



SAN RAFAEL
THE CITY WITH A MISSION

Community Development Department – Planning Division

Meeting Date: June 23, 2020
Agenda Item:
Case Numbers: UP19-029
Project Planner: Steve Stafford/ 415-458-5048

REPORT TO PLANNING COMMISSION

SUBJECT: 2130 Fourth Street – Request for a Use Permit allow a *Parking Modification* of the required on-site parking to support of a proposed 290 sq. ft. expansion of the Miracle Mile Café indoor dining area. On-site parking is currently ‘legal nonconforming’, providing a total of 23 parking spaces (13 dedicated spaces in a lower parking area and another 10 parking spaces on an upper gravel parking area off Alexander Ave.), where 33 parking spaces are required. The City’s parking standards would require the proposed project to provide an additional six (6) parking spaces. The project has submitted a parking study which proposes the additional parking demand from the restaurant expansion may be accommodated by public parking in the vicinity of the site; APN: 010-277-11; Commercial/Office (C/O) District; Charles and Susan E. Pick Revocable Trust, owners and applicants; West End Neighborhood.

EXECUTIVE SUMMARY

The project proposes to expand the existing dining area for an existing restaurant (“Miracle Mile Café”) by 290 sq. ft. (approximately 20 additional seats). The additional seating area will be created by converting existing ground-floor commercial space, which is not being currently used; so, the project does not propose any physical expansion to the existing building on the site that would constitute additional FAR (Floor Area ratio). The project is required to comply with the City’s parking standards for the expansion and the proposed 290 sq. ft. expansion of the restaurant’s dining area is required to provide an additional six (6) off-street parking spaces. The site currently has ‘legal nonconforming’ parking, providing a total of 23 off-street parking spaces where 33 parking spaces are required. The site is physically unable to construct the additional required parking on the site and, instead, the applicant has submitted a parking study which concludes that there is a surplus of available street or public parking within the vicinity (approximate 2 block radius) of the site to meet the increase parking demand resulting from the restaurant expansion. The project requests a *Parking Modification*, based on the submitted parking study, which both the Community Development Director and the Public Works Director have reviewed and support, subject to conditions including, but not limited to, elevating the determination on the *Parking Modification* to the Planning Commission due to the existing ‘legal nonconforming’ parking conditions on the site.

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 Modification*, based primarily on the submitted parking study and review and support of the parking study by the Community Development and Public Works Directors.

RECOMMENDATION

It is recommended that the Planning Commission adopt the Draft Resolution approving the requested Use Permit for the project (Exhibit 2).

PROPERTY FACTS

Address/Location:	2130 4th St/Btwn 4 th St and Alexander Ave.	Parcel Number(s):	010-277-11
Property Size:	15,000 sf	Neighborhood:	West End

Site Characteristics			
	General Plan Designation	Zoning Designation	Existing Land-Use
Project Site:	Retail/Office (Ret/O)	Commercial/Office (C/O)	Commercial
North:	Low-Density Residential (LDR)	Single-Family Residential (R5)	Single-Family Residence
South:	LDR	R5	Single-Family Residence
East:	Ret/O	C/O	Commercial
West:	Ret/O	C/O	Commercial

BACKGROUND

Site Description/Setting:

The subject site is located mid-block, between W. Crescent Dr. to the west and Alexander Ave. to the east, in the West End neighborhood. The site has two frontages; Fourth St. is the primary frontage for vehicular and pedestrian traffic to the south while Alexander Ave. provides a secondary frontage to the north. The site is approximately 15,000 sq. ft. in size with fairly significant (approximately 18% cross-slope) south-to-north trending upslope from the Fourth St. frontage to the Alexander Ave. frontage.

The site is currently developed with a two-story, approximately 5,500 sq. ft. commercial building with approximately 2,700 sq. ft of offices space and one (1) residential unit above approximately 2,300 sq. ft. of restaurant space and a total of 23 on-site parking spaces (13 dedicated parking spaces located within a lower asphalt parking area, closest to the building and a gravel area accessed off Alexander Ave to the rear. which provides another 10 parking spaces).

The site is surrounded by commercial development to the west and east, and single-family residences to the north and south.

PROJECT DESCRIPTION

The project requests a *Parking Modification* in support of a proposed 290 sq. ft. expansion to the dining area (approximately 20 additional seats) of an existing restaurant (“Miracle Mile Café”). The project does not propose to add FAR to the existing building but, rather, to utilize existing unused commercial space. However, the conversion of unused retail space to additional seating area triggers the construction of six (6) additional off-street parking spaces and the project proposes none. Instead, the project submitted a parking study (Exhibit 3) which concludes a surplus of street or public parking exists within the vicinity (approximate 2 blocks) of the site to adequately meet the anticipated parking demand to result from the expanded restaurant dining area.

Planning Applications:

The project requires the approval of a Use Permit for *Parking Modification* to effectively waive the additional six (6) additional off-street parking spaces that would be required to meet the parking demand of the proposed 290 sq. ft. expanded restaurant dining area. Use Permits requesting *Parking Modifications* require Zoning Administrator approval with recommendations by the Community Development and Public

Works Directors. The Community Development and Public Works Directors requested that the review and determination of the *Parking Modification* be elevated to the Planning Commission due to the extent of the existing 'legal nonconforming' parking conditions on the site. The site currently has 'legal nonconforming' parking, providing a total of 23 off-street parking spaces where 33 parking spaces are required. Project plans can be accessed [here](#).

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 polices 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 Retail/Office (R/O). The R/O designation is characterized by retail and service uses, similar to the existing restaurant use on the site. Office and residential uses are also allowed in the Ret/O designation, both also exist on the site, which are consistent with Land Use Policy **LU-23 (Land Use Map and Categories)**. Also, the project would be in accordance Neighborhood Policy **NH-8 (Parking)** which seeks to provide adequate parking for projects and to promote ways to encourage parking opportunities, subject to the approval of the requested *Parking Modification*.

Staff finds the site to be challenging due, primarily, to the extent of the legal nonconforming parking. The site was originally developed in 1955 with offices above a "dance pavilion/music studio" with the required parking. Since 1971, a restaurant has existed on the ground-floor of the existing building. Restaurant uses have the highest parking requirement at 1 space per 50 sq. ft. of public area, like dining or seating area. The conversion of the "dance pavilion/music studio" to restaurant did not include any increase in parking due, ostensibly, to site constraints resulting from the significant grade change at the rear portion of the site, along the Alexander Ave. frontage. In addition, the lower parking area on the site was reconfigured with permits in 2016 to improve safety, which included: 1) Upgrading the ADA parking stall to meet current van-accessible requirements; 2) Redesigning the diagonal parking spaces to a combination of perpendicular and parallel parking spaces; and 3) Eliminating parking spaces which require direct back-up onto Fourth St. These changes resulted in the loss of one (1) historic parking space on the site.

Zoning Ordinance Consistency:

The project has been reviewed for consistency with the San Rafael Zoning Ordinance. Overall, the project would be consistent with all applicable regulations of the Zoning Ordinance, subject on the approval of the requested *Parking Modification* and the findings to support the Use Permit.

Chapter 4 – Commercial and Office (C/O) District

The site is located within the Commercial/Office (C/O) District. The proposed project will require consistency with the applicable property development standards for the C/O District. Since the proposed 290 sq. ft. expansion of the dining area for the existing restaurant will not require any new construction other than providing internal access existing commercial space, the only applicable development standard is parking for which the project is requesting a waiver or *Parking Modification* through the Use Permit.

Chapter 18 – Parking Standards

Pursuant to Section 14.18.040 (*Parking Requirements*) of the Zoning Ordinance, the proposed 290 sq. ft. expansion of the dining/seating area of the existing restaurant is required to provide one (1) additional parking space (covered or uncovered) per 50 sq. ft. of "floor area intended for public use" or a total of six

(6) additional off-street parking spaces. The project is requesting a *Parking Modification*, through a Use Permit, to essentially waive this additional parking requirement due to site constraints (specifically, the significant grade change – 18% average cross-slope over 150’ – on the site, between the Fourth St. and Alexander Ave. frontages) which impedes the ability to create additional parking which meets the City’s design standards for parking spaces (i.e., minimum dimensions, back-up distance, sight distance, and prohibition to tandem parking). In lieu of providing the required off-street parking, the project has submitted a parking study (Exhibit 3), which has been reviewed and revised based on comments from the City’s Traffic Engineer, that has concluded there is surplus street or public parking in the vicinity of the site (approximate 2 block radius) to adequately meet the parking demand resulting from the 290 sq. ft. expansion of the restaurant’s dining area. This parking study is the basis for the requested *Parking Modification*, which has been reviewed and supported by both the Community Development and Public Works Directors.

Chapter 22 – Use Permits

As discussed previously, the project will require Use Permit approval to allow a *Parking Modification* to allow the waiver of the required six (6) additional off-street parking spaces. The project supports the proposed waiver by submitting a parking study which concludes there is surplus street or public parking in the vicinity of the site (approximate 2 block radius) to adequately meet the anticipated parking demand resulting from the 290 sq. ft. expansion of the restaurant’s dining 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 Zoning Administrator. The Community Development and the Public Works Directors both support the request for parking waiver, though request approval of the *Parking Modification* be elevated to the Planning Commission due to the extent of the existing ‘legal conforming’ parking on the site. The site currently provides a total of 23 off-street parking spaces between a dedicated lower parking area along the Fourth St. front frontage and a gravel upper parking area accessed along the Alexander Ave. rear frontage, where 33 off-street parking spaces are required based on the current uses. Staff finds the findings are met for approval of the proposed Use Permit, as identified in the Planning Commission Resolution (Exhibit 2).

DESIGN REVIEW BOARD

The project is requesting a *Parking Modification*, as required through a Use Permit. The proposed 290 sq. ft. addition to the dining/seating area of the existing restaurant on-site would involve repurposing existing unused ground floor commercial space and would not require any new exterior construction. While the restaurant addition requires six (6) additional parking space, the project, essentially, requests a waiver due to site constraints and the availability of adequate street parking in the vicinity of the site. No Environmental and Design Review Permit is required and therefore, the City’s Design Review Board has not reviewed the project.

ENVIRONMENTAL DETERMINATION

Pursuant to CEQA (California Environmental Quality Act) Guidelines Section 15061, the proposed project is exempt from CEQA pursuant to CEQA Guidelines Sections 15301 (a) (Class 1; *Existing Facilities*) and 15305 (Class 5; *Minor Alteration in Land Use Limitations*). A Class 1 categorical exemption under the CEQA Guidelines applies to minor interior or exterior alterations, such as a 290 sq. ft. expansion of an existing restaurant dining area, involving negligible or no expansion of use. A Class 5 categorical exemption under the CEQA Guidelines applies to minor alterations in land use limitations on sites with an average cross-slope of less than 20%, such as the reduction or waiver of parking requirements, which do not result in changes in land use or density. The project is exempt from the California Environmental Quality Act (CEQA), pursuant to Sections 15301 (a) and 15305 of the CEQA Guidelines, given that; 1) The

proposed expansion of the restaurant dining area will require only the removal of existing partitions which currently separate the existing dining area and the existing unused commercial space; and 2) The site has an average cross-slope of 18% and the project does not propose any changes to existing land uses on the site or density.

NEIGHBORHOOD MEETING / CORRESPONDENCE

Notice of this Planning Commission hearing was conducted in accordance with noticing requirements contained in Chapter 29 of the Zoning Ordinance. A Notice of Public Meeting was mailed to all property owners, residents, businesses and occupants within a 300-foot radius of the project site and the appropriate neighborhood groups (West End Neighborhood Association and the Federation of San Rafael Neighborhoods) and all other interested parties, at least 15 calendar days prior to this hearing date.

Staff received one (2) public comments as a result of noticing (Exhibit 4). A neighbor residing on Alexander Ave., the rear frontage of the site, neither supports or opposes the project. Instead, the neighbor wanted to provide clarification that the upper gravel parking area of the site is currently used by neighbors and site employees, both daily and nightly. Staff's response is that the Use Permit and *Parking Modification* has been conditioned (Condition #2) requiring the applicant and property owner install wayfinding signage on the site, including the gravel parking area, specifying that the 10 gravel parking spaces shall be restricted for exclusive use to restaurant patrons and employees during the days and hours the restaurant is in operation (currently, 7 am – 3 pm weekdays and 8 am – 3 pm weekends (both Saturday and Sunday)) and available for use by all others when the restaurant is closed. Another neighbor residing on Alexander Ave. is opposed to the project, stating that employees and customers from the commercial uses along Fourth St. currently impact the ability of residents along Alexander Ave. from using the street parking in front of their residences and the project will create a greater impact; the resident requests the City restrict all street parking along Alexander Ave. to residents only. Staff's response is that street parking in the vicinity of the site, and throughout the City, is available to everyone on a first 'come-first serve' basis and further requests to implement parking restrictions along Alexander Ave. should be directed directly to the Department of Public Works and Parking Services for separate review.

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

CONCLUSION

Staff finds the site to be challenging due, primarily, to the extent of the legal nonconforming parking. The site was originally developed as commercial space with required parking for commercial uses. Since 1971, a restaurant has existed on the ground-floor of the existing building and increases in off-street parking on the site do not meet current requirements. Site constraints resulting from the significant (18%) grade change between the Fourth St. frontage and the Alexander Ave. frontage essentially prohibit the ability to design additional parking on the site safely. A parking study submitted in lieu of adding off-street parking to the site concludes there is a surplus of available street or public parking in the vicinity (approximate 2 block radius) to meet the anticipated parking demand resulting from the minor (290 sq. ft.) expansion of the existing restaurant's dining area. Both the Community Development and Public Works Directors have reviewed and support the requested Parking Modification. Staff finds the project meets the findings necessary for issuance of the proposed Use Permit. 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 requested *Parking Modification* and Use Permit
3. Parking study
4. Public comments

[Project Plans](#)

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

2130 Fourth St.



EXHIBIT 1

RESOLUTION NO. 20-_____

RESOLUTION OF THE SAN RAFAEL PLANNING COMMISSION CONDITIONALLY APPROVING A USE PERMIT (UP19-029) TO ALLOW A PARKING MODIFICATION TO REDUCE THE REQUIRED ON-SITE PARKING TO SUPPORT A PROPOSED 290 SQ. FT. EXPANSION OF THE INDOOR DINING/SEATING AREA OF AN EXISTING RESTAURANT (“MIRACLE MILE CAFÉ”) LOCATED AT 2130 FOURTH ST. (APN: 010-277-029)

WHEREAS, the subject site is a two-story commercial building with approximately 2,700 sq. ft of offices space and one (1) residential unit above approximately 2,300 sq. ft. of restaurant space and a total of 23 on-site parking spaces (13 dedicated parking spaces located within a lower asphalt parking area, closest to the building and a gravel area accessed off Alexander Ave. which accommodates another 10 parking spaces); and

WHEREAS, the on-site parking is currently ‘legal nonconforming’; the site provides a total of 23 parking spaces, where 33 parking spaces are required by the City’s current parking code for the existing mixture of uses on the site; and

WHEREAS, on July 5, 2019, the property owner of the subject site submitted a Use Permit application with the Community Development Department, Planning Division, requesting a *Parking Modification*, proposing to expand the indoor dining/seating area of an existing restaurant 290 sq. ft. (approximately 20 seats) into existing unused tenant space though without also providing the additional six (6) on-site parking that would be required for such expansion, as required by the City’s parking code; and

WHEREAS, the request for *Parking Modification* included the submittal of a parking study (Exhibit 2; *Prepared by W-Trans, dated June 11, 2020*) which supported the *Parking Modification* and concluded there is a surplus of available street or public parking spaces in the vicinity of the site (approximate 2 block radius) to adequately meet the increased parking demand resulting from the project; and

WHEREAS, the parking requirement for the proposed additional 290 sq. ft. of restaurant dining/seating area is six (6) additional parking spaces (based on a parking rate of 1 parking space per 50 sq. ft. of new dining/seating area), pursuant to section 14.18.040 (B) of the San Rafael Municipal Code (SRMC); and

WHEREAS, the parking requirement may be modified, through a Use Permit as a *Parking Modification*, so as to provide adequate parking which is fair, equitable, logical and consistent with the intent of the City’s parking code. subject to review and recommendation by the Community Development Director and Public Works Director, and approval by the Zoning Administrator; and

WHEREAS, both the Community Development Director and Public Works Director have reviewed and recommend approval of the requested *Parking Modification*, subject to elevating the determination on the *Parking Modification* to the Planning Commission due to the existing ‘legal nonconforming’ parking conditions on the site; and

WHEREAS, on June 23, 2020, the San Rafael Planning Commission held a duly noticed a hearing to consider Use Permit (UP19-029) application, 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 hereby made the following findings related to the application for a Use Permit (UP19-029) for a parking modification:

**Use Permit (UP19-029)
Findings**

- A. The requested *Parking Modification* to allow 290 sq. ft. of additional indoor dining/seating area to an existing restaurant while providing no additional on-site parking where six (6) additional parking spaces are required, 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 Commercial/Office (C/O) District, in which the project site is located, given that;
1. The proposed project will implement and promote the goals and policies of the San Rafael General Plan 2020, given that; The project will be consistent with all applicable General Plan policies, including Neighborhood Policy NH-8 (*Parking*) which seeks to provide adequate parking for projects and to promote ways to encourage parking opportunities. The project submittal included a parking study which concludes there is a surplus of street or public parking in the vicinity (approximate 2 block radius) of the site to adequately meet the increased parking demand anticipated to result from the increase (approximately 20 seats) in dining/seating area for the existing restaurant. The City's Traffic Engineer has reviewed and supports the submitted traffic study, subject to a condition (Condition #5), which requires the property owner and applicant to make every effort to secure off-site parking (minimum 6 parking spaces) to meet the parking required for the expanded restaurant use, through a recorded off-site parking agreement, and to provide documentation of the effort;
 2. The proposed project will be consistent with the objectives of the Zoning Ordinance, given that: a) The project implements and promotes the goals and policies of the San Rafael General Plan 2020, as identified in Finding A (1) above; b) The project will reduce or remove negative impacts caused by inappropriate location, use or design of buildings and improvements, given that; a parking study submitted by the property owner and applicant, and reviewed and supported by the City's Traffic Engineer concludes there is a surplus of street or public parking in the vicinity (approximate 2 block radius) of the site to adequately meet the increased parking demand anticipated to result from the increase (approximately 20 seats) in dining/seating area for the existing restaurant; c) The project will protect, strengthen and diversify the economic base of the city, given that; it will allow the expansion of a successful neighborhood-serving restaurant which may result in additional employment opportunities for San Rafael residents; and d) The project will provide for effective citizen participation in decision-making through the noticing of this Planning Commission hearing and the Planning Commission hearing itself; and
 3. The proposed project will be consistent with the purposes of the C/O District, given that; a) The project will promote specialized commercial environments

which provide appropriately located areas for retail, service and office development, and provide the city with a wide range of neighborhood, local and regional serving uses, such as allowing the expansion of a successful neighborhood restaurant; b) The project will promote appropriately located businesses which provide local employment opportunities and/or generate tax revenue for the city, such as allowing the expansion of a successful neighborhood restaurant; and c) The project will promote commercial and office projects at appropriate building intensities and trip-generation characteristics which will maintain acceptable traffic-operating standards, given that; the project will not increase the existing FAR (Floor Area Ratio) on the site and has been determined by the City's Traffic Engineer to result in no additional peak hour traffic trips/impacts.

- B. The requested Use Permit for a *Parking Modification* to allow 290 sq. ft. of additional indoor dining/seating area to an existing restaurant while providing no additional on-site parking where six (6) additional parking spaces are required), 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; 1) A parking study for the requested *Parking Modification* was reviewed and supported by the City's Traffic Engineer which concluded a surplus of street or public parking spaces in the vicinity (approximate 2 block radius) to adequately meet the anticipated increase in parking demand resulting from the increase in indoor dining/seating (approximately 20 seats) for the existing restaurant on site; and 2) Both the Community Development Director and the Public Works Director have reviewed and recommend approval of the *Parking Modification* based, in large part, on the parking study submitted with the project and subject to a condition (Condition #5), which requires the property owner and applicant to make every effort to secure off-site parking (minimum 6 parking spaces) to meet the parking required for the expanded restaurant use, through a recorded off-site parking agreement, and to provide documentation of the effort; and
- C. The requested *Parking Modification* allow 290 sq. ft. of additional indoor dining/seating area to an existing restaurant while providing no additional on-site parking where six (6) additional parking spaces are required), as revised and conditioned, will comply with all applicable standards, including maximum allowable FAR (Floor Area Ratio) for the site, with the exception of parking. The site has current 'legal nonconforming' parking (a total of 23 on-site parking spaces provided where 33 parking spaces are required), which will not be reduced as a result of the *Parking Modification*.

California Environmental Quality Act (CEQA) Findings

- A. Pursuant to CEQA (California Environmental Quality Act) Guidelines Section 15061, the proposed project is exempt from CEQA pursuant to CEQA Guidelines Sections 15301 (a) (Class 1; *Existing Facilities*) and 15305 (Class 5; *Minor Alteration in Land Use Limitations*). A Class 1 categorical exemption under the CEQA Guidelines applies to minor interior or exterior alterations, such as a 290 sq. ft. expansion of an existing restaurant dining area, involving negligible or no expansion of use. A Class 5 categorical exemption under the CEQA Guidelines applies to minor alterations in land use limitations on sites with an average cross-slope of less than 20%, such as the reduction or waiver of parking requirements, which do not result in changes in land use or density. The project is exempt from the California Environmental Quality Act (CEQA), pursuant

to Sections 15301 (a) and 15305 of the CEQA Guidelines, given that; 1) The proposed expansion of the restaurant dining area will require only the removal of existing partitions which currently separate the existing dining area and the existing unused commercial space; and 2) The site has an average cross-slope of 18% and the project does not propose any changes to existing land uses on the site or density.

BE IT FURTHER RESOLVED, that the Planning Commission of the City of San Rafael does hereby approve the Use Permit (UP19-029) for a *Parking Modification*, based on the findings of fact above and, subject to the following conditions of approval:

**Use Permit (UP19-029)
Conditions of Approval**

General and On-Going

Community Development Department, Planning Division

1. This Use Permit approves a *Parking Modification* to allow the conversion of 290 sq. ft. of ground-floor office space to additional indoor dining/seating area for an existing restaurant (currently, "Miracle Mile Café") without providing additional on-site parking; the site currently provides and will continue to provide a total of 33 dedicated parking spaces (13 uncovered parking spaces located adjacent to the building in a lower parking area and another 10 uncovered parking spaces on an upper gravel parking area accessed from Alexander Ave.).
2. This Use Permit and *Parking Modification* requires the applicant and property owner shall make available the 10 uncovered gravel parking spaces, located along Alexander Ave., for public parking during the days and hours when the restaurant is closed (currently, 3 pm – 7 am weekdays and 3 pm – 8 am weekends (both Saturdays and Sundays)). Wayfinding signage shall be installed on the site to promote the use of the gravel parking spaces by both patrons during working hours and the public outside of working hours.
3. 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 June 23, 2022** ('Substantial construction' is defined as documentation of one or more inspections by the Community Development Department, Building Division). 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 and *Parking Modification*.

Department of Public Works

4. This Use Permit and *Parking Modification* requires the existing gravel parking area along the Alexander Ave. frontage to be striped to meet the City parking space dimension standards. If the applicant and property owner embed or anchors vinyl strips to delineate these gravel parking spaces, the applicant and property owner shall maintain the striping in perpetuity to eliminate any potential tripping hazard.
5. This Use Permit and *Parking Modification* requires the applicant and property owner to make every effort to secure off-site parking (minimum 6 parking spaces) to meet the parking required for the expanded restaurant use, through a recorded off-site parking agreement, and to provide documentation of the effort.

6. Any work within the public Right-of-Way shall require issuance of an encroachment permit from the Department of Public Works (<https://www.cityofsanrafael.org/encroachment-permits/>).
7. Should the applicant and property owner choose to improve the gravel parking area with a more permanent durable surface, the design shall include curb and gutter, along with striping, signage and stormwater drainage, and shall be reviewed by the Department of Public Works.
8. A construction vehicle fee shall be required at the time of building permit issuance for the project, which is calculated at 1% of the valuation with the first \$10,000 of valuation exempt.

The foregoing Resolution was adopted at the regular City of San Rafael Planning Commission meeting held on the 23rd day of June 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, Chair



June 11, 2020

Mr. Charles Pick
BASIS Architecture & Consulting
2130 Fourth Street
San Rafael, CA 94915

2130 Fourth Street Parking Study

Dear Mr. Pick:

As requested, W-Trans has evaluated the expected adequacy of the parking supply for the proposed mixed-used project at 2130 Fourth Street in the San Rafael. The purpose of this letter is to address the parking demand, supply, and City requirements per the municipal code associated with the proposed land use mix. The proposed project consists of expanding the existing dining area of the Miracle Mile Café located on the first floor of the mixed-use building.

Project Description

The proposed project is located at 2130 Fourth Street in the City of San Rafael. The project would consist of an expansion of the dining space allocated to the existing café located at the bottom of the mixed-use building, which also includes residences as well as office space. The dining area of the restaurant would be renovated from 752 square feet to 1,042 square feet. The existing building would not be expanded; rather, 290 square feet of office space would be reallocated to the café to increase the square footage of current dining area.

The additional 290 square feet equates to approximately 20 new seats for patrons visiting the café. All other land uses located on-site would remain as they are today with respect to their intensity. The existing project site has 23 parking spaces for all tenants listed under the 2130 Fourth Street address. The off-street parking supply is split between two parking lots, one of which has 13 spaces and is located on Fourth Street and the other is located on Alexander Avenue and has ten spaces. Further, on-street parking in the study area includes unrestricted parking along Alexander Avenue and West Crescent Drive in the residential areas, as well as two-hour time limited parking along Fourth Street.

Existing uses at 2130 Fourth Street include one café, two offices, and one residence. The café is open to the public Monday through Friday between 7:00 a.m. and 3:00 p.m., as well as on Saturday and Sunday between 8:00 a.m. and 3:00 p.m. Basis Architecture is located on the second floor and operates Monday through Friday between the hours of 8:00 a.m. and 6:00 p.m. A total of five full-time employees work at the firm and typically between two and three members of the firm are on-site at any one time. Eckankar is a religious affiliation which uses a suite on the second floor of the building to hold meetings on weeknights including two to three individuals. Additionally, once a month Eckankar holds a meeting on Wednesday nights with approximately eight attendees.

Required Parking

Jurisdiction parking supply requirements are based on the San Rafael Municipal Code, Chapter 14.18; Parking Standards. The required parking supply for the proposed project is based on specific land-use classifications, including one-bedroom units requiring parking at a ratio of 1.5 spaces per unit, cafés requiring one space per 50 square feet of dining space, and offices requiring one space per 250 square feet of gross floor area for a total of 34 parking spaces. The proposed 290 square feet of new dining space would require six additional parking spaces. The proposed parking supply is 11 spaces less than what is required based on the Municipal Code.

Estimated Peak Parking Demand

The parking demand analysis is conservative in that the parking demand is based on each individual land use without consideration of the interaction between them (i.e. office tenants that also live in the residences, or office employees and residents who eat at the café). Additionally, parking reductions typically associated with shared parking plans specific to office and residential uses have not been factored into the parking analysis to be conservative.

For comparative purposes, the peak parking demand for the project was estimated using standard rates published by the Institute of Transportation Engineers (ITE) in *Parking Generation*, 5th Edition, 2019 for residential Multifamily Housing (Low-Rise) (ITE LU#220), High-Turnover Restaurant (ITE LU#932), and Small Office Building (ITE LU#712), based on the 85th percentile expected on weekdays. Based on standard rates provided by ITE, a total of 53 parking spaces would be expected to be occupied. The proposed supply, expected demand, and San Rafael requirements are shown in Table 1.

Table 1 – Parking Summary

Land Use	Units	Proposed Parking Supply	ITE Peak Parking Demand	Required Parking Spaces
Multifamily Residence (ITE LU#220)	1 du		2	2
Cafe (ITE LU#932)	2,290 sf/70 seats	23	40	21
Office Building (ITE LU#712)	2,696 sf		11	11
Total		23	53	34

Note: du = dwelling units; sf = square feet

Observed Parking Demand

Inventory of Existing Parking

A parking survey was conducted that included both on-street and off-street parking utilization within the area adjacent to the proposed project. The inventory of existing spaces within the study area includes approximately 58 on-street spaces based on an assumed average length of 25 feet per space or as marked on the pavement. It is noted that marked spaces are typically 20 to 22 feet in length, but to account for inefficiencies associated with parking when spaces are not marked, the greater length was conservatively applied. Parking restrictions within the area include two-hour limits for on-street parking along Fourth Street. As noted above, there are no restrictions for the on-street parking spaces along minor streets and the residential streets within the study area. However, City staff has noted that some segments within the study area (specifically Alexander Avenue) have less than an adequate width to support parking on both sides of the street. As shown below, parking is currently allowed on both sides of Alexander Avenue; however, if parking were to be restricted to one side of the street, the assumed on-street parking supply within the study area would be reduced to 49 spaces, rather than 58 spaces.

Off-street parking spaces within the study area include 23 marked spaces in two parking lots, both of which are restricted to the use of employees and patrons of the businesses located at 2130 Fourth Street. Enclosed is an aerial view of the study area. Due to the nature of the study area's topography and to more efficiently summarize existing parking conditions, the area was divided into the following three segments with one segment further subdivided into each side of the street, and two parking lots:

- Segment #1: Fourth Street between West Crescent Drive and Alexander Avenue; 16 spaces
- Segment #2: West Crescent Drive between Alexander Avenue and Fourth Street; 3 spaces
- Segment #3a: Alexander Avenue (north side of street) between West Crescent Drive and Fourth Street; 9 spaces

- Segment #3: Alexander Avenue (south side of street) between West Crescent Drive and Fourth Street; 30 spaces
- Parking Lot #1: Accessible via Alexander Avenue designated to 2130 Fourth Street; 10 spaces
- Parking lot #2: Accessible via Fourth Street designated to 2130 Fourth Street; 13 spaces

Parking Utilization

Parking utilization surveys were conducted on Thursday and Friday, May 9 and 10, 2019 between 7:00 a.m. and 3:00 p.m., with occupancy recorded every 30 minutes. It is noted that Alexander Avenue is 24 feet wide and parking could be restricted to one side of the street. For the purposes of this study, the parking demand was recorded to accurately reflect existing conditions. The enclosed tables summarize the survey results, including the inventory of spaces and the number of spaces occupied.

When parking demand exceeds 100 percent for on-street parking it can be indicative of closely parked vehicles, vehicles parked across driveways, or vehicles parked along curbs painted red or blue. Also, some newer car models such as Smart Cars are shorter in length, thus requiring less space to park along the curb and reducing the space size to less than 25 feet. As such, a higher percentage of compact cars could attribute to occupancy rates above 100 percent without resulting in illegally parked vehicles.

Parking is generally considered at capacity when utilization rates reach 85 percent. That leaves 15 percent of spaces available for motorists seeking a spot near their destination without excess circulation. When parking utilization rates are higher than 85 percent, spaces are often difficult to find, which leads to more circulation and time to park.

Observed Parking Demand

On-street parking demand remained relatively stable over the course of the eight-hour study period and peaked from 10:30 a.m. when a 74 percent utilization rate (or 43 parked vehicles) occurred. Demand was at its lowest at 7:00 a.m. when 38 percent of spaces were occupied (or 22 parked vehicles).

The off-street parking demand within the study area peaked at during the study period 11:30 a.m. when a 78 percent utilization rate (or 18 parked vehicles) occurred and was at its lowest between 2:30 and 3:00 p.m. when 17 percent of spaces were occupied (or 4 parked vehicles).

The overall parking demand within the study area including both on-street and off-street parking peaked at 11:00 a.m. when a 72-percent utilization rate (or 58 parked vehicles) occurred and was at its lowest at 7:00 a.m. when 33 percent of spaces were occupied (or 27 parked vehicles).

Segments #2 and #3 exhibited peak demands of 100 percent and above during the two-day study period. Segment #3 exhibited a peak demand of 111 percent during seven of the seventeen observations points over the course of the Friday parking survey. As previously noted, this may be indicative of primarily smaller cars and not necessarily that vehicles were parked illegally. In the event that parking was restricted to one side of Alexander Avenue, 30 parking spaces would be available to the public and residents, rather than 39 spaces. The existing parking demand is shown below in Plate 1.

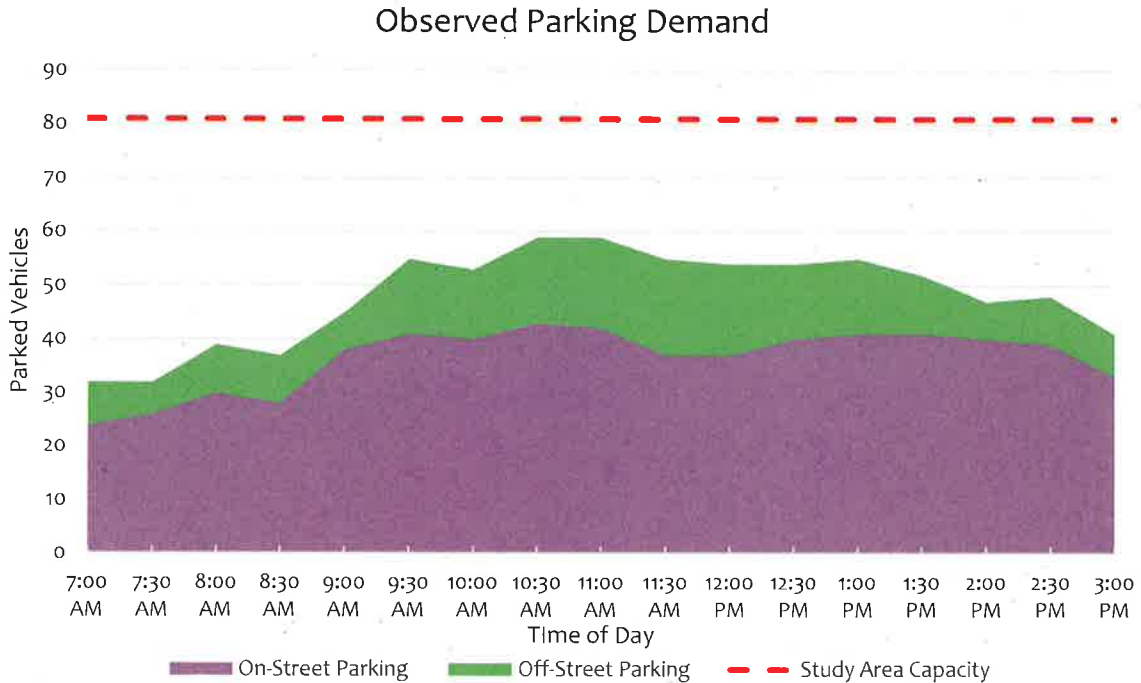


Plate 1 Observed Parking Demand

Estimated Future Parking Demand

As noted above, the renovation of the café located on the ground floor of the building would allow expansion to include 290 additional square feet of dining space to be reallocated from existing vacant space. The additional square footage would allow for approximately 20 new seats within the café. Based on standard rates provided by ITE for the 85th percentile expected on weekdays per seat, a total of 11 additional parking spaces would conservatively be expected to be occupied as a result of the renovation; if the Municipal Code were applied instead, only six additional parking spaces would be required.

The addition of parked vehicles to the overall observed demand is expected to marginally increase the utilization within the study area, both on-street and off-street. Although the parking requirements listed in the Municipal Code would not be satisfied, the parking supply within the study area is expected to adequately serve the anticipated demand. The maximum expected demand to be generated by the project's 20 additional seats was added to the observed demand over the course of the entire study period (7:00 a.m. – 3:00 p.m.) to conservatively estimate the increase in demand. It is also noted that the off-street parking shared between the existing uses would be more efficiently used on the weekend when the office uses are not active. Thus, visitors of the proposed project would have access to a greater number of parking spaces on the weekend. The maximum expected demand was based on rates provided by ITE and the anticipated parking demand upon adding 20 seats within the café is shown below in Plate 2.

Anticipated Parking Demand

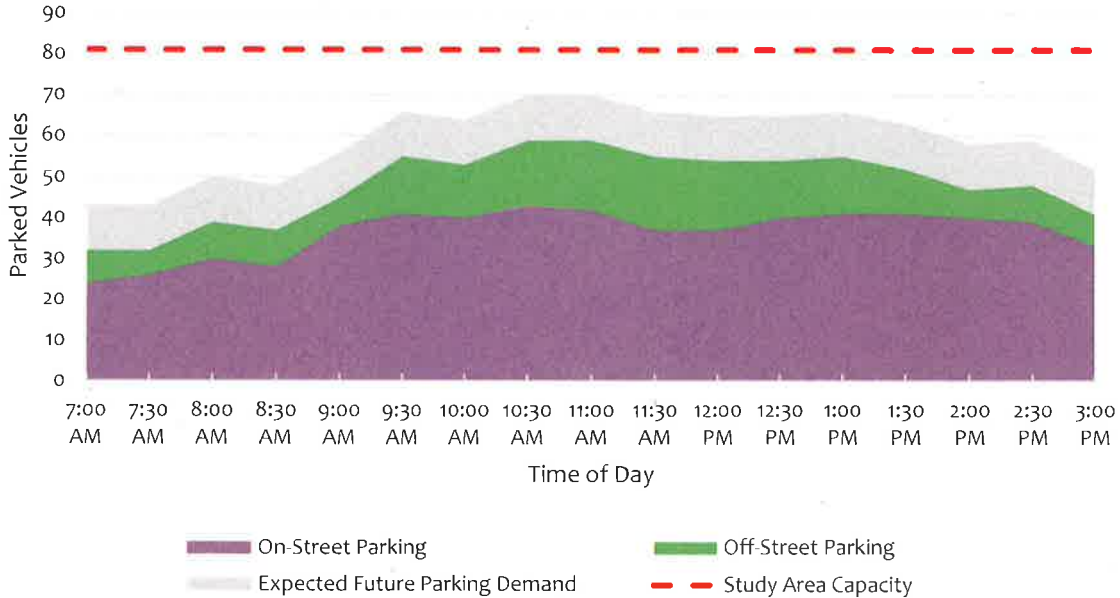


Plate 2 Anticipated Parking Demand

Conclusions

Parking utilization within the study area peaked at 72 percent (or 58 vehicles, including 41 on-street, and 17 off-street vehicles) at 11:00 a.m. on a weekday. A surplus of 23 parking spaces was available during the peak demand. The additional seating included in the proposed project is expected to increase the overall parking demand throughout the study area by 11 occupied parking spaces if the more conservative ITE parking demand rates are applied rather than the City's requirement of only four additional spaces. It is noted that while on-street parking cannot be used to satisfy off-street parking requirements the overall parking supply within the study area is expected to adequately serve the increase in parking demand. If parking were restricted to one side of Alexander Avenue due to its width, the overall parking supply in the study area would be reduced by nine parking spaces. With these nine spaces deduced, the parking utilization within the study area would reach a peak occupancy of 80 percent (58 parked vehicles) with the project, leaving a surplus of 14 parking spaces after accommodating project-generated demand. In conclusion, with or without the restriction of parking to one side of Alexander Avenue, the study area is expected to adequately serve the anticipated demand as a result of the proposed expansion of the café.

Sincerely,

Andre Huff
 Andre Huff
 Assistant Planner III

Dalene J. Whitlock
 Dalene J. Whitlock, PE, PTOE
 Senior Principal



DJW/arh/SRA142.L1

Enclosures: Diagram of Study Area; 2130 Fourth Street Parking Study Parking Survey

2130 Fourth Street Parking Study Area



2130 Fourth Street Parking Survey - Weekday Evening (7:00 AM - 3:00 PM)

Date: 5/9/2013

Area	Lot #	Location	Side of Street	Number of Spaces Inventory	Number of Occupied Spaces												Max # Occupied Spaces (Weekday)	Min # Occupied Spaces (Weekday)	Peak Vacancy Rate	Current Parking Regulations							
					7:00 AM	7:30 AM	8:00 AM	8:30 AM	9:00 AM	9:30 AM	10:00 AM	10:30 AM	11:00 AM	11:30 AM	12:00 PM	12:30 PM					1:00 PM	1:30 PM	2:00 PM	2:30 PM	3:00 PM		
Off-Street Lots	1	Parking Lot Accessed via Street	South side of Alexander Avenue	10	4	4	5	4	4	6	5	6	6	6	6	4	4	4	5	6	60%	4	40%	60%			
	2	Parking Lot Accessed via Private (Lot Subtotal)	North side of Fourth Street	13	1	4	4	4	3	4	3	10	11	12	11	7	10	7	2	5	3	12	92%	1	8%	92%	
				23	5	8	9	8	7	10	8	16	17	18	13	14	11	6	9	8	18	78%	5	22%	78%		
On-Street Parking																											
			Between West Crescent Drive and Alexander Avenue, north side of street	Inventory: 16	3	4	4	1	3	3	5	9	10	9	10	4	7	8	7	3	3	10	63%	1	6%	94%	2HR 9AM-5PM
			West Crescent Drive - Between Alexander Avenue and Fourth Street, west side of street	3	1	1	3	2	2	2	2	2	2	1	1	2	3	1	1	0	0	3	100%	0	0%	100%	
			Alexander Avenue - Between Drive Fourth Street, north side of street	9	4	4	4	5	8	8	7	7	7	6	7	6	8	9	8	8	9	9	100%	4	44%	56%	
			Alexander Avenue - Between Drive Fourth Street, south side of street	30	14	17	19	19	19	19	20	23	23	20	19	15	23	22	20	19	19	23	77%	14	47%	53%	
			Public Street Subtotal	58	22	26	30	27	32	32	35	41	41	36	37	31	41	40	36	30	31	41	71%	32	38%	62%	
TOTAL				81	27	31	39	35	39	42	43	57	58	54	54	44	55	51	42	39	39	58	72%	27	33%	67%	
					33%	38%	48%	43%	46%	52%	53%	70%	72%	67%	67%	54%	63%	52%	48%	48%	48%						

On-Street Parking Inventory based on 25 feet per space, or as marked on the pavement.

2130 Fourth Street Parking Survey - Weekday Evening (7:00 AM - 3:00 PM)

Date: 5/10/2019

Area	Lot #	Location	Side of Street	Number of Spaces Inventory	Number of Occupied Spaces												Was a Occupied Space (Wednesday)	Win a Occupied Space (Wednesday)	Peak Vacancy Rate	Current Parking Regulations						
					7:00 AM	7:30 AM	8:00 AM	8:30 AM	9:00 AM	9:30 AM	10:00 AM	10:30 AM	11:00 AM	11:30 AM	12:00 PM	12:30 PM					1:00 PM	1:30 PM	2:00 PM	2:30 PM	3:00 PM	
Off Street	1	Public Lot adjacent to Alexander Avenue	South side of Alexander Avenue	10	4	4	4	3	3	3	3	3	3	3	3	3	3	3	4	0%	2	20%	80%			
	2	Parking Lot adjacent to 4th Street	North side of 4th Street	13	4	2	3	6	3	11	10	6	8	10	9	11	7	5	2	11	85%	2	15%	85%		
	3	Public Lot adjacent to 4th Street	Private lot, between 4th and 5th Street	23	8	6	7	9	5	14	13	9	11	12	14	9	7	7	4	14	61%	4	17%	83%		
On Street	1	Between West Crescent Drive and Alexander Avenue, north side of street	Between West Crescent Drive and Alexander Avenue, north side of street	16	4	3	3	3	2	6	6	5	6	4	3	4	7	6	7	4	7	44%	0	0%	100%	JUNE 2016 6PM
	2	Between Alexander Avenue and 4th Street, west side of street	Between Alexander Avenue and 4th Street, west side of street	3	1	1	3	3	2	1	3	2	2	2	3	3	1	2	1	1	3	100%	1	33%	67%	
	3	Alexander Avenue	Between West Crescent Drive and 4th Street, north side of street	9	4	6	7	6	10	9	9	10	10	10	8	10	10	10	8	10	111%	8	92%	8	92%	
	4	Alexander Avenue	Between West Crescent Drive and 4th Street, south side of street	30	13	16	16	18	23	24	26	26	24	21	21	23	25	23	22	24	25	83%	13	43%	57%	
Public Street Subtotal				58	24	26	26	38	41	40	43	42	37	35	40	41	41	40	39	39	74%	24	41%	59%		
TOTAL				81	32	32	33	37	44	51	53	53	51	48	54	50	48	47	41	37	81%	37	46%	60%		

On-Street Parking Inventory based on 25 feet per space, or as marked on the pavement.

Steve Stafford

From: Anthony Stern <anthony@allsterns.com>
Sent: Tuesday, June 16, 2020 10:09 AM
To: Steve Stafford
Subject: Fwd: letter to the city planning dept

Subject: letter to the city planning dept

To: Anthony Stern <anthony@allsterns.com>, Mum <judith@judithstern.com>

Attn: Mr. Steve Stafford, Snr Planner, San Rafael
Re: Public Hearing. Planning commission.
Project 2130 Fourth Street.

Thank you for your notification regarding this proposed project and hearing.

My wife and I own Alexander Avenue. The property sits at the top of the stairs connecting the lower 4th street shops, (including the restaurant in question), with Alexander Avenue.

Given our proximity to the stairs, we have already had some difficulty with this business and its owner. Wherein they have made it clear that they consider the street parking in front of our house to be for the use of their staff and patrons.

We and several of our neighbors have no off street parking of our own, and therefore use the street parking for our own cars, for those of our tenants, as well as for any guests and service professionals that might visit. Parking for the residences was already scarce, prior to the arrival of the restaurant.

The street itself is narrow. The flow of normal two way traffic being at times impeded by its width. The businesses below, including architects offices, restaurants etc, already create more traffic and parking issues than one might expect for a short residential street. This situation is worsened on weekends, when the services of a local church greatly compound the issue.

It is not uncommon for us to come home and find no parking available in front of our house or anywhere else on the street. In our 80s now it is not practical for us to go in search of parking elsewhere in the neighbourhood, and then hike home.

I would like to make clear, that we absolutely disagree with the proposed project in question. The parking on a residential street, should be for the residences on that street, not for commercial concerns on adjacent streets.

In answer to the proposal - we would like to propose an explicit restriction, banning these businesses from the use of street parking in front of our homes.

Sincere Regards,

Anthony and Judith Stern

[REDACTED]

Anthony Stern

[REDACTED]

Greenbrae Ca 94904

[REDACTED]

Steve Stafford

From: Elisabeth Regina Widman [REDACTED]
Sent: Wednesday, June 10, 2020 8:13 PM
To: Steve Stafford
Subject: 2130 Fourth Street Project

I received the notification of proposed expansion of the Miracle Mile Cafe which would require 6 additional parking spots. The Notice of Public Hearing stated that there are 13 parking spaces in the lower lot and 10 in the upper gravel lot. I live on Alexander Avenue, [REDACTED] and I contest the 10 spaces in the upper lot. There are always trucks parked there and other vehicles and there are absolutely never 10 spots for the restaurant. The people who work at the Miracle Mile Cafe park on our street, never in the upper gravel lot. Are they assuming people will park on Fourth Street? I just wanted to let you know that 10 parking spaces in the upper lot are not just for the Restaurant, but are used by many others on a daily and nightly basis

Thank you

Most sincerely,

Regina Widman

[REDACTED] Alexander Avenue

San Rafael, CA 94901
[REDACTED]

E. Regina Widman, M.D.
Marin Health Family Medicine

[REDACTED]
San Rafael, California 94901

Phone [REDACTED]

Fax [REDACTED]