

21 May 2020

City of San Rafael
Public Works Department
Restrictions
Community Development Department
1400 Fifth Avenue
San Rafael, CA 94901

Via Email Due to Covid-19
Shelter in Place (SIP)

Attention: Paul Jensen, CD Director paul.jensen@cityofsanrafael.org
Bill Guerin, PW Director bill.guerin@cityofsanrafael.org

Re: 104 Shaver Street proposed project

Our neighborhood (Shaver/Latham/Hayes/F Street) is very threatened by the proposed building project at 104 Shaver Street, on the corner of 3rd Street. This Appeal seeks the Council's intervention to help us find compromise that will lessen the dangerous impacts on our established neighborhood. The development application has now been appealed because it was fast tracked with exemptions to former requirements and waivers while public participation and scrutiny were ignored earlier by staff, and are now so limited by Covid requirements. We feel needed assessments and studies have not been conducted and as a result, the realities of the Shaver-Latham-Hayes-F Streets neighborhood were not addressed. Our major concerns are: safety, parking, drainage and flooding.

SAFETY

Third Street is a major commute arterial. Traffic moves above the speed limit as it crosses E Street, down the curved slope towards Shaver Street. Ahead are visual distractions and the hazards of cars entering Third Street from Valvoline Oil, numerous AT&T trucks, and the setting sun during the afternoon commute. Drivers intending to make the 70 degree right turn onto Shaver must signal and slow, causing hard braking and near rear-end collisions when following drivers are inattentive or blinded by the sun. Drivers familiar with the potential danger of the tight corner, know that they must slow down quickly and execute a careful maneuver onto Shaver Street. Frequently, the turning car swings wide across lanes into on-coming traffic at that corner. Shaver Street is narrow and circulation limited, inviting additional sideswipes.

On school mornings, clusters of bike-riding children wait on Shaver Street to cross 3rd at the signal. A wide swinging car may cause grave injury to those children. The San Rafael School District does NOT recommend bicyclists use this intersection to bike to school; nonetheless, the **children** used it every school day before the Shelter in Place was established. This is an existing condition that the proposed project will

exacerbate by increasing density. It is a constraint that cannot be adequately studied and evaluated due to the Covid Shelter in Place restrictions.

The above concerns are known and shared by residents who report either being hit or almost hitting someone in the north Shaver crosswalk when cars attempting the turn from 3rd to Shaver, confront tight turn, the change of speed, the narrow opening due to narrow street width, and reduced visibility. Just three days ago, on Monday, May 18, 2020, there was an accident on Third, just before Shaver in which one of the cars required being towed. The City of San Rafael chart (0-0175017-FINAL-REPORT-Appendix-C-2019-May-24.pdf) of traffic accidents confirms and documents that this is a dangerous traffic spot.

The project at 104 Shaver proposes 65% lot coverage with the building, then further includes vegetation and trees between the oversized structure and Third Street. The current situation is difficult, even with the house set well back from Third Street, due to the presence of large trees which block the view of the upcoming intersection. As shown on the plan drawings, this project will grossly exacerbate the visual impediment, making this even more of a blind intersection, and compounding the already high danger of vehicular accidents and injuries. The Planning Commission allowed the developer to expand the project's footprint beyond the norm. While an increase from 60 to 65% may appear inconsequential, the added mass will increase existing visibility problems for drivers trying to make the turn from Shaver into 3rd Street traffic flow. While the landscaping shown in the drawings is attractive, the inclusion of trees lining Third Street effectively blocks the driver's view of the upcoming intersection.

Moreover, this project proposes to add a driveway opening into Shaver Street near the corner of Third. This will be hidden from traffic making the turn, and likewise, the traffic exiting the proposed development will not be able to see the oncoming traffic from Third Street until it is upon them – the vehicles entering and exiting in this driveway will neither see, nor be seen and unable to avoid turning traffic. This further increases hazards posed to drivers and pedestrians.

The corner of Shaver and Third is not an optimal place to create greater congestion.

PARKING

The 7-unit multi-family structure, as proposed, contains 13 Master bedrooms. It is not unreasonable to assume this may attract up to twenty-six (26) driving adults. One of the 8 required parking spaces has been eliminated at the developer's request by variance and new bike offsets, so the project only provides 7 on-site parking spots.

The on-street parking on Shaver, Latham, Hayes and F Streets is already saturated. In order to accommodate the driveway for this project, an additional existing on-street parking space will be eliminated. When another 7 to 19 cars need street parking in a neighborhood already suffering a glut of on-street parked vehicles, the hardship created far outweighs the benefit of 7 units.

Adding heavy equipment and vehicles on the corner and along Shaver Street during construction is untenable. Before construction begins, we would like to know where the crew and vehicles will be parking. Construction congestion will be more than a nuisance for us, we are afraid of accidents and limited emergency vehicle response.

Although 104 Shaver is on Shaver Street, directly across from our West End Village neighborhood, it has reportedly been re-zoned as 'downtown', with concomitant variances in regulations; is that a just designation for our community? The single family, two bedroom, one bath home currently on the property has been in existence for approximately 113 years, and reflects the architectural style of our neighborhood; it is an error that this property with a Shaver Street address was not included in the West End Village zoning.

The City Council Staff Report (November 6, 2017) actually supports reducing the number of units on this parcel. According to the report, "Higher residential densities were adopted for the Downtown with ranges from 15-32 dwelling units/acre for the West End Village to 32-64 dwelling units/acre in the Fourth Street Retail Core, Hetherton Office and Second/Third Corridor districts."

<https://www.cityofsanrafael.org/documents/cc-110617-staff-report-gp2040/>
Additionally, this 3-story, 7 unit, modern structure does not comport with the San Rafael General Plan for the West End Village, which states that "...new buildings will typically range from one to two (2) stories with opportunities for occasional three (3) story mixed use commercial/residential buildings which complement the older buildings in the district." Were this a mixed use building, additional parking would have been required. This project takes undue advantage (three stories, non-conforming architecture) of allowances for a mixed use project while remaining a residential project and thereby avoiding the necessity for sufficient off-street parking – it is a design hybrid, which does not fit with the charm and character of this historic (130 year old) neighborhood.

As a Shaver Street property, and clearly architecturally part of the West End Village community, the 15-32 dwelling unit limit should apply to the parcel at 104 Shaver Street. This parcel is 6,264 square feet, which is 14.38% of an acre in size. Multiplying the acre % by the range of dwelling units yields 2.1 to 4.6 dwelling units for this parcel – not seven!

Why not lessen project density to no more than 4 units? Is it responsible planning for the Design Review Board and the Planning Commission to fully acknowledge the current parking reality, ignore it and then approve the project making statements such as, "This is going to cause grief" and "Let's see how it works as far as I'm concerned. We'll find out."

Nowhere in the hearings did Design Review Board members or Planning Commissioners mention calculations or studies done to support that the project area contains either ample or even adequate on street parking. The "Downtown Parking and Wayfinding Study Staff Report" relied upon findings by Kimley-Horn and Wiltec Traffic Data Services, which as relates to the West End Village (figures 17 and 20) show orange (85-89%) and red (90-100%) occupancy rates for on-street parking on Hayes, Latham, Shaver and F Streets both during the week and on weekends during the surveyed time period in 2015; parking availability has only gotten worse since then. In that same report, parking areas as shown in Figure 34 do not distinguish between public and private parking. For example, a parking lot is shown on Shaver at Latham, but that is private parking for AT&T only.

The reality for every current resident is that existing parking needs significantly exceed existing parking availability.

Additionally, every car in 104 Shaver's garage will be required to make a 3-point turn to orient their car to a forward driving position to get out of the driveway. Like AT&T's gated entry, only one vehicle can use the driveway at a time; meanwhile street traffic stacks, waiting, and adding to drivers' frustration.

The project was granted another variance allowing 50% compact spaces instead of the required 30%. As acknowledged by the project architect, there is no way to mandate renters must own compact cars that fit the as-designed garage spaces. When asked at the DRB meeting where would the guy with the F150 park, the response from another DRB member responded, "That's the guy parking on the street." Renters with full size vehicles or those who may feel unequal to the necessary turning maneuver will avoid this burdensome task and back out onto Shaver Street, adding to the existing traffic hazards and endangering pedestrians and bicyclists. Or renters may decide not to use the garage at all, creating an even greater parking problem for the surrounding community.

FLOODING

I hired Paul Torikian of Torikian Associates, to conduct a soils report on Shaver Street in 2014. In the report, he states that "...unconsolidated deposits of clay, silt, sand and gravel transported and deposited by streams. The site is located in a wide old stream bed which is part of Sun Valley. The valley extends through downtown San Rafael, including areas between 4th street and 2nd street, where Shaver street is

located.” “...Shaver Street is located at the lowest elevation of this area. Gravity flow to take care of the ground water from foundation drains will not be possible. Both for surface run-off from the side yard and the run off from the roof may require a sump pump...to de-water the property during heavy rains.”

The proposed development at 104 Shaver also lies in the former San Rafael Creek bed. This is not a dormant waterway: it floods when there is a confluence of heavy rain and a high tide. There is nowhere for surface water to go when our low-lying area drains fill up. Rain runs off the hard surfaces and migrates up onto the sidewalks on the lower section of Shaver Street, encroaching to the fence line at 111 and 115 Shaver, making the sidewalk impassible. The corner at 117 Shaver, with its ADA curb is completely submerged and therefore, non-compliant. Typically, several hours are needed for this to recede. This occurs fairly frequently when it rains.

Our neighborhood has a substantial number of seniors living alone. Several use walkers, and several more must have an aide accompany them on their walks. City records estimate between 15-20% are elderly; that understates the actual senior population. City planning staff has stated their position that a three-block walk from parking to their homes is not considered a problem. We disagree with that assessment on behalf of our elderly. It cannot be disputed that this becomes a very significant issue when the sidewalks are flooded and impassible.

Currently, we are in drought conditions. That does not justify failure to consider increasing Bay water intrusion caused by sea level rise, our neighborhood's existing high-water table, and the extreme rain events that have become part of our changing climate.

The expanded 65% lot coverage at 104 Shaver reduces permeable land for rainfall absorption. This will increase the volume of storm water runoff that has to be absorbed. The project's bioswales max out at the 10-year flow. The proposed replacement trees are deciduous maples; their leaf litter may block surface drains. Removing the 4 native oak trees currently on the property further limits absorption and negatively affects both carbon sequestration and wildlife habitat in our urban environment.

It is indisputable that the AT&T building, immediately adjacent to 104 Shaver, must pump ground water from its basement at least twice a day due to the existing high level of ground water here, even in the absence of high tides and storms. The Shaver-Latham-Hayes neighborhood is built on the old San Rafael creek bed that is in the West End watershed. Although surface waters have been redirected underground through pipes, the ground water table remains high and close to the surface.

I have personal knowledge of the surface and subterranean water challenges of this neighborhood because I was involved in the reconstruction of the bakery at 117 Shaver Street after it burned down in 1991. The contractor had to perform extensive additional work to mitigate the high ground water and saturated soil conditions when constructing the foundation. The conditions in the Geotech report state several neighbors on the 1500 block of 3rd Street use sump pumps to keep their ground level free of pooling water.

Please, consider that the proposed decrease in permeable land combined with the fact that the entire east side of Shaver Street is hardscaped (ATT building and parking lot, West America Bank, the oil change place and the car wash on 2nd), will increase the volume of storm water runoff that must be sent to our already overburdened sewer system. Why make a bad situation worse? It is likely that the intersection of Third and Shaver will experience intermittent flooding as a result, compounding the traffic hazards. Unresolved drainage should not be minimized as the ground level ADA unit may be affected both inside the proposed garage and in the driveway or walkway should a mobility-restricted tenant face a problem entering, or trying to exit, during a storm-high tide event.

That the proposed project will exacerbate current surface water problems remains an unresolved concern to be addressed in the future by the project's civil engineer and city staff. Will neighborhood residents' experiences and comments be part of that process or is this a ministerial function from which we, the residents most affected, are excluded?

REQUESTS:

Current SIP practices are preventing the city from due diligence. SIP practices have also impacted the ability of our neighbors to participate in this process. As a consequence we are threatened by the virus and the city's failure to accomplish:

- A full Traffic Impact Assessment be conducted at the intersection with evaluation of the impact of a driveway and added traffic for the project, to include impacts on vehicle, pedestrian, and bicycle safety
- A full Parking Study of Shaver, Latham, Hayes and F Streets.
- A hydrology report to be conducted to establish what the likely increases in run-off are and what mitigation strategies should be employed, and also investigate best foundations for this 3-story structure.
- A soils study to determine whether liquefaction is a justified concern.

We are asking for the following mitigations:

- That the City Council ask for this project to be re-evaluated, and take seriously the public comments that have been sent in but ignored thus far.
- Consider reducing the density from 7 units to not more than 4 units to better reflect the realities of the parking, traffic, and flooding issues already existing in this community.
- Our neighborhood be outfitted with parking striping, corrected curb cuts and red zones to maximize available on street parking
- That the 2-hour parking along 3rd Street-between E and G Streets be returned to 24-hour parking.
- That the City Council consider making parking on Hayes, Latham, Shaver and F Street (between Latham and 4th Street) limited to two hours, with exemptions for resident parking permits (limited to two per residence at a reasonable cost - \$500 per year is exorbitant, \$25 each should more than cover materials and administrative cost), and that the residents of 104 Shaver not be allowed resident parking permits as their needs for parking can be accommodated with their on-site garage and Third Street.

Respectfully submitted,

//s//

Dale M. Wallis, DVM
Co-Appellant



June 1, 2020

BOARD OF DIRECTORS

William Carney, President
Bob Spofford, Vice President
Jerry Belletto, Secretary
Greg Brockbank
Jim Geraghty
Linda Jackson
Kay Karchevski
Kiki La Porta
Samantha Mericle
Sue Spofford
Stuart Siegel

415.457.7656

Honorable Mayor and Council Members
San Rafael City Council
1400 Fifth Avenue
San Rafael, CA 94901

RE: Deny Appeal of Approval of 104 Shaver Street Housing

Dear Mayor Phillips and Council Members:

Sustainable San Rafael supports the 104 Shaver Street project that will provide seven housing units in San Rafael, including an ADA-accessible unit and a two-bedroom unit affordable to a very low-income household. We respectfully ask for your denial of the appeal of the Planning Commission's approval of the project.

New housing, especially small infill projects like this one, furthers the sustainability of San Rafael by diversifying housing opportunities near downtown and transit. The project was appealed for three reasons:

- 1) Traffic safety impacts. The revised design of onsite parking and the elimination of a curb cut on Third Street show how this small site can successfully and safely accommodate seven units.
- 2) Parking impacts. The project provides one space per unit, as well as creating a new on-street space. Onsite spaces will be pre-wired for EV charging. Secured places will be provided for residents' bikes. The site is within walking distance to transit service, jobs and shopping.
- 3) Flooding issues. 104 Shaver Street has been reviewed by the MCSTOPF program and includes a landscaped bio-retention area along the Shaver St. frontage as a storm water treatment measure.

These items were each addressed during an extensive two-year review process. The project was unanimously recommended by the Design Review Board and approved by the Planning Commission as consistent with the city's plans and zoning. There is a need for investment in housing, now more than ever, in downtown San Rafael.

Please adopt the Resolution denying the appeal and upholding the Planning Commission's conditional approval of 104 Shaver Street.

Sincerely,

Linda M. Jackson,
Sustainable San Rafael Housing Task Force



May 31, 2020

BOARD

David Levin,
Co-Chair
Samantha Mericle,
Co-Chair
Linda M. Jackson
Shiraz Kaderali
Larry Kennings
Douglas Mundo
Jessuina Pérez-Terán
Steven Saxe
Chantel Walker

ADVISORY BOARD

Ron Albert
Paula Allen
Margot Biehle
Greg Brockbank
Katherine Crecelius
John Eller
Casey Epp
Kathleen Foote
Mayme Hubert
Cesar Lagleva
Kiki La Porta
Stacey Laumann
Stephanie Lovette
Marge Macris
Robert Pendoley
Scott Quinn
Michele Rodriguez
Annette Rose
Colin Russell
Mary Kay Sweeney
Joe Walsh
Joanne Webster
Patsy White
Steve Willis
Sallyanne Wilson
Tom Wilson

Lisel Blash,
Housing Specialist

P.O. Box 9633
San Rafael CA 94912
www.MarinMEHC.org
MarinMEHC@gmail.com

San Rafael City Council
1400 Fifth Avenue, Room 203
San Rafael, CA 94901

To the San Rafael City Council:

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

The COVID-19 pandemic is a calamity on top of a crisis, bringing into sharp focus our society's inability to ensure that most basic need – safe, stable shelter for everyone. The thousands of San Rafael families who are forced into crowded housing, many of them essential workers, cannot shelter in place safely and are at extraordinary risk from this virus. A large number of renters in San Rafael, particularly low-income renters, have lost their jobs. While this project may not be completed before the current pandemic is resolved, it is a step towards resolution of the pre-existing unmet shelter needs of our community.

We ask that you deny the appeal of the Planning Commission's approval of the project. Like saving a starfish on the beach, new housing is built one unit at a time. This project will provide 7 new units in San Rafael, one of which will be an ADA-accessible unit and another a much-needed two-bedroom unit affordable to a very low income household. This new housing will serve families who work in San Rafael but can't live here, seniors who want to downsize and young people looking for a small apartment for their family.

The worries about traffic, parking and drainage have been mitigated, as shown by the staff's recommendation, the unanimous recommendation of the Design Review Board and the unanimous approval by the Planning Commission. 104 Shaver Street in its small way (a) prevents sprawl and intrusion into environmentally sensitive areas; (b) provides higher density housing on an infill site, and an affordable very low-income unit; (c) responds to density bonus incentives; and (d) locates housing near transit and other existing services without impairing natural resources.

We ask that you support of 104 Shaver Street and deny this appeal.

Sincerely,

David Levin
Co-Chair

Sami Mericle
Co-Chair



**HOUSING
CRISIS
ACTION**
MARIN COUNTY

HOUSING CRISIS ACTION

...To Create, Build, and Preserve Much-Needed Housing in Marin County

housingcrisisaction@gmail.com | housingcrisisaction.org

COALITION MEMBERS

May 25, 2020

Coalition for a
Livable Marin

San Rafael City Council
1400 Fifth Avenue, Room 203
San Rafael, CA 94901

Community Land
Trust Association of
Marin

Re: 104 Shaver St. Project Appeal

Homeward Bound
of Marin

Dear Mayor Phillips and City Councilmembers,

League of Women
Voters of Marin

On behalf of Housing Crisis Action (HCA), a robust network of over 500 Marin housing advocates and 17 organizations working to tackle our housing crisis, we urge you to reject the appeal of the approved housing project on 104 Shaver St.

Legal Aid of Marin

Lilypad Homes

As you know, this housing development would replace a single-family home with seven units of much needed rental housing. This development will be across the street from another apartment building. The 104 Shaver St. project is an example of the type of small infill housing near transit, jobs, grocery stores, and services that we need in Marin. The area is highly walkable, transit-oriented, and opportunity-rich. It would be a benefit to the West End Village neighborhood and all of San Rafael to build this project and enable six more families to call the corner of Shaver and Third Street home.

Marin County
Young Democrats

Marin Environmental
Housing
Collaborative

Marin Kids

Michael Barber
Architects

The project applicants have worked to address design and planning concerns and received approval at each stage to move forward, even receiving unanimous approval from the Planning Commission. We strongly request you to reject the appeal of this project so we can add much-needed housing to San Rafael.

North Bay
Leadership Council

Sincerely,

San Geronimo
Affordable Housing
Association

The Housing Crisis Action Steering Committee

San Rafael Chamber
of Commerce

Sustainable Marin

Diana Conti *College of Marin Board Trustee*

Sustainable San
Rafael

Linda Jackson *Marin Aging Action Initiative*

Larry Kennings *Marin Environmental Housing Collaborative*

Cynthia Murray *North Bay Leadership Council*

United Educators
Association for
Affordable Housing

Joanne Webster *San Rafael Chamber of Commerce*

From: [REDACTED]
Sent: Friday, May 29, 2020 10:31 PM
To: City Clerk <City.Clerk2@cityofsanrafael.org>
Subject: New building/parking problem

Hello,

I live on 3rd and Hayes in San Rafael. I have become aware of the planned construction of an apartment building at 3rd and Shaver which will only have seven spaces for seven apartments. There will certainly be more than one car per apartment, as each unit will have two master bedrooms.

During normal, non-covid times, there are very little available parking spots in our neighborhood. Commuters and 4th Street employees park here daily, so residents without assigned parking have a very hard time.

In my building, there are 25 apartments and 25 spaces, but there is more than one tenant in 20 of those apartments, so the second cars go to parking spots on the street. Whether roommates or couples, there will be several more than seven spots needed at the new building.

I ask that the City request a re-design of the new building to allow for more on-site parking.

Thank you,
Melissa Flower

Sent from my Verizon LG Smartphone

June 1, 2020

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

Attention: Mayor Gary Phillips and the San Rafael City Council
Re: Approve Appeal of 104 Shaver Street Project

Dear Mayor Phillips and City Council:

My husband and I, long-time participants in the Federation of San Rafael Neighborhoods and leaders in the Sun Valley Neighborhood Association, would like to weigh in on this momentous project in the West End Neighborhood.

Vantana LLC's proposed project, although a creative design, is in the wrong place. Even the staff report states, "...the project site itself is not identified in the General Plan as a housing opportunity site...." A real estate appraiser once told me, "One should never buy someone else's problems." Not only does this lot have problems, this proposal creates problems for itself and others.

The proposal would demolish the existing house, scrape off three feet of topsoil including four established trees, dig down and lay a required building mat to off-set the liquefaction danger of the alluvial soil, create a drainage system for the underground river and springs, and then begin building. Visha Consultants, the geotechnical firm hired by Vantana LLC, wants to be there every step of the way to ensure the work is done properly. Bedrock is 30' below the surface and even then it's not solid. Shaky grounds for a 3-story, 7 unit proposal.

The City gains 7 units, but the neighborhood loses a viable house on a sustainable parcel of land. The neighbors are thrown into dust,

debris and disruption for months, even with all the conditions of the staff report.

This parcel is left-over land because it has these deep problems. We have seen left-over land engineered for housing. What the City gets are very expensive residences and the transfer of any BMR units to other locations or in lieu fees. Promises made during the planning process are forgotten or hard to enforce. The City and neighborhood end up subsidizing a development long after the developer has gone.

For example, the current proposal allows every unit just one, off-street parking space, even though the six 2-bedroom units may each have four residents. So the neighborhood, already saturated with vehicles, could suffer the negative impact of up to 19 newly arrived cars with no place to go. This is a problem for neighbors and the City.

As an entry point, the project would dramatically change the mood of this unique corner of San Rafael and set dangerous precedent for its cluster of homes. If the project goes through, future developers can propose other high-density residences in the area, based on this landmark approval, without appreciating it as an anomaly.

As Dr. Dale Wallis, co-appellant, so aptly states, “Although 104 Shaver is on Shaver Street, directly across from our West End Village neighborhood, it has reportedly been re-zoned as ‘downtown’, with concomitant variances in regulations; is that a just designation for our community? The single family, two bedroom, one bath home currently on the property has been in existence for approximately 113 years, and reflects the architectural style of our neighborhood; it is an error that this property with a Shaver Street address was not included in the West End Village zoning.

She continues, “The City Council Staff Report (November 6, 2017) actually supports reducing the number of units on this parcel. According to the report, ‘Higher residential densities were adopted for the Downtown, with ranges from 15-32 dwelling units/acre for the

West End Village, to 32-64 dwelling units/acre in the Fourth Street Retail Core, Hetherton Office and Second/Third Corridor districts.’ <https://www.cityofsanrafael.org/documents/cc-110617-staff-report-gp2040/>

“Additionally, this 3-story, 7 unit, modern structure does not comport with the San Rafael General Plan for the West End Village, which states that ‘...new buildings will typically range from one to two (2) stories with opportunities for occasional three (3) story mixed use commercial/residential buildings which complement the older buildings in the district.’ Were this a mixed use building, additional parking would have been required. This project takes undue advantage (three stories, non-conforming architecture) of allowances for a mixed use project while remaining a residential project and thereby avoiding the necessity for sufficient off-street parking – it is a design hybrid, which does not fit with the charm and character of this historic (130 year old) neighborhood.

She concludes, “As a Shaver Street property, and clearly architecturally part of the West End Village community, the 15-32 dwelling unit [per acre] limit should apply to the parcel at 104 Shaver Street. This parcel is 6,264 square feet, which is 14.38% of an acre in size. Multiplying the acre % by the range of dwelling units yields 2.1 to 4.6 dwelling units for this parcel – not seven!” (Letter to the City, 21 May 2020)

We agree! Two dwelling units is more appropriate for this location. 104 Shaver Street currently has the perfect house for its problematic lot. An historic, 2-story, single family residence, this building sits lightly on the land, with its garden absorbing much of the building’s runoff and buffering the house from the bustle and roar of 3rd Street. It is heritage San Rafael, reminiscent of Falkirk and farming. It’s an appropriate entry to this area of West End and could easily be renovated into a duplex, thus reaching the 2 dwelling unit goal, while not creating headaches for Vantana LLC, neighbors or the City.

Therefore, we highly recommend option #4: Direct staff to return with a revised resolution granting the appeal and overturning the Planning Commission decision, thereby denying the project. Yes, deny the project as submitted, but redirect it to a renovation of the existing house into a duplex or a communal-living house, like the one featured in the IJ last week (<https://www.marinij.com/2020/05/28/communal-living-in-novato-offers-immunity-from-pandemic-isolation/>), keeping the yard and adding on-site parking with space for each tenant. Such renovations have occurred all over San Rafael, contributing to the historic ambiance, while offering people a home, not just an apartment.

Let's make decisions that don't create problems, but ones that support a more sustainable San Rafael, with humane living conditions that respect natural surroundings, and promote ease, not stress.

Respectfully submitted,

Gayle Wittenmeier and George Mills

Dear City Council Members,

You are about to make a very consequential decision. Unfortunately, you will be making this decision in the absence of key factual information – several of the representations in the Resolution are materially false, and you are being asked with this vote tonight to certify the truth of these falsehoods. I wish to specifically address the falsehoods in the Resolution being considered tonight. These are in addition to my comments in the appeal and generally.

It is not true that the project approval will not result in adverse traffic safety impacts. (Resolution, Appeal Point#1) Moving the driveway from Third Street to Shaver is alleged by Staff to have taken care of traffic safety issues on Third Street. Having automatic gates on the driveway on Shaver supposedly takes care of traffic safety issues on Shaver.

Nowhere does anyone address the narrowness of Shaver Street, the 70 degree turn from high speed traffic on Third Street into Shaver Street, the exacerbation of the obstructed view of that turn created by the extension of the building footprint to within 8’ of Third Street (where the setback is now over 20’ and still a blind turn), and what materially adverse impacts an additional 14+ vehicles traveling these constricted roads will cause daily. Staff mentions concern over stacking or queuing of vehicles on Shaver, and ignores the stacking and queuing already present on Third Street as cars have to wait to make the turn onto Shaver, which will only worsen with increased vehicles attempting to make that turn. Moreover, the visibility of vehicles in the driveway on Shaver will be obscured by the trees and landscaping in the bioswale on Shaver, which extends the blind corner the entire length of the Shaver Street frontage. Traffic safety has not been adequately reviewed, and hazards have not been correctly assessed by staff in making the false determination that this project will not result in adverse traffic safety impacts. This project should be sent back for review. The project as it currently exists is too big for the neighborhood.

It is not true that the project will not result in adverse parking impacts within the neighborhood. (Appeal Point #2) While multifamily residential parking standards may require only one parking space for a 2-bedroom apartment smaller than 900 square feet, those standards were written envisioning a family occupancy, where one bedroom was for parents, and one for children (non-drivers). This project is designed with two master bedrooms per unit, which is likely to attract multiple adults in a house-sharing situation (especially given the cost of living in Marin). Multiple adults means multiple vehicles – possibly up to two vehicles per bedroom, or 26 vehicles for the apartment complex. The additional 19 vehicles cannot park off-street, so will markedly contribute to the parking overload in the neighborhood. Any claim to the contrary is materially false.

Moreover, it is completely disingenuous for Staff to claim this area has been determined to have ample street parking. The City of San Rafael commissioned a parking study in 2015, which results were presented to the City in July 2017. In that report, daytime parking in the Shaver/Latham/F Street neighborhood was found to be 85-100% on both weekends and weekdays. The Resolution even cites to this report in stating that excess bicycle parking can offset vehicle parking needs, so Staff cannot claim to be unaware of the findings that this

particular neighborhood is saturated and in dire need of more street parking spaces, not increased population and vehicular density.

The situation has only gotten worse in the past five years, as evidenced by the 50+ comments the City Council has received which all or nearly all cite parking issues as a paramount concern. The utter lack of parking has recently been made even worse by the decision to convert Third Street parking to 2-hour limits.

The bakery at the corner of Shaver and Latham is already struggling as customers cannot find parking to buy their goods. It is materially adversely impacted by the parking situation in the neighborhood, and as much as it might be nice to have additional walking residents patronize the bakery from the new housing, the additional vehicles they park in the neighborhood will materially adversely impact sales as driving customers will simply cease coming due to the unavailability of parking.

Adding to this situation, and certainly not included in any deliberations on this project regarding parking, is the recent announcement by WestAmerica Bank that they will be vacating their premises at the corner of Shaver and Fourth Streets in mid-June, 2020. The 38 rented parking spaces in their lot will be closed, and the local merchants and employees of Fourth Street businesses will also be looking for parking in the only unmetered and unrestricted time spaces nearby, which is the Shaver/Latham/Hayes/F Street neighborhood. It is categorically and materially false for anyone to claim there is ample street parking near this project.

Also overlooked in the analysis by Staff are the impacts on property values and rents. Lack of parking is a serious issue for tenants, and inability to park in their own neighborhood means rents are suppressed to attract people willing to put up with the difficulties. Inability to park near your home decreases the resale value of the real estate. Both property values and tenant rents are adversely impacted by the lack of parking in this neighborhood, and the values will decrease further if more housing is put in that will compete for the limited number of parking spaces.

Staff conclusions that “there remains some capacity of on street parking in and around this site”, and that this is “an area determined to have ample street parking in the vicinity of this site” are demonstrably and materially false, and belied by the City’s own Downtown Parking and Wayfaring Study Final Report. This aspect of the project requires additional review – voting in favor of a project based upon false premises is a serious matter that will have lifelong consequences for the residents of this neighborhood.

Staff concludes, without evidence, that the flooding problems in the Shaver Street neighborhood are due to blockage of the storm drains (Appeal Point #3) by leaves. This is a false conclusion based upon a false presumption – it may well be that flooding in other parts of San Rafael are due to blockage of the storm drains with leaves, but that is not why Shaver Street floods with even ¼” of rain as happened just a couple of weeks ago. The ADA ramp at the corner of Shaver and Latham was impassible, the storm drains were not blocked by leaves but full of water, and only ¼” of rain fell. This neighborhood is built on a streambed, with an active underground stream at Shaver and Third Street. The low-lying area receives storm runoff from uphill hardscaped properties, at the same time the storm drains are full from the runoff.

The only permeable land on the east side of Shaver Street currently is the 104 Shaver Street property. It currently has approximately 5,000 square feet of permeable land able to absorb rainfall, and has not contributed to street flooding. This project proposes to reduce the permeable area by more than 90%, to 443 square feet. While bioswales help mitigate runoff, they depend on the permeability of the ground beneath them (not just the engineered soil fill), and an ability to direct excess to city storm drains. This project is at the bottom of the hill, and the storm drains are already at the lowest level; when the hill above is rained upon, the storm drains fill up, and there is literally no place for the excess water to go. It is why Shaver Street floods, and why an engineered solution as described in the plans is not feasible. Without the ability to drain water away from the site, and with a water table as high as 8' below grade, it is not reasonable to believe that 443 square feet of bioswale can handle the amount of rainfall for the wettest months: November, December, January and February – on approximately 5,000 square feet. Average rainfall on each rainy day in those months is over one-half inch. It is not uncommon to get rainfall several days in a row. The runoff will flood Third and Shaver Streets, contributing to the traffic safety issues as well as flooding the neighborhood. The loss of 90% of the permeable area for this project needs to be reassessed, and perhaps some of the impermeable areas made permeable to help prevent the runoff to the streets.

This project is too big for the site. Even if tenants are limited to one vehicle per apartment to minimize parking impacts, there will be material adverse effects on traffic and safety in the neighborhood. These effects will materially and adversely affect property values and rents in the existing neighborhood. If allowed more or larger vehicles than the site offers for off-street parking, there will be material and adverse effects on an already untenable parking situation. Unless there is a smaller impermeable footprint, there will be storm runoff whenever rainfall exceeds 0.3 inches. This project should be sent back for review. A traffic safety study has not been done for this project; traffic safety maps show the corner of Shaver and Third Streets to currently be unsafe for vehicles, pedestrians, and bicyclists. A parking study has been done, but its results have been misstated and misrepresented. A desirable project (new, high density, modern housing) with positive social aspects (ADA unit, very low income unit), that is shoe-horned into a space that already has significant challenges is a lose-lose proposition.

Respectfully submitted,

Dale Wallis

From: A Scopazzi [REDACTED]
Sent: Monday, June 01, 2020 3:36 PM
To: City Clerk <City.Clerk2@cityofsanrafael.org>
Subject: 104 Shaver Street San Rafael

City Council
1400 Fifth Avenue
San Rafael CA

I am writing in support of the **appeal** of 104 Shaver Street.

After reviewing the project I am concerned for a number of reasons.

It is on a blind corner where drivers must slow quickly. The traffic on Third is moving very fast as it comes west down the hill. Making that tight turn onto a narrow street often causes the cars to swing wide. The visibility on that busy corner is further compromised by the angle of the turn. The project will make this much worse. There have been quite a few accidents on that corner historically, without the added visibility problem. The house on the west corner of Shaver has been crashed into several times.

Parking has been a major problem for this neighborhood for a long time. It is one of the VERY few untimed parking streets in the West End neighborhood. Currently, there is not enough parking for the residents and businesses whose employees park in our neighborhood. Prior to Covid19, Downtown workers parked here all day. How can you add a LARGE housing development with only 1 parking space per housing unit? There simply is not enough street parking for those that live here now.

If this project goes forward as proposed, it will essentially erase all permeable soil on the west side of the street.

West America Bank and the ATT building are completely hardscaped. Currently, when we have heavy rain, the 100 block of Shaver and part of Latham flood.

If you look at the drainage for Latham street, there IS no drainage from F street all the way down until the end of Latham on Shaver.

When it rains the water from 4th drains down F st, and then and ALL THE WAY DOWN LATHAM, to the street drain on SHAVER. (at the corner of shaver and latham.)

104 Shaver is even lower and very near to the historic San Rafael Creek bed. This will increase the likeliness that 3rd Street will also flood.

There is a spring under the ATT building, and they have a sump pump that drains water out from under the building and onto Shaver, that then runs down shaver and drains down the

storm drain (to the creek) in front of 104 shaver. In the middle of summer the street gutter is always wet between the Att building and the house at 104 Shaver.

Please re evaluate this project. The residents already live with adverse safety, parking and flooding realities.

This is not a good idea. The project may “fit within the local ‘guidelines’” but does not actually fit within the local community.

How can you approve a building that will add only 1 parking place for each unit in an area that ALREADY does not have enough parking for the local business? (much less the current local housing)? How does that make any sense? The corner in question is dangerous enough without adding more cars with nowhere to park.

I have lived on Latham for 30 years, and while I am an advocate for more housing, the project being proposed for this location is too large and does not allow for the current residents to have a safe and healthy community. It was bad enough when the oil change business was allowed to cut down all the LARGE redwood trees and after a year(yes a year later) replace them with tiny, minimal landscaping. The redwoods were across the street from the 104 Shaver st location. They will never be replaced.

Lets not make a mistake and allow this tiny lot to be developed into another LARGER than necessary structure without looking at all the ‘unintended’ consequences being brought upon the local small community of Westend.
Sincerely,

Armida Scopazzi

San Rafael