



AGENDA

**SAN RAFAEL PLANNING COMMISSION
REGULAR MEETING
TUESDAY, August 27, 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, August 13, 2019

PUBLIC HEARING

2. **949 Del Presidio Blvd. (Chevron Gas Station)** – Requests an Environmental and Design Review Permit, Use Permit, Sign Program, and Major Sign Exception for the reconstruction of the service station and convenience store. The project includes a new 2,964 square-foot minimart, fuel canopy with partial illumination, site signage including a digital price ID sign, 4 fuel pumps, 18 parking spaces (including 8 fueling spaces), and revised landscaping; APN: 175-322-02; General Commercial (GC) District; Chevron USA INC., owner; Gary Semling of Stantec Architecture, applicant; File Nos.: ED18-105, UP18-044, SP19-002 and SE19-001. Project Planner: Alan Montes
3. **703 – 723 Third St. and 898 Lincoln Avenue** – Request for an Environmental and Design Review Permit, Use Permit and Lot Line Consolidation for the redevelopment of two contiguous Downtown parcels, currently developed with 15,000 sq. ft. of commercial space with a new, 6-story, 73 ft tall, multifamily residential building with 120 rental units above 121 garage parking lift spaces and 969 sq. ft of commercial retail space. The project includes requests for height and density bonuses, and a front setback waiver; APNS: 011-278-01 & -02; Second/Third Mixed Use East (2/3 MUE) District Zones; Wick Polite of Seagate Properties, Inc., Applicant; 703 Third Street LP, Owners; Case No's: ED18-018; UP18-008, LLA18-001. Project Planner: Steve Stafford

**DIRECTOR'S REPORT
COMMISSION COMMUNICATION
ADJOURNMENT**

- I. Next Meeting: September 10, 2019
- II. I, Anne Derrick, hereby certify that on Friday, August 23, 2019, I posted a notice of the August 27, 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, August 13, 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
Aldo Mercado
Sarah Loughran

Absent: Barrett Schaefer
Mark Lubamersky
Shingai Samudzi

Also Present: Alicia Giudice, Senior Planner
Raffi Boloyan, Planning Manager

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, July 23, 2019

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

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

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 Boloyan**

[Staff Report](#)

Berenice Davidson moved and Aldo Mercado seconded to adopt resolution approving project as presented. The vote is as follows:

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

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 Boloyan**

[Staff Report](#)

This was an informational presentation. The Planning Commission provided individual comments. No action was required.

DIRECTOR’S REPORT

COMMISSION COMMUNICATION

ADJOURNMENT

ANNE DERRICK, Administrative Assistant III

APPROVED THIS ____ DAY OF _____, 2019

Sarah Loughran, Chair



SAN RAFAEL

THE CITY WITH A MISSION

Community Development Department – Planning Division

Meeting Date: August 27, 2019
Agenda Item: 2
Case Numbers: ED18-105, UP18-044 & SP19-002
Project Planner: Alan Montes – (415)485-3397

REPORT TO PLANNING COMMISSION

SUBJECT: 949 Del Presidio Blvd. – Environmental and Design Review, Use Permit/Parking Modification and Sign Program for proposed upgrades to an existing motor vehicle service station on a 25,848 sq. ft. parcel located at the northwest corner of Del Presidio Blvd and Manuel Freitas Parkway. The project includes demolition of existing kiosk building, fuel canopy, fuel dispensers, underground fuel tanks, restroom/utility building, storage shed, air and water station. New construction includes a convenience store, fuel canopy with four (4) multi-product fuel dispensers, three (3) underground fuel tanks, trash enclosure, self-serve air, and water station and updated/expand landscaping. APN: 175-322-02; General Commercial (GC) District Zone, Gary Semling for Stantec Architecture, Applicant; Darin O'Kelley for Chevron Products Co, Owner; North San Rafael Commercial Center Neighborhood.

EXECUTIVE SUMMARY

The project proposes to demolish and rebuild the service station and convenience store. This application requires;

- 1) An Environmental and design review for the proposed construction of the proposed buildings and site improvements;
- 2) Use Permit for the proposed 24/7 service station/convenience store use and a parking modification to reduce the dedicated parking by four (4) spaces and to count the eight (8) fueling spaces as part of the required parking; and
- 3) A sign program for the gas station to allow the use to meet its unique signage requirements, as well as consideration of a LED price ID sign, which would be the first permitted LED price ID sign in San Rafael.

On June 18, 2019, the Board reviewed the project and recommended approval (3-2-1) of the proposed site, signage and building design changes, including the request for parking modification and the LED price ID sign. The point of contention was over the light wash on the canopy fascia. The concern was that by approving the illuminated canopy that this would set a precedent in the City for additional service station signage and that this may create glare.

As proposed and conditioned, the project is consistent with the applicable review criteria and meets the required findings for an Environmental and Design Permits, Use Permits, and Sign Program. (See General Plan and Zoning Ordinance Consistency discussion under the Analysis section of this report.)

RECOMMENDATION

It is recommended that the Planning Commission adopt the attached Resolution (Exhibit 2) approving the Use Permit (UP18-044), the Environmental and Design Review Permit (ED18-105), and the Sign Program (SP19-002) with conditions.

PROPERTY FACTS

Address/Location:	949 Del Presidio Blvd	Parcel Number(s):	175-322-02
Property Size:	25,848 sq. ft.	Neighborhood:	N. San Rafael Commercial Center

Site Characteristics			
	General Plan Designation	Zoning Designation	Existing Land-Use
Project Site:	General Commercial (GC)	General Commercial (GC)	Service Station
North:	Office (O)	Office (O)	Office Building
South:	GC	GC	Service Station
East:	GC	Commercial/Office (C/O)	Service Station
West:	O	O	Office building

Site Description/Setting:

The subject site is in the North San Rafael Commercial Center of San Rafael. Specifically, it is located at the southwest corner of Del Presidio Blvd. and Manuel Freitas Parkway. The subject property is generally flat (<3% average cross-slope), trending slightly east to west from the front to the rear of the property. It is generally a square-shaped parcel, 25,848 sq. ft. in area. Access is from two driveway cuts from Del Presidio Blvd.

BACKGROUND

The site is developed with an existing Chevron service station facility which includes two primary structures, a small 864 sq. ft., "Island Marketer" kiosk building and a freestanding fuel pump canopy with five (5) fuel pumps. In addition, the project site includes a 120 sq. ft. remote bathroom building in the northwest corner of the site, a 64 sq. ft. utility shed, and four (4) underground fuel storage tanks.

PROJECT DESCRIPTION

Use:

The project proposes to construct a new 2,964 sq. ft. '24/7' convenience store with beer and wine sales, a 2,744 sq. ft. fuel canopy, with four (4) fuel pumps, three (3) new underground fuel tanks, a trash enclosure, a self-serve air/water station and an EV charger.

Site Plan:

The project proposes to construct the fueling canopy in the center of the site and the convenience store along the west property line. The dedicated parking is aligned in front of the convenience store and the trash enclosure is located towards the south elevation of the building, which assists in screening the structure from public views.

The project will keep one of the driveway existing curb cuts (southeast) and replacing one driveway curb cut (northeast) to comply with today's standards. However, the new curb cut will remain approximately in the same location. The northern portion of the property, along Manuel Freitas Parkway will be heavily landscaped and the landscaping will continue along the perimeter. Additionally, the Department of Public Works is requiring portions of the sidewalk to be replaced, in accordance with the Uniform Construction Standards.

Architecture:

The architecture is fairly conventional for a service station. The base of the building, corners, and tower element will all be clad in a "Yukon mountain ledge" stone veneer. The roof will utilize a nutmeg colored stucco screen/parapet to screen the mechanical equipment.

Landscaping:

The project proposes to increase the existing onsite landscaping from 3,288 sq. ft. (12.7%) to 4,612 sq. ft. (17.8%) and to improve an additional 1,275 sq. ft. of landscaping in the right-of-way. The landscape plan as seen on Sheet 5 of the plans includes a significant number of shrubs, groundcover and eight (8) new trees. In addition to the eight (8) trees identified on the landscape plan, the Board recommended that the two (2) trees in the south planter be replaced with two (2) additional *Laurus Nobilis* trees.

Parking:

The project is required to provide fifteen (15) parking spaces. However, the applicant has requested a parking modification to reduce the required parking to eleven (11) spaces and acknowledge the additional eight (8) parking spaces provided at the fuel pumps.

Lighting:

The plans propose 22 new lights for the site. The photometric plan on Sheet 7 identifies that the proposed lighting will be consistent with City requirements. The lighting under the canopy is recessed and under 20 foot-candles, while the spillover is generally less than 1 foot-candle at the public right-of-way. Additionally, per the Board's request the applicant has revised the Kelvin's from 5000K (Daylight) to 3000K (Warm White).

ANALYSIS**San Rafael General Plan 2020 Consistency:**

The proposal at 949 Del Presidio Blvd. is substantially compliant with General Plan 2020 and specifically, the project is consistent with the following General Plan 2020 Policies:

Land Use Policy LU-9, Intensity of Nonresidential Development, states maximum allowable floor area ratios (FARs) are not guaranteed, particularly in environmentally sensitive areas. Intensity of commercial and industrial development on any site shall respond to the following factors: site resources and constraints, traffic and access, potentially hazardous conditions, adequacy of infrastructure, and City design policies. The proposal has been reviewed against the criteria listed above and it has been found that the proposal complies with the maximum FAR requirement of 0.30, as the project is proposing a FAR of 0.12. Additionally, the project has been demonstrated to reduce peak hour trips for the site through the reduction of the number of fuel pumps.

Land Use Policy LU-12, Building Heights, establishes height limits throughout the City, as well as establishing exceptions to the height limit per Exhibit 8. This project site has a height limit of 36 feet. The maximum height of the proposed structure is 24'-5.5". Therefore, the project complies with the maximum height allowance.

Land Use Policy LU-14, Land Use Compatibility, requires that new development in mixed residential and commercial areas to minimize potential nuisance effects and to enhance their surroundings. This project complies with this policy as the service station is currently located adjacent to three (3) other service stations, will reduce the amount of peak hour trips generated from the existing use, and significantly expand the landscaping for the site. Given the historic use, the reduction of trips, and expansion of landscaping the proposal has demonstrated an improvement in land use compatibility.

Community Development Policy CD-9, Transportation Corridors, encourages higher quality design for sites located within the designated transportation corridors. The Board reviewed this project on three (3) different occasions and through each review made recommendations that the applicant applied to the project. On June 18, 2019 the Board recommended approval of the design to the Planning Commission.

Community Design Policy CD-10, Nonresidential Design Guidelines, requires that new nonresidential project be reviewed against the nonresidential design guidelines. This project has been reviewed against the nonresidential design guidelines and has been found consistent by the Board.

Community Design Policy CD-15, Participation in Project Review, encourages public involvement in the review of new development through the use of noticing and public hearings. This project is consistent with this policy as the project has been properly noticed and scheduled for all required hearings.

Community Design Policy CD-18, Landscaping, requires that the City recognizes the contribution of landscaping. The design of the building has significantly increased the quality of landscaping by adding ten (10) new trees, as conditioned, and significantly increases the amount of ground cover. The landscaping has also been reviewed and modified per the Board recommendations.

Community Design Policy CD-19, Lighting, encourages adequate site lighting for safety purposes while controlling excessive light spillover and glare. The project substantially complies with this requirement by providing the minimal amount of lighting beneath the canopy to provide a sense of safety and by having minimal amount of spillover into the right-of-way.

Community Design Policy CD-20, Commercial Signage, requires that signage complies with the regulations in the Sign Ordinance. The project complies with the sign ordinance through the use of a sign program to allow flexibility in the signage requirements for service stations.

Air and Water Quality Policy AW-7, Local, State and Federal Standards, requires the project to comply with the City's Stormwater Pollution Prevention standards (MCSTOPPP). The proposed plan is designed to be consistent with the stormwater pollution standards by treating stormwater runoff on-site in the bio-retention facilities.

Zoning Ordinance Consistency:

Use

Service stations are allowed uses in the GC district, subject to approval of a use permit by the Planning Commission. Section 14.16.160 (Fuel and service stations) requires that the City review fuel and service stations for compatibility with surrounding uses to protect the public health, safety and welfare by assuring adequate numbers of fuel and service stations which afford equal access to the public. Through the review process it has been determined that the use is compatible with the existing and future uses and that the project will afford equal access to the public by complying with ADA regulations and by bringing the facility up to current codes.

Height

The site is subject to a 36' height limit pursuant to San Rafael Municipal Code (SRMC) Section 14.05.020. The project proposes a maximum height of 24'-5.5" feet for the convenience store and the canopy proposes a maximum height of 18.5' feet.

Landscaping

There is a 15% minimum landscaping requirement for this property. The project proposes to increase the existing onsite landscaping from 3,288 sq. ft. (12.7%) to 4,612 sq. ft. (17.8%) and to improve an additional 1,275 sq. ft. of landscaping in the right-of-way. The landscape plan as seen on Sheet 5 of the plans include a significant number of shrubs, groundcover and ten (10) new trees, as conditioned.

Chapter 14.16 – Site and Use Regulations

Hazardous Soils Conditions

Section 14.16.180 (Hazardous soils conditions) requires lots which have been used for auto services to be evaluated for the presence of toxic or hazardous materials prior to development approvals. The applicant submitted a Closure Request Report prepared by Conestoga Rover Associates. This report concluded that the site and the impacted groundwater posed no significant threat to human health or the environment.

Light and Glare

Section 14.16.227 (Light and glare) requires that colors, materials and lighting shall be designed to avoid creating undue off-site light and glare impacts and that the foot-candle intensity of lighting should be the minimum amount necessary to provide a sense of security at building entryways, walkways and parking lots. In general terms, acceptable lighting levels would provide one (1) foot-candle ground level overlap at doorways, one-half (½) foot-candle overlap at walkways and parking lots and fall below one (1) foot-candle at the property line.

The applicant has proposed a Photometric study identifying the lighting levels. The proposed levels are slightly higher than recommended in the code. The average foot candle of 3.61-foot candles for the site and an average of 15.81-foot candles directly under the canopy. The Board found that the proposed lighting levels are appropriate given the use.

Mechanical Equipment Screening

Section 14.16.243 (Mechanical equipment screening) requires equipment placed on the rooftop of a building or in an exterior yard area shall be adequately screened from public view. The project currently proposes to screen the rooftop equipment using the parapet and the ground mounted equipment will be screened in the proposed electrical box, located along the north elevation of the building

Chapter 14.18 – Parking Standards

Parking Requirements

Section 14.18.040 (Parking Requirements) requires this project to provide fifteen (15) parking spaces, based on the following:

- Standard:
 - Three (3) parking spaces for the gas station and an additional one (1) parking space for every 250 square feet of gross retail area.
- Requirement
 - The proposed retail area of the proposed convenience store is 2,964 sq. ft. and is required to provide twelve (12) parking spaces for the convenience store and an addition three (3) parking spaces for the fueling station, for a total of fifteen (15) parking spaces.
- Proposal
 - The project proposes a total of eleven (11) dedicated parking spaces and eight (8) fueling pumps which can be used for general parking for the site.

Parking Modification

The project requests a Parking Modification, through the Use Permit application submittal, to reduce the parking requirement by four (4) parking space, from fifteen (15) to eleven (11) on-site parking spaces, and for the fueling spaces to count as parking for the convenience store. The Parking Modification requires the review and recommendation of both the Community Development Director and the City Engineer, and the approval of the Planning Commission. The Community Development Director, through Planning Staff, and the City Engineer support the proposed Parking Modification.

Parking Standards

The project complies with the following applicable parking standards:

- Designated parking for clean air vehicles, as the application is proposing an EV charger;
- Allowable percentage of compact parking spaces (30% max.);
- Minimum drive aisle width (26');
- Minimum 2-way driveway width (24').
- Parking lot screening and landscaping

Chapter 14.19 – Signs

The project requests a Sign Program, which can allow some flexibility for uses which have unique signage requirements, such as service stations. Staff finds the proposed site signage is similar with other service station uses in the immediate area and throughout the City, except for the illumination of one of the canopy elevations and the LED price ID sign. Typically, service station signage in San Rafael is around 120 sq. ft. The proposed signage for the site is 412.34 sq. ft., including 277.34 sq. ft. of the illuminated canopy.

The project proposes a total of fourteen (14) signs. One (1) LED price ID monument sign, one (1) building sign, eight (8) logo signs on the fuel pumps, three (3) canopy signs, and the illumination one (1) elevation of the canopy (facing Del Presidio Blvd.). The total signage for the site (excluding the price signs as they are regulated by State and Federal Laws and are exempt) is 412.34 sq. ft. (135 sq. ft. of signs and 277.34 sq. ft. for the canopy illumination).

The signage for this application is unique in that the applicant is requesting a LED price ID sign and to illuminate the canopy. The City has historically not allowed the LED price ID signs as the illumination standards under Section 14.19.055 state that internally illuminated signs should be shielded or concealed to avoid glare. This section of the code also notes that neon signs are allowed but are subject to Board review and recommendation. In reviewing illumination standards, the purpose is to avoid nuisance, hazardous, and glare producing lights. Staff finds that a properly conditioned LED price ID sign is more akin to a neon sign than an internally illuminate sign. In addition, through the development review process the City has found that white LEDs will not be a traffic nuisance/hazard and as conditioned the lighting will not generate glare issues, as the City will have 90 days to evaluate the brightness/glare, post construction. The Board has also reviewed the LED price ID sign and was unanimously supportive of the proposal, with a condition that the City be able to review the brightness of the LED post construction. However, the action and precedent are for the Commission to decide.

Regarding the illumination of the canopy the Board was split (3-2). Three (3) of the Board members were supportive of illuminating only the Del Presidio Blvd. elevation, whereas two (2) of the Board members were against any illumination the canopy fascia. The two (2) members who were against the illumination of the canopy were concerned that this would create a precedent and would allocate additional signage to the project.

Chapter 14.25 – Environmental and Design Review

The project requires Environmental and Design Review Permit approval by the Commission. The proposed project requires consistency with the applicable review criteria for Environmental and Design Review Permits, pursuant to Section 14.25.050 (*Review Criteria; Environmental and Design Review Permits*). Those review criteria applicable to the project are identified below:

Architecture

The project proposes a standard “Chevron Extra Mile” branded design for the new convenience store building and fuel canopy facades. The design would include a 24’-5.5” entry tower, which would be clad in a stone veneer. The stone veneer would also be incorporated into the base of the building and the corner elements, as requested by the Board. The project is proposing to use a combination of smooth plaster and stone cladding for the façade materials, which are familiar materials found throughout the City. The color palette utilizes earthtone colors, such as shades of beige and brown as the primary colors. These materials and colors are consistent with the review criteria. Overall, the Board was

supportive of the architecture, colors, and materials and found that the project complied with the review criteria.

Exterior Lighting

The project proposes shielded lighting which are either recessed or pointed towards the building and should not provide any glare, hazard or nuisance to the adjacent neighbors. The lighting plan substantially complies with the lighting ordinance and has been supported by the Board as proposed.

DESIGN REVIEW BOARD RECOMMENDATION

On October 16, 2018, the project was brought before the Board for Conceptual Design Review, where no votes were taken. During the meeting, the Board had requested that the project make the following modifications:

- Increase the amount landscaping.
- Eliminate two parking spaces and request a parking modification to increase landscaping.
- Provide fully recessed lighting under the canopy.
- Relocate the structure further south, away from Freitas Pkwy.
- Move trash enclosure to the north elevation of the building.
- Use 3000 Kelvin lighting as opposed to 5000 Kelvin.
- The trash enclosure should utilize the same materials of the building
- The architecture of the building needs additional forms, materials, and fenestration along the Freitas Pkwy. Frontage. The Board recommended utilizing the Rite-Aid building as a model.

On May 21, 2019, the project was brought back to the Board for formal review. The Board found that the project incorporated many of the requested items and were supportive of the LED price ID sign. However, they ultimately voted to have the project return on consent and to incorporate the following comments:

- Simplify the planting palette on the landscape plan and create more design order.
- Shift bio-retention areas away from driveway entries.
- Relocate and connect the trash enclosure to the south building elevation.
- Articulate the building corners better by increasing the height of the stone veneer.
- Re-evaluate the proposed height of the fuel canopy to match the other three service stations along Del Presidio Blvd.
- Fully-recess the under-canopy lighting fixtures or include shields.

On June 18, 2019, the project returned to the Board on consent. The applicant applied many of the requested changes, but the Board took the item from consent to discuss the illumination of the canopy. Board members Kent and Paul felt that the canopy should not be illuminated. As they expressed concern over setting a precedent for additional signage, in addition to potentially creating glare. The other members felt that the illumination should be limited to the Del Presidio Blvd. Frontage only. Ultimately, the Board voted 3-2-1 (Blayney, Saude and Summers "ayes", Kent and Paul "nays" and Rege absent) to recommend approval of the project with the following conditions:

- The LED canopy light 'wash' should be limited to the Del Presidio Blvd. frontage only.
- The existing two (2) trees within the landscape island along the south elevation should be replaced with new *Laurus nobilis* trees.

The City no longer prepares written meeting minutes, but actual video proceedings from the DRB meeting can be reviewed at: <https://www.cityofsanrafael.org/public-meetings/> then clicking on the DRB under archived meetings, and then selecting the October 16, 2018, May 21, 2019 and June 18, 2019 dates.

ENVIRONMENTAL DETERMINATION

The proposed project is exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15302 of the CEQA Guidelines which exempts replacement or reconstruction of existing structures on the site. The project proposes to demolish the existing fueling station and convenience store and replace it with a new fueling station with less pumps and a new convenience store.

NEIGHBORHOOD CORRESPONDENCE

Notice of this 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 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 applicants as presented (Staff Recommendation)*
2. *Approve the application with certain modifications, changes or additional conditions of approval.*
3. *Continue the applications to allow the applicant to address any of the Commission's comments or concerns*
4. *Deny the project and direct staff to return with a revised resolution at the next meeting*

EXHIBITS

1. Vicinity Map
2. Draft Resolution
3. Letter from applicant (12/10/2018) and updated Memo (3/12/19).
4. Closure Request (Hazardous Soil Conditions Report)
5. Reduced Plans

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

Exhibit 1 - 949 Del Presidio

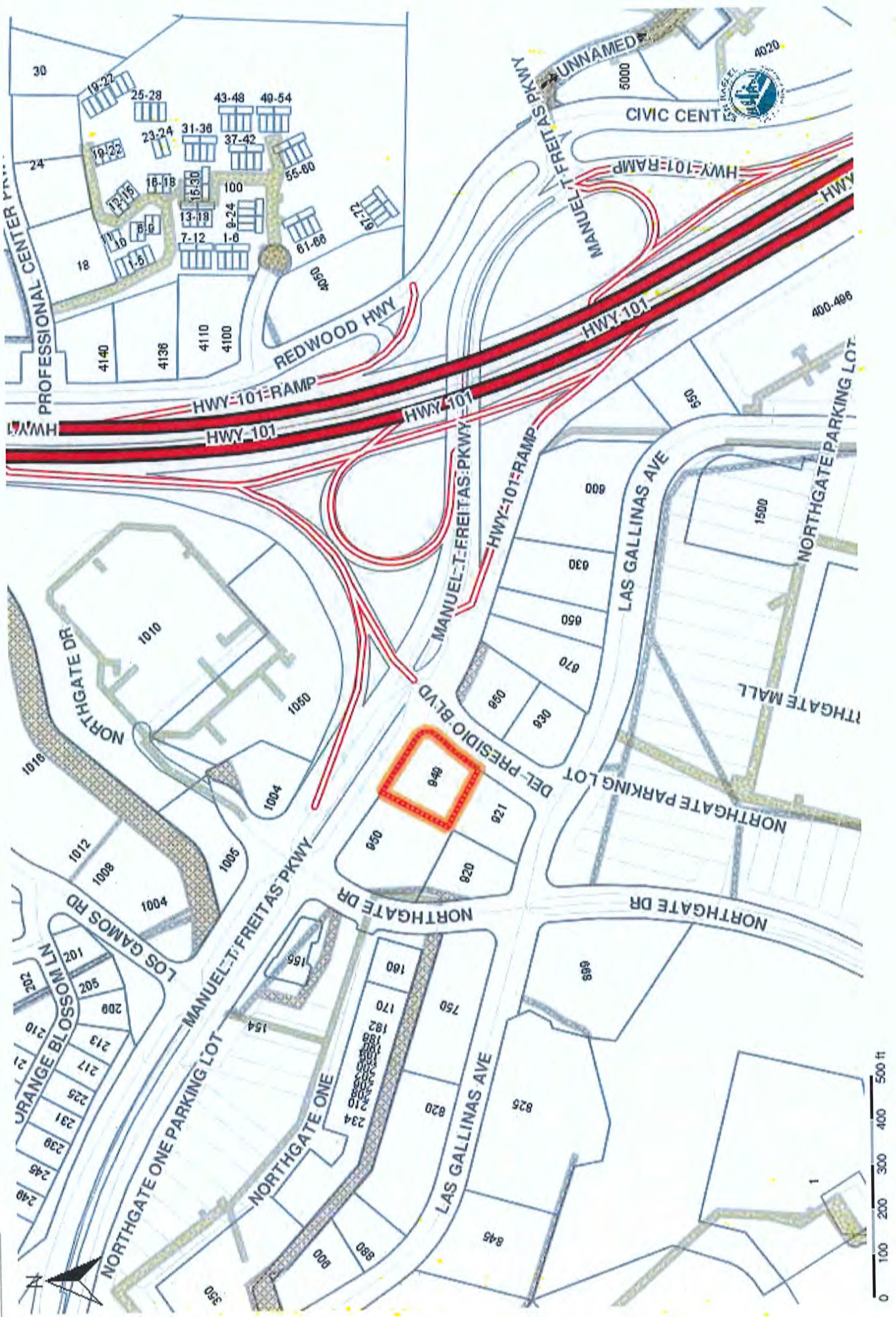


Exhibit 2

RESOLUTION NO. 19-XX

RESOLUTION OF THE SAN RAFAEL PLANNING COMMISSION APPROVING AN ENVIRONMENTAL AND DESIGN REVIEW PERMIT (ED18-105), USE PERMIT (UP18-044), AND SIGN PROGRAM (SP19-002) FOR THE RECONSTRUCTION OF A GAS STATION AND CONVENIENCE STORE, PARKING MODIFICATION, AND SIGN PROGRAM LOCATED AT 949 DEL PRESIDIO BOULEVARD
APN: 0175-322-02

WHEREAS, on August 20, 2018, the Applicant, Gary Semling, submitted a Conceptual Design Review application to the City of San Rafael to demolish and rebuild a gas station and convenience store at 949 Del Presidio Blvd. in the General Commercial (GC) District; and

WHEREAS, on December 12, 2018, the Applicant submitted a formal application for a Use Permit and Environmental and Design Review to the City of San Rafael; and

WHEREAS, on April 09, 2019, the Applicant submitted for a Sign Program and the project was deemed complete and ready for formal review; and

WHEREAS, on June 18, 2019, the City of San Rafael Design Review Board reviewed the project and on a vote of 3-2-1 recommended approval; and

WHEREAS, on August 27, 2019, the San Rafael Planning Commission held a duly noticed public hearing on the proposed Use Permit, Environmental and Design Review Permit, and Sign Program (UP18-044, ED18-105, and SP19-002), accepting all oral and written public testimony and the written report of the Community Development Department staff.

WHEREAS, the Planning Commission finds that the project is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15302 of the CEQA Guidelines which exempts replacement or reconstruction of existing structures on the site; and

NOW THEREFORE BE IT RESOLVED, the Planning Commission makes the following findings relating to the Use Permit, Environmental and Design Review Permit, and Sign Program (UP18-044, ED18-105, and SP19-002):

Use Permit Findings (UP18-044)

- A. The project is consistent with the General Plan 2020 given that the proposed project would be consistent with Land Use Policies LU-9 (Intensity of Nonresidential Development) LU-12 (Building Heights), LU-14 (Land Use Compatibility); Community Design Policies CD-9 (Transportation Corridors), CD-10 (Nonresidential Design Guidelines), CD-15 (Participation in Project Review), CD-18 (Landscaping), CD-19 (Lighting) and CD-20 (Commercial Signage); Circulation Policy; and Air and Water Quality Policy AW-7 (Local, State and Federal Standards), in that:

- a. The proposal complies with Policies LU-9, LU-12, and LU-14, given that the proposal is within the maximum F.A.R. and complies with the development standards, including height limits. The project is a compatible land use as the use has been operating for 58-years with no code enforcement cases filed against the site.
 - b. The proposal complies with Policies CD-9, CD-10, CD-15, CD-18, CD-19 and CD-20 in that the project has been held to a higher level of design standard, as it's located on a transportation corridor. The project has been reviewed by the DRB against the nonresidential design guidelines on three (3) separate occasions and has received a positive recommendation from the Board. The project has been properly noticed and scheduled for all required hearings. The project complies with the landscape requirements and has modified the landscaping as the Board has recommended. The lighting levels have been reduced to provide the minimal amount of lighting to provide a sense of safety and to minimize spillover. The project complies with the sign ordinance through a sign program to allow flexibility in the signage requirements for gas stations.
 - c. The proposal complies with Air and Water Quality Policy AW-7 (Local, State and Federal Standards), as the proposal is designed to be consistent with the stormwater pollution standards by treating stormwater runoff on-site in the bio-retention facilities.
- B. The proposed gas station and convenience store use together with the conditions applicable thereto, will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity, or to the general welfare of the City in that:
- a. The proposed use will reduce peak hour trips and the facility will be brought up to current health and safety codes; and
 - b. The reviewing City Departments have reviewed the project, monitored the project site, and developed conditions of approval to ensure that the use will operate in a manner as described and comply with all life and safety code requirements.
- C. That the proposed gas station and convenience store use has been found to comply with each of the applicable provisions of the zoning ordinance, in that:
- a. That the proposed use, a gas station and convenience store, is in accord with the General Plan, the objectives of the Zoning Ordinance; and
 - b. The proposed gas station is a conditionally permitted use in the GC district.
 - c. The gas station and convenience store, as conditioned, will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

Environmental and Design Review Findings (ED18-105)

- A. The project design is in accord with the General Plan, as stated in Finding A of UP18-044, the objectives of the Zoning Ordinance, the non-residential design guidelines, and

the purposes of Zoning Code Chapter 25 given that the project has been reviewed by the Design Review Board and Planning Commission for compliance with the design criteria contained Chapter 25 of the Zoning Ordinance to ensure that the design is compatible with the neighborhood and surrounding environs, as required by the General Plan Land Use Element.

- B. As conditioned, the project design minimizes adverse environmental impacts by proposing development of a level site that is surrounded by urban development on all sides, with public utilities and services readily available, the required setbacks and landscaping are incorporated into the project, lighting fixtures are shielded and directed down, and new development is subject to building permits that will ensure the building is constructed in compliance with all applicable codes and regulations.
- C. The project design is consistent with all applicable site, architecture and landscaping design criteria and guidelines for the district in which the site is located given that the site development complies with the GC District requirements and has been reviewed and recommended for approval by the Design Review Board.
- D. The project design will not be detrimental to the public health, safety or welfare, nor materially injurious to properties or improvements in the vicinity, as the project has been reviewed by the appropriate agencies and conditioned accordingly.
- E. The proposed project is exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15302 (Class 2) of the CEQA Guidelines which exempts replacement or reconstruction of existing structures on the site. The project proposes to demolish the existing fueling station and convenience store and replace it with a new fueling station with the same number of pumps and a new convenience store.

Sign Program Findings (SP19-002)

- A. All the signs contained in the program have common design elements such as colors, architecture, materials, letter type, in that the signs will have the Chevron Corporate branding colors and fonts.
- B. The Design Review Board has reviewed the sign program and have found that the program is in harmony and scale with the materials, architecture, and other design features of the buildings and property improvements they identify, and the program is consistent with the general design standards specified in Section 14.19.054.
- C. The amount and placement of signage contained in the program has been reviewed by the Design Review Board and has been found to be appropriate in scale with the subject property and improvements, as well as the immediately surrounding area.

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

Use Permit Conditions of Approval (UP18-044)

Community Development Department, Planning Division

1. This Use Permit allows for a 24-hour gas station/convenience store, a parking modification to reduce the dedicated parking from fifteen (15) parking spaces to eleven (11) parking spaces and to count the fueling spaces as general parking for the site, as identified in Exhibit 5 except as modified by the Conditions of Approval below.
2. The Use Permit Amendment (UP18-044) for this project is valid for two (2) years, until August 27, 2021, at which time the permit shall expire unless initiated by issuance of a building permit or an extension of time is requested prior to the expiration date.
3. The fueling spaces shall be available to all customers as parking spaces to access the convenience store or other services offered on the site.
4. A full-time attendant shall be available for full service at the pump station. The applicant shall install a sign and method for signaling an attendant to provide fueling assistance to the elderly, handicapped and others requesting assistance.
5. The Use Permit is contingent upon and subject to all conditions of approval applicable to ED18-105.
6. There shall be no outdoor storage of materials or equipment.
7. Failure to comply with any project conditions of approval may result in the revocation of the Use Permit. The San Rafael Planning Division can bring up this Use Permit (UP18-044) for review if problems arise from the use.

Environmental and Design Review Conditions of Approval (ED18-105)

Community Development Department, Planning Division

1. This Environmental and Design Review approves a 24-foot 5.5-inch tall convenience store and an 18.5-foot tall fueling canopy with associated parking, access and landscape improvements at 949 Del Presidio Blvd. and within the GC zoning district.
2. The building techniques, colors, materials, elevations and appearance of the project, as presented to the Planning Commission on August 27, 2019 hearing and on file with the Community Development Department, Planning Division, shall be the same as required for

issuance of all grading and/or building permits for the project, subject to these conditions. Minor modifications or revisions to the project shall be subject to review and approval of the Community Development Department, Planning Division. Further modifications deemed not minor by the Community Development Director shall require review and approval by the original decision-making body, the Planning Commission, and may require review and recommendation by the City's Design Review Board.

3. Any design modifications shall be submitted in writing to the San Rafael Planning Division and shall outline the modification and the reason for the modification.
4. All site improvements, including but not limited to, the site lighting, fencing, landscape islands, paving and striping shall be maintained in good, undamaged condition at all times. Any damaged improvements shall be replaced in a timely manner.
5. The site shall be kept free of litter and garbage. Any trash, junk or damaged materials that are accumulated on the site shall be removed and disposed of in a timely manner. The applicant shall institute a program to provide regular cleanup of the parking lot, landscaped areas and sidewalk in front of the store, as well as all other areas immediately around the new structure.
6. The project shall replace the two trees in the south planter with two new Laurus Nobilis trees.
7. All landscaping shall be maintained in a healthy and thriving condition, free of weeds and debris. Any dying or dead landscaping shall be replaced in a timely fashion with new healthy stock of a size compatible with the remainder of the growth at the time of replacement.
8. The operator shall remove all graffiti from the buildings or site in a timely manner.
9. All new exterior lighting shall be shielded down to avoid spillover onto adjacent properties or public streets.
10. The canopy lights shall be recessed in the canopy.
11. The Kelvin value of the exterior lights shall be 3,000 degrees Kelvin. The applicant shall provide evidence/proof of the Kelvin's at time of the Planning Final.
12. The canopy shall only be illuminated ("light washed"), as presented on the plans, on the Del Presidio Blvd. elevation.
13. The LED price ID sign shall be regularly maintained, any blinking, flashing or fluttering lights shall be immediately replaced.
14. All new lighting, including the LED price ID sign, shall be subject to a 90-day post installation inspection to allow for adjustment and assure compliance with Section 14.16.227 of the San Rafael Municipal Code.
15. All mechanical equipment (i.e., air conditioning units, meters and transformers) and appurtenances not entirely enclosed within the structure (on side of building or roof) shall be screened from public view. The method used to accomplish the screening shall be indicated on the building plans and approved by the Planning Division prior to issuance of a building permit.

16. Prior to issuance of a building permit, the applicant is to comply with conditions of the Marin Municipal Water District for the landscaping improvements.
17. Construction activities shall comply with City's Noise Ordinance.
18. A copy of this approval document shall be included in the Building Permit Plans.
19. If, during the course of construction, cultural, archaeological or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (150 feet) of the find until it can be evaluated by a qualified professional archaeologist. The City of San Rafael Planning Division and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.

Community Development Department, Building Division

20. The design and construction of all site alterations shall comply with the 2016 California Residential Code, 2016 California Building Code, 2016 Plumbing Code, 2016 Electrical Code, 2016 California Mechanical Code, 2016 California Fire Code, 2016 California Energy Code, 2008 Title 24 California Energy Efficiency Standards, 2016 California Green Building Standards Code and City of San Rafael Ordinances and Amendments.
21. A building permit is required.

Department of Public Works

22. Based on the scope of the project, new sidewalks and driveway aprons are required. A portion of the sidewalk has been recently replaced by the City, which may remain. The full extents of replacement shall be determined at the time of an encroachment permit based on field conditions.
23. The asphalt sidewalk patches shall be replaced in accordance with the Uniform Construction Standards.
24. The final striping and signage shall be submitted as part of the building permit.
25. The details of the drainage system in the ROW shall be reviewed by the Department of Public Works prior to an issuance of a permit.
26. A stormwater facilities maintenance agreement shall be required.
27. A grading permit shall be required from the Department of Public Works, located at 111 Morphew St.

Prior to approval of a grading permit, provide a copy of other regulatory permits such as CUPA and RWQCB.

28. An encroachment permit is required for any work within the Right-of-Way, from the Department of Public Works located at 111 Morphew St.
29. A construction vehicle impact fee shall be required at the time of building permit issuance; which is calculated at 1% of the valuation, with the first \$10,000 of valuation exempt.

Fire Prevention Bureau

30. The design and construction of all site alterations shall comply with the 2016 California Fire Code, specifically Chapter 23 and City of San Rafael Ordinances and Amendments.
31. Deferred Submittals for the following fire protection systems shall be submitted to the Fire Prevention Bureau for approval and permitting prior to installation of the systems:
 - a. Fire Sprinkler plans (Deferred Submittal to the Fire Prevention Bureau)
 - b. Fire Underground plans (Deferred Submittal to the Fire Prevention Bureau)
32. A fire apparatus access plan shall be prepared for this project. Fire apparatus plan shall show the location the following:
 - a. Red curbs and no parking fire lane signs.
 - b. Fire Department Connection (FDC).
 - c. Double detector check valve.
 - d. Street address sign.
 - e. Recessed Knox Box
 - f. NFPA 704 placards.
33. A Knox Box is required at the primary point of first response to the building. A recessed mounted Knox Box # 3275 Series is required for this project; the Knox Box shall be clearly visible upon approach to the main entrance from the fire lane. Note the Knox Box must be installed from 72" to 78" above finish grade; show the location on the plans.
34. Fire lanes must be designated; painted red with contrasting white lettering stating, "No Parking Fire Lane" A sign shall be posted in accordance with the CFC Section 503.3.
35. Hazardous Materials Placard shall be installed in accordance with NFPA 704.
36. Provide a Hazardous Materials Management Plan to be submitted to Marin County Department of Public Works, CUPA

37. Contact the Marin Municipal Water District (MMWD) to make arrangements for the water supply serving the fire protection system.

Marin Municipal Water District (MMWD)

38. The project shall comply with the District's rules and regulations in effect at the time service is requested. Comply with all indoor and outdoor requirements of District Code Title 13- Water Conservation. Plans shall be submitted, and reviewed to confirm compliance. The following are required:

- a. Verification of indoor fixtures compliance
- b. Landscape plan
- c. Irrigation plan
- d. Grading plan

Any questions regarding District Code Title 13 Water Conservation should be directed to Water Conservation Department at (415) 945-1497. You can also find information about the District's water conservation requirements online at www.marinwater.org

39. The project shall comply with the backflow prevention requirements, if upon the District's review backflow protection is warranted, including installation, testing and maintenance. Questions regarding backflow requirements should be directed to the Backflow Prevention Program Coordinator at (415)945-1558.

40. The project shall comply with Ordinance No. 429 requires the installation of gray water recycling systems when practicable for all projects required to install new water service and existing structures undergoing substantial remodel" that necessitates an enlarged water service.

Las Gallinas Valley Sanitary District (LGVSD)

41. The applicant shall complete and submit Application for Allocation of Capacity to LGVSD along with application fee. Application is available at <http://www.lgvsd.org/wp-content/uploads/APPL-ALLOCATION-fillable.pdf>.
42. The applicant shall provide a plumbing fixture unit (PFU) table for the project showing both existing and proposed plumbing fixture unit counts per most current edition of the California Plumbing Code. The table will be used for determination of the connection fee. Applicant may use the Plumbing Fixture Count Worksheet available at <http://www.lgvsd.org/wp-content/uploads/PFU-Worksheet-R1.pdf>.
43. Any modifications to existing sewer shall be reviewed by LGVSD. Provide utility/sewer design plans for review, if any.
44. Note that plans must show including but not limited to the following: a table showing existing and proposed plumbing fixture count, existing and proposed floor plans showing

location of plumbing fixtures, location of backwater prevention devices, sanitary sewer, cleanouts, manholes, and other relevant sanitary sewer details or information that may be applicable.

45. Based on District Ordinance adopted on June 28, 2018 preliminary cost estimates are:
- a. For new buildings, structures, and developments:
 - i. \$6,056 per Equivalent Sewer Unit
 - ii. Actual fees may be adjusted according to specific conditions outlined in the Ordinance.
 - b. For existing buildings, structures, and developments:
 - i. \$303 per Plumbing Fixture Unit (PFU)
 - ii. Credit may be given to existing plumbing fixtures.
 - c. Applicant shall reimburse the District for all plan review, field verification before and after construction, and inspection fees accrued associated with this project. The estimate cost is \$7,500. Actual fees may be adjusted according to project specific conditions.
 - d. For more information about District Ordinance and permitting process, please visit <http://www.lgvsd.org/>.
 - e. Applicants shall submit plans electronically to LGVSD for review. If electronic copies are not available, please submit a separate plan set to LGVSD.

Sign Program Conditions of Approval (SP19-002)

46. The building techniques, colors, materials, elevations and appearance of the project, as presented to the Planning Commission on August 27, 2019 hearing and on file with the Community Development Department, Planning Division, shall be the same as required for issuance of all grading and/or building permits for the project, subject to these conditions. Minor modifications of revisions to the project shall be subject to review and approval of the Community Development Department, Planning Division. Further modifications deemed not minor by the Community Development Director shall require review and approval by the original decision-making body, the Planning Commission, and may require review and recommendation by the City's Design Review Board.
47. Prior to the installation of new signs approved under this Sign Program, all existing permanent signs on the building shall be removed and the wall on which those existing signs were mounted shall be repaired, cleaned, patched and repainted as necessary to return that building elevation to a condition that existed before any signs were installed.
48. This Sign Program (SR19-002) shall run with the land and shall remain valid regardless of any change of ownership of the project site, subject to these conditions. Failure to comply with the approved project and/or conditions of approval may result in revocation of the Sign Program.

49. The Sign Program approves 412.34 sq. ft. (135 sq. ft. of signage + 277.34 sq. ft. of illuminated canopy fascia) of total sign area for the site, subject to the conditions and limitations herein, as follows:
- a. Freestanding Monument Sign (Corner of Del Presidio Blvd. and Manuel Freitas Parkway) – Modify the existing freestanding monument-type sign located within an existing landscape planter at the corner of the site, where Del Presidio Blvd. and Manuel Freitas Parkway intersect. The maximum height shall be 17’ above finished grade of the landscape planter and incorporate LEDs for the price illumination. The total nonexempt signage for this monument sign shall not exceed 44.2 sq. ft.
 - b. Canopy Fascia Signs – Three (3), internally-illuminated, signs located along the canopy fascia; one business name (“Chevron”) sign along the west elevation of the canopy (not to exceed 21 sq. ft.) and two (2) logos along the north and south elevations of the canopy (not to exceed 4.9 sq. ft. each).
 - c. Canopy Fascia – The canopy may illuminate the east elevation (facing Del Presidio Blvd.) of the dimensional hood of the canopy, resulting in 277.34 sq. ft. of signage.
 - d. Wall Signs – One (1), internally-illuminated channel letter set on aluminum background, “Extra Mile” wall sign, located above the convenience store’s entry. The wall sign shall have a maximum sign area of 50.3 square-feet.
 - e. Fuel Dispenser Signs – Incidental hallmark or logo signage located above and below fuel dispensers on valances or “spanners” and “kick plates”; incidental advertisement signage located above trash receptacles.

The foregoing Resolution was adopted at the regular City of San Rafael Planning Commission meeting held on the 27th day of August 2019. The Planning Commission’s Action is final unless it is appealed to the City Council within five (5) working days pursuant to San Rafael Municipal Code Section 14.28.030 - *Filing and time limit of appeals*.

Moved by Commissioner _____ and seconded by Commissioner _____.

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

SAN RAFAEL PLANNING COMMISSION

ATTEST: _____
Paul A Jensen, Secretary

BY: _____
Sarah Loughran, Chair

Exhibit 3



Memo

1383 North McDowell Blvd. Suite 250
Petaluma, CA 94954-7118

To:	Steve Stafford, Sr. Planner Alan Montes, Assistant Planner City of San Rafael – Planning Division	From:	Gary Semling, AIA Carlos Jahen, RA Stantec Architecture Inc.
File:	949 Del Presidio Project Development Summary.docx	Date:	December 10, 2018

Reference: **Chevron – 949 Del Presidio Blvd, San Rafael, CA 94903** CUP Formal Submittal Review
APN 175-322-02

Development Summary

Project Scope and Description: After a formal review held by the Design Review Board on Tuesday, October 16, 2018, Chevron is now submitting for a formal submittal for review by the City of San Rafael-Planning Department and will be applying for a CONDITIONAL USE PERMIT for 24-hour operation, Off-sale Beer & Wine (license 20).

Chevron proposes to demolish the existing under canopy "Island Marketer" kiosk building (864 SF), remote restroom building (120 SF), storage shed (64 SF), utility shed (80 SF), (5) dispenser fuel canopy, (4) underground fuel storage tanks, existing paving, and some landscape areas for the new construction.

Chevron proposes to construct a new 2,964 SF "Extra Mile" Convenience Store, Fuel Canopy with (4) multi-product dispensers (including diesel), secured trash enclosure area, required parking stalls including an ADA-Van Accessible parking stall, install new and refurbished landscaping with a bio-retention area, maintain acceptable lighting levels under the canopy and yard lights for the site.

Chevron's current standards provides customers with the Chevron Extra Mile full menu of offerings and convenience. Chevron will staff the convenience store with (3) shifts and 3 staff members per shift. The existing corner monument sign will be updated and remain in place.

This site is the Gateway to the Terra Linda neighborhood and zoned General Commercial on the corner of Del Presidio Blvd. and Manuel Freitas Parkway. We understand that due to the scope of work, this project is a Major Physical Improvement project. The site is considered a "Gateway" and a "Transportation Corridor".

Chevron's proposes to locate the new, modified standard, Convenience Store on the back side of the property. This location is preferred for the following reasons:

- Provides optimal safe customer traffic circulation onto and thru to the site.
- The fuel canopy is located for easier visibility for customers to determine the availability of the fueling positions.
- It is more visible to the pedestrian traffic from both street frontages, reduces the number of structures on the parcel, and provides a buffer to mitigate sound.
- This layout provides more opportunity to landscape the street frontages and provides a clear pedestrian path of travel to the C-store entry.
- This building and canopy orientation provide clearer visibility for police observation into the site while patrolling the area.
- The new Convenience Store has been architectural enhanced to meet the City design guidelines. This has been accomplished by upgrading exterior building materials and a prominent focal entryway.



December 10, 2018
Steve Stafford, Sr. Planner
Alan Montes, Assistant Planner
Page 2 of 2

RE: **Chevron at 949 Del Presidio Blvd., San Rafael, CA 94915**

This facility will be owned and operated directly by Chevron Corporation, not a franchise operator. This store provides an attractive and convenient shopping environment that offers high quality and convenient customer centric offerings tailored for the individual neighborhood. Corporate operations insure the highest standards for cleanliness and maintenance, and adherence to restricted age sales policies and regulations.

The new floor plan layout will accommodate Chevron Standard Convenience Store "Extra Mile" offerings to customers. The Exterior Elevations will reflect the new brand standards to be in harmony with the site and surrounding businesses.

The parking configuration will be improved to maximize the required parking stalls for this site. The site includes (7) standard parking stalls, (3) compact parking stalls, (1) standard ADA Van Accessible parking stall, (1) standard clean air/carpool stall, for a total of (14) parking stalls plus (8) fueling positions; (1) standard stall for the Air & Water Station and (4) bike spaces.

The existing (4) underground fuel tanks and fuel lines will be removed and (3) new fuel tanks and fuel lines installed. The existing fuel canopy will be demolished and replaced with a new "Starting Gate" configuration with (4) multi-product dispensers that include diesel. The landscaped areas on the project site will be maximized, updated and upgraded as needed for an overall improvement to the project site.

The Chevron project team look forward to working with the Planning Department for a successful submittal, review and approval for this project. The team contact information are as follows:

Project Team:

- Owner Representative: Sergio Linares, 714-671-3311, email: Sergio.linares@chevron.com
- Architect: Gary Semling, AIA, 707-658-4717, email: gary.semling@stantec.com
- Architect: Carlos Jahen, 415-281-5564. email: carlos.jahen@stantec.com

Thank you for your consideration.

Stantec Architecture Inc.

Gary M. Semling, AIA

Sr. Associate
phone: 707-658-4717
gary.semling@stantec.com



1383 North McDowell Blvd. Suite 250
Petaluma, CA 94954-7118

RECEIVED
MAR 18 2019
PLANNING

Memo

To:	Steve Stafford, Sr. Planner Alan Montes, Assistant Planner City of San Rafael – Planning Division	From:	Gary Semling, AIA gary.semling@stantec.com Carlos Jahen, RA carlos.jahen@stantec.com Stantec Architecture Inc.
File:	Parking Mod Request.docx	Date:	March 12, 2019

**Reference: (ED18-105 & UP18-044) Chevron Station Rebuild
Request for Parking Modification
949 Del Pr sidio Blvd
San Rafael, CA 94903**

Request for Parking Modification: After a preliminary review by the Design Review Board on October 16, 2018, Chevron was requested to increase the amount of landscape area to the greatest extent possible.

At the request of the Design Review Board (DRB) to add more landscape area, Chevron is formally requesting a Parking Modification include the eight (8) Fueling Positions as parking spaces for this project site. While not formally in the City of San Rafael Zoning Ordinance, the DRB felt that the fueling positions are used by fueling customers that also shop in the convenience store. The parking configuration will be improved to maximize the required parking stalls for this site. The site includes (5) standard parking stalls, (3) compact parking stalls, (1) standard ADA Van Accessible parking stall, (1) EV/clean air/carpool stall, (1) Air & Water Station stall plus **(8) fueling positions**; for a total of (19) parking stalls

The Chevron project team look forward to working with the Planning Department for a successful submittal, review and approval for this project.

Thank you for your consideration.

Stantec Architecture Inc.

Gary M. Semling, Architect
Sr. Associate
phone: 707-658-4717
gary.semling@stantec.com

Exhibit 4



CLOSURE REQUEST

**CHEVRON SERVICE STATION 93553
949 DEL PRESIDIO BOULEVARD
SAN RAFAEL, CALIFORNIA**

Prepared For:

**Mr. Ralph Lambert
San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612**

**FEBRUARY 28, 2013
REF. NO. 311728 (23)
This report is printed on recycled paper**

**Prepared by:
Conestoga-Rovers
& Associates**

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Fax: (510) 420-9170

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<http://www.CRAworld.com>



CLOSURE REQUEST

CHEVRON SERVICE STATION 93553
949 DEL PRESIDIO BOULEVARD
SAN RAFAEL, CALIFORNIA

Judy Gilbert



Brandon S. Wilken, PG 7564

Prepared by:
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FEBRUARY 28, 2013
REF. NO. 060106 (23)
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1.0 INTRODUCTION

Conestoga-Rovers & Associates (CRA) is submitting this *Closure Request* for Chevron Service Station 93553 at 949 Del Presidio Boulevard in San Rafael, California (Figure 1) on behalf of Chevron Environmental Management Company (Chevron). Based on our review of the site background and current conditions, CRA believes this site meets the general and media-specific criteria for closure presented in the State Water Resources Control Board's (SWRCB's) *Low-Threat Underground Storage Tank Case Closure Policy (Low-Threat Policy)* adopted August 17, 2012.

2.0 SITE DESCRIPTION AND BACKGROUND

The site is currently owned and operated by Chevron as a retail service station. The station is on the west corner of the intersection of Del Presidio Boulevard and Manuel T. Freitas Parkway in San Rafael, California (Figure 1). Site facilities include a kiosk, five dispenser islands and four 10,000-gallon underground storage tanks (USTs) dispensing gasoline and diesel. The station was built in 1965 and originally included three single-walled 10,000-gallon USTs, one 500-gallon used-oil UST, two dispenser islands, and associated piping. According to Chevron's records, the station was upgraded in 1983 to its current configuration with three new 10,000-gallon gasoline USTs in the location of the previous generation of USTs, and a fourth 10,000-gallon diesel UST that was installed in 1987. Current and former station facilities are shown on Figure 2.

3.0 SITE CONCEPTUAL MODEL (SCM)

The equivalent of a SCM was completed in previous reports prepared by CRA including the *Feasibility Study and Corrective Action Plan* dated March 15, 2010. CRA's reports included a summary of petroleum hydrocarbon distribution in soil and groundwater, a sensitive receptor survey and area well survey. The reports and information obtained during the completion of this report are summarized in the sections below.

3.1 SITE GEOLOGY AND HYDROGEOLOGY

Geology

The site is located within the Coast Range geomorphic province of California. The regional basement rock primarily consists of greywacke, sandstone, and mudstone with intermittent chert, greenstone, basalt, and schist of the Cretaceous Franciscan Complex.

The subsurface soils have been classified as artificial fill overlying bay mud and unconsolidated Quaternary alluvium.¹

Soils beneath the site consist primarily of silts with interbedded lenses of clay, clayey sand, clayey gravel, silty sand, silty gravel, sand, and gravel to the total explored depth of 25 feet below grade (fbg). The locations of soil borings and wells are shown on Figure 2. Boring logs are included in Appendix A. Geologic cross-sections are shown on Figures 3 and 4.

Hydrogeology

Depth to groundwater beneath the site has ranged from approximately 4 to 12.5 fbg since monitoring began in 1998. Historical groundwater elevations in onsite wells indicate a flow direction varying from north-northwest to west at a gradient ranging from 0.01 to 0.09. Historical groundwater elevation data from adjacent upgradient properties indicate a northwest, west, and southwest flow direction, with a groundwater elevation high at the Shell station southeast of the site.

The site is located within the San Rafael Valley groundwater basin bound by Rafael Creek to the north, by the San Francisco Bay to the south, and by San Rafael Bay to the east. The groundwater basin's potential beneficial uses are municipal, agricultural, industrial process, and industrial service water supplies.²

3.2 SUMMARY OF PREVIOUS WORK

Environmental investigation and remediation has been going on since 1998. To date 10 monitoring wells have installed, 20 soil borings have been advanced and compliance soil samples were collected during dispenser upgrades and the removal of a 500 gallon used-oil UST.

3.2.1 UNDERGROUND STORAGE TANK (UST) HISTORY

As noted in 2.0, the station was built in 1965 and included three 10,000-gallon USTs and one 500-gallon used-oil UST. The station was upgraded in 1983 with three new

¹ *California's Groundwater Bulletin 118*; State of California The Resources Agency Department of Water Resources February 27, 2004

² Table 2-2 Existing and Potential Beneficial Uses in Groundwater in Identified Basins; *Water Quality Control Plan (Basin Plan) for the San Francisco Bay Basin*; California Regional Water Quality Control Board- San Francisco Bay Region, January 18, 2007.

10,000-gallon gasoline USTs. A fourth 10,000-gallon diesel UST was installed in 1987. In October of 1997, Town and Country Contractors of Sacramento, California, upgraded the fuel dispensers and associated product piping. CRA observed the removal of an abandoned used-oil UST and collected compliance soil samples in December of 2010.

3.2.2 SITE ASSESSMENT AND REMEDIATION HISTORY

In October 1997, Town and Country Contractors of Sacramento, California upgraded the fuel dispensers and associated product piping, collected confirmation soil samples P1 through P7, and excavated approximately 75 cubic yards of soil and pea gravel. The excavated soil was disposed of at Redwood Landfill in Novato, California. This information is presented in Touchstone Development's October 31, 1997 *Product Piping/Dispenser Replacement and Sampling Report*.

In March 1998, Gettler-Ryan (G-R), Inc. of Dublin, California installed wells MW-1 through MW-4 to 19 fbg and drilled boring B-1 to 15 fbg. This information is presented in G-R's August 6, 1998 *Limited Subsurface Investigation Report*.

In August 2007, CRA installed onsite wells MW-5 and MW-6 to 20 fbg and drilled borings SB-1 through SB-3 to a maximum depth of 25 fbg. This information is presented in CRA's September 13, 2007 *Subsurface Investigation Report*.

In April 2008, CRA installed onsite monitoring well MW-7 to 21.5 fbg. CRA recommended scheduling joint groundwater monitoring at the nearby Shell, Valero and Union 76 stations. This information is presented in CRA's May 16, 2008 *Well Installation and First Quarter 2008 Groundwater Monitoring Report*.

In September 2008, CRA advanced borings SB-4 through SB-9 near the USTs and dispensers as part of a self-directed baseline investigation. This information is presented in CRA's October 2008 *Baseline Assessment Report*.

In October 2008, CRA advanced offsite borings SB-10 and SB-11 northwest of the site to 12 fbg. This information is presented in CRA's November 20, 2008, *Subsurface Investigation Report and Third Quarter 2008 Groundwater Monitoring Report*.

In December 2008, G-R upgraded the fuel dispensers and associated product piping. CRA collected compliance soil samples D-1 through D-5. This information is presented in CRA's August 30, 2010 *Soil Confirmation Sampling Report*.

In July 2009, CRA advanced onsite soil borings SB-12 and SB-13, offsite soil boring SB-14, and installed offsite monitoring well MW-8. CRA also conducted a well and sensitive receptor survey that concluded no wells or sensitive receptors appear to be at risk from the hydrocarbons originating at the site. This information is presented in CRA's September 11, 2009 *Subsurface Investigation Report and Site Conceptual Model*.

In October and November 2010, CRA advanced soil boring SB-18 to pre-profile soil for disposal in a planned remedial excavation area; injected magnesium sulfate solution in borings SB-16 and SB-17 near wells MW-3 and MW-4 to enhance hydrocarbon destruction; and destroyed well MW-7. In December 2010, following the removal of the used-oil UST, CRA installed replacement well MW-7A. This information is presented in CRA's February 15, 2011 *Remedial Implementation Report*.

In December 2010, CRA observed the removal of one 500-gallon used-oil UST, and collected compliance soil samples under the direction of the County of Marin Waste Management Division, Certified Unified Program Agency (CUPA). Approximately 132 cubic yards of soil were excavated. This information is presented in CRA's January 25, 2011 *Underground Storage Tank Removal and Soil Sampling Report*.

In September 2011, CRA advanced onsite borings SB-19 and SB-20 adjacent to the remedial excavation related to the former used-oil UST and installed offsite monitoring well MW-9 to delineate the downgradient extent of dissolved petroleum hydrocarbons. Additional information is available in CRA's *Subsurface Investigation Report* dated November 14, 2011.

3.3 DISTRIBUTION OF RESIDUAL PETROLUEM HYDROCARBONS

3.3.1 SOIL

The primary contaminants of concern (COCs) in soil are total petroleum hydrocarbons as diesel (TPHd), TPH as gasoline (TPHg), benzene, methyl tertiary butyl ether (MTBE), and tertiary-butyl alcohol (TBA). Soil analytical results are presented in Tables 1 through 4. Leaching of petroleum hydrocarbons from the soil to the shallow groundwater is one of the primary concerns at the site, which is further discussed below. A discussion of residual hydrocarbon concentrations in soil to *Low-Threat Policy* associated with soil vapor intrusion into indoor air is included in Sections 3.3.3 and 4.2.2. A comparison of residual hydrocarbon concentrations in soil to *Low-Threat Policy* screening limits associated with direct contact with contaminated soil and inhalation of contaminants volatized to outdoor air is included in Section 4.2.3.

Residual petroleum hydrocarbons and oxygenates have been detected in soil between 4 and 24.5 fbg. TPHd concentrations that exceed soil leaching environmental screen level (ESL)³ of 83 milligrams per kilogram have been detected in borings SB-6, SB-8, and MW-4 adjacent to the southern and central dispenser islands. The highest residual TPHd concentration is 210 mg/kg in SB-6 and SB-8 at 4 fbg. TPHg concentrations that exceed the soil leaching ESL of 83 mg/kg have been detected in borings SB-1, SB-2, SB-7, SB-19, and SB-20 adjacent and downgradient of the USTs and dispenser islands. The highest residual TPHg concentration is 480 mg/kg in SB-1 at 11 fbg. Benzene concentrations that exceed the soil leaching ESL of 0.044 mg/kg have been detected in borings SB-1, SB-3, SB-9, SB-12, MW-3, and MW-7 adjacent to the USTs and northern dispenser island. The highest residual benzene concentration is 0.87 mg/kg in SB-3 at 10 fbg. As mentioned, petroleum hydrocarbon concentrations that exceed leaching ESLs are localized near the USTs and dispenser islands, and are adequately delineated vertically and horizontally.

MTBE and TBA concentrations in soil are not fully delineated vertically and horizontally. However, due to the affinity of MTBE and TBA to dissolve in water, and most of the MTBE and TBA detections are below the groundwater table, the delineation of MTBE and TBA should be evaluated by dissolved-phase concentrations. Therefore, MTBE and TBA delineation will be discussed further in section 3.3.2.

3.3.2 GROUNDWATER

The primary COCs are TPHd, TPHg, benzene, MTBE and TBA. The site monitoring wells are currently monitored on a semi-annual basis. Groundwater has been monitored and sampled since 1998. The Fourth Quarter 2012 sampling results are presented on Figure 5. Groundwater analytical data for wells MW-1 through MW-9 are presented in Table 5. Grab-groundwater analytical data is presented in Table 6.

Dissolved petroleum hydrocarbons and oxygenates are centered on well MW-3, and extend downgradient to MW-4 and MW-8. The dissolved petroleum hydrocarbons and oxygenates are adequately delineated by wells MW-5 and MW-6 to the north, wells MW-1 and MW-2 to the south, MW-9 to the west and previous quarterly data supplied for Shell Station well EA-10 to the east.

³ San Francisco Bay Region-Regional Water Quality Control Board, (RWQCB), 2008, *Screening for Environmental Concerns at Sites with Contaminated Soil and Groundwater*, Interim final, November 2007, revised May 2008, Table G.

No TPHd, TPHg, or benzene has been detected in the furthest most downgradient well MW-9. During the last three quarterly sampling events MTBE concentrations have ranged between 5 and 6 micrograms per liter ($\mu\text{g/L}$) in well MW-9. The drinking water ESL for MTBE is 5 $\mu\text{g/L}$; therefore, the MTBE plume is adequately defined. During the last three quarterly sampling events TBA concentrations have ranged between 39 and 53 $\mu\text{g/L}$ and are decreasing in well MW-9. The drinking water ESL for TBA is 12 $\mu\text{g/L}$. The TBA plume is not fully delineated in the downgradient direction. However, TBA concentration are decreasing in well MW-9, shallow groundwater is not utilized for drinking water in the area, TBA is unlikely to pose a vapor intrusion health risk, and well MW-9 is located approximately 375 feet from North Fork Gallinas Creek and the aquatic habitat ESL for TBA is 18,000 $\mu\text{g/L}$. Therefore, the TBA plume is adequately delineated.

Although groundwater is not used for drinking water in the site vicinity, nor is shallow groundwater likely to be used in the future, the historical monitoring well groundwater data were compared to the groundwater protection ESLs where groundwater is a current or potential drinking water resource (Table F-1a). Table A shows the historical maximum and the Fourth Quarter 2012 groundwater concentrations for the primary COCs detected in monitoring wells and compares them to the applicable ESLs.

<i>Analyte</i>	<i>Max. Historical Concentration ($\mu\text{g/L}$)</i>	<i>Max. Current Concentration ($\mu\text{g/L}$) 12/12/2012</i>	<i>Drinking Water ESL ($\mu\text{g/L}$)</i>
TPHd	200,000 (MW-7)	3,800 (MW-3)	100
TPHg	22,100 (MW-3)	10,000 (MW-3)	100
Benzene	2,680 (MW-3)	490 (MW-3)	1
MTBE	24,600 (MW-3)	800 (MW-3)	5
TBA	10,000 (MW-3)	3,000 (MW-3)	12

Note: $\mu\text{g/L}$ = micrograms per liter

As indicated in the table above, the dissolved petroleum hydrocarbon and oxygenates concentrations have decreased from the maximum concentrations. This decrease can be attributed to removal of the leak source, remedial excavations, and natural attenuation.

Additionally, to support that biodegradation is occurring at the site CRA submitted an intrinsic bioremediation evaluation in the *First Quarter 2009 Groundwater Monitoring Report and Work Plan for Subsurface Investigation and Well Installation* dated May 27, 2009.

CRA concluded that anaerobic biodegradation is occurring in the core of the petroleum hydrocarbon plume based on the reduction of dissolved oxygen, oxidation reduction potential, nitrate, and sulfate data and the increase in dissolved ferrous iron and methane data in source wells MW-3 and MW-4.

Trends and Projections

CRA uses the guidance provided within the United States Environmental Protection Agency (EPA) document *Calculation and Use of First-Order Rate Constants for Monitored Natural Attenuation Studies* (November 2002) to estimate the time for groundwater concentrations to reach water quality objectives (WQOs). CRA also uses the EPA document *On-line Tools for Assessing Petroleum Releases* (September 2004) to assess the proper methodology of determining where to begin a trend analysis. A receptor is located some distance from the source, and no impact to the receptor is seen when the release first occurs. The analytes take time to travel to the receptor. The first data points that show an analyte detection is called the first arrival time. The first arrival time varies for each receptor based upon distance from the receptor and the transport rates through the heterogeneous medium. As the analyte plume expands and stabilizes, the analyte concentration reaches the maximum concentration. If the source of the release is finite (e.g., a single release from an underground storage tank), the concentration will eventually decrease from the maximum, to below the concentration of concern. This period is called the duration.

CRA evaluates groundwater monitoring data from each well (the receptor) and creates a degradation trend analysis for site COCs from the maximum detection through the latest sampling date. The starting point can vary from the maximum detection if the transport mechanisms are not sufficiently linear. For example, groundwater monitoring data may show that the maximum concentration occurred at some point in the past and that degradation seemed to be occurring. However, due to the heterogeneous nature of the subsurface and seasonal groundwater level fluctuations, the duration does not demonstrate a steady degradation behavior. The concentrations of the analyte may increase one or more times before showing consistent attenuation towards the concentration objective.

CRA calculated dissolved TPHd, TPHg, benzene, MTBE and TBA concentration trends based on data collected prior to the December 2010 soil excavation and magnesium sulfate treatment and compared them to the drinking water ESLs at wells MW-3, MW-4 and MW-8. Limited dated collected post-injection were not used in the calculations. The ESLs are 100 µg/L for TPHd and TPHg, 1 µg/L for benzene, 5 µg/L for MTBE and

12 µg/L for TBA. CRA used the following first order exponential decay rate calculation⁴ to estimate the time to meet the applicable ESL:

$$y = be^{(ax)}$$

Where "a" is a decay constant, "b" is a concentration at time (x), y is concentration (WQG), and "x" is time.

The results of the calculations are described below. Trend graphs and degradation calculations are presented as Appendix B. Degradation rate calculations based on pre-remediation data are summarized in Table B.

Well	Analyte	Maximum Concentration (ug/L)	Current Concentration (ug/L)	Half-Life (years)	Date to Reach ESL	Years to reach ESL
MW-3	TPHd	14,000	3,200	15.88	May 2086	73
	TPHg	22,100	10,000	NA	Stable	Stable
	Benzene	2,680	490	NA	Stable	Stable
	MTBE	33,000	800	2.08	May 2025	12
	TBA	10,000	3,000	NA	Stable	Stable
MW-4	TPHd	3,200	870	13.30	Feb 2054	41
	TPHg	5,500	3,100	15.98	Dec 2085	73
	Benzene	230	<0.5	1.02	Nov 2007	Below ESL
	MTBE	13,000	11	1.48	Mar 2013	0
	TBA	1,800	460	3.86	Apr 2030	17
MW-8	TPHd	1,400	1,200	NA	Stable	Stable
	TPHg	4,300	4,300	NA	Stable	Stable
	Benzene	51	9	1.48	Mar 2015	2
	MTBE	100	38	1.98	Oct 2017	5
	TBA	2,900	1,800	6.52	Oct 2057	45

Note: NA = Not Analyzed

The trend analysis graphs for TPHd, TPHg, benzene, MTBE and TBA in wells MW-3, MW-4 and MW-8 and MTBE and TBA in MW-9 are presented in Appendix B. Degradation rate calculations were not calculated for MW-9 as insufficient data are

⁴ EPA-Groundwater Issue; Calculation and Use of First-Order Rate Constants for Monitored Natural Attenuation Studies; Charles J. Newell, et al., 2002.

available. As shown on the TPHd, TPHg, and benzene trend graphs for MW-3, MW-4, and MW-8 there is significant variability in concentrations that do not always correspond to changes in groundwater elevation fluctuations. These concentration fluctuations have made it difficult to create trend graphs and degradation rate calculations. This phenomenon could be due to the variability in the rate petroleum hydrocarbons back diffuse out of the fine grained soil matrix into groundwater.

As shown in Tables A and B current dissolved hydrocarbon concentrations are one to two orders of magnitude lower than the historical maximum concentrations. The exception is TPHd and TPHg concentrations in well MW-8, which are stable, and at or near the historical maximum concentrations. However, wells MW-1, MW-2, MW-5, MW-6, and MW-9 have decreasing concentration trends and their current concentrations are either near or below the applicable ESLs. This demonstrates that the edges of the plume are naturally attenuating, and shrinking in size and mass. Therefore the plume has reached its maximum extent and no longer migrating.

3.3.3 SOIL VAPOR

This site is an active commercial service station and will likely be for the foreseeable future. The *Low-Threat Policy* states that satisfaction of the media-specific criteria for petroleum vapor intrusion to indoor air is not required at active commercial petroleum fueling facilities, except in cases where release characteristics can be reasonably believed to pose an unacceptable health risk. As shown in Table C, the current maximum groundwater concentrations are below the ESLs for potential vapor intrusion at residential and commercial properties. The offsite downgradient property is a commercial building with first floor open air parking. Based on these data, the petroleum hydrocarbon release characteristics at the site do not pose unacceptable health risk related to indoor air vapor intrusion.

TABLE C		
MAXIMUM CURRENT CONCENTRATIONS COMPARED TO VAPOR INTRUSION ESLs FOR COMMERCIAL PROPERTIES		
Analyte	Max. Current Concentration (µg/L)	ESL Table E-1 Potential Vapor Intrusion (Residential/Commercial)
TPHd	3,800 (MW-3)	Use Soil Gas
TPHg	10,000 (MW-3)	Use Soil Gas
Benzene	490 (MW-3)	540/1,800
Toluene	<5/2 (MW-3/MW-8)	380,000/530,000
Ethylbenzene	55 (MW-3)	175,000/175,000
Xylenes	<5/3 (MW-3/MW-8)	160,000/160,000
MTBE	800 (MW-3)	24,000/80,000
TBA	3,000 (MW-3)	Use Soil Gas

3.4 SENSITIVE RECEPTOR AND EXPOSURE PATHWAYS

3.4.1 SURFACE WATER

The nearest surface water body is North Fork Gallinas Creek located approximately 500 feet downgradient of the site. Based on location, distance and apparent construction of the concrete-lined North Fork Gallinas Creek, it is not considered at risk from hydrocarbons originating from the site.

3.4.2 WATER SUPPLY WELLS

In 2009 CRA conducted an area well survey by contacting California Department of Water Resources (DWR) – Central District in Sacramento. The DWR identified 11 wells within the site vicinity. Upon further review, five of the wells were determined to be within the ½-mile search radius. The closest wells are three irrigation wells owned by San Rafael Manor, Inc. The wells range in depth from 27 to 160 fbg and are located approximately 1,200 feet north and crossgradient of the site. The next closest well is owned by Mr. Herb La Comber and is used for domestic and irrigation use. This well is completed to 40 fbg and is located approximately 1,400 feet north and crossgradient of the site. The fifth well is owned by Mr. N. Montobbio, is completed to 130 fbg and designated for irrigation use. This well is located approximately 2,640 feet south and crossgradient of the site. Based on the dimensions of the hydrocarbon plume, and the locations and distances to these wells, it is not likely that these wells could be impacted

by the hydrocarbon plume at the site. Well survey data is presented in Table 7 and locations are depicted on Figure 6.

3.4.3 POTENTIAL HUMAN RECEPTORS

The site is currently and will likely continue to be used as a gasoline service station. Potential human receptors include onsite workers and potential utility/construction workers. The transport pathway of chemicals in subsurface soil and groundwater by volatilization of soil gas to the atmosphere and direct contact onsite is unlikely given the results of our previous analysis of site data.

CRA conducted a search for potential sensitive receptors within a 2,000-foot radius of the site. The search identified one elementary school, one pre-school, six retirement/nursing homes, and one surface water body. The locations of the potential sensitive receptors are shown on Figure 7. Potential sensitive receptor details are presented in Table 8. Based on distances and locations, none of the schools or retirement/nursing homes are considered to be at risk from hydrocarbons originating from the site.

3.4.4 SUMMARY OF POTENTIAL EXPOSURE PATHWAYS

The site poses a low threat to human health, safety and the environment based on soil and groundwater data, and potential routes for exposure including inhalation, ingestion, and direct contact.

4.0 REQUEST FOR CLOSURE

On August 17, 2012, the SWRCB adopted the *Low-Threat Underground Storage Tank Case Closure Policy*. A benefit of improved efficiency is the preservation of limited resources for mitigation of releases posing the greatest threat to human and environmental health. Per the policy, sites that meet the general and media-specific criteria described in the policy do not pose a threat to human health, safety, or the environment and are appropriate for UST case closure pursuant to Health and Safety Code section 25296.10. The policy further states that sites meeting the stated criteria for low-threat closure should be issued a closure letter if the site is determined to be low-threat based upon a site-specific analysis.

4.1 GENERAL CRITERIA REQUIREMENTS

This site satisfies the seven general criteria requirements, as follows:

- a. *The unauthorized release is located within the service area of a public water system*
Satisfied: The site is located within the service area of the Marin Municipal Water District.
- b. *The unauthorized release consists only of petroleum*
Satisfied: The site's unauthorized release has been characterized as a release of petroleum-based products.
- c. *The unauthorized ("primary") release from the UST system has been stopped.*
Satisfied: The "primary" release date is unknown. However, the fuel piping has been upgraded twice since 1997, an unknown orphaned used-oil UST has been removed, and site data suggests that the site's primary release has been stopped and is attenuating.
- d. *Free product has been removed to the maximum extent practicable*
Satisfied: LNAPL was observed in MW-7 from the fourth quarter of 2008 to the fourth quarter of 2010. During the fourth quarter of 2010 an orphaned used-oil UST was removed and a remedial excavation was completed. During this remedial event, well MW-7 was destroyed and replaced with MW-7A following the remedial excavation. LNAPL has not been observed in MW-7A since its installation in 2010.
- e. *A conceptual site model has been developed*
Satisfied: A conceptual site model has been completed in previous reports and is included as part of this closure request.
- f. *Secondary source removal has been addressed*
Satisfied: Excavation of 75 cubic yards of soil was performed in the area of the fuel dispensers and product piping in 1997 and approximately 132 cubic yards of soil were removed during a remedial excavation in the area of the former used-oil UST in 2010. Additionally in 2010, magnesium sulfate solution was injected in borings SB-16 and SB-17 near wells MW-3 and MW-4 to stimulate anaerobic biodegradation. Remaining hydrocarbon concentrations in soil are minimal, located near the active fueling facilities, and are expected to continue to naturally attenuate. Therefore, further remediation of secondary source mass is not deemed necessary.
- g. *Soil or groundwater has been tested for MTBE and results reported in accordance with Health and Safety Code section 25296.15*
Satisfied: Soil and groundwater samples have been tested for MTBE. Remaining residual concentrations of MTBE continue to degrade as evidenced by the reduction

of dissolved MTBE concentrations and the presence of biotransformation byproduct TBA. The results of the analytical testing have been made available and reported to the RWQCB, as per California Health and Safety Code 25296.15.

h. *Nuisance as defined by Water Code section 13050 does not exist at the site*

Satisfied: Conditions satisfying the definition of a nuisance as defined in Water Code section 13050 do not exist at the site.

4.2 MEDIA-SPECIFIC CRITERIA

Media-specific criteria are related to the most common exposure scenarios, which in the policy have been combined into three media-specific criteria related to:

1. Groundwater
2. Vapor Intrusion to Indoor Air
3. Direct Contact and Outdoor Air Exposure

4.2.1 GROUNDWATER SPECIFIC CRITERIA

It is a fundamental tenet of the *Low-Threat policy* that if the closure criteria described in the policy are satisfied at a release site, then applicable WQOs⁵ will be attained through natural attenuation within a reasonable amount of time, prior to the need for use of any affected groundwater. If a site has groundwater with a designated beneficial use which is affected by an unauthorized release, to satisfy the media-specific criteria for groundwater stated in the low threat policy, the contaminant plume that exceeds WQOs must be stable or decreasing in areal extent, and meet the additional characteristics of one of the five classes of sites listed in the policy.

The five classes of sites are stated in the policy as follows:

1.
 - a. The contaminant plume that exceeds WQOs is less than 100 feet in length.
 - b. There is no free product.
 - c. The nearest existing water supply well and/or surface water body is greater than 250 feet from the defined plume boundary.
2.
 - a. The contaminant plume that exceeds WQOs is less than 250 feet in length.
 - b. There is no free product.

⁵ As stated previously, WQOs for this site are RWQCB-SF ESLs for drinking water.

- c. The nearest existing water supply well and/or surface water body is greater than 1,000 feet from the defined plume boundary.
 - d. The dissolved concentration of benzene is less than 3,000 µg/l and the dissolved concentration of MTBE is less than 1,000 µg/l.
- 3.
- a. The contaminant plume that exceeds WQOs is less than 250 feet in length.
 - b. Free product may be present below the site but does not extend off-site.
 - c. The plume has been stable or decreasing for a minimum of 5 years.
 - d. The nearest existing water supply well and/or surface water body is greater than 1,000 feet from the defined plume boundary.
 - e. The property owner is willing to accept a deed restriction if the regulatory agency requires a deed restriction as a condition of closure.
- 4.
- a. The contaminant plume that exceeds WQOs is less than 1000 feet in length.
 - b. There is no free product.
 - c. The nearest existing water supply well and/or surface water body is greater than 1,000 feet from the defined plume boundary.
 - d. The dissolved concentration of benzene is less than 1,000 µg/l and the dissolved concentration of MTBE is less than 1,000 µg/l.
- 5.
- a. An analysis of site specific conditions determines that the site under current and reasonable anticipated near-term future scenarios poses a low threat to human health and safety and to the environment and water quality objectives will be achieved within a reasonable time frame.

Satisfied: The site satisfies Class 5 listed above. The petroleum hydrocarbon plume has a predicted maximum length of less than approximately 1,000 feet, no LNAPL is current observed at the site, there are no water supply wells within 1,000 feet of the site and dissolved concentrations of benzene and MTBE are less than 1,000 µg/l. However, the petroleum hydrocarbon plume is less than approximately 375 feet from the North Fork Gallinas Creek. Based on the facts that the petroleum hydrocarbon plume is naturally attenuating and shrinking in size, and the location, distance and apparent construction of the concrete-lined North Fork Gallinas Creek, it is not considered at risk from hydrocarbons originating from the site as previously discussed in section 3.3.2.

4.2.2 VAPOR INTRUSION TO INDOOR AIR

The *Low-Threat policy* states that satisfaction of the media-specific criteria for petroleum vapor intrusion to indoor air is not required at active commercial petroleum fueling facilities, except in cases where release characteristics can be reasonably believed to pose

an unacceptable health risk. Analytical results do not indicate the presence of volatile constituents that would pose an unacceptable health risk. Because this site is an active service station, the offsite downgradient property is a commercial building with first floor open air parking, and site release characteristics do not indicate a significant risk to human health, the vapor intrusion to indoor air evaluation is not required.

4.2.3 DIRECT CONTACT AND OUTDOOR AIR EXPOSURE

The *Low-Threat Policy* describes conditions where direct contact with contaminated soil or inhalation of contaminants volatilized to outdoor air poses an insignificant threat to human health. The site meets the following criteria:

Maximum concentrations of petroleum constituents in soil are less than or equal to those listed in the table below for the specified depth below ground surface. The limits from 0 to 5 fbg protect from ingestion, dermal contact, and outdoor inhalation of volatile and particulate emissions. The 5 to 10 fbg limits protect for inhalation of volatile emissions only; ingestion and dermal contact pathways are not considered significant.

Constituent	Residential		Commercial/Industrial		Utility Worker
	0 - 5 fbg mg/kg	Volatilization to outdoor air (5 - 10 fbg) mg/kg	0 - 5 fbg mg/kg	Volatilization to outdoor air (5 - 10 fbg) mg/kg	0 - 10 fbg mg/kg
Benzene	1.9	2.8	8.2	12	14
Ethylbenzene	21	32	89	134	314
Naphthalene	9.7	9.7	45	45	219
PAH*	0.063	NA	0.68	NA	4.5

*Notes: Based on the seven carcinogenic polynuclear aromatic hydrocarbons (PAHs) as benzo(a)pyrene toxicity equivalent [BaPe]. The PAH screening level is only applicable where soil is affected by either waste oil and/or Bunker C fuel.

No benzene, ethylbenzene, naphthalene, and PAH soil concentrations exceed the direct contact and outdoor air exposure criteria for residential and commercial/industrial uses (Tables 1 through 3).

5.0 CONCLUSIONS AND RECOMMENDATIONS

Based on our review, site conditions meet the general and media-specific criteria established in the *Low-Threat Policy*, and therefore pose a low threat to human health, safety, and the environment, and satisfy the case-closure requirements of Health and Safety Code section 25296.10, and case closure is consistent with Resolution 92-49 that requires that cleanup goals be met within a reasonable time frame.

Groundwater data, as presented in this *Closure Request*, support a conclusion that the site and the impacted groundwater pose no significant threat to human health or the environment. Therefore, effective immediately, Chevron shall cease groundwater monitoring and sampling activities pending a response and further direction from the RWQCB.



CHEVRON
#9-3553
949 DEL PRESIDIO BLVD,
SAN RAFAEL, CA 94903



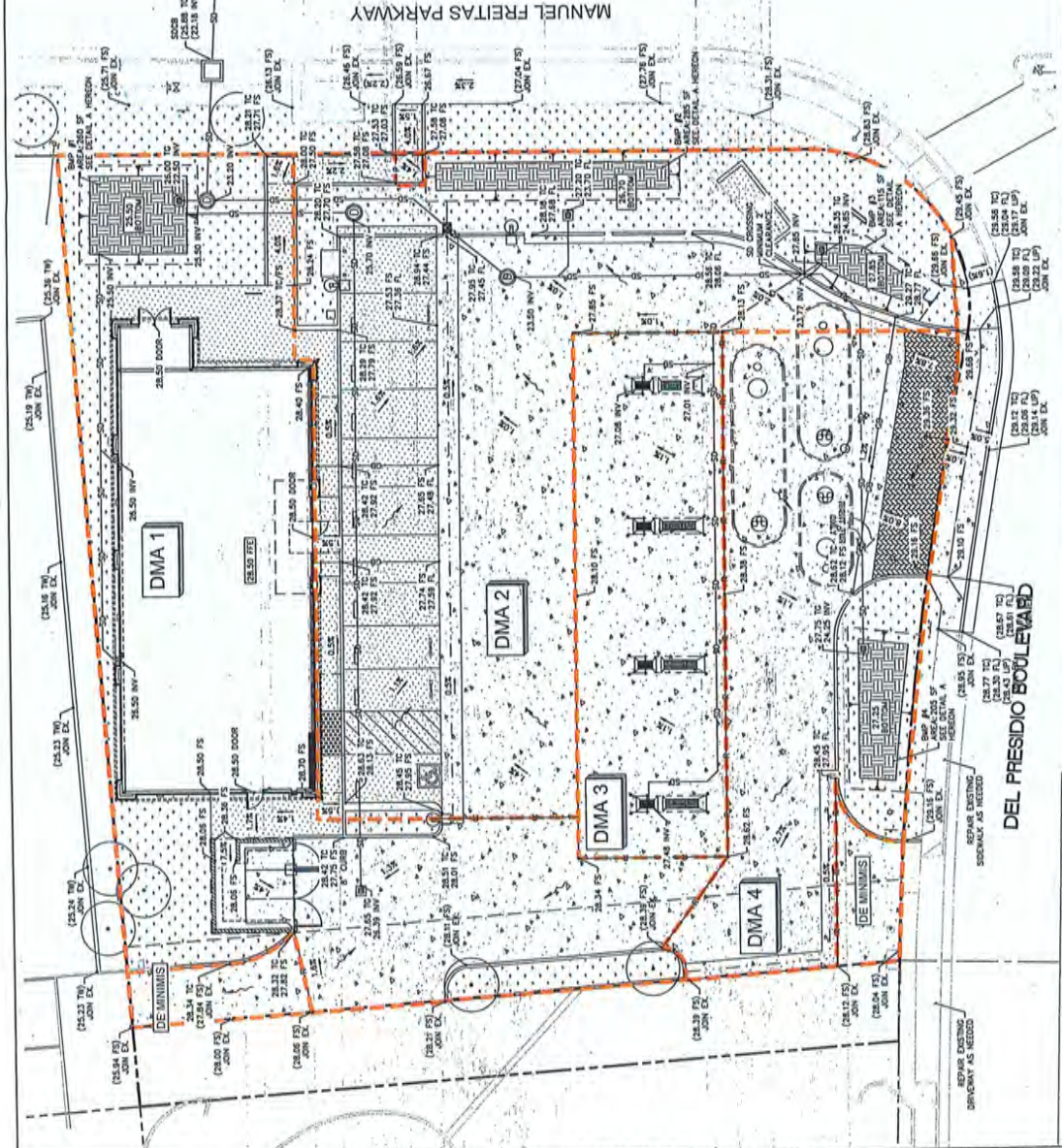
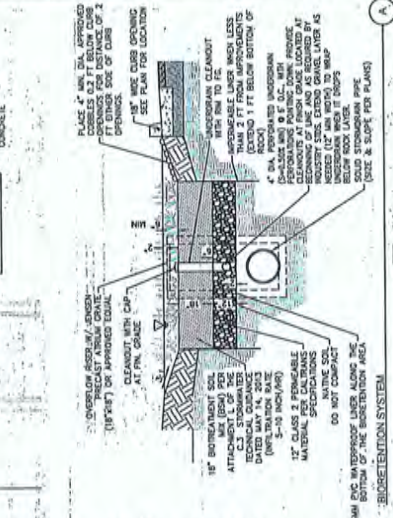
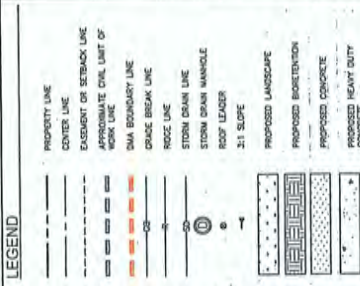
PROJECT NUMBER: 99020
DATE: 11/2014
PROJECT: CHEVRON
DRAWN BY: J. HARRISON
CHECKED BY: J. HARRISON
DATE: 11/2014



PROJECT INFORMATION BLOCK
JOB # 99020
DRAWN BY: J. HARRISON
CHECKED BY: J. HARRISON
DATE: 11/2014



DATE	DESCRIPTION



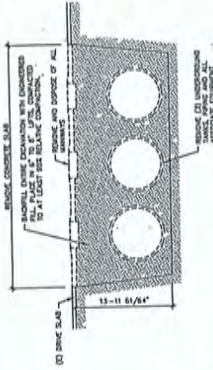
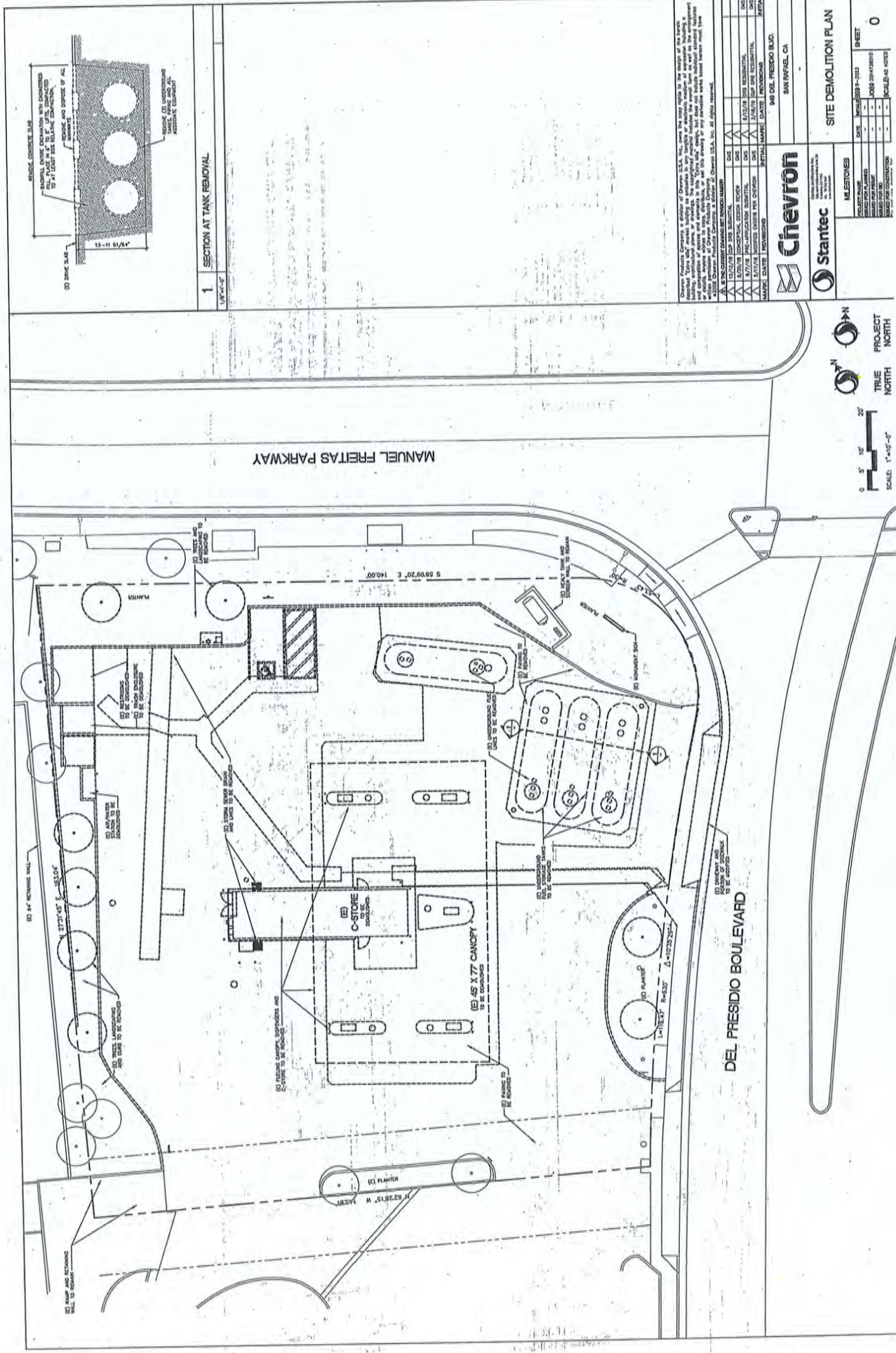
PROPOSED STORMWATER TREATMENT SUMMARY

TREATMENT TYPE	PROVIDED TREATMENT AREA (SF)	REQUIRED TREATMENT AREA (SF) - 1% RULE	N/A
BMP #1 - BORDETON	260	258	N/A
BMP #2 - BORDETON	265	270	N/A
BMP #3 - BORDETON	115	110	N/A
BMP #4 - BORDETON	250	143	N/A
TOTAL	890	738	N/A

IMPERVIOUS VS PERVIOUS AREA

AREA	PERVIOUS AREA (SF)	IMPERVIOUS AREA (SF)	PERCENT PERVIOUS
TOTAL PROPERTY	24,441	4,586	15%
EXISTING	24,441	4,586	15%
PROPOSED	24,441	4,586	15%

Kimley-Horn and Associates, Inc. 11/2014
PROJECT: CHEVRON #9-3553
DATE: 11/2014
DRAWN BY: J. HARRISON
CHECKED BY: J. HARRISON
DATE: 11/2014



Chevron
 6001 DEL PRESIDIO BLVD
 SAN RAFAEL, CA

Stantec
 1000 CALIFORNIA STREET
 SAN FRANCISCO, CA

MILESTONES

DATE	REVISION	BY	FOR
08/15/10	1	JG	ISSUE FOR PERMIT
08/15/10	2	JG	ISSUE FOR PERMIT
08/15/10	3	JG	ISSUE FOR PERMIT
08/15/10	4	JG	ISSUE FOR PERMIT

PROJECT INFORMATION

DESCRIPTION	DATE
CONCEPTUAL DESIGN	08/15/10
PERMITTING	08/15/10
CONSTRUCTION	08/15/10
FINAL	08/15/10

SCALE: 1" = 40'-0"

PROJECT NORTH

TITLE NORTH

0 5' 10' 20'

SITE DATA

SITE SQUARE FOOTAGE:	25,848 SQ. FT. (L&S ADRES)
BUILD. SQUARE FOOTAGE:	2,964 SQ. FT.
LANDSCAPING SQUARE FOOTAGE:	5,887 SQ. FT. (33%)
PARKING	
REQUIRED - 1/250 S.F.	12
EMPLOYEE PARKING	3
TOTAL:	15
PROVIDED:	
HANDICAP (MIN. ACCESSIBLE):	6
STANDARD:	3
BY CHARGING:	1
FUELING:	8
TOTAL:	19



DEL PRESIDIO BOULEVARD

MANUEL FREITAS PARKWAY

PROJECT NO. 1508 2/14/2019
SCALE: AS NOTED
SHEET 1

PROJECT

TRUE

0' 5' 10' 20'

DATE: 11/14/19

Chevron
Stantec

MILESTONES

DATE: 11/14/19

BY: [Signature]

PROJECT NO: 1508

DATE: 2/14/2019

SCALE: AS NOTED

SHEET: 1

SHEET TOTAL: 1

SCALE: AS NOTED

DATE: 11/14/19

BY: [Signature]

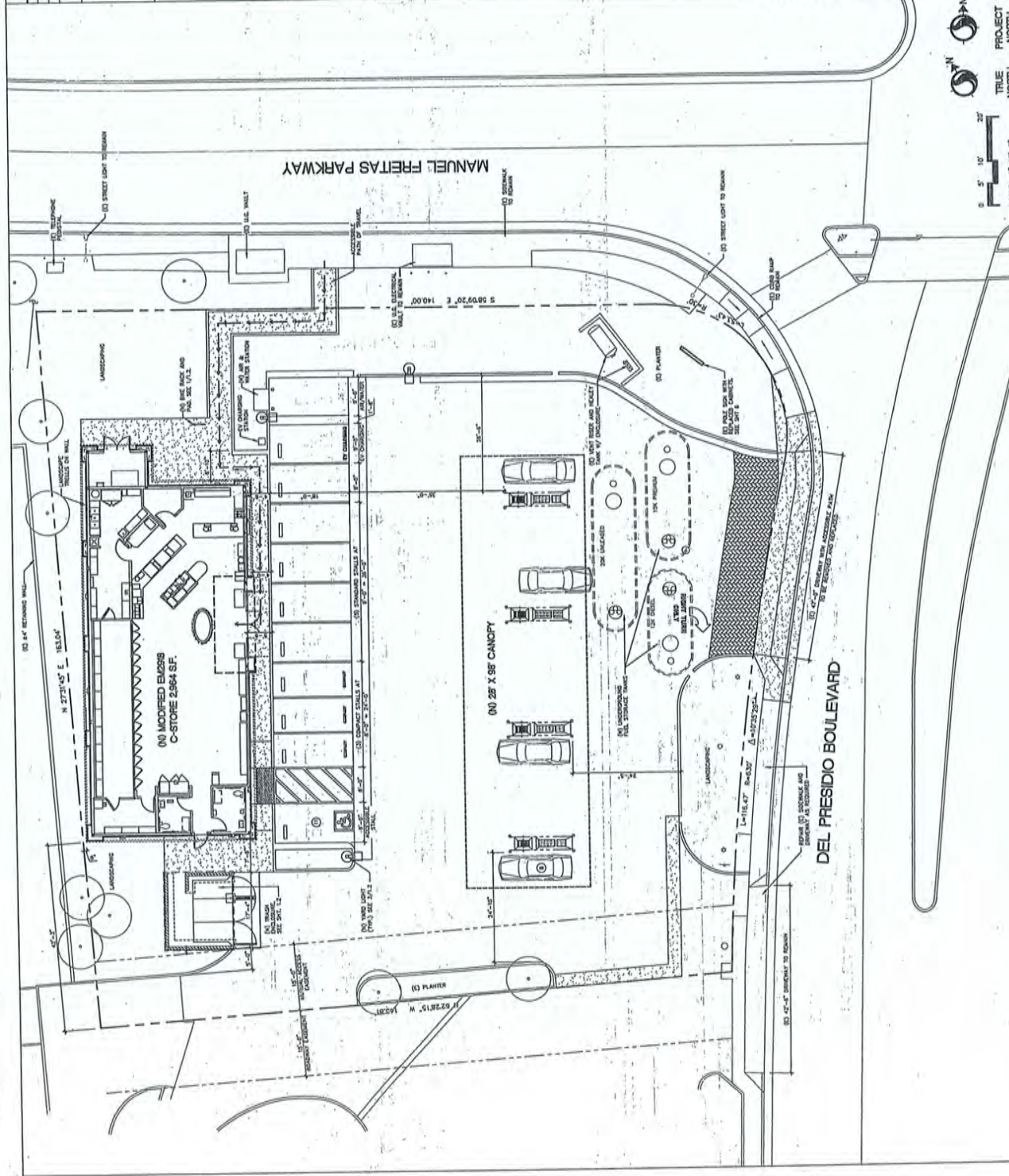
PROJECT NO: 1508

DATE: 2/14/2019

SCALE: AS NOTED

SHEET: 1

SHEET TOTAL: 1



DEL PRESIDIO BOULEVARD

MANUEL FREITAS PARKWAY

PROJECT NO. 1508 2/14/2019
SCALE: AS NOTED
SHEET 1

PROJECT

TRUE

0' 5' 10' 20'

DATE: 11/14/19

Chevron
Stantec

MILESTONES

DATE: 11/14/19

BY: [Signature]

PROJECT NO: 1508

DATE: 2/14/2019

SCALE: AS NOTED

SHEET: 1

SHEET TOTAL: 1

SCALE: AS NOTED

DATE: 11/14/19

BY: [Signature]

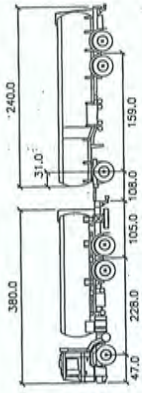
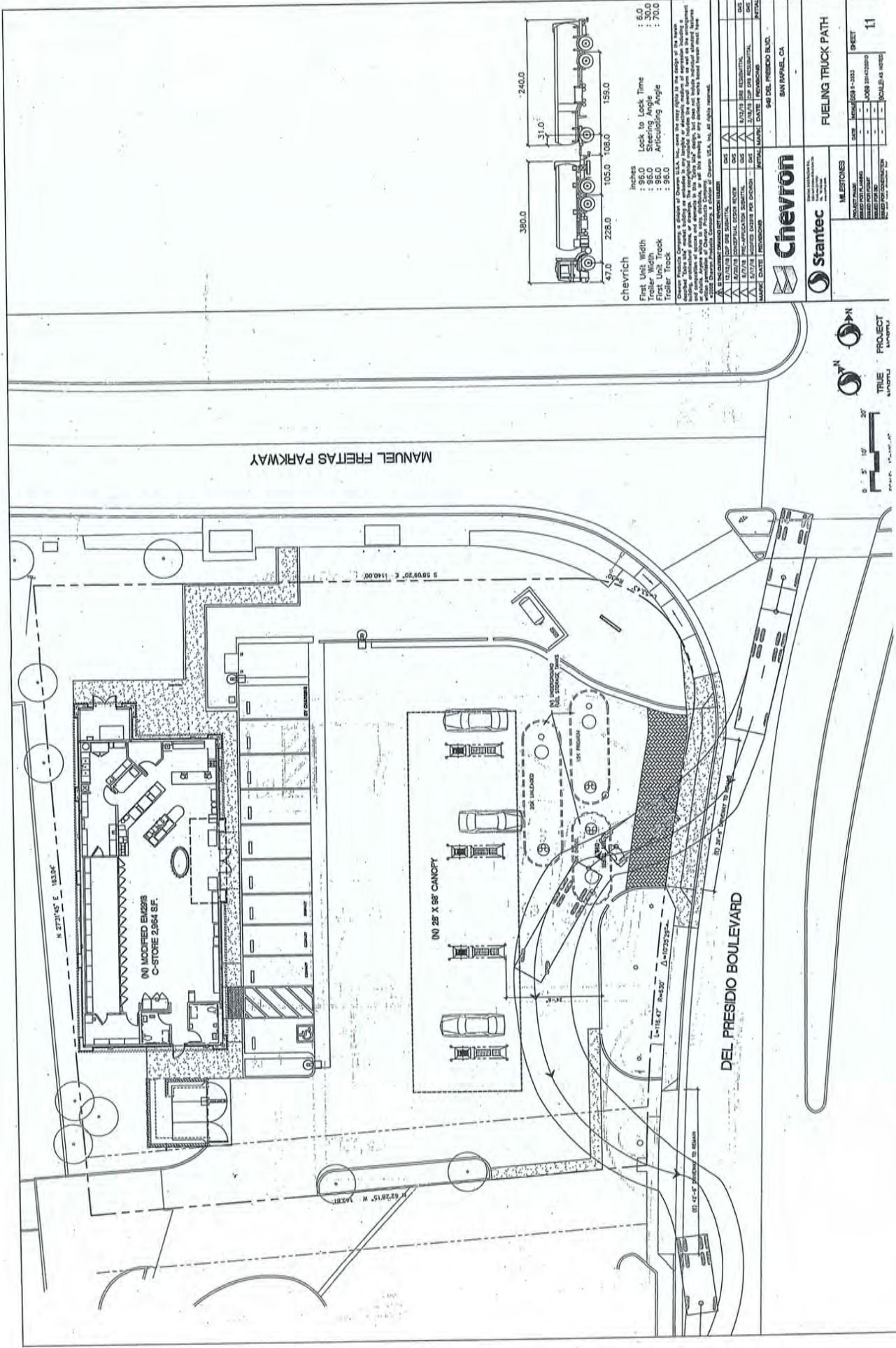
PROJECT NO: 1508

DATE: 2/14/2019

SCALE: AS NOTED

SHEET: 1

SHEET TOTAL: 1



chevrinch
 inches
 First Unit Width : 96.0
 Trailer Width : 96.0
 Trailer Length : 96.0
 Lock to Lock Time : 6.0
 Squearing Angle : 8.0
 Articulating Angle : 70.0

Owner: Petro-Stop Company, a division of Chevron U.S.A., Inc. (under the name of Petro-Stop).
 Address: 18000 and 18100 East 17th Avenue, Aurora, CO 80011.
 Project: Fueling Station, 940 Del Presidio Blvd., San Rafael, CA 94901.
 Date: 10/20/14
 Scale: 1/4" = 1'-0"

NO.	DATE	DESCRIPTION
1	10/20/14	ISSUE FOR PERMITTING
2	10/20/14	ISSUE FOR PERMITTING
3	10/20/14	ISSUE FOR PERMITTING
4	10/20/14	ISSUE FOR PERMITTING
5	10/20/14	ISSUE FOR PERMITTING
6	10/20/14	ISSUE FOR PERMITTING



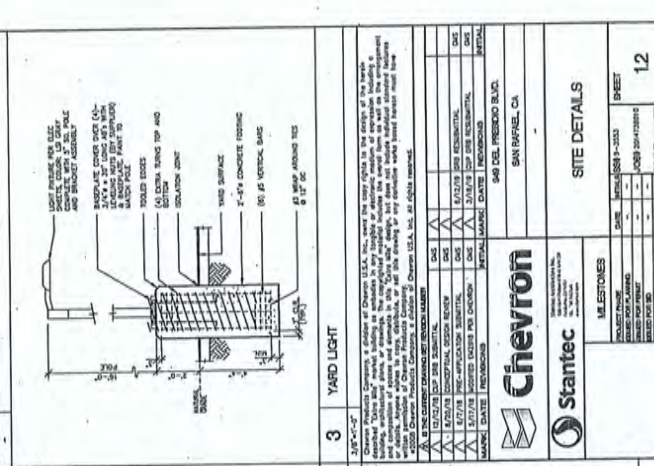
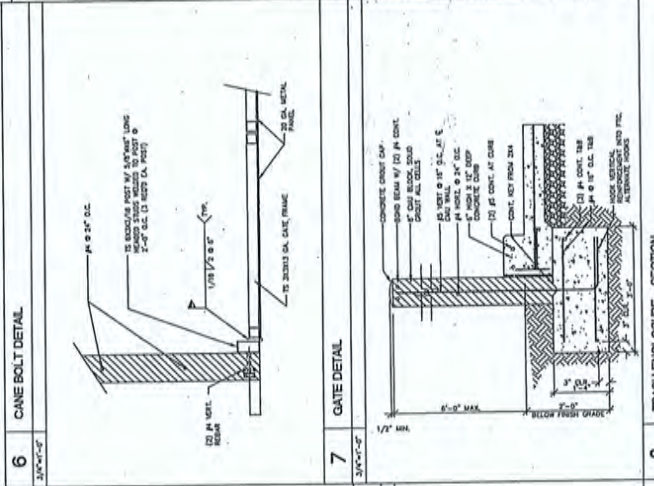
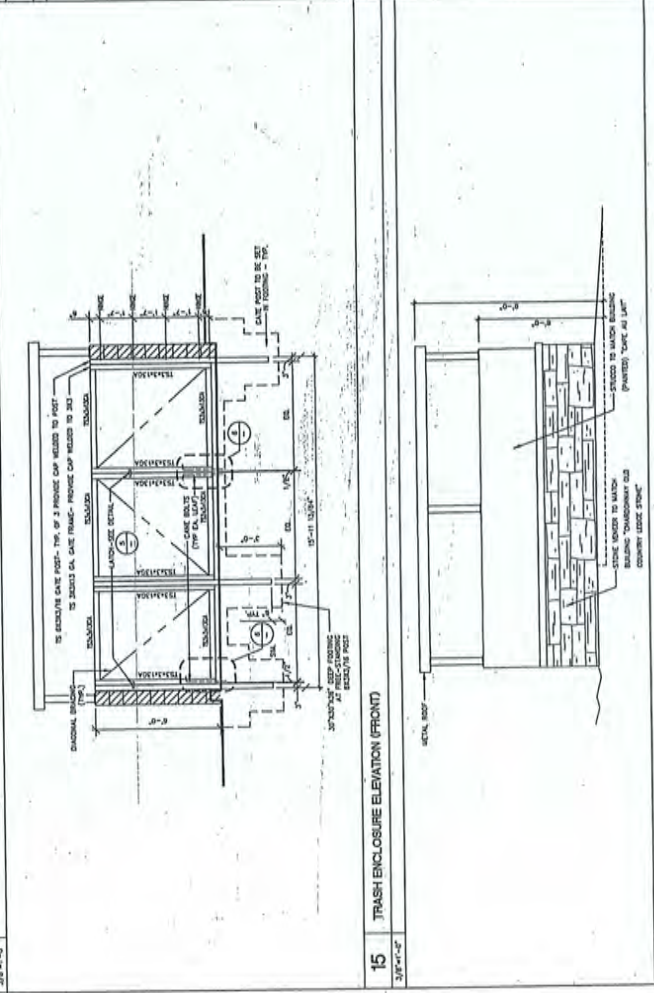
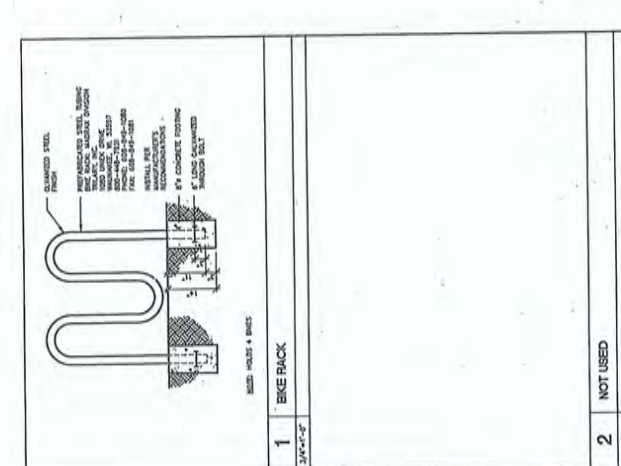
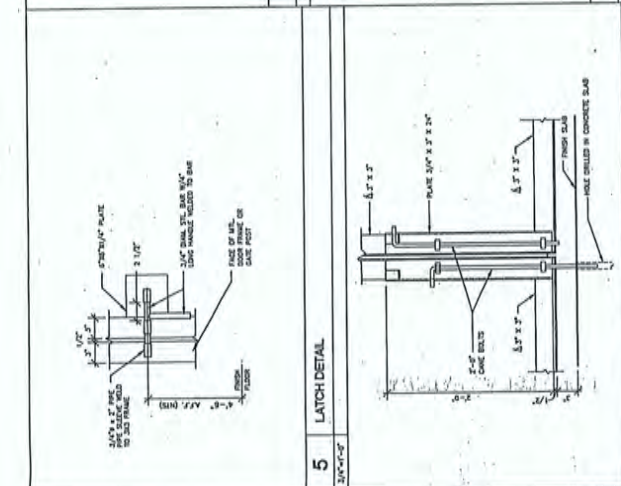
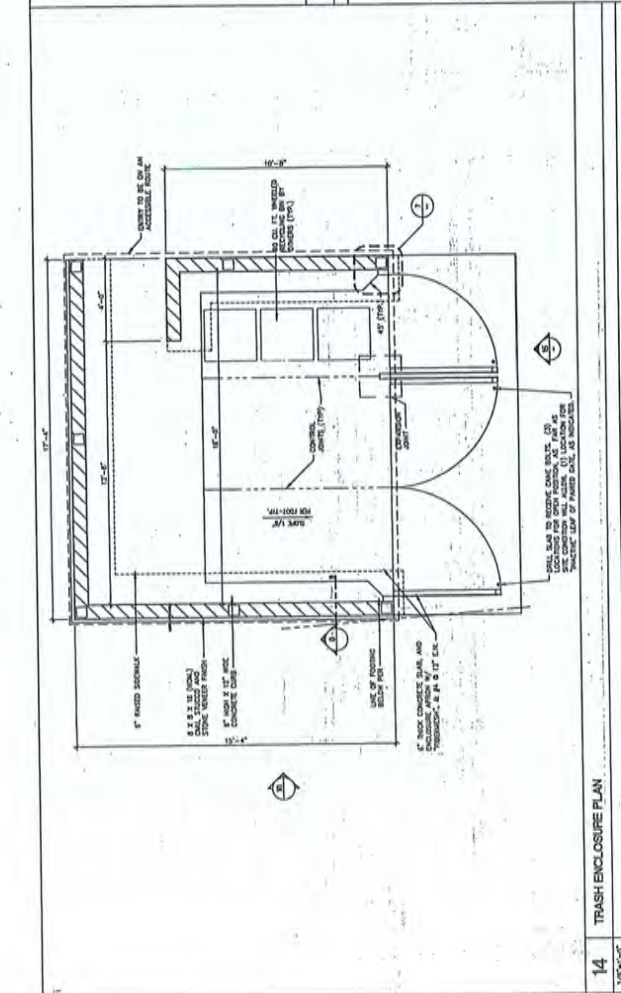
NO.	DATE	DESCRIPTION
1	10/20/14	ISSUE FOR PERMITTING
2	10/20/14	ISSUE FOR PERMITTING
3	10/20/14	ISSUE FOR PERMITTING
4	10/20/14	ISSUE FOR PERMITTING
5	10/20/14	ISSUE FOR PERMITTING
6	10/20/14	ISSUE FOR PERMITTING



DEL PRESIDIO BOULEVARD

MANUEL FREITAS PARKWAY

FUELING TRUCK PATH



14 TRASH ENCLOSURE PLAN

15 TRASH ENCLOSURE ELEVATION (FRONT)

5 LATCH DETAIL

6 CANE BOLT DETAIL

3 YARD LIGHT

1 BIKE RACK

MATERIALS		
1	STAINLESS STEEL	1018
2	CONCRETE	2000
3	WOOD	1000
4	GLASS	5000
5	BRASS	1000
6	ALUMINUM	1000
7	STEEL	1000
8	BRASS	1000
9	ALUMINUM	1000
10	STEEL	1000
11	GLASS	5000
12	CONCRETE	2000
13	WOOD	1000
14	BRASS	1000
15	ALUMINUM	1000
16	STEEL	1000

Chevron
Chevron Energy Services Company

Stantec
Sustained Value Design

9840 DEL PEREBO BOULEVARD
SAN RAFAEL, CA 94903

MILESTONES

DATE	DESCRIPTION	BY
08/13/2018	PRELIMINARY DESIGN	MS
09/20/2018	FINAL DESIGN	MS
10/05/2018	CONSTRUCTION PERMITS	MS
11/15/2018	CONSTRUCTION START	MS
01/15/2019	CONSTRUCTION COMPLETE	MS
03/15/2019	PROJECT CLOSURE	MS

REVISIONS

NO.	DATE	BY	DESCRIPTION
1	08/13/2018	MS	ISSUE FOR PERMITS
2	09/20/2018	MS	FINAL DESIGN
3	10/05/2018	MS	CONSTRUCTION PERMITS
4	11/15/2018	MS	CONSTRUCTION START
5	01/15/2019	MS	CONSTRUCTION COMPLETE
6	03/15/2019	MS	PROJECT CLOSURE

SITE DETAILS

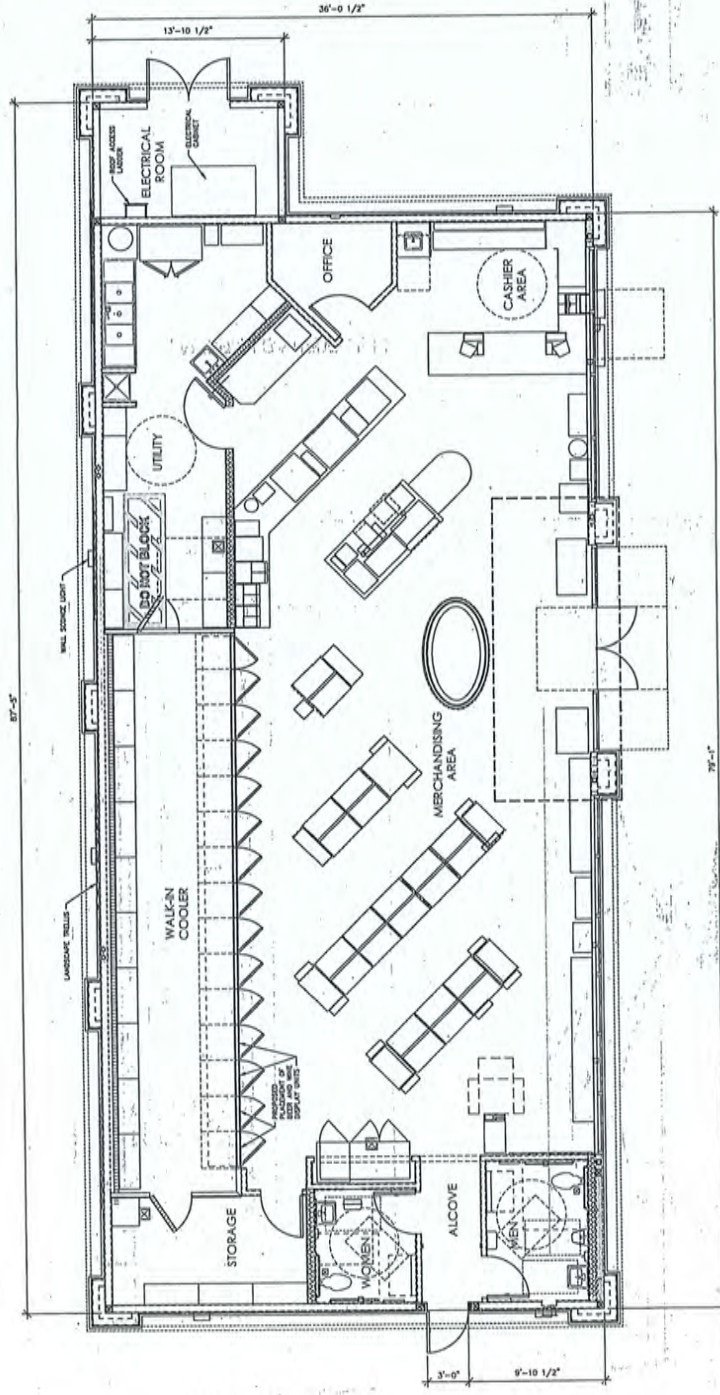
PROJECT NAME: [redacted]

PROJECT LOCATION: [redacted]

DATE: 08/13/2018

BY: MS

SCALE: AS NOTED



Chevron Retail Store, a division of Chevron U.S.A., Inc., uses the 100% design for the entire store layout. The design is based on the store layout and is subject to change without notice. The design is based on the store layout and is subject to change without notice. The design is based on the store layout and is subject to change without notice.

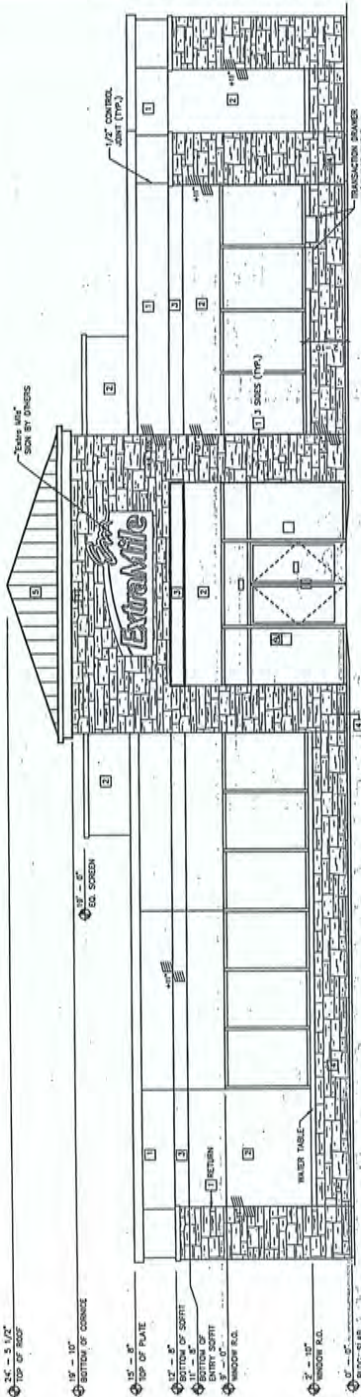
DATE	NOVEMBER 11, 2013
PROJECT NAME	1000 201412010
DESIGNED BY	STANTEC
DRAWN BY	STANTEC
CHECKED BY	STANTEC
SCALE	AS SHOWN

Chevron
Stantec
 940 DEL PEREBO BLVD.
 SAN RAFAEL, CA

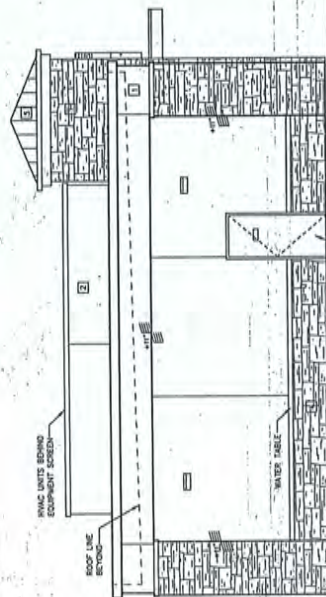
PRELIMINARY FLOOR PLAN
 SHEET 2

0 2 4 8
 SCALE 1/4" = 1'-0"
 TRUE NORTH
 PROJECT NORTH

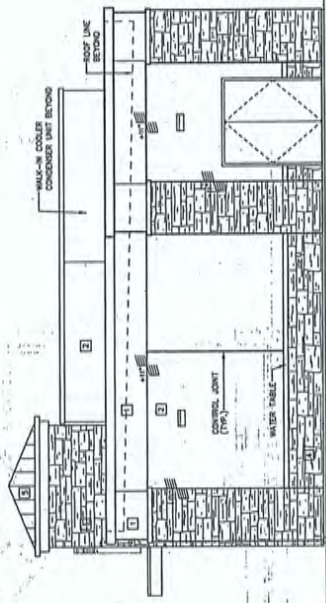
- COLOR LEGEND**
- 1 GIVE AWAY LIGHT
 - 2 METAL
 - 3 CHALK
 - 4 STAINLESS STEEL
 - 5 POLYURETHANE



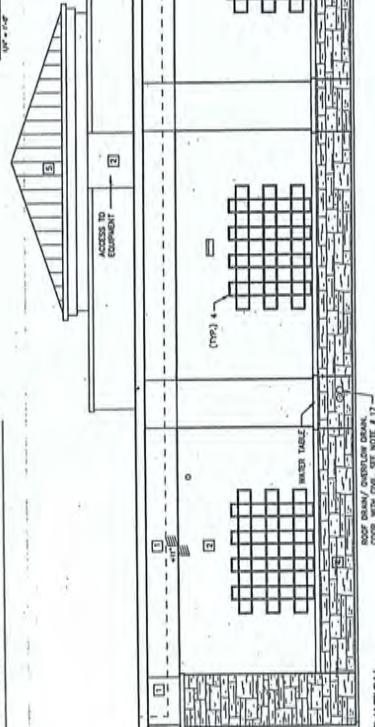
FRONT ELEVATION
1/8" = 1'-0"



LEFT SIDE ELEVATION
1/8" = 1'-0"



RIGHT SIDE ELEVATION
1/8" = 1'-0"



REAR ELEVATION
1/8" = 1'-0"

Chevron
Stantec

940 DEL. FRESCO BLD.
SAN RAFAEL, CA

PRELIMINARY
EXTERIOR ELEVATIONS

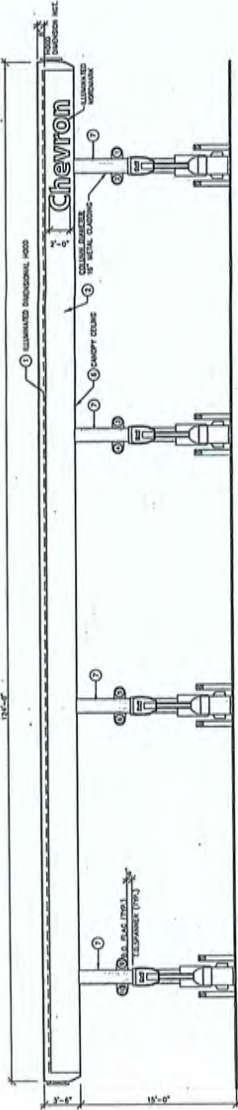
DATE: 10/14/03
DRAWN BY: JRM
CHECKED BY: JRM
SCALE: AS SHOWN

NO.	DATE	DESCRIPTION
1	10/14/03	ISSUE FOR PERMITS
2	10/14/03	ISSUE FOR PERMITS
3	10/14/03	ISSUE FOR PERMITS
4	10/14/03	ISSUE FOR PERMITS
5	10/14/03	ISSUE FOR PERMITS

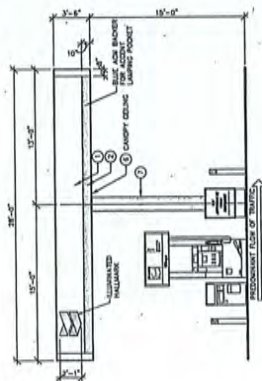
COLOR LEGEND

COLOR	FMS	FILM	APPLY BLUE
① IN WHITE	N/A	N/A	N/A
② IN BLUE	PAC 2320K	N/A	N/A
③ LIGHT GRAY	PAC 42K	N/A	N/A
④ DARK GRAY	PAC 42K	N/A	N/A
⑤	PAC 19K	N/A	N/A
⑥	PAC 42K	N/A	N/A
⑦	PAC 42K	N/A	N/A
⑧	PAC 42K	N/A	N/A

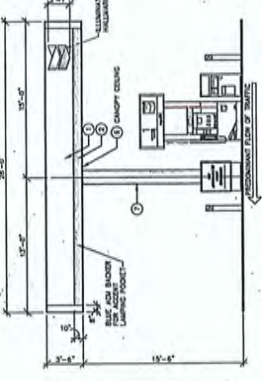
ALL PAINT TO BE MADE COMPLIANT PERFORM



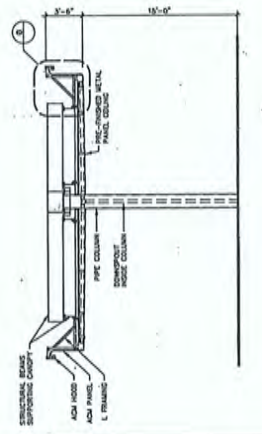
1 PROPOSED EAST CANOPY ELEVATION
3/16/24-CF



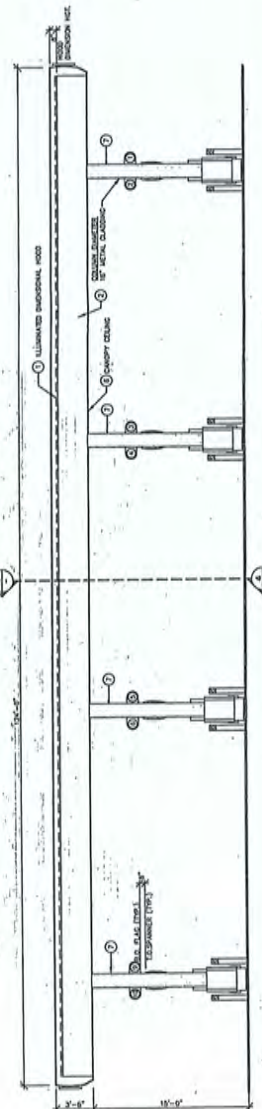
2 PROPOSED NORTH CANOPY ELEVATION
3/16/24-CF



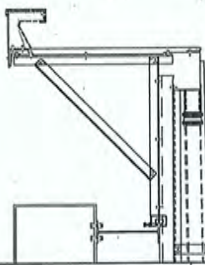
3 PROPOSED SOUTH CANOPY ELEVATION
3/16/24-CF



4 PROPOSED CANOPY SECTION
3/16/24-CF



5 PROPOSED WEST CANOPY ELEVATION
3/16/24-CF



6 ILLUMINATED DIMENSIONAL HOOD
3/16/24-CF

Chevron
Stantec

948 DEL FRESCO BLVD.
SAN RAFAEL, CA

PRELIMINARY
CANOPY ELEVATIONS

DATE: 3/16/24
JOB: 24112010
SHEET: 4

COLOR LEGEND

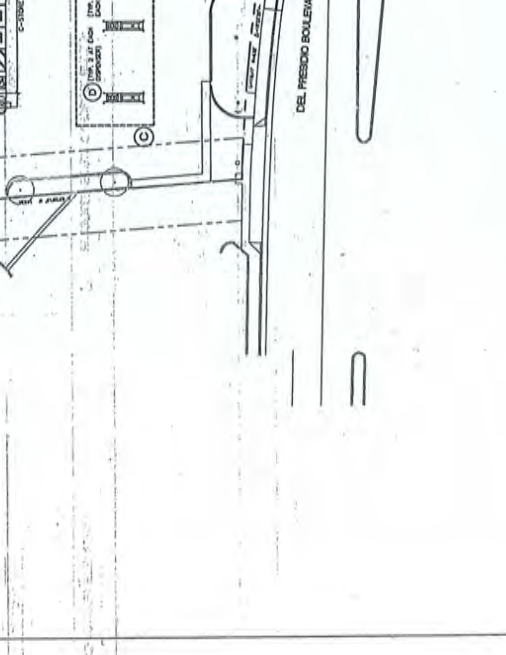
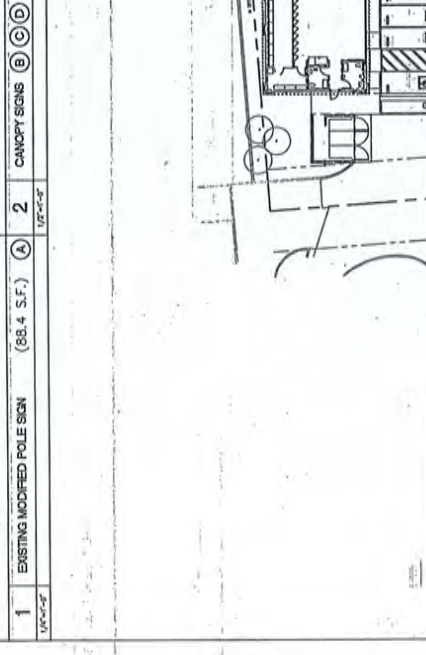
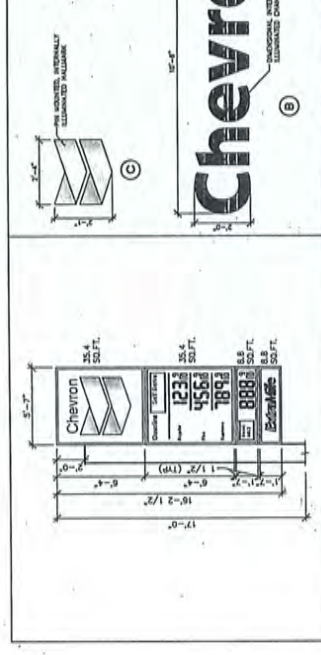
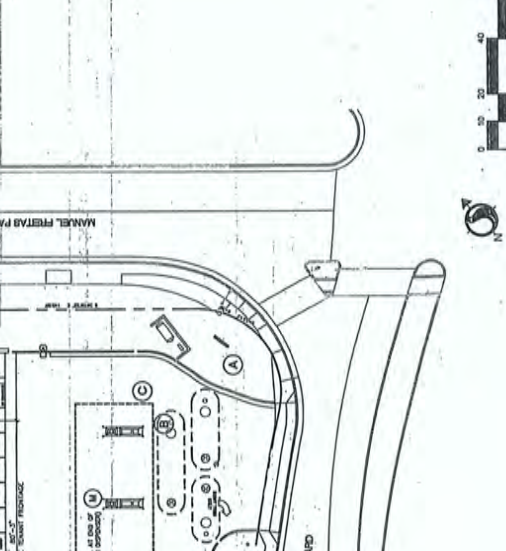
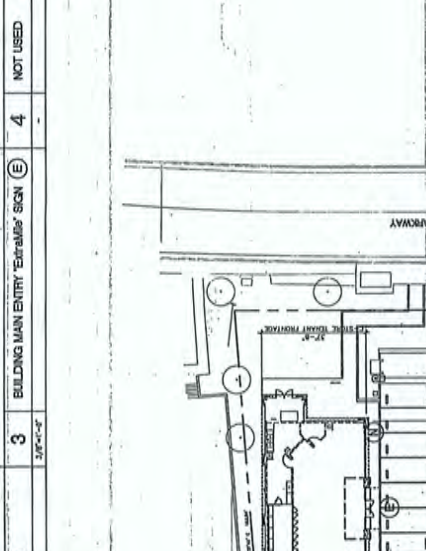
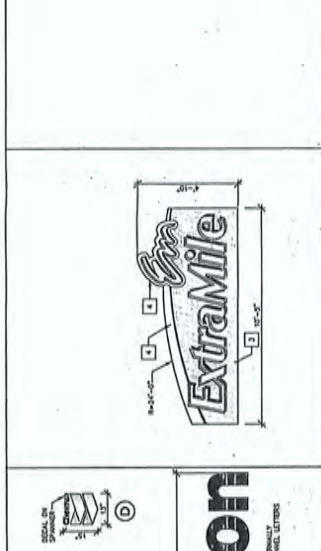
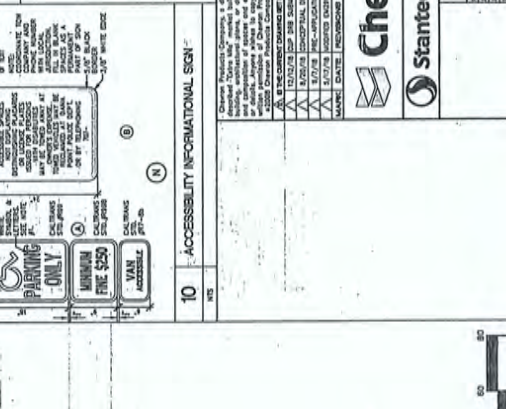
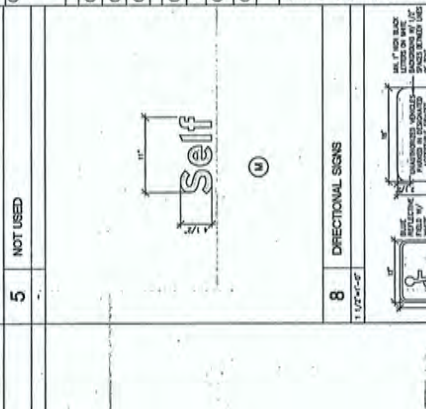
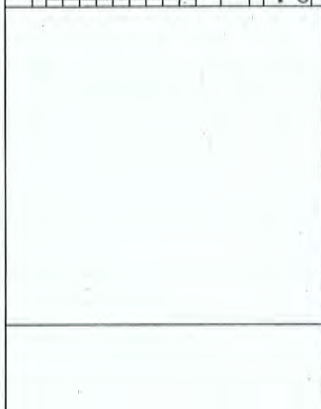
1	INDIA (RUE 0255)	MS-50-IMP
2	DAVE (RUE 0255)	MS-50-IMP
3	CHILD WIC (02-7)	MS-50-IMP
4	INTERSECTION (PWS 127)	MS-50-IMP
5	VEHICLE OUTLINE BLUE	PAGE 203
6	ORANGE (RUE 0255)	PAGE 203
7	ORANGE (RUE 0255)	PAGE 203
8	ORANGE (RUE 0255)	PAGE 203
9	ORANGE (RUE 0255)	PAGE 203
10	ORANGE (RUE 0255)	PAGE 203
11	ORANGE (RUE 0255)	PAGE 203
12	ORANGE (RUE 0255)	PAGE 203
13	ORANGE (RUE 0255)	PAGE 203
14	ORANGE (RUE 0255)	PAGE 203
15	ORANGE (RUE 0255)	PAGE 203
16	ORANGE (RUE 0255)	PAGE 203
17	ORANGE (RUE 0255)	PAGE 203
18	ORANGE (RUE 0255)	PAGE 203
19	ORANGE (RUE 0255)	PAGE 203
20	ORANGE (RUE 0255)	PAGE 203
21	ORANGE (RUE 0255)	PAGE 203
22	ORANGE (RUE 0255)	PAGE 203
23	ORANGE (RUE 0255)	PAGE 203
24	ORANGE (RUE 0255)	PAGE 203
25	ORANGE (RUE 0255)	PAGE 203
26	ORANGE (RUE 0255)	PAGE 203
27	ORANGE (RUE 0255)	PAGE 203
28	ORANGE (RUE 0255)	PAGE 203
29	ORANGE (RUE 0255)	PAGE 203
30	ORANGE (RUE 0255)	PAGE 203
31	ORANGE (RUE 0255)	PAGE 203
32	ORANGE (RUE 0255)	PAGE 203
33	ORANGE (RUE 0255)	PAGE 203
34	ORANGE (RUE 0255)	PAGE 203
35	ORANGE (RUE 0255)	PAGE 203
36	ORANGE (RUE 0255)	PAGE 203
37	ORANGE (RUE 0255)	PAGE 203
38	ORANGE (RUE 0255)	PAGE 203
39	ORANGE (RUE 0255)	PAGE 203
40	ORANGE (RUE 0255)	PAGE 203
41	ORANGE (RUE 0255)	PAGE 203
42	ORANGE (RUE 0255)	PAGE 203
43	ORANGE (RUE 0255)	PAGE 203
44	ORANGE (RUE 0255)	PAGE 203
45	ORANGE (RUE 0255)	PAGE 203
46	ORANGE (RUE 0255)	PAGE 203
47	ORANGE (RUE 0255)	PAGE 203
48	ORANGE (RUE 0255)	PAGE 203
49	ORANGE (RUE 0255)	PAGE 203
50	ORANGE (RUE 0255)	PAGE 203

SIGN AREA TABLE

NO.	SIGN TYPE	AREA (SQ. FT.)	NO. SIGNS	TOTAL AREA (SQ. FT.)
1	EXISTING MODIFIED POLE SIGN	68.4	1	68.4
2	CANOPY SIGNS	15.0	1	15.0
3	BUILDING MAIN ENTRY "Extramile" SIGN	15.0	1	15.0
4	NOT USED	0.0	0	0.0
5	NOT USED	0.0	0	0.0
6	DIRECTIONAL SIGNS	1.5	1	1.5
7	ACCESSIBILITY INFORMATIONAL SIGN	1.5	1	1.5
8	DIRECTIONAL SIGNS	1.5	1	1.5
9	ACCESSIBILITY INFORMATIONAL SIGN	1.5	1	1.5
10	ACCESSIBILITY INFORMATIONAL SIGN	1.5	1	1.5
11	ACCESSIBILITY INFORMATIONAL SIGN	1.5	1	1.5
12	ACCESSIBILITY INFORMATIONAL SIGN	1.5	1	1.5
13	ACCESSIBILITY INFORMATIONAL SIGN	1.5	1	1.5
14	ACCESSIBILITY INFORMATIONAL SIGN	1.5	1	1.5
15	ACCESSIBILITY INFORMATIONAL SIGN	1.5	1	1.5
16	ACCESSIBILITY INFORMATIONAL SIGN	1.5	1	1.5
17	ACCESSIBILITY INFORMATIONAL SIGN	1.5	1	1.5
18	ACCESSIBILITY INFORMATIONAL SIGN	1.5	1	1.5
19	ACCESSIBILITY INFORMATIONAL SIGN	1.5	1	1.5
20	ACCESSIBILITY INFORMATIONAL SIGN	1.5	1	1.5
21	ACCESSIBILITY INFORMATIONAL SIGN	1.5	1	1.5
22	ACCESSIBILITY INFORMATIONAL SIGN	1.5	1	1.5
23	ACCESSIBILITY INFORMATIONAL SIGN	1.5	1	1.5
24	ACCESSIBILITY INFORMATIONAL SIGN	1.5	1	1.5
25	ACCESSIBILITY INFORMATIONAL SIGN	1.5	1	1.5
26	ACCESSIBILITY INFORMATIONAL SIGN	1.5	1	1.5
27	ACCESSIBILITY INFORMATIONAL SIGN	1.5	1	1.5
28	ACCESSIBILITY INFORMATIONAL SIGN	1.5	1	1.5
29	ACCESSIBILITY INFORMATIONAL SIGN	1.5	1	1.5
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31	ACCESSIBILITY INFORMATIONAL SIGN	1.5	1	1.5
32	ACCESSIBILITY INFORMATIONAL SIGN	1.5	1	1.5
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41	ACCESSIBILITY INFORMATIONAL SIGN	1.5	1	1.5
42	ACCESSIBILITY INFORMATIONAL SIGN	1.5	1	1.5
43	ACCESSIBILITY INFORMATIONAL SIGN	1.5	1	1.5
44	ACCESSIBILITY INFORMATIONAL SIGN	1.5	1	1.5
45	ACCESSIBILITY INFORMATIONAL SIGN	1.5	1	1.5
46	ACCESSIBILITY INFORMATIONAL SIGN	1.5	1	1.5
47	ACCESSIBILITY INFORMATIONAL SIGN	1.5	1	1.5
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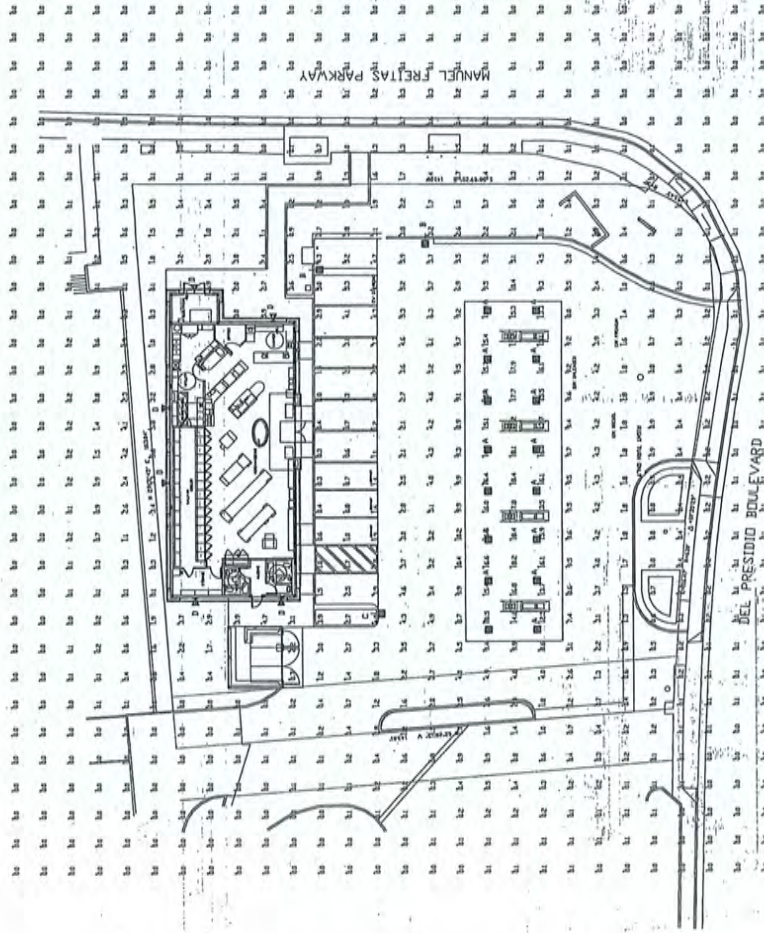
PERMITS

NO.	DATE	DESCRIPTION	STATUS
1	12/31/2023	PERMIT TO CONSTRUCT	ISSUED
2	12/31/2023	PERMIT TO INSTALL	ISSUED
3	12/31/2023	PERMIT TO OPERATE	ISSUED
4	12/31/2023	PERMIT TO DEMOLISH	ISSUED
5	12/31/2023	PERMIT TO REPAIR	ISSUED
6	12/31/2023	PERMIT TO ALTER	ISSUED
7	12/31/2023	PERMIT TO CHANGE	ISSUED
8	12/31/2023	PERMIT TO REMOVE	ISSUED
9	12/31/2023	PERMIT TO ADD	ISSUED
10	12/31/2023	PERMIT TO MODIFY	ISSUED
11	12/31/2023	PERMIT TO REPLACE	ISSUED
12	12/31/2023	PERMIT TO RECONSTRUCT	ISSUED
13	12/31/2023	PERMIT TO RESTORE	ISSUED
14	12/31/2023	PERMIT TO REPAIR AND MAINTAIN	ISSUED
15	12/31/2023	PERMIT TO DEMOLISH AND RECONSTRUCT	ISSUED
16	12/31/2023	PERMIT TO CONSTRUCT AND RECONSTRUCT	ISSUED
17	12/31/2023	PERMIT TO CONSTRUCT AND DEMOLISH	ISSUED
18	12/31/2023	PERMIT TO CONSTRUCT AND ALTER	ISSUED
19	12/31/2023	PERMIT TO CONSTRUCT AND ADD	ISSUED
20	12/31/2023	PERMIT TO CONSTRUCT AND REMOVE	ISSUED
21	12/31/2023	PERMIT TO CONSTRUCT AND CHANGE	ISSUED
22	12/31/2023	PERMIT TO CONSTRUCT AND REPAIR	ISSUED
23	12/31/2023	PERMIT TO CONSTRUCT AND MAINTAIN	ISSUED
24	12/31/2023	PERMIT TO CONSTRUCT AND OPERATE	ISSUED
25	12/31/2023	PERMIT TO CONSTRUCT AND DEMOLISH AND RECONSTRUCT	ISSUED
26	12/31/2023	PERMIT TO CONSTRUCT AND CONSTRUCT AND RECONSTRUCT	ISSUED
27	12/31/2023	PERMIT TO CONSTRUCT AND CONSTRUCT AND DEMOLISH	ISSUED
28	12/31/2023	PERMIT TO CONSTRUCT AND CONSTRUCT AND ALTER	ISSUED
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31	12/31/2023	PERMIT TO CONSTRUCT AND CONSTRUCT AND CHANGE	ISSUED
32	12/31/2023	PERMIT TO CONSTRUCT AND CONSTRUCT AND REPAIR	ISSUED
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34	12/31/2023	PERMIT TO CONSTRUCT AND CONSTRUCT AND OPERATE	ISSUED
35	12/31/2023	PERMIT TO CONSTRUCT AND CONSTRUCT AND DEMOLISH AND RECONSTRUCT	ISSUED
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37	12/31/2023	PERMIT TO CONSTRUCT AND CONSTRUCT AND CONSTRUCT AND DEMOLISH	ISSUED
38	12/31/2023	PERMIT TO CONSTRUCT AND CONSTRUCT AND CONSTRUCT AND ALTER	ISSUED
39	12/31/2023	PERMIT TO CONSTRUCT AND CONSTRUCT AND CONSTRUCT AND ADD	ISSUED
40	12/31/2023	PERMIT TO CONSTRUCT AND CONSTRUCT AND CONSTRUCT AND REMOVE	ISSUED
41	12/31/2023	PERMIT TO CONSTRUCT AND CONSTRUCT AND CONSTRUCT AND CHANGE	ISSUED
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45	12/31/2023	PERMIT TO CONSTRUCT AND CONSTRUCT AND CONSTRUCT AND DEMOLISH AND RECONSTRUCT	ISSUED
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47	12/31/2023	PERMIT TO CONSTRUCT AND CONSTRUCT AND CONSTRUCT AND CONSTRUCT AND DEMOLISH	ISSUED
48	12/31/2023	PERMIT TO CONSTRUCT AND CONSTRUCT AND CONSTRUCT AND CONSTRUCT AND ALTER	ISSUED
49	12/31/2023	PERMIT TO CONSTRUCT AND CONSTRUCT AND CONSTRUCT AND CONSTRUCT AND ADD	ISSUED
50	12/31/2023	PERMIT TO CONSTRUCT AND CONSTRUCT AND CONSTRUCT AND CONSTRUCT AND REMOVE	ISSUED





[Click image to open Product Page](#)



Luminaire Schedule Symbol	Qty	Arrangement	Description	LF	Avg. Lum. Lumens	Avg. Watts
A	1	CRUS-SE-LED-VL-20	MTB 8 1/2 DIMMED SZL	1500	6573	64.9
B	1	SIM-LED-SL-FT-20-7000K-SL-SINGLE-APPL-2-BASE	MTB 8 1/2 DIMMED SZL	1000	5742	68.2
C	1	SIM-LED-SL-FT-20-7000K-SL-SINGLE-APPL-2-BASE	MTB 8 1/2 DIMMED SZL	1000	5046	68.2
D	1	XPW00-FT-LED-20-350-9W-4E	MTB 8 1/2 DIMMED SZL	1000	2919	34

Label	Calc Type	Units	Avg	Max	Min	Avg/Min	Max/Min
ALL CALC POINTS	Illuminance	FC	1.18	18.4	0.9	N/A	N/A
CANOPY	Illuminance	FC	1.81	18.4	0.9	34.0	10.48
PAVING CURB	Illuminance	FC	1.21	18.4	0.9	34.0	10.48

Calculation Summary

Based on the information provided, all dimensions and luminaire locations shown represent a recommended practice. The engineer and/or architect must determine the applicability of the report to existing or future field conditions. This lighting plan represents illumination levels under worst case conditions. The lighting plan represents illumination levels under worst case conditions. The lighting plan represents illumination levels under worst case conditions. The lighting plan represents illumination levels under worst case conditions. The lighting plan represents illumination levels under worst case conditions.



AERIAL SITE #2



AERIAL SITE #1



VIEW OF PROJECT SITE FROM MANUEL FREITAS PKWY.



VIEW OF PROJECT SITE FROM DEL PRESIDIO BLVD.

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MARKER	DATE	REVISIONS	INITIALS	MARKER	DATE	REVISIONS	INITIALS
1	1/15/18	FOR PERMITTING	JK	1	1/15/18	FOR PERMITTING	JK
2	1/15/18	FOR PERMITTING	JK	2	1/15/18	FOR PERMITTING	JK
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9	1/15/18	FOR PERMITTING	JK	9	1/15/18	FOR PERMITTING	JK
10	1/15/18	FOR PERMITTING	JK	10	1/15/18	FOR PERMITTING	JK

Chevron
Stantec

840 DEL PRESIDIO BLVD.
 SAN RAFAEL, CA

DATE: 1/15/2018
 DRAWN BY: JK
 CHECKED BY: JK
 SCALE: AS SHOWN

EXISTING SITE PHOTOS

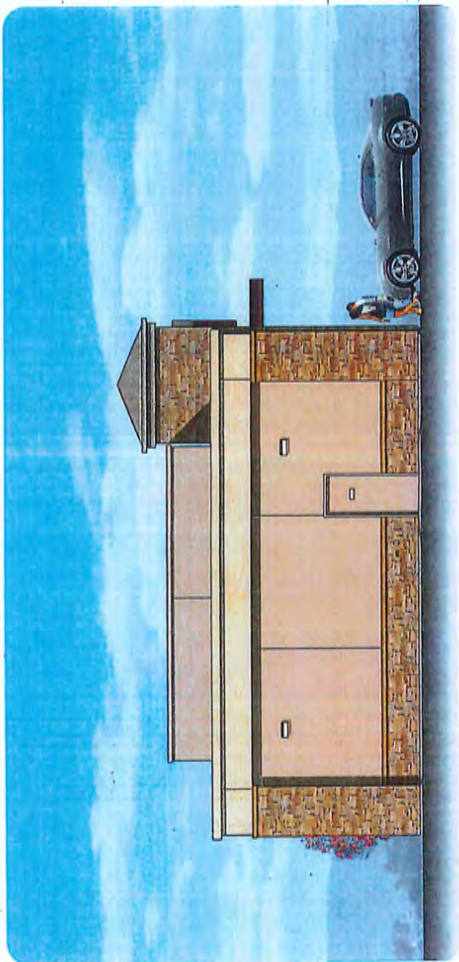
SHEET 8

Color Legend:

-  Jones Boar #A3W8007 "Cafe Au Lait"
-  Jones Boar #A3W8006 "Nutmeg"
-  Jones Boar #A3ND10101 "Cherry Wine"
-  Blonck Stone Mountain Ledger "Lutan"
-  Kynoz 500 "Champagne Metallic"



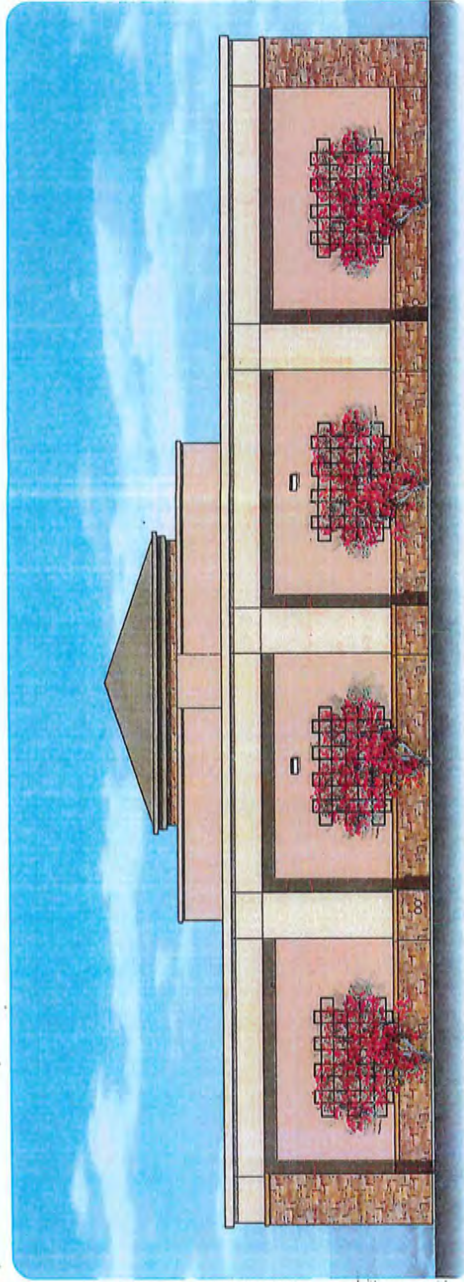
Front Elevation



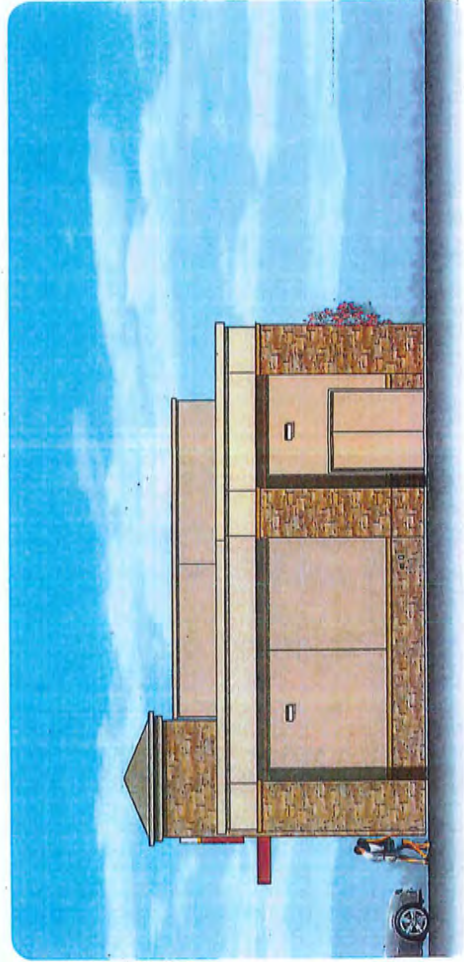
Left Elevation

Chevron
 SS#9-3553
 949 Del Presidio Blvd.
 San Rafael, CA





Rear Elevation



Right Elevation

Color Legend:



Jones Bldg #A3WB007
"Cafe Au Lait"



Jones Bldg #A3WB006
"Nutmeg"



Jones Bldg #A3WB001
"Cherry Wine"



Blackhawk Stone
Mountain Legacy "Nukon"



Kynar 500
"Champagne Metallic"

Color Legend:



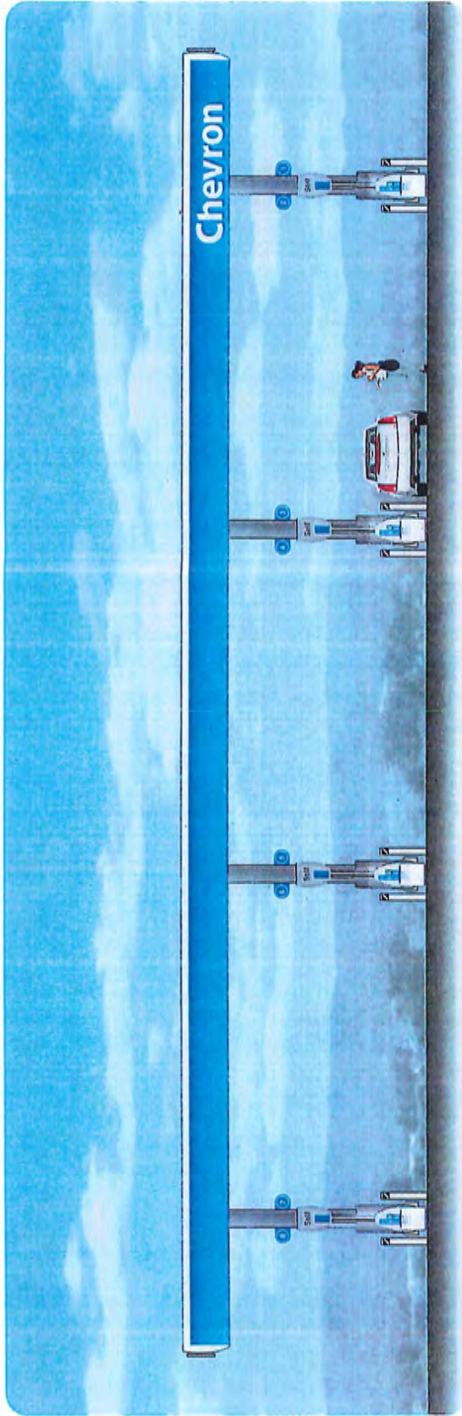
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#1802-10



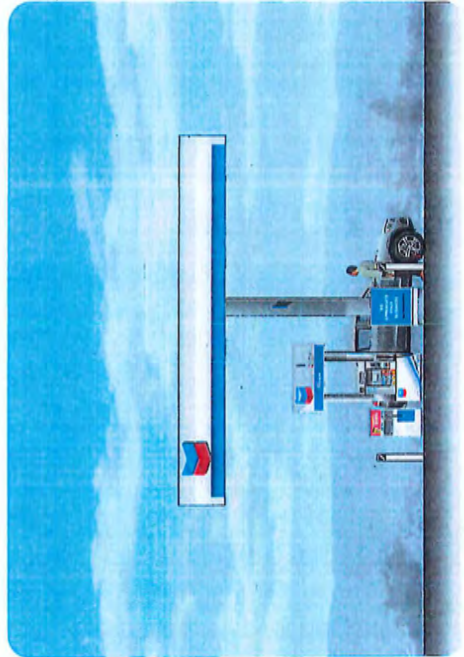
3M Estrel Blue



Jones Bar #38
Silver



Front Elevation



Right Elevation





Perspective View



Chevron
SS#9-3553
949 Del Presidio Blvd.
San Rafael, CA



SAN RAFAEL
THE CITY WITH A MISSION

Community Development Department – Planning Division

Meeting Date: August 27, 2019
Agenda Item:
Case Numbers: UP18-008/ED18-018/LLA18-001
Project Planner: Steve Stafford/ 415-458-5048

REPORT TO PLANNING COMMISSION

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

EXECUTIVE SUMMARY

A proposal to redevelop 27,000 sq. ft. Downtown site with a new, 6-story, 73 ft tall, mixed-use building with 120 residential ‘rental’ units above 121 garage parking spaces/mechanical lifts and 969 sq. ft. ground-floor commercial space has been in the planning process since 2017. The project had initially proposed a 6 story, 66 ft tall building with 138 new residential units above 152 garage parking spaces when first submitted for conceptual review in 2018, then was subsequently reduced of 120 units and 121 garage parking space/mechanical lifts but increased in height from 66 ft to 73 ft (still within 6 stories) to address prior design-related comments and technical code requirements.

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

During the February 26, 2019 Planning Commission study session to provide preliminary feedback to staff on various policy areas, including the requested density bonus, height bonus and front setback waiver, the mechanical parking lifts and the draft environmental (CEQA) findings, the Planning Commission indicated their support for the current project, including staff’s determination that the project is exempt from CEQA (Section 15332; In-Fill Development Projects), subject to the project providing greater affordability. In response, the formal project submittal now includes a total of 12 affordable or below-market-rate (BMR) housing units; in addition to the nine (9) required BMR units (5 units at the very low-income level and 4 units at the low-income level), the applicant proposes to add three (3) additional BMR units in the moderate-income level for a 10-year term.

On May 7, 2019, the Board reviewed the formal project submittal for site and building design and unanimously recommended approval with enhanced “Gateway Corner” (Third St. and Tamalpais Ave.) façade treatments (unique materials and colors).

Overall, staff is supportive of the addition of housing in this part of Downtown and the project would provide much needed housing near services and transit. Housing supply is a major issue, not only in San Rafael, but throughout the region and state. Housing at this location is the most ideal location for housing in San Rafael, given the proximity to transit, downtown services, and other modes of transportation. The project presents an opportunity to be a catalyst for bringing additional mixed-use housing projects downtown and near transit. Staff supports the proposed 6-story scale of the project, primarily based on the scale of the neighboring BioMarin campus which is 48-67’ in height and includes a height bonus. In accordance with the Planning Commission’s request, the project has voluntarily increased its affordability as much as the applicant states the financial pro forma will allow before the project becomes financial infeasible to construct. Furthermore, given the current economic conditions with costs of land, construction costs, the applicant has demonstrated through a financial pro forma that the number of units are necessary to make the project financially feasible, a standard established by the State. Although the City has not yet seen mechanical parking lifts in any projects, these are trending in development projects in other Bay Area communities and provide more efficient use of land.

RECOMMENDATION

It is recommended that the Planning Commission adopt the Draft Resolution recommending to the City Council, approval of a Use Permit, an Environmental and Design Review Permit, and a Lot Line Consolidation for the project (Exhibit 2).

PROPERTY FACTS

Address/Location:	703 - 723 Third St./ 898 Lincoln Ave.	Parcel Number(s):	011-278-01 & -02
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Property Size:	27,367 sf (combined)	Neighborhood:	Downtown
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Site Characteristics			
	General Plan Designation	Zoning Designation	Existing Land-Use
Project Site:	Second/Third St. Mixed-Use (2/3 MU)	Second/Third St. Mixed-Use East (2/3 MUE)	Commercial retail; office
North:	Hetheron Office (HO)	HO	Private parking lot; retail
South:	Lindaro Office (LO)	Planned Development (1901)	BioMarin parking structure
East:	Public/Quasi-Public (P/QP)	P/QP	Bettini Transit Center
West:	2/3 MU	2/3 MUE	Goodwill

BACKGROUND

Site Description/Setting:

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

developed with approximately 15,000 sq. ft. of combined commercial space within two, 1-2-story buildings and a surface parking lot.

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

Project History:

On March 2, 2017, the project obtained Pre-application review comments from staff. At the time of Pre-application review, the scope of the project was larger than the current proposal and included 138 units above 152 garage parking spaces in a new 7-story (74.5 ft tall) residential building.

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

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

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

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

- Minimize sidewalk projections to bay windows/balconies set in an irregular pattern.
- Minimize or eliminate driveways along the Tamalpais frontage.

Formal planning applications were submitted March 2018 with the following design revisions:

- Number of units decreased by 18 (from 138 to 120 units);
- The unit configuration remains similar, but the unit sizes have decreased an average of 10% (approx.)
- Height has increased from 66 ft to 73 ft, but still maintain 6 floors;
- Ground-floor commercial space, bike 'lounge' storage and lobby areas are proposed along the Tamalpais, Third St. and Lincoln Ave frontages;
- All previously proposed projections over the public right-of-way have been eliminated;
- Upper story of the structure has been stepped back;
- Driveway access along the Tamalpais Ave. frontage has been reduced from 52' to 20'
- On-site parking have decreased from 143 to 121 spaces;
- The rooftop common or shared outdoor space has increased;
- Rooftop photovoltaic solar energy system has increased;
- Site landscaping proposed on the ground-floor, podium- (2nd floor) level and roof has increased; and
- Use of varied exterior façade materials, textures and treatments has increased.

On February 26, 2019, the Planning Commission held a study session to provide preliminary comments, at the request of staff, on miscellaneous policy areas, including the requested density bonus, height bonus and front setback waiver, the proposed use of mechanical parking lifts and the draft environmental (CEQA) findings. The Planning Commission indicated their support for the current project, subject to the project providing greater affordability, and staff's determination that the project is exempt from CEQA (California Environmental Quality Act), pursuant to CEQA Guidelines Section 15332 (*In-Fill Development Projects*), while requesting the Board provide recommendations on the building and site design details.

At the request of the Planning Commission, the project has voluntarily increased the proposed affordability, from nine (9) Below-Market-Rate (BMR) units (5 units at very low-income household levels and 4 units at low-income household levels) to 12 BMR units (5 units at very low-income household levels and 4 units at low-income household levels plus 3 BMR units at the moderate-income household levels.

On May 7, 2019, the Board reviewed the formal project for site and building design and unanimously (4-0-2 vote; *Planning Commission Liaison Davidson*) recommended approval with enhanced "Gateway Corner" (Third St. and Tamalpais Ave.) façade treatments (unique materials and colors).

Video from each meeting and the study session may be viewed at www.cityofsanrafael.org/meetings and then clicking on archived "Design Review Board" or "Planning Commission" meetings, and selecting video from the meeting or study session date.

PROJECT DESCRIPTION

Use:

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

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

The average size of the 120 units is 679, sq. ft., ranging from 342 sq. ft. as the smallest unit and 1,068 sq. ft. as the largest size unit. The project does not include a condominium map, therefore, the units would be rental. All existing development on the two parcels are proposed to be demolished.

Affordability:

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

In response to the Planning Commission study session, the project voluntarily proposes three (3) more of the units to be affordable at the moderate-income household income level for a fixed period of 10 years. With the three additional units, the project proposes a total of 12 units. (affordability of 5 Very Low, 4 Low and 3 Moderate). This is referred as the Proposed Project scenario.

Density:

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

Given that the site is a mixed-use zoning district, it is also eligible for up to a 1.5 FAR (in addition to the residential density). As proposed, the project would only include a 969 sq. ft. commercial space on the ground floor, which equals a 0.04 FAR.

Site Plan:

Vehicular egress and ingress to the project site would be along two, 20'-wide, two-way driveways on both the Tamalpais and Lincoln Ave frontages. Pedestrian access to the project site would be primarily along the Third St. frontage though secondary pedestrian access is provided along both the Lincoln and Tamalpais Avenue frontages. The project proposes development to the property lines, including the front property line (Third St.) which requires a minimum 5 ft. landscaped setback. The lack of building setback is mitigated by the architectural design which incorporates a 5 ft wide handicap ramp setback and a 1 ft landscape planter for a total of 6 ft setback along 122 linear ft of third St (62% of the frontage). The upper

stories would be built within the property lines and portions of the upper four (4) floors would stepped back. The project requests a waiver to the 5 ft front setback development, as one of their three eligible density bonus concessions

Architecture:

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

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

Building Height:

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

Parking:

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

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

Landscaping:

The project proposes 12,555 sq. ft. (46%) of site landscaping, where a minimum 10% (2,737 sq. ft.) is required. New street trees are proposed along all three building frontages on the ground-floor. A combined 4,528 sq. ft. of landscaped area is proposed on the podium (2nd floor)-level between a central courtyard

and common outdoor deck areas along the front (Third St. elevation) and rear (adjacent to the paint store located at 770 Second St.) building elevations. A landscaped rooftop amenities area, 5,317 sq. ft. in size, is also proposed. In addition, the project proposes raised Corten steel planters along the ground-floor of the Third St. frontage. Details on specific landscaping species are not provided at this time.

ANALYSIS

San Rafael General Plan 2020 Consistency:

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

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

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

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

The project site is located within the "Hetherton Gateway" District of Downtown. In compliance with Neighborhoods policy **NH-37 (Hetherton Office District Design Considerations)**, design considerations for this area call for "...*high-quality and varied design with landmark features that enhance the District's gateway image*". New building design should:

- *Emphasize gateway character by incorporating transitional treatments such as accent elements and public art;*
- *Stepback upper stories;*

- *Ground-floors include a pedestrian scale; and*
- *Include useable outdoor areas, courtyards and arcades that are landscaped, in sunny locations and protected from freeway noise.*

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

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

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

Zoning Ordinance Consistency:

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

Chapter 5 – Commercial and Office Districts

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

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

The project also would conditionally comply with the minimum setback requirement with a setback waiver as another concession under the State Density Bonus law for meeting the City's affordable housing requirement (20% or 9 units). The project would comply with the 10% minimum landscape requirement through the inclusion of site landscaping, 2nd floor courtyard, rooftop decks, by providing 46% landscaping. Private and common outdoor area is encouraged rather than required in the Downtown districts. The project includes balconies for many of the units and a common courtyard and roof top deck to provide this requirement.

As stated earlier in staff's report, residential uses in the 2/3 MUE District are allowed only as part of mixed-use projects. After conceptual review, the project was revised and continues to include a reasonable size commercial space (969 sq. ft.) on the ground floor. Providing more commercial space on this site is challenging due to the parking and mechanical/utility/refuse infrastructure that are also provided on the ground floor.

Chapter 16 – Site and Use Regulations

Affordable Housing Requirement

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

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

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

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

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

Density Bonus (Automatic)

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

Additional Density Bonus (Discretionary)

The project proposes a total density of 120 units, 75 units above the maximum allowable density on the site and 59 units above the 'automatic' 35% state density bonus provided by complying with the City's affordable housing requirement. The State Density Bonus law allows a City to establish a procedure to consider a bonus above 35% if it chooses.

At the request of the Planning Commission during the study session to off-set the proposed additional density, the project has now voluntarily increased the proposed affordability, from nine (9) Below-Market-Rate (BMR) units (5 units at very low-income household levels and 4 units at low-income household levels) to 12 BMR units (5 units at very low-income household levels and 4 units

at low-income household levels plus 3 units at the moderate-income household levels). Unlike the required affordability, which would have no limiting period, the voluntary increase in affordability is proposed to have a 10-year term. The applicant states the affordability has been increased as much as the financial pro forma will allow before the project becomes financially infeasible pursue and acquire funding.

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

Height Bonus Concession (Discretionary)

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

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

Setback Waiver Concession (Discretionary)

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

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

Staff supports the requested setback waiver concession.

Building Height Exclusion

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

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

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

Chapter 18 – Parking Standards

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

The project also proposes to use mechanical parking lifts to primarily meet the required parking for the project; 109 of the 121 parking spaces are proposed to be provided by mechanical parking lifts, though not the 12 ADA-accessible parking spaces, loading, ride share/care share or electric vehicle charging spaces. The project proposes to use a three-level, semi-automatic, mechanical parking lift system (CityLift Model 3LP) with horizontal and vertical shifting platforms. The parking space dimensions of this mechanical parking lift are:

- 17' ¾" length;
- 6' 6 ¾" – 6' 10" width;
- 6' 5" – 7' height;
- 5,200 – 6,000 lbs. load per vehicle; and
- 33 seconds average retrieval time.

The CityLift Model 3LP operates without a pit. The driver remotely engages the system, similar to a garage door opener, where the parking 'platforms' will automatically shift to an empty space. Parked vehicles are automatically retrieved by entering the parking space number into the adjacent keypad. Access may be secured by adding metal gates which open automatically only after the shifting process is completed. The Board may learn more on the CityLift Model 3LP through the following link: <https://cityliftparking.com/solutions/puzzle-mechanical-parking>, which includes a video of how they operate CityLift mechanical parking "Puzzle" stackers are currently operating in Berkeley, Emeryville, Oakland, San Francisco and Healdsburg. The Avalon Public Market in Emeryville (6701 Shellmound St.) is most similar in scale of mechanical parking stacker system as proposed by the project. The Avalon Public Market is a 7-story, mixed-use building with 211 units above a 155 space, 3-level "puzzle" stacker system without a pit and adjacent to public transit. Staff will coordinate a future opportunity to visit the Avalon Public Market or another location with a CityLift Model 3 mechanical parking "Puzzle" stacker system.

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

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

The proposed parking also complies with all other applicable parking standards. Under the Zoning Ordinance, residential projects are not required to provide clean air vehicle parking or EV (electric vehicle) charging stations. The project proposes 1 tandem loading space, 4 EV ready spaces, 1 tandem ride share drop off space, and 1 car share space, and 2 visitor spaces. The project also proposes 32 bike storage spaces, although only 4 short-term spaces and no long-term spaces are required for the project.

Chapter 22 – Use Permits

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

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

Chapter 25 – Environmental and Design Review Permits

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

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

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

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

One of the reoccurring comments provided by both the Board and Planning Commission during Conceptual Design Review is the project needs to exemplify a building design worthy of its 'Gateway' location;

particularly the northeast corner (Tamalpais Ave. and Third St.) of the building closest to the Downtown SMART station needs to create an architectural 'statement'. The project has been revised to include a 'Gateway' option (Sh. A0.2A) which proposes to accentuate the 'Gateway' corner by; 1) Extending the brick façade treatment from the ground-level up levels 2-4 to create the appearance of a 'tower' , approx..50'-wide along both the Tamalpais Ave. and Third St. frontages; 2) Further highlighting the uniqueness of the 'Gateway' corner and the appearance of a 'tower' design with Corten steel panels, similar to the ground-level planter material, on levels 5-6; and 3) Expanding the steel rooftop trellis to 'cap' the 'Gateway' tower or corner. The Board reviewed and recommended this "Gateway" design option along with the other revisions to the project, which are presented to the Planning Commission.

San Rafael Design Guidelines:

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

Second/Third Corridor and Environs

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

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

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

Downtown Station Area Plan:

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

Short-Term

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

Long-Term

- Allow one-half space per residential unit to be located off-site in a municipal parking facility.

- Allow off-site parking for ground-floor retail uses.
- Allow unbundled parking, where parking spaces are leased separately from residential units.
- Allow bicycle parking in lieu of some portion of the required on-site parking.
- Adopt a Form-Based Code and eliminate maximum density and FAR (Floor Area Ratio) limits. Together with requiring no more than one parking space per unit, a Form-Based Code may allow up to 200 residential units within maximum allowable building height and setbacks required on the site.
- Allow development ‘bonuses’ (like reduced parking), beyond concessions under the State Density Bonus law, in exchange for community benefits. Examples of community benefits include amenities to support the more transit-oriented surroundings such as wider sidewalks and landscaping, open space or plazas, provisions for car-sharing, and additional affordable housing units above the minimum 20% requirement.
- Allow shared parking between daytime retail uses and nighttime residential uses.
- Allow stacked parking or parking lifts, to meet required on-site parking.
- Explore reconstruction of Tamalpais Avenue to serve as a “Complete Street” to serve all travel modes. In concept, Tamalpais Avenue may be converted to one-way northbound travel with a Class II bicycle lane, pull-out staging areas and wider sidewalks.

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

Good Design Principles:

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

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

Mayor Phillips assigned former Commissioner Paul the task of forming a working group to review these resources and to develop a more concise and consolidated list of key criteria. The goal was to develop an informational handout (“City of San Rafael Expectations for Good Design”) that can be provided to developers/applicants. Former Commissioner Paul formed a small Working Group of local design professionals and residents to review the above planning documents and regulations and consolidate them

into more concise criteria. This working group presented their findings and a "[Good Design Guidelines for Downtown](#)" slideshow to the Council at their February 5, 2018.

There are next steps, which include creating a checklist of these good design principles and adopting them; however, staff is providing the applicable criteria from this presentation as Exhibit 5.

The project complies with many of these 'good design' criteria. Tamalpais Ave. is identified as a 'gateway' to the Downtown with excellent visibility from all transportation modes (pedestrian, bicycle and transit) and the transit center. The project activates the Tamalpais Ave street front by providing a small (969 sq. ft.) ground-level commercial retail space at the corner of Tamalpais Ave. and Third St. The project supports Tamalpais Ave. as a 'pedestrian street' by minimizing driveway cuts to a single driveway with a 20' width and providing ample street tree pockets with grates. Larger and taller buildings, like the project, are anticipated along the Second and Third St. corridors to create a 'boulevard' setting. A 'base, middle and top' design strategy, similar to the project design, is encouraged though not required. The height and bulk of the project is mitigated by stepbacks, articulation and use of varied exterior materials.

Subdivision Ordinance Consistency:

The project proposes construction of a new mixed-use building over the current property boundaries of two adjacent legal Downtown parcels. The project is subject to the lot consolidation provisions pursuant to Chapter 15.05. of the Subdivision Ordinance. If the project is approved, a new the plat map, showing the existing and proposed new lot lines, and a copy of the Grant Deed for the lot consolidation, shall be submitted by the applicant and reviewed by the City Engineer and approved prior to recordation with the County. This recordation must occur prior to building permit issuance.

The project is proposed as a rental project only. The applicant has not indicated their intent to make them individual condominium units.

MAJOR TOPIC DISCUSSION

The following is a staff analysis/discussion on the main land use matters.

Land Use:

Residential uses are allowed and encouraged in this portion of the City as part of a mixed-use project. While the project did not initially include any commercial use on the ground floor, the Planning Commission encouraged it and the project has been revised to include 969 sq. ft. of ground-floor commercial space at the southwest corner of Third St/Tamalpais Ave. Providing more commercial space on this site is challenging due to the parking and mechanical/utility/refuse infrastructure space needs that are provided on the ground floor; however, the project sponsor has indicated their intent to monitor future demand for increased ground-floor commercial space within the project and a potential interest to convert or reconfigure the 'Lobby' area into additional retail use.

Residential Density:

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

The currently proposed 120 residential units, has been reduced since the original 138 units proposed during Pre-Application and Conceptual Design Review. Determining the appropriate density for

development of a site, typically, is a product of allowable parking (site and building design), traffic capacity, height, design and environmental resources. In this case, the amount of density is further defined by the State density bonus law and a concession requested by the applicant that demonstrates that the 120 units are needed to make the project financially feasible.

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

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

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

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

The applicant has asked for additional density (59 units above the state mandated density bonus) as one of their three eligible concessions/waivers, and through the provision of a financial pro forma, they must show that the concession or incentive is necessary to achieve the offered affordability and make the project financially feasible (Government Code, § 65915(k)(3).

At the February 26 study session, the applicant had proposed 120 unit, of which 9 were affordable (5 very low and 4 low). At the request of the Planning Commission to explore more affordability to off-set the proposed additional density bonus, the project has since voluntarily increased the proposed affordability, from nine (9) Below-Market-Rate (BMR) units (5 units at very low-income household levels and 4 units at low-income household levels) to 12 BMR units (5 units at very low-income household levels and 4 units at low-income household levels plus 3 units at the moderate-income household levels for a fixed 10-year term). Furthermore, the pro forma for the project was independently reviewed and confirmed that the 120 units is needed for this project to be financially feasible.

In accordance with the City's ordinance, the City has hired an independent 3rd party economist, Seifel Consulting, to review the financial pro forma and assess whether the number of units requested are necessary to make the project financially feasible. This includes evaluating all the costs associated with the acquisition, construction and operation of the project. The applicant submitted a pro forma that evaluated the base case (45 units, of which 9 are BMR) and the density bonus proposal (120 units, of which 1 are BMR (5 very low, 4 low and 3 mods at 10 years)

The pro forma evaluates the Base Case scenario (61 units, which includes the 35% density bonus) as well as the Proposed Project scenario (120 units). The actual pro forma and specific numbers contained in the pro forma are proprietary information and the City is not allowed to release those for public review. However, the City's consulting economist has reviewed all the information and prepared their analysis that provides the conclusions of their review (Exhibit 6). In summary, the review finds:

- The Base Case scenario (61 units, which includes the 35% density bonus) is not financially feasible. Based on the development costs, revenues and return metrics, the developer margin would be negative, meaning the development costs would exceed the revenues, and thus make the project not feasible to build. The review also concludes that with even with potential savings on construction costs through value engineering, the Base Case scenario is not feasible and as the return margin would still be negative.
- The Proposed Project scenario (120 units, including a 59-unit bonus above the state density bonus) does yield a positive margin of return. However, that return is does not achieve a high enough margin to be financially feasible according to typical return metrics. The review does conclude that if construction costs are lowered by 15%, it would be within the range of development feasibility, consistent with other projects in high demand locations. The additional density requested in the Proposed Project scenario enhances financial feasibility by reducing development costs per housing unit.
- Additionally, in response to the Commission's suggestion during the study session to explore additional affordability, a third scenario was evaluated by the City's economist, which has been called Alternative 1. This scenario evaluated a 120-unit project, of which 18 units (20% of the 59-unit additional density bonus) are BMR units (10 very low-income household levels and 8 low-income household levels). The review concludes that, given the significant reduction in revenues from doubling the number of affordable housing units, the Alternative 1 scenario is also not financially feasible without a significant reduction in construction costs as the return margin would be negative.

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

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

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

- 45 units in 6 stories, with the average unit being 1,809 sq. ft/unit,
- 61 units (State density bonus max) in the same 6 stories, with the average unit being 1,313 sq. ft/unit.

Given the need for housing in San Rafael as well as throughout the State, staff would assert that a greater number of smaller units as proposed would be more beneficial to the community. This is

an opportunity site, close to transit, in the heart of downtown and is possibly the most appropriate location for higher density housing. It would also serve as a catalyst for other downtown housing projects

- As noted above, other factors to consider for density include height, design, environmental resources (including historical), parking and traffic capacity:
 - For height discussion, see below.
 - The design was evaluated and reviewed by the DRB, and through the process, there have been changes to provide additional stepping of upper floors as well as horizontal articulation, to reduce perceived bulk and mass from all four building elevations.
 - The site has no historical or environmental resources, given it is fully graded and developed with non-descript, postmodern commercial buildings.
 - The traffic generation from the project was evaluated against the City's level of service standards. A Transportation Impact Analysis report (Fehr & Peers Transportation Consultants, revision dated January 14, 2019) originally submitted for the project was revised to expand the study area and to modify the methodology used in the analysis. The results of the updated trip generation indicate that, based on traffic counts of existing land use trips, and with deductions applied for 'walk, bike and transit' trips due to the site's proximity to the Downtown, the SMART station and the transit center, the project would result in 33 net new AM peak hour trips (7- 9am weekdays) and 26 PM net new peak hour trips (4-6pm weekdays).
 - The Transportation Impact Analysis report indicates surrounding intersections and arterials would continue to operate (existing plus project volumes) acceptably per the City's LOS (Level of Service) standards in the General Plan
 - The results of the Transportation Impact Analysis report have been confirmed by the City's Traffic Engineer. Staff finds the proposed density (120 units) would result in negligible traffic impacts which are off-set by the payment of traffic mitigation fees on the 59 new peak hour trips anticipated to result from the project.
 - In terms of parking, the project would provide excess parking than that required by the State for projects in close proximity to transit. The project is required to provide 82 spaces and would actually provide 121 total spaces (composed of 109 resident parking + 12 ADA, ride share, drop off and EV parking spaces)

Staff recommends that the Proposed Project scenario, which includes the voluntary increase in affordability, is appropriate, given that; 1) the project does not utilize most of the non-residential FAR allowance for the site, 2) the smaller size of units, averaging 678 sq. ft./unit, and 3) the project location.

Height/Scale

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

During Conceptual Design Review by the Board and Planning Commission, the project was designed to meet the 66 ft height limit. That design proposed to bury the garage level by 1 ft below the elevation of the sidewalks. Following Conceptual Review, technical comments from City Departments and further

investigation into the stacked parking lift, the project was increased in height by 7 feet, from 66 feet to 73 feet, based on the following modifications:

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

Given that the proposed height exceeds the 66 ft height limit, the applicant has requested a major concession under the state density bonus law to request 7 additional feet. Concessions not identified 14.16.030.H.3.a are considered a major concession and require submittal of a financial pro forma [SRMC 14.16.030.H.3.b.v](#). If approved, the concession counts concession under the State Density Bonus law. Per SRMC 14.16.030. A major concession requires the submittal of a financial pro forma to demonstrate whether the concession or incentive is necessary to achieve the offered affordability and make the project financially feasible (Government Code, § 65915(k)(3)). As noted above, the City hired Seifel Consulting to review the financial pro forma and confirm the methodologies, assumptions and conclusions (Exhibit 6). In conclusion, the 3rd party economist has concluded that the pro forma does use sound assumptions, methodologies and financial information, and that the pro forma demonstrates that 62 Base Case project would not be financially feasible, while the 120-unit Proposed Project is needed to make the project financially feasible.

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

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

The extra parking necessitates the need to either create two floors of parking or utilize a stacked parking system. Although it is conceivable possible to dig down and provide one floor of parking underground, the small size of the lot, FEMA requirements coupled with the high-water table would make this option nearly impossible. The other option is to only provide one level of parking without stackers, which would only require a 10 ft floor plate (rather than 22 ft) on the ground level. However, this option would not only render the project inconsistent with the parking requirements (only 66 spaces could be provided without use of parking stackers, where 82 are required), but also insufficient to meet the real-life parking demands of potential tenants in this project.
- The second variable is that of the plate height in the residential units. The project proposes to use 9.5 ft plate heights. This plate height is typical of other stacked housing projects and given the smaller size of units, would make the units feel a bit bigger than if a lower plate height was utilized. If the plate height was reduced back to 9 ft, that would reduce overall building height by 3.5 feet, or 69.5 feet total. Although this would be a reduction in height, it would still exceed the height limit (66 ft with height bonus) and would be negligible in the bigger picture. Furthermore, the extra 0.5 feet of plate height would make the units for desirable and comfortable for residents, especially given their smaller size.

Front Setback

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

Aside from the state density bonus law provisions for the city to grant a concession to a standard if deemed financially necessary, staff has also reviewed whether the proposed 0 ft setback would be in keeping with the surrounding area. Most of the buildings along 3rd St exhibit a 0-ft setback. A few properties have portions of their sites that include parking lots, which creates a bigger setback for that portion of the site. However, the predominant pattern of building placement is without any setback and this project would be consistent with that pattern. In addition, given the minimum dimensions requires for parking and drive aisles, coupled with the required "back of house" features needed on the ground floor for a project of this type (lobby, retail space, bike lockers, mail, trash, there is not much room to reduce the width of the building on the ground floor. Lastly, as noted above, the applicant has submitted a financial pro forma and this was reviewed by an independent economist and the conclusion is the number of units are necessary to make the project financially feasible. In regard to the setback, the issue is that there is a minimum width required for a double loaded garage. In addition, complying with the required front setback is challenging due to the parking, double-width driveway and mechanical/utility/refuse infrastructure that are also provided on the ground floor; however, the project sponsor has indicated their intent to monitor future demand for increased ground-floor commercial space within the project and a potential interest to convert or reconfigure the 'Lobby' area into additional retail use, which would have the effect of activating the pedestrian presence at the southeast corner of Third St./Lincoln Ave.

Bulk/Mass

The currently design project has greatly improved in terms of its impacts to bulk/mass. The prior design included projections over the public right of way, as well as a more vertical building design. The currently proposed design has eliminated all projections over the public right of way, inset balconies and stepback portions of the upper-stories to create horizontal relief, and fully recessed the 6th floor back five feet (5'). In addition, the project uses some varying roof heights on the top level to provide vertical articulation.

Stacker Parking System:

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

DESIGN REVIEW BOARD RECOMMENDATION

The Board has reviewed this project on two occasions.

June 20, 2017 - The Board reviewed the originally submitted design of the project as a Conceptual Design Review application and provided the following general comments. (*Commissioner Schaefer served as PC liaison*):

- Site requires a heightened 'gateway' design. The concept design is too boxy and should incorporate greater vertical and horizontal articulation.
- Massing of concept design is looming due to crowding of sidewalk right-of-way with upper-story encroachments. Limit ROW encroachments to architectural features only and reduce to maintain pedestrian-friendly cross-streets (Tamalpais and Lincoln Avenues).
- Portions of the upper stories should step back.
- Ext. color palette is too bright.
- Ground floor commercial space along Tamalpais Ave. is important link to pedestrian-friendly vision.
- Provide comprehensive and generous amenities in common areas, including trellis over portions of the courtyard. Consider adding a gym and enlarging the rooftop common area.
- Consider cladding staircase towers in glass or a similar design feature.
- Guest parking, EV charging stations and a loading/unloading area should be provided in the garage.
- Limit the driveway curb cuts on pedestrian-friendly cross-streets by providing a single drive-thru driveway and better garage circulation; and
- Board is supportive of mechanical parking lifts though additional details are needed, including dimensions, queuing, turning access, cross-sections, real-time video of use.

May 7, 2019 - The Board reviewed the formal project for site and building design and unanimously (4-0-2 vote; *PC Liaison Davidson*) recommended approval of the site and building design with enhanced "Gateway Corner" (Third St. and Tamalpais Ave.) façade treatments (unique materials and colors).

Video from each Board meeting may be viewed at www.cityofsanrafael.org/meetings and then clicking on archived "Design Review Board" meetings, and selecting video from the meeting date (June 20, 2017 and/or May 7, 2019).

ENVIRONMENTAL DETERMINATION

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

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

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

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

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

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

NEIGHBORHOOD MEETING / CORRESPONDENCE

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

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

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

Public comments received by staff on the project are evenly mixed; some in support of the project proposing downtown housing and others in opposition to the project design, bulk/mass, height, and perceived parking and traffic impacts. Public comments received through the conceptual review, during the previous proposed design, are attached as Exhibit 8. Public comments received on the project, since formal project review, with a revised improved design, are attached as Exhibit 9. Any comments received after distribution of the staff report, will be forwarded to the Commission under separate cover.

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

CONCLUSION

The project has been revised and refined since the original Conceptual Design Review in 2017 and appears to have addressed many of the main concerns. Through these revisions, the building no longer projects over the right of way, a commercial space has been added to the ground floor, the building design has improved to reflect the gateway location, and the number of units has been reduced to 120 units. However, through the revisions, the building height has increased from 66 ft to 73 feet to address some technical requirements (flood zone, mechanical puzzle stackers).

Through the process, the project has increased affordability to off-set the proposed additional density, which has been provided; the project has increased the number of BMR units, from 9 to 12 BMR units by voluntarily proposing 3 additional BMR units at the moderate-income level for a fixed 10-year term, which exceeds the required affordability for the project (5 BMR units at the very low-income level and 4 BMR units at the low-income level).

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

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

The Planning Commission is requested to review and make recommendations on the project prior to the City Council taking final action.

EXHIBITS

1. Vicinity/Location map
2. Draft Resolution recommending approval of the project to the City Council

3. GP Consistency Table
4. ZO Consistency Table
5. Summary of "Good Design Principals" for Downtown
6. Pro Forma Review and Financial Feasibility Analysis, Seifel Consulting, Inc., February 19, 2019
7. Draft Notice of Exemption, January 21, 2019
8. Public comments through DRB Formal Project Review
9. Public comments since DRB Formal Project Review

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

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

703 3rd St. Project

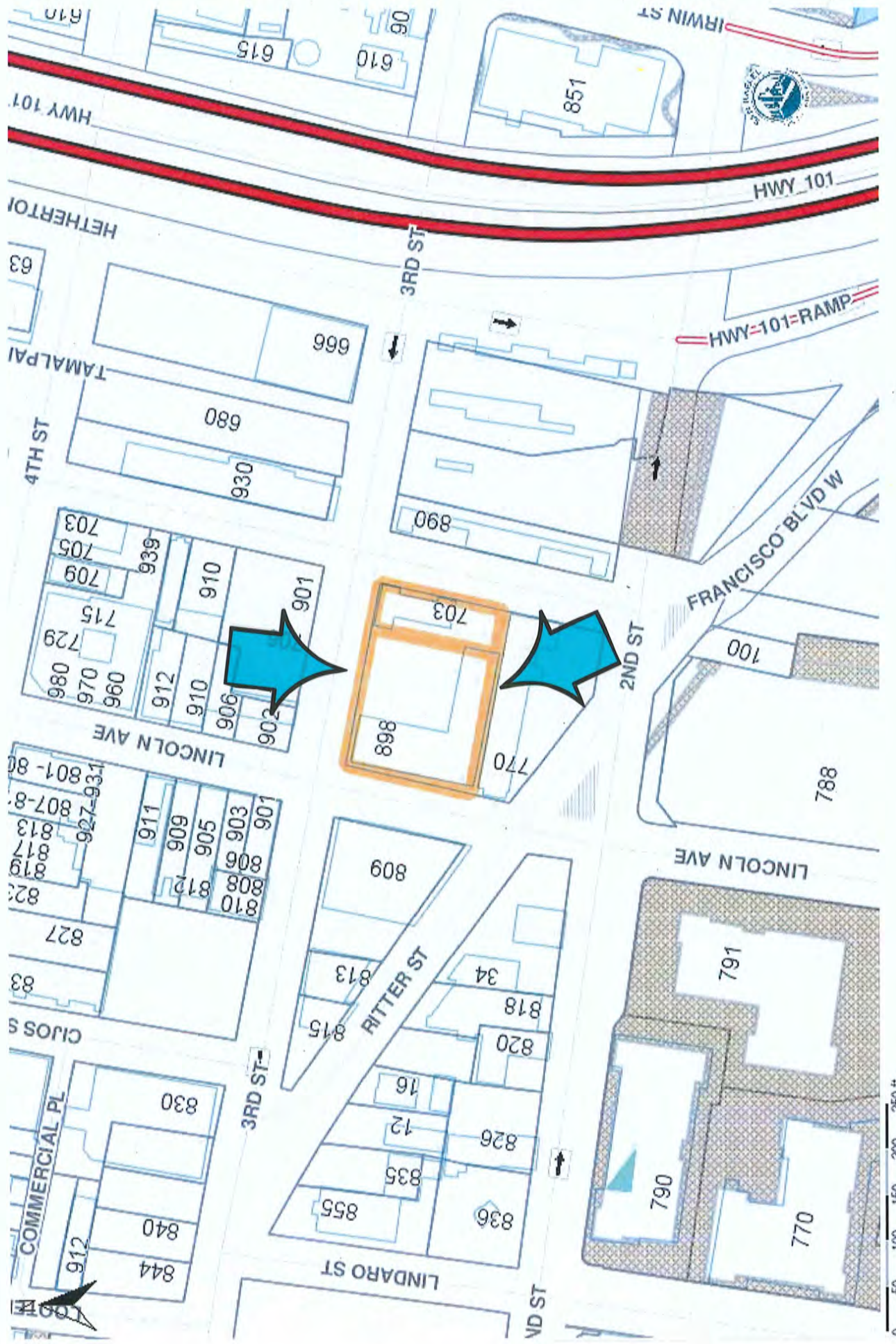


EXHIBIT 1

RESOLUTION NO. 19-

**RESOLUTION OF THE SAN RAFAEL PLANNING COMMISSION RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A USE PERMIT (UP18-008), ENVIRONMENTAL AND DESIGN REVIEW PERMIT (ED18-018) AND LOT LINE CONSOLIDATION (LLA18-001) TO ALLOW THE CONSTRUCTION OF 120-RESIDENTIAL 'RENTAL' UNIT, 73'-TALL, NEW MIXED-USE BUILDING WITH 121 MECHANICAL GARAGE PARKING LIFT AND 969 SQ. FT. OF GROUND-FLOOR COMMERCIAL SPACE WITH HEIGHT AND DENSITY BONUSES AND A FRONT SETBACK WAIVER, LOCATED ON TWO ADJACENT DOWNTOWN PARCELS AT 703-723 THIRD ST. AND 898 LINCOLN AVE.
(APNS: 011-278-01 & -02)**

WHEREAS, on March 2, 2017, Planning staff completed Pre-application review (PA16-007) of a proposal to construct a new, 74.5'-tall, residential building with 138 residential units above 152 garage parking spaces, and requesting height and density bonuses and a front setback waiver (Based on limits prescribed by the City's General Plan and the Zoning Ordinance, the maximum density for the project site is 45 residential units without a State density bonus and the maximum height is 66'); and

WHEREAS, on June 20, 2017, the Design Review Board (Board) provided Conceptual Design Review comments on the project, which reduced the height of the building, from 74.5' to 66', and the on-site parking, from 152 to 143 mechanical parking lifts, though continued the density of 138 residential 'rental' units with density and height bonuses and a front setback waiver. The Board's comments included the need for a higher-quality 'Gateway' design that eliminates upper-story projections over the sidewalk and incorporates upper-story 'stepbacks' and ground-floor commercial space, particularly along the Tamalpais Avenue frontage; and

WHEREAS, on July 25, 2017, the Planning Commission (Planning Commission) also provided Conceptual Design Review comments on the project that were similar to the Board's comments, but also recommended the minimizing driveways/driveway widths along the Tamalpais Avenue frontage and providing high-quality design on all building elevations, including the rear elevation adjacent to the Marin Color Service site at 770 2nd St.; and

WHEREAS, on March 22, 2018, formal project applications were submitted to the Community Development Department, Planning Division, requesting a Use Permit (UP18-008), an Environmental and Design Review Permit (ED18-018) and a Lot Line Consolidation (LLA18-001) for the current project, which reduced the density, from 138 to 120 residential 'rental' units, and the on-site parking, from 143 to 121 mostly mechanical parking lifts, while increasing the height of the building, from 66' to 73' and providing a 969 sq. ft. ground-floor commercial space. The formal project continued to request density and height bonuses and a front setback waiver; and

WHEREAS, on February 26, 2019, the Planning Commission held a study session to provide preliminary comments, at the request of staff, on miscellaneous policy areas, including the requested density bonus, height bonus and front setback waiver, and the proposed mechanical parking lifts and the draft environmental (CEQA) findings. The Planning Commission indicated their support for the current project, including staff's preliminary determination that the project is exempt from CEQA (California Environmental Quality Act), pursuant to CEQA Guidelines Section 15332 (*In-Fill Development Projects*). However, the Commission suggested that the project should explore providing greater affordability given the

amount of density bonus and improving the Tamalpais/Third St elevation for better gateway design; and

WHEREAS, the project has voluntarily increased the proposed affordability, from nine (9) Below-Market-Rate (BMR) units (5 units at very low-income household levels and 4 units at low-income household levels) to 12 BMR units (5 units at very low-income household levels and 4 units at low-income household levels plus 3 units at the moderate-income household levels); and

WHEREAS, on May 7, 2019, the Board reviewed the formal project for site and building design and unanimously (4-0-2 vote with Board Member Kent and Paul absent; with PC Liaison Davidson) recommended approval of the site and building design with enhanced “Gateway Corner” (Third St. and Tamalpais Ave.) façade treatments (unique materials and colors); and

WHEREAS, on August 27, 2019, the San Rafael Planning Commission (Planning Commission) held a duly noticed a hearing to consider a Use Permit (UP18-008), an Environmental and Design Review Permit (ED18-018) and a Lot Line Consolidation (LLA18-001) applications, accepted and considered all oral and written public testimony and the written report of Planning staff; and

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

NOW THEREFORE BE IT RESOLVED, the Planning Commission of the City of San Rafael does hereby make the following findings related to the applications for Use Permit (UP18-008), Environmental and Design Review Permit (ED18-018) and Lot Line Consolidation (LLA18-001):

**Use Permit (UP18-008)
Findings**

- A. The proposed residential use within a commercial zoning district and the proposed use of mechanical parking lifts to provide on-site parking for the project, as revised and conditioned, will be in accord with the San Rafael General Plan 2020, the objectives of Title 14 of the San Rafael Municipal Code (*the Zoning Ordinance*) and the purposes of the 2/3 MUE District, in which the project site is located, given that;
 - 1. As documented in the General Plan 2020 Consistency Table (Exhibit 3), the proposed project will implement and promote the goals and policies of the San Rafael General Plan 2020;
 - 2. As documented in the Zoning Ordinance Consistency Table (Exhibit 4), the proposed project will be consistent with the objectives of the Zoning Ordinance; and
 - 3. The proposed project will be consistent with the purposes of the 2/3 MUE District, given that; a) The project will create multifamily residential use in the 2/3 MUE District, a commercial zoning district, as part of mixed-use development; b) The project will provide a wide variety of housing opportunities in mixed-use districts in terms of housing type (market-rate and affordable residential ‘rental’ units) and sizes (studio units 342 - 539 sq. ft. in size, 1-bedroom units 545 - 795 sq. ft. in size, and 2-bedroom units 899 - 1,068 sq. ft. in size, c) The project will help promote San Rafael's Downtown area as a viable commercial and financial

center, and as an urban center with a mixture of civic, social, entertainment, cultural and residential uses due to its unique location in the Downtown, across from the SMART Downtown station and in close proximity of the relocated Bettini Transit Center (whose exact location has not been determined at this time); future residents are anticipated to frequent existing and future businesses in the Downtown and help achieve the City's goal of 'alive-after-five' by helping to activate the Downtown in the evenings and on weekends; and d) The project will help create an inviting appearance along Third St. frontage by installing new street trees and raised Corten steel landscape planters along all three building frontages (Third St., Lincoln Ave. and Tamalpais Ave.).

- B. The proposed residential use within a commercial zoning district and the proposed use of mechanical parking lifts to provide on-site parking for the project, as revised and conditioned, will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity, or to the general welfare of the City, given that; the project has been reviewed by appropriate City departments, non-City agencies, the appropriate surrounding neighborhood groups (Downtown Business Improvement District, Federation of San Rafael Neighborhoods, Gerstle Park Neighborhood Assoc., Montecito Area Residents Assoc. Lincoln-San Rafael Hill Neighborhood Assoc. and Bret Harte Community Assoc.), interested parties, the Design Review Board at two (2) separate meetings (conceptual review on June 20, 2017 and formal project review on May 7, 2019) and the Planning Commission on two (2) separate occasions (conceptual review on July 25, 2017 and study session on February 26, 2019) and conditions of approval have been included to mitigate any potential negative impacts anticipated to be generated by the proposed project;

In addition, the proposed mechanical parking lift system has been used in other residential development projects, in similar settings and has proven to be effective and safe mechanism to provide stacked parking. Lastly, appropriate measures have been included in the project, as a condition of approval, to establish backup methods should the mechanical parking lift fail in a power outage; and

- C. The proposed residential use within a commercial zoning district and the proposed use of mechanical parking lifts to provide on-site parking for the project, as revised and conditioned, will comply with each of the applicable provisions of the Zoning Ordinance, given that; as documented in the Zoning Ordinance Consistency Table (Exhibit 4).

Environmental and Design Review Permit (ED18-018) Findings

- A. The project design, as revised and conditioned, will be in accordance with the San Rafael General Plan 2020, the objectives of Title 14 of the San Rafael Municipal Code (*the Zoning Ordinance*) and the purposes of Chapter 25 of the Zoning Ordinance (*Environmental and Design Review Permits*), given that;
1. As documented in the General Plan 2020 Consistency Table (Exhibit 3), the proposed project will implement and promote the goals and policies of the San Rafael General Plan 2020;
 2. As documented in the Zoning Ordinance Consistency Table (Exhibit 4), the proposed project will be consistent with the objectives of the Zoning Ordinance; and

3. The proposed project will be consistent with the purposes of Environmental and Design Review Permits, given that; the project will maintain and improve the quality of, and relationship between, development and the surrounding area to contribute to the attractiveness of the City. The revised project design proposes a contemporary design, similar to the nearby BioMarin campus buildings, though with unique façade treatments (brick with Corten steel planters at the ground level and a mixture of stucco and vertical and horizontal fiber cement board siding at the upper levels), greater articulation, stepping back the upper stories and a more 'residential' window proportion. The proposed 6-story scale was reviewed and supported by both the Board and the Planning Commission during conceptual design review, the Commission again during study session review and the Board again during formal project review and supported. The project design has been revised to provide equal, high-quality design attention to all four building elevations, including the rear elevation which is shared with 770 Second St. Better vertical and horizontal articulation and stepbacks of upper stories have been incorporated into the revised project design. In addition, previously proposed upper-story projections or encroachments over the sidewalk have been eliminated. Extensive landscaping in the form of street trees and Corten steel raise planter along all three street fronts is proposed to help create a pedestrian scale. The project proposes to orient pedestrian activity through the lobby area both through the main entry on Third St and at the northwest corner of Third St./Lincoln Ave. Photo simulations were conducted on the project and submitted by the applicant, which indicated minor view impacts from public vantage points.
- B. The project design, as revised and conditioned, is consistent with all applicable site, architecture and landscaping design criteria and guidelines for the Second/Third St. Mixed-Use East (2/3 MUE) District in which the project site is located, given that;
1. The project design will be consistent with the maximum allowable density for the site, which is 45 units based on 27,367 sq. ft. of total lot area, subject to requests for automatic and discretionary density bonuses under the State Density Bonus law after meeting mandatory affordable housing requirements;
 2. The project will be consistent with the maximum height allowed (Uniform Building Code 1997) for the project site, which is 54', subject to requests for automatic and discretionary height bonuses under the State Density Bonus law after meeting mandatory affordable housing requirements;
 3. The project will be consistent with the minimum required yard setbacks, which is limited to a 5' front (Third St. frontage) setback, subject to a request for setback waiver under the State Density Bonus law after meeting mandatory affordable housing requirements;
 4. The project will be consistent with the minimum landscaping requirement for the project site, which is 10% or 2,737 sq. ft. (The project proposes 12,555 sq. ft. of site landscaping);
 5. The project will be consistent with the maximum FAR (floor area ratio) allowed on the project site by proposing 969 sq. ft. of ground-level commercial space located at the northeast corner of the project site, at the corner of Third St and Tamalpais Ave. This represents 0.035 FAR where a maximum 1.5 FAR or 41,050.5 sq. ft. of nonresidential develop is allowed on the project site in addition to the residential density;
 6. The project will voluntarily provide 12,408 sq. ft. of private and common outdoor recreational area or an average of 103.4 sq. ft. of outdoor recreational area per unit;

7. The provisions of Marin Municipal Water District's (MMWD) most recent water conservation and new 'graywater' requirements apply to the project, where MMWD approval is required prior to the issuance of any building or grading permit;
 8. The proposed project will be consistent with review criteria for Environmental and Design Review Permits (*Chapter 14.25 of the Zoning Ordinance*), by proposing a consistent, high-quality architectural design (colors and materials; scale; bulk and mass; fenestration and articulation) throughout the project site; and
 9. The formal project design was reviewed and recommended for approval by the Design Review Board (Board) on May 7, 2019.
- C. The project design, as revised and conditioned, minimizes adverse environmental impacts, given that;
1. The project site is completely developed and disturbed neither contains, nor is immediately contiguous to, recognizable wetlands, creeks or similarly sensitive environmental features, and it has not been identified in the San Rafael General Plan 2020 (*Exhibit 38 – Threatened and Endangered Species*) as a general location where threatened and endangered species have been previously observed or maintain a suitable habitat for their likely presence to be found; and
 2. The project design minimizes adverse environmental impacts, given that: a California Environmental Quality Act (CEQA) review and clearance was prepared, based on supporting studies submitted with the project, substantiating a Categorical Exemption (Class 32; *In-Fill Development Projects*), as determined by a draft Notice of Exemption (NOE), dated January 21, 2019 (Exhibit 7).
- D. The project design, as revised and conditioned, will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity, or to the general welfare of the City, given that; the project has been reviewed by appropriate City departments, non-City agencies, the appropriate surrounding neighborhood groups (Downtown Business Improvement District, Federation of San Rafael Neighborhoods, Gerstle Park Neighborhood Assoc., Montecito Area Residents Assoc. Lincoln-San Rafael Hill Neighborhood Assoc. and Bret Harte Community Assoc.), interested parties, the Design Review Board at two (2) separate meetings (conceptual review on June 20, 2017 and formal project review on May 7, 2019) and the Planning Commission on two (2) separate occasions (conceptual review on July 25, 2017 and study session on February 26, 2019) and conditions of approval have been included to mitigate any potential negative impacts anticipated to be generated by the proposed project.

Lot Line Consolidation Findings

- A. The proposed lot line consolidation is consistent with the San Rafael General Plan 2020 and any pertinent specific plan or neighborhood plan; given that: the use of the project site would be mixed-use (both residential and non-residential uses) in compliance with the Second/Third Street Mixed-Use (2/3MU) General Plan Land Use designation, and would not result in the creation of any new lots but, rather, would reduce the two (2) existing legal Downtown parcels into one (1).
- B. The proposed lot line consolidation is in conformance with the Zoning Ordinance (Title 14) and any other pertinent municipal code provisions, given that; the consolidated

parcel would be in conformance with the development standards for the Second/Third Mixed Use East (2/3 MUE) District, including minimum lot area, lot width and landscaping and maximum floor area ratio (FAR), with the exception of height, density and front setback, and the applicant has requested concessions to these standards under the State Density Bonus law. The proposed Lot Line Consolidation would not result in any change to the existing zoning classification or approve a change in use or additional construction which would conflict with these zoning classifications and development standards.

- C. The proposed lot line consolidation is in conformance with the Uniform Building Code (UBC), given that; the project application submittal has been reviewed by the Community Development Department, Building Division, and determined to be in conformance with the applicable California Building Code (CBC) or UBC regulations.

Density Bonus /Concessions/Waivers Findings

- A. The project complies with the City's affordable housing requirement, pursuant to SRMC Section 14.16.030, by providing 20% (9 units) of the maximum base density (45 units) as "affordable" or Below-Market-Rate (BMR) units, with five (5) BMR units affordable to very low-income households and four (4) affordable to low-income households.
- B. By meeting the City's affordable housing requirement, the project is automatically eligible for a State Density Bonus of up to 35% (16 additional market-rate units) and up to three (3) concessions.
- C. By also meeting the City's affordable housing requirement, the project is automatically eligible for a twelve-foot (12') height bonus under both the General Plan and SRMC Section 14.16.190, from 54' to 66'.
- D. The project proposes three (3) discretionary concessions/waivers: 1) An additional 59-unit discretionary density bonus above the 35% density bonus provided by the State Density Bonus law; 2) An additional seven-foot (7') height bonus above the height bonus allowed by the General Plan and Zoning Ordinance; and 3) A waiver from the required five-foot (5') landscaped front setback.
- E. All three of the proposed concessions/waivers requested by the applicant, are considered major concessions ([SRMC 14.16.030.H.3.b.v](#)) and therefore are subject to approval of the City Council and require that the applicant demonstrate through a financial pro forma that the concessions are needed to make the project financially feasible. As part of the formal submittal, a financial pro forma was submitted by the developer
- F. The pro forma evaluates the Base Case Project (61 units, which includes the 35% density bonus) as well as the Proposed Project (120 units). The actual pro forma and specific numbers contained in the pro forma are proprietary information and the City is not allowed to release those for public review. However, the City's consulting economist has reviewed all the information and prepared their analysis that provides the conclusions of their review (Exhibit 6 of staff report). In summary, the review finds:
 - a. The Base Case scenario (61 units, which includes the 35% density bonus) is not financially feasible. Based on the development costs, revenues and return

metrics, the developer margin would be negative, meaning the development costs would exceed the revenues, and thus make the project not feasible to build. The review also concludes that with even with potential savings on construction costs through value engineering, the Base Case scenario is not feasible and as the return margin would still be negative.

- b. The Proposed Project scenario (120 units, including a 59-unit bonus above the state density bonus) does yield a positive margin of return. However, that return is does not achieve a high enough margin to be financially feasible according to typical return metrics. The review does conclude that if construction costs are lowered by 15%, it would be within the range of development feasibility, consistent with other projects in high demand locations. The additional density requested in the Proposed Project scenario enhances financial feasibility by reducing development costs per housing unit.
 - c. Additionally, in response to the Planning Commission's suggestion during the study session to explore additional affordability, a third scenario was evaluated by the City's economist, which has been called Alternative 1. This scenario evaluated a 120-unit project, of which 18 units (20% of the 59-unit additional density bonus) are BMR units (10 very low-income household levels and 8 low-income household levels). The review concludes that, given the significant reduction in revenues from doubling the number of affordable housing units, Alternative 1 is also not financially feasible without a significant reduction in construction costs as the return margin would be negative.
- G. In addition to the density bonus request, there are other considerations when evaluating this project's proposed density.
- a. The zoning for this site not only allows for residential density of 1 unit/600 sq. ft, but also allows for non -residential (commercial) intensity of up to a 1.5 FAR (Floor Area Ratio). These are different metrics, where density is based on number of units, and does not factor size of units, while FAR is based on square footage. For this site, the 1.5 FAR would allow up to 41,051 sq. ft, which for this site would translate to approximately two entire floors of this particular building.
 - b. Although residential density is not regulated by square footage, the proposed project hosts 120 units in approximately 81,442 sq. ft of building area dedicated to residential use, which translates to an average of 678 sq. ft/unit. As an example, a building of the same size could be proposed as:
 - 45 units in 6 stories, with the average unit being 1,809 sq. ft/unit,
 - 61 units (State density bonus max) in the same 6 stories, with the average unit being 1,313 sq. ft/unit.

Given the need for housing in San Rafael as well as throughout the State, the Commission finds that a greater number of smaller units (120 units) as proposed would be more beneficial to the community. This is an opportunity site, close to transit, in the heart of downtown and is possibly the most appropriate location for higher density housing. It would also serve as a catalyst for other downtown housing projects

- H. Other factors to consider for density include height, design, environmental resources (including historical), parking and traffic capacity:
- a. For height the project is impacted by FEMA requirements that require a +2 ft increase of height.
 - b. The stacker parking system requires a 22 ft first floor plate height.
 - c. Stepping of the building as well as provision of horizontal articulation have resulted in additional height to address design related comments by the DRB as means to reduce perceived bulk and mass from all four building elevations.
 - d. The site has no historical or environmental resources, given it is fully graded and developed with non-descript, postmodern commercial buildings.
 - e. The traffic generation from the project was evaluated against the City's level of service standards. A Transportation Impact Analysis report (Fehr & Peers Transportation Consultants, revision dated January 14, 2019) originally submitted for the project was revised to expand the study area and to modify the methodology used in the analysis. The results of the updated trip generation indicate that, based on traffic counts of existing land use trips, and with deductions applied for 'walk, bike and transit' trips due to the site's proximity to the Downtown, the SMART station and the transit center, the project would result in 33 net new AM peak hour trips (7- 9am weekdays) and 26 PM net new peak hour trips (4-6pm weekdays).
 - The Transportation Impact Analysis report indicates surrounding intersections and arterials would continue to operate (existing plus project volumes) acceptably per the City's LOS (Level of Service) standards in the General Plan
 - The results of the Transportation Impact Analysis report have been confirmed by the City's Traffic Engineer. Staff finds the proposed density (120 units) would result in negligible traffic impacts which are off-set by the payment of traffic mitigation fees on the 59 new peak hour trips anticipated to result from the project.
 - f. In terms of parking, the project would provide excess parking than that required by the State for projects in close proximity to transit. The project is required to provide 82 spaces and would actually provide 121 total spaces (composed of 109 resident parking + 12 ADA, ride share, drop off and EV parking spaces)
- I. The city's consulting 3rd party economist has determined that the proposed additional density bonus, height bonus and setback waiver all result in "identifiable, financially sufficient and actual cost reductions" (underline added) to the project (see Exhibit 6 of the staff report).

California Environmental Quality Act (CEQA) Findings

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

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

- a) The project is consistent with all applicable General Plan and policies and Zoning Ordinance regulations as documented by the attached consistency tables (see Exhibits 3 and 4);
- b) The proposed development is located within the city limits on a project site no more than five (5) acres substantially surrounded by urban uses given that the project site is comprised of two adjacent Downtown parcels with 27,367 sq. ft. (0.63 acre) of total combined area. The project is located within the jurisdictional boundaries of the City of San Rafael and is surrounded by urban development;
- c) The project site has no value as habitat for endangered, are or threatened species given that a Biological Assessment was completed on the project site which determined no critical habitat exist among the biological resources;
- d) Approval of the project would not result in any significant impacts to traffic, noise, air quality or water quality given that appropriate studies were conducted, submitted and reviewed by the appropriate city departments. The results are that no significant impacts would result from the project which cannot be mitigated with standard conditions of approvals
- e) The project site can be adequately served by all required utilities and public services given that the site is currently served, and will continue to be served, by City services and non-city agency service providers and the applicable service providers have indicated, through design or conditions, support for the project.

BE IT FURTHER RESOLVED, that the Planning Commission of the City of San Rafael does hereby approve the Use Permit (UP18-008), Environmental and Design Review Permit (ED18-018), and Lot Line Consolidation (LLA18-001), including the density bonus and waivers/concessions, based on the findings of fact above and, subject to the following conditions of approval:

Use Permit (UP18-008) Conditions of Approval

General and On-Going

Community Development Department, Planning Division

1. This Use Permit approves development of 120 residential 'rental' units or apartments above 969 sq. ft. of ground-floor commercial space and 121 mechanical garage parking lifts, which shall comply at all times with the adopted performance standards for residential uses in commercial districts (currently Section 14.17.100 of the San Rafael Municipal Code or SRMC).

2. This Use Permit approves a *Parking Modification* to allow 109 of the 121 spaces to be provided by mechanical jig saw lifts for the residents. The remaining 12 parking spaces are to be provided as at-grade, non-mechanical lift parking spaces for electric vehicle (EV), visitor, ADA and car share parking.
3. This Use Permit does not allow the subsequent conversion of the approved residential 'rental' units or apartments without a separate Tentative Map application submittal to the Community Development Department, Planning Division, in compliance with Subdivision Ordinance (currently Sections 15.02.02 - .04 of the SRMC), and review and approval by the Planning Commission. It is strongly recommended that Tentative Map approval be obtained prior to Building Permit issuance for the project. A Tentative Map application shall also require submittal to amend this Use Permit and the Environmental and Design Review Permit (ED18-018) for the project
4. This Use Permit requires the project to include a secondary or backup power source to operate the mechanical parking lift system in case of power outage.
5. This Use Permit requires the project reserve a minimum of 82 mechanical parking spaces, for exclusive use by the residents, which is the reduced parking requirement under the State Density Bonus law.
6. This Use Permit requires the project reserve a minimum of three (3) on-site parking spaces for the exclusive use by customers of the ground-floor commercial space, which is the reduced parking requirement under the City's parking code.
7. This Use Permit requires the project provide a minimum of four (4) short-term bicycle parking spaces, in compliance with the adopted design standards (SRMC Section 14.18.090 (E)), and accessible at all times.
8. This Use Permit shall require residents acknowledge, as part of their lease agreement, the mixed-use nature of the Downtown and the understanding that living across the street from the Downtown SMART Station may result in potentially increased noise.
9. This Use Permit shall run with the land and shall remain valid regardless of any change- of ownership of the project site, subject to these conditions. This Use Permit will fully vest once a building/grading permit is issued and 'substantial construction' is commenced or a time extension request is submitted to the City's Community Development Department, Planning Division, **within two (2) years** of original approval, or **Enter Council Date** ('Substantial construction' is defined as the pouring of all required foundations and the installation of vertical components, such as exterior walls). Failure to obtain a grading/building permit and commence 'substantial construction' or submit a time extension request by the specified date will result in the expiration of this Use Permit.
10. This Use Permit shall run concurrently with the Environmental and Design Review Permit (ED18-018) approval. If the Environmental and Design Review Permit approval expires, this Use Permit approval shall also expire and become invalid.

**Environmental and Design Review Permit (ED18-018)
Conditions of Approval**

General and On-Going

Community Development Department, Planning Division

1. The building techniques, colors, materials, elevations and appearance of the project, as presented to the Planning Commission at their August 27, 2019 hearing, and on file with the Community Development Department, Planning Division, shall be the same as presented to the City Council and subject to these conditions. Minor modifications or revisions to the project shall be subject to review and approval of the Community Development Department, Planning Division. Further modifications deemed not minor by the Community Development Director shall require review and approval by the original decision-making body, the City Council, and may require review and recommendation by the City's Planning Commission and Design Review Board.
2. The approved colors for the project are on file with the Community Development Department, Planning Division. Any future modification to the color palette shall be subject to review and approval by the Planning Division and those modifications not deemed minor shall be referred to the Design Review Board for review and recommendation prior to approval by the Planning Division.
3. This Environmental and Design Review Permit approves the demolition of two existing commercial buildings (a two-story commercial building at 703 Third St. and a one-story commercial building at 723 Third St./898 Lincoln Ave.) and the construction of a 120-unit, 73'-tall, 'rental' residential or apartment building with 121 mechanical garage parking lifts and 969 sq. ft. ground-floor commercial space.
4. All 'off-haul' of excavation and delivery/pick-up of construction equipment shall occur during off-peak weekday hours, between 9:00 a.m. and 4:00 p.m., Monday through Friday only.
5. Consistent with the standard noise ordinance requirements for construction (SRMC Chapter 8.13), all grading and construction activities shall be limited to 7 a.m. to 6 p.m., Monday through Friday, and 9 a.m. to 6 p.m., Saturdays. All grading and construction activities are strictly prohibited on Sundays and State- or federally-recognized holidays.
6. Final landscape and irrigation plans for the project shall comply with the provisions of Marin Municipal Water District's (MMWD) most recent water conservation ordinance and graywater recycling system requirements. Construction plans submitted for issuance of building/grading permit shall be pre-approved by MMWD and stamped as approved by MMWD or include a letter from MMWD approving the final landscape and irrigation plans. Modifications to the final landscape and irrigation plans, as required by MMWD, shall be subject to review and approval of the Community Development Department, Planning Division.
7. All new landscaping shall be irrigated with an automatic drip system and maintained in a healthy and thriving condition, free of weeds and debris, at all times. Any dying or dead landscaping shall be replaced in a timely fashion.

8. All site improvements, including but not limited to the site lighting, hardscape, and paving striping shall be maintained in good, undamaged condition at all times. Any damaged improvements shall be replaced in a timely manner.
9. The site shall be kept free of litter and garbage. Any trash, junk or damaged materials that are accumulated on the site shall be removed and disposed of in a timely manner.
10. All public streets and sidewalks and on-site streets which are privately owned that are impacted by the grading and construction operation for the project shall be kept clean and free of debris at all times. The general contractor shall sweep the nearest street and sidewalk adjacent to the site on a daily basis unless conditions require greater frequency of sweeping.
11. All submitted building permit plan sets shall include a plan sheet incorporating these conditions of approval.
12. If archaeological or cultural resources are accidentally discovered during excavation/grading activities, all work will stop within 100 feet of the resource and the qualified archaeologist will be notified immediately. The qualified archaeologist will contact Federated Indians of Graton Rancheria (FIGR) and the Planning Division and coordinate the appropriate evaluation of the find and implement any additional treatment or protection, if required. No work shall occur in the vicinity until approved by the qualified archaeologist, FIGR and Planning staff. Prehistoric resources that may be identified include, but shall not be limited to, concentrations of stone tools and manufacturing debris made of obsidian, basalt and other stone materials, milling equipment such as bedrock mortars, portable mortars and pestles and locally darkened soils (midden) that may contain dietary remains such as shell and bone, as well as human remains. Historic resources that may be identified include, but are not limited to, small cemeteries or burial plots, structural foundations, cabin pads, cans with soldered seams or tops, or bottles or fragments or clear and colored glass.
13. If human remains are encountered (or suspected) during any project-related activity, all work will halt within 100 feet of the project and the County Coroner will be contacted to evaluate the situation. If the County Coroner determines that the human remains are of Native American origin, the County Coroner shall notify FIGR within 24-hours of such identification who will work with Planning staff to determine the proper treatment of the remains. No work shall occur in the vicinity without approval from Planning staff.
14. Applicant agrees to defend, indemnify, release and hold harmless the City, its agents, officers, attorneys, employees, boards and commissions from any claim, action or proceeding brought against any of the foregoing individuals or entities ("indemnities"), the purpose of which is to attack, set aside, void or annul the approval of this application or the adoption of any environmental document which accompanies it. This indemnification shall include, but not be limited to, damages, costs, expenses, attorney fees or expert witness fees that may be asserted or incurred by any person or entity, including the applicant, third parties and the indemnities, arising out of or in connection with the approval of this application, whether or not there is concurrent, passive or active negligence on the part of the indemnities.
15. In the event that any claim, action or proceeding as described above is brought, the City shall promptly notify the applicant of any such claim, action or proceeding, and the City will cooperate fully in the defense of such claim, action, or proceeding. In the event the applicant is required to defend the City in connection with any said claim, action or

proceeding, the City shall retain the right to: 1) approve the counsel to so defend the City; 2) approve all significant decisions concerning the manner in which the defense is conducted; and 3) approve any and all settlements, which approval shall not be unreasonably withheld. Nothing herein shall prohibit the City from participating in the defense of any claim, action or proceeding, provided that if the City chooses to have counsel of its own to defend any claim, action or proceeding where applicant already has retained counsel to defend the City in such matters, the fees and the expenses of the counsel selected by the City shall be paid by the City.

16. As a condition of this application, applicant agrees to be responsible for the payment of all City Attorney expenses and costs, both for City staff attorneys and outside attorney consultants retained by the City, associated with the reviewing, processing and implementing of the land use approval and related conditions of such approval. City Attorney expenses shall be based on the rates established from time to time by the City Finance Director to cover staff attorney salaries, benefits, and overhead, plus the actual fees and expenses of any attorney consultants retained by the City. Applicant shall reimburse the City for City Attorney expenses and costs within thirty (30) days following billing of same by the City.
17. This Environmental and Design Review Permit shall run with the land and shall remain valid regardless of any change of ownership of the project site, subject to these conditions. This Environmental and Design Review Permit will fully vest once a building/grading permit is issued and 'substantial construction' is commenced or a time extension request is submitted to the City's Community Development Department, Planning Division, **within two (2) years** of original approval, or Enter Council Date ('Substantial construction' is defined as the pouring of all required foundations and the installation of vertical components, such as exterior walls). Failure to obtain a grading/building permit and commence 'substantial construction, or failure to obtain a time extension within the two-year period, will result in the expiration of this Environmental and Design Review Permit.
18. This Environmental and Design Review Permit shall run concurrently with the Use Permit (UP16-018) approval. If the Environmental and Design Review Permit expires, the Use Permit approval shall also expire and become invalid.

Prior to Issuance of Demolition Permits

Community Development Department, Planning Division

19. Prior to issuance of a demolition permit, the project sponsor shall submit verification that the requirements of the Bay Area Air Quality Management District (BAAQMD) have been met and necessary permits have been issued for demolition of the existing buildings.
20. Prior to the issuance of a demolition permit, the applicant shall submit written verification from a pest control consultant indicating that the project site has been serviced to eliminate rodents.
21. Prior to issuance, the conditions listed in condition of approval #107 shall be noted on the demolition plan.

Community Development Department – Building Division

22. Any demolition of existing structures will require a permit. Submittal shall include three (3) copies of the site plan, asbestos certification and PG&E disconnect notices. Also,

application must be made to the Bay Area Air Quality Management District prior to obtaining the permit and beginning work.

Public Works Department - Traffic Engineering Division

23. Prior to demolition permit, the applicant shall submit a detailed traffic control plan for review and approval of the traffic division. All traffic from any off-haul of demolition materials shall be conducted outside of the A.M. or P.M. peak hours (after 9:00 A.M and before 4:00 P.M.).
24. All construction staging shall occur on-site or another site with appropriate approvals from property owner. No staging shall occur on City right-of-way without review and approval of the Public Works Department.
25. A plan for the demolition shall be submitted for review and approval of the City Traffic Engineer. This plan shall indicate the haul/truck routes, size of trucks to be used for hauling off-haul and the frequency/times of any off-haul.

Prior to Issuance of Grading/Building Permits

Community Development Department, Planning Division

26. Due to the close proximity of the project site to San Rafael Creek, a qualified archaeologist shall conduct archival and field study to identify the presence of archaeological resources, including a good faith effort to identify archaeological deposits that may show no indications on the surface. Field study may include, but is not limited to, hand auger sampling, shovel test units, or geoarchaeological analysis, as well as other common methods used to identify the presence of buried archeological resources. A list of qualified archaeologists, who meet the Secretary of Interior's Standards, may be found at <http://www.chrisinfo.org>. If archaeological resources are discovered, protocols dictated by Conditions #12 and #13 (ED18-018) shall be followed.
27. To reduce potential exterior noise impacts in common outdoor areas within the project to meet the City's 65 dBA noise limit, the roof deck shall include a six-foot (6')-high solid parapet wall.
28. To reduce measured traffic and predicted train noise levels in habitable residential rooms to meet the City's interior noise limits, all exterior window and balcony door shall meet STC rating of STC 36 or higher. Corner units may require exterior windows and doors with higher ratings. Some exterior walls may require additional layers of gypsum board.
 - a. Prior to building permit issuance, a follow-up acoustical study is required to be submitted to the Community Development Department, Planning Division, with final recommendations on window, balcony door, and exterior wall STC rating requirements. This acoustical study shall also review any alternate means of achieving outdoor air and confirm that any mechanical ventilation system will not compromise the noise reduction provided by the window, balcony door and wall assembly.
29. To reduce potential temporary construction and grading noise impacts on the project site to meet the City's 90 dBA noise limit, the applicant shall demonstrate to the satisfaction of the Community Development Department, Planning Division, that the project complies with the following:

- A. Construction contracts specify that all construction and grading equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and other State-required noise attenuation devices.
 - B. Property owners and occupants located within 250 feet of the project boundary shall be sent a notice, at least 15-days prior to commencement of construction or grading of each phase, regarding the construction or grading schedule of the project. A sign, legible at a distance of 50 feet (50') shall also be posted at the project site. All notices and signs shall be reviewed and approved the Community Development Director (or designee), prior to mailing or posting and shall indicate the dates and duration of construction or grading activities, as well as provide a contact name and a telephone number where residents and business owners can inquire about the construction or grading process and register complaints.
 - C. The General Contractor shall provide evidence that a construction staff member would be designated as a Noise Disturbance Coordinator and would be present on-site during construction or grading activities. The Noise Disturbance Coordinator shall be responsible for responding to any local complaints about construction or grading noise. When a complaint is received, the Noise Disturbance Coordinator shall notify the Community Development Department, Planning Division, within 24-hours of the complaint and determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall implement reasonable measures to resolve the complaint, as deemed acceptable by the Community Development Director (or designee). All notices that are sent to residential units and business owners immediately surrounding the project site and all signed posted at the project site shall include the contact name and telephone number for the Noise Disturbance Coordinator.
 - D. The applicant shall demonstrate to the satisfaction of the Community Development Director (or designee) that construction and grading noise reduction methods shall be used where feasible. These reduction methods include shutting-off idling equipment, installing temporary acoustic barriers around stationary construction and grading noise sources, maximizing the distance between construction and grading staging areas and occupied residential and commercial areas, and electric air compressors and similar power tools.
 - E. Construction and excavation/grading off-haul truck routes shall be designed to avoid noise sensitive uses (e.g., residences, assisted senior living facilities, hospitals, etc.) to the greatest extent feasible.
 - F. During construction and grading, stationary equipment shall be placed such that emitted noise is directed away from sensitive noise receivers.
30. All communal refuse and recycling facilities shall be full-screened from public view. The applicant shall obtain and submit a letter from Marin Sanitary Service approving the location and sizing of these facilities with the building permit plans.
31. The project sponsor shall inform the contractor, general contractor or site supervisor of these requirements and shall be responsible for informing subcontractors of these requirements and for implementing these measures on the site.

32. Any outstanding Planning Division application processing fees shall be paid prior to grading or building permit issuance.
33. All mechanical equipment (i.e., air conditioning units, meters and transformers) and appurtenances not entirely enclosed within the building shall be fully-screened from public view. The method used to accomplish the screening shall be indicated on the building plans and approved by the Planning Division.
34. An acoustical test report of all sound-rated windows and doors, by a qualified (licensed) acoustical consultant, shall be submitted to Planning, ensuring that the selected windows and doors would reduce the interior noise levels to normally acceptable level adopted by the City (i.e., 40 dBA in bedrooms and 45 dBA in all other rooms).
35. A Construction Management Plan (CMP) shall be prepared and submitted to the Community Development Department, Planning Division, for review and approval. The CMP shall include
 - a. Projected schedule of work,
 - b. Projected daily construction truck trips,
 - c. Proposed construction truck route, location of material staging areas,
 - d. Location of construction trailers, location of construction worker parking,
 - e. Designated contact information for contractor and property owner to be posted on site in case of noise or other construction-related activities.
 - f. Statement that the project shall conform to the City's Noise Ordinance (Chapter 8.13 of the San Rafael Municipal Code),
 - g. Statement that no construction truck traffic shall encroach into any of the surrounding residential neighborhood streets at any time, and
 - h. Statement that the existing roadway conditions on Third St., Tamalpais Ave. and Lincoln Ave. shall be memorialized on digital recording format prior to the start of construction and that the project sponsor shall be required to repair any roadway damage created by the additional construction truck traffic.
 - i. In the event that the CMP is conflicting with any conditions imposed by the grading permit for the project, the more restrictive language or conditions shall prevail.
36. The project shall mitigate potential air quality impacts associated with construction and grading activities by preparing and submitting a Dust Control Plan to the City of San Rafael Community Development Department for review and approval. This Dust Control Plan shall implement BAAQMD (Bay Area Air Quality Management District) established standard measures (*Basic Construction Mitigation Measures*) for reducing fugitive dust emissions, including but not limited to:
 - All exposed surfaces (e.g., parking areas, staging areas soil piles, graded areas and unpaved access roads) shall be watered two times per day.
 - All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - All visible mud or dirt tracked-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - All vehicle speeds on unpaved roads shall be limited to 15 mph.
 - All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.

- Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five (5) minutes (as required by the California airborne toxics control measure; Title 13, Section 2485 of California Code of Regulations (CCR)). Clear signage shall be provided for grading and construction workers at all access points.
 - All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
37. The Project sponsor shall inform the contractor, general contractor or site supervisor of these requirements and shall be responsible for informing subcontractors of these requirements and for implementing these measures on the site.
38. A dust control / noise control coordinator shall be designated for the Project.
- a. A publicly visible sign shall be posted on the site with the telephone number and the name of person regarding dust or construction complaints. This person shall be the applicant or contractor team and shall have the authority to take corrective action. The coordinator shall respond to any complaints and take corrective action within 48 hours of receipt. The BAAQMD phone number and City of San Rafael phone numbers shall also be visible to ensure compliance with applicable regulations.
 - b. Prior to issuance of the building permit, the form, design and content of the sign shall be reviewed and approved by the Planning Division.
39. The project shall comply with the City's inclusionary or affordable housing requirement (currently Section 14.16.030 of the SRMC) plus the additional affordable housing required by the City to grant the applicant's request for both a height bonus and a density bonus beyond provisions provided by the State Density Bonus law:
- a. The project is required to provide nine (9) below-market-rate or BMR units composed of five (5) BMR units at the very low-income household level and four (4) BMR units at the low-income household level) to comply with the City's inclusionary or affordable housing requirement; plus
 - b. As offered by the applicant, the project shall provide an additional three (3) BMR 'studio' units at the moderate-income household level for a period ten (10) years.
 - c. The project sponsor is required to enter into a BMR (below-market-rate) agreement with Marin Housing Authority, deed-restricting the income level for occupancy of the affordable units and obtain City Council approval of the BMR agreements. The configuration of the BMR units shall reflect the generally configuration of the total units approved by the project, with the exception of the three (3) BMR units at the moderate-income household level which will be 'studio' units. These BMR units shall be spread out evenly throughout the floors of the new building. The specific location of these BMR units may 'float' though they shall not be 'bunched' together. These BMR units shall be comparable in size, finishes and unit mixture to the market rate units.

Department of Public Works

40. A grading permit is required for the project from the Department of Public Works (111 Morphew St.). The grading permit submittal shall include a site-specific erosion and sediment control plan
41. The project sponsor shall obtain an encroachment permit for any work within the Right-of-Way (ROW) from the Department of Public Works. Access to the adjacent properties shall be maintained throughout construction unless alternative arrangements are made.
42. All exterior doors shall not swing into the public Right-of-Way (ROW), pursuant to CBC 3202.2).
43. Given the scope of the project and available staff time, third party inspection may be required on behalf of the City. If determined necessary by the Department of Public Works, a deposit may be required to fund inspection activity, including but not limited to grading, traffic, drainage, and access.
44. Frontage improvements shall include new sidewalk, curb and gutter. Any reduction in the frontage improvements shall be determined by the Department of Public Works at the time of issuance of a building permit, or as approved based on field observations during construction. Repaving extents of the adjacent roadways shall be determined at the time of encroachment permit application. For moratorium streets full width resurfacing shall be required.

A conduit shall be provided along the frontage, to serve future City communication system upgrades, such as signal interconnection.

45. This site is located within Special Flood Hazard Area Zone AH with a Base Flood Elevation (BFE) of 11.0 feet. Improvements shall meet FEMA's flood damage resistant materials guidelines as provided in Technical Bulletin 2. The areas located below the base flood elevation shall be designed to resist hydrodynamic forces and include protection for mechanical and electrical systems as required in Technical Bulletin 7. More information is available on FEMA's website, with Technical Bulletins listed at: <https://www.fema.gov/media-library/collections/4>.
46. This project includes more than 5,000 square feet of total impervious area replacement and creation and is a regulated project. Provide a stormwater control plan in compliance with MCSTOPPP requirements. This is a short-written document to accompany the plan set. A stormwater facilities maintenance agreement is also required. More information is available from MCSTOPPP, hosted on the Marin County Website. See tools and guidance, and post construction requirements at: <http://www.marincounty.org/depts/pw/divisions/mcstoppp/development/new-and-redevelopment-projects>.
47. Prior to building permit issuance, additional information on the maintenance of the proposed stormwater bioretention treatment facilities as well as a stormwater facility maintenance agreement shall be required.
48. A construction vehicle impact fee shall be required at the time of building permit issuance; which is calculated at 1% of the valuation, with the first \$10,000 of valuation exempt.

49. The project shall pay a traffic mitigation fees (currently \$250,514, based on 59 net new peak hour (33 a.m. and 26 p.m.) traffic trips (59 x \$4,246), to be determined at the time of building permit issuance. The final fee shall include a reduction based on the number of peak hour trips resulting from the 12 affordable or BMR units required by the project. Additional traffic control enhancements may be required in and around the project site, as discussed in the revised traffic study (Fehr and Peers, dated January 14, 2019) for the project.

San Rafael Sanitation District (SRSD)

50. Prior to building permit issuance, sewer connection fees are required for the proposed new residential units (currently \$1,159,152.00, based on 120 units at \$9,659.60 per unit).

51. New sewer connection fees are required for the commercial space as well, if plumbing fixtures are proposed. These fees have not been calculated by SRSD.

52. Credit for existing plumbing fixtures has not been calculated. In order to receive credit for these fixtures in the existing buildings proposed for demolition, the project sponsor shall submit plans to SRSD which include a full inventory of the existing facilities accompanied by photos.

53. Provide calculations to SRSD on the potential wastewater flow that will be generated daily from the proposed 120 residential units and any commercial space.

54. Reference Civil Drawing Sh. C.5:

- a. A backflow prevention device is required for the project.
- b. The sewer lateral shall be connected to the sewer mainline using a wye connection and shear band couplings.
- c. Drainage to the trench drains shall be limited to the water flow from within the enclosed garage area. No stormwater runoff from the sidewalk or any area outside the garage shall drain to the trench drains that connect to the sanitary sewer system.

Community Development Department, Building Division

55. School fees will be required for the project to be paid to the School district, prior to issuance of a building permit. Calculations for the fee are done by San Rafael City Schools, and those fees (currently computed at \$3.79 per square foot of new living area and \$0.61 per square foot of new non-living building area) are paid directly to them (currently 310 Nova Albion Way, San Rafael, CA 94903). Proof of payment shall be submitted to the Building Division prior to issuance of the building permit.

56. Prior to any use or occupancy of this building or structure or any portion there of a "Certificate of Occupancy" must be issued by the Chief Building Official pursuant to California Building Code Section 111.1. Failure to secure a "Certificate of Occupancy" is a violation and will result in a \$500 citation per day that the violation continues.

57. The design and construction of all site alterations shall comply with the current editions of the California Building Code, Plumbing Code, Electrical Code, California Mechanical Code, California Fire Code, California Energy Code, Title 24 California Energy Efficiency Standards, California Green Building Standards Code and City of San Rafael Ordinances and Amendments.

58. A building permit is required for the proposed work. Applications shall be accompanied by four (4) complete sets of construction drawings to include:
- a) Architectural plans
 - b) Structural plans
 - c) Electrical plans
 - d) Plumbing plans
 - e) Mechanical plans
 - f) Site/civil plans (clearly identifying grade plan and height of the building)
 - g) Structural Calculations
 - h) Truss Calculations
 - i) Soils reports
 - j) Green Building documentation
 - k) Title-24 energy documentation
59. Based on the distance to the property line (and/or adjacent buildings on the same parcel), the building elements shall have a fire resistive rating not less than that specified in CBC Table 601 and exterior walls shall have a fire resistive rating not less than that specified in CBC Table 602.
60. Cornices, eaves overhangs, exterior balconies and similar projections extending beyond the floor area shall conform to the requirements of CBC 705.2. Projections shall not extend beyond the distance determined by the following two methods, whichever results in the lesser projection:
- a) A point one-third the distance from the exterior face of the wall to the lot line where protected openings or a combination of protected openings and unprotected openings are required in the exterior wall.
 - b) A point one-half the distance from the exterior face of the wall to the lot line where all openings in the exterior wall are permitted to be unprotected or the building is equipped throughout with an automatic sprinkler system.
 - c) More than 12 inches into areas where openings are prohibited.
61. The occupancy classification, construction type and square footage of the new building shall be specified on the plans in addition to justification calculations for the allowable area of each building. Site/civil plans prepared by a California licensed surveyor or engineer clearly showing topography, identifying grade plane and height of the building.
62. The new buildings contain several different occupancy types. Individual occupancies are categorized with different levels of hazard and may need to be separated from other occupancy types for safety reasons. Under mixed-occupancy conditions the project architect has available several design methodologies (accessory occupancies, non-separated occupancies, and separated occupancies) to address the mixed-occupancy concerns.
63. Buildings located four (4) or more stories above grade plane shall provide one stairwell extending to the roof, unless the roof slope exceeds an angle of 4 vertical to 12 horizontal CBC 1009.13.
64. The maximum area of unprotected and protected openings permitted in the exterior wall in any story of a building shall not exceed the percentages specified in CBC Table 705.8 "Maximum Area of Exterior Wall Openings Based on Fire Separation Distance and Degree of Opening Protection." To calculate the maximum area of exterior wall openings you must

provide the building setback distance from the property lines and then justify the percentage of proposed wall openings and include whether the opening is unprotected or protected:

- 15% exterior wall openings (in any story) in sprinklered buildings where the openings are 3' to less than 5' from the property line or buildings on the same property.
 - 25% exterior wall openings (in any story) in sprinklered buildings where the openings are 5' to less than 10' from the property line or buildings on the same property.
 - 45% exterior wall openings (in any story) in sprinklered buildings where the openings are 10' to less than 15' from the property line or buildings on the same property
65. The new building shall have address identification placed in a position that is plainly legible and visible from the street or road fronting the property. Numbers painted on the curb do not satisfy this requirement. For new buildings, the address shall be internally-illuminated or externally-illuminated and remain illuminated at all hours of darkness. Number shall be a minimum 6 inches in height with ½ inch stroke for commercial applications. The address shall be contrasting in color to their background (SMC 12.12.20).
66. Bollards must be placed in the garage to protect mechanical equipment from vehicular damage when located in the path of a vehicle (if applicable).
67. Any demolition of existing structures shall require a permit. Demolition permit submittal shall include three (3) copies of the site plan, asbestos certification and PG&E disconnect notice. All required permits from the Bay Area Air Quality Management District shall be obtained and documentation provided prior to building permit issuance and any work commencing.
68. A grading permit is required for any grading or site remediation, soils export, import and placement. Provide a detailed soils report prepared by a qualified engineer to address these procedures. In particular, the report should address the import and placement and compaction of soils at future building pad locations and should be based on an assumed foundation design. This information should be provided to Building Division and Department of Public Works for review and comments prior to any such activities taking place.
69. Prior to building permit issuance for the construction of the new building, geotechnical and civil pad certifications are to be submitted. Building pad locations will have to be surveyed and marked prior to placement of foundations.
70. In the parking garage, mechanical ventilation will be required capable of exhausting a minimum of .75 cubic feet per minute per square foot of gross floor area pursuant to CMC Table 4-4.
71. In the parking garage, in areas where motor vehicles are stored, floor surfaces shall be of noncombustible, nonabsorbent materials. Floors shall drain to an approved oil separator or trap discharging to sewers in accordance with the Plumbing Code and SWIPP.
72. The parking garage ceiling height shall have a minimum vertical clearance of 8' 2" where required for accessible parking.
73. Any public area within the new building shall be provided with sanitary facilities per CPC Sec 412 and Table 4-1 (including provisions for persons with disabilities). Separate facilities may be required for each sex depending on use.

74. In accordance with California Plumbing Code section 422, in business and mercantile with a total occupant load of 50 or less including customers and employees, one toilet facility designed for use by no more than one person at a time, shall be permitted for use by both sexes.
75. Facilities in mercantile and business occupancies, toilet facility requirements for customers and employees shall be permitted to be met with a single set of restrooms accessible to both groups. The required number of fixtures shall be the greater of the required number for employees or the required number for customers. Fixtures for customer use shall be permitted to be met by providing a centrally located toilet facility within a max distance not to exceed 500 feet. In stores with a floor area of 150 square feet or less the requirement to provide facilities for employees shall be permitted to be met by providing a centrally located toilet facility within a max distance not to exceed 300 feet.
76. Minimum elevator car size (interior dimension) 60" wide by 30" deep with an entrance opening of at least 60" or a car size of 42" wide by 48" deep with an entrance opening of 36" or a car size of 60" wide by 36" deep with an entrance opening of at least 36".
77. All buildings with four (4) or more floors and one or more elevators shall provide not less than one medical emergency service elevator. The medical emergency service elevator shall accommodate the loading and transport of an ambulance gurney or stretcher. The elevator car size shall have a minimum clear distance between walls and door excluding return panels not less than 80" x 54" and a minimum distance from wall to return panel not less than 51" with a 42" side slide door.
78. In the service areas, mechanical ventilation will be required capable of exhausting a minimum of 1.5 cubic feet per minute per square foot of gross floor area. Connecting offices, waiting rooms, restrooms, and retail areas shall be supplied with conditioned air under positive pressure.
79. The project shall be designed to provide access to the physically disabled in accordance with requirements of Title-24, California Code of Regulation. For existing buildings and facilities when alterations, structural repairs or additions are made, accessibility improvements for persons with disabilities may be required. Improvements shall be made, but are not limited to, the following accessible features:
- a) Path of travel from public transportation point of arrival
 - b) Routes of travel between buildings
 - c) Accessible parking
 - d) Ramps
 - e) All public entrances
 - f) Sanitary facilities (restrooms)
 - g) Drinking fountains & Public telephones (when provided)
 - h) Accessible features per specific occupancy requirements
 - i) Accessible special features, (i.e., ATM's point of sale machines, etc.)
80. The site development of items such as common sidewalks, parking areas, stairs, ramps, common facilities, etc. are subject to compliance with the accessibility standards contained in Title-24, California Code of Regulations. Pedestrian access provisions should provide a minimum 48" wide unobstructed paved surface to and along all accessible routes. Items such as signs, meter pedestals, light standards, trash receptacles, etc., shall not encroach on this 4' minimum width. Also, note that sidewalk slopes and side slopes shall not exceed

published minimums per California Title 24, Part 2. The civil, grading and landscape plans shall address these requirements to the extent possible.

81. The parking garages shall have a minimum vertical clearance of 8' 2" ceiling height where required for accessible parking.
82. Multistory apartment buildings with three (3) or more residential units or condominium buildings with four (4) or more residential units shall provide at least 10% of the dwelling units, but no less than one (1) dwelling unit, which comply with the accessible requirements per CBC 1102A.3, as follows:
 - a) The primary entry to the dwelling unit shall be on an accessible route unless exempted by site impracticality tests in CBC Section 1150A.
 - b) At least one powder room or bathroom shall be located on the primary entry level, served by an accessible route.
 - c) All rooms or spaces located on the primary entry level shall be served by an accessible route. Rooms and spaces located on the primary entry level and subject to this chapter may include but are not limited to kitchens, powder rooms, bathrooms, living rooms, bedrooms or hallways.
83. Minimum shower size in the fully accessible room must be a minimum of 60" wide by 30".
84. Multifamily dwelling and apartment accessible parking spaces shall be provided at a minimum rate of 2 percent of the covered multifamily dwelling units. At least one space of each type of parking facility shall be made accessible even if the total number exceeds 2%.
85. When parking is provided for multifamily dwellings and is not assigned to a resident or a group of residents, at least 5% of the parking spaces shall be accessible and provide access to grade-level entrances of multifamily dwellings and facilities (e.g. swimming pools, club houses, recreation areas and laundry rooms) that serve the dwellings. Accessible parking spaces shall be located on the shortest accessible route to an accessible building, or dwelling unit entrance.
86. Public accommodation disabled parking spaces must be provided according the following table and must be uniformly distributed throughout the site:

Total Number of Parking Spaces Provided	Minimum Required Number of H/C Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	Two percent of total
1,001 and over	Twenty, plus one for each 100

	or fraction thereof over 1,001
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87. At least one (1) disabled parking space shall be van-accessible, 9' in width plus an 8'-wide off- load area or 17'-wide overall. Additionally, one in every eight required handicap spaces shall be van accessible.
88. The proposed residential units shall meet the sound attenuation requirements of CBC Chapter 12. In particular, the residential units facing Third St., Tamalpais Ave. and Lincoln Ave. may require special glazing and/or sound attenuation features to compensate for the adjacent traffic/street noise.
89. This project is subject to the City of San Rafael Green Building Ordinance. A sliding scale is applied based on the average unit square footage. New multi-family dwellings must comply with the "Green Building Rating System" by showing a minimum compliance threshold between 65 and 75 points. Additionally, the energy budget must also be below Title 24 Energy Efficiency Standards a minimum 15%.

San Rafael Fire Department, Fire Prevention Bureau

90. The design and construction of all site alterations shall comply with the current editions of the California Fire Code and City of San Rafael Ordinances and Amendments.
91. Deferred Submittals for the following fire protection systems shall be submitted to the Fire Prevention Bureau for approval and permitting prior to installation of the systems:
 - a) Fire Sprinkler plans (Deferred Submittal to the Fire Prevention Bureau)
 - b) Fire Standpipe plans (Deferred Submittal to the Fire Prevention Bureau)
 - c) Private Fire Service Main plans (Deferred Submittal to the Fire Prevention Bureau)
 - d) Fire Alarm plans (Deferred Submittal to the Fire Prevention Bureau)
92. Show the location of address numbers on the building elevation. The new building shall have address identification placed in a position that is plainly legible and visible from the street or road fronting the property. Please refer to Fire Prevention Bureau Premises Identification Standards 09-1001, Table 1.
93. As the building is over 30 feet in height, an aerial fire apparatus access roadway is required parallel to one entire side of the building.
 - a) The Aerial apparatus access roadway shall be located within a minimum 15 feet and a maximum of 30 feet from the building.
 - b) The minimum unobstructed width for an aerial fire apparatus access road is 26'.
 - c) Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway, or between the roadway and the building.
94. Aerial fire apparatus access roads shall be designated "fire lanes"; with curbs painted red and contrasting white lettering stating "No Parking Fire Lane" and signs shall be posted in accordance CFC Section 503.3.
95. When a building is fully sprinklered, all portions of the exterior building perimeter shall be located within 250' of an approved fire apparatus access road.

96. Clarify if the fire flow requirements of Appendix B, table B105.1 of the CFC are being met by the surrounding hydrants, The required hydrants shall be within 400 feet (400') of all exterior points of the new building.
97. Provide stairways for fire department roof access pursuant to CFC 504.3.
98. At least one (1) elevator in the new building shall be designated as an accessible means of egress and will require emergency power. Please show the locations of the emergency generators. Separate permits will be required to be issued for any above ground fuel storage tanks pursuant to CBC 1009.2.1.
99. Each building shall provide a least one (1) elevator that will accommodate an ambulance stretcher pursuant to CBC 3002.4.
100. Hazardous materials placards shall be installed in accordance with NFPA 704.
101. A fire apparatus access plan shall be prepared for this project. Fire apparatus plan shall show the location the following:
 - a) Designated fire apparatus access roads.
 - b) Red curbs and no parking fire lane signs.
 - c) Onsite fire hydrants.
 - d) Fire Department Connection (FDC).
 - e) Double detector check valve.
 - f) Street address sign.
 - g) Recessed Knox Box
 - h) Fire Alarm annunciator panel.
 - i) Provide a note on the plans as follows: "The designated fire apparatus access roads and fire hydrant shall be installed and approved by the Fire Prevention Bureau prior construction of the building".
102. A Knox Box is required at the primary point of first response to the new building. A recessed mounted Knox Box # 3275 Series is required for this project; the Knox Box shall be clearly visible upon approach to the main entrance from the fire lane. Note the Knox Box must be installed from 72" to 78" above finish grade; show the location on the plans.
103. The mechanical parking system shall comply with the following requirements:
 - a) The automatic fire sprinkler system shall be designed with the appropriate coverage density.
 - b) The mechanical parking system shall allow for fire department access.
 - c) The mechanical parking system shall allow for appropriate heat and smoke removal.
 - d) The mechanical parking system shall provide fire department manual shutoff and operation (similar to elevator recall).
104. Mechanical, electrical and fire sprinkler riser rooms shall be identified pursuant to CFC Section 509 (4-inch lettering, ½-inch stroke in a color that contrasts to background).
105. Contact the Marin Municipal Water District (MMWD) to make arrangements for MMWD to provide adequate water supply service for the required fire protection system.

During Construction

Community Development Department, Planning Division

106. Applicant/contractor shall comply with all conditions of approval related to Construction Management Plan, and other conditions related to construction impacts.

107. The following measures shall be implemented during the demolition process:

- a. Watering shall be used to control dust generation during demolition of structures and breakup of pavement.
- b. All trucks hauling debris from the site shall be covered
- c. Dust-proof chutes shall be used to load debris into trucks whenever feasible.
- d. A dust control coordinator shall be designated for the project. The name, address and telephone number of the dust coordinator shall be prominently posted on-site and shall be kept on file at the Planning Division. The coordinator shall respond regarding dust complaints promptly (within 24 hours) and shall have the authority to take corrective action.

Marin Municipal Water District (MMWD)

108. District records indicate that the property's current annual water entitlement is insufficient to meet the water demand for the project and the purchase of additional water entitlement will be required. Additional water entitlement will be available upon request and fulfillment of the following requirements:

- a) Complete a High-Pressure Water Service Application.
- b) Submit a copy of the building permit.
- c) Pay the appropriate fees and charges.
- d) Comply with the District's rules and regulations in effect at the time service is requested, including the installation of a meter per structure per use.
- e) Comply with all indoor and outdoor requirements of District Code Title 13 – Water Conservation. Indoor plumbing fixtures shall meet specific efficiency requirements. Landscape, irrigation, grading and fixture plans shall be submitted to the District for review and approval. Any questions regarding District Code Title 13 – Water Conservation should be directed to the District's Water Conservation Department at (415) 945-1497. You may also find information on the District's water conservation requirements online at www.marinwater.org.
- f) Comply with the backflow prevention requirements, if upon the District's review backflow protection is warranted, including installation, testing and maintenance. Questions regarding backflow requirements should be directed to the Backflow Prevention Program Coordinator at (415) 945-1558.
- g) Use of recycled water is required, where available, for all approved uses, including irrigation and the flushing of toilets and urinals. Questions regarding the use of recycled water should be directed to Dewey Sorensen at (415) 945-1558.
- h) Installation of gray water recycling systems is required when practicable.

Pacific Gas & Electric

109. Electric and gas service to the project site will be provided in accordance with the applicable extension rules, which are available on PG&E's website at <http://www.pge.com/myhome/customerservice/other/newconstruction> or contact (800) PGE-5000. It is highly recommended that PG&E be contacted as soon as possible so that there is adequate time to engineer all required improvements and to schedule any site work.

110. The cost of relocating any existing PG&E facilities or conversion of existing overhead facilities to underground shall be the sole responsibility of the applicant or property owner.
111. Prior to the start excavation or construction, the general contractor shall call Underground Service Alert (USA) at (800) 227-2600 to have the location of any existing underground facilities marked in the field.

Prior to Occupancy

Community Development Department, Planning Division

112. Prior to occupancy of any of the units, a post-construction report from an acoustical engineer shall be submitted to the Planning Division verifying that the multifamily residential units comply with the interior noise standard as prescribed by State Administrative Code standards, Title 25, Part 2.
113. Prior to occupancy of any of the units, a post-construction report from a lighting engineer shall be submitted to the Planning Division verifying that the lighting levels of the project comply with the City's recommended lighting levels (see SRMC Section 14.16.227).
114. Prior to occupancy, the project Geotechnical Engineer shall submit a letter to the City identifying that the project Geotechnical Engineer inspected the project during the construction and the project complied with their recommendations and that all recommendations were properly incorporated during construction of the project
115. Final inspection of the project by the Community Development Department, Planning Division, is required. The applicant shall contact the Planning Division to request a final inspection upon completion of the project. The final inspection shall require a minimum of 48-hour advance notice.
116. The landscape architect for the project shall submit a letter to the Planning Division, confirming the landscaping has been installed in compliance with the approved project plans and the irrigation is fully functioning.

After Occupancy

Community Development Department, Planning Division

117. Following the issuance of a Certificate of Occupancy, all new exterior lighting shall be subject to a 90-day lighting level review period by the City to ensure that all lighting sources provide safety for the building occupants while not creating a glare or hazard on adjacent streets or be annoying to adjacent residents. During this lighting review period, the City may require adjustments in the direction or intensity of the lighting, if necessary. All exterior lighting shall include a master photoelectric cell with an automatic timer system, where the intensity of illumination shall be turned off during daylight.

**Lot Line Consolidation (LLA18-001)
Conditions of Approval**

Prior to Issuance of Grading/Building Permits

Community Development Department, Planning Division

1. The applicant shall submit five (5) copies of the plat map showing the existing and proposed lot lines, the location of any existing structures, easements, prominent trees and access to all public streets, and a copy of Grant Deed, prepared for the lot line consolidation, for review by the City Engineer and approval, prior to recordation with the County of Marin Recorder's Office.

The foregoing Resolution was adopted at the regular City of San Rafael Planning Commission meeting held on the 27th day of August 2019.

Moved by Commissioner _____ and seconded by Commissioner _____.

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners:

SAN RAFAEL PLANNING COMMISSION

ATTEST: _____
 Paul A. Jensen, Secretary

BY: _____
 Sarah Loughran, Chair

Exhibit 3

TABLE ANALYZING PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020

LAND USE ELEMENT	
<p>LU-2. Development Timing. For health, safety and general welfare reasons, new development should only occur when adequate infrastructure is available consistent with the following findings:</p> <ul style="list-style-type: none"> a. Project-related traffic will not cause the level of service established in the Circulation Element to be exceeded; b. Any circulation improvements needed to maintain the level of service standard established in the Circulation Element have been programmed and funding has been committed; c. Environmental review of needed circulation improvement projects has been completed; d. The time frame for completion of the needed circulation improvements will not cause the level of service in the Circulation Element to be exceeded, or the findings set forth in Policy C-5 have been made; and e. Sewer, water, and other infrastructure improvements will be available to serve new development by the time the development is constructed 	<p><i>Consistent</i></p> <p>The project proposes to redevelop two adjacent in-fill parcels, currently served by City infrastructure and services. The smaller parcel (703 Third St.) is located at the southwest corner of Third St. and Tamalpais Ave. while the larger parcel (723 Third St. / 898 Lincoln Ave.) is located at the southeast corner of Third St. and Lincoln Ave. Both parcels are located with Second/Third St. Mixed-Use East (2/3 MUE) District zone, a Downtown commercial zoning district. The project proposes to demolish approximately 15,000 sq. ft. of combined commercial space within two, 1-2-story buildings and a surface parking lot and construct a new, six-story, 73-tall mixed-use building with 120 apartment units above 121 garage parking spaces, of which 109 parking spaces will be provided by mechanical parking lifts. The project proposes a total of 12 affordable (‘below-market-rate or BMR) units, including nine (9) <u>required</u> BMR units (5 units at the very low-income level and 4 units at the low-income level) and three (3) additional <u>voluntary</u> BMR units in the moderate-income level for a 10-year term.</p> <p>The City’s Traffic Engineer has reviewed the project and evaluated its traffic impacts against the City’s level of service standards. A Transportation Impact Analysis report (Fehr & Peers Transportation Consultants, revision dated January 14, 2019) originally submitted for the project was revised to expand the study area and to modify the methodology used in the analysis. The results of the updated trip generation indicate that, based on traffic counts of existing land use trips, and with deductions applied for ‘walk, bike and transit’ trips due to the site’s proximity to the Downtown, the SMART station and the transit center, the project would result in 33 net new AM peak hour trips (7- 9am weekdays) and 26 PM net new peak hour trips (4-6pm weekdays). The Transportation Impact Analysis report indicates surrounding intersections and arterials would continue to operate (existing plus project volumes) acceptably per the City’s LOS (Level of Service) standards in the General Plan. The results of the Transportation Impact Analysis report have been confirmed by the City’s Traffic Engineer. Staff finds the proposed density (120 units) would result in negligible traffic impacts which are off-set by the payment of traffic mitigation fees on the 59 new peak hour trips anticipated to result from the project, which would be a condition of approval. The payment of traffic mitigation fees would be a condition of approval and are intended to help fund the project’s fair share of local circulation improvement projects by the City. Lastly, the quasi-governmental agencies that would provide water and sewer service to the site have reviewed the proposed project and determined that there is adequate capacity to service the new project.</p>
<p>LU-8. Density of Residential Development. Residential densities are shown in Exhibit 11, Land Use</p>	<p><i>Consistent with conditions</i> See LU-2 discussion above. Both parcels within the project site are assigned a General Plan land use</p>

Exhibit 3

TABLE ANALYZING PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020

<p>Categories, pages 38-40. Maximum densities are not guaranteed but minimum densities are generally required. Density of residential development on any site shall respond to the following factors: site resources and constraints, potentially hazardous conditions, traffic and access, adequacy of infrastructure, City design policies and development patterns and prevailing densities of adjacent developed areas.</p>	<p>designation of Second/Third St. Mixed-Use (2/3 MU). The 2/3MU land use designation allows residential uses as part of mixed-use development at densities between 32 and 62 per gross acre. Based on this allowable density, the 27,367 sq. ft. project site would be allowed 20 to 39 residential units. The Zoning designation for the project site is Second/Third St. Mixed-Use East (2/3 MUE) District, which allows a base residential density of one (1) unit per 600 sq. ft. of lot area or 45 units. By complying with the City’s inclusionary housing requirement (20% of the maximum base density or 9 affordable or BMR units), the project is eligible to request a State Density Bonus of up to 35%, or 16 additional market-rate units, and a maximum of two (2) concessions/incentives. Therefore, by meeting the City affordable housing requirement, the project is allowed a maximum density of 61 units. As noted above, the project has requested a 75-unit density bonus above the base density, for a total of 120 units, which translates to a proposed 162% density bonus. This additional density bonus is one of the two concessions/incentives requested by the project (additional building height is the other concession/incentive requested by the project) and requires the submittal of a financial pro forma which demonstrates that the proposed 120 units are needed to make the project financially feasible to develop. The City has hired an independent 3rd party economist, Seifel Associates, to review the financial pro forma and assess whether the number of units requested are necessary to make the project financially feasible. After reviewing the financial pro forma, the City’s consulting economist has determined the project does need the proposed 162% density bonus, or 120 units, in order for the project to be able to be financially feasible. A maximum 61-unit project (45-unit base density plus a 35% density bonus or 16 additional units) would not be feasible under current development conditions. The City is not required to grant a density bonus of more than 35%, but it may under State law for projects that provided more affordability than the 20% required. For the project, the applicant has proposed additional density than the minimum required to obtain a 35% density bonus. At the request of the Planning Commission to provide more affordability to off-set the proposed additional density, the project has voluntarily increased the proposed affordability, from nine (9) BMR units (5 units at very low-income household levels and 4 units at low-income household levels) to 12 BMR units (5 units at very low-income household levels and 4 units at low-income household levels <u>plus</u> 3 BMR units at the moderate-income household levels for a fixed 10-year term) Additionally, there are other considerations when evaluating the proposed density, including:</p> <ul style="list-style-type: none"> • The 2/3 MUE District zoning for the site not only allows for residential density but also allows for non -residential (commercial) intensity of up to a 1.5 FAR (Floor Area Ratio). For the project site, the 1.5 FAR would allow up to 41,051 sq. ft, which would translate to approximately two entire floors worth of additional commercial development; • Although residential density is not regulated by square footage, the proposed project proposes 120 units in approximately 81,442 sq. ft of building area dedicated to residential use, which translates to an average of 678 sq. ft/unit. The same size building could be proposed at the maximum base density of 45 units, but average 1,809 sq. ft/unit, for instance, or the 35% density bonus of 61 units and average 1,313 sq. ft/unit, for instance. Given the need for housing in San Rafael as well
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	<p>as throughout the State, staff would assert that a greater number of smaller units would be more beneficial to the community. This is an opportunity site, close to transit, in the heart of downtown and is possibly the most appropriate location for higher density; and</p> <ul style="list-style-type: none"> • The project provides excess parking than that required by the State for projects in close proximity to transit. The project is required to provide 88 spaces though proposes to provide 121 total spaces (composed of 109 resident parking + 12 ADA, ride share, drop off and EV parking spaces).
<p>LU-9. Intensity of Nonresidential Development. Commercial and industrial areas have been assigned floor area ratios (FARs) to identify appropriate intensities (see Exhibits 4, 5 and 6). Maximum allowable FARs are not guaranteed, particularly in environmentally sensitive areas. Intensity of commercial and industrial development on any site shall respond to the following factors: site resources and constraints, traffic and access, potentially hazardous conditions, adequacy of infrastructure, and City design policies.</p>	<p><i>Consistent</i></p> <p>According to Exhibit 6 (<i>Floor Area Ratios in Downtown Environs</i>) of the General Plan, the maximum nonresidential development allowable on the project site is 1.5 FAR (floor area ratio) or 41,505.5 sq. ft. based on 27,367 sq. ft. of combined lot area. The project proposes 969 sq. ft. of ground level nonresidential development or commercial space on the project site.</p>
<p>LU-12. Building Heights. Citywide height limits in San Rafael are described in Exhibits 7 and 8. For Downtown height limits see Exhibit 9.</p>	<p><i>Consistent with conditions</i></p> <p>According to Exhibit 9 (<i>Building Heights Limits in Downtown San Rafael</i>) and Exhibit 10 (<i>Height Bonuses</i>) of the General Plan, the maximum height limit for the project site is 54 ft. plus a 12 ft height bonus by meeting the affordable housing requirement for a total overall height limit of 66 ft. As designed, the project proposes a building at 73 ft tall, exceeding the height limit by 7 feet. The height is measured to the top of the roof deck and the other architectural features on the roof deck (railing, and elevator overruns, trellises) do not count toward the maximum building height.</p> <p>During Conceptual Design Review by the Design Review Board (Board) and the Planning Commission in 2017, the project proposed to meet the 66 ft height limit. At that time, the design proposed to bury the garage level 1 ft below the elevation of the sidewalks. Following Conceptual Review, technical comments from City Departments and further investigation into the stacked parking lift, the project was increased in height by 7 feet, from 66 feet to 73 feet, based on the following modifications:</p> <ul style="list-style-type: none"> • FEMA requirements require the garage level to be a 1 ft above the existing level. Therefore, a 2 ft increase of height resulted by placing the ground level at +1 ft above current elevations; • Further investigation into the mechanical parking lift stacker system preferred by the applicant resulted in the need for 2.5 ft. of additional height in the garage level, raising the garage plate height from 18.5 ft to 22 ft. and; • Plate height for the residential levels were increased from 9 ft to 9.5 ft, resulting in a 2.5 ft net

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	<p align="center">change to overall height.</p> <p>By meeting the affordability requirement, the project is requesting a State density bonus and two (2) concessions/incentives. One of these concessions is a requested density bonus of 162% and the other is a height bonus of 7'. Like the density bonus, the requested concession for the height bonus requires submittal of a financial pro forma demonstrating the concession/incentive is necessary to make the project financially feasible to develop. As noted above, the City hired a 3rd party economist (Seifel Associates) to review the financial pro forma, who concluded that the financial pro forma does demonstrate a 120-unit project is needed to make the project financially feasible.</p> <p>The project is required to provide 82 on-site parking spaces based on State Density Bonus law that requires 0.5 spaces/bedroom. The project proposes to provide 33 more parking spaces than required (121 provided vs 82 required) as an amenity and need for the residential units. The amount of proposed parking would generally equal 1 space per unit. The extra parking necessitates the need to either create two floors of parking or utilize a stacked parking system. Although it is conceivably possible to dig down and provide one floor of parking underground, the small size of the lot, FEMA requirements coupled with the high-water table would make this option nearly impossible. The other option is to only provide one level of parking without stackers, which would only require a 10 ft floor plate (rather than 22 ft) on the ground level. However, this option would not only render the project inconsistent with the parking requirements (only 66 spaces could be provided without use of parking stackers, where 82 are required), but also insufficient to meet the real-life parking demands of potential tenants in this project.</p>
<p>LU-13. Height Bonuses. A height bonus may be granted with a use permit for a development that provides one or more of the amenities listed in Exhibit 10, provided the building's design is consistent with Community Design policies and design guidelines. No more than one height bonus may be granted for a project.</p>	<p><i>Consistent</i></p> <p>See LU-12 discussion above. By providing the required affordability (9 affordable or BMR units), the project is eligible for a 12' height bonus, through a Use Permit, by virtue that the project site is located within the 2/3 MUE District. This height bonus is allowed by zoning. The project requests an additional 7' height bonus, as a concession/incentive under the State Density Bonus law. On May 7, 2019, the Board reviewed the formal project for site and building design and unanimously (4-0-2 vote; <i>Planning Commission Liaison Davidson</i>) recommended approval of the site and building design with enhanced "Gateway Corner" (Third St. and Tamalpais Ave.) façade treatments (unique materials and colors) and the proposed height bonuses and 73' building height. The Board evaluated the revised site and building design for consistency with all applicable design-related General Plan policies and design criteria and guidelines and determined it to be well-designed.</p>

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<p>LU-14. Land Use Compatibility. Design new development in mixed residential and commercial areas to minimize potential nuisance effects and to enhance their surroundings.</p>	<p><i>Consistent</i> See LU-13 discussion above.</p>
<p>LU-18. Lot Consolidation Commercial and higher density residential parcels less than 6,000 square feet in size should be encouraged to be combined to provide adequate parking and circulation, minimize driveway cuts on busy streets, and maximize development and design potential.</p>	<p><i>Consistent</i> The project proposes to construct a mixed-use building over two (2) adjacent Downtown lots. Prior to building permit issuance, the project will need to merge or consolidate the lots into one common parcel by extinguishing the common property line currently separating the lots. A plat map with closure calculations shall be submitted to Planning for review and approval by the Land Development Engineer in the Department of Public Works prior to approval by the Community Development Director and recordation with Marin County by the Land Development Engineer.</p>
<p>LU-23. Land Use Map and Categories. Land use categories are generalized groupings of land uses and titles that define a predominant land use type (See Exhibit 11). All proposed projects must meet density and FAR standards (See Exhibits 4, 5 and 6) for that type of use, and other applicable development standards. Some listed uses are conditional uses in the zoning ordinance and may be allowed only in limited areas or under limited circumstances. Maintain a Land Use Map that illustrates the distribution and location of land uses as envisioned by General Plan policies. (See Exhibit 11).</p>	<p><i>Consistent with conditions</i> See LU-2, LU-8 and LU-12 discussions above.</p>
<p>HOUSING ELEMENT</p>	
<p>H-1. Housing Distribution. Promote the distribution of new and affordable housing of quality construction throughout the city to meet local housing needs.</p>	<p><i>Consistent</i> See LU-8 discussion above. The project proposes to construct 120 new residential apartment units in the Downtown, adjacent to the SMART downtown station and in close proximity to the Bettini Transit Center (the exact location of which is unknown at this time). Of these new units, the project proposes a total of 12 BMR units, including nine (9) <u>required</u> BMR units (5 BMRs at the very low-income household level and 4 BMRs at the low-income household level) and three (3) additional <u>voluntary</u> BMR units at the moderate-income household level for a fixed 10-year period. Staff finds the project would help the City meet its RHNA (Regional Housing Needs Allocation) obligations, specifically housing goals in the very low- and low-income household levels.</p>

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<p>H-2. Design That Fits into the Neighborhood Context. Design new housing, remodels and additions to be compatible in form to the surrounding neighborhood. Incorporate transitions in height and setbacks from adjacent properties to respect adjacent development character and privacy. Respect existing landforms and minimize effects on adjacent properties.</p>	<p><i>Consistent</i></p> <p>The scale and quality of the existing development located south of the core Downtown (Fourth St.) and near U.S Highway 101 is changing, primarily due to the ongoing development of the BioMarin campus. Low profile (1- and 2-story) development is being replaced with much taller (5- and 6-story) buildings. Determining the predominant design character is a little more difficult. Structures within the adjacent BioMarin campus are integrated with a cohesive architectural design with coordinated façade treatments. The project proposes a similar contemporary design though with unique façade treatments (brick with Corten steel planters at the ground level, stucco at the mid-levels and a mixture of stucco and vertical and horizontal fiber cement board siding at the upper levels), greater articulation and stepbacks of the upper stories and a more ‘residential’ window proportion.</p> <p>The project design has been revised to provide equal, high-quality design attention to all four building elevations, including the rear elevation which is shared with 770 Second St. More vertical and horizontal articulation and stepbacks have been incorporated into the upper stories. In addition, previously proposed upper-story projections or encroachments over the sidewalk have been eliminated.</p>
<p>H-3. Public Information and Participation. Provide information on housing programs and related issues. Require and support public participation in the formulation and review of the City’s housing policy, including encouraging neighborhood involvement in development review. Work with community groups to advocate programs that will increase affordable housing supply and opportunities. Ensure appropriate and adequate involvement so that the design of new housing will strengthen the character and integrity of the neighborhood.</p> <p>H-3a. Neighborhood Meeting. Require neighborhood meetings, as provided for by the City Council resolution for Neighborhood Meeting Procedures, for larger housing development proposals and those that have potential to change neighborhood character. In larger projects, the City requests that developers participate in formal meetings with the community. The City facilitates outreach by helping applicants find information on the appropriate neighborhood groups to contact. City staff attends meetings as a staff resource and conducts noticing of meetings.</p>	<p><i>Consistent</i></p> <p>A neighborhood meeting is not required; however, the applicant has previously met with the Gerstle Park Neighborhood Association, the Montecito Homeowners Association and the Federation of San Rafael Neighborhoods to discuss and solicit input on the proposed project</p> <p>Notice of Conceptual Review for the project, by both the Board and the Planning Commission, the Planning Commission study session and the Board’s May 7th review of the formal project design was conducted in accordance with noticing requirements contained in Chapter 29 of the Zoning Ordinance. A Notice of Public Meeting was mailed to all property owners, residents, businesses and occupants within a 300-foot radius of the project site and the appropriate neighborhood groups (Downtown Business Improvement District, Federation of San Rafael Neighborhoods, Gerstle Park Neighborhood Assoc., Montecito Area Residents Assoc. and Lincoln-San Rafael Hill Neighborhood Assoc.), a minimum of 15 calendar days prior to the date of this hearing. Additionally, notice was posted on the project site, along the Third St., Tamalpais Ave. and Lincoln Ave. frontages.</p> <p>Notice of this Planning Commission meeting was also provided through mailed notices to property owner/residents/business within 300 feet of the site, as well as applicable neighborhood/business associations and posted along all three frontages on the site.</p> <p>Public comments received by staff on the project are evenly mixed; some in support of the project proposing downtown housing and others in opposition to the project design, bulk/mass, height, and</p>

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	<p>perceived parking and traffic impacts. Public comments received <u>through</u> the conceptual review, during the previous proposed design, are attached as Exhibit 8. Public comments received on the project, <u>since</u> formal project review, with a revised improved design, are attached as Exhibit 9. Any comments received after distribution of the staff report, will be forwarded to the Commission under separate cover.</p> <p>Planning staff has also created a digital webpage on the project which has been uploaded with links to both the current plans and supportive studies and is updated to coordinate with all meeting and hearing notices for the project. This project webpage may be found from the City’s website, using the “Community Development Department” link, then the “Planning Division” link and finally the “Major Planning Project” link. The direct link to the project webpage is: https://www.cityofsanrafael.org/703-3.</p>
<p>H-9. Special Needs. Encourage a mix of housing unit types throughout San Rafael, including very low- and low-income housing for families with children, single parents, students, young families, lower income seniors, homeless and the disabled. Accessible units shall be provided in multi-family developments, consistent with State and Federal law.</p>	<p><i>Consistent</i> See H-1 discussion above.</p>

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<p>H-14. Adequate Sites. Maintain an adequate supply of land designated for all types of residential development to meet the housing needs of all economic segments in San Rafael. Within this total, the City shall also maintain a sufficient supply of land for multifamily housing to meet the quantified housing need of very low, low, and moderate-income housing units. Encourage development of residential uses in commercial areas where the vitality of the area will not be adversely affected, and the site or area will be enhanced by linking workers to jobs, and by providing shared use of the site or area.</p> <p>H-14a. Residential and Mixed-Use Sites Inventory. Encourage residential development in areas appropriate and feasible for new housing. These areas are identified in Appendix B, Housing Element Background, Summary of Potential Housing Sites (available for view on the City’s website). Explore effective ways to share housing site information and developer and financing information to encourage development of underutilized institutional land. The City has employed different strategies to find the most effective way to deliver information about development. It is an ongoing and evolving process that has included practices such as preparing fact sheets for sites with multiple inquiries.</p> <p>H-14b. Efficient Use of Multifamily Housing Sites. Do not approve residential-only development below minimum designated General Plan densities unless physical or environmental constraints preclude its achievement. Residential-only projects should be approved at the mid- to high-range of the zoning density. If development on a site is to occur over time the applicant must show that the proposed development does not prevent subsequent development of the site to its minimum density and provide guarantees that the remaining phases will, in fact, be developed.</p>	<p><i>Consistent</i></p> <p>See H-1 discussion above. The larger (723 Third St./898 Lincoln Ave.) of the two parcels within the project site is listed in the San Rafael General Plan 2020 (2015-2023 Housing Element; Appendix B – Background Report) as a “housing opportunity site” or as an underutilized mixed-use site with the potential to create a large number of affordable units. The project site is uniquely located in the Downtown, across from the SMART downtown station and in close proximity of the relocated Bettini Transit Center (whose future location has not been determined at this time). The project proposes high-density residential development on in-fill parcels which allows high-density residential as part of a mixed-use project. The project would result in the construction of 120 residential apartment units and a total of 12 BMR units, including nine (9) <u>required</u> BMR units (5 BMRs at the very low-income household level and 4 BMRs at the low-income household level) and three (3) additional <u>voluntary</u> BMR units at the moderate-income household level for a fixed 10-year period.</p>
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<p>H-14c. Continue to Implement Zoning Provisions to Encourage Mixed Use. San Rafael has been effective in integrating both vertical mixed use and higher density residential development within its Downtown. As a means of further encouraging mixed use in commercial areas outside the Downtown, General Plan 2020 now allows site development capacities to encompass the aggregate of the maximum residential density PLUS the maximum FAR for the site, thereby increasing development potential on mixed use sites. The City will continue to review development standards to facilitate mixed use, including:</p> <ul style="list-style-type: none"> a. Encourage adaptive reuse of vacant buildings and underutilized sites with residential and mixed use development on retail, office, and appropriate industrial sites b. Explore zoning regulation incentives to encourage lot consolidation where needed to facilitate housing. c. Review zoning requirements for retail in a mixed-use building or site and amend the zoning ordinance as necessary to allow for residential-only buildings in appropriate mixed-use zoning districts. 	
<p>H-15. Infill Near Transit. Encourage higher densities on sites adjacent to a transit hub, focusing on the Priority Development Area surrounding the San Rafael Transportation Center and future Downtown SMART station.</p> <p>H-15b. Downtown Station Area Plan. The coming of SMART rail service to Downtown San Rafael in 2016 is an opportunity to build on the work that the City has undertaken to revitalize the Downtown and to create a variety of transportation and housing options, economic stability, and vibrant community gathering places in the heart of San Rafael. General Plan 2020, adopted in 2004, allowed for higher residential densities and reduced residential parking standards to encourage housing</p>	<p><i>Consistent</i> See H-14 discussion above.</p>

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<p>development within the heart of Downtown that would support local businesses and allow people to live close to their place of work. The Downtown Station Area Plan, accepted by City Council in June 2012, establishes a series of implementing actions, the following of which specifically serve to facilitate higher density residential and mixed-use infill in the area.</p>									
<p>H-18. Inclusionary Housing. The City requires residential projects to provide a percentage of affordable units on site and/or pay in-lieu of fees for the development of affordable units in another location. The City’s program requires the units remain affordable for the longest feasible time, or at least 55 years. The City's primary intent is the construction of units on-site. The units should be of a similar mix and type to that of the development as a whole and dispersed throughout the development. If this is not practical or not permitted by law, the City will consider other alternatives of equal value, such as in-lieu fees, construction of units off-site, donation of a portion of the property for future non-profit housing development, etc. Allow for flexibility in providing affordable units as long as the intent of this policy is met. Specific requirements are:</p> <table border="0"> <tr> <td>Project Size</td> <td>% Affordable Units Req'd</td> </tr> <tr> <td>2 – 10 Housing Units*</td> <td>10%</td> </tr> <tr> <td>11 – 20 Housing Units</td> <td>15%</td> </tr> <tr> <td>21+ Housing Units</td> <td>20%</td> </tr> </table> <p>* Exemptions for smaller projects units may be provided for in the</p> <p>Rental Units. Provide, consistent with State law, a minimum of 50% of the BMR units affordable to very low-income households at below 50% of median income, with the remainder affordable to low income households at 50-80% of median income.</p> <p>Sale/Ownership Units. Provide a minimum of 50% of the</p>	Project Size	% Affordable Units Req'd	2 – 10 Housing Units*	10%	11 – 20 Housing Units	15%	21+ Housing Units	20%	<p><i>Consistent</i></p> <p>See H-1 discussion above. The project would exceed the City’s affordable housing requirement by providing a total of 12 BMR units where nine (9) BMR units are required. The project proposes nine (9) <u>required</u> BMR units (5 BMRs at the very low-income household level and 4 BMRs at the low-income household level) <u>plus</u> three (3) additional <u>voluntary</u> BMR units at the moderate-income household level for a fixed 10-year period.</p>
Project Size	% Affordable Units Req'd								
2 – 10 Housing Units*	10%								
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<p>BMR units affordable to low income households at 50-80% of median income, with the remainder affordable to moderate income households at 80-120% of median income.</p> <p>Calculation of In-lieu Fee. Continue to provide a calculation for in-lieu fees for affordable housing. For fractions of affordable units, if 0.5 or more of a unit, the developer shall construct the next higher whole number of affordable units, and if less than 0.5 of a unit, the developer shall provide an in-lieu fee.</p>	
<p>NEIGHBORHOODS ELEMENT</p>	
<p>NH-3. Housing Mix. Encourage a housing mix with a broad range of affordability, character, and sizes. In areas with a predominance of rental housing, encourage ownership units to increase the variety of housing types.</p>	<p><i>Consistent</i> See H-1 discussion above. The project proposes to develop 120 new apartment units in a wide variety of size configurations:</p> <ul style="list-style-type: none"> • 33, studio units, 342 – 539 sq. ft. in size. • 44, 1-bedroom units, 525 – 795 sq. ft. in size. • 43, 2-bedroom units, 520 – 1,068 sq. ft. in size.
<p>NH-15. Downtown Vision. Continue to implement Our Vision of Downtown San Rafael.</p>	<p><i>Consistent</i> See LU-12 discussion above. The proposed project is located should be consistent with as many of the applicable policies in the adopted <i>Our Vision of Downtown San Rafael; Second/Third Corridor Vision</i>, including:</p> <ul style="list-style-type: none"> • <i>Capitalize on the proximity to the freeway, Transportation Center and vitality of the Lindero District, in the area east of B Street with housing in mixed use projects with ground-floor retail uses to support the needs of the residents and surrounding office uses.</i> • <i>Make Second and Third Street more attractive and safer for pedestrians by: A) Planting for street trees; B) creating a visual buffer between pedestrians and the street; and C) Reducing the number of driveways which interrupt sidewalks.</i> • <i>Encourage safe and efficient auto transportation to and through the Downtown on Second and Third Streets and respect the needs of pedestrians. Second and Third Streets are the county access streets.</i> • <i>Vary building heights and densities, concentrating the most intense development towards the east, closest to the freeway and Transportation Center, including building heights of two to five stories</i>

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	<p align="center"><i>and higher densities east of B Street and heights of one to three stories and lower densities west of B Street.</i></p> <p>The project would be consistent with the applicable policies in the Downtown Vision by incorporating the following attributes: 1) providing multi-family housing in close proximity to the SMART train and Transit Center, 2) incorporating a mix of retail and housing in the Downtown core, 3) enhancing the pedestrian experience along Tamalpais Ave by widening the sidewalks and 4) providing a retail experience at the corner of Third St/Tamalpais Ave. Furthermore, the project would enhance the streetscape by adding new street trees and raised Corten steel planters along all three frontages to help create a pedestrian scale. Driveway widths have been reduced to the minimum (20') and the number of driveways servicing the project have been limited to one (1) on both the Tamalpais and Lincoln Ave frontages. While the proposed 6-story building height is greater than that encouraged for the site by the vision document, the project includes a request for height bonus as a concession under the State Density Bonus law.</p>
<p>NH-16. Economic Success. Substantially expand Downtown's economic success and increase opportunities for retail, office and residential development</p>	<p><i>Consistent</i> See H-1 and H-14 discussions above. The project proposes to construct a total of 120 new residential in the Downtown, adjacent to the SMART downtown station and in close proximity to the Bettini Transit Center (the exact location of which is unknown at this time). Future residents are anticipated to frequent existing and future businesses in the Downtown and help achieve the City's goal of 'alive-after-five' by activating the Downtown in the evenings and on weekends.</p>
<p>NH-17. Competing Concerns. In reviewing and making decisions on projects, there are competing economic, housing, environmental and design concerns that must be balanced. No one factor should dominate; however, economic and housing development are high priorities to the health of Downtown.</p>	<p><i>Consistent</i> See LU-8, H-1 and H-14 discussions above. The project proposes to construct a total of 120 new residential apartment units on the project site, 12 of which are proposed to be 'affordable' or BMR units. The project proposes a six-story scale and mass similar to that of the existing BioMarin campus located south of the project site. The project site is uniquely located in the Downtown, across from the SMART downtown station and in close proximity to the relocated Bettini Transit Center (whose exact location has not been determined at this time). Future residents are anticipated to frequent existing and future businesses in the Downtown and help achieve the City's goal of 'alive-after-five' by activating the Downtown in the evenings and on weekends.</p>
<p>NH-22. Housing Downtown. Create a popular and attractive residential environment that contributes to the activity and sense of community Downtown. This includes:</p> <ul style="list-style-type: none"> a. Preserving and upgrading existing units, b. Providing incentives to encourage new private sector construction of housing, particularly 	<p><i>Consistent</i> See LU-2, LU-8, H-14 and NH-16 discussions above. The project proposes to construct a total of 120 new residential apartment units within the Downtown, across from the SMART downtown station and in close proximity to the relocated Bettini Transit Center (whose exact location has not been determined at this time). By meeting the City's affordable housing requirement, the project is requesting a density bonus and two (2) concession/incentives under the State Density Bonus law. One of the requested concessions is for a height bonus to allow for the proposed 73' building height, where a maximum of 66' is allowed under the</p>

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<p>affordable housing, live/work units, and single room occupancy (SRO) units,</p> <p>c. Designing units that take advantage of Downtown's views, proximity to shopping and services, and transit, and</p> <p>d. Implementing zoning standards that reflect Downtown's urban character.</p>	<p>General Plan and Zoning Ordinance. The other requested concession is for a density bonus to allow the proposed 120 units where a maximum of 61 units is allowed under the General Plan, Zoning Ordinance and the minimum 35% State density bonus.</p>
<p>NH-25. Pedestrian Comfort and Safety. Make Downtown's street systems more comfortable and safer for pedestrians by:</p> <ul style="list-style-type: none"> • Balancing between the needs of pedestrians and the desire for efficient traffic flow, • Slowing traffic where necessary, • Providing two-way traffic where feasible, • Making pedestrian crossings direct and safe, • Establishing pedestrian environments unique to each District, • Improving and/or expanding sidewalks, street trees, landscaping and other sidewalk amenities, • Increasing visibility to storefronts and businesses, • Seeking innovative solutions and ideas. 	<p><i>Consistent</i></p> <p>See NH-15 discussions above. Tamalpais Ave. is identified as a 'gateway' to the Downtown with excellent visibility from all transportation modes (pedestrian, bicycle and transit) and the transit center. The project helps activate the Tamalpais Ave street front by providing a small (969 sq. ft.) ground-level commercial retail space at the corner of Tamalpais Ave. and Third St. The project helps create a more 'pedestrian street' by widening the sidewalk along Tamalpais Ave., minimizing driveway cuts to a single driveway with a 20' width and providing ample street tree pockets with grates and raised Corten steel planters.</p>
<p>NH-29. Downtown Design. New and remodeled buildings must contribute to Downtown's hometown feel. Design elements that enhance Downtown's identity and complement the existing attractive environment are encouraged and may be required for locations with high visibility or for compatibility with historic structures. Design considerations include:</p> <ul style="list-style-type: none"> • Varied and distinctive building designs, • Sensitive treatment of historic resources, • Generous landscaping to accent buildings, • Appropriate materials and construction, and • Site design and streetscape continuity. <p>NH-29a. Implement Downtown Design Guidelines.</p>	<p><i>Consistent</i></p> <p>See H-2 discussions above. The project site is located within the "Second/Third Corridor and Environs" of Downtown where the following San Rafael Downtown Design Guidelines apply:</p> <p><i>Second and Third Streets are to be attractive, landscaped major transportation corridors. While increased pedestrian safety and comfort is desired on Second and Third, greater pedestrian use of the cross streets is encouraged. The project site is located within the boundaries of the Second/Third and Environs area of the Downtown, where the following specific design guidelines apply:</i></p> <ul style="list-style-type: none"> • <i>To provide visual interest, long and monotonous walls should be avoided.</i> • <i>Building walls should be articulated;</i> • <i>To create a boulevard effect along Second and Third Streets, varied landscape setbacks are appropriate;</i> • <i>Additional high-canopy, traffic-tolerant street trees are strongly encouraged;</i> • <i>Where possible, residential buildings in this area should orient to the more pedestrian-friendly</i>

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<p>Implement the Downtown Design Guidelines through the design review process.</p>	<p align="center"><i>side street; and</i></p> <ul style="list-style-type: none"> • <i>Driveway cuts and widths should be minimized to prevent vehicular conflicts.</i> <p>The project proposes a contemporary design, similar to the nearby BioMarin campus buildings, though with unique façade treatments (brick with Corten steel planters at the ground level and a mixture of stucco and vertical and horizontal fiber cement board siding at the upper levels), greater articulation, stepping back the upper stories and a more ‘residential’ window proportion. The proposed 6-story scale was reviewed by both the Board and the Planning Commission during Conceptual Design Review and supported. The project design has been revised to provide equal, high-quality design attention to all four building elevations, including the rear elevation which is shared with 770 Second St. Better vertical and horizontal articulation and setbacks of the upper stories have been incorporate in the revised project design. In addition, previously proposed upper-story projections or encroachments over the sidewalk have been eliminated. Extensive landscaping in the form of street trees and Corten steel raise planter along all three street fronts is proposed to help create a pedestrian scale. The project proposes to orient pedestrian activity through the lobby area both through the main entry on Third St and at the northwest corner of Third St./Lincoln Ave. At their subsequent study session on the revised project, the Planning Commission more specifically indicated their support for the proposed height bonuses if greater affordability could be provided. In response to the Planning Commission’s request, the current project proposes a total of 12 affordable or BMR units. This proposed affordability includes 9 BMR units (5 BMR units at the very low-income household level and 4 BMR units at the low-income household level) <u>required</u> by State Density Bonus law <u>plus</u> and an additional three (3) BMR units <u>voluntarily</u> provided at the moderate -income household levels for a fixed 10-year period.</p>
<p>NH-30. Pedestrian Environments. Enhance Downtown’s streets by establishing pedestrian environments appropriate to each District. These environments could include the following:</p> <ul style="list-style-type: none"> • Well-designed window displays and views into retail stores, • Outdoor businesses and street vendors, • Signs that are easy for pedestrians to see and read, • Sun-filled outdoor courtyards, plazas and seating areas, • Attractive street furniture and lighting, • Information kiosks and public art. 	<p><i>Consistent</i> See NH-25 discussion above.</p>
<p>NH-31. Ground Floor Designed for Pedestrians. Ensure that all buildings, regardless of height, are comfortable for</p>	<p><i>Consistent</i> See NH-15 and NH-29 discussions above. The project proposes to help create a pedestrian scale through</p>

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<p>people at the street level. This includes:</p> <ul style="list-style-type: none"> • Relating wall and window heights to the height of people, • Use of architectural elements to create visual interest, • Adding landscaping and insets and alcoves for pedestrian interest, and, • Stepping upper stories back as building height increases. 	<p>the following design measures:</p> <ul style="list-style-type: none"> • The project proposes to provide a small (969 sq. ft.) ground-level commercial retail space at the corner of Tamalpais Ave. and Third St. with entrances along both street fronts; • The project proposes a recessed main lobby entrance along the Third St. frontage; • The project proposes large storefront windows along all three frontages; • The project proposes to minimize driveway cuts to a single 20'-wide driveway along both Tamalpais and Lincoln Ave. frontages; • The project proposes extensive ground-level landscaping in the form of street trees and Corten steel raise planter along all three street fronts; and • The project proposes a 'base, middle and top' design strategy, with a brick podium level, stucco mid-levels which are articulated and recessed, and a combination of stucco and fiber-cement siding boards (oriented horizontal and vertical) upper-floors which have greater articulation and further setbacks.
<p>NH-37. Hetherton Office District Design Considerations.</p> <p>c. Hetherton Design. Encourage projects of high quality and varied design with landmark features that enhance the District's gateway image. Examples include:</p> <ul style="list-style-type: none"> • Building design emphasizing the gateway character and complementing the district's transitional treatment by incorporating accent elements, public art and other feature items, • Upper stories stepped back, • Ground floor areas have a pedestrian scale, • Retail uses opening onto public areas, • Useable outdoor spaces, courtyards and arcades that are landscaped, in sunny locations and protected from freeway noise. <p>e. Height. Building heights of three to five stories are allowed west of the rail transitway, and typically up to three stories east of the rail transitway.</p>	<p><i>Consistent</i></p> <p>See NH-15, NH-29 and NH-31 discussions above. Tamalpais Ave. is identified as a 'gateway' to the Downtown with excellent visibility from all transportation modes (pedestrian, bicycle and transit) and the transit center. The project activates the Tamalpais Ave street front by providing a small (969 sq. ft.) ground-level commercial retail space at the corner of Tamalpais Ave. and Third St. The project supports Tamalpais Ave. as a 'pedestrian street' by minimizing driveway cuts to a single driveway with a 20' width and providing ample street tree pockets with grates. Larger and taller buildings, like the project, are anticipated along the Second and Third St. corridors to create a 'boulevard' setting. A 'base, middle and top' design strategy, similar to the project design, is encouraged though not required. The height and bulk of the project is mitigated by stepbacks, articulation and use of varied exterior materials.</p> <p>While the proposed 6-story building height is greater than that which is encouraged for the site by Hetherton Design Guidelines, the project includes a request for height bonus as a concession under the State Density Bonus law. The applicant has submitted a financial pro forma in support of the proposed height concession which has been reviewed by the City's 3rd party economic consultant who confirms the financial pro forma provides verified economic data that suggests the proposed 6-story/73' building height is needed to make the project financially feasible.</p> <p>The project proposes 12,555 sq. ft. of landscaped common outdoor space, including 4,528 sq. ft. of landscaped area on the podium (2nd floor)-level between a central courtyard and common outdoor deck areas along the front (Third St. elevation) and rear (adjacent to the paint store located at 770 Second St.) building elevations and a 5,317 sq. ft. landscaped rooftop amenities area,</p>

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COMMUNITY DESIGN ELEMENT	
<p>CD-1. City Image. Reinforce the City’s positive and distinctive image by recognizing the natural features of the City, protecting historic resources, and by strengthening the positive qualities of the City’s focal points, gateways, corridors and neighborhoods.</p> <p>CD-1d. Landscape Improvement. Recognize that landscaping is a critical design component. Encourage maximum use of available landscape area to create visual interest and foster sense of the natural environment in new and existing developments. Encourage the use of a variety of site appropriate plant materials.</p>	<p><i>Consistent</i></p> <p>See NH-37 discussion above. The project proposes 12,555 sq. ft. (46%) of site landscaping, where a minimum 10% (2,737 sq. ft.) is required. New street trees are proposed along all three building frontages on the ground-floor. A combined 4,528 sq. ft. of landscaped area is proposed on the podium (2nd floor)-level between a central courtyard and common outdoor deck areas along the front (Third St. elevation) and rear (adjacent to the paint store located at 770 Second St.) building elevations. A landscaped rooftop amenities area, 5,317 sq. ft. in size, is also proposed. In addition, the project proposes raised Corten steel planters along the ground-floor of the Third St. frontage. On May 7, 2019, the Board reviewed the formal project for site and building design and unanimously (4-0-2 vote; <i>Planning Commission Liaison Davidson</i>) recommended approval of the site and building design with enhanced “Gateway Corner” (Third St. and Tamalpais Ave.) façade treatments (unique materials and colors), including the proposed site landscaping.</p>
<p>CD-2. Neighborhood Identity. Recognize and promote the unique character and integrity of the city’s residential neighborhoods and Downtown. Strengthen the "hometown" image of San Rafael by:</p> <ul style="list-style-type: none"> • Maintaining the urban, historic, and pedestrian character of the Downtown; • Preserving and enhancing the scale and landscaped character of the City’s residential neighborhoods; • Improving the appearance and function of commercial areas; and • Allowing limited commercial uses in residential neighborhoods that serve local residents and create neighborhood-gathering places. 	<p><i>Consistent</i></p> <p>See CD-1, NH-15 and NH-31 discussions above.</p>
<p>CD-3. Neighborhoods. Recognize, preserve and enhance the positive qualities that give neighborhoods their unique identities, while also allowing flexibility for innovative design. Develop programs to encourage and respect the context and scale of existing neighborhoods.</p>	<p><i>Consistent</i></p> <p>See CD-1, NH-15 and NH-31 discussions above.</p>
<p>CD-5. Views. Respect and enhance to the greatest extent</p>	<p><i>Consistent</i></p>

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<p>possible, views of the Bay and its islands, Bay wetlands, St. Raphael’s church bell tower, Canalfront, marinas, Mt. Tamalpais, Marin Civic Center and hills and ridgelines from public streets, parks and publicly accessible pathways.</p>	<p>Photo simulations were created by the applicant and submitted within the project plans, which indicate minor view impacts of the surrounding hillsides west and north of the project site. These potential view impacts would be similar to those resulting from development of the adjacent BioMarin campus.</p>
<p>CD-7. Downtown and Marin Civic Center. Build upon the character of these areas by controlling land uses to clearly distinguish their boundaries; by recognizing Mission San Rafael Arcangel and St. Raphael Church, Marin Civic Center, and other buildings that help define the City’s character, and requiring that these and other architectural characteristics and land uses that give these areas their identity are strengthened.</p>	<p><i>Consistent</i> See CD-5 discussion above. The project would create limited view impacts of the Puerto Suello Hill, located north of the project site, and the hillside above Gerstle Park, located west of the project site, from viewsheds along westbound Third St, eastbound and westbound Second St., northbound Tamalpais Ave., northbound Lincoln Ave. and southbound U.S. Highway 101.</p>
<p>CD-8. Gateways. Provide and maintain distinctive gateways to identify City entryways.</p>	<p><i>Consistent</i> See NH-15, NH-31 and NH-37 discussions above. Tamalpais Ave. is identified as a ‘gateway’ to the Downtown with excellent visibility from all transportation modes (pedestrian, bicycle and transit). The project proposes to help create a pedestrian scale through a variety of design measures, including ground-level landscaping, storefront windows and a neighborhood-serving commercial space, wide sidewalks, reduced driveway widths, and a ‘base, middle and top’ architecture, with a brick façade on the ground-level which is distinct from the stucco mid-levels and the combination of stucco and fiber-cement siding boards (oriented horizontal and vertical) upper-floors.</p>
<p>CD-9. Transportation Corridors. Provide and maintain distinctive gateways to identify City entryways.</p>	<p><i>Consistent</i> See CD-8 discussion above.</p>
<p>CD-11. Multifamily Design Guidelines. Recognize, preserve and enhance the design elements that ensure multifamily housing is visually and functionally compatible with other buildings in the neighborhood. Develop design guidelines to. ensure that new development fits within and improves the character defining elements of neighborhoods.</p>	<p><i>Consistent</i> See H-2 and NH-29 discussions above. The project proposes a bulk and mass similar to the adjacent BioMarin campus located south of the project site. While the BioMarin campus buildings and structures are 3-4 stories, they are 54 – 76 ft. in height. Of the seven (7) buildings and structures currently existing within the BioMarin campus, three (3) are taller than the proposed height of the project (73’).</p>
<p>CD-14. Recreational Areas. In multifamily development,</p>	<p><i>Consistent</i></p>

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<p>require private outdoor areas and on-site common spaces for low and medium densities. In high density and mixed-use development, private and/or common outdoor spaces are encouraged. Common spaces may include recreation facilities, gathering spaces, and site amenities such as picnicking and play areas.</p>	<p>Useable outdoor area is encouraged, though not required, in residential development as part of a mixed-use project. The project proposes 2,738 combined sq. ft. of private balconies to select residential units on the upper floors (floor 2 through 6). The project also proposes 4,353 combined sq. ft. of common outdoor area on the podium (2nd floor) level, within a central landscaped courtyard and along the front and rear elevations. The project proposes an additional 5,317 sq. ft. of common outdoor area through a landscaped roof deck. Overall, the project proposes 12,408 sq. ft. of private and common outdoor recreational area or an average of 103.4 sq. ft. of recreational area per unit.</p>
<p>CD-15. Participation in Project Review. Provide for public involvement in the review of new development, renovations, and public projects with the following</p> <ul style="list-style-type: none"> • Design guidelines and other information relevant to the project as described in the Community Design Element that would be used by residents, designers, project developers, City staff, and City decision makers; • Distribution of the procedures of the development process that include the following: submittal information, timelines for public review, and public notice requirements; • Standardized thresholds that state when design review of projects is required (e.g. residential conversions, second-story additions); and • Effective public participation in the review process. 	<p><i>Consistent</i></p> <p>The proposed project has provided for effective citizen participation in decision-making, given that; the City has provided opportunities for public involvement in the review of the project through the referral of the application to the appropriate neighborhood groups (Downtown BID, Federation of San Rafael Neighborhoods, Gerstle Park Neighborhood Assoc., Lincoln-San Rafael Hill Neighborhood Assoc., Bret Harte Community Assoc., Montecito Area Residents Assoc.) and the notice and meeting/hearing of the prior conceptual review by the Board, the Planning Commission study session, the Board’s recent (May 7, 2019) review of the formal project design and this Planning Commission hearing on the formal project submittal in compliance with Chapter 29 of the Zoning Ordinance (<i>Public Notice</i>). Notice of all hearing were mailed to all property owners and occupants within a 300-foot radius of the site, and the appropriate neighborhood groups, a minimum of 15 calendar days prior to the meetings or hearing, and notice was posted on the project site, along all three (3) frontages (Third St, Lincoln Ave. and Tamalpais Ave.), a minimum of 15 calendar days prior to the meeting or hearing. Public comments received by staff on the project are evenly mixed; some in support of the project proposing downtown housing and others in opposition to the project design, bulk/mass, height, and perceived parking and traffic impacts. Public comments received <u>through</u> the conceptual review, during the previous proposed design, are attached as Exhibit 8. Public comments received on the project, <u>since</u> formal project review, with a revised improved design, are attached as Exhibit 9.</p>
<p>CD-18. Landscaping. Recognize the unique contribution provided by landscaping and make it a significant component of all site design.</p>	<p><i>Consistent</i></p> <p>See CD-1 and CD-14 discussions above.</p>
<p>CD-19. Lighting. Allow adequate site lighting for safety purposes while controlling excessive light spillover and glare.</p>	<p><i>Consistent with Conditions</i></p> <p>The project proposes exterior lighting along all three (3) street fronts. LED sconce-type light fixtures are proposed to provide accent lighting for brick pillars at ground level along all three street frontages. Cut sheets for the light fixtures indicate these would use a 10-watt / 3,000 kelvin light source which would create a ‘warm’ light appearance. The light fixtures are proposed to be bronze finished with vertical slats which would match the perforated vertical slat design of the balcony railing and sunshade detailing. A</p>

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	condition of approval would be included establishing a 90-day lighting review period at final inspection/occupancy where adjustments in lighting may be required by staff to reduce off-site glare, if necessary.
CIRCULATION ELEMENT	
<p>C-5. Traffic Level of Service Standards. a. Intersection LOS. In order to ensure an effective roadway network, maintain adequate traffic levels of service (LOS) consistent with standards for signalized intersections in the A.M. and P.M. peak hours as shown below, except as provided for under (B) Arterial LOS.</p>	<p><i>Consistent with conditions</i> The City’s Traffic Engineer has reviewed the project and evaluated its traffic impacts against the City’s level of service standards. A Transportation Impact Analysis report (Fehr & Peers Transportation Consultants, revision dated January 14, 2019) originally submitted for the project was revised to expand the study area and to modify the methodology used in the analysis. The results of the updated trip generation indicate that, based on traffic counts of existing land use trips, and with deductions applied for ‘walk, bike and transit’ trips due to the site’s proximity to the Downtown, the SMART station and the transit center, the project would result in 33 net new AM peak hour trips (7- 9am weekdays) and 26 PM net new peak hour trips (4-6pm weekdays). The Transportation Impact Analysis report indicates surrounding intersections and arterials would continue to operate (existing plus project volumes) acceptably per the City’s LOS (Level of Service) standards in the General Plan. The results of the Transportation Impact Analysis report have been confirmed by the City’s Traffic Engineer. Staff finds the proposed density (120 units) would result in negligible traffic impacts which are off-set by the payment of traffic mitigation fees on the 59 new peak hour trips anticipated to result from the project, which would be a condition of approval. The payment of traffic mitigation fees would be a condition of approval and are intended to help fund the project’s fair share of local circulation improvement projects by the City.</p>

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<p>C-7. Circulation Improvement Funding. Take a strong advocacy role in securing funding for planned circulation improvements. Continue to seek comprehensive funding that includes Federal, State, County, and Redevelopment funding, Local Traffic Mitigation Fees, and Assessment Districts. The local development projects’ share of responsibility to fund improvements is based on:</p> <p>C-7a. Traffic Mitigation Fees. Continue to implement and periodically update the City’s Traffic Mitigation Program.</p> <p>C-7b. Circulation Improvements. Seek funding for and construct circulation improvements needed for safety, to improve circulation, or to maintain traffic level of service.</p>	<p><i>Consistent with conditions</i> See C-5 discussion above.</p>
<p>CD-26. Bicycle Plan Implementation. Make bicycling and walking an integral part of daily life in San Rafael by implementing the San Rafael’s Bicycle and Pedestrian Master Plan.</p>	<p><i>Consistent</i> The City’s Traffic Engineer reviewed the project for compliance with the goals and programs identified in the City’s 2018 Bicycle and Pedestrian Master Plan Update 2018. The Tamalpais Avenue Feasibility Study is currently ongoing with the goal to convert West Tamalpais Ave. into a one-way street in the southbound direction; create a Class IV protected bikeway between West Tamalpais and SMART right-of-way; create improved bicycle and pedestrian crossings at intersections and connection to the existing Class I multi-use path to Hetherton St. Alternatively, a continuation of the Class I multi-use path is being considered as part of the SF Bay Trail alignment.</p>
<p>CD-27. Pedestrian Plan Implementation. Promote walking as the transportation mode of choice for short trips by implementing the pedestrian element of the City’s Bicycle and Pedestrian Master Plan. In addition to policies and programs outlined in the Bicycle and Pedestrian Plan, provide support for the following programs.</p>	<p><i>Consistent</i> See C-26 discussion above.</p>
<p>INFRASTRUCTURE ELEMENT</p>	
<p>I-2. Adequacy of City Infrastructure and Services. Assure that development can be adequately served by the</p>	<p><i>Consistent</i> All service providers, including PG&E, Marin Sanitary Service, Marin Municipal Water District, San</p>

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<p>City’s infrastructure and that new facilities are well planned and well designed.</p>	<p>Rafael Sanitation District, Central Marin Sanitation Agency, and the City Engineer, have review the project and indicated that adequate infrastructure capacity exists for the project.</p>
<p>SUSTAINABILITY ELEMENT</p>	
<p>SU-5. Reduce Use of Non-renewable Resources Reduce dependency on non-renewable resources.</p> <hr style="width: 10%; margin-left: 0;"/> <p>SU-5d Water Efficiency Programs. Develop and implement water efficiency and conservation programs to achieve a 30% reduction in water use by 2020, including water efficient landscape regulations, PACE financing, water audits, upgrades upon resale, education and outreach. Make available to property managers, designers and homeowners’ information about water-conserving landscaping and water-recycling methods and resources.</p>	<p><i>Consistent</i></p> <p>The project is subject to a condition requiring compliance with the most recent water conservation ordinance adopted by Marin Municipal Water District (MMWD). Prior the building permit issuance, MMWD is required to review and approve the proposed landscape and irrigation plans and provide the applicant with a letter of approval or an approved-stamped plan set either of which shall be submitted with the building permit.</p>
<p>SU-7. New and Existing Trees. Plant new and retain existing trees to maximize energy conservation and carbon sequestration benefits.</p>	<p><i>Consistent</i></p> <p>The landscape plan for the project proposes new street trees and grates along all three (3) frontages. In addition, new trees are proposed within common areas for the central courtyard on the podium (2nd floor) level and on the roof deck. The landscape plan provides no details on the specific trees along the street or within these common areas of the project site. Eight (8) existing street trees (3 along the Tamalpais Ave. frontage, 1 along the Third St. frontage and 4 along he Lincoln Ave. frontage) and four (4) existing trees within the project site are proposed to be removed.</p>
<p>CULTURE AND ARTS ELEMENT</p>	
<p>CA-15. Protection of Archaeological Resources. Recognize the importance of protecting significant archaeological resources by:</p> <ul style="list-style-type: none"> • Identifying, when possible, archaeological resources and potential impacts on such resources. 	<p><i>Consistent with conditions</i></p> <p>The project site is identified as having a “medium” archaeological sensitivity rating, pursuant to the City’s adoptive City of San Rafael Archaeological Sensitivity map. City Council Ordinance No. 1772 and Resolution No. 10980 prescribes referral of the project to the Northwest Information Center at Sonoma State University (NWIC) for review. NWIC concluded that, while finding no record of cultural resource study on the project site, the possibility of unrecorded cultural resources exists. NWIC recommends that,</p>

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<ul style="list-style-type: none"> • Providing information and direction to property owners in order to make them aware of these resources. • Implementing measures to preserve and protect archaeological resources. <p>CA-15a. Archeological Resources Ordinance. Continue to implement the existing Archeological Resources Ordinance.</p>	<p>prior to demolition or other ground disturbance, a qualified archaeologist conduct further archival research and field study to identify archaeological resources, including a good faith effort to identify archaeological deposits that may show no indication on the surface. This recommendation has been incorporated as a condition of approval.</p>
<p>PARK AND RECREATION ELEMENT</p>	
<p>PR-10. Onsite Recreation Facilities. Require onsite recreation facilities in new multifamily residential projects and encourage construction of onsite recreation facilities in existing multifamily residential projects, where appropriate.</p>	<p><i>Consistent</i> See CD-14 discussion above. In addition to the common recreational areas proposed by the project on the podium (2nd floor) level and roof deck, the project plans propose both a 593 sq. ft. community room and a 279 sq. ft. gym on the podium level.</p>
<p>PR-24. Contributions by Rental Residential Development. Explore the feasibility of requiring contributions from rental residential development towards park improvements.</p> <p>PR-24a. Rental Residential Contributions. Evaluate the feasibility of adopting an ordinance to require developers of apartments to contribute to park improvements.</p>	<p><i>Consistent</i> Currently, only projects proposing new ownership or condominium units are required to pay Parkland Dedication Fees (currently \$1,967.98 per unit). Currently, no ordinance has been adopted requiring development of rental or apartment units to pay impact fees for new parks or park improvements.</p>
<p>SAFETY ELEMENT</p>	
<p>S-1. Location of Future Development. Permit development only in those areas where potential danger to the health, safety and welfare of the residents of the community can be adequately mitigated.</p>	<p><i>Consistent</i> Geoseismic analysis have been evaluated through the City’s Geotechnical Review process and found that the project would not pose potential danger to the health, safety and welfare of the community.</p>
<p>S-4. Geotechnical Review. Continue to require geotechnical investigations for development proposals as</p>	<p><i>Consistent</i> A Geotechnical Investigation Report was prepared and submitted with the project application. After review</p>

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<p>set forth in the City's Geotechnical Review Matrix (Appendix F). Such studies should determine the actual extent of geotechnical hazards, optimum design for structures, the advisability of special structural requirements, and the feasibility and desirability of a proposed facility in a specified location.</p>	<p>by the City Engineer and Chief Building Official, it was found to meet the requirements set forth in the Geotechnical Review Matrix and consistent with the City's safety policies and standard engineering practices.</p>
<p>S-6. Seismic Safety of New Buildings. Design and construct all new buildings to resist stresses produced by earthquakes. The minimum level of seismic design shall be in accordance with the most recently adopted building code as required by State law.</p>	<p><i>Consistent with conditions</i> The project would entail all new construction and would be constructed in accordance with the most current building and seismic codes as required by the City's Municipal Code.</p>
<p>S-17. Flood Protection of New Development. Design new development within the bay mud areas to minimum floor elevation that provides protection from potential impacts of flooding during the "100-year" flood. The final floor elevation (elevation of the first floor at completion of construction) shall account for the ultimate settlement of the site due to consolidation of the bay mud from existing and new loads, taking into account soils conditions and the type of structure proposed. Design for settlement over a 50-year period is typically considered sufficient.</p>	<p><i>Consistent</i> The site is currently located in FEMA Zone AH, a 100-year flood zone area. The Public Works Department recommends the project provide a flood elevation of 12'. By meeting the affordable housing requirement (20% or 9 BMR units), the project requests two (2) concessions under the State Density Bonus law. One of the requested concessions is for a 7' height bonus above the maximum 66' allowed by the Zoning Ordinance (54' base height plus and additional 12' height bonus for meeting the affordable housing requirement). This request for additional height bonus under the State Density Bonus law is based, partially, on meeting the FEMA flood elevation requirements (Other justifications for the height bonus request include raising the garage plate height 3.5', from 18.5' to 22', to accommodate the mechanical parking lift system and to increase the plate height of each residential floor one-half foot (½'), from 9' to 9.5', resulting in another 2.5' increase in the overall height).</p>
<p>S-25. Regional Water Quality Control Board (RWQCB) Requirements. Continue to work through the Marin County Stormwater Pollution Prevention Program (MCSTPPP) to implement appropriate Watershed Management plans as dictated in the RWQCB general National Pollutant Discharge Elimination System permit for Marin County and the local stormwater plan.</p>	<p><i>Consistent with conditions</i> The City Engineer has reviewed the proposed project, including Stormwater Control Plan, and determined it preliminarily implements the Stormwater Pollution Prevention Program standards and regulations. As designed, the proposed project includes measures likely to reduce stormwater run-off consistent with the standards established by the RWQCB.</p>
<p>S-32. Safety Review of Development Projects. Require crime prevention and fire prevention techniques in new development, including adequate access for emergency vehicles.</p>	<p><i>Consistent</i> The San Rafael Fire Department, Fire Prevention Bureau, and the San Rafael Police Department have both reviewed the project plans and recommended modifications to improve fire prevention and safe design which would not affect the current project design being reviewed by the Commission though would</p>

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	become conditions of approval.
NOISE ELEMENT	
<p>N-1. Noise Impacts on New Development. Protect people in new development from excessive noise by applying noise standards in land use decisions. Apply the Land Use Compatibility Standards (see Exhibit 31) to the siting of new uses in existing noise environments. These standards identify the acceptability of a project based on noise exposure. If a project exceeds the standards in Exhibit 31, an acoustical analysis shall be required to identify noise impacts and potential noise mitigations. Mitigation should include the research and use of state-of-the-art abating materials and technology.</p> <p>N-1a. Acoustical Studies. Require acoustical studies for all new residential projects within the projected Ldn 60 dB noise contours (see Exhibit 31) so that noise mitigation measures can be incorporated into project design. Acoustical studies shall identify noise sources and contain a discussion of the existing and future noise exposure and the mitigation measures that may be used to achieve the appropriate outdoor and indoor noise standards.</p>	<p><i>Consistent with conditions</i></p> <p>A Noise Study (RGD Acoustics; dated May 25, 2018) was prepared for the project and determined the noise impacts to the project would be ‘conditional acceptable’ and recommended the following noise reduction and insulation features be included in the project design: 1) The proposed solid 4’-tall parapet sound wall increase in height to 6’ around the roof deck; 2) sound-rated windows and specifically constructed exterior wall assemblies will be required at the time of building permit submittal (i.e., most windows will require an STC (Sound Transmission Class) 36 rating, some corner units will require windows with higher ratings, balcony doors will need to be sound-rated, and some wall assemblies with siding will require additional layers of gypsum); 3) All construction equipment shall operate with maintained mufflers and other state required noise attenuation devices; 4) Property owners and occupants within a 250 ft. radius of the project site shall receive notice 15 days prior commencement of construction of each phase, regarding the construction schedule of the project, subject to review and approval by Planning staff. These notices shall indicate dates and duration of construction activities and provide a contact name and telephone number to inquire about the construction schedule and register complaints;5) The project shall designate a Noise Disturbance Coordinator (NDC) to be present on-site during all grading and construction activities, who name and contact details shall be included in all notices. The NDC shall be responsible for responding to all complaints about grading and construction noise. When a compliant is received, the NDC shall notify Planning staff within 24-hours of the complaint, determine the cause of the complaint and implement reasonable measures to resolve the complaint, as deemed acceptable by Planning staff. In addition, the name and contact information of the NDC shall be posted on the site and legible from a distance of 50 ft.; 6) Noise reduction methods shall be utilized during all grading and construction activities where feasible, including shutting off idling equipment, installing temporary acoustic barriers around stationary construction noise sources, maximizing the distance between construction equipment staging areas and occupied residential areas, and electric air compressors and similar power tools; 7) Grading and construction haul truck routes shall be designated to avoid sensitive receptors, such as residences and convalescent homes, to the greatest extent feasible; and 8) During construction activities, stationary construction equipment shall be located such that emitted noise is directed away from sensitive receptors. These recommendations by the Noise Study will be incorporated as conditions of approval.</p>
<p>N-5. Traffic Noise from New Development. Minimize noise impacts of increased off-site traffic caused by new development. Where the exterior L_{dn} is 65 dB or greater at</p>	<p><i>Consistent</i></p> <p>Due to the location of the project site in the Downtown, adjacent to the SMART downtown station and in close proximity to the relocated Bettini Transit Center (whose exact location has not been determined at</p>

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

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

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

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	<p>By meeting the City’s affordable housing requirement, the project is allowed an automatic height bonus of 12’, increasing the maximum height to 66’ on the project site (54’ + 12’). The second of the two concessions requested by the project under the State Density Bonus law is an additional 7’ height bonus, which increases the building height to a maximum 73’ from finished grade to the top of the roof. The documentation within the submitted financial pro forma also identifies that the additional 7’ height bonus is required to make the project financially feasible. The City’s economist consultant has again concluded the requested additional 7’ height bonus is necessary to make the project financially feasible.</p> <p>The project also requests a waiver of the front setback requirement along the Third St. frontage under the State Density Bonus law. The documentation within the submitted financial pro forma also identifies that the waiver of the front setback is required to make the project financially feasible. The City’s economist consultant has again concluded the requested setback waiver is necessary to make the project financially feasible.</p> <p>The project proposes 12,555 sq. ft. (46%) of site landscaping, where a minimum 10% (2,737 sq. ft.) is required. New street trees are proposed along all three building frontages on the ground-floor. A combined 4,528 sq. ft. of landscaped area is proposed on the podium (2nd floor)-level between a central courtyard and common outdoor deck areas along the front (Third St. elevation) and rear (adjacent to the paint store located at 770 Second St.) building elevations. A landscaped rooftop amenities area, 5,317 sq. ft. in size, is also proposed. In addition, the project proposes raised Corten steel planters along the ground-floor of the Third St. frontage. Details on specific landscaping species are not provided at this time.</p> <p>The project proposes 969 sq. ft. of ground-level commercial space located at the northeast corner of the project site, at the corner of Third St and Tamalpais Ave. This represents 0.035 FAR where a maximum 1.5 FAR or 41,050.5 sq. ft. of nonresidential develop is allowed on the project site in addition to the residential density.</p> <p>Useable outdoor area is encouraged, though not required, in residential development as part of a mixed-use project. The project proposes 2,738 combined sq. ft. of private balconies to select residential units on the upper floors (floor 2 through 6). The project also proposes 4,353 combined sq. ft. of common outdoor area on the podium (2nd floor) level, within a central landscaped courtyard and along the front and rear elevations. The project proposes an additional 5,317 sq. ft. of common outdoor area through a landscaped roof deck.</p>
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	Overall, the project proposes 12,408 sq. ft. of private and common outdoor recreational area or an average of 103.4 sq. ft. of recreational area per unit.
CHAPTER 16 – SITE DEVELOPMENT STANDARDS	
<p>14.16.030 - Affordable Housing Requirement. Any new residential and mixed-use development projects with 21 or more housing units shall provide a minimum 20% ‘affordability’. Residential ‘ownership’ projects shall provide a minimum 50% of the required affordable units at the <u>low-income</u> household level and the remainder at the <u>moderate-income</u> household levels. By meeting specific affordability requirements at the low-income household level, a project is eligible for a State Density bonus of up to 35% and three (3) concessions.</p>	<p><i>Consistent</i> Under both the City’s General Plan (Land Use Policy LU-23; <i>Land Use Map and Categories</i>) and Zoning Ordinance (Sections 14.05.032; <i>Property Development Standards; 2/3 MUE District</i>), the maximum allowable density on the site is 45 units, based on the 27,367 sq. ft. of combined lot area between the two adjacent parcels within the project site. Both the City’s General Plan (Housing Policy H-19; <i>Inclusionary Housing Requirement</i>) and Zoning Ordinance (Section 14.16.030; <i>Affordable Housing Requirement</i>) further require that housing projects, which propose more than 20 new units, provide 20% of the total units at ‘below market rates’ (BMR units). Based on the 20% “affordability” requirement, the project would be required to provide nine (9) BMR units. For ‘rental’ units, a minimum of 50% of the required BMR units shall be made affordable to <i>very low-income</i> households at <50% of the median County income, with the remainder affordable to <i>low-income</i> households equal to 51-80% of the median County income level.</p> <p>At the request of the Planning Commission during the study session to provide more affordability to off-set the proposed additional density, the project has voluntarily increased the proposed affordability, from nine (9) <u>required</u> BMR units (5 units at very low-income household levels and 4 units at low-income household levels) to 12 BMR units (5 units at very low-income household levels and 4 units at low-income household levels <u>plus</u> 3 BMR units at the moderate-income household levels for a fixed 10-year term). By meeting the minimum affordable housing requirement, the project is eligible to request a density bonus of up to a maximum of 35%, or 16 additional market-rate units, and up to two (2) concessions/incentives under the State Density Bonus law. The project is requesting two (2) concessions, an additional density bonus and a height bonus beyond the height bonus allowed under the Zoning Ordinance. In addition, the project requests a front setback (5’) waiver under the State Density Bonus law.</p>

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

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<p>department, and community development department:</p> <ul style="list-style-type: none"> A. Glossy finishes and reflective glass such as glazed or mirrored surfaces are discouraged and prohibited where it would create an adverse impact on pedestrian or automotive traffic or on adjacent structures; particularly within the downtown environs and in commercial, industrial and hillside areas. B. Lighting fixtures shall be appropriately designed and/or shielded to conceal light sources from view off-site and avoid spillover onto adjacent properties. C. The foot-candle intensity of lighting should be the minimum amount necessary to provide a sense of security at building entryways, walkways and parking lots. In general terms, acceptable lighting levels would provide one (1) foot-candle ground level overlap at doorways, one-half (½) foot-candle overlap at walkways and parking lots, and fall below one (1) foot-candle at the property line. D. Lighting shall be reviewed for compatibility with on-site and off-site light sources. This shall include review of lighting intensity, overlap and type of illumination (e.g., high-pressure sodium, LED, etc.). This may include a review by the city to assure that lighting installed on private property would not cause conflicts with public street lighting. E. Installation of new lighting fixtures or changes in lighting intensity on mixed use and non-residential properties shall be subject to environmental and design review permit review as required by Chapter 14.25 (Design Review). F. Maximum wattage of lamps shall be specified on the plans submitted for electrical permits. G. All new lighting shall be subject to a 90-day post installation inspection to allow for adjustment and assure compliance with this section. 	<p>are proposed to be bronze finished with vertical slats which would match the perforated vertical slat design of the balcony railing and sunshade detailing. A condition of approval would be included establishing a 90-day lighting review period at final inspection/occupancy where adjustments in lighting may be required by staff to reduce off-site glare, if necessary.</p>
<p>14.16.230 – Lot Consolidation. Where a development project is constructed on more than one adjoining</p>	<p><i>Consistent with conditions</i> The project proposes to construct a mixed-use building over two (2) adjacent Downtown</p>

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<p>lot, the owner or owners of such lots must merge such lots into a single lot when the building is proposed to cross the property line of the adjoining lots. The lots shall be merged prior to issuance of a building permit.</p>	<p>lots. Prior to building permit issuance, the project will need to merge or consolidate the lots into one common parcel by extinguishing the common property line currently separating the lots. A plat map with closure calculations shall be submitted to Planning for review and approval by the Land Development Engineer in the Department of Public Works prior to approval by the Community Development Director and recordation with Marin County by the Land Development Engineer.</p>
<p>14.16.243 – Mechanical Equipment Screening. Equipment placed on the rooftop of a building or in an exterior yard area shall be adequately screened from public view. See Chapter 14.16 for exclusions to maximum height requirements and Chapter 14.25 for design review requirements.</p>	<p><i>Consistent</i> The project design proposes a central courtyard on the podium (2nd floor) level which extends to roof. Rooftop mechanical equipment, including a photovoltaic system/solar array, is proposed to be separated from the 5,317 sq. ft of landscaped common outdoor area also on the roof deck by a 5-6'-tall screening wall. The 73' building height proposed by the project, together with the height of the rooftop screening wall, would adequately mitigate any public views of the rooftop mechanical equipment.</p>
<p>14.16.260 - Noise Standards A. Residential Development. The following standards apply to residential development: ----- 3. In high density and downtown residential districts residential interior standards shall be met, and common usable outdoor areas shall be designed to minimize noise impacts. Where possible, a 60 dBA (Ldn) standard shall be applied to usable outdoor areas 4. Interior noise standards for new single-family residential and residential health care development shall be 40 dBA (Ldn) for bedrooms and 45 dBA (Ldn) for other rooms. New hotels and motels shall meet a 45 dBA (Ldn) standard. For new multifamily development, hotels and motels, interior noise standards shall be described by State Administrative Code standards, Title 25, Part 2. ----- 6. Post-construction monitoring and approval by an acoustical engineer shall be required in residential development near high noise sources to ensure that city standards have been met.</p>	<p><i>Consistent with conditions</i> noise impacts to the project would be 'conditional acceptable' and recommended the following noise reduction and insulation features be included in the project design: 1) The proposed solid 4'-tall parapet sound wall increase in height to 6' around the roof deck; 2) sound-rated windows and specifically constructed exterior wall assemblies will be required at the time of building permit submittal (i.e., most windows will require an STC (Sound Transmission Class) 36 rating, some corner units will require windows with higher ratings, balcony doors will need to be sound-rated, and some wall assemblies with siding will require additional layers of gypsum); 3) All construction equipment shall operate with maintained mufflers and other state required noise attenuation devices; 4) Property owners and occupants within a 250 ft. radius of the project site shall receive notice 15 days prior commencement of construction of each phase, regarding the construction schedule of the project, subject to review and approval by Planning staff. These notices shall indicate dates and duration of construction activities and provide a contact name and telephone number to inquire about the construction schedule and register complaints;5) The project shall designate a Noise Disturbance Coordinator (NDC) to be present on-site during all grading and construction activities, who name and contact details shall be included in all notices. The NDC shall be responsible for responding to all complaints about grading and construction noise. When a complaint is received, the NDC shall notify Planning staff within 24-hours of the complaint, determine the cause of the complaint and implement reasonable measures to resolve the complaint, as deemed acceptable by Planning staff. In</p>

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

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	included requiring submittal of documentation from MMWD review and approval of the project’s landscape details prior to building permit issuance.
CHAPTER 17 – PERFORMANCE STANDARDS	
<p>14.17.100 – Residential Uses in Commercial Districts Applicability. Performance standards for residential uses in commercial districts shall be applied through an administrative use permit in the 4SRC, HO, 2/3 MUE and MUW, CSMU, WEV, GC, FBWC, C/O, and M districts or through a use permit in the NC district.</p> <p>Standards:</p> <ol style="list-style-type: none"> 1. Location. In the 4SRC and WEV districts, residential units may be located above the ground floor, and on rear portions of the ground. Location of residential units in the 2/3 MUE and MUW, GC, FBWC, HO, C/O, CSMU, M and NC districts shall be determined through project review. 2. Access. Residential units shall have a separate and secured entrance and exit. 3. Parking. Residential parking shall comply with Chapter 14.18, Parking Standards, of this title. 4. Noise. Residential units shall meet the residential noise standards in Section 14.16.260, Noise standards, of this title. 5. Lighting. All exterior lighting shall be sufficient to establish a sense of well-being to the pedestrian and one that is sufficient to facilitate recognition of persons at a reasonable distance. Type and placement of lighting shall be to the satisfaction of the police department. The minimum of one foot-candle at ground level shall be provided in all exterior doorways and vehicle parking areas. 6. Refuse Storage and Location. An adequate refuse storage area shall be provided for the residential use. 7. Location of new residential units shall consider existing surrounding uses in order to minimize impacts from existing 	<p><i>Consistent with conditions</i></p> <p>The project site is located with the 2/3 MUE District zone, a Downtown commercial zoning district. The project would comply with the standards to allow residential uses in a commercial district, subject to recommendations to mitigate potential noise impacts as determined in the submitted Noise Study for the project.</p>

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uses.	
CHAPTER 18 – PARKING STANDARDS	
<p>14.18.040 - Parking Requirements</p> <p>A. Off-street parking shall be provided in accord with the following chart:</p> <ul style="list-style-type: none"> • New studio units, located within the Downtown, are required to provide 1 parking space; • New 1-bedroom units, located within the Downtown, are required to provide 1 parking space; • New, 2-bedroom units, located within the Downtown, are required to provide 1.5 parking spaces; • No ‘guest’ parking spaces are required within the Downtown unless the project is located within 200’ of a residential zoning district and then will be required to provide 1 parking space per every 5 units; and • Commercial space, located within the Downtown, is required to provide 1 parking space per 250-300 gross building sq. ft., generally. <p>B. Parking Modification. The parking requirement for any specific use listed may be modified so as to provide adequate parking which is fair, equitable, logical and consistent with the intent of this chapter. Such modification may also include reduction in parking ratios for businesses in the downtown zoning districts that allow the use of private parking facilities to be used for public parking during evening or weekend hours. Parking modifications shall require an application for a use permit and shall be subject to review by the community development director and public works director, and approval by the zoning administrator.</p>	<p><i>Consistent</i></p> <p>The project proposes to provide 121 parking spaces on site. All parking would be on the ground floor and that this level would have a taller plate height (22 ft tall) to accommodate the mechanical parking lifts. 109 of the 121 spaces would be provided through mechanical jigsaw parking platforms and the remaining 12 spaces would be non-mechanical lift spaces for electric vehicle (EV), visitor, ADA and car share</p> <p>Through State Density Bonus law, projects that are within ½ mile of a transit facility are required to provide 0.5 parking space/bedroom. In this case, the project includes 163 bedrooms, therefore 81.5 (82) parking spaces would be required to meet the residential parking requirement. Since the project site is located outside the Downtown Parking District, the project is required to provide 3-4 parking spaces to meet the nonresidential parking required. The project proposes to provide 121 parking space, which is 35-36 spaces in excess of the required parking. The reduced parking requirement <u>does not</u> count as a concession or waiver, under State Density Bonus law.</p> <p>The proposed vertical stacked parking lifts are a departure from the parking facility design envisioned by the Parking Standards of the Zoning Ordinance, which is providing parking on a more established horizontal or side-by-side configuration. A <i>Parking Modification</i> will be required, through a Use Permit, with the recommendation of the Public Works Director and the Community Development Director, to allow mechanical parking lifts.</p>
<p>14.18.045 – Clean Air Vehicles.</p> <p>A. Applicability. Parking spaces serving new nonresidential buildings shall be designated for any combination of low-emitting,</p>	<p><i>Consistent with conditions</i></p> <p>The project has been conditioned to provide a minimum of 11 clean air vehicle parking spaces, pre-wired for electric vehicle charging stations.</p>

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<p>fuel-efficient, and carpool/van pool vehicles, as defined by Section 5.102 of the California Green Building Standards Code, California Code of Regulations, Part 11 of Title 24.</p> <p>B. Number of Short-Term Spaces Required. 11 parking spaces for clean air vehicles shall be provided for parking facilities providing 101-150 parking spaces.</p> <p>C. Parking Stall Marking. The following characters shall be painted, using the same paint for stall striping, such that the lower edge of the last word aligns with the end of the stall striping and is visible beneath a parked vehicle: "CLEAN AIR VEHICLE".</p> <p>D. Prewiring for Electric Vehicle Charging Stations. In new or substantially renovated parking facilities of twenty-five (25) or more spaces electrical conduit capable of supporting suitable wiring for an electric vehicle charging station shall be installed between an electrical service panel and an area of clean air vehicle parking spaces as required by this section. The conduit shall be capped and labeled for potential future use.</p>	
<p>14.18.050 –Off-Street Loading and Unloading. The minimum off-street loading and unloading space required for specific uses shall be as follows:</p> <p>A. Retail and service establishments: one off-street loading and unloading space with minimum dimensions of ten feet (10') in width by thirty-five feet (35') in length, with a fourteen-foot (14') height clearance. -----</p> <p>C. Each loading area shall have adequate driveways, turning and maneuvering areas for access and usability, and shall at all times have access to a public street or alley. -----.</p> <p>E. Off-street loading and unloading spaces shall be adequately screened from view from public rights-of-way to the satisfaction of the planning director.</p>	<p><i>Consistent</i> The proposed design of the parking garage includes a loading zone which complies with the applicable standards for loading and unloading spaces.</p>
<p>14.18.090 –Bicycle Parking.</p>	<p><i>Consistent</i></p>

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<p>A. Applicability. Bicycle parking shall be required for all new nonresidential buildings and in major renovations of nonresidential buildings having thirty (30) or more parking spaces, and for all public/quasi-public uses.</p> <p>B. Number of Short-Term Spaces Required.</p> <ol style="list-style-type: none">1. Commercial, office, industrial, and multi-family residential uses: five percent (5%) of the requirement for automobile parking spaces, with a minimum of one two-bike capacity rack.2. Public/quasi-public uses: as determined by parking study, or as specified by use permit.3. Exempt uses: animal sales and service; motor vehicle sales and services; building materials and supplies (large-item); catering establishments; funeral and interment services; temporary uses; recycling facilities; other uses as determined by the planning director. <p>C. Number of Long-Term Spaces Required.</p> <ol style="list-style-type: none">1. For nonresidential buildings with over ten (10) tenant-occupants: Five percent (5%) of the requirement for automobile parking spaces, with a minimum of one space. <p>D. Reduction of Vehicle Parking. Properties that provide bicycle parking in excess of the bicycle parking spaces identified in Section 14.18.090.B. and/or C. may qualify for a reduction to the overall vehicle parking requirements subject to the approval of a use permit for parking modification.</p> <p>E. Design.</p> <ol style="list-style-type: none">1. Short-Term Parking: Bike racks shall be provided with each bicycle parking space. The rack shall consist of a stationary object to which the user can lock the bike.2. Long-Term Parking: Acceptable parking facilities include:<ol style="list-style-type: none">a. Covered, lockable enclosures with permanently anchored racks for bicycles,b. Lockable bicycle room with permanently anchored racks, orc. Lockable, permanently anchored bicycle lockers.	<p>The project proposes 120 residential units above a small, 969 sq. ft. ground floor commercial space. Since bicycle parking is required for only the nonresidential portion of the project, the minimum short-term bicycle parking is required or one (1) two-bike capacity rack. The project proposes eight (8) two-bike capacity racks evenly distributed along both the Third St. and Tamalpais Ave, frontages, adjacent to the new street trees and grates. The project also proposes to provide a 612 sq. ft. "Bike lounge" on the ground level, adjacent to the commercial space, capable of providing secured long-term parking for up to 24 bicycles for residents and the public.</p>
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<ol style="list-style-type: none"> 3. Parking facilities shall support bicycles in a stable position. 4. The facilities shall provide at least an eighteen inch (18") clearance from the centerline of adjacent bicycles on the left and right, and at least ten inches (10") to walls or other obstructions. 5. An aisle or other space shall be provided to bicycles to enter and leave the facility. This aisle shall have a width of at least five feet (5') to the front or rear of a standard six-foot (6') bicycle parked in a facility. 6. Bicycle parking should be situated at least as conveniently to building entrances as the most convenient car parking area, but a minimum distance of one hundred feet (100') of a visitors' entrance. Bicycle and auto parking areas shall be separated by a physical barrier or sufficient distance to protect parked bicycles from damage by cars. 7. Bicycle parking facilities should be located in highly visible, well-lit areas to minimize theft and vandalism. 8. Overhead coverage or rain shelters for bicycle parking facilities are encouraged. 9. The planning director (or the planning director's designated appointee) shall have the authority to review the design of all bicycle parking facilities required by this title with respect to safety, security and convenience. 	
<p>14.18.100 –Parking Space Dimensions</p> <p>A. Standard size parking spaces shall be nine feet (9') by nineteen feet (19') in dimension, except that in downtown, the standard size parking space shall be eight and one-half feet (8.5') by eighteen feet (18') in dimensions;</p> <p>B. Compact parking spaces shall be eight feet (8') by sixteen feet (16') in dimensions.:</p>	<p><i>Consistent</i></p> <p>All on-site parking spaces are designed to comply with the minimum parking space dimensions for 'standard' and 'compact' Downtown parking spaces.</p>
<p>14.18.110 –Compact Spaces – Allowable Percentage</p> <p>A. Allowable Percentage. A maximum thirty percent (30%) of the required parking spaces may be compact spaces for facilities exceeding</p>	<p><i>Consistent</i></p> <p>The project proposes 121 parking spaces of which 36 parking spaces are allowed to meet reduced 'compact' space dimensions. The project proposes three (3) parking spaces which</p>

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<p>five (5) spaces; B. Spaces Labeled. Compact spaces shall be labeled in parking facilities as compact spaces to the satisfaction of the city traffic engineer; C. Distribution. Compact spaces should be distributed throughout the parking lot to the extent feasible.</p>	<p>will meet reduced 'compact' parking space dimensions.</p>
<p>14.18.130 - Parking Facility Dimensions and Design A. Minimum Standards. <ul style="list-style-type: none"> 90^o, two-way Downtown parking spaces require minimum dimensions to be 8.5' wide by 18' deep with a minimum backup aisle between the parking spaces of 26'. ----- B. Parking Stall Access. <ul style="list-style-type: none"> Use of a required parking space shall not require more than two (2) vehicle maneuvers. At the end of a parking facility with four (4) or more parking spaces, an aisle or driveway providing access to the end parking space shall extend at least two feet (2') beyond the required width of the parking space in order to provide adequate on-site area for turnaround purposes </p>	<p><i>Consistent</i> The proposed parking garage design layouts for the new residential buildings have been reviewed by the City Engineer and found to be consistent with all applicable design standards under Section 14.18.130 of the Zoning Ordinance.</p>
<p>14.18.140 - Access to Public Right-of-Way Driveway Widths. The minimum curb cut for driveways at the face of the curb, for residential uses serving 25 or more spaces, shall have a minimum inside depressed width of 24'.</p>	<p><i>Consistent</i> The project proposes two (2), two-way driveways; one along the Tamalpais Ave. frontage and the other along the Lincoln Ave. frontage. Current 'vision' documents (Downtown San Rafael Vision, San Rafael Downtown Design Guidelines, Downtown San Rafael Station Area Plan and the San Rafael Bicycle and Pedestrian Master Plan; 2018 Update) all encourage improving Tamalpais Ave., which is a 'gateway' to the Downtown with excellent visibility from all transportation modes (pedestrian, bicycle and transit, as a 'pedestrian street' by minimizing driveway cuts and driveway widths. The proposed driveway widths to the parking garage has been reviewed and is supported by the City Engineer.</p>
<p>CHAPTER 22 – USE PERMITS</p>	

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<p>14.22.080 – Findings. The following findings must be made to approve a Use Permit:</p> <p>A. Proposed use is in accord with the general plan, the objectives of the zoning ordinance and the purposes of the district in which the site is located;</p> <p>B. Proposed use will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity, or to the general welfare of the City; and</p> <p>C. Proposed use complies with each of the applicable provisions of the Zoning Ordinance.</p>	<p><i>Consistent</i></p> <p>A. The proposed use is in accord with the General Plan, the objectives of the Zoning Ordinance, and the purposes of the Second/Third Mixed Use East (2/3 MUE) District in which the project site is located in that:</p> <p>1. As documented in the General Plan 2020 Consistency Table attached to the staff report (Exhibit 3) to the Planning Commission, the project will be consistent with all pertinent General Plan policies, subject to requested concessions for additional density and building height under the State Density Bonus law for which the project is eligible after meeting its affordable housing requirement. The project would be consistent, or conditionally consistent, with the following General Plan policies:</p> <ul style="list-style-type: none">• Land Use Policies LU-2 (<i>Development Timing</i>), LU-8 (<i>Density of Residential Development</i>), LU-9 (<i>Intensity of Nonresidential Development</i>), LU-12 (<i>Building Heights</i>), LU-13 (<i>Height Bonuses</i>), LU-14 (<i>Land Use Compatibility</i>), LU-18 (<i>Lot Consolidation</i>), and LU-23 (<i>Land Use Map and Categories</i>);• Housing Policies H-1 (<i>Housing Distribution</i>), H-2 (<i>Design That Fits into the Neighborhood Context</i>), H-3 (<i>Public Information and Participation</i>), H-14 (<i>Adequate Sites</i>), H-15 (<i>Infill Near Transit</i>), and H-18 (<i>Inclusionary Housing</i>);• Neighborhood Policies NH-3 (<i>Housing Mix</i>), NH-15 (<i>Downtown Vision</i>), NH-16 (<i>Economic Success</i>), NH-17 (<i>Competing Concerns</i>), NH-22 (<i>Housing Downtown</i>), NH-25 (<i>Pedestrian Comfort and Safety</i>), NH-29 (<i>Downtown Design</i>), NH-30 (<i>Pedestrian Environments</i>), NH-31 (<i>Ground Floor Designed for Pedestrians</i>) and NH-37 (<i>Hetherton Office District Design Considerations</i>);• Community Design Policies CD-1 (<i>City Image</i>), CD-2 (<i>Neighborhood Identity</i>), CD-3 (<i>Neighborhoods</i>), CD-5 (<i>Views</i>), CD-7 (<i>Downtown and Marin Civic Center</i>), CD-8 (<i>Gateways</i>), CD-11 (<i>Multifamily Design Guidelines</i>), CD-14 (<i>Recreational Areas</i>), CD-15 (<i>Participation in Project Review</i>), CD-18 (<i>Landscaping</i>) and CD-19 (<i>Lighting</i>);• Circulation Policies C-5 (<i>Traffic Level of Service Standards</i>), C-7 (<i>Circulation Improvement Funding</i>) C-26 (<i>Bicycle Plan Implementation</i>) and C-27 (<i>Pedestrian Plan Implementation</i>);• Infrastructure Policy I-2 (<i>Adequacy of City Infrastructure and Services</i>);
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- Sustainability Policies **SU-5d** (*Reduce Use of Nonrenewable Resources; Water Efficiency Programs*) and **SU-7** (*New and Existing Trees*);
- Culture and Arts Policy **CA-15** (*Protection of Archaeological Resources*)
- Park and Recreation Policy **PR-10** (*Onsite Recreation Facilities*) and **PR-24** (*Contributions by Rental Residential*);
- Safety Policies **S-1** (*Location of Future Development*), **S-4** (*Geotechnical Review*), **S-6** (*Seismic Safety of New Buildings*), **S-17** (*Flood Protection of New Development*), **S-25** (*Regional Water Quality Control Board (RWQCB) Requirements*) and **S-32** (*Safety Review of Development Projects*); and
- Air and Water Quality Policies **AW-1** (*State and Federal Standards*), **AW-7** (*Local, State and Federal Standards*) and **AW-8** (*Reduce Pollution from Urban Runoff*).

In weighing all of the applicable policies, the project is, generally, consistent with the General Plan. The project would redevelop two (2) Downtown in-fill lots, one of which (723 Third St/898 Lincoln Ave.) is listed as both *Housing Opportunity Sites* and *Underutilized Mixed-Use Site* in Appendix B of the General Plan. The project would construct 120 new residential ‘rental’ units in the Downtown, whose residents and guests would help activate Tamalpais Ave., identified as a ‘gateway’ to Downtown, supporting the City’s long-term goal of creating ‘alive after 5’ evening and weekend activity in the Downtown, and provide economic opportunities to Downtown businesses, particularly restaurants. These new units would help meet the City’s RHNA (Regional Housing Needs Allocation) target of providing 1,007 additional housing units in the City by 2023. A total of nine (9) of these housing units would be required to be deed-restricted as ‘affordable’ housing; five (5) of these housing units would be deed-restricted for rent to very low-income households and four (4) units deed-restricted for rent to low-income households. As a response to the Planning Commission study session requesting the project provide greater affordability to off-set the proposed additional density bonus, three (3) additional affordable units at the moderate-income household level would be voluntarily proposed for a fixed 10-year term. These new below market rate or BMR units would contribute to the City’s need to provide 240 new very low-income housing units and 120 new low-income housing units by 2023. The project would be consistent with several adopted ‘vision’ documents, including the *Downtown Vision*, the *Downtown Design Guidelines* and the

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	<p><i>Downtown San Rafael Station Area Plan</i>, in terms of use, height, scale, setbacks, and landscaping.</p> <ol style="list-style-type: none">2. As documented in the Zoning Ordinance Consistency Table attached to the staff report to the Planning Commission, the proposed project will be consistent with the objectives of the Zoning Ordinance, which is to promote and protect the public health safety, peace, comfort and general welfare, given that;<ol style="list-style-type: none">i. The project will implement and promote the goals and policies of the San Rafael General Plan 2020, as identified in Finding A1 above;ii. The project has been reviewed by Community Development Department, other appropriate City Departments and non-City agencies, as well as the City’s Design Review Board and the Planning Commission as a conceptual project, and conditions have been created or the project has been changed, revised or modified to reduce or negate potential impacts caused by inappropriate location, use or design of the building and improvements;iii. The project would promote housing development to meet the housing needs of current and future residents, including affordable housing, and to meet the City’s RHNA target goals, as identified in Finding A1 above;iv. The project has coordinated the service demands with the capabilities of existing street, utilities and public services. All service providers, including PG&E, Marin Sanitary Service, Marin Municipal Water District, San Rafael Sanitation District, Central Marin Sanitation Agency, and the City Engineer, have review the project and indicated that adequate infrastructure capacity exists for the project3. As documented in the Zoning Ordinance Consistency Table attached to the staff report to the Planning Commission, the proposed project would be consistent with the purposes of both the 2/3 MUE Districts, given that:<ol style="list-style-type: none">i. The project will help promote Downtown as a viable urban center with a mixture of civic, social, entertainment, cultural and residential uses by redeveloping the project site with a mixed-use building with 120 new residential apartment units above 121 garage parking spaces and a 969 sq. ft. commercial space;
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	<ul style="list-style-type: none">ii. The project will provide housing opportunities by proposing housing in mixed-use districts which will help meet the housing needs of current and future residents, including affordable housing, and to meet the City’s RHNA target goals, as identified in Finding A1 above;iii. The project will help activate the pedestrian character of Tamalpais Ave., identified as a ‘gateway’ to Downtown with both housing and commercial space in the Downtown, adjacent to the Downtown SMART station and in close proximity to the relocated Bettini Transit Center (whose exact future location is unknown at this time); andiv. The project will help promote Tamalpais Ave. as a ‘pedestrian street’ by minimizing driveway cuts and driveway widths, widening the sidewalk and installing street trees and raised Corten steel landscaped planters along all three (3) street frontages. <p>B. The proposed use will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity, given that: 1) The project has been referred to, and reviewed by, the appropriate City departments, non-City agencies, the appropriate surrounding neighborhood group (Downtown Business Improvement District, Federation of San Rafael Neighborhoods, Gerstle Park Neighborhood Assoc., Montecito Area Residents Assoc., Bret Harte Community Assn. and Lincoln-San Rafael Hill Neighborhood Assoc.) and both the Design Review Board and Planning Commission during separate conceptual design review meetings, the Planning Commission study session, the Board’s review of the form project and this Planning Commission hearing; and 2) Revisions, modifications or changes to the project have occurred as a result of comments or recommendations provided by these departments, neighborhood groups and hearing bodies, or conditions of approval have been included to mitigate any potential negative impacts anticipated to be generated by the proposed project; and</p> <p>C. The proposed use complies with each of the applicable provisions of the Zoning Ordinance, as documented in the Zoning Ordinance Consistency Table attached to the staff report (Exhibit 4) to the Planning Commission.</p>
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CHAPTER 25 – ENVIRONMENTAL AND DESIGN REVIEW PERMIT	
<p>14.25.010 – Specific Purposes</p> <p>Environmental and design review implements general plan policies concerning the environment and design by guiding the location, functions and appearance of development. The key environmental and design goal of the city is to respect and protect the natural environment and assure that development is harmoniously integrated with the existing qualities of the city. The purposes of environmental and design review are to:</p> <p>A. First and foremost, maintain a proper balance between development and the natural environment;</p> <p>B. Ensure that the location, design and materials and colors of development blends with and enhances the natural settings;</p> <p>C. Maintain and improve the quality of, and relationship between, development and the surrounding area to contribute to the attractiveness of the city;</p> <p>D. Preserve balance and harmony within neighborhoods.</p> <p>E. Promote design excellence by encouraging creative design and the innovative use of materials and methods and techniques; and</p> <p>F. Preserve and enhance views from other buildings and public property</p>	<p><i>Consistent</i></p> <p>The project proposes a contemporary design, similar to the nearby BioMarin campus buildings, though with unique façade treatments (brick with Corten steel planters at the ground level and a mixture of stucco and vertical and horizontal fiber cement board siding at the upper levels), greater articulation, stepping back the upper stories and a more ‘residential’ window proportion. The proposed 6-story scale was reviewed by both the Board and the Commission during conceptual design review, the Commission again during study session review and the Board again during formal project review and supported. The project design has been revised to provide equal, high-quality design attention to all four building elevations, including the rear elevation which is shared with 770 Second St. Better vertical and horizontal articulation and stepbacks of upper stories have been incorporated into the revised project design. In addition, previously proposed upper-story projections or encroachments over the sidewalk have been eliminated. Extensive landscaping in the form of street trees and Corten steel raise planter along all three street fronts is proposed to help create a pedestrian scale. The project proposes to orient pedestrian activity through the lobby area both through the main entry on Third St and at the northwest corner of Third St./Lincoln Ave.</p> <p>Photo simulations were created by the applicant and submitted within the project plans, which indicate minor view impacts of the surrounding hillsides west and north of the project site. These potential view impacts would be similar to those resulting from development of the adjacent BioMarin campus.</p>
<p>14.25.050 - Review Criteria</p> <p>Projects must meet the following design review criteria:</p> <ul style="list-style-type: none"> • Consistency with General Plan design polices. • Consistency with Specific Plans • Design criteria must meet the objectives of Chapter 25 (Design Review), which include ensuring that the design blends with the natural setting, maintains and improves the quality of and relationship between the development and the surrounding area, preserve the balance and 	<p><i>Consistent</i></p> <p>Overall, the project would be consistent with all applicable San Rafael General Plan 2020 policies. The project site is a choice housing site due to its close proximity to the U.S. Hwy. 101 corridor, the Downtown, the Downtown SMART station and the Bettini Transit Center (whose future specific location is still unknown at this time). The amount of residential density and building height are within the General Plan limits (Land Use Policies <i>LU-8 and LU-12/LU-13</i>), subject to requested density bonus and height bonus concessions/incentives under the State Density Bonus law. The City supports the development of housing, at all levels, to help meet the needs of all San Rafael residents.</p>

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<p>harmony within a neighborhood, promotes excellence in design, and preserves and enhances views.</p> <ul style="list-style-type: none"> • Site design is harmonious amongst structures within the development and existing development in the vicinity, natural site features should be protected and preserved, safe access and adequate parking should be provided, drainage should be designed to be ensure proper surface drainage 	<p>The project would also help the City meet its RHNA (Regional Housing Needs Allocation) requirements by providing a total of 12 affordable housing or BMR units (9 <u>required</u> BMR units, including 5 at very low-income levels and 4 at low-income levels, plus an additional 3 <u>voluntary</u> BMR units at moderate-income household level for a fixe 10-year period; Housing Policy <i>H-18</i>).</p> <p>The scale and quality of the existing development located south of the core Downtown (Fourth St.) and near U.S Highway 101 is changing, primarily due to the ongoing development of the BioMarin campus. Low profile (1- and 2-story) development is being replaced with much taller (5- and 6-story) buildings. Determining the predominant design character is a little more difficult. Structures within the adjacent BioMarin campus are integrated with a cohesive architectural design with coordinated façade treatments. The project proposes a similar contemporary design though with unique façade treatments (brick with Corten steel planters at the ground level, stucco at the mid-levels and a mixture of stucco and vertical and horizontal fiber cement board siding at the upper levels), greater articulation and stepbacks of the upper stories and more ‘residential’ window proportions.</p> <p>The project design has been revised to provide equal, high-quality design attention to all four building elevations, including the rear elevation which is shared with 770 Second St. Better vertical and horizontal articulation and stepbacks of upper stories have been incorporated into the revised project design. In addition, previously proposed upper-story projections or encroachments over the sidewalk have been eliminated.</p> <p>The project is required to provide 82 on-site parking spaces based on State Density Bonus law that requires 0.5 spaces/bedroom. The project proposes to provide 33 more parking spaces than required (121 provided vs 82 required) as an amenity for the residential units This parking requirement under the State Density Bonus law excludes requiring guest parking. The amount of proposed parking would generally equal 1 space per unit.</p>
<p>14.25.090 - Findings</p> <p>The following findings must be made to approve a Design Review Permit</p> <ul style="list-style-type: none"> • Project design is in accord with the general plan, the objectives of the zoning ordinance and the purposes of this chapter; • Project design is consistent with all applicable site, architecture and 	<p><i>Consistent</i></p> <p>A. The project design is in accord with the General Plan, the objectives of the Zoning Ordinance, and the purposes of Chapter 14.25 of the Zoning Ordinance; in that:</p> <ol style="list-style-type: none"> 1. As documented in the General Plan 2020 Consistency Table (Exhibit 3), the proposed project will implement and promote the goals and policies of the San

Exhibit 4

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

<p>landscaping design criteria and guidelines for the district in which the site is located</p> <ul style="list-style-type: none">• Project design minimizes adverse environmental impacts• Project design will not be detrimental to the public health, safety or welfare nor materially injurious to properties or improvements in the vicinity.	<p>Rafael General Plan 2020,</p> <ol style="list-style-type: none">2. As documented in the Zoning Ordinance Consistency Table (Exhibit.4), the proposed project will be consistent with the objectives of the Zoning Ordinance, which is to promote and protect the public health safety, peace, comfort and general welfare;3. As documented in the Zoning Ordinance Consistency Table (Exhibit.4), the proposed project will be consistent with the purposes of Environmental and Design Review Permits, given that; the project will promote design excellence by encouraging creative design and the innovative use of materials and methods and techniques. <p>B. The project design is consistent with all applicable site, architecture and landscaping design criteria and guidelines for the 2/3 MUE District in which the project site is located, given that;</p> <ol style="list-style-type: none">1. The project design will be consistent with the maximum allowable density for the site, which is 45 units based on 27,367 sq. ft. of total lot area, subject to requests for automatic and discretionary density bonuses under the State Density Bonus law after meeting mandatory affordable housing requirements;2. The project will be consistent with the maximum height allowed for the project site, which is 54', subject to requests for automatic and discretionary height bonuses under the State Density Bonus law after meeting mandatory affordable housing requirements;3. The project will be consistent with the minimum required yard setbacks, which is limited to a 5' front (Third St. frontage) setback, subject to a request for setback waiver under the State Density Bonus law after meeting mandatory affordable housing requirements;4. The project will be consistent with the minimum landscaping requirement for the project site, which is 10% or 2,737 sq. ft. (The project proposes 12,555 sq. ft. of site landscaping);
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Exhibit 4

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

	<p>5. The project will be consistent with the maximum FAR (floor area ratio) allowed on the project site by proposing 969 sq. ft. of ground-level commercial space located at the northeast corner of the project site, at the corner of Third St and Tamalpais Ave. This represents 0.035 FAR where a maximum 1.5 FAR or 41,050.5 sq. ft. of nonresidential develop is allowed on the project site in addition to the residential density;</p> <p>6. The project will voluntarily provide 12,408 sq. ft. of private and common outdoor recreational area or an average of 103.4 sq. ft. of outdoor recreational area per unit;</p> <p>7. The provisions of Marin Municipal Water District’s (MMWD) most recent water conservation apply to the project, where MMWD approval is required prior to the issuance of any building or grading permit; and</p> <p>8. The proposed project will be consistent with review criteria for Environmental and Design Review Permits (<i>Chapter 14.25 of the Zoning Ordinance</i>), by proposing a consistent, high-quality architectural design (colors and materials; scale; bulk and mass; fenestration and articulation) throughout the project site.</p> <p>C. The project design minimizes adverse environmental impacts, given that: a California Environmental Quality Act (CEQA) review and clearance was prepared, based on supporting studies submitted with the project, substantiating a Categorical Exemption (Class 32; <i>In-Fill Development Projects</i>), as determined by a draft Notice of Exemption (NOE), dated January 21, 2019.</p> <p>D. The project design, together with the conditions applicable thereto, will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity, or to the general welfare of the City, given that; the project has been reviewed by appropriate City departments, non-City agencies, the appropriate surrounding neighborhood groups, and the Planning Commission during a February 26, 2019 study session, and conditions of approval have been included to mitigate any potential negative impacts anticipated to be generated by the proposed project.</p>
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“Good Design” Criteria for Downtown San Rafael
****Summary of Applicable Criteria****

General

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

Gateway District:

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

Gateway – Transit District:

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

2nd /3rd Corridor & Lindaro:

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



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

The City of San Rafael retained Seifel Consulting to provide real estate advisory services in connection with the land use approval process for the proposed development located at 703 Third Street in downtown San Rafael. Seifel Consulting performed an independent review of the development assumptions and financial feasibility for various development scenarios that could be built on the site.

This memorandum updates the financial feasibility analysis that was presented to the Planning Commission in February 2019. As will be further described in this memorandum, it evaluates three development scenarios:

- 61-unit “Base Case” scenario, which assumes a 35% density bonus per State Density Bonus Law and the provision of affordable housing units in accordance with City and State Density Bonus Law requirements (9 affordable units)
- 120-unit “Proposed Project” scenario, which was voluntarily amended by the Applicant to include additional affordable housing units (12 affordable units)
- 120-unit “Alternative 1” scenario, which would include double the amount of affordable housing units required under the Base Case (18 affordable units)

Summary of Findings

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

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

Based on the financial analysis described in this memorandum, the higher density and greater number of units provided in the Proposed Project is necessary to achieve financial feasibility. However, financial feasibility for the Proposed Project is marginal given the high construction costs and reduced residential revenue potential associated with the City’s requested modifications and requirements as further described

below. Furthermore, the financial analysis indicates that Alternative 1, which contains additional housing units affordable to very low and low-income households, is not financially viable.

Organization of Memorandum

The memorandum is organized into three sections as follows, concluding with a summary of financial feasibility findings:

- A. Description of Development Scenarios
- B. Review of Pro Forma Assumptions and Methodology
- C. Financial Feasibility Findings

A. Description of Development Scenarios

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

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

1. **Base Case**, which consists of a 61-unit mixed use development as allowed under the City’s existing zoning with an assumed 35 percent (%) density bonus as allowed by State Density Bonus Law for the provision of on-site affordable housing, as further described below.
 - o The Base Case scenario assumes the provision of affordable housing according to the City’s current requirements (20% of the base density or 9 affordable units).
2. **Proposed Project**, which consists of a 120-unit mixed-use development as described in the development application submitted by Van Meter Williams Pollack (VMWP) on behalf of the developer of the property, Seagate Properties Inc. (Seagate) as amended.
 - o The Proposed Project scenario was revised by the Applicant to include three additional affordable housing units based on comments received during the February Planning Commission meeting (27% of the base density or 12 affordable units).
3. **Alternative 1**, which is consistent with the development application as recently amended except that it includes twice the amount of affordable housing units as the Base Case
 - o Alternative 1 assumes additional affordable housing units (40% of the base density or 18 affordable units).

Each of these scenarios is briefly described below.

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

The City also has an inclusionary housing ordinance that requires 20% of the allowable 45 units to be provided at restricted rent levels.¹ Thus, the base case scenario includes 5 units that are affordable to very

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

low income households (5 VLI units) and 5 units that are affordable to low income households (5 LI units). In summary, the base case scenario consists of the following:²

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

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

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

As described in the staff report, the developer has significantly modified the original development application over the past three years in response to input from City Staff, the Planning Commission and the Design Review Board. While these modifications have enhanced the overall project design, they have reduced the amount of residential units and residential square footage that is able to generate rental revenues and increased construction costs, as further described in the next sections of this memorandum.

As currently proposed, the Proposed Project consists of the following uses:³

- 120 rental units (33 Studio units, 44 one-bedroom units and 43 two-bedroom units)
- 12 affordable housing units (5 VLI units, 4 LI units, 3 Moderate Income or Mod units)
- Commercial space of 969 square feet on the ground floor
- 121 garage parking spaces on the ground floor including 112 mechanical parking lifts
- Inner courtyards and rooftop plaza

The Proposed Project includes an increased amount of affordable housing units, 12 affordable units, which represents 27% of the 45 units allowed on the project site under existing zoning.

Alternative 1– Alternative 1 is consistent with the development application for a six-story, mixed use apartment development. This scenario is substantively the same as the Proposed Project except that it contains additional affordable housing units as follows:

- 18 affordable housing units (10 VLI units and 8 LI units)

The 18 affordable housing units in Alternative 1 represent 40% of the 45 units allowed on the project site under existing zoning.

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

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

B. Review of Developer Financial Assumptions and Pro Forma

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

As described above, the financial feasibility of the development is evaluated under three development scenarios that include varying numbers of housing units and percentages of affordable housing.

1. Development Costs

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

- **Land costs**– The cost of land in the financial analysis is based on the actual purchase cost for the property without any upward adjustment to reflect additional costs related to debt financing or equity that might be needed to raise sufficient funds to pay for land during the entitlement and/or construction period. The developer indicated that the site is currently generating income that is currently sufficient to pay annual land carrying costs.
- **Hard construction costs**– Hard construction costs include direct construction costs related to site work, building construction, parking, and general contractor charges for general requirements, general conditions, insurance, overhead and profit. Construction costs represent the majority of the development costs, and thus typically have a significant effect on feasibility. Nova Partners Inc. (Nova), a reputable construction estimator with considerable experience throughout the Bay Area, prepared the estimates based on new construction of a wood frame building constructed over a concrete, above-grade podium that includes ground floor retail, parking and a puzzle lift system. While the construction costs per unit and square foot are higher than what we have observed for other similar residential developments in the North Bay and San Francisco, we understand from Nova, VMWP and Seagate that the costs are higher for the following reasons:
 - The current Bay Area construction boom coupled with the rebuilding of fire-damaged areas across California, including Santa Rosa, has created a severe shortage of contractors and subcontractors in the North Bay and throughout the entire Bay Area. According to construction specialists, this has resulted in construction costs increasing at double-digit rates in recent years.
 - The property is a tight urban site with surrounding developments on all sides, which increase the costs for staging, ingress/egress and safety features.
 - The property is located in a FEMA flood plain and has other unique site conditions that increase site improvement, foundation and building construction costs due to increased heights for the ground floor and the overall building.

- In order to achieve a 1:1 parking ratio, a mechanical parking system is required, which requires an extra tall ground floor to accommodate a triple stacked automated parking system. This adds to the foundation and concrete wall cost to build the base “box.”
 - The developer has made many changes to the building design, exterior finishes and materials at the request of City staff, the Design Review Board, Planning Commission, and various community homeowner groups. These modifications have reduced building efficiencies, decreased building square footage and increased costs in the following ways.
 - The addition of the exterior balconies substantially increases the cost of the exterior skin and reduces the amount of rentable building space, which means that the building-wide costs can only be spread over a smaller amount of residential square footage.
 - The stepping back of the top floors adds greater costs to structural design as well as the exterior skin of the building. The step back typically requires structure loads to be carried down to the ground floor with a steel frame that extends from the 5th to the ground floor. The step back also reduces the amount of rentable building space, which in turn reduces potential apartment income.
 - As this urban infill site does not have the ability to incorporate open space at grade, the building includes an extensive roof deck that significantly increases the weight on the upper floor, requires waterproofing, necessitates upgraded roof materials, and incorporates specialized landscaping features and upgraded aesthetic finishes.
 - Given the building design and site conditions, skilled trades would be used to build most of the building component parts, likely incorporating a high proportion of skilled union labor.
- **Government fees**– The project sponsor will be required to pay City planning and development impact fees (such as building permit fees, planning fees and development impact fees) as well as fees that are required to be paid to other government entities (such as fees for schools, water and sewer provision). The City worked with the project applicant and provided a current cost estimate for these government fees based on published fee schedules to be used in the financial analysis.⁴
 - **Construction Financing**– Construction financing typically represents the major source of capital that pays for development costs during construction. The construction financing assumptions used in this analysis are generally representative of current construction financing terms for similar projects in the North Bay and San Francisco.
 - **Other Soft Costs**– Other soft costs include predevelopment costs (such as environmental review), architectural design, engineering services, legal fees, marketing, and other professional fees paid by the developer.

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

⁴ This updated analysis assumes that the City’s transportation impact fees would not need to be paid on the affordable housing units, which slightly decreases the total amount of government fees as compared to the February analysis.

2. Revenue Generation

Revenues for the project come primarily from rental of the apartments. The future rental of ground floor retail space, as well as the leasing of a small number of parking spaces, is projected to generate a small amount of commercial revenue.⁵

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

Rents for affordable units are based on the recently updated 2019 schedule for affordable rents at below market rents (exclusive of utility costs) that would be affordable to households at various target income levels based on areawide median income (AMI) for the County of Marin.⁶

Based on guidance from City staff and the applicant's proposal, the financial pro forma assumes that the affordable rents for VLI units would be affordable to households at 50% AMI, affordable rents for LI units would be calculated at 70% AMI and affordable rents for Mod units would be calculated at 120% AMI. The City has the discretion to allow alternative rent levels to be applied as part of the development approval process with the exception that at least five units must be affordable to households at 50% AMI in accordance with State Density Bonus Law.

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

3. Development Value

Based on a typical valuation method that appraisers use to value properties, future development value is projected by capitalizing the annual net operating income (NOI) from the property using a market-based capitalization rate. (This is equivalent to dividing annual NOI by the cap rate.)

Net operating income is equal to projected revenues less an allowance for vacancy less annual projected operating expenses. (Operating expenses include property management, administration, staff salaries, insurance, building maintenance costs, property taxes, and other operating expenses.)

For this analysis, a standard 5% vacancy allowance is applied to residential rental units to account for both vacant units and turnover as one renter leaves and another moves in. The project applicant provided operating expenses projections for the proposed development based on their experience in managing properties in San Rafael and other western cities. Their assumed operating expenses are lower on a per unit basis than what we have observed for other multifamily residential developments in the Bay Area, but we understand that Seagate anticipates being able to achieve operating efficiencies at this development given its scale and their other properties in the area.

⁵ Parking revenue is anticipated to be minimal given current market conditions in Southern Marin County where most apartment developments provide at least one parking space per unit at no additional charge. Commercial income is projected to represent about 1% of total revenues.

⁶ The affordable or BMR rents are based on a household income and rent schedule provided by the County of Marin, which advises on the City of San Rafael's housing programs. The rent schedule shows affordable rents for households at different household income levels for each bedroom type based on a percentage of areawide median income. The assumed rents for the affordable units are reduced to reflect a standard utility allowance for each unit type by bedroom size.

As described previously, design modifications have decreased the amount of leasable residential square feet, and they have also made the building less efficient from an operating and leasing perspective. This coupled with the provision of affordable housing constrains revenue generation.

The future value of the development is projected under two valuation scenarios:

- The first scenario uses a cap rate of 4.5%, consistent with what was assumed in the developer's financial pro forma. This is a reasonable cap rate assumption for pro forma purposes given the project location and anticipated timing for development.
- To test feasibility, a lower cap rate of 4.25% was also used, as this could be achievable given the project's location in Southern Marin County where little new development has occurred. The use of a lower cap rate yields a higher development value, which increases potential developer margin.

As the developer did not assume any sales transaction expense in their pro forma, no deduction is made for these costs. Often, sales transaction expenses (such as brokerage fees and title/recording fees) can range between 2% to 3% of development value for apartment buildings, which would reduce net revenues to the developer from the development.

The combination of lower than average operating expenses and no allowance for sales transaction costs means that the potential development value may be lower than projected in this analysis.

4. Return Metrics

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

a. Developer Margin and Margin on Cost

Developer margin is equal to the difference between net development value and total development costs (before consideration of developer return or profit).⁷ A developer will not proceed to build a project unless the project generates sufficient developer margin to warrant the risk and private investment needed to undertake the project.

Developers and investors use different target return thresholds depending on the level of complexity of the project, construction types, construction schedule, sales/rental absorption timeline and potential equity sources. Projects with a greater number of units, complexity of construction and longer timelines have higher risk and as a result require a higher margin on cost. This type and size of mixed-use development would likely have a margin on cost threshold that ranges between 18–25%, as measured by developer margin or return divided by development cost.⁸

b. Yield on Cost

Yield on cost (YOC) or stabilized yield is used to evaluate development feasibility for apartment development.⁹ YOC is measured based on Net Operating Income (NOI) divided by development costs.¹⁰ NOI is equal to projected rental revenues less vacancy allowance less operating expenses.

⁷ Net development value equals gross development value less transaction expenses.

⁸ This is equivalent to a return threshold of about 15% to 20% when measured as return on net revenues. This developer margin/return needs to take into account potential changes in costs and revenues.

⁹ This return metric is also referred to as return on cost by real estate developers, lenders and investors.

¹⁰ These return metrics are considered the typical "back of the envelope" way of determining real estate feasibility and are typically based on current rent and cost assumptions (not trended upward to reflect potential future increases).

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

C. Financial Feasibility Findings

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

- The Base Case Scenario is not financially feasible based on the development revenue and cost projections used in the developer's financial pro forma, as the developer margin is negative (meaning that development costs exceed revenues).
- Construction cost savings could potentially be achieved with modification of the proposed design features, additional value engineering or the use of more innovative construction methods. However, even if construction costs could be lowered by 10% to 15%, the Base Case Scenario is not feasible as the developer margin is still significantly negative under both valuation scenarios.
- Financial feasibility of the Proposed Project is enhanced by the significant addition of units with the additional density because revenues increase and development costs can be spread among a greater number of housing units, which results in:
 - Lower land costs per unit
 - Lower construction costs per unit, achieved by facilitating more efficient construction across a larger building envelope and spreading the cost of the concrete podium among more units
 - Lower government fees per unit for fees that do not vary based on numbers of units
 - Lower soft costs per unit, such as fixed predevelopment, design and engineering costs
 - Higher average revenue per unit due to the addition of market rate units.
- While the Proposed Project Scenario generates a positive developer margin based on the development assumptions used in the financial pro forma, it does not achieve a high enough developer margin or Yield on Cost to be feasible according to the typical return metrics described above. Development costs would need to be significantly reduced and a higher valuation achieved in order for the Proposed Project to achieve adequate return levels. As described earlier, the final design of the Proposed Project includes a number of important design features that add significant construction costs, so it may be difficult to achieve substantial cost savings.
- Given the significant reduction in revenues from doubling the number of affordable housing units, Alternative 1 is not financially feasible based on the development assumptions in the financial pro forma and with a higher assumed valuation. (The developer margin/return is negative as development costs exceed revenues.) It's unlikely that construction costs can be lowered to the extent necessary to achieve feasibility under Alternative 1.

In conclusion, the financial feasibility analysis presented above indicates that the proposed development is not financially feasible under the Base Case scenario or Alternative 1. The additional density and housing units being requested in the application for the Proposed Project enhances financial feasibility by reducing development costs per housing unit as described above. Based on the financial analysis described in this memorandum, we find that the higher density and greater number of units provided in the Proposed Project would be necessary to achieve financial feasibility.



SAN RAFAEL
THE CITY WITH A MISSION

**INTER-DEPARTMENTAL
MEMORANDUM**

Community Development Department – Planning Division

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

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

A. Setting/Background:

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

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

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

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

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

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

B. Project Description:

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

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

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

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

C. Supportive Technical Studies and Reports

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

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

D. Planning and Land Use Actions Being Requested:

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

E. Agencies Requiring Action on this Project:

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

F. Name of Person or Agency Carrying Out Project:

703 3rd Street Associates, LLC

G. CEQA Review and Findings

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

For project operations, no significant impacts were identified, and the project would not exceed the significance criteria for daily or annual ROG, NO_2 , PM_{10} or $PM_{2.5}$ emissions. The project would also not result in any significant impact in CO concentrations at intersections in the project vicinity.

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

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

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

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

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

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

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

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

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

H. CEQA Guidelines 15300.2 Exceptions

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

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

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

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

ATTACHMENTS:

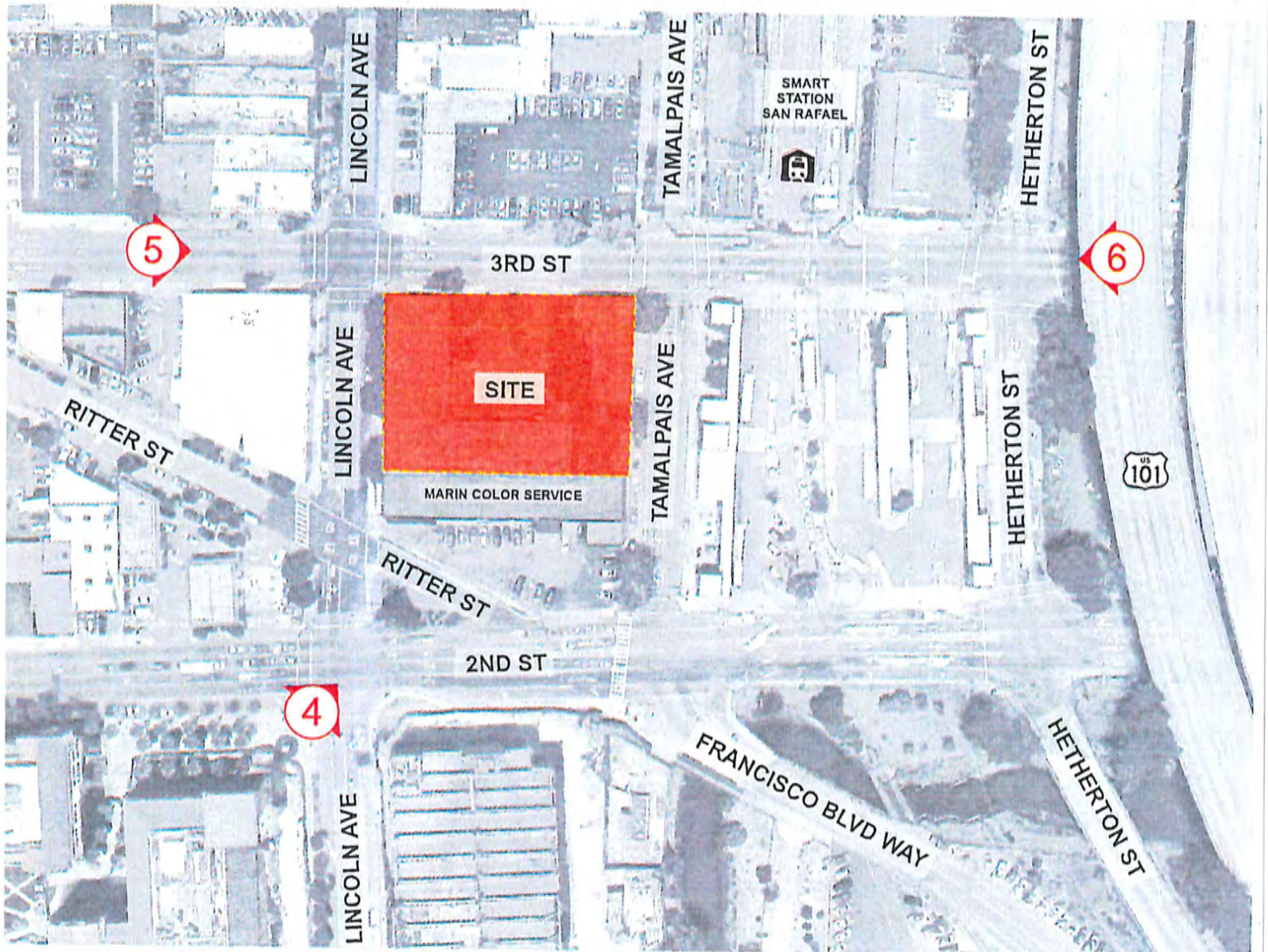
Attachment 1- Area Map

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

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

ATTACHMENT 1

AREA MAP



ATTACHMENT 2

SITE MAP

(Landscape Plan and First Floor Plan)



SITE PLAN
SCALE: 1" = 20'

- SHEET NOTES**
- NEW VEHICULAR CURBS OUT PER CITY OF SAN RAFAEL SPECIFICATIONS
 - REMOVE EXISTING TREE PLANTER, BUILD OUT
 - BIKE RACK
 - LONG TERM BICYCLE PARKING (RESIDENTS)
 - VEHICULAR OVERHEAD GATE (SEE ELEVATIONS)
 - NEW POLE TRANSFORMER VAULT TO SERVE BUILDING
 - POST MOUNTED VALVE (PMV)
 - WALL MOUNTED FIRE DEPARTMENT CONNECTION (FDC)
 - POTENTIAL STORM WATER VAULT FOR FIRMATION MEDIA UNITS, IF NEEDED. SEE CIVIL DRAWINGS
 - DOMESTIC WATER BACK FLOW PREVENTER (BFP)
 - DOMESTIC WATER METER LOCATION
 - PLANTER, SEE LANDSCAPE DRAWINGS
 - ACCESSIBLE CURB RAMP
 - GAS METER LOCATION
 - POTENTIAL LOADING ZONE
 - EXISTING TRAFFIC SIGNAL
 - EXISTING STREET LIGHT, TYP.
 - TELECOM VAULT
 - PANIC GAS & ELECTRIC
 - SAINTMARY BOMB CLEANOUT
 - GAS VAULT
 - SKIN
 - PARKING METER, (R) OR RELOCATED
 - RETAIL ENTRY FROM SIDEWALK
 - CURB CUT FOR TRASH RECYCLING
 - EXISTING TRAFFIC SIGNAL VAULT

- GENERAL NOTES**
- FINISH FLOOR FINISH SHALL BE 1/2" FINISHED FLOOR ELEVATION, 1'00" ABOVE FINISH FLOOR ELEVATION, 1'00" ABOVE FINISH FLOOR ELEVATION. ELEVATION IS REQUIRED FOR ALL CRITICAL FACILITY SPACES!
 - FINISHED FLOOR FINISH SHALL BE 1/2" FINISHED FLOOR ELEVATION, 1'00" ABOVE FINISH FLOOR ELEVATION, 1'00" ABOVE SEA LEVEL AS REQUIRED BY CITY OF SAN RAFAEL AND FEMA BULLETIN.
- SYMBOLS**
- NEW TREE, SEE LANDSCAPE DRAWINGS

OVERALL BUILDING AREA

FLOOR	LOBBY	RETAIL	BIKE ROOM	PARKING GARAGE	UTILITY & CIRCULATION	TOTAL
GROUND FLOOR	2,130	969	812	18,028	3,917	24,756
GROUND FLOOR	GARAGE, BIKE ROOM, RETAIL, LOBBY & UTILITY SPACES CONSTRUCTION TYPE I-A					

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

FLOOR	NUMBER OF UNITS PER TYPE						AREA IN SQUARE FEET						TOTAL INCLUDING ROOF DECKS
	STUDIO UNITS	1 BEDROOM UNITS	2 BEDROOM UNITS	RESIDENTIAL SF	LOBBY AREA	GYM	COMMUNITY SPACE	BUSINESS CENTER	UTILITY	CIRCULATION	COVERED ROOF DECKS	BALCONIES	
SECOND FLOOR	7	6	9	15,458	327	279	583	295	104	3,233	4,528	175	24,818
THIRD FLOOR	6	11	8	17,003	307				104	2,759	175	175	20,198
FOURTH FLOOR	6	11	8	17,003	307				104	2,757	559	175	20,208
FIFTH FLOOR	6	11	8	16,987	307				104	2,758	1,854	175	20,179
SIXTH FLOOR	6	11	8	15,308	327				104	2,758	5,317	175	20,179
ROOF TOP													
SUBTOTAL	33	44	43	81,442	1,655	279	583	295	520	14,264	12,498	1,854	111,458
TOTAL													

TOTAL	TOTAL	TOTAL	TOTAL
RETAIL	969	389	138,192
BIKE ROOM	812	33,187	
PARKING GARAGE	18,028		
UTILITY & CIRCULATION	3,917		
TOTAL	24,756	389	138,192

AI.0

- SHEET NOTES**
- 1 NEW VEHICULAR CURB CUT PER CITY OF SAN RAFAEL STANDARDS
 - 2 REMOVAL OF 80 STREET TREE PLANTER, BULB OUT
 - 3 BONE WALK
 - 4 LONG TERM BI-CYCLE PARKING RESIDENTS
 - 5 VEHICULAR OVERHEAD GATE (SEE ELEVATIONS)
 - 6 NEW PHASE TRANSFORMER VAULT TO SERVE BUILDING
 - 7 POST INDICATOR VAULT (PIV)
 - 8 WALL MOUNTED FIRE DEPARTMENT CONNECTION (FDC)
 - 9 POTENTIAL STORM WATER VAULT FOR RETAIL/MEDIA UNIT IF NEEDED. SEE CIVIL DRAWINGS
 - 10 DOMESTIC WATER BACK FLOW PREVENTER (BFP)
 - 11 DOMESTIC WATER METER LOCATION
 - 12 PLANTER. SEE LANDSCAPE DRAWINGS
 - 13 F/ACCESSIBLE CURB RAMP
 - 14 GAS METER LOCATION
 - 15 POTENTIAL LOADING ZONE
 - 16 RT TRAFFIC SIGNAL
 - 17 RT STREET LIGHT, TYP
 - 18 TELECOM VAULT
 - 19 PACIFIC GAS & ELECTRIC
 - 20 SANITARY SEWER CLEANOUT
 - 21 GAS VALVE
 - 22 SIGN
 - 23 PARKING METER (RT OR RELOCATED)
 - 24 RETAIL ENTRY FROM SIDEWALK
 - 25 CURB CUT FOR TRASH REMOVAL
 - 26 RT TRAFFIC STREET LIGHT VAULT

GENERAL NOTES

- 11 FROM BASE FLOOD ELEVATION, 12'-0" FINISHED FLOOR ELEVATION, 12'-0" FINISHED FLOOR ELEVATION, 12'-0" FINISHED FLOOR ELEVATION, 12'-0" FINISHED FLOOR ELEVATION. ELEVATIONS ARE REQUIRED FOR ALL VERTICAL FACILITY SPACES.
- 21 FINISHED FLOOR ELEVATIONS OF ALL INTERIOR AREAS EXCLUDING THE GARAGE & TRASH ROOMS ARE 72'-0" ABOVE SEA LEVEL AS REQUIRED BY CITY OF SAN RAFAEL AND FEMA REGULATIONS.

SYMBOLS

NEW TREE. SEE LANDSCAPE DRAWINGS



A2.0

**VAN METER
WILLIAMS
POLLACK**

703 THIRD STREET | 1ST FLOOR PLAN
SAN RAFAEL, CA | 7/5/18 | 703 THIRD STREET ASSOC. LLC



MARIN COLOR SERVICE

ATTACHMENT 3

BELOW AND AFTER VIEWS

(Plan Sheets A13.1 and A14.0)



4 VIEW FROM 2ND STREET & LINCOLN AVENUE



6 VIEW FROM ELEVATED HIGHWAY 101



5 VIEW FROM 3RD STREET LOOKING EAST TOWARDS FREEWAY



SITE PLAN

703 THIRD STREET | BEFORE VIEWS

SAN RAFAEL, CA | 7/5/18 | 703 THIRD STREET ASSOC. LLC



1 VIEW FROM LINCOLN AVENUE



3 VIEW FROM LINCOLN AVENUE LOOKING TOWARD 2ND STREET



2 VIEW DOWN 3RD STREET FROM TRANSIT STATION



SITE PLAN

703 THIRD STREET | AFTER VIEWS

SAN RAFAEL, CA | 7/5/18 | 703 THIRD STREET ASSOC. LLC

Steve Stafford

From: Raffi Boloyan on behalf of Community Development
Sent: Tuesday, March 5, 2019 7:23 AM
To: Steve Stafford
Subject: Fw: proposed 6 story mixed use building on Lincoln and 3rd street

comment letter for 703 3rd St

From: Ms Angela Gott <angelagott@yahoo.com>
Sent: Saturday, March 2, 2019 12:54 AM
To: planning
Subject: Re: proposed 6 story mixed use building on Lincoln and 3rd street

Please make this available to the Planning Commission. Thank you.

These proposed apartments are really NOT affordable to most seniors at all. Most Seniors fall into the "extremely low income category" once they are no longer working, once they are living mostly on their Social Security and savings. Medicare Premiums for Part B, Part D, and Medi-Gap continue to eat away at their Social Security income also. Part B is now \$135.50/month. Part D averages \$40 a month and Medigap policies are another \$160 a month on average. Extremely low income is under \$30,000 a year income for a single.

The average social security check for 2019 is only \$1,422/month, which is \$17,064 annually. This is average for men, not boomer generation women. Their average is closer to \$800 a month due to low pay and sporadic jobs, not working at least 35 years and claiming at age 62 rather than waiting to age 70.

So for younger, working adults these apartments might be "affordable" for them but this is not going to help seniors which can't find employment and need walkability. San Rafael really needs to create housing in walkable areas for San Rafael's senior population. These folks need to be able to use mass transit to get around to their doctor appointments, the banks, the grocery, etc.

What is needed is senior housing tied to 30% of their income. This is the only way seniors now living on SSDI and SSI and low social security benefits are going to survive. More subsidized housing is really needed for housing the boomer generation of retirees.

When these articles are written about "affordable housing" they do not address the growing need for senior "affordable" housing that needs to be priced for people with under \$18,000 /year in Social Security income. Most of these boomers have not done IRAs or 401ks and if they did, the various recessions drained these dry already and they took the money out when they were 59 1/2 or even earlier. These boomers are not going to have pensions either. They've worked for low wages most of their lives and the cost of living, particularly housing is causing them to become homeless because no one will rent to them for shared housing situations. Many of these seniors are women. They might "be a couple" pooling their resources to barely get by and then

the male dies leaving the woman with the smaller check and no way to keep paying the rent in their apartment.

Marin County and San Rafael should be trying to identify these cohabitating senior couples who are sharing expenses and resources and who are in committed relationships but for whatever reason are not married and should counsel them as to the benefits of getting married. This way the surviving spouse who is usually the female, would "step up" to the widow survivor's benefit check which would be the larger check and this would then be a defacto safety net. This will save Marin County money to have more federal dollars in resources coming into the county's economy too. It would be a win win to have Marin's seniors getting access to more federal dollars. The couple needs to be married one year in most cases to then qualify and/or be eligible to file for the survivor's benefit check.

Marin County and San Rafael should also try to identify currently divorced women who were married at least 10 years and make sure they are aware that they can file for spousal support at age 66 (full retirement age) and apply for survivor's benefit check when their former spouse dies too. Most of the time these social security benefit amounts will be much higher than their own social security benefit. Many boomer generation women have no idea that these avenues exist for them. They just do not know and of course none of this affects what the former spouse receives from Social Security based on his work history either. He gets his full amount and if he has a current spouse she can apply for spousal support and the widow survivor's benefit too and never lose a cent to these former spouses who truly need access to this kind of benefit from Social Security.

The article talked about "studio apartments" and I would suggest building more "studios" in order to create more senior housing. Take all the proposed one bedroom apartments and make them into studios instead. This is the unit size most needed by seniors. Since Marin County has the highest percentage of seniors of all the counties in CA, there needs to be a focus on housing boomer generation (born 1946 to 1964) seniors.

Every proposed building which contains housing should include housing that is affordable to Marin's seniors who so desperately need it. Many women who were in long term and committed relationships have a rude awakening to find themselves alone and worse, impoverished and no way to find housing that they can afford on what little they have now coming in. Marin County and San Rafael need to be creative in increasing housing stock for the multitudes of boomer generation women who are winding up this way. The YWCA does an amazing job trying to help women age 50+ get back into the job market but realistically once a woman is 65 or 66, she is not likely to find employment opportunities. If she finds anything, it will be part-time without benefits paying about \$12,000 an hour. Many of these women would work if they could find opportunities instead of discrimination based on age. They need to supplement their meager social security with employment but the 3rd leg is subsidized housing too.

I just do not think most of you in jobs which pay a living wage and then some, really get what this boomer generation is going through. The women were raised as girls and teens to marry and be supported by their husbands. Their role models, their mothers, Aunts, Grandmothers, and older sisters did not work outside the home in most cases. This was a one paycheck family dynamic in the 1950s, 1960s and into the early 1970s. But by the time they were 20, everything had changed and one of the biggest changes set up to hurt them was the Social Security Administration rule of what constituted a bona fide marriage and Congress came up with the 10 year marriage rule in the early 1970s when boomer generation women were entering into marriages in their early 20s but then getting divorced about 5 to 7 years later, something their mothers, Aunts, Older sisters, Grandmothers had not done in most instances. Their divorce lawyers knew "family law" and "divorce law" but not elder law or Social Security Administrative law. No one had a clue.

These were young women in their 20s and 30s seeking divorces. Before the SSA rule changed, the duration of the marriage generally did not matter. So thousands of boomer generation women had no idea how the SSA administrative rule change would affect them years later in old age and make them not eligible unless their marriage happened to have lasted 10 years and a day. Many of these women have found out decades later that their marriage was 9.5 years or just a few months shy of 10 years. Their lawyers, the judges, no one knew Social Security Administrative law and how this rule change would affect this generation of women which now are in their mid 60s and destitute. So this situation is going to get worse as time goes on because so many of these boomer generation women either never married or had numerous marriages, but most ended before meeting the 10 year rule and because no one ever told them. All of their mothers tended to stay married for at least 25 years if they divorced at all. Their grandmothers married for life.

So there was no real awareness of the 10 year rule until these women reached age 62 and even then tended to get very bad advice--not to wait for their full retirement age which is now age 66 and 67. They begin claiming at age 62 without even a clue how much Medicare is going to cost them at age 65 either. Boomer women with a full retirement age of 67 (born in 1960 and later) will lose 30% off already very tiny checks for life-- this is a lifetime penalty-- if they begin claiming social security at age 62. Marin County and San Rafael really should offer Social Security Benefits classes for people age 55+ so they can learn exactly how this works and what their options are and also the reality that their social security checks are likely going to be very small. They need to do IRAs and form 8880 Saver's Credit to have additional money set aside for old age. None of this generation is saving for retirement. The bottom line is that there are federal dollars to be had and Marin County and San Rafael could shift this population to receiving more federal dollars by educating Marin residents making up this generation of boomers and making them aware of how to maximize their social security claiming strategies.

The "census" is coming up and Marin County and San Rafael ought to have some kind of census to determine the demographics of this boomer generation and find out how many are unmarried senior couples, find out how many are singles living alone, find out the average social security check for the men and the average social security check for the women. You can't plan for this demographic's needs if you do not know the specifics. Find out how many are still working and what their annual income is to supplement their social security income. You need to determine where they fall-- how many, what percentage are in the extremely low income category, the very low income category, the low income category and the moderate income category. Then you need to build senior affordable housing to meet these percentages of need.

Make the developers meet the needs of Marin and San Rafael and build housing for people who live here now, residents who grew up in Marin, worked in Marin and who will be buried in Marin. Build housing for Marin residents first. Thank you.

Sincerely,
Angela Gott

age 68, still working two jobs and not yet claiming social security. At age 70 I will likely get just \$1,369/month for life. That is the SSA estimate I just got. I've been working my entire life since age 18, never married and no kids and always paid very low wages. When I began work at age 18 in 1969 minimum wage was \$1.55/hour. That is also the problem, how low the wages were during the bulk of the boomer generation's lives. This is also why our checks are so low--how little we were paid. My gross in 2018 is \$22,153. Try living on that amount but that is more than I will be having to live on at age 70. So build some senior housing !!!

July 8, 2018

• • •

Citizens Advisory Committee
San Rafael, CA 94901

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

Dear Mayor Phillips and Council Members,

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

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

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

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

Respectfully,

William Carney, CAC Chair

Attachment: CAC minutes, June 7, 2018

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

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

City Staff Present: Danielle O'Leary

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

Guest Presenters: Wick Polite, Seagate Properties

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

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

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

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

Comments from CAC members

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

Comments from the Public:

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

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

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

4. Project Updates

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

5. Public Comments on Non Agenda Items: None

6. Suggestions for Future Agenda Items:

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

7. Meeting Adjourned at 9:03 PM.

Respectfully submitted by Andrew Naja-Riese

Steve Stafford

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

Comments for 703 third

Michele Ginn
CITY OF SAN RAFAEL
Planning Technician

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

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

TO: Eric Spielman and Board,

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

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

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

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

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

Susan Page
San Rafael, CA
415-456-4151

June 24, 2017

To: San Rafael City Council
San Rafael Design Review Board

RE: Building design for Third and Lincoln, San Rafael

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

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

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

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

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

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

The Mid-Rise Buildings Study itself is here:

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

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

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

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

We can do better. We deserve better.

Sincerely,

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

See next page

Images of 6-story buildings

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

=====

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

Fallingbrook

Wayne Olson Architects
Toronto, Ontario



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

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

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



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

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



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

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



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

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



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

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



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

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

Steve Stafford

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

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

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

Case Details

Title: proposed housing on Lincoln

Case Number: 51324

Description:

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

Status: Open

Assigned Staff:

Michele Ginn

Created: **17 hours ago**

Updated: **15 hours ago**

Constituents:

Michelle Southard

jelley2@hotmail.com

Steve Stafford

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

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

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

Re: File No. CDR17-005

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

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

We support this development.

Sincerely,
Thank you,

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



San Rafael

Community Development Department
MEMORANDUM

DATE: June 20, 2017

TO: Design Review Board Members

FROM: Steve Stafford, Senior Planner

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

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

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

Steve Stafford

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

Attn: Steve Stafford

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

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

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

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

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

Thank you for your consideration.

Sean Mooney
Gerstle Park Resident



San Rafael

Community Development Department
MEMORANDUM

DATE: June 16, 2017
TO: Design Review Board Members
FROM: Steve Stafford, *SS* Senior Planner
SUBJECT: [CDR17-005] 703 Third St. Project; Additional Public Comments
703-723 Third St. and 898 Lincoln Ave.; APNS: 011-278-01 & -02

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

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

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

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

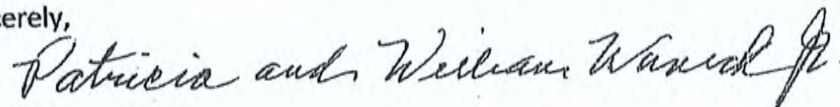
FROM: Patricia and William Warnock
22 San Mateo CT San Rafael, CA 94903

Dear Sirs:

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

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

Sincerely,



Patricia and William Warnock Jr.

101 Francisco Boulevard, LLC.

City of San Rafael

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

File # CDR17-005

Dear Design Review Board Members,

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

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

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

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

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

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

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

Sincerely,

Rick Beckstrom, 101 Francisco Boulevard, LLC

Lynn McIntire, 101 Francisco Boulevard, LLC

San Rafael Chamber

August 22, 2019

City of San Rafael
Planning Commission
1400 5th Avenue
San Rafael, CA 94901

Re: 702 & 703 Third Street Project

Dear Planning Commissioners:

On behalf of the San Rafael Chamber of Commerce which represents nearly 625 Marin County employers with over 26,000 employees across 25 industry sectors, I write to express our support for the housing project being proposed at 702 & 703 Third Street in San Rafael.

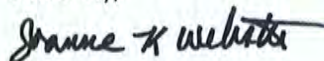
As you may know, city staff presented a "Barriers to Housing" report last August that included a list of challenges to housing development in San Rafael. Leadership from the San Rafael Chamber was included in the initial outreach to identify these barriers and reported to staff that the cost of land, and construction along with development and impact fees to build any units was a huge obstacle. In addition to these high costs, local developers continually report to the Chamber that the number of inclusionary units required is too high, adding to the problem; making the projects "not pencil out".

In the past decade only ten housing units have been built in Downtown and that is a large concern. We are equally concerned about the vitality of Downtown. There are several large vacancies including the old Pizza Orgasmica building, the Fenix property, Rafael Florist and others. The proposed project will bring much needed vibrancy to the Downtown area. It is a perfect example of transit-oriented development that is being discussed at our current General Plan 2040 steering committee meetings and will provide housing for families that can live, work and shop in Downtown.

The local developer is very civic minded and understands our unique challenges. They have added units above what is entitled, creating additional homes including 12 below market rate (BMR). This not only meets the required code "by right" but exceeds the required number of BMR units "by right" providing an additional benefit to the community. We hear a lot of discussion about the 20% inclusionary requirements and even though the Chamber supports the creation of affordable units, we simply are not seeing units built. The developer has calculated the construction costs, labor costs and current remarketed rents to make the project feasible. We fear that requiring more BMR units to this project may just kill it. Our concern is that if this project does not get approved as proposed, it will be a lost opportunity and converted into something other than housing for working families in San Rafael.

The San Rafael Chamber is completely in support of this project and we respectfully ask that you approve the application on August 27th.

Sincerely,



Joanne Webster
President and CEO

cc via email: Chamber Board of Directors

**101 Francisco Boulevard, LLC.
491-A Wilson Ave.
Novato, CA 94947**

City of San Rafael

Attention: Steve Stafford, Project Planner

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

A quick explanation of our back ground and that of our property.....

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

Our major concerns are the number and scale of the concessions granted to Seagate for this development. Time and time again the existing requirements and policies are being ignored and this development is being allowed to proceed. If all these "bonuses" are allowed on this project, it will open the flood gates for any and all of the future developers to request the same.

Below is a partial list of additional concerns regarding the project:

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- First and foremost the traffic nightmare that will be caused by the addition of the 120 new rental units. It is our understanding that, once

issued, the permit for this project is valid for 10 years. Will the current traffic study still be accurate for that length of time?

- Visitor and delivery parking seems grossly inadequate for the size and scope of the project. It is completely unreasonable to believe that with 120 rental units there will only be a need for 2 guest parking sites.
- With the increased amount of online shopping and deliveries by the likes of Amazon, Fed Ex, UPS, grocery stores, restaurants etc. it is extremely doubtful that the 2 delivery sites listed will accommodate them all.
- There are no additional patron parking sites indicated for the proposed retail space nor for the retail employees.
- The parking issue is a major concern for us as the probable source for Seagate's excess parking need will become our Marin Color property. Marin Color Service is open 7 days a week and their parking lot is required to be available at all times.

We would hope that when making your decisions regarding this project, the long term affects of it will be considered.....it always seems that the unintended consequences of a short term fix are the most difficult to repair.

Sincerely,

Rick Beckstrom, 101 Francisco Boulevard, LLC

Lynn McIntire, 101 Francisco Boulevard, LLC

Steve Stafford

From: Joseph Elsbernd <elsbernd@icloud.com>
Sent: Tuesday, August 13, 2019 7:26 AM
To: Steve Stafford
Subject: In regards to proposed project on 703-723 third street and 898 lincoln avenue

To whom it may concern,

I am writing to you today to express my emphatic support of the proposed development on 703-723 Third and 898 Lincoln Avenue.

I support this development as a downtown San Rafael resident who lives only a block away from the proposed development (I live at 791 Lincoln Avenue).

The addition of such a building to downtown San Rafael will be a significant boon to the community! My reasons for believing this are; 1) more local residents to visit shops and restaurants will help the economy, 2) dense living is better for the environment and helps everyone on the planet, 3) the building will help dampen freeway noise moving westward.

The location is an ideal one for development given the proximity to both the SMART train, freeway, and local downtown shops, stores, and restaurants.

Please grant approval to this development without constricting its size or scope. This development is just what our city needs!

Joseph Elsbernd
elsbernd@icloud.com
791 Lincoln Ave Apartment #102
San Rafael CA, 94901

Steve Stafford

From: Pamela Reaves <pamela1reaves@gmail.com>
Sent: Monday, May 13, 2019 10:55 AM
To: Dale W. Miller
Cc: Kate Colin; Bill Carney; Cory Bytof; Tamra Peters; Sarah Loughran; Steve Stafford
Subject: Re: New Apartment Building in San Rafael

Well said, Dale. I agree with you 100%.

What about infrastructure requirements for electric bikes as well? More and more people are getting around town and county via a bicycle. A new building must provide safe and accessible parking for them with access to an outlet to charge.

Best,
Pam Reaves

On May 13, 2019, at 9:23 AM, Dale W. Miller <dalewmiller@gmail.com> wrote:

The Saturday edition of the Marin IJ described a new apartment building in San Rafael that is moving through the approval process.

<https://www.marinij.com/2019/05/10/downtown-san-rafael-apartment-building-wins-support-of-design-board/>

If the article is accurate, the building will include 121 parking spaces with 4 electric car charging connections. Four out of 121? Really? Does San Rafael really want 97 per cent of the vehicles to be gas cars?

If San Rafael permits new buildings to be built with what is less than a token quantify of connections for charging, this makes a mockery of San Rafael's Climate Action Plan, DrawDown Marin, and all of the work that the citizens concerned about the climate crisis have been doing. This is essentially the same as no action.

If San Rafael is serious about addressing the climate crisis then every new parking space at residential buildings should have access to electricity for car charging. How will the building management decide which four residents get to drive an electric car? What happens if 5 tenants decide they would like to have electric cars?

To really stop the use of fossil fuels, new buildings should be all-electric and should include access to electricity for every parking space.

It is very inexpensive to wire the building adequately for charging when it is being constructed compared to retrofitting the building for charging later.

The elected officials in Marin need to have the courage to require new residential buildings to be fossil fuel free. If we don't start now, when will we eliminate fossil fuels or is this being left to the next generation to deal with?

What will it take to get the elected officials, boards, and commissions to fulfill their responsibility to address the climate crisis?

Dale

--

Dale Miller
President
Golden Gate Electric Vehicle Association
www.ggeva.org
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