



## AGENDA

**SAN RAFAEL PLANNING COMMISSION  
REGULAR MEETING  
TUESDAY, February 25, 2020, 7:00 P.M.  
COUNCIL CHAMBERS, CITY HALL, 1400 FIFTH AVENUE  
SAN RAFAEL, CALIFORNIA**

**CALL TO ORDER  
PLEDGE OF ALLEGIANCE  
RECORDING OF MEMBERS PRESENT AND ABSENT  
APPROVAL OR REVISION OF ORDER OF AGENDA ITEMS  
PUBLIC NOTIFICATION OF MEETING PROCEDURES**

### **URGENT COMMUNICATION**

Anyone with an urgent communication on a topic not on the agenda may address the Commission at this time. Please notify the Community Development Director in advance.

### **CONSENT CALENDAR**

1. Minutes, February 11, 2020

### **CONTINUED PUBLIC HEARING**

2. **190 Mill Street** - General Plan Amendment, Zoning Amendment, and Use Permit to: a) extend the existing high density residential general plan land use (HDR) to include the subject property; b) extend zoning district (HR1) boundary to include the subject property; and c) a Use Permit for a new existing emergency shelter to replace existing shelter to be demolished, and consideration of concessions and incentives to exceed maximum lot coverage and maximum building height. The above applications, if approved, would allow for a "by-right" approval process for the construction of 32 100% affordable supportive housing units, as required by Assembly Bill 2162; APN: 014-192-12; Canal Core Industrial/Office (CCI/O) District; Homeward Bound owners/applicant; File No(s): GPA19-001/ZC19-001/UP19-001  
**(This item was continued from the February 11, 2020 Planning Commission Meeting)**

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

- I. Next Meeting: March 10, 2020.
- II. I, Anne Derrick, hereby certify that on Friday, February 21 2020, I posted a notice of the February 25, 2020 Planning Commission meeting on the City of San Rafael Agenda Board.

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| <ul style="list-style-type: none"><li>• 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</li><li>• 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.</li><li>• 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.</li><li>• 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.</li></ul> |
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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, February 11, 2020



**Regular Meeting**

**San Rafael Planning Commission Minutes**

For a complete video of this meeting, go to <http://www.cityofsanrafael.org/meetings>

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**RECORDING OF MEMBERS PRESENT AND ABSENT**

Present: Barrett Schaefer  
Sarah Loughran  
Mark Lubamersky  
Jeff Schoppert  
Aldo Mercado  
Berenice Davidson

Absent: Shingai Samudzi

Also Present: Alicia Giudice, Senior Planner  
Barry Miller, Project Manager

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

**PUBLIC NOTIFICATION OF MEETING PROCEDURES**

**URGENT COMMUNICATION**

**CONSENT CALENDAR**

**1. Minutes, January 28, 2020**

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

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

- 2. 190 Mill Street– Request for General Plan (GP) and Zoning Map Amendment and Use Permit (UP) and Initial Study/Mitigated Negative Declaration. The site currently has a light industrial (LI/O-GP & CCI/O zoning) classification. The amendments would extend the existing High Density Residential (HDR) GP Land Use Classification and High Density Residential (HDR1) Zoning district boundary to include this site. The project also includes construction of a 24,042 square foot building to accommodate expansion of the existing emergency shelter to allow 60-beds and add 32 permanent supportive housing units. APN: 014-192-12; Core Canal Industrial/Office (CCI/O) District; Homeward Bound owners/applicant; File No(s): GPA19-001/ZC19-001/UP19-001 (This item is being continued to a date certain of February 25, 2020 – staff initiated)**

Barrett Schaefer moved and Berenice Davidson seconded to continue item to the Planning Commission of 2/25/20. The vote is as follows:

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

**PUBLIC HEARING**

- 3. **Preliminary Consideration of General Plan 2040 Land Use Map, Including Proposed Amendments – Review of the Preliminary General Plan 2040 Land Use Map, including proposed amendments in response to new land use categories, staff initiated changes, and property owner requests. File No(s). GPA16-001 & P16-13. Project Planner: Barry Miller**

[Staff Report](#)

No action was taken. The Commission provided comments and direction on the Land Use approach.

- 4. **Annual Meeting of Planning Commission for 2019 to include final review of changes to Planning Commission “Rules and Procedures”.**

[Staff Report](#)

Aldo Mercado moved and Sarah Loughran seconded to approve changes (as modified to the PC) to the Rules and Procedures related to:

- a) convening of meeting on Study Sessions/Informational Items; and
- b) ex parte communications.

The vote is as follows:

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

**DIRECTOR’S REPORT**

**COMMISSION COMMUNICATION**

**ADJOURNMENT**

\_\_\_\_\_  
ANNE DERRICK, Administrative Assistant III

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020

\_\_\_\_\_  
Jeff Schoppert, Chair





**SAN RAFAEL**

THE CITY WITH A MISSION

Community Development Department – Planning Division

**Meeting** February 25, 2020

**Date:**

**Agenda Item:**

**Case** GPA19-001/ZC19-001/

**Numbers:** UP19-014

**Project** Ali Giudice (415) 485-3092

**Planner:** Jayni Allsep

## REPORT TO PLANNING COMMISSION

**SUBJECT: 190 Mill Street (Homeward Bound)** – General Plan Amendment, Zoning Amendment, and Use Permit to: a) amend the existing General Plan land use designation from LI/O to HDR; b) rezone the property from CCI/O to HR1; c) approve a Use Permit for a new emergency shelter to replace existing shelter to be demolished; and d) consider concessions to exceed maximum lot coverage and maximum building height. The above applications, if approved, would allow for a “by-right” approval process for the construction of 32 100% affordable supportive housing units, as required by Assembly Bill 2162; APN: 014-192-12; Canal Core Industrial/Office (CCI/O) District; Homeward Bound owners/applicant; File No(s): GPA19-001/ZC19-001/UP19-001

### EXECUTIVE SUMMARY

This project is being referred to the Planning Commission for review of applications that would allow the development of a new building that would contain 32 permanent supportive housing units and a 60-bed emergency shelter at 190 Mill Street that would replace the existing shelter that has operated at the site since 1986.

The State has recently adopted legislation related to housing and housing production and in some cases obligating municipalities to establish streamlined “by right” processes for review of qualifying affordable housing projects. Projects that meet affordability and other criteria must be evaluated through a by-right process where only objective standards are applied. The City has begun exploring the creation and adoption of “By-Right” Objective Standards; however, none exist at this time. With the 190 Mill Street development applications now submitted and under consideration by the City, this project serves as a pilot for the “by-right” zoning process mandated by the State for affordable housing projects. The intent is to streamline the review of such projects, which will significantly reduce soft costs and the process timing for developers/applicants.

Amendments to the City’s General Plan Land Use Map and Zoning Map are proposed that would change the designated land use from light industrial/office to high density residential. A Use Permit is required for the emergency shelter. In addition, the applicant is requesting approval of concessions permitted under State law for density bonuses and other incentives: one to exceed the maximum 60% lot coverage for the HR1 District, and one to exceed 36-foot maximum building height.

If the requested amendments and Use Permit are approved, the applicant would seek a “by-right” approval of the proposed supportive housing and emergency shelter building, which would require demolition of the existing emergency shelter.

The City supports the proposed amendments, Use Permit, and request for concessions because they would allow redevelopment of the project site with a 60-bed emergency shelter to help reduce the number

of unsheltered homeless, and 32 supportive housing units that would help meet the City’s obligation for providing affordable supportive housing and needed services.

The General Plan and Rezoning actions are not categorically exempt from the California Environmental Quality Act (CEQA) and therefore, an Initial Study (IS) was prepared to identify and evaluate potentially significant impacts to the environment that could result from the proposed project. The Initial Study concluded that all potential impacts could be mitigated; therefore, adoption of a Mitigated Negative Declaration (MND) is recommended. The IS/MND was released for a 20-day public review period beginning on January 2, 2020 and ending on January 22, 2020.

As demonstrated in the analysis contained in this report, the project is overall consistent with objectives of the City’s General Plan and Zoning Ordinance, and staff recommends approval of the proposed amendments and the Use Permit.

**RECOMMENDATION**

It is recommended that the Planning Commission:

- 1) Adopt the attached Resolution (Exhibit 2a) recommending to the City Council adoption of the Mitigated Negative Declaration and approve MMRP prepared for the Homeward Bound of Marin Project at 190 Mill Street;
- 2) Adopt the attached Resolution (Exhibit 2b) recommending to the City Council adoption of a General Plan Amendment to change the existing Light Industrial/Office (LI/O) land use designation of the site to the high-density residential (HDR) land use designation;
- 3) Adopt the attached Resolution (Exhibit 2c) recommending to the City Council adoption of a Zoning Map Amendment to modify the existing Canal Core Industrial/Office (CCI/O) zoning classification of the site to high-density residential zoning classification (HR1);
- 4) Adopt the attached Resolution (Exhibit 2d) approving Use Permit 19-001 for a new emergency shelter to replace existing shelter to be demolished; and consideration of concessions to exceed 60% maximum lot coverage and 36-foot maximum building height for HR1 District.

**PROPERTY FACTS**

<b>Address/Location:</b>	190 Mill Street	<b>Parcel Number(s):</b>	014-192-12
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<b>Property Size:</b>	13,500 Square Feet	<b>Neighborhood:</b>	Canal Neighborhood
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<b>Site Characteristics</b>			
	<b>General Plan Designation</b>	<b>Zoning Designation</b>	<b>Existing Land-Use</b>
<b>Project Site:</b>	<b>Light Industrial/Office (LI/O)</b>	<b>CCI/O</b>	<b>Emergency Shelter (55 beds)</b>
North:	High Density Residential (HDR)	HR-1	Multi-Family Residential
South:	Light Industrial/Office (LI/O)	CCI/O	Auto Repair
East:	GC, Public/Quasi-Public (P/QP)	CCI/O	Auto Repair/Storage
West:	Marine Related	M-C	Auto Repair

**Site Description/Setting:**

The property is a 13,500 square foot parcel located at 190 Mill Street, on the corner of Mill Street and Harbor Street. The site was developed in the early 1960s with the existing 4,792 square foot single-story building and associated parking lot containing 12 spaces. The site has operated as an emergency shelter since 1986 and is currently being used as an emergency shelter operated by Homeward Bound. There are several outbuildings located along the north east corner of the property. The property has a General Plan land use designation of LI/O and a zoning classification of CCI/O, both of which are Industrial land use classifications. Emergency shelters are allowed within this designation with a Use Permit (see Background section for Use Permit discussion).



190 Mill Street



575 Canal Street

Uses surrounding the property are mostly auto repair shops, automobile storage and some marine related uses. However, there are some residential uses southwest of the project site (across Harbor Street), and to the north of the property at 575 Canal Street is an existing 12-unit multi-family residential building with covered parking located on the first level. From the corner of Harbor and Canal going east, developed properties consist of predominately multi-family residential uses.

**BACKGROUND**

**Recent Legislation Supporting the Production of Affordable Housing**

In 2017, the State adopted a number of State Bills related to housing and housing production and in some cases obligating municipalities to establish streamlined “by right” processes for review of qualifying affordable housing projects. Two relevant Bills are discussed below:

Assembly Bill 2162

Assembly Bill 2162 ([AB2162](#)), adopted in 2018, applies statewide and broadens the requirements of Government Code Section 65583 that supportive housing projects must be considered through a ministerial “by right” process without discretionary review. The process is intended to remove the discretionary process and the requirement for CEQA review. A qualifying project includes the following:

- Affordability. All of the proposed residential units (excluding managers’ units) must be dedicated as affordable to lower income households for a period of at least 55 years.
- At least 25% of the total number of units, or 12 units (whichever is greater) must be restricted for residents of supportive housing;
- Supportive Services must be provided on site. For projects with more than 20 units at least 3% of the non-residential floor area must be dedicated to supportive services.

Projects that meet the above criteria must be evaluated through a by-right process where only objective standards are applied. The City has begun exploring the creation and adoption of “By-Right” Objective Standards; however, none exist at this time. Please see the analysis section below.

Government Code Section (GCS) 65583 existed prior to adoption of AB2162, however the provisions for “by right” supportive housing broadened under this bill. Another important element of GCS 65583 is that it requires local agencies to establish zones where emergency shelters are allowed as a permitted use and also zones where emergency shelters can be permitted through a use permit. In cases where a use permit process is required, a local agency must establish a process that is objective (non-discretionary) by adopting quantifiable development standards and written performance standards that can be applied to the project. The City has adopted such standards under Zoning Code Section 14.16.115.

### Senate Bill 2 (SB2)

On March 28, 2019, California Housing and Community Development Department (HCD) launched the SB2 Planning Grants Program (PGP). A Notice of Funding Availability (NOFA) was released for approximately \$123 million, the statewide revenue earmarked for local government grants. The purpose of the Planning Grants Program is to provide financial and technical assistance to local governments to update planning documents to:

- Accelerate housing production;
- Streamline the approval of housing development;
- Facilitate housing affordability;
- Promote the development of housing; and
- Ensure geographic equity in the distribution and expenditure of allocated funds

Under this grant program, local governments are provided an eligibility allowance based on community population. The City of San Rafael falls within the “medium localities” category (defined as a locality with a population between 60,000 and 200,000), which is eligible for up to \$310,000 in grant funding.

On October 30<sup>th</sup>, 2019, the City was successfully awarded all \$310,000 in grant funding for the following projects to facilitate future housing development:

1. Countywide Inclusionary Zoning Study and Housing Mitigation and Commercial Linkage Fees grant project;
2. Objective Design and Development Standards toolbox and manual for reviewing by-right projects (includes projects that qualify under SB35 and AB2162);
3. By-Right Affordable Housing Overlay Zone;
4. Online Permit Guide; and
5. Web-Based Permit Management System.

As part of this effort, the City will use SB2 funds to develop a ‘by-right’ zoning process and overlay zone for the review and approval of affordable housing development projects located within the HR-1 (High Density Residential) Zoning District. The intent is to streamline the review of such projects, which will significantly reduce soft costs and the process timing for developers/applicants.

The City is continuing to work with a consultant on developing a list of objective standards that could be used to evaluate all projects that qualify for by-right ministerial review. Staff presented a first draft of these standards last year and received feedback from both the Design Review Board and the Planning Commission with direction that more work was needed to focus the objective standards.

With the 190 Mill Street development applications now submitted and under consideration by the City, this project serves as a pilot for the “by-right” zoning process mandated by the State for affordable housing projects. The City has worked cooperatively with Homeward Bound of Marin to identify development standards that are considered objective and already adopted by the City to be incorporated into the design and planning of their Mill Street Center development proposal.



## HISTORY

### Use of the Site

The project site was developed in the 1960s as an office building that was originally used as a physical therapist's office. In 1986, a use permit was issued to allow the site to be used as an emergency shelter managed by Marin Housing Center. This site has been used for such use since that time and is now managed by Homeward Bound, the current property owners.

In 1993, the Use Permit for the emergency shelter was amended to allow for a modest expansion that added 800 square feet of floor area, increased day services, and increased the maximum number of beds from 30 to 40. Over the last many years, the number of beds available at the shelter has been between 40 and 55 beds.

In April 2019, Homeward Bound submitted applications requesting a general plan amendment, zoning amendment, and use permit for the proposed project.

In light of the recent State legislation adopted and the City's efforts to remove barriers to affordable housing, the City considered ways that would facilitate this project and other affordable housing projects, including several legislative changes that would provide for a "by-right" zoning process and expand where height bonuses could be granted for affordable housing projects.

### Planning Commission Study Session

On December 10, 2019, the Planning Commission held a Study Session to consider the project at 190 Mill Street along with other possible legislative changes to facilitate more affordable housing projects. During this Study Session, the Planning Commission suggested that the legislative changes being contemplated were premature and perhaps too broad to consider at this time in absence of objective standards adopted for by-right processing of affordable projects. At the Study Session meeting, one resident from the Canal neighborhood spoke during the public comment period and expressed concern about any expansion of the existing emergency shelter, citing littering and loitering of people in the area as the primary concerns. The Commission indicated that they may be able to support a General Plan and Zoning Map amendment; however, the formal review on this item would need to respond to the following questions:

- Applicant needs to make a better justification for how the requested amendments can be justified given the surrounding industrial uses.
- Applicant needs to provide a response on how they will address site maintenance related to the emergency shelter

## PROJECT DESCRIPTION

The project consists of amendments to the San Rafael General Plan 2020 Exhibit 12 - Land Use Map and the Zoning Map, and a Use Permit that would allow the development of a new building that would contain 32 permanent supportive housing units and a 60-bed emergency shelter that would replace the existing emergency shelter that has operated at the site since 1986. The project requires adoption/approval of the following:

- General Plan Amendment to modify the existing Light Industrial/Office (LI/O) land use designation of the site and extend the high-density residential (HDR) land use designation to the north and east such that it would encompass the 190 Mill Street property. This amendment to the HDR land use category would allow high density residential uses on the site.
- An accompanying Zoning Map Amendment to modify the existing Canal Core Industrial/Office (CCI/O) zoning classification of the site and extend the existing high-density residential zoning (HR1) of the adjacent site such that it would encompass the 190 Mill Street property. This amendment to the HR1 Zoning District would allow high density residential uses on the site; and

- A Use Permit for the existing emergency shelter (approved in 1986) to allow for the proposed expansion which would increase the number of beds to 60. As mentioned above, the Use Permit process allows for application of quantifiable performance standards that have been adopted by the City under Zoning Code Section 14.16.115.
- A request for concessions permitted under State law for density bonuses and other incentives: one to exceed the maximum 60% lot coverage for the HR1 District, and one to exceed 36-foot maximum building height.

### **By-Right Development**

If the requested amendments described above are approved, the applicant would seek a “by-right” approval of the proposed supportive housing and emergency shelter building, which would require demolition of the existing emergency shelter building. The “by-right” process is a ministerial review that does not allow for application of discretionary design criteria. That means that only adopted objective design standards can be applied to this project. While the City is currently in the process of creating a list of objective design standards, none have been adopted to date. However, the City does have adopted development standards that would be applied as appropriate to this project through the ministerial review process. The project is included in this discussion as a pilot project to demonstrate what a “by-right” proposal might look like. The City could use some of the design elements included in this project as examples of objective design features that may be appropriate for future “by right” supportive housing projects.

The proposed new building would be a four-level building made up of three floors of wood-framed construction above a concrete podium, including the following:

- A ground floor podium parking area with 18 parking spaces for use by Homeward Bound staff, visiting service providers, and guests. Residents will not have cars;
- A new 60-bed emergency shelter to replace the existing shelter on the first floor of the building, above the ground-level concrete podium parking;
- 32 single-room occupancy supportive housing units on the second and third floors (16 units on each floor) with shared common areas including lounge, communal kitchen, bathrooms, office space for supportive services and terraces; and
- New landscaping, hardscape, and fencing along the perimeter of the property.

The project site and surrounding area is located in FEMA (Federal Emergency Management Agency) special flood hazard Zone AE, with an established base flood elevation (BFE) of 10 feet (datum NAVD88). Therefore, the new building must be designed to conform to floodplain management regulations contained in Title 18 of the City of San Rafael Municipal Code (Protection of Flood Hazard Areas). The civil and architectural plans submitted for the project show that all habitable space in the new building is above the 10-foot BFE, and areas below the 10-foot BFE are limited to parking, access, and storage including trash and recycling containers.

### **Use:**

#### *Emergency Shelter Operations*

The existing emergency shelter, known as Mill Street Center, is Marin County’s only year-round emergency shelter for homeless adults. The shelter serves both men and women in separate dormitory-style rooms, and meals are served nightly by volunteers from a network of churches and community groups. Residents seeking emergency shelter are offered an initial seven-day stay, and if within that timeframe an individual has resolved to end their homelessness, they will be offered a 28-day stay based on their vulnerability and their motivation to move into permanent housing. The new emergency shelter would operate very much like the existing shelter, but would function more efficiently in the new building, and would provide needed flexibility and efficiency to serve adults seeking emergency shelter. In addition, the new emergency shelter would be located above a concrete podium parking area and above the 10-foot base flood elevation established by FEMA.

### *Supportive Housing Units*

Residents of the 32 permanent supportive housing units would be chronically homeless individuals identified and placed into housing through the County's Coordinated Entry system, which utilizes a 'Housing First' model that targets people with the longest periods of homelessness and focuses on moving them into housing as quickly as possible to improve their quality of life, decrease healthcare costs, and reduce the number of people on the streets. Residents will be further prioritized using criteria that take into account extreme medical need and frequent use of emergency services.

### *Staffing*

The applicant has indicated that staffing for the new emergency shelter would remain basically the same as the staffing for the existing shelter, which include a Program Director who oversees a staff of four (4) Housing Case Managers and four (4) Resource Counselors. This staff provides 24/7 coverage, with a variety of skill sets including shelter management, housing and social service support, and clinical support.

For the supportive housing, there will be a Housing Stabilization staff member on each of the two floors, providing 24/7 staffing. There will also be a Behavioral Health & Recovery services team, and other staff working with people referred through the program's Coordinated Entry System.

### **Site Plan:**

The proposed building is a rectangular-shaped, 76.66-foot x 114.66-foot building with a total building footprint of 8,789 square feet. The building would comply with the minimum required setbacks that apply to the proposed HR1 zoning district. Access to the building would be from Harbor Street at the street level as well as at the second floor. Both access points would enter into a lobby with access to an elevator.

Driveway access to the covered parking would be from Mill Street. There are 18 vehicle parking spaces proposed and 20 bicycle parking racks within the garage. Garbage and recycling facilities would also be located within the garage. The applicant has submitted a landscape plan prepared by a licensed Landscape Architect. Perimeter landscaping is proposed on all sides of the lot. Three bioretention areas are proposed along Harbor Street. New fencing is proposed along the northern and eastern property line. Along the north property line adjacent to existing residential, the applicant proposes a new 6-foot high wood fence. Along the east property line adjacent to the auto storage lot the applicant proposes a 6-foot high steel fence.

### **Architecture:**

The proposed building is a 4-story building with a maximum building height of 45.75 feet (see request for height concession below). The first level would be dedicated entirely to parking, storage and trash/recycling areas; the second story would be used for the emergency shelter; and the 3<sup>rd</sup> and 4<sup>th</sup> floors would be for the 32 supportive housing units and office space and common area for supportive services.



The building materials include a tan concrete base, the second level would be treated with a lighter tan color shingle and the third and fourth floor would be a horizontal fiber cement boards painted a light beige/white. Two tower-like features at the entry would also be painted a lighter tan color. The roof would be a beige color metal roof.

As mentioned above, this project will serve as pilot for creating objective standards for future supportive housing projects. Some of the design elements of this project may also be used to formulate objective design standards for other supportive housing projects.

## **ANALYSIS**

### **General Plan Map and Zoning Map Amendments**

#### **Consistency with General Plan 2020**

The requested General Plan and Zoning Map Amendment to extend the land use and zoning classifications to this site are appropriate in that it extends a nearby residential designation to accommodate much needed affordable housing in the extremely low-income category. Typically, when reviewing requests for General Plan and Zoning Map amendments Planning staff is generally supportive of amendments that extend the land use categories and zoning districts of an adjacent parcel. This helps avoid dramatic land use changes that could be classified as spot zoning. Spot zoning is the process of reclassification of a single parcel a use classification totally different from that of the surrounding lot to the detriment of other lots/owners. In this case, the applicant is requesting the land use and zoning classification of the adjacent and nearby parcels to the north and northeast, that allow high density residential development. The requested amendments would allow the project site to be developed with the residential uses such as those described above, that would be consistent with the existing high-density residential zoning district on the adjacent parcels. The proposed amendments are consistent with the following General Plan Polices:

#### **Housing Element**

*H-9. Special Needs.* This policy supports the added affordable housing in the very low and low-income categories including housing that supports the homeless population.

*H-9d. Housing for Extremely Low Income Households.* This policy supports funding opportunities that support the development of housing affordable to extremely low-income households including funding for projects that will facilitate the construction of multifamily and supportive housing.

*H-10. Innovative Housing Approaches and H-10c. Single Room Occupancy (SRO) Units.* These policies support opportunities for innovative housing approaches that increase the availability of low- and moderate-income housing and promote construction of SRO apartments by eliminating SRO's from density limits, allowing a reduction in parking standards and encourage linkages to social services for this type of housing.

*H-12. Residential Care Facilities and Emergency Shelters.* Encourage a dispersion of residential care facilities and emergency shelters, and avoid an over concentration of residential care facilities and shelters for the homeless in any given area. This policy also recognizes the value of eliminating governmental constraints in the operation or construction of transitional, supportive, and emergency housing, consistent with State law.

#### Governance Element

*G-2. Variety of Housing.* This policy supports the creation and retention of a wide variety of housing types serving people of all economic levels.

*G-3. Housing Agencies, G-18. Support for Special Needs Groups, and G-18a. Collaboration with Local Agencies.* These policies encourage collaboration and support of housing agencies, non-profits and other organizations that provide shelter, housing, and related services to very low-, low-, and moderate-income households as well as emergency shelter and supportive housing for the homeless and those with special needs.

*G-18c. Zoning Allowance.* Encourages zoning allowance for group homes, transitional housing and treatment facilities. It recognizes the use of SB2 as a method for supporting programs in support of transitional and supportive housing projects.

The proposed amendments are intended to facilitate the redevelopment of the site with a 60-bed emergency shelter and 32 supportive housing units. According the *2019 Marin County Homeless Point-in-Time Count & Survey*, there are approximately 161 unsheltered homeless people in the City of San Rafael. This development would provide housing opportunities to help reduce the number of unsheltered homeless. In addition, the City has not met its need of extremely low-income affordable housing obligation. The City is obligated to provide its fair share of projected future Regional Housing Needs (RHNA). The City's fair share of housing is 1,007 units for the 2015-2023 RHNA Cycle as shown on Table 1 below.

<p align="center"><b>Table 1 Housing Need v. Approved/Constructed Projects 2015-2023</b></p>							
	<b>Extremely Low</b>	<b>Very Low Income Households</b>	<b>Low Income Households</b>	<b>Moderate Income Households</b>	<b>Above Moderate Income Households</b>	<b>Total</b>	<b>% of Housing Need</b>
<b>Housing Need</b>	120	240	148	181	438	1007	
<b>Approved</b>		10	53 (includes 43 ADUs)	2	196	261	26%
<b>Constructed</b>		1	25	11	104	141	14%
<b>Total approved/constructed</b>		11	78	13	300	402	40%
<b>Total deficit</b>	<b>120</b>	<b>239</b>	<b>70</b>	<b>168</b>	<b>138</b>	<b>605</b>	
<b>Percent of units built</b>	<b>0%</b>	4%	53%	7%	68%	<b>40%</b>	

As demonstrated by the first column in the above table, the City has not met any of its total obligation in the extremely low-income category, which is 120 units for this RHNA cycle. The Homeward Bound project would contribute 32 units in this income category, which would amount to 26% of the City’s obligation for extremely low-income housing.

Overall, the proposed amendments are consistent with the above policies in that they support programs for development of affordable, permanent, and supportive housing. In particular, the requested amendments to the General Plan Land Use Map and Zoning Map would be consistent with Policy H-12 because it would allow for a new emergency shelter to replace the existing emergency that is in need of upgrades; and 32 affordable supportive housing units, both of which help to implement the San Rafael Homeless Action Plan. The addition of 32 single occupancy supportive housing units, along with the replacement emergency shelter, can be accommodated on the project site and would not result in an overconcentration of shelters or residential care facilities in the neighborhood. As noted previously in this report, the existing emergency shelter on the property, known as Mill Street Center, is the only permanent (year-round) shelter for homeless adults in Marin County.

Neighborhoods Element

*NH-4. Improve Property Maintenance and NH-4a. Code Enforcement.* Requires owners to maintain their properties in good condition and appearance and to eliminate unsafe and unhealthy conditions. Maintain an effective Code Enforcement program that engages with neighborhoods and business groups and works in partnerships with appropriate City staff to address nuisances and zoning code violations.

*NH-49. Conflicting Uses.* Prevent the encroachment of new residential development into the Light Industrial/Office District to minimize conflicts. Businesses locating adjacent to residential areas shall be designed to minimize nuisance impacts.

*NH-53. Building and Automotive Services.* Maintain availability of sites for building, automotive and related service industries important to San Rafael’s economy and needed for the convenience of its residents and businesses.

The Neighborhoods Element focuses on policies that are specific to a particular neighborhood as opposed to policies that address issues that are City-wide. San Rafael's neighborhood policies are not intended to maintain the status quo, but to foster those actions that will make the neighborhoods more attractive and livable places. As noted in this element of the General Plan 2020, in most neighborhoods only a small amount of change is anticipated; in others, residents expect some change to make the neighborhood a better place than it's been; and in some areas, such as along the Canal and waterfront, residents expect significant improvements.

#### Economic Vitality Element

*EV-2. Seek, Retain, and Promote Businesses that Enhance San Rafael.* Recruit and retain businesses that contribute to our economic vitality, thus helping to provide needed local goods, services and employment, and enhance the City's physical environment.

*EV-4. Local Economic and Community Impacts.* In addition to review of environmental, traffic and community design impacts, take the following into account when major projects, policies and land use decisions are under review:

- Fiscal impacts on the City's ability to provide and maintain infrastructure and services.
- Impacts on the community such as the provision of jobs which match the local workforce, commute reduction proposals, and affordable housing.
- Additional or unique economic, fiscal and job-related impacts.
- Fiscal and community impacts of not approving a project, plan or policy.

The property at 190 Mill is currently zoned Core Canal Industrial/Office (CCI/O). The requested General Plan Land Use Map and Zoning Map amendment would change the land use and zoning classification to a High Density Residential (HR1) district. This change is consistent with the zoning district of properties to the north (575 Canal Street), and other parcels northeast of the project site and currently zoned HR1 and developed with high-density residential uses.

#### **Consistency with Zoning**

The HR1 zoning classification would allow for the continued use of the site as an emergency shelter that has existed on the property since 1986, subject to approval of a Use Permit and applicable performance standards for emergency shelters. In addition, the proposed amendments would permit other residential uses, including the 32 supportive housing units that are proposed to be developed on the property. Thus, extending the High-Density Residential land use classification of the adjoining lot would be consistent with the existing use of the property, and it would be compatible with uses on adjacent properties. It is noted that the property at 190 Mill Street has not been used for industrial type uses since at least the 1960s, and the existing shelter has existed alongside residential and light industrial uses for many years (since 1986). The proposed emergency shelter and supportive housing uses would be substantially similar to the existing use of the site, and would not result in conflicting uses. Therefore, no conflicts with adjacent uses - residential or light industrial - are anticipated, and no existing light industrial uses would be displaced. Furthermore, the proposed change in land use designation and resulting land uses can be served by existing infrastructure and services.

#### **Consistency with Zoning Ordinance**

The proposed amendment to the City's Zoning Map, if adopted, would extend the adjacent high-density residential zoning district (HR1) classification to the project site, making it consistent with the General Plan reclassification. The development itself would need to be evaluated through a ministerial review process using adopted objective standards. The City has not adopted objective design standards; however, the following objective development standards apply to residential projects in the requested HR1 district and will be applied to the project:

- Setbacks –
  - Front - 10 feet (average of lots on block)

- Side - 5 feet
- Street Side - 10 feet
- Rear -10 feet
- Building Height - Maximum 36 feet. (*See below for request for concession to allow up to 48 feet*)
- Lot Coverage - Maximum 60%. (*See below for request to allow greater than 60% coverage*)
- 50% of front and side yard shall be landscaped
- Parking - The project includes 18 parking spaces for employees, service providers and volunteers. Per AB2162, since the project site is located within one-half mile of a public transit stop, the City cannot impose any minimum parking requirement for supportive housing residents. Note: The public transit stop on Medway Road at Mill Street is located approximately ¼ mile southeast of the project site.
- Glossy finishes and reflective glass such as glazed or mirrored surfaces are prohibited.
- Equipment placed on the rooftop of a building or in an exterior yard area shall be screened from adjacent public or private street.
- Satellite dishes shall comply with the following:
  - Only one satellite dish is permitted on a lot.
  - Location in any required yard adjacent to a street is prohibited
  - The satellite dish shall meet the setback and height requirements for accessory structures, except that any satellite dish which is higher than eight feet (8') shall meet the setback requirements for the district.
  - The satellite dish shall be screened from view from a public or private street.

With the exception of the requested concessions (see below) the applicant has demonstrated compliance with the above objective development standards as shown on proposed project plans (Exhibit 1).

### **Request for Concessions**

State planning and zoning law allows a developer to seek a density bonus, including any concessions, incentives, or waivers of development standards, from the local government (65655(a)). In addition, AB2162 makes clear that supportive housing projects that qualify as a “use by-right” may request concessions without triggering a discretionary process. The applicant is requesting two concessions, as outlined below:

#### *Building Height*

The height limit for the HR1 District is 36 feet. The maximum height of the proposed building is 45.75 feet measured to top of flat roof. The applicant is requesting an increase in maximum building height to up to 48 feet as a concession for providing a 100% affordable housing project. The height “bonus” would allow all habitable space to be located above the base flood elevation (BFE) of 10 feet (datum NAVD88) established by FEMA. The first level below the 10-foot BFE would be limited to parking, access, storage, trash and recycling. The emergency shelter would be located on Level 2, and two floors of SRO supportive housing units would be located on levels 3 and 4.

#### *Lot Coverage*

The lot coverage limit for the HR1 District is 60%, which translates to 8,100 square feet for the 13,500 square-foot parcel. The applicant is requesting a concession to exceed the lot coverage limit that would allow for a 66% lot coverage (8,993 square feet). This concession is forced by the dimensions and overall width of the parking structure and the required width of the proposed stair enclosures.

Staff supports the requested concessions to allow increased building height and lot coverage because it is consistent with General Plan Policies, including those that allow concessions for developments that provide affordable housing, and it is consistent with State law regarding density bonuses and supportive housing. In addition, based on Staff’s review of the applicant’s pro forma for the project, the concessions



are justified, especially when considering the costs associated with FEMA requirements to elevate habitable space above BFE and the need for using waterproof construction materials.

### **Use Permit for Emergency Shelter**

The project site is currently zoned Core Canal Industrial/Office District (CCI/O), where permanent emergency shelters are permitted subject to approval of a Use Permit and subject to the development and performance standards contained in Section 14.16.115 of the Municipal Code. These performance standards are for the most part consistent with the objective standards found in AB2162. As discussed earlier in this report, a Use Permit was originally approved for the existing emergency shelter in 1986, and it was amended in 1993 to allow for a modest expansion, increased day services, and an increase in the maximum number beds.

Permanent emergency shelters are also permitted in the proposed HR1 District subject to approval of a Use Permit, and subject to the objective performance standards contained in Section 14.16.115. These standards include:

1. On-site management and on-site security shall be provided during hours when the emergency shelter is in operation.
2. Adequate external lighting shall be provided for security purposes (i.e., one (1) foot-candle at all doors and entryways and one-half (½) foot-candle at walkways and parking lots). The lighting shall be stationary, directed away from adjacent properties and public right-of-ways, and of intensity compatible with the surrounding area.
3. The development may provide one (1) or more of the following specific common facilities for the exclusive use of the residents and staff:
  - a. Central cooking and dining room(s).
  - b. Recreation room.
  - c. Counseling center
  - d. Childcare facilities
  - e. Other support services
4. Parking and outdoor facilities shall be designed to provide security for residents, visitors, employees and the surrounding area, and consistent with the requirements of Section 14.18.040 (Parking Requirements).
5. The agency or organization operating the shelter shall comply with the following requirements:
  - a. Shelter shall be available to residents for no more than six (6) months. No individual or household may be denied emergency shelter because of an inability to pay.
  - b. Staff and services shall be provided to assist residents to obtain permanent shelter and income.
  - c. The provider shall have a written management plan including, as applicable, provisions for staff training, neighborhood outreach, security, screening of residents to ensure compatibility with services provided at the facility, and for training, counseling, and treatment programs for residents.
6. The proximity to other emergency shelters (per AB2162, emergency shelters are not required to be more than three hundred feet apart).
7. The facility shall be in, and shall maintain at all times, good standing with city and/or state licenses, if required by these agencies for the owner(s), operator(s), and/or staff on the proposed facility.
8. The maximum number of beds or clients permitted to be served (eating, showering and/or spending the night) nightly shall comply with the occupancy limit established by the building code. Additionally, the number of beds or clients permitted to be served may be further limited as required by conditional use permit.

The applicant has demonstrated compliance with the above objective performance standards as shown on proposed project plans (Exhibit 1) and as conditioned.

## ENVIRONMENTAL DETERMINATION

The proposed supportive housing component of the project requires amendments to General Plan 2020 as well as an amendment to the Zoning Map to provide for a high-density residential land use designation. General Plan and Rezoning actions are not categorically exempt from the California Environmental Quality Act (CEQA) and therefore, an Initial Study was prepared to identify and evaluate potentially significant impacts to the environment that could result from the proposed project. The Initial Study concluded that the proposed project would result in potentially significant impacts related to Cultural Resources, Geology and Soils, Hydrology, Noise and Tribal Cultural Resources. However, project impacts would be mitigated to a less-than-significant level through implementation of recommended mitigation measures or through compliance with existing Municipal Code requirements or City standards. Recommended measures are summarized in the attached Mitigation Monitoring and Reporting Program (MMRP). Therefore, adoption of a Mitigated Negative Declaration is recommended, and a draft resolution recommending adoption of the Mitigated Negative Declaration and approving the MMRP is attached as Exhibit 2a. In addition, all mitigation measures prescribed by the IS/MND will be included as conditions of the building permit for new building.

The IS/MND was published and made available for a 20-day public review period beginning on January 2, 2020 and ending on January 22, 2020. A copy of the IS/MND can be found here. To date, the City has received one comment on the IS/MND, indicating that based on their review of the IS/MND, there is little cause for concern because the proposal is an in-fill project, and it appears that any potential significant impacts to Cultural Resources, Geology and Soils, and Tribal Cultural Resources can be mitigated.

## PUBLIC NOTICE / CORRESPONDENCE

Notice of the Planning Commission hearing was completed in accordance with the noticing requirements contained in Chapter 14.29 (Zoning- Public Notice) of the San Rafael Municipal Code. A Notice of Public Hearing was mailed to all property owners and occupants within a 300-foot radius of the subject site and other interested individuals, 15 calendar days prior to the date of this hearing. Notices were also sent to neighboring jurisdictions, utilities, and service agencies in accordance with the Planning Division's Procedures Manual. In addition, an offer of Tribal Consultation was made to the local Tribe (Federation Indians of Graton Rancheria); however, the City did not receive a response from the local Tribe requesting consultation.

To date, staff has received seven (7) comment letters via email; half of the comment letters were supportive of the project, and the other half expressed concerns about the size of proposed building, increased traffic, adequate parking, trash, and loitering. It is staff's opinion that the concerns expressed in the comment letters are addressed by the objective design standards and performance standards outlined in this report.

## OPTIONS

The Planning Commission has the following options:

1. Recommend to the City Council adoption of the Mitigated Negative Declaration, approval of MMRP, and approval of the applications to the City Council as presented (*staff recommendation*)
2. Recommend adoption of the Mitigated Negative Declaration, approval of MMRP, and approval of the applications to the City Council 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; or
4. Recommend denial of the project and direct staff to return with revised resolutions.

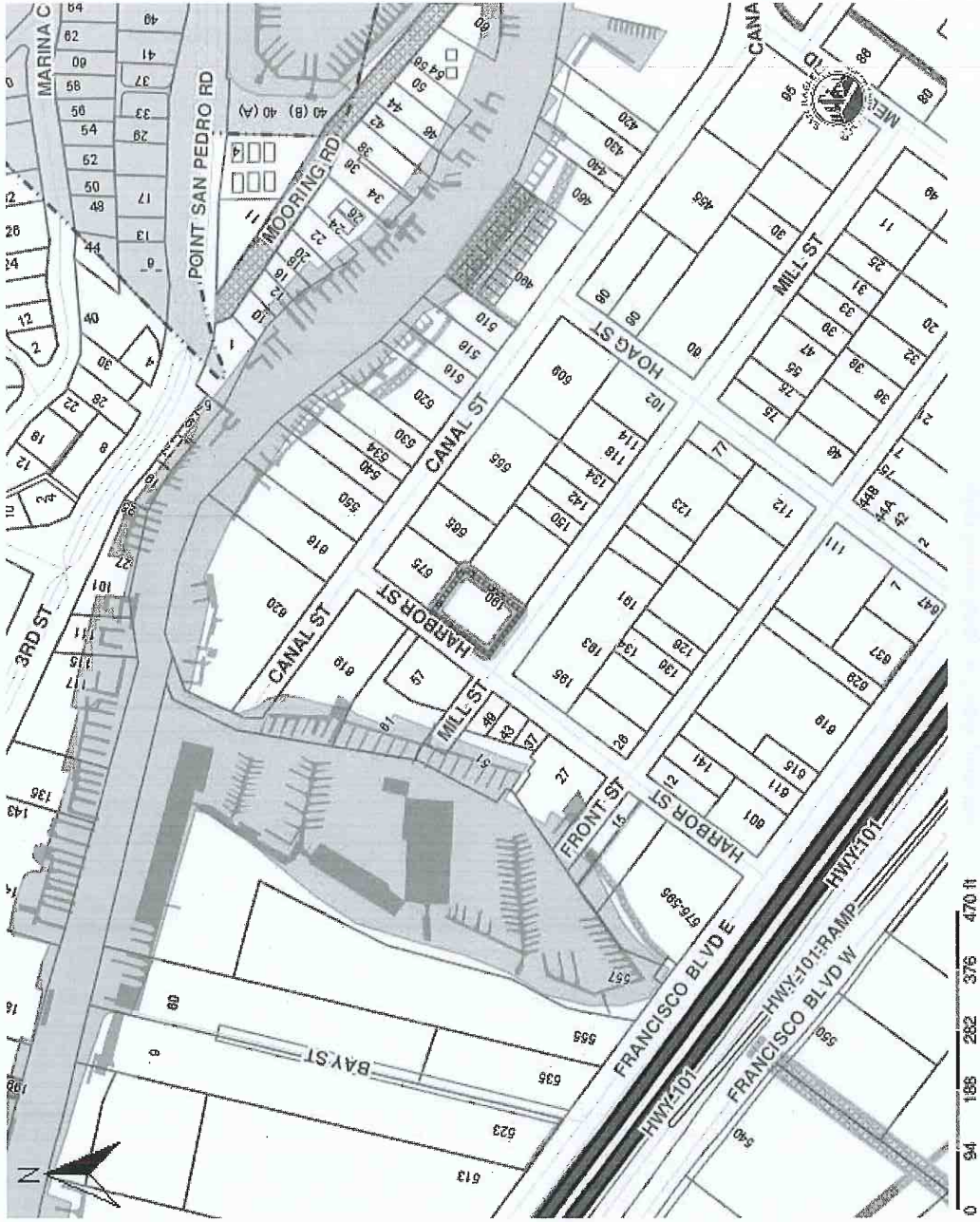
## EXHIBITS

1. Vicinity/Location Map
2. Draft Resolutions recommending to the City Council
  - a. Adoption of IS/MND
  - b. Adoption of General Plan Amendment
  - c. Adoption of Zoning Map Amendment
  - d. Approval of Use Permit
3. General Plan 2020 Consistency Table
4. Applicants Project Description
5. Public Notice of Planning Commission hearing, January 28, 2020
6. Public Comments

Note: 11" x17" copies of the project plans have been distributed to the Planning Commission only\*.

A copy of the Initial Study/Mitigated Negative Declaration (IS/MND) has been distributed to the Planning Commission only\*.

Copies of the plans and Initial Study/Mitigated Negative Declaration can be viewed at [www.cityofsanrafael.org/190mill](http://www.cityofsanrafael.org/190mill)



Legend	
	Marin Cities
	Bay Waters
	Parcels
	ROW
	Other Easements
	EASEMENTS
	MMWD Easements
	EASEMENTS
	Boat Docks
	Boat Docks
	One Way Arrows
	One Way Arrows
	Street Centerline
	Street Centerline
	Street Names
	Street Names
	Label
	SITUS
	San Rafael Sphere of Influence
	San Rafael Sphere of Influence
	San Rafael City Limit
	City Limit Line
	Query Results
	Results

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION OF THE CITY OF SAN RAFAEL PLANNING COMMISSION  
RECOMMENDING TO THE CITY COUNCIL ADOPTION OF AN INITIAL STUDY/  
MITIGATED NEGATIVE DECLARATION AND APPROVAL OF THE MITIGATION  
MONITORING AND REPORTING PROGRAM FOR A GENERAL PLAN AMENDMENT  
(GP19-001), ZONING AMENDMENT (ZC19-001) ON A 13,500 SQUARE-FOOT PARCEL  
LOCATED AT 190 MILL STREET (HOMEWARD BOUND OF MARIN  
SUPPORTIVE HOUSING AND EMERGENCY SHELTER)  
(APN: 014-192-12)**

**WHEREAS**, on April 26, 2019, Paul Fordham, on behalf of the property owner Homeward Bound of Marin, submitted applications for a General Plan Amendment (GPA19-001) to change the existing LI/O land Use designation to High-Density Residential (HDR) Land Use Designation, Zoning Map Amendment (ZO19-001) to change the existing Canal Core Industrial/Office (CCI/O) zoning classification to the high-density residential zoning (HR1) zoning classification, and Use Permit (UP19-014) for a new emergency shelter to replace the existing shelter; and

**WHEREAS**, on December 10, 2019, the Planning Commission held a duly noticed Study Session on the proposed project, accepting all oral and written public comments and the written report of the Department of Community Development; and

**WHEREAS**, as required by the California Environmental Quality Act (CEQA) Guidelines, staff determined that the request for amendments to the General Plan and Zoning maps is defined as a 'project,' making it subject to environmental review. Pursuant to CEQA Guidelines Section 15063, an Initial Study was prepared to determine the potential environmental impacts of the project; and

**WHEREAS**, as demonstrated in the preparation of an Initial Study, all potentially significant effects on the environment identified in the IS/MND can be mitigated to less-than-significant levels with implementation of the recommended mitigation measures; including impacts to Cultural Resources, Geology and Soils, and Tribal Resources. Therefore, consistent with CEQA Guidelines Section 15070, the Initial Study supports and recommends the adoption of a Mitigated Negative Declaration; and

**WHEREAS**, consistent with the requirements of the CEQA Guidelines, a Mitigation Monitoring and Reporting Program (MMRP) has been prepared, which outlines the procedures/steps and requirements for implementing all mitigation measures identified in the IS/MND. The MMRP is attached as Attachment A; and

**WHEREAS**, the subject site was posted with a public notice regarding the Mitigated Negative Declaration prepared for this project and notices were published in a local newspaper of general circulation in the area and mailed to surrounding property owners within 400 feet, pertinent agencies (including responsible and trustee agencies), organizations and special interest groups pursuant to CEQA Guidelines Section 15072; and

**WHEREAS**, copies of the Initial Study/Mitigated Negative Declaration were made available for a 20-day review period by pertinent agencies and interested members of the public, commencing on January 2, 2020 and concluding on January 22, 2020; and

**WHEREAS**, on February 25, 2020, the Planning Commission held a public hearing on the proposed project, the planning applications associated with the Homeward Bound of Marin Supportive Housing and Emergency Shelter Project at 190 Mill Street and the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, accepting all oral and written public testimony and the written report of the Department of Community Development. The Planning Commission considered all oral and written public

testimony and the written report of the Community Development Department. As part of this hearing process, the Planning Commission considered adoption of the IS/MND and the Draft MMRP, which is presented in attached Attachment A of this Resolution; and

**WHEREAS**, the City has evaluated the comments received by public agencies, utilities, organizations, special interest groups and persons who have reviewed the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program; and

**WHEREAS**, the custodian of documents which constitute the record of proceedings upon which this decision is based is the Community Development Department of the City of San Rafael.

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Commission of the City of San Rafael does hereby recommend to the City Council adoption of the Mitigated Negative Declaration and approval of the Mitigation Monitoring and Reporting Program as presented in Attachment "A" based on the findings that:

- a) The Planning Commission exercised its independent judgment in evaluating the Mitigated Negative Declaration and the Mitigated Negative Declaration has been considered in conjunction with comments received during the public review period and at the Planning Commission hearing. Based on this review, the Planning Commission has determined that: 1) there is no substantial evidence that the project will have a significant impact on the environment; and 2) revisions have been made to the project and have been included in the project as mitigation measures which reduce the potential impacts to a less-than-significant level.
- b) A Mitigation Monitoring and Reporting Program has been prepared for adoption to ensure implementation of, and compliance with, all conditions required to mitigate any impact to a level of less than significant. All mitigation measures have also been included as conditions of the project's approval in the separate Resolution.

The foregoing Resolution was adopted at the regular meeting of the City of San Rafael Planning Commission held on the 25<sup>th</sup> day of February 2020.

Moved by \_\_\_\_\_ and seconded by \_\_\_\_\_.

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

SAN RAFAEL PLANNING COMMISSION

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

BY: \_\_\_\_\_  
Jeff Schoppert, Chair

Attachment A Mitigation Monitoring and Reporting Program

**Attachment A**

**MITIGATION MONITORING AND REPORTING PROGRAM**

MITIGATION MONITORING AND REPORTING PROGRAM  
**HOMEWARD BOUND OF MARIN SUPPORTIVE HOUSING AND EMERGENCY SHELTER - 190 MILL STREET, SAN RAFAEL, CA**

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
<b><i>CULTURAL RESOURCES</i></b>					
<b>Mitigation Measure CULT-1:</b> Protect Archaeological Resources Identified during Construction: The project sponsor shall ensure that construction crews stop all work within 100 feet of the discovery until a qualified archaeologist can assess the previously unrecorded discovery and provide recommendations. Resources could include subsurface historic features such as artifact-filled privies, wells, and refuse pits, and artifact deposits, along with concentrations of adobe, stone, or concrete walls or foundations, and concentrations of ceramic, glass, or metal materials. Native American archaeological materials could include obsidian and chert flaked stone tools (such as projectile and dalt points), midden (culturally derived darkened soil containing heat-affected rock, artifacts, animal bones, and/or shellfish remains), and/or groundstone implements (such as mortars and pestles). (Checklist Item <b>V.b.</b> )	Require as a condition of approval.	Planning Division	Incorporate as condition of project approval	Deny project	
	Project sponsor designates qualified professional pursuant to NAHC requirements and obtains approvals from appropriate agencies prior to issuance of building permits.	Planning/ Building Division	Project sponsor to halt work immediately upon discovery of unknown resources	Deny issuance of building permit	Planning/Building Division verifies appropriate approvals obtained prior to issuance of building permit
<b>Mitigation Measure CULT-2:</b> Protect Human Remains Identified During Construction: The	Require as a condition of approval.	Planning Division	Incorporate as condition of project	Deny project	
File #: GPA19-001/ <u>ZC19-001</u> Title: <u>Resolution Recommending Adoption of Mitigated Negative Declaration</u> Exhibit: 2a <u>Attachment A</u>					

**Attachment A**

MITIGATION MONITORING AND REPORTING PROGRAM <b>HOMEWARD BOUND OF MARIN SUPPORTIVE HOUSING AND EMERGENCY SHELTER - 190 MILL STREET, SAN RAFAEL, CA</b>
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Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
<p>Project proponent shall treat any human remains and associated or unassociated funerary objects discovered during soil-disturbing activities according to applicable State laws. Such treatment includes work stoppage and immediate notification of the Marin County Coroner and qualified archaeologist, and in the event that the Coroner's determination that the human remains are Native American, notification of NAHC according to the requirements in PRC Section 5097.98. NAHC would appoint a Most Likely Descendant ("MLD"). A qualified archaeologist, the Project proponent, County of Marin, and MLD shall make all reasonable efforts to develop an agreement for the treatment, with appropriate dignity, of any human remains and associated or unassociated funerary objects (CEQA Guidelines Section I5064.S[d]). The agreement would take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, and final disposition of the human remains and associated or unassociated funerary objects. The PRC allows 48 hours to reach agreement on these matters. (Checklist Item V.c.)</p>	<p>Project sponsor designates qualified professional pursuant to NAHC requirements and obtains approvals from appropriate agencies prior to issuance of building permits.</p>	<p>Planning/ Building Division</p>	<p>approval</p> <p>Project sponsor to halt work immediately upon discovery of unknown resources</p> <p>Planning/Building Division verifies appropriate approvals obtained prior to issuance of building permit</p>	<p>Deny issuance of building permit</p>	
<p><b>GEOLOGY AND SOILS</b>  <b>Mitigation Measure GE0-1:</b> Prior to a grading or building permit submittal, the project sponsor shall</p>	<p>Require as a condition of approval.</p>	<p>Planning Division</p>	<p>Incorporate as condition of project</p>	<p>Deny project</p>	<p>File #: GPA19-001/<u>ZC19-001</u>                      Title: <u>Resolution Recommending Adoption of Mitigated Negative Declaration</u>                      Exhibit: 2a <u>Attachment A</u></p>



**Attachment A**

<p>MITIGATION MONITORING AND REPORTING PROGRAM  <b>HOMeward BOUND OF MARIN SUPPORTIVE HOUSING AND EMERGENCY SHELTER - 190 MILL STREET, SAN RAFAEL, CA</b></p>
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Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
<p>prepare a design-level geotechnical investigation prepared by a qualified and licensed geotechnical engineer and submit the report to the City Engineer. Minimum mitigation includes design of new structures in accordance with the provisions of the current California Building Code or subsequent codes in effect when final design occurs. Recommended seismic design coefficients and spectral accelerations shall be consistent with the findings presented in Section 5.1 of the January 8, 2018, Miller Pacific report.                      (Checklist Item <b>VII.a.ii.</b>)</p>	<p>Project sponsor prepares a design-level geotechnical investigation prepared by a qualified and licensed geotechnical engineer and submits report to City Engineer.</p>	<p>Department of Public Works (City Engineer)</p>	<p>approval                       Public Works/ Building Division verifies appropriate design level report prior to issuance of building permit.</p>	<p>Deny issuance of building permit</p>	
<p><b>Mitigation Measure GE0-2:</b> Prior to a grading or building permit submittal, the project sponsor shall prepare a site drainage system prepared by a qualified and licensed civil engineer and submit the report to the City Engineer. The site drainage system will demonstrate the ability to collect surface water and discharge into an established storm drainage system. The project Civil Engineer or Architect is responsible for designing the site drainage system and, an erosion control plan shall be developed prior to construction per the current guidelines of the City of San Rafael Public Works Department (DPW) Grading and Construction Erosion and Sediment Control Plan Permit</p>	<p>Require as a condition of approval.                       Project sponsor prepares a design-level drainage system prepared by a qualified and licensed civil engineer and submit report to City Engineer.</p>	<p>Planning Division                       Department of Public Works (City Engineer)</p>	<p>Incorporate as condition of project approval                       Public Works/ Building Division verifies appropriate design level report prior to issuance of building permit.</p>	<p>Deny project                       Deny issuance of building permit</p>	

**Attachment A**

<p>MITIGATION MONITORING AND REPORTING PROGRAM  <b>HOMEWARD BOUND OF MARIN SUPPORTIVE HOUSING AND EMERGENCY SHELTER - 190 MILL STREET, SAN RAFAEL, CA</b></p>
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Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
<p>Application Package and the Regional Water Quality Control Board standards.                      (Checklist Item <b>VII.b.</b>)</p>					
<p><b>Mitigation Measure GE0-3:</b> Should paleontological resources be encountered during project subsurface construction activities located in previously undisturbed soil and bedrock, all ground-disturbing activities within 25 feet shall be halted and a qualified paleontologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. For purposes of this mitigation, a "qualified paleontologist" shall be an individual with the following qualifications: 1) a graduate degree in paleontology or geology and/or a person with a demonstrated publication record in peer- reviewed paleontological journals; 2) at least two years of professional experience related to paleontology; 3) proficiency in recognizing fossils in the field and determining their significance; 4) expertise in local geology, stratigraphy, and biostratigraphy; and 5) experience collecting vertebrate fossils in the field.</p>	<p>Require as a condition of approval.</p> <p>Project sponsor designates qualified paleontologist, consult with agencies prior to issuance of building permits.</p>	<p>Planning Division</p> <p>Building Division</p>	<p>Incorporate as condition of project approval</p> <p>Should paleontological resources be encountered during project subsurface construction activities located in previously undisturbed soil or bedrock, all ground-disturbing activities within 25 feet shall be halted.</p> <p>Planning/Building Division contacted and appropriate agencies alerted to discoveries.</p>	<p>Deny project</p> <p>Suspend/halt building permit</p>	
<p>If the paleontological resources are found to be significant and project activities cannot avoid them,</p>					

File #: GPA19-001/ZC19-001  
 Title: Resolution Recommending Adoption of Mitigated Negative Declaration  
 Exhibit: 2a Attachment A

**Attachment A**

<b>MITIGATION MONITORING AND REPORTING PROGRAM HOMEWARD BOUND OF MARIN SUPPORTIVE HOUSING AND EMERGENCY SHELTER - 190 MILL STREET, SAN RAFAEL, CA</b>
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<b>Mitigation Measure</b>	<b>Implementation Procedure</b>	<b>Monitoring Responsibility</b>	<b>Monitoring / Reporting Action &amp; Schedule</b>	<b>Non-Compliance Sanction/Activity</b>	<b>Monitoring Compliance Record (Name/Date)</b>
<p>measures shall be implemented to ensure that the project does not cause a substantial adverse change in the significance of the paleontological resource. Measures may include monitoring, recording the fossil locality, data recovery and analysis, a final report, and accessioning the fossil material and technical report to a paleontological repository. Upon completion of the assessment, a report documenting methods, findings, and recommendations shall be prepared and submitted to the City for review. If paleontological materials are recovered, this report also shall be submitted to a paleontological repository such as the University of California Museum of Paleontology, along with significant paleontological materials. Public educational outreach may also be appropriate.</p> <p>The project applicants shall inform its contractor(s) of the sensitivity of the project site for paleontological resources and shall verify that the following directive has been included in the appropriate contract specification documents:</p> <p>"The subsurface of the construction site may contain fossils. If fossils are encountered during project subsurface construction, all ground-disturbing activities within 25 feet shall be halted</p>					

**Attachment A**

MITIGATION MONITORING AND REPORTING PROGRAM <b>HOMEWARD BOUND OF MARIN SUPPORTIVE HOUSING AND EMERGENCY SHELTER - 190 MILL STREET, SAN RAFAEL, CA</b>
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Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring / Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
<p>and a qualified paleontologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. Project personnel shall not collect or move any paleontological materials. Fossils can include plants and animals, and such trace fossil evidence of past life as tracks or plant imprints. Marine sediments may contain invertebrate fossils such as snails, clam and oyster shells, sponges, and protozoa; and vertebrate fossils such as fish, whale, and sea lion bones. Vertebrate land mammals may include bones of mammoth, camel, saber tooth cat, horse, and bison. Contractor acknowledges and understands that excavation or removal of paleontological material is prohibited by law and constitutes a misdemeanor under California Public Resources Code, Section 5097.5." (Checklist Item <b>VII.f.</b>)</p>					
<p><b>TRIBAL CULTURAL RESOURCES</b></p>					
<p><b>Mitigation Measure TRIBAL-1:</b> Implementation of the unanticipated discovery measures outlined in Section V(b) and (d) above, address the potential discovery of previously unknown resources within the project area. If significant tribal cultural resources are identified onsite, all work would stop immediately within 50 feet of the resource(s) and the project applicant would comply with all relevant</p>	<p>Require as a condition of approval.</p>	<p>Planning Division</p>	<p>Incorporate as condition of project approval</p>	<p>Deny project</p>	
	<p>Project sponsor designates qualified professional pursuant to NAHC requirements and obtains</p>	<p>Planning/ Building Division</p>	<p>Project sponsor to halt work immediately upon discovery of unknown resources</p>	<p>Deny issuance of building permit</p>	

File #: GPA19-001/ZC19-001  
 Title: Resolution Recommending Adoption of Mitigated Negative Declaration  
 Exhibit: 2a Attachment A

**Attachment A**

<b>MITIGATION MONITORING AND REPORTING PROGRAM HOMEWARD BOUND OF MARIN SUPPORTIVE HOUSING AND EMERGENCY SHELTER - 190 MILL STREET, SAN RAFAEL, CA</b>
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<b>Mitigation Measure</b>	<b>Implementation Procedure</b>	<b>Monitoring Responsibility</b>	<b>Monitoring / Reporting Action &amp; Schedule</b>	<b>Non-Compliance Sanction/Activity</b>	<b>Monitoring Compliance Record (Name/Date)</b>
State and City policies and procedures prescribed under PRC Section 21074. (Checklist Item <b>XVIII.a.i. and ii.</b> )	approvals from appropriate agencies prior to issuance of building permits.		Planning/Building Division verifies appropriate approvals obtained prior to issuance of building permit		

**RESOLUTION NO. 20**

**RESOLUTION OF THE SAN RAFAEL PLANNING COMMISSION  
RECOMMENDING TO THE CITY COUNCIL APPROVAL OF AN AMENDMENT (GPA19-001) TO THE SAN RAFAEL GENERAL PLAN 2020 LAND USE ELEMENT EXHIBIT 12-  
LAND USE MAP TO CHANGE EXISTING LI/O LAND USE DESIGNATION OF THE  
PROPERTY TO HIGH-DENSITY RESIDENTIAL (HDR) LAND USE DESIGNATION  
FOR A 13,500 SQ. FT. PARCEL LOCATED AT 190 MILL STREET  
(APN 014-192-12)**

**WHEREAS**, in November 2004, the City of San Rafael adopted the San Rafael General Plan 2020 and certified the supporting Final Environmental Impact Report for the plan; and

**WHEREAS**, on April 26, 2019, Homeward Bound of Marin submitted project applications to the City of San Rafael Community Development Department for a General Plan Amendment (GPA19-001); and

**WHEREAS**, the project applications submitted by Homeward Bound for property at 190 Mill Street include a Zoning Map Amendment (ZO19-001) to change the existing Canal Core Industrial/Office (CCI/O) zoning classification to the high-density residential zoning (HR1) zoning classification, and Use Permit (UP19-014) for a new emergency shelter to replace the existing shelter; and

**WHEREAS**, on April 29, 2019, in accord with California Government Code Section 65352.3(a), specifically, the directive of Senate Bill 18 (SB18), the Department of Community Development Department staff sent an offer for tribal consultation to the representatives of the Federated Indians of the Graton Rancheria (Federated Indians). Tribal consultation is required for all projects that propose an amendment to the local General Plan. The purpose of the tribal consultation is to consult with the local tribe representatives on potential impacts to Native American places, features and objects described in Section 5097.9 and 5097.993 of the California Public Resources Code. The prescribed 90-day period was observed for the Federated Indians to respond to the offer, but the City received no response; and

**WHEREAS**, following the initial filing of the Homeward Bound of Marin applications for 190 Mill Street, the City commenced with environmental review of the project. Consistent with the California Environmental Quality Act (CEQA) Guidelines and the City of San Rafael Environmental Assessment Procedures Manual, the appropriate steps were followed to complete environmental review of the project, which included the preparation and publication of an Initial Study and Mitigated Negative Declaration (IS/MND) and publication of a Notice of Public Review and Intent to Adopt a Mitigated Negative Declaration on January 2, 2020; and

**WHEREAS**, the IS/MND assesses the environmental impacts of the proposed amendment to San Rafael General Plan 2020 to change the land use change the existing Light Industrial/Office (LI/O) land use designation of the property to high-density residential (HDR) land use designation for the subject property. The IS/MND finds that the proposed amendment to the General Plan will not result in significant impacts; and

**WHEREAS**, on February 25, 2020, the Planning Commission, through the adoption of separate resolutions, recommended to the City Council adoption of a Mitigated Negative Declaration, adoption of a Zoning Ordinance Map Amendment (ZO19-001), and approval of Use Permit (UP19-014); and

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

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Commission recommends to the City Council approval of General Plan Amendment application GPA19-001, amending the San Rafael General Plan 2020 Land Use Map Exhibit 12 as follows:

Modify **Exhibit 12** in the General Plan 2020 Land Use Element to change the existing Light Industrial/Office (LI/O) land use designation of the site to the High-Density Residential (HDR) land use designation. This would extend the HDR land use designation of properties to the north and east such that it would encompass the 190 Mill Street property. The proposed modified General Plan Exhibit 12 is shown as **Attachment A**.

This recommendation is based on and supported by the following findings:

1. The public interest would be served by the adoption of the proposed amendment to Land Use Element Exhibit 12, which would change the existing Light Industrial/Office (LI/O) land use designation of the site to the High-Density Residential (HDR) land use designation in that:
  - a. This action would be consistent with and implement San Rafael General Plan 2020 Housing Element Policy H-9 (*Special Needs*) which supports the added affordable housing in the very-low and low-income categories including housing that supports the homeless population.
  - b. This action would be consistent with and implement San Rafael General Plan 2020 Housing Element Policy H-9d (*Housing for Extremely Low Income Households*), which supports funding opportunities that support the development of housing affordable to extremely low-income households including funding for projects that will facilitate the construction of multifamily and supportive housing.
  - c. This action would be consistent with and implement San Rafael General Plan 2020 Housing Element Policy H-10 (*Innovative Housing Approaches*) and H-10c (*Single Room Occupancy (SRO) Units*) in that these policies support opportunities for innovative housing approaches that increase the availability of low- and moderate-income housing and promote construction of SRO apartments by eliminating SRO's from density limits, allowing a reduction in parking standards and encourage linkages to social services for this type of housing.
  - d. This action would be consistent with and implement San Rafael General Plan 2020 Housing Element Policy H-12 (*Residential Care Facilities and Emergency Shelters*) which encourages a dispersion of residential care facilities and emergency shelters, and avoids an over concentration of residential care facilities and shelters for the homeless in any given area. This policy also recognizes the value of eliminating governmental constraints in the operation or construction of transitional, supportive, and emergency housing, consistent with State law.
  - e. This action would accommodate the construction of a new, permanent emergency shelter to replace the existing emergency shelter that is need of upgrading.
  - f. This action would provide the opportunity for residential uses that are compatible with the adjacent residential and light industrial uses.
  - g. This action would not be growth inducing as the property is already served by all necessary utilities and no expansion of infrastructure would be required for land uses permitted under the HDR land use category to occupy the site.
2. The proposed amendment to Land Use Element Exhibit 12 would be generally consistent with the related elements, goals, policies or programs of the San Rafael General Plan 2020 as a whole in that:

- a. This action would be consistent with and implement San Rafael General Plan 2020 Governance Element Policy G-2 (*Variety of Housing*), which supports the creation and retention of a wide variety of housing types serving people of all economic levels.
- b. This action would be consistent with and implement San Rafael General Plan 2020 Governance Element Policies G-3 (*Housing Agencies*), G-18 (*Support for Special Needs Groups*), and G-18a (*Collaboration with Local Agencies*) that encourage collaboration and support of housing agencies, non-profits and other organizations that provide shelter, housing, and related services to very low-, low-, and moderate-income households as well as emergency shelter and supportive housing for the homeless and those with special needs.
- c. This action would be consistent with and implement San Rafael General Plan 2020 Governance Element Policy G-18c (*Zoning Allowance*), which encourages zoning allowance for group homes, transitional housing and treatment facilities, and recognizes the use of SB2 as a method for supporting programs in support of transitional and supportive housing projects.

The foregoing resolution was adopted at the regular City of San Rafael Planning Commission meeting held on the 25<sup>th</sup> day of February 2020.

AYES:

NOES:

ABSENT:

ABSTAIN:

SAN RAFAEL PLANNING COMMISSION

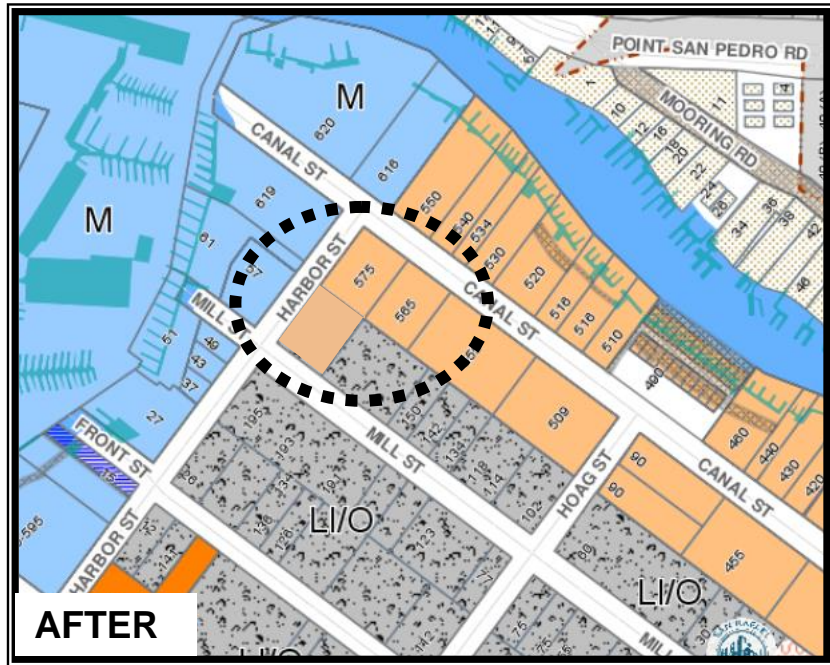
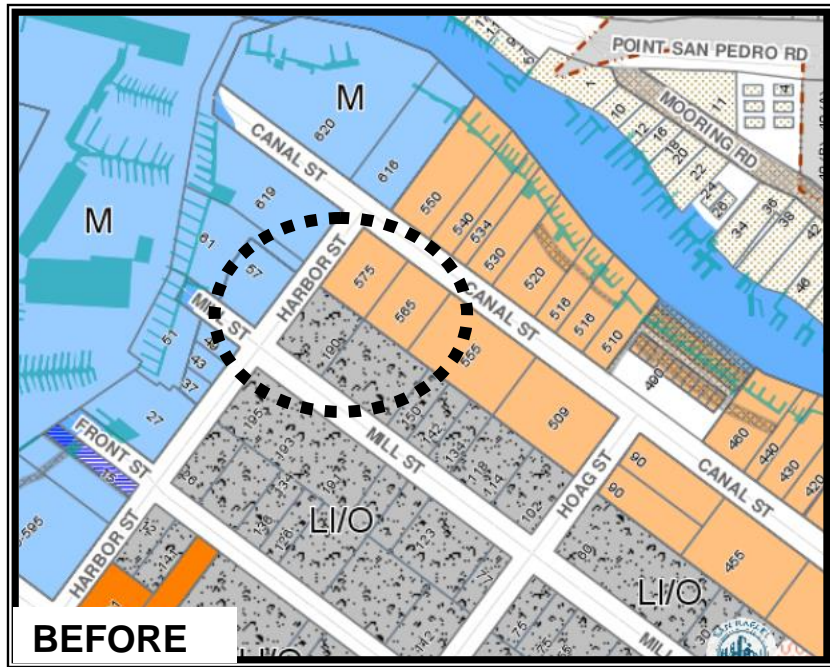
ATTEST:

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

\_\_\_\_\_  
Jeff Schoppert, Chair



Attachment A  
General Plan 2020 Exhibit 12 – Land Use Map



**RESOLUTION NO. 20-**

**RESOLUTION OF THE CITY OF SAN RAFAEL PLANNING COMMISSION  
RECOMMENDING TO THE CITY COUNCIL ADOPTION OF AN AMENDMENT TO THE  
ZONING MAP OF THE SAN RAFAEL MUNICIPAL CODE TO CHANGE THE EXISTING  
CANAL CORE INDUSTRIAL/OFFICE (CCI/O) ZONING CLASSIFICATION TO THE HIGH-  
DENSITY RESIDENTIAL ZONING (HR1) ZONING CLASSIFICATION FOR THE PROPERTY  
LOCATED AT 190 MILL STREET  
(APN 014-192-12)  
(ZC19-001)**

**WHEREAS**, on April 26, 2019, Homeward Bound of Marin submitted project applications for 190 Mill Street to the City of San Rafael Community Development Department, including a request for a Zoning Map Amendment (ZC19-001); and

**WHEREAS**, the project applications for Homeward Bound includes a General Plan Amendment (GPA19-001) to change the existing Light Industrial/Office (LI/O) land use designation to the high-density residential (HDR) land use designation, and Use Permit (UP19-014) for a new emergency shelter to replace the existing shelter and these accompanying applications are being processed concurrent with the Zoning Map Amendment application, as required by the Zoning Ordinance; and

**WHEREAS**, following the initial filing of the Homeward Bound of Marin applications for 190 Mill Street, the City commenced with environmental review of the project. Consistent with the California Environmental Quality Act (CEQA) Guidelines and the City of San Rafael Environmental Assessment Procedures Manual, the appropriate steps were followed to complete environmental review of the project, which included the preparation and publication of an Initial Study and Mitigated Negative Declaration (IS/MND) and publication of a Notice of Public Review and Intent to Adopt a Mitigated Negative Declaration on January 2, 2020; and

**WHEREAS**, the IS/MND assesses the environmental impacts of the proposed amendment to change the existing Canal Core Industrial/Office (CCI/O) Zoning Classification to the High-Density Residential Zoning (HR1) Zoning Classification. The IS/MND finds that the proposed Zoning Map amendment will not result in significant impacts; and

**WHEREAS**, on February 25, 2020, the Planning Commission, through the adoption of separate resolutions, recommended to the City Council adoption of a Mitigated Negative Declaration, adoption of a Zoning Ordinance Map Amendment (ZO19-001), and approval of Use Permit (UP19-014); and

**WHEREAS**, on February 25, 2020, by adoption of a separate resolution, the Planning Commission recommended to the City Council adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the project; and

**WHEREAS**, on February 25, 2020, the Planning Commission, by adoption of separate resolutions, recommended to the City Council adoption of General Plan Map Amendment (GPA19-001), and approval of Use Permit (UP19-014); and

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

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Commission recommends to the City Council adoption of Zoning Amendment application ZC19-001, amending the Zoning Map of the San Rafael as follows:

Amend Zoning Map to change the existing Canal Core Industrial/Office (CCI/O) Zoning Classification to the High-Density Residential (HR1) Zoning Classification for the property located at 190 Mill Street. This would extend the HR1 Zoning District on properties to the north and east such that it would encompass the 190 Mill Street property. The proposed modified Zoning Map is shown as **Attachment A**.

This recommendation is based on and supported by the following findings:

1. The public interest would be served by the adoption of the proposed amendment to change the existing Canal Core Industrial/Office (CCI/O) Zoning Classification to the High-Density Residential (HR1) Zoning Classification for the property in that:
  - a. This action would be consistent with and implement San Rafael General Plan 2020 Housing Element Policy H-9 (*Special Needs*) which supports the added affordable housing in the very-low and low-income categories including housing that supports the homeless population.
  - b. This action would be consistent with and implement San Rafael General Plan 2020 Housing Element Policy H-9d (*Housing for Extremely Low Income Households*), which supports funding opportunities that support the development of housing affordable to extremely low-income households including funding for projects that will facilitate the construction of multifamily and supportive housing.
  - c. This action would be consistent with and implement San Rafael General Plan 2020 Housing Element Policy H-10 (*Innovative Housing Approaches*) and H-10c (*Single Room Occupancy (SRO) Units*) in that these policies support opportunities for innovative housing approaches that increase the availability of low- and moderate-income housing and promote construction of SRO apartments by eliminating SRO's from density limits, allowing a reduction in parking standards and encourage linkages to social services for this type of housing.
  - d. This action would be consistent with and implement San Rafael General Plan 2020 Housing Element Policy H-12 (*Residential Care Facilities and Emergency Shelters*) which encourages a dispersion of residential care facilities and emergency shelters, and avoids an over concentration of residential care facilities and shelters for the homeless in any given area. This policy also recognizes the value of eliminating governmental constraints in the operation or construction of transitional, supportive, and emergency housing, consistent with State law.
  - e. This action would accommodate the construction of a new, permanent emergency shelter to replace the existing emergency shelter that is need of upgrading.
  - f. This action would provide the opportunity for residential uses that are compatible with the adjacent residential and light industrial uses.
  - g. This action would not be growth inducing as the property is already served by all necessary utilities and no expansion of infrastructure would be required for uses permitted under the HR1 Zoning District.
2. The proposed amendment to the Zoning Map would be generally consistent with the elements, goals, policies or programs of the San Rafael General Plan 2020 as a whole in that:
  - a. This action would be consistent with and implement San Rafael General Plan 2020 Governance Element Policy G-2 (*Variety of Housing*), which supports the creation and retention of a wide variety of housing types serving people of all economic levels.
  - b. This action would be consistent with and implement San Rafael General Plan 2020 Governance Element Policies G-3 (*Housing Agencies*), G-18 (*Support for Special Needs*

*Groups*), and G-18a (*Collaboration with Local Agencies*) that encourage collaboration and support of housing agencies, non-profits and other organizations that provide shelter, housing, and related services to very low-, low-, and moderate-income households as well as emergency shelter and supportive housing for the homeless and those with special needs.

- c. This action would be consistent with and implement San Rafael General Plan 2020 Governance Element Policy G-18c (*Zoning Allowance*), which encourages zoning allowance for group homes, transitional housing and treatment facilities, and recognizes the use of SB2 as a method for supporting programs in support of transitional and supportive housing projects.

The foregoing resolution was adopted at the regular City of San Rafael Planning Commission meeting held on the 25<sup>th</sup> day of February 2020.

AYES:

NOES:

ABSENT:

ABSTAIN:

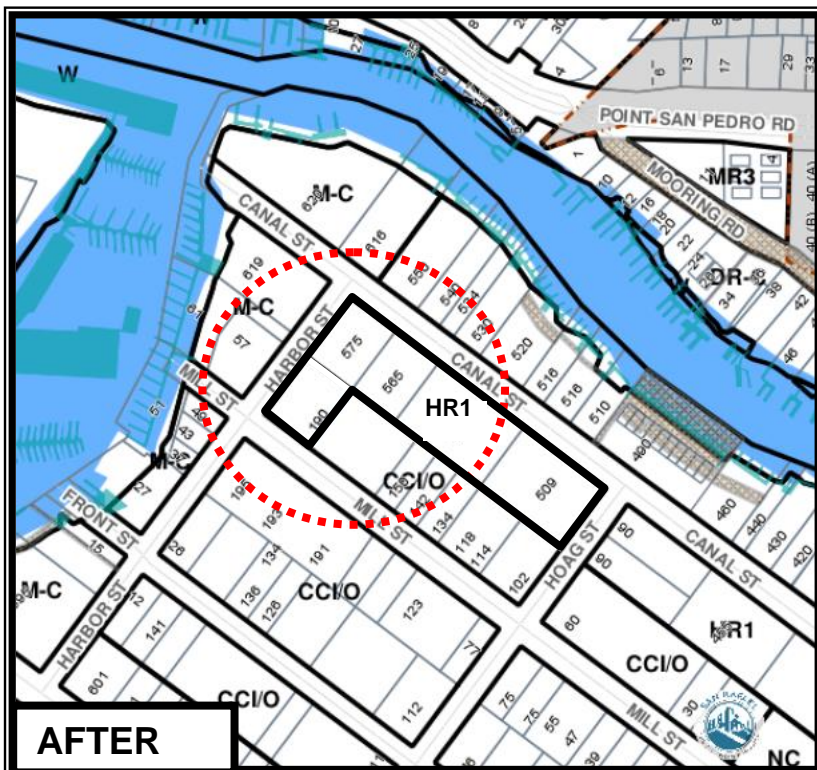
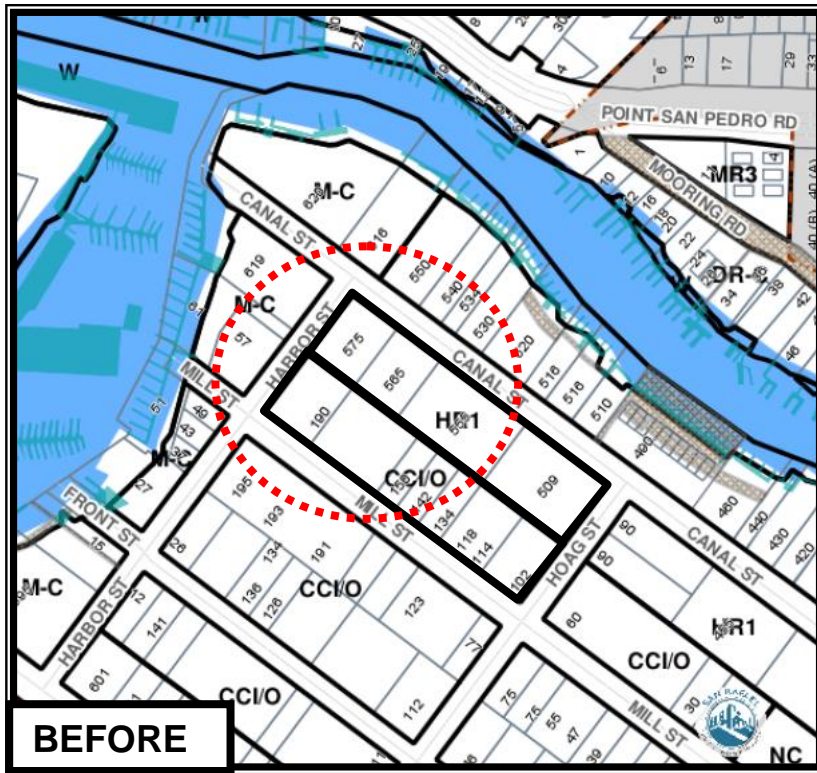
SAN RAFAEL PLANNING COMMISSION

ATTEST:

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

\_\_\_\_\_  
Jeff Schoppert, Chair

Attachment A  
San Rafael Zoning Map



**RESOLUTION NO. 20-**

**RESOLUTION OF THE CITY OF SAN RAFAEL PLANNING COMMISSION  
RECOMMENDING TO THE CITY COUNCIL APPROVAL OF CONCESSIONS FOR  
HEIGHT AND LOT COVERAGE AND CONDITIONAL APPROVAL OF USE PERMIT  
(UP19-014) TO ALLOW THE OPERATION OF A PERMANENT EMERGENCY  
SHELTER IN A NEW BUILDING TO BE CONSTRUCTED ON PROPERTY LOCATED  
AT 190 MILL STREET (APN: 014-192-12)**

**WHEREAS**, Homeward Bound of Marin has operated a permanent emergency shelter at 190 Mill Street with an approved Use Permit since 1986; and

**WHEREAS**, on April 26, 2019, Homeward Bound of Marin submitted project applications for 190 Mill Street to the City of San Rafael Community Development Department, including an application for Density Bonus with Concessions for height and lot coverage a Use Permit (UP19-014) to allow the operation of a permanent emergency shelter in a new building that would house the new shelter and 32 affordable supportive housing units at property located at 190 Mill Street; and

**WHEREAS**, the project applications for 190 Mill Street include a General Plan Amendment (GPA19-001) to change the existing Light Industrial/Office (LI/O) land use designation to the high-density residential (HDR) land use designation; and a Zoning Map Amendment (ZC19-001) to change the existing Canal Core Industrial/Office (CCI/O) Zoning Classification to the High-Density Residential Zoning (HR1) Zoning Classification; and

**WHEREAS**, following the initial filing of the Homeward Bound of Marin applications for 190 Mill Street, the City commenced with environmental review of the project. Consistent with the California Environmental Quality Act (CEQA) Guidelines and the City of San Rafael Environmental Assessment Procedures Manual, the appropriate steps were followed to complete environmental review of the project, which focused primarily on the amendments to the Zoning Map and General Plan 2020 Land Use Map referenced above; and

**WHEREAS**, an Initial Study and Mitigated Negative Declaration (IS/MND) was prepared and a Notice of Public Review and Intent to Adopt a Mitigated Negative Declaration was published on January 2, 2020; and

**WHEREAS**, under AB2162, which amends the State Government Code Section 65583 relating to land use, specifies that while a local government may require a use permit and apply certain written objective standards to emergency shelters, the permit processing and application of standards applied to such permits shall not be deemed to be discretionary acts within the meaning of the California Environmental Quality Act (CEQA).

**WHEREAS**, State planning and zoning law allow a developer to seek a density bonus, including any concessions, incentives, or waivers of development standards, from the local government (65655(a)), and the applicant is requesting concessions for building height and lot coverage; and

**WHEREAS**, on February 25, 2020, the Planning Commission held a duly noticed public hearing to review and consider Use Permit (UP19-014) to allow a permanent emergency shelter,

and considered all oral and written public testimony and the written report of the Community Development Department; and

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

**NOW, THEREFORE BE IT RESOLVED**, that the Planning Commission recommends to the City Council approval of Use Permit UP19-014 to allow the operation of a permanent emergency shelter based on the following findings and subject to the following conditions:

Findings for UP19-014

- A. The proposed use is in accord with the general plan, the objectives of the zoning ordinance, and the purposes of the district in which the site is located in that the use is located within the High Density Residential (HDR) General Plan Land Use Designation and HR1 (High Density Residential) Zoning District. This Land Use category is intended to provide a variety of opportunities for high-density multifamily residential development.

**General Plan Consistency:**

The permanent emergency shelter use is consistent with the goals and policies of San Rafael General Plan 2020 as a whole, and the use specifically supports and implements the following:

1. **Housing Element Policy H-9** (*Special Needs*) which supports the added affordable housing in the very-low and low-income categories including housing that supports the homeless population.
2. **Housing Element Policy H-9d** (*Housing for Extremely Low Income Households*), which supports funding opportunities that support the development of housing affordable to extremely low-income households including funding for projects that will facilitate the construction of multifamily and supportive housing.
3. **Housing Element Policy H-10** (*Innovative Housing Approaches*) and **H-10c** (*Single Room Occupancy (SRO) Units*) in that these policies support opportunities for innovative housing approaches that increase the availability of low- and moderate-income housing and promote construction of SRO apartments by eliminating SRO's from density limits, allowing a reduction in parking standards and encourage linkages to social services for this type of housing.
4. **Housing Element Policy H-12** (*Residential Care Facilities and Emergency Shelters*) which encourages a dispersion of residential care facilities and emergency shelters and avoids an over concentration of residential care facilities and shelters for the homeless in any given area. This policy also recognizes the value of eliminating governmental constraints in the operation or construction of transitional, supportive, and emergency housing, consistent with State law.

**Zoning Consistency:**

This use is located in the High-Density Residential District (HR1) District, which is intended to provide a variety of opportunities for high-density multifamily residential development. The proposed emergency shelter is residential use that is permitted in the HR1 District with approval of a Use Permit pursuant to Section 14.04.040.

- B. The proposed use, together with the conditions applicable thereto, will not be detrimental to the public health, safety or welfare, or materially injurious to properties or

improvements in the vicinity, or to the general welfare of the city because the project is subject to adherence to the performance standards addressed in the findings and the conditions below, which would among other measures require on-site management and security, fully enclosed refuse storage areas that are adequate for the proposed use, adequate security lighting, and adequate parking for the shelter staff, service providers and volunteers. In addition, the provider is required to have a written management plan including, as applicable, provisions for staff training, neighborhood outreach, security, screening of residents to ensure compatibility with services provided at the facility, and for training, counseling, and treatment programs for residents.

- C. The proposed use complies with the applicable provisions of the Zoning Ordinance. The emergency shelter meets the following development and performance standards, as required by Section 14.16.115.C:
1. On-site management and on-site security shall be provided during hours when the emergency shelter is in operation.
  2. Adequate external lighting shall be provided for security purposes (i.e., one (1) foot-candle at all doors and entryways and one-half (½) foot-candle at walkways and parking lots). The lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of intensity compatible with the surrounding area.
  3. The development provides common facilities for the exclusive use of the residents and staff, including a shared kitchen, dining room, lounge, outdoor terraces, and offices for counseling and other support services.
  4. Parking and outdoor facilities provide adequate security for staff, service providers, and volunteers.
  5. A fully enclosed refuse storage area located in the enclosed garage area is provided that is large enough to accommodate a standard-sized trash bin; and a additional enclosure for recycling bins.
  6. The agency or organization operating the shelter shall comply with the following requirements:
    - a. Shelter shall be available to residents for no more than six (6) months. No individual or household may be denied emergency shelter because of an inability to pay.
    - b. Staff and services shall be provided to assist residents to obtain permanent shelter and income.
    - c. The provider shall have a written management plan including, as applicable, provisions for staff training, neighborhood outreach, security, screening of residents to ensure compatibility with services provided at the facility, and for training, counseling, and treatment programs for residents.
  7. The emergency shelter is not within proximity to any other existing or planned emergency homeless shelter;
  8. The facility shall be in, and shall maintain at all times, good standing with city and/or state licenses, if required by these agencies for the owner(s), operator(s), and/or staff on the proposed facility.
  9. The maximum number of beds or clients permitted to be served (eating, showering and/or spending the night) nightly shall not exceed the occupancy limit established by the building code.



### Findings for Concessions

- A. The Project complies with the City’s affordable housing requirement, pursuant to SRMC Section 14.16.030, by providing 100 % of the 32 supportive housing units as “affordable” or Below-Market-Rate (BMR) units. All 32 of the affordable units would be affordable at Extremely Low or Very Low-income levels.
- B. By meeting the City’s affordable housing requirement of 20%, the project is eligible for up to 3 concessions and unlimited waivers under the State Density Bonus law.
- C. The project proposes two (2) discretionary concessions/waivers:
  - 1. To achieve the proposed 32 supportive housing units, a Concession is requested to allow a 6% increase in lot coverage, from the maximum 60% permitted in HR1 District to 66% lot coverage; and
  - 2. To achieve the proposed building height, a Concession is requested for proposed height increase from maximum height of 36 feet allowed in the HR1 District to a 48-foot maximum building height.
- D. The additional lot coverage and the additional building height 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.
- E. Based on SRMC 14.16.030.H.2, the City may, at its sole discretion, grant 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 (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 for purposes of Section 65915. Given that the project proposes 100% of the 32 supportive housing units as affordable, the City finds that the 100% affordability provides a significant public benefit.
- F. Based on the fact that the project provides all 32 supportive housing units as affordable units to extremely low and very low income households and supported by the financial pro forma that demonstrates that the concessions are necessary to make the 100% affordable housing project feasible, the City hereby grants the concessions/waivers (increased lot coverage and increased building height) as requested by the project.

### Conditions of Approval for UP19-014

- 1. This Use Permit approves the operation of a permanent emergency shelter within a new building to be constructed on the property located at 190 Mill Street. The building techniques, materials, elevations, appearance of the project, as shown on plans presented to the Planning Commission on February 25, 2019, shall be the same as required for issuance of a Building Permit except as modified by these conditions of approval.
- 2. These conditions of approval shall be included on first sheet of plans submitted for building permit. The applicant shall comply with all applicable requirements of the San Rafael Municipal Code and of the implementing zone classification of HR1 (High Density Residential) Zoning District, as permitted by and consistent with State law.

3. This Use Permit does not approve any signs proposed for the project site. A separate sign permit and fee will be required for any signage for the new building.
4. Minor modifications or revisions to the project shall be subject to review and approval of the Community Development Department, Planning Division. Modifications deemed not minor by the Community Development Director shall require review and approval by the original decision-making body.
5. The applicant shall comply with all applicable requirements of the City, County, State, and other responsible agencies. This Use Permit shall run with the land.
6. This Use Permit shall become null and void if not vested within two (2) years from the date of approval, unless a time extension is granted before that date. Vesting shall include issuance of necessary building permits or commencement of operations.
7. The applicant shall comply with San Rafael Sanitation District (SRSD) requirements outlined in their memo dated May 17, 2019, which includes the following:
  - a. Prior to issuance of Building Permit, the applicant shall pay the appropriate sewer connection fees for new plumbing fixtures.
  - b. All sanitary sewer-related work shall be performed in accordance with SRSD Standards, including installation of backflow preventer.
  - c. The applicant shall provide sanitary drains for the trash and recycling areas. All refuse areas shall be covered and graded to drain independently of all surrounding non-refuse areas.
8. The applicant shall comply with Fire Department Standard Conditions of approval as noted in Memorandum dated May 3, 2019, which includes the following:
  - a. The design and construction of all site alterations shall comply with the 2016 California Fire Code and City of San Rafael Ordinances and Amendments.
  - b. The applicant shall coordinate submittal of plans for the following fire protection systems prior to installation:
    - i. Fire Sprinkler Plans
    - ii. Fire Standpipe Plans
    - iii. Fire Alarm Plans
    - iv. Kitchen Hood Automatic Fire-Extinguisher System Plans
  - c. A recessed mounted Knox Box (#3200 Series) is required at the primary point of first response to the building. Plans for building permit submittal shall show location of Knox Box on plans. The Knox Box shall be clearly visible upon approach to the main entrance from the fire lane, and shall be installed between 72” to 78” above finish grade.
  - d. A Knox key switch for driveway or access road automatic gates.
  - e. All fire apparatus and access requirements must be met.
  - f. Adequate water supply serving the Fire Protection System shall be verified with Marin Municipal Water District.
  - g. The applicant shall provide exit signage, panic hardware, and emergency backup lighting for all required exit doors.
  - h. Applicant shall provide fire extinguishers per CFC requirements.
9. The applicant shall comply with Department of Public Works (DPW) Standard Conditions of approval as noted in Memorandum dated May 28, 2019, which includes the following:

- a. Any work within the Right-of-Way shall require an encroachment permit and would include outdoor license review by DPW.
- b. Prior to occupancy of new building, an elevation certificate and floodproofing certificate shall be submitted to the Department of Public Works.

The foregoing resolution was adopted at the regular City of San Rafael Planning Commission meeting held on the 25<sup>th</sup> day of February 2020.

Moved by Commissioner \_\_\_\_\_ and seconded by Commissioner \_\_\_\_\_ as follows:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

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

\_\_\_\_\_  
Jeff Schoppert, Chair

Exhibit 3

**PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020  
FOCUSED**

LAND USE ELEMENT		
<p><b>LU-2. Development Timing.</b> For health, safety and general welfare reasons, new development should only occur when adequate infrastructure is available consistent with the following findings:</p> <ol style="list-style-type: none"> <li>Project-related traffic will not cause the level of service established in the Circulation Element to be exceeded;</li> <li>Any circulation improvements needed to maintain the level of service standard established in the Circulation Element have been programmed and funding has been committed;</li> <li>Environmental review of needed circulation improvement projects has been completed;</li> <li>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</li> <li>Sewer, water, and other infrastructure improvements will be available to serve new development by the time the development is constructed</li> </ol>	<p><i>Consistent</i></p> <p><i>Project-related traffic will not cause the level of service established in the Circulation Element to be exceeded;</i></p> <p><i>Any circulation improvements needed to maintain the level of service standard established in the Circulation Element have been programmed and funding has been committed;</i></p> <p><i>Environmental review of needed circulation improvement projects has been completed;</i></p> <p><i>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</i></p> <p><i>Sewer, water, and other infrastructure improvements will be available to serve new development by the time the development is constructed</i></p>	<p><i>Consistent</i></p> <p><i>The project includes a request for a Concession for a 12-foot height bonus (see also General Plan Policies in support of by-right zoning section below). This amendment demonstrates the City's ongoing commitment to streamlining review of affordable housing projects in hopes of boosting production of housing for all income levels. The proposed development project would be consistent with this policy in that it would allow for additional building height for a project that provides affordable housing.</i></p>
<p><b>LU-12. Building Heights.</b> Citywide height limits in San Rafael are described in Exhibits 7 and 8. For Downtown height limits see Exhibit 9.</p>	<p><i>Consistent</i></p> <p><i>The project includes a request for a Concession for a 12-foot height bonus (see also General Plan Policies in support of by-right zoning section below). This amendment demonstrates the City's ongoing commitment to streamlining review of affordable housing projects in hopes of boosting production of housing for all income levels. The proposed development project would be consistent with this policy in that it would allow for additional building height for a project that provides affordable housing.</i></p>	<p><i>Consistent</i></p>
<p><b>LU-13. Height Bonuses.</b> A height bonus may be</p>		<p><i>Consistent</i></p>

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<p>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>See Policy LU12 above.</p>
<p><b>LU-23. Land Use Map and Categories.</b> Land use categories are generalized groupings of land uses and titles that define a predominant land use type (See Exhibit 11). All proposed projects must meet density and FAR standards (See Exhibits 4, 5 and 6) for that type of use, and other applicable development standards. Some listed uses are conditional uses in the zoning ordinance and may be allowed only in limited areas or under limited circumstances. Maintain a Land Use Map that illustrates the distribution and location of land uses as envisioned by General Plan policies. (See Exhibit 11).</p>	<p><i>Consistent</i> The project consists of an Emergency Shelter and 32 Single Room Occupancy (SRO) units. SRO units do not contribute to residential density [see Housing Element Policy H10c]</p>
<p><b>HOUSING ELEMENT</b></p>	
<p><b>H-3. Public Information and Participation.</b> 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><i>Consistent</i> See CD-15</p>
<p><b>H-4b. Community Collaboration.</b> Encourage</p>	<p><i>Consistent</i></p>

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<p>cooperative and joint ventures in the provision of affordable housing. Give technical assistance to non-profit developers by providing information on other local sources of funding for affordable housing and introductions to other funders. As appropriate, write letters of support and serve as a co-applicant for project funding, such as for affordable housing funds available through California's cap-and-trade system.</p>	<p>Earlier this year, the City applied for state funded grants to fund the creation of programs that would contribute toward our streamlining efforts (See SB2 discussion above). This funding is a non-competitive grant intended "to help cities and counties prepare, adopt, and implement plans and process improvements that streamline housing approvals and accelerate housing production." The grant request required an application that included a signed resolution from the City Council attesting to their commitment to use the requested funding for projects that support streamlined review of affordable housing projects, which as presented to the City Council included a "by right" process for affordable housing projects. On October 30, 2019, the City received notification that our request for funding was approved. This funding will be used for 5 City-sponsored programs including the City's proposal to establish a streamlined "by right" process to encourage joint ventures in the provision of affordable housing.  The City has partnered with Homeward Bound of Marin by providing technical assistance, including information for local sources of funding for affordable housing, including the No Place Like Home program. In addition, this project is part of a pilot program to establish a "by-right" process that applies objective standards consistent with AB2162.</p>
<p><b>H-6. Funding for Affordable Housing.</b> <b>H-6c. Funding Applications.</b> As opportunities for funding become available, coordinate applications for State and Federal subsidies for affordable housing, and (1) provide technical assistance in public funding resources and local processing requirements, including community involvement; (2) consider project funding and timing needs in the processing and review of the application; and (3) work with applicants to identify appropriate submittal materials to enable a timely determination of application completeness.</p>	<p><i>Consistent</i> See Policy H4b</p>
<p><b>H-9. Special Needs.</b> 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</p>	<p><i>Consistent</i> Homeward Bound proposes a General Plan Land Use Map Amendment and a Zoning Map amendment that would change the existing light industrial/office land use and zoning designation of the site to High-Density Residential. The request would allow the site to be developed with a combination emergency shelter (up to 60 emergency beds) and permanent supportive housing (32 single room occupancy units). Typically, when reviewing a request for General Plan and</p>

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<p>provided in multi-family developments, consistent with State and Federal law.</p> <p><b>H-9c. Housing Opportunities for Persons Living with Disabilities:</b> The Golden Gate Regional Center (GGRC) provides services and support for adults and children with developmental disabilities, including over 400 San Rafael residents. The GGRC reports that 60 percent of their adult clients with developmental disabilities live with their parents, and as these parents age and become frailer their adult disabled children will require alternative housing options. The City will coordinate with the GGRC to implement an outreach program informing San Rafael families of housing and services available for persons with developmental disabilities, including making information available on the City's website.</p> <p><b>H-9d. Housing for Extremely Low Income Households.</b> Prioritize some housing fees for the development of housing affordable to extremely low-income households, to encourage the development of programs to assist age-in-place seniors, to increase the amount of senior housing, to increase the production of second units, and to facilitate the construction of multifamily and supportive housing.</p> <p><b>H-10. Innovative Housing Approaches.</b> Provide opportunities and facilitate innovative housing approaches in financing, design and construction of units to increase the availability of low- and moderate-income housing and especially for housing that meets the city's housing needs.</p>	<p><i>Zoning Map amendments we are supportive of amendments that involve a modification to the land use boundary line of an adjacent parcel. This helps avoid land use changes that could be classified as spot zoning. Spot zoning is the process of reclassification of a single parcel a use classification totally different from that of the surrounding lot to the detriment of other lots/owners. In this case, the applicant is requesting the land use and zoning classification of the adjacent and nearby parcels which allows a variety of high density residential development, including the project that is described above.</i></p>
	<p><i>Consistent See Policy H-12</i></p>

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<p><b>H-10c. Single Room Occupancy (SRO) Units.</b> Actively promote existing incentives for SRO apartments, such as no density regulations and lower parking standards, in multifamily and mixed use districts in recognition of their small size and low impacts. Where needed, encourage linkages to social services.</p>	
<p><b>H-12. Residential Care Facilities and Emergency Shelters.</b> Encourage a dispersion of residential care facilities and emergency shelters, and avoid an over concentration of residential care facilities and shelters for the homeless in any given area consistent with state and federal laws. Allow emergency shelter beds in appropriate zoning districts in order to accommodate San Rafael's unsheltered homeless population. Recognize transitional and supportive housing units as residential units, and eliminate governmental constraints to the operation or construction of transitional, supportive, and emergency housing consistent with State law. Support the implementation of the San Rafael Homeless Action Plan.</p> <p><b>H-12a. Countywide Efforts to Address Homeless Needs.</b> Work with other jurisdictions and agencies in Marin to provide emergency, transitional, and supportive housing and assistance throughout Marin, and continue City staff's role as the homeless coordinator for the County.</p> <p><b>H-12b. Good Neighborhood Relations Involving Emergency Shelters and Residential Care Facilities.</b> Where determined necessary during review of an application, encourage positive relations between neighborhoods and providers of emergency</p>	<p>According to the Homeward Bound of Marin website, Mill Street Center located at 190 Mill Street is Marin County's only year-round emergency shelter for adults. The applicant is seeking a use permit to expand the 55-bed emergency shelter to allow up to 60 beds. In addition, the applicant proposes construction of 32 single room occupancy units for permanent supportive housing. Permanent supportive housing is a permitted by-right use within multi-family residential projects. In accordance with Assembly Bill 2162, supportive housing must be allowed within multi-family zoning districts through a by right process without discretionary review. Adjusting the High-density residential boundary to encompass the project site would allow the existing facility to provide both emergency shelter and supportive housing for the homeless within one facility.</p>



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<p>shelters and residential care facilities by requiring shelter outreach communication programs with the neighborhoods.</p> <p><b>H-12d. Emergency Shelters, Transitional and Supportive Housing.</b> Implement Zoning Code Section 14.16.115 to allow emergency shelters as a permitted use in the General Commercial (GC) and Light Industrial (L/O) zoning districts south of Bellam and east of Highway 580 and with appropriate performance standards as allowed by State law. Continue to allow emergency shelters with a use permit in areas zoned for office, commercial, light industrial and public/quasi-public use. Implement the City's Zoning Code (Zoning Code Chapter 14.03 - Definitions), consistent with State and Federal law, to recognize transitional and supportive housing as residential uses, subject to the same restrictions and standards of similar residential dwellings in the same zone.</p> <p>Based on input from State HCD, amend Zoning Code Section 14.16.115 to clarify requirements for staff and services to be provided to assist residents in obtaining permanent shelter and income are permissive, rather than mandatory. In addition, clarify that while a written Management Plan is required, it is not subject to discretionary approval.</p>	
<p><b>H-17b. Height Bonuses.</b> Continue to offer height bonuses for projects that include affordable housing units as provided in Exhibit 10 of the Land Use Element. Provide early design review to assist with potential design issues. Height increases may be granted with a use permit. Evaluate utilizing height bonuses as a tool to incentivize lot consolidation.</p>	<p><i>Consistent</i></p> <p><i>The applicant is seeking a 12-foot height bonus for this project as a concession for providing a 100% affordable housing project. General Plan Policies support the issuance of height bonuses for residential projects that provide some level of affordability (see Exhibit 10). While the project site is not included in Exhibit 10, this exhibit does specify affordable housing as an amenity for allowing a height bonus in certain districts. In accordance with AB2162 supportive housing projects may request concessions, including concessions for height without triggering a discretionary process. For this reason, staff is supporting the requested 12-foot height bonus as</i></p>

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<p>it is consistent with the city's allowances for additional height for 100% affordable housing projects.</p>	
<p>The applicant has submitted a request for fee waiver. This fee waiver is pending review by the City Council and will be process concurrently with the rest of the project.</p>	<p><b>H-17c. Waiver or Reduction of Fees.</b> Continue to offer fee waivers and reductions for applications including affordable units, consistent with Resolution 11025. Facilitate the production of second units through elimination of the traffic mitigation fee (adopted in 2012), and coordination with local jurisdictions to lobby Las Gallinas Valley Sanitary District to reduce sewer connection fees for second units and affordable housing.</p>
<p>Consistent The project serves as a pilot for a by-right process for projects that commit 100% of the units as affordable. This city-initiated amendment is 1 of 3 programs that received SB2 funding late 2019. This funding is intended to be used for programs that streamline development review process for housing production. The project is consistent with this General plan policy because it would serve as an example of an efficient streamlined review for affordable housing projects commit 100% of the units as affordable, at the project would allow expansion of a much-needed housing and support service within the City.</p>	<p><b>H-17d. Efficient Project Review.</b> San Rafael has fully implemented the provisions of the Permit Streamlining Act (AB 884), continue to inform developers of density bonus incentives for affordable housing, and consistent with State requirements, any modified development standards as part of a density utilizes allowable California Environmental Quality Act (CEQA) exemptions for qualified urban infill and other residential projects where site characteristics and an absence of potentially significant environmental impacts allow.</p>
<p>Consistent The project is a 100% affordable supportive housing project.</p>	<p><b>H-18a. Inclusionary Housing.</b> 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.</p>
<p><b>NEIGHBORHOODS ELEMENT</b></p>	
<p>Consistent The project proposes a combination of emergency shelter beds along with supportive housing</p>	<p><b>NH-3. Housing Mix.</b> Encourage a housing mix with a broad range of</p>

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<p>affordability, character, and sizes. In areas with a predominance of rental housing, encourage ownership units to increase the variety of housing types.</p>	<p>units. More specifically a total of 66 emergency shelter beds would be provided on the second floor while the 3<sup>rd</sup> and 4<sup>th</sup> floors would accommodate a total of 32 single room occupancy units.</p>
<p><b>NH-17. Competing Concerns.</b> 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>The General Plan recognizes the enormous task of having to balance competing concerns related to factors such as design, environmental changes, housing, and economics. The General Plan identifies economic and housing development as high priorities to the health of Downtown. While this project is not located within the downtown it is within walking distance of downtown amenities and its development could result in long-term mutual benefits.</p>
<p><b>Canal Neighborhood</b></p>	
<p><b>NH-49. Conflicting Uses.</b> Prevent the encroachment of new residential development into the Light Industrial/Office District to minimize conflicts. Businesses locating adjacent to residential areas shall be designed to minimize nuisance impacts.</p>	<p>Consistent The property at 190 Mill is currently zoned Core Canal Industrial/Office (CCI/O). The requested General Plan Land Use Map and Zoning Map amendment would change the land use and zoning classification from to a High Density Residential (HR1) district. This policy has existing in some form since the 1960s. However, project site has been used as an Emergency Shelter since 1986 and was a physical therapist office prior to that. Emergency shelters are considered a form of housing. Thus, shifting the High-density residential land use classification of the adjoining lot adding supportive housing to the mix of uses on this site would be consistent with the use of the site and the use of the adjoining residential properties. In addition, because site has not been used for industrial type uses since at least the 1960s, the requested amendments would not result in encroachments into or reduction of actively used industrial sites</p>
<p><b>COMMUNITY DESIGN ELEMENT</b></p>	
<p><b>CD-5. Views.</b> Respect and enhance to the greatest extent possible, views of the Bay and its islands, Bay wetlands, St. Raphael's church bell tower, Canalfront, marinas, Mt. Tamalpais, Marin Civic Center and hills and ridgelines from public streets, parks and publicly accessible pathways.</p>	<p>Consistent The applicant's request to allow a 12-foot height bonus for 100% affordable housing projects would not result in impact to public views to any of the resources described.</p>

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<p><b>CD-14. Recreational Areas.</b> In multifamily development, require private outdoor areas and on-site common spaces for low and medium densities. In high density and mixed-use development, private and/or common outdoor spaces are encouraged. Common spaces may include recreation facilities, gathering spaces, and site amenities such as picnicking and play areas.</p>	<p><i>Consistent</i> The applicant proposes to comply with the minimum recreation requirements through indoor and outdoor spaces.</p>
<p><b>CD-15. Participation in Project Review.</b> Provide for public involvement in the review of new development, renovations, and public projects with the following</p> <ul style="list-style-type: none"> <li>• 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;</li> <li>• Distribution of the procedures of the development process that include the following: submittal information, timelines for public review, and public notice requirements;</li> <li>• Standardized thresholds that state when design review of projects is required (e.g. residential conversions, second-story additions); and</li> <li>• Effective public participation in the review process.</li> </ul>	<p><i>Consistent</i> To encourage participation from non-English speaking community members, the City has provided the following outreach:</p> <ul style="list-style-type: none"> <li>• Provided notification of the proposed project to Canal Community Alliance Representatives;</li> <li>• Public notices advise of the availability of interpretation service if sufficient notice is provide to the City;</li> <li>• Posted on-site signage in English and Spanish;</li> <li>• Included information about this project in English and Spanish, on the City's Major Projects website.</li> </ul>
<p><b>CD-18. Landscaping.</b> Recognize the unique contribution provided by landscaping, and make it a significant component of all site design</p> <p><b>CD-19. Lighting.</b> Allow adequate site lighting for safety purposes while controlling excessive light spillover and glare.</p>	<p><i>Consistent</i> The project will comply with landscape and lighting requirements established by the Zoning Code</p>

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<p><b>ECONOMIC VITALITY ELEMENT</b></p>	<p><b>EV-2. Seek, Retain, and Promote Businesses that Enhance San Rafael.</b> Recruit and retain businesses that contribute to our economic vitality, thus helping to provide needed local goods, services and employment, and enhance the City's physical environment.</p>	<p>Consistent The project includes a City-initiate General Plan Amendment that creates a by-right process for projects that commit 100% of the units as affordable. This city-initiated amendment is 1 of 3 programs that received SB2 funding late 2019. This funding is intended to be used for programs that streamline development review process for housing production. The City-initiated amendments are consistent with the following General plan policies because it would create a more efficient streamlined review for affordable housing projects commit 100% of the units as affordable, at the project would allow expansion of a much needed housing and support service within the City</p>
<p><b>EV-4. Local Economic and Community Impacts.</b> In addition to review of environmental, traffic and community design impacts, take the following into account when major projects, policies and land use decisions are under review:</p> <ul style="list-style-type: none"> <li>• Fiscal impacts on the City's ability to provide and maintain infrastructure and services.</li> <li>• Impacts on the community such as the provision of jobs which match the local workforce, commute reduction proposals, and affordable housing.</li> <li>• Additional or unique economic, fiscal and job-related impacts.</li> <li>• Fiscal and community impacts of not approving a project, plan or policy.</li> </ul>	<p>Consistent See Policy EV-2 above</p>	<p>Consistent No parking is required for 100% affordable supportive housing per AB2162.</p>
<p><b>CIRCULATION ELEMENT</b></p>	<p><b>C-31. Residential Area Parking.</b> Evaluate effective means to manage residential parking to minimize the impacts of excess demand.</p>	<p>Consistent No parking is required for 100% affordable supportive housing per AB2162.</p>

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INFRASTRUCTURE ELEMENT	
<p><b>I-2. Adequacy of City Infrastructure and Services.</b> Assure that development can be adequately served by the City's infrastructure and that new facilities are well planned and well designed.</p>	<p><i>Consistent</i> The project was referred to all service providers. No issues have been presented. A more in-depth discussion will be provided during formal review.</p>
<p><b>I-10. Sewer Facilities.</b> Existing and future development needs should be coordinated with responsible districts and agencies to assure that facility expansion and/or improvement meets Federal and State standards and occurs in a timely fashion.</p>	<p><i>Consistent</i> Project has been reviewed by San Rafael Sanitary District</p>
<p><b>GOVERNANCE</b></p>	
<p><b>G-2. Variety of Housing.</b> Encourage the creation and retention of a wide variety of housing types serving people of all economic levels.</p>	<p><i>Consistent</i> See H-9 and H-12</p>
<p><b>G-3. Housing Agencies.</b> Support agencies and organizations that provide shelter, housing, and related services to very low-, low-, and moderate-income households.</p>	<p><i>Consistent</i> See H-9 and H-12</p>
<p><b>G-6. Broad-Based Involvement.</b> Establish methods to encourage broad-based, meaningful community involvement. Encourage residents who historically have not been involved in</p>	<p><i>Consistent</i> See CD-15</p>

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<p>political processes to become engaged in government, consistent with the Community Engagement Action Plan.</p> <p><b>G-6a. Community Stakeholders.</b> Actively seek community-wide representation and public involvement opportunities on City issues through vigorous outreach programs to engage residents who are not typically involved, such as young people and residents not fluent in English.</p>	
<p><b>G-18. Support for Special Needs Groups.</b> Encourage government and business support for non-profit and other organizations that provide services to the elderly, people with disabilities, homeless people, and others in need. Support efforts of Marin County to encourage the availability of social services throughout the County.</p> <p><b>G-18a. Collaboration with Local Agencies.</b> Work with non-profits and other organizations on priorities, services and facilities. Assist in establishing avenues of communication between non-profits and neighbors. Current examples include supporting efforts to provide emergency shelter and transitional housing to homeless individuals, families and victims of domestic violence, and working with local organizations on sidewalk accessibility.</p> <p><b>G-18c. Zoning Allowance.</b> Provide zoning allowance for group homes, transitional housing and treatment facilities, but preclude over-concentration of such facilities in residential neighborhoods as allowed by state law. Per the requirements of SB2, Zoning Ordinance amendments have been drafted to incorporate new</p>	<p><i>Consistent</i> See Policies H-4b, H-6 and H-17b</p>

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<p>definitions for “transitional housing” and “supportive housing”</p>	
<p><b>SUSTAINABILITY ELEMENT</b></p>	
<p><b>SU-5. Reduce Use of Nonrenewable Resources.</b> Reduce dependency on non-renewable resources.</p> <p><b>SU-6. Resource Efficiency in Site Development.</b> Encourage site planning and development practices that reduce energy demand, support transportation alternatives and incorporate resource- and energy-efficient infrastructure.</p>	<p><i>Consistent with Conditions</i> The project will comply with the most recently adopted ICC (International Code Council) code requirements related to green building and waste reduction. In addition, the applicant will be required to comply with Marin Municipal Water District’s most recently adopted water conservation and gray water regulations.</p> <p>The applicant proposes installation of 20 bicycle parking racks.</p>
<p><b>SU-10. Zero Waste.</b> Reduce material consumption and waste generation, increase resource re-use and composting of organic waste, and recycle to significantly reduce and ultimately eliminate landfill disposal.</p>	<p><i>Consistent</i> The project is proposing a garbage and recycling facilities within the garage parking area. The site plan and proposed location have been reviewed and approved by Marin Sanitary Service (MSS).</p>
<p><b>CULTURE AND ARTS ELEMENT</b></p>	
<p><b>CA-15. Protection of Archaeological Resources.</b> Recognize the importance of protecting significant archaeological resources by:</p> <ul style="list-style-type: none"> <li>• Identifying, when possible, archaeological resources and potential impacts on such resources.</li> <li>• Providing information and direction to property owners in order to make them aware of these resources.</li> <li>• Implementing measures to preserve and protect archaeological resources.</li> </ul> <p><b>CA-15a. Archeological Resources Ordinance.</b></p>	<p><i>Consistent with Condition</i> Standard conditions of approval would be applied to the project</p>



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<p>Continue to implement the existing Archeological Resources Ordinance.</p>	
<p><b>PARK AND RECREATION ELEMENT</b></p>	
<p><b>PR-10. Onsite Recreation Facilities.</b> 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. The project will include several terraces and indoor recreation rooms to accommodate the total required recreation areas.</p>
<p><b>SAFETY ELEMENT</b></p>	
<p><b>S-1. Location of Future Development.</b> 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> The applicant has submitted Geotechnical Report. Safety issues are addressed in the Initial Study/Mitigated Declaration (IS/MND) prepared for the project, as required by CEQA.</p>
<p><b>S-3. Use of Hazard Maps in Development Review.</b> Review Slope Stability, Seismic Hazard, and Flood Hazard Maps at the time a development is proposed. Undertake appropriate studies to assure identification and implementation of mitigation measures for identified hazards.</p>	<p><i>Consistent</i> See Policy S-1</p>
<p><b>S-4. Geotechnical Review.</b> Continue to require geotechnical investigations for development proposals as set forth in the City's Geotechnical Review Matrix (Appendix F). Such studies should determine the actual extent of geotechnical hazards, optimum design for structures, the advisability of special structural requirements, and the feasibility and desirability of a proposed facility in a specified</p>	<p><i>Consistent</i> See Policy S-1</p>

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<p>location.</p>	<p><b>S-6. Seismic Safety of New Buildings.</b> 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><b>S-13. Potential Hazardous Soils Conditions.</b> Where development is proposed on sites with known previous contamination, sites filled prior to 1974 or sites that were historically auto service, industrial or other land uses that may have involved hazardous materials, evaluate such sites for the presence of toxic or hazardous materials.</p>	<p><b>S-17. Flood Protection of New Development.</b> 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><b>S-18 Storm Drainage Improvements.</b> Require new development to improve local storm drainage facilities to accommodate site runoff anticipated from a "100-year" storm.</p>	<p><b>S-25. Regional Water Quality Control Board</b></p>
		<p><i>Consistent with Condition</i> The project would entail all new construction and will be built in accordance with the most current building and seismic codes as required by the City's Municipal Code.</p>	<p><i>Consistent</i> The project is located in Special Flood Hazard Area Zone AE. The project will be required to comply with flood elevation requirements and flood proofing as discussed in the staff report and the IS/MND CEQA document.</p>	<p><i>Consistent</i> Public works has reviewed the proposed site drainage and bioretention and supports the proposed drainage design. A more in-depth discussion is contained in the IS/MND CEQA document.</p>	<p><i>Consistent</i></p>
	<p><i>Consistent</i> See Policy S-1</p>				

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<p><b>(RWQCB) Requirements.</b> Continue to work through the Marin County Stormwater Pollution Prevention Program 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>The project will be required to comply with MCSTOPP pollution prevention requirements as a standard condition of approval.</p>
<p><b>S-32. Safety Review of Development Projects.</b> Require crime prevention and fire prevention techniques in new development, including adequate access for emergency vehicles.</p>	<p>Consistent with Conditions The San Rafael Fire Department, Fire Prevention Bureau, and the San Rafael Police Department have both reviewed the project plans and either required revisions to improve fire prevention and safe design, which have been incorporated in the project plans being reviewed by the Commission, or conditions have been included to require revisions to improve fire prevention and safe design.</p>
<p><b>NOISE ELEMENT</b></p>	
<p><b>N-1. Noise Impacts on New Development.</b> 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><b>N-2. Exterior Noise Standards for Residential Use Areas.</b></p>	<p>Consistent Standard Conditions of approval would require compliance construction operational noise standards.</p>

**Exhibit 3**

**PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020  
FOCUSED**

<p>The exterior noise standard for backyards and/or common usable outdoor areas in new residential development is up to Ldn of 60 dB. In common usable outdoor areas in Downtown, mixed-use residential, and high density residential districts, up to Ldn of 65 dB may be allowed if determined acceptable through development review</p>	
<p><b>N-3. Planning and Design of New Development.</b> Encourage new development to be planned and designed to minimize noise impacts from outside noise sources.</p>	<p><i>Consistent</i> <i>The project will comply with indoor noise standards established by the building code.</i></p>
<p><b>AIR AND WATER QUALITY ELEMENT</b></p>	
<p><b>AW-1. State and Federal Standards.</b> 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> <i>An in-depth discussion regarding air quality requirements is included in the IS/MND CEQA document.</i></p>
<p><b>AW-2. Land Use Compatibility.</b> To ensure excellent air quality, promote land use compatibility for new development by using buffering techniques such as landscaping, setbacks, and screening in areas where different land uses abut one another.</p>	
<p><b>AW-4. Particulate Matter Pollution Reduction.</b> Promote the reduction of particulate matter pollution from roads, parking lots, construction sites, agricultural lands and other activities.</p>	
<p><b>AW-7. Local, State and Federal Standards.</b> Continue to comply with local, state and federal standards for water quality.</p>	<p><i>Consistent</i> <i>See Policy S-25</i></p>

Exhibit 3

**PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020  
FOCUSED**

<p><b>AW-8. Reduce Pollution from Urban Runoff.</b> 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"><li>• 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.</li><li>• Require that site designs work with the natural topography and drainages to the extent practicable to reduce the amount of grading necessary and limit disturbance to natural water bodies and natural drainage systems.</li><li>• Where feasible, use vegetation to absorb and filter fertilizers, pesticides and other pollutants.</li></ul>	<p><i>Consistent</i> See <i>Policy S-25</i></p>
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RECEIVED

APR 26 2009

PLANNING

PROPOSAL FOR MILL STREET CENTER

SHELTER EXPANSION AND DEVELOPMENT OF AFFORDABLE HOUSING UNITS, SAN RAFAEL, CALIFORNIA

A Project of Homeward Bound of Marin

**Homeward Bound: History and Experience**

Homeward Bound is the main provider of shelter and supportive housing for people experiencing homelessness in Marin County, California. Serving 1,200 people a year through 16 interrelated residential programs, Homeward Bound has proven ability in the planning, construction, and management of affordable housing and shelter. This includes the 2016 completion of Oma Village—a 14-unit affordable housing community for families transitioning out of homelessness. In 2008, Homeward Bound constructed the 32-unit Next Key Center (including affordable apartments, medical respite beds, and a culinary job training and events center), which expanded from the 80-bed New Beginnings Center shelter built by the agency in 2000. Homeward Bound recently completed renovations on a vacant former convent in Larkspur to provide permanent supportive housing for 12 low-income seniors.

**Existing Mill Street Center**

Located in San Rafael, Mill Street Center is the “front door” to Homeward Bound’s adult services. With 40-55 beds, the facility is Marin County’s only year-round emergency shelter for homeless adults. Mill Street Center serves both men and women in separate dormitory-style rooms, and homecooked meals are served nightly by volunteers from a network of three dozen churches and community groups. Homeward Bound has operated Mill Street Center since 1986, and in that 30-year period, the facility has endured substantial wear-and-tear from daily use, in addition to structural problems that existed before Homeward Bound acquired the building. Staff are currently fixing as much as they can on their own, but the need for a new facility is imminent. In addition to rebuilding the structure itself, substantial upgrades are also needed to replace aging equipment and furnishings.



*Mill Street Center, San Rafael*

**Project Scope for New Mill Street Center**

The goal of this project is to rebuild Mill Street Center by expanding and improving the existing shelter while also adding 32 units of permanent supportive housing. This will add critically needed affordable housing in a county consistently ranked as the least affordable rental market in the nation (Source: National Low Income Housing Coalition).

Homeward Bound proposes developing a four-story building at the site. The expanded 60-bed shelter will be situated on the first floor above a ground level parking structure. The second and third floors will mirror each other in design and have 16 small housing units each—a total of 32 new units of permanent supportive housing.

An architectural proposal for the site has been developed by Frederic C. Divine Associates, a local firm with whom Homeward Bound has effectively partnered in the past.

The City of San Rafael has expressed their full support for rebuilding Mill Street Center, and Homeward Bound has been in direct communication about the project with City Council Member Kate Colin. The decision to rebuild Mill Street Center was made following nine months of visiting area properties with the real estate subcommittee of Homeward Bound’s Board of Directors. This group reached consensus that developing Mill Street Center is a more feasible option than purchasing new property, considering the high cost of real estate in Marin and the presence of organized anti-affordable housing groups in many area neighborhoods. Mill Street Center faces neither of these challenges because Homeward Bound already owns the property, which eliminates the expense of purchasing a new site, and the agency has excellent relationships with Mill Street Center’s neighbors as they have been operating shelter services there for the

past 30+ years.

Last year, Homeward Bound completed a site investigation of Mill Street Center funded by Tamalpais Pacific. This included soil boring and analysis, as well as boundary and topographic assessments. These feasibility studies found that the site is viable for development. Conceptual designs have been shared with the City of San Rafael resulting in initial positive responses. Next steps include a 12-month process securing approvals for setbacks, building height, lot coverage, and parking. The City of San Rafael has provided a matrix to guide this filing and review process with details regarding timelines, requirements, concessions, and allowances.

At this preliminary stage, Homeward Bound's goal as an agency is to complete all construction by early 2021.

### **Tenants**

Residents of the 32 permanent supportive housing units will be chronically homeless individuals identified and placed into housing through the County's Coordinated Entry system, which uses a 'Housing First' model and prioritizes people based on their vulnerability. 'Housing First' targets people with the longest periods of homelessness and focuses on moving them into housing as quickly as possible to improve their quality of life, decrease healthcare costs, and reduce the number of people on the streets.

Client vulnerability is measured using the VI-SPDAT, a nationally-recognized, evidence-based triage tool for people experiencing homelessness. The VI-SPDAT includes physical, mental, and behavioral health issues, as well as length of time homeless, and interaction with high-cost emergency services.

Residents will be further prioritized using criteria determined by the Coordinated Entry committee, a stakeholder group that includes Marin County Health and Human Services, and all homeless housing providers. These additional prioritization criteria will take into account extreme medical need and frequent use of emergency services. Currently, Marin County is working with hospitals and law enforcement to identify those clients whose behavioral health makes them frequent utilizers of multiple emergency services. This information will also be taken into consideration when prioritizing clients for housing at Mill Street Center.

Residents seeking emergency shelter services at Mill Street Center will be also be admitted by referral via community partners. An initial seven-day stay will be offered to all, and if within that timeframe an individual or family has resolved to end their own homelessness, they will be offered a 28-day stay based on their vulnerability and their motivation to move into permanent housing. During that period, staff will work diligently with these residents to develop personalized housing plans, increase their income, and set individual goals.

### **Effectiveness**

Permanent supportive housing is the most effective intervention for high-needs people experiencing homelessness. Homeward Bound is a seasoned permanent supportive housing provider with more than 40 years of experience housing and stabilizing the hardest to serve. Clients housed in Mill Street Center's shelter and permanent supportive housing will receive individualized trauma-informed care and housing-based case management. By placing high-needs, resource-intensive individuals in low-barrier permanent housing, clients will be able to not only avoid costly emergency interventions but will also receive help securing preventative care access to improve their overall health.

Marin has no single-room occupancy sites with supportive housing that prioritize the most vulnerable people who are experiencing homelessness. This project will expand access to housing through 32 permanent supportive housing units on a single-site nearby transportation and services.

### **Mill Street Center Staffing**

Current staffing levels at the existing shelter include a Program Director who oversees a staff of 4 Housing Case Managers and 4 Resource Counselors. This staff provides 24/7 coverage, with a variety of skill sets from Shelter Management, to Housing and Social Service support, to Clinical Support. Homeward Bound's Leadership Team provides

supervision over the whole program and meets with the Program Director at least twice per week, and often daily. Homeward Bound of Marin's extended team provide supplemental resources including workforce development training, a maintenance team, HR and IT support, and much more. We also partner with many local agencies to provide additional case management and support including the Probation and Parole departments, the County of Marin's Behavioral Health and recovery Services, Ritter Center and many additional nonprofits.

In the new Mill Street Center, the shelter staffing model will remain basically the same.

There will be an additional Housing Stabilization staff member on each of the new floors of permanent supportive housing, on each shift, providing 24/7 staffing.

There will also be a Behavioral Health & Recovery Services "Full Service Partnership" team working solely with the residents based in these new units of permanent supportive housing, as well as additional Whole Person Care staff working with folks referred through the Coordinated Entry System.

### **Funding**

The anticipated total construction costs of this project are \$15.6 million. The site, while owned by Homeward Bound of Marin, is in a flood zone, requiring additional costly structural components.

Homeward Bound has already been conditionally awarded \$1,567,065 from Partnership HealthPlan for this development in addition to the required \$1,500,000 in noncompetitive No Place Like Home funding match. CDBG awarded funding is 141,000.

The Homeless Emergency Aid Program (HEAP) award is \$4,523,891 as well as NPLH technical assistance grant of \$100,000. Other requests from Marin Community Foundation, the City of San Rafael, the Federal Home Loan Bank are pending. In addition, other funding requests will be made to foundations, corporate partners, and individual supporters.

### **Sustainability**

Homeward Bound's previous construction projects are all self-sustaining by fully paying construction costs up front rather than taking on loans. With the new Mill Street Center design, some additional funding for case management of clients living in permanent supportive housing will be provided by Marin County Behavioral Health and Recovery Services, as required by the No Place Like Home Initiative.

In addition, vouchers may be paired with each unit to provide an additional income source.

The emergency shelter on the first floor beneath the permanent housing units will continue to be funded in part by Marin County Health & Human Services. This funding allows on-site overnight staffing, which will make it possible for Homeward Bound to house the higher-need, more vulnerable individuals addressed in this proposal.

Rebuilding Mill Street Center will create a model that is missing in Marin County. Currently, permanent supportive housing for chronically homeless adults is provided through scattered-site units without onsite staff. By providing centralized housing with onsite 24-hour staffing, this project will successfully serve the highest-need individuals in our community with the resources they need to get off the streets for good, remain stably housed, and lead thriving lives.

If you have any questions or need additional information, please feel free to contact Homeward Bound Deputy Executive Director Paul Fordham: 415.382.3363, ext. 211 or [pfordham@hbfofm.org](mailto:pfordham@hbfofm.org)



4-23-19

**Project: Mill Street Center**  
**190 Mill Street APN 014-19-012**

**Zoning Amendment and General Plan Amendment**  
**Statement of Reasons for Change**

ZONING CHANGE: CCI/O to HR-1

The reason for the change is to allow development of housing at 190 Mill St. The primary justification is the value to the community of the proposal for affordable housing and the direct adjacency of APN 014-192-10, a parcel developed with multifamily housing having the same zoning requested, it being part of a larger district of similar zoning.

GENERAL PLAN CHANGE: LI/O to HDR

The change is required to allow the zoning change requested. The primary justification is the value to the community of the proposal for affordable housing and the direct adjacency of APN 014-192-10, a parcel with the General Plan Designation requested, it being part of a larger district of similar General Plan Designation.

RECEIVED  
APR 26 2019  
PLANNING



## NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION AND NOTICE OF PUBLIC HEARING – PLANNING COMMISSION:

**PROJECT: 190 Mill Street**– Request for General Plan (GP) and Zoning Map Amendment and Use Permit. The amendments would extend the existing High Density Residential (HDR) GP Land Use Classification and High Density Residential (HDR1) Zoning district boundary to include this site. The project also includes a request for a Use Permit to allow expansion of the existing emergency shelter. The development would include construction of a 24,042 square foot building to accommodate the 60-bed emergency shelter plus 32 supportive housing units. APN: 014-192-12; Core Canal Industrial/Office (CCI/O) District; Homeward Bound owners/applicant; File No(s): GPA19-001/ZC19-001/UP19-001

**NOTICE OF INTENT:** Notice is hereby given that the City of San Rafael has released a Public Review Draft Initial Study/Mitigated Negative Declaration (IS/MND) in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15072. You are invited to review and comment on the Draft IS/MND and attend the Planning Commission hearing on project. **The Public Review period begins January 2, 2020 and ends January 22, 2020.** The Draft Initial Study/Mitigated Negative Declaration is available at the following locations: 1400 Fifth Avenue – City Hall, Planning Division Office; City of San Rafael website at [https://www.cityofsanrafael.org/homeward\\_bound/](https://www.cityofsanrafael.org/homeward_bound/)

**MEETING DATE/TIME/LOCATION:** Tuesday, January 28, 2020, 7:00 p.m. City Council Chambers, 1400 Fifth Ave, San Rafael, CA.

**FOR MORE INFORMATION:** Contact Ali Giudice, Senior Planner at (415) 485-3092 or [Alicia.giudice@cityofsanrafael.org](mailto:Alicia.giudice@cityofsanrafael.org). You can also come to the Planning Division office, located in City Hall, 1400 Fifth Avenue, San Rafael, CA 94901 to look at the file for the proposed project. The office is open from 8:30 a.m. to 4:30 p.m. on Monday, Tuesday and Thursday and 8:30 a.m. to 1:30 p.m. on Wednesday and Friday. You can also view the staff report after 5:00 p.m. on the Friday before the meeting at <http://www.cityofsanrafael.org/meetings>

**WHAT WILL HAPPEN:** You can comment on the project. The purpose of the Study Session is to allow the public as well as the Planning Commission to identify relevant issues and significant concerns, and provide comments on the appropriateness of the project.

**IF YOU WANT TO COMMENT:** You can send written correspondence by email to the address above, or by mail/hand delivery to the Community Development Department, Planning Division, City of San Rafael, 1400 5<sup>th</sup> Avenue, San Rafael, CA 94901.

At the above time and place, all letters received will be noted and all interested parties will be heard. If you challenge in court the matter described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered at, or prior to, the above referenced public hearing (Government Code Section 65009 (b) (2)).

Appeals of decisions by the Planning Commission to the City Council shall be made by filing a notice thereof in writing with the required fee to the Planning Division of the Community Development Department within 5 working days of a decision involving Title 14 (Zoning) (SRMC Section 14.28.030) or within 10 calendar days of a decision involving Title 15 (Subdivisions) (SRMC 15.56.010).

Sign Language and interpretation and assistive listening devices may be requested by calling (415) 485-3085 (voice) or (415) 485-3198 (TDD) at least 72 hours in advance. Copies of documents are available in accessible formats upon request. Public transportation to City Hall is available through Golden Gate Transit, Line 22 or 23. Para-transit is available by calling Whistlestop Wheels at (415) 454-0964. To allow individuals with environmental illness or multiple chemical sensitivity to attend the meeting/hearing, individuals are requested to refrain from wearing scented products.



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## Alicia Giudice

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**From:** Kate Sudar Sprague [ksprague14@gmail.com](mailto:ksprague14@gmail.com)  
**Sent:** Tuesday, January 28, 2020 4:16 PM  
**To:** Alicia Giudice  
**Subject:** Re: 190 Mill Street

Hi Alicia,

Thank you for the update! I will see if I can make the meeting.

Since I sent my message, I have been reflecting a lot on housing in San Rafael, especially regarding shelter housing. My husband and I believe strongly in making more housing available; especially in the Bay Area and Marin. Because of that, it would be hypocritical of me to be against the Mill Street extension, especially since the property is already owned and in use for the same purpose. I do think this is an opportunity for the city to focus on some specific resources to the Canal neighborhood, and I spoke earlier today with Kate Colin and Mary Kay Sweeney about the same issues.

Thank you again for your time.

Best,  
Kate Sprague

On Mon, Jan 27, 2020 at 4:35 PM Alicia Giudice <[Alicia.Giudice@cityofsanrafael.org](mailto:Alicia.Giudice@cityofsanrafael.org)> wrote:

Kate, thanks for your email. I wanted to let you know that this item is being continued to the February 11, 2020 Planning Commission meeting.

Thanks

**Alicia Giudice, AICP | City of San Rafael**

Senior Planner

1400 5<sup>th</sup> Avenue, 3<sup>rd</sup> floor

San Rafael, CA 94901

415-485-3092



Kate Sprague

~~Economic~~

## Alicia Giudice

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**From:** Kate Sudar Sprague <sprague.kate@gmail.com>  
**Sent:** Wednesday, January 22, 2020 5:05 PM  
**To:** Alicia Giudice  
**Subject:** 190 Mill Street

Hello,

I am writing to express my concern about the extension to the homeless shelter at 190 Mill Street. Homelessness is a massive problem for San Rafael and California in general. The shelter on Mill Street provides much needed shelter to many people who otherwise would be sleeping on the streets. However, increasing the capacity of that shelter would only overload the already impacted neighborhood in the Canal.

As a resident of the Canal neighborhood, I regularly see garbage, littering, dumping, and parking issues. Adding 32 units and 60 emergency beds will further exacerbate the problem of too many people in too small an area. It is well-known that the pedestrian and bike access to the Canal neighborhood is unsafe and inadequate, so adding more people to that thoroughway is another unnecessary burden.

Adding an extension to the Mill Street shelter would continue to isolate the Canal neighborhood with too many people and not enough resources. It would continue to burden the Canal neighborhood unduly, putting the problems "out of sight and out of mind" of other San Rafael (and Marin) residents. The physical segregation of the area has made it easier for other San Rafael neighborhoods and residents to remain unburdened and unaware of the conditions in the Canal.

Grouping so many resources for underserved populations in the greater Canal area - such as the community clinic - further compounds the problems of our neighborhood. It is no wonder we deal with parking issues exceeding anywhere else in San Rafael; or litter, garbage, and dumping that would be untenable in other neighborhoods; or traffic regularly resulting in 1-mile commutes that take 20 minutes.

San Rafael is a large city; how is it possible that there is no better place for this shelter? I would invite any interested city employees or elected officials to visit our neighborhood and walk around with those of us living with these daily realities. I believe we can work together to come up with better solutions that offer housing units and emergency beds to those most vulnerable among us without overburdening further the Canal.

Thank you for your time,  
Kate Sprague  
50 Sonoma St

## Alicia Giudice

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**From:** Dana Phillips <danaphillips@yahoo.com>  
**Sent:** Saturday, January 18, 2020 10:27 PM  
**To:** Alicia Giudice  
**Subject:** Mill Street expansion

Hello,

I am glad that the Mill Street shelter is expanding.

I read a story of a working developmentally disabled homeless woman who posted on next door during last year, that she had to call Mill Street every day just to hope to get a bed. Some days she was denied.

Also the homeless who are camping in places like Gold Hill need to be told there is a shelter bed for them, so they can't camp just anywhere. Having a shelter for them will reduce the frequency of their trespassing, it has been a problem with homeless people sometimes wandering through my yard late at night, looking for a place to camp or to use drugs. This week a homeless woman was walking around in my bushes for some non-reason she gave, where if she had a shelter bed, she would have more awareness of available services to get off whatever she was using. Looked like she had come from Gold Hill on her bicycle.

Please approve and assist Mill Street's expansion.

Thank you,  
Dana Phillips

## Alicia Giudice

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**From:** Rick Simanek <ricksimanek@gmail.com>  
**Sent:** Friday, January 17, 2020 3:13 PM  
**To:** Alicia Giudice  
**Cc:** Claudia Gardner  
**Subject:** 190 Mill Street

Hello Alicia Giudice,

I am responding to the City of San Rafael notice about the planned project at 190 Mill Street. I have reviewed the information provided on line project website "cityofsanrafael.org/homeward bound". I find the size of the proposed building to be too large. I also find the increase number of beds/housing units to be too large. I object to this plan of allowing a hotel to be built within our light industrial area. What follows below are my thoughts and comments on some of the issues and concerns about this expansion of the existing emergency homeless shelter.

Physically, this project building is too large. A) The 4 story building covers most of the site. Such a large ratio of structure to land use is not permitted by the City in our area. If an industrial or office building was proposed for this site, much more open space would be required. B) In addition to "green space", off street, meaning on site, parking would be required.. The interior parking shown on the drawings would not be adequate for staff, volunteers, service providers, vendors, visitors, emergency police and paramedic services, and maintenance personnel. C) There may not be enough capacity of the utilities on Mill Street that would be required to operate this large building. Has anyone checked the capacity for : water service, including stand by fire sprinkler system ; sanitary sewer; electrical and gas service; telephone and data service.

The expansion of beds/ housing units is too large. Perhaps the operators of this 24/7/365 hotel may be able to serve their clients with in the walls of their building. I do not believe that the City is ready to serve our community if the expansion to 92 beds/units is allowed. I ask you to contact your police and fire departments for an evaluation of this increase. The data of incidents on Mill Street should give strong indications of what would be expected with an increase and the require increase in police patrols/calls and paramedic responses. I would also ask you to contact your Public Works group for an evaluation of increased street and trash removal services.

Another issue would be increased traffic congestion in this area during construction and operation. Traffic meaning both vehicle and pedestrian. There is no lay down space on site for heavy construction materials. Likewise, during operations there are street access concerns



January 15, 2020

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Housing Specialist

P.O. Box 9633  
San Rafael CA 94912  
[www.MarinMEHC.org](http://www.MarinMEHC.org)

San Rafael Planning Commission  
c/o Alice Giudice, Project Planner  
1400 Fifth Avenue, Room 203  
San Rafael, CA 94901

Dear Commissioners & Ms. Giudice:

Marin Environmental Housing Collaborative (MEHC) is a consortium of advocates building support for projects and policies that advance affordable housing as well as environmental integrity and social justice.

We are writing in regard to Homeward Bound's Supportive Housing and Emergency Shelter on Mill Street in San Rafael. We have read the Draft Initial Study/Mitigated Negative Declaration and see little cause for concern. This is an urban infill project on a site that has been used as a shelter for many years. It appears that any potential significant impacts to Cultural Resources, Geology and Soils, and Tribal Cultural Resources can be mitigated.

While the site is in a flood zone that will be impacted by sea level rise, it is unlikely that this project could be sited elsewhere in Marin due to the community's historic resistance to homeless shelters and affordable housing. The addition of a soft floor for staff parking increase the number of on-site parking spaces from 12 to 18 and raise the living space above flood level. This infill site is conveniently located near to shopping, services, and public transportation—all vital for residents who are likely to be car-free.

MEHC supports this project because it will provide 32 units of permanent supportive housing that will address an identified gap in permanent supportive housing for the homeless, who have significant barriers to obtaining and maintaining housing, in addition to providing year-round shelter beds that are so desperately needed. This project will have minimal environmental impact.

We urge you to approve the requested General Plan Amendment, Zoning Amendment, and Use Permit for this project.

Sincerely,

David Levin  
Co-Chair

Sami Mericle  
Co-Chair

*Tax deductible donations made payable to MEHC will be administered by EAH Housing, a 501(c)(3) nonprofit housing corporation. EAH generously acts as our fiscal sponsor, without charge.*



## Alicia Giudice

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**From:** Michael Dinger [valleywagonworks@gmail.com](mailto:valleywagonworks@gmail.com)  
**Sent:** Sunday, January 19, 2020 7:04 PM  
**To:** Alicia Giudice  
**Subject:** Emergency Shelter & Supportive Housing 190 Mill Street San Rafael

Hello Alicia Giudice,

I'm writing you today in response to the mail I received end of November 2019 regarding the planned extension of the homeless shelter on 190 Mill St in San Rafael. I'm the owner of an Automotive Repair shop across the shelter, very familiar with the daily routine of the homeless shelter and all the happenings regarding the facility. I visited the City's website and the project of the Planning Division which raised in my opinion quite some concerns. I understand the shortage of housing for homeless people but a shelter this size in this industrial area I believe is out of context and a more peaceful environment is required for the people in need.

- Mill Street is an industrial area with a lot of automotive traffic due to the businesses there
- The size of the shelter and the planned height is not permitted in an area like Mill Street
- I'm very concerned about accidents with the amount of people leaving the facility and the traffic on the street
- also the parking situation on the street will not cover enough space for the extended staff,
  - + volunteers
  - + homeless who own a car
  - + supported housing people who own a car
  - + emergency vehicles who frequently visit the shelter which will increase with the over 100 people there
  - + delivery vehicles to supply such a place
- according to the building planned there will be insufficient space available
- we, who conduct business on Mill Street and work on customer cars need to follow parking guidelines the City of San Rafael put in place to free up space, how will adding this large building help with that
- I witness almost every day that people coming to the shelter leave their accumulated belongings or trash on the street and often, if not accepted in the shelter, try or brake into parked cars on the street or neighborhood to find a place to stay, please see the police reports related to that
- also I find more often discharge of fecal matter any kind on the street, how will this change when more people are drawn into the area and then can't be sheltered
- is the utility system capable of handling a building like that, floods of the Canal Area might compromise these systems

I would appreciate a response and consider my thoughts not against a shelter. I trying to attend the meeting on the 28th of January

Best Regards

Michael Dinger  
**Valley Wagonworks**  
~~190 Mill St.~~  
San Rafael, CA 94901  
Shop: ~~(715) 457-5628~~  
Email: [valleywagonworks@gmail.com](mailto:valleywagonworks@gmail.com)

## Anne Derrick

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**From:** Jayni Allsep <jayni@allsep-planning.com>  
**Sent:** Friday, February 21, 2020 11:04 AM  
**To:** Anne Derrick  
**Subject:** FW: 190 Mill street

**From:** mark kline <tin.pin.tommy@gmail.com>  
**Date:** January 5, 2020 at 6:11:04 PM PST  
**To:** Alicia Giudice <Alicia.Giudice@cityofsanrafael.org>  
**Cc:** Feng Xue <hengtungap@gmail.com>  
**Subject:** 190 Mill street

Alicia Giudice,

I have concerns about this project. I have lived at 575 Canal Street for 30 years and like the privacy I have. We have 5 apartments facing south and by your plans, there will be 15 windows on the north side, all of which will be above the fence you plan to install. We would all lose our privacy.

My other concern is littering. I take care of this building and frequently find people from Homeward bound in our carport. I ask them to leave but know it is only temporary, and then I get to pick up their trash.

Now you are planning to triple the amount of people there. I see that as tripling my chores. I realize the homeless situation is a problem but I am not happy with your solution. I plan to attend your meeting on the 28th.

Thank You,  
Mark Kline

~~575 Canal St Apt 2~~  
San Rafael, Ca  
~~94901-4186~~