



# SAN RAFAEL

THE CITY WITH A MISSION

Community Development Department – Planning Division

Meeting Date: April 14, 2020  
Agenda Item: 2  
Case Numbers: ED19-030/UP19-013/V19-003  
Project Planner: Steve Stafford/ 415-458-5048

## REPORT TO PLANNING COMMISSION

**SUBJECT: 104 Shaver Street** – Request for a Use Permit, an Environmental and Design Review Permit and a Variance to allow the construction of a new, 7-unit, multifamily residential apartment building with associated site improvements (drainage and landscaping) on a 6,264 sq. ft. site. The proposed Variance would reduce the front (Shaver St.) setback, from 20' to 15', and the interior side setback, from 5' to zero. The project also requests a Parking Modification to reduce the required on-site parking, from 8 to 7 parking spaces, and to increase compact parking, from 2 to 4 spaces. The project further requests 2 concessions, under the State Density Bonus law, to increase the maximum allowable lot coverage, from 60% to 65%, and to decrease the required street side setback, from 10' to 8'; APN: 011-245-40; Multifamily Residential (HR1) District; Stevan Fontana for Vantana LLC, owner; Mike Larkin for Larkin Architecture, applicant; Downtown Neighborhood.

### EXECUTIVE SUMMARY

The project proposes to construct a new, seven (7)-unit, multistory multifamily residential building and associated site improvement (i.e., landscaping and drainage) on an underutilized Downtown parcel. The project is required to comply with the City's inclusionary housing requirement (10% or 1 affordable housing unit) and by doing so is eligible for a State density bonus of up to three (3) units and up to three (3) concessions under the State Density Bonus law. The project is request one (1) State Density bonus unit and two (2) concessions (2) under the State Density Bonus Law. Staff has reviewed the project and recommends that the project is categorically exempt from further CEQA review based (Class 32; In-Fill Development Section 15332 of the CEQA Guidelines). The project additionally requests miscellaneous deviations from parking, lot coverage and setback standards in the San Rafael Municipal Code (SRMC) due to the challenges in developing a small (6,264 sq. ft.), triangular-shaped lot.

The Design Review Board (Board) reviewed the site and building design proposed by the project on three (3) occasions; once as a conceptual project and twice as a formal project. On February 19, 2020, the Board unanimously recommended approval of the proposed site and building design, which is presented to the Planning Commission (Commission).

Staff finds the proposed project meets the applicable General Plan land use policies and standards and findings under the Zoning Ordinance (see discussion under the *Analysis* section of this report), subject the approval of the requested *Parking Modifications* and *Variations*. The project would provide much needed rental housing on a transitional Downtown lot.

### RECOMMENDATION

It is recommended that the Planning Commission adopt the Draft Resolution approving the requested Environmental and Design Review Permit, Use Permit and Variations for the project (Exhibit 2).



**PROPERTY FACTS**

<b>Address/Location:</b>	NE Corner/3 <sup>rd</sup> and Shaver Streets	<b>Parcel Number(s):</b>	011-246-40
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<b>Property Size:</b>	6,264 sf (combined)	<b>Neighborhood:</b>	Downtown
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Site Characteristics			
	General Plan Designation	Zoning Designation	Existing Land-Use
<b>Project Site:</b>	High Density Residential	HR1	Single-Family Residence
North:	HDR	HR1	AT&T Offices
South:	2/3 Mixed-Use	2/3 Mixed-Use West	Commercial (Oil Change)
East:	2/3 MU	2/3 MUW	Commercial
West:	HDR	HR1	Duplex Residence

**BACKGROUND**

**Site Description/Setting:**

The subject site is located at the northeast corner of Shaver St. and Third St. Third St. is a major east-west arterial, which runs through the Downtown and between U.S. Highway 101 and west Marin County. The site is a triangular-shaped, 6,264 sq. ft. parcel with a negligible (<1%) northwest-to-southeast trending average cross slope from Shaver St. The property is currently developed with a one-story + (elevated basement) single-family residence with an uncovered driveway parking area. The site is surrounded by commercial development to the north, south and east, and a combination of single-family and multifamily residential development to the west

**PROJECT DESCRIPTION**

**Use:**

The project proposes to construct a new 7-unit, 35'-tall, multifamily residential apartment building with understory garage parking and associated site landscape and drainage improvements. All of the proposed units are proposed as two-bedroom units, 807-899 sq. ft. in size, with the exception of the ground-floor ADA-accessible unit, which is proposed to a one-bedroom configuration and 806 sq. ft. in size.

The project does not include a condominium map; therefore, the units would be rental. The existing development on the site, a single-family residence, is proposed to be demolished.

**Planning Applications:**

The project requires the following Planning entitlements:

- An Environmental and Design Review Permit for the proposed new multifamily residential structure;
- A Use Permit for *Parking Modifications* to: 1) Reduce the parking requirement, from eight (8) to seven (7) on-site parking spaces, by eliminating guest parking; and 2) Increase the allowed compact parking ratio from 30% to 50% or from two (2) to four (4) compact parking spaces; and
- Variances to: 1) Reduce the required garage setback five feet (5'), from 20' to 15'; and 2) Reduce the required interior side setback, from five feet (5') to zero.



**Affordability:**

One (1) of the units (0.6 units which rounded-up to nearest whole number, or 1 unit) is required to be affordable at the very-low income household level. This affordable housing requirement represents 16.7% affordability of the maximum allowable density (6 units). The provision of 16.7% affordability at the very low-income units qualifies the project for up to a 35% density bonus (resulting in up to 3 bonus units, 2.1 rounded up to 3) and up to three (3) concessions under the State Density Bonus law.

Although the project is eligible for up to 3 bonus units, the project proposes one (1) State Density Bonus unit.

By providing the 16.7% affordability, the project is also eligible for up to 3 concession. The project requests two (2) automatic concessions; 1) A 20% reduction in the required street side setback, from 10' to 8'; and 2) A 5% increase in the maximum lot coverage, from 60% (3,758 sq. ft.) to 65% (4,071 sq. ft.).

**Site Plan:**

The new multifamily residential apartment building proposes a zero interior side yard setback, which sits adjacent to the surface parking lot of the neighboring AT&T office building. A 20'-wide driveway along the Shaver St. frontage is proposed to provide vehicular access to the understory garage. Secured long-term bicycle parking is also provided within the garage which exceeds the minimum required (from 2 to 6 bicycle parking spaces).

The project proposes to locate one (1) of the rental units on the ground-floor, behind the garage, and the remaining six (6) rental units evenly on the second floor (3 units) and third floor (3 units). The ground-floor unit is proposed to ADA-accessible. The six (6) upper-story units are proposed to be 2-bedroom configurations, 807-892 sq. ft. in size. The ADA-accessible unit is proposed to be a 1-bedroom configuration, 806 sq. ft. in size.

**Architecture:**

The project proposes a contemporary architectural design featuring lots of glazing (including glass railings), multiple exterior textures (two colors of textured stucco, anodized windows without trim) and 'winged' roof forms with lots of skylights. The new building is proposed to follow the curvilinear shape of the Third St. frontage through a series of successive 2 - 5' stepbacks. In addition, the two upper-stories are proposed to stepback from the ground-floor podium level to create common uncovered deck area along the Third St. frontage.

**Landscaping:**

The project proposes 1,724 sq. ft. of landscaping, located primarily along the Third and Shaver St. frontages. The project proposes to remove a total of four (4) existing trees on the site. The Landscape Plan for the project proposes a combination of trees, shrubs, grasses, vines and groundcovers, including 6, 24"-box container size replacement trees planted predominantly along the Third St. frontage. The project also proposes to install 'green screens', vine-covered metal screens, at the podium level along both the Shaver St. and Third St. frontages.

**Grading/Drainage:**

The project will include 443 sq. ft. of landscaped bioretention area along the Shaver St. frontage as a stormwater treatment measure.



## ANALYSIS

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

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

The General Plan land use designation for the project site is High Density Residential (HDR). The HDR designation is characterized by apartment densities, like the proposed project, which would be consistent with Land Use Policy **LU-23 (Land Use Map and Categories)**. Also, the project would be in accordance with Land Use Policy **LU-12 (Building Height)** and the maximum 36' building height, based on the City's current measurement for (building height (i.e., as measured from finished grade to the midpoint of a sloped or pitched roof structure). In addition, the project would be in accordance with Housing Policy **H-18 (Inclusionary Housing Requirements)** by providing 10% affordable housing units or 0.6 affordable units, which rounds up to require one (1) affordable unit.

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

The project site is located within the "Second/Third Corridor" District of Downtown. In compliance with Neighborhoods policy **NH-41 (Second/Third Mixed Use District Design Considerations)**, design considerations for this area call for the creation of "*...an inviting appearance to people travelling Second and Third Street. Encourage attractive, creative and varied architecture on Second and Third Streets, with design detail on all sides of buildings visible to the street or pedestrians*".

In compliance with Community Design Element policy **CD-11 (Multifamily Residential Design Considerations)**, design "*...should ensure multifamily housing is visually and functionally compatible with other buildings in the neighborhood and fits within and improves the character defining elements of neighborhoods.*"

Staff finds the site is challenging for development purposes, based on its triangular or curvilinear configuration, and for use, based on the surrounding mostly commercial development in the near vicinity (north, south and east; residential uses to the west and southwest only). The project would create view impacts of Puerto Suello Hill from public viewsheds along eastbound Second St. and northbound Shaver St., though staff finds these impacts would be limited. Staff finds the project also would be consistent with a majority of applicable multifamily and Downtown design guidelines

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

### **Zoning Ordinance Consistency:**

The project has been reviewed for consistency with the San Rafael Zoning Ordinance. A complete analysis of the pertinent regulations (standards and criteria) is presented in the attached *Zoning Ordinance Consistency Table* (Exhibit 4). Overall, the project would be consistent with all applicable regulations of the Zoning Ordinance, with the exception of front, side and street side setbacks, lot coverage and parking and the applicant has requested either concessions to these standards under the State Density Bonus law or a deviation as *Parking Modifications* through the Use Permit application.



#### Chapter 4 – Residential (R) District

The site is located within the Multifamily Residential – High Density (HR1) District. The proposed project will require consistency with the property development standards for the HR1 District, including a maximum 36' building height, minimum usable outdoor area (common and/or private) and landscaping. The proposed project would be consistent with maximum density, maximum lot coverage, minimum required street side yard setback and required parking, subject to a requested concession under the State Density Bonus law. The project also would be consistent with the required parking subject to deviations as *Parking Modifications* through the Use Permit. The proposed project further would be consistent with minimum required front and interior side yard setbacks, subject to the granting of requested Variances. Those property development standards applicable to the project are identified in the *Property Facts* summary above.

#### Chapter 16 – Site and Use Regulations

##### *Affordable Housing Requirement*

The project proposes to development a multifamily residential apartment building with seven (7) units; six (6) units based on the maximum allowable density under the HR1 District zoning plus one (1) density bonus unit under the State Density Bonus Law, by reserving one (1) of the six (6) base units as affordable to very low income households. Pursuant to Section 14.16.030 (*Affordable Housing Requirements*) of the Zoning Ordinance, projects proposing up to 10 housing units are required to provide 10% of the proposed units as 'affordable' housing units. The maximum density for this site is six (6) units (6,264 sq. ft. lot/1,000 sq. ft. density standard). The project proposes to provide 16.7% affordability, or one (1) of those six (6) units as affordable. The City's inclusionary housing ordinance requires that for rental projects, 50% of the inclusionary units (one-half or 0.5 unit for the project) be eligible to very low-income households (<50% county median income) and the remaining 50% of the affordable units (one-half or 0.5 unit for the project) be eligible for low-income households (50%-80% of county median income). Fractional units of 0.5 or higher shall be rounded up to the next higher whole number, while fractional units below 0.5 units may pay in-lieu affordable housing fees. The project proposes to construct one (1) affordable housing unit eligible for very low-income households, as required.

By providing 16.7% affordable housing (1 unit), the project is eligible for an automatic density bonus of up to 35% or three (3) additional residential units and up to three (3) concessions. The project is requesting one (1) density bonus unit and two (2) automatic concessions: 1) Up to 20% deviation from required yard setbacks; and 2) Up to 20% deviation from lot coverage requirements:

##### *Street Side Yard Setback Reduction Concession (Automatic)*

By providing one (1) affordable unit at the very low-income household level, project is eligible for an automatic reduction in required yard setbacks of up to 20%, with each required yard reduction counting as one (1) concession. The project proposes to reduce the required street side yard setback, from 10' to 8., or a 20% reduction, to allow for greater flexibility to access parking spaces and turning ability within the understory garage.

##### *Increase Lot Coverage Concession (Automatic)*

By providing one (1) affordable unit at the very low-income household level, project is also eligible for an automatic increase in lot coverage of up to 20%. The project proposes to increase lot coverage, from a maximum of 60% (3,758 sq. ft.) to 65% (4,071 sq. ft.), or 9% increase, to allow for again greater flexibility to access parking spaces and turning ability within the understory garage.



### *Sight Distance*

Pursuant to Section 14.16.295 (*Sight Distance*) of the Zoning Ordinance, the project shall provide a sight distance triangle of 15' from the curb return, free of visual obstructions greater than three feet (3') in height. The site is required to provide two sight distance triangles: at the proposed new driveway and at the corner of Shaver St and Third St. The project proposes a 20'-wide two-way driveway along the Shaver St. frontage which would comply with the required sight distance triangle. The project also proposes a 48" x 48" x 30" landscaped concrete column within the sight distance triangle at the corner of Shaver St and Third St, which also complies with the required sight distance triangle.

### Chapter 18 – Parking Standards

Pursuant to Section 14.18.040 (*Parking Requirements*) of the Zoning Ordinance, the project is required to provide one (1) parking space (covered or uncovered) per 1- or 2-bedroom unit plus one (1) guest parking space for a total; of eight (8) on-site parking spaces. The project is requesting a *Parking Modification*, through a Use Permit, to reduce the number of on-site parking spaces, from eight (8) to seven (7) total parking spaces, in exchange for providing a surplus of bicycle parking. The project proposes secured long-term parking for six (6) bicycles inside the garage.

Pursuant to Section 14.18.090 (*Bicycle Parking*) of the Zoning Ordinance, the project is required to provide two (2) short-term bike racks only. By providing excess bicycle parking, however, the project qualifies for reduction in vehicle parking requirements. The project is proposing to provide excess bicycle parking to mitigate a reduction in on-site vehicle parking. Both the Public Works and Community Development Directors support the *Parking Modification* to increase bicycle parking while reducing vehicular parking as an offset to help provide needed Downtown housing in an area determined to have ample street parking nearby

Pursuant to Section 14.18.200 (*Location of Parking and Maneuvering Areas*), parking spaces and maneuvering areas are prohibited in the medium- (MR2, MR2.5, MR3 and MR5) and high-density (HR1, HR1.5 and HR1.8) residential zoning districts, excluding access driveways. The project proposes a portion of the proposed garage parking (Parking Space #7) and maneuvering area to be located within into the interior 5' side yard setback. On February 19, 2020, the recommended approval of the project design, including the granting of a Variance to allow encroachment into the required interior side yard setback in order for the project to provide greater vehicle maneuverability within the garage. By supporting the interior side yard setback encroachment, the Board's recommendation also implies support for allowing a portion of the garage parking and maneuvering area also to encroach into the interior side yard setback.

The proposed parking also complies with all other applicable parking standards, including parking dimensions, driveway width and drive aisle width/backup distance. The proposed design of the parking garage also includes two-foot (2') clear access at the ends of each aisle of parking spaces to provide adequate maneuverability. The project requests a *Parking Modification* to allow an increase in the allowable percentage of compact parking spaces, from a maximum of 30% (2 spaces) to 50% (4 spaces). Like the request for *Parking Modification* to decrease the required parking, both the Public Works and Community Development Directors support the *Parking Modification* to increase compact parking to help provide greater maneuverability within the garage area. Under the Zoning Ordinance, residential projects are not required to provide clean air vehicle parking or EV (electric vehicle) charging stations and the project proposes none.

### Chapter 22 – Use Permits

As discussed previously, the project will require Use Permit approval to allow a *Parking Modification* to allow a reduction in the required parking, from eight (8) to seven (7) on-site parking spaces. The project justifies their reduction request by providing excess bicycle parking.



The project also requires Use Permit approval to allow a second *Parking Modification* to allow an increase in the percentage of compact parking spaces, from 30% (2 spaces) to 50%, (4 spaces). The project justifies their increase request by providing greater maneuverability in the garage area. A *Parking Modification* is subject to the review by, and the recommendation of, the Community Development Director and the Public Works Director and the approval of a Use Permit by the hearing body or, for the project, the Planning Commission. Both the Community Development Director and the Public Works Director support both the request for reduced vehicle parking and increased percentage of compact parking, based on the proposed excess bicycle parking and the site's challenging triangular configuration.

#### Chapter 23 – Variances

As discussed previously, the project will require the granting of Variances to allow: 1) Reduction of the required garage setback five feet (5'), from 20' to 15'; and 2) Reduction in the required interior side setback, from five feet (5') to zero. The requested reduction in the garage setback affects only vehicles queuing off Shaver St. and awaiting to enter the project garage. The project complies with the required 15' front setback. The City's Land Development Engineer has reviewed and recommends approval of the reduction in garage setback as conditioned that any vehicular gate system include remote activation, which has been made a condition of approval (Condition #40; Environmental and Design Review Permit ED19-030).

The requested reduction to the interior side yard setback was recommended by both the City's Land Development Engineer and the Design Review Board to improve maneuverability within the garage. Staff finds both Variances are necessary to make the project function safely.

#### Chapter 25 – Environmental and Design Review Permits

The proposed project needs to comply with the applicable review criteria for Environmental and Design Review Permits, pursuant to Section 14.25.050 (*Review Criteria; Environmental and Design Review Permits*), as follows:

- *Site Design. There should be a harmonious relationship between structures within the development and between the structures and the site. Proposed structures and site development should relate to the existing development in the vicinity. Major views of ridgelines should be preserved and enhanced from public streets and public vantage points. Development should respect site features and recognize site constraints by minimizing grading, erosion and removal of natural vegetation. Sensitive areas such as highly visible hillsides, steep, unstable or hazardous slopes, creeks and drainageways, and wildlife habitat should be preserved and respected.*
- *Architecture. The project architecture should be harmoniously integrated in relation to the architecture in the vicinity in terms of colors and materials, scale and building design. The design should be sensitive to and compatible with historic and architecturally significant buildings in the vicinity. Design elements and approaches which are encouraged include: a) creation of interest in the building elevation; b) pedestrian-oriented design in appropriate locations; c) energy-efficient design; d) provision of a sense of entry; e) variation in building placement and height; and f) equal attention to design given to all facades in sensitive location.*
- *Materials and colors. Exterior finishes should be consistent with the context of the surrounding area. Color selection shall coordinate with the predominant colors and values of the surrounding landscape and architecture. High-quality building materials are required. In hillside areas, natural materials and colors in the earth tone and wood tone range are generally preferred. Concrete surfaces should be colored, textured, sculptured, and/or patterned to serve design as well as a structural function.*



- *Walls, Fences and Screening. Walls, fences and screening shall be used to screen parking and loading areas, refuse collection areas and mechanical equipment from view. Screening of mechanical equipment shall be designed as an integrated architectural component of the building and the landscape. Utility meters and transformers shall be incorporated into the overall project design.*
- *Landscape Design. The natural landscape should be preserved in its natural state, as much as practical, by minimizing grading and tree and rock removal. The landscaping shall be designed as an integral enhancement of the site, sensitive to natural site features. Water-conserving landscape design shall be required. Smaller scale, seasonal color street trees should be proposed along pedestrian-oriented streets while high-canopy, traffic-tolerant trees and landscape setbacks should be proposed for primary vehicular circulation streets.*

These review criteria for Environmental and Design Review Permits seek to have the proposed design (architecture, form, scale, materials and color, etc.) of all new development 'relate' to the predominant design or 'character-defining' design elements existing in the vicinity. The project site is surrounded by single and multi-level commercial development to the north, south and east, while a concentration of single and multi-story residential development is located west of the site. Staff finds the multi-story scale proposed by the project design is well established in the surrounding neighborhood.

Determining the predominant design character is a little more difficult. The only common design feature among the surrounding commercial buildings is stucco treatment on the exterior. The common design elements on the adjacent Craftsmen-style residential buildings are horizontal wood siding, gable roof forms and covered porches. The project proposes a unique, stand-alone contemporary design highlighted by dramatic 'wing' roof forms and glass railings though also incorporating both textured stucco and horizontal wood siding.

The site is challenging due to its triangular configuration. The new building is proposed to follow the curvilinear shape of the Third St. frontage through a series of successive 2 -5' setbacks. In addition, the two upper-stories are proposed to stepback from the ground-floor podium level to create common uncovered deck area along the Third St. frontage.

Landscaped setbacks, included vine-covered green screens and mature (24"-box) trees along both the Shaver St and Third St frontages, provide a more pedestrian-oriented streetscape.

Staff finds the proposed site and building design is generally consist with the applicable *review criteria* for Environmental and Design Review Permits.

#### **San Rafael Design Guidelines:**

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

#### Second/Third Corridor and Environs

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

- *To provide visual interest, long and monotonous walls should be avoided.*
- *Building walls should be articulated;*



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

The project proposes a podium design with two (2) upper-stories of rental residences above a ground-floor parking garage. Textured color walls and landscaped setbacks, including vine-covered green screens, create visual interest along both the Shaver and Third St frontages. Both vehicular and pedestrian access to the site are proposed along the more pedestrian-friendly side street, Shaver St., rather than the more heavily trafficked Third St. The project would also eliminate an existing unused driveway along the Third St. elevation.

Staff finds the proposed site and building design is generally consistent with the applicable *Downtown Design Guidelines*.

#### **Good Design Principles:**

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

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

Mayor Phillips assigned former Commissioner/now Board Member Paul the task of forming a working group to review these resources and to develop a more concise and consolidated list of key criteria. The goal was to develop an informational handout ("City of San Rafael Expectations for Good Design") that can be provided to developers/applicants. Former Commissioner Paul formed a small Working Group of local design professionals and residents to review the above planning documents and regulations and consolidate them into more concise criteria. This working group presented their findings and a "Good Design Guidelines for Downtown" slideshow to the Council at their February 5, 2018.

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

The project complies with many of these 'good design' criteria. Larger and taller buildings, like the project, are anticipated along the Second and Third St. corridors to create a 'boulevard' setting. Landscaped setbacks help 'frame' the built environment in a more pedestrian scale. A 'base, middle and top' design strategy, similar to the project design, is proposed, which is encouraged though not required



along the Second and Third St corridors. The height and bulk of the project is mitigated by stepbacks, articulation and use of varied exterior materials.

Staff finds the proposed site and building design is generally consist with the applicable *Good Design Principles*.

## DESIGN REVIEW BOARD RECOMMENDATION

The Board has reviewed this project on three (3) occasions.

February 5, 2019 - The Board provided the following Conceptual Review comments on the project:

- The project generally proposes good design for the challenging site. The green screens and glass guardrails are nice details.
- Parking needs to be more compliant with the adopted parking standards, including providing end-of-stall access for Space #1 and eliminate conflict between Space #4 and ADA-Accessible Space #7. Show turning movements for vehicles exiting the parking. On-site parking should be increased, if possible., even if a reduction in the number of units
- The building should be shifted more to the interior side property line to allow for a compliant 10' street side setback along the Third St. elevation with additional landscaping. The Board would support a setback Variance along the interior side property line.
- Reduce the paving within the side setback along the Third St. elevation to a more pedestrian scale.
- The applicant is encouraged to explore expanding the staircase along the Shaver St. elevation and making it the primary entrance to the upstairs units and reducing the staircase along the Third St. elevation and making it the secondary access.
- The applicant is encouraged to provide more storage for the residential units.
- The use of landscape planters shall be increased within the common area along the Third St. elevation.

December 17, 2019 - The Board reviewed the formal application for site and building design and provided the following consensus comments:

- Contemporary design of project is appropriate for the challenging transitional site
- Eliminate the inconsistencies between the drawings within the plan set, particularly the elevation renderings to the floor plans for the upper staircase located at the corner of Third and Shaver Streets.
- Provide details showing the ground-floor stucco and upper wood siding.
- Eliminate the landscaped area underneath the cantilever upper-story decks on the east elevation.
- The project shall provide compliant required on-site parking.
- Garage parking shall be reconfigured to eliminate the potential for parking spaces #5-7 to backout directly onto Shaver St.
- All bicycle parking shall be secured.
- Widen the third-story corridor.
- Landscape plan shall clearly identify all bioswales, confirm adequacy of plant species in bioswales, reduce vine species to one, provide additional details on "biofiltration sod", and eliminate "drainage swale hydroseed" detail.

February 19, 2020 - The Board reviewed the design revisions to the formal project and unanimously (4-0-2 vote; *PC Liaison absent*) recommended approval of the site and building design, as presented.



Video from each Board meeting may be viewed at [www.cityofsanrafael.org/meetings](http://www.cityofsanrafael.org/meetings) and then clicking on archived "Design Review Board" meetings, and selecting video from the meeting date (*February 5, 2019, December 17, 2019 and/or February 19, 2020*).

## ENVIRONMENTAL DETERMINATION

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

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

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

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



## NEIGHBORHOOD MEETING / CORRESPONDENCE

Notice of all prior meetings before the Board and this Planning Commission meeting were conducted in accordance with noticing requirements contained in Chapter 29 of the Zoning Ordinance. A Notice of Public Meeting was mailed to all property owners, residents, businesses and occupants within a 300-foot radius of the project site and the appropriate neighborhood groups (the Downtown Business Improvement District and the Federation of San Rafael Neighborhoods) and all other interested parties, at least 15 calendar days prior to each meeting or hearing date. Additionally, notice was posted on the project site, at the corner of Third and Shaver Streets at least 15 calendar days prior to the date of all meetings/hearings.

Staff received one (1) public comment as a result of noticing of the first (December 17, 2019) Board meeting on the formal project (Exhibit 7). The owner of an adjacent duplex (105 Shaver St.), located across the street from the project, expressed general concern with the parking proposed by the project and, specifically, opposes the requested *Parking Modification* to reduce the required parking from 8 to 7 garage spaces.

Staff received another public comment (1) as a result of noticing of the second (February 19, 2020) Board meeting on the formal project. A resident and attorney expressed general concerns: 1) The proposed design neither fits in with that of the neighboring non-residential buildings or the neighboring residential structures; 2) The project should provide compliant on-site parking due to the lack of street parking in along Shaver St.; and 3) The existing Craftsman-style residence on the site has historical value and should be preserved

Staff's responses are, as follows:

1. At their December 17, 2019 meeting, the Board reviewed the proposed design in relation to the existing predominant design of the immediate neighborhood. Like staff, the Board determined the immediate neighborhood was a mixture of residential and nonresidential uses, each with its own predominant design features. Like staff, the Board ultimately determined the proposed design adequately related to the predominant nonresidential design features, which is limited to stucco exterior treatment.
2. As stated earlier in staff's report, the project continues to request a parking reduction, from eight (8) required on-site parking spaces to seven (7) proposed on-site parking spaces. Each unit is proposed one (1) on-site parking space; the proposed parking reduction is to eliminate the required one (1) guest parking space. Section 14.18.090 (D) of the San Rafael Municipal Code (SRMC) allows reduction of required parking for project which provide an excess of bicycle parking, subject to granting of a *Parking Modification* through the approval of a Use Permit. The project continues to propose an increase in the number of bicycle parking, from two (2) required spaces to six (6) spaces. Both the Public Works and Community Development Directors continue to support the *Parking Modification* for the parking reduction as an offset to help provide needed Downtown housing in an area determined to have ample street parking nearby.
3. A quick review of the San Rafael Historical/Architectural Survey; Final Inventory List of Structures and Areas (September 1986) indicates the project site is not listed in the adopted survey as a local, State or National landmark or eligible for listing or needing reevaluation. The site an isolated residential site with nonresidential development to the immediate north south and east of the site. The project provides an opportunity to construct seven (7) new residential units in the Downtown, including one (1) affordable housing unit (at the very low-income level), where one (1) market-rate unit currently exists.



Staff received another (1) public comment after the Board recommended approval of the formal project design and prior the noticing of this Planning Commission hearing (Exhibit 8). The owner of a duplex (22 Latham St.), located a half-street block from the project, also expressed general concern with the parking proposed by the project and, specifically, opposes the requested *Parking Modification* to reduce the required parking from 8 to 7 garage spaces. These comments suggest approval of the *Parking Modification* should be subject to the City implementing a parking permit system for the surrounding neighborhood and institute a one (1)-hour parking limit for street parking without a parking permit. Staff's response is that the City is not requiring implementation of a parking permit system in conjunction with the recommended approval of the *Parking Modification*. Both the Public Works and Community Development Directors support the *Parking Modification* for the parking reduction as an offset to help provide needed Downtown housing in an area determined to have ample street parking nearby,

Any comments received after distribution of the staff report, will be forwarded to the Commission under separate cover.

## CONCLUSION

The project site is a challenging triangular-shaped transitional site located along Third St., one of the City's busiest arterial corridors. The project proposes to construct rental (apartment) housing units in the Downtown, at the high-end of the allowable density for the site. The project also adds both affordable housing (1 unit) and ADA-accessible housing (1 unit) units to the City's housing inventory. Since originally submitted as a conceptual design, the project has been revised and refined to improve garage maneuverability, increased site landscaping, unit storage, and bicycle parking, and provided a greater a sense of entry to the new building. On February 19, 2020, the Design Review Board, unanimously recommended approval of the revised site and building design, as presented.

While requesting multiple deviations from adopted development standards, staff, with the Board's recommendation, finds the project generally complies with all applicable General Plan policies, development standards in the HR1 District, the review criteria for Environmental and Design Review Permits, San Rafael Design Guidelines, Good Design Principles, and findings necessary to approve the requested Environmental and Design Review Permit, Use Permit (*Parking Modifications*) and Variances. The Planning Commission is requested to review and taking final action on the project.

## EXHIBITS

1. Vicinity/Location map
2. Draft Resolution recommending approval of the project
3. General Plan 2020 Consistency Table
4. Zoning Ordinance Consistency Table
5. Summary of "Good Design Principals" for Downtown
6. Reduced Project Plans
7. Public comments through Board Review
8. Public comments after Board Review

*(11" x 17" color plan sets have been provided to the Planning Commissioners only.*



104 Shaver St.

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

104 Shaver St.

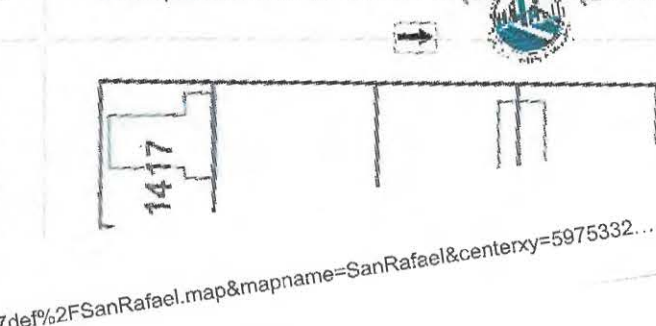
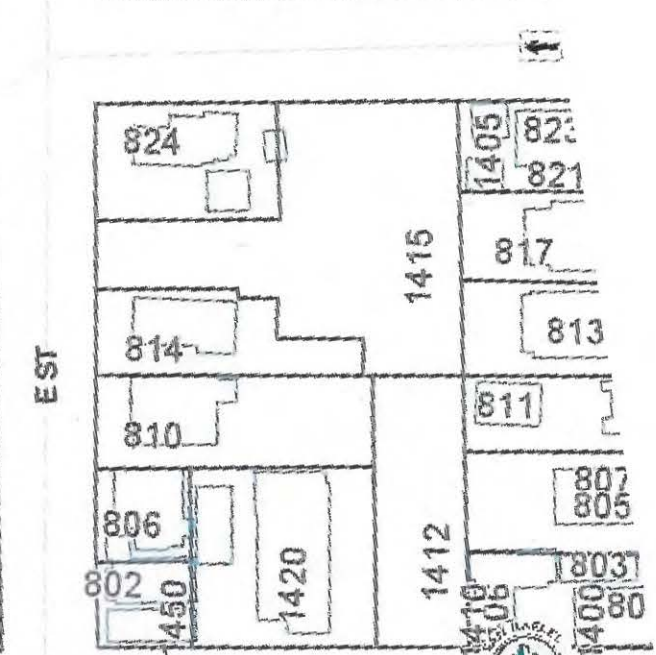
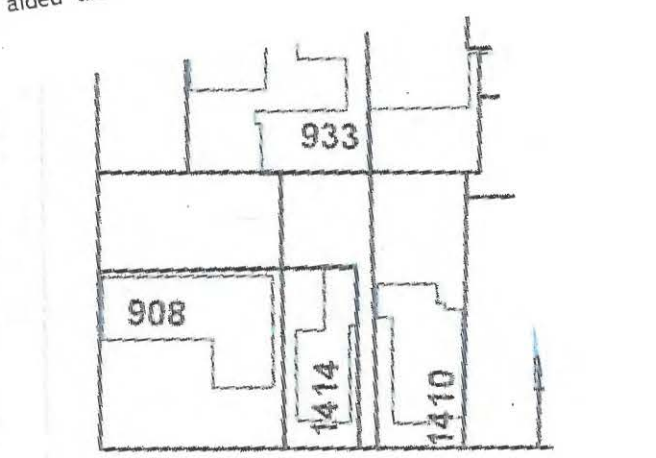
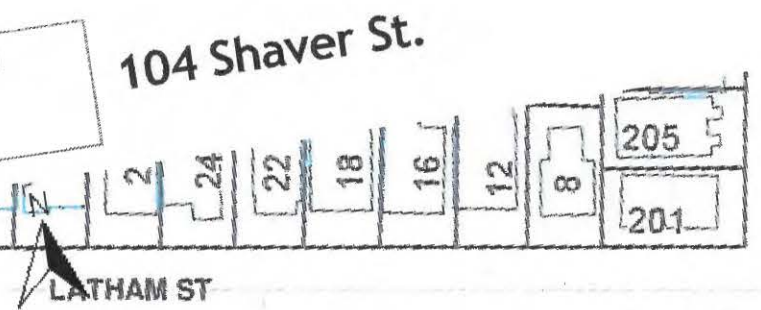


EXHIBIT I



**RESOLUTION NO. 20-**

**RESOLUTION OF THE SAN RAFAEL PLANNING COMMISSION CONDITIONALLY APPROVING A USE PERMIT (UP19-013), AN ENVIRONMENTAL AND DESIGN REVIEW PERMIT (ED19-030) AND VARIANCES (V19-003) TO ALLOW THE CONSTRUCTION OF NEW, 7-UNIT, MULTIFAMILY 'RENTAL' RESIDENTIAL BUILDING WITH GROUND LEVEL GARAGE AND ASSOCIATED SITE IMPROVEMENTS (DRAINAGE AND LANDSCAPING) ON A TRIANGULAR-SHAPED 6,264 SQ. FT. DOWNTOWN LOT. THE PROPOSED VARIANCE PROPOSING TO REDUCE THE REQUIRED GARAGE SETBACK, FROM 20' TO 15', AND THE INTERIOR SIDE SETBACK, FROM 5' TO ZERO. THE PROJECT REQUESTS PARKING MODIFICATIONS TO REDUCE REQUIRED PARKING, FROM 8 TO 7 PARKING SPACES, AND TO INCREASE THE PERCENTAGE OF COMPACT PARKING, FROM 30% (2 SPACES) TO 50% (4 SPACES). THE PROJECT PROPOSES 1 AFFORDABLE HOUSING UNIT, 1 DENSITY BONUS UNIT AND REQUESTS 2 CONCESSIONS TO INCREASE LOT COVERAGE, FROM 60% TO 65%, AND TO DECREASE THE REQUIRED STREET SIDE SETBACK, FROM 10' TO 8' AT 104 SHAVER ST.  
(APN: 011-245-40)**

**WHEREAS**, on February 5, 2019, the Design Review Board (Board) provided Conceptual Design Review comments on the project, which included: 1) Parking needs to be re-evaluated to eliminate conflict with access and compliant; 2) Explore encroaching into or eliminating the interior side yard setback in order to comply with the required minimum 10' street side setback; 3) Reduce paving within the street side setback to provide a more pedestrian scale; 4) Explore increasing the width of the staircase along the Shaver St. frontage and making it the primary entrance to the upper units while reducing the width of the staircase along the Third St. frontage and making it the secondary entrance; 5) Explore providing more storage for the units; and 6) Increase the use of landscape planters around the common outdoor areas on the podium level; and

**WHEREAS**, on April 25, 2019, formal project applications were submitted to the Community Development Department, Planning Division, requesting a Use Permit (UP19-013), an Environmental and Design Review Permit (ED19-030) and Variances (V19-003) for the current project; and

**WHEREAS**, on December 17, 2019, the Board reviewed the formal project for site and building design and continued the agenda item with the following consensus comments: 1) Contemporary design of project is appropriate for the challenging transitional site; 2) Eliminate the inconsistencies between the drawings within the plan set, particularly the elevation renderings to the floor plans for the upper staircase located at the corner of Third and Shaver Streets; 3) Provide details showing the ground-floor stucco and upper wood siding; 4) Eliminate the landscaped area underneath the cantilever upper-story decks on the east elevation; 5) The project shall provide compliant required on-site parking; 6) Garage parking shall be reconfigured to eliminate the potential for parking spaces #5-7 to backout directly onto Shaver St.; 7) All bicycle parking shall be secured; 8) Widen the third-story corridor; 9) Landscape plan shall clearly identify all bioswales, confirm adequacy of plant species in bioswales, reduce vine species to one, provide additional details on "biofiltration sod", and eliminate "drainage swale hydroseed" detail;

**WHEREAS**, on February 19, 2020, the Board reviewed design revisions to the formal project and unanimously (4-0-2 vote; Paul and Rege absent) recommended approval of the site



and building design, as presented; and

**WHEREAS**, on April 14, 2020, the San Rafael Planning Commission (Planning Commission) held a duly noticed a hearing to consider Use Permit (UP19-013), Environmental and Design Review Permit (ED19-030) and Variance (V19-003) applications, accepted and considered all oral and written public testimony and the written report of Planning staff; and

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

**NOW THEREFORE BE IT RESOLVED**, the Planning Commission of the City of San Rafael does hereby make the following findings related to the applications for a Use Permit (UP19-013), an Environmental and Design Review Permit (ED19-030) and Variances (V19-003):

**Use Permit (UP19-013)  
Findings**

- A. The proposed new multifamily residential development with *Parking Modifications* to reduce required parking from eight (8) to seven (7) spaces and to increase the percentage of allowable compact parking from 30% (2 spaces) to 50% (4 spaces), as revised and conditioned, will be in accord with the San Rafael General Plan 2020, the objectives of Title 14 of the San Rafael Municipal Code (*the Zoning Ordinance*) and the purposes of the High -Density Multifamily Residential (HR1) District, in which the project site is located, given that;
1. As documented in the General Plan 2020 Consistency Table (Exhibit 3), the proposed project will implement and promote the goals and policies of the San Rafael General Plan 2020;
  2. As documented in the Zoning Ordinance Consistency Table (Exhibit 4), the proposed project will be consistent with the objectives of the Zoning Ordinance; and
  3. The proposed project will be consistent with the purposes of the HR1 District, given that; a) The project will provide for high-density residential development in the HR1 District, a high-density residential zoning district; b) The project will provide a wide variety of housing opportunities in terms of housing type (market-rate, ADA-accessible and affordable residential 'rental' units) and sizes (1-bedroom unit 806 sq. ft. in size and 2-bedroom units 807- 899 sq. ft. in size), c) The project will help promote San Rafael's Downtown area as a viable commercial and financial center, and as an urban center with a mixture of civic, social, entertainment, cultural and residential uses due to its unique location in the Downtown (one block south of Fourth St.); future residents are anticipated to frequent existing and future businesses in the Downtown and help achieve the City's goal of 'alive-after-five' by helping to activate the Downtown in the evenings and on weekends; d) The project will help create an inviting appearance along both the Third St. and Shaver St. frontages by installing new street trees and landscaped setbacks; e) The project has been reviewed by the appropriate City department and non-city agencies and determined that adequate infrastructure exists to meet all new service demands; and f) On February 19, 2020, the Design Review Board reviewed and recommended approval of the project, determining the project design will protect and enhance the existing land use development pattern and character within the immediate



surrounding neighborhood, which is a mixture of high-density multifamily residential to the south, commercial to the north and east and duplex residential to the west.

- B. The proposed new multifamily residential development with *Parking Modifications* to reduce required parking from eight (8) to seven (7) spaces and to increase the percentage of allowable compact parking from 30% (2 spaces) to 50% (4 spaces), as revised and conditioned, will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity, or to the general welfare of the City, given that; the project has been reviewed by appropriate City departments, non-City agencies, the appropriate surrounding neighborhood groups (Downtown Business Improvement District, and Federation of San Rafael Neighborhoods), interested parties, the Design Review Board at three (3) separate meetings (conceptual review on February 5, 2019 and formal project review on December 17, 2019 and February 19, 2020) and conditions of approval have been included to mitigate any potential negative impacts anticipated to be generated by the proposed project;

Both the Public Works and Community Development Directors support the *Parking Modification* to reduce required parking, given that; bicycle parking will be increased (from 2 to 6 secured/garage bicycle parking spaces) and the area surrounding the project site has been determined to have ample street parking beyond Shaver St. and Latham St.;

Both the Public Works and Community Development Directors also support the *Parking Modification* to increase the percentage of compact parking for the project, from a maximum of 30% (2 spaces) to 50% (4 spaces) to help provide greater maneuverability within the garage area; and

- C. The proposed new multifamily residential development with *Parking Modifications* to reduce required parking from eight (8) to seven (7) spaces and to increase the percentage of allowable compact parking from 30% (2 spaces) to 50% (4 spaces), as revised and conditioned, will comply with each of the applicable provisions of the Zoning Ordinance, given that; as documented in the Zoning Ordinance Consistency Table (Exhibit 4).

### **Environmental and Design Review Permit (ED19-030) Findings**

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



contribute to the attractiveness of the City, as determined during the review of the project by the Board during three (3) separate meetings (conceptual review on February 5, 2019 and formal design review on December 17, 2019 and February 19, 2020). On February 19, 2020, the Board unanimously recommended approval of the site and building design, as revised and presented.

- B. The project design, as revised and conditioned, is consistent with all applicable site, architecture and landscaping design criteria and guidelines for the High-Density Residential (HR1) District in which the project site is located, given that;
1. The project will be consistent with the maximum allowable density for the site, which is 6 units based on 6,264 sq. ft. of total lot area, subject to a request for an automatic density bonuses under the State Density Bonus law after meeting mandatory affordable housing requirements (By providing 1 affordable rental unit, the project is eligible for up to 3 bonus density units. The project proposes 1 density bonus unit);
  2. The project will be consistent with the maximum height allowed (Uniform Building Code 1997) for the project site, which is 36' (The project proposes a 35' building height);
  3. The project will be consistent with the minimum required front yard setback, which is 15' front (Shaver St. frontage);
  4. The project will be consistent with the minimum required street side yard setback (Third St. frontage), subject to the approval of a requested setback reduction as an automatic concession under the State Density Bonus law after meeting mandatory affordable housing requirements (reduced from 10' to 8');
  5. The project will be consistent with the minimum required interior side yard setback (shared with the commercial office at 220 Shaver St.), subject to the approval of a requested setback reduction as a Variance (reduced from 5' to zero or 0') and separate findings have been made below;
  6. The project will be consistent with the minimum required garage setback (Shaver St.), subject to the approval of a requested setback reduction as a Variance (reduced from 20' to 15') and separate findings have been made below;
  7. The project will be consistent with the maximum allowable lot coverage, subject to the approval of a requested increase in lot coverage as an automatic concession under the State Density Bonus law after meeting mandatory affordable housing requirements (increased from 60% to 65%);
  8. The project will be consistent with the minimum landscaping requirement for the project site, which is 50% of the required front and street side yards (The project proposes 489 sq. ft. of required front yard landscaping where 466 sq. ft. is required and 1,031 sq. ft. of required street side yard landscaping where 627 sq. ft. is required);
  9. The project will provide 1,552 sq. ft. of private and common outdoor recreational area or an average of 212.7 sq. ft. of outdoor recreational area per unit where a minimum of 700 sq. ft. or an average of 100 sq. ft. is required;
  10. The project will be consistent with the parking requirement, subject to the approval of a requested *Parking Modification*, to reduce the required parking from 8 to 7 on-site parking spaces by elimination of the required (1 space) guest parking and separate findings have been made above;
  11. The project will be consistent with the compact parking space requirement, subject to the approval of a requested *Parking Modification*, to increase the percentage of compact parking spaces from a maximum of 30% to 50%



(increased from 2 to 4 compact spaces) and separate findings have been made above;

12. The provisions of Marin Municipal Water District's (MMWD) most recent water conservation and new 'graywater' requirements apply to the project, where MMWD approval is required prior to the issuance of any building or grading permit; and
13. The proposed project will be consistent with review criteria for Environmental and Design Review Permits (*Chapter 14.25 of the Zoning Ordinance*), by proposing a consistent, high-quality architectural design (colors and materials; scale; bulk and mass; fenestration and articulation) throughout the project site.

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

1. The project design includes storm water retention areas or 'bioswales' which will have the effect of creating a 'no net change' in the rate of storm water drainage on the project site, as determined and recommended for approval by the City Engineer after reviewing submitted drainage plans for the project;
2. The project site is already significantly developed and disturbed and neither contains, nor is immediately contiguous to, recognizable wetlands, creeks or similarly sensitive environmental features, and it has not been identified in the San Rafael General Plan 2020 (*Exhibit 38 – Threatened and Endangered Species*) as a general location where threatened and endangered species have been previously observed or maintain a suitable habitat for their likely presence to be found; and
3. The project is exempt from CEQA pursuant to CEQA Guidelines Section 15332 (In-Fill Development Projects), as determined by staff (see determination below).

D. The project design, as revised and conditioned, will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity, or to the general welfare of the City, given that; the project has been reviewed by appropriate City departments, non-City agencies, the appropriate surrounding neighborhood groups (Downtown Business Improvement District and Federation of San Rafael Neighborhoods), interested parties, and the Design Review Board during three (3) separate meetings (conceptual review on February 5, 2019 and formal design review on December 17, 2019 and February 19, 2020). On February 19, 2020, the Board unanimously recommended approval of the site and building design, as revised and presented.

#### **Variance (V19-003) Findings**

A. Because of special circumstances are applicable to the site, including size, shape, topography, location or surroundings, strict application of the side yard setback requirements and retaining wall height deprives the properties of privileges enjoyed by other properties in the vicinity and within the same High-Density Multifamily Residential (HR1) District, given that: the site is a triangular-shaped corner lot (Third St. and Shaver St.) which eliminates the rear yard and has an average width of 48' where a minimum 60' lot width is required. These inherent lot characteristics significantly impact site design;



- B. The Variance will not constitute a grant of special privileges inconsistent with development limitations on other properties in the vicinity and within the same HR1 District, given that: there exist multiple lots in the vicinity of the site, within the same city block and within the same HR1 District zoning designation, which have similar existing legal nonconforming development encroachments into the required yard setbacks, including, but not limited to, 103, 105, 107, 109, 111-117, and 220 Shaver St. and the existing single-family residence located on the project site;
- C. Granting the Variance does not authorize a use or activity which is not otherwise expressly authorized in the HR1 District in which the site is located, given that: 1) Multifamily residential land use is permitted by right in the HR1 District; and 2) The project will essentially continue the existing interior side yard setback encroachment, from the existing single-family residence constructed on the project site; and
- D. Granting the Variance will not be detrimental or injurious to property or improvements in the vicinity of the site, or to the public health, safety or general welfare, given that; 1) The project will be compliant with the required front yard setback (15') and street side setback, to subject to the approval of a requested setback reduction as an automatic concession under the State Density Bonus law after meeting mandatory affordable housing requirements (reduced from 10' to 8'); 2) The project will be compliant with the required safe sight distance/vision triangle (15') for the driveway along Shaver St., subject to final review of the landscape plan by the City Engineer; 3) The project will not negatively impact the use or enjoyment of the existing, active outdoor recreation areas, or solar access, on the immediate adjacent property at 220 Shaver St., which is setback approximately 75' from the common interior side property line; and 4) The project has been reviewed by the appropriate City departments and non-city agencies, including the Chief Building Official and the Deputy Fire Chief, who have recommended approval of the project after determining the project design complies with all applicable building and fire codes.

### **California Environmental Quality Act (CEQA) Findings**

Pursuant to CEQA (California Environmental Quality Act) Guidelines Section 15061, the proposed project is exempt from CEQA pursuant to CEQA Guidelines Section 15332 (In-Fill Development Projects). A Class 32 categorical exemption under the CEQA Guidelines applies to this in-fill development project by meeting specific criteria listed below:

- a) The project is consistent with all applicable General Plan and policies and Zoning Ordinance regulations as documented by the attached consistency tables (see Exhibits 3 and 4);
- b) The proposed development is located within the city limits on a project site no more than five (5) acres substantially surrounded by urban uses given that the project site is 6,264 sq. ft. (0.13 acre) in area. The project site is located within the jurisdictional boundaries of the City of San Rafael and is surrounded by urban development;
- c) The project site has no value as habitat for endangered, rare or threatened species given that the project site, and all of Downtown, is not identified in the General Plan (Conservation Element; Exhibit 38, "Threatened and Endangered Species" map) as containing suitable or critical habitat to sustain threatened and endangered species;



- d) Approval of the project would not result in any significant impacts to traffic, noise, air quality or water quality given that appropriate studies were conducted, submitted and reviewed by the appropriate city departments. The results are that no significant impacts would result from the project which cannot be mitigated with standard conditions of approvals
- e) The project site can be adequately served by all required utilities and public services given that the site is currently served, and will continue to be served, by City services and non-city agency service providers and the applicable service providers have indicated, through design or conditions, support for the project.

**BE IT FURTHER RESOLVED**, that the Planning Commission of the City of San Rafael does hereby approve the Use Permit (UP19-013), Environmental and Design Review Permit (ED19-030) and Variances (V19-003), including concessions under the State Density Bonus law and Parking Modifications, based on the findings of fact above and, subject to the following conditions of approval:

**Use Permit (UP19-013)  
Conditions of Approval**

***General and On-Going***

*Community Development Department, Planning Division*

1. This Use Permit approves a *Parking Modification* to allow the elimination of guest parking (1 space) and the reduction in total required on-site parking, from eight (8) parking spaces to seven (7) parking spaces.
2. This Use Permit approves a *Parking Modification* to allow the increase in percentage of compact parking spaces for the project, from 30% (2 spaces) to 50% (4 spaces).
3. This Use Permit does not allow the subsequent conversion of the approved residential 'rental' units or apartments without a separate Tentative Map application submittal to the Community Development Department, Planning Division, in compliance with Subdivision Ordinance (currently Sections 15.02.02 - .04 of the SRMC), and review and approval by the Planning Commission. It is strongly recommended that Tentative Map approval be obtained prior to Building Permit issuance for the project. A Tentative Map application shall also require submittal to amend this Use Permit and the Environmental and Design Review Permit (ED19-030) for the project
4. This Use Permit shall run with the land and shall remain valid regardless of any change- of ownership of the project site, subject to these conditions. This Use Permit will fully vest once a building/grading permit is issued and 'substantial construction' is commenced or a time extension request is submitted to the City's Community Development Department, Planning Division, **within two (2) years** of original approval, or **by April 14, 2022** ('Substantial construction' is defined as the pouring of all required foundations and the installation of vertical components, such as exterior walls). Failure to obtain a grading/building permit and commence 'substantial construction' or submit a time extension request by the specified date will result in the expiration of this Use Permit.
5. This Use Permit shall run concurrently with the Environmental and Design Review Permit (ED19-030) and Variance (V19-003) approvals. If the Environmental and Design Review



Permit and Variance approvals expire, this Use Permit approval shall also expire and become invalid.

**Environmental and Design Review Permit (ED19-030)  
Conditions of Approval**

***General and On-Going***

*Community Development Department, Planning Division*

1. The building techniques, colors, materials, elevations and appearance of the project, as presented to the Planning Commission at their April 14, 2020 hearing, and on file with the Community Development Department, Planning Division, shall be the same as submitted for building permits, subject to these conditions. Minor modifications or revisions to the project shall be subject to review and approval of the Community Development Department, Planning Division. Further modifications deemed not minor by the Community Development Director shall require review and approval by the original decision-making body, the Planning Commission and may require review and recommendation by the City's Design Review Board.
2. The approved colors for the project are a combination of smooth stucco finish (Dryvit Natural White 103, Freestyle and Dryvit Mountain Fog 132, Freestyle) along the ground-floor base and clerestory and tongue-and-groove horizontal wood siding (Thermory Ash Cladding C20, 3/4" thickness) along the upper stories. Black composition roof singles (CertainTeed Landmark Designer "More Black") and dark bronze anodized casement and sliding window, door and roof flashing are also approved. Any future modification to the color palette shall be subject to review and approval by the Planning Division and those modifications not deemed minor shall be referred to the Design Review Board for review and recommendation prior to approval by the Planning Division.
3. This Environmental and Design Review Permit approves the demolition of one (1) single-family residence on the site and the construction of a new 7-unit, multifamily 'rental' residential building with ground-floor garage parking and associated site improvements (drainage and landscaping).
4. All 'off-haul' of excavation, delivery of materials and delivery/pick-up of construction equipment shall occur during off-peak weekday hours, between 9:00 a.m. and 4:00 p.m., Monday through Friday only.
5. Consistent with the standard noise ordinance requirements for construction (SRMC Chapter 8.13), all grading and construction activities shall be limited to 7 a.m. to 6 p.m., Monday through Friday, and 9 a.m. to 6 p.m., Saturdays. All grading and construction activities are strictly prohibited on Sundays and State- or federally-recognized holidays.
6. Final landscape and irrigation plans for the project shall comply with the provisions of Marin Municipal Water District's (MMWD) most recent water conservation ordinance and graywater recycling system requirements. Construction plans submitted for issuance of building/grading permit shall be pre-approved by MMWD and stamped as approved by MMWD or include a letter from MMWD approving the final landscape and irrigation plans. Modifications to the final landscape and irrigation plans, as required by MMWD, shall be subject to review and approval of the Community Development Department, Planning Division.



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



15. In the event that any claim, action or proceeding as described above is brought, the City shall promptly notify the applicant of any such claim, action or proceeding, and the City will cooperate fully in the defense of such claim, action, or proceeding. In the event the applicant is required to defend the City in connection with any said claim, action or proceeding, the City shall retain the right to: 1) approve the counsel to so defend the City; 2) approve all significant decisions concerning the manner in which the defense is conducted; and 3) approve any and all settlements, which approval shall not be unreasonably withheld. Nothing herein shall prohibit the City from participating in the defense of any claim, action or proceeding, provided that if the City chooses to have counsel of its own to defend any claim, action or proceeding where applicant already has retained counsel to defend the City in such matters, the fees and the expenses of the counsel selected by the City shall be paid by the City.
16. As a condition of this application, applicant agrees to be responsible for the payment of all City Attorney expenses and costs, both for City staff attorneys and outside attorney consultants retained by the City, associated with the reviewing, processing and implementing of the land use approval and related conditions of such approval. City Attorney expenses shall be based on the rates established from time to time by the City Finance Director to cover staff attorney salaries, benefits, and overhead, plus the actual fees and expenses of any attorney consultants retained by the City. Applicant shall reimburse the City for City Attorney expenses and costs within thirty (30) days following billing of same by the City.
17. This Environmental and Design Review Permit shall run with the land and shall remain valid regardless of any change of ownership of the project site, subject to these conditions. This Environmental and Design Review Permit will fully vest once a building/grading permit is issued and 'substantial construction' is commenced or a time extension request is submitted to the City's Community Development Department, Planning Division, **within two (2) years** of original approval, or **by April 14, 2022** ('Substantial construction' is defined as the pouring of all required foundations and the installation of vertical components, such as exterior walls). Failure to obtain a grading/building permit and commence 'substantial construction, or failure to obtain a time extension within the two-year period, will result in the expiration of this Environmental and Design Review Permit.
18. This Environmental and Design Review Permit shall run concurrently with the Use Permit (UP19-013) and Variance (V19-003) approvals. If the Environmental and Design Review Permit expires, the Use Permit and Variance approvals shall also expire and become invalid.

***Prior to Issuance of Demolition Permits***

Community Development Department, Building Division

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



21. Any demolition of existing structures will require a permit. Submittal shall include three (3) copies of the site plan, asbestos certification and PG&E disconnect notices. Also, application must be made to the Bay Area Air Quality Management District prior to obtaining the permit and beginning work.

Public Works Department

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

***Prior to Issuance of Grading/Building Permits***

Community Development Department, Planning Division

25. To reduce potential temporary construction and grading noise impacts on the project site to meet the City's 90 dBA noise limit, the applicant shall demonstrate to the satisfaction of the Community Development Department, Planning Division, that the project complies with the following:
  - A. Construction contracts specify that all construction and grading equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and other State-required noise attenuation devices.
  - B. Property owners and occupants located within 250 feet of the project boundary shall be sent a notice, at least 15-days prior to commencement of construction or grading of each phase, regarding the construction or grading schedule of the project. A sign, legible at a distance of 50 feet (50') shall also be posted at the project site. All notices and signs shall be reviewed and approved the Community Development Director (or designee), prior to mailing or posting and shall indicate the dates and duration of construction or grading activities, as well as provide a contact name and a telephone number where residents and business owners can inquire about the construction or grading process and register complaints.
  - C. The General Contractor shall provide evidence that a construction staff member would be designated as a Noise Disturbance Coordinator and would be present on-site during construction or grading activities. The Noise Disturbance Coordinator shall be responsible for responding to any local complaints about construction or grading noise. When a complaint is received, the Noise Disturbance Coordinator shall notify the Community Development Department, Planning Division, within 24-hours of the complaint and determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall implement reasonable measures to resolve the complaint, as deemed acceptable by the Community Development Director (or designee). All notices that are sent to residential units and business owners immediately surrounding the project site and all signed posted at the project site



shall include the contact name and telephone number for the Noise Disturbance Coordinator.

- D. The applicant shall demonstrate to the satisfaction of the Community Development Director (or designee) that construction and grading noise reduction methods shall be used where feasible. These reduction methods include shutting-off idling equipment, installing temporary acoustic barriers around stationary construction and grading noise sources, maximizing the distance between construction and grading staging areas and occupied residential and commercial areas, and electric air compressors and similar power tools.
  - E. Construction and excavation/grading off-haul truck routes shall be designed to avoid noise sensitive uses (e.g., residences, assisted senior living facilities, hospitals, etc.) to the greatest extent feasible.
  - F. During construction and grading, stationary equipment shall be placed such that emitted noise is directed away from sensitive noise receivers.
26. The project sponsor shall inform the contractor, general contractor or site supervisor of these requirements and shall be responsible for informing subcontractors of these requirements and for implementing these measures on the site.
27. Any outstanding Planning Division application processing fees shall be paid prior to grading or building permit issuance.
28. All mechanical equipment (i.e., air conditioning units, meters and transformers) and appurtenances not entirely enclosed within the building shall be fully-screened from public view. The method used to accomplish the screening shall be indicated on the building plans and approved by the Planning Division.
29. An acoustical study, by a qualified (licensed) acoustical engineer, shall be submitted to the Community Development Department, Planning Division, for review and approval with recommendations on window, balcony door, and exterior wall STC rating requirements to comply with acceptable interior noise levels (40 dBA in bedrooms and 45 dBA in all other rooms) and outdoor common areas (60 dBA) adopted by the City. This acoustical study also shall review any alternate means of achieving outdoor air and confirm that any mechanical ventilation system will not compromise the noise reduction provided by the recommended window, balcony door and wall assemblies. The construction drawings for the project shall incorporate all measures identified in the acoustical study to mitigate ambient noise impacts.
30. A Lighting Plan/Photometric study shall be submitted for review and approval with the Building Permit plans and shall provide the following illumination levels: a) A minimum of one (1) foot candle at ground level overlap at all exterior doorways and throughout the vehicle parking area; b) A minimum of one-half (1/2) foot candle at ground level overlap on all outdoor pedestrian walkways and common areas; and c) A maximum one (1) foot candle at ground level overlap at all property lines.
31. A Construction Management Plan (CMP) shall be prepared and submitted to the Community Development Department, Planning Division, for review and approval of both Community Development Department and Department of Public Works. The CMP shall include



- a. Projected schedule of work,
  - b. Projected daily construction truck trips,
  - c. Proposed construction truck route, location of material staging areas,
  - d. Location of construction trailers, location of construction worker parking,
  - e. Designated contact information for contractor and property owner to be posted on site in case of noise or other construction-related activities.
  - f. Statement that the project shall conform to the City's Noise Ordinance (Chapter 8.13 of the San Rafael Municipal Code),
  - g. Statement that no construction truck traffic shall encroach into any of the surrounding residential neighborhood streets at any time, and
  - h. Statement that the existing roadway conditions on Third St. and Shaver St. shall be memorialized on digital recording format prior to the start of construction and that the project sponsor shall be required to repair any roadway damage created by the additional construction truck traffic.
  - i. In the event that the CMP is conflicting with any conditions imposed by the grading permit for the project, the more restrictive language or conditions shall prevail.
32. The project shall mitigate potential air quality impacts associated with construction and grading activities by preparing and submitting a Dust Control Plan to the City of San Rafael Community Development Department for review and approval. This Dust Control Plan shall implement BAAQMD (Bay Area Air Quality Management District) established standard measures (*Basic Construction Mitigation Measures*) for reducing fugitive dust emissions, including but not limited to:
- All exposed surfaces (e.g., parking areas, staging areas soil piles, graded areas and unpaved access roads) shall be watered two times per day.
  - All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
  - All visible mud or dirt tracked-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
  - All vehicle speeds on unpaved roads shall be limited to 15 mph.
  - All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.
  - Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
  - Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five (5) minutes (as required by the California airborne toxics control measure; Title 13, Section 2485 of California Code of Regulations (CCR)). Clear signage shall be provided for grading and construction workers at all access points.
  - All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
33. The Project sponsor shall inform the contractor, general contractor or site supervisor of these requirements and shall be responsible for informing subcontractors of these requirements and for implementing these measures on the site.
34. A dust control / noise control coordinator shall be designated for the Project.



- a. A publicly visible sign shall be posted on the site with the telephone number and the name of person regarding dust or construction complaints. This person shall be the applicant or contractor team and shall have the authority to take corrective action. The coordinator shall respond to any complaints and take corrective action within 48 hours of receipt. The BAAQMD phone number and City of San Rafael phone numbers shall also be visible to ensure compliance with applicable regulations.
  - b. Prior to issuance of the building permit, the form, design and content of the sign shall be reviewed and approved by the Planning Division.
35. The project shall comply with the City's affordable housing requirement with State Density Bonus (currently Section 14.16.030 of the SRMC) by providing a minimum of one (1) affordable housing unit(s) at the very low-income household level. The project sponsor is required to enter into a BMR (below market rate) agreement with Marin Housing Authority (MHA), deed-restricting the income level for occupancy of the affordable unit(s), and obtain City Council approval of the BMR agreement. The configuration of the BMR unit(s) shall reflect the generally configuration of the project by providing one (1) 2-bedroom BMR unit(s). This BMR unit may 'float' throughout the building on a yearly basis since the project provides "rental" units. The BMR unit(s) shall be comparable in size, finishes and unit mixture to the market rate units. By complying with the City's affordable housing requirement, the project is approved for two (2) concessions under the State Density Bonus law: 1) An increase in maximum lot coverage, from 60% to 65%; and 2) A decrease in the required street side setback, from 10' to 8'.

#### Department of Public Works

36. Show the proposed grading on the construction drawings, including cut and fill amounts. For projects with earthwork of 50 CYDS (cubic yards) or more, a grading permit shall be required from the Department of Public Works (111 Morphew St.). Any grading permit submittal shall include a site-specific erosion and sediment control plan
37. The project is proposed as a new apartment building. However, if subdivision is pursued to create condominium units, additional frontage and infrastructure improvements may be required, including but not limited to, installation of a storm drainage system to connect to existing facilities and full-width street repaving of non-moratorium streets.
38. The applicant shall obtain confirmation from the Land Development Engineer, Department of Public Works, that the monument sign and landscaping located at the corner of Third and Shave St. complies with the safe sight distance or vision triangle requirements pursuant to Section 14.16.295 (*Sight Distance*) of the SRMC.
39. It is recommended that the trash enclosure not swing into the accessible aisle. However, at a minimum, the trash enclosure shall include self-closing mechanisms so that the accessible aisle will be kept clear at all times.
40. Due to the reduced garage setback, any garage gate system shall include remote activation to prevent queueing onto Shaver St.
41. An encroachment permit shall be required from the Department of Public Works prior to any work within the Right-of-Way.
42. Show the frontage improvements on the construction drawings. New sidewalk, curb and gutter shall be required for the length of the property along Shaver St., including the existing



curb ramp on the adjacent property (220 Shaver St.). New sidewalk, curb, gutter for the existing unused driveway apron shall be required along Third St., including those areas currently not in compliance with accessibility requirements.

During construction and prior to repaving, the City may install conduit within disturbed areas of the frontages. The applicant shall coordinate with the Department of Public Works.

43. This project proposes new impervious surface. Show all new impervious surface (created or replaced). Projects over 5,000 square feet of total new impervious area are regulated under MCSTOPPP (Marin County Stormwater Pollution Prevention Program) requirements. Projects over 2,500 square feet but less than 5,000 square feet of total new impervious surface area are considered "small projects" under MCSTOPPP. Provide a stormwater control plan, which includes a written document, in addition to an erosion control plan, according to the amount of total new impervious surface area. A stormwater facilities maintenance agreement may be required. More specific information is available from MCSTOPPP, hosted on the Marin County Website. See tools and guidance, and post construction requirements at:  
<http://www.marincounty.org/depts/pw/divisions/mcstoppp/development/new-and-redevelopment-projects>.

44. A construction vehicle impact fee shall be required at the time of building permit issuance; which is calculated at 1% of the valuation, with the first \$10,000 of valuation exempt.

45. A traffic mitigation fee shall be required at building permit issuance. Based on the proposed plans, the project results in an increase of 5 new net peak hour (2 a.m. and 3 p.m.) traffic trips and shall pay a traffic mitigation fees of \$21,230 (currently \$4,246 x 5).

San Rafael Sanitation District (SRSD)

46. If a new or separate sewer lateral is proposed to extend to the sewer mainline, please include Civil/Utility plans with the construction drawings which comply with SRSD Standards for review and approval.

47. New sewer connection fees are required for the new residential units prior to building permit issuance.

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

Community Development Department, Building Division

49. School fees will be required for the project, calculated by, and to be paid to, the San Rafael City School District, prior to issuance of a building permit (currently located at 310 Nova Albion Way, San Rafael, CA 94903). Proof of payment shall be submitted to the Building Division prior to issuance of the building permit.

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



51. The design and construction of all site alterations shall comply with the current editions of the California Building Code, Plumbing Code, Electrical Code, California Mechanical Code, California Fire Code, California Energy Code, Title 24 California Energy Efficiency Standards, California Green Building Standards Code and City of San Rafael Ordinances and Amendments.
52. A building permit is required for the proposed work. Applications shall be accompanied by four (4) complete sets of construction drawings to include:
  - a) Architectural plans
  - b) Structural plans
  - c) Electrical plans
  - d) Plumbing plans
  - e) Mechanical plans
  - f) Site/civil plans (clearly identifying grade plan and height of the building)
  - g) Structural Calculations
  - h) Truss Calculations
  - i) Soils reports
  - j) Green Building documentation
  - k) Title-24 energy documentation
53. Based on the distance to the property line (and/or adjacent buildings on the same parcel), the building elements shall have a fire resistive rating not less than that specified in CBC Table 601 and exterior walls shall have a fire resistive rating not less than that specified in CBC Table 602.
54. Cornices, eaves overhangs, exterior balconies and similar projections extending beyond the floor area shall conform to the requirements of CBC 705.2. Projections shall not extend beyond the distance determined by the following two methods, whichever results in the lesser projection:
  - a) A point one-third the distance from the exterior face of the wall to the lot line where protected openings or a combination of protected openings and unprotected openings are required in the exterior wall.
  - b) A point one-half the distance from the exterior face of the wall to the lot line where all openings in the exterior wall are permitted to be unprotected or the building is equipped throughout with an automatic sprinkler system.
  - c) More than 12 inches into areas where openings are prohibited.
55. The new building contains several different occupancy types. Individual occupancies are categorized with different levels of hazard and may need to be separated from other occupancy types for safety reasons. Under mixed-occupancy conditions the project architect has available several design methodologies (accessory occupancies, non-separated occupancies, and separated occupancies) to address the mixed-occupancy concerns.
56. The maximum area of unprotected and protected openings permitted in the exterior wall in any story of a building shall not exceed the percentages specified in CBC Table 705.8 "Maximum Area of Exterior Wall Openings Based on Fire Separation Distance and Degree of Opening Protection." To calculate the maximum area of exterior wall openings you must provide the building setback distance from the property lines and then justify the percentage of proposed wall openings and include whether the opening is unprotected or protected:



- 15% exterior wall openings (in any story) in sprinklered buildings where the openings are 3' to less than 5' from the property line or buildings on the same property.
  - 25% exterior wall openings (in any story) in sprinklered buildings where the openings are 5' to less than 10' from the property line or buildings on the same property.
  - 45% exterior wall openings (in any story) in sprinklered buildings where the openings are 10' to less than 15' from the property line or buildings on the same property
57. The new building shall have address identification placed in a position that is plainly legible and visible from the street or road fronting the property. Numbers painted on the curb do not satisfy this requirement. For new buildings, the address shall be internally-illuminated or externally-illuminated and remain illuminated at all hours of darkness. Number shall be a minimum 6 inches in height with ½ inch stroke for commercial applications. The address shall be contrasting in color to their background (SMC 12.12.20).
  58. Any demolition of existing structures shall require a permit. Demolition permit submittal shall include three (3) copies of the site plan, asbestos certification and PG&E disconnect notice. All required permits from the Bay Area Air Quality Management District shall be obtained and documentation provided prior to building permit issuance and any work commencing.
  59. A grading permit is required for any grading or site remediation, soils export, import and placement. Provide a detailed soils report prepared by a qualified engineer to address these procedures. In particular, the report should address the import and placement and compaction of soils at future building pad locations and should be based on an assumed foundation design. This information should be provided to Building Division and Department of Public Works for review and comments prior to any such activities taking place.
  60. Prior to building permit issuance for the construction of the new building, geotechnical and civil pad certifications are to be submitted. Building pad locations will have to be surveyed and marked prior to placement of foundations.
  61. Ventilation area required, the minimum openable area to the outdoors is 4 percent of the floor area being ventilated CBC 1203.5.1 or mechanical ventilation in accordance with the California Mechanical Code.
  62. Natural light, the minimum net glazed area shall not be less than 8 percent of the floor area of the room served CBC 1205.2 or shall provide artificial light in accordance with CBC 1205.3.
  63. Walls separating purposed tenant space from existing neighboring tenant spaces must be a minimum of 1-hour construction.
  64. All site signage as well as wall signs require a separate permit and application (excluding address numbering).
  65. You must apply for a new address for this building from the Building Division.
  66. Monument sign(s) located at the driveway entrance(s) shall have address numbers posted prominently on the monument sign and shall be compliant with the safe sight distance/vision triangle (Section 14.16.295 of the SRMC).



67. In the parking garage, mechanical ventilation will be required capable of exhausting a minimum of .75 cubic feet per minute per square foot of gross floor area pursuant to CMC Table 4-4.
68. In the parking garage, in areas where motor vehicles are stored, floor surfaces shall be of noncombustible, nonabsorbent materials. Floors shall drain to an approved oil separator or trap discharging to sewers in accordance with the Plumbing Code and SWIPP.
69. The parking garage ceiling height shall have a minimum vertical clearance of 8' 2" where required for accessible parking.
70. The project shall be designed to provide access to the physically disabled in accordance with requirements of Title-24, California Code of Regulation. For existing buildings and facilities when alterations, structural repairs or additions are made, accessibility improvements for persons with disabilities may be required. Improvements shall be made, but are not limited to, the following accessible features:
- a) Path of travel from public transportation point of arrival
  - b) Routes of travel between buildings
  - c) Accessible parking
  - d) Ramps
  - e) All public entrances
  - f) Sanitary facilities (restrooms)
  - g) Drinking fountains & Public telephones (when provided)
  - h) Accessible features per specific occupancy requirements
  - i) Accessible special features, (i.e., ATM's point of sale machines, etc.)
71. The site development of items such as common sidewalks, parking areas, stairs, ramps, common facilities, etc. are subject to compliance with the accessibility standards contained in Title-24, California Code of Regulations. Pedestrian access provisions should provide a minimum 48" wide unobstructed paved surface to and along all accessible routes. Items such as signs, meter pedestals, light standards, trash receptacles, etc., shall not encroach on this 4' minimum width. Also, note that sidewalk slopes and side slopes shall not exceed published minimums per California Title 24, Part 2. The civil, grading and landscape plans shall address these requirements to the extent possible.
72. Multistory apartment buildings with three (3) or more residential units or condominium buildings with four (4) or more residential units shall provide at least 10% of the dwelling units, but no less than one (1) dwelling unit, which comply with the accessible requirements per CBC 1102A.3, as follows:
- a) The primary entry to the dwelling unit shall be on an accessible route unless exempted by site impracticality tests in CBC Section 1150A.
  - b) At least one powder room or bathroom shall be located on the primary entry level, served by an accessible route.
  - c) All rooms or spaces located on the primary entry level shall be served by an accessible route. Rooms and spaces located on the primary entry level and subject to this chapter may include but are not limited to kitchens, powder rooms, bathrooms, living rooms, bedrooms or hallways.
73. Minimum shower size in the fully accessible room must be a minimum of 60" wide by 30".



74. Multifamily dwelling and apartment accessible parking spaces shall be provided at a minimum rate of 2 percent of the covered multifamily dwelling units. At least one space of each type of parking facility shall be made accessible even if the total number exceeds 2%.
75. When parking is provided for multifamily dwellings and is not assigned to a resident or a group of residents, at least 5% of the parking spaces shall be accessible and provide access to grade-level entrances of multifamily dwellings and facilities (e.g. swimming pools, club houses, recreation areas and laundry rooms) that serve the dwellings. Accessible parking spaces shall be located on the shortest accessible route to an accessible building, or dwelling unit entrance.
76. Public accommodation disabled parking spaces must be provided according the following table and must be uniformly distributed throughout the site:

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

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

San Rafael Fire Department, Fire Prevention Bureau

80. The design and construction of all site alterations shall comply with the current editions of the California Fire Code and City of San Rafael Ordinances and Amendments.
81. Deferred Submittals for the following fire protection systems shall be submitted to the Fire Prevention Bureau for approval and permitting prior to installation of the systems:



- a) Fire Sprinkler plans (Deferred Submittal to the Fire Prevention Bureau)
  - b) Fire Underground plans (Deferred Submittal to the Fire Prevention Bureau)
  - c) Fire Alarm plans (Deferred Submittal to the Fire Prevention Bureau)
82. Show the location of address numbers on the building elevation. The new building shall have address identification placed in a position that is plainly legible and visible from the street or road fronting the property. Numbers painted on the curb do not qualify as meeting this requirement. Numbers shall contrast with the background and shall be Arabic numbers or letters. Numbers shall be internally or externally illuminated in all new construction or substantial remodels. Number sizes are as follows: For residential, 4"-tall numbers with 1/2" stroke. For commercial, 6"-tall numbers with 1/2" stroke. Larger sizes may be required for the fire code official or in multiple locations for buildings served by two or more roads.
83. As the building is over 30 feet in height, an aerial fire apparatus access roadway is required parallel to one entire side of the building.
- a) The Aerial apparatus access roadway shall be located within a minimum 15 feet and a maximum of 30 feet from the building.
  - b) The minimum unobstructed width for an aerial fire apparatus access road is 26'.
  - c) Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway, or between the roadway and the building.
84. Aerial fire apparatus access roads shall be designated "fire lanes"; with curbs painted red and contrasting white lettering stating "No Parking Fire Lane" and signs shall be posted in accordance CFC Section 503.3 and to the satisfaction and approval of the San Rafael Parking Services Division.
85. When a building is fully sprinklered, all portions of the exterior building perimeter shall be located within 250' of an approved fire apparatus access road.
86. A fire apparatus access plan shall be prepared for this project. Fire apparatus plan shall show the location the following:
- a) Designated fire apparatus access roads.
  - b) Red curbs and no parking fire lane signs.
  - c) Onsite fire hydrants.
  - d) Fire Department Connection (FDC).
  - e) Double detector check valve.
  - f) Street address sign.
  - g) Recessed Knox Box
  - h) Fire Alarm annunciator panel.
87. A Knox Box is required at the primary point of first response to the new building (A recessed mounted Knox Box # 3200 Series; surface mounted Knox Boxes are permitted at all other entry points). The Knox Box shall be clearly visible upon approach to the main entrance from the fire lane. Note the Knox Box must be installed from 72" to 78" above finish grade; show the location on the plans. See <https://www.knoxbox.com/commercial-knoxboxes/>.
88. The nearest fire hydrant to the project site, located at the northwest corner of Third and Shaver St., shall be upgraded (Residential model: Clow 950. Commercial model: Clow 960).



89. The project sponsor shall contact MMWD (Marin Municipal Water District) to make arrangements for the water supply serving the fire protection system.

### ***During Construction***

#### Community Development Department, Planning Division

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

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

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

#### Marin Municipal Water District (MMWD)

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

- a) Complete a High-Pressure Water Service Application.
- b) Submit a copy of the building permit.
- c) Pay the appropriate fees and charges.
- d) Complete the structure's foundation within 120 days of the date of application.
- e) Comply with the District's rules and regulations in effect at the time service is requested, including the installation of a meter per structure per use.
- f) Comply with all indoor and outdoor requirements of District Code Title 13 – Water Conservation. Indoor plumbing fixtures shall meet specific efficiency requirements. Landscape, irrigation, grading and fixture plans shall be submitted to the District for review and approval. Any questions regarding District Code Title 13 – Water Conservation should be directed to the District's Water Conservation Department at (415) 945-1497. You may also find information on the District's water conservation requirements online at [www.marinwater.org](http://www.marinwater.org).
- g) Comply with the backflow prevention requirements, if upon the District's review backflow protection is warranted, including installation, testing and maintenance. Questions regarding backflow requirements should be directed to the Backflow Prevention Program Coordinator at (415) 945-1558.
- h) Comply with California Water Code – Division I, Chapter 8, Article 5, Section 537, which requires individual metering of multiple living units within newly constructed structures.
- i) Installation of gray water recycling systems is required when practicable.

#### Pacific Gas & Electric

93. Electric and gas service to the project site will be provided in accordance with the applicable extension rules, which are available on PG&E's website at <http://www.pge.com/myhome/customerservice/other/newconstruction> or contact (800) PGE-



5000. It is highly recommended that PG&E be contacted as soon as possible so that there is adequate time to engineer all required improvements and to schedule any site work.

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

### ***Prior to Occupancy***

#### Community Development Department, Planning Division

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

### ***After Occupancy***

#### Community Development Department, Planning Division

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



**Variance (V19-003)  
Conditions of Approval**

***General and On-Going***

Community Development Department, Planning Division

1. This Variance approves a deviation or reduction in the required garage setback, from 20' to 15'.
2. This Variance approves a deviation or reduction in the required interior side yard setback, from 5' to zero (0).

Department of Public Works – Land Development Division

3. Due to the reduced garage setback, any garage gate system shall include remote activation to prevent queueing onto Shaver St.

***Prior to Issuance of Grading/Building Permits***

Community Development Department, Planning Division

4. The applicant shall obtain confirmation from the Land Development Engineer, Department of Public Works, that the landscaping along the driveway complies with the safe sight distance or vision triangle requirements pursuant to Section 14.16.295 (*Sight Distance*) of the SRMC.

The foregoing Resolution was adopted at the regular City of San Rafael Planning Commission meeting held on the 14<sup>th</sup> day of April 2020.

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

AYES:           Commissioners:

NOES:           Commissioners:

ABSENT:        Commissioners:

ABSTAIN:       Commissioners:

SAN RAFAEL PLANNING COMMISSION

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

BY: \_\_\_\_\_  
          Aldo Mercado, Vice Chair



**Exhibit 3**

**TABLE ANALYZING PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020**

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> <ul style="list-style-type: none"> <li>a. Project-related traffic will not cause the level of service established in the Circulation Element to be exceeded;</li> <li>b. Any circulation improvements needed to maintain the level of service standard established in the Circulation Element have been programmed and funding has been committed;</li> <li>c. Environmental review of needed circulation improvement projects has been completed;</li> <li>d. The time frame for completion of the needed circulation improvements will not cause the level of service in the Circulation Element to be exceeded, or the findings set forth in Policy C-5 have been made; and</li> <li>e. Sewer, water, and other infrastructure improvements will be available to serve new development by the time the development is constructed</li> </ul>	<p><i>Consistent</i></p> <p>The project proposes to redevelop a triangular-shaped, 6,264 sq. ft., Downtown in-fill parcel, currently served by City infrastructure and services. The project proposes to demolish an existing single-family residence and construct a new 7-unit multifamily residential apartment building with understory garage parking and associated site landscape and drainage improvements. The City's Engineer has reviewed the project and evaluated its impacts in the City's traffic model. As a result, the City Engineer has found that this project: 1) would generate a total of 5 (2 a.m. and 3 p.m.) additional peak hour vehicular trips (daily) beyond those that have historically existed on the site; and 2) would not adversely affect the LOS for the nearby intersections, based on the 5 total new a.m./p.m. peak hour vehicle trips that would be generated by the project, and conditioned on the payment of traffic mitigation fees to fund the project's fair share of local circulation improvement projects by the City. Lastly, the quasi-governmental agencies that would provide water and sewer service to the site have reviewed the proposed project and determined that there is adequate capacity to service the new project</p>
<p><b>LU-8. Density of Residential Development.</b> Residential densities are shown in Exhibit 11, Land Use Categories, pages 38-40. Maximum densities are not guaranteed but minimum densities are generally required. Density of residential development on any site shall respond to the following factors: site resources and constraints, potentially hazardous conditions, traffic and access, adequacy of infrastructure, City design policies and development patterns and prevailing densities of adjacent developed areas.</p>	<p><i>Consistent</i></p> <p>See LU-2 discussion above. The site is assigned a General Plan land use designation of High-Density Residential (HDR). The HDR land use designation allows residential densities of between 15 and 32 units per gross acre. Based on this allowable density, the 6,264 sq. ft. project site would be allowed 3 to 5 residential units, exclusive of State density bonus units. The Zoning designation for the site is High-Density Multifamily Residential (HR1) District, which allows one unit per 1,000 sq. ft. of lot area or a maximum base residential density of 6 units for the project site. By complying with the City's affordable housing required (10% or 0.6 Below Market Rate units, which rounds up to 1 BMR unit) the project is requesting a State Density Bonus of 16.7%, or one (1) additional residential rental units. The project would therefore be consistent, generally with the allowable density range of residential development.</p>



**Exhibit 3**

**TABLE ANALYZING PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020**

<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>            According to Exhibit 9 (<i>Building Heights Limits in Downtown San Rafael</i>) of the General Plan, the maximum height limit for the project site is 36 ft. As designed, the project proposes a building at 35 ft tall, which is consistent with the maximum building height allowed for the site. The height is measured to the top of the roof deck and the other architectural features on the roof deck (railing, and elevator overruns, trellises) do not count toward the maximum building height.</p> <p>According to Exhibit 9 (<i>Building Heights Limits in Downtown San Rafael</i>) of the General Plan, the maximum height limit for this property is 36 feet. The General Plan defines height of a building for non-hillside as the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof. The reference datum is determined as follows: if the difference in grade between the lowest and highest-grade point is greater than 10', the reference datum is located 10' vertically from the lowest grade point. The project site is nearly flat with an average cross-slope of approximately 2% that trends northwest-to-southeast. The project design proposes to construct the new, three-story multifamily residential building with a 'wing' roof design with a maximum height of 35' above finished grade. The proposed project is therefore consistent with the height limits for this site.</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>            See LU-2, LU-8 and LU-12 discussions above.</p>
<p><b>HOUSING ELEMENT</b></p>	
<p><b>H-1. Housing Distribution.</b>            Promote the distribution of new and affordable housing of quality construction throughout the city to meet local housing needs.</p>	<p><i>Consistent</i>            See LU-8 discussion above. The project proposes to construct 7 new residential apartment units in the Downtown. The project will provide a wide variety of housing opportunities in terms of housing type (market-rate, ADA-accessible and affordable residential 'rental' units) and sizes (1-bedroom unit 806 sq.</p>



**Exhibit 3**

**TABLE ANALYZING PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020**

	<p>ft. in size and 2-bedroom units 807- 899 sq. ft. in size. Of these new units, the project is required to provide one (1) affordable or BMR unit, at the very low-income household level, and one (1) ADA-accessible unit. Staff finds the project would help the City meet its RHNA (Regional Housing Needs Allocation) obligations, specifically housing goals in the very low-income household levels.</p>
<p><b>H-2. Design That Fits into the Neighborhood Context.</b> Design new housing, remodels and additions to be compatible in form to the surrounding neighborhood. Incorporate transitions in height and setbacks from adjacent properties to respect adjacent development character and privacy. Respect existing landforms and minimize effects on adjacent properties.</p>	<p><i>Consistent</i> The site is a triangular-shaped, challenging configuration lot which is located in a transitional area south of the core Downtown (Fourth St.). Low profile (1- and 2-story) single-family and duplex residential development and high profile (3-story) multifamily residential development is located west of the project site while low profile (1- and 2-story) commercial development is located north, south and east of the site. Staff finds the multi-story scale proposed by the project design is well established in the surrounding neighborhood. Determining the predominant design character is a little more difficult. The only common design feature among the surrounding commercial buildings is stucco treatment on the exterior. The common design elements on the adjacent Craftsmen-style single-family and duplex residential buildings are horizontal wood siding, gable roof forms and covered porches. The project proposes a unique, stand-alone contemporary design highlighted by dramatic ‘wing’ roof forms and glass railings though also incorporating both textured stucco and horizontal wood siding. On February 19, 2020, the Design Review Board (Board) unanimously recommended approval of the site and building design, as presented.</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. <b>H-3a. Neighborhood Meeting.</b> Require neighborhood meetings, as provided for by the City Council resolution for Neighborhood Meeting Procedures, for larger housing development proposals and those that have potential to change neighborhood character. In larger projects, the City requests that developers participate in formal meetings with the community. The City facilitates outreach by helping applicants find</p>	<p><i>Consistent</i> A neighborhood meeting is not required; however, public participation has been encouraged through the referral of the project to the appropriate homeowner’s groups (Downtown Business Improvement District and the Federation of San Rafael Neighborhoods) and noticing of all meetings and hearings on the project. Notice of all prior meetings before the Board and this Planning Commission hearing were conducted in accordance with noticing requirements contained in Chapter 29 of the Zoning Ordinance. A Notice of Public Meeting was mailed to all property owners, residents, businesses and occupants within a 300-foot radius of the project site and the appropriate neighborhood groups (the Downtown Business Improvement District and the Federation of San Rafael Neighborhoods) and all other interested parties, at least 15 calendar days prior to each meeting or hearing date. Additionally, notice was posted on the project site, at the corner of Third and Shaver Streets at least 15 calendar days prior to the date of all meetings/hearings.  Staff received one (1) public comment as a result of noticing of the first (December 17, 2019) Board meeting on the formal project (Exhibit 7). The owner of an adjacent duplex (105 Shaver St.), located across the street from the project, expressed general concern with the parking proposed by the project and, specifically, opposes the requested <i>Parking Modification</i> to reduce the required parking from 8 to 7 garage spaces.</p>



**Exhibit 3**

**TABLE ANALYZING PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2020**

<p>information on the appropriate neighborhood groups to contact. City staff attends meetings as a staff resource and conducts noticing of meetings.</p>	<p>Staff received another public comment (1) as a result of noticing of the second (February 19, 2020) Board meeting on the formal project. A resident and attorney expressed general concerns: 1) The proposed design neither fits in with that of the neighboring non-residential buildings or the neighboring residential structures; 2) The project should provide compliant on-site parking due to the lack of street parking in along Shaver St.; and 3) The existing Craftsman-style residence on the site has historical value and should be preserved</p> <p>Staff's responses are, as follows:</p> <ol style="list-style-type: none"><li>1. At their December 17, 2019 meeting, the Board reviewed the proposed design in relation to the existing predominant design of the immediate neighborhood. Like staff, the Board determined the immediate neighborhood was a mixture of residential and nonresidential uses, each with its own predominant design features. Like staff, the Board ultimately determined the proposed design adequately related to the predominant nonresidential design features, which is limited to stucco exterior treatment.</li><li>2. As stated earlier in staff's report, the project continues to request a parking reduction, from eight (8) required on-site parking spaces to seven (7) proposed on-site parking spaces. Each unit is proposed one (1) on-site parking space; the proposed parking reduction is to eliminate the required one (1) guest parking space. Section 14.18.090 (D) of the San Rafael Municipal Code (SRMC) allows reduction of required parking for project which provide an excess of bicycle parking, subject to granting of a <i>Parking Modification</i> through the approval of a Use Permit. The project continues to propose an increase in the number of bicycle parking, from two (2) required spaces to six (6) spaces. Both the Public Works and Community Development Directors continue to support the <i>Parking Modification</i> for the parking reduction as an offset to help provide needed Downtown housing in an area determined to have ample street parking nearby.</li><li>3. A quick review of the San Rafael Historical/Architectural Survey; Final Inventory List of Structures and Areas (September 1986) indicates the project site is <u>not listed</u> in the adopted survey as a local, State or National landmark or eligible for listing or needing reevaluation. The site an isolated residential site with nonresidential development to the immediate north south and east of the site. The project provides an opportunity to construct seven (7) new residential units in the Downtown, including one (1) affordable housing unit (at the very low-income level), where one (1) market-rate unit currently exists.</li></ol> <p>Staff received another (1) public comment <u>after</u> the Board recommended approval of the formal project design and prior the noticing of this Planning Commission hearing (Exhibit 8). The owner of a duplex (22 Latham St.), located a half-street block from the project, also expressed general concern with the parking</p>
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	<p>proposed by the project and, specifically, opposes the requested <i>Parking Modification</i> to reduce the required parking from 8 to 7 garage spaces. These comments suggest approval of the <i>Parking Modification</i> should be subject to the City implementing a parking permit system for the surrounding neighborhood and institute a one (1)-hour parking limit for street parking without a parking permit. Staff's response is that the City is not requiring implementation of a parking permit system in conjunction with the recommended approval of the <i>Parking Modification</i>. Both the Public Works and Community Development Directors support the <i>Parking Modification</i> for the parking reduction as an offset to help provide needed Downtown housing in an area determined to have ample street parking nearby,</p> <p>Any comments received after distribution of the staff report, will be forwarded to the Commission under separate cover</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 provided in multi-family developments, consistent with State and Federal law.</p>	<p><i>Consistent</i> See H-1 discussion above.</p>



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**H-14. Adequate Sites.** Maintain an adequate supply of land designated for all types of residential development to meet the housing needs of all economic segments in San Rafael. Within this total, the City shall also maintain a sufficient supply of land for multifamily housing to meet the quantified housing need of very low, low, and moderate-income housing units. Encourage development of residential uses in commercial areas where the vitality of the area will not be adversely affected, and the site or area will be enhanced by linking workers to jobs, and by providing shared use of the site or area.

**H-14a. Residential and Mixed-Use Sites Inventory.**

Encourage residential development in areas appropriate and feasible for new housing. These areas are identified in Appendix B, Housing Element Background, Summary of Potential Housing Sites (available for view on the City's website). Explore effective ways to share housing site information and developer and financing information to encourage development of underutilized institutional land. The City has employed different strategies to find the most effective way to deliver information about development. It is an ongoing and evolving process that has included practices such as preparing fact sheets for sites with multiple inquiries.

**H-14b. Efficient Use of Multifamily Housing Sites.**

Do not approve residential-only development below minimum designated General Plan densities unless physical or environmental constraints preclude its achievement. Residential-only projects should be approved at the mid- to high-range of the zoning density. If development on a site is to occur over time the applicant must show that the proposed development does not prevent subsequent development of the site to its minimum density and provide guarantees that the remaining phases will, in fact, be developed.

*Consistent*

See LU-8 and H-1 discussions above. While the project site is not listed as a *Housing Opportunity Site* (Figure B3:3) in Appendix B of the General Plan due to size limitations, the adjacent property to the north of the project site (220 Shaver St.) is listed. The project proposes a density at the high-range; a maximum of six (6) units are allowed on the site and a total of seven (7) units is proposed including one (1) State density bonus unit. Furthermore, the residential focus of the project serves to accommodate the projected need for 1,007 additional housing units in the City by the year 2023 (Regional Housing Needs Allocation or RHNA; Page B-5, Appendix B of General Plan) by adding seven (7) additional rental housing units to the City's rental housing stock. One (1) of these housing units would be deed-restricted as 'affordable' housing to very low-income households. These would contribute to the City's need for 240 very low-income housing units by the year 2023.



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**H-18. Inclusionary Housing.** The City requires residential projects to provide a percentage of affordable units on site and/or pay in-lieu of fees for the development of affordable units in another location. The City's program requires the units remain affordable for the longest feasible time, or at least 55 years. The City's primary intent is the construction of units on-site. The units should be of a similar mix and type to that of the development as a whole and dispersed throughout the development. If this is not practical or not permitted by law, the City will consider other alternatives of equal value, such as in-lieu fees, construction of units off-site, donation of a portion of the property for future non-profit housing development, etc. Allow for flexibility in providing affordable units as long as the intent of this policy is met. Specific requirements are:

<b>Project Size</b>	<b>% Affordable Units Req'd</b>
2 – 10 Housing Units*	10%
11 – 20 Housing Units	15%
21+ Housing Units	20%

\* Exemptions for smaller projects units may be provided for in the

**Rental Units.** Provide, consistent with State law, a minimum of 50% of the BMR units affordable to very low-income households at below 50% of median income, with the remainder affordable to low income households at 50-80% of median income.

**Sale/Ownership Units.** Provide a minimum of 50% of the BMR units affordable to low income households at 50-80% of median income, with the remainder affordable to moderate income households at 80-120% of median income.

**Calculation of In-lieu Fee.** Continue to provide a calculation for in-lieu fees for affordable housing. For fractions of affordable units, if 0.5 or more of a unit, the developer shall construct the next higher whole number of

*Consistent*

See LU-8 and H-1 discussion above. The project will meet the City's affordable housing requirement by providing one (1) BMR units where one (1) BMR unit is required (.6 BMR unit, rounded up to 1.0 unit).



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<p>affordable units, and if less than 0.5 of a unit, the developer shall provide an in-lieu fee.</p>	
<p><b>NEIGHBORHOODS ELEMENT</b></p>	
<p><b>NH-3. Housing Mix.</b> Encourage a housing mix with a broad range of affordability, character, and sizes. In areas with a predominance of rental housing, encourage ownership units to increase the variety of housing types.</p>	<p><i>Consistent</i> See H-1 discussion above. The project will provide a wide variety of housing opportunities in terms of housing type (market-rate, ADA-accessible and affordable residential ‘rental’ units) and sizes (1-bedroom unit 806 sq. ft. in size and 2-bedroom units 807- 899 sq. ft. in size.</p>
<p><b>NH-15. Downtown Vision.</b> Continue to implement Our Vision of Downtown San Rafael.</p>	<p><i>Consistent</i> See LU-12 discussion above. The proposed project is located should be consistent with as many of the applicable policies in the adopted <i>Our Vision of Downtown San Rafael; Second/Third Corridor Vision</i>, including:</p> <ul style="list-style-type: none"> <li>• <i>Establish a vital, varied and compatible mix of office, retail and residential uses that utilizes the special strengths give to this District by the high traffic volumes and visibility of Second and Third Streets.</i></li> <li>• <i>Recognize the major opportunity for residential development through the District, especially on the cross streets, west of B Street. Both mixed-use and multifamily development could work well in this District.</i></li> <li>• <i>Create an inviting appearance which declares that Downtown is worth visiting to those who travel Second and Third Streets.</i></li> <li>• <i>Make Second and Third Street more attractive and safer for pedestrians by: A) Planting for street trees; B) creating a visual buffer between pedestrians and the street; and C) Reducing the number of driveways which interrupt sidewalks.</i></li> <li>• <i>Vary building heights and densities, concentrating the most intense development towards the east, closest to the freeway and Transportation Center, including building heights of two to five stories and higher densities east of B Street and heights of one to three stories and lower densities west of B Street.</i></li> </ul> <p>The project would be consistent with the applicable policies in the Downtown Vision by incorporating the following attributes: 1) Providing multifamily housing in close proximity to the Downtown, 2) Enhancing the streetscape by providing a deep (8’) landscaped setback along the Third St. frontage with a comprehensive mix of trees, shrubs, grasses and groundcovers to help create a pedestrian scale; 3)</p>



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	<p>Reducing the number of driveway curb cuts servicing the project from 2 (current) to 1 (proposed) and preserving the driveway location along the Shaver St. cross-street; 4) Proposing a three-story building height where a maximum three-story building height is envisioned; and 5) Creating visual interest by proposing a contemporary architectural design featuring lots of glazing (including glass railings), multiple exterior textures (two colors of textured stucco, anodized windows without trim) and ‘winged’ roof forms with lots of skylights. The proposed curvilinear form is accentuated through a series of successive 2 - 5’ stepbacks of the upper-story wall plane along the Third St. frontage.</p>
<p><b>NH-16. Economic Success.</b> Substantially expand Downtown’s economic success and increase opportunities for retail, office and residential development</p>	<p><i>Consistent</i> See H-1 discussion above. The project proposes to construct a total of seven (7) new residential rental units in the Downtown, Future residents are anticipated to frequent existing and future businesses in the Downtown and help achieve the City’s goal of ‘alive-after-five’ by activating the Downtown in the evenings and on weekends.</p>
<p><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><i>Consistent</i> See LU-8, H-1 and NH-16 discussions above. By complying with the City’s affordable housing requirement (10%), the project would provide one (1) below market rate or BMR unit at the very low-income household level.</p>
<p><b>NH-22. Housing Downtown.</b> Create a popular and attractive residential environment that contributes to the activity and sense of community Downtown. This includes:</p> <ul style="list-style-type: none"> <li>a. Preserving and upgrading existing units,</li> <li>b. Providing incentives to encourage new private sector construction of housing, particularly affordable housing, live/work units, and single room occupancy (SRO) units,</li> <li>c. Designing units that take advantage of Downtown's views, proximity to shopping and services, and transit, and</li> <li>d. Implementing zoning standards that reflect Downtown’s urban character.</li> </ul>	<p><i>Consistent</i> See LU-2, LU-8, H-1 and NH-16 discussions above. The project proposes to construct a total of seven (7) new residential rental units in the Downtown, including one (1) affordable unit and one (1) ADA-accessible unit. The proposed new units would help contribute to the City’s long-standing efforts to create a sense of active presence Downtown after dark (‘<i>Alive-after-five</i>’). The project proposes the maximum allowable density for the site, which reflects the Downtown urban character</p>



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<p><b>NH-25. Pedestrian Comfort and Safety.</b> Make Downtown's street systems more comfortable and safer for pedestrians by:</p> <ul style="list-style-type: none"> <li>• Balancing between the needs of pedestrians and the desire for efficient traffic flow,</li> <li>• Slowing traffic where necessary,</li> <li>• Providing two-way traffic where feasible,</li> <li>• Making pedestrian crossings direct and safe,</li> <li>• Establishing pedestrian environments unique to each District,</li> <li>• Improving and/or expanding sidewalks, street trees, landscaping and other sidewalk amenities,</li> <li>• Increasing visibility to storefronts and businesses,</li> <li>• Seeking innovative solutions and ideas.</li> </ul>	<p><i>Consistent</i> See NH-15 discussions above. The project will enhance the pedestrian scale by; 1) Providing a deep (8') landscaped streetscape setback along the Third St. frontage with a comprehensive mix of trees, shrubs, grasses and groundcovers to help create a pedestrian scale; and 2) Reducing the number of driveway curb cuts servicing the project from 2 (current) to 1 (proposed) and preserving the driveway location along the Shaver St. cross-street.</p>
<p><b>NH-29. Downtown Design.</b> New and remodeled buildings must contribute to Downtown's hometown feel. Design elements that enhance Downtown's identity and complement the existing attractive environment are encouraged and may be required for locations with high visibility or for compatibility with historic structures. Design considerations include:</p> <ul style="list-style-type: none"> <li>• Varied and distinctive building designs,</li> <li>• Sensitive treatment of historic resources,</li> <li>• Generous landscaping to accent buildings,</li> <li>• Appropriate materials and construction, and</li> <li>• Site design and streetscape continuity.</li> </ul> <p><b>NH-29a. Implement Downtown Design Guidelines.</b> Implement the Downtown Design Guidelines through the design review process.</p>	<p><i>Consistent</i> See H-2 and NH-15 discussions above. The project site is located within the "Second/Third Corridor and Environs" of Downtown where the following San Rafael Downtown Design Guidelines apply:</p> <p><i>Second and Third Streets are to be attractive, landscaped major transportation corridors. While increased pedestrian safety and comfort is desired on Second and Third, greater pedestrian use of the cross streets is encouraged. The project site is located within the boundaries of the Second/Third and Environs area of the Downtown, where the following specific design guidelines apply:</i></p> <ul style="list-style-type: none"> <li>• <i>To provide visual interest, long and monotonous walls should be avoided.</i></li> <li>• <i>Building walls should be articulated;</i></li> <li>• <i>To create a boulevard effect along Second and Third Streets, varied landscape setbacks are appropriate;</i></li> <li>• <i>Additional high-canopy, traffic-tolerant street trees are strongly encouraged;</i></li> <li>• <i>Where possible, residential buildings in this area should orient to the more pedestrian-friendly side street; and</i></li> <li>• <i>Driveway cuts and widths should be minimized to prevent vehicular conflicts.</i></li> </ul> <p>The project proposes a unique, stand-alone contemporary design highlighted by dramatic 'wing' roof forms and glass railings though also incorporating both textured stucco and horizontal wood siding. On February 19, 2020, the Design Review Board (Board) unanimously recommended approval of the site and building design, as presented.</p>



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<p><b>NH-31. Ground Floor Designed for Pedestrians.</b> Ensure that all buildings, regardless of height, are comfortable for people at the street level. This includes:</p> <ul style="list-style-type: none"> <li>• Relating wall and window heights to the height of people,</li> <li>• Use of architectural elements to create visual interest,</li> <li>• Adding landscaping and insets and alcoves for pedestrian interest, and,</li> <li>• Stepping upper stories back as building height increases.</li> </ul>	<p><i>Consistent</i> See NH-15 discussion above.</p>
<p><b>NH-40. Second/Third Mixed-Use District.</b></p> <p><b>a. Auto-oriented uses.</b> Allow a vital, varied and compatible mix of offices, retail uses, and residential uses, where appropriate. Uses usually accessed by car should be concentrated along the west end of Second Street to take advantage of the high traffic volumes.</p> <p><b>b. Enhance pedestrian character.</b> Enhance the pedestrian character of the A and B cross streets by encouraging a variety of uses, including neighborhood serving and specialty retail uses, and residential uses.</p> <p><b>c. PG&amp;E office building site.</b> This site offers a major redevelopment opportunity as an infill site that could accommodate a mix of land uses, including residential if feasible, that would take advantage of the site’s high visibility from Second and Third Streets, extend the uses on the San Rafael Corporate Center, or provide patrons for the Fourth Street Retail Core.</p> <p><b>d. Transportation Corridor.</b> Make Second and Third Streets a very attractive, safe and efficient transportation corridor that allows smooth travel through Downtown, provides easy access to the Fourth Street Core via the cross streets and is safe to walk along and cross. Substantially improve Second and Third Streets through:</p> <ul style="list-style-type: none"> <li>• Screening pedestrians from the perception of traffic noise and encouraging pedestrian use of other streets,</li> </ul>	<p><i>Consistent</i> See NH-15 and NH-29 discussions above. The project design improves the pedestrian experience along the Third St. frontage and the Shaver St. cross-street connection to Downtown by providing deep (8-15’) landscaped setbacks, reducing the number of driveway curb cuts along Third St. and preserving the driveway orientation to the site to the Shaver St. frontage.</p>



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<ul style="list-style-type: none"> <li>• Improving pedestrian connections to Fourth Street,</li> <li>• Providing safe crosswalks at all intersections,</li> <li>• Reducing the number of driveways that interrupt sidewalks, and</li> <li>• Managing traffic flow for efficiency, not speed.</li> </ul> <p>e. <b>Improved parking.</b> Develop attractive, screened and easy-to-find public and private parking areas serving both the Fourth Street Retail Core and the Second/Third Street Corridor.</p>	
<p><b>NH-41. Second/Third Mixed Use District Design Considerations.</b></p> <p>a. <b>An inviting appearance.</b> Create an inviting appearance to people traveling Second and Third Streets. Encourage attractive, creative and varied architecture on Second and Third Streets, with design detail on all sides of buildings visible to the street or pedestrians.</p> <p>b. <b>Unique character of cross streets.</b> A, B, C and D Streets are important links from Fourth Street to neighborhoods south of Downtown. Strengthen the unique character of these cross streets by giving special treatment to:</p> <ul style="list-style-type: none"> <li>• A Street as an important visual and pedestrian connection between Mission San Rafael Arcangel and Albert Park and Andersen Drive,</li> <li>• B Street as an area of strong historic character, and</li> <li>• B, C and D Streets as major pedestrian connections between the Gerstle Park Neighborhood and the Fourth Street Retail Core.</li> </ul> <p>c. <b>Height.</b> Individual building heights will vary and typically range from two to four stories east of B Street, and from one to three stories generally west of B Street.</p>	<p><i>Consistent</i></p> <p>See H-2, NH-15, NH-29 and NH-40 discussions above. On February 19, 2020, the Board unanimously recommended approval of the site and building design, finding, in part, the project design is consistent with all applicable Second/Third Mixed-Use District Design Considerations.</p>
<p><b>COMMUNITY DESIGN ELEMENT</b></p>	



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<p><b>CD-1. City Image.</b> Reinforce the City’s positive and distinctive image by recognizing the natural features of the City, protecting historic resources, and by strengthening the positive qualities of the City’s focal points, gateways, corridors and neighborhoods.</p> <p><b>CD-1d. Landscape Improvement.</b> Recognize that landscaping is a critical design component. Encourage maximum use of available landscape area to create visual interest and foster sense of the natural environment in new and existing developments. Encourage the use of a variety of site appropriate plant materials.</p>	<p><i>Consistent</i></p> <p>See NH-40 discussion above. The project proposes 1,724 sq. ft. (27.5%) of site landscaping, primarily through a 15’ landscaped front setback along the Shaver St. frontage and an 8’ landscaped street side setback along the Third St. frontage. The project is required to landscape 50% of the required front and street side setback. The project proposes to landscape 555 sq. ft. (59.5%) of the 932 sq. ft required front yard setback and 1,031 sq. ft. (82%) of the 1,254 sq. ft. required street side setback. This new site landscaping is a combination of trees, shrubs, grasses and groundcovers, and includes ‘green screen ‘vine-covered metal screens at the podium along both the Shaver St. and Third St. frontages. Landscape planters are also proposed at the second level along the Third St. frontage with the same planting palette. On February 19, 2020, the Board unanimously recommended approval of the site and building design, as presented, including the proposed site landscaping.</p>
<p><b>CD-2. Neighborhood Identity.</b> Recognize and promote the unique character and integrity of the city’s residential neighborhoods and Downtown. Strengthen the "hometown" image of San Rafael by:</p> <ul style="list-style-type: none"> <li>• Maintaining the urban, historic, and pedestrian character of the Downtown;</li> <li>• Preserving and enhancing the scale and landscaped character of the City’s residential neighborhoods;</li> <li>• Improving the appearance and function of commercial areas; and</li> <li>• Allowing limited commercial uses in residential neighborhoods that serve local residents and create neighborhood-gathering places.</li> </ul>	<p><i>Consistent</i></p> <p>See CD-1, H-2, NH-15, NH-29 and NH-40 discussions above.</p>
<p><b>CD-3. Neighborhoods.</b> Recognize, preserve and enhance the positive qualities that give neighborhoods their unique identities, while also allowing flexibility for innovative design. Develop programs to encourage and respect the context and scale of existing neighborhoods.</p>	<p><i>Consistent</i></p> <p>See CD-1, H-2, NH-15, NH-29 and NH-40 discussions above.</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</p>	<p><i>Not Consistent</i></p> <p>The project would create view impacts of Puerto Suello Hill from public viewsheds along eastbound Second St. and northbound Shaver St., though staff finds these impacts would be limited.</p>



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<p>from public streets, parks and publicly accessible pathways.</p>	
<p><b>CD-9. Transportation Corridors.</b> Provide and maintain distinctive gateways to identify City entryways.</p>	<p><i>Consistent</i> See CD-1 discussion above. The project would enhance the landscape character along both the Shaver St. and Third St. frontage, an arterial corridor.</p>
<p><b>CD-11. Multifamily Design Guidelines.</b> Recognize, preserve and enhance the design elements that ensure multifamily housing is visually and functionally compatible with other buildings in the neighborhood. Develop design guidelines to ensure that new development fits within and improves the character defining elements of neighborhoods.</p>	<p><i>Consistent</i> See H-2, NH-15, NH-29 and NH-40 discussions above. On February 19, 2020, the Board unanimously recommended approval of the site and building design, as presented, finding, in part, that the project adequately met the Multifamily Design Guidelines.</p>
<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 project proposes 1,552 sq. ft. of usable outdoor recreation area in as private decks, balconies and patios (730 sq. ft.) and as common area on the second level along the Third St. frontage (822 sq. ft.). The project is required to provide a minimum 100 sq. ft. of usable outdoor recreation area per unit. For the project, a total of 700 sq. ft. of usable outdoor recreation area is required or 100 sq. ft. per residential unit. The project proposes an average of 221.7 sq. ft. of recreational area per unit. On February 19, 2020, the Board unanimously recommended approval of the site and building design, as presented, including the proposed usable outdoor recreation area.</p>



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<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> See H-3 discussion above.</p>
<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><i>Consistent</i> See CD-1 discussion above.</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 with Conditions</i> The project currently does not propose exterior lighting; however, it is reasonable to assume a new 7-unit multifamily residential apartment with garage parking and outdoor common area will include lighting. A condition of approval is included requiring submittal of a lighting plan/photometric study for review and approval by staff to confirm lighting for the project complies with adopted minimum/maximum illumination levels. A condition of approval is also included requiring a post-construction photometric study to confirm the project was constructed compliant with adopted minimum/maximum illumination levels. In addition, a condition of approval is included establishing a 90-day lighting review period at final inspection/occupancy where adjustments in lighting may be required by staff to reduce off-site glare, if necessary.</p>
<p><b>CIRCULATION ELEMENT</b></p>	
<p><b>C-5. Traffic Level of Service Standards.</b> <b>a. Intersection LOS.</b> In order to ensure an effective</p>	<p><i>Consistent with conditions</i> The City's Traffic Engineer has reviewed the project and evaluated its traffic impacts against the City's</p>



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<p>roadway network, maintain adequate traffic levels of service (LOS) consistent with standards for signalized intersections in the A.M. and P.M. peak hours as shown below, except as provided for under (B) Arterial LOS.</p>	<p>level of service standards and determined the project would result in a total of 5 net new peak hour trips (2 a.m. new peak hour trips between 7- 9am weekdays and 3 p.m. new peak hour trips between 4-6pm weekdays). The City Traffic Engineer has determined the surrounding intersections and arterials would continue to operate (existing plus project volumes) acceptably per the City's LOS (Level of Service) standards in the General Plan. Staff finds the proposed density (7 units) would result in negligible traffic impacts which are off-set by the payment of traffic mitigation fees on the 5 net new peak hour trips anticipated to result from the project, which are a condition of approval. The payment of traffic mitigation fees is a condition of approval and is intended to help fund the project's fair share of local circulation improvement projects by the City.</p>
<p><b>C-7. Circulation Improvement Funding.</b> Take a strong advocacy role in securing funding for planned circulation improvements. Continue to seek comprehensive funding that includes Federal, State, County, and Redevelopment funding, Local Traffic Mitigation Fees, and Assessment Districts. The local development projects' share of responsibility to fund improvements is based on:</p> <p><b>C-7a. Traffic Mitigation Fees.</b> Continue to implement and periodically update the City's Traffic Mitigation Program.</p> <p><b>C-7b. Circulation Improvements.</b> Seek funding for and construct circulation improvements needed for safety, to improve circulation, or to maintain traffic level of service.</p>	<p><i>Consistent with conditions</i> See C-5 discussion above.</p>
<p><b>INFRASTRUCTURE ELEMENT</b></p>	
<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> All service providers, including PG&amp;E, Marin Sanitary Service, Marin Municipal Water District, San Rafael Sanitation District, Central Marin Sanitation Agency, and the City Engineer, have review the project and indicated that adequate infrastructure capacity exists for the project.</p>
<p><b>SUSTAINABILITY ELEMENT</b></p>	



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<p><b>SU-5. Reduce Use of Non-renewable Resources</b> Reduce dependency on non-renewable resources.</p> <hr/> <p><b>SU-5d Water Efficiency Programs.</b> Develop and implement water efficiency and conservation programs to achieve a 30% reduction in water use by 2020, including water efficient landscape regulations, PACE financing, water audits, upgrades upon resale, education and outreach. Make available to property managers, designers and homeowners' information about water-conserving landscaping and water-recycling methods and resources.</p>	<p><i>Consistent with conditions</i>                  The project is subject to a condition requiring compliance with the most recent water conservation ordinance adopted by Marin Municipal Water District (MMWD). Prior the building permit issuance, MMWD is required to review and approve the proposed landscape and irrigation plans and provide the applicant with a letter of approval or an approved-stamped plan set either of which shall be submitted with the building permit.</p>
<p><b>SU-7. New and Existing Trees.</b> Plant new and retain existing trees to maximize energy conservation and carbon sequestration benefits.</p>	<p><i>Consistent</i>                  See CD-1 discussion above. The project proposes to remove a total of four (4) existing, mostly low-value (1 mature tree; non-Oak or Redwood trees) trees on the site. The Landscape Plan for the project proposes a combination of trees, shrubs, grasses, vines and groundcovers, including 6, 24"-box container size replacement trees planted predominantly along the Third St. frontage.</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> Continue to implement the existing Archeological Resources Ordinance.</p>	<p><i>Consistent with conditions</i>                  The project site is identified as having a "medium" archaeological sensitivity rating, pursuant to the City's adoptive City of San Rafael Archaeological Sensitivity map. City Council Ordinance No. 1772 and Resolution No. 10980 prescribes recommendations as required conditions for discretionary permits on site with "medium" archaeological sensitivity rating. These requirements have been incorporated as a condition of approval.</p>



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<b>PARK AND RECREATION ELEMENT</b>	
<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.	<i>Consistent</i> See CD-14 discussion above.
<b>SAFETY ELEMENT</b>	
<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.	<i>Consistent</i> Geoseismic analysis have been evaluated through the City's Geotechnical Review process and found that the project would not pose potential danger to the health, safety and welfare of the community.
<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 location.	<i>Consistent</i> A Geotechnical Investigation Report was prepared and submitted with the project application. After review by the City Engineer and Chief Building Official, it was found to meet the requirements set forth in the Geotechnical Review Matrix and consistent with the City's safety policies and standard engineering practices.
<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.	<i>Consistent with conditions</i> The project would entail all new construction and would be constructed in accordance with the most current building and seismic codes as required by the City's Municipal Code.
<b>S-25. Regional Water Quality Control Board (RWQCB) Requirements.</b> Continue to work through the Marin County Stormwater Pollution Prevention Program (MCSTPPP) to implement appropriate Watershed	<i>Consistent with conditions</i> The City Engineer has reviewed the proposed project, including Stormwater Control Plan, and determined it preliminarily implements the Stormwater Pollution Prevention Program standards and regulations. As designed, the proposed project includes measures likely to reduce stormwater run-off consistent with the



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<p>Management plans as dictated in the RWQCB general National Pollutant Discharge Elimination System permit for Marin County and the local stormwater plan.</p>	<p>standards established by the RWQCB.</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><i>Consistent</i> The San Rafael Fire Department, Fire Prevention Bureau, and the San Rafael Police Department have both reviewed the project plans and recommended modifications to improve fire prevention and safe design which would not affect the current project design being reviewed by the Commission though would become conditions of approval.</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-1a. Acoustical Studies.</b> Require acoustical studies for all new residential projects within the projected L<sub>dn</sub> 60 dB noise contours (see Exhibit 31) so that noise mitigation measures can be incorporated into project design. Acoustical studies shall identify noise sources and contain a discussion of the existing and future noise exposure and the mitigation measures that may be used to achieve the appropriate outdoor and indoor noise standards.</p>	<p><i>Consistent with conditions</i> Per Exhibit 22 (<i>San Rafael Roadways and Arterials</i>) of the General Plan, the project site is located on an existing arterial, Third St. Ave. Due to the existing ambient noise from the arterial, sound attenuation will likely be required for the new residences, particularly for windows and doors facing Third St. The project submittals currently do not include a noise or acoustic study. A condition of approval is included requiring submittal of a noise or acoustic study for review and approval by staff to confirm the project will comply with maximum interior noise levels through noise reducing materials (windows, doors) and construction techniques (wall assemblies). Additionally, a condition of approval is included requiring a post-construction noise or acoustic study to confirm the project was constructed compliant with noise or acoustic study and its recommendations.</p>
<p><b>N-5. Traffic Noise from New Development.</b> Minimize noise impacts of increased off-site traffic caused by new development. Where the exterior L<sub>dn</sub> is 65 dB or greater at</p>	<p><i>Consistent</i> See N-1 discussion above. Due to the location of the project site I the Downtown and along an arterial, noise impacts of increased traffic caused by the project is anticipated to be negligible.</p>



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<p>a residential building or outdoor use area and a plan, program, or project increases traffic noise levels by more than <math>L_{dn}</math> 3 dB, reasonable noise mitigation measures shall be included in the plan, program or project.</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> The project is not anticipate to generate any permanent air quality impacts and would be consistent with the Bay Area Air Quality District requirements; project impacts to air quality would be limited as temporary during the construction and grading periods only. Furthermore, the project is within the relative intensity of development and maximum density of development assumed under the San Rafael General Plan 2020 and, therefore, cumulative impacts have been analyzed and found to be acceptable.</p>
<p><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> The project would be required to comply with the City's Stormwater Pollution Prevention standards which are derived from the Regional Water Quality Board. The drainage plan is designed to be consistent with the stormwater pollution standards by treating roof rainwater runoff on-site in landscape bioswale filtration areas, located through the project, before it enters into the City's storm drain system.</p>
<p><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 AW-7 discussion above.</p>



**Exhibit 4**

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

<p><b>14.04.020 - Land Use Regulations (HR)</b>  A wide variety of residential uses is permitted-by-right or with Use Permit approval in the HR Districts. Multifamily residential land uses are permitted by right in the HR District zones.</p>	<p><i>Consistent</i>  The project proposes to redevelop the project site, currently developed with a single-family residence, with a multifamily residential land use, which is permitted by right in the HR1 Districts.</p>
<p><b>14.04.040 - Property Development Regulations (HR1)</b></p> <ul style="list-style-type: none"> <li>• Maximum density: 1,000 sq. ft. of lot area/unit</li> <li>• Minimum yards: 15' front/5' sides/10' street sides/5' rear</li> <li>• Maximum height: 36'</li> <li>• Maximum lot coverage: 60%</li> <li>• Minimum usable outdoor area: 100 sq. ft./unit</li> <li>• Minimum landscaping: 50% of req. front and street side yards</li> </ul>	<p><i>Consistent</i></p> <ul style="list-style-type: none"> <li>• The project will be consistent with the maximum allowable density for the site, which is 6 units based on 6,264 sq. ft. of total lot area, subject to a request for an automatic density bonuses under the State Density Bonus law after meeting mandatory affordable housing requirements (By providing 1 affordable rental unit, the project is eligible for up to 3 bonus density units. The project proposes 1 density bonus unit.</li> <li>• The project will be consistent with the minimum required front yard setback, which is 15' front (Shaver St. frontage).</li> <li>• The project will be consistent with the minimum required street side yard setback (Third St. frontage), subject to the approval of a requested setback reduction as an automatic concession under the State Density Bonus law after meeting mandatory affordable housing requirements (reduced from 10' to 8').</li> <li>• The project will be consistent with the minimum required interior side yard setback (shared with the commercial office at 220 Shaver St.), subject to the approval of a requested setback reduction as a Variance (reduced from 5' to zero or 0').</li> <li>• The project will be consistent with the minimum required garage setback (Shaver St.), subject to the approval of a requested setback reduction as a Variance (reduced from 20' to 15').</li> <li>• The project will be consistent with the maximum height allowed (Uniform Building Code 1997) for the project site, which is 36' (The project proposes a 35' building height).</li> <li>• The project will be consistent with the maximum allowable lot coverage, subject to the approval of a requested increase in lot coverage as an automatic concession under the State Density Bonus law after meeting mandatory affordable housing requirements (increased from 60% to 65%).</li> <li>• The project will provide 1,552 sq. ft. of private and common outdoor recreational area or an average of 221.7 sq. ft. of outdoor recreational area per unit where a minimum of 700 sq. ft. or an average of 100 sq. ft. is required).</li> <li>• The project will be consistent with the minimum landscaping requirement for the</li> </ul>



**Exhibit 4**

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

<b>CHAPTER 4 – RESIDENTIAL DISTRICTS HIGH-DENSITY MULTIFAMILY REISIDENTIAL (HR1) DISTRICTS</b>	
<p><b>14.04.010 - Specific Purposes.</b> In addition to the general purposes listed in Section 14.01.030, the specific purposes of the residential zoning districts include the following:</p> <p>A. To provide a wide variety of housing opportunities in terms of housing types, and neighborhoods with varying densities, lot sizes, and development standards;</p> <p>B. To protect and enhance existing residential neighborhoods through retention of existing land development patterns and retention of their varied design character;</p> <p>C. To protect and enhance existing residential neighborhoods through retention of existing land development patterns and retention of their varied design character;</p> <p>-----</p> <p>E. To provide outdoor recreational amenities for residents;</p> <p>F. To ensure the provision of public services and facilities needed to accommodate planned residential densities;</p> <p>-----</p> <p>K. Multifamily Residential Districts: High-Density (HR1, HR1.5, HR1.8)</p> <ol style="list-style-type: none"><li>1. The high-density residential districts provide opportunities for high-density multifamily residential development</li><li>2. High-density multifamily residential districts are included in the high-density residential land use category with densities ranging from one thousand (1,000) square feet to one thousand eight hundred (1,800) square feet per dwelling unit.</li></ol>	<p><i>Consistent</i></p> <p>The project proposes to redevelop a triangular-shaped, 6,264 sq. ft., Downtown in-fill parcel, currently served by City infrastructure and services. The project proposes to demolish an existing single-family residence and construct a new 7-unit multifamily residential apartment building with understory garage parking and associated site landscape and drainage improvements. The site is located within the High-Density Multifamily Residential (HR1) District zone.</p> <p>The project will provide a wide variety of housing opportunities in terms of housing type (market-rate, ADA-accessible and affordable residential 'rental' units) and sizes (1-bedroom unit 806 sq. ft. in size and 2-bedroom units 807- 899 sq. ft. in size.</p> <p>The project proposes is private decks, balconies or patios for each unit and common outdoor recreational area on the 2<sup>nd</sup> level. The project will provide 1,552 sq. ft. of private and common outdoor recreational area or an average of 212.7 sq. ft. of outdoor recreational area per unit where a minimum of 700 sq. ft. or an average of 100 sq. ft. is required.</p>



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<p><b>14.04.020 - Land Use Regulations (HR)</b>  A wide variety of residential uses is permitted-by-right or with Use Permit approval in the HR Districts. Multifamily residential land uses are permitted by right in the HR District zones.</p>	<p><i>Consistent</i>  The project proposes to redevelop the project site, currently developed with a single-family residence, with a multifamily residential land use, which is permitted by right in the HR1 Districts.</p>
<p><b>14.04.040 - Property Development Regulations (HR1)</b></p> <ul style="list-style-type: none"> <li>• Maximum density: 1,000 sq. ft. of lot area/unit</li> <li>• Minimum yards: 15' front/5' sides/10' street sides/5' rear</li> <li>• Maximum height: 36'</li> <li>• Maximum lot coverage: 60%</li> <li>• Minimum usable outdoor area: 100 sq. ft./unit</li> <li>• Minimum landscaping: 50% of req. front and street side yards</li> </ul>	<p><i>Consistent</i></p> <ul style="list-style-type: none"> <li>• The project will be consistent with the maximum allowable density for the site, which is 6 units based on 6,264 sq. ft. of total lot area, subject to a request for an automatic density bonuses under the State Density Bonus law after meeting mandatory affordable housing requirements (By providing 1 affordable rental unit, the project is eligible for up to 3 bonus density units. The project proposes 1 density bonus unit.</li> <li>• The project will be consistent with the minimum required front yard setback, which is 15' front (Shaver St. frontage).</li> <li>• The project will be consistent with the minimum required street side yard setback (Third St. frontage), subject to the approval of a requested setback reduction as an automatic concession under the State Density Bonus law after meeting mandatory affordable housing requirements (reduced from 10' to 8').</li> <li>• The project will be consistent with the minimum required interior side yard setback (shared with the commercial office at 220 Shaver St.), subject to the approval of a requested setback reduction as a Variance (reduced from 5' to zero or 0').</li> <li>• The project will be consistent with the minimum required garage setback (Shaver St.), subject to the approval of a requested setback reduction as a Variance (reduced from 20' to 15').</li> <li>• The project will be consistent with the maximum height allowed (Uniform Building Code 1997) for the project site, which is 36' (The project proposes a 35' building height).</li> <li>• The project will be consistent with the maximum allowable lot coverage, subject to the approval of a requested increase in lot coverage as an automatic concession under the State Density Bonus law after meeting mandatory affordable housing requirements (increased from 60% to 65%).</li> <li>• The project will provide 1,552 sq. ft. of private and common outdoor recreational area or an average of 221.7 sq. ft. of outdoor recreational area per unit where a minimum of 700 sq. ft. or an average of 100 sq. ft. is required).</li> <li>• The project will be consistent with the minimum landscaping requirement for the</li> </ul>



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	<p>project site, which is 50% of the required front and street side yards (The project proposes 489 sq. ft. of required front yard landscaping where 466 sq. ft. is required and 1,031 sq. ft. of required street side yard landscaping where 627 sq. ft. is required).</p>
<p><b>CHAPTER 16 – SITE DEVELOPMENT STANDARDS</b></p>	
<p><b>14.16.030 - Affordable Housing Requirement.</b> Any new residential development project proposing 2-10 housing units shall provide a minimum 10% 'affordability'. Residential 'rental' projects shall provide a minimum 50% of the required affordable units at the <u>very low-income</u> household level and the remainder at the <u>low-income</u> household levels. By meeting specific affordability requirements at the very low-income household level, a project is eligible for a State Density bonus of up to 35% and three (3) concessions.</p>	<p><i>Consistent</i> Under the HR1 District zoning standards, the maximum density for the project site is six (6) units (6,264 sq. ft. lot/1,000 sq. ft. density standard) The project proposes a new 7-unit multifamily residential apartment building; six (6) units based on the maximum allowable density under the HR1 District zoning <u>plus</u> one (1) density bonus unit under the State Density Bonus law. The project proposes to provide 16.7% affordability, or one (1) of the six (6) based density units as affordable. The City's inclusionary housing ordinance requires that for rental projects, 50% of the inclusionary units (one-half or 0.5 unit for the project) be eligible to very low-income households (&lt;50% county median income) and the remaining 50% of the affordable units (one-half or 0.5 unit for the project) be eligible for low-income households (50%-80% of county median income). Fractional units of 0.5 or higher shall be rounded up to the next higher whole number, while fractional units below 0.5 units may pay in-lieu affordable housing fees. The project proposes to construct one (1) affordable housing unit eligible for very low-income households, as required.</p> <p>By providing 16.7% affordable housing (1 unit), the project is eligible for an automatic density bonus of up to 35% or three (3) additional residential units and up to three (3) concessions. The project is requesting one (1) density bonus unit and two (2) automatic concessions: 1) Up to 20% deviation from required yard setbacks; and 2) Up to 20% deviation from lot coverage requirements.</p> <p><i>Street Side Yard Setback Reduction Concession (Automatic)</i> By providing one (1) affordable unit at the very low-income household level, project is eligible for an automatic reduction in required yard setbacks of up to 20%, with each required yard reduction counting as one (1) concession. The project proposes to reduce the required street side yard setback, from 10' to 8., or a 20% reduction, to allow for greater flexibility to access parking spaces and turning ability within the understory garage.</p>



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	<p><i>Increase Lot Coverage Concession (Automatic)</i>                  By providing one (1) affordable unit at the very low-income household level, project is also eligible for an automatic increase in lot coverage of up to 20%. The project proposes to increase lot coverage, from a maximum of 60% (3,758 sq. ft.) to 65% (4,071 sq. ft.), or 9% increase, to allow for again greater flexibility to access parking spaces and turning ability within the understory garage.</p>
<p><b>14.16.170 - Geotechnical Review</b>                  Development applications require geotechnical reports consistent with the geotechnical matrix in the general plan appendices to assess such hazards as potential seismic hazards, liquefaction, landsliding, mudsliding, erosion, sedimentation and settlement and hazardous soils conditions to determine the optimum location for structures, to advise of special structural requirements and to evaluate the feasibility and desirability of a proposed facility in a specific location</p>	<p><i>Consistent with conditions</i>                  The project was reviewed consistent with the City’s Geotechnical review matrix contained as an appendix to the General Plan 2020. A Geotechnical Investigation Report (Visha Consultants, Inc, dated January 19, 2019) was prepared for and submitted with the project. In conclusion, the investigation found that the project would be consistent with the geotechnical policies of the General Plan and that the project would be feasible from a geotechnical engineering standpoint. The report included recommendations that would have to be incorporated during preparation of the construction plans and construction of the project. The City Engineer reviewed the project submittals, including the Geotechnical Investigation Report, and recommended approval subject to conditions, would be incorporated into conditions of approval.</p>
<p><b>14.16.227 – Light and Glare</b>                  Colors, materials and lighting shall be designed to avoid creating undue off-site light and glare impacts. New or amended building or site colors, materials and lighting shall comply with the following standards, subject to review and recommendation by the police department, public works department, and community development department:</p> <p>A. Glossy finishes and reflective glass such as glazed or mirrored surfaces are discouraged and prohibited where it would create an adverse impact on pedestrian or automotive traffic or on adjacent structures; particularly within the downtown environs and in commercial, industrial and hillside areas.</p> <p>B. Lighting fixtures shall be appropriately designed and/or shielded to conceal light sources from view off-site and avoid spillover onto adjacent properties.</p> <p>C. The foot-candle intensity of lighting should be the minimum amount</p>	<p><i>Consistent with conditions</i>                  The project currently does not propose exterior lighting; however, it is reasonable to assume a new 7-unit multifamily residential apartment with garage parking and outdoor common area will include lighting. A condition of approval is included requiring submittal of a lighting plan/photometric study for review and approval by staff to confirm lighting for the project complies with adopted minimum/maximum illumination levels. A condition of approval is also included requiring a post-construction photometric study to confirm the project was constructed compliant with adopted minimum/maximum illumination levels. In addition, a condition of approval is included establishing a 90-day lighting review period at final inspection/occupancy where adjustments in lighting may be required by staff to reduce off-site glare, if necessary.</p>



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<p>necessary to provide a sense of security at building entryways, walkways and parking lots. In general terms, acceptable lighting levels would provide one (1) foot-candle ground level overlap at doorways, one-half (½) foot-candle overlap at walkways and parking lots, and fall below one (1) foot-candle at the property line.</p> <p>D. Lighting shall be reviewed for compatibility with on-site and off-site light sources. This shall include review of lighting intensity, overlap and type of illumination (e.g., high-pressure sodium, LED, etc.). This may include a review by the city to assure that lighting installed on private property would not cause conflicts with public street lighting.</p> <p>E. Installation of new lighting fixtures or changes in lighting intensity on mixed use and non-residential properties shall be subject to environmental and design review permit review as required by <u>Chapter 14.25</u> (Design Review).</p> <p>F. Maximum wattage of lamps shall be specified on the plans submitted for electrical permits.</p> <p>G. All new lighting shall be subject to a 90-day post installation inspection to allow for adjustment and assure compliance with this section</p>	
<p><b>14.16.260 - Noise Standards</b></p> <p>A. Residential Development. The following standards apply to residential development:</p> <p>-----</p> <p>3. In high density and downtown residential districts residential interior standards shall be met, and common usable outdoor areas shall be designed to minimize noise impacts. Where possible, a 60 dBA (Ldn) standard shall be applied to usable outdoor areas</p> <p>4. Interior noise standards for new single-family residential and residential health care development shall be 40 dBA (Ldn) for bedrooms and 45 dBA (Ldn) for other rooms. New hotels and motels shall meet a 45 dBA (Ldn) standard. For new multifamily development, hotels and motels, interior noise standards shall be described by State Administrative Code standards, Title 25, Part 2.</p>	<p><i>Consistent with conditions</i></p> <p>A The project submittals currently do not include a noise or acoustic study. A condition of approval is included requiring submittal of a noise or acoustic study for review and approval by staff to confirm the project will comply with maximum interior noise levels through noise reducing materials (windows, doors) and construction techniques (wall assemblies).</p> <p>Like the photometric study, a condition of approval is included requiring a post-construction noise or acoustic study to confirm the project was constructed compliant with noise or acoustic study and its recommendations.</p>



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<p>-----</p> <p>6. Post-construction monitoring and approval by an acoustical engineer shall be required in residential development near high noise sources to ensure that city standards have been met.</p>	
<p><b>14.16.295- Sight Distance.</b> Fencing, vegetation and improvements shall be established and maintained only in a manner that does not reduce visibility for the safe ingress and egress of vehicles or pedestrians within a required vision triangle, e.g., fifteen feet (15') from the curb return at any intersection or driveway, or as determined by the director of public works. In general, fencing and improvements or vegetation located within the established vision triangle (as determined below) shall not exceed a height of three feet (3') as measured above the adjacent street pavement. The vision triangle shall be kept free of any visual obstruction between a height of three feet (3') to eight feet (8') above the street grade elevation.</p>	<p><i>Consistent with conditions.</i> The project proposes one (1) 20'-wide, two-way, driveway; one along the Shaver St. frontage. While the City's Land Development Engineer reviewed the sight distance provided by the project design and has determined it adequate to provide safe ingress and egress of vehicles and pedestrians, additional landscaping has been added to the plans along the north driveway elevation and final or follow-up review of the sight distance is needed. A condition of approval is included requiring a final review by the Land Development Engineer of the site distance prior to building permit issuance</p>
<p><b>14.16.370 - Water – Efficient Landscape</b> All new development projects providing 500 sq. ft. or greater of landscaping shall be reviewed and obtain approval by the Marin Municipal Water District (MMWD) prior to building permit issuance. MMWD shall review all project landscaping, irrigation and grading plans for compliance with the most recently adopted MMWD water-conservation ordinance.</p>	<p><i>Consistent with conditions.</i> The project proposes new landscaping throughout the project site which exceeds the 500 sq. ft. threshold from MMWD and require MMWD review and approval with their most recent water-efficiency requirements prior to building permit issuance. A condition of approval is included requiring MMWD review and approval of the project's landscape details prior to building permit issuance.</p>
<p><b>CHAPTER 18 – PARKING STANDARDS</b></p>	
<p><b>14.18.040 - Parking Requirements</b> A. Off-street parking shall be provided in accord with the following:</p> <ul style="list-style-type: none"> <li>• New, 1-bedroom units, located within the Downtown, are required to provide 1.0 spaces;</li> <li>• New, 2-bedroom units, less than 900 sq. ft. in size and located within the Downtown, are also required to provide 1.0 spaces; and</li> <li>• 1 'guest' space per every 5 units is required within the Downtown.</li> </ul>	<p><i>Consistent</i> Pursuant to Section 14.18.040, the project is required to provide eight (8) on-site parking spaces: one (1) parking space for each of the seven (7) proposed residential units (covered or uncovered) plus one (1) guest parking space for a total; of eight (8) on-site parking spaces. The project is requesting a <i>Parking Modification</i> through a Use Permit, to reduce the number of on-site parking spaces, from eight (8) to seven (7) total parking spaces, in exchange for providing a surplus of or excess bicycle parking. The project proposes secured long-term parking for six (6) bicycles inside the garage. While <i>Parking</i></p>



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<p>B. Parking Modification. The parking requirement for any specific use listed may be modified so as to provide adequate parking which is fair, equitable, logical and consistent with the intent of this chapter. Such modification may also include reduction in parking ratios for businesses in the downtown zoning districts that allow the use of private parking facilities to be used for public parking during evening or weekend hours. Parking modifications shall require an application for a use permit and shall be subject to review by the community development director and public works director, and approval by the zoning administrator.</p>	<p><i>Modifications</i> are subject to approval of the Zoning Administrator, the <i>Parking Modification</i>, requesting a reduction in the required parking, is automatically elevated for review and approval by the Planning Commission with the other planning entitlements requested by the project.</p>
<p><b>14.18.090 – Bicycle Parking.</b>  A. Applicability. Bicycle parking shall be required for all new nonresidential buildings and in major renovations of nonresidential buildings having thirty (30) or more parking spaces, and for all public/quasi-public uses.   B. Number of Short-Term Spaces Required.  1. Commercial, office, industrial, and multi-family residential uses: five percent (5%) of the requirement for automobile parking spaces, with a minimum of one two-bike capacity rack.  2. Public/quasi-public uses: as determined by parking study, or as specified by use permit.  3. Exempt uses: animal sales and service; motor vehicle sales and services; building materials and supplies (large-item); catering establishments; funeral and interment services; temporary uses; recycling facilities; other uses as determined by the planning director.   C. Number of Long-Term Spaces Required.  1. For nonresidential buildings with over ten (10) tenant-occupants: Five percent (5%) of the requirement for automobile parking spaces, with a minimum of one space.   D. Reduction of Vehicle Parking. Properties that provide bicycle parking in excess of the bicycle parking spaces identified in Section 14.18.090.B. and/or C. may qualify for a reduction to the overall vehicle parking requirements subject to the approval of a use permit for parking</p>	<p><i>Consistent</i>  The project is required to provide two (2) short-term bike racks only. By providing excess bicycle parking, however, the project qualifies for reduction in vehicle parking requirements. The project is proposing to provide excess bicycle parking to mitigate a reduction in on-site vehicle parking, with the elimination of the guest parking (1 space) requirement. Both the Public Works and Community Development Directors support the <i>Parking Modification</i> to increase bicycle parking while reducing vehicular parking as an offset to help provide needed Downtown housing in an area determined to have ample street parking nearby, beyond Shaver St. and Latham St.</p>



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modification.

E. Design.

1. Short-Term Parking: Bike racks shall be provided with each bicycle parking space. The rack shall consist of a stationary object to which the user can lock the bike.
2. Long-Term Parking: Acceptable parking facilities include:
  - a. Covered, lockable enclosures with permanently anchored racks for bicycles,
  - b. Lockable bicycle room with permanently anchored racks, or
  - c. Lockable, permanently anchored bicycle lockers.
3. Parking facilities shall support bicycles in a stable position.
4. The facilities shall provide at least an eighteen-inch (18") clearance from the centerline of adjacent bicycles on the left and right, and at least ten inches (10") to walls or other obstructions.
5. An aisle or other space shall be provided to bicycles to enter and leave the facility. This aisle shall have a width of at least five feet (5') to the front or rear of a standard six-foot (6') bicycle parked in a facility.
6. Bicycle parking should be situated at least as conveniently to building entrances as the most convenient car parking area, but a minimum distance of one hundred feet (100') of a visitors' entrance. Bicycle and auto parking areas shall be separated by a physical barrier or sufficient distance to protect parked bicycles from damage by cars.
7. Bicycle parking facilities should be located in highly visible, well-lit areas to minimize theft and vandalism.
8. Overhead coverage or rain shelters for bicycle parking facilities are encouraged.
9. The planning director (or the planning director's designated appointee) shall have the authority to review the design of all bicycle parking facilities required by this title with respect to safety, security and convenience.



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<p><b>14.18.120 –Parking Space Dimensions</b>  A. Standard size parking spaces shall be nine feet (9') by nineteen feet (19') in dimension, except that in downtown, the standard size parking space shall be eight and one-half feet (8.5') by eighteen feet (18') in dimensions;  B. Compact parking spaces shall be eight feet (8') by sixteen feet (16') in dimensions.:</p>	<p><i>Consistent</i>  All on-site parking is designed to comply with the minimum parking space dimensions for 'standard' and 'compact' parking spaces.</p>
<p><b>14.18.120 –Compact Spaces – Allowable Percentage</b>  A. Allowable Percentage. A maximum thirty percent (30%) of the required parking spaces may be compact spaces for facilities exceeding five (5) spaces;  B. Spaces Labeled. Compact spaces shall be labeled in parking facilities as compact spaces to the satisfaction of the city traffic engineer;  C. Distribution. Compact spaces should be distributed throughout the parking lot to the extent feasible.</p>	<p><i>Consistent with conditions</i>  The project requests a <i>Parking Modification</i> to allow an increase in the allowable percentage of compact parking spaces, from a maximum of 30% (2 spaces) to 50% (4 spaces). Like the request for <i>Parking Modification</i> to decrease the required parking, both the Public Works and Community Development Directors support the <i>Parking Modification</i> to increase compact parking to help provide greater maneuverability within the garage area. While <i>Parking Modifications</i> are subject to approval of the Zoning Administrator, the <i>Parking Modification</i>, requesting an increase in compact parking, is automatically elevated for review and approval by the Planning Commission with the other planning entitlements requested by the project.</p>
<p><b>14.18.130 - Parking Facility Dimensions and Design</b>  A. Minimum Standards.  <ul style="list-style-type: none"> <li>• 90<sup>o</sup>, two-way Downtown parking spaces require minimum dimensions to be 8.5' wide by 18' deep with a minimum backup aisle between the parking spaces of 26'.</li> </ul> <p align="center">-----</p> B. Parking Stall Access.  <ul style="list-style-type: none"> <li>• Use of a required parking space shall not require more than two (2) vehicle maneuvers. At the end of a parking facility with four (4) or more parking spaces, an aisle or driveway providing access to the end parking space shall extend at least two feet (2') beyond the required width of the parking space in order to provide adequate on-site area for turnaround purposes</li> </ul> </p>	<p><i>Consistent</i>  The parking garage design layout for the project proposes a 34' 6" to 36' 10" backup aisle and an addition 2 – 3' end of aisle extension to allow for easier maneuverability accessing and exiting parking spaces. The parking garage design layout was reviewed and approved by the City Engineer with the site and building design proposed by the project.</p>
<p><b>14.18.140 - Access to Public Right-of-Way</b>  Driveway Widths. The minimum curb cut for driveways at the face of the curb, for residential uses serving 7 – 24 parking spaces, shall have a</p>	<p><i>Consistent</i>  The project proposes one (1) 20'-wide two-way driveway along the Shaver St. frontage to the project garage, as required.</p>



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<p>minimum inside depressed width of 20' for two-way access and exit.</p>	
<p><b>14.18.200 – Location of Parking and Maneuvering Areas</b>          Parking or maneuvering areas, excluding access driveways, shall be prohibited in all required yard areas in the medium- and high-density residential districts.</p>	<p><i>Consistent with conditions.</i>          The project proposes a portion of the proposed garage parking (Parking Space #7) and maneuvering area to be located within into the interior 5' side yard setback. On February 19, 2020, the recommended approval of the project design, including the granting of a Variance to allow encroachment into the required interior side yard setback in order for the project to provide greater vehicle maneuverability within the garage. This proposed setback encroachment will reduce the interior side yard setback from 5' to zero (0'). By supporting the interior side yard setback encroachment, the Board's recommendation also implies support for allowing a portion of the garage parking and maneuvering area also to encroach into the interior side yard setback.</p>
<p><b>CHAPTER 22 – USE PERMITS</b></p>	
<p><b>14.22.080 – Findings</b>          The Zoning Administrator or the Planning Commission may issue a Use Permit if the following findings can be made:          A. That the proposed use is in accord with the general plan, the objectives of the zoning ordinance, and the purposes of the district in which the site is located;          B. That the proposed use, together with the conditions applicable thereto, will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity, or to the general welfare of the city; and          C. That the proposed use complies with each of the applicable provisions of the zoning ordinance.</p>	<p><i>Consistent with conditions</i></p> <p>A. The proposed new multifamily residential development with <i>Parking Modifications</i>, as revised and conditioned, will be in accord with the San Rafael General Plan 2020, the objectives of Title 14 of the San Rafael Municipal Code (<i>the Zoning Ordinance</i>) and the purposes of the High -Density Multifamily Residential (HR1) District, in which the project site is located, given that:</p> <ol style="list-style-type: none"> <li>1. As documented in the General Plan 2020 Consistency Table (Exhibit 3), the proposed project will implement and promote the goals and policies of the San Rafael General Plan 2020,</li> <li>2. As documented in the Zoning Ordinance Consistency Table (Exhibit 4), the proposed project will be consistent with the objectives of the Zoning Ordinance; and</li> <li>3. The proposed project will be consistent with the purposes of the HR1 District, given that; a) The project will provide for high-density residential development in the HR1 District, a high-density residential zoning district; b) The project will provide a wide variety of housing opportunities in terms of housing type (market-</li> </ol>



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rate, ADA-accessible and affordable residential 'rental' units) and sizes (1-bedroom unit 806 sq. ft. in size and 2-bedroom units 807- 899 sq. ft. in size), c) The project will help promote San Rafael's Downtown area as a viable commercial and financial center, and as an urban center with a mixture of civic, social, entertainment, cultural and residential uses due to its unique location in the Downtown (one block south of Fourth St.); future residents are anticipated to frequent existing and future businesses in the Downtown and help achieve the City's goal of 'alive-after-five' by helping to activate the Downtown in the evenings and on weekends; d) The project will help create an inviting appearance along both the Third St. and Shaver St. frontages by installing new street trees and landscaped setbacks; e) The project has been reviewed by the appropriate City department and non-city agencies and determined that adequate infrastructure exists to meet all new service demands; and f) On February 19, 2020, the Design Review Board reviewed and recommended approval of the project, determining the project design will protect and enhance the existing land use development pattern and character within the immediate surrounding neighborhood, which is a mixture of high-density multifamily residential to the south, commercial to the north and east and duplex residential to the west.

- B. The proposed new multifamily residential development with *Parking Modifications*, as revised and conditioned, will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity, or to the general welfare of the City, given that; the project has been reviewed by appropriate City departments, non-City agencies, the appropriate surrounding neighborhood groups (Downtown Business Improvement District, and Federation of San Rafael Neighborhoods), interested parties, the Design Review Board at three (3) separate meetings (conceptual review on February 5, 2019 and formal project review on December 17, 2019 and February 19, 2020) and conditions of approval have been included to mitigate any potential negative impacts anticipated to be generated by the proposed project;

Both the Public Works and Community Development Directors support the *Parking Modification* to reduce required parking, give that; bicycle parking will be increased (from 2 to 6 secured/garage bicycle parking spaces) and the area surrounding the project site has been determined to have ample street parking beyond Shaver St. and Latham St.;



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	<p>Both the Public Works and Community Development Directors also support the <i>Parking Modification</i> to increase the percentage of compact parking for the project, from a maximum of 30% (2 spaces) to 50% (4 spaces) to help provide greater maneuverability within the garage area; and</p> <p>C. The proposed new multifamily residential development with <i>Parking Modifications</i>, as revised and conditioned, will comply with each of the applicable provisions of the Zoning Ordinance, given that; as documented in the Zoning Ordinance Consistency Table (Exhibit 4).</p>
<p><b>CHAPTER 23 – VARIANCES</b></p>	
<p><b>14.23.070 – Findings</b>          The Zoning Administrator or the Planning Commission may approve an application for a Variance if the following findings can be made:</p> <p>A. That because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the requirements of this title deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification;</p> <p>B. That the Variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zoning district in which such property is situated;</p> <p>C. That granting the Variance does not authorize a use or activity which is not otherwise expressly authorized by the zoning regulations for the zoning district in which the subject property is located; and</p> <p>D. That granting the application will not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety or general welfare.</p>	<p><i>Consistent with conditions</i></p> <p>A. Because of special circumstances are applicable to the site, including size, shape, topography, location or surroundings, strict application of the side yard setback requirements and retaining wall height deprives the properties of privileges enjoyed by other properties in the vicinity and within the same High-Density Multifamily Residential (HR1) District, given that: the site is a triangular-shaped corner lot (Third St. and Shaver St.) which eliminates the rear yard and has an average width of 48’ where a minimum 60’ lot width is required. These inherent lot characteristics significantly impact site design;</p> <p>B. The Variance will not constitute a grant of special privileges inconsistent with development limitations on other properties in the vicinity and within the same HR1 District, given that: there exist multiple lots in the vicinity of the site, within the same city block and within the same HR1 District zoning designation, which have similar existing legal nonconforming development encroachments into the required yard setbacks, including, but not limited to, 103, 105, 107, 109, 111-117, and 220 Shaver St. and the existing single-family residence located on the project site;</p> <p>C. Granting the Variance does not authorize a use or activity which is not otherwise expressly authorized in the HR1 District in which the site is located, given that. 1) Multifamily residential land use is permitted by right in the HR1 District; and 2) The</p>

**Exhibit 4**

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

	<p>project will essentially continue the existing interior side yard setback encroachment, from the existing single-family residence constructed on the project site; and</p> <p>D. Granting the Variance will not be detrimental or injurious to property or improvements in the vicinity of the site, or to the public health, safety or general welfare, given that; 1) The project will be compliant with the required front yard setback (15') and street side setback, to subject to the approval of a requested setback reduction as an automatic concession under the State Density Bonus law after meeting mandatory affordable housing requirements (reduced from 10' to 8'); 2) The project will be compliant with the required safe sight distance/vision triangle (15') for the driveway along Shaver St., subject to final review of the landscape plan by the City Engineer; 3) The project will not negatively impact the use or enjoyment of the existing, active outdoor recreation areas, or solar access, on the immediate adjacent property at 220 Shaver St., which is setback approximately 75' from the common interior side property line; and 4) The project has been reviewed by the appropriate City departments and non-city agencies, including the Chief Building Official and the Deputy Fire Chief, who have recommended approval of the project after determining the project design complies with all applicable building and fire codes.</p>
<p><b>CHAPTER 25 – ENVIRONMENTAL AND DESIGN REVIEW PERMIT</b></p>	
<p><b>14.25.010 – Specific Purposes</b>          Environmental and design review implements general plan policies concerning the environment and design by guiding the location, functions and appearance of development. The key environmental and design goal of the city is to respect and protect the natural environment and assure that development is harmoniously integrated with the existing qualities of the city. The purposes of environmental and design review are to:</p> <p>A. First and foremost, maintain a proper balance between development and the natural environment;</p> <p>B. Ensure that the location, design and materials and colors of development blends with and enhances the natural settings;</p> <p>C. Maintain and improve the quality of, and relationship between,</p>	<p><i>Consistent</i></p> <p>The project proposes a forward-thinking contemporary design, highlighted by dramatic 'wing' roof forms and glass railings though also incorporating earthtone/woodtone textured stucco (ground floor and clerestory) and horizontal wood siding (upper stories) façade treatments and stepping back the upper stories along the Third St. frontage to create common outdoor recreation area for the units. The proposed 3-story scale was reviewed by the Board during conceptual design review and again during formal project review determined to be in scale with other multifamily residential buildings (south) and commercial buildings (north and east) of the project site. The project design has been revised to provide and, on February 19, 2020, the Board unanimously recommended approval of the site and building design, as presented.</p>



**Exhibit 4**

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

<p>development and the surrounding area to contribute to the attractiveness of the city;</p> <p>D. Preserve balance and harmony within neighborhoods.</p> <p>E. Promote design excellence by encouraging creative design and the innovative use of materials and methods and techniques; and</p>	
<p><b>14.25.050 - Review Criteria</b>          Projects must meet the following design review criteria:</p> <ul style="list-style-type: none"> <li>• Consistency with General Plan design polices.</li> <li>• Consistency with Specific Plans</li> <li>• Design criteria must meet the objectives of Chapter 25 (Design Review), which include ensuring that the design blends with the natural setting, maintains and improves the quality of and relationship between the development and the surrounding area, preserve the balance and harmony within a neighborhood, promotes excellence in design, and preserves and enhances views.</li> <li>• Site design is harmonious amongst structures within the development and existing development in the vicinity, natural site features should be protected and preserved, safe access and adequate parking should be provided, drainage should be designed to be ensure proper surface drainage</li> </ul>	<p><i>Consistent</i>          The project would be consistent with most of the applicable San Rafael General Plan 2020 policies (see Exhibit 3).</p> <p>As stated earlier, the project is consistent with the specific purposes or objectives of Environmental and Design Review permits.</p> <p>The project proposes a site and building design with associated landscape and drainage improvements which have been review by city departments, non-city agencies and the Design Review Board during three (3) separate meeting. On February 19, 2020, the Board unanimously recommended approval of the site and building design, as presented.</p>
<p><b>14.25.090 - Findings</b>          The following findings must be made to approve a Design Review Permit</p> <ul style="list-style-type: none"> <li>• Project design is in accord with the general plan, the objectives of the zoning ordinance and the purposes of this chapter;</li> <li>• Project design is consistent with all applicable site, architecture and landscaping design criteria and guidelines for the district in which the site is located</li> <li>• Project design minimizes adverse environmental impacts</li> <li>• Project design will not be detrimental to the public health, safety or welfare nor materially injurious to properties or improvements in the vicinity.</li> </ul>	<p><i>Consistent</i></p> <p>A. The project design, as revised and conditioned. is in accord with the General Plan, the objectives of the Zoning Ordinance, and the purposes of Chapter 14.25 of the Zoning Ordinance; in that:</p> <ol style="list-style-type: none"> <li>1. As documented in the General Plan 2020 Consistency Table (Exhibit 3), the proposed project will implement and promote the goals and policies of the San Rafael General Plan 2020,</li> <li>2. As documented in the Zoning Ordinance Consistency Table (Exhibit 4), the proposed project will be consistent with the objectives of the Zoning Ordinance, which is to promote and protect the public health safety, peace, comfort and general welfare;</li> </ol>

**Exhibit 4**

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

	<p>3. The proposed project will be consistent with the purposes of Environmental and Design Review Permits, given that; the project will maintain and improve the quality of, and relationship between, development and the surrounding area to contribute to the attractiveness of the City, as determined during the review of the project by the Board during three (3) separate meetings (conceptual review on February 5, 2019 and formal design review on December 17, 2019 and February 19, 2020). On February 19, 2020, the Board unanimously recommended approval of the site and building design, as revised and presented.</p> <p>B. The project design, as revised and conditioned, is consistent with all applicable site, architecture and landscaping design criteria and guidelines for the HR1 District in which the project site is located, given that;</p> <ol style="list-style-type: none"><li>1. The project will be consistent with the maximum allowable density for the site, which is 6 units based on 6,264 sq. ft. of total lot area, subject to a request for an automatic density bonuses under the State Density Bonus law after meeting mandatory affordable housing requirements (By providing 1 affordable rental unit, the project is eligible for up to 3 bonus density units. The project proposes 1 density bonus unit);</li><li>2. The project will be consistent with the minimum required front yard setback, which is 15' front (Shaver St. frontage);</li><li>3. The project will be consistent with the minimum required street side yard setback (Third St. frontage), subject to the approval of a requested setback reduction as an automatic concession under the State Density Bonus law after meeting mandatory affordable housing requirements (reduced from 10' to 8');</li><li>4. The project will be consistent with the minimum required interior side yard setback (shared with the commercial office at 220 Shaver St.), subject to the approval of a requested setback reduction as a Variance (reduced from 5' to zero or 0');</li><li>5. The project will be consistent with the minimum required garage setback (Shaver St.), subject to the approval of a requested setback reduction as a Variance</li></ol>
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**Exhibit 4**

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

	<p>(reduced from 20' to 15');</p> <ol style="list-style-type: none"><li>6. The project will be consistent with the maximum height allowed (Uniform Building Code 1997) for the project site, which is 36' (The project proposes a 35' building height);</li><li>7. The project will be consistent with the maximum allowable lot coverage, subject to the approval of a requested increase in lot coverage as an automatic concession under the State Density Bonus law after meeting mandatory affordable housing requirements (increased from 60% to 65%);</li><li>8. The project will provide 1,552 sq. ft. of private and common outdoor recreational area or an average of 212.7 sq. ft. of outdoor recreational area per unit where a minimum of 700 sq. ft. or an average of 100 sq. ft. is required;</li><li>9. The project will be consistent with the minimum landscaping requirement for the project site, which is 50% of the required front and street side yards (The project proposes 489 sq. ft. of required front yard landscaping where 466 sq. ft. is required and 1,031 sq. ft. of required street side yard landscaping where 627 sq. ft. is required);</li><li>10. The project will be consistent with the parking requirement, subject to the approval of a requested <i>Parking Modification</i>, to reduce the required parking from 8 to 7 on-site parking spaces by elimination of the required (1 space) guest parking;</li><li>11. The project will be consistent with the compact parking space requirement, subject to the approval of a requested <i>Parking Modification</i>, to increase the percentage of compact parking spaces from a maximum of 30% to 50% (increased from 2 to 4 compact spaces);</li><li>12. The provisions of Marin Municipal Water District's (MMWD) most recent water conservation and new 'graywater' requirements apply to the project, where MMWD approval is required prior to the issuance of any building or grading permit; and</li></ol>
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**Exhibit 4**

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

	<p>13. The proposed project will be consistent with review criteria for Environmental and Design Review Permits (<i>Chapter 14.25 of the Zoning Ordinance</i>), by proposing a consistent, high-quality architectural design (colors and materials; scale; bulk and mass; fenestration and articulation) throughout the project site.</p> <p>C. The project design, as revised and conditioned, minimizes adverse environmental impacts, given that:</p> <ol style="list-style-type: none"><li>1. The project design includes storm water retention areas or 'bioswales' which will have the effect of creating a 'no net change' in the rate of storm water drainage on the project site, as determined and recommended for approval by the City Engineer after reviewing submitted drainage plans for the project;</li><li>2. The project site is already significantly developed and disturbed and neither contains, nor is immediately contiguous to, recognizable wetlands, creeks or similarly sensitive environmental features, and it has not been identified in the San Rafael General Plan 2020 (<i>Exhibit 38 – Threatened and Endangered Species</i>) as a general location where threatened and endangered species have been previously observed or maintain a suitable habitat for their likely presence to be found; and</li><li>3. The project is exempt from CEQA pursuant to CEQA Guidelines Section 15332 (In-Fill Development Projects), as determined by staff.</li></ol> <p>D. The project design, as revised and conditioned, will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity, or to the general welfare of the City, given that; the project has been reviewed by appropriate City departments, non-City agencies, the appropriate surrounding neighborhood groups (Downtown Business Improvement District and Federation of San Rafael Neighborhoods), interested parties, and the Design Review Board during three (3) separate meetings (conceptual review on February 5, 2019 and formal design review on December 17, 2019 and February 19, 2020). On February 19, 2020, the Board unanimously recommended approval of the site and building design, as revised and presented.</p>
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**“Good Design” Criteria for Downtown San Rafael**  
**\*\*Summary of Applicable Criteria\*\***

General

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

Gateway District:

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

Gateway – Transit District:

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

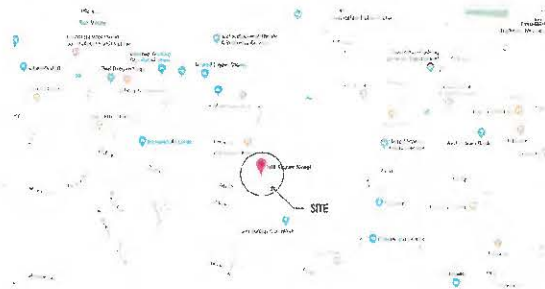
2<sup>nd</sup> /3<sup>rd</sup> Corridor & Lindaro:

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



**SHAVER APARTMENTS**  
104 SHAVER STREET  
SAN RAFAEL, CA 94901

**VICINITY MAP**



**ARCHITECT**  
LARKIN ARCHITECTURE  
410 2ND STREET, SUITE 303  
SAN FRANCISCO, CA 94107  
T: 415-242-4634  
info@larkinarchitecture.com

**DRAWING INDEX**

**ARCHITECTURAL**

- A0 - COVER SHEET
- A1 - SURVEY
- A1.1 - SITE PLAN
- A2 - 1ST FLOOR PLAN
- A2.1 - 2ND FLOOR PLAN
- A3 - 3RD FLOOR PLAN
- A4 - ROOF
- A5 - SOUTH & EAST ELEVATIONS
- A6 - NORTH & WEST ELEVATIONS
- A6.1 - SECTION
- A5 - ISOMETRIC VIEWS
- A9 - PARKING DIAGRAM
- A8.1 - PARKING DIAGRAM
- A7.6 - WALL SECTION

**LANDSCAPE**

- L1.0 - LANDSCAPE PLAN (STREET LEVEL)
- L1.1 - LANDSCAPE PLAN (2ND FLOOR)

**CIVIL**

- C1 - SITE PLAN
- C2 - GRADING & DRAINAGE PLAN
- C2.1 - SITE DRAINAGE

**SCOPE OF WORK**

- NEW THREE-STORY APARTMENT BUILDING
- 7 UNITS, INCLUDING ONE BELOW-MARKET-RATE UNIT
- PARKING SPACES (7) INCLUDING ACCESSIBLE VAN SPACE

**GENERAL NOTES**

1. ALL DIMENSIONS ARE TO FACE OF WALL.
2. OFFSET STUDS WHERE NECESSARY TO ALING FINISH MATERIAL.
3. INTERIOR STUDS ARE 3/8" DIA.
4. COORDINATE ACCESS DOOR LOCATIONS FOR CONCEALED (EM)S WITH APPROPRIATE CONTRACTOR WHEN SPECIFICALLY SHOWN ON VCE.
5. ALL FLOOR DRAINS (E.D.) ELEVATIONS ARE 1/2" LOWER THAN FINISH FLOOR ELEVATION (L.O.F.).
6. ELEVATIONS ARE GIVEN WITH REFERENCE TO GROUND FLOOR LEVEL - FINISH FLOOR ELEVATION (F.F.).
7. GA OR B LISTED WALL ASSEMBLIES ILLUSTRATE MINIMUM CONSTRUCTION REQUIREMENTS AND ARE NOT INTENDED TO SPECIFY STUD SIZE, GAUGE OR SPACING OR GYP. BD. THICKNESS OR TYPE.
8. CEILING HEIGHTS ARE INDICATED TO BOTTOM OF FINISH.
9. ALL WORK SHALL CONFORM TO THE 2016 CBC AS AMENDED BY THE CITY OF SAN RAFAEL, CA.

**DATA**

**SITE ADDRESS**

SHAVER APARTMENTS  
104 SHAVER STREET  
SAN RAFAEL, CA 94901

**BUILDING CODES**

CALIFORNIA BUILDING CODE 2016  
CALIFORNIA MECHANICAL CODE 2016  
CALIFORNIA PLUMBING CODE 2016  
CALIFORNIA ELECTRICAL CODE 2016  
CALIFORNIA FIRE CODE 2016  
CALIFORNIA ENERGY CODE 2016

**CODE DATA**

A.P.N. 01-1245-40  
ZONING: RM-1  
OCCUPANCY GROUP: R2 APARTMENTS  
TYPE OF CONSTRUCTION: TYPE 2 TWO OVER POBBM  
LOT SIZE: 6244 S.F.  
BUILDING AREA: 1991 S.F.

**DIRECTORY**

**OWNER:**

VANINA LLC  
SIRVAN KONTANA (MANAGING PARTNER)  
1945 EAST FRANCISCO BLVD  
SAN RAFAEL, CA 94901

**ARCHITECT:**

LARKIN ARCHITECTURE  
410 2ND STREET SUITE 303  
SAN FRANCISCO, CA 94107

**CIVIL**

RP ASSOCIATES  
1461 MAYHEW SUITE 507  
PLEASANT HILLS,  
CALIFORNIA 94523

**SURVEYOR**

BOB AMILANO  
TERESA PERAZA  
2710 LONE TREE WAY #113  
ANTIOCH, CA 94509  
925-437-3700

**LANDSCAPE ARCHITECT**

BRIGIERA PLANNING & LANDSCAPE  
MICHAEL COOK  
707 545 9225

**SOILS ENGINEER**

VERNA CONSULTANTS  
11501 DUBOIS BLVD. #200  
DUBLIN, CA 94568  
510-551-0240

DATE	REVISION
01-13-20	Submittals
10-28-19	Revisions
11-07-19	Revisions
11-06-19	Revisions
10-22-19	Revised Layout plan
10-08-19	Revised Layout plan
09-26-19	Revised Layout plan
09-12-19	Revised Layout plan
07-09-19	Pre-Submission Drawings
05-25-19	Schematic Plan Review

**PROJECT LOCATION:**

SHAVER APARTMENTS  
104 SHAVER STREET,  
SAN RAFAEL, CA 94901.

DATE: 01/18/2020

SCALE:

SHEET SIZE: 24"x36"

SHEET TITLE

COVER SHEET

DRAWING NO.:

A0







**LANDSCAPE CALCULATION**

SITE AREA = 6,264 SF  
 LANDSCAPE AREA = 1,621 SF (GROUND LEVEL)  
 = 103 SF (SECOND FLOOR PLANTERS)  
 FRONT SETBACK LANDSCAPING =  
 489 SF LANDSCAPING / 832 SF SETBACK AREA = 59% LANDSCAPING  
 SIDE SETBACK LANDSCAPING =  
 1,031 SF LANDSCAPING / 1,254 SF SETBACK AREA = 82% LANDSCAPING

**LOT COVERAGE CALCULATION**

MAX ALLOWABLE LOT COVERAGE 60% OF LOT AREA  
 6,264 SF X .60 = 3,758 SF  
 PROPOSED LOT COVERAGE 65% OF LOT AREA  
 6,264 SF X .65 = 4,071 SF

**ZONING INFO (HR-1)**

CODE	REQUIREMENT	PROPOSED
DENSITY	6 UNITS	7 UNITS
FRONT SETBACK	15'	15'
INTERIOR SIDE	5'	0'
STREET SIDE	10'	5'
HEIGHT	36' MAX	35'
LOT COVERAGE	60% MAX	65%
PARKING	8 SPACES	7 SPACES
GARAGE DOOR	20'	15'

NOTE:  
 FRONT SETBACK IS ON SHAVER STREET  
 ONE BELOW MARKET RATE UNIT TO BE INCLUDED

**DEVELOPMENT STANDARDS DEVIATIONS**

- VARIANCES:**  
 1. GARAGE SETBACK REDUCTION OF 5' (20' TO 15')  
 2. NORTH PROPERTY LINE SETBACK REDUCTION (5' TO 0')

**PARKING MODIFICATION:**

1. REQUEST TO ELIMINATE 1 GUEST PARKING SPACE IN EXCHANGE FOR 6 BICYCLE SURPLUS PARKING SPACES, PURSUANT TO SRMC 14.15.090(D)

**CONCESSIONS:**

1. 20% (2) SETBACK REDUCTION ALONG STREET SIDE YARD  
 2. 5% INCREASE IN LOT COVERAGE REQUIREMENT

**PROJECT SUMMARY**

UNIT	FLOOR	BEDROOMS	AREA
1	1	1	806 GSF
2	2	2	892 GSF
3	2	2	899 GSF
4	2	2	907 GSF
5	3	2	892 GSF
6	3	2	899 GSF
7	3	2	807 GSF
TOTAL			6,002 GSF

**PARKING**

REGULAR	8'-0" X 18'	2
COMPACT	8'-0" X 16'	4
VAN ACCESSIBLE	8' X 10' + 8' x 12'	1
TOTAL		7

**BUILDING AREAS**

RESIDENTIAL UNITS	6,002 GSF
PARKING GARAGE	2,626 GSF
STAIRS, ETC	1,364 GSF
TOTAL	9,991 GSF

**OPEN SPACE CALCULATION**

	REQUIRED	PROVIDED
PUBLIC	700 SF	822 SF
PRIVATE	100SF/UNIT	730 SF

ARCHITECT  
 LARKIN ARCHITECTURE  
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 San Francisco, CA 94107  
 Tel: 415.774.1122  
 www.larkinarch.com

DATE	REVISION
09-13-20	Perkins
10-26-19	Perkins
11-07-19	Perkins
11-24-19	Perkins
10-22-19	Revised Layout plan
10-04-19	Revised Layout plan
10-01-19	Revised layout plan
09-13-19	Revised layout plan
02-28-19	Pre-Development Drawings
06-28-18	Site/General Plan Review

PROJECT LOCATION:  
 SHAVER APARTMENTS  
 104 SHAVER STREET,  
 SAN RAFAEL, CA 94901

DATE: 01/12/2020

SCALE:

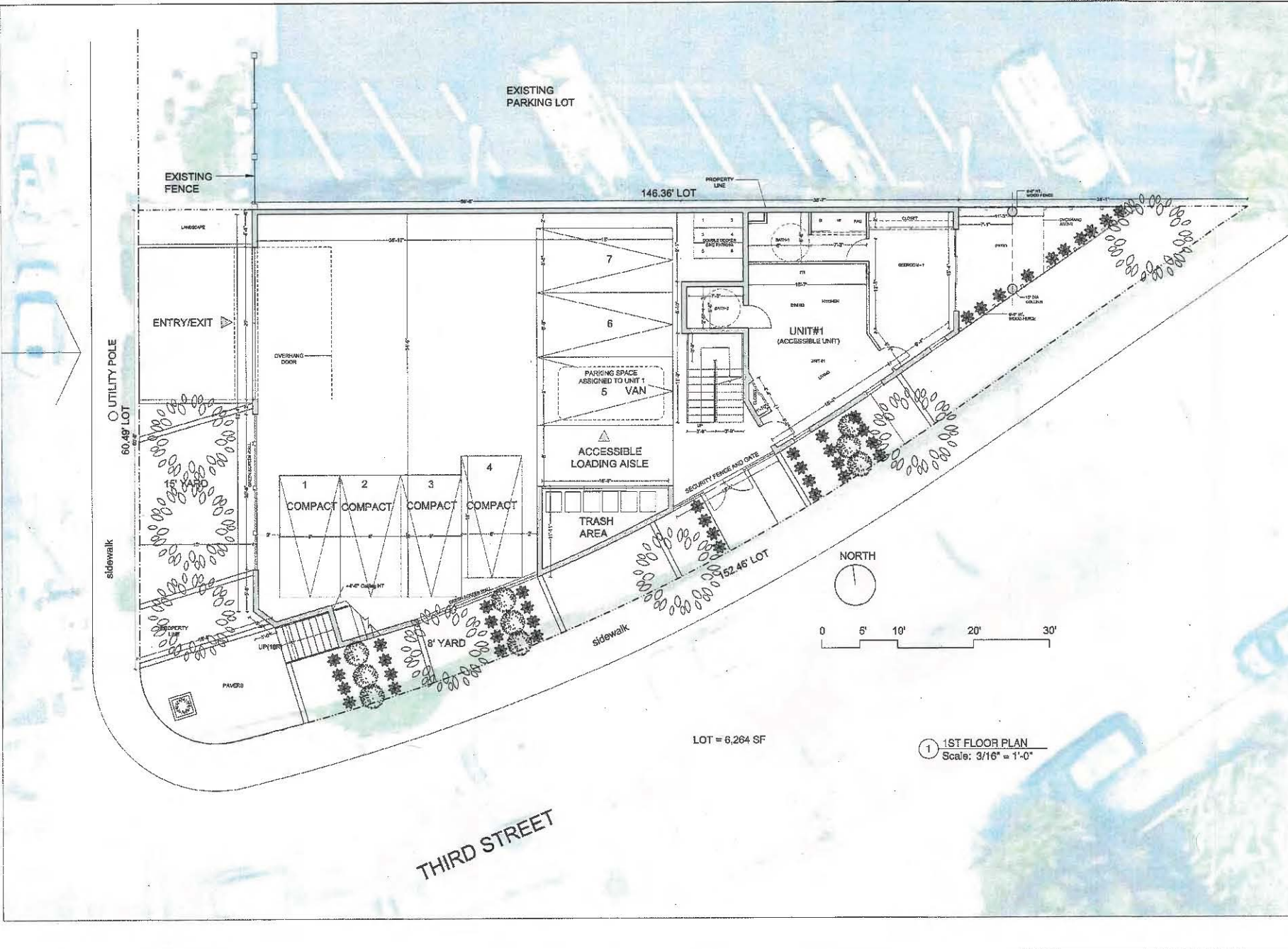
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SHEET TITLE

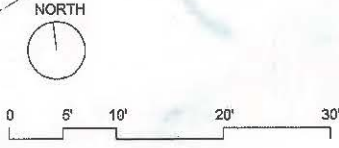
SITE PLAN

DRAWING NO.:

A1.1



LOT = 6,264 SF



1 1ST FLOOR PLAN  
 Scale: 3/16" = 1'-0"

DATE	REVISION
01-13-20	Revisions
10-26-19	Revisions
11-07-19	Revisions
11-04-19	Revisions
10-22-19	Revised Layout plan
10-08-19	Revised Layout plan
08-09-19	Revised Layout plan
08-12-19	Revised Layout plan
07-06-19	Pre-Development Drawings
03-26-19	Site/Access Plan Review

PROJECT LOCATION:  
 SHAVER APARTMENTS  
 104 SHAVER STREET,  
 SAN RAFAEL, CA 94901.

DATE: 01/18/2020

SCALE:

SHEET SIZE: 24"x36"

SHEET TITLE

1ST FLOOR

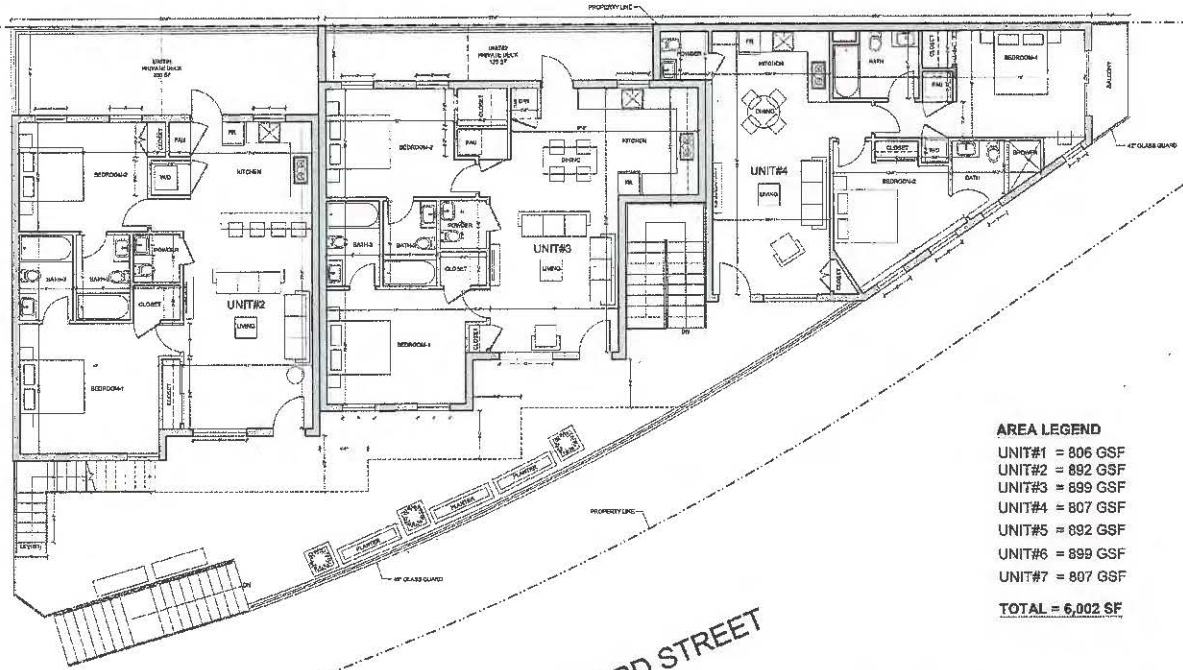
DRAWING NO.:

A2.1



SHAVER STREET

EXISTING  
 PARKING LOT



**AREA LEGEND**  
 UNIT#1 = 806 GSF  
 UNIT#2 = 882 GSF  
 UNIT#3 = 899 GSF  
 UNIT#4 = 807 GSF  
 UNIT#5 = 892 GSF  
 UNIT#6 = 899 GSF  
 UNIT#7 = 807 GSF  
**TOTAL = 6,002 SF**



1 2ND FLOOR PLAN  
 Scale: 3/16" = 1'-0"

DATE	REVISION
01-13-20	Finals
12-20-19	Revisions
11-07-19	Revisions
11-04-19	Revisions
10-22-19	Finals Layout plan
10-05-19	Finals Layout plan
09-29-19	Finals Layout plan
09-10-19	Finals Layout plan
07-22-19	Pre-Examination Checkpoint
05-28-19	Schematic Plan Review

PROJECT LOCATION:  
 SHAVER APARTMENTS  
 104 SHAVER STREET,  
 SAN RAFAEL, CA 94901.

DATE: 01/27/2020

SCALE:

SHEET SIZE: 24"x36"

SHEET TITLE

2ND FLOOR

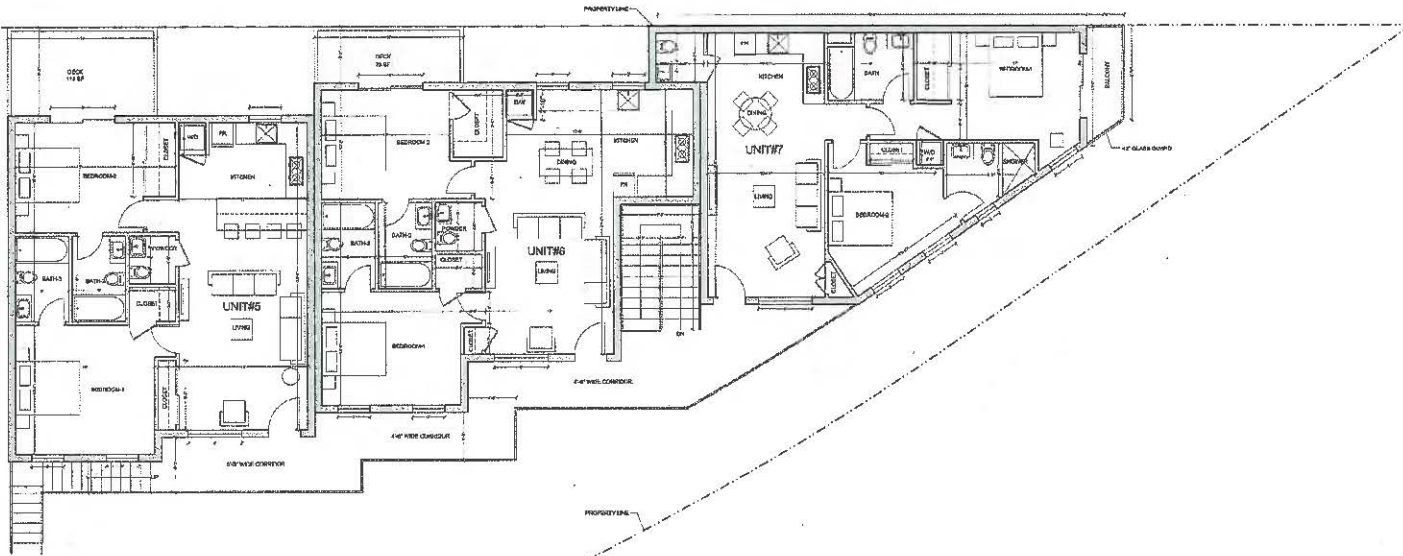
DRAWING NO.:

A2.2

**ARCHITECT**  
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 info@larkinarchitecture.com

SHAVER STREET

EXISTING  
 PARKING LOT



THIRD STREET

① 3RD FLOOR PLAN  
 Scale: 3/16" = 1'-0"



DATE	REVISION
01-13-20	Finalize
12-28-19	Revisions
11-07-19	Finalize
10-10-19	Finalize
11-04-19	Finalize
10-22-19	Revised Layout plan
10-15-19	Revised Layout plan
09-28-19	Revised Layout plan
09-12-19	Revised Layout plan
07-30-19	Pre-Settlement Drawings
07-08-19	Finalize
03-05-19	Exhaustive Plan Review

PROJECT LOCATION:  
 SHAVER APARTMENTS  
 104 SHAVER STREET,  
 SAN RAFAEL, CA 94901.

DATE: 01/27/2020

SCALE:

SHEET SIZE: 24"x36"

SHEET TITLE

3RD FLOOR

DRAWING NO.:  
**A2.3**



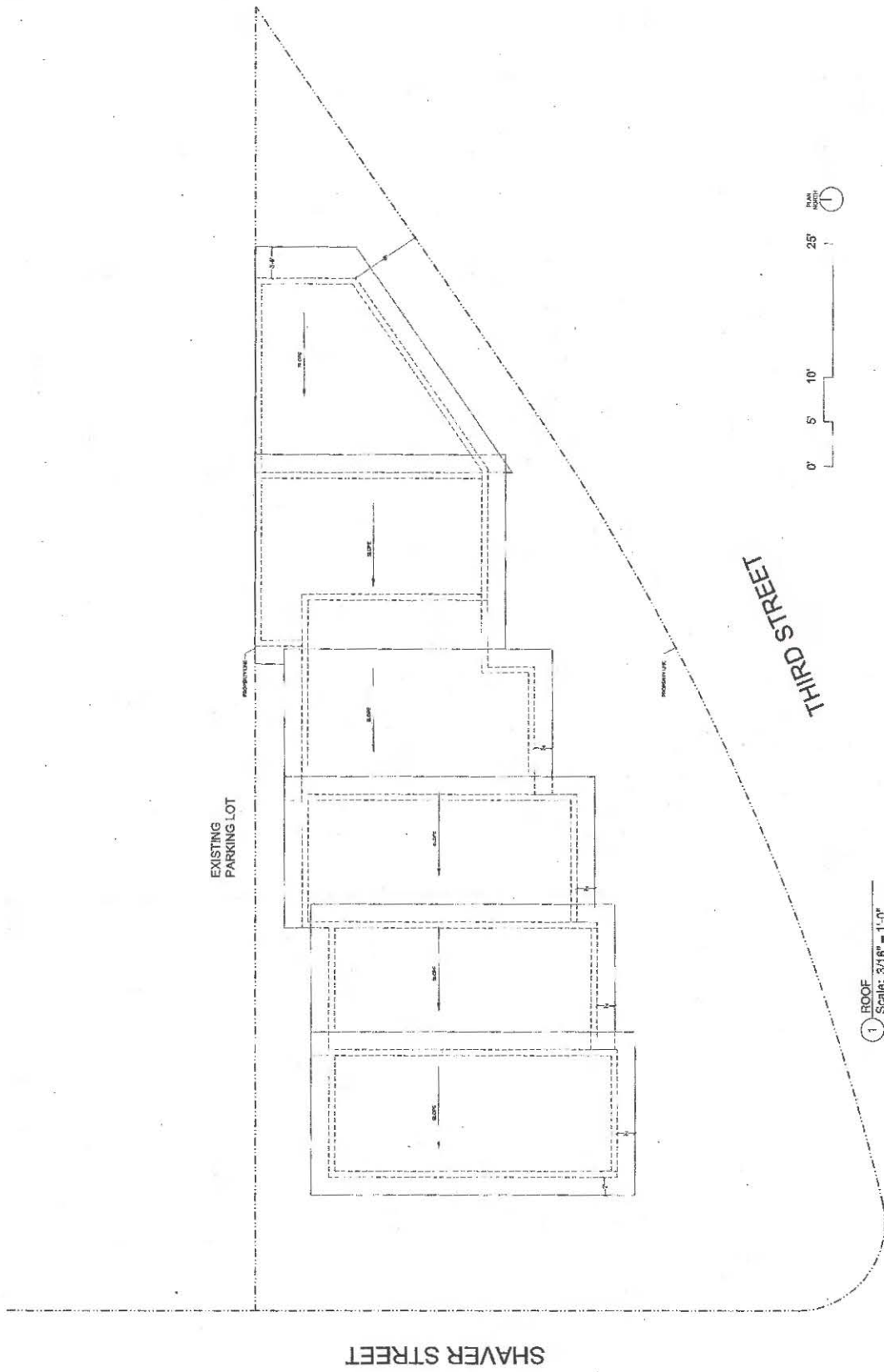
ARCHITECT  
 LARSON ARCHITECTURE  
 411 2nd Street, Suite 202  
 San Rafael, CA 94901  
 415.452.1111  
 www.larsonarchitecture.com

NO.	DESCRIPTION	DATE	REVISION
1	Issue for Review		
2	Issue for Review		
3	Issue for Review		
4	Issue for Review		
5	Issue for Review		
6	Issue for Review		
7	Issue for Review		
8	Issue for Review		
9	Issue for Review		
10	Issue for Review		

PROJECT LOCATION:  
 SHAWER APARTMENTS  
 600 RAYBURN, SAN RAFAEL, CA 94901

DATE: 01/18/2020  
 SCALE: 3/16" = 1'-0"  
 SHEET SIZE: 24"x36"  
 SHEET TITLE: ROOF

DRAWING NO.: A2.4



1 ROOF  
 Scale: 3/16" = 1'-0"

DATE	REVISION
01-18-2020	Revisions
02-28-19	Revisions
11-02-18	Revisions
11-02-18	Revisions
03-28-18	Final Landmark
03-28-18	Revised Landmark
08-23-18	Revised Landmark
08-23-18	Final Landmark
07-09-18	Pre-Submission Comments
06-26-18	Submission Pre-Review

PROJECT LOCATION:  
 SANSER APARTMENTS  
 24 CALIFORNIA STREET  
 SAN FRANCISCO, CA 94101

DATE: 01/18/2020

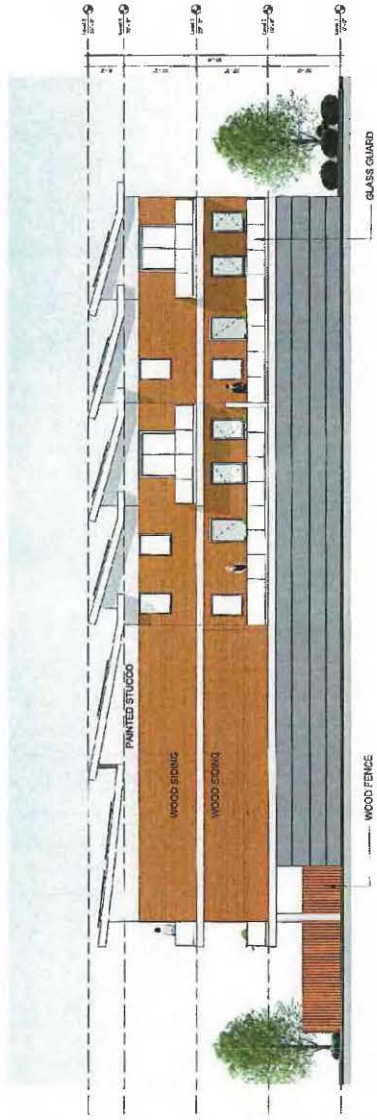
SCALE:

SHEET SIZE: 24"x36"

SHEET TITLE

NORTH &  
 SOUTH  
 ELEVATIONS

DRAWING NO.:  
**A3**



1 NORTH ELEVATION  
 Scale: 1/8" = 1'-0"



2 WEST ELEVATION  
 Scale: 1/8" = 1'-0"





ARCHITECT  
 LARKIN ARCHITECTURE  
 480 S. Van Ness, Suite 300  
 San Francisco, CA 94108  
 415.774.4444  
 www.larkinarchitecture.com

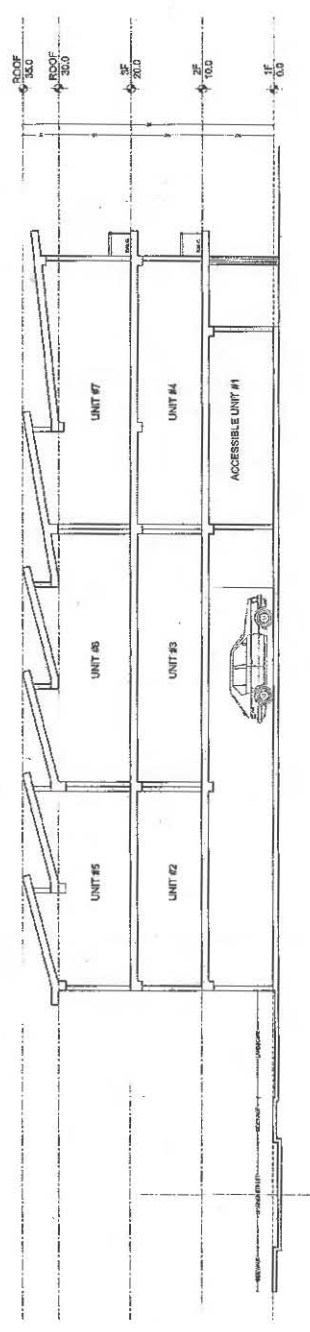
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100	Final Concept	02/10/20

PROJECT LOCATION:  
 3440 S. AVENUE 108  
 344 S. AVENUE STREET,  
 SAN RAMON, CA 94583

DATE: 01/15/2020  
 SCALE: 1/8" = 1'-0"  
 SHEET SIZE: 24x36"  
 SHEET TITLE

SECTION

DRAWING NO.:  
 A4



1 SECTION  
 Scale: 1/8" = 1'-0"





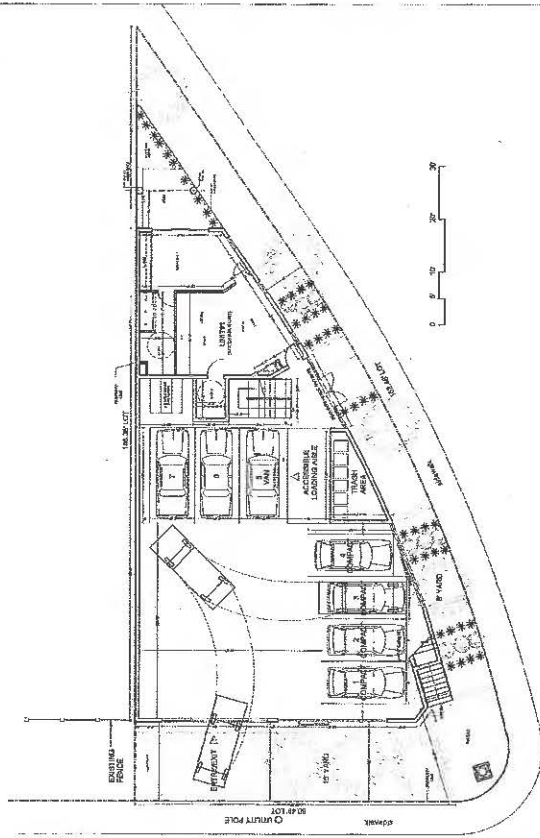
01.02.20	Revisions
02.26.19	Revisions
11.14.18	Revisions
02.20.18	Revised Layout Date
10.24.17	Approved Layout Date
09.19.17	Approved Layout Date
08.15.17	Revised Layout Date
04.26.16	Pre-Entitlement Drawing
02.16.16	Entitlement: Plan, Section
DATE	REVISION

PROJECT LOCATION:  
 SHAWER APARTMENTS  
 104 SHAWER STREET,  
 SAN RAFAEL, CA 94901.

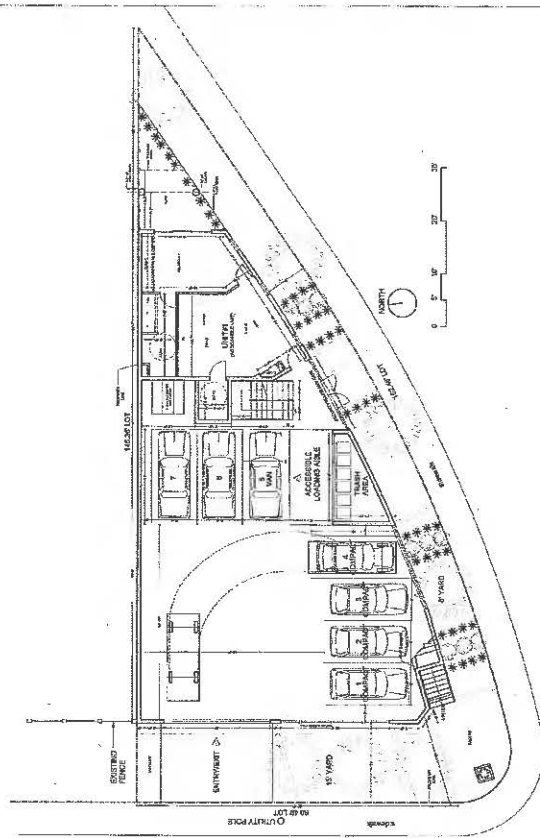
DATE: 01/09/2020  
 SCALE:  
 SHEET SIZE: A1  
 SHEET TITLE

1ST FLOOR

DRAWING NO. A6

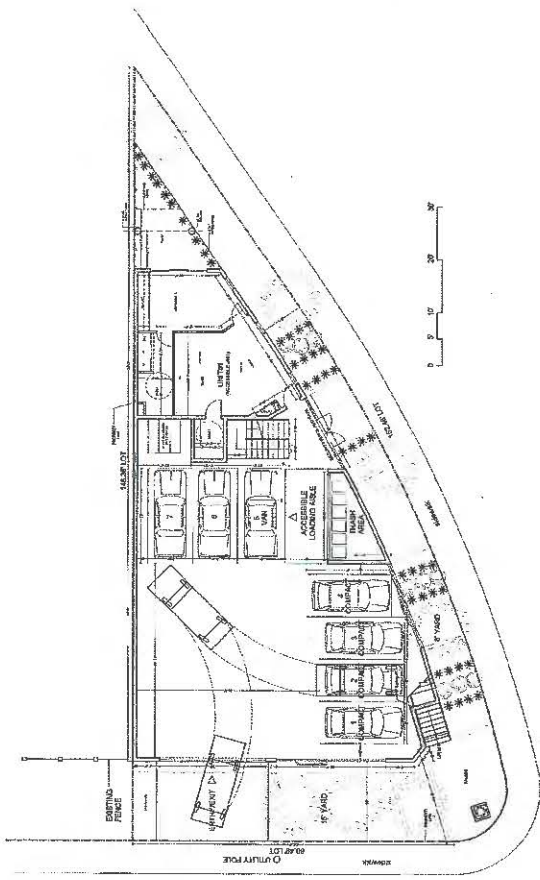


SHAWER STREET

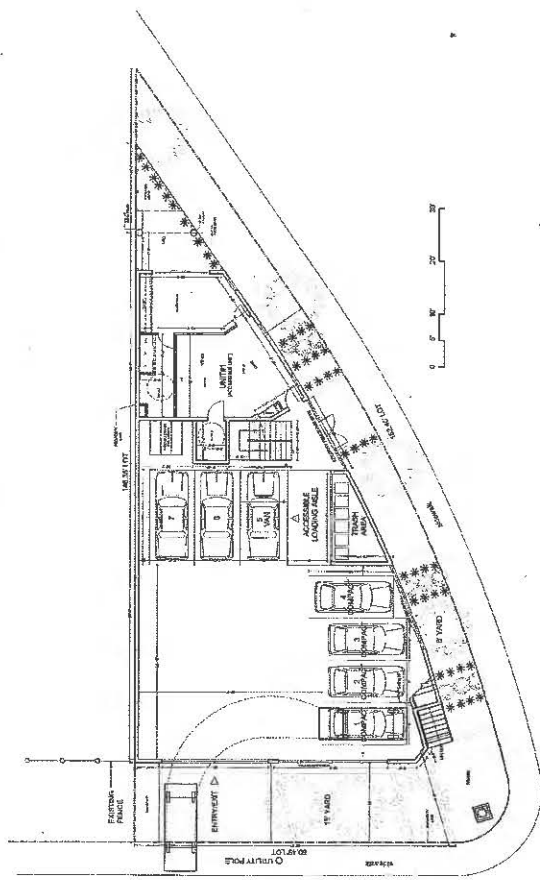


SHAWER STREET

① PARKING LAYOUT  
 Scale: 3/32" = 1'-0"



SHAWER STREET



SHAWER STREET





Structure	Roofing
Exterior	Interior
1-0000	1-0000
1-0010	1-0010
1-0020	1-0020
1-0030	1-0030
1-0040	1-0040
1-0050	1-0050
1-0060	1-0060
1-0070	1-0070
1-0080	1-0080
1-0090	1-0090
1-0100	1-0100
1-0110	1-0110
1-0120	1-0120
1-0130	1-0130
1-0140	1-0140
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1-0180	1-0180
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1-0200	1-0200

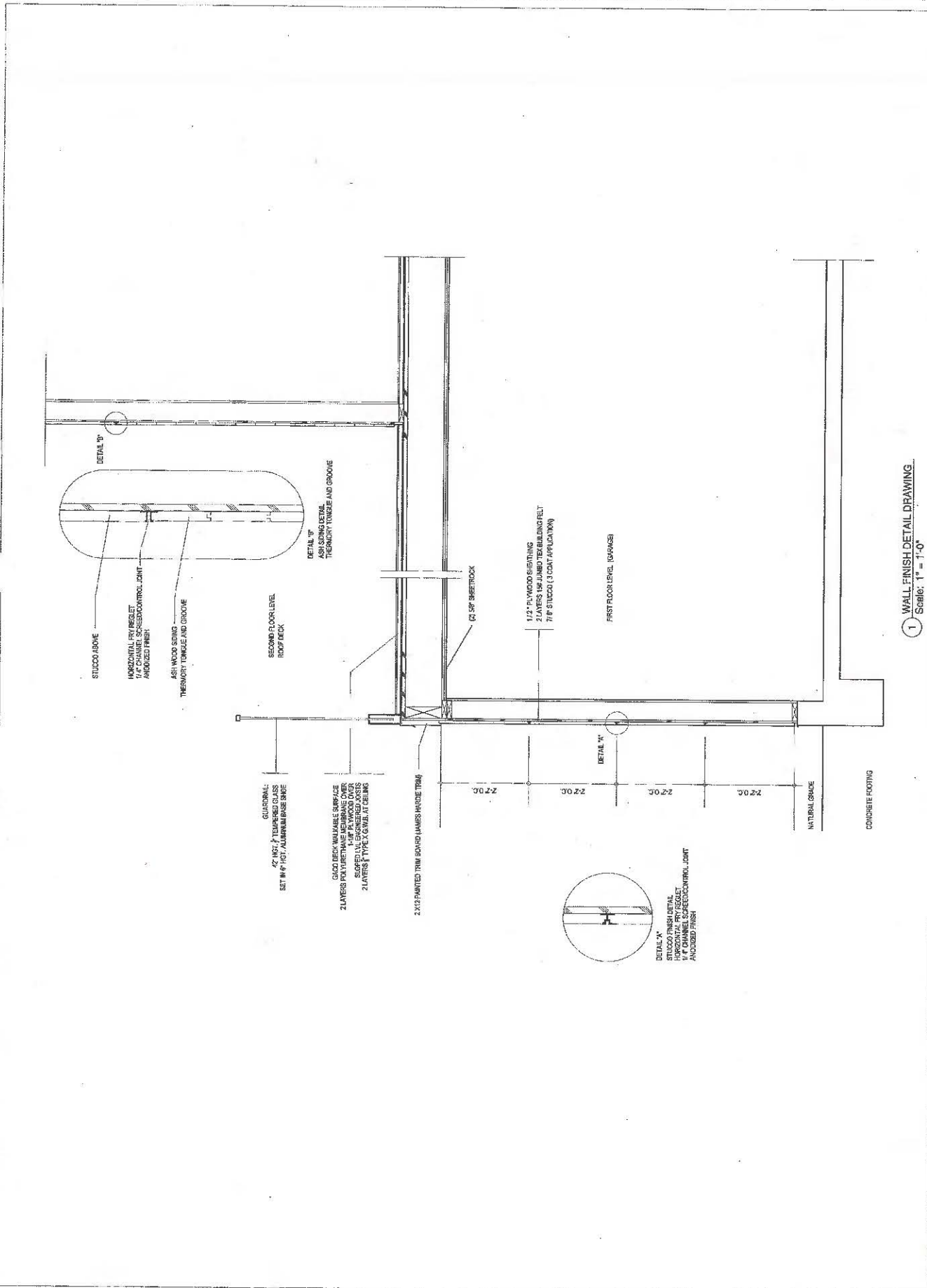
PROJECT LOCATION:  
 SHAYER APARTMENTS  
 80A SHAYER STREET  
 SAN FRANCISCO, CA 94101

DATE: 01/26/2020

SCALE:

SHEET SIZE: A1

SHEET TITLE:



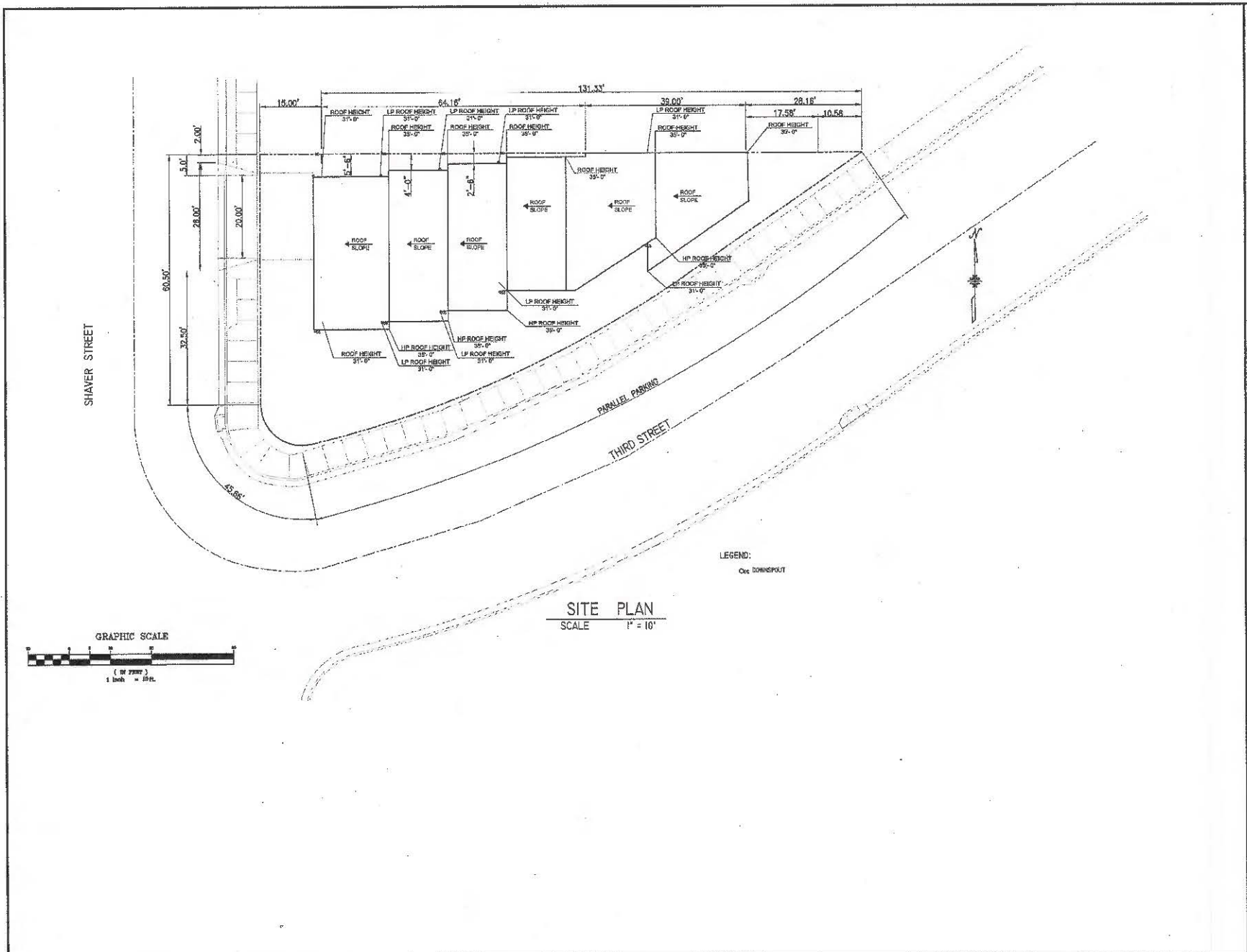
1 WALL FINISH DETAIL DRAWING  
 Scale: 1" = 1'-0"











DESIGNER



**RP ASSOCIATES, INC.**  
CONSULTING ENGINEERS  
140 MAYHEW WAY, SUITE 507  
PLEASANT HILL, CA 94523  
TEL: (415) 863-8642  
FAX: (415) 864-7547  
EMAIL: Ramon@rpca.com

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ARCHITECT

**MIKE LARKIN ARCHITECTURE**  
610 22ND STREET, #503  
SAN FRANCISCO, CA 94107  
E-MAIL: mlark@larkinarchitecture.com  
TEL: (415) 521-4204

OWNER

**VANTANA, LLC**  
STEVAN FONTANA  
MANAGING PARTNER  
1846 E. FRANCISCO BLVD.  
SAN RAFAEL, CALIF. 94901

PROJECT TITLE

**MULTI-FAMILY DEVELOPMENT**  
104 SHAVER STREET,  
SAN RAFAEL, MARIN COUNTY  
CALIFORNIA 94901

SEAL



SHEET CONTENT

**SITE PLAN**

DATE	ISSUED FOR	BY
08-24-18	SETBACK	RP

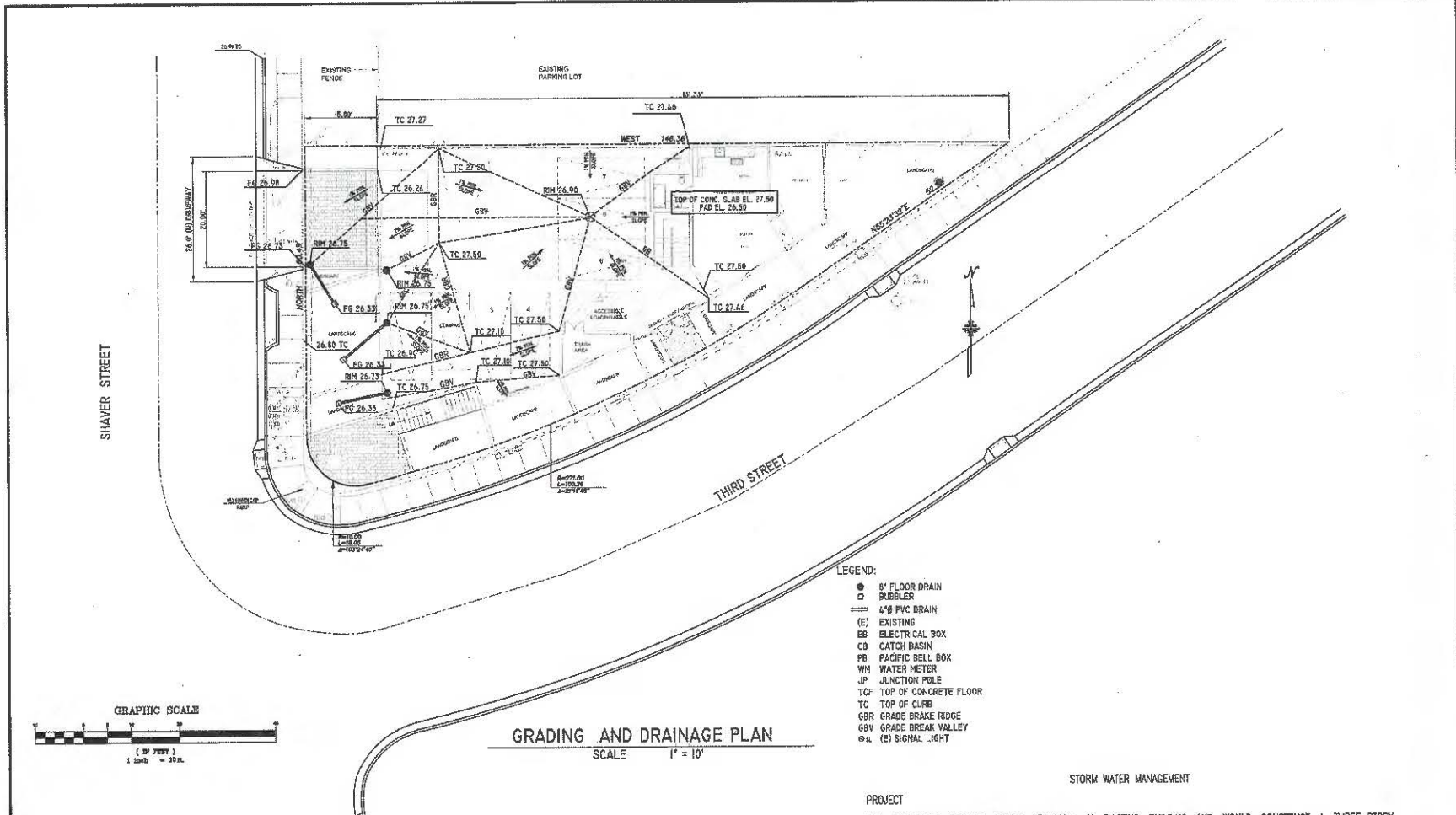
SCALE AS NOTED

DRAWN BY UPA H

CHECKED BY RAMON PATEL

PROJECT NO. SHEET NO.

19-26 C-1



**GRADING AND DRAINAGE PLAN**  
SCALE 1" = 10'

- LEGEND:**
- 8" FLOOR DRAIN
  - BUBBLER
  - 4" PVC DRAIN
  - (E) EXISTING
  - EB ELECTRICAL BOX
  - CB CATCH BASIN
  - PB PACIFIC BELL BOX
  - WM WATER METER
  - JP JUNCTION POLE
  - TCF TOP OF CONCRETE FLOOR
  - TC TOP OF CURB
  - GBR GRADE BRAKE RIDGE
  - GBV GRADE BREAK VALLEY
  - ⊙ (E) SIGNAL LIGHT

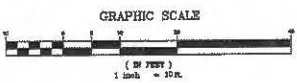
**STORM WATER MANAGEMENT**

**PROJECT**

THE PROPOSED PROJECT WOULD DEMOLISH AN EXISTING BUILDING AND WOULD CONSTRUCT A THREE-STORY SEVEN-UNIT NEW APARTMENT BUILDING INCLUDING A PARKING GARAGE WITH SEVEN-PARKING SPACES. THE PROJECT SITE IS A CORNER PARCEL WITH AN AREA OF 6339 SF, FRONTING SHAVER AND THIRD STREETS IN SAN RAFAEL, CALIFORNIA. THE PROJECT WOULD HAVE A TOTAL BUILDING AREA OF 9,773 SF. IT WOULD INCLUDE ONE ONE-BEDROOM UNIT ON THE FIRST FLOOR AND SIX TWO-BEDROOM UNITS ON THE 2-3 FLOORS WITH A TOTAL OF 5,816 SF FOR THE RESIDENTIAL UNITS; 2,625 SF OF PARKING GARAGE ON THE FIRST FLOOR; AND 1,332 SF OF STAIRS, ETC. THE PARKING GARAGE WOULD BE ACCESSIBLE FROM A GATE FRONTING SHAVER STREET. A STAIRWAY NEAR THE SHAVER STREET AND THIRD STREET CORNER WOULD PROVIDE ACCESS TO THE RESIDENTIAL UNITS ON THE 3-3 FLOOR THROUGH A COMMON DECK SPACE ON THE SECOND FLOOR. THERE WOULD BE A 15-FT SETBACK ALONG SHAVER STREET AND A -8-FT SETBACK ALONG THIRD STREET. IN ADDITION, THERE WOULD BE A TRIANGULAR OPEN SPACE AT THE NORTHEAST CORNER OF THE PROJECT SITE. THEY WOULD BE USED AS LANDSCAPE AREAS PLANTING WITH TREES, SHRUBS, GRASSES, AND VINES.

**STORMWATER MANAGEMENT**

SINCE LESS THAN 5,000 SF OF IMPERVIOUS AREA WOULD BE CREATED OR REPLACED IN THIS PROJECT, STORMWATER MANAGEMENT REQUIREMENTS MAY BE MET BY IMPLEMENTING AT LEAST ONE OF SITE DESIGN MEASURES. TYPICAL SITE DESIGN MEASURES FOR STORMWATER MANAGEMENT FOR SITE DEVELOPMENT INCLUDE MINIMIZING LAND DISTURBANCE AND PRESERVING HIGH-QUALITY OPEN SPACE, MINIMIZING IMPERVIOUS SURFACES, MINIMIZING IMPERVIOUS SURFACES THAT ARE DIRECTLY CONNECTED TO THE STORM DRAIN SYSTEM, AND USING LANDSCAPING AS A DRAINAGE FEATURE. FOR THIS PROPOSED PROJECT, ROOF RUNOFF WOULD BE DIRECTED FROM THE DOWNSPOUTS TO THE LANDSCAPE AREAS TO MINIMIZE IMPERVIOUS AREAS THAT ARE DIRECTLY CONNECTED TO THE STORM DRAIN SYSTEMS AND, AT THE SAME TIME, USE LANDSCAPING AS A DRAINAGE FEATURE. THE PROPOSED LAYOUT IS SHOWN IN THE STORMWATER MANAGEMENT PLAN.



DESIGNER



**RP ASSOCIATES, INC.**  
CONSULTING ENGINEERS  
140 MAYHEW WAY, SUITE 507  
PLEASANT HILL, CA 94523  
TEL (415) 863-6647  
FAX (415) 864-7547  
EMAIL - Ramon@rpace.com

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---

ARCHITECT

**MIKE LARKIN ARCHITECTURE**  
690 22ND STREET, #343  
SAN FRANCISCO, CA 94114  
E-MAIL: ml@larkinarchitecture.com  
TEL (415) 821-4264

---

OWNER

**VANA TANA, LLC**  
STEVAN FONTANA  
MANAGING PARTNER  
1497 E. FRANCISCO BLVD.  
SAN RAFAEL, CALIF. 94901

---

PROJECT TITLE

**MULTI-FAMILY DEVELOPMENT**  
104 SHAVER STREET,  
SAN RAFAEL, MARIN COUNTY  
CALIFORNIA 94901

---

SEAL




---

SHEET CONTENT

**GRADING AND DRAINAGE PLAN**

---

DATE	ISSUED FOR	BY
06-24-19	ENTIREMENT	RP

---

SCALE AS NOTED

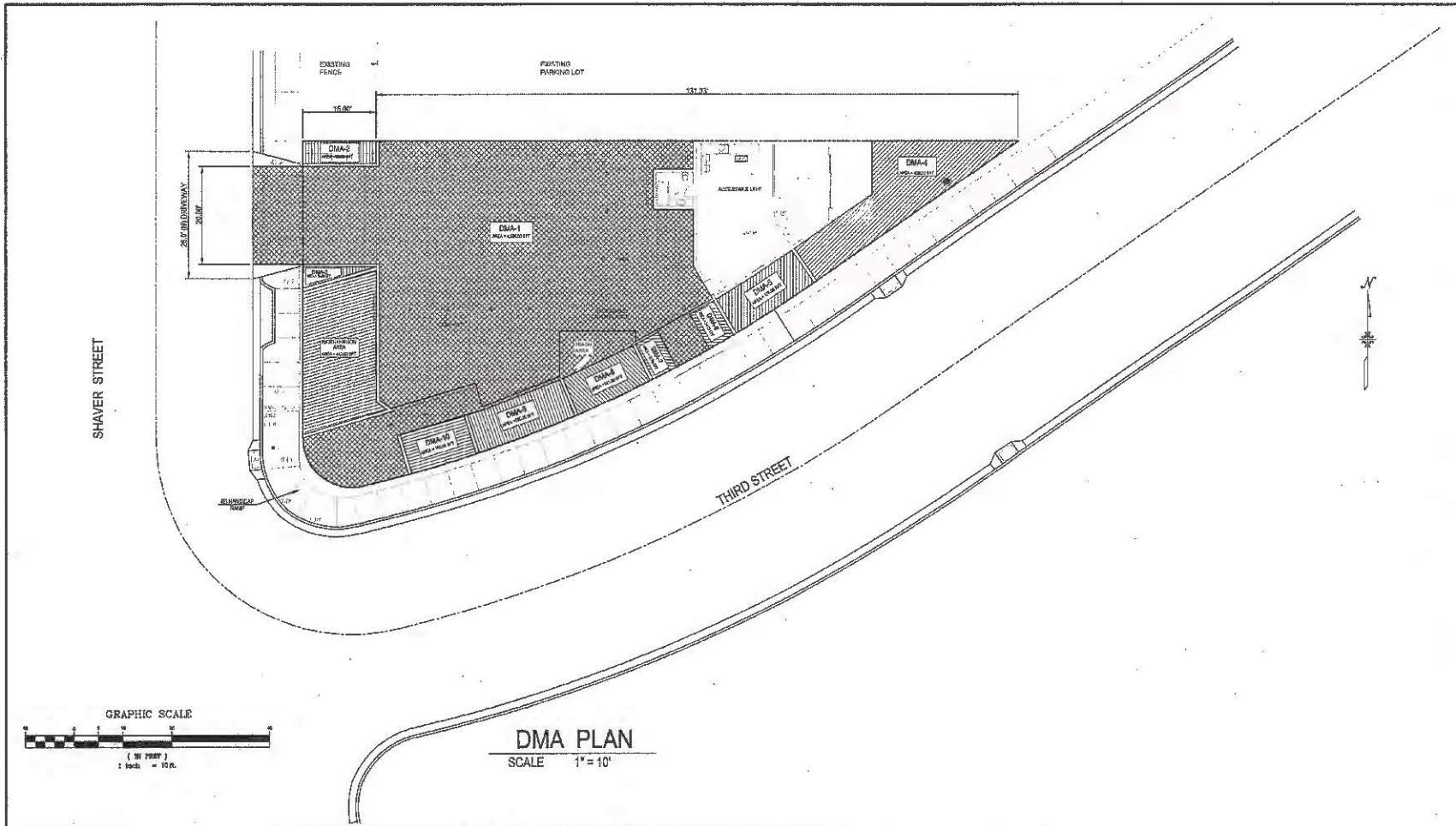
DRAWN BY UFA H

CHECKED BY RAMON PATEL

---

PROJECT NO. 19-25	SHEET NO. C-2
----------------------	------------------





**DMA PLAN**  
SCALE 1" = 10'

**STORMWATER TREATMENT MEASURE SUMMARY TABLE**

DRAINAGE MANAGEMENT AREA (DMA)	DMA TYPE	a TOTAL DRAINAGE AREA (SF)	b PREVIOUS AREA (SF)	c IMPREVIOUS AREA (SF)	d TREATMENT AREA REQUIRED (SF)	e TREATMENT AREA PROVIDED (SF)	f DEPTH OF PONDING (INCHES)	g TREATMENT TYPE	h SIZING METHOD
DMA-1	BUILDING STRUCTURE PARKING LOT DRIVEWAY, ETC.	4,556	0	4,556	181	443	3	BIORETENTION	THE 4TH METHOD
DMA-2	LANDSCAPE AREA	85	85	0	0	0	3	SELF-TREATING	
DMA-3	LANDSCAPE AREA	35	35	0	0	0	3	SELF-TREATING	
DMA-4	LANDSCAPE AREA	406	406	0	0	0	3	SELF-TREATING	
DMA-5	LANDSCAPE AREA	170	170	0	0	0	3	SELF-TREATING	
DMA-6	LANDSCAPE AREA	54	54	0	0	0	3	SELF-TREATING	
DMA-7	LANDSCAPE AREA	52	52	0	0	0	3	SELF-TREATING	
DMA-8	LANDSCAPE AREA	141	141	0	0	0	3	SELF-TREATING	
DMA-9	LANDSCAPE AREA	186	186	0	0	0	3	SELF-TREATING	
DMA-10	LANDSCAPE AREA	155	155	0	0	0	3	SELF-TREATING	
BIORETENTION AREA		443							

DESIGNER



**RP ASSOCIATES, INC.**  
CONSULTING ENGINEERS  
140 MAYHEW WAY, SUITE 507  
PLEASANT HILL, CA 94523  
TEL: (415) 863-9647  
FAX: (415) 864-7547  
EMAIL: rpa@rpassoc.com

ARCHITECT

**MIKE LARKIN ARCHITECTURE**  
610 22ND STREET, #203  
SAN FRANCISCO, CA 94107  
E-MAIL: mlarkin@larkinarchitecture.com  
TEL: (415) 621-6266

OWNER

**VANTANA, LLC**  
STEVAN FONTANA  
MANAGING PARTNER  
1845 E. FRANCISCO BLVD.  
SAN RAFAEL, CALIF. 94901

PROJECT TITLE

**MULTI-FAMILY DEVELOPMENT**  
104 SHAVER STREET,  
SAN RAFAEL, MARIN COUNTY  
CALIFORNIA 94901

SEAL



SHEET CONTENT

**DMA PLAN**

DATE	ISSUED FOR	BY
05-18-19	PC RESPONSE	RP

SCALE AS NOTED

DRAWN BY PL

CHECKED BY RAWAN PATEL

PROJECT NO.	SHEET NO.
19-26	SD-1

**STEVEN SCHOONOVER**  
*Attorney at Law*

February 10, 2020

Steve Stafford  
Community Development Dept.  
City of San Rafael  
1400 Fifth Ave.  
San Rafael, CA 94901

**RECEIVED**  
**FEB 13 2020**  
**PLANNING**

Re: 104 Shaver Street project proposal (AP # 011-245-40)

Dear Steve:

This morning I had an opportunity to review the proposed project file for the above-referenced address. The project proposes to demolish a historically significant residence and replace it with an architecturally disappointing seven-unit masterpiece that fits in with the nearby, ultra-disappointing commercial buildings, but fits in not at all with the neighborhood homes. The suggestion that the applicant be allowed to provide less than the required parking spaces is a horrible idea given that the street (Lindaro) in the block of the project is normally wall-to-wall with parked cars, with no room for more. Let's not repeat the mistake made when the City failed to require Kaiser to provide adequate parking for its downtown medical offices. We don't need to add to the unmanageability of our City's built environment.

I was disappointed that there was no reference in the file to the date this old Victorian-era house was built, and no reference at all to its historical value. Apparently ignored are 2020 General Plan references to the need for historical preservation found in NH-2, NH-7, CD-1, and CD-4a. Additionally, last time I looked, Public Resources Code § 21002 and 21084.1 remain good law and must be heeded. There is no reference at all in the file to California historical preservation law – I'd like to know why it, and the 2020 General Plan elements are being ignored when considering this application. Gerstle Park lost numerous historically significant homes to demolition in the 1950's and 1960's, replaced with super-ugly apartment buildings. Let's not repeat that mistake here.

Please place me on the list of individuals/groups notified of public hearings on this project proposal. Thank you.

Sincerely,



Steven Schoonover

SS/jd

1537 Fourth Street PMB 164, San Rafael, CA 94901  
[schoonoverlaw@gmail.com](mailto:schoonoverlaw@gmail.com)

e-mail:  
Telephone: 415.456.3036

**EXHIBIT 7**



**Steve Stafford**

---

**From:** Tenney Ford <atford48@yahoo.com>  
**Sent:** Thursday, February 27, 2020 11:54 AM  
**To:** Steve Stafford  
**Subject:** Project at 104 Shaver in San Rafael.

I saw that the developers were seeking a variance for the number of off-street parking spaces that they would be required to provide. Apparently, the code requires 8 spaces and they want to provide only 7.

I realize that the project is for 7 units and 7 parking spaces may seem reasonable. However, the street parking situation in this neighborhood is very tight. There is likely to be more than one car owned per unit and the excess will be on the street competing for parking space.

I live at 22 Latham St around the corner from the project site and can tell you that street parking here is already very bad. Usually there is no parking at all to be had, especially on weekdays. Many people who work at businesses, or have business, on nearby Fourth St park in our neighborhood because there is free and unlimited-time parking.

If the City is going to allow the development of more dwelling units without requiring more off-street parking be provided, then we ought to be able to have neighborhood-permitted parking (similar to San Francisco's system) and all others have a 1 hour limit on how long they can park for free.

Thank you for considering this and any relief that the City can provide for the parking situation here.

Tenney Ford