decks and individual private balconies as amenities for each building.</p>
<p>14.05.020 - Land Use Regulations (O) A wide variety of commercial uses is permitted-by-right or with Use Permit approval in the O District. Multifamily residential land uses are permitted by right in the O District zone.</p>	<p><i>Consistent</i> The project proposes to redevelop the project site (both 1005 and 1010 Northgate Dr.) with multifamily residential land uses, which is permitted by right in both the HR and O Districts.</p>
<p>14.05.030 - Property Development Regulations (O)</p> <ul style="list-style-type: none"> • Maximum density: 1,000 sq. ft. of lot area/unit • Maximum height: 36’ • Minimum usable outdoor area: voluntary • Minimum landscaping: 15% 	<p><i>Consistent</i> As designed, the project is consistent with all of the applicable property development standards including density, height and landscaping. In addition, the project proposes to voluntarily provide a minimum 100 sq. ft. of common outdoor area or private balconies per unit.</p>
<p>CHAPTER 16 – SITE DEVELOPMENT STANDARDS</p>	
<p>14.16.030 - Affordable Housing Requirement. Any new residential and mixed-use development projects with 21 or more housing units shall provide a minimum 20% ‘affordability’. Residential ‘ownership’ projects shall provide a minimum 50% of the required affordable units at the <u>low-income</u> household level and the remainder at the <u>moderate-income</u> household levels. By meeting specific affordability requirements at the low-income household level, a project is eligible for a State Density bonus of up to 35% and three (3) concessions.</p>	<p><i>Consistent</i> Under both the City’s General Plan (Land Use Policy LU-23; <i>Land Use Map and Categories</i>) and Zoning Ordinance (Sections 14.04.040 and 14.05.030; <i>Property Development Standards for HR1 and O Districts, respectively</i>), the maximum allowable density on the site is 318, based on the 7.3-acre lot area of the project site. Both the City’s General Plan (Housing Policy H-19; <i>Inclusionary Housing Requirement</i>) and Zoning Ordinance (Section 14.16.030; <i>Affordable Housing Requirement</i>) further require that housing projects, which propose more than 20 new units, provide 20% of the total units at ‘below market rates’ (BMR units) for a minimum of 55 years. Based on the 20% “affordability” requirement, the project would be required to provide 27 BMR units (20% x 136 units = 27.2 units). For ownership units, a minimum of 50% of the required BMR units shall be made affordable to <i>low-income</i> households at 51-80% of the median County income, with the remainder affordable to <i>moderate-income</i> households equal to 81-120% of the median County income level.</p>

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	<p>The project proposes to exceed the minimum affordable housing requirement and provide 28 BMR units (14 BMRs at the low-income household level and 14 BMRs at the moderate-income household level), including 6 BMR units age-restricted for ‘seniors’ only.(3 BMRs at the low-income household level and 3 BMRs at the moderate-income household level). The project is ineligible to request any State Density Bonus units since the maximum density is not met; however, the project would be eligible for up to three (3) concessions/incentives under the State Density Bonus Law by simply meeting the City’s affordability requirement. At this time, the project has not requested any concessions/incentives under the State Density Bonus law.</p>
<p>14.16.080 – Creeks and Other Watercourses. Improvements on a lot which is adjacent to, or contains, a creek, drainageway, or the San Rafael Canal shall be subject to the following provisions:</p> <p>A. Setback, Creek. Creek setbacks shall be determined based on the setback criteria in subsection C below. These setbacks should include a twenty-five foot (25’) or greater setback between any structure and the high top of the creek bank. On lots two (2) or more acres in size, a twenty-five-foot (25’) to one hundred-foot (100’) setback between any structure and the high top of the creek bank shall be provided.</p> <p>-----</p> <p>C. Setback Criteria. Adequate setback between creeks and/or drainageways and a structure shall be determined based on the following criteria:</p> <ol style="list-style-type: none"> 1. The setback provides for adequate maintenance, emergency vehicle access, adequate debris flow avalanche corridors, flood control and protection from damage due to stream bank undercutting; 2. The setback adequately protects and preserves native riparian and wildlife habitat; 3. The setback protects major view corridors and provides for recreation opportunities where appropriate; and 4. The setback permits provision of adequate and attractive natural landscaping. <p>-----</p>	<p><i>Consistent with conditions</i></p> <p>A concrete portion of the Gallinas Creek is located along the entire west property boundary of the project site. Under the City’s General Plan (Conservation Element; Exhibit 37, “Watersheds and Creeks”), Gallinas Creek, including the concrete portion of the Gallinas Creek, is a “creek” requiring a minimum setback of 25’ between any structure and the high top of bank. The project site is encumbered by a 35’-wide creek ‘setback’ easement which allows landscaping and underground utilities only. The project proposes to enhance this easement with additional landscaping. In addition, the project proposes to develop a pedestrian path within the setback easement to provide opportunities for closer access. A Biological Assessment (LSA, 2015) was conducted and submitted which determined no federally-protected species or habitats existed on the project site, though a condition of approval should be included requiring pre-construction nesting bird surveys and any trees proposed for removal and protections for roosting bats.</p> <p>The project provides a 35’ – 51’ 7” building setback from creek bank on those portions of the site encumbered with the ‘setback’ easement and 25’ building setback from creek bank on those portions of the site not encumbered with the ‘setback’ easement.</p>

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<p>E. Development Guidelines. Pedestrian and bicycle access is encouraged along creek and drainageway corridors where feasible. However, they should be designed and located so as not to adversely affect important habitat areas. Creeks and drainageways should also be enhanced where feasible to serve as wildlife habitat as well as drainage facilities.</p>	
<p>14.16.170 - Geotechnical Review Development applications require geotechnical reports consistent with the geotechnical matrix in the general plan appendices to assess such hazards as potential seismic hazards, liquefaction, landsliding, mudsliding, erosion, sedimentation and settlement and hazardous soils conditions to determine the optimum location for structures, to advise of special structural requirements and to evaluate the feasibility and desirability of a proposed facility in a specific location</p>	<p><i>Consistent with conditions</i> The project was reviewed consistent with the City’s Geotechnical review matrix contained as an appendix to the General Plan 2020. A Geotechnical Investigation Report (Miller Pacific Engineering Group, 2016) was prepared for this project. In conclusion, the investigation found that the project would be consistent with the geotechnical policies of the General Plan and that the project would be feasible from a geotechnical engineering standpoint. The report included recommendations that would have to be incorporated during preparation of the construction plans and construction of the project. The City Engineer reviewed the project submittals, including the Geotechnical Investigation Report, and recommended approval subject to conditions, would be incorporated into conditions of approval.</p>
<p>14.16.227 – Light and Glare Colors, materials and lighting shall be designed to avoid creating undue off-site light and glare impacts. New or amended building or site colors, materials and lighting shall comply with the following standards, subject to review and recommendation by the police department, public works department, and community development department:</p> <p>A. Glossy finishes and reflective glass such as glazed or mirrored surfaces are discouraged and prohibited where it would create an adverse impact on pedestrian or automotive traffic or on adjacent structures; particularly within the downtown environs and in commercial, industrial and hillside areas.</p> <p>B. Lighting fixtures shall be appropriately designed and/or shielded to conceal light sources from view off-site and avoid spillover onto adjacent properties.</p> <p>C. The foot-candle intensity of lighting should be the minimum amount necessary to provide a sense of security at building entryways, walkways</p>	<p><i>Consistent with conditions</i> The project proposes no improvements to the existing hotel on the project site as well as most of the surface parking spaces which surround the hotel. Those surface parking spaces for the hotel that cannot be preserved, and the new parking required for the residential units, are proposed to be relocated/located under both of the new residential buildings on the larger parcel (1010 Northgate Dr.) of the project site. Even though the garages in the new residential buildings are fully-enclosed, light and glare may result from vehicle usage and streetlights/pathway along both the new private street network and the new pedestrian path on the project site. A Lighting Photometric Study (BWF Consulting Electrical Engineers, 2016) was conducted on the project site, which comprehensively measured the lighting levels throughout the project site, based on the location, type and intensity of the proposed lighting fixtures. The photometric study indicated the project site would comply with the minimum and maximum lighting levels required on the project site. A condition of approval would be included requiring the submittal of a follow-up post-construction Lighting Photometric Study to confirm the projected lighting levels for the project site comply with adopted light and glare standards. In addition, a condition of approval would be included establishing a 90-day lighting review period at final inspection/occupancy</p>

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<p>and parking lots. In general terms, acceptable lighting levels would provide one (1) foot-candle ground level overlap at doorways, one-half (½) foot-candle overlap at walkways and parking lots, and fall below one (1) foot-candle at the property line.</p> <p>D. Lighting shall be reviewed for compatibility with on-site and off-site light sources. This shall include review of lighting intensity, overlap and type of illumination (e.g., high-pressure sodium, LED, etc.). This may include a review by the city to assure that lighting installed on private property would not cause conflicts with public street lighting.</p> <p>E. Installation of new lighting fixtures or changes in lighting intensity on mixed use and non-residential properties shall be subject to environmental and design review permit review as required by Chapter 14.25 (Design Review).</p> <p>F. Maximum wattage of lamps shall be specified on the plans submitted for electrical permits.</p> <p>G. All new lighting shall be subject to a 90-day post installation inspection to allow for adjustment and assure compliance with this section</p>	<p>where adjustments in lighting may be required by staff to reduce off-site glare, if necessary.</p>
<p>14.16.260 - Noise Standards</p> <p>A. Residential Development. The following standards apply to residential development:</p> <p>-----</p> <p>3. In high density and downtown residential districts residential interior standards shall be met, and common usable outdoor areas shall be designed to minimize noise impacts. Where possible, a 60 dBA (Ldn) standard shall be applied to usable outdoor areas</p> <p>4. Interior noise standards for new single-family residential and residential health care development shall be 40 dBA (Ldn) for bedrooms and 45 dBA (Ldn) for other rooms. New hotels and motels shall meet a 45 dBA (Ldn) standard. For new multifamily development, hotels and motels, interior noise standards shall be described by State Administrative Code standards, Title 25, Part 2.</p> <p>-----</p>	<p><i>Consistent with conditions</i></p> <p>A Noise Study (LSA, 2016) was prepared for the project and determined the project would not exceed maximum noise levels for construction noise, though conditions of approval would be included recommending implementation of noise-reducing measures. The minor increase in peak hour trips (36 a.m. and 18 p.m. net new peak hour trips) would not result in significant operational noise impacts. Roof-mounted HVAC equipment is proposed to be enclosed with parapets, which would adequately reduce noise. Given the close proximity of U.S. Highway 101 to the project site, conditions of approval would be included: 1) Requiring mechanical ventilation, such as air conditioning, to be provided to all units; 2) All vent ducts, connecting interior spaces to the exterior (i.e., bathroom exhaust, etc.), shall require at least two 90-degree turns in the ductwork; 3) All windows and doors shall be installed in an acoustically-effective manner where sliding window panels shall form an air-tight seal when in the closed position, the window frames shall be caulked to the wall opening around the perimeter with a non-hardening caulking compound to prevent sound infiltration and exterior doors shall seal air-tight around the full perimeter when in the closed position; and 4) All windows and doors for residential units at 1030 Northgate Dr</p>

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<p>6. Post-construction monitoring and approval by an acoustical engineer shall be required in residential development near high noise sources to ensure that city standards have been met.</p>	<p>(closest building to U.S. Highway 101) shall be constructed with Sound Transmission Class (STC) ratings. All windows and doors rated STC 36 or higher shall have glass lite thickness no less than 3/16 inch.</p> <p>Like the photometric study, a condition of approval would require a post-construction noise or acoustic study to confirm the project was constructed compliant with noise reducing materials and construction techniques.</p>
<p>14.16.70- Water – Efficient Landscape All new development projects providing 500 sq. ft. or greater of landscaping shall be reviewed and obtain approval by the Marin Municipal Water District (MMWD) prior to building permit issuance. MMWD shall review all project landscaping, irrigation and grading plans for compliance with the most recently adopted MMWD water-conservation ordinance.</p>	<p><i>Consistent with conditions.</i> The project proposes new landscaping throughout the project site which exceeds the 500 sq. ft. threshold from MMWD and require MMWD review and approval with their most recent water-efficiency requirements prior to building permit issuance. A condition of approval would be included requiring MMWD review and approval of the project’s landscape details prior to building permit issuance.</p>
<p>CHAPTER 18 – PARKING STANDARDS</p>	
<p>14.18.040 - Parking Requirements Off-street parking shall be provided in accord with the following chart:</p> <ul style="list-style-type: none"> • New “senior housing projects” are required to provide .75 space per unit; • New, 1-bedroom units, located outside the Downtown, are required to provide 1.5 spaces; • New, 2-bedroom units, located outside the Downtown, are required to provide 2 spaces; and • 1 ‘guest’ space per every 5 units is required outside the Downtown. 	<p><i>Consistent</i> The project proposes to provide a total of 536 on-site parking spaces. The project proposes to preserve 156 of the existing 295 uncovered parking spaces required for the hotel, including 56 existing uncovered parking spaces located within parking easements on the adjacent parcel (1050 Northgate Dr.).</p> <p>The majority of the proposed on-site parking (370 parking spaces) would be covered or garage parking (23 parking spaces at 1007 Northgate Dr.; 143 parking spaces at 1020 Northgate Dr.; and 204 parking spaces at 1030 Northgate Dr.). The remainder of the required hotel parking spaces, 139 on-site parking spaces (295 existing parking spaces minus 156 preserved parking spaces), are proposed to be located within parking easements within the garages of the new buildings at 1020 Northgate Dr. (48 parking spaces) and 1030 Northgate Dr. (91 parking spaces).</p>
<p>14.18.120 –Parking Space Dimensions A. Standard size parking spaces shall be nine feet (9') by nineteen feet (19') in dimension, except that in downtown, the standard size parking</p>	<p><i>Consistent</i> All on-site parking is designed to comply with the minimum parking space dimensions for ‘standard’ and ‘compact’ parking spaces.</p>

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<p>space shall be eight and one-half feet (8.5') by eighteen feet (18') in dimensions; B. Compact parking spaces shall be eight feet (8') by sixteen feet (16') in dimensions.:</p>	
<p>14.18.120 – Compact Spaces – Allowable Percentage A. Allowable Percentage. A maximum thirty percent (30%) of the required parking spaces may be compact spaces for facilities exceeding five (5) spaces; B. Spaces Labeled. Compact spaces shall be labeled in parking facilities as compact spaces to the satisfaction of the city traffic engineer; C. Distribution. Compact spaces should be distributed throughout the parking lot to the extent feasible.</p>	<p><i>Consistent</i> The project proposes 92 parking spaces which meet the ‘compact’ parking space dimensions (536 total on-site parking spaces proposed), or 17.2% where a maximum of 30% is allowed.</p>
<p>14.18.130 - Parking Facility Dimensions and Design A. Minimum Standards. • 90⁰, two-way Downtown parking spaces require minimum dimensions to be 8.5’ wide by 18’ deep with a minimum backup aisle between the parking spaces of 26’. ----- B. Parking Stall Access. • Use of a required parking space shall not require more than two (2) vehicle maneuvers. At the end of a parking facility with four (4) or more parking spaces, an aisle or driveway providing access to the end parking space shall extend at least two feet (2’) beyond the required width of the parking space in order to provide adequate on-site area for turnaround purposes</p>	<p><i>Consistent</i> The parking garage design layouts for the new residential buildings have been reviewed by the City Engineer and found to be consistent with all applicable design standards under Section 14.18.130 of the Zoning Ordinance.</p>
<p>14.18.140 - Access to Public Right-of-Way Driveway Widths. The minimum curb cut for driveways at the face of the curb, for residential uses serving 25 or more spaces, shall have a minimum inside depressed width of 24’.</p>	<p><i>Consistent</i> The project proposes two-way access to the garages of the new residential buildings, 26-27’ in width, where a minimum of 24’ is required.</p>
<p>14.18.200 – Location of Parking and Maneuvering Areas</p>	<p><i>Consistent</i></p>

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

<p>Parking or maneuvering areas, excluding access driveways, shall be prohibited in all required yard areas in the medium- and high-density residential districts.</p>	<p>The project proposes all parking and maneuvering areas for 1020 and 1030 Northgate Dr., which are located within the HR1 District, to be located outside all required yards.</p>
<p>14.18.220 – On-Site and Remote Parking</p> <p>A. All required off-street parking and loading areas shall be located on the same lot and readily accessible to the specified use, unless the strict application of this requirement creates undue hardship and in the opinion of the Planning Director creates conditions contrary to desirable development practices but all other areas of intent for this chapter are complied with, remote parking areas which satisfy all or part of specific parking requirements may be approved;</p> <p>B. Remote parking areas shall be located within thirteen hundred feet (1,300') of the specified use and shall possess direct and convenient pedestrian access. Remote areas may serve more than one use, provided that the gross number of spaces available shall not be less than the combined requirements for all uses served;</p> <p>C. Requests for remote, off-site parking shall require use permit approval, subject to a review and recommendations by the Community Development Director and Traffic Engineer, and approval by the Zoning Administrator. Upon approval of any remote, off-site parking, and prior to occupancy, the owner of the lot (proposed for remote parking site) shall execute and record a declaration of restriction, legally binding or similar instrument satisfactory to the Community Development Director, to restrict the use of the public and private parking so long as the use conducted by applicant, or the applicant's successors in interest, on the original site shall require the furnishing of parking facilities under the terms of the use permit.</p>	<p><i>Consistent</i></p> <p>The project proposes to provide a total of 536 on-site parking spaces. The project proposes to preserve 156 of the existing 295 uncovered parking spaces required for the hotel use, including 56 existing uncovered parking spaces located within parking easements on the adjacent parcel (1050 Northgate Dr.).</p> <p>The majority of the proposed on-site parking (370 parking spaces) would be covered or garage parking (23 parking spaces at 1007 Northgate Dr.; 143 parking spaces at 1020 Northgate Dr.; and 204 parking spaces at 1030 Northgate Dr.). The remainder of the required hotel parking spaces, 139 on-site parking spaces (295 existing parking spaces minus 156 preserved parking spaces), are proposed to be located within parking easements within the garages of the new buildings at 1020 Northgate Dr. (48 parking spaces) and 1030 Northgate Dr. (91 parking spaces).</p>
<p>CHAPTER 22 – USE PERMITS</p>	
<p>14.22.080 – Findings</p> <p>The Zoning Administrator or Planning Commission may issue a Use Permit if the following findings can be made:</p>	<p><i>Consistent</i></p> <p>A. The proposed remote parking between the existing hotel use (1010 Northgate Dr.) and the new residential buildings (1020 and 1030 Northgate Dr.), as revised and</p>

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

<p>A. That the proposed use is in accord with the general plan, the objectives of the zoning ordinance, and the purposes of the district in which the site is located;</p> <p>B. That the proposed use, together with the conditions applicable thereto, will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity, or to the general welfare of the city; and</p> <p>C. That the proposed use complies with each of the applicable provisions of the zoning ordinance.</p>	<p>conditioned, will be in accord with the San Rafael General Plan 2020, the objectives of Title 14 of the San Rafael Municipal Code (<i>the Zoning Ordinance</i>) and the purposes of the HR1 District, in which the project site is located, given that:</p> <ol style="list-style-type: none">1. As documented in the General Plan 2020 Consistency Table (Exhibit 3), the proposed project will implement and promote the goals and policies of the San Rafael General Plan 2020,2. As documented in the Zoning Ordinance Consistency Table (Exhibit 4), the proposed project will be consistent with the objectives of the Zoning Ordinance; and3. The proposed project will be consistent with the purposes of the HR1 District, given that; a) The project will provide for high-density residential development in the HR1 District, a high-density residential zoning district; b) The project will provide a wide variety of housing opportunities in terms of housing type (“senior”, market-rate and affordable residential condominium units) and sizes (studio units averaging 621 sq. ft. in size, 1-bedroom units averaging 716-840 sq. ft. in size, 2-bedroom units averaging 1,090 sq. ft. in size, 3-bedroom units averaging 1,315 sq. ft. in size, 2-bedroom townhomes averaging 1,430 sq. ft. in size and 3-bedroom townhomes averaging 1,460 sq. ft. in size); c) The project will comply with the existing 35’ landscape setback easement along the west elevation with Gallinas Creek and proposes a 25’ creek setback for those portions of the project site not encumbered by the existing landscape setback easement; d) The project proposes to provide a new easement providing pedestrian access for outdoor recreational activities, from Manuel Freitas Parkway and throughout the west elevation of the project site, along Gallinas Creek; and e) The project has been reviewed by the appropriate City department and non-city agencies and determined that adequate infrastructure exists to meet all new service demands. <p>B. The proposed remote parking between the existing hotel use (1010 Northgate Dr.) and the new residential buildings (1020 and 1030 Northgate Dr.), as revised and conditioned, will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity, or to the general welfare of the City, given that; the project has been reviewed by appropriate City departments, non-City agencies, the appropriate surrounding neighborhood groups,</p>
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TABLE ANALYZING PROJECT COMPLIANCE WITH SAN RAFAEL ZONING ORDINANCE (TITLE 14)

	<p>interested parties, the Design Review Board at three (3) separate meetings (conceptual review on September 9, 2015 and formal project review on January 23, 2019 and May 21, 2019) and the Planning Commission on two (2) separate occasions (October 23, 2018 study session and July 23, 2019 hearing) and conditions of approval have been included to mitigate any potential negative impacts anticipated to be generated by the proposed project; and</p> <p>C. The proposed remote parking between the existing hotel use (1010 Northgate Dr.) and the new residential buildings (1020 and 1030 Northgate Dr.), as revised and conditioned, will comply with each of the applicable provisions of the Zoning Ordinance, given that; as documented in the Zoning Ordinance Consistency Table (Exhibit 4), the proposed project will be consistent with the objectives of the Zoning Ordinance.</p>
<p>CHAPTER 25 – ENVIRONMENTAL AND DESIGN REVIEW PERMIT</p>	
<p>14.25.010 – Specific Purposes Environmental and design review implements general plan policies concerning the environment and design by guiding the location, functions and appearance of development. The key environmental and design goal of the city is to respect and protect the natural environment and assure that development is harmoniously integrated with the existing qualities of the city. The purposes of environmental and design review are to:</p> <ul style="list-style-type: none"> A. First and foremost, maintain a proper balance between development and the natural environment; B. Ensure that the location, design and materials and colors of development blends with and enhances the natural settings; C. Maintain and improve the quality of, and relationship between, development and the surrounding area to contribute to the attractiveness of the city; D. Preserve balance and harmony within neighborhoods. E. Promote design excellence by encouraging creative design and the innovative use of materials and methods and techniques; and 	<p><i>Consistent</i> The project site is encumbered by a 35’-wide creek ‘setback’ easement which allows landscaping and underground utilities only. The project proposes to enhance this easement with additional landscaping and limited tree removal of unhealthy specimens. Additionally, the project proposes exterior colors and textures in earthtones/woodtones which would enhance the landscape setting of the project site. The project proposes high-quality exterior materials and finishes which would contribute to the attractiveness of the immediate surroundings as a gateway to the greater Terra Linda neighborhood. The 36’-tall new residential buildings would be in scale with the existing four-story hotel existing and slated to continue on the site. Photo simulations were conducted on the prior, larger project by the applicant, which indicated minor view impacts; the most recent, smaller project size would have reduced view impacts.</p>

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

<p>F. Preserve and enhance views from other buildings and public property</p>	
<p>14.25.050 - Review Criteria Projects must meet the following design review criteria:</p> <ul style="list-style-type: none"> • Consistency with General Plan design polices. • Consistency with Specific Plans • Design criteria must meet the objectives of Chapter 25 (Design Review), which include ensuring that the design blends with the natural setting, maintains and improves the quality of and relationship between the development and the surrounding area, preserve the balance and harmony within a neighborhood, promotes excellence in design, and preserves and enhances views. • Site design is harmonious amongst structures within the development and existing development in the vicinity, natural site features should be protected and preserved, safe access and adequate parking should be provided, drainage should be designed to be ensure proper surface drainage 	<p><i>Consistent</i> Overall, the project would be consistent with most of the applicable San Rafael General Plan 2020 policies. The project site is a choice housing site due to its close proximity to the U.S. Hwy. 101 corridor. The amount of residential density and building height are within the General Plan limits (Land Us Policies LU-8 and LU-12).</p> <p>The City supports the development of housing, at all levels, to help meet the needs of all San Rafael residents; this includes our older population. The proposed project would assist the City in its goal of providing options for older residents who wish to “age-in-place” (Housing Policy H-13). The project would also help the City meet its RHNA (Regional Housing Needs Allocation) requirements by providing a total of 28 affordable housing or BMR units (14 at moderate-income levels and 14 at low-income levels), including six (6) BMR units dedicated for seniors (Housing Policy H-18).</p> <p>The project would also comply with the Level of Service (LOS) standards for circulation in that there would be no change to LOS (Circulation Element Policy C-5). The proposed development would occur when adequate infrastructure, including circulation and utilities, are available (Land Use Policy LU-2).</p> <p>As stated earlier, the project is consistent with the specific purposes or objectives of Environmental and Design Review permits.</p> <p>The project proposes a site and building designs which: 1) preserve and enhance the existing landscape character by proposing additional landscaping and limiting existing tree removal of unhealthy specimens; 2) proposes miscellaneous improvements to the private streets network, drainage and parking to improve safety.</p>
<p>14.25.090 - Findings The following findings must be made to approve a Design Review Permit</p> <ul style="list-style-type: none"> • Project design is in accord with the general plan, the objectives of the 	<p><i>Consistent</i> D. The project design, as revised and conditioned. is in accord with the General Plan, the objectives of the Zoning Ordinance, and the purposes of Chapter 14.25 of the Zoning</p>

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

<p>zoning ordinance and the purposes of this chapter;</p> <ul style="list-style-type: none"> • Project design is consistent with all applicable site, architecture and landscaping design criteria and guidelines for the district in which the site is located • Project design minimizes adverse environmental impacts • Project design will not be detrimental to the public health, safety or welfare nor materially injurious to properties or improvements in the vicinity. 	<p>Ordinance; in that:</p> <ol style="list-style-type: none"> 4. As documented in the General Plan 2020 Consistency Table (Exhibit 3), the proposed project will implement and promote the goals and policies of the San Rafael General Plan 2020, 5. As documented in the Zoning Ordinance Consistency Table (Exhibit 4), the proposed project will be consistent with the objectives of the Zoning Ordinance, which is to promote and protect the public health safety, peace, comfort and general welfare; 6. As documented in the Zoning Ordinance Consistency Table, the proposed project will be consistent with the purposes of Environmental and Design Review Permits, given that; the project will maintain and improve the quality of, and relationship between, development and the surrounding natural landscape setting to contribute to the attractiveness of the City. <p>E. The project design, as revised and conditioned, is consistent with all applicable site, architecture and landscaping design criteria and guidelines for the O and HR1 Districts in which the project site is located, given that;</p> <ol style="list-style-type: none"> 1. The project design will be consistent with the maximum allowable density for the site, which is 318 units based on 7.3 acres of total lot area; 2. The project will be consistent with the minimum required yard setbacks for the project site, which are 20' front, 6' side, 10 street side and 20 rear in the O District and 15' front, 5' side 10' street side and 5' rear in the HR1 District; 3. The project will be consistent with the maximum height allowed for the project site, which 36' (Uniform Building Code 1997); 4. The project will be consistent with the maximum lot coverage for the project site, which is 40% in the O District and 60% in the HR1 District; 5. The project will be consistent with the minimum landscaping requirement for the project site, which is 25% in the O District and 50% of the required front and
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Exhibit 4

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

	<p>street side yards in the HR1 District;</p> <ol style="list-style-type: none">6. The project will be consistent with the minimum common or private outdoor area for the project site, which is 100 sq. ft. per unit in the HR1 District;7. The provisions of Marin Municipal Water District’s (MMWD) most recent water conservation and new ‘graywater’ requirements apply to the project, where MMWD approval is required prior to the issuance of any building or grading permit.8. The proposed project will be consistent with review criteria for Environmental and Design Review Permits (<i>Chapter 14.25 of the Zoning Ordinance</i>), by proposing a consistent, high-quality architectural design (colors and materials; scale; bulk and mass; fenestration and articulation) throughout the project site. <p>F. The project design, as revised and conditioned, minimizes adverse environmental impacts, given that:</p> <ol style="list-style-type: none">1. The project site is encumbered by a 35’-wide ‘setback’ easement which allows landscaping and underground utilities only. The project proposes to enhance this easement with additional landscaping and limiting tree removal to unhealthy specimens.2. The project design includes storm water retention areas or ‘bioswales’ which will have the effect of creating a ‘no net change’ in the rate of storm water drainage on the project site, as determined by the drainage report submitted on the project and the review and recommendation by the City Engineer;3. The project site neither contains, nor is immediately contiguous to, recognizable wetlands, creeks or similarly sensitive environmental features, and it has not been identified in the San Rafael General Plan 2020 (<i>Exhibit 38 – Threatened and Endangered Species</i>) as a general location where threatened and endangered species have been previously observed or maintain a suitable habitat for their likely presence to be found. <p>D. The project design, as revised and conditioned, will not be detrimental to the public</p>
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TABLE ANALYZING PROJECT COMPLIANCE WITH SAN RAFAEL ZONING ORDINANCE (TITLE 14)

	<p>health, safety or welfare, or materially injurious to properties or improvements in the vicinity, or to the general welfare of the City, given that; the project has been reviewed by appropriate City departments, non-City agencies, the appropriate surrounding neighborhood groups, interested parties, the Design Review Board at three (3) separate meetings (conceptual review on September 9, 2015 and formal project review on January 23, 2019 and May 21, 2019) and the Planning Commission on two (2) separate occasions (October 23, 2018 study session and July 23, 2019 hearing) and conditions of approval have been included to mitigate any potential negative impacts anticipated to be generated by the proposed project.</p>
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Exhibit 5

TABLE ANALYZING PROJECT COMPLIANCE WITH SAN RAFAEL SUBDIVISION ORDINANCE (TITLE 15)

CHAPTER 2 – MAJOR SUBDIVISIONS	
<p>15.02.080 – Findings Required (a) Findings for Approval. Approval or conditional approval of a tentative map shall be supported by the following findings:</p> <ol style="list-style-type: none">1.. The proposed map including the design or improvement of the proposed subdivision is consistent with the San Rafael general plan and any applicable, adopted specific plan or neighborhood plan;2. The property subject to subdivision is physically suitable for the type, density and intensity of development that is proposed;3. The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;4. The design of the subdivision or the type of proposed improvements is not likely to cause serious health problems;5. The design of the subdivision or the type of proposed improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the city may approve the map if it is determined that alternative easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired or secured for public use;6. The design of the subdivision or type of proposed improvements is not likely to cause serious health problems; and7. The design of the subdivision or the type of proposed improvements will	<p><i>Consistent</i></p> <ol style="list-style-type: none">1. The proposed Vesting Tentative Map for the proposed project as revised and conditioned, is consistent with the San Rafael General Plan 2020 and any applicable, adopted specific plan or neighborhood plan, given that; as documented in the General Plan 2020 Consistency Table (Exhibit 3), the proposed project will implement and promote the goals and policies of the San Rafael General Plan 2020). The Vesting Tentative Map proposes to subdivide an existing 293,953 sq. ft. (6.75 acre) parcel into three (3) new parcels containing the existing hotel and the new residential condominium buildings at 1020 and 1030 Northgate Dr. The Vesting Tentative Map further proposes to create a total of 136 residential condominium units within the three (3) new residential buildings (30 condominium units at 1007 Northgate Dr., 48 condominium units at 1020 Northgate Dr. and 58 condominium units at 1030 Northgate Dr);2. The design or improvement of the subdivision is consistent with the San Rafael General Plan and any pertinent, adopted specific plan or neighborhood plan; given that, the subdivision will create three (3) new residential buildings with a total of 136 condominium units within the project site, which is consist with the maximum allowable density (318 units) under the Office (O) and High-Density Residential (HR1) Districts zoning designation. The design of the subdivision also will be consistent with all applicable development standards of the O and HR1 Districts;3. The property subject to subdivision is physically suitable for the type of the development proposed, given that; 1) Residential development, either rental units or condominium units, is allowed on the project site “by right”; 2) The project will create a total of 136 new condominium units on the project site, which is consistent with the maximum allowable density (318) under the site zoning (O and HR1 Districts) designation; 3) The proposed subdivision will create airspace condominium units which are distinct from the common areas within the new building in maintenance and repair responsibility through not use; and 4) The project site is an in-fill development location and all service providers have concluded adequate capacity exists to meet service demands for the number of residential units proposed;

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TABLE ANALYZING PROJECT COMPLIANCE WITH SAN RAFAEL SUBDIVISION ORDINANCE (TITLE 15)

<p>not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.</p>	<p>4. The property subject to subdivision is physically suitable for the density of development, given that; 1) The project will create a total of 136 new condominium units on the project site, which is consistent with the maximum allowable density (318) under the site zoning (O and HR1 Districts) designation; and 2) The proposed subdivision will create airspace condominium units which are distinct from the common areas within the new building in maintenance and repair responsibility through not use;</p> <p>5. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat given that: 1) Both the subdivision and the proposed project complies with the existing 35' landscape setback easement along the west elevation of the project site, along Gallinas Creek; 2) Both the subdivision and the proposed project meet the minimum required 25' creek setback along the west elevation of the project site, along Gallinas Creek, not currently encumbered by the easement; and 3) Both the subdivision and the proposed project preserve most of the existing landscaping within the project site, particularly within the 35'-wide landscape setback easement and 25' creek setback along Gallinas Creek and within the uncovered parking areas surrounding the hotel (The project proposes to remove 109 existing trees (23 existing trees at 1005 Northgate Dr. and 86 at 1010 Northgate Dr.) New landscaping includes trees (126 new trees in 15-gallon, 24"-box and 72"-box container sizes), shrubs (897 new shrubs and ferns in 5- and 15-gallon container sizes), groundcovers and vines (2,158 new groundcovers and vines in 1- and 5-gallon container sizes) and succulent vertical planter walls (53 new succulents in 1-gallon container size);</p> <p>6. The design of the subdivision or the type of the proposed improvements is not likely to cause serious health problems, given that; 1) Residential development, either rental units or condominium units, is allowed by both the Zoning Ordinance and the General Plan on the project site on the project site "by-right"; 2) The San Francisco Bay Regional Water Quality Control Board (RWQCB) has historically regulated environmental activities on the project site (1007 Northgate Dr.) and granted "case closure" on hydrocarbon contamination beneath the site; and 3) Both the subdivision and the proposed project has been reviewed by all appropriate city departments, non-city agencies and the Design Review Board who recommend approval of Environmental and Design Review Permit (ED16-038), Use Permit (UP16-018) and Vesting Tentative Map (S16-001), subject to conditions of approval to mitigate potential adverse impacts; and</p>
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Exhibit 5

TABLE ANALYZING PROJECT COMPLIANCE WITH SAN RAFAEL SUBDIVISION ORDINANCE (TITLE 15)

	<p>7. The design of the subdivision or the type of proposed improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision, given that; 1)) Both the subdivision and the proposed project complies with the existing 35’ landscape setback easement along the west elevation of the project site, along Gallinas Creek, which provide access through the three (3) new parcels (1010 Northgate Dr. – the existing hotel, 1020 Northgate Dr. and 1030 Northgate Dr. from a new easement; 2) Both the subdivision and the proposed project provide a new 25’ creek setback along the west elevation of the project site, along Gallinas Creek, which will provide access from Manuel Freitas Parkway, through the existing parcel at 1005 Northgate Dr. and connecting with the new easement through the new parcels; and 3) Both the subdivision and the proposed project provide new access easements throughout the project site, connecting the three (3) new parcels to Northgate Dr.</p>
<p>CHAPTER 6 – SUBDIVISION DESIGN STANDARDS AND MISCELLANEOUS REQUIREMENTS</p>	
<p>15.06.040 – Lot Access (a). Access to public street. Except as approved as part of a planned development (PD) district, established in accordance with the provisions of Title 14 (Zoning), or, except as approved per Subsection (b), all lots or parcels created shall have frontage on a public street meeting the minimum requirements of this chapter for pavement and right-of-way widths. (b) Approval of access over private right-of-way or private street. New lots or parcels proposed with access over a private right-of-way or private street, shall require the approval of the planning commission. An application for access over a private right-of-way or private street shall include a development plan showing alignment, width, grade and material specifications of any proposed private right-of-way, the topography and means of access to each lot and the drainage of the subdivision. In considering the proposed access over a private right-of-way or street, the planning commission shall not approve the access unless it finds that such access will not be detrimental to the health, safety and welfare of the existing residents or future residents and that the design of the</p>	<p><i>Consistent</i> The larger portion of the project site is currently accessed through an access easement, which extends from Northgate Dr., a public street. The project proposes to continue accessing the existing hotel at 1010 Northgate Dr. and the new residential buildings at 1020 and 1030 Northgate Dr. through this private right-of-way easement from Northgate Dr. The project requires the expansion of this privately-maintained shared access easement, given that; the project proposes to create three (3) new parcels with vehicular access connecting each new parcel and without direct access to a public street (neither Northgate Dr. or Manuel Freitas Parkway). This expanded privately-maintained roadway network, as proposed and required by the project, was reviewed and recommended for approval by the City Engineer in the Department of Public Works. The project has been conditioned to require the recordation of a new easement for the expanded private roads on the project site, which will require private-maintenance in perpetuity while allowing for public vehicular access.</p>

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TABLE ANALYZING PROJECT COMPLIANCE WITH SAN RAFAEL SUBDIVISION ORDINANCE (TITLE 15)

<p>improvements is adequate to provide access for emergency service vehicles. Approval of such access shall be conditioned to require that appropriate measures be implemented which guarantee permanent maintenance of the private driveway.</p>	
<p>CHAPTER 12 – CONDOMINIUMS</p>	
<p>15.12.060 – Recreational Facilities, Residential Condominiums. All residential condominium developments shall be designed to include the following recreational facilities:</p> <ul style="list-style-type: none"> (a) Community center or recreational center buildings shall be provided within the development. (b) Bicycle and pedestrian paths shall be provided through the open, common areas of the development. (c) Common areas for outdoor, active and passive recreation shall be provided in central locations throughout the development. 	<p><i>Consistent</i></p> <p>Each of the new residential buildings provides both individual private and common outdoor passive recreation areas for residents and guests. Zoning standards for the “senior” housing portion of the site (1007 Northgate Dr.), which are located within the O District, do not require though encourage the provision of individual private and common outdoor recreation areas. Zoning standards for the other two proposed residential buildings, which area located within the HR1 District, require a minimum of 100 sq. ft. of individual private and common outdoor recreation areas.</p> <p>Along predominant portion of the west elevation of the project site, a 35’-wide setback easement along the bank of the Gallinas Creek provides landscape screening of the project site for the benefit of the adjacent San Rafael Manor residents and guests. The project proposes to improve this setback easement with additional landscaping and a four foot (4’)-wide pedestrian path with exercise stations and seating areas for both active and passive common outdoor recreation for residents and guests.</p> <p>In addition, each new residential building provides either active or passive common recreation areas and amenities. The proposed new “senior’ housing building at 1007 Northgate Dr. includes both a community room on the ground floor and terraced roof decks. The new residential building at 1020 Northgate Dr. proposes both podium and roof deck areas with landscaping, seating, spa, firepit amenities. The new residential building at 1030 Northgate Dr. proposes also proposes both podium and roof deck areas with landscaping, seating, spa, swimming pool, toddler playground, BBQ, and firepit amenities.</p>




SAN RAFAEL
THE CITY WITH A MISSION

**INTER-DEPARTMENTAL
MEMORANDUM**

Community Development Department – Planning Division

Date: 25 January 2019

To: Paul Jensen, AICP, Community Development Director and Steve Stafford, Senior Planner, City of San Rafael

From: Amy Skewes-Cox, AICP, Contract Planner 

Subject: **Background Documentation for Categorical Exemption for Northgate Walk Residential Development**

Project Title: Northgate Walk Residential Development
Project Location: 1007, 1010, 1020 and 1030 Northgate Drive
Project Location-City: City of San Rafael
Project Location-County: Marin County
Assessor Parcel Numbers: 178-240-17; 178-240-21

A. Setting/Background:

The subject property is comprised of two (2) adjacent parcels located within the north San Rafael Commercial Area of Terra Linda. The entire property is approximately 7.3 acres in total size (approximately 318,413 sq. ft.). The larger of the two parcels (1010 Northgate Dr.) is relatively flat and currently developed with a 235-room hotel (Four Points Sheraton) and uncovered parking lot with 295 parking stalls (56 of these spaces are located within a parking easement on an adjacent parcel - 1050 Northgate Dr.).

The smaller of the two subject parcels (1005 Northgate Dr.) is located downslope to the larger parcel, is gently sloped (approximate 17% average cross-slope) and is currently developed with a fuel service station and small (approximately 1,736 sq. ft.) commercial building.

The site is generally triangular shaped, with a concrete portion of Gallinas Creek is located along the entire western property boundary of both parcels. U.S. Highway 101 located along the entire eastern property boundary of the larger parcel and Manuel T. Freitas Parkway located along the frontage (southern) of the smaller parcel. There are two properties that are adjacent to the subject site, but not part of this development application. A five-story office building (1050 Northgate Dr.) is located south of the hotel site and a

one-story medical office building (1004 Northgate Dr.) is located below 1050 Northgate Dr. and across from the gas station site.

Project site totals 4.8-acres (210,274 sq. ft.), including 43,725 sq. ft. for the existing gas station site with an approx. 19,267 sq. ft. land exchange from the hotel site, new parcels of 85,022 sq. ft. and 81,527 sq. ft. created from the hotel site. No redevelopment or improvements are proposed for the hotel facility and, while a new parcel of 108, 139 sq. ft. is proposed to be created, it is not part of the project site.

B. Project Description:

The proposed project is a residential infill project that would provide market-rate, senior, and low-income housing on a site now occupied by a hotel, a gas station, retail store, associated parking, and ancillary facilities. Three new multi-family residential buildings would be developed adjacent to existing hotel and office buildings in a portion of the site that has already been disturbed. The final project would include 106 for-sale condominiums (over 20 percent [29 units] of which would be affordable) and 30 for-sale senior housing units (20 percent [6 units] of which would be affordable). The Northgate Walk project would be located in proximity to shopping, transit, and multiple major employers and access to these uses via walkways and bikeways has been integral to the project design.

An existing gas station and retail store (with associated trip generation) would be removed from the site. It is estimated that a total of 19 fewer daily trips would occur with the proposed development compared to existing conditions.

The project also includes subdivision of the property to result in four total parcels as follows: 1) Site 1007 (30 senior units); 2) Site 1010 (existing hotel to remain); 3) Site 1020 (48 units and amenity building for hotel and new units); and 4) Site 1030 (58 units). Specific entitlements required for the project include Design Review, Subdivision Tentative Map, Lot Line Adjustment and a Use Permit.

A total of 519 parking spaces are proposed while the City of San Rafael requires 498 spaces for the proposed uses (resulting in 21 surplus spaces). Much of the parking would be in garages below grade to avoid extra bulk and mass on the site. Fire access would be provided in proximity to all buildings in accordance with code.

A 35-foot wide greenbelt and setback easement would be located on the north side of the site adjacent to an existing concrete drainageway of Gallinas Creek. While up to 109 trees would be removed from the site, it is estimated that 117 new trees and numerous shrubs would be planted as part of the overall landscape plan.

Specific "green" design elements proposed for the project include: LEED certifiable design; secure bike storage areas; shuttle to nearby SMART train station; dedicated car share spaces; electric vehicle (EV) charging stations; dedicated clean air vehicle spaces; solar panels; and water and power efficient landscaping and appliances. A Site Plan can be found in the attachments.

C. Supportive Technical Studies and Reports:

The planning applications and plans filed with the City have been accompanied by numerous supportive technical studies and reports. Copies of the studies listed below are available for review at <https://www.cityofsanrafael.org/northgate-walk/>. Hard copies can also be viewed at the City of San Rafael Department of Community Development located at 1400 Fifth Avenue, San Rafael, CA.

1. AEI Consultants, Inc. 2016. Site Mitigation Plan: 1005 Northgate Drive, San Rafael, CA. June 17.
2. AllWest Environmental Inc., 2012. Environmental Site Assessment Four Points by Sheraton -1010 Northgate Drive, December 28.
3. City of San Rafael, GHG Compliance Checklist, June 6, 2018.
4. CSW/St² Engineers, 2016. Preliminary Hydrology Study for Northgate Walk, July 1.
5. State of California, 2018. Website for State of California Scenic Highway Mapping System, website viewed on September 7: http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/
6. LSA Associates, Inc., 2015. Biological Site Assessment -1005-1010 Northgate Drive Project, December 7.
7. LSA Associates, Inc., 2016a. Tree Survey Report – Northgate Drive Project, April 12.
8. LSA Associates, Inc., 2016b. Revised Tree Survey Report – Northgate Drive Project, May 5.
9. LSA Associates, Inc., 2016c. Noise Impact Analysis, 1005-1010 Northgate Drive Project, March.
10. LSA Associates, Inc., 2018. Air Quality Impact Analysis, May.
11. Miller-Pacific Engineering Group, 2016. Geotechnical Investigation – Hillcrest Multi-Use Development – 1005/1020/1025 Northgate Drive, January 27.
12. Odic Environmental, 2013. Phase 1 Environmental Site Assessment -1005 Northgate Drive, August 28.
13. Parisi Transportation Consulting, 2016. Peer Review 8/29/16 Trip Generation and Parking Analysis Memo for 1005/1020/1025 Northgate Drive by W-Trans, October 14 and 24.

14. Parisi Transportation Consulting, 2018a. Supplemental Peer Review of 12/12/17 Trip Generation and Parking Analysis Memos for 1005/1020/1025 Northgate Drive by W-Trans, January 25.
15. Parisi Transportation Consulting, 2018b. Supplement Peer Review of 10/18/18 Traffic Analysis Memo for the Proposed Project at 1007, 1010, 1020 and 1030 Northgate Drive, prepared by Lauren Davini, Traffic Engineer, October 17.
16. W-Trans, 2016. Trip Generation Memo, August 29.
17. W-Trans, 2016a. Parking Analysis for the Northgate San Rafael Project, June 30.
18. W-Trans, 2016b. Parking Analysis for the Northgate San Rafael Project, September 14.
19. W-Trans, 2017. Amended Parking Analysis for Northgate San Rafael Project, December 12.
20. W-Trans, 2017. Supplemental Trip Generation Memo for Freitas Pkwy/US 101 North Ramps/Civic Center, December 12.
21. Applicant, 2016. Northgate Walk View Studies, June 30.

D. Planning and Land Use Actions Being Requested:

Environmental and Design Review Permit, Lot Line Adjustment, Vesting Tentative Map

E. Agencies Requiring Action on this Project:

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

F. Name of Person or Agency Carrying Out the Project:

LCA Architects (applicant)
San Rafael Commercial LLC and San Rafael Hillcrest (LLC) (Owners)

G. CEQA Review and Findings:

Per CEQA Guidelines Section 15060, staff, with that assistance of Amy Skewes-Cox, AICP, a contract planner, conducted a “preliminary review” of the project application, plans and supportive studies and reports. In completing this preliminary review, staff determined that the application is defined as a “project” under CEQA. CEQA Guidelines Section 15061 (Review for Exemption) was reviewed to determine whether the project is exempt from CEQA. A project is exempt from CEQA if it qualifies for a Categorical Exemption under Article 19, Section 15300. Given the project location, scope and use, staff has determined that the project qualifies for an exemption under CEQA Guidelines

Section 15332. Section 15332 exempts “infill development projects” that meet the following conditions:

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

Each of the above requirements is discussed below based on multiple background studies completed for the project.

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

Response: The project site includes two General Plan designations. For Sites 1010, 1020 and 1030, the City of San Rafael General Plan designation is High Density Residential. For Site 1007, the City’s General Plan designation is Office and High Density Residential. The same applies to zoning in terms of two zoning designations. Sites 1010, 1020, and 1030 are zoned Multifamily Residential: High Density (HR1). Site 1007 is zoned as Office (O) and Multifamily Residential: High Density (HR1). The project would conform to all General Plan and zoning designations, and no rezonings or General Plan amendments would be required.

- b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.*

Response: The site area disturbed would be less than five acres. The following shows the acreage for each parcel:

- Parcel A: 1 acre (30 senior housing units)
- Parcel B: 2.48 acres (existing hotel); no development
- Parcel C: 1.95 acres (48 units)
- Parcel D: 1.87 acres (58 units)

Because new development would not occur on Parcel B, a total of 4.82 acres maximum would be considered the “site area” to be disturbed.

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

Response: A biological assessment was completed for the entire site in 2015 (LSA, 2015)¹. This report identified biological resources on the site consisting of site landscaping, non-native woodland, non-native grasslands, and natural vegetation including valley oak woodland and native grassland. Gallinas Creek, a concrete-lined channel, occurs off the site immediately to the northwest of the project site. But no construction would occur within Gallinas Creek and no vegetation along the creek would be removed. No wetlands are located within the site.

One special-status plant species was identified as potentially occurring in habitats observed on the site. However, a follow-up site visit during the blooming period for this species did not find any of the identified species, the Congested-headed hayfield tarplant (*Hemizonia congesta* subsp. *congesta*).

The nearby Gallinas Creek is not designated as Critical Habitat for the federally-threatened Central California Coast Steelhead distinct population segment and the project was determined to not impact any Critical Habitat for this species (LSA, 2015).

It is estimated that up to 109 trees would be removed from the site (LSA, 2016). Of the 267 trees identified on the site, a total of 158 trees would not be impacted. To ensure compliance with the Migratory Bird Treaty Act (MBTA), the City would impose a condition of approval on the project to require pre-construction nesting bird surveys for any trees that would be removed at the project site. Associated mitigation measures for any identified birds would be incorporated into this bird survey. In addition, another condition of approval would state that any large branches or removed trees would be left in place overnight to allow foliage roosting bats to escape and find new roosting sites in adjacent habitat.

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

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

Traffic. A total of nine traffic and parking studies have been completed for the project between June 2016 and October 2018. A memorandum on the traffic analysis was also completed by the City of San Rafael Department of Public Works in October 2018 (City of San Rafael 2018). These are identified in the list of references found at the end of this document. The 2016 trip generation analysis evaluated the project which includes the demolition of an existing gas station/UPS store at 1005 Northgate Drive and the proposed development of senior housing and condominiums. The level of development evaluated in the 2016 study assumed a greater intensity of residential development than is currently proposed (a total of 182 units vs. the currently proposed 136 units). But even with this greater intensity of development, no significant traffic impacts were identified in terms of

¹ All reports listed can be found in the Reference section at the end of this memorandum.

levels of service at nearby intersections. A supplemental analysis of the Freitas/Highway 101 intersection identified no significant impacts. Removal of the existing gas station would remove a significant number of daily trips at the site.

A total of 12 intersections were evaluated in the updated traffic study (City of San Rafael, 2018). In addition, the availability of pedestrian/bicycle paths and transit services were also identified for the site. This study found that, based on traffic counts of existing trips to the gas station, and with deductions applied for pass-by/diverted trips, the project would result in 347 new trips per day, including 36 trips during the morning peak hour and 18 trips during the evening peak hour (City of San Rafael, 2018). All of the studied intersections would operate acceptably according to traffic standards set forth in the City's General Plan (City of San Rafael, 2018). The Baseline and Plus Project Scenario for the intersection of Civic Center/Merrydale Overcrossing show a level of service (LOS) F, but the project-added trips increase delay by no more than 0.3 seconds which is well under the five-second increase in delay that would be considered significant (City of San Rafael, 2018).

The Cumulative and Cumulative-Plus-Project scenarios also showed that all intersections were operating acceptably.

For pedestrian facilities, the project should include a condition of approval to improve the pedestrian head and push buttons for the intersection of Freitas Parkway/Northgate Drive (City of San Rafael, 2018). For bicycle facilities, a condition of approval should address the need for the project to provide the needed right-of-way for the Class I bike path or 6-foot wide sidewalk proposed on the north site of Freitas Parkway adjacent to the site (City of San Rafael, 2018). Existing bus stops were found to be adequate and within walking distance of the project.

Noise. A noise study for the project was completed in 2016 when the original project included slightly more residential units. For construction noise, it was found that noise levels might reach 87 dbA L_{max} at the nearest off-site residence which would be below the City's construction noise criterion of 90 dBA during construction (LSA, 2016b). Even though the project was below the City's criterion, it was recommended that noise measures be implemented to reduce construction-related noise and the City would include these as conditions of approval of the project.

The vibration analysis found that no significant groundborne vibration impacts would occur to buildings off the site in association with construction activities in terms of structural or other damage (LSA, 2016b).

In terms of operational noise, the expected minor increase in peak hour trips would not result in significant operational noise impacts. It is possible that heating, ventilation and air conditioning (HVAC) equipment could result in noise levels that exceed the City's noise level criterion of 50 dBA L_{eq} for residential land uses. If HVAC equipment is enclosed on the rooftop with a parapet, this noise barrier would adequately reduce noise levels (LSA, 2016). This would be a standard condition of approval for the project. Other conditions that may reduce onsite operational noise include placement of loading and delivery areas sufficiently away from sensitive receptors. This activity is intermittent and allowed during

the hours of 7 AM to 6 PM provided that loading/delivery activities do not exceed 20 minutes.

Given the proximity of Highway 101 to the project site, it will be necessary for the project to include the following conditions so that interior noise levels can be maintained at 40 dBA L_{dn} in bedrooms and 45 dBA L_{dn} in other rooms (LSA, 2016b):

- In order for windows and doors to remain closed, mechanical ventilation such as air conditioning shall be provided for all units.
- All vent ducts connecting interior spaces to the exterior (i.e., bathroom exhaust, etc.) shall have at least two 90 degree turns in the duct.
- All windows and doors shall be installed in an acoustically-effective manner. Sliding window panels shall form an air-tight seal when in the closed position and the window frames shall be caulked to the wall opening around the perimeter with a non-hardening caulking compound to prevent sound infiltration. Exterior doors shall seal air-tight around the full perimeter when in the closed position.
- For units at existing 1025 Northgate, windows and exterior doors shall be constructed with the Sound Transmission Class (STC) ratings. All windows and glass doors rated STC 36 (or higher) shall have glass lite thickness no less than 3/16 inch.

Air Quality. An air quality impact analysis was completed for the project in May of 2018 (LSA, 2018). This analysis concluded that construction emissions would not exceed established criteria pollutant thresholds established by the Bay Area Air Quality Management District (BAAQMD) if the project complies with the Basic Construction Mitigation Measures required by BAAQMD for all projects during construction.

For project operations, no significant impacts were identified and the project would not exceed the significance criteria for daily or annual ROG, NO₂, PM₁₀ or PM_{2.5} emissions (LSA, 2018). The project would also not result in any significant impact in CO concentrations at intersections in the project vicinity.

A Health Risk Assessment (HRA) was completed to address site-specific meteorological conditions and the proximity of the project to Highway 101 where diesel vehicles and trucks could emit harmful emissions. The HRA results showed a risk that would not exceed the BAAQMD criteria for mobile or stationary sources. Therefore, future residents of the project would not be exposed to substantial diesel particulate concentrations that would cause harmful effects (LSA, 2018).

Finally, the air quality impact analysis determined that the project would not exceed any greenhouse gas (GHG) emissions thresholds or conflict with any applicable plan, policy or regulation adopted for the purpose of reducing GHG emissions (LSA, 2018).

Water Quality. A hydrology study was completed for the project in 2016 (CSW/Stuber-Stroeh Engineering Group, Inc., 2016). This study focused primarily on expected runoff from the site after development and concluded that the project would not increase peak

discharge rates for the 25- and 100-year recurrence interval storm events. The existing site has 4.4 acres of impervious surface area as shown on Drawing CO for the proposed project. With the project, bioretention areas would be added to reduce peak storm flows and to improve overall water quality before discharge from the site, as shown on Drawing C3.1. Given the extensive area of existing impervious surface (e.g., parking areas, etc.) that would be redeveloped for the project, it is not expected that there would be a significant increase in overall impervious surface area. Also, the project would include a media filter stormwater treatment structure at the northeast edge of the site adjacent to the Las Gallinas Creek concrete channel where stormwater would be discharged. No significant water quality impacts would occur from the proposed project.

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

Response: The project site is located within the City of San Rafael and would continue to be served by City and regional services. Fire protection would be provided by the City of San Rafael Fire Department. San Rafael Fire Department Station 56 is located at 650 Del Ganado Road just to the west of the site, separated by a distance of about one mile. The City of San Rafael Police Department operates a substation at the Northgate shopping mall which is immediately south of the project site on the south side of Freitas Parkway.

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

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

H. CEQA Guidelines 15300.2 Exceptions

Also, the project meets the exceptions under CEQA Guidelines Section 15300.2 Exceptions as follows:

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

- 3. Significant Effect and Unusual Circumstances:** The project would not result in any significant effects on the environment due to unusual circumstances. Based on completed environmental studies for the project, the project site does not have any unusual circumstances that would negatively impact the environment.
- 4. Scenic Highways:** The project site is not in proximity or visible to any designated scenic highway base on the State of California's Scenic Highway program.
- 5. Hazardous Waste Sites:** Based on environmental site assessments completed for the project, the site is not located on a list of identified hazardous waste sites designated by the State of California. No hazardous conditions were identified with the gas station that would be removed (Odic Environmental, 2013). A 2016 Site Mitigation Plan study was completed for 1005 Northgate Drive where the gas station was proposed to be replaced with residential development. This study clarified that the San Francisco Bay Regional Water Quality Control Board (RWQCB) in 2010 granted closure of this site with regards to the known hydrocarbon contamination beneath the site. This closure was granted with the understanding that any land use change would be reported to the RWQCB. This requirement would be a condition of approval for the project (AEI Consultants, 2016). It is assumed that the RWQCB would serve as the lead regulatory agency for future environmental activities at the site related to hazardous materials. Between 1994 and 2010, numerous rounds of environmental investigation activities were completed at the site before it was granted closure by the RWQCB in 2010. To ensure that redevelopment of the site does not result in encountering soils containing residual levels of petroleum hydrocarbons (associated with underground tanks), the City should require a condition of approval that any subsurface work in this portion of the site be monitored per the protocols outlined in the AEI Site Mitigation Plan (AEI Consultants, 2016).
- 6. Historical resources:** There are no historical resources located on the proposed project site. The gas station and retail store to be removed would not be considered historic and were built in 1998/1999 (Odic Environmental, 2013). The hotel at the site, which would remain, was built in 1969.

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

ATTACHMENTS

Figure 1 – Site Plan