



AGENDA

**SAN RAFAEL PLANNING COMMISSION
REGULAR MEETING
TUESDAY, August 13, 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, July 23, 2019

PUBLIC HEARING

2. **5800 Northgate Drive (Northgate Mall)** –Temporary Use Permit (UP19-027) for a base camp/staging operation area for the movie production for “13 Reasons Why” in a portion of the Northgate Mall Shopping Center parking lot along Las Gallinas Ave; APN: 175-060-67; General Commercial (GC) Zoning District; XGP XI Northgate LLC, owner; Dan Kemp (for Paramount Television), applicant. File No.: UP19-027. Project Planner: Raffi Bolyan
3. **Senate Bill (SB 35) Objective Planning Standards** – Informational Presentation on Review of draft “objective” planning design standards and for a ministerial (“by-right”) process required by Senate Bill (SB 35). APN: Citywide, File No: P18-009. Project Planner: Raffi Bolyan

**DIRECTOR’S REPORT
COMMISSION COMMUNICATION
ADJOURNMENT**

- I. Next Meeting: August 27, 2019
- II. I, Anne Derrick, hereby certify that on Friday, August 8, 2019, I posted a notice of the August 13, 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, July 23, 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: Jeff Schoppert
Berenice Davidson
Shingai Samudzi
Aldo Mercado
Mark Lubamersky

Absent: Barrett Schaefer
Sarah Loughran

Also Present: Steve Stafford, Senior Planner
Paul Jensen, CDD Director

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, May 14, 2019

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

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

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**

Staff Report

Mark Lubamersky moved and Aldo Mercado seconded to adopt resolution approving the project subject to conditions as noted by Staff. The vote is as follows:

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

DIRECTOR'S REPORT

COMMISSION COMMUNICATION

ADJOURNMENT

ANNE DERRICK, Administrative Assistant III

APPROVED THIS ____ DAY OF _____, 2019

Jeff Schoppert, Vice-Chair



SAN RAFAEL
THE CITY WITH A MISSION

Community Development Department – Planning Division

Meeting Date: August 13, 2019
Agenda Item: 2
Case Numbers: UP19-027
Project Planner: Raffi Boloyan–
415-485-3095

REPORT TO PLANNING COMMISSION

SUBJECT: 5800 Northgate Drive (Northgate Mall) –Temporary Use Permit (UP19-027) for a base camp/staging operation area for the movie production for “13 Reasons Why” in a portion of the Northgate Mall Shopping Center parking lot along Las Gallinas Ave; APN: 175-060-67; General Commercial (GC) Zoning District; XGP XI Northgate LLC, owner; Dan Kemp (for Paramount Television), applicant. File No.: UP19-027.

EXECUTIVE SUMMARY

Paramount Television, on behalf of Netflix, submitted a Temporary Use Permit (TUP) for basecamp and crew parking operations in the northern portion of the parking lot (near Macy’s) at Northgate Mall associated with film production for the movie “13 Reasons Why”. In 2018, Netflix started operation of a basecamp and crew parking on the southern end of the Mall (by Sears), but had not obtained a TUP. Once alerted that they needed to obtain a TUP, they applied in September 2018, and staff approved a TUP with conditions. As part of the approved TUP, staff required that the staging be relocated to the front of Macy’s (along Las Gallinas Avenue), but due to concerns about parking and circulation during the holiday season, Public Works included condition of approval was included to require that the basecamp be relocated back to the Sears side of the Mall during the holiday season. The Staff approval of the TUP was subsequently appealed by a nearby resident.

During the appeal, Netflix applied for and obtained a TUP to conduct their operations at a different site (Northgate III Shopping Center, near Michael’s), while pursuing the appeal of the Mall site. On December 11, 2018, the Planning Commission conducted a public hearing on the appeal of staff’s approval and ultimately denied the appeal and upheld the approval with one revision to eliminate the requirement that the basecamp be moved back to the Sears portion of the Mall during the holiday season. The basecamp was used on two occasions and no complaints were received during those events.

Netflix is now starting a new season of “13 Reasons Why” and has applied for a new TUP to conduct the same basecamp operations at the northern end of the Northgate Mall site (near Macy’s). They have asked for the TUP to allow 10 periods of basecamp operations, for up to 8 days per event, from August 2019 through January 2020.

Given the fact that the TUP at this location was appealed last year, staff has referred the current application directly to the Planning Commission for consideration. This proposed TUP for this year’s filming is nearly identical to the request that the Commission approved last year (on appeal). Staff continues to find that this TUP is appropriate for the site and is necessary to provide the needed staging basecamp location to support filming within San Rafael. With the exception of holiday season, there is excess parking at the mall and this use would not impact mall operations or traffic or parking in the neighborhood. The applicant has voluntarily proposed to not use the Mall site during the holiday season. Staff has incorporated the same conditions of approval as last year’s request and recommends approval of the Temporary Use Permit.

RECOMMENDATION

It is recommended that the Planning Commission adopt the attached Resolution (Exhibit 2) approving the Temporary Use Permit (UP19-027) allowing the proposed base camp/parking staging operations at the northern end of the Northgate Mall Shopping Center.

PROPERTY FACTS

Address/Location:	5800 Northgate Drive	Parcel Number(s):	175-250-14
Property Size:	240,450 sf	Neighborhood:	Terra Linda

Site Characteristics			
	General Plan Designation	Zoning Designation	Existing Land-Use
Project Site:	General Commercial (GC)	GC	Commercial retail
North:	GC, Office	Office	Retail, Offices
South:	Residential (LDR), Open Space	R7.5EA, PD 1635, PD1821, Office	Residential, Residential Care, Office
East:	GC, P/QP	Office	Commercial Retail, Cemetery
West:	Office, Open Space	GC	Retail, Offices

Site Description/Setting:

The subject property is a flat parcel developed with commercial buildings and paved parking (see Exhibit 1: Project Vicinity Map). The staging area is located in the portion of the Northgate Mall parking lot fronting on Las Gallinas Avenue, and surrounded primarily by commercial properties. The staging area would utilize 2 areas of the parking lot, totaling up to approximately 150 parking stalls.

BACKGROUND

September 10, 2018: Daniel Kemp (Location Manager, Paramount Pictures), submitted a Temporary Use Permit application to use the parking lot at 5800 Northgate Drive as a base camp/staging area for the “13 Reasons Why” film production. The application was initiated due to a complaint from an adjacent property owner about staging operations that had occurred in August 2018 (in the parking lot adjacent to Sears, fronting on Northgate Drive).

September 14, 2018: Temporary Use Permit (UP18-027) was approved as an administrative (staff) approval. Due to concerns from a neighbor near the proposed Northgate Drive staging area, staff conditioned the approval on relocating the base camp/parking to the north side of the mall in the parking lot area fronting on Las Gallinas Avenue

September 20, 2018: An appeal of staff’s administrative approval was filed by a nearby resident.

November 7, 2018: A new Temporary Use Permit application (UP18-035) was subsequently submitted and approved for base camp/staging operations at 400 Las Gallinas Avenue (parking area behind the Michael’s store) at Northgate III Shopping Center. However, Paramount recently informed staff that

staging activities at Northgate III were abandoned due to holiday traffic impacts in the Michael's parking lot area.

December 11, 2018: Planning Commission conducted a noticed public hearing on the appeal and unanimously denied the appeal and upholding the administrative approval, with one minor change to a condition of approval. The Commission's action was reflected through their adoption of Resolution No 18-13.

July 2, 2019: Paramount Television, on behalf of Netflix has submitted an application for another Temporary Use Permit to allow basecamp operations between August 2019 through January 2020.

PROJECT DESCRIPTION

Paramount Pictures (applicant) will be periodically filming the movie "13 Reasons Why" in several locations in San Rafael and neighboring locations. The Temporary Use Permit proposes similar operations to that which was approved by the Planning Commission in December 2018. The proposed location of the basecamp is the same northern edge of Mall parking lot, along Las Gallinas, on the Macy's side) as approved by the Commission in December 2018 (See Exhibit 4: Site Plan).

The basecamp operation would include:

Use: The proposed base camp would consist of hair and make-up trailers, a wardrobe truck, a catering truck, pick-up trucks to help transfer equipment to other locations, the use of portable lights and generators (if necessary), and shuttle vans to pick up cast and crew and take them to other locations and crew/cast parking (see Exhibit 5: Project Description). No filming is proposed at the staging area.

Hours/Days: The staging area would provide a base camp/parking to support filming throughout San Rafael for up to 10 events from August 2019, through January 2020. Each event would last up to 8 days, with approximately 12 hours of use during each day. Trucks will move into place and open up base camp 1-2 hours before the crew arrives each day and close 1-2 hours after filming is completed.

The applicant and Mall ownership have on their own proposed to not conduct any basecamp operations during the holiday season (Friday after Thanksgiving 2019 through January 1, 2020) to avoid parking conflicts during that period.

ANALYSIS

2018 Appeal

The appeal of Staff's approval on September 20, 2018 included two points of appeal, including concern with enforcement of conditions or rules and impact to parking during the holidays. The Commission conducted a public hearing on the appeal on December 11, 2018, where they considered the appeal points and ultimately denied the appeal. A copy of the December 11, 2019 staff report can be viewed [here](#). Ultimately, the Commission adopted Resolution No: 18-13 (Exhibit 3), denying the appeal, and upholding staff's approval of the Temporary Use Permit with one modification. The modification modified a portion of condition of approval #1c, to not require that the basecamp be moved back over to Sears end of the Mall during the holiday season. The actual modification to condition #1c (deleting the part in red) was as follows:

Condition #1c **Parking:** Base camp operations and parking for production crew vehicles shall be in the location as designated on the approved site plan. ~~except that the staging area shall be relocated to a parking area near Sears (or a similarly less impactful parking area at Northgate Mall) during the period of November 15, 2018 through January 7, 2019. Specific approval shall be required by the Department of Public Works (DPW) in~~

~~advance. Mitigation measures may be required to reduce impacts (see also DPW condition of approval 1.1 below).~~

Current Application:

In considering the current application, the intensity, location and type of use is nearly identical to that which was approved by the Commission last year. The General Plan Land Use Designation and Zoning District for the project site is General Commercial. The findings required for the Temporary Use Permit are

- *The operation of the requested use at the location proposed and within the time period specified will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.*
- *The proposed site is adequate in size and shape to accommodate the temporary use without material detriment to the use and enjoyment of other properties located adjacent to and in the vicinity of the site.*
- *The proposed site is adequately served by streets having sufficient width and improvements to accommodate the kind and quantity of traffic that the temporary use will or could reasonably generate.*
- *Adequate temporary parking to accommodate vehicular traffic to be generated by the use will be available either on-site or at alternate locations acceptable to the community development director.*

Detailed findings of approval for the Temporary Use Permit, are included in the Draft Resolution (Exhibit 2, page 2), but in summary, given the temporary nature of the proposed staging operations, and limited number of days per month the site would be utilized, staff finds the proposed project to be consistent with following applicable General Plan policies: Land Use Policy LU-14 (Land Use Compatibility), and LU-23 (Land Use Map Categories), and N-4 (Noise from New Non-Residential Development). Further, staff recommends that the proposed project continues to be consistent with Zoning Ordinance Section 14.05.020, which allows Temporary Uses with approval of a Use Permit. Similar to the TUP granted last year, the above findings can be made give that:

- The mall property is of a size to accommodate this temporary use, along with their ongoing operations.
- The site has adequate parking and access to accommodate the proposed use, even during the holidays. The applicant has proposed to cease operation of the basecamp during the holiday season (day after Thanksgiving thru to January 1st. There is ample parking available at the mall outside the holiday season.
- Based on the hours and duration proposed by this application, the addition of a basecamp to a small portion of the Mall site would not impact public health, safety or general welfare
- The same conditions of approval that were required of the TUP last year, have been included in the Draft Resolution.
- The location at the north end of the mall, is a significant distance from the nearest residential use and would not pose impacts from noise or lighting.

Conditions of Approval

Staff has consulted with applicable City Departments (Fire, Police, Building and Public Works) to confirm whether the conditions of approval required last year still apply and if there is a need for additional conditions. All departments found that the same condition of approval imposed last time are still applicable and no new conditions were recommended. See pages 3-5 of the attached Resolution (Exhibit 2)

The only change to conditions from last year is to a Public Works conditions related to relocating the base camp during holiday season. Given that the applicant and the mall have already stated in their

project description they would cease base camp operation during the holiday season, this condition was included to memorialize the applicant's proposal, rather than require moving it to another portion of the site.

The basecamp was used on two separate occasions last year, after the Commission approved the TUP, January 9-11, 2019 and then again Feb 13-14, 2019. Staff did not receive any complaints during either event.

ENVIRONMENTAL DETERMINATION

The proposed project is exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15304(e) of the CEQA Guidelines which exempts "minor temporary use of land having negligible or no permanent effects on the environment."

NEIGHBORHOOD MEETING / CORRESPONDENCE

Notice of this appeal hearing before the Planning Commission have been conducted in accordance with noticing requirements contained in Chapter 29 of the Zoning Ordinance. Notice of the public hearing for the project was mailed to all property owners and occupants within a 300-foot radius of the site, as well as person's previously interested in the prior application and the appropriate neighborhood group (Quail Hill Townhouses and Villa Marin HOA) at least 15 calendar days prior to the date of the public hearing.

At the time of reproduction of this staff report, staff has not received any phone calls or letters regarding this application.

OPTIONS

The Planning Commission has the following options:

1. Approve the Temporary Use Permit (staff recommendation);
2. Approve the Temporary Use Permit with modifications, changes or additional conditions of approval
3. Deny the Temp Use Permit and direct staff to return with a revised Resolution; or
4. Continue the matter to allow the applicant, appellant and/or staff to address any comments or concerns of the Planning Commission.

EXHIBITS

1. Project Vicinity Map
2. Draft Resolution Approving Temporary Use Permit
3. Planning Commission Resolution No. 18-13
4. Temporary Use Permit (UP19-027) Site Plan
5. Paramount Pictures (applicant) project description

Mary Anne Hoover, 5 Sao Augustine Way, San Rafael, CA 94901

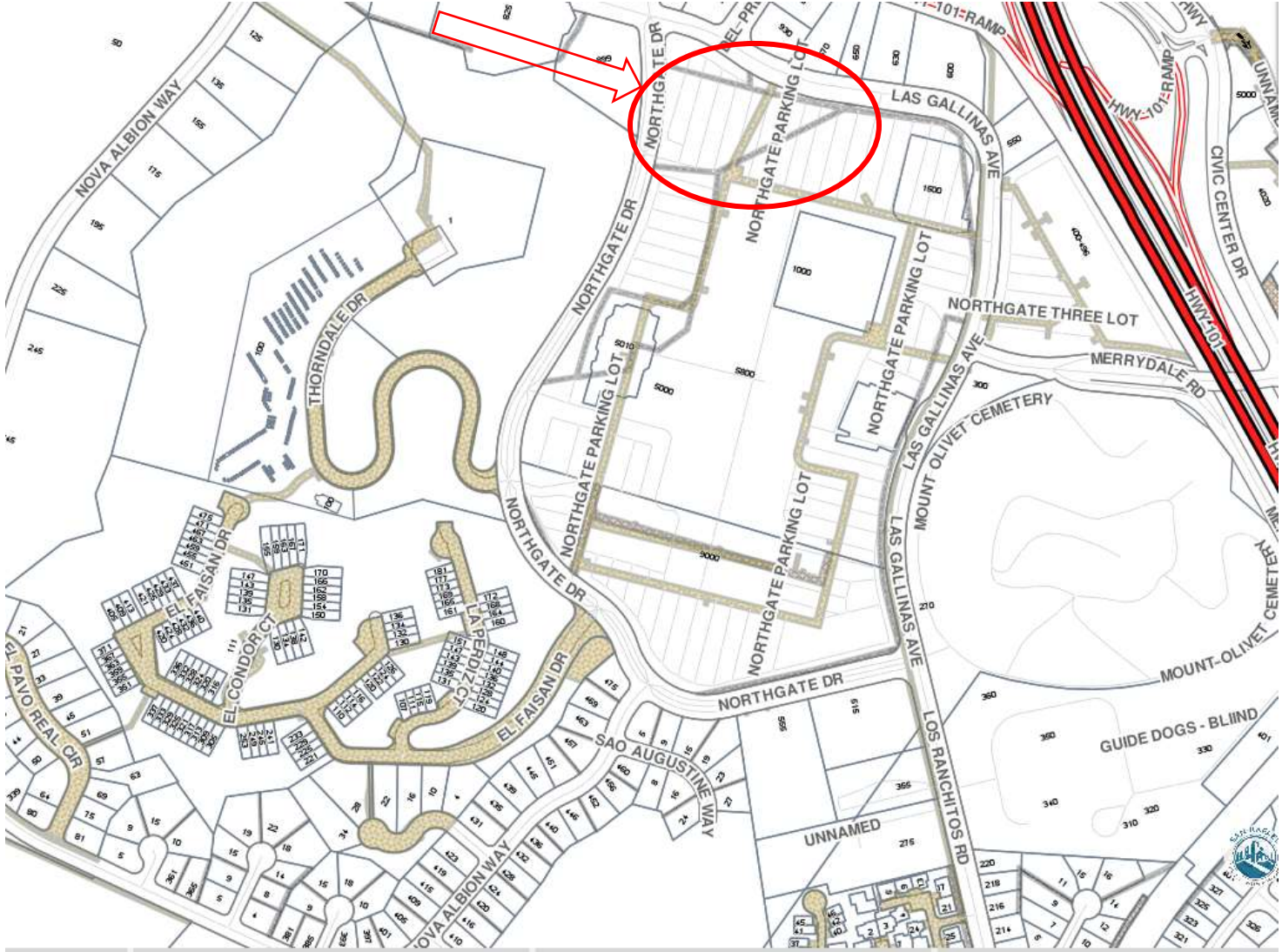
Dan Kemp Location Manager, Paramount Pictures, applicant, baylocations@comcast.net

May Mar, agent for property owner, mmar@merlonegeier.com

Brian Auger, City of San Rafael Events Coordinator, brian.auger@cityofsanrafael.org

Exhibit 1
Vicinity Map

Portion of Mall site proposed for basecamp



RESOLUTION NO. _____

**RESOLUTION OF THE SAN RAFAEL PLANNING COMMISSION A MASTER
TEMPORARY USE PERMIT (UP19-027) TO ALLOW FILM PRODUCTION STAGING
OPERATIONS IN THE PARKING LOT (FRONTING ON LAS GALLINAS AVENUE)
AT NORTHGATE MALL BETWEEN AUGUST 14, 2019 AND JANUARY 31, 2020 AT
5800 NORTHGATE DRIVE
(APN: 175-060-67).**

WHEREAS, on September 10, 2018, Dan Kemp, Location Manager for Paramount Television, submitted a Temporary Use Permit application (UP18-027) to allow a base camp/staging operation at Northgate Mall Shopping Center to be used for trailers, food trucks and crew parking associated with the movie production of “13 Reasons Why” for 6 months (from September 14, 2018 to February 28, 2019); and

WHEREAS, the Temporary Use Permit application request was reviewed by the Department of Public Works and Fire Department of the City of San Rafael and was recommended for approval subject to conditions; and

WHEREAS, upon review of the application, the project was determined to be exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15304(e) of the CEQA Guidelines which exempts “minor temporary use of land having negligible or no permanent effects on the environment”; and

WHEREAS, on September 14, 2018, the Temporary Use Permit (UP18-027) was conditionally approved at staff level, allowing the proposed base camp/staging area to operate between September 14, 2018 and February 28, 2019 for between 1-10 days/month with approximately 12 hours of use per day, finding that the proposed project was consistent with Findings pursuant to Zoning Ordinance Section 14.22.080 and also consistent with the Temporary Uses Performance Standards listed in Zoning Ordinance Section 14.17.130.E; and

WHEREAS, Pursuant to Section 14.21.060, public notice of an Administrative Use Permit approval decision was not required, and as such, a public hearing notice was not mailed for this approval. However, staff was alerted by the City’s Event Coordinator that there was a neighbor who was concerned about the project, and therefore a copy of the approval letter was e-mailed to this neighbor as a courtesy on September 14, 2018; and

WHEREAS, on September 20, 2018, San Rafael resident Mary Anne Hoover filed a timely appeal (AP18-003) of the staff level Administrative Temporary Use Permit approval (UP18-027), pursuant to Chapter 28 (*Appeals*) of the City’s Zoning Ordinance, citing that: 1) the Police Department, the Mall and City’s Code Enforcement staff have limited resources and restricted ability to enforce use permits; 2) the Use Permit failed to identify the location for the required “relocated” staging area from the period between November 15th to January 7th; and 3) the proposed project would create traffic/noise and be a nuisance to residential properties between the hours of 11:00 pm to 7:00 am; and

WHEREAS, on December 11, 2018, the San Rafael Planning Commission held a duly- noticed public hearing on the proposed appeal, accepting all oral and written public testimony and the written report of the Community Development Department staff and closed said hearing on that date; and

WHEREAS, upon review of the appeal and the scope of the project, the Planning Commission has confirmed that the project is Categorically Exempt, pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15304(e); and

WHEREAS, the Planning Commission adopted Resolution No. 18-13, denying the appeal, and upholding the staff approval of the Temporary Use Permit.

WHEREAS, the applicant initiated the Temporary Use Permit used the portion of the Mall as their basecamp on two occasions under the terms of UP18-027, January 9-11, 2019 and then again Feb 13-14, 2019, and the City received no complaints during either event

WHEREAS, Temporary Use Permit (UP18-027) has since expired and on July 2, 2019, Dan Kemp, Location Manager for Paramount Television, submitted a new Temporary Use Permit application (UP19-027) to allow a base camp/staging operation at Northgate Mall Shopping Center to be used for trailers, food trucks and crew parking associated with the movie production of “13 Reasons Why” for the period from August 14, 2019 to January 31, 2020); and

WHEREAS, the Temporary Use Permit application request was reviewed by the Department of Public Works, Police Department, Building Department and Fire Department of the City of San Rafael and was recommended for approval subject to conditions; and

WHEREAS, on August 13, 2019, the San Rafael Planning Commission held a duly- noticed public hearing on the proposed Temporary Use Permit, accepting all oral and written public testimony and the written report of the Community Development Department staff and closed said hearing on that date; and

WHEREAS, upon review of the scope of the project, the Planning Commission has confirmed that the project is Categorically Exempt, pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15304(e); and

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

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission hereby **approves** the Temporary Use Permit (UP19-027) located in the parking lot at Northgate Mall Shopping Center (fronting on las Gallinas Avenue) based on the following findings.

**Findings
Temporary Use Permit (UP19-027)**

1. The proposed project is consistent with General Plan Land Use Element Policies LU-14 (Land Use Compatibility); LU-23 (Land Use Map Categories); and N-4 (Noise from New Non-Residential Development) in that: a) the proposed project is limited to a commercial parking lot area and leased to the applicant for temporary use; b) the proposed use would be temporary in nature and is located in an area designed to keep vehicles and activity away from residential uses, thereby minimizing potential impacts; and c) the proposed use would provide additional job opportunities for San Rafael residents and provide additional tax revenue for the City.
2. The operation of the temporary base camp for a movie production at Northgate Mall (as designated in the approved site plan, and subject to Planning COA #1c) would operate for the period from August 14, 2019 through January 31, 2020) and would not endanger or otherwise constitute a

Exhibit 2- 2

menace to the public health, safety or general welfare because the project has been reviewed by applicable City departments and conditions of approval are proposed to protect the public health, safety and welfare.

3. The project site is adequate in size and shape to accommodate the proposed temporary base camp, including the trailers, vehicles and other activities proposed to occur, and would not cause material detriment to the use and enjoyment of other adjacent properties given that the parking lot at the Northgate Mall lease area is surrounded by commercial development. The approved site fronting on Las Gallinas Ave. is a location chosen in order to minimize any potential impact on surrounding residential homes.
4. The proposed project has been reviewed by the City's Traffic Engineer who determined that because the applicant/mall owner has proposed to cease base camp operations during the holiday season, there will be no impact in order to mitigate potential traffic and circulation conflicts during the holiday shopping season.
5. The project site is designed to provide a base camp for the on-going movie production, including staging operations, support vehicles and trailers, and parking for actors and crew. The proposed site is adequate in size to accommodate the activity.

BE IT FURTHER RESOLVED, that the time within which to seek judicial review of this decision is governed by the Code of Civil Procedure Section 1094.6.

BE IT FURTHER RESOLVED, that the Planning Commission of the City of San Rafael **approves** the Temporary Use Permit (UP19-027) subject to the following conditions of approval:

**Conditions of Approval
Temporary Use Permit (UP19-027)**

Planning Division

- 1) This Use Permit (UP19-027) authorizes a base camp/parking area for cast and crew for up to 10 events, with each event lasting up to 8 days, from **August 14, 2019 to January 31, 2020, with the exception of the Friday after Thanksgiving thru January 1, 2020**. Any extension to this time period shall first require approval of an *amendment* to this Use Permit (UP19-027). Base camp would allow the following activities and functions:
 - a) Trailers for movie production, including hair and make-up trailers, wardrobe truck, bathroom trailer, dressing rooms, a catering truck, and a pop-up tent.
 - b) Other associated activities, such as food service, admin support for crew and a shuttle van.
 - c) Parking: Base camp operations and parking for production crew vehicles shall be in the location as designated on the approved site plan.
 - d) Generators and lighting as described in the attached approved project description.
 - e) No other use other than that described by the approved project description and these conditions is allowed.
- 2) Generators must comply with the SRMC Chapter 8.13 Noise Ordinance.
- 3) Any pop-up tent or fuel truck is subject to the review and approval of the Fire Department. Any approval of the fuel truck or tent shall occur before they are placed on site.

- 4) No raised platforms or advertisement or signage shall be allowed (including banners, flags, signs, or any other method used to gain attention). No fencing is approved as part of this Use Permit (UP18-027).
- 5) Cars shall be parked in an orderly fashion and consistent with the approved site plan.
- 6) Fire access lane shall be maintained at all times.
- 7) A contact information sign shall be posted on the site and shall include the name and phone number of the responsible party, to provide the public and the city with contact information should any issues arise, particularly at times when the base camp is not in use.
- 8) The site shall be kept free and clear of litter and trash at all times. Adequate measures shall be taken for the collection, storage, and removal of garbage, litter or debris from the site and any trash generated from the site on surrounding properties to the satisfaction of the Planning Division. Upon expiration of the Use Permit, all equipment shall be removed from the project site.
- 9) Any exterior lighting on the site shall be shielded down. All exterior lighting shall be subject to a lighting level review by the Planning Division staff to insure compatibility with the surrounding area.

Public Works Department (DPW)

- 10) Traffic control or signage extending into the Right-of-Way shall require an encroachment permit.
- 11) Mobilizations shall be scheduled outside of peak hours (7am-9am and 4pm-6pm, weekdays), to minimize traffic impacts.
- 12) Restroom facilities shall be adequately anchored and include secondary containment.
- 13) Trash receptacles shall be kept covered while not in use.
- 14) Site shall be kept clean and free of litter.
- 15) Any fueling activity shall include secondary containment, such as drip pans. Spill kits shall be kept on-site or on the mobile fueling vehicles.

Please contact Josh Minshall at the Department of Public Works with questions regarding these comments, by phone at 415.485.3158 or email at Josh.Minshall@cityofsanrafael.org

Fire Prevention Bureau

- 16) Tents over 400 square feet in size are subject to a Fire Prevention Bureau permit application and approval prior to installation.
- 17) Each food truck vendor must have one 2-A: 10BC fire extinguisher that is serviced, tagged, visible, and mounted for immediate use.
- 18) Each hair/make up trailer, and mobile dressing room must have one 2-A: 10BC fire extinguisher near the exit door that is serviced, tagged, visible, and mounted for immediate use.
- 19) There shall be no parking or staging of vehicles within 15 feet of a fire hydrant.

20) Flammable liquids for gas generators must be in approved containers and properly stored.

Please contact Bob Sinnott, Deputy Fire Chief 415-485-5067 or Robert.sinnott@cityofsanrafael.org

The foregoing Resolution was adopted at the regular City of San Rafael Planning Commission meeting held on the 13th day of August, 2019.

Moved by Commissioner _____ and seconded by _____

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners:

SAN RAFAEL PLANNING COMMISSION

ATTEST: _____
Paul A. Jensen, Secretary

BY: _____
Sarah Loughran, Chair

Exhibit 3

RESOLUTION NO. 18-13

RESOLUTION OF THE SAN RAFAEL PLANNING COMMISSION DENYING AN APPEAL (AP18-003) AND UPHOLDING THE SEPTEMBER 14, 2018 ADMINISTRATIVE APPROVAL OF A TEMPORARY USE PERMIT (UP18-027) TO ALLOW FILM PRODUCTION STAGING OPERATIONS IN THE PARKING LOT (FRONTING ON LAS GALLINAS AVENUE) AT NORTHGATE MALL BETWEEN SEPTEMBER 14, 2018 AND FEBRUARY 28, 2019 AT 5800 NORTHGATE DRIVE (APN: 175-060-67).

WHEREAS, on September 10, 2018, Dan Kemp, Location Manager for Paramount Television, submitted a Temporary Use Permit application (UP18-027) to allow a base camp/staging operation at Northgate Mall Shopping Center to be used for trailers, food trucks and crew parking associated with the movie production of “13 Reasons Why” for 6 months (from September 14, 2018 to February 28, 2019); and

WHEREAS, the Temporary Use Permit application request was reviewed by the Department of Public Works and Fire Department of the City of San Rafael and was recommended for approval subject to conditions; and

WHEREAS, upon review of the application, the project was determined to be exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15304(e) of the CEQA Guidelines which exempts “minor temporary use of land having negligible or no permanent effects on the environment”; and

WHEREAS, on September 14, 2018, the Temporary Use Permit (UP18-027) was conditionally approved at staff level, allowing the proposed base camp/staging area to operate between September 14, 2018 and February 28, 2019 for between 1-10 days/month with approximately 12 hours of use per day, finding that the proposed project was consistent with Findings pursuant to Zoning Ordinance Section 14.22.080 and also consistent with the Temporary Uses Performance Standards listed in Zoning Ordinance Section 14.17.130.E; and

WHEREAS, Pursuant to Section 14.21.060, public notice of an Administrative Use Permit approval decision is not required, and as such, a public hearing notice was not mailed for this approval. However, staff was alerted by the City’s Event Coordinator that there was a neighbor who was concerned about the project, and therefore a copy of the approval letter was e-mailed to this neighbor as a courtesy on September 14, 2018; and

WHEREAS, on September 20, 2018, San Rafael resident Mary Anne Hoover filed a timely appeal (AP18-003) of the staff level Administrative Temporary Use Permit approval (UP18-027), pursuant to Chapter 28 (*Appeals*) of the City’s Zoning Ordinance, citing that: 1) the Police Department, the Mall and City’s Code Enforcement staff have limited resources and restricted ability to enforce use permits; 2) the Use Permit failed to identify the location for the required “relocated” staging area from the period between November 15th to January 7th; and 3) the proposed project would create traffic/noise and be a nuisance to residential properties between the hours of 11:00 pm to 7:00 am; and

WHEREAS, on December 11, 2018, the San Rafael Planning Commission held a duly- noticed public hearing on the proposed appeal, accepting all oral and written public testimony and the written report of the Community Development Department staff and closed said hearing on that date; and

WHEREAS, upon review of the appeal and the scope of the project, the Planning Commission has confirmed that the project is Categorically Exempt, pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15304(e); and

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

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission hereby **denies** the Appeal (AP18-003) and reaffirms the September 14, 2018 Administrative approval, conditionally approving a Temporary Use Permit (UP18-027) located in the parking lot at Northgate Mall Shopping Center (fronting on las Gallinas Avenue) with an expiration date of February 28, 2019. The base camp activities consist of an area for crew parking, make-up trailers, wardrobe trailers, a catering truck, pick-up trucks to help transfer equipment to other locations, use of portable lights and generators (if necessary), and shuttle vans to pick up cast and crew and take them to film locations. The base camp would operate for approximately 1-10 days/month with approximate 12 hours of use during each day. The Planning Commission affirms and incorporates herein the findings and staff Administrative approval action approving the project (cited below) and makes the following findings related to the appeal points.

The Planning Commission finds and determines that the points of the appeal cannot be supported for the following reasons:

Appeal Point #1:

Enforcement: Which stakeholder is going to enforce the requirements of the Temporary Use Permit? From my own experience having resided in my home for 26 years, the police department, the mall and code enforcement have limited resources and restricted ability to enforce use permits and/or zoning ordinances

Location: Beginning in November the “base Camp” according to the permit will need to be relocated due to parking demands at the mall because of the holidays. November is only 2 months away. Why is the permit silent about the location to where “Base camp” will locate? If there is an intention to relocate to the southern portion of the mall where they “camped” a few weeks ago without a permit, that should be disclosed. And why is the applicant for this permit seeking a permit now? Should the applicant have requested a permit previously? (Please see the photograph depicting that encampment which I have attach to this correspondence as Exhibit A.)

Enforcement: The Temporary Use Permit approval (UP18-027) included several specific “conditions of approval” from three City Departments: Planning, Fire and Public Works, as delineated in September 14, 2018 conditional approval letter (Exhibit 4 of staff report). All conditions of approval are the responsibility of the property owner and applicant to implement. If issues of non-compliance arise and the City receives a complaint, staff does respond in a timely manner to investigate. Any violations are subject to Code Enforcement action, through the City’s Code Enforcement Division. In addition, Use Permits are also subject to “revocation” pursuant to SRMC Section 14.21.150 and 14.30.070.

With respect to noise, the temporary use is required to comply with the Noise Ordinance (SRMC Chapter 8.13), which is specifically stated in Temporary Use Permit (UP18-027) Condition of Approval #2. In terms of logistics, noise complaints are handled by the San Rafael Police Department. According to San Rafael Police Captain Dave Starnes, the Police Department “will respond as soon as we can, depending on priority calls that are going on in the city at the time of the

complaint. The PD does have noise meters and we will take measurements if needed to assist on the call.” With respect to enforcement, the Police can issue citations, pursuant to SRMC Section 8.13.080. According to Captain Starnes, *“the first offense would be an infraction, and it could rise to the level of a misdemeanor if we have to issue more citations for the same violation”*. Typically, in the case of a Temporary Use Permit, the nature of the use is temporary, so the sounds and activity noise heard from the project would not be long-term nor be a permanent disruption to neighbors or businesses.

Although Planning and Code Enforcement staff resources are limited, staff responds in a timely manner to all complaints received from residents, with a site visit and follow-up calls to the applicant and/or property owner. In the case of continual non-compliance, Code Enforcement would also be notified and a “Pre-Citation” would be issued, with a deadline for compliance. Limited staff resources or ability to enforce conditions of approval are not an appropriate reason to deny a temporary use permit. Continued non-compliance would be subject to fines and ultimately, staff can pursue the option to revoke the Use Permit. Pursuant to Zoning Ordinance Section 14.21.150, *“an administrative use permit that is exercised in violation of a condition of approval or provision of this title may be revoked, as provided in Chapter 14.29 (Enforcement).”* As such, Planning has the option to bring the Use Permit up for further review/modifications, and ultimately revocation if deemed appropriate. Pursuant to Section 14.130.070, Use Permit revocations are required to be reviewed by the Planning Commission and are subject to a public hearing.

Location: Part of the review process for *all* Temporary Use Permits is to consider impacts to all adjacent properties. In the case of the staging area approved at Northgate Mall, the initial complaint to staff referenced staging activities in the Sears parking lot fronting on Northgate Drive in August 2018. No temporary use permit application was submitted for this staging activity, nor were the August activities (as shown by appellant’s photo on Page 3 of Exhibit 3) reviewed or approved by the Planning Department. By the time Planning was informed, the August staging activities had been terminated. Planning informed Paramount Pictures that any future staging operations (other than strictly vehicle parking) would require a Temporary Use Permit. Paramount Pictures then submitted a Temporary Use Permit application on September 10, 2018. The Planning Department reviewed the project, and in light of Ms. Hoover’s concerns, the staging area was re-located to the north end of the mall parking lot (fronting on Las Gallinas Avenue) approximately 2,000 feet away from the residential neighborhood to the south of Northgate Drive. However, because of the high demand for parking at Northgate Mall during the holiday season, the City’s Public Works Department (DPW) expressed concern about potential traffic congestion along public streets from cars entering the Mall parking lots. As such, in order to minimize impacts to traffic and circulation, DPW added the following condition of approval (COA) to the Temporary Use Permit (UP18-027):

- COA #1.1: *“If any events are scheduled between November 15th and January 7th, specific approval shall be required from the Department of Public Works. Mitigation measures may be required to reduce impacts.”*

The Planning Department also included the following condition in the Temporary Use Permit:

- COA #1c: *“Base camp operations and parking for production crew vehicles shall be in the location as designated on the approved site plan, except that the staging area shall be relocated to a parking area near Sears (or a similarly less impactful parking area at Northgate Mall) during the period of November 15, 2018 through January 7, 2019. Specific approval shall be required by the Department of Public Works (DPW) in advance.”*

The Temporary Use Permit was approved on September 14, 2018. Contrary to the appellant's statement that the permit is "silent" on the exact relocation, Use Permit COA #1c specifically states that the "*staging area shall be relocated to a parking area near Sears (or a similarly less impactful parking area at Northgate Mall).*" Staff's intent was that Planning and DPW would work with the applicant to identify an appropriate alternative location for staging operations before November 15, 2018. The applicant (Paramount Pictures) was fully aware that the staging would need to be relocated before they returned to the project site in November. The appellant is correct in pointing out that the approved Temporary Use Permit COA #1c did not identify a specific alternate location for staging during the holiday period (November 15th through January 7th). However, staff was aware of the appellant's concerns about noise and traffic and these factors would have been at the forefront of any decision about the alternative location, as well as coordinating with any residents expressing concerns. Also, staff had the option of modifying the staging operations to further minimize potential impacts. For example, allowing "vehicle parking" only without the other base camp activities in order to eliminate potential impacts from human activity, food trailers, generators and lighting. Staff was confident that the Use Permit Condition of Approval language in COA #1c provided adequate time to evaluate and approve an alternative staging location between November 15th and January 7th.

Appeal Point #2: Traffic/Noise: The residential portion of San Rafael adjacent to the southern portion of Northgate Mall has dealt with mall traffic and noise for years. However, there was an expectation that for the most part, there would not be traffic during the hours the mall was closed. From experience, automobiles, trailers, vans, etc. will be coming in and out of "Base Camp" during what is not considered "business hours" for most of the population. Will those involved in this "Movie" who will be driving to the "Base Camp" be restricted to entering the "Base Camp" from the North end of the mall or will they drive along the South end of the mall thereby creating noise, congestion and a nuisance during the hours from 11:00 p.m. to 7:00 a.m.? This residential section of Terra Linda has been protected, for the most part, by the zoning ordinance. I fear that this Temporary Use Permit will infringe upon our right to quiet enjoyment of our property.

The expectation that there would not be traffic while the mall is closed is a valid statement. For a majority the year, except for early business deliveries, this is certainly the case. The Master Use Permit for Northgate Mall (UP07-56) approved in 2007 detailed overall permitted activities, hours of operation, and included two pertinent conditions of approval:

- COA #25: *Other special events, or events outside of normal business hours, shall require a temporary use permit.*
- COA #26: *Outdoor events shall not create a noise nuisance to residential neighborhoods.*

The applicant submitted a Temporary Use Permit application for the proposed staging activities, and therefore is in compliance with COA #25. In terms of COA #26, staff considered the potential noise and traffic impacts from the proposed staging operations on site, which were proposed to occur between on average between 1-10 days each month from September 14, 2018 through February 28, 2019. The approved staging area is located on the north side of the mall, close to commercial development and approximately 2,000 feet away from residential properties, including the appellant's residence. The approved staging area in the northern parking lot at Northgate Mall would not have the same potential impacts to residences as the unpermitted staging activities that occurred in August 2018, which were located directly across the street from the appellant's residence.

The appellant is correct that the Use Permit approval did not include a *specific* restriction regarding the approach route to the site, although it seems unlikely that large trucks would use Northgate Drive to access the parking along Las Gallinas Avenue. The more direct approach from north or south Hwy 101 would be to use Las Gallinas Avenue. As such, staff determined that the south end of the mall (near Northgate Drive) would not be subjected to “noise, congestion and a nuisance during the hours of 11:00 pm and 7:00 am” as stated on Page 2 of the appellant’s letter.

In reviewing Use Permits, staff must balance the needs of both businesses and residences. Based on staff review of the site conditions, the temporary nature of the proposed use, and with the added stipulated conditions of approval, staff determined that conditional approval of the Use Permit was warranted.

BE IT FURTHER RESOLVED, that the time within which to seek judicial review of this decision is governed by the Code of Civil Procedure Section 1094.6.

BE IT FURTHER RESOLVED, that the Planning Commission reaffirms the approval of Temporary Use Permit (UP18-027), based on the following findings as originally presented and approved by the Administrative Temporary Use Permit approval:

**Findings
Temporary Use Permit (UP18-027)**

1. The proposed project would be consistent with General Plan Land Use Element Policies LU-14 (Land Use Compatibility); LU-23 (Land Use Map Categories); and N-4 (Noise from New Non-Residential Development) in that: a) the proposed project is limited to a commercial parking lot area and leased to the applicant for temporary use; b) the proposed use would be temporary in nature and is located in an area designed to keep vehicles and activity away from residential uses, thereby minimizing potential impacts; and c) the proposed use would provide additional job opportunities for San Rafael residents and provide additional tax revenue for the City.
2. The operation of the temporary base camp for a movie production at Northgate Mall (as designated in the approved site plan, and subject to Planning COA #1c) would operate for 6 months (September 2018 through February 2019) and would not endanger or otherwise constitute a menace to the public health, safety or general welfare because the project has been reviewed by applicable City departments and conditions of approval are proposed to protect the public health, safety and welfare.
3. The project site is adequate in size and shape to accommodate the proposed temporary base camp, including the trailers, vehicles and other activities proposed to occur, and would not cause material detriment to the use and enjoyment of other adjacent properties given that the parking lot at the Northgate Mall lease area is surrounded by commercial development. The approved site fronting on Las Gallinas Avenue is a location chosen in order to respond to a neighbor’s concern about noise at the unpermitted staging area used in August near Northgate Drive.
4. The proposed project has been reviewed by the City’s Traffic Engineer who determined that in order to mitigate potential traffic and circulation conflicts during the holiday shopping season, the base camp/parking area specified on the approved site plan shall be **relocated** to another location at Northgate Mall **during the period from November 15, 2018 through January 7, 2019**. The applicant shall coordinate with DPW and Planning for review and approval of the proposed new site for this period, prior to setting up base camp activities on the proposed alternate site. See Planning Condition of Approval #1c.

5. The project site is designed to provide a base camp for the on-going movie production, including staging operations, support vehicles and trailers, and parking for actors and crew. The proposed site is adequate in size to accommodate the activity.

BE IT FURTHER RESOLVED, that the Planning Commission of the City of San Rafael **reaffirms the approval** of the Temporary Use Permit (UP18-027) subject to the following conditions of approval:

**Conditions of Approval
Temporary Use Permit (UP18-027)**

Planning Division

- 1) This Use Permit (UP18-027) authorizes a base camp/parking area for cast and crew for up to 10 days/month, from **September 14, 2018 to February 28, 2019**. Any extension to this time period shall first require approval of an *amendment* to this Use Permit (UP18-027). Base camp would allow the following activities and functions:
 - a) Trailers for movie production, including hair and make-up trailers, wardrobe truck, bathroom trailer, dressing rooms, a catering truck, and a pop-up tent.
 - b) Other associated activities, such as food service, admin support for crew and a shuttle van.
 - c) **Parking: Base camp operations and parking for production crew vehicles shall be in the location as designated on the approved site plan.**
 - d) Generators and lighting as described in the attached approved project description.
 - e) No other use other than that described by the approved project description and these conditions is allowed.
- 2) Generators must comply with the SRMC Chapter 8.13 Noise Ordinance.
- 3) Any pop-up tent or fuel truck is subject to the review and approval of the Fire Department. Any approval of the fuel truck or tent shall occur before they are placed on site.
- 4) No raised platforms or advertisement or signage shall be allowed (including banners, flags, signs, or any other method used to gain attention). No fencing is approved as part of this Use Permit (UP18-027).
- 5) Cars shall be parked in an orderly fashion and consistent with the approved site plan.
- 6) Fire access lane shall be maintained at all times.
- 7) A contact information sign shall be posted on the site and shall include the name and phone number of the responsible party, to provide the public and the city with contact information should any issues arise, particularly at times when the base camp is not in use.
- 8) The site shall be kept free and clear of litter and trash at all times. Adequate measures shall be taken for the collection, storage, and removal of garbage, litter or debris from the site and any trash generated from the site on surrounding properties to the satisfaction of the Planning Division. Upon expiration of the Use Permit, all equipment shall be removed from the project site.
- 9) Any exterior lighting on the site shall be shielded down. All exterior lighting shall be subject to a lighting level review by the Planning Division staff to insure compatibility with the surrounding area.

Public Works Department (DPW)

10) Parking and Traffic

10.1 This temporary use should only be implemented when surplus parking and traffic capacity is available. During the holiday season, parking and traffic may be difficult, specifically in this area. Therefore, if any events are scheduled between November 15th and January 7th, specific approval shall be required form the Department of Public Works. Mitigation measures may be required to reduce impacts.

10.2 Traffic control or signage extending into the Right-of-Way shall require and encroachment permit.

10.3 We recommend that mobilizations be scheduled outside of peak hours, to minimize traffic impacts.

11.0) Drainage

11.1 Restroom facilities shall be adequately anchored and include secondary containment.

11.2 Trash receptacles shall be kept covered while not in use.

11.3 Site shall be kept clean and free of litter.

11.4 Any fueling activity shall include secondary containment, such as drip pans. Spill kits shall be kept on-site or on the mobile fueling vehicles.

Please contact Josh Minshall at the Department of Public Works with questions regarding these comments, by phone at 415.485.3158 or email at Josh.Minshall@cityofsanrafael.org

Fire Prevention Bureau

12) Tents over 400 square feet in size are subject to a Fire Prevention Bureau permit application and approval prior to installation.

13) Each food truck vendor must have one 2-A: 10BC fire extinguisher that is serviced, tagged, visible, and mounted for immediate use.

14) Each hair, make up trailer, and mobile dressing room must have one 2-A: 10BC fire extinguisher near the exit door that is serviced, tagged, visible, and mounted for immediate use.

15) There can be no parking or staging of vehicles within 15 feet of a fire hydrant.

16. Flammable liquids for gas generators must be in approved containers and properly stored.

Please contact Bob Sinnott, Deputy Fire Chief 415-485-5067 or Robert.sinnott@cityofsanrafael.org

The foregoing Resolution was adopted at the regular City of San Rafael Planning Commission meeting held on the 11th day of December, 2018.

Moved by Commissioner Schoppert and seconded by Schaeffer. The vote is as follows:

AYES: Commissioners: Loughran, Lubamersky, Mercado, Robertson, Schaeffer, Schoppert

NOES: Commissioners: None

ABSENT: Commissioners: Davidson

ABSTAIN: Commissioners:

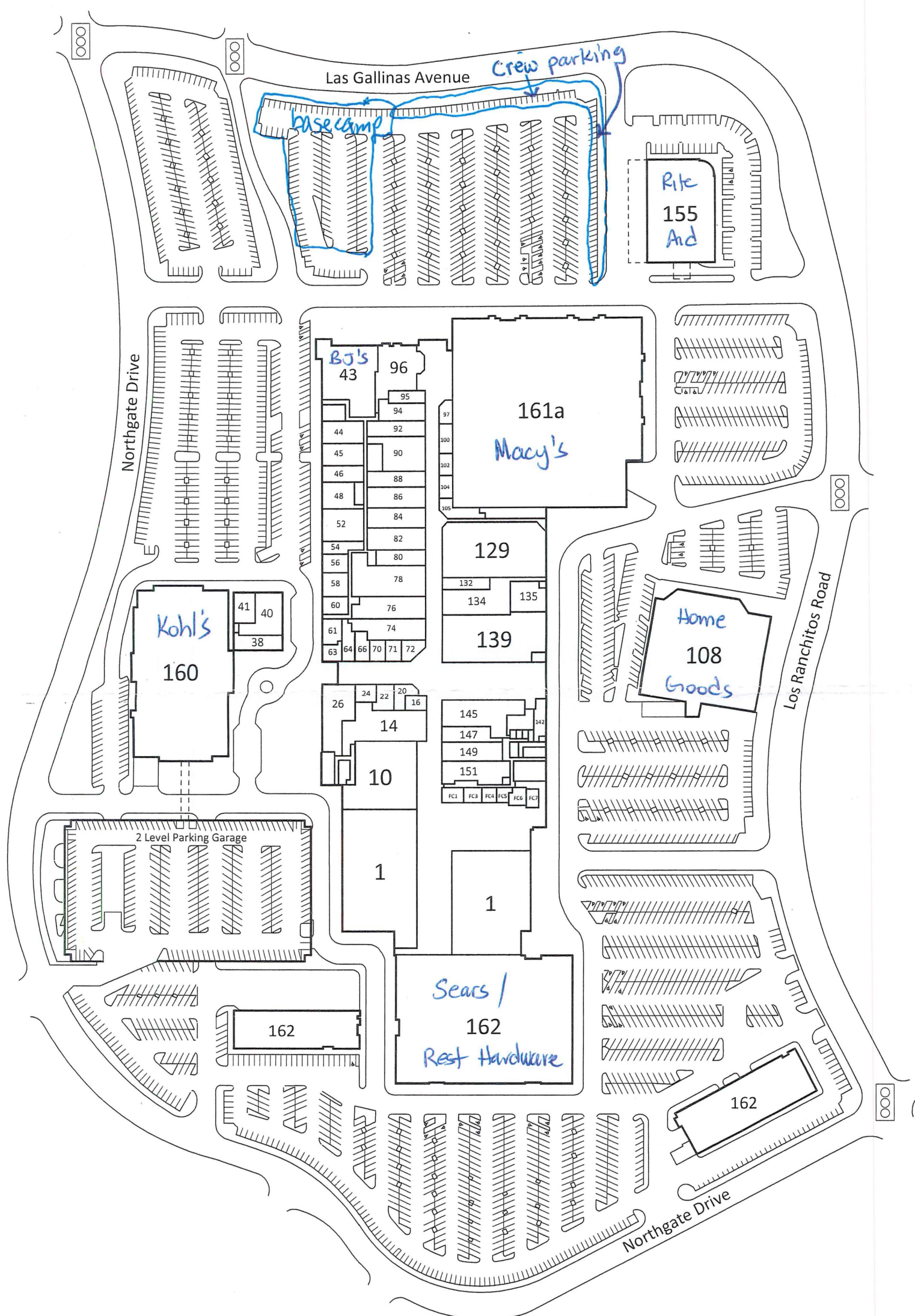
SAN RAFAEL PLANNING COMMISSION

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

BY: Sarah Loughran
Sarah Loughran, Acting Chair

COPY

Exhibit 4



This exhibit is for reference only and is not a representation as to size, dimension, or location of any tenant in the shopping center. All building, improvements, their occupants, and their uses as shown on this plan are subject to modification at the landlord's discretion.

Exhibit B - Site Plan
 Northgate Mall
 San Rafael, CA
 Property #731
 February 2017

Exhibit 5

San Rafael Community Development
1400 Fifth Ave.
San Rafael, CA 94901
415 485-3094

re: Paramount Television Temporary Use Permit for periodic basecamp & crew parking at Northgate Mall, during season 4 of the Netflix series 13 Reasons Why.

Paramount Television will be periodically filming in San Rafael from July 2019 until mid January, 2020.

We have made a deal with MGP XI Northgate, LLC ("Northgate") to park our basecamp vehicles and crew cars at the Northgate Mall lot on days that we will be filming in San Rafael.

Filming dates are to be determined right now, and should be ten events, up to 8 days at a time.

We had a similar deal with Northgate last season, but were blocked from using the lot for an extended period due to an appeal of that TUP by a Terra Linda neighbor. That appeal was denied in due process, and that decision was appealed to the Planning Commission. The Planning Commission voted unanimously to uphold the denial of the appeal.

Paramount feels that the appeal was without merit and an unreasonable interference in our private business.

In the course of producing season 2 of 13 Reasons Why, Paramount brought \$3,565,164 of direct spending in Marin County. Almost all of that activity took place in San Rafael. Paramount hopes that the City of San Rafael will swiftly resolve any potential appeal of this TUP to avoid the burden that the appeal process placed on our company last season.

Here are the details of our typical days activity.

At the beginning of the day the crew will arrive and grab a "walking breakfast" from our food truck. Most will then get into shuttle vans and be driven to the filming location. Once breakfast is over the truck will move to that days lunch service site, off of the Northgate property.

Our principal actors and background extras will change into wardrobe in the mobile dressing rooms or wardrobe truck.

The actors will then go into the hair and make-up trailer to get prepared for the days work.

Occasionally there will be transferring of camera, grip & electric equipment from the larger trucks into smaller stake bed trucks, depending on access to the locations that day.

If we are there before or after daylight hours we will likely rely on the existing parking lot lights rather than our portable area safety lights. Those portable lights have wheeled

bases with small put-put generators. They are about the same footprint as a child wagon, and stand about 7' tall with a 2 foot diffused light at the top the directs soft light to the area below and adjacent.

The basecamp trailers and trucks normally have their own small generators built in, but we normally set up a "whisper quiet" towed generator to distribute power to the various vehicles. (see example photos attached to the email).

Paramount hired a 3rd party sound engineer to produce a study of the sound profile of our company working on location in July 2016.

That study was shared with the City of San Rafael at the time.

The larger 1500 amp generator that was measured in that study had a reading of 57.3 dBA from across the street, and 65.8 dBA when adjacent.

General crew activity averaged 50-55dBA, for the larger filming company on location.

The much smaller crew at the basecamp can be expected to have a comparable or smaller sound profile.

We typically work 12 hour filming days, with the trucks moving into place or opening up basecamp 1-2 hours before the crew arrives, and closing or leaving 1-2 hours after the crew is wrapped.

I hope this additional information helps the City understand the modest impact that our basecamp activity adds to the normal ambient light and sound that exists adjacent to this active commercial area.

Daniel Kemp, Location Manager
Paramount Television
400 Mare Island Way
Vallejo, CA 94590
Office 415 599-0245
Mobile 415 717-9059



SAN RAFAEL
THE CITY WITH A MISSION

Community Development Department – Planning Division

Meeting Date: August 13, 2019
Agenda Item: 3
Case Numbers: P18-009
Project Planner: Raffi Boloyan–
415-485-3095

REPORT TO PLANNING COMMISSION

SUBJECT: Senate Bill (SB 35) Objective Planning Standards – Informational Presentation on Review of draft “objective” planning design standards and for a ministerial (“by-right”) process required by Senate Bill (SB 35). APN: Citywide, File No: P18-009.

EXECUTIVE SUMMARY

In response to recent State legislation, local jurisdictions are required to have a ministerial, “by-right” process for qualifying residential development projects of two or more dwelling units located near major transit stops. Qualifying projects must comply with “objective planning standards” established by the local jurisdiction, must provide specific levels of affordable housing, and must meet other specific requirements. “Objective planning standards” must be prescriptive, meaning they cannot be subjective or structured to exercise discretion. Developers pursuing a request for streamlined ministerial review are required to pay prevailing wage for construction. Draft standards have been prepared for review and input by the DRB and Planning Commission and adoption by the Council.

The draft standards were presented to the DRB at their July 16th meeting. The bulk of the meeting focused on understanding the state law, limitations and how best to proceed with their review. In the end, the Board suggested that creating “objective design standards” will be a tall order, and that to try and prioritize the type of design matters to focus on.

Work on “objective design standards” will continue with the DRB in the coming months. It was decided to provide the Commission with the same report that was provided to the DRB in order to bring the Commission up to speed on this topic.

Staff will also be filing an SB 2 Planning Grant Program application to fund the preparation of graphics and materials to support the final “objective design standards.” This grant will cover the cost of hiring an urban design professional to prepare the graphics and materials.

RECOMMENDATION

It is recommended that the Planning Commission accept the report and provide any initial comments on the topic.

BACKGROUND

In 2017, Governor Brown signed [Senate Bill 35 \(SB35\)](#), which established new housing development legislation under State Government Code Sections 65400, 65582.1 and 65913.4. SB 35 became effective on January 1, 2018. The new legislation created a mandated, ministerial (“by-right”) process for qualifying residential development projects. One of the requirements to be eligible as a qualifying project

is that developers pursuing a request for streamlined ministerial review are required to pay prevailing wage for construction and meet the following requirements: 1) include two or more dwelling units; 2) must be located near a major transit stop; 3) provide certain levels of affordable housing; and 4) meet other specific requirements (described below).

More specifically, SB 35 identifies the following criteria whether a project qualifies for streamlined SB 35 review:

- The project proposes to develop at least two residential dwelling units;
- The project is proposed to be developed on a legal parcel with 75% of its perimeter contiguous parcels developed with urban uses and zoned for, or designated in the San Rafael General Plan to allow, residential or residential mixed-use;
- At least two-thirds (2/3rds) of the proposed development is designated for residential use;
- The project must provide an affordable housing component projects containing 10% or more of the total residential unit count affordable to households making below 50% - 80% (low income) of the area median income for Marin County. The required affordability housing can change annually, based on a City's housing production in the prior year, as documented in the Annual Housing Report required to be filed annually (each April);
- The project meets all applicable "objective planning standards" developed by the City;
- Meet the following minimum-required parking requirements:
 - One parking space per unit shall be required for qualifying projects that are more than ½-mile of public transit.
 - No off-street parking is required for qualifying projects that: 1) are within ½-mile of public transit; 2) are located within a historic district; 3) are in an area where on-street parking permits are required but are not offered to the occupants of the development; or 4) are within one block of where a car-share vehicle is available.
- The project applicant must certify that it will comply with the following wage requirements defined in Government Code Section 65913.4(a)(8):
 - If the development is not in its entirety a public work project (as defined in Labor Code section 1720 et seq.), all construction workers employed in the development of the project must be paid at least prevailing wages, unless the project includes 10 or fewer units and does not require a subdivision. For projects that require a subdivision or that propose 75 or more units that are not 100 percent subsidized affordable housing, prevailing wages must be paid and a skilled and trained workforce, as defined in Government Code section 65913.4(a)(8)(B)(ii), must be used to complete the development.

This legislation was coupled with Senate Bill 879 (SB 879), which set forth new annual reporting requirements on housing approvals and construction to the State Department of Housing and Community Development (HCD). SB 879 establishes the amount of affordability required to qualify for SB 35 streamlined review. The required affordability can change annually, based on the prior years' housing production. The affordability to be included in a project to be eligible for SB 35 streamlined review is established, as follows:

- 10% for cities that do not submit their annual housing production report to the state or do not produce the required number of above moderate income units (<120% county median income).

- 50% for cities that do not submit their annual housing production report to the state or do not produce the required number of low income units (50%-80% of county median income),

For 2019, the threshold for projects to be eligible in San Rafael is 10%, based on San Rafael's housing production during 2018. This requirement can change annually.

Under SB 35, City's are required to review qualifying projects using a ministerial, "by-right", review process, which means that no discretionary approvals can be required, and the City is required to process applications within the time frames specified in Government Code Section 65913.4(c) (cited above). The review process would be also be streamlined because, as a ministerial project, the project would not be subject to environmental review under the California Environmental Quality Act (CEQA). For San Rafael, that means that qualifying projects would not be required to apply for a Use Permit (when required by the Code) or Design Review Permit or go through DRB review or any public hearing or discretionary planning process as is typically required. Therefore, the ministerial, "by-right", process would be similar to the processing of a building permit, where staff would review the application to determine whether it qualifies and if so, confirm it meets the City's objective planning standards. There would be no public hearing, or public process for qualifying projects.

"Objective planning standards" must be prescriptive and quantifiable, meaning they cannot be subjective or structured to exercise discretion, require no personal or subjective judgment and must be verifiable by reference to an external and uniform source available prior to submittal.

In November 2018, the City Council adopted enabling legislation through a Zoning Ordinance amendment establishing the required ministerial review process. Section [14.16.245](#) was adopted (Ordinance 1964) and states

14.16.245 - Ministerial "by-right" process for multi-family housing projects. A residential housing development project that contains two (2) or more residential units located on one or more contiguous parcels may qualify for the state-mandated ministerial, "by-right" approval process. Pursuant to California Government Code Section 65913.4, the "by -right," ministerial process is applicable to qualifying residential development projects that are located near major transit. The availability of the "by-right" approval process is determined by the city's annual housing progress report to the state department of housing and community development. Qualifying residential projects must: a) comply with a list of objective planning standards; b) meet specific levels of affordable housing; and c) be subject to a commitment to specific hiring (skilled and trained workforce) and prevailing wage requirements. The applicability of and requirements for the "by-right" process shall be adopted by resolution of the city council.

This Ordinance established the authority and the framework for the ministerial, "by-right" process. To date, the City has not received any applications for ministerial, streamlined review under SB35. At this point, the City's only objective planning standards are the development standards for the zoning district in which the project is location, such as setback, height, lot coverage, and landscaping standards of the base zoning district.

PROJECT DESCRIPTION

The next step to complete the required ministerial, "by-right" process and ensure that the City has some standards to address design in the "by-right" process is to develop the objective planning standards. Therefore, staff has prepared the attached draft SB 35 of objective planning standards.

There are three components of these draft standards:

- Attachment 1 provides the summary of the requirements that project must meet in order to qualify for the ministerial by right process;
- Attachment 2 identifies objective planning standards drafted by staff for the downtown area (Table 1); and
- Attachment 3 identifies objective planning standards drafted by staff for the all other areas of the City (Table 2)

Given the differences in character of the downtown from the rest of the City, two separate objective planning standards have been prepared, one for downtown and one for rest of the City.

On a separate track, the City is applying for funding under a State Grant (Senate Bill SB 2), and one of projects applied for is to develop graphics to accompany these objective planning standards. If the funding is obtained, staff will contract with a design professional to develop supportive graphics and present those to the Board for review.

DESIGN REVIEW BOARD

On Tuesday July 16th, the DRB reviewed the draft design standards for SB 35 (Commissioner Schoppert as Liaison). The DRB report can be accessed [here](#) and video viewed [here](#). The DRB acknowledged and addressed that design is “subjective,” and creating “objective design standards” is a tall order. As a starting point, the DRB reviewed the long list of draft design standards developed by staff. The long list of draft standards was largely derived from the “Good Design Standards” developed last year by a working group of local design professionals (lead by DRB member Larry Paul).

The DRB found the long list of design standards could be counter-productive in achieving a successful housing project design. So, the Board wisely suggested that the standards be prioritized and simplified into the following categories: a) site planning and landscape; b) building form/scale, c) good design for parking; and d) materials and colors. The DRB also requested additional information and mapping on other specific criteria applicable to keep the “by-right” process.

The DRB asked that the item be brought back for their review in a working session and they will utilize the prioritization they developed focused on creating objective planning standards by topic area. Therefore, the DRB will have this matter return in the coming months.

As mentioned above, staff is also filing an SB 2 Planning Grant Program application to fund the preparation of graphics and materials to support the final “objective design standards.” This grant will cover the cost of hiring an urban design professional to prepare the graphics and materials to accompany the written objective standards.

ANALYSIS

In developing the SB 35 “objective planning standards” staff used existing design criteria, fine tuning the criteria to be as objective and quantifiable. Sources used to develop these draft standards include: [San Rafael General Plan 2020](#) (primarily the [Neighborhood](#) and [Community Design](#) Elements), [San Rafael Zoning Ordinance](#), [Downtown Vision](#), [Good Design Principles for Downtown](#), and [Residential Design Guidelines](#).

Staff has referred this matter to the Board for their review and recommendation on these standards. The key is that any new standards must meet the objective planning standards definition...“*Objective planning standards*” must be prescriptive and quantifiable, meaning they cannot be subjective or structured to exercise discretion, require no personal or subjective judgment and must be verifiable by

reference to an external and uniform source available prior to submittal.” The draft objective planning standards in Tables 1 and 2 include reference to development standards, such as height, parking, setback, lot coverage, etc. Development standards are inherently objective and quantifiable. In an attempt to ensure some level of design standards for these ministerial projects, Staff has incorporated many of the design principles that are found in the above sources and attempted to make them as objective and quantifiable as possible.

Staff had asked the DRB to weigh in on the following:

- *Are the proposed objective planning standards appropriate and objective. If not, please provide some recommendations on how to improve them;*
- *Are there other objective planning or design standards that can be added to these tables to ensure high quality design; and*
- *Provide any other feedback on the proposed process and objective design criteria*

Typically, this matter would not be considered by the Commission until after the DRB completes its review and recommendation. However, it will be helpful to present the this topic as an informational matter to bring the Commission up to speed on this topic, so that when the DRB completes is review and recommendation, the Commission will be familiar with the background.

NEIGHBORHOOD CORRESPONDENCE

Notice of the DRB meeting was mailed to all neighborhood groups/homeowner associations within the City, as well as other commercial and housing advocacy groups. Two members of the public were present at the DRB meeting to comment on the process.

CONCLUSION

Although the City of San Rafael officially opposed SB35, as it undermines a City’s control on design and process for evaluating new development, the State Legislature in their role has determined that such changes are necessary to eliminate discretionary processes that Cities use to evaluate projects and thereby support and encourage additional development of housing.

Given the passage of this state law, the City must ensure that we have as many appropriate tools as allowed by the State law to ensure that any project which applies for SB 35 review is designed as best as it can be. The key is to develop objective planning/design criteria, that are not subjective and can be confirmed without using any subjective discretion.

The DRB will continue to work on developing/refining the draft objective standards presented by staff at the July 16th DRB meeting. The resulting document will with refined list of objective standards will then be forwarded to the Commission for review and recommendation. Even though the DRB’s review is not complete, providing this informational update will allow the Commission to understand the scope of this legislation and an opportunity for early input

EXHIBITS

1. Draft SB 35 Standards/process and eligibility criteria
2. Table 1 - Residential Development Project Ministerial Review (Sb 35) “Objective Planning Standards” Requirements for Downtown Zoning Districts
3. Table 2 - Residential Development Project Ministerial Review (Sb 35) “Objective Planning Standards” Requirements for Non-Residential & Residential Districts

RESIDENTIAL DEVELOPMENT PROJECT MINISTERIAL REVIEW (SB35)

I. Background

In 2017, Governor Brown signed Senate Bill 35 (SB35), which establishes new housing development legislation under State Government Code Sections 65400, 65582.1 and 65913.4. The new legislation creates a mandated, ministerial (“by-right”) process for qualifying residential development projects of two or more dwelling units located near major transit. Qualifying projects must comply with “objective planning standards” established by the local jurisdiction, must provide specific levels of affordable housing and must meet other specific requirements. “Objective planning standards” must be prescriptive, meaning they cannot be subjective or structured to exercise discretion. Developers pursuing a request for streamlined ministerial review are required to pay prevailing wages for construction. This legislation is coupled with Senate Bill 879 (SB879), which sets forth new annual reporting requirements on housing approvals and construction to the State Department of Housing and Community Development (HCD).

II. Applicability & Non-Applicability

- A. The ministerial review process is applicable to projects meeting the following conditions:
1. Projects containing two or more residential units.
 2. For the 2018-2019 annual housing progress reporting period to HCD, the ministerial review is applicable to projects containing 10% or more of the total residential unit count affordable to 50%-80% of the area median income for Marin County (low income). This threshold can change annually, based on the results of the Annual Housing Progress report for the prior year.
- B. The ministerial review process is not applicable to projects on sites meeting any of the following conditions:
1. The project site is located within any of the following environmentally-sensitive areas:
 - a. High or very high hazard severity zones (located within the Wildland Urban Interface area);
 - b. Sites containing wetlands as defined by the San Rafael General Plan and Title 14 of the San Rafael Municipal Code (Zoning);
 - c. Sites within the FEMA-designated floodplain and floodway unless the development has been issued a floodplain development permit or received a no-rise certification;
 - d. Sites within an earthquake hazard zone (Alquist-Priolo);
 - e. Sites containing habitat for protected plants and/or animal species;
 - f. Sites encumbered by a conservation easement; and
 - g. Sites containing historic resources.
 2. The project site has been occupied by residential tenants within the past 10 years that would be displaced by the proposed development.
 3. The project proposes to demolish housing that is subject to rent control/stabilization.
 4. The project proposes a subdivision of land (residential ownership projects) unless prevailing wages are paid for project construction.
 5. The project contains one-third (1/3rd) or more of the proposed total building square footage for non-residential use.
 6. The project requires a General Plan Amendment and/or Rezoning to establish and allow the proposed residential use.
 7. The project does not comply with the provisions of Title 14 (Zoning) and requires actions such as a Variance or Exception.

RESIDENTIAL DEVELOPMENT PROJECT MINISTERIAL REVIEW (SB35)

8. The project includes a proposal for a density bonus
9. The project sponsor does not intend to use prevailing wages for construction of the project for projects containing more than 10 residential units.

III. Process

This section outlines the process for ministerial review of qualifying projects. Most of the process, timeline and action for ministerial review is prescribed by:

- A. Application filing. The project sponsor shall file:
 1. A General Planning Application form
 2. A written narrative describing the project and demonstrating compliance with the application criteria (Section IV, below).
 3. Six copies/prints of the complete plan set. The complete plan set shall contain all the submittal requirements prescribed for an Environmental and Design Review Permit and/or Use Permit application.
 4. A “will-serve” letter confirming availability of service from all local utilities providing service to the project (water, sewer, electric/gas and sanitary service).
 5. Written verification from Fire Department that the project will be designed to meet all applicable provisions of the fire code.
 6. A written contract confirming commitment to pay prevailing wage rates for all project construction. The project sponsor must certify that at least one of the following is true and is applicable to the qualifying project:
 - a. The entirety of the project is a public work, as defined by Government Code Section 65913.4(8)(A)(i).
 - b. The project is not in its entirety a public work and all construction workers employed in the execution of the development will be paid at least the general prevailing rate of per diem wages for the type of work and geographic area.
 - c. The project includes 10 or fewer units and is not a public work and does not require subdivision.
 7. Skilled and trained workforce. If the project consists of 75 or more residential units that are not 100% subsidized affordable housing, the project sponsor must certify that it will use a skilled and trained workforce, as defined in Government Code Section 65913.4(8)(B)(ii).
 8. If the project proposes an addition to or would demolish an existing building along 4th Street or a building listed on the City’s Historic and Architectural Survey, it must first be determined, by a qualified architectural historian, that the structure is not a historic resource pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15064.5. The architectural historian’s assessment shall be submitted with the submittal of a ministerial review application. As part of the application review, the City will conduct a peer review of the assessment to confirm the findings.
- B. Initial application review by City. Once an application is filed, the City must review the plans and accompanying materials to determine if:
 - A. the development conflicts with the “objective planning standards” that are outlined in Section V, below. This review shall include input from the Planning Division, Building Division, Fire Department, Public Works Department, local utilities, one

RESIDENTIAL DEVELOPMENT PROJECT MINISTERIAL REVIEW (SB35)

member of the Design Review Board, and one member of the Planning Commissioner.

- B. All required plans and materials and details are provided in application materials to show adequate details and information required for review and action on consistency with these standards.
- C. Determination of compliance with “objective planning standards.” The City must inform the applicant/project sponsor in writing if the project conflicts with the “objective planning standards” within the following time frames:
 1. Within 60 calendar days of application submittal if the project contains 150 or fewer residential units; or
 2. Within 90 calendar days of application submittal if the project contains more than 150 residential units.
- D. Environmental review. Qualifying applications are not subject to environmental review of the provisions of the California Environmental Quality Act. However, if the project proposes an addition to or would demolish an existing building along 4th Street or a building listed on the City’s Historic and Architectural Survey, it must first be determined, by a qualified architectural historian, that the structure is not a historic resource pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15064.5.
- E. Action by the Community Development Department Director.
If the City determines that the project meets the “objective planning standards” outlined in Section V, below, an action of approval must be completed within the following time frames:
 1. Within 90 days of application submittal if the project contains 150 or fewer residential units; or
 2. Within 180 days of application submittal if the project contains more than 150 residential units.

Action of ministerial approval by the City shall be in the form of a letter from the Community Development Director. The ministerial approval is not subject to any public notification or public hearing. Further, as the action is ministerial, conditions of approval cannot be imposed.

If the City determines that the project does not meet the “objective planning standards” outlined in Section V, below, an action of denial must be completed within the time frames listed above in Section III.E
- F. Conditions of approval. Conditions of approval can be required with the issuance of the ministerial approval. Conditions shall be limited to requirements that can be met (including impacts fees) and improvements that can be implemented as part of the building permit review and approval process. Conditions requiring discretion or subsequent subjective review are prohibited.

RESIDENTIAL DEVELOPMENT PROJECT MINISTERIAL REVIEW (SB35)

- G. No appeal. Ministerial action by the Community Development Director cannot be appealed. Any party grieved by the ministerial action may pursue the challenge by writ of mandate pursuant to California Code of Civil Procedure, Section 1085.

IV. Eligibility Criteria

To be eligible for the ministerial review process, the applicant must demonstrate that the proposed project meets all the following criteria:

- A. The project proposes to develop at least two residential dwelling units;
- B. The project is proposed to be developed on a legal parcel with 75% of its perimeter contiguous parcels developed with urban uses and zoned for, or designated in the San Rafael General Plan, to allow residential or residential mixed-use;
- C. At least two-thirds (2/3rd) of the proposed development is designated for residential use and no more than one-third (1/3rd) of the proposed building square footage for non-residential square footage;
- D. The project must provide an affordable housing component as specified under Section II.A., above.
- E. The project meets all applicable “objective planning standards” presented in the table under Section V, below.
- F. The qualifying project meets the following minimum-required parking requirements:
- One parking space per unit shall be required for qualifying projects that are more than ½-mile of public transit.
 - No off-street parking is required for qualifying projects that: 1) are within ½-mile of public transit; 2) are located within a historic district; 3) are in an area where on-street parking permits are required but are not offered to the occupants of the development; or 4) are within one block of where a car-share vehicle is available.
- G. The applicant must verify that a skilled and trained workforce will be used through a commitment to pay prevailing wage for all phases of project construction. This commitment to pay the project workforce a prevailing wage must be demonstrated with the submittal of written agreement or contract that is supported by financial securities.

V. “Objective Planning Standards”

Residential or mixed-use projects containing two of more units must comply with “objective planning standards.” The objective planning standards are presented in two tables: 1) Table 1, which cover the Downtown Zoning Districts; 2) Table 2, which cover the Non-Residential and applicable Residential Zoning Districts. Please note that the qualifying residential projects are also permitted in the Public/Quasi-Public (P/QP) District. For qualifying projects proposed in the P/QP District, the applicable, objective planning standards of the immediately abutting or closest residential zoning districts shall apply.

Table 1- Requirements for Downtown Zoning Districts

Table 2- Requirements for Non-Residential & Residential Zoning Districts

TABLE 1
RESIDENTIAL DEVELOPMENT PROJECT MINISTERIAL REVIEW (SB 35)
“OBJECTIVE PLANNING STANDARDS” REQUIREMENTS FOR DOWNTOWN ZONING DISTRICTS

	DOWNTOWN DISTRICTS						
	4SRC	HO	CSMU	2/3 MUE	2/3 MUW	WEV	5/M/R/O
Consistency with San Rafael General Plan 2020 Land Use Element:							
• Residential density limits	X	X	X	X	X	X	X
• Non-residential intensity limits for non-residential use in mixed-use project	X	X	X	X	X	X	X
• Building height limits	X	X	X	X	X	X	X
• Height bonuses (Exhibit 10)	X	NA	NA	X	NA	X	NA
Compliance with land use allowances and density standards of zoning district SRMC Section 14.05.022, Table 14.05.022. However, no Administrative Use Permit is required.	X	X	X	X	X	X	X
Compliance with property development standards of zoning district SRMC Section 14.05.032, Table 14.05.032.	X	X	X	X	X	X	X
Compliance with the City-adopted affordable housing (inclusionary) requirements. SRMC Section 14.16.030A through H.	X	X	X	X	X	X	X
Compliance with the applicable parking requirements	X	X	X	X	X	X	X
1) Parking requirements set forth in SRMC Chapter 14.18. Parking spaces designed in tandem or served by mechanical spaces/lifts (stacked parking) is permitted, or	X	X	X	X	X	X	---
2) One (1) parking space per unit shall be required for qualifying projects that are <u>more than</u> ½-mile of public transit, or							
3) <u>No</u> off-street parking is required for qualifying projects that: 1) are within ½-mile of public transit; 2) are located within a historic district; 3) are in an area where on-street parking permits are required but are not offered to the occupants of the development; or 4) are within one block of where a car-share vehicle is available.							
Compliance with application site and use regulations set forth in SRMC Chapter 14.16. Prior to submittal of an application for ministerial review, the project sponsor shall meet with staff to determine which provisions and regulations under Chapter 14.16 are applicable to the project and require compliance.	X	X	X	X	X	X	X
Compliance with the following design standards: ¹							

¹ Source: “Good Design” Guidelines for Downtown San Rafael; 2018

TABLE 1
RESIDENTIAL DEVELOPMENT PROJECT MINISTERIAL REVIEW (SB 35)
“OBJECTIVE PLANNING STANDARDS” REQUIREMENTS FOR DOWNTOWN ZONING DISTRICTS

	DOWNTOWN DISTRICTS						
	4SRC	HO	CSMU	2/3 MUE	2/3 MUW	WEV	5/M/R/O
1. <u>Site planning and layout</u>							
• The project shall include a mix of residential unit types and sizes.	X	X	X	X	X	X	X
• When buildings are adjacent to a public street or alley, building entrances shall be designed to face the public street or alley.	X	X	X	X	X	X	X
• A ground floor entry for residential units is required along the adjacent public street or alley. Such entries shall be designed to provide shelter from the rain or wind by recessing the entry a minimum of four feet from the property line.	X	X	X	X	X	X	X
• Residential units must be located above the ground floor and on rear portions of the ground floor to not interrupt the appearance of the commercial frontage.	X	X ²	NA	NA	NA	X	NA
• Windows shall be oriented to face not only toward the street and parking areas but also onto common, usable open space areas (if provided) to provide informal surveillance and safety.	X	X	X	X	X	X	X
• When new residential development is adjacent to an existing residential use, potential privacy-sensitive areas and solar access shall be identified on the site plan; details shall be provided on the plans demonstrating how privacy and solar access have been addressed.	X	X	X	X	X	X	X
• Parking shall be located behind or under buildings to maintain an active ground floor store front or use. Any parking visible from the public right-of-way, shall be screened by landscaping, or other means (ie mesh screening, etc)	X	X	X	X	X	X	X
• Parking garage or lot entries, loading and service entries and utility rooms shall be designed to be accessed from side streets or rear alleys. If the development property has no side street or rear alley frontage, these features shall occupy no more than 20% of the lineal public street frontage facing building façade.	X	X	X	X	X	X	X
• Accessibility/barrier-free ramps serving the building shall be located on-site and shall not extend into the public sidewalk or right-of-way.	X	X	X	X	X	X	X

² Residential use allowed on ground floor and above except along 4th Street where residential use is limited to rear portion of the ground floor.

TABLE 1
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“OBJECTIVE PLANNING STANDARDS” REQUIREMENTS FOR DOWNTOWN ZONING DISTRICTS

	DOWNTOWN DISTRICTS						
	4SRC	HO	CSMU	2/3 MUE	2/3 MUW	WEV	5/M/R/O
<ul style="list-style-type: none"> Adequate refuse storage shall be provided that accommodates general garbage, recycling and green receptacles. The location and design of the refuse storage area shall be reviewed and approved by Marin Sanitary Service prior to the submittal of a ministerial review application to the City. 	X	X	X	X	X	X	X
<ul style="list-style-type: none"> Above ground utilities shall be inset into building facades or screened with landscaping or low walls. 	X	X	X	X	X	X	X
<ul style="list-style-type: none"> Roof-mounted mechanical equipment shall be screened from view from all surrounding public rights-of-way and integrated into the project architecture. 	X	X	X	X	X	X	X
<ul style="list-style-type: none"> Utility transformers or boxes shall be placed underground. If this is not feasible, these facilities shall be placed at an on-site location that is not visible from the public sidewalk or street. The location and design of the refuse storage area shall be reviewed and approved by PG&E prior to the submittal of a ministerial review application to the City. 	X	X	X	X	X	X	X
3. <u>Building design and architecture</u>							
<ul style="list-style-type: none"> All exterior building elevations shall be designed with architectural treatment and detailing (to avoid highly visible blank walls). Architectural detailing includes railings, trellises, bay windows and projections, balconies, trim, cornices and other similar architectural elements. 	X	X	X	X	X	X	X
<ul style="list-style-type: none"> The exterior building design shall have a base, middle and top with each having a distinguished design and use of materials. 	X	X	X	X	X	X	X
<ul style="list-style-type: none"> For every 100 feet of building length, there shall be a plane-break along the façade comprised of at least five (5) feet in depth by 25 feet in length. The offset shall extend from grade to the highest story. 	X	X	X	X	X	X	X
<ul style="list-style-type: none"> Horizontal eaves longer than 40 feet shall be broken-up by roof form articulations with at least a five (5) ft variation. 	X	X	X	X	X	X	
<ul style="list-style-type: none"> Building step-backs are required to reduce building bulk and mass and maintain maximum solar access at the ground level. Building stories/floors above the third floor shall be designed to step-back a minimum of 10 feet from the lower building wall/plane. 	X	X	X	X	X	NA	NA
<ul style="list-style-type: none"> For properties that abut bordering residential districts (R, MR or HR), buildings stories/floors above the second floor shall be designed to step-back 10 feet from the lower building wall/plane 	NA	NA	NA	NA	NA	X	X
<ul style="list-style-type: none"> To protect the building and pedestrian scale along the 4th Street frontage, the height of the existing storefront shall be maintained. New floors 							

TABLE 1
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“OBJECTIVE PLANNING STANDARDS” REQUIREMENTS FOR DOWNTOWN ZONING DISTRICTS

	DOWNTOWN DISTRICTS						
	4SRC	HO	CSMU	2/3 MUE	2/3 MUW	WEV	5/M/R/O
developed above the existing storefront height shall be set back 20 feet from the existing storefront face. If the existing 4 th Street storefront is retained, it shall be restored as part of the development project. The restoration design and details shall be based on the recommendations of a qualified architectural historian.	X	NA	NA	NA	NA	X	NA
<ul style="list-style-type: none"> For all corner buildings intersecting a street, alley or plaza, the building corner shall have a separate architectural treatment such as a projection or inset to define the building corner. The architectural treatment shall be a minimum of 10 feet of width along each street frontage. 	X	X	X	X	X	X	X
<ul style="list-style-type: none"> Bay windows, balconies and marquees are permitted if this is a common building feature on existing buildings that are near the project site. For buildings proposed to be built at the property line, such architectural features shall not project more than four feet over the public right-of-way and adequate vertical clearance of 15 feet above the sidewalk shall be maintained. 	X	X	X	X	X	X	X
<ul style="list-style-type: none"> The ground floor/street level architectural feature such as retail storefronts and entrances shall be designed to be pedestrian in scale, a maximum of one-floor in height. 	X	X	X	X	X	X	X
<ul style="list-style-type: none"> Where garage facades and vehicle entrances are proposed along the street front, the design of these features shall emulate the design, treatment and scale of the retail store front. Blank walls are not permitted. 	X	X	X	X	X	X	X
4. <u>Open space and landscape</u>							
<ul style="list-style-type: none"> The project shall be designed to include the following useable outdoor area: <ul style="list-style-type: none"> Private- 50 square feet for each residential unit (balcony, deck, patio) Common- 25 square feet for each residential unit (patio, rooftop deck/terrace) The private open space requirement can be exchanged for additional common area provided that a minimum of 150 square feet of combined open space is provided for each residential unit. 	X	X	X	X	X	X	X
<ul style="list-style-type: none"> Compliance with storm water pollution prevention standards (MCSTOPP). Storm water treatment facilities shall not be in areas that are counted toward meeting the minimum common landscaping area requirements. 	X	X	X	X	X	X	X
<ul style="list-style-type: none"> If there are no street trees on the frontage, street trees are required to be installed and must be shown on the site plan. Street trees shall be installed at intervals of 20 feet from center. 	X	X	X	X	X	X	X

TABLE 1
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	DOWNTOWN DISTRICTS						
	4SRC	HO	CSMU	2/3 MUE	2/3 MUW	WEV	5/M/R/O
5. <u>Sustainability</u>							
• Compliance with Cal-Green Tier 1 green building regulations. The applicant shall submit a statement and/or plans demonstrating project compliance.	X	X	X	X	X	X	X
• Compliance with landscape standards and Marin Municipal Water District (MMWD) Water Conservation Ordinance. The landscape and irrigation plan shall be reviewed and approved by MMWD prior to the submittal of a ministerial review application to the City.	X	X	X	X	X	X	X
• Compliance with the MMWD gray water recycling requirements. The gray water recycling plan shall be approved by MMWD prior to the submittal of a ministerial review application to the City.	X	X	X	X	X	X	X
6. <u>Building materials and colors</u>							
• Natural and green building materials are required. Bright, reflective building materials are prohibited.	X	X	X	X	X	X	X
• Subtle and earth tone colors are required. Bright (e.g. lemon yellow) and vibrant (e.g., lime green) colors are prohibited.	X	X	X	X	X	X	X
• Changes in building materials and colors shall correspond to variations in building mass or shall be separated by a building element.	X	X	X	X	X	X	X
• Stucco foam trim shall not be used as the sole trim molding.	X	X	X	X	X	X	X
7. <u>Lighting</u>							
• Lighting shall be selected and sited to provide adequate site security, as well as pedestrian and vehicular safety. All lighting sources shall be shielded to prevent glare and illumination beyond the boundaries of the property. The lighting fixtures that are selected shall compliment the architecture of the project. An exterior lighting plan with photometric analysis shall be submitted with an application for ministerial review. The plan specifications shall demonstrate how the above standard has been met.	X	X	X	X	X	X	X
8. <u>Walls and Fencing</u>							
• Design walls and fences with materials and finishes shall replicate the building architecture and materials.							
9. <u>Signage</u>							

TABLE 1
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	DOWNTOWN DISTRICTS						
	4SRC	HO	CSMU	2/3 MUE	2/3 MUW	WEV	5/M/R/O
<ul style="list-style-type: none"> Signage shall comply with SRMC Chapter 14.19 (Signs). All project signage shall be included in the application for ministerial review. 	X	X	X	X	X	X	X

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TABLE 2
RESIDENTIAL DEVELOPMENT PROJECT MINISTERIAL REVIEW (SB 35)
“OBJECTIVE PLANNING STANDARDS” REQUIREMENTS FOR NON-RESIDENTIAL & RESIDENTIAL DISTRICTS

	NON-RESIDENTIAL DISTRICTS							RESIDENTIAL DISTRICTS		
	GC	NC	O	C/O	R/O	FBWC	M	DR	MR	HR
Consistency with San Rafael General Plan 2020 Land Use Element:										
• Residential density limits	X	X	X	X	X	X	X	X	X	X
• Non-residential intensity limits for non-residential use in mixed-use project	X	X	X	X	X	X	X	NA	NA	NA
• Building height limits	X	X	X	X	X	X	X	X	X	X
• Height bonuses (Exhibit 10)	X	NA	NA	X	X	X	X	NA	NA	X ¹
Compliance with land use allowances and density standards of zoning district SRMC Section 14.05.020, Table 14.05.020; ² Section 14.08.020, Table 14.08.020 SRMC Section 14.04.020, Table 14.04.020 No Use Permit is required.	X	X	X	X	X	X	X	X ³	X	X
Compliance with property development standards of zoning district SRMC Section 14.05.038, Table 14.05.030; Section 14.08.030, Table 14.08.030 SRMC Section 14.04.030, Table 14.04.030	X	X	X	X	X	X	X	X	X	X
Compliance with the City-adopted affordable housing (inclusionary) requirements. SRMC Section 14.16.030A through H.	X	X	X	X	X	X	X	NA	X	X
Compliance with the applicable parking requirements	X	X	X	X	X	X	X	X	X	X
1) Parking requirements set forth in SRMC Chapter 14.18. Parking spaces designed in tandem or served by mechanical spaces/lifts (stacked parking) is permitted, or										
2) One (1) parking space per unit shall be required for qualifying projects that are <u>more than</u> ½-mile of public transit, or										
3) <u>No</u> off-street parking is required for qualifying projects that: 1) are within ½-mile of public transit; 2) are located within a historic district; 3) are in an area where on-street parking permits are required but are not offered to the occupants of the development; or 4) are within one block of where a car-share vehicle is available.										

¹ Height bonus applicable to Lincoln Avenue properties between Hammondale Court and Mission Avenue

² Duplex units are not permitted in the R/O and M Districts. Qualifying projects proposed within these districts must contain a minimum of three residential units

³ Project limited to a maximum of two dwelling units

TABLE 2
RESIDENTIAL DEVELOPMENT PROJECT MINISTERIAL REVIEW (SB 35)
“OBJECTIVE PLANNING STANDARDS” REQUIREMENTS FOR NON-RESIDENTIAL & RESIDENTIAL DISTRICTS

	NON-RESIDENTIAL DISTRICTS							RESIDENTIAL DISTRICTS		
	GC	NC	O	C/O	R/O	FBWC	M	DR	MR	HR
Compliance with application site and use regulations set forth in SRMC Chapter 14.16. Prior to submittal of an application for ministerial review, the project sponsor shall meet with staff to determine which provisions and regulations under Chapter 14.16 are applicable to the project and require compliance.	X	X	X	X	X	X	X	X	X	X
Compliance with the following design standards: ⁴										
1. <u>Site planning and layout</u>										
• The project shall include a mix of residential unit types and sizes.	X	X	X	X	X	X	X	NA	X	X
• Ground floor parking shall be recessed or placed to the rear of or under the building. Any parking visible from the public right-of-way, shall be screened by landscaping, or other means (i.e., mesh screening, etc)	X	X	X	X	X	X	X	X	X	X
• Building entrances shall be designed to face a public street or alley	X	X	X	X	X	X	X	X	X	X
• When new residential development is adjacent to an existing residential use, potential privacy-sensitive areas and solar access shall be identified on the site plan; details shall be provided on the plans demonstrating how privacy and solar access have been maintained.	X	X	X	X	X	X	X	X	X	X
• When new residential development is adjacent to an existing residential use, windows shall be designed and placement to obscure direct sight lines into private yard areas.	X	X	X	X	X	X	X	X	X	X
• Driveway curb cuts and vehicular access from the street to off-street parking shall be minimized. For sites less than 100 feet in width, no more than one driveway curb cut is permitted. For sites that are greater than 100 feet in width, two driveway curb cuts are permitted.	X	X	X	X	X	X	X	NA	X	X
• Adequate refuse storage shall be provided that accommodates general garbage, recycling and green receptacles. The location and design of the refuse storage area shall be reviewed and approved by Marin Sanitary Service prior to the submittal of a ministerial review application to the City.	X	X	X	X	X	X	X	X	X	X
• Above ground utilities shall be inset into building facades or screened with landscaping or low walls.	X	X	X	X	X	X	X	X	X	X
• Roof-mounted mechanical equipment shall be screened from view from adjacent public rights-of-way and integrated into the project architecture. HVAC equipment shall be sited so that it is no less than 50 feet from the closest existing residence.	X	X	X	X	X	X	X	X	X	X

⁴ San Rafael Design Guidelines (2004)

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<ul style="list-style-type: none"> Utility transformers or boxes shall be placed underground. If this is not feasible, these facilities shall be placed at an on-site location that is not visible from the public sidewalk or street. The location and design of the refuse storage area shall be reviewed and approved by PG&E prior to the submittal of a ministerial review application to the City 	X	X	X	X	X	X	X	X	X	X
2. <u>Building design and architecture</u>										
<ul style="list-style-type: none"> Four-sided architecture is required. Each building elevation shall be designed with the same level of architectural treatment and detailing. 	X	X	X	X	X	X	X	X	X	X
<ul style="list-style-type: none"> Large single, buildings shall be broken-up into smaller building units to maintain the scale and character of existing, neighboring development. 	X	X	X	X	X	X	X	NA	X	X
<ul style="list-style-type: none"> For every 50 feet of building length, there shall be a plane-break along the façade that is no less than 10 feet in length. 	X	X	X	X	X	X	X	NA	X	X
<ul style="list-style-type: none"> To reinforce a sense of entry, the building entrance shall be distinctively defined from the other building elevation elements. This distinction can be accomplished with treatments such as a covered porch, projecting wall and/or roof element, trellises or verandas. 	X	X	X	X	X	X	X	NA	X	X
<ul style="list-style-type: none"> Building stories/floors <u>above the second floor</u> shall be designed to step-back 10 feet from the lower building wall/plane. 	X	X	X	X	X	X	X	N/A	X	X
<ul style="list-style-type: none"> Building stories/floors <u>above the first floor</u> shall be designed to step-back 10 feet from the low building wall/plane. 	N/A	N/A	N/A	N/A	N/A	N/A	N/A	X	N/A	N/A
<ul style="list-style-type: none"> Roof design and forms shall emulate the existing roof forms found in the area. 	X	X	X	X	X	X	X	X	X	X
3. <u>Open space and landscape</u>										
<ul style="list-style-type: none"> The project shall be designed to include the following usable outdoor area: <ul style="list-style-type: none"> Private- 100 square feet for each residential unit (balcony, deck, patio) Common- 50 square feet for each residential unit (patio, rooftop deck/terrace and/or garden) 	X	X	X	X	X	X	X	X	X	X
<ul style="list-style-type: none"> When new residential development is adjacent to an existing residential use, landscaping including trees and other garden features (trellis, fencing, decorative planter walls) shall provide a buffer or screening between the properties and to obscure direct sight lines into private yard areas. 	X	X	X	X	X	X	X	X	X	X

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<ul style="list-style-type: none"> Compliance with storm water pollution prevention standards (MCSTOPP). Storm water treatment facilities shall not be in areas that are counted toward meeting the minimum or encouraged common outdoor area requirements. 	X	X	X	X	X	X	X	X	X	X
<ul style="list-style-type: none"> If there are no street trees on the frontage, street trees are required to be installed and must be shown on the site plan. Street trees shall be installed at intervals of 20 feet from center. 	X	X	X	X	X	X	X	X	X	X
4. <u>Sustainability</u>										
<ul style="list-style-type: none"> Compliance with Cal-Green Tier 1 green building regulations. The applicant shall submit a statement and/or plans demonstrating project compliance. 	X	X	X	X	X	X	X	X	X	X
<ul style="list-style-type: none"> Compliance with landscape standards and Marin Municipal Water District (MMWD) Water Conservation Ordinance. The landscape and irrigation plan shall be reviewed and approved by MMWD prior to the submittal of a ministerial review application to the City. 	X	X	X	X	X	X	X	X	X	X
<ul style="list-style-type: none"> Compliance with the MMWD gray water recycling requirements. The gray water recycling plan shall be approved by MMWD prior to the submittal of a ministerial review application to the City. 	X	X	X	X	X	X	X	X	X	X
5. <u>Building materials and colors</u>										
<ul style="list-style-type: none"> Natural and green building materials are required. Bright, reflective building materials are prohibited. 	X	X	X	X	X	X	X	X	X	X
<ul style="list-style-type: none"> Subtle and earth tone colors are required. Bright (e.g. lemon yellow) and vibrant (e.g., lime green) colors are prohibited. 	X	X	X	X	X	X	X	X	X	X
<ul style="list-style-type: none"> Changes in building materials and colors shall correspond to variations in building mass or shall be separated by a building element. 	X	X	X	X	X	X	X	X	X	X
<ul style="list-style-type: none"> Stucco foam trim shall not be used as the sole trim molding. 	X	X	X	X	X	X	X	X	X	X
6. <u>Lighting</u>										
<ul style="list-style-type: none"> Lighting shall be selected and sited to provide adequate site security, as well as pedestrian and vehicular safety. All lighting sources shall be shielded to prevent glare and illumination beyond the boundaries of the property. The lighting fixtures that are selected shall compliment the architecture of the project. An exterior lighting plan with photometric analysis shall be submitted with an application for ministerial review. The plan specifications shall demonstrate how the above standard has been met. 	X	X	X	X	X	X	X	X	X	X

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<ul style="list-style-type: none"> Pedestrian-scale lighting, less than 16 feet in height, shall be used to illuminate areas used for pedestrian circulation. 	X	X	X	X	X	X	X	X	X	X
8. <u>Walls and Fencing</u>										
<ul style="list-style-type: none"> Design walls and fences with materials and finishes shall replicate the building architecture and materials. 	X	X	X	X	X	X	X	X	X	X
9. <u>Signage</u>										
<ul style="list-style-type: none"> Signage shall comply with SRMC Chapter 14.19 (Signs). All project signage shall be included in the application for ministerial review. 	X	X	X	X	X	X	X	X	X	X

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