

RESOLUTION NO. 18-02

RESOLUTION OF THE SAN RAFAEL PLANNING COMMISSION APPROVING AN ENVIRONMENTAL AND DESIGN REVIEW (ED17-035) AND USE PERMIT (UP17-012) TO ALLOW THE CONSTRUCTION OF A NEW, THREE STORY, 83,093 SQ. FT. ASSISTED CARE FACILITY CONTAINING 89 UNITS AND 93, WITH AN UNDERGROUND PARKING GARAGE LOCATED AT 3773 REDWOOD HIGHWAY  
APN: 179-064-01

**WHEREAS**, on October 6, 2016, William Mabry of Oakmont Senior Living submitted an application to the City of San Rafael requesting a Preapplication and Conceptual Design Review regarding a Senior Assisted Care Facility at 3773 Redwood Highway; and

**WHEREAS**, on November 7, 2016, the City of San Rafael Design Review Board reviewed the conceptual review of the project, providing constructive criticism of the proposed design; and

**WHEREAS**, on January 19, 2017, William Mabry of Oakmont Senior Living submitted an application to the City of San Rafael requesting a Conceptual Design Review regarding a Senior Assisted Care Facility at 3773 Redwood Highway; and

**WHEREAS**, on February 22, 2017, the City of San Rafael Design Review Board reviewed the conceptual review of the project, providing favorable feedback; and

**WHEREAS**, on May 18, 2017, William Mabry of Oakmont Senior Living submitted an application to the City of San Rafael requesting an Environmental and Design Review and Use Permit to allow a Senior Assisted Care Facility at 3773 Redwood Highway; and

**WHEREAS**, on November 7, 2017, the City of San Rafael Design Review Board reviewed the project and on a vote of 4-0-1-1 recommending approval (Board Member Blayney abstained and Board Member Spielman was absent); and

**WHEREAS**, upon review of the application, the project has been determined to be exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 of the CEQA Guidelines which exempts infill development; and

**WHEREAS**, on January 23, 2018, the San Rafael Planning Commission held a duly noticed public hearing on the proposed Environmental and Design Review and Use Permit (ED17-035 & UP17-012), accepting all oral and written public testimony and the written report of the Community Development Department staff.

**NOW THEREFORE BE IT RESOLVED**, the Planning Commission makes the following findings relating to the proposed Environmental and Design Review and Use Permit:

**Use Permit Findings (UP17-012)**

- A. The project would be consistent with the General Plan 2020 given that the proposed project would be consistent with Land Use Policies LU-8 (Intensity of Residential Development), LU-9 (Intensity of Nonresidential Development) LU-12 (Building Heights), LU-14 (Land Use Compatibility) LU-20 (Hotels, Motels and Inns), LU-23 (Land Use Map and Categories); Housing Policies H-6 (Funding for Affordable Housing), H-13 (Senior Housing), H-14 (Adequate Sites); Community Design Policies CD-10 (Nonresidential Design Guidelines), CD-15 (Participation in Project Review), CD-18 (Landscaping), and CD-20 (Commercial Signage); Circulation Policy C-8 (Eliminating and Shifting Peak Hour Trips); Noise Policies N-2 (Exterior Noise Standards for Residential Use Areas), N-3 (Planning and Design of New Development); Safety Policy S-4 (Geotechnical Review); and Air and Water Quality Policy AW-2 (Land Use Compatibility), in that:
- a. The proposal will comply with Policies LU-8, LU-9, LU-12, LU-14, LU-20 and LU-23, given that the proposal will comply with the height requirements, as the code allows for architectural features to exceed the height requirements. The project will comply with both the residential and nonresidential intensity and density requirements. The project is a compatible land use as the use is both commercial and residential in nature with minimal impacts and assisted care facilities are permitted uses in the General Commercial Designation subject to a use permit.
  - b. The proposal complies with Policies H-6, H-13, and H-14, given that the new development will be providing an affordable housing in-lieu fee of \$396,320.58. The project will be providing additional senior housing opportunities to meet the needs of San Rafael's aging population. The site will be providing new housing on a housing opportunity site that will comply with the mid-range of the zoning density.
  - c. The proposal complies with Policies CD-10, CD-15, CD-18, and CD-20 in that the project meets the intent of the nonresidential design guidelines with the setbacks on the upper story, a clear point of entry, screening of mechanical equipment, articulation on the east elevation of the building. The project has gone through the public review process in that it has been properly noticed for all of its hearings. The landscaping has been integrating into the design of the building with the use of screen walls for vines and having the building step in and out along Redwood Highway which allows for tree to be planted between the building. The proposed signage will comply with the standards in the zoning ordinance, as described in the staff report.
  - d. The proposal complies with Circulation Policy C-8 as the project will reduce the number of peak hour trips.
  - e. The proposal will comply with Policies N-2 and N-3 as the project is conditioned to submit an acoustical study ensuring that the outdoor and indoor spaces do not exceed the allowable dBA requirement.
  - f. The proposal complies with Safety Policy S-4 in that the applicant submitted a geotechnical report that identifying the potential hazards and mitigations for the site.



- g. The proposal complies with Policy AW-2 as the project has submitted an Air Quality Impact Analysis report that states that of cumulative health impacts of the project do not exceed the BAAQMD thresholds of significance for sensitive receptors.
- B. The proposed large assisted care facility 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 in that:
  - a. The proposed use will generate minimal noise, traffic, and the facility will be fully licensed and regulated by the California Department of Social Services; and
  - b. The reviewing City Departments have reviewed the project, monitored the project site, and developed conditions of approval that would ensure that the use would operate in a manner as described and comply with all life and safety code requirements.
- C. That the proposed large assisted care use complies with each of the applicable provisions of the zoning ordinance, in that:
  - a. That the proposed use, a large assisted care facility, is in accord with the General Plan, the objectives of the Zoning Ordinance, and the purposes of the GC district in which the site is located; and
  - b. The proposal use is a permitted use in the GC district, subject to obtaining a use permit from the Planning Commission.
  - c. The large assisted care facility, as conditioned, would not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

#### **Environmental and Design Review Findings (ED17-035)**

- A. The project design is in accord with the General Plan, the objectives of the Zoning Ordinance, the non-residential design guidelines, and the purposes of Zoning Code Chapter 25 given that the project has been reviewed by the Design Review Board and Planning Commission for compliance with the design criteria contained Chapter 25 of the Zoning Ordinance to ensure that the design is compatible with the neighborhood and surrounding environs, as required by the General Plan Land Use Element.
- B. As conditioned, the project design minimizes adverse environmental impacts by proposing development of a level site that is surrounded by urban development on all sides, with public utilities and services readily available, the required setbacks and landscaping are incorporated into the project, lighting fixtures are shielded and directed down, and new development is subject to building permits that will ensure the building is constructed in compliance with all applicable codes and regulations.
- C. The project design is consistent with all applicable site, architecture and landscaping design criteria and guidelines for the district in which the site is located given that the site development complies with the GC District requirements and has been reviewed and recommended for approval by the Design Review Board.

- D. The project design will not be detrimental to the public health, safety or welfare, nor materially injurious to properties or improvements in the vicinity, as the project has been reviewed by the appropriate agencies and conditioned accordingly.

### **California Environmental Quality Act Finding**

- A. The project qualifies as a Class 32 Categorical Exemption from the provisions of the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15332 which exempts the project as in-fill development given that a) the proposed assisted care facility is consistent with the applicable General Commercial (GC) General Plan and Zoning Designations, policies and regulations; b) the site is located within the City limits on a site under five-acres in size that is surrounded by urban uses on all sides; c) the site does not contain or have value as suitable habitat for rare, threatened or endangered animal or plant species; d) the project does not result in any significant effects relating to traffic, noise, air or water quality as it will be developed within General Plan specified limits with utility connections and public services readily available; e) it has been determined through the review process that the site can be adequately served by all required utilities and public services; and f) the project is not pre-empted by any of the Exceptions listed in the CEQA Guidelines.

**BE IT FURTHER RESOLVED**, that the Planning Commission of the City of San Rafael approves the Use Permit and Environmental and Design Review Permit subject to the following conditions:

### **Use Permit (UP17-012) Conditions of Approval**

#### Community Development Department, Planning Division

1. The Use Permit (UP17-012) for this project is valid for two (2) years, until January 23, 2020, at which time the permit shall expire unless initiated by issuance of a building permit or an extension of time is requested prior to the expiration date.
2. Prior to operation the facility shall be licensed by the State of California Department of Social Services and a copy of the license shall be submitted to the City of San Rafael Planning Division.
3. This Use Permit allows for the operation of a senior assisted living facility in an 83,093sq. ft. structure with a maximum of 93 beds, 89 units, and 53 parking spaces.
4. This approval allows for 23 assisted care dwelling units, 38 assisted care units, and 28 memory care units. Any modification of this configuration requires approval from the Planning Division. Depending on the extent of the modification of units the reviewing body may be staff, Zoning Administrator or Planning Commission.

5. The facility shall provide a minimum of 23 dwelling units. The dwelling units shall have private kitchens, sleeping facilities, and sanitary facilities.
6. Non-administrative employees shall be scheduled to start and end their shifts outside of A.M. and P.M. traffic peak hours (7a.m. – 9a.m. and 4p.m. – 6p.m.).
7. Failure to comply with any project conditions of approval may result in the revocation of the Use Permit. The San Rafael Planning Division can bring up this Use Permit (UP17-012) for review if problems arise from the use.

**Environmental and Design Review (ED17-035)**  
**Conditions of Approval**

Fire Department

1. The design and construction of all site alterations shall comply with the 2016 California Fire Code and City of San Rafael Ordinances and Amendments.
2. 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:
  - i. Fire Sprinkler Plans
  - ii. Fire Alarm plans
3. A fire apparatus access plan shall be prepared for this project. Fire apparatus plan shall show the location of the following:
  - i. Designated fire apparatus access roads.
  - ii. Red curbs and no parking fire lane signs.
  - iii. Fire Hydrants.
  - iv. Street address signs.
  - v. Provide a note on the plan, as follows: the designated fire apparatus access roads and fire hydrants shall be installed and approved by the Fire Prevention Bureau prior to construction of the buildings. The fire lane must be asphalt or concrete and be improved to support an imposed load of 75,000 pounds.
4. Approved fire hydrants are required; the fire hydrant shall be located no more than 600 feet from any portion of the buildings. The fire hydrant shall be a wet barrell Clow model 960 and supply at least 1250 gpm. Developer might be required to upgrade or add to existing hydrants along roadways.
5. Fire hydrants shall be spaced not more than 500 feet apart on the fire apparatus access road.
6. Provide 3 feet of clearance around the fire hydrants.
7. Interior standpipes and hose connections could be required.
8. Elevator emergency recall system will be required.



9. Gurney accessible elevator cars will be required.
10. An emergency personnel phone communications system could be required.
11. Emergency radio signal amplification system as per CFC might be required.
12. When a building is fully sprinklered all portions of the exterior building perimeter must be located within 250-feet of an approved fire apparatus access road.
  - i. The minimum width of the fire apparatus access road is 20 feet.
  - ii. The minimum inside turning radius for a fire apparatus access roadway is 28 feet.
  - iii. The fire apparatus access road serving this building is more than 150 feet in length; provide an approved turn-around. Contact the Fire Prevention Bureau for specific details.
13. An aerial apparatus access roadway is required parallel to one entire side of the building.
  - i. The aerial apparatus access roadway shall be located within a minimum 15 feet and a maximum of 30 feet from the building.
  - ii. The minimum unobstructed width for an aerial fire apparatus access road is 26 feet.
  - iii. Overhead utility and power line shall not be located within the aerial fire apparatus access roadway, or between the roadway and the building.
14. Fire lanes must be designated; painted red with contrasting white lettering stating, "No Parking Fire Lane". A sign shall be posted in accordance with CFC Section 503.3.
15. Contact Marin Municipal Water District (MMWD) to plan for the water supply serving the fire protection system.

Community Development Department, Building Division

16. A building permit is required for the project.
17. The design and construction of all site alterations shall comply with the 2016 California Building Code and City of San Rafael Ordinances and Amendments.

Department of Public Works

18. A public access easement or Right-of-Way shall be required for the portion of the sidewalk at the corner that is located on the property, as a utility pole is currently located in the curb ramp area on the corner. Alternatively, the applicant may coordinate with PG&E to relocate the utility pole.
19. Prior to any work within the Right-of-Way, an encroachment permit shall be required from the Department of Public Works located at 111 Morphew St.

20. Redwood Highway is currently a moratorium street, which requires full width resurfacing if any construction or curb cuts occur within the Right-of-Way. Based on the scope of the project the Department of Public Works would require that resurfacing of Las Gallinas Ave. be included to Merrydale Rd. The extent of the paving shall be shown on the building permit plans.
21. Additional signage and striping shall be required for the entrance and exit.
22. The driveway located at the eastern end of the property shall be designated as exit only. A Type I (10'-0") pavement arrow shall be located in the driveway.
23. Two R5-1 "DO NOT ENTER" signs shall be installed; one on each side of the driveway, located on site and facing Las Gallinas Ave.
24. An "EXIT ONLY" plaque(s) may also be installed, below the required R5-1 Signs.
25. The project soils engineer shall review and approve the plans submitted for a building permit for compliance with the recommendations of the project soils report.
26. This project proposes creation or replacement of over 5,000 square feet of impervious surface and is a regulated project under MCSTOPPP requirements. Additionally, it appears that the project disturbance is greater than one acre, therefore SWPPP shall be required.
27. Provide a post construction stormwater control plan, which includes a written document, in addition to the drainage and erosion sediment control plans. If the disturbance is greater than one acre and a SWPPP is required, then a copy of the SWPPP may be acceptable for the erosion and sediment control plans, but construction and Stormwater control plan would still be required. More specific information is available from MCSTOPPP, hosted on the Marin County Website. See tools and guidance, and post construction requirements at:  
<http://www.marincounty.org/depts/pw/divisions/mcstoppp/development/new-andredevelopment-projects>
28. A grading permit shall be required from the Department of Public Works, located at 111 Morphew Street, San Rafael.
29. Based on the previous use of the site and according to the traffic study the net peak hour trips do not result in an increase, therefore no traffic mitigation fee is required.
30. A construction impact fee shall be required at the time of building permit issuance; which is calculated at 1% of the valuation, with the first \$10,000 of valuation exempt.

Marin Municipal Water District

31. Additional water entitlements will need to be purchased from Marin Municipal Water District (MMWD).

32. The project shall comply with District Code Title 13 – Water Conservation.
33. Should backflow protection be required, said protection shall be installed as a condition of water service.
34. Landscape plans shall be submitted and reviewed to confirm compliance with MMWD. The written approval from MMWD shall be provided to the San Rafael Planning Division prior to issuance of a Building Permit.
35. The project shall comply with Ordinance No. 429, which requires installation of gray water recycling systems when practicable for all projects required to install new water service.

*Community Development Department, Planning Division*

36. This Environmental and Design Review Permit (ED17-035) shall be valid for two years from approval or until January 23, 2020, and shall be null and void if a building permit is not issued or a time extension requested prior to the expiration date.
37. The building techniques, materials, elevations and appearance of this project, as presented for approval by the Planning Commission on January 23, 2018, shall be the same as required for the issuance of a building permit. Any modifications to the approved plans shall be submitted to the Planning Division in writing detailing the changes prior to submitting to the Building Division. Any future additions, expansions, remodeling, etc., shall be clearly detailed and submitted directly to the Planning Division subject to the review and approval of the Community Development Director and the Design Review Board, if necessary.
38. A copy of the Conditions of Approval shall be incorporated into the building permit plan sheets.
39. The materials and colors for the project shall be as follows:
  - a. Roofing: Composition shingles “Pabco”: Weather Wood
  - b. Stucco: Kelly Moore: KM4642 Bird’s Nest
  - c. Hardieshingle Primed Siding: Kelly Moore: KM5706 Bonnies Bench
  - d. Trim: Kelly Moore KM4603 Grand Avenue and KM171 Sand Pebble
  - e. Stone Fields: El Dorado Stone Cascade Rustic Ledge and Country Rubble Polermo
  - f. Stone Wall Caps: El Dorado Stone Buckskin
  - g. Vinyl Window Frames: Brownstone
40. This approval approves one 10 sq. ft. monument sign located at the northwest corner of the property, as detailed on the stamped approved plans.
41. 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 prior to issuance of a building



permit. If at the time of the Planning Final the mechanical equipment is visible additional screening may be required.

42. All landscaping shall be maintained in good condition and any dead or dying plants, bushes, or trees shall be replaced with new healthy stock of a size compatible with the remainder of the growth at the time of replacement.
43. Prior to issuance of a building permit, the applicant is to comply with conditions of the Marin Municipal Water District for the landscaping improvements.
44. Landscaping and irrigation must meet the Marin Municipal Water District's (MMWD) water conservation rules and regulations. For projects that are required to provide a water-efficient landscape pursuant to Section 14.16.370 of this title, the landscape plan and supportive materials shall comply with the Marin Municipal Water District (MMWD) Ordinance No. 414, and future amendments as adopted. Prior to the issuance of a building permit, a grading permit or other authorization or city approval to proceed with construction and landscape installation, the applicant must provide written verification of plan approval from MMWD.
45. Construction activities shall comply with the City of San Rafael's Noise Ordinance.
46. An acoustical consultant shall review the building design and provide a letter showing how the project will be designed to comply with permissible noise levels for indoor areas and outdoor recreational areas prior to issuance of a building permit. This letter must outline the requisite window and/or wall Sound Transmission Class (STC) ratings needed to meet the City's indoor noise standard of an  $L_{dn}$  of 40 dBA in bedrooms and 45 dBA in other rooms.
47. An acoustical study shall be required prior to the Planning Division Final demonstrating that the project complies with the noise standards listed in Condition of Approval #50.
48. Final construction plans submitted for issuance of a building permit shall be designed to incorporate green building measures to comply with the City's green building ordinance (Cal-Green).
49. All exterior lighting shall be shielded down. After the issuance of a certificate of occupancy, all exterior lighting shall be subject to a 30-day lighting level review by the Planning Division staff to insure compatibility with the surrounding area. All lighting improvements, facilities and fixtures shall be subject to the review and approval of the Planning Division prior to issuance of a building permit.
50. If, during the course of construction, cultural, archaeological or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (150 feet) of the find until it can be evaluated by a qualified professional archaeologist. The City of San Rafael Planning Division and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner

and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.

Prior to Building Permit Issuance

51. An affordable housing in-lieu fee of \$396,320.58 shall be submitted to the City of San Rafael for the project, in accordance with San Rafael Municipal Code (SRMC) Section 14.16.030.

The foregoing Resolution was adopted at the regular City of San Rafael Planning Commission meeting held on the 23<sup>rd</sup> day of January 2018.

Moved by Commissioner Schoppert and seconded by Commissioner Loughran as follows:

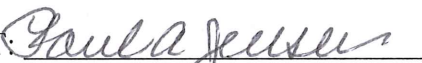
AYES: COMMISSIONERS Davidson, Loughran, Lubamersky, Robertson, Schaeffer, and Schoppert

NOES: COMMISSIONERS Paul

ABSENT: COMMISSIONERS

SAN RAFAEL PLANNING COMMISSION

ATTEST:

  
Paul A Jensen, Secretary

BY:

  
Berenice Davidson, Chair